LAWS
OF THE
STATE OF ILLINOIS
NINETY NINTH
GENERAL ASSEMBLY

2016

PUBLIC ACT 99-501
THRU
PUBLIC ACT 99-938
STATE OF ILLINOIS
OFFICE OF THE SECRETARY OF STATE

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JESSE WHITE
Secretary of State

(18 ID 01 5001-80-06/17)

(Printed by authority of the General Assembly of the State of Illinois.)
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"§ 10. Effective Date of Laws
The General Assembly shall provide by law for a uniform effective date for laws passed prior to June 1 of a calendar year. The General Assembly may provide for a different effective date in any law passed prior to June 1. A bill passed after May 31 shall not become effective prior to June 1 of the next calendar year unless the General Assembly by the vote of three-fifths of the members elected to each house provides for an earlier effective date."

5 ILLINOIS COMPiled STATUTES CHAPTER 75

75/1. Effective Date of Laws
"§1 (a) A bill passed prior to June 1 of a calendar year that does not provide for an effective date in the terms of the bill shall become effective on January 1 of the following year, or upon its becoming a law, whichever is later.
(b) A bill passed prior to June 1 of a calendar year that does provide for an effective date in the terms of the bill shall become effective on that date if that date is the same as or subsequent to the date the bill becomes a law; provided that if the effective date provided in the terms of the bill is prior to the date the bill becomes a law then the date the bill becomes a law shall be the effective date."

75/2. Special Effective Dates
"§2 A bill passed after May 31 of a calendar year shall become effective on June 1 of the next calendar year unless the General Assembly by a vote of three-fifths of the members elected to each house provides for an earlier effective date in the terms of the bill or unless the General Assembly provides for a later effective date in the terms of the bill; provided that if the effective date provided in the terms of the bill is prior to the date the bill becomes a law then the date the bill becomes a law shall be the effective date."
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**IR** - Approved with appropriation items reduced.
**AV** - Amendatory veto (returned to G.A. with recommendations for change).
**P** - General Assembly action pending.
**O** - Governor’s action overridden by General Assembly.
**CERT** - AV accepted by the G. A. and certified by the Governor.
**NPA** - No positive action by the G. A.
***** - Generally effective this date, some sections other dates.
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VIP  - Approved with appropriation items vetoed.
IR   - Approved with appropriation items reduced.
AV   - Amendatory veto (returned to G.A. with recommendations for change).
P    - General Assembly action pending.
O    - Governor’s action overridden by General Assembly.
CERT - AV accepted by the G. A. and certified by the Governor.
NPA  - No positive action by the G. A.
*    - Generally effective this date, some sections other dates.
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AN ACT concerning State government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by changing Section 2310-371.5 as follows:

Sec. 2310-371.5. Heartsaver AED Fund; grants. Subject to appropriation, the Department of Public Health has the power to make matching grants from the Heartsaver AED Fund, a special fund created in the State treasury, to any school in the State, public park district, forest preserve district, conservation district, municipal recreation department, public library, college, or university to assist in the purchase of an Automated External Defibrillator. Applicants for AED grants must demonstrate that they have funds to pay 50% of the cost of the AEDs for which matching grant moneys are sought. Any school, public park district, forest preserve district, conservation district, municipal recreation department, public library, college, or university applying for the grant shall not receive more than one grant from the Heartsaver AED Fund each fiscal year. The State Treasurer shall accept and deposit into the Fund all gifts, grants, transfers, appropriations, and other amounts from any legal source, public or private, that are designated for deposit into the Fund.

(Source: P.A. 95-331, eff. 8-21-07; 95-721, eff. 6-3-08.)

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

Approved March 18, 2016.
Effective March 18, 2016.
Section 5. The sum of $20,107,300, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of Chicago State University for ordinary and contingent expenses.

ARTICLE 2
Section 5. The sum of $6,974,400, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of Governors State University for ordinary and contingent expenses.

ARTICLE 3
Section 5. The sum of $74,142,300, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Illinois Community College Board for distribution of base operating and equalization grants to qualifying public community colleges and the City Colleges of Chicago for educational related expenses.

ARTICLE 4
Section 5. The sum of $6,000,000, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Education Assistance Fund to the Illinois Mathematics and Science Academy to meet ordinary and contingent expenses.

ARTICLE 5
Section 5. The sum of $10,695,100, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of Northeastern Illinois University for ordinary and contingent expenses.

ARTICLE 6
Section 5. The sum of $57,482,200, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of Southern Illinois University for ordinary and contingent expenses.

ARTICLE 7
Section 5. The sum of $167,645,200, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of University of Illinois for ordinary and contingent expenses.

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter

New matter indicated by italics - deletions by strikeout
named, are appropriated to the Board of Trustees of the University of Illinois to meet ordinary and contingent expenses:
Payable from the Education Assistance Fund:
For costs associated with the School of Labor and Employment Relations:
  For degree programs.................................. 641,600
  For certificate programs............................ 702,700
  Total .................................................. $1,344,300

Section 15. The sum of $11,104,600, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of the University of Illinois for operating costs and expenses related to or in support of the University of Illinois Hospital.

ARTICLE 8
Section 5. The sum of $12,456,500, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of Eastern Illinois University for ordinary and contingent expenses.

ARTICLE 9
Section 5. The sum of $20,934,900 or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of Illinois State University for ordinary and contingent expenses.

ARTICLE 10
Section 5. The sum of $169,798,700, or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission from the Education Assistance Fund for grant awards to students eligible for the Monetary Award Program, as provided by law, and for agency administrative and operational costs not to exceed 2 percent of the total appropriation in this Section.

ARTICLE 11
Section 5. The sum of $26,403,200, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of Northern Illinois University for ordinary and contingent expenses.

ARTICLE 12
Section 5. The sum of $14,911,400, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of Western Illinois University for ordinary and contingent expenses.

New matter indicated by italics - deletions by strikeout
ARTICLE 998

Section 998. The appropriation authority granted in this Act shall be valid for costs incurred prior to September 1, 2016.

ARTICLE 999

Section 999. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly April 22, 2016.
Approved April 25, 2016.
Effective April 25, 2016.

PUBLIC ACT 99-0503
(House Bill No. 1260)

AN ACT concerning business.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Personal Information Protection Act is amended by changing Sections 5, 10, and 12 and adding Sections 45 and 50 as follows:

(815 ILCS 530/5)
Sec. 5. Definitions. In this Act:
"Data Collector" may include, but is not limited to, government agencies, public and private universities, privately and publicly held corporations, financial institutions, retail operators, and any other entity that, for any purpose, handles, collects, disseminates, or otherwise deals with nonpublic personal information.

"Breach of the security of the system data" or "breach" means unauthorized acquisition of computerized data that compromises the security, confidentiality, or integrity of personal information maintained by the data collector. "Breach of the security of the system data" does not include good faith acquisition of personal information by an employee or agent of the data collector for a legitimate purpose of the data collector, provided that the personal information is not used for a purpose unrelated to the data collector's business or subject to further unauthorized disclosure.

"Health insurance information" means an individual's health insurance policy number or subscriber identification number, any unique identifier used by a health insurer to identify the individual, or any medical information in an individual's health insurance application and claims history, including any appeals records.

New matter indicated by italics - deletions by strikeout
"Medical information" means any information regarding an individual's medical history, mental or physical condition, or medical treatment or diagnosis by a healthcare professional, including such information provided to a website or mobile application.

"Personal information" means either of the following:

1. an individual's first name or first initial and last name in combination with any one or more of the following data elements, when either the name or the data elements are not encrypted or redacted or are encrypted or redacted but the keys to unencrypt or unredact or otherwise read the name or data elements have been acquired without authorization through the breach of security:
   - (A) Social Security number.
   - (B) Driver's license number or State identification card number.
   - (C) Account number or credit or debit card number, or an account number or credit card number in combination with any required security code, access code, or password that would permit access to an individual's financial account.
   - (D) Medical information.
   - (E) Health insurance information.
   - (F) Unique biometric data generated from measurements or technical analysis of human body characteristics used by the owner or licensee to authenticate an individual, such as a fingerprint, retina or iris image, or other unique physical representation or digital representation of biometric data.

2. user name or email address, in combination with a password or security question and answer that would permit access to an online account, when either the user name or email address or password or security question and answer are not encrypted or redacted or are encrypted or redacted but the keys to unencrypt or unredact or otherwise read the data elements have been obtained through the breach of security.

"Personal information" does not include publicly available information that is lawfully made available to the general public from federal, State, or local government records.

(Source: P.A. 97-483, eff. 1-1-12.)

(815 ILCS 530/10)
Sec. 10. Notice of Breach.

(a) Any data collector that owns or licenses personal information concerning an Illinois resident shall notify the resident at no charge that there has been a breach of the security of the system data following discovery or notification of the breach. The disclosure notification shall be made in the most expedient time possible and without unreasonable delay, consistent with any measures necessary to determine the scope of the breach and restore the reasonable integrity, security, and confidentiality of the data system. The disclosure notification to an Illinois resident shall include, but need not be limited to, information as follows:

(1) With respect to personal information as defined in Section 5 in paragraph (1) of the definition of "personal information":

(A) the toll-free numbers and addresses for consumer reporting agencies;

(B) the toll-free number, address, and website address for the Federal Trade Commission; and

(C) a statement that the individual can obtain information from these sources about fraud alerts and security freezes.

The notification shall not, however, include information concerning the number of Illinois residents affected by the breach.

(2) With respect to personal information defined in Section 5 in paragraph (2) of the definition of "personal information", notice may be provided in electronic or other form directing the Illinois resident whose personal information has been breached to promptly change his or her user name or password and security question or answer, as applicable, or to take other steps appropriate to protect all online accounts for which the resident uses the same user name or email address and password or security question and answer.

(b) Any data collector that maintains or stores, but does not own or license, computerized data that includes personal information that the data collector does not own or license shall notify the owner or licensee of the information of any breach of the security of the data immediately following discovery, if the personal information was, or is reasonably believed to have been, acquired by an unauthorized person. In addition to providing such notification to the owner or licensee, the data collector shall cooperate with the owner or licensee in matters relating to the breach.
That cooperation shall include, but need not be limited to, (i) informing the owner or licensee of the breach, including giving notice of the date or approximate date of the breach and the nature of the breach, and (ii) informing the owner or licensee of any steps the data collector has taken or plans to take relating to the breach. The data collector's cooperation shall not, however, be deemed to require either the disclosure of confidential business information or trade secrets or the notification of an Illinois resident who may have been affected by the breach.

(b-5) The notification to an Illinois resident required by subsection (a) of this Section may be delayed if an appropriate law enforcement agency determines that notification will interfere with a criminal investigation and provides the data collector with a written request for the delay. However, the data collector must notify the Illinois resident as soon as notification will no longer interfere with the investigation.

(c) For purposes of this Section, notice to consumers may be provided by one of the following methods:

(1) written notice;

(2) electronic notice, if the notice provided is consistent with the provisions regarding electronic records and signatures for notices legally required to be in writing as set forth in Section 7001 of Title 15 of the United States Code; or

(3) substitute notice, if the data collector demonstrates that the cost of providing notice would exceed $250,000 or that the affected class of subject persons to be notified exceeds 500,000, or the data collector does not have sufficient contact information. Substitute notice shall consist of all of the following: (i) email notice if the data collector has an email address for the subject persons; (ii) conspicuous posting of the notice on the data collector's web site page if the data collector maintains one; and (iii) notification to major statewide media or, if the breach impacts residents in one geographic area, to prominent local media in areas where affected individuals are likely to reside if such notice is reasonably calculated to give actual notice to persons whom notice is required.

(d) Notwithstanding any other subsection in this Section, a data collector that maintains its own notification procedures as part of an information security policy for the treatment of personal information and is otherwise consistent with the timing requirements of this Act, shall be deemed in compliance with the notification requirements of this Section if
the data collector notifies subject persons in accordance with its policies in the event of a breach of the security of the system data.

(Source: P.A. 97-483, eff. 1-1-12.)

(815 ILCS 530/12)

Sec. 12. Notice of breach; State agency.

(a) Any State agency that collects personal information concerning an Illinois resident shall notify the resident at no charge that there has been a breach of the security of the system data or written material following discovery or notification of the breach. The disclosure notification shall be made in the most expedient time possible and without unreasonable delay, consistent with any measures necessary to determine the scope of the breach and restore the reasonable integrity, security, and confidentiality of the data system. The disclosure notification to an Illinois resident shall include, but need not be limited to information as follows:

(1) With respect to personal information defined in Section 5 in paragraph (1) of the definition of "personal information":
   (i) the toll-free numbers and addresses for consumer reporting agencies;
   (ii) the toll-free number, address, and website address for the Federal Trade Commission; and
   (iii) a statement that the individual can obtain information from these sources about fraud alerts and security freezes.

(2) With respect to personal information as defined in Section 5 in paragraph (2) of the definition of "personal information", notice may be provided in electronic or other form directing the Illinois resident whose personal information has been breached to promptly change his or her user name or password and security question or answer, as applicable, or to take other steps appropriate to protect all online accounts for which the resident uses the same user name or email address and password or security question and answer.

The notification shall not, however, include information concerning the number of Illinois residents affected by the breach.

(a-5) The notification to an Illinois resident required by subsection (a) of this Section may be delayed if an appropriate law enforcement agency determines that notification will interfere with a criminal investigation and provides the State agency with a written request for the

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delay. However, the State agency must notify the Illinois resident as soon as notification will no longer interfere with the investigation.

(b) For purposes of this Section, notice to residents may be provided by one of the following methods:

(1) written notice;

(2) electronic notice, if the notice provided is consistent with the provisions regarding electronic records and signatures for notices legally required to be in writing as set forth in Section 7001 of Title 15 of the United States Code; or

(3) substitute notice, if the State agency demonstrates that the cost of providing notice would exceed $250,000 or that the affected class of subject persons to be notified exceeds 500,000, or the State agency does not have sufficient contact information. Substitute notice shall consist of all of the following: (i) email notice if the State agency has an email address for the subject persons; (ii) conspicuous posting of the notice on the State agency's web site page if the State agency maintains one; and (iii) notification to major statewide media.

(c) Notwithstanding subsection (b), a State agency that maintains its own notification procedures as part of an information security policy for the treatment of personal information and is otherwise consistent with the timing requirements of this Act shall be deemed in compliance with the notification requirements of this Section if the State agency notifies subject persons in accordance with its policies in the event of a breach of the security of the system data or written material.

(d) If a State agency is required to notify more than 1,000 persons of a breach of security pursuant to this Section, the State agency shall also notify, without unreasonable delay, all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis, as defined by 15 U.S.C. Section 1681a(p), of the timing, distribution, and content of the notices. Nothing in this subsection (d) shall be construed to require the State agency to provide to the consumer reporting agency the names or other personal identifying information of breach notice recipients.

(e) Notice to Attorney General. Any State agency that suffers a single breach of the security of the data concerning the personal information of more than 250 Illinois residents shall provide notice to the Attorney General of the breach, including:

(A) The types of personal information compromised in the breach.

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(B) The number of Illinois residents affected by such incident at the time of notification.
(C) Any steps the State agency has taken or plans to take relating to notification of the breach to consumers.
(D) The date and timeframe of the breach, if known at the time notification is provided.

Such notification must be made within 45 days of the State agency's discovery of the security breach or when the State agency provides any notice to consumers required by this Section, whichever is sooner, unless the State agency has good cause for reasonable delay to determine the scope of the breach and restore the integrity, security, and confidentiality of the data system, or when law enforcement requests in writing to withhold disclosure of some or all of the information required in the notification under this Section. If the date or timeframe of the breach is unknown at the time the notice is sent to the Attorney General, the State agency shall send the Attorney General the date or timeframe of the breach as soon as possible.

(Source: P.A. 97-483, eff. 1-1-12.)

(815 ILCS 530/45 new)
Sec. 45. Data security.

(a) A data collector that owns or licenses, or maintains or stores but does not own or license, records that contain personal information concerning an Illinois resident shall implement and maintain reasonable security measures to protect those records from unauthorized access, acquisition, destruction, use, modification, or disclosure.
(b) A contract for the disclosure of personal information concerning an Illinois resident that is maintained by a data collector must include a provision requiring the person to whom the information is disclosed to implement and maintain reasonable security measures to protect those records from unauthorized access, acquisition, destruction, use, modification, or disclosure.
(c) If a state or federal law requires a data collector to provide greater protection to records that contain personal information concerning an Illinois resident that are maintained by the data collector and the data collector is in compliance with the provisions of that state or federal law, the data collector shall be deemed to be in compliance with the provisions of this Section.
(d) A data collector that is subject to and in compliance with the standards established pursuant to Section 501(b) of the Gramm-Leach-
Bliley Act of 1999, 15 U.S.C. Section 6801, shall be deemed to be in compliance with the provisions of this Section.

(815 ILCS 530/50 new)

Sec. 50. Entities subject to the federal Health Insurance Portability and Accountability Act of 1996. Any covered entity or business associate that is subject to and in compliance with the privacy and security standards for the protection of electronic health information established pursuant to the federal Health Insurance Portability and Accountability Act of 1996 and the Health Information Technology for Economic and Clinical Health Act shall be deemed to be in compliance with the provisions of this Act, provided that any covered entity or business associate required to provide notification of a breach to the Secretary of Health and Human Services pursuant to the Health Information Technology for Economic and Clinical Health Act also provides such notification to the Attorney General within 5 business days of notifying the Secretary.

Approved May 6, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0504
(House Bill No. 5913)

AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Plumbing License Law is amended by changing Sections 3, 8, and 10 as follows:

(225 ILCS 320/3) (from Ch. 111, par. 1103)

Sec. 3. (1) All planning and designing of plumbing systems and all plumbing shall be performed only by plumbers licensed under the provisions of this Act hereinafter called "licensed plumbers" and "licensed apprentice plumbers". The inspection of plumbing and plumbing systems shall be done only by the sponsor or his or her agent who shall be an Illinois licensed plumber. Nothing herein contained shall prohibit licensed plumbers or licensed apprentice plumbers under supervision from planning, designing, inspecting, installing, repairing, maintaining, altering or extending building sewers in accordance with this Act. No person who holds a license or certificate of registration under the Illinois Architecture

New matter indicated by italics - deletions by strikeout
Practice Act of 1989, or the Structural Engineering Practice Act of 1989, or the Professional Engineering Practice Act of 1989 shall be prevented from planning and designing plumbing systems. Each licensed plumber shall, as a condition of each annual license renewal after the first license, provide proof of completion of 4 hours of continuing education. Sponsors of continuing education shall meet the criteria provided by the Board of Plumbing Examiners and Plumbing Code advisory council. Continuing education courses shall provide instruction in plumbing, which is supervised directly by an Illinois licensed plumber only.

(2) Nothing herein contained shall prohibit the owner occupant or lessee occupant of a single family residence, or the owner of a single family residence under construction for his or her occupancy, from planning, installing, altering or repairing the plumbing system of such residence, provided that (i) such plumbing shall comply with the minimum standards for plumbing contained in the Illinois State Plumbing Code, and shall be subject to inspection by the Department or the local governmental unit if it retains a licensed plumber as an inspector; and (ii) such owner, owner occupant or lessee occupant shall not employ other than a plumber licensed pursuant to this Act to assist him or her.

For purposes of this subsection, a person shall be considered an "occupant" if and only if he or she has taken possession of and is living in the premises as his or her bona fide sole and exclusive residence, or, in the case of an owner of a single family residence under construction for his or her occupancy, he or she expects to take possession of and live in the premises as his or her bona fide sole and exclusive residence, and he or she has a current intention to live in such premises as his or her bona fide sole and exclusive residence for a period of not less than 6 months after the completion of the plumbing work performed pursuant to the authorization of this subsection, or, in the case of an owner of a single family residence under construction for his or her occupancy, for a period of not less than 6 months after the completion of construction of the residence. Failure to possess and live in the premises as a sole and exclusive residence for a period of 6 months or more shall create a rebuttable presumption of a lack of such intention.

(3) The employees of a firm, association, partnership or corporation who engage in plumbing shall be licensed plumbers or licensed apprentice plumbers. At least one member of every firm, association or partnership engaged in plumbing work, and at least one corporate officer of every corporation engaged in plumbing work, as the

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case may be, shall be a licensed plumber. A retired plumber cannot fulfill the requirements of this subsection (3). Plumbing contractors are also required to be registered pursuant to the provisions of this Act.

Notwithstanding the provisions of this subsection (3), it shall be lawful for an irrigation contractor registered under Section 2.5 of this Act to employ or contract with one or more licensed plumbers in connection with work on lawn sprinkler systems pursuant to Section 2.5 of this Act.

(4) (a) A licensed apprentice plumber shall plan, design and install plumbing only under the supervision of the sponsor or his or her agent who is also an Illinois licensed plumber.

(b) An applicant for licensing as an apprentice plumber shall be at least 16 years of age and apply on the application form provided by the Department. Such application shall verify that the applicant is sponsored by an Illinois licensed plumber or an approved apprenticeship program and shall contain the name and license number of the licensed plumber or program sponsor.

(c) No licensed plumber shall sponsor more than 2 licensed apprentice plumbers at the same time. If 2 licensed apprentice plumbers are sponsored by a plumber at the same time, one of the apprentices must have, at a minimum, 2 years experience as a licensed apprentice. No licensed plumber sponsor or his or her agent may supervise 2 licensed apprentices with less than 2 years experience at the same time. The sponsor or agent shall supervise and be responsible for the plumbing performed by a licensed apprentice.

(d) No agent shall supervise more than 2 licensed apprentices at the same time.

(e) No licensed plumber may, in any capacity, supervise more than 2 licensed apprentice plumbers at the same time.

(f) No approved apprenticeship program may sponsor more licensed apprentices than 2 times the number of licensed plumbers available to supervise those licensed apprentices.

(g) No approved apprenticeship program may sponsor more licensed apprentices with less than 2 years experience than it has licensed plumbers available to supervise those licensed apprentices.

(h) No individual shall work as an apprentice plumber unless he or she is properly licensed under this Act. The

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Department shall issue an apprentice plumber's license to each approved applicant.

(i) No licensed apprentice plumber shall serve more than a 6 year licensed apprenticeship period. If, upon completion of a 6 year licensed apprenticeship period, such licensed apprentice plumber does not apply for the examination for a plumber's license and successfully pass the examination for a plumber's license, his or her apprentice plumber's license shall not be renewed.

Nothing contained in P.A. 83-878, entitled "An Act in relation to professions", approved September 26, 1983, was intended by the General Assembly nor should it be construed to require the employees of a governmental unit or privately owned municipal water supplier who operate, maintain or repair a water or sewer plant facility which is owned or operated by such governmental unit or privately owned municipal water supplier to be licensed plumbers under this Act. In addition, nothing contained in P.A. 83-878 was intended by the General Assembly nor should it be construed to permit persons other than licensed plumbers to perform the installation, repair, maintenance or replacement of plumbing fixtures, such as toilet facilities, floor drains, showers and lavatories, and the piping attendant to those fixtures, within such facility or in the construction of a new facility.

Nothing contained in P.A. 83-878, entitled "An Act in relation to professions", approved September 26, 1983, was intended by the General Assembly nor should it be construed to require the employees of a governmental unit or privately owned municipal water supplier who install, repair or maintain water service lines from water mains in the street, alley or curb line to private property lines and who install, repair or maintain water meters to be licensed plumbers under this Act if such work was customarily performed prior to the effective date of such Act by employees of such governmental unit or privately owned municipal water supplier who were not licensed plumbers. Any such work which was customarily performed prior to the effective date of such Act by persons who were licensed plumbers or subcontracted to persons who were licensed plumbers must continue to be performed by persons who are licensed plumbers or subcontracted to persons who are licensed plumbers. When necessary under this Act, the Department shall make the determination whether or not persons who are licensed plumbers customarily performed such work.

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Sec. 8. The Director shall:

(1) Prepare forms for application for examination for a plumber's license.

(2) Prepare and issue licenses as provided in this Act.

(3) With the aid of the Board prescribe rules and regulations for examination of applicants for plumber's licenses.

(4) With the aid of the Board prepare and give uniform and comprehensive examinations to applicants for a plumber's license which shall test their knowledge and qualifications in the planning and design of plumbing systems, their knowledge, qualifications, and manual skills in plumbing, and their knowledge of the State's minimum code of standards relating to fixtures, materials, design and installation methods of plumbing systems, promulgated pursuant to this Act.

(5) Issue a plumber's license and license renewal to every applicant who has passed the examination and who has paid the required license and renewal fee.

(6) Prescribe rules for hearings to deny, suspend, revoke or reinstate licenses as provided in this Act.

(7) Maintain a current record showing (a) the names and addresses of registered plumbing contractors, licensed plumbers, licensed apprentice plumbers, and licensed retired plumbers, (b) the dates of issuance of licenses, (c) the date and substance of the charges set forth in any hearing for denial, suspension or revocation of any license, (d) the date and substance of the final order issued upon each such hearing, and (e) the date and substance of all petitions for reinstatement of license and final orders on such petitions.

(8) Prescribe, in consultation with the Board, uniform and reasonable rules defining what constitutes an approved course of instruction in plumbing, in colleges, universities, or trade schools, and approve or disapprove the courses of instruction offered by such colleges, universities, or trade schools by reference to their compliance or noncompliance with such rules. Such rules shall be designed to assure that an approved course of instruction will adequately teach the design, planning, installation, replacement, extension, alteration and repair of plumbing.

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Each instructor participating in a program of instruction in plumbing shall be:

(a) an Illinois licensed plumber;

(b) an individual who possesses a provisional career and technical educator endorsement on an educator license, issued by the State Board of Education pursuant to Section 21B-20 of the School Code in a field related to plumbing, such as hydraulics, pneumatics, or water chemistry; or

(c) a representative of an industry or a manufacturing business related to plumbing, including, but not limited to, the copper industry, plastic pipe industry, or cast iron industry. Courses that are taught by industry representatives shall be educational and shall not be sales oriented. Industry representatives shall be assisted by an Illinois licensed plumber during the presentation of a course of instruction.

The instructor shall provide verification of the license or certificate. A copy of the instructor's educator license will establish verification.

(Source: P.A. 92-338, eff. 8-10-01.)

(225 ILCS 320/10) (from Ch. 111, par. 1109)

Sec. 10. (1) An applicant for a plumber's license shall file a written application in the office of the Department on the form designated by the Department at least 30 days before the date set by the Department for the examination.

(2) The Director shall promptly approve the application for examination if:

(a) the required application fee has been paid, and

(b) the applicant has submitted evidence that he or she is a citizen of the United States or has declared his or her intention to become a citizen, and

(c) the applicant has submitted evidence that he or she has completed at least a 2 year course of study in a high school, or an equivalent course of study, and

(d) the applicant has been employed as an Illinois licensed apprentice plumber under supervision in accordance with this Act for at least 4 years preceding the date of application and has submitted evidence that he or she has worked at the plumbing trade in accordance with this Act for the 4 year Illinois licensed apprentice apprenticeship period, or

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(e) the applicant has submitted evidence that he or she has successfully completed an approved course of instruction in plumbing supervised directly by an Illinois licensed plumber in colleges, universities, or trade schools.

(3) If the application for examination is approved, the Department shall promptly notify the applicant in writing of such approval and of the place and time of the examination. If the application is disapproved, the Department shall promptly notify the applicant in writing of such disapproval, stating the reasons for disapproval.

(4) If an applicant neglects, fails or refuses to take an examination for license under this Act, the application is denied. However, such applicant may submit a new application for examination, accompanied by the required application fee. Application fees for examination for a plumber's license are not refundable.

(Source: P.A. 87-885.)

Passed in the General Assembly March 17, 2016.
Approved May 27, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0505
(Senate Bill No. 0460)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Nurse Practice Act is amended by changing Section 65-15 as follows:

(225 ILCS 65/65-15)
(Section scheduled to be repealed on January 1, 2018)

Sec. 65-15. Expiration of APN license; renewal.

(a) The expiration date and renewal period for each advanced practice nurse license issued under this Act shall be set by rule. The holder of a license may renew the license during the month preceding the expiration date of the license by paying the required fee. It is the responsibility of the licensee to notify the Department in writing of a change of address.

(b) On and after May 30, 2020, except as provided in subsections (c) and (d) of this Section, each advanced practice nurse is required to show proof of continued, current national certification in the specialty.

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(c) An advanced practice nurse who does not meet the educational requirements necessary to obtain national certification but has continuously held an unencumbered license under this Act since 2001 shall not be required to show proof of national certification in the specialty to renew his or her advanced practice nurse license.

(d) The Department may renew the license of an advanced practice nurse who applies for renewal of his or her license on or before May 30, 2016 and is unable to provide proof of continued, current national certification in the specialty but complies with all other renewal requirements.

(e) Any advanced practice nurse license renewed on and after May 31, 2016 based on the changes made to this Section by this amendatory Act of the 99th General Assembly shall be retroactive to the expiration date.

(Source: P.A. 95-639, eff. 10-5-07.)

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

Approved May 27, 2016.
Effective May 27, 2016.

PUBLIC ACT 99-0506
(Senate Bill No. 0777)

AN ACT concerning public employee benefits.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

Section 5. The Illinois Pension Code is amended by changing
Sections 5-167.2, 5-168, 6-128.2, and 6-165 and by adding Sections 5-
168.2 and 6-165.2 as follows:

(40 ILCS 5/5-167.2) (from Ch. 108 1/2, par. 5-167.2)
Sec. 5-167.2. Retirement before September 1, 1967. A retired
policeman, qualifying for minimum annuity or who retired from service
with 20 or more years of service, before September 1, 1967, shall, in
January of the year following the year he attains the age of 65, or in
January of the year 1970, if then more than 65 years of age, have his then
fixed and payable monthly annuity increased by an amount equal to 2% of
the original grant of annuity, for each year the policeman was in receipt of
annuity payments after the year in which he attains, or did attain the age of

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63. An additional 2% increase in such then fixed and payable original granted annuity shall accrue in each January thereafter. Beginning January 1, 1986, the rate of such increase shall be 3% instead of 2%.

The provisions of the preceding paragraph of this Section apply only to a retired policeman eligible for such increases in his annuity who contributes to the Fund a sum equal to $5 for each full year of credited service upon which his annuity was computed. All such sums contributed shall be placed in a Supplementary Payment Reserve and shall be used for the purposes of such Fund account.

Beginning with the monthly annuity payment due in July, 1982, the fixed and granted monthly annuity payment for any policeman who retired from the service, before September 1, 1976, at age 50 or over with 20 or more years of service and entitled to an annuity on January 1, 1974, shall be not less than $400. It is the intent of the General Assembly that the change made in this Section by this amendatory Act of 1982 shall apply retroactively to July 1, 1982.

Beginning with the monthly annuity payment due on January 1, 1986, the fixed and granted monthly annuity payment for any policeman who retired from the service before January 1, 1986, at age 50 or over with 20 or more years of service, or any policeman who retired from service due to termination of disability and who is entitled to an annuity on January 1, 1986, shall be not less than $475.

Beginning with the monthly annuity payment due on January 1, 1992, the fixed and granted monthly annuity payment for any policeman who retired from the service before January 1, 1992, at age 50 or over with 20 or more years of service, and for any policeman who retired from service due to termination of disability and who is entitled to an annuity on January 1, 1992, shall be not less than $650.

Beginning with the monthly annuity payment due on January 1, 1993, the fixed and granted monthly annuity payment for any policeman who retired from the service before January 1, 1993, at age 50 or over with 20 or more years of service, and for any policeman who retired from service due to termination of disability and who is entitled to an annuity on January 1, 1993, shall be not less than $750.

Beginning with the monthly annuity payment due on January 1, 1994, the fixed and granted monthly annuity payment for any policeman who retired from the service before January 1, 1994, at age 50 or over with 20 or more years of service, and for any policeman who retired from
service due to termination of disability and who is entitled to an annuity on January 1, 1994, shall be not less than $850.

Beginning with the monthly annuity payment due on January 1, 2004, the fixed and granted monthly annuity payment for any policeman who retired from the service before January 1, 2004, at age 50 or over with 20 or more years of service, and for any policeman who retired from service due to termination of disability and who is entitled to an annuity on January 1, 2004, shall be not less than $950.

Beginning with the monthly annuity payment due on January 1, 2005, the fixed and granted monthly annuity payment for any policeman who retired from the service before January 1, 2005, at age 50 or over with 20 or more years of service, and for any policeman who retired from service due to termination of disability and who is entitled to an annuity on January 1, 2005, shall be not less than $1,050.

Beginning with the monthly annuity payment due on January 1, 2016, the fixed and granted monthly annuity payment for any policeman who retired from the service before January 1, 2016, at age 50 or over with 20 or more years of service, and for any policeman who retired from service due to termination of disability and who is entitled to an annuity on January 1, 2016, shall be no less than 125% of the Federal Poverty Level. For purposes of this Section, the "Federal Poverty Level" shall be determined pursuant to the poverty guidelines updated periodically in the Federal Register by the United States Department of Health and Human Services under the authority of 42 U.S.C. 9902(2).

The difference in amount between the original fixed and granted monthly annuity of any such policeman on the date of his retirement from the service and the monthly annuity provided for in the immediately preceding paragraph shall be paid as a supplement in the manner set forth in the immediately following paragraph.

To defray the annual cost of the increases indicated in the preceding part of this Section, the annual interest income accruing from investments held by this Fund, exclusive of gains or losses on sales or exchanges of assets during the year, over and above 4% a year shall be used to the extent necessary and available to finance the cost of such increases for the following year and such amount shall be transferred as of the end of each year beginning with the year 1969 to a Fund account designated as the Supplementary Payment Reserve from the Interest and Investment Reserve set forth in Section 5-207.
In the event the funds in the Supplementary Payment Reserve in any year arising from: (1) the interest income accruing in the preceding year above 4% a year and (2) the contributions by retired persons are insufficient to make the total payments to all persons entitled to the annuity specified in this Section and (3) any interest earnings over 4% a year beginning with the year 1969 which were not previously used to finance such increases and which were transferred to the Prior Service Annuity Reserve, may be used to the extent necessary and available to provide sufficient funds to finance such increases for the current year and such sums shall be transferred from the Prior Service Annuity Reserve. In the event the total money available in the Supplementary Payment Reserve from such sources are insufficient to make the total payments to all persons entitled to such increases for the year, a proportionate amount computed as the ratio of the money available to the total of the total payments specified for that year shall be paid to each person for that year.

The Fund shall be obligated for the payment of the increases in annuity as provided for in this Section only to the extent that the assets for such purpose are available.  
(Source: P.A. 93-654, eff. 1-16-04.)

(40 ILCS 5/5-168) (from Ch. 108 1/2, par. 5-168)
Sec. 5-168. Financing.

(a) Except as expressly provided in this Section, the city shall levy a tax annually upon all taxable property therein for the purpose of providing revenue for the fund.

The tax shall be at a rate that will produce a sum which, when added to the amounts deducted from the policemen's salaries and the amounts deposited in accordance with subsection (g), is sufficient for the purposes of the fund.

For the years 1968 and 1969, the city council shall levy a tax annually at a rate on the dollar of the assessed valuation of all taxable property that will produce, when extended, not to exceed $9,700,000. Beginning with the year 1970 and through 2014, the city council shall levy a tax annually at a rate on the dollar of the assessed valuation of all taxable property that will produce when extended an amount not to exceed the total amount of contributions by the policemen to the Fund made in the calendar year 2 years before the year for which the applicable annual tax is levied, multiplied by 1.40 for the tax levy year 1970; by 1.50 for the year 1971; by 1.65 for 1972; by 1.85 for 1973; by 1.90 for 1974; by 1.97 for 1975 through 1981; by 2.00 for 1982 and for each tax levy year through

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2014. Beginning in tax levy year 2015, the city council shall levy a tax annually at a rate on the dollar of the assessed valuation of all taxable property that will produce when extended an annual amount that is equal to no less than the amount of the city's contribution in each of the following payment years: for 2016, $420,000,000; for 2017, $464,000,000; for 2018, $500,000,000; for 2019, $557,000,000; for 2020, $579,000,000.

Beginning in tax levy year 2020, the city council shall levy a tax annually at a rate on the dollar of the assessed valuation of all taxable property that will produce when extended an annual amount that is equal to no less than (1) the normal cost to the Fund, plus (2) an annual amount sufficient to bring the total assets of the Fund up to 90% of the total actuarial liabilities of the Fund by the end of fiscal year 2055 (2040), as annually updated and determined by an enrolled actuary employed by the Illinois Department of Insurance or by an enrolled actuary retained by the Fund or the city. In making these determinations, the required minimum employer contribution shall be calculated each year as a level percentage of payroll over the years remaining up to and including fiscal year 2055 (2040) and shall be determined under the entry age normal actuarial cost method. Beginning in payment year 2056, the city's total required contribution in that year and each year thereafter shall be an annual amount that is equal to no less than (1) the normal cost of the Fund, plus (2) the annual amount determined by an enrolled actuary employed by the Illinois Department of Insurance or by an enrolled actuary retained by the Fund to be equal to the amount, if any, needed to bring the total actuarial assets of the Fund up to 90% of the total actuarial liabilities of the Fund as of the end of the year, utilizing the entry age normal cost method as provided above or the projected unit credit actuarial cost method.

For the purposes of this subsection (a), contributions by the policeman to the Fund shall not include payments made by a policeman to establish credit under Section 5-214.2 of this Code.

(a-5) For purposes of determining the required employer contribution to the Fund, the value of the Fund's assets shall be equal to the actuarial value of the Fund's assets, which shall be calculated as follows:

(1) On March 30, 2011, the actuarial value of the Fund's assets shall be equal to the market value of the assets as of that date.

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(2) In determining the actuarial value of the Fund's assets for fiscal years after March 30, 2011, any actuarial gains or losses from investment return incurred in a fiscal year shall be recognized in equal annual amounts over the 5-year period following that fiscal year.

(a-7) If the city fails to transmit to the Fund contributions required of it under this Article for more than 90 days after the payment of those contributions is due, the Fund shall, after giving notice to the city, certify to the State Comptroller the amounts of the delinquent payments, and the Comptroller must, beginning in fiscal year 2016, deduct and deposit into the Fund the certified amounts or a portion of those amounts from the following proportions of grants of State funds to the city:

(1) in fiscal year 2016, one-third of the total amount of any grants of State funds to the city;
(2) in fiscal year 2017, two-thirds of the total amount of any grants of State funds to the city; and
(3) in fiscal year 2018 and each fiscal year thereafter, the total amount of any grants of State funds to the city.

The State Comptroller may not deduct from any grants of State funds to the city more than the amount of delinquent payments certified to the State Comptroller by the Fund.

(b) The tax shall be levied and collected in like manner with the general taxes of the city, and is in addition to all other taxes which the city is now or may hereafter be authorized to levy upon all taxable property therein, and is exclusive of and in addition to the amount of tax the city is now or may hereafter be authorized to levy for general purposes under any law which may limit the amount of tax which the city may levy for general purposes. The county clerk of the county in which the city is located, in reducing tax levies under Section 8-3-1 of the Illinois Municipal Code, shall not consider the tax herein authorized as a part of the general tax levy for city purposes, and shall not include the tax in any limitation of the percent of the assessed valuation upon which taxes are required to be extended for the city.

(c) On or before January 10 of each year, the board shall notify the city council of the requirement that the tax herein authorized be levied by the city council for that current year. The board shall compute the amounts necessary for the purposes of this fund to be credited to the reserves established and maintained within the fund; shall make an annual

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determination of the amount of the required city contributions; and shall certify the results thereof to the city council.

As soon as any revenue derived from the tax is collected it shall be paid to the city treasurer of the city and shall be held by him for the benefit of the fund in accordance with this Article.

(d) If the funds available are insufficient during any year to meet the requirements of this Article, the city may issue tax anticipation warrants against the tax levy for the current fiscal year.

(e) The various sums, including interest, to be contributed by the city, shall be taken from the revenue derived from such tax or otherwise as expressly provided in this Section. Any moneys of the city derived from any source other than the tax herein authorized shall not be used for any purpose of the fund nor the cost of administration thereof, unless applied to make the deposit expressly authorized in this Section or the additional city contributions required under subsection (h).

(f) If it is not possible or practicable for the city to make its contributions at the time that salary deductions are made, the city shall make such contributions as soon as possible thereafter, with interest thereon to the time it is made.

(g) In lieu of levying all or a portion of the tax required under this Section in any year, the city may deposit with the city treasurer no later than March 1 of that year for the benefit of the fund, to be held in accordance with this Article, an amount that, together with the taxes levied under this Section for that year, is not less than the amount of the city contributions for that year as certified by the board to the city council. The deposit may be derived from any source legally available for that purpose, including, but not limited to, the proceeds of city borrowings. The making of a deposit shall satisfy fully the requirements of this Section for that year to the extent of the amounts so deposited. Amounts deposited under this subsection may be used by the fund for any of the purposes for which the proceeds of the tax levied under this Section may be used, including the payment of any amount that is otherwise required by this Article to be paid from the proceeds of that tax.

(h) In addition to the contributions required under the other provisions of this Article, by November 1 of the following specified years, the city shall deposit with the city treasurer for the benefit of the fund, to be held and used in accordance with this Article, the following specified amounts: $6,300,000 in 1999; $5,880,000 in 2000; $5,460,000 in 2001; $5,040,000 in 2002; and $4,620,000 in 2003.

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The additional city contributions required under this subsection are intended to decrease the unfunded liability of the fund and shall not decrease the amount of the city contributions required under the other provisions of this Article. The additional city contributions made under this subsection may be used by the fund for any of its lawful purposes.

(i) Any proceeds received by the city in relation to the operation of a casino or casinos within the city shall be expended by the city for payment to the Policemen’s Annuity and Benefit Fund of Chicago to satisfy the city contribution obligation in any year.

(Source: P.A. 95-1036, eff. 2-17-09; 96-1495, eff. 1-1-11.)

(40 ILCS 5/5-168.2 new)

Sec. 5-168.2. Funding obligation.

(a) Beginning January 1, 2016, the city shall be obligated to contribute to the Fund in each fiscal year an amount not less than the amount determined annually under subsection (a) of Section 5-168 of this Code. Notwithstanding any other provision of law, if the city fails to pay the amount guaranteed under this Section on or before December 31 of the year in which such amount is due, the Fund may bring a mandamus action in the Circuit Court of Cook County to compel the city to make the required payment, irrespective of other remedies that may be available to the Fund. The obligations and causes of action created under this Section shall be in addition to any other right or remedy otherwise accorded by common law or State or federal law, and nothing in this Section shall be construed to deny, abrogate, impair, or waive any such common law or statutory right or remedy.

(b) In ordering the city to make the required payment, the court may order a reasonable payment schedule to enable the city to make the required payment without significantly imperilling the public health, safety, or welfare. Any payments required to be made by the city pursuant to this Section are expressly subordinated to the payment of the principal, interest, premium, if any, and other payments on or related to any bonded debt obligation of the city, either currently outstanding or to be issued, for which the source of repayment or security thereon is derived directly or indirectly from any funds collected or received by the city. Payments on such bonded obligations include any statutory fund transfers or other prefunding mechanisms or formulas set forth, now or hereafter, in State law, city ordinance, or bond indentures, into debt service funds or accounts of the city related to such bonded obligations, consistent with the payment schedules associated with such obligations.

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Sec. 6-128.2. Minimum retirement annuities.

(a) Beginning with the monthly payment due in January, 1988, the monthly annuity payment for any person who is entitled to receive a retirement annuity under this Article in January, 1990 and has retired from service at age 50 or over with 20 or more years of service, and for any person who retires from service on or after January 24, 1990 at age 50 or over with 20 or more years of service, shall not be less than $475 per month. The $475 minimum annuity is exclusive of any automatic annual increases provided by Sections 6-164 and 6-164.1, but not exclusive of previous raises in the minimum annuity as provided by any Section of this Article.

Beginning January 1, 1992, the minimum retirement annuity payable to any person who has retired from service at age 50 or over with 20 or more years of service and is entitled to receive a retirement annuity under this Article on that date, or who retires from service at age 50 or over with 20 or more years of service after that date, shall be $650 per month.

Beginning January 1, 1993, the minimum retirement annuity payable to any person who has retired from service at age 50 or over with 20 or more years of service and is entitled to receive a retirement annuity under this Article on that date, or who retires from service at age 50 or over with 20 or more years of service after that date, shall be $750 per month.

Beginning January 1, 1994, the minimum retirement annuity payable to any person who has retired from service at age 50 or over with 20 or more years of service and is entitled to receive a retirement annuity under this Article on that date, or who retires from service at age 50 or over with 20 or more years of service after that date, shall be $850 per month.

Beginning January 1, 2004, the minimum retirement annuity payable to any person who has retired from service at age 50 or over with 20 or more years of service and is entitled to receive a retirement annuity under this Article on that date, or who retires from service at age 50 or over with 20 or more years of service after that date, shall be $950 per month.

Beginning January 1, 2005, the minimum retirement annuity payable to any person who has retired from service at age 50 or over with 20 or more years of service and is entitled to receive a retirement annuity

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under this Article on that date, or who retires from service at age 50 or over with 20 or more years of service after that date, shall be $1,050 per month.

Beginning January 1, 2016, the minimum retirement annuity payable to any person who has retired from service at age 50 or over with 20 or more years of service and is entitled to receive a retirement annuity under this Article on that date, or who retires from service at age 50 or over with 20 or more years of service after that date, shall be no less than 125% of the Federal Poverty Level. For purposes of this Section, the "Federal Poverty Level" shall be determined pursuant to the poverty guidelines updated periodically in the Federal Register by the United States Department of Health and Human Services under the authority of 42 U.S.C. 9902(2).

The minimum annuities established by this subsection (a) do include previous raises in the minimum annuity as provided by any Section of this Article, but do not include any sums which have been added or will be added to annuity payments by the automatic annual increases provided by Sections 6-164 and 6-164.1. Such annual increases shall be paid in addition to the minimum amounts specified in this subsection.

(b) Notwithstanding any other provision of this Article, beginning January 1, 1990, the minimum retirement annuity payable to any person who is entitled to receive a retirement annuity under this Article on that date shall be $475 per month.

(c) The changes made to this Section by this amendatory Act of the 93rd General Assembly apply to all persons receiving a retirement annuity under this Article, without regard to whether the retirement of the fireman occurred prior to the effective date of this amendatory Act.

(Source: P.A. 93-654, eff. 1-16-04.)

(40 ILCS 5/6-165) (from Ch. 108 1/2, par. 6-165)
Sec. 6-165. Financing; tax.
(a) Except as expressly provided in this Section, each city shall levy a tax annually upon all taxable property therein for the purpose of providing revenue for the fund. For the years prior to the year 1960, the tax rate shall be as provided for in the "Firemen's Annuity and Benefit Fund of the Illinois Municipal Code". The tax, from and after January 1, 1968 to and including the year 1971, shall not exceed .0863% of the value, as equalized or assessed by the Department of Revenue, of all taxable property in the city. Beginning with the year 1972 and through 2014, the

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city shall levy a tax annually at a rate on the dollar of the value, as equalized or assessed by the Department of Revenue of all taxable property within such city that will produce, when extended, not to exceed an amount equal to the total amount of contributions by the employees to the fund made in the calendar year 2 years prior to the year for which the annual applicable tax is levied, multiplied by 2.23 through the calendar year 1981, and by 2.26 for the year 1982 and for each tax levy year through 2014. Beginning in tax levy year 2015, the city council shall levy a tax annually at a rate on the dollar of the assessed valuation of all taxable property that will produce when extended an annual amount that is equal to no less than the amount of the city's contribution in each of the following payment years: for 2016, $199,000,000; for 2017, $208,000,000; for 2018, $227,000,000; for 2019, $235,000,000; for 2020, $245,000,000.

Beginning in tax levy year 2020, the city council shall levy a tax annually at a rate on the dollar of the assessed valuation of all taxable property that will produce when extended an annual amount that is equal to no less than (1) the normal cost to the Fund, plus (2) an annual amount sufficient to bring the total assets of the Fund up to 90% of the total actuarial liabilities of the Fund by the end of fiscal year 2040, as annually updated and determined by an enrolled actuary employed by the Illinois Department of Insurance or by an enrolled actuary retained by the Fund or the city. In making these determinations, the required minimum employer contribution shall be calculated each year as a level percentage of payroll over the years remaining up to and including fiscal year 2040 and shall be determined under the entry age normal actuarial cost method. Beginning in payment year 2056, the city's required contribution in that year and for each year thereafter shall be an annual amount that is equal to no less than (1) the normal cost to the Fund, plus (2) the annual amount determined by an enrolled actuary employed by the Illinois Department of Insurance or by an enrolled actuary retained by the Fund to be equal to the amount, if any, needed to bring the total actuarial assets of the Fund up to 90% of the total actuarial liabilities of the Fund as of the end of the year, utilizing the entry age normal actuarial cost method as provided above projected unit credit actuarial cost method.

To provide revenue for the ordinary death benefit established by Section 6-150 of this Article, in addition to the contributions by the firemen for this purpose, the city council shall for the year 1962 and each year thereafter annually levy a tax, which shall be in addition to and

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exclusive of the taxes authorized to be levied under the foregoing provisions of this Section, upon all taxable property in the city, as equalized or assessed by the Department of Revenue, at such rate per cent of the value of such property as shall be sufficient to produce for each year the sum of $142,000.

The amounts produced by the taxes levied annually, together with the deposit expressly authorized in this Section, shall be sufficient, when added to the amounts deducted from the salaries of firemen and applied to the fund, to provide for the purposes of the fund.

(a-5) For purposes of determining the required employer contribution to the Fund, the value of the Fund's assets shall be equal to the actuarial value of the Fund's assets, which shall be calculated as follows:

1. On March 30, 2011, the actuarial value of the Fund's assets shall be equal to the market value of the assets as of that date.

2. In determining the actuarial value of the Fund's assets for fiscal years after March 30, 2011, any actuarial gains or losses from investment return incurred in a fiscal year shall be recognized in equal annual amounts over the 5-year period following that fiscal year.

(a-7) If the city fails to transmit to the Fund contributions required of it under this Article for more than 90 days after the payment of those contributions is due, the Fund shall may, after giving notice to the city, certify to the State Comptroller the amounts of the delinquent payments, and the Comptroller must, beginning in fiscal year 2016, deduct and deposit into the Fund the certified amounts or a portion of those amounts from the following proportions of grants of State funds to the city:

1. In fiscal year 2016, one-third of the total amount of any grants of State funds to the city;

2. In fiscal year 2017, two-thirds of the total amount of any grants of State funds to the city; and

3. In fiscal year 2018 and each fiscal year thereafter, the total amount of any grants of State funds to the city.

The State Comptroller may not deduct from any grants of State funds to the city more than the amount of delinquent payments certified to the State Comptroller by the Fund.

(b) The taxes shall be levied and collected in like manner with the general taxes of the city, and shall be in addition to all other taxes which

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the city may levy upon all taxable property therein and shall be exclusive of and in addition to the amount of tax the city may levy for general purposes under Section 8-3-1 of the Illinois Municipal Code, approved May 29, 1961, as amended, or under any other law or laws which may limit the amount of tax which the city may levy for general purposes.

(c) The amounts of the taxes to be levied in each year shall be certified to the city council by the board.

(d) As soon as any revenue derived from such taxes is collected, it shall be paid to the city treasurer and held for the benefit of the fund, and all such revenue shall be paid into the fund in accordance with the provisions of this Article.

(e) If the funds available are insufficient during any year to meet the requirements of this Article, the city may issue tax anticipation warrants, against the tax levies herein authorized for the current fiscal year.

(f) The various sums, hereinafter stated, including interest, to be contributed by the city, shall be taken from the revenue derived from the taxes or otherwise as expressly provided in this Section. Except for defraying the cost of administration of the fund during the calendar year in which a city first attains a population of 500,000 and comes under the provisions of this Article and the first calendar year thereafter, any money of the city derived from any source other than these taxes or the sale of tax anticipation warrants shall not be used to provide revenue for the fund, nor to pay any part of the cost of administration thereof, unless applied to make the deposit expressly authorized in this Section or the additional city contributions required under subsection (h).

(g) In lieu of levying all or a portion of the tax required under this Section in any year, the city may deposit with the city treasurer no later than March 1 of that year for the benefit of the fund, to be held in accordance with this Article, an amount that, together with the taxes levied under this Section for that year, is not less than the amount of the city contributions for that year as certified by the board to the city council. The deposit may be derived from any source legally available for that purpose, including, but not limited to, the proceeds of city borrowings. The making of a deposit shall satisfy fully the requirements of this Section for that year to the extent of the amounts so deposited. Amounts deposited under this subsection may be used by the fund for any of the purposes for which the proceeds of the taxes levied under this Section may be used, including the

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payment of any amount that is otherwise required by this Article to be paid from the proceeds of those taxes.

(h) In addition to the contributions required under the other provisions of this Article, by November 1 of the following specified years, the city shall deposit with the city treasurer for the benefit of the fund, to be held and used in accordance with this Article, the following specified amounts: $6,300,000 in 1999; $5,880,000 in 2000; $5,460,000 in 2001; $5,040,000 in 2002; and $4,620,000 in 2003.

The additional city contributions required under this subsection are intended to decrease the unfunded liability of the fund and shall not decrease the amount of the city contributions required under the other provisions of this Article. The additional city contributions made under this subsection may be used by the fund for any of its lawful purposes.

(i) Any proceeds received by the city in relation to the operation of a casino or casinos within the city shall be expended by the city for payment to the Firemen's Annuity and Benefit Fund of Chicago to satisfy the city contribution obligation in any year.

(Source: P.A. 96-1495, eff. 1-1-11.)

(40 ILCS 5/6-165.2 new)

Sec. 6-165.2. Funding Obligation.

(a) Beginning January 1, 2016, the city shall be obligated to contribute to the Fund in each fiscal year an amount not less than the amount determined annually under subsection (a) of Section 6-165 of this Code. Notwithstanding any other provision of law, if the city fails to pay the amount guaranteed under this Section on or before December 31 of the year in which such amount is due, the Fund may bring a mandamus action in the Circuit Court of Cook County to compel the city to make the required payment, irrespective of other remedies that may be available to the Fund. The obligations and causes of action created under this Section shall be in addition to any other right or remedy otherwise accorded by common law or State or federal law, and nothing in this Section shall be construed to deny, abrogate, impair, or waive any such common law or statutory right or remedy.

(b) In ordering the city to make the required payment, the court may order a reasonable payment schedule to enable the city to make the required payment without significantly imperilling the public health, safety, or welfare. Any payments required to be made by the city pursuant to this Section are expressly subordinated to the payment of the principal, interest, premium, if any, and other payments on or related to any bonded

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debt obligation of the city, either currently outstanding or to be issued, for which the source of repayment or security thereon is derived directly or indirectly from any funds collected or received by the city or collected or received on behalf of the city. Payments on such bonded obligations include any statutory fund transfers or other prefunding mechanisms or formulas set forth, now or hereafter, in State law, city ordinance, or bond indentures, into debt service funds or accounts of the city related to such bonded obligations, consistent with the payment schedules associated with such obligations.

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

Passed in the General Assembly March 31, 2016.
Sent to the Governor March 31, 2016.
Vetoed by the Governor May 27, 2016.

PUBLIC ACT 99-0507
(House Bill No. 0740)

AN ACT concerning local government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Kaskaskia Regional Port District Act is amended by changing Sections 1.1, 3, 6, 7.1, 14, and 20.2 as follows:

(70 ILCS 1830/1.1)
Sec. 1.1. Purpose. The General Assembly declares that the main purpose of this Act is to promote industrial, commercial, transportation, homeland security, recreation, water supply, flood control, and economic activities thereby reducing the evils attendant upon unemployment and enhancing the public health, safety, and welfare of this State.
(Source: P.A. 90-785, eff. 1-1-99.)

(70 ILCS 1830/3) (from Ch. 19, par. 503)
Sec. 3. There is created a political subdivision body politic and municipal corporation, named "Kaskaskia Regional Port District" embracing all of Monroe and Randolph Counties and Freeburg, Millstadt, Smithton, Prairie Du Long, New Athens, Marissa, Fayetteville, Engleman, Mascoutah, Shiloh Valley and Lenzburg Townships of St. Clair County. The Port District may sue and be sued in its corporate name but execution

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shall not in any case issue against any property owned by the Port District except for Port District property that the Port District pledged as collateral to a bank or other financial institution to secure a bank loan. It may adopt a common seal and change the same at pleasure. The principal office of the Port District shall be in the city of Red Bud Chester, Illinois.

No rights, duties or privileges of such District, or those of any person, existing before the change of name shall be affected by the change provided by this amendatory Act of 1967. All proceedings pending in any court in favor of or against such District may continue to final consummation under the name in which they were commenced.

(Source: P.A. 80-1495.)

(70 ILCS 1830/6) (from Ch. 19, par. 506)

Sec. 6. The Port District has the following functions, powers and duties:

(a) to study the existing harbor facilities within the area of the Port District and to recommend to an appropriate governmental agency, including the General Assembly of Illinois, such changes and modifications as may from time to time be required for continuing development therein and to meet changing business and commercial needs;

(b) to make an investigation of conditions within the Port District and to prepare and adopt a comprehensive plan for the development of port facilities for the Port District. In preparing and recommending changes and modifications in existing harbor facilities, or a comprehensive plan for the development of such port facilities, as above provided, the Port District if it deems desirable may set aside and allocate an area or areas, within the lands owned by it, to be leased to private parties for industrial, manufacturing, commercial, or harbor purposes, where such area or areas in the opinion of the Board, are not required for primary purposes in the development of harbor and port facilities for the use of public water and land transportation, or will not be needed immediately for such purposes, and where such leasing in the opinion of the Board will aid and promote the development of terminal and port facilities;

(c) to study and make recommendations to the proper authority for the improvement of terminal, lighterage, wharfage, warehousing, anchorage, transfer and other facilities necessary for the promotion of commerce and the interchange of traffic within, to and from the Port District;

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(d) to study, prepare and recommend by specific proposals to the General Assembly of Illinois changes in the jurisdiction of the Port District;

(e) to petition any federal, state, municipal or local authority, administrative, judicial and legislative, having jurisdiction in the premises, for the adoption and execution of any physical improvement, change in method, system of handling freight, warehousing, docking, lightering and transfer of freight, which in the opinion of the Board are designed to improve or better the handling of commerce in and through the Port District or improve terminal or transportation facilities therein; and

(f) to petition any federal, state, or local authority, including administrative, judicial, and legislative branches, having jurisdiction for the adoption and execution of any physical improvement or operation related to the management of fish and wildlife, recreation, water supply, or flood control which in the opinion of the Board is for the purpose of improving or bettering the quality of life in the Port District or add to the diversity of amenities related to that purpose.

(Source: Laws 1965, p. 1013.)

(70 ILCS 1830/7.1) (from Ch. 19, par. 507.1)

Sec. 7.1. Additional rights and powers. The Port District has the following additional rights and powers:

(a) To issue permits for the construction of all wharves, piers, dolphins, booms, weirs, breakwaters, bulkheads, jetties, bridges or other structures of any kind, over, under, in, or within 40 feet of any navigable waters within the Port District, for the deposit of rock, earth, sand or other material, or any matter of any kind or description in such waters;

(b) To prevent and remove obstructions in navigable waters, including the removal of wrecks or vessels; to recover damages, including attorney fees, for the removal and clean-up of the site or sites and the surrounding or downstream environment; these rights and powers shall include, but are not limited to, emergency powers to seize wrecks or vessels, remediate damages, and provide for the disposition of the wrecks or vessels;

(c) To locate and establish dock lines and shore or harbor lines;

(d) To regulate the anchorage, moorage and speed of water borne vessels and to establish and enforce regulations for the operation of bridges;

(e) To acquire, own, construct, lease, operate and maintain terminals, terminal facilities, port facilities, transportation equipment

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facilities, railroads and marinas, and airport facilities and systems, and to fix and collect just, reasonable, and non-discriminatory charges for use of such facilities, equipment and systems. The charges so collected shall be used to defray the reasonable expenses of the Port District, and to pay the principal of and interest on any revenue bonds issued by the Port District;

(f) To operate, maintain, manage, lease, sub-lease, and to make and enter into contracts for the use, operation or management of, and to provide rules and regulations for, the operation, management or use of, any public port or public port facility;

(g) To fix, charge and collect reasonable rentals, tolls, fees and charges for the use of any public port, or any part thereof, or any public port facility;

(h) To establish, maintain, expand and improve roadways, railroads, and approaches by land, or water, to any such terminal, terminal facility and port facilities, and to contract or otherwise provide by condemnation, if necessary, for the removal of any port, terminal, terminal facilities and port facility hazards or the removal or relocation of all private structures, railroads, mains, pipes, conduits, wires, poles, and all other facilities and equipment which may interfere with the location, expansion, development or improvement of ports, terminals, terminal facilities and port facilities or with the safe approach thereto, or exit or takeoff therefrom by vehicles, vessels, barges and other means of transportation, and to pay the cost of removal or relocation;

(i) To police its physical property only and all waterways and to exercise police powers in respect thereto or in respect to the enforcement of any rule or regulation provided by the ordinances of the District and to employ and commission police officers and other qualified persons to enforce such rules and regulations. A regulatory ordinance of the District adopted under any provisions of this Section may provide for a suspension or revocation of any rights or privileges within the control of the District for a violation of any such regulatory ordinance.

(j) To enter into agreements with the corporate authorities or governing body of any other municipal corporation or any political subdivision of this State to pay the reasonable expense of services furnished by such municipal corporation or political subdivision for or on account of income producing properties of the District;

(k) To enter into contracts dealing in any manner with the objects and purposes of this Act;

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(l) To acquire, own, lease, mortgage, sell, or otherwise dispose of interests in and to real property and improvements situate thereon and in personal property necessary to fulfill the purposes of the District;

(m) To designate the fiscal year for the District;

(n) To engage in any activity or operation which is incidental to and in furtherance of efficient operation to accomplish the District's primary purpose;

(o) To acquire, erect, construct, maintain and operate aquariums, museums, planetariums, climatrons and other edifices for the collection and display of objects pertaining to natural history or the arts and sciences and to permit the directors or trustees of any corporation or society organized for the erection, construction, maintenance and operation of an aquarium, museum, planetarium, climatron or other such edifice to perform such erection, construction, maintenance and operation on or within any property now or hereafter owned by or under the control or supervision of the District; and to contract with any such directors or trustees relative to such acquisition, erection, construction, maintenance and operation and to charge or authorize such directors or trustees to charge an admission fee, the proceeds of which shall be devoted exclusively to such erection, construction, maintenance and operation;

(p) To do any act which is enumerated in Section 11-74.1-1 of the "Illinois Municipal Code", in the same manner and form as though the District were a "municipality" as referred to in such Section;

(q) To acquire, erect, construct, reconstruct, improve, maintain and operate one or more, or a combination or combinations of, industrial buildings, office buildings, buildings to be used as a factory, mill shops, processing plants, packaging plants, assembly plants, fabricating plants, and buildings to be used as warehouses and other storage facilities.

(r) To acquire, own, construct, lease or contract for any period not exceeding 99 years, operate, develop, and maintain Port District water and sewage systems and other utility systems and services, including, but not limited to, pipes, mains, lines, sewers, pumping stations, settling tanks, treatment plants, water purification equipment, wells, storage facilities, lines, and all other equipment, material, and facilities necessary to those systems, for the use, upon payment of reasonable fee set by the District, of any tenant, occupant, or user of the District facilities or any person engaged in commerce in the District; provided that the District shall not acquire, own, construct, lease, operate, develop, and maintain the systems and services if those systems and services can be provided by an investor-

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owned public utility offering electric or gas services. The public utility shall provide the District with a written response, within 30 days after receiving a written request from the District for those systems or services, stating whether it will or will not be able to provide the requested systems or services in accordance with the Public Utilities Act.

(Source: P.A. 90-785, eff. 1-1-99.)

(70 ILCS 1830/14) (from Ch. 19, par. 514)

Sec. 14. The District has power to acquire and accept by purchase, lease, gift, grant or otherwise any property and rights useful for its purposes and to provide for the development of channels, ports, harbors, airports, airfields, terminals, port facilities, terminal facilities, trails, and other transportation facilities within the Port District adequate to serve the needs of commerce within the area served by the Port District. The Port District may acquire real or personal property or any rights therein in the manner, as near as may be, as is provided for the exercise of the right of eminent domain under the Eminent Domain Act, except that no property owned by any municipality within the Port District shall be taken or appropriated without first obtaining consent of the governing body of such municipality.

(Source: P.A. 94-1055, eff. 1-1-07.)

(70 ILCS 1830/20.2)

Sec. 20.2. Authorization to borrow moneys. The District's Board may borrow money from any bank or other financial institution and may provide appropriate security, including mortgaging real estate, for that borrowing, if the money is repaid within 20 years after the money is borrowed. "Financial institution" means any bank subject to the Illinois Banking Act, any savings and loan association subject to the Illinois Savings and Loan Act of 1985, any savings bank subject to the Savings Bank Act, and any federally chartered commercial bank or savings and loan association organized and operated in this State pursuant to the laws of the United States.

(Source: P.A. 94-562, eff. 1-1-06.)

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

Passed in the General Assembly May 18, 2016.
Approved June 24, 2016.
Effective June 24, 2016.
AN ACT concerning local government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Municipal Code is amended by changing Section 11-74.4-3.5 as follows:

(65 ILCS 5/11-74.4-3.5)

Sec. 11-74.4-3.5. Completion dates for redevelopment projects.

(a) Unless otherwise stated in this Section, the estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs (including refunding bonds under Section 11-74.4-7) may not be later than December 31 of the year in which the payment to the municipal treasurer, as provided in subsection (b) of Section 11-74.4-8 of this Act, is to be made with respect to ad valorem taxes levied in the 23rd calendar year after the year in which the ordinance approving the redevelopment project area was adopted if the ordinance was adopted on or after January 15, 1981.

(b) The estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs (including refunding bonds under Section 11-74.4-7) may not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the 32nd calendar year after the year in which the ordinance approving the redevelopment project area was adopted if the ordinance was adopted on September 9, 1999 by the Village of Downs.

The estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs (including refunding bonds under Section 11-74.4-7) may not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the 33rd calendar year after the year in which the ordinance approving the redevelopment project area was adopted if the ordinance was adopted on May 20, 1985 by the Village of Wheeling.

The estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs

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(including refunding bonds under Section 11-74.4-7) may not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the 28th calendar year after the year in which the ordinance approving the redevelopment project area was adopted if the ordinance was adopted on October 12, 1989 by the City of Lawrenceville.

(c) The estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs (including refunding bonds under Section 11-74.4-7) may not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the 35th calendar year after the year in which the ordinance approving the redevelopment project area was adopted:

(1) If the ordinance was adopted before January 15, 1981.
(2) If the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989.
(3) If the ordinance was adopted in December 1987 and the redevelopment project is located within one mile of Midway Airport.
(4) If the ordinance was adopted before January 1, 1987 by a municipality in Mason County.
(5) If the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law.
(6) If the ordinance was adopted in December 1984 by the Village of Rosemont.
(7) If the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997.
(8) If the ordinance was adopted on October 5, 1982 by the City of Kankakee, or if the ordinance was adopted on December 29, 1986 by East St. Louis.

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(9) If the ordinance was adopted on November 12, 1991 by the Village of Sauget.

(10) If the ordinance was adopted on February 11, 1985 by the City of Rock Island.

(11) If the ordinance was adopted before December 18, 1986 by the City of Moline.

(12) If the ordinance was adopted in September 1988 by Sauk Village.

(13) If the ordinance was adopted in October 1993 by Sauk Village.

(14) If the ordinance was adopted on December 29, 1986 by the City of Galva.

(15) If the ordinance was adopted in March 1991 by the City of Centreville.

(16) If the ordinance was adopted on January 23, 1991 by the City of East St. Louis.

(17) If the ordinance was adopted on December 22, 1986 by the City of Aledo.

(18) If the ordinance was adopted on February 5, 1990 by the City of Clinton.

(19) If the ordinance was adopted on September 6, 1994 by the City of Freeport.

(20) If the ordinance was adopted on December 22, 1986 by the City of Tuscola.

(21) If the ordinance was adopted on December 23, 1986 by the City of Sparta.

(22) If the ordinance was adopted on December 23, 1986 by the City of Beardstown.

(23) If the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville.

(24) If the ordinance was adopted on December 29, 1986 by the City of Collinsville.

(25) If the ordinance was adopted on September 14, 1994 by the City of Alton.

(26) If the ordinance was adopted on November 11, 1996 by the City of Lexington.

(27) If the ordinance was adopted on November 5, 1984 by the City of LeRoy.

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(28) If the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham.
(29) If the ordinance was adopted on November 11, 1986 by the City of Pekin.
(30) If the ordinance was adopted on December 15, 1981 by the City of Champaign.
(31) If the ordinance was adopted on December 15, 1986 by the City of Urbana.
(32) If the ordinance was adopted on December 15, 1986 by the Village of Heyworth.
(33) If the ordinance was adopted on February 24, 1992 by the Village of Heyworth.
(34) If the ordinance was adopted on March 16, 1995 by the Village of Heyworth.
(35) If the ordinance was adopted on December 23, 1986 by the Town of Cicero.
(36) If the ordinance was adopted on December 30, 1986 by the City of Effingham.
(37) If the ordinance was adopted on May 9, 1991 by the Village of Tilton.
(38) If the ordinance was adopted on October 20, 1986 by the City of Elmhurst.
(39) If the ordinance was adopted on January 19, 1988 by the City of Waukegan.
(40) If the ordinance was adopted on September 21, 1998 by the City of Waukegan.
(41) If the ordinance was adopted on December 31, 1986 by the City of Sullivan.
(42) If the ordinance was adopted on December 23, 1991 by the City of Sullivan.
(43) If the ordinance was adopted on December 31, 1986 by the City of Oglesby.
(44) If the ordinance was adopted on July 28, 1987 by the City of Marion.
(45) If the ordinance was adopted on April 23, 1990 by the City of Marion.
(46) If the ordinance was adopted on August 20, 1985 by the Village of Mount Prospect.

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(47) If the ordinance was adopted on February 2, 1998 by the Village of Woodhull.
(48) If the ordinance was adopted on April 20, 1993 by the Village of Princeville.
(49) If the ordinance was adopted on July 1, 1986 by the City of Granite City.
(50) If the ordinance was adopted on February 2, 1989 by the Village of Lombard.
(51) If the ordinance was adopted on December 29, 1986 by the Village of Gardner.
(52) If the ordinance was adopted on July 14, 1999 by the Village of Paw Paw.
(53) If the ordinance was adopted on November 17, 1986 by the Village of Franklin Park.
(54) If the ordinance was adopted on November 20, 1989 by the Village of South Holland.
(55) If the ordinance was adopted on July 14, 1992 by the Village of Riverdale.
(56) If the ordinance was adopted on December 29, 1986 by the City of Galesburg.
(57) If the ordinance was adopted on April 1, 1985 by the City of Galesburg.
(58) If the ordinance was adopted on May 21, 1990 by the City of West Chicago.
(59) If the ordinance was adopted on December 16, 1986 by the City of Oak Forest.
(60) If the ordinance was adopted in 1999 by the City of Villa Grove.
(61) If the ordinance was adopted on January 13, 1987 by the Village of Mt. Zion.
(62) If the ordinance was adopted on December 30, 1986 by the Village of Manteno.
(63) If the ordinance was adopted on April 3, 1989 by the City of Chicago Heights.
(64) If the ordinance was adopted on January 6, 1999 by the Village of Rosemont.
(65) If the ordinance was adopted on December 19, 2000 by the Village of Stone Park.

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(66) If the ordinance was adopted on December 22, 1986 by the City of DeKalb.
(67) If the ordinance was adopted on December 2, 1986 by the City of Aurora.
(68) If the ordinance was adopted on December 31, 1986 by the Village of Milan.
(69) If the ordinance was adopted on September 8, 1994 by the City of West Frankfort.
(70) If the ordinance was adopted on December 23, 1986 by the Village of Libertyville.
(71) If the ordinance was adopted on December 22, 1986 by the Village of Hoffman Estates.
(72) If the ordinance was adopted on September 17, 1986 by the Village of Sherman.
(73) If the ordinance was adopted on December 16, 1986 by the City of Macomb.
(74) If the ordinance was adopted on June 11, 2002 by the City of East Peoria to create the West Washington Street TIF.
(75) If the ordinance was adopted on June 11, 2002 by the City of East Peoria to create the Camp Street TIF.
(76) If the ordinance was adopted on August 7, 2000 by the City of Des Plaines.
(77) If the ordinance was adopted on December 22, 1986 by the City of Washington to create the Washington Square TIF #2.
(78) If the ordinance was adopted on December 29, 1986 by the City of Morris.
(79) If the ordinance was adopted on July 6, 1998 by the Village of Steeleville.
(80) If the ordinance was adopted on December 29, 1986 by the City of Pontiac to create TIF I (the Main St TIF).
(81) If the ordinance was adopted on December 29, 1986 by the City of Pontiac to create TIF II (the Interstate TIF).
(82) If the ordinance was adopted on November 6, 2002 by the City of Chicago to create the Madden/Wells TIF District.
(83) If the ordinance was adopted on November 4, 1998 by the City of Chicago to create the Roosevelt/Racine TIF District.
(84) If the ordinance was adopted on June 10, 1998 by the City of Chicago to create the Stony Island Commercial/Burnside Industrial Corridors TIF District.

New matter indicated by italics - deletions by strikeout
(85) If the ordinance was adopted on November 29, 1989 by the City of Chicago to create the Englewood Mall TIF District.

(86) If the ordinance was adopted on December 27, 1986 by the City of Mendota.

(87) If the ordinance was adopted on December 31, 1986 by the Village of Cahokia.

(88) If the ordinance was adopted on September 20, 1999 by the City of Belleville.

(89) If the ordinance was adopted on December 30, 1986 by the Village of Bellevue to create the Bellevue TIF District 1.

(90) If the ordinance was adopted on December 13, 1993 by the Village of Crete.

(91) If the ordinance was adopted on February 12, 2001 by the Village of Crete.

(92) If the ordinance was adopted on April 23, 2001 by the Village of Crete.

(93) If the ordinance was adopted on December 16, 1986 by the City of Champaign.

(94) If the ordinance was adopted on December 20, 1986 by the City of Charleston.

(95) If the ordinance was adopted on June 6, 1989 by the Village of Romeoville.

(96) If the ordinance was adopted on October 14, 1993 and amended on August 2, 2010 by the City of Venice.

(97) If the ordinance was adopted on June 1, 1994 by the City of Markham.

(98) If the ordinance was adopted on May 19, 1998 by the Village of Bensenville.

(99) If the ordinance was adopted on November 12, 1987 by the City of Dixon.

(100) If the ordinance was adopted on December 20, 1988 by the Village of Lansing.

(101) If the ordinance was adopted on October 27, 1998 by the City of Moline.

(102) If the ordinance was adopted on May 21, 1991 by the Village of Glenwood.

(103) If the ordinance was adopted on January 28, 1992 by the City of East Peoria.

New matter indicated by italics - deletions by strikeout
(104) If the ordinance was adopted on December 14, 1998 by the City of Carlyle.
(105) If the ordinance was adopted on May 17, 2000, as subsequently amended, by the City of Chicago to create the Midwest Redevelopment TIF District.
(106) If the ordinance was adopted on September 13, 1989 by the City of Chicago to create the Michigan/Cermak Area TIF District.
(107) If the ordinance was adopted on March 30, 1992 by the Village of Ohio.
(108) If the ordinance was adopted on July 6, 1998 by the Village of Orangeville.
(109) If the ordinance was adopted on December 16, 1997 by the Village of Germantown.
(110) If the ordinance was adopted on April 28, 2003 by Gibson City.
(111) If the ordinance was adopted on December 18, 1990 by the Village of Washington Park, but only after the Village of Washington Park becomes compliant with the reporting requirements under subsection (d) of Section 11-74.4-5, and after the State Comptroller's certification of such compliance.
(112) If the ordinance was adopted on February 28, 2000 by the City of Harvey.
(113) If the ordinance was adopted on January 11, 1991 by the City of Chicago to create the Read/Dunning TIF District.
(114) If the ordinance was adopted on July 24, 1991 by the City of Chicago to create the Sanitary and Ship Canal TIF District.
(115) If the ordinance was adopted on December 4, 2007 by the City of Naperville.
(116) If the ordinance was adopted on July 1, 2002 by the Village of Arlington Heights.
(117) If the ordinance was adopted on February 11, 1991 by the Village of Machesney Park.
(118) If the ordinance was adopted on December 29, 1993 by the City of Ottawa.
(119) If the ordinance was adopted on June 4, 1991 by the Village of Lansing.
(120) If the ordinance was adopted on February 10, 2004 by the Village of Fox Lake.

New matter indicated by italics - deletions by strikeout
If the ordinance was adopted on December 22, 1992 by the City of Fairfield.

(122) If the ordinance was adopted on February 10, 1992 by the City of Mt. Sterling.

(123) If the ordinance was adopted on March 15, 2004 by the City of Batavia.

(124) If the ordinance was adopted on March 18, 2002 by the Village of Lake Zurich.

(125) If the ordinance was adopted on September 23, 1997 by the City of Granite City.

(126) If the ordinance was adopted on May 8, 2013 by the Village of Rosemont to create the Higgins Road/River Road TIF District No. 6.

(127) If the ordinance was adopted on November 22, 1993 by the City of Arcola.

(128) If the ordinance was adopted on September 7, 2004 by the City of Arcola.

(129) If the ordinance was adopted on November 29, 1999 by the City of Paris.

(130) If the ordinance was adopted on September 20, 1994 by the City of Ottawa to create the U.S. Route 6 East Ottawa TIF.

(131) If the ordinance was adopted on May 2, 2002 by the Village of Crestwood.

(132) If the ordinance was adopted on June 11, 2002 by the City of Oak Forest.

(d) For redevelopment project areas for which bonds were issued before July 29, 1991, or for which contracts were entered into before June 1, 1988, in connection with a redevelopment project in the area within the State Sales Tax Boundary, the estimated dates of completion of the redevelopment project and retirement of obligations to finance redevelopment project costs (including refunding bonds under Section 11-74.4-7) may be extended by municipal ordinance to December 31, 2013. The termination procedures of subsection (b) of Section 11-74.4-8 are not required for these redevelopment project areas in 2009 but are required in 2013. The extension allowed by Public Act 87-1272 shall not apply to real property tax increment allocation financing under Section 11-74.4-8.

(e) Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more
than 35 years for redevelopment project areas that were adopted on or after December 16, 1986 and for which at least $8 million worth of municipal bonds were authorized on or after December 19, 1989 but before January 1, 1990; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

(f) Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were established on or after December 1, 1981 but before January 1, 1982 and for which at least $1,500,000 worth of tax increment revenue bonds were authorized on or after September 30, 1990 but before July 1, 1991; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

(g) In consolidating the material relating to completion dates from Sections 11-74.4-3 and 11-74.4-7 into this Section, it is not the intent of the General Assembly to make any substantive change in the law, except for the extension of the completion dates for the City of Aurora, the Village of Milan, the City of West Frankfort, the Village of Libertyville, and the Village of Hoffman Estates set forth under items (67), (68), (69), (70), and (71) of subsection (c) of this Section.

(Source: P.A. 98-109, eff. 7-25-13; 98-135, eff. 8-2-13; 98-230, eff. 8-9-13; 98-463, eff. 8-16-13; 98-614, eff. 12-27-13; 98-667, eff. 6-25-14; 98-889, eff. 8-15-14; 98-893, eff. 8-15-14; 98-1064, eff. 8-26-14; 98-1136, eff. 12-29-14; 98-1153, eff. 1-9-15; 98-1157, eff. 1-9-15; 98-1159, eff. 1-9-15; 99-78, eff. 7-20-15; 99-136, eff. 7-24-15; 99-263, eff. 8-4-15; 99-361, eff. 1-1-16; 99-394, eff. 8-18-15; revised 10-14-15.)

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

Approved June 24, 2016.
Effective June 24, 2016.
AN ACT concerning government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Finance Authority Act is amended by changing Sections 805-20, 830-30, 830-35, 830-45, and 830-55 and by adding Article 835 as follows:

(20 ILCS 3501/805-20)

Sec. 805-20. Powers and Duties; Industrial Project Insurance Program. The Authority has the power:

(a) to insure and make advance commitments to insure all or any part of the payments required on the bonds issued or a loan made to finance any environmental facility under the Illinois Environmental Facilities Financing Act or for any industrial project upon such terms and conditions as the Authority may prescribe in accordance with this Article. The insurance provided by the Authority shall be payable solely from the Fund created by Section 805-15 and shall not constitute a debt or pledge of the full faith and credit of the State, the Authority, or any political subdivision thereof;

(b) to enter into insurance contracts, letters of credit or any other agreements or contracts with financial institutions with respect to the Fund and any bonds or loans insured thereunder. Any such agreement or contract may contain terms and provisions necessary or desirable in connection with the program, subject to the requirements established by this Act, including without limitation terms and provisions relating to loan documentation, review and approval procedures, origination and servicing rights and responsibilities, default conditions, procedures and obligations with respect to insurance contracts made under this Act. The agreements or contracts may be executed on an individual, group or master contract basis with financial institutions;

(c) to charge reasonable fees to defray the cost of obtaining letters of credit or other similar documents, other than insurance contracts under paragraph (b). Any such fees shall be payable by such person, in such amounts and at such times as the Authority shall determine, and the amount of the fees need not be uniform among the various bonds or loans insured;

New matter indicated by italics - deletions by strikeout
(d) to fix insurance premiums for the insurance of payments under the provisions of this Article. Such premiums shall be computed as determined by the Authority. Any premiums for the insurance of loan payments under the provisions of this Act shall be payable by such person, in such amounts and at such times as the Authority shall determine, and the amount of the premiums need not be uniform among the various bonds or loans insured;

(e) to establish application fees and prescribe application, notification, contract and insurance forms, rules and regulations it deems necessary or appropriate;

(f) to make loans and to issue bonds secured by insurance or other agreements authorized by paragraphs (a) and (b) of this Section 805-20 and to issue bonds secured by loans that are guaranteed by the federal government or agencies thereof;

(g) to issue a single bond issue, or a series of bond issues, for a group of industrial projects, a group of corporations, or a group of business entities or any combination thereof insured by insurance or backed by any other agreement authorized by paragraphs (a) and (b) of this Section or secured by loans that are guaranteed by the federal government or agencies thereof;

(h) to enter into trust agreements for the management of the Fund created under Section 805-15 of this Act;

(i) to exercise such other powers as are necessary or incidental to the powers granted in this Section and to the issuance of State Guarantees under Article 830 of this Act; and

(j) at the discretion of the Authority, to insure and make advance commitments to insure, and issue State Guarantees for, all or any part of the payments required on the bonds issued or loans made to finance any agricultural facility, project, farmer, producer, agribusiness, qualified veteran-owned small business, or program under Article 830 or Article 835 of this Act upon such terms and conditions as the Authority may prescribe in accordance with this Article. The insurance and State Guarantees provided by the Authority may be payable from the Fund created by Section 805-15 and is in addition to and not in replacement of the Illinois Agricultural Loan Guarantee Fund and the Illinois Farmer and Agribusiness Loan Guarantee Fund created under Article 830 of this Act.

(Source: P.A. 96-897, eff. 5-24-10; 97-333, eff. 8-12-11.)

(20 ILCS 3501/830-30)

Sec. 830-30. State Guarantees for existing debt.

New matter indicated by italics - deletions by strikeout
(a) The Authority is authorized to issue State Guarantees for farmers' existing debts held by a lender. For the purposes of this Section, a farmer shall be a resident of Illinois, who is a principal operator of a farm or land, at least 50% of whose annual gross income is derived from farming and whose debt to asset ratio shall not be less than 40%, except in those cases where the applicant has previously used the guarantee program there shall be no debt to asset ratio or income restriction. For the purposes of this Section, debt to asset ratio shall mean the current outstanding liabilities of the farmer divided by the current outstanding assets of the farmer. The Authority shall establish the maximum permissible debt to asset ratio based on criteria established by the Authority. Lenders shall apply for the State Guarantees on forms provided by the Authority and certify that the application and any other documents submitted are true and correct. The lender or borrower, or both in combination, shall pay an administrative fee as determined by the Authority. The applicant shall be responsible for paying any fees or charges involved in recording mortgages, releases, financing statements, insurance for secondary market issues and any other similar fees or charges as the Authority may require. The application shall at a minimum contain the farmer's name, address, present credit and financial information, including cash flow statements, financial statements, balance sheets, and any other information pertinent to the application, and the collateral to be used to secure the State Guarantee. In addition, the lender must agree to bring the farmer's debt to a current status at the time the State Guarantee is provided and must also agree to charge a fixed or adjustable interest rate which the Authority determines to be below the market rate of interest generally available to the borrower. If both the lender and applicant agree, the interest rate on the State Guarantee Loan can be converted to a fixed interest rate at any time during the term of the loan. Any State Guarantees provided under this Section (i) shall not exceed $500,000 per farmer, (ii) shall be set up on a payment schedule not to exceed 30 years, and shall be no longer than 30 years in duration, and (iii) shall be subject to an annual review and renewal by the lender and the Authority; provided that only one such State Guarantee shall be outstanding per farmer at any one time. No State Guarantee shall be revoked by the Authority without a 90-day notice, in writing, to all parties. In those cases where the borrower has not previously used the guarantee program, the lender shall not call due any loan during the first 3 years for any reason except for lack of performance or insufficient collateral. The lender can review and withdraw or continue with the State Guarantee on

New matter indicated by italics - deletions by strikeout
an annual basis after the first 3 years of the loan, provided a 90-day notice, in writing, to all parties has been given.

(b) The Authority shall provide or renew a State Guarantee to a lender if:

(i) A fee equal to 25 basis points on the loan is paid to the Authority on an annual basis by the lender.

(ii) The application provides collateral acceptable to the Authority that is at least equal to the State's portion of the Guarantee to be provided.

(iii) The lender assumes all responsibility and costs for pursuing legal action on collecting any loan that is delinquent or in default.

(iv) The lender is responsible for the first 15% of the outstanding principal of the note for which the State Guarantee has been applied.

(c) There is hereby created outside of the State treasury a special fund to be known as the Illinois Agricultural Loan Guarantee Fund. The State Treasurer shall be custodian of this Fund. Any amounts in the Illinois Agricultural Loan Guarantee Fund not currently needed to meet the obligations of the Fund shall be invested as provided by law, and all interest earned from these investments shall be deposited into the Fund until the Fund reaches the maximum amount authorized in this Act; thereafter, interest earned shall be deposited into the General Revenue Fund. After September 1, 1989, annual investment earnings equal to 1.5% of the Fund shall remain in the Fund to be used for the purposes established in Section 830-40 of this Act. The Authority is authorized to transfer to the Fund such amounts as are necessary to satisfy claims during the duration of the State Guarantee program to secure State Guarantees issued under this Section, provided that amounts to be paid from the Industrial Project Insurance Fund created under Article 805 of this Act may be paid by the Authority directly to satisfy claims and need not be deposited first into the Illinois Agricultural Loan Guarantee Fund. If for any reason the General Assembly fails to make an appropriation sufficient to meet these obligations, this Act shall constitute an irrevocable and continuing appropriation of an amount necessary to secure guarantees as defaults occur and the irrevocable and continuing authority for, and direction to, the State Treasurer and the Comptroller to make the necessary transfers to the Illinois Agricultural Loan Guarantee Fund, as directed by the Governor, out of the General Revenue Fund. Within 30 days after

New matter indicated by italics - deletions by strikeout
November 15, 1985, the Authority may transfer up to $7,000,000 from available appropriations into the Illinois Agricultural Loan Guarantee Fund for the purposes of this Act. Thereafter, the Authority may transfer additional amounts into the Illinois Agricultural Loan Guarantee Fund to secure guarantees for defaults as defaults occur. In the event of default by the farmer, the lender shall be entitled to, and the Authority shall direct payment on, the State Guarantee after 90 days of delinquency. All payments by the Authority shall be made from the Illinois Agricultural Loan Guarantee Fund to satisfy claims against the State Guarantee shall be made, in whole or in part, from any of the following funds in such order and in such amounts as the Authority shall determine: (1) the Industrial Project Insurance Fund created under Article 805 of this Act (if the Authority exercises its discretion under subsection (j) of Section 805-20); (2) the Illinois Agricultural Loan Guarantee Fund; or (3) the Illinois Farmer and Agribusiness Loan Guarantee Fund. The Illinois Agricultural Loan Guarantee Fund shall guarantee receipt of payment of the 85% of the principal and interest owed on the State Guarantee Loan by the farmer to the guarantee holder, provided that payments by the Authority to satisfy claims against the State Guarantee shall be made in accordance with the preceding sentence. It shall be the responsibility of the lender to proceed with the collecting and disposing of collateral on the State Guarantee under this Section, Section 830-35, Section 830-45, Section 830-50, Section 830-55, or Article 835 within 14 months of the time the State Guarantee is declared delinquent; provided, however, that the lender shall not collect or dispose of collateral on the State Guarantee without the express written prior approval of the Authority. If the lender does not dispose of the collateral within 14 months, the lender shall be liable to repay to the State interest on the State Guarantee equal to the same rate which the lender charges on the State Guarantee; provided, however, that the Authority may extend the 14-month period for a lender in the case of bankruptcy or extenuating circumstances. The Fund from which a payment is made shall be reimbursed for any amounts paid from that Fund under this Section, Section 830-35, Section 830-45, Section 830-50, Section 830-55, or Article 835 upon liquidation of the collateral. The Authority, by resolution of the Board, may borrow sums from the Fund and provide for repayment as soon as may be practical upon receipt of payments of principal and interest by a farmer. Money may be borrowed from the Fund by the Authority for the sole purpose of paying certain interest costs for farmers associated with selling a loan subject to a State Guarantee in a

New matter indicated by italics - deletions by strikeout
secondary market as may be deemed reasonable and necessary by the Authority.

(d) Notwithstanding the provisions of this Section 830-30 with respect to the farmers and lenders who may obtain State Guarantees, the Authority may promulgate rules establishing the eligibility of farmers and lenders to participate in the State guarantee program and the terms, standards, and procedures that will apply, when the Authority finds that emergency conditions in Illinois agriculture have created the need for State Guarantees pursuant to terms, standards, and procedures other than those specified in this Section.

(Source: P.A. 93-205, eff. 1-1-04.)

(20 ILCS 3501/830-35)
Sec. 830-35. State Guarantees for loans to farmers and agribusiness; eligibility.

(a) The Authority is authorized to issue State Guarantees to lenders for loans to eligible farmers and agribusinesses for purposes set forth in this Section. For purposes of this Section, an eligible farmer shall be a resident of Illinois (i) who is principal operator of a farm or land, at least 50% of whose annual gross income is derived from farming, (ii) whose annual total sales of agricultural products, commodities, or livestock exceeds $20,000, and (iii) whose net worth does not exceed $500,000. An eligible agribusiness shall be that as defined in Section 801-10 of this Act. The Authority may approve applications by farmers and agribusinesses that promote diversification of the farm economy of this State through the growth and development of new crops or livestock not customarily grown or produced in this State or that emphasize a vertical integration of grain or livestock produced or raised in this State into a finished agricultural product for consumption or use. "New crops or livestock not customarily grown or produced in this State" shall not include corn, soybeans, wheat, swine, or beef or dairy cattle. "Vertical integration of grain or livestock produced or raised in this State" shall include any new or existing grain or livestock grown or produced in this State. Lenders shall apply for the State Guarantees on forms provided by the Authority, certify that the application and any other documents submitted are true and correct, and pay an administrative fee as determined by the Authority. The applicant shall be responsible for paying any fees or charges involved in recording mortgages, releases, financing statements, insurance for secondary market issues and any other similar fees or charges as the Authority may require. The application shall at a minimum contain the farmer's or agribusiness'
name, address, present credit and financial information, including cash flow statements, financial statements, balance sheets, and any other information pertinent to the application, and the collateral to be used to secure the State Guarantee. In addition, the lender must agree to charge an interest rate, which may vary, on the loan that the Authority determines to be below the market rate of interest generally available to the borrower. If both the lender and applicant agree, the interest rate on the State Guarantee Loan can be converted to a fixed interest rate at any time during the term of the loan. Any State Guarantees provided under this Section (i) shall not exceed $500,000 per farmer or an amount as determined by the Authority on a case-by-case basis for an agribusiness, (ii) shall not exceed a term of 15 years, and (iii) shall be subject to an annual review and renewal by the lender and the Authority; provided that only one such State Guarantee shall be made per farmer or agribusiness, except that additional State Guarantees may be made for purposes of expansion of projects financed in part by a previously issued State Guarantee. No State Guarantee shall be revoked by the Authority without a 90-day notice, in writing, to all parties. The lender shall not call due any loan for any reason except for lack of performance, insufficient collateral, or maturity. A lender may review and withdraw or continue with a State Guarantee on an annual basis after the first 5 years following closing of the loan application if the loan contract provides for an interest rate that shall not vary. A lender shall not withdraw a State Guarantee if the loan contract provides for an interest rate that may vary, except for reasons set forth herein.

(b) The Authority shall provide or renew a State Guarantee to a lender if:

(i) A fee equal to 25 basis points on the loan is paid to the Authority on an annual basis by the lender.

(ii) The application provides collateral acceptable to the Authority that is at least equal to the State's portion of the Guarantee to be provided.

(iii) The lender assumes all responsibility and costs for pursuing legal action on collecting any loan that is delinquent or in default.

(iv) The lender is responsible for the first 15% of the outstanding principal of the note for which the State Guarantee has been applied.

(c) There is hereby created outside of the State treasury a special fund to be known as the Illinois Farmer and Agribusiness Loan Guarantee

New matter indicated by italics - deletions by strikeout
Fund. The State Treasurer shall be custodian of this Fund. Any amounts in the Fund not currently needed to meet the obligations of the Fund shall be invested as provided by law, and all interest earned from these investments shall be deposited into the Fund until the Fund reaches the maximum amounts authorized in this Act; thereafter, interest earned shall be deposited into the General Revenue Fund. After September 1, 1989, annual investment earnings equal to 1.5% of the Fund shall remain in the Fund to be used for the purposes established in Section 830-40 of this Act. The Authority is authorized to transfer such amounts as are necessary to satisfy claims from available appropriations and from fund balances of the Farm Emergency Assistance Fund as of June 30 of each year to the Illinois Farmer and Agribusiness Loan Guarantee Fund to secure State Guarantees issued under this Section, and Sections 830-30, 830-45, 830-50, and 830-55, and Article 835 of this Act. Amounts to be paid from the Industrial Project Insurance Fund created under Article 805 of this Act may be paid by the Authority directly to satisfy claims and need not be deposited first into the Illinois Farmer and Agribusiness Loan Guarantee Fund. If for any reason the General Assembly fails to make an appropriation sufficient to meet these obligations, this Act shall constitute an irrevocable and continuing appropriation of an amount necessary to secure guarantees as defaults occur and the irrevocable and continuing authority for, and direction to, the State Treasurer and the Comptroller to make the necessary transfers to the Illinois Farmer and Agribusiness Loan Guarantee Fund, as directed by the Governor, out of the General Revenue Fund. In the event of default by the borrower on State Guarantee Loans under this Section, Section 830-45, Section 830-50, or Section 830-55, the lender shall be entitled to, and the Authority shall direct payment on, the State Guarantee after 90 days of delinquency. All payments by the Authority shall be made from the Illinois Farmer and Agribusiness Loan Guarantee Fund to satisfy claims against the State Guarantee shall be made, in whole or in part, from any of the following funds in such order and in such amounts as the Authority shall determine: (1) the Industrial Project Insurance Fund created under Article 805 of this Act (if the Authority exercises its discretion under subsection (j) of Section 805-20); (2) the Illinois Farmer and Agribusiness Loan Guarantee Fund; or (3) the Illinois Farmer and Agribusiness Loan Guarantee Fund. It shall be the responsibility of the lender to proceed with the collecting and disposing of collateral on the State Guarantee under this Section, Section 830-45, Section 830-50, or Section 830-55 within 14 months of the time the State Guarantee is

New matter indicated by italics - deletions by strikeout
declared delinquent. If the lender does not dispose of the collateral within 14 months, the lender shall be liable to repay to the State interest on the State Guarantee equal to the same rate that the lender charges on the State Guarantee, provided that the Authority shall have the authority to extend the 14-month period for a lender in the case of bankruptcy or extenuating circumstances. The Fund shall be reimbursed for any amounts paid under this Section, Section 830-30, Section 830-45, Section 830-50, or Section 830-55, or Article 835 upon liquidation of the collateral. The Authority, by resolution of the Board, may borrow sums from the Fund and provide for repayment as soon as may be practical upon receipt of payments of principal and interest by a borrower on State Guarantee Loans under this Section, Section 830-30, Section 830-45, Section 830-50, or Section 830-55, or Article 835. Money may be borrowed from the Fund by the Authority for the sole purpose of paying certain interest costs for borrowers associated with selling a loan subject to a State Guarantee under this Section, Section 830-30, Section 830-45, Section 830-50, or Section 830-55, or Article 835 in a secondary market as may be deemed reasonable and necessary by the Authority.

(d) Notwithstanding the provisions of this Section 830-35 with respect to the farmers, agribusinesses, and lenders who may obtain State Guarantees, the Authority may promulgate rules establishing the eligibility of farmers, agribusinesses, and lenders to participate in the State Guarantee program and the terms, standards, and procedures that will apply, when the Authority finds that emergency conditions in Illinois agriculture have created the need for State Guarantees pursuant to terms, standards, and procedures other than those specified in this Section.

(Source: P.A. 96-897, eff. 5-24-10.)

(20 ILCS 3501/830-45)

Sec. 830-45. Young Farmer Loan Guarantee Program.

(a) The Authority is authorized to issue State Guarantees to lenders for loans to finance or refinance debts of young farmers. For the purposes of this Section, a young farmer is a resident of Illinois who is at least 18 years of age and who is a principal operator of a farm or land, who derives at least 50% of annual gross income from farming, whose net worth is not less than $10,000 and whose debt to asset ratio is not less than 40%. For the purposes of this Section, debt to asset ratio means current outstanding liabilities, including any debt to be financed or refinanced under this Section 830-45, divided by current outstanding assets. The Authority shall establish the maximum permissible debt to asset ratio based on criteria.

New matter indicated by italics - deletions by strikeout
established by the Authority. Lenders shall apply for the State Guarantees on forms provided by the Authority and certify that the application and any other documents submitted are true and correct. The lender or borrower, or both in combination, shall pay an administrative fee as determined by the Authority. The applicant shall be responsible for paying any fee or charge involved in recording mortgages, releases, financing statements, insurance for secondary market issues, and any other similar fee or charge that the Authority may require. The application shall at a minimum contain the young farmer's name, address, present credit and financial information, including cash flow statements, financial statements, balance sheets, and any other information pertinent to the application, and the collateral to be used to secure the State Guarantee. In addition, the borrower must certify to the Authority that, at the time the State Guarantee is provided, the borrower will not be delinquent in the repayment of any debt. The lender must agree to charge a fixed or adjustable interest rate that the Authority determines to be below the market rate of interest generally available to the borrower. If both the lender and applicant agree, the interest rate on the State guaranteed loan can be converted to a fixed interest rate at any time during the term of the loan. State Guarantees provided under this Section (i) shall not exceed $500,000 per young farmer, (ii) shall be set up on a payment schedule not to exceed 30 years, but shall be no longer than 15 years in duration, and (iii) shall be subject to an annual review and renewal by the lender and the Authority. A young farmer may use this program more than once provided the aggregate principal amount of State Guarantees under this Section to that young farmer does not exceed $500,000. No State Guarantee shall be revoked by the Authority without a 90-day notice, in writing, to all parties.

(b) The Authority shall provide or renew a State Guarantee to a lender if:

(i) The lender pays a fee equal to 25 basis points on the loan to the Authority on an annual basis.

(ii) The application provides collateral acceptable to the Authority that is at least equal to the State Guarantee.

(iii) The lender assumes all responsibility and costs for pursuing legal action on collecting any loan that is delinquent or in default.

(iv) The lender is at risk for the first 15% of the outstanding principal of the note for which the State Guarantee is provided.

New matter indicated by italics - deletions by strikeout
(c) The Illinois Agricultural Loan Guarantee Fund, and the Illinois Farmer and Agribusiness Loan Guarantee Fund, and the Industrial Project Insurance Fund, may be used to secure State Guarantees issued under this Section as provided in Section 830-30, and Section 830-35, and subsection (j) of Section 805-20, respectively. All payments by the Authority to satisfy claims against the State Guarantee shall be made, in whole or in part, from any of the following funds in such order and in such amounts as the Authority shall determine: (1) the Industrial Project Insurance Fund (if the Authority exercises its discretion under subsection (j) of Section 805-20); (2) the Illinois Agricultural Loan Guarantee Fund; or (3) the Illinois Farmer and Agribusiness Loan Guarantee Fund.

(d) Notwithstanding the provisions of this Section 830-45 with respect to the young farmers and lenders who may obtain State Guarantees, the Authority may promulgate rules establishing the eligibility of young farmers and lenders to participate in the State Guarantee program and the terms, standards, and procedures that will apply, when the Authority finds that emergency conditions in Illinois agriculture have created the need for State Guarantees pursuant to terms, standards, and procedures other than those specified in this Section.

(Source: P.A. 96-897, eff. 5-24-10.)

(20 ILCS 3501/830-55)

Sec. 830-55. Working Capital Loan Guarantee Program.

(a) The Authority is authorized to issue State Guarantees to lenders for loans to finance needed input costs related to and in connection with planting and raising agricultural crops and commodities in Illinois. Eligible input costs include, but are not limited to, fertilizer, chemicals, feed, seed, fuel, parts, and repairs. At the discretion of the Authority, the farmer, producer, or agribusiness must be able to provide the originating lender with a first lien on the proposed crop or commodity to be raised and an assignment of Federal Crop Insurance sufficient to secure the Working Capital Loan. Additional collateral may be required as deemed necessary by the lender and the Authority.

For the purposes of this Section, an eligible farmer, producer, or agribusiness is a resident of Illinois who is at least 18 years of age and who is a principal operator of a farm or land, who derives at least 50% of annual gross income from farming, and whose debt to asset ratio is not less than 40%. For the purposes of this Section, debt to asset ratio means current outstanding liabilities, including any debt to be financed or refinanced under this Section 830-55, divided by current outstanding

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assets. The Authority shall establish the maximum permissible debt to asset ratio based on criteria established by the Authority. Lenders shall apply for the State Guarantees on forms provided by the Authority and certify that the application and any other documents submitted are true and correct. The lender or borrower, or both in combination, shall pay an administrative fee as determined by the Authority. The applicant shall be responsible for paying any fee or charge involved in recording mortgages, releases, financing statements, insurance for secondary market issues, and any other similar fee or charge that the Authority may require. The application shall at a minimum contain the borrower's name, address, present credit and financial information, including cash flow statements, financial statements, balance sheets, and any other information pertinent to the application, and the collateral to be used to secure the State Guarantee. In addition, the borrower must certify to the Authority that, at the time the State Guarantee is provided, the borrower will not be delinquent in the repayment of any debt. The lender must agree to charge a fixed or adjustable interest rate that the Authority determines to be below the market rate of interest generally available to the borrower. If both the lender and applicant agree, the interest rate on the State guaranteed loan can be converted to a fixed interest rate at any time during the term of the loan. State Guarantees provided under this Section (i) shall not exceed $250,000 per borrower, (ii) shall be repaid annually, and (iii) shall be subject to an annual review and renewal by the lender and the Authority. The State Guarantee may be renewed annually, for a period not to exceed 3 total years per State Guarantee, if the borrower meets financial criteria and other conditions, as established by the Authority. A farmer or agribusiness may use this program more than once provided the aggregate principal amount of State Guarantees under this Section to that farmer or agribusiness does not exceed $250,000 annually. No State Guarantee shall be revoked by the Authority without a 90-day notice, in writing, to all parties.

(b) The Authority shall provide a State Guarantee to a lender if:

(i) The borrower pays to the Authority a fee equal to 100 basis points on the loan.

(ii) The application provides collateral acceptable to the Authority that is at least equal to the State Guarantee.

(iii) The lender assumes all responsibility and costs for pursuing legal action on collecting any loan that is delinquent or in default.

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(iv) The lender is at risk for the first 15% of the outstanding principal of the note for which the State Guarantee is provided.

(c) The Illinois Agricultural Loan Guarantee Fund, and the Illinois Farmer and Agribusiness Loan Guarantee Fund, and the Industrial Project Insurance Fund may be used to secure State Guarantees issued under this Section as provided in Section 830-30, and Section 830-35, and subsection (j) of Section 805-20, respectively. If the Authority exercises its discretion under subsection (j) of Section 805-20 to secure a State Guarantee with the Industrial Project Insurance Fund and also exercises its discretion under this subsection to secure the same State Guarantee with the Illinois Agricultural Loan Guarantee Fund, the Illinois Farmer and Agribusiness Loan Guarantee Fund, or both, all payments by the Authority to satisfy claims against the State Guarantee shall be made from the Industrial Project Insurance Fund, the Illinois Agricultural Loan Guarantee Fund, or the Illinois Farmer and Agribusiness Loan Guarantee Fund, as applicable, in such order and in such amounts as the Authority shall determine.

(d) Notwithstanding the provisions of this Section 830-55 with respect to the borrowers and lenders who may obtain State Guarantees, the Authority may promulgate rules establishing the eligibility of borrowers and lenders to participate in the State Guarantee program and the terms, standards, and procedures that will apply, when the Authority finds that emergency conditions in Illinois agriculture have created the need for State Guarantees pursuant to terms, standards, and procedures other than those specified in this Section.

(20 ILCS 3501/Art. 835 heading new)

ARTICLE 835. VETERANS ASSISTANCE

(20 ILCS 3501/835-5 new)

Sec. 835-5. Legislative findings. The General Assembly hereby finds and declares the following: (i) that there is an inadequate supply of funds available in this State at rates sufficiently low to enable veterans to own and operate small businesses successfully in this State; (ii) such an inadequate supply of funds makes the transition of veterans from service in the armed forces of the United States to civilian life more difficult and results in increased unemployment of veterans and its attendant problems; (iii) that there have been recurrent shortages of funds available to small businesses owned and operated by veterans in this State from private market sources at reasonable interest rates; and (iv) that the ordinary

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operations of private enterprise have not in the past corrected these conditions.

(20 ILCS 3501/835-10 new)

Sec. 835-10. Definitions. As used or referred to in this Article 835, the following words and terms shall have the following meanings, except where the context clearly requires otherwise:

"Fund" means one or more of the Industrial Project Insurance Fund, the Illinois Agricultural Loan Guarantee Fund, or the Illinois Farmer and Agribusiness Loan Guarantee Fund, as applicable.

"Illinois Agricultural Loan Guarantee Fund" means the Illinois Agricultural Loan Guarantee Fund created under Section 830-30(c) of this Act.

"Illinois Farmer and Agribusiness Loan Guarantee Fund" means the Illinois Farmer and Agribusiness Loan Guarantee Fund created under Section 830-35(c) of this Act.

"Industrial Project Insurance Fund" means the Industrial Project Insurance Fund created under Section 805-15 of this Act.

"Qualified veteran-owned small business" has the meaning provided in subsection (e) of Section 45-57 of the Illinois Procurement Code.

(20 ILCS 3501/835-15 new)

Sec. 835-15. Powers and duties. The Authority may enter into a State Guarantee with a lender, or a person holding a note, of a loan or loans to a qualified veteran-owned small business and may make payment, in whole or in part, on a State Guarantee from any of the following funds in such order and in such amounts as the Authority shall determine: (1) the Industrial Project Insurance Fund (if the Authority exercises its discretion under subsection (j) of Section 805-20); (2) the Illinois Agricultural Loan Guarantee Fund; or (3) the Illinois Farmer and Agribusiness Loan Guarantee Fund.

(20 ILCS 3501/835-20 new)

Sec. 835-20. State Guarantees for loans to qualified veteran-owned small businesses.

(a) The Authority is authorized to issue State Guarantees to lenders for loans to qualified veteran-owned small businesses for the general corporate purposes of those qualified veteran-owned small businesses. Lenders shall apply for the State Guarantees on forms provided by the Authority, certify that the application and any other documents submitted are true and correct, and pay an administrative fee

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as determined by the Authority. The applicant shall be responsible for paying any fees or charges involved in recording mortgages, releases, and financing statements, and any other similar fees or charges as the Authority may require. The application shall, at a minimum, contain the name, address, present credit and financial information, including cash flow statements, financial statements, and balance sheets, of the qualified veteran-owned small business, any other information pertinent to the application, and the collateral to be used to secure the State Guarantee.

In addition, the lender must agree to charge an interest rate, which may vary, on the loan that the Authority determines to be below the market rate of interest generally available to the borrower. If both the lender and applicant agree, the interest rate on the loan subject to a State Guarantee can be converted to a fixed interest rate at any time during the term of the loan. Any State Guarantees provided under this Section shall (i) not exceed $500,000 per qualified veteran-owned small business, (ii) not exceed a term of 15 years, and (iii) be subject to an annual review and renewal by the lender and the Authority; provided that only one such State Guarantee shall be made per qualified veteran-owned small business, except that additional State Guarantees may be made for purposes of expansion of projects financed in part by a previously issued State Guarantee. No State Guarantee shall be revoked by the Authority without a 90-day notice, in writing, to all parties. The lender shall not call due any loan for any reason except for lack of performance, insufficient collateral, or maturity. A lender may review and withdraw or continue with a State Guarantee on an annual basis after the first 5 years following closing of the loan application if the loan contract provides for an interest rate that does not vary. A lender shall not withdraw a State Guarantee if the loan contract provides for an interest rate that may vary, except for reasons set forth in this Section.

(b) The Authority shall provide or renew a State Guarantee to a lender if:

(1) a fee equal to 25 basis points on the loan is paid to the Authority on an annual basis by the lender;

(2) the application provides collateral acceptable to the Authority that is at least equal to the State's portion of the Guarantee to be provided;

(3) the lender assumes all responsibility and costs for pursuing legal action on collecting any loan that is delinquent or in default; and

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(4) the lender is responsible for the first 15% of the outstanding principal of the note for which the State Guarantee has been applied.

(c) If, for any reason, the General Assembly fails to make an appropriation sufficient to meet the obligations under a State Guarantee, this Act shall constitute an irrevocable and continuing appropriation of an amount necessary to secure guarantees as defaults occur and the irrevocable and continuing authority for, and direction to, the State Treasurer and the Comptroller to make the necessary transfers to the Industrial Project Insurance Fund, the Illinois Agricultural Loan Guarantee Fund, or the Illinois Farmer and Agribusiness Loan Guarantee Fund, or any combination of those funds, as directed by the Governor, out of the General Revenue Fund. In the event of a default by the borrower on a loan subject to a State Guarantee under this Section, Section 830-30, Section 830-35, Section 830-45, Section 830-50, or Section 830–55, the lender shall be entitled to, and the Authority shall direct payment on, the State Guarantee after 90 days of delinquency. Payments by the Authority to satisfy claims against the State Guarantee shall be made, in whole or in part, from any of the following funds in such order and in such amounts as the Authority shall determine: (1) the Industrial Project Insurance Fund created under Article 805 of this Act (if the Authority exercises its discretion under subsection (j) of Section 805-20); (2) the Illinois Farmer and Agribusiness Loan Guarantee Fund; or (3) the Illinois Agricultural Loan Guarantee Fund. It shall be the responsibility of the lender to proceed with collecting and disposing of collateral on the State Guarantee under this Section within 14 months after the State Guarantee is declared delinquent. If the lender does not dispose of the collateral within that 14-month period, the lender shall be liable to repay to the State interest on the State Guarantee at a rate equal to the same rate that the lender charges on the State Guarantee, provided that the Authority shall have the authority to extend the 14-month period for a lender in the case of bankruptcy or extenuating circumstances. The applicable fund or funds shall be reimbursed for any amounts paid under this Section, Section 830-30, Section 830-35, Section 830-45, Section 830-50, or Section 830–55 upon liquidation of the collateral. The Authority, by resolution of the Board, may borrow sums from a fund or funds and provide for repayment as soon as may be practical upon receipt of payments of principal and interest by a borrower on loans subject to a State Guarantee under this Section, Section 830-30, Section 830-35, Section 830-45, Section 830-50,
or Section 830-55. Money may be borrowed from the Fund by the Authority for the sole purpose of paying certain interest costs for borrowers associated with selling a loan subject to a State Guarantee under this Section, Section 830–30, Section 830–35, Section 830–45, Section 830–50, or Section 830–55 in a secondary market as may be deemed reasonable and necessary by the Authority.

(d) Notwithstanding the provisions of this Section with respect to the qualified veteran-owned small businesses and lenders who may obtain State Guarantees, the Authority may adopt rules establishing the eligibility of qualified veteran-owned small businesses and lenders to participate in the State Guarantee program and the terms, standards, and procedures that will apply, if the Authority finds that emergency conditions in Illinois have created the need for State Guarantees pursuant to terms, standards, and procedures other than those specified in this Section.

(20 ILCS 3501/835-25 new)

Sec. 835-25. Authority administrative expenses. For fiscal years 2017 through 2019, the Authority is authorized to reimburse itself for the ordinary and necessary expenses of administering the State Guarantee program under this Article from amounts from time to time available in the Industrial Project Insurance Fund in amounts not to exceed: (1) $275,000 in fiscal year 2017; and (2) $200,000 per fiscal year in fiscal years 2018 and 2019. Ordinary and necessary expenses of administering those State Guarantee programs include, without limitation, costs of general administration, staff, accounting and auditing services, legal services, judgments, loan servicing, realization upon collateral, communications with borrowers and lenders, and similar expenses, all to the extent reasonably allocable to such State Guarantee programs.

This Section is repealed on August 1, 2019.

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

Approved June 24, 2016.
Effective June 24, 2016.
AN ACT concerning local government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Metropolitan Water Reclamation District Act is amended by changing Section 308 and adding Section 309 as follows:

(70 ILCS 2605/308)

Sec. 308. District enlarged. Upon August 3, 2015 (the effective date of Public Act 99-231) this amendatory Act of the 99th General Assembly, the corporate limits of the Metropolitan Water Reclamation District of Greater Chicago are extended to include within those corporate limits the following described tracts of land and the tracts are hereby annexed to the District:

Parcel 1:

THAT PART OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 28, TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF THE EAST RIGHT OF WAY LINE OF ELGIN, JOLIET AND EASTERN RAILROAD, IN COOK COUNTY, ILLINOIS.

Parcel 2:

THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT THEREFROM STRIP OFF THE WEST END THEREOF CONVEYED TO JERMIAH H. BROWNING BY DEED RECORDED SEPTEMBER 15TH 1859, AS DOCUMENT 23078 IN BOOK 162, PAGE 619, SAID STRIP BEING THIRTY FOUR AND ONE HALF FEET WIDE AT NORTH END FORTY TWO FEET WIDE AT SOUTH END) IN COOK COUNTY, ILLINOIS.

(Source: P.A. 99-231, eff. 8-3-15.)

(70 ILCS 2605/309 new)

Sec. 309. District enlarged. Upon the effective date of this amendatory Act of the 99th General Assembly, the corporate limits of the Metropolitan Water Reclamation District of Greater Chicago are extended to include within those corporate limits the following described tract of land and the tract is hereby annexed to the District:

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THAT PART OF HIGGINS ROAD (ILLINOIS ROUTE 72) LYING WITHIN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33 AND THE NORTHEAST QUARTER OF SECTION 32, ALL IN TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, EAST OF THE EAST RIGHT OF WAY LINE OF ELGIN, JOLIET AND EASTERN RAILWAY, SOUTH OF THE NORTHERLY RIGHT OF WAY LINE OF STATE ROUTE 72 PER DOCUMENT 12059405 AND AS SHOWN ON PLAT OF SURVEY RECORDED AS DOCUMENT 12647596 AND NORTH OF THE FOLLOWING DESCRIBED PROPERTY: STARTING AT A POINT AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE NORTH 00 DEGREES 09 MINUTES 10 SECONDS WEST, ALONG THE EAST LINE OF AFORESAID NORTHWEST QUARTER, 1769.41 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF HIGGINS ROAD (STATE ROUTE 72); THENCE NORTHWEST ALONG THE SOUTH RIGHT-OF-WAY LINE OF HIGGINS ROAD, NORTH 69 DEGREES 18 MINUTES 06 SECONDS WEST, 1821.21 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF ELGIN, JOLIET AND EASTERN RAILWAY; THENCE SOUTH 10 DEGREES 55 MINUTES 12 SECONDS WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE, 1122.49 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 32; THENCE SOUTH 89 DEGREES 57 MINUTES 40 SECONDS EAST, 695.32 FEET; THENCE SOUTH 01 DEGREES 01 MINUTES 09 SECONDS WEST, 280.10 FEET; THENCE SOUTH 02 DEGREES 21 MINUTES 40 SECONDS WEST, 1036.29 FEET TO THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 42 NORTH, RANGE 9 EAST; THENCE SOUTH 89 DEGREES 46 MINUTES 32 SECONDS WEST ALONG AFORESAID NORTH LINE, 901.63 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF ELGIN, JOLIET AND EASTERN RIGHT-OF-WAY; THENCE SOUTH 10 DEGREES 55 MINUTES 12 SECONDS WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE, 1387.00 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF THE NORTHWEST

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TOLLWAY (I-90); THENCE SOUTH 89 DEGREES 30 MINUTES 55 SECONDS EAST, 81.72 FEET; THENCE CONTINUING NORTH 89 DEGREES 54 MINUTES 53 SECONDS EAST ALONG AFORESAID NORTHERLY RIGHT-OF-WAY LINE, 1514.13 FEET; THENCE NORTH 74 DEGREES 11 MINUTES 48 SECONDS EAST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 471.85 FEET; THENCE NORTH 50 DEGREES 25 MINUTES 36 SECONDS EAST ALONG AFORESAID NORTHERLY RIGHT-OF-WAY, 501.95 FEET TO THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF AFORESAID SECTION 33; THENCE NORTH 00 DEGREES 04 MINUTES 16 SECONDS EAST ALONG SAID EAST LINE, 932.35 FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY ILLINOIS.

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

Passed in the General Assembly April 13, 2016.
Approved June 24, 2016.
Effective June 24, 2016.

PUBLIC ACT 99-0511
(Senate Bill No. 0637)

AN ACT concerning transportation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Identification Card Act is amended by changing Sections 2, 5, and 8 as follows:

(15 ILCS 335/2) (from Ch. 124, par. 22)

Sec. 2. Administration and powers and duties of the Administrator.

(a) The Secretary of State is the Administrator of this Act, and he is charged with the duty of observing, administering and enforcing the provisions of this Act.

(b) The Secretary is vested with the powers and duties for the proper administration of this Act as follows:

1. He shall organize the administration of this Act as he may deem necessary and appoint such subordinate officers, clerks and other employees as may be necessary.

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2. From time to time, he may make, amend or rescind rules and regulations as may be in the public interest to implement the Act.

3. He may prescribe or provide suitable forms as necessary, including such forms as are necessary to establish that an applicant for an Illinois Person with a Disability Identification Card is a "person with a disability" as defined in Section 4A of this Act, and establish that an applicant for a State identification card is a "homeless person" as defined in Section 1A of this Act.

4. He may prepare under the seal of the Secretary of State certified copies of any records utilized under this Act and any such certified copy shall be admissible in any proceeding in any court in like manner as the original thereof.

5. Records compiled under this Act shall be maintained for 6 years, but the Secretary may destroy such records with the prior approval of the State Records Commission.

6. He shall examine and determine the genuineness, regularity and legality of every application filed with him under this Act, and he may in all cases investigate the same, require additional information or proof or documentation from any applicant.

7. He shall require the payment of all fees prescribed in this Act, and all such fees received by him shall be placed in the Road Fund of the State treasury except as otherwise provided in Section 12 of this Act. Whenever any application to the Secretary for an identification card under this Act is accompanied by any fee, as required by law, and the application is denied after a review of eligibility, which may include facial recognition comparison, the applicant shall not be entitled to a refund of any fees paid.

8. Beginning July 1, 2017, he shall refuse to issue any identification card under this Act to any person who has been issued a driver's license under the Illinois Vehicle Code. Any such person may, at his or her discretion, surrender the driver's license in order to become eligible to obtain an identification card.

(Source: P.A. 99-143, eff. 7-27-15; 99-305, eff. 1-1-16; revised 10-14-15.)

(15 ILCS 335/5) (from Ch. 124, par. 25)
Sec. 5. Applications.
(a) Any natural person who is a resident of the State of Illinois may file an application for an identification card, or for the renewal thereof, in a

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manner prescribed by the Secretary. Each original application shall be completed by the applicant in full and shall set forth the legal name, residence address and zip code, social security number, birth date, sex and a brief description of the applicant. The applicant shall be photographed, unless the Secretary of State has provided by rule for the issuance of identification cards without photographs and the applicant is deemed eligible for an identification card without a photograph under the terms and conditions imposed by the Secretary of State, and he or she shall also submit any other information as the Secretary may deem necessary or such documentation as the Secretary may require to determine the identity of the applicant. In addition to the residence address, the Secretary may allow the applicant to provide a mailing address. If the applicant is a judicial officer as defined in Section 1-10 of the Judicial Privacy Act or a peace officer, the applicant may elect to have his or her office or work address in lieu of the applicant's residence or mailing address. An applicant for an Illinois Person with a Disability Identification Card must also submit with each original or renewal application, on forms prescribed by the Secretary, such documentation as the Secretary may require, establishing that the applicant is a "person with a disability" as defined in Section 4A of this Act, and setting forth the applicant's type and class of disability as set forth in Section 4A of this Act. For the purposes of this subsection (a), "peace officer" means any person who by virtue of his or her office or public employment is vested by law with a duty to maintain public order or to make arrests for a violation of any penal statute of this State, whether that duty extends to all violations or is limited to specific violations.

(b) Beginning on or before July 1, 2015, for each original or renewal identification card application under this Act, the Secretary shall inquire as to whether the applicant is a veteran for purposes of issuing an identification card with a veteran designation under subsection (c-5) of Section 4 of this Act. The acceptable forms of proof shall include, but are not limited to, Department of Defense form DD-214. The Secretary shall determine by rule what other forms of proof of a person's status as a veteran are acceptable.

The Illinois Department of Veterans' Affairs shall confirm the status of the applicant as an honorably discharged veteran before the Secretary may issue the identification card.

For purposes of this subsection (b):

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"Active duty" means active duty under an executive order of the President of the United States, an Act of the Congress of the United States, or an order of the Governor.

"Armed forces" means any of the Armed Forces of the United States, including a member of any reserve component or National Guard unit called to active duty.

"Veteran" means a person who has served on active duty in the armed forces and was discharged or separated under honorable conditions.

(c) Beginning July 1, 2017, all applicants for standard Illinois Identification Cards and Illinois Person with a Disability Identification Cards shall provide proof of lawful status in the United States as defined in 6 CFR 37.3, as amended. Applicants who are unable to provide the Secretary with proof of lawful status are ineligible for identification cards under this Act.

(Source: P.A. 97-371, eff. 1-1-12; 97-739, eff. 1-1-13; 97-847, eff. 1-1-13; 97-1064, eff. 1-1-13; 98-323, eff. 1-1-14; 98-463, eff. 8-16-13.)

(15 ILCS 335/8) (from Ch. 124, par. 28)

Sec. 8. Expiration.

(a) Except as otherwise provided in this Section:

(1) Every identification card issued hereunder, except to persons who have reached their 15th birthday, but are not yet 21 years of age, persons who are 65 years of age or older, and persons who are issued an Illinois Person with a Disability Identification Card, shall expire 5 years from the ensuing birthday of the applicant and a renewal shall expire 5 years thereafter.

(2) Every original or renewal identification card issued to a person who has reached his or her 15th birthday, but is not yet 21 years of age shall expire 3 months after the person's 21st birthday.

(b) Except as provided elsewhere in this Section, every original, renewal, or duplicate: (i) identification card issued prior to July 1, 2017, to a person who has reached his or her 65th birthday shall be permanent and need not be renewed; (ii) identification card issued on or after July 1, 2017, to a person who has reached his or her 65th birthday shall expire 8 years thereafter; (iii) Illinois Person with a Disability Identification Card issued prior to July 1, 2017, to a qualifying person shall expire 10 years thereafter; and (iv) Illinois Person with a Disability Identification Card issued on or after July 1, 2017, shall expire 8 years thereafter. The Secretary of State shall promulgate rules setting

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forth the conditions and criteria for the renewal of all Illinois Person with a Disability Identification Cards.

(c) Beginning July 1, 2016, every identification card or Illinois Person with a Disability Identification Card issued under this Act to an applicant who is not a United States citizen shall expire on whichever is the earlier date of the following:

(1) as provided under subsection (a) or (b) of this Section; or

(2) on the date the applicant's authorized stay in the United States terminates.

(Source: P.A. 99-305, eff. 1-1-16.)

Section 10. The Illinois Vehicle Code is amended by changing Sections 6-103 and 6-106 as follows:

(625 ILCS 5/6-103) (from Ch. 95 1/2, par. 6-103)

Sec. 6-103. What persons shall not be licensed as drivers or granted permits. The Secretary of State shall not issue, renew, or allow the retention of any driver's license nor issue any permit under this Code:

1. To any person, as a driver, who is under the age of 18 years except as provided in Section 6-107, and except that an instruction permit may be issued under Section 6-107.1 to a child who is not less than 15 years of age if the child is enrolled in an approved driver education course as defined in Section 1-103 of this Code and requires an instruction permit to participate therein, except that an instruction permit may be issued under the provisions of Section 6-107.1 to a child who is 17 years and 3 months of age without the child having enrolled in an approved driver education course and except that an instruction permit may be issued to a child who is at least 15 years and 3 months of age, is enrolled in school, meets the educational requirements of the Driver Education Act, and has passed examinations the Secretary of State in his or her discretion may prescribe;

1.5. To any person at least 18 years of age but less than 21 years of age unless the person has, in addition to any other requirements of this Code, successfully completed an adult driver education course as provided in Section 6-107.5 of this Code;

2. To any person who is under the age of 18 as an operator of a motorcycle other than a motor driven cycle unless the person has, in addition to meeting the provisions of Section 6-107 of this Code, successfully completed a motorcycle training course.
approved by the Illinois Department of Transportation and successfully completes the required Secretary of State's motorcycle driver's examination;

3. To any person, as a driver, whose driver's license or permit has been suspended, during the suspension, nor to any person whose driver's license or permit has been revoked, except as provided in Sections 6-205, 6-206, and 6-208;

4. To any person, as a driver, who is a user of alcohol or any other drug to a degree that renders the person incapable of safely driving a motor vehicle;

5. To any person, as a driver, who has previously been adjudged to be afflicted with or suffering from any mental or physical disability or disease and who has not at the time of application been restored to competency by the methods provided by law;

6. To any person, as a driver, who is required by the Secretary of State to submit an alcohol and drug evaluation or take an examination provided for in this Code unless the person has successfully passed the examination and submitted any required evaluation;

7. To any person who is required under the provisions of the laws of this State to deposit security or proof of financial responsibility and who has not deposited the security or proof;

8. To any person when the Secretary of State has good cause to believe that the person by reason of physical or mental disability would not be able to safely operate a motor vehicle upon the highways, unless the person shall furnish to the Secretary of State a verified written statement, acceptable to the Secretary of State, from a competent medical specialist, a licensed physician assistant, or a licensed advanced practice nurse, to the effect that the operation of a motor vehicle by the person would not be inimical to the public safety;

9. To any person, as a driver, who is 69 years of age or older, unless the person has successfully complied with the provisions of Section 6-109;

10. To any person convicted, within 12 months of application for a license, of any of the sexual offenses enumerated in paragraph 2 of subsection (b) of Section 6-205;

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11. To any person who is under the age of 21 years with a classification prohibited in paragraph (b) of Section 6-104 and to any person who is under the age of 18 years with a classification prohibited in paragraph (c) of Section 6-104;

12. To any person who has been either convicted of or adjudicated under the Juvenile Court Act of 1987 based upon a violation of the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act while that person was in actual physical control of a motor vehicle. For purposes of this Section, any person placed on probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act shall not be considered convicted. Any person found guilty of this offense, while in actual physical control of a motor vehicle, shall have an entry made in the court record by the judge that this offense did occur while the person was in actual physical control of a motor vehicle and order the clerk of the court to report the violation to the Secretary of State as such. The Secretary of State shall not issue a new license or permit for a period of one year;

13. To any person who is under the age of 18 years and who has committed the offense of operating a motor vehicle without a valid license or permit in violation of Section 6-101 or a similar out of state offense;

14. To any person who is 90 days or more delinquent in court ordered child support payments or has been adjudicated in arrears in an amount equal to 90 days' obligation or more and who has been found in contempt of court for failure to pay the support, subject to the requirements and procedures of Article VII of Chapter 7 of the Illinois Vehicle Code;

14.5. To any person certified by the Illinois Department of Healthcare and Family Services as being 90 days or more delinquent in payment of support under an order of support entered by a court or administrative body of this or any other State, subject to the requirements and procedures of Article VII of Chapter 7 of this Code regarding those certifications;

15. To any person released from a term of imprisonment for violating Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, or a similar provision of a law of another state
relating to reckless homicide or for violating subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of this Code relating to aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof, if the violation was the proximate cause of a death, within 24 months of release from a term of imprisonment;

16. To any person who, with intent to influence any act related to the issuance of any driver's license or permit, by an employee of the Secretary of State's Office, or the owner or employee of any commercial driver training school licensed by the Secretary of State, or any other individual authorized by the laws of this State to give driving instructions or administer all or part of a driver's license examination, promises or tenders to that person any property or personal advantage which that person is not authorized by law to accept. Any persons promising or tendering such property or personal advantage shall be disqualified from holding any class of driver's license or permit for 120 consecutive days. The Secretary of State shall establish by rule the procedures for implementing this period of disqualification and the procedures by which persons so disqualified may obtain administrative review of the decision to disqualify;

17. To any person for whom the Secretary of State cannot verify the accuracy of any information or documentation submitted in application for a driver's license; or

18. To any person who has been adjudicated under the Juvenile Court Act of 1987 based upon an offense that is determined by the court to have been committed in furtherance of the criminal activities of an organized gang, as provided in Section 5-710 of that Act, and that involved the operation or use of a motor vehicle or the use of a driver's license or permit. The person shall be denied a license or permit for the period determined by the court; or

19. Beginning July 1, 2017, to any person who has been issued an identification card under the Illinois Identification Card Act. Any such person may, at his or her discretion, surrender the identification card in order to become eligible to obtain a driver's license.

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The Secretary of State shall retain all conviction information, if the information is required to be held confidential under the Juvenile Court Act of 1987.
(Source: P.A. 98-167, eff. 7-1-14; 98-756, eff. 7-16-14; 99-173, eff. 7-29-15.)

(625 ILCS 5/6-106) (from Ch. 95 1/2, par. 6-106)
Sec. 6-106. Application for license or instruction permit.
(a) Every application for any permit or license authorized to be issued under this Code shall be made upon a form furnished by the Secretary of State. Every application shall be accompanied by the proper fee and payment of such fee shall entitle the applicant to not more than 3 attempts to pass the examination within a period of one year after the date of application.

(b) Every application shall state the legal name, social security number, zip code, date of birth, sex, and residence address of the applicant; briefly describe the applicant; state whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been cancelled, suspended, revoked or refused, and, if so, the date and reason for such cancellation, suspension, revocation or refusal; shall include an affirmation by the applicant that all information set forth is true and correct; and shall bear the applicant's signature. In addition to the residence address, the Secretary may allow the applicant to provide a mailing address. In the case of an applicant who is a judicial officer or peace officer, the Secretary may allow the applicant to provide an office or work address in lieu of a residence or mailing address. The application form may also require the statement of such additional relevant information as the Secretary of State shall deem necessary to determine the applicant's competency and eligibility. The Secretary of State may, in his discretion, by rule or regulation, provide that an application for a drivers license or permit may include a suitable photograph of the applicant in the form prescribed by the Secretary, and he may further provide that each drivers license shall include a photograph of the driver. The Secretary of State may utilize a photograph process or system most suitable to deter alteration or improper reproduction of a drivers license and to prevent substitution of another photo thereon. For the purposes of this subsection (b), "peace officer" means any person who by virtue of his or her office or public employment is vested by law with a duty to maintain public order or to make arrests for a violation of any
penal statute of this State, whether that duty extends to all violations or is limited to specific violations.

(b-5) Beginning July 1, 2017, every applicant for a driver's license or permit shall provide proof of lawful status in the United States as defined in 6 CFR 37.3, as amended. Applicants who are unable to provide the Secretary with proof of lawful status may apply for a driver's license or permit under Section 6-105.1 of this Code.

(c) The application form shall include a notice to the applicant of the registration obligations of sex offenders under the Sex Offender Registration Act. The notice shall be provided in a form and manner prescribed by the Secretary of State. For purposes of this subsection (c), "sex offender" has the meaning ascribed to it in Section 2 of the Sex Offender Registration Act.

(d) Any male United States citizen or immigrant who applies for any permit or license authorized to be issued under this Code or for a renewal of any permit or license, and who is at least 18 years of age but less than 26 years of age, must be registered in compliance with the requirements of the federal Military Selective Service Act. The Secretary of State must forward in an electronic format the necessary personal information regarding the applicants identified in this subsection (d) to the Selective Service System. The applicant's signature on the application serves as an indication that the applicant either has already registered with the Selective Service System or that he is authorizing the Secretary to forward to the Selective Service System the necessary information for registration. The Secretary must notify the applicant at the time of application that his signature constitutes consent to registration with the Selective Service System, if he is not already registered.

(e) Beginning on or before July 1, 2015, for each original or renewal driver's license application under this Code, the Secretary shall inquire as to whether the applicant is a veteran for purposes of issuing a driver's license with a veteran designation under subsection (e-5) of Section 6-110 of this Code. The acceptable forms of proof shall include, but are not limited to, Department of Defense form DD-214. The Secretary shall determine by rule what other forms of proof of a person's status as a veteran are acceptable.

The Illinois Department of Veterans' Affairs shall confirm the status of the applicant as an honorably discharged veteran before the Secretary may issue the driver's license.

For purposes of this subsection (e):

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"Active duty" means active duty under an executive order of the President of the United States, an Act of the Congress of the United States, or an order of the Governor.

"Armed forces" means any of the Armed Forces of the United States, including a member of any reserve component or National Guard unit called to active duty.

"Veteran" means a person who has served on active duty in the armed forces and was discharged or separated under honorable conditions.

(Source: P.A. 97-263, eff. 8-5-11; 97-739, eff. 1-1-13; 97-847, eff. 1-1-13; 98-323, eff. 1-1-14; 98-463, eff. 8-16-13; 98-756, eff. 7-16-14.)


Approved June 24, 2016.

Effective January 1, 2017.

PUBLIC ACT 99-0512
(Senate Bill No. 2589)

AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Insurance Code is amended by changing Sections 123B-2, 123B-3, 123B-4, and 123B-7 as follows:

(215 ILCS 5/123B-2) (from Ch. 73, par. 735B-2)

(Section scheduled to be repealed on January 1, 2017)

Sec. 123B-2. Definitions. As used in this Article:

(1) "Director" means the Director of the Department of Insurance.

(2) "Completed operations liability" means liability arising out of the installation, maintenance, or repair of any product at a site which is not owned or controlled by:

(a) any person who performs that work; or

(b) any person who hires an independent contractor to perform that work; but shall include liability for activities which are completed or abandoned before the date of the occurrence giving rise to the liability.

(3) "Domicile", for purposes of determining the state in which a purchasing group is domiciled, means:

(a) for a corporation, the state in which the purchasing group is incorporated; and

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(b) for an unincorporated entity, the state of its principal
place of business.

(4) "Hazardous financial condition" means that, based on its
present or reasonably anticipated financial condition, a risk retention
group, although not yet financially impaired or insolvent, is unlikely to be
able:

(a) to meet obligations to policyholders with respect to
known claims and reasonably anticipated claims; or
(b) to pay other obligations in the normal course of
business.

(5) "Insurance" means primary insurance, excess insurance,
reinsurance, surplus lines insurance, and any other arrangement for
shifting and distributing risk which is determined to be insurance under the
laws of Illinois.

(6) "Liability" means:

(a) legal liability for damages (including costs of defense,
legal costs and fees, and other claims expenses) because of injuries
to other persons, damage to their property, or other damage or loss
to such other persons resulting from or arising out of:

(i) any business (whether for profit or not for profit),
trade, product, services (including professional services),
premises, or operations; or
(ii) any activity of any state or local government, or
any agency or political subdivision thereof; but
(b) does not include personal risk liability and an
employer's liability with respect to its employees other than legal
liability under the Federal Employers' Liability Act (45 U.S.C. 51
et seq.).

(7) "Personal risk liability" means liability for damage because of
injury to any person, damage to property, or other loss or damage resulting
from any personal, familial, or household responsibilities or activities,
rather than from responsibilities or activities referred to in paragraph (a) of
subsection (6) of this Section;

(8) "Plan of operation or a feasibility study" means an analysis
which presents the expected activities and results of a risk retention group
including, at a minimum:

(a) information sufficient to verify that its members are
engaged in businesses or activities similar or related with respect to
the liability to which such members are exposed by virtue of any

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related, similar, or common business, trade, product, services, premises or operations;

(b) for each state in which it intends to operate, the coverages, deductibles, coverage limits, rates, and rating classification systems for each line of insurance the group intends to offer;

(c) historical and expected loss experience of the proposed members and national experience of similar exposures to the extent this experience is reasonably available;

(d) pro forma financial statements and projections;

(e) appropriate opinions by a qualified, independent casualty actuary, including a determination of minimum premium or participation levels required to commence operations and to prevent a hazardous financial condition;

(f) identification of management, underwriting and claims procedures, marketing methods, managerial oversight methods, investment policies and reinsurance agreements; and

(f-5) identification of each state in which the risk retention group has obtained, or sought to obtain, a charter and license and a description of its status in each such state; and

(g) such other matters as may be prescribed by the commissioner of the state in which the group is chartered for liability insurance companies authorized by the insurance laws of such state.

(9) "Product liability" means liability for damages because of any personal injury, death, emotional harm, consequential economic damage, or property damage (including damages resulting from the loss of use of property) arising out of the manufacture, design, importation, distribution, packaging, labeling, lease, or sale of a product, but does not include the liability of any person for those damages if the product involved was in the possession of such a person when the incident giving rise to the claim occurred.

(10) "Purchasing group" means any group which:

(a) has as one of its purposes the purchase of liability insurance on a group basis;

(b) purchases such insurance only for its group members and only to cover their similar or related liability exposure, as described in paragraph (c) of this subsection (10);
(c) is composed of members whose businesses or activities are similar or related with respect to the liability to which members are exposed by virtue of any related, similar, or common business, trade, product, services, premises, or operations; and
(d) is domiciled in any State.

(11) "Risk retention group" means any corporation or other limited liability association:
(a) whose primary activity consists of assuming and spreading all, or any portion, of the liability exposure of its group members;
(b) which is organized for the primary purpose of conducting the activity described under paragraph (a) of this subsection (11);
(c) which:
   (i) is organized and licensed as a liability insurance company and authorized to engage in the business of insurance under the laws of any state; or
   (ii) before January 1, 1985 was organized or licensed and authorized to engage in the business of insurance under the laws of Bermuda or the Cayman Islands and, before such date, had certified to the insurance commissioner of at least one state that it satisfied the capitalization requirements of such state, except that any such group shall be considered to be a risk retention group only if it has been engaged in business continuously since such date and only for the purposes of continuing to provide insurance to cover product liability or completed operations liability (as such terms were defined in the Product Liability Risk Retention Act of 1981 before the date of the enactment of the Risk Retention Act of 1986);
(d) which does not exclude any person from membership in the group solely to provide for members of such a group a competitive advantage over such a person;
(e) which:
   (i) has as its owners (directly or indirectly) only persons who comprise the membership of the risk retention group and who are provided insurance by such group; or
   (ii) has as its sole owner (directly or indirectly) an organization which:

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(I) has as its members only persons who comprise the membership of the risk retention group; and
(II) has as its owners only persons who comprise the membership of the risk retention group and who are provided insurance by such group;
(f) whose members are engaged in businesses or activities similar or related with respect to the liability of which such members are exposed by virtue of any related, similar, or common business, trade, product, services, premises, or operations;
(g) whose activities do not include the provision of insurance other than:
   (i) liability insurance for assuming and spreading all or any portion of the liability of its group members; and
   (ii) reinsurance with respect to the liability of any other risk retention group (or any members of such other group) which is engaged in businesses or activities so that such group or member meets the requirement described in paragraph (f) of this subsection (11) for membership in the risk retention group which provides such reinsurance; and
(h) the name of which includes the phrase "Risk Retention Group".
(12) "State" means any state of the United States or the District of Columbia.
(13) "NAIC" means the National Association of Insurance Commissioners.
(Source: P.A. 85-131.)
(215 ILCS 5/123B-3) (from Ch. 73, par. 735B-3)
(Sec. 123B-3. Risk retention groups organized in this State.
A. A risk retention group shall either:
   (1) pursuant to the provisions of Articles II or III, be organized to write only liability insurance and, except as provided elsewhere in this Article, must comply with all of the laws, rules, regulations and requirements applicable to such insurers organized in this State and with Section 123B-4 of this Article to the extent such requirements are not a limitation on laws, rules, regulations or requirements of this State; or

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(2) pursuant to the provisions of Article VIIC, be organized to write only liability insurance as a captive insurance company and, except as provided elsewhere in this Article, must comply with all of the laws, rules, regulations and requirements applicable to such insurers organized in this State and with Section 123B-4 of this Article to the extent such requirements are not a limitation on laws, rules, regulations or requirements of this State.

Except that, as of the effective date of this amendatory Act of 1995, a new risk retention group must qualify under paragraph (1) of this subsection, and any risk retention group presently organized in accordance with paragraph (2) of this subsection shall amend its articles of incorporation and comply with paragraph (1) of this subsection within 6 months of the effective date of this amendatory Act of 1995 or cease operating under this Article.

B. Before it may offer insurance in any state, each risk retention group shall also submit for approval to the Director a plan of operation or a feasibility study and revisions of such plan or study if the group intends to offer any additional lines of liability insurance. In the event of any subsequent material change in any item of its plan or study, such risk retention group shall submit an appropriate revision to the Director within 10 days of any such change for approval by the Director. The group shall not offer any additional kinds of liability insurance, in this State or in any other state, until a revision of such plan or study is approved by the Director.

C. At the time of filing its application for organization, the risk retention group shall provide to the Director in summary form the following information: the identity of the initial members of the group, the identity of those individuals who organized the group or who will provide administrative services or otherwise influence or control the activities of the group, the amount and nature of initial capitalization, the coverages to be afforded, and the states in which the group intends to operate. Upon receipt of this information, the Director shall forward the information to the NAIC. Providing notification to the NAIC is in addition to and shall not be sufficient to satisfy the requirements of Section 123B-4 of this Code or any other provisions of this Article.

D. The name under which a risk retention group may be organized and licensed shall include the phrase "Risk Retention Group".

E. Notwithstanding any other provision to the contrary, all risk retention groups chartered in this State shall file an annual statement with
the Department and NAIC the National Association of Insurance Commissioners (NAIC). The annual statement shall be in a form prescribed by the Director. The statement may be required to be in diskette form. The statement shall be completed in accordance with the annual statement instructions and the NAIC Accounting Practices and Procedures Manual.

F. As used in this subsection F:

"Board of directors" means the governing body of the risk retention group elected by shareholders or members to establish policy, elect or appoint officers and committees, and make other governing decisions.

"Director" means a natural person designated in the articles of the risk retention group, or designated, elected, or appointed by any other manner, name, or title, to act as a director.

"Material relationship" means a relationship of a person with the risk retention group that includes, but is not limited to:

(a) The receipt in any one 12-month period of compensation or payment of any other item of value by the person, a member of the person's immediate family, or any business with which the person is affiliated from the risk retention group or a consultant or services provider to the risk retention group is greater than or equal to 5% of the risk retention group's gross written premium for the 12-month period or 2% of its surplus, whichever is greater, as measured at the end of any fiscal quarter falling in a 12-month period. The person or immediate family member of that person is not independent until one year after his or her compensation from the risk retention group falls below the threshold.

(b) A relationship with the auditor as follows: a director or an immediate family member of a director who is affiliated with or employed in a professional capacity by a present or former internal or external auditor of the risk retention group is not independent until one year after the end of the affiliation, employment, or auditing relationship.

(c) A relationship with a related entity as follows: a director or an immediate family member of a director who is employed as an executive officer of another company where any of the risk retention group's present executives serve on that other
company's board of directors is not independent until one year after the end of the service or the employment relationship.

Within one year after the effective date of this amendatory Act of the 99th General Assembly, existing risk retention groups shall be in compliance with the following governance standards and new risk retention groups shall be in compliance with the standards at the time of licensure:

(1) The board of directors of the risk retention group shall have a majority of independent directors. If the risk retention group is a reciprocal, then the attorney-in-fact shall adhere to the same standards regarding independence of operations and governance as imposed on the risk retention group's board of directors or subscribers advisory committee under these standards and, to the extent permissible under State law, service providers of a reciprocal risk retention group shall contract with the risk retention group and not the attorney-in-fact.

No director qualifies as independent unless the board of directors affirmatively determines that the director has no material relationship with the risk retention group. Each risk retention group shall disclose these determinations to the Department at least annually and the Director may approve or refute the board's determination. For this purpose, any person that is a direct or indirect owner of or subscriber in the risk retention group (or is an officer, director, or employee of an owner and insured, unless some other position of the officer, director, or employee constitutes a material relationship), as contemplated by 15 U.S.C. 3901(a)(4)(E)(ii), shall be deemed independent.

A material relationship shall not be deemed to exist by reason that a majority of the membership of the related entity's board of directors is the same as the membership of the board of directors of the risk retention group unless the director decides otherwise.

(2) The term of any material service provider contract with the risk retention group shall not exceed 5 years. Any contract, or its renewal, shall require the approval of the majority of the risk retention group's independent directors. The risk retention group's board of directors shall have the right to terminate any service provider, audit, or actuarial contracts at any time for cause after providing adequate notice as defined in the contract. The service

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provider contract is deemed material if the amount to be paid for the contract is greater than or equal to 5% of the risk retention group’s annual gross written premium or 2% of its surplus, whichever is greater.

No service provider in a material relationship with the risk retention group shall enter into a contract with the risk retention group unless the risk retention group has notified the Director of Insurance in writing of its intention to enter into a transaction at least 30 days prior thereto and the Director of Insurance has not disapproved it within that period.

For the purposes of this paragraph (2), "service providers" includes captive managers, auditors, accountants, actuaries, investment advisors, lawyers, managing general underwriters, and other parties responsible for underwriting, determination of rates, collection of premium, adjusting and settling claims or preparation of financial statements.

"Lawyers" does not include defense counsel retained by the risk retention group to defend claims, unless the amount of fees paid to the lawyers meet the definition of a material relationship.

(3) The risk retention group's board of directors shall adopt a written policy in the plan of operation as approved by the board that requires the board to:

(a) ensure that all owner-insureds of the risk retention group receive evidence of ownership interest;

(b) develop a set of governance standards applicable to the risk retention group;

(c) oversee the evaluation of the risk retention group's management, including, but not limited to, the performance of the captive manager, managing general underwriter, or other party or parties responsible for underwriting, determination of rates, collection of premium, adjusting or settling claims or the preparation of financial statements;

(d) review and approve the amount to be paid for all material service providers; and

(e) review and approve at least annually:

   (i) the risk retention group’s goals and objectives relevant to the compensation of officers and service providers;

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PUBLIC ACT 99-0512
(ii) the officers' and service providers' performance in light of those goals and objectives; and

(iii) the continued engagement of the officers and material service providers.

(4) The risk retention group shall have an audit committee composed of at least 3 independent board members as defined in this subsection F. A non-independent board member may participate in the activities of the audit committee, if invited by the members, but cannot be a member of the committee.

The audit committee shall have a written charter that defines the committee's purpose, which at a minimum must be to:

(a) assist board oversight of: (I) the integrity of the financial statements, (II) the compliance with legal and regulatory requirements, and (III) the qualifications, independence, and performance of the independent auditor and actuary;

(b) discuss the annual audited financial statements and quarterly financial statements with management;

(c) discuss the annual audited financial statements with its independent auditor and, if advisable, discuss its quarterly financial statements with its independent auditor;

(d) discuss policies with respect to risk assessment and risk management;

(e) meet separately and periodically, either directly or through a designated representative of the committee, with management and independent auditors;

(f) review with the independent auditor any audit problems or difficulties and management's response;

(g) set clear hiring policies of the risk retention group as to the hiring of employees or former employees of the independent auditor;

(h) require the external auditor to rotate the lead or coordinating audit partner having primary responsibility for the risk retention group's audit as well as the audit partner responsible for reviewing that audit so that neither individual performs audit services for more than 5 consecutive fiscal years; and

(i) report regularly to the board of directors.

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The Department may waive the requirement to establish an audit committee composed of independent board members if the risk retention group is able to demonstrate to the Department that it is impracticable to do so and the risk retention group's board of directors itself is otherwise able to accomplish the purposes of an audit committee as described in this paragraph (4).

(5) The board of directors shall adopt and disclose governance standards, either through electronic or other means, and provide information to members and insureds upon request, including, but not limited to:

(a) a process by which the directors are elected by the owner or insureds;
(b) director qualification standards;
(c) director responsibilities;
(d) director access to management and, as necessary and appropriate, independent advisors;
(e) director compensation;
(f) director orientation and continuing education;
(g) the policies and procedures that are followed for management succession; and
(h) the policies and procedures that are followed for annual performance evaluation of the board.

(6) The board of directors shall adopt and disclose a code of business conduct and ethics for directors, officers, and employees and promptly disclose to the board of directors any waivers of the code for directors or executive officers. The code of business conduct and ethics shall include, but is not limited to, the following topics:

(a) conflicts of interest;
(b) matters covered under the corporate opportunities doctrine under the state of domicile;
(c) confidentiality;
(d) fair dealing;
(e) protection and proper use of risk retention group assets;
(f) compliance with all applicable laws, rules, and regulations; and

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(g) the required reporting of any illegal or unethical behavior that affects the operation of the risk retention group.

(7) The captive manager, president, or chief executive officer of the risk retention group shall promptly notify the Department in writing if he or she becomes aware of any material non-compliance with any of these governance standards.

(Source: P.A. 89-97, eff. 7-7-95.)

(215 ILCS 5/123B-4) (from Ch. 73, par. 735B-4)

Section scheduled to be repealed on January 1, 2017

Sec. 123B-4. Risk retention groups not organized in this State. Any risk retention group organized and licensed in a state other than this State and seeking to do business as a risk retention group in this State shall comply with the laws of this State as follows:

A. Notice of operations and designation of the Director as agent.

Before offering insurance in this State, a risk retention group shall submit to the Director on a form prescribed by the NAIC approved by the Director:

(1) a statement identifying the state or states in which the risk retention group is organized and licensed as a liability insurance company, its date of organization, its principal place of business, and such other information, including information on its membership, as the Director may require to verify that the risk retention group is qualified under subsection (11) of Section 123B-2 of this Article;

(2) a copy of its plan of operations or a feasibility study and revisions of such plan or study submitted to its state of domicile; provided, however, that the provision relating to the submission of a plan of operation or a feasibility study shall not apply with respect to any line or classification of liability insurance which (a) was defined in the Product Liability Risk Retention Act of 1981 before October 27, 1986, and (b) was offered before such date by any risk retention group which had been organized and operating for not less than 3 years before such date; and

(3) a statement of registration which designates the Director as its agent for the purpose of receiving service of legal documents or process, together with a filing fee of $200 payable to the Director.

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A risk retention group shall submit a copy of any material revision to its plan of operation or feasibility study required by subsection B of Section 123B-3 of this Code within 30 days after the date of the approval of the revision by the Director or, if no such approval is required, within 30 days after filing.

B. Financial condition. Any risk retention group doing business in this State shall submit to the Director:

(1) a copy of the group's financial statement submitted to the state in which the risk retention group is organized and licensed, which shall be certified by an independent public accountant and contain a statement of opinion on loss and loss adjustment expense reserves made by a member of the American Academy of Actuaries or a qualified loss reserve specialist (under criteria established by the NAIC National Association of Insurance Commissioners);

(2) a copy of each examination of the risk retention group as certified by the public official conducting the examination;

(3) upon request by the Director, a copy of any information or document pertaining to any outside audit performed with respect to the risk retention group; and

(4) such information as may be required to verify its continuing qualification as a risk retention group under subsection (11) of Section 123B-2.

C. Taxation.

(1) Each risk retention group shall be liable for the payment of premium taxes and taxes on premiums of direct business for risks resident or located within this State, and shall report to the Director the net premiums written for risks resident or located within this State. Such risk retention group shall be subject to taxation, and any applicable fines and penalties related thereto, on the same basis as a foreign admitted insurer.

(2) To the extent licensed insurance producers are utilized pursuant to Section 123B-11, they shall report to the Director the premiums for direct business for risks resident or located within this State which such licensees have placed with or on behalf of a risk retention group not organized in this State.

(3) To the extent that licensed insurance producers are utilized pursuant to Section 123B-11, each such producer shall keep a complete and separate record of all policies procured from

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each such risk retention group, which record shall be open to examination by the Director, as provided in Section 506.1 of this Code. These records shall, for each policy and each kind of insurance provided thereunder, include the following:

(a) the limit of the liability;
(b) the time period covered;
(c) the effective date;
(d) the name of the risk retention group which issued the policy;
(e) the gross premium charged; and
(f) the amount of return premiums, if any.

D. Compliance With unfair claims practices provisions. Any risk retention group, its agents and representatives shall be subject to the unfair claims practices provisions of Sections 154.5 through 154.8 of this Code.

E. Deceptive, false, or fraudulent practices. Any risk retention group shall comply with the laws of this State regarding deceptive, false, or fraudulent acts or practices. However, if the Director seeks an injunction regarding such conduct, the injunction must be obtained from a court of competent jurisdiction.

F. Examination regarding financial condition. Any risk retention group must submit to an examination by the Director to determine its financial condition if the commissioner of insurance of the jurisdiction in which the group is organized and licensed has not initiated an examination or does not initiate an examination within 60 days after a request by the Director. Any such examination shall be coordinated to avoid unjustified repetition and conducted in an expeditious manner and in accordance with the *NAIC's National Association of Insurance Commissioners' Examiner Handbook*.

G. Notice to purchasers. Every application form for insurance from a risk retention group and the front page and declaration page of every policy issued by a risk retention group shall contain in 10 point type the following notice:

"NOTICE

This policy is issued by your risk retention group. Your risk retention group is not subject to all of the insurance laws and regulations of your state. State insurance insolvency guaranty fund protection is not available for your risk retention group".

H. Prohibited acts regarding solicitation or sale. The following acts by a risk retention group are hereby prohibited:

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(1) the solicitation or sale of insurance by a risk retention group to any person who is not eligible for membership in such group; and
(2) the solicitation or sale of insurance by, or operation of, a risk retention group that is in a hazardous financial condition or is financially impaired.

I. Prohibition on ownership by an insurance company. No risk retention group shall be allowed to do business in this State if an insurance company is directly or indirectly a member or owner of such risk retention group, other than in the case of a risk retention group all of whose members are insurance companies.

J. Prohibited coverage. No risk retention group may offer insurance policy coverage prohibited by Articles IX or XI of this Code or declared unlawful by the Illinois Supreme Court; provided however, a risk retention group organized and licensed in a state other than this State that selects the law of this State to govern the validity, construction, or enforceability of policies issued by it is permitted to provide coverage under policies issued by it for penalties in the nature of compensatory damages including, without limitation, punitive damages and the multiplied portion of multiple damages, so long as coverage of those penalties is not prohibited by the law of the state under which the risk retention group is organized.

K. Delinquency proceedings. A risk retention group not organized in this State and doing business in this State shall comply with a lawful order issued in a voluntary dissolution proceeding or in a conservation, rehabilitation, liquidation, or other delinquency proceeding commenced by the Director or by another state insurance commissioner if there has been a finding of financial impairment after an examination under subsection F of Section 123B-4 of this Article.

L. Compliance with injunctive relief. A risk retention group shall comply with an injunctive order issued in another state by a court of competent jurisdiction or by a United States District Court based on a finding of financial impairment or hazardous financial condition.

M. Penalties. A risk retention group that violates any provision of this Article will be subject to fines and penalties applicable to licensed insurers generally, including revocation of its license or the right to do business in this State, or both.

N. (Blank). Operations prior to August 3, 1987. In addition to complying with the requirements of this Section, any risk retention group operating in this State prior to August 3, 1987, shall within 30 days after

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such effective date comply with the provisions of subsection A of this Section:
(Source: P.A. 93-32, eff. 7-1-03.)

(215 ILCS 5/123B-7) (from Ch. 73, par. 735B-7)
(Section scheduled to be repealed on January 1, 2017)

Sec. 123B-7. Purchasing Groups - Exemption from Certain Laws Relating to the Group Purchase of Insurance. Any purchasing group meeting the criteria established under the provisions of the federal Liability Risk Retention Act of 1986 shall be exempt from any law of this State prohibiting relating to the creation of risk purchasing of groups for the purchase of insurance; any countersignature requirements as provided in this Code; and any prohibition of group purchasing or any law that would discriminate against a purchasing group or its members, prohibit a purchasing group from obtaining insurance on a group basis or because the group has not been in existence for a minimum period of time or because any member has not belonged to the group for a minimum period of time, require that a purchasing group must have a minimum number of members, common ownership or affiliation, or certain legal form, or require that a certain percentage of a purchasing group must obtain insurance on a group basis. In addition, an insurer shall be exempt from any law of this State which prohibits providing, or offering to provide, to a purchasing group or its members advantages based on their loss and expense experience not afforded to other persons with respect to rates, policy forms, coverages or other matters. A purchasing group shall be subject to all other applicable laws of this State.
(Source: P.A. 85-131.)

Approved June 24, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0513
(House Bill No. 0694)

AN ACT concerning revenue.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The County Economic Development Project Area Property Tax Allocation Act is amended by changing Sections 3, 7, and 8 as follows:

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Sec. 3. Definitions. In this Act, words or terms shall have the following meanings unless the context usage clearly indicates that another meaning is intended.

(a) "Department" means the Department of Commerce and Economic Opportunity.

(b) "Economic development plan" means the written plan of a county which sets forth an economic development program for an economic development project area. Each economic development plan shall include but not be limited to (1) estimated economic development project costs, (2) the sources of funds to pay such costs, (3) the nature and term of any obligations to be issued by the county to pay such costs, (4) the most recent equalized assessed valuation of the economic development project area, (5) an estimate of the equalized assessed valuation of the economic development project area after completion of the economic development plan, (6) the estimated date of completion of any economic development project proposed to be undertaken, (7) a general description of any proposed developer, user, or tenant of any property to be located or improved within the economic development project area, (8) a description of the type, structure and general character of the facilities to be developed or improved in the economic development project area, (9) a description of the general land uses to apply in the economic development project area, (10) a description of the type, class and number of employees to be employed in the operation of the facilities to be developed or improved in the economic development project area and (11) a commitment by the county to fair employment practices and an affirmative action plan with respect to any economic development program to be undertaken by the county. The economic development plan for an economic development project area authorized by subsection (a-15) of Section 4 of this Act must additionally include (1) evidence indicating that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise and is not reasonably expected to be subject to such growth and development without the assistance provided through the implementation of the economic development plan and (2) evidence that portions of the economic development project area have incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of
hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the project area.

(c) "Economic development project" means any development project in furtherance of the objectives of this Act.

(d) "Economic development project area" means any improved or vacant area which is located within the corporate limits of a county and which (1) is within the unincorporated area of such county, or, with the consent of any affected municipality, is located partially within the unincorporated area of such county and partially within one or more municipalities, (2) is contiguous, (3) is not less in the aggregate than 100 acres and, for an economic development project area authorized by subsection (a-15) of Section 4 of this Act, not more than 2,000 acres, (4) is suitable for siting by any commercial, manufacturing, industrial, research or transportation enterprise of facilities to include but not be limited to commercial businesses, offices, factories, mills, processing plants, assembly plants, packing plants, fabricating plants, industrial or commercial distribution centers, warehouses, repair overhaul or service facilities, freight terminals, research facilities, test facilities or transportation facilities, whether or not such area has been used at any time for such facilities and whether or not the area has been used or is suitable for such facilities and whether or not the area has been used or is suitable for other uses, including commercial agricultural purposes, and (5) which has been certified by the Department pursuant to this Act.

(e) "Economic development project costs" means and includes the sum total of all reasonable or necessary costs incurred by a county incidental to an economic development project, including, without limitation, the following:

(1) Costs of studies, surveys, development of plans and specifications, implementation and administration of an economic development plan, personnel and professional service costs for architectural, engineering, legal, marketing, financial, planning, sheriff, fire, public works or other services, provided that no charges for professional services may be based on a percentage of incremental tax revenue;

(2) Property assembly costs within an economic development project area, including but not limited to acquisition of land and other real or personal property or rights or interests
therein, and specifically including payments to developers or other non-governmental persons as reimbursement for property assembly costs incurred by such developer or other non-governmental person;

(3) Site preparation costs, including but not limited to clearance of any area within an economic development project area by demolition or removal of any existing buildings, structures, fixtures, utilities and improvements and clearing and grading; site improvement addressing ground level or below ground environmental contamination; and including installation, repair, construction, reconstruction, or relocation of public streets, public utilities, and other public site improvements within or without an economic development project area which are essential to the preparation of the economic development project area for use in accordance with an economic development plan; and specifically including payments to developers or other non-governmental persons as reimbursement for site preparation costs incurred by such developer or non-governmental person;

(4) Costs of renovation, rehabilitation, reconstruction, relocation, repair or remodeling of any existing buildings, improvements, and fixtures within an economic development project area, and specifically including payments to developers or other non-governmental persons as reimbursement for such costs incurred by such developer or non-governmental person;

(5) Costs of construction within an economic development project area of public improvements, including but not limited to, buildings, structures, works, improvements, utilities or fixtures;

(6) Financing costs, including but not limited to all necessary and incidental expenses related to the issuance of obligations, payment of any interest on any obligations issued hereunder which accrues during the estimated period of construction of any economic development project for which such obligations are issued and for not exceeding 36 months thereafter, and any reasonable reserves related to the issuance of such obligations;

(7) All or a portion of a taxing district's capital costs resulting from an economic development project necessarily incurred or estimated to be incurred by a taxing district in the furtherance of the objectives of an economic development project,

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to the extent that the county by written agreement accepts, approves and agrees to incur or to reimburse such costs;

(8) Relocation costs to the extent that a county determines that relocation costs shall be paid or is required to make payment of relocation costs by federal or State law;

(9) The estimated tax revenues from real property in an economic development project area acquired by a county which, according to the economic development plan, is to be used for a private use and which any taxing district would have received had the county not adopted property tax allocation financing for an economic development project area and which would result from such taxing district's levies made after the time of the adoption by the county of property tax allocation financing to the time the current equalized assessed value of real property in the economic development project area exceeds the total initial equalized value of real property in that area;

(10) Costs of rebating ad valorem taxes paid by any developer or other nongovernmental person in whose name the general taxes were paid for the last preceding year on any lot, block, tract or parcel of land in the economic development project area, provided that:

(i) such economic development project area is located in an enterprise zone created pursuant to the Illinois Enterprise Zone Act; beginning on the effective date of this amendatory Act of the 98th General Assembly and ending on the date occurring 3 years later; compliance with this provision (i) is not required in Grundy County in relation to one or more contiguous parcels not exceeding a total area of 120 acres within which an electric generating facility is intended to be constructed and where the owner of such proposed electric generating facility has entered into a redevelopment agreement with Grundy County in respect thereto between July 25, 2013 and July 26, 2017;

(ii) such ad valorem taxes shall be rebated only in such amounts and for such tax year or years as the county and any one or more affected taxing districts shall have agreed by prior written agreement; beginning on July 25, 2013 and ending on July 25, 2017 the effective date of this amendatory Act of the 98th General Assembly and ending
on the date occurring 3 years later, compliance with this provision (ii) is not required in Grundy County in relation to one or more contiguous parcels not exceeding a total area of 120 acres within which an electric generating facility is intended to be constructed and where the owner of such proposed electric generating facility has entered into a redevelopment agreement with Grundy County in respect thereto if the county receives approval from 2/3 of the taxing districts having taxable property within such parcels and representing no less than 75% of the aggregate tax levy for those all of the affected taxing districts for the levy year;

(iii) any amount of rebate of taxes shall not exceed the portion, if any, of taxes levied by the county or such taxing district or districts which is attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract or parcel of real property in the economic development project area over and above the initial equalized assessed value of each property existing at the time property tax allocation financing was adopted for said economic development project area; and

(iv) costs of rebating ad valorem taxes shall be paid by a county solely from the special tax allocation fund established pursuant to this Act and shall be paid from the proceeds of any obligations issued by a county.

(11) Costs of job training, advanced vocational education or career education programs, including but not limited to courses in occupational, semi-technical or technical fields leading directly to employment, incurred by one or more taxing districts, provided that such costs are related to the establishment and maintenance of additional job training, advanced vocational education or career education programs for persons employed or to be employed by employers located in an economic development project area, and further provided, that when such costs are incurred by a taxing district or taxing districts other than the county, they shall be set forth in a written agreement by or among the county and the taxing district or taxing districts, which agreement describes the program to be undertaken, including, but not limited to, the number of employees to be trained, a description of the training and services

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to be provided, the number and type of positions available or to be available, itemized costs of the program and sources of funds to pay the same, and the term of the agreement. Such costs include, specifically, the payment by community college districts of costs pursuant to Section 3-37, 3-38, 3-40 and 3-40.1 of the Public Community College Act and by school districts of costs pursuant to Sections 10-22.20 and 10-23.3a of the School Code;

(12) Private financing costs incurred by developers or other non-governmental persons in connection with an economic development project, and specifically including payments to developers or other non-governmental persons as reimbursement for such costs incurred by such developer or other non-governmental persons provided that:

(A) private financing costs shall be paid or reimbursed by a county only pursuant to the prior official action of the county evidencing an intent to pay such private financing costs;

(B) except as provided in subparagraph (D) of this Section, the aggregate amount of such costs paid or reimbursed by a county in any one year shall not exceed 30% of such costs paid or incurred by such developer or other non-governmental person in that year;

(C) private financing costs shall be paid or reimbursed by a county solely from the special tax allocation fund established pursuant to this Act and shall not be paid or reimbursed from the proceeds of any obligations issued by a county;

(D) if there are not sufficient funds available in the special tax allocation fund in any year to make such payment or reimbursement in full, any amount of such private financing costs remaining to be paid or reimbursed by a county shall accrue and be payable when funds are available in the special tax allocation fund to make such payment; and

(E) in connection with its approval and certification of an economic development project pursuant to Section 5 of this Act, the Department shall review any agreement authorizing the payment or reimbursement by a county of private financing costs in its consideration of the impact on

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the revenues of the county and the affected taxing districts of the use of property tax allocation financing.

(f) "Obligations" means any instrument evidencing the obligation of a county to pay money, including without limitation, bonds, notes, installment or financing contracts, certificates, tax anticipation warrants or notes, vouchers, and any other evidence of indebtedness.

(g) "Taxing districts" means municipalities, townships, counties, and school, road, park, sanitary, mosquito abatement, forest preserve, public health, fire protection, river conservancy, tuberculosis sanitarium and any other county corporations or districts with the power to levy taxes on real property.

(Source: P.A. 98-109, eff. 7-25-13.)

(55 ILCS 85/7) (from Ch. 34, par. 7007)

Sec. 7. Creation of special tax allocation fund. If a county has adopted property tax allocation financing by ordinance for an economic development project area, the Department has approved and certified the economic development project area, and the county clerk has thereafter certified the "total initial equalized value" of the taxable real property within such economic development project area in the manner provided in subsection (b) of Section 6 of this Act, each year after the date of the certification by the county clerk of the "initial equalized assessed value" until economic development project costs and all county obligations financing economic development project costs have been paid, the ad valorem taxes, if any, arising from the levies upon the taxable real property in the economic development project area by taxing districts and tax rates determined in the manner provided in subsection (b) of Section 6 of this Act shall be divided as follows:

(1) That portion of the taxes levied upon each taxable lot, block, tract or parcel of real property which is attributable to the lower of the current equalized assessed value or the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property existing at the time property tax allocation financing was adopted shall be allocated and when collected shall be paid by the county collector to the respective affected taxing districts in the manner required by the law in the absence of the adoption of property tax allocation financing.

(2) That portion, if any, of those taxes which is attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the economic development project area that has been paid by the county collector to the respective affected taxing districts.
development project are, over and above the initial equalized assessed value of each property existing at the time property tax allocation financing was adopted shall be allocated to and when collected shall be paid to the county treasurer, who shall deposit those taxes into a special fund called the special tax allocation fund of the county for the purpose of paying economic development project costs and obligations incurred in the payment thereof.

The county, by an ordinance adopting property tax allocation financing, may pledge the funds in and to be deposited in the special tax allocation fund for the payment of obligations issued under this Act and for the payment of economic development project costs. No part of the current equalized assessed valuation of each property in the economic development project area attributable to any increase above the total initial equalized assessed value of such properties shall be used in calculating the general State school aid formula, provided for in Section 18-8 of the School Code, until such time as all economic development projects costs have been paid as provided for in this Section.

Whenever a county issues bonds for the purpose of financing economic development project costs, the county may provide by ordinance for the appointment of a trustee, which may be any trust company within the State, and for the establishment of the funds or accounts to be maintained by such trustee as the county shall deem necessary to provide for the security and payment of the bonds. If the county provides for the appointment of a trustee, the trustee shall be considered the assignee of any payments assigned by the county pursuant to the ordinance and this Section. Any amounts paid to the trustee as assignee shall be deposited in the funds or accounts established pursuant to the trust agreement, and shall be held by the trustee in trust for the benefit of the holders of the bonds, and the holders shall have a lien on and a security interest in those bonds or accounts so long as the bonds remain outstanding and unpaid. Upon retirement of the bonds, the trustee shall pay over any excess amounts held to the county for deposit in the special tax allocation fund.

When the economic development project costs, including without limitation all county obligations financing economic development project costs incurred under this Act, have been paid, all surplus funds remaining in the special tax allocation funds shall be distributed by being paid by the county treasurer to the county collector, who shall immediately thereafter pay those funds to the taxing districts having taxable property in the economic development project area in the same manner and proportion

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as the most recent distribution by the county collector to those taxing
districts of real property taxes from real property in the economic
development project area.

Upon the payment of all economic development project costs,
retirement of obligations and the distribution of any excess monies
pursuant to this Section and not later than 23 years from the date of
adoption of the ordinance adopting property tax allocation financing, the
county shall adopt an ordinance dissolving the special tax allocation fund
for the economic development project area and terminating the designation
of the economic development project area as an economic development
project area; however, in relation to one or more contiguous parcels not
exceeding a total area of 120 acres within which an electric generating
facility is intended to be constructed, and with respect to which the owner
of that proposed electric generating facility has entered into a
redevelopment agreement with Grundy County on or before July 25, 2017,
the ordinance of the county required in this paragraph shall not dissolve
the special tax allocation fund for the existing economic development
project area and shall only terminate the designation of the economic
development project area as to those portions of the economic
development project area excluding the area covered by the
redevelopment agreement between the owner of the proposed electric
generating facility and Grundy County; the county shall adopt an
ordinance dissolving the special tax allocation fund for the economic
development project area and terminating the designation of the economic
development project area as an economic development project area with
regard to the electric generating facility property not later than 35 years
from the date of adoption of the ordinance adopting property tax
allocation financing. Thereafter the rates of the taxing districts shall be
extended and taxes levied, collected and distributed in the manner
applicable in the absence of the adoption of property tax allocation
financing.

Nothing in this Section shall be construed as relieving property in
economic development project areas from being assessed as provided in
the Property Tax Code or as relieving owners of that property from paying
a uniform rate of taxes, as required by Section 4 of Article IX of the
(Source: P.A. 98-463, eff. 8-16-13.)
(55 ILCS 85/8) (from Ch. 34, par. 7008)

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Sec. 8. Issuance of obligations for economic development project costs. Obligations secured by the special tax allocation fund provided for in Section 7 for an economic development project area may be issued to provide for economic development project costs. Those obligations, when so issued, shall be retired in the manner provided in the ordinance authorizing the issuance of the obligations by the receipts of taxes levied as specified in Section 6 against the taxable property included in the economic development project area and by other revenues designated or pledged by the county. A county may in the ordinance pledge all or any part of the funds in and to be deposited in the special tax allocation fund created pursuant to Section 7 to the payment of the economic development project costs and obligations. Whenever a county pledges all of the funds to the credit of a special tax allocation fund to secure obligations issued or to be issued to pay economic development project costs, the county may specifically provide that funds remaining to the credit of such special tax allocation fund after the payment of such obligations shall be accounted for annually and shall be deemed to be "surplus" funds, and such "surplus" funds shall be distributed as hereinafter provided. Whenever a county pledges less than all of the monies to the credit of a special tax allocation fund to secure obligations issued or to be issued to pay economic development project costs, the county shall provide that monies to the credit of a special tax allocation fund and not subject to such pledge or otherwise encumbered or required for payment of contractual obligations for specified economic development project costs shall be calculated annually and shall be deemed to be "surplus" funds, and such "surplus" funds shall be distributed as hereinafter provided. All funds to the credit of a special tax allocation fund which are deemed to be "surplus" funds shall be distributed annually within 180 days after the close of the county's fiscal year by being paid by the county treasurer to the county collector. The county collector shall thereafter make distribution to the respective taxing districts in the same manner and proportion as the most recent distribution by the county collector to those taxing districts of real property taxes from real property in the economic development project area.

Without limiting the foregoing in this Section the county may, in addition to obligations secured by the special tax allocation fund, pledge for a period not greater than the term of the obligations towards payment of those obligations any part or any combination of the following: (i) net revenues of all or part of any economic development project; (ii) taxes levied and collected on any or all property in the county, including,
specifically, taxes levied or imposed by the county in a special service area pursuant to "An Act to provide the manner of levying or imposing taxes for the provision of special services to areas within the boundaries of home rule units and non-home rule municipalities and counties", approved September 21, 1973; (iii) the full faith and credit of the county; (iv) a mortgage on part or all of the economic development project; or (v) any other taxes or anticipated receipts that the county may lawfully pledge.

Such obligations may be issued in one or more series bearing interest at such rate or rates as the corporate authorities of the county shall determine by ordinance, which rate or rates may be variable or fixed, without regard to any limitations contained in any law now in effect or hereafter adopted. Such obligations shall bear such date or dates, mature at such time or times not exceeding 20 years from their respective dates, but in no event exceeding 23 years from the date of establishment of the economic development project area; however, with respect to obligations payable from incremental revenues generated from an area comprised of one or more contiguous parcels not exceeding a total area of 120 acres within which an electric generating facility is intended to be constructed, and with respect to which the owner of such proposed electric generating facility has entered into a redevelopment agreement with Grundy County on or before July 25, 2017, those obligations shall bear such date or dates, mature at such time or times not exceeding 35 years from the date of establishment of the economic development project area, be in such denomination, be in such form, whether coupon, registered or book-entry, carry such registration, conversion and exchange privileges, be executed in such manner, be payable in such medium of payment at such place or places within or without the State of Illinois, contain such covenants, terms and conditions, be subject to redemption with or without premium, be subject to defeasance upon such terms, and have such rank or priority, as such ordinance shall provide. Obligations issued pursuant to this Act may be sold at public or private sale at such price as shall be determined by the corporate authorities of the counties. Such obligations may, but need not, be issued utilizing the provisions of any one or more of the omnibus bond Acts specified in Section 1.33 of "An Act to revise the law in relation to the construction of the statutes", approved March 5, 1874, as such term is defined in the Statute on Statutes. No referendum approval of the electors shall be required as a condition to the issuance of obligations pursuant to this Act except as provided in this Section.

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In the event the county (i) authorizes the issuance of obligations pursuant to the authority of this Act and secured by the full faith and credit of the county or (ii) pledges taxes levied and collected on any or all property in the county, which obligations or taxes are not obligations or taxes authorized under home rule powers pursuant to Section 6 of Article VII of the Illinois Constitution of 1970, or are not obligations or taxes authorized under "An Act to provide the manner of levying or imposing taxes for the provision of special services to areas within the boundaries of home rule units and non-home rule municipalities and counties", approved September 21, 1973, the ordinance authorizing the issuance of those obligations or pledging those taxes shall be published within 10 days after the ordinance has been adopted, in one or more newspapers having a general circulation within the county. The publication of the ordinance shall be accompanied by a notice of (1) the specific number of voters required to sign a petition requesting the questions of the issuance of the obligations or pledging ad valorem taxes to be submitted to the electors; (2) the time within which the petition must be filed; and (3) the date of the prospective referendum. The county clerk shall provide a petition form to any individual requesting one.

If no petition is filed with the county clerk, as hereinafter provided in this Section, within 21 days after the publication of the ordinance, the ordinance shall be in effect. However, if within that 21 day period a petition is filed with the county clerk, signed by electors numbering not less than 5% of the number of legal voters who voted at the last general election in such county, asking that the question of issuing obligations using the full faith and credit of the county as security for the cost of paying for economic development project costs, or of pledging ad valorem taxes for the payment of those obligations, or both, be submitted to the electors of the county, the county shall not be authorized to issue obligations of the county using the full faith and credit of the county as security or pledging ad valorem taxes for the payment of those obligations, or both, until the proposition has been submitted to and approved by a majority of the voters voting on the proposition at a regularly scheduled election. The county shall certify the proposition to the proper election authorities for submission in accordance with the general election law.

The ordinance authorizing the obligations may provide that the obligations shall contain a recital that they are issued pursuant to this Act, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

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In the event the county authorizes issuance of obligations pursuant to this Act secured by the full faith and credit of the county, the ordinance authorizing the obligations may provide for the levy and collection of a direct annual tax upon all taxable property within the county sufficient to pay the principal thereof and interest thereon as it matures, which levy may be in addition to and exclusive of the maximum of all other taxes authorized to be levied by the county, which levy, however, shall be abated to the extent that monies from other sources are available for payment of the obligations and the county certifies the amount of those monies available to the county clerk.

A certified copy of the ordinance shall be filed with the county clerk and shall constitute the authority for the extension and collection of the taxes to be deposited in the special tax allocation fund.

A county may also issue its obligations to refund, in whole or in part, obligations theretofore issued by the county under the authority of this Act, whether at or prior to maturity. However, the last maturity of the refunding obligations shall not be expressed to mature later than 23 years from the date of the ordinance establishing the economic development project area, however, with regard to obligations payable from incremental revenues generated from an area comprised of one or more contiguous parcels not exceeding a total area of 120 acres within which an electric generating facility is intended to be constructed, and with respect to which the owner of that proposed electric generating facility has entered into a redevelopment agreement with Grundy County on or before July 25, 2017, the last maturity of the refunding obligations shall not be expressed to mature later than 35 years from the date of the ordinance establishing the economic development project area.

In the event a county issues obligations under home rule powers and other legislative authority, including specifically, "An Act to provide the manner of levying or imposing taxes for the provisions of special services to areas within the boundaries of home rule units and non-home rule municipalities and counties", approved September 21, 1973, the proceeds of which are pledged to pay for economic development project costs, the county may, if it has followed the procedures in conformance with this Act, retire those obligations from funds in the special tax allocation fund in amount and in such manner as if those obligations had been issued pursuant to the provisions of this Act.

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No obligations issued pursuant to this Act shall be regarded as indebtedness of the county issuing those obligations for the purpose of any limitation imposed by law.

Obligations issued pursuant to this Act shall not be subject to the provisions of the Bond Authorization Act.
(Source: P.A. 90-655, eff. 7-30-98.)

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

Approved June 30, 2016.
Effective June 30, 2016.

PUBLIC ACT 99-0514
(House Bill No. 3748)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Business Enterprise for Minorities, Females, and Persons with Disabilities Act is amended by changing Sections 4 and 9 as follows:

(30 ILCS 575/4) (from Ch. 127, par. 132.604)
(Section scheduled to be repealed on June 30, 2016)
Sec. 4. Award of State contracts.
(a) Except as provided in subsections (b) and (c), not less than 20% of the total dollar amount of State contracts, as defined by the Secretary of the Council and approved by the Council, shall be established as an aspirational goal to be awarded to businesses owned by minorities, females, and persons with disabilities; provided, however, that of the total amount of all State contracts awarded to businesses owned by minorities, females, and persons with disabilities pursuant to this Section, contracts representing at least 11% shall be awarded to businesses owned by minorities, contracts representing at least 7% shall be awarded to female-owned businesses, and contracts representing at least 2% shall be awarded to businesses owned by persons with disabilities.

The above percentage relates to the total dollar amount of State contracts during each State fiscal year, calculated by examining independently each type of contract for each agency or public institutions of higher education which lets such contracts. Only that percentage of

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arrangements which represents the participation of businesses owned by minorities, females, and persons with disabilities on such contracts shall be included.

(b) In the case of State construction contracts, the provisions of subsection (a) requiring a portion of State contracts to be awarded to businesses owned and controlled by persons with disabilities do not apply. The following aspirational goals are established for State construction contracts: not less than 20% of the total dollar amount of State construction contracts is established as a goal to be awarded to minority and female owned businesses, and contracts representing 50% of the amount of all State construction contracts awarded to minority and female owned businesses shall be awarded to female owned businesses.

(c) In the case of all work undertaken by the University of Illinois related to the planning, organization, and staging of the games, the University of Illinois shall establish a goal of awarding not less than 25% of the annual dollar value of all contracts, purchase orders, and other agreements (collectively referred to as "the contracts") to minority-owned businesses or businesses owned by a person with a disability and 5% of the annual dollar value the contracts to female-owned businesses. For purposes of this subsection, the term "games" has the meaning set forth in the Olympic Games and Paralympic Games (2016) Law.

(d) Within one year after April 28, 2009 (the effective date of Public Act 96-8), the Department of Central Management Services shall conduct a social scientific study that measures the impact of discrimination on minority and female business development in Illinois. Within 18 months after April 28, 2009 (the effective date of Public Act 96-8), the Department shall issue a report of its findings and any recommendations on whether to adjust the goals for minority and female participation established in this Act. Copies of this report and the social scientific study shall be filed with the Governor and the General Assembly.

(e) Except as permitted under this Act or Notwithstanding any provision of law to the contrary and except as otherwise mandated by federal law or regulation, those who submit bids or proposals for State construction contracts subject to the provisions of this Act, whose bids or proposals are successful but that fail to meet the goals set forth in subsection (b) of this Section, shall be notified of that deficiency and shall be afforded a period not to exceed 10 days to cure that deficiency in the bid or proposal. The deficiency in the bid or proposal may only be cured by contracting with additional subcontractors who are owned by minorities

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or females, but in no case shall an identified subcontractor with a certification made pursuant to this Act be terminated from the contract without the written consent of the State agency or public institution of higher education entering into the contract.
(Source: P.A. 99-462, eff. 8-25-15.)

(30 ILCS 575/9) (from Ch. 127, par. 132.609)
(Sec. 9. This Act is repealed June 30, 2016.)

Sec. 9. This Act is repealed June 30, 2020.
(Source: P.A. 96-949, eff. 6-25-10; 96-1444, eff. 8-20-10; 97-712, eff. 6-27-12.)

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

Passed in the General Assembly May 29, 2016.
Approved June 30, 2016.
Effective June 30, 2016.

PUBLIC ACT 99-0515
(House Bill No. 4630)

AN ACT concerning government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Open Meetings Act is amended by changing Section 2.06 as follows:

(5 ILCS 120/2.06) (from Ch. 102, par. 42.06)
Sec. 2.06. Minutes; right to speak.
(a) All public bodies shall keep written minutes of all their meetings, whether open or closed, and a verbatim record of all their closed meetings in the form of an audio or video recording. Minutes shall include, but need not be limited to:

(1) the date, time and place of the meeting;
(2) the members of the public body recorded as either present or absent and whether the members were physically present or present by means of video or audio conference; and
(3) a summary of discussion on all matters proposed, deliberated, or decided, and a record of any votes taken.
(b) A public body shall approve the minutes of its open meeting within 30 days after that meeting or at the public body's second subsequent regular meeting, whichever is later. The minutes of meetings open to the

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public shall be available for public inspection within 10 days after the approval of such minutes by the public body. Beginning July 1, 2006, at the time it complies with the other requirements of this subsection, a public body that has a website that the full-time staff of the public body maintains shall post the minutes of a regular meeting of its governing body open to the public on the public body's website within 10 days after the approval of the minutes by the public body. Beginning July 1, 2006, any minutes of meetings open to the public posted on the public body's website shall remain posted on the website for at least 60 days after their initial posting.

(c) The verbatim record may be destroyed without notification to or the approval of a records commission or the State Archivist under the Local Records Act or the State Records Act no less than 18 months after the completion of the meeting recorded but only after:

(1) the public body approves the destruction of a particular recording; and

(2) the public body approves minutes of the closed meeting that meet the written minutes requirements of subsection (a) of this Section.

(d) Each public body shall periodically, but no less than semi-annually, meet to review minutes of all closed meetings. At such meetings a determination shall be made, and reported in an open session that (1) the need for confidentiality still exists as to all or part of those minutes or (2) that the minutes or portions thereof no longer require confidential treatment and are available for public inspection. The failure of a public body to strictly comply with the semi-annual review of closed session written minutes, whether before or after the effective date of this amendatory Act of the 94th General Assembly, shall not cause the written minutes or related verbatim record to become public or available for inspection in any judicial proceeding, other than a proceeding involving an alleged violation of this Act, if the public body, within 60 days of discovering its failure to strictly comply with the technical requirements of this subsection, reviews the closed session minutes and determines and thereafter reports in open session that either (1) the need for confidentiality still exists as to all or part of the minutes or verbatim record, or (2) that the minutes or recordings or portions thereof no longer require confidential treatment and are available for public inspection.

(e) Unless the public body has made a determination that the verbatim recording no longer requires confidential treatment or otherwise

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consents to disclosure, the verbatim record of a meeting closed to the public shall not be open for public inspection or subject to discovery in any administrative or judicial proceeding other than one brought to enforce this Act. In the case of a civil action brought to enforce this Act, the court, if the judge believes such an examination is necessary, must conduct such in camera examination of the verbatim record as it finds appropriate in order to determine whether there has been a violation of this Act. In the case of a criminal proceeding, the court may conduct an examination in order to determine what portions, if any, must be made available to the parties for use as evidence in the prosecution. Any such initial inspection must be held in camera. If the court determines that a complaint or suit brought for noncompliance under this Act is valid it may, for the purposes of discovery, redact from the minutes of the meeting closed to the public any information deemed to qualify under the attorney-client privilege. The provisions of this subsection do not supersede the privacy or confidentiality provisions of State or federal law.

Access to verbatim recordings shall be provided to duly elected officials or appointed officials filling a vacancy of an elected office in a public body, and access shall be granted in the public body's main office or official storage location, in the presence of a records secretary, an administrative official of the public body, or any elected official of the public body. No verbatim recordings shall be recorded or removed from the public body's main office or official storage location, except by vote of the public body or by court order. Nothing in this subsection (e) is intended to limit the Public Access Counselor's access to those records necessary to address a request for administrative review under Section 7.5 of this Act.

(f) Minutes of meetings closed to the public shall be available only after the public body determines that it is no longer necessary to protect the public interest or the privacy of an individual by keeping them confidential, except that duly elected officials or appointed officials filling a vacancy of an elected office in a public body shall be provided access to minutes of meetings closed to the public. Access to minutes shall be granted in the public body's main office or official storage location, in the presence of a records secretary, an administrative official of the public body, or any elected official of the public body. No minutes of meetings closed to the public shall be removed from the public body's main office or official storage location, except by vote of the public body or by court order. Nothing in this subsection (f) is intended to limit the Public Access

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Counselor's access to those records necessary to address a request for administrative review under Section 7.5 of this Act.

(g) Any person shall be permitted an opportunity to address public officials under the rules established and recorded by the public body.

(Source: P.A. 96-1473, eff. 1-1-11.)

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

Approved June 30, 2016.
Effective June 30, 2016.

PUBLIC ACT 99-0516
(House Bill No. 4678)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

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

(5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)
Sec. 5-45. Emergency rulemaking.
(a) "Emergency" means the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare.

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

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

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

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

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

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

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

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

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

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

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

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Citizens and Disabled Persons Prescription Drug Discount Program Act (now the Illinois Prescription Drug Discount Program Act), and the Children's Health Insurance Program Act. The adoption of emergency rules authorized by this subsection (k) shall be deemed to be necessary for the public interest, safety, and welfare.

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

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

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

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

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

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

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

(s) In order to provide for the expeditious and timely implementation of the provisions of Sections 5-5b.1 and 5A-2 of the Illinois Public Aid Code, emergency rules to implement any provision of Section 5-5b.1 or Section 5A-2 of the Illinois Public Aid Code may be adopted in accordance with this subsection (s) by the Department of Healthcare and Family Services. The rulemaking authority granted in this subsection (s) shall apply only to those rules adopted prior to July 1, 2015. Notwithstanding any other provision of this Section, any emergency rule adopted under this subsection (s) shall only apply to payments made for State fiscal year 2015. The adoption of emergency rules authorized by this subsection (s) is deemed to be necessary for the public interest, safety, and welfare.

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

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

(v) In order to provide for the expeditious and timely implementation of the provisions of this amendatory Act of the 99th General Assembly, emergency rules to implement this amendatory Act of

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the 99th General Assembly may be adopted in accordance with this subsection (v) by the Department of Healthcare and Family Services. The 24-month limitation on the adoption of emergency rules does not apply to rules adopted under this subsection (v). The adoption of emergency rules authorized by this subsection (v) is deemed to be necessary for the public interest, safety, and welfare.

(Source: P.A. 98-104, eff. 7-22-13; 98-463, eff. 8-16-13; 98-651, eff. 6-16-14; 99-2, eff. 3-26-15; 99-6, eff. 1-1-16; 99-143, eff. 7-27-15; 99-455, eff. 1-1-16; revised 10-15-15.)

Section 10. The State Finance Act is amended by changing Section 6z-81 as follows:

(30 ILCS 105/6z-81)
Sec. 6z-81. Healthcare Provider Relief Fund.
(a) There is created in the State treasury a special fund to be known as the Healthcare Provider Relief Fund.
(b) The Fund is created for the purpose of receiving and disbursing moneys in accordance with this Section. Disbursements from the Fund shall be made only as follows:

(1) Subject to appropriation, for payment by the Department of Healthcare and Family Services or by the Department of Human Services of medical bills and related expenses, including administrative expenses, for which the State is responsible under Titles XIX and XXI of the Social Security Act, the Illinois Public Aid Code, the Children's Health Insurance Program Act, the Covering ALL KIDS Health Insurance Act, and the Long Term Acute Care Hospital Quality Improvement Transfer Program Act.

(2) For repayment of funds borrowed from other State funds or from outside sources, including interest thereon.

(3) For State fiscal years 2017 and 2018, for making payments to the human poison control center pursuant to Section 12-4.105 of the Illinois Public Aid Code.
(c) The Fund shall consist of the following:

(1) Moneys received by the State from short-term borrowing pursuant to the Short Term Borrowing Act on or after the effective date of this amendatory Act of the 96th General Assembly.

(2) All federal matching funds received by the Illinois Department of Healthcare and Family Services as a result of

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expenditures made by the Department that are attributable to moneys deposited in the Fund.

(3) All federal matching funds received by the Illinois Department of Healthcare and Family Services as a result of federal approval of Title XIX State plan amendment transmittal number 07-09.

(4) All other moneys received for the Fund from any other source, including interest earned thereon.

(5) All federal matching funds received by the Illinois Department of Healthcare and Family Services as a result of expenditures made by the Department for Medical Assistance from the General Revenue Fund, the Tobacco Settlement Recovery Fund, the Long-Term Care Provider Fund, and the Drug Rebate Fund related to individuals eligible for medical assistance pursuant to the Patient Protection and Affordable Care Act (P.L. 111-148) and Section 5-2 of the Illinois Public Aid Code.

(d) In addition to any other transfers that may be provided for by law, on the effective date of this amendatory Act of the 97th General Assembly, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $365,000,000 from the General Revenue Fund into the Healthcare Provider Relief Fund.

(e) In addition to any other transfers that may be provided for by law, on July 1, 2011, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $160,000,000 from the General Revenue Fund to the Healthcare Provider Relief Fund.

(f) Notwithstanding any other State law to the contrary, and in addition to any other transfers that may be provided for by law, the State Comptroller shall order transferred and the State Treasurer shall transfer $500,000,000 to the Healthcare Provider Relief Fund from the General Revenue Fund in equal monthly installments of $100,000,000, with the first transfer to be made on July 1, 2012, or as soon thereafter as practical, and with each of the remaining transfers to be made on August 1, 2012, September 1, 2012, October 1, 2012, and November 1, 2012, or as soon thereafter as practical. This transfer may assist the Department of Healthcare and Family Services in improving Medical Assistance bill processing timeframes or in meeting the possible requirements of Senate Bill 3397, or other similar legislation, of the 97th General Assembly should it become law.

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(g) Notwithstanding any other State law to the contrary, and in addition to any other transfers that may be provided for by law, on July 1, 2013, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $601,000,000 from the General Revenue Fund to the Healthcare Provider Relief Fund.

(Source: P.A. 97-44, eff. 6-28-11; 97-641, eff. 12-19-11; 97-689, eff. 6-14-12; 97-732, eff. 6-30-12; 98-24, eff. 6-19-13; 98-463, eff. 8-16-13.)

Section 15. The Illinois Public Aid Code is amended by changing Sections 5A-2, 5A-8, 5A-12.2, and 5A-12.5 and by adding Section 12-4.105 as follows:

(305 ILCS 5/5A-2) (from Ch. 23, par. 5A-2)

Section scheduled to be repealed on July 1, 2018

Sec. 5A-2. Assessment.

(a)(I) Subject to Sections 5A-3 and 5A-10, for State fiscal years 2009 through 2018, an annual assessment on inpatient services is imposed on each hospital provider in an amount equal to $218.38 multiplied by the difference of the hospital's occupied bed days less the hospital's Medicare bed days, provided, however, that the amount of $218.38 shall be increased by a uniform percentage to generate an amount equal to 75% of the State share of the payments authorized under Section 5A-12.5 Section 12-5, with such increase only taking effect upon the date that a State share for such payments is required under federal law. For the period of April through June 2015, the amount of $218.38 used to calculate the assessment under this paragraph shall, by emergency rule under subsection (s) of Section 5-45 of the Illinois Administrative Procedure Act, be increased by a uniform percentage to generate $20,250,000 in the aggregate for that period from all hospitals subject to the annual assessment under this paragraph.

(2) In addition to any other assessments imposed under this Article, effective July 1, 2016 and semi-annually thereafter through June 2018, in addition to any federally required State share as authorized under paragraph (1), the amount of $218.38 shall be increased by a uniform percentage to generate an amount equal to 75% of the ACA Assessment Adjustment, as defined in subsection (b-6) of this Section.

For State fiscal years 2009 through 2014 and after, a hospital's occupied bed days and Medicare bed days shall be determined using the most recent data available from each hospital's 2005 Medicare cost report as contained in the Healthcare Cost Report Information System file, for the quarter ending on December 31, 2006, without regard to any subsequent
adjustments or changes to such data. If a hospital's 2005 Medicare cost report is not contained in the Healthcare Cost Report Information System, then the Illinois Department may obtain the hospital provider's occupied bed days and Medicare bed days from any source available, including, but not limited to, records maintained by the hospital provider, which may be inspected at all times during business hours of the day by the Illinois Department or its duly authorized agents and employees.

(b) (Blank).

(b-5)(1) Subject to Sections 5A-3 and 5A-10, for the portion of State fiscal year 2012, beginning June 10, 2012 through June 30, 2012, and for State fiscal years 2013 through 2018, an annual assessment on outpatient services is imposed on each hospital provider in an amount equal to .008766 multiplied by the hospital's outpatient gross revenue, provided, however, that the amount of .008766 shall be increased by a uniform percentage to generate an amount equal to 25% of the State share of the payments authorized under Section 5A-12.5 Section 12-5, with such increase only taking effect upon the date that a State share for such payments is required under federal law. For the period beginning June 10, 2012 through June 30, 2012, the annual assessment on outpatient services shall be prorated by multiplying the assessment amount by a fraction, the numerator of which is 21 days and the denominator of which is 365 days. For the period of April through June 2015, the amount of .008766 used to calculate the assessment under this paragraph shall, by emergency rule under subsection (s) of Section 5-45 of the Illinois Administrative Procedure Act, be increased by a uniform percentage to generate $6,750,000 in the aggregate for that period from all hospitals subject to the annual assessment under this paragraph.

(2) In addition to any other assessments imposed under this Article, effective July 1, 2016 and semi-annually thereafter through June 2018, in addition to any federally required State share as authorized under paragraph (1), the amount of .008766 shall be increased by a uniform percentage to generate an amount equal to 25% of the ACA Assessment Adjustment, as defined in subsection (b-6) of this Section.

For the portion of State fiscal year 2012, beginning June 10, 2012 through June 30, 2012, and State fiscal years 2013 through 2018, a hospital's outpatient gross revenue shall be determined using the most recent data available from each hospital's 2009 Medicare cost report as contained in the Healthcare Cost Report Information System file, for the quarter ending on June 30, 2011, without regard to any subsequent
adjustments or changes to such data. If a hospital's 2009 Medicare cost report is not contained in the Healthcare Cost Report Information System, then the Department may obtain the hospital provider's outpatient gross revenue from any source available, including, but not limited to, records maintained by the hospital provider, which may be inspected at all times during business hours of the day by the Department or its duly authorized agents and employees.

(b-6)(1) As used in this Section, "ACA Assessment Adjustment" means:

(A) For the period of July 1, 2016 through December 31, 2016, the product of .19125 multiplied by the sum of the fee-for-service payments to hospitals as authorized under Section 5A-12.5 and the adjustments authorized under subsection (t) of Section 5A-12.2 to managed care organizations for hospital services due and payable in the month of April 2016 multiplied by 6.

(B) For the period of January 1, 2017 through June 30, 2017, the product of .19125 multiplied by the sum of the fee-for-service payments to hospitals as authorized under Section 5A-12.5 and the adjustments authorized under subsection (t) of Section 5A-12.2 to managed care organizations for hospital services due and payable in the month of October 2016 multiplied by 6, except that the amount calculated under this subparagraph (B) shall be adjusted, either positively or negatively, to account for the difference between the actual payments issued under Section 5A-12.5 for the period beginning July 1, 2016 through December 31, 2016 and the estimated payments due and payable in the month of April 2016 multiplied by 6 as described in subparagraph (A).

(C) For the period of July 1, 2017 through December 31, 2017, the product of .19125 multiplied by the sum of the fee-for-service payments to hospitals as authorized under Section 5A-12.5 and the adjustments authorized under subsection (t) of Section 5A-12.2 to managed care organizations for hospital services due and payable in the month of April 2017 multiplied by 6, except that the amount calculated under this subparagraph (C) shall be adjusted, either positively or negatively, to account for the difference between the actual payments issued under Section 5A-12.5 for the period beginning January 1, 2017 through June 30, 2017 and the estimated payments due and payable in the month of October 2016 multiplied by 6 as described in subparagraph (B).

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(D) For the period of January 1, 2018 through June 30, 2018, the product of .19125 multiplied by the sum of the fee-for-service payments to hospitals as authorized under Section 5A-12.5 and the adjustments authorized under subsection (t) of Section 5A-12.2 to managed care organizations for hospital services due and payable in the month of October 2017 multiplied by 6, except that:

(i) the amount calculated under this subparagraph (D) shall be adjusted, either positively or negatively, to account for the difference between the actual payments issued under Section 5A-12.5 for the period of July 1, 2017 through December 31, 2017 and the estimated payments due and payable in the month of April 2017 multiplied by 6 as described in subparagraph (C); and

(ii) the amount calculated under this subparagraph (D) shall be adjusted to include the product of .19125 multiplied by the sum of the fee-for-service payments, if any, estimated to be paid to hospitals under subsection (b) of Section 5A-12.5.

(2) The Department shall complete and apply a final reconciliation of the ACA Assessment Adjustment prior to June 30, 2018 to account for:

(A) any differences between the actual payments issued or scheduled to be issued prior to June 30, 2018 as authorized in Section 5A-12.5 for the period of January 1, 2018 through June 30, 2018 and the estimated payments due and payable in the month of October 2017 multiplied by 6 as described in subparagraph (D); and

(B) any difference between the estimated fee-for-service payments under subsection (b) of Section 5A-12.5 and the amount of such payments that are actually scheduled to be paid.

The Department shall notify hospitals of any additional amounts owed or reduction credits to be applied to the June 2018 ACA Assessment Adjustment. This is to be considered the final reconciliation for the ACA Assessment Adjustment.

(3) Notwithstanding any other provision of this Section, if for any reason the scheduled payments under subsection (b) of Section 5A-12.5 are not issued in full by the final day of the period authorized under subsection (b) of Section 5A-12.5, funds collected from each hospital pursuant to subparagraph (D) of paragraph (1) and pursuant to paragraph (2), attributable to the scheduled payments authorized under

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subsection (b) of Section 5A-12.5 that are not issued in full by the final day of the period attributable to each payment authorized under subsection (b) of Section 5A-12.5, shall be refunded.

(4) The increases authorized under paragraph (2) of subsection (a) and paragraph (2) of subsection (b-5) shall be limited to the federally required State share of the total payments authorized under Section 5A-12.5 if the sum of such payments yields an annualized amount equal to or less than $450,000,000, or if the adjustments authorized under subsection (t) of Section 5A-12.2 are found not to be actuarially sound; however, this limitation shall not apply to the fee-for-service payments described in subsection (b) of Section 5A-12.5.

(c) (Blank).

(d) Notwithstanding any of the other provisions of this Section, the Department is authorized to adopt rules to reduce the rate of any annual assessment imposed under this Section, as authorized by Section 5-46.2 of the Illinois Administrative Procedure Act.

(e) Notwithstanding any other provision of this Section, any plan providing for an assessment on a hospital provider as a permissible tax under Title XIX of the federal Social Security Act and Medicaid-eligible payments to hospital providers from the revenues derived from that assessment shall be reviewed by the Illinois Department of Healthcare and Family Services, as the Single State Medicaid Agency required by federal law, to determine whether those assessments and hospital provider payments meet federal Medicaid standards. If the Department determines that the elements of the plan may meet federal Medicaid standards and a related State Medicaid Plan Amendment is prepared in a manner and form suitable for submission, that State Plan Amendment shall be submitted in a timely manner for review by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services and subject to approval by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services. No such plan shall become effective without approval by the Illinois General Assembly by the enactment into law of related legislation. Notwithstanding any other provision of this Section, the Department is authorized to adopt rules to reduce the rate of any annual assessment imposed under this Section. Any such rules may be adopted by the Department under Section 5-50 of the Illinois Administrative Procedure Act.

New matter indicated by italics - deletions by strikeout
Sec. 5A-8. Hospital Provider Fund.

(a) There is created in the State Treasury the Hospital Provider Fund. Interest earned by the Fund shall be credited to the Fund. The Fund shall not be used to replace any moneys appropriated to the Medicaid program by the General Assembly.

(b) The Fund is created for the purpose of receiving moneys in accordance with Section 5A-6 and disbursing moneys only for the following purposes, notwithstanding any other provision of law:

(1) For making payments to hospitals as required under this Code, under the Children's Health Insurance Program Act, under the Covering ALL KIDS Health Insurance Act, and under the Long Term Acute Care Hospital Quality Improvement Transfer Program Act.

(2) For the reimbursement of moneys collected by the Illinois Department from hospitals or hospital providers through error or mistake in performing the activities authorized under this Code.

(3) For payment of administrative expenses incurred by the Illinois Department or its agent in performing activities under this Code, under the Children's Health Insurance Program Act, under the Covering ALL KIDS Health Insurance Act, and under the Long Term Acute Care Hospital Quality Improvement Transfer Program Act.

(4) For payments of any amounts which are reimbursable to the federal government for payments from this Fund which are required to be paid by State warrant.

(5) For making transfers, as those transfers are authorized in the proceedings authorizing debt under the Short Term Borrowing Act, but transfers made under this paragraph (5) shall not exceed the principal amount of debt issued in anticipation of the receipt by the State of moneys to be deposited into the Fund.

(6) For making transfers to any other fund in the State treasury, but transfers made under this paragraph (6) shall not exceed the amount transferred previously from that other fund into the Hospital Provider Fund plus any interest that would have been earned by that fund on the moneys that had been transferred.

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(6.5) For making transfers to the Healthcare Provider Relief Fund, except that transfers made under this paragraph (6.5) shall not exceed $60,000,000 in the aggregate.

(7) For making transfers not exceeding the following amounts, related to State fiscal years 2013 through 2018, to the following designated funds:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health and Human Services Medicaid Trust Fund</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>Long-Term Care Provider Fund</td>
<td>$30,000,000</td>
</tr>
<tr>
<td>General Revenue Fund</td>
<td>$80,000,000</td>
</tr>
</tbody>
</table>

Transfers under this paragraph shall be made within 7 days after the payments have been received pursuant to the schedule of payments provided in subsection (a) of Section 5A-4.

(7.1) (Blank).

(7.5) (Blank).

(7.8) (Blank).

(7.9) (Blank).

(7.10) For State fiscal year 2014, for making transfers of the moneys resulting from the assessment under subsection (b-5) of Section 5A-2 and received from hospital providers under Section 5A-4 and transferred into the Hospital Provider Fund under Section 5A-6 to the designated funds not exceeding the following amounts in that State fiscal year:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health Care Provider Relief Fund</td>
<td>$100,000,000</td>
</tr>
</tbody>
</table>

Transfers under this paragraph shall be made within 7 days after the payments have been received pursuant to the schedule of payments provided in subsection (a) of Section 5A-4.

The additional amount of transfers in this paragraph (7.10), authorized by Public Act 98-651, shall be made within 10 State business days after June 16, 2014 (the effective date of Public Act 98-651). That authority shall remain in effect even if Public Act 98-651 does not become law until State fiscal year 2015.

(7.10a) For State fiscal years 2015 through 2018, for making transfers of the moneys resulting from the assessment under subsection (b-5) of Section 5A-2 and received from hospital providers under Section 5A-4 and transferred into the Hospital Provider Fund under Section 5A-6 to the designated funds not exceeding the following amounts related to each State fiscal year:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health Care Provider Relief Fund</td>
<td>$50,000,000</td>
</tr>
</tbody>
</table>
Transfers under this paragraph shall be made within 7 days after the payments have been received pursuant to the schedule of payments provided in subsection (a) of Section 5A-4.

(7.11) (Blank).

(7.12) For State fiscal year 2013, for increasing by 21/365ths the transfer of the moneys resulting from the assessment under subsection (b-5) of Section 5A-2 and received from hospital providers under Section 5A-4 for the portion of State fiscal year 2012 beginning June 10, 2012 through June 30, 2012 and transferred into the Hospital Provider Fund under Section 5A-6 to the designated funds not exceeding the following amounts in that State fiscal year:

Health Care Provider Relief Fund...... $2,870,000

Since the federal Centers for Medicare and Medicaid Services approval of the assessment authorized under subsection (b-5) of Section 5A-2, received from hospital providers under Section 5A-4 and the payment methodologies to hospitals required under Section 5A-12.4 was not received by the Department until State fiscal year 2014 and since the Department made retroactive payments during State fiscal year 2014 related to the referenced period of June 2012, the transfer authority granted in this paragraph (7.12) is extended through the date that is 10 State business days after June 16, 2014 (the effective date of Public Act 98-651).

(7.13) In addition to any other transfers authorized under this Section, for State fiscal years 2017 and 2018, for making transfers to the Healthcare Provider Relief Fund of moneys collected from the ACA Assessment Adjustment authorized under subsections (a) and (b-5) of Section 5A-2 and paid by hospital providers under Section 5A-4 into the Hospital Provider Fund under Section 5A-6 for each State fiscal year. Timing of transfers to the Healthcare Provider Relief Fund under this paragraph shall be at the discretion of the Department, but no less frequently than quarterly.

(8) For making refunds to hospital providers pursuant to Section 5A-10.

(9) For making payment to capitated managed care organizations as described in subsections (s) and (t) of Section 5A-12.2 of this Code.

New matter indicated by italics - deletions by strikeout
Disbursements from the Fund, other than transfers authorized under paragraphs (5) and (6) of this subsection, shall be by warrants drawn by the State Comptroller upon receipt of vouchers duly executed and certified by the Illinois Department.

(c) The Fund shall consist of the following:

(1) All moneys collected or received by the Illinois Department from the hospital provider assessment imposed by this Article.

(2) All federal matching funds received by the Illinois Department as a result of expenditures made by the Illinois Department that are attributable to moneys deposited in the Fund.

(3) Any interest or penalty levied in conjunction with the administration of this Article.

(3.5) As applicable, proceeds from surety bond payments payable to the Department as referenced in subsection (s) of Section 5A-12.2 of this Code.

(4) Moneys transferred from another fund in the State treasury.

(5) All other moneys received for the Fund from any other source, including interest earned thereon.

(d) (Blank).

(Source: P.A. 98-104, eff. 7-22-13; 98-463, eff. 8-16-13; 98-651, eff. 6-16-14; 98-756, eff. 7-16-14; 99-78, eff. 7-20-15.)

(305 ILCS 5/5A-12.2)

(Section scheduled to be repealed on July 1, 2018)

Sec. 5A-12.2. Hospital access payments on or after July 1, 2008.

(a) To preserve and improve access to hospital services, for hospital services rendered on or after July 1, 2008, the Illinois Department shall, except for hospitals described in subsection (b) of Section 5A-3, make payments to hospitals as set forth in this Section. These payments shall be paid in 12 equal installments on or before the seventh State business day of each month, except that no payment shall be due within 100 days after the later of the date of notification of federal approval of the payment methodologies required under this Section or any waiver required under 42 CFR 433.68, at which time the sum of amounts required under this Section prior to the date of notification is due and payable. Payments under this Section are not due and payable, however, until (i) the methodologies described in this Section are approved by the federal government in an appropriate State Plan amendment and (ii) the

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assessment imposed under this Article is determined to be a permissible tax under Title XIX of the Social Security Act.

(a-5) The Illinois Department may, when practicable, accelerate the schedule upon which payments authorized under this Section are made.

(b) Across-the-board inpatient adjustment.

(1) In addition to rates paid for inpatient hospital services, the Department shall pay to each Illinois general acute care hospital an amount equal to 40% of the total base inpatient payments paid to the hospital for services provided in State fiscal year 2005.

(2) In addition to rates paid for inpatient hospital services, the Department shall pay to each freestanding Illinois specialty care hospital as defined in 89 Ill. Adm. Code 149.50(c)(1), (2), or (4) an amount equal to 60% of the total base inpatient payments paid to the hospital for services provided in State fiscal year 2005.

(3) In addition to rates paid for inpatient hospital services, the Department shall pay to each freestanding Illinois rehabilitation or psychiatric hospital an amount equal to $1,000 per Medicaid inpatient day multiplied by the increase in the hospital's Medicaid inpatient utilization ratio (determined using the positive percentage change from the rate year 2005 Medicaid inpatient utilization ratio to the rate year 2007 Medicaid inpatient utilization ratio, as calculated by the Department for the disproportionate share determination).

(4) In addition to rates paid for inpatient hospital services, the Department shall pay to each Illinois children's hospital an amount equal to 20% of the total base inpatient payments paid to the hospital for services provided in State fiscal year 2005 and an additional amount equal to 20% of the base inpatient payments paid to the hospital for psychiatric services provided in State fiscal year 2005.

(5) In addition to rates paid for inpatient hospital services, the Department shall pay to each Illinois hospital eligible for a pediatric inpatient adjustment payment under 89 Ill. Adm. Code 148.298, as in effect for State fiscal year 2007, a supplemental pediatric inpatient adjustment payment equal to:

(i) For freestanding children's hospitals as defined in 89 Ill. Adm. Code 149.50(c)(3)(A), 2.5 multiplied by the hospital's pediatric inpatient adjustment payment required

(ii) For hospitals other than freestanding children's hospitals as defined in 89 Ill. Adm. Code 149.50(c)(3)(B), 1.0 multiplied by the hospital's pediatric inpatient adjustment payment required under 89 Ill. Adm. Code 148.298, as in effect for State fiscal year 2008.

(c) Outpatient adjustment.

(1) In addition to the rates paid for outpatient hospital services, the Department shall pay each Illinois hospital an amount equal to 2.2 multiplied by the hospital's ambulatory procedure listing payments for categories 1, 2, 3, and 4, as defined in 89 Ill. Adm. Code 148.140(b), for State fiscal year 2005.

(2) In addition to the rates paid for outpatient hospital services, the Department shall pay each Illinois freestanding psychiatric hospital an amount equal to 3.25 multiplied by the hospital's ambulatory procedure listing payments for category 5b, as defined in 89 Ill. Adm. Code 148.140(b)(1)(E), for State fiscal year 2005.

(d) Medicaid high volume adjustment. In addition to rates paid for inpatient hospital services, the Department shall pay to each Illinois general acute care hospital that provided more than 20,500 Medicaid inpatient days of care in State fiscal year 2005 amounts as follows:

(1) For hospitals with a case mix index equal to or greater than the 85th percentile of hospital case mix indices, $350 for each Medicaid inpatient day of care provided during that period; and

(2) For hospitals with a case mix index less than the 85th percentile of hospital case mix indices, $100 for each Medicaid inpatient day of care provided during that period.

(e) Capital adjustment. In addition to rates paid for inpatient hospital services, the Department shall pay an additional payment to each Illinois general acute care hospital that has a Medicaid inpatient utilization rate of at least 10% (as calculated by the Department for the rate year 2007 disproportionate share determination) amounts as follows:

(1) For each Illinois general acute care hospital that has a Medicaid inpatient utilization rate of at least 10% and less than 36.94% and whose capital cost is less than the 60th percentile of the capital costs of all Illinois hospitals, the amount of such payment shall equal the hospital's Medicaid inpatient days
multiplied by the difference between the capital costs at the 60th percentile of the capital costs of all Illinois hospitals and the hospital's capital costs.

(2) For each Illinois general acute care hospital that has a Medicaid inpatient utilization rate of at least 36.94% and whose capital cost is less than the 75th percentile of the capital costs of all Illinois hospitals, the amount of such payment shall equal the hospital's Medicaid inpatient days multiplied by the difference between the capital costs at the 75th percentile of the capital costs of all Illinois hospitals and the hospital's capital costs.

(f) Obstetrical care adjustment.

(1) In addition to rates paid for inpatient hospital services, the Department shall pay $1,500 for each Medicaid obstetrical day of care provided in State fiscal year 2005 by each Illinois rural hospital that had a Medicaid obstetrical percentage (Medicaid obstetrical days divided by Medicaid inpatient days) greater than 15% for State fiscal year 2005.

(2) In addition to rates paid for inpatient hospital services, the Department shall pay $1,350 for each Medicaid obstetrical day of care provided in State fiscal year 2005 by each Illinois general acute care hospital that was designated a level III perinatal center as of December 31, 2006, and that had a case mix index equal to or greater than the 45th percentile of the case mix indices for all level III perinatal centers.

(3) In addition to rates paid for inpatient hospital services, the Department shall pay $900 for each Medicaid obstetrical day of care provided in State fiscal year 2005 by each Illinois general acute care hospital that was designated a level II or II+ perinatal center as of December 31, 2006, and that had a case mix index equal to or greater than the 35th percentile of the case mix indices for all level II and II+ perinatal centers.

(g) Trauma adjustment.

(1) In addition to rates paid for inpatient hospital services, the Department shall pay each Illinois general acute care hospital designated as a trauma center as of July 1, 2007, a payment equal to 3.75 multiplied by the hospital's State fiscal year 2005 Medicaid capital payments.

(2) In addition to rates paid for inpatient hospital services, the Department shall pay $400 for each Medicaid acute inpatient day.
day of care provided in State fiscal year 2005 by each Illinois general acute care hospital that was designated a level II trauma center, as defined in 89 Ill. Adm. Code 148.295(a)(3) and 148.295(a)(4), as of July 1, 2007.

(3) In addition to rates paid for inpatient hospital services, the Department shall pay $235 for each Illinois Medicaid acute inpatient day of care provided in State fiscal year 2005 by each level I pediatric trauma center located outside of Illinois that had more than 8,000 Illinois Medicaid inpatient days in State fiscal year 2005.

(h) Supplemental tertiary care adjustment. In addition to rates paid for inpatient services, the Department shall pay to each Illinois hospital eligible for tertiary care adjustment payments under 89 Ill. Adm. Code 148.296, as in effect for State fiscal year 2007, a supplemental tertiary care adjustment payment equal to the tertiary care adjustment payment required under 89 Ill. Adm. Code 148.296, as in effect for State fiscal year 2007.

(i) Crossover adjustment. In addition to rates paid for inpatient services, the Department shall pay each Illinois general acute care hospital that had a ratio of crossover days to total inpatient days for medical assistance programs administered by the Department (utilizing information from 2005 paid claims) greater than 50%, and a case mix index greater than the 65th percentile of case mix indices for all Illinois hospitals, a rate of $1,125 for each Medicaid inpatient day including crossover days.

(j) Magnet hospital adjustment. In addition to rates paid for inpatient hospital services, the Department shall pay to each Illinois general acute care hospital and each Illinois freestanding children's hospital that, as of February 1, 2008, was recognized as a Magnet hospital by the American Nurses Credentialing Center and that had a case mix index greater than the 75th percentile of case mix indices for all Illinois hospitals amounts as follows:

(1) For hospitals located in a county whose eligibility growth factor is greater than the mean, $450 multiplied by the eligibility growth factor for the county in which the hospital is located for each Medicaid inpatient day of care provided by the hospital during State fiscal year 2005.

(2) For hospitals located in a county whose eligibility growth factor is less than or equal to the mean, $225 multiplied by the eligibility growth factor for the county in which the hospital is located for each Medicaid inpatient day of care provided by the hospital during State fiscal year 2005.

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located for each Medicaid inpatient day of care provided by the hospital during State fiscal year 2005.

For purposes of this subsection, "eligibility growth factor" means the percentage by which the number of Medicaid recipients in the county increased from State fiscal year 1998 to State fiscal year 2005.

(k) For purposes of this Section, a hospital that is enrolled to provide Medicaid services during State fiscal year 2005 shall have its utilization and associated reimbursements annualized prior to the payment calculations being performed under this Section.

(l) For purposes of this Section, the terms "Medicaid days", "ambulatory procedure listing services", and "ambulatory procedure listing payments" do not include any days, charges, or services for which Medicare or a managed care organization reimbursed on a capitated basis was liable for payment, except where explicitly stated otherwise in this Section.

(m) For purposes of this Section, in determining the percentile ranking of an Illinois hospital's case mix index or capital costs, hospitals described in subsection (b) of Section 5A-3 shall be excluded from the ranking.

(n) Definitions. Unless the context requires otherwise or unless provided otherwise in this Section, the terms used in this Section for qualifying criteria and payment calculations shall have the same meanings as those terms have been given in the Illinois Department's administrative rules as in effect on March 1, 2008. Other terms shall be defined by the Illinois Department by rule.

As used in this Section, unless the context requires otherwise:

"Base inpatient payments" means, for a given hospital, the sum of base payments for inpatient services made on a per diem or per admission (DRG) basis, excluding those portions of per admission payments that are classified as capital payments. Disproportionate share hospital adjustment payments, Medicaid Percentage Adjustments, Medicaid High Volume Adjustments, and outlier payments, as defined by rule by the Department as of January 1, 2008, are not base payments.

"Capital costs" means, for a given hospital, the total capital costs determined using the most recent 2005 Medicare cost report as contained in the Healthcare Cost Report Information System file, for the quarter ending on December 31, 2006, divided by the total inpatient days from the same cost report to calculate a capital cost per day. The resulting capital cost per day is inflated to the midpoint of State fiscal year 2009 utilizing...
the national hospital market price proxies (DRI) hospital cost index. If a hospital's 2005 Medicare cost report is not contained in the Healthcare Cost Report Information System, the Department may obtain the data necessary to compute the hospital's capital costs from any source available, including, but not limited to, records maintained by the hospital provider, which may be inspected at all times during business hours of the day by the Illinois Department or its duly authorized agents and employees.

"Case mix index" means, for a given hospital, the sum of the DRG relative weighting factors in effect on January 1, 2005, for all general acute care admissions for State fiscal year 2005, excluding Medicare crossover admissions and transplant admissions reimbursed under 89 Ill. Adm. Code 148.82, divided by the total number of general acute care admissions for State fiscal year 2005, excluding Medicare crossover admissions and transplant admissions reimbursed under 89 Ill. Adm. Code 148.82.

"Medicaid inpatient day" means, for a given hospital, the sum of days of inpatient hospital days provided to recipients of medical assistance under Title XIX of the federal Social Security Act, excluding days for individuals eligible for Medicare under Title XVIII of that Act (Medicaid/Medicare crossover days), as tabulated from the Department's paid claims data for admissions occurring during State fiscal year 2005 that was adjudicated by the Department through March 23, 2007.

"Medicaid obstetrical day" means, for a given hospital, the sum of days of inpatient hospital days grouped by the Department to DRGs of 370 through 375 provided to recipients of medical assistance under Title XIX of the federal Social Security Act, excluding days for individuals eligible for Medicare under Title XVIII of that Act (Medicaid/Medicare crossover days), as tabulated from the Department's paid claims data for admissions occurring during State fiscal year 2005 that was adjudicated by the Department through March 23, 2007.

"Outpatient ambulatory procedure listing payments" means, for a given hospital, the sum of payments for ambulatory procedure listing services, as described in 89 Ill. Adm. Code 148.140(b), provided to recipients of medical assistance under Title XIX of the federal Social Security Act, excluding payments for individuals eligible for Medicare under Title XVIII of the Act (Medicaid/Medicare crossover days), as tabulated from the Department's paid claims data for services occurring in State fiscal year 2005 that were adjudicated by the Department through March 23, 2007.

New matter indicated by italics - deletions by strikeout
(o) The Department may adjust payments made under this Section 5A-12.2 to comply with federal law or regulations regarding hospital-specific payment limitations on government-owned or government-operated hospitals.

(p) Notwithstanding any of the other provisions of this Section, the Department is authorized to adopt rules that change the hospital access improvement payments specified in this Section, but only to the extent necessary to conform to any federally approved amendment to the Title XIX State plan. Any such rules shall be adopted by the Department as authorized by Section 5-50 of the Illinois Administrative Procedure Act. Notwithstanding any other provision of law, any changes implemented as a result of this subsection (p) shall be given retroactive effect so that they shall be deemed to have taken effect as of the effective date of this Section.

(q) (Blank).

(r) On and after July 1, 2012, the Department shall reduce any rate of reimbursement for services or other payments or alter any methodologies authorized by this Code to reduce any rate of reimbursement for services or other payments in accordance with Section 5-5e.

(s) On or after January 1, 2016 July 1, 2014, but no later than October 1, 2014, and no less than annually thereafter, the Department shall may increase capitation payments to capitated managed care organizations (MCOs) to equal the aggregate reduction of payments made in this Section and in Section 5A-12.4 by a uniform percentage on a regional basis to preserve access to hospital services for recipients under the Illinois Medical Assistance Program. The aggregate amount of all increased capitation payments to all MCOs for a fiscal year shall be the amount needed to avoid reduction in payments authorized under Section 5A-15. Payments to MCOs under this Section shall be consistent with actuarial certification and shall be published by the Department each year. Each MCO shall only expend the increased capitation payments it receives under this Section to support the availability of hospital services and to ensure access to hospital services, with such expenditures being made within 15 calendar days from when the MCO receives the increased capitation payment. The Department shall make available, on a monthly basis, a report of the capitation payments that are made to each MCO pursuant to this subsection, including the number of enrollees for which such payment is made, the per enrollee amount of the payment, and any
adjustments that have been made. Payments made under this subsection shall be guaranteed by a surety bond obtained by the MCO in an amount established by the Department to approximate one month's liability of payments authorized under this subsection. The Department may advance the payments guaranteed by the surety bond. Payments to MCOs that would be paid consistent with actuarial certification and enrollment in the absence of the increased capitation payments under this Section shall not be reduced as a consequence of payments made under this subsection.

As used in this subsection, “MCO” means an entity which contracts with the Department to provide services where payment for medical services is made on a capitated basis.

(t) On or after July 1, 2014, the Department may increase capitation payments to capitated managed care organizations (MCOs) to equal the aggregate reduction of payments made in Section 5A-12.5 to preserve access to hospital services for recipients under the Illinois Medical Assistance Program. Effective January 1, 2016, the Department shall increase capitation payments to MCOs to include the payments authorized under Section 5A-12.5 to preserve access to hospital services for recipients under the Illinois Medical Assistance Program by ensuring that the reimbursement provided for Affordable Care Act adults enrolled in a MCO is equivalent to the reimbursement provided for Affordable Care Act adults enrolled in a fee-for-service program. Payments to MCOs under this Section shall be consistent with actuarial certification and federal approval (which may be retrospectively determined) and shall be published by the Department each year. Each MCO shall only expend the increased capitation payments it receives under this Section to support the availability of hospital services and to ensure access to hospital services, with such expenditures being made within 15 calendar days from when the MCO receives the increased capitation payment. Payments made under this subsection may be guaranteed by a surety bond obtained by the MCO in an amount established by the Department to approximate one month's liability of payments authorized under this subsection. The Department may advance the payments to hospitals under this subsection, in the event the MCO fails to make such payments. The Department shall make available, on a monthly basis, a report of the capitation payments that are made to each MCO pursuant to this subsection, including the number of enrollees for which such payment is made, the per enrollee amount of the payment, and any adjustments that have been made. Payments to MCOs that would be paid consistent with actuarial certification and enrollment in

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the absence of the increased capitation payments under this subsection shall not be reduced as a consequence of payments made under this subsection.

As used in this subsection, "MCO" means an entity which contracts with the Department to provide services where payment for medical services is made on a capitated basis.

(Source: P.A. 97-689, eff. 6-14-12; 98-651, eff. 6-16-14.)

(305 ILCS 5/5A-12.5)

Sec. 5A-12.5. Affordable Care Act adults; hospital access payments.

(a) The Department shall, subject to federal approval, mirror the Medical Assistance hospital reimbursement methodology for Affordable Care Act adults who are enrolled under a fee-for-service or capitated managed care program, including hospital access payments as defined in Section 5A-12.2 of this Article and hospital access improvement payments as defined in Section 5A-12.4 of this Article, in compliance with the equivalent rate provisions of the Affordable Care Act.

(b) If the fee-for-service payments authorized under this Section are deemed to be increases to payments for a prior period, the Department shall seek federal approval to issue such increases for the payments made through the period ending on June 30, 2018, even if such increases are paid out during an extended payment period beyond such date. Payment of such increases beyond such date is subject to federal approval.

(c) As used in this Section, "Affordable Care Act" is the collective term for the Patient Protection and Affordable Care Act (Pub. L. 111-148) and the Health Care and Education Reconciliation Act of 2010 (Pub. L. 111-152).

(Source: P.A. 98-651, eff. 6-16-14.)

(305 ILCS 5/12-4.105 new)

Sec. 12-4.105. Human poison control center; payment program. Subject to funding availability resulting from transfers made from the Hospital Provider Fund to the Healthcare Provider Relief Fund as authorized under this Code, for State fiscal year 2017 and State fiscal year 2018, the Department of Healthcare and Family Services shall pay to the human poison control center designated under the Poison Control System Act an amount of not less than $3,000,000 for each of those State fiscal years that the human poison control center is in operation.

Section 20. The Lead Poisoning Prevention Act is amended by changing Section 15.1 as follows:

New matter indicated by italics - deletions by strikeout
Sec. 15.1. Funding. Beginning July 1, 2014 and ending June 30, 2018, a hospital satisfying the definition, as of July 1, 2014, of Section 5-5e.1 of the Illinois Public Aid Code and located in DuPage County shall pay the sum of $2,000,000 annually in 4 equal quarterly installments to the human poison control center in existence as of July 1, 2014 and established under the authority of this Act.

(Source: P.A. 98-651, eff. 6-16-14.)

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

Passed in the General Assembly June 30, 2016.
Approved June 30, 2016.
Effective June 30, 2016.

PUBLIC ACT 99-0517
(House Bill No. 5598)

AN ACT concerning revenue.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Department of Revenue Law of the Civil Administrative Code of Illinois is amended by changing Section 2505-190 as follows:

(20 ILCS 2505/2505-190) (was 20 ILCS 2505/39c-4)

Sec. 2505-190. Tax Compliance and Administration Fund.
(a) Amounts deposited into the Tax Compliance and Administration Fund, a special fund in the State treasury that is hereby created, must be appropriated to the Department to reimburse the Department for its costs of collecting, administering, and enforcing the tax laws that provide for deposits into the Fund. Moneys in the Fund shall consist of deposits provided for in tax laws, reimbursements, or other payments received from units of local government for administering a local tax or fee on behalf of the unit of local government in accordance with the Local Tax Collection Act, or other payments designated for deposit into the Fund.

(b) As soon as possible after July 1, 2015, and as soon as possible after each July 1 thereafter, the Director of the Department of Revenue shall certify the balance in the Tax Compliance and Administration Fund as of July 1, less any amounts obligated, and the State Comptroller shall
order transferred and the State Treasurer shall transfer from the Tax Compliance and Administration Fund to the General Revenue Fund the amount certified that exceeds $2,500,000.
(Source: P.A. 98-1098, eff. 8-26-14.)

Section 10. The Retailers' Occupation Tax Act is amended by changing Section 11 as follows:

(35 ILCS 120/11) (from Ch. 120, par. 450)

Sec. 11. All information received by the Department from returns filed under this Act, or from any investigation conducted under this Act, shall be confidential, except for official purposes, and any person who divulges any such information in any manner, except in accordance with a proper judicial order or as otherwise provided by law, shall be guilty of a Class B misdemeanor with a fine not to exceed $7,500.

Nothing in this Act prevents the Director of Revenue from publishing or making available to the public the names and addresses of persons filing returns under this Act, or reasonable statistics concerning the operation of the tax by grouping the contents of returns so the information in any individual return is not disclosed.

Nothing in this Act prevents the Director of Revenue from divulging to the United States Government or the government of any other state, or any officer or agency thereof, for exclusively official purposes, information received by the Department in administering this Act, provided that such other governmental agency agrees to divulge requested tax information to the Department.

The Department's furnishing of information derived from a taxpayer's return or from an investigation conducted under this Act to the surety on a taxpayer's bond that has been furnished to the Department under this Act, either to provide notice to such surety of its potential liability under the bond or, in order to support the Department's demand for payment from such surety under the bond, is an official purpose within the meaning of this Section.

The furnishing upon request of information obtained by the Department from returns filed under this Act or investigations conducted under this Act to the Illinois Liquor Control Commission for official use is deemed to be an official purpose within the meaning of this Section.

Notice to a surety of potential liability shall not be given unless the taxpayer has first been notified, not less than 10 days prior thereto, of the Department's intent to so notify the surety.

New matter indicated by italics - deletions by strikeout
The furnishing upon request of the Auditor General, or his authorized agents, for official use, of returns filed and information related thereto under this Act is deemed to be an official purpose within the meaning of this Section.

Where an appeal or a protest has been filed on behalf of a taxpayer, the furnishing upon request of the attorney for the taxpayer of returns filed by the taxpayer and information related thereto under this Act is deemed to be an official purpose within the meaning of this Section.

The furnishing of financial information to a municipality or county, upon request of the chief executive officer Chief Executive thereof, is an official purpose within the meaning of this Section, provided the municipality or county agrees in writing to the requirements of this Section. Information provided to municipalities and counties under this paragraph shall be limited to: (1) the business name; (2) the business address; (3) the standard classification number assigned to the business; (4) net revenue distributed to the requesting municipality or county that is directly related to the requesting municipality's or county's local share of the proceeds under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act distributed from the Local Government Tax Fund, and, if applicable, any locally imposed retailers' occupation tax or service occupation tax; and (5) a listing of all businesses within the requesting municipality or county by account identification number and address. On and after July 1, 2015, the furnishing of financial information to municipalities and counties under this paragraph may be by electronic means.

Information so provided shall be subject to all confidentiality provisions of this Section. The written agreement shall provide for reciprocity, limitations on access, disclosure, and procedures for requesting information.

The Department may make available to the Board of Trustees of any Metro East Mass Transit District information contained on transaction reporting returns required to be filed under Section 3 of this Act that report sales made within the boundary of the taxing authority of that Metro East Mass Transit District, as provided in Section 5.01 of the Local Mass Transit District Act. The disclosure shall be made pursuant to a written agreement between the Department and the Board of Trustees of a Metro East Mass Transit District, which is an official purpose within the meaning of this Section. The written agreement between the Department and the Board of Trustees of a Metro East Mass Transit District shall provide for

New matter indicated by italics - deletions by strikeout
reciprocity, limitations on access, disclosure, and procedures for requesting information. Information so provided shall be subject to all confidentiality provisions of this Section.

The Director may make available to any State agency, including the Illinois Supreme Court, which licenses persons to engage in any occupation, information that a person licensed by such agency has failed to file returns under this Act or pay the tax, penalty and interest shown therein, or has failed to pay any final assessment of tax, penalty or interest due under this Act. The Director may make available to any State agency, including the Illinois Supreme Court, information regarding whether a bidder, contractor, or an affiliate of a bidder or contractor has failed to collect and remit Illinois Use tax on sales into Illinois, or any tax under this Act or pay the tax, penalty, and interest shown therein, or has failed to pay any final assessment of tax, penalty, or interest due under this Act, for the limited purpose of enforcing bidder and contractor certifications. The Director may make available to units of local government and school districts that require bidder and contractor certifications, as set forth in Sections 50-11 and 50-12 of the Illinois Procurement Code, information regarding whether a bidder, contractor, or an affiliate of a bidder or contractor has failed to collect and remit Illinois Use tax on sales into Illinois, file returns under this Act, or pay the tax, penalty, and interest shown therein, or has failed to pay any final assessment of tax, penalty, or interest due under this Act, for the limited purpose of enforcing bidder and contractor certifications. For purposes of this Section, the term "affiliate" means any entity that (1) directly, indirectly, or constructively controls another entity, (2) is directly, indirectly, or constructively controlled by another entity, or (3) is subject to the control of a common entity. For purposes of this Section, an entity controls another entity if it owns, directly or individually, more than 10% of the voting securities of that entity. As used in this Section, the term "voting security" means a security that (1) confers upon the holder the right to vote for the election of members of the board of directors or similar governing body of the business or (2) is convertible into, or entitles the holder to receive upon its exercise, a security that confers such a right to vote. A general partnership interest is a voting security.

The Director may make available to any State agency, including the Illinois Supreme Court, units of local government, and school districts, information regarding whether a bidder or contractor is an affiliate of a
person who is not collecting and remitting Illinois Use taxes for the limited purpose of enforcing bidder and contractor certifications.

The Director may also make available to the Secretary of State information that a limited liability company, which has filed articles of organization with the Secretary of State, or corporation which has been issued a certificate of incorporation by the Secretary of State has failed to file returns under this Act or pay the tax, penalty and interest shown therein, or has failed to pay any final assessment of tax, penalty or interest due under this Act. An assessment is final when all proceedings in court for review of such assessment have terminated or the time for the taking thereof has expired without such proceedings being instituted.

The Director shall make available for public inspection in the Department's principal office and for publication, at cost, administrative decisions issued on or after January 1, 1995. These decisions are to be made available in a manner so that the following taxpayer information is not disclosed:

(1) The names, addresses, and identification numbers of the taxpayer, related entities, and employees.

(2) At the sole discretion of the Director, trade secrets or other confidential information identified as such by the taxpayer, no later than 30 days after receipt of an administrative decision, by such means as the Department shall provide by rule.

The Director shall determine the appropriate extent of the deletions allowed in paragraph (2). In the event the taxpayer does not submit deletions, the Director shall make only the deletions specified in paragraph (1).

The Director shall make available for public inspection and publication an administrative decision within 180 days after the issuance of the administrative decision. The term "administrative decision" has the same meaning as defined in Section 3-101 of Article III of the Code of Civil Procedure. Costs collected under this Section shall be paid into the Tax Compliance and Administration Fund.

Nothing contained in this Act shall prevent the Director from divulging information to any person pursuant to a request or authorization made by the taxpayer or by an authorized representative of the taxpayer.

(Source: P.A. 98-1058, eff. 1-1-15.)

Section 15. The Local Tax Collection Act is amended by changing Section 1 as follows:

(35 ILCS 720/1) (from Ch. 120, par. 1901)

New matter indicated by italics - deletions by strikeout
Sec. 1. (a) The Department of Revenue and any unit of local government county or municipality may agree to the Department's collecting, and transmitting back to the unit of local government such county or municipality, any tax lawfully imposed by that unit of local government county or municipality, the subject of which is similar to that of a tax imposed by the State and collected by the Department of Revenue, unless the General Assembly has specifically required a different method of collection for such tax. However, the Department may not enter into a contract with any unit of local government municipality or county pursuant to this Act for the collection of any tax based on the sale or use of tangible personal property generally, not including taxes based only on the sale or use of specifically limited kinds of tangible personal property, unless the municipal or county ordinance adopted by the unit of local government imposes a sales or use tax which is substantively identical to and which contains the same exemptions as the taxes imposed by the unit of local government's municipalities' or counties' ordinances authorized by the Home Rule or Non-Home Rule Municipal or County Retailers' Occupation Tax Act, the Home Rule or Non-Home Rule or the Municipal or County Use Tax, or any other Retailers' Occupation Tax Act or Law that is administered by the Department of Revenue, as interpreted by the Department through its regulations as those Acts and as those regulations may from time to time be amended.

(b) Regarding the collection of a tax pursuant to this Section, the Department and any person subject to a tax collected by the Department pursuant to this Section shall, as much as practicable, have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, definitions of terms and procedures, as those set forth in the Act imposing the State tax, the subject of which is similar to the tax being collected by the Department pursuant to this Section. The Department and unit of local government county or municipality shall specifically agree in writing to such rights, remedies, privileges, immunities, powers, duties, conditions, restrictions, limitations, penalties, definitions of terms and procedures, as well as any other terms deemed necessary or advisable. All terms so agreed upon shall be incorporated into an ordinance of such unit of local government county or municipality, and the Department shall not collect the tax pursuant to this Section until such ordinance takes effect.

(c) (1) The Department shall forthwith pay over to the State Treasurer, ex officio, as trustee, all taxes and penalties collected
hereunder. On or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to named units of local government cities and counties from which retailers or other taxpayers have paid taxes or penalties hereunder to the Department during the second preceding calendar month.

(i) The amount to be paid to each unit of local government county and municipality, which shall equal the taxes and penalties collected by the Department for the unit of local government such county or municipality pursuant to this Section during the second preceding calendar month (not including credit memoranda), plus an amount the Department determines is necessary to offset any amounts which were erroneously paid to a different taxing body, and not including (i) an amount equal to the amount of refunds made during the second preceding calendar month by the Department of behalf of such county or municipality and (ii) any amount which the Department determines is necessary to offset any amounts which are payable to a different taxing body but were erroneously paid to the municipality or county, less 2% of the balance, or any greater amount of the balance as provided in the agreement between the Department and the unit of local government required under this Section, which sum shall be retained by the State Treasurer. total amount of taxes and penalties collected by the Department for such county or municipality pursuant to this Section or the actual cost of collection of such taxes and penalties determined pursuant to the agreement described in subsection (b), whichever is less, which shall be retained by the State; and

(ii) With respect to the total amount to be retained by the State Treasurer pursuant to subparagraph (i), the Department, at the time of each monthly disbursement to the units of local government, shall prepare and certify to the Comptroller the amount so retained by the State Treasurer, which shall be transferred such amount to be deposited into the Tax Compliance and Administration General Revenue Fund of the State treasury and used by the Department, subject to appropriation, to cover the costs incurred by the Department in collecting such taxes and penalties.

(2) Within 10 days after receiving the certifications described in paragraph (1), the Comptroller shall issue orders for payment of the amounts specified in subparagraph (i) of paragraph (1).
(d) Any home rule unit of local government which imposes a tax collected by the Department pursuant to this Section substantially similar to a State imposed tax, or which imposes a tax which is intended to be collected from a retail purchaser of goods or services at the same time a similar State tax is also collected, must file a certified copy of the ordinance imposing the tax with the Department within 10 days after its passage. Beginning on the effective date of this amendatory Act of the 99th General Assembly, an ordinance or resolution imposing or discontinuing a tax collected by the Department under this Section or effecting a change in the rate thereof shall either (i) be adopted and a certified copy thereof filed with the Department on or before the first day of April, whereupon the Department shall proceed to administer and enforce the tax imposition, discontinuance, or rate change as of the first day of July next following the adoption and filing; or (ii) be adopted and certified copy thereof filed with the Department on or before the first day of October, whereupon the Department shall proceed to administer and enforce the tax imposition, discontinuance, or rate change as of the first day of January next following the adoption and filing. No such ordinance shall become effective until it is so filed. Any home rule unit of local government which has enacted such an ordinance prior to the effective date of this Act shall file a copy of such ordinance with the Department within 90 days after the effective date of this Act.

(e) It is declared to be the law of this State, pursuant to paragraph (g) of Section 6 of Article VII of the Illinois Constitution, that this amendatory Act of 1988 is a denial of the power of a home rule unit to fail to comply with the requirements of paragraphs (d) and (e) of this Section.

(Source: P.A. 85-1215.)

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

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Statutes amended in order of appearance
20 ILCS 2505/2505-190 was 20 ILCS 2505/39c-4
35 ILCS 120/11 from Ch. 120, par. 450
35 ILCS 720/1 from Ch. 120, par. 1901

Approved June 30, 2016.
Effective June 30, 2016.

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 99-0518  
(House Bill No. 5736)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Covering ALL KIDS Health Insurance Act is amended by changing Section 98 as follows:
(215 ILCS 170/98)
(Section scheduled to be repealed on July 1, 2016)
Sec. 98. Repealer. This Act is repealed on October 1, 2019.
(2016)
(Source: P.A. 96-1501, eff. 1-25-11.)
Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 18, 2016.
Approved June 30, 2016.
Effective June 30, 2016.

PUBLIC ACT 99-0519  
(Senate Bill No. 0010)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Compassionate Use of Medical Cannabis Pilot Program Act is amended by changing Sections 5, 10, 15, 35, 45, 60, 70, 75, and 220 and by adding Sections 7 and 57 as follows:
(410 ILCS 130/5)
(Section scheduled to be repealed on January 1, 2018)
Sec. 5. Findings.
(a) The recorded use of cannabis as a medicine goes back nearly 5,000 years. Modern medical research has confirmed the beneficial uses of cannabis in treating or alleviating the pain, nausea, and other symptoms associated with a variety of debilitating medical conditions, including cancer, multiple sclerosis, and HIV/AIDS, as found by the National Academy of Sciences' Institute of Medicine in March 1999.
(b) Studies published since the 1999 Institute of Medicine report continue to show the therapeutic value of cannabis in treating a wide array

New matter indicated by italics - deletions by strikeout
of debilitating medical conditions. These include relief of the neuropathic
pain caused by multiple sclerosis, HIV/AIDS, and other illnesses that often
fail to respond to conventional treatments and relief of nausea, vomiting,
and other side effects of drugs used to treat HIV/AIDS and hepatitis C,
increasing the chances of patients continuing on life-saving treatment
regimens.

(c) Cannabis has many currently accepted medical uses in the
United States, having been recommended by thousands of licensed
physicians to at least 600,000 patients in states with medical cannabis
laws. The medical utility of cannabis is recognized by a wide range of
medical and public health organizations, including the American Academy
of HIV Medicine, the American College of Physicians, the American
Nurses Association, the American Public Health Association, the
Leukemia & Lymphoma Society, and many others.

(d) Data from the Federal Bureau of Investigation's Uniform Crime
Reports and the Compendium of Federal Justice Statistics show that
approximately 99 out of every 100 cannabis arrests in the U.S. are made
under state law, rather than under federal law. Consequently, changing
State law will have the practical effect of protecting from arrest the vast
majority of seriously ill patients who have a medical need to use cannabis.

(d-5) In 2014, the Task Force on Veterans' Suicide was created by
the Illinois General Assembly to gather data on veterans' suicide
prevention. Data from a U.S. Department of Veterans Affairs study
indicates that 22 veterans commit suicide each day.

(e) Alaska, Arizona, California, Colorado, Connecticut, Delaware,
Hawaii, Maine, Massachusetts, Michigan, Montana, Nevada, New Jersey,
New Mexico, Oregon, Rhode Island, Vermont, Washington, and
Washington, D.C. have removed state-level criminal penalties from the
medical use and cultivation of cannabis. Illinois joins in this effort for the
health and welfare of its citizens.

(f) States are not required to enforce federal law or prosecute
people for engaging in activities prohibited by federal law. Therefore,
compliance with this Act does not put the State of Illinois in violation of
federal law.

(g) State law should make a distinction between the medical and
non-medical uses of cannabis. Hence, the purpose of this Act is to protect
patients with debilitating medical conditions, as well as their physicians
and providers, from arrest and prosecution, criminal and other penalties,

New matter indicated by italics - deletions by strikeout
and property forfeiture if the patients engage in the medical use of cannabis.
(Source: P.A. 98-122, eff. 1-1-14.)

(410 ILCS 130/7 new)
Sec. 7. Lawful user and lawful products. For the purposes of this Act and to clarify the legislative findings on the lawful use of cannabis:

(1) A cardholder under this Act shall not be considered an unlawful user or addicted to narcotics solely as a result of his or her qualifying patient or designated caregiver status.

(2) All medical cannabis products purchased by a qualifying patient at a licensed dispensing organization shall be lawful products and a distinction shall be made between medical and non-medical uses of cannabis as a result of the qualifying patient's cardholder status under the authorized use granted under State law.

(410 ILCS 130/10)
(Section scheduled to be repealed on January 1, 2018)
Sec. 10. Definitions. The following terms, as used in this Act, shall have the meanings set forth in this Section:

(a) "Adequate supply" means:

(1) 2.5 ounces of usable cannabis during a period of 14 days and that is derived solely from an intrastate source.

(2) Subject to the rules of the Department of Public Health, a patient may apply for a waiver where a physician provides a substantial medical basis in a signed, written statement asserting that, based on the patient's medical history, in the physician's professional judgment, 2.5 ounces is an insufficient adequate supply for a 14-day period to properly alleviate the patient's debilitating medical condition or symptoms associated with the debilitating medical condition.

(3) This subsection may not be construed to authorize the possession of more than 2.5 ounces at any time without authority from the Department of Public Health.

(4) The pre-mixed weight of medical cannabis used in making a cannabis infused product shall apply toward the limit on the total amount of medical cannabis a registered qualifying patient may possess at any one time.

(b) "Cannabis" has the meaning given that term in Section 3 of the Cannabis Control Act.

New matter indicated by italics - deletions by strikeout
(c) "Cannabis plant monitoring system" means a system that includes, but is not limited to, testing and data collection established and maintained by the registered cultivation center and available to the Department for the purposes of documenting each cannabis plant and for monitoring plant development throughout the life cycle of a cannabis plant cultivated for the intended use by a qualifying patient from seed planting to final packaging.

(d) "Cardholder" means a qualifying patient or a designated caregiver who has been issued and possesses a valid registry identification card by the Department of Public Health.

(e) "Cultivation center" means a facility operated by an organization or business that is registered by the Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis.

(f) "Cultivation center agent" means a principal officer, board member, employee, or agent of a registered cultivation center who is 21 years of age or older and has not been convicted of an excluded offense.

(g) "Cultivation center agent identification card" means a document issued by the Department of Agriculture that identifies a person as a cultivation center agent.

(h) "Debilitating medical condition" means one or more of the following:

(1) cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, Crohn's disease, agitation of Alzheimer's disease, cachexia/wasting syndrome, muscular dystrophy, severe fibromyalgia, spinal cord disease, including but not limited to arachnoiditis, Tarlov cysts, hydromyelia, syringomyelia, Rheumatoid arthritis, fibrous dysplasia, spinal cord injury, traumatic brain injury and post-concussion syndrome, Multiple Sclerosis, Arnold-Chiari malformation and Syringomyelia, Spinocerebellar Ataxia (SCA), Parkinson's, Tourette's, Myoclonus, Dystonia, Reflex Sympathetic Dystrophy, RSD (Complex Regional Pain Syndromes Type I), Causalgia, CRPS (Complex Regional Pain Syndromes Type II), Neurofibromatosis, Chronic Inflammatory Demyelinating Polyneuropathy, Sjogren's syndrome, Lupus, Interstitial Cystitis, Myasthenia Gravis, Hydrocephalus, nail-patella syndrome, residual limb pain, seizures (including those characteristic of epilepsy),

New matter indicated by italics - deletions by strikeout
*post-traumatic stress disorder (PTSD)*, or the treatment of these conditions; or

(1.5) terminal illness with a diagnosis of 6 months or less; if the terminal illness is not one of the qualifying debilitating medical conditions, then the physician shall on the certification form identify the cause of the terminal illness; or

(2) any other debilitating medical condition or its treatment that is added by the Department of Public Health by rule as provided in Section 45.

(i) "Designated caregiver" means a person who: (1) is at least 21 years of age; (2) has agreed to assist with a patient's medical use of cannabis; (3) has not been convicted of an excluded offense; and (4) assists no more than one registered qualifying patient with his or her medical use of cannabis.

(j) "Dispensing organization agent identification card" means a document issued by the Department of Financial and Professional Regulation that identifies a person as a medical cannabis dispensing organization agent.

(k) "Enclosed, locked facility" means a room, greenhouse, building, or other enclosed area equipped with locks or other security devices that permit access only by a cultivation center's agents or a dispensing organization's agent working for the registered cultivation center or the registered dispensing organization to cultivate, store, and distribute cannabis for registered qualifying patients.

(l) "Excluded offense" for cultivation center agents and dispensing organizations means:

(1) a violent crime defined in Section 3 of the Rights of Crime Victims and Witnesses Act or a substantially similar offense that was classified as a felony in the jurisdiction where the person was convicted; or

(2) a violation of a state or federal controlled substance law, the *Cannabis Control Act*, or the *Methamphetamine Control and Community Protection Act* that was classified as a felony in the jurisdiction where the person was convicted, except that the registering Department may waive this restriction if the person demonstrates to the registering Department's satisfaction that his or her conviction was for the possession, cultivation, transfer, or delivery of a reasonable amount of cannabis intended for medical

New matter indicated by italics - deletions by strikeout
use. This exception does not apply if the conviction was under state law and involved a violation of an existing medical cannabis law.

For purposes of this subsection, the Department of Public Health shall determine by emergency rule within 30 days after the effective date of this amendatory Act of the 99th General Assembly what constitutes a "reasonable amount".

(l-5) "Excluded offense" for a qualifying patient or designated caregiver means a violation of state or federal controlled substance law, the Cannabis Control Act, or the Methamphetamine and Community Protection Act that was classified as a felony in the jurisdiction where the person was convicted, except that the registering Department may waive this restriction if the person demonstrates to the registering Department's satisfaction that his or her conviction was for the possession, cultivation, transfer, or delivery of a reasonable amount of cannabis intended for medical use. This exception does not apply if the conviction was under state law and involved a violation of an existing medical cannabis law.

For purposes of this subsection, the Department of Public Health shall determine by emergency rule within 30 days after the effective date of this amendatory Act of the 99th General Assembly what constitutes a "reasonable amount".

(m) "Medical cannabis cultivation center registration" means a registration issued by the Department of Agriculture.

(n) "Medical cannabis container" means a sealed, traceable, food compliant, tamper resistant, tamper evident container, or package used for the purpose of containment of medical cannabis from a cultivation center to a dispensing organization.

(o) "Medical cannabis dispensing organization", or "dispensing organization", or "dispensary organization" means a facility operated by an organization or business that is registered by the Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients.

(p) "Medical cannabis dispensing organization agent" or "dispensing organization agent" means a principal officer, board member, employee, or agent of a registered medical cannabis dispensing organization who is 21 years of age or older and has not been convicted of an excluded offense.

New matter indicated by italics - deletions by strikeout
(q) "Medical cannabis infused product" means food, oils, ointments, or other products containing usable cannabis that are not smoked.

(r) "Medical use" means the acquisition; administration; delivery; possession; transfer; transportation; or use of cannabis to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition.

(s) "Physician" means a doctor of medicine or doctor of osteopathy licensed under the Medical Practice Act of 1987 to practice medicine and who has a controlled substances license under Article III of the Illinois Controlled Substances Act. It does not include a licensed practitioner under any other Act including but not limited to the Illinois Dental Practice Act.

(t) "Qualifying patient" means a person who has been diagnosed by a physician as having a debilitating medical condition.

(u) "Registered" means licensed, permitted, or otherwise certified by the Department of Agriculture, Department of Public Health, or Department of Financial and Professional Regulation.

(v) "Registry identification card" means a document issued by the Department of Public Health that identifies a person as a registered qualifying patient or registered designated caregiver.

(w) "Usable cannabis" means the seeds, leaves, buds, and flowers of the cannabis plant and any mixture or preparation thereof, but does not include the stalks, and roots of the plant. It does not include the weight of any non-cannabis ingredients combined with cannabis, such as ingredients added to prepare a topical administration, food, or drink.

(x) "Verification system" means a Web-based system established and maintained by the Department of Public Health that is available to the Department of Agriculture, the Department of Financial and Professional Regulation, law enforcement personnel, and registered medical cannabis dispensing organization agents on a 24-hour basis for the verification of registry identification cards, the tracking of delivery of medical cannabis to medical cannabis dispensing organizations, and the tracking of the date of sale, amount, and price of medical cannabis purchased by a registered qualifying patient.

(y) "Written certification" means a document dated and signed by a physician, stating (1) that in the physician's professional opinion the patient is likely to receive therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the patient's debilitating
medical condition or symptoms associated with the debilitating medical condition; (2) that the qualifying patient has a debilitating medical condition and specifying the debilitating medical condition the qualifying patient has; and (2) (3) that the patient is under the physician's care for the physician is treating or managing treatment of the patient's debilitating medical condition. A written certification shall be made only in the course of a bona fide physician-patient relationship, after the physician has completed an assessment of the qualifying patient's medical history, reviewed relevant records related to the patient's debilitating condition, and conducted a physical examination.

A veteran who has received treatment at a VA hospital shall be deemed to have a bona fide physician-patient relationship with a VA physician if the patient has been seen for his or her debilitating medical condition at the VA Hospital in accordance with VA Hospital protocols.

A bona fide physician-patient relationship under this subsection is a privileged communication within the meaning of Section 8-802 of the Code of Civil Procedure.

(Source: P.A. 98-122, eff. 1-1-14; 98-775, eff. 1-1-15.)

(410 ILCS 130/15)

(Section scheduled to be repealed on January 1, 2018)

Sec. 15. Authority.

(a) It is the duty of the Department of Public Health to enforce the following provisions of this Act unless otherwise provided for by this Act:

(1) establish and maintain a confidential registry of qualifying patients authorized to engage in the medical use of cannabis and their caregivers;

(2) distribute educational materials about the health benefits and risks associated with the use abuse of cannabis and prescription medications;

(3) adopt rules to administer the patient and caregiver registration program; and

(4) adopt rules establishing food handling requirements for cannabis-infused products that are prepared for human consumption.

(b) It is the duty of the Department of Agriculture to enforce the provisions of this Act relating to the registration and oversight of cultivation centers unless otherwise provided for in this Act.

(c) It is the duty of the Department of Financial and Professional Regulation to enforce the provisions of this Act relating to the registration
and oversight of dispensing organizations unless otherwise provided for in this Act.

(d) The Department of Public Health, the Department of Agriculture, or the Department of Financial and Professional Regulation shall enter into intergovernmental agreements, as necessary, to carry out the provisions of this Act including, but not limited to, the provisions relating to the registration and oversight of cultivation centers, dispensing organizations, and qualifying patients and caregivers.

(e) The Department of Public Health, Department of Agriculture, or the Department of Financial and Professional Regulation may suspend, revoke, or impose other penalties upon a registration for violations of this Act and any rules adopted in accordance thereto. The suspension or revocation of, or imposition of any other penalty upon, a registration is a final Agency action, subject to judicial review. Jurisdiction and venue for judicial review are vested in the Circuit Court.

(Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15.)

(410 ILCS 130/35)

(Section scheduled to be repealed on January 1, 2018)

Sec. 35. Physician requirements.

(a) A physician who certifies a debilitating medical condition for a qualifying patient shall comply with all of the following requirements:

(1) The physician shall be currently licensed under the Medical Practice Act of 1987 to practice medicine in all its branches and in good standing, and must hold a controlled substances license under Article III of the Illinois Controlled Substances Act.

(2) A physician certifying a patient's condition making a medical cannabis recommendation shall comply with generally accepted standards of medical practice, the provisions of the Medical Practice Act of 1987 and all applicable rules.

(3) The physical examination required by this Act may not be performed by remote means, including telemedicine.

(4) The physician shall maintain a record-keeping system for all patients for whom the physician has certified the patient's medical condition recommended the medical use of cannabis. These records shall be accessible to and subject to review by the Department of Public Health and the Department of Financial and Professional Regulation upon request.

(b) A physician may not:

   New matter indicated by italics - deletions by strikeout
(1) accept, solicit, or offer any form of remuneration from or to a qualifying patient, primary caregiver, cultivation center, or dispensing organization, including each principal officer, board member, agent, and employee, to certify a patient, other than accepting payment from a patient for the fee associated with the required examination;

(2) offer a discount of any other item of value to a qualifying patient who uses or agrees to use a particular primary caregiver or dispensing organization to obtain medical cannabis;

(3) conduct a personal physical examination of a patient for purposes of diagnosing a debilitating medical condition at a location where medical cannabis is sold or distributed or at the address of a principal officer, agent, or employee or a medical cannabis organization;

(4) hold a direct or indirect economic interest in a cultivation center or dispensing organization if he or she recommends the use of medical cannabis to qualified patients or is in a partnership or other fee or profit-sharing relationship with a physician who recommends medical cannabis, except for the limited purpose of performing a medical cannabis related research study;

(5) serve on the board of directors or as an employee of a cultivation center or dispensing organization;

(6) refer patients to a cultivation center, a dispensing organization, or a registered designated caregiver; or

(7) advertise in a cultivation center or a dispensing organization.

(c) The Department of Public Health may with reasonable cause refer a physician, who has certified a debilitating medical condition of a patient, to the Illinois Department of Financial and Professional Regulation for potential violations of this Section.

(d) Any violation of this Section or any other provision of this Act or rules adopted under this Act is a violation of the Medical Practice Act of 1987.

(Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15.)

(410 ILCS 130/45)

(Section scheduled to be repealed on January 1, 2018)

Sec. 45. Addition of debilitating medical conditions.

New matter indicated by italics - deletions by strikeout
(a) Any resident citizen may petition the Department of Public Health to add debilitating conditions or treatments to the list of debilitating medical conditions listed in subsection (h) of Section 10. The Department of Public Health shall consider petitions in the manner required by Department rule, including public notice and hearing. The Department shall approve or deny a petition within 180 days of its submission, and, upon approval, shall proceed to add that condition by rule in accordance with the Administrative Procedure Act. The approval or denial of any petition is a final decision of the Department, subject to judicial review. Jurisdiction and venue are vested in the Circuit Court.

(b) The Department shall accept petitions once annually for a one-month period determined by the Department. During the open period, the Department shall accept petitions from any resident requesting the addition of a new debilitating medical condition or disease to the list of approved debilitating medical conditions for which the use of cannabis has been shown to have a therapeutic or palliative effect. The Department shall provide public notice 30 days before the open period for accepting petitions, which shall describe the time period for submission, the required format of the submission, and the submission address.

(c) Each petition shall be limited to one proposed debilitating medical condition or disease.

(d) A petitioner shall file one original petition in the format provided by the Department and in the manner specified by the Department. For a petition to be processed and reviewed, the following information shall be included:

(1) The petition, prepared on forms provided by the Department, in the manner specified by the Department.

(2) A specific description of the medical condition or disease that is the subject of the petition. Each petition shall be limited to a single condition or disease. Information about the proposed condition or disease shall include:

(A) the extent to which the condition or disease itself or the treatments cause severe suffering, such as severe or chronic pain, severe nausea or vomiting, or otherwise severely impair a person’s ability to conduct activities of daily living;

(B) information about why conventional medical therapies are not sufficient to alleviate the suffering caused by the disease or condition and its treatment;

New matter indicated by italics - deletions by strikeout
(C) the proposed benefits from the medical use of cannabis specific to the medical condition or disease;
(D) evidence from the medical community and other experts supporting the use of medical cannabis to alleviate suffering caused by the condition, disease, or treatment;
(E) letters of support from physicians or other licensed health care providers knowledgeable about the condition or disease, including, if feasible, a letter from a physician with whom the petitioner has a bona fide physician-patient relationship;
(F) any additional medical, testimonial, or scientific documentation; and
(G) an electronic copy of all materials submitted.

(3) Upon receipt of a petition, the Department shall:
(A) determine whether the petition meets the standards for submission and, if so, shall accept the petition for further review; or
(B) determine whether the petition does not meet the standards for submission and, if so, shall deny the petition without further review.

(4) If the petition does not fulfill the standards for submission, the petition shall be considered deficient. The Department shall notify the petitioner, who may correct any deficiencies and resubmit the petition during the next open period.

(e) The petitioner may withdraw his or her petition by submitting a written statement to the Department indicating withdrawal.

(f) Upon review of accepted petitions, the Director shall render a final decision regarding the acceptance or denial of the proposed debilitating medical conditions or diseases.

(g) The Department shall convene a Medical Cannabis Advisory Board (Advisory Board) composed of 16 members, which shall include:
(1) one medical cannabis patient advocate or designated caregiver;
(2) one parent or designated caregiver of a person under the age of 18 who is a qualified medical cannabis patient;
(3) two registered nurses or nurse practitioners;
(4) three registered qualifying patients, including one veteran; and

New matter indicated by italics - deletions by strikeout
(5) nine health care practitioners with current professional licensure in their field. The Advisory Board shall be composed of health care practitioners representing the following areas:

(A) neurology;
(B) pain management;
(C) medical oncology;
(D) psychiatry or mental health;
(E) infectious disease;
(F) family medicine;
(G) general primary care;
(H) medical ethics;
(i) pharmacy;
(J) pediatrics; or
(K) psychiatry or mental health for children or adolescents.

At least one appointed health care practitioner shall have direct experience related to the health care needs of veterans and at least one individual shall have pediatric experience.

(h) Members of the Advisory Board shall be appointed by the Governor.

(1) Members shall serve a term of 4 years or until a successor is appointed and qualified. If a vacancy occurs, the Governor shall appoint a replacement to complete the original term created by the vacancy.

(2) The Governor shall select a chairperson.

(3) Members may serve multiple terms.

(4) Members shall not have an affiliation with, serve on the board of, or have a business relationship with a registered cultivation center or a registered medical cannabis dispensary.

(5) Members shall disclose any real or apparent conflicts of interest that may have a direct bearing of the subject matter, such as relationships with pharmaceutical companies, biomedical device manufacturers, or corporations whose products or services are related to the medical condition or disease to be reviewed.

(6) Members shall not be paid but shall be reimbursed for travel expenses incurred while fulfilling the responsibilities of the Advisory Board.

(i) On the effective date of this amendatory Act of the 99th General Assembly, the terms of office of the members of the Advisory Board
serving on that effective date shall terminate and the Board shall be reconstituted.

(j) The Advisory Board shall convene at the call of the Chair:
   (1) to examine debilitating conditions or diseases that would benefit from the medical use of cannabis; and
   (2) to review new medical and scientific evidence pertaining to currently approved conditions.

(k) The Advisory Board shall issue an annual report of its activities each year.

(l) The Advisory Board shall receive administrative support from the Department.

(Source: P.A. 98-122, eff. 1-1-14; revised 10-21-15.)

Sec. 57. Qualifying patients under 18. Qualifying patients that are under the age of 18 years shall not be prohibited from having 2 designated caregivers as follows: if both biological parents or 2 legal guardians of a qualifying patient under 18 both have significant decision-making responsibilities over the qualifying patient, then both may serve as a designated caregiver if they otherwise meet the definition of "designated caregiver" under Section 10; however, if only one biological parent or legal guardian has significant decision-making responsibilities for the qualifying patient under 18, then he or she may appoint a second designated caregiver who meets the definition of "designated caregiver" under Section 10.

Sec. 60. Issuance of registry identification cards.

(a) Except as provided in subsection (b), the Department of Public Health shall:
   (1) verify the information contained in an application or renewal for a registry identification card submitted under this Act, and approve or deny an application or renewal, within 30 days of receiving a completed application or renewal application and all supporting documentation specified in Section 55;
   (2) issue registry identification cards to a qualifying patient and his or her designated caregiver, if any, within 15 business days of approving the application or renewal;

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(3) enter the registry identification number of the registered dispensing organization the patient designates into the verification system; and
(4) allow for an electronic application process, and provide a confirmation by electronic or other methods that an application has been submitted.

(b) The Department of Public Health may not issue a registry identification card to a qualifying patient who is under 18 years of age, unless that patient suffers from seizures, including those characteristic of epilepsy, or as provided by administrative rule. The Department of Public Health shall adopt rules for the issuance of a registry identification card for qualifying patients who are under 18 years of age and suffering from seizures, including those characteristic of epilepsy. The Department of Public Health may adopt rules to allow other individuals under 18 years of age to become registered qualifying patients under this Act with the consent of a parent or legal guardian. Registered qualifying patients under 18 years of age shall be prohibited from consuming forms of cannabis other than medical cannabis infused products and purchasing any usable cannabis.

(c) A veteran who has received treatment at a VA hospital is deemed to have a bona fide physician-patient relationship with a VA physician if the patient has been seen for his or her debilitating medical condition at the VA hospital in accordance with VA hospital protocols. All reasonable inferences regarding the existence of a bona fide physician-patient relationship shall be drawn in favor of an applicant who is a veteran and has undergone treatment at a VA hospital.

(c-10) An individual who submits an application as someone who is terminally ill shall have all fees and fingerprinting requirements waived. The Department of Public Health shall within 30 days after this amendatory Act of the 99th General Assembly adopt emergency rules to expedite approval for terminally ill individuals. These rules shall include, but not be limited to, rules that provide that applications by individuals with terminal illnesses shall be approved or denied within 14 days of their submission.

(d) Upon the approval of the registration and issuance of a registry card under this Section, the Department of Public Health shall forward the designated caregiver or registered qualified patient's driver's registration number to the Secretary of State and certify that the individual is permitted to engage in the medical use of cannabis. For the purposes of law

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enforcement, the Secretary of State shall make a notation on the person's driving record stating the person is a registered qualifying patient who is entitled to the lawful medical use of cannabis. If the person no longer holds a valid registry card, the Department shall notify the Secretary of State and the Secretary of State shall remove the notation from the person's driving record. The Department and the Secretary of State may establish a system by which the information may be shared electronically.

(e) Upon the approval of the registration and issuance of a registry card under this Section, the Department of Public Health shall electronically forward the registered qualifying patient's identification card information to the Prescription Monitoring Program established under the Illinois Controlled Substances Act and certify that the individual is permitted to engage in the medical use of cannabis. For the purposes of patient care, the Prescription Monitoring Program shall make a notation on the person's prescription record stating that the person is a registered qualifying patient who is entitled to the lawful medical use of cannabis. If the person no longer holds a valid registry card, the Department of Public Health shall notify the Prescription Monitoring Program and Department of Human Services to remove the notation from the person's record. The Department of Human Services and the Prescription Monitoring Program shall establish a system by which the information may be shared electronically. This confidential list may not be combined or linked in any manner with any other list or database except as provided in this Section.

(f) All applicants for a registry card shall be fingerprinted as part of the application process if they are a first-time applicant, if their registry card has already expired, or if they previously have had their registry card revoked or otherwise denied. At renewal, cardholders whose registry cards have not yet expired, been revoked, or otherwise denied shall not be subject to fingerprinting. Registry cards shall be revoked by the Department of Public Health if the Department of Public Health is notified by the Secretary of State that a cardholder has been convicted of an excluded offense. For purposes of enforcing this subsection, the Department of Public Health and Secretary of State shall establish a system by which violations reported to the Secretary of State under paragraph 18 of subsection (a) of Section 6-205 of the Illinois Vehicle Code shall be shared with the Department of Public Health.

(Source: P.A. 98-122, eff. 1-1-14; 98-775, eff. 1-1-15.)
(410 ILCS 130/70)
(Section scheduled to be repealed on January 1, 2018)
Sec. 70. Registry identification cards.
(a) A registered qualifying patient or designated caregiver must keep their registry identification card in his or her possession at all times when engaging in the medical use of cannabis.
(b) Registry identification cards shall contain the following:
   (1) the name of the cardholder;
   (2) a designation of whether the cardholder is a designated caregiver or qualifying patient;
   (3) the date of issuance and expiration date of the registry identification card;
   (4) a random alphanumeric identification number that is unique to the cardholder;
   (5) if the cardholder is a designated caregiver, the random alphanumeric identification number of the registered qualifying patient the designated caregiver is receiving the registry identification card to assist; and
   (6) a photograph of the cardholder, if required by Department of Public Health rules.
(c) To maintain a valid registration identification card, a registered qualifying patient and caregiver must annually resubmit, at least 45 days prior to the expiration date stated on the registry identification card, a completed renewal application, renewal fee, and accompanying documentation as described in Department of Public Health rules. The Department of Public Health shall send a notification to a registered qualifying patient or registered designated caregiver 90 days prior to the expiration of the registered qualifying patient's or registered designated caregiver's identification card. If the Department of Public Health fails to grant or deny a renewal application received in accordance with this Section, then the renewal is deemed granted and the registered qualifying patient or registered designated caregiver may continue to use the expired identification card until the Department of Public Health denies the renewal or issues a new identification card.
(d) Except as otherwise provided in this Section, the expiration date is 3 years one year after the date of issuance.
(e) The Department of Public Health may electronically store in the card any or all of the information listed in subsection (b), along with the address and date of birth of the cardholder and the qualifying patient's designated dispensary organization, to allow it to be read by law enforcement agents.

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Sec. 75. Notifications to Department of Public Health and responses; civil penalty.

(a) The following notifications and Department of Public Health responses are required:

(1) A registered qualifying patient shall notify the Department of Public Health of any change in his or her name or address, or if the registered qualifying patient ceases to have his or her debilitating medical condition, within 10 days of the change.

(2) A registered designated caregiver shall notify the Department of Public Health of any change in his or her name or address, or if the designated caregiver becomes aware the registered qualifying patient passed away, within 10 days of the change.

(3) Before a registered qualifying patient changes his or her designated caregiver, the qualifying patient must notify the Department of Public Health.

(4) If a cardholder loses his or her registry identification card, he or she shall notify the Department within 10 days of becoming aware the card has been lost.

(b) When a cardholder notifies the Department of Public Health of items listed in subsection (a), but remains eligible under this Act, the Department of Public Health shall issue the cardholder a new registry identification card with a new random alphanumeric identification number within 15 business days of receiving the updated information and a fee as specified in Department of Public Health rules. If the person notifying the Department of Public Health is a registered qualifying patient, the Department shall also issue his or her registered designated caregiver, if any, a new registry identification card within 15 business days of receiving the updated information.

(c) If a registered qualifying patient ceases to be a registered qualifying patient or changes his or her registered designated caregiver, the Department of Public Health shall promptly notify the designated caregiver. The registered designated caregiver's protections under this Act as to that qualifying patient shall expire 15 days after notification by the Department.

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(d) A cardholder who fails to make a notification to the Department of Public Health that is required by this Section is subject to a civil infraction, punishable by a penalty of no more than $150.

(e) A registered qualifying patient shall notify the Department of Public Health of any change to his or her designated registered dispensing organization. Registered dispensing organizations must comply with all requirements of this Act.

(f) If the registered qualifying patient's certifying physician notifies the Department in writing that either the registered qualifying patient has ceased to suffer from a debilitating medical condition or that the physician no longer believes the patient would receive therapeutic or palliative benefit from the medical use of cannabis, the card shall become null and void. However, the registered qualifying patient shall have 15 days to destroy his or her remaining medical cannabis and related paraphernalia.

(Source: P.A. 98-122, eff. 1-1-14.)

(410 ILCS 130/220)

Section 220. Repeal of Act. This Act is repealed on July 1, 2020 4 years after the effective date of this Act.

(Source: P.A. 98-122, eff. 1-1-14.)

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

Approved June 30, 2016.
Effective June 30, 2016.

PUBLIC ACT 99-0520
(Senate Bill No. 0185)

AN ACT concerning courts.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Associate Judges Act is amended by changing Section 2 as follows:

(705 ILCS 45/2) (from Ch. 37, par. 160.2)

Sec. 2. (a) The maximum number of associate judges authorized for each circuit is the greater of the applicable minimum number specified in this Section or one for each 35,000 or fraction thereof in population as determined by the last preceding Federal census, except for circuits with a
population of more than 3,000,000 where the maximum number of associate judges is one for each 29,000 or fraction thereof in population as determined by the last preceding federal census, reduced in circuits of less than 200,000 inhabitants by the number of resident circuit judges elected in the circuit in excess of one per county. In addition, in circuits of 1,000,000 or more inhabitants, there shall be one additional associate judge authorized for each municipal district of the circuit court. The number of associate judges to be appointed in each circuit, not to exceed the maximum authorized, shall be determined from time to time by the Circuit Court. The minimum number of associate judges authorized for any circuit consisting of a single county shall be 14, except that the minimum in the 22nd circuit shall be 8 and except that the minimum in the 19th circuit on and after December 4, 2006 shall be 20. The minimum number of associate judges authorized for any circuit consisting of 2 counties with a combined population of at least 275,000 but less than 300,000 shall be 10. The minimum number of associate judges authorized for any circuit with a population of at least 303,000 but not more than 309,000 shall be 10. The minimum number of associate judges authorized for any circuit with a population of at least 329,000, but not more than 349,999 shall be 11. The minimum number of associate judges authorized for any circuit with a population of at least 325,000 shall be 5. As used in this Section, the term "resident circuit judge" has the meaning given it in the Judicial Vacancies Act.

(b) The maximum number of associate judges authorized under subsection (a) for a circuit with a population of more than 3,000,000 shall be reduced as provided in this subsection (b). For each vacancy that exists on or occurs on or after the effective date of this amendatory Act of 1990, that maximum number shall be reduced by one until the total number of associate judges authorized under subsection (a) is reduced by 60. A vacancy exists or occurs when an associate judge dies, resigns, retires, is removed, or is not reappointed upon expiration of his or her term; a vacancy does not exist or occur at the expiration of a term if the associate judge is reappointed.

(c) The maximum number of associate judges authorized under subsection (a) for the 17th judicial circuit shall be reduced as provided in this subsection (c). Due to the vacancy that exists on or after the effective date of this amendatory Act of the 93rd General Assembly in the associate judgeship that is converted into a resident judgeship under subsection (a-10) of Section 2f-6 of the Circuit Courts Act, the maximum number of

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judges authorized under subsection (a) of this Section shall be reduced by one. A vacancy exists or occurs when an associate judge dies, resigns, retires, is removed, or is not reappointed upon expiration of his or her term; a vacancy does not exist or occur at the expiration of a term if the associate judge is reappointed.

(d) The maximum number of associate judges authorized under subsection (a) for the 23rd judicial circuit shall be reduced as provided in this subsection (d). Due to the vacancy that exists on or after the effective date of this amendatory Act of the 98th General Assembly in the associate judgeship that is converted into a resident judgeship under subsection (k) of Section 2f-10 of the Circuit Courts Act, the maximum number of judges authorized under subsection (a) of this Section shall be reduced by one.

(Source: P.A. 98-744, eff. 7-16-14.)

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

Approved June 30, 2016.
Effective June 30, 2016.

PUBLIC ACT 99-0521
(Senate Bill No. 0318)

AN ACT concerning government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Property Tax Code is amended by changing Section 18-185 as follows:

(35 ILCS 200/18-185)
Sec. 18-185. Short title; definitions. This Division 5 may be cited as the Property Tax Extension Limitation Law. As used in this Division 5:
"Consumer Price Index" means the Consumer Price Index for All Urban Consumers for all items published by the United States Department of Labor.
"Extension limitation" means (a) the lesser of 5% or the percentage increase in the Consumer Price Index during the 12-month calendar year preceding the levy year or (b) the rate of increase approved by voters under Section 18-205.
"Affected county" means a county of 3,000,000 or more inhabitants or a county contiguous to a county of 3,000,000 or more inhabitants.

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"Taxing district" has the same meaning provided in Section 1-150, except as otherwise provided in this Section. For the 1991 through 1994 levy years only, "taxing district" includes only each non-home rule taxing district having the majority of its 1990 equalized assessed value within any county or counties contiguous to a county with 3,000,000 or more inhabitants. Beginning with the 1995 levy year, "taxing district" includes only each non-home rule taxing district subject to this Law before the 1995 levy year and each non-home rule taxing district not subject to this Law before the 1995 levy year having the majority of its 1994 equalized assessed value in an affected county or counties. Beginning with the levy year in which this Law becomes applicable to a taxing district as provided in Section 18-213, "taxing district" also includes those taxing districts made subject to this Law as provided in Section 18-213.

"Aggregate extension" for taxing districts to which this Law applied before the 1995 levy year means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before October 1, 1991; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before October 1, 1991; (d) made for any taxing district to pay interest or principal on bonds issued after October 1, 1991 that were approved by referendum; (e) made for any taxing district to pay interest or principal on revenue bonds issued before October 1, 1991 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before October 1, 1991, to pay for the building project; (g) made for payments due under installment contracts entered into before October 1, 1991; (h) made for payments of principal and interest on bonds issued under the Metropolitan Water Reclamation District Act to finance construction projects initiated before October 1, 1991; (i) made for payments of principal and interest on limited bonds, as defined in Section

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3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), (e), and (h) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (j) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (k) made by a school district that participates in the Special Education District of Lake County, created by special education joint agreement under Section 10-22.31 of the School Code, for payment of the school district's share of the amounts required to be contributed by the Special Education District of Lake County to the Illinois Municipal Retirement Fund under Article 7 of the Illinois Pension Code; the amount of any extension under this item (k) shall be certified by the school district to the county clerk; (l) made to fund expenses of providing joint recreational programs for persons with disabilities under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; (m) made for temporary relocation loan repayment purposes pursuant to Sections 2-3.77 and 17-2.2d of the School Code; (n) made for payment of principal and interest on any bonds issued under the authority of Section 17-2.2d of the School Code; (o) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code; and (p) made for road purposes in the first year after a township assumes the rights, powers, duties, assets, property, liabilities, obligations, and responsibilities of a road district abolished under the provisions of Section 6-133 of the Illinois Highway Code.

"Aggregate extension" for the taxing districts to which this Law did not apply before the 1995 levy year (except taxing districts subject to this Law in accordance with Section 18-213) means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before March 1, 1995; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before March 1, 1995; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after March 1, 1995 that were approved by referendum; (e) made for any taxing district to pay interest or principal on revenue bonds issued

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before March 1, 1995 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before March 1, 1995 to pay for the building project; (g) made for payments due under installment contracts entered into before March 1, 1995; (h) made for payments of principal and interest on bonds issued under the Metropolitan Water Reclamation District Act to finance construction projects initiated before October 1, 1991; (h-4) made for stormwater management purposes by the Metropolitan Water Reclamation District of Greater Chicago under Section 12 of the Metropolitan Water Reclamation District Act; (i) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum and bonds described in subsection (h) of this definition; (j) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (k) made for payments of principal and interest on bonds authorized by Public Act 88-503 and issued under Section 20a of the Chicago Park District Act for aquarium or museum projects; (l) made for payments of principal and interest on bonds authorized by Public Act 87-1191 or 93-601 and (i) issued pursuant to Section 21.2 of the Cook County Forest Preserve District Act, (ii) issued under Section 42 of the Cook County Forest Preserve District Act for zoological park projects, or (iii) issued under Section 44.1 of the Cook County Forest Preserve District Act for botanical gardens projects; (m) made pursuant to Section 34-53.5 of the School Code, whether levied annually or not; (n) made to fund expenses of providing joint recreational programs for persons with disabilities under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; (o) made by the Chicago Park District for recreational programs for persons with disabilities under subsection (c) of Section 7.06 of the Chicago Park District Act; (p) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code; and (q) made by Ford
Heights School District 169 under Section 17-9.02 of the School Code; and (r) made for the purpose of making employer contributions to the Public School Teachers’ Pension and Retirement Fund of Chicago under Section 34-53 of the School Code.

"Aggregate extension" for all taxing districts to which this Law applies in accordance with Section 18-213, except for those taxing districts subject to paragraph (2) of subsection (e) of Section 18-213, means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before the date on which the referendum making this Law applicable to the taxing district is held; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before the date on which the referendum making this Law applicable to the taxing district is held; (d) made for any taxing district to pay interest or principal on bonds issued after the date on which the referendum making this Law applicable to the taxing district is held if the bonds were approved by referendum after the date on which the referendum making this Law applicable to the taxing district is held; (e) made for any taxing district to pay interest or principal on revenue bonds issued before the date on which the referendum making this Law applicable to the taxing district is held for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before the date on which the referendum making this Law applicable to the taxing district is held to pay for the building project; (g) made for payments due under installment contracts entered into before the date on which the referendum making this Law applicable to the taxing district is held; (h) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially

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issued pursuant to referendum; (i) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (j) made for a qualified airport authority to pay interest or principal on general obligation bonds issued for the purpose of paying obligations due under, or financing airport facilities required to be acquired, constructed, installed or equipped pursuant to, contracts entered into before March 1, 1996 (but not including any amendments to such a contract taking effect on or after that date); (k) made to fund expenses of providing joint recreational programs for persons with disabilities under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; (l) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code; and (m) made for the taxing district to pay interest or principal on general obligation bonds issued pursuant to Section 19-3.10 of the School Code.

"Aggregate extension" for all taxing districts to which this Law applies in accordance with paragraph (2) of subsection (e) of Section 18-213 means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before the effective date of this amendatory Act of 1997; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before the effective date of this amendatory Act of 1997; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after the effective date of this amendatory Act of 1997 if the bonds were approved by referendum after the effective date of this amendatory Act of 1997; (e) made for any taxing district to pay interest or principal on revenue bonds issued before the effective date of this amendatory Act of 1997 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by

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the commission before the effective date of this amendatory Act of 1997 to
pay for the building project; (g) made for payments due under installment
contracts entered into before the effective date of this amendatory Act of
1997; (h) made for payments of principal and interest on limited bonds, as
defined in Section 3 of the Local Government Debt Reform Act, in an
amount not to exceed the debt service extension base less the amount in
items (b), (c), and (e) of this definition for non-referendum obligations,
except obligations initially issued pursuant to referendum; (i) made for
payments of principal and interest on bonds issued under Section 15 of the
Local Government Debt Reform Act; (j) made for a qualified airport
authority to pay interest or principal on general obligation bonds issued for
the purpose of paying obligations due under, or financing airport facilities
required to be acquired, constructed, installed or equipped pursuant to,
contracts entered into before March 1, 1996 (but not including any
amendments to such a contract taking effect on or after that date); (k)
made to fund expenses of providing joint recreational programs for
persons with disabilities under Section 5-8 of the Park District Code or
Section 11-95-14 of the Illinois Municipal Code; and (l) made for
contributions to a firefighter's pension fund created under Article 4 of the
Illinois Pension Code, to the extent of the amount certified under item (5)
of Section 4-134 of the Illinois Pension Code.

"Debt service extension base" means an amount equal to that
portion of the extension for a taxing district for the 1994 levy year, or for
those taxing districts subject to this Law in accordance with Section 18-213,
except for those subject to paragraph (2) of subsection (e) of Section 18-213,
for the levy year in which the referendum making this Law
applicable to the taxing district is held, or for those taxing districts subject
to this Law in accordance with paragraph (2) of subsection (e) of Section 18-213 for the 1996 levy year, constituting an extension for payment of
principal and interest on bonds issued by the taxing district without
referendum, but not including excluded non-referendum bonds. For park
districts (i) that were first subject to this Law in 1991 or 1995 and (ii)
whose extension for the 1994 levy year for the payment of principal and
interest on bonds issued by the park district without referendum (but not
including excluded non-referendum bonds) was less than 51% of the
amount for the 1991 levy year constituting an extension for payment of
principal and interest on bonds issued by the park district without
referendum (but not including excluded non-referendum bonds), "debt
service extension base" means an amount equal to that portion of the

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extension for the 1991 levy year constituting an extension for payment of principal and interest on bonds issued by the park district without referendum (but not including excluded non-referendum bonds). A debt service extension base established or increased at any time pursuant to any provision of this Law, except Section 18-212, shall be increased each year commencing with the later of (i) the 2009 levy year or (ii) the first levy year in which this Law becomes applicable to the taxing district, by the lesser of 5% or the percentage increase in the Consumer Price Index during the 12-month calendar year preceding the levy year. The debt service extension base may be established or increased as provided under Section 18-212. "Excluded non-referendum bonds" means (i) bonds authorized by Public Act 88-503 and issued under Section 20a of the Chicago Park District Act for aquarium and museum projects; (ii) bonds issued under Section 15 of the Local Government Debt Reform Act; or (iii) refunding obligations issued to refund or to continue to refund obligations initially issued pursuant to referendum.

"Special purpose extensions" include, but are not limited to, extensions for levies made on an annual basis for unemployment and workers' compensation, self-insurance, contributions to pension plans, and extensions made pursuant to Section 6-601 of the Illinois Highway Code for a road district's permanent road fund whether levied annually or not. The extension for a special service area is not included in the aggregate extension.

"Aggregate extension base" means the taxing district's last preceding aggregate extension as adjusted under Sections 18-135, 18-215, and 18-230. An adjustment under Section 18-135 shall be made for the 2007 levy year and all subsequent levy years whenever one or more counties within which a taxing district is located (i) used estimated valuations or rates when extending taxes in the taxing district for the last preceding levy year that resulted in the over or under extension of taxes, or (ii) increased or decreased the tax extension for the last preceding levy year as required by Section 18-135(c). Whenever an adjustment is required under Section 18-135, the aggregate extension base of the taxing district shall be equal to the amount that the aggregate extension of the taxing district would have been for the last preceding levy year if either or both (i) actual, rather than estimated, valuations or rates had been used to calculate the extension of taxes for the last levy year, or (ii) the tax extension for the last preceding levy year had not been adjusted as required by subsection (c) of Section 18-135.

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Notwithstanding any other provision of law, for levy year 2012, the aggregate extension base for West Northfield School District No. 31 in Cook County shall be $12,654,592.

"Levy year" has the same meaning as "year" under Section 1-155.

"New property" means (i) the assessed value, after final board of review or board of appeals action, of new improvements or additions to existing improvements on any parcel of real property that increase the assessed value of that real property during the levy year multiplied by the equalization factor issued by the Department under Section 17-30, (ii) the assessed value, after final board of review or board of appeals action, of real property not exempt from real estate taxation, which real property was exempt from real estate taxation for any portion of the immediately preceding levy year, multiplied by the equalization factor issued by the Department under Section 17-30, including the assessed value, upon final stabilization of occupancy after new construction is complete, of any real property located within the boundaries of an otherwise or previously exempt military reservation that is intended for residential use and owned by or leased to a private corporation or other entity, (iii) in counties that classify in accordance with Section 4 of Article IX of the Illinois Constitution, an incentive property's additional assessed value resulting from a scheduled increase in the level of assessment as applied to the first year final board of review market value, and (iv) any increase in assessed value due to oil or gas production from an oil or gas well required to be permitted under the Hydraulic Fracturing Regulatory Act that was not produced in or accounted for during the previous levy year. In addition, the county clerk in a county containing a population of 3,000,000 or more shall include in the 1997 recovered tax increment value for any school district, any recovered tax increment value that was applicable to the 1995 tax year calculations.

"Qualified airport authority" means an airport authority organized under the Airport Authorities Act and located in a county bordering on the State of Wisconsin and having a population in excess of 200,000 and not greater than 500,000.

"Recovered tax increment value" means, except as otherwise provided in this paragraph, the amount of the current year's equalized assessed value, in the first year after a municipality terminates the designation of an area as a redevelopment project area previously established under the Tax Increment Allocation Development Act in the Illinois Municipal Code, previously established under the Industrial Jobs

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Recovery Law in the Illinois Municipal Code, previously established under the Economic Development Project Area Tax Increment Act of 1995, or previously established under the Economic Development Area Tax Increment Allocation Act, of each taxable lot, block, tract, or parcel of real property in the redevelopment project area over and above the initial equalized assessed value of each property in the redevelopment project area. For the taxes which are extended for the 1997 levy year, the recovered tax increment value for a non-home rule taxing district that first became subject to this Law for the 1995 levy year because a majority of its 1994 equalized assessed value was in an affected county or counties shall be increased if a municipality terminated the designation of an area in 1993 as a redevelopment project area previously established under the Tax Increment Allocation Development Act in the Illinois Municipal Code, previously established under the Industrial Jobs Recovery Law in the Illinois Municipal Code, or previously established under the Economic Development Area Tax Increment Allocation Act, by an amount equal to the 1994 equalized assessed value of each taxable lot, block, tract, or parcel of real property in the redevelopment project area over and above the initial equalized assessed value of each property in the redevelopment project area. In the first year after a municipality removes a taxable lot, block, tract, or parcel of real property from a redevelopment project area established under the Tax Increment Allocation Development Act in the Illinois Municipal Code, the Industrial Jobs Recovery Law in the Illinois Municipal Code, or the Economic Development Area Tax Increment Allocation Act, "recovered tax increment value" means the amount of the current year's equalized assessed value of each taxable lot, block, tract, or parcel of real property removed from the redevelopment project area over and above the initial equalized assessed value of that real property before removal from the redevelopment project area.

Except as otherwise provided in this Section, "limiting rate" means a fraction the numerator of which is the last preceding aggregate extension base times an amount equal to one plus the extension limitation defined in this Section and the denominator of which is the current year's equalized assessed value of all real property in the territory under the jurisdiction of the taxing district during the prior levy year. For those taxing districts that reduced their aggregate extension for the last preceding levy year, the highest aggregate extension in any of the last 3 preceding levy years shall be used for the purpose of computing the limiting rate. The denominator shall not include new property or the recovered tax increment value. If a

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new rate, a rate decrease, or a limiting rate increase has been approved at an election held after March 21, 2006, then (i) the otherwise applicable limiting rate shall be increased by the amount of the new rate or shall be reduced by the amount of the rate decrease, as the case may be, or (ii) in the case of a limiting rate increase, the limiting rate shall be equal to the rate set forth in the proposition approved by the voters for each of the years specified in the proposition, after which the limiting rate of the taxing district shall be calculated as otherwise provided. In the case of a taxing district that obtained referendum approval for an increased limiting rate on March 20, 2012, the limiting rate for tax year 2012 shall be the rate that generates the approximate total amount of taxes extendable for that tax year, as set forth in the proposition approved by the voters; this rate shall be the final rate applied by the county clerk for the aggregate of all capped funds of the district for tax year 2012.  

(Source: P.A. 98-6, eff. 3-29-13; 98-23, eff. 6-17-13; 99-143, eff. 7-27-15.)

Section 10. The School Code is amended by changing Section 34-53 as follows:

(105 ILCS 5/34-53) (from Ch. 122, par. 34-53)

Sec. 34-53. Tax levies; Purpose; Rates. For the purpose of establishing and supporting free schools for not fewer than 9 months in each year and defraying their expenses the board may levy annually, upon all taxable property of such district for educational purposes a tax for the fiscal years 1996 and each succeeding fiscal year at a rate of not to exceed the sum of (i) 3.07% (or such other rate as may be set by law independent of the rate difference described in (ii) below) and (ii) the difference between .50% and the rate per cent of taxes extended for a School Finance Authority organized under Article 34A of the School Code, for the calendar year in which the applicable fiscal year of the board begins as determined by the county clerk and certified to the board pursuant to Section 18-110 of the Property Tax Code, of the value as equalized or assessed by the Department of Revenue for the year in which such levy is made.

Beginning on the effective date of this amendatory Act of the 99th General Assembly, for the purpose of making an employer contribution to the Public School Teachers' Pension and Retirement Fund of Chicago, the board may levy annually, upon all taxable property located within the district, a tax at a rate not to exceed 0.383%. The proceeds from this additional tax shall be paid, as soon as possible after collection, directly
to Public School Teachers' Pension and Retirement Fund of Chicago and not to the Board of Education. The rate under this paragraph is not a new rate for the purposes of the Property Tax Extension Limitation Law. Notwithstanding any other provision of law, for the 2016 tax year only, the board shall certify the rate to the county clerk on the effective date of this amendatory Act of the 99th General Assembly, and the county clerk shall extend that rate against all taxable property located within the district as soon after receiving the certification as possible.

Nothing in this amendatory Act of 1995 shall in any way impair or restrict the levy or extension of taxes pursuant to any tax levies for any purposes of the board lawfully made prior to the adoption of this amendatory Act of 1995.

Notwithstanding any other provision of this Code and in addition to any other methods provided for increasing the tax rate the board may, by proper resolution, cause a proposition to increase the annual tax rate for educational purposes to be submitted to the voters of such district at any general or special election. The maximum rate for educational purposes shall not exceed 4.00%. The election called for such purpose shall be governed by Article 9 of this Act. If at such election a majority of the votes cast on the proposition is in favor thereof, the Board of Education may thereafter until such authority is revoked in a like manner, levy annually the tax so authorized.

For purposes of this Article, educational purposes for fiscal years beginning in 1995 and each subsequent year shall also include, but not be limited to, in addition to those purposes authorized before this amendatory Act of 1995, constructing, acquiring, leasing (other than from the Public Building Commission of Chicago), operating, maintaining, improving, repairing, and renovating land, buildings, furnishings, and equipment for school houses and buildings, and related incidental expenses, and provision of special education, furnishing free textbooks and instructional aids and school supplies, establishing, equipping, maintaining, and operating supervised playgrounds under the control of the board, school extracurricular activities, and stadia, social center, and summer swimming pool programs open to the public in connection with any public school; making an employer contribution to the Public School Teachers' Pension and Retirement Fund as required by Section 17-129 of the Illinois Pension Code; and providing an agricultural science school, including site development and improvements, maintenance repairs, and supplies. Educational purposes also includes student transportation expenses.

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All collections of all taxes levied for fiscal years ending before 1996 under this Section or under Sections 34-53.2, 34-53.3, 34-58, 34-60, or 34-62 of this Article as in effect prior to this amendatory Act of 1995 may be used for any educational purposes as defined by this amendatory Act of 1995 and need not be used for the particular purposes for which they were levied. The levy and extension of taxes pursuant to this Section as amended by this amendatory Act of 1995 shall not constitute a new or increased tax rate within the meaning of the Property Tax Extension Limitation Law or the One-year Property Tax Extension Limitation Law.

The rate at which taxes may be levied for the fiscal year beginning September 1, 1996, for educational purposes shall be the full rate authorized by this Section for such taxes for fiscal years ending after 1995.

(Source: P.A. 88-511; 88-670, eff. 12-2-94; 89-15, eff. 5-30-95.)

Passed in the General Assembly June 30, 2016.
Approved June 30, 2016.
Effective June 1, 2017.
3. "Special election" means an election not regularly recurring at fixed intervals, irrespective of whether it is held at the same time and place and by the same election officers as a regular election.

4. "General election" means the biennial election at which members of the General Assembly are elected. "General primary election", "consolidated election" and "consolidated primary election" mean the respective elections or the election dates designated and established in Article 2A of this Code.

5. "Municipal election" means an election or primary, either regular or special, in cities, villages, and incorporated towns; and "municipality" means any such city, village or incorporated town.

6. "Political or governmental subdivision" means any unit of local government, or school district in which elections are or may be held. "Political or governmental subdivision" also includes, for election purposes, Regional Boards of School Trustees, and Township Boards of School Trustees.

7. The word "township" and the word "town" shall apply interchangeably to the type of governmental organization established in accordance with the provisions of the Township Code. The term "incorporated town" shall mean a municipality referred to as an incorporated town in the Illinois Municipal Code, as now or hereafter amended.

8. "Election authority" means a county clerk or a Board of Election Commissioners.

9. "Election Jurisdiction" means (a) an entire county, in the case of a county in which no city board of election commissioners is located or which is under the jurisdiction of a county board of election commissioners; (b) the territorial jurisdiction of a city board of election commissioners; and (c) the territory in a county outside of the jurisdiction of a city board of election commissioners. In each instance election jurisdiction shall be determined according to which election authority maintains the permanent registration records of qualified electors.

10. "Local election official" means the clerk or secretary of a unit of local government or school district, as the case may be, the treasurer of a township board of school trustees, and the regional superintendent of schools with respect to the various school officer elections and school referenda for which the regional superintendent is assigned election duties by The School Code, as now or hereafter amended.

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11. "Judges of election", "primary judges" and similar terms, as applied to cases where there are 2 sets of judges, when used in connection with duties at an election during the hours the polls are open, refer to the team of judges of election on duty during such hours; and, when used with reference to duties after the closing of the polls, refer to the team of tally judges designated to count the vote after the closing of the polls and the holdover judges designated pursuant to Section 13-6.2 or 14-5.2. In such case, where, after the closing of the polls, any act is required to be performed by each of the judges of election, it shall be performed by each of the tally judges and by each of the holdover judges.

12. "Petition" of candidacy as used in Sections 7-10 and 7-10.1 shall consist of a statement of candidacy, candidate's statement containing oath, and sheets containing signatures of qualified primary electors bound together.

13. "Election district" and "precinct", when used with reference to a 30-day residence requirement, means the smallest constituent territory in which electors vote as a unit at the same polling place in any election governed by this Act.

14. "District" means any area which votes as a unit for the election of any officer, other than the State or a unit of local government or school district, and includes, but is not limited to, legislative, congressional and judicial districts, judicial circuits, county board districts, municipal and sanitary district wards, school board districts, and precincts.

15. "Question of public policy" or "public question" means any question, proposition or measure submitted to the voters at an election dealing with subject matter other than the nomination or election of candidates and shall include, but is not limited to, any bond or tax referendum, and questions relating to the Constitution.

16. "Ordinance providing the form of government of a municipality or county pursuant to Article VII of the Constitution" includes ordinances, resolutions and petitions adopted by referendum which provide for the form of government, the officers or the manner of selection or terms of office of officers of such municipality or county, pursuant to the provisions of Sections 4, 6 or 7 of Article VII of the Constitution.

17. "List" as used in Sections 4-11, 4-22, 5-14, 5-29, 6-60, and 6-66 shall include a computer tape or computer disc or other electronic data processing information containing voter information.

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18. "Accessible" means accessible to persons with disabilities and elderly individuals for the purpose of voting or registration, as determined by rule of the State Board of Elections.

19. "Elderly" means 65 years of age or older.

20. "Person with a disability" means a person having a temporary or permanent physical disability.

21. "Leading political party" means one of the two political parties whose candidates for governor at the most recent three gubernatorial elections received either the highest or second highest average number of votes. The political party whose candidates for governor received the highest average number of votes shall be known as the first leading political party and the political party whose candidates for governor received the second highest average number of votes shall be known as the second leading political party.

22. "Business day" means any day in which the office of an election authority, local election official or the State Board of Elections is open to the public for a minimum of 7 hours.

23. "Homeless individual" means any person who has a nontraditional residence, including, but not limited to, a shelter, day shelter, park bench, street corner, or space under a bridge.

24. "Signature" means a name signed in ink or in digitized form. This definition does not apply to a nominating or candidate petition or a referendum petition.

25. "Intelligent mail barcode tracking system" means a printed trackable barcode attached to the return business reply envelope for mail-in ballots under Article 19 or Article 20 that allows an election authority to determine the date the envelope was mailed in absence of a postmark.

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

(10 ILCS 5/1-12)


(a) Each appropriate election authority shall, in addition to the early voting conducted at locations otherwise required by law, conduct early voting, grace period registration, and grace period voting at the student union on the campus of a public university within the election authority's jurisdiction. The voting required by this subsection (a) to be conducted on campus must be conducted from the 6th day before a general primary or general election until and including the 4th day before a general primary or general election from 10:00 a.m. to 5 p.m. and as otherwise required by Article 19A of this Code, except that the voting required by
this subsection (a) need not be conducted during a consolidated primary or consolidated election. If an election authority has voting equipment that can accommodate a ballot in every form required in the election authority's jurisdiction, then the election authority shall extend early voting and grace period registration and voting under this Section to any registered voter in the election authority's jurisdiction. However, if the election authority does not have voting equipment that can accommodate a ballot in every form required in the election authority's jurisdiction, then the election authority may limit early voting and grace period registration and voting under this Section to voters in precincts where the public university is located and precincts bordering the university. Each public university shall make the space available at the student union for, and cooperate and coordinate with the appropriate election authority in, the implementation of this subsection (a).

(b) (Blank).

(c) For the purposes of this Section, "public university" means the University of Illinois, Illinois State University, Chicago State University, Governors State University, Southern Illinois University, Northern Illinois University, Eastern Illinois University, Western Illinois University, and Northeastern Illinois University.

(d) For the purposes of this Section, "student union" means the Student Center at 750 S. Halsted on the University of Illinois-Chicago campus; the Public Affairs Center at the University of Illinois at Springfield or a new building completed after the effective date of this Act housing student government at the University of Illinois at Springfield; the Illini Union at the University of Illinois at Urbana-Champaign; the SIUC Student Center at the Southern Illinois University at Carbondale campus; the Morris University Center at the Southern Illinois University at Edwardsville campus; the University Union at the Western Illinois University at the Macomb campus; the Holmes Student Center at the Northern Illinois University campus; the University Union at the Eastern Illinois University campus; NEIU Student Union at the Northeastern Illinois University campus; the Bone Student Center at the Illinois State University campus; the Cordell Reed Student Union at the Chicago State University campus; and the Hall of Governors in Building D at the Governors State University campus.

(Source: P.A. 98-115, eff. 7-29-13; 98-691, eff. 7-1-14; 98-1171, eff. 6-1-15.)

(10 ILCS 5/1-13 new)

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Sec. 1-13. Forms of signature. The making and signing of any form, including an application to register, a certificate authorizing cancellation of a registration or authorizing a transfer of registration, an application to vote, a provisional ballot, or affidavit, but not including a nominating or candidate petition or a referendum petition, may be by a signature written in ink or in digitized form.

(10 ILCS 5/1A-16.5)

Sec. 1A-16.5. Online voter registration.

(a) The State Board of Elections shall establish and maintain a system for online voter registration that permits a person to apply to register to vote or to update his or her existing voter registration. In accordance with technical specifications provided by the State Board of Elections, each election authority shall maintain a voter registration system capable of receiving and processing voter registration application information, including electronic signatures, from the online voter registration system established by the State Board of Elections.

(b) The online voter registration system shall employ security measures to ensure the accuracy and integrity of voter registration applications submitted electronically pursuant to this Section.

(c) The Board may receive voter registration information provided by applicants using the State Board of Elections' website, may cross reference that information with data or information contained in the Secretary of State's database in order to match the information submitted by applicants, and may receive from the Secretary of State the applicant's digitized signature upon a successful match of that applicant's information with that contained in the Secretary of State's database.

(d) Notwithstanding any other provision of law, a person who is qualified to register to vote and who has an authentic Illinois driver's license or State identification card issued by the Secretary of State may submit an application to register to vote electronically on a website maintained by the State Board of Elections.

(e) An online voter registration application shall contain all of the information that is required for a paper application as provided in Section 1A-16 of this Code, except that the applicant shall be required to provide:

(1) the applicant's full Illinois driver's license or State identification card number;

(2) the last 4 digits of the applicant's social security number; and

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(3) the date the Illinois driver's license or State identification card was issued.

(f) For an applicant's registration or change in registration to be accepted, the applicant shall mark the box associated with the following statement included as part of the online voter registration application:

"By clicking on the box below, I swear or affirm all of the following:

(1) I am the person whose name and identifying information is provided on this form, and I desire to register to vote in the State of Illinois.

(2) All the information I have provided on this form is true and correct as of the date I am submitting this form.

(3) I authorize the Secretary of State to transmit to the State Board of Elections my signature that is on file with the Secretary of State and understand that such signature will be used by my local election authority on this online voter registration application for admission as an elector as if I had signed this form personally."

(g) Immediately upon receiving a completed online voter registration application, the online voter registration system shall send, by electronic mail, a confirmation notice that the application has been received. Within 48 hours of receiving such an application, the online voter registration system shall send by electronic mail, a notice informing the applicant of whether the following information has been matched with the Secretary of State database:

(1) that the applicant has an authentic Illinois driver's license or State identification card issued by the Secretary of State and that the driver's license or State identification number provided by the applicant matches the driver's license or State identification card number for that person on file with the Secretary of State;

(2) that the date of issuance of the Illinois driver's license or State identification card listed on the application matches the date of issuance of that card for that person on file with the Secretary of State;

(3) that the date of birth provided by the applicant matches the date of birth for that person on file with the Secretary of State; and

(4) that the last 4 digits of the applicant's social security number matches the last 4 digits for that person on file with the Secretary of State.
(h) If the information provided by the applicant matches the information on the Secretary of State's databases for any driver's license and State identification card holder and is matched as provided in subsection (g) above, the online voter registration system shall:

(1) retrieve from the Secretary of State's database files an electronic copy of the applicant's signature from his or her Illinois driver's license or State identification card and such signature shall be deemed to be the applicant's signature on his or her online voter registration application;

(2) within 2 days of receiving the application, forward to the county clerk or board of election commissioners having jurisdiction over the applicant's voter registration: (i) the application, along with the applicant's relevant data that can be directly loaded into the jurisdiction's voter registration system and (ii) a copy of the applicant's electronic signature and a certification from the State Board of Elections that the applicant's driver's license or State identification card number, driver's license or State identification card date of issuance, and date of birth and social security information have been successfully matched.

(i) Upon receipt of the online voter registration application, the county clerk or board of election commissioners having jurisdiction over the applicant's voter registration shall promptly search its voter registration database to determine whether the applicant is already registered to vote at the address on the application and whether the new registration would create a duplicate registration. If the applicant is already registered to vote at the address on the application, the clerk or board, as the case may be, shall send the applicant by first class mail, and electronic mail if the applicant has provided an electronic mail address on the original voter registration form for that address, a disposition notice as otherwise required by law informing the applicant that he or she is already registered to vote at such address. If the applicant is not already registered to vote at the address on the application and the applicant is otherwise eligible to register to vote, the clerk or board, as the case may be, shall:

(1) enter the name and address of the applicant on the list of registered voters in the jurisdiction; and

(2) send by mail, and electronic mail if the applicant has provided an electronic mail address on the voter registration form, a disposition notice to the applicant as otherwise provided by law

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setting forth the applicant's name and address as it appears on the application and stating that the person is registered to vote.

(j) An electronic signature of the person submitting a duplicate registration application or a change of address form that is retrieved and imported from the Secretary of State's driver's license or State identification card database as provided herein may, in the discretion of the clerk or board, be substituted for and replace any existing signature for that individual in the voter registration database of the county clerk or board of election commissioners.

(k) Any new registration or change of address submitted electronically as provided in this Section shall become effective as of the date it is received by the county clerk or board of election commissioners having jurisdiction over said registration. Disposition notices prescribed in this Section shall be sent within 5 business days of receipt of the online application or change of address by the county clerk or board of election commissioners.

(l) All provisions of this Code governing voter registration and applicable thereto and not inconsistent with this Section shall apply to online voter registration under this Section. All applications submitted on a website maintained by the State Board of Elections shall be deemed timely filed if they are submitted no later than 11:59 p.m. on the 16th day final day for voter registration prior to an election. After the registration period for an upcoming election has ended and until the 2nd day following such election, the web page containing the online voter registration form on the State Board of Elections website shall inform users of the procedure for grace period voting.

(m) The State Board of Elections shall maintain a list of the name, street address, e-mail address, and likely precinct, ward, township, and district numbers, as the case may be, of people who apply to vote online through the voter registration system and those names and that information shall be stored in an electronic format on its website, arranged by county and accessible to State and local political committees.

(n) The Illinois State Board of Elections shall develop or cause to be developed an online voter registration system able to be accessed by at least the top two most used mobile electronic operating systems by January 1, 2016.

(o) (Blank).

(p) Each State department that maintains an Internet website must include a hypertext link to the homepage website maintained and operated
pursuant to this Section 1A-16.5. For the purposes of this Section, "State department" means the departments of State Government listed in Section 5-15 of the Civil Administrative Code of Illinois (General Provisions and Departments of State Government).

(Source: P.A. 98-115, eff. 7-29-13; 98-756, eff. 7-16-14; 98-1171, eff. 6-1-15.)

(10 ILCS 5/1A-16.8)

Sec. 1A-16.8. Automatic transfer of registration based upon information from the National Change of Address database. The State Board of Elections shall cross-reference the statewide voter registration database against the United States Postal Service's National Change of Address database twice each calendar year, April 15 and October 1 in odd-numbered years and April 15 and December 1 in even-numbered years, and shall share the findings with the election authorities. An election authority shall automatically register any voter who has moved into its jurisdiction from another jurisdiction in Illinois or has moved within its jurisdiction provided that:

1. the election authority whose jurisdiction includes the new registration address provides the voter an opportunity to reject the change in registration address through a mailing, sent by non-forwardable mail, to the new registration address, and
2. when the election authority whose jurisdiction includes the previous registration address is a different election authority, then that election authority provides the same opportunity through a mailing, sent by forwardable mail, to the previous registration address.

This change in registration shall trigger the same inter-jurisdictional or intra-jurisdictional workflows as if the voter completed a new registration card, including the cancellation of the voter's previous registration. Should the registration of a voter be changed from one address to another within the State and should the voter appear at the polls and offer to vote from the prior registration address, attesting that the prior registration address is the true current address, the voter, if confirmed by the election authority as having been registered at the prior registration address and canceled only by the process authorized by this Section, shall be issued a regular ballot, and the change of registration address shall be canceled. If the election authority is unable to immediately confirm the registration, the voter shall be issued a provisional ballot and the provisional ballot shall be counted.

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Sec. 1A-50. The ERIC Operations Trust Fund. The ERIC Operations Trust Fund (Trust Fund) is created as a nonappropriated trust fund to be held outside of the State treasury, with the State Treasurer as ex officio custodian. The Trust Fund shall be financed by a combination of private donations and by appropriations by the General Assembly. The Board may accept from all sources, contributions, grants, gifts, bequeaths, legacies of money, and securities to be deposited into the Trust Fund. All deposits shall become part of the Trust Fund corpus. Moneys in the Trust Fund are not subject to appropriation and shall be used by the Board solely for the costs and expenses related to the participation in the Electronic Registration Information Center pursuant to this Code.

All gifts, grants, assets, funds, or moneys received by the Board for the purpose of participation in the Electronic Registration Information Center shall be deposited and held in the Trust Fund by the State Treasurer separate and apart from all public moneys or funds of this State and shall be administered by the Board exclusively for the purposes set forth in this Section. All moneys in the Trust Fund shall be invested and reinvested by the State Treasurer. All interest accruing from these investments shall be deposited in the Trust Fund.

The ERIC Operations Trust Fund is not subject to sweeps, administrative charge-backs, or any other fiscal or budgetary maneuver that would in any way transfer any amounts from the ERIC Operations Trust Fund into any other fund of the State.

Sec. 4-8. The county clerk shall provide a sufficient number of blank forms for the registration of electors, which shall be known as registration record cards and which shall consist of loose leaf sheets or cards, of suitable size to contain in plain writing and figures the data hereinafter required thereon or shall consist of computer cards of suitable nature to contain the data required thereon. The registration record cards, which shall include an affidavit of registration as hereinafter provided, shall be executed in duplicate.

The registration record card shall contain the following and such other information as the county clerk may think it proper to require for the identification of the applicant for registration:

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Name. The name of the applicant, giving surname and first or
Christian name in full, and the middle name or the initial for such middle
name, if any.

Sex.

Residence. The name and number of the street, avenue, or other
location of the dwelling, including the apartment, unit or room number, if
any, and in the case of a mobile home the lot number, and such additional
clear and definite description as may be necessary to determine the exact
location of the dwelling of the applicant. Where the location cannot be
determined by street and number, then the section, congressional township
and range number may be used, or such other description as may be
necessary, including post-office mailing address. In the case of a homeless
individual, the individual's voting residence that is his or her mailing
address shall be included on his or her registration record card.

Term of residence in the State of Illinois and precinct. This
information shall be furnished by the applicant stating the place or places
where he resided and the dates during which he resided in such place or
places during the year next preceding the date of the next ensuing election.

Nativity. The state or country in which the applicant was born.

Citizenship. Whether the applicant is native born or naturalized. If
naturalized, the court, place, and date of naturalization.

Date of application for registration, i.e., the day, month and year
when applicant presented himself for registration.

Age. Date of birth, by month, day and year.

Physical disability of the applicant, if any, at the time of
registration, which would require assistance in voting.

The county and state in which the applicant was last registered.

Electronic mail address, if any.

Signature of voter. The applicant, after the registration and in the
presence of a deputy registrar or other officer of registration shall be
required to sign his or her name in ink or digitized form to the affidavit on
both the original and duplicate registration record cards.

Signature of deputy registrar or officer of registration.

In case applicant is unable to sign his name, he may affix his mark
to the affidavit. In such case the officer empowered to give the registration
oath shall write a detailed description of the applicant in the space
provided on the back or at the bottom of the card or sheet; and shall ask
the following questions and record the answers thereto:

Father's first name.

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Mother's first name.
From what address did the applicant last register?
Reason for inability to sign name.

Each applicant for registration shall make an affidavit in substantially the following form:

**AFFIDAVIT OF REGISTRATION**

**STATE OF ILLINOIS**
**COUNTY OF .......**

I hereby swear (or affirm) that I am a citizen of the United States; that on the date of the next election I shall have resided in the State of Illinois and in the election precinct in which I reside 30 days and that I intend that this location shall be my residence; that I am fully qualified to vote, and that the above statements are true.

..............................
(His or her signature or mark)

Subscribed and sworn to before me on (insert date).

..................................
Signature of registration officer.
(To be signed in presence of registrant.)

Space shall be provided upon the face of each registration record card for the notation of the voting record of the person registered thereon.

Each registration record card shall be numbered according to precincts, and may be serially or otherwise marked for identification in such manner as the county clerk may determine.

The registration cards shall be deemed public records and shall be open to inspection during regular business hours, except during the 27 days immediately preceding any election. On written request of any candidate or objector or any person intending to object to a petition, the election authority shall extend its hours for inspection of registration cards and other records of the election authority during the period beginning with the filing of petitions under Sections 7-10, 8-8, 10-6 or 28-3 and continuing through the termination of electoral board hearings on any objections to petitions containing signatures of registered voters in the jurisdiction of the election authority. The extension shall be for a period of hours sufficient to allow adequate opportunity for examination of the records but the election authority is not required to extend its hours beyond the period beginning at its normal opening for business and ending at midnight. If the business hours are so extended, the election authority shall post a public notice of such extended hours. Registration record cards may

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also be inspected, upon approval of the officer in charge of the cards, during the 27 days immediately preceding any election. Registration record cards shall also be open to inspection by certified judges and poll watchers and challengers at the polling place on election day, but only to the extent necessary to determine the question of the right of a person to vote or to serve as a judge of election. At no time shall poll watchers or challengers be allowed to physically handle the registration record cards.

Updated copies of computer tapes or computer discs or other electronic data processing information containing voter registration information shall be furnished by the county clerk within 10 days after December 15 and May 15 each year and within 10 days after each registration period is closed to the State Board of Elections in a form prescribed by the Board. For the purposes of this Section, a registration period is closed 27 days before the date of any regular or special election. Registration information shall include, but not be limited to, the following information: name, sex, residence, telephone number, if any, age, party affiliation, if applicable, precinct, ward, township, county, and representative, legislative and congressional districts. In the event of noncompliance, the State Board of Elections is directed to obtain compliance forthwith with this nondiscretionary duty of the election authority by instituting legal proceedings in the circuit court of the county in which the election authority maintains the registration information. The costs of furnishing updated copies of tapes or discs shall be paid at a rate of $.00034 per name of registered voters in the election jurisdiction, but not less than $50 per tape or disc and shall be paid from appropriations made to the State Board of Elections for reimbursement to the election authority for such purpose. The State Board shall furnish copies of such tapes, discs, other electronic data or compilations thereof to state political committees registered pursuant to the Illinois Campaign Finance Act or the Federal Election Campaign Act and to governmental entities, at their request and at a reasonable cost. To protect the privacy and confidentiality of voter registration information, the disclosure of electronic voter registration records to any person or entity other than to a State or local political committee and other than to a governmental entity for a governmental purpose is specifically prohibited except as follows: subject to security measures adopted by the State Board of Elections which, at a minimum, shall include the keeping of a catalog or database, available for public view, including the name, address, and telephone number of the person viewing the list as well as the time of that viewing, any person may

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view the centralized statewide voter registration list on a computer screen at the Springfield office of the State Board of Elections, during normal business hours other than during the 27 days before an election, but the person viewing the list under this exception may not print, duplicate, transmit, or alter the list. Copies of the tapes, discs, or other electronic data shall be furnished by the county clerk to local political committees and governmental entities at their request and at a reasonable cost. Reasonable cost of the tapes, discs, et cetera for this purpose would be the cost of duplication plus 15% for administration. The individual representing a political committee requesting copies of such tapes shall make a sworn affidavit that the information shall be used only for bona fide political purposes, including by or for candidates for office or incumbent office holders. Such tapes, discs or other electronic data shall not be used under any circumstances by any political committee or individuals for purposes of commercial solicitation or other business purposes. If such tapes contain information on county residents related to the operations of county government in addition to registration information, that information shall not be used under any circumstances for commercial solicitation or other business purposes. The prohibition in this Section against using the computer tapes or computer discs or other electronic data processing information containing voter registration information for purposes of commercial solicitation or other business purposes shall be prospective only from the effective date of this amended Act of 1979. Any person who violates this provision shall be guilty of a Class 4 felony.

The State Board of Elections shall promulgate, by October 1, 1987, such regulations as may be necessary to ensure uniformity throughout the State in electronic data processing of voter registration information. The regulations shall include, but need not be limited to, specifications for uniform medium, communications protocol and file structure to be employed by the election authorities of this State in the electronic data processing of voter registration information. Each election authority utilizing electronic data processing of voter registration information shall comply with such regulations on and after May 15, 1988.

If the applicant for registration was last registered in another county within this State, he shall also sign a certificate authorizing cancellation of the former registration. The certificate shall be in substantially the following form:
To the County Clerk of.... County, Illinois. (or)
To the Election Commission of the City of ...., Illinois.

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This is to certify that I am registered in your (county) (city) and that my residence was ......................... Having moved out of your (county) (city), I hereby authorize you to cancel said registration in your office. Dated at ...., Illinois, on (insert date).

................................
(Signature of Voter)

Attest: .............., County Clerk, .......... County, Illinois.

The cancellation certificate shall be mailed immediately by the County Clerk to the County Clerk (or election commission as the case may be) where the applicant was formerly registered. Receipt of such certificate shall be full authority for cancellation of any previous registration.

(Source: P.A. 98-115, eff. 10-1-13.)

(10 ILCS 5/4-20) (from Ch. 46, par. 4-20)

Sec. 4-20. The original registration cards shall remain permanently in the office of the county clerk or election authority except as destroyed as provided in Section 4-5.01; shall be filed alphabetically without regard to precincts; and shall be known as the master file. The master file may be kept in a computer-based voter registration file or paper format, provided a secondary digital back-up is kept off site. The digital file shall be searchable and remain current with all registration activity conducted by the county clerk or election authority. The duplicate registration cards shall constitute the official registry of voters for all elections subject to the provisions of this Article 4, shall be filed by precincts alphabetically or geographically so as to correspond with the arrangement of the list for each precinct respectively, compiled pursuant to Section 4-11 of this Article, and shall be known as the precinct file. The duplicate cards for use in conducting elections shall be delivered to the judges of election by the county clerk in a suitable binder or other device, which shall be locked and sealed in accordance with the directions to be given by the county clerk and shall also be suitably indexed for convenient use by the precinct officers. The duplicate cards shall be delivered to the judges of election for use at the polls for elections at the same time as the official ballots are delivered to them, and shall be returned to the county clerk by the judges of election within the time provided for the return of the official ballots. The county clerk shall determine the manner of delivery and return of such duplicate cards, and shall at all other times retain them at his office except for such use of them as may be made under this Article with respect to registration not at the office of the county clerk.

(Source: P.A. 80-1469.)

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Sec. 4-33. Computerization of voter records.

(a) The State Board of Elections shall design a registration record card that, except as otherwise provided in this Section, shall be used in duplicate by all election authorities in the State adopting a computer-based voter registration file as provided in this Section. The Board shall prescribe the form and specifications, including but not limited to the weight of paper, color, and print of the cards. The cards shall contain boxes or spaces for the information required under Sections 4-8 and 4-21; provided that the cards shall also contain: (i) A space for a person to fill in his or her Illinois driver's license number if the person has a driver's license; (ii) A space for a person without a driver's license to fill in the last four digits of his or her social security number if the person has a social security number.

(b) The election authority may develop and implement a system to prepare, use, and maintain a computer-based voter registration file that includes a computer-stored image of the signature of each voter. The computer-based voter registration file may be used for all purposes for which the original registration cards are to be used, provided that a system for the storage of at least one copy of the original registration cards remains in effect. In the case of voter registration forms received via an online voter registration system, the original registration cards will include the signature received from the Secretary of State database. The electronic file shall be the master file.

(b-2) The election authority may develop and implement a system to maintain registration cards in digital form using digitized signatures, which may be stored in a computer-based voter registration file under subsection (b) of this Section. The making and signing of any form, including an application to register and a certificate authorizing cancellation of a registration or authorizing a transfer of registration may be by a signature written in ink or by a digitized signature.

(c) Any system created, used, and maintained under subsection (b) of this Section shall meet the following standards:

(1) Access to any computer-based voter registration file shall be limited to those persons authorized by the election authority, and each access to the computer-based voter registration file, other than an access solely for inquiry, shall be recorded.

(2) No copy, summary, list, abstract, or index of any computer-based voter registration file that includes any computer-
stored image of the signature of any registered voter shall be made available to the public outside of the offices of the election authority.

(3) Any copy, summary, list, abstract, or index of any computer-based voter registration file that includes a computer-stored image of the signature of a registered voter shall be produced in such a manner that it cannot be reproduced.

(4) Each person desiring to vote shall sign an application for a ballot, and the signature comparison authorized in Articles 17 and 18 of this Code may be made to a copy of the computer-stored image of the signature of the registered voter.

(5) Any voter list produced from a computer-based voter registration file that includes computer-stored images of the signatures of registered voters and is used in a polling place during an election shall be preserved by the election authority in secure storage until the end of the second calendar year following the election in which it was used.

(d) Before the first election in which the election authority elects to use a voter list produced from the computer-stored images of the signatures of registered voters in a computer-based voter registration file for signature comparison in a polling place, the State Board of Elections shall certify that the system used by the election authority complies with the standards set forth in this Section. The State Board of Elections may request a sample poll list intended to be used in a polling place to test the accuracy of the list and the adequacy of the computer-stored images of the signatures of the registered voters.

(e) With respect to a jurisdiction that has copied all of its voter signatures into a computer-based registration file, all references in this Act or any other Act to the use, other than storage, of paper-based voter registration records shall be deemed to refer to their computer-based equivalents.

(f) Nothing in this Section prevents an election authority from submitting to the State Board of Elections a duplicate copy of some, as the State Board of Elections shall determine, or all of the data contained in each voter registration record that is part of the electronic master file. The duplicate copy of the registration record shall be maintained by the State Board of Elections under the same terms and limitations applicable to the election authority and shall be of equal legal dignity with the original.

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registration record maintained by the election authority as proof of any fact contained in the voter registration record.

(Source: P.A. 98-115, eff. 7-29-13.)

(10 ILCS 5/5-7) (from Ch. 46, par. 5-7)

Sec. 5-7. The county clerk shall provide a sufficient number of blank forms for the registration of electors which shall be known as registration record cards and which shall consist of loose leaf sheets or cards, of suitable size to contain in plain writing and figures the data hereinafter required thereon or shall consist of computer cards of suitable nature to contain the data required thereon. The registration record cards, which shall include an affidavit of registration as hereinafter provided, shall be executed in duplicate.

The registration record card shall contain the following and such other information as the county clerk may think it proper to require for the identification of the applicant for registration:

Name. The name of the applicant, giving surname and first or Christian name in full, and the middle name or the initial for such middle name, if any.

Sex.

Residence. The name and number of the street, avenue, or other location of the dwelling, including the apartment, unit or room number, if any, and in the case of a mobile home the lot number, and such additional clear and definite description as may be necessary to determine the exact location of the dwelling of the applicant, including post-office mailing address. In the case of a homeless individual, the individual's voting residence that is his or her mailing address shall be included on his or her registration record card.

Term of residence in the State of Illinois and the precinct. Which questions may be answered by the applicant stating, in excess of 30 days in the State and in excess of 30 days in the precinct.

Nativity. The State or country in which the applicant was born.

Citizenship. Whether the applicant is native born or naturalized. If naturalized, the court, place and date of naturalization.

Date of application for registration, i.e., the day, month and year when applicant presented himself for registration.

Age. Date of birth, by month, day and year.

Physical disability of the applicant, if any, at the time of registration, which would require assistance in voting.

The county and state in which the applicant was last registered.

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Electronic mail address, if any.

Signature of voter. The applicant, after the registration and in the presence of a deputy registrar or other officer of registration shall be required to sign his or her name in ink or digitized form to the affidavit on the original and duplicate registration record card.

Signature of Deputy Registrar.

In case applicant is unable to sign his name, he may affix his mark to the affidavit. In such case the officer empowered to give the registration oath shall write a detailed description of the applicant in the space provided at the bottom of the card or sheet; and shall ask the following questions and record the answers thereto:

Father's first name ....................
Mother's first name ....................
From what address did you last register?
Reason for inability to sign name.

Each applicant for registration shall make an affidavit in substantially the following form:

AFFIDAVIT OF REGISTRATION

State of Illinois)

)ss

County of

I hereby swear (or affirm) that I am a citizen of the United States; that on the date of the next election I shall have resided in the State of Illinois and in the election precinct in which I reside 30 days; that I am fully qualified to vote. That I intend that this location shall be my residence and that the above statements are true.

..............................

(His or her signature or mark)

Subscribed and sworn to before me on (insert date).

..............................

Signature of Registration Officer.

(To be signed in presence of Registrant.)

Space shall be provided upon the face of each registration record card for the notation of the voting record of the person registered thereon.

Each registration record card shall be numbered according to towns and precincts, wards, cities and villages, as the case may be, and may be serially or otherwise marked for identification in such manner as the county clerk may determine.

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The registration cards shall be deemed public records and shall be open to inspection during regular business hours, except during the 27 days immediately preceding any election. On written request of any candidate or objector or any person intending to object to a petition, the election authority shall extend its hours for inspection of registration cards and other records of the election authority during the period beginning with the filing of petitions under Sections 7-10, 8-8, 10-6 or 28-3 and continuing through the termination of electoral board hearings on any objections to petitions containing signatures of registered voters in the jurisdiction of the election authority. The extension shall be for a period of hours sufficient to allow adequate opportunity for examination of the records but the election authority is not required to extend its hours beyond the period beginning at its normal opening for business and ending at midnight. If the business hours are so extended, the election authority shall post a public notice of such extended hours. Registration record cards may also be inspected, upon approval of the officer in charge of the cards, during the 27 days immediately preceding any election. Registration record cards shall also be open to inspection by certified judges and poll watchers and challengers at the polling place on election day, but only to the extent necessary to determine the question of the right of a person to vote or to serve as a judge of election. At no time shall poll watchers or challengers be allowed to physically handle the registration record cards.

Updated copies of computer tapes or computer discs or other electronic data processing information containing voter registration information shall be furnished by the county clerk within 10 days after December 15 and May 15 each year and within 10 days after each registration period is closed to the State Board of Elections in a form prescribed by the Board. For the purposes of this Section, a registration period is closed 27 days before the date of any regular or special election. Registration information shall include, but not be limited to, the following information: name, sex, residence, telephone number, if any, age, party affiliation, if applicable, precinct, ward, township, county, and representative, legislative and congressional districts. In the event of noncompliance, the State Board of Elections is directed to obtain compliance forthwith with this nondiscretionary duty of the election authority by instituting legal proceedings in the circuit court of the county in which the election authority maintains the registration information. The costs of furnishing updated copies of tapes or discs shall be paid at a rate of $.00034 per name of registered voters in the election jurisdiction, but

New matter indicated by italics - deletions by strikeout
not less than $50 per tape or disc and shall be paid from appropriations made to the State Board of Elections for reimbursement to the election authority for such purpose. The State Board shall furnish copies of such tapes, discs, other electronic data or compilations thereof to state political committees registered pursuant to the Illinois Campaign Finance Act or the Federal Election Campaign Act and to governmental entities, at their request and at a reasonable cost. To protect the privacy and confidentiality of voter registration information, the disclosure of electronic voter registration records to any person or entity other than to a State or local political committee and other than to a governmental entity for a governmental purpose is specifically prohibited except as follows: subject to security measures adopted by the State Board of Elections which, at a minimum, shall include the keeping of a catalog or database, available for public view, including the name, address, and telephone number of the person viewing the list as well as the time of that viewing, any person may view the centralized statewide voter registration list on a computer screen at the Springfield office of the State Board of Elections, during normal business hours other than during the 27 days before an election, but the person viewing the list under this exception may not print, duplicate, transmit, or alter the list. Copies of the tapes, discs or other electronic data shall be furnished by the county clerk to local political committees and governmental entities at their request and at a reasonable cost. Reasonable cost of the tapes, discs, et cetera for this purpose would be the cost of duplication plus 15% for administration. The individual representing a political committee requesting copies of such tapes shall make a sworn affidavit that the information shall be used only for bona fide political purposes, including by or for candidates for office or incumbent office holders. Such tapes, discs or other electronic data shall not be used under any circumstances by any political committee or individuals for purposes of commercial solicitation or other business purposes. If such tapes contain information on county residents related to the operations of county government in addition to registration information, that information shall not be used under any circumstances for commercial solicitation or other business purposes. The prohibition in this Section against using the computer tapes or computer discs or other electronic data processing information containing voter registration information for purposes of commercial solicitation or other business purposes shall be prospective only from the effective date of this amended Act of 1979. Any person who violates this provision shall be guilty of a Class 4 felony.

New matter indicated by italics - deletions by strikeout
The State Board of Elections shall promulgate, by October 1, 1987, such regulations as may be necessary to ensure uniformity throughout the State in electronic data processing of voter registration information. The regulations shall include, but need not be limited to, specifications for uniform medium, communications protocol and file structure to be employed by the election authorities of this State in the electronic data processing of voter registration information. Each election authority utilizing electronic data processing of voter registration information shall comply with such regulations on and after May 15, 1988.

If the applicant for registration was last registered in another county within this State, he shall also sign a certificate authorizing cancellation of the former registration. The certificate shall be in substantially the following form:
To the County Clerk of .... County, Illinois. To the Election Commission of the City of ...., Illinois.

This is to certify that I am registered in your (county) (city) and that my residence was ..... Having moved out of your (county) (city), I hereby authorize you to cancel said registration in your office.
Dated at .... Illinois, on (insert date).

................................
(Signature of Voter)

Attest ......., County Clerk, ....... County, Illinois.

The cancellation certificate shall be mailed immediately by the county clerk to the county clerk (or election commission as the case may be) where the applicant was formerly registered. Receipt of such certificate shall be full authority for cancellation of any previous registration.
(Source: P.A. 98-115, eff. 10-1-13.)

(10 ILCS 5/5-28) (from Ch. 46, par. 5-28)

Sec. 5-28. The original registration record cards shall remain permanently in the office of the county clerk or election authority except as destroyed as provided in Section 5-6; shall be filed alphabetically without regard to precincts; and shall be known as the master file. The master file may be kept in a computer-based voter registration file or paper format, provided a secondary digital back-up is kept off site. The digital file shall be searchable and remain current with all registration activity conducted by the county clerk or election authority. The duplicate registration record cards shall constitute the official registry of voters for all elections and shall be filed by precincts and townships. The duplicate record cards shall remain in the office of the county clerk or election authority.
cards for use in conducting elections shall be delivered to the judges of
election by the county clerk in a suitable binder or other device, which
shall be locked and sealed in accordance with the directions to be given by
the county clerk and shall also be suitably indexed for convenient use by
the precinct officers. The precinct files shall be delivered to the judges of
election for use at the polls for elections at the same time as the official
ballots are delivered to them, and shall be returned to the county clerk by
the judges of election within the time provided for the return of the official
ballots. The county clerk shall determine the manner of return and delivery
of such file.
(Source: P.A. 80-1469.)

(10 ILCS 5/5-43)
Sec. 5-43. Computerization of voter records.
(a) The State Board of Elections shall design a registration record
card that, except as otherwise provided in this Section, shall be used in
duplicate by all election authorities in the State adopting a computer-based
voter registration file as provided in this Section. The Board shall
prescribe the form and specifications, including but not limited to the
weight of paper, color, and print of the cards. The cards shall contain
boxes or spaces for the information required under Sections 5-7 and 5-
28.1; provided that the cards shall also contain: (i) A space for the person
to fill in his or her Illinois driver's license number if the person has a
driver's license; (ii) A space for a person without a driver's license to fill in
the last four digits of his or her social security number if the person has a
social security number.

(b) The election authority may develop and implement a system to
prepare, use, and maintain a computer-based voter registration file that
includes a computer-stored image of the signature of each voter. The
computer-based voter registration file may be used for all purposes for
which the original registration cards are to be used, provided that a system
for the storage of at least one copy of the original registration cards
remains in effect. In the case of voter registration forms received via an
online voter registration system, the original registration cards will include
the signature received from the Secretary of State database. The electronic
file shall be the master file.

(b-2) The election authority may develop and implement a system
to maintain registration cards in digital form using digitized signatures,
which may be stored in a computer-based voter registration file under
subsection (b) of this Section. The making and signing of any form,

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including an application to register and a certificate authorizing cancellation of a registration or authorizing a transfer of registration may be by a signature written in ink or by a digitized signature.  

(c) Any system created, used, and maintained under subsection (b) of this Section shall meet the following standards:

(1) Access to any computer-based voter registration file shall be limited to those persons authorized by the election authority, and each access to the computer-based voter registration file, other than an access solely for inquiry, shall be recorded.

(2) No copy, summary, list, abstract, or index of any computer-based voter registration file that includes any computer-stored image of the signature of any registered voter shall be made available to the public outside of the offices of the election authority.

(3) Any copy, summary, list, abstract, or index of any computer-based voter registration file that includes a computer-stored image of the signature of a registered voter shall be produced in such a manner that it cannot be reproduced.

(4) Each person desiring to vote shall sign an application for a ballot, and the signature comparison authorized in Articles 17 and 18 of this Code may be made to a copy of the computer-stored image of the signature of the registered voter.

(5) Any voter list produced from a computer-based voter registration file that includes computer-stored images of the signatures of registered voters and is used in a polling place during an election shall be preserved by the election authority in secure storage until the end of the second calendar year following the election in which it was used.

(d) Before the first election in which the election authority elects to use a voter list produced from the computer-stored images of the signatures of registered voters in a computer-based voter registration file for signature comparison in a polling place, the State Board of Elections shall certify that the system used by the election authority complies with the standards set forth in this Section. The State Board of Elections may request a sample poll list intended to be used in a polling place to test the accuracy of the list and the adequacy of the computer-stored images of the signatures of the registered voters.

(e) With respect to a jurisdiction that has copied all of its voter signatures into a computer-based registration file, all references in this Act

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or any other Act to the use, other than storage, of paper-based voter registration records shall be deemed to refer to their computer-based equivalents.

(f) Nothing in this Section prevents an election authority from submitting to the State Board of Elections a duplicate copy of some, as the State Board of Elections shall determine, or all of the data contained in each voter registration record that is part of the electronic master file. The duplicate copy of the registration record shall be maintained by the State Board of Elections under the same terms and limitations applicable to the election authority and shall be of equal legal dignity with the original registration record maintained by the election authority as proof of any fact contained in the voter registration record.

(Source: P.A. 98-115, eff. 7-29-13.)

(10 ILCS 5/6-35) (from Ch. 46, par. 6-35)

Sec. 6-35. The Boards of Election Commissioners shall provide a sufficient number of blank forms for the registration of electors which shall be known as registration record cards and which shall consist of loose leaf sheets or cards, of suitable size to contain in plain writing and figures the data hereinafter required thereon or shall consist of computer cards of suitable nature to contain the data required thereon. The registration record cards, which shall include an affidavit of registration as hereinafter provided, shall be executed in duplicate. The duplicate of which may be a carbon copy of the original or a copy of the original made by the use of other method or material used for making simultaneous true copies or duplications.

The registration record card shall contain the following and such other information as the Board of Election Commissioners may think it proper to require for the identification of the applicant for registration:

Name. The name of the applicant, giving surname and first or Christian name in full, and the middle name or the initial for such middle name, if any.

Sex.

Residence. The name and number of the street, avenue, or other location of the dwelling, including the apartment, unit or room number, if any, and in the case of a mobile home the lot number, and such additional clear and definite description as may be necessary to determine the exact location of the dwelling of the applicant, including post-office mailing address. In the case of a homeless individual, the individual's voting
residence that is his or her mailing address shall be included on his or her registration record card.

Term of residence in the State of Illinois and the precinct.
Nativity. The state or country in which the applicant was born.
Citizenship. Whether the applicant is native born or naturalized. If naturalized, the court, place, and date of naturalization.
Date of application for registration, i.e., the day, month and year when the applicant presented himself for registration.
Age. Date of birth, by month, day and year.
Physical disability of the applicant, if any, at the time of registration, which would require assistance in voting.
The county and state in which the applicant was last registered.
Electronic mail address, if any.
Signature of voter. The applicant, after registration and in the presence of a deputy registrar or other officer of registration shall be required to sign his or her name in ink or digitized form to the affidavit on both the original and the duplicate registration record card.
Signature of deputy registrar.
In case applicant is unable to sign his name, he may affix his mark to the affidavit. In such case the registration officer shall write a detailed description of the applicant in the space provided at the bottom of the card or sheet; and shall ask the following questions and record the answers thereto:

Father's first name .........................
Mother's first name ........................
From what address did you last register? ....
Reason for inability to sign name ...........

Each applicant for registration shall make an affidavit in substantially the following form:

AFFIDAVIT OF REGISTRATION

State of Illinois )
 )ss
County of ...... )

I hereby swear (or affirm) that I am a citizen of the United States, that on the day of the next election I shall have resided in the State of Illinois and in the election precinct 30 days and that I intend that this location is my residence; that I am fully qualified to vote, and that the above statements are true.

.............................

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Space shall be provided upon the face of each registration record card for the notation of the voting record of the person registered thereon.

Each registration record card shall be numbered according to wards or precincts, as the case may be, and may be serially or otherwise marked for identification in such manner as the Board of Election Commissioners may determine.

The registration cards shall be deemed public records and shall be open to inspection during regular business hours, except during the 27 days immediately preceding any election. On written request of any candidate or objector or any person intending to object to a petition, the election authority shall extend its hours for inspection of registration cards and other records of the election authority during the period beginning with the filing of petitions under Sections 7-10, 8-8, 10-6 or 28-3 and continuing through the termination of electoral board hearings on any objections to petitions containing signatures of registered voters in the jurisdiction of the election authority. The extension shall be for a period of hours sufficient to allow adequate opportunity for examination of the records but the election authority is not required to extend its hours beyond the period beginning at its normal opening for business and ending at midnight. If the business hours are so extended, the election authority shall post a public notice of such extended hours. Registration record cards may also be inspected, upon approval of the officer in charge of the cards, during the 27 days immediately preceding any election. Registration record cards shall also be open to inspection by certified judges and poll watchers and challengers at the polling place on election day, but only to the extent necessary to determine the question of the right of a person to vote or to serve as a judge of election. At no time shall poll watchers or challengers be allowed to physically handle the registration record cards.

Updated copies of computer tapes or computer discs or other electronic data processing information containing voter registration information shall be furnished by the Board of Election Commissioners within 10 days after December 15 and May 15 each year and within 10 days after each registration period is closed to the State Board of Elections in a form prescribed by the State Board. For the purposes of this Section, a
registration period is closed 27 days before the date of any regular or special election. Registration information shall include, but not be limited to, the following information: name, sex, residence, telephone number, if any, age, party affiliation, if applicable, precinct, ward, township, county, and representative, legislative and congressional districts. In the event of noncompliance, the State Board of Elections is directed to obtain compliance forthwith with this nondiscretionary duty of the election authority by instituting legal proceedings in the circuit court of the county in which the election authority maintains the registration information. The costs of furnishing updated copies of tapes or discs shall be paid at a rate of $.00034 per name of registered voters in the election jurisdiction, but not less than $50 per tape or disc and shall be paid from appropriations made to the State Board of Elections for reimbursement to the election authority for such purpose. The State Board shall furnish copies of such tapes, discs, other electronic data or compilations thereof to state political committees registered pursuant to the Illinois Campaign Finance Act or the Federal Election Campaign Act and to governmental entities, at their request and at a reasonable cost. To protect the privacy and confidentiality of voter registration information, the disclosure of electronic voter registration records to any person or entity other than to a State or local political committee and other than to a governmental entity for a governmental purpose is specifically prohibited except as follows: subject to security measures adopted by the State Board of Elections which, at a minimum, shall include the keeping of a catalog or database, available for public view, including the name, address, and telephone number of the person viewing the list as well as the time of that viewing, any person may view the centralized statewide voter registration list on a computer screen at the Springfield office of the State Board of Elections, during normal business hours other than during the 27 days before an election, but the person viewing the list under this exception may not print, duplicate, transmit, or alter the list. Copies of the tapes, discs or other electronic data shall be furnished by the Board of Election Commissioners to local political committees and governmental entities at their request and at a reasonable cost. Reasonable cost of the tapes, discs, et cetera for this purpose would be the cost of duplication plus 15% for administration. The individual representing a political committee requesting copies of such tapes shall make a sworn affidavit that the information shall be used only for bona fide political purposes, including by or for candidates for office or incumbent office holders. Such tapes, discs or other electronic data shall

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not be used under any circumstances by any political committee or individuals for purposes of commercial solicitation or other business purposes. If such tapes contain information on county residents related to the operations of county government in addition to registration information, that information shall not be used under any circumstances for commercial solicitation or other business purposes. The prohibition in this Section against using the computer tapes or computer discs or other electronic data processing information containing voter registration information for purposes of commercial solicitation or other business purposes shall be prospective only from the effective date of this amended Act of 1979. Any person who violates this provision shall be guilty of a Class 4 felony.

The State Board of Elections shall promulgate, by October 1, 1987, such regulations as may be necessary to ensure uniformity throughout the State in electronic data processing of voter registration information. The regulations shall include, but need not be limited to, specifications for uniform medium, communications protocol and file structure to be employed by the election authorities of this State in the electronic data processing of voter registration information. Each election authority utilizing electronic data processing of voter registration information shall comply with such regulations on and after May 15, 1988.

If the applicant for registration was last registered in another county within this State, he shall also sign a certificate authorizing cancellation of the former registration. The certificate shall be in substantially the following form:

To the County Clerk of .... County, Illinois.
To the Election Commission of the City of ...., Illinois.

This is to certify that I am registered in your (county) (city) and that my residence was .... Having moved out of your (county), (city), I hereby authorize you to cancel that registration in your office.

Dated at ...., Illinois, on (insert date).

....................
(Signature of Voter)

Attest ...., Clerk, Election Commission of the City of...., Illinois.

The cancellation certificate shall be mailed immediately by the clerk of the Election Commission to the county clerk, (or Election Commission as the case may be) where the applicant was formerly registered. Receipt of such certificate shall be full authority for cancellation of any previous registration.
Sec. 6-65. The duplicate registration record cards shall remain permanently in the office of the Board of Election Commissioners; shall be filed alphabetically without regard to wards or precincts; and shall be known as the master file. The master file may be kept in a computer-based voter registration file or paper format, provided a secondary digital back-up is kept off site. The digital file shall be searchable and remain current with all registration activity conducted by the Board of Election Commissioners. The original registration record cards shall constitute the official precinct registry of voters; shall be filed by wards and precincts; and shall be known as the precinct file. The original cards shall be delivered to the judges of election by the Board of Election Commissioners in a suitable binder or other device, which shall be locked and sealed in accordance with directions to be given by the Board of Election Commissioners and shall also be suitably indexed for convenient use by the precinct officers. The precinct files shall be delivered to the precinct officers for use at the polls, on the day of election and shall be returned to the Board of Election Commissioners immediately after the close of the polls. The board shall determine by rules the manner of delivery and return to such file. At all other times the precinct file shall be retained at the office of the Board of Election Commissioners except for such use of it as may be made under this Article with respect to registration not at the office of the Board of Election Commissioners.

Sec. 6-79. Computerization of voter records.

(a) The State Board of Elections shall design a registration record card that, except as otherwise provided in this Section, shall be used in duplicate by all election authorities in the State adopting a computer-based voter registration file as provided in this Section. The Board shall prescribe the form and specifications, including but not limited to the weight of paper, color, and print of the cards. The cards shall contain boxes or spaces for the information required under Sections 6-31.1 and 6-35; provided that the cards shall also contain: (i) A space for the person to fill in his or her Illinois driver's license number if the person has a driver's license; (ii) A space for a person without a driver's license to fill in the last
four digits of his or her social security number if the person has a social security number.

(b) The election authority may develop and implement a system to prepare, use, and maintain a computer-based voter registration file that includes a computer-stored image of the signature of each voter. The computer-based voter registration file may be used for all purposes for which the original registration cards are to be used, provided that a system for the storage of at least one copy of the original registration cards remains in effect. In the case of voter registration forms received via an online voter registration system, the original registration cards will include the signature received from the Secretary of State database. The electronic file shall be the master file.

(b-2) The election authority may develop and implement a system to maintain registration cards in digital form using digitized signatures, which may be stored in a computer-based voter registration file under subsection (b) of this Section. The making and signing of any form, including an application to register and a certificate authorizing cancellation of a registration or authorizing a transfer of registration may be by a signature written in ink or by a digitized signature.

(c) Any system created, used, and maintained under subsection (b) of this Section shall meet the following standards:

(1) Access to any computer-based voter registration file shall be limited to those persons authorized by the election authority, and each access to the computer-based voter registration file, other than an access solely for inquiry, shall be recorded.

(2) No copy, summary, list, abstract, or index of any computer-based voter registration file that includes any computer-stored image of the signature of any registered voter shall be made available to the public outside of the offices of the election authority.

(3) Any copy, summary, list, abstract, or index of any computer-based voter registration file that includes a computer-stored image of the signature of a registered voter shall be produced in such a manner that it cannot be reproduced.

(4) Each person desiring to vote shall sign an application for a ballot, and the signature comparison authorized in Articles 17 and 18 of this Code may be made to a copy of the computer-stored image of the signature of the registered voter.

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(5) Any voter list produced from a computer-based voter registration file that includes computer-stored images of the signatures of registered voters and is used in a polling place during an election shall be preserved by the election authority in secure storage until the end of the second calendar year following the election in which it was used.

(d) Before the first election in which the election authority elects to use a voter list produced from the computer-stored images of the signatures of registered voters in a computer-based voter registration file for signature comparison in a polling place, the State Board of Elections shall certify that the system used by the election authority complies with the standards set forth in this Section. The State Board of Elections may request a sample poll list intended to be used in a polling place to test the accuracy of the list and the adequacy of the computer-stored images of the signatures of the registered voters.

(e) With respect to a jurisdiction that has copied all of its voter signatures into a computer-based registration file, all references in this Act or any other Act to the use, other than storage, of paper-based voter registration records shall be deemed to refer to their computer-based equivalents.

(f) Nothing in this Section prevents an election authority from submitting to the State Board of Elections a duplicate copy of some, as the State Board of Elections shall determine, or all of the data contained in each voter registration record that is part of the electronic master file. The duplicate copy of the registration record shall be maintained by the State Board of Elections under the same terms and limitations applicable to the election authority and shall be of equal legal dignity with the original registration record maintained by the election authority as proof of any fact contained in the voter registration record.

(Source: P.A. 98-115, eff. 7-29-13.)

(10 ILCS 5/7-9) (from Ch. 46, par. 7-9)

Sec. 7-9. County central committee; county and State conventions.

(a) On the 29th day next succeeding the primary at which committeemen are elected, the county central committee of each political party shall meet within the county and proceed to organize by electing from its own number a chairman and either from its own number, or otherwise, such other officers as such committee may deem necessary or expedient. Such meeting of the county central committee shall be known as the county convention.

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The chairman of each county committee shall within 10 days after the organization, forward to the State Board of Elections, the names and post office addresses of the officers, precinct committeemen and representative committeemen elected by his political party.

The county convention of each political party shall choose delegates to the State convention of its party, *if the party chooses to hold a State convention*; but in any county having within its limits any city having a population of 200,000, or over the delegates from such city shall be chosen by wards, the ward committeemen from the respective wards choosing the number of delegates to which such ward is entitled on the basis prescribed in paragraph (e) of this Section such delegates to be members of the delegation to the State convention from such county. In all counties containing a population of 2,000,000 or more outside of cities having a population of 200,000 or more, the delegates from each of the townships or parts of townships as the case may be shall be chosen by townships or parts of townships as the case may be, the township committeemen from the respective townships or parts of townships as the case may be choosing the number of delegates to which such townships or parts of townships as the case may be are entitled, on the basis prescribed in paragraph (e) of this Section such delegates to be members of the delegation to the State convention from such county.

Each member of the State Central Committee of a political party which elects its members by Alternative B under paragraph (a) of Section 7-8 shall be a delegate to the State Convention, *if the party chooses to hold a State convention*, ex officio.

Each member of the State Central Committee of a political party which elects its members by Alternative B under paragraph (a) of Section 7-8 may appoint 2 delegates to the State Convention, *if the party chooses to hold a State convention*, who must be residents of the member's Congressional District.

(b) State conventions *shall* be held within 180 days after the general primary in the year 2000 and every 4 years thereafter. In the year 1998, and every 4 years thereafter, the chairman of a State central committee may issue a call for a State convention within 180 days after the general primary.

The State convention of each political party, *if the party chooses to hold a State convention*, has power to make nominations of candidates of its political party for the electors of President and Vice President of the United States, and to adopt any party platform, and, to the extent

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determined by the State central committee as provided in Section 7-14, to choose and select delegates and alternate delegates at large to national nominating conventions. The State Central Committee may adopt rules to provide for and govern the procedures of the State convention.

(c) The chairman and secretary of each State convention, if the party chooses to hold a State convention, shall, within 2 days thereafter, transmit to the State Board of Elections of this State a certificate setting forth the names and addresses of all persons nominated by such State convention for electors of President and Vice President of the United States, and of any persons selected by the State convention for delegates and alternate delegates at large to national nominating conventions; and the names of such candidates so chosen by such State convention for electors of President and Vice President of the United States, shall be caused by the State Board of Elections to be printed upon the official ballot at the general election, in the manner required by law, and shall be certified to the various county clerks of the proper counties in the manner as provided in Section 7-60 of this Article 7 for the certifying of the names of persons nominated by any party for State offices. If and as long as this Act prescribes that the names of such electors be not printed on the ballot, then the names of such electors shall be certified in such manner as may be prescribed by the parts of this Act applicable thereto.

(d) Each convention, if the party chooses to hold a State convention, may perform all other functions inherent to such political organization and not inconsistent with this Article.

(e) At least 33 days before the date of a State convention, if the party chooses to hold a State convention, the chairman of the State central committee of each political party shall file in the principal office of the State Board of Elections a call for the State convention. Such call shall state, among other things, the time and place (designating the building or hall) for holding the State convention. Such call shall be signed by the chairman and attested by the secretary of the committee. In such convention each county shall be entitled to one delegate for each 500 ballots voted by the primary electors of the party in such county at the primary to be held next after the issuance of such call; and if in such county, less than 500 ballots are so voted or if the number of ballots so voted is not exactly a multiple of 500, there shall be one delegate for such group which is less than 500, or for such group representing the number of votes over the multiple of 500, which delegate shall have 1/500 of one vote for each primary vote so represented by him. The call for such

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convention shall set forth this paragraph (e) of Section 7-9 in full and shall direct that the number of delegates to be chosen be calculated in compliance herewith and that such number of delegates be chosen.

(f) All precinct, township and ward committeemen when elected as provided in this Section shall serve as though elected at large irrespective of any changes that may be made in precinct, township or ward boundaries and the voting strength of each committeeman shall remain as provided in this Section for the entire time for which he is elected.

(g) The officers elected at any convention provided for in this Section shall serve until their successors are elected as provided in this Act.

(h) A special meeting of any central committee may be called by the chairman, or by not less than 25% of the members of such committee, by giving 5 days notice to members of such committee in writing designating the time and place at which such special meeting is to be held and the business which it is proposed to present at such special meeting.

(i) Except as otherwise provided in this Act, whenever a vacancy exists in the office of precinct committeeman because no one was elected to that office or because the precinct committeeman ceases to reside in the precinct or for any other reason, the chairman of the county central committee of the appropriate political party may fill the vacancy in such office by appointment of a qualified resident of the county and the appointed precinct committeeman shall serve as though elected; however, no such appointment may be made between the general primary election and the 30th day after the general primary election.

(j) If the number of Congressional Districts in the State of Illinois is reduced as a result of reapportionment of Congressional Districts following a federal decennial census, the State Central Committeemen and Committeewomen of a political party which elects its State Central Committee by either Alternative A or by Alternative B under paragraph (a) of Section 7-8 who were previously elected shall continue to serve as if no reapportionment had occurred until the expiration of their terms.

(Source: P.A. 93-847, eff. 7-30-04.)

(10 ILCS 5/9-3) (from Ch. 46, par. 9-3)

Sec. 9-3. Political committee statement of organization.

(a) Every political committee shall file with the State Board of Elections a statement of organization within 10 business days of the creation of such committee, except any political committee created within the 30 days before an election shall file a statement of organization within
2 business days in person, by facsimile transmission, or by electronic mail. Any change in information previously submitted in a statement of organization shall be reported, as required for the original statement of organization by this Section, within 10 days following that change. A political committee that acts as both a state political committee and a local political committee shall file a copy of each statement of organization with the State Board of Elections and the county clerk. The Board shall impose a civil penalty of $50 per business day upon political committees for failing to file or late filing of a statement of organization. Such penalties shall not exceed $5,000, and shall not exceed $10,000 for statewide office political committees. There shall be no fine if the statement is mailed and postmarked at least 72 hours prior to the filing deadline.

In addition to the civil penalties authorized by this Section, the State Board of Elections or any other political committee may apply to the circuit court for a temporary restraining order or a preliminary or permanent injunction against the political committee to cease the expenditure of funds and to cease operations until the statement of organization is filed.

For the purpose of this Section, "statewide office" means the Governor, Lieutenant Governor, Secretary of State, Attorney General, State Treasurer, and State Comptroller.

(b) The statement of organization shall include:

1. the name and address of the political committee and the designation required by Section 9-2;
2. the scope, area of activity, party affiliation, and purposes of the political committee;
3. the name, address, and position of each custodian of the committee's books and accounts;
4. the name, address, and position of the committee's principal officers, including the chairman, treasurer, and officers and members of its finance committee, if any;
5. the name and address of any sponsoring entity;
6. a statement of what specific disposition of residual fund will be made in the event of the dissolution or termination of the committee;
7. a listing of all banks or other financial institutions, safety deposit boxes, and any other repositories or custodians of funds used by the committee; and

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(8) the amount of funds available for campaign expenditures as of the filing date of the committee's statement of organization.

For purposes of this Section, a "sponsoring entity" is (i) any person, organization, corporation, or association that contributes at least 33% of the total funding of the political committee or (ii) any person or other entity that is registered or is required to register under the Lobbyist Registration Act and contributes at least 33% of the total funding of the political committee.

(c) Each statement of organization required to be filed in accordance with this Section shall be verified, dated, and signed by either the treasurer of the political committee making the statement or the candidate on whose behalf the statement is made and shall contain substantially the following verification:

"VERIFICATION:

I declare that this statement of organization (including any accompanying schedules and statements) has been examined by me and, to the best of my knowledge and belief, is a true, correct, and complete statement of organization as required by Article 9 of the Election Code. I understand that willfully filing a false or incomplete statement is subject to a civil penalty of at least $1,001 and up to $5,000.

............................  ...........................................
(date of filing)         (signature of person making the statement)"

(d) The statement of organization for a ballot initiative committee also shall include a verification signed by the chairperson of the committee that (i) the committee is formed for the purpose of supporting or opposing a question of public policy, (ii) all contributions and expenditures of the committee will be used for the purpose described in the statement of organization, (iii) the committee may accept unlimited contributions from any source, provided that the ballot initiative committee does not make contributions or expenditures in support of or opposition to a candidate or candidates for nomination for election, election, or retention, and (iv) failure to abide by these requirements shall deem the committee in violation of this Article.

(d-5) The statement of organization for an independent expenditure committee also shall include a verification signed by the chairperson of the committee that (i) the committee is formed for the exclusive purpose of making independent expenditures, (ii) all contributions and expenditures of the committee will be used for the purpose described in the statement of organization.

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organization, (iii) the committee may accept unlimited contributions from any source, provided that the independent expenditure committee does not make contributions to any candidate political committee, political party committee, or political action committee, and (iv) failure to abide by these requirements shall deem the committee in violation of this Article.

(e) For purposes of implementing the changes made by this amendatory Act of the 96th General Assembly, every political committee in existence on the effective date of this amendatory Act of the 96th General Assembly shall file the statement required by this Section with the Board by December 31, 2010.

(Source: P.A. 96-832, eff. 7-1-10; 97-766, eff. 7-6-12.)

(10 ILCS 5/10-6) (from Ch. 46, par. 10-6)

Sec. 10-6. Time and manner of filing. Certificates of nomination and nomination papers for the nomination of candidates for offices to be filled by electors of the entire State, or any district not entirely within a county, or for congressional, state legislative or judicial offices, shall be presented to the principal office of the State Board of Elections not more than 141 nor less than 134 days previous to the day of election for which the candidates are nominated. The State Board of Elections shall endorse the certificates of nomination or nomination papers, as the case may be, and the date and hour of presentment to it. Except as otherwise provided in this section, all other certificates for the nomination of candidates shall be filed with the county clerk of the respective counties not more than 141 but at least 134 days previous to the day of such election. Certificates of nomination and nomination papers for the nomination of candidates for school district offices to be filled at consolidated elections shall be filed with the county clerk or county board of election commissioners of the county election authority in which the principal office of the school district is located not more than 113 nor less than 106 days before the consolidated election. Certificates of nomination and nomination papers for the nomination of candidates for the other offices of political subdivisions to be filled at regular elections other than the general election shall be filed with the local election official of such subdivision:

(1) (Blank);
(2) not more than 113 nor less than 106 days prior to the consolidated election; or
(3) not more than 113 nor less than 106 days prior to the general primary in the case of municipal offices to be filled at the general primary election; or

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(4) not more than 99 nor less than 92 days before the consolidated primary in the case of municipal offices to be elected on a nonpartisan basis pursuant to law (including without limitation, those municipal offices subject to Articles 4 and 5 of the Municipal Code); or

(5) not more than 113 nor less than 106 days before the municipal primary in even numbered years for such nonpartisan municipal offices where annual elections are provided; or

(6) in the case of petitions for the office of multi-township assessor, such petitions shall be filed with the election authority not more than 113 nor less than 106 days before the consolidated election.

However, where a political subdivision's boundaries are co-extensive with or are entirely within the jurisdiction of a municipal board of election commissioners, the certificates of nomination and nomination papers for candidates for such political subdivision offices shall be filed in the office of such Board.

(Source: P.A. 98-691, eff. 7-1-14.)

(10 ILCS 5/19-3) (from Ch. 46, par. 19-3)

Sec. 19-3. The application for vote by mail ballot shall be substantially in the following form:

APPLICATION FOR VOTE BY MAIL BALLOT

To be voted at the .... election in the County of .... and State of Illinois, in the .... precinct of the (1) *township of .... (2) *City of .... or (3) *.... ward in the City of ....

I state that I am a resident of the .... precinct of the (1) *township of .... (2) *City of .... or (3) *.... ward in the city of .... residing at .... in such city or town in the county of .... and State of Illinois; that I have lived at such address for .... month(s) last past; that I am lawfully entitled to vote in such precinct at the .... election to be held therein on ....; and that I wish to vote by vote by mail ballot.

I hereby make application for an official ballot or ballots to be voted by me at such election, and I agree that I shall return such ballot or ballots to the official issuing the same prior to the closing of the polls on the date of the election or, if returned by mail, postmarked no later than midnight preceding election day, for counting no later than during the period for counting provisional ballots, the last day of which is the 14th day following election day.

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I understand that this application is made for an official vote by mail ballot or ballots to be voted by me at the election specified in this application and that I must submit a separate application for an official vote by mail ballot or ballots to be voted by me at any subsequent election.

Under penalties as provided by law pursuant to Section 29-10 of The Election Code, the undersigned certifies that the statements set forth in this application are true and correct.

*fill in either (1), (2) or (3).

Post office address to which ballot is mailed:

However, if application is made for a primary election ballot, such application shall require the applicant to designate the name of the political party with which the applicant is affiliated.

If application is made electronically, the applicant shall mark the box associated with the above described statement included as part of the online application certifying that the statements set forth in this application are true and correct, and a signature is not required.

Any person may produce, reproduce, distribute, or return to an election authority the application for vote by mail ballot. Upon receipt, the appropriate election authority shall accept and promptly process any application for vote by mail ballot submitted in a form substantially similar to that required by this Section, including any substantially similar production or reproduction generated by the applicant.

(Source: P.A. 97-766, eff. 7-6-12; 98-115, eff. 7-29-13; 98-1171, eff. 6-1-15.)

(10 ILCS 5/19-4) (from Ch. 46, par. 19-4)

Sec. 19-4. Mailing or delivery of ballots; time. Immediately upon the receipt of such application either by mail or electronic means, not more than 90 days nor less than 5 days prior to such election, or by personal delivery not more than 90 days nor less than one day prior to such election, at the office of such election authority, it shall be the duty of such election authority to examine the records to ascertain whether or not such applicant is lawfully entitled to vote as requested, including a verification of the applicant's signature by comparison with the signature on the official registration record card, and if found so to be entitled to vote, to post within one business day thereafter the name, street address, ward and precinct number or township and district number, as the case may be, of such applicant given on a list, the pages of which are to be numbered

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consecutively to be kept by such election authority for such purpose in a
conspicuous, open and public place accessible to the public at the entrance
of the office of such election authority, and in such a manner that such list
may be viewed without necessity of requesting permission therefor.
Within one day after posting the name and other information of an
applicant for a vote by mail ballot, the election authority shall transmit by
electronic means pursuant to a process established by the State Board of
Elections that name and other posted information to the State Board of
Elections, which shall maintain those names and other information in an
electronic format on its website, arranged by county and accessible to State
and local political committees. Within 2 business days after posting a
name and other information on the list within its office, but no sooner than
40 days before an election, the election authority shall mail, postage
prepaid, or deliver in person in such office an official ballot or ballots if
more than one are to be voted at said election. Mail delivery of
Temporarily Absent Student ballot applications pursuant to Section 19-
12.3 shall be by nonforwardable mail. However, for the consolidated
election, vote by mail ballots for certain precincts may be delivered to
applicants not less than 25 days before the election if so much time is
required to have prepared and printed the ballots containing the names of
persons nominated for offices at the consolidated primary. The election
authority shall enclose with each vote by mail ballot or application written
instructions on how voting assistance shall be provided pursuant to
Section 17-14 and a document, written and approved by the State Board of
Elections, informing the vote by mail voter of the required postage for
returning the application and ballot, and enumerating the circumstances
under which a person is authorized to vote by vote by mail ballot pursuant
to this Article; such document shall also include a statement informing the
applicant that if he or she falsifies or is solicited by another to falsify his or
her eligibility to cast a vote by mail ballot, such applicant or other is
subject to penalties pursuant to Section 29-10 and Section 29-20 of the
Election Code. Each election authority shall maintain a list of the name,
street address, ward and precinct, or township and district number, as the
case may be, of all applicants who have returned vote by mail ballots to
such authority, and the name of such vote by mail voter shall be added to
such list within one business day from receipt of such ballot. If the vote by
mail ballot envelope indicates that the voter was assisted in casting the
ballot, the name of the person so assisting shall be included on the list. The
list, the pages of which are to be numbered consecutively, shall be kept by

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each election authority in a conspicuous, open, and public place accessible to the public at the entrance of the office of the election authority and in a manner that the list may be viewed without necessity of requesting permission for viewing.

Each election authority shall maintain a list for each election of the voters to whom it has issued vote by mail ballots. The list shall be maintained for each precinct within the jurisdiction of the election authority. Prior to the opening of the polls on election day, the election authority shall deliver to the judges of election in each precinct the list of registered voters in that precinct to whom vote by mail ballots have been issued by mail.

Each election authority shall maintain a list for each election of voters to whom it has issued temporarily absent student ballots. The list shall be maintained for each election jurisdiction within which such voters temporarily abide. Immediately after the close of the period during which application may be made by mail or electronic means for vote by mail ballots, each election authority shall mail to each other election authority within the State a certified list of all such voters temporarily abiding within the jurisdiction of the other election authority.

In the event that the return address of an application for ballot by a physically incapacitated elector is that of a facility licensed or certified under the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act of 2013, the ID/DD Community Care Act, or the MC/DD Act, within the jurisdiction of the election authority, and the applicant is a registered voter in the precinct in which such facility is located, the ballots shall be prepared and transmitted to a responsible judge of election no later than 9 a.m. on the Friday, Saturday, Sunday, or Monday immediately preceding the election as designated by the election authority under Section 19-12.2. Such judge shall deliver in person on the designated day the ballot to the applicant on the premises of the facility from which application was made. The election authority shall by mail notify the applicant in such facility that the ballot will be delivered by a judge of election on the designated day.

All applications for vote by mail ballots shall be available at the office of the election authority for public inspection upon request from the time of receipt thereof by the election authority until 30 days after the election, except during the time such applications are kept in the office of the election authority pursuant to Section 19-7, and except during the time such applications are in the possession of the judges of election.

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Sec. 19-8. Time and place of counting ballots.

(a) (Blank.)

(b) Each vote by mail voter's ballot returned to an election authority, by any means authorized by this Article, and received by that election authority before the closing of the polls on election day shall be endorsed by the receiving election authority with the day and hour of receipt and may be processed by the election authority beginning on the 15th day before election day it is received by the election authority in the central ballot counting location of the election authority, but the results of the processing may not be counted until the day of the election after 7:00 p.m., except as provided in subsections (g) and (g-5).

(c) Each vote by mail voter's ballot that is mailed to an election authority and postmarked no later than election day, but that is received by the election authority after the polls close on election day and before the close of the period for counting provisional ballots cast at that election, shall be endorsed by the receiving authority with the day and hour of receipt and shall be counted at the central ballot counting location of the election authority during the period for counting provisional ballots. Each vote by mail voter's ballot that is mailed to an election authority absent a postmark or a barcode usable with an intelligent mail barcode tracking system, but that is received by the election authority after the polls close on election day and before the close of the period for counting provisional ballots cast at that election, shall be endorsed by the receiving authority with the day and hour of receipt, opened to inspect the date inserted on the certification, and, if the certification date is a date preceding the election day or earlier and the ballot is otherwise found to be valid under the requirements of this Section, counted at the central ballot counting location of the election authority during the period for counting provisional ballots. Absent a date on the certification, the ballot shall not be counted.

If an election authority is using an intelligent mail barcode tracking system, a ballot that is mailed to an election authority absent a postmark may be counted if the intelligent mail barcode tracking system verifies the envelope was mailed no later than election day.

(d) Special write-in vote by mail voter's blank ballots returned to an election authority, by any means authorized by this Article, and

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received by the election authority at any time before the closing of the polls on election day shall be endorsed by the receiving election authority with the day and hour of receipt and shall be counted at the central ballot counting location of the election authority during the same period provided for counting vote by mail voters' ballots under subsections (b), (g), and (g-5). Special write-in vote by mail voter's blank ballots that are mailed to an election authority and postmarked no later than election day, but that are received by the election authority after the polls close on election day and before the closing of the period for counting provisional ballots cast at that election, shall be endorsed by the receiving authority with the day and hour of receipt and shall be counted at the central ballot counting location of the election authority during the same periods provided for counting vote by mail voters' ballots under subsection (c).

(e) Except as otherwise provided in this Section, vote by mail voters' ballots and special write-in vote by mail voter's blank ballots received by the election authority after the closing of the polls on an election day shall be endorsed by the election authority receiving them with the day and hour of receipt and shall be safely kept unopened by the election authority for the period of time required for the preservation of ballots used at the election, and shall then, without being opened, be destroyed in like manner as the used ballots of that election.

(f) Counting required under this Section to begin on election day after the closing of the polls shall commence no later than 8:00 p.m. and shall be conducted by a panel or panels of election judges appointed in the manner provided by law. The counting shall continue until all vote by mail voters' ballots and special write-in vote by mail voter's blank ballots required to be counted on election day have been counted.

(g) The procedures set forth in Articles 17 and 18 of this Code shall apply to all ballots counted under this Section. In addition, within 2 days after a vote by mail ballot is received, but in all cases before the close of the period for counting provisional ballots, the election judge or official shall compare the voter's signature on the certification envelope of that vote by mail ballot with the signature of the voter on file in the office of the election authority. If the election judge or official determines that the 2 signatures match, and that the vote by mail voter is otherwise qualified to cast a vote by mail ballot, the election authority shall cast and count the ballot on election day or the day the ballot is determined to be valid, whichever is later, adding the results to the precinct in which the voter is registered. If the election judge or official determines that the signatures do

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not match, or that the vote by mail voter is not qualified to cast a vote by mail ballot, then without opening the certification envelope, the judge or official shall mark across the face of the certification envelope the word "Rejected" and shall not cast or count the ballot.

In addition to the voter's signatures not matching, a vote by mail ballot may be rejected by the election judge or official:

1. if the ballot envelope is open or has been opened and resealed;
2. if the voter has already cast an early or grace period ballot;
3. if the voter voted in person on election day or the voter is not a duly registered voter in the precinct; or
4. on any other basis set forth in this Code.

If the election judge or official determines that any of these reasons apply, the judge or official shall mark across the face of the certification envelope the word "Rejected" and shall not cast or count the ballot.

(g-5) If a vote by mail ballot is rejected by the election judge or official for any reason, the election authority shall, within 2 days after the rejection but in all cases before the close of the period for counting provisional ballots, notify the vote by mail voter that his or her ballot was rejected. The notice shall inform the voter of the reason or reasons the ballot was rejected and shall state that the voter may appear before the election authority, on or before the 14th day after the election, to show cause as to why the ballot should not be rejected. The voter may present evidence to the election authority supporting his or her contention that the ballot should be counted. The election authority shall appoint a panel of 3 election judges to review the contested ballot, application, and certification envelope, as well as any evidence submitted by the vote by mail voter. No more than 2 election judges on the reviewing panel shall be of the same political party. The reviewing panel of election judges shall make a final determination as to the validity of the contested vote by mail ballot. The judges' determination shall not be reviewable either administratively or judicially.

A vote by mail ballot subject to this subsection that is determined to be valid shall be counted before the close of the period for counting provisional ballots.

(g-10) All vote by mail ballots determined to be valid shall be added to the vote totals for the precincts for which they were cast in the order in which the ballots were opened.
(h) Each political party, candidate, and qualified civic organization shall be entitled to have present one pollwatcher for each panel of election judges therein assigned.
(Source: P.A. 98-1171, eff. 6-1-15.)

(10 ILCS 5/20-2) (from Ch. 46, par. 20-2)

Sec. 20-2. Any member of the United States Service, otherwise qualified to vote, who expects in the course of his duties to be absent from the county in which he resides on the day of holding any election may make application for a vote by mail ballot to the election authority having jurisdiction over his precinct of residence on the official postcard or on a form furnished by the election authority as prescribed by Section 20-3 of this Article not less than 10 days before the election. A request pursuant to this Section shall entitle the applicant to a vote by mail ballot for every election in one calendar year. The original application for ballot shall be kept in the office of the election authority for one year as authorization to send a ballot to the voter for each election to be held within that calendar year. A certified copy of such application for ballot shall be sent each election with the vote by mail ballot to the election authority's central ballot counting location to be used in lieu of the original application for ballot. No registration shall be required in order to vote pursuant to this Section.

Ballots under this Section shall be mailed by the election authority in the manner prescribed by Section 20-5 of this Article and not otherwise. Ballots voted under this Section must be returned postmarked no later than midnight preceding election day and received for counting at the central ballot counting location of the election authority during the period for counting provisional ballots, the last day of which is the 14th day following election day.
(Source: P.A. 98-1171, eff. 6-1-15.)

(10 ILCS 5/20-2.1) (from Ch. 46, par. 20-2.1)

Sec. 20-2.1. Citizens of the United States temporarily residing outside the territorial limits of the United States who are not registered but otherwise qualified to vote and who expect to be absent from their county of residence during the periods of voter registration provided for in Articles 4, 5 or 6 of this Code and on the day of holding any election, may make simultaneous application to the election authority having jurisdiction over their precinct of residence for registration by mail and vote by mail ballot not less than 30 days before the election. Such application may be made on the official postcard or on a form furnished by the election authority.
authority as prescribed by Section 20-3 of this Article or by facsimile or electronic transmission. A request pursuant to this Section shall entitle the applicant to a vote by mail ballot for every election in one calendar year. The original application for ballot shall be kept in the office of the election authority for one year as authorization to send a ballot to the voter for each election to be held within that calendar year. A certified copy of such application for ballot shall be sent each election with the vote by mail ballot to the election authority's central ballot counting location to be used in lieu of the original application for ballot.

Registration shall be required in order to vote pursuant to this Section. However, if the election authority receives one of such applications after 30 days but not less than 10 days before a Federal election, said applicant shall be sent a ballot containing the Federal offices only and registration for that election shall be waived.

Ballots under this Section shall be delivered by the election authority in the manner prescribed by Section 20-5 of this Article in person, by mail, or, if requested by the applicant and the election authority has the capability, by facsimile transmission or by electronic transmission.

Ballots voted under this Section must be returned postmarked no later than midnight preceding election day and received for counting at the central ballot counting location of the election authority during the period for counting provisional ballots, the last day of which is the 14th day following election day.

(Source: P.A. 98-1171, eff. 6-1-15.)

(10 ILCS 5/20-2.2) (from Ch. 46, par. 20-2.2)

Sec. 20-2.2. Any non-resident civilian citizen, otherwise qualified to vote, may make application to the election authority having jurisdiction over his precinct of former residence for a vote by mail ballot containing the Federal offices only not less than 10 days before a Federal election. Such application may be made on the official postcard or by facsimile or electronic transmission. A request pursuant to this Section shall entitle the applicant to a vote by mail ballot for every election in one calendar year at which Federal offices are filled. The original application for ballot shall be kept in the office of the election authority for one year as authorization to send a ballot to the voter for each election to be held within that calendar year at which Federal offices are filled. A certified copy of such application for ballot shall be sent each election with the vote by mail ballot to the election authority's central ballot counting location to be used in lieu of the original application for ballot. No registration shall be

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required in order to vote pursuant to this Section. Ballots under this Section shall be delivered by the election authority in the manner prescribed by Section 20-5 of this Article in person, by mail, or, if requested by the applicant and the election authority has the capability, by facsimile transmission or by electronic transmission. Ballots voted under this Section must be returned postmarked no later than midnight preceding election day and received for counting at the central ballot counting location of the election authority during the period for counting provisional ballots, the last day of which is the 14th day following election day.

(Source: P.A. 98-1171, eff. 6-1-15.)

(10 ILCS 5/20-2.3) (from Ch. 46, par. 20-2.3)

Sec. 20-2.3. Members of the Armed Forces and their spouses and dependents. Any member of the United States Armed Forces while on active duty, and his or her spouse and dependents, otherwise qualified to vote, who expects in the course of his or her duties to be absent from the county in which he or she resides on the day of holding any election, in addition to any other method of making application for vote by mail ballot under this Article, may make application for a vote by mail ballot to the election authority having jurisdiction over his or her precinct of residence by a facsimile machine or electronic transmission not less than 10 days before the election.

Ballots under this Section shall be delivered by the election authority in the manner prescribed by Section 20-5 of this Article in person, by mail, or, if requested by the applicant and the election authority has the capability, by facsimile transmission or by electronic transmission. Ballots voted under this Section must be returned postmarked no later than midnight preceding election day and received for counting at the central ballot counting location of the election authority during the period for counting provisional ballots, the last day of which is the 14th day following election day.

(Source: P.A. 98-1171, eff. 6-1-15.)

(10 ILCS 5/20-3) (from Ch. 46, par. 20-3)

Sec. 20-3. The election authority shall furnish the following applications for registration by mail or vote by mail ballot which shall be considered a method of application in lieu of the official postcard.

1. Members of the United States Service, citizens of the United States temporarily residing outside the territorial limits of the United States, and certified program participants under the Address

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Confidentiality for Victims of Domestic Violence Act may make application within the periods prescribed in Sections 20-2 or 20-2.1, as the case may be. Such application shall be substantially in the following form:

"APPLICATION FOR BALLOT

To be voted at the............ election in the precinct in which is located my residence at............... in the city/village/township of ..........(insert home address) County of.......... and State of Illinois.

I state that I am a citizen of the United States; that on (insert date of election) I shall have resided in the State of Illinois and in the election precinct for 30 days; that on the above date I shall be the age of 18 years or above; that I am lawfully entitled to vote in such precinct at that election; that I am (check category 1, 2, or 3 below):

1. ( ) a member of the United States Service,
2. ( ) a citizen of the United States temporarily residing outside the territorial limits of the United States and that I expect to be absent from the said county of my residence on the date of holding such election, and that I will have no opportunity to vote in person on that day.
3. ( ) a certified program participant under the Address Confidentiality for Victims of Domestic Violence Act.

I hereby make application for an official ballot or ballots to be voted by me at such election if I am absent from the said county of my residence, and I agree that I shall return said ballot or ballots to the election authority postmarked no later than midnight preceding election day, for counting no later than during the period for counting provisional ballots, the last day of which is the 14th day following election day or shall destroy said ballot or ballots.

(Check below only if category 2 or 3 and not previously registered)

( ) I hereby make application to become registered as a voter and agree to return the forms and affidavits for registration to the election authority not later than 30 days before the election.

Under penalties as provided by law pursuant to Article 29 of The Election Code, the undersigned certifies that the statements set forth in this application are true and correct.

Post office address or service address to which registration materials or ballot should be mailed

Post office address or service address to which registration materials or ballot should be mailed

Post office address or service address to which registration materials or ballot should be mailed

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If application is made for a primary election ballot, such application shall designate the name of the political party with which the applicant is affiliated.

Such applications may be obtained from the election authority having jurisdiction over the person's precinct of residence.

2. A spouse or dependent of a member of the United States Service, said spouse or dependent being a registered voter in the county, may make application on behalf of said person in the office of the election authority within the periods prescribed in Section 20-2 which shall be substantially in the following form:

"APPLICATION FOR BALLOT to be voted at the........... election in the precinct in which is located the residence of the person for whom this application is made at...........(insert residence address) in the city/village/township of........ County of......... and State of Illinois.

I certify that the following named person............... (insert name of person) is a member of the United States Service.

I state that said person is a citizen of the United States; that on (insert date of election) said person shall have resided in the State of Illinois and in the election precinct for which this application is made for 30 days; that on the above date said person shall be the age of 18 years or above; that said person is lawfully entitled to vote in such precinct at that election; that said person is a member of the United States Service, and that in the course of his duties said person expects to be absent from his county of residence on the date of holding such election, and that said person will have no opportunity to vote in person on that day.

I hereby make application for an official ballot or ballots to be voted by said person at such election and said person agrees that he shall return said ballot or ballots to the election authority postmarked no later than midnight preceding election day, for counting no later than during the period for counting provisional ballots, the last day of which is the 14th day following election day, or shall destroy said ballot or ballots.

I hereby certify that I am the (mother, father, sister, brother, husband or wife) of the said elector, and that I am a registered voter in the election precinct for which this application is made. (Strike all but one that is applicable.)

Under penalties as provided by law pursuant to Article 29 of The Election Code, the undersigned certifies that the statements set forth in this application are true and correct.

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Name of applicant
Residence address
City/village/township
Service address to which ballot should be mailed:

If application is made for a primary election ballot, such application shall designate the name of the political party with which the person for whom application is made is affiliated.

Such applications may be obtained from the election authority having jurisdiction over the voting precinct in which the person for whom application is made is entitled to vote.

(Source: P.A. 98-1171, eff. 6-1-15.)

(10 ILCS 5/20-8) (from Ch. 46, par. 20-8)
Sec. 20-8. Time and place of counting ballots.
(a) (Blank.)
(b) Each vote by mail voter's ballot returned to an election authority, by any means authorized by this Article, and received by that election authority may be processed by the election authority beginning on the 15th day before election day it is received by the election authority in the central ballot counting location of the election authority, but the results of the processing may not be counted until the day of the election after 7:00 p.m., except as provided in subsections (g) and (g-5).
(c) Each vote by mail voter's ballot that is mailed to an election authority and postmarked no later than election day, but that is received by the election authority after the polls close on election day and before the close of the period for counting provisional ballots cast at that election, shall be endorsed by the receiving authority with the day and hour of receipt and shall be counted at the central ballot counting location of the election authority during the period for counting provisional ballots.

Each vote by mail voter's ballot that is mailed to an election authority absent a postmark or a barcode usable with an intelligent mail barcode tracking system, but that is received by the election authority after the polls close on election day and before the close of the period for counting provisional ballots cast at that election, shall be endorsed by the receiving authority with the day and hour of receipt, opened to inspect the date inserted on the certification, and, if the certification date is a date

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preceding the election day or earlier and the ballot is otherwise found to be valid under the requirements of this Section, counted at the central ballot counting location of the election authority during the period for counting provisional ballots. Absent a date on the certification, the ballot shall not be counted.

If an election authority is using an intelligent mail barcode tracking system, a ballot that is mailed to an election authority absent a postmark may be counted if the intelligent mail barcode tracking system verifies the envelope was mailed no later than election day.

(d) Special write-in vote by mail voter's blank ballots returned to an election authority, by any means authorized by this Article, and received by the election authority at any time before the closing of the polls on election day shall be endorsed by the receiving election authority with the day and hour of receipt and shall be counted at the central ballot counting location of the election authority during the same period provided for counting vote by mail voters' ballots under subsections (b), (g), and (g-5). Special write-in vote by mail voter's blank ballot that are mailed to an election authority and postmarked no later than by midnight preceding the opening of the polls on election day, but that are received by the election authority after the polls close on election day and before the closing of the period for counting provisional ballots cast at that election, shall be endorsed by the receiving authority with the day and hour of receipt and shall be counted at the central ballot counting location of the election authority during the same periods provided for counting vote by mail voters' ballots under subsection (c).

(e) Except as otherwise provided in this Section, vote by mail voters' ballots and special write-in vote by mail voter's blank ballots received by the election authority after the closing of the polls on the day of election shall be endorsed by the person receiving the ballots with the day and hour of receipt and shall be safely kept unopened by the election authority for the period of time required for the preservation of ballots used at the election, and shall then, without being opened, be destroyed in like manner as the used ballots of that election.

(f) Counting required under this Section to begin on election day after the closing of the polls shall commence no later than 8:00 p.m. and shall be conducted by a panel or panels of election judges appointed in the manner provided by law. The counting shall continue until all vote by mail voters' ballots and special write-in vote by mail voter's blank ballots required to be counted on election day have been counted.

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(g) The procedures set forth in Articles 17 and 18 of this Code shall apply to all ballots counted under this Section. In addition, within 2 days after a ballot subject to this Article is received, but in all cases before the close of the period for counting provisional ballots, the election judge or official shall compare the voter's signature on the certification envelope of that ballot with the signature of the voter on file in the office of the election authority. If the election judge or official determines that the 2 signatures match, and that the voter is otherwise qualified to cast a ballot under this Article, the election authority shall cast and count the ballot on election day or the day the ballot is determined to be valid, whichever is later, adding the results to the precinct in which the voter is registered. If the election judge or official determines that the signatures do not match, or that the voter is not qualified to cast a ballot under this Article, then without opening the certification envelope, the judge or official shall mark across the face of the certification envelope the word "Rejected" and shall not cast or count the ballot.

In addition to the voter's signatures not matching, a ballot subject to this Article may be rejected by the election judge or official:

1. if the ballot envelope is open or has been opened and resealed;
2. if the voter has already cast an early or grace period ballot;
3. if the voter voted in person on election day or the voter is not a duly registered voter in the precinct; or
4. on any other basis set forth in this Code.

If the election judge or official determines that any of these reasons apply, the judge or official shall mark across the face of the certification envelope the word "Rejected" and shall not cast or count the ballot.

(g-5) If a ballot subject to this Article is rejected by the election judge or official for any reason, the election authority shall, within 2 days after the rejection but in all cases before the close of the period for counting provisional ballots, notify the voter that his or her ballot was rejected. The notice shall inform the voter of the reason or reasons the ballot was rejected and shall state that the voter may appear before the election authority, on or before the 14th day after the election, to show cause as to why the ballot should not be rejected. The voter may present evidence to the election authority supporting his or her contention that the ballot should be counted. The election authority shall appoint a panel of 3 election judges to review the contested ballot, application, and certification.

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envelope, as well as any evidence submitted by the vote by mail voter. No more than 2 election judges on the reviewing panel shall be of the same political party. The reviewing panel of election judges shall make a final determination as to the validity of the contested ballot. The judges' determination shall not be reviewable either administratively or judicially.

A ballot subject to this subsection that is determined to be valid shall be counted before the close of the period for counting provisional ballots.

(g-10) All ballots determined to be valid shall be added to the vote totals for the precincts for which they were cast in the order in which the ballots were opened.

(h) Each political party, candidate, and qualified civic organization shall be entitled to have present one pollwatcher for each panel of election judges therein assigned.

(Source: P.A. 98-1171, eff. 6-1-15.)

(10 ILCS 5/20-10) (from Ch. 46, par. 20-10)

Sec. 20-10. Pollwatchers shall be permitted to be present during the casting of the vote by mail voters' ballots, each political party, candidate and qualified civic organization shall be entitled to have present one pollwatcher for each panel of election judges therein assigned. Such pollwatchers shall be subject to the same provisions as are provided for pollwatchers in Sections 7-34 and 17-23 of this Code, and shall be permitted to observe the election judges making the signature comparison between that which is on the ballot envelope and that which is on the permanent voter registration record card taken from the master file and the vote of any vote by mail voter may be challenged for cause the same as if he were present and voted in person, and the judges of the election or a majority thereof shall have power and authority to hear and determine the legality of such ballot; Provided, however, that if a challenge to any vote by mail voter's right to vote is sustained, notice of the same must be given by the judges of election by mail addressed to the voter's mailing address as stated in the certification and application for ballot.

(Source: P.A. 98-1171, eff. 6-1-15.)

(10 ILCS 5/21-1) (from Ch. 46, par. 21-1)

Sec. 21-1. Choosing and election of electors of President and Vice-President of the United States shall be in the following manner:

(a) In each year in which a President and Vice-President of the United States are chosen, each political party or group in this State shall choose by its State Convention or State central committee electors of

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President and Vice-President of the United States and such State Convention or State central committee of such party or group shall also choose electors at large, if any are to be appointed for this State and such State Convention or State central committee of such party or group shall by its chairman and secretary certify the total list of such electors together with electors at large so chosen to the State Board of Elections.

The filing of such certificate with the Board, of such choosing of electors shall be deemed and taken to be the choosing and selection of the electors of this State, if such party or group is successful at the polls as herein provided in choosing their candidates for President and Vice-President of the United States.

(b) The names of the candidates of the several political parties or groups for electors of President and Vice-President shall not be printed on the official ballot to be voted in the election to be held on the day in this Act above named. In lieu of the names of the candidates for such electors of President and Vice-President, immediately under the appellation of party name of a party or group in the column of its candidates on the official ballot, to be voted at said election first above named in subsection (1) of Section 2A-1.2 and Section 2A-2, there shall be printed within a bracket the name of the candidate for President and the name of the candidate for Vice-President of such party or group with a square to the left of such bracket. Each voter in this State from the several lists or sets of electors so chosen and selected by the said respective political parties or groups, may choose and elect one of such lists or sets of electors by placing a cross in the square to the left of the bracket aforesaid of one of such parties or groups. Placing a cross within the square before the bracket enclosing the names of President and Vice-President shall not be deemed and taken as a direct vote for such candidates for President and Vice-President, or either of them, but shall only be deemed and taken to be a vote for the entire list or set of electors chosen by that political party or group so certified to the State Board of Elections as herein provided. Voting by means of placing a cross in the appropriate place preceding the appellation or title of the particular political party or group, shall not be deemed or taken as a direct vote for the candidates for President and Vice-President, or either of them, but instead to the Presidential vote, as a vote for the entire list or set of electors chosen by that political party or group so certified to the State Board of Elections as herein provided.

(c) Such certification by the respective political parties or groups in this State of electors of President and Vice-President shall be made to the
State Board of Elections within 2 days after such State convention or meeting of the State central committee in which the electors were chosen.

(d) Should more than one certificate of choice and selection of electors of the same political party or group be filed by contesting conventions or contesting groups, it shall be the duty of the State Board of Elections within 10 days after the adjournment of the last of such conventions to meet and determine which set of nominees for electors of such party or group was chosen and selected by the authorized convention of such party or group. The Board, after notice to the chairman and secretaries or managers of the conventions or groups and after a hearing shall determine which set of electors was so chosen by the authorized convention and shall so announce and publish the fact, and such decision shall be final and the set of electors so determined upon by the electoral board to be so chosen shall be the list or set of electors to be deemed elected if that party shall be successful at the polls, as herein provided.

(e) Should a vacancy occur in the choice of an elector in a congressional district, such vacancy may be filled by the executive committee of the party or group for such congressional district, to be certified by such committee to the State Board of Elections. Should a vacancy occur in the office of elector at large, such vacancy shall be filled by the State committee of such political party or group, and certified by it to the State Board of Elections.

(Source: P.A. 84-861.)

(10 ILCS 5/24C-12)

Sec. 24C-12. Procedures for Counting and Tallying of Ballots. In an election jurisdiction where a Direct Recording Electronic Voting System is used, the following procedures for counting and tallying the ballots shall apply:

Before the opening of the polls, the judges of elections shall assemble the voting equipment and devices and turn the equipment on. The judges shall, if necessary, take steps to activate the voting devices and counting equipment by inserting into the equipment and voting devices appropriate data cards containing passwords and data codes that will select the proper ballot formats selected for that polling place and that will prevent inadvertent or unauthorized activation of the poll-opening function. Before voting begins and before ballots are entered into the voting devices, the judges of election shall cause to be printed a record of the following: the election's identification data, the device's unit identification, the ballot's format identification, the contents of each active

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candidate register by office and of each active public question register showing that they contain all zero votes, all ballot fields that can be used to invoke special voting options, and other information needed to ensure the readiness of the equipment and to accommodate administrative reporting requirements. The judges must also check to be sure that the totals are all zeros in the counting columns and in the public counter affixed to the voting devices.

After the judges have determined that a person is qualified to vote, a voting device with the proper ballot to which the voter is entitled shall be enabled to be used by the voter. The ballot may then be cast by the voter by marking by appropriate means the designated area of the ballot for the casting of a vote for any candidate or for or against any public question. The voter shall be able to vote for any and all candidates and public measures appearing on the ballot in any legal number and combination and the voter shall be able to delete, change or correct his or her selections before the ballot is cast. The voter shall be able to select candidates whose names do not appear upon the ballot for any office by entering electronically as many names of candidates as the voter is entitled to select for each office.

Upon completing his or her selection of candidates or public questions, the voter shall signify that voting has been completed by activating the appropriate button, switch or active area of the ballot screen associated with end of voting. Upon activation, the voting system shall record an image of the completed ballot, increment the proper ballot position registers, and shall signify to the voter that the ballot has been cast. Upon activation, the voting system shall also print a permanent paper record of each ballot cast as defined in Section 24C-2 of this Code. This permanent paper record shall (i) be printed in a clear, readily readable format that can be easily reviewed by the voter for completeness and accuracy and (ii) either be self-contained within the voting device or be deposited by the voter into a secure ballot box. No permanent paper record shall be removed from the polling place except by election officials as authorized by this Article. All permanent paper records shall be preserved and secured by election officials in the same manner as paper ballots and shall be available as an official record for any recount, redundant count, or verification or retabulation of the vote count conducted with respect to any election in which the voting system is used. The voter shall exit the voting station and the voting system shall prevent any further attempt to vote until it has been properly re-activated. If a voting device has been enabled for
voting but the voter leaves the polling place without casting a ballot, 2 judges of election, one from each of the 2 major political parties, shall spoil the ballot.

Throughout the election day and before the closing of the polls, no person may check any vote totals for any candidate or public question on the voting or counting equipment. Such equipment shall be programmed so that no person may reset the equipment for reentry of ballots unless provided the proper code from an authorized representative of the election authority.

The precinct judges of election shall check the public register to determine whether the number of ballots counted by the voting equipment agrees with the number of voters voting as shown by the applications for ballot. If the same do not agree, the judges of election shall immediately contact the offices of the election authority in charge of the election for further instructions. If the number of ballots counted by the voting equipment agrees with the number of voters voting as shown by the application for ballot, the number shall be listed on the "Statement of Ballots" form provided by the election authority.

The totals for all candidates and propositions shall be tabulated. One copy of an "In-Precinct Totals Report" shall be generated by the automatic tabulating equipment for return to the election authority. One copy of an "In-Precinct Totals Report" shall be generated and posted in a conspicuous place inside the polling place, provided that any authorized pollwatcher or other official authorized to be present in the polling place to observe the counting of ballots is present. The judges of election shall provide, if requested, a set for each authorized pollwatcher or other official authorized to be present in the polling place to observe the counting of ballots. In addition, sufficient time shall be provided by the judges of election to the pollwatchers to allow them to copy information from the copy which has been posted.

Until December 31, 2019 2015, in elections at which fractional cumulative votes are cast for candidates, the tabulation of those fractional cumulative votes may be made by the election authority at its central office location, and 4 copies of a "Certificate of Results" shall be printed by the automatic tabulation equipment and shall be posted in 4 conspicuous places at the central office location where those fractional cumulative votes have been tabulated.

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If instructed by the election authority, the judges of election shall cause the tabulated returns to be transmitted electronically to the offices of the election authority via modem or other electronic medium.

The precinct judges of election shall select a bi-partisan team of 2 judges, who shall immediately return the ballots in a sealed container, along with all other election materials and equipment as instructed by the election authority; provided, however, that such container must first be sealed by the election judges with filament tape or other approved sealing devices provided for the purpose in a manner that the ballots cannot be removed from the container without breaking the seal or filament tape and disturbing any signatures affixed by the election judges to the container. The election authority shall keep the office of the election authority, or any receiving stations designated by the authority, open for at least 12 consecutive hours after the polls close or until the ballots and election materials and equipment from all precincts within the jurisdiction of the election authority have been returned to the election authority. Ballots and election materials and equipment returned to the office of the election authority which are not signed and sealed as required by law shall not be accepted by the election authority until the judges returning the ballots make and sign the necessary corrections. Upon acceptance of the ballots and election materials and equipment by the election authority, the judges returning the ballots shall take a receipt signed by the election authority and stamped with the time and date of the return. The election judges whose duty it is to return any ballots and election materials and equipment as provided shall, in the event the ballots, materials or equipment cannot be found when needed, on proper request, produce the receipt which they are to take as above provided.

(Source: P.A. 96-1549, eff. 3-10-11; 97-766, eff. 7-6-12.)

(10 ILCS 5/29-5) (from Ch. 46, par. 29-5)

Sec. 29-5. Voting more than once. Any person who, having voted once, knowingly during any election on the same election day where the ballot or machine lists any of the same candidates and issues listed on the ballot or machine previously used for voting by that person, (a) files an application to vote in the same or another polling place, or (b) accepts a ballot or enters a voting machine (except to legally give assistance pursuant to the provisions of this Code), shall be guilty of a Class 3 felony; however, if a person has delivered a ballot or ballots to an election authority as a vote by mail voter and due to a change of circumstances is.

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able to and does vote in the precinct of his residence on election day, shall not be deemed to be in violation of this Code.
(Source: P.A. 98-1171, eff. 6-1-15.)

(10 ILCS 5/20-6 rep.)
Section 10. The Election Code is amended by repealing Section 20-6.

Section 15. The Township Code is amended by changing Section 45-20 as follows:
(60 ILCS 1/45-20)
Sec. 45-20. Caucus result; filing nomination papers; certifying candidates.
   (a) The township central committee shall canvass and declare the result of the caucus.
   (b) The chairman of the township central committee shall, not more than 113 nor less than 106 days before the township election, file nomination papers as provided in this Section. The nomination papers shall consist of (i) a certification by the chairman of the names of all candidates for office in the township nominated at the caucus and (ii) a statement of candidacy by each candidate in the form prescribed in the general election law. The nomination papers shall be filed in the office of the township clerk, except that if the township is entirely within the corporate limits of a city, village, or incorporated town under the jurisdiction of a board of election commissioners, the nomination papers shall be filed in the office of the board of election commissioners instead of the township clerk.
   (c) The township clerk shall certify the candidates so nominated to the proper election authorities not less than 68 days before the township election. The election shall be conducted in accordance with the general election law.
(Source: P.A. 97-81, eff. 7-5-11.)

Section 20. The School Code is amended by changing Section 9-10 as follows:
(105 ILCS 5/9-10) (from Ch. 122, par. 9-10)
Sec. 9-10. Candidates for office - Nominating petitions. Candidates for the office of school director shall be nominated by petition signed by at least 25 voters or 5% of the voters, whichever is less, residing within the district and filed with the county clerk or the county board of election commissioners, as the case may be, of the county in which the principal office of the school district is located.

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Nominations for members of boards of education, including non-high school boards of education shall be made by a petition signed by at least 50 voters or 10% of the voters, whichever is less, residing within the district and shall be filed with the county clerk or the county board of election commissioners, as the case may be, of the county in which the principal office of the school district is located. In addition to the requirements of the general election law, the form of such petitions shall be substantially as follows:

NOMINATING PETITIONS
(LEAVE OUT THE INAPPLICABLE PART.)

To the (County Clerk or County Board of Election Commissioners) .... of .... County:

We the undersigned, being (.... or more) (or 10% or more) (or 5% or more) of the voters residing within said district, hereby petition that .... who resides at .... in the (city or village) of .... in Township .... (or who resides outside any city, village or incorporated town and in Township ....) in said district shall be a candidate for the office of .... of the board of education (or board of directors) (full term) (vacancy) to be voted for at the election to be held on (insert date).

Name: .................. Address: ...................

In the designation of the name of a candidate on a petition for nomination, the candidate's given name or names, initial or initials, a nickname by which the candidate is commonly known, or a combination thereof may be used in addition to the candidate's surname. If a candidate has changed his or her name, whether by a statutory or common law procedure in Illinois or any other jurisdiction, within 3 years before the last day for filing the petition, then (i) the candidate's name on the petition must be followed by "formerly known as (list all prior names during the 3-year period) until name changed on (list date of each such name change)" and (ii) the petition must be accompanied by the candidate's affidavit stating the candidate's previous names during the period specified in clause (i) and the date or dates each of those names was changed; failure to meet these requirements shall be grounds for denying certification of the candidate's name for the ballot, but these requirements do not apply to name changes resulting from adoption to assume an adoptive parent's or parents' surname, marriage to assume a spouse's surname, or dissolution of marriage or declaration of invalidity of marriage to assume a former surname. No other designation, such as a political slogan, as defined by Section 7-17 of the Election Code, title or degree, or nickname suggesting

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or implying possession of a title, degree or professional status, or similar information may be used in connection with the candidate's surname.

Nomination papers filed under this Section are not valid unless the candidate named therein files with the county clerk or the county board of election commissioners, as the case may be, of the county in which the principal office of the school district is located a receipt from the county clerk showing that the candidate has filed a statement of economic interests as required by the Illinois Governmental Ethics Act. Such receipt shall be so filed either previously during the calendar year in which his nomination papers were filed or within the period for the filing of nomination papers in accordance with the general election law.

All petitions for the nomination of members of a board of education shall be filed with the county clerk or the county board of election commissioners, as the case may be, of the county in which the principal office of the school district is located within the time provided for by the general election law. The county clerk or the county board of election commissioners shall receive and file only those petitions which include a statement of candidacy, the required number of voter signatures, the notarized signature of the petition circulator and a receipt from the County Clerk showing that the candidate has filed a statement of economic interest on or before the last day to file as required by the Illinois Governmental Ethics Act. The county clerk or the county board of election commissioners may have petition forms available for issuance to potential candidates, and may give notice of the petition filing period by publication in a newspaper of general circulation within the school district not less than 10 days prior to the first day of filing. The county clerk or the county board of election commissioners shall make certification to the proper election authorities in accordance with the general election law.

The county clerk or the county board of election commissioners, as the case may be, of the county in which the principal office of the school district is located shall notify the candidates for whom a petition for nomination is filed or the appropriate committee of the obligations under the Campaign Financing Act as provided in the general election law. Such notice shall be given on a form prescribed by the State Board of Elections and in accordance with the requirements of the general election law. The county clerk or county board of election commissioners shall within 7 days of filing or on the last day for filing, whichever is earlier, acknowledge to the petitioner in writing the office's acceptance of the petition.

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A candidate for membership on the board of education or for office as a school director, who has petitioned for nomination to fill a full term and to fill a vacant term to be voted upon at the same election, must withdraw his or her petition for nomination from either the full term or the vacant term by written declaration.

In all newly organized districts the petition for the nomination of candidates for members of the board of education at the first election shall be addressed to and filed with the regional superintendent of schools in the manner herein specified for the petitions for members of a board of education. For such election the regional superintendent shall fulfill all duties otherwise assigned to the secretary of the board of education.

(Source: P.A. 98-115, eff. 7-29-13.)

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

Approved June 30, 2016.
Effective June 30, 2016.

PUBLIC ACT 99-0523
(Senate Bill No. 1810)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

ARTICLE 1. SHORT TITLE; PURPOSE

Section 1-1. Short title. This Act may be cited as the FY2017 Stopgap Budget Implementation Act.

Section 1-5. Purpose. It is the purpose of this Act to make changes in State programs that are necessary to implement the Governor's Fiscal Year 2017 stopgap budget recommendations.

ARTICLE 5. AMENDATORY PROVISIONS

Section 5-5. The Illinois Lottery Law is amended by changing Section 7.12 as follows:

(20 ILCS 1605/7.12)
Sec. 7.12. Internet pilot program.
(a) The General Assembly finds that:
(1) the consumer market in Illinois has changed since the creation of the Illinois State Lottery in 1974;

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(2) the Internet has become an integral part of everyday life for a significant number of Illinois residents not only in regards to their professional life, but also in regards to personal business and communication; and

(3) the current practices of selling lottery tickets does not appeal to the new form of market participants who prefer to make purchases on the Internet at their own convenience.

It is the intent of the General Assembly to create an Internet pilot program for the sale of lottery tickets to capture this new form of market participant.

(b) The Department shall create a pilot program that allows an individual 18 years of age or older to purchase lottery tickets or shares on the Internet without using a Lottery retailer with on-line status, as those terms are defined by rule. The Department shall restrict the sale of lottery tickets on the Internet to transactions initiated and received or otherwise made exclusively within the State of Illinois. The Department shall adopt rules necessary for the administration of this program. These rules shall include, among other things, requirements for marketing of the Lottery to infrequent players, as well as limitations on the purchases that may be made through any one individual's lottery account. The provisions of this Act and the rules adopted under this Act shall apply to the sale of lottery tickets or shares under this program.

Before beginning the pilot program, the Department of the Lottery must submit a request to the United States Department of Justice for review of the State's plan to implement a pilot program for the sale of lottery tickets on the Internet and its propriety under federal law. The Department shall implement the Internet pilot program only if the Department of Justice does not object to the implementation of the program within a reasonable period of time after its review.

The Department is obligated to implement the pilot program set forth in this Section and Sections 7.15 and 7.16 only at such time, and to such extent, that the Department of Justice does not object to the implementation of the program within a reasonable period of time after its review. While the Illinois Lottery may only offer Lotto, Mega Millions, and Powerball games through the pilot program, the Department shall request review from the federal Department of Justice for the Illinois Lottery to sell lottery tickets on the Internet on behalf of the State of Illinois that are not limited to just these games.

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The Department shall authorize the private manager to implement and administer the program pursuant to the management agreement entered into under Section 9.1 and in a manner consistent with the provisions of this Section. If a private manager has not been selected pursuant to Section 9.1 at the time the Department is obligated to implement the pilot program, then the Department shall not proceed with the pilot program until after the selection of the private manager, at which time the Department shall authorize the private manager to implement and administer the program pursuant to the management agreement entered into under Section 9.1 and in a manner consistent with the provisions of this Section.

The pilot program shall last for not less than 36 months, but not more than 48 months from the date of its initial operation.

Nothing in this Section shall be construed as prohibiting the Department from implementing and operating a website portal whereby individuals who are 18 years of age or older with an Illinois mailing address may apply to purchase lottery tickets via subscription. Nothing in this Section shall also be construed as prohibiting the sale of Lotto, Mega Millions, and Powerball games by a lottery licensee pursuant to the Department's rules.

(c) (Blank). There is created the Internet Lottery Study Committee as an advisory body within the Department. The Department shall conduct a study to determine the impact of the Internet pilot program on lottery licensees. The Department shall also determine the feasibility of the sale of stored value cards by lottery licensees as a non-exclusive option for use by individuals 18 years of age or older who purchase tickets for authorized lottery games in the Internet pilot program. For the purposes of this study, it is anticipated that the stored value cards will have, but need not be limited to, the following characteristics: (1) the cards will be available only to individuals 18 years of age and older; (2) the cards will be rechargeable, closed-loop cards that can only be loaded with cash; (3) the cards will have unique identifying numbers to be used for on-line play; (4) the cards will have on-line play subtracted from the card's value; (5) the cards may have on-line winnings added to them; (6) the cards will be used at Lottery retailers to cash out winnings of up to $600; and (7) the cards will meet all technological, programming, and security requirements mandated by the Department and the governing bodies of both Mega Millions and Powerball:

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To the fullest extent possible, but subject to available resources, the Department shall ensure that the study evaluates and analyzes at least the following issues:

(1) economic benefits to the State from Internet Lottery sales from stored value cards and from resulting sales taxes;
(2) economic benefits to local governments from sales taxes generated from Internet Lottery sales through stored value cards;
(3) economic benefits to Lottery retailers from Internet Lottery sales and from ancillary retail product sales in connection with the same;
(4) enhanced player age verification from face-to-face interaction;
(5) enhanced control of gambling addiction from face-to-face interaction;
(6) elimination of credit card overspending through the use of stored value cards and resulting reduced debt issues;
(7) the feasibility of the utilization of existing Lottery machines to dispense stored value cards;
(8) the technological, programming, and security requirements to make stored value cards an appropriate sales alternative; and
(9) the cost and project time estimates for implementation, including adaptation of existing Lottery machines, programming, and technology enhancements and impact to operations.

The Study Committee shall consist of the Director or his or her designee; the chief executive officer of the Lottery’s private manager or his or her designee; a representative appointed by the Governor’s Office; 2 representatives of the lottery licensee community appointed by the Director; one representative of a statewide association representing food retailers appointed by the Director; and one representative of a statewide association representing retail merchants appointed by the Director.

Members of the Study Committee shall be appointed within 30 days after the effective date of this amendatory Act of the 97th General Assembly. No later than 6 months after the effective date of this amendatory Act of the 97th General Assembly, the Department shall provide to the members of the Study Committee the proposed findings and recommendations of the study in order to solicit input from the Study Committee. Within 30 calendar days thereafter, the Study Committee shall

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convene a meeting of the members to discuss the proposed findings and recommendations of the study. No later than 15 calendar days after meeting, the Study Committee shall submit to the Department any written changes, additions, or corrections the Study Committee wishes the Department to make to the study. The Department shall consider the propriety of and respond to each change, addition, or correction offered by the Study Committee in the study. The Department shall also set forth any such change, addition, or correction offered by members of the Study Committee and the Department's responses thereto in the appendix to the study. No later than 15 calendar days after receiving the changes, additions, or corrections offered by the Study Committee, the Department shall deliver copies of the final study and appendices, if any, to the Governor, President of the Senate, Minority Leader of the Senate, Speaker of the House of Representatives, Minority Leader of the House of Representatives, and each of the members of the Study Committee.

(d) This Section is repealed on July 1, 2017.

(Source: P.A. 97-464, eff. 10-15-11; 97-1121, eff. 8-27-12; 98-499, eff. 8-16-13.)

Section 5-7. The General Assembly Compensation Act is amended by changing Section 1 as follows:

(25 ILCS 115/1) (from Ch. 63, par. 14)
Sec. 1. Each member of the General Assembly shall receive an annual salary of $28,000 or as set by the Compensation Review Board, whichever is greater. The following named officers, committee chairmen and committee minority spokesmen shall receive additional amounts per year for their services as such officers, committee chairmen and committee minority spokesmen respectively, as set by the Compensation Review Board or, as follows, whichever is greater: Beginning the second Wednesday in January 1989, the Speaker and the minority leader of the House of Representatives and the President and the minority leader of the Senate, $16,000 each; the majority leader in the House of Representatives $13,500; 6 assistant majority leaders and 5 assistant minority leaders in the Senate, $12,000 each; 6 assistant majority leaders and 6 assistant minority leaders in the House of Representatives, $10,500 each; 2 Deputy Majority leaders in the House of Representatives $11,500 each; and 2 Deputy Minority leaders in the House of Representatives, $11,500 each; the majority caucus chairman and minority caucus chairman in the Senate, $12,000 each; and beginning the second Wednesday in January, 1989, the majority conference chairman and the minority conference chairman in the

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House of Representatives, $10,500 each; beginning the second Wednesday in January, 1989, the chairman and minority spokesman of each standing committee of the Senate, except the Rules Committee, the Committee on Committees, and the Committee on Assignment of Bills, $6,000 each; and beginning the second Wednesday in January, 1989, the chairman and minority spokesman of each standing and select committee of the House of Representatives, $6,000 each. A member who serves in more than one position as an officer, committee chairman, or committee minority spokesman shall receive only one additional amount based on the position paying the highest additional amount. The compensation provided for in this Section to be paid per year to members of the General Assembly, including the additional sums payable per year to officers of the General Assembly shall be paid in 12 equal monthly installments. The first such installment is payable on January 31, 1977. All subsequent equal monthly installments are payable on the last working day of the month. A member who has held office any part of a month is entitled to compensation for an entire month.

Mileage shall be paid at the rate of 20 cents per mile before January 9, 1985, and at the mileage allowance rate in effect under regulations promulgated pursuant to 5 U.S.C. 5707(b)(2) beginning January 9, 1985, for the number of actual highway miles necessarily and conveniently traveled by the most feasible route to be present upon convening of the sessions of the General Assembly by such member in each and every trip during each session in going to and returning from the seat of government, to be computed by the Comptroller. A member traveling by public transportation for such purposes, however, shall be paid his actual cost of that transportation instead of on the mileage rate if his cost of public transportation exceeds the amount to which he would be entitled on a mileage basis. No member may be paid, whether on a mileage basis or for actual costs of public transportation, for more than one such trip for each week the General Assembly is actually in session. Each member shall also receive an allowance of $36 per day for lodging and meals while in attendance at sessions of the General Assembly before January 9, 1985; beginning January 9, 1985, such food and lodging allowance shall be equal to the amount per day permitted to be deducted for such expenses under the Internal Revenue Code; however, beginning May 31, 1995, no allowance for food and lodging while in attendance at sessions is authorized for periods of time after the last day in May of each calendar year, except (i) if the General Assembly is convened in special

New matter indicated by italics - deletions by strikeout
session by either the Governor or the presiding officers of both houses, as provided by subsection (b) of Section 5 of Article IV of the Illinois Constitution or (ii) if the General Assembly is convened to consider bills vetoed, item vetoed, reduced, or returned with specific recommendations for change by the Governor as provided in Section 9 of Article IV of the Illinois Constitution. For fiscal year 2011 and for session days in fiscal years 2012, 2013, 2014, 2015, and 2016, and 2017 only (i) the allowance for lodging and meals is $111 per day and (ii) mileage for automobile travel shall be reimbursed at a rate of $0.39 per mile.

Notwithstanding any other provision of law to the contrary, beginning in fiscal year 2012, travel reimbursement for General Assembly members on non-session days shall be calculated using the guidelines set forth by the Legislative Travel Control Board, except that fiscal year 2012, 2013, 2014, 2015, and 2016, and 2017 mileage reimbursement is set at a rate of $0.39 per mile.

If a member dies having received only a portion of the amount payable as compensation, the unpaid balance shall be paid to the surviving spouse of such member, or, if there be none, to the estate of such member.  
(Source: P.A. 98-30, eff. 6-24-13; 98-682, eff. 6-30-14; 99-355, eff. 8-13-15.)

Section 5-8. The Compensation Review Act is amended by adding Section 6.4 as follows:

(25 ILCS 120/6.4 new)
Sec. 6.4. FY17 COLAs prohibited. Notwithstanding any former or current provision of this Act, any other law, any report of the Compensation Review Board, or any resolution of the General Assembly to the contrary, members of the General Assembly, State's attorneys, other than the county supplement, elected executive branch constitutional officers of State government, and persons in certain appointed offices of State government, including the membership of State departments, agencies, boards, and commissions, whose annual compensation previously was recommended or determined by the Compensation Review Board, are prohibited from receiving and shall not receive any increase in compensation that would otherwise apply based on a cost of living adjustment, as authorized by Senate Joint Resolution 192 of the 86th General Assembly, for or during the fiscal year beginning July 1, 2016.

Section 5-10. The State Finance Act is amended by changing Sections 5k, 6z-27, 6z-51, and 8.3 as follows:

(30 ILCS 105/5k)

New matter indicated by italics - deletions by strikeout
Sec. 5k. Cash flow borrowing and general funds liquidity; FY15.

(a) In order to meet cash flow deficits and to maintain liquidity in the General Revenue Fund and the Health Insurance Reserve Fund, on and after July 1, 2014 and through June 30, 2015, the State Treasurer and the State Comptroller shall make transfers to the General Revenue Fund and the Health Insurance Reserve Fund, as directed by the Governor, out of special funds of the State, to the extent allowed by federal law. No such transfer may reduce the cumulative balance of all of the special funds of the State to an amount less than the total debt service payable during the 12 months immediately following the date of the transfer on any bonded indebtedness of the State and any certificates issued under the Short Term Borrowing Act. At no time shall the outstanding total transfers made from the special funds of the State to the General Revenue Fund and the Health Insurance Reserve Fund under this Section exceed $650,000,000; once the amount of $650,000,000 has been transferred from the special funds of the State to the General Revenue Fund and the Health Insurance Reserve Fund, additional transfers may be made from the special funds of the State to the General Revenue Fund and the Health Insurance Reserve Fund under this Section only to the extent that moneys have first been re-transferred from the General Revenue Fund and the Health Insurance Reserve Fund to those special funds of the State. Notwithstanding any other provision of this Section, no such transfer may be made from any special fund that is exclusively collected by or appropriated to any other constitutional officer without the written approval of that constitutional officer.

(b) If moneys have been transferred to the General Revenue Fund and the Health Insurance Reserve Fund pursuant to subsection (a) of this Section, this amendatory Act of the 98th General Assembly shall constitute the continuing authority for and direction to the State Treasurer and State Comptroller to reimburse the funds of origin from the General Revenue Fund by transferring to the funds of origin, at such times and in such amounts as directed by the Governor when necessary to support appropriated expenditures from the funds, an amount equal to that transferred from them plus any interest that would have accrued thereon had the transfer not occurred, except that any moneys transferred pursuant to subsection (a) of this Section shall be repaid to the fund of origin within 18 months after the date on which they were borrowed. When any of the funds from which moneys have been transferred pursuant to subsection (a) have insufficient cash from which the State Comptroller may make

New matter indicated by italics - deletions by strikeout
expenditures properly supported by appropriations from the fund, then the
State Treasurer and State Comptroller shall transfer from the General
Revenue Fund to the fund only such amount as is immediately necessary
to satisfy outstanding expenditure obligations on a timely basis.

(c) On the first day of each quarterly period in each fiscal year,
until such time as a report indicates that all moneys borrowed and interest
pursuant to this Section have been repaid, the Governor's Office of
Management and Budget shall provide to the President and the Minority
Leader of the Senate, the Speaker and the Minority Leader of the House of
Representatives, and the Commission on Government Forecasting and
Accountability a report on all transfers made pursuant to this Section in the
prior quarterly period. The report must be provided in electronic format.
The report must include all of the following:

(1) The date each transfer was made.
(2) The amount of each transfer.
(3) In the case of a transfer from the General Revenue Fund
to a fund of origin pursuant to subsection (b) of this Section, the
amount of interest being paid to the fund of origin.
(4) The end of day balance of the fund of origin, the
General Revenue Fund and the Health Insurance Reserve Fund on
the date the transfer was made.

(Source: P.A. 98-682, eff. 6-30-14.)

(30 ILCS 105/6z-27)

Sec. 6z-27. All moneys in the Audit Expense Fund shall be
transferred, appropriated and used only for the purposes authorized by, and
subject to the limitations and conditions prescribed by, the State Auditing
Act.

Within 30 days after the effective date of this amendatory Act of the
99th General Assembly, the State Comptroller shall order transferred and
the State Treasurer shall transfer from the following funds moneys in the
specified amounts for deposit into the Audit Expense Fund:

Agricultural Premium Fund.......................... 19,395
Anna Veterans Home Fund......................... 12,842
Appraisal Administration Fund.................... 3,740
Athletics Supervision and Regulation Fund........ 599
Attorney General Court Ordered and Voluntary
Compliance Payment Projects Fund............... 16,998
Attorney General Whistleblower Reward and
Protection Fund................................. 12,417

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<td>Capital Development Board Revolving Fund</td>
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<td>Care Provider Fund for Persons with a Developmental Disability</td>
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<td>Cemetery Oversight Licensing and Disciplinary Fund</td>
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<td>Chicago State University Education Improvement Fund</td>
<td>4,717</td>
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<td>Coal Technology Development Assistance Fund</td>
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<td>Commitment to Human Services Fund</td>
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<tr>
<td>Common School Fund</td>
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<td>The Communications Revolving Fund</td>
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<td>The Community Association Manager</td>
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<td>Community Mental Health Medicaid Trust Fund</td>
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<td>Credit Union Fund</td>
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<td>Cycle Rider Safety Training Fund</td>
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<td>Department of Business Services Special Operations Fund.</td>
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<td>Department of Corrections Reimbursement and Education Fund</td>
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<td>Design Professionals Administration and Investigation Fund</td>
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<td>Digital Divide Elimination Fund</td>
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<td>Drivers Education Fund</td>
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<td>Drug Rebate Fund</td>
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<td>Education Assistance Fund</td>
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<td>Estate Tax Refund Fund</td>
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<td>Facilities Management Revolving Fund</td>
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<tr>
<td>Fair and Exposition Fund</td>
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<td>Federal Asset Forfeiture Fund</td>
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<td>Federal High Speed Rail Trust Fund</td>
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<td>Federal Workforce Training Fund</td>
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<td>Feed Control Fund</td>
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<td>Fertilizer Control Fund</td>
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New matter indicated by italics - deletions by strikeout
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<td>Health and Human Services Medicaid Trust Fund</td>
<td>4,153</td>
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<td>Healthcare Provider Relief Fund</td>
<td>106,645</td>
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<td>Hospital Provider Fund</td>
<td>36,223</td>
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<td>Illinois Affordable Housing Trust Fund</td>
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<td>Illinois Capital Revolving Loan Fund</td>
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<td>Illinois Charity Bureau Fund</td>
<td>3,403</td>
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<td>Illinois Gaming Law Enforcement Fund</td>
<td>1,885</td>
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<td>Illinois standardbred Breeders Fund</td>
<td>946</td>
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<tr>
<td>Illinois State Dental Disciplinary Fund</td>
<td>4,382</td>
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<tr>
<td>Illinois State Fair Fund</td>
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<td>Illinois State Medical Disciplinary Fund</td>
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<td>Illinois State Pharmacy Disciplinary Fund</td>
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<td>Illinois Thoroughbred Breeders Fund</td>
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<td>Illinois Veterans Assistance Fund</td>
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<td>Illinois Veterans' Rehabilitation Fund</td>
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<td>Illinois Workers' Compensation Commission| Operations Fund</td>
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<td>Income Tax Refund Fund</td>
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<td>Insurance Financial Regulation Fund</td>
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<td>Insurance Premium Tax Refund Fund</td>
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<td>Insurance Producer Administration Fund</td>
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<td>LaSalle Veterans Home Fund</td>
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<td>LEADS Maintenance Fund</td>
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<td>Live and Learn Fund</td>
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<tr>
<td>The Local Government Distributive Fund</td>
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<td>Local Tourism Fund</td>
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<td>Long-Term Care Provider Fund</td>
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<td>Manteno Veterans Home Fund</td>
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<td>Medical Interagency Program Fund</td>
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<td>Medical Special Purposes Trust Fund</td>
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<td>Mental Health Fund</td>
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<td>Motor Carrier Safety Inspection Fund</td>
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New matter indicated by italics - deletions by strikeout
The Motor Fuel Tax Fund................................................. 73,255
Motor Vehicle License Plate Fund................................ 3,976
Nursing Dedicated and Professional Fund................... 9,858
Optometric Licensing and Disciplinary Board Fund........ 1,382
Partners for Conservation Fund............................ 8,083
Pawnbroker Regulation Fund................................... 853
The Personal Property Tax Replacement Fund............. 105,572
Pesticide Control Fund........................................... 5,634
Professional Services Fund................................... 726
Professions Indirect Cost Fund............................ 140,237
Public Pension Regulation Fund............................ 10,026
The Public Transportation Fund............................ 61,189
Quincy Veterans Home Fund.................................... 88,224
Real Estate License Administration Fund..................... 23,587
Registered Certified Public Accountants' Administration and Disciplinary Fund............. 1,370
Rehabilitation Energy Resources Trust Fund............... 1,689
Residential Finance Regulatory Fund........................ 12,638
The Road Fund....................................................... 332,667
Regional Transportation Authority
   Occupation and Use Tax Replacement Fund............... 2,526
Savings Bank Regulatory Fund.................................. 851
School Infrastructure Fund...................................... 4,852
Secretary of State DUI Administration Fund............... 544
Secretary of State Identification Security and Theft Prevention Fund....................... 1,645
Secretary of State Special License Plate Fund............ 1,203
Secretary of State Special Services Fund.................. 6,197
Securities Audit and Enforcement Fund..................... 2,793
Solid Waste Management Fund............................... 1,262
Special Education Medicaid Matching Fund................ 2,217
State and Local Sales Tax Reform Fund..................... 5,177
State Asset Forfeiture Fund...................................... 1,945
State Construction Account Fund............................ 67,375
State Crime Laboratory Fund.................................... 566
State Gaming Fund................................................. 246,099
The State Garage Revolving Fund............................ 3,606
The State Lottery Fund........................................... 201,779
State Offender DNA Identification System Fund........... 2,246

New matter indicated by italics - deletions by strikeout
State Pensions Fund................................................................. 500,000
State Police DUI Fund.............................................................. 1,560
State Police Firearm Services Fund........................................ 6,152
State Police Services Fund...................................................... 19,425
State Police Vehicle Fund.......................................................... 6,991
State Police Whistleblower Reward and Protection Fund.............. 4,430
State Police Wireless Service Emergency Fund............................ 894
The Statistical Services Revolving Fund..................................... 10,266
Supplemental Low-Income Energy Assistance Fund............................ 67,729
Tax Compliance and Administration Fund.................................... 1,145
Tobacco Settlement Recovery Fund.............................................. 3,199
Tourism Promotion Fund.......................................................... 42,906
Traffic and Criminal Conviction Surcharge Fund............................ 4,885
Underground Storage Tank Fund................................................ 19,316
University of Illinois Hospital Services Fund.............................. 2,862
The Vehicle Inspection Fund..................................................... 909
Violent Crime Victims Assistance Fund....................................... 13,828
Weights and Measures Fund.................................................... 4,826
The Working Capital Revolving Fund.......................................... 30,401

Within 30 days after July 14, 2015 (the effective date of Public Act 99-38) this amendatory Act of the 99th General Assembly, the State Comptroller shall order transferred and the State Treasurer shall transfer from the following funds moneys in the specified amounts for deposit into the Audit Expense Fund:

African-American HIV/AIDS Response Fund................................. 2,333
Agricultural Premium Fund....................................................... 141,245
Assisted Living and Shared Housing Regulatory Fund................. 1,146
Capital Development Board Revolving Fund................................. 1,473
Care Provider Fund for Persons with a Developmental Disability........ 13,520
Carolyn Adams Ticket For The Cure Grant Fund............................ 632
CD LIS/ AAMV Anet/NMVTIS Trust Fund...................................... 587
Chicago State University Education Improvement Fund.................. 9,881
Child Support Administrative Fund.......................................... 5,192
Common School Fund............................................................. 255,306
The Communications Revolving Fund........................................ 14,823
Community Mental Health Medicaid Trust Fund......................... 43,141
Death Certificate Surcharge Fund............................................ 2,596
Death Penalty Abolition Fund.................................................. 864

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<td>Department of Business Services Special Operations Fund.</td>
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<td>Department of Human Services Community Services Fund.</td>
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<td>Drug Treatment Fund.</td>
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<td>Drunk and Drugged Driving Prevention Fund.</td>
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<td>The Education Assistance Fund.</td>
<td>1,587,191</td>
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<td>Electronic Health Record Incentive Fund.</td>
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<td>Emergency Public Health Fund.</td>
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<td>EMS Assistance Fund.</td>
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<td>Estate Tax Refund Fund.</td>
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<td>Facilities Management Revolving Fund.</td>
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<td>Facility Licensing Fund.</td>
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<td>Fair and Exposition Fund.</td>
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<td>Federal High Speed Rail Trust Fund.</td>
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<td>Feed Control Fund.</td>
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<td>Fertilizer Control Fund.</td>
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<td>Food and Drug Safety Fund.</td>
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<td>The General Revenue Fund.</td>
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<td>Grade Crossing Protection Fund.</td>
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<td>Health and Human Services Medicaid Trust Fund.</td>
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<td>Health Facility Plan Review Fund.</td>
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<td>Healthy Smiles Fund.</td>
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<td>Home Care Services Agency Licensure Fund.</td>
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<td>Hospital Provider Fund.</td>
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<td>ICJIA Violence Prevention Fund.</td>
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<td>Illinois Affordable Housing Trust Fund.</td>
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<td>Illinois Department of Agriculture Laboratory Services Revolving Fund</td>
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<td>Illinois Health Facilities Planning Fund.</td>
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<td>Illinois School Asbestos Abatement Fund.</td>
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<td>Illinois Standardbred Breeders Fund.</td>
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<td>Illinois State Fair Fund.</td>
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<td>Illinois Thoroughbred Breeders Fund.</td>
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<td>Illinois Veterans' Rehabilitation Fund.</td>
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<td>Illinois Workers' Compensation Commission</td>
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<td>Operations Fund</td>
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<td>Lead Poisoning Screening, Prevention, and Abatement Fund.</td>
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<td>Lobbyist Registration Administration Fund</td>
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<td>Long Term Care Monitor/Receiver Fund</td>
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<td>Long-Term Care Provider Fund</td>
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<td>Low-Level Radioactive Waste Facility</td>
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<td>Low-Level Radioactive Waste Facility Development and Operation Fund</td>
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<td>Mental Health Fund</td>
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<td>Metabolic Screening and Treatment Fund</td>
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<td>Motor Vehicle Theft Prevention Trust Fund</td>
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<td>Multiple Sclerosis Research Fund</td>
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<td>Nursing Dedicated and Professional Fund</td>
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<td>Partners for Conservation Fund</td>
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<td>The Personal Property Tax Replacement Fund</td>
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<td>Pesticide Control Fund</td>
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<td>Plumbing Licensure and Program Fund</td>
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<td>The Public Transportation Fund</td>
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<td>Radiation Protection Fund</td>
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<td>The Road Fund</td>
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<td>Occupation and Use Tax Replacement Fund</td>
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<td>Secretary of State DUI Administration Fund</td>
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<td>Secretary of State Identification</td>
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<td>Security and Theft Prevention Fund</td>
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<tr>
<td>Secretary of State Special License Plate Fund</td>
<td>3,483</td>
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</table>

New matter indicated by italics - deletions by strikeout
Notwithstanding any provision of the law to the contrary, the General Assembly hereby authorizes the use of such funds for the purposes set forth in this Section.

These provisions do not apply to funds classified by the Comptroller as federal trust funds or State trust funds. The Audit Expense Fund may receive transfers from those trust funds only as directed herein, except where prohibited by the terms of the trust fund agreement. The Auditor General shall notify the trustees of those funds of the estimated cost of the audit to be incurred under the Illinois State Auditing Act for the fund. The trustees of those funds shall direct the State Comptroller and Treasurer to transfer the estimated amount to the Audit Expense Fund.

The Auditor General may bill entities that are not subject to the above transfer provisions, including private entities, related organizations and entities whose funds are locally-held, for the cost of audits, studies, and investigations incurred on their behalf. Any revenues received under this provision shall be deposited into the Audit Expense Fund.

In the event that moneys on deposit in any fund are unavailable, by reason of deficiency or any other reason preventing their lawful transfer, the State Comptroller shall order transferred and the State Treasurer shall transfer the amount deficient or otherwise unavailable from the General Revenue Fund for deposit into the Audit Expense Fund.

New matter indicated by italics - deletions by strikeout
On or before December 1, 1992, and each December 1 thereafter, the Auditor General shall notify the Governor's Office of Management and Budget (formerly Bureau of the Budget) of the amount estimated to be necessary to pay for audits, studies, and investigations in accordance with the Illinois State Auditing Act during the next succeeding fiscal year for each State fund for which a transfer or reimbursement is anticipated.

Beginning with fiscal year 1994 and during each fiscal year thereafter, the Auditor General may direct the State Comptroller and Treasurer to transfer moneys from funds authorized by the General Assembly for that fund. In the event funds, including federal and State trust funds but excluding the General Revenue Fund, are transferred, during fiscal year 1994 and during each fiscal year thereafter, in excess of the amount to pay actual costs attributable to audits, studies, and investigations as permitted or required by the Illinois State Auditing Act or specific action of the General Assembly, the Auditor General shall, on September 30, or as soon thereafter as is practicable, direct the State Comptroller and Treasurer to transfer the excess amount back to the fund from which it was originally transferred.

(Source: P.A. 98-270, eff. 8-9-13; 98-676, eff. 6-30-14; 99-38, eff. 7-14-15.)

(30 ILCS 105/6z-51)
Sec. 6z-51. Budget Stabilization Fund.
(a) The Budget Stabilization Fund, a special fund in the State Treasury, shall consist of moneys appropriated or transferred to that Fund, as provided in Section 6z-43 and as otherwise provided by law. All earnings on Budget Stabilization Fund investments shall be deposited into that Fund.

(b) The State Comptroller may direct the State Treasurer to transfer moneys from the Budget Stabilization Fund to the General Revenue Fund in order to meet cash flow deficits resulting from timing variations between disbursements and the receipt of funds within a fiscal year. Any moneys so borrowed in any fiscal year other than Fiscal Year 2011 shall be repaid by June 30 of the fiscal year in which they were borrowed. Any moneys so borrowed in Fiscal Year 2011 shall be repaid no later than July 15, 2011.

(c) During Fiscal Year 2017 only, amounts may be expended from the Budget Stabilization Fund only pursuant to specific authorization by appropriation. Any moneys expended pursuant to appropriation shall not be subject to repayment.

New matter indicated by italics - deletions by strikeout
Sec. 8.3. Money in the Road Fund shall, if and when the State of Illinois incurs any bonded indebtedness for the construction of permanent highways, be set aside and used for the purpose of paying and discharging annually the principal and interest on that bonded indebtedness then due and payable, and for no other purpose. The surplus, if any, in the Road Fund after the payment of principal and interest on that bonded indebtedness then annually due shall be used as follows:

first -- to pay the cost of administration of Chapters 2 through 10 of the Illinois Vehicle Code, except the cost of administration of Articles I and II of Chapter 3 of that Code; and

secondly -- for expenses of the Department of Transportation for construction, reconstruction, improvement, repair, maintenance, operation, and administration of highways in accordance with the provisions of laws relating thereto, or for any purpose related or incident to and connected therewith, including the separation of grades of those highways with railroads and with highways and including the payment of awards made by the Illinois Workers' Compensation Commission under the terms of the Workers' Compensation Act or Workers' Occupational Diseases Act for injury or death of an employee of the Division of Highways in the Department of Transportation; or for the acquisition of land and the erection of buildings for highway purposes, including the acquisition of highway right-of-way or for investigations to determine the reasonably anticipated future highway needs; or for making of surveys, plans, specifications and estimates for and in the construction and maintenance of flight strips and of highways necessary to provide access to military and naval reservations, to defense industries and defense-industry sites, and to the sources of raw materials and for replacing existing highways and highway connections shut off from general public use at military and naval reservations and defense-industry sites, or for the purchase of right-of-way, except that the State shall be reimbursed in full for any expense incurred in building the flight strips; or for the operating and maintaining of highway garages; or for patrolling and policing the public highways and conserving the peace; or for the operating expenses of the Department relating to the administration of public transportation programs; or, during fiscal year 2012 only, for the

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purposes of a grant not to exceed $8,500,000 to the Regional Transportation Authority on behalf of PACE for the purpose of ADA/Para-transit expenses; or, during fiscal year 2013 only, for the purposes of a grant not to exceed $3,825,000 to the Regional Transportation Authority on behalf of PACE for the purpose of ADA/Para-transit expenses; or, during fiscal year 2014 only, for the purposes of a grant not to exceed $3,825,000 to the Regional Transportation Authority on behalf of PACE for the purpose of ADA/Para-transit expenses; or, during fiscal year 2015 only, for the purposes of a grant not to exceed $3,825,000 to the Regional Transportation Authority on behalf of PACE for the purpose of ADA/Para-transit expenses; or, during fiscal year 2016 only, for the purposes of a grant not to exceed $3,825,000 to the Regional Transportation Authority on behalf of PACE for the purpose of ADA/Para-transit expenses; or, during fiscal year 2017 only, for the purposes of a grant not to exceed $3,825,000 to the Regional Transportation Authority on behalf of PACE for the purpose of ADA/Para-transit expenses; or for any of those purposes or any other purpose that may be provided by law.

Appropriations for any of those purposes are payable from the Road Fund. Appropriations may also be made from the Road Fund for the administrative expenses of any State agency that are related to motor vehicles or arise from the use of motor vehicles.

Beginning with fiscal year 1980 and thereafter, no Road Fund monies shall be appropriated to the following Departments or agencies of State government for administration, grants, or operations; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement;

1. Department of Public Health;
2. Department of Transportation, only with respect to subsidies for one-half fare Student Transportation and Reduced Fare for Elderly, except during fiscal year 2012 only when no more than $40,000,000 may be expended and except during fiscal year 2013 only when no more than $17,570,300 may be expended and except during fiscal year 2014 only when no more than $17,570,000 may be expended and except during fiscal year 2015 only when no more than $17,570,000 may be expended and except during fiscal year 2016 only when no more than $17,570,000 may be expended and except during fiscal year 2017 only when no more than $17,570,000 may be expended

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be expended and except during fiscal year 2017 only when no more than $17,570,000 may be expended;

3. Department of Central Management Services, except for expenditures incurred for group insurance premiums of appropriate personnel;


Beginning with fiscal year 1981 and thereafter, no Road Fund monies shall be appropriated to the following Departments or agencies of State government for administration, grants, or operations; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement:

1. Department of State Police, except for expenditures with respect to the Division of Operations;

2. Department of Transportation, only with respect to Intercity Rail Subsidies, except during fiscal year 2012 only when no more than $40,000,000 may be expended and except during fiscal year 2013 only when no more than $26,000,000 may be expended and except during fiscal year 2014 only when no more than $38,000,000 may be expended and except during fiscal year 2015 only when no more than $42,000,000 may be expended and except during fiscal year 2016 only when no more than $38,300,000 may be expended and except during fiscal year 2017 only when no more than $50,000,000 may be expended, and Rail Freight Services.

Beginning with fiscal year 1982 and thereafter, no Road Fund monies shall be appropriated to the following Departments or agencies of State government for administration, grants, or operations; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement: Department of Central Management Services, except for awards made by the Illinois Workers' Compensation Commission under the terms of the Workers' Compensation Act or Workers' Occupational Diseases Act for injury or death of an employee of the Division of Highways in the Department of Transportation.

Beginning with fiscal year 1984 and thereafter, no Road Fund monies shall be appropriated to the following Departments or agencies of State government for administration, grants, or operations; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement:

New matter indicated by italics - deletions by strikeout
1. Department of State Police, except not more than 40% of the funds appropriated for the Division of Operations;

2. State Officers.

Beginning with fiscal year 1984 and thereafter, no Road Fund monies shall be appropriated to any Department or agency of State government for administration, grants, or operations except as provided hereafter; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement. It shall not be lawful to circumvent the above appropriation limitations by governmental reorganization or other methods. Appropriations shall be made from the Road Fund only in accordance with the provisions of this Section.

Money in the Road Fund shall, if and when the State of Illinois incurs any bonded indebtedness for the construction of permanent highways, be set aside and used for the purpose of paying and discharging during each fiscal year the principal and interest on that bonded indebtedness as it becomes due and payable as provided in the Transportation Bond Act, and for no other purpose. The surplus, if any, in the Road Fund after the payment of principal and interest on that bonded indebtedness then annually due shall be used as follows:

first -- to pay the cost of administration of Chapters 2 through 10 of the Illinois Vehicle Code; and

secondly -- no Road Fund monies derived from fees, excises, or license taxes relating to registration, operation and use of vehicles on public highways or to fuels used for the propulsion of those vehicles, shall be appropriated or expended other than for costs of administering the laws imposing those fees, excises, and license taxes, statutory refunds and adjustments allowed thereunder, administrative costs of the Department of Transportation, including, but not limited to, the operating expenses of the Department relating to the administration of public transportation programs, payment of debts and liabilities incurred in construction and reconstruction of public highways and bridges, acquisition of rights-of-way for and the cost of construction, reconstruction, maintenance, repair, and operation of public highways and bridges under the direction and supervision of the State, political subdivision, or municipality collecting those monies, or during fiscal year 2012 only for the purposes of a grant not to exceed $8,500,000 to the Regional Transportation Authority

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on behalf of PACE for the purpose of ADA/Para-transit expenses, or during fiscal year 2013 only for the purposes of a grant not to exceed $3,825,000 to the Regional Transportation Authority on behalf of PACE for the purpose of ADA/Para-transit expenses, or during fiscal year 2014 only for the purposes of a grant not to exceed $3,825,000 to the Regional Transportation Authority on behalf of PACE for the purpose of ADA/Para-transit expenses, or during fiscal year 2015 only for the purposes of a grant not to exceed $3,825,000 to the Regional Transportation Authority on behalf of PACE for the purpose of ADA/Para-transit expenses, or during fiscal year 2016 only for the purposes of a grant not to exceed $3,825,000 to the Regional Transportation Authority on behalf of PACE for the purpose of ADA/Para-transit expenses, or during fiscal year 2017 only for the purposes of a grant not to exceed $3,825,000 to the Regional Transportation Authority on behalf of PACE for the purpose of ADA/Para-transit expenses, and the costs for patrolling and policing the public highways (by State, political subdivision, or municipality collecting that money) for enforcement of traffic laws. The separation of grades of such highways with railroads and costs associated with protection of at-grade highway and railroad crossing shall also be permissible.

Appropriations for any of such purposes are payable from the Road Fund or the Grade Crossing Protection Fund as provided in Section 8 of the Motor Fuel Tax Law.

Except as provided in this paragraph, beginning with fiscal year 1991 and thereafter, no Road Fund monies shall be appropriated to the Department of State Police for the purposes of this Section in excess of its total fiscal year 1990 Road Fund appropriations for those purposes unless otherwise provided in Section 5g of this Act. For fiscal years 2003, 2004, 2005, 2006, and 2007 only, no Road Fund monies shall be appropriated to the Department of State Police for the purposes of this Section in excess of $97,310,000. For fiscal year 2008 only, no Road Fund monies shall be appropriated to the Department of State Police for the purposes of this Section in excess of $106,100,000. For fiscal year 2009 only, no Road Fund monies shall be appropriated to the Department of State Police for the purposes of this Section in excess of $114,700,000. Beginning in fiscal year 2010, no road fund moneys shall be appropriated to the Department of State Police. It shall not be lawful to circumvent this limitation on

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appropriations by governmental reorganization or other methods unless otherwise provided in Section 5g of this Act.

In fiscal year 1994, no Road Fund monies shall be appropriated to the Secretary of State for the purposes of this Section in excess of the total fiscal year 1991 Road Fund appropriations to the Secretary of State for those purposes, plus $9,800,000. It shall not be lawful to circumvent this limitation on appropriations by governmental reorganization or other method.

Beginning with fiscal year 1995 and thereafter, no Road Fund monies shall be appropriated to the Secretary of State for the purposes of this Section in excess of the total fiscal year 1994 Road Fund appropriations to the Secretary of State for those purposes. It shall not be lawful to circumvent this limitation on appropriations by governmental reorganization or other methods.

Beginning with fiscal year 2000, total Road Fund appropriations to the Secretary of State for the purposes of this Section shall not exceed the amounts specified for the following fiscal years:

- Fiscal Year 2000: $80,500,000;
- Fiscal Year 2001: $80,500,000;
- Fiscal Year 2002: $80,500,000;
- Fiscal Year 2003: $130,500,000;
- Fiscal Year 2004: $130,500,000;
- Fiscal Year 2005: $130,500,000;
- Fiscal Year 2006: $130,500,000;
- Fiscal Year 2007: $130,500,000;
- Fiscal Year 2008: $130,500,000;
- Fiscal Year 2009: $130,500,000.

For fiscal year 2010, no road fund moneys shall be appropriated to the Secretary of State.

Beginning in fiscal year 2011, moneys in the Road Fund shall be appropriated to the Secretary of State for the exclusive purpose of paying refunds due to overpayment of fees related to Chapter 3 of the Illinois Vehicle Code unless otherwise provided for by law.

It shall not be lawful to circumvent this limitation on appropriations by governmental reorganization or other methods.

No new program may be initiated in fiscal year 1991 and thereafter that is not consistent with the limitations imposed by this Section for fiscal year 1984 and thereafter, insofar as appropriation of Road Fund monies is concerned.

New matter indicated by italics - deletions by strikeout
Nothing in this Section prohibits transfers from the Road Fund to the State Construction Account Fund under Section 5e of this Act; nor to the General Revenue Fund, as authorized by this amendatory Act of the 93rd General Assembly.

The additional amounts authorized for expenditure in this Section by Public Acts 92-0600, 93-0025, 93-0839, and 94-91 shall be repaid to the Road Fund from the General Revenue Fund in the next succeeding fiscal year that the General Revenue Fund has a positive budgetary balance, as determined by generally accepted accounting principles applicable to government.

The additional amounts authorized for expenditure by the Secretary of State and the Department of State Police in this Section by this amendatory Act of the 94th General Assembly shall be repaid to the Road Fund from the General Revenue Fund in the next succeeding fiscal year that the General Revenue Fund has a positive budgetary balance, as determined by generally accepted accounting principles applicable to government.

(Source: P.A. 97-72, eff. 7-1-11; 97-732, eff. 6-30-12; 98-24, eff. 6-19-13; 98-674, eff. 6-30-14.)

Section 5-15. The State Revenue Sharing Act is amended by adding Section 11.1 as follows:

(30 ILCS 115/11.1 new)

Sec. 11.1. Funding of certain school districts.

(a) On July 1, 2016, or as soon as practical thereafter, the State Board of Education shall identify to the Department of Revenue school districts having Personal Property Tax Replacement Fund receipts totaling 15% or more of their total revenues in fiscal year 2015.

(b) In fiscal year 2017, any school district identified under subsection (a) shall receive, in addition to its annual distributions from the Personal Property Tax Replacement Fund, 7% of the total amount distributed to the school district from the Personal Property Tax Replacement Fund during fiscal year 2015, provided that the total amount of additional distributions under this Section shall not exceed $2,900,000. If the total additional distributions exceed $2,900,000, such distributions shall be calculated on a pro rata basis, based on the percentage of each district's total fiscal year 2015 revenues to the total fiscal year 2015 revenues of all districts qualifying for an additional distribution under this Section.

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Section 5-20. The Illinois Coal Technology Development Assistance Act is amended by changing Section 4 as follows:

(30 ILCS 730/4) (from Ch. 96 1/2, par. 8204)
Sec. 4. Expenditures from Coal Technology Development Assistance Fund.
(a) The contents of the Coal Technology Development Assistance Fund may be expended, subject to appropriation by the General Assembly, in such amounts and at such times as the Department, with the advice and recommendation of the Board, may deem necessary or desirable for the purposes of this Act.
(b) The Department shall develop a written plan containing measurable 3-year and 10-year goals and objectives in regard to the funding of coal research and coal demonstration and commercialization projects, and programs designed to preserve and enhance markets for Illinois coal. In developing these goals and objectives, the Department shall consider and determine the appropriate balance for the achievement of near-term and long-term goals and objectives and of ensuring the timely commercial application of cost-effective technologies or energy and chemical production processes or systems utilizing coal. The Department shall develop the initial goals and objectives no later than December 1, 1993, and develop revised goals and objectives no later than July 1 annually thereafter.
(c) (Blank).
(d) Subject to appropriation, the Department of Natural Resources may use moneys in the Coal Technology Development Assistance Fund to administer its responsibilities under the Surface Coal Mining Land Conservation and Reclamation Act.
(Source: P.A. 89-499, eff. 6-28-96; 90-348, eff. 1-1-98; 90-372, eff. 7-1-98; 90-655, eff. 7-30-98.)

Section 5-25. The Illinois Police Training Act is amended by changing Section 9 as follows:
(50 ILCS 705/9) (from Ch. 85, par. 509)

Sec. 9. A special fund is hereby established in the State Treasury to be known as the Traffic and Criminal Conviction Surcharge Fund and shall be financed as provided in Section 9.1 of this Act and Section 5-9-1 of the Unified Code of Corrections, unless the fines, costs, or additional amounts imposed are subject to disbursement by the circuit clerk under Section 27.5 of the Clerks of Courts Act. Moneys in this Fund shall be expended as follows:

New matter indicated by italics - deletions by strikeout
(1) a portion of the total amount deposited in the Fund may be used, as appropriated by the General Assembly, for the ordinary and contingent expenses of the Illinois Law Enforcement Training Standards Board;

(2) a portion of the total amount deposited in the Fund shall be appropriated for the reimbursement of local governmental agencies participating in training programs certified by the Board, in an amount equaling 1/2 of the total sum paid by such agencies during the State's previous fiscal year for mandated training for probationary police officers or probationary county corrections officers and for optional advanced and specialized law enforcement or county corrections training; these reimbursements may include the costs for tuition at training schools, the salaries of trainees while in schools, and the necessary travel and room and board expenses for each trainee; if the appropriations under this paragraph (2) are not sufficient to fully reimburse the participating local governmental agencies, the available funds shall be apportioned among such agencies, with priority first given to repayment of the costs of mandatory training given to law enforcement officer or county corrections officer recruits, then to repayment of costs of advanced or specialized training for permanent police officers or permanent county corrections officers;

(3) a portion of the total amount deposited in the Fund may be used to fund the Intergovernmental Law Enforcement Officer's In-Service Training Act, veto overridden October 29, 1981, as now or hereafter amended, at a rate and method to be determined by the board;

(4) a portion of the Fund also may be used by the Illinois Department of State Police for expenses incurred in the training of employees from any State, county or municipal agency whose function includes enforcement of criminal or traffic law;

(5) a portion of the Fund may be used by the Board to fund grant-in-aid programs and services for the training of employees from any county or municipal agency whose functions include corrections or the enforcement of criminal or traffic law;

(6) for fiscal years 2013 through 2017, 2014, and 2015 only, a portion of the Fund also may be used by the Department of State Police to finance any of its lawful purposes or functions; and

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(7) a portion of the Fund may be used by the Board, subject to appropriation, to administer grants to local law enforcement agencies for the purpose of purchasing bulletproof vests under the Law Enforcement Officer Bulletproof Vest Act.

All payments from the Traffic and Criminal Conviction Surcharge Fund shall be made each year from moneys appropriated for the purposes specified in this Section. No more than 50% of any appropriation under this Act shall be spent in any city having a population of more than 500,000. The State Comptroller and the State Treasurer shall from time to time, at the direction of the Governor, transfer from the Traffic and Criminal Conviction Surcharge Fund to the General Revenue Fund in the State Treasury such amounts as the Governor determines are in excess of the amounts required to meet the obligations of the Traffic and Criminal Conviction Surcharge Fund.

(Source: P.A. 98-24, eff. 6-19-13; 98-674, eff. 6-30-14; 98-743, eff. 1-1-15; 99-78, eff. 7-20-15.)

Section 5-30. The Law Enforcement Camera Grant Act is amended by changing Section 25 as follows:

(50 ILCS 707/25)

Sec. 25. No fund sweep. Notwithstanding any other provision of law, moneys in the Law Enforcement Camera Grant Fund may not be appropriated, assigned, or transferred to another State fund, except that, notwithstanding any other provision of law, in addition to any other transfers that may be provided by law, on the effective date of this amendatory Act of the 99th General Assembly, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $2,000,000 from the Law Enforcement Camera Grant Fund to the Traffic and Criminal Conviction Surcharge Fund.

(Source: P.A. 99-352, eff. 1-1-16.)

Section 5-35. The School Code is amended by changing Section 18-8.05 as follows:

(105 ILCS 5/18-8.05)

Sec. 18-8.05. Basis for apportionment of general State financial aid and supplemental general State aid to the common schools for the 1998-1999 and subsequent school years.

(A) General Provisions.

(1) The provisions of this Section apply to the 1998-1999 and subsequent school years. The system of general State financial aid provided for in this Section is designed to assure that, through a

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combination of State financial aid and required local resources, the financial support provided each pupil in Average Daily Attendance equals or exceeds a prescribed per pupil Foundation Level. This formula approach imputes a level of per pupil Available Local Resources and provides for the basis to calculate a per pupil level of general State financial aid that, when added to Available Local Resources, equals or exceeds the Foundation Level. The amount of per pupil general State financial aid for school districts, in general, varies in inverse relation to Available Local Resources. Per pupil amounts are based upon each school district's Average Daily Attendance as that term is defined in this Section.

(2) In addition to general State financial aid, school districts with specified levels or concentrations of pupils from low income households are eligible to receive supplemental general State financial aid grants as provided pursuant to subsection (H). The supplemental State aid grants provided for school districts under subsection (H) shall be appropriated for distribution to school districts as part of the same line item in which the general State financial aid of school districts is appropriated under this Section.

(3) To receive financial assistance under this Section, school districts are required to file claims with the State Board of Education, subject to the following requirements:

(a) Any school district which fails for any given school year to maintain school as required by law, or to maintain a recognized school is not eligible to file for such school year any claim upon the Common School Fund. In case of nonrecognition of one or more attendance centers in a school district otherwise operating recognized schools, the claim of the district shall be reduced in the proportion which the Average Daily Attendance in the attendance center or centers bear to the Average Daily Attendance in the school district. A "recognized school" means any public school which meets the standards as established for recognition by the State Board of Education. A school district or attendance center not having recognition status at the end of a school term is entitled to receive State aid payments due upon a legal claim which was filed while it was recognized.

(b) School district claims filed under this Section are subject to Sections 18-9 and 18-12, except as otherwise provided in this Section.

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(c) If a school district operates a full year school under Section 10-19.1, the general State aid to the school district shall be determined by the State Board of Education in accordance with this Section as near as may be applicable.

(d) (Blank).

(4) Except as provided in subsections (H) and (L), the board of any district receiving any of the grants provided for in this Section may apply those funds to any fund so received for which that board is authorized to make expenditures by law.

School districts are not required to exert a minimum Operating Tax Rate in order to qualify for assistance under this Section.

(5) As used in this Section the following terms, when capitalized, shall have the meaning ascribed herein:

(a) "Average Daily Attendance": A count of pupil attendance in school, averaged as provided for in subsection (C) and utilized in deriving per pupil financial support levels.

(b) "Available Local Resources": A computation of local financial support, calculated on the basis of Average Daily Attendance and derived as provided pursuant to subsection (D).

(c) "Corporate Personal Property Replacement Taxes": Funds paid to local school districts pursuant to "An Act in relation to the abolition of ad valorem personal property tax and the replacement of revenues lost thereby, and amending and repealing certain Acts and parts of Acts in connection therewith", certified August 14, 1979, as amended (Public Act 81-1st S.S.-1).

(d) "Foundation Level": A prescribed level of per pupil financial support as provided for in subsection (B).

(e) "Operating Tax Rate": All school district property taxes extended for all purposes, except Bond and Interest, Summer School, Rent, Capital Improvement, and Vocational Education Building purposes.

(B) Foundation Level.

(1) The Foundation Level is a figure established by the State representing the minimum level of per pupil financial support that should be available to provide for the basic education of each pupil in Average Daily Attendance. As set forth in this Section, each school district is assumed to exert a sufficient local taxing effort such that, in combination with the aggregate of general State financial aid provided the district, an
aggregate of State and local resources are available to meet the basic education needs of pupils in the district.

(2) For the 1998-1999 school year, the Foundation Level of support is $4,225. For the 1999-2000 school year, the Foundation Level of support is $4,325. For the 2000-2001 school year, the Foundation Level of support is $4,425. For the 2001-2002 school year and 2002-2003 school year, the Foundation Level of support is $4,560. For the 2003-2004 school year, the Foundation Level of support is $4,810. For the 2004-2005 school year, the Foundation Level of support is $4,964. For the 2005-2006 school year, the Foundation Level of support is $5,164. For the 2006-2007 school year, the Foundation Level of support is $5,334. For the 2007-2008 school year, the Foundation Level of support is $5,734. For the 2008-2009 school year, the Foundation Level of support is $5,959.

(3) For the 2009-2010 school year and each school year thereafter, the Foundation Level of support is $6,119 or such greater amount as may be established by law by the General Assembly.

(C) Average Daily Attendance.

(1) For purposes of calculating general State aid pursuant to subsection (E), an Average Daily Attendance figure shall be utilized. The Average Daily Attendance figure for formula calculation purposes shall be the monthly average of the actual number of pupils in attendance of each school district, as further averaged for the best 3 months of pupil attendance for each school district. In compiling the figures for the number of pupils in attendance, school districts and the State Board of Education shall, for purposes of general State aid funding, conform attendance figures to the requirements of subsection (F).

(2) The Average Daily Attendance figures utilized in subsection (E) shall be the requisite attendance data for the school year immediately preceding the school year for which general State aid is being calculated or the average of the attendance data for the 3 preceding school years, whichever is greater. The Average Daily Attendance figures utilized in subsection (H) shall be the requisite attendance data for the school year immediately preceding the school year for which general State aid is being calculated.

(D) Available Local Resources.

(1) For purposes of calculating general State aid pursuant to subsection (E), a representation of Available Local Resources per pupil, as that term is defined and determined in this subsection, shall be utilized. Available Local Resources per pupil shall include a calculated dollar

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amount representing local school district revenues from local property taxes and from Corporate Personal Property Replacement Taxes, expressed on the basis of pupils in Average Daily Attendance. Calculation of Available Local Resources shall exclude any tax amnesty funds received as a result of Public Act 93-26.

(2) In determining a school district's revenue from local property taxes, the State Board of Education shall utilize the equalized assessed valuation of all taxable property of each school district as of September 30 of the previous year. The equalized assessed valuation utilized shall be obtained and determined as provided in subsection (G).

(3) For school districts maintaining grades kindergarten through 12, local property tax revenues per pupil shall be calculated as the product of the applicable equalized assessed valuation for the district multiplied by 3.00%, and divided by the district's Average Daily Attendance figure. For school districts maintaining grades kindergarten through 8, local property tax revenues per pupil shall be calculated as the product of the applicable equalized assessed valuation for the district multiplied by 2.30%, and divided by the district's Average Daily Attendance figure. For school districts maintaining grades 9 through 12, local property tax revenues per pupil shall be the applicable equalized assessed valuation of the district multiplied by 1.05%, and divided by the district's Average Daily Attendance figure.

For partial elementary unit districts created pursuant to Article 11E of this Code, local property tax revenues per pupil shall be calculated as the product of the equalized assessed valuation for property within the partial elementary unit district for elementary purposes, as defined in Article 11E of this Code, multiplied by 2.06% and divided by the district's Average Daily Attendance figure, plus the product of the equalized assessed valuation for property within the partial elementary unit district for high school purposes, as defined in Article 11E of this Code, multiplied by 0.94% and divided by the district's Average Daily Attendance figure.

(4) The Corporate Personal Property Replacement Taxes paid to each school district during the calendar year one year before the calendar year in which a school year begins, divided by the Average Daily Attendance figure for that district, shall be added to the local property tax revenues per pupil as derived by the application of the immediately preceding paragraph (3). The sum of these per pupil figures for each
school district shall constitute Available Local Resources as that term is utilized in subsection (E) in the calculation of general State aid.

(E) Computation of General State Aid.

(1) For each school year, the amount of general State aid allotted to a school district shall be computed by the State Board of Education as provided in this subsection.

(2) For any school district for which Available Local Resources per pupil is less than the product of 0.93 times the Foundation Level, general State aid for that district shall be calculated as an amount equal to the Foundation Level minus Available Local Resources, multiplied by the Average Daily Attendance of the school district.

(3) For any school district for which Available Local Resources per pupil is equal to or greater than the product of 0.93 times the Foundation Level and less than the product of 1.75 times the Foundation Level, the general State aid per pupil shall be a decimal proportion of the Foundation Level derived using a linear algorithm. Under this linear algorithm, the calculated general State aid per pupil shall decline in direct linear fashion from 0.07 times the Foundation Level for a school district with Available Local Resources equal to the product of 0.93 times the Foundation Level, to 0.05 times the Foundation Level for a school district with Available Local Resources equal to the product of 1.75 times the Foundation Level. The allocation of general State aid for school districts subject to this paragraph 3 shall be the calculated general State aid per pupil figure multiplied by the Average Daily Attendance of the school district.

(4) For any school district for which Available Local Resources per pupil equals or exceeds the product of 1.75 times the Foundation Level, the general State aid for the school district shall be calculated as the product of $218 multiplied by the Average Daily Attendance of the school district.

(5) The amount of general State aid allocated to a school district for the 1999-2000 school year meeting the requirements set forth in paragraph (4) of subsection (G) shall be increased by an amount equal to the general State aid that would have been received by the district for the 1998-1999 school year by utilizing the Extension Limitation Equalized Assessed Valuation as calculated in paragraph (4) of subsection (G) less the general State aid allotted for the 1998-1999 school year. This amount shall be deemed a one time increase, and shall not affect any future general State aid allocations.

(F) Compilation of Average Daily Attendance.

New matter indicated by italics - deletions by strikeout
(1) Each school district shall, by July 1 of each year, submit to the State Board of Education, on forms prescribed by the State Board of Education, attendance figures for the school year that began in the preceding calendar year. The attendance information so transmitted shall identify the average daily attendance figures for each month of the school year. Beginning with the general State aid claim form for the 2002-2003 school year, districts shall calculate Average Daily Attendance as provided in subdivisions (a), (b), and (c) of this paragraph (1).

(a) In districts that do not hold year-round classes, days of attendance in August shall be added to the month of September and any days of attendance in June shall be added to the month of May.

(b) In districts in which all buildings hold year-round classes, days of attendance in July and August shall be added to the month of September and any days of attendance in June shall be added to the month of May.

(c) In districts in which some buildings, but not all, hold year-round classes, for the non-year-round buildings, days of attendance in August shall be added to the month of September and any days of attendance in June shall be added to the month of May. The average daily attendance for the year-round buildings shall be computed as provided in subdivision (b) of this paragraph (1). To calculate the Average Daily Attendance for the district, the average daily attendance for the year-round buildings shall be multiplied by the days in session for the non-year-round buildings for each month and added to the monthly attendance of the non-year-round buildings.

Except as otherwise provided in this Section, days of attendance by pupils shall be counted only for sessions of not less than 5 clock hours of school work per day under direct supervision of: (i) teachers, or (ii) non-teaching personnel or volunteer personnel when engaging in non-teaching duties and supervising in those instances specified in subsection (a) of Section 10-22.34 and paragraph 10 of Section 34-18, with pupils of legal school age and in kindergarten and grades 1 through 12. Days of attendance by pupils through verified participation in an e-learning program approved by the State Board of Education under Section 10-20.56 of the Code shall be considered as full days of attendance for purposes of this Section.

Days of attendance by tuition pupils shall be accredited only to the districts that pay the tuition to a recognized school.

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(2) Days of attendance by pupils of less than 5 clock hours of school shall be subject to the following provisions in the compilation of Average Daily Attendance.

(a) Pupils regularly enrolled in a public school for only a part of the school day may be counted on the basis of 1/6 day for every class hour of instruction of 40 minutes or more attended pursuant to such enrollment, unless a pupil is enrolled in a block-schedule format of 80 minutes or more of instruction, in which case the pupil may be counted on the basis of the proportion of minutes of school work completed each day to the minimum number of minutes that school work is required to be held that day.

(b) (Blank).

(c) A session of 4 or more clock hours may be counted as a day of attendance upon certification by the regional superintendent, and approved by the State Superintendent of Education to the extent that the district has been forced to use daily multiple sessions.

(d) A session of 3 or more clock hours may be counted as a day of attendance (1) when the remainder of the school day or at least 2 hours in the evening of that day is utilized for an in-service training program for teachers, up to a maximum of 5 days per school year, provided a district conducts an in-service training program for teachers in accordance with Section 10-22.39 of this Code; or, in lieu of 4 such days, 2 full days may be used, in which event each such day may be counted as a day required for a legal school calendar pursuant to Section 10-19 of this Code; (1.5) when, of the 5 days allowed under item (1), a maximum of 4 days are used for parent-teacher conferences, or, in lieu of 4 such days, 2 full days are used, in which case each such day may be counted as a calendar day required under Section 10-19 of this Code, provided that the full-day, parent-teacher conference consists of (i) a minimum of 5 clock hours of parent-teacher conferences, (ii) both a minimum of 2 clock hours of parent-teacher conferences held in the evening following a full day of student attendance, as specified in subsection (F)(1)(c), and a minimum of 3 clock hours of parent-teacher conferences held on the day immediately following evening parent-teacher conferences, or (iii) multiple parent-teacher conferences held in the evenings following full days of student attendance, as specified in subsection (F)(1)(c), in which the time

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used for the parent-teacher conferences is equivalent to a minimum of 5 clock hours; and (2) when days in addition to those provided in items (1) and (1.5) are scheduled by a school pursuant to its school improvement plan adopted under Article 34 or its revised or amended school improvement plan adopted under Article 2, provided that (i) such sessions of 3 or more clock hours are scheduled to occur at regular intervals, (ii) the remainder of the school days in which such sessions occur are utilized for in-service training programs or other staff development activities for teachers, and (iii) a sufficient number of minutes of school work under the direct supervision of teachers are added to the school days between such regularly scheduled sessions to accumulate not less than the number of minutes by which such sessions of 3 or more clock hours fall short of 5 clock hours. Any full days used for the purposes of this paragraph shall not be considered for computing average daily attendance. Days scheduled for in-service training programs, staff development activities, or parent-teacher conferences may be scheduled separately for different grade levels and different attendance centers of the district.

(e) A session of not less than one clock hour of teaching hospitalized or homebound pupils on-site or by telephone to the classroom may be counted as 1/2 day of attendance, however these pupils must receive 4 or more clock hours of instruction to be counted for a full day of attendance.

(f) A session of at least 4 clock hours may be counted as a day of attendance for first grade pupils, and pupils in full day kindergartens, and a session of 2 or more hours may be counted as 1/2 day of attendance by pupils in kindergartens which provide only 1/2 day of attendance.

(g) For children with disabilities who are below the age of 6 years and who cannot attend 2 or more clock hours because of their disability or immaturity, a session of not less than one clock hour may be counted as 1/2 day of attendance; however for such children whose educational needs so require a session of 4 or more clock hours may be counted as a full day of attendance.

(h) A recognized kindergarten which provides for only 1/2 day of attendance by each pupil shall not have more than 1/2 day of attendance counted in any one day. However, kindergartens may count 2 1/2 days of attendance in any 5 consecutive school days.

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When a pupil attends such a kindergarten for 2 half days on any one school day, the pupil shall have the following day as a day absent from school, unless the school district obtains permission in writing from the State Superintendent of Education. Attendance at kindergartens which provide for a full day of attendance by each pupil shall be counted the same as attendance by first grade pupils. Only the first year of attendance in one kindergarten shall be counted, except in case of children who entered the kindergarten in their fifth year whose educational development requires a second year of kindergarten as determined under the rules and regulations of the State Board of Education.

(i) On the days when the assessment that includes a college and career ready determination is administered under subsection (c) of Section 2-3.64a-5 of this Code, the day of attendance for a pupil whose school day must be shortened to accommodate required testing procedures may be less than 5 clock hours and shall be counted towards the 176 days of actual pupil attendance required under Section 10-19 of this Code, provided that a sufficient number of minutes of school work in excess of 5 clock hours are first completed on other school days to compensate for the loss of school work on the examination days.

(j) Pupils enrolled in a remote educational program established under Section 10-29 of this Code may be counted on the basis of one-fifth day of attendance for every clock hour of instruction attended in the remote educational program, provided that, in any month, the school district may not claim for a student enrolled in a remote educational program more days of attendance than the maximum number of days of attendance the district can claim (i) for students enrolled in a building holding year-round classes if the student is classified as participating in the remote educational program on a year-round schedule or (ii) for students enrolled in a building not holding year-round classes if the student is not classified as participating in the remote educational program on a year-round schedule.

(G) Equalized Assessed Valuation Data.

(1) For purposes of the calculation of Available Local Resources required pursuant to subsection (D), the State Board of Education shall secure from the Department of Revenue the value as equalized or assessed by the Department of Revenue of all taxable property of every school
district, together with (i) the applicable tax rate used in extending taxes for
the funds of the district as of September 30 of the previous year and (ii) the
limiting rate for all school districts subject to property tax extension
limitations as imposed under the Property Tax Extension Limitation Law.

The Department of Revenue shall add to the equalized assessed
value of all taxable property of each school district situated entirely or
partially within a county that is or was subject to the provisions of Section
15-176 or 15-177 of the Property Tax Code (a) an amount equal to the
total amount by which the homestead exemption allowed under Section
15-176 or 15-177 of the Property Tax Code for real property situated in
that school district exceeds the total amount that would have been allowed
in that school district if the maximum reduction under Section 15-176 was
(i) $4,500 in Cook County or $3,500 in all other counties in tax year 2003
or (ii) $5,000 in all counties in tax year 2004 and thereafter and (b) an
amount equal to the aggregate amount for the taxable year of all additional
exemptions under Section 15-175 of the Property Tax Code for owners
with a household income of $30,000 or less. The county clerk of any
county that is or was subject to the provisions of Section 15-176 or 15-177
of the Property Tax Code shall annually calculate and certify to the
Department of Revenue for each school district all homestead exemption
amounts under Section 15-176 or 15-177 of the Property Tax Code and all
amounts of additional exemptions under Section 15-175 of the Property
Tax Code for owners with a household income of $30,000 or less. It is the
intent of this paragraph that if the general homestead exemption for a
parcel of property is determined under Section 15-176 or 15-177 of the
Property Tax Code rather than Section 15-175, then the calculation of
Available Local Resources shall not be affected by the difference, if any,
between the amount of the general homestead exemption allowed for that
parcel of property under Section 15-176 or 15-177 of the Property Tax Code
and the amount that would have been allowed had the general
homestead exemption for that parcel of property been determined under
Section 15-175 of the Property Tax Code. It is further the intent of this
paragraph that if additional exemptions are allowed under Section 15-175
of the Property Tax Code for owners with a household income of less than
$30,000, then the calculation of Available Local Resources shall not be
affected by the difference, if any, because of those additional exemptions.

This equalized assessed valuation, as adjusted further by the
requirements of this subsection, shall be utilized in the calculation of
Available Local Resources.

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(2) The equalized assessed valuation in paragraph (1) shall be adjusted, as applicable, in the following manner:

(a) For the purposes of calculating State aid under this Section, with respect to any part of a school district within a redevelopment project area in respect to which a municipality has adopted tax increment allocation financing pursuant to the Tax Increment Allocation Redevelopment Act, Sections 11-74.4-1 through 11-74.4-11 of the Illinois Municipal Code or the Industrial Jobs Recovery Law, Sections 11-74.6-1 through 11-74.6-50 of the Illinois Municipal Code, no part of the current equalized assessed valuation of real property located in any such project area which is attributable to an increase above the total initial equalized assessed valuation of such property shall be used as part of the equalized assessed valuation of the district, until such time as all redevelopment project costs have been paid, as provided in Section 11-74.4-8 of the Tax Increment Allocation Redevelopment Act or in Section 11-74.6-35 of the Industrial Jobs Recovery Law. For the purpose of the equalized assessed valuation of the district, the total initial equalized assessed valuation or the current equalized assessed valuation, whichever is lower, shall be used until such time as all redevelopment project costs have been paid.

(b) The real property equalized assessed valuation for a school district shall be adjusted by subtracting from the real property value as equalized or assessed by the Department of Revenue for the district an amount computed by dividing the amount of any abatement of taxes under Section 18-170 of the Property Tax Code by 3.00% for a district maintaining grades kindergarten through 12, by 2.30% for a district maintaining grades kindergarten through 8, or by 1.05% for a district maintaining grades 9 through 12 and adjusted by an amount computed by dividing the amount of any abatement of taxes under subsection (a) of Section 18-165 of the Property Tax Code by the same percentage rates for district type as specified in this subparagraph (b).

(3) For the 1999-2000 school year and each school year thereafter, if a school district meets all of the criteria of this subsection (G)(3), the school district's Available Local Resources shall be calculated under subsection (D) using the district's Extension Limitation Equalized Assessed Valuation as calculated under this subsection (G)(3).

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For purposes of this subsection (G)(3) the following terms shall have the following meanings:

"Budget Year": The school year for which general State aid is calculated and awarded under subsection (E).

"Base Tax Year": The property tax levy year used to calculate the Budget Year allocation of general State aid.

"Preceding Tax Year": The property tax levy year immediately preceding the Base Tax Year.

"Base Tax Year's Tax Extension": The product of the equalized assessed valuation utilized by the County Clerk in the Base Tax Year multiplied by the limiting rate as calculated by the County Clerk and defined in the Property Tax Extension Limitation Law.

"Preceding Tax Year's Tax Extension": The product of the equalized assessed valuation utilized by the County Clerk in the Preceding Tax Year multiplied by the Operating Tax Rate as defined in subsection (A).

"Extension Limitation Ratio": A numerical ratio, certified by the County Clerk, in which the numerator is the Base Tax Year's Tax Extension and the denominator is the Preceding Tax Year's Tax Extension.

"Operating Tax Rate": The operating tax rate as defined in subsection (A).

If a school district is subject to property tax extension limitations as imposed under the Property Tax Extension Limitation Law, the State Board of Education shall calculate the Extension Limitation Equalized Assessed Valuation of that district. For the 1999-2000 school year, the Extension Limitation Equalized Assessed Valuation of a school district as calculated by the State Board of Education shall be equal to the product of the district's 1996 Equalized Assessed Valuation and the district's Extension Limitation Ratio. Except as otherwise provided in this paragraph for a school district that has approved or does approve an increase in its limiting rate, for the 2000-2001 school year and each school year thereafter, the Extension Limitation Equalized Assessed Valuation of a school district as calculated by the State Board of Education shall be equal to the product of the Equalized Assessed Valuation last used in the calculation of general State aid and the district's Extension Limitation Ratio. If the Extension Limitation Equalized Assessed Valuation of a school district as calculated under this subsection (G)(3) is less than the

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district's equalized assessed valuation as calculated pursuant to subsections (G)(1) and (G)(2), then for purposes of calculating the district's general State aid for the Budget Year pursuant to subsection (E), that Extension Limitation Equalized Assessed Valuation shall be utilized to calculate the district's Available Local Resources under subsection (D). For the 2009-2010 school year and each school year thereafter, if a school district has approved or does approve an increase in its limiting rate, pursuant to Section 18-190 of the Property Tax Code, affecting the Base Tax Year, the Extension Limitation Equalized Assessed Valuation of the school district, as calculated by the State Board of Education, shall be equal to the product of the Equalized Assessed Valuation last used in the calculation of general State aid times an amount equal to one plus the percentage increase, if any, in the Consumer Price Index for all Urban Consumers for all items published by the United States Department of Labor for the 12-month calendar year preceding the Base Tax Year, plus the Equalized Assessed Valuation of new property, annexed property, and recovered tax increment value and minus the Equalized Assessed Valuation of disconnected property. New property and recovered tax increment value shall have the meanings set forth in the Property Tax Extension Limitation Law.

Partial elementary unit districts created in accordance with Article 11E of this Code shall not be eligible for the adjustment in this subsection (G)(3) until the fifth year following the effective date of the reorganization.

(3.5) For the 2010-2011 school year and each school year thereafter, if a school district's boundaries span multiple counties, then the Department of Revenue shall send to the State Board of Education, for the purpose of calculating general State aid, the limiting rate and individual rates by purpose for the county that contains the majority of the school district's Equalized Assessed Valuation.

(4) For the purposes of calculating general State aid for the 1999-2000 school year only, if a school district experienced a triennial reassessment on the equalized assessed valuation used in calculating its general State financial aid apportionment for the 1998-1999 school year, the State Board of Education shall calculate the Extension Limitation Equalized Assessed Valuation that would have been used to calculate the district's 1998-1999 general State aid. This amount shall equal the product of the equalized assessed valuation used to calculate general State aid for the 1997-1998 school year and the district's Extension Limitation Ratio. If the Extension Limitation Equalized Assessed Valuation of the school

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district as calculated under this paragraph (4) is less than the district's equalized assessed valuation utilized in calculating the district's 1998-1999 general State aid allocation, then for purposes of calculating the district's general State aid pursuant to paragraph (5) of subsection (E), that Extension Limitation Equalized Assessed Valuation shall be utilized to calculate the district's Available Local Resources.

(5) For school districts having a majority of their equalized assessed valuation in any county except Cook, DuPage, Kane, Lake, McHenry, or Will, if the amount of general State aid allocated to the school district for the 1999-2000 school year under the provisions of subsection (E), (H), and (J) of this Section is less than the amount of general State aid allocated to the district for the 1998-1999 school year under these subsections, then the general State aid of the district for the 1999-2000 school year only shall be increased by the difference between these amounts. The total payments made under this paragraph (5) shall not exceed $14,000,000. Claims shall be prorated if they exceed $14,000,000.

(H) Supplemental General State Aid.

(1) In addition to the general State aid a school district is allotted pursuant to subsection (E), qualifying school districts shall receive a grant, paid in conjunction with a district's payments of general State aid, for supplemental general State aid based upon the concentration level of children from low-income households within the school district. Supplemental State aid grants provided for school districts under this subsection shall be appropriated for distribution to school districts as part of the same line item in which the general State financial aid of school districts is appropriated under this Section.

(1.5) This paragraph (1.5) applies only to those school years preceding the 2003-2004 school year. For purposes of this subsection (H), the term "Low-Income Concentration Level" shall be the low-income eligible pupil count from the most recently available federal census divided by the Average Daily Attendance of the school district. If, however, (i) the percentage decrease from the 2 most recent federal censuses in the low-income eligible pupil count of a high school district with fewer than 400 students exceeds by 75% or more the percentage change in the total low-income eligible pupil count of contiguous elementary school districts, whose boundaries are coterminous with the high school district, or (ii) a high school district within 2 counties and serving 5 elementary school districts, whose boundaries are coterminous with the high school district, has a percentage decrease from the 2 most

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recent federal censuses in the low-income eligible pupil count and there is a percentage increase in the total low-income eligible pupil count of a majority of the elementary school districts in excess of 50% from the 2 most recent federal censuses, then the high school district's low-income eligible pupil count from the earlier federal census shall be the number used as the low-income eligible pupil count for the high school district, for purposes of this subsection (H). The changes made to this paragraph (1) by Public Act 92-28 shall apply to supplemental general State aid grants for school years preceding the 2003-2004 school year that are paid in fiscal year 1999 or thereafter and to any State aid payments made in fiscal year 1994 through fiscal year 1998 pursuant to subsection 1(n) of Section 18-8 of this Code (which was repealed on July 1, 1998), and any high school district that is affected by Public Act 92-28 is entitled to a recomputation of its supplemental general State aid grant or State aid paid in any of those fiscal years. This recomputation shall not be affected by any other funding.

(1.10) This paragraph (1.10) applies to the 2003-2004 school year and each school year thereafter. For purposes of this subsection (H), the term "Low-Income Concentration Level" shall, for each fiscal year, be the low-income eligible pupil count as of July 1 of the immediately preceding fiscal year (as determined by the Department of Human Services based on the number of pupils who are eligible for at least one of the following low income programs: Medicaid, the Children's Health Insurance Program, TANF, or Food Stamps, excluding pupils who are eligible for services provided by the Department of Children and Family Services, averaged over the 2 immediately preceding fiscal years for fiscal year 2004 and over the 3 immediately preceding fiscal years for each fiscal year thereafter) divided by the Average Daily Attendance of the school district.

(2) Supplemental general State aid pursuant to this subsection (H) shall be provided as follows for the 1998-1999, 1999-2000, and 2000-2001 school years only:

(a) For any school district with a Low Income Concentration Level of at least 20% and less than 35%, the grant for any school year shall be $800 multiplied by the low income eligible pupil count.

(b) For any school district with a Low Income Concentration Level of at least 35% and less than 50%, the grant for the 1998-1999 school year shall be $1,100 multiplied by the low income eligible pupil count.

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(c) For any school district with a Low Income Concentration Level of at least 50% and less than 60%, the grant for the 1998-99 school year shall be $1,500 multiplied by the low income eligible pupil count.

(d) For any school district with a Low Income Concentration Level of 60% or more, the grant for the 1998-99 school year shall be $1,900 multiplied by the low income eligible pupil count.

(e) For the 1999-2000 school year, the per pupil amount specified in subparagraphs (b), (c), and (d) immediately above shall be increased to $1,243, $1,600, and $2,000, respectively.

(f) For the 2000-2001 school year, the per pupil amounts specified in subparagraphs (b), (c), and (d) immediately above shall be $1,273, $1,640, and $2,050, respectively.

(2.5) Supplemental general State aid pursuant to this subsection (H) shall be provided as follows for the 2002-2003 school year:

(a) For any school district with a Low Income Concentration Level of less than 10%, the grant for each school year shall be $355 multiplied by the low income eligible pupil count.

(b) For any school district with a Low Income Concentration Level of at least 10% and less than 20%, the grant for each school year shall be $675 multiplied by the low income eligible pupil count.

(c) For any school district with a Low Income Concentration Level of at least 20% and less than 35%, the grant for each school year shall be $1,330 multiplied by the low income eligible pupil count.

(d) For any school district with a Low Income Concentration Level of at least 35% and less than 50%, the grant for each school year shall be $1,362 multiplied by the low income eligible pupil count.

(e) For any school district with a Low Income Concentration Level of at least 50% and less than 60%, the grant for each school year shall be $1,680 multiplied by the low income eligible pupil count.

(f) For any school district with a Low Income Concentration Level of 60% or more, the grant for each school year shall be $2,080 multiplied by the low income eligible pupil count.

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(2.10) Except as otherwise provided, supplemental general State aid pursuant to this subsection (H) shall be provided as follows for the 2003-2004 school year and each school year thereafter:

(a) For any school district with a Low Income Concentration Level of 15% or less, the grant for each school year shall be $355 multiplied by the low income eligible pupil count.

(b) For any school district with a Low Income Concentration Level greater than 15%, the grant for each school year shall be $294.25 added to the product of $2,700 and the square of the Low Income Concentration Level, all multiplied by the low income eligible pupil count.

For the 2003-2004 school year and each school year thereafter through the 2008-2009 school year only, the grant shall be no less than the grant for the 2002-2003 school year. For the 2009-2010 school year only, the grant shall be no less than the grant for the 2002-2003 school year multiplied by 0.66. For the 2010-2011 school year only, the grant shall be no less than the grant for the 2002-2003 school year multiplied by 0.33. Notwithstanding the provisions of this paragraph to the contrary, if for any school year supplemental general State aid grants are prorated as provided in paragraph (1) of this subsection (H), then the grants under this paragraph shall be prorated.

For the 2003-2004 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the product of 0.25 multiplied by the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the grant received during the 2002-2003 school year. For the 2004-2005 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the product of 0.50 multiplied by the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the grant received during the 2002-2003 school year. For the 2005-2006 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the product of 0.75 multiplied by the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the grant received during the 2002-2003 school year.

(3) School districts with an Average Daily Attendance of more than 1,000 and less than 50,000 that qualify for supplemental general State aid pursuant to this subsection shall submit a plan to the State Board of
Education prior to October 30 of each year for the use of the funds resulting from this grant of supplemental general State aid for the improvement of instruction in which priority is given to meeting the education needs of disadvantaged children. Such plan shall be submitted in accordance with rules and regulations promulgated by the State Board of Education.

(4) School districts with an Average Daily Attendance of 50,000 or more that qualify for supplemental general State aid pursuant to this subsection shall be required to distribute from funds available pursuant to this Section, no less than $261,000,000 in accordance with the following requirements:

(a) The required amounts shall be distributed to the attendance centers within the district in proportion to the number of pupils enrolled at each attendance center who are eligible to receive free or reduced-price lunches or breakfasts under the federal Child Nutrition Act of 1966 and under the National School Lunch Act during the immediately preceding school year.

(b) The distribution of these portions of supplemental and general State aid among attendance centers according to these requirements shall not be compensated for or contravened by adjustments of the total of other funds appropriated to any attendance centers, and the Board of Education shall utilize funding from one or several sources in order to fully implement this provision annually prior to the opening of school.

(c) Each attendance center shall be provided by the school district a distribution of noncategorical funds and other categorical funds to which an attendance center is entitled under law in order that the general State aid and supplemental general State aid provided by application of this subsection supplements rather than supplants the noncategorical funds and other categorical funds provided by the school district to the attendance centers.

(d) Any funds made available under this subsection that by reason of the provisions of this subsection are not required to be allocated and provided to attendance centers may be used and appropriated by the board of the district for any lawful school purpose.

(e) Funds received by an attendance center pursuant to this subsection shall be used by the attendance center at the discretion of the principal and local school council for programs to improve

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educational opportunities at qualifying schools through the following programs and services: early childhood education, reduced class size or improved adult to student classroom ratio, enrichment programs, remedial assistance, attendance improvement, and other educationally beneficial expenditures which supplement the regular and basic programs as determined by the State Board of Education. Funds provided shall not be expended for any political or lobbying purposes as defined by board rule.

(f) Each district subject to the provisions of this subdivision (H)(4) shall submit an acceptable plan to meet the educational needs of disadvantaged children, in compliance with the requirements of this paragraph, to the State Board of Education prior to July 15 of each year. This plan shall be consistent with the decisions of local school councils concerning the school expenditure plans developed in accordance with part 4 of Section 34-2.3. The State Board shall approve or reject the plan within 60 days after its submission. If the plan is rejected, the district shall give written notice of intent to modify the plan within 15 days of the notification of rejection and then submit a modified plan within 30 days after the date of the written notice of intent to modify. Districts may amend approved plans pursuant to rules promulgated by the State Board of Education.

Upon notification by the State Board of Education that the district has not submitted a plan prior to July 15 or a modified plan within the time period specified herein, the State aid funds affected by that plan or modified plan shall be withheld by the State Board of Education until a plan or modified plan is submitted.

If the district fails to distribute State aid to attendance centers in accordance with an approved plan, the plan for the following year shall allocate funds, in addition to the funds otherwise required by this subsection, to those attendance centers which were underfunded during the previous year in amounts equal to such underfunding.

For purposes of determining compliance with this subsection in relation to the requirements of attendance center funding, each district subject to the provisions of this subsection shall submit as a separate document by December 1 of each year a report of expenditure data for the prior year in addition to any
modification of its current plan. If it is determined that there has been a failure to comply with the expenditure provisions of this subsection regarding contravention or supplanting, the State Superintendent of Education shall, within 60 days of receipt of the report, notify the district and any affected local school council. The district shall within 45 days of receipt of that notification inform the State Superintendent of Education of the remedial or corrective action to be taken, whether by amendment of the current plan, if feasible, or by adjustment in the plan for the following year. Failure to provide the expenditure report or the notification of remedial or corrective action in a timely manner shall result in a withholding of the affected funds.

The State Board of Education shall promulgate rules and regulations to implement the provisions of this subsection. No funds shall be released under this subdivision (H)(4) to any district that has not submitted a plan that has been approved by the State Board of Education.

(I) (Blank).

(J) (Blank).

(K) Grants to Laboratory and Alternative Schools.

In calculating the amount to be paid to the governing board of a public university that operates a laboratory school under this Section or to any alternative school that is operated by a regional superintendent of schools, the State Board of Education shall require by rule such reporting requirements as it deems necessary.

As used in this Section, "laboratory school" means a public school which is created and operated by a public university and approved by the State Board of Education. The governing board of a public university which receives funds from the State Board under this subsection (K) may not increase the number of students enrolled in its laboratory school from a single district, if that district is already sending 50 or more students, except under a mutual agreement between the school board of a student's district of residence and the university which operates the laboratory school. A laboratory school may not have more than 1,000 students, excluding students with disabilities in a special education program.

As used in this Section, "alternative school" means a public school which is created and operated by a Regional Superintendent of Schools and approved by the State Board of Education. Such alternative schools may offer courses of instruction for which credit is given in regular school

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programs, courses to prepare students for the high school equivalency testing program or vocational and occupational training. A regional superintendent of schools may contract with a school district or a public community college district to operate an alternative school. An alternative school serving more than one educational service region may be established by the regional superintendents of schools of the affected educational service regions. An alternative school serving more than one educational service region may be operated under such terms as the regional superintendents of schools of those educational service regions may agree.

Each laboratory and alternative school shall file, on forms provided by the State Superintendent of Education, an annual State aid claim which states the Average Daily Attendance of the school's students by month. The best 3 months' Average Daily Attendance shall be computed for each school. The general State aid entitlement shall be computed by multiplying the applicable Average Daily Attendance by the Foundation Level as determined under this Section.

(L) Payments, Additional Grants in Aid and Other Requirements.

(1) For a school district operating under the financial supervision of an Authority created under Article 34A, the general State aid otherwise payable to that district under this Section, but not the supplemental general State aid, shall be reduced by an amount equal to the budget for the operations of the Authority as certified by the Authority to the State Board of Education, and an amount equal to such reduction shall be paid to the Authority created for such district for its operating expenses in the manner provided in Section 18-11. The remainder of general State school aid for any such district shall be paid in accordance with Article 34A when that Article provides for a disposition other than that provided by this Article.

(2) (Blank).

(3) Summer school. Summer school payments shall be made as provided in Section 18-4.3.

(M) Education Funding Advisory Board.

The Education Funding Advisory Board, hereinafter in this subsection (M) referred to as the "Board", is hereby created. The Board shall consist of 5 members who are appointed by the Governor, by and with the advice and consent of the Senate. The members appointed shall include representatives of education, business, and the general public. One of the members so appointed shall be designated by the Governor at the time the appointment is made as the chairperson of the Board. The initial

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members of the Board may be appointed any time after the effective date of this amendatory Act of 1997. The regular term of each member of the Board shall be for 4 years from the third Monday of January of the year in which the term of the member's appointment is to commence, except that of the 5 initial members appointed to serve on the Board, the member who is appointed as the chairperson shall serve for a term that commences on the date of his or her appointment and expires on the third Monday of January, 2002, and the remaining 4 members, by lots drawn at the first meeting of the Board that is held after all 5 members are appointed, shall determine 2 of their number to serve for terms that commence on the date of their respective appointments and expire on the third Monday of January, 2001, and 2 of their number to serve for terms that commence on the date of their respective appointments and expire on the third Monday of January, 2000. All members appointed to serve on the Board shall serve until their respective successors are appointed and confirmed. Vacancies shall be filled in the same manner as original appointments. If a vacancy in membership occurs at a time when the Senate is not in session, the Governor shall make a temporary appointment until the next meeting of the Senate, when he or she shall appoint, by and with the advice and consent of the Senate, a person to fill that membership for the unexpired term. If the Senate is not in session when the initial appointments are made, those appointments shall be made as in the case of vacancies.

The Education Funding Advisory Board shall be deemed established, and the initial members appointed by the Governor to serve as members of the Board shall take office, on the date that the Governor makes his or her appointment of the fifth initial member of the Board, whether those initial members are then serving pursuant to appointment and confirmation or pursuant to temporary appointments that are made by the Governor as in the case of vacancies.

The State Board of Education shall provide such staff assistance to the Education Funding Advisory Board as is reasonably required for the proper performance by the Board of its responsibilities.

For school years after the 2000-2001 school year, the Education Funding Advisory Board, in consultation with the State Board of Education, shall make recommendations as provided in this subsection (M) to the General Assembly for the foundation level under subdivision (B)(3) of this Section and for the supplemental general State aid grant level under subsection (H) of this Section for districts with high concentrations of children from poverty. The recommended foundation

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level shall be determined based on a methodology which incorporates the basic education expenditures of low-spending schools exhibiting high academic performance. The Education Funding Advisory Board shall make such recommendations to the General Assembly on January 1 of odd numbered years, beginning January 1, 2001.

(N) (Blank).

(O) References.

1) References in other laws to the various subdivisions of Section 18-8 as that Section existed before its repeal and replacement by this Section 18-8.05 shall be deemed to refer to the corresponding provisions of this Section 18-8.05, to the extent that those references remain applicable.

2) References in other laws to State Chapter 1 funds shall be deemed to refer to the supplemental general State aid provided under subsection (H) of this Section.

(P) Public Act 93-838 and Public Act 93-808 make inconsistent changes to this Section. Under Section 6 of the Statute on Statutes there is an irreconcilable conflict between Public Act 93-808 and Public Act 93-838. Public Act 93-838, being the last acted upon, is controlling. The text of Public Act 93-838 is the law regardless of the text of Public Act 93-808.

(Q) State Fiscal Year 2015 Payments.

For payments made for State fiscal year 2015, the State Board of Education shall, for each school district, calculate that district's pro-rata share of a minimum sum of $13,600,000 or additional amounts as needed from the total net General State Aid funding as calculated under this Section that shall be deemed attributable to the provision of special educational facilities and services, as defined in Section 14-1.08 of this Code, in a manner that ensures compliance with maintenance of State financial support requirements under the federal Individuals with Disabilities Education Act. Each school district must use such funds only for the provision of special educational facilities and services, as defined in Section 14-1.08 of this Code, and must comply with any expenditure verification procedures adopted by the State Board of Education.

(R) State Fiscal Year 2016 Payments.

For payments made for State fiscal year 2016, the State Board of Education shall, for each school district, calculate that district's pro-rata share of a minimum sum of $1 or additional amounts as needed from the total net General State Aid funding as calculated under this Section that shall be deemed attributable to the provision of special educational facilities and services, as defined in Section 14-1.08 of this Code, and must comply with any expenditure verification procedures adopted by the State Board of Education.
facilities and services, as defined in Section 14-1.08 of this Code, in a manner that ensures compliance with maintenance of State financial support requirements under the federal Individuals with Disabilities Education Act. Each school district must use such funds only for the provision of special educational facilities and services, as defined in Section 14-1.08 of this Code, and must comply with any expenditure verification procedures adopted by the State Board of Education.

(Source: P.A. 98-972, eff. 8-15-14; 99-2, eff. 3-26-15; 99-194, eff. 7-30-15.)

Section 5-40. The Board of Higher Education Act is amended by adding Section 9.35 as follows:

(110 ILCS 205/9.35 new)

Sec. 9.35. Assistance in financial emergencies.

(a) In this Section, "financial emergency" means a situation that requires a reduction or reallocation of staff and expenditures and the consequent reduction, reorganization, or termination of programs and activities that cannot be achieved through normal academic, administrative, budgetary, and personnel processes.

(b) In fiscal year 2017 the Board, in consultation with the Illinois Community College Board, shall conduct a review to determine the existence of a financial emergency at a public institution of higher education that requires financial assistance from the Board, but only after the institution's governing board has formally requested the review by adopting a resolution stating that the institution is in a state of financial emergency that requires financial assistance from the Board. To be in a state of financial emergency, the institution must demonstrate that it is significantly diminishing all available resources and must satisfy any other factors determined appropriate by the Board. Subject to appropriation, payments shall be made to institutions in a state of financial emergency, in such amounts as shall be deemed necessary by the Board, in order to minimize, to the extent practicable, adverse impacts to students as a consequence of emergent staff or programmatic reductions.

ARTICLE 10. RETIREMENT CONTRIBUTIONS

Section 10-5. The State Finance Act is amended by changing Sections 8.12 and 14.1 as follows:

(30 ILCS 105/8.12) (from Ch. 127, par. 144.12)


(a) The moneys in the State Pensions Fund shall be used exclusively for the administration of the Uniform Disposition of...
Unclaimed Property Act and for the expenses incurred by the Auditor General for administering the provisions of Section 2-8.1 of the Illinois State Auditing Act and for the funding of the unfunded liabilities of the designated retirement systems. Beginning in State fiscal year 2018, payments to the designated retirement systems under this Section shall be in addition to, and not in lieu of, any State contributions required under the Illinois Pension Code.

"Designated retirement systems" means:
   (1) the State Employees' Retirement System of Illinois;
   (2) the Teachers' Retirement System of the State of Illinois;
   (3) the State Universities Retirement System;
   (4) the Judges Retirement System of Illinois; and
   (5) the General Assembly Retirement System.

(b) Each year the General Assembly may make appropriations from the State Pensions Fund for the administration of the Uniform Disposition of Unclaimed Property Act.

Each month, the Commissioner of the Office of Banks and Real Estate shall certify to the State Treasurer the actual expenditures that the Office of Banks and Real Estate incurred conducting unclaimed property examinations under the Uniform Disposition of Unclaimed Property Act during the immediately preceding month. Within a reasonable time following the acceptance of such certification by the State Treasurer, the State Treasurer shall pay from its appropriation from the State Pensions Fund to the Bank and Trust Company Fund, the Savings Bank Regulatory Fund, and the Residential Finance Regulatory Fund an amount equal to the expenditures incurred by each Fund for that month.

Each month, the Director of Financial Institutions shall certify to the State Treasurer the actual expenditures that the Department of Financial Institutions incurred conducting unclaimed property examinations under the Uniform Disposition of Unclaimed Property Act during the immediately preceding month. Within a reasonable time following the acceptance of such certification by the State Treasurer, the State Treasurer shall pay from its appropriation from the State Pensions Fund to the Financial Institution Fund and the Credit Union Fund an amount equal to the expenditures incurred by each Fund for that month.

(c) As soon as possible after the effective date of this amendatory Act of the 93rd General Assembly, the General Assembly shall appropriate from the State Pensions Fund (1) to the State Universities Retirement System the amount certified under Section 15-165 during the prior year,
(2) to the Judges Retirement System of Illinois the amount certified under Section 18-140 during the prior year, and (3) to the General Assembly Retirement System the amount certified under Section 2-134 during the prior year as part of the required State contributions to each of those designated retirement systems; except that amounts appropriated under this subsection (c) in State fiscal year 2005 shall not reduce the amount in the State Pensions Fund below $5,000,000. If the amount in the State Pensions Fund does not exceed the sum of the amounts certified in Sections 15-165, 18-140, and 2-134 by at least $5,000,000, the amount paid to each designated retirement system under this subsection shall be reduced in proportion to the amount certified by each of those designated retirement systems.

(c-5) For fiscal years 2006 through 2017, the General Assembly shall appropriate from the State Pensions Fund to the State Universities Retirement System the amount estimated to be available during the fiscal year in the State Pensions Fund; provided, however, that the amounts appropriated under this subsection (c-5) shall not reduce the amount in the State Pensions Fund below $5,000,000.

(c-6) For fiscal year 2018 and each fiscal year thereafter, as soon as may be practical after any money is deposited into the State Pensions Fund from the Unclaimed Property Trust Fund, the State Treasurer shall apportion the deposited amount among the designated retirement systems as defined in subsection (a) to reduce their actuarial reserve deficiencies. The State Comptroller and State Treasurer shall pay the apportioned amounts to the designated retirement systems to fund the unfunded liabilities of the designated retirement systems. The amount apportioned to each designated retirement system shall constitute a portion of the amount estimated to be available for appropriation from the State Pensions Fund that is the same as that retirement system's portion of the total actual reserve deficiency of the systems, as determined annually by the Governor's Office of Management and Budget at the request of the State Treasurer. The amounts apportioned under this subsection shall not reduce the amount in the State Pensions Fund below $5,000,000.

(d) The Governor's Office of Management and Budget shall determine the individual and total reserve deficiencies of the designated retirement systems. For this purpose, the Governor's Office of Management and Budget shall utilize the latest available audit and actuarial reports of each of the retirement systems and the relevant reports

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and statistics of the Public Employee Pension Fund Division of the Department of Insurance.

(d-1) As soon as practicable after the effective date of this amendatory Act of the 93rd General Assembly, the Comptroller shall direct and the Treasurer shall transfer from the State Pensions Fund to the General Revenue Fund, as funds become available, a sum equal to the amounts that would have been paid from the State Pensions Fund to the Teachers' Retirement System of the State of Illinois, the State Universities Retirement System, the Judges Retirement System of Illinois, the General Assembly Retirement System, and the State Employees' Retirement System of Illinois after the effective date of this amendatory Act during the remainder of fiscal year 2004 to the designated retirement systems from the appropriations provided for in this Section if the transfers provided in Section 6z-61 had not occurred. The transfers described in this subsection (d-1) are to partially repay the General Revenue Fund for the costs associated with the bonds used to fund the moneys transferred to the designated retirement systems under Section 6z-61.

(e) The changes to this Section made by this amendatory Act of 1994 shall first apply to distributions from the Fund for State fiscal year 1996.

(Source: P.A. 98-24, eff. 6-19-13; 98-463, eff. 8-16-13; 98-674, eff. 6-30-14; 98-1081, eff. 1-1-15; 99-8, eff. 7-9-15; 99-78, eff. 7-20-15.)

(30 ILCS 105/14.1) (from Ch. 127, par. 150.1)

Sec. 14.1. Appropriations for State contributions to the State Employees' Retirement System; payroll requirements.

(a) Appropriations for State contributions to the State Employees' Retirement System of Illinois shall be expended in the manner provided in this Section. Except as otherwise provided in subsections (a-1), (a-2), (a-3), and (a-4) at the time of each payment of salary to an employee under the personal services line item, payment shall be made to the State Employees' Retirement System, from the amount appropriated for State contributions to the State Employees' Retirement System, of an amount calculated at the rate certified for the applicable fiscal year by the Board of Trustees of the State Employees' Retirement System under Section 14-135.08 of the Illinois Pension Code. If a line item appropriation to an employer for this purpose is exhausted or is unavailable due to any limitation on appropriations that may apply, (including, but not limited to, limitations on appropriations from the Road Fund under Section 8.3 of the State Finance Act), the amounts shall be paid under the continuing

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appropriation for this purpose contained in the State Pension Funds Continuing Appropriation Act.

(a-1) Beginning on the effective date of this amendatory Act of the 93rd General Assembly through the payment of the final payroll from fiscal year 2004 appropriations, appropriations for State contributions to the State Employees' Retirement System of Illinois shall be expended in the manner provided in this subsection (a-1). At the time of each payment of salary to an employee under the personal services line item from a fund other than the General Revenue Fund, payment shall be made for deposit into the General Revenue Fund from the amount appropriated for State contributions to the State Employees' Retirement System of an amount calculated at the rate certified for fiscal year 2004 by the Board of Trustees of the State Employees' Retirement System under Section 14-135.08 of the Illinois Pension Code. This payment shall be made to the extent that a line item appropriation to an employer for this purpose is available or unexhausted. No payment from appropriations for State contributions shall be made in conjunction with payment of salary to an employee under the personal services line item from the General Revenue Fund.

(a-2) For fiscal year 2010 only, at the time of each payment of salary to an employee under the personal services line item from a fund other than the General Revenue Fund, payment shall be made for deposit into the State Employees' Retirement System of Illinois from the amount appropriated for State contributions to the State Employees' Retirement System of Illinois of an amount calculated at the rate certified for fiscal year 2010 by the Board of Trustees of the State Employees' Retirement System of Illinois under Section 14-135.08 of the Illinois Pension Code. This payment shall be made to the extent that a line item appropriation to an employer for this purpose is available or unexhausted. For fiscal year 2010 only, no payment from appropriations for State contributions shall be made in conjunction with payment of salary to an employee under the personal services line item from the General Revenue Fund.

(a-3) For fiscal year 2011 only, at the time of each payment of salary to an employee under the personal services line item from a fund other than the General Revenue Fund, payment shall be made for deposit into the State Employees' Retirement System of Illinois from the amount appropriated for State contributions to the State Employees' Retirement System of Illinois of an amount calculated at the rate certified for fiscal year 2011 by the Board of Trustees of the State Employees' Retirement System of Illinois under Section 14-135.08 of the Illinois Pension Code.

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This payment shall be made to the extent that a line item appropriation to
an employer for this purpose is available or unexhausted. For fiscal year
2011 only, no payment from appropriations for State contributions shall be
made in conjunction with payment of salary to an employee under the
personal services line item from the General Revenue Fund.

(a-4) In fiscal years 2012 through 2017 only, at the time of
each payment of salary to an employee under the personal services line
item from a fund other than the General Revenue Fund, payment shall be
made for deposit into the State Employees' Retirement System of Illinois
from the amount appropriated for State contributions to the State
Employees' Retirement System of Illinois of an amount calculated at the
rate certified for the applicable fiscal year by the Board of Trustees of the
State Employees' Retirement System of Illinois under Section 14-135.08
of the Illinois Pension Code. In fiscal years 2012 through 2017 only,
no payment from appropriations for State contributions shall be made in
conjunction with payment of salary to an employee under the personal
services line item from the General Revenue Fund.

(b) Except during the period beginning on the effective date of this
amendatory Act of the 93rd General Assembly and ending at the time of
the payment of the final payroll from fiscal year 2004 appropriations, the
State Comptroller shall not approve for payment any payroll voucher that
(1) includes payments of salary to eligible employees in the State
Employees' Retirement System of Illinois and (2) does not include the
corresponding payment of State contributions to that retirement system at
the full rate certified under Section 14-135.08 for that fiscal year for
eligible employees, unless the balance in the fund on which the payroll
voucher is drawn is insufficient to pay the total payroll voucher, or
unavailable due to any limitation on appropriations that may apply,
including, but not limited to, limitations on appropriations from the Road
Fund under Section 8.3 of the State Finance Act. If the State Comptroller
approves a payroll voucher under this Section for which the fund balance
is insufficient to pay the full amount of the required State contribution to
the State Employees' Retirement System, the Comptroller shall promptly
so notify the Retirement System.

(b-1) For fiscal year 2010 and fiscal year 2011 only, the State
Comptroller shall not approve for payment any non-General Revenue
Fund payroll voucher that (1) includes payments of salary to eligible
employees in the State Employees' Retirement System of Illinois and (2)
does not include the corresponding payment of State contributions to that

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retirement system at the full rate certified under Section 14-135.08 for that fiscal year for eligible employees, unless the balance in the fund on which the payroll voucher is drawn is insufficient to pay the total payroll voucher, or unavailable due to any limitation on appropriations that may apply, including, but not limited to, limitations on appropriations from the Road Fund under Section 8.3 of the State Finance Act. If the State Comptroller approves a payroll voucher under this Section for which the fund balance is insufficient to pay the full amount of the required State contribution to the State Employees' Retirement System of Illinois, the Comptroller shall promptly so notify the retirement system.

(c) Notwithstanding any other provisions of law, beginning July 1, 2007, required State and employee contributions to the State Employees' Retirement System of Illinois relating to affected legislative staff employees shall be paid out of moneys appropriated for that purpose to the Commission on Government Forecasting and Accountability, rather than out of the lump-sum appropriations otherwise made for the payroll and other costs of those employees.

These payments must be made pursuant to payroll vouchers submitted by the employing entity as part of the regular payroll voucher process.

For the purpose of this subsection, "affected legislative staff employees" means legislative staff employees paid out of lump-sum appropriations made to the General Assembly, an Officer of the General Assembly, or the Senate Operations Commission, but does not include district-office staff or employees of legislative support services agencies.

(Source: P.A. 98-24, eff. 6-19-13; 98-674, eff. 6-30-14; 99-8, eff. 7-9-15.)

Section 10-10. The Illinois Pension Code is amended by changing Section 14-131 as follows:

(40 ILCS 5/14-131)
Sec. 14-131. Contributions by State.

(a) The State shall make contributions to the System by appropriations of amounts which, together with other employer contributions from trust, federal, and other funds, employee contributions, investment income, and other income, will be sufficient to meet the cost of maintaining and administering the System on a 90% funded basis in accordance with actuarial recommendations.

For the purposes of this Section and Section 14-135.08, references to State contributions refer only to employer contributions and do not
include employee contributions that are picked up or otherwise paid by the State or a department on behalf of the employee.

(b) The Board shall determine the total amount of State contributions required for each fiscal year on the basis of the actuarial tables and other assumptions adopted by the Board, using the formula in subsection (e).

The Board shall also determine a State contribution rate for each fiscal year, expressed as a percentage of payroll, based on the total required State contribution for that fiscal year (less the amount received by the System from appropriations under Section 8.12 of the State Finance Act and Section 1 of the State Pension Funds Continuing Appropriation Act, if any, for the fiscal year ending on the June 30 immediately preceding the applicable November 15 certification deadline), the estimated payroll (including all forms of compensation) for personal services rendered by eligible employees, and the recommendations of the actuary.

For the purposes of this Section and Section 14.1 of the State Finance Act, the term "eligible employees" includes employees who participate in the System, persons who may elect to participate in the System but have not so elected, persons who are serving a qualifying period that is required for participation, and annuitants employed by a department as described in subdivision (a)(1) or (a)(2) of Section 14-111.

(c) Contributions shall be made by the several departments for each pay period by warrants drawn by the State Comptroller against their respective funds or appropriations based upon vouchers stating the amount to be so contributed. These amounts shall be based on the full rate certified by the Board under Section 14-135.08 for that fiscal year. From the effective date of this amendatory Act of the 93rd General Assembly through the payment of the final payroll from fiscal year 2004 appropriations, the several departments shall not make contributions for the remainder of fiscal year 2004 but shall instead make payments as required under subsection (a-1) of Section 14.1 of the State Finance Act. The several departments shall resume those contributions at the commencement of fiscal year 2005.

(c-1) Notwithstanding subsection (c) of this Section, for fiscal years 2010, 2012, 2013, 2014, 2015, and 2016, and 2017 only, contributions by the several departments are not required to be made for General Revenue Funds payrolls processed by the Comptroller. Payrolls...
paid by the several departments from all other State funds must continue to be processed pursuant to subsection (c) of this Section.

(c-2) For State fiscal years 2010, 2012, 2013, 2014, 2015, and 2016, and 2017 only, on or as soon as possible after the 15th day of each month, the Board shall submit vouchers for payment of State contributions to the System, in a total monthly amount of one-twelfth of the fiscal year General Revenue Fund contribution as certified by the System pursuant to Section 14-135.08 of the Illinois Pension Code.

(d) If an employee is paid from trust funds or federal funds, the department or other employer shall pay employer contributions from those funds to the System at the certified rate, unless the terms of the trust or the federal-State agreement preclude the use of the funds for that purpose, in which case the required employer contributions shall be paid by the State. From the effective date of this amendatory Act of the 93rd General Assembly through the payment of the final payroll from fiscal year 2004 appropriations, the department or other employer shall not pay contributions for the remainder of fiscal year 2004 but shall instead make payments as required under subsection (a-1) of Section 14.1 of the State Finance Act. The department or other employer shall resume payment of contributions at the commencement of fiscal year 2005.

(e) For State fiscal years 2012 through 2045, the minimum contribution to the System to be made by the State for each fiscal year shall be an amount determined by the System to be sufficient to bring the total assets of the System up to 90% of the total actuarial liabilities of the System by the end of State fiscal year 2045. In making these determinations, the required State contribution shall be calculated each year as a level percentage of payroll over the years remaining to and including fiscal year 2045 and shall be determined under the projected unit credit actuarial cost method.

For State fiscal years 1996 through 2005, the State contribution to the System, as a percentage of the applicable employee payroll, shall be increased in equal annual increments so that by State fiscal year 2011, the State is contributing at the rate required under this Section; except that (i) for State fiscal year 1998, for all purposes of this Code and any other law of this State, the certified percentage of the applicable employee payroll shall be 5.052% for employees earning eligible creditable service under Section 14-110 and 6.500% for all other employees, notwithstanding any contrary certification made under Section 14-135.08 before the effective date of this amendatory Act of 1997, and (ii) in the following specified

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State fiscal years, the State contribution to the System shall not be less than the following indicated percentages of the applicable employee payroll, even if the indicated percentage will produce a State contribution in excess of the amount otherwise required under this subsection and subsection (a): 9.8% in FY 1999; 10.0% in FY 2000; 10.2% in FY 2001; 10.4% in FY 2002; 10.6% in FY 2003; and 10.8% in FY 2004.

Notwithstanding any other provision of this Article, the total required State contribution to the System for State fiscal year 2006 is $203,783,900.

Notwithstanding any other provision of this Article, the total required State contribution to the System for State fiscal year 2007 is $344,164,400.

For each of State fiscal years 2008 through 2009, the State contribution to the System, as a percentage of the applicable employee payroll, shall be increased in equal annual increments from the required State contribution for State fiscal year 2007, so that by State fiscal year 2011, the State is contributing at the rate otherwise required under this Section.

Notwithstanding any other provision of this Article, the total required State General Revenue Fund contribution for State fiscal year 2010 is $723,703,100 and shall be made from the proceeds of bonds sold in fiscal year 2010 pursuant to Section 7.2 of the General Obligation Bond Act, less (i) the pro rata share of bond sale expenses determined by the System's share of total bond proceeds, (ii) any amounts received from the General Revenue Fund in fiscal year 2010, and (iii) any reduction in bond proceeds due to the issuance of discounted bonds, if applicable.

Notwithstanding any other provision of this Article, the total required State General Revenue Fund contribution for State fiscal year 2011 is the amount recertified by the System on or before April 1, 2011 pursuant to Section 14-135.08 and shall be made from the proceeds of bonds sold in fiscal year 2011 pursuant to Section 7.2 of the General Obligation Bond Act, less (i) the pro rata share of bond sale expenses determined by the System's share of total bond proceeds, (ii) any amounts received from the General Revenue Fund in fiscal year 2011, and (iii) any reduction in bond proceeds due to the issuance of discounted bonds, if applicable.

Beginning in State fiscal year 2046, the minimum State contribution for each fiscal year shall be the amount needed to maintain
of the System at 90% of the total actuarial liabilities of the System.

Amounts received by the System pursuant to Section 25 of the Budget Stabilization Act or Section 8.12 of the State Finance Act in any fiscal year do not reduce and do not constitute payment of any portion of the minimum State contribution required under this Article in that fiscal year. Such amounts shall not reduce, and shall not be included in the calculation of, the required State contributions under this Article in any future year until the System has reached a funding ratio of at least 90%. A reference in this Article to the "required State contribution" or any substantially similar term does not include or apply to any amounts payable to the System under Section 25 of the Budget Stabilization Act.

Notwithstanding any other provision of this Section, the required State contribution for State fiscal year 2005 and for fiscal year 2008 and each fiscal year thereafter, as calculated under this Section and certified under Section 14-135.08, shall not exceed an amount equal to (i) the amount of the required State contribution that would have been calculated under this Section for that fiscal year if the System had not received any payments under subsection (d) of Section 7.2 of the General Obligation Bond Act, minus (ii) the portion of the State's total debt service payments for that fiscal year on the bonds issued in fiscal year 2003 for the purposes of that Section 7.2, as determined and certified by the Comptroller, that is the same as the System's portion of the total moneys distributed under subsection (d) of Section 7.2 of the General Obligation Bond Act. In determining this maximum for State fiscal years 2008 through 2010, however, the amount referred to in item (i) shall be increased, as a percentage of the applicable employee payroll, in equal increments calculated from the sum of the required State contribution for State fiscal year 2007 plus the applicable portion of the State's total debt service payments for fiscal year 2007 on the bonds issued in fiscal year 2003 for the purposes of Section 7.2 of the General Obligation Bond Act, so that, by State fiscal year 2011, the State is contributing at the rate otherwise required under this Section.

(f) After the submission of all payments for eligible employees from personal services line items in fiscal year 2004 have been made, the Comptroller shall provide to the System a certification of the sum of all fiscal year 2004 expenditures for personal services that would have been covered by payments to the System under this Section if the provisions of this amendatory Act of the 93rd General Assembly had not been enacted.

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Upon receipt of the certification, the System shall determine the amount due to the System based on the full rate certified by the Board under Section 14-135.08 for fiscal year 2004 in order to meet the State's obligation under this Section. The System shall compare this amount due to the amount received by the System in fiscal year 2004 through payments under this Section and under Section 6z-61 of the State Finance Act. If the amount due is more than the amount received, the difference shall be termed the "Fiscal Year 2004 Shortfall" for purposes of this Section, and the Fiscal Year 2004 Shortfall shall be satisfied under Section 1.2 of the State Pension Funds Continuing Appropriation Act. If the amount due is less than the amount received, the difference shall be termed the "Fiscal Year 2004 Overpayment" for purposes of this Section, and the Fiscal Year 2004 Overpayment shall be repaid by the System to the Pension Contribution Fund as soon as practicable after the certification.

(g) For purposes of determining the required State contribution to the System, the value of the System's assets shall be equal to the actuarial value of the System's assets, which shall be calculated as follows:

As of June 30, 2008, the actuarial value of the System's assets shall be equal to the market value of the assets as of that date. In determining the actuarial value of the System's assets for fiscal years after June 30, 2008, any actuarial gains or losses from investment return incurred in a fiscal year shall be recognized in equal annual amounts over the 5-year period following that fiscal year.

(h) For purposes of determining the required State contribution to the System for a particular year, the actuarial value of assets shall be assumed to earn a rate of return equal to the System's actuarially assumed rate of return.

(i) After the submission of all payments for eligible employees from personal services line items paid from the General Revenue Fund in fiscal year 2010 have been made, the Comptroller shall provide to the System a certification of the sum of all fiscal year 2010 expenditures for personal services that would have been covered by payments to the System under this Section if the provisions of this amendatory Act of the 96th General Assembly had not been enacted. Upon receipt of the certification, the System shall determine the amount due to the System based on the full rate certified by the Board under Section 14-135.08 for fiscal year 2010 in order to meet the State's obligation under this Section. The System shall compare this amount due to the amount received by the System in fiscal year 2010 through payments under this Section. If the amount due is more
than the amount received, the difference shall be termed the "Fiscal Year 2010 Shortfall" for purposes of this Section, and the Fiscal Year 2010 Shortfall shall be satisfied under Section 1.2 of the State Pension Funds Continuing Appropriation Act. If the amount due is less than the amount received, the difference shall be termed the "Fiscal Year 2010 Overpayment" for purposes of this Section, and the Fiscal Year 2010 Overpayment shall be repaid by the System to the General Revenue Fund as soon as practicable after the certification.

(j) After the submission of all payments for eligible employees from personal services line items paid from the General Revenue Fund in fiscal year 2011 have been made, the Comptroller shall provide to the System a certification of the sum of all fiscal year 2011 expenditures for personal services that would have been covered by payments to the System under this Section if the provisions of this amendatory Act of the 96th General Assembly had not been enacted. Upon receipt of the certification, the System shall determine the amount due to the System based on the full rate certified by the Board under Section 14-135.08 for fiscal year 2011 in order to meet the State's obligation under this Section. The System shall compare this amount due to the amount received by the System in fiscal year 2011 through payments under this Section. If the amount due is more than the amount received, the difference shall be termed the "Fiscal Year 2011 Shortfall" for purposes of this Section, and the Fiscal Year 2011 Shortfall shall be satisfied under Section 1.2 of the State Pension Funds Continuing Appropriation Act. If the amount due is less than the amount received, the difference shall be termed the "Fiscal Year 2011 Overpayment" for purposes of this Section, and the Fiscal Year 2011 Overpayment shall be repaid by the System to the General Revenue Fund as soon as practicable after the certification.

(k) For fiscal years 2012 through 2016 only, after the submission of all payments for eligible employees from personal services line items paid from the General Revenue Fund in the fiscal year have been made, the Comptroller shall provide to the System a certification of the sum of all expenditures in the fiscal year for personal services. Upon receipt of the certification, the System shall determine the amount due to the System based on the full rate certified by the Board under Section 14-135.08 for the fiscal year in order to meet the State's obligation under this Section. The System shall compare this amount due to the amount received by the System for the fiscal year. If the amount due is more than the amount received, the difference shall be termed the "Prior Fiscal Year New matter indicated by italics - deletions by strikeout
Shortfall" for purposes of this Section, and the Prior Fiscal Year Shortfall shall be satisfied under Section 1.2 of the State Pension Funds Continuing Appropriation Act. If the amount due is less than the amount received, the difference shall be termed the "Prior Fiscal Year Overpayment" for purposes of this Section, and the Prior Fiscal Year Overpayment shall be repaid by the System to the General Revenue Fund as soon as practicable after the certification.

(Source: P.A. 98-24, eff. 6-19-13; 98-674, eff. 6-30-14; 99-8, eff. 7-9-15.)

Section 10-15. The State Pension Funds Continuing Appropriation Act is amended by changing Section 1.2 as follows:

(40 ILCS 15/1.2)

Sec. 1.2. Appropriations for the State Employees' Retirement System.

(a) From each fund from which an amount is appropriated for personal services to a department or other employer under Article 14 of the Illinois Pension Code, there is hereby appropriated to that department or other employer, on a continuing annual basis for each State fiscal year, an additional amount equal to the amount, if any, by which (1) an amount equal to the percentage of the personal services line item for that department or employer from that fund for that fiscal year that the Board of Trustees of the State Employees' Retirement System of Illinois has certified under Section 14-135.08 of the Illinois Pension Code to be necessary to meet the State's obligation under Section 14-131 of the Illinois Pension Code for that fiscal year, exceeds (2) the amounts otherwise appropriated to that department or employer from that fund for State contributions to the State Employees' Retirement System for that fiscal year. From the effective date of this amendatory Act of the 93rd General Assembly through the final payment from a department or employer's personal services line item for fiscal year 2004, payments to the State Employees' Retirement System that otherwise would have been made under this subsection (a) shall be governed by the provisions in subsection (a-1).

(a-1) If a Fiscal Year 2004 Shortfall is certified under subsection (f) of Section 14-131 of the Illinois Pension Code, there is hereby appropriated to the State Employees' Retirement System of Illinois on a continuing basis from the General Revenue Fund an additional aggregate amount equal to the Fiscal Year 2004 Shortfall.

(a-2) If a Fiscal Year 2010 Shortfall is certified under subsection (i) of Section 14-131 of the Illinois Pension Code, there is hereby

New matter indicated by italics - deletions by strikeout
appropriated to the State Employees' Retirement System of Illinois on a continuing basis from the General Revenue Fund an additional aggregate amount equal to the Fiscal Year 2010 Shortfall.

(a-3) If a Fiscal Year 2016 Shortfall is certified under subsection (k) of Section 14-131 of the Illinois Pension Code, there is hereby appropriated to the State Employees' Retirement System of Illinois on a continuing basis from the General Revenue Fund an additional aggregate amount equal to the Fiscal Year 2016 Shortfall.

(b) The continuing appropriations provided for by this Section shall first be available in State fiscal year 1996.

(c) Beginning in Fiscal Year 2005, any continuing appropriation under this Section arising out of an appropriation for personal services from the Road Fund to the Department of State Police or the Secretary of State shall be payable from the General Revenue Fund rather than the Road Fund.

(d) For State fiscal year 2010 only, a continuing appropriation is provided to the State Employees' Retirement System equal to the amount certified by the System on or before December 31, 2008, less the gross proceeds of the bonds sold in fiscal year 2010 under the authorization contained in subsection (a) of Section 7.2 of the General Obligation Bond Act.

(e) For State fiscal year 2011 only, the continuing appropriation under this Section provided to the State Employees' Retirement System is limited to an amount equal to the amount certified by the System on or before December 31, 2009, less any amounts received pursuant to subsection (a-3) of Section 14.1 of the State Finance Act.

(f) For State fiscal year 2011 only, a continuing appropriation is provided to the State Employees' Retirement System equal to the amount certified by the System on or before April 1, 2011, less the gross proceeds of the bonds sold in fiscal year 2011 under the authorization contained in subsection (a) of Section 7.2 of the General Obligation Bond Act.

(Section: P.A. 97-813, eff. 7-13-12; 98-674, eff. 6-30-14.)

Section 10-20. The Uniform Disposition of Unclaimed Property Act is amended by changing Section 18 as follows:

(765 ILCS 1025/18) (from Ch. 141, par. 118)

Sec. 18. Deposit of funds received under the Act.

(a) The State Treasurer shall retain all funds received under this Act, including the proceeds from the sale of abandoned property under Section 17, in a trust fund known as the Unclaimed Property Trust Fund.

New matter indicated by italics - deletions by strikeout
The State Treasurer may deposit any amount in the Unclaimed Property Trust Fund into the State Pensions Fund during the fiscal year at his or her discretion; however, he or she shall, on April 15 and October 15 of each year, deposit any amount in the Unclaimed Property Trust Fund exceeding $2,500,000 into the State Pensions Fund. If on either April 15 or October 15, the State Treasurer determines that a balance of $2,500,000 is insufficient for the prompt payment of unclaimed property claims authorized under this Act, the Treasurer may retain more than $2,500,000 in the Unclaimed Property Trust Fund in order to ensure the prompt payment of claims. Beginning in State fiscal year 2017, all amounts that are deposited into the State Pensions Fund from the Unclaimed Property Trust Fund shall be apportioned to the designated retirement systems as provided in subsection (c-6) of Section 8.12 of the State Finance Act to reduce their actuarial reserve deficiencies. He or she shall make prompt payment of claims he or she duly allows as provided for in this Act for the Unclaimed Property Trust Fund. Before making the deposit the State Treasurer shall record the name and last known address of each person appearing from the holders' reports to be entitled to the abandoned property. The record shall be available for public inspection during reasonable business hours.

(b) Before making any deposit to the credit of the State Pensions Fund, the State Treasurer may deduct: (1) any costs in connection with sale of abandoned property, (2) any costs of mailing and publication in connection with any abandoned property, and (3) any costs in connection with the maintenance of records or disposition of claims made pursuant to this Act. The State Treasurer shall semiannually file an itemized report of all such expenses with the Legislative Audit Commission.

(Source: P.A. 98-19, eff. 6-10-13; 98-24, eff. 6-19-13; 98-674, eff. 6-30-14; 98-756, eff. 7-16-14; 99-8, eff. 7-9-15.)

ARTICLE 20. GRANT ACCOUNTABILITY AND TRANSPARENCY ACT

Section 20-5. The State Finance Act is amended by adding Section 6z-101 as follows:

(30 ILCS 105/6z-101 new)

Sec. 6z-101. The Grant Accountability and Transparency Fund.

(a) The Grant Accountability and Transparency Fund is hereby created in the State Treasury. The following moneys shall be deposited into the Fund:

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(1) grants, awards, appropriations, cost sharings, inter-fund transfers, gifts, and bequests from any source, public or private, in support of activities authorized under the Grant Accountability and Transparency Act;

(2) federal funds received as a result of cost allocation or indirect cost reimbursements;

(3) interest earned on moneys in the Fund; and

(4) receipts or inter-fund transfers resulting from billings issued by the Governor's Office of Management and Budget to State agencies for the costs of services rendered pursuant to the Grant Accountability and Transparency Act.

(b) State agencies may direct the Comptroller to process inter-fund transfers or make payment through the voucher and warrant process to the Grant Accountability and Transparency Fund in satisfaction of billings issued under subsection (a).

(c) Moneys in the Grant Accountability and Transparency Fund may be used by the Governor's Office of Management and Budget for costs in support of the implementation and administration of the Grant Accountability and Transparency Act and Budgeting for Results.

(d) The Governor's Office of Management and Budget may require reports from State agencies as deemed necessary to perform cost allocation reconciliations in connection with services provided and expenses incurred in the administration of the Grant Accountability and Transparency Act. In the event that, in any fiscal year, the payments or inter-fund transfers are in excess of the costs of services provided in that fiscal year, the Governor's Office of Management and Budget may use one or a combination of the following methods to return excess funds:

(1) order that the amounts owed by the State agency in the following fiscal year be offset against such excess amount;

(2) direct the Comptroller to process an inter-fund transfer;

or

(3) make a refund payment.

Section 20-10. The Grant Accountability and Transparency Act is amended by changing Sections 20, 25, 55, 85, 90, and 100 as follows:

(30 ILCS 708/20)

(Section scheduled to be repealed on July 16, 2019)

Sec. 20. Adoption of federal rules applicable to grants.

(a) On or before July 1, 2016, the Governor's Office of Management and Budget, with the advice and technical assistance of the

New matter indicated by italics - deletions by strikeout
Illinois Single Audit Commission, shall adopt rules which adopt the Uniform Guidance at 2 CFR 200. The rules, which shall apply to all State and federal pass-through awards effective on and after July 1, 2016, shall include the following:

(1) Administrative requirements. In accordance with Subparts B through D of 2 CFR 200, the rules shall set forth the uniform administrative requirements for grant and cooperative agreements, including the requirements for the management by State awarding agencies of federal grant programs before State and federal pass-through awards have been made and requirements that State awarding agencies may impose on non-federal entities in State and federal pass-through awards.

(2) Cost principles. In accordance with Subpart E of 2 CFR 200, the rules shall establish principles for determining the allowable costs incurred by non-federal entities under State and federal pass-through awards. The principles are intended for cost determination, but are not intended to identify the circumstances or dictate the extent of State or federal pass-through participation in financing a particular program or project. The principles shall provide that State and federal awards bear their fair share of cost recognized under these principles, except where restricted or prohibited by State or federal law.

(3) Audit and single audit requirements and audit follow-up. In accordance with Subpart F of 2 CFR 200 and the federal Single Audit Act Amendments of 1996, the rules shall set forth standards to obtain consistency and uniformity among State and federal pass-through awarding agencies for the audit of non-federal entities expending State and federal awards. These provisions shall also set forth the policies and procedures for State and federal pass-through entities when using the results of these audits.

The provisions of this item (3) do not apply to for-profit subrecipients because for-profit subrecipients are not subject to the requirements of OMB Circular A-133, Audits of States, Local and Non-Profit Organizations. Audits of for-profit subrecipients must be conducted pursuant to a Program Audit Guide issued by the Federal awarding agency. If a Program Audit Guide is not available, the State awarding agency must prepare a Program Audit Guide in accordance with the OMB Circular A-133 Compliance Supplement. For-profit entities are subject to all other general

New matter indicated by italics - deletions by strikeout
administrative requirements and cost principles applicable to grants.

(b) This Act addresses only State and federal pass-through auditing functions and does not address the external audit function of the Auditor General.

(c) For public institutions of higher education, the provisions of this Section apply only to awards funded by State appropriations and federal pass-through awards from a State agency to public institutions of higher education. Federal pass-through awards from a State agency to public institutions of higher education are governed by and must comply with federal guidelines under 2 CFR 200.

(d) The State grant-making agency is responsible for establishing requirements, as necessary, to ensure compliance by for-profit subrecipients. The agreement with the for-profit subrecipient shall describe the applicable compliance requirements and the for-profit subrecipient's compliance responsibility. Methods to ensure compliance for State and federal pass-through awards made to for-profit subrecipients shall include pre-award, audits, monitoring during the agreement, and post-award audits. The Governor's Office of Management and Budget shall provide such advice and technical assistance to the State grant-making agency as is necessary or indicated.

(Source: P.A. 98-706, eff. 7-16-14.)

(30 ILCS 708/25)

(Section scheduled to be repealed on July 16, 2019)

Sec. 25. Supplemental rules. On or before July 1, 2017, the Governor's Office of Management and Budget, with the advice and technical assistance of the Illinois Single Audit Commission, shall adopt supplemental rules pertaining to the following:

(1) Criteria to define mandatory formula-based grants and discretionary grants.

(2) The award of one-year grants for new applicants.

(3) The award of competitive grants in 3-year terms (one-year initial terms with the option to renew for up to 2 additional years) to coincide with the federal award.

(4) The issuance of grants, including:

   (A) public notice of announcements of funding opportunities;

   (B) the development of uniform grant applications;

New matter indicated by italics - deletions by strikeout
(C) State agency review of merit of proposals and risk posed by applicants;
(D) specific conditions for individual recipients (requiring the use of a fiscal agent and additional corrective conditions);
(E) certifications and representations;
(F) pre-award costs;
(G) performance measures and statewide prioritized goals under Section 50-25 of the State Budget Law of the Civil Administrative Code of Illinois, commonly referred to as "Budgeting for Results"; and
(H) for mandatory formula grants, the merit of the proposal and the risk posed should result in additional reporting, monitoring, or measures such as reimbursement-basis only.

(5) The development of uniform budget requirements, which shall include:

(A) mandatory submission of budgets as part of the grant application process;
(B) mandatory requirements regarding contents of the budget including, at a minimum, common detail line items specified under guidelines issued by the Governor's Office of Management and Budget;
(C) a requirement that the budget allow flexibility to add lines describing costs that are common for the services provided as outlined in the grant application;
(D) a requirement that the budget include information necessary for analyzing cost and performance for use in the Budgeting for Results initiative; and
(E) caps on the amount of salaries that may be charged to grants based on the limitations imposed by federal agencies.

(6) The development of pre-qualification requirements for applicants, including the fiscal condition of the organization and the provision of the following information:

(A) organization name;
(B) Federal Employee Identification Number;
(C) Data Universal Numbering System (DUNS) number;

New matter indicated by italics - deletions by strikeout
(D) fiscal condition;
(E) whether the applicant is in good standing with the Secretary of State;
(F) past performance in administering grants;
(G) whether the applicant is or has ever been on the Debarred and Suspended List maintained by the Governor's Office of Management and Budget;
(H) whether the applicant is or has ever been on the federal Excluded Parties List; and
(I) whether the applicant is or has ever been on the Sanctioned Party List maintained by the Illinois Department of Healthcare and Family Services.

Nothing in this Act affects the provisions of the Fiscal Control and Internal Auditing Act nor the requirement that the management of each State agency is responsible for maintaining effective internal controls under that Act.

For public institutions of higher education, the provisions of this Section apply only to awards funded by State appropriations and federal pass-through awards from a State agency to public institutions of higher education.

(Source: P.A. 98-706, eff. 7-16-14.)

(30 ILCS 708/55)

(Section scheduled to be repealed on July 16, 2019)

Sec. 55. The Governor's Office of Management and Budget responsibilities.

(a) The Governor's Office of Management and Budget shall:
(1) provide technical assistance and interpretations of policy requirements in order to ensure effective and efficient implementation of this Act by State grant-making agencies; and
(2) have authority to approve any exceptions to the requirements of this Act and shall adopt rules governing the criteria to be considered when an exception is requested; exceptions shall only be made in particular cases where adequate justification is presented.

(b) The Governor's Office of Management and Budget shall, on or before July 1, 2014, establish a centralized unit within the Governor's Office of Management and Budget. The centralized unit shall be known as the Grant Accountability and Transparency Unit and shall be funded with a portion of the administrative funds provided under existing and future

New matter indicated by italics - deletions by strikeout
State and federal pass-through grants. The amounts charged will be allocated based on the actual cost of the services provided to State grant-making agencies and public institutions of higher education in accordance with the applicable federal cost principles contained in 2 CFR 200 and this Act will not cause the reduction in the amount of any State or federal grant awards that have been or will be directed towards State agencies or public institutions of higher education.

(Source: P.A. 98-706, eff. 7-16-14.)

(30 ILCS 708/85)

Sec. 85. Implementation date. The Governor's Office of Management and Budget shall adopt all rules required under this Act on or before July 1, 2017.

(Source: P.A. 98-706, eff. 7-16-14.)

(30 ILCS 708/90)

Sec. 90. Agency implementation. All State grant-making agencies shall implement the rules issued by the Governor's Office of Management and Budget on or before July 1, 2015. The standards set forth in this Act, which affect administration of State and federal pass-through awards issued by State grant-making agencies, become effective once implemented by State grant-making agencies. State grant-making agencies shall implement the policies and procedures applicable to State and federal pass-through awards by adopting rules for non-federal entities by December 31, 2014, unless different provisions are required by State or federal statute or federal rule.

(Source: P.A. 98-706, eff. 7-16-14.)

(30 ILCS 708/100)

Sec. 100. Repeal. This Act is repealed on July 16, 2020.

NEW MATTER: ARTICLE 25. REFUNDING BONDS

Section 25-5. The General Obligation Bond Act is amended by changing Sections 2.5, 9, 11, and 16 as follows:

(30 ILCS 330/2.5)

Sec. 2.5. Limitation on issuance of Bonds.

New matter indicated by italics - deletions by strikeout
(a) Except as provided in subsection (b), no Bonds may be issued if, after the issuance, in the next State fiscal year after the issuance of the Bonds, the amount of debt service (including principal, whether payable at maturity or pursuant to mandatory sinking fund installments, and interest) on all then-outstanding Bonds, other than Bonds authorized by Public Act 96-43 and other than Bonds authorized by Public Act 96-1497 this amendatory Act of the 96th General Assembly, would exceed 7% of the aggregate appropriations from the general funds (which consist of the General Revenue Fund, the Common School Fund, the General Revenue Common School Special Account Fund, and the Education Assistance Fund) and the Road Fund for the fiscal year immediately prior to the fiscal year of the issuance.

(b) If the Comptroller and Treasurer each consent in writing, Bonds may be issued even if the issuance does not comply with subsection (a). In addition, $2,000,000,000 in Bonds for the purposes set forth in Sections 3, 4, 5, 6, and 7, and $2,000,000,000 in Refunding Bonds under Section 16, may be issued during State fiscal year 2017 without complying with subsection (a).

(Source: P.A. 96-43, eff. 7-15-09; 96-1497, eff. 1-14-11.)

(30 ILCS 330/9) (from Ch. 127, par. 659)

Sec. 9. Conditions for Issuance and Sale of Bonds - Requirements for Bonds.

(a) Except as otherwise provided in this subsection, Bonds shall be issued and sold from time to time, in one or more series, in such amounts and at such prices as may be directed by the Governor, upon recommendation by the Director of the Governor's Office of Management and Budget. Bonds shall be in such form (either coupon, registered or book entry), in such denominations, payable within 25 years from their date, subject to such terms of redemption with or without premium, bear interest payable at such times and at such fixed or variable rate or rates, and be dated as shall be fixed and determined by the Director of the Governor's Office of Management and Budget in the order authorizing the issuance and sale of any series of Bonds, which order shall be approved by the Governor and is herein called a "Bond Sale Order"; provided however, that interest payable at fixed or variable rates shall not exceed that permitted in the Bond Authorization Act, as now or hereafter amended. Bonds shall be payable at such place or places, within or without the State of Illinois, and may be made registrable as to either principal and interest, as shall be specified in the Bond Sale Order. Bonds

New matter indicated by italics - deletions by strikeout
may be callable or subject to purchase and retirement or tender and remarketing as fixed and determined in the Bond Sale Order. Bonds, other than Bonds issued under Section 3 of this Act for the costs associated with the purchase and implementation of information technology, (i) except for refunding Bonds satisfying the requirements of Section 16 of this Act and sold during fiscal year 2009, 2010, or 2011, or 2017 must be issued with principal or mandatory redemption amounts in equal amounts, with the first maturity issued occurring within the fiscal year in which the Bonds are issued or within the next succeeding fiscal year and (ii) must mature or be subject to mandatory redemption each fiscal year thereafter up to 25 years, except for refunding Bonds satisfying the requirements of Section 16 of this Act and sold during fiscal year 2009, 2010, or 2011 which must mature or be subject to mandatory redemption each fiscal year thereafter up to 16 years. Bonds issued under Section 3 of this Act for the costs associated with the purchase and implementation of information technology must be issued with principal or mandatory redemption amounts in equal amounts, with the first maturity issued occurring with the fiscal year in which the respective bonds are issued or with the next succeeding fiscal year, with the respective bonds issued maturing or subject to mandatory redemption each fiscal year thereafter up to 10 years. Notwithstanding any provision of this Act to the contrary, the Bonds authorized by Public Act 96-43 shall be payable within 5 years from their date and must be issued with principal or mandatory redemption amounts in equal amounts, with payment of principal or mandatory redemption beginning in the first fiscal year following the fiscal year in which the Bonds are issued.

Notwithstanding any provision of this Act to the contrary, the Bonds authorized by Public Act 96-1497 shall be payable within 8 years from their date and shall be issued with payment of maturing principal or scheduled mandatory redemptions in accordance with the following schedule, except the following amounts shall be prorated if less than the total additional amount of Bonds authorized by Public Act 96-1497 are issued:

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<th>Fiscal Year After Issuance</th>
<th>Amount</th>
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<tr>
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<td>3</td>
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<tr>
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<td>$332,136,360</td>
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<tr>
<td>5</td>
<td>$664,272,720</td>
</tr>
<tr>
<td>6-8</td>
<td>$996,409,080</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
In the case of any series of Bonds bearing interest at a variable interest rate ("Variable Rate Bonds"), in lieu of determining the rate or rates at which such series of Variable Rate Bonds shall bear interest and the price or prices at which such Variable Rate Bonds shall be initially sold or remarketed (in the event of purchase and subsequent resale), the Bond Sale Order may provide that such interest rates and prices may vary from time to time depending on criteria established in such Bond Sale Order, which criteria may include, without limitation, references to indices or variations in interest rates as may, in the judgment of a remarketing agent, be necessary to cause Variable Rate Bonds of such series to be remarketable from time to time at a price equal to their principal amount, and may provide for appointment of a bank, trust company, investment bank, or other financial institution to serve as remarketing agent in that connection. The Bond Sale Order may provide that alternative interest rates or provisions for establishing alternative interest rates, different security or claim priorities, or different call or amortization provisions will apply during such times as Variable Rate Bonds of any series are held by a person providing credit or liquidity enhancement arrangements for such Bonds as authorized in subsection (b) of this Section. The Bond Sale Order may also provide for such variable interest rates to be established pursuant to a process generally known as an auction rate process and may provide for appointment of one or more financial institutions to serve as auction agents and broker-dealers in connection with the establishment of such interest rates and the sale and remarketing of such Bonds.

(b) In connection with the issuance of any series of Bonds, the State may enter into arrangements to provide additional security and liquidity for such Bonds, including, without limitation, bond or interest rate insurance or letters of credit, lines of credit, bond purchase contracts, or other arrangements whereby funds are made available to retire or purchase Bonds, thereby assuring the ability of owners of the Bonds to sell or redeem their Bonds. The State may enter into contracts and may agree to pay fees to persons providing such arrangements, but only under circumstances where the Director of the Governor's Office of Management and Budget certifies that he or she reasonably expects the total interest paid or to be paid on the Bonds, together with the fees for the arrangements (being treated as if interest), would not, taken together, cause the Bonds to bear interest, calculated to their stated maturity, at a rate in excess of the rate that the Bonds would bear in the absence of such arrangements.

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The State may, with respect to Bonds issued or anticipated to be issued, participate in and enter into arrangements with respect to interest rate protection or exchange agreements, guarantees, or financial futures contracts for the purpose of limiting, reducing, or managing interest rate exposure. The authority granted under this paragraph, however, shall not increase the principal amount of Bonds authorized to be issued by law. The arrangements may be executed and delivered by the Director of the Governor's Office of Management and Budget on behalf of the State. Net payments for such arrangements shall constitute interest on the Bonds and shall be paid from the General Obligation Bond Retirement and Interest Fund. The Director of the Governor's Office of Management and Budget shall at least annually certify to the Governor and the State Comptroller his or her estimate of the amounts of such net payments to be included in the calculation of interest required to be paid by the State.

(c) Prior to the issuance of any Variable Rate Bonds pursuant to subsection (a), the Director of the Governor's Office of Management and Budget shall adopt an interest rate risk management policy providing that the amount of the State's variable rate exposure with respect to Bonds shall not exceed 20%. This policy shall remain in effect while any Bonds are outstanding and the issuance of Bonds shall be subject to the terms of such policy. The terms of this policy may be amended from time to time by the Director of the Governor's Office of Management and Budget but in no event shall any amendment cause the permitted level of the State's variable rate exposure with respect to Bonds to exceed 20%.

(d) "Build America Bonds" in this Section means Bonds authorized by Section 54AA of the Internal Revenue Code of 1986, as amended ("Internal Revenue Code"), and bonds issued from time to time to refund or continue to refund "Build America Bonds".

(e) Notwithstanding any other provision of this Section, Qualified School Construction Bonds shall be issued and sold from time to time, in one or more series, in such amounts and at such prices as may be directed by the Governor, upon recommendation by the Director of the Governor's Office of Management and Budget. Qualified School Construction Bonds shall be in such form (either coupon, registered or book entry), in such denominations, payable within 25 years from their date, subject to such terms of redemption with or without premium, and if the Qualified School Construction Bonds are issued with a supplemental coupon, bear interest payable at such times and at such fixed or variable rate or rates, and be dated as shall be fixed and determined by the Director of the Governor's Office of Management and Budget on behalf of the State.
Office of Management and Budget in the order authorizing the issuance and sale of any series of Qualified School Construction Bonds, which order shall be approved by the Governor and is herein called a "Bond Sale Order"; except that interest payable at fixed or variable rates, if any, shall not exceed that permitted in the Bond Authorization Act, as now or hereafter amended. Qualified School Construction Bonds shall be payable at such place or places, within or without the State of Illinois, and may be made registrable as to either principal or as to both principal and interest, as shall be specified in the Bond Sale Order. Qualified School Construction Bonds may be callable or subject to purchase and retirement or tender and remarketing as fixed and determined in the Bond Sale Order. Qualified School Construction Bonds must be issued with principal or mandatory redemption amounts or sinking fund payments into the General Obligation Bond Retirement and Interest Fund (or subaccount therefor) in equal amounts, with the first maturity issued, mandatory redemption payment or sinking fund payment occurring within the fiscal year in which the Qualified School Construction Bonds are issued or within the next succeeding fiscal year, with Qualified School Construction Bonds issued maturing or subject to mandatory redemption or with sinking fund payments thereof deposited each fiscal year thereafter up to 25 years. Sinking fund payments set forth in this subsection shall be permitted only to the extent authorized in Section 54F of the Internal Revenue Code or as otherwise determined by the Director of the Governor's Office of Management and Budget. "Qualified School Construction Bonds" in this subsection means Bonds authorized by Section 54F of the Internal Revenue Code and for bonds issued from time to time to refund or continue to refund such "Qualified School Construction Bonds".

(f) Beginning with the next issuance by the Governor's Office of Management and Budget to the Procurement Policy Board of a request for quotation for the purpose of formulating a new pool of qualified underwriting banks list, all entities responding to such a request for quotation for inclusion on that list shall provide a written report to the Governor's Office of Management and Budget and the Illinois Comptroller. The written report submitted to the Comptroller shall (i) be published on the Comptroller's Internet website and (ii) be used by the Governor's Office of Management and Budget for the purposes of scoring such a request for quotation. The written report, at a minimum, shall:

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(1) disclose whether, within the past 3 months, pursuant to its credit default swap market-making activities, the firm has entered into any State of Illinois credit default swaps ("CDS");

(2) include, in the event of State of Illinois CDS activity, disclosure of the firm's cumulative notional volume of State of Illinois CDS trades and the firm's outstanding gross and net notional amount of State of Illinois CDS, as of the end of the current 3-month period;

(3) indicate, pursuant to the firm's proprietary trading activities, disclosure of whether the firm, within the past 3 months, has entered into any proprietary trades for its own account in State of Illinois CDS;

(4) include, in the event of State of Illinois proprietary trades, disclosure of the firm's outstanding gross and net notional amount of proprietary State of Illinois CDS and whether the net position is short or long credit protection, as of the end of the current 3-month period;

(5) list all time periods during the past 3 months during which the firm held net long or net short State of Illinois CDS proprietary credit protection positions, the amount of such positions, and whether those positions were net long or net short credit protection positions; and

(6) indicate whether, within the previous 3 months, the firm released any publicly available research or marketing reports that reference State of Illinois CDS and include those research or marketing reports as attachments.

(g) All entities included on a Governor's Office of Management and Budget's pool of qualified underwriting banks list shall, as soon as possible after March 18, 2011 (the effective date of Public Act 96-1554), but not later than January 21, 2011, and on a quarterly fiscal basis thereafter, provide a written report to the Governor's Office of Management and Budget and the Illinois Comptroller. The written reports submitted to the Comptroller shall be published on the Comptroller's Internet website. The written reports, at a minimum, shall:

(1) disclose whether, within the past 3 months, pursuant to its credit default swap market-making activities, the firm has entered into any State of Illinois credit default swaps ("CDS");

(2) include, in the event of State of Illinois CDS activity, disclosure of the firm's cumulative notional volume of State of Illinois CDS trades and the firm's outstanding gross and net notional amount of State of Illinois CDS, as of the end of the current 3-month period;

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Illinois CDS trades and the firm's outstanding gross and net notional amount of State of Illinois CDS, as of the end of the current 3-month period;

(3) indicate, pursuant to the firm's proprietary trading activities, disclosure of whether the firm, within the past 3 months, has entered into any proprietary trades for its own account in State of Illinois CDS;

(4) include, in the event of State of Illinois proprietary trades, disclosure of the firm's outstanding gross and net notional amount of proprietary State of Illinois CDS and whether the net position is short or long credit protection, as of the end of the current 3-month period;

(5) list all time periods during the past 3 months during which the firm held net long or net short State of Illinois CDS proprietary credit protection positions, the amount of such positions, and whether those positions were net long or net short credit protection positions; and

(6) indicate whether, within the previous 3 months, the firm released any publicly available research or marketing reports that reference State of Illinois CDS and include those research or marketing reports as attachments.

(Source: P.A. 96-18, eff. 6-26-09; 96-37, eff. 7-13-09; 96-43, eff. 7-15-09; 96-828, eff. 12-2-09; 96-1497, eff. 1-14-11; 96-1554, eff. 3-18-11; 97-813, eff. 7-13-12.)

(30 ILCS 330/11) (from Ch. 127, par. 661)

Sec. 11. Sale of Bonds. Except as otherwise provided in this Section, Bonds shall be sold from time to time pursuant to notice of sale and public bid or by negotiated sale in such amounts and at such times as is directed by the Governor, upon recommendation by the Director of the Governor's Office of Management and Budget. At least 25%, based on total principal amount, of all Bonds issued each fiscal year shall be sold pursuant to notice of sale and public bid. At all times during each fiscal year, no more than 75%, based on total principal amount, of the Bonds issued each fiscal year, shall have been sold by negotiated sale. Failure to satisfy the requirements in the preceding 2 sentences shall not affect the validity of any previously issued Bonds; provided that all Bonds authorized by Public Act 96-43 and Public Act 96-1497 this amendatory Act of the 96th General Assembly shall not be included in determining compliance for any fiscal year with the requirements of the preceding 2
sentences; and further provided that refunding Bonds satisfying the requirements of Section 16 of this Act and sold during fiscal year 2009, 2010, or 2011, or 2017 shall not be subject to the requirements in the preceding 2 sentences.

If any Bonds, including refunding Bonds, are to be sold by negotiated sale, the Director of the Governor's Office of Management and Budget shall comply with the competitive request for proposal process set forth in the Illinois Procurement Code and all other applicable requirements of that Code.

If Bonds are to be sold pursuant to notice of sale and public bid, the Director of the Governor's Office of Management and Budget may, from time to time, as Bonds are to be sold, advertise the sale of the Bonds in at least 2 daily newspapers, one of which is published in the City of Springfield and one in the City of Chicago. The sale of the Bonds shall also be advertised in the volume of the Illinois Procurement Bulletin that is published by the Department of Central Management Services, and shall be published once at least 10 days prior to the date fixed for the opening of the bids. The Director of the Governor's Office of Management and Budget may reschedule the date of sale upon the giving of such additional notice as the Director deems adequate to inform prospective bidders of such change; provided, however, that all other conditions of the sale shall continue as originally advertised.

Executed Bonds shall, upon payment therefor, be delivered to the purchaser, and the proceeds of Bonds shall be paid into the State Treasury as directed by Section 12 of this Act.

(30 ILCS 330/16) (from Ch. 127, par. 666)

Sec. 16. Refunding Bonds. The State of Illinois is authorized to issue, sell, and provide for the retirement of General Obligation Bonds of the State of Illinois in the amount of $4,839,025,000, at any time and from time to time outstanding, for the purpose of refunding any State of Illinois general obligation Bonds then outstanding, including the payment of any redemption premium thereon, any reasonable expenses of such refunding, any interest accrued or to accrue to the earliest or any subsequent date of redemption or maturity of such outstanding Bonds and any interest to accrue to the first interest payment on the refunding Bonds; provided that all non-refunding Bonds in an issue that includes refunding Bonds shall mature no later than the final maturity date of Bonds being refunded; provided that no refunding Bonds shall be offered for sale unless the net

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present value of debt service savings to be achieved by the issuance of the refunding Bonds is 3% or more of the principal amount of the refunding Bonds to be issued; and further provided that, except for refunding Bonds sold in fiscal year 2009, 2010, or 2011, or 2017, the maturities of the refunding Bonds shall not extend beyond the maturities of the Bonds they refund, so that for each fiscal year in the maturity schedule of a particular issue of refunding Bonds, the total amount of refunding principal maturing and redemption amounts due in that fiscal year and all prior fiscal years in that schedule shall be greater than or equal to the total amount of refunded principal and redemption amounts that had been due over that year and all prior fiscal years prior to the refunding.

The Governor shall notify the State Treasurer and Comptroller of such refunding. The proceeds received from the sale of refunding Bonds shall be used for the retirement at maturity or redemption of such outstanding Bonds on any maturity or redemption date and, pending such use, shall be placed in escrow, subject to such terms and conditions as shall be provided for in the Bond Sale Order relating to the Refunding Bonds. Proceeds not needed for deposit in an escrow account shall be deposited in the General Obligation Bond Retirement and Interest Fund. This Act shall constitute an irrevocable and continuing appropriation of all amounts necessary to establish an escrow account for the purpose of refunding outstanding general obligation Bonds and to pay the reasonable expenses of such refunding and of the issuance and sale of the refunding Bonds. Any such escrowed proceeds may be invested and reinvested in direct obligations of the United States of America, maturing at such time or times as shall be appropriate to assure the prompt payment, when due, of the principal of and interest and redemption premium, if any, on the refunded Bonds. After the terms of the escrow have been fully satisfied, any remaining balance of such proceeds and interest, income and profits earned or realized on the investments thereof shall be paid into the General Revenue Fund. The liability of the State upon the Bonds shall continue, provided that the holders thereof shall thereafter be entitled to payment only out of the moneys deposited in the escrow account.

Except as otherwise herein provided in this Section, such refunding Bonds shall in all other respects be subject to the terms and conditions of this Act.
(Source: P.A. 96-18, eff. 6-26-09.)

Section 25-10. The Build Illinois Bond Act is amended by changing Sections 6, 8, and 15 as follows:

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Sec. 6. Conditions for Issuance and Sale of Bonds - Requirements for Bonds - Master and Supplemental Indentures - Credit and Liquidity Enhancement.

(a) Bonds shall be issued and sold from time to time, in one or more series, in such amounts and at such prices as directed by the Governor, upon recommendation by the Director of the Governor's Office of Management and Budget. Bonds shall be payable only from the specific sources and secured in the manner provided in this Act. Bonds shall be in such form, in such denominations, mature on such dates within 25 years from their date of issuance, be subject to optional or mandatory redemption, bear interest payable at such times and at such rate or rates, fixed or variable, and be dated as shall be fixed and determined by the Director of the Governor's Office of Management and Budget in an order authorizing the issuance and sale of any series of Bonds, which order shall be approved by the Governor and is herein called a "Bond Sale Order"; provided, however, that interest payable at fixed rates shall not exceed that permitted in "An Act to authorize public corporations to issue bonds, other evidences of indebtedness and tax anticipation warrants subject to interest rate limitations set forth therein", approved May 26, 1970, as now or hereafter amended, and interest payable at variable rates shall not exceed the maximum rate permitted in the Bond Sale Order. Said Bonds shall be payable at such place or places, within or without the State of Illinois, and may be made registrable as to either principal only or as to both principal and interest, as shall be specified in the Bond Sale Order. Bonds may be callable or subject to purchase and retirement or remarketing as fixed and determined in the Bond Sale Order. Bonds (i) except for refunding Bonds satisfying the requirements of Section 15 of this Act and sold during fiscal year 2009, 2010, or 2011, or 2017, must be issued with principal or mandatory redemption amounts in equal amounts, with the first maturity issued occurring within the fiscal year in which the Bonds are issued or within the next succeeding fiscal year and (ii) must mature or be subject to mandatory redemption each fiscal year thereafter up to 25 years, except for refunding Bonds satisfying the requirements of Section 15 of this Act and sold during fiscal year 2009, 2010, or 2011 which must mature or be subject to mandatory redemption each fiscal year thereafter up to 16 years.

All Bonds authorized under this Act shall be issued pursuant to a master trust indenture ("Master Indenture") executed and delivered on behalf of the State by the Director of the Governor's Office of Management and Budget.
Management and Budget, such Master Indenture to be in substantially the form approved in the Bond Sale Order authorizing the issuance and sale of the initial series of Bonds issued under this Act. Such initial series of Bonds may, and each subsequent series of Bonds shall, also be issued pursuant to a supplemental trust indenture ("Supplemental Indenture") executed and delivered on behalf of the State by the Director of the Governor's Office of Management and Budget, each such Supplemental Indenture to be in substantially the form approved in the Bond Sale Order relating to such series. The Master Indenture and any Supplemental Indenture shall be entered into with a bank or trust company in the State of Illinois having trust powers and possessing capital and surplus of not less than $100,000,000. Such indentures shall set forth the terms and conditions of the Bonds and provide for payment of and security for the Bonds, including the establishment and maintenance of debt service and reserve funds, and for other protections for holders of the Bonds. The term "reserve funds" as used in this Act shall include funds and accounts established under indentures to provide for the payment of principal of and premium and interest on Bonds, to provide for the purchase, retirement or defeasance of Bonds, to provide for fees of trustees, registrars, paying agents and other fiduciaries and to provide for payment of costs of and debt service payable in respect of credit or liquidity enhancement arrangements, interest rate swaps or guarantees or financial futures contracts and indexing and remarketing agents' services.

In the case of any series of Bonds bearing interest at a variable interest rate ("Variable Rate Bonds"), in lieu of determining the rate or rates at which such series of Variable Rate Bonds shall bear interest and the price or prices at which such Variable Rate Bonds shall be initially sold or remarketed (in the event of purchase and subsequent resale), the Bond Sale Order may provide that such interest rates and prices may vary from time to time depending on criteria established in such Bond Sale Order, which criteria may include, without limitation, references to indices or variations in interest rates as may, in the judgment of a remarketing agent, be necessary to cause Bonds of such series to be remarketable from time to time at a price equal to their principal amount (or compound accreted value in the case of original issue discount Bonds), and may provide for appointment of indexing agents and a bank, trust company, investment bank or other financial institution to serve as remarketing agent in that connection. The Bond Sale Order may provide that alternative interest rates or provisions for establishing alternative interest rates,
different security or claim priorities or different call or amortization provisions will apply during such times as Bonds of any series are held by a person providing credit or liquidity enhancement arrangements for such Bonds as authorized in subsection (b) of Section 6 of this Act.

(b) In connection with the issuance of any series of Bonds, the State may enter into arrangements to provide additional security and liquidity for such Bonds, including, without limitation, bond or interest rate insurance or letters of credit, lines of credit, bond purchase contracts or other arrangements whereby funds are made available to retire or purchase Bonds, thereby assuring the ability of owners of the Bonds to sell or redeem their Bonds. The State may enter into contracts and may agree to pay fees to persons providing such arrangements, but only under circumstances where the Director of the Bureau of the Budget (now Governor's Office of Management and Budget) certifies that he reasonably expects the total interest paid or to be paid on the Bonds, together with the fees for the arrangements (being treated as if interest), would not, taken together, cause the Bonds to bear interest, calculated to their stated maturity, at a rate in excess of the rate which the Bonds would bear in the absence of such arrangements. Any bonds, notes or other evidences of indebtedness issued pursuant to any such arrangements for the purpose of retiring and discharging outstanding Bonds shall constitute refunding Bonds under Section 15 of this Act. The State may participate in and enter into arrangements with respect to interest rate swaps or guarantees or financial futures contracts for the purpose of limiting or restricting interest rate risk; provided that such arrangements shall be made with or executed through banks having capital and surplus of not less than $100,000,000 or insurance companies holding the highest policyholder rating accorded insurers by A.M. Best & Co. or any comparable rating service or government bond dealers reporting to, trading with, and recognized as primary dealers by a Federal Reserve Bank and having capital and surplus of not less than $100,000,000, or other persons whose debt securities are rated in the highest long-term categories by both Moody's Investors' Services, Inc. and Standard & Poor's Corporation. Agreements incorporating any of the foregoing arrangements may be executed and delivered by the Director of the Governor's Office of Management and Budget on behalf of the State in substantially the form approved in the Bond Sale Order relating to such Bonds.

(c) "Build America Bonds" in this Section means Bonds authorized by Section 54AA of the Internal Revenue Code of 1986, as amended
("Internal Revenue Code"), and bonds issued from time to time to refund or continue to refund "Build America Bonds".
(Source: P.A. 96-18, eff. 6-26-09; 96-828, eff. 12-2-09.)

(30 ILCS 425/8) (from Ch. 127, par. 2808)

Sec. 8. Sale of Bonds. Bonds, except as otherwise provided in this Section, shall be sold from time to time pursuant to notice of sale and public bid or by negotiated sale in such amounts and at such times as are directed by the Governor, upon recommendation by the Director of the Governor's Office of Management and Budget. At least 25%, based on total principal amount, of all Bonds issued each fiscal year shall be sold pursuant to notice of sale and public bid. At all times during each fiscal year, no more than 75%, based on total principal amount, of the Bonds issued each fiscal year shall have been sold by negotiated sale. Failure to satisfy the requirements in the preceding 2 sentences shall not affect the validity of any previously issued Bonds; and further provided that refunding Bonds satisfying the requirements of Section 15 of this Act and sold during fiscal year 2009, 2010, or 2011, or 2017 shall not be subject to the requirements in the preceding 2 sentences.

If any Bonds are to be sold pursuant to notice of sale and public bid, the Director of the Governor's Office of Management and Budget shall comply with the competitive request for proposal process set forth in the Illinois Procurement Code and all other applicable requirements of that Code.

If Bonds are to be sold pursuant to notice of sale and public bid, the Director of the Governor's Office of Management and Budget may, from time to time, as Bonds are to be sold, advertise the sale of the Bonds in at least 2 daily newspapers, one of which is published in the City of Springfield and one in the City of Chicago. The sale of the Bonds shall also be advertised in the volume of the Illinois Procurement Bulletin that is published by the Department of Central Management Services, and shall be published once at least 10 days prior to the date fixed for the opening of the bids. The Director of the Governor's Office of Management and Budget may reschedule the date of sale upon the giving of such additional notice as the Director deems adequate to inform prospective bidders of the change; provided, however, that all other conditions of the sale shall continue as originally advertised. Executed Bonds shall, upon payment therefor, be delivered to the purchaser, and the proceeds of Bonds shall be paid into the State Treasury as directed by Section 9 of this Act. The Governor or the Director of the Governor's Office of Management and

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Budget is hereby authorized and directed to execute and deliver contracts of sale with underwriters and to execute and deliver such certificates, indentures, agreements and documents, including any supplements or amendments thereto, and to take such actions and do such things as shall be necessary or desirable to carry out the purposes of this Act. Any action authorized or permitted to be taken by the Director of the Governor's Office of Management and Budget pursuant to this Act is hereby authorized to be taken by any person specifically designated by the Governor to take such action in a certificate signed by the Governor and filed with the Secretary of State.

(Source: P.A. 98-44, eff. 6-28-13.)

(30 ILCS 425/15) (from Ch. 127, par. 2815)

Sec. 15. Refunding Bonds. Refunding Bonds are hereby authorized for the purpose of refunding any outstanding Bonds, including the payment of any redemption premium thereon, any reasonable expenses of such refunding, and any interest accrued or to accrue to the earliest or any subsequent date of redemption or maturity of outstanding Bonds; provided that all non-refunding Bonds in an issue that includes refunding Bonds shall mature no later than the final maturity date of Bonds being refunded; provided that no refunding Bonds shall be offered for sale unless the net present value of debt service savings to be achieved by the issuance of the refunding Bonds is 3% or more of the principal amount of the refunding Bonds to be issued; and further provided that, except for refunding Bonds sold in fiscal year 2009, 2010, or 2011, or 2017, the maturities of the refunding Bonds shall not extend beyond the maturities of the Bonds they refund, so that for each fiscal year in the maturity schedule of a particular issue of refunding Bonds, the total amount of refunding principal maturing and redemption amounts due in that fiscal year and all prior fiscal years in that schedule shall be greater than or equal to the total amount of refunded principal and redemption amounts that had been due over that year and all prior fiscal years prior to the refunding.

Refunding Bonds may be sold in such amounts and at such times, as directed by the Governor upon recommendation by the Director of the Governor's Office of Management and Budget. The Governor shall notify the State Treasurer and Comptroller of such refunding. The proceeds received from the sale of refunding Bonds shall be used for the retirement at maturity or redemption of such outstanding Bonds on any maturity or redemption date and, pending such use, shall be placed in escrow, subject to such terms and conditions as shall be provided for in the Bond Sale

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Order relating to the refunding Bonds. This Act shall constitute an irrevocable and continuing appropriation of all amounts necessary to establish an escrow account for the purpose of refunding outstanding Bonds and to pay the reasonable expenses of such refunding and of the issuance and sale of the refunding Bonds. Any such escrowed proceeds may be invested and reinvested in direct obligations of the United States of America, maturing at such time or times as shall be appropriate to assure the prompt payment, when due, of the principal of and interest and redemption premium, if any, on the refunded Bonds. After the terms of the escrow have been fully satisfied, any remaining balance of such proceeds and interest, income and profits earned or realized on the investments thereof shall be paid into the General Revenue Fund. The liability of the State upon the refunded Bonds shall continue, provided that the holders thereof shall thereafter be entitled to payment only out of the moneys deposited in the escrow account and the refunded Bonds shall be deemed paid, discharged and no longer to be outstanding.

Except as otherwise herein provided in this Section, such refunding Bonds shall in all other respects be issued pursuant to and subject to the terms and conditions of this Act and shall be secured by and payable from only the funds and sources which are provided under this Act.

(Source: P.A. 96-18, eff. 6-26-09.)

ARTICLE 35. CAPITAL DEVELOPMENT BOARD REVOLVING FUND

Section 35-5. The State Finance Act is amended by changing Sections 5.857 and 6z-100 as follows:

(30 ILCS 105/5.857)
(Section scheduled to be repealed on July 1, 2016)
Sec. 5.857. The Capital Development Board Revolving Fund. This Section is repealed July 1, 2016.
(Source: P.A. 98-674, eff. 6-30-14; 99-78, eff. 7-20-15.)
(30 ILCS 105/6z-100)
(Section scheduled to be repealed on July 1, 2016)
Sec. 6z-100. Capital Development Board Revolving Fund; payments into and use. All monies received by the Capital Development Board for publications or copies issued by the Board, and all monies received for contract administration fees, charges, or reimbursements owing to the Board shall be deposited into a special fund known as the Capital Development Board Revolving Fund, which is hereby created in the State treasury. The monies in this Fund shall be used by the Capital Board.
Development Board, as appropriated, for expenditures for personal services, retirement, social security, contractual services, legal services, travel, commodities, printing, equipment, electronic data processing, or telecommunications. Unexpended moneys in the Fund shall not be transferred or allocated by the Comptroller or Treasurer to any other fund, nor shall the Governor authorize the transfer or allocation of those moneys to any other fund. This Section is repealed July 1, 2016.

(Source: P.A. 98-674, eff. 6-30-14.)

Section 35-10. The Capital Development Board Act is amended by changing Section 9.02a and adding Section 9.02c as follows:

(20 ILCS 3105/9.02a) (from Ch. 127, par. 779.02a)

(This Section is scheduled to be repealed on June 30, 2016)

Sec. 9.02a. To charge contract administration fees used to administer and process the terms of contracts awarded by this State. Contract administration fees shall not exceed 3% of the contract amount. Contract administration fees used to administer contracts associated with the legislative complex, as defined in Section 8A-15 of the Legislative Commission Reorganization Act of 1984, shall be deposited into the Capitol Restoration Trust Fund for the use of the Architect of the Capitol in the performance of his or her powers or duties. This Section is repealed June 30, 2016.

(Source: P.A. 97-786, eff. 7-13-12; 97-1162, eff. 2-4-13.)

(20 ILCS 3105/9.02c new)

Sec. 9.02c. Continuation of Section 9.02a; validation.

(a) The General Assembly finds and declares that:

(1) The Statute on Statutes sets forth general rules on the repeal of statutes and the construction of multiple amendments, but Section 1 of that Act also states that these rules will not be observed when the result would be "inconsistent with the manifest intent of the General Assembly or repugnant to the context of the statute".

(2) This amendatory Act of the 99th General Assembly manifests the intention of the General Assembly to eliminate the internal repeal of Section 9.02a of the Capital Development Board Act and have Section 9.02a of the Capital Development Board Act continue in effect.

(3) Section 9.02a of the Capital Development Board Act was originally enacted to protect, promote, and preserve the general welfare. Any construction of this Act that results in the
repeal of this Act on June 30, 2016 would be inconsistent with the manifest intent of the General Assembly and repugnant to the context of the Capital Development Board Act.

(b) It is hereby declared to have been the intent of the General Assembly that Section 9.02a of the Capital Development Board Act not be subject to repeal on June 30, 2016.

(c) Section 9.02a of the Capital Development Board Act shall be deemed to have been in continuous effect since June 30, 1988 (the effective date of Public Act 85-1026), and it shall continue to be in effect henceforward until it is otherwise lawfully repealed. All previously enacted amendments to the Act taking effect on or after June 30, 2016 are hereby validated.

(d) All actions taken in reliance on or pursuant to Section 9.02a of the Capital Development Board by the Capital Development Board or any other person or entity are hereby validated.

(e) To ensure the continuing effectiveness of Section 9.02a of the Capital Development Board Act, it is set forth in full and re-enacted by this amendatory Act of the 99th General Assembly. This re-enactment is intended as a continuation of the Act. It is not intended to supersede any amendment to the Act that is enacted by the 99th General Assembly.

(f) Section 9.02a of the Capital Development Board Act applies to all claims, civil actions, and proceedings pending on or filed on or before the effective date of this amendatory Act of the 99th General Assembly.

ARTICLE 95. SEVERABILITY
Section 95-95. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

ARTICLE 99. EFFECTIVE DATE
Section 99-99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly June 30, 2016.
Approved June 30, 2016.
Effective June 30, 2016.
ARTICLE 1

Section 1. “AN ACT concerning appropriations”, Public Act 99-491, approved December 7, 2015, is amended by changing Section 10 of Article 2 as follows:
(P.A. 99-491, Art. 2, Sec. 10)

Sec. 10. The sum of $37,000,000 $25,500,000, or so much thereof as may be necessary, is appropriated from the Department of Corrections Reimbursement and Education Fund to the Department of Corrections for payment of expenses associated with miscellaneous programs, including, but not limited to, prior year costs, medical costs, food expenditures and various construction costs.

ARTICLE 2

Section 1. “AN ACT concerning appropriations”, Public Act 99-409, approved August 20, 2015, is amended by changing Section 35 of Article 16 as follows:
(P.A. 99-409, Art. 16, Sec. 35)

Sec. 35. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

ILLINOIS ENERGY OFFICE
GRANTS
Payable from the DCEO Energy Projects Fund:
For Expenses and Grants Connected with Energy Programs, including prior year Costs

...........................................................................

15,000,000 3,000,000
Payable from the Federal Energy Fund:
For Expenses and Grants Connected with the State Energy Program, including prior year costs

...........................................................................

3,000,000

ARTICLE 3

Section 1. “AN ACT concerning appropriations”, Public Act 99-491, approved December 7, 2015, is amended by changing Section 55 of Article 1 as follows:
(P.A. 99-491, Art. 1, Sec. 55)

Sec. 55. The following named sums, or so much thereof as may be necessary, respectively, for the purposes hereinafter named, are appropriated to the Department of Human Services for Grants-In-Aid and Purchased Care in its various regions pursuant to Sections 3 and 4 of the Community Services Act and the Community Mental Health Act:

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DEVELOPMENTAL DISABILITIES GRANTS AND PROGRAM
SUPPORT GRANTS-IN-AID AND PURCHASED CARE
Payable from Special Olympics Illinois and
Special Children’s Charities Fund:
For grants to Special Olympics
Illinois and Special Children’s
Charities............................ 1,000,000 700,000

ARTICLE 4

Section 1. “AN ACT concerning appropriations”, Public Act 99-491, approved December 7, 2015, is amended by changing Section 35 of Article 1 as follows:
(P.A. 99-491, Art. 1, Sec. 35)
Sec. 35. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Revenue:

GOVERNMENT SERVICES

PAYABLE FROM LOCAL GOVERNMENT VIDEO GAMING DISTRIBUTIVE FUND
For allocation to local governments
of the net terminal income tax per
the Video Gaming Act........... 50,000,000 45,000,000
PAYABLE FROM STATE AND LOCAL SALES TAX REFORM FUND
For allocation to Chicago for additional
1.25% Use Tax pursuant to P.A. 86-0928........ 84,400,000
PAYABLE FROM LOCAL GOVERNMENT DISTRIBUTIVE FUND
For allocation to local governments
for additional 1.25% Use Tax
pursuant to P.A. 86-0928............ 255,100,000

ARTICLE 5

Section 1. “AN ACT concerning appropriations”, Public Act 99-491, approved December 7, 2015, is amended by changing Sections 70, 75, 80 and 85 of Article 2 as follows:
(P.A. 99-491, Art. 2, Sec. 70)
Sec. 70. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans’ Affairs for the objects and purposes hereinafter named:

ILLINOIS VETERANS’ HOME AT ANNA
Payable from Anna Veterans Home Fund:

New matter indicated by italics - deletions by strikeout
### PUBLIC ACT 99-0524

<table>
<thead>
<tr>
<th>Object</th>
<th>Appropriation</th>
<th>P.A. 99-491 Art. 2, Sec. 75</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$2,999,300</td>
<td>$1,571,800</td>
</tr>
<tr>
<td>For State Contributions to State Employees’ Retirement System</td>
<td>$1,367,600</td>
<td>$665,400</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>$229,400</td>
<td>$120,400</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>$817,000</td>
<td></td>
</tr>
<tr>
<td>For Travel</td>
<td>$5,000</td>
<td></td>
</tr>
<tr>
<td>For Commodities</td>
<td>$374,400</td>
<td>$368,500</td>
</tr>
<tr>
<td>For Printing</td>
<td>$4,000</td>
<td></td>
</tr>
<tr>
<td>For Equipment</td>
<td>$13,300</td>
<td></td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>$39,000</td>
<td>$15,400</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>$16,800</td>
<td>$6,000</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>$10,200</td>
<td></td>
</tr>
<tr>
<td>For Permanent Improvements</td>
<td>$10,000</td>
<td></td>
</tr>
<tr>
<td>For Refunds</td>
<td>$42,700</td>
<td>$32,700</td>
</tr>
<tr>
<td>Total</td>
<td>$5,928,700</td>
<td>$3,649,700</td>
</tr>
</tbody>
</table>

(P.A. 99-491, Art. 2, Sec. 75)

Sec. 75. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans’ Affairs for the objects and purposes hereinafter named:

**ILLINOIS VETERANS’ HOME AT QUINCY**

Payable from Quincy Veterans Home Fund:

<table>
<thead>
<tr>
<th>Object</th>
<th>Appropriation</th>
<th>P.A. 99-491 Art. 2, Sec. 75</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$13,571,000</td>
<td>$10,729,800</td>
</tr>
<tr>
<td>For Member Compensation</td>
<td>$28,000</td>
<td>$20,000</td>
</tr>
<tr>
<td>For State Contributions to the State Employees’ Retirement System</td>
<td>$6,188,200</td>
<td>$4,547,100</td>
</tr>
<tr>
<td>For Social Security</td>
<td>$1,038,200</td>
<td>$821,700</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>$3,175,300</td>
<td></td>
</tr>
<tr>
<td>For Travel</td>
<td>$6,000</td>
<td></td>
</tr>
<tr>
<td>For Commodities</td>
<td>$4,903,400</td>
<td>$4,854,400</td>
</tr>
<tr>
<td>For Printing</td>
<td>$25,000</td>
<td></td>
</tr>
<tr>
<td>For Equipment</td>
<td>$263,200</td>
<td>$118,500</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>$206,000</td>
<td>$67,900</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>$119,800</td>
<td>$99,300</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>$117,700</td>
<td></td>
</tr>
<tr>
<td>For Permanent Improvements</td>
<td>$20,000</td>
<td></td>
</tr>
<tr>
<td>For Refunds</td>
<td>$60,000</td>
<td>$44,600</td>
</tr>
<tr>
<td>Total</td>
<td>$29,721,800</td>
<td>$24,657,300</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Sec. 80. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans’ Affairs for the objects and purposes hereinafter named:

**ILLINOIS VETERANS’ HOME AT LASALLE**

Payable from LaSalle Veterans Home Fund:

<table>
<thead>
<tr>
<th>Object Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>8,466,000 5,550,100</td>
</tr>
<tr>
<td>For State Contributions to the State</td>
<td></td>
</tr>
<tr>
<td>Employees’ Retirement System</td>
<td>3,860,300 2,349,900</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td></td>
</tr>
<tr>
<td></td>
<td>647,600 424,600</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>2,343,400</td>
</tr>
<tr>
<td>For Travel</td>
<td>5,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>1,351,700 1,196,900</td>
</tr>
<tr>
<td>For Printing</td>
<td>15,500 7,500</td>
</tr>
<tr>
<td>For Equipment</td>
<td>120,700</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>111,000 25,600</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>56,600 32,600</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>24,700</td>
</tr>
<tr>
<td>For Permanent Improvements</td>
<td>25,000</td>
</tr>
<tr>
<td>For Refunds</td>
<td>40,500 30,500</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$17,068,000 $12,136,500</td>
</tr>
</tbody>
</table>

Sec. 85. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans’ Affairs for the objects and purposes hereinafter named:

**ILLINOIS VETERANS’ HOME AT MANTENO**

Payable from Manteno Veterans Home Fund:

<table>
<thead>
<tr>
<th>Object Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>9,679,300 8,276,600</td>
</tr>
<tr>
<td>For Member Compensation</td>
<td>25,000 20,000</td>
</tr>
<tr>
<td>For State Contributions to the State</td>
<td></td>
</tr>
<tr>
<td>Employees’ Retirement System</td>
<td>4,413,600 3,504,200</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td></td>
</tr>
<tr>
<td></td>
<td>740,500 633,200</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>6,184,400</td>
</tr>
<tr>
<td>For Travel</td>
<td>5,500 5,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>1,750,500 1,687,900</td>
</tr>
<tr>
<td>For Printing</td>
<td>25,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>354,700</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For Electronic Data Processing........... 213,500 $213,100
For Telecommunications Services......... 102,400 94,800
For Operation of Auto Equipment......... 71,800 71,200
For Permanent Improvements............. 85,000 75,000
For Refunds..................................... 75,000
Total $23,726,200 $21,059,100

ARTICLE 6
Section 1. “AN ACT concerning appropriations”, Public Act 99-0005, approved June 24, 2015, is amended by changing Sections 5 and 10 of Article 3 as follows:
(P.A. 99-0005, Art. 3, Sec. 5)
Sec. 5. The sum of $3,741,802,194 $3,741,702,194, or so much thereof as may be necessary, is appropriated from the Common School Fund to the Teachers' Retirement System of the State of Illinois for the State's contribution, as provided by law.
(P.A. 99-0005, Art. 3, Sec. 10)
Sec. 10. The sum of $900,000 $1,000,000, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Teachers' Retirement System of the State of Illinois for additional costs due to the establishment of minimum retirement allowances pursuant to Sections 16-136.2 and 16-136.3 of the Illinois Pension Code, as amended.

ARTICLE 7
Section 5. The amount of $200,000, or so much thereof as may be necessary, is appropriated from the State Appellate Defender Federal Trust Fund to the Office of the State Appellate Defender for expenses related to federally assisted programs to work on systemic sentencing issues appeals cases to which the agency is appointed.
Section 10. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Office of the State's Attorneys Appellate Prosecutor for the objects and purposes hereinafter named to meet its ordinary and contingent expenses:
Payable from State's Attorneys Appellate Prosecutor's County Fund For Personal Services:
Administrative Unit.......................... 1,129,800
Labor Unit...................................... 70,400
For State Contribution to the State Employees' Retirement System Pick Up:
Administrative Unit......................... 45,200

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Description</th>
<th>Administrative Unit</th>
<th>Labor Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>For State Contribution to the State Employees' Retirement System:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrative Unit</td>
<td>515,200</td>
<td></td>
</tr>
<tr>
<td>Labor Unit</td>
<td>32,100</td>
<td></td>
</tr>
<tr>
<td>For State Contribution to Social Security:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrative Unit</td>
<td>86,500</td>
<td></td>
</tr>
<tr>
<td>Labor Unit</td>
<td>5,400</td>
<td></td>
</tr>
<tr>
<td>For County Reimbursement to State for Group Insurance:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrative Unit</td>
<td>310,500</td>
<td></td>
</tr>
<tr>
<td>Labor Unit</td>
<td>23,000</td>
<td></td>
</tr>
<tr>
<td>For Contractual Services:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Contractual Services</td>
<td>450,000</td>
<td></td>
</tr>
<tr>
<td>Tax Objection Case Work</td>
<td>36,400</td>
<td></td>
</tr>
<tr>
<td>Labor Unit</td>
<td>257,000</td>
<td></td>
</tr>
<tr>
<td>For Rental of Real Property</td>
<td>138,400</td>
<td></td>
</tr>
<tr>
<td>For Travel:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Travel</td>
<td>15,500</td>
<td>0</td>
</tr>
<tr>
<td>Labor Unit</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For Commodities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Commodities</td>
<td>5,000</td>
<td>0</td>
</tr>
<tr>
<td>Labor Unit</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For Printing</td>
<td>800</td>
<td></td>
</tr>
<tr>
<td>For Equipment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Equipment</td>
<td>2,200</td>
<td>0</td>
</tr>
<tr>
<td>Labor Unit</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>2,400</td>
<td></td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>20,000</td>
<td></td>
</tr>
<tr>
<td>For Operation of Automotive Equipment:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Operation of Auto</td>
<td>6,500</td>
<td>0</td>
</tr>
<tr>
<td>Labor Unit</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For Law Intern Program</td>
<td>18,200</td>
<td>0</td>
</tr>
<tr>
<td>For Legal Publications</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>$3,173,300</td>
<td></td>
</tr>
</tbody>
</table>

Payable from Personal Property Tax Replacement Fund:
| Description                                      |                     |            |
| For Personal Services                            | 128,500             |            |
| For State Contribution to the State Employees'  |                     |            |

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retirement System Pick Up</td>
<td>5,200</td>
</tr>
<tr>
<td>For State Contribution to the State Employees’ Retirement System</td>
<td>58,600</td>
</tr>
<tr>
<td>For State Contribution to Social Security</td>
<td>9,800</td>
</tr>
<tr>
<td>For Reimbursement to State for Group Insurance</td>
<td>23,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>225,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$450,100</strong></td>
</tr>
</tbody>
</table>

**Payable from Continuing Legal Education Trust Fund:**
- For Continuing Legal Education                                             | 100        |
- For Appropriation to the State’s Attorneys Appellate Prosecutor for Expenses Pursuant to Grant Agreements | 0          |
- For Sentencing Policy Research                                             | 0          |
- For Appropriation to the State’s Attorneys Appellate Prosecutor for Prosecution of and Training for Violent Crimes | 0          |
- For Appropriation to the State’s Attorneys Appellate Prosecutor for Prosecution of and Training for Violent Crimes Grants to Cook County | 150,000   |
- For Appropriation to the State’s Attorneys Appellate Prosecutor for Implementation of Diversion Court Programs in Cook County | 85,000     |
| **Total**                                                                   | **$235,100**|

**Payable from the Narcotics Profit Forfeiture Fund:**
- For expenses pursuant to Narcotics Profit Forfeiture Act                    | 0          |
- For Expenses Pursuant to Drug Asset Forfeiture Procedure Act                | 2,500,000  |
| **Total**                                                                   | **$2,500,000**|

**Payable from the Special Federal Grant Fund:**
- For Expenses Related to federally assisted Programs to assist local State's Attorneys including special appeals, drug related cases, and cases arising under the Narcotics Profit Forfeiture Act on the request of the State's Attorney | 2,200,000  |

New matter indicated by italics - deletions by strikeout
ARTICLE 8
Section 1. “AN ACT concerning appropriations”, Public Act 99-491, approved December 7, 2015, is amended by changing Section 5 of Article 8 as follows:
(P.A. 99-491, Art. 8, Sec. 5)
Sec 5. The sum of $1,500,000 $500,000, or so much thereof as may be necessary, is appropriated to the State Comptroller from the Comptroller’s Administrative Fund for the discharge of duties of the office.

ARTICLE 9
Section 1. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Governor's Grant Fund to the Office of the Governor to be expended in accordance with the terms and conditions upon which such funds were received and in the exercise of the powers or performance of the duties of the Office of the Governor.

ARTICLE 10
Section 1. The sum of $47,500, or so much thereof as may be necessary, is appropriated from the Agricultural Premium Fund to the Office of the Lieutenant Governor for all costs associated with the Rural Affairs Council including any grants or administrative expenses.

ARTICLE 11
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

DISTRIBUTIVE ITEMS
OPERATIONS
Payable from the Long Term Care Ombudsman Fund:
For Expenses of the Long Term Care Ombudsman Fund................................. 2,600,000
Payable from the Department on Aging State Projects Fund:
For Expenses of Private Partnership Projects........................................... 345,000

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

DISTRIBUTIVE ITEMS
GRANTS-IN-AID

New matter indicated by italics - deletions by strikeout
Payable from the Tobacco Settlement
Recovery Fund:
For Grants and Administrative
Expenses of Senior Health
Assistance Programs....................... 1,600,000

ARTICLE 12
Section 20. The sum of $200,000, or so much thereof as may be
necessary, is appropriated from the Agricultural Premium Fund to the
Department of Agriculture for expenses related to the Food Safety
Modernization Initiative.

Section 40. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Agriculture for:

COMPUTER SERVICES
Payable from Agricultural Premium Fund:
For Personal Services...................... 300,000
For State Contributions to State
Employees' Retirement System............. 136,800
For State Contributions to Social Security........ 23,000
For Contractual Services................... 1,140,000
For Travel................................... 1,000
For Commodities............................. 10,000
For Printing................................. 9,000
For Equipment................................ 50,000
For Telecommunications Services......... 42,000
Total $1,711,800

Section 50. The sum of $1,600,000, or so much thereof as may be
necessary, is appropriated from the Fertilizer Control Fund to the
Department of Agriculture for expenses relating to agricultural products
inspection.

Section 55. The sum of $1,900,000, or so much thereof as may be
necessary, is appropriated from the Feed Control Fund to the Department
of Agriculture for Feed Control.

Section 60. The following named sums, or so much thereof as may
be necessary, respectively, for the objects and purposes hereinafter named,
are appropriated to meet the ordinary and contingent expenses of the
Department of Agriculture:

MARKETING

New matter indicated by italics - deletions by strikeout
Payable from Agricultural Premium Fund:
For Expenses Connected With the Promotion and Marketing of Illinois Agriculture and Agriculture Exports .................. 2,625,000
For Implementation of Programs and Activities to Promote, Develop and Enhance the Biotechnology Industry in Illinois .................. 100,000
For Expenses Related to Viticulturist and Enologist Contractual Staff ............. 150,000
For Implementation of a Farmers’ Market Technology Improvement Program ........ 50,000

Section 65. The following named amount, or so much thereof as may be necessary for the objects and purposes hereinafter named, are appropriated to the Department of Agriculture:

MEDICINAL PLANTS
Payable from the Compassionate Use of Medical Cannabis Fund:
For all costs associated with the Compassionate Use of Medical Cannabis Pilot Program .................. 2,600,000

Section 70. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

ANIMAL INDUSTRIES
Payable from the Illinois Animal Abuse Fund:
For Expenses Associated with the Investigation of Animal Abuse and Neglect under the Humane Care for Animals Act .................. 4,000

Section 75. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

MEAT AND POULTRY INSPECTION
Payable from Agricultural Master Fund:
For Expenses Relating to Inspection of Agricultural Products ........... 1,000,000

New matter indicated by italics - deletions by strikeout
Section 80. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

**WEIGHTS AND MEASURES**

Payable from the Weights and Measures Fund:
- For Personal Services.............. 3,542,400
- For State Contributions to State Employees' Retirement System........ 1,615,300
- For State Contributions to Social Security.................... 271,000
- For Group Insurance..................... 1,225,400
- For Contractual Services............... 447,800
- For Travel................................ 108,000
- For Commodities.......................... 36,000
- For Printing................................. 14,400
- For Equipment............................. 561,600
- For Telecommunications Services........... 52,000
- For Operation of Auto Equipment............. 416,200
- For Refunds................................ 3,700

Total $8,293,800

Payable from the Motor Fuel and Petroleum Standards Fund:
- For the Regulation of Motor Fuel Quality........... 50,000

Section 85. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

**ENVIRONMENTAL PROGRAMS**

Payable from Pesticide Control Fund:
- For Administration and Enforcement of the Pesticide Act of 1979.......... 7,000,000

Payable from Livestock Management Facilities Fund:
- For Administration of the Livestock Management Facilities Act........ 50,000

Payable from the Used Tire Management Fund:
- For Mosquito Control..................... 40,000

Section 90. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Agriculture for:

**New matter indicated by italics - deletions by strikeout**
LAND AND WATER RESOURCES

Payable from the Agricultural Premium Fund:
For Personal Services............................ 655,600
For State Contributions to State
  Employees’ Retirement System............... 298,900
For State Contributions to Social
  Security........................................ 50,600
For Contractual Services......................... 103,000
For Travel........................................ 14,000
For Commodities.................................... 8,000
For Printing....................................... 2,500
For Equipment..................................... 15,000
For Telecommunications Services............... 11,000
For Operation of Automotive Equipment........... 18,000
For the Ordinary and Contingent
  Expenses of the Natural Resources
  Advisory Board................................. 2,000
Total $1,178,600

Payable from the Partners for Conservation Fund:
For Personal Services............................ 532,700
For State Contributions to State
  Employees’ Retirement System............... 242,900
For State Contributions to Social
  Security........................................ 40,800
For Group Insurance.............................. 125,500
Total $941,900

Section 100. The sum of $1,500,000, or so much thereof as may be
necessary, is appropriated from the Illinois State Fair Fund to the
Department of Agriculture to promote and conduct activities at the Illinois
State Fairgrounds at Springfield other than the Illinois State Fair, including
administrative expenses. No expenditures from the appropriation shall be
authorized until revenues from fairground uses sufficient to offset such
expenditures have been collected and deposited into the Illinois State Fair
Fund.

Section 105. The sum of $750,000, or so much thereof as may be
necessary, is appropriated from the Agricultural Premium Fund to the
Department of Agriculture to conduct activities at the Illinois State
Fairgrounds at DuQuoin other than the Illinois State Fair, including
administrative expenses. No expenditures from the appropriation shall be

New matter indicated by italics - deletions by strikeout
authorized until revenues from fairgrounds uses sufficient to offset such expenditures have been collected and deposited into the Agricultural Premium Fund.

Section 110. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

**DUQUOIN STATE FAIR**

Payable from the Agricultural Premium Fund:
- For Entertainment and other expenses at the DuQuoin State Fair, including the Percentage Portion of Entertainment Contracts... 696,000

Section 115. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Agriculture for:

**ILLINOIS STATE FAIR**

Payable from the Illinois State Fair Fund:
- For Operations of the Illinois State Fair Including Entertainment and the Percentage Portion of Entertainment Contracts... 5,500,000

Payable from the Agricultural Premium Fund:
- For Operations of Buildings and Grounds in Springfield... 1,446,000

Section 120. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

**COUNTY FAIRS AND HORSE RACING**

Payable from the Agricultural Premium Fund:
- For Personal Services... 63,000
- For State Contributions to State Employees' Retirement System... 28,700
- For State Contributions to Social Security... 6,700
- For Contractual Services... 28,000
- For Travel... 2,000
- For Commodities... 1,800
- For Printing... 3,100
- For Equipment... 3,500
- For Telecommunications Services... 4,700
- For Operation of Auto Equipment... 4,000

New matter indicated by italics - deletions by strikeout
Total $145,500

Payable from Illinois Standardbred Breeders Fund:
For Personal Services............................. 65,000
For State Contributions to State Employees' Retirement System............. 29,600
For State Contributions to Social Security.................. 7,700
For Contractual Services.......................... 79,000
For Travel......................................... 2,300
For Commodities................................... 12,300
For Printing....................................... 3,000
For Operation of Auto Equipment..................... 12,000
Total $210,900

Payable from Illinois Thoroughbred Breeders Fund:
For Personal Services............................ 238,200
For State Contributions to State Employees' Retirement System........... 108,600
For State Contributions to Social Security.................. 23,900
For Contractual Services.......................... 82,100
For Travel......................................... 2,100
For Commodities................................... 2,300
For Printing....................................... 1,900
For Equipment..................................... 4,000
For Telecommunications Services.................. 10,000
For Operation of Auto Equipment..................... 9,600
Total $482,700

Section 130. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Agriculture for:

ILLINOIS STATE FAIR PROGRAMS

Payable from the Illinois State Fair Fund:
For Awards to Livestock Breeders and Related Expenses......................... 221,500
For Awards and Premiums at the Illinois State Fair and related expenses........ 483,400
For Awards and Premiums for

New matter indicated by italics - deletions by strikeout
Horse Racing at the
Illinois State Fairgrounds
and related expenses......................... 178,600
Total $883,500

Section 135. The following named amounts, or so much thereof as
may be necessary, are appropriated to the Department of Agriculture for:
COUNTY FAIRS AND HORSE RACING PROGRAMS

Payable from the Illinois Racing
Quarter Horse Breeders Fund:
For Promotion of the Illinois Horse
Racing and Breeding Industry............... 30,000

Payable from the Illinois Standardbred
Breeders Fund:
For Grants and Other Purposes............... 0

Payable from the Illinois Thoroughbred
Breeders Fund:
For Grants and Other Purposes............... 0

Payable from the Agricultural Premium Fund:
For Distribution to Encourage and Aid
County Fairs and Other Agricultural
Societies. This Distribution Shall be
Prorated and Approved by the Department
of Agriculture......................... 1,798,600
For Premiums to Agricultural Extension
or 4-H Clubs to be Distributed at a
Uniform Rate........................... 786,400
For Premiums to Vocational
Agriculture Fairs......................... 325,000
For Rehabilitation of County Fairgrounds..... 1,301,000
For Grants and Other Purposes for County
Fair and State Fair Horse Racing........... 329,300
Total $4,540,300

Payable from Fair and Exposition Fund:
For Distribution to County Fairs and
Fair and Exposition Authorities............. 900,000

ARTICLE 13

Section 15. The following named amounts, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter

New matter indicated by italics - deletions by strikeout
named are appropriated to the Department of Central Management Services:

**PAYABLE FROM STATE GARAGE REVOLVING FUND**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Contractual Services</td>
<td>11,000</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>1,000,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$1,011,000</td>
</tr>
</tbody>
</table>

**PAYABLE FROM STATISTICAL SERVICES REVOLVING FUND**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>258,200</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement Fund</td>
<td>117,800</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>19,800</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>75,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>40,500</td>
</tr>
<tr>
<td>For Travel</td>
<td>9,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>1,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>1,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>2,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$527,800</td>
</tr>
</tbody>
</table>

**PAYABLE FROM COMMUNICATIONS REVOLVING FUND**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>184,600</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>84,200</td>
</tr>
<tr>
<td>For State Contribution to Social Security</td>
<td>14,200</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>50,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>12,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>4,900</td>
</tr>
<tr>
<td>For Commodities</td>
<td>2,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>800</td>
</tr>
<tr>
<td>For Equipment</td>
<td>2,000</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>1,669,100</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>100</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$2,023,900</td>
</tr>
</tbody>
</table>

**PAYABLE FROM PROFESSIONAL SERVICES FUND**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Professional Services including Administrative and Related Costs</td>
<td>12,500,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Section 20. In addition to any other amounts appropriated, the following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Central Management Services for costs and expenses associated with or in support of a General and Regulatory Shared Services Center:
Payable from State Garage
   Revolving Fund.................................. 730,600
Payable from Statistical Services
   Revolving Fund.............................. 1,649,700
Payable from Communications Revolving Fund....... 1,224,500
Payable from Facilities Management
   Revolving Fund................................ 1,612,700
Payable from Health Insurance Reserve Fund........ 600,000
Total $5,817,500

Section 25. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Central Management Services:

ILLINOIS INFORMATION SERVICES
   PAYABLE FROM COMMUNICATIONS REVOLVING FUND
For Personal Services.......................... 3,773,200
For State Contributions to State
   Employees' Retirement System............... 1,720,600
For State Contributions to Social
   Security........................................ 288,800
For Group Insurance............................ 1,125,000
For Contractual Services....................... 1,049,300
For Travel....................................... 30,000
For Commodities................................ 68,000
For Printing..................................... 51,400
For Equipment................................... 197,900
For Electronic Data Processing................... 197,000
For Telecommunications Services............... 49,800
For Operation of Auto Equipment............... 11,000
Total $8,562,000

Section 30. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named are appropriated to the Department of Central Management Services:

New matter indicated by italics - deletions by strikeout
BUREAU OF BENEFITS
PAYABLE FROM ROAD FUND
For Group Insurance.......................... 120,072,000
PAYABLE FROM GROUP INSURANCE PREMIUM FUND
For Life Insurance Coverage as Elected
By Members Per the State Employees
Group Insurance Act of 1971............... 95,452,100
PAYABLE FROM HEALTH INSURANCE RESERVE FUND
For provisions of Health Care Coverage
As Elected by Eligible Members Per
the State Employees Group Insurance Act
of 1971........................................ 3,011,000,000
PAYABLE FROM WORKERS' COMPENSATION REVOLVING FUND
For administrative costs and claims
of any state agency or university
employee................................. 140,891,000
Expenditures from appropriations for treatment and expense may
be made after the Department of Central Management Services has
certified that the injured person was employed and that the nature of the
injury is compensable in accordance with the provisions of the Workers'
Compensation Act or the Workers' Occupational Diseases Act, and then
has determined the amount of such compensation to be paid to the injured
person.
PAYABLE FROM STATE EMPLOYEES DEFERRED
COMPENSATION PLAN FUND
For expenses related to the administration
of the State Employees' Deferred
Compensation Plan.......................... 1,600,000
Section 35. The following named amounts, or so much thereof as
may be necessary, is appropriated from the Facilities Management
Revolving Fund to the Department of Central Management Services for
expenses related to the following:
PAYABLE FROM FACILITIES MANAGEMENT REVOLVING FUND
For Personal Services....................... 20,563,900
For State Contributions to State
Employees’ Retirement System............. 9,376,800
For State Contributions to Social
Security..................................... 1,573,200

New matter indicated by italics - deletions by strikeout
Section 40. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to the Department of Central Management Services:

**BUREAU OF COMMUNICATION AND COMPUTER SERVICES**

**PAYABLE FROM STATISTICAL SERVICES REVOLVING FUND**

For Personal Services.......................... 42,009,600
For State Contributions to State Employees' Retirement System................. 19,155,600
For State Contributions to Social Security........................................ 3,213,800
For Group Insurance.................................. 11,475,000
For Contractual Services............................ 1,168,700
For Travel........................................ 50,000
For Commodities................................... 55,000
For Printing...................................... 125,000
For Equipment..................................... 40,000
For Electronic Data Processing.......................... 85,550,000
For costs and administrative expenses associated with
Enterprise Resource Planning.................. 45,000,000
For Telecommunications Services............. 4,800,000
For Operation of Auto Equipment............... 80,000
For Refunds.................................. 5,300,000

Total  $218,022,700

**PAYABLE FROM COMMUNICATIONS REVOLVING FUND**

For Personal Services............................ 7,301,700
For State Contributions to State

New matter indicated by italics - deletions by strikeout
Employees' Retirement System................. 3,329,500
For State Contributions to Social
  Security........................................... 558,600
For Group Insurance......................... 1,975,000
For Contractual Services................... 3,620,000
For Travel........................................ 138,300
For Commodities............................. 21,900
For Printing..................................... 5,500
For Equipment.................................... 33,000
For Telecommunications Services........... 96,510,800
For Operation of Auto Equipment............... 15,000
For Refunds.................................... 3,516,400
For Broadband Network....................... 25,000,000
  Total $142,025,700

Section 45. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated for the objects and
purposes hereinafter named to the Department of Central Management
Services:

  BUREAU OF AGENCY SERVICES
  PAYABLE FROM STATE GARAGE REVOLVING FUND
  For Personal Services....................... 11,575,600
  For State Contributions to State
    Employees' Retirement System............. 5,278,300
  For State Contributions to Social
    Security......................................... 885,600
  For Group Insurance........................ 4,060,000
  For Contractual Services................. 2,350,000
  For Travel...................................... 20,000
  For Commodities............................ 85,000
  For Printing................................... 15,000
  For Equipment.................................. 12,946,500
  For Telecommunications Services.......... 100,000
  For Operation of Auto Equipment........... 34,158,700
  For Refunds................................... 1,000
  Total $71,535,700

  PAYABLE FROM COMMUNICATIONS REVOLVING FUND
  For Personal Services...................... 1,137,900
  For State Contributions to State
    Employees' Retirement System............ 518,900

New matter indicated by italics - deletions by strikeout
For State Contributions to
Social Security................................. 87,100
For Group Insurance............................ 504,000
For Contractual Services....................... 1,556,400
For Travel........................................ 3,000
For Commodities.................................. 12,000
For Equipment..................................... 48,000
For Operation of Auto Equipment............... 121,000
Total ........................................... $3,988,300

PAYABLE FROM FACILITIES MANAGEMENT REVOLVING FUND
For Personal Services............................. 287,100
For State Contributions to State
Employees' Retirement System................... 131,000
For State Contributions to Social
Security............................................ 22,000
For Group Insurance............................ 97,600
For Contractual Services......................... 10,000
For Travel........................................ 5,000
For Commodities.................................. 2,500
For Printing....................................... 2,500
For Equipment..................................... 500
For Electronic Data Processing.................... 6,000
For Telecommunications.......................... 5,000
For Operation of Auto Equipment................. 2,500
Total ........................................... $571,700

PAYABLE FROM STATE SURPLUS PROPERTY REVOLVING FUND
For Expenses Related to the Administration
and Operation of Surplus Property and
Recycling Programs............................... 4,758,700

ARTICLE 14
Section 5. The following named amounts, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named, are appropriated to the Department of Children and Family
Services:

CENTRAL ADMINISTRATION
PAYABLE FROM DCFS SPECIAL PURPOSES TRUST FUND
For Expenditures of Private Funds
for Child Welfare Improvements............... 689,100

New matter indicated by italics - deletions by strikeout
PAYABLE FROM DCFS CHILDREN’S SERVICES FUND
For AFCARS/SACWIS Information System .......... 21,032,403

Section 15. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

CHILD WELFARE
PAYABLE FROM DCFS CHILDREN’S SERVICES FUND
For Independent Living Initiative .......... 9,300,000

Section 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

BUDGET, LEGAL AND COMPLIANCE
PAYABLE FROM DCFS CHILDREN'S SERVICES FUND
For Title IV-E Reimbursement
Enhancement ........................................... 4,228,800
For SSI Reimbursement .......................... 1,513,300
Total ..................................................... $5,753,300

Section 30. The following named amounts, or so much thereof as may be necessary, respectively, for payments for care of children served by the Department of Children and Family Services:

GRANTS-IN-AID
REGIONAL OFFICES
PAYABLE FROM DCFS CHILDREN'S SERVICES FUND
For Foster Homes and Specialized Foster Care and Prevention .......... 178,034,300
For Cash Assistance and Housing Locator Services to Families in the Class Defined in the Norman Consent Order .......................... 2,071,300
For Counseling and Auxiliary Services........ 10,547,200
For Institution and Group Home Care and Prevention .................. 128,081,100
For Assisting in the development of Children's Advocacy Centers ....... 1,398,200
For Psychological Assessments Including Operations and Administrative Expenses .......................... 3,010,100
For Children's Personal and Physical Maintenance .................. 2,856,100

New matter indicated by italics - deletions by strikeout
For Services Associated with the Foster Care Initiative
For Purchase of Adoption and Guardianship Services
For Family Preservation Services
For Family Centered Services Initiative
For Health Care Network

Total

$466,754,600

Section 40. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services for:

GRANTS-IN-AID

CHILD PROTECTION
PAYABLE FROM CHILD ABUSE PREVENTION FUND

For Child Abuse Prevention

300,000

Section 45. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services for:

GRANTS-IN-AID

BUDGET, LEGAL AND COMPLIANCE
PAYABLE FROM DCFS CHILDREN’S SERVICES FUND

For Tort Claims

2,800,000

For all expenditures related to the collection and distribution of Title IV-E reimbursements for counties included in the Title IV-E Juvenile Justice Program

3,000,000

Section 50. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services for:

GRANTS-IN-AID

CLINICAL SERVICES
PAYABLE FROM DCFS CHILDREN’S SERVICES FUND

For Foster Care and Adoption Care Training

10,000,000

ARTICLE 15

OPERATIONAL EXPENSES

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

GENERAL ADMINISTRATION

New matter indicated by italics - deletions by strikeout
OPERATIONS
Payable from the Tourism Promotion Fund:
For ordinary and contingent expenses associated
with general administration, grants and
including prior year costs......................                    10,000,000
Payable from the Build Illinois Bond Fund:
For ordinary and contingent expenses associated
with the administration of the capital program,
including prior year costs.....................                    2,000,000
Section 15. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Commerce and Economic Opportunity:
OFFICE OF TOURISM
OPERATIONS
Payable from the Tourism Promotion Fund:
For ordinary and contingent
administrative expenses of
the tourism program,
and grants including prior year costs.............                       4,091,600
For administrative and grant expenses
associated with statewide tourism promotion
and development, including prior year costs...                      8,026,300
For advertising and promotion of Tourism
throughout Illinois Under Subsection (2) of
Section 4a of the Illinois Promotion Act,
and grants including prior year costs............                       19,452,000
For Advertising and Promotion of Illinois
Tourism in International Markets, including
prior year costs.................................                       5,240,500
Total                                            $36,810,400
Section 20. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Commerce and Economic Opportunity:
OFFICE OF TOURISM
GRANTS
Payable from the Tourism Promotion Fund:
For the Tourism Matching Grant Program
Pursuant to 20 ILCS 665/8-1 for
Counties under 1,000,000............................                       1,828,400

New matter indicated by italics - deletions by strikeout
For the Tourism Matching Grant Program
Pursuant to 20 ILCS 665/8-1 for Counties over 1,000,000............................. 1,096,600
For the Tourism Attraction Development Grant Program Pursuant to 20 ILCS 665/8a..... 2,064,600
For Purposes Pursuant to the Illinois Promotion Act, 20 ILCS 665/4a-1 to Match Funds from Sources in the Private Sector........................................ 1,000,000
Total............................................................................................................. $5,989,600

The Department, with the consent in writing from the Governor, may reapportion not more than ten percent of the total appropriation of Tourism Promotion Fund, in Section 20 above, among the various purposes therein recommended.

Payable from Local Tourism Fund:
For grants, contracts, and administrative expenses associated with the Local Tourism and Convention Bureau Program pursuant to 20 ILCS 605/605-705 including prior year costs...................... 308,000
Total............................................................................................................. $308,000

Section 30. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

OFFICE OF ENTREPRENEURSHIP, INNOVATION AND TECHNOLOGY GRANTS

Payable from the Small Business Environmental Assistance Fund:
For grants and administrative expenses of the Small Business Environmental Assistance Program, including prior year costs............................ 500,000
Payable from the Workforce, Technology, and Economic Development Fund:
For Grants, Contracts, and Administrative Expenses Pursuant to 20 ILCS 605/605-420, including prior year costs.............. 2,000,000
Total............................................................................................................. $5,500,000

New matter indicated by italics - deletions by strikeout
Section 35. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

**OFFICE OF BUSINESS DEVELOPMENT**

**OPERATIONS**

Payable from Economic Research and Information Fund:
For Purposes Set Forth in Section 605-20 of the Civil Administrative Code of Illinois (20 ILCS 605/605-20)............................ 230,000

Payable from the Historic Property Administration Fund:
For Administrative Expenses in Accordance with the Historic Tax Credit Program Pursuant to 35 ILCS 5/221(b)............................. 350,000

Section 40. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

**OFFICE OF BUSINESS DEVELOPMENT**

**GRANTS**

Payable from the Intermodal Facilities Promotion Fund:
For the purpose of promoting construction of intermodal transportation facilities including reimbursement of prior year costs............. 3,000,000

Payable from the Illinois Capital Revolving Loan Fund:
For the Purpose of Contracts, Grants, Loans, Investments and Administrative Expenses in Accordance with the Provisions of the Small Business Development Act pursuant to 30 ILCS 750/9.............. 10,500,000

Payable from the Illinois Equity Fund:
For the purpose of Grants, Loans, and Investments in Accordance with the Provisions of the Small Business Development Act................................. 1,000,000

Payable from the Large Business Attraction Fund:

New matter indicated by italics - deletions by strikeout
For the purpose of Grants, Loans, Investments, and Administrative Expenses in Accordance with Article 10 of the Build Illinois Act... 1,500,000

Payable from the Public Infrastructure Construction Loan Revolving Fund:
For the Purpose of Grants, Loans, Investments, and Administrative Expenses in Accordance with Article 8 of the Build Illinois Act... 6,000,000

Section 50. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

ILLINOIS FILM OFFICE
Payable from Tourism Promotion Fund:
For Administrative Expenses, Grants, and Contracts Associated with Advertising and Promotion, including prior year costs... 1,317,700

Section 55. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Commerce and Economic Opportunity:

OFFICE OF TRADE AND INVESTMENT OPERATIONS
Payable from the International Tourism Fund:
For Grants, Contracts, and Administrative Expenses associated with the Illinois Office of Trade and Investment, including prior year costs... 3,000,000

Payable from the International and Promotional Fund:
For Grants, Contracts, Administrative Expenses, and Refunds Pursuant to 20 ILCS 605/605-25, including prior year costs... 500,000

Payable from the Tourism Promotion Fund:
For Grants, Contracts, and Administrative Expenses associated with the Illinois Office of Trade and Investment, including prior year costs... 5,000,000

New matter indicated by italics - deletions by strikeout
Section 70. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

**ILLINOIS ENERGY OFFICE**

**GRANTS**

Payable from the Energy Efficiency Portfolio Standards Fund:
For Grants, Contracts, and Administrative Expenses associated with Energy Efficiency Programs, including refunds and prior year costs:                      125,000,000

Payable from the Solid Waste Management Fund:
For Administrative Expenses and Grants for Solid Waste Planning and Recycling, including prior year costs:                           600,000

Section 75. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

**COAL DEVELOPMENT AND MARKETING**

Payable from the Coal Technology Development Assistance Fund:
For Administrative Expenses and Grants Associated with the Illinois Coal Technology Development Assistance Act, including prior year costs:                      500,000

ARTICLE 16

Section 10. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

**GENERAL OFFICE**

Payable from the State Boating Act Fund:
For Contractual Services:                                      50,000

Payable from the State Parks Fund:
For Contractual Services:                                      50,000

Payable from the Wildlife and Fish Fund:
For Contractual Services:                                      100,000
For Travel:                                                     5,000

New matter indicated by italics - deletions by strikeout
For Equipment ........................................ 1,000
Payable from Plugging and Restoration Fund:
  For Contractual Services ......................... 32,800
Payable from Underground Resources
Conservation Enforcement Fund:
  For Contractual Services ......................... 17,000
Payable from Park and Conservation Fund:
  For Contractual Services ......................... 500,000
  For expenses of the Park and
  Conservation Program.......................... 2,200,000
Total.................................................. $2,955,800

Section 15. The sum of $1,278,694 or so much thereof as may be
necessary and as remains unexpended at the close of business on June 30,
2015, from appropriations heretofore made in Article 31, Section 5 and 10
of Public Act 98-0679, is reappropriated to the Department of Natural
Resources from the Park and Conservation Fund for expenses of the Park
and Conservation Program.

Section 20. The following named sums, or so much thereof as may
be necessary, respectively, for the objects and purposes hereinafter named,
are appropriated to meet the ordinary and contingent expenses of the
Department of Natural Resources:

  ARCHITECTURE, ENGINEERING AND GRANTS
Payable from the State Boating Act Fund:
  For Personal Services ........................... 105,000
  For State Contributions to State
  Employees' Retirement System ............... 48,000
  For State Contributions to
  Social Security ................................. 8,500
  For Group Insurance ............................ 30,000
  For expenses of the Heavy Equipment
  Dredging Crew.................................. 491,800
Payable from Wildlife and Fish Fund:
  For Travel ....................................... 2,300
  For Equipment ................................. 15,000
  For expenses of the Heavy Equipment
  Dredging Crew................................. 187,000
Payable from Open Space Lands Acquisition
and Development Fund:
  For expenses of the OSLAD Program: ........ 1,352,600

New matter indicated by italics - deletions by strikeout
Payable from Park and Conservation Fund:
- For Ordinary and Contingent Expenses .......... $2,824,300
- For expenses of the Bikeways Program .......... $426,000
  Total ........................................... $3,250,300

Section 25. The following named sums, or so much thereof as may
be necessary, respectively, for the objects and purposes hereinafter named,
are appropriated to meet the ordinary and contingent expenses of the
Department of Natural Resources:

OFFICE OF REAL ESTATE AND ENVIRONMENTAL PLANNING

Payable from the State Parks Fund:
- For Commodities .................................. $6,000
- For Equipment ..................................... $8,000

Payable from Wildlife and Fish Fund:
- For Personal Services ............................ $107,200
- For State Contributions to State
  Employees' Retirement System .................. $49,000
- For State Contributions to
  Social Security ................................ $8,300
- For Group Insurance ............................. $33,000

Payable from the Natural Areas Acquisition Fund:
- For expenses of Natural Areas Execution ........ $190,000

Payable from Open Space Lands Acquisition
and Development Fund:
- For expenses of the OSLAD Program
  and the Statewide Comprehensive
  Outdoor Recreation Plan (SCORP) ............. $350,000

Payable from the Partners for
Conservation Fund:
- For expenses of the Partners for Conservation
  Program ........................................... $2,000,000

Payable from the Natural Resources Restoration Trust Fund:
- For Natural Resources Trustee Program ........ $400,000

Payable from the Illinois Wildlife Preservation Fund:
- For operation of Consultation Program .......... $175,000

Payable from Park and Conservation Fund:
- For Ordinary and Contingent Expenses .......... $3,000,000
- For expenses of the Bikeways Program .......... $525,000
  Total ........................................... $3,525,000

New matter indicated by italics - deletions by strikeout
Section 30. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

OFFICE OF STRATEGIC SERVICES

Payable from State Boating Act Fund:

- For Contractual Services ...................... 196,000
- For Contractual Services for Postage Expenses for DNR Headquarters .................. 35,000
- For Commodities .............................. 130,000
- For Printing ................................... 210,000
- For Electronic Data Processing ............... 150,000
- For Operation of Auto Equipment ............ 4,800
- For expenses associated with Watercraft Titling .................. 450,000
- For Refunds .................................. 20,000

Payable from the State Parks Fund:

- For Electronic Data Processing ............... 40,000
- For the implementation of the Camping/Lodging Reservation System .......... 250,000
- For Public Events and Promotions ............ 47,100
- For operation and maintenance of new sites and facilities, including Sparta ...... 50,000

Payable from the Wildlife and Fish Fund:

- For Personal Services ........................ 100,000
- For State Contributions to State Employees' Retirement System .............. 50,000
- For State Contributions to Social Security .................. 10,000
- For Group Insurance .......................... 45,000
- For Contractual Services ...................... 750,000
- For Contractual Services for Postage Expenses for DNR Headquarters ........ 35,000
- For Travel .................................... 20,000
- For Commodities .............................. 190,000
- For Printing ................................... 170,000
- For Equipment ................................. 57,000
- For Electronic Data Processing ............... 940,000
- For Operation of Auto Equipment ............ 26,900

New matter indicated by italics - deletions by strikeout
For the transfer of check-off dollars to the
Illinois Conservation Foundation.................. 5,000
For Educational Publications Services and
Expenses ........................................ 25,000
For expenses associated with the State Fair....... 15,500
For Public Events and Promotions................... 2,100
For expenses associated with the
Sportsmen Against Hunger Program................. 50,000
For Refunds...................................... 300,000
Payable from Aggregate Operations
Regulatory Fund:
For Commodities.................................... 2,300
Payable from Natural Areas Acquisition Fund:
For Electronic Data Processing.................... 50,000
Payable from Illinois Forestry Development Fund:
For Electronic Data Processing.................... 25,000
For expenses associated with the State Fair........ 0
Payable from Park and Conservation Fund:
For Ordinary and Contingent Expenses........... 2,684,000
For expenses associated with the State Fair....... 76,700
Total $7,212,400

Section 35. The following named sums, or so much thereof as may
be necessary, respectively, for the objects and purposes hereinafter named,
are appropriated to meet the ordinary and contingent expenses of the
Department of Natural Resources:

SPARTA WORLD SHOOTING AND RECREATION COMPLEX
Payable from the State Parks Fund:
For the ordinary and contingent
expenses of the World Shooting and
Recreational Complex......................... 1,386,800
For the ordinary and contingent
expenses of the World Shooting
and Recreational Complex, of which
no expenditures shall be authorized
from the appropriation until revenues
from sponsorships or donations sufficient
to offset such expenditures have been
collected and deposited into the
State Parks Fund.............................. 300,000

New matter indicated by italics - deletions by strikeout
For the Sparta Imprest Account ......................  75,000

Payable from the Wildlife and Fish Fund:
For the ordinary and contingent expenses of the World Shooting and
Recreational Complex .........................  1,475,200
  Total                                  $3,237,000

Section 40. The following named sums, or so much thereof as may
be necessary, respectively, for the objects and purposes hereinafter named,
are appropriated to meet the ordinary and contingent expenses of the
Department of Natural Resources:
  OFFICE OF RESOURCE CONSERVATION

Payable from Wildlife and Fish Fund:
For Personal Services .........................  10,864,750
For State Contributions to State
  Employees' Retirement System .............  4,953,131
For State Contributions to
  Social Security .............................  833,870
For Group Insurance ...........................  3,038,750
For Contractual Services ......................  2,258,500
For Travel.....................................  90,500
For Commodities...............................  1,422,500
For Printing...................................  208,000
For Equipment................................  280,000
For Telecommunications.......................  120,000
For Operation of Auto Equipment.............  315,000
For Ordinary and Contingent Expenses
  of The Chronic Wasting Disease Program
  and the control of feral livestock
  populations, and responding to large
carnivore occurrences........................  1,446,150
For an Urban Fishing Program in
  conjunction with the Chicago Park
  District to provide fishing and resource
  management at the park district lagoons....  285,800
For workshops, training and other
  activities to improve the administration
  of fish and wildlife federal aid
  programs from federal aid administrative
  grants received for such purposes..........  10,000

New matter indicated by italics - deletions by strikeout
Payable from Salmon Fund:

<table>
<thead>
<tr>
<th>Service/Expense Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>186,600</td>
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<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>85,069</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>14,322</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>42,500</td>
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Payable from the Illinois Fisheries Management Fund:

<table>
<thead>
<tr>
<th>Service/Expense Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For operational expenses related to the Division of Fisheries</td>
<td>2,200,000</td>
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</table>

Payable from Natural Areas Acquisition Fund:

<table>
<thead>
<tr>
<th>Service/Expense Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,846,296</td>
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<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>841,708</td>
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<tr>
<td>For State Contributions to Social Security</td>
<td>141,703</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>488,750</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>187,900</td>
</tr>
<tr>
<td>For Travel</td>
<td>27,500</td>
</tr>
<tr>
<td>For Commodities</td>
<td>43,200</td>
</tr>
<tr>
<td>For Printing</td>
<td>11,600</td>
</tr>
<tr>
<td>For Equipment</td>
<td>85,000</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>37,500</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>69,200</td>
</tr>
<tr>
<td>For expenses of the Natural Areas Stewardship Program</td>
<td>1,500,000</td>
</tr>
<tr>
<td>For Expenses Related to the Endangered Species Protection Board</td>
<td>135,000</td>
</tr>
<tr>
<td>For Administration of the &quot;Illinois Natural Areas Preservation Act&quot;</td>
<td>2,781,300</td>
</tr>
</tbody>
</table>

Payable from Partners for Conservation Fund:

<table>
<thead>
<tr>
<th>Service/Expense Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For ordinary and contingent expenses of operating the Partners for Conservation Program</td>
<td>2,915,000</td>
</tr>
</tbody>
</table>

Payable from Illinois Forestry Development Fund:

<table>
<thead>
<tr>
<th>Service/Expense Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For ordinary and contingent expenses of the Urban Forestry Program</td>
<td>4,900,000</td>
</tr>
<tr>
<td>For payment of timber buyers’ bond forfeitures</td>
<td>139,500</td>
</tr>
</tbody>
</table>
the Illinois Forestry Development Council ...... 118,500
Payable from the State Migratory Waterfowl Stamp Fund:
  For Stamp Fund Operations......................... 250,000
Payable from the Park and Conservation Fund:
  For all expenses related to Department youth employment programs......................... 0
  Total                                         $45,175,099

Section 45. The sum of $1,690,200, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2015, from appropriations heretofore made in Article 31, Section 40 of Public Act 98-0679, is reappropriated from the Wildlife and Fish Fund to the Department of Natural Resources for ordinary and contingent expenses of Resource Conservation.

Section 50. The sum of $250,000, new appropriation, is appropriated and the sum of $47,039, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2015, from appropriations heretofore made in Article 31, Section 45 of Public Act 98-0679, is reappropriated from the Wildlife and Fish Fund to the Department of Natural Resources for the non-federal cost share of a Conservation Reserve Enhancement Program to establish long-term contracts and permanent conservation easements in the Illinois River Basin; to fund cost share assistance to landowners to encourage approved conservation practices in environmentally sensitive and highly erodible areas of the Illinois River Basin; and to fund the monitoring of long-term improvements of these conservation practices as required in the Memorandum of Agreement between the State of Illinois and the United States Department of Agriculture.

Section 55. The sum of $6,850, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2015, from a reappropriation heretofore made in Article 31, Section 50 of Public Act 98-0679, is reappropriated from the Wildlife and Fish Fund to the Department of Natural Resources for operational expenses of Resource Conservation.

Section 60. The sum of $80,016, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2015, from a reappropriation heretofore made in Article 31, Section 55 of Public Act 98-0679, is reappropriated from the Partners for Conservation New matter indicated by italics - deletions by strikeout
Fund to the Department of Natural Resources implement ecosystem-based management for Illinois' natural resources.

Section 65. The sum of $650,000, new appropriation, and the sum of $984,690 or so much thereof may be necessary and as remains unexpended at the close of business on June 30, 2015, from appropriations heretofore made in Article 31, Section 60 of Public Act 98-0679, is reappropriated to the Department of Natural Resources from the Partners for Conservation Fund for expenses associated with Partners for Conservation Program to Implement Ecosystem-Based Management for Illinois' Natural Resources.

Section 70. The sum of $572,178, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2015, from appropriations heretofore made in Article 31, Sections 35 and 75 of Public Act 98-0679, is reappropriated to the Department of Natural Resources from the Illinois Forestry Development Fund for ordinary and contingent expenses of the Urban Forestry Program.

Section 75. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

OFFICE OF LAW ENFORCEMENT

Payable from State Boating Act Fund:
For Personal Services ......................... 1,938,900
For State Contributions to State
   Employees' Retirement System ............... 821,600
For State Contributions to
   Social Security ............................. 30,300
For Group Insurance ............................ 477,200
For Contractual Services ....................... 400,000
For Travel........................................ 25,000
For Commodities.................................. 166,900
For Equipment.................................... 151,000
For Telecommunications......................... 157,400
For Operation of Auto Equipment.............. 307,300
For Operational Expenses of the Snowmobile Program 35,000

Payable from State Parks Fund:
For Personal Services ......................... 1,660,600
For State Contributions to State
   Employees' Retirement System ............... 701,800

New matter indicated by italics - deletions by strikeout
For State Contributions to
Social Security ......................... 30,600
For Group Insurance ...................... 354,500
For Equipment ............................ 75,000

Payable from Wildlife and Fish Fund:
For Personal Services .................. 5,103,200
For State Contributions to State
Employees' Retirement System ........ 2,160,700
For State Contributions to
Social Security .......................... 77,700
For Group Insurance .................... 2,243,100
For Contractual Services .............. 526,200
For Travel ................................ 32,100
For Commodities ....................... 70,700
For Printing .............................. 6,800
For Equipment ........................... 115,000
For Telecommunications ................ 247,000
For Operation of Auto Equipment ..... 200,000

Payable from Conservation Police Operations Assistance Fund:
For expenses associated with the Conservation Police Officers .......... 1,250,000

Payable from the Drug Traffic Prevention Fund:
For use in enforcing laws regulating controlled substances and cannabis on Department of Natural Resources regulated lands and waterways to the extent funds are received by the Department .................. 10,000

Total $19,375,600

Section 80. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

OFFICE OF LAND MANAGEMENT
Payable from State Boating Act Fund:
For Personal Services .................. 1,857,570

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Employees' Retirement System</td>
<td>851,312</td>
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<tr>
<td>For State Contributions to Social Security</td>
<td>135,500</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>663,807</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>860,500</td>
</tr>
<tr>
<td>For Travel</td>
<td>2,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>180,000</td>
</tr>
<tr>
<td>For Snowmobile Programs</td>
<td>51,600</td>
</tr>
<tr>
<td><strong>Payable from State Parks Fund:</strong></td>
<td></td>
</tr>
<tr>
<td>For Personal Services</td>
<td>325,362</td>
</tr>
<tr>
<td>For State Contributions to Employees' Retirement System</td>
<td>150,111</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>23,995</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>126,025</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>2,100,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>33,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>550,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>200,000</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>343,000</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>500,000</td>
</tr>
<tr>
<td>For expenses related to the Illinois-Michigan Canal</td>
<td>60,000</td>
</tr>
<tr>
<td>For operations and maintenance from revenues derived from the sale of surplus crops and timber harvest</td>
<td>1,500,000</td>
</tr>
<tr>
<td><strong>Payable from the State Parks Fund:</strong></td>
<td></td>
</tr>
<tr>
<td>For Refunds</td>
<td>10,000</td>
</tr>
<tr>
<td><strong>Payable from the Wildlife and Fish Fund:</strong></td>
<td></td>
</tr>
<tr>
<td>For Personal Services</td>
<td>2,957,123</td>
</tr>
<tr>
<td>For State Contributions to Employees' Retirement System</td>
<td>1,356,885</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>224,600</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>1,407,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>1,375,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>6,500</td>
</tr>
<tr>
<td>For Commodities</td>
<td>615,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>200,000</td>
</tr>
</tbody>
</table>
For Telecommunications............................ 35,000
For Operation of Auto Equipment.................. 225,000
For Union County and Horseshoe Lake Conservation Areas, Farming and Wildlife operations............. 450,000
For operations and maintenance from revenues derived from the sale of surplus crops and timber harvest............ 2,100,000
Payable from Wildlife Prairie Park Fund:
Grant to Wildlife Prairie Park for the Park’s Operational Expenses............... 10,000
Payable from Illinois and Michigan Canal Fund:
For expenses related to the Illinois-Michigan Canal.......................... 50,000
Payable from Park and Conservation Fund:
For expenses of the Park and Conservation program............................. 28,356,800
For expenses of the Bikeways program......... 1,697,100
For the expenses related to FEMA
Grants to the extent that such funds are available to the Department.................. 200,000
Payable from the Adeline Jay Geo-Karis Illinois Beach Marina Fund:
For operating expenses of the North Point Marina at Winthrop Harbor....... 1,500,000
For Refunds....................................... 25,000
Total $53,314,790

Section 85. The sum of $1,682,856, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2015, from appropriations heretofore made in Article 31, Sections 95 and 100 of Public Act 98-0679, are reappropriated from the State Parks Fund to the Department of Natural Resources for operations and maintenance.

Section 90. The sum of $2,393,768, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2015, from appropriations heretofore made in Article 31, Sections 95 and 105 of Public Act 98-0679, are reappropriated from the Wildlife and Fish Fund to the Department of Natural Resources for operations and maintenance.

New matter indicated by italics - deletions by strikeout
Section 95. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

OFFICE OF MINES AND MINERALS

Payable from the Explosives Regulatory Fund:
For expenses associated with Explosive Regulation
275,000

Payable from the Aggregate Operations Regulatory Fund:
For expenses associated with Aggregate Mining Regulation
400,000

Payable from the Coal Mining Regulatory Fund:
For the purpose of coordinating training and education programs for miners and laboratory analysis and testing of coal samples and mine atmospheres
60,000
For expenses associated with Surface Coal Mining Regulation
218,000
For operation of the Mining Safety Program
20,000

Payable from the Land Reclamation Fund:
For the purpose of reclaiming surface mined lands, with respect to which a bond has been forfeited
300,000

Payable from Coal Technology Development Assistance Fund:
For Expenses of Coal Mining Regulation
2,000,000
Total
$3,273,000

Section 100. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

OFFICE OF OIL AND GAS RESOURCE MANAGEMENT

Payable from Plugging and Restoration Fund:
For Personal Services
644,500
For State Contributions to State Employees' Retirement System
293,900

New matter indicated by italics - deletions by strikeout
Section 105. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

OFFICE OF WATER RESOURCES

New matter indicated by italics - deletions by strikeout
Payable from the State Boating Act Fund:
For Personal Services ......................... 390,000
For State Contributions to State Employees’ Retirement System .................. 177,900
For State Contributions to Social Security ......................... 29,900
For Group Insurance ................................ 133,000
For Contractual Services ...................... 1,305,000
For Travel ........................................ 65,000
For Commodities .................................. 26,800
For Equipment .................................... 25,000
For Telecommunications ......................... 50,000
For Operation of Auto Equipment ............... 33,500
For expenses of the Boat Grant Match ........... 130,000
For Repairs and Modifications to Facilities ...... 53,900

Payable from the Wildlife and Fish Fund:
For payment of the Department’s share of operation and maintenance of statewide stream gauging network, water data storage and retrieval system, in cooperation with the U.S. Geological Survey ......................... 375,000

Payable from the Capital Development Fund:
For Personal Services ........................... 740,000
For State Contributions to State Employees’ Retirement System .................. 337,500
For State Contributions to Social Security ....... 56,600
For Group Insurance ............................ 212,000
Total .............................................. $4,141,100

ARTICLE 17
STATEWIDE SERVICES AND GRANTS
Section 10. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Juvenile Justice for the objects and purposes hereinafter named:
Payable from the Department of Corrections Reimbursement and Education Fund:
For payment of expenses associated with School District Programs .................. 5,000,000
For payment of expenses associated

New matter indicated by italics - deletions by strikeout
with federal programs, including, but not limited to, construction of additional beds, treatment programs, and juvenile supervision.................. 3,000,000

For payment of expenses associated with miscellaneous programs, including, but not limited to, medical costs, food expenditures, and various construction costs......................... 5,000,000

Total $13,000,000

Section 15. The amounts appropriated for repairs and maintenance, and other capital improvements in Section 10 for repairs and maintenance, roof repairs and/or replacements and miscellaneous capital improvements at the Department’s various institutions are to include construction, reconstruction, improvements, repairs and installation of capital facilities, costs of planning, supplies, materials and all other expenses required for roof and other types of repairs and maintenance, capital improvements, and purchase of land.

No contract shall be entered into or obligation incurred for repairs and maintenance and other capital improvements from appropriations made in Section 10 of this Article until after the purpose and amounts have been approved in writing by the Governor.

ARTICLE 18

STATEWIDE SERVICES AND GRANTS

Section 5. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Corrections for the objects and purposes hereinafter named:

Payable from the Department of Corrections Reimbursement and Education Fund:

For payment of expenses associated with School District Programs................. 5,000,000

For payment of expenses associated with federal programs, including, but not limited to, construction of additional beds, treatment programs, and juvenile supervision.................. 5,000,000

Total $10,000,000

Section 10. The amounts appropriated for repairs and maintenance, and other capital improvements in Sections 5 and 20 for repairs and maintenance, roof repairs and/or replacements and miscellaneous capital improvements at the Department’s various institutions are to include construction, reconstruction, improvements, repairs and installation of capital facilities, costs of planning, supplies, materials and all other expenses required for roof and other types of repairs and maintenance, capital improvements, and purchase of land.

No contract shall be entered into or obligation incurred for repairs and maintenance and other capital improvements from appropriations made in Section 10 of this Article until after the purpose and amounts have been approved in writing by the Governor.

New matter indicated by italics - deletions by strikeout
maintenance, roof repairs and/or replacements, and miscellaneous capital improvements at the Department's various institutions are to include construction, reconstruction, improvements, repairs and installation of capital facilities, costs of planning, supplies, materials and all other expenses required for roof and other types of repairs and maintenance, capital improvements, and purchase of land.

No contract shall be entered into or obligation incurred for repairs and maintenance and other capital improvements from appropriations made in Sections 5 and 20 of this Article until after the purposes and amounts have been approved in writing by the Governor.

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Corrections from the Working Capital Revolving Fund:

**ILLINOIS CORRECTIONAL INDUSTRIES**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$10,800,800</td>
</tr>
<tr>
<td>For the Student, Member and Inmate Compensation</td>
<td>$2,177,400</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>$4,925,000</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>$826,300</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>$3,504,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>$3,150,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>$85,300</td>
</tr>
<tr>
<td>For Commodities</td>
<td>$29,023,800</td>
</tr>
<tr>
<td>For Printing</td>
<td>$4,800</td>
</tr>
<tr>
<td>For Equipment</td>
<td>$1,200,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>$64,400</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>$1,261,400</td>
</tr>
<tr>
<td>For Green Recycling Initiatives</td>
<td>$150,000</td>
</tr>
<tr>
<td>For Repairs, Maintenance and Other Capital Improvements</td>
<td>$147,000</td>
</tr>
<tr>
<td>For Refunds</td>
<td>$7,400</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$57,327,600</strong></td>
</tr>
</tbody>
</table>

**ARTICLE 19**

Section 1. The amount of $100,000, or so much thereof as may be necessary, is appropriated from the Sex Offender Management Board Fund to the Sex Offender Management Board for the purposes authorized by the Sex Offender Management Board Act including, but not limited to, sex

New matter indicated by italics - deletions by strikeout
offender evaluation, treatment, and monitoring programs and grants. Funding received from private sources is to be expended in accordance with the terms and conditions placed upon the funding.

**ARTICLE 20**

Section 1. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Employment Security, for unemployment compensation benefits, other than benefits provided for in Section 3, to Former State Employees as follows:

**TRUST FUND UNIT**

Grants-In-Aid

Payable from the Road Fund:

- For benefits paid on the basis of wages paid for insured work for the Department of Transportation: $4,000,000

Payable from the Illinois Mathematics and Science Academy Income Fund: $16,700

**ARTICLE 21**

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Financial Institution Fund to the Department of Financial and Professional Regulation:

- For Personal Services: $4,099,700
- For State Contributions to the State Employees' Retirement System: $1,827,200
- For State Contributions to Social Security: $313,700
- For Group Insurance: $1,080,000
- For Contractual Services: $30,000
- For Travel: $228,300
- For Refunds: $3,400

Total $7,582,300

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Credit Union Fund to the Department of Financial and Professional Regulation:

**CREDIT UNION**

- For Personal Services: $2,245,200
- For State Contributions to State Employees' Retirement System: $1,000,700
- For State Contributions to Social Security: $171,800
- For Group Insurance: $624,000

New matter indicated by italics - deletions by strikeout
For Contractual Services.......................... 40,000
For Travel....................................... 240,700
For Refunds........................................ 1,000
Total $4,323,400

Section 15. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Bank and Trust Company Fund to the Department of Financial and Professional Regulation:

**DOMESTIC AND FOREIGN COMMERCIAL BANK REGULATION**

For Personal Services............................ 10,212,800
For State Contribution to State
   Employees' Retirement System.................. 4,551,700
   For State Contributions to Social Security...... 781,300
   For Group Insurance............................. 2,688,000
For Contractual Services......................... 250,000
For Travel..................................... 1,008,400
For Refunds........................................ 2,900
For Operational Expenses of the Division of Banking............................. 250,000
For Corporate Fiduciary Receivership............. 235,000
Total $19,980,100

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Pawnbroker Regulation Fund to the Department of Financial and Professional Regulation:

**PAWNBROKER REGULATION**

For Personal Services............................ 108,000
For State Contributions to State
   Employees' Retirement System.................. 48,200
   For State Contributions to Social Security...... 8,300
   For Group Insurance............................. 24,000
For Contractual Services......................... 4,900
For Travel......................................... 5,000
For Refunds........................................ 1,000
Total $199,400

Section 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Residential Finance Regulatory Fund to the Department of Financial and Professional Regulation:

New matter indicated by italics - deletions by strikeout
MORTGAGE BANKING AND THRIFT REGULATION

For Personal Services

For State Contributions to State Employees' Retirement System

For State Contributions to Social Security

For Group Insurance

For Contractual Services

For Travel

For Refunds

Total

$2,969,800

Section 30. The sum of $600,000, or so much thereof as may be necessary, is appropriated from the Savings Bank Regulatory Fund to the Department of Financial and Professional Regulation for the ordinary and contingent expenses of the Department of Financial and Professional Regulation and the Division of Banking, or their successors, in administering and enforcing the Illinois Savings and Loan Act of 1985, the Savings Bank Act, and other laws, rules, and regulations as may apply to the administration and enforcement of the foregoing laws, rules, and regulations, as amended from time to time.

Section 35. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Real Estate License Administration Fund to the Department of Financial and Professional Regulation:

REAL ESTATE LICENSING AND ENFORCEMENT

For Personal Services

For State Contributions to State Employees' Retirement System

For State Contributions to Social Security

For Group Insurance

For Contractual Services

For Travel

For Refunds

Total

$5,797,400

Section 40. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Appraisal Administration Fund to the Department of Financial and Professional Regulation:

APPRAISAL/licensing

For Personal Services

New matter indicated by italics - deletions by strikeout
For State Contributions to State
- Employees' Retirement System: $203,100
- Social Security: $34,900
- Group Insurance: $144,000
- Contractual Services: $40,000
- Travel: $11,000
- Refunds: $2,900
Total: $891,500

Section 45. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Home Inspector Administration Fund to the Department of Financial and Professional Regulation:

**HOME INSPECTOR REGULATION**

- Personal Services: $53,300
- Employees' Retirement System: $23,800
- Social Security: $4,100
- Group Insurance: $24,000
- Contractual Services: $3,000
- Travel: $2,000
- Refunds: $1,000
Total: $111,200

Section 50. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Professions Dedicated Fund to the Department of Financial and Professional Regulation:

**GENERAL PROFESSIONS**

- Personal Services: $2,550,900
- Employees' Retirement System: $1,136,900
- Social Security: $195,200
- Group Insurance: $912,000
- Contractual Services: $194,100
- Travel: $25,000
- Refunds: $30,100
Total: $5,044,200

Section 55. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Illinois State

New matter indicated by italics - deletions by strikeout
Dental Disciplinary Fund to the Department of Financial and Professional Regulation:

For Personal Services......................... 573,300
For State Contributions to State
  Employees' Retirement System................. 255,600
  For State Contributions to Social Security.... 43,900
  For Group Insurance............................ 192,000
  For Contractual Services....................... 68,700
  For Travel.................................. 9,600
  For Refunds..................................  2,400
  Total....................................... 1,145,500

Section 60. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Illinois State Medical Disciplinary Fund to the Department of Financial and Professional Regulation:

For Personal Services......................... 2,197,600
For State Contributions to State
  Employees' Retirement System............... 979,500
  For State Contributions to Social Security.. 168,200
  For Group Insurance......................... 624,000
  For Contractual Services..................... 224,100
  For Travel.................................. 20,000
  For Refunds.................................. 9,700
  Total....................................... 4,223,100

Section 65. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Optometric Licensing and Disciplinary Board Fund to the Department of Financial and Professional Regulation:

For Personal Services......................... 132,200
For State Contributions to State
  Employees' Retirement System............... 59,000
  For State Contributions to Social Security.. 10,200
  For Group Insurance......................... 48,000
  For Contractual Services..................... 35,000
  For Travel.................................. 5,000
  For Refunds.................................. 2,400
  Total....................................... 291,800

Section 70. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Design
Professionals Administration and Investigation Fund to the Department of
Financial and Professional Regulation:

For Personal Services............................                                          496,400
For State Contributions to State
  Employees’ Retirement System..................                                          221,300
  For State Contributions to Social Security...                                          38,000
  For Group Insurance...........................                                          168,000
  For Contractual Services......................                                          70,000
  For Travel......................................                                                 10,000
  For Refunds...................................                                                 2,400
  Total                                                                                 $1,006,100

Section 75. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated from the Illinois State
Pharmacy Disciplinary Fund to the Department of Financial and
Professional Regulation:

For Personal Services............................                                          925,700
For State Contributions to State
  Employees' Retirement System..................                                          412,600
  For State Contributions to Social Security...                                          70,900
  For Group Insurance...........................                                          240,000
  For Contractual Services......................                                          112,500
  For Travel......................................                                                 10,000
  For Refunds...................................                                                11,600
  Total                                                                                 $1,783,300

Section 80. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated from the Illinois State
Podiatric Disciplinary Fund to the Department of Financial and
Professional Regulation:

For Contractual Services.........................                                          4,900
For Travel...........................................                                                 2,000
For Refunds........................................                                                 1,000
  Total                                                                                 $7,900

Section 85. The sum of $650,000, or so much thereof as may be
necessary, is appropriated from the Registered Certified Public
Accountants’ Administration and Disciplinary Fund to the Department of
Financial and Professional Regulation for the administration of the
Registered CPA Program.

Section 90. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated from the Nursing

New matter indicated by italics - deletions by strikeout
Dedicated and Professional Fund to the Department of Financial and Professional Regulation:

<table>
<thead>
<tr>
<th>Service Type</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,022,900</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>455,900</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>78,300</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>288,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>127,100</td>
</tr>
<tr>
<td>For Travel</td>
<td>12,000</td>
</tr>
<tr>
<td>For Refunds</td>
<td>9,700</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,993,900</strong></td>
</tr>
</tbody>
</table>

Section 95. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the Nursing Dedicated and Professional Fund to the Department of Financial and Professional Regulation for the establishment and operation of an Illinois Center for Nursing.

Section 100. The sum of $300, or so much thereof as may be necessary, is appropriated from the Professional Regulation Evidence Fund to the Department of Financial and Professional Regulation for all costs associated with conducting covert activities, including equipment and other operational expenses.

Section 105. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Professions Indirect Cost Fund to the Department of Financial and Professional Regulation:

<table>
<thead>
<tr>
<th>Service Type</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>12,169,200</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>5,423,600</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>931,000</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>3,840,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>8,500,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>60,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>110,900</td>
</tr>
<tr>
<td>For Printing</td>
<td>40,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>20,000</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>2,500,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>400,000</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>50,000</td>
</tr>
<tr>
<td>For Ordinary and Contingent Expenses of the Department</td>
<td>3,024,700</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Total $37,069,400

Section 107. The sum of $2,100,000, or so much thereof as may be necessary, is appropriated from the Professions Indirect Cost Fund to the Department of Financial and Professional Regulation for costs and expenses related to or in support of a Regulatory/G&A shared services center.

Section 110. The sum of $1,200,000, or so much thereof as may be necessary, is appropriated from the Cemetery Oversight Licensing and Disciplinary Fund to the Department of Financial and Professional Regulation for all costs associated with administration of the Cemetery Oversight Act.

Section 115. The sum of $393,700, or so much thereof as may be necessary, is appropriated from the Community Association Manager Licensing and Disciplinary Fund to the Department of Financial and Professional Regulation for all costs associated with administration of the Community Association Manager Licensing and Disciplinary Act.

Section 120. The sum of $19,000, or so much thereof as may be necessary, is appropriated to the Department of Financial and Professional Regulation from the Real Estate Research and Education Fund for costs associated with the operation of the Office of Real Estate Research at the University of Illinois.

Section 125. The sum of $225,000, or so much thereof as may be necessary, is appropriated from the Athletics Supervision and Regulation Fund to the Department of Financial and Professional Regulation for all costs associated with administration of the Boxing and Full-contact Martial Arts Act.

Section 130. The sum of $1,200,000, or so much thereof as may be necessary, is appropriated from the Compassionate Use of Medical Cannabis Fund to the Department of Financial and Professional Regulation for all costs associated with operational expenses of the department in relation to the regulation of medical marijuana.

ARTICLE 22

Section 5. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Department of Human Rights Training and Development Fund to the Department of Human Rights for the purpose of funding expenses associated with administration.

Section 15. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the Department of Human Rights Special...
Fund to the Department of Human Rights for the purpose of funding expenses associated with the Department of Human Rights.

ARTICLE 23

Section 10. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenditures of the Department of Human Services:

ADMINISTRATIVE AND PROGRAM SUPPORT

Payable from DHS Private Resources Fund:
For Grants and Costs associated with Human Services Activities funded by Grants or Private Donations.......................... 10,000

Payable from the DHS State Projects Fund:
For expenses associated with Energy Conservation and Efficiency programs........ 1,000,000

Payable from DHS Recoveries Trust Fund:
For Deposit into the DHS Technology Initiative Fund.......................... 5,000,000

Payable from DHS Technology Initiative Fund:
For Expenses of the Framework Project........ 10,000,000

ADMINISTRATIVE AND PROGRAM SUPPORT

GRANTS-IN-AID

Section 15. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services for the purposes hereinafter named:

GRANTS-IN-AID

For Grants and administrative expenses associated with the Open Door Project:
Payable from DHS Private Resources Fund........ 315,500

Section 25. The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Human Services as follows:

REFUNDS

Payable from Mental Health Fund.............. 2,000,000
Payable from Drug Treatment Fund.............. 5,000
Payable from Sexual Assault Services Fund........ 400
Payable from Early Intervention Services Revolving Fund.............. 300,000
Payable from Youth Drug Abuse Prevention Fund....... 30,000

New matter indicated by italics - deletions by strikeout
Total $2,335,400

Section 30. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Human Services for ordinary and contingent expenses:

MANAGEMENT INFORMATION SERVICES
Payable from Mental Health Fund:
For costs related to the provision of MIS support services provided to Departmental and Non-Departmental organizations.......................... 6,636,600

Section 50. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Human Services:

HOME SERVICES PROGRAM
GRANTS-IN-AID
Payable from the Home Services Medicaid Trust Fund:
For Purchase of Services of the Home Services Program, pursuant to 20 ILCS 2405/3, including operating, administrative, and prior year costs:........................... 246,000,000

Section 75. The following named sums, or so much thereof as may be necessary, respectively, for the purposes hereinafter named, are appropriated to the Department of Human Services for Grants-In-Aid and Purchased Care in its various regions pursuant to Sections 3 and 4 of the Community Services Act and the Community Mental Health Act:

MENTAL HEALTH GRANTS AND PROGRAM SUPPORT
GRANTS-IN-AID AND PURCHASED CARE
For Community Service Grant Programs for Persons with Mental Illness including administrative costs:
Payable from the Department of Human Services Community Services Fund........... 15,000,000
Payable from Community Mental Health Medicaid Trust Fund:
For all costs and administrative expenses associated with Medicaid Services and Community Services for Persons with Mental Illness, including

New matter indicated by italics - deletions by strikeout
prior year costs............................... 92,902,400
For costs associated with Capitated
Care Coordination........................... 30,000,000

The Department, with the consent in writing from the Governor,
may reapportion not more than 10 percent of the total appropriation of
General Revenue Funds in Section 75 above among the various purposes
therein enumerated.

The Department, with the consent in writing from the Governor,
may reapportion not more than 10 percent of the total appropriation of
Community Mental Health Medicaid Trust Funds in Section 75 above
among the various purposes therein enumerated.

Section 95. The following named sums, or so much thereof as may
be necessary, respectively, for the purposes hereinafter named, are
appropriated to the Department of Human Services for Grants-In-Aid and
Purchased Care in its various regions pursuant to Sections 3 and 4 of the
Community Services Act and the Community Mental Health Act:

DEVELOPMENTAL DISABILITIES GRANTS AND PROGRAM
SUPPORT GRANTS-IN-AID AND PURCHASED CARE

For costs associated with Community
Based Services for persons with
Developmental disabilities and system
rebalancing initiatives
Payable from the Department of Human
Services Community Services Fund .......... 25,000,000

For Intermediate Care Facilities
for the Mentally Retarded and
Alternative Community Programs
including prior year costs
Payable from Care Provider Fund for Persons
with a Developmental Disability.............. 45,000,000

For Community Based Services for
Persons with Developmental
Disabilities at the approximate
cost set forth below:
Payable from Mental Health Fund.............. 9,965,600
Payable from Special Olympics Illinois Fund:
For the costs associated with Special Olympics... 100,000

New matter indicated by italics - deletions by strikeout
Section 100. The sum of $370,000,000, or so much thereof as may be necessary, is appropriated from the Healthcare Provider Relief Fund to the Department of Human Services for medical bills and related expenses.

Section 105. The sum of $34,450,000, or so much thereof as may be necessary, is appropriated to the Department of Human Services from the Health and Human Services Medicaid Trust Fund for awards and grants to developmental disabilities and/or mental health programs.

Section 110. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Human Services for Payments to Community Providers and Administrative Expenditures, including such Federal funds as are made available by the Federal Government for the following purpose:
Payable from Autism Research Checkoff Fund:
   For costs associated with autism research........ 100,000
Payable from Autism Awareness Fund:
   For costs associated with autism awareness...... 100,000

Section 120. The sum of $20,000,000, or so much thereof as may be necessary, is appropriated from the Healthcare Provider Relief Fund to the Department of Human Services for medical bills and related expenses.

Section 130. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Human Services:

**ADDICTION TREATMENT**

**GRANTS-IN-AID**

Payable from State Gaming Fund:
   For Costs Associated with Treatment of Individuals who are Compulsive Gamblers...... 1,029,500

Payable from Youth Drug Abuse Prevention Fund................................. 530,000

For Grants and Administrative Expenses Related to Addiction Treatment and Related Services:
Payable from Drunk and Drugged Driving Prevention Fund.......................... 3,212,200
Payable from Drug Treatment Fund.................... 5,105,800

For underwriting the cost of housing for groups of recovering individuals:
Payable from Group Home Loan Revolving Fund................................. 200,000

New matter indicated by italics - deletions by strikeout
Section 140. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

REHABILITATION SERVICES BUREAUS
Payable from Illinois Veterans' Rehabilitation Fund:
For Personal Services........................................ 1,875,500
For Retirement Contributions................................... 855,200
For State Contributions to Social Security .................. 143,500
For Group Insurance........................................... 506,000
For Travel......................................................... 12,200
For Commodities.................................................. 5,600
For Equipment..................................................... 7,000
For Telecommunications Services............................ 19,500
Total ....................................................................... $3,424,500

Section 145. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

REHABILITATION SERVICES BUREAUS
GRANTS-IN-AID
For Case Services to Individuals:
Payable from Illinois Veterans' Rehabilitation Fund.............. 2,413,700

Section 165. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenditures of the Department of Human Services:

CENTRAL SUPPORT AND CLINICAL SERVICES
Payable from Mental Health Reporting Fund:
For Expenses related to Implementing the Firearm Concealed Carry Act................................. 2,500,000

Section 195. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services for the purposes hereinafter named:

FAMILY AND COMMUNITY SERVICES
Payable from the DHS State Projects Fund:
For Operational Expenses for Public Health Programs............................. 368,000
Payable from Youth Alcoholism and Substance Abuse Prevention Fund:

New matter indicated by italics - deletions by strikeout
For community-based alcohol and
other drug abuse prevention services.............. 150,000

Section 200. The following named amounts, or so much thereof as
may be necessary, respectively, for the objects hereinafter named, are
appropriated to the Department of Human Services for Family and
Community Services and related distributive purposes, including such
Federal funds as are made available by the Federal government for the
following purposes:

FAMILY AND COMMUNITY SERVICES
GRANTS-IN-AID

Payable from Assistance to the Homeless Fund:
For costs related to Providing Assistance
to the Homeless including Operating and
Administrative Costs and Grants............... 300,000

Payable from the Specialized Services for Survivors of Human
Trafficking Fund:
For Grants to Organizations to Prevent
Prostitution and Human Trafficking............ 100,000

Payable from the Illinois Affordable Housing Trust Fund:
For Homeless Youth Services................. 1,000,000
For Homelessness Prevention................. 3,000,000
For Emergency and Transitional Housing...... 9,383,700

Payable from the Health and Human
Services Medicaid Trust Fund:
For grants for Supportive Housing Services.... 3,382,500

Payable from Hunger Relief Fund:
For Grants for food banks for the
purchase of food and related supplies for
low income persons .......................... 300,000

Payable from Sexual Assault Services Fund:
For Grants Related to the
Sexual Assault Services Program.......... 100,000

Payable from Tobacco Settlement Recovery Fund:
For a Grant to the Coalition for Technical
Assistance and Training..................... 250,000
For all costs associated with
Children’s Health Programs, including
grants, contracts, equipment, vehicles
and administrative expenses............... 1,138,800

New matter indicated by italics - deletions by strikeout
Payable from the Sexual Assault Services and Prevention fund:
  For Grants and administrative expenses of the Sexual Assault Services and Prevention Program.......................... 600,000
Payable from the Children’s Wellness Charities Fund:
  For Grants to Children’s Wellness Charities...... 100,000
Payable from the Housing for Families Fund:
  For Grants for Housing for Families............. 100,000
Payable from the Farmers’ Market Technology Improvement Fund:
  For Farmers’ Market Technology ................. 1,000,000
Payable from Early Intervention Services Revolving Fund:
  For Grants and administrative expenses associated with the Early Intervention Services Program, including prior years costs ......................... 180,000,000
For Grants and Administrative Expenses of Addiction Prevention and Related Services:
  Payable from Youth Alcoholism and Substance Abuse Prevention Fund ............. 1,050,000

ARTICLE 24

Section 1. The amount of $3,572,500, or so much thereof as may be necessary, is appropriated to the Illinois Power Agency from the Illinois Power Agency Operations Fund for its ordinary and contingent expenses.

Section 5. The amount of $1,372,500, or so much thereof as may be necessary, is appropriated to the Illinois Power Agency from the Illinois Power Agency Trust Fund for deposit into the Illinois Power Agency Operations Fund pursuant to subsection (c) of Section 6z-75 of the State Finance Act.

Section 10. The amount of $50,000,000, or so much thereof as may be necessary, is appropriated to the Illinois Power Agency from the Illinois Power Agency Renewable Energy Resources Fund for funding of current and prior fiscal year purchases of renewable energy resources and related expenses, including the refund of bidder deposit fees and overpayments of alternative compliance payments, pursuant to subsections (b), (c), and (i) of Section 1-56 of the Illinois Power Agency Act.

New matter indicated by italics - deletions by strikeout
Section 15. The amount of $496,988, or so much thereof as may be necessary, is appropriated from the Illinois Power Agency Operations Fund to the Illinois Power Agency for deposit into the General Revenue Fund.

**ARTICLE 25**

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Insurance Producer Administration Fund to the Department of Insurance:

<table>
<thead>
<tr>
<th>PRODUCER ADMINISTRATION</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>10,000,000</td>
</tr>
<tr>
<td>For State Contributions to the State Employees' Retirement System</td>
<td>4,684,200</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>765,000</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>3,408,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>1,850,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>125,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>20,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>20,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>60,000</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>500,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>230,000</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>5,000</td>
</tr>
<tr>
<td>For Refunds</td>
<td>100,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$21,767,200</td>
</tr>
</tbody>
</table>

Section 5. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the Insurance Producer Administration Fund to the Department of Insurance for costs and expenses related to or in support of a Regulatory/G&A Shared Services Center.

Section 10. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the Insurance Producer Administration Fund to the Department of Insurance for costs and expenses related to or in support of Get Covered Illinois.

Section 15. The sum of $750,000, or so much thereof as may be necessary, is appropriated from the Insurance Producer Administration Fund to the Department of Insurance for costs and expenses related to or in support of the agency’s operations.

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter
named, are appropriated from the Insurance Financial Regulation Fund to the Department of Insurance:

**FINANCIAL REGULATION**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>11,100,000</td>
</tr>
<tr>
<td>For State Contributions to the State</td>
<td></td>
</tr>
<tr>
<td>- Employees' Retirement System</td>
<td>4,947,000</td>
</tr>
<tr>
<td>- Social Security</td>
<td>849,000</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>3,288,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>1,850,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>150,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>20,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>20,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>60,000</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>500,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>215,000</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>5,000</td>
</tr>
<tr>
<td>For Refunds</td>
<td>49,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$23,053,000</strong></td>
</tr>
</tbody>
</table>

Section 25. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Insurance Financial Regulation Fund to the Department of Insurance for costs and expenses related to or in support of the agency’s operations.

Section 35. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Public Pension Regulation Fund to the Department of Insurance:

**PENSION DIVISION**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,000,000</td>
</tr>
<tr>
<td>For State Contributions to the State</td>
<td></td>
</tr>
<tr>
<td>- Employees' Retirement System</td>
<td>446,000</td>
</tr>
<tr>
<td>- Social Security</td>
<td>76,500</td>
</tr>
<tr>
<td>- Group Insurance</td>
<td>360,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>25,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>30,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>2,500</td>
</tr>
<tr>
<td>For Printing</td>
<td>2,500</td>
</tr>
<tr>
<td>For Equipment</td>
<td>5,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>2,500</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,950,000</strong></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Section 40. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the Public Pension Regulation Fund to the Department of Insurance for costs and expenses related to or in support of the agency’s operations.

Section 45. The sum of $950,000, or so much thereof as may be necessary, is appropriated from the Illinois Workers’ Compensation Commission Operations Fund to the Department of Insurance for costs associated with the administration and operations of the Insurance Fraud Division of the Illinois Workers’ Compensation Commission’s anti-fraud program.

ARTICLE 26

Section 10. The amount of $246,800, or so much thereof as may be necessary, is appropriated from the Amusement Ride and Patron Safety Fund to the Department of Labor for operational expenses associated with the administration of The Amusement Ride and Attraction Safety Act.

Section 15. The amount of $623,100, or so much thereof as may be necessary, is appropriated from the Child Labor Enforcement and Day and Temporary Labor Services Enforcement Fund to the Department of Labor for operational expenses associated with the administration of The Child Labor Law Act and The Day and Temporary Labor Services Act.

Section 20. The amount of $348,300, or so much thereof as may be necessary, is appropriated from the Employee Classification Fund to the Department of Labor for operational expenses associated with the administration of The Employee Classification Act.

Section 25. The amount of $206,200, or so much thereof as may be necessary, is appropriated from the Wage Theft Enforcement Fund to the Department of Labor for operational expenses associated with the administration of The Illinois Wage Payment and Collection Act.

ARTICLE 27

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses for the Department of the Lottery, including operating expenses related to Multi-State Lottery games pursuant to the Illinois Lottery Law:

PAYABLE FROM STATE LOTTERY FUND

For Personal Services......................... 9,927,400
For State Contributions for the State Employees’ Retirement System................. 4,560,500
For State Contributions to

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social Security</td>
<td>765,000</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>3,528,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>1,900,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>100,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>50,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>15,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>450,000</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>4,349,200</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>464,000</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>376,000</td>
</tr>
<tr>
<td>For Refunds</td>
<td>100,000</td>
</tr>
<tr>
<td>For Expenses of Developing and Promoting Lottery Games</td>
<td>192,800,000</td>
</tr>
<tr>
<td>For Expenses of the Lottery Board</td>
<td>8,300</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$219,393,400</td>
</tr>
</tbody>
</table>

Section 5. The sum of $535,700, or so much thereof as may be necessary, is appropriated from the State Lottery Fund to the Department of the Lottery for costs and expenses related to or in support of a Government Services shared services center.

ARTICLE 28

Section 10. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the Military Affairs Trust Fund to the Department of Military Affairs Office of the Adjutant General Division to support youth and other programs, provided such amounts shall not exceed funds to be made available from public or private sources.

Section 15. The sum of $5,000,000, or so much thereof as may be necessary, is appropriated from the Illinois Military Family Relief Fund to the Department of Military Affairs Office of the Adjutant General Division for the issuance of grants to persons or families of persons who are members of the Illinois National Guard or Illinois residents who are members of the armed forces of the United States and who have been called to active duty as a result of the September 11, 2001 terrorist attacks, including costs in prior years.

Section 20. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the U.S.S. Illinois Commissioning Fund to the Department of Military Affairs to make grants to the U.S.S. Illinois Commissioning Committee.

ARTICLE 29

New matter indicated by italics - deletions by strikeout
Section 1. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Department of Healthcare and Family Services for the purposes hereinafter named:

**PROGRAM ADMINISTRATION**

Payable from Public Aid Recoveries Trust Fund:

- For Personal Services: 262,100
- For State Contributions to State Employees' Retirement System: 119,500
- For State Contributions to Social Security: 20,100
- For Group Insurance: 96,200
- For Contractual Services: 5,294,400
- For Commodities: 320,400
- For Printing: 484,600
- For Equipment: 153,000
- For Telecommunications Services: 1,300,500
- For Costs Associated with Information Technology Infrastructure: 44,055,200

Total: $52,106,000

**OFFICE OF INSPECTOR GENERAL**

Payable from Public Aid Recoveries Trust Fund:

- For Personal Services: 8,500,000
- For State Contributions to State Employees' Retirement System: 3,875,800
- For State Contributions to Social Security: 650,300
- For Group Insurance: 2,400,000
- For Contractual Services: 4,018,500
- For Travel: 78,800
- For Commodities: 0
- For Printing: 0
- For Equipment: 178,500
- For Telecommunications Services: 0

Total: $19,701,900

Payable from Long-Term Care Provider Fund:

- For Administrative Expenses: 229,000

**CHILD SUPPORT SERVICES**

Payable from Child Support Administrative Fund:

- For Personal Services: 58,800,000

New matter indicated by italics - deletions by strikeout
For Employee Retirement Contributions
Paid by Employer................................. 17,600
For State Contributions to State
Employees' Retirement System............... 26,811,600
For State Contributions to
Social Security............................... 4,498,200
For Group Insurance........................... 21,700,000
For Contractual Services...................... 56,000,000
For Travel..................................... 233,000
For Commodities................................ 180,000
For Equipment.................................. 1,500,000
For Telecommunications Services.......... 1,900,000
For Child Support Enforcement
Demonstration Projects........................ 500,000
For Administrative Costs Related to
Enhanced Collection Efforts including
Paternity Adjudication Demonstration.... 7,000,000
For Costs Related to the State
Disbursement Unit............................ 11,850,000
Total $191,282,400

PUBLIC AID RECOVERIES
Payable from Public Aid Recoveries Trust Fund:
For Personal Services....................... 8,241,500
For State Contributions to State
Employees' Retirement System............. 3,758,000
For State Contributions to
Social Security............................. 630,500
For Group Insurance.......................... 2,318,000
For Contractual Services.................... 13,650,000
For Travel.................................... 67,200
For Commodities.............................. 12,600
For Printing................................... 6,300
For Equipment................................ 168,000
For Telecommunications Services........ 105,000
Total $28,957,100

MEDICAL
Payable from Provider Inquiry Trust Fund:
For Expenses Associated with

New matter indicated by italics - deletions by strikeout
Providing Access and Utilization of Department Eligibility Files.............. 2,500,000

Payable from Public Aid Recoveries Trust Fund:
For Personal Services.......................... 9,101,000
For State Contributions to State Employees’ Retirement System............... 4,149,800
For State Contributions to Social Security........................................... 696,200
For Group Insurance............................ 1,967,400
For Contractual Services.......................................................... 45,061,400
For Commodities.................................... 5,300
For Printing....................................... 3,500
For Equipment.................................... 374,400
For Telecommunications Services................... 22,400
For Costs Associated with the Development, Implementation and Operation of a Data Warehouse................. 6,259,100
Total $67,640,500

Payable from Healthcare Provider Relief Fund:
For Operational Expenses...................... 53,361,800

Section 5. In addition to any amounts heretofore appropriated, the following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Healthcare and Family Services for Medical Assistance under the Illinois Public Aid Code, the Children's Health Insurance Program Act, the Covering ALL KIDS Health Insurance Act, and the Long Term Acute Care Hospital Quality Improvement Transfer Program Act for prescribed drugs, including related administrative and operation costs, and costs related to the operation of the Health Benefits for Workers with Disabilities Program:
Payable from:
Drug Rebate Fund............................. 700,000,000
Medicaid Buy-In Program Revolving Fund........... 550,000
Total $700,550,000

Section 15. In addition to any amount heretofore appropriated, the amount of $70,000,000, or so much thereof as may be necessary, is appropriated to the Department of Healthcare and Family Services from the Medical Interagency Program Fund for i) Medical Assistance payments on behalf of individuals eligible for Medical Assistance programs administered by the Department of Healthcare and Family Services, and ii)
pursuant to an interagency agreement, medical services and other costs associated with programs administered by another agency of state government, including operating and administrative costs.

Section 25. In addition to any amounts heretofore appropriated, the following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Healthcare and Family Services for Medical Assistance and Administrative Expenditures:


Payable from Care Provider Fund for Persons with a Developmental Disability:
- For Administrative Expenditures

Payable from Long-Term Care Provider Fund:
- For Skilled, Intermediate, and Other Related Long-Term Care Services
- For Administrative Expenditures

Total

Payable from Hospital Provider Fund:
- For Hospitals, Capitated Managed Care Organizations as described in subsections (s) and (t) of Section 5A-12.2 of the Illinois Public Aid Code, and Related Operating and Administrative Costs

Payable from Tobacco Settlement Recovery Fund:
- For Medical Assistance Providers

Payable from Healthcare Provider Relief Fund:
- For Medical Assistance Providers and Related Operating and Administrative Costs

Payable from Supportive Living Facility Fund:
- For Supportive Living Facilities and Related Operating and Administrative Costs

Section 30. In addition to any amounts heretofore appropriated, the following named amounts, or so much thereof as may be necessary,
respectively, are appropriated to the Department of Healthcare and Family Services for Medical Assistance and Administrative Expenditures:

FOR MEDICAL ASSISTANCE UNDER THE ILLINOIS PUBLIC AID CODE, THE CHILDREN'S HEALTH INSURANCE PROGRAM ACT, AND THE COVERING ALL KIDS HEALTH INSURANCE ACT

Payable from County Provider Trust Fund:

For Medical Services.......................... 2,500,000,000
For Administrative Expenditures Including Pass-through of Federal Matching Funds....... 25,000,000
Total ........................................ $2,525,000,000

Section 35. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Healthcare and Family Services for refunds of overpayments of assessments or inter-governmental transfers made by providers during the period from July 1, 1991 through June 30, 2015:

Payable from:
Care Provider Fund for Persons with a Developmental Disability.............. 1,000,000
Long-Term Care Provider Fund..................... 2,750,000
Hospital Provider Fund.......................... 5,000,000
County Provider Trust Fund................. 1,000,000
Total ........................................ $9,750,000

Section 40. The amount of $15,000,000, or so much thereof as may be necessary, is appropriated to the Department of Healthcare and Family Services from the Trauma Center Fund for adjustment payments to certain Level I and Level II trauma centers.

Section 45. The amount of $375,000,000, or so much thereof as may be necessary, is appropriated to the Department of Healthcare and Family Services from the University of Illinois Hospital Services Fund to reimburse the University of Illinois Hospital for medical services.

Section 50. The amount of $1,500,000, or so much thereof as may be necessary, is appropriated to the Department of Healthcare and Family Services from the Juvenile Rehabilitation Services Medicaid Matching Fund for payments to the Department of Juvenile Justice and counties for court-ordered juvenile behavioral health services under the Illinois Public Aid Code and the Children's Health Insurance Program Act.

Section 55. The amount of $30,500,000, or so much thereof as may be necessary, is appropriated to the Department of Healthcare and Family Services from the Medical Special Purposes Trust Fund for medical services.
demonstration projects and costs associated with the implementation of federal Health Insurance Portability and Accountability Act mandates.

Section 60. The amount of $35,000,000, or so much thereof as may be necessary, is appropriated to the Department of Healthcare and Family Services from the Medical Special Purposes Trust Fund for costs associated with the development, implementation and operation of an eligibility verification and enrollment system as required by Public Act 96-1501 and the federal Patient Protection and Affordable Care Act, including grant expenditures, operating and administrative costs and related distributive purposes.

Section 70. In addition to any amounts heretofore appropriated, the amount of $15,000,000, or so much thereof as may be necessary, is appropriated to the Department of Healthcare and Family Services from the Money Follows the Person Budget Transfer Fund for costs associated with long-term care, including related operating and administrative costs. Such costs shall include, but not necessarily be limited to, those related to long-term care rebalancing efforts, institutional long-term care services, and, pursuant to an interagency agreement, community-based services administered by another agency of state government.

ARTICLE 30

Section 5. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named for the Fiscal Year ending June 30, 2016:

Payable from the Public Health Special State Projects Fund:
For Expenses of Public Health Programs........... 750,000

Section 10. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF FINANCE AND ADMINISTRATION

Payable from the Lead Poisoning Screening, Prevention, and Abatement Fund:
For Operational Expenses for Maintaining Billings and Receivables for Lead Testing.................................. 110,000

Payable from Death Certificate Surcharge Fund:
For Expenses of Statewide Database

New matter indicated by italics - deletions by strikeout
of Death Certificates and Distributions of Funds to Governmental Units, Pursuant to Public Act 91-0382.................. 2,500,000
Total  $2,500,000

Payable from the Illinois Adoption Registry and Medical Information Exchange Fund:
For Expenses Associated with the Adoption Registry and Medical Information Exchange.......................... 400,000

Payable from the Public Health Special State Projects Fund:
For Operational Expenses of Regional and Central Office Facilities........................................ 750,000

Payable from the Metabolic Screening and Treatment Fund:
For Operational Expenses for Maintaining Laboratory Billings and Receivables.............. 80,000

Section 20. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

DIVISION OF INFORMATION TECHNOLOGY

Payable from the Public Health Special State Projects Fund:
For Expenses of EPSDT and Other Public Health Programs.......................... 200,000

Section 25. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF POLICY, PLANNING AND STATISTICS

Payable from the Rural/Downstate Health Access Fund:
For Expenses Related to the J1 Waiver Applications........................................ 100,000

Payable from the Hospital Licensure Fund:
For Expenses Associated with the Illinois Adverse Health Care Events Reporting Law for an Adverse Health Care Event Reporting System.... 1,500,000

Payable from Community Health Center Care Fund:
For Expenses for Access to Primary Health

New matter indicated by italics - deletions by strikeout
Care Services Program per Family Practice
Residency Act................................. 500,000

Payable from Illinois Health Facilities Planning Fund:
For Expenses of the Health Facilities
And Services Review Board..................... 1,200,000
For Department Expenses in Support
of the Health Facilities and Services
Review Board................................. 2,500,000
Total $3,700,000

Payable from Nursing Dedicated and Professional Fund:
For Expenses of the Nursing Education
Scholarship Law................................. 2,000,000

Payable from the Long-Term Care Provider Fund:
For Expenses of Identified Offenders
Assessment and Other Public Health and
Safety Activities.............................. 2,000,000

Payable from the Regulatory Evaluation and Basic
Enforcement Fund:
For Expenses of the Alternative Health Care
Delivery Systems Program....................... 75,000

Payable from Public Health Special State Projects Fund:
For Expenses Associated with Health
Outcomes Investigations and
Other Public Health Programs.............. 2,500,000

Payable from Illinois State Podiatric Disciplinary Fund:
For Expenses of the Podiatric Scholarship
and Residency Act............................ 100,000

Payable from the Tobacco Settlement Recovery Fund:
For Grants for the Community Health Center
Expansion Program and Healthcare
Workforce Providers in Health
Professional Shortage Areas (HPSAs)
in Illinois................................. 1,364,600

Section 30. The following named amounts, or so much thereof as
may be necessary, are appropriated to the Department of Public Health for
the objects and purposes hereinafter named:

OFFICE OF HEALTH PROMOTION
Payable from the Compassionate Use of Medical Cannabis Fund:
For Expenditures to Implement the Medical

New matter indicated by italics - deletions by strikeout
Cannabis Program...................................... 5,000,000
Payable from the Alzheimer’s Disease Research Fund:
For Grants for Pursuant to the Alzheimer’s Disease Research Act......................... 350,000
Payable from the Public Health Special State Projects Fund:
For Expenses for Public Health Programs...... 1,500,000
Payable from the Hearing Instrument Dispenser Examining and Disciplinary Fund:
For Expenses Pursuant to the Hearing Aid Consumer Protection Act...................... 100,000
Payable from the Childhood Cancer Research Fund:
For Grants for Childhood Cancer Research........ 75,000
Payable from the Diabetes Research Checkoff Fund:
For Grants for Diabetes Research............... 250,000
Payable from the DHS Private Resources Fund:
For Expenses of Diabetes Research Treatment and Programs............................... 700,000
Payable from the Tobacco Settlement Recovery Fund:
For Certified Local Health Department Grants for Anti-Smoking Programs............. 5,000,000
For Grants and Administrative Expenses for the Tobacco Use Prevention Program,
BASUAH Program, and Asthma Prevention........ 1,000,000
Total $6,000,000
Payable from the Metabolic Screening and Treatment Fund:
For Operational Expenses for Metabolic Screening Follow-up Services............... 3,297,000
Payable from the Autoimmune Disease Research Fund:
For Grants for Autoimmune Disease Research and Treatment......................... 45,000
Payable from the Prostate Cancer Research Fund:
For Grants to Public and Private Entities in Illinois for Prostate Cancer Research........ 30,000

Section 45. The sum of $400,000, or so much thereof as may be necessary, is appropriated from the Healthy Smiles Fund to the Department of Public Health for expenses of the Healthy Smiles Program.

New matter indicated by italics - deletions by strikeout
Section 55. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

**OFFICE OF HEALTH CARE REGULATION**

Payable from the Home Care Services Agency Licensure Fund:
- For expenses of Home Care Services Agency Licensure: 1,400,000

Payable from the Regulatory Evaluation and Basic Enforcement Fund:
- For Expenses of the Alternative Health Care Delivery Systems Program: 75,000

Payable from the Health Facility Plan Review Fund:
- For Expenses of Health Facility Plan Review Program and Hospital Network System, Including Refunds: 2,227,000

Payable from the Hospice Fund:
- For Grants for Hospice Services as Defined in the Hospice Program Licensing Act: 15,000

Payable from Assisted Living and Shared Housing Regulatory Fund:
- For operational expenses of the Assisted Living and Shared Housing Program, pursuant to Public Act 91-0656: 801,000

Payable from the Public Health Special State Projects Fund:
- For Health Care Facility Regulation: 900,000

Payable from Equity in Long-Term Care Quality Fund:
- For Grants to Assist Residents of Facilities Licensed Under the Nursing Home Care Act: 3,500,000

Payable from the Hospital Licensure Fund:
- For Expenses Associated with Hospital Inspections: 750,000

New matter indicated by italics - deletions by strikeout
Section 60. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF HEALTH PROTECTION

Payable from the Food and Drug Safety Fund:
For Expenses of Administering the Food and Drug Safety Program, Including Refunds 2,000,000

Payable from the Safe Bottled Water Fund:
For Expenses for the Safe Bottled Water Program 100,000

Payable from the Facility Licensing Fund:
For Expenses, including Refunds, of Environmental Health Programs 3,000,000

Payable from the Illinois School Asbestos Abatement Fund:
For Expenses, Including Refunds, of Administering and Executing the Asbestos Abatement Act and the Federal Asbestos Hazard Emergency Response Act of 1986 (AHERA) 1,200,000

Payable from the Emergency Public Health Fund:
For Expenses of Mosquito Abatement in an Effort to Curb the Spread of West Nile Virus and other Vector Borne Diseases 5,100,000

Payable from the Public Health Water Permit Fund:
For Expenses, Including Refunds, of Administering the Groundwater Protection Act 200,000

Payable from the Used Tire Management Fund:
For Expenses of Vector Control Programs, Including Mosquito Abatement 500,000

Payable from the Tattoo and Body Piercing Fund:
For Expenses of Administering of Tattoo and Body Piercing Establishment Registration Program 300,000

Payable from the Lead Poisoning Screening, Prevention, and Abatement Fund:
For Expenses of the Lead Poisoning

New matter indicated by italics - deletions by strikeout
Screening, and Prevention Program,  
Including Refunds............................ 2,897,100
Payable from the Tanning Facility Permit Fund:  
For Expenses to Administer the  
Tanning Facility Permit Act,  
Including Refunds............................ 400,000
Payable from the Plumbing Licensure  
and Program Fund:  
For Expenses to Administer and Enforce  
the Illinois Plumbing License Law,  
Including Refunds............................ 2,450,000
Payable from the Pesticide Control Fund:  
For Public Education, Research,  
and Enforcement of the Structural  
Pest Control Act.............................. 420,000
Payable from the Pet Population Control Fund:  
For Expenses Associated with the  
Illinois Public Health and Safety  
Animal Population Control Act............. 250,000
Payable from the Public Health Special  
State Projects Fund:  
For Expenses of Conducting EPSDT  
and Other Health Protection Programs...... 14,200,000
Payable from the Lead Poisoning Screening,  
Prevention, and Abatement Fund:  
For Grants for the Lead Poisoning Screening  
and Prevention Program..................... 1,500,000
Payable from the Private Sewage Disposal  
Program Fund:  
For Expenses of Administering the  
Private Sewage Disposal Program............ 250,000

Section 70. The following named amounts, or so much thereof as  
may be necessary, are appropriated to the Department of Public Health for  
expenses of programs related to Acquired Immunodeficiency Syndrome  
(AIDS) and Human Immunodeficiency Virus (HIV):  

OFFICE OF HEALTH PROTECTION: AIDS/HIV
Payable from the African-American  
HIV/AIDS Response Fund:  
For Grants and Other Expenses for  

New matter indicated by italics - deletions by strikeout
the Prevention and Treatment of HIV/AIDS and the Creation of an HIV/AIDS Service Delivery System to Reduce the Disparity of HIV Infection and AIDS Cases Between African-Americans and Other Population Groups............................... 500,000

Section 75. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

   PUBLIC HEALTH LABORATORIES

Payable from the Lead Poisoning Screening, Prevention, and Abatement Fund:
For Expenses, Including Refunds, of Lead Poisoning Screening, Prevention and Abatement Program.............. 1,398,100
Payable from the Public Health Special State Projects Fund:
For Operational Expenses of Regional and Central Office Facilities................................. 2,200,000

Section 80. The following named amounts, or as much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

   OFFICE OF WOMEN'S HEALTH

Payable from the Public Health Special State Projects Fund:
For Expenses of Women's Health Programs........... 200,000
Payable from the Penny Severns Breast, Cervical, and Ovarian Cancer Research Fund:
For Grants for Breast and Cervical Cancer Research................................. 600,000
Payable from Tobacco Settlement Recovery Fund:
For Costs Associated with Children’s Health Programs .................. 1,229,700

Section 95. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Public Health for the objects and purposes hereinafter named:

   OFFICE OF PREPAREDNESS AND RESPONSE

Payable from the Heartsaver AED Fund:
For Expenses Associated with the

New matter indicated by italics - deletions by strikeout
Heartsaver AED Program............................... 50,000
Payable from the Trauma Center Fund:
For Expenses of Administering the
Distribution of Payments to
Trauma Centers........................................... 7,000,000
Payable from the EMS Assistance Fund:
For Expenses of Administering the
Distribution of Payments from the
EMS Assistance Fund, Including Refunds........ 1,500,000
Payable from the Spinal Cord Injury Paralysis
Cure Research Trust Fund:
For Grants for Spinal Cord Injury Research....... 800,000
Payable from the Public Health Special
Projects Fund:
For All Costs Associated with Public
Health Preparedness Including First-
Aid Stations and Anti-viral Purchases........... 450,000

ARTICLE 31
Section 10. The following named sums, or so much thereof as may
be necessary, respectively, for the objects and purposes hereinafter named,
are appropriated to meet the ordinary and contingent expenses of the
Department of Revenue:

GOVERNMENT SERVICES
PAYABLE FROM THE PERSONAL PROPERTY TAX
REPLACEMENT FUND:
For a portion of the state’s share of state’s
attorneys’ and assistant state’s
attorneys’ salaried, including
prior year costs......................................... 13,875,000
For a portion of the state’s share of county
public defenders’ salaries pursuant
to 55 ILCS 5/3-4007................................. 7,150,000
For the State’s share of county
supervisors of assessments or
county assessors’ salaries, as
provided by law................................. 3,250,000
For additional compensation for local
assessors, as provided by Sections 2.3
and 2.6 of the “Revenue Act of 1939”, as

New matter indicated by italics - deletions by strikeout
amended.............................................. 350,000
For additional compensation for local assessors, as provided by Section 2.7 of the “Revenue Act of 1939”, as amended.............................................. 660,000
For additional compensation for county treasurers, pursuant to Public Act 84-1432, as amended................................. 663,000
For the annual stipend for sheriffs as provided in subsection (d) of Section 4-6300 and Section 4-8002 of the counties code.............................. 663,000
For the annual stipend to county coroners pursuant to 55 ILCS 5/4-6002 including prior year costs............................ 663,000
For additional compensation for county auditors, pursuant to Public Act 95-0782, including prior year costs............................... 110,500

Total $27,384,500
PAYABLE FROM MOTOR FUEL TAX FUND
For Reimbursement to International Fuel Tax Agreement Member States................. 8,000,000
For Refunds............................................. 22,000,000
Total $30,000,000
PAYABLE FROM UNDERGROUND STORAGE TANK FUND
For Refunds as provided for in Section 13a.8 of the Motor Fuel Tax Act......................... 12,000
PAYABLE FROM THE MUNICIPAL TELECOMMUNICATIONS FUND
For refunds associated with the Simplified Municipal Telecommunications Act........ 12,000
PAYABLE FROM REGIONAL TRANSPORTATION AUTHORITY OCCUPATION AND USE TAX REPLACEMENT FUND
For allocation to RTA for 10% of the 1.25% Use Tax pursuant to P.A. 86-0928........ 42,200,000
PAYABLE FROM SENIOR CITIZENS’ REAL ESTATE TAX REVOLVING FUND
For payments to counties as required

New matter indicated by italics - deletions by strikeout
by the Senior Citizens Real
Estate Tax Deferral Act, including
prior year cost............................... 8,000,000
PAYABLE FROM RENTAL HOUSING SUPPORT PROGRAM FUND
For administration of the Rental
Housing Support Program....................... 1,600,000
For rental assistance to the Rental
Housing Support Program, administered
by the Illinois Housing Development
Authority.................................... 35,000,000
Total.................................................. $36,600,000
PAYABLE FROM ILLINOIS AFFORDABLE HOUSING TRUST FUND
For administration of the Illinois
Affordable Housing Act......................... 4,100,000
PAYABLE FROM ILLINOIS GAMING LAW ENFORCEMENT FUND
For a Grant for Allocation to Local Law
Enforcement Agencies for joint state and
local efforts in Administration of the
Charitable Games, Pull Tabs and Jar
Games Act........................................ 1,100,000
Section 15. The sum of $2,613,500, or so much thereof as may be
necessary, is appropriated from the State and Local Sales Tax Reform
Fund to the Department of Revenue for the purpose stated in Section 6z-
17 of the State Finance Act and Section 2-2.04 of the Downstate Public
Transportation Act for a grant to Madison County.
Section 20. The sum of $53,000,000, or so much thereof as may be
necessary, is appropriated from the Illinois Affordable Housing Trust Fund
to the Department of Revenue for grants, (down payment assistance, rental
subsidies, security deposit subsidies, technical assistance, outreach,
building an organization's capacity to develop affordable housing projects
and other related purposes), mortgages, loans, or for the purpose of
securing bonds pursuant to the Illinois Affordable Housing Act,
administered by the Illinois Housing Development Authority.
Section 30. The sum of $3,000,000, or so much thereof as may be
necessary, is appropriated from the Illinois Affordable Housing Trust Fund
to the Department of Revenue for grants to other state agencies for rental
assistance, supportive living and adaptive housing.
Section 35. The sum of $25,000,000, new appropriation, is
appropriated and the sum of $15,000,000, or so much thereof as may be

New matter indicated by italics - deletions by strikeout
necessary and as remains unexpended at the close of business on June 30, 2015, from appropriations and reappropriations heretofore made in Article 35, Section 30 of Public Act 98-0679 is reappropriated from the Federal HOME Investment Trust Fund to the Department of Revenue for the Illinois HOME Investment Partnerships Program administered by the Illinois Housing Development Authority.

Section 40. The sum of $8,500,000, or so much thereof as may be necessary, is appropriated from the Foreclosure Prevention Program Fund to the Department of Revenue for administration by the Illinois Housing Development Authority, for grants and administrative expenses pursuant to the Foreclosure Prevention Program.

Section 45. The sum of $11,000,000, or so much thereof as may be necessary, is appropriated from the Foreclosure Prevention Program Graduated Fund to the Department of Revenue for administration by the Illinois Housing Development Authority, for grants and administrative expenses pursuant to the Foreclosure Prevention Program.

Section 50. The sum of $15,000,000, or so much thereof as may be necessary, is appropriated from the Abandoned Residential Property Municipality Relief Fund to the Department of Revenue for administration by the Illinois Housing Development Authority, for grants and administrative expenses pursuant to the Abandoned Residential Property Municipality Relief Program.

Section 55. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Revenue:

TAX ADMINISTRATION AND ENFORCEMENT
PAYABLE FROM MOTOR FUEL TAX FUND

For Personal Services......................... 18,159,900
For State Contributions to State
Employees' Retirement System............... 8,280,500
For State Contributions to Social Security..... 1,389,200
For Group Insurance......................... 4,608,000
For Contractual Services..................... 2,092,000
For Travel................................... 773,200
For Commodities..................          58,400
For Printing................................. 169,800
For Equipment............................... 15,000
For Electronic Data Processing.............. 7,202,500

New matter indicated by italics - deletions by strikeout
For Telecommunications Services
For Operation of Automotive Equipment
For Administrative Costs Associated
   With the Motor Fuel Tax Enforcement
Grant from USDOT
Total

<table>
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<td>With the Motor Fuel Tax Enforcement</td>
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<td>Grant from USDOT</td>
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<td>$43,708,700</td>
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**PAYABLE FROM UNDERGROUND STORAGE TANK FUND**

For Personal Services
For State Contributions to State Employees' Retirement System
For State Contributions to Social Security
For Group Insurance
For Travel
For Commodities
For Printing
For Electronic Data Processing
For Telecommunications Services
Total

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<td>For Commodities</td>
<td>2,100</td>
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<td>For Printing</td>
<td>1,500</td>
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<td>For Electronic Data Processing</td>
<td>235,300</td>
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<td>For Telecommunications Services</td>
<td>61,400</td>
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<td>Total</td>
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**PAYABLE FROM ILLINOIS GAMING LAW ENFORCEMENT FUND**

For Personal Services
For State Contributions to State Employees' Retirement System
For State Contributions to Social Security
For Group Insurance
For Telecommunications Services
Total

<table>
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<td>For Group Insurance</td>
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<td>For Telecommunications Services</td>
<td>10,000</td>
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<td>Total</td>
<td>$777,700</td>
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</table>

**PAYABLE FROM TAX COMPLIANCE AND ADMINISTRATION FUND**

For Personal Services
For State Contributions to State Employees' Retirement System
For State Contributions to Social Security
For Group Insurance
For Travel
For Commodities
For Electronic Data Processing
For Telecommunications Services
For Administration of the Illinois Petroleum Education and Marketing Act
New matter indicated by italics - deletions by strikeout
For Administration of the Drycleaner Environmental Response Trust Fund Act.............. 142,200
For Administration of the Simplified Telecommunications Act............................ 2,687,100
For administrative costs associated with the Municipality Sales Tax as directed in Public Act 93-1053................. 175,700
For administration of the Cigarette Retailer Enforcement Act.......................... 1,320,000
Total $18,601,000

PAYABLE FROM PERSONAL PROPERTY TAX REPLACEMENT FUND
For Personal Services............................... 12,325,100
or State Contributions to State Employees' Retirement System......................... 5,620,000
For State Contributions to Social Security........ 942,800
For Group Insurance................................. 3,864,000
For Contractual services......................... 388,700
For Travel........................................ 243,900
For Commodities................................. 52,500
For Printing....................................... 27,100
For Electronic Data Processing............... 5,108,100
For Telecommunications Services............ 561,100
For Operation of Automotive Equipment.... 17,800
Total $29,151,100

LIQUOR CONTROL COMMISSION
Section 60. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Revenue:

PAYABLE FROM DRAM SHOP FUND
For Personal Services......................... 3,115,800
For State Contributions to State Employees' Retirement System............... 1,420,700
For State Contributions to Social Security........ 238,400
For Group Insurance........................... 1,080,000
For Contractual Services.................... 325,700
For Travel.................................... 90,000
For Commodities............................... 7,000

New matter indicated by italics - deletions by strikeout
For Printing........................................ 5,000
For Equipment.................................... 2,900
For Electronic Data Processing...............   247,500
For Telecommunications Services.............. 80,000
For Operation of Automotive Equipment.......  75,400
For Refunds.......................................  5,000
For expenses related to the
Retailer Education Program....................  251,600
For the purpose of operating the
Tobacco Study program, including the
Tobacco Retailer Inspection Program
pursuant to the USFDA reimbursement grant.....  1,365,200
For grants to local governmental
units to establish enforcement
programs that will reduce youth
access to tobacco products.......................  1,000,000
For the purpose of operating the
Beverage Alcohol Sellers and
Servers Education and Training
(BASSET) Program...............................  288,700
For costs associated with the Parental
Responsibility Grant.........................  200,000
Total                                          $9,798,900

SHARED SERVICES
Section 65. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Revenue:

PAYABLE FROM MOTOR FUEL TAX FUND
For costs and expenses related to or in support of a Government Services shared services center..........................  1,109,600

PAYABLE FROM DRAM SHOP FUND
For costs and expenses related to or in support of a Government Services shared services center...............  115,100

PAYABLE FROM TAX COMPLIANCE AND ADMINISTRATION FUND
For costs and expenses related

New matter indicated by italics - deletions by strikeout
to or in support of a Government
Services shared services center................. 381,400
Total $1,606,100

ARTICLE 32

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for the following purposes:

DIVISION OF ADMINISTRATION
Payable from the State Police Wireless Service Emergency Fund:
For costs associated with the administration and fulfillment of its responsibilities under the Wireless Emergency Telephone Safety Act.................................... 1,500,000
Payable from the State Police Vehicle Maintenance Fund:
For Operation of Auto............................ 700,000

Section 25. The sum of $4,000,000, or so much thereof as may be necessary, is appropriated from the State Asset Forfeiture Fund to the Department of State Police for payment of their expenditures as outlined in the Illinois Drug Asset Forfeiture Procedure Act, the Cannabis Control Act, the Controlled Substances Act, and the Environmental Safety Act.

Section 30. The sum of $2,500,000, or so much thereof as may be necessary, is appropriated from the Federal Asset Forfeiture Fund to the Department of State Police for payment of their expenditures in accordance with the Federal Equitable Sharing Guidelines.

Section 35. The sum of $2,000,000, or so much thereof as may be necessary, is appropriated to the Department of State Police, Division of Administration, from the Money Laundering Asset Recovery Fund for the ordinary and contingent expenses incurred by the Department of State Police.

Section 40. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for the following purposes:

INFORMATION SERVICES BUREAU
Payable from LEADS Maintenance Fund:
For Expenses Related to LEADS System................................. 2,600,000

New matter indicated by italics - deletions by strikeout
Section 45. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for the following purposes:

**DIVISION OF OPERATIONS**

**Payable from the Traffic and Criminal Conviction Surcharge Fund:**
- For Personal Services: $495,600
- For State Contributions to State Employees' Retirement System: $226,000
- For State Contributions to Social Security: $6,900
- For Group Insurance: $155,000
- For Contractual Services: $465,400
- For Travel: $38,300
- For Commodities: $174,600
- For Printing: $26,500
- For Telecommunications Services: $1,665,700

**Total: $3,254,000**

**Payable from the State Police Services Fund:**
- For Payment of Expenses:
  - Fingerprint Program: $25,000,000
  - Federal & IDOT Programs: $8,400,000
  - Riverboat Gambling: $1,500,000
  - Miscellaneous Programs: $5,000,000

**Total: $39,900,000**

**Payable from the Sex Offender Registration Fund:**
- For expenses of the Sex Offender Registration Program: $250,000

**Payable from the Motor Carrier Safety Inspection Fund:**
- For expenses associated with the enforcement of Federal Motor Carrier Safety Regulations and related Illinois Motor Carrier Safety Laws: $2,600,000

**Payable from the State Police DUI Fund:**
- For Equipment Purchases to Assist in New matter indicated by italics - deletions by strikeout
the Prevention of Driving Under the
Influence of Alcohol, Drugs, or Intoxication
Compounds........................................ 1,850,000
Payable from the Sex Offender Investigation Fund:
For expenses related to sex
offender investigations............................ 150,000
Payable from the Compassionate Use of
Medical Cannabis Fund:
For direct and indirect costs associated
with the implementation, administration and
enforcement of the Compassionate Use of
Medical Cannabis Pilot Program Act............ 1,000,000

Section 50. The following amount, or so much thereof as may be
necessary for objects and purposes hereinafter named, are appropriated
from the Drug Traffic Prevention Fund to the Department of State Police,
Division of Operations, pursuant to the provisions of the
“Intergovernmental Drug Laws Enforcement Act” for Grants to
Metropolitan Enforcement Groups.
For Grants to Metropolitan Enforcement Groups:
Payable from the Drug Traffic
Prevention Fund..................................... 500,000

Section 55. In the event of the receipt of funds from the Motor
Vehicle Theft Prevention Council, through a grant from the Criminal
Justice Information Authority, the amount of $0, or so much thereof as
may be necessary, is appropriated from the State Police Motor Vehicle
Theft Prevention Trust Fund to the Department of State Police for
payment of expenses.

Section 60. The sum of $14,000,000, or so much thereof as may be
necessary, is appropriated from the State Police Whistleblower Reward
and Protection Fund to the Department of State Police for payment of their
expenditures for state law enforcement purposes in accordance with the
State Whistleblower Protection Act.

Section 65. The sum of $10,000, or so much thereof as may be
necessary, is appropriated from the State Police Streetgang-Related Crime
Fund to the Department of State Police for operations related to
streetgang-related Crime Initiatives.

Section 70. The sum of $125,000, or so much thereof as may be
necessary, is appropriated from the Over-Dimensional Load Police Escort Fund.

New matter indicated by italics - deletions by strikeout
Fund to the Department of State Police for expenses incurred for providing police escorts for over-dimensional loads.

Section 75. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Medicaid Fraud and Abuse Prevention Fund to the Department of State Police, Division of Operations - Financial Fraud and Forgery Unit for the detection, investigation or prosecution of recipient or vendor fraud.

Section 80. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for the following purposes:

DIVISION OF FORENSIC SERVICES AND IDENTIFICATION

For Administration and Operation of State Crime Laboratories:
- Payable from State Crime Laboratory Fund... 11,000,000
- Payable from the State Police DUI Fund... 150,000
- Payable from State Offender DNA Identification System Fund... 3,400,000

Section 85. The sum of $6,250,000, or so much thereof as may be necessary, is appropriated to the Department of State Police, Division of Forensic Services and Identification, from the Mental Health Reporting Fund for expenses as outlined in the Firearm Concealed Carry Act and the Firearm Owners Identification Card Act.

Section 90. The sum of $22,000,000, or so much thereof as may be necessary, is appropriated to the Department of State Police from the State Police Firearm Services Fund for expenses as outlined in the Firearm Concealed Carry Act and the Firearm Owners Identification Card Act.

ARTICLE 33
DEPARTMENT OF TRANSPORTATION
MULTI-MODAL OPERATIONS

Section 5. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated from the Road Fund to meet the ordinary and contingent expenses of the Department of Transportation:

FOR CENTRAL ADMINISTRATION AND PLANNING OFFICES
- For Personal Services... 33,835,000
- For State Contributions to State Employees' Retirement System... 15,427,900
- For State Contributions to Social Security.... 2,510,600
- For Contractual Services... 13,779,300

New matter indicated by italics - deletions by strikeout
For Travel....................................... 400,000
For Commodities.............................. 331,900
For Printing.................................... 325,000
For Equipment.................................. 150,000
For Equipment:
  Purchase of Cars & Trucks.................. 105,000
For Telecommunications Services............. 450,000
For Operation of Automotive Equipment...... 5,618,300
Total $72,933,000

Section 10. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated from the Road Fund to meet the ordinary and contingent expenses of the Department of Transportation:

FOR BUREAU OF INFORMATION PROCESSING
For Personal Services......................... 6,295,300
For State Contributions to State
  Employees’ Retirement System............... 2,870,500
For State Contributions to Social Security... 466,700
For Contractual Services...................... 9,724,900
For Travel..................................... 12,200
For Commodities.............................. 30,800
For Equipment................................ 5,000
For Electronic Data Processing.............. 18,500,000
For Telecommunications....................... 370,000
Total $38,275,400

Section 15. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated from the Road Fund to meet the ordinary and contingent expenses of the Department of Transportation:

FOR HIGHWAYS CENTRAL OFFICES
For Personal Services......................... 31,950,400
For Extra Help.................................. 675,000
For State Contributions to State
  Employees’ Retirement System.............. 14,876,500
For State Contributions to Social Security... 2,415,400
For Contractual Services..................... 5,500,000
For Travel.................................... 336,400
For Commodities............................. 326,200
For Equipment................................. 350,000

New matter indicated by italics - deletions by strikeout
For Equipment:
  Purchase of Cars and Trucks.................  177,000
  For Telecommunications Services............  1,811,800
  For Operation of Automotive Equipment......  300,000
  Total                                    $58,718,700

Section 20. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated from the Road Fund to meet the ordinary and contingent expenses of the Department of Transportation:

    FOR BUREAU OF DAY LABOR

For Personal Services........................  3,863,700
For State Contributions to State Employees' Retirement System..............  1,761,800
For State Contributions to Social Security..............  463,600
For Contractual Services.....................  4,100,000
For Travel....................................  100,000
For Commodities.............................  142,200
For Equipment...............................  400,000
For Equipment:
  Purchase of Cars and Trucks.................  546,000
  For Telecommunications Services............  35,000
  For Operation of Automotive Equipment......  540,000
  Total                                    $11,952,300

Section 25. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated from the Road Fund to meet the ordinary and contingent expenses of the Department of Transportation:

    DISTRICT 1, SCHAUMBURG OFFICE

For Personal Services.......................  105,909,000
For Extra Help...............................  12,240,400
For State Contributions to State Employees' Retirement System..............  53,873,800
For State Contributions to Social Security.....  8,835,200
For Contractual Services....................  16,903,900
For Travel....................................  285,000
For Commodities............................  30,623,000
For Equipment..............................  1,897,000
For Equipment:
  Purchase of Cars and Trucks...............  6,312,000

New matter indicated by italics - deletions by strikeout
For Telecommunications Services.................. 3,200,000
For Operation of Automotive Equipment........ 12,229,200
Total $252,308,500

Section 30. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated from the Road Fund to meet the ordinary and contingent expenses of the Department of Transportation:

DISTRICT 2, DIXON OFFICE

For Personal Services................................ 32,781,500
For Extra Help........................................... 3,166,500
For State Contributions to State
  Employees' Retirement System.................. 16,391,600
  For State Contributions to Social Security..... 2,675,300
  For Contractual Services......................... 4,592,100
  For Travel.............................................. 75,000
  For Commodities................................... 10,406,400
  For Equipment...................................... 1,110,000
  For Equipment:
    Purchase of Cars and Trucks............... 1,908,000
    For Telecommunications Services........... 265,300
    For Operation of Automotive Equipment..... 4,694,500
Total $78,066,200

Section 35. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated from the Road Fund to meet the ordinary and contingent expenses of the Department of Transportation:

DISTRICT 3, OTTAWA OFFICE

For Personal Services.............................. 30,125,100
For Extra Help........................................ 3,179,200
For State Contributions to State
  Employees' Retirement System................. 15,186,100
  For State Contributions to Social Security..... 2,479,400
  For Contractual Services...................... 4,455,000
  For Travel.......................................... 45,000
  For Commodities.................................. 8,599,600
  For Equipment.................................... 1,110,000
  For Equipment:
    Purchase of Cars and Trucks............... 2,472,000
    For Telecommunications Services........... 250,900

New matter indicated by italics - deletions by strikeout
For Operation of Automotive Equipment........ 4,594,700
Total                                   $72,497,000

Section 40. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated from the Road Fund to meet the ordinary and contingent expenses of the Department of Transportation:

DISTRICT 4, PEORIA OFFICE

For Personal Services......................... 29,295,500
For Extra Help................................. 3,229,100
For State Contributions to State
Employees' Retirement System.................. 14,830,600
For State Contributions to Social Security..... 2,415,400
For Contractual Services....................... 4,305,000
For Travel........................................ 45,000
For Commodities................................ 5,355,900
For Equipment.................................. 1,110,000
For Equipment:
Purchase of Cars and Trucks................... 1,969,600
For Telecommunications Services............... 263,600
For Operation of Automotive Equipment........ 4,401,300
Total                                   $67,221,000

Section 45. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

DISTRICT 5, PARIS OFFICE

For Personal Services......................... 24,046,500
For Extra Help................................. 2,170,600
For State Contributions to State
Employees' Retirement System.................. 11,954,500
For State Contributions to Social Security..... 1,940,600
For Contractual Services....................... 3,669,000
For Travel........................................ 50,000
For Commodities................................ 4,145,200
For Equipment.................................. 1,110,000
For Equipment:
Purchase of Cars and Trucks................... 1,287,000
For Telecommunications Services............... 195,000
For Operation of Automotive Equipment........ 3,305,800
Total                                   $53,874,200

New matter indicated by italics - deletions by strikeout
Section 50. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated from the Road Fund to meet the ordinary and contingent expenses of the Department of Transportation:

**DISTRICT 6, SPRINGFIELD OFFICE**

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<td>For Extra Help</td>
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<td>For State Contributions to State Employees' Retirement System</td>
<td>15,610,200</td>
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<td>For State Contributions to Social Security</td>
<td>2,546,900</td>
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<td>For Contractual Services</td>
<td>4,028,400</td>
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<td>For Travel</td>
<td>45,000</td>
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<td>For Commodities</td>
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<td>For Equipment</td>
<td>1,110,000</td>
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<td>For Equipment:</td>
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<tr>
<td>Purchase of Cars and Trucks</td>
<td>3,167,000</td>
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<tr>
<td>For Telecommunications Services</td>
<td>253,400</td>
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<td>For Operation of Automotive Equipment</td>
<td>3,536,700</td>
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<td><strong>Total</strong></td>
<td><strong>$69,763,400</strong></td>
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Section 55. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated from the Road Fund to meet the ordinary and contingent expenses of the Department of Transportation:

**DISTRICT 7, EFFINGHAM OFFICE**

<table>
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<td>For State Contributions to State Employees' Retirement System</td>
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<td>For State Contributions to Social Security</td>
<td>2,071,100</td>
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<td>For Contractual Services</td>
<td>3,765,800</td>
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<td>For Travel</td>
<td>45,000</td>
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<td>For Commodities</td>
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<td>For Equipment</td>
<td>1,110,000</td>
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<td>For Equipment:</td>
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<tr>
<td>Purchase of Cars and Trucks</td>
<td>1,372,000</td>
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<tr>
<td>For Telecommunications Services</td>
<td>175,000</td>
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<tr>
<td>For Operation of Automotive Equipment</td>
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<td><strong>Total</strong></td>
<td><strong>$56,700,200</strong></td>
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Section 60. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated from the Road Fund to meet the ordinary and contingent expenses of the Department of Transportation:

**DISTRICT 8, COLLINSVILLE OFFICE**

<table>
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<td>For Personal Services</td>
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<td>For Extra Help</td>
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<tr>
<td>Employees' Retirement System</td>
<td>20,468,300</td>
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<td>For State Contributions to Social Security</td>
<td>3,322,700</td>
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<td>For Contractual Services</td>
<td>8,082,100</td>
</tr>
<tr>
<td>For Travel</td>
<td>85,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>4,968,500</td>
</tr>
<tr>
<td>For Equipment</td>
<td>1,360,000</td>
</tr>
<tr>
<td>For Equipment: Purchase of Cars and Trucks</td>
<td>2,187,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>550,000</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>4,474,800</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$90,387,100</strong></td>
</tr>
</tbody>
</table>

Section 65. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated from the Road Fund to meet the ordinary and contingent expenses of the Department of Transportation:

**DISTRICT 9, CARBONDALE OFFICE**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>24,026,400</td>
</tr>
<tr>
<td>For Extra Help</td>
<td>1,674,800</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>11,719,200</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>1,897,400</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>3,823,200</td>
</tr>
<tr>
<td>For Travel</td>
<td>48,500</td>
</tr>
<tr>
<td>For Commodities</td>
<td>2,408,100</td>
</tr>
<tr>
<td>For Equipment</td>
<td>1,110,000</td>
</tr>
<tr>
<td>For Equipment: Purchase of Cars and Trucks</td>
<td>1,302,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>150,000</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>3,078,600</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$51,238,200</strong></td>
</tr>
</tbody>
</table>

**FOR TRAFFIC SAFETY**

New matter indicated by italics - deletions by strikeout
Section 70. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated from the Road Fund to the Department of Transportation for the ordinary and contingent expenses of the Division of Traffic Safety:

**ADMINISTRATIVE OFFICE FOR TRAFFIC SAFETY**

**OPERATIONS**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>6,998,300</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>3,191,100</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>519,500</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>904,800</td>
</tr>
<tr>
<td>For Travel</td>
<td>65,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>150,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>275,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>15,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>175,000</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>300,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$12,593,700</strong></td>
</tr>
</tbody>
</table>

**FOR CYCLE RIDER SAFETY**

Section 75. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated from the Cycle Rider Safety Training Fund, as authorized by Public Act 82-0649, to the Department of Transportation for the administration of the Cycle Rider Safety Training Program by the Division of Traffic Safety:

**OPERATIONS**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>310,100</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>141,400</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>23,000</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>72,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>10,600</td>
</tr>
<tr>
<td>For Travel</td>
<td>4,600</td>
</tr>
<tr>
<td>For Commodities</td>
<td>1,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>1,500</td>
</tr>
<tr>
<td>For Equipment</td>
<td>1,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$565,200</strong></td>
</tr>
</tbody>
</table>

**FOR HIGHWAY SAFETY**

New matter indicated by italics - deletions by strikeout
Section 80. The following named sums, or so much thereof as may be necessary for the agencies hereinafter named, are appropriated from the Road Fund to the Department of Transportation for implementation of the Illinois Highway Safety Program under provisions of the National Highway Safety Act of 1966, as amended:

FOR THE DEPARTMENT OF TRANSPORTATION

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,455,000</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>663,500</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>107,800</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>1,280,500</td>
</tr>
<tr>
<td>For Travel</td>
<td>38,300</td>
</tr>
<tr>
<td>For Commodities</td>
<td>193,900</td>
</tr>
<tr>
<td>For Printing</td>
<td>91,800</td>
</tr>
<tr>
<td>For Equipment</td>
<td>35,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$3,865,800</strong></td>
</tr>
</tbody>
</table>

FOR THE SECRETARY OF STATE

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For costs associated with implementation of the Illinois Highway Safety Program under provisions of the National Highway Safety Act of 1966, as amended</td>
<td>277,900</td>
</tr>
</tbody>
</table>

FOR THE DEPARTMENT OF STATE POLICE

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For costs associated with implementation of the Illinois Highway Safety Program under provisions of the National Highway Safety Act of 1966, as amended</td>
<td>3,069,900</td>
</tr>
</tbody>
</table>

FOR THE ILLINOIS LAW ENFORCEMENT STANDARDS TRAINING BOARD

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For costs associated with implementation of the Illinois Highway Safety Program under provisions of the National Highway Safety Act of 1966, as amended</td>
<td>50,000</td>
</tr>
</tbody>
</table>

FOR COMMERCIAL MOTOR CARRIER SAFETY

Section 85. The following named sums, or so much thereof as may be necessary for the agencies hereinafter named, are appropriated from the Road Fund to the Department of Transportation for implementation of the Commercial Motor Vehicle Safety Program under provisions of Title IV of the Surface Transportation Assistance Act of 1982, as amended by MAP-21:

New matter indicated by italics - deletions by strikeout
FOR THE DEPARTMENT OF TRANSPORTATION
For Personal Services.......................... 2,357,000
For State Contributions to State
  Employees' Retirement System............... 1,074,700
For State Contributions to Social Security....... 174,700
For Contractual Services........................ 968,700
For Travel....................................... 194,200
For Commodities................................... 66,300
For Printing...................................... 10,200
For Equipment..................................... 50,000
For Telecommunications Services................... 91,800
Total $4,987,600

FOR THE DEPARTMENT OF STATE POLICE
For costs associated with implementation
  of the Commercial Motor Vehicle Safety
  Program under provisions of Title
  IV of the Surface Transportation
  Assistance Act of 1982, as amended
  by MAP-21.............................. 9,793,900

FOR SAFETY
Section 90. The following named sums, or so much thereof as may
  be necessary for the agencies hereafter named, are appropriated from the
  Road Fund to the Department of Transportation for programs as
  authorized by Sections 405c or 405F of PL 112-141 (MAP-21), or any
  successor legislation.

FOR THE DEPARTMENT OF TRANSPORTION
For Contractual Services......................... 310,100
For Travel........................................ 12,300
For Commodities................................... 95,000
For Printing....................................... 5,600
For Equipment.................................... 115,000
Total $538,000

FOR THE SECRETARY OF STATE
For costs of programs as authorized
  by Sections 405c or 405F of PL 112-141
  (MAP-21), or any successor legislation........ 1,029,700

FOR THE DEPARTMENT OF PUBLIC HEALTH
For costs of programs as authorized
  by Sections 405c or 405F of PL 112-141

New matter indicated by italics - deletions by strikeout
(MAP-21), or any successor legislation ........

FOR THE DEPARTMENT OF STATE POLICE
For costs of programs as authorized
by Sections 405c or 405F of PL 112-141
(MAP-21), or any successor legislation ........

FOR ALCOHOL TRAFFIC SAFETY

Section 95. The following named sums, or so much thereof as may
be necessary for the agencies hereafter named, are appropriated from the
Road Fund to the Department of Transportation for implementation of the
Alcohol Traffic Safety Programs of Title XXIII of the Surface
Transportation Assistance Act of 1982, as amended by MAP-21:

FOR THE DEPARTMENT OF NATURAL RESOURCES
For costs associated with implementation
of the Alcohol Traffic Safety Programs
of Title XXIII of the Surface
Transportation Assistance Act of
1982, as amended by MAP-21 ......................

FOR THE ILLINOIS STATE ATTORNEYS APPELLATE
PROSECUTORS
For costs associated with a Traffic
Resource Prosecutor to conduct
training and education for impaired
driver testing..................................

FOR THE DEPARTMENT OF TRANSPORTATION (410)
For Contractual Services.........................
For Travel........................................
For Commodities...............................
For Printing.....................................
For Equipment.................................
Total $441,300

FOR THE SECRETARY OF STATE (410)
For costs associated with implementation
of the Alcohol Traffic Safety Programs
of Title XXIII of the Surface
Transportation Assistance Act of 1982,
as amended by MAP-21.........................

FOR THE DEPARTMENT OF STATE POLICE (410)
For costs associated with implementation
of the Alcohol Traffic Safety

New matter indicated by italics - deletions by strikeout
Programs of Title XXIII of the Surface Transportation Assistance Act of 1982, as amended by MAP-21

FOR THE ILLINOIS LAW ENFORCEMENT STANDARDS TRAINING BOARD (410)

For costs associated with implementation of the Alcohol Traffic Safety Programs of Title XXIII of the Surface Transportation Assistance Act of 1982, as amended by MAP-21

FOR THE ADMINISTRATIVE OFFICE OF THE ILLINOIS COURTS (410)

For costs associated with implementation of the Alcohol Traffic Safety Programs of Title XXIII of the Surface Transportation Assistance Act of 1982, as amended by MAP-21

Section 100. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Transportation:

FOR AERONAUTICS

For Personal Services:
Payable from the Road Fund

For State Contributions to State Employees' Retirement System:
Payable from the Road Fund

For State Contributions to Social Security:
Payable from the Road Fund

For Contractual Services:
Payable from the Road Fund
Payable from Air Transportation Revolving Fund

For Travel:
Payable from the Road Fund

For Commodities:
Payable from the Road Fund
Payable from Aeronautics Fund

For Equipment:
Payable from the Road Fund

New matter indicated by italics - deletions by strikeout
For Telecommunications Services:
  Payable from the Road Fund....................... 105,000
For Operation of Automotive Equipment:
  Payable from the Road Fund....................... 30,000
  Total.............................................. $14,750,400

Section 105. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated from the Road Fund to meet the ordinary and contingent expenses of the Department of Transportation:

FOR PUBLIC AND INTERMODAL TRANSPORTATION
For Personal Services.......................... 4,031,900
For State Contributions to State
  Employees' Retirement System................... 1,838,500
For State Contributions to Social Security..................... 297,300
For Contractual Services......................... 492,800
For Travel........................................ 45,000
For Commodities................................... 4,000
For Equipment...................................... 3,000
For Telecommunications Services............... 50,000
For Operation of Automotive Equipment.......... 0

  Total.............................................. $6,762,500

Section 110. The following named sums, or so much thereof as may be necessary, are appropriated from the Motor Fuel Tax Fund to the Department of Transportation for the ordinary and contingent expenses incident to the operations and functions of administering the provisions of the "Illinois Highway Code", relating to use of Motor Fuel Tax Funds by the counties, municipalities, road districts and townships:

MOTOR FUEL TAX ADMINISTRATION OPERATIONS
For Personal Services.......................... 8,685,900
For State Contributions to State
  Employees' Retirement System................... 3,960,600
For State Contributions to Social Security...... 641,500
For Group Insurance............................. 2,304,000
For Contractual Services........................ 1,574,200
For Travel........................................ 39,600
For Commodities................................. 10,300
For Printing...................................... 34,700

New matter indicated by italics - deletions by strikeout
For Equipment...................................... 4,900
For Telecommunications Services............... 16,300
For Operation of Automotive Equipment....... 7,600
Total $17,279,600

MULTI-MODAL LUMP SUMS
FOR CENTRAL ADMINISTRATION AND PLANNING OFFICES

Section 115. The following named amounts, or so much thereof as
may be necessary, are appropriated from the Road Fund to the Department
of Transportation for the objects and purposes hereinafter named:
For Planning, Research and Development
Purposes........................................ 550,000
For costs associated with hazardous
material abatement............................. 600,000
For metropolitan planning and research
purposes as provided by law,
provided such amount shall not
exceed funds to be made
available from the federal
government or local sources............... 37,000,000
For metropolitan planning and research
purposes as provided by law................. 6,000,000
For federal reimbursement of planning
activities as provided by MAP-21.......... 2,035,000
For the federal share of the IDOT
ITS Program, provided expenditures
do not exceed funds to be made available by
the Federal Government...................... 500,000
For the state share of the IDOT ITS
Corridor Program......................... 4,500,000
Total $51,185,000

FOR HIGHWAYS

Section 120. The sum of $1,000,000, or so much thereof as may be
necessary, is appropriated from the Road Fund to the Department of
Transportation for repair of damages by motorists to state vehicles and
equipment or replacement of state vehicles and equipment, provided such
amount not exceed funds to be made available from collections from
claims filed by the Department to recover the costs of such damages.

Section 125. The sum of $3,000,000, or so much thereof as may be
necessary, is appropriated from the Road Fund to the Department of

New matter indicated by italics - deletions by strikeout
Transportation for costs associated with the State Radio Communications for the 21st Century (STARCOM) program.

Section 130. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for costs associated with the Technology Transfer Center, including the purchase of equipment, media initiatives, and training, provided that such expenditures do not exceed funds to be made available by the federal government for this purpose.

Section 135. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Illinois Department of Transportation for costs associated with Illinois Terrorism Task Force, that consist of approved purchases for homeland security provided such expenditures do not exceed funds made available by the federal government for this purpose.

Section 140. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Illinois Department of Transportation for costs incurred by the Department’s response to natural disasters, emergencies and acts of terrorism that receive Presidential and/or State Disaster Declaration status. These costs would include, but not be limited to, the Department’s fuel costs, cost of materials and cost of equipment rentals. This appropriation is in addition to the Department’s other appropriations for District and Central Office operations.

Section 145. The sum of $400,000, or so much thereof as may be necessary, is appropriated from the Transportation Safety Highway Hire-back Fund to the Department of Transportation for agreements with the Illinois Department of State Police to provide patrol officers in highway construction work zones.

FOR TRAFFIC SAFETY

Section 150. The sum of $600,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for programs related to distracted driving, provided such amounts do not exceed funds to be made available from the federal government for this purpose.

Section 155. The sum of $3,000,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for costs associated with highway safety media campaigns, provided such amounts do not exceed funds to be made available from the federal government.

New matter indicated by italics - deletions by strikeout
Section 160. The sum of $800,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for costs associated with Safety and Security Oversight as set forth in MAP-21.

FOR AERONAUTICS
Section 170. The sum of $1,250,000, or so much thereof as may be necessary, is appropriated from the Tax Recovery Fund to the Department of Transportation for maintenance and repair costs incurred on real property owned by the Department for development of an airport in Will County, for applicable refunds of security deposits to lessees, and for payments to the Will County Treasurer in lieu of leasehold taxes lost due to government ownership.

FOR PUBLIC TRANSPORTATION
Section 175. The sum of $259,400, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for public transportation technical studies.

AWARDS AND GRANTS
Section 180. The sum of $3,645,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for reimbursement to participating counties in the County Engineers Compensation Program, providing such reimbursements do not exceed funds to be made available from their federal highway allocations retained by the Department.

MULTI-MODAL AWARDS AND GRANTS
FOR CENTRAL ADMINISTRATION AND PLANNING
Section 185. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:
For Tort Claims, including payment pursuant to P.A. 80-1078.
Expenditures for this purpose may be made by the Department of Transportation without regard to the fiscal year in which the service was rendered or cost incurred................. 850,000
For representation and indemnification for the Department of Transportation, the Illinois State Police and the Secretary of State, provided that

New matter indicated by italics - deletions by strikeout
the representation required resulted from the Road Fund portion of their normal operations. Expenditures for this purpose may be made by the Department of Transportation without regard to the fiscal year in which the service was rendered or cost incurred... 

For Transportation Enhancement, Congestion Mitigation, Air Quality, High Priority and Scenic By-way Projects not eligible for inclusion in the Highway Improvement Program Appropriation provided expenditures do not exceed funds made available by the federal government ....................

For auto liability payments for the Department of Transportation, the Illinois State Police, and the Secretary of State, provided that the liability resulted from the Road Fund portion of their normal operations. Expenditures for this purpose may be made by the Department of Transportation without regard to the fiscal year in which service was rendered or cost incurred .....................

Total $7,375,000

FOR HIGHWAYS

Section 190. The following named sums, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for grants to local governments for the following purposes:

For reimbursement of eligible expenses arising from local Traffic Signal Maintenance Agreements created by Part 468 of the Illinois Department of Transportation Rules and Regulations .......... $4,600,000

For reimbursement of eligible expenses
arising from City, County, and other State Maintenance Agreements............... 11,000,000
Total $15,600,000

FOR CYCLE RIDER SAFETY
Section 195. The sum of $4,600,000, or so much thereof as may be necessary, is appropriated from the Cycle Rider Safety Training Fund, as authorized by Public Act 82-0649, to the Department of Transportation for reimbursements to State and local universities and colleges for Cycle Rider Safety Training Programs.

FOR HIGHWAY SAFETY
Section 200. The sum of $7,500,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for local highway safety grants to county and municipal governments, state and private universities and other private entities for implementation of the Illinois Highway Safety Program under provisions of the National Highway Safety Act of 1966, as amended.

FOR COMMERCIAL MOTOR CARRIER SAFETY
Section 205. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for local highway safety grants to county and municipal governments, state and private universities and other private entities for implementation of the Commercial Motor Vehicle Safety Program under provisions of Title IV of the Surface Transportation Assistance Act of 1982, as amended by MAP-21.

FOR IMPAIRED DRIVING INCENTIVE
Section 210. The sum of $1,500,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for local highway safety grants to county and municipal governments, state and private universities and other private entities for implementation of programs as authorized by Sections 405c or 405F of PL 112-141 (MAP-21), or Section 1906 of PL 111-59 (SAFETEA-LU) or any successor legislation.

FOR SAFETY
Section 215. The sum of $2,000,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for local highway safety grants to county and municipal governments, state and private universities and other private entities for implementation of the Alcohol Traffic Safety Programs of Title XXIII of
the Surface Transportation Assistance Act of 1982, as amended by MAP-21.

FOR AERONAUTICS

Section 220. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for such purposes as are described in Sections 31 and 34 of the Illinois Aeronautics Act, as amended.

Section 225. The sum of $400,000,000, or so much thereof as may be necessary, is appropriated from the Public Transportation Fund to the Department of Transportation for the purpose stated in Section 4.09 of the "Regional Transportation Authority Act", as amended.

Section 230. The sum of $40,000,000, or so much thereof as may be necessary, is appropriated from the Public Transportation Fund to the Department of Transportation for making a grant to the Regional Transportation Authority for Additional State Assistance to be used for its purposes as provided in the "Regional Transportation Authority Act", but in no event shall this amount exceed the amount provided for in Sections 4.09 (c) and 4.09 (d) with respect to Strategic Capital Improvement bonds issued by the Regional Transportation Authority pursuant to the Regional Transportation Authority Act as amended in 1989.

Section 235. The sum of $91,000,000, or so much thereof as may be necessary, is appropriated from the Public Transportation Fund to the Department of Transportation for making a grant to the Regional Transportation Authority for Additional Financial Assistance to be used for its purposes as provided in the "Regional Transportation Authority Act", but in no event shall this amount exceed the amount provided for in Sections 4.09 (c-5) and 4.09 (d) with respect to Strategic Capital Improvement bonds issued by the Regional Transportation Authority pursuant to the Regional Transportation Authority Act as amended in 1999.

Section 236. The sum of $17,570,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for grants to the Regional Transportation Authority intended to reimburse the Service Boards for providing reduced fares on mass transportation services for students, handicapped persons, and the elderly, to be allocated proportionally among the Service Boards based upon actual costs incurred by each Service Board for such reduced fares.

Section 237. The sum of $3,825,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of

New matter indicated by italics - deletions by strikeout
Transportation for making a grant to the Regional Transportation Authority for the funding of the Americans with Disabilities Act of 1990 (ADA) paratransit services and for other costs and services.

Section 240. The following named sums, or so much thereof as may be necessary, are appropriated from the Downstate Public Transportation Fund to the Department of Transportation for operating assistance grants to provide a portion of the eligible operating expenses for the following carriers for the purposes stated in Article II of Public Act 78-1109, as amended:

<table>
<thead>
<tr>
<th>Carrier</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Champaign-Urbana Mass Transit District</td>
<td>33,234,600</td>
</tr>
<tr>
<td>Greater Peoria Mass Transit District (with Service to Pekin)</td>
<td>25,736,500</td>
</tr>
<tr>
<td>Rock Island County Metropolitan Mass Transit District</td>
<td>20,955,700</td>
</tr>
<tr>
<td>Rockford Mass Transit District</td>
<td>17,393,500</td>
</tr>
<tr>
<td>Springfield Mass Transit District</td>
<td>16,914,800</td>
</tr>
<tr>
<td>Bloomington-Normal Public Transit System</td>
<td>9,487,400</td>
</tr>
<tr>
<td>City of Decatur</td>
<td>8,307,300</td>
</tr>
<tr>
<td>City of Quincy</td>
<td>4,153,900</td>
</tr>
<tr>
<td>City of Galesburg</td>
<td>1,888,600</td>
</tr>
<tr>
<td>Stateline Mass Transit District (with service to South Beloit)</td>
<td>443,000</td>
</tr>
<tr>
<td>City of Danville</td>
<td>3,021,600</td>
</tr>
<tr>
<td>RIDES Mass Transit District (with service to Edgar and Clark counties)</td>
<td>8,101,100</td>
</tr>
<tr>
<td>South Central Illinois Mass Transit District</td>
<td>6,313,700</td>
</tr>
<tr>
<td>River Valley Metro Mass Transit District</td>
<td>5,573,900</td>
</tr>
<tr>
<td>Jackson County Mass Transit District</td>
<td>515,100</td>
</tr>
<tr>
<td>City of DeKalb</td>
<td>3,901,200</td>
</tr>
<tr>
<td>City of Macomb</td>
<td>2,607,300</td>
</tr>
<tr>
<td>Shawnee Mass Transit District</td>
<td>2,402,600</td>
</tr>
<tr>
<td>St. Clair County Transit District</td>
<td>61,866,500</td>
</tr>
<tr>
<td>West Central Mass Transit District (with service to Cass and Schuyler Counties)</td>
<td>1,411,100</td>
</tr>
<tr>
<td>Monroe-Randolph Transit District</td>
<td>1,073,100</td>
</tr>
<tr>
<td>Madison County Mass Transit District</td>
<td>24,651,300</td>
</tr>
<tr>
<td>Bond County</td>
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<td>Bureau County (with service to Putnam County)</td>
<td>864,900</td>
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<td>Coles County</td>
<td>581,500</td>
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<td>Jo Daviess County</td>
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<td>Rock Island/Mercer Counties</td>
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<td>City of Ottawa (serving LaSalle County)</td>
<td>1,171,300</td>
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<td>Jersey County</td>
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<td>Douglas County</td>
<td>129,900</td>
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</table>

**Total**  
$281,254,400

Section 245. The sum of $1,808,600, or so much thereof as may be necessary, is appropriated from the Downstate Public Transportation Fund to the Department of Transportation for audit adjustments in accordance

New matter indicated by italics - deletions by strikeout
with Sections 2-7 and 2-15 of the "Downstate Public Transportation Act", as amended (30 ILCS 740/2-7 and 740/2-15), including prior year costs.

FOR RAIL PASSENGER

Section 250. The sum of $38,300,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for funding the State's share of intercity rail passenger service and making necessary expenditures for services and other program improvements.

MULTI-MODAL REFUNDS

FOR HIGHWAYS

Section 260. The following named amount, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

For Refunds............................................... 50,000

FOR TRAFFIC SAFETY

Section 265. The following named amount, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

For Refunds............................................... 20,000

FOR AERONAUTICS

Section 270. The following named amount, or so much thereof as may be necessary, is appropriated from the Aeronautics Fund to the Department of Transportation for the objects and purposes hereinafter named:

For Refunds............................................... 500

Section 275. No contract shall be entered into or obligation incurred or any expenditure made from an appropriation herein made in:

Section 230 SCIP Debt Service I
Section 235 SCIP Debt Service II

of this Article until after the purpose and the amount of such expenditure has been approved in writing by the Governor.

Total, This Article $1,880,017,100

ARTICLE 34

DEPARTMENT OF TRANSPORTATION

MULTIMODAL OFFICES LUMP SUMS FOR CENTRAL ADMINISTRATION AND PLANNING

Section 5. The sum of $2,188,532, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2015, from the appropriation and reappropriation heretofore made Article
Section 10. The sum of $1,426,878, or so much thereof as may be necessary, and remains unexpended, less $250,000 to be lapsed from the unpaid balance, at the close of business on June 30, 2015, from the appropriation and reappropriation heretofore made in Article 20, Section 115 and Article 21, Section 10 of Public Act 98-0681, as amended, is reappropriated from the Road Fund to the Department of Transportation for costs associated with hazardous material abatement.

Section 15. The sum of $68,734,039, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2015, from the appropriation and reappropriation heretofore made in Article 20, Section 115 and Article 21, Section 15 of Public Act 98-0681, as amended, is reappropriated from the Road Fund to the Department of Transportation, for metropolitan planning and research purposes as provided by law, provided such amount shall not exceed funds to be made available from the federal government or local sources.

Section 20. The sum of $18,122,174, or so much thereof as may be necessary, and remains unexpended, less $2,000,000 to be lapsed from the unpaid balance, at the close of business on June 30, 2015, from the appropriations and reappropriation heretofore made in Article 20, Section 115 and Article 21, Section 20 of Public Act 98-0681, as amended, is reappropriated from the Road Fund to the Department of Transportation for metropolitan planning and research purposes as provided by law, including planning and research for the Chicago Metropolitan Agency for Planning and Land Use Planning for the South Suburban Airport.

Section 25. The sum of, $19,934,669, or so much thereof as may be necessary, and remains unexpended, less $10,000,000 to be lapsed from the unpaid balance, at the close of business on June 30, 2015, from the appropriation and reappropriation heretofore made in Article 20, Section 115 and Article 21, Section 25 of Public Act 98-0681, as amended, is reappropriated from the Road Fund to the Department of Transportation for the federal share of the IDOT ITS program, provided expenditures do not exceed funds to be made available by the Federal Government.

Section 30. The sum of $21,937,645, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2015, from the appropriation and reappropriation heretofore made in Article 20, Section 115 and Article 21, Section 30 of Public Act 98-0681,
as amended, is reappropriated from the Road Fund to the Department of Transportation for the state share of the IDOT ITS program.

Section 35. The sum of $5,060,099, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2015, from the reappropriation heretofore made in Article 21, Section 35 of Public Act 98-0681, as amended, is reappropriated from the Road Fund to the Department of Transportation for the administrative expenses associated with the implementation of the American Recovery and Reinvestment Act of 2009 and other capital projects.

FOR HIGHWAYS

Section 40. The sum of $3,689,723, or so much thereof as may be necessary, and remains unexpended, less $400,000 to be lapsed from the unpaid balance, at the close of business on June 30, 2015, from the appropriation and reappropriation heretofore made in Article 20, Section 120 and Article 21, Section 40 of Public Act 98-0681, as amended, is reappropriated from the Road Fund to the Department of Transportation for repair of damages by motorists to state vehicles and equipment or replacement of state vehicles and equipment, provided such amount not exceed funds to be made available from collections from claims filed by the Department to recover the costs of such damages.

Section 45. The sum of $3,267,788, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2015, from the appropriation and reappropriation heretofore made in Article 20, Section 125 and Article 21, Section 45 of Public Act 98-0681, as amended, is reappropriated from the Road Fund to the Department of Transportation for costs associated with the State Radio Communications for the 21st Century (STARCOM) program.

Section 50. The sum of $164,832, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2015, from the appropriation and reappropriation heretofore made in Article 20, Section 130 and Article 21, Section 50 of Public Act 98-0681, as amended, is reappropriated from the Road Fund to the Department of Transportation for costs associated with the Technology Transfer Center, including the purchase of equipment, media initiatives and training, provided such expenditures do not exceed funds to be made available by the federal government for this purpose.

Section 55. The sum of $7,243,953, or so much thereof as may be necessary, and remains unexpended, less $2,000,000 to be lapsed from the unpaid balance, at the close of business on June 30, 2015, from the

New matter indicated by italics - deletions by strikeout
appropriation and reappropriation heretofore made in Article 20, Section 135 and Article 21, Section 55 of Public Act 98-0681, as amended, is reappropriated from the Road Fund to the Department of Transportation for costs associated with the Illinois Terrorism Task Force, that consist of approved purchases for homeland security provided such expenditures do not exceed funds made available by the federal government for this purpose.

FOR TRAFFIC SAFETY

Section 60. The sum of $1,200,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2015, from the appropriation and reappropriation heretofore made in Article 20, Section 155 and Article 21, Section 65 of Public Act 98-0681, as amended, is reappropriated from the Road Fund to the Department of Transportation for programs related to distracted driving, provided such amount not exceed funds to be made available from the federal government for this purpose.

Section 65. The sum of $5,058,186, or so much thereof as may be necessary, and remains unexpended, less $2,000,000 to be lapsed from the unpaid balance, at the close of business on June 30, 2015, from the appropriation heretofore made in Article 20, Section 160 of Public Act 98-0681, as amended, is appropriated from the Road Fund to the Department of Transportation for costs associated with highway safety media campaigns, provided such amounts do not exceed funds to be made available from the federal government.

FOR PUBLIC AND INTERMODAL TRANSPORTATION

Section 70. The sum of $1,149,508, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2015, from the appropriation and reappropriation heretofore made in Article 20, Section 170 and Article 21, Section 70 of Public Act 98-0681, as amended, is reappropriated from the Road Fund to the Department of Transportation for public transportation technical studies.

MULTIMODAL AWARDS AND GRANTS

FOR CENTRAL ADMINISTRATION AND PLANNING

Section 80. The sum of $36,686,559, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2015, from the appropriation and reappropriation heretofore made in Article 20, Section 180 and Article 21, Section 80 of Public Act 098-0681, as amended, is reappropriated from the Road Fund to the Department of Transportation for Transportation enhancement, Congestion Mitigation,

New matter indicated by italics - deletions by strikeout
Air Quality, High Priority and Scenic By-way Projects not eligible for inclusion in the Highway Improvement Program Appropriation provided expenditures do not exceed funds made available by the federal government.

FOR HIGHWAYS
Section 85. The sum of $26,943,890, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2015, from the appropriations and reappropriation heretofore in Article 20, Section 190 and in Article 21, Section 85 of Public Act 98-0681, as amended, is reappropriated from the Road Fund to the Department of Transportation for reimbursements of eligible expenses arising from local Traffic Signal Maintenance Agreements created by Part 468 of the Illinois Department of Transportation Rules and Regulations and reimbursements of eligible expenses arising from City, County, and other State Maintenance Agreements.

FOR CYCLE RIDER SAFETY
Section 90. The sum of $8,252,751, or so much thereof as may be necessary, and remains unexpended, less $800,000 to be lapsed from the unpaid balance, at the close of business on June 30, 2015, from the appropriation and reappropriation heretofore made, in Article 20, Section 195 and Article 21, Section 90 of Public Act 98-0681, as amended, is reappropriated from the Cycle Rider Safety Training Fund to the Department of Transportation for reimbursements to State and local universities and colleges for Cycle Rider Safety Training Programs.

HIGHWAY SAFETY PROGRAM
Section 95. The sum of $14,998,149, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2015, from the appropriation and reappropriation heretofore made in Article 20, Section 200, and Article 21 Section 95 of Public Act 98-0681, as amended, is reappropriated from the Road Fund to the Department of Transportation for Illinois Highway Safety Program local highway safety projects by county and municipal governments, state and private universities and other private entities.

Section 100. The sum of $518,994, or so much thereof as may be necessary, and remains unexpended, less $100,000 to be lapsed from the unpaid balance, at the close of business on June 30, 2015, from the appropriation and reappropriation heretofore made in Article 20, Section 205, and Article 21, Section 100 of Public Act 98-0681, as amended, is reappropriated from the Road Fund to the Department of Transportation

New matter indicated by italics - deletions by strikeout
for implementation of the Commercial Motor Vehicle Safety Program for local highway safety projects by county and municipal governments, state and private universities and other private entities.

Section 105. The sum of $11,644,626, or so much thereof as may be necessary, and remains unexpended, less $4,000,000 to be lapsed from the unpaid balance, at the close of business on June 30, 2015, from the appropriation and reappropriation heretofore made in Article 20, Section 210, and Article 21, Section 105 of Public Act 98-0681, as amended, is reappropriated from the Road Fund to the Department of Transportation for implementation of the Section 163 Impaired Driving Incentive Grant Program (.08 alcohol) for local highway safety projects by county and municipal governments, state and private universities and other private entities.

Section 110. The sum of $5,458,959, or so much thereof as may be necessary, and remains unexpended, less $500,000 to be lapsed from the unpaid balance, at the close of business on June 30, 2015, from the appropriation and reappropriation heretofore made in Article 20, Section 215, and Article 21, Section 110 of Public Act 98-0681, as amended, is reappropriated from the Road Fund to the Department of Transportation for implementation of the Alcohol Traffic Safety Programs (410) for local highway safety projects by county and municipal governments, state and private universities and other private entities.

FOR AERONAUTICS

Section 115. The sum of $1,730,118, or so much thereof as may be necessary, and remains unexpended, less $200,000 to be lapsed from the unpaid balance, at the close of business on June 30, 2015, from the appropriation and reappropriation heretofore made in Article 20, Section 220 and Article 21, Section 115 of Public Act 98-0681, as amended, is reappropriated from the Road Fund to the Department of Transportation for such purposes as are described in Sections 31 and 34 of the Illinois Aeronautics Act, as amended.

FOR EQUIPMENT

Section 120. The following named sums, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2015, from the appropriations heretofore made in Article 20, Sections 5, 15, 20, 25, 30, 35, 40, 45, 50, 55, 60 and 65 of Public Act 98-0681, as amended, is reappropriated from the Road Fund to the Department of Transportation for equipment as follows:

New matter indicated by italics - deletions by strikeout
For Equipment.................................. 7,752,454
Central Offices, Division of Highways
For Equipment............................... 369,365
Day Labor
For Equipment............................... 858,939
District 1, Schaumburg Office
For Equipment............................... 464,102
District 2, Dixon Office
For Equipment............................... 316,955
District 3, Ottawa Office
For Equipment............................... 357,545
District 4, Peoria Office
For Equipment............................... 309,383
District 5, Paris Office
For Equipment............................... 360,860
District 6, Springfield Office
For Equipment............................... 330,833
District 7, Effingham Office
For Equipment............................... 366,340
District 8, Collinsville Office
For Equipment............................... 454,142
District 9, Carbondale Office
For Equipment............................... 353,104
Total........................................ $12,294,022

Section 125. The following named sums, or so much thereof as
may be necessary, and remains unexpended at the close of business on
June 30, 2015, from the appropriations heretofore made in Article 20,
Sections 15, 20, 25, 30, 35, 40, 45, 50, 55, 60, and 65 of Public Act 98-
0681, as amended, is reappropriated from the Road Fund to the
Department of Transportation for the purchase of Cars and Trucks as
follows:
Central Offices, Division of Highways
For Purchase of Cars and Trucks .......... 75,000
Day Labor
For Purchase of Cars and Trucks .......... 546,000
District 1, Schaumburg Office
For Purchase of Cars and Trucks .......... 6,210,000
District 2, Dixon Office
For Purchase of Cars and Trucks .......... 1,806,000

New matter indicated by italics - deletions by strikeout
### ARTICLE 35

Section 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans’ Affairs for costs associated with the operation of a program for homeless veterans at the Illinois Veterans’ Home at Manteno:

- **Payable from the Manteno Veterans Home Fund**: $50,000

Section 30. The following named amount, or so much thereof as may be necessary, is appropriated from the Illinois Affordable Housing Trust Fund to the Department of Veterans' Affairs for the object and purpose and in the amount set forth as follows:

- **For Specially Adapted Housing for Veterans**: $223,000

Section 35. The amount of $250,000, or so much thereof as may be necessary, is appropriated from the Illinois Military Family Relief Fund to the Department of Veterans’ Affairs for the payment of benefits authorized under the Survivor’s Compensation Act.

Section 40. The following named amount, or so much thereof as may be necessary, is appropriated from the Roadside Memorial Fund to the Department of Veterans’ Affairs for the object and purpose and in the amount set forth below as follows:

- **For Cartage and Erection of Veterans’ Headstones, including Prior Years Claims**: $425,000

### ARTICLE 36

New matter indicated by italics - deletions by strikeout
Section 10. The amount of $1,590,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Governor’s Office of Management and Budget for ordinary and contingent expenses associated with the sale and administration of General Obligation bonds.

Section 15. The amount of $650,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Governor’s Office of Management and Budget for ordinary and contingent expenses associated with the sale and administration of Build Illinois bonds.

Section 20. The amount of $460,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Retirement and Interest Fund to the Governor’s Office of Management and Budget for the purpose of making payments to the Trustee under the Master Indenture as defined by and pursuant to the Build Illinois Bond Act.

Section 25. The amount of $113,400, or so much thereof as may be necessary, is appropriated from the School Infrastructure Fund to the Governor’s Office of Management and Budget for operational expenses related to the School Infrastructure Program.

Section 35. No contract shall be entered into or obligation incurred for any expenditures from the appropriations made in Sections 10, 15 and 20 until after the purposes and amounts have been approved in writing by the Governor.

Section 40. The sum of $4,000,000, or so much thereof as may be necessary, is appropriated from the Grant Accountability and Transparency Fund to the Governor’s Office of Management and Budget for costs in support of the implementation and administration of the Grant Accountability and Transparency Act and the Budgeting for Results initiative.

ARTICLE 37

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Capital Development Board:

GENERAL OFFICE

Payable from Capital Development Fund:
For Personal Services......................... 7,824,900
For State Contributions to State Employees' Retirement System................. 3,568,000
For State Contributions to

New matter indicated by italics - deletions by strikeout
Social Security.......................... 579,100
For Group Insurance.................. 2,002,500
For Contractual Services............. 200,000
For Travel................................ 0
For Commodities....................... 14,500
For Printing............................. 0
For Equipment........................... 0
For Electronic Data Processing....... 0
For Telecommunications Services..... 71,500
For Operation of Auto Equipment.... 24,100
For Operational Expenses............. 410,000
For Facilities Conditions Assessments and Analysis.... 1,500,000
For Project Management Tracking.... 1,500,000
Total $17,694,600

Payable from Capital Development Board Revolving Fund:
For Personal Services.................. 4,468,600
For State Contributions to State
  Employees' Retirement System...... 2,037,600
For State Contributions to Social Security ..... 330,700
For Group Insurance................... 1,125,000
For Contractual Services............. 282,500
For Travel............................... 157,700
For Commodities....................... 11,400
For Printing............................ 14,500
For Equipment.......................... 10,000
For Electronic Data Processing....... 285,200
For Telecommunications Services..... 92,100
For Operational Expenses............. 317,000
Total $9,132,300

Payable from the School Infrastructure Fund:
For operational purposes relating to
  the School Infrastructure Program..... 623,500

ARTICLE 38

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses to the Illinois Commerce Commission:

CHAIRMAN AND COMMISSIONER'S OFFICE
Payable from Transportation Regulatory Fund:

New matter indicated by italics - deletions by strikeout
For Personal Services............................. 68,800
For State Contributions to State
   Employees' Retirement System.................. 31,700
For State Contributions to Social Security....... 5,300
For Group Insurance.............................. 26,200
For Contractual Services......................... 1,000
For Travel........................................ 1,500
For Equipment....................................... 500
For Telecommunications............................ 4,000
For Operation of Auto Equipment.................... 0
   Total $139,000

Payable from Public Utility Fund:
For Personal Services............................ 844,600
For State Contributions to State
   Employees' Retirement System.................. 388,200
For State Contributions to Social Security....... 64,700
For Group Insurance.............................. 205,600
For Contractual Services......................... 24,600
For Travel........................................ 50,000
For Commodities................................... 1,000
For Equipment..................................... 500
For Telecommunications............................ 14,000
For Operation of Auto Equipment.................... 500
   Total $1,593,700

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Public Utility Fund for the ordinary and contingent expenses of the Illinois Commerce Commission.

PUBLIC UTILITIES
For Personal Services.......................... 16,210,800
For State Contributions to State
   Employees' Retirement System............... 7,450,200
For State Contributions to Social Security..... 1,236,500
For Group Insurance........................... 3,778,300
For Contractual Services....................... 1,638,700
For Travel....................................... 100,000
For Commodities................................. 24,000
For Printing...................................... 22,000
For Equipment................................... 88,800

New matter indicated by italics - deletions by strikeout
For Electronic Data Processing................. 383,700
For Telecommunications......................... 305,500
For Operation of Auto Equipment............... 45,000
For Refunds.................................. 26,500
Total                                      $31,310,000

Section 10. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the Illinois Underground Utility Facilities Damage Prevention Fund to the Illinois Commerce Commission for a grant to the Statewide One-call Notice System, as required in the Illinois Underground Utility Facilities Damage Prevention Act.

Section 15. The sum of $1,000, or so much thereof as may be necessary, is appropriated from the Illinois Underground Utility Facilities Damage Prevention Fund to the Illinois Commerce Commission for refunds.

Section 25. The sum of $14,000,000, or so much thereof as may be necessary, is appropriated from the Wireless Carrier Reimbursement Fund to the Illinois Commerce Commission for reimbursement of wireless carriers for costs incurred in complying with the applicable provisions of Federal Communications Commission wireless enhanced 9-1-1 services mandates and for administrative costs incurred by the Illinois Commerce Commission related to administering the program.

Section 30. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Transportation Regulatory Fund for ordinary and contingent expenses to the Illinois Commerce Commission:

TRANSPORTATION

For Personal Services......................... 6,561,300
For State Contributions to State
  Employees' Retirement System.............. 3,015,500
For State Contributions to Social Security... 498,100
For Group Insurance.......................... 1,683,800
For Contractual Services..................... 869,200
For Travel.................................. 80,000
For Commodities............................. 35,000
For Printing................................ 54,000
For Equipment................................ 133,200
For Electronic Data Processing.............. 171,000
For Telecommunications...................... 210,000
For Operation of Auto Equipment............. 150,000

New matter indicated by italics - deletions by strikeout
Section 35. The sum of $4,240,000, or so much thereof as may be necessary, is appropriated from the Transportation Regulatory Fund to the Illinois Commerce Commission for (1) disbursing funds collected for the Single State Insurance Registration Program and/or Unified Carrier Registration System; (2) for refunds for overpayments; and (3) for administrative expenses.

ARTICLE 39
Section 1. The sum of $4,100,000, or so much thereof as may be necessary, is appropriated from the Drycleaner Environmental Response Trust Fund to the Drycleaner Environmental Response Trust Fund Council for use in accordance with the Drycleaner Environmental Response Trust Fund Act.

ARTICLE 40
Section 5. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the Interpreters for the Deaf Fund to the Deaf and Hard of Hearing commission for administration and enforcement of the Interpreter for the Deaf Licensure Act of 2007.

ARTICLE 41
Section 10. The amount of $1,610,800, or so much thereof as may be necessary, is appropriated from the Public Transportation Fund to the Office of the Executive Inspector General to meet its operational expenses for the fiscal year ending June 30, 2016.

ARTICLE 42
Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Illinois Clean Water Fund to the Environmental Protection Agency:

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<th>Amount</th>
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<td>For Personal Services</td>
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<td>For State Contributions to State Employees' Retirement System</td>
<td>476,500</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>79,900</td>
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<td>For Group Insurance</td>
<td>260,000</td>
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<tr>
<td>For Contractual Services</td>
<td>210,000</td>
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<tr>
<td>For Travel</td>
<td>18,400</td>
</tr>
<tr>
<td>For Commodities</td>
<td>37,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For Equipment................................. 50,000
For Telecommunications Services............. 57,900
For Operation of Auto Equipment.............. 42,500
Total                                      $2,277,100

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for objects and purposes hereinafter named, are appropriated to the Environmental Protection Agency.

Payable from Underground Storage Tank Fund:
For Contractual Services....................... 385,300
For Electronic Data Processing................ 174,200
Payable from Solid Waste Management Fund:
For Contractual Services....................... 593,000
For Electronic Data Processing................ 138,100
Payable from Subtitle D Management Fund:
For Contractual Services....................... 121,400
For Electronic Data Processing................ 56,900
Payable from CAA Permit Fund:
For Contractual Services....................... 1,005,900
For Electronic Data Processing................ 334,700
Payable from Water Revolving Fund:
For Contractual Services....................... 942,600
For Electronic Data Processing................ 354,500
Payable from Used Tire Management Fund:
For Contractual Services....................... 390,200
For Electronic Data Processing................ 153,500
Payable from Hazardous Waste Fund:
For Contractual Services....................... 489,200
For Electronic Data Processing................ 141,500
Payable from Environmental Protection Permit and Inspection Fund:
For Contractual Services....................... 376,100
For Electronic Data Processing................ 142,200
For Refunds................................... 100,000
Payable from Vehicle Inspection Fund:
For Contractual Services....................... 709,200
For Electronic Data Processing................ 341,500
Payable from the Illinois Clean Water Fund:
For Contractual Services....................... 660,600
For Electronic Data Processing................ 623,700

New matter indicated by italics - deletions by strikeout
Total $10,198,700

Section 10. The sum of $1,450,000, or so much thereof as may be necessary, is appropriated to the Environmental Protection Agency from the EPA Special States Projects Trust Fund for the purpose of funding all costs associated with environmental programs, including costs in prior years.

Section 20. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the Oil Spill Response Fund to the Environmental Protection Agency for use in accordance with Section 25c-1 of the Environmental Protection Act.

Section 25. The amount of $4,000,000, or so much thereof as may be necessary, is appropriated from the Environmental Protection Trust Fund to the Environmental Protection Agency for awards and grants as directed by the Environmental Protection Trust Fund Commission.

Section 30. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Environmental Protection Agency:

AIR POLLUTION CONTROL

Payable from the Environmental Protection Permit and Inspection Fund for Air Permit and Inspection Activities:
For Personal Services.......................... 2,099,300
For Other Expenses............................. 2,150,000
Total $4,249,300

Payable from the Vehicle Inspection Fund:
For Personal Services.......................... 5,005,700
For State Contributions to State Employees' Retirement System.................. 2,282,500
For State Contributions to Social Security............................... 382,900
For Group Insurance............................. 1,748,000
For Contractual Services, including prior year costs........................... 18,950,000
For Travel........................................ 40,000
For Commodities.................................. 15,000
For Printing...................................... 334,000
For Equipment................................. 60,900
For Telecommunications...................... 175,000
For Operation of Auto Equipment............. 29,200

New matter indicated by italics - deletions by strikeout
For the Alternate Fuels Rebate and Grant Program including rates from prior years................................. 5,000,000
Total $34,023,200

Section 35. The following named amounts, or so much thereof as may be necessary, is appropriated from the CAA Permit Fund to the Environmental Protection Agency for the purpose of funding Clean Air Act Title V activities in accordance with Clean Air Act Amendments of 1990:
For Personal Services and Other Expenses of the Program.................................17,500,000

Section 40. The named amounts, or so much thereof as may be necessary, is appropriated from the Alternate Fuels Fund to the Environmental Protection Agency for the purpose of administering the Alternate Fuels Rebate Program and the Ethanol Fuel Research Program:
For Personal Services and Other Expenses..............................................225,000
For Grants and Rebates, including costs in prior years.................................3,000,000
Total $3,225,000

Section 45. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the Alternate Compliance Market Account Fund to the Environmental Protection Agency for all costs associated with the emissions reduction market program.

LABORATORY SERVICES

Section 50. The sum of $1,414,400, or so much thereof as may be necessary, is appropriated from the Illinois Clean Water Fund to the Environmental Protection Agency for the purpose of laboratory analysis of samples.

Section 55. The following named amount, or so much thereof as may be necessary, is appropriated from the Community Water Supply Laboratory Fund to the Environmental Protection Agency for the purpose of performing laboratory testing of samples from community water supplies and for administrative costs of the Agency and the Community Water Supply Testing Council:
For Personal Services and Other Expenses of the Program.............................1,200,000

Section 60. The sum of $540,000, or so much thereof as may be necessary, is appropriated from the Environmental Laboratory
Certification Fund to the Environmental Protection Agency for the purpose of administering the environmental laboratories certification program.

Section 75. The following named sums, or so much thereof as may be necessary, are appropriated to the Environmental Protection Agency for the purpose of funding the Underground Storage Tank Program.

Payable from the Underground Storage Tank Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>3,293,700</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>1,501,900</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>252,000</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>910,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>320,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>8,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>20,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>5,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>100,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>50,000</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>16,300</td>
</tr>
<tr>
<td>For Contracts for Site Remediation and for Reimbursements to Eligible Owners/Operators of Leaking Underground Storage Tanks, including claims submitted in prior years</td>
<td>60,100,000</td>
</tr>
<tr>
<td>Total</td>
<td>$66,576,900</td>
</tr>
</tbody>
</table>

Section 80. The following named sums, or so much thereof as may be necessary, are appropriated to the Environmental Protection Agency for use in accordance with Section 22.2 of the Environmental Protection Act:

Payable from the Hazardous Waste Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>4,376,100</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>1,995,400</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>334,800</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>1,219,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>442,500</td>
</tr>
<tr>
<td>For Travel</td>
<td>30,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>15,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>25,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For Equipment..................................... 40,000
For Telecommunications Services......... 29,100
For Operation of Auto Equipment......... 37,500
For Refunds.................................... 50,000
For Contractual Services for Site
Remediations, including costs
in Prior Years................................. 3,000,000
Total ........................................ $11,594,400

Section 85. The following named sums, or so much thereof as may
be necessary, are appropriated from the Environmental Protection Permit
and Inspection Fund to the Environmental Protection Agency for land
permit and inspection activities:
For Personal Services.......................... 1,880,600
For State Contributions to State
Employees' Retirement System............. 857,500
For State Contributions to
Social Security................................. 143,900
For Group Insurance........................... 570,000
For Contractual Services................... 30,000
For Travel....................................... 6,500
For Commodities.............................. 5,000
For Printing.................................... 5,000
For Equipment.................................. 5,000
For Telecommunications Services........ 15,000
For Operation of Auto Equipment......... 5,000
Total ......................................... $3,523,500

Section 90. The following named sums, or so much thereof as may
be necessary, are appropriated from the Solid Waste Management Fund to
the Environmental Protection Agency for use in accordance with Section
22.15 of the Environmental Protection Act:
For Personal Services....................... 4,819,200
For State Contributions to State
Employees' Retirement System............ 2,197,500
For State Contributions to
Social Security............................... 368,700
For Group Insurance.......................... 1,380,000
For Contractual Services.................. 122,000
For Travel..................................... 25,000
For Commodities............................. 10,000

New matter indicated by italics - deletions by strikeout
For Printing........................................ 25,000
For Equipment.................................... 12,500
For Telecommunications Services............. 50,000
For Operation of Auto Equipment............. 15,000
For Refunds..................................... 5,000
For financial assistance to units of local government for operations under
delegation agreements...................... 1,700,000
Total $10,729,900

Section 95. The following named sums, or so much therefore as may be necessary, are appropriated to the Environmental Protection Agency for all costs associated with solid waste management activities, including costs from prior years:
Payable from the Solid Waste Management Fund........................ 3,000,000

Section 100. The following named amounts, or so much thereof as may be necessary, are appropriated from the Used Tire Management Fund to the Environmental Protection Agency for purposes as provided for in Section 55.6 of the Environmental Protection Act:
For Personal Services......................... 3,173,800
For State Contributions to State Employees' Retirement System...... 1,447,200
For State Contributions to Social Security.......................... 242,800
For Group Insurance........................... 897,000
For Contractual Services, including prior year costs................ 4,060,000
For Travel..................................... 20,000
For Commodities................................ 10,000
For Printing................................... 10,000
For Equipment.................................. 20,000
For Telecommunications Services............. 40,000
For Operation of Auto Equipment............. 25,000
Total $9,945,800

Section 105. The following named amounts, or so much thereof as may be necessary, are appropriated from the Subtitle D Management Fund to the Environmental Protection Agency for the purpose of funding the Subtitle D permit program in accordance with Section 22.44 of the Environmental Protection Act:

New matter indicated by italics - deletions by strikeout
For Personal Services: 915,600
For State Contributions to State Employees' Retirement System: 417,500
For State Contributions to Social Security: 70,100
For Group Insurance: 253,000
For Contractual Services: 257,000
For Travel: 8,000
For Commodities: 20,000
For Printing: 25,000
For Equipment: 25,000
For Telecommunications: 75,000
For Operation of Auto Equipment: 18,000
Total: $2,084,200

Section 110. The sum of $400,000, or so much thereof as may be necessary, is appropriated from the Landfill Closure and Post Closure Fund to the Environmental Protection Agency for the purpose of funding closure activities in accordance with Section 22.17 of the Environmental Protection Act.

Section 120. The following named amount, or so much thereof as may be necessary, is appropriated to the Environmental Protection Agency for use in accordance with the Brownfields Redevelopment program:
Payable from the Brownfields Redevelopment Fund:
For Personal Services and Other Expenses of the Program: 1,656,700

Section 125. The sum of $4,500,000, or so much thereof as may be necessary, is appropriated from the Brownfields Redevelopment Fund to the Environmental Protection Agency for financial assistance for Brownfields redevelopment in accordance with 58.3(5), 58.13 and 58.15 of the Environmental Protection Act, including costs in prior years.

Section 130. The sum of $1,300,000, or so much thereof as may be necessary, is appropriated from the Environmental Protection Trust Fund to the Environmental Protection Agency for all expenses related to removal or mediation actions at the Worthy Park, Cook County, hazardous waste site.

Section 135. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the Electronics Recycling Fund to the Environmental Protection Agency for use in accordance with Public Act 95-0959, Electronic Products Recycling and Reuse Act.

New matter indicated by italics - deletions by strikeout
Section 145. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Environmental Protection Agency:

Payable from the Environmental Protection Permit and Inspection Fund:
- For Personal Services: $288,600
- For State Contribution to State Employees' Retirement System: $131,600
- For State Contribution to Social Security: $22,100
- For Group Insurance: $115,000
- For Contractual Services: $10,000
- For Travel: $10,000
- For Commodities: $10,000
- For Equipment: $20,000
- For Telecommunications Services: $15,000
- For Operation of Automotive Equipment: $10,000

Total: $632,300

Section 150. The sum of $0, or so much thereof as may be necessary, including costs in prior years, is appropriated from the Partners for Conservation Fund to the Environmental Protection Agency for financial assistance for lake management activities.

Section 155. The amount of $12,563,300, or so much thereof as may be necessary, is appropriated from the Illinois Clean Water Fund to the Environmental Protection Agency for all costs associated with clean water activities.

Section 160. The following named amounts, or so much thereof as may be necessary, respectively, for the object and purposes hereinafter named, are appropriated to the Environmental Protection Agency:

Payable from the Water Revolving Fund:
- For Administrative Costs of Water Pollution Control Revolving Loan Program: $4,200,000
- For Program Support Costs of Water Pollution Control Program: $10,996,200
- For Administrative Costs of the Drinking Water Revolving Loan Program: $1,500,000
- For Program Support Costs of the Drinking Water Program: $3,278,600
- For Technical Assistance to Small Systems: $735,000

New matter indicated by italics - deletions by strikeout
For Administration of the Public Water System Supervision (PWSS) Program, Source Water Protection, Development And Implementation of Capacity Development, and Operator Certification Programs............ 3,600,000
For Clean Water Administration Loan Eligible Activities.......................... 10,000,000
For Local Assistance and Other 1452(k) Activities.................................... 5,500,000

Total $39,809,800

Section 165. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Environmental Protection Agency for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Pollution Control Board Division:

POLLUTION CONTROL BOARD DIVISION

Payable from Pollution Control Board Fund:
For Contractual Services................................. 0
For Telecommunications Services......................... 0
For Lump Sums........................................... 48,000
For Refunds.............................................. 2,000

Total $50,000

Payable from the Environmental Protection Permit and Inspection Fund:
For Personal Services................................. 599,000
For State Contributions to State Employees' Retirement System.......................... 273,100
For State Contributions to Social Security........ 45,900
For Group Insurance................................. 161,000
For Contractual Services................................. 0
For Travel.................................................. 0
For Telecommunications Services....................... 0

Total $1,079,000

Payable from the CAA Permit Fund:
For Personal Services................................. 650,000
For State Contributions to State Employees' Retirement System.......................... 296,400
For State Contributions to Social Security........ 49,500
For Group Insurance................................. 230,000

New matter indicated by italics - deletions by strikeout
For Contractual Services............................          10,000
Total                                             $1,235,900

Section 170. The amount of $260,000, or so much thereof as may
be necessary, is appropriated from the Used Tire Management Fund to the
Environmental Protection Agency for the purposes as provided for in
Section 55.6 of the Environmental Protection Act.

Section 175. The amount of $773,000, or so much thereof as may
be necessary, is appropriated from the Underground Storage Tank Fund to
the Environmental Protection Agency for case processing of leaking
underground storage tank permit and claims appeals.

Section 180. The sum of $30,000,000, or so much thereof as
may be necessary, is appropriated to the Illinois Environmental Protection
Agency from the Motor Fuel Tax Fund for deposit into the Vehicle
Inspection Fund.

ARTICLE 43

Section 5. The sum of $2,300,000, or so much thereof as may be
necessary, is appropriated from the Guardianship and Advocacy Fund to
the Guardianship and Advocacy Commission for services pursuant to
Section 5 of the Guardianship and Advocacy Act.

ARTICLE 44

Section 10. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated for the objects and
purposes hereinafter named, to meet the ordinary and contingent expenses
of the Historic Preservation Agency:

FOR OPERATIONS
EXECUTIVE OFFICE
PAYABLE FROM ILLINOIS HISTORIC SITES FUND
For historic preservation programs
administered by the Executive Office,
only to the extent that funds are received
through grants, and awards, or gifts..............          50,000

Section 20. The following named sums, or so much thereof as may
be necessary, respectively, for the objects and purposes hereinafter named,
are appropriated to meet the ordinary and contingent expenses of the
Historic Preservation Agency:

FOR OPERATIONS
PRESERVATION SERVICES DIVISION
PAYABLE FROM ILLINOIS HISTORIC SITES FUND
For Personal Services...............................          651,000

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 99-0524

For State Contributions to State
Employees' Retirement System.................. 297,000
For State Contributions to Social Security .... 48,100
For Group Insurance............................. 189,300
For Contractual Services....................... 79,000
For historic preservation programs
made either independently or in
cooperation with the Federal Government
or any agency thereof, any municipal
corporation, or political subdivision
of the State, or with any public or private
corporation, organization, or individual,
or for refunds................................... 300,000
Total ........................................... $1,564,400

Section 25. The sum of $150,000, or so much thereof as may be
necessary, is appropriated from the Illinois Historic Sites Fund to the
Historic Preservation Agency for awards and grants for historic
preservation programs made either independently or in cooperation with
the Federal Government or any agency thereof, any municipal corporation, or political subdivision of the State, or with any public or private
corporation, organization, or individual.

Section 35. The sum of $150,000, or so much thereof as may be
necessary, is appropriated from the Historic Property Administrative Fund
to the Historic Preservation Agency for administrative expenses associated
with the Historic Tax Credit Program.

Section 45. The sum of $275,000, or so much thereof as may be
necessary, is appropriated from the Illinois Historic Sites Fund to the
Historic Preservation Agency for the ordinary and contingent expenses of
the Administrative Services division for costs associated with but not
limited to Union Station, the Old State Capitol and the Old Journal
Register Building.

Section 47. In addition to other amounts appropriated, the amount
of $373,273, or so much thereof as may be necessary, is appropriated from
the Illinois Historic Sites Fund to the Historic Preservation Agency for
operational expenses of the Administrative Services division.

Section 60. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated for the objects and
purposes hereinafter named, to meet the ordinary and contingent expenses
of the Historic Preservation Agency:

New matter indicated by italics - deletions by strikeout
FOR OPERATIONS
HISTORIC SITES DIVISION
PAYABLE FROM ILLINOIS HISTORIC SITES FUND

For Personal Services............................ 325,000
For State Contributions to State
   Employees' Retirement System................. 137,600
For State Contributions to Social Security...... 25,000
For Contractual Services........................ 300,000
For Travel........................................ 5,000
For Commodities.................................. 20,000
For Equipment..................................... 25,000
For Telecommunications Services.................. 15,000
For Operation of Auto Equipment................... 10,000
For Historic Preservation Programs Administered
   by the Historic Sites Division, Only to the
   Extent that Funds are Received Through
   Grants, Awards, or Gifts....................... 300,000
For Permanent Improvements...................... 75,000
For Pullman Factory Car Rehabilitation............ 750,000
Total $1,987,600

Section 65. The sum of $450,000, or so much thereof as may be
necessary, is appropriated from the Illinois Historic Sites Fund to the
Historic Preservation Agency for operations, maintenance, repairs,
permanent improvements, special events, and all other costs related to the
operation of Illinois Historic Sites and only to the extent which donations
are received at Illinois State Historic Sites.

Section 70. The following named sums, or so much thereof as may
be necessary, respectively, for the objects and purposes hereinafter named,
are appropriated to meet the ordinary and contingent expenses of the
Historic Preservation Agency:

FOR OPERATIONS
ABRAHAM LINCOLN PRESIDENTIAL LIBRARY AND
MUSEUM DIVISION
Payable from the Illinois Historic Sites Fund:
For research projects associated with
Abraham Lincoln..................................... 75,000
For microfilming Illinois newspapers
   and manuscripts and performing

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>genealogical research</td>
<td>175,000</td>
</tr>
<tr>
<td>Total</td>
<td>$250,000</td>
</tr>
<tr>
<td>Payable from the Presidential Library and Museum Operating Fund</td>
<td></td>
</tr>
<tr>
<td>For the ordinary and contingent expenses of the Abraham Lincoln Presidential Library and Museum in Springfield</td>
<td>14,500,000</td>
</tr>
</tbody>
</table>

Section 85. The sum of $1,647,600, or so much thereof as may be necessary, is appropriated from the Tourism Promotion Fund to the Historic Preservation Agency to meet the ordinary and contingent expenses of the Historic Preservation Agency.

ARTICLE 45

Section 5. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Criminal Justice Information Authority for awards and grants and other monies received from federal agencies, from other units of government, and from private/not-for-profit organizations for activities undertaken in support of investigating issues in criminal justice and for undertaking other criminal justice information projects:

Payable from the Criminal Justice Information Projects Fund....................... 1,000,000

Total $1,000,000

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Illinois Criminal Justice Information Authority for awards, grants and operational support to implement the Motor Vehicle Theft Prevention Act:

Payable from the Motor Vehicle Theft Prevention Trust Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>296,600</td>
</tr>
<tr>
<td>For other Ordinary and Contingent Expenses</td>
<td>307,000</td>
</tr>
<tr>
<td>For Refunds</td>
<td>60,300</td>
</tr>
<tr>
<td>Total</td>
<td>$663,900</td>
</tr>
</tbody>
</table>

Section 15. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the Illinois State Crime Stoppers Association Fund to the Illinois Criminal Justice Information Authority for grants to enhance and develop Crime Stoppers programs in Illinois.

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter

New matter indicated by italics - deletions by strikeout
named, are appropriated to the Illinois Criminal Justice Information Authority for the training of law enforcement personnel and services for families of homicide or murder:

Payable from the Death Penalty Abolition Fund:
- For Personal Services: $291,400
- For other Ordinary and Contingent Expenses: $690,500
- For Awards and Grants to Units of Government and Non Profit Organizations for training of law enforcement personnel and services for families of victims of homicide or murder: $5,000,000
- Total: $5,981,900

Section 25. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the Prescription Pill and Drug Disposal Fund to the Illinois Criminal Justice Information Authority for the purpose of collection, transportation, and incineration of pharmaceuticals by local law enforcement agencies.

Section 30. The following amounts, or so much thereof as may be necessary, are appropriated for the objects and purposes named, to meet the ordinary and contingent expenses of the Illinois Criminal Justice Information Authority:

Payable from the ICJIA Violence Prevention Fund:
- For Personal Services: $498,200
- For State Contributions to State Employees' Retirement System: $227,200
- For State Contribution to Social Security: $38,200
- For Group Insurance: $194,100
- For Contractual Services: $9,000
- For Travel: $6,000
- For Commodities: $3,000
- For Printing: $1,000
- For Equipment: $1,000
- For Electronic Data Processing: $3,000
- For Telecommunications Services: $10,000
- Total: $990,700

ARTICLE 46

Section 1. The following named amounts, or so much thereof as may be necessary, are appropriated from the Personal Property Tax

New matter indicated by italics - deletions by strikeout
Replacement Fund to the Illinois Educational Labor Relations Board for the objects and purposes hereinafter named:

OPERATIONS

For Personal Services................................................. $748,900
For State Contributions to State
  Employees’ Retirement System.......................... 341,700
For State Contributions to
  Social Security............................................. 56,100
For Group Insurance............................................. 265,200
For Contractual Services........................................ 131,200
For Travel........................................................... 10,400
For Commodities.................................................... 3,000
For Printing.......................................................... 2,000
For Equipment....................................................... 1,000
For Electronic Data Processing............................. 1,800
For Telecommunications Services.......................... 15,000
For Operation of Automotive Equipment.................. 1,000

Total $1,577,300

ARTICLE 47

Section 1. The sum of $56,307,000, or so much thereof as may be necessary, is appropriated from the Illinois Sports Facilities Fund to the Illinois Sports Facilities Authority for its corporate purposes.

ARTICLE 48

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Illinois Workers’ Compensation Commission Operations Fund to the Illinois Workers’ Compensation Commission:

GENERAL OFFICE

For Personal Services:
  Regular Positions............................................. 8,106,000
  Arbitrators..................................................... 3,739,400
For State Contributions to State
  Employees’ Retirement System......................... 3,696,200
For Arbitrators' Retirement System.................... 1,705,100
For State Contributions to Social Security....... 916,900
For Group Insurance........................................... 3,600,000
For Contractual Services................................. 1,735,100
For Travel......................................................... 355,000

New matter indicated by italics - deletions by strikeout
For Commodities................................. 60,000
For Printing..................................... 30,000
For Equipment................................. 30,000
For Telecommunications Services.......... 85,000

Total $24,058,700

Section 5. The amount of $34,100, or so much thereof as may be necessary, is appropriated from the Illinois Workers’ Compensation Commission Operations Fund to the Illinois Workers’ Compensation Commission for the implementation and operation of an accident reporting system.

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Illinois Workers’ Compensation Commission Operations Fund to the Illinois Workers’ Compensation Commission:

**ELECTRONIC DATA PROCESSING**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,070,800</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>488,300</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>80,600</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>240,000</td>
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<tr>
<td>For Contractual Services</td>
<td>200,000</td>
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<tr>
<td>For Travel</td>
<td>9,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>12,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>1,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>15,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>90,000</td>
</tr>
</tbody>
</table>

Total $2,206,700

Section 15. The amount of $2,000,000, or so much thereof as may be necessary, is appropriated from the Illinois Workers’ Compensation Commission Operations Fund to Illinois Workers’ Compensation Commission for costs associated with the establishment, administration and operations of the Insurance Compliance Division of the workers’ compensation anti-fraud program administered by Illinois Workers’ Compensation Commission.

Section 20. The amount of $60,000, or so much thereof as may be necessary, is appropriated from the Illinois Workers’ Compensation Commission Operations Fund to Illinois Workers’ Compensation Commission.
Commission for costs associated with the establishment of the Medical Fee Schedule and other provisions of the Workers’ Compensation Act.

ARTICLE 49

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Illinois Gaming Board:

**PAYABLE FROM THE STATE GAMING FUND**

For Personal Services..........................\(^{1}\) 9,946,800
For State Contributions to the
State Employees' Retirement System.........\(^{2}\) 4,535,900
For State Contributions to
Social Security.................................\(^{3}\) 450,000
For Group Insurance.........................\(^{4}\) 2,633,700
For Contractual Services.......................\(^{5}\) 700,000
For Travel........................................\(^{6}\) 60,000
For Commodities................................\(^{7}\) 15,000
For Printing......................................\(^{8}\) 2,500
For Equipment...................................\(^{9}\) 50,000
For Electronic Data Processing..............\(^{10}\) 138,000
For Telecommunications......................\(^{11}\) 350,000
For Operation of Auto Equipment.............\(^{12}\) 100,000
For Refunds.....................................\(^{13}\) 50,000
For Expenses Related to the Illinois State Police.................................\(^{14}\) 14,768,900

For costs associated with the implementation and administration of the Video Gaming Act..................\(^{15}\) 20,270,700

Total \(^{16}\) $54,071,500

Section 5. The sum of $272,000, or so much thereof as may be necessary, is appropriated from the State Gaming Fund to the Illinois Gaming Board for costs and expenses related to or in support of a Government Services Shared Services Center.

ARTICLE 50

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Law Enforcement Training Standards Board:

OPERATIONS

New matter indicated by italics - deletions by strikeout
Payable from the Traffic and Criminal Conviction Surcharge Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>2,012,900</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>917,900</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>155,800</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>551,800</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>361,500</td>
</tr>
<tr>
<td>For Travel</td>
<td>40,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>10,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>5,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>4,000</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>68,800</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>34,900</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>22,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$4,184,600</strong></td>
</tr>
</tbody>
</table>

Payable from the Police Training Board Services Fund:

For payment of and/or services related to law enforcement training in accordance with statutory provisions of the Law Enforcement Intern Training Act ........................................ 100,000

Payable from the Death Certificate Surcharge Fund:

For payment of and/or services related to death investigation in accordance with statutory provisions of the Vital Records Act ............ 450,000

Payable from the Law Enforcement Camera Grant Fund:

For grants to units of local government in Illinois related to installing video cameras in law enforcement vehicles and training law enforcement officers in the operation of the cameras in accordance with statutory provisions of the Law Enforcement Camera Grant Act .......................... 400,000

New matter indicated by italics - deletions by strikeout
ARTICLE 51

Section 5. The sum of $15,000,000, or so much thereof as may be necessary, is appropriated to the Metropolitan Pier and Exposition Authority from the Metropolitan Pier and Exposition Authority Incentive Fund for Fiscal Year 2016 for certified incentives paid to conventions, meetings and trade shows held at the McCormick Place Convention Center and Navy Pier complexes during Fiscal Year 2016.

ARTICLE 52

Section 10. The amount of $250,000, or so much thereof as may be necessary, is appropriated from the Prisoner Review Board Vehicle and Equipment Fund to the Prisoner Review Board for all ordinary and contingent expenses of the Board, but not including personal services.

ARTICLE 53

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Illinois Racing Board:

<table>
<thead>
<tr>
<th>PAYABLE FROM THE HORSE RACING FUND</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,102,000</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>502,500</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>84,300</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>248,600</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>165,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>15,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>1,500</td>
</tr>
<tr>
<td>For Printing</td>
<td>1,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>1,000</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>50,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>50,000</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>10,000</td>
</tr>
<tr>
<td>For Refunds</td>
<td>600</td>
</tr>
<tr>
<td>For Expenses related to the Laboratory Program</td>
<td>974,200</td>
</tr>
<tr>
<td>For Expenses related to the Regulation of Racing Program</td>
<td>2,676,200</td>
</tr>
<tr>
<td>For Distribution to local governments for admissions tax</td>
<td>340,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Section 5. The sum of $155,400, or so much thereof as may be necessary, is appropriated from the Horse Racing Fund to the Illinois Racing Board for costs and expenses related to or in support of a Government Services Shared Services Center.

ARTICLE 54

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Property Tax Appeal Board:

Payable from the Personal Property Tax Replacement Fund:

For Personal Services.......................... 2,650,200
For Contributions to the State Employees’ Retirement System............. 1,208,500
For State Contributions to Social Security.............................................. 202,800
For Group Insurance.......................................................... 864,000
For Contractual Services.......................... 67,900
For Travel................................................. 30,000
For Commodities..................................... 9,600
For Printing................................................. 4,200
For Equipment................................................. 4,400
For Electronic Data Processing..................... 43,200
For Telecommunication Services.................. 30,000
For Operation of Auto Equipment.................. 6,000
For Refunds.................................................. 200
For Costs Associated with the Appeal Process and the Reestablishment of a Cook County Office.................. 200,000

Total .................................................. $5,321,000

ARTICLE 55

Section 40. The following named amounts, or so much thereof as may be necessary, are appropriated from the Personal Property Tax Replacement Fund to the Illinois State Board of Education for the fiscal year beginning July 1, 2015:

For Regional Superintendents’ Services – Bus Driver Training...................... 70,000
For Regional Superintendents’ and Assistants’ Compensation and Related

New matter indicated by italics - deletions by strikeout
Benefits........................................... 10,700,000
For Regional Superintendents’ Services........ 4,950,000
Total ............................................. $15,720,000

Section 45. The amount of $600,000, or so much thereof as may be
necessary, is appropriated from the State Charter School Commission
Fund to the State Board of Education for all costs associated with the State
Charter School Commission.

ARTICLE 56
Section 25. The amount of $5,000,000, or so much thereof as may
be necessary, is appropriated from the Teacher Certificate Fee Revolving
Fund to the Illinois State Board of Education for Teacher Certificates
Processing.
Section 30. The amount of $7,015,200, or so much of that amount
as may be necessary, is appropriated from the State Board of Education
Special Purpose Trust Fund to the State Board of Education for its
ordinary and contingent expenses.

ARTICLE 57
Section 10. The following named amounts, or so much thereof as
may be necessary, are appropriated to the Illinois Emergency Management
Agency for the objects and purposes hereinafter named:

MANAGEMENT AND ADMINISTRATIVE SUPPORT
Payable from Nuclear Safety Emergency
Preparedness Fund:
For Personal Services....................... 1,900,000
For State Contributions to State
Employees' Retirement System............... 860,200
For State Contributions to
Social Security............................. 155,600
For Group Insurance......................... 490,000
For Contractual Services.................... 2,129,200
For Travel.................................. 10,000
For Commodities............................ 6,000
For Printing................................. 17,300
For Equipment.............................. 15,000
For Electronic Data Processing............. 633,200
For Telecommunications Services......... 140,000
For Operation of Auto Equipment.......... 23,500
Total .................................. $6,380,000
Payable from Radiation Protection Fund:

New matter indicated by italics - deletions by strikeout
For Contractual Services......................... 965,100
For Travel......................................... 1,500
For Commodities.................................... 8,000
For Printing........................................... 0
For Electronic Data Processing................... 200,000
For Telecommunications............................ 11,100
For Operation of Auto Equipment................... 10,000
Total $1,195,700

Payable from the September 11th Fund:
For grants, contracts, and administrative expenses pursuant to 625 ILCS 5/3-660, including prior year costs............... 100,000

Section 15. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Radiation Protection Fund to the Illinois Emergency Management Agency for the ordinary and contingent expenses incurred by the Illinois Emergency Management Agency.

Section 25. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the Nuclear Safety Emergency Preparedness Fund to the Illinois Emergency Management Agency for the ordinary and contingent expenses incurred by the Illinois Emergency Management Agency.

Section 30. The sum of $12,000,000, or so much thereof as may be necessary, is appropriated from the Disaster Response and Recovery Fund to the Illinois Emergency Management Agency for all current and prior year expenses associated with disaster response and recovery.

Section 35. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter named:

OPERATIONS

Payable from Nuclear Safety Emergency Preparedness Fund:
For Personal Services......................... 902,500
For State Contributions to State Employees' Retirement System......................... 420,000
For State Contributions to Social Security ...... 70,100
For Group Insurance......................... 270,000
For Contractual Services......................... 10,000
For Travel......................................... 15,000
For Commodities................................. 5,000

New matter indicated by italics - deletions by strikeout
For Personal Services........................................... 3,064,400
For State Contributions to State
    Employees' Retirement System.................. 1,358,000
For State Contributions to
    Social Security................................. 251,600
For Group Insurance................................. 780,000
For Contractual Services.......................... 65,000
For Travel........................................ 39,300
For Commodities................................... 9,000
For Printing........................................... 0
For Equipment.................................... 100,000
For Telecommunications............................ 30,000
For Refunds....................................... 20,000
For reimbursing other governmental agencies for their assistance in responding to radiological emergencies......... 44,700
Total $5,762,000

Payable from Nuclear Safety Emergency Preparedness Fund:
For Personal Services......................... 1,900,000
For State Contributions to State
    Employees' Retirement System............... 767,000
For State Contributions to
    Social Security............................... 133,000
For Group Insurance.............................. 500,000
For Contractual Services......................... 200,400
For Travel........................................ 25,000
For Commodities................................. 87,000
For Printing........................................... 0
For Equipment........................................ 138,000

Total $1,927,600

Section 40. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter enumerated:

RADIATION SAFETY

Payable from Radiation Protection Fund:
For Personal Services................................. 0
For Equipment.......................................... 5,000
For Telecommunications............................... 230,000
Total $1,927,600

New matter indicated by italics - deletions by strikeout
For Telecommunications.............................. 30,000
Total $3,780,400

Payable from Low-Level Radioactive Waste Facility Development and Operation Fund:
For Refunds for Overpayments made by Low-Level Waste Generators............................ 4,900

Section 50. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter enumerated:

NUCLEAR FACILITY SAFETY

Payable from Nuclear Safety Emergency Preparedness Fund:
For Personal Services.............................. 3,900,000
For State Contributions to State Employees' Retirement System.............................. 1,770,200
For State Contributions to Social Security.............................. 297,000
For Group Insurance.............................. 936,000
For Contractual Services.............................. 773,000
For Travel........................................ 113,000
For Commodities.............................. 178,000
For Printing........................................ 0
For Equipment.............................. 247,000
For Telecommunications Services.............................. 370,000
Total $8,584,200

Section 55. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter named:

DISASTER ASSISTANCE AND PREPAREDNESS

Payable from Nuclear Safety Emergency Preparedness Fund:
For Personal Services.............................. 500,000
For State Contributions to State Employees’ Retirement System.............................. 223,400
For State Contributions to Social Security.............................. 42,200
For Group Insurance.............................. 144,000
For Contractual Services.............................. 93,000
For Travel........................................ 25,000

New matter indicated by italics - deletions by strikeout
For Commodities.................................... 8,000
For Printing....................................... 2,500
For Equipment...................................... 2,500
For Telecommunications Services.............. 20,000
For compensation to local governments
for expenses attributable to implementation
and maintenance of plans and programs
authorized by the Nuclear Safety
Preparedness Act................................... 650,000
Total ................................................. $1,710,600

Payable from the Emergency Planning and
Training Fund:
For Activities as a Result of the Illinois
Emergency Planning and Community Right
To Know Act....................................... 100,000

Section 60. The sum of $900,000, or so much thereof as may be
necessary, is appropriated from the Radiation Protection Fund to the
Illinois Emergency Management Agency for licensing facilities where
radioactive uranium and thorium mill tailings are generated or located, and
related costs for regulating the decontamination and decommissioning of
such facilities and for identification, decontamination and environmental
monitoring of unlicensed properties contaminated with such radioactive
mill tailings.

Section 65. The sum of $20,000, or so much thereof as may be
necessary, is appropriated from the Radiation Protection Fund to the
Illinois Emergency Management Agency for the purpose of funding costs
related to environmental cleanup of the Ottawa Radiation Areas Superfund
Project under cooperative agreements with the Federal Government.

Section 70. The sum of $100,000, or so much thereof as may be
necessary, is appropriated from the Radiation Protection Fund to the
Illinois Emergency Management Agency for recovery and remediation of
radioactive materials and contaminated facilities or properties when such
expenses cannot be paid by a responsible person or an available surety.

Section 75. The sum of $65,000, or so much thereof as may be
necessary, is appropriated from the Radiation Protection Fund to the
Illinois Emergency Management Agency for local responder training,
demonstrations, research, studies and investigations under funding
agreements with the Federal Government.
Section 80. The sum of $57,000, or so much thereof as may be necessary, is appropriated from the Nuclear Safety Emergency Preparedness Fund to the Illinois Emergency Management Agency for related training and travel expenses and to reimburse the Illinois State Police and the Illinois Commerce Commission for costs incurred for activities related to inspecting and escorting shipments of spent nuclear fuel, high-level radioactive waste, and transuranic waste in Illinois as provided under the rules of the Agency.

Section 85. The sum of $225,000, or so much thereof as may be necessary, is appropriated from the Sheffield Agreed Order Fund to the Illinois Emergency Management Agency for the care, maintenance, monitoring, testing, remediation and insurance of the low-level radioactive waste disposal site near Sheffield, Illinois.

Section 90. The sum of $990,000, or so much thereof as may be necessary, is appropriated from the Low-Level Radioactive Waste Facility Development and Operation Fund to the Illinois Emergency Management Agency for use in accordance with Section 14(a) of the Illinois Low-Level Radioactive Waste Management Act for costs related to establishing a low-level radioactive waste disposal facility.

Section 95. The sum of $240,000, or so much thereof as may be necessary, is appropriated from the Nuclear Safety Emergency Preparedness Fund to the Illinois Emergency Management Agency for ordinary and contingent expenses of the Illinois Emergency Management Agency to include support of a centralized administrative processing center.

ARTICLE 58

Section 10. The amount of $500,000, or so much thereof as may be necessary, is appropriated to the State Police Merit Board from the State Police Merit Board Public Safety Fund for its ordinary and contingent expenses.

Section 15. The amount of $2,600,000, or so much thereof as may be necessary, is appropriated to the State Police Merit Board from the State Police Merit Board Public Safety Fund for all costs associated with a cadet program for the Department of State Police.

ARTICLE 59

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Office of the State Fire Marshal, as follows:

GENERAL OFFICE

New matter indicated by italics - deletions by strikeout
Payable from the Fire Prevention Fund:
- For Personal Services: $8,496,700
- For State Contributions to the State Employees' Retirement System: $3,874,300
- For State Contributions to Social Security: $582,900
- For Group Insurance: $2,406,000
- For Contractual Services: $1,231,500
- For Travel: $82,900
- For Commodities: $62,600
- For Printing: $23,700
- For Equipment: $21,500
- For Electronic Data Processing: $885,900
- For Telecommunications: $229,000
- For Operation of Auto Equipment: $200,000
- For Refunds: $8,800

Total: $18,105,800

Payable from the Underground Storage Tank Fund:
- For Personal Services: $1,723,400
- For State Contributions to the State Employees' Retirement System: $785,800
- For State Contributions to Social Security: $131,800
- For Group Insurance: $528,000
- For Contractual Services: $366,300
- For Travel: $10,500
- For Commodities: $12,200
- For Printing: $1,000
- For Equipment: $10,200
- For Electronic Data Processing: $20,600
- For Telecommunications: $26,100
- For Operation of Auto Equipment: $65,000
- For Refunds: $8,000

Total: $3,688,900

Section 5. The sum of $931,000, or so much thereof as may be necessary, is appropriated from the Fire Prevention Fund to the Office of the State Fire Marshal for costs and expenses related to or in support of a public safety shared services center.

Section 10. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the Illinois Firefighters' Memorial Fund to the Office of the State Fire Marshal for expenses related to the

New matter indicated by italics - deletions by strikeout
maintenance of the Illinois Firefighters’ Memorial, holding the annual Fallen Firefighter Ceremony, and other expenses as allowed under Public Act 91-0832.

Section 15. The sum of $1,000, or so much thereof as may be necessary, is appropriated from the Fire Prevention Fund to the Office of the State Fire Marshal for grants available for the development of new fire districts.

Section 20. The sum of $550,000, or so much thereof as may be necessary, is appropriated from the Underground Storage Tank Fund to the Office of the State Fire Marshal for a grant to the City of Chicago for administrative costs incurred as a result of the State’s Underground Storage Program.

ARTICLE 60

Section 10. The sum of $108,000, or so much thereof as may be necessary, is appropriated from the Illinois Independent Tax Tribunal Fund to the Illinois Independent Tax Tribunal to meet its operational expenses for the fiscal year ending June 30, 2016.

ARTICLE 61

Section 70. The sum of $30,000 or so much thereof as may be necessary, is appropriated from the Distance Learning Fund to the Board of Higher Education as supplemental support for costs and expenses associated with the administration and enforcement of 110 ILCS 145/40.

Section 75. The amount of $400,000, or so much thereof as may be necessary, is appropriated from the Academic Quality Assurance Fund to the Board of Higher Education as supplemental support for costs and expenses associated with the administration and enforcement of 110 ILCS 1010.

Section 80. The amount of $80,000, or so much thereof as may be necessary, is appropriated from the Private College Academic Quality Assurance Fund to the Board of Higher Education as supplemental support for costs and expenses associated with the administration and enforcement of 110 ILCS 1005.

Section 85. The amount of $550,000, or so much thereof as may be necessary, is appropriated from the Private Business and Vocational Schools Quality Assurance Fund to the Board of Higher Education as supplemental support for costs and expenses associated with the administration and enforcement of the Private Business and Vocational Schools Act of 2012.

ARTICLE 62

New matter indicated by italics - deletions by strikeout
Section 10. The sum of $1,600,000, or so much thereof as may be necessary, is appropriated from the Chicago State University Education Improvement Fund to the Board of Trustees of Chicago State University for any expenses incurred by the university.

ARTICLE 63
Section 10. The sum of $8,000, or so much thereof as may be necessary, is appropriated from the State College and University Trust Fund to the Board of Trustees of Eastern Illinois University for scholarship grant awards.

ARTICLE 64
Section 10. The amount of $20,000, or so much thereof as may be necessary, is appropriated from the State College and University Trust Fund to the Board of Trustees of Western Illinois University for scholarship grant awards from the sale of collegiate license plates.

ARTICLE 65
Section 5. The sum of $36,000, or so much thereof as may be necessary, is appropriated from the State College and University Trust Fund to the Board of Trustees of Northern Illinois University for scholarship grant awards.

ARTICLE 66
Section 15. The sum of $27,000, or so much thereof as may be necessary, is appropriated from the State College and University Trust Fund to the Board of Trustees of Southern Illinois University for scholarship grant awards.

ARTICLE 67
Section 20. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the State College and University Trust Fund to the Board of Trustees of the University of Illinois for scholarship grant awards.

Section 25. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the Emergency Public Health Fund to the University of Illinois for costs and expenses related to or in support of Emergency Mosquito Abatement.

Section 30. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the Used Tire Management Fund to the University of Illinois for costs and expenses related to or in support of mosquito research and abatement.

New matter indicated by italics - deletions by strikeout
Section 35. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the Hazardous Waste Research Fund to the University of Illinois for its ordinary and contingent expenses.

ARTICLE 68

Section 70. The sum of $300,000, or so much thereof as may be necessary, is appropriated from ICCB Instructional Development and Enhancement Applications Revolving Fund to the Illinois Community College Board for costs associated with maintaining and updating instructional technology.

Section 75. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the High School Equivalency Testing Fund to the Illinois Community College Board for costs associated with administering high school equivalency tests.

Section 80. The sum of $10,000,000, or so much thereof as may be necessary, is appropriated from the Illinois Community College Board Contracts and Grants Fund to the Illinois Community College Board to be expended under the terms and conditions associated with the moneys being received, including prior years expenditures.

Section 85. The sum of $480,000, or so much thereof as may be necessary, is appropriated from the ICCB Federal Trust Fund to the Illinois Community College Board for ordinary and contingent expenses of the Board, including prior years expenditures.

ARTICLE 69

Section 50. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the ISAC Accounts Receivable Fund to the Illinois Student Assistance Commission for costs associated with the collection of delinquent scholarship awards pursuant to the Illinois State Collection Act of 1986.

Section 55. The sum of $110,000, or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission from the University Grant Fund for payment of grants for the Higher Education License Plate Program, as provided by law.

Section 60. The following named sum, or so much thereof as may be necessary, is appropriated from the Illinois Student Assistance Commission Contracts and Grants Fund to the Illinois Student Assistance Commission for the following purpose:

To support outreach, research, and training activities..........................

10,000,000

New matter indicated by italics - deletions by strikeout
Section 65. The following named sum, or so much thereof as may be necessary, is appropriated from the Optometric Licensing and Disciplinary Board Fund to the Illinois Student Assistance Commission for the following purpose:

Grants and Scholarships
For payment of scholarships for the
Optometric Education Scholarship
Program, as provided by law................. 50,000

Section 70. The following named sum, or so much thereof as may be necessary, is appropriated from the National Guard and Naval Militia Grant Fund to the Illinois Student Assistance Commission for the following purpose:

Grants and Scholarships
For payment of Illinois National Guard and Naval Militia Scholarships
at State-controlled universities
and public community colleges in Illinois to students eligible to receive such awards, as provided by law........ 20,000

Section 75. The sum of $225,000, or so much thereof as may be necessary, is appropriated from the Golden Apple Scholars of Illinois Fund to the Illinois Student Assistance Commission for the Golden Apple Scholars of Illinois Program, as provided by law.

ARTICLE 70

Section 10. The sum of $190,000,000, or so much thereof as may be necessary, is appropriated from the State Pensions Fund to the Board of Trustees of the State Universities Retirement System pursuant to the provisions of Section 8.12 of the State Finance Act.

ARTICLE 71

Section 5. The sum of $50,300, or so much thereof as may be necessary, is appropriated to the State Comptroller from the State Lottery Fund for expenses in connection with the State Lottery.

ARTICLE 72

Section 5. The following amounts, or so much of those amounts as may be necessary, respectively, are appropriated from the Personal Property Tax Replacement Fund to the State Board of Elections for its ordinary and contingent expenses as follows:
For Reimbursement to Counties for Increased Compensation to Judges and other Election

New matter indicated by italics - deletions by strikeout
Officials, as provided in Public Acts 81-850, 81-1149, and 90-672-Election Day Judges only ................................. 2,300,000
For Payment of Lump Sum Awards to County Clerks, County Recorders, and Chief Election Clerks as Compensation for Additional Duties required of such officials by consolidation of elections law, as provided in Public Acts 82-691 and 90-713 ....................................... 799,500

Total $3,099,500

Section 10. The following amounts, or so much thereof as may be necessary, are reappropriated from the Help Illinois Vote Fund to the State Board of Elections for Implementation of the Help America Vote Act of 2002:
For distribution to Local Election Authorities under Section 251 of the Help America Vote Act ........................... 6,683,000
For the implementation of the Statewide Voter Registration System as required by Section 1A-25 of the Illinois Election Code, including maintenance of the IDEA/VISTA program, and for purposes of a one-time membership fee, annual dues, and operational costs pursuant to the Electronic Registration Information Center (ERIC) program .... 557,000
For administrative costs and discretionary grants to Local Election Authorities under Section 101 of the Help America Vote Act ............................... 945,000

Total $8,185,000

ARTICLE 73

Section 10. The amount of $450,000, or so much of that amount as may be necessary, is appropriated from the Court of Claims Administration and Grant Fund to the Court of Claims for administrative expenses under the Crime Victims Compensation Act.

Section 35. The following named amounts, or so much of that amount as may be necessary, are appropriated to the Court of Claims for payment of claims as follows:

New matter indicated by italics - deletions by strikeout
For claims other than the Crime Victims Compensation Act:
Payable from the Road Fund ...................... 1,000,000
Payable from the DCFS Children's Services Fund ...................... 1,500,000
Payable from the State Garage Fund ...................... 50,000
Payable from the Traffic and Criminal Conviction Surcharge Fund ...................... 100,000

ARTICLE 74
Section 1. Appropriations set forth in Article 75 through Article 225, except for those appropriations for Personal Services, State Contributions to State Employees’ Retirement System and State Contributions to Social Security, may be used to pay prior year costs.

ARTICLE 75
Section 1. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Governor's Grant Fund to the Office of the Governor to be expended in accordance with the terms and conditions upon which such funds were received and in the exercise of the powers or performance of the duties of the Office of the Governor.

ARTICLE 76
Section 1. The sum of $47,500, or so much thereof as may be necessary, is appropriated from the Agricultural Premium Fund to the Office of the Lieutenant Governor for all costs associated with the Rural Affairs Council including any grants or administrative expenses.

ARTICLE 76.5
Section 5. The amount of $225,000, or so much thereof as may be necessary, is appropriated from the State Appellate Defender Federal Trust Fund to the Office of the State Appellate Defender for expenses related to federally assisted programs to work on systemic sentencing issues appeals cases to which the agency is appointed and provide public defenders in rural counties the resources needed to adequately investigate and defend indigent clients.

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Office of the State's Attorneys Appellate Prosecutor for the objects and purposes hereinafter named to meet its ordinary and contingent expenses for the fiscal year ending June 30, 2017:
Payable from State's Attorneys Appellate Prosecutor's County Fund

New matter indicated by italics - deletions by strikeout
For Contractual Services:
  General Contractual Services
  Tax Objection Case Work
  Labor Unit
  For Rental of Real Property
  For Travel:
  General Travel
  Labor Unit
  For Commodities:
  General Commodities
  Labor Unit
  For Printing
  For Equipment:
  General Equipment
  Labor Unit
  For Electronic Data Processing
  For Telecommunications
  For Operation of Automotive Equipment:
  General Operation of Auto
  Labor Unit
  For Law Intern Program
  For Legal Publications
  State's Attorneys Appellate Prosecutor's County Fund Total $952,400
Payable from Personal Property Tax Replacement Fund:
  For Contractual Services
  For Training Programs
  Personal Property Tax Replacement Fund Total $450,000
Payable from Continuing Legal Education Trust Fund:
  For Continuing Legal Education
  For Expenses Pursuant to Grant Agreements for Sentencing Policy Research
  For Prosecution of and Training for Violent Crimes
  For Prosecution of and Training for Violent Crimes Grants to Cook County
  For Implementation of Diversion Court Programs

  New matter indicated by italics - deletions by strikeout
in Cook County................................. 85,000
Continuing Legal Education Trust Fund Total $235,100
Payable from the Narcotics Profit Forfeiture Fund:
For expenses pursuant to Narcotics Profit
Forfeiture Act..................................... 0
For expenses pursuant to Drug Asset Forfeiture
Procedure Act..................................... 2,500,000
Narcotics Profit Forfeiture Fund Total $2,500,000
Payable from the Special Federal Grant Fund:
For Expenses Related to federally assisted
Programs to assist local State's Attorneys
including special appeals, drug related
cases, and cases arising under the
Narcotics Profit Forfeiture Act on the
request of the State's Attorney................. 2,200,000
Special Federal Grant Fund Total $2,200,000

ARTICLE 77

Section 1. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated for the ordinary and
contingent expenses of the Department on Aging:
Payable from Services for Older
Americans Fund:
For Personal Services.......................... 287,600
For State Contributions to State
Employees' Retirement System................. 128,200
For State Contributions to Social Security..... 20,500
For Group Insurance............................. 69,000
For Contractual Services....................... 50,000
For Travel......................................... 15,200
For Commodities............................... 6,500
For Printing...................................... 0
For Equipment................................. 2,000
For Electronic Data Processing.................. 60,000
For Telecommunications......................... 60,000
For Operations of Auto Equipment............. 2,000
Total $701,000

Section 5. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated for the ordinary and
contingent expenses of the Department on Aging:

New matter indicated by italics - deletions by strikeout
DIVISION OF HOME AND COMMUNITY SERVICES

Payable from Services for Older Americans Fund:
For Personal Services............................ 790,100
For State Contributions to State
Employees' Retirement System.................... 352,200
For State Contributions to Social Security....... 60,400
For Group Insurance............................ 207,000
For Contractual Services.......................... 36,000
For Travel........................................ 65,000
For Printing........................................... 0
For Telecommunications............................. 0
Total $1,510,700

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

DISTRIBUTIVE ITEMS

OPERATIONS

Payable from the Senior Health Insurance Program Fund:
For the Senior Health Insurance Program....... 2,200,000

Payable from the Long Term Care Ombudsman Fund:
For Expenses of the Long Term Care Ombudsman Fund........................ 2,600,000

Payable from Services for Older Americans Fund:
For Expenses of Senior Meal Program............. 120,300
For Older Americans Training..................... 100,000
For Ombudsman Training and Conference Planning.................. 150,000
For Expenses of the Discretionary Government Projects....................... 4,000,000
Total $4,370,300

Payable from Services for Older Americans Fund:
For Administrative Expenses of Title V Services........................... 300,000

Payable from the Department on Aging State Projects Fund:
For Expenses of Private Partnership

New matter indicated by italics - deletions by strikeout
Projects ........................................ 345,000

Section 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

DISTRIBUTIVE ITEMS

GRANTS-IN-AID

Payable from the Tobacco Settlement

Recovery Fund:

For Grants and Administrative Expenses of Senior Health Assistance Programs .............................. 1,600,000

Payable from Services for Older Americans Fund:

For Adult Food Care Program ............................... 200,000
For Title V Employment Services ...................... 4,000,000
For Title III C-1 Congregate Meals Program .... 18,000,000
For Title III C-2 Home Delivered Meals Program ................................... 14,000,000
For Title III Social Services ............................. 22,000,000
For National Lunch Program ............................. 2,000,000
For National Family Caregiver Support Program ................................... 7,000,000
For Title VII Prevention of Elder Abuse, Neglect, and Exploitation ................ 500,000
For Title VII Long Term Care Ombudsman Services for Older Americans ...... 1,000,000
For Title III D Preventive Health .......................... 1,000,000
For Nutrition Services Incentive Program .... 7,000,000
For Additional Title V Grant ............................................ 0
Total ..................................................................... $78,300,000

ARTICLE 78

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Agriculture:

FOR OPERATIONS

ADMINISTRATIVE SERVICES

Payable from Wholesome Meat Fund:

For Personal Services ........................................ 235,600
For State Contributions to State

New matter indicated by italics - deletions by strikeout
Employees' Retirement System.................... 107,400
For State Contributions to
Social Security..................................... 18,200
For Group Insurance............................... 69,000
For Contractual Services......................... 210,000
For Travel........................................... 25,000
For Commodities.................................. 11,100
For Printing....................................... 20,000
For Equipment.................................... 50,000
For Telecommunications......................... 20,000
Total.............................................. $766,300

Section 15. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the Wholesome Meat Fund to the Department of Agriculture for costs and expenses related to or in support of the agency’s operations.

Section 20. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the Agricultural Premium Fund to the Department of Agriculture for expenses related to the Food Safety Modernization Initiative.

Section 25. The sum of $10,000,000, or so much thereof as may be necessary, is appropriated from the Agricultural Premium Fund to the Department of Agriculture for deposit into the State Cooperative Extension Service Trust Fund.

Section 26. The sum of $4,500,000, or so much thereof as may be necessary, is appropriated from the Agricultural Premium Fund to the Department of Agriculture for contractual services related to Facilities Management.

Section 27. The sum of $750,000, or so much thereof as may be necessary, is appropriated from the Agricultural Premium Fund to the Department of Agriculture for contractual services related to Facilities Management.

Section 30. The sum of $994,700, or so much thereof as may be necessary, is appropriated from the Partners for Conservation Fund to the Department of Agriculture for deposit into the State Cooperative Extension Service Trust Fund.

Section 35. The sum of $2,449,200, or so much thereof as may be necessary, is appropriated from the Partners for Conservation Fund to the Department of Agriculture for deposit into the State Cooperative

New matter indicated by italics - deletions by strikeout
Extension Service Trust Fund for operational expenses and programs at the University of Illinois Cook County Cooperative Extension Service.

Section 40. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

**COMPUTER SERVICES**

Payable from Agricultural Premium Fund:

<table>
<thead>
<tr>
<th>Service</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services</td>
<td>300,000</td>
</tr>
<tr>
<td>State Contributions to State</td>
<td>139,500</td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>23,000</td>
</tr>
<tr>
<td>Social Security</td>
<td>1,362,000</td>
</tr>
<tr>
<td>Contractual Services</td>
<td>1,000</td>
</tr>
<tr>
<td>Commodities</td>
<td>5,000</td>
</tr>
<tr>
<td>Printing</td>
<td>75,000</td>
</tr>
<tr>
<td>Telecommunications Services</td>
<td>30,000</td>
</tr>
<tr>
<td>Total</td>
<td>$2,300,300</td>
</tr>
</tbody>
</table>

Section 45. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Agriculture:

**FOR OPERATIONS**

**AGRICULTURE REGULATION**

Payable from the Agricultural Federal Projects Fund:

<table>
<thead>
<tr>
<th>Projects</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenses of Various</td>
<td>900,000</td>
</tr>
</tbody>
</table>

Section 50. The sum of $1,600,000, or so much thereof as may be necessary, is appropriated from the Fertilizer Control Fund to the Department of Agriculture for expenses relating to agricultural products inspection.

Section 55. The sum of $1,900,000, or so much thereof as may be necessary, is appropriated from the Feed Control Fund to the Department of Agriculture for Feed Control.

Section 60. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named,
are appropriated to meet the ordinary and contingent expenses of the Department of Agriculture:

MARKETING

Payable from Agricultural Premium Fund:
For Expenses Connected With the Promotion and Marketing of Illinois Agriculture and Agriculture Exports....................... 2,675,000

For Implementation of Programs and Activities to Promote, Develop and Enhance the Biotechnology Industry in Illinois...................... 100,000

For Expenses Related to Viticulturist and Enologist Contractual Staff................... 150,000

For Implementation of a Farmers' Market Technology Improvement Program........... 0

Payable from Agricultural Marketing Services Fund:
For Administering Illinois' Part under Public Law No. 733, "An Act to provide for further research into basic laws and principles relating to agriculture and to improve and facilitate the marketing and distribution of agricultural products"........ 25,000

Payable from Agriculture Federal Projects Fund:
For Expenses of Various Federal Projects......... 850,000

Section 65. The following named amount, or so much thereof as may be necessary for the objects and purposes hereinafter named, are appropriated to the Department of Agriculture:

MEDICINAL PLANTS

Payable from the Compassionate Use of Medical Cannabis Fund:
For all costs associated with the Compassionate Use of Medical Cannabis Pilot Program.............................. 2,600,000

Section 70. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

New matter indicated by italics - deletions by strikeout
ANIMAL INDUSTRIES

Payable from the Illinois Department of Agriculture Laboratory Services Revolving Fund:
For Expenses Authorized by the Animal Disease Laboratories Act.................................. 700,000

Payable from the Illinois Animal Abuse Fund:
For Expenses Associated with the Investigation of Animal Abuse and Neglect under the Humane Care for Animals Act............................ 4,000

Payable from the Agriculture Federal Projects Fund:
For Expenses of Various Federal Projects.................................................. 150,000

Section 75. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

MEAT AND POULTRY INSPECTION

Payable from Wholesome Meat Fund:
For Personal Services.......................... 3,566,600
For State Contributions to State Employees' Retirement System................. 1,659,200
For State Contributions to Social Security............................................. 272,800
For Group Insurance............................ 1,426,700
For Contractual Services........................ 682,600
For Travel...................................... 154,600
For Commodities............................... 48,300
For Printing.................................... 6,300
For Equipment................................. 73,500
For Telecommunications Services................. 43,600
For Operation of Auto Equipment............... 153,400
Total $8,087,600

Payable from Agricultural Master Fund:
For Expenses Relating to Inspection of Agricultural Products.............. 1,000,000

Payable from the Agriculture Federal Projects Fund:

New matter indicated by italics - deletions by strikeout
For Expenses of Various Federal Projects........... 315,000

Section 80. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

WEIGHTS AND MEASURES

Payable from the Agriculture Federal Projects Fund:
  For Expenses of various Federal Projects.................. 200,000

Payable from the Weights and Measures Fund:
  For Personal Services.......................... 2,918,000
  For State Contributions to State Employees' Retirement System........ 1,356,900
  For State Contributions to Social Security.................. 223,300
  For Group Insurance............................. 868,300
  For Contractual Services......................... 318,200
  For Travel.................................... 54,100
  For Commodities................................ 22,000
  For Printing.................................. 14,000
  For Equipment.................................. 450,000
  For Telecommunications Services.................... 46,000
  For Operation of Auto Equipment...................... 422,000
  For Refunds..................................... 3,700

Total $6,696,500

Payable from the Motor Fuel and Petroleum Standards Fund:
  For the Regulation of Motor Fuel Quality........... 50,000

Section 85. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

ENVIRONMENTAL PROGRAMS

Payable from Agriculture Pesticide Control Act Fund:
  For Expenses of Pesticide Enforcement Program............ 650,000

Payable from Pesticide Control Fund:
  For Administration and Enforcement of the Pesticide Act of 1979........ 7,000,000

Payable from the Agriculture Federal Projects Fund:
  For Expenses of Various Federal Projects........... 1,000,000

New matter indicated by italics - deletions by strikeout
Payable from Livestock Management Facilities Fund:
   For Administration of the Livestock Management Facilities Act............... 50,000

Payable from the Used Tire Management Fund:
   For Mosquito Control.................. 40,000

Section 90. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Agriculture for:

   LAND AND WATER RESOURCES

Payable from the Agricultural Premium Fund:
   For Personal Services.................. 655,600
   For State Contributions to State
      Employees’ Retirement System........... 304,900
   For State Contributions to Social
      Security.................................. 50,600
   For Contractual Services.............. 103,000
   For Travel................................ 14,000
   For Commodities........................... 8,000
   For Printing.............................. 2,500
   For Equipment............................ 15,000
   For Telecommunications Services......... 11,000
   For Operation of Automotive Equipment... 18,000
   For the Ordinary and Contingent
      Expenses of the Natural Resources
      Advisory Board......................... 2,000
                                       Total $1,184,600

Payable from the Agriculture Federal Projects Fund:
   For Expenses Relating to Various
      Federal Projects..................... 400,000

Payable from the Partners for Conservation Fund:
   For Personal Services.................. 532,700
   For State Contributions to State
      Employees’ Retirement System........... 247,700
   For State Contributions to Social
      Security.................................. 40,800
   For Group Insurance..................... 125,500
                                       Total $946,700

New matter indicated by italics - deletions by strikeout
Section 95. The sum of $2,800,000, or so much thereof as may be necessary, is appropriated to the Department of Agriculture from the Partners for Conservation Fund for grants to Soil and Water Conservation Districts to fund projects for landowner cost sharing, streambank stabilization, nutrient loss protection and sustainable agriculture.

Section 101. The sum of $1,500,000, or so much thereof as may be necessary, is appropriated from the Illinois State Fair Fund to the Department of Agriculture to promote and conduct activities at the Illinois State Fairgrounds at Springfield other than the Illinois State Fair, including administrative expenses. No expenditures from the appropriation shall be authorized until revenues from fairground uses sufficient to offset such expenditures have been collected and deposited into the Illinois State Fair Fund.

Section 105. The sum of $750,000, or so much thereof as may be necessary, is appropriated from the Agricultural Premium Fund to the Department of Agriculture to conduct activities at the Illinois State Fairgrounds at DuQuoin other than the Illinois State Fair, including administrative expenses. No expenditures from the appropriation shall be authorized until revenues from fairgrounds uses sufficient to offset such expenditures have been collected and deposited into the Agricultural Premium Fund.

Section 111. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

DUQUOIN STATE FAIR
Payable from the Agricultural Premium Fund:
For Entertainment and other Expenses
at the DuQuoin State Fair, including
the Percentage Portion of
Entertainment Contracts......................... 696,000

Section 115. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Agriculture for:

ILLINOIS STATE FAIR
Payable from the Illinois State Fair Fund:
For Operations of the Illinois State Fair
Including Entertainment and the Percentage
Portion of Entertainment Contracts............ 5,500,000
Payable from the Agricultural Premium Fund:
For Operations of Buildings and
Section 120. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

COUNTY FAIRS AND HORSE RACING

Payable from the Agricultural Premium Fund:

For Personal Services................................. 87,900
For State Contributions to State
  Employees' Retirement System......................... 40,900
For State Contributions to
  Social Security........................................... 9,000
For Contractual Services.......................... 20,000
For Travel........................................... 300
For Commodities...................................... 700
For Printing.......................................... 200
For Equipment........................................ 500
For Telecommunications Services................... 700
For Operation of Auto Equipment.................. 8,000
Total $160,700

Payable from Illinois Standardbred Breeders Fund:

For Personal Services............................ 50,000
For State Contributions to State
  Employees' Retirement System...................... 23,200
For State Contributions to
  Social Security......................................... 5,500
For Contractual Services......................... 60,000
For Travel........................................ 2,000
For Commodities.................................... 9,000
For Printing........................................ 500
For Operation of Auto Equipment................. 8,000
Total $158,200

Payable from Illinois Thoroughbred Breeders Fund:

For Personal Services.............................. 238,200
For State Contributions to State
  Employees' Retirement System....................... 110,800
For State Contributions to
  Social Security................................. 23,900

New matter indicated by italics - deletions by strikeout
For Contractual Services.......................... 60,000
For Travel......................................... 1,500
For Commodities................................. 2,000
For Printing....................................... 900
For Equipment................................... 1,000
For Telecommunications Services............ 7,000
For Operation of Auto Equipment............ 7,000
Total $452,300

Section 125. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Agriculture for:

LAND AND WATER RESOURCES PROGRAMS
Payable from the Partners for Conservation Fund:
For operations and grants to Soil and Water Conservation Districts for ordinary and contingent administrative expenses.............. 2,200,000

Section 130. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Agriculture for:

ILLINOIS STATE FAIR PROGRAMS
Payable from the Illinois State Fair Fund:
For Awards to Livestock Breeders and Related Expenses.................. 221,500
For Awards and Premiums at the Illinois State Fair and related expenses.................... 483,400
For Awards and Premiums for Horse Racing at the Illinois State Fairgrounds and related expenses...................... 178,600
Total $883,500

Section 135. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Agriculture for:

COUNTY FAIRS AND HORSE RACING PROGRAMS
Payable from the Illinois Racing Quarter Horse Breeders Fund:
For Promotion of the Illinois Horse Racing and Breeding Industry................... 30,000
Payable from the Agricultural Premium Fund:
For Distribution to Encourage and Aid

New matter indicated by italics - deletions by strikeout
County Fairs and Other Agricultural Societies. This Distribution Shall be Prorated and Approved by the Department of Agriculture............................... 1,798,600
For Premiums to Agricultural Extension or 4-H Clubs to be Distributed at a Uniform Rate............................... 786,400
For Premiums to Vocational Agriculture Fairs............................ 325,000
For Rehabilitation of County Fairgrounds...... 1,301,000
For Grants and Other Purposes for County Fair and State Fair Horse Racing................. 329,300
Total $4,540,300

Payable from Fair and Exposition Fund:
For Distribution to County Fairs and Fair and Exposition Authorities................. 900,000

ARTICLE 79

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named are appropriated to the Department of Central Management Services:

PAYABLE FROM STATE GARAGE REVOLVING FUND
For Personal Services............................ 293,300
For State Contributions to State Employees’ Retirement System....................... 136,400
For State Contributions to Social Security................................. 22,500
For Group Insurance................................. 72,000
For Contractual Services.......................... 23,000
For Travel......................................... 4,900
For Commodities................................... 2,000
For Printing....................................... 8,000
For Equipment................................. 2,000
For Electronic Data Processing................. 1,019,500
For Telecommunications Services............... 3,000
For Operation of Auto Equipment............... 100
Total $1,586,700

PAYABLE FROM FACILITIES MANAGEMENT REVOLVING FUND
For Personal Services............................ 239,600

New matter indicated by italics - deletions by strikeout
For State Contributions to State
  Employees' Retirement System.................. 111,500
For State Contributions to Social
  Security........................................ 18,400
For Group Insurance............................ 72,000
For Contractual Services......................... 40,500
For Travel........................................ 9,000
For Commodities................................. 1,000
For Printing...................................... 1,000
For Equipment.................................... 1,000
For Electronic Data Processing................... 5,000
For Telecommunications Services............... 4,500
Total............................................. $503,500

PAYABLE FROM PROFESSIONAL SERVICES FUND
For Professional Services including
  Administrative and Related Costs............. 24,385,700

Section 10. In addition to any other amounts appropriated, the
following named amounts, or so much thereof as may be necessary, are
appropriated to the Department of Central Management Services for costs
and expenses associated with or in support of a General and Regulatory
Shared Services Center:
Payable from State Garage
  Revolving Fund................................. 866,000
Payable from Facilities Management
  Revolving Fund.................................. 1,612,700
Payable from Health Insurance Reserve Fund.... 600,000
Total............................................ $5,078,700

Section 25. The following named amounts, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named are appropriated to the Department of Central Management
Services:

BUREAU OF BENEFITS
PAYABLE FROM WORKERS' COMPENSATION REVOLVING
  FUND
For administrative costs and claims
  of any state agency or university
  employee...................................... 140,891,000

  Expenditures from appropriations for treatment and expense may
  be made after the Department of Central Management Services has

New matter indicated by italics - deletions by strikeout
certified that the injured person was employed and that the nature of the injury is compensable in accordance with the provisions of the Workers' Compensation Act or the Workers' Occupational Diseases Act, and then has determined the amount of such compensation to be paid to the injured person.

**PAYABLE FROM STATE EMPLOYEES DEFERRED COMPENSATION PLAN FUND**

For expenses related to the administration of the State Employees’ Deferred Compensation Plan.......................... 1,600,000

Section 45. The following named amounts, or so much thereof as may be necessary, is appropriated from the Facilities Management Revolving Fund to the Department of Central Management Services for expenses related to the following:

**PAYABLE FROM FACILITIES MANAGEMENT REVOLVING FUND**

For Personal Services.......................... 21,173,100
For State Contributions to State Employees’ Retirement System............... 9,845,400
For State Contributions to Social Security.......................... 1,619,600
For Group Insurance.......................... 6,089,600
For Contractual Services.......................... 168,730,400
For Travel.......................... 38,700
For Commodities.......................... 397,900
For Printing.......................... 100
For Equipment.......................... 65,200
For Electronic Data Processing.......................... 622,900
For Telecommunications Services.......................... 273,500
For Operation of Auto Equipment.......................... 149,000
For Lump Sums.......................... 45,514,000

Total $254,514,400

Section 50. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Central Management Services:

**BUREAU OF COMMUNICATION AND COMPUTER SERVICES PAYABLE FROM THE STATISTICAL SERVICES REVOLVING FUND**

For the administration and program expenses of the Bureau of

New matter indicated by italics - deletions by strikeout
Communication and Computer Services........ 700,000,000
PAYABLE FROM THE COMMUNICATIONS REVOLVING FUND
For the administration and program expenses of the Bureau of Communication and Computer Services........ 200,000,000

Section 55. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to the Department of Central Management Services:

BUREAU OF AGENCY SERVICES
PAYABLE FROM STATE GARAGE REVOLVING FUND
For Personal Services......................... 11,575,600
For State Contributions to State Employees' Retirement System...................... 5,278,300
For State Contributions to Social Security........................................ 885,600
For Group Insurance......................... 4,060,000
For Contractual Services....................... 2,350,000
For Travel........................................ 20,000
For Commodities................................... 85,000
For Printing...................................... 15,000
For Equipment........................................ 12,946,500
For Electronic Data Processing.................. 372,500
For Telecommunications Services.............. 160,000
For Operation of Auto Equipment............... 34,158,700
For Refunds........................................ 1,000
Total                                                                               $71,908,200
PAYABLE FROM FACILITIES MANAGEMENT REVOLVING FUND
For Personal Services......................... 287,100
For State Contributions to State Employees' Retirement System...................... 133,600
For State Contributions to Social Security........................................ 22,000
For Group Insurance......................... 96,000
For Contractual Services....................... 10,000
For Travel........................................ 5,000
For Commodities................................... 2,500
For Printing...................................... 2,500
For Equipment........................................ 500

New matter indicated by italics - deletions by strikeout
For Electronic Data Processing................. 6,000
For Telecommunications.......................... 5,000
For Operation of Auto Equipment............... 2,500
Total $572,700

PAYABLE FROM STATE SURPLUS PROPERTY REVOLVING FUND
For Expenses Related to the Administration and Operation of Surplus Property and Recycling Programs............... 4,758,700

ARTICLE 80
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named are appropriated to the Department of Central Management Services:

PAYABLE FROM ROAD FUND
For Group Insurance.......................... 111,824,000

PAYABLE FROM GROUP INSURANCE PREMIUM FUND
For Life Insurance Coverage as Elected by Members Per the State Employees Group Insurance Act of 1971............ 105,452,100

PAYABLE FROM HEALTH INSURANCE RESERVE FUND
For provisions of Health Care Coverage as Elected by Eligible Members Per the State Employees Group Insurance Act of 1971........................................ 3,011,000,000

ARTICLE 81
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Children and Family Services:

CENTRAL ADMINISTRATION
PAYABLE FROM DCFS SPECIAL PURPOSES TRUST FUND
For Expenditures of Private Funds for Child Welfare Improvements............... 689,100

PAYABLE FROM DCFS CHILDREN’S SERVICES FUND
For AFCARS/SACWIS Information System........ 22,678,300

Section 15. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

New matter indicated by italics - deletions by strikeout
CHILD WELFARE
PAYABLE FROM DCFS CHILDREN'S SERVICES FUND
For Independent Living Initiative.................. 9,300,000
PAYABLE FROM DCFS FEDERAL PROJECTS FUND
For Federal Child Welfare Projects............. 1,299,000

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

CHILD PROTECTION
PAYABLE FROM DCFS FEDERAL PROJECTS FUND
For Federal Child Protection Projects.......... 9,695,000

Section 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

BUDGET, LEGAL AND COMPLIANCE
PAYABLE FROM DCFS CHILDREN'S SERVICES FUND
For Title IV-E Reimbursement
Enhancement..................................... 4,228,800
For SSI Reimbursement.......................... 1,513,300
Total $5,753,300

Section 30. The following named amounts, or so much thereof as may be necessary, respectively, for payments for care of children served by the Department of Children and Family Services:

GRANTS-IN-AID
REGIONAL OFFICES
PAYABLE FROM DCFS CHILDREN'S SERVICES FUND
For Foster Homes and Specialized
Foster Care and Prevention..................... 153,424,100
For Cash Assistance and Housing Locator
Services to Families in the
Class Defined in the Norman
Consent Order.................................... 2,071,300
For Counseling and Auxiliary Services........ 10,547,200
For Institution and Group Home Care and
Prevention........................................ 98,653,800
For Assisting in the development
of Children's Advocacy Centers............. 1,398,200
For Psychological Assessments
Including Operations and

New matter indicated by italics - deletions by strikeout
Administrative Expenses ...................... 3,010,100
For Children's Personal and Physical Maintenance ..................... 2,856,100
For Services Associated with the Foster Care Initiative .................. 1,477,100
For Purchase of Adoption and Guardianship Services ...................... 83,688,400
For Family Preservation Services .................................................. 25,098,700
For Family Centered Services Initiative ....................................... 16,489,700
For Health Care Network ............................................................. 2,361,400
Total ...................................................................................... $401,076,100

Section 40. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services for:

**GRANTS-IN-AID**
**CHILD PROTECTION**
**PAYABLE FROM CHILD ABUSE PREVENTION FUND**
For Child Abuse Prevention .................................................. 300,000

Section 45. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services for:

**GRANTS-IN-AID**
**BUDGET, LEGAL AND COMPLIANCE**
**PAYABLE FROM DCFS CHILDREN’S SERVICES FUND**
For Tort Claims ................................................................. 2,800,000
For all expenditures related to the collection and distribution of Title IV-E reimbursements for counties included in the Title IV-E Juvenile Justice Program .................................................. 3,000,000

Section 50. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services for:

**GRANTS-IN-AID**
**CLINICAL SERVICES**
**PAYABLE FROM DCFS CHILDREN’S SERVICES FUND**
For Foster Care and Adoption Care Training .................................. 10,237,000

**ARTICLE 82**

New matter indicated by italics - deletions by strikeout
Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

GENERAL ADMINISTRATION
OPERATIONS
Payable from the Tourism Promotion Fund:
For ordinary and contingent expenses associated
with general administration, grants and
including prior year costs...................... 10,500,000

Payable from the Intra-Agency Services Fund:
For overhead costs related to federal
programs, including prior year costs........... 19,539,400

Payable from the Build Illinois Bond Fund:
For ordinary and contingent expenses associated
with the administration of the capital program,
including prior year costs....................... 2,000,000

Section 15. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

OFFICE OF TOURISM
OPERATIONS
Payable from the Tourism Promotion Fund:
For ordinary and contingent administrative expenses of the tourism program,
and grants including prior year costs......... 4,091,600
For administrative and grant expenses associated with statewide tourism promotion and development, including prior year costs... 4,835,900
For advertising and promotion of Tourism throughout Illinois Under Subsection (2) of Section 4a of the Illinois Promotion Act, and grants including prior year costs........ 21,468,500
For Advertising and Promotion of Illinois Tourism in International Markets, including prior years costs......................... 8,000,000
For Municipal Convention Center and Sports Facility Attraction Grants authorized by Public Act 99-0476.............. 1,800,000

New matter indicated by italics - deletions by strikeout
Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

**OFFICE OF TOURISM**

**GRANTS**

Payable from the International Tourism Fund:
For Grants, Contracts and Administrative Expenses Associated with the International Tourism Program Pursuant to 20 ILCS 605/605-707, including prior year costs ........................................ 5,000,000

Payable from the Tourism Promotion Fund:
For the Tourism Matching Grant Program Pursuant to 20 ILCS 665/8-1 for Counties under 1,000,000 ....................... 1,250,000
For the Tourism Matching Grant Program Pursuant to 20 ILCS 665/8-1 for Counties over 1,000,000 ....................... 750,000

The Department, with the consent in writing from the Governor, may reapportion not more than ten percent of the total appropriation of Tourism Promotion Fund, in Section 20 above, among the various purposes therein recommended.

Payable from Local Tourism Fund:
For grants to Convention and Tourism Bureaus Bureaus Outside of Chicago ....................... 14,435,400
Choose Chicago ................................. 3,168,700
For grants, contracts, and administrative expenses associated with the Local Tourism and Convention Bureau Program pursuant to 20 ILCS 605/605-705 including prior year costs ....................... 300,000

Total $17,904,100

Section 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

**OFFICE OF EMPLOYMENT AND TRAINING**

**GRANTS**

Payable from the Federal Workforce Training Fund:
For Grants, Contracts and Administrative

New matter indicated by italics - deletions by strikeout
Expenses Associated with the Workforce Innovation and Opportunity Act and other Workforce training programs, including refunds and prior year costs........................ 275,000,000

Section 30. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

OFFICE OF ENTREPRENEURSHIP, INNOVATION AND TECHNOLOGY GRANTS

Payable from the Small Business Environmental Assistance Fund:
For grants and administrative expenses of the Small Business Environmental Assistance Program, including prior year costs...................... 500,000

Payable from the Workforce, Technology, and Economic Development Fund:
For Grants, Contracts, and Administrative Expenses Pursuant to 20 ILCS 605/605-420, including prior year costs.............. 2,000,000

Payable from the Commerce and Community Affairs Assistance Fund:
For grants, contracts and administrative expenses of the Procurement Technical Assistance Center Program, including prior year costs......................... 750,000
For Grants, Contracts, and Administrative Expenses Pursuant to 20 ILCS 605/605-500, including prior year costs........ 13,000,000
For Grants, Contracts, and Administrative Expenses Pursuant to 20 ILCS 605/605-30, including prior year costs .......... 3,000,000
Total $19,250,000

Section 35. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

OFFICE OF BUSINESS DEVELOPMENT OPERATIONS

Payable from Economic Research and Information Fund:

New matter indicated by italics - deletions by strikeout
For Purposes Set Forth in
Section 605-20 of the Civil
Administrative Code of Illinois
(20 ILCS 605/605-20)......................... 230,000

Payable from the Historic Property
Administration Fund:
For Administrative Expenses in Accordance
with the Historic Tax Credit Program Pursuant
to 35 ILCS 5/221(b).............................. 200,000

Section 40. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Commerce and Economic Opportunity:

OFFICE OF BUSINESS DEVELOPMENT
GRANTS

Payable from the State Small Business Credit
Initiative Fund:
For the Purpose of Contracts, Grants,
Loans, Investments and Administrative
Expenses in Accordance with the
State Small Business Credit Initiative
and other Business Development Programs,
including prior year costs.................... 40,000,000

Payable from the Intermodal Facilities Promotion Fund:
For the purpose of promoting construction
of intermodal transportation facilities
including reimbursement of prior
year costs.................................... 3,000,000

Payable from the Illinois Capital Revolving Loan Fund:
For the Purpose of Contracts, Grants,
Loans, Investments and Administrative
Expenses in Accordance with the Provisions
Of the Small Business Development Act
Pursuant to 30 ILCS 750/9................. 10,500,000

Payable from the Illinois Equity Fund:
For the purpose of Grants, Loans, and
Investments in Accordance with the
Provisions of the Small Business
Development Act............................ 1,000,000

Payable from the Large Business Attraction Fund:

New matter indicated by italics - deletions by strikeout
For the purpose of Grants, Loans, Investments, and Administrative Expenses in Accordance with Article 10 of the Build Illinois Act................. 1,500,000

Payable from the Public Infrastructure Construction Loan Revolving Fund:
For the Purpose of Grants, Loans, Investments, and Administrative Expenses in Accordance with Article 8 of the Build Illinois Act............. 6,000,000

Section 50. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

ILLINOIS FILM OFFICE
Payable from Tourism Promotion Fund:
For Administrative Expenses, Grants, and Contracts Associated with Advertising and Promotion, including prior year costs............................. 1,317,700

Section 55. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Commerce and Economic Opportunity:

OFFICE OF TRADE AND INVESTMENT OPERATIONS
Payable from the International and Promotional Fund:
For Grants, Contracts, Administrative Expenses, and Refunds Pursuant to 20 ILCS 605/605-25, including prior year costs............................................ 500,000

Payable from the Tourism Promotion Fund:
For Grants, Contracts, and Administrative Expenses associated with the Illinois Office of Trade and Investment, including prior year costs............................... 3,000,000

Payable from the International Tourism Fund:
For Grants, Contracts, and Administrative Expenses associated with the Illinois Office of Trade and Investment, including prior year costs............................... 3,000,000

New matter indicated by italics - deletions by strikeout
Section 60. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Commerce and Economic Opportunity:

**OFFICE OF ENERGY ASSISTANCE**

**GRANTS**

Payable from Supplemental Low-Income Energy Assistance Fund:
- For Grants and Administrative Expenses Pursuant to Section 13 of the Energy Assistance Act of 1989, as Amended, including refunds and prior year costs...... 165,000,000

Payable from Energy Administration Fund:
- For Grants, Contracts and Administrative Expenses associated with DCEO Weatherization Programs, including refunds and prior year costs.............................. 25,000,000

Payable from Low Income Home Energy Assistance Block Grant Fund:
- For Grants, Contracts and Administrative Expenses associated with the Low Income Home Energy Assistance Act of 1981, including refunds and prior year costs................ 330,000,000

Section 65. The following named amounts, or so much thereof as may be necessary, respectively are appropriated to the Department of Commerce and Economic Opportunity:

**OFFICE OF COMMUNITY DEVELOPMENT**

Payable from the Agricultural Premium Fund:
- For the Ordinary and Contingent Expenses of the Rural Affairs Institute at Western Illinois University.............................. 160,000

Payable from the Community Services Block Grant Fund:
- For Administrative Expenses and Grants to Eligible Recipients as Defined in the Community Services Block Grant Act, including refunds and prior year costs.................... 60,000,000

Payable from the Community Development Small Cities Block Grant Fund:
- For Grants, Contracts and Administrative Expenses related to the Section 108

New matter indicated by italics - deletions by strikeout
Loan Guarantee Program, including refunds and prior year costs......................... 40,000,000

For Grants to Local Units of Government or Other Eligible Recipients and for contracts and administrative expenses, as Defined in the Community Development Act of 1974, or by U.S. HUD Notice approving Supplemental allocation For the Illinois CDBG Program, including refunds and prior year costs......................... 100,000,000

For Administrative and Grant Expenses Relating to Training, Technical Assistance and Administration of the Community Development Assistance Programs, and for Grants to Local Units of Government or Other Eligible Recipients as Defined in the Community Development Act of 1974, as amended, for Illinois Cities with populations under 50,000, including refunds, and prior year costs.............................. 120,000,000

Total $320,160,000

Section 70. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

ILLINOIS ENERGY OFFICE
GRANTS

Payable from the Energy Efficiency Portfolio Standards Fund:
For Grants, Contracts, and Administrative Expenses associated with Energy Efficiency Programs, including refunds and prior year costs........................................ 125,000,000

Payable from the DCEO Energy Projects Fund:
For Expenses and Grants Connected with Energy Programs, including prior year costs..................................... 15,000,000

Payable from the Federal Energy Fund:
For Expenses and Grants Connected with the State Energy Program, including prior year costs................................. 3,000,000

New matter indicated by italics - deletions by strikeout
ARTICLE 83

Section 10. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

GENERAL OFFICE

Payable from the State Boating Act Fund:
- For Personal Services ........................................... 0
- For State Contributions to State Employees' Retirement System .................. 0
- For State Contributions to Social Security ........................................ 0
- For Group Insurance ........................................... 0
- For Contractual Services .................................... 74,000

Payable from the State Parks Fund:
- For Contractual Services .................................... 50,000

Payable from the Wildlife and Fish Fund:
- For Personal Services ........................................... 260,000
- For State Contributions to State Employees' Retirement System .................. 116,000
- For State Contributions to Social Security ........................................ 19,900
- For Group Insurance ........................................... 70,000
- For Contractual Services .................................... 350,000
- For Travel .................................................. 5,000
- For Equipment ............................................... 1,000

Payable from the Aggregate Operations Regulatory Fund:
- For Telecommunications...................................... 0

Payable from Underground Resources Conservation Enforcement Fund:
- For Contractual Services .................................... 0
- For Ordinary and Contingent Expenses.................. 133,000

Payable from Federal Surface Mining Control and Reclamation Fund:
- For Personal Services ........................................... 150,000
- For State Contributions to State

New matter indicated by italics - deletions by strikeout
Employees' Retirement System ................. 66,900
For State Contributions to
Social Security ................................. 11,500
For Group Insurance............................. 50,100
For Contractual Services ....................... 54,000

Payable from Natural Areas Acquisition Fund:
For Ordinary and Contingent Expenses .......... 50,500

Payable from Park and Conservation Fund:
For Contractual Services ................. 1,061,600
For expenses of the Park and
Conservation Program ....................... 2,200,000

Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund:
For Personal Services ...................... 321,000
For State Contributions to State
Employees' Retirement System .............. 143,200
For State Contributions to
Social Security .............................. 24,600
For Group Insurance ......................... 137,100
For Contractual Services ................... 72,000
Total $5,454,200

Section 15. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

OFFICE OF REALTY AND CAPITAL PLANNING

Payable from the State Boating Act Fund:
For Personal Services ........................ 0
For State Contributions to State
Employees' Retirement System ............ 0
For State Contributions to
Social Security .............................. 0
For Group Insurance ......................... 0
For expenses of the Heavy Equipment
Dredging Crew ............................... 491,800
For expenses of the Office of Realty and
Capital Planning ......................... 257,000

Payable from the State Parks Fund:
For Commodities ......................... 8,100

New matter indicated by italics - deletions by strikeout
For Equipment..................................... 26,100
For expenses of the Office of Realty and
Capital Planning................................. 200,000
Payable from Wildlife and Fish Fund:
For Personal Services ......................... 198,000
For State Contributions to State
Employees' Retirement System ............... 88,500
For State Contributions to
Social Security................................ 15,200
For Group Insurance............................ 48,000
For Travel ....................................... 2,300
For Equipment ................................. 15,000
For expenses of the Heavy Equipment
Dredging Crew................................. 190,000
For expenses of the Office of Realty and
Capital Planning............................... 75,000
Payable from the Natural Areas Acquisition Fund:
For expenses of Natural Areas Execution..... 200,000
Payable from Open Space Lands Acquisition
and Development Fund:
For expenses of the OSLAD Program: ........ 1,008,700
Payable from the Partners for
Conservation Fund:
For expenses of the Partners for Conservation
Program......................................... 1,859,000
Payable from the Natural Resources
Restoration Trust Fund:
For Natural Resources Trustee Program....... 1,000,000
Payable from the Illinois Wildlife
Preservation Fund:
For operation of Consultation Program....... 1,000,000
Payable from Park and Conservation Fund:
For the Office of Realty and
Capital Planning............................. 4,890,300
For expenses of the Bikeways Program ....... 709,600
Total $12,282,600

Section 20. The following named sums, or so much thereof as may
be necessary, respectively, for the objects and purposes hereinafter named,
are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

OFFICE OF STRATEGIC SERVICES

Payable from State Boating Act Fund:
- For Contractual Services ...................... 196,000
- For Contractual Services for Postage Expenses for DNR Headquarters .............. 35,000
- For Commodities .................................. 120,000
- For Printing ....................................... 210,000
- For Electronic Data Processing .............. 150,000
- For Operation of Auto Equipment ............ 4,800
- For expenses associated with
  Watercraft Titling ............................. 450,000
- For Refunds ..................................... 15,000

Payable from the State Parks Fund:
- For Electronic Data Processing .............. 40,000
- For the implementation of the
  Camping/Lodging Reservation System ........ 200,000
- For Public Events and Promotions ........... 47,100
- For operation and maintenance of
  new sites and facilities, including Sparta .... 50,000

Payable from the Wildlife and Fish Fund:
- For Personal Services .......................... 210,000
- For State Contributions to State
  Employees' Retirement System .......... 93,700
- For State Contributions to
  Social Security ............................... 16,200
- For Group Insurance ............................ 89,000
- For Contractual Services ............... 750,000
- For Contractual Services for
  Postage Expenses for DNR Headquarters ...... 35,000
- For Travel ........................................ 20,000
- For Commodities ................................. 170,000
- For Printing ..................................... 170,000
- For Equipment ................................... 57,000
- For Electronic Data Processing ............ 940,000
- For Operation of Auto Equipment .......... 26,900
- For expenses incurred for the
  implementation, education and

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 99-0524

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<td>For the transfer of check-off dollars to the Illinois Conservation Foundation</td>
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<td>For Educational Publications Services and Expenses............................</td>
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<td>For expenses associated with the State Fair....................................</td>
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<td>For expenses associated with the Sportsmen Against Hunger Program............</td>
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<td>For Refunds....................................................................................</td>
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<td>For Electronic Data Processing......................................................</td>
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<td>Payable from Federal Surface Mining Control and Reclamation Fund:</td>
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<td>For Ordinary and Contingent Expenses..............................................</td>
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<td>Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund:</td>
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<td>For Contractual Services....................................................................</td>
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<td>For Commodities..............................................................................</td>
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<td>Total.........................................................................................$10,731,600</td>
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Section 25. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named,

New matter indicated by italics - deletions by strikeout
are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

SPARTA WORLD SHOOTING AND RECREATION COMPLEX

Payable from the State Parks Fund:
For the ordinary and contingent expenses of the World Shooting and Recreational Complex...................... 1,000,000

For the ordinary and contingent expenses of the World Shooting and Recreational Complex, of which no expenditures shall be authorized from the appropriation until revenues from sponsorships or donations sufficient to offset such expenditures have been collected and deposited into the State Parks Fund........................................ 0

For the Sparta Imprest Account............................... 0

Payable from the Wildlife and Fish Fund:
For the ordinary and contingent expenses of the World Shooting and Recreational Complex...................... 1,000,000

Total $2,000,000

Section 30. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

OFFICE OF GRANT MANAGEMENT AND ASSISTANCE

Payable from the State Boating Act Fund:
For expenses of the Office of Grant Management and Assistance ...................... 190,000

Payable from Wildlife and Fish Fund:
For expenses of the Office of Grant Management and Assistance ...................... 1,210,000

Payable from Open Space Lands Acquisition and Development Fund:
For expenses of the Office of Grant Management and Assistance ...................... 1,300,000

Payable from DNR Federal Projects Fund:
For expenses of the Office of Grant

New matter indicated by italics - deletions by strikeout
Section 35. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

OFFICE OF RESOURCE CONSERVATION

Payable from Wildlife and Fish Fund:
- For Personal Services: 10,668,300
- For State Contributions to Employees' Retirement System: 4,758,100
- For State Contributions to Social Security: 818,800
- For Group Insurance: 3,627,400
- For Contractual Services: 2,292,400
- For Travel: 91,900
- For Commodities: 1,443,800
- For Printing: 211,100
- For Equipment: 284,200
- For Telecommunications: 121,800
- For Operation of Auto Equipment: 319,700
- For Ordinary and Contingent Expenses of The Chronic Wasting Disease Program and the control of feral swine population: 1,700,000
- For an Urban Fishing Program in conjunction with the Chicago Park District to provide fishing and resource management at the park district lagoons: 285,800
- For workshops, training and other activities to improve the administration of fish and wildlife federal aid programs from federal aid administrative grants received for such purposes: 10,000

Payable from Salmon Fund:
- For Personal Services: 209,000
- For State Contributions to Employees' Retirement System: 93,300
- For State Contributions to Social Security: 16,100

New matter indicated by italics - deletions by strikeout
For Group Insurance ......................... 50,000
Payable from the Illinois Fisheries Management Fund:
  For operational expenses related to the
  Division of Fisheries..................... 2,200,000
Payable from Natural Areas Acquisition Fund:
  For Personal Services..................... 1,712,900
  For State Contributions to State
  Employees' Retirement System............. 764,000
  For State Contributions to
  Social Security.......................... 131,600
  For Group Insurance ...................... 420,000
  For Contractual Services................ 190,700
  For Travel................................ 27,900
  For Commodities......................... 43,800
  For Printing.............................. 11,800
  For Equipment........................... 86,300
  For Telecommunications.................. 38,100
  For Operation of Auto Equipment......... 70,200
  For expenses of the Natural Areas
  Stewardship Program..................... 2,200,100
  For Expenses Related to the Endangered
  Species Protection Board................ 7,500
  For Administration of the "Illinois
  Natural Areas Preservation Act"......... 2,798,400
Payable from Partners for Conservation Fund:
  For ordinary and contingent expenses
  of operating the Partners for
  Conservation Program..................... 2,010,000
Payable from Illinois Forestry Development Fund:
  For ordinary and contingent expenses
  of the Urban Forestry Program.......... 4,800,000
  For payment of timber buyers’ bond forfeitures... 140,200
  For payment of the expenses of
  the Illinois Forestry Development Council... 118,500
Payable from the State Migratory
Waterfowl Stamp Fund:
  For Stamp Fund Operations.............. 350,000
Payable from the Park and Conservation Fund:
  For all expenses related to Department

New matter indicated by italics - deletions by strikeout
Section 40. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Wildlife and Fish Fund to the Department of Natural Resources for the non-federal cost share of a Conservation Reserve Enhancement Program to establish long-term contracts and permanent conservation easements in the Illinois River Basin; to fund cost share assistance to landowners to encourage approved conservation practices in environmentally sensitive and highly erodible areas of the Illinois River Basin; and to fund the monitoring of long-term improvements of these conservation practices as required in the Memorandum of Agreement between the State of Illinois and the United States Department of Agriculture.

Section 45. The sum of $650,000, or so much thereof may be necessary, is appropriated to the Department of Natural Resources from the Partners for Conservation Fund for expenses associated with Partners for Conservation Program to Implement Ecosystem-Based Management for Illinois' Natural Resources.

OFFICE OF COASTAL MANAGEMENT

Section 50. The sum of $2,100,000 is appropriated to the Department of Natural Resources from the DNR Federal Projects Fund for expenses related to the Coastal Management Program.

Section 55. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

OFFICE OF LAW ENFORCEMENT

Payable from State Boating Act Fund:
For Personal Services.......................... 1,524,200
For State Contributions to State
  Employees' Retirement System............... 677,000
For State Contributions to
  Social Security............................. 24,800
For Group Insurance........................... 468,300
For Contractual Services....................... 508,500
For Travel.................................... 63,700
For Commodities............................... 225,200
For Equipment.................................. 170,700
For Telecommunications......................... 186,300

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<td>For Operational Expenses of the Snowmobile Program</td>
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<tr>
<td>For Contractual Services</td>
<td>633,200</td>
</tr>
<tr>
<td>For Travel</td>
<td>54,500</td>
</tr>
<tr>
<td>For Commodities</td>
<td>109,600</td>
</tr>
<tr>
<td>For Printing</td>
<td>10,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>125,500</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>255,100</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>201,300</td>
</tr>
<tr>
<td>Payable from Conservation Police Operations Assistance Fund:</td>
<td></td>
</tr>
<tr>
<td>For expenses associated with the Conservation Police Officers</td>
<td>1,250,000</td>
</tr>
<tr>
<td>Payable from the Drug Traffic Prevention Fund:</td>
<td></td>
</tr>
<tr>
<td>For use in enforcing laws regulating controlled substances and cannabis on</td>
<td>25,000</td>
</tr>
<tr>
<td>Department of Natural Resources regulated lands and waterways to the extent</td>
<td></td>
</tr>
<tr>
<td>funds are received by the Department</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>$17,483,200</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Section 60. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

OFFICE OF LAND MANAGEMENT

Payable from State Boating Act Fund:
For Personal Services ..........................  2,346,900
For State Contributions to State Employees' Retirement System ...............  1,046,800
For State Contributions to Social Security ...........................  174,900
For Group Insurance ..............................  937,800
For Contractual Services ..........................  700,000
For Travel ........................................  0
For Commodities .................................  175,000
For Snowmobile Programs ..........................  53,000
Payable from State Parks Fund:
For Personal Services ..........................  1,081,700
For State Contributions to State Employees' Retirement System ...............  482,500
For State Contributions to Social Security ...........................  80,600
For Group Insurance ..............................  420,300
For Contractual Services ..........................  2,200,000
For Travel ........................................  38,000
For Commodities .................................  525,000
For Equipment .................................  200,000
For Telecommunications ..........................  345,000
For Operation of Auto Equipment ..........................  510,000
For expenses related to the Illinois-Michigan Canal .........................  120,000
For operations and maintenance from revenues derived from the sale of surplus crops and timber harvest ..............  1,100,000

Payable from the State Parks Fund:
For Refunds .................................  35,000

Payable from the Wildlife and Fish Fund:
For Personal Services ..........................  3,966,100
For State Contributions to State

New matter indicated by italics - deletions by strikeout
Employees' Retirement System................. 1,768,900
For State Contributions to
Social Security...................................... 295,500
For Group Insurance.................................. 1,497,600
For Contractual Services......................... 1,375,000
For Travel........................................... 8,000
For Commodities.................................... 600,000
For Equipment...................................... 200,000
For Telecommunications............................ 35,000
For Operation of Auto Equipment.................. 225,000
For Union County and Horseshoe Lake Conservation Areas,
Farming and Wildlife operations................. 450,000
For operations and maintenance from
revenues derived from the sale of
surplus crops and timber harvest............... 3,600,000
Payable from Wildlife Prairie Park Fund:
For Wildlife Prairie Park
Operations and Improvements................. 50,000
Payable from Illinois and Michigan Canal Fund:
For expenses related to the
Illinois-Michigan Canal....................... 30,000
Payable from Park and Conservation Fund:
For expenses of the Park and Conservation program............. 18,800,000
For expenses of the Bikeways program......... 1,700,000
For the expenses related to FEMA
Grants to the extent that such funds
are available to the Department.......... 500,000
For expenses of the Park and Conservation Program........... 9,500,000
Payable from the Adeline Jay Geo-Karis Illinois Beach Marina Fund:
For operating expenses of the
North Point Marina at Winthrop Harbor..... 1,500,000
For Refunds........................................ 25,000
Total $58,698,600

Section 65. The following named sums, or so much thereof as may
be necessary, respectively, for the objects and purposes hereinafter named,

New matter indicated by italics - deletions by strikeout
are appropriated to meet the ordinary and contingent expenses of the
Department of Natural Resources:

**OFFICE OF MINES AND MINERALS**

Payable from the Explosives Regulatory Fund:
  For expenses associated with Explosive
  Regulation........................................ 285,000

Payable from the Aggregate Operations
Regulatory Fund:
  For expenses associated with Aggregate
  Mining Regulation................................ 415,000

Payable from the Coal Mining Regulatory Fund:
  For the purpose of coordinating
  training and education programs
  for miners and laboratory analysis
  and testing of coal samples and mine
  atmospheres....................................... 75,000
  For expenses associated with Surface
  Coal Mining Regulation.......................... 218,000
  For operation of the Mining Safety Program.... 20,000

Payable from the Federal Surface Mining Control
and Reclamation Fund:
  For Personal Services.......................... 1,900,000
  For State Contributions to State
  Employees' Retirement System................. 847,400
  For State Contributions to
  Social Security ................................ 145,900
  For Group Insurance ......................... 576,000
  For Contractual Services ..................... 518,700
  For expenses associated with litigation
  of Mining Regulatory actions................... 0
  For Travel....................................... 31,400
  For Commodities................................ 12,400
  For Printing..................................... 11,200
  For Equipment................................... 60,000
  For Electronic Data Processing.................. 119,800
  For Telecommunications....................... 55,000
  For Operation of Auto Equipment.............. 80,000

For the purpose of coordinating
  training and education programs for

*New matter indicated by italics - deletions by strikeout*
miners and laboratory analysis and
testing of coal samples and mine
atmospheres.............................. 412,100
For Small Operators' Assistance Program.............. 0
Payable from the Land Reclamation Fund:
For the purpose of reclaiming surface
mined lands, with respect to which
a bond has been forfeited.................... 800,000
Payable from Coal Technology Development Assistance Fund:
For expenses of Coal Mining Regulation........ 4,000,000
Payable from the Abandoned Mined Lands
Reclamation Council Federal Trust Fund:
For Personal Services .................. 3,200,000
For State Contributions to State
Employees' Retirement System ................. 1,427,200
For State Contributions to
Social Security .......................... 245,600
For Group Insurance ..................... 863,000
For Contractual Services .................. 278,200
For Travel.................................. 30,700
For Commodities.......................... 25,800
For Printing................................ 1,000
For Equipment............................ 81,300
For Electronic Data Processing............... 146,400
For Telecommunications.................... 45,000
For Operation of Auto Equipment.............. 75,000
For expenses associated with
Environmental Mitigation Projects,
Studies, Research, and Administrative Support........ 2,000,000
Total $19,002,100

Section 70. The following named sums, or so much thereof as may
be necessary, respectively, for the objects and purposes hereinafter named,
are appropriated to meet the ordinary and contingent expenses of the
Department of Natural Resources:

OFFICE OF OIL AND GAS RESOURCE MANAGEMENT
Payable from the Mines and Minerals Underground
Injection Control Fund:
For Personal Services ...................... 0

New matter indicated by italics - deletions by strikeout
For State Contributions to State
  Employees' Retirement System ......................... 0
For State Contributions to
  Social Security ........................................ 0
For Group Insurance ................................... 0
For Travel............................................. 0
For Equipment.......................................... 0
For Expenses of Oil and Gas Regulation........... 345,000
Payable from Plugging and Restoration Fund:
  For Personal Services................................. 750,000
  For State Contributions to State
    Employees' Retirement System .................... 334,500
  For State Contributions to
    Social Security...................................... 57,600
  For Group Insurance............................... 191,000
  For Contractual Services ............................ 25,000
  For Travel........................................... 2,000
  For Commodities..................................... 2,500
  For Equipment......................................... 5,000
  For Electronic Data Processing..................... 6,000
  For Telecommunications............................ 15,000
  For Operation of Auto Equipment................... 44,500
  For Plugging & Restoration Projects........... 500,000
  For Refunds......................................... 25,000
Payable from the Oil and Gas Resource Management Fund:
  For expenses associated with the operations
    Of the Office of Oil and Gas................... 3,000,000
Payable from Underground Resources Conservation Enforcement Fund:
  For Personal Services................................. 600,000
  For State Contributions to State
    Employees' Retirement System .................... 267,600
  For State Contributions to
    Social Security...................................... 46,100
  For Group Insurance............................... 240,000
  For Contractual Services............................ 152,500
  For Travel........................................... 7,000
  For Commodities..................................... 7,500

New matter indicated by italics - deletions by strikeout
For Printing................................. 2,000
For Equipment.............................. 20,000
For Electronic Data Processing............. 5,000
For Telecommunications...................... 28,000
For Operation of Auto Equipment........... 78,000
For Interest Penalty Escrow.................. 500
For Refunds.................................. 500,000

Total $7,257,300

Section 75. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

OFFICE OF WATER RESOURCES
Payable from the State Boating Act Fund:
For Personal Services....................... 410,000
For State Contributions to State Employees' Retirement System............... 182,900
For State Contributions to Social Security.................. 31,400
For Group Insurance......................... 156,700
For Contractual Services................... 1,100,000
For Travel.................................. 70,000
For Commodities............................ 26,800
For Equipment............................. 30,000
For Telecommunications.................... 41,000
For Operation of Auto Equipment.......... 33,500
For expenses of the Boat Grant Match...... 130,000
For payment to the Corps for operation and maintenance.................. 1,500,000
For Repairs and Modifications to Facilities...... 53,900
Payable from the Wildlife and Fish Fund:
For payment of the Department’s share of operation and maintenance of statewide stream gauging network, water data storage and retrieval system, in cooperation with the U.S. Geological Survey.................. 375,000
Payable from the Capital Development Fund:
For Personal Services....................... 750,000

New matter indicated by italics - deletions by strikeout
For State Contributions to State Employees’ Retirement System................. 334,500
For State Contributions to Social Security........... 56,900
For Group Insurance........................................... 210,700
Payable from the National Flood Insurance Program Fund:
For execution of state assistance programs to improve the administration of the National Flood Insurance Program (NFIP) and National Dam Safety Program as approved by the Federal Emergency Management Agency (82 Stat. 572)................................. 650,000
Payable from the DNR Federal Projects Fund:
For expenses of Water Resources Planning, Resource Management Programs and Project Implementation.......................... 100,000
For FEMA Mapping Grant................................. 17,000
Total $6,317,500

ARTICLE 84
Section 1. The sum of $345,428, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2016, from a reappropriation heretofore made in Article 4, Section 15 of Public Act 99-0409, is reappropriated from the DNR Federal Projects Fund to the Department of Natural Resources for projects in cooperation with the National Resources Conservation Service, Ducks Unlimited, and the National Turkey Association and to the extent that funds are made available for such purposes.

Section 5. The sum of $478,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2016, from an appropriation heretofore made in Article 4, Section 20 of Public Act 99-0409, is reappropriated to the Department of Natural Resources from the DNR Federal Projects Fund for Shoreline Improvements associated with Conservation Reserve Enhancement Program.

Section 10. The sum of $3,061,764, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2016 from an appropriation heretofore made in Article 4, Sections 25 and 30 of Public Act 99-0409, is reappropriated to the Department of Natural Resources:

New matter indicated by italics - deletions by strikeout
Resources from the DNR Federal Projects Fund for expenses related to the Coastal Management Program.

Section 15. The sum of $77,504, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2016, from a reappropriation heretofore made in Article 4, Section 35 of Public Act 99-0409, is reappropriated to the Department of Natural Resources from the DNR Federal Projects Fund for expenses related to the Coastal Management Program.

Section 20. The sum of $4,522,811, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2016, from a reappropriation heretofore made in Article 4, Section 40 of Public Act 99-0409, is reappropriated to the Department of Natural Resources from the DNR Federal Projects Fund for expenses related to the Great Lakes Initiative.

ARTICLE 85

Section 1. Purpose. This Act makes appropriations and reappropriations for State fiscal year 2017. Article 86 contains reappropriations of certain appropriations and reappropriations from State fiscal year 2015 as provided in Public Act 98-0679, as may have been reappropriated for State fiscal year 2016 by a Public Act of the 99th General Assembly. To the extent that such a Public Act has not been enacted, Article 87 contains appropriations of identical amounts and purposes to those in Article 86 but as new appropriations rather than as reappropriations. Section 99 of Article 999 sets forth an effective date that causes Article 86 to become effective if, and only if, an applicable Public Act of the 99th General Assembly should be enacted; should such not be enacted, the Section causes Article 87 to become effective.

ARTICLE 86

Section 1. The sum of $3,478,694, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2016 from a new appropriation heretofore made for such purpose in a Public Act of the 99th General Assembly and from a reappropriation heretofore made for such purpose in a Public Act of the 99th General Assembly which reappropriated Article 31, Section 10 of Public Act 98-0679, is reappropriated to the Department of Natural Resources from the Park and Conservation Fund for expenses of the Park and Conservation Program.

Section 5. The sum of $3,136,350, or so much thereof as may be necessary and remains unexpended at the close of business on June 30,
2016, from a new appropriation heretofore made for such purpose in a Public Act of the 99th General Assembly and from a reappropriation heretofore made for such purpose in a Public Act of the 99th General Assembly which reappropriated Article 31, Section 40 of Public Act 98-0674, is reappropriated from the Wildlife and Fish Fund to the Department of Natural Resources for ordinary and contingent expenses of Resource Conservation.

Section 10. The sum of $297,039, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2016, from a new appropriation heretofore made for such purpose in a Public Act of the 99th General Assembly and from a reappropriation heretofore made for such purpose in a Public Act of the 99th General Assembly which reappropriated Article 31, Section 45 of Public Act 98-0679, is reappropriated from the Wildlife and Fish Fund to the Department of Natural Resources for the non-federal cost share of a Conservation Reserve Enhancement Program to establish long-term contracts and permanent conservation easements in the Illinois River Basin; to fund cost share assistance to landowners to encourage approved conservation practices in environmentally sensitive and highly erodible areas of the Illinois River Basin; and to fund the monitoring of long-term improvements of these conservation practices as required in the Memorandum of Agreement between the State of Illinois and the United States Department of Agriculture.

Section 15. The sum of $1,634,690, or so much thereof may be necessary and as remains unexpended at the close of business on June 30, 2016, from a new appropriation heretofore made for such purpose in a Public Act of the 99th General Assembly and from a reappropriation heretofore made for such purpose in a Public Act of the 99th General Assembly which reappropriated Article 31, Section 65 of Public Act 98-0679, is reappropriated to the Department of Natural Resources from the Partners for Conservation Fund for expenses associated with Partners for Conservation Program to Implement Ecosystem-Based Management for Illinois' Natural Resources.

Section 20. The sum of $5,472,178, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2016, from a new appropriation heretofore made for such purpose in a Public Act of the 99th General Assembly and from a reappropriation heretofore made for such purpose in a Public Act of the 99th General Assembly which reappropriated Article 31, Sections 35 and 75 of Public...
Act 98-0679, is reappropriated to the Department of Natural Resources from the Illinois Forestry Development Fund for ordinary and contingent expenses of the Urban Forestry Program.

Section 25. The sum of $3,182,856, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2016, from a new appropriation heretofore made for such purpose in a Public Act of the 99th General Assembly and from a reappropriation heretofore made for such purpose in a Public Act of the 99th General Assembly which reappropriated Article 31, Sections 95 and 100 of Public Act 98-0679, are reappropriated from the State Parks Fund to the Department of Natural Resources for operations and maintenance.

Section 30. The sum of $4,493,768, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2016, from a new appropriation heretofore made for such purpose in a Public Act of the 99th General Assembly and from a reappropriation heretofore made for such purpose in a Public Act of the 99th General Assembly which reappropriated Article 31, Sections 95 and 105 of Public Act 98-0679, are reappropriated from the Wildlife and Fish Fund to the Department of Natural Resources for operations and maintenance.

ARTICLE 87

Section 1. The sum of $3,478,694, or so much thereof as may be necessary, is appropriated to the Department of Natural Resources from the Park and Conservation Fund for expenses of the Park and Conservation Program.

Section 5. The sum of $3,136,350, or so much thereof as may be necessary, is appropriated from the Wildlife and Fish Fund to the Department of Natural Resources for ordinary and contingent expenses of Resource Conservation.

Section 10. The sum of $297,039, or so much thereof as may be necessary, is appropriated from the Wildlife and Fish Fund to the Department of Natural Resources for the non-federal cost share of a Conservation Reserve Enhancement Program to establish long-term contracts and permanent conservation easements in the Illinois River Basin; to fund cost share assistance to landowners to encourage approved conservation practices in environmentally sensitive and highly erodible areas of the Illinois River Basin; and to fund the monitoring of long-term improvements of these conservation practices as required in the Memorandum of Agreement between the State of Illinois and the United States Department of Agriculture.

New matter indicated by italics - deletions by strikeout
Section 15. The sum of $1,634,690, or so much thereof may be necessary, is appropriated to the Department of Natural Resources from the Partners for Conservation Fund for expenses associated with Partners for Conservation Program to Implement Ecosystem-Based Management for Illinois' Natural Resources.

Section 20. The sum of $5,472,178, or so much thereof as may be necessary, is appropriated to the Department of Natural Resources from the Illinois Forestry Development Fund for ordinary and contingent expenses of the Urban Forestry Program.

Section 25. The sum of $3,182,856, or so much thereof as may be necessary, is appropriated from the State Parks Fund to the Department of Natural Resources for operations and maintenance.

Section 30. The sum of $4,493,768, or so much thereof as may be necessary, is appropriated from the Wildlife and Fish Fund to the Department of Natural Resources for operations and maintenance.

ARTICLE 88
STATEWIDE SERVICES AND GRANTS

Section 10. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Juvenile Justice for the objects and purposes hereinafter named:

Payable from the Department of Corrections Reimbursement and Education Fund:

For payment of expenses associated with School District Programs.................                                   5,000,000
For payment of expenses associated with federal programs, including, but not limited to, construction of additional beds, treatment programs, and juvenile supervision......................                                       3,000,000
For payment of expenses associated with miscellaneous programs, including, but not limited to, medical costs, food expenditures, and various construction costs............................                                            5,000,000

Total                                                                               $13,000,000

Section 15. The amounts appropriated for repairs and maintenance, and other capital improvements in Section 10 for repairs and maintenance, roof repairs and/or replacements and miscellaneous capital improvements at the Department’s various institutions are to include construction,
reconstruction, improvements, repairs and installation of capital facilities, costs of planning, supplies, materials and all other expenses required for roof and other types of repairs and maintenance, capital improvements, and purchase of land.

No contract shall be entered into or obligation incurred for repairs and maintenance and other capital improvements from appropriations made in Section 10 of this Article until after the purpose and amounts have been approved in writing by the Governor.

ARTICLE 89
STATEWIDE SERVICES AND GRANTS

Section 5. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Corrections for the objects and purposes hereinafter named:

Payable from Department of Corrections Reimbursement and Education Fund:
For payment of expenses associated with School District Programs.................. 5,000,000
For payment of expenses associated with federal programs, including, but not limited to, construction of additional beds, treatment programs, and juvenile supervision.................. 5,000,000
For payment of expenses associated with miscellaneous programs, including, but not limited to, medical costs, food expenditures and various construction costs............ 37,000,000
Total $47,000,000

Section 10. The amounts appropriated for repairs and maintenance, and other capital improvements in Sections 5 and 30 for repairs and maintenance, roof repairs and/or replacements, and miscellaneous capital improvements at the Department's various institutions are to include construction, reconstruction, improvements, repairs and installation of capital facilities, costs of planning, supplies, materials and all other expenses required for roof and other types of repairs and maintenance, capital improvements, and purchase of land.

No contract shall be entered into or obligation incurred for repairs and maintenance and other capital improvements from appropriations made in Sections 5 and 40 of this Article until after the purposes and amounts have been approved in writing by the Governor.

New matter indicated by italics - deletions by strikeout
Section 40. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Corrections from the Working Capital Revolving Fund:

ILLINOIS CORRECTIONAL INDUSTRIES

For Personal Services................................. 10,800,800
For the Student, Member and Inmate Compensation........................................ 2,177,400
For State Contributions to State Employees' Retirement System.......................... 4,925,000
For State Contributions to Social Security......................................................... 826,300
For Group Insurance............................................. 3,360,000
For Contractual Services........................................... 3,250,000
For Travel......................................................... 95,300
For Commodities.................................................. 32,800,000
For Printing........................................................ 4,800
For Equipment..................................................... 1,500,000
For Telecommunications Services.................. 64,400
For Operation of Auto Equipment................. 1,361,400
For Green Recycling Initiatives................... 250,000
For Repairs, Maintenance and Other Capital Improvements................................. 147,000
For Refunds....................................................... 7,400

Total $61,569,800

ARTICLE 90

Section 1. The amount of $100,000, or so much thereof as may be necessary, is appropriated from the Sex Offender Management Board Fund to the Sex Offender Management Board for the purposes authorized by the Sex Offender Management Board Act including, but not limited to, sex offender evaluation, treatment, and monitoring programs and grants. Funding received from private sources is to be expended in accordance with the terms and conditions placed upon the funding.

ARTICLE 91

Section 5. In addition to any other sums appropriated, the sum of $199,517,900, or so much thereof as may be necessary, is appropriated from the Title III Social Security and Employment Fund to the Department of Employment Security for operational expenses, awards, grants, and permanent improvements for the fiscal year ending June 30, 2017.

New matter indicated by italics - deletions by strikeout
Section 10. The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Employment Security:

**WORKFORCE DEVELOPMENT**

Payable from Title III Social Security and Employment Fund:
- For expenses related to the Development of Training Programs: $100,000
- For the expenses related to Employment Security Automation: $7,000,000
- For expenses related to a Benefit Information System Redefinition: $4,500,000
- **Total:** $11,600,000

Payable from the Unemployment Compensation Special Administration Fund:
- For expenses related to Legal Assistance as required by law: $2,000,000
- For Interest on Refunds of Erroneously Paid Contributions, Penalties and Interest: $100,000
- **Total:** $2,100,000

Section 15. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Employment Security:

**WORKFORCE DEVELOPMENT**

**Grants-In-Aid**

Payable from Title III Social Security and Employment Fund:
- For Tort Claims: $675,000

Section 20. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Employment Security, for unemployment compensation benefits, other than benefits provided for in Section 3, to Former State Employees as follows:

**TRUST FUND UNIT**

**Grants-In-Aid**

Payable from the Road Fund:
- For benefits paid on the basis of wages paid for insured work for the Department of Transportation: $4,000,000

Payable from the Illinois Mathematics

New matter indicated by italics - deletions by strikeout
and Science Academy Income Fund................... 16,700
Payable from Title III Social Security and Employment Fund.................. 1,734,300
Total $5,751,000

ARTICLE 92
Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Financial Institution Fund to the Department of Financial and Professional Regulation:
For Personal Services......................... 4,099,700
For State Contributions to the State
Employees' Retirement System............... 1,827,200
For State Contributions to Social Security...... 313,700
For Group Insurance......................... 1,080,000
For Contractual Services...................... 30,000
For Travel................................... 228,300
For Refunds................................ 3,400
Total $7,582,300

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Credit Union Fund to the Department of Financial and Professional Regulation:
CREDIT UNION
For Personal Services......................... 2,245,200
For State Contributions to State
Employees' Retirement System............... 1,000,700
For State Contributions to Social Security...... 171,800
For Group Insurance......................... 624,000
For Contractual Services...................... 40,000
For Travel................................... 240,700
For Refunds................................ 1,000
Total $4,323,400

Section 15. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Bank and Trust Company Fund to the Department of Financial and Professional Regulation:
DOMESTIC AND FOREIGN COMMERCIAL BANK REGULATION
For Personal Services......................... 10,212,800
For State Contribution to State
Employees' Retirement System............... 4,551,700

New matter indicated by italics - deletions by strikeout
For State Contributions to Social Security....... 781,300
For Group Insurance......................... 2,688,000
For Contractual Services....................... 250,000
For Travel..................................... 1,008,400
For Refunds..................................... 2,900
For Operational Expenses of the
Division of Banking............................ 250,000
For Corporate Fiduciary Receivership......... 235,000
Total $19,980,100

Section 20. The following named amounts, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named, are appropriated from the Pawnbroker Regulation Fund to the
Department of Financial and Professional Regulation:

PAWNBROKER REGULATION
For Personal Services.......................... 108,000
For State Contributions to State
Employees' Retirement System............... 48,200
For State Contributions to Social Security..... 8,300
For Group Insurance........................... 24,000
For Contractual Services....................... 4,900
For Travel..................................... 5,000
For Refunds..................................... 1,000
Total $199,400

Section 25. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated from the Residential
Finance Regulatory Fund to the Department of Financial and Professional
Regulation:

MORTGAGE BANKING AND THRIFT REGULATION
For Personal Services.......................... 1,569,300
For State Contributions to State
Employees' Retirement System............... 699,500
For State Contributions to Social Security..... 120,100
For Group Insurance........................... 456,000
For Contractual Services....................... 60,000
For Travel..................................... 60,000
For Refunds..................................... 4,900
Total $2,969,800

Section 30. The sum of $600,000, or so much thereof as may be
necessary, is appropriated from the Savings Bank Regulatory Fund to the

New matter indicated by italics - deletions by strikeout
Department of Financial and Professional Regulation for the ordinary and contingent expenses of the Department of Financial and Professional Regulation and the Division of Banking, or their successors, in administering and enforcing the Illinois Savings and Loan Act of 1985, the Savings Bank Act, and other laws, rules, and regulations as may apply to the administration and enforcement of the foregoing laws, rules, and regulations, as amended from time to time.

Section 35. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Real Estate License Administration Fund to the Department of Financial and Professional Regulation:

**REAL ESTATE LICENSING AND ENFORCEMENT**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>3,135,300</td>
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<tr>
<td>For State Contributions to State Employees</td>
<td>1,397,400</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>239,900</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>912,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>40,000</td>
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<tr>
<td>For Travel</td>
<td>65,000</td>
</tr>
<tr>
<td>For Refunds</td>
<td>7,800</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$5,797,400</strong></td>
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</tbody>
</table>

Section 40. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Appraisal Administration Fund to the Department of Financial and Professional Regulation:

**APPRAISAL LICENSING**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>455,600</td>
</tr>
<tr>
<td>For State Contributions to State Employees</td>
<td>203,100</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>34,900</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>144,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>40,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>11,000</td>
</tr>
<tr>
<td>For forwarding real estate appraisal fees to the federal government</td>
<td>330,000</td>
</tr>
<tr>
<td>For Refunds</td>
<td>2,900</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,221,500</strong></td>
</tr>
</tbody>
</table>

Section 45. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter
named, are appropriated from the Home Inspector Administration Fund to the Department of Financial and Professional Regulation:

**HOME INSPECTOR REGULATION**

For Personal Services.......................... 53,300
For State Contributions to State
  Employees' Retirement System............... 23,800
For State Contributions to Social Security...... 4,100
For Group Insurance............................ 24,000
For Contractual Services....................... 3,000
For Travel.................................. 2,000
For Refunds................................. 1,000
Total ........................................ $111,200

Section 50. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Professions Dedicated Fund to the Department of Financial and Professional Regulation:

**GENERAL PROFESSIONS**

For Personal Services.......................... 2,550,900
For State Contributions to State
  Employees' Retirement System............. 1,136,900
For State Contributions to Social Security.... 195,200
For Group Insurance............................ 912,000
For Contractual Services....................... 194,100
For Travel.................................. 25,000
For Refunds................................. 30,100
Total ........................................ $5,044,200

Section 55. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Illinois State Dental Disciplinary Fund to the Department of Financial and Professional Regulation:

For Personal Services.......................... 573,300
For State Contributions to State
  Employees' Retirement System............. 255,600
For State Contributions to Social Security.... 43,900
For Group Insurance............................ 192,000
For Contractual Services....................... 68,700
For Travel.................................. 9,600
For Refunds................................. 2,400
Total ........................................ $1,145,500

New matter indicated by italics - deletions by strikeout
Section 60. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Illinois State Medical Disciplinary Fund to the Department of Financial and Professional Regulation:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>2,197,600</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>979,500</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>168,200</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>624,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>224,100</td>
</tr>
<tr>
<td>For Travel</td>
<td>20,000</td>
</tr>
<tr>
<td>For Refunds</td>
<td>9,700</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$4,223,100</strong></td>
</tr>
</tbody>
</table>

Section 65. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Optometric Licensing and Disciplinary Board Fund to the Department of Financial and Professional Regulation:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>132,200</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>59,000</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>10,200</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>48,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>35,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>5,000</td>
</tr>
<tr>
<td>For Refunds</td>
<td>2,400</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$291,800</strong></td>
</tr>
</tbody>
</table>

Section 70. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Design Professionals Administration and Investigation Fund to the Department of Financial and Professional Regulation:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>496,400</td>
</tr>
<tr>
<td>For State Contributions to State Employees’ Retirement System</td>
<td>221,300</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>38,000</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>168,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>70,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>10,000</td>
</tr>
<tr>
<td>For Refunds</td>
<td>2,400</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,006,100</strong></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Section 75. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Illinois State Pharmacy Disciplinary Fund to the Department of Financial and Professional Regulation:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>925,700</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>412,600</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>70,900</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>240,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>112,500</td>
</tr>
<tr>
<td>For Travel</td>
<td>10,000</td>
</tr>
<tr>
<td>For Refunds</td>
<td>11,600</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,783,300</strong></td>
</tr>
</tbody>
</table>

Section 80. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Illinois State Podiatric Disciplinary Fund to the Department of Financial and Professional Regulation:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Contractual Services</td>
<td>4,900</td>
</tr>
<tr>
<td>For Travel</td>
<td>2,000</td>
</tr>
<tr>
<td>For Refunds</td>
<td>1,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$7,900</strong></td>
</tr>
</tbody>
</table>

Section 85. The sum of $650,000, or so much thereof as may be necessary, is appropriated from the Registered Certified Public Accountants’ Administration and Disciplinary Fund to the Department of Financial and Professional Regulation for the administration of the Registered CPA Program.

Section 90. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Nursing Dedicated and Professional Fund to the Department of Financial and Professional Regulation:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,022,900</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>455,900</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>78,300</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>288,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>127,100</td>
</tr>
<tr>
<td>For Travel</td>
<td>12,000</td>
</tr>
<tr>
<td>For Refunds</td>
<td>9,700</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,993,900</strong></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Section 95. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the Nursing Dedicated and Professional Fund to the Department of Financial and Professional Regulation for the establishment and operation of an Illinois Center for Nursing.

Section 100. The sum of $300, or so much thereof as may be necessary, is appropriated from the Professional Regulation Evidence Fund to the Department of Financial and Professional Regulation for all costs associated with conducting covert activities, including equipment and other operational expenses.

Section 105. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Professions Indirect Cost Fund to the Department of Financial and Professional Regulation:

- For Personal Services: $12,169,200
- For State Contributions to State Employees' Retirement System: $5,423,600
- For State Contributions to Social Security: $931,000
- For Group Insurance: $3,840,000
- For Contractual Services: $8,500,000
- For Travel: $60,000
- For Commodities: $110,900
- For Printing: $40,000
- For Equipment: $20,000
- For Electronic Data Processing: $2,500,000
- For Telecommunications Services: $400,000
- For Operation of Auto Equipment: $50,000
- For Ordinary and Contingent Expenses of the Department: $3,024,700

Total: $37,069,400

Section 110. The sum of $1,200,000, or so much thereof as may be necessary, is appropriated from the Cemetery Oversight Licensing and Disciplinary Fund to the Department of Financial and Professional Regulation for all costs associated with administration of the Cemetery Oversight Act.

Section 115. The sum of $393,700, or so much thereof as may be necessary, is appropriated from the Community Association Manager Licensing and Disciplinary Fund to the Department of Financial and Professional Regulation for all costs associated with administration of the Community Association Manager Licensing and Disciplinary Act.

New matter indicated by italics - deletions by strikeout
Section 120. The sum of $19,000, or so much thereof as may be necessary, is appropriated to the Department of Financial and Professional Regulation from the Real Estate Research and Education Fund for costs associated with the operation of the Office of Real Estate Research at the University of Illinois.

Section 125. The sum of $225,000, or so much thereof as may be necessary, is appropriated from the Athletics Supervision and Regulation Fund to the Department of Financial and Professional Regulation for all costs associated with administration of the Boxing and Full-contact Martial Arts Act.

Section 130. The sum of $1,200,000, or so much thereof as may be necessary, is appropriated from the Compassionate Use of Medical Cannabis Fund to the Department of Financial and Professional Regulation for all costs associated with operational expenses of the department in relation to the regulation of medical marijuana.

ARTICLE 93

Section 5. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Department of Human Rights Training and Development Fund to the Department of Human Rights for the purpose of funding expenses associated with administration.

Section 10. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Rights from the Special Projects Division Fund:

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>2,493,500</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>1,159,500</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>190,700</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>464,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>177,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>37,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>6,800</td>
</tr>
<tr>
<td>For Printing</td>
<td>9,300</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>$4,537,800</td>
</tr>
</tbody>
</table>

Section 20. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the Department of Human Rights Special Fund to the Department of Human Rights for the purpose of funding expenses associated with the Department of Human Rights.

New matter indicated by italics - deletions by strikeout
ARTICLE 94

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Human Services for income assistance and related distributive purposes, including such Federal funds as are made available by the Federal Government for the following purposes:

DISTRIBUTIVE ITEMS

GRANTS-IN-AID

Payable from Employment and Training Fund:

For Temporary Assistance for Needy Families under Article IV and other social services including Emergency Assistance for families with Dependent Children in accordance with applicable laws and regulations for the State portion of federal funds made available by the American Recovery and Reinvestment Act of 2009......................................                                                20,000,000

Section 10. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenditures of the Department of Human Services:

ADMINISTRATIVE AND PROGRAM SUPPORT

Payable from Vocational Rehabilitation Fund:

For Personal Services..........................                                         4,331,800
For Retirement Contributions...................                                   1,930,300
For State Contributions to Social Security ......                              331,400
For Group Insurance............................                                        1,560,000
For Contractual Services.........................                                        831,000
For Contractual Services:
  For Leased Property Management..............                           5,076,200
For Travel........................................                                                 61,000
For Commodities..................................                                          136,500
For Printing......................................                                                 37,000
For Equipment.....................................                                             48,600
For Telecommunications Services..............                                 1,226,500
For Operation of Auto Equipment..............                                28,500

New matter indicated by italics - deletions by strikeout
Total $15,598,800

For Contractual Services:

For Leased Property Management:
Payable from Prevention and Treatment of Alcoholism and Substance Abuse Block Grant Fund............. 0
Payable from Federal National Community Services Grant Fund................................. 0
Payable from DHS Special Purposes Trust Fund.... 200,000
Payable from Old Age Survivors’ Insurance Fund 2,878,600
Payable from Early Intervention Services Revolving Fund........................................ 0
Payable from DHS Federal Projects Fund............. 0
Payable from USDA Women, Infants and Children Fund................................... 80,000
Payable from Local Initiative Fund................. 25,000
Payable from Domestic Violence Shelter and Service Fund................................. 0
Payable from Maternal and Child Health Services Block Grant Fund............. 40,000
Payable from Community Mental Health Services Block Grant Fund.......................... 0
Payable from Juvenile Justice Trust Fund............. 0
Payable from DHS Recoveries Trust Fund............. 300,000
Total $3,523,600

Payable from DHS Private Resources Fund:
For Grants and Costs associated with Human Services Activities funded by Grants or Private Donations................................ 10,000
Payable from Mental Health Fund:
For Costs associated with Mental Health and Developmental Disabilities Special Projects... 6,000,000
For costs associated with DHS inter-agency Support Services ................................. 3,000,000
Payable from the DHS State Projects Fund:
For expenses associated with Energy Conservation and Efficiency programs.......... 1,000,000
Payable from DHS Recoveries Trust Fund:
For Deposit into the DHS Technology Initiative Fund......................................... 5,000,000

New matter indicated by italics - deletions by strikeout
For ordinary and contingent expenses........  16,263,000
Payable from DHS Technology Initiative Fund:
For Expenses of the Framework Project........  10,000,000

**ADMINISTRATIVE AND PROGRAM SUPPORT**

**GRANTS-IN-AID**

Section 15. The following named sums, or so much thereof as may
be necessary, respectively, are appropriated to the Department of Human
Services for the purposes hereinafter named:

**GRANTS-IN-AID**

For Tort Claims:
Payable from Vocational Rehabilitation Fund.......  10,000

For Grants and administrative expenses
associated with the Open Door Project:
Payable from DHS Private Resources Fund...........  315,500

Section 25. The following named sums, or so much thereof as may
be necessary, are appropriated to the Department of Human Services as
follows:

**REFUNDS**

Payable from Mental Health Fund...................  2,000,000
Payable from Vocational Rehabilitation Fund .......  5,000
Payable from Drug Treatment Fund...................  5,000
Payable from Sexual Assault Services Fund.........  400
Payable from Early Intervention
Services Revolving Fund.............................  300,000
Payable from DHS Federal Projects Fund.............  25,000
Payable from USDA Women, Infants and Children Fund.
200,000
Payable from Maternal and Child Health
Services Block Grant Fund...........................  5,000
Payable from Youth Drug Abuse Prevention Fund.....  30,000
Total $2,570,400

Section 30. The following named sums, or so much thereof as may
be necessary, respectively, for the objects and purposes hereinafter named,
are appropriated to the Department of Human Services for ordinary and
contingent expenses:

**MANAGEMENT INFORMATION SERVICES**

Payable from Mental Health Fund:
For costs related to the provision
of MIS support services provided to
Departmental and Non-Departmental

New matter indicated by italics - deletions by strikeout
organizations ........................................  6,636,600
Payable from Vocational Rehabilitation Fund:
For Personal Services ...............................  1,474,700
For Retirement Contributions .......................  657,100
For State Contributions to Social Security .......  112,800
For Group Insurance ................................  312,000
For Contractual Services ............................  705,000
For Contractual Services:
For Information Technology Management ...........  2,280,700
For Travel ..............................................  10,000
For Commodities ......................................  30,600
For Printing .............................................  5,800
For Equipment ..........................................  50,000
For Telecommunications Services .....................  1,550,000
For Operation of Auto Equipment .....................  2,800
Total ................................................................... $7,191,500
Payable from USDA Women, Infants and Children Fund:
For Personal Services .................................  332,100
For Retirement Contributions .......................  148,000
For State Contributions to Social Security .......  25,400
For Group Insurance ....................................  72,000
For Contractual Services ..............................  25,400
For Contractual Services:
For Information Technology Management ..........  11,900
For Electronic Data Processing ........................  0
Total ................................................................... $614,800
Payable from Maternal and Child Health Services
Block Grant Fund:
For Operational Expenses Associated with
Support of Maternal and Child Health
Programs ......................................................  458,100

Section 35. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Human Services:

BUREAU OF DISABILITY DETERMINATION SERVICES
Payable from Old Age Survivors' Insurance Fund:
For Personal Services .................................  35,753,400
For Retirement Contributions .......................  15,931,700
For State Contributions to Social Security .......  3,347,100

New matter indicated by italics - deletions by strikeout
For Group Insurance........................... 11,040,000
For Contractual Services........................ 11,601,800
For Travel....................................... 198,000
For Commodities.................................. 379,100
For Printing........................................ 384,000
For Equipment.................................. 1,600,900
For Telecommunications Services............. 1,404,700
For Operation of Auto Equipment............... 100
Total $81,640,800

Section 40. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Human Services:

BUREAU OF DISABILITY DETERMINATION SERVICES
GRANTS-IN-AID

For Services to Disabled Individuals:
Payable from Old Age Survivors' Insurance Fund 25,000,000

Section 50. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Human Services:

HOME SERVICES PROGRAM
GRANTS-IN-AID

Payable from the Home Services Medicaid Trust Fund:
For Purchase of Services of the Home Services Program, pursuant to 20 ILCS 2405/3, including operating, administrative, and prior year costs:........................... 246,000,000

Section 55. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

MENTAL HEALTH GRANTS AND PROGRAM SUPPORT
Payable from Community Mental Health Services Block Grant Fund:
For Personal Services............................ 512,000
For Retirement Contributions..................... 228,100
For State Contributions to Social Security ...... 39,200
For Group Insurance.............................. 120,000
For Contractual Services.......................... 119,400
For Travel........................................... 10,000
For Commodities.................................... 5,000
For Equipment...................................... 5,000

New matter indicated by italics - deletions by strikeout
Section 75. The following named sums, or so much thereof as may be necessary, respectively, for the purposes hereinafter named, are appropriated to the Department of Human Services for Grants-In-Aid and Purchased Care in its various regions pursuant to Sections 3 and 4 of the Community Services Act and the Community Mental Health Act:

MENTAL HEALTH GRANTS AND PROGRAM SUPPORT

GRANTS-IN-AID AND PURCHASED CARE

For Community Service Grant Programs for Persons with Mental Illness:
Payable from Community Mental Health Services Block Grant Fund ................... 16,025,400

For Community Service Grant Programs for Persons with Mental Illness including administrative costs:
Payable from DHS Federal Projects Fund........ 16,036,100
Payable from the Department of Human Services Community Services Fund........... 15,000,000

Payable from Community Mental Health Medicaid Trust Fund:
For all costs and administrative expenses associated with Medicaid Services and Community Services for Persons with Mental Illness, including prior year costs......................... 92,902,400
For costs associated with Capitated Care Coordination......................... 10,000,000

For Community Service Grant Programs for Children and Adolescents with Mental Illness:
Payable from Community Mental Health Services Block Grant Fund...................... 4,341,800

Payable from Community Mental Health Services Block Grant Fund:
For Teen Suicide Prevention Including Provisions Established in Public Act 85-0928.............................................................. 0

The Department, with the consent in writing from the Governor, may reapportion not more than 10 percent of the total appropriation of

Total $1,038,700

New matter indicated by italics - deletions by strikeout
Section 95. The following named sums, or so much thereof as may be necessary, respectively, for the purposes hereinafter named, are appropriated to the Department of Human Services for Grants-In-Aid and Purchased Care in its various regions pursuant to Sections 3 and 4 of the Community Services Act and the Community Mental Health Act:

**DEVELOPMENTAL DISABILITIES GRANTS AND PROGRAMS IN AID AND PURCHASED CARE**

For costs associated with Community Based Services for persons with Developmental disabilities and system rebalancing initiatives

- Payable from the Department of Human Services Community Services Fund 
  
  For Intermediate Care Facilities for the Mentally Retarded and Alternative Community Programs including prior year costs
  
  For Community Based Services for Persons with Developmental Disabilities at the approximate cost set forth below:
  
  - Payable from Mental Health Fund
  - Payable from Community Developmental Disability Services Medicaid Trust Fund
  - Payable from Special Olympics Illinois Fund:
    For the costs associated with Special Olympics
  - Payable from the Autism Care Fund:
    For grants to the Autism Society of Illinois
  - Payable from the Special Olympics Illinois and Special Children’s Charities Fund:
    For grants to Special Olympics

Section 100. The sum of $370,000,000, or so much thereof as may be necessary, is appropriated from the Healthcare Provider Relief Fund to the Department of Human Services for medical bills and related expenses.

New matter indicated by italics - deletions by strikeout
Section 105. The sum of $34,450,000, or so much thereof as may be necessary, is appropriated to the Department of Human Services from the Health and Human Services Medicaid Trust Fund for awards and grants to developmental disabilities and/or mental health programs.

Section 110. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Human Services for Payments to Community Providers and Administrative Expenditures, including such Federal funds as are made available by the Federal Government for the following purpose:

Payable from Autism Research Checkoff Fund:
- For costs associated with autism research........ 100,000

Payable from Autism Awareness Fund:
- For costs associated with autism awareness...... 100,000

Section 115. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Human Services:

**ADDICTION TREATMENT**

Payable from Prevention and Treatment of Alcoholism and Substance Abuse Block Grant Fund:
- For Personal Services......................... 2,787,200
- For Retirement Contributions.................. 1,242,000
- For State Contributions to Social Security...... 236,900
- For Group Insurance............................ 672,000
- For Contractual Services....................... 1,227,700
- For Travel....................................... 200,000
- For Commodities.................................. 53,800
- For Printing...................................... 35,000
- For Equipment.................................... 14,300
- For Electronic Data Processing................... 300,000
- For Telecommunications Services............... 117,800
- For Operation of Auto Equipment................. 20,000
- For Expenses Associated with the Administration of the Alcohol and Substance Abuse Prevention and Treatment Programs..................... 215,000

Total $7,121,700

Section 120. The sum of $20,000,000, or so much thereof as may be necessary, is appropriated from the Healthcare Provider Relief Fund to the Department of Human Services for medical bills and related expenses.

New matter indicated by italics - deletions by strikeout
Section 130. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Human Services:

**ADDICTION TREATMENT**

**GRANTS-IN-AID**

Payable from State Gaming Fund:
- For Costs Associated with Treatment of Individuals who are Compulsive Gamblers: 1,029,500
- For Addiction Treatment and Related Services:
  - Payable from Prevention and Treatment of Alcoholism and Substance Abuse Block Grant Fund: 60,000,000
  - Payable from Youth Drug Abuse Prevention Fund: 530,000

Payable from Youth Drug Abuse Prevention Fund: 530,000

For Grants and Administrative Expenses Related to Addiction Treatment and Related Services:
- Payable from Drunk and Drugged Driving Prevention Fund: 3,212,200
- Payable from Drug Treatment Fund: 5,105,800
- Payable from Alcoholism and Substance Abuse Fund: 15,000,000
- Payable from Group Home Loan Revolving Fund: 200,000

For underwriting the cost of housing for groups of recovering individuals:
- Payable from Group Home Loan Revolving Fund: 200,000

Section 140. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

**REHABILITATION SERVICES BUREAUS**

Payable from Illinois Veterans' Rehabilitation Fund:
- For Personal Services: 1,875,500
- For Retirement Contributions: 835,700
- For State Contributions to Social Security: 143,500
- For Group Insurance: 528,000
- For Travel: 12,200
- For Commodities: 5,600
- For Equipment: 7,000
- For Telecommunications Services: 19,500

Total: $3,427,000

New matter indicated by italics - deletions by strikeout
Payable from Vocational Rehabilitation Fund:
For Personal Services......................... 40,854,200
For Retirement Contributions.................. 18,204,600
For State Contributions to Social Security .... 3,225,800
For Group Insurance......................... 12,763,200
For Contractual Services....................... 8,689,800
For Travel..................................... 1,455,900
For Commodities.................................. 313,200
For Printing..................................... 150,100
For Equipment.................................... 669,900
For Telecommunications Services............... 1,493,200
For Operation of Auto Equipment............... 5,700
For Support Services In-Service Training....... 366,700
For Administrative Expenses of the Statewide Deaf Evaluation Center............. 0
Total $88,192,300

Section 145. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

REHABILITATION SERVICES BUREAUS

GRANTS-IN-AID

For Case Services to Individuals:
Payable from Illinois Veterans' Rehabilitation Fund.................. 2,413,700
Payable from Vocational Rehabilitation Fund, including prior year costs .......... 55,000,000

For Implementation of Title VI, Part C of the Vocational Rehabilitation Act of 1973 as Amended--Supported Employment:
Payable from Vocational Rehabilitation Fund.... 1,900,000

For Small Business Enterprise Program:
Payable from Vocational Rehabilitation Fund.... 3,527,300

For Grants to Independent Living Centers:
Payable from Vocational Rehabilitation Fund.... 2,000,000

For Grants to the Illinois Coalition of Citizens with Disabilities:
Payable from Vocational Rehabilitation Fund...... 77,200

For Independent Living Older Blind Grant:
Payable from Vocational Rehabilitation Fund.... 1,745,500

New matter indicated by italics - deletions by strikeout
For Independent Living Older Blind Formula:
Payable from Vocational Rehabilitation Fund.............. 0

For Project for Individuals of All Ages with Disabilities:
Payable from Vocational Rehabilitation Fund.... 1,050,000

For Case Services to Migrant Workers:
Payable from Vocational Rehabilitation Fund...... 210,000

Section 150. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

CLIENT ASSISTANCE PROJECT
Payable from Vocational Rehabilitation Fund:
For grants and administrative costs associated with the Client Assistance Project..................... 1,136,500

Section 160. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

DIVISION OF REHABILITATION SERVICES PROGRAM AND ADMINISTRATIVE SUPPORT
Payable from Rehabilitation Services Elementary and Secondary Education Act Fund:
For Federally Assisted Programs..................... 1,384,100

Section 165. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenditures of the Department of Human Services:

CENTRAL SUPPORT AND CLINICAL SERVICES
Payable from Mental Health Fund:
For Costs Related to Provision of Support Services Provided to Departmental and Non-Departmental Organizations................. 9,043,800
For Drugs and Costs associated with Pharmacy Services....................... 12,300,000
For all costs associated with Medicare Part D......................... 1,507,900

Payable from Mental Health Reporting Fund:
For Expenses related to Implementing the Firearm Concealed Carry Act....................... 2,500,000

New matter indicated by italics - deletions by strikeout
Payable from DHS Federal Projects Fund:
For Federally Assisted Programs.................. 6,004,200

   Section 175. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:
   
   ILLINOIS SCHOOL FOR THE DEAF

Payable from Vocational Rehabilitation Fund:
For Secondary Transitional Experience Program.......................... 50,000

   Section 180. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:
   
   ILLINOIS SCHOOL FOR THE VISUALLY IMPAIRED

Payable from Vocational Rehabilitation Fund:
For Secondary Transitional Experience Program.....  42,900

   Section 190. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:
   
   ILLINOIS CENTER FOR REHABILITATION AND EDUCATION

Payable from Vocational Rehabilitation Fund:
For Secondary Transitional Experience Program.....  60,000

   Section 195. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services for the purposes hereinafter named:
   
   FAMILY AND COMMUNITY SERVICES

Payable from DHS Special Purposes Trust Fund:
For Operation of Federal Employment Programs....................... 10,783,700

Payable from the DHS State Projects Fund:
For Operational Expenses for Public Health Programs................... 368,000

Payable from the Maternal and Child Health Services Block Grant Fund:
For Operational Expenses of Maternal and Child Health Programs........... 9,401,200

Payable from Youth Alcoholism and Substance Abuse Prevention Fund:
For community-based alcohol and other drug abuse prevention services............ 150,000

New matter indicated by italics - deletions by strikeout
Section 200. The following named amounts, or so much thereof as may be necessary, respectively, for the objects hereinafter named, are appropriated to the Department of Human Services for Family and Community Services and related distributive purposes, including such Federal funds as are made available by the Federal government for the following purposes:

FAMILY AND COMMUNITY SERVICES
GRANTS-IN-AID

Payable from Assistance to the Homeless Fund:
For costs related to Providing Assistance to the Homeless including Operating and Administrative Costs and Grants................. 300,000

Payable from the Specialized Services for Survivors of Human Trafficking Fund:
For Grants to Organizations to Prevent Prostitution and Human Trafficking........ 100,000

Payable from the Illinois Affordable Housing Trust Fund:
For Homeless Youth Services............... 1,000,000
For Homelessness Prevention.................. 4,000,000
For Emergency and Transitional Housing....... 9,383,700

Payable from Employment and Training Fund:
For grants associated with Employment and Training Programs, income assistance and other social services including operating, administrative and prior year costs.......................... 485,000,000

Payable from the Health and Human Services Medicaid Trust Fund:
For grants for Supportive Housing Services..... 3,382,500

Payable from DHS Special Purposes Trust Fund:
For Emergency Food Program Transportation and Distribution, including grants and operations.............. 5,163,800
For Federal/State Employment Programs and Related Services................................. 5,000,000
For Grants Associated with the Great START Program, Including Operation and Administrative Costs.................... 5,200,000
For Grants Associated with Child

New matter indicated by italics - deletions by strikeout
Care Services, Including Operation, Administrative and Prior year costs......................... 197,535,400
For Grants Associated with Migrant Child Care Services, Including Operation and Administrative Costs.................. 3,422,400
For Refugee Resettlement Purchase of Service, Including Operation and Administrative Costs.................. 10,611,200
For Grants Associated with the Head Start State Collaboration, Including Operating and Administrative Costs........... 500,000
For SSI Advocacy Services:
Payable from DHS Special Purposes Trust Fund... 1,009,400
Payable from DHS Special Purposes Trust Fund:
For grants Associated with the JTED-SNAP Pilot Employment & Training Program, Including Operation and Administrative Costs .................. 21,857,568
Payable from DHS Special Purposes Trust Fund:
For Community Grants......................... 7,257,800
For costs associated with Family Violence Prevention Services............. 5,018,200
For grants and administrative costs associated with MIEC Home Visiting Program.............. 14,006,800
Payable from Local Initiative Fund:
For grants Associated with the purchase of Services under the Donated Funds Initiative Program, Including Operating and Administrative Costs......... 22,729,400
Payable from Hunger Relief Fund:
For Grants for food banks for the purchase of food and related supplies for low income persons ......................... 300,000
Payable from Sexual Assault Services Fund:
For Grants Related to the Sexual Assault Services Program........... 100,000
Payable from Domestic Violence Abuser Services Fund:

New matter indicated by italics - deletions by strikeout
For Domestic Violence Abuser Services............ 100,000
Payable from the DHS Federal Projects Fund:
For Grants and all costs associated
with implementing Public Health Programs..... 10,742,300
For Grants for Family Planning Programs
Pursuant to Title X of the Public Health
Service Act........................................... 0
For Grants for the Federal Healthy
Start Program........................................... 0
Payable from USDA Women, Infants and Children Fund:
For Grants to Public and Private Agencies for
costs of administering the USDA Women, Infants,
and Children (WIC) Nutrition Program........ 70,049,000
For Grants for the Federal
Commodity Supplemental Food Program......... 1,400,000
For Grants and Administrative Expenses
of the USDA Farmer's Market
Nutrition Program.................................... 500,000
For Grants for Free Distribution of Food
Supplies and for Grants for Nutrition
Program Food Centers under the
USDA Women, Infants, and Children
(WIC) Nutrition Program................. 251,000,000
Payable from the DHS Special Purposes Trust Fund:
For Grants and all costs associated
with the Race to the Top Program.......... 16,000,000
For Grants and all costs associated
with SNAP Education.......................... 18,000,000
For Grants and all costs associated
with SNAP Outreach............................. 2,000,000
Payable from DHS Federal Projects Fund:
For Grants and Administrative Expenses
for Partnership for Success Program......... 5,000,000
For all costs associated with the Emergency
Solutions Grants Program..................... 12,000,000
Payable from the Juvenile Accountability
Incentive Block Grant Fund:
For all costs associated with the Juvenile
Accountability Block Grant (JABG) .......... 10,000,000

New matter indicated by italics - deletions by strikeout
Payable from Tobacco Settlement Recovery Fund:
For a Grant to the Coalition for Technical Assistance and Training......................... 250,000
For all costs associated with Children’s Health Programs, including grants, contracts, equipment, vehicles and administrative expenses................. 1,138,800

Payable from the Maternal and Child Health Services Block Grant Fund:
For Grants for Maternal and Child Health Programs, including programs appropriated elsewhere in this Section........................................ 0

Payable from Domestic Violence Shelter and Service Fund:
For Domestic Violence Shelters and Services Program............................................. 952,200

Payable from Gaining Early Awareness and Readiness for Undergraduate Programs Fund:
For Grants and administrative expenses Of G.E.A.R.U.P...................................... 3,516,800

Payable from DHS Special Purposes Trust Fund:
For Parents Too Soon Program, including grants and operations..................... 2,505,000

Payable from the Sexual Assault Services and Prevention fund:
For Grants and administrative expenses of the Sexual Assault Services and Prevention Program........................................ 600,000

Payable from the Children’s Wellness Charities Fund:
For Grants to Children’s Wellness Charities...... 100,000

Payable from the Housing for Families Fund:
For Grants for Housing for Families.............. 100,000

Payable from the Farmers’ Market Technology Improvement Fund:
For Farmers’ Market Technology.................... 1,000,000

Payable from Early Intervention Services Revolving Fund:
For Grants and administrative expenses

New matter indicated by italics - deletions by strikeout
associated with the Early
Intervention Services Program, including
prior years costs .......................... 180,000,000

For Grants and Administrative Expenses
of Addiction Prevention and Related
Services:
Payable from Youth Alcoholism and
Substance Abuse Prevention Fund.......... 1,050,000
Payable from Alcoholism and
Substance Abuse Fund....................... 2,500,000
Payable from Prevention and Treatment
of Alcoholism and Substance Abuse
Block Grant Fund............................. 16,000,000

Payable from the Juvenile Justice
Trust Fund:
For Grants and administrative costs
associated with Juvenile Justice
Planning and Action Grants for Local
Units of Government and Non-Profit
Organizations including Prior Year Costs...... 4,000,000

Section 205. The Department, with the consent in writing from the
Governor, may reapportion General Revenue Funds in Section 45 above
“For Home Services Program Grants-in-Aid” among Section 75 “For
Mental Health Grants-in-Aid and Purchased Care” and Section 95 “For
Developmental Disabilities Grants and Program Support Grants-in-Aid
and Purchased Care” as a result of transferring clients to the appropriate
community based service system.

ARTICLE 95

Section 1. The amount of $3,201,400, or so much thereof as may
be necessary, is appropriated to the Illinois Power Agency from the Illinois
Power Agency Operations Fund for its ordinary and contingent expenses
and for current and prior year refunds.

Section 5. The amount of $1,246,600, or so much thereof as may
be necessary, is appropriated to the Illinois Power Agency from the Illinois
Power Agency Trust Fund for deposit into the Illinois Power Agency
Operations Fund pursuant to subsection (c) of Section 6z-75 of the State
Finance Act.

Section 10. The amount of $50,000,000, or so much thereof as may
be necessary, is appropriated to the Illinois Power Agency from the Illinois

New matter indicated by italics - deletions by strikeout
Power Agency Renewable Energy Resources Fund for funding of current and prior fiscal year purchases of renewable energy resources and related expenses, including the refund of bidder deposit fees and overpayments of alternative compliance payments, pursuant to subsections (b), (c), and (i) of Section 1-56 of the Illinois Power Agency Act.

ARTICLE 96

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Insurance Producer Administration Fund to the Department of Insurance:

PRODUCER ADMINISTRATION

For Personal Services ....................... 10,000,000
For State Contributions to the State
  Employees' Retirement System .......... 4,457,000
For State Contributions to Social Security .... 765,000
For Group Insurance ....................... 3,408,000
For Contractual Services .................. 1,850,000
For Travel .................................. 125,000
For Commodities ......................... 20,000
For Printing .............................. 20,000
For Equipment ......................... 60,000
For Electronic Data Processing .......... 500,000
For Telecommunications Services ....... 230,000
For Operation of Auto Equipment ....... 5,000
For Refunds .............................. 100,000
Total .................................. $21,540,000

Section 5. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the Insurance Producer Administration Fund to the Department of Insurance for costs and expenses related to or in support of a Regulatory/G&A Shared Services Center.

Section 10. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the Insurance Producer Administration Fund to the Department of Insurance for costs and expenses related to or in support of Get Covered Illinois.

Section 15. The sum of $750,000, or so much thereof as may be necessary, is appropriated from the Insurance Producer Administration Fund to the Department of Insurance for costs and expenses related to or in support of the agency’s operations.

New matter indicated by italics - deletions by strikeout
Section 20. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Insurance Financial Regulation Fund to the Department of Insurance:

**FINANCIAL REGULATION**

For Personal Services......................... 11,100,000
For State Contributions to the State
  Employees' Retirement System............... 4,947,000
  For State Contributions to Social Security... 849,000
  For Group Insurance........................... 3,288,000
  For Contractual Services....................... 1,850,000
  For Travel....................................... 150,000
  For Commodities................................... 20,000
  For Printing...................................... 20,000
  For Equipment..................................... 60,000
  For Electronic Data Processing............... 500,000
  For Telecommunications Services............... 215,000
  For Operation of Auto Equipment............... 5,000
  For Refunds....................................... 49,000

Total $23,053,000

Section 25. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Insurance Financial Regulation Fund to the Department of Insurance for costs and expenses related to or in support of the agency’s operations.

Section 30. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the George Bailey Memorial Fund to the Department of Insurance for grants and expenses related to or in support of the George Bailey Memorial Program.

Section 35. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Public Pension Regulation Fund to the Department of Insurance:

**PENSION DIVISION**

For Personal Services......................... 1,000,000
For State Contributions to the State
  Employees' Retirement System............... 446,000
  For State Contributions to Social Security... 76,500
  For Group Insurance........................... 360,000
  For Contractual Services....................... 25,000

New matter indicated by italics - deletions by strikeout
For Travel........................................                    30,000
For Commodities........................................ 2,500
For Printing............................................. 2,500
For Equipment.......................................... 5,000
For Telecommunications Services...................... 2,500
Total                                                                                      $1,950,000

Section 40. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the Public Pension Regulation Fund to the Department of Insurance for costs and expenses related to or in support of the agency’s operations.

Section 45. The sum of $950,000, or so much thereof as may be necessary, is appropriated from the Illinois Workers’ Compensation Commission Operations Fund to the Department of Insurance for costs associated with the administration and operations of the Insurance Fraud Division of the Illinois Workers’ Compensation Commission’s anti-fraud program.

ARTICLE 97

Section 10. The amount of $246,800, or so much thereof as may be necessary, is appropriated from the Amusement Ride and Patron Safety Fund to the Department of Labor for operational expenses associated with the administration of The Amusement Ride and Attraction Safety Act.

Section 15. The amount of $623,100, or so much thereof as may be necessary, is appropriated from the Child Labor Enforcement and Day and Temporary Labor Services Enforcement Fund to the Department of Labor for operational expenses associated with the administration of The Child Labor Law Act and the Day and Temporary Labor Services Act.

Section 20. The amount of $348,300, or so much thereof as may be necessary, is appropriated from the Employee Classification Fund to the Department of Labor for operational expenses associated with the administration of The Employee Classification Act.

Section 25. The amount of $206,200, or so much thereof as may be necessary, is appropriated from the Wage Theft Enforcement Fund to the Department of Labor for operational expenses associated with the administration of The Illinois Wage Payment and Collection Act.

Section 30. The amount of $2,000,000, or so much thereof as may be necessary, is appropriated from the Department of Labor Federal Trust Fund to the Department of Labor for all costs associated with promoting and enforcing the occupational safety and health administration state program for public sector worksites.

New matter indicated by italics - deletions by strikeout
Section 35. The amount of $2,970,000, or so much thereof as necessary, is appropriated from the Federal Industrial Services Fund to the Department of Labor for administrative and other expenses, for the Occupational Safety and Health Administration Program, including refunds and prior year costs.

Section 40. The amount of $30,000, or so much thereof as necessary, is appropriated from the Federal Industrial Services Fund to the Department of Labor for contractual service expenses, for the Occupational Safety and Health Administration Program.

ARTICLE 98

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses for the Department of the Lottery, including operating expenses related to Multi-State Lottery games pursuant to the Illinois Lottery Law:

**PAYABLE FROM STATE LOTTERY FUND**

- For Personal Services.......................... 11,408,100
- For State Contributions for the State Employees' Retirement System.................. 5,084,300
- For State Contributions to Social Security.......................... 872,600
- For Group Insurance............................. 4,032,000
- For Contractual Services......................... 5,200,000
- For Travel......................................... 50,000
- For Commodities.................................. 43,000
- For Printing...................................... 15,000
- For Equipment.................................... 10,000
- For Electronic Data Processing................. 3,350,700
- For Telecommunications Services.............. 248,800
- For Operation of Auto Equipment.............. 227,200
- For Refunds..................................... 100,000
- For Expenses of Developing and Promoting Lottery Games.................. 137,455,300
- For Expenses of the Lottery Board............... 8,300

For payment of prizes to holders of winning lottery tickets or shares, including prizes related to Multi-State Lottery games, and payment of promotional or incentive prizes

New matter indicated by italics - deletions by strikeout
associated with the sale of lottery
tickets, pursuant to the provisions
of the "Illinois Lottery Law"............  1,000,000,000

Total                                      $1,168,105,300

Section 5. The sum of $486,800, or so much thereof as may be
necessary, is appropriated from the State Lottery Fund to the Department
of the Lottery for costs and expenses related to or in support of a
Government Services shared services center.

ARTICLE 99

Section 5. The following named sums, or so much thereof as may
be necessary, respectively, for the objects and purposes hereinafter named,
are appropriated to meet the ordinary and contingent expenses of the
Department of Military Affairs:

FOR OPERATIONS

OFFICE OF THE ADJUTANT GENERAL
Payable from Federal Support Agreement Revolving Fund:
For Lincoln’s Challenge.........................  8,600,000
For Lincoln’s Challenge Allowances............  1,200,000
Total                                      $9,800,000

Payable from Federal Support Agreement
Revolving Fund:
Army/Air Reimbursable Positions...............  14,610,700

Section 10. The sum of $13,000,000, or so much thereof as may be
necessary, is appropriated from the Federal Support Agreement Revolving
Fund to the Department of Military Affairs Facilities Division for
expenses related to Army National Guard Facilities operations and
maintenance as provided for in the Cooperative Funding Agreements,
including costs in prior years.

Section 20. The sum of $1,000,000, or so much thereof as may be
necessary, is appropriated from the Military Affairs Trust Fund to the
Department of Military Affairs Office of the Adjutant General Division to
support youth and other programs, provided such amounts shall not exceed
funds to be made available from public or private sources.

Section 25. The sum of $5,000,000, or so much thereof as may be
necessary, is appropriated from the Illinois Military Family Relief Fund to
the Department of Military Affairs Office of the Adjutant General
Division for the issuance of grants to persons or families of persons who
are members of the Illinois National Guard or Illinois residents who are
members of the armed forces of the United States and who have been

New matter indicated by italics - deletions by strikeout
called to active duty as a result of the September 11, 2001 terrorist attacks, including costs in prior years.

Section 40. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the U.S.S. Illinois Commissioning Fund to the Department of Military Affairs to make grants to the U.S.S. Illinois Commissioning Committee.

**ARTICLE 100**

Section 1. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Department of Healthcare and Family Services for the purposes hereinafter named:

**PROGRAM ADMINISTRATION**

Payable from Public Aid Recoveries Trust Fund:

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>266,300</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>118,700</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>20,400</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>105,900</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>5,294,400</td>
</tr>
<tr>
<td>For Commodities</td>
<td>210,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>341,300</td>
</tr>
<tr>
<td>For Equipment</td>
<td>153,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>1,050,000</td>
</tr>
<tr>
<td>For Costs Associated with Information</td>
<td></td>
</tr>
<tr>
<td>Technology Infrastructure</td>
<td>47,447,000</td>
</tr>
<tr>
<td>Total</td>
<td>$55,007,000</td>
</tr>
</tbody>
</table>

**OFFICE OF INSPECTOR GENERAL**

Payable from Public Aid Recoveries Trust Fund:

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>8,574,600</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>3,821,500</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>656,000</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>2,441,200</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>4,018,500</td>
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<tr>
<td>For Travel</td>
<td>78,800</td>
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<tr>
<td>For Commodities</td>
<td>0</td>
</tr>
<tr>
<td>For Printing</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>178,500</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Telecommunications Services</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>$19,769,100</td>
</tr>
<tr>
<td>Payable from Long-Term Care Provider Fund:</td>
<td></td>
</tr>
<tr>
<td>For Administrative Expenses</td>
<td>229,000</td>
</tr>
</tbody>
</table>

CHILD SUPPORT SERVICES

Payable from Child Support Administrative Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>58,695,400</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>17,600</td>
</tr>
<tr>
<td>For State Contributions to Employees' Retirement System</td>
<td>26,159,400</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>4,490,200</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>21,624,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>56,000,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>233,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>292,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>180,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>1,500,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>1,900,000</td>
</tr>
<tr>
<td>For Child Support Enforcement Demonstration Projects</td>
<td>500,000</td>
</tr>
<tr>
<td>For Administrative Costs Related to Enhanced Collection Efforts including Paternity Adjudication Demonstration</td>
<td>7,000,000</td>
</tr>
<tr>
<td>For Costs Related to the State Disbursement Unit</td>
<td>11,850,000</td>
</tr>
<tr>
<td>Total</td>
<td>$190,441,600</td>
</tr>
</tbody>
</table>

PUBLIC AID RECOVERIES

Payable from Public Aid Recoveries Trust Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>8,241,500</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>3,673,100</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>630,500</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>2,318,000</td>
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<tr>
<td>For Contractual Services</td>
<td>13,650,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>67,200</td>
</tr>
<tr>
<td>For Commodities</td>
<td>12,600</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For Printing................................. 6,300
For Equipment............................... 168,000
For Telecommunications Services............ 105,000
Total $28,872,200

Payable from Provider Inquiry Trust Fund:
For Expenses Associated with Providing Access and Utilization of Department Eligibility Files............. 2,500,000

Payable from Public Aid Recoveries Trust Fund:
For Personal Services........................... 6,167,900
For State Contributions to State Employees’ Retirement System............................ 2,748,900
For State Contributions to Social Security........................................ 471,800
For Group Insurance............................................ 1,541,000
For Contractual Services.......................... 42,000,000
For Commodities.............................................. 5,300
For Printing............................................. 3,500
For Equipment........................................... 374,400
For Telecommunications Services.................. 0
For Costs Associated with the Development, Implementation and Operation of a Data Warehouse.............. 6,259,100
Total $59,571,900

Payable from Healthcare Provider Relief Fund:
For Operational Expenses........................... 53,361,800
For payments to the MCHC Chicago Hospital Council for the Illinois Poison Control Center................... 3,000,000

Section 5. In addition to any amounts heretofore appropriated, the following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Healthcare and Family Services for Medical Assistance under the Illinois Public Aid Code, the Children's Health Insurance Program Act, the Covering ALL KIDS Health Insurance Act, and the Long Term Acute Care Hospital Quality Improvement Transfer Program Act for prescribed drugs, including related administrative and operation costs, and costs related to the operation of the Health Benefits for Workers with Disabilities Program:

New matter indicated by italics - deletions by strikeout
Drug Rebate Fund.......................... 700,000,000
Medicaid Buy-In Program Revolving Fund......... 600,000
Total $700,600,000

Section 15. In addition to any amount heretofore appropriated, the
amount of $70,000,000, or so much thereof as may be necessary, is
appropriated to the Department of Healthcare and Family Services from
the Medical Interagency Program Fund for i) Medical Assistance payments
on behalf of individuals eligible for Medical Assistance programs
administered by the Department of Healthcare and Family Services, and ii)
pursuant to an interagency agreement, medical services and other costs
associated with programs administered by another agency of state
government, including operating and administrative costs.

Section 25. In addition to any amounts heretofore appropriated, the
following named amounts, or so much thereof as may be necessary,
respectively, are appropriated to the Department of Healthcare and Family
Services for Medical Assistance and Administrative Expenditures:

FOR MEDICAL ASSISTANCE UNDER THE ILLINOIS PUBLIC AID
CODE, THE CHILDREN’S HEALTH INSURANCE PROGRAM ACT,
THE COVERING ALL KIDS HEALTH INSURANCE ACT AND THE
LONG TERM ACUTE CARE HOSPITAL QUALITY IMPROVEMENT
TRANSFER PROGRAM ACT

Payable from Care Provider Fund for Persons
with a Developmental Disability:
For Administrative Expenditures................. 191,500

Payable from Long-Term Care Provider Fund:
For Skilled, Intermediate, and Other Related
Long-Term Care Services......................... 550,000,000
For Administrative Expenditures................. 1,064,900
Total $551,064,900

Payable from Hospital Provider Fund:
For Hospitals, Capitated Managed Care
Organizations as described in subsections
(s) and (t) of Section 5A-12.2 of the
Illinois Public Aid Code, and Related
Operating and Administrative Costs......... 3,000,000,000

Payable from Tobacco Settlement Recovery Fund:
For Medical Assistance Providers.......... 200,600,000

Payable from Healthcare Provider Relief Fund:
For Medical Assistance Providers

New matter indicated by italics - deletions by strikeout
and Related Operating and
Administrative Costs....................... 6,150,000,000
Payable from Supportive Living Facility Fund:
For Supportive Living Facilities
and Related Operating and
Administrative Costs......................... 15,000,000

Section 30. In addition to any amounts heretofore appropriated, the
following named amounts, or so much thereof as may be necessary,
respectively, are appropriated to the Department of Healthcare and Family
Services for Medical Assistance and Administrative Expenditures:
FOR MEDICAL ASSISTANCE UNDER THE ILLINOIS PUBLIC AID
CODE, THE CHILDREN'S HEALTH INSURANCE PROGRAM ACT,
AND THE COVERING ALL KIDS HEALTH INSURANCE ACT
Payable from County Provider Trust Fund:
For Medical Services......................... 2,500,000,000
For Administrative Expenditures Including
Pass-through of Federal Matching Funds....... 25,000,000
Total $2,525,000,000

Section 35. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Healthcare and Family Services for refunds of overpayments of
assessments or inter-governmental transfers made by providers during the
period from July 1, 1991 through June 30, 2016:
Payable from:
Care Provider Fund for Persons
with a Developmental Disability............. 1,000,000
Long-Term Care Provider Fund............... 2,750,000
Hospital Provider Fund...................... 5,000,000
County Provider Trust Fund............... 1,000,000
Total $9,750,000

Section 40. The amount of $15,000,000, or so much thereof as may
be necessary, is appropriated to the Department of Healthcare and Family
Services from the Trauma Center Fund for adjustment payments to certain
Level I and Level II trauma centers.

Section 45. The amount of $375,000,000, or so much thereof as
may be necessary, is appropriated to the Department of Healthcare and
Family Services from the University of Illinois Hospital Services Fund to
reimburse the University of Illinois Hospital for medical services.

New matter indicated by italics - deletions by strikeout
Section 50. The amount of $1,500,000, or so much thereof as may be necessary, is appropriated to the Department of Healthcare and Family Services from the Juvenile Rehabilitation Services Medicaid Matching Fund for payments to the Department of Juvenile Justice and counties for court-ordered juvenile behavioral health services under the Illinois Public Aid Code and the Children's Health Insurance Program Act.

Section 55. The amount of $10,000,000, or so much thereof as may be necessary, is appropriated to the Department of Healthcare and Family Services from the Medical Special Purposes Trust Fund for medical demonstration projects and costs associated with the implementation of federal Health Insurance Portability and Accountability Act mandates.

Section 60. The amount of $60,000,000, or so much thereof as may be necessary, is appropriated to the Department of Healthcare and Family Services from the Medical Special Purposes Trust Fund for costs associated with the development, implementation and operation of an eligibility verification and enrollment system as required by Public Act 96-1501 and the federal Patient Protection and Affordable Care Act, including grant expenditures, operating and administrative costs and related distributive purposes.

Section 65. The amount of $200,000,000, or so much thereof as may be necessary, is appropriated to the Department of Healthcare and Family Services from the Special Education Medicaid Matching Fund for payments to local education agencies for medical services and other costs eligible for federal reimbursement under Title XIX or Title XXI of the federal Social Security Act.

Section 70. In addition to any amounts heretofore appropriated, the amount of $11,000,000, or so much thereof as may be necessary, is appropriated to the Department of Healthcare and Family Services from the Money Follows the Person Budget Transfer Fund for costs associated with long-term care, including related operating and administrative costs. Such costs shall include, but not necessarily be limited to, those related to long-term care rebalancing efforts, institutional long-term care services, and, pursuant to an interagency agreement, community-based services administered by another agency of state government.

Section 75. The sum of $100,000,000, or so much thereof as may be necessary, is appropriated to the Department of Healthcare and Family Services from the Electronic Health Record Incentive Fund for the purpose of payments to qualifying health care providers to encourage the adoption

New matter indicated by italics - deletions by strikeout
and use of certified electronic health records technology pursuant to paragraph 1903 (t)(1) of the Social Security Act.

**ARTICLE 101**

Section 5. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named for the Fiscal Year ending June 30, 2017:

**DIRECTOR'S OFFICE**

<table>
<thead>
<tr>
<th>Payable from the Public Health Services Fund:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>For Expenses Associated with the Implementation of the Illinois Health Insurance Marketplace and Related Activities.</td>
<td>30,000,000</td>
</tr>
<tr>
<td>For Expenses Associated with Support of Federally Funded Public Health Programs</td>
<td>300,000</td>
</tr>
<tr>
<td>For Operational Expenses to Support Refugee Health Care</td>
<td>514,000</td>
</tr>
<tr>
<td>For Grants for the Development of Refugee Health Care</td>
<td>1,950,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$32,764,000</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Payable from the Public Health Special State Projects Fund:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>For Expenses of Public Health Programs</td>
<td>750,000</td>
</tr>
</tbody>
</table>

Section 10. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

**OFFICE OF FINANCE AND ADMINISTRATION**

<table>
<thead>
<tr>
<th>Payable from the Public Health Services Fund:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>271,700</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>123,900</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>21,100</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>80,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>485,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>20,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>6,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>21,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>80,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>250,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For Operational Expenses of Maintaining the Vital Records System....................... 400,000
Total $1,758,700

Payable from the Lead Poisoning Screening, Prevention, and Abatement Fund:
For Operational Expenses for Maintaining Billings and Receivables for Lead Testing....................... 110,000

Payable from Death Certificate Surcharge Fund:
For Expenses of Statewide Database of Death Certificates and Distributions of Funds to Governmental Units, Pursuant to Public Act 91-0382....................... 2,500,000
For Expenses of the Coroner Training Board Pursuant to Public Act 99-0408............ 450,000
Total $2,950,000

Payable from the Illinois Adoption Registry and Medical Information Exchange Fund:
For Expenses Associated with the Adoption Registry and Medical Information Exchange....................... 400,000

Payable from the Public Health Special State Projects Fund:
For Operational Expenses of Regional and Central Office Facilities....................... 750,000

Payable from the Metabolic Screening and Treatment Fund:
For Operational Expenses for Maintaining Laboratory Billings and Receivables............ 80,000

Section 15. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health as follows:

REFUNDS
Payable from the Public Health Services Fund...... 75,000
Payable from the Maternal and Child Health Services Block Grant Fund........ 5,000
Payable from the Preventive Health and Health Services Block Grant Fund........ 5,000

New matter indicated by italics - deletions by strikeout
Section 20. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

**DIVISION OF INFORMATION TECHNOLOGY**

Payable from the Public Health Services Fund:
- For Expenses Associated with Support of Federally Funded Public Health Programs............... 1,450,000

Payable from the Public Health Special State Projects Fund:
- For Expenses of EPSDT and Other Public Health Programs......................... 200,000

Section 25. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

**OFFICE OF POLICY, PLANNING AND STATISTICS**

Payable from the Rural/Downstate Health Access Fund:
- For Expenses Related to the J1 Waiver Applications.................................. 100,000

Payable from the Public Health Services Fund:
- For Expenses Related to Epidemiological Health Outcomes Investigations and Database Development.................. 12,110,000
- For Expenses for Rural Health Center to Expand the Availability of Primary Health Care.................................. 2,000,000
- For Operational Expenses to Develop a Health Care Provider Recruitment and Retention Program....................... 300,000
- For Grants to Develop a Health Care Provider Recruitment and Retention Program.............................. 450,000
- For Grants to Develop a Health Professional Educational Loan Repayment Program.................. 1,364,600

Total........................................... $16,224,600

Payable from the Hospital Licensure Fund:
- For Expenses Associated with the Illinois Adverse Health

New matter indicated by italics - deletions by strikeout
Care Events Reporting Law for an Adverse Health Care Event Reporting System.... 1,500,000
Payable from Community Health Center Care Fund:
For Expenses for Access to Primary Health Care Services Program per Family Practice Residency Act................................. 500,000
Payable from Illinois Health Facilities Planning Fund:
For Expenses of the Health Facilities and Services Review Board.................... 1,200,000
For Department Expenses in Support of the Health Facilities and Services Review Board.............................. 2,500,000
Total $3,700,000
Payable from Nursing Dedicated and Professional Fund:
For Expenses of the Nursing Education Scholarship Law.............................. 2,000,000
Payable from the Long-Term Care Provider Fund:
For Expenses of Identified Offenders Assessment and Other Public Health and Safety Activities............................. 2,000,000
Payable from the Regulatory Evaluation and Basic Enforcement Fund:
For Expenses of the Alternative Health Care Delivery Systems Program.............. 75,000
Payable from the Public Health Federal Projects Fund:
For Expenses of Health Outcomes, Research, Policy and Surveillance.............. 612,000
Payable from the Preventive Health and Health Services Block Grant Fund:
For Expenses of Preventive Health and Health Services Needs Assessment........... 1,600,000
Payable from Public Health Special State Projects Fund:
For Expenses Associated with Health Outcomes Investigations and Other Public Health Programs........... 2,500,000
Payable from Illinois State Podiatric Disciplinary Fund:
For Expenses of the Podiatric Scholarship and Residency Act............................ 100,000

New matter indicated by italics - deletions by strikeout
Payable from the Tobacco Settlement Recovery Fund:
For Grants for the Community Health Center Expansion Program and Healthcare Workforce Providers in Health Professional Shortage Areas (HPSAs) in Illinois................................... 1,364,600

Section 30. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF HEALTH PROMOTION

Payable from the Public Health Services Fund:
For Personal Services........................................ 1,427,300
For State Contributions to State Employees' Retirement System......................... 650,900
For State Contributions to Social Security ....... 109,200
For Group Insurance........................................... 381,000
For Contractual Services................................. 650,000
For Travel....................................................... 160,000
For Commodities.............................. 13,000
For Printing..................................................... 44,000
For Equipment............................................ 50,000
For Telecommunications Services............... 65,000
Total $3,550,400

Payable from the Public Health Services Fund:
For Grants for Public Health Programs, Including Operational Expenses.............. 9,530,000

Payable from the Compassionate Use of Medical Cannabis Fund:
For Expenditures to Implement the Medical Cannabis Program............................. 5,000,000

Payable from the Alzheimer’s Disease Research Fund:
For Grants for Pursuant to the Alzheimer’s Disease Research Act....................... 350,000

Payable from the Maternal and Child Health Services Block Grant Fund:
For Operational Expenses of Maternal and Child Health Programs.................... 500,000

Payable from the Preventive Health and Health Services Block Grant Fund:
For Expenses of Preventive Health and

New matter indicated by italics - deletions by strikeout
Health Services Programs.......................... 1,226,800
Payable from the Public Health Special
State Projects Fund:
   For Expenses for Public Health Programs...... 1,500,000
Payable from the Metabolic Screening
and Treatment Fund:
   For Operational Expenses for Metabolic
   Screening Follow-up Services............... 3,297,000
Payable from the Hearing Instrument
Dispenser Examining and Disciplinary Fund:
   For Expenses Pursuant to the Hearing
   Aid Consumer Protection Act............... 100,000
Payable from the Childhood Cancer Research Fund:
   For Grants for Childhood Cancer Research..... 75,000
Payable from the Diabetes Research Checkoff Fund:
   For Grants for Diabetes Research.......... 250,000
Payable from the DHS Private Resources Fund:
   For Expenses of Diabetes Research Treatment
   and Programs............................... 700,000
Payable from the Tobacco Settlement Recovery Fund:
   For Certified Local Health Department
   Grants for Anti-Smoking Programs............ 5,000,000
   For Grants and Administrative Expenses for
   the Tobacco Use Prevention Program,
   BASUAH Program, and Asthma Prevention...... 1,000,000
   Total $6,000,000
Payable from the Maternal and Child Health
Services Block Grant Fund:
   For Grants for Maternal and Child Health
   Programs................................. 495,000
Payable from the Preventive Health and Health
Services Block Grant Fund:
   For Grants for Prevention Initiative Programs
   Including Operational Expenses............... 1,000,000
Payable from the Metabolic Screening and
Treatment Fund:
   For Grants for Metabolic Screening
   Follow-up Services.......................... 3,250,000
   For Grants for Free Distribution of Medical

New matter indicated by italics - deletions by strikeout
Preparations and Food Supplies................. 2,875,000
Total............................................. $6,125,000

Payable from the Autoimmune Disease Research Fund:
  For Grants for Autoimmune Disease
    Research and Treatment.............................. 50,000

Payable from the Prostate Cancer Research Fund:
  For Grants to Public and Private Entities
    in Illinois for Prostate
    Cancer Research.................................. 30,000

Payable from the Multiple Sclerosis Research Fund:
  For Grants to Conduct Multiple
    Sclerosis Research................................. 3,000,000

Section 35. In addition to any amounts previously appropriated, the
sum of $3,100,000, or so much thereof as may be necessary, is
appropriated from the Tobacco Settlement Recovery Fund to the American
Lung Association for operations of the Quitline.

Section 45. The sum of $400,000, or so much thereof as may be
necessary, is appropriated from the Healthy Smiles Fund to the
Department of Public Health for expenses of the Healthy Smiles Program.

Section 50. The sum of $30,000, or so much thereof as may be
necessary, is appropriated from the Epilepsy Treatment and Education
Grants-in-Aid Fund to the Department of Public Health for Expenses of
the Education and Treatment of Epilepsy.

Section 55. The following named amounts, or so much thereof as
may be necessary, are appropriated to the Department of Public Health for
the objects and purposes hereinafter named:

OFFICE OF HEALTH CARE REGULATION

Payable from the Public Health Services Fund:
  For Personal Services............................ 9,420,500
  For State Contributions to State Employees'
    Retirement System................................. 4,295,600
  For State Contributions to Social Security ...... 721,700
  For Group Insurance.............................. 2,500,900
  For Contractual Services......................... 1,000,000
  For Travel......................................... 1,100,000
  For Commodities.................................... 8,200
  For Printing....................................... 10,000
  For Equipment.................................... 440,000
  For Telecommunications.......................... 48,500

New matter indicated by italics - deletions by strikeout
For Expenses of Monitoring in Long-Term Care Facilities

Total

$2,000,000

$21,545,400

Payable from the Long-Term Care Monitor/Receiver Fund:
For Expenses, Including Refunds, Related to Appointment of Long-Term Care Monitors and Receivers

28,000,000

Payable from the Home Care Services Agency Licensure Fund:
For expenses of Home Care Services Agency Licensure

1,400,000

Payable from the Regulatory Evaluation and Basic Enforcement Fund:
For Expenses of the Alternative Health Care Delivery Systems Program

75,000

Payable from the Health Facility Plan Review Fund:
For Expenses of Health Facility Plan Review Program and Hospital Network System, Including Refunds

2,227,000

Payable from the Hospice Fund:
For Grants for Hospice Services as Defined in the Hospice Program Licensing Act

30,000

Payable from Assisted Living and Shared Housing Regulatory Fund:
For operational expenses of the Assisted Living and Shared Housing Program, pursuant to Public Act 91-0656

801,000

Payable from the Public Health Special State Projects Fund:
For Health Care Facility Regulation

900,000

Payable from Equity in Long-Term Care Quality Fund:
For Grants to Assist Residents of Facilities Licensed Under the Nursing Home Care Act

3,500,000

New matter indicated by italics - deletions by strikeout
Payable from the Hospital Licensure Fund:
For Expenses Associated with Hospital Inspections.............................. 750,000

Section 60. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF HEALTH PROTECTION

Payable from the Public Health Services Fund:
For Personal Services.......................... 5,945,700
For State Contributions to State Employees' Retirement System.............. 2,711,200
For State Contributions to Social Security....... 441,000
For Group Insurance................................ 1,250,000
For Contractual Services....................... 3,182,800
For Travel....................................... 345,700
For Commodities.................................. 405,000
For Printing...................................... 70,800
For Equipment.................................... 365,000
For Telecommunications Services.................. 286,800
For Operation of Auto Equipment................... 40,000
For Expenses of Implementing Federal Awards, Including Services Performed by Local Health Providers.............................. 5,795,000
Total $20,839,000

Payable from the Food and Drug Safety Fund:
For Expenses of Administering the Food and Drug Safety Program, Including Refunds.......................... 2,000,000

Payable from the Safe Bottled Water Fund:
For Expenses for the Safe Bottled Water Program........................................ 100,000

Payable from the Facility Licensing Fund:
For Expenses, including Refunds, of Environmental Health Programs............... 3,000,000

Payable from the Illinois School Asbestos Abatement Fund:
For Expenses, Including Refunds, of Administering and Executing the Asbestos Abatement Act and

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Fund</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency Public Health Fund</td>
<td>Payable from the Emergency Public Health Fund:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Payable from the Public Health Water Permit Fund:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Payable from the Used Tire Management Fund:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Payable from the Lead Poisoning Screening, Prevention, and Abatement Fund:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Payable from the Tanning Facility Permit Fund:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Payable from the Plumbing Licensure and Program Fund:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Payable from the Pesticide Control Fund:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Payable from the Pet Population Control Fund:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>the Federal Asbestos Hazard Emergency Response Act of 1986 (AHERA).</td>
<td>1,200,000</td>
</tr>
<tr>
<td></td>
<td>For Expenses of Mosquito Abatement in an Effort to Curb the Spread of West</td>
<td>5,100,000</td>
</tr>
<tr>
<td></td>
<td>Nile Virus and other Vector Borne Diseases.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>For Expenses, Including Refunds, of Administering the Groundwater Protection Act</td>
<td>200,000</td>
</tr>
<tr>
<td></td>
<td>For Expenses of Vector Control Programs, Including Mosquito Abatement.</td>
<td>500,000</td>
</tr>
<tr>
<td></td>
<td>For Expenses of Administering of Tattoo and Body Piercing Establishment Registration Program</td>
<td>300,000</td>
</tr>
<tr>
<td></td>
<td>For Expenses of the Lead Poisoning Screening, and Prevention Program, Including Refunds</td>
<td>2,897,100</td>
</tr>
<tr>
<td></td>
<td>For Expenses to Administer the Tanning Facility Permit Act, Including Refunds</td>
<td>400,000</td>
</tr>
<tr>
<td></td>
<td>For Expenses to Administer and Enforce the Illinois Plumbing License Law,</td>
<td>2,450,000</td>
</tr>
<tr>
<td></td>
<td>For Public Education, Research, and Enforcement of the Structural Pest Control Act</td>
<td>420,000</td>
</tr>
<tr>
<td></td>
<td>For Expenses Associated with the Illinois Public Health and Safety Animal Population Control Act</td>
<td>250,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Payable from the Public Health Special State Projects Fund:
For Expenses of Conducting EPSDT and Other Health Protection Programs........ 14,200,000

Payable from the Lead Poisoning Screening, Prevention, and Abatement Fund:
For Grants for the Lead Poisoning Screening and Prevention Program............... 1,500,000

Payable from the Private Sewage Disposal Program Fund:
For Expenses of Administering the Private Sewage Disposal Program................. 250,000

Section 65. The sum of $4,000,000, is appropriated from the Public Health Services Fund to the Department of Public Health for immunizations, chronic disease and other public health programs in accordance with applicable laws and regulations for the State portion of federal funds made available by the American Recovery and Reinvestment Act of 2009.

Section 70. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for expenses of programs related to Acquired Immunodeficiency Syndrome (AIDS) and Human Immunodeficiency Virus (HIV):

OFFICE OF HEALTH PROTECTION: AIDS/HIV

Payable from the Public Health Services Fund:
For Expenses of Programs for Prevention of AIDS/HIV................................. 6,250,000
For Expenses for Surveillance Programs and Seroprevalence Studies of AIDS/HIV........... 1,750,000
For Expenses Associated with the Ryan White Comprehensive AIDS Resource Emergency Act of 1990 (CARE) and other AIDS/HIV services...... 55,000,000
Total $63,000,000

Payable from the African-American HIV/AIDS Response Fund:
For Grants and Other Expenses for the Prevention and Treatment of HIV/AIDS and the Creation of an HIV/AIDS Service Delivery System to Reduce the

New matter indicated by italics - deletions by strikeout
Disparity of HIV Infection and AIDS Cases
Between African-Americans and Other
Population Groups........................................ 500,000

Payable from the Quality of Life Endowment Fund:
For Grants and Expenses Associated
with HIV/AIDS Prevention and Education........ 2,000,000

Section 75. The following named amounts, or so much thereof as
may be necessary, are appropriated to the Department of Public Health for
the objects and purposes hereinafter named:

PUBLIC HEALTH LABORATORIES

Payable from the Public Health Services Fund:
For Personal Services.............................. 1,635,800
For State Contributions to State
Employees' Retirement System....................... 745,900
For State Contributions to Social Security...... 125,200
For Group Insurance............................... 315,700
For Contractual Services......................... 535,000
For Travel............................................ 27,000
For Commodities................................. 1,624,900
For Printing....................................... 10,000
For Equipment.................................... 500,000
For Telecommunications Services.............. 9,500
Total $5,529,000

Payable from the Public Health Laboratory
Services Revolving Fund:
For Expenses, Including
Refunds, to Administer Public
Health Laboratory Programs and
Services............................................ 5,000,000

Payable from the Lead Poisoning
Screening, Prevention, and Abatement Fund:
For Expenses, Including
Refunds, of Lead Poisoning Screening,
Prevention and Abatement Program............ 1,398,100

Payable from the Public Health Special State
Projects Fund:
For Operational Expenses of Regional and
Central Office Facilities......................... 2,200,000

Payable from the Metabolic Screening

New matter indicated by italics - deletions by strikeout
and Treatment Fund:
For Expenses, Including
  Refunds, of Testing and Screening
for Metabolic Diseases...............     9,983,800

Section 80. The following named amounts, or as much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF WOMEN'S HEALTH

Payable from the Public Health Services Fund:
For Personal Services....................     710,100
For State Contributions to State
  Employees' Retirement System.............     323,800
For State Contributions to
  Social Security.........................     54,400
For Group Insurance.......................     250,000
For Contractual Services...................     500,000
For Travel..................................     50,000
For Commodities.........................     53,200
For Printing...............................     34,500
For Equipment.............................     50,000
For Telecommunications Services...........     10,000
For Expenses of Federally Funded Women's
  Health Program.........................     3,000,000
  Total                                $5,036,000

Payable from the Public Health Special
State Projects Fund:
For Expenses of Women's Health Programs.....     200,000

Payable from the Penny Severns Breast, Cervical,
and Ovarian Cancer Research Fund:
For Grants for Breast and Cervical
  Cancer Research..........................     600,000

Payable from the Public Health Services Fund:
For Grants for Breast and Cervical
  Cancer Screenings in Fiscal Year 2017
  and All Prior Fiscal Years...............     6,000,000

Payable from the Carolyn Adams Ticket
For The Cure Grant Fund:
For Grants and Related Expenses to
  Public or Private Entities in Illinois

New matter indicated by italics - deletions by strikeout
for the Purpose of Funding Research Concerning Breast Cancer and for Funding Services for Breast Cancer Victims........................................ 2,500,000
Payable from the Public Health Services Fund:
For Expenses associated with Maternal and Child Health Programs........................................ 15,000,000
Payable from Tobacco Settlement Recovery Fund:
For Costs Associated with Children’s Health Programs ........................................ 1,229,700
Payable from the Maternal and Child Health Services Block Grant Fund:
For Expenses Associated with Maternal and Child Health Programs ........................................ 6,250,000
For Grants to the Chicago Department of Health for Maternal and Child Health Services........................................ 5,000,000
For Grants to the Board of Trustees of the University of Illinois, Division of Specialized Care for Children ........................................ 7,000,000
For Grants for the Extension and Provision of Perinatal Services for Premature and High-risk Infants and their Mothers........................................ 2,500,000
Total ................................................................. $20,750,000
Section 95. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF PREPAREDNESS AND RESPONSE
Payable from the Public Health Services Fund:
For Expenses Associated with Community, Service and Volunteer activities, Including Prior Year Costs........................................ $15,000,000
Payable from the Heartsaver AED Fund:
For Expenses Associated with the Heartsaver AED Program........................................ 50,000
Payable from the Trauma Center Fund:
For Expenses of Administering the Distribution of Payments to Trauma Centers........................................ 7,000,000

New matter indicated by italics - deletions by strikeout
For Expenses of Federally Funded
Bioterrorism Preparedness
Activities and Other Public Health
Emergency Preparedness
Payable from the Stroke Data Collection Fund:
For Expenses Associated with
Stroke Data Collection
Payable from the EMS Assistance Fund:
For Expenses of Administering the
Distribution of Payments from the
EMS Assistance Fund, Including Refunds
Payable from the Spinal Cord Injury Paralysis
Cure Research Trust Fund:
For Grants for Spinal Cord Injury Research
Payable from the Public Health Special
Projects Fund:
For All Costs Associated with Public
Health Preparedness Including First-Aid Stations and Anti-viral Purchases

ARTICLE 102

Section 5. The following named sums, or so much thereof as may
be necessary, respectively, for the objects and purposes hereinafter named,
are appropriated to meet the ordinary and contingent expenses of the
Department of Revenue:

GOVERNMENT SERVICES
PAYABLE FROM THE PERSONAL PROPERTY TAX
REPLACEMENT FUND:

For a portion of the state’s share of state’s
attorneys’ and assistant state’s
attorneys’ salaries, including
prior year costs
For a portion of the state’s share of county
public defenders’ salaries pursuant
to 55 ILCS 5/3-4007
For the State’s share of county
supervisors of assessments or
county assessors’ salaries, as
provided by law
For additional compensation for local

New matter indicated by italics - deletions by strikeout
assessors, as provided by Sections 2.3 and 2.6 of the “Revenue Act of 1939”, as amended......................................... 350,000
For additional compensation for local assessors, as provided by Section 2.7 of the “Revenue Act of 1939”, as amended......................................... 660,000
For additional compensation for county treasurers, pursuant to Public Act 84-1432, as amended................................. 663,000
For the annual stipend for sheriffs as provided in subsection (d) of Section 4-6300 and Section 4-8002 of the counties code........................................... 663,000
For the annual stipend to county coroners pursuant to 55 ILCS 5/4-6002 including prior year costs............................. 663,000
For additional compensation for county auditors, pursuant to Public Act 95-0782, including prior year costs.............................. 123,500
Total $27,497,500

PAYABLE FROM MOTOR FUEL TAX FUND
For Reimbursement to International Fuel Tax Agreement Member States............. 10,000,000
For Refunds..................................... 22,000,000
Total $32,000,000

PAYABLE FROM UNDERGROUND STORAGE TANK FUND
For Refunds as provided for in Section 13a.8 of the Motor Fuel Tax Act.............. 12,000

PAYABLE FROM STATE AND LOCAL SALES TAX REFORM FUND
For allocation to Chicago for additional 1.25% Use Tax pursuant to P.A. 86-0928....... 92,000,000

PAYABLE FROM THE MUNICIPAL TELECOMMUNICATIONS FUND
For refunds associated with the Simplified Municipal Telecommunications Act...... 12,000

PAYABLE FROM LOCAL GOVERNMENT DISTRIBUTIVE FUND
For allocation to local governments

New matter indicated by italics - deletions by strikeout
for additional 1.25% Use Tax pursuant to P.A. 86-0928.............. 281,000,000

PAYABLE FROM LOCAL GOVERNMENT VIDEO GAMING DISTRIBUTIVE FUND
For allocation to local governments of the net terminal income tax per the Video Gaming Act.................. 60,000,000
PAYABLE FROM REGIONAL TRANSPORTATION AUTHORITY OCCUPATION AND USE TAX REPLACEMENT FUND
For allocation to RTA for 10% of the 1.25% Use Tax pursuant to P.A. 86-0928...... 46,000,000
PAYABLE FROM SENIOR CITIZENS’ REAL ESTATE DEFERRED TAX REVOLVING FUND
For payments to counties as required by the Senior Citizens Real Estate Tax Deferral Act, including prior year cost.......................... 6,500,000
PAYABLE FROM RENTAL HOUSING SUPPORT PROGRAM FUND
For administration of the Rental Housing Support Program..................... 2,600,000
For rental assistance to the Rental Housing Support Program, administered by the Illinois Housing Development Authority.............................. 42,000,000
Total $44,600,000
PAYABLE FROM ILLINOIS AFFORDABLE HOUSING TRUST FUND
For administration of the Illinois Affordable Housing Act.......................... 4,100,000
PAYABLE FROM ILLINOIS GAMING LAW ENFORCEMENT FUND
For a Grant for Allocation to Local Law Enforcement Agencies for joint state and local efforts in Administration of the Charitable Games, Pull Tabs and Jar Games Act.......................... 900,000

Section 10. The sum of $2,800,000, or so much thereof as may be necessary, is appropriated from the State and Local Sales Tax Reform Fund to the Department of Revenue for the purpose stated in Section 6z-17 of the State Finance Act and Section 2-2.04 of the Downstate Public Transportation Act for a grant to Madison County.

New matter indicated by italics - deletions by strikeout
Section 15. The sum of $53,000,000, or so much thereof as may be necessary, is appropriated from the Illinois Affordable Housing Trust Fund to the Department of Revenue for grants (down payment assistance, rental subsidies, security deposit subsidies, technical assistance, outreach, building an organization's capacity to develop affordable housing projects and other related purposes), mortgages, loans, or for the purpose of securing bonds pursuant to the Illinois Affordable Housing Act, administered by the Illinois Housing Development Authority.

Section 25. The sum of $3,000,000, or so much thereof as may be necessary, is appropriated from the Illinois Affordable Housing Trust Fund to the Department of Revenue for grants to other state agencies for rental assistance, supportive living and adaptive housing.

Section 30. The sum of $25,000,000, or so much thereof as may be necessary, is appropriated from the Federal HOME Investment Trust Fund to the Department of Revenue for the Illinois HOME Partnerships Program administered by the Illinois Housing Development Authority.

Section 35. The sum of $4,500,000, or so much thereof as may be necessary, is appropriated from the Foreclosure Prevention Program Fund to the Department of Revenue for administration by the Illinois Housing Development Authority, for grants and administrative expenses pursuant to the Foreclosure Prevention Program.

Section 40. The sum of $6,000,000, or so much thereof as may be necessary, is appropriated from the Foreclosure Prevention Program Graduated Fund to the Department of Revenue for administration by the Illinois Housing Development Authority, for grants and administrative expenses pursuant to the Foreclosure Prevention Program.

Section 45. The sum of $15,000,000, or so much thereof as may be necessary, is appropriated from the Abandoned Residential Property Municipality Relief Fund to the Department of Revenue for administration by the Illinois Housing Development Authority, for grants and administrative expenses pursuant to the Abandoned Residential Property Municipality Relief Program.

Section 55. The sum of $48,000,000, or so much thereof as may be necessary, is appropriated from the Tax Compliance and Administration Fund to the Department of Revenue for operational expenses of the fiscal year ending June 30, 2017.

Section 60. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named,

New matter indicated by italics - deletions by strikeout
are appropriated to meet the ordinary and contingent expenses of the Department of Revenue:

**TAX ADMINISTRATION AND ENFORCEMENT**

**PAYABLE FROM MOTOR FUEL TAX FUND**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$17,757,100</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>$7,913,900</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>$1,358,200</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>$4,608,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>$2,160,500</td>
</tr>
<tr>
<td>For Travel</td>
<td>$779,700</td>
</tr>
<tr>
<td>For Commodities</td>
<td>$58,400</td>
</tr>
<tr>
<td>For Printing</td>
<td>$169,800</td>
</tr>
<tr>
<td>For Equipment</td>
<td>$45,000</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>$7,734,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>$767,000</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>$43,200</td>
</tr>
<tr>
<td>For Administrative Costs Associated With the Motor Fuel Tax Enforcement Grant from USDOT</td>
<td>$150,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$43,544,800</strong></td>
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**PAYABLE FROM UNDERGROUND STORAGE TANK FUND**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$851,200</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>$379,300</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>$65,100</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>$264,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>$30,200</td>
</tr>
<tr>
<td>For Commodities</td>
<td>$2,100</td>
</tr>
<tr>
<td>For Printing</td>
<td>$1,500</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>$239,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>$61,400</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,893,800</strong></td>
</tr>
</tbody>
</table>

**PAYABLE FROM ILLINOIS GAMING LAW ENFORCEMENT FUND**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$269,300</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>$120,000</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>$20,600</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>$96,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Telecommunications Services</td>
<td>2,000</td>
</tr>
<tr>
<td>Total</td>
<td>$507,900</td>
</tr>
</tbody>
</table>

**PAYABLE FROM TAX COMPLIANCE AND ADMINISTRATION FUND**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>5,561,700</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>2,478,700</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>425,300</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>2,472,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>300,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>437,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>9,900</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>2,273,100</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>33,000</td>
</tr>
<tr>
<td>For Administration of the Drycleaner</td>
<td></td>
</tr>
<tr>
<td>Environmental Response Trust Fund Act</td>
<td>137,100</td>
</tr>
<tr>
<td>For Administration of the Simplified</td>
<td></td>
</tr>
<tr>
<td>Telecommunications Act</td>
<td>2,604,900</td>
</tr>
<tr>
<td>For administrative costs associated</td>
<td></td>
</tr>
<tr>
<td>with the Municipality Sales Tax</td>
<td></td>
</tr>
<tr>
<td>as directed in Public Act 93-1053</td>
<td>177,600</td>
</tr>
<tr>
<td>For administration of the Cigarette</td>
<td></td>
</tr>
<tr>
<td>Retailer Enforcement Act</td>
<td>866,600</td>
</tr>
<tr>
<td>Total</td>
<td>$17,776,900</td>
</tr>
</tbody>
</table>

**PAYABLE FROM PERSONAL PROPERTY TAX REPLACEMENT FUND**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>12,760,600</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>5,687,200</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>976,200</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>3,864,000</td>
</tr>
<tr>
<td>For Contractual services</td>
<td>989,300</td>
</tr>
<tr>
<td>For Travel</td>
<td>243,900</td>
</tr>
<tr>
<td>For Commodities</td>
<td>52,500</td>
</tr>
<tr>
<td>For Printing</td>
<td>27,100</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>5,804,500</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>561,100</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>17,800</td>
</tr>
<tr>
<td>Total</td>
<td>$30,984,200</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
PAYABLE FROM ILLINOIS DEPARTMENT OF REVENUE
FEDERAL TRUST FUND
For Administrative Costs Associated
with the Illinois Department of
Revenue Federal Trust Fund................. 250,000

LIQUOR CONTROL COMMISSION
Section 65. The following named sums, or so much thereof as may
be necessary, respectively, for the objects and purposes hereinafter named,
are appropriated to the Department of Revenue:

PAYABLE FROM DRAM SHOP FUND
For Operational Expenses.................... 6,552,300
For Refunds........................................ 5,000
For expenses related to the
Retailer Education Program.................... 253,200
For the purpose of operating the
Tobacco Study program, including the
Tobacco Retailer Inspection Program
pursuant to the USFDA reimbursement grant..... 1,363,200
For grants to local governmental
units to establish enforcement
programs that will reduce youth
access to tobacco products...................... 1,000,000
For the purpose of operating the
Beverage Alcohol Sellers and
Servers Education and Training
(BASSET) Program................................. 287,600
For costs associated with the Parental
Responsibility Grant............................ 200,000
Total $9,660,400

SHARED SERVICES
Section 70. The following named sums, or so much thereof as may
be necessary, respectively, for the objects and purposes hereinafter named,
are appropriated to meet the ordinary and contingent expenses of the
Department of Revenue:

PAYABLE FROM MOTOR FUEL TAX FUND
For costs and expenses related to or in
support of a Government Services
shared services center......................... 1,109,600

PAYABLE FROM DRAM SHOP FUND

New matter indicated by italics - deletions by strikeout
For costs and expenses related
to or in support of a Government
Services shared services center................. 114,200
PAYABLE FROM TAX COMPLIANCE AND ADMINISTRATION
FUND

For costs and expenses related
to or in support of a Government
Services shared services center................. 381,400
Total........................................... 381,400

Total........................................................................ 3,815,800

Section 75. The sum of $250,000, or so much thereof as may be
necessary, is appropriated from the Tax Compliance and Administration
Fund to the Department of Revenue for Refunds associated with the

ARTICLE 103

Section 1. Purpose. This Act makes appropriations and
reappropriations for State fiscal year 2017. Article 104 contains
reappropriations of certain appropriations and reappropriations from State
fiscal year 2015 as provided in Public Act 98-0679, as may have been
reappropriated for State fiscal year 2016 by a Public Act of the 99th
General Assembly. To the extent that such a Public Act has not been
enacted, Article 105 contains appropriations of identical amounts and
purposes to those in Article 104 but as new appropriations rather than as
reappropriations. Section 99 of Article 999 sets forth an effective date that
causes Article 104 to become effective if, and only if, an applicable Public
Act of the 99th General Assembly should be enacted; should such not be
enacted, the Section causes Article 105 to become effective.

ARTICLE 104

Section 1. The sum of $10,000,000, or so much thereof as may be
necessary and remains unexpended at the close of business on June 30,
2016, from a reappropriation heretofore made for such purpose in a Public
Act of the 99th General Assembly which reappropriated Article 35,
Section 30 of Public Act 98-0679, is reappropriated from the Federal
HOME Investment Trust Fund to the Department of Revenue for the
Illinois HOME Partnerships Program administered by the Illinois Housing
Development Authority.

ARTICLE 105

Section 1. The sum of $10,000,000, or so much thereof as may be
necessary, is appropriated from the Federal HOME Investment Trust Fund

New matter indicated by italics - deletions by strikeout
to the Department of Revenue for the Illinois HOME Partnerships Program administered by the Illinois Housing Development Authority.

ARTICLE 106

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for the following purposes:

DIVISION OF ADMINISTRATION

Payable from the State Police Wireless Service Emergency Fund:
For costs associated with the administration and fulfillment of its responsibilities under the Wireless Emergency Telephone Safety Act .................................... 1,500,000

Payable from the State Police Vehicle Fund:
For purchase of vehicles and accessories .................. 0

Payable from the State Police Vehicle Maintenance Fund:
For Operation of Auto ................................. 700,000

Section 10. The sum of $4,000,000, or so much thereof as may be necessary, is appropriated from the State Asset Forfeiture Fund to the Department of State Police for payment of their expenditures as outlined in the Illinois Drug Asset Forfeiture Procedure Act, the Cannabis Control Act, the Controlled Substances Act, and the Environmental Safety Act.

Section 15. The sum of $2,500,000, or so much thereof as may be necessary, is appropriated from the Federal Asset Forfeiture Fund to the Department of State Police for payment of their expenditures in accordance with the Federal Equitable Sharing Guidelines.

Section 20. The sum of $2,000,000, or so much thereof as may be necessary, is appropriated to the Department of State Police, Division of Administration, from the Money Laundering Asset Recovery Fund for the ordinary and contingent expenses incurred by the Department of State Police.

Section 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for the following purposes:

INFORMATION SERVICES BUREAU

Payable from LEADS Maintenance Fund:
For Expenses Related to LEADS System ........... 3,000,000

New matter indicated by italics - deletions by strikeout
Section 30. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for the following purposes:

**DIVISION OF OPERATIONS**

Payable from the State Police Services Fund:
- For Payment of Expenses:
  - Fingerprint Program: 20,000,000
  - Federal & IDOT Programs: 8,400,000
  - Riverboat Gambling: 1,500,000
  - Miscellaneous Programs: 6,300,000
- **Total**: $36,200,000

Payable from the Illinois State Police Federal Projects Fund:
- For Payment of Expenses: 20,000,000

Payable from the Sex Offender Registration Fund:
- For expenses of the Sex Offender Registration Program: 350,000

Payable from the Motor Carrier Safety Inspection Fund:
- For expenses associated with the enforcement of Federal Motor Carrier Safety Regulations and related Illinois Motor Carrier Safety Laws: 2,600,000

Payable from the State Police DUI Fund:
- For Equipment Purchases to Assist in the Prevention of Driving Under the Influence of Alcohol, Drugs, or Intoxication Compounds: 2,250,000

Payable from the Sex Offender Investigation Fund:
- For expenses related to sex offender investigations: 150,000

Payable from the Compassionate Use of Medical Cannabis Fund:
- For direct and indirect costs associated with the implementation, administration and enforcement of the Compassionate Use of...
Section 35. The following amount, or so much thereof as may be necessary for objects and purposes hereinafter named, are appropriated from the Drug Traffic Prevention Fund to the Department of State Police, Division of Operations, pursuant to the provisions of the “Intergovernmental Drug Laws Enforcement Act” for Grants to Metropolitan Enforcement Groups.
For Grants to Metropolitan Enforcement Groups:
Payable from the Drug Traffic Prevention Fund................................ 500,000

Section 45. The sum of $14,000,000, or so much thereof as may be necessary, is appropriated from the State Police Whistleblower Reward and Protection Fund to the Department of State Police for payment of their expenditures for state law enforcement purposes in accordance with the State Whistleblower Protection Act.

Section 50. The sum of $22,000,000, or so much thereof as may be necessary, is appropriated from the State Police Operations Assistance Fund to the Department of State Police for the ordinary and contingent expenses incurred by the Department of State Police.

Section 55. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the State Police Streetgang-Related Crime Fund to the Department of State Police for operations related to streetgang-related Crime Initiatives.

Section 60. The sum of $135,000, or so much thereof as may be necessary, is appropriated from the Over-Dimensional Load Police Escort Fund to the Department of State Police for expenses incurred for providing police escorts for over-dimensional loads.

Section 70. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Medicaid Fraud and Abuse Prevention Fund to the Department of State Police, Division of Operations - Financial Fraud and Forgery Unit for the detection, investigation or prosecution of recipient or vendor fraud.

Section 75. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for the following purposes:
DIVISION OF FORENSIC SERVICES AND IDENTIFICATION
For Administration and Operation of State Crime Laboratories:
Payable from State Crime Laboratory Fund...... 11,000,000

New matter indicated by italics - deletions by strikeout
Payable from the State Police DUI Fund............ 150,000
Payable from State Offender DNA Identification System Fund..................... 3,400,000

Section 80. The sum of $6,250,000, or so much thereof as may be necessary, is appropriated to the Department of State Police, Division of Forensic Services and Identification, from the Mental Health Reporting Fund for expenses as outlined in the Firearm Concealed Carry Act and the Firearm Owners Identification Card Act.

Section 85. The sum of $22,000,000, or so much thereof as may be necessary, is appropriated to the Department of State Police from the State Police Firearm Services Fund for expenses as outlined in the Firearm Concealed Carry Act and the Firearm Owners Identification Card Act.

Section 100. The sum of $142,013,600, or so much thereof as may be necessary, is appropriated from the Statewide 9-1-1 Fund to the Department of State Police for its administrative costs and for the grants to Emergency Telephone System boards, or qualified government entities for the design, implementation, operation, maintenance, or upgrade of wireless 9-1-1 or E9-1-1 emergency services and public safety answering points.

Section 105. The sum of $5,000,000, or so much thereof as may be necessary, is appropriated to the Department of State Police, Division of Administration, from the Wireless Carrier Reimbursement Fund for expenses incurred for the Statewide 911 Administrator Program.

ARTICLE 107
DEPARTMENT OF TRANSPORTATION
MULTI-MODAL OPERATIONS

Section 5. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated from the Road Fund meet the ordinary and contingent expenses of the Department of Transportation for:

DEPARTMENT-WIDE

For Personal Services........................... 418,333,200

Split approximated below:

Central Administration & Planning............. 27,643,600
Bureau of Information Processing............. 5,868,800
Central Division of Highways................... 30,251,100
Traffic Safety................................. 5,927,200
Day Labor..................................... 3,776,600
District 1................................. 102,955,400

New matter indicated by italics - deletions by strikeout
Section 10. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated from the Road Fund to meet the ordinary and contingent expenses of the Department of Transportation:

FOR CENTRAL ADMINISTRATION AND PLANNING OFFICES

For Contractual Services

For Travel

For Commodities

For Printing

For Equipment

Total

New matter indicated by italics - deletions by strikeout
Purchase of Cars & Trucks.......................... 183,800
For Telecommunications Services.................. 458,800
For Operation of Automotive Equipment......... 695,000
Total $16,869,800

LUMP SUMS

Section 15. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

For Planning, Research and Development Purposes........................................ 550,000
For costs associated with hazardous material abatement.............................. 600,000
For metropolitan planning and research purposes as provided by law, provided such amount shall not exceed funds to be made available from the federal government or local sources.................. 42,000,000
For metropolitan planning and research purposes as provided by law............... 6,000,000
For federal reimbursement of planning activities as provided by the federal transportation bill, as amended....... 2,035,000
For the federal share of the IDOT ITS Program, provided expenditures do not exceed funds to be made available by the Federal Government....................... 500,000
For the state share of the IDOT ITS Corridor Program.................................... 6,600,000
Total $58,285,000

AWARDS AND GRANTS

Section 20. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

For Tort Claims, including payment pursuant to P.A. 80-1078. Expenditures for this purpose may be made by the Department of Transportation without regard to the fiscal year in which the service was rendered or cost

New matter indicated by italics - deletions by strikeout
incurred........................................ 850,000
For representation and indemnification
for the Department of Transportation,
the Illinois State Police and the
Secretary of State, provided that the
representation required resulted from
the Road Fund portion of their normal
operations. Expenditures for this purpose
may be made by the Department of
Transportation without regard to the
fiscal year in which the service was
rendered or cost incurred............... 225,000
For Transportation Enhancement,
Congestion Mitigation, Air Quality,
High Priority and Scenic By-way
Projects not eligible for inclusion
in the Highway Improvement Program
Appropriation provided expenditures do
not exceed funds made available by
the federal government................. 4,500,000
For auto liability payments for
the Department of Transportation,
the Illinois State Police, and the
Secretary of State, provided that
the liability resulted from the Road
Fund portion of their normal operations.
Expenditures for this purpose may
be made by the Department of
Transportation without regard to
the fiscal year in which service was
rendered or cost incurred............... 2,300,000
Total $7,875,000

Section 25. The following named sums, or so much thereof as may
be necessary, for the objects and purposes hereinafter named, are
appropriated from the Road Fund to meet the ordinary and contingent
expenses of the Department of Transportation:

FOR BUREAU OF INFORMATION PROCESSING
For Contractual Services............... 9,800,000
For Travel.......................................... 15,000

New matter indicated by italics - deletions by strikeout
For Commodities.................................. 30,800
For Equipment.................................... 4,000
For Electronic Data Processing................ 21,500,000
For Telecommunications.......................... 370,000
Total................................................ $31,719,800

Section 30. The following named sums, or so much thereof as may
be necessary, for the objects and purposes hereinafter named, are
appropriated from the Road Fund to meet the ordinary and contingent
expenses of the Department of Transportation:

FOR HIGHWAYS CENTRAL OFFICES

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Contractual Services</td>
<td>5,500,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>336,400</td>
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<tr>
<td>For Commodities</td>
<td>326,200</td>
</tr>
<tr>
<td>For Equipment</td>
<td>350,000</td>
</tr>
</tbody>
</table>

For Equipment:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purchase of Cars and Trucks</td>
<td>219,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>1,802,000</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment......</td>
<td>465,200</td>
</tr>
</tbody>
</table>

Total............................................ $8,998,800

LUMP SUMS

Section 35. The sum of $1,000,000, or so much thereof as may be
necessary, is appropriated from the Road Fund to the Department of
Transportation for repair of damages by motorists to state vehicles and
equipment or replacement of state vehicles and equipment, provided such
amount not exceed funds to be made available from collections from
claims filed by the Department to recover the costs of such damages.

Section 40. The sum of $3,000,000, or so much thereof as may be
necessary, is appropriated from the Road Fund to the Department of
Transportation for costs associated with the State Radio Communications
for the 21st Century (STARCOM) program.

Section 45. The sum of $100,000, or so much thereof as may be
necessary, is appropriated from the Road Fund to the Department of
Transportation for costs associated with the Technology Transfer Center,
including the purchase of equipment, media initiatives, and training,
provided that such expenditures do not exceed funds to be made available
by the federal government for this purpose.

Section 50. The sum of $100,000, or so much thereof as may be
necessary, is appropriated from the Road Fund to the Illinois Department
of Transportation for costs associated with Illinois Terrorism Task Force,

New matter indicated by italics - deletions by strikeout
that consist of approved purchases for homeland security provided such expenditures do not exceed funds made available by the federal government for this purpose.

Section 55. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Illinois Department of Transportation for costs incurred by the Department’s response to natural disasters, emergencies and acts of terrorism that receive Presidential and/or State Disaster Declaration status. These costs would include, but not be limited to, the Department’s fuel costs, cost of materials and cost of equipment rentals. This appropriation is in addition to the Department’s other appropriations for District and Central Office operations.

Section 60. The sum of $600,000, or so much thereof as may be necessary, is appropriated from the Transportation Safety Highway Hire-back Fund to the Department of Transportation for agreements with the Illinois Department of State Police to provide patrol officers in highway construction work zones.

AWARDS AND GRANTS

Section 65. The sum of $3,747,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for reimbursement to participating counties in the County Engineers Compensation Program, providing such reimbursements do not exceed funds to be made available from their federal highway allocations retained by the Department.

Section 70. The following named sums, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for grants to local governments for the following purposes:

For reimbursement of eligible expenses arising from local Traffic Signal Maintenance Agreements created by Part 468 of the Illinois Department of Transportation Rules and Regulations......................... 4,600,000

For reimbursement of eligible expenses arising from City, County, and other State Maintenance Agreements....................... 11,000,000

Total $15,600,000

REFUNDS

New matter indicated by italics - deletions by strikeout
Section 75. The following named amount, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

For Refunds....................................... 50,000

Section 80. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated from the Road Fund to meet the ordinary and contingent expenses of the Department of Transportation:

FOR BUREAU OF DAY LABOR

For Contractual Services....................... 4,120,000
For Travel....................................... 105,000
For Commodities.................................. 142,600
For Equipment.................................... 400,000
For Equipment:
    Purchase of Cars and Trucks............... 597,000
    For Telecommunications Services........... 33,000
    For Operation of Automotive Equipment..... 552,300
Total $5,949,900

Section 85. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated from the Road Fund to meet the ordinary and contingent expenses of the Department of Transportation:

DISTRICT 1, SCHAUMBURG OFFICE

For Contractual Services....................... 18,000,000
For Travel....................................... 280,000
For Commodities............................... 23,638,100
For Equipment.................................. 2,584,400
For Equipment:
    Purchase of Cars and Trucks.............. 7,835,500
    For Telecommunications Services......... 3,300,000
    For Operation of Automotive Equipment... 14,400,000
Total $70,038,000

Section 90. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated from the Road Fund to meet the ordinary and contingent expenses of the Department of Transportation:

DISTRICT 2, DIXON OFFICE

For Contractual Services....................... 4,600,000
For Travel....................................... 70,000

New matter indicated by italics - deletions by strikeout
For Commodities........................................ 7,286,400
For Equipment.......................................... 1,160,000
For Equipment:
  Purchase of Cars and Trucks..................... 2,824,000
  For Telecommunications Services.................. 265,300
  For Operation of Automotive Equipment......... 5,750,000
Total................................................................ $21,955,700

Section 95. The following named sums, or so much thereof as may
be necessary, for the objects and purposes hereinafter named, are
appropriated from the Road Fund to meet the ordinary and contingent
expenses of the Department of Transportation:

DISTRICT 3, OTTAWA OFFICE
For Contractual Services............................... 4,650,000
For Travel..................................................... 49,000
For Commodities.......................................... 5,780,800
For Equipment............................................. 1,160,000
For Equipment:
  Purchase of Cars and Trucks..................... 2,687,500
  For Telecommunications Services.................. 250,900
  For Operation of Automotive Equipment......... 5,400,000
Total................................................................ $19,978,200

Section 100. The following named sums, or so much thereof as
may be necessary, for the objects and purposes hereinafter named, are
appropriated from the Road Fund to meet the ordinary and contingent
expenses of the Department of Transportation:

DISTRICT 4, PEORIA OFFICE
For Contractual Services............................... 4,325,000
For Travel..................................................... 49,000
For Commodities.......................................... 4,860,500
For Equipment............................................. 1,160,000
For Equipment:
  Purchase of Cars and Trucks..................... 2,237,000
  For Telecommunications Services.................. 255,000
  For Operation of Automotive Equipment......... 5,380,000
Total................................................................ $18,266,500

Section 105. The following named amounts, or so much thereof as
may be necessary, are appropriated from the Road Fund to the Department
of Transportation for the objects and purposes hereinafter named:

DISTRICT 5, PARIS OFFICE

New matter indicated by italics - deletions by strikeout
For Contractual Services....................... 3,800,000
For Travel........................................ 49,000
For Commodities................................. 2,388,400
For Equipment.................................. 1,160,000
For Equipment:
  Purchase of Cars and Trucks................. 2,070,800
For Telecommunications Services............... 185,000
For Operation of Automotive Equipment........ 4,030,000
Total $13,683,200

Section 110. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated from the Road Fund to meet the ordinary and contingent expenses of the Department of Transportation:

DISTRICT 6, SPRINGFIELD OFFICE
For Contractual Services....................... 4,200,000
For Travel........................................ 49,000
For Commodities................................. 5,024,500
For Equipment.................................. 1,300,000
For Equipment:
  Purchase of Cars and Trucks................. 2,519,000
For Telecommunications Services............... 290,000
For Operation of Automotive Equipment........ 4,552,000
Total $17,934,500

Section 115. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated from the Road Fund to meet the ordinary and contingent expenses of the Department of Transportation:

DISTRICT 7, EFFINGHAM OFFICE
For Contractual Services....................... 3,850,000
For Travel........................................ 49,000
For Commodities................................. 3,193,200
For Equipment.................................. 1,160,000
For Equipment:
  Purchase of Cars and Trucks................. 1,943,500
For Telecommunications Services............... 175,000
For Operation of Automotive Equipment........ 4,120,000
Total $14,490,700

Section 120. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are

New matter indicated by italics - deletions by strikeout
appropriated from the Road Fund to meet the ordinary and contingent expenses of the Department of Transportation:

**DISTRICT 8, COLLINSVILLE OFFICE**

For Contractual Services........................ 8,100,000
For Travel........................................... 80,000
For Commodities................................. 5,230,500
For Equipment.................................... 1,660,000
For Equipment:
  Purchase of Cars and Trucks............... 1,567,000
  For Telecommunications Services............ 520,000
  For Operation of Automotive Equipment..... 5,300,000

Total $22,457,500

Section 125. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated from the Road Fund to meet the ordinary and contingent expenses of the Department of Transportation:

**DISTRICT 9, CARBONDALE OFFICE**

For Contractual Services........................ 3,900,000
For Travel........................................... 49,000
For Commodities................................. 3,070,900
For Equipment.................................... 1,160,000
For Equipment:
  Purchase of Cars and Trucks............... 1,120,500
  For Telecommunications Services............ 150,000
  For Operation of Automotive Equipment..... 3,975,000

Total $13,425,400

Section 130. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Transportation:

FOR AERONAUTICS

For Contractual Services:
  Payable from the Road Fund............... 2,350,000
  Payable from Air Transportation Revolving Fund... 600,000
For Travel:
  Payable from the Road Fund............... 80,000
For Commodities:
  Payable from the Road Fund............... 386,800
  Payable from Aeronautics Fund.......... 299,500

New matter indicated by italics - deletions by strikeout
For Equipment:
Payable from the Road Fund................................. 50,000
For Telecommunications Services:
Payable from the Road Fund................................. 100,000
For Operation of Automotive Equipment:
Payable from the Road Fund................................. 60,500
Total........................................................................ $3,926,800

LUMP SUMS

Section 135. The sum of $1,250,000, or so much thereof as may be necessary, is appropriated from the Tax Recovery Fund to the Department of Transportation for maintenance and repair costs incurred on real property owned by the Department for development of an airport in Will County, for applicable refunds of security deposits to lessees, and for payments to the Will County Treasurer in lieu of leasehold taxes lost due to government ownership.

REFUNDS

Section 140. The following named amount, or so much thereof as may be necessary, is appropriated from the Aeronautics Fund to the Department of Transportation for the objects and purposes hereinafter named:
For Refunds............................................................ $500

FOR TRAFFIC SAFETY

Section 145. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated from the Road Fund to the Department of Transportation for the ordinary and contingent expenses of the Division of Traffic Safety:

ADMINISTRATIVE OFFICE FOR TRAFFIC SAFETY
OPERATIONS

For Contractual Services................................. 905,000
For Travel............................................................. 65,000
For Commodities............................................... 150,000
For Printing.......................................................... 275,000
For Equipment...................................................... 15,000
For Telecommunications Services.................. 170,000
For Operation of Automotive Equipment........ 320,000
Total...................................................................... $1,900,000

FOR TRAFFIC SAFETY

Section 150. The sum of $600,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of

New matter indicated by italics - deletions by strikeout
Transportation for programs related to distracted driving, provided such amounts do not exceed funds to be made available from the federal government for this purpose.

Section 155. The sum of $3,000,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for costs associated with highway safety media campaigns, provided such amounts do not exceed funds to be made available from the federal government.

Section 160. The sum of $800,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for costs associated with Safety and Security Oversight as set forth in the federal transportation bill, as amended.

Section 165. The sum of $4,000,000, or so much thereof as may be necessary, is appropriated from the Federal Mass Transit Trust Fund to the Department of Transportation for federal reimbursement of costs associated with Safety and Security Oversight as set forth in the federal transportation bill, as amended.

**REFUNDS**

Section 170. The following named amount, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

For Refunds....................................... 20,000

**FOR CYCLE RIDER SAFETY**

Section 175. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated from the Cycle Rider Safety Training Fund, as authorized by Public Act 82-0649, to the Department of Transportation for the administration of the Cycle Rider Safety Training Program by the Division of Traffic Safety:

**OPERATIONS**

For Personal Services......................... 278,400
For State Contributions to State
  Employees' Retirement System............... 129,400
For State Contributions to Social Security.... 20,600
For Group Insurance......................... 76,900
For Contractual Services..................... 10,600
For Travel.................................... 4,600
For Commodities.............................. 1,000
For Printing................................. 1,500

New matter indicated by italics - deletions by strikeout
LUMP SUM AWARDS AND GRANTS

Section 180. The sum of $4,800,000, or so much thereof as may be necessary, is appropriated from the Cycle Rider Safety Training Fund, as authorized by Public Act 82-0649, to the Department of Transportation for reimbursements to State and local universities and colleges for Cycle Rider Safety Training Programs.

FOR HIGHWAY SAFETY

Section 185. The following named sums, or so much thereof as may be necessary for the agencies hereinafter named, are appropriated from the Road Fund to the Department of Transportation for implementation of the Illinois Highway Safety Program under provisions of the National Highway Safety Act of 1966, as amended, and Alcohol Traffic Safety Programs of Title XXIII of the Surface Transportation Assistance Act of 1982, as amended, and other federal highway safety initiatives as provided by law:

FOR THE DEPARTMENT OF TRANSPORTATION

For Personal Services .......................... 1,394,900
For State Contributions to State Employees' Retirement System ......................... 648,600
For State Contributions to Social Security .......... 102,600
For Contractual Services ..................... 1,277,400
For Travel ...................................... 70,100
For Commodities .............................. 305,800
For Printing ................................... 113,700
For Equipment ................................ 204,000
Total $4,117,100

FOR THE ILLINOIS LIQUOR CONTROL COMMISSION

For costs associated with implementation of the Illinois Highway Safety Program under provisions of the National Highway Safety Act of 1966, as amended, and Alcohol Traffic Safety Programs of Title XXIII of the Surface Transportation Assistance Act of 1982, as amended, and other federal highway safety initiatives as provided by law .............................. 19,000

New matter indicated by italics - deletions by strikeout
FOR THE DEPARTMENT OF NATURAL RESOURCES
For costs associated with implementation of the Illinois Highway Safety Program under provisions of the National Highway Safety Act of 1966, as amended, and Alcohol Traffic Safety Programs of Title XXIII of the Surface Transportation Assistance Act of 1982, as amended, and other federal highway safety initiatives as provided by law .................. 94,000

FOR THE SECRETARY OF STATE
For costs associated with implementation of the Illinois Highway Safety Program under provisions of the National Highway Safety Act of 1966, as amended, and Alcohol Traffic Safety Programs of Title XXIII of the Surface Transportation Assistance Act of 1982, as amended, and other federal highway safety initiatives as provided by law .................. 1,320,900

FOR THE DEPARTMENT OF PUBLIC HEALTH
For costs associated with implementation of the Illinois Highway Safety Program under provisions of the National Highway Safety Act of 1966, as amended, and Alcohol Traffic Safety Programs of Title XXIII of the Surface Transportation Assistance Act of 1982, as amended, and other federal highway safety initiatives as provided by law .................. 150,000

FOR THE DEPARTMENT OF STATE POLICE
For costs associated with implementation of the Illinois Highway Safety Program under provisions of the National Highway Safety Act of 1966, as amended, and Alcohol Traffic Safety Programs of Title XXIII of the Surface Transportation Assistance Act of 1982, as amended, and other federal highway safety initiatives

New matter indicated by italics - deletions by strikeout
as provided by law .......................... 5,708,000
FOR THE ILLINOIS LAW ENFORCEMENT STANDARDS TRAINING BOARD

For costs associated with implementation of the Illinois Highway Safety Program under provisions of the National Highway Safety Act of 1966, as amended, and Alcohol Traffic Safety Programs of Title XXIII of the Surface Transportation Assistance Act of 1982, as amended, and other federal highway safety initiatives as provided by law.................. 316,000

FOR THE ADMINISTRATIVE OFFICE OF THE ILLINOIS COURTS

For costs associated with implementation of the Illinois Highway Safety Program under provisions of the National Highway Safety Act of 1966, as amended, and Alcohol Traffic Safety Programs of Title XXIII of the Surface Transportation Assistance Act of 1982, as amended, and other federal highway safety initiatives as provided by law............................... 49,000

Total $7,656,900

LUMP SUM AWARDS AND GRANTS

Section 190. The sum of 11,500,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for local highway safety grants to county and municipal governments, state and private universities and other private entities for implementation of the Illinois Highway Safety Program under provisions of the National Highway Safety Act of 1966, as amended, and Alcohol Traffic Safety Programs of Title XXIII of the Surface Transportation Assistance Act of 1982, as amended, and other federal highway safety initiatives as provided by law.

FOR COMMERCIAL MOTOR CARRIER SAFETY

Section 195. The following named sums, or so much thereof as may be necessary for the agencies hereinafter named, are appropriated from the Road Fund to the Department of Transportation for implementation of the Commercial Motor Vehicle Safety Program under

New matter indicated by italics - deletions by strikeout
provisions of Title IV of the Surface Transportation Assistance Act of 1982, as amended:

FOR THE DEPARTMENT OF TRANSPORTATION

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>2,255,900</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>1,049,000</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>167,500</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>662,700</td>
</tr>
<tr>
<td>For Travel</td>
<td>147,900</td>
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<tr>
<td>For Commodities</td>
<td>66,300</td>
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<tr>
<td>For Printing</td>
<td>10,200</td>
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<td>For Equipment</td>
<td>50,000</td>
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<tr>
<td>For Telecommunications Services</td>
<td>91,800</td>
</tr>
<tr>
<td>Total</td>
<td>$4,501,300</td>
</tr>
</tbody>
</table>

FOR THE DEPARTMENT OF STATE POLICE

For costs associated with implementation of the Commercial Motor Vehicle Safety Program under provisions of Title IV of the Surface Transportation Assistance Act of 1982, as amended............ 9,761,600

Total $14,262,900

Section 200. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated from the Road Fund to meet the ordinary and contingent expenses of the Department of Transportation:

FOR PUBLIC AND INTERMODAL TRANSPORTATION

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Contractual Services</td>
<td>100,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>45,000</td>
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<tr>
<td>For Commodities</td>
<td>4,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>3,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>50,000</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>$202,000</td>
</tr>
</tbody>
</table>

LUMP SUMS

Section 205. The sum of $259,400, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for public transportation technical studies.

Section 210. The sum of $1,037,400, or so much thereof as may be necessary, is appropriated from the Federal Mass Transit Trust Fund to the

New matter indicated by italics - deletions by strikeout
Department of Transportation for federal reimbursement of transit studies as provided by the federal transportation bill, as amended.

GRANTS AND AWARDS

Section 215. The sum of $412,000,000, or so much thereof as may be necessary, is appropriated from the Public Transportation Fund to the Department of Transportation for the purpose stated in Section 4.09 of the "Regional Transportation Authority Act", as amended.

Section 220. The sum of $40,000,000, or so much thereof as may be necessary, is appropriated from the Public Transportation Fund to the Department of Transportation for making a grant to the Regional Transportation Authority for Additional State Assistance to be used for its purposes as provided in the "Regional Transportation Authority Act", but in no event shall this amount exceed the amount provided for in Sections 4.09 (c) and 4.09 (d) with respect to Strategic Capital Improvement bonds issued by the Regional Transportation Authority pursuant to the Regional Transportation Authority Act as amended in 1989.

Section 225. The sum of $91,000,000, or so much thereof as may be necessary, is appropriated from the Public Transportation Fund to the Department of Transportation for making a grant to the Regional Transportation Authority for Additional Financial Assistance to be used for its purposes as provided in the "Regional Transportation Authority Act", but in no event shall this amount exceed the amount provided for in Sections 4.09 (c-5) and 4.09 (d) with respect to Strategic Capital Improvement bonds issued by the Regional Transportation Authority pursuant to the Regional Transportation Authority Act as amended in 1999.

Section 230. The sum of $17,570,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for grants to the Regional Transportation Authority intended to reimburse the Service Boards for providing reduced fares on mass transportation services for students, handicapped persons, and the elderly, to be allocated proportionally among the Service Boards based upon actual costs incurred by each Service Board for such reduced fares.

Section 235. The sum of $3,825,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for making a grant to the Regional Transportation Authority for the funding of the Americans with Disabilities Act of 1990 (ADA) paratransit services and for other costs and services.

New matter indicated by italics - deletions by strikeout
Section 240. The following named sums, or so much thereof as may be necessary, are appropriated from the Downstate Public Transportation Fund to the Department of Transportation for operating assistance grants to provide a portion of the eligible operating expenses for the following carriers for the purposes stated in Article II of Public Act 78-1109, as amended:

<table>
<thead>
<tr>
<th>Carrier</th>
<th>Appropriated Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Champaign-Urbana Mass Transit District</td>
<td>36,558,100</td>
</tr>
<tr>
<td>Greater Peoria Mass Transit District (with Service to Pekin)</td>
<td>28,310,200</td>
</tr>
<tr>
<td>Rock Island County Metropolitan</td>
<td></td>
</tr>
<tr>
<td>Mass Transit District</td>
<td>23,051,300</td>
</tr>
<tr>
<td>Rockford Mass Transit District</td>
<td>19,132,900</td>
</tr>
<tr>
<td>Springfield Mass Transit District</td>
<td>18,606,300</td>
</tr>
<tr>
<td>Bloomington-Normal Public Transit System</td>
<td>10,436,100</td>
</tr>
<tr>
<td>City of Decatur</td>
<td>9,138,000</td>
</tr>
<tr>
<td>City of Quincy</td>
<td>4,569,300</td>
</tr>
<tr>
<td>City of Galesburg</td>
<td>2,077,500</td>
</tr>
<tr>
<td>Stateline Mass Transit District (with service to South Beloit)</td>
<td>487,300</td>
</tr>
<tr>
<td>City of Danville</td>
<td>3,323,800</td>
</tr>
<tr>
<td>RIDES Mass Transit District (with service to Edgar and Clark counties)</td>
<td>8,911,200</td>
</tr>
<tr>
<td>South Central Illinois Mass Transit District</td>
<td>6,945,100</td>
</tr>
<tr>
<td>River Valley Metro Mass Transit District</td>
<td>6,131,300</td>
</tr>
<tr>
<td>Jackson County Mass Transit District</td>
<td>566,600</td>
</tr>
<tr>
<td>City of DeKalb</td>
<td>4,291,300</td>
</tr>
<tr>
<td>City of Macomb</td>
<td>2,868,000</td>
</tr>
<tr>
<td>Shawnee Mass Transit District</td>
<td>2,642,900</td>
</tr>
<tr>
<td>St. Clair County Transit District</td>
<td>68,053,200</td>
</tr>
<tr>
<td>West Central Mass Transit District (with service to Cass and Schuyler Counties)</td>
<td>1,552,200</td>
</tr>
<tr>
<td>Monroe-Randolph Transit District</td>
<td>1,180,400</td>
</tr>
<tr>
<td>Madison County Mass Transit District</td>
<td>27,116,400</td>
</tr>
<tr>
<td>Bond County</td>
<td>418,200</td>
</tr>
<tr>
<td>Bureau County (with service to Putnam County)</td>
<td>951,400</td>
</tr>
<tr>
<td>Coles County</td>
<td>639,700</td>
</tr>
<tr>
<td>City of Freeport/Stephens On County</td>
<td>1,114,500</td>
</tr>
<tr>
<td>Henry County</td>
<td>490,700</td>
</tr>
<tr>
<td>Jo Daviess County</td>
<td>671,700</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Kankakee County............................... 873,500
Peoria County................................. 609,100
Piatt County................................... 585,200
Shelby County with service to Christian County... 1,159,500
Tazewell County............................... 900,000
CRIS Rural Mass Transit District............... 900,100
Kendall County............................... 2,090,100
McLean County............................... 1,999,000
Woodford County............................. 395,100
Lee and Ogle Counties........................ 966,000
Whiteside County............................ 797,300
Champaign County............................ 768,800
Boone County................................. 161,000
DeKalb County................................ 604,000
Grundy County................................. 570,000
Stark County................................ 0
Warren County............................... 225,400
Rock Island/Mercer Counties.................. 370,400
Hancock County.............................. 233,600
Macoupin County............................. 483,100
Fulton County............................... 322,100
Effingham County............................ 483,100
City of Ottawa (serving LaSalle County)...... 1,288,400
Carroll County.............................. 193,300
Knox County.................................. 0
Logan County (with service to Mason County).... 515,400
Sangamon County (with service to Menard County).... 532,400
Christian County........................... 0
Jersey County with service to Greene & Calhoun... 363,000
Marshall County with service to Stark County.... 161,000
Douglas County............................ 142,900
Total $308,928,400

Section 245. The sum of $1,808,600, or so much thereof as may be necessary, is appropriated from the Downstate Public Transportation Fund to the Department of Transportation for audit adjustments in accordance with Sections 2-7 and 2-15 of the "Downstate Public Transportation Act", as amended (30 ILCS 740/2-7 and 740/2-15), including prior year costs.

FOR RAIL PASSENGER

New matter indicated by italics - deletions by strikeout
Section 250. The sum of $50,000,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for funding the State's share of intercity rail passenger service and making necessary expenditures for services and other program improvements.

Section 255. The following named sums, or so much thereof as may be necessary, are appropriated from the Motor Fuel Tax Fund to the Department of Transportation for the ordinary and contingent expenses incident to the operations and functions of administering the provisions of the "Illinois Highway Code", relating to use of Motor Fuel Tax Funds by the counties, municipalities, road districts and townships:

**MOTOR FUEL TAX ADMINISTRATION**

**OPERATIONS**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>9,359,500</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>4,352,200</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>691,700</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>2,610,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>789,700</td>
</tr>
<tr>
<td>For Travel</td>
<td>42,400</td>
</tr>
<tr>
<td>For Commodities</td>
<td>8,700</td>
</tr>
<tr>
<td>For Printing</td>
<td>35,400</td>
</tr>
<tr>
<td>For Equipment</td>
<td>5,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>16,600</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>5,400</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$17,916,600</strong></td>
</tr>
</tbody>
</table>

Section 260. The following named sums, or so much thereof as are available for distribution in accordance with Section 8 of the Motor Fuel Tax Law, are appropriated from the Motor Fuel Tax Fund to the Department of Transportation for the purposes stated:

**DISTRIBUTIVE ITEMS**

For apportioning, allotting, and paying as provided by law:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>To Counties</td>
<td>204,108,000</td>
</tr>
<tr>
<td>To Municipalities</td>
<td>285,775,000</td>
</tr>
<tr>
<td>To Counties for Distribution to</td>
<td></td>
</tr>
<tr>
<td>Road Districts</td>
<td>92,617,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$582,500,000</strong></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Section 265. No contract shall be entered into or obligation incurred or any expenditure made from an appropriation herein made in:
Section 220 SCIP Debt Service I
Section 225 SCIP Debt Service II
of this Article until after the purpose and the amount of such expenditure has been approved in writing by the Governor.
Total, This Article $2,669,835,700

ARTICLE 108
DEPARTMENT OF TRANSPORTATION

Section 5. The sum of $4,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the appropriation heretofore made in Article 25, Section 5 of Public Act 99-0409, as amended, is reappropriated from the Federal Mass Transit Trust Fund to the Department of Transportation for federal reimbursement of costs associated with safety and Security Oversight as set forth in the federal transportation bill.
Section 10. The sum of $4,752,261, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the appropriation and reappropriation heretofore made in Article 25, Section 10 and Article 26, Section 5 of Public Act 99-0409, as amended, is reappropriated from the Federal Mass Transit Trust Fund to the Department of Transportation for federal reimbursement of transit studies as provided by the federal transportation bill.
Total, Article 36 $8,752,261

ARTICLE 109

Section 1. Purpose. This Act makes appropriations and reappropriations for State fiscal year 2017. Article 110 contains reappropriations of certain appropriations and reappropriations from State fiscal year 2015 as provided in Public Act 98-0681, as may have been reappropriated for State fiscal year 2016 by a Public Act of the 99th General Assembly. To the extent that such a Public Act has not been enacted, Article 111 contains appropriations of identical amounts and purposes to those in Article 110 but as new appropriations rather than as reappropriations. Section 99 of Article 999 sets forth an effective date that causes Article 110 to become effective if, and only if, an applicable Public Act of the 99th General Assembly should be enacted; should such not be enacted, the Section causes Article 111 to become effective.

ARTICLE 110
DEPARTMENT OF TRANSPORTATION

New matter indicated by italics - deletions by strikeout
FOR CENTRAL ADMINISTRATION AND PLANNING
LUMP SUMS

Section 5. The sum of $2,366,595, or so much thereof as may be
necessary, and remains unexpended at the close of business on June 30,
2016, from a new appropriation heretofore made for such purpose in a
Public Act of the 99th General Assembly and from a reappropriation
heretofore made for such purpose in a Public Act of the 99th General
Assembly which reappropriated Article 20, Section 115 and Article 21,
Section 5 of Public Act 98-0681 is reappropriated from the Road Fund to
the Department of Transportation for Planning, Research and
Development Purposes.

Section 10. The sum of $1,898,325, or so much thereof as may be
necessary, and remains unexpended, at the close of business on June 30,
2016, from a new appropriation heretofore made for such purpose in a
Public Act of the 99th General Assembly and from a reappropriation
heretofore made for such purpose in a Public Act of the 99th General
Assembly which reappropriated Article 20, Section 115 and Article 21,
Section 10 of Public Act 98-0681 is reappropriated from the Road Fund to
the Department of Transportation for costs associated with hazardous
material abatement.

Section 15. The sum of $76,510,552, or so much thereof as may be
necessary, and remains unexpended at the close of business on June 30,
2016, from a new appropriation heretofore made for such purpose in a
Public Act of the 99th General Assembly and from a reappropriation
heretofore made for such purpose in a Public Act of the 99th General
Assembly which reappropriated from a new appropriation heretofore made
for such purpose in a Public Act of the 99th General Assembly and from a
reappropriation heretofore made for such purpose in a Public Act of the
99th General Assembly which reappropriated Article 20, Section 115 and
Article 21, Section 15 of Public Act 98-0681, is reappropriated from the
Road Fund to the Department of Transportation, for metropolitan planning
and research purposes as provided by law, provided such amount shall not
exceed funds to be made available from the federal government or local
sources.

Section 20. The sum of $18,602,162, or so much thereof as may be
necessary, and remains unexpended, at the close of business on June 30,
2016, from a new appropriation heretofore made for such purpose in a
Public Act of the 99th General Assembly and from a reappropriation
heretofore made for such purpose in a Public Act of the 99th General

New matter indicated by italics - deletions by strikeout
Assembly which reappropriated Article 20, Section 115 and Article 21, Section 20 of Public Act 98-0681, is reappropriated from the Road Fund to the Department of Transportation for metropolitan planning and research purposes as provided by law, including planning and research for the Chicago Metropolitan Agency for Planning and Land Use Planning for the South Suburban Airport.

Section 25. The sum of $10,434,669, or so much thereof as may be necessary, and remains unexpended, at the close of business on June 30, 2016, from a new appropriation heretofore made for such purpose in a Public Act of the 99th General Assembly and from a reappropriation heretofore made for such purpose in a Public Act of the 99th General Assembly which reappropriated Article 20, Section 115 and Article 21, Section 25 of Public Act 98-0681, is reappropriated from the Road Fund to the Department of Transportation for the federal share of the IDOT ITS program, provided expenditures do not exceed funds to be made available by the Federal Government.

Section 30. The sum of $23,436,658, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from a new appropriation heretofore made for such purpose in a Public Act of the 99th General Assembly and from a reappropriation heretofore made for such purpose in a Public Act of the 99th General Assembly which reappropriated Article 20, Section 115 and Article 21, Section 30 of Public Act 98-0681, is reappropriated from the Road Fund to the Department of Transportation for the state share of the IDOT ITS program.

Section 35. The sum of $4,842,628, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from a reappropriation heretofore made for such purpose in a Public Act of the 99th General Assembly which reappropriated Article 21, Section 35 of Public Act 98-0681, is reappropriated from the Road Fund to the Department of Transportation for the administrative expenses associated with the implementation of the American Recovery and Reinvestment Act of 2009 and other capital projects.

AWARDS AND GRANTS

Section 40. The sum of $39,926,220, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from a new appropriation heretofore made for such purpose in a Public Act of the 99th General Assembly and from a reappropriation heretofore made for such purpose in a Public Act of the 99th General Assembly which reappropriated Article 20, Section 40 of Public Act 98-0681, is reappropriated from the Road Fund to the Department of Transportation for the state share of the IDOT ITS program.

New matter indicated by italics - deletions by strikeout
Assembly which reappropriated Article 20, Section 180 and Article 21, Section 80 of Public Act 98-0681, is reappropriated from the Road Fund to the Department of Transportation for Transportation enhancement, Congestion Mitigation, Air Quality, High Priority and Scenic By-way Projects not eligible for inclusion in the Highway Improvement Program Appropriation provided expenditures do not exceed funds made available by the federal government.

FOR HIGHWAYS
LUMP SUMS

Section 45. The sum of $3,959,386, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from a new appropriation heretofore made for such purpose in a Public Act of the 99th General Assembly and from a reappropriation heretofore made for such purpose in a Public Act of the 99th General Assembly which reappropriated Article 20, Section 120 and Article 21, Section 40 of Public Act 98-0681, is reappropriated from the Road Fund to the Department of Transportation for repair of damages by motorists to state vehicles and equipment or replacement of state vehicles and equipment, provided such amount not exceed funds to be made available from collections from claims filed by the Department to recover the costs of such damages.

Section 50. The sum of $3,480,200, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from a new appropriation heretofore made for such purpose in a Public Act of the 99th General Assembly and from a reappropriation heretofore made for such purpose in a Public Act of the 99th General Assembly which reappropriated Article 20, Section 125 and Article 21, Section 45 of Public Act 98-0681, is reappropriated from the Road Fund to the Department of Transportation for costs associated with the State Radio Communications for the 21st Century (STARCOM) program.

Section 55. The sum of $232,881, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from a new appropriation heretofore made for such purpose in a Public Act of the 99th General Assembly and from a reappropriation heretofore made for such purpose in a Public Act of the 99th General Assembly which reappropriated Article 20, Section 130 and Article 21, Section 50 of Public Act 98-0681, is reappropriated from the Road Fund to the Department of Transportation for costs associated with the Technology Transfer Center, including the purchase of equipment, media initiatives

New matter indicated by italics - deletions by strikeout
and training, provided such expenditures do not exceed funds to be made available by the federal government for this purpose.

Section 60. The sum of $5,334,700, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, less $3,700,000 to be lapsed, from a new appropriation heretofore made for such purpose in a Public Act of the 99th General Assembly and from a reappropriation heretofore made for such purpose in a Public Act of the 99th General Assembly which reappropriated Article 20, Section 135 and Article 21, Section 55 of Public Act 98-0681, is reappropriated from the Road Fund to the Department of Transportation for costs associated with the Illinois Terrorism Task Force, that consist of approved purchases for homeland security provided such expenditures do not exceed funds made available by the federal government for this purpose.

AWARDS AND GRANTS

Section 65. The sum of $29,703,431, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from a new appropriation heretofore made for such purpose in a Public Act of the 99th General Assembly and from a reappropriation heretofore made for such purpose in a Public Act of the 99th General Assembly which reappropriated Article 20, Section 190 and in Article 21, Section 85 of Public Act 98-0681, is reappropriated from the Road Fund to the Department of Transportation for reimbursements of eligible expenses arising from local Traffic Signal Maintenance Agreements created by Part 468 of the Illinois Department of Transportation Rules and Regulations and reimbursements of eligible expenses arising from City, County, and other State Maintenance Agreements.

FOR TRAFFIC SAFETY

LUMP SUMS

Section 70. The sum of $1,800,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from a new appropriation heretofore made for such purpose in a Public Act of the 99th General Assembly and from a reappropriation heretofore made for such purpose in a Public Act of the 99th General Assembly which reappropriated Article 20, Section 155 and Article 21, Section 65 of Public Act 98-0681, is reappropriated from the Road Fund to the Department of Transportation for programs related to distracted driving, provided such amount not exceed funds to be made available from the federal government for this purpose.

New matter indicated by italics - deletions by strikeout
Section 75. The sum of $4,699,695, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from a new appropriation heretofore made for such purpose in a Public Act of the 99th General Assembly and from a reappropriation heretofore made for such purpose in a Public Act of the 99th General Assembly which reappropriated Article 20, Section 160 of Public Act 98-0681, is reappropriated from the Road Fund to the Department of Transportation for costs associated with highway safety media campaigns, provided such amounts do not exceed funds to be made available from the federal government.

AWARDS AND GRANTS
FOR CYCLE RIDER SAFETY

Section 80. The sum of $10,114,766, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from a new appropriation heretofore made for such purpose in a Public Act of the 99th General Assembly and from a reappropriation heretofore made for such purpose in a Public Act of the 99th General Assembly which reappropriated Article 20, Section 195 and Article 21, Section 90 of Public Act 98-0681, is reappropriated from the Cycle Rider Safety Training Fund to the Department of Transportation for reimbursements to State and local universities and colleges for Cycle Rider Safety Training Programs.

HIGHWAY SAFETY PROGRAM

Section 85. The sum of $17,713,779, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from a new appropriation heretofore made for such purpose in a Public Act of the 99th General Assembly and from a reappropriation heretofore made for such purpose in a Public Act of the 99th General Assembly which reappropriated Article 20, Section 200, and Article 21, Section 95 of Public Act 98-0681, is reappropriated from the Road Fund to the Department of Transportation for Illinois Highway Safety Program local highway safety projects by county and municipal governments, state and private universities and other private entities.

Section 90. The sum of $518,994, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from a new appropriation heretofore made for such purpose in a Public Act of the 99th General Assembly and from a reappropriation heretofore made for such purpose in a Public Act of the 99th General Assembly which reappropriated Article 20, Section 205, and Article 21,
Section 100 of Public Act 98-0681, is reappropriated from the Road Fund to the Department of Transportation for implementation of the Commercial Motor Vehicle Safety Program for local highway safety projects by county and municipal governments, state and private universities and other private entities.

Section 95. The sum of $8,886,089, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from a new appropriation heretofore made for such purpose in a Public Act of the 99th General Assembly and from a reappropriation heretofore made for such purpose in a Public Act of the 99th General Assembly which reappropriated Article 20, Section 210, and Article 21, Section 105 of Public Act 98-0681, is reappropriated from the Road Fund to the Department of Transportation for implementation of the Section 163 Impaired Driving Incentive Grant Program (.08 alcohol) for local highway safety projects by county and municipal governments, state and private universities and other private entities.

Section 100. The sum of $5,833,592, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from a new appropriation heretofore made for such purpose in a Public Act of the 99th General Assembly and from a reappropriation heretofore made for such purpose in a Public Act of the 99th General Assembly which reappropriated Article 20, Section 215, and Article 21, Section 110 of Public Act 98-0681, is reappropriated from the Road Fund to the Department of Transportation for implementation of the Alcohol Traffic Safety Programs (410) for local highway safety projects by county and municipal governments, state and private universities and other private entities.

FOR PUBLIC AND INTERMODAL TRANSPORTATION
LUMP SUMS

Section 105. The sum of $1,236,615, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from a new appropriation heretofore made for such purpose in a Public Act of the 99th General Assembly and from a reappropriation heretofore made for such purpose in a Public Act of the 99th General Assembly which reappropriated Article 20, Section 170 and Article 21, Section 70 of Public Act 98-0681, is reappropriated from the Road Fund to the Department of Transportation for public transportation technical studies.

FOR EQUIPMENT

New matter indicated by italics - deletions by strikeout
Section 110. The following named sums, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from new appropriations heretofore made for such purpose in a Public Act of the 99th General Assembly and from a reappropriation heretofore made for such purpose in a Public Act of the 99th General Assembly which reappropriated Article 20, Sections 5, 15, 20, 25, 30, 35, 40, 45, 50, 55, 60 and 65 of Public Act 98-0681, is reappropriated from the Road Fund to the Department of Transportation for equipment as follows:

| Central Offices, Administration and Planning | 5,506,954 |
| Central Offices, Division of Highways | |
| **For Equipment** | 696,463 |
| Day Labor | |
| **For Equipment** | 890,807 |
| District 1, Schaumburg Office | |
| **For Equipment** | 2,087,237 |
| District 2, Dixon Office | |
| **For Equipment** | 1,248,862 |
| District 3, Ottawa Office | |
| **For Equipment** | 1,402,157 |
| District 4, Peoria Office | |
| **For Equipment** | 1,272,024 |
| District 5, Paris Office | |
| **For Equipment** | 1,261,240 |
| District 6, Springfield Office | |
| **For Equipment** | 1,189,988 |
| District 7, Effingham Office | |
| **For Equipment** | 1,348,084 |
| District 8, Collinsville Office | |
| **For Equipment** | 1,612,678 |
| District 9, Carbondale Office | |
| **For Equipment** | 1,368,698 |
| **Total** | $19,885,192 |

Section 115. The following named sums, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from a new appropriation heretofore made for such purpose in a Public Act of the 99th General Assembly and from a reappropriation heretofore made for such purpose in a Public Act of the 99th General Assembly which reappropriated Article 20, Sections 15, 20, 25, 30, 35, 40, 45, 50, 55, 60 and 65 of Public Act 98-0681, is reappropriated from the Road Fund to the Department of Transportation for equipment as follows:

New matter indicated by italics - deletions by strikeout
45, 50, 55, 60, and 65 of Public Act 98-0681, is reappropriated from the Road Fund to the Department of Transportation for the purchase of Cars and Trucks as follows:

Central Offices, Administration and Planning
For Purchase of Cars and Trucks .................. 105,000

Central Offices, Division of Highways
For Purchase of Cars and Trucks .................. 203,904

Day Labor
For Purchase of Cars and Trucks .................. 1,092,000

District 1, Schaumburg Office
For Purchase of Cars and Trucks .................. 12,522,000

District 2, Dixon Office
For Purchase of Cars and Trucks .................. 3,569,649

District 3, Ottawa Office
For Purchase of Cars and Trucks .................. 4,537,259

District 4, Peoria Office
For Purchase of Cars and Trucks .................. 3,708,888

District 5, Paris Office
For Purchase of Cars and Trucks .................. 2,375,766

District 6, Springfield Office
For Purchase of Cars and Trucks .................. 5,927,259

District 7, Effingham Office
For Purchase of Cars and Trucks .................. 2,337,259

District 8, Collinsville Office
For Purchase of Cars and Trucks .................. 3,967,259

District 9, Carbondale Office
For Purchase of Cars and Trucks .................. 2,101,025

Total
$42,447,268

Total
$330,164,397

ARTICLE 111
DEPARTMENT OF TRANSPORTATION
FOR CENTRAL ADMINISTRATION AND PLANNING
LUMP SUMS

Section 5. The sum of $2,366,595, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for Planning, Research and Development Purposes.

Section 10. The sum of $1,898,325, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for costs associated with hazardous material abatement.

New matter indicated by italics - deletions by strikeout
Section 15. The sum of $76,510,552, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation, for metropolitan planning and research purposes as provided by law, provided such amount shall not exceed funds to be made available from the federal government or local sources.

Section 20. The sum of $18,602,162, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for metropolitan planning and research purposes as provided by law, including planning and research for the Chicago Metropolitan Agency for Planning and Land Use Planning for the South Suburban Airport.

Section 25. The sum of $10,434,669, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for the federal share of the IDOT ITS program, provided expenditures do not exceed funds to be made available by the Federal Government.

Section 30. The sum of $23,436,658, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for the state share of the IDOT ITS program.

Section 35. The sum of $4,842,628, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for the administrative expenses associated with the implementation of the American Recovery and Reinvestment Act of 2009 and other capital projects.

AWARDS AND GRANTS

Section 40. The sum of $39,926,220, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for Transportation enhancement, Congestion Mitigation, Air Quality, High Priority and Scenic By-way Projects not eligible for inclusion in the Highway Improvement Program Appropriation provided expenditures do not exceed funds made available by the federal government.

FOR HIGHWAYS
LUMP SUMS

Section 45. The sum of $3,959,386, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for repair of damages by motorists to state vehicles and equipment or replacement of state vehicles and equipment, provided such

New matter indicated by italics - deletions by strikeout
amount not exceed funds to be made available from collections from claims filed by the Department to recover the costs of such damages.

Section 50. The sum of $3,480,200, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for costs associated with the State Radio Communications for the 21st Century (STARCOM) program.

Section 55. The sum of $232,881, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for costs associated with the Technology Transfer Center, including the purchase of equipment, media initiatives and training, provided such expenditures do not exceed funds to be made available by the federal government for this purpose.

Section 60. The sum of $1,634,700, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for costs associated with the Illinois Terrorism Task Force, that consist of approved purchases for homeland security provided such expenditures do not exceed funds made available by the federal government for this purpose.

**AWARDS AND GRANTS**

Section 65. The sum of $29,703,431, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for reimbursements of eligible expenses arising from local Traffic Signal Maintenance Agreements created by Part 468 of the Illinois Department of Transportation Rules and Regulations and reimbursements of eligible expenses arising from City, County, and other State Maintenance Agreements.

**FOR TRAFFIC SAFETY**

**LUMP SUMS**

Section 70. The sum of $1,800,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for programs related to distracted driving, provided such amount not exceed funds to be made available from the federal government for this purpose.

Section 75. The sum of $4,699,695, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for costs associated with highway safety media campaigns, provided such amounts do not exceed funds to be made available from the federal government.

**AWARDS AND GRANTS**

New matter indicated by italics - deletions by strikeout
FOR CYCLE RIDER SAFETY

Section 80. The sum of $10,114,766, or so much thereof as may be necessary, is appropriated from the Cycle Rider Safety Training Fund to the Department of Transportation for reimbursements to State and local universities and colleges for Cycle Rider Safety Training Programs.

HIGHWAY SAFETY PROGRAM

Section 85. The sum of $17,713,779, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for Illinois Highway Safety Program local highway safety projects by county and municipal governments, state and private universities and other private entities.

Section 90. The sum of $518,994, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for implementation of the Commercial Motor Vehicle Safety Program for local highway safety projects by county and municipal governments, state and private universities and other private entities.

Section 95. The sum of $8,886,089, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for implementation of the Section 163 Impaired Driving Incentive Grant Program (.08 alcohol) for local highway safety projects by county and municipal governments, state and private universities and other private entities.

Section 100. The sum of $5,833,592, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for implementation of the Alcohol Traffic Safety Programs (410) for local highway safety projects by county and municipal governments, state and private universities and other private entities.

FOR PUBLIC AND INTERMODAL TRANSPORTATION

LUMP SUMS

Section 105. The sum of $1,236,615, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for public transportation technical studies.

FOR EQUIPMENT

Section 110. The following named sums, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for equipment as follows:
Central Offices, Administration and Planning
For Equipment.................................. 5,506,954
Central Offices, Division of Highways

New matter indicated by italics - deletions by strikeout
For Equipment................................... 696,463
Day Labor
For Equipment................................... 890,807
District 1, Schaumburg Office
For Equipment................................. 2,087,237
District 2, Dixon Office
For Equipment.................................. 1,248,862
District 3, Ottawa Office
For Equipment................................. 1,402,157
District 4, Peoria Office
For Equipment.................................. 1,272,024
District 5, Paris Office
For Equipment.................................. 1,261,240
District 6, Springfield Office
For Equipment................................. 1,189,988
District 7, Effingham Office
For Equipment................................. 1,348,084
District 8, Collinsville Office
For Equipment................................. 1,612,678
District 9, Carbondale Office
For Equipment................................. 1,368,698
Total $19,885,192

Section 115. The following named sums, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for the purchase of Cars and Trucks as follows:

Central Offices, Administration and Planning
For Purchase of Cars and Trucks.............. 105,000

Central Offices, Division of Highways
For Purchase of Cars and Trucks.............. 203,904

Day Labor
For Purchase of Cars and Trucks.............. 1,092,000
District 1, Schaumburg Office
For Purchase of Cars and Trucks.............. 12,522,000
District 2, Dixon Office
For Purchase of Cars and Trucks.............. 3,569,649
District 3, Ottawa Office
For Purchase of Cars and Trucks.............. 4,537,259
District 4, Peoria Office
For Purchase of Cars and Trucks.............. 3,708,888

New matter indicated by italics - deletions by strikeout
District 5, Paris Office
For Purchase of Cars and Trucks...................... 2,375,766
District 6, Springfield Office
For Purchase of Cars and Trucks ....................... 5,927,259
District 7, Effingham Office
For Purchase of Cars and Trucks...................... 2,337,259
District 8, Collinsville Office
For Purchase of Cars and Trucks...................... 3,967,259
District 9, Carbondale Office
For Purchase of Cars and Trucks...................... 2,101,025
Total $42,447,268
Total, Article 38 $327,164,397

ARTICLE 112
Section 15. The following named amount, or so much thereof as may be necessary, is appropriated from the Illinois Affordable Housing Trust Fund to the Department of Veterans' Affairs for the object and purpose and in the amount set forth as follows:
For Specially Adapted Housing for Veterans....... 223,000

Section 20. The amount of $250,000, or so much thereof as may be necessary, is appropriated from the Illinois Military Family Relief Fund to the Department of Veterans’ Affairs for the payment of benefits authorized under the Survivor’s Compensation Act.

Section 25. The amount of $4,000,000, or so much thereof as may be necessary, is appropriated from the Illinois Veterans Assistance Fund to the Department of Veterans’ Affairs for making grants, funding additional services, or conducting additional research projects relating to veterans’ post traumatic stress disorder; veterans’ homelessness; the health insurance cost of veterans; veterans’ disability benefits, including but not limited to, disability benefits provided by veterans service organizations and veterans assistance commissions or centers; and the long-term care of veterans.

Section 40. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans' Affairs for the objects and purposes hereinafter named:

ILLINOIS VETERANS' HOME AT ANNA
Payable from Anna Veterans Home Fund:
For Personal Services.......................... 2,069,800
For State Contributions to the State Employees' Retirement System............. 922,400

New matter indicated by italics - deletions by strikeout
For State Contributions to
Social Security......................... 158,300
For Contractual Services............... 874,400
For Travel.................................. 5,000
For Commodities.......................... 410,100
For Printing................................ 4,000
For Equipment................................ 50,000
For Electronic Data Processing......... 9,000
For Telecommunications Services........ 18,300
For Operation of Auto Equipment...... 10,200
For Permanent Improvements............. 10,000
For Refunds............................... 42,700
Total $4,584,200

Section 45. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Veterans' Affairs for the objects and purposes hereinafter named:

ILLINOIS VETERANS' HOME AT QUINCY

Payable from Quincy Veterans Home Fund:
For Personal Services..................... 7,151,000
For Member Compensation.................. 28,000
For State Contributions to the State
Employees' Retirement System.......... 3,187,000
For State Contributions to
Social Security............................ 547,100
For Contractual Services................. 3,677,800
For Travel.................................. 6,000
For Commodities......................... 4,979,500
For Printing............................... 25,000
For Equipment............................. 684,700
For Electronic Data Processing......... 14,000
For Telecommunications Services...... 119,800
For Operation of Auto Equipment..... 41,900
For Permanent Improvements............ 270,000
For Refunds.............................. 60,000
Total $20,791,800

Section 50. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Veterans' Affairs for the objects and purposes hereinafter named:

ILLINOIS VETERANS' HOME AT LASALLE

New matter indicated by italics - deletions by strikeout
Payable from LaSalle Veterans Home Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>5,620,000</td>
</tr>
<tr>
<td>For State Contributions to the State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>2,504,700</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>429,900</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>2,201,900</td>
</tr>
<tr>
<td>For Travel</td>
<td>5,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>1,378,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>15,500</td>
</tr>
<tr>
<td>For Equipment</td>
<td>124,500</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>11,000</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>56,600</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>22,500</td>
</tr>
<tr>
<td>For Permanent Improvements</td>
<td>50,000</td>
</tr>
<tr>
<td>For Refunds</td>
<td>40,500</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$12,460,100</strong></td>
</tr>
</tbody>
</table>

Section 55. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans' Affairs for the objects and purposes hereinafter named:

**ILLINOIS VETERANS' HOME AT MANTENO**

Payable from Manteno Veterans Home Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>8,617,600</td>
</tr>
<tr>
<td>For Member Compensation</td>
<td>30,000</td>
</tr>
<tr>
<td>For State Contributions to the State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>3,840,700</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>659,200</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>6,273,900</td>
</tr>
<tr>
<td>For Travel</td>
<td>5,500</td>
</tr>
<tr>
<td>For Commodities</td>
<td>1,762,600</td>
</tr>
<tr>
<td>For Printing</td>
<td>25,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>244,000</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>44,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>102,400</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>72,300</td>
</tr>
<tr>
<td>For Permanent Improvements</td>
<td>50,000</td>
</tr>
<tr>
<td>For Refunds</td>
<td>50,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$21,777,200</strong></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Section 60. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans’ Affairs for costs associated with the operation of a program for homeless veterans at the Illinois Veterans’ Home at Manteno:

Payable from the Manteno Veterans Home Fund........................................ 50,000
Payable from Veterans’ Affairs Federal Projects Fund............................ 125,000
Total                                                                           $175,000

Section 65. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans' Affairs for the objects and purposes hereinafter named:

STATE APPROVING AGENCY

Payable from GI Education Fund:
For Personal Services......................... 541,800
For State Contributions to the State Employees' Retirement System.............. 241,500
For State Contributions to Social Security............................................ 41,500
For Group Insurance.......................... 154,000
For Contractual Services...................... 61,200
For Travel...................................... 42,300
For Commodities................................ 3,300
For Printing.................................... 12,000
For Equipment.................................. 67,300
For Electronic Data Processing.............. 12,600
For Telecommunications Services.......... 17,600
For Operation of Auto Equipment.......... 17,200
Total                                                                           $1,212,300

Section 70. The amount of $220,500, or so much thereof as may be necessary, is appropriated from the Veterans’ Affairs Federal Projects Fund to the Department of Veterans’ Affairs for operating and administrative costs associated with the Troops to Teachers Program.

Section 75. The following named amount, or so much thereof as may be necessary, is appropriated from the Roadside Memorial Fund to the Department of Veterans’ Affairs for the object and purpose and in the amount set forth below as follows:
For Cartage and Erection of Veterans’ Headstones, including Prior Years Claims.... 425,000

New matter indicated by italics - deletions by strikeout
ARTICLE 113

Section 5. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Illinois Arts Council to enhance the cultural environment in Illinois:

Payable from the Illinois Arts Council Federal Grant Fund:
For Grants and Programs to Enhance the Cultural Environment........................................ 935,000

Section 20. In addition to other amounts appropriated for this purpose, the following named sum, or so much thereof as may be necessary, respectively, for the object and purpose hereinafter named, is appropriated to the Illinois Arts Council to enhance the cultural environment in Illinois:

Payable from Illinois Arts Council Federal Grant Fund:
For Grants and Programs to Enhance the Cultural Environment and associated administrative costs.......................... 65,000

ARTICLE 114

Section 10. The amount of $1,590,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Governor’s Office of Management and Budget for ordinary and contingent expenses associated with the sale and administration of General Obligation bonds.

Section 15. The amount of $650,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Governor’s Office of Management and Budget for ordinary and contingent expenses associated with the sale and administration of Build Illinois bonds.

Section 20. The amount of $480,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Retirement and Interest Fund to the Governor’s Office of Management and Budget for the purpose of making payments to the Trustee under the Master Indenture as defined by and pursuant to the Build Illinois Bond Act.

Section 25. The amount of $113,400, or so much thereof as may be necessary, is appropriated from the School Infrastructure Fund to the Governor’s Office of Management and Budget for operational expenses related to the School Infrastructure Program.

New matter indicated by italics - deletions by strikeout
Section 30. The sum of $14,500,000, or so much thereof as may be necessary, is appropriated from the Illinois Civic Center Bond Retirement and Interest Fund to the Governor’s Office of Management and Budget for the principal and interest and premium, if any, on Limited Obligation Revenue bonds issued pursuant to the Metropolitan Civic Center Support Act.

Section 35. The sum of $2,150,000, or so much thereof as may be necessary, is appropriated from the Fund for Illinois’ Future to the Governor’s Office of Management and Budget for deposit into the Grant Accountability and Transparency Fund.

Sections 36. The sum of $4,000,000, or so much thereof as may be necessary, is appropriated from the Grant Accountability and Transparency Fund to the Governor’s Office of Management and Budget for costs in support of the implementation and administration of the Grant Accountability and Transparency Act and the Budgeting for Results initiative, including prior year costs.

Section 40. No contract shall be entered into or obligation incurred for any expenditures from the appropriations made in Sections 10, 15 and 20 until after the purposes and amounts have been approved in writing by the Governor.

ARTICLE 115

Section 10. The amount of $1,610,800, or so much thereof as may be necessary, is appropriated from the Public Transportation Fund to the Office of the Executive Inspector General to meet its operational expenses for the fiscal year ending June 30, 2017.

ARTICLE 116

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Capital Development Board:

GENERAL OFFICE

Payable from Capital Development Fund:
For Personal Services.................. 12,293,500
For State Contributions to State
   Employees’ Retirement System........... 5,479,000
For State Contributions to
   Social Security......................... 909,800
For Group Insurance..................... 3,127,500
For Contractual Services............... 462,500
For Travel.............................. 152,700

New matter indicated by italics - deletions by strikeout
For Commodities...............................  25,900
For Printing....................................  14,500
For Equipment.................................  10,000
For Electronic Data Processing..............  434,700
For Telecommunications Services.............  163,600
For Operation of Auto Equipment.............  18,500
For Operational Expenses....................  727,000
For Facilities Conditions Assessments and Analysis..........................  1,500,000
For Project Management Tracking...............  1,500,000
Total $26,819,200
Payable from Capital Development Board Revolving Fund:
For Operational Expenses....................  2,000,000
Total $2,000,000
Payable from the School Infrastructure Fund:
For operational purposes relating to the School Infrastructure Program........  600,000

ARTICLE 117

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses to the Illinois Commerce Commission:

CHAIRMAN AND COMMISSIONER'S OFFICE
Payable from Transportation Regulatory Fund:
For Personal Services..........................  68,800
For State Contributions to State Employees' Retirement System....................  30,700
For State Contributions to Social Security.......  5,300
For Group Insurance...........................  24,000
For Contractual Services.......................  1,000
For Travel.......................................  1,500
For Equipment....................................  500
For Telecommunications.........................  4,000
For Operation of Auto Equipment...............  0
Total $135,800
Payable from Public Utility Fund:
For Personal Services..........................  784,800
For State Contributions to State Employees' Retirement System....................  349,800
For State Contributions to Social Security.......  60,100

New matter indicated by italics - deletions by strikeout
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Public Utility Fund for the ordinary and contingent expenses of the Illinois Commerce Commission.

PUBLIC UTILITIES

For Personal Services................................. 15,204,700
For State Contributions to State
  Employees' Retirement System..................... 6,776,500
For State Contributions to Social Security..... 1,161,500
For Group Insurance................................. 4,127,900
For Contractual Services............................ 1,700,900
For Travel............................................. 100,000
For Commodities..................................... 24,000
For Printing.......................................... 22,000
For Equipment....................................... 83,400
For Electronic Data Processing..................... 844,800
For Telecommunications.............................. 360,500
For Operation of Auto Equipment.................... 45,000
For Refunds.......................................... 26,500
Total................................................................ 30,477,700

Section 10. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the Illinois Underground Utility Facilities Damage Prevention Fund to the Illinois Commerce Commission for a grant to the Statewide One-call Notice System, as required in the Illinois Underground Utility Facilities Damage Prevention Act.

Section 15. The sum of $1,000, or so much thereof as may be necessary, is appropriated from the Illinois Underground Utility Facilities Damage Prevention Fund to the Illinois Commerce Commission for refunds.

Section 25. The sum of $5,500,000, or so much thereof as may be necessary, is appropriated from the Wireless Carrier Reimbursement Fund
to the Illinois Commerce Commission for reimbursement of wireless carriers for costs incurred in complying with the applicable provisions of Federal Communications Commission wireless enhanced 9-1-1 services mandates and for administrative costs incurred by the Illinois Commerce Commission related to administering the program.

Section 30. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Transportation Regulatory Fund for ordinary and contingent expenses to the Illinois Commerce Commission:

**TRANSPORTATION**

For Personal Services.......................... 6,791,200
For State Contributions to State
  Employees' Retirement System............... 3,026,700
For State Contributions to Social Security...... 517,300
For Group Insurance......................... 1,942,000
For Contractual Services..................... 881,800
For Travel.................................... 80,000
For Commodities.............................. 35,000
For Printing.................................. 54,000
For Equipment............................... 71,300
For Electronic Data Processing.............. 422,100
For Telecommunications.................... 210,000
For Operation of Auto Equipment............ 150,000
For Refunds.................................. 24,700

**Total** $14,206,100

Section 35. The sum of $4,240,000, or so much thereof as may be necessary, is appropriated from the Transportation Regulatory Fund to the Illinois Commerce Commission for (1) disbursing funds collected for the Single State Insurance Registration Program and/or Unified Carrier Registration System; (2) for refunds for overpayments; and (3) for administrative expenses.

Section 40. The sum of $12,000,000, or so much of thereof as may be necessary, is appropriated to the Illinois Commerce Commission from the Illinois Power Agency Renewable Energy Resources Fund for deposit into the Public Utility Fund.

Section 45. The sum of $4,320,000, or so much thereof as may be necessary, is appropriated from the Illinois Telecommunications Access Corporation Fund to the Illinois Commerce Commission for administrative costs and for distribution to the Illinois
Telecommunications Access Corporation, as required in the Illinois Public Utilities Act, Section 13-703.

Section 50. No contract shall be entered into or obligation incurred or any expenditure made from the appropriation herein made in Section 40 of this Article until after the purpose and the amount of such expenditure has been approved in writing by the Governor.

ARTICLE 118

Section 1. The sum of $4,100,000, or so much thereof as may be necessary, is appropriated from the Drycleaner Environmental Response Trust Fund to the Drycleaner Environmental Response Trust Fund Council for use in accordance with the Drycleaner Environmental Response Trust Fund Act.

ARTICLE 119

Section 5. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the Interpreters for the Deaf Fund to the Deaf and Hard of Hearing commission for administration and enforcement of the Interpreter for the Deaf Licensure Act of 2007.

ARTICLE 120

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Illinois Clean Water Fund to the Environmental Protection Agency:

**ADMINISTRATION**

For Personal Services .................. 1,044,900  
For State Contributions to State  
   Employees' Retirement System ................. 476,500  
For State Contributions to  
   Social Security .......................... 79,900  
For Group Insurance ........................ 260,000  
For Contractual Services...................... 210,000  
For Travel.................................. 18,400  
For Commodities............................. 37,000  
For Equipment............................... 50,000  
For Telecommunications Services............. 57,900  
For Operation of Auto Equipment............. 42,500  
Total $2,277,100

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for objects and purposes hereinafter named, are appropriated to the Environmental Protection Agency.

New matter indicated by italics - deletions by strikeout
Public Act 99-0524

Payable from U.S. Environmental Protection Fund:
  For Contractual Services...................... 1,491,100
  For Electronic Data Processing............... 473,300
Payable from Underground Storage Tank Fund:
  For Contractual Services..................... 385,300
  For Electronic Data Processing............... 174,200
Payable from Solid Waste Management Fund:
  For Contractual Services..................... 593,000
  For Electronic Data Processing............... 138,100
Payable from Subtitle D Management Fund:
  For Contractual Services.................... 121,400
  For Electronic Data Processing............... 56,900
Payable from Clean Air Act (CAA) Permit Fund:
  For Contractual Services.................... 1,005,900
  For Electronic Data Processing............... 334,700
Payable from Water Revolving Fund:
  For Contractual Services.................... 942,600
  For Electronic Data Processing............... 354,500
Payable from Used Tire Management Fund:
  For Contractual Services.................... 390,200
  For Electronic Data Processing............... 153,500
Payable from Hazardous Waste Fund:
  For Contractual Services.................... 489,200
  For Electronic Data Processing............... 141,500
Payable from Environmental Protection Permit and Inspection Fund:
  For Contractual Services.................... 376,100
  For Electronic Data Processing............... 142,200
  For Refunds.................................. 100,000
Payable from Vehicle Inspection Fund:
  For Contractual Services.................... 709,200
  For Electronic Data Processing............... 341,500
Payable from the Illinois Clean Water Fund:
  For Contractual Services.................... 660,600
  For Electronic Data Processing............... 623,700
Total $10,198,700

Section 10. The sum of $1,450,000, or so much thereof as may be necessary, is appropriated to the Environmental Protection Agency from the EPA Special State Projects Trust Fund for the purpose of funding all

New matter indicated by italics - deletions by strikeout
costs associated with environmental programs, including costs in prior years.

Section 15. The sum of $400,000, or so much thereof as may be necessary, is appropriated from the U.S. Environmental Protection Fund to the Environmental Protection Agency for all costs associated with environmental projects as defined by federal assistance awards.

Section 20. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the Oil Spill Response Fund to the Environmental Protection Agency for use in accordance with Section 25c-1 of the Environmental Protection Act.

Section 25. The amount of $4,000,000, or so much thereof as may be necessary, is appropriated from the Environmental Protection Trust Fund to the Environmental Protection Agency for awards and grants as directed by the Environmental Protection Trust Fund Commission.

Section 30. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Environmental Protection Agency:

**AIR POLLUTION CONTROL**

Payable from U.S. Environmental Protection Fund:

- For Personal Services .................. 4,177,300
- For State Contributions to State Employees' Retirement System .. 1,904,800
- For State Contributions to Social Security .................................. 319,600
- For Group Insurance ....................... 1,104,000
- For Contractual Services ................. 2,704,000
- For Travel ................................... 31,600
- For Commodities ........................... 132,000
- For Printing .................................. 15,000
- For Equipment ............................... 355,000
- For Telecommunications Services ......... 215,000
- For Operation of Auto Equipment ........ 52,000
- For Use by the City of Chicago ............ 374,600
- For Expenses Related to Clean Air Activities .................. 4,950,000

**Total** $16,334,900

Payable from the Environmental Protection Permit and Inspection Fund for Air

New matter indicated by italics - deletions by strikeout
Permit and Inspection Activities:
For Personal Services.......................... 2,350,000
For Other Expenses............................. 2,300,000
Total $4,650,000

Payable from the Vehicle Inspection Fund:
For Personal Services.......................... 5,005,700
For State Contributions to State
Employees' Retirement System.............. 2,282,500
For State Contributions to
Social Security.............................. 382,900
For Group Insurance......................... 1,748,000
For Contractual Services, including
prior year costs............................. 18,950,000
For Travel...................................... 40,000
For Commodities.............................. 15,000
For Printing.................................. 334,000
For Equipment............................... 60,900
For Telecommunications..................... 175,000
For Operation of Auto Equipment.......... 29,200
For the Alternate Fuels Rebate and
Grant Program including rates from
prior years................................. 5,000,000
Total $34,023,200

Section 35. The following named amounts, or so much thereof as
may be necessary, is appropriated from the Clean Air Act (CAA) Permit
Fund to the Environmental Protection Agency for the purpose of funding
Clean Air Act Title V activities in accordance with Clean Air Act
Amendments of 1990:
For Personal Services and Other
Expenses of the Program............... 17,500,000

Section 40. The named amounts, or so much thereof as may be
necessary, is appropriated from the Alternate Fuels Fund to the
Environmental Protection Agency for the purpose of administering the
Alternate Fuels Rebate Program and the Ethanol Fuel Research Program:
For Personal Services and Other
Expenses................................. 225,000
For Grants and Rebates, including
costs in prior years................. 3,000,000
Total $3,225,000

New matter indicated by italics - deletions by strikeout
Section 45. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the Alternative Compliance Market Account Fund to the Environmental Protection Agency for all costs associated with the emissions reduction market program.

LABORATORY SERVICES

Section 50. The sum of $1,414,400, or so much thereof as may be necessary, is appropriated from the Illinois Clean Water Fund to the Environmental Protection Agency for the purpose of laboratory analysis of samples.

Section 55. The following named amount, or so much thereof as may be necessary, is appropriated from the Community Water Supply Laboratory Fund to the Environmental Protection Agency for the purpose of performing laboratory testing of samples from community water supplies and for administrative costs of the Agency and the Community Water Supply Testing Council:

For Personal Services and Other Expenses of the Program 1,200,000

Section 60. The sum of $540,000, or so much thereof as may be necessary, is appropriated from the Environmental Laboratory Certification Fund to the Environmental Protection Agency for the purpose of administering the environmental laboratories certification program.

Section 65. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Environmental Protection Agency:

LAND POLLUTION CONTROL

Payable from U.S. Environmental Protection Fund:

For Personal Services 2,735,800
For State Contributions to State Employees' Retirement System 1,247,500
For State Contributions to Social Security 209,300
For Group Insurance 825,000
For Contractual Services 200,000
For Travel 40,000
For Commodities 25,000
For Printing 20,000
For Equipment 26,000
For Telecommunications Services 100,000

New matter indicated by italics - deletions by strikeout
For Operation of Auto Equipment .................. 25,000
For Use by the Office of the Attorney General ....... 0
For Underground Storage Tank Program ............ 2,600,000
Total ................................................................ $8,053,600

Section 70. The following named sums, or so much thereof as may be necessary, including prior year costs, are appropriated to the Environmental Protection Agency, payable from the U. S. Environmental Protection Fund, for use of remedial, preventive or corrective action in accordance with the Federal Comprehensive Environmental Response Compensation and Liability Act of 1980 as amended:
For Personal Services ............................... 1,064,200
For State Contributions to State
Employees' Retirement System .................... 485,300
For State Contributions to
Social Security ........................................ 81,400
For Group Insurance ................................ 295,000
For Contractual Services ........................... 140,000
For Travel ............................................. 50,000
For Commodities .................................... 50,000
For Printing ....................................... 10,000
For Equipment ...................................... 50,000
For Telecommunications Services ............... 50,000
For Operation of Auto Equipment ............... 35,000
For Expenses Related to
Remedial, Preventive or Corrective
Actions in Accordance with the
Federal Comprehensive and Liability
Act of 1980, including Costs in
Prior Years ........................................... 10,500,000
Total ................................................. $12,810,900

Section 75. The following named sums, or so much thereof as may be necessary, are appropriated to the Environmental Protection Agency for the purpose of funding the Underground Storage Tank Program.
Payable from the Underground Storage Tank Fund:
For Personal Services ............................... 3,293,700
For State Contributions to State
Employees' Retirement System ................... 1,501,900
For State Contributions to
Social Security .................................... 252,000

New matter indicated by italics - deletions by strikeout
For Group Insurance.............................. 910,000
For Contractual Services......................... 320,000
For Travel......................................... 8,000
For Commodities................................... 20,000
For Printing........................................ 5,000
For Equipment..................................... 100,000
For Telecommunications Services............... 50,000
For Operation of Auto Equipment............... 16,300
For Contracts for Site Remediation and for Reimbursements to Eligible Owners/Operators of Leaking Underground Storage Tanks, including claims submitted in prior years.................. 45,100,000
Total.................................................. $51,576,900

Section 80. The following named sums, or so much thereof as may be necessary, are appropriated to the Environmental Protection Agency for use in accordance with Section 22.2 of the Environmental Protection Act:

Payable from the Hazardous Waste Fund:
For Personal Services........................... 4,376,100
For State Contributions to State
Employees' Retirement System............... 1,995,400
For State Contributions to
Social Security.................................... 334,800
For Group Insurance......................... 1,219,000
For Contractual Services...................... 442,500
For Travel........................................... 30,000
For Commodities................................. 15,000
For Printing........................................ 25,000
For Equipment.................................... 40,000
For Telecommunications Services........... 29,100
For Operation of Auto Equipment........... 37,500
For Refunds......................................... 50,000
For Contractual Services for Site Remediations, including costs submitted in prior years........... 3,000,000
Total.................................................. $11,594,400

Section 85. The following named sums, or so much thereof as may be necessary, are appropriated from the Environmental Protection Permit

New matter indicated by italics - deletions by strikeout
and Inspection Fund to the Environmental Protection Agency for land permit and inspection activities:

For Personal Services....................... 2,065,000
For State Contributions to State
  Employees' Retirement System.............. 960,500
For State Contributions to Social Security.............. 158,000
For Group Insurance......................... 600,000
For Contractual Services.................... 30,000
For Travel.................................... 6,500
For Commodities................................ 5,000
For Printing.................................... 5,000
For Equipment.................................. 5,000
For Telecommunications Services.............. 15,000
For Operation of Auto Equipment............... 5,000
Total $3,855,000

Section 90. The following named sums, or so much thereof as may be necessary, are appropriated from the Solid Waste Management Fund to the Environmental Protection Agency for use in accordance with Section 22.15 of the Environmental Protection Act:

For Personal Services....................... 4,819,200
For State Contributions to State
  Employees' Retirement System.............. 2,119,700
For State Contributions to Social Security.............. 368,700
For Group Insurance......................... 1,380,000
For Contractual Services.................... 122,000
For Travel.................................... 25,000
For Commodities................................ 10,000
For Printing.................................... 25,000
For Equipment.................................. 12,500
For Telecommunications Services.............. 50,000
For Operation of Auto Equipment............... 15,000
For Refunds.................................... 5,000
For financial assistance to units of local government for operations under delegation agreements............ 1,700,000
Total $10,652,100

New matter indicated by italics - deletions by strikeout
Section 95. The following named sums, or so much therefore as may be necessary, are appropriated to the Environmental Protection Agency for all costs associated with solid waste management activities, including costs from prior years:

Payable from the Solid Waste Management Fund................................ 3,000,000

Section 100. The following named amounts, or so much thereof as may be necessary, are appropriated from the Used Tire Management Fund to the Environmental Protection Agency for purposes as provided for in Section 55.6 of the Environmental Protection Act:

For Personal Services.......................... 3,173,800
For State Contributions to State Employees' Retirement System............... 1,447,200
For State Contributions to Social Security............................. 242,800
For Group Insurance.............................. 897,000
For Contractual Services, including prior year costs..................... 2,000,000
For Travel........................................ 20,000
For Commodities................................... 10,000
For Printing...................................... 10,000
For Equipment..................................... 20,000
For Telecommunications Services............. 40,000
For Operation of Auto Equipment............. 25,000
Total $7,885,800

Section 105. The following named amounts, or so much thereof as may be necessary, are appropriated from the Subtitle D Management Fund to the Environmental Protection Agency for the purpose of funding the Subtitle D permit program in accordance with Section 22.44 of the Environmental Protection Act:

For Personal Services............................ 915,600
For State Contributions to State Employees' Retirement System............. 417,500
For State Contributions to Social Security............................ 70,100
For Group Insurance.............................. 253,000
For Contractual Services........................ 257,000
For Travel......................................... 8,000
For Commodities................................. 20,000

New matter indicated by italics - deletions by strikeout
For Printing.............................................. 25,000
For Equipment......................................... 25,000
For Telecommunications............................ 75,000
For Operation of Auto Equipment.................... 18,000

Total $2,084,200

Section 110. The sum of $400,000, or so much thereof as may be necessary, is appropriated from the Landfill Closure and Post-Closure Fund to the Environmental Protection Agency for the purpose of funding closure activities in accordance with Section 22.17 of the Environmental Protection Act.

Section 120. The following named amount, or so much thereof as may be necessary, is appropriated to the Environmental Protection Agency for use in accordance with the Brownfields Redevelopment program:

Payable from the Brownfields Redevelopment Fund:
For Personal Services and Other Expenses of the Program....................... 1,656,700

Section 125. The sum of $4,500,000, or so much thereof as may be necessary, is appropriated from the Brownfields Redevelopment Fund to the Environmental Protection Agency for financial assistance for Brownfields redevelopment in accordance with 58.3(5), 58.13 and 58.15 of the Environmental Protection Act, including costs in prior years.

Section 130. The sum of $1,300,000, or so much thereof as may be necessary, is appropriated from the Environmental Protection Trust Fund to the Environmental Protection Agency for all expenses related to removal or mediation actions at the Worthy Park, Cook County, hazardous waste site.

Section 135. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the Electronics Recycling Fund to the Environmental Protection Agency for use in accordance with Public Act 95-0959, Electronic Products Recycling and Reuse Act.

Section 140. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Environmental Protection Agency:

BUREAU OF WATER

Payable from U.S. Environmental Protection Fund:
For Personal Services............................... 7,124,500
For State Contributions to State Employees' Retirement System............ 3,248,600

New matter indicated by italics - deletions by strikeout
For State Contributions to
Social Security.............................. 545,000
For Group Insurance.......................... 2,012,000
For Contractual Services...................... 1,800,000
For Travel.................................... 113,900
For Commodities............................. 30,500
For Printing.................................. 48,100
For Equipment................................ 140,000
For Telecommunications Services............. 106,400
For Operation of Auto Equipment............. 34,800
For Use by the Department of
Public Health.................................. 830,000
For non-point source pollution management
and special water pollution studies
including costs in prior years................. 8,950,000
For Water Quality Planning,
including costs in prior years............... 900,000
For Use by the Department of
Agriculture................................. 160,000
Total ........................................ $26,043,800

Section 145. The following named sums, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named, are appropriated to the Environmental Protection Agency:
Payable from the Environmental Protection Permit
and Inspection Fund:
For Personal Services......................... 306,500
For State Contribution to State
Employees' Retirement System................. 140,000
For State Contribution to
Social Security.............................. 23,500
For Group Insurance.......................... 115,000
For Contractual Services..................... 10,000
For Travel................................... 10,000
For Commodities........................... 10,000
For Equipment............................... 20,000
For Telecommunications Services........... 15,000
For Operation of Automotive Equipment..... 10,000
Total ........................................ $660,000

New matter indicated by italics - deletions by strikeout
Section 155. The amount of $12,563,300, or so much thereof as may be necessary, is appropriated from the Illinois Clean Water Fund to the Environmental Protection Agency for all costs associated with clean water activities.

Section 160. The following named amounts, or so much thereof as may be necessary, respectively, for the object and purposes hereinafter named, are appropriated to the Environmental Protection Agency:

Payable from the Water Revolving Fund:
- For Administrative Costs of Water Pollution Control Revolving Loan Program: $8,000,000
- For Program Support Costs of Water Pollution Control Program: $20,000,000
- For Administrative Costs of the Drinking Water Revolving Loan Program: $1,500,000
- For Program Support Costs of the Drinking Water Program: $10,000,000
- For Technical Assistance to Small Systems: $735,000
- For Administration of the Public Water System Supervision (PWSS) Program, Source Water Protection, Development And Implementation of Capacity Development, and Operator Certification Programs: $3,600,000
- For Clean Water Administration Loan Eligible Activities: $10,000,000
- For Local Assistance and Other 1452(k) Activities: $5,500,000

Total: $59,335,000

Section 165. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Environmental Protection Agency for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Pollution Control Board Division:

POLLUTION CONTROL BOARD DIVISION
Payable from Pollution Control Board Fund:
- For Contractual Services: $0
- For Telecommunications Services: $0
- For Operational Expenses: $48,000
- For Refunds: $2,000

Total: $50,000

New matter indicated by italics - deletions by strikeout
Payable from the Environmental Protection Permit and Inspection Fund:
For Personal Services..............................                                          548,800
For State Contributions to State Employees' Retirement System........................... 255,200
For State Contributions to Social Security............ 42,000
For Group Insurance................................                                         144,000
For Contractual Services........................................ 0
For Travel...............................................                                                     0
For Telecommunications Services..................... 0
Total                                                                                    $990,000

Payable from the Clean Air Act (CAA) Permit Fund:
For Personal Services..............................                                          281,500
For State Contributions to State Employees' Retirement System........................... 130,900
For State Contributions to Social Security............ 21,600
For Group Insurance................................                                         96,000
For Contractual Services................................ 10,000
Total                                                                                    $540,000

Section 170. The amount of $364,700, or so much thereof as may be necessary, is appropriated from the Used Tire Management Fund to the Environmental Protection Agency for the purposes as provided for in Section 55.6 of the Environmental Protection Act.

Section 175. The amount of $1,491,100, or so much thereof as may be necessary, is appropriated from the Underground Storage Tank Fund to the Environmental Protection Agency for case processing of leaking underground storage tank permit and claims appeals.

Section 180. The sum of $30,000,000, or so much of thereof as may be necessary, is appropriated to the Illinois Environmental Protection Agency from the Motor Fuel Tax Fund for deposit into the Vehicle Inspection Fund.

ARTICLE 121

Section 5. The sum of $2,300,000, or so much thereof as may be necessary, is appropriated from the Guardianship and Advocacy Fund to the Guardianship and Advocacy Commission for services pursuant to Section 5 of the Guardianship and Advocacy Act.

ARTICLE 122

Section 10. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Criminal Justice

New matter indicated by italics - deletions by strikeout
Information Authority for administrative costs, awards and grants for the Adult Redeploy and Diversion Programs:
Payable from the ICJIA Violence Prevention Special Projects Fund

4,664,000

Section 15. The sum of $42,500,000, or so much thereof as may be necessary, is appropriated from the Criminal Justice Trust Fund to the Illinois Criminal Justice Information Authority for awards and grants to local units of government and non-profit organizations.

Section 20. The sum of $15,000,000, or so much thereof as may be necessary, is appropriated from the Criminal Justice Trust Fund to the Illinois Criminal Justice Information Authority for awards and grants to state agencies.

Section 25. The following named sums, or so much thereof as may be necessary, are appropriated to the Illinois Criminal Justice Information Authority for activities undertaken in support of federal assistance programs administered by units of state and local government and non-profit organizations:
Payable from the Criminal Justice Trust Fund

5,847,300

Section 30. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Criminal Justice Information Authority for awards and grants and other monies received from federal agencies, from other units of government, and from private/not-for-profit organizations for activities undertaken in support of investigating issues in criminal justice and for undertaking other criminal justice information projects:
Payable from the Criminal Justice Trust Fund

1,700,000
Payable from the Criminal Justice Information Projects Fund

1,000,000
Total $2,700,000

Section 35. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Illinois Criminal Justice Information Authority for awards, grants and operational support to implement the Motor Vehicle Theft Prevention Act:
Payable from the Motor Vehicle Theft Prevention Trust Fund:
For Personal Services

296,600

New matter indicated by italics - deletions by strikeout
For other Ordinary and Contingent Expenses....... 307,000
For Awards and Grants to federal
and state agencies, units of local
government, corporations, and
neighborhood, community and business
organizations to include operational
activities and programs undertaken
by the Authority in support of the
Motor Vehicle Theft Prevention Act.............. 0
For Refunds....................................... 60,300
Total                                                                                    $663,900

Section 40. The sum of $10,000, or so much thereof as may be
necessary, is appropriated from the Illinois State Crime Stoppers
Association Fund to the Illinois Criminal Justice Information Authority for
grants to enhance and develop Crime Stoppers programs in Illinois.

Section 45. The following named amounts, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named, are appropriated to the Illinois Criminal Justice Information
Authority for the training of law enforcement personnel and services for
families of homicide or murder:
Payable from the Death Penalty Abolition Fund:
   For Personal Services......................... 291,400
   For other Ordinary and Contingent Expenses....... 690,500
For Awards and Grants to Units of
   Government and Non Profit Organizations
for training of law enforcement personnel
and services for families of victims of
homicide or murder................................. 3,500,000
For Awards and Grants to State Agencies
for training of law enforcement personnel
and services for families of victims of
homicide or murder................................. 3,500,000
Total                                                                                   $7,981,900

Section 50. The sum of $150,000, or so much thereof as may be
necessary, is appropriated from the Prescription Pill and Drug Disposal
Fund to the Illinois Criminal Justice Information Authority for the purpose
of collection, transportation, and incineration of pharmaceuticals by local
law enforcement agencies.
Section 55. The following amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes named, to meet the ordinary and contingent expenses of the Illinois Criminal Justice Information Authority:

Payable from the ICJIA Violence Prevention Fund:

For Personal Services............................ 181,300
For State Contributions to State
Employees' Retirement System.................... 80,800
For State Contribution to Social Security.................. 13,900
For Group Insurance............................. 84,000
For Contractual Services......................... 9,500
For Travel........................................ 4,000
For Commodities................................... 500
For Printing...................................... 500
For Equipment.................................... 0
For Electronic Data Processing.................... 2,000
For Telecommunications Services................. 5,000

Total $381,500

ARTICLE 123

Section 1. The following named amounts, or so much thereof as may be necessary, are appropriated from the Personal Property Tax Replacement Fund to the Illinois Educational Labor Relations Board for the objects and purposes hereinafter named:

OPERATIONS

For Personal Services............................ 762,600
For State Contributions to State
Employees’ Retirement System.................... 339,900
For State Contributions to Social Security.................. 57,200
For Group Insurance............................. 240,000
For Contractual Services......................... 137,300
For Travel........................................ 10,400
For Commodities................................... 3,000
For Printing...................................... 2,000
For Equipment.................................... 1,000
For Electronic Data Processing.................... 1,800
For Telecommunications Services................. 15,000
For Operation of Automotive Equipment.......... 1,000

New matter indicated by italics - deletions by strikeout
ARTICLE 124
Section 1. The sum of $58,963,400, or so much thereof as may be necessary, is appropriated from the Illinois Sports Facilities Fund to the Illinois Sports Facilities Authority for its corporate purposes.

ARTICLE 125
Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Illinois Council on Developmental Disabilities:

Payable from Council on Developmental Disabilities Federal Fund:
For Personal Services............................                                          842,200
For State Contributions to the State Employees' Retirement System....................       384,000
For State Contributions to Social Security..................................                                               64,400
For Group Insurance..............................                                         276,000
For Contractual Services.........................                                        469,700
For Travel........................................                                                 43,000
For Commodities...................................                                           30,000
For Printing......................................                                                 37,500
For Equipment.....................................                                             15,000
For Electronic Data Processing....................                                     25,000
For Telecommunications Services...................                                 45,000
Total                                                                                 $2,231,800

Section 5. The amount of $2,500,000, or so much thereof as may be necessary, is appropriated from the Council on Developmental Disabilities Federal Fund to the Illinois Council on Developmental Disabilities for awards and grants to community agencies and other State agencies.

ARTICLE 126
Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Illinois Workers’ Compensation Commission Operations Fund to the Illinois Workers’ Compensation Commission:

GENERAL OFFICE
For Personal Services:

New matter indicated by italics - deletions by strikeout
Regular Positions............................. 8,116,000
Arbitrators................................... 3,938,600
For State Contributions to State
  Employees' Retirement System............. 3,700,700
  For Arbitrators' Retirement System....... 1,795,900
  For State Contributions to Social Security.. 922,200
  For Group Insurance........................ 3,552,000
  For Contractual Services................... 2,055,100
  For Travel................................... 320,000
  For Commodities................................ 60,000
  For Printing.................................. 30,000
  For Equipment.................................. 30,000
  For Telecommunications Services............. 85,000
Total $24,605,500

Section 5. The amount of $34,100, or so much thereof as may be necessary, is appropriated from the Illinois Workers’ Compensation Commission Operations Fund to the Illinois Workers’ Compensation Commission for the implementation and operation of an accident reporting system.

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Illinois Workers’ Compensation Commission Operations Fund to the Illinois Workers’ Compensation Commission:

    ELECTRONIC DATA PROCESSING
For Personal Services......................... 1,136,400
For State Contributions to State
  Employees' Retirement System............. 509,000
  For State Contributions to Social Security.. 85,400
  For Group Insurance........................ 240,000
  For Contractual Services................... 200,000
  For Travel................................... 9,000
  For Commodities................................ 12,000
  For Printing.................................. 1,000
  For Equipment.................................. 15,000
  For Telecommunications Services............. 90,000
Total $2,297,800

Section 15. The amount of $2,041,500, or so much thereof as may be necessary, is appropriated from the Illinois Workers’ Compensation Commission Operations Fund to the Illinois Workers’ Compensation Commission:

New matter indicated by italics - deletions by strikeout
Commission Operations Fund to Illinois Workers’ Compensation Commission for costs associated with the establishment, administration and operations of the Insurance Compliance Division of the workers’ compensation anti-fraud program administered by Illinois Workers’ Compensation Commission.

Section 20. The amount of $60,000, or so much thereof as may be necessary, is appropriated from the Illinois Workers’ Compensation Commission Operations Fund to Illinois Workers’ Compensation Commission for costs associated with the establishment of the Medical Fee Schedule and other provisions of the Workers’ Compensation Act.

ARTICLE 127

Section 5. The sum of $167,600, or so much thereof as may be necessary, is appropriated from the Illinois Independent Tax Tribunal Fund to the Illinois Independent Tax Tribunal to meet its operational expenses for the fiscal year ending June 30, 2017.

ARTICLE 128

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Illinois Gaming Board:

PAYABLE FROM THE STATE GAMING FUND

For Personal Services.......................... 9,997,300
For State Contributions to the
State Employees' Retirement System.......... 4,455,600
For State Contributions to
Social Security................................... 388,700
For Group Insurance......................... 2,736,000
For Contractual Services...................... 702,000
For Travel...................................... 60,500
For Commodities............................. 15,000
For Printing.................................. 2,500
For Equipment............................... 50,000
For Electronic Data Processing.............. 281,000
For Telecommunications.................... 350,000
For Operation of Auto Equipment.......... 100,000
For Refunds................................. 50,000
For Expenses Related to the Illinois
State Police................................. 14,768,900
For distributions to local

New matter indicated by italics - deletions by strikeout
governments for admissions and wagering tax, including prior year costs.... 100,000,000
For costs associated with the implementation and administration of the Video Gaming Act............... 20,270,700
Total $154,228,200
Section 5. The sum of $413,000, or so much thereof as may be necessary, is appropriated from the State Gaming Fund to the Illinois Gaming Board for costs and expenses related to or in support of a Government Services Shared Services Center.

ARTICLE 129
Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Law Enforcement Training Standards Board:
OPERATIONS
Payable from the Traffic and Criminal Conviction Surcharge Fund:
For Personal Services......................... 2,012,900
For State Contributions to State Employees' Retirement System............... 897,100
For State Contributions to Social Security......................... 155,800
For Group Insurance......................... 672,000
For Contractual Services......................... 361,500
For Travel........................................ 40,000
For Commodities................................... 10,000
For Printing....................................... 5,000
For Equipment...................................... 4,000
For Electronic Data Processing..................... 81,500
For Telecommunications Services................... 34,900
For Operation of Auto Equipment................... 22,000
Total $4,296,700
Payable from the Police Training Board Services Fund:
For payment of and/or services related to law enforcement training in accordance with statutory provisions of the Law Enforcement Intern Training Act......................... 100,000

New matter indicated by italics - deletions by strikeout
Payable from the Death Certificate Surcharge Fund:
For payment of and/or services
related to death investigation
in accordance with statutory
provisions of the Vital Records Act................. 0

Payable from the Law Enforcement Camera
Grant Fund:
For grants to units of
local government in Illinois
related to installing video cameras
in law enforcement vehicles and
training law enforcement officers
in the operation of the cameras in
accordance with statutory provisions
of the Law Enforcement Camera
Grant Act..................................... 3,400,000

Section 5. The following named amount, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named, is appropriated to the Law Enforcement Training Standards Board
as follows:

GRANTS-IN-AID

Payable from the Traffic and Criminal
Conviction Surcharge Fund:
For payment of and/or reimbursement
of training and training services
in accordance with statutory provisions...... 16,000,000

ARTICLE 130

Section 1. The sum of $177,926,000, or so much thereof as may be
necessary, is appropriated from the McCormick Place Expansion Project
Fund to the Metropolitan Pier and Exposition Authority for debt service on
the Authority's McCormick Place Expansion Project Bonds, issued
pursuant to the "Metropolitan Pier and Exposition Authority Act", as
amended, and related trustee and legal expenses.

Section 5. The sum of $15,000,000, or so much thereof as may be
necessary, is appropriated to the Metropolitan Pier and Exposition
Authority from the Metropolitan Pier and Exposition Authority Incentive
Fund for Fiscal Year 2017 for certified incentives paid to conventions,
meetings and trade shows held at the McCormick Place Convention
Center and Navy Pier complexes during Fiscal Year 2017.
Section 10. The sum of $10,042,000, or so much thereof as may be necessary, is appropriated to the Metropolitan Pier and Exposition Authority from the Chicago Travel Industry Promotion Fund for a grant to Choose Chicago.

ARTICLE 131

Section 10. The amount of $280,500, or so much thereof as may be necessary, is appropriated from the Prisoner Review Board Vehicle and Equipment Fund to the Prisoner Review Board for all ordinary and contingent expenses of the Board, but not including personal services.

ARTICLE 132

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Illinois Racing Board:

**PAYABLE FROM THE HORSE RACING FUND**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,145,200</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>510,400</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>87,700</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>316,800</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>180,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>20,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>1,500</td>
</tr>
<tr>
<td>For Printing</td>
<td>1,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>2,000</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>50,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>65,000</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>10,000</td>
</tr>
<tr>
<td>For Refunds</td>
<td>1,000</td>
</tr>
<tr>
<td>For Expenses related to the Laboratory Program</td>
<td>1,134,000</td>
</tr>
<tr>
<td>For Expenses related to the Regulation of Racing Program</td>
<td>2,845,800</td>
</tr>
<tr>
<td>For Distribution to local governments for admissions tax</td>
<td>345,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$6,715,400</strong></td>
</tr>
</tbody>
</table>

Section 5. The sum of $185,000, or so much thereof as may be necessary, is appropriated from the Horse Racing Fund to the Illinois New matter indicated by italics - deletions by strikeout.
Racing Board for costs and expenses related to or in support of a Government Services Shared Services Center.

ARTICLE 133

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Property Tax Appeal Board:

Payable from the Personal Property Tax Replacement Fund:

For Personal Services.......................... 2,650,200
For Contributions to the State
   Employees’ Retirement System............... 1,208,500
For State Contributions to
   Social Security............................... 202,800
For Group Insurance............................ 864,000
For Contractual Services....................... 67,900
For Travel....................................... 30,000
For Commodities................................ 9,600
For Printing...................................... 4,200
For Equipment................................... 4,400
For Electronic Data Processing............... 43,200
For Telecommunication Services............... 30,000
For Operation of Auto Equipment.............. 6,000
For Refunds..................................... 200
For Costs Associated with the Appeal
   Process and the Reestablishment of a
   Cook County Office......................... 200,000

Total $5,321,000

ARTICLE 134

Section 5. The sum of $800,000, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Teachers’ Retirement System of the State of Illinois for additional costs due to the establishment of minimum retirement allowances pursuant to Sections 16-136.2 and 16-136.3 of the Illinois Pension Code, as amended.

Section 10. The sum of $130,000, or so much thereof as may be necessary, is appropriated from the Common School Fund to the Illinois Teachers’ Retirement System for the employer contributions required by the State as an employer of teachers described under subsection (e) of Section 16-158 of the Illinois Pension Code.

New matter indicated by italics - deletions by strikeout
Section 15. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the Common School Fund to the Illinois Teachers’ Retirement System for the employer contributions required by the State as an employer of teachers described under subsection (f) of Section 16-158 of the Illinois Pension Code.

Section 20. The amount of $12,186,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Public School Teachers’ Pension and Retirement Fund of Chicago for the state’s contribution for retirement contributions under Section 17-127 of the Illinois Pension Code.

ARTICLE 135

Section 10. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter named:

MANAGEMENT AND ADMINISTRATIVE SUPPORT

Payable from Nuclear Safety Emergency Preparedness Fund:
For Personal Services.......................... 2,119,000
For State Contributions to State Employees' Retirement System.................... 944,400
For State Contributions to Social Security.............................................. 157,000
For Group Insurance................................. 548,000
For Contractual Services....................... 1,700,000
For Travel.......................................... 7,000
For Commodities..................................... 5,000
For Printing....................................... 15,000
For Equipment..................................... 5,000
For Electronic Data Processing................. 548,000
For Telecommunications Services............ 140,000
For Operation of Auto Equipment............... 300,000
Total $6,488,400

Payable from Radiation Protection Fund:
For Contractual Services....................... 945,000
For Travel........................................ 1,000
For Commodities................................. 1,000
For Printing..................................... 0
For Electronic Data Processing............... 198,000
For Telecommunications........................ 8,000

New matter indicated by italics - deletions by strikeout
For Operation of Auto Equipment.......................... 10,000
Payable from the Homeland Security
Emergency Preparedness Trust Fund:
For Terrorism Preparedness and 
Training costs in the current 
and prior years.......................... 53,817,000
For Terrorism Preparedness and 
Training costs in the current 
and prior years in the Chicago 
Urban Area............................. 259,091,000
Payable from the September 11th Fund:
For grants, contracts, and administrative 
expenses pursuant to 625 ILCS 5/3-660, 
including prior year costs................. 75,000
Payable from the Federal Civil Preparedness 
Administrative Fund:
For HMEP Planning including prior year costs... 1,341,200
For HMEP Training including prior year costs... 1,341,200

Section 15. The sum of $100,000, or so much thereof as may be 
necessary, is appropriated from the Radiation Protection Fund to the 
Illinois Emergency Management Agency for the ordinary and contingent 
expenses incurred by the Illinois Emergency Management Agency.

Section 20. The amount of $23,010,400, or so much thereof as may 
be necessary, is appropriated from the Homeland Security Emergency 
Preparedness Trust Fund to the Illinois Emergency Management Agency 
for current and prior year expenses related to the federally funded 
Emergency Preparedness Grant Program.

Section 25. The sum of $50,000, or so much thereof as may be 
necessary, is appropriated from the Nuclear Safety Emergency 
Preparedness Fund to the Illinois Emergency Management Agency for the 
ordinary and contingent expenses incurred by the Illinois Emergency 
Management Agency.

Section 30. The sum of $12,000,000, or so much thereof as may be 
necessary, is appropriated from the Disaster Response and Recovery Fund 
to the Illinois Emergency Management Agency for all current and prior 
year expenses associated with disaster response and recovery.

New matter indicated by italics - deletions by strikeout
Section 35. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter named:

**OPERATIONS**

Payable from Nuclear Safety Emergency Preparedness Fund:

- For Personal Services: $640,000
- For State Contributions to State Employees' Retirement System: $285,300
- For State Contributions to Social Security: $48,000
- For Group Insurance: $189,000
- For Contractual Services: $10,000
- For Travel: $10,000
- For Commodities: $3,000
- For Printing: $0
- For Equipment: $4,000
- For Telecommunications: $230,000

**Total:** $1,419,300

Section 40. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter enumerated:

**RADIATION SAFETY**

Payable from Radiation Protection Fund:

- For Personal Services: $3,234,000
- For State Contributions to State Employees' Retirement System: $1,441,300
- For State Contributions to Social Security: $242,000
- For Group Insurance: $713,000
- For Contractual Services: $60,000
- For Travel: $35,000
- For Commodities: $5,000
- For Printing: $0
- For Equipment: $95,000
- For Telecommunications: $30,000
- For Refunds: $3,000
- For reimbursing other governmental agencies for their assistance in responding to radiological emergencies: $0

New matter indicated by italics - deletions by strikeout
Total $5,858,300

Payable from Nuclear Safety Emergency Preparedness Fund:
For Personal Services .......................................................... 1,741,000
For State Contributions to State Employees' Retirement System .......... 775,900
For State Contributions to Social Security ........................................ 129,000
For Group Insurance ............................................................. 482,000
For Contractual Services .......................................................... 200,000
For Travel ........................................................................... 15,000
For Commodities ..................................................................... 70,000
For Printing .................................................................................. 0
For Equipment ........................................................................... 100,000
For Telecommunications ............................................................. 25,000
Total $3,537,900

Payable from Low-Level Radioactive Waste Facility Development and Operation Fund:
For Refunds for Overpayments made by Low-Level Waste Generators ........................................................................... 0

Section 45. The amount of $600,000, or so much thereof as may be necessary, is appropriated from the Indoor Radon Mitigation Fund to the Illinois Emergency Management Agency for current and prior year expenses relating to the federally funded State Indoor Radon Abatement Program.

Section 50. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter enumerated:

NUCLEAR FACILITY SAFETY

Payable from Nuclear Safety Emergency Preparedness Fund:
For Personal Services .......................................................... 3,603,000
For State Contributions to State Employees' Retirement System .......... 1,605,800
For State Contributions to Social Security ............................................ 266,000
For Group Insurance ..................................................................... 840,000
For Contractual Services .......................................................... 700,000
For Travel .................................................................................. 100,000

New matter indicated by italics - deletions by strikeout
For Commodities......................... 150,000
For Printing................................. 0
For Equipment............................... 200,000
For Telecommunications Services......... 370,000
Total $7,834,800

Section 55. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter named:

DISASTER ASSISTANCE AND PREPAREDNESS
Payable from Nuclear Safety Emergency Preparedness Fund:
For Personal Services.................... 444,000
For State Contributions to State Employees’ Retirement System................. 197,900
For State Contributions to Social Security........................................ 33,000
For Group Insurance........................ 120,000
For Contractual Services............... 90,000
For Travel.................................. 25,000
For Commodities.......................... 5,000
For Printing............................... 2,000
For Equipment.............................. 2,500
For Telecommunications Services........ 20,000
For compensation to local governments for expenses attributable to implementation and maintenance of plans and programs authorized by the Nuclear Safety Preparedness Act....................... 650,000
Total $1,589,400

Payable from the Federal Aid Disaster Fund:
For Federal Disaster Declarations in Current and Prior Years................. 70,000,000
For State administration of the Federal Disaster Relief Program........... 1,000,000
Disaster Relief - Hazard Mitigation in Current and Prior Years............... 55,000,000
For State administration of the Hazard Mitigation Program................. 1,000,000
Total $127,000,000

New matter indicated by italics - deletions by strikeout
Payable from the Emergency Planning and Training Fund:
For Activities as a Result of the Illinois Emergency Planning and Community Right To Know Act................. 50,000

Payable from the Nuclear Civil Protection Planning Fund:
For Federal Projects including prior year costs..................... 500,000
For Mitigation Assistance including prior year costs.................. 3,000,000
Total $3,500,000

Payable from the Federal Civil Administrative Preparedness Fund:
To the Illinois Emergency Management Agency for current and prior year expenses:
For Training and Education........................................ 50,000

Section 60. The sum of $700,000, or so much thereof as may be necessary, is appropriated from the Radiation Protection Fund to the Illinois Emergency Management Agency for licensing facilities where radioactive uranium and thorium mill tailings are generated or located, and related costs for regulating the decontamination and decommissioning of such facilities and for identification, decontamination and environmental monitoring of unlicensed properties contaminated with such radioactive mill tailings.

Section 65. The sum of $0, or so much thereof as may be necessary, is appropriated from the Radiation Protection Fund to the Illinois Emergency Management Agency for the purpose of funding costs related to environmental cleanup of the Ottawa Radiation Areas Superfund Project under cooperative agreements with the Federal Government.

Section 70. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Radiation Protection Fund to the Illinois Emergency Management Agency for recovery and remediation of radioactive materials and contaminated facilities or properties when such expenses cannot be paid by a responsible person or an available surety.

Section 75. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the Radiation Protection Fund to the Illinois Emergency Management Agency for local responder training, demonstrations, research, studies and investigations under funding agreements with the Federal Government.

New matter indicated by italics - deletions by strikeout
Section 80. The sum of $35,000, or so much thereof as may be necessary, is appropriated from the Nuclear Safety Emergency Preparedness Fund to the Illinois Emergency Management Agency for related training and travel expenses and to reimburse the Illinois State Police and the Illinois Commerce Commission for costs incurred for activities related to inspecting and escorting shipments of spent nuclear fuel, high-level radioactive waste, and transuranic waste in Illinois as provided under the rules of the Agency.

Section 85. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the Sheffield February 1982 Agreed Order Fund to the Illinois Emergency Management Agency for the care, maintenance, monitoring, testing, remediation and insurance of the low-level radioactive waste disposal site near Sheffield, Illinois.

Section 90. The sum of $650,000, or so much thereof as may be necessary, is appropriated from the Low-Level Radioactive Waste Facility Development and Operation Fund to the Illinois Emergency Management Agency for use in accordance with Section 14(a) of the Illinois Low-Level Radioactive Waste Management Act for costs related to establishing a low-level radioactive waste disposal facility.

Section 95. The sum of $240,000, or so much thereof as may be necessary, is appropriated from the Nuclear Safety Emergency Preparedness Fund to the Illinois Emergency Management Agency for ordinary and contingent expenses of the Illinois Emergency Management Agency to include support of a centralized administrative processing center.

ARTICLE 136
Section 1. The amount of $1,432,900, or so much thereof as may be necessary, is appropriated to the State Police Merit Board from the State Police Merit Board Public Safety Fund for its ordinary and contingent expenses.

ARTICLE 137
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Office of the State Fire Marshal, as follows:

GENERAL OFFICE
Payable from the Fire Prevention Fund:
For Personal Services.......................... 8,660,900
For State Contributions to the State Employees' Retirement System.............. 3,860,000

New matter indicated by italics - deletions by strikeout
For State Contributions to Social Security....... 592,900
For Group Insurance............................. 2,448,000
For Contractual Services........................ 1,150,100
For Travel......................................... 80,700
For Commodities.................................. 53,700
For Printing....................................... 19,600
For Equipment.................................... 13,700
For Electronic Data Processing.................. 976,500
For Telecommunications.......................... 193,400
For Operation of Auto Equipment............... 163,700
For Refunds....................................... 5,000

Total $18,218,200

Payable from the Underground Storage Tank Fund:
For Personal Services............................ 1,800,600
For State Contributions to the State
  Employees' Retirement System................. 802,500
For State Contributions to Social Security.... 137,700
For Group Insurance..................... 552,000
For Contractual Services..................... 231,800
For Travel....................................... 6,800
For Commodities................................. 9,000
For Printing..................................... 3,500
For Equipment................................... 18,000
For Electronic Data Processing................. 10,500
For Telecommunications....................... 19,000
For Operation of Auto Equipment............. 77,100
For Refunds..................................... 2,000

Total $3,670,500

Section 10. The sum of $931,000, or so much thereof as may be necessary, is appropriated from the Fire Prevention Fund to the Office of the State Fire Marshal for costs and expenses related to or in support of a public safety shared services center.

Section 15. The sum of $65,000, or so much thereof as may be necessary, is appropriated from the Fire Prevention Fund to the Office of the State Fire Marshal for costs and expenses related to or in support of the Fire Explorer and Cadet School.

Section 20. The sum of $400,000, or so much thereof as may be necessary, is appropriated from the Illinois Firefighters' Memorial Fund to the Office of the State Fire Marshal for expenses related to the

New matter indicated by italics - deletions by strikeout
maintenance of the Illinois Firefighters' Memorial, holding the annual Fallen Firefighter Ceremony, and other expenses as allowed under Public Act 91-0832.

Section 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Office of the State Fire Marshal as follows:

Payable from the Fire Prevention Fund:
- For Expenses of senior officer training .......... 55,000
- For Expenses of the Risk Watch/Remember When program........................................ 0
- For Expenses related to fire prevention training...... 0
- For Expenses of Firefighter Testing and Training Audits........................................ 0

Payable from the Fire Prevention Division Fund:
- For Expenses of the U.S. Resource Conservation and Recovery Act Underground Storage Program.............. 1,000,000

Section 30. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Office of the State Fire Marshal, as follows:

GRANTS

Payable from the Fire Prevention Fund:
- For Chicago Fire Department Training Program... 2,689,600
- For payment to local governmental agencies which participate in the State Training Programs........................................ 950,000

Total $3,639,600

Section 35. The sum of $1,000, or so much thereof as may be necessary, is appropriated from the Fire Prevention Fund to the Office of the State Fire Marshal for grants available for the development of new fire districts.

Section 40. The sum of $125,000, or so much thereof as may be necessary, is appropriated from the Fire Prevention Fund to the Office of the State Fire Marshal for grants available for costs and services related to ILEAS/MABAS administration.

Section 55. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the Fire Prevention Fund to the Office of the State Fire Marshal for a grant to the Hazardous Materials Emergency Response Reimbursement.

New matter indicated by italics - deletions by strikeout
Section 60. The sum of $550,000, or so much thereof as may be necessary, is appropriated from the Underground Storage Tank Fund to the Office of the State Fire Marshal for a grant to the City of Chicago for administrative costs incurred as a result of the State’s Underground Storage Program.

ARTICLE 138

Section 5. The sum of $30,000 or so much thereof as may be necessary, is appropriated from the Distance Learning Fund to the Board of Higher Education as supplemental support for costs and expenses associated with the administration and enforcement of 110 ILCS 145/40.

Section 10. The amount of $400,000, or so much thereof as may be necessary, is appropriated from the Academic Quality Assurance Fund to the Board of Higher Education as supplemental support for costs and expenses associated with the administration and enforcement of 110 ILCS 1010.

Section 15. The amount of $80,000, or so much thereof as may be necessary, is appropriated from the Private College Academic Quality Assurance Fund to the Board of Higher Education as supplemental support for costs and expenses associated with the administration and enforcement of 110 ILCS 1005.

Section 20. The amount of $550,000, or so much thereof as may be necessary, is appropriated from the Private Business and Vocational Schools Quality Assurance Fund to the Board of Higher Education as supplemental support for costs and expenses associated with the administration and enforcement of the Private Business and Vocational Schools Act of 2012.

Section 25. The sum of $5,500,000, or so much thereof as may be necessary, is appropriated from the BHE Federal Grants Fund to the Board of Higher Education to be expended under the terms and conditions associated with the federal contracts and grants moneys received.

Section 30. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the IMSA Income Fund to the Illinois Mathematics and Science Academy to meet ordinary and contingent expenses for the fiscal year ending June 30, 2017:

For Personal Services......................... 2,261,900
For State Contributions to Social Security, for Medicare............................. 45,900
For Contractual Services......................... 294,700

New matter indicated by italics - deletions by strikeout
For Travel....................................... 126,700
For Commodities.................................. 143,200
For Equipment..................................... 65,000
For Telecommunications............................ 80,000
For Operation of Automotive Equipment......... 5,000
For Refunds....................................... 27,600
Total                                                                                 $3,050,000

ARTICLE 139
Section 5. The sum of $1,600,000, or so much thereof as may be necessary, is appropriated from the Chicago State University Education Improvement Fund to the Board of Trustees of Chicago State University for any expenses incurred by the university.

Section 10. The sum of $153,500, or so much thereof as may be necessary, is appropriated from the General Professions Dedicated Fund to the Board of Trustees of Chicago State University for costs associated with the development, support or administration of pharmacy practice education or training programs.

ARTICLE 140
Section 5. The sum of $8,000, or so much thereof as may be necessary, is appropriated from the State College and University Trust Fund to the Board of Trustees of Eastern Illinois University for scholarship grant awards.

ARTICLE 141
Section 5. The amount of $20,000, or so much thereof as may be necessary, is appropriated from the State College and University Trust Fund to the Board of Trustees of Western Illinois University for scholarship grant awards from the sale of collegiate license plates.

ARTICLE 142
Section 5. The sum of $36,000, or so much thereof as may be necessary, is appropriated from the State College and University Trust Fund to the Board of Trustees of Northern Illinois University for scholarship grant awards.

ARTICLE 143
Section 5. The sum of $27,000, or so much thereof as may be necessary, is appropriated from the State College and University Trust Fund to the Board of Trustees of Southern Illinois University for scholarship grant awards.

Section 10. The sum of $625,000, or so much thereof as may be necessary, is appropriated from the General Professions Dedicated Fund to

New matter indicated by italics - deletions by strikeout
the Board of Trustees of Southern Illinois University for all costs associated with the development, support or administration of pharmacy practice education or training programs at the Edwardsville campus.

Section 15. The sum of $155,500, or so much thereof as may be necessary, is appropriated from the Fire Prevention Fund to the Board of Trustees of Southern Illinois University for costs associated with fire protection services at the Southern Illinois University Edwardsville campus.

ARTICLE 144

Section 5. The sum of $3,816,200, or so much thereof as may be necessary, is appropriated from the Fire Prevention Fund to the Board of Trustees of the University of Illinois for the purpose of maintaining the Illinois Fire Service Institute, paying the Institute's expenses, and providing the facilities and structures incident thereto, including payment to the University for personal services and related costs incurred.

Section 10. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the State College and University Trust Fund to the Board of Trustees of the University of Illinois for scholarship grant awards.

Section 15. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the Emergency Public Health Fund to the University of Illinois for costs and expenses related to or in support of Emergency Mosquito Abatement.

Section 20. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the Used Tire Management Fund to the University of Illinois for costs and expenses related to or in support of mosquito research and abatement.

Section 25. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the Hazardous Waste Research Fund to the University of Illinois for its ordinary and contingent expenses.

Section 30. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Professions Dedicated Fund to the Board of Trustees of the University of Illinois for costs associated with the development, support or administration of pharmacy practice education or training programs for the College of Medicine at Rockford.

ARTICLE 145

Section 5. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Community College
Board for all costs associated with career and technical education activities:

From the Career and Technical Education Fund 18,500,000

Section 10. The following named amounts, or so much of those amounts as may be necessary, for the objects and purposes named, are appropriated to the Illinois Community College Board for adult education and literacy activities:

From the ICCB Adult Education Fund:
For payment of costs associated with education and educational-related services to local eligible providers and to Support Leadership Activities, as Defined by U.S.D.O.E. for adult education and literacy as provided by the United States Department of Education................. 23,250,000

Section 15. The sum of $300,000, or so much thereof as may be necessary, is appropriated from ICCB Instructional Development and Enhancement Applications Revolving Fund to the Illinois Community College Board for costs associated with maintaining and updating instructional technology.

Section 20. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the High School Equivalency Testing Fund to the Illinois Community College Board for costs associated with administering high school equivalency tests.

Section 25. The sum of $12,500,000, or so much thereof as may be necessary, is appropriated from the Illinois Community College Board Contracts and Grants Fund to the Illinois Community College Board to be expended under the terms and conditions associated with the moneys being received, including prior years expenditures.

Section 30. The sum of $525,000, or so much thereof as may be necessary, is appropriated from the ICCB Federal Trust Fund to the Illinois Community College Board for ordinary and contingent expenses of the Board, including prior years expenditures.

Section 35. The sum of $1,250,000, or so much thereof as may be necessary, is appropriated from the ICCB Adult Education Fund to the Illinois Community College Board for operational expenses associated with administration of adult education and literacy activities.

ARTICLE 146

New matter indicated by italics - deletions by strikeout
Section 1. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the ISAC Accounts Receivable Fund to the Illinois Student Assistance Commission for costs associated with the collection of delinquent scholarship awards pursuant to the Illinois State Collection Act of 1986.

Section 5. The sum of $110,000, or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission from the University Grant Fund for payment of grants for the Higher Education License Plate Program, as provided by law.

Section 10. The following named sum, or so much thereof as may be necessary, is appropriated from the Illinois Student Assistance Commission Contracts and Grants Fund to the Illinois Student Assistance Commission for the following purpose:
To support outreach, research, and training activities.......................... 10,000,000

Section 15. The following named sum, or so much thereof as may be necessary, is appropriated from the Optometric Licensing and Disciplinary Board Fund to the Illinois Student Assistance Commission for the following purpose:
Grants and Scholarships
For payment of scholarships for the Optometric Education Scholarship Program, as provided by law...................... 50,000

Section 20. The following named sum, or so much thereof as may be necessary, is appropriated from the National Guard and Naval Militia Grant Fund to the Illinois Student Assistance Commission for the following purpose:
Grants and Scholarships
For payment of Illinois National Guard and Naval Militia Scholarships at State-controlled universities and public community colleges in Illinois to students eligible to receive such awards, as provided by law........... 20,000

Section 25. The sum of $312,600, or so much thereof as may be necessary, is appropriated from the Golden Apple Scholars of Illinois Fund to the Illinois Student Assistance Commission for the Golden Apple Scholars of Illinois Program, as provided by law.

New matter indicated by italics - deletions by strikeout
Section 30. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Illinois Student Assistance Commission from the Student Loan Operating Fund for its ordinary and contingent expenses:

For Administration

For Personal Services ......................... 15,538,600
For State Contributions to State
  Employees Retirement System ................ 7,085,600
For State Contributions to
  Social Security .............................. 1,181,000
For State Contributions for
  Employees Group Insurance .................. 6,240,000
For Contractual Services ...................... 12,630,700
For Travel .................................... 311,000
For Commodities .............................. 282,200
For Printing .................................. 501,000
For Equipment ................................ 540,000
For Telecommunications ....................... 1,897,900
For Operation of Auto Equipment ............. 38,400
Total $46,246,400

Section 35. The sum of $2,500,000, or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission from the Student Loan Operating Fund for costs associated with Federal Loan System Development and Maintenance.

Section 40. The sum of $1,000,000 or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission from the Student Loan Operating Fund for costs associated with the Illinois Designated Account Purchase Program.

Section 45. The sum of $15,000,000, or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission from the Student Loan Operating Fund for distribution as necessary for the following: for payment of collection agency fees associated with collection activities for Federal Family Education Loans, for Default Aversion Fee reversals, and for distributions as necessary and provided for under the Federal Higher Education Act.

Section 50. The following named sum, or so much thereof as may be necessary, is appropriated from the Federal Congressional Teacher Scholarship Program Fund to the Illinois Student Assistance Commission for the following purpose:

New matter indicated by italics - deletions by strikeout
For transferring repayment funds collected under the Paul Douglas Teacher Scholarship Program to the U.S. Treasury................. 400,000

Section 55. The sum of $260,000,000, or so much thereof as may be necessary, is appropriated from the Federal Student Loan Fund to the Illinois Student Assistance Commission for distribution when necessary as a result of the following: for guarantees of loans that are uncollectible, for collection payments to the Student Loan Operating Fund as required under agreements with the United States Secretary of Education, for payment to the Student Loan Operating Fund for Default Aversion Fees, for transfers to the U.S. Treasury, or for other distributions as necessary and provided for under the Federal Higher Education Act.

Section 60. The sum of $15,000,000, or so much thereof as may be necessary, is appropriated from the Federal Student Incentive Trust Fund to the Illinois Student Assistance Commission for allowable uses of federal grant funds related to college access, outreach, and training, including but not limited to funds received under the federal College Access Challenge Grant Program.

Section 65. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the Federal Student Incentive Trust Fund to the Illinois Student Assistance Commission for the John R. Justice Student Loan Repayment Program.

ARTICLE 147

Section 5. The sum of $151,000,000, or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission from the Fund for the Advancement of Education for grant awards to students eligible for the Monetary Award Program, as provided by law, and for agency administrative and operational costs not to exceed 2 percent of the total appropriation in this Section.

Section 10. The sum of $3,762,000, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Illinois Student Assistance Commission for operational expenses, awards of financial assistance to eligible recipients, as provided by law, and grants and programs administered by the Illinois Student Assistance Commission, but not including personal services.

Section 15. Appropriations authorized in this Article may be used for costs incurred through December 31, 2016.

ARTICLE 148

New matter indicated by italics - deletions by strikeout
Section 5. The sum of $958,000, or so much thereof as may be necessary, is appropriated from the Fund for the Advancement of Education to the Illinois Community College Board for costs associated with administering GED tests.

Section 10. The amount of $500,000, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Illinois Community College Board for Career and Technical Education Licensed Practical Nurse and Registered Nurse Preparation.

Section 15. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Community College Board for all costs associated with career and technical education activities:
From the Fund for the Advancement of Education ... 17,569,400

Section 20. The following named amounts, or so much of those amounts as may be necessary, for the objects and purposes named, are appropriated to the Illinois Community College Board for adult education and literacy activities.
From the Education Assistance Fund................. 19,226,000
From the Fund for the Advancement of Education ... 13,048,000
Total $32,274,000

Section 25. The following amounts, or so much thereof as may be necessary, are appropriated to the Illinois Community College Board for distribution of base operating and equalization grants to qualifying public community colleges and the City Colleges of Chicago for educational related expenses. Allocations shall be made using the fiscal year 2016 data:
Payable from the Personal Property Tax Replacement Fund.................................. 97,100,000
Payable from the Fund for the Advancement of Education............................. 17,425,000
Total $114,525,000

Section 30. The sum of $3,758,000, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Illinois Community College Board for costs associated with operational expenses, grants and programs administered by the Illinois Community College Board, but not including personal services.

Section 35. Appropriations authorized in this Article may be used for costs incurred through December 31, 2016.

ARTICLE 149

New matter indicated by italics - deletions by strikeout
Section 5. The sum of $1,665,000, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Higher Education for cost associated with operational expenses, grants and programs administered by the Board of Higher Education, but not including personal services.

Section 10. The sum of $20,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for payment to public universities and community colleges to provide for financial support for essential operations as determined by the Board in accordance with Section 9.35 of Board of Higher Education Act.

Section 15. Appropriations authorized in this Article may be used for costs incurred through December 31, 2016.

ARTICLE 150

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Education Assistance Fund to the Illinois Mathematics and Science Academy to meet ordinary and contingent expenses for the fiscal year ending June 30, 2017:

For Contractual Service........................ 3,835,000
For Travel....................................... 115,000
For Commodities............................... 320,000
For Equipment................................. 500,500
For Electronic Data Processing............... 130,000
For Telecommunications...................... 115,000
For Operation of Automotive Equipment...... 60,000
Total............................................ $5,075,500

ARTICLE 151

Section 5. The amount of $155,000 or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the State Universities Civil Service System for ordinary and contingent expenses, but not including personal services.

Section 10. Appropriations authorized in this Article may be used for costs incurred through December 31, 2016.

ARTICLE 152

Section 5. The amount of $26,222,000, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of Eastern Illinois University to meet its operational expenses for the fiscal year ending June 30, 2017.

New matter indicated by italics - deletions by strikeout
Section 10. The amount of $38,291,000, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of Illinois State University to meet its operational expenses for the fiscal year ending June 30, 2017.

Section 15. The amount of $48,293,000, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of Northern Illinois University to meet its operational expenses for the fiscal year ending June 30, 2017.

Section 20. The amount of $106,156,000, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of Southern Illinois University to meet its operational expenses for the fiscal year ending June 30, 2017.

Section 25. The amount of $12,590,000, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of Chicago State University to meet its operational expenses for the fiscal year ending June 30, 2017.

Section 30. The amount of $12,757,000, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of Governors State University to meet its operational expenses for the fiscal year ending June 30, 2017.

Section 35. The amount of $19,562,000, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of Northeastern Illinois University to meet its operational expenses for the fiscal year ending June 30, 2017.

Section 40. The amount of $349,204,700, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of the University of Illinois to meet its operational expenses, costs and expenses related to or in support of the Prairie Research Institute, and operating costs and expenses related to or in support of the University of Illinois Hospital for the fiscal year ending June 30, 2017.

Section 45. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Board of Trustees of the University of Illinois to meet ordinary and contingent expenses for the fiscal year ending June 30, 2016:

Payable from the Education Assistance Fund:

For costs associated with the School of Labor and Employment Relations:

New matter indicated by italics - deletions by strikeout
For degree programs......................... 641,600
For certificate programs ..................... 752,700
Total ........................................... 1,394,300

Section 50. The amount of $31,389,000, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of Western Illinois University to meet its operational expenses for the fiscal year ending June 30, 2017.

Section 55. Appropriations authorized in this Article may be used for costs incurred through December 31, 2016.

ARTICLE 153

Section 10. The sum of $1,500,000, or so much thereof as may be necessary, is appropriated to the State Comptroller from the Comptroller's Administrative Fund for the discharge of duties of the office.

Section 15. The sum of $50,300, or so much thereof as may be necessary, is appropriated to the State Comptroller from the State Lottery Fund for expenses in connection with the State Lottery.

Section 20. The sum of $34,114,300, or so much thereof as may be necessary, is appropriated from the Personal Property Tax Replacement Fund to the State Comptroller for ordinary and contingent expenses associated with the payment to official court reporters pursuant to law.

ARTICLE 154

Section 5. The following amounts, or so much of those amounts as may be necessary, respectively, are appropriated from the Personal Property Tax Replacement Fund to the State Board of Elections for its ordinary and contingent expenses as follows:

For Reimbursement to Counties for Increased Compensation to Judges and other Election Officials, as provided in Public Acts 81-850, 81-1149, and 90-672-Election Day Judges only ......................... 5,000,000

For Payment of Lump Sum Awards to County Clerks, County Recorders, and Chief Election Clerks as Compensation for Additional Duties required of such officials by consolidation of elections law, as provided in Public Acts 82-691 and 90-713 ................................. 799,500

Total .......................................... $5,799,500

New matter indicated by italics - deletions by strikeout
Section 10. The following amounts, or so much thereof as may be necessary, are reappropriated from the Help Illinois Vote Fund to the State Board of Elections for Implementation of the Help America Vote Act of 2002:

For distribution to Local Election Authorities under Section 251 of the Help America Vote Act ........................... 2,450,000
For the implementation of the Statewide Voter Registration System as required by Section 1A-25 of the Illinois Election Code, including maintenance of the IDEA/VISTA program and for purposes of annual dues and operational costs pursuant to the Electronic Registration Information Center (ERIC) program ........................... 2,450,000
For administrative costs and discretionary grants to Local Election Authorities under Section 101 of the Help America Vote Act ........................................ 679,800
Total .......................................................... $5,579,800

ARTICLE 155

Section 5. The amount of $13,133,000, or so much thereof as may be necessary, is appropriated from the State Pensions Fund to the Office of the State Treasurer to meet its operational expenses for the fiscal year ending June 30, 2017.

Section 10. The amount of $8,100,000, or so much of that amount as may be necessary, is appropriated to the State Treasurer from the Bank Services Trust Fund for the purpose of making payments for banking services pursuant to the State Treasurer's Bank Services Trust Fund Act.

Section 15. The following named amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes named in this Section, are appropriated to the State Treasurer for the payment of interest on and retirement of State bonded indebtedness:

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

From the General Obligation Bond Retirement and Interest Fund:

New matter indicated by italics - deletions by strikeout
Principal .................................. $1,946,091,400
Interest .................................... 1,367,210,900
Total                                                                          $3,313,302,300

Section 20. The amount of $1,000,000, or so much thereof as may be necessary, is appropriated to the State Treasurer from the General Obligation Bond Rebate Fund for the purpose of making arbitrage rebate payments to the United States government.

Section 25. The amount of $2,000,000, or so much thereof as may be necessary, is appropriated from the Charitable Trust Stabilization Fund to the State Treasurer for the State Treasurer’s operational costs to administer the Charitable Trust Stabilization Fund and for grants to public and private entities in the State for the purposes set out in the Charitable Trust Stabilization Act.

ARTICLE 156
Section 5. The sum of $10,000,000, or so much thereof as may be necessary, is appropriated from the Supreme Court Historic Preservation Fund to the Supreme Court Historic Preservation Commission for historic preservation purposes.

ARTICLE 157
Section 15. The sum of $1,000,000, or so much thereof as is available for use by the Attorney General, is appropriated to the Attorney General from the Illinois Gaming Law Enforcement Fund for State law enforcement purposes.

Section 20. The sum of $13,200,000, or so much thereof as may be necessary, is appropriated from the Attorney General Court Ordered and Voluntary Compliance Payment Projects Fund to the Office of the Attorney General for use, subject to pertinent court order or agreement, in the performance of any function pertaining to the exercise of the duties of the Attorney General, including State law enforcement and public education.

Section 25. The sum of $1,700,000, or so much thereof as may be necessary, is appropriated from the Illinois Charity Bureau Fund to the Office of the Attorney General to enforce the provisions of the Solicitation for Charity Act and to gather and disseminate information about charitable trustees and organizations to the public.

Section 30. The sum of $7,000,000, or so much thereof as may be necessary, is appropriated from the Attorney General Whistleblower Reward and Protection Fund to the Office of the Attorney General for
ordinary and contingent expenses, including State law enforcement purposes.

Section 35. The sum of $11,300,000, or so much thereof as may be necessary, is appropriated from the Attorney General's State Projects and Court Ordered Distribution Fund to the Attorney General for payment of interagency agreements, for court-ordered distributions to third parties, and, subject to pertinent court order, for performance of any function pertaining to the exercise of the duties of the Attorney General, including State law enforcement and public education.

Section 40. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes named in this Section, are appropriated to the Attorney General to meet the ordinary and contingent expenses of the Attorney General:

<table>
<thead>
<tr>
<th>OPERATIONS</th>
<th>1,794,500</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from the Violent Crime Victims Assistance Fund:</td>
<td></td>
</tr>
<tr>
<td>For Personal Services</td>
<td></td>
</tr>
<tr>
<td>For State Contribution to State Employees'</td>
<td></td>
</tr>
<tr>
<td>Retirement System</td>
<td>799,800</td>
</tr>
<tr>
<td>For State Contribution to Social Security</td>
<td>137,300</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>805,000</td>
</tr>
<tr>
<td>For Operational Expenses,</td>
<td></td>
</tr>
<tr>
<td>Crime Victims Services Division</td>
<td>150,000</td>
</tr>
<tr>
<td>For Operational Expenses,</td>
<td></td>
</tr>
<tr>
<td>Automated Victim Notification System</td>
<td>800,000</td>
</tr>
<tr>
<td>For Awards and Grants under the Violent</td>
<td></td>
</tr>
<tr>
<td>Crime Victims Assistance Act</td>
<td>6,000,000</td>
</tr>
<tr>
<td>Total</td>
<td>$11,486,600</td>
</tr>
</tbody>
</table>

Section 50. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the Attorney General Federal Grant Fund to the Office of the Attorney General for funding for federal grants.

Section 55. The sum of $500,000, or so much thereof as may be necessary, is appropriated to the Office of the Attorney General from the Domestic Violence Fund pursuant to Public Act 95-711 for grants to public or private nonprofit agencies for the purposes of facilitating or providing free domestic violence legal advocacy, assistance, or services to victims of domestic violence who are married or formerly married or parties or former parties to a civil union related to order of protection proceedings, or other proceedings for civil remedies for domestic violence.

New matter indicated by italics - deletions by strikeout
Section 60. The sum of $3,500,000, or so much thereof as may be necessary, is appropriated from the Attorney General Tobacco Fund to the Office of the Attorney General for the oversight, enforcement, and implementation of the Master Settlement Agreement entered in the case of People of the State of Illinois v. Philip Morris, et al (Circuit Court of Cook County, No. 96L13146), for the administration and enforcement of the Tobacco Product Manufacturers’ Escrow Act, for the handling of tobacco-related litigation, and for other law enforcement activities of the Attorney General.

Section 65. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the Attorney General Sex Offender Awareness, Training, and Education Fund to the Office of the Attorney General to administer the I-SORT program and to alert and educate the public, victims, and witnesses of their rights under various victim notification laws and for training law enforcement agencies, State’s Attorneys, and medical providers regarding their legal duties concerning the prosecution and investigation of sex offenses.

Section 70. The sum of $1,400,000, or so much thereof as may be necessary, is appropriated from the Access to Justice Fund to the Office of the Attorney General for disbursements to the Illinois Equal Justice Foundation pursuant to the Access to Justice Act.

ARTICLE 158
OFFICE OF THE SECRETARY OF STATE
GENERAL ADMINISTRATIVE GROUP

For Personal Services:
For Regular Positions:
Payable from Road Fund ................................. 0
Payable from Lobbyist Registration Fund ............. 532,400
Payable from Registered Limited Liability Partnership Fund ......................... 90,800
Payable from Securities Audit and Enforcement Fund .............................. 4,426,400
Payable from Department of Business Services Special Operations Fund ....................... 6,358,000

For Extra Help:
Payable from Road Fund ................................. 0
Payable from Securities Audit and Enforcement Fund .............................. 13,200

Payable from Department of Business Services

New matter indicated by italics - deletions by strikeout
Special Operations Fund ......................... 131,400
For Employee Contribution to State Employees' Retirement System:
Payable from Lobbyist Registration Fund .......... 10,600
Payable from Registered Limited Liability Partnership Fund ..................... 1,800
Payable from Securities Audit
and Enforcement Fund ............................ 92,400
Payable from Department of Business Services Special Operations Fund ..................... 128,900
For State Contribution to State Employees' Retirement System:
Payable from Road Fund ........................... 0
Payable from Lobbyist Registration Fund .......... 237,300
Payable from Registered Limited Liability Partnership Fund ..................... 40,500
Payable from Securities Audit
and Enforcement Fund ............................ 1,978,600
Payable from Department of Business Services Special Operations Fund ..................... 2,892,200
For State Contribution to Social Security:
Payable from Road Fund ........................... 0
Payable from Lobbyist Registration Fund .......... 42,600
Payable from Registered Limited Liability Partnership Fund ..................... 6,700
Payable from Securities Audit
and Enforcement Fund ............................ 310,400
Payable from Department of Business Services Special Operations Fund ..................... 495,000
For Group Insurance:
Payable from Lobbyist Registration Fund .......... 151,700
Payable from Registered Limited Liability Partnership Fund ..................... 48,000
Payable from Securities Audit
and Enforcement Fund ............................ 1,513,200
Payable from Department of Business Services Special Operations Fund ..................... 2,092,800
For Contractual Services:

New matter indicated by italics - deletions by strikeout
Payable from Road Fund .................................. 0
Payable from Motor Fuel Tax Fund .................. 1,300,000
Payable from Lobbyist Registration Fund .......... 205,600
Payable from Registered Limited Liability Partnership Fund .................. 600
Payable from Securities Audit and Enforcement Fund .................. 1,280,700
Payable from Department of Business Services Special Operations Fund .......... 829,600

For Travel Expenses:
Payable from Road Fund .................................. 0
Payable from Lobbyist Registration Fund .......... 5,000
Payable from Securities Audit and Enforcement Fund .................. 12,200
Payable from Department of Business Services Special Operations Fund .......... 6,500

For Commodities:
Payable from Road Fund .................................. 0
Payable from Lobbyist Registration Fund .......... 2,700
Payable from Registered Limited Liability Partnership Fund .................. 900
Payable from Securities Audit and Enforcement Fund .................. 11,300
Payable from Department of Business Services Special Operations Fund .......... 11,000

For Printing:
Payable from Road Fund .................................. 0
Payable from Lobbyist Registration Fund .......... 5,500
Payable from Securities Audit and Enforcement Fund .................. 5,000
Payable from Department of Business Services Special Operations Fund .......... 40,000

For Equipment:
Payable from Road Fund .................................. 0
Payable from Lobbyist Registration Fund .......... 7,500
Payable from Registered Limited Liability Partnership Fund .................. 0
Payable from Securities Audit and Enforcement Fund .................. 100,000

New matter indicated by italics - deletions by strikeout
Payable from Department of Business Services Special Operations Fund ....................... 25,000
For Electronic Data Processing:
Payable from Road Fund ................................. 0
Payable from the Secretary of State Special Services Fund ....................... 7,000,000
For Telecommunications:
Payable from Road Fund ................................. 0
Payable from Lobbyist Registration Fund ............ 7,000
Payable from Registered Limited Liability Partnership Fund ....................... 600
Payable from Securities Audit and Enforcement Fund .............................. 32,400
Payable from Department of Business Services Special Operations Fund ....................... 55,400
For Operation of Automotive Equipment:
Payable from Securities Audit and Enforcement Fund .............................. 192,500
Payable from Department of Business Services Special Operations Fund ....................... 95,000
For Refunds:
Payable from Road Fund ....................... 2,500,000

MOTOR VEHICLE GROUP
For Personal Services:
For Regular Positions:
Payable from Road Fund ................................. 0
Payable from the Secretary of State Special License Plate Fund ....................... 763,700
Payable from Motor Vehicle Review Board Fund .............................. 145,000
Payable from Vehicle Inspection Fund ....................... 1,297,500
For Extra Help:
Payable from Road Fund ................................. 0
Payable from Vehicle Inspection Fund ....................... 43,600
For Employee Contribution to State Employees' Retirement System:
Payable from the Secretary of State Special License Plate Fund ....................... 15,300
Payable from Motor Vehicle Review Board Fund .............................. 2,900

New matter indicated by italics - deletions by strikeout
Payable from Vehicle Inspection Fund .............. 26,800
For State Contribution to
State Employees' Retirement System:
Payable from Road Fund ............................... 0
Payable from the Secretary of State
Special License Plate Fund ......................... 340,400
Payable from Motor Vehicle Review Board Fund ...... 64,600
Payable from Vehicle Inspection Fund .......... 597,700
For State Contribution to
Social Security:
Payable from Road Fund ............................... 0
Payable from the Secretary of State
Special License Plate Fund ......................... 58,000
Payable from Motor Vehicle Review
Board Fund ........................................... 11,100
Payable from Vehicle Inspection Fund .......... 109,200
For Group Insurance:
Payable from the Secretary of State
Special License Plate Fund ......................... 338,600
Payable from Motor Vehicle Review
Board Fund ........................................... 0
Payable from Vehicle Inspection Fund .......... 585,800
For Contractual Services:
Payable from Road Fund ............................... 0
Payable from CDLIS/AAMVAnet/NMVTIS
Trust Fund ........................................... 1,140,600
Payable from the Secretary of State
Special License Plate Fund ......................... 643,000
Payable from Motor Vehicle Review
Board Fund ........................................... 35,000
Payable from Vehicle Inspection Fund .......... 945,600
For Travel Expenses:
Payable from Road Fund ............................... 0
Payable from CDLIS/AAMVAnet/NMVTIS
Trust Fund ........................................... 1,400
Payable from the Secretary of State
Special License Plate Fund ......................... 13,500
Payable from Motor Vehicle Review
Board Fund ........................................... 0

New matter indicated by italics - deletions by strikeout
Public Act 99-0524

Payable from Vehicle Inspection Fund ...................... 0
For Commodities:
Payable from Road Fund ........................................ 0
Payable from CDLIS/AAMVAnet/NMVTIS Trust Fund .......... 4,020,000
Payable from the Secretary of State Special License Plate Fund .......................... 1,000,000
Payable from Motor Vehicle Review Board Fund .................. 0
Payable from Vehicle Inspection Fund .................... 25,000
For Printing:
Payable from Road Fund ........................................ 0
Payable from the Secretary of State Special License Plate Fund ...................... 1,200,000
Payable from Motor Vehicle Review Board Fund .................. 0
Payable from Vehicle Inspection Fund .................... 0
For Equipment:
Payable from Road Fund ........................................ 0
Payable from CDLIS/AAMVAnet/NMVTIS Trust Fund .... 102,900
Payable from the Secretary of State Special License Plate Fund ...................... 100,000
Payable from Motor Vehicle Review Board Fund .................. 0
Payable from Vehicle Inspection Fund .................... 0
For Telecommunications:
Payable from Road Fund ........................................ 0
Payable from the Secretary of State Special License Plate Fund ...................... 300,000
Payable from Motor Vehicle Review Board Fund .................. 600
Payable from Vehicle Inspection Fund .................... 30,000
For Operation of Automotive Equipment:
Payable from Road Fund ........................................ 0

Section 15. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Office of the Secretary of State for new construction and alterations, and maintenance of the interiors and exteriors of the various buildings and facilities under the jurisdiction of the Office of the Secretary of State.

New matter indicated by italics - deletions by strikeout
Section 20. The sum of $2,033,139, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2016, from appropriations heretofore made for such purpose in Article 7, Section 15 and Section 20 of Public Act 99-0491, is reappropriated from the Capital Development Fund to the Office of the Secretary of State for new construction and alterations, and maintenance of the interiors and exteriors of the following facilities under the jurisdiction of the Secretary of State: Chicago West Facility, 5301 N. Lexington Ave., Chicago, Illinois 60644; Roger McAuliffe Facility, 5401 N. Elston, Chicago, Illinois 60630; Charles Crew Jr. Facility, 9901 S. King Drive, Chicago, Illinois 60628; and Capitol Complex buildings located in Springfield Illinois.

Section 25. The sum of $275,000, or so much thereof as may be necessary, is appropriated from the State Parking Facility Maintenance Fund to the Secretary of State for the maintenance of parking facilities owned or operated by the Secretary of State.

Section 30. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Office of the Secretary of State for the following purposes:
For annual equalization grants, per capita and area grants to library systems, and per capita grants to public libraries, under Section 8 of the Illinois Library System Act. This amount is in addition to any amount otherwise appropriated to the Office of the Secretary of State:
From Live and Learn Fund ......................... 16,004,200

Section 35. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Office of the Secretary of State for library services for the blind and physically handicapped:
From Live and Learn Fund ......................... 300,000
From Accessible Electronic Information Service Fund .......................... 60,000

Section 40. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Office of the Secretary of State for the following purposes:
For annual per capita grants to all school districts of the State for the establishment and operation of qualified school libraries or the additional support of existing

New matter indicated by italics - deletions by strikeout
qualified school libraries under Section 8.4 of the Illinois Library System Act. This amount is in addition to any amount otherwise appropriated to the Office of the Secretary of State:
From Live and Learn Fund ......................... 1,145,000

Section 50. The following named sums, or so much thereof as may be necessary, are appropriated to the Office of the Secretary of State for annual library technology grants and for direct purchase of equipment and services that support library development and technology advancement in libraries statewide:
From Live and Learn Fund ......................... 580,000
From Secretary of State Special Services Fund ......................... 1,826,000
Total $2,406,000

Section 55. The following named sum, or so much thereof as may be necessary, is appropriated to the Office of the Secretary of State from the Live and Learn Fund for the purpose of making grants to libraries for construction and renovation as provided in Section 8 of the Illinois Library System Act. This amount is in addition to any amount otherwise appropriated to the Office of the Secretary of State:
From Live and Learn Fund ......................... 870,800

Section 60. The following named sum, or so much thereof as may be necessary, respectively, are appropriated to the Office of the Secretary of State for the following purposes: For library services under the Federal Library Services and Technology Act, P.L. 104-208, as amended; and the National Foundation on the Arts and Humanities Act of 1965, P.L. 89-209. These amounts are in addition to any amounts otherwise appropriated to the Office of the Secretary of State:
From Federal Library Services Fund .............. 7,000,000

Section 65. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Office of the Secretary of State for support and expansion of the Literacy Programs administered by education agencies, libraries, volunteers, or community based organizations or a coalition of any of the above:
From Live and Learn Fund ......................... 750,000
From Federal Library Services Fund:
From LSTA Title IA ..................................... 0
From Secretary of State Special

New matter indicated by italics - deletions by strikeout
Section 90. The following named sum, or so much thereof as may be necessary, is appropriated to the Office of the Secretary of State from the Live and Learn Fund for the purpose of promotion of organ and tissue donations:
From Live and Learn Fund ..........................                                 1,750,000

Section 95. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the Secretary of State Special License Plate Fund to the Office of the Secretary of State for grants to benefit Illinois Veterans Home libraries.

Section 100. The sum of $43,000, or so much thereof as may be necessary, is appropriated to the Office of the Secretary of State from the Master Mason Fund to provide grants to Illinois Masonic Charities Fund, a not-for-profit corporation, for charitable purposes.

Section 105. The sum of $75,000, or so much thereof as may be necessary, is appropriated to the Secretary of State from the Illinois Pan Hellenic Trust Fund to provide grants for charitable purposes sponsored by African-American fraternities and sororities.

Section 110. The sum of $27,000, or so much thereof as may be necessary, is appropriated to the Secretary of State from the Park District Youth Program Fund to provide grants for the Illinois Association of Park Districts: After School Programming.

Section 115. The sum of $170,000, or so much thereof as may be necessary, is appropriated from the Illinois Route 66 Heritage Project Fund to provide grants for the development of tourism, education, preservation and promotion of Route 66.

Section 120. The sum of $175,000, or so much thereof as may be necessary, is appropriated from the Police Memorial Committee Fund to the Office of the Secretary of State for grants to the Police Memorial Committee for maintaining a memorial statue, holding an annual memorial commemoration, and giving scholarships to children of police officers killed in the line of duty.

Section 125. The sum of $130,000, or so much thereof as may be necessary, is appropriated from the Mammogram Fund to the Office of the Secretary of State for grants to the Susan G. Komen Foundation for breast cancer research, education, screening, and treatment.

Section 130. The following named sum, or so much thereof as may be necessary, respectively, are appropriated to the Office of the Secretary of State for such purposes in Section 3-646 of the Illinois Vehicle Code
(625 ILCS 5), for grants to the Regional Organ Bank of Illinois and to
Mid-America Transplant Services for the purpose of promotion of organ
and tissue donation awareness. These amounts are in addition to any
amounts otherwise appropriated to the Office of the Secretary of State:
From Organ Donor Awareness Fund ...................                            170,000

Section 135. The sum of $30,000, or so much thereof as may be
necessary, is appropriated to the Secretary of State from the Chicago
Police Memorial Foundation Fund for grants to the Chicago Police
Memorial Foundation for maintenance of a memorial and park, holding an
annual memorial commemoration, giving scholarships to children of
police officers killed or catastrophically injured in the line of duty,
providing financial assistance to police officers and their families when a
police officer is killed or injured in the line of duty, and paying the
insurance premiums for police officers who are terminally ill.

Section 140. The sum of $125,000, or so much thereof as may be
necessary, is appropriated to the Secretary of State from the U.S. Marine
Corps Scholarship Fund to provide grants for scholarships for Higher
Education.

Section 145. The sum of $500,000, or so much thereof as may be
necessary, is appropriated from the SOS Federal Projects Fund to the
Office of the Secretary of State for the payment of any operational
expenses relating to the cost incident to augmenting the Illinois
Commercial Motor Vehicle safety program by assuring and verifying the
identity of drivers prior to licensure, including CDL operators; for
improved security for Drivers Licenses and Personal Identification Cards;
and any other related program deemed appropriate by the Office of the
Secretary of State.

Section 150. The sum of $1,500,000, or so much thereof as may be
necessary, is appropriated to the Office of the Secretary of State from the
Securities Investors Education Fund for any expenses used to promote
public awareness of the dangers of securities fraud.

Section 155. The sum of $5,000, or so much thereof as may be
necessary, is appropriated to the Office of the Secretary of State from the
Secretary of State Evidence Fund for the purchase of evidence, for the
employment of persons to obtain evidence, and for the payment for any
goods or services related to obtaining evidence.

Section 160. The sum of $225,000, or so much thereof as may be
necessary, is appropriated from the Alternate Fuels Fund to the Office of
Secretary of State for the cost of administering the Alternate Fuels Act.

New matter indicated by italics - deletions by strikeout
Section 165. The sum of $16,000,000, or so much thereof as may be necessary, is appropriated from the Secretary of State Special Services Fund to the Office of the Secretary of State for office automation and technology.

Section 170. The sum of $15,100,000, or so much thereof as may be necessary, is appropriated from the Motor Vehicle License Plate Fund to the Office of the Secretary of State for the cost incident to providing new or replacement plates for motor vehicles.

Section 175. The sum of $2,500,000, or so much thereof as may be necessary, is appropriated from the Secretary of State DUI Administration Fund to the Office of Secretary of State for operation of the Department of Administrative Hearings of the Office of Secretary of State and for no other purpose.

Section 180. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the Secretary of State Police DUI Fund to the Secretary of State for the payments of goods and services that will assist in the prevention of alcohol-related criminal violence throughout the State.

Section 185. The sum of $600,000, or so much thereof as may be necessary, is appropriated from the Secretary of State Police Services Fund to the Secretary of State for purposes as indicated by the grantor or contractor or, in the case of money bequeathed or granted for no specific purpose, for any purpose as deemed appropriate by the Director of Police, Secretary of State in administering the responsibilities of the Secretary of State Department of Police.

Section 190. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the Office of the Secretary of State Grant Fund to the Office of the Secretary of State to be expended in accordance with the terms and conditions upon which such funds were received.

Section 195. The sum of $24,300, or so much thereof as may be necessary, is appropriated to the Office of the Secretary of State from the State Library Fund to increase the collection of books, records, and holdings; to hold public forums; to purchase equipment and resource materials for the State Library; and for the upkeep, repair, and maintenance of the State Library building and grounds.

Section 205. The sum of $12,500,000, or so much thereof as may be necessary, is appropriated from the Secretary of State Identification Security and Theft Prevention Fund to the Office of Secretary of State for
all costs related to implementing identification security and theft prevention measures.

Section 210. The sum of $2,600,000, or so much thereof as may be necessary, is appropriated to the Office of the Secretary of State from the Driver Services Administration Fund for the payment of costs related to the issuance of temporary visitor’s driver’s licenses, and other operational costs, including personnel, facilities, computer programming, and data transmission.

Section 215. The sum of $2,200,000, or so much thereof as may be necessary, is appropriated from the Monitoring Device Driving Permit Administration Fee Fund to the Office of the Secretary of State for all Secretary of State costs associated with administering Monitoring Device Driving Permits per Public Act 95-0400.

Section 220. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Indigent BAIID Fund to the Office of the Secretary of State to reimburse ignition interlock device providers per Public Act 95-0400.

Section 225. The sum of $45,000, or so much thereof as may be necessary, is appropriated to the Secretary of State from the Illinois Professional Golfers Association Junior Golf Fund for grants to the Illinois Professional Golfers Association Foundation to help Association members expose Illinois youngsters to the game of golf.

Section 230. The sum of $125,000, or so much thereof as may be necessary, is appropriated from the Agriculture in the Classroom Fund for grants to support Agriculture in the Classroom programming for public and private schools within Illinois.

Section 235. The sum of $35,000, or so much thereof as may be necessary, is appropriated to the Secretary of State from the Boy Scout and Girl Scout Fund for grants to the Illinois divisions of the Boy Scouts of America and the Girl Scouts of the U.S.A.

Section 240. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the Support Our Troops Fund for grants to Illinois Support Our Troops, Inc. for charitable assistance to the troops and their families in accordance with its Articles of incorporation.

Section 250. The sum of $5,000, or so much thereof as may be necessary, is appropriated to the Office of the Secretary of State from the Rotary Club Fund for grants for charitable purposes sponsored by the Rotary Club.

New matter indicated by italics - deletions by strikeout
Section 255. The sum of $15,000, or so much thereof as may be necessary, is appropriated to the Office of the Secretary of State from the Ovarian Cancer Awareness Fund for grants to the National Ovarian Cancer Coalition, Inc. for ovarian cancer research, education, screening, and treatment.

Section 260. The sum of $6,000, or so much thereof as may be necessary, is appropriated to the Office of the Secretary of State from the Sheet Metal Workers International Association of Illinois Fund for grants for charitable purposes sponsored by Illinois chapters of the Sheet Metal Workers International Association.

Section 265. The sum of $90,000, or so much thereof as may be necessary, is appropriated to the Office of the Secretary of State from the Illinois Police Association Fund for providing death benefits for the families of police officers killed in the line of duty, and for providing scholarships, for graduate study, undergraduate study, or both, to children and spouses of police officers killed in the line of duty.

Section 270. The sum of $10,000, or so much thereof as may be necessary, is appropriated to the Secretary of State from the International Brotherhood of Teamsters Fund for grants to the Teamsters Joint Council Charitable Trust for religious, charitable, scientific, literary, and educational purposes.

Section 280. The sum of $15,000, or so much thereof as may be necessary, is appropriated to the Office of the Secretary of State from the Fraternal Order of Police Fund for grants to the Illinois Fraternal Order of Police to increase the efficiency and professionalism of law enforcement officers in Illinois, to educate the public about law enforcement issues, to more firmly establish the public confidence in law enforcement, to create partnerships with the public, and to honor the service of law enforcement officers.

Section 285. The sum of $45,000, or so much thereof as may be necessary, is appropriated to the Secretary of State from the Share the Road Fund for grants to the League of Illinois Bicyclists, a not for profit corporation, for educational programs instructing bicyclists and motorists how to legally and more safely share the roadways.

Section 295. The sum of $20,000, or so much thereof as may be necessary, is appropriated to the Office of the Secretary of State from the Ducks Unlimited Fund for grants to Ducks Unlimited, Inc. to fund wetland protection, enhancement, and restoration projects in the State of Illinois, to fund education and outreach for media, volunteers, members, and the

New matter indicated by italics - deletions by strikeout
general public regarding waterfowl and wetlands conservation in the State of Illinois, and to cover reasonable cost for Ducks Unlimited plate advertising and administration of the wetland conservation projects and education program.

Section 300. The sum of $200,000, or so much thereof as may be necessary, is appropriated to the Secretary of State from the Family Responsibility Fund for all costs associated with enforcement of the Family Financial Responsibility Law.

Section 310. The sum of $10,000, or so much thereof as may be necessary, is appropriated to the Office of the Secretary of State from the Illinois State Police Memorial Park Fund for grants to the Illinois State Police Heritage Foundation, Inc. for building and maintaining a memorial and park, holding an annual memorial commemoration, giving scholarships to children of State police officers killed or catastrophically injured in the line of duty, and providing financial assistance to police officers and their families when a police officer is killed or injured in the line of duty.

Section 315. The sum of $5,000, or so much thereof as may be necessary, is appropriated to the Office of the Secretary of State from the Illinois Sheriffs' Association Scholarship and Training Fund for grants to the Illinois Sheriffs' Association for scholarships obtained in a competitive process to attend the Illinois Teen Institute or an accredited college or university, for programs designed to benefit the elderly and teens, and for law enforcement training.

ARTICLE 159

Section 10. The amount of $450,000, or so much of that amount as may be necessary, is appropriated from the Court of Claims Administration and Grant Fund to the Court of Claims for administrative expenses under the Crime Victims Compensation Act.

Section 15. The following named amounts, or so much of that amount as may be necessary, are appropriated to the Court of Claims for payment of claims as follows:
For claims under the Crime Victims Compensation Act:
Payable from the Court of Claims
Federal Grant Fund ............................................. 10,000,000

Section 35. The following named amounts, or so much of that amount as may be necessary, are appropriated to the Court of Claims for payment of claims as follows:
For claims other than the Crime Victims

New matter indicated by italics - deletions by strikeout
Compensation Act:
Payable from the Road Fund ...................... 1,000,000
Payable from the DCFS Children's Services Fund ...................... 1,500,000
Payable from the State Garage Fund ...................... 50,000
Payable from the Traffic and Criminal Conviction Surcharge Fund ...................... 100,000
Payable from the Vocational Rehabilitation Fund ...................... 125,000
Total $2,775,000

ARTICLE 160
Section 5. The following named sums, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Historic Preservation Agency:

FOR OPERATIONS
EXECUTIVE OFFICE
PAYABLE FROM ILLINOIS HISTORIC SITES FUND
For historic preservation programs administered by the Executive Office, only to the extent that funds are received through grants, and awards, or gifts .......... 50,000

Section 10. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Historic Preservation Agency:

FOR OPERATIONS PRESERVATION SERVICES DIVISION
PAYABLE FROM ILLINOIS HISTORIC SITES FUND
For Contractual Services ......................... 79,000
For historic preservation programs made either independently or in Cooperation with the Federal Government or any agency thereof, any municipal corporation, or political subdivision of the State, or with any public or private cooperation, organization, or individual, or for refunds ......................... 300,000
Total $379,000

New matter indicated by italics - deletions by strikeout
Section 15. The sum of $417,929, or so much thereof as may be necessary, is appropriated from the Illinois Historic Sites Fund to the Historic Preservation Agency for awards and grants for historic preservation programs made either independently or in cooperation with the Federal Government or any agency thereof, any municipal corporation, or political subdivision of the State, or with any public or private corporation, organization, or individual.

Section 25. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the Historic Property Administrative Fund to the Historic Preservation Agency for administrative expenses associated with the Historic Tax Credit Program.

Section 30. The sum of $275,000, or so much thereof as may be necessary, is appropriated from the Illinois Historic Sites Fund to the Historic Preservation Agency for the ordinary and contingent expenses of the Administrative Services division for costs associated with but not limited to Union Station, the Old State Capitol and the Old Journal Register Building.

Section 35. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the 1 ordinary and contingent expenses of the Historic Preservation Agency:

FOR OPERATIONS
HISTORIC SITES DIVISION
PAYABLE FROM ILLINOIS HISTORIC SITES FUND

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Contractual Services</td>
<td>300,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>5,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>20,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>25,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>15,000</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>10,000</td>
</tr>
<tr>
<td>For Historic Preservation Programs Administered by the Historic Sites Division, only to the Extent that Funds are Received Through Grants, Awards, or Gifts</td>
<td>300,000</td>
</tr>
<tr>
<td>For Permanent Improvements</td>
<td>75,000</td>
</tr>
<tr>
<td>For Pullman Factory Car Rehabilitation</td>
<td>750,000</td>
</tr>
<tr>
<td>Total</td>
<td>$1,500,000</td>
</tr>
</tbody>
</table>

Section 40. The sum of $450,000, or so much thereof as may be necessary, is appropriated from the Illinois Historic Sites Fund to the

New matter indicated by italics - deletions by strikeout
Historic Preservation Agency for operations, maintenance, repairs, permanent improvements, special events, and all other costs related to the operation of Illinois Historic Sites and only to the extent which donations are received at Illinois State Historic Sites.

Section 45. The sum of $1,647,600, or so much thereof as may be necessary, is appropriated from the Tourism Promotion Fund to the Historic Preservation Agency to meet the ordinary and contingent expenses of the Historic Preservation Agency.

ABRAHAM LINCOLN PRESIDENTIAL LIBRARY AND MUSEUM DIVISION

Section 50. In addition to other amounts appropriated, the amount of $14,500,000, or so much thereof as may be necessary, is appropriated from the Presidential Library and Museum Operating Fund to the Historic Preservation Agency for the ordinary and contingent expenses of the Abraham Lincoln Presidential Library and Museum in Springfield, Illinois for the fiscal year ending June 30, 2017.

Section 55. The following named amounts, or so much thereof as may be necessary, are appropriated to the Abraham Lincoln Presidential Library and Museum for the objects and purposes hereinafter named:

Payable from the Illinois Historic Sites Fund:
For research projects associated with Abraham Lincoln ............................... 75,000
For microfilming Illinois newspapers and manuscripts and performing genealogical research .................................................. 175,000

ARTICLE 161

Section 5. The sum of $190,000,000, or so much thereof as may be necessary, is appropriated from the State Pensions Fund to the Board of Trustees of the State Universities Retirement System pursuant to the provisions of Section 8.12 of the State Finance Act.

ARTICLE 162

Section 1. It is the intent of the State that all or a portion of the costs of projects funded by appropriations made in this Act from the Capital Development Fund, the School Construction Fund, the Anti-Pollution Fund, the Transportation Bond Series A Fund, the Transportation Bond Series B Fund, the Coal Development Fund, the Transportation Bond Series D Fund, and the Build Illinois Bond Fund will be paid or reimbursed from the proceeds of tax-exempt bonds subsequently issued by the State.

New matter indicated by italics - deletions by strikeout
ARTICLE 163
DEPARTMENT OF NATURAL RESOURCES

Section 85. The sum of $715,786, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2016, from an appropriation heretofore made for such purpose in Article 8, Section 85, of Public Act 99-0007, as amended, is reappropriated from the State Parks Fund to the Department of Natural Resources, in coordination with the Capital Development Board, for the development of the World Shooting and Recreation Complex including debt service expenses required to comply with this appropriation. Provided further, to the extent that revenues are received for such purposes, said revenues must come from non-State sources.

Section 90. The sum of $5,000,000 is appropriated from the Capital Development Fund to the Department of Natural Resources for expenditure by the Office of Water Resources for water development projects at the approximate cost set forth below:

Flood Hazard Mitigation –
Olive Branch in Alexander County –
For cost sharing to acquire flood prone structures, to implement flood hazard mitigation plans, and to acquire mitigation sites associated with flood control projects........ 5,000,000

Section 95. The sum of $50,000,000, or so much thereof as may be necessary, is appropriated from the Open Space Lands Acquisition and Development Fund to the Department of Natural Resources for expenses connected with and to make grants to local governments and to distressed communities as provided in the "Open Space Lands Acquisition and Development Act".

Section 100. The sum of $50,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Natural Resources for capital grants to parks or recreational units for permanent improvements.

Section 105. The following named sum, or so much thereof as may be necessary, made either independently or in cooperation with the Federal Government or any agency thereof, any municipal corporation, or political subdivision of the State, or with any public or private corporation, organization, or individual, is appropriated to the Department of Natural Resources for refunds and the purposes stated:

New matter indicated by italics - deletions by strikeout
Payable from Land and Water Recreation Fund:
For Outdoor Recreation Programs............... $15,842,375

Section 110. The following named sum, or so much thereof as may be necessary, respectively, herein made either independently or in cooperation with the Federal Government or any agency thereof, any municipal corporation, or political subdivision of the State, or with any public or private corporation, organization, or individual, is appropriated to the Department of Natural Resources for refunds and the purposes stated:
Payable from Land and Water Recreation Fund:
For Outdoor Recreation Programs ............... 2,500,000

Section 115. No contract shall be entered into or obligation incurred or any expenditure made from any appropriation herein made from the Capital Development Fund and Build Illinois Bond Fund in this Article until after the purpose and amounts have been approved in writing by the Governor.

ARTICLE 163.5
DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

Section 5. The sum of $12,000,000, or so much thereof as may be necessary is appropriated, from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants to local governments for capital improvements to civic centers.

Section 10. No contract shall be entered into or obligation incurred or any expenditures made from appropriations in this Article until after the purposes and amounts have been approved in writing by the Governor.

ARTICLE 164
DEPARTMENT OF TRANSPORTATION
HIGHWAYS

Section 5. The sum of $23,000,000, or so much thereof as may be necessary, is appropriated from the from the Transportation Bond Series A Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state highways, arterial highways, roads, access areas, roadside shelters, rest areas, and fringe parking facilities and sanitary facilities, and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-850; for land acquisition and signboard removal and control and preservation of natural beauty; and for capital improvements which

New matter indicated by italics - deletions by strikeout
directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations and scale houses, in accordance with applicable laws and regulations for the state portion of the Road Improvement Program.

Section 10. The sum of $26,000,000, or so much thereof as may be necessary, is appropriated from the Transportation Bond Series D Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state highways, arterial highways, roads, access areas, roadside shelters, rest areas, and fringe parking facilities and sanitary facilities, and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-850; for land acquisition and signboard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations and scale houses, in accordance with applicable laws and regulations for the state portion of the Road Improvement Program.

AERONAUTICS

Section 15. The sum of $11,000,000, or so much thereof as may be necessary, is appropriated from the Transportation Bond Series B Fund to the Department of Transportation for the State’s share of costs related to facility improvements associated with Airports as defined in Section 6 of the Illinois Aeronautics Act, as amended, or Air Navigation Facilities as described in Section 9 of the Illinois Aeronautics Act, as amended.

TRANSPORTATION

Section 20. The sum of $96,000,540, or so much thereof as may be necessary, is appropriated from the Transportation Bond Series B Fund to the Department of Transportation for purposes authorized under Section 4(b)(1) of the General obligation Bond Act, as amended (30 ILCS 330/4(b)(1)).

Section 25. No contract shall be entered into or obligation incurred or any expenditure made from an appropriation herein made in
Section 5 Series A Bonds
Section 10 Series D Bonds
Section 15 Series B Bonds - Aeronautics
Section 20 Series B Bonds – Transit & Rail

New matter indicated by italics - deletions by strikeout
of this Article until after the purpose and the amount of such expenditure has been approved in writing by the Governor.

Total, this Article $156,000,540

ARTICLE 165
DEPARTMENT OF TRANSPORTATION

Section 5. The sum of $4,500,000, or so much thereof as may be necessary, is appropriated from the Working Capital Revolving Loan Fund to the Department of Transportation for the purpose of making loans to disadvantaged business enterprises certified by IDOT for participation on IDOT-procured construction and construction-related projects under the provisions of the Disadvantaged Business Revolving Loan Program pursuant to Section 610 of the Department of Transportation Law.

PERMANENT IMPROVEMENTS

Section 10. The sum of $25,500,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for Permanent Improvements to Illinois Department of Transportation facilities, including but not limited to the purchase of land, construction, repair, alterations and improvements to maintenance and traffic facilities, district and central headquarters facilities, storage facilities, grounds, parking areas and facilities, fencing and underground drainage, including plans, specifications, utilities and fixed equipment installed and all costs and charges incident to the completion thereof at various locations.

OTHER LUMP SUMS
DIVISION OF HIGHWAYS

Section 15. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

For costs associated with the identification, corrective action, and disposal of hazardous materials at storage facilities................. $600,000
For Maintenance, Traffic and Physical Research Purposes (A)......................... $37,800,000
For repair of damages by motorists to highway guardrails, fencing, lighting units, bridges, underpasses, signs, traffic signals, crash attenuators, landscaping, roadside shelters, rest areas, fringe parking

New matter indicated by italics - deletions by strikeout
facilities, sanitary facilities, maintenance facilities including salt storage buildings, vehicle weight enforcement facilities including scale houses, and other highway appurtenances, provided such amount shall not exceed funds to be made available from collections from claims filed by the Department to recover the costs of such damages.................... 9,000,000

For Maintenance, Traffic and Physical Research Purposes (B).................. 13,500,000

Total $60,900,000

GRANTS AND AWARDS

Section 20. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

For apportionment to counties for construction of township bridges 20 feet or more in length as provided in Section 6-901 through 6-906 of the "Illinois Highway Code".................... 15,000,000

For apportionment to needy Townships and Road Districts, as determined by the Department in consultation with the County Superintendents of Highways, Township Highway Commissioners, or Road District Highway Commissioners................... 10,014,300

For apportionment to high-growth cities over 5,000 in population, as determined by the Department in consultation with the Illinois Municipal League................ 4,000,000

For apportionment to counties under 1,000,000 in population, $8,000,000 of the total apportioned in equal amounts to each eligible county, and $13,800,000 apportioned to each eligible county in proportion to the amount

New matter indicated by italics - deletions by strikeout
of motor vehicle license fees received
from the residents of eligible counties...... 21,800,000
Total $50,814,300

CONSTRUCTION AND LAND ACQUISITION

Section 25. The sum of $854,385,700, or so much thereof as may
be necessary, is appropriated from the Road Fund to the Department of
Transportation for preliminary engineering and construction engineering
and contract costs of construction, including reconstruction, extension and
improvement of state highways, arterial highways, roads, access areas,
roadside shelters, rest areas, fringe parking facilities and sanitary facilities,
and such other purposes as provided by the “Illinois Highway Code”; for
purposes allowed or required by Title 23 of the U.S. Code; for bikeways as
provided by Public Act 78-850; for land acquisition and signboard
removal and control, junkyard removal and control and preservation of
natural beauty; and for capital improvements which directly facilitate an
effective vehicle weight enforcement program, such as scales (fixed and
portable), scale pits and scale installations and scale houses, in accordance
with applicable laws and regulations for the state portion of the Road
Improvement Program as approximated below:

District 1, Schaumburg...................... 193,517,500
District 2, Dixon.......................... 98,379,300
District 3, Ottawa.......................... 44,534,200
District 4, Peoria.......................... 20,910,200
District 5, Paris........................... 18,051,900
District 6, Springfield..................... 22,532,600
District 7, Effingham...................... 29,990,900
District 8, Collinsville.................... 42,631,900
District 9, Carbondale..................... 8,941,600
Statewide (including refunds).......... 241,052,700
Engineering............................... 133,843,000
Total $854,385,700

Section 30. The sum of $604,300,000, or so much thereof as may
be necessary, is appropriated from the Road Fund to the Department of
Transportation for preliminary engineering and construction engineering
and contract costs of construction, including reconstruction, extension and
improvement of state and local roads and bridges, fringe parking facilities
and such other purposes as provided by the “Illinois Highway Code”; for
purposes allowed or required by Title 23 of the U.S. Code; for bikeways as
provided by Public Act 78-850; for land acquisition and signboard

New matter indicated by italics - deletions by strikeout
removal and control and preservation of natural beauty, in accordance with applicable laws and regulations for the local portion of the Road Improvement Program as approximated below:

District 1, Schaumburg............. 366,543,000
District 2, Dixon............... 20,789,000
District 3, Ottawa............... 16,694,000
District 4, Peoria............... 25,922,000
District 5, Paris............... 10,554,000
District 6, Springfield......... 21,659,000
District 7, Effingham........... 15,594,000
District 8, Collinsville....... 24,239,000
District 9, Carbondale........... 10,383,000
Statewide (including refunds)..... 91,923,000
Total........................................ 604,300,000

Section 35. The sum of $491,000,000, or so much thereof as may be necessary, is appropriated from the State Construction Account Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of State highways, arterial highways, roads, access areas, roadside shelters, rest areas fringe parking facilities and sanitary facilities and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-850; for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations and scale houses, in accordance with applicable laws and regulations for the Road Improvement Program as approximated below:

District 1, Schaumburg............. 189,092,500
District 2, Dixon............... 96,129,700
District 3, Ottawa............... 43,515,800
District 4, Peoria............... 33,134,800
District 5, Paris............... 17,639,100
District 6, Springfield......... 22,017,400
District 7, Effingham.......... 29,305,100
District 8, Collinsville....... 41,657,100
District 9, Carbondale........... 18,508,400
Total........................................ 491,000,000

New matter indicated by italics - deletions by strikeout
Section 40. The sum of $18,000,000, or so much thereof as may be necessary, is appropriated from Road Fund to the Department of Transportation for all costs associated with the procurement of agreements that enable managed lanes to be developed, financed, constructed, managed, or operated in an entrepreneurial and business-like manner.

Section 45. The sum of $22,000,000, or so much thereof as may be necessary, is appropriated from Road Fund to the Department of Transportation for the purpose of funding various street rehabilitation projects on core transit corridors in Champaign County pursuant to a grant from the Transportation Investment Generating Economic Recovery VI (TIGER VI) Program awards as provided in Title VIII of Division F of the Consolidated and Further Continuing Appropriations Act, 2013 (Public Law 113-6). Such expenditures shall not exceed the amounts made available to the Department from a combination of federal and local reimbursements.

Section 50. The sum of $18,760,000, or so much thereof as may be necessary, is appropriated from Road Fund to the Department of Transportation for the purpose of funding the construction of the 41st Street pedestrian bridge (Bronzeville Bridge) that will connect Lake Park Crescent to the City of Chicago’s Lakefront pursuant to a grant from the Transportation Investment Generating Economic Recovery VI (TIGER VI) Program awards as provided in Title VIII of Division F of the Consolidated and Further Continuing Appropriations Act, 2013 (Public Law 113-6). Such expenditures shall not exceed the amounts made available to the Department from the federal reimbursements.

Section 55. The sum of $2,000,000, or so much thereof as may be necessary, is appropriated from the Public Private Partnerships for Transportation Fund to the Department of Transportation for costs associated with the development, financing, and operation of transportation facilities pursuant to the provisions of the Public Private Partnerships for Transportation Act, as amended.

GRADE CROSSING PROTECTION

Section 60. The sum of $29,000,000, or so much thereof as may be necessary, is appropriated from the Grade Crossing Protection Fund to the Department of Transportation for the installation of grade crossing protection or grade separations at places where a public highway crosses a railroad at grade, as ordered by the Illinois Commerce Commission, as provided by law.

AERONAUTICS

New matter indicated by italics - deletions by strikeout
Section 65. The sum of $4,000,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for such purposes as are described in Sections 31 and 34 of the Illinois Aeronautics Act, as amended and to leverage federal funds for the airport improvement program.

Section 70. The sum of $110,000,000, or so much thereof as may be necessary, is appropriated from the Federal/State/Local Airport Fund to the Department of Transportation for funding airport improvement projects, including reimbursements and/or refunds, undertaken pursuant to pertinent state or federal laws.

Section 75. The sum of $2,000,000, or so much thereof as may be necessary, is appropriated from the South Suburban Airport Improvement Fund to the Department of Transportation for costs associated with the development, financing, and operation of the South Suburban Airport as authorized under the Public-Private Agreements for the South Suburban Airport Act.

PUBLIC TRANSPORTATION

Section 80. The sum of $30,000,000, or so much thereof as may be necessary, is appropriated from the Downstate Transit Improvement Fund to the Department of Transportation for making competitive capital grants pursuant to Section 2-15 of the Downstate Public Transportation Act (30 ILCS 740/2-15).

Section 85. The sum of $20,000,000, or so much thereof as may be necessary, is appropriated from the Federal Mass Transit Trust Fund to the Department of Transportation for the federal share of capital, operating, consultant services, and technical assistance grants, as well as state administration and interagency agreements, provided such amounts shall not exceed funds to be made available from the Federal Government.

Section 90. The sum of $4,000,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for grants, road construction and all other costs relating to the Chicago Region Environmental and Transportation Efficiency (CREATE) program.

Section 95. The sum of $1,700,000, or so much thereof as may be necessary, is appropriated from the State Rail Freight Loan Repayment Fund to the Department of Transportation for funding the State Rail Freight Loan Repayment Program created by Section 49.25g-1 of the Civil Administrative Code of Illinois.

New matter indicated by italics - deletions by strikeout
Section 100. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Rail Freight Loan Repayment Fund to the Department of Transportation for the Rail Freight Service Assistance Program, created by Section 49.25a through 49.25g-1 of the Civil Administrative Code of Illinois.

Section 105. The sum of $10,000,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for high speed rail track maintenance.

Section 110. No contract shall be entered into or obligation incurred or any expenditure made from an appropriation herein made in Section 10 Permanent Improvements Section 95 State Rail Freight Loan Repayment Section 100 Federal Rail Freight Loan of this Article until after the purpose and the amount of such expenditure has been approved in writing by the Governor.

Total, this Article $2,362,610,000

ARTICLE 166
DEPARTMENT OF TRANSPORTATION
PERMANENT IMPROVEMENTS

Section 5. The sum of $29,167,600, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 5 of Public Act 99-0007, as amended, is reappropriated from the Road Fund to the Department of Transportation for Permanent Improvements to Illinois Department of Transportation facilities, including but not limited to the purchase of land, construction, repair, alterations and improvements to maintenance and traffic facilities, district and central headquarters facilities, storage facilities, grounds, parking areas and facilities, fencing and underground drainage, including plans, specifications, utilities and fixed equipment installed and all costs and charges incident to the completion thereof at various locations.

CONSULTANT AND PRELIMINARY ENGINEERING

Section 10. The sum of $4,273,944, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 10 of Public Act 99-0007, as amended, is reappropriated from the Road Fund to the Department of Transportation for Highways Engineering and Consultant Contracts only.

New matter indicated by italics - deletions by strikeout
Section 15. The sum of $4,225,933, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 15 of Public Act 99-0007, as amended, is reappropriated from the State Construction Account Fund to the Department of Transportation for Highway Engineering and Consultant Contracts only.

OTHER LUMP SUMS

Section 20. The sum of $11,665,341, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the appropriation and reappropriation heretofore made in Article 5, Section 30 and Article 6, Section 245 of Public Act 99-0007, as amended, is reappropriated from the Working Capital Revolving Loan Fund to the Department of Transportation for the purpose of making loans to disadvantaged business enterprises certified by IDOT for participation on IDOT-procured construction and construction-related projects under the provisions of the Disadvantaged Business Revolving Loan Program pursuant to Section 610 of the Department of Transportation Law.

Section 25. The sum of $8,699,193, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the appropriation and reappropriation heretofore made in Article 5, Section 5 and Article 6, Section 20 of Public Act 99-0007, as amended, is reappropriated from the Road Fund to the Department of Transportation for costs associated with the identification, corrective action, and disposal of hazardous materials at storage facilities.

Section 30. The sum of $53,772,440, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the appropriation and reappropriation heretofore made in Article 5, Section 5 and Article 6, Section 25 of Public Act 99-0007, as amended, is reappropriated from the Road Fund to the Department of Transportation for Highways Formal Contract Specifics Maintenance, Traffic and Physical Research Purposes (A).

Section 35. The sum of $4,603,097, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 30 of Public Act 99-0007, as amended, is reappropriated from the Road Fund to the Department of Transportation for repair of damages by motorists to highway guardrails, fencing, lighting units, bridges, underpasses, signs, traffic signals, crash attenuators, landscaping, roadside shelters, rest areas, fringe parking facilities, sanitary facilities, maintenance facilities including

New matter indicated by italics - deletions by strikeout
salt storage buildings, vehicle weight enforcement facilities including scale houses, and other highway appurtenances, provided such amount shall not exceed funds to be made available from collections from claims filed by the Department to recover the costs of such damages.

HIGHWAY CONSTRUCTION AND LAND ACQUISITION

AWARDS AND GRANTS

Section 40. The sum of $34,935,675, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the appropriation and reappropriation heretofore made in Article 5, Section 7 and Article 6, Section 35 of Public Act 99-0007, as amended, is reappropriated from the Road Fund to the Department of Transportation for apportionment to counties for construction of township bridges 20 feet or more in length as provided in Section 6-901 through 6-906 of the "Illinois Highway Code".

HIGHWAY CONSTRUCTION AND LAND ACQUISITION

Section 45. The following named sums or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2016, from the reappropriations heretofore made in Article 6, Section 135 of Public Act 99-0007, as amended, are reappropriated to the Department of Transportation from the Road Fund for the FY04 federal earmarks provided in Conference Report 108-401 which accompanies Public Law 108-199. Expenditures shall not exceed funds to be made available by the federal government.

<table>
<thead>
<tr>
<th>Bridge Discretionary</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Avenue Bridge, Chicago</td>
<td>324,335</td>
</tr>
<tr>
<td>Long Meadow Parkway Fox River Bridge</td>
<td>54,944</td>
</tr>
<tr>
<td>US 51, Christian/Shelby Counties</td>
<td>116,412</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$495,691</strong></td>
</tr>
</tbody>
</table>

Section 50. The following named sums or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2016, from the reappropriations heretofore made in Article 6, Section 140 of Public Act 99-0007, as amended, are reappropriated to the Department of Transportation from the Road Fund for the FY05 federal earmarks provided in Conference Report 108-792 which accompanies Public Law 108-447. Expenditures shall not exceed funds to be made available by the federal government.

<table>
<thead>
<tr>
<th>Bridge Discretionary</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cicero Avenue lighting in University Park</td>
<td>104,146</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
I-290 Cap, Oak Park.............................................. 938,426
MacArthur Boulevard Extension, Springfield........... 113,441
U.S. 41/I-176 Interchange improvements
  Phase I study.................................................. 262,206
  Total                                           $1,418,219

Section 55. The sum of $50,313,782, or so much thereof as may be
necessary, and remains unexpended at the close of business on June 30,
2016, from the reappropriation heretofore made in Article 6, Section 145
of Public Act 99-0007, as amended, is reappropriated from the Road Fund
to the Department of Transportation for preliminary engineering and
construction engineering and contract costs of construction, including
reconstruction, extension and improvement of state highways, arterial
highways, roads, access areas, roadside shelters, rest areas, fringe parking
facilities and sanitary facilities, and such other purposes as provided by the
“Illinois Highway Code”; for purposes allowed or required by Title 23 of
the U.S. Code; for bikeways as provided by Public Act 78-850; for land
acquisition and signboard removal and control, junkyard removal and
control and preservation of natural beauty; and for capital improvements
which directly facilitate an effective vehicle weight enforcement program,
such as scales (fixed and portable), scale pits and scale installations and
scale houses, in accordance with applicable laws and regulations.

Section 60. The sum of $37,186, or so much thereof as may be
necessary, and remains unexpended at the close of business on June 30,
2016, from the reappropriation heretofore made in Article 6, Section 150
of Public Act 99-0007, is reappropriated from the Road Fund to the
Department of Transportation for Pavement Preservation Programs.

Section 65. The sum of $83,121,254, or so much thereof as may be
necessary, and remains unexpended at the close of business on June 30,
2016, from the reappropriation heretofore made in Article 6, Section 155
of Public Act 99-0007, is reappropriated from the Road Fund to the
Department of Transportation for High Priority Projects (HPP) and
Transportation Improvement Projects (TI) pertaining to local governments
as designated in Public Law 109-59, Title I, Subtitle G, Section 1702 and
Subtitle I, Section 1934 of the federal reauthorization act entitled
SAFETEA-LU; provided such amounts do not exceed funds made
available by the federal government through Congressional designations,
anual allocations, obligation limitations, or any other federal limitations.
Specific project approximations appear in Article 101, Section 25 of
Public Act 94-0798.

New matter indicated by italics - deletions by strikeout
Section 70. The sum of $6,796,777, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 160 of Public Act 99-0007, is reappropriated from the Road Fund to the Department of Transportation for Transportation, Community and System Preservation (TCSP), Discretionary Interstate Maintenance and Surface Transportation Priorities earmarks pertaining to state and local governments as designated in the Consolidated Appropriation Act, 2008, Division K, Public Law 110-161; provided such amounts do not exceed funds made available by the federal government through Congressional designations, annual allocations, obligation limitations, or any other federal limitations, as approximated in Article 35, Section 20 of Public Act 95-0734.

Section 75. The sum of $9,615,450, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 165 of Public Act 99-0007, is reappropriated from the Road Fund to the Department of Transportation for Transportation, Community and System Preservation (TCSP), Discretionary Interstate Maintenance, Federal Lands Highway Discretionary, and Surface Transportation Priorities earmarks pertaining to state and local governments as designated in the Omnibus Appropriations Act, 2009, Public Law 111-8; provided such amounts do not exceed funds made available by the federal government through Congressional designations, annual allocations, obligation limitations, or any other federal limitations, as approximated in Article 2, Section 20 of Public Act 96-0039.

Section 80. The sum of $4,225,093, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 170 of Public Act 99-0007, as amended, is reappropriated from the Road Fund to the Department of Transportation, for Transportation, Community and System Preservation (TCSP), Discretionary Interstate Maintenance, and Surface Transportation Priorities earmarks pertaining to state and local governments as designated in the Consolidated Appropriations Act, 2010, Public Law 111-1117; provided such amounts do not exceed funds made available by the federal government through Congressional designations, annual allocations, obligation limitations, or any other federal limitations.

Section 85. The sum of $7,802,063, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30,
2016, from the reappropriation heretofore made in Article 6, Section 175 of Public Act 99-0007, as amended, is reappropriated from the Road Fund to the Department of Transportation for Federal Discretionary Program Awards provided for in the “Department of Defense and Full-Year Continuing Appropriations Act, 2011” – Public Law 112-10 (H.R. 1473) provided such amounts do not exceed funds made available by the federal government through Congressional designations, annual allocations, obligation limitations, or any other federal limitations. Specific project approximations appear in Article 20, Section 25 of Public Act 97-0725.

Section 90. The sum of $131,051, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 180 of Public Act 99-0007, as amended, is reappropriated from the Road Fund to the Department of Transportation for Federal Emergency Relief Program awards provided for in the FFY2012 US DOT Appropriations Bill –Public Law 112-055, provided such amounts do not exceed funds made available by the federal government for the projects listed below.

EMERGENCY RELIEF
US 20 from IL 35 in East Dubuque to east edge of Galena;
IL 78 from the south edge of Stockton to 5 miles south of JoDaviess/Carroll Co. line.

Section 95. The sum of $6,620,714, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 185 of Public Act 99-0007, as amended is reappropriated from the Road Fund to the Department of Transportation for Federal Discretionary Projects identified in Article 20, Section 26 of Public Act 97-0725 provided such amounts do not exceed funds made available by the federal government through Congressional designations, annual allocations obligations limitations or any other federal limitations (These amounts are in additional to amounts appropriated elsewhere).

Section 100. The sum of $69,854,424, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 190, of Public Act 99-0007, as amended, for statewide purposes, is reappropriated from the Transportation Bond Series A Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state highways, arterial
highways, roads, access areas, roadside shelters, rest areas, and fringe parking facilities and sanitary facilities, and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-850; for land acquisition and signboard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations and scale houses, in accordance with applicable laws and regulations for the state portion of the Road Improvement Program.

Section 105. The sum of $751,387,142, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 195 of Public Act 99-0007, as amended, for statewide purposes, is reappropriated from the Transportation Bond Series D Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state highways, arterial highways, roads, access areas, roadside shelters, rest areas, and fringe parking facilities and sanitary facilities, and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-850; for land acquisition and signboard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations and scale houses, in accordance with applicable laws and regulations for the state portion of the Road Improvement Program.

Section 110. The sum of $682,992,150, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 200 of Public Act 99-0007, as amended, for statewide purposes, is reappropriated from the Transportation Bond Series D Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state highways, arterial highways, roads, access areas, roadside shelters, rest areas, and fringe parking facilities and sanitary facilities, and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required

New matter indicated by italics - deletions by strikeout
by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-850; for land acquisition and signboard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations and scale houses, in accordance with applicable laws and regulations for the state portion of the Road Improvement Program.

Section 115. The sum of $200,258, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 205 of Public Act 99-0007, as amended, are reappropriated from the State Construction Account Fund to the Department of Transportation for all expenses related to Phase II of the I-57/294 interchange in the County of Cook.

Section 120. The sum of $45,006,232, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the reappropriations heretofore made in Article 6, Section 210 and Section 215 of Public Act 99-0007, as amended, are reappropriated from the State Construction Account Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-0850; for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations.

Section 125. The sum of $63,249,131, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 220 of Public Act 99-0007, as amended, are reappropriated from the State Construction Account Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-0850; for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations.
areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-0850; for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations.

Section 130. The sum of $85,587,853, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 225 of Public Act 99-0007, as amended, is reappropriated from the State Construction Account Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-0850; for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations.

Section 135. The sum of $365,447,054, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 230 of Public Act 99-0007, as amended, is reappropriated from the State Construction Account Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-0850; for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty;

New matter indicated by italics - deletions by strikeout
and for capital improvements which directly facilitate an effective vehicle
weight enforcement program, such as scales (fixed and portable), scale pits
and scale installations, and scale houses, in accordance with applicable
laws and regulations.

Section 140. The sum of $988,473,294, or so much thereof as may
be necessary, and remains unexpended at the close of business on June 30,
2016, from the appropriation heretofore made in Article 5, Section 35 of
Public Act 99-0007, as amended, is reappropriated from the State
Construction Account Fund to the Department of Transportation for
preliminary engineering and construction engineering and contract costs of
construction, including reconstruction, extension and improvement of state
highways, arterial highways, roads, access areas, roadside shelters, rest
areas, fringe parking facilities and sanitary facilities, and such other
purposes as provided by the “Illinois Highway Code”; for purposes
allowed or required by Title 23 of the U.S. Code; for bikeways as provided
by Public Act 78-0850; for land acquisition and signboard removal and
control, junkyard removal and control and preservation of natural beauty;
and for capital improvements which directly facilitate an effective vehicle
weight enforcement program, such as scales (fixed and portable), scale pits
and scale installations, and scale houses, in accordance with applicable
laws and regulations.

HIGHER CONSTRUCTION AND LAND ACQUISITION
LUMP SUMS

Section 145. The sum of $2,684,228, or so much thereof as may be
necessary, and remains unexpended at the close of business on June 30,
2016, from the reappropriation heretofore made in Article 6, Section 280
of Public Act 99-0007, as amended, is reappropriated from the Road Fund
to the Department of Transportation for all costs associated with the
procurement of public private agreements.

Section 150. The sum of $32,472,371, or so much thereof as may
be necessary, and remains unexpended at the close of business on June 30,
2016, from the reappropriation heretofore made in Article 6, Section 250
of Public Act 99-0007, is reappropriated from the Road Fund to the
Department of Transportation for the local match of all other non-federally
reimbursed expenses associated with the High Priority Projects (HPP) and
Transportation Improvement Projects (TI) specifically identified in Article
101, Section 25 of Public Act 94-0798, provided that such amounts do not
exceed funds made available and paid into the Road Fund by local
governments.

New matter indicated by italics - deletions by strikeout
Section 155. The sum of $763,397, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 310 of Public Act 99-0007, is reappropriated from the Road Fund to the Department of Transportation for the local match of all other non-federally reimbursed expenses associated with the Transportation, Community and System Preservation (TCSP) and Discretionary Interstate Maintenance earmarks specifically identified in Article 35, Section 20a of Public Act 95-0734, provided that such amounts do not exceed funds made available and paid into the Road Fund by local governments.

Section 160. The sum of $26,371,654, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 315 of Public Act 99-0007, is reappropriated from the Road Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state and local roads and bridges, fringe parking facilities and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-850; for land acquisition and signboard removal and control and preservation of natural beauty, in accordance with applicable laws and regulations. (Emergency Repair Program)

Section 165. The sum of $1,829,109, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 320 of Public Act 99-0007, is reappropriated from the Road Fund to the Department of Transportation for the local match of all other non-federally reimbursed expenses associated with the Transportation, Community and System Preservation (TCSP) and Discretionary Interstate Maintenance earmarks specifically identified in Article 2, Section 20 of Public Act 96-0039, provided that such amounts do not exceed funds made available and paid into the Road Fund by local governments.

Section 170. The sum of $391,060, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 325 of Public Act 99-0007, as amended, is reappropriated from the Road Fund to the Department of Transportation, for the local match of all other non-federally reimbursed expenses associated with the Transportation,
Community and System Preservation (TCSP) and Discretionary Interstate Maintenance earmarks specifically identified in Article 50, Section 16 of Public Act 96-0035, provided that such amounts do not exceed funds made available and paid into the Road Fund by local governments.

Section 175. The sum of $921,280, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 330 of Public Act 99-0007, as amended, is reappropriated from the Road Fund to the Department of Transportation for Transportation Investment Generating Economic Recovery II (TIGER II) awards designated in Division A of the Consolidated Appropriations Act, 2010, Public Law 111-117 as identified and approximated in Article 10, Section 20 of Public Act 97-0076; provided such amounts do not exceed funds made available by the federal government through Congressional designations, annual allocations, obligation limitations, or any other federal limitations.

Section 180. The sum of $717,232, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 335 of Public Act 99-0007, as amended, is reappropriated from the Road Fund to the Department of Transportation for the local match of all other non-federally reimbursed expenses associated with the Transportation Investment Generating Economic Recovery II (TIGER II) awards specifically identified in Article 10, Section 20 of Public Act 97-0076, provided such amounts do not exceed funds made available and paid in to the Road Fund by local governments.

Section 185. The sum of $491,722, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 340 of Public Act 99-0007, as amended, is reappropriated from the Road Fund to the Department of Transportation for the local match of all other non-federally reimbursed expenses associated with the Federal Discretionary Program Awards provided for in the “Department of Defense and Full-Year Continuing Appropriations Act, 2011” – Public Law 112-10 (H.R. 1473) earmarks specifically identified in Article 20 Section 25 of Public Act 97-0725, provided such amounts do not exceed funds made available and paid in to the Road Fund by local governments.

Section 190. The sum of $689,442, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 350

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of Public Act 99-0007, as amended, is reappropriated from the Road Fund to the Department of Transportation for the local match of all other non-federally reimbursed expenses associated with the Federal Discretionary Projects (specifically identified in Article 20 Section 26 of Public Act 97-0725), provided that such amounts do not exceed funds made available and paid into the Road Fund by local governments. (These amounts are in addition to amounts appropriated elsewhere).

Section 195. The sum of $31,580,283, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 355 of Public Act 99-0007, as amended, is reappropriated from the Road Fund to the Department of Transportation for land acquisition, construction engineering and construction of the Milburn Bypass (US 45 from north of Milburn Road to north of Grass lake Road) provided that such amounts do not exceed amounts reimbursed by the local agency using Lake County Challenge bonds.

Section 200. The sum of $248,801,783, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the reappropriations heretofore made in Article 6, Section 255 and Section 260 of Public Act 99-0007, as amended, is reappropriated from the Road Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-850; for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations and scale houses, in accordance with applicable laws and regulations for the state portion of the Road Improvement Program, including refunds.

Section 205. The sum of $177,586,119, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 265 of Public Act 99-0007, as amended, is reappropriated from the Road Fund to the Department of Transportation for preliminary engineering and

New matter indicated by italics - deletions by strikeout
construction engineering and contract costs of construction, including reconstruction, extension and improvement of state highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-850; for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations and scale houses, in accordance with applicable laws and regulations for the state portion of the Road Improvement Program, including refunds.

Section 210. The sum of $192,985,593, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 270 of Public Act 99-0007, as amended, is reappropriated from the Road Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-850; for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations and scale houses, in accordance with applicable laws and regulations for the state portion of the Road Improvement Program, including refunds.

Section 215. The sum of $180,881,776, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 275 of Public Act 99-0007, as amended, is reappropriated from the Road Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of

New matter indicated by italics - deletions by strikeout
the U.S. Code; for bikeways as provided by Public Act 78-850; for land
acquisition and signboard removal and control, junkyard removal and
control and preservation of natural beauty; and for capital improvements
which directly facilitate an effective vehicle weight enforcement program,
such as scales (fixed and portable), scale pits and scale installations and
scale houses, in accordance with applicable laws and regulations for the
state portion of the Road Improvement Program, including refunds.

Section 220. The sum of $137,942,898, or so much thereof as may
be necessary, and remains unexpended, at the close of business on June
30, 2016, from the appropriation heretofore made in Article 5, Section 40
of Public Act 99-0007, as amended, is reappropriated from the Road Fund
to the Department of Transportation for preliminary engineering and
construction engineering and contract costs of construction, including
reconstruction, extension and improvement of state and local roads and
bridges, fringe parking facilities and such other purposes as provided by
the “Illinois Highway Code”; for purposes allowed or required by Title 23
of the U.S. Code; for bikeways as provided by Public Act 78-850; for land
acquisition and signboard removal and control and preservation of natural
beauty, in accordance with applicable laws and regulations for the State
and local portions of the Road Improvement Program, including refunds.

Section 225. The sum of $225,308,411, or so much thereof as may
be necessary, and remains unexpended at the close of business on June 30,
2016, from the reappropriations heretofore made in Article 6, Section 285
and Section 290 of Public Act 99-0007, as amended, is reappropriated
from the Road Fund to the Department of Transportation for preliminary
engineering and construction engineering and contract costs of
construction, including reconstruction, extension and improvement of state
and local roads and bridges, fringe parking facilities and such other
purposes as provided by the “Illinois Highway Code”; for purposes
allowed or required by Title 23 of the U.S. Code; for bikeways as provided
by Public Act 78-850; for land acquisition and signboard removal and
control and preservation of natural beauty, in accordance with applicable
laws and regulations for the local portion of the Road Improvement
Program, including refunds.

Section 230. The sum of $74,644,062, or so much thereof as may
be necessary, and remains unexpended at the close of business on June 30,
2016, from the reappropriation heretofore made in Article 6, Section 295
of Public Act 99-0007, as amended, is reappropriated from the Road Fund
to the Department of Transportation for preliminary engineering and

New matter indicated by italics - deletions by strikeout
construction engineering and contract costs of construction, including reconstruction, extension and improvement of state and local roads and bridges, fringe parking facilities and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-850; for land acquisition and signboard removal and control and preservation of natural beauty, in accordance with applicable laws and regulations for the local portion of the Road Improvement Program, including refunds.

Section 235. The sum of $121,876,028, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 300 of Public Act 99-0007, as amended, is reappropriated from the Road Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state and local roads and bridges, fringe parking facilities and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-850; for land acquisition and signboard removal and control and preservation of natural beauty, in accordance with applicable laws and regulations for the local portion of the Road Improvement Program, including refunds.

Section 240. The sum of $337,111,354, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 305 of Public Act 99-0007, as amended, is reappropriated from the Road Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state and local roads and bridges, fringe parking facilities and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-850; for land acquisition and signboard removal and control and preservation of natural beauty, in accordance with applicable laws and regulations for the local portion of the Road Improvement Program, including refunds.

Section 245. The sum of $549,228,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the appropriation heretofore made in Article 5, Section 45 of Public Act 99-0007, as amended, is reappropriated from the Road Fund to the Department of Transportation for preliminary engineering and

New matter indicated by italics - deletions by strikeout
construction engineering and contract costs of construction, including reconstruction, extension and improvement of state and local roads and bridges, fringe parking facilities and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-850; for land acquisition and signboard removal and control and preservation of natural beauty, in accordance with applicable laws and regulations for the local portion of the Road Improvement Program including refunds.

GRADE CROSSING PROTECTION

Section 250. The sum of $83,454,621, or so much thereof as may be necessary and remains unexpended, at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 235 of Public Act 99-0007, as amended, is reappropriated from the Grade Crossing Protection Fund to the Department of Transportation for the installation of grade crossing protection or grade separations at places where a public highway crosses a railroad at grade, as ordered by the Illinois Commerce Commission, as provided by law.

AERONAUTICS

AWARDS AND GRANTS

Section 255. The sum of $727,188,812, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the appropriation and reappropriation heretofore made in Article 5, Section 10 and Article 6, Section 40 of Public Act 99-0007, as amended, is reappropriated from the Federal/State/Local Airport Fund to the Department of Transportation for funding the local or federal share of airport improvement projects, including reimbursements and/or refunds, undertaken pursuant to pertinent state or federal laws, provided such amounts shall not exceed funds available from federal and/or local sources.

Section 260. The sum of $15,732,485, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 45 of Public Act 99-0007, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for such purposes as are described Section 34 of the Illinois Aeronautics Act, as amended, and Section 72 of the Illinois Aeronautics Act, as amended, for airport improvements.

CONSTRUCTION

New matter indicated by italics - deletions by strikeout
Section 265. The sum of $35,832,285, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 240 of Public Act 99-0007, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for expenses associated with land acquisition for the South Suburban Airport.

PUBLIC AND INTERMODAL TRANSPORTATION AWARDS AND GRANTS

Section 270. The sum of $368,962, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 50 of Public Act 99-0007, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for construction costs, making grants and providing project assistance to municipalities, special transportation districts, private non-profit carriers, mass transportation carriers, and the Intercity Rail Program for the acquisition, construction, extension, reconstruction, and improvement of mass transportation facilities, including rapid transit, intercity rail, bus and other equipment used in connection therewith, as provided by law, for the counties of Cook, DuPage, Kane, Lake, McHenry and Will, pursuant to Section 4(b)(2) of the General Obligation Bond Act, as amended.

Section 275. The following named sums, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the reappropriations heretofore made in Article 6, Section 55 of Public Act 99-0007, as amended, are reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for construction costs, making grants and providing project assistance to municipalities, special transportation districts, private non-profit carriers, mass transportation carriers, and the Intercity Rail Program for the acquisition, construction, extension, reconstruction, and improvement of mass transportation facilities, including rapid transit, intercity rail, bus and other equipment used in connection therewith, as provided by law, as follows:

Pursuant to Section 4(b)(1) of the General Obligation Bond Act, as amended................................. 13,134,608
For the counties of the State outside the counties of Cook, DuPage, Kane, McHenry,

New matter indicated by italics - deletions by strikeout
and Will, pursuant to Section 4(b)(1) of the General Obligation Bond Act, as amended
For the Department of Transportation's Operation Greenlight Program pursuant to Section 4(b)(1) of the General Obligation Bond Act, as amended

Total

$19,257,548

Section 280. The sum of $333,010, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 60 of Public Act 99-0007, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation to extend the metrolink rail-line to Mid-America Airport, including but not limited to, general infrastructure improvements authorized under Section 2705-305 of the Department of Transportation Law (20 ILCS 2705/2705-305) such as parking lot infrastructure upgrades, pedestrian access improvements, ingress and egress infrastructure and construction of a pedestrian overpass at the Southwestern Illinois College Metrolink station.

Section 285. The sum of $11,692,992, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 65 of Public Act 99-0007, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for construction costs, making grants and providing project assistance to municipalities, special transportation districts, private non-profit carriers, mass transportation carriers and the Intercity rail program for the acquisition, construction, extension, reconstruction, and improvement of mass transportation facilities, including rapid transit, intercity rail, bus and other equipment used in connection therewith, as provided by law, pursuant to Section 4(b)(1) of the General Obligation Bond Act, as amended.

Section 290. The sum of $782,734,763, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 70 of Public Act 99-0007, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for construction costs, making grants and providing project assistance to the Regional Transportation Authority.

New matter indicated by italics - deletions by strikeout
Section 295. The sum of $100,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 75 of Public Act 99-0007, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for construction costs, making grants and providing project assistance to municipalities, special transportation districts, private non-profit carriers, mass transportation carriers and the Intercity rail program for the acquisition, construction, extension, reconstruction, and improvement of mass transportation facilities, including rapid transit, intercity rail, bus and other equipment used in connection therewith, as provided by law, for the purpose of downstate public transit systems.

Section 300. The sum of $619,095,951, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 80 of Public Act 99-0007, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for construction costs, making grants and providing project assistance to the Regional Transportation Authority.

Section 305. The sum of $153,083,204, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 85 of Public Act 99-0007, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for construction costs, making grants and providing project assistance to municipalities, special transportation districts, private non-profit carriers, mass transportation carriers and the Intercity rail program for the acquisition, construction, extension, reconstruction, and improvement of mass transportation facilities, including rapid transit, intercity rail, bus and other equipment used in connection therewith, as provided by law, for the purpose of downstate public transit systems.

Section 310. The sum of $83,765,535, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 90 of Public Act 99-0007, as amended, is reappropriated from the Downstate Transit Improvement Fund to the Department of Transportation for making competitive capital grants pursuant to Section 2-15 of the Downstate Public Transportation Act. (30 ILCS 740/2-15).
Section 315. The sum of $103,645,656, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, less $20,000,000 to be lapsed, from the appropriation and reappropriation heretofore made in Article 5, Section 15 and Article 6, Section 95 of Public Act 99-0007, as amended, is reappropriated from the Federal Mass Transit Trust Fund to the Department of Transportation for the federal share of capital, operating, consultant services, and technical assistance grants, as well as state administration and interagency agreements, provided such amounts shall not exceed funds to be made available from the Federal Government.

LUMP SUUMS

Section 320. The sum of $10,212,993, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 360 of Public Act 99-0007, as amended, is reappropriated from the Road Fund to the Department of Transportation for grants, road construction and all other costs relating to the Chicago Region Environmental and Transportation Efficiency (CREATE) program, provided such amounts not exceed funds made available by the federal government for this program.

Section 325. The sum of $6,962,192, or so much thereof as may be necessary, and remains unexpended, at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 365 of Public Act 99-0007, as amended, is reappropriated from the Road Fund to the Department of Transportation for grants, road construction and all other costs relating to the Chicago Region Environmental and Transportation Efficiency (CREATE) program, as awarded from the Transportation Investment Generating Economic Recovery (TIGER) IV, as provided for in the “Consolidated and Further Continuing Appropriations Act of 2012” – P.L. 112-055, provided such amounts do not exceed funds made available by the Federal government.

Section 330. The sum of $210,815,855, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 370 of Public Act 99-0007, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for grants, road construction and all other costs relating to the Chicago Region Environmental and Transportation Efficiency (CREATE) program.

RAIL PASSENGER AND RAIL FREIGHT

New matter indicated by italics - deletions by strikeout
Section 335. The sum of $10,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 100 of Public Act 99-0007 as amended, is reappropriated from the Road Fund to the Department of Transportation for grants, construction, and all other costs relating to rail projects, provided such amounts not exceed funds made available by the federal government for this purpose.

Section 340. The sum of $21,715,463, or so much thereof as may be necessary, and remains unexpended, at the close of business on June 30, 2016, from the appropriation and reappropriation heretofore made in Article 5, Section 20 and Article 6, Section 105 of Public Act 99-0007, as amended, is reappropriated from the State Rail Freight Loan Repayment Fund to the Department of Transportation for funding the State Rail Freight Loan Repayment Program created by Section 49.25g-1 of the Civil Administrative Code of Illinois.

Section 345. The sum of $1,024,857,793, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 110 of Public Act 99-0007, as amended, is reappropriated from the Federal High Speed Rail Trust Fund to the Department of Transportation for grants, construction, and all other costs relating to high speed rail projects, provided such amounts not exceed funds made available by the federal government for this purpose.

Section 350. The sum of $10,839,947, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 115 of Public Act 99-0007, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation, pursuant to Section 4(b)(1) of the General Obligation Bond Act, for track and signal improvements, AMTRAK station improvements, rail passenger equipment, and rail freight facility improvements.

Section 355. The sum of $100,633,362, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 120 of Public Act 99-0007, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for track and signal improvements, AMTRAK station improvements, rail passenger equipment, and rail freight facility improvements.

New matter indicated by italics - deletions by strikeout
Section 360. The sum of $249,020,414, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 125 of Public Act 99-0007, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation to leverage federal funding in accordance with the Department of Transportation’s Federal Railroad Administration’s Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service Program and any other federal grant programs made available for capital and operating improvements for intercity passenger rail.

Section 365. The sum of $5,012,749, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2016, from the appropriation and reappropriation concerning the federal share of the Rail Freight Loan Repayment Program heretofore made in Article 5, Section 25 and Article 6, Section 130 of Public Act 99-0007, as amended, is reappropriated from the Rail Freight Loan Repayment Fund to the Department of Transportation for the Rail Freight Service Assistance Program, created by Section 49.25a through 49.25g-1 of the Civil Administrative Code of Illinois.

Section 370. The sum of $1,300,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 375 of Public Act 99-0007, as amended, is reappropriated from the Road Fund to the Department of Transportation for costs associated with the relocation of locally-owned utilities along federally-designated High Speed Rail Corridors in Illinois, provided that such amounts do not exceed funds to be made available and paid into the Road Fund pursuant to agreements executed between the Department of Transportation and the affected local governments.

STIMULUS

RAIL

Section 375. The sum of $59,969,103, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, less $40,000,000 to be lapsed, from the reappropriation heretofore made in Article 6, Section 400 of Public Act 99-0007, as amended, is reappropriated from the Road Fund to the Department of Transportation for grants, road construction and all other costs relating to the Chicago Region Environmental and Transportation Efficiency (CREATE) program,
provided such amounts not exceed federal funds made available by the American Recovery and Reinvestment Act of 2009.

Section 380. The sum of $701,970,744, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2016, from the reappropriation heretofore made in Article 6, Section 405 of Public Act 99-0007, as amended, is reappropriated from the Federal High Speed Rail Trust Fund to the Department of Transportation for grants, construction, and all other costs relating to high speed rail projects in compliance with the American Recovery and Reinvestment Act of 2009, provided such amounts not exceed funds made available by the federal government for this purpose.

Section 385. No contract shall be entered into or obligation incurred or any expenditure made from a reappropriation herein made in:

Section 5 Permanent Improvements
Section 100 Series A - Road Program
Section 105 Series D - Road Program
Section 110 Series D - Road Program
Section 260 Series B - Aeronautics
Section 265 Series B - Land Acquisition 3rd Airport
Section 270 Series B - Transit
Section 275 Series B – Transit
Section 280 Series B - Transit
Section 285 Series B - Transit
Section 290 Series B - Transit
Section 295 Series B - Transit
Section 300 Series B - Transit
Section 305 Series B - Transit
Section 330 Series B - Transit
Section 340 State Rail Freight Loan Repayment
Section 350 Series B - Rail
Section 355 Series B - Rail
Section 360 Series B - Rail
Section 365 Federal Rail Freight Loan Repayment

of this Article until after the purpose and the amount of such expenditure has been approved in writing by the Governor.

Total, This Article                                       $10,808,892,282

ARTICLE 167
CAPITAL DEVELOPMENT BOARD

New matter indicated by italics - deletions by strikeout
Section 235. The following named sum, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2016, from a reappropriation heretofore made for such purpose in Article 7, Section 5 of Public Act 99-0007, is reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Higher Education for the project hereinafter enumerated:

ILLINOIS MATHEMATICS AND SCIENCE ACADEMY - AURORA
To plan and begin construction of a space for the delivery of teacher training and development and student enrichment programs............................. 108,843

Section 272. The following named sums, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2016, from reappropriations heretofore made in Article 7, Section 10 of Public Act 99-0007, are reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Board of Higher Education for the projects hereinafter enumerated:

ILLINOIS MATH AND SCIENCE ACADEMY
For residence hall rehabilitation and main building addition......................... 93,662
For “A” wing laboratories remodeling............. 3,379,675
Total $3,473,337
Total, this Article $3,582,180

ARTICLE 168
CAPITAL DEVELOPMENT BOARD
Section 15. The sum of $40,000,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for emergencies, remobilization, escalation costs and other capital improvements by the State, its departments, authorities, public corporations, commissions and agencies, and for higher education projects, in addition to funds previously appropriated, as authorized by Section 3 (e) of the General Obligation Bond Act.

Section 20. The following named sums, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for the Department of Agriculture for the projects hereinafter enumerated:

ILLINOIS STATE FAIRGROUNDS - DUQUOIN
For replacing roofs, and other capital improvements................................. 14,000

New matter indicated by italics - deletions by strikeout
Section 40. The following named sums, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for the Department of Central Management Services for the projects hereinafter enumerated:

**ELGIN REGIONAL OFFICE BUILDING**

For upgrading the HVAC system, and other capital improvements........ 1,030,465

Section 50. The following named sums, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for the Department of Natural Resources for the projects hereinafter enumerated:

**I & M Canal - CHANNAHON – GRUNDY COUNTY**

For repair of the spillway, and other capital improvements, in addition to funds previously appropriated............... 564,320

**MORAINE HILLS STATE PARK – MCHENRY COUNTY**

For replacing yellow-head marshy dam culverts, and other capital improvements........ 400,000

Total $964,320

Section 55. The following named sums, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for the Department of Juvenile Justice for the projects hereinafter enumerated:

**ILLINOIS YOUTH CENTER - HARRISBURG**

For upgrading electrical primary and emergency generators, and other capital improvements............ 3,240,000

**ILLINOIS YOUTH CENTER - ST. CHARLES**

For renovating Intake Building and other capital improvements............ 4,198,900

For replacing water distribution system and other capital improvements............. 1,228,853

For renovating multiple building roofing and building envelopes and other capital improvements............. 3,755,000

Section 60. The following named sums, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for the Department of Corrections for the projects hereinafter enumerated:

New matter indicated by italics - deletions by strikeout
DECATUR CORRECTIONAL CENTER
For replacing the cooling tower, and other capital improvements.................................. 2,610,000

GRAHAM CORRECTIONAL CENTER
For replacing roofing systems, and other capital improvements........................................ 560,000

LOGAN CORRECTIONAL CENTER
For replacing roofing systems, and other capital improvements........................................ 650,000

MENARD CORRECTIONAL CENTER - CHESTER
For repairs and upgrades to replace roofing systems, and other capital improvements............... 550,000

PONTIAC CORRECTIONAL CENTER
For renovation of showers and replace plumbing, and other capital improvements.................. 800,000
For renovation inmate kitchen and cold storage, and other capital improvements................... 6,700,000

SHAWNEE CORRECTIONAL CENTER
For replacing Roofing systems, and other capital improvements........................................ 3,200,000

STATEVILLE CORRECTIONAL CENTER - JOLIET
For repair and replace steam lines, and other capital improvements................................. 500,000

VIENNA CORRECTIONAL CENTER
For replacing roofing systems, security systems and replace windows, and other capital improvements........... 2,365,087
For replacing roofing systems and other upgrades at Building 19............................... 7,450,000

Section 65. The following named sums, or so much thereof as may be necessary, are appropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Corrections for the projects hereinafter enumerated:
For demolition of buildings at Menard Correctional Center .................. 275,000

Section 85. The following named sums, or so much thereof as may be necessary, are appropriated from the Build Illinois Bond Fund to the Capital Development Board for the Historic Preservation Agency for the projects hereinafter enumerated:

New matter indicated by italics - deletions by strikeout
PULLMAN HISTORIC SITE

For all costs associated with the stabilization and restoration of the Pullman Historic Site, and other capital improvements......... 1,774,902

Total $1,774,902

Section 90. The following named sums, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for the Department of Human Services for the projects hereinafter enumerated:

ALTON MENTAL HEALTH CENTER - MADISON COUNTY

For life/safety improvements, and other capital improvements...................... 3,189,387

For upgrading building automation system, and other capital improvements.............. 1,556,090

CHESTER MENTAL HEALTH CENTER

For replacing roofing systems, and other capital improvements.......................... 3,915,471

CHICAGO-READ MENTAL HEALTH CENTER - CHICAGO

For renovating Unit J-East for forensic use, and other capital improvements in addition to funds previously appropriated............... 3,607,245

CHOATE MENTAL HEALTH AND DEVELOPMENTAL CENTER - ANNA

For life/safety improvements facility wide, and other capital improvements.................. 10,363,383

For replacing roofing systems, and other capital improvements.......................... 600,000

ELGIN MENTAL HEALTH CENTER - KANE COUNTY

For replacing chiller, and other capital improvements........................................ 750,000

Total $23,981,576

Section 105. The following named sums, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for the Department of Military Affairs for the projects hereinafter enumerated:

STATEWIDE

For capital improvements to the

New matter indicated by italics - deletions by strikeout
Lincoln’s Challenge Academy,
and other capital improvement.............. 29,488,347
For constructing an army aviation
support facility at Kankakee, and other
capital improvements....................... 10,000,000
Total $39,488,347

Section 115. The following named sums, or so much thereof as
may be necessary, are appropriated from the Capital Development Fund to
the Capital Development Board for the Department of Revenue for the
projects hereinafter enumerated:

WILLARD ICE BUILDING - SPRINGFIELD
For upgrade building security, and
other capital improvements................... 3,195,998

Section 125. The following named sums, or so much thereof as
may be necessary, are appropriated from the Capital Development Fund to
the Capital Development Board for the Department of State Police for the
projects hereinafter enumerated:

JOLIET DISTRICT 5
For Replace Roofing System,
and other capital improvements............. 175,000

Section 130. The following named sums, or so much thereof as
may be necessary, are appropriated from the Capital Development Fund to
the Capital Development Board for the Department of Veterans’ Affairs
for the projects hereinafter enumerated:

STATEWIDE
For the construction of a 200-bed
veterans’ home facility, and other capital
improvements in addition
to funds previously appropriated........... 76,500,000

Section 160. The sum of $292,741,456, or so much thereof as may
be necessary, is appropriated from the School Construction Fund to the
Capital Development Board for grants to school districts for school
construction projects authorized by the School Construction Law, and
other capital improvements.

Section 165. The sum of $286,381, or so much of that amount as
may be necessary, is appropriated from the School Construction Fund to
the Capital Development Board for Fiscal Year 2002 School Construction
Program grant recipients, and other capital improvements as follows:
Westmont Community Unit School District 201..... 286,381

New matter indicated by italics - deletions by strikeout
Section 185. The sum of $18,000,000, or so much thereof as may be necessary, is appropriated from the School Construction Fund to the Capital Development Board for grants to school districts for school improvement projects authorized by the School Construction Law, and other capital improvements.

Section 195. The following named sums, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for the Illinois Community College Board for the projects hereinafter enumerated:

RICHLAND COMMUNITY COLLEGE
For Renovation of the Student Success Center and Construction of an Addition to the Student Success Center.................. 4,158,468

COLLEGE OF LAKE COUNTY
For Construction of a Classroom Building at the Grayslake Campus................. 17,429,468
For upgrading HVAC and Electrical Systems, Install Fire Suppression system at the Grayslake Campus............. 2,229,468

OLIVE HARVEY COLLEGE
For Construction of a New Building............. 7,370,474

SPOON RIVER COLLEGE
For Construction of a Multi-Purpose Building... 2,571,048

Total $33,758,926

Section 270. The following named sums, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for the Illinois Board of Higher Education for the projects hereinafter enumerated:

CHICAGO STATE UNIVERSITY
For renovating Douglas Hall, in addition to funds previously appropriated..... 9,400,000
For upgrades to utility tunnel Electrical systems...................... 1,200,000

NORTHEASTERN ILLINOIS UNIVERSITY
For replacing roof and repair wall............. 932,250
For replacing roof and repair wall, buildings H,J and BBH.................. 300,000

NORTHERN ILLINOIS UNIVERSITY

New matter indicated by italics - deletions by strikeout
For renovating and expanding Stevens Building, and other capital improvements.......................... 15,563,473

SOUTHERN ILLINOIS UNIVERSITY - EDWARDSVILLE

For renovating and constructing a Science Laboratory, in addition to funds previously appropriated.......................... 24,660,749

SOUTHERN ILLINOIS UNIVERSITY - CARBONDALE

For upgrading fire alarm systems.......................... 1,441,984

UNIVERSITY OF ILLINOIS AT CHICAGO

For upgrading elevators.......................... 700,000

For College of Dentistry, upgrade campus infrastructure and building renovations, and other capital improvements... 20,800,000

UNIVERSITY OF ILLINOIS AT CHAMPAIGN-URBANA

For renovating Vet Medical Large Animal Clinic, and other capital improvements.......................... 3,243,155

For Health/Life Safety upgrades campus wide, and other capital improvements.......................... 2,206,940

For constructing an Integrated Bioresearch Laboratory, and other capital improvements.......................... 26,035,652

Total $106,484,203

Section 380. No contract shall be entered into or obligation incurred for any expenditure made from any appropriation herein made in this Article until after the purpose and amounts have been approved in writing by the Governor.

ARTICLE 169

ILLINOIS STATE BOARD OF EDUCATION

Section 5. The sum of $4,391,137, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2016, from a reappropriation heretofore made for such purpose in Article 8, Section 5 of Public Act 99-0007, as amended, is reappropriated from the School Construction Fund to the Illinois State Board of Education for school districts for maintenance projects authorized by School Construction Law.

New matter indicated by italics - deletions by strikeout
Section 15. No contract shall be entered into or obligation incurred or any expenditures made from appropriations in this Article until after the purposes and amounts have been approved in writing by the Governor.

Total, this Article $4,391,137

ARTICLE 170
ENVIRONMENTAL PROTECTION AGENCY

Section 5. The sum of $500,000,000, or so much thereof as may be necessary, is appropriated from the Water Revolving Fund to the Environmental Protection Agency for financial assistance to units of local government for sewer systems and wastewater treatment facilities pursuant to rules defining the Water Pollution Control Revolving Loan program and for transfer of funds to establish reserve accounts, construction accounts or any other necessary funds or accounts in order to implement a leveraged loan program.

Section 10. The sum of $300,000,000, or so much thereof as may be necessary, is appropriated from the Water Revolving Fund to the Environmental Protection Agency for financial assistance to units of local government and privately owned community water supplies for drinking water infrastructure projects pursuant to the Safe Drinking Water Act, as amended, and for transfer of funds to establish reserve accounts, construction accounts or any other necessary funds or accounts in order to implement a leveraged loan program.

Section 15. The sum of $10,000,000, or so much thereof as may be necessary, is appropriated from the Water Revolving Fund to the Environmental Protection Agency for grants and contracts to address nonpoint source water quality issues.

Section 20. The sum of $100,000,000, or so much thereof as may be necessary, is appropriated from the Water Revolving Fund to the Environmental Protection Agency for financial assistance to local governments for stormwater and other nonpoint source infrastructure projects.

Section 25. The sum of $10,000,000, or so much thereof as may be necessary, is appropriated from the Water revolving Fund to the Environmental protection Agency for financial assistance for small community water supplies compliance grants.

Total, this Article $920,000,000

ARTICLE 171
ENVIRONMENTAL PROTECTION AGENCY

New matter indicated by italics - deletions by strikeout
Section 5. The sum of $1,251,927,684, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2016, from appropriations heretofore made in Article 9, Section 5 of Public Act 99-0007 and Article 10, Section 5 of Public Act 99-0007, as amended, is reappropriated from the Water Revolving Fund to the Environmental Protection Agency for financial assistance to units of local government for sewer systems and wastewater treatment facilities pursuant to rules defining the Water Pollution Control Revolving Loan program and for transfer of funds to establish reserve accounts, construction accounts or any other necessary funds or accounts in order to implement a leveraged loan program.

Section 10. The sum of $632,906,236, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2016, from appropriations heretofore made in Article 9, Section 10 of Public Act 99-0007 and Article 10, Section 10 of Public Act 99-0007, as amended, is reappropriated from the Water Revolving Fund to the Environmental Protection Agency for financial assistance to units of local government and privately owned community water supplies for drinking water infrastructure projects pursuant to the Safe Drinking Water Act, as amended, and for transfer of funds to establish reserve accounts, construction accounts or any other necessary funds or accounts in order to implement a leveraged loan program.

Section 15. The sum of $43,000,260, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2016, from a reappropriation heretofore made for such propose in Article 10, Section 15, of Public Act 99-0007, is reappropriated from the Anti-Pollution Fund to the Environmental Protection Agency for reimbursements to eligible owners/operators of Leaking Underground Storage Tanks, including claims submitted in prior years and for costs associated with site remediation and grants and contracts associated with safe drinking water and water quality activities.

Section 20. The sum of $6,440,420, or so much therefore as may be necessary and remains unexpended at the close of business on June 30, 2016, from a reappropriation heretofore made for such purpose in Article 10, Section 30 of Public Act 99-0007, as amended, is reappropriated from the Anti-Pollution Fund to the Environmental Protection Agency for grants or loans to units of local government for the planning, financing, and construction of municipal sewage treatment works and solid waste disposal facilities and for making of deposits into the Water Revolving Fund.

New matter indicated by italics - deletions by strikeout
Fund and for other purposes under subsection (a) of Section 6 of the General Obligation Bond Act including, but not limited to, a grant for the Spring valley Wastewater Treatment Plant.

Section 25. The sum of $2,503,479, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2016, from a reappropriation heretofore made for such purpose in Article 10, Section 20 of Public Act 99-0007, as amended, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for the protection, preservation, restoration and conservation of environmental and natural resources, for deposits into the Water Revolving Fund, and for any other purposes authorized in subsection (d) of Section 4 of the Build Illinois Bond Act and for grants to State agencies for such purposes.

Section 30. The sum of $6,331,897, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2016, from a reappropriation heretofore made for such purpose in Article 10, Section 25 of Public Act 99-0007, as amended, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for the protection, preservation, restoration and conservation of environmental and natural resources, for deposits into the Water Revolving Fund, and for any other purposes authorized in subsection (d) of Section 4 of the Build Illinois Bond Act and for grants to State Agencies for such purposes.

Section 35. No contract shall be entered into or obligation incurred for any expenditure made in Sections 15 through 85 of this Article until after the purpose and amounts have been approved in writing by the Governor.

Total, this Article $1,943,110,156

ARTICLE 172
DEPARTMENT OF TRANSPORTATION
PERMANENT IMPROVEMENTS

Section 5. The sum of $12,000,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for Permanent Improvements to Illinois Department of Transportation facilities, including but not limited to the purchase of land, construction, repair, alterations and improvements to maintenance and traffic facilities, district and central headquarters facilities, storage facilities, grounds, parking areas and facilities, fencing and underground drainage, including plans, specifications, utilities and fixed equipment installed and all costs and charges incident to the completion thereof at various locations.

New matter indicated by italics - deletions by strikeout
HIGHWAYS
Section 10. The sum of $5,500,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for repair of damages by motorists to highway guardrails, fencing, lighting units, bridges, underpasses, signs, traffic signals, crash attenuators, landscaping, roadside shelters, rest areas, fringe parking facilities, sanitary facilities, maintenance facilities including salt storage buildings, vehicle weight enforcement facilities including scale houses, and other highway appurtenances, provided such amount shall not exceed funds to be made available from collections from claims filed by the Department to recover the costs of such damages.

GRADE CROSSING PROTECTION
Section 15. The sum of $39,000,000, or so much thereof as may be necessary, is appropriated from the Grade Crossing Protection Fund to the Department of Transportation for the installation of grade crossing protection or grade separations at places where a public highway crosses a railroad at grade, as ordered by the Illinois Commerce Commission, as provided by law.

AERONAUTICS
AWARDS AND GRANTS
Section 20. The sum of $1,527,684, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for such purposes as are described in Sections 31 and 34 of the Illinois Aeronautics Act, as amended.

RAIL
Section 25. The sum of $5,000,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for construction and all other costs relating to projects associated with high speed rail projects, provided such amounts not exceed funds made available by entities other than the federal government for this purpose.

Total, This Article $63,027,684

ARTICLE 173
ENVIRONMENTAL PROTECTION AGENCY
Section 5. The sum of $4,488,099, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Environmental Protection Agency for financial assistance to municipalities with designated River Edge Redevelopment Zones for brownfields.
redevelopment in accordance with Section 58.13 of the Environmental Protection Act, including costs in prior years.

Section 10. The sum of $2,506,388, or so much thereof as may be necessary, is appropriated from the Anti-Pollution Fund to the Environmental Protection Agency for grants to units of local government for wastewater facilities, pursuant to provisions of the "Anti-Pollution Bond Act".

Section 15. The sum of $6,037,578, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for deposit into the Hazardous Waste Fund for use pursuant to Section 22.2 of the Environmental Protection Act.

Section 20. The sum of $4,776,725, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for financial assistance to municipalities with designated River Edge Redevelopment Zones for brownfields redevelopment in accordance with Section 58.13 of the Environmental Protection Act, including costs in prior years.

Section 25. The sum of $35,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for grants to units of local government and privately owned community water supplies for sewer systems, wastewater treatment facilities and drinking water infrastructure projects.

Section 30. The sum of $2,016,749, or so much thereof as may be necessary, is appropriated from the Water Revolving Fund to the Environmental Protection Agency for a green infrastructure financial assistance program to address water quality issues.

Section 35. The sum of $2,041,453, or so much thereof as may be necessary, is appropriated from the Water Revolving Fund to the Environmental Protection Agency for a small community water supply financial assistance program to address compliance problems.

Section 40. The sum of $10,000,000, or so much thereof as may be necessary, is appropriated from the Water Revolving Fund to the Environmental Protection Agency for financial assistance for small community water supplies compliance grants.

Section 45. No contract shall be entered into or obligation incurred for any expenditure made in Sections 5 through 25 of this Article until after the purpose and amounts have been approved in writing by the Governor.

New matter indicated by italics - deletions by strikeout
Total, this Article $66,866,992

ARTICLE 174

Section 1. The amount of $150,000,000, or so much thereof as may be necessary, is appropriated from the Budget Stabilization Fund to the Department of Corrections for ordinary and contingent expenses, permanent improvements, but not including personal services.

ARTICLE 175

Section 1. The sum of $25,000,000, or so much thereof as may be necessary, is appropriated to the Department of Human Services from the Budget Stabilization Fund for operational expenses, but not including personal services.

Section 10. The sum of $25,000,000, or so much thereof as may be necessary, is appropriated to the Department of Human Services from the Commitment to Human Services Fund for operational expenses, but not including personal services.

ARTICLE 176

Section 1. The amount of $5,000,000, or so much thereof as may be necessary, is appropriated from the Budget Stabilization Fund to the Department of Revenue for ordinary and contingent expenses and refunds, but not including personal services.

ARTICLE 177

Section 1. The amount of $2,000,000, or so much thereof as may be necessary, is appropriated from the Budget Stabilization Fund to the Department of Agriculture for ordinary and contingent expenses, but not including personal services.

ARTICLE 178

Section 1. The amount of $6,000,000, or so much thereof as may be necessary, is appropriated from the Budget Stabilization Fund to the Department of Natural Resources for ordinary and contingent expenses, but not including personal services.

ARTICLE 179

Section 1. The amount of $1,945,000, or so much thereof as may be necessary, is appropriated from the Budget Stabilization Fund to the Department of State Police for ordinary and contingent expenses, but not including personal services.

ARTICLE 180

Section 1. The amount of $500,000, or so much thereof as may be necessary, is appropriated from the Budget Stabilization Fund to the
Historic Preservation Agency for ordinary and contingent expenses, but not including personal services.

ARTICLE 181
Section 1. The amount of $1,000,000, or so much thereof as may be necessary, is appropriated from the Budget Stabilization Fund to the Department of Veterans’ Affairs for ordinary and contingent expenses, but not including personal services.

ARTICLE 182
Section 1. The amount of $18,000,000, or so much thereof as may be necessary, is appropriated from the Budget Stabilization Fund to the Department of Healthcare and Family Services for ordinary and contingent expenses, but not including personal services.

ARTICLE 183
Section 1. The amount of $3,000,000, or so much thereof as may be necessary, is appropriated from the Budget Stabilization Fund to the Department of Public Health for grants and ordinary and contingent expenses, but not including personal services.

Section 10. The amount of $4,000,000, or so much thereof as may be necessary, is appropriated from the Commitment to Human Services Fund to the Department of Public Health for grants and ordinary and contingent expenses, but not including personal services.

ARTICLE 184
Section 1. The amount of $42,750,000, or so much thereof as may be necessary, is appropriated from the Budget Stabilization Fund to the Department of Central Management Services for ordinary and contingent expenses, but not including personal services.

ARTICLE 185
Section 1. The amount of $1,000,000, or so much thereof as may be necessary, is appropriated from the Budget Stabilization Fund to the Department on Aging for ordinary and contingent expenses, but not including personal services.

Section 10. The amount of $2,000,000, or so much thereof as may be necessary, is appropriated from the Commitment to Human Services Fund to the Department on Aging for ordinary and contingent expenses, but not including personal services.

ARTICLE 186
Section 1. The amount of $500,000, or so much thereof as may be necessary, is appropriated from the Budget Stabilization Fund to the
Department of Commerce and Economic Opportunity for ordinary and contingent expenses, but not including personal services.

ARTICLE 187

Section 1. The amount of $125,000, or so much thereof as may be necessary, is appropriated from the Budget Stabilization Fund to the Illinois Arts Council for ordinary and contingent expenses, but not including personal services.

ARTICLE 188

Section 1. The amount of $150,000, or so much thereof as may be necessary, is appropriated from the Budget Stabilization Fund to the Governor’s Office of Management and Budget for ordinary and contingent expenses, but not including personal services.

ARTICLE 189

Section 1. The amount of $500,000, or so much thereof as may be necessary, is appropriated from the Budget Stabilization Fund to the Board of Higher Education for ordinary and contingent expenses, but not including personal services.

ARTICLE 190

Section 1. The amount of $500,000, or so much thereof as may be necessary, is appropriated from the Budget Stabilization Fund to the Department of Military Affairs for ordinary and contingent expenses, but not including personal services.

ARTICLE 191

Section 1. The amount of $10,000,000, or so much thereof as may be necessary, is appropriated from the Budget Stabilization Fund to the Office of the Secretary of State for ordinary and contingent expenses, but not including personal services.

ARTICLE 192

Section 1. The amount of $1,000,000, or so much thereof as may be necessary, is appropriated from the Budget Stabilization Fund to the Office of the Comptroller for ordinary and contingent expenses, but not including personal services.

ARTICLE 193

Section 1. The amount of $200,000, or so much thereof as may be necessary, is appropriated from the Budget Stabilization Fund to the Department of Labor for ordinary and contingent expenses, but not including personal services.

ARTICLE 194

New matter indicated by italics - deletions by strikeout
Section 1. The amount of $100,000, or so much thereof as may be necessary, is appropriated from the Budget Stabilization Fund to the Illinois Labor Relations Board for ordinary and contingent expenses, but not including personal services.

ARTICLE 195

Section 1. The amount of $200,000, or so much thereof as may be necessary, is appropriated from the Budget Stabilization Fund to the Criminal Justice Information Authority for ordinary and contingent expenses, but not including personal services.

ARTICLE 196

Section 1. The amount of $30,000, or so much thereof as may be necessary, is appropriated from the Budget Stabilization Fund to the Deaf and Hard of Hearing Commission for ordinary and contingent expenses, but not including personal services.

ARTICLE 197

Section 1. The amount of $150,000, or so much thereof as may be necessary, is appropriated from the Budget Stabilization Fund to the Office of the Governor for ordinary and contingent expenses, but not including personal services.

ARTICLE 198

Section 1. The amount of $50,000, or so much thereof as may be necessary, is appropriated from the Budget Stabilization Fund to the Office of the Lieutenant Governor for ordinary and contingent expenses, but not including personal services.

ARTICLE 199

Section 1. The amount of $200,000, or so much thereof as may be necessary, is appropriated from the Budget Stabilization Fund to the Prisoner Review Board for ordinary and contingent expenses, but not including personal services.

ARTICLE 200

Section 1. The amount of $1,000,000, or so much thereof as may be necessary, is appropriated from the Budget Stabilization Fund to the Illinois State Board of Education for ordinary and contingent expenses, but not including personal services.

ARTICLE 201

Section 1. The amount of $250,000, or so much thereof as may be necessary, is appropriated from the Budget Stabilization Fund to the Illinois Community College Board for ordinary and contingent expenses, but not including personal services.

New matter indicated by italics - deletions by strikeout
ARTICLE 202
Section 1. The amount of $150,000, or so much thereof as may be necessary, is appropriated from the Budget Stabilization Fund to the Executive Ethics Commission for ordinary and contingent expenses, but not including personal services.

ARTICLE 203
Section 1. The amount of $150,000, or so much thereof as may be necessary, is appropriated from the Budget Stabilization Fund to the Office of the Executive Inspector General for ordinary and contingent expenses, but not including personal services.

ARTICLE 204
Section 1. The amount of $500,000, or so much thereof as may be necessary, is appropriated from the Budget Stabilization Fund to the Department of Human Rights for ordinary and contingent expenses, but not including personal services.

ARTICLE 205
Section 1. The amount of $150,000, or so much thereof as may be necessary, is appropriated from the Budget Stabilization Fund to the Human Rights Commission for ordinary and contingent expenses, but not including personal services.

ARTICLE 206
Section 1. The amount of $25,000, or so much thereof as may be necessary, is appropriated from the Budget Stabilization Fund to the Civil Service Commission for ordinary and contingent expenses, but not including personal services.

ARTICLE 207
Section 1. The amount of $75,000, or so much thereof as may be necessary, is appropriated from the Budget Stabilization Fund to the State Universities Civil Service System for ordinary and contingent expenses, but not including personal services.

ARTICLE 208
Section 1. The amount of $25,000, or so much thereof as may be necessary, is appropriated from the Budget Stabilization Fund to the Illinois Independent Tax Tribunal for ordinary and contingent expenses, but not including personal services.

ARTICLE 209
Section 1. The amount of $150,000 or so much thereof as may be necessary, is appropriated from the Budget Stabilization Fund to the Office

New matter indicated by italics - deletions by strikeout
of the Attorney General for ordinary and contingent expenses and other disbursements, but not including personal services.

ARTICLE 210
Section 1. The amount of $2,500,000 or so much thereof as may be necessary, is appropriated from the Budget Stabilization Fund to the Office of the Treasurer for ordinary and contingent expenses, but not including personal services.

ARTICLE 211
Section 1. The amount of $20,000 or so much thereof as may be necessary, is appropriated from the Budget Stabilization Fund to the Court of Claims for ordinary and contingent expenses, but not including personal services.

ARTICLE 212
Section 1. The amount of $80,000 or so much thereof as may be necessary, is appropriated from the Budget Stabilization Fund to the State Board of Elections for ordinary and contingent expenses, but not including personal services.

ARTICLE 213
Section 1. The amount of $25,000 or so much thereof as may be necessary, is appropriated from the Budget Stabilization Fund to the Procurement Policy Board for ordinary and contingent expenses, but not including personal services.

ARTICLE 214
Section 5. The amount of $171,150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Corrections for ordinary and contingent expenses, statewide hospitalization, permanent improvements, but not including personal services.

Section 10. The amount of $8,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Revenue for ordinary and contingent expenses, including refunds, but not including personal services.

Section 15. The amount of $149,200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Central Management Services for ordinary and contingent expenses, permanent improvements, costs associated with state government, refunds, but not including personal services.

Section 20. The amount of $25,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

New matter indicated by italics - deletions by strikeout
Department of Healthcare and Family Services for ordinary and contingent expenses, but not including personal services.

Section 25. The amount of $25,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for ordinary and contingent expenses, refunds, permanent improvements, costs associated with human service programs, but not including personal services.

Section 30. The sum of $1,404,600, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Southwestern Illinois Development Authority for the purpose of repaying a loan from the Illinois Finance Authority for debt service paid in fiscal year 2016 on Southwestern Illinois Development Authority bonds issued on behalf of Laclede Steel-Illinois.

Section 35. The sum of $1,427,800, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Southwestern Illinois Development Authority for replenishment of a draw on the debt service reserve fund backing bonds issued on behalf of Laclede Steel-Illinois.

Section 40. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Governor’s Office of Management and Budget for deposit into the Grant Accountability and Transparency Fund.

Section 45. The amount of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Governor’s Office of Management and Budget for ordinary and contingent expenses, but not including personal services.

Section 50. The amount of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Historic Preservation Agency for ordinary and contingent expenses, but not including personal services.

Section 55. The amount of $1,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of State Police for ordinary and contingent expenses, but not including personal services.

Section 70. The amount of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Prisoner Review Board for ordinary and contingent expenses, but not including personal services.

New matter indicated by italics - deletions by strikeout
Section 75. The amount of $350,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Office of the Governor for ordinary and contingent expenses, but not including personal services.

Section 80. The amount of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Office of the Lieutenant Governor for ordinary and contingent expenses, but not including personal services.

Section 85. The amount of $53,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Office of the Secretary of State for ordinary and contingent expenses, but not including personal services.

Section 90. The amount of $4,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Office of the Comptroller for ordinary and contingent expenses, but not including personal services.

Section 95. The amount of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Office of the Attorney General for ordinary and contingent expenses, other disbursements, but not including personal services.

Section 100. The amount of $3,850,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Office of the Treasurer for ordinary and contingent expenses, but not including personal services.

Section 105. The amount of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the State Board of Elections for ordinary and contingent expenses, but not including personal services.

Section 110. The amount of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Court of Claims for ordinary and contingent expenses, but not including personal services.

Section 115. The amount of $3,875,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Arts Council for operational expenses, awards, grants and permanent improvements, but not including personal services.

ARTICLE 216

Section 5. The sum of $7,809,300 or so much thereof as may be necessary, is appropriated from the Commitment to Human Services Fund

New matter indicated by italics - deletions by strikeout
to the Illinois Criminal Justice Information Authority for administrative costs, awards and grants for the Adult Redeploy and Diversion programs.

Section 10. The amount of $4,479,400, or so much thereof as may be necessary, is appropriated from the Commitment to Human Services Fund to Illinois Criminal Justice Information Authority for grants and administrative expenses related to Operation CeaseFire.

Section 15. The amount of $443,000, or so much thereof as may be necessary, is appropriated from the Commitment to Human Services Fund to the Illinois Criminal Justice Information Authority for all costs associated with Bullying Prevention.

Section 20. The amount of $1,143,700, or so much thereof as may be necessary, is appropriated from the Commitment to Human Services Fund to the Illinois Criminal Justice Information Authority for grants and administrative expenses for Franklin County Juvenile Detention Center for Methamphetamine Pilot Program.

ARTICLE 218

Section 5. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF HEALTH PROMOTION
Payable from the Commitment to Human Services Fund:
For expenses of Sudden Infant Death Syndrome (SIDS) Program ........................................... 238,300

Section 10. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF HEALTH PROMOTION
Payable from the Commitment to Human Services Fund:
For Expenses for the University of Illinois Sickle Cell Clinic ....................... 471,800
For Prostate Cancer Awareness ...................... 142,900

Section 15. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for expenses of programs related to Acquired Immunodeficiency Syndrome (AIDS) and Human Immunodeficiency Virus (HIV):

OFFICE OF HEALTH PROTECTION: AIDS/HIV
Payable from the Commitment to Human Services Fund:
For Expenses of AIDS/HIV Education, Drugs, Services, Counseling, Testing,

New matter indicated by italics - deletions by strikeout
Outreach to Minority populations, costs associated with correctional facilities
Referral and Partner Notification (CTRPN), and Patient and Worker Notification pursuant to Public Act 87-763 ..................................... 17,923,800

For grants and other expenses for the prevention and treatment of HIV/AIDS and the creation of an HIV/AIDS service delivery system to reduce the disparity of HIV infection and AIDS cases between African-Americans and other population groups ............................... 1,218,800

Section 20. The following named amounts, or as much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF WOMEN'S HEALTH
Payable from the Commitment to Human Services Fund:
For Expenses for Breast and Cervical Cancer Screenings, minority outreach, and other Related Activities ................... 4,993,500

Section 25. The following named amounts, or as much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF WOMEN'S HEALTH
Payable from Commitment to Human Services Fund:
For Expenses associated with School Health Centers ................................. 1,122,300

ARTICLE 219

Section 5. The sum of $51,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for deposit into the Commitment to Human Services Fund.

ARTICLE 220

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Human Services for income assistance and related distributive purposes, including such Federal funds

New matter indicated by italics - deletions by strikeout
as are made available by the Federal Government for the following purposes:

DISTRIBUTIVE ITEMS
GRANTS-IN-AID

Payable from the Commitment to Human Services Fund:
For Funeral and Burial Expenses under Articles III, IV, and V, including
prior year costs ............................................ 8,775,000
For costs associated with the
Illinois Welcoming Centers ....................... 1,461,500
For Grants and Administrative
Expenses associated with Immigrant
Integration Services and for other
Immigrant Services pursuant to 305 ILCS
5/12-4.34....................................................... 5,884,100

Section 10. The following named amount, or so much thereof as
may be necessary, is appropriated to the Department of Human Services:

HOME SERVICES PROGRAM
GRANTS-IN-AID

Payable from the Commitment to Human Services Fund:
For all costs and administrative expenses
associated with Community Reintegration
program............................................................ 1,203,400

Section 15. The following named sums, or so much thereof as may
be necessary, respectively, for the purposes hereinafter named, are
appropriated to the Department of Human Services for Grants-In-Aid and
Purchased Care in its various regions pursuant to Sections 3 and 4 of the
Community Services Act and the Community Mental Health Act:

MENTAL HEALTH GRANTS AND PROGRAM SUPPORT
GRANTS-IN-AID AND PURCHASED CARE

Payable from the Commitment to Human Services Fund:
For all costs and administrative expenses for Community
Service Programs for Persons with Mental Illness; Child
and Adolescent Mental Health Programs; Community Hospital
Inpatient & Psych Services; Evaluation Determination,
Disposition, & Assessment; Jail Data Link Project;
Juvenile Justice Trauma Program; Regions Special Consumer
Supports & Mental Health Services; Rural Behavioral Health
Access; Supported Residential; the Living Room;

New matter indicated by italics - deletions by strikeout
Psychiatric Leadership Grants; and all other Services to 
persons with Mental Illness ..................  77,771,100
For costs associated with the Purchase and 
Disbursement of Psychotropic Medications 
for Mentally Ill Clients in the Community ......  1,834,800
For Supportive MI Housing .........................  15,517,900
For the costs associated with Mental Health 
Balancing Incentive Programs .....................  3,586,600

Section 20. The following named sums, or so much thereof as may 
be necessary, respectively, for the purposes hereinafter named, are 
appropriated to the Department of Human Services for Grants-In-Aid and 
Purchased Care in its various regions pursuant to Sections 3 and 4 of the 
Community Services Act and the Community Mental Health Act: 
DEVELOPMENTAL DISABILITIES GRANTS AND PROGRAM 
SUPPORT 
GRANTS-IN-AID AND PURCHASED CARE 
Payable from the Commitment to Human Services Fund: 
For a grant to the Autism Program for an 
Autism Diagnosis Education Program 
for Individuals .................................  4,192,500
For a Grant to Best Buddies ......................  953,100
For a grant to the ARC of Illinois 
for the Life Span Project .........................  459,600
For Dental Grants for People 
with Developmental Disabilities ...................  961,400
For Epilepsy Services ....................  2,023,100

Section 25. The following named amounts, or so much thereof as 
may be necessary, respectively, are appropriated for the objects and 
purposes hereinafter named, to the Department of Human Services: 
ADDITION TREATMENT 
GRANTS-IN-AID 
Payable from the Commitment to Human Services Fund: 
For costs associated with Community 
Based Addiction Treatment Services ............  31,888,000
For costs associated with Addiction 
Treatment Services for Special Populations ......  5,124,600

Section 30. The sum of $487,500, or as much thereof is necessary 
is appropriated from the Commitment to Human Services Fund to the 
Department of Human Services for a pilot program to study uses and 

New matter indicated by italics - deletions by strikeout
effects of medication assisted treatments for addiction and for the prevention of relapse to opioid dependence in publicly-funded treatment program.

Section 35. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

REHABILITATION SERVICES BUREAUS
Payable from the Commitment to Human Services Fund:
For Support Services In-Service Training ............ 14,500

Section 40. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

REHABILITATION SERVICES BUREAUS
GRANTS-IN-AID
Payable from the Commitment to Human Services Fund:
For Case Services to Individuals ...................... 8,727,100
For all costs associated with the Rehabilitation Services Balancing Incentive Programs............ 2,200,700
For Grants to Independent Living Centers....... 4,189,100
For Independent Living Older Blind Grant........... 130,700
For Case Services to Migrant Workers................. 17,900
For Federal match for Supported Employment Programs........................................ 99,500

Section 45. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services for the purposes hereinafter named:

FAMILY AND COMMUNITY SERVICES
Payable from the Commitment to Human Services Fund:
For Expenses for the Development and Implementation of Cornerstone ..................... 184,800

Section 50. The following named amounts, or so much thereof as may be necessary, respectively, for the objects hereinafter named, are appropriated to the Department of Human Services for Family and Community Services and related distributive purposes, including such Federal funds as are made available by the Federal government for the following purposes:

FAMILY AND COMMUNITY SERVICES
GRANTS-IN-AID
Payable from the Commitment to Human Services Fund:

New matter indicated by italics - deletions by strikeout
For Emergency Food Program, including Operating and Administrative Costs ...... 210,000
For Homeless Prevention ........................................ 975,000
For a grant to Children’s Place for costs associated with specialized child care for families affected by HIV/AIDS .................. 371,700
For Grants and administrative expenses for Programs to Reduce Infant Mortality, provide Case Management and Outreach Services, and for the Intensive Prenatal Performance Project ........ 11,700,000
For Costs Associated with Teen Parent Services ....................... 1,359,900
For Grants for Community Services, including operating and administrative costs .......... 5,380,400
For Grants and Administrative Expenses of the Westside Health Authority Crisis Intervention ......................... 286,000
For Grants and Administrative Expenses of Addiction Prevention and related services .... 1,003,800
For Grants and Administrative Expenses of Supportive Housing Services ............ 6,964,600
For Grants and Administrative Expenses of the Comprehensive Community-Based Services to Youth ....................... 16,132,700
For Grants and Administrative Expenses of Redeploy Illinois ...................... 4,763,000
For Grants and Administrative Expenses for Homeless Youth Services ................. 4,436,300
For grants to provide Assistance to Sexual Assault Victims and for Sexual Assault Prevention Activities ..................... 6,005,700
For Grants and Administrative Expenses for After School Youth Support Programs ...................... 13,152,300
For Grants and Administrative Expenses Related to the Healthy Families Program ....... 9,462,500
For Parents Too Soon Program ..................... 6,698,500

New matter indicated by italics - deletions by strikeout
Section 55. The sum of $12,187,500, or so much thereof as may be necessary, is appropriated from the Commitment to Human Services Fund to the Department of Human Services for grants to community providers and local governments for youth employment programs.

ARTICLE 221

Section 5. The following named amount, or so much thereof as may be necessary, respectively is appropriated to the Department of Commerce and Economic Opportunity:

OFFICE OF COMMUNITY DEVELOPMENT
GRANTS

Payable from the Commitment to Human Services Fund:
For a grant to the Illinois African American Family Commission for the costs associated with assisting State agencies in developing programs, services, public policies and research strategies that will expand and enhance the social and economic well-being of African American children and families ............ $731,300
For grants, contracts, and administrative expenses associated with the Northeast DuPage Special Recreation Association................... 243,800

ARTICLE 222

Section 5. The sum of $731,300, or so much thereof as may be necessary, is appropriated from the Commitment to Human Services Fund to the Department of Transportation for a grant to the Illinois Latino Family Commission for the costs associated with the assisting State agencies in developing programs, services, public policies and research strategies that will expand and enhance the social and economic well-being of Latino children and families.

ARTICLE 223

Section 5. The following named amounts, or so much thereof as may be necessary, are appropriated for the ordinary and contingent expenses of the Department on Aging:

DISTRIBUTIVE ITEMS
OPERATIONS

Payable from the Commitment to Human Services Fund:
For Expenses of the Senior

New matter indicated by italics - deletions by strikeout
Employment Specialist Program .................. 185,500
For Expenses of the Grandparents
Raising Grandchildren Program .................. 292,500
For Specialized Training Program ................ 167,400
For Expenses of the Illinois
Department on Aging for Monitoring
and Support Services ......................... 177,500
For Expenses of the Illinois Council on Aging ..... 25,400
For Administrative Expenses
of the Senior Meal Program .................... 1,300
For Benefits, Eligibility,
Assistance and Monitoring .................... 880,600
For the expenses of the Senior Helpline ....... 126,800
Total $1,857,000

Section 10. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated from the Commitment to
Human Services Fund for the ordinary and contingent expenses of the
Department on Aging:

**DISTRIBUTIVE ITEMS**

**GRANTS-IN-AID**

For Grants for Retired Senior Volunteer Program... 538,000
For Planning and Service Grants
to Area Agencies on Aging .................... 7,529,000
For Grants for the Foster Grandparent Program .... 235,400
For Expenses to the Area
Agencies on Aging for Long-Term
Care Systems Development .................... 267,000
For the Ombudsman Program ................... 1,285,100
For Grants for Community
Based Services for equal
distribution to each of the
13 Area Agencies on Aging .................... 1,057,400
Total $10,911,900

Section 15. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated for the ordinary and
contingent expenses of the Department on Aging:

**DISTRIBUTIVE ITEMS**

**COMMUNITY CARE**

Payable from Commitment to Human Services Fund:

New matter indicated by italics - deletions by strikeout
For grants and for administrative expenses associated with the purchase of services covered by the Community Care Program, including prior year costs: 309,374,000

For the Balancing Incentive Program: 4,947,800

For grants and for administrative expenses associated with Comprehensive Case Coordination, including prior year costs: 22,760,800

ARTICLE 224

Section 1. The amount of $22,659,400, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education to meet its operational expenses, including prior year costs.

Section 5. The following amounts, or so much thereof as may be necessary, are appropriated to the Illinois State Board of Education for payments to entities eligible for General State Aid as provided in the following amounts and the following order of priority: (i) an amount equal to the total amount appropriated for General State Aid for the 2015-2016 school year shall be paid to eligible entities in accordance with the provisions of Section 18-8.05 of the School Code as in effect for the 2015-2016 school year plus, when applicable, the amounts paid from the appropriation contained in Section 10 of Article 1 of Public Act 99-5 in accordance with the provisions of that Section as in effect for the 2015-2016 school year, plus an amount equal to payments made in accordance with the provisions of Section 5/2-3.33 of the School Code; (ii) an Equity Grant, which shall be an amount equal to the product of $250,000,000, multiplied by a fraction, the numerator of which is the amount of Supplemental General State Aid grant for that entity for the 2015-2016 school year, and the denominator of which is the aggregate amount of all Supplemental General State Aid grants for all entities for the 2015-2016 school year; (iii) an amount necessary to ensure all eligible entities receive no less than their General State Aid claim for the 2016-2017 school year, after the amounts paid under items (i) and (ii) of this Section; and (iv) any remaining amounts shall be provided to fund General State Aid payments calculated in accordance with the provisions of Section 18-8.05 of the School Code plus an amount equal to payments made in accordance with the provisions of Section 5/2-3.33 of the School Code, but only after

New matter indicated by italics - deletions by strikeout
subtracting the amounts provided to eligible entities pursuant to items (i),
(ii), and (iii) of this Section.

Payable from the Common School Fund........ 3,611,012,300
Payable from the General Revenue Fund...... 1,214,573,600
Payable from the Fund for the Advancement
of Education:.................................... 253,000,000

Section 15. The following amounts or so much thereof as may be
necessary, which shall be used by the Illinois State Board of Education
exclusively for the foregoing purposes and not, under any circumstances,
for personal services expenditures or other operational or administrative
costs, are appropriated to the Illinois State Board of Education for the
fiscal year beginning July 1, 2016:

Payable from the General Revenue Fund:
For Blind/Dyslexic Persons....................... 846,000
For Disabled Student Personnel 
  Reimbursement................................. 442,400,000
For Disabled Student Transportation 
  Reimbursement................................. 450,500,000
For Disabled Student Tuition, 
  Private Tuition............................. 233,000,000
For District Consolidation Costs/
  Supplemental Payments to School Districts, 
  18-8.2, 18-18.3, 18-8.5, 18-8.05(I) of 
  the School Code............................... 5,046,000
For Autism Training & Technical 
  Assistance, including prior year costs........ 100,000
For Extraordinary Funding for Children Requiring 
  Special Education, 14-7.02b 
  of the School Code........................... 303,829,700
For Reimbursement for the Free Breakfast/
  Lunch Program............................... 9,000,000
For Summer School Payments, 18-4.3 
  of the School Code........................... 11,700,000
For Transportation-Regular/Vocational 
  Common School Transportation 
  Reimbursement, 29-5 of the School Code...... 205,808,900
For Visually Impaired/Educational 
  Materials Coordinating Unit, 14-11.01 
  of the School Code........................... 1,421,100

New matter indicated by italics - deletions by strikeout
For Regular Education Reimbursement
Per 18-3 of the School Code.................. 11,500,000
For Special Education Reimbursement
Per 14-7.03 of the School Code.............. 95,000,000
For Career and Technical Education......... 38,062,100
For Truant Alternative and Optional
Education Program............................. 11,500,000
For Tax-Equivalent Grants, 18-4.4........... 222,600
For all costs associated with Alternative
Education/Regional Safe Schools............. 6,300,000
For Philip J. Rock Center and School,
including prior year costs.................... 3,577,800
For costs associated with Teach For America.. 977,500
For National Board Certified Teachers....... 1,000,000
For grants to local Education Agencies
to conduct Agriculture Education Programs.. 1,800,000
For Arts and Foreign Language................ 500,000
For After School Matters..................... 2,443,800
For Lowest Performing Schools,
including prior year costs.................... 1,002,800
Total $1,837,538,300

Section 20. The sum of $1,466,300, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the Illinois
State Board of Education for the ordinary and contingent expenses of the
Southwest Organizing Project Parent Mentoring Program.

Section 25. The following amounts, or so much thereof as may be
necessary, are appropriated to the Illinois State Board of Education for the
fiscal year beginning July 1, 2016:
Payable from the General Revenue Fund:
For Early Childhood Education,
including prior year costs.................... 393,738,100
For Advanced Placement Classes................. 500,000
For Student Assessments,
including prior year costs.................... 44,600,000
For Technology for Success,
including prior year costs.................... 2,443,800
For Community Residential Services
Authority, including prior year costs........... 579,000
For Educator Misconduct Investigations,

New matter indicated by italics - deletions by strikeout
including prior year costs..................... 179,900
Total $442,040,800

Section 30. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois State Board of Education for the fiscal year beginning July 1, 2016, including prior year costs:
Payable from the General Revenue Fund:
For Bilingual Education....................... 63,681,200

Section 35. The sum of $15,000,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education to provide grants to school districts and community organizations for after school programming.

ARTICLE 225

Section 1. The following amounts or so much thereof as may be necessary, which shall be used by the Illinois State Board of Education exclusively for the foregoing purposes and not, under any circumstances, for personal services expenditures or other operational or administrative costs, are appropriated to the Illinois State Board of Education for the fiscal year beginning July 1, 2016:
Payable from the Drivers Education Fund:
For Drivers Education.......................... 18,750,000
Payable from the Charter Schools Revolving Loan Fund:
For Charter Schools Loans........................ 20,000
Payable from the School Technology Revolving Loan Fund:
For School Technology Loans, 2-3.117a of the School Code.......................... 7,500,000

Section 5. The following amounts or so much thereof as may be necessary, are appropriated to the Illinois State Board of Education for the fiscal year beginning July 1, 2016:
Payable from the SBE Federal Department of Agriculture Fund:
For Child Nutrition.......................... 1,062,500,000
Payable from the SBE Federal Department of Education Fund:
For Title I........................................ 1,090,000,000
For Title II, Teacher/Principal Training..... 160,000,000
For Title III, English Language Acquisition.......................... 50,400,000
For Title IV, 21st Century/Community Service Programs..................... 105,200,000

New matter indicated by italics - deletions by strikeout
For Title VI, Rural and Low Income Students.............................. 2,000,000
For Title X, Homeless Education.............................. 5,000,000
For Individuals with Disabilities Act, Deaf/Blind......................... 500,000
For Individuals with Disabilities Act, IDEA............................ 754,000,000
For Individuals with Disabilities Act, Improvement Program............. 5,000,000
For Individuals with Disabilities Act, Pre-School........................ 29,200,000
For Grants for Vocational Education – Basic............................. 55,000,000
For Advanced Placement Fee......................................... 3,300,000
For Math/Science Partnerships...................................... 18,800,000
For Longitudinal Data System...................................... 5,200,000
For Special Federal Congressional Projects.......................... 5,000,000
For Charter Schools................................................. 21,100,000
For Preschool Expansion............................................. 35,000,000
For Race to the Top.................................................. 42,800,000

Total $3,450,000,000

Section 10. The amount of $600,000, or so much thereof as may be necessary, is appropriated from the School Infrastructure Fund to the Illinois State Board of Education for its ordinary and contingent expenses.

Section 15. The amount of $1,000,000, or so much thereof as may be necessary, is appropriated from the Temporary Relocation Expenses Revolving Grant Fund for use by the State Board of Education as provided in Section 2-3.77 of the School Code.

Section 20. The amount of $2,208,900, or so much thereof as may be necessary, is appropriated from the ISBE Teacher Certificate Institute Fund to the Illinois State Board of Education for Teacher Certificates.

Section 25. The amount of $1,000,000, or so much thereof as may be necessary, is appropriated from the School District Emergency Financial Assistance Fund to the Illinois State Board of Education for Emergency Financial Assistance, 1B-8 of the School Code.

Section 30. The amount of $1,000,000, or so much thereof as may be necessary, is appropriated from the Teacher Certificate Fee Revolving Fund to the Illinois State Board of Education for Teacher Mentoring Programs.

New matter indicated by italics - deletions by strikeout
Section 35. The amount of $5,000,000, or so much thereof as may be necessary, is appropriated from the Teacher Certificate Fee Revolving Fund to the Illinois State Board of Education for Teacher Certificate Processing.

Section 40. The amount of $8,484,800, or so much of that amount as may be necessary, is appropriated from the State Board of Education Special Purpose Trust Fund to the State Board of Education for expenditures by the Board in accordance with grants, gifts or donations that the Board has received or may receive from any source, public or private, in support of projects that are within the lawful powers of the Board.

Section 45. The amount of $7,015,200, or so much of that amount as may be necessary, is appropriated from the State Board of Education Special Purpose Trust Fund for ordinary and contingent expenses of the State Board of Education from indirect costs drawn from the Federal government.

Section 50. The amount of $200,000, or so much of that amount as may be necessary, is appropriated from the After-School Rescue Fund to the State Board of Education for its ordinary and contingent expenses.

Section 55. The following amounts or so much thereof as may be necessary, are appropriated to the Illinois State Board of Education for the fiscal year beginning July 1, 2016:

Payable from the State Charter School Commission Fund:
- For State Charter School Commission............. 1,000,000

Payable from the Personal Property Tax Replacement Fund:
- For Bus Driver Training – Regional Superintendents’ Services......................... 70,000
- For Regional Superintendents’ Services........ 6,970,000
- For Regional Superintendents’ and Assistants’ Compensation.................. 10,700,000
- Total.............................................. $18,740,000

Section 60. The amount of $35,000,000, or so much thereof as may be necessary, is appropriated from the SBE Federal Department of Education Fund to the Illinois State Board of Education for all costs associated with related activities for the Early Learning Challenge for the fiscal year beginning July 1, 2016.

Section 65. The following amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes named, are

New matter indicated by italics - deletions by strikeout
appropriated to the Illinois State Board of Education for the fiscal year ending June 30, 2017:

**FISCAL SUPPORT SERVICES**

Payable from the SBE Federal Department of Agriculture Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>334,800</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>5,300</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>133,900</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>30,900</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>128,800</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>2,100,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>400,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>85,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>156,300</td>
</tr>
<tr>
<td>For Equipment</td>
<td>128,800</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>50,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>3,735,000</strong></td>
</tr>
</tbody>
</table>

Payable from the SBE Federal Agency Services Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Contractual Services</td>
<td>26,500</td>
</tr>
<tr>
<td>For Travel</td>
<td>30,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>40,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>700</td>
</tr>
<tr>
<td>For Equipment</td>
<td>11,000</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>9,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>117,200</strong></td>
</tr>
</tbody>
</table>

Payable from the SBE Federal Department of Education Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>2,133,400</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>10,900</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>793,100</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>160,300</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>692,200</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>3,150,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>1,600,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>305,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>341,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>679,000</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>400,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>10,264,900</strong></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
INTERNAL AUDIT

Payable from the SBE Federal Department of Education Fund:
For Contractual Services................................. 210,000

SCHOOL SUPPORT SERVICES FOR ALL SCHOOLS

Payable from the SBE Federal Department of Agriculture Fund:
For Personal Services........................................ 3,496,200
For Employee Retirement Contributions
  Paid by Employer............................................. 11,500
  For Retirement Contributions.......................... 1,472,900
  For Social Security Contributions...................... 160,300
  For Group Insurance........................................ 1,028,800
  For Contractual Services................................. 10,000,000
  Total................................................................ 16,169,700

Payable from the SBE Federal Department of Education Fund:
For Personal Services........................................ 507,300
For Employee Retirement Contributions
  Paid by Employer............................................. 6,400
  For Retirement Contributions.......................... 198,400
  For Social Security Contributions...................... 80,100
  For Group Insurance........................................ 113,100
  For Contractual Services................................. 1,575,000
  Total................................................................ 2,480,300

SPECIAL EDUCATION SERVICES

Payable from the SBE Federal Department of Education Fund:
For Personal Services........................................ 5,502,600
For Employee Retirement Contributions
  Paid by Employer............................................. 26,500
  For Retirement Contributions.......................... 2,832,500
  For Social Security Contributions...................... 310,800
  For Group Insurance........................................ 1,670,000
  For Contractual Services................................. 4,200,000
  Total................................................................ 14,542,400

TEACHING AND LEARNING SERVICES FOR ALL CHILDREN

Payable from the SBE Federal Agency Services Fund:
For Personal Services........................................ 200,000
For Employee Retirement Contributions
  Paid by Employer............................................. 5,000
  For Retirement Contributions.......................... 56,700
  For Social Security Contributions...................... 5,400

New matter indicated by italics - deletions by strikeout
For Group Insurance............................... 75,000  
For Contractual Services......................... 918,500  
Total................................................. $1,260,600  

Payable from the SBE Federal Department of Education Fund:  
For Personal Services....................... 5,815,900  
For Employee Retirement Contributions Paid by Employer.............................. 54,300  
For Retirement Contributions.............. 2,245,200  
For Social Security Contributions......... 511,500  
For Group Insurance.......................... 1,544,900  
For Contractual Services...................... 12,235,000  
Total................................................. $22,406,800  

Section 70. The amount of $35,000,000, or so much thereof as may be necessary, is appropriated from the SBE Federal Department of Education Fund to the Illinois State Board of Education for Student Assessments.

Section 75. The amount of $5,300,000, or so much thereof as may be necessary, is appropriated from the SBE Federal Agency Services Fund to the Illinois State Board of Education for all costs associated with the Substance Abuse and Mental Health Services.

Section 80. The amount of $500,000, or so much thereof as may be necessary, is appropriated from the SBE Federal Agency Services Fund to the Illinois State Board of Education for all costs associated with Adolescent Health Programs.

Section 85. The amount of $5,600,000, or so much thereof as may be necessary, is appropriated from the SBE Federal Agency Services Fund to the Illinois State Board of Education for all costs associated with Abstinence Education Grants.

ARTICLE 996

Section 1. All appropriation authority granted in this Act shall not supersede any order of any court directing the expenditure of funds for fiscal years 2016 or 2017.

ARTICLE 997

Section 1. Appropriations in Articles 174 through 223 are for costs incurred through December 31 of 2016.

ARTICLE 998

Section 1. Appropriations in Articles 1 through 73 are for fiscal year 2016. Appropriations in Articles 75 through 225 are for fiscal year 2017.

New matter indicated by italics - deletions by strikeout
ARTICLE 999

Section 99. Effective date. This Act takes effect immediately. Articles 86, 104, and 110 take effect if and only if a bill of the 99th General Assembly making new appropriations and reappropriating appropriations from Public Act 98-675 for the amounts and purposes in such articles becomes law. Articles 87, 105, and 111 take effect immediately if and only if a bill of the 99th General Assembly making new appropriations and reappropriating appropriations from Public Act 98-675 for the amounts and purposes in Articles 86, 104, and 110 does not become law.

Passed in the General Assembly June 30, 2016.
Approved June 30, 2016.
Effective June 30, 2016.

PUBLIC ACT 99-0525
(Senate Bill No. 2241)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Enterprise Zone Act is amended by adding Section 9.3 as follows:

(20 ILCS 655/9.3 new)
Sec. 9.3. Railroad right-of-way. Any business entity located in an enterprise zone shall be granted access to build facilities to cross a railroad right-of-way owned by a land management company and not a registered rail carrier for the purpose of conveyance of grain, aggregate, construction materials, and other commodities over, under, or across that right-of-way. A business entity whose facilities cross a right-of-way shall pay the land management company operating the right-of-way a one time standard crossing fee of $1,500 for each crossing plus the cost associated with modifications to existing insurance contracts of the land management company. The standard crossing fee shall be in lieu of any license, permit, application, or any other fee or charges to reimburse the land management company for the direct expense incurred by the land management company as a result of the crossing. The company shall also reimburse the land management company or rail carrier for any actual flagging expenses associated with the crossing in addition to the standard crossing fee.

New matter indicated by italics - deletions by strikeout
Section 10. The Crossing of Railroad Right-of-way Act is amended by changing Sections 5 and 15 as follows:

(220 ILCS 70/5)

Sec. 5. Definitions. As used in this Act, unless the context otherwise requires:
"Crossing" means the construction, operation, repair, or maintenance of a facility over, under, or across a railroad right-of-way by a utility when the right-of-way is owned by a land management company and not a registered rail carrier.
"Direct expenses" includes, but is not limited to, any or all of the following:

(1) The cost of inspecting and monitoring the crossing site.
(2) Administrative and engineering costs for review of specifications and for entering a crossing on the railroad's books, maps, and property records and other reasonable administrative and engineering costs incurred as a result of the crossing.
(3) Document and preparation fees associated with a crossing, and any engineering specifications related to the crossing.
(4) Damages assessed in connection with the rights granted to a utility with respect to a crossing.

"Facility" means any cable, conduit, wire, pipe, casing pipe, supporting poles and guys, manhole, or other material or equipment, that is used by a utility to furnish any of the following:
(1) Communications, video, or information services.
(2) Electricity.
(3) Gas by piped system.
(4) Sanitary and storm sewer service.
(5) Water by piped system.

"Land management company" means an entity that is the owner, manager, or agent of a railroad right-of-way and is not a registered rail carrier.

"Railroad right-of-way" means one or more of the following:
(1) A right-of-way or other interest in real estate that is owned or operated by a land management company and not a registered rail carrier.
(2) Any other interest in a former railroad right-of-way that has been acquired or is operated by a land management company or similar entity.

"Special circumstances" means either or both of the following:

New matter indicated by italics - deletions by strikeout
(1) The characteristics of a segment of a railroad right-of-way not found in a typical segment of a railroad right-of-way that enhance the value or increase the damages or the engineering or construction expenses for the land management company associated with a proposed crossing, or to the current or reasonably anticipated use by a land management company of the railroad right-of-way, necessitating additional terms and conditions or compensation associated with a crossing.

(2) Variances from the standard specifications requested by the land management company.

"Special circumstances" may include, but is not limited to, the railroad right-of-way segment's relationship to other property, location in urban or other developed areas, the existence of unique topography or natural resources, or other characteristics or dangers inherent in the particular crossing or segment of the railroad right-of-way.

"Utility" shall include (1) public utilities as defined in Section 3-105 of the Public Utilities Act, (2) telecommunications carriers as defined in Section 13-202 of the Public Utilities Act, (3) electric cooperatives as defined in Section 3.4 of the Electric Supplier Act, (4) telephone or telecommunications cooperatives as defined in Section 13-212 of the Public Utilities Act, (5) rural water or waste water systems with 10,000 connections or less, (6) a holder as defined in Section 21-201 of the Public Utilities Act, and (7) municipalities owning or operating utility systems consisting of public utilities as that term is defined in Section 11-117-2 of the Illinois Municipal Code, and (8) a cable operator that is issued a cable television franchise by the municipality or county pursuant to Section 11-42-11 of the Illinois Municipal Code or Section 5-1095 of the Counties Code.

(Source: P.A. 96-595, eff. 8-18-09.)

(220 ILCS 70/15)

Sec. 15. Crossing fee. Unless otherwise agreed by the parties and subject to Section 20, a utility that locates its facilities within the railroad right-of-way for a crossing, other than a crossing along the public roads of the State pursuant to the Telephone Line Right of Way Act, shall pay the land management company a one-time standard crossing fee of $1,500 for each crossing plus the costs associated with modifications to existing insurance contracts of the utility and the land management company. The standard crossing fee shall be in lieu of any license, permit, application, or any other fees or charges to reimburse the land management company for
the direct expenses incurred by the land management company as a result of the crossing. The utility shall also reimburse the land management company or rail carrier for any actual flagging expenses associated with a crossing in addition to the standard crossing fee.

(Source: P.A. 96-595, eff. 8-18-09.)

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

Approved June 30, 2016.
Effective June 30, 2016.

PUBLIC ACT 99-0526
(House Bill No. 4369)

AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Boat Registration and Safety Act is amended by changing Section 5-18 as follows:

(625 ILCS 45/5-18) (from Ch. 95 1/2, par. 315-13)

Sec. 5-18. (a) Beginning on January 1, 2016, no person born on or after January 1, 1998, unless exempted by subsection (i), shall operate a motorboat with over 10 horse power unless that person has a valid Boating Safety Certificate issued by the Department of Natural Resources or an entity or organization recognized and approved by the Department.

(b) No person under 10 years of age may operate a motorboat.

(c) Prior to January 1, 2016, persons at least 10 years of age and less than 12 years of age may operate a motorboat with over 10 horse power only if they are accompanied on the motorboat and under the direct control of a parent or guardian or a person at least 18 years of age designated by a parent or guardian. Beginning on January 1, 2016, persons at least 10 years of age and less than 12 years of age may operate a motorboat with over 10 horse power only if the person is under the direct on-board supervision of a parent or guardian who meets the requirements of subsection (a) or a person at least 18 years of age who meets the requirements of subsection (a) and is designated by a parent or guardian.

(d) Prior to January 1, 2016, persons at least 12 years of age and less than 18 years of age may operate a motorboat with over 10 horse power only if they are accompanied on the motorboat and under the direct

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control of a parent or guardian or a person at least 18 years of age designated by a parent or guardian, or the motorboat operator is in possession of a Boating Safety Certificate issued by the Department of Natural Resources, Division of Law Enforcement, authorizing the holder to operate motorboats. Beginning on January 1, 2016, persons at least 12 years and less than 18 years of age may operate a motorboat with over 10 horse power only if the person meets the requirements of subsection (a) or is under the direct on-board supervision of a parent or guardian who meets the requirements of subsection (a) or a person at least 18 years of age who meets the requirements of subsection (a) and is designated by a parent or guardian.

(e) Beginning January 1, 2016, the owner of a motorboat or a person given supervisory authority over a motorboat shall not permit a motorboat with over 10 horse power to be operated by a person who does not meet the Boating Safety Certificate requirements of this Section.

(f) Licensed boat liveries shall offer abbreviated operating and safety instruction covering core boat safety rules to all renters, unless the renter can demonstrate compliance with the Illinois Boating Safety Certificate requirements of this Section, or is exempt under subsection (i) of this Section. A person who completes abbreviated operating and safety instruction may operate a motorboat rented from the livery providing the abbreviated operating and safety instruction without having a Boating Safety Certificate for up to one year from the date of instruction. The Department shall adopt rules to implement this subsection.

(g) Violations.

(1) A person who is operating a motorboat with over 10 horse power and is required to have a valid Boating Safety Certificate under the provisions of this Section shall present the certificate to a law enforcement officer upon request. Failure of the person to present the certificate upon request is a petty offense.

(2) A person who provides false or fictitious information in an application for a Boating Safety Certificate; or who alters, forges, counterfeits, or falsifies a Boating Safety Certificate; or who possesses a Boating Safety Certificate that has been altered, forged, counterfeited, or falsified is guilty of a Class A misdemeanor.

(3) A person who loans or permits his or her Boating Safety Certificate to be used by another person or who operates a motorboat with over 10 horse power using a Boating Safety Certificate is guilty of a Class A misdemeanor.
Certificate that has not been issued to that person is guilty of a Class A misdemeanor.

(4) A violation of this Section done with the knowledge of a parent or guardian shall be deemed a violation by the parent or guardian and punishable under Section 11A-1.

(h) The Department of Natural Resources shall establish a program of instruction on boating safety, laws, regulations and administrative laws, and any other subject matter which might be related to the subject of general boat safety. The program shall be conducted by instructors certified by the Department of Natural Resources. The course of instruction for persons certified to teach boating safety shall be not less than 8 hours in length, and the Department shall have the authority to revoke the certification of any instructor who has demonstrated his inability to conduct courses on the subject matter. The Department of Natural Resources shall develop and provide a method for students to complete the program online. Students satisfactorily completing a program of not less than 8 hours in length shall receive a certificate of safety from the Department of Natural Resources. The Department may cooperate with schools, online vendors, private clubs and other organizations in offering boating safety courses throughout the State of Illinois.

The Department shall issue certificates of boating safety to persons 10 years of age or older successfully completing the prescribed course of instruction and passing such tests as may be prescribed by the Department. The Department may charge each person who enrolls in a course of instruction a fee not to exceed $5. If a fee is authorized by the Department, the Department shall authorize instructors conducting such courses meeting standards established by it to charge for the rental of facilities or for the cost of materials utilized in the course. Fees retained by the Department shall be utilized to defray a part of its expenses to operate the safety and accident reporting programs of the Department.

(i) A Boating Safety Certificate is not required by:

   (1) a person who possesses a valid United States Coast Guard commercial vessel operator's license or a marine certificate issued by the Canadian government;

   (2) a person employed by the United States, this State, another state, or a subdivision thereof while in performance of his or her official duties;

   (3) a person who is not a resident, is temporarily using the waters of this State for a period not to exceed 90 days, and meets

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any applicable boating safety education requirements of his or her state of residency or possesses a Canadian Pleasure Craft Operator's Card;

(4) a person who is a resident of this State who has met the applicable boating safety education requirements of another state or possesses a Canadian Pleasure Craft Operator's Card;

(5) a person who has assumed operation of the motorboat due to the illness or physical impairment of the operator, and is returning the motorboat or personal watercraft to shore in order to provide assistance or care for that operator;

(6) a person who is registered as a commercial fisherman or a person who is under the onboard direct supervision of the commercial fisherman while operating the commercial fisherman's vessel;

(7) a person who is serving or has qualified as a surface warfare officer or enlisted surface warfare specialist in the United States Navy;

(8) a person who has assumed operation of the motorboat for the purpose of completing a watercraft safety course approved by the Department, the U.S. Coast Guard, or the National Association of State Boating Law Administrators;

(9) a person using only an electric motor to propel the motorboat;

(10) a person operating a motorboat on private property; or

(11) a person over the age of 12 years who holds a valid certificate issued by another state, a province of the Dominion of Canada, the United States Coast Guard Auxiliary or the United States Power Squadron need not obtain a certificate from the Department if the course content of the program in such other state, province or organization substantially meets that established by the Department under this Section. A certificate issued by the Department or by another state, province of the Dominion of Canada or approved organization shall not constitute an operator's license, but shall certify only that the student has successfully passed a course in boating safety instruction; or:

(12) a person who is temporarily using the waters of this State for the purpose of participating in a boat racing event sanctioned by the Department of Natural Resources or authorized federal agency. The organizer or holder of the sanctioned event

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shall possess liability insurance for property damage and bodily injury or death with a minimum benefit of $1,000,000 that shall remain in effect through the entirety of the event.

(j) The Department of Natural Resources shall adopt rules necessary to implement this Section. The Department of Natural Resources shall consult and coordinate with the boating public, professional organizations for recreational boating safety, and the boating retail, leasing, and dealer business community in the adoption of these rules.

(Source: P.A. 98-698, eff. 1-1-15; 99-78, eff. 7-20-15.)

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

Passed in the General Assembly May 26, 2016.
Approved July 8, 2016.
Effective July 8, 2016.

PUBLIC ACT 99-0527
(House Bill No. 4517)

AN ACT concerning State government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Civil Administrative Code of Illinois is amended by changing Section 5-565 as follows:

(20 ILCS 5/5-565) (was 20 ILCS 5/6.06)

Sec. 5-565. In the Department of Public Health.

(a) The General Assembly declares it to be the public policy of this State that all citizens of Illinois are entitled to lead healthy lives. Governmental public health has a specific responsibility to ensure that a public health system is in place to allow the public health mission to be achieved. The public health system is the collection of public, private, and voluntary entities as well as individuals and informal associations that contribute to the public's health within the State. To develop a public health system requires certain core functions to be performed by government. The State Board of Health is to assume the leadership role in advising the Director in meeting the following functions:

(1) Needs assessment.
(2) Statewide health objectives.
(3) Policy development.

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(4) Assurance of access to necessary services.

There shall be a State Board of Health composed of 20 persons, all of whom shall be appointed by the Governor, with the advice and consent of the Senate for those appointed by the Governor on and after June 30, 1998, and one of whom shall be a senior citizen age 60 or over. Five members shall be physicians licensed to practice medicine in all its branches, one representing a medical school faculty, one who is board certified in preventive medicine, and one who is engaged in private practice. One member shall be a chiropractic physician. One member shall be a dentist; one an environmental health practitioner; one a local public health administrator; one a local board of health member; one a registered nurse; one a physical therapist; one an optometrist; one a veterinarian; one a public health academician; one a health care industry representative; one a representative of the business community; one a representative of the non-profit public interest community; and 2 shall be citizens at large.

The terms of Board of Health members shall be 3 years, except that members shall continue to serve on the Board of Health until a replacement is appointed. Upon the effective date of this amendatory Act of the 93rd General Assembly, in the appointment of the Board of Health members appointed to vacancies or positions with terms expiring on or before December 31, 2004, the Governor shall appoint up to 6 members to serve for terms of 3 years; up to 6 members to serve for terms of 2 years; and up to 5 members to serve for a term of one year, so that the term of no more than 6 members expire in the same year. All members shall be legal residents of the State of Illinois. The duties of the Board shall include, but not be limited to, the following:

(1) To advise the Department of ways to encourage public understanding and support of the Department's programs.

(2) To evaluate all boards, councils, committees, authorities, and bodies advisory to, or an adjunct of, the Department of Public Health or its Director for the purpose of recommending to the Director one or more of the following:

(i) The elimination of bodies whose activities are not consistent with goals and objectives of the Department.

(ii) The consolidation of bodies whose activities encompass compatible programmatic subjects.

(iii) The restructuring of the relationship between the various bodies and their integration within the organizational structure of the Department.

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(iv) The establishment of new bodies deemed essential to the functioning of the Department.

(3) To serve as an advisory group to the Director for public health emergencies and control of health hazards.

(4) To advise the Director regarding public health policy, and to make health policy recommendations regarding priorities to the Governor through the Director.

(5) To present public health issues to the Director and to make recommendations for the resolution of those issues.

(6) To recommend studies to delineate public health problems.

(7) To make recommendations to the Governor through the Director regarding the coordination of State public health activities with other State and local public health agencies and organizations.

(8) To report on or before February 1 of each year on the health of the residents of Illinois to the Governor, the General Assembly, and the public.

(9) To review the final draft of all proposed administrative rules, other than emergency or preemptory rules and those rules that another advisory body must approve or review within a statutorily defined time period, of the Department after September 19, 1991 (the effective date of Public Act 87-633). The Board shall review the proposed rules within 90 days of submission by the Department. The Department shall take into consideration any comments and recommendations of the Board regarding the proposed rules prior to submission to the Secretary of State for initial publication. If the Department disagrees with the recommendations of the Board, it shall submit a written response outlining the reasons for not accepting the recommendations.

In the case of proposed administrative rules or amendments to administrative rules regarding immunization of children against preventable communicable diseases designated by the Director under the Communicable Disease Prevention Act, after the Immunization Advisory Committee has made its recommendations, the Board shall conduct 3 public hearings, geographically distributed throughout the State. At the conclusion of the hearings, the State Board of Health shall issue a report, including its recommendations, to the Director. The Director shall
take into consideration any comments or recommendations made by the Board based on these hearings.

(10) To deliver to the Governor for presentation to the General Assembly a State Health Improvement Plan. The first 3 such plans shall be delivered to the Governor on January 1, 2006, January 1, 2009, and January 1, 2016 and then every 5 years thereafter.

The Plan shall recommend priorities and strategies to improve the public health system and the health status of Illinois residents, taking into consideration national health objectives and system standards as frameworks for assessment.

The Plan shall also take into consideration priorities and strategies developed at the community level through the Illinois Project for Local Assessment of Needs (IPLAN) and any regional health improvement plans that may be developed. The Plan shall focus on prevention as a key strategy for long-term health improvement in Illinois.

The Plan shall examine and make recommendations on the contributions and strategies of the public and private sectors for improving health status and the public health system in the State. In addition to recommendations on health status improvement priorities and strategies for the population of the State as a whole, the Plan shall make recommendations regarding priorities and strategies for reducing and eliminating health disparities in Illinois; including racial, ethnic, gender, age, socio-economic and geographic disparities.

The Director of the Illinois Department of Public Health shall appoint a Planning Team that includes a range of public, private, and voluntary sector stakeholders and participants in the public health system. This Team shall include: the directors of State agencies with public health responsibilities (or their designees), including but not limited to the Illinois Departments of Public Health and Department of Human Services, representatives of local health departments, representatives of local community health partnerships, and individuals with expertise who represent an array of organizations and constituencies engaged in public health improvement and prevention.

The State Board of Health shall hold at least 3 public hearings addressing drafts of the Plan in representative geographic

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areas of the State. Members of the Planning Team shall receive no compensation for their services, but may be reimbursed for their necessary expenses.

Upon the delivery of each State Health Improvement Plan, the Governor shall appoint a SHIP Implementation Coordination Council that includes a range of public, private, and voluntary sector stakeholders and participants in the public health system. The Council shall include the directors of State agencies and entities with public health system responsibilities (or their designees), including but not limited to the Department of Public Health, Department of Human Services, Department of Healthcare and Family Services, Environmental Protection Agency, Illinois State Board of Education, Department on Aging, Illinois Violence Prevention Authority, Department of Agriculture, Department of Insurance, Department of Financial and Professional Regulation, Department of Transportation, and Department of Commerce and Economic Opportunity and the Chair of the State Board of Health. The Council shall include representatives of local health departments and individuals with expertise who represent an array of organizations and constituencies engaged in public health improvement and prevention, including non-profit public interest groups, health issue groups, faith community groups, health care providers, businesses and employers, academic institutions, and community-based organizations. The Governor shall endeavor to make the membership of the Council representative of the racial, ethnic, gender, socio-economic, and geographic diversity of the State. The Governor shall designate one State agency representative and one other non-governmental member as co-chairs of the Council. The Governor shall designate a member of the Governor's office to serve as liaison to the Council and one or more State agencies to provide or arrange for support to the Council. The members of the SHIP Implementation Coordination Council for each State Health Improvement Plan shall serve until the delivery of the subsequent State Health Improvement Plan, whereupon a new Council shall be appointed. Members of the SHIP Planning Team may serve on the SHIP Implementation Coordination Council if so appointed by the Governor.

The SHIP Implementation Coordination Council shall coordinate the efforts and engagement of the public, private, and

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voluntary sector stakeholders and participants in the public health system to implement each SHIP. The Council shall serve as a forum for collaborative action; coordinate existing and new initiatives; develop detailed implementation steps, with mechanisms for action; implement specific projects; identify public and private funding sources at the local, State and federal level; promote public awareness of the SHIP; advocate for the implementation of the SHIP; and develop an annual report to the Governor, General Assembly, and public regarding the status of implementation of the SHIP. The Council shall not, however, have the authority to direct any public or private entity to take specific action to implement the SHIP.

(11) Upon the request of the Governor, to recommend to the Governor candidates for Director of Public Health when vacancies occur in the position.

(12) To adopt bylaws for the conduct of its own business, including the authority to establish ad hoc committees to address specific public health programs requiring resolution.

(13) (Blank). To review and comment upon the Comprehensive Health Plan submitted by the Center for Comprehensive Health Planning as provided under Section 2310-217 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois.

Upon appointment, the Board shall elect a chairperson from among its members.

Members of the Board shall receive compensation for their services at the rate of $150 per day, not to exceed $10,000 per year, as designated by the Director for each day required for transacting the business of the Board and shall be reimbursed for necessary expenses incurred in the performance of their duties. The Board shall meet from time to time at the call of the Department, at the call of the chairperson, or upon the request of 3 of its members, but shall not meet less than 4 times per year.

(b) (Blank).

(c) An Advisory Board on Necropsy Service to Coroners, which shall counsel and advise with the Director on the administration of the Autopsy Act. The Advisory Board shall consist of 11 members, including a senior citizen age 60 or over, appointed by the Governor, one of whom shall be designated as chairman by a majority of the members of the

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Board. In the appointment of the first Board the Governor shall appoint 3 members to serve for terms of 1 year, 3 for terms of 2 years, and 3 for terms of 3 years. The members first appointed under Public Act 83-1538 shall serve for a term of 3 years. All members appointed thereafter shall be appointed for terms of 3 years, except that when an appointment is made to fill a vacancy, the appointment shall be for the remaining term of the position vacant. The members of the Board shall be citizens of the State of Illinois. In the appointment of members of the Advisory Board the Governor shall appoint 3 members who shall be persons licensed to practice medicine and surgery in the State of Illinois, at least 2 of whom shall have received post-graduate training in the field of pathology; 3 members who are duly elected coroners in this State; and 5 members who shall have interest and abilities in the field of forensic medicine but who shall be neither persons licensed to practice any branch of medicine in this State nor coroners. In the appointment of medical and coroner members of the Board, the Governor shall invite nominations from recognized medical and coroners organizations in this State respectively. Board members, while serving on business of the Board, shall receive actual necessary travel and subsistence expenses while so serving away from their places of residence.

(Source: P.A. 97-734, eff. 1-1-13; 97-810, eff. 1-1-13; 98-463, eff. 8-16-13.)

Section 10. The Illinois Health Facilities Planning Act is amended by changing Sections 2, 3, 4, 8.5, 10, 12, 12.2, 12.3, 14.1, and 19.5 as follows:

(20 ILCS 3960/2) (from Ch. 111 1/2, par. 1152)
(Section scheduled to be repealed on December 31, 2019)

Sec. 2. Purpose of the Act. This Act shall establish a procedure (1) which requires a person establishing, constructing or modifying a health care facility, as herein defined, to have the qualifications, background, character and financial resources to adequately provide a proper service for the community; (2) that promotes, through the process of comprehensive health planning, the orderly and economic development of health care facilities in the State of Illinois that avoids unnecessary duplication of such facilities; and (3) that promotes planning for and development of health care facilities needed for comprehensive health care especially in areas where the health planning process has identified unmet needs; and (4) that carries out these purposes in coordination with the Center for

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Comprehensive Health Planning and the Comprehensive Health Plan developed by that Center.

The changes made to this Act by this amendatory Act of the 96th General Assembly are intended to accomplish the following objectives: to improve the financial ability of the public to obtain necessary health services; to establish an orderly and comprehensive health care delivery system that will guarantee the availability of quality health care to the general public; to maintain and improve the provision of essential health care services and increase the accessibility of those services to the medically underserved and indigent; to assure that the reduction and closure of health care services or facilities is performed in an orderly and timely manner, and that these actions are deemed to be in the best interests of the public; and to assess the financial burden to patients caused by unnecessary health care construction and modification. The Health Facilities and Services Review Board must apply the findings from the Comprehensive Health Plan to update review standards and criteria, as well as better identify needs and evaluate applications, and establish mechanisms to support adequate financing of the health care delivery system in Illinois, for the development and preservation of safety net services. The Board must provide written and consistent decisions that are based on the findings from the Comprehensive Health Plan, as well as other issue or subject specific plans, recommended by the Center for Comprehensive Health Planning. Policies and procedures must include criteria and standards for plan variations and deviations that must be updated: Evidence-based assessments, projections and decisions will be applied regarding capacity, quality, value and equity in the delivery of health care services in Illinois. The integrity of the Certificate of Need process is ensured through revised ethics and communications procedures. Cost containment and support for safety net services must continue to be central tenets of the Certificate of Need process.

(Source: P.A. 96-31, eff. 6-30-09.)

(20 ILCS 3960/3) (from Ch. 111 1/2, par. 1153)
(Section scheduled to be repealed on December 31, 2019)

Sec. 3. Definitions. As used in this Act:
"Health care facilities" means and includes the following facilities, organizations, and related persons:

(1) An ambulatory surgical treatment center required to be licensed pursuant to the Ambulatory Surgical Treatment Center Act.

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(2) An institution, place, building, or agency required to be licensed pursuant to the Hospital Licensing Act.

(3) Skilled and intermediate long term care facilities licensed under the Nursing Home Care Act.
   (A) If a demonstration project under the Nursing Home Care Act applies for a certificate of need to convert to a nursing facility, it shall meet the licensure and certificate of need requirements in effect as of the date of application.
   (B) Except as provided in item (A) of this subsection, this Act does not apply to facilities granted waivers under Section 3-102.2 of the Nursing Home Care Act.

(3.5) Skilled and intermediate care facilities licensed under the ID/DD Community Care Act or the MC/DD Act. No permit or exemption is required for a facility licensed under the ID/DD Community Care Act or the MC/DD Act prior to the reduction of the number of beds at a facility. If there is a total reduction of beds at a facility licensed under the ID/DD Community Care Act or the MC/DD Act, this is a discontinuation or closure of the facility. If a facility licensed under the ID/DD Community Care Act or the MC/DD Act reduces the number of beds or discontinues the facility, that facility must notify the Board as provided in Section 14.1 of this Act.

(3.7) Facilities licensed under the Specialized Mental Health Rehabilitation Act of 2013.

(4) Hospitals, nursing homes, ambulatory surgical treatment centers, or kidney disease treatment centers maintained by the State or any department or agency thereof.

(5) Kidney disease treatment centers, including a free-standing hemodialysis unit required to be licensed under the End Stage Renal Disease Facility Act.
   (A) This Act does not apply to a dialysis facility that provides only dialysis training, support, and related services to individuals with end stage renal disease who have elected to receive home dialysis.
   (B) This Act does not apply to a dialysis unit located in a licensed nursing home that offers or provides dialysis-related services to residents with end stage renal

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(C) The Board, however, may require dialysis facilities and licensed nursing homes under items (A) and (B) of this subsection to report statistical information on a quarterly basis to the Board to be used by the Board to conduct analyses on the need for proposed kidney disease treatment centers.

(6) An institution, place, building, or room used for the performance of outpatient surgical procedures that is leased, owned, or operated by or on behalf of an out-of-state facility.

(7) An institution, place, building, or room used for provision of a health care category of service, including, but not limited to, cardiac catheterization and open heart surgery.

(8) An institution, place, building, or room housing major medical equipment used in the direct clinical diagnosis or treatment of patients, and whose project cost is in excess of the capital expenditure minimum.

"Health care facilities" does not include the following entities or facility transactions:

(1) Federally-owned facilities.

(2) Facilities used solely for healing by prayer or spiritual means.

(3) An existing facility located on any campus facility as defined in Section 5-5.8b of the Illinois Public Aid Code, provided that the campus facility encompasses 30 or more contiguous acres and that the new or renovated facility is intended for use by a licensed residential facility.

(4) Facilities licensed under the Supportive Residences Licensing Act or the Assisted Living and Shared Housing Act.

(5) Facilities designated as supportive living facilities that are in good standing with the program established under Section 5-5.01a of the Illinois Public Aid Code.

(6) Facilities established and operating under the Alternative Health Care Delivery Act as a children's community-based health care center alternative health care model demonstration program or as an Alzheimer's Disease Management Center alternative health care model demonstration program.

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(7) The closure of an entity or a portion of an entity licensed under the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act of 2013, the ID/DD Community Care Act, or the MC/DD Act, with the exception of facilities operated by a county or Illinois Veterans Homes, that elect to convert, in whole or in part, to an assisted living or shared housing establishment licensed under the Assisted Living and Shared Housing Act and with the exception of a facility licensed under the Specialized Mental Health Rehabilitation Act of 2013 in connection with a proposal to close a facility and re-establish the facility in another location.

(8) Any change of ownership of a health care facility that is licensed under the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act of 2013, the ID/DD Community Care Act, or the MC/DD Act, with the exception of facilities operated by a county or Illinois Veterans Homes. Changes of ownership of facilities licensed under the Nursing Home Care Act must meet the requirements set forth in Sections 3-101 through 3-119 of the Nursing Home Care Act. With the exception of those health care facilities specifically included in this Section, nothing in this Act shall be intended to include facilities operated as a part of the practice of a physician or other licensed health care professional, whether practicing in his individual capacity or within the legal structure of any partnership, medical or professional corporation, or unincorporated medical or professional group. Further, this Act shall not apply to physicians or other licensed health care professional's practices where such practices are carried out in a portion of a health care facility under contract with such health care facility by a physician or by other licensed health care professionals, whether practicing in his individual capacity or within the legal structure of any partnership, medical or professional corporation, or unincorporated medical or professional groups, unless the entity constructs, modifies, or establishes a health care facility as specifically defined in this Section. This Act shall apply to construction or modification and to establishment by such health care facility of such contracted portion which is subject to facility licensing requirements, irrespective of the party responsible for such action or attendant financial obligation.

"Person" means any one or more natural persons, legal entities, governmental bodies other than federal, or any combination thereof.
"Consumer" means any person other than a person (a) whose major occupation currently involves or whose official capacity within the last 12 months has involved the providing, administering or financing of any type of health care facility, (b) who is engaged in health research or the teaching of health, (c) who has a material financial interest in any activity which involves the providing, administering or financing of any type of health care facility, or (d) who is or ever has been a member of the immediate family of the person defined by (a), (b), or (c).

"State Board" or "Board" means the Health Facilities and Services Review Board.

"Construction or modification" means the establishment, erection, building, alteration, reconstruction, modernization, improvement, extension, discontinuation, change of ownership, of or by a health care facility, or the purchase or acquisition by or through a health care facility of equipment or service for diagnostic or therapeutic purposes or for facility administration or operation, or any capital expenditure made by or on behalf of a health care facility which exceeds the capital expenditure minimum; however, any capital expenditure made by or on behalf of a health care facility for (i) the construction or modification of a facility licensed under the Assisted Living and Shared Housing Act or (ii) a conversion project undertaken in accordance with Section 30 of the Older Adult Services Act shall be excluded from any obligations under this Act.

"Establish" means the construction of a health care facility or the replacement of an existing facility on another site or the initiation of a category of service.

"Major medical equipment" means medical equipment which is used for the provision of medical and other health services and which costs in excess of the capital expenditure minimum, except that such term does not include medical equipment acquired by or on behalf of a clinical laboratory to provide clinical laboratory services if the clinical laboratory is independent of a physician's office and a hospital and it has been determined under Title XVIII of the Social Security Act to meet the requirements of paragraphs (10) and (11) of Section 1861(s) of such Act. In determining whether medical equipment has a value in excess of the capital expenditure minimum, the value of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition of such equipment shall be included.

"Capital Expenditure" means an expenditure: (A) made by or on behalf of a health care facility (as such a facility is defined in this Act);
and (B) which under generally accepted accounting principles is not properly chargeable as an expense of operation and maintenance, or is made to obtain by lease or comparable arrangement any facility or part thereof or any equipment for a facility or part; and which exceeds the capital expenditure minimum.

For the purpose of this paragraph, the cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, expansion, or replacement of any plant or equipment with respect to which an expenditure is made shall be included in determining if such expenditure exceeds the capital expenditures minimum. Unless otherwise interdependent, or submitted as one project by the applicant, components of construction or modification undertaken by means of a single construction contract or financed through the issuance of a single debt instrument shall not be grouped together as one project. Donations of equipment or facilities to a health care facility which if acquired directly by such facility would be subject to review under this Act shall be considered capital expenditures, and a transfer of equipment or facilities for less than fair market value shall be considered a capital expenditure for purposes of this Act if a transfer of the equipment or facilities at fair market value would be subject to review.

"Capital expenditure minimum" means $11,500,000 for projects by hospital applicants, $6,500,000 for applicants for projects related to skilled and intermediate care long-term care facilities licensed under the Nursing Home Care Act, and $3,000,000 for projects by all other applicants, which shall be annually adjusted to reflect the increase in construction costs due to inflation, for major medical equipment and for all other capital expenditures.

"Non-clinical service area" means an area (i) for the benefit of the patients, visitors, staff, or employees of a health care facility and (ii) not directly related to the diagnosis, treatment, or rehabilitation of persons receiving services from the health care facility. "Non-clinical service areas" include, but are not limited to, chapels; gift shops; news stands; computer systems; tunnels, walkways, and elevators; telephone systems; projects to comply with life safety codes; educational facilities; student housing; patient, employee, staff, and visitor dining areas; administration and volunteer offices; modernization of structural components (such as roof replacement and masonry work); boiler repair or replacement; vehicle maintenance and storage facilities; parking facilities; mechanical systems for heating, ventilation, and air conditioning; loading docks; and repair or

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replacement of carpeting, tile, wall coverings, window coverings or treatments, or furniture. Solely for the purpose of this definition, "non-clinical service area" does not include health and fitness centers.

"Areawide" means a major area of the State delineated on a geographic, demographic, and functional basis for health planning and for health service and having within it one or more local areas for health planning and health service. The term "region", as contrasted with the term "subregion", and the word "area" may be used synonymously with the term "areawide".

"Local" means a subarea of a delineated major area that on a geographic, demographic, and functional basis may be considered to be part of such major area. The term "subregion" may be used synonymously with the term "local".

"Physician" means a person licensed to practice in accordance with the Medical Practice Act of 1987, as amended.

"Licensed health care professional" means a person licensed to practice a health profession under pertinent licensing statutes of the State of Illinois.

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

"Agency" or "Department" means the Illinois Department of Public Health.

"Alternative health care model" means a facility or program authorized under the Alternative Health Care Delivery Act.

"Out-of-state facility" means a person that is both (i) licensed as a hospital or as an ambulatory surgery center under the laws of another state or that qualifies as a hospital or an ambulatory surgery center under regulations adopted pursuant to the Social Security Act and (ii) not licensed under the Ambulatory Surgical Treatment Center Act, the Hospital Licensing Act, or the Nursing Home Care Act. Affiliates of out-of-state facilities shall be considered out-of-state facilities. Affiliates of Illinois licensed health care facilities 100% owned by an Illinois licensed health care facility, its parent, or Illinois physicians licensed to practice medicine in all its branches shall not be considered out-of-state facilities. Nothing in this definition shall be construed to include an office or any part of an office of a physician licensed to practice medicine in all its branches in Illinois that is not required to be licensed under the Ambulatory Surgical Treatment Center Act.

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"Change of ownership of a health care facility" means a change in the person who has ownership or control of a health care facility's physical plant and capital assets. A change in ownership is indicated by the following transactions: sale, transfer, acquisition, lease, change of sponsorship, or other means of transferring control.

"Related person" means any person that: (i) is at least 50% owned, directly or indirectly, by either the health care facility or a person owning, directly or indirectly, at least 50% of the health care facility; or (ii) owns, directly or indirectly, at least 50% of the health care facility.

"Charity care" means care provided by a health care facility for which the provider does not expect to receive payment from the patient or a third-party payer.

"Freestanding emergency center" means a facility subject to licensure under Section 32.5 of the Emergency Medical Services (EMS) Systems Act.

"Category of service" means a grouping by generic class of various types or levels of support functions, equipment, care, or treatment provided to patients or residents, including, but not limited to, classes such as medical-surgical, pediatrics, or cardiac catheterization. A category of service may include subcategories or levels of care that identify a particular degree or type of care within the category of service. Nothing in this definition shall be construed to include the practice of a physician or other licensed health care professional while functioning in an office providing for the care, diagnosis, or treatment of patients. A category of service that is subject to the Board's jurisdiction must be designated in rules adopted by the Board.

"State Board Staff Report" means the document that sets forth the review and findings of the State Board staff, as prescribed by the State Board, regarding applications subject to Board jurisdiction.

(Source: P.A. 98-414, eff. 1-1-14; 98-629, eff. 1-1-15; 98-651, eff. 6-16-14; 98-1086, eff. 8-26-14; 99-78, eff. 7-20-15; 99-180, eff. 7-29-15.)
(20 ILCS 3960/4) (from Ch. 111 1/2, par. 1154)
(Section scheduled to be repealed on December 31, 2019)

Sec. 4. Health Facilities and Services Review Board; membership; appointment; term; compensation; quorum. Notwithstanding any other provision in this Section, members of the State Board holding office on the day before the effective date of this amendatory Act of the 96th General Assembly shall retain their authority.

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(a) There is created the Health Facilities and Services Review Board, which shall perform the functions described in this Act. The Department shall provide operational support to the Board as necessary, including the provision of office space, supplies, and clerical, financial, and accounting services. The Board may contract for functions or operational support as needed. The Board may also contract with experts related to specific health services or facilities and create technical advisory panels to assist in the development of criteria, standards, and procedures used in the evaluation of applications for permit and exemption.

(b) Beginning March 1, 2010, the State Board shall consist of 9 voting members. All members shall be residents of Illinois and at least 4 shall reside outside the Chicago Metropolitan Statistical Area. Consideration shall be given to potential appointees who reflect the ethnic and cultural diversity of the State. Neither Board members nor Board staff shall be convicted felons or have pled guilty to a felony.

Each member shall have a reasonable knowledge of the practice, procedures and principles of the health care delivery system in Illinois, including at least 5 members who shall be knowledgeable about health care delivery systems, health systems planning, finance, or the management of health care facilities currently regulated under the Act. One member shall be a representative of a non-profit health care consumer advocacy organization. A spouse, parent, sibling, or child of a Board member cannot be an employee, agent, or under contract with services or facilities subject to the Act. Prior to appointment and in the course of service on the Board, members of the Board shall disclose the employment or other financial interest of any other relative of the member, if known, in service or facilities subject to the Act. Members of the Board shall declare any conflict of interest that may exist with respect to the status of those relatives and recuse themselves from voting on any issue for which a conflict of interest is declared. No person shall be appointed or continue to serve as a member of the State Board who is, or whose spouse, parent, sibling, or child is, a member of the Board of Directors of, has a financial interest in, or has a business relationship with a health care facility.

Notwithstanding any provision of this Section to the contrary, the term of office of each member of the State Board serving on the day before the effective date of this amendatory Act of the 96th General Assembly is abolished on the date upon which members of the 9-member Board, as established by this amendatory Act of the 96th General Assembly, have been appointed and can begin to take action as a Board. Members of the
State Board serving on the day before the effective date of this amendatory Act of the 96th General Assembly may be reappointed to the 9-member Board. Prior to March 1, 2010, the Health Facilities Planning Board shall establish a plan to transition its powers and duties to the Health Facilities and Services Review Board.

(c) The State Board shall be appointed by the Governor, with the advice and consent of the Senate. Not more than 5 of the appointments shall be of the same political party at the time of the appointment.

The Secretary of Human Services, the Director of Healthcare and Family Services, and the Director of Public Health, or their designated representatives, shall serve as ex-officio, non-voting members of the State Board.

(d) Of those 9 members initially appointed by the Governor following the effective date of this amendatory Act of the 96th General Assembly, 3 shall serve for terms expiring July 1, 2011, 3 shall serve for terms expiring July 1, 2012, and 3 shall serve for terms expiring July 1, 2013. Thereafter, each appointed member shall hold office for a term of 3 years, provided that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term and the term of office of each successor shall commence on July 1 of the year in which his predecessor's term expires. Each member appointed after the effective date of this amendatory Act of the 96th General Assembly shall hold office until his or her successor is appointed and qualified. The Governor may reappoint a member for additional terms, but no member shall serve more than 3 terms, subject to review and re-approval every 3 years.

(e) State Board members, while serving on business of the State Board, shall receive actual and necessary travel and subsistence expenses while so serving away from their places of residence. Until March 1, 2010, a member of the State Board who experiences a significant financial hardship due to the loss of income on days of attendance at meetings or while otherwise engaged in the business of the State Board may be paid a hardship allowance, as determined by and subject to the approval of the Governor's Travel Control Board.

(f) The Governor shall designate one of the members to serve as the Chairman of the Board, who shall be a person with expertise in health care delivery system planning, finance or management of health care facilities that are regulated under the Act. The Chairman shall annually

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review Board member performance and shall report the attendance record
of each Board member to the General Assembly.

(g) The State Board, through the Chairman, shall prepare a separate
and distinct budget approved by the General Assembly and shall hire and
supervise its own professional staff responsible for carrying out the
responsibilities of the Board.

(h) The State Board shall meet at least every 45 days, or as often as
the Chairman of the State Board deems necessary, or upon the request of a
majority of the members.

(i) Five members of the State Board shall constitute a quorum. The
affirmative vote of 5 of the members of the State Board shall be necessary
for any action requiring a vote to be taken by the State Board. A vacancy
in the membership of the State Board shall not impair the right of a
quorum to exercise all the rights and perform all the duties of the State
Board as provided by this Act.

(j) A State Board member shall disqualify himself or herself from
the consideration of any application for a permit or exemption in which the
State Board member or the State Board member's spouse, parent, sibling,
or child: (i) has an economic interest in the matter; or (ii) is employed by,
serves as a consultant for, or is a member of the governing board of the
applicant or a party opposing the application.

(k) The Chairman, Board members, and Board staff must comply
with the Illinois Governmental Ethics Act. (Source: P.A. 96-31, eff. 6-30-
09; 97-1115, eff. 8-27-12.)

(20 ILCS 3960/8.5)

(Section scheduled to be repealed on December 31, 2019)

Sec. 8.5. Certificate of exemption for change of ownership of a
health care facility; discontinuation of a health care facility or category of
service; public notice and public hearing.

(a) Upon a finding that an application for a change of ownership is
complete, the State Board shall publish a legal notice on one day in a
newspaper of general circulation in the area or community to be affected
and afford the public an opportunity to request a hearing. If the application
is for a facility located in a Metropolitan Statistical Area, an additional
legal notice shall be published in a newspaper of limited circulation, if one
exists, in the area in which the facility is located. If the newspaper of
limited circulation is published on a daily basis, the additional legal notice
shall be published on one day. The applicant shall pay the cost incurred by
the Board in publishing the change of ownership notice in newspapers as

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required under this subsection. The legal notice shall also be posted on the Health Facilities and Services Review Board's web site and sent to the State Representative and State Senator of the district in which the health care facility is located. An application for change of ownership of a hospital shall not be deemed complete without a signed certification that for a period of 2 years after the change of ownership transaction is effective, the hospital will not adopt a charity care policy that is more restrictive than the policy in effect during the year prior to the transaction. An application for a change of ownership need not contain signed transaction documents so long as it includes the following key terms of the transaction: names and background of the parties; structure of the transaction; the person who will be the licensed or certified entity after the transaction; the ownership or membership interests in such licensed or certified entity both prior to and after the transaction; fair market value of assets to be transferred; and the purchase price or other form of consideration to be provided for those assets. The issuance of the certificate of exemption shall be contingent upon the applicant submitting a statement to the Board within 90 days after the closing date of the transaction, or such longer period as provided by the Board, certifying that the change of ownership has been completed in accordance with the key terms contained in the application. If such key terms of the transaction change, a new application shall be required.

Where a change of ownership is among related persons, and there are no other changes being proposed at the health care facility that would otherwise require a permit or exemption under this Act, the applicant shall submit an application consisting of a standard notice in a form set forth by the Board briefly explaining the reasons for the proposed change of ownership. Once such an application is submitted to the Board and reviewed by the Board staff, the Board Chair shall take action on an application for an exemption for a change of ownership among related persons within 45 days after the application has been deemed complete, provided the application meets the applicable standards under this Section. If the Board Chair has a conflict of interest or for other good cause, the Chair may request review by the Board. Notwithstanding any other provision of this Act, for purposes of this Section, a change of ownership among related persons means a transaction where the parties to the transaction are under common control or ownership before and after the transaction is completed.

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Nothing in this Act shall be construed as authorizing the Board to impose any conditions, obligations, or limitations, other than those required by this Section, with respect to the issuance of an exemption for a change of ownership, including, but not limited to, the time period before which a subsequent change of ownership of the health care facility could be sought, or the commitment to continue to offer for a specified time period any services currently offered by the health care facility.

(a-3) Upon a finding that an application to close a health care facility is complete, the State Board shall publish a legal notice on 3 consecutive days in a newspaper of general circulation in the area or community to be affected and afford the public an opportunity to request a hearing. If the application is for a facility located in a Metropolitan Statistical Area, an additional legal notice shall be published in a newspaper of limited circulation, if one exists, in the area in which the facility is located. If the newspaper of limited circulation is published on a daily basis, the additional legal notice shall be published on 3 consecutive days. The legal notice shall also be posted on the Health Facilities and Services Review Board's web site and sent to the State Representative and State Senator of the district in which the health care facility is located. *No later than 90 days after a discontinuation of a health facility, the applicant must submit a statement to the State Board certifying that the discontinuation is complete.*

(a-5) Upon a finding that an application to discontinue a category of service is complete and provides the requested information, as specified by the State Board, an exemption shall be issued. No later than 30 days after the issuance of the exemption, the health care facility must give written notice of the discontinuation of the category of service to the State Senator and State Representative serving the legislative district in which the health care facility is located. *No later than 90 days after a discontinuation of a category of service, the applicant must submit a statement to the State Board certifying that the discontinuation is complete.*

(b) If a public hearing is requested, it shall be held at least 15 days but no more than 30 days after the date of publication of the legal notice in the community in which the facility is located. The hearing shall be held in a place of reasonable size and accessibility and a full and complete written transcript of the proceedings shall be made. *All interested persons attending the hearing shall be given a reasonable opportunity to present*
their positions in writing or orally. The applicant shall provide a summary of the proposal for distribution at the public hearing.

(c) For the purposes of this Section "newspaper of limited circulation" means a newspaper intended to serve a particular or defined population of a specific geographic area within a Metropolitan Statistical Area such as a municipality, town, village, township, or community area, but does not include publications of professional and trade associations.

(Source: P.A. 98-1086, eff. 8-26-14; 99-154, eff. 7-28-15.)

(20 ILCS 3960/10) (from Ch. 111 1/2, par. 1160)

(Section scheduled to be repealed on December 31, 2019)

Sec. 10. Presenting information relevant to the approval of a permit or certificate or in opposition to the denial of the application; notice of outcome and review proceedings.

Subsequent to an appearance by the applicant before the State Board or default of such opportunity to appear, a motion by the State Board to approve an application for a permit or a certificate of recognition, fails to pass, or when a motion to deny an application for a permit or a certificate of recognition is passed, the applicant or the holder of the permit, as the case may be, and such other parties as the State Board permits, will be given an opportunity to appear before the State Board and present such information as may be relevant to the approval of a permit or certificate or in opposition to the denial of the application.

Subsequent to an appearance by the applicant before the State Board or default of such opportunity to appear, a motion by the State Board to approve an application for a permit or a certificate of recognition which fails to pass or a motion to deny an application for a permit or a certificate of recognition which passes shall be considered denial of the application for a permit or certificate of recognition, as the case may be. Such action of denial or an action by the State Board to revoke a permit or a certificate of recognition shall be communicated to the applicant or holder of the permit or certificate of recognition. Such person or organization shall be afforded an opportunity for a hearing before an administrative law judge, who is appointed by the Chairman of the State Board. A written notice of a request for such hearing shall be served upon the Chairman of the State Board within 30 days following notification of the decision of the State Board. The administrative law judge shall take actions necessary to ensure that the hearing is completed within a reasonable period of time, but not to exceed 120 days, except for delays or continuances agreed to by the person requesting the hearing. Following its consideration of the report of the hearing, or upon default of the party to the hearing, the State Board shall make its final determination, specifying

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its findings and conclusions within 90 days of receiving the written report of the hearing. A copy of such determination shall be sent by certified mail or served personally upon the party.

A full and complete record shall be kept of all proceedings, including the notice of hearing, complaint, and all other documents in the nature of pleadings, written motions filed in the proceedings, and the report and orders of the State Board or hearing officer. All testimony shall be reported but need not be transcribed unless the decision is appealed in accordance with the Administrative Review Law, as now or hereafter amended. A copy or copies of the transcript may be obtained by any interested party on payment of the cost of preparing such copy or copies.

The State Board or hearing officer shall upon its own or his motion, or on the written request of any party to the proceeding who has, in the State Board's or hearing officer's opinion, demonstrated the relevancy of such request to the outcome of the proceedings, issue subpoenas requiring the attendance and the giving of testimony by witnesses, and subpoenas duces tecum requiring the production of books, papers, records, or memoranda. The fees of witnesses for attendance and travel shall be the same as the fees of witnesses before the circuit court of this State.

When the witness is subpoenaed at the instance of the State Board, or its hearing officer, such fees shall be paid in the same manner as other expenses of the Board, and when the witness is subpoenaed at the instance of any other party to any such proceeding the State Board may, in accordance with its rules, require that the cost of service of the subpoena or subpoena duces tecum and the fee of the witness be borne by the party at whose instance the witness is summoned. In such case, the State Board in its discretion, may require a deposit to cover the cost of such service and witness fees. A subpoena or subpoena duces tecum so issued shall be served in the same manner as a subpoena issued out of a court.

Any circuit court of this State upon the application of the State Board or upon the application of any other party to the proceeding, may, in its discretion, compel the attendance of witnesses, the production of books, papers, records, or memoranda and the giving of testimony before it or its hearing officer conducting an investigation or holding a hearing authorized by this Act, by an attachment for contempt, or otherwise, in the same manner as production of evidence may be compelled before the court. (Source: P.A. 97-1115, eff. 8-27-12; 98-1086, eff. 8-26-14.)

(20 ILCS 3960/12) (from Ch. 111 1/2, par. 1162)

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(Section scheduled to be repealed on December 31, 2019)

Sec. 12. Powers and duties of State Board. For purposes of this Act, the State Board shall exercise the following powers and duties:

(1) Prescribe rules, regulations, standards, criteria, procedures or reviews which may vary according to the purpose for which a particular review is being conducted or the type of project reviewed and which are required to carry out the provisions and purposes of this Act. Policies and procedures of the State Board shall take into consideration the priorities and needs of medically underserved areas and other health care services identified through the comprehensive health planning process, giving special consideration to the impact of projects on access to safety net services.

(2) Adopt procedures for public notice and hearing on all proposed rules, regulations, standards, criteria, and plans required to carry out the provisions of this Act.

(3) (Blank).

(4) Develop criteria and standards for health care facilities planning, conduct statewide inventories of health care facilities, maintain an updated inventory on the Board's web site reflecting the most recent bed and service changes and updated need determinations when new census data become available or new need formulae are adopted, and develop health care facility plans which shall be utilized in the review of applications for permit under this Act. Such health facility plans shall be coordinated by the Board with pertinent State Plans. Inventories pursuant to this Section of skilled or intermediate care facilities licensed under the Nursing Home Care Act, skilled or intermediate care facilities licensed under the ID/DD Community Care Act, skilled or intermediate care facilities licensed under the MC/DD Act, facilities licensed under the Specialized Mental Health Rehabilitation Act of 2013, or nursing homes licensed under the Hospital Licensing Act shall be conducted on an annual basis no later than July 1 of each year and shall include among the information requested a list of all services provided by a facility to its residents and to the community at large and differentiate between active and inactive beds.

In developing health care facility plans, the State Board shall consider, but shall not be limited to, the following:

(a) The size, composition and growth of the population of the area to be served;

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(b) The number of existing and planned facilities offering similar programs;
(c) The extent of utilization of existing facilities;
(d) The availability of facilities which may serve as alternatives or substitutes;
(e) The availability of personnel necessary to the operation of the facility;
(f) Multi-institutional planning and the establishment of multi-institutional systems where feasible;
(g) The financial and economic feasibility of proposed construction or modification; and
(h) In the case of health care facilities established by a religious body or denomination, the needs of the members of such religious body or denomination may be considered to be public need.

The health care facility plans which are developed and adopted in accordance with this Section shall form the basis for the plan of the State to deal most effectively with statewide health needs in regard to health care facilities.

(5) Coordinate with the Center for Comprehensive Health Planning and other state agencies having responsibilities affecting health care facilities, including those of licensure and cost reporting. Beginning no later than January 1, 2013, the Department of Public Health shall produce a written annual report to the Governor and the General Assembly regarding the development of the Center for Comprehensive Health Planning. The Chairman of the State Board and the State Board Administrator shall also receive a copy of the annual report.

(6) Solicit, accept, hold and administer on behalf of the State any grants or bequests of money, securities or property for use by the State Board or Center for Comprehensive Health Planning in the administration of this Act; and enter into contracts consistent with the appropriations for purposes enumerated in this Act.

(7) The State Board shall prescribe procedures for review, standards, and criteria which shall be utilized to make periodic reviews and determinations of the appropriateness of any existing health services being rendered by health care facilities subject to the Act. The State Board shall consider recommendations of the Board in making its determinations.
(8) Prescribe, in consultation with the Center for Comprehensive Health Planning, rules, regulations, standards, and criteria for the conduct of an expeditious review of applications for permits for projects of construction or modification of a health care facility, which projects are classified as emergency, substantive, or non-substantive in nature.

Six months after June 30, 2009 (the effective date of Public Act 96-31), substantive projects shall include no more than the following:

(a) Projects to construct (1) a new or replacement facility located on a new site or (2) a replacement facility located on the same site as the original facility and the cost of the replacement facility exceeds the capital expenditure minimum, which shall be reviewed by the Board within 120 days;

(b) Projects proposing a (1) new service within an existing healthcare facility or (2) discontinuation of a service within an existing healthcare facility, which shall be reviewed by the Board within 60 days; or

(c) Projects proposing a change in the bed capacity of a health care facility by an increase in the total number of beds or by a redistribution of beds among various categories of service or by a relocation of beds from one physical facility or site to another by more than 20 beds or more than 10% of total bed capacity, as defined by the State Board, whichever is less, over a 2-year period.

The Chairman may approve applications for exemption that meet the criteria set forth in rules or refer them to the full Board. The Chairman may approve any unopposed application that meets all of the review criteria or refer them to the full Board.

Such rules shall not abridge the right of the Center for Comprehensive Health Planning to make recommendations on the classification and approval of projects, nor shall such rules prevent the conduct of a public hearing upon the timely request of an interested party. Such reviews shall not exceed 60 days from the date the application is declared to be complete.

(9) Prescribe rules, regulations, standards, and criteria pertaining to the granting of permits for construction and modifications which are emergent in nature and must be undertaken immediately to prevent or correct structural deficiencies or hazardous conditions that may harm or injure persons using the facility, as defined in the rules and regulations of the State Board. This procedure is exempt from public hearing requirements of this Act.

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(10) Prescribe rules, regulations, standards and criteria for the conduct of an expeditious review, not exceeding 60 days, of applications for permits for projects to construct or modify health care facilities which are needed for the care and treatment of persons who have acquired immunodeficiency syndrome (AIDS) or related conditions.

(10.5) Provide its rationale when voting on an item before it at a State Board meeting in order to comply with subsection (b) of Section 3-108 of the Code of Civil Procedure.

(11) Issue written decisions upon request of the applicant or an adversely affected party to the Board. Requests for a written decision shall be made within 15 days after the Board meeting in which a final decision has been made. A "final decision" for purposes of this Act is the decision to approve or deny an application, or take other actions permitted under this Act, at the time and date of the meeting that such action is scheduled by the Board. The transcript of the State Board meeting shall be incorporated into the Board's final decision. The staff of the Board shall prepare a written copy of the final decision and the Board shall approve a final copy for inclusion in the formal record. The Board shall consider, for approval, the written draft of the final decision no later than the next scheduled Board meeting. The written decision shall identify the applicable criteria and factors listed in this Act and the Board's regulations that were taken into consideration by the Board when coming to a final decision. If the Board denies or fails to approve an application for permit or exemption, the Board shall include in the final decision a detailed explanation as to why the application was denied and identify what specific criteria or standards the applicant did not fulfill.

(12) Require at least one of its members to participate in any public hearing, after the appointment of a majority of the members to the Board.

(13) Provide a mechanism for the public to comment on, and request changes to, draft rules and standards.

(14) Implement public information campaigns to regularly inform the general public about the opportunity for public hearings and public hearing procedures.

(15) Establish a separate set of rules and guidelines for long-term care that recognizes that nursing homes are a different business line and service model from other regulated facilities. An open and transparent process shall be developed that considers the following: how skilled nursing fits in the continuum of care with other care providers, modernization of nursing homes, establishment of more private rooms,

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development of alternative services, and current trends in long-term care services. The Chairman of the Board shall appoint a permanent Health Services Review Board Long-term Care Facility Advisory Subcommittee that shall develop and recommend to the Board the rules to be established by the Board under this paragraph (15). The Subcommittee shall also provide continuous review and commentary on policies and procedures relative to long-term care and the review of related projects. The Subcommittee shall make recommendations to the Board no later than January 1, 2016 and every January thereafter pursuant to the Subcommittee's responsibility for the continuous review and commentary on policies and procedures relative to long-term care. In consultation with other experts from the health field of long-term care, the Board and the Subcommittee shall study new approaches to the current bed need formula and Health Service Area boundaries to encourage flexibility and innovation in design models reflective of the changing long-term care marketplace and consumer preferences and submit its recommendations to the Chairman of the Board no later than January 1, 2017. The Subcommittee shall evaluate, and make recommendations to the State Board regarding, the buying, selling, and exchange of beds between long-term care facilities within a specified geographic area or drive time. The Board shall file the proposed related administrative rules for the separate rules and guidelines for long-term care required by this paragraph (15) by no later than September 30, 2011. The Subcommittee shall be provided a reasonable and timely opportunity to review and comment on any review, revision, or updating of the criteria, standards, procedures, and rules used to evaluate project applications as provided under Section 12.3 of this Act.

The Chairman of the Board shall appoint voting members of the Subcommittee, who shall serve for a period of 3 years, with one-third of the terms expiring each January, to be determined by lot. Appointees shall include, but not be limited to, recommendations from each of the 3 statewide long-term care associations, with an equal number to be appointed from each. Compliance with this provision shall be through the appointment and reappointment process. All appointees serving as of April 1, 2015 shall serve to the end of their term as determined by lot or until the appointee voluntarily resigns, whichever is earlier.

One representative from the Department of Public Health, the Department of Healthcare and Family Services, the Department on Aging, and the Department of Human Services may each serve as an ex-officio

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non-voting member of the Subcommittee. The Chairman of the Board shall select a Subcommittee Chair, who shall serve for a period of 3 years.

(16) Prescribe the format of the State Board Staff Report. A State Board Staff Report shall pertain to applications that include, but are not limited to, applications for permit or exemption, applications for permit renewal, applications for extension of the obligation period, applications requesting a declaratory ruling, or applications under the Health Care Worker Self-Referral Act. State Board Staff Reports shall compare applications to the relevant review criteria under the Board's rules.

(17) Establish a separate set of rules and guidelines for facilities licensed under the Specialized Mental Health Rehabilitation Act of 2013. An application for the re-establishment of a facility in connection with the relocation of the facility shall not be granted unless the applicant has a contractual relationship with at least one hospital to provide emergency and inpatient mental health services required by facility consumers, and at least one community mental health agency to provide oversight and assistance to facility consumers while living in the facility, and appropriate services, including case management, to assist them to prepare for discharge and reside stably in the community thereafter. No new facilities licensed under the Specialized Mental Health Rehabilitation Act of 2013 shall be established after June 16, 2014 (the effective date of Public Act 98-651) except in connection with the relocation of an existing facility to a new location. An application for a new location shall not be approved unless there are adequate community services accessible to the consumers within a reasonable distance, or by use of public transportation, so as to facilitate the goal of achieving maximum individual self-care and independence. At no time shall the total number of authorized beds under this Act in facilities licensed under the Specialized Mental Health Rehabilitation Act of 2013 exceed the number of authorized beds on June 16, 2014 (the effective date of Public Act 98-651).

(Source: P.A. 98-414, eff. 1-1-14; 98-463, eff. 8-16-13; 98-651, eff. 6-16-14; 98-1086, eff. 8-26-14; 99-78, eff. 7-20-15; 99-114, eff. 7-23-15; 99-180, eff. 7-29-15; 99-277, eff. 8-5-15; revised 10-15-15.)

(20 ILCS 3960/12.2)

(Section scheduled to be repealed on December 31, 2019)

Sec. 12.2. Powers of the State Board staff. For purposes of this Act, the staff shall exercise the following powers and duties:

New matter indicated by italics - deletions by strikeout
(1) Review applications for permits and exemptions in accordance with the standards, criteria, and plans of need established by the State Board under this Act and certify its finding to the State Board.

(1.5) Post the following on the Board's web site: relevant (i) rules, (ii) standards, (iii) criteria, (iv) State norms, (v) references used by Board staff in making determinations about whether application criteria are met, and (vi) notices of project-related filings, including notice of public comments related to the application.

(2) Charge and collect an amount determined by the State Board and the staff to be reasonable fees for the processing of applications by the State Board. The State Board shall set the amounts by rule. Application fees for continuing care retirement communities, and other health care models that include regulated and unregulated components, shall apply only to those components subject to regulation under this Act. All fees and fines collected under the provisions of this Act shall be deposited into the Illinois Health Facilities Planning Fund to be used for the expenses of administering this Act.

(2.1) Publish the following reports on the State Board website:

(A) An annual accounting, aggregated by category and with names of parties redacted, of fees, fines, and other revenue collected as well as expenses incurred, in the administration of this Act.

(B) An annual report, with names of the parties redacted, that summarizes all settlement agreements entered into with the State Board that resolve an alleged instance of noncompliance with State Board requirements under this Act.

(C) A monthly report that includes the status of applications and recommendations regarding updates to the standard, criteria, or the health plan as appropriate.

(D) Board reports showing the degree to which an application conforms to the review standards, a summation of relevant public testimony, and any additional information that staff wants to communicate.

(3) Coordinate with other State agencies having responsibilities affecting health care facilities, including the Center for Comprehensive Health Planning and those of licensure and cost reporting agencies.

(Source: P.A. 98-1086, eff. 8-26-14.)

(20 ILCS 3960/12.3)

(Section scheduled to be repealed on December 31, 2019)
Sec. 12.3. Revision of criteria, standards, and rules. At least every 2 years, the State Board shall review, revise, and update the criteria, standards, and rules used to evaluate applications for permit. To the extent practicable, the criteria, standards, and rules shall be based on objective criteria using the inventory and recommendations of the Comprehensive Health Plan for guidance. The Board may appoint temporary advisory committees made up of experts with professional competence in the subject matter of the proposed standards or criteria to assist in the development of revisions to standards and criteria. In particular, the review of the criteria, standards, and rules shall consider:

1. Whether the criteria and standards reflect current industry standards and anticipated trends.
2. Whether the criteria and standards can be reduced or eliminated.
3. Whether criteria and standards can be developed to authorize the construction of unfinished space for future use when the ultimate need for such space can be reasonably projected.
4. Whether the criteria and standards take into account issues related to population growth and changing demographics in a community.
5. Whether facility-defined service and planning areas should be recognized.
6. Whether categories of service that are subject to review should be re-evaluated, including provisions related to structural, functional, and operational differences between long-term care facilities and acute care facilities and that allow routine changes of ownership, facility sales, and closure requests to be processed on a more timely basis.

(Source: P.A. 96-31, eff. 6-30-09.)
(20 ILCS 3960/14.1)
Sec. 14.1. Denial of permit; other sanctions.
(a) The State Board may deny an application for a permit or may revoke or take other action as permitted by this Act with regard to a permit as the State Board deems appropriate, including the imposition of fines as set forth in this Section, for any one or a combination of the following:
1. The acquisition of major medical equipment without a permit or in violation of the terms of a permit.

New matter indicated by italics - deletions by strikeout
(2) The establishment, construction, modification, or change of ownership of a health care facility without a permit or exemption or in violation of the terms of a permit.

(3) The violation of any provision of this Act or any rule adopted under this Act.

(4) The failure, by any person subject to this Act, to provide information requested by the State Board or Agency within 30 days after a formal written request for the information.

(5) The failure to pay any fine imposed under this Section within 30 days of its imposition.

(a-5) For facilities licensed under the ID/DD Community Care Act, no permit shall be denied on the basis of prior operator history, other than for actions specified under item (2), (4), or (5) of Section 3-117 of the ID/DD Community Care Act. For facilities licensed under the MC/DD Act, no permit shall be denied on the basis of prior operator history, other than for actions specified under item (2), (4), or (5) of Section 3-117 of the MC/DD Act. For facilities licensed under the Specialized Mental Health Rehabilitation Act of 2013, no permit shall be denied on the basis of prior operator history, other than for actions specified under subsections (a) and (b) item (2), (4), or (5) of Section 4-109 3-117 of the Specialized Mental Health Rehabilitation Act of 2013. For facilities licensed under the Nursing Home Care Act, no permit shall be denied on the basis of prior operator history, other than for: (i) actions specified under item (2), (3), (4), (5), or (6) of Section 3-117 of the Nursing Home Care Act; (ii) actions specified under item (a)(6) of Section 3-119 of the Nursing Home Care Act; or (iii) actions within the preceding 5 years constituting a substantial and repeated failure to comply with the Nursing Home Care Act or the rules and regulations adopted by the Department under that Act. The State Board shall not deny a permit on account of any action described in this subsection (a-5) without also considering all such actions in the light of all relevant information available to the State Board, including whether the permit is sought to substantially comply with a mandatory or voluntary plan of correction associated with any action described in this subsection (a-5).

(b) Persons shall be subject to fines as follows:

(1) A permit holder who fails to comply with the requirements of maintaining a valid permit shall be fined an amount not to exceed 1% of the approved permit amount plus an
additional 1% of the approved permit amount for each 30-day period, or fraction thereof, that the violation continues.

(2) A permit holder who alters the scope of an approved project or whose project costs exceed the allowable permit amount without first obtaining approval from the State Board shall be fined an amount not to exceed the sum of (i) the lesser of $25,000 or 2% of the approved permit amount and (ii) in those cases where the approved permit amount is exceeded by more than $1,000,000, an additional $20,000 for each $1,000,000, or fraction thereof, in excess of the approved permit amount.

(2.5) A permit holder who fails to comply with the post-permit and reporting requirements set forth in Sections 5 and 8.5 shall be fined an amount not to exceed $10,000 plus an additional $10,000 for each 30-day period, or fraction thereof, that the violation continues. This fine shall continue to accrue until the date that (i) the post-permit requirements are met and the post-permit or post-exemption reports are received by the State Board or (ii) the matter is referred by the State Board to the State Board's legal counsel. The accrued fine is not waived by the permit holder submitting the required information and reports. Prior to any fine beginning to accrue, the Board shall notify, in writing, a permit holder of the due date for the post-permit and reporting requirements no later than 30 days before the due date for the requirements. This paragraph (2.5) takes effect 6 months after August 27, 2012 (the effective date of Public Act 97-1115).

(3) A person who acquires major medical equipment or who establishes a category of service without first obtaining a permit or exemption, as the case may be, shall be fined an amount not to exceed $10,000 for each such acquisition or category of service established plus an additional $10,000 for each 30-day period, or fraction thereof, that the violation continues.

(4) A person who constructs, modifies, establishes, or changes ownership of a health care facility without first obtaining a permit or exemption shall be fined an amount not to exceed $25,000 plus an additional $25,000 for each 30-day period, or fraction thereof, that the violation continues.

(5) A person who discontinues a health care facility or a category of service without first obtaining a permit or exemption shall be fined an amount not to exceed $10,000 plus an additional

New matter indicated by italics - deletions by strikeout
$10,000 for each 30-day period, or fraction thereof, that the violation continues. For purposes of this subparagraph (5), facilities licensed under the Nursing Home Care Act, the ID/DD Community Care Act, or the MC/DD Act, with the exceptions of facilities operated by a county or Illinois Veterans Homes, are exempt from this permit requirement. However, facilities licensed under the Nursing Home Care Act, the ID/DD Community Care Act, or the MC/DD Act must comply with Section 3-423 of the Nursing Home Care Act, Section 3-423 of the ID/DD Community Care Act, or Section 3-423 of the MC/DD Act and must provide the Board and the Department of Human Services with 30 days' written notice of their intent to close. Facilities licensed under the ID/DD Community Care Act or the MC/DD Act also must provide the Board and the Department of Human Services with 30 days' written notice of their intent to reduce the number of beds for a facility.

(6) A person subject to this Act who fails to provide information requested by the State Board or Agency within 30 days of a formal written request shall be fined an amount not to exceed $1,000 plus an additional $1,000 for each 30-day period, or fraction thereof, that the information is not received by the State Board or Agency.

(b-5) The State Board may accept in-kind services instead of or in combination with the imposition of a fine. This authorization is limited to cases where the non-compliant individual or entity has waived the right to an administrative hearing or opportunity to appear before the Board regarding the non-compliant matter.

(c) Before imposing any fine authorized under this Section, the State Board shall afford the person or permit holder, as the case may be, an appearance before the State Board and an opportunity for a hearing before a hearing officer appointed by the State Board. The hearing shall be conducted in accordance with Section 10. Requests for an appearance before the State Board must be made within 30 days after receiving notice that a fine will be imposed.

(d) All fines collected under this Act shall be transmitted to the State Treasurer, who shall deposit them into the Illinois Health Facilities Planning Fund.

(e) Fines imposed under this Section shall continue to accrue until:

(i) the date that the matter is referred by the State Board to the Board's
legal counsel; or (ii) the date that the health care facility becomes compliant with the Act, whichever is earlier.
(Source: P.A. 98-463, eff. 8-16-13; 99-114, eff. 7-23-15; 99-180, eff. 7-29-15; revised 10-14-15.)
(20 ILCS 3960/19.5)
(Section scheduled to be repealed on December 31, 2019 and as provided internally)
Sec. 19.5. Audit. Twenty-four months after the last member of the 9-member Board is appointed, as required under this amendatory Act of the 96th General Assembly, and 36 months thereafter, the Auditor General shall commence a performance audit of the Center for Comprehensive Health Planning; State Board; and the Certificate of Need processes to determine:

1. whether progress is being made to develop a Comprehensive Health Plan and whether resources are sufficient to meet the goals of the Center for Comprehensive Health Planning;
2. whether changes to the Certificate of Need processes are being implemented effectively, as well as their impact, if any, on access to safety net services; and
3. whether fines and settlements are fair, consistent, and in proportion to the degree of violations.
The Auditor General must report on the results of the audit to the General Assembly.
This Section is repealed when the Auditor General files his or her report with the General Assembly.
(Source: P.A. 96-31, eff. 6-30-09.)
(20 ILCS 2310/2310-217 rep.)
Section 15. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by repealing Section 2310-217.
Approved July 8, 2016.
Effective January 1, 2017.
PUBLIC ACT 99-0528
(House Bill No. 4558)

AN ACT concerning wildlife.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The Wildlife Code is amended by changing Section 2.24
as follows:
(520 ILCS 5/2.24) (from Ch. 61, par. 2.24)
Sec. 2.24. It shall be unlawful to take or possess deer in this State,
except in compliance with the provisions of Sections 2.25, 2.26, and 3.23
and subsections (a), (g), (n), (r), (t), (w), and (y) of Section 2.33, and the
administrative rules issued under the provisions of those Sections. It is
unlawful for any person to knowingly take any all-white whitetail deer
(Odocoileus virginianus) in this State at any time.
(Source: P.A. 91-357, eff. 7-29-99.)
Section 99. Effective date. This Act takes effect upon becoming
law.
Passed in the General Assembly May 24, 2016.
Approved July 8, 2016.
Effective July 8, 2016.

PUBLIC ACT 99-0529
(House Bill No. 4688)

AN ACT concerning the environment.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The Public Water Supply Regulation Act is amended by
changing Section 7a as follows:
(415 ILCS 40/7a) (from Ch. 111 1/2, par. 121g1)
Sec. 7a. In order to protect the dental health of all citizens,
especially children, the owners or official custodians of public water
supplies shall be in compliance with the Department shall promulgate
rules to provide for the addition of fluoride to public water supplies by the
owners or official custodians thereof. Such rules shall incorporate the
recommendations on optimal fluoridation for community water levels as
proposed and adopted by the U.S. Department of Health and Human
Services and the Centers for Disease Control and Prevention and the

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rules and regulations adopted by the Illinois Environmental Protection Agency and the Pollution Control Board.
(Source: P.A. 97-43, eff. 6-28-11.)

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

Passed in the General Assembly May 29, 2016.
Approved July 8, 2016.
Effective July 8, 2016.

PUBLIC ACT 99-0530
(House Bill No. 4826)

AN ACT concerning aging.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Adult Protective Services Act is amended by changing Section 15 as follows:
(320 ILCS 20/15)
Sec. 15. Fatality Review Teams.
(a) State policy.

(1) Both the State and the community maintain a commitment to preventing the abuse, neglect, and financial exploitation of at-risk adults. This includes a charge to bring perpetrators of crimes against at-risk adults to justice and prevent untimely deaths in the community.

(2) When an at-risk adult dies, the response to the death by the community, law enforcement, and the State must include an accurate and complete determination of the cause of death, and the development and implementation of measures to prevent future deaths from similar causes.

(3) Multidisciplinary and multi-agency reviews of deaths can assist the State and counties in developing a greater understanding of the incidence and causes of premature deaths and the methods for preventing those deaths, improving methods for investigating deaths, and identifying gaps in services to at-risk adults.

(4) Access to information regarding the deceased person and his or her family by multidisciplinary and multi-agency fatality...
review teams is necessary in order to fulfill their purposes and duties.

(a-5) Definitions. As used in this Section:


"Review Team" means a regional interagency fatality review team.

(b) The Director, in consultation with the Advisory Council, law enforcement, and other professionals who work in the fields of investigating, treating, or preventing abuse or neglect of at-risk adults, shall appoint members to a minimum of one review team in each of the Department's planning and service areas. Each member of a review team shall be appointed for a 2-year term and shall be eligible for reappointment upon the expiration of the term. A review team's purpose in conducting review of at-risk adult deaths is: (i) to assist local agencies in identifying and reviewing suspicious deaths of adult victims of alleged, suspected, or substantiated abuse or neglect in domestic living situations; (ii) to facilitate communications between officials responsible for autopsies and inquests and persons involved in reporting or investigating alleged or suspected cases of abuse, neglect, or financial exploitation of at-risk adults and persons involved in providing services to at-risk adults; (iii) to evaluate means by which the death might have been prevented; and (iv) to report its findings to the appropriate agencies and the Advisory Council and make recommendations that may help to reduce the number of at-risk adult deaths caused by abuse and neglect and that may help to improve the investigations of deaths of at-risk adults and increase prosecutions, if appropriate.

(b-5) Each such team shall be composed of representatives of entities and individuals including, but not limited to:

1. the Department on Aging;
2. coroners or medical examiners (or both);
3. State's Attorneys;
4. local police departments;
5. forensic units;
6. local health departments;
7. a social service or health care agency that provides services to persons with mental illness, in a program whose accreditation to provide such services is recognized by the Division of Mental Health within the Department of Human Services;

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(8) a social service or health care agency that provides services to persons with developmental disabilities, in a program whose accreditation to provide such services is recognized by the Division of Developmental Disabilities within the Department of Human Services;

(9) a local hospital, trauma center, or provider of emergency medicine;

(10) providers of services for eligible adults in domestic living situations; and

(11) a physician, psychiatrist, or other health care provider knowledgeable about abuse and neglect of at-risk adults.

(c) A review team shall review cases of deaths of at-risk adults occurring in its planning and service area (i) involving blunt force trauma or an undetermined manner or suspicious cause of death; (ii) if requested by the deceased's attending physician or an emergency room physician; (iii) upon referral by a health care provider; (iv) upon referral by a coroner or medical examiner; (v) constituting an open or closed case from an adult protective services agency, law enforcement agency, State's Attorney's office, or the Department of Human Services' Office of the Inspector General that involves alleged or suspected abuse, neglect, or financial exploitation; or (vi) upon referral by a law enforcement agency or State's Attorney's office. If such a death occurs in a planning and service area where a review team has not yet been established, the Director shall request that the Advisory Council or another review team review that death. A team may also review deaths of at-risk adults if the alleged abuse or neglect occurred while the person was residing in a domestic living situation.

A review team shall meet not less than 4 times a year to discuss cases for its possible review. Each review team, with the advice and consent of the Department, shall establish criteria to be used in discussing cases of alleged, suspected, or substantiated abuse or neglect for review and shall conduct its activities in accordance with any applicable policies and procedures established by the Department.

(c-5) The Illinois Fatality Review Team Advisory Council, consisting of one member from each review team in Illinois, shall be the coordinating and oversight body for review teams and activities in Illinois. The Director may appoint to the Advisory Council any ex-officio members deemed necessary. Persons with expertise needed by the Advisory Council may be invited to meetings. The Advisory Council must select from its

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members a chairperson and a vice-chairperson, each to serve a 2-year term. The chairperson or vice-chairperson may be selected to serve additional, subsequent terms. The Advisory Council must meet at least 4 times during each calendar year.

The Department may provide or arrange for the staff support necessary for the Advisory Council to carry out its duties. The Director, in cooperation and consultation with the Advisory Council, shall appoint, reappoint, and remove review team members.

The Advisory Council has, but is not limited to, the following duties:

(1) To serve as the voice of review teams in Illinois.
(2) To oversee the review teams in order to ensure that the review teams' work is coordinated and in compliance with State statutes and the operating protocol.
(3) To ensure that the data, results, findings, and recommendations of the review teams are adequately used in a timely manner to make any necessary changes to the policies, procedures, and State statutes in order to protect at-risk adults.
(4) To collaborate with the Department in order to develop any legislation needed to prevent unnecessary deaths of at-risk adults.
(5) To ensure that the review teams' review processes are standardized in order to convey data, findings, and recommendations in a usable format.
(6) To serve as a link with review teams throughout the country and to participate in national review team activities.
(7) To provide the review teams with the most current information and practices concerning at-risk adult death review and related topics.
(8) To perform any other functions necessary to enhance the capability of the review teams to reduce and prevent at-risk adult fatalities.

The Advisory Council may prepare an annual report, in consultation with the Department, using aggregate data gathered by review teams and using the review teams' recommendations to develop education, prevention, prosecution, or other strategies designed to improve the coordination of services for at-risk adults and their families.

In any instance where a review team does not operate in accordance with established protocol, the Director, in consultation and
cooperation with the Advisory Council, must take any necessary actions to bring the review team into compliance with the protocol.

(d) Any document or oral or written communication shared within or produced by the review team relating to a case discussed or reviewed by the review team is confidential and is not admissible as evidence in any civil or criminal proceeding, except for use by a State's Attorney's office in prosecuting a criminal case against a caregiver. Those records and information are, however, subject to discovery or subpoena, and are admissible as evidence, to the extent they are otherwise available to the public.

Any document or oral or written communication provided to a review team by an individual or entity, and created by that individual or entity solely for the use of the review team, is confidential, is not subject to disclosure to or discoverable by another party, and is not admissible as evidence in any civil or criminal proceeding, except for use by a State's Attorney's office in prosecuting a criminal case against a caregiver. Those records and information are, however, subject to discovery or subpoena, and are admissible as evidence, to the extent they are otherwise available to the public.

Each entity or individual represented on the fatality review team may share with other members of the team information in the entity's or individual's possession concerning the decedent who is the subject of the review or concerning any person who was in contact with the decedent, as well as any other information deemed by the entity or individual to be pertinent to the review. Any such information shared by an entity or individual with other members of the review team is confidential. The intent of this paragraph is to permit the disclosure to members of the review team of any information deemed confidential or privileged or prohibited from disclosure by any other provision of law. Release of confidential communication between domestic violence advocates and a domestic violence victim shall follow subsection (d) of Section 227 of the Illinois Domestic Violence Act of 1986 which allows for the waiver of privilege afforded to guardians, executors, or administrator of the estate of the domestic violence victim. This provision relating to the release of confidential communication between domestic violence advocates and a domestic violence victim shall exclude adult protective service providers.

A coroner's or medical examiner's office may share with the review team medical records that have been made available to the coroner's or
medical examiner's office in connection with that office's investigation of a death.

Members of a review team and the Advisory Council are not subject to examination, in any civil or criminal proceeding, concerning information presented to members of the review team or the Advisory Council or opinions formed by members of the review team or the Advisory Council based on that information. A person may, however, be examined concerning information provided to a review team or the Advisory Council.

(d-5) Meetings of the review teams and the Advisory Council may be closed to the public under the Open Meetings Act. Records and information provided to a review team and the Advisory Council, and records maintained by a team or the Advisory Council, are exempt from release under the Freedom of Information Act.

(e) A review team's recommendation in relation to a case discussed or reviewed by the review team, including, but not limited to, a recommendation concerning an investigation or prosecution, may be disclosed by the review team upon the completion of its review and at the discretion of a majority of its members who reviewed the case.

(e-5) The State shall indemnify and hold harmless members of a review team and the Advisory Council for all their acts, omissions, decisions, or other conduct arising out of the scope of their service on the review team or Advisory Council, except those involving willful or wanton misconduct. The method of providing indemnification shall be as provided in the State Employee Indemnification Act.

(f) The Department, in consultation with coroners, medical examiners, and law enforcement agencies, shall use aggregate data gathered by and recommendations from the Advisory Council and the review teams to create an annual report and may use those data and recommendations to develop education, prevention, prosecution, or other strategies designed to improve the coordination of services for at-risk adults and their families. The Department or other State or county agency, in consultation with coroners, medical examiners, and law enforcement agencies, also may use aggregate data gathered by the review teams to create a database of at-risk individuals.

(g) The Department shall adopt such rules and regulations as it deems necessary to implement this Section.

(Source: P.A. 98-49, eff. 7-1-13; 98-1039, eff. 8-25-14; 99-78, eff. 7-20-15.)

New matter indicated by italics - deletions by strikeout
AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The School Code is amended by changing Section 34-210 as follows:
(105 ILCS 5/34-210)
Sec. 34-210. The Educational Facility Master Plan.
(a) In accordance with the schedule set forth in this Article, the
chief executive officer or his or her designee shall prepare a 10-year
educational facility master plan every 5 years, with updates 2 1/2 years
after the approval of the initial 10-year plan, with the first such educational
facility master plan to be approved on or before October 1, 2013.
(b) The educational facility master plan shall provide community
area level plans and individual school master plans with options for
addressing the facility and space needs for each facility operated by the
district over a 10-year period.
(c) The data, information, and analysis that shall inform the
educational facility master plan shall be published on the district's Internet
website and shall include the following:
(1) a description of the district's guiding educational goals
and standards;
(2) a brief description of the types of instructional programs
and services delivered in each school;
(3) a description of the process, procedure, and timeline for
community participation in the development of the plan;
(4) the enrollment capacity of each school and its rate of
utilization;
(5) a report on the assessment of individual building and
site conditions;
(6) a data table with historical and projected enrollment
data by school by grade;

New matter indicated by italics - deletions by strikeout
(7) community analysis, including a study of current and projected demographics, land usage, transportation plans, residential housing and commercial development, private schools, plans for water and sewage service expansion or redevelopment, and institutions of higher education;

(8) an analysis of the facility needs and requirements of the district; and

(9) identification of potential sources of funding for the implementation of the Educational Facility Master Plan.

(d) On or before May 1, 2013, the chief executive officer or his or her designee shall prepare and distribute for comment a preliminary draft of the Educational Facility Master Plan. The draft plan shall be distributed to the City of Chicago, the County of Cook, the Chicago Park District, the Chicago Housing Authority, the Chicago Transit Authority, attendance centers operated by the district, and charter schools operating within the district. Each attendance center shall make the draft plan available to the local school council or alternative advisory body and to the parents, guardians, and staff of the school. The draft plan also shall be distributed to each State Senator and State Representative with a district in the City of Chicago, to the Mayor of the City of Chicago, and to each alderman of the City.

(e) The chief executive or his or her designee shall publish a procedure for conducting public hearings and submitting public comments on the draft plan.

(f) After consideration of public input on the draft plan, the chief executive officer or his or her designee shall prepare and publish a report describing the process used to incorporate public input in the development of the final plan to be recommended to the Board.

(g) The chief executive officer shall present the final plan and report to the Board for final consideration and approval.

(h) The final approved Educational Facility Master Plan shall be published on the district's website.

(i) No later than January 1, 2016, and every 5 years thereafter, the chief executive officer or his or her designee shall prepare and submit for public comment a draft revised Educational Facility Master Plan following the procedures required for development of the original plan.

(j) This proposed revised plan shall reflect the progress achieved during the first 2 1/2 years of the Educational Facility Master Plan.
PUBLIC ACT 99-0531

(Source: P.A. 97-473, eff. 1-1-12; 97-474, eff. 8-22-11; 97-1133, eff. 11-30-12.)

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

Approved July 8, 2016.
Effective July 8, 2016.

PUBLIC ACT 99-0532
(House Bill No. 5796)

AN ACT concerning fish.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Fish and Aquatic Life Code is amended by adding Section 10-150 as follows:
(515 ILCS 5/10-150 new)

Sec. 10-150. Fishing limits; private property. The limits established in this Article on the number and size of fish a person may take in a day do not apply to a person fishing in waters wholly within his or her private property.

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

Approved July 8, 2016.
Effective July 8, 2016.

PUBLIC ACT 99-0533
(House Bill No. 6325)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Unified Code of Corrections is amended by changing Section 5-8-8 as follows:
(730 ILCS 5/5-8-8)

Sec. 5-8-8. Illinois Sentencing Policy Advisory Council.

New matter indicated by italics - deletions by strikeout
(a) Creation. There is created under the jurisdiction of the Governor the Illinois Sentencing Policy Advisory Council, hereinafter referred to as the Council.

(b) Purposes and goals. The purpose of the Council is to review sentencing policies and practices and examine how these policies and practices impact the criminal justice system as a whole in the State of Illinois. In carrying out its duties, the Council shall be mindful of and aim to achieve the purposes of sentencing in Illinois, which are set out in Section 1-1-2 of this Code:

(1) prescribe sanctions proportionate to the seriousness of the offenses and permit the recognition of differences in rehabilitation possibilities among individual offenders;
(2) forbid and prevent the commission of offenses;
(3) prevent arbitrary or oppressive treatment of persons adjudicated offenders or delinquents; and
(4) restore offenders to useful citizenship.

(c) Council composition.

(1) The Council shall consist of the following members:

(A) the President of the Senate, or his or her designee;
(B) the Minority Leader of the Senate, or his or her designee;
(C) the Speaker of the House, or his or her designee;
(D) the Minority Leader of the House, or his or her designee;
(E) the Governor, or his or her designee;
(F) the Attorney General, or his or her designee;
(G) two retired judges, who may have been circuit, appellate, or supreme court judges; retired judges appointed prior to the effective date of this amendatory Act of the 98th General Assembly shall be selected by the members of the Council designated in clauses (c)(1)(A) through (L), and retired judges appointed on or after the effective date of this amendatory Act of the 98th General Assembly shall be appointed by the Chief Justice of the Illinois Supreme Court;
(G-5) (blank); two sitting judges, who may be circuit, appellate, or supreme court judges, appointed by the Chief Justice of the Supreme Court; one member appointed

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under this paragraph (G-5) shall be selected from the Circuit Court of Cook County or the First Judicial District, and one member appointed under this paragraph (G-5) shall be selected from a judicial circuit or district other than the Circuit Court of Cook County or the First Judicial District;

(H) the Cook County State's Attorney, or his or her designee;

(I) the Cook County Public Defender, or his or her designee;

(J) a State's Attorney not from Cook County, appointed by the State's Attorney's Appellate Prosecutor;

(K) the State Appellate Defender, or his or her designee;

(L) the Director of the Administrative Office of the Illinois Courts, or his or her designee;

(M) a victim of a violent felony or a representative of a crime victims' organization, selected by the members of the Council designated in clauses (c)(1)(A) through (L);

(N) a representative of a community-based organization, selected by the members of the Council designated in clauses (c)(1)(A) through (L);

(O) a criminal justice academic researcher, to be selected by the members of the Council designated in clauses (c)(1)(A) through (L);

(P) a representative of law enforcement from a unit of local government to be selected by the members of the Council designated in clauses (c)(1)(A) through (L);

(Q) a sheriff selected by the members of the Council designated in clauses (c)(1)(A) through (L); and

(R) ex-officio members shall include:

(i) the Director of Corrections, or his or her designee;

(ii) the Chair of the Prisoner Review Board, or his or her designee;

(iii) the Director of the Illinois State Police, or his or her designee; and

(iv) the Director of the Illinois Criminal Justice Information Authority, or his or her designee.

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The Chair and Vice Chair shall be elected from among its members by a majority of the members of the Council.

Members of the Council who serve because of their public office or position, or those who are designated as members by such officials, shall serve only as long as they hold such office or position.

Council members shall serve without compensation but shall be reimbursed for travel and per diem expenses incurred in their work for the Council.

The Council may exercise any power, perform any function, take any action, or do anything in furtherance of its purposes and goals upon the appointment of a quorum of its members. The term of office of each member of the Council ends on the date of repeal of this amendatory Act of the 96th General Assembly.

(d) Duties. The Council shall perform, as resources permit, duties including:

1. Collect and analyze information including sentencing data, crime trends, and existing correctional resources to support legislative and executive action affecting the use of correctional resources on the State and local levels.

2. Prepare criminal justice population projections annually, including correctional and community-based supervision populations.

3. Analyze data relevant to proposed sentencing legislation and its effect on current policies or practices, and provide information to support evidence-based sentencing.

4. Ensure that adequate resources and facilities are available for carrying out sentences imposed on offenders and that rational priorities are established for the use of those resources. To do so, the Council shall prepare criminal justice resource statements, identifying the fiscal and practical effects of proposed criminal sentencing legislation, including, but not limited to, the correctional population, court processes, and county or local government resources.

5. Perform such other studies or tasks pertaining to sentencing policies as may be requested by the Governor or the Illinois General Assembly.

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(6) Perform such other functions as may be required by law or as are necessary to carry out the purposes and goals of the Council prescribed in subsection (b).

e) Authority.

(1) The Council shall have the power to perform the functions necessary to carry out its duties, purposes and goals under this Act. In so doing, the Council shall utilize information and analysis developed by the Illinois Criminal Justice Information Authority, the Administrative Office of the Illinois Courts, and the Illinois Department of Corrections.

(2) Upon request from the Council, each executive agency and department of State and local government shall provide information and records to the Council in the execution of its duties.

f) Report. The Council shall report in writing annually to the General Assembly, the Illinois Supreme Court, and the Governor.

g) This Section is repealed on December 31, 2020.

(Source: P.A. 98-65, eff. 7-15-13; 99-101, eff. 7-22-15.)

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

Passed in the General Assembly May 29, 2016.
Approved July 8, 2016.
Effective July 8, 2016.

PUBLIC ACT 99-0534
(Senate Bill No. 1120)

AN ACT concerning criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 2012 is amended by changing Section 16-3 as follows:

(720 ILCS 5/16-3) (from Ch. 38, par. 16-3)

Sec. 16-3. Theft of labor or services or use of property.

(a) A person commits theft when he or she knowingly obtains the temporary use of property, labor or services of another which are available only for hire, by means of threat or deception or knowing that such use is without the consent of the person providing the property, labor or services. For the purposes of this subsection, library material is available for hire.

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(b) A person commits theft when after (1) renting or leasing a motor vehicle, (2) obtaining a motor vehicle through a "driveaway" service mode of transportation, (3) renting or leasing equipment exceeding $500 in value including tools, construction or industry equipment, and such items as linens, tableware, tents, tables, chairs and other equipment specially rented for a party or special event, or (4) renting or leasing any other type of personal property exceeding $500 in value, under an agreement in writing which provides for the return of the vehicle, equipment, or other personal property to a particular place at a particular time, he or she without good cause knowingly fails to return the vehicle, equipment, or other personal property to that place within the time specified, and is thereafter served or sent a written demand mailed to the last known address, made by certified mail return receipt requested, to return the such vehicle, equipment, or other personal property within 3 days from the mailing of the written demand, and who without good cause knowingly fails to return the vehicle, equipment, or any other personal property to any place of business of the lessor within the return period. The trier of fact may infer evidence that the person is without good cause if the person signs the agreement with a name or address other than his or her own.

(c) A person commits theft when he or she borrows from a library facility library material which has an aggregate value of $50 or more pursuant to an agreement with or procedure established by the library facility for the return of such library material, and knowingly without good cause fails to return the library material so borrowed in accordance with such agreement or procedure, and further knowingly without good cause fails to return such library material within 30 days after receiving written notice by certified mail from the library facility demanding the return of such library material.

(d) Sentence.

A person convicted of theft under subsection (a) is guilty of a Class A misdemeanor, except that the theft of library material where the aggregate value exceeds $300 is a Class 3 felony. A person convicted of theft under subsection (b) of this Section is guilty of a Class 4 felony. A person convicted of theft under subsection (c) is guilty of a petty offense for which the offender may be fined an amount not to exceed $500 and shall be ordered to reimburse the library for postage costs, attorney's fees, and actual replacement costs of the materials not returned, except that theft under subsection (c) where the aggregate value exceeds $300 is a Class 3

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felony. *In addition to any other penalty imposed, the court may order a person convicted under this Section to make restitution to the victim of the offense.*

For the purpose of sentencing on theft of library material, separate transactions totalling more than $300 within a 90-day period shall constitute a single offense.

(Source: P.A. 97-597, eff. 1-1-12.)

Passed in the General Assembly May 29, 2016.

Approved July 8, 2016.

Effective January 1, 2017.

**PUBLIC ACT 99-0535**

*(Senate Bill No. 2459)*

AN ACT concerning health.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Mental Health and Developmental Disabilities Code is amended by adding Section 2-107.4 as follows:

(405 ILCS 5/2-107.4 new)

Sec. 2-107.4. Video conferencing.

(a) The Illinois Supreme Court or any circuit court of this State may adopt rules permitting the use of video conferencing equipment in any hearing under Section 2-107.1 subject to the following conditions:

1. if the parties, including the respondent, and their attorneys, including the State's Attorney, are at a mental health facility, or some other location to which the respondent may be safely and conveniently transported, and the judge and any court personnel are in another location; or

2. if the respondent and his or her attorney are at a mental health facility or some other location to which the respondent may be safely and conveniently transported, and all of the other participants including the judge are in another location, if, and only if, agreed to by the respondent and the respondent's attorney.

(b) In any hearing under Section 2-107.1, any court may permit any witness, including a psychiatrist, to testify by video conferencing equipment from any location in the absence of a court rule specifically prohibiting that testimony.


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AN ACT concerning State government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Power Agency Act is amended by changing Sections 1-70, 1-75, 1-80, and 1-125 as follows:

(20 ILCS 3855/1-70)

Sec. 1-70. Agency officials.

(a) The Agency shall have a Director who meets the qualifications specified in Section 5-222 of the Civil Administrative Code of Illinois (20 ILCS 5/5-222).

(b) Within the Illinois Power Agency, the Agency shall establish a Planning and Procurement Bureau and may establish a Resource Development Bureau. Each Bureau shall report to the Director.

(c) The Chief of the Planning and Procurement Bureau shall be appointed by the Director, at the Director's sole discretion, and (i) shall have at least 5 years of direct experience in electricity supply planning and procurement and (ii) shall also hold an advanced degree in risk management, law, business, or a related field.

(d) The Chief of the Resource Development Bureau may be appointed by the Director and (i) shall have at least 5 years of direct experience in electric generating project development and (ii) shall also hold an advanced degree in economics, engineering, law, business, or a related field.

(e) The Director shall receive an annual salary of $100,000 or as set by the Compensation Review Board, whichever is higher. The Bureau Chiefs shall each receive an annual salary of $85,000 or as set by the Compensation Review Board, whichever is higher.

(f) The Director and Bureau Chiefs shall not, for 2 years prior to appointment or for 2 years after he or she leaves his or her position, be employed by an electric utility, independent power producer, power marketer, or alternative retail electric supplier regulated by the Commission or the Federal Energy Regulatory Commission.

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(g) The Director and Bureau Chiefs are prohibited from: (i) owning, directly or indirectly, 5% or more of the voting capital stock of an electric utility, independent power producer, power marketer, or alternative retail electric supplier; (ii) being in any chain of successive ownership of 5% or more of the voting capital stock of any electric utility, independent power producer, power marketer, or alternative retail electric supplier; (iii) receiving any form of compensation, fee, payment, or other consideration from an electric utility, independent power producer, power marketer, or alternative retail electric supplier, including legal fees, consulting fees, bonuses, or other sums. These limitations do not apply to any compensation received pursuant to a defined benefit plan or other form of deferred compensation, provided that the individual has otherwise severed all ties to the utility, power producer, power marketer, or alternative retail electric supplier.

(Source: P.A. 97-618, eff. 10-26-11.)

(20 ILCS 3855/1-75)

Sec. 1-75. Planning and Procurement Bureau. The Planning and Procurement Bureau has the following duties and responsibilities:

(a) The Planning and Procurement Bureau shall each year, beginning in 2008, develop procurement plans and conduct competitive procurement processes in accordance with the requirements of Section 16-111.5 of the Public Utilities Act for the eligible retail customers of electric utilities that on December 31, 2005 provided electric service to at least 100,000 customers in Illinois. The Planning and Procurement Bureau shall also develop procurement plans and conduct competitive procurement processes in accordance with the requirements of Section 16-111.5 of the Public Utilities Act for the eligible retail customers of small multi-jurisdictional electric utilities that (i) on December 31, 2005 served less than 100,000 customers in Illinois and (ii) request a procurement plan for their Illinois jurisdictional load. This Section shall not apply to a small multi-jurisdictional utility until such time as a small multi-jurisdictional utility requests the Agency to prepare a procurement plan for their Illinois jurisdictional load. For the purposes of this Section, the term "eligible retail customers" has the same definition as found in Section 16-111.5(a) of the Public Utilities Act.

(1) The Agency shall each year, beginning in 2008, as needed, issue a request for qualifications for experts or expert consulting firms to develop the procurement plans in accordance with the requirements of Section 16-111.5 of the Public Utilities Act for the eligible retail customers of electric utilities that on December 31, 2005 provided electric service to at least 100,000 customers in Illinois and for small multi-jurisdictional electric utilities that (i) on December 31, 2005 served less than 100,000 customers in Illinois and (ii) request a procurement plan for their Illinois jurisdictional load. This Section shall not apply to a small multi-jurisdictional utility until such time as a small multi-jurisdictional utility requests the Agency to prepare a procurement plan for their Illinois jurisdictional load. For the purposes of this Section, the term "eligible retail customers" has the same definition as found in Section 16-111.5(a) of the Public Utilities Act.

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with Section 16-111.5 of the Public Utilities Act. In order to
qualify an expert or expert consulting firm must have:

(A) direct previous experience assembling large-
scale power supply plans or portfolios for end-use
customers;
(B) an advanced degree in economics, mathematics,
engineering, risk management, or a related area of study;
(C) 10 years of experience in the electricity sector,
including managing supply risk;
(D) expertise in wholesale electricity market rules,
including those established by the Federal Energy
Regulatory Commission and regional transmission
organizations;
(E) expertise in credit protocols and familiarity with
contract protocols;
(F) adequate resources to perform and fulfill the
required functions and responsibilities; and
(G) the absence of a conflict of interest and
inappropriate bias for or against potential bidders or the
affected electric utilities.

(2) The Agency shall each year, as needed, issue a request
for qualifications for a procurement administrator to conduct the
competitive procurement processes in accordance with Section 16-
111.5 of the Public Utilities Act. In order to qualify an expert or
expert consulting firm must have:

(A) direct previous experience administering a
large-scale competitive procurement process;
(B) an advanced degree in economics, mathematics,
engineering, or a related area of study;
(C) 10 years of experience in the electricity sector,
including risk management experience;
(D) expertise in wholesale electricity market rules,
including those established by the Federal Energy
Regulatory Commission and regional transmission
organizations;
(E) expertise in credit and contract protocols;
(F) adequate resources to perform and fulfill the
required functions and responsibilities; and

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(G) the absence of a conflict of interest and inappropriate bias for or against potential bidders or the affected electric utilities.

(3) The Agency shall provide affected utilities and other interested parties with the lists of qualified experts or expert consulting firms identified through the request for qualifications processes that are under consideration to develop the procurement plans and to serve as the procurement administrator. The Agency shall also provide each qualified expert's or expert consulting firm's response to the request for qualifications. All information provided under this subparagraph shall also be provided to the Commission. The Agency may provide by rule for fees associated with supplying the information to utilities and other interested parties. These parties shall, within 5 business days, notify the Agency in writing if they object to any experts or expert consulting firms on the lists. Objections shall be based on:

(A) failure to satisfy qualification criteria;
(B) identification of a conflict of interest; or
(C) evidence of inappropriate bias for or against potential bidders or the affected utilities.

The Agency shall remove experts or expert consulting firms from the lists within 10 days if there is a reasonable basis for an objection and provide the updated lists to the affected utilities and other interested parties. If the Agency fails to remove an expert or expert consulting firm from a list, an objecting party may seek review by the Commission within 5 days thereafter by filing a petition, and the Commission shall render a ruling on the petition within 10 days. There is no right of appeal of the Commission's ruling.

(4) The Agency shall issue requests for proposals to the qualified experts or expert consulting firms to develop a procurement plan for the affected utilities and to serve as procurement administrator.

(5) The Agency shall select an expert or expert consulting firm to develop procurement plans based on the proposals submitted and shall award contracts of up to 5 years to those selected.

(6) The Agency shall select an expert or expert consulting firm, with approval of the Commission, to serve as procurement administrator.
administrator based on the proposals submitted. If the Commission rejects, within 5 days, the Agency's selection, the Agency shall submit another recommendation within 3 days based on the proposals submitted. The Agency shall award a 5-year contract to the expert or expert consulting firm so selected with Commission approval.

(b) The experts or expert consulting firms retained by the Agency shall, as appropriate, prepare procurement plans, and conduct a competitive procurement process as prescribed in Section 16-111.5 of the Public Utilities Act, to ensure adequate, reliable, affordable, efficient, and environmentally sustainable electric service at the lowest total cost over time, taking into account any benefits of price stability, for eligible retail customers of electric utilities that on December 31, 2005 provided electric service to at least 100,000 customers in the State of Illinois, and for eligible Illinois retail customers of small multi-jurisdictional electric utilities that (i) on December 31, 2005 served less than 100,000 customers in Illinois and (ii) request a procurement plan for their Illinois jurisdictional load.

(c) Renewable portfolio standard.

(1) The procurement plans shall include cost-effective renewable energy resources. A minimum percentage of each utility's total supply to serve the load of eligible retail customers, as defined in Section 16-111.5(a) of the Public Utilities Act, procured for each of the following years shall be generated from cost-effective renewable energy resources: at least 2% by June 1, 2008; at least 4% by June 1, 2009; at least 5% by June 1, 2010; at least 6% by June 1, 2011; at least 7% by June 1, 2012; at least 8% by June 1, 2013; at least 9% by June 1, 2014; at least 10% by June 1, 2015; and increasing by at least 1.5% each year thereafter to at least 25% by June 1, 2025. To the extent that it is available, at least 75% of the renewable energy resources used to meet these standards shall come from wind generation and, beginning on June 1, 2011, at least the following percentages of the renewable energy resources used to meet these standards shall come from photovoltaics on the following schedule: 0.5% by June 1, 2012, 1.5% by June 1, 2013; 3% by June 1, 2014; and 6% by June 1, 2015 and thereafter. Of the renewable energy resources procured pursuant to this Section, at least the following percentages shall come from distributed renewable energy generation devices: 0.5%
by June 1, 2013, 0.75% by June 1, 2014, and 1% by June 1, 2015 and thereafter. To the extent available, half of the renewable energy resources procured from distributed renewable energy generation shall come from devices of less than 25 kilowatts in nameplate capacity. Renewable energy resources procured from distributed generation devices may also count towards the required percentages for wind and solar photovoltaics. Procurement of renewable energy resources from distributed renewable energy generation devices shall be done on an annual basis through multi-year contracts of no less than 5 years, and shall consist solely of renewable energy credits.

The Agency shall create credit requirements for suppliers of distributed renewable energy. In order to minimize the administrative burden on contracting entities, the Agency shall solicit the use of third-party organizations to aggregate distributed renewable energy into groups of no less than one megawatt in installed capacity. These third-party organizations shall administer contracts with individual distributed renewable energy generation device owners. An individual distributed renewable energy generation device owner shall have the ability to measure the output of his or her distributed renewable energy generation device.

For purposes of this subsection (c), "cost-effective" means that the costs of procuring renewable energy resources do not cause the limit stated in paragraph (2) of this subsection (c) to be exceeded and do not exceed benchmarks based on market prices for renewable energy resources in the region, which shall be developed by the procurement administrator, in consultation with the Commission staff, Agency staff, and the procurement monitor and shall be subject to Commission review and approval.

(2) For purposes of this subsection (c), the required procurement of cost-effective renewable energy resources for a particular year shall be measured as a percentage of the actual amount of electricity (megawatt-hours) supplied by the electric utility to eligible retail customers in the planning year ending immediately prior to the procurement. For purposes of this subsection (c), the amount paid per kilowatthour means the total amount paid for electric service expressed on a per kilowatthour basis. For purposes of this subsection (c), the total amount paid for

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electric service includes without limitation amounts paid for supply, transmission, distribution, surcharges, and add-on taxes.

Notwithstanding the requirements of this subsection (c), the total of renewable energy resources procured pursuant to the procurement plan for any single year shall be reduced by an amount necessary to limit the annual estimated average net increase due to the costs of these resources included in the amounts paid by eligible retail customers in connection with electric service to:

(A) in 2008, no more than 0.5% of the amount paid per kilowatthour by those customers during the year ending May 31, 2007;

(B) in 2009, the greater of an additional 0.5% of the amount paid per kilowatthour by those customers during the year ending May 31, 2008 or 1% of the amount paid per kilowatthour by those customers during the year ending May 31, 2007;

(C) in 2010, the greater of an additional 0.5% of the amount paid per kilowatthour by those customers during the year ending May 31, 2009 or 1.5% of the amount paid per kilowatthour by those customers during the year ending May 31, 2007;

(D) in 2011, the greater of an additional 0.5% of the amount paid per kilowatthour by those customers during the year ending May 31, 2010 or 2% of the amount paid per kilowatthour by those customers during the year ending May 31, 2007; and

(E) thereafter, the amount of renewable energy resources procured pursuant to the procurement plan for any single year shall be reduced by an amount necessary to limit the estimated average net increase due to the cost of these resources included in the amounts paid by eligible retail customers in connection with electric service to no more than the greater of 2.015% of the amount paid per kilowatthour by those customers during the year ending May 31, 2007 or the incremental amount per kilowatthour paid for these resources in 2011.

No later than June 30, 2011, the Commission shall review the limitation on the amount of renewable energy

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resources procured pursuant to this subsection (c) and report to the General Assembly its findings as to whether that limitation unduly constrains the procurement of cost-effective renewable energy resources.

(3) Through June 1, 2011, renewable energy resources shall be counted for the purpose of meeting the renewable energy standards set forth in paragraph (1) of this subsection (c) only if they are generated from facilities located in the State, provided that cost-effective renewable energy resources are available from those facilities. If those cost-effective resources are not available in Illinois, they shall be procured in states that adjoin Illinois and may be counted towards compliance. If those cost-effective resources are not available in Illinois or in states that adjoin Illinois, they shall be purchased elsewhere and shall be counted towards compliance. After June 1, 2011, cost-effective renewable energy resources located in Illinois and in states that adjoin Illinois may be counted towards compliance with the standards set forth in paragraph (1) of this subsection (c). If those cost-effective resources are not available in Illinois or in states that adjoin Illinois, they shall be purchased elsewhere and shall be counted towards compliance.

(4) The electric utility shall retire all renewable energy credits used to comply with the standard.

(5) Beginning with the year commencing June 1, 2010, an electric utility subject to this subsection (c) shall apply the lesser of the maximum alternative compliance payment rate or the most recent estimated alternative compliance payment rate for its service territory for the corresponding compliance period, established pursuant to subsection (d) of Section 16-115D of the Public Utilities Act to its retail customers that take service pursuant to the electric utility's hourly pricing tariff or tariffs. The electric utility shall retain all amounts collected as a result of the application of the alternative compliance payment rate or rates to such customers, and, beginning in 2011, the utility shall include in the information provided under item (1) of subsection (d) of Section 16-111.5 of the Public Utilities Act the amounts collected under the alternative compliance payment rate or rates for the prior year ending May 31. Notwithstanding any limitation on the procurement of renewable energy resources imposed by item (2) of this subsection (c), the

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Agency shall increase its spending on the purchase of renewable energy resources to be procured by the electric utility for the next plan year by an amount equal to the amounts collected by the utility under the alternative compliance payment rate or rates in the prior year ending May 31. Beginning April 1, 2012, and each year thereafter, the Agency shall prepare a public report for the General Assembly and Illinois Commerce Commission that shall include, but not necessarily be limited to:

(A) a comparison of the costs associated with the Agency's procurement of renewable energy resources to (1) the Agency's costs associated with electricity generated by other types of generation facilities and (2) the benefits associated with the Agency's procurement of renewable energy resources; and

(B) an analysis of the rate impacts associated with the Illinois Power Agency's procurement of renewable resources, including, but not limited to, any long-term contracts, on the eligible retail customers of electric utilities.

The analysis shall include the Agency's estimate of the total dollar impact that the Agency's procurement of renewable resources has had on the annual electricity bills of the customer classes that comprise each eligible retail customer class taking service from an electric utility. The Agency's report shall also analyze how the operation of the alternative compliance payment mechanism, any long-term contracts, or other aspects of the applicable renewable portfolio standards impacts the rates of customers of alternative retail electric suppliers.

(d) Clean coal portfolio standard.

(1) The procurement plans shall include electricity generated using clean coal. Each utility shall enter into one or more sourcing agreements with the initial clean coal facility, as provided in paragraph (3) of this subsection (d), covering electricity generated by the initial clean coal facility representing at least 5% of each utility's total supply to serve the load of eligible retail customers in 2015 and each year thereafter, as described in paragraph (3) of this subsection (d), subject to the limits specified in paragraph (2) of this subsection (d). It is the goal of the State that by January 1, 2025, 25% of the electricity used in the State

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shall be generated by cost-effective clean coal facilities. For purposes of this subsection (d), "cost-effective" means that the expenditures pursuant to such sourcing agreements do not cause the limit stated in paragraph (2) of this subsection (d) to be exceeded and do not exceed cost-based benchmarks, which shall be developed to assess all expenditures pursuant to such sourcing agreements covering electricity generated by clean coal facilities, other than the initial clean coal facility, by the procurement administrator, in consultation with the Commission staff, Agency staff, and the procurement monitor and shall be subject to Commission review and approval.

A utility party to a sourcing agreement shall immediately retire any emission credits that it receives in connection with the electricity covered by such agreement.

Utilities shall maintain adequate records documenting the purchases under the sourcing agreement to comply with this subsection (d) and shall file an accounting with the load forecast that must be filed with the Agency by July 15 of each year, in accordance with subsection (d) of Section 16-111.5 of the Public Utilities Act.

A utility shall be deemed to have complied with the clean coal portfolio standard specified in this subsection (d) if the utility enters into a sourcing agreement as required by this subsection (d).

(2) For purposes of this subsection (d), the required execution of sourcing agreements with the initial clean coal facility for a particular year shall be measured as a percentage of the actual amount of electricity (megawatt-hours) supplied by the electric utility to eligible retail customers in the planning year ending immediately prior to the agreement's execution. For purposes of this subsection (d), the amount paid per kilowatthour means the total amount paid for electric service expressed on a per kilowatthour basis. For purposes of this subsection (d), the total amount paid for electric service includes without limitation amounts paid for supply, transmission, distribution, surcharges and add-on taxes.

Notwithstanding the requirements of this subsection (d), the total amount paid under sourcing agreements with clean coal facilities pursuant to the procurement plan for any given year shall be reduced by an amount necessary to limit the annual estimated

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average net increase due to the costs of these resources included in the amounts paid by eligible retail customers in connection with electric service to:

(A) in 2010, no more than 0.5% of the amount paid per kilowatthour by those customers during the year ending May 31, 2009;

(B) in 2011, the greater of an additional 0.5% of the amount paid per kilowatthour by those customers during the year ending May 31, 2010 or 1% of the amount paid per kilowatthour by those customers during the year ending May 31, 2009;

(C) in 2012, the greater of an additional 0.5% of the amount paid per kilowatthour by those customers during the year ending May 31, 2011 or 1.5% of the amount paid per kilowatthour by those customers during the year ending May 31, 2009;

(D) in 2013, the greater of an additional 0.5% of the amount paid per kilowatthour by those customers during the year ending May 31, 2012 or 2% of the amount paid per kilowatthour by those customers during the year ending May 31, 2009; and

(E) thereafter, the total amount paid under sourcing agreements with clean coal facilities pursuant to the procurement plan for any single year shall be reduced by an amount necessary to limit the estimated average net increase due to the cost of these resources included in the amounts paid by eligible retail customers in connection with electric service to no more than the greater of (i) 2.015% of the amount paid per kilowatthour by those customers during the year ending May 31, 2009 or (ii) the incremental amount per kilowatthour paid for these resources in 2013. These requirements may be altered only as provided by statute.

No later than June 30, 2015, the Commission shall review the limitation on the total amount paid under sourcing agreements, if any, with clean coal facilities pursuant to this subsection (d) and report to the General Assembly its findings as to whether that limitation unduly constrains the amount of electricity generated by

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cost-effective clean coal facilities that is covered by sourcing agreements.

(3) Initial clean coal facility. In order to promote development of clean coal facilities in Illinois, each electric utility subject to this Section shall execute a sourcing agreement to source electricity from a proposed clean coal facility in Illinois (the "initial clean coal facility") that will have a nameplate capacity of at least 500 MW when commercial operation commences, that has a final Clean Air Act permit on the effective date of this amendatory Act of the 95th General Assembly, and that will meet the definition of clean coal facility in Section 1-10 of this Act when commercial operation commences. The sourcing agreements with this initial clean coal facility shall be subject to both approval of the initial clean coal facility by the General Assembly and satisfaction of the requirements of paragraph (4) of this subsection (d) and shall be executed within 90 days after any such approval by the General Assembly. The Agency and the Commission shall have authority to inspect all books and records associated with the initial clean coal facility during the term of such a sourcing agreement. A utility's sourcing agreement for electricity produced by the initial clean coal facility shall include:

(A) a formula contractual price (the "contract price") approved pursuant to paragraph (4) of this subsection (d), which shall:

(i) be determined using a cost of service methodology employing either a level or deferred capital recovery component, based on a capital structure consisting of 45% equity and 55% debt, and a return on equity as may be approved by the Federal Energy Regulatory Commission, which in any case may not exceed the lower of 11.5% or the rate of return approved by the General Assembly pursuant to paragraph (4) of this subsection (d); and

(ii) provide that all miscellaneous net revenue, including but not limited to net revenue from the sale of emission allowances, if any, substitute natural gas, if any, grants or other support provided by the State of Illinois or the United States Government, firm transmission rights, if any, by-

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products produced by the facility, energy or capacity derived from the facility and not covered by a sourcing agreement pursuant to paragraph (3) of this subsection (d) or item (5) of subsection (d) of Section 16-115 of the Public Utilities Act, whether generated from the synthesis gas derived from coal, from SNG, or from natural gas, shall be credited against the revenue requirement for this initial clean coal facility;

(B) power purchase provisions, which shall:

   (i) provide that the utility party to such sourcing agreement shall pay the contract price for electricity delivered under such sourcing agreement;
   
   (ii) require delivery of electricity to the regional transmission organization market of the utility that is party to such sourcing agreement;
   
   (iii) require the utility party to such sourcing agreement to buy from the initial clean coal facility in each hour an amount of energy equal to all clean coal energy made available from the initial clean coal facility during such hour times a fraction, the numerator of which is such utility's retail market sales of electricity (expressed in kilowatthours sold) in the State during the prior calendar month and the denominator of which is the total retail market sales of electricity (expressed in kilowatthours sold) in the State by utilities during such prior month and the sales of electricity (expressed in kilowatthours sold) in the State by alternative retail electric suppliers during such prior month that are subject to the requirements of this subsection (d) and paragraph (5) of subsection (d) of Section 16-115 of the Public Utilities Act, provided that the amount purchased by the utility in any year will be limited by paragraph (2) of this subsection (d); and
   
   (iv) be considered pre-existing contracts in such utility's procurement plans for eligible retail customers;

(C) contract for differences provisions, which shall:

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(i) require the utility party to such sourcing agreement to contract with the initial clean coal facility in each hour with respect to an amount of energy equal to all clean coal energy made available from the initial clean coal facility during such hour times a fraction, the numerator of which is such utility's retail market sales of electricity (expressed in kilowatthours sold) in the utility's service territory in the State during the prior calendar month and the denominator of which is the total retail market sales of electricity (expressed in kilowatthours sold) in the State by utilities during such prior month and the sales of electricity (expressed in kilowatthours sold) in the State by alternative retail electric suppliers during such prior month that are subject to the requirements of this subsection (d) and paragraph (5) of subsection (d) of Section 16-115 of the Public Utilities Act, provided that the amount paid by the utility in any year will be limited by paragraph (2) of this subsection (d);

(ii) provide that the utility's payment obligation in respect of the quantity of electricity determined pursuant to the preceding clause (i) shall be limited to an amount equal to (1) the difference between the contract price determined pursuant to subparagraph (A) of paragraph (3) of this subsection (d) and the day-ahead price for electricity delivered to the regional transmission organization market of the utility that is party to such sourcing agreement (or any successor delivery point at which such utility's supply obligations are financially settled on an hourly basis) (the "reference price") on the day preceding the day on which the electricity is delivered to the initial clean coal facility busbar, multiplied by (2) the quantity of electricity determined pursuant to the preceding clause (i); and

(iii) not require the utility to take physical delivery of the electricity produced by the facility;

(D) general provisions, which shall:

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(i) specify a term of no more than 30 years, commencing on the commercial operation date of the facility;

(ii) provide that utilities shall maintain adequate records documenting purchases under the sourcing agreements entered into to comply with this subsection (d) and shall file an accounting with the load forecast that must be filed with the Agency by July 15 of each year, in accordance with subsection (d) of Section 16-111.5 of the Public Utilities Act;

(iii) provide that all costs associated with the initial clean coal facility will be periodically reported to the Federal Energy Regulatory Commission and to purchasers in accordance with applicable laws governing cost-based wholesale power contracts;

(iv) permit the Illinois Power Agency to assume ownership of the initial clean coal facility, without monetary consideration and otherwise on reasonable terms acceptable to the Agency, if the Agency so requests no less than 3 years prior to the end of the stated contract term;

(v) require the owner of the initial clean coal facility to provide documentation to the Commission each year, starting in the facility's first year of commercial operation, accurately reporting the quantity of carbon emissions from the facility that have been captured and sequestered and report any quantities of carbon released from the site or sites at which carbon emissions were sequestered in prior years, based on continuous monitoring of such sites. If, in any year after the first year of commercial operation, the owner of the facility fails to demonstrate that the initial clean coal facility captured and sequestered at least 50% of the total carbon emissions that the facility would otherwise emit or that sequestration of emissions from prior years has failed, resulting in the release of carbon

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dioxide into the atmosphere, the owner of the facility must offset excess emissions. Any such carbon offsets must be permanent, additional, verifiable, real, located within the State of Illinois, and legally and practicably enforceable. The cost of such offsets for the facility that are not recoverable shall not exceed $15 million in any given year. No costs of any such purchases of carbon offsets may be recovered from a utility or its customers. All carbon offsets purchased for this purpose and any carbon emission credits associated with sequestration of carbon from the facility must be permanently retired. The initial clean coal facility shall not forfeit its designation as a clean coal facility if the facility fails to fully comply with the applicable carbon sequestration requirements in any given year, provided the requisite offsets are purchased. However, the Attorney General, on behalf of the People of the State of Illinois, may specifically enforce the facility's sequestration requirement and the other terms of this contract provision. Compliance with the sequestration requirements and offset purchase requirements specified in paragraph (3) of this subsection (d) shall be reviewed annually by an independent expert retained by the owner of the initial clean coal facility, with the advance written approval of the Attorney General. The Commission may, in the course of the review specified in item (vii), reduce the allowable return on equity for the facility if the facility wilfully fails to comply with the carbon capture and sequestration requirements set forth in this item (v);

(vi) include limits on, and accordingly provide for modification of, the amount the utility is required to source under the sourcing agreement consistent with paragraph (2) of this subsection (d);

(vii) require Commission review: (1) to determine the justness, reasonableness, and

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prudence of the inputs to the formula referenced in subparagraphs (A)(i) through (A)(iii) of paragraph (3) of this subsection (d), prior to an adjustment in those inputs including, without limitation, the capital structure and return on equity, fuel costs, and other operations and maintenance costs and (2) to approve the costs to be passed through to customers under the sourcing agreement by which the utility satisfies its statutory obligations. Commission review shall occur no less than every 3 years, regardless of whether any adjustments have been proposed, and shall be completed within 9 months;

(viii) limit the utility's obligation to such amount as the utility is allowed to recover through tariffs filed with the Commission, provided that neither the clean coal facility nor the utility waives any right to assert federal pre-emption or any other argument in response to a purported disallowance of recovery costs;

(ix) limit the utility's or alternative retail electric supplier's obligation to incur any liability until such time as the facility is in commercial operation and generating power and energy and such power and energy is being delivered to the facility busbar;

(x) provide that the owner or owners of the initial clean coal facility, which is the counterparty to such sourcing agreement, shall have the right from time to time to elect whether the obligations of the utility party thereto shall be governed by the power purchase provisions or the contract for differences provisions;

(xi) append documentation showing that the formula rate and contract, insofar as they relate to the power purchase provisions, have been approved by the Federal Energy Regulatory Commission pursuant to Section 205 of the Federal Power Act;

(xii) provide that any changes to the terms of the contract, insofar as such changes relate to the

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power purchase provisions, are subject to review under the public interest standard applied by the Federal Energy Regulatory Commission pursuant to Sections 205 and 206 of the Federal Power Act; and (xiii) conform with customary lender requirements in power purchase agreements used as the basis for financing non-utility generators.

(4) Effective date of sourcing agreements with the initial clean coal facility.

Any proposed sourcing agreement with the initial clean coal facility shall not become effective unless the following reports are prepared and submitted and authorizations and approvals obtained:

(i) Facility cost report. The owner of the initial clean coal facility shall submit to the Commission, the Agency, and the General Assembly a front-end engineering and design study, a facility cost report, method of financing (including but not limited to structure and associated costs), and an operating and maintenance cost quote for the facility (collectively "facility cost report"), which shall be prepared in accordance with the requirements of this paragraph (4) of subsection (d) of this Section, and shall provide the Commission and the Agency access to the work papers, relied upon documents, and any other backup documentation related to the facility cost report.

(ii) Commission report. Within 6 months following receipt of the facility cost report, the Commission, in consultation with the Agency, shall submit a report to the General Assembly setting forth its analysis of the facility cost report. Such report shall include, but not be limited to, a comparison of the costs associated with electricity generated by the initial clean coal facility to the costs associated with electricity generated by other types of generation facilities, an analysis of the rate impacts on residential and small business customers over the life of the sourcing agreements, and an analysis of the likelihood that the initial clean coal facility will commence commercial operation by and be delivering power to the facility's busbar by 2016. To assist in the preparation of its report, the
Commission, in consultation with the Agency, may hire one or more experts or consultants, the costs of which shall be paid for by the owner of the initial clean coal facility. The Commission and Agency may begin the process of selecting such experts or consultants prior to receipt of the facility cost report.

(iii) General Assembly approval. The proposed sourcing agreements shall not take effect unless, based on the facility cost report and the Commission's report, the General Assembly enacts authorizing legislation approving (A) the projected price, stated in cents per kilowatthour, to be charged for electricity generated by the initial clean coal facility, (B) the projected impact on residential and small business customers' bills over the life of the sourcing agreements, and (C) the maximum allowable return on equity for the project; and

(iv) Commission review. If the General Assembly enacts authorizing legislation pursuant to subparagraph (iii) approving a sourcing agreement, the Commission shall, within 90 days of such enactment, complete a review of such sourcing agreement. During such time period, the Commission shall implement any directive of the General Assembly, resolve any disputes between the parties to the sourcing agreement concerning the terms of such agreement, approve the form of such agreement, and issue an order finding that the sourcing agreement is prudent and reasonable.

The facility cost report shall be prepared as follows:

(A) The facility cost report shall be prepared by duly licensed engineering and construction firms detailing the estimated capital costs payable to one or more contractors or suppliers for the engineering, procurement and construction of the components comprising the initial clean coal facility and the estimated costs of operation and maintenance of the facility. The facility cost report shall include:

(i) an estimate of the capital cost of the core plant based on one or more front end engineering and design studies for the gasification island and
related facilities. The core plant shall include all civil, structural, mechanical, electrical, control, and safety systems.

(ii) an estimate of the capital cost of the balance of the plant, including any capital costs associated with sequestration of carbon dioxide emissions and all interconnects and interfaces required to operate the facility, such as transmission of electricity, construction or backfeed power supply, pipelines to transport substitute natural gas or carbon dioxide, potable water supply, natural gas supply, water supply, water discharge, landfill, access roads, and coal delivery.

The quoted construction costs shall be expressed in nominal dollars as of the date that the quote is prepared and shall include capitalized financing costs during construction, taxes, insurance, and other owner's costs, and an assumed escalation in materials and labor beyond the date as of which the construction cost quote is expressed.

(B) The front end engineering and design study for the gasification island and the cost study for the balance of plant shall include sufficient design work to permit quantification of major categories of materials, commodities and labor hours, and receipt of quotes from vendors of major equipment required to construct and operate the clean coal facility.

(C) The facility cost report shall also include an operating and maintenance cost quote that will provide the estimated cost of delivered fuel, personnel, maintenance contracts, chemicals, catalysts, consumables, spares, and other fixed and variable operations and maintenance costs. The delivered fuel cost estimate will be provided by a recognized third party expert or experts in the fuel and transportation industries. The balance of the operating and maintenance cost quote, excluding delivered fuel costs, will be developed based on the inputs provided by duly licensed engineering and construction firms performing the construction cost quote, potential vendors under long-term

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service agreements and plant operating agreements, or recognized third party plant operator or operators.

The operating and maintenance cost quote (including the cost of the front end engineering and design study) shall be expressed in nominal dollars as of the date that the quote is prepared and shall include taxes, insurance, and other owner's costs, and an assumed escalation in materials and labor beyond the date as of which the operating and maintenance cost quote is expressed.

(D) The facility cost report shall also include an analysis of the initial clean coal facility's ability to deliver power and energy into the applicable regional transmission organization markets and an analysis of the expected capacity factor for the initial clean coal facility.

(E) Amounts paid to third parties unrelated to the owner or owners of the initial clean coal facility to prepare the core plant construction cost quote, including the front end engineering and design study, and the operating and maintenance cost quote will be reimbursed through Coal Development Bonds.

(5) Re-powering and retrofitting coal-fired power plants previously owned by Illinois utilities to qualify as clean coal facilities. During the 2009 procurement planning process and thereafter, the Agency and the Commission shall consider sourcing agreements covering electricity generated by power plants that were previously owned by Illinois utilities and that have been or will be converted into clean coal facilities, as defined by Section 1-10 of this Act. Pursuant to such procurement planning process, the owners of such facilities may propose to the Agency sourcing agreements with utilities and alternative retail electric suppliers required to comply with subsection (d) of this Section and item (5) of subsection (d) of Section 16-115 of the Public Utilities Act, covering electricity generated by such facilities. In the case of sourcing agreements that are power purchase agreements, the contract price for electricity sales shall be established on a cost of service basis. In the case of sourcing agreements that are contracts for differences, the contract price from which the reference price is subtracted shall be established on a cost of service basis. The Agency and the Commission may approve any such utility sourcing agreements.

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agreements that do not exceed cost-based benchmarks developed by the procurement administrator, in consultation with the Commission staff, Agency staff and the procurement monitor, subject to Commission review and approval. The Commission shall have authority to inspect all books and records associated with these clean coal facilities during the term of any such contract.

(6) Costs incurred under this subsection (d) or pursuant to a contract entered into under this subsection (d) shall be deemed prudently incurred and reasonable in amount and the electric utility shall be entitled to full cost recovery pursuant to the tariffs filed with the Commission.

(e) The draft procurement plans are subject to public comment, as required by Section 16-111.5 of the Public Utilities Act.

(f) The Agency shall submit the final procurement plan to the Commission. The Agency shall revise a procurement plan if the Commission determines that it does not meet the standards set forth in Section 16-111.5 of the Public Utilities Act.

(g) The Agency shall assess fees to each affected utility to recover the costs incurred in preparation of the annual procurement plan for the utility.

(h) The Agency shall assess fees to each bidder to recover the costs incurred in connection with a competitive procurement process.

(20 ILCS 3855/1-80)

Sec. 1-80. Resource Development Bureau. Upon its establishment by the Agency, the Resource Development Bureau has the following duties and responsibilities:

(a) At the Agency's discretion, conduct feasibility studies on the construction of any facility. Funding for a study shall come from either:

(i) fees assessed by the Agency on municipal electric systems, governmental aggregators, unit or units of local government, or rural electric cooperatives requesting the feasibility study; or

(ii) an appropriation from the General Assembly.

(b) If the Agency undertakes the construction of a facility, moneys generated from the sale of revenue bonds by the Authority
for the facility shall be used to reimburse the source of the money used for the facility's feasibility study.

(c) The Agency may develop, finance, construct, or operate electric generation and co-generation facilities that use indigenous coal or renewable resources, or both, financed with bonds issued by the Authority on behalf of the Agency. Any such facility that uses coal must be a clean coal facility and must be constructed in a location where the geology is suitable for carbon sequestration. The Agency may also develop, finance, construct, or operate a carbon sequestration facility.

(1) The Agency may enter into contractual arrangements with private and public entities, including but not limited to municipal electric systems, governmental aggregators, and rural electric cooperatives, to plan, site, construct, improve, rehabilitate, and operate those electric generation and co-generation facilities. No contract shall be entered into by the Agency that would jeopardize the tax-exempt status of any bond issued in connection with a project for which the Agency entered into the contract.

(2) The Agency shall hold at least one public hearing before entering into any such contractual arrangements. At least 30-days' notice of the hearing shall be given by publication once in each week during that period in 6 newspapers within the State, at least one of which has a circulation area that includes the location of the proposed facility.

(3) The first facility that the Agency develops, finances, or constructs shall be a facility that uses coal produced in Illinois. The Agency may, however, also develop, finance, or construct renewable energy facilities after work on the first facility has commenced.

(4) The Agency may not develop, finance, or construct a nuclear power plant.

(5) The Agency shall assess fees to applicants seeking to partner with the Agency on projects.

(d) Use of electricity generated by the Agency's facilities. The Agency may supply electricity produced by the Agency's facilities to municipal electric systems, governmental aggregators,
or rural electric cooperatives in Illinois. The electricity shall be supplied at cost.

(1) Contracts to supply power and energy from the Agency's facilities shall provide for the effectuation of the policies set forth in this Act.

(2) The contracts shall also provide that, notwithstanding any provision in the Public Utilities Act, entities supplied with power and energy from an Agency facility shall supply the power and energy to retail customers at the same price paid to purchase power and energy from the Agency.

(e) Electric utilities shall not be required to purchase electricity directly or indirectly from facilities developed or sponsored by the Agency.

(f) The Agency may sell excess capacity and excess energy into the wholesale electric market at prevailing market rates; provided, however, the Agency may not sell excess capacity or excess energy through the procurement process described in Section 16-111.5 of the Public Utilities Act.

(g) The Agency shall not directly sell electric power and energy to retail customers. Nothing in this paragraph shall be construed to prohibit sales to municipal electric systems, governmental aggregators, or rural electric cooperatives.

(Source: P.A. 95-481, eff. 8-28-07; 95-1027, eff. 6-1-09.)

(20 ILCS 3855/1-125)

Sec. 1-125. Agency annual reports. By February 15 of each year December 1, 2011 and each December 1 thereafter, the Agency shall report annually to the Governor and the General Assembly on the operations and transactions of the Agency. The annual report shall include, but not be limited to, each of the following:

(1) The average quantity, price, and term of all contracts for electricity procured under the procurement plans for electric utilities.

(2) \( (Blank) \). The quantity, price, and rate impact of all renewable resources purchased under the electricity procurement plans for electric utilities:

(3) The quantity, price, and rate impact of all energy efficiency and demand response measures purchased for electric

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utilities, and any measures included in the procurement plan pursuant to Section 16-111.5B of the Public Utilities Act.

(4) The amount of power and energy produced by each Agency facility.

(5) The quantity of electricity supplied by each Agency facility to municipal electric systems, governmental aggregators, or rural electric cooperatives in Illinois.

(6) The revenues as allocated by the Agency to each facility.

(7) The costs as allocated by the Agency to each facility.

(8) The accumulated depreciation for each facility.

(9) The status of any projects under development.

(10) Basic financial and operating information specifically detailed for the reporting year and including, but not limited to, income and expense statements, balance sheets, and changes in financial position, all in accordance with generally accepted accounting principles, debt structure, and a summary of funds on a cash basis.

(11) The average quantity, price, contract type and term, and rate impact of all renewable resources purchased pursuant to long-term contracts under the electricity procurement plans for electric utilities.

(12) A comparison of the costs associated with the Agency's procurement of renewable energy resources to (A) the Agency's costs associated with electricity generated by other types of generation facilities and (B) the benefits associated with the Agency's procurement of renewable energy resources.

(13) An analysis of the rate impacts associated with the Illinois Power Agency's procurement of renewable resources, including, but not limited to, any long-term contracts, on the eligible retail customers of electric utilities. The analysis shall include the Agency's estimate of the total dollar impact that the Agency's procurement of renewable resources has had on the annual electricity bills of the customer classes that comprise each eligible retail customer class taking service from an electric utility.

(14) An analysis of how the operation of the alternative compliance payment mechanism, any long-term contracts, or other aspects of the applicable renewable portfolio standards impacts the rates of customers of alternative retail electric suppliers.

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Section 10. The State Finance Act is amended by changing Section 6z-75 as follows:

(30 ILCS 105/6z-75)
Sec. 6z-75. The Illinois Power Agency Trust Fund.
(a) Creation. The Illinois Power Agency Trust Fund is created as a special fund in the State treasury. The State Treasurer shall be the custodian of the Fund. Amounts in the Fund, both principal and interest not appropriated, shall be invested as provided by law.
(b) Funding and investment.

(1) The Illinois Power Agency Trust Fund may accept, receive, and administer any grants, loans, or other funds made available to it by any source. Any such funds received by the Fund shall not be considered income, but shall be added to the principal of the Fund.

(2) The investments of the Fund shall be managed by the Illinois State Board of Investment, for the purpose of obtaining a total return on investments for the long term, as provided for under Article 22A of the Illinois Pension Code.
(c) Investment proceeds. Subject to the provisions of subsection (d) of this Section, the General Assembly may annually appropriate from the Illinois Power Agency Trust Fund to the Illinois Power Agency Operations Fund an amount calculated not to exceed 90% of the prior fiscal year’s annual investment income earned by the Fund to the Illinois Power Agency. Any investment income not appropriated by the General Assembly in a given fiscal year shall be added to the principal of the Fund, and thereafter considered a part thereof and not subject to appropriation as income earned by the Fund.
(d) Expenditures.

(1) During Fiscal Year 2008 and Fiscal Year 2009, the General Assembly shall not appropriate any of the investment income earned by the Illinois Power Agency Trust Fund to the Illinois Power Agency.

(2) During Fiscal Year 2010 and Fiscal Year 2011, the General Assembly shall appropriate a portion of the investment income earned by the Illinois Power Agency Trust Fund to repay to the General Revenue Fund of the State of Illinois those amounts, if any, appropriated from the General Revenue Fund for the operation of the Illinois Power Agency during Fiscal Year 2008 and Fiscal...
Year 2009, so that at the end of Fiscal Year 2011, the entire amount, if any, appropriated from the General Revenue Fund for the operation of the Illinois Power Agency during Fiscal Year 2008 and Fiscal Year 2009 will be repaid in full to the General Revenue Fund.

(3) In Fiscal Year 2012 and thereafter, the General Assembly shall consider the need to balance its appropriations from the investment income earned by the Fund with the need to provide for the growth of the principal of the Illinois Power Agency Trust Fund in order to ensure that the Fund is able to produce sufficient investment income to fund the operations of the Illinois Power Agency in future years.

(4) If the Illinois Power Agency shall cease operations, then, unless otherwise provided for by law or appropriation, the principal and any investment income earned by the Fund shall be transferred into the Supplemental Low-Income Energy Assistance Program (LIHEAP) Fund under Section 13 of the Energy Assistance Act of 1989.

(e) Implementation. The provisions of this Section shall not be operative until the Illinois Power Agency Trust Fund has accumulated a principal balance of $25,000,000.

(Source: P.A. 95-481, eff. 8-28-07.)

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

Approved July 8, 2016.
Effective July 8, 2016.

PUBLIC ACT 99-0537
(Senate Bill No. 2787)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Health Carrier External Review Act is amended by changing Section 65 as follows:
(215 ILCS 180/65)
Sec. 65. External review reporting requirements.

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(a) Each health carrier shall maintain written records in the aggregate, by state, and for each type of health benefit plan offered by the health carrier on all requests for external review that the health carrier received notice from the Director for each calendar year and submit a report to the Director in the format specified by the Director by June 1 of each year.

(a-5) An independent review organization assigned pursuant to this Act to conduct an external review shall maintain written records in the aggregate by state and by health carrier on all requests for external review for which it conducted an external review during a calendar year and submit a report in the format specified by the Director by March 1 of each year.

(a-10) The report required by subsection (a-5) shall include in the aggregate by state, and for each health carrier:

1. the total number of requests for external review;
2. the number of requests for external review resolved and, of those resolved, the number resolved upholding the adverse determination or final adverse determination and the number resolved reversing the adverse determination or final adverse determination;
3. the average length of time for resolution;
4. a summary of the types of coverages or cases for which an external review was sought, as provided in the format required by the Director;
5. the number of external reviews that were terminated as the result of a reconsideration by the health carrier of its adverse determination or final adverse determination after the receipt of additional information from the covered person or the covered person's authorized representative; and
6. any other information the Director may request or require.

(a-15) The independent review organization shall retain the written records required pursuant to this Section for at least 3 years.

(b) The report required under subsection (a) of this Section shall include in the aggregate, by state, and by type of health benefit plan:

1. the total number of requests for external review;
2. the total number of requests for expedited external review;
3. the total number of requests for external review denied;

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(4) the number of requests for external review resolved, including:
   (A) the number of requests for external review resolved upholding the adverse determination or final adverse determination;
   (B) the number of requests for external review resolved reversing the adverse determination or final adverse determination;
   (C) the number of requests for expedited external review resolved upholding the adverse determination or final adverse determination; and
   (D) the number of requests for expedited external review resolved reversing the adverse determination or final adverse determination;
(5) the average length of time for resolution for an external review;
(6) the average length of time for resolution for an expedited external review;
(7) a summary of the types of coverages or cases for which an external review was sought, as specified below:
   (A) denial of care or treatment (dissatisfaction regarding prospective non-authorization of a request for care or treatment recommended by a provider excluding diagnostic procedures and referral requests; partial approvals and care terminations are also considered to be denials);
   (B) denial of diagnostic procedure (dissatisfaction regarding prospective non-authorization of a request for a diagnostic procedure recommended by a provider; partial approvals are also considered to be denials);
   (C) denial of referral request (dissatisfaction regarding non-authorization of a request for a referral to another provider recommended by a PCP);
   (D) claims and utilization review (dissatisfaction regarding the concurrent or retrospective evaluation of the coverage, medical necessity, efficiency or appropriateness of health care services or treatment plans; prospective "Denials of care or treatment", "Denials of diagnostic
procedures" and "Denials of referral requests" should not be classified in this category, but the appropriate one above); (8) the number of external reviews that were terminated as the result of a reconsideration by the health carrier of its adverse determination or final adverse determination after the receipt of additional information from the covered person or the covered person’s authorized representative; and (9) any other information the Director may request or require.

(Source: P.A. 96-857, eff. 7-1-10; 97-574, eff. 8-26-11.)

Section 99. Effective date. This Act takes effect January 1, 2017.
Passed in the General Assembly May 29, 2016.
Approved July 8, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0538
(Senate Bill No. 2813)

AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Coal Mining Act is amended by changing Sections 5.06, 5.09, 5.10, 5.11, 6.01, 6.04, 6.05, 6.10, 6.11, 6.12, 6.15, 6.16, 16.11, 25.01, 25.02, 25.04, 25.05, 29.01, 31.03, 31.04, 31.05, 31.06, 31.10, and 31.30 and by adding Section 1.25 as follows:

(225 ILCS 705/1.25 new)

Sec. 1.25. Recorder. "Recorder" means a person with a mine manager certification or mine examiner certification who is trained and designated by the operator as the individual responsible for recording the mine examiner’s examination of the underground workings of the mine.

(225 ILCS 705/5.06) (from Ch. 96 1/2, par. 506)

Sec. 5.06. The mine manager shall be responsible for the performance of all the functions and duties prescribed in Sections 5.07 to 5.25, both inclusive. The mine manager may not perform the duties of a mine examiner while serving in the capacity of a mine manager.

(Source: Laws 1953, p. 701.)

(225 ILCS 705/5.09) (from Ch. 96 1/2, par. 509)

Sec. 5.09. (A) In all gassy mines:

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1. When the mine is to be operated, he shall have the prescribed working places of such mine examined by a certified mine examiner within 3 4 hours before the workers of any shift, other than the examiner or the examiners designated by the mine manager to make the examination, enter the underground areas of such mine. Have the mine examiner inspect every active working place in the mine and make tests therein with a multi-gas detector permissible flame safety lamp for accumulation of methane and oxygen deficiency in the air therein; examine intake seals used to ventilate a working section and doors to determine whether they are functioning properly; inspect and test the roof, face and rib conditions in the working areas and on active roadways and travelways; inspect active roadways, travelways, approaches to abandoned workings and accessible falls in active sections for explosive gas and other hazards; and inspect to determine whether the air in each split is traveling in its proper course and in normal volume.

2. On "non-coal producing shifts", if the mine has a minimum of 120 psi seals, he shall have the mine examined by a certified mine examiner in any area where any person is scheduled to work or travel underground. If the mine has less than 120 psi seals, he shall have the mine examined by a certified mine examiner in its entirety the same as for a coal producing shift, except where persons are to work only in the shaft, slope, drift, or on the immediate shaft or slope bottom, then only that area immediately surrounding the bottom shall be examined. If the mine has a minimum of 120 psi seals and the mine has not been examined in its entirety for 7 consecutive days, he shall have a certified mine examiner conduct a full mine examination, including seals and escape ways, prior to anyone other than the mine examiner or mine examiners designated by the mine manager to make the examination enter the underground areas of such mine. If it is known that the air downwind of a minimum 120 psi seals when tested at a point not less than 12 inches from the roof, face, or rib contains more than 1.0% of methane as determined by permissible methane detector, air analysis, or other recognized means of accurately detecting such gas, he shall have the mine examined in its entirety the same as for a coal producing shift, except where persons are to work only in the shaft, slope, or drift or on the immediate shaft or slope bottom, then only that area immediately surrounding the bottom shall be examined.

3. He shall see that no person, other than competent personnel, enters any underground area in a gassy mine, except during a coal-producing shift, unless an examination of such area has been made by a

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mine examiner within 12 hours immediately preceding his entrance into such area.

4. If the mine has constructed a minimum of 120 psi seals, he shall have a certified mine examiner conduct weekly examinations at each seal along return and bleeder air courses and at each seal along intake air courses where intake air passing by the seal is not used to ventilate a working section. If the mine has constructed less than 120 psi seals, he shall have a certified mine examiner conduct a daily examination of each seal along return and bleeder air courses. If it is known that the air downwind of a minimum 120 psi seals when tested at a point not less than 12 inches from the roof, face, or rib contains more than 1.0% of methane as determined by permissible methane detector, air analysis, or other recognized means of accurately detecting such gas, he shall have each seal along return and bleeder air courses and at each seal along intake air courses where intake air passing by the seal not used to ventilate a working section to be examined by a certified mine examiner before the workers of any shift, other than the examiner or the examiners designated by the mine manager to make the examination, enter the underground areas of such mine.

5. He shall have a certified mine examiner conduct weekly examinations of escape ways required by Sections 19.11 and 19.13.

(B) In non-gassy mines:

1. Have the underground areas examined by a certified mine examiner at least once in each calendar day during which coal is produced. Such examination shall be made within 4 hours immediately preceding the beginning of the first coal-producing shift on such day.

2. On idle days, have all sections of the mine examined where men are to be required to work.

3. On idle nights, when the mine has been examined for the day shift and the men are to work in sections previously examined and no coal is to be mined, no further examination shall be required.

(C) One examination on each day when workers perform production or idle day work shall include the escape ways required by Sections 19.11 and 19.13.

(Source: P.A. 81-992.)

(225 ILCS 705/5.10) (from Ch. 96 1/2, par. 510)

Sec. 5.10. To have the underground working places in the mine examined for hazards by competent personnel designated by the operator to do so, at least once during each coal-producing shift, or oftener if

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necessary for safety. Examinations in a gassy mine such examinations shall include tests with a multi-gas detector permissible flame safety lamp for methane and oxygen deficiency. In all underground face workings in a gassy mine where electrically driven equipment is operated, examinations for methane shall be made with a multi-gas detector permissible flame safety lamp by a person trained in the use of such multi-gas detector lamp before equipment is taken into or operated in face regions, and frequent examinations for methane shall be made during such operations.

(Source: Laws 1953, p. 701.)

(225 ILCS 705/5.11) (from Ch. 96 1/2, par. 511)

Sec. 5.11. To see that a mine examiner makes the examinations provided in Articles 5, 6, and 31 of this Act; and that he enters his report either by calling the results of the examination to a recorder on the surface or by personally recording the report. The recorder or mine examiner shall record the report in a book or computer system that is thereof with indelible pencil or ink in a well-bound or properly protected loose leaf book provided by the operator for that purpose, and the book or computer system shall be secure and not susceptible to alteration.

(Source: Laws 1953, p. 701.)

(225 ILCS 705/6.01) (from Ch. 96 1/2, par. 601)

Sec. 6.01. Each applicant for a certificate of competency as mine examiner shall produce evidence satisfactory to the Mining Board that he is a citizen of the United States, at least 21 years of age and of good repute and temperate habits and that he has had at least 4 years practical underground mining experience, and has been issued a First Class Certificate of Competency by the Department of Natural Resources. He shall pass an examination as to his experience in mines generating dangerous gases, his practical and technological knowledge of the nature and properties of mine gases, the laws of ventilation, the structures and use of multi-gas detectors safety lamps, and the laws of this State relating to safeguards against fires from any source in mines. He shall also submit to the Mining Board satisfactory evidence that he has completed a course of training in first aid to the injured and mine rescue methods and appliances prescribed by the Department. Persons who have graduated and hold a degree in engineering or an approved 4-year program in coal mining technology from an accredited school, college, or university, are required to have only 2 years of practical underground mining experience to qualify for the examination for a certificate of competency.
Persons who have graduated and hold a two-year Associate in Applied Science Degree in Coal Mining Technology from an accredited school, college or university are required to have only 3 years' practical underground mining experience to qualify for the examination for a Certificate of Competency as a Mine Examiner.

(Source: P.A. 89-445, eff. 2-7-96.)

(225 ILCS 705/6.04) (from Ch. 96 1/2, par. 604)

Sec. 6.04. (A) In all gassy mines:

1. When the mine is to be operated, he shall examine the prescribed working places of such mine within 3 4 hours before any workers in such shift, other than the examiner or the examiners designated by the mine manager Mine Manager to make the examination, enter the underground areas of the mine. Examine every active working place in the mine and make tests therein with a multi-gas detector permissible flame safety lamp for accumulation of methane and oxygen deficiency in the air therein; examine intake seals used to ventilate a working section and doors to determine whether they are functioning properly; inspect and test the roof, face, and rib conditions in the working areas and on active roadways and travelways; inspect active roadways, travelways, approaches to abandoned workings, and accessible falls in active sections for explosive gas and other hazards; and inspect to determine whether the air in each split is traveling in its proper course and in normal volume.

2. On non-coal producing shifts, if the mine has a constructed minimum of 120 psi seals, he shall examine the mine in any area where any person is scheduled to work or travel underground. If the mine has less constructed than 120 psi seals, he shall examine the mine in its entirety the same as for a coal producing shift, except where men are to work only in the shaft, slope, or drift or on the immediate shaft bottom, then only that area immediately surrounding the bottom need be examined. If the mine has a minimum of 120 psi seals and the mine has not been examined in its entirety for 7 consecutive days, a full mine examine shall be conducted, including seals and escape ways, prior to anyone other than the examiner or the examiners designated by the mine manager to make the examination enter the underground areas of such mine. If it is known that the air downwind of a minimum 120 psi seals when tested at a point not less than 12 inches from the roof, face, or rib contains more than 1.0% of methane as determined by permissible methane detector, air analysis, or other recognized means of accurately detecting such gas, he shall examine the mine in its entirety the same as for a coal producing shift,
except where persons are to work only in the shaft, slope, or drift or on the immediate shaft or slope bottom, then only that area immediately surrounding the bottom shall be examined.

3. If the mine has constructed a minimum of 120 psi seals, he shall conduct weekly examinations at each seal along return and bleeder air courses and at each seal along intake air courses where intake air passing by the seal is not used to ventilate a working section. If such mine has constructed less than 120 psi seals, he shall conduct a daily examination of each seal along return and bleeder air courses. If it is known that the air downwind of a minimum 120 psi seals when tested at a point not less than 12 inches from the roof, face, or rib contains more than 1.0% of methane as determined by permissible methane detector, air analysis, or other recognized means of accurately detecting such gas, he shall examine each seal along return and bleeder air courses and at each seal along intake air courses where intake air passing by the seal not used to ventilate a working section before the workers of any shift may enter the underground areas of such mine.


(B) In non-gassy mines:

1. He shall examine the underground areas in the mine at least once in each calendar day during which coal is produced. Such examination shall be made within 4 hours immediately preceding the beginning of the first coal-producing shift on such day:

2. On idle days he shall examine all sections of the mine where men are required to work:

3. On idle nights, if the mine has been examined for the day shift and the men are to work in sections previously examined and no coal is to be mined, no further examination shall be required.

(C) One examination on each day when workers perform production or idle day work shall include the escape ways required by Sections 19.11 and 19.13.

(225 ILCS 705/6.05) (from Ch. 96 1/2, par. 605)

Sec. 6.05. When in the performance of his duties, he shall carry with him a multi-gas detector safety lamp in proper order and condition and a rod or bar for sounding the roof.

(225 ILCS 705/6.10) (from Ch. 96 1/2, par. 610)
Sec. 6.10. Upon completing his examination, he shall make a daily report of the same in a book kept for that purpose, for the information of the company, the State Mine Inspector, and all other persons interested; and this report shall be recorded before the miners are permitted to enter the mine. If the examination report is called out by the mine examiner to a recorder, the recorder must place his signature, certificate number, and date in the book or computer system record shall be made each morning before the miners are permitted to enter the mine. If the examination report is called out, the mine examiner shall verify the report by his signature, certificate number, and date by or at the end of his shift. If the mine examiner finds an omission or error in the report, the report shall be corrected and he must immediately notify the shift mine manager of the omission or error.

(Source: Laws 1953, p. 701.)

(225 ILCS 705/6.11) (from Ch. 96 1/2, par. 611)

Sec. 6.11. Should any dangerous conditions be found as described in Section 6.09, he shall immediately notify the shift mine manager record the same in the daily record book of examinations, setting forth the nature of the conditions found and the location of same.

(Source: Laws 1955, p. 2012.)

(225 ILCS 705/6.12) (from Ch. 96 1/2, par. 612)

Sec. 6.12. It shall be unlawful for the operator of any mine to have in his service as mine examiner any person who does not hold a certificate of competency issued by the Mining Board except that anyone holding a mine manager's certificate may serve as a mine examiner. The mine employing more than 25 men, the mine manager shall not act in the capacity of mine examiner while acting as mine manager. However, whenever any exigency arises by which it is impossible for any operator to secure the immediate services of a certificated examiner, he may employ any trustworthy and experienced man of the mine inspection district to act as temporary mine examiner for a period not exceeding 7 days, and with the approval of the State Mine Inspector of the district, for a further period not exceeding 23 days. The employment of persons who do not hold certificates as mine examiners shall in no case exceed the limit of time

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specified herein, and the State Mine Inspector shall not approve of the employment of such persons beyond the 23 day limit.
(Source: Laws 1953, p. 701.)

(225 ILCS 705/6.15) (from Ch. 96 1/2, par. 615)
Sec. 6.15. A in mines classified as gassy, a sufficient number of men trained in the use of a multi-gas detector permissible flame safety lamp shall be employed by the operator, who shall examine the mine for obnoxious and inflammable gases while men are working therein.
(Source: Laws 1953, p. 701.)

(225 ILCS 705/6.16) (from Ch. 96 1/2, par. 616)
Sec. 6.16. When in the judgment of the State Mine Inspector, expressed in writing to the mine operator, certain sections of a mine generate dangerous quantities of explosive gases, the State Mine Inspector shall require those sections of the mine to be examined for gas in a prescribed manner and at shorter intervals of time than 3 4 hours preceding the time the day shift goes on duty for every day in which the mine is to be operated.
(Source: Laws 1953, p. 701.)

(225 ILCS 705/16.11) (from Ch. 96 1/2, par. 1611)
Sec. 16.11. Socketed ropes shall be cut off and resocketed pursuant to the manufacturer's recommendation, if found to be damaged or defective at least once each six months, or more often if necessary, and a notice shall be posted in the engine room giving the date when the rope was installed and when resocketed.
(Source: Laws 1953, p. 701.)

(225 ILCS 705/25.01) (from Ch. 96 1/2, par. 2501)
Sec. 25.01. Multi-gas detectors Not less than two permissible flame safety lamps and a barometer, all in proper working condition, shall be kept available at each mine for the use of authorized persons. Only permissible multi-gas detectors flame safety lamps, permissible methane detectors, or air sampling and analysis shall be used for determining the presence of methane and other gases in mine air.
(Source: Laws 1953, p. 701.)

(225 ILCS 705/25.02) (from Ch. 96 1/2, par. 2502)
Sec. 25.02. Mine In gassy mines, mine officials whose regular duties require them to inspect working places shall have in their possession, when underground, a permissible multi-gas detector flame safety lamp in safe working condition, for the detection of methane and oxygen deficiency.

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Sec. 25.04. All multi-gas detectors safety lamps shall be the property of the operator and when not in use shall remain in the custody of the mine manager or other competent person designated by him, who shall be responsible for the maintenance and calibration of the detectors to ensure that they are in safe working condition clean, fill, trim, examine and deliver same, locked and in safe condition to the men when they enter the mine, or at some underground station designated by the mine manager for that purpose. He shall also receive the lamps from the men when they leave the mine or as they pass the underground lamp station at the end of their shift.

Sec. 25.05. The person to whom multi-gas detectors lamps are given shall be responsible for the condition and proper use of the multi-gas detectors safety lamps while in their possession, and their return to the lamp station.

Sec. 29.01. In all mines adequate telephone service or equivalent 2-way communication facilities, including, but not limited to, 2-way text messages, shall be provided at the top and bottom of each main shaft or slope, and from the bottoms to the working sections of the mine. Text messaging communications systems used as communication facilities must be approved by the Department. If text messaging is used, pre-programmed text messages shall be capable of providing information to the surface necessary to determine the status of the miners and the conditions in the mine, as well as providing the necessary emergency response information to the miners.

Sec. 31.03. In every mine the minimum quantity of air shall not be less than 150 cubic feet per minute for each person employed, measured at the foot of the downcast and of the upcast. However, in any mine wherein explosive gas is being generated in such quantities that it can be detected by a multi-gas detector an approved safety lamp, the minimum quantity of air shall not be less than 200 cubic feet per minute for each person.
employed therein. The State Mine Inspector shall have power by order in writing to require these quantities to be increased.

(Source: P.A. 89-657, eff. 8-14-96.)

(225 ILCS 705/31.04) (from Ch. 96 1/2, par. 3104)

Sec. 31.04. If the air at an underground working face in a mine, when tested at a point not less than 12 inches from the roof, face, or rib, contains more than 1.0% of methane as determined by permissible methane detector, a *multi-gas detector* permissible flame safety lamp, air analysis, or other recognized means of accurately detecting such gas, changes or adjustments shall be made at once in the ventilation in such a mine so that such air shall not contain more than 1.0% of methane.

(Source: Laws 1953, p. 701.)

(225 ILCS 705/31.05) (from Ch. 96 1/2, par. 3105)

Sec. 31.05. If a split of air returning from active underground working places in a mine contains more than 1.0% of methane as determined by a permissible methane detector, a *multi-gas detector* permissible flame safety lamp, air analysis, or other recognized means of accurately detecting such gas, changes or adjustments shall be made at once in the ventilation in such mine so that such returning air shall not contain more than 1.0% of methane.

(Source: Laws 1953, p. 701.)

(225 ILCS 705/31.06) (from Ch. 96 1/2, par. 3106)

Sec. 31.06. If a split of air returning from active underground working places in a mine contains as much as 1.5% of methane as determined by a permissible methane detector, a *multi-gas detector* permissible flame safety lamp, air analysis, or other recognized means of accurately detecting such gas, the employees shall be withdrawn from the portion of the mine endangered thereby and all power shall be cut off from such portion of the mine until the quantity of methane in such split shall be less than 1.5%. However, in virgin territory in mines ventilated by exhaust fans, where methane is liberated in large amounts, if the quantity of air in a split ventilating the workings in such territory equals or exceeds twice the minimum volume of air prescribed in Section 31.02 and if only permissible electric equipment is used in such workings and the air in the split returning from such workings does not pass over trolley or other bare power wires, and if a certified person designated by the mine operator is continually testing the gas content of the air in such split during mining operations in such workings, it shall be necessary to withdraw the employees and cut off all power from the portion of the mine endangered.
by such methane only when the quantity thereof in the air returning from such workings exceeds 2%, as determined by a permissible methane detector, a *multi-gas detector* permissible flame safety lamp, air analysis, or other recognized means of accurately detecting such gas.

(Source: Laws 1953, p. 701.)

(225 ILCS 705/31.10) (from Ch. 96 1/2, par. 3110)

Sec. 31.10. If the State Mine Inspector finds methane with a *multi-gas detector* permissible flame safety lamp, permissible methane detector, air analysis, or other recognized means, in the amount of 0.25% or more, in any open workings of such mine when tested at a point not less than 12 inches from the roof, face or rib the mine shall be classified as gassy. Nothing in this Act shall preclude the reclassification of a mine that has been classified gassy if a subsequent examination, made by the State Mine Inspector in the method provided herein, shows the methane content to be less than 0.25%.

(Source: Laws 1953, p. 701.)

(225 ILCS 705/31.30) (from Ch. 96 1/2, par. 3130)

Sec. 31.30. In gassy mines worked by the so-called "enclosed panel system" where rooms are driven off of both sides of the panel entries and ventilated by one side of the panel as the intake airway and the other side as the return, the following shall govern the method of working this type of panel: When the top end or inby end of the panel begins to squeeze, work or more as the result of extraction of coal and the area cannot be examined, men working in the said panel and rooms shall be removed until movement has abated and the presence of gas cannot be detected with a *multi-gas detector* permissible flame safety lamp. However, if in such panels fire, barrier or cutoff pillars are left in the center of the panel of adequate thickness and the entries have been sealed in line with the pillars with adequate roof support on the inby side of the seals isolating the worked out area from the live works, then mining operations may be resumed. This shall not apply to panels worked with rooms on the intake side only, or panels with bleeder entry system whereby the gas released in the squeezed area will not contaminate the ventilating air current used to ventilate active workings within the panel.

(Source: Laws 1953, p. 701.)

(225 ILCS 705/25.03 rep.)

(225 ILCS 705/25.06 rep.)

(225 ILCS 705/25.07 rep.)
Section 10. The Coal Mining Act is amended by repealing Sections 25.03, 25.06, and 25.07.
Approved July 8, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0539
(Senate Bill No. 2910)

AN ACT concerning agriculture.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Noxious Weed Law is amended by changing Sections 2, 4, and 14 as follows:
(505 ILCS 100/2) (from Ch. 5, par. 952)
Sec. 2. As used in this Act: (1) "Person" means any individual, partnership, firm, corporation, company, society, association, the State or any department, agency, or subdivision thereof, or any other entity.
(2) "Control", "controlled" or "controlling" includes being in charge of or being in possession, whether as owner, lessee, renter, or tenant, under statutory authority, or otherwise.
(3) "Director" means the Director of the Department of Agriculture of the State of Illinois, or his or her duly appointed representative.
(4) "Department" means the Department of Agriculture of the State of Illinois.
(5) "Noxious weed" means any plant which is determined by the Director, the Dean of the College of Agricultural, Consumer and Environmental Sciences of the University of Illinois and the Director of the Agricultural Experiment Station at the University of Illinois, to be injurious to public health, crops, livestock, land or other property.
(6) "Control Authority" means the governing body of each county, and shall represent all rural areas and cities, villages and townships within the county boundaries.
(7) "Applicable fund" means the fund current at the time the work is performed or the money is received.
(Source: P.A. 77-1037.)
(505 ILCS 100/4) (from Ch. 5, par. 954)

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Sec. 4. The duty of enforcing this Act and carrying out its provisions is vested in the Director, and the authorities designated in this Act acting under the supervision and direction of the Director. If a Control Authority fails to carry out its duties and responsibilities under this Act or fails to follow the Department's rules, the Director shall enforce this Act or rules by sending a Notice of Noncompliance to the Control Authority. The Director, the Dean of the College of Agricultural, Consumer and Environmental Sciences Agriculture of the University of Illinois and the Director of the Agricultural Experiment Station at the University of Illinois, shall determine what weeds are noxious for the purposes of this Act, and shall compile and keep current a list of such noxious weeds, which list shall be published and incorporated in the rules and regulations of the Department. The Director shall, from time to time, adopt and publish methods as official for control and eradication of noxious weeds and make and publish such rules and regulations as in his judgment are necessary to carry out the provisions of this Act.
(Source: P.A. 77-1037.)
(505 ILCS 100/14) (from Ch. 5, par. 964)

Sec. 14. To prevent the dissemination of noxious weeds through any article, including machinery, equipment, plants, materials and other things, the Director, in consultation with the Dean of the College of Agricultural, Consumer and Environmental Sciences Agriculture of the University of Illinois and the Director of the Agricultural Experiment Station at the University of Illinois, shall, from time to time, publish a list of noxious weeds which may be disseminated through articles and a list of articles capable of disseminating such weeds, and designate treatment of such articles as, in his opinion, would prevent such dissemination. Until such article is treated in accordance with the applicable regulations, it shall not be moved from such premises except under and in accordance with the written permission of the Control Authority having jurisdiction of the area in which such article is located, and the Control Authority may hold or prevent its movement from such premises. The movement of any such article which has not been so decontaminated, except in accordance with such written permission, may be stopped by the Control Authority having jurisdiction over the place in which such movement is taking place and further movement and disposition shall only be in accordance with such Control Authority's direction.
(Source: P.A. 77-1037.)

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

Passed in the General Assembly May 23, 2016.
Approved July 8, 2016.
Effective July 8, 2016.

PUBLIC ACT 99-0540
(Senate Bill No. 2918)

AN ACT concerning safety.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Pesticide Act is amended by changing Sections 4, 9, 10, 11.1, 12, and 13 as follows:

Sec. 4. Definitions. As used in this Act:
1. "Director" means Director of the Illinois Department of Agriculture or his authorized representative.
2. "Active Ingredient" means any ingredient which will prevent, destroy, repel, control or mitigate a pest or which will act as a plant regulator, defoliant or desiccant.
3. "Adulterated" shall apply to any pesticide if the strength or purity is not within the standard of quality expressed on the labeling under which it is sold, distributed or used, including any substance which has been substituted wholly or in part for the pesticide as specified on the labeling under which it is sold, distributed or used, or if any valuable constituent of the pesticide has been wholly or in part abstracted.
4. "Agricultural Commodity" means produce of the land including but not limited to plants and plant parts, livestock and poultry and livestock or poultry products, seeds, sod, shrubs and other products of agricultural origin including the premises necessary to and used directly in agricultural production. Agricultural commodity also includes aquatic products as defined in the Aquaculture Development Act.
5. "Animal" means all vertebrate and invertebrate species including, but not limited to, man and other mammals, bird, fish, and shellfish.
6. "Beneficial Insects" means those insects which during their life cycle are effective pollinators of plants, predators of pests or are otherwise beneficial.

New matter indicated by italics - deletions by strikeout
7. "Certified applicator".
   A. "Certified applicator" means any individual who is certified under this Act to purchase, use, or supervise the use of pesticides which are classified for restricted use.
   B. "Private applicator" means a certified applicator who purchases, uses, or supervises the use of any pesticide classified for restricted use, for the purpose of producing any agricultural commodity on property owned, rented, or otherwise controlled by him or his employer, or applied to other property if done without compensation other than trading of personal services between no more than 2 producers of agricultural commodities.
   C. "Licensed Commercial Applicator" means a certified applicator, whether or not he is a private applicator with respect to some uses, who owns or manages a business that is engaged in applying pesticides, whether classified for general or restricted use, for hire. The term also applies to a certified applicator who uses or supervises the use of pesticides, whether classified for general or restricted use, for any purpose or on property of others excluding those specified by subparagraphs 7 (B), (D), (E) of Section 4 of this Act.
   D. "Commercial Not For Hire Applicator" means a certified applicator who uses or supervises the use of pesticides classified for general or restricted use for any purpose on property of an employer when such activity is a requirement of the terms of employment and such application of pesticides under this certification is limited to property under the control of the employer only and includes, but is not limited to, the use or supervision of the use of pesticides in a greenhouse setting. "Commercial Not For Hire Applicator" also includes a certified applicator who uses or supervises the use of pesticides classified for general or restricted use as an employee of a state agency, municipality, or other duly constituted governmental agency or unit.
   E. "Licensed Public Applicator" means a certified applicator who uses or supervises the use of pesticides classified for general or restricted use as an employee of a state agency, municipality, or other duly constituted governmental agency or unit.

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8. "Defoliant" means any substance or combination of substances which cause leaves or foliage to drop from a plant with or without causing abscission.

9. "Desiccant" means any substance or combination of substances intended for artificially accelerating the drying of plant tissue.

10. "Device" means any instrument or contrivance, other than a firearm or equipment for application of pesticides when sold separately from pesticides, which is intended for trapping, repelling, destroying, or mitigating any pest, other than bacteria, virus, or other microorganisms on or living in man or other living animals.

11. "Distribute" means offer or hold for sale, sell, barter, ship, deliver for shipment, receive and then deliver, or offer to deliver pesticides, within the State.

12. "Environment" includes water, air, land, and all plants and animals including man, living therein and the interrelationships which exist among these.

13. "Equipment" means any type of instruments and contrivances using motorized, mechanical or pressure power which is used to apply any pesticide, excluding pressurized hand-size household apparatus containing dilute ready to apply pesticide or used to apply household pesticides.


15. "Fungi" means any non-chlorophyll bearing thallophytes, any non-chlorophyll bearing plant of a lower order than mosses or liverworts, as for example rust, smut, mildew, mold, yeast and bacteria, except those on or in living animals including man and those on or in processed foods, beverages or pharmaceuticals.

16. "Household Substance" means any pesticide customarily produced and distributed for use by individuals in or about the household.

17. "Imminent Hazard" means a situation which exists when continued use of a pesticide would likely result in unreasonable adverse effect on the environment or will involve unreasonable hazard to the survival of a species declared endangered by the U.S. Secretary of the Interior or to species declared to be protected by the Illinois Department of Natural Resources.

18. "Inert Ingredient" means an ingredient which is not an active ingredient.

19. "Ingredient Statement" means a statement of the name and percentage of each active ingredient together with the total percentage of

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inert ingredients in a pesticide and for pesticides containing arsenic in any form, the ingredient statement shall include percentage of total and water soluble arsenic, each calculated as elemental arsenic. In the case of spray adjuvants the ingredient statement need contain only the names of the functioning agents and the total percent of those constituents ineffective as spray adjuvants.

20. "Insect" means any of the numerous small invertebrate animals generally having the body more or less obviously segmented for the most part belonging to the class Insects, comprised of six-legged, usually winged forms, as for example beetles, caterpillars, and flies. This definition encompasses other allied classes of arthropods whose members are wingless and usually have more than 6 legs as for example spiders, mites, ticks, centipedes, and millipedes.

21. "Label" means the written, printed or graphic matter on or attached to the pesticide or device or any of its containers or wrappings.

22. "Labeling" means the label and all other written, printed or graphic matter: (a) on the pesticide or device or any of its containers or wrappings, (b) accompanying the pesticide or device or referring to it in any other media used to disseminate information to the public, (c) to which reference is made to the pesticide or device except when references are made to current official publications of the U. S. Environmental Protection Agency, Departments of Agriculture, Health, Education and Welfare or other Federal Government institutions, the state experiment station or colleges of agriculture or other similar state institution authorized to conduct research in the field of pesticides.

23. "Land" means all land and water area including airspace, and all plants, animals, structures, buildings, contrivances, and machinery appurtenant thereto or situated thereon, fixed or mobile, including any used for transportation.

24. "Licensed Operator" means a person employed to apply pesticides to the lands of others under the direction of a "licensed commercial applicator" or a "licensed public applicator" or a "licensed commercial not-for-hire applicator".

25. "Nematode" means invertebrate animals of the phylum nemathelminthes and class nematoda, also referred to as nema or eelworms, which are unsegmented roundworms with elongated fusiform or sac-like bodies covered with cuticle and inhabiting soil, water, plants or plant parts.

New matter indicated by italics - deletions by strikeout
26. "Permit" means a written statement issued by the Director or his authorized agent, authorizing certain acts of pesticide purchase or of pesticide use or application on an interim basis prior to normal certification, registration, or licensing.

27. "Person" means any individual, partnership, association, fiduciary, corporation, or any organized group of persons whether incorporated or not.

28. "Pest" means (a) any insect, rodent, nematode, fungus, weed, or (b) any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other microorganism, excluding virus, bacteria, or other microorganism on or in living animals including man, which the Director declares to be a pest.

29. "Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest or any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.

30. "Pesticide Dealer" means any person who distributes registered pesticides to the user.

31. "Plant Regulator" means any substance or mixture of substances intended through physiological action to affect the rate of growth or maturation or otherwise alter the behavior of ornamental or crop plants or the produce thereof. This does not include substances which are not intended as plant nutrient trace elements, nutritional chemicals, plant or seed inoculants or soil conditioners or amendments.

32. "Protect Health and Environment" means to guard against any unreasonable adverse effects on the environment.

33. "Registrant" means person who has registered any pesticide pursuant to the provision of FIFRA and this Act.

34. "Restricted Use Pesticide" means any pesticide with one or more of its uses classified as restricted by order of the Administrator of USEPA.

35. "SLN Registration" means registration of a pesticide for use under conditions of special local need as defined by FIFRA.

36. "State Restricted Pesticide Use" means any pesticide use which the Director determines, subsequent to public hearing, that an additional restriction for that use is needed to prevent unreasonable adverse effects.

37. "Structural Pest" means any pests which attack and destroy buildings and other structures or which attack clothing, stored food,
commodities stored at food manufacturing and processing facilities or manufactured and processed goods.

38. "Unreasonable Adverse Effects on the Environment" means the unreasonable risk to the environment, including man, from the use of any pesticide, when taking into account accrued benefits of as well as the economic, social, and environmental costs of its use.


40. "Use inconsistent with the label" means to use a pesticide in a manner not consistent with the label instruction, the definition adopted in FIFRA as interpreted by USEPA shall apply in Illinois.

41. "Weed" means any plant growing in a place where it is not wanted.

42. "Wildlife" means all living things, not human, domestic, or pests.

43. "Bulk pesticide" means any registered pesticide which is transported or held in an individual container in undivided quantities of greater than 55 U.S. gallons liquid measure or 100 pounds net dry weight.

44. "Bulk repackaging" means the transfer of a registered pesticide from one bulk container (containing undivided quantities of greater than 100 U.S. gallons liquid measure or 100 pounds net dry weight) to another bulk container (containing undivided quantities of greater than 100 U.S. gallons liquid measure or 100 pounds net dry weight) in an unaltered state in preparation for sale or distribution to another person.

45. "Business" means any individual, partnership, corporation or association engaged in a business operation for the purpose of selling or distributing pesticides or providing the service of application of pesticides in this State.

46. "Facility" means any building or structure and all real property contiguous thereto, including all equipment fixed thereon used for the operation of the business.

47. "Chemigation" means the application of a pesticide through the systems or equipment employed for the primary purpose of irrigation of land and crops.

48. "Use" means any activity covered by the pesticide label including but not limited to application of pesticide, mixing and loading, storage of pesticides or pesticide containers, disposal of pesticides and pesticide containers and reentry into treated sites or areas.

(Source: P.A. 98-756, eff. 7-16-14.)

New matter indicated by italics - deletions by strikeout
Sec. 9. Licenses and pesticide dealer registrations requirements; certification.

(a) Licenses and pesticide dealer registrations issued pursuant to this Act as a result of certification attained in calendar year 2017 or earlier shall be valid for the calendar one year in which they were issued, except that private applicator licenses shall be valid for the calendar year in which they were issued plus 2 additional calendar 3 years. All licenses and pesticide dealer registrations shall expire on December 31 of the year in which it is to expire. A license or pesticide dealer registration in effect on the 31st of December, for which renewal has been made within 60 days following the date of expiration, shall continue in full force and effect until the Director notifies the applicant that renewal has been approved and accepted or is to be denied in accordance with this Act. The Director shall not issue a license or pesticide dealer registration to a first time applicant or to a person who has not made application for renewal on or before March 1 following the expiration date of the license or pesticide dealer registration until such applicant or person has been certified by the Director as having successfully demonstrated competence and knowledge regarding pesticide use. The Director shall issue a license or pesticide dealer registration to a person that made application after March 1 and before April 15 if that application is accompanied by a late application fee. A licensee or pesticide dealer shall be required to be recertified for competence and knowledge regarding pesticide use at least once every 3 years and at such other times as deemed necessary by the Director to assure a continued level of competence and ability. The Director shall by regulation specify the standard of qualification for certification and the manner of establishing an applicant's competence and knowledge. A certification shall remain valid only if an applicant attains licensure or pesticide dealer registration during the calendar year in which certification was granted and the licensure is maintained throughout the 3-year certification period.

(b) Multi-year licenses and pesticide dealer registrations issued pursuant to this Act as a result of certification attained in calendar year 2018 or thereafter shall be valid for the calendar year in which they were issued plus 2 additional calendar years. All licenses and pesticide dealer registrations shall expire on December 31 of the year in which they are to expire. A license or pesticide dealer registration in effect on the 31st of December, for which recertification and licensure has been made within
60 days following the date of expiration, shall continue in full force and effect until the Director notifies the applicant that recertification and licensure has been approved and accepted or is to be denied in accordance with this Act. A licensee or pesticide dealer shall be required to be recertified for competence and knowledge regarding pesticide use at least once every 3 years and at such other times as deemed necessary by the Director to assure a continued level of competence and ability. The Director shall by rule specify the standard of qualification for certification and the manner of establishing the applicant's competence and knowledge. A certification shall remain valid only if an applicant attains licensure or pesticide dealer registration during the calendar year in which certification was granted and the licensure is maintained throughout the 3-year certification period. Notwithstanding the other provisions of this subsection (b), the employer of a pesticide applicator or operator licensee may notify the Director that the licensee's employment has been terminated. If the employer submits that notification, the employer shall return to the Director the licensee's pesticide applicator or operator license card and may request that the unused portion of the terminated licensee's pesticide applicator or operator license term be transferred to a newly certified or re-certified individual, and the Director may issue the appropriate pesticide applicator or operator license to the newly certified or re-certified individual with an expiration date equal to the original license after payment of a $10 transfer fee.

(c) The Director may refuse to issue a license or pesticide dealer registration based upon the violation history of the applicant.
(Source: P.A. 98-923, eff. 1-1-15.)

(415 ILCS 60/10) (from Ch. 5, par. 810)

Sec. 10. Commercial Applicator License. No commercial applicator shall use or supervise the use of any pesticide without a commercial license issued by the Director. For the years preceding the year 2001, the Director shall require an annual fee for commercial applicator license of $35. For the years 2001, 2002, 2003, 2004, 2005, and 2006, the annual fee for a commercial applicator license is $45. For the years 2007 through 2017 and thereafter, the annual fee for a commercial applicator license is $60. For the years 2018 and thereafter, the fee for a multi-year commercial applicator license is $180. The late application fee for a commercial applicator license shall be $20 in addition to the normal license fee. A commercial applicator shall be assessed a fee of $10 $5 for a duplicate license.

New matter indicated by italics - deletions by strikeout
1. Application for the commercial applicator license shall be made in writing on designated forms available from the Director. Each application shall contain information regarding the applicants qualifications, nature of the proposed operation, classification of license being sought, and shall include the following:
   A. The full name of the applicant.
   B. The address of the applicant.
   C. Any necessary information prescribed by the Director on the designated application form.

2. An applicant for a license shall demonstrate competence and knowledge regarding pesticide use in accordance with Section 9 of this Act.

3. A licensed commercial applicator must provide to the Director at the time of original licensing and must maintain throughout the licensure period evidence of financial responsibility protecting persons who may suffer personal injury or property damage or both as a result of the pesticide operation of the applicant in either of the following manners:
   A. Evidence of responsibility may be provided in the form of a surety bond for each licensed commercial applicator naming the licensed commercial applicator as principal of the bond. The amount of the bond shall be not less than $50,000 per year. It is permissible to provide two bonds; one for $25,000 for bodily injury liability and the second for $25,000 for property damage liability. The bond or bonds shall be made payable to the Director of Agriculture, State of Illinois, for the benefit of the injured party and shall be conditioned upon compliance with the provisions of this Act by the principal, his or her officers, representatives and employees; or
   B. Evidence of responsibility may be provided in the form of a certificate of liability insurance providing coverage for each licensed commercial applicator or licensed entity in the amount of not less than $50,000 per person, $100,000 per occurrence bodily injury liability coverage, with an annual aggregate of not less than $500,000, and $50,000 per occurrence property damage liability, with an annual aggregate of not less than $50,000; or, in lieu thereof, a combined single limit of not less than $100,000 bodily injury and property damage liability combined, with an annual aggregate of not less than $500,000.

New matter indicated by italics - deletions by strikeout
4. Every insurance policy or bond shall contain a provision that it will not be cancelled or reduced by the principal or insurance company, except upon 30 days prior notice in writing to the Director of the Department at the Springfield, Illinois office and the principal insured. A reduction or cancellation of policy shall not affect the liability accrued or which may accrue under such policy before the expiration of the 30 days. The notice shall contain the termination date. Upon said reduction or cancellation, the Director shall immediately notify the licensee that his or her license will be suspended and the effective date until the minimum bond or liability insurance requirements are met by the licensee for the current license period.

5. Nothing in this Act shall be construed to relieve any person from liability for any damage to persons or property caused by use of pesticides even though such use conforms to label instructions and pertinent rules and regulations of this State.

6. The Director may renew any applicant's license in the classifications for which such applicant is licensed, subject to requalification requirements imposed by the Director. Requalification standards shall be prescribed by regulations adopted pursuant to this Act and are required to ensure that the licensed commercial applicator meets the requirements of changing technology and to assure a continued level of competence and ability.

7. The Director may limit the license of an applicant to allow only the use of certain pesticides in a delimited geographic area, or to the use of certain application techniques or equipment. If a license is not issued as applied for, the Director shall inform the applicant in writing of the reasons and extend an opportunity for the applicant to complete the requirements for the license desired.

8. For the purpose of uniformity, the Director may enter into agreements for accepting standards of qualification of other states as a basis for licensing commercial applicators.

(Source: P.A. 89-94, eff. 7-6-95; 90-205, eff. 1-1-98.)

(415 ILCS 60/11.1) (from Ch. 5, par. 811.1)

Sec. 11.1. Public and Commercial Not-for-Hire License. No public or commercial not-for-hire applicator shall use or supervise the use of any pesticide without a license issued by the Director. For the years 2011 through 2017 and thereafter, the public or commercial not-for-hire pesticide applicator license fee shall be $20. For the years 2018 and thereafter, the fee for a multi-year commercial not-for-hire pesticide

New matter indicated by italics - deletions by strikeout
The applicator license is $60. The late application fee for a public or commercial not-for-hire applicator license shall be $20 in addition to the normal license fees. A public or commercial not-for-hire applicator shall be assessed a fee of $10 for a duplicate license.

1. Application for certification as a commercial not-for-hire pesticide applicator shall be made in writing on designated forms available from the Director. Each application shall contain information regarding the qualifications of the applicant, classification of certification being sought, and shall include the following:
   A. The full name of the applicant.
   B. The name of the applicant's employer.
   C. The address at the applicant's place of employment.
   D. Any other information prescribed by the Director on the designated form.

2. The Director shall not issue a certification to a commercial not-for-hire pesticide applicator until the individual identified has demonstrated his competence and knowledge regarding pesticide use in accordance with Section 9 of this Act.

3. The Director shall not renew a certification as a commercial not-for-hire pesticide applicator until the applicant reestablishes his qualifications in accordance with Section 9 of this Act or has met other requirements imposed by regulation in order to ensure that the applicant meets the requirements of changing technology and to assure a continued level of competence and ability.

4. (Blank). Application for certification as a public pesticide applicator shall be made in writing on designated forms available from the Director. Each application shall contain information regarding qualifications of applicant, classification of certification being sought, and shall include the following:
   A. The full name of the applicant.
   B. The name of the applicant's employer.
   C. Any other information prescribed by the Director on the designated form.

5. (Blank). The Director shall not issue a certificate to a public pesticide applicator until the individual identified has demonstrated his competence and knowledge regarding pesticide use in accordance with Section 9 of this Act.

6. (Blank). The Director shall not renew a certification as a public pesticide applicator until the applicant reestablishes his qualifications in

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accordance with Section 9 of this Act or has met other requirements imposed by regulation in order to ensure that the applicant meets the requirements of changing technology and to assure a continued level of competence and ability.

7. Persons applying general use pesticides, approved by the Inter-Agency Committee on the Use of Pesticides, to scrap tires for the control of mosquitoes shall be exempt from the license requirements of this Section.

(Source: P.A. 96-1310, eff. 7-27-10.)

(415 ILCS 60/12) (from Ch. 5, par. 812)

Sec. 12. Licensed Operator. No pesticide operator shall use any pesticides without a pesticide operator license issued by the Director.

1. Application for an operator license shall be made in writing on designated forms available from the Director. Each application shall contain information regarding the nature of applicants pesticide use, his qualifications, and such other facts as prescribed on the form. The application shall also include the following:
   A. The full name of applicant.
   B. The address of the applicant.
   C. The name of and license/certification number of the pesticide applicator under whom the applicant will work.

2. The Director shall not issue a pesticide operator license until the individual identified has demonstrated his competence and knowledge regarding pesticide use in accordance with Section 9 of this Act.

3. The Director shall not issue an operator license to any person who is unable to provide the name and license/certification number of an applicator under whom the operator will work.

4. For the years preceding the year 2001, a licensed commercial operator working for or under the supervision of a certified licensed commercial pesticide applicator shall pay an annual fee of $25. For the years 2001, 2002, and 2003, the annual fee for a commercial operator license is $30. For the years 2004, 2005, and 2006, the annual fee for a commercial operator license is $35. For the years 2007 through 2017 and thereafter, the annual fee for a commercial operator license is $40. For the years 2018 and thereafter, the fee for a multi-year commercial applicator license is $120. The late application fee for an operator license shall be $20 in addition to the normal license fee. A licensed operator shall be assessed a fee of $10 $5 for a duplicate license.

New matter indicated by italics - deletions by strikeout
5. For the years 2011 through 2017 and thereafter, the public or commercial not-for-hire pesticide operator license fee shall be $15. For the years 2018 and thereafter, the fee for a multi-year commercial not-for-hire pesticide applicator license is $45. The late application fee for a public or commercial not-for-hire applicator license shall be $20 in addition to the normal license fees. A public or commercial not-for-hire operator shall be assessed a fee of $10 for a duplicate license
(Source: P.A. 96-1310, eff. 7-27-10.)

(415 ILCS 60/13) (from Ch. 5, par. 813)

Sec. 13. Pesticide dealers. Any pesticide dealer who sells Restricted Use pesticides shall be registered with the Department on forms provided by the Director. Beginning July 1, 2005, any pesticide dealer that sells non-restricted use pesticides for use in the production of an agricultural commodity in containers with a capacity of 2.5 gallons or greater or 10 pounds or greater must also register with the Department on forms provided by the Director. Through 2017, registration shall consist of passing a required examination and payment of a $100 registration fee. For the years 2018 and thereafter, the pesticide dealer registration fee for a multi-year registration period is $300. The late application fee for a pesticide dealer registration shall be $20 in addition to the normal pesticide dealer registration fee. A pesticide dealer shall be assessed a fee of $10 for a duplicate registration.

Dealers who hold a Structural Pest Control license with the Illinois Department of Public Health or a Commercial Applicator's license with the Illinois Department of Agriculture are exempt from the registration fee but must register with the Department.

Each place of business which sells restricted use pesticides or non-restricted pesticides for use in the production of an agricultural commodity in containers with a capacity of 2.5 gallons or greater or 10 pounds or greater shall be considered a separate entity for the purpose of registration.

Registration as a pesticide dealer shall expire on December 31 of the year in which it is to expire. Pesticide dealers shall be certified in accordance with Section 9 of this Act.

The Director may prescribe, by rule, requirements for the registration and testing of any pesticide dealer selling other than restricted use pesticides and such rules shall include the establishment of a registration fee in an amount not to exceed the pesticide dealer registration fee.
The Department may refuse to issue or may suspend the registration of any person who fails to file a return, or to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.
(Source: P.A. 94-60, eff. 6-20-05.)

Passed in the General Assembly May 23, 2016.
Approved July 8, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0541
(Senate Bill No. 2920)

AN ACT concerning safety.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Environmental Justice Act is amended by changing Section 10 as follows:

(415 ILCS 155/10)
Sec. 10. Commission on Environmental Justice.
(a) The Commission on Environmental Justice is established and consists of the following 24 voting members:
(1) 2 members of the Senate, one appointed by the President of the Senate and the other by the Minority Leader of the Senate, each to serve at the pleasure of the appointing officer;
(2) 2 members of the House of Representatives, one appointed by the Speaker of the House of Representatives and the other by the Minority Leader of the House of Representatives, each to serve at the pleasure of the appointing officer;
(3) the following ex officio members: the Director of Aging or his or her designee, the Director of Commerce and Economic Opportunity or his or her designee, the Director of the Environmental Protection Agency or his or her designee, the Director of Natural Resources or his or her designee, the Director of Public Health or his or her designee, and the Secretary Director of Transportation or his or her designee, and a representative of the housing office of the Department of Human Services appointed by the Secretary of Human Services; and

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(4) 14 members appointed by the Governor who represent the following interests:

   (i) at least 4 members of affected communities concerned with environmental justice;
   (ii) at least 2 members of business organizations including one member representing a statewide organization representing manufacturers and one member representing an organization representing the energy sector;
   (iii) environmental organizations;
   (iv) experts on environmental health and environmental justice;
   (v) units of local government; and
   (vi) members of the general public who have an interest or expertise in environmental justice; and:
   (vii) at least 2 members of labor organizations including one member from a statewide labor federation representing more than one international union and one member from an organization representing workers in the energy sector.

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

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

   (d) The Commission shall:

   (1) advise State entities on environmental justice and related community issues;
   (2) review and analyze the impact of current State laws and policies on the issue of environmental justice and sustainable communities;
(3) assess the adequacy of State and local laws to address the issue of environmental justice and sustainable communities;  
(4) develop criteria to assess whether communities in the State may be experiencing environmental justice issues; and  
(5) recommend options to the Governor for addressing issues, concerns, or problems related to environmental justice that surface after reviewing State laws and policies, including prioritizing areas of the State that need immediate attention.

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

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

(Source: P.A. 97-391, eff. 8-16-11.)

Passed in the General Assembly May 29, 2016.
Approved July 8, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0542  
(Senate Bill No. 2944)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Insurance Code is amended by changing Section 35A-15 as follows:
(215 ILCS 5/35A-15)
Sec. 35A-15. Company action level event.
(a) A company action level event means any of the following events:
   (1) The filing of an RBC Report by an insurer that indicates that:
      (A) the insurer's total adjusted capital is greater than or equal to its regulatory action level RBC, but less than its company action level RBC;
      (B) the insurer, if a life, health, or life and health insurer or a fraternal benefit society, has total adjusted capital that is greater than or equal to its company action

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level RBC, but less than the product of its authorized control level RBC and 3.0 and has a negative trend; or

(C) the insurer, if a property and casualty insurer, has total adjusted capital that is greater than or equal to its company action level RBC, but less than the product of its authorized control level RBC and 3.0 and triggers the trend test determined in accordance with the trend test calculation included in the property and casualty RBC Instructions.

(D) the insurer, if a health organization, has total adjusted capital that is greater than or equal to its company action level RBC but less than the product of its authorized control level RBC and 3.0 and triggers the trend test determined in accordance with the trend test calculation included in the Health RBC Instructions.

(2) The notification by the Director to the insurer of an Adjusted RBC Report that indicates an event described in paragraph (1), provided the insurer does not challenge the Adjusted RBC Report under Section 35A-35.

(3) The notification by the Director to the insurer that the Director has, after a hearing, rejected the insurer's challenge under Section 35A-35 to an Adjusted RBC Report that indicates the event described in paragraph (1).

(b) In the event of a company action level event, the insurer shall prepare and submit to the Director an RBC Plan that does all of the following:

(1) Identifies the conditions that contribute to the company action level event.

(2) Contains proposed corrective actions that the insurer intends to take and that are expected to result in the elimination of the company action level event. A health organization is not prohibited from proposing recognition of a parental guarantee or a letter of credit to eliminate the company action level event; however the Director shall, at his discretion, determine whether or the extent to which the proposed parental guarantee or letter of credit is an acceptable part of a satisfactory RBC Plan or Revised RBC Plan.

(3) Provides projections of the insurer's financial results in the current year and at least the 4 succeeding years, both in the absence of proposed corrective actions and giving effect to the

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proposed corrective actions, including projections of statutory operating income, net income, capital, and surplus. The projections for both new and renewal business may include separate projections for each major line of business and separately identify each significant income, expense, and benefit component.

(4) Identifies the key assumptions affecting the insurer's projections and the sensitivity of the projections to the assumptions.

(5) Identifies the quality of, and problems associated with, the insurer's business including, but not limited to, its assets, anticipated business growth and associated surplus strain, extraordinary exposure to risk, mix of business, and use of reinsurance, if any, in each case.

(c) The insurer shall submit the RBC Plan to the Director within 45 days after the company action level event occurs or within 45 days after the Director notifies the insurer that the Director has, after a hearing, rejected its challenge under Section 35A-35 to an Adjusted RBC Report.

(d) Within 60 days after an insurer submits an RBC Plan to the Director, the Director shall notify the insurer whether the RBC Plan shall be implemented or is, in the judgment of the Director, unsatisfactory. If the Director determines the RBC Plan is unsatisfactory, the notification to the insurer shall set forth the reasons for the determination and may set forth proposed revisions that will render the RBC Plan satisfactory in the judgment of the Director. Upon notification from the Director, the insurer shall prepare a Revised RBC Plan, which may incorporate by reference any revisions proposed by the Director. The insurer shall submit the Revised RBC Plan to the Director within 45 days after the Director notifies the insurer that the RBC Plan is unsatisfactory or within 45 days after the Director notifies the insurer that the Director has, after a hearing, rejected its challenge under Section 35A-35 to the determination that the RBC Plan is unsatisfactory.

(e) In the event the Director notifies an insurer that its RBC Plan or Revised RBC Plan is unsatisfactory, the Director may, at the Director's discretion and subject to the insurer's right to a hearing under Section 35A-35, specify in the notification that the notification constitutes a regulatory action level event.

(f) Every domestic insurer that files an RBC Plan or Revised RBC Plan with the Director shall file a copy of the RBC Plan or Revised RBC Plan with the chief insurance regulatory official in any state in which the

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insurer is authorized to do business if that state has a law substantially similar to the confidentiality provisions in subsection (a) of Section 35A-50 and if that official requests in writing a copy of the plan. The insurer shall file a copy of the RBC Plan or Revised RBC Plan in that state no later than the later of 15 days after receiving the written request for the copy or the date on which the RBC Plan or Revised RBC Plan is filed under subsection (c) or (d) of this Section.

(Source: P.A. 97-955, eff. 8-14-12; 98-157, eff. 8-2-13.)

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

Passed in the General Assembly May 23, 2016.
Approved July 8, 2016.
Effective July 8, 2016.

PUBLIC ACT 99-0543
(Senate Bill No. 2963)

AN ACT concerning safety.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Solid Waste Management Act is amended by changing Section 3 as follows:

(415 ILCS 20/3) (from Ch. 111 1/2, par. 7053)

Sec. 3. State agency materials recycling program.

(a) All State agencies responsible for the maintenance of public lands in the State shall, to the maximum extent feasible, use compost materials in all land maintenance activities which are to be paid with public funds.

(a-5) All State agencies responsible for the maintenance of public lands in the State shall review its procurement specifications and policies to determine (1) if incorporating compost materials will help reduce stormwater run-off and increase infiltration of moisture in land maintenance activities and (2) the current recycled content usage and potential for additional recycled content usage by the Agency in land maintenance activities and report to the General Assembly by December 15, 2015.

(b) The Department of Central Management Services, in coordination with the Department of Commerce and Economic Opportunity, shall implement waste reduction programs, including source
separation and collection, for office wastepaper, corrugated containers, newsprint and mixed paper, in all State buildings as appropriate and feasible. Such waste reduction programs shall be designed to achieve waste reductions of at least 25% of all such waste by December 31, 1995, and at least 50% of all such waste by December 31, 2000. Any source separation and collection program shall include, at a minimum, procedures for collecting and storing recyclable materials, bins or containers for storing materials, and contractual or other arrangements with buyers of recyclable materials. If market conditions so warrant, the Department of Central Management Services, in coordination with the Department of Commerce and Economic Opportunity, may modify programs developed pursuant to this Section.

The Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity) shall conduct waste categorization studies of all State facilities for calendar years 1991, 1995 and 2000. Such studies shall be designed to assist the Department of Central Management Services to achieve the waste reduction goals established in this subsection.

(c) Each State agency shall, upon consultation with the Department of Commerce and Economic Opportunity, periodically review its procurement procedures and specifications related to the purchase of products or supplies. Such procedures and specifications shall be modified as necessary to require the procuring agency to seek out products and supplies that contain recycled materials, and to ensure that purchased products or supplies are reusable, durable or made from recycled materials whenever economically and practically feasible. In choosing among products or supplies that contain recycled material, consideration shall be given to products and supplies with the highest recycled material content that is consistent with the effective and efficient use of the product or supply.

(d) Wherever economically and practically feasible, the Department of Central Management Services shall procure recycled paper and paper products as follows:

(1) Beginning July 1, 1989, at least 10% of the total dollar value of paper and paper products purchased by the Department of Central Management Services shall be recycled paper and paper products.

(2) Beginning July 1, 1992, at least 25% of the total dollar value of paper and paper products purchased by the Department of

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Central Management Services shall be recycled paper and paper products.

(3) Beginning July 1, 1996, at least 40% of the total dollar value of paper and paper products purchased by the Department of Central Management Services shall be recycled paper and paper products.

(4) Beginning July 1, 2000, at least 50% of the total dollar value of paper and paper products purchased by the Department of Central Management Services shall be recycled paper and paper products.

(e) Paper and paper products purchased from private vendors pursuant to printing contracts are not considered paper products for the purposes of subsection (d). However, the Department of Central Management Services shall report to the General Assembly on an annual basis the total dollar value of printing contracts awarded to private sector vendors that included the use of recycled paper.

(f)(1) Wherever economically and practically feasible, the recycled paper and paper products referred to in subsection (d) shall contain postconsumer or recovered paper materials as specified by paper category in this subsection:

(i) Recycled high grade printing and writing paper shall contain at least 50% recovered paper material. Such recovered paper material, until July 1, 1994, shall consist of at least 20% deinked stock or postconsumer material; and beginning July 1, 1994, shall consist of at least 25% deinked stock or postconsumer material; and beginning July 1, 1996, shall consist of at least 30% deinked stock or postconsumer material; and beginning July 1, 1998, shall consist of at least 40% deinked stock or postconsumer material; and beginning July 1, 2000, shall consist of at least 50% deinked stock or postconsumer material.

(ii) Recycled tissue products, until July 1, 1994, shall contain at least 25% postconsumer material; and beginning July 1, 1994, shall contain at least 30% postconsumer material; and beginning July 1, 1996, shall contain at least 35% postconsumer material; and beginning July 1, 1998, shall contain at least 40% postconsumer material; and beginning July 1, 2000, shall contain at least 45% postconsumer material.

New matter indicated by italics - deletions by strikeout
(iii) Recycled newsprint, until July 1, 1994, shall contain at least 40% postconsumer material; and beginning July 1, 1994, shall contain at least 50% postconsumer material; and beginning July 1, 1996, shall contain at least 60% postconsumer material; and beginning July 1, 1998, shall contain at least 70% postconsumer material; and beginning July 1, 2000, shall contain at least 80% postconsumer material.

(iv) Recycled unbleached packaging, until July 1, 1994, shall contain at least 35% postconsumer material; and beginning July 1, 1994, shall contain at least 40% postconsumer material; and beginning July 1, 1996, shall contain at least 45% postconsumer material; and beginning July 1, 1998, shall contain at least 50% postconsumer material; and beginning July 1, 2000, shall contain at least 55% postconsumer material.

(v) Recycled paperboard, until July 1, 1994, shall contain at least 80% postconsumer material; and beginning July 1, 1994, shall contain at least 85% postconsumer material; and beginning July 1, 1996, shall contain at least 90% postconsumer material; and beginning July 1, 1998, shall contain at least 95% postconsumer material.

(2) For the purposes of this Section, "postconsumer material" includes:

(i) paper, paperboard, and fibrous wastes from retail stores, office buildings, homes, and so forth, after the waste has passed through its end usage as a consumer item, including used corrugated boxes, old newspapers, mixed waste paper, tabulating cards, and used cordage; and

(ii) all paper, paperboard, and fibrous wastes that are diverted or separated from the municipal solid waste stream.

(3) For the purposes of this Section, "recovered paper material" includes:

(i) postconsumer material;

(ii) dry paper and paperboard waste generated after completion of the papermaking process (that is, those manufacturing operations up to and including the cutting and trimming of the paper machine reel into smaller rolls or
rough sheets), including envelope cuttings, bindery trimmings, and other paper and paperboard waste resulting from printing, cutting, forming, and other converting operations, or from bag, box and carton manufacturing, and butt rolls, mill wrappers, and rejected unused stock; and

(iii) finished paper and paperboard from obsolete inventories of paper and paperboard manufacturers, merchants, wholesalers, dealers, printers, converters, or others.

(g) The Department of Central Management Services may adopt regulations to carry out the provisions and purposes of this Section.

(h) Every State agency shall, in its procurement documents, specify that, whenever economically and practically feasible, a product to be procured must consist, wholly or in part, of recycled materials, or be recyclable or reusable in whole or in part. When applicable, if state guidelines are not already prescribed, State agencies shall follow USEPA guidelines for federal procurement.

(i) All State agencies shall cooperate with the Department of Central Management Services in carrying out this Section. The Department of Central Management Services may enter into cooperative purchasing agreements with other governmental units in order to obtain volume discounts, or for other reasons in accordance with the Governmental Joint Purchasing Act, or in accordance with the Intergovernmental Cooperation Act if governmental units of other states or the federal government are involved.

(j) The Department of Central Management Services shall submit an annual report to the General Assembly concerning its implementation of the State's collection and recycled paper procurement programs. This report shall include a description of the actions that the Department of Central Management Services has taken in the previous fiscal year to implement this Section. This report shall be submitted on or before November 1 of each year.

(k) The Department of Central Management Services, in cooperation with all other appropriate departments and agencies of the State, shall institute whenever economically and practically feasible the use of re-refined motor oil in all State-owned motor vehicles and the use of remanufactured and retread tires whenever such use is practical, beginning no later than July 1, 1992.

(l) (Blank).

New matter indicated by italics - deletions by strikeout
(m) The Department of Central Management Services, in coordination with the Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity), has implemented an aluminum can recycling program in all State buildings within 270 days of the effective date of this amendatory Act of 1997. The program provides for (1) the collection and storage of used aluminum cans in bins or other appropriate containers made reasonably available to occupants and visitors of State buildings and (2) the sale of used aluminum cans to buyers of recyclable materials.

Proceeds from the sale of used aluminum cans shall be deposited into I-CYCLE accounts maintained in the State Surplus Property Revolving Fund and, subject to appropriation, shall be used by the Department of Central Management Services and any other State agency to offset the costs of implementing the aluminum can recycling program under this Section.

All State agencies having an aluminum can recycling program in place shall continue with their current plan. If a State agency has an existing recycling program in place, proceeds from the aluminum can recycling program may be retained and distributed pursuant to that program, otherwise all revenue resulting from these programs shall be forwarded to Central Management Services, I-CYCLE for placement into the appropriate account within the State Surplus Property Revolving Fund, minus any operating costs associated with the program.

(Source: P.A. 99-34, eff. 7-14-15.)

Passed in the General Assembly May 12, 2016.
Approved July 8, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0544
(Senate Bill No. 2173)

AN ACT concerning the Secretary of State.  
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Identification Card Act is amended by changing Section 5 as follows:
(15 ILCS 335/5) (from Ch. 124, par. 25)
Sec. 5. Applications.

New matter indicated by italics - deletions by strikeout
(a) Any natural person who is a resident of the State of Illinois may file an application for an identification card, or for the renewal thereof, in a manner prescribed by the Secretary. Each original application shall be completed by the applicant in full and shall set forth the legal name, residence address and zip code, social security number, birth date, sex and a brief description of the applicant. The applicant shall be photographed, unless the Secretary of State has provided by rule for the issuance of identification cards without photographs and the applicant is deemed eligible for an identification card without a photograph under the terms and conditions imposed by the Secretary of State, and he or she shall also submit any other information as the Secretary may deem necessary or such documentation as the Secretary may require to determine the identity of the applicant. In addition to the residence address, the Secretary may allow the applicant to provide a mailing address. If the applicant is a judicial officer as defined in Section 1-10 of the Judicial Privacy Act or a peace officer, the applicant may elect to have his or her office or work address in lieu of the applicant's residence or mailing address. An applicant for an Illinois Person with a Disability Identification Card must also submit with each original or renewal application, on forms prescribed by the Secretary, such documentation as the Secretary may require, establishing that the applicant is a "person with a disability" as defined in Section 4A of this Act, and setting forth the applicant's type and class of disability as set forth in Section 4A of this Act. For the purposes of this subsection (a), "peace officer" means any person who by virtue of his or her office or public employment is vested by law with a duty to maintain public order or to make arrests for a violation of any penal statute of this State, whether that duty extends to all violations or is limited to specific violations.

(b) Beginning on or before July 1, 2015, for each original or renewal identification card application under this Act, the Secretary shall inquire as to whether the applicant is a veteran for purposes of issuing an identification card with a veteran designation under subsection (c-5) of Section 4 of this Act. The acceptable forms of proof shall include, but are not limited to, Department of Defense form DD-214. The Illinois Department of Veterans' Affairs shall advise the Secretary as to what other forms of proof of a person's status as a veteran are acceptable.

The Illinois Department of Veterans' Affairs shall confirm the status of the applicant as an honorably discharged veteran before the Secretary may issue the identification card.

New matter indicated by italics - deletions by strikeout
For purposes of this subsection (b):

"Active duty" means active duty under an executive order of the President of the United States, an Act of the Congress of the United States, or an order of the Governor.

"Armed forces" means any of the Armed Forces of the United States, including a member of any reserve component or National Guard unit called to active duty.

"Veteran" means a person who has served on active duty in the armed forces and was discharged or separated under honorable conditions.

(Source: P.A. 97-371, eff. 1-1-12; 97-739, eff. 1-1-13; 97-847, eff. 1-1-13; 97-1064, eff. 1-1-13; 98-323, eff. 1-1-14; 98-463, eff. 8-16-13.)

Section 10. The Illinois Vehicle Code is amended by changing Section 6-106 as follows:

Sec. 6-106. Application for license or instruction permit.

(a) Every application for any permit or license authorized to be issued under this Code shall be made upon a form furnished by the Secretary of State. Every application shall be accompanied by the proper fee and payment of such fee shall entitle the applicant to not more than 3 attempts to pass the examination within a period of one year after the date of application.

(b) Every application shall state the legal name, social security number, zip code, date of birth, sex, and residence address of the applicant; briefly describe the applicant; state whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been cancelled, suspended, revoked or refused, and, if so, the date and reason for such cancellation, suspension, revocation or refusal; shall include an affirmation by the applicant that all information set forth is true and correct; and shall bear the applicant's signature. In addition to the residence address, the Secretary may allow the applicant to provide a mailing address. In the case of an applicant who is a judicial officer or peace officer, the Secretary may allow the applicant to provide an office or work address in lieu of a residence or mailing address. The application form may also require the statement of such additional relevant information as the Secretary of State shall deem necessary to determine the applicant's competency and eligibility. The Secretary of State may, in his discretion, by rule or regulation, provide that an application for a driver's license or permit may include a suitable photograph of the applicant in the form prescribed by the Secretary, and he

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may further provide that each driver's license shall include a photograph of the driver. The Secretary of State may utilize a photograph process or system most suitable to deter alteration or improper reproduction of a driver's license and to prevent substitution of another photo thereon. For the purposes of this subsection (b), "peace officer" means any person who by virtue of his or her office or public employment is vested by law with a duty to maintain public order or to make arrests for a violation of any penal statute of this State, whether that duty extends to all violations or is limited to specific violations.

(c) The application form shall include a notice to the applicant of the registration obligations of sex offenders under the Sex Offender Registration Act. The notice shall be provided in a form and manner prescribed by the Secretary of State. For purposes of this subsection (c), "sex offender" has the meaning ascribed to it in Section 2 of the Sex Offender Registration Act.

(d) Any male United States citizen or immigrant who applies for any permit or license authorized to be issued under this Code or for a renewal of any permit or license, and who is at least 18 years of age but less than 26 years of age, must be registered in compliance with the requirements of the federal Military Selective Service Act. The Secretary of State must forward in an electronic format the necessary personal information regarding the applicants identified in this subsection (d) to the Selective Service System. The applicant's signature on the application serves as an indication that the applicant either has already registered with the Selective Service System or that he is authorizing the Secretary to forward to the Selective Service System the necessary information for registration. The Secretary must notify the applicant at the time of application that his signature constitutes consent to registration with the Selective Service System, if he is not already registered.

(e) Beginning on or before July 1, 2015, for each original or renewal driver's license application under this Code, the Secretary shall inquire as to whether the applicant is a veteran for purposes of issuing a driver's license with a veteran designation under subsection (e-5) of Section 6-110 of this Code. The acceptable forms of proof shall include, but are not limited to, Department of Defense form DD-214. The Illinois Department of Veterans' Affairs shall advise the Secretary as to what other forms of proof of a person's status as a veteran are acceptable.
The Illinois Department of Veterans' Affairs shall confirm the status of the applicant as an honorably discharged veteran before the Secretary may issue the driver's license.

For purposes of this subsection (e):

"Active duty" means active duty under an executive order of the President of the United States, an Act of the Congress of the United States, or an order of the Governor.

"Armed forces" means any of the Armed Forces of the United States, including a member of any reserve component or National Guard unit called to active duty.

"Veteran" means a person who has served on active duty in the armed forces and was discharged or separated under honorable conditions.

(Source: P.A. 97-263, eff. 8-5-11; 97-739, eff. 1-1-13; 97-847, eff. 1-1-13; 98-323, eff. 1-1-14; 98-463, eff. 8-16-13; 98-756, eff. 7-16-14.)

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

Approved July 15, 2016.
Effective July 15, 2016.

PUBLIC ACT 99-0545
(House Bill No. 0538)

AN ACT concerning government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The State Designations Act is amended by adding Section 63 as follows:

(5 ILCS 460/63 new)

Sec. 63. State artifact. The pirogue is designated the official State artifact of the State of Illinois.

Passed in the General Assembly May 18, 2016.
Approved July 15, 2016.
Effective January 1, 2017.

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 99-0546
(House Bill No. 4391)

AN ACT concerning local government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Township Code is amended by adding Section 55-6 as follows:

(60 ILCS 1/55-6 new)

Sec. 55-6. Criminal conviction. A person is not eligible to hold any office if that person, at the time required for taking the oath of office, has been convicted in any court located in the United States of any infamous crime, bribery, perjury, or other felony.

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

Passed in the General Assembly May 19, 2016.
Approved July 15, 2016.
Effective July 15, 2016.

PUBLIC ACT 99-0547
(House Bill No. 4552)

AN ACT concerning aging.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Adult Protective Services Act is amended by changing Section 8 as follows:

(320 ILCS 20/8) (from Ch. 23, par. 6608)

Sec. 8. Access to records. All records concerning reports of abuse, neglect, financial exploitation, or self-neglect and all records generated as a result of such reports shall be confidential and shall not be disclosed except as specifically authorized by this Act or other applicable law. In accord with established law and Department protocols, procedures, and policies, access to such records, but not access to the identity of the person or persons making a report of alleged abuse, neglect, financial exploitation, or self-neglect as contained in such records, shall be provided, upon request, to the following persons and for the following persons:

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(1) Department staff, provider agency staff, other aging network staff, and regional administrative agency staff, including staff of the Chicago Department on Aging while that agency is designated as a regional administrative agency, in the furtherance of their responsibilities under this Act;

(1.5) A representative of the public guardian acting in the course of investigating the appropriateness of guardianship for the eligible adult or while pursuing a petition for guardianship of the eligible adult pursuant to the Probate Act of 1975;

(2) A law enforcement agency or State's Attorney's office investigating known or suspected abuse, neglect, financial exploitation, or self-neglect. Where a provider agency has reason to believe that the death of an eligible adult may be the result of abuse or neglect, including any reports made after death, the agency shall immediately provide the appropriate law enforcement agency with all records pertaining to the eligible adult;

(2.5) A law enforcement agency, fire department agency, or fire protection district having proper jurisdiction pursuant to a written agreement between a provider agency and the law enforcement agency, fire department agency, or fire protection district under which the provider agency may furnish to the law enforcement agency, fire department agency, or fire protection district a list of all eligible adults who may be at imminent risk of abuse, neglect, financial exploitation, or self-neglect;

(3) A physician who has before him or her or who is involved in the treatment of an eligible adult whom he or she reasonably suspects may be abused, neglected, financially exploited, or self-neglected or who has been referred to the Adult Protective Services Program;

(4) An eligible adult reported to be abused, neglected, financially exploited, or self-neglected, or such adult's authorized guardian or agent, unless such guardian or agent is the abuser or the alleged abuser;

(4.5) An executor or administrator of the estate of an eligible adult who is deceased;

(5) In cases regarding abuse, neglect, or financial exploitation, a court or a guardian ad litem, upon its or his or her finding that access to such records may be necessary for the determination of an issue before the court. However, such access

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shall be limited to an in camera inspection of the records, unless the court determines that disclosure of the information contained therein is necessary for the resolution of an issue then pending before it;

(5.5) In cases regarding self-neglect, a guardian ad litem;
(6) A grand jury, upon its determination that access to such records is necessary in the conduct of its official business;
(7) Any person authorized by the Director, in writing, for audit or bona fide research purposes;
(8) A coroner or medical examiner who has reason to believe that an eligible adult has died as the result of abuse, neglect, financial exploitation, or self-neglect. The provider agency shall immediately provide the coroner or medical examiner with all records pertaining to the eligible adult;
(8.5) A coroner or medical examiner having proper jurisdiction, pursuant to a written agreement between a provider agency and the coroner or medical examiner, under which the provider agency may furnish to the office of the coroner or medical examiner a list of all eligible adults who may be at imminent risk of death as a result of abuse, neglect, financial exploitation, or self-neglect;
(9) Department of Financial and Professional Regulation staff and members of the Illinois Medical Disciplinary Board or the Social Work Examining and Disciplinary Board in the course of investigating alleged violations of the Clinical Social Work and Social Work Practice Act by provider agency staff or other licensing bodies at the discretion of the Director of the Department on Aging;
(9-a) Department of Healthcare and Family Services staff and provider agency staff when that Department is funding services to the eligible adult, including access to the identity of the eligible adult;
(9-b) Department of Human Services staff and provider agency staff when that Department is funding services to the eligible adult or is providing reimbursement for services provided by the abuser or alleged abuser, including access to the identity of the eligible adult;

New matter indicated by italics - deletions by strikeout
(10) Hearing officers in the course of conducting an administrative hearing under this Act; parties to such hearing shall be entitled to discovery as established by rule;

(11) A caregiver who challenges placement on the Registry shall be given the statement of allegations in the abuse report and the substantiation decision in the final investigative report; and

(12) The Illinois Guardianship and Advocacy Commission and the agency designated by the Governor under Section 1 of the Protection and Advocacy for Persons with Developmental Disabilities Act shall have access, through the Department, to records, including the findings, pertaining to a completed or closed investigation of a report of suspected abuse, neglect, financial exploitation, or self-neglect of an eligible adult.

(Source: P.A. 98-49, eff. 7-1-13; 98-1039, eff. 8-25-14; 99-143, eff. 7-27-15; 99-287, eff. 1-1-16; revised 10-26-15.)

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

Passed in the General Assembly may 24, 2016.
Approved July 15, 2016.
Effective July 15, 2016.

PUBLIC ACT 99-0548
(House Bill No. 4562)

AN ACT concerning human rights.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Human Rights Act is amended by changing Section 8B-104 as follows:

(775 ILCS 5/8B-104) (from Ch. 68, par. 8B-104)

Sec. 8B-104. Relief; Penalties. Upon finding a civil rights violation, a hearing officer may recommend and the Commission or any three-member panel thereof may provide for any relief or penalty identified in this Section, separately or in combination, by entering an order directing the respondent to:

(A) Cease and Desist Order. Cease and desist from any violation of this Act.

New matter indicated by italics - deletions by strikeout
(B) Actual Damages. Pay actual damages, as reasonably determined by the Commission, for injury or loss suffered by the complainant.

(C) Civil Penalty. Pay a civil penalty to vindicate the public interest:

(i) in an amount not exceeding $16,000 $10,000 if the respondent has not been adjudged to have committed any prior civil rights violation under Article 3;

(ii) in an amount not exceeding $42,500 $25,000 if the respondent has been adjudged to have committed one other civil rights violation under Article 3 during the 5-year period ending on the date of the filing of this charge; and

(iii) in an amount not exceeding $70,000 $50,000 if the respondent has been adjudged to have committed 2 or more civil rights violations under Article 3 during the 7-year period ending on the date of the filing of this charge; except that if the acts constituting the civil rights violation that is the object of the charge are committed by the same natural person who has been previously adjudged to have committed acts constituting a civil rights violation under Article 3, then the civil penalties set forth in subparagraphs (ii) and (iii) may be imposed without regard to the period of time within which any subsequent civil rights violation under Article 3 occurred.

(D) Attorney Fees; Costs. Pay to the complainant all or a portion of the costs of maintaining the action, including reasonable attorneys fees and expert witness fees incurred in maintaining this action before the Department, the Commission and in any judicial review and judicial enforcement proceedings.


(F) Posting of Notices. Post notices in a conspicuous place which the Commission may publish or cause to be published setting forth requirements for compliance with this Act or other relevant information which the Commission determines necessary to explain this Act.

(G) Make Complainant Whole. Take such action as may be necessary to make the individual complainant whole, including, but not limited to, awards of interest on the complainant's actual damages from the date of the civil rights violation.

(Source: P.A. 86-910.)

Passed in the General Assembly May 24, 2016.

Approved July 15, 2016.

New matter indicated by italics - deletions by strikeout
Effective January 1, 2017.

PUBLIC ACT 99-0549
(House Bill No. 4614)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The Financial Institutions Code is amended by changing
Section 16 as follows:
(20 ILCS 1205/16) (from Ch. 17, par. 117)
Sec. 16. There shall be a Supervisor of Consumer Credit, a
Supervisor of Consumer Finance Businesses, a Supervisor of Sales
Finance Agencies, a Supervisor of Currency Exchanges, a Supervisor of
Title Insurance, and a Supervisor of Credit Unions. The respective
Supervisors shall be appointed by and responsible to the
Director and shall be administratively responsible within the Department
for the financial institutions and title insurance entities to which their
appointments pertain.
(Source: Laws 1967, p. 2211.)
Section 10. The Currency Exchange Act is amended by changing
Section 14 as follows:
(205 ILCS 405/14) (from Ch. 17, par. 4823)
Sec. 14. Every licensee, shall, on or before November 15, pay to
the Secretary the annual license fee or fees for the next succeeding
calendar year and shall at the same time file with the Secretary the annual
report required by Section 16 of this Act, and the annual bond or bonds,
and the insurance policy or policies as and if required by this Act. The
annual license fee for each community currency exchange shall be $400
for each licensee and $400 for each additional licensed location. The
annual license fee for each location served by an ambulatory currency
exchange shall be $25.
(Source: P.A. 99-445, eff. 1-1-16.)
Section 99. Effective date. This Act takes effect upon becoming
law.
Passed in the General Assembly May 24, 2016.
Approved July 15, 2016.
Effective July 15, 2016.

New matter indicated by italics - deletions by strikeout
AN ACT concerning liquor.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Liquor Control Act of 1934 is amended by changing Section 6-15 as follows:

(235 ILCS 5/6-15) (from Ch. 43, par. 130)

Sec. 6-15. No alcoholic liquors shall be sold or delivered in any building belonging to or under the control of the State or any political subdivision thereof except as provided in this Act. The corporate authorities of any city, village, incorporated town, township, or county may provide by ordinance, however, that alcoholic liquor may be sold or delivered in any specifically designated building belonging to or under the control of the municipality, township, or county, or in any building located on land under the control of the municipality, township, or county; provided that such township or county complies with all applicable local ordinances in any incorporated area of the township or county. Alcoholic liquor may be delivered to and sold under the authority of a special use permit on any property owned by a conservation district organized under the Conservation District Act, provided that (i) the alcoholic liquor is sold only at an event authorized by the governing board of the conservation district, (ii) the issuance of the special use permit is authorized by the local liquor control commissioner of the territory in which the property is located, and (iii) the special use permit authorizes the sale of alcoholic liquor for one day or less. Alcoholic liquors may be delivered to and sold at any airport belonging to or under the control of a municipality of more than 25,000 inhabitants, or in any building or on any golf course owned by a park district organized under the Park District Code, subject to the approval of the governing board of the district, or in any building or on any golf course owned by a forest preserve district organized under the Downstate Forest Preserve District Act, subject to the approval of the governing board of the district, or on the grounds within 500 feet of any building owned by a forest preserve district organized under the Downstate Forest Preserve District Act during times when food is dispensed for consumption within 500 feet of the building from which the food is dispensed, subject to the approval of the governing board of the district, or in a building owned by a Local Mass Transit District organized
under the Local Mass Transit District Act, subject to the approval of the governing Board of the District, or in Bicentennial Park, or on the premises of the City of Mendota Lake Park located adjacent to Route 51 in Mendota, Illinois, or on the premises of Camden Park in Milan, Illinois, or in the community center owned by the City of Loves Park that is located at 1000 River Park Drive in Loves Park, Illinois, or, in connection with the operation of an established food serving facility during times when food is dispensed for consumption on the premises, and at the following aquarium and museums located in public parks: Art Institute of Chicago, Chicago Academy of Sciences, Chicago Historical Society, Field Museum of Natural History, Museum of Science and Industry, DuSable Museum of African American History, John G. Shedd Aquarium and Adler Planetarium, or at Lakeview Museum of Arts and Sciences in Peoria, or in connection with the operation of the facilities of the Chicago Zoological Society or the Chicago Horticultural Society on land owned by the Forest Preserve District of Cook County, or on any land used for a golf course or for recreational purposes owned by the Forest Preserve District of Cook County, subject to the control of the Forest Preserve District Board of Commissioners and applicable local law, provided that dram shop liability insurance is provided at maximum coverage limits so as to hold the District harmless from all financial loss, damage, and harm, or in any building located on land owned by the Chicago Park District if approved by the Park District Commissioners, or on any land used for a golf course or for recreational purposes and owned by the Illinois International Port District if approved by the District's governing board, or at any airport, golf course, faculty center, or facility in which conference and convention type activities take place belonging to or under control of any State university or public community college district, provided that with respect to a facility for conference and convention type activities alcoholic liquors shall be limited to the use of the convention or conference participants or participants in cultural, political or educational activities held in such facilities, and provided further that the faculty or staff of the State university or a public community college district, or members of an organization of students, alumni, faculty or staff of the State university or a public community college district are active participants in the conference or convention, or in Memorial Stadium on the campus of the University of Illinois at Urbana-Champaign during games in which the Chicago Bears professional football team is playing in that stadium during the renovation of Soldier Field, not more than one and a half hours before

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the start of the game and not after the end of the third quarter of the game, or in the Pavilion Facility on the campus of the University of Illinois at Chicago during games in which the Chicago Storm professional soccer team is playing in that facility, not more than one and a half hours before the start of the game and not after the end of the third quarter of the game, or in the Pavilion Facility on the campus of the University of Illinois at Chicago during games in which the WNBA professional women's basketball team is playing in that facility, not more than one and a half hours before the start of the game and not after the 10-minute mark of the second half of the game, or by a catering establishment which has rented facilities from a board of trustees of a public community college district, or in a restaurant that is operated by a commercial tenant in the North Campus Parking Deck building that (1) is located at 1201 West University Avenue, Urbana, Illinois and (2) is owned by the Board of Trustees of the University of Illinois, or, if approved by the District board, on land owned by the Metropolitan Sanitary District of Greater Chicago and leased to others for a term of at least 20 years. Nothing in this Section precludes the sale or delivery of alcoholic liquor in the form of original packaged goods in premises located at 500 S. Racine in Chicago belonging to the University of Illinois and used primarily as a grocery store by a commercial tenant during the term of a lease that predates the University's acquisition of the premises; but the University shall have no power or authority to renew, transfer, or extend the lease with terms allowing the sale of alcoholic liquor; and the sale of alcoholic liquor shall be subject to all local laws and regulations. After the acquisition by Winnebago County of the property located at 404 Elm Street in Rockford, a commercial tenant who sold alcoholic liquor at retail on a portion of the property under a valid license at the time of the acquisition may continue to do so for so long as the tenant and the County may agree under existing or future leases, subject to all local laws and regulations regarding the sale of alcoholic liquor. Alcoholic liquors may be delivered to and sold at Memorial Hall, located at 211 North Main Street, Rockford, under conditions approved by Winnebago County and subject to all local laws and regulations regarding the sale of alcoholic liquor. Each facility shall provide dram shop liability in maximum insurance coverage limits so as to save harmless the State, municipality, State university, airport, golf course, faculty center, facility in which conference and convention type activities take place, park district, Forest Preserve District, public community college district, aquarium, museum, or sanitary district from all financial

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loss, damage or harm. Alcoholic liquors may be sold at retail in buildings of golf courses owned by municipalities or Illinois State University in connection with the operation of an established food serving facility during times when food is dispensed for consumption upon the premises. Alcoholic liquors may be delivered to and sold at retail in any building owned by a fire protection district organized under the Fire Protection District Act, provided that such delivery and sale is approved by the board of trustees of the district, and provided further that such delivery and sale is limited to fundraising events and to a maximum of 6 events per year. However, the limitation to fundraising events and to a maximum of 6 events per year does not apply to the delivery, sale, or manufacture of alcoholic liquors at the building located at 59 Main Street in Oswego, Illinois, owned by the Oswego Fire Protection District if the alcoholic liquor is sold or dispensed as approved by the Oswego Fire Protection District and the property is no longer being utilized for fire protection purposes.

Alcoholic liquors may be served or sold in buildings under the control of the Board of Trustees of the University of Illinois for events that the Board may determine are public events and not related student activities. The Board of Trustees shall issue a written policy within 6 months of the effective date of this amendatory Act of the 95th General Assembly concerning the types of events that would be eligible for an exemption. Thereafter, the Board of Trustees may issue revised, updated, new, or amended policies as it deems necessary and appropriate. In preparing its written policy, the Board of Trustees shall, among other factors it considers relevant and important, give consideration to the following: (i) whether the event is a student activity or student related activity; (ii) whether the physical setting of the event is conducive to control of liquor sales and distribution; (iii) the ability of the event operator to ensure that the sale or serving of alcoholic liquors and the demeanor of the participants are in accordance with State law and University policies; (iv) regarding the anticipated attendees at the event, the relative proportion of individuals under the age of 21 to individuals age 21 or older; (v) the ability of the venue operator to prevent the sale or distribution of alcoholic liquors to individuals under the age of 21; (vi) whether the event prohibits participants from removing alcoholic beverages from the venue; and (vii) whether the event prohibits participants from providing their own alcoholic liquors to the venue. In addition, any policy submitted by the Board of Trustees to the Illinois

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Liquor Control Commission must require that any event at which alcoholic liquors are served or sold in buildings under the control of the Board of Trustees shall require the prior written approval of the Office of the Chancellor for the University campus where the event is located. The Board of Trustees shall submit its policy, and any subsequently revised, updated, new, or amended policies, to the Illinois Liquor Control Commission, and any University event, or location for an event, exempted under such policies shall apply for a license under the applicable Sections of this Act.

Alcoholic liquors may be served or sold in buildings under the control of the Board of Trustees of Northern Illinois University for events that the Board may determine are public events and not student-related activities. The Board of Trustees shall issue a written policy within 6 months after June 28, 2011 (the effective date of Public Act 97-45) concerning the types of events that would be eligible for an exemption. Thereafter, the Board of Trustees may issue revised, updated, new, or amended policies as it deems necessary and appropriate. In preparing its written policy, the Board of Trustees shall, in addition to other factors it considers relevant and important, give consideration to the following: (i) whether the event is a student activity or student-related activity; (ii) whether the physical setting of the event is conducive to control of liquor sales and distribution; (iii) the ability of the event operator to ensure that the sale or serving of alcoholic liquors and the demeanor of the participants are in accordance with State law and University policies; (iv) the anticipated attendees at the event and the relative proportion of individuals under the age of 21 to individuals age 21 or older; (v) the ability of the venue operator to prevent the sale or distribution of alcoholic liquors to individuals under the age of 21; (vi) whether the event prohibits participants from removing alcoholic beverages from the venue; and (vii) whether the event prohibits participants from providing their own alcoholic liquors to the venue.

Alcoholic liquors may be served or sold in buildings under the control of the Board of Trustees of Chicago State University for events that the Board may determine are public events and not student-related activities. The Board of Trustees shall issue a written policy within 6 months after August 2, 2013 (the effective date of Public Act 98-132) concerning the types of events that would be eligible for an exemption. Thereafter, the Board of Trustees may issue revised, updated, new, or amended policies as it deems necessary and appropriate. In preparing its

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written policy, the Board of Trustees shall, in addition to other factors it considers relevant and important, give consideration to the following: (i) whether the event is a student activity or student-related activity; (ii) whether the physical setting of the event is conducive to control of liquor sales and distribution; (iii) the ability of the event operator to ensure that the sale or serving of alcoholic liquors and the demeanor of the participants are in accordance with State law and University policies; (iv) the anticipated attendees at the event and the relative proportion of individuals under the age of 21 to individuals age 21 or older; (v) the ability of the venue operator to prevent the sale or distribution of alcoholic liquors to individuals under the age of 21; (vi) whether the event prohibits participants from removing alcoholic beverages from the venue; and (vii) whether the event prohibits participants from providing their own alcoholic liquors to the venue.

Alcoholic liquors may be served or sold in buildings under the control of the Board of Trustees of Illinois State University for events that the Board may determine are public events and not student-related activities. The Board of Trustees shall issue a written policy within 6 months after the effective date of this amendatory Act of the 97th General Assembly concerning the types of events that would be eligible for an exemption. Thereafter, the Board of Trustees may issue revised, updated, new, or amended policies as it deems necessary and appropriate. In preparing its written policy, the Board of Trustees shall, in addition to other factors it considers relevant and important, give consideration to the following: (i) whether the event is a student activity or student-related activity; (ii) whether the physical setting of the event is conducive to control of liquor sales and distribution; (iii) the ability of the event operator to ensure that the sale or serving of alcoholic liquors and the demeanor of the participants are in accordance with State law and University policies; (iv) the anticipated attendees at the event and the relative proportion of individuals under the age of 21 to individuals age 21 or older; (v) the ability of the venue operator to prevent the sale or distribution of alcoholic liquors to individuals under the age of 21; (vi) whether the event prohibits participants from removing alcoholic beverages from the venue; and (vii) whether the event prohibits participants from providing their own alcoholic liquors to the venue.

Alcoholic liquors may be served or sold in buildings under the control of the Board of Trustees of a public university for events that the Board of Trustees of that public university may determine are public

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events and not student-related activities. If the Board of Trustees of a public university has not issued a written policy pursuant to an exemption under this Section on or before the effective date of this amendatory Act of the 99th General Assembly, then that Board of Trustees shall issue a written policy within 6 months after the effective date of this amendatory Act of the 99th General Assembly concerning the types of events that would be eligible for an exemption. Thereafter, the Board of Trustees may issue revised, updated, new, or amended policies as it deems necessary and appropriate. In preparing its written policy, the Board of Trustees shall, in addition to other factors it considers relevant and important, give consideration to the following: (i) whether the event is a student activity or student-related activity; (ii) whether the physical setting of the event is conducive to control of liquor sales and distribution; (iii) the ability of the event operator to ensure that the sale or serving of alcoholic liquors and the demeanor of the participants are in accordance with State law and University policies; (iv) the anticipated attendees at the event and the relative proportion of individuals under the age of 21 to individuals age 21 or older; (v) the ability of the venue operator to prevent the sale or distribution of alcoholic liquors to individuals under the age of 21; (vi) whether the event prohibits participants from removing alcoholic beverages from the venue; and (vii) whether the event prohibits participants from providing their own alcoholic liquors to the venue. As used in this paragraph, "public university" means the University of Illinois, Illinois State University, Chicago State University, Governors State University, Southern Illinois University, Northern Illinois University, Eastern Illinois University, Western Illinois University, and Northeastern Illinois University.

Alcoholic liquors may be served or sold in buildings under the control of the Board of Trustees of a community college district for events that the Board of Trustees of that community college district may determine are public events and not student-related activities. The Board of Trustees shall issue a written policy within 6 months after the effective date of this amendatory Act of the 99th General Assembly concerning the types of events that would be eligible for an exemption. Thereafter, the Board of Trustees may issue revised, updated, new, or amended policies as it deems necessary and appropriate. In preparing its written policy, the Board of Trustees shall, in addition to other factors it considers relevant and important, give consideration to the following: (i) whether the event is a student activity or student-related activity; (ii) whether the physical
setting of the event is conducive to control of liquor sales and distribution; (iii) the ability of the event operator to ensure that the sale or serving of alcoholic liquors and the demeanor of the participants are in accordance with State law and community college district policies; (iv) the anticipated attendees at the event and the relative proportion of individuals under the age of 21 to individuals age 21 or older; (v) the ability of the venue operator to prevent the sale or distribution of alcoholic liquors to individuals under the age of 21; (vi) whether the event prohibits participants from removing alcoholic beverages from the venue; and (vii) whether the event prohibits participants from providing their own alcoholic liquors to the venue. This paragraph does not apply to any community college district authorized to sell or serve alcoholic liquor under any other provision of this Section.

Alcoholic liquor may be delivered to and sold at retail in the Dorchester Senior Business Center owned by the Village of Dolton if the alcoholic liquor is sold or dispensed only in connection with organized functions for which the planned attendance is 20 or more persons, and if the person or facility selling or dispensing the alcoholic liquor has provided dram shop liability insurance in maximum limits so as to hold harmless the Village of Dolton and the State from all financial loss, damage and harm.

Alcoholic liquors may be delivered to and sold at retail in any building used as an Illinois State Armory provided:

(i) the Adjutant General's written consent to the issuance of a license to sell alcoholic liquor in such building is filed with the Commission;

(ii) the alcoholic liquor is sold or dispensed only in connection with organized functions held on special occasions;

(iii) the organized function is one for which the planned attendance is 25 or more persons; and

(iv) the facility selling or dispensing the alcoholic liquors has provided dram shop liability insurance in maximum limits so as to save harmless the facility and the State from all financial loss, damage or harm.

Alcoholic liquors may be delivered to and sold at retail in the Chicago Civic Center, provided that:

(i) the written consent of the Public Building Commission which administers the Chicago Civic Center is filed with the Commission;

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(ii) the alcoholic liquor is sold or dispensed only in connection with organized functions held on special occasions;

(iii) the organized function is one for which the planned attendance is 25 or more persons;

(iv) the facility selling or dispensing the alcoholic liquors has provided dram shop liability insurance in maximum limits so as to hold harmless the Civic Center, the City of Chicago and the State from all financial loss, damage or harm; and

(v) all applicable local ordinances are complied with.

Alcoholic liquors may be delivered or sold in any building belonging to or under the control of any city, village or incorporated town where more than 75% of the physical properties of the building is used for commercial or recreational purposes, and the building is located upon a pier extending into or over the waters of a navigable lake or stream or on the shore of a navigable lake or stream. In accordance with a license issued under this Act, alcoholic liquor may be sold, served, or delivered in buildings and facilities under the control of the Department of Natural Resources during events or activities lasting no more than 7 continuous days upon the written approval of the Director of Natural Resources acting as the controlling government authority. The Director of Natural Resources may specify conditions on that approval, including but not limited to requirements for insurance and hours of operation.

Notwithstanding any other provision of this Act, alcoholic liquor sold by a United States Army Corps of Engineers or Department of Natural Resources concessionaire who was operating on June 1, 1991 for on-premises consumption only is not subject to the provisions of Articles IV and IX. Beer and wine may be sold on the premises of the Joliet Park District Stadium owned by the Joliet Park District when written consent to the issuance of a license to sell beer and wine in such premises is filed with the local liquor commissioner by the Joliet Park District. Beer and wine may be sold in buildings on the grounds of State veterans' homes when written consent to the issuance of a license to sell beer and wine in such buildings is filed with the Commission by the Department of Veterans' Affairs, and the facility shall provide dram shop liability in maximum insurance coverage limits so as to save the facility harmless from all financial loss, damage or harm. Such liquors may be delivered to and sold at any property owned or held under lease by a Metropolitan Pier and Exposition Authority or Metropolitan Exposition and Auditorium Authority.

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Beer and wine may be sold and dispensed at professional sporting events and at professional concerts and other entertainment events conducted on premises owned by the Forest Preserve District of Kane County, subject to the control of the District Commissioners and applicable local law, provided that dram shop liability insurance is provided at maximum coverage limits so as to hold the District harmless from all financial loss, damage and harm.

Nothing in this Section shall preclude the sale or delivery of beer and wine at a State or county fair or the sale or delivery of beer or wine at a city fair in any otherwise lawful manner.

Alcoholic liquors may be sold at retail in buildings in State parks under the control of the Department of Natural Resources, provided:

a. the State park has overnight lodging facilities with some restaurant facilities or, not having overnight lodging facilities, has restaurant facilities which serve complete luncheon and dinner or supper meals,

b. (blank), and

c. the alcoholic liquors are sold by the State park lodge or restaurant concessionaire only during the hours from 11 o'clock a.m. until 12 o'clock midnight. Notwithstanding any other provision of this Act, alcoholic liquor sold by the State park or restaurant concessionaire is not subject to the provisions of Articles IV and IX.

Alcoholic liquors may be sold at retail in buildings on properties under the control of the Historic Sites and Preservation Division of the Historic Preservation Agency or the Abraham Lincoln Presidential Library and Museum provided:

a. the property has overnight lodging facilities with some restaurant facilities or, not having overnight lodging facilities, has restaurant facilities which serve complete luncheon and dinner or supper meals,

b. consent to the issuance of a license to sell alcoholic liquors in the buildings has been filed with the commission by the Historic Sites and Preservation Division of the Historic Preservation Agency or the Abraham Lincoln Presidential Library and Museum, and

c. the alcoholic liquors are sold by the lodge or restaurant concessionaire only during the hours from 11 o'clock a.m. until 12 o'clock midnight.

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The sale of alcoholic liquors pursuant to this Section does not authorize the establishment and operation of facilities commonly called taverns, saloons, bars, cocktail lounges, and the like except as a part of lodge and restaurant facilities in State parks or golf courses owned by Forest Preserve Districts with a population of less than 3,000,000 or municipalities or park districts.

Alcoholic liquors may be sold at retail in the Springfield Administration Building of the Department of Transportation and the Illinois State Armory in Springfield; provided, that the controlling government authority may consent to such sales only if

a. the request is from a not-for-profit organization;
b. such sales would not impede normal operations of the departments involved;
c. the not-for-profit organization provides dram shop liability in maximum insurance coverage limits and agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm;
d. no such sale shall be made during normal working hours of the State of Illinois; and
e. the consent is in writing.

Alcoholic liquors may be sold at retail in buildings in recreational areas of river conservancy districts under the control of, or leased from, the river conservancy districts. Such sales are subject to reasonable local regulations as provided in Article IV; however, no such regulations may prohibit or substantially impair the sale of alcoholic liquors on Sundays or Holidays.

Alcoholic liquors may be provided in long term care facilities owned or operated by a county under Division 5-21 or 5-22 of the Counties Code, when approved by the facility operator and not in conflict with the regulations of the Illinois Department of Public Health, to residents of the facility who have had their consumption of the alcoholic liquors provided approved in writing by a physician licensed to practice medicine in all its branches.

Alcoholic liquors may be delivered to and dispensed in State housing assigned to employees of the Department of Corrections. No person shall furnish or allow to be furnished any alcoholic liquors to any prisoner confined in any jail, reformatory, prison or house of correction except upon a physician's prescription for medicinal purposes.

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Alcoholic liquors may be sold at retail or dispensed at the Willard Ice Building in Springfield, at the State Library in Springfield, and at Illinois State Museum facilities by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the controlling government authority, or by (2) a not-for-profit organization, provided that such organization:

a. Obtains written consent from the controlling government authority;

b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;

c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;

d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at authorized functions.

The controlling government authority for the Willard Ice Building in Springfield shall be the Director of the Department of Revenue. The controlling government authority for Illinois State Museum facilities shall be the Director of the Illinois State Museum. The controlling government authority for the State Library in Springfield shall be the Secretary of State.

Alcoholic liquors may be delivered to and sold at retail or dispensed at any facility, property or building under the jurisdiction of the Historic Sites and Preservation Division of the Historic Preservation Agency or the Abraham Lincoln Presidential Library and Museum where the delivery, sale or dispensing is by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from a controlling government authority, or by (2) an individual or organization provided that such individual or organization:

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a. Obtains written consent from the controlling government authority;
b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal workings of State offices or operations located at the facility, property or building;
c. Sells or dispenses alcoholic liquors only in connection with an official activity of the individual or organization in the facility, property or building;
d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

The controlling government authority for the Historic Sites and Preservation Division of the Historic Preservation Agency shall be the Director of the Historic Sites and Preservation, and the controlling government authority for the Abraham Lincoln Presidential Library and Museum shall be the Director of the Abraham Lincoln Presidential Library and Museum.

Alcoholic liquors may be delivered to and sold at retail or dispensed for consumption at the Michael Bilandic Building at 160 North LaSalle Street, Chicago IL 60601, after the normal business hours of any day care or child care facility located in the building, by (1) a commercial tenant or subtenant conducting business on the premises under a lease made pursuant to Section 405-315 of the Department of Central Management Services Law (20 ILCS 405/405-315), provided that such tenant or subtenant who accepts delivery of, sells, or dispenses alcoholic liquors shall procure and maintain dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, indemnify, and save harmless the State of Illinois from all financial loss, damage, or harm arising out of the delivery, sale, or dispensing of alcoholic liquors, or by (2) an agency of the State, whether legislative, judicial, or executive, provided that such agency first obtains written permission to accept delivery of and sell or dispense alcoholic liquors from the Director of Central Management Services, or by (3) a not-for-profit organization, provided that such organization:

a. obtains written consent from the Department of Central Management Services;

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b. accepts delivery of and sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;

c. accepts delivery of and sells or dispenses alcoholic liquors only in connection with an official activity in the building; and

d. provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless, and indemnify the State of Illinois from all financial loss, damage, or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at functions authorized by the Director of Central Management Services.

Alcoholic liquors may be sold at retail or dispensed at the James R. Thompson Center in Chicago, subject to the provisions of Section 7.4 of the State Property Control Act, and 222 South College Street in Springfield, Illinois by (1) a commercial tenant or subtenant conducting business on the premises under a lease or sublease made pursuant to Section 405-315 of the Department of Central Management Services Law (20 ILCS 405/405-315), provided that such tenant or subtenant who sells or dispenses alcoholic liquors shall procure and maintain dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, indemnify and save harmless the State of Illinois from all financial loss, damage or harm arising out of the sale or dispensing of alcoholic liquors, or by (2) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the Director of Central Management Services, or by (3) a not-for-profit organization, provided that such organization:

   a. Obtains written consent from the Department of Central Management Services;

   b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;

   c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;

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d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at functions authorized by the Director of Central Management Services.

Alcoholic liquors may be sold or delivered at any facility owned by the Illinois Sports Facilities Authority provided that dram shop liability insurance has been made available in a form, with such coverage and in such amounts as the Authority reasonably determines is necessary.

Alcoholic liquors may be sold at retail or dispensed at the Rockford State Office Building by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the Department of Central Management Services, or by (2) a not-for-profit organization, provided that such organization:
  a. Obtains written consent from the Department of Central Management Services;
  b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;
  c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;
  d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at functions authorized by the Department of Central Management Services.

Alcoholic liquors may be sold or delivered in a building that is owned by McLean County, situated on land owned by the county in the City of Bloomington, and used by the McLean County Historical Society if the sale or delivery is approved by an ordinance adopted by the county.
board, and the municipality in which the building is located may not prohibit that sale or delivery, notwithstanding any other provision of this Section. The regulation of the sale and delivery of alcoholic liquor in a building that is owned by McLean County, situated on land owned by the county, and used by the McLean County Historical Society as provided in this paragraph is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution of the power of a home rule municipality to regulate that sale and delivery.

Alcoholic liquors may be sold or delivered in any building situated on land held in trust for any school district organized under Article 34 of the School Code, if the building is not used for school purposes and if the sale or delivery is approved by the board of education.

Alcoholic liquors may be delivered to and sold at retail in any building owned by the Six Mile Regional Library District, provided that the delivery and sale is approved by the board of trustees of the Six Mile Regional Library District and the delivery and sale is limited to a maximum of 6 library district events per year. The Six Mile Regional Library District shall provide dram shop liability in maximum insurance coverage limits so as to save harmless the library district from all financial loss, damage, or harm.

Alcoholic liquors may be sold or delivered in buildings owned by the Community Building Complex Committee of Boone County, Illinois if the person or facility selling or dispensing the alcoholic liquor has provided dram shop liability insurance with coverage and in amounts that the Committee reasonably determines are necessary.

Alcoholic liquors may be sold or delivered in the building located at 1200 Centerville Avenue in Belleville, Illinois and occupied by either the Belleville Area Special Education District or the Belleville Area Special Services Cooperative.

Alcoholic liquors may be delivered to and sold at the Louis Joliet Renaissance Center, City Center Campus, located at 214 N. Ottawa Street, Joliet, and the Food Services/Culinary Arts Department facilities, Main Campus, located at 1215 Houbolt Road, Joliet, owned by or under the control of Joliet Junior College, Illinois Community College District No. 525.

Alcoholic liquors may be delivered to and sold at Triton College, Illinois Community College District No. 504.

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Alcoholic liquors may be delivered to and sold at the College of DuPage, Illinois Community College District No. 502.

Alcoholic liquors may be delivered to and sold on any property owned, operated, or controlled by Lewis and Clark Community College, Illinois Community College District No. 536.

Alcoholic liquors may be delivered to and sold at the building located at 446 East Hickory Avenue in Apple River, Illinois, owned by the Apple River Fire Protection District, and occupied by the Apple River Community Association if the alcoholic liquor is sold or dispensed only in connection with organized functions approved by the Apple River Community Association for which the planned attendance is 20 or more persons and if the person or facility selling or dispensing the alcoholic liquor has provided dram shop liability insurance in maximum limits so as to hold harmless the Apple River Fire Protection District, the Village of Apple River, and the Apple River Community Association from all financial loss, damage, and harm.

Alcoholic liquors may be delivered to and sold at the Sikia Restaurant, Kennedy King College Campus, located at 740 West 63rd Street, Chicago, and at the Food Services in the Great Hall/Washburne Culinary Institute Department facility, Kennedy King College Campus, located at 740 West 63rd Street, Chicago, owned by or under the control of City Colleges of Chicago, Illinois Community College District No. 508.

(Source: P.A. 98-132, eff. 8-2-13; 98-201, eff. 8-9-13; 98-692, eff. 7-1-14; 98-756, eff. 7-16-14; 98-1092, eff. 8-26-14; 99-78, eff. 7-20-15; 99-484, eff. 10-30-15.)

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

Passed in the General Assembly May 24, 2016.
Approved July 15, 2016.
Effective July 15, 2016.

PUBLIC ACT 99-0551
(House Bill No. 4964)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Health Facilities Planning Act is amended by changing Section 8.5 as follows:

New matter indicated by italics - deletions by strikeout
Sec. 8.5. Certificate of exemption for change of ownership of a health care facility; discontinuation of a health care facility or category of service; public notice and public hearing.

(a) Upon a finding that an application for a change of ownership is complete, the State Board shall publish a legal notice on one day in a newspaper of general circulation in the area or community to be affected and afford the public an opportunity to request a hearing. If the application is for a facility located in a Metropolitan Statistical Area, an additional legal notice shall be published in a newspaper of limited circulation, if one exists, in the area in which the facility is located. If the newspaper of limited circulation is published on a daily basis, the additional legal notice shall be published on one day. The applicant shall pay the cost incurred by the Board in publishing the change of ownership notice in newspapers as required under this subsection. The legal notice shall also be posted on the Health Facilities and Services Review Board's web site and sent to the State Representative and State Senator of the district in which the health care facility is located. An application for change of ownership of a hospital shall not be deemed complete without a signed certification that for a period of 2 years after the change of ownership transaction is effective, the hospital will not adopt a charity care policy that is more restrictive than the policy in effect during the year prior to the transaction. An application for a change of ownership need not contain signed transaction documents so long as it includes the following key terms of the transaction: names and background of the parties; structure of the transaction; the person who will be the licensed or certified entity after the transaction; the ownership or membership interests in such licensed or certified entity both prior to and after the transaction; fair market value of assets to be transferred; and the purchase price or other form of consideration to be provided for those assets. The issuance of the certificate of exemption shall be contingent upon the applicant submitting a statement to the Board within 90 days after the closing date of the transaction, or such longer period as provided by the Board, certifying that the change of ownership has been completed in accordance with the key terms contained in the application. If such key terms of the transaction change, a new application shall be required.

Where a change of ownership is among related persons, and there are no other changes being proposed at the health care facility that would
otherwise require a permit or exemption under this Act, the applicant shall submit an application consisting of a standard notice in a form set forth by the Board briefly explaining the reasons for the proposed change of ownership. Once such an application is submitted to the Board and reviewed by the Board staff, the Board Chair shall take action on an application for an exemption for a change of ownership among related persons within 45 days after the application has been deemed complete, provided the application meets the applicable standards under this Section. If the Board Chair has a conflict of interest or for other good cause, the Chair may request review by the Board. Notwithstanding any other provision of this Act, for purposes of this Section, a change of ownership among related persons means a transaction where the parties to the transaction are under common control or ownership before and after the transaction is completed.

Nothing in this Act shall be construed as authorizing the Board to impose any conditions, obligations, or limitations, other than those required by this Section, with respect to the issuance of an exemption for a change of ownership, including, but not limited to, the time period before which a subsequent change of ownership of the health care facility could be sought, or the commitment to continue to offer for a specified time period any services currently offered by the health care facility.

(a-3) Upon a finding that an application to close a health care facility is complete, the State Board shall publish a legal notice on 3 consecutive days in a newspaper of general circulation in the area or community to be affected and afford the public an opportunity to request a hearing. If the application is for a facility located in a Metropolitan Statistical Area, an additional legal notice shall be published in a newspaper of limited circulation, if one exists, in the area in which the facility is located. If the newspaper of limited circulation is published on a daily basis, the additional legal notice shall be published on 3 consecutive days. The legal notice shall also be posted on the Health Facilities and Services Review Board's web site and sent to the State Representative and State Senator of the district in which the health care facility is located. In addition, the health care facility shall provide notice of closure to the local media that the health care facility would routinely notify about facility events.

(a-5) Upon a finding that an application to discontinue a category of service is complete and provides the requested information, as specified by the State Board, an exemption shall be issued. No later than 30 days

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after the issuance of the exemption, the health care facility must give
written notice of the discontinuation of the category of service to the State
Senator and State Representative serving the legislative district in which
the health care facility is located.

(b) If a public hearing is requested, it shall be held at least 15 days
but no more than 30 days after the date of publication of the legal notice in
the community in which the facility is located. The hearing shall be held in
the affected area or community in a place of reasonable size and
accessibility and a full and complete written transcript of the proceedings
shall be made. The applicant shall provide a summary of the proposal for
distribution at the public hearing.

(c) For the purposes of this Section "newspaper of limited
circulation" means a newspaper intended to serve a particular or defined
population of a specific geographic area within a Metropolitan Statistical
Area such as a municipality, town, village, township, or community area,
but does not include publications of professional and trade associations.
(Source: P.A. 98-1086, eff. 8-26-14; 99-154, eff. 7-28-15.)

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

Passed in the General Assembly May 24, 2016.
Approved July 15, 2016.
Effective July 15, 2016.

PUBLIC ACT 99-0552
(House Bill No. 5530)

AN ACT concerning finance.

Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

Section 5. The Illinois Procurement Code is amended by adding
Section 55-20 as follows:

(30 ILCS 500/55-20 new)

Sec. 55-20. Contracts for food donation. After the effective date of
this amendatory Act of the 99th General Assembly, a public entity shall
not enter into a contract to purchase food with a bidder or offeror if the
bidder's or offeror's contract terms prohibit the public entity from
donating food to food banks, including, but not limited to, homeless
shelters, food pantries, and soup kitchens.

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Section 10. The School Code is amended by changing Section 10-20.21 as follows:

(105 ILCS 5/10-20.21)

Sec. 10-20.21. Contracts.

(a) To award all contracts for purchase of supplies and materials or work involving an expenditure in excess of $25,000 or a lower amount as required by board policy to the lowest responsible bidder, considering conformity with specifications, terms of delivery, quality and serviceability, after due advertisement, except the following: (i) contracts for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part; (ii) contracts for the printing of finance committee reports and departmental reports; (iii) contracts for the printing or engraving of bonds, tax warrants and other evidences of indebtedness; (iv) contracts for the purchase of perishable foods and perishable beverages; (v) contracts for materials and work which have been awarded to the lowest responsible bidder after due advertisement, but due to unforeseen revisions, not the fault of the contractor for materials and work, must be revised causing expenditures not in excess of 10% of the contract price; (vi) contracts for the maintenance or servicing of, or provision of repair parts for, equipment which are made with the manufacturer or authorized service agent of that equipment where the provision of parts, maintenance, or servicing can best be performed by the manufacturer or authorized service agent; (vii) purchases and contracts for the use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and interconnect equipment, software, and services; (viii) contracts for duplicating machines and supplies; (ix) contracts for the purchase of natural gas when the cost is less than that offered by a public utility; (x) purchases of equipment previously owned by some entity other than the district itself; (xi) contracts for repair, maintenance, remodeling, renovation, or construction, or a single project involving an expenditure not to exceed $50,000 and not involving a change or increase in the size, type, or extent of an existing facility; (xii) contracts for goods or services procured from another governmental agency; (xiii) contracts for goods or services which are economically procurable from only one source, such as for the purchase of magazines, books, periodicals, pamphlets and reports, and for utility services such as water, light, heat, telephone or telegraph; (xiv) where funds are expended in an emergency and such emergency expenditure is approved by 3/4 of the members of the board; (xv) State

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master contracts authorized under Article 28A of this Code; and (xvi) contracts providing for the transportation of pupils, which contracts must be advertised in the same manner as competitive bids and awarded by first considering the bidder or bidders most able to provide safety and comfort for the pupils, stability of service, and any other factors set forth in the request for proposal regarding quality of service, and then price. However, at no time shall a cause of action lie against a school board for awarding a pupil transportation contract per the standards set forth in this subsection (a) unless the cause of action is based on fraudulent conduct.

All competitive bids for contracts involving an expenditure in excess of $25,000 or a lower amount as required by board policy must be sealed by the bidder and must be opened by a member or employee of the school board at a public bid opening at which the contents of the bids must be announced. Each bidder must receive at least 3 days' notice of the time and place of the bid opening. For purposes of this Section due advertisement includes, but is not limited to, at least one public notice at least 10 days before the bid date in a newspaper published in the district, or if no newspaper is published in the district, in a newspaper of general circulation in the area of the district. State master contracts and certified education purchasing contracts, as defined in Article 28A of this Code, are not subject to the requirements of this paragraph.

Under this Section, the acceptance of bids sealed by a bidder and the opening of these bids at a public bid opening may be permitted by an electronic process for communicating, accepting, and opening competitive bids. However, bids for construction purposes are prohibited from being communicated, accepted, or opened electronically. An electronic bidding process must provide for, but is not limited to, the following safeguards:

(1) On the date and time certain of a bid opening, the primary person conducting the competitive, sealed, electronic bid process shall log onto a specified database using a unique username and password previously assigned to the bidder to allow access to the bidder's specific bid project number.

(2) The specified electronic database must be on a network that (i) is in a secure environment behind a firewall; (ii) has specific encryption tools; (iii) maintains specific intrusion detection systems; (iv) has redundant systems architecture with data storage back-up, whether by compact disc or tape; and (v) maintains a disaster recovery plan.

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It is the legislative intent of Public Act 96-841 to maintain the integrity of the sealed bidding process provided for in this Section, to further limit any possibility of bid-rigging, to reduce administrative costs to school districts, and to effect efficiencies in communications with bidders.

(b) To require, as a condition of any contract for goods and services, that persons bidding for and awarded a contract and all affiliates of the person collect and remit Illinois Use Tax on all sales of tangible personal property into the State of Illinois in accordance with the provisions of the Illinois Use Tax Act regardless of whether the person or affiliate is a "retailer maintaining a place of business within this State" as defined in Section 2 of the Use Tax Act. For purposes of this Section, the term "affiliate" means any entity that (1) directly, indirectly, or constructively controls another entity, (2) is directly, indirectly, or constructively controlled by another entity, or (3) is subject to the control of a common entity. For purposes of this subsection (b), an entity controls another entity if it owns, directly or individually, more than 10% of the voting securities of that entity. As used in this subsection (b), the term "voting security" means a security that (1) confers upon the holder the right to vote for the election of members of the board of directors or similar governing body of the business or (2) is convertible into, or entitles the holder to receive upon its exercise, a security that confers such a right to vote. A general partnership interest is a voting security.

To require that bids and contracts include a certification by the bidder or contractor that the bidder or contractor is not barred from bidding for or entering into a contract under this Section and that the bidder or contractor acknowledges that the school board may declare the contract void if the certification completed pursuant to this subsection (b) is false.

(b-5) To require all contracts and agreements that pertain to goods and services and that are intended to generate additional revenue and other remunerations for the school district in excess of $1,000, including vending machine contracts, sports and other attire, class rings, and photographic services, to be approved by the school board. The school board shall file as an attachment to its annual budget a report, in a form as determined by the State Board of Education, indicating for the prior year the name of the vendor, the product or service provided, and the actual net revenue and non-monetary remuneration from each of the contracts or agreements. In addition, the report shall indicate for what

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purpose the revenue was used and how and to whom the non-monetary remuneration was distributed.

(b-10) To prohibit any contract to purchase food with a bidder or offeror if the bidder's or offeror's contract terms prohibit the school from donating food to food banks, including, but not limited to, homeless shelters, food pantries, and soup kitchens.

(c) If the State education purchasing entity creates a master contract as defined in Article 28A of this Code, then the State education purchasing entity shall notify school districts of the existence of the master contract.

(d) In purchasing supplies, materials, equipment, or services that are not subject to subsection (c) of this Section, before a school district solicits bids or awards a contract, the district may review and consider as a bid under subsection (a) of this Section certified education purchasing contracts that are already available through the State education purchasing entity.

(20 ILCS 301/20-25 new)
Sec. 20-25. Opioid addiction treatment education. All programs serving persons with substance use issues licensed by the Department under this Act must provide educational information concerning treatment options for opioid addiction, including the use of a medication for the use of opioid addiction, recognition of and response to opioid overdose, and the use and administration of naloxone, to clients identified as having or

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seeking treatment for opioid addiction. The Department shall develop educational materials that are supported by research and updated periodically that must be used by programs to comply with this requirement.

Approved July 15, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0554
(House Bill No. 5594)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Drug Court Treatment Act is amended by changing Sections 25 and 35 as follows:
(730 ILCS 166/25)
Sec. 25. Procedure.
(a) The court shall order an eligibility screening and an assessment of the defendant by an agent designated by the State of Illinois to provide assessment services for the Illinois Courts. An assessment need not be ordered if the court finds a valid assessment related to the present charge pending against the defendant has been completed within the previous 60 days.

(b) The judge shall inform the defendant that if the defendant fails to meet the conditions of the drug court program, eligibility to participate in the program may be revoked and the defendant may be sentenced or the prosecution continued as provided in the Unified Code of Corrections for the crime charged.

(c) The defendant shall execute a written agreement as to his or her participation in the program and shall agree to all of the terms and conditions of the program, including but not limited to the possibility of sanctions or incarceration for failing to abide or comply with the terms of the program.

(d) In addition to any conditions authorized under the Pretrial Services Act and Section 5-6-3 of the Unified Code of Corrections, the court may order the defendant to complete substance abuse treatment in an outpatient, inpatient, residential, or jail-based custodial treatment program. Any period of time a defendant shall serve in a jail-based treatment

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program may not be reduced by the accumulation of good time or other credits and may be for a period of up to 120 days.

(e) The drug court program shall include a regimen of graduated requirements and rewards and sanctions, including but not limited to: fines, fees, costs, restitution, incarceration of up to 180 days, individual and group therapy, drug analysis testing, close monitoring by the court at a minimum of once every 30 days and supervision of progress, educational or vocational counseling as appropriate, and other requirements necessary to fulfill the drug court program. If the defendant needs treatment for opioid abuse or dependence, the court may not prohibit the defendant from participating in and receiving medication assisted treatment under the care of a physician licensed in this State to practice medicine in all of its branches. Drug court participants may not be required to refrain from using medication assisted treatment as a term or condition of successful completion of the drug court program.

(730 ILCS 166/35)

Sec. 35. Violation; termination; discharge.

(a) If the court finds from the evidence presented including but not limited to the reports or proffers of proof from the drug court professionals that:

(1) the defendant is not performing satisfactorily in the assigned program;

(2) the defendant is not benefitting from education, treatment, or rehabilitation;

(3) the defendant has engaged in criminal conduct rendering him or her unsuitable for the program; or

(4) the defendant has otherwise violated the terms and conditions of the program or his or her sentence or is for any reason unable to participate;

the court may impose reasonable sanctions under prior written agreement of the defendant, including but not limited to imprisonment or dismissal of the defendant from the program and the court may reinstate criminal proceedings against him or her or proceed under Section 5-6-4 of the Unified Code of Corrections for a violation of probation, conditional discharge, or supervision hearing.

(a-5) A defendant who is assigned to a substance abuse treatment program under this Act for opioid abuse or dependence is not in violation of the terms or conditions of the program on the basis of his or her

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participation in medication assisted treatment under the care of a physician licensed in this State to practice medicine in all of its branches.

(b) Upon successful completion of the terms and conditions of the program, the court may dismiss the original charges against the defendant or successfully terminate the defendant's sentence or otherwise discharge him or her from any further proceedings against him or her in the original prosecution.

(Source: P.A. 92-58, eff. 1-1-02.)

Approved July 15, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0555
(House Bill No. 5602)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Nursing Home Care Act is amended by changing Section 3-713.5 as follows:
(210 ILCS 45/3-713.5)
Sec. 3-713.5. Informal dispute resolution. Pursuant to the requirements of subsection (c) of Section 3-212 of this Act, when a facility submits comments refuting to licensure findings, it shall be considered an informal dispute resolution if the same findings were not submitted for an informal dispute resolution pursuant to protocols for federal certification deficiencies established by the federal Centers for Medicare and Medicaid Services. The Department shall review documentation submitted as the basis for an informal dispute resolution. If the Department determines that the submitted evidence or arguments were insufficient to refute the findings, then the Department shall provide a written explanation of the reason or reasons why the evidence or arguments were insufficient to refute the finding. If the Department fails to provide a written explanation of the reason or reasons why the evidence or arguments were insufficient to refute the informal dispute resolution findings within 60 days of receipt, the alleged, disputed licensure violation shall be cited, but no penalty shall be imposed.
(Source: P.A. 97-863, eff. 1-1-13.)


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AN ACT concerning property.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The Uniform Disposition of Unclaimed Property Act is
amended by changing Section 8.1 as follows:
(765 ILCS 1025/8.1) (from Ch. 141, par. 108.1)
Sec. 8.1. Property held by governments.
(a) All tangible personal property or intangible personal property
and all debts owed or entrusted funds or other property held by any
federal, state or local government or governmental subdivision, agency,
entity, officer or appointee thereof, shall be presumed abandoned if the
property has remained unclaimed for 7 years except as provided in
subsection (c).
(b) This Section applies to all abandoned property held by any
federal, state or local government or governmental subdivision, agency,
entity, officer or appointee thereof, on the effective date of this amendatory
Act of 1991 or at any time thereafter, regardless of when the property
became or becomes presumptively abandoned.
(c) United States savings bonds.
(1) As used in this subsection, "United States savings bond"
means property, tangible or intangible, in the form of a savings
bond issued by the United States Treasury, whether in paper,
electronic, or paperless form, along with all proceeds thereof in
the possession of the State Treasurer.
(2) Notwithstanding any provision of this Act to the
contrary, a United States savings bond subject to this Section or
held or owing in this State by any person shall be presumed
abandoned when such bond has remained unclaimed and
unredeemed for 5 years after its date of final extended maturity.
(3) United States savings bonds that are presumed
abandoned and unclaimed under paragraph (2) shall escheat to
the State of Illinois and all property rights and legal title to and
ownership of the United States savings bonds, or proceeds from

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the bonds, including all rights, powers, and privileges of survivorship of any owner, co-owner, or beneficiary, shall vest solely in the State according to the procedure set forth in paragraphs (4) through (6).

(4) Within 180 days after a United States savings bond has been presumed abandoned, in the absence of a claim having been filed with the State Treasurer for the savings bond, the State Treasurer shall commence a civil action in the Circuit Court of Sangamon County for a determination that the United States savings bonds has escheated to the State. The State Treasurer may postpone the bringing of the action until sufficient United States savings bonds have accumulated in the State Treasurer’s custody to justify the expense of the proceedings.

(5) The State Treasurer shall make service by publication in the civil action in accordance with Sections 2-206 and 2-207 of the Code of Civil Procedure, which shall include the filing with the Circuit Court of Sangamon County of the affidavit required in Section 2-206 of that Code by an employee of the State Treasurer with personal knowledge of the efforts made to contact the owners of United States savings bonds presumed abandoned under this Section. In addition to the diligent inquiries made pursuant to Section 2-206 of the Code of Civil Procedure, the State Treasurer may also utilize additional discretionary means to attempt to provide notice to persons who may own a United States savings bond registered to a person with a last known address in the State of Illinois subject to a civil action pursuant to paragraph (4).

(6) The owner of a United States savings bond registered to a person with a last known address in the State of Illinois subject to a civil action pursuant to paragraph (4) may file a claim for such United States savings bond with either the State Treasurer or by filing a claim in the civil action in the Circuit Court of Sangamon County in which the savings bond registered to that person is at issue prior to the entry of a final judgment by the Circuit Court pursuant to this subsection, and unless the Circuit Court determines that such United States savings bond is not owned by the claimant, then such United States savings bond shall no longer be presumed abandoned. If no person files a claim or appears at the hearing to substantiate a disputed claim or if the court determines that a claimant is not entitled to the property.

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claimed by the claimant, then the court, if satisfied by evidence that
the State Treasurer has substantially complied with the laws of this
State, shall enter a judgment that the United States savings bonds
have escheated to this State, and all property rights and legal title
to and ownership of such United States savings bonds or proceeds
from such bonds, including all rights, powers, and privileges of
survivorship of any owner, co-owner, or beneficiary, shall vest in
this State.

(7) The State Treasurer shall redeem from the Bureau of
the Fiscal Service of the United States Treasury the United States
savings bonds escheated to the State and deposit the proceeds from
the redemption of United States savings bonds into the Unclaimed
Property Trust Fund.

(8) Any person making a claim for the United States
savings bonds escheated to the State under this subsection, or for
the proceeds from such bonds, may file a claim with the State
Treasurer. Upon providing sufficient proof of the validity of such
person's claim, the State Treasurer may, in his or her sole
discretion, pay such claim. If payment has been made to any
claimant, no action thereafter shall be maintained by any other
claimant against the State or any officer thereof for or on account
of such funds.

(Source: P.A. 90-167, eff. 7-23-97; 91-357, eff. 7-29-99.)
Approved July 15, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0557
(House Bill No. 5756)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

Section 5. The Military Code of Illinois is amended by changing
Sections 7, 8, 14, 15, 20, 20.5, 22-10, 24, 28, 28.6, 30.10, 40, 42, 43, 58,
65, and 92 as follows:

(20 ILCS 1805/7) (from Ch. 129, par. 220.07)
Sec. 7. The Organized Militia shall consist of the Illinois National
Guard. There shall be no racial segregation nor shall there be any unlawful

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discrimination in the service of any detachment, company, regiment, division, department or any other subdivision of the Illinois National Guard because of race, creed or color.
(Source: P.A. 85-1241.)

(20 ILCS 1805/8) (from Ch. 129, par. 220.08)

Sec. 8. The personnel strength of the Organized Militia shall be in accordance with tables and authorizations provided by the U.S. Departments of the Army and the Air Force for the U.S. Army and Air National Guard, respectively. In time of peace the strength of the Organized Militia shall not be less than 6,000 and not more than 45,000 officers, warrant officers and enlisted personnel.

The Governor as Commander-in-Chief shall have power in case of war, insurrection, invasion or imminent danger thereof, to increase the forces beyond the 45,000 and organize them as the exigencies of the service may require.
(Source: Laws 1957, p. 2141.)

(20 ILCS 1805/14) (from Ch. 129, par. 220.14)

Sec. 14. The Commander-in-Chief shall appoint from the active officers of the Illinois National Guard, The Adjutant General, Chief of Staff, with the grade of Major General. The appointment of the Adjutant General shall be for a term expiring on the 3rd Monday in January, 1971, and in each odd-numbered year thereafter. The Adjutant General shall serve as both the Director of the Department of Military Affairs and as the Commander of the Illinois National Guard.
(Source: P.A. 98-694, eff. 7-3-14.)

(20 ILCS 1805/15) (from Ch. 129, par. 220.15)

Sec. 15. Assistant Adjutants General.

(a) The Commander-in-Chief shall appoint from the active officers of the Illinois National Guard, a full-time Assistant Adjutant General for Army and a full-time Assistant Adjutant General for Air each with a grade not to exceed Major General. Each of the Assistant Adjutants General shall be appointed for a term coinciding with the term provided for the Adjutant General in Section 14, and shall serve with the compensation and responsibilities as designated in this Act.

(a-5) (Blank). The Commander-in-Chief shall appoint from the active officers of the Illinois National Guard an Assistant Adjutant General to serve as head of the Division of Family Affairs within the Department of Military Affairs, with a grade not to exceed Major General. The Assistant Adjutant General shall be appointed for a term coinciding with
the term provided for the Adjutant General in Section 14, and shall serve with the compensation and responsibilities as designated in this Code.

(b) The Commander-in-Chief may also appoint additional Assistant Adjutants General for Army and such additional Assistant Adjutants General for Air with the grades not to exceed those authorized for the positions in the Joint Force Headquarters of the Illinois National Guard.

(Source: P.A. 96-94, eff. 7-27-09.)

(20 ILCS 1805/20) (from Ch. 129, par. 220.20)

Sec. 20. There is hereby established in the Executive Branch of the State Government, a principal department which shall be known as the Department of Military Affairs. The Department of Military Affairs shall consist of The Adjutant General; Chief of Staff; an Assistant Adjutant General for Army; an Assistant Adjutant General for Air; and the number of military and civilian employees required. It is the channel of communication between the Federal Government and the State of Illinois on all matters pertaining to the State military forces.

(Source: P.A. 85-1241.)

(20 ILCS 1805/20.5)

Sec. 20.5. Division of Family Affairs. Subject to appropriations for this purpose, the Division of Family Affairs is created as a Division within the Department of Military Affairs. The head of the Division shall serve as an Assistant Adjutant General. The Division shall assist family members of military members who are mobilized or in service abroad. This assistance shall include, but need not be limited to, advocacy to help such family members access all available State services that are provided through the Department or any other State agency.

(Source: P.A. 96-94, eff. 7-27-09.)

(20 ILCS 1805/22-10)

Sec. 22-10. Notice of provisions of Service Member's Employment Tenure Act. Whenever a member of the Illinois National Guard is called to active military duty pursuant to a declaration of war by the Congress or by the President under the War Powers Act or by the Governor in time of declared emergency or for quelling civil insurrection, the Adjutant General shall ensure that the member is briefed on expeditiously given written notice of the provisions of Sections 4 and 4.5 of the Service Member's Employment Tenure Act.

(Source: P.A. 94-162, eff. 7-11-05.)

(20 ILCS 1805/24) (from Ch. 129, par. 220.24)
Sec. 24. The Adjutant General shall have charge of all correspondence and the records thereof pertaining to his office, and shall file for record all returns of troops, and all reports and records of field service, drills and camps of instruction, and of all active service performed by troops of the State in service of the State or of the United States. (Source: Laws 1957, p. 2141.)

(20 ILCS 1805/28) (from Ch. 129, par. 220.28)

Sec. 28. When the Commander-in-Chief proclaims a time of public danger or when an emergency exists. The Adjutant General may purchase or authorize the purchase of stores and supplies in accordance with the emergency purchase provisions in the Illinois Procurement Code the open market sufficient for the needs of the emergency then existing without requiring proposals and without advertising for the same. (Source: Laws 1957, p. 2141.)

(20 ILCS 1805/28.6)

Sec. 28.6. Policy.

(a) A member of the Army National Guard or the Air National Guard may be ordered to funeral honors duty in accordance with this Article. That member shall receive an allowance of $100 for any day on which a minimum of 2 hours of funeral honors duty is performed. Members of the Illinois National Guard ordered to funeral honors duty in accordance with this Article are considered to be in the active service of the State for all purposes except for pay, and the provisions of Sections 52, 53, 54, 55, and 56 of the Military Code of Illinois apply if a member of the Illinois National Guard is injured or becomes a person with a disability in the course of those duties.

(b) The Adjutant General may provide support for other authorized providers who volunteer to participate in a funeral honors detail conducted on behalf of the Governor. This support is limited to transportation, reimbursement for transportation, expenses, materials, and training.

(c) On or after July 1, 2006, if the Adjutant General determines that Illinois National Guard personnel are not available to perform military funeral honors in accordance with this Article, the Adjutant General may authorize another appropriate organization to provide one or more of its members to perform those honors and, subject to appropriations for that purpose, shall authorize the payment of a $100 stipend to the organization. (Source: P.A. 99-143, eff. 7-27-15.)

(20 ILCS 1805/30.10)

Sec. 30.10. Definitions. In this Article:

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"National Guard" has the definition provided by federal law at 10 U.S.C. 101(c).
"Illinois National Guard" has the definition provided in Sections 5 and 7 of this Code.
"Federal active duty under Title 10 of the United States Code" means active federal service of members of the National Guard pursuant to any provision of Chapter 1209 of Title 10 of the United States Code.
"Training or duty under Title 32 of the United States Code" means active or inactive National Guard training or duty performed pursuant to Chapter 5 of Title 32 of the United States Code and pursuant to the orders of the Governor.
"State Active Duty" means National Guard duty performed in the active service of any state or United States territory or commonwealth in accordance with that jurisdiction's laws and pursuant to the orders of the Governor concerned and the full-time duty of the Adjutant General and Assistant Adjutants General as provided in Section 17 of this Code. It does not refer to active duty performed pursuant to Chapter 5 of Title 32 of the United States Code and pursuant to the orders of the Governor.
"Political subdivision" means any unit of local government or school district.
(Source: P.A. 92-716, eff. 7-24-02.)

Sec. 40. Except where otherwise specified herein, all officers now in active service or hereafter appointed, shall hold their respective commissions until they are vacated by resignation or retirement, or by acceptance of another commission in the State military service, or by sentence of a general courts-martial, approved finding of a board of officers under Section 42, Article VIII, approved finding of a board of officers convened pursuant to federal regulations in which the board recommends withdrawal of federal recognition of the officer's commission, or terminated under Section 43, Article VIII hereof. Federal recognition with commission in the National Guard of the United States is established as a requirement for holding commission in the active National Guard of Illinois; the commission of an officer in the National Guard of Illinois will be terminated upon failure to obtain or retain Federal recognition.
(Source: P.A. 85-1241.)

New matter indicated by italics - deletions by strikeout
Sec. 42. Whenever a recommendation is made pursuant to the provisions of the preceding Section and such recommendation is approved by superior commanders, it shall be within the discretion of the Adjutant General to convene a board of not less than three nor more than five commissioned officers all superior in rank or date of rank to the officer or enlisted member facing investigation, at least one of whom shall be a medical officer, to examine into the matter of such recommendation and the desirability and qualifications of the officer or enlisted member who is the subject thereof, and to report its findings and recommendations to the Commander-in-Chief through The Adjutant General. If the board finds such officer to be undesirable and such findings are approved by the Adjutant General Commander-in-Chief, then the commission of such officer or enlistment of such soldier or airman, in the Organized Militia, shall be terminated.

(Source: Laws 1957, p. 2141.)

Sec. 43. When an officer is absent without leave from four consecutive unit training assemblies ordered armory drills or the annual training period such officer's commission shall be terminated.

(Source: Laws 1957, p. 2141.)

Sec. 58. The Commander-in-Chief may require that a bond in a suitable amount, payable to the People of the State of Illinois, shall be given by an approved surety company for any officer accountable for public property, for its proper care and use as provided herein or by regulations, and for its return upon demand of competent authority in good order and condition, fair wear and tear and unavoidable loss excepted, subject to the recommendations of a survey, approved by The Adjutant General. Provided, however, that The Adjutant General with the approval of the Governor, may obtain an adequate indemnity bond covering all or part of the officers so accountable or responsible, in which case the officers so covered shall not be required to furnish individual bonds as hereinbefore provided. The charges and expenses of all bonds provided for in this Act shall be paid by the State. Upon the violation of any of the conditions of any bond executed and delivered under the provisions of this Section, action thereon shall be brought by the Attorney General on behalf of the State. It shall be the duty of the Attorney General of the State to prosecute all actions upon such bonds.

New matter indicated by italics - deletions by strikeout
Sec. 65. Subject to such reasonable regulations as may be promulgated by the Adjutant General, the use and rental of armories may be permitted for any reasonable and legitimate civilian activities so long as the activities do not interfere with their use for military purposes. Proceeds received from rentals, above the expenses incident to the use, will be placed in the National Guard Construction Fund or "Armory Rental Account" by the Adjutant General and used for recruiting, athletic, and recreational activities and other purposes in the interest and for the benefit of the personnel of the Illinois National Guard. Expenditures of those proceeds must be made on a modified per capita basis with due consideration given to the proportion of each armory's generation of revenue, as determined by the Adjutant General.

Sec. 92. The proceedings, recommendations and findings of any board convened by order of the Commander-in-Chief, under provisions of this act, shall be confidential and publication of any such findings or recommendations shall be made only by and through the Commander-in-Chief or the Adjutant General or his Chief of Staff. Any officer or member of such board, who without authority communicates information pertaining to the proceedings, recommendations or findings to any person or agency other than as herein provided shall be punished as a court-martial may direct.

Section 10. The Military Code of Illinois is amended by repealing Sections 12, 13, 30, 97, and 98.

Section 15. The Service Member's Employment Tenure Act is amended by changing Section 3 as follows:

Sec. 3. Definitions. The term "persons in the military service", as used in this Act, shall include the following persons and no others: All members of the Army of the United States, the United States Navy, the United States Marine Corps, the United States Air Force, and United States Coast Guard.

New matter indicated by italics - deletions by strikeout
Marine Corps, the Air Force, the Coast Guard and all members of the State Militia called into the service or training of the United States of America or of this State. The term "military service", as used in this Act, shall signify Federal service or active duty with any branch of service heretofore referred to as well as training or education under the supervision of the United States preliminary to induction into the military service. The term "military service" also includes any period of active duty with the State of Illinois pursuant to the orders of the President of the United States or the Governor. The term "military service" also includes any period of active duty by members of the National Guard who are called to active duty pursuant to an order of the Governor of this State or an order of a governor of any other state as provided by law. The term "military service" also includes the full-time duties of the Adjutant General and Assistant Adjutants General under Section 17 of the Military Code of Illinois.

The foregoing definitions shall apply both to voluntary enlistment and to induction into service by draft or conscription.

The term "political subdivision", as used in this Act, means any unit of local government or school district.

(Source: P.A. 99-88, eff. 7-21-15.)

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Statutes amended in order of appearance

20 ILCS 1805/7 from Ch. 129, par. 220.07
20 ILCS 1805/8 from Ch. 129, par. 220.08
20 ILCS 1805/14 from Ch. 129, par. 220.14
20 ILCS 1805/15 from Ch. 129, par. 220.15
20 ILCS 1805/20 from Ch. 129, par. 220.20
20 ILCS 1805/20.5
20 ILCS 1805/22-10
20 ILCS 1805/24 from Ch. 129, par. 220.24
20 ILCS 1805/28 from Ch. 129, par. 220.28
20 ILCS 1805/28.6
20 ILCS 1805/30.10
20 ILCS 1805/40 from Ch. 129, par. 220.40
20 ILCS 1805/42 from Ch. 129, par. 220.42
20 ILCS 1805/43 from Ch. 129, par. 220.43
20 ILCS 1805/58 from Ch. 129, par. 220.58
20 ILCS 1805/65 from Ch. 129, par. 220.65
20 ILCS 1805/92 from Ch. 129, par. 220.92
20 ILCS 1805/12 rep.

New matter indicated by italics - deletions by strikeout
AN ACT concerning liquor.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Liquor Control Act of 1934 is amended by changing Section 6-11 as follows:

Sec. 6-11. Sale near churches, schools, and hospitals.

(a) No license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children or any military or naval station, provided, that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where sale of alcoholic liquors is not the principal business carried on if the place of business so exempted is not located in a municipality of more than 500,000 persons, unless required by local ordinance; nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within 100 feet of any church or school where the church or school has been established within such 100 feet since the issuance of the original license. In the case of a church, the distance of 100 feet shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.

(b) Nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor to a restaurant, the primary business of which is the sale of goods baked on the premises if (i) the restaurant is newly constructed and located on a lot of not less than 10,000 square feet, (ii) the restaurant costs at least $1,000,000 to construct, (iii)
the licensee is the titleholder to the premises and resides on the premises, and (iv) the construction of the restaurant is completed within 18 months of July 10, 1998 (the effective date of Public Act 90-617) this amendatory Act of 1998.

(c) Nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor incidental to a restaurant if (1) the primary business of the restaurant consists of the sale of food where the sale of liquor is incidental to the sale of food and the applicant is a completely new owner of the restaurant, (2) the immediately prior owner or operator of the premises where the restaurant is located operated the premises as a restaurant and held a valid retail license authorizing the sale of alcoholic liquor at the restaurant for at least part of the 24 months before the change of ownership, and (3) the restaurant is located 75 or more feet from a school.

(d) In the interest of further developing Illinois' economy in the area of commerce, tourism, convention, and banquet business, nothing in this Section shall prohibit issuance of a retail license authorizing the sale of alcoholic beverages to a restaurant, banquet facility, grocery store, or hotel having not fewer than 150 guest room accommodations located in a municipality of more than 500,000 persons, notwithstanding the proximity of such hotel, restaurant, banquet facility, or grocery store to any church or school, if the licensed premises described on the license are located within an enclosed mall or building of a height of at least 6 stories, or 60 feet in the case of a building that has been registered as a national landmark, or in a grocery store having a minimum of 56,010 square feet of floor space in a single story building in an open mall of at least 3.96 acres that is adjacent to a public school that opened as a boys technical high school in 1934, or in a grocery store having a minimum of 31,000 square feet of floor space in a single story building located a distance of more than 90 feet but less than 100 feet from a high school that opened in 1928 as a junior high school and became a senior high school in 1933, and in each of these cases if the sale of alcoholic liquors is not the principal business carried on by the licensee.

For purposes of this Section, a "banquet facility" is any part of a building that caters to private parties and where the sale of alcoholic liquors is not the principal business.

(e) Nothing in this Section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises

New matter indicated by italics - deletions by strikeout
solely for the promotion of some common object other than the sale or consumption of alcoholic liquors.

(f) Nothing in this Section shall prohibit a church or church affiliated school located in a home rule municipality or in a municipality with 75,000 or more inhabitants from locating within 100 feet of a property for which there is a preexisting license to sell alcoholic liquor at retail. In these instances, the local zoning authority may, by ordinance adopted simultaneously with the granting of an initial special use zoning permit for the church or church affiliated school, provide that the 100-foot restriction in this Section shall not apply to that church or church affiliated school and future retail liquor licenses.

(g) Nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor at premises within 100 feet, but not less than 90 feet, of a public school if (1) the premises have been continuously licensed to sell alcoholic liquor for a period of at least 50 years, (2) the premises are located in a municipality having a population of over 500,000 inhabitants, (3) the licensee is an individual who is a member of a family that has held the previous 3 licenses for that location for more than 25 years, (4) the principal of the school and the alderman of the ward in which the school is located have delivered a written statement to the local liquor control commissioner stating that they do not object to the issuance of a license under this subsection (g), and (5) the local liquor control commissioner has received the written consent of a majority of the registered voters who live within 200 feet of the premises.

(h) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within premises and at an outdoor patio area attached to premises that are located in a municipality with a population in excess of 300,000 inhabitants and that are within 100 feet of a church if:

(1) the sale of alcoholic liquor at the premises is incidental to the sale of food,
(2) the sale of liquor is not the principal business carried on by the licensee at the premises,
(3) the premises are less than 1,000 square feet,
(4) the premises are owned by the University of Illinois,
(5) the premises are immediately adjacent to property owned by a church and are not less than 20 nor more than 40 feet from the church space used for worship services, and
(6) the principal religious leader at the place of worship has indicated his or her support for the issuance of the license in writing.

(i) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license to sell alcoholic liquor at a premises that is located within a municipality with a population in excess of 300,000 inhabitants and is within 100 feet of a church, synagogue, or other place of worship if:

(1) the primary entrance of the premises and the primary entrance of the church, synagogue, or other place of worship are at least 100 feet apart, on parallel streets, and separated by an alley; and

(2) the principal religious leader at the place of worship has not indicated his or her opposition to the issuance or renewal of the license in writing.

(j) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor at a theater that is within 100 feet of a church if (1) the church owns the theater, (2) the church leases the theater to one or more entities, and (3) the theater is used by at least 5 different not-for-profit theater groups.

(k) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and is within 100 feet of a school if:

(1) the primary entrance of the premises and the primary entrance of the school are parallel, on different streets, and separated by an alley;

(2) the southeast corner of the premises are at least 350 feet from the southwest corner of the school;

(3) the school was built in 1978;

(4) the sale of alcoholic liquor at the premises is incidental to the sale of food;

(5) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

(6) the applicant is the owner of the restaurant and has held a valid license authorizing the sale of alcoholic liquor for the

New matter indicated by italics - deletions by strikeout
business to be conducted on the premises at a different location for more than 7 years; and

(7) the premises is at least 2,300 square feet and sits on a lot that is between 6,100 and 6,150 square feet.

(l) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and is within 100 feet of a church or school if:

(1) the primary entrance of the premises and the closest entrance of the church or school is at least 90 feet apart and no greater than 95 feet apart;

(2) the shortest distance between the premises and the church or school is at least 80 feet apart and no greater than 85 feet apart;

(3) the applicant is the owner of the restaurant and on November 15, 2006 held a valid license authorizing the sale of alcoholic liquor for the business to be conducted on the premises for at least 14 different locations;

(4) the sale of alcoholic liquor at the premises is incidental to the sale of food;

(5) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

(6) the premises is at least 3,200 square feet and sits on a lot that is between 7,150 and 7,200 square feet; and

(7) the principal religious leader at the place of worship has not indicated his or her opposition to the issuance or renewal of the license in writing.

(m) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and is within 100 feet of a church if:

(1) the premises and the church are perpendicular, and the primary entrance of the premises faces South while the primary entrance of the church faces West and the distance between the two entrances is more than 100 feet;

(2) the shortest distance between the premises lot line and the exterior wall of the church is at least 80 feet;

New matter indicated by italics - deletions by strikeout
(3) the church was established at the current location in 1916 and the present structure was erected in 1925;
(4) the premises is a single story, single use building with at least 1,750 square feet and no more than 2,000 square feet;
(5) the sale of alcoholic liquor at the premises is incidental to the sale of food;
(6) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises; and
(7) the principal religious leader at the place of worship has not indicated his or her opposition to the issuance or renewal of the license in writing.

(n) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and is within 100 feet of a school if:
(1) the school is a City of Chicago School District 299 school;
(2) the school is located within subarea E of City of Chicago Residential Business Planned Development Number 70;
(3) the sale of alcoholic liquor is not the principal business carried on by the licensee on the premises;
(4) the sale of alcoholic liquor at the premises is incidental to the sale of food; and
(5) the administration of City of Chicago School District 299 has expressed, in writing, its support for the issuance of the license.

(o) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a retail license authorizing the sale of alcoholic liquor at a premises that is located within a municipality in excess of 1,000,000 inhabitants and within 100 feet of a church if:
(1) the sale of alcoholic liquor at the premises is incidental to the sale of food;
(2) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
(3) the premises is located on a street that runs perpendicular to the street on which the church is located;

New matter indicated by italics - deletions by strikeout
(4) the primary entrance of the premises is at least 100 feet from the primary entrance of the church;

(5) the shortest distance between any part of the premises and any part of the church is at least 60 feet;

(6) the premises is between 3,600 and 4,000 square feet and sits on a lot that is between 3,600 and 4,000 square feet; and

(7) the premises was built in the year 1909.

For purposes of this subsection (o), "premises" means a place of business together with a privately owned outdoor location that is adjacent to the place of business.

(p) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the shortest distance between the backdoor of the premises, which is used as an emergency exit, and the church is at least 80 feet;

(2) the church was established at the current location in 1889; and

(3) liquor has been sold on the premises since at least 1985.

(q) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within a premises that is located in a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church-owned property if:

(1) the premises is located within a larger building operated as a grocery store;

(2) the area of the premises does not exceed 720 square feet and the area of the larger building exceeds 18,000 square feet;

(3) the larger building containing the premises is within 100 feet of the nearest property line of a church-owned property on which a church-affiliated school is located;

(4) the sale of liquor is not the principal business carried on within the larger building;

(5) the primary entrance of the larger building and the premises and the primary entrance of the church-affiliated school are on different, parallel streets, and the distance between the 2 primary entrances is more than 100 feet;

New matter indicated by italics - deletions by strikeout
(6) the larger building is separated from the church-owned property and church-affiliated school by an alley;

(7) the larger building containing the premises and the church building front are on perpendicular streets and are separated by a street; and

(8) (Blank).

(r) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance, renewal, or maintenance of a license authorizing the sale of alcoholic liquor incidental to the sale of food within a restaurant established in a premises that is located in a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the primary entrance of the church and the primary entrance of the restaurant are at least 100 feet apart;

(2) the restaurant has operated on the ground floor and lower level of a multi-story, multi-use building for more than 40 years;

(3) the primary business of the restaurant consists of the sale of food where the sale of liquor is incidental to the sale of food;

(4) the sale of alcoholic liquor is conducted primarily in the below-grade level of the restaurant to which the only public access is by a staircase located inside the restaurant; and

(5) the restaurant has held a license authorizing the sale of alcoholic liquor on the premises for more than 40 years.

(s) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population more than 5,000 and less than 10,000 and is within 100 feet of a church if:

(1) the church was established at the location within 100 feet of the premises after a license for the sale of alcoholic liquor at the premises was first issued;

(2) a license for sale of alcoholic liquor at the premises was first issued before January 1, 2007; and

(3) a license for the sale of alcoholic liquor on the premises has been continuously in effect since January 1, 2007, except for interruptions between licenses of no more than 90 days.

New matter indicated by italics - deletions by strikeout
(t) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor incidental to the sale of food within a restaurant that is established in a premises that is located in a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school and a church if:

1. the restaurant is located inside a five-story building with over 16,800 square feet of commercial space;
2. the area of the premises does not exceed 31,050 square feet;
3. the area of the restaurant does not exceed 5,800 square feet;
4. the building has no less than 78 condominium units;
5. the construction of the building in which the restaurant is located was completed in 2006;
6. the building has 10 storefront properties, 3 of which are used for the restaurant;
7. the restaurant will open for business in 2010;
8. the building is north of the school and separated by an alley; and
9. the principal religious leader of the church and either the alderman of the ward in which the school is located or the principal of the school have delivered a written statement to the local liquor control commissioner stating that he or she does not object to the issuance of a license under this subsection (t).

(u) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license to sell alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school if:

1. the premises operates as a restaurant and has been in operation since February 2008;
2. the applicant is the owner of the premises;
3. the sale of alcoholic liquor is incidental to the sale of food;
4. the sale of alcoholic liquor is not the principal business carried on by the licensee on the premises;
5. the premises occupy the first floor of a 3-story building that is at least 90 years old;

New matter indicated by italics - deletions by strikeout
(6) the rear lot of the school and the rear corner of the
building that the premises occupy are separated by an alley;
(7) the distance from the southwest corner of the property
line of the school and the northeast corner of the building that the
premises occupy is at least 16 feet, 5 inches;
(8) the distance from the rear door of the premises to the
southwest corner of the property line of the school is at least 93
feet;
(9) the school is a City of Chicago School District 299
school;
(10) the school's main structure was erected in 1902 and an
addition was built to the main structure in 1959; and
(11) the principal of the school and the alderman in whose
district the premises are located have expressed, in writing, their
support for the issuance of the license.
(v) Notwithstanding any provision in this Section to the contrary,
nothing in this Section shall prohibit the issuance or renewal of a license
authorizing the sale of alcoholic liquor at a premises that is located within
a municipality with a population in excess of 1,000,000 inhabitants and is
within 100 feet of a school if:
(1) the total land area of the premises for which the license
or renewal is sought is more than 600,000 square feet;
(2) the premises for which the license or renewal is sought
has more than 600 parking stalls;
(3) the total area of all buildings on the premises for which
the license or renewal is sought exceeds 140,000 square feet;
(4) the property line of the premises for which the license or
renewal is sought is separated from the property line of the school
by a street;
(5) the distance from the school's property line to the
property line of the premises for which the license or renewal is
sought is at least 60 feet;
(6) as of June 14, 2011 (the effective date of Public Act 97-9)
this amendatory Act of the 97th General Assembly, the premises
for which the license or renewal is sought is located in the Illinois
Medical District.
(w) Notwithstanding any provision in this Section to the contrary,
nothing in this Section shall prohibit the issuance or renewal of a license to
sell alcoholic liquor at a premises that is located within a municipality
with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the sale of alcoholic liquor at the premises is incidental to the sale of food;
(2) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
(3) the premises occupy the first floor and basement of a 2-story building that is 106 years old;
(4) the premises is at least 7,000 square feet and located on a lot that is at least 11,000 square feet;
(5) the premises is located directly west of the church, on perpendicular streets, and separated by an alley;
(6) the distance between the property line of the premises and the property line of the church is at least 20 feet;
(7) the distance between the primary entrance of the premises and the primary entrance of the church is at least 130 feet; and
(8) the church has been at its location for at least 40 years.

(x) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
(2) the church has been operating in its current location since 1973;
(3) the premises has been operating in its current location since 1988;
(4) the church and the premises are owned by the same parish;
(5) the premises is used for cultural and educational purposes;
(6) the primary entrance to the premises and the primary entrance to the church are located on the same street;
(7) the principal religious leader of the church has indicated his support of the issuance of the license;
(8) the premises is a 2-story building of approximately 23,000 square feet; and

New matter indicated by italics - deletions by strikeout
(9) the premises houses a ballroom on its ground floor of approximately 5,000 square feet.

(y) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school if:

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
(2) the sale of alcoholic liquor at the premises is incidental to the sale of food;
(3) according to the municipality, the distance between the east property line of the premises and the west property line of the school is 97.8 feet;
(4) the school is a City of Chicago School District 299 school;
(5) the school has been operating since 1959;
(6) the primary entrance to the premises and the primary entrance to the school are located on the same street;
(7) the street on which the entrances of the premises and the school are located is a major diagonal thoroughfare;
(8) the premises is a single-story building of approximately 2,900 square feet; and
(9) the premises is used for commercial purposes only.

(z) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a mosque if:

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
(2) the licensee shall only sell packaged liquors at the premises;
(3) the licensee is a national retail chain having over 100 locations within the municipality;
(4) the licensee has over 8,000 locations nationwide;
(5) the licensee has locations in all 50 states;
(6) the premises is located in the North-East quadrant of the municipality;

New matter indicated by italics - deletions by strikeout
(7) the premises is a free-standing building that has "drive-through" pharmacy service;
(8) the premises has approximately 14,490 square feet of retail space;
(9) the premises has approximately 799 square feet of pharmacy space;
(10) the premises is located on a major arterial street that runs east-west and accepts truck traffic; and
(11) the alderman of the ward in which the premises is located has expressed, in writing, his or her support for the issuance of the license.

(aa) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
(2) the licensee shall only sell packaged liquors at the premises;
(3) the licensee is a national retail chain having over 100 locations within the municipality;
(4) the licensee has over 8,000 locations nationwide;
(5) the licensee has locations in all 50 states;
(6) the premises is located in the North-East quadrant of the municipality;
(7) the premises is located across the street from a national grocery chain outlet;
(8) the premises has approximately 16,148 square feet of retail space;
(9) the premises has approximately 992 square feet of pharmacy space;
(10) the premises is located on a major arterial street that runs north-south and accepts truck traffic; and
(11) the alderman of the ward in which the premises is located has expressed, in writing, his or her support for the issuance of the license.

(bb) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license
authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

1. the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
2. the sale of alcoholic liquor at the premises is incidental to the sale of food;
3. the primary entrance to the premises and the primary entrance to the church are located on the same street;
4. the premises is across the street from the church;
5. the street on which the premises and the church are located is a major arterial street that runs east-west;
6. the church is an elder-led and Bible-based Assyrian church;
7. the premises and the church are both single-story buildings;
8. the storefront directly west of the church is being used as a restaurant; and
9. the distance between the northern-most property line of the premises and the southern-most property line of the church is 65 feet.

(cc) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school if:

1. the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
2. the licensee shall only sell packaged liquors at the premises;
3. the licensee is a national retail chain;
4. as of October 25, 2011, the licensee has 1,767 stores operating nationwide, 87 stores operating in the State, and 10 stores operating within the municipality;
5. the licensee shall occupy approximately 124,000 square feet of space in the basement and first and second floors of a building located across the street from a school;
6. the school opened in August of 2009 and occupies approximately 67,000 square feet of space; and

New matter indicated by italics - deletions by strikeout
(7) the building in which the premises shall be located has been listed on the National Register of Historic Places since April 17, 1970.

(dd) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within a full-service grocery store at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and is within 100 feet of a school if:

(1) the premises is constructed on land that was purchased from the municipality at a fair market price;
(2) the premises is constructed on land that was previously used as a parking facility for public safety employees;
(3) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
(4) the main entrance to the store is more than 100 feet from the main entrance to the school;
(5) the premises is to be new construction;
(6) the school is a private school;
(7) the principal of the school has given written approval for the license;
(8) the alderman of the ward where the premises is located has given written approval of the issuance of the license;
(9) the grocery store level of the premises is between 60,000 and 70,000 square feet; and
(10) the owner and operator of the grocery store operates 2 other grocery stores that have alcoholic liquor licenses within the same municipality.

(ee) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within a full-service grocery store at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and is within 100 feet of a school if:

(1) the premises is constructed on land that once contained an industrial steel facility;
(2) the premises is located on land that has undergone environmental remediation;
(3) the premises is located within a retail complex containing retail stores where some of the stores sell alcoholic beverages;

New matter indicated by italics - deletions by strikeout
(4) the principal activity of any restaurant in the retail complex is the sale of food, and the sale of alcoholic liquor is incidental to the sale of food;
(5) the sale of alcoholic liquor is not the principal business carried on by the grocery store;
(6) the entrance to any business that sells alcoholic liquor is more than 100 feet from the entrance to the school;
(7) the alderman of the ward where the premises is located has given written approval of the issuance of the license; and
(8) the principal of the school has given written consent to the issuance of the license.

(ff) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school if:
(1) the sale of alcoholic liquor is not the principal business carried on at the premises;
(2) the sale of alcoholic liquor at the premises is incidental to the operation of a theater;
(3) the premises is a one and one-half-story building of approximately 10,000 square feet;
(4) the school is a City of Chicago School District 299 school;
(5) the primary entrance of the premises and the primary entrance of the school are at least 300 feet apart and no more than 400 feet apart;
(6) the alderman of the ward in which the premises is located has expressed, in writing, his support for the issuance of the license; and
(7) the principal of the school has expressed, in writing, that there is no objection to the issuance of a license under this subsection (ff).

(gg) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor incidental to the sale of food within a restaurant or banquet facility established in a premises that is located in a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

New matter indicated by italics - deletions by strikeout
(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

(2) the property on which the church is located and the property on which the premises are located are both within a district originally listed on the National Register of Historic Places on February 14, 1979;

(3) the property on which the premises are located contains one or more multi-story buildings that are at least 95 years old and have no more than three stories;

(4) the building in which the church is located is at least 120 years old;

(5) the property on which the church is located is immediately adjacent to and west of the property on which the premises are located;

(6) the western boundary of the property on which the premises are located is no less than 118 feet in length and no more than 122 feet in length;

(7) as of December 31, 2012, both the church property and the property on which the premises are located are within 250 feet of City of Chicago Business-Residential Planned Development Number 38;

(8) the principal religious leader at the place of worship has indicated his or her support for the issuance of the license in writing; and

(9) the alderman in whose district the premises are located has expressed his or her support for the issuance of the license in writing.

For the purposes of this subsection, "banquet facility" means the part of the building that is located on the floor above a restaurant and caters to private parties and where the sale of alcoholic liquors is not the principal business.

(hh) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within a hotel and at an outdoor patio area attached to the hotel that are located in a municipality with a population in excess of 1,000,000 inhabitants and that are within 100 feet of a hospital if:

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the hotel;

New matter indicated by italics - deletions by strikeout
(2) the hotel is located within the City of Chicago Business Planned Development Number 468; and
(3) the hospital is located within the City of Chicago Institutional Planned Development Number 3.

(ii) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within a restaurant and at an outdoor patio area attached to the restaurant that are located in a municipality with a population in excess of 1,000,000 inhabitants and that are within 100 feet of a church if:

(1) the sale of alcoholic liquor at the premises is not the principal business carried on by the licensee and is incidental to the sale of food;
(2) the restaurant has been operated on the street level of a 2-story building located on a corner lot since 2008;
(3) the restaurant is between 3,700 and 4,000 square feet and sits on a lot that is no more than 6,200 square feet;
(4) the primary entrance to the restaurant and the primary entrance to the church are located on the same street;
(5) the street on which the restaurant and the church are located is a major east-west street;
(6) the restaurant and the church are separated by a one-way northbound street;
(7) the church is located to the west of and no more than 65 feet from the restaurant; and
(8) the principal religious leader at the place of worship has indicated his or her consent to the issuance of the license in writing.

(jj) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
(2) the sale of alcoholic liquor is incidental to the sale of food;
(3) the premises are located east of the church, on perpendicular streets, and separated by an alley;

New matter indicated by italics - deletions by strikeout
(4) the distance between the primary entrance of the premises and the primary entrance of the church is at least 175 feet;
(5) the distance between the property line of the premises and the property line of the church is at least 40 feet;
(6) the licensee has been operating at the premises since 2012;
(7) the church was constructed in 1904;
(8) the alderman of the ward in which the premises is located has expressed, in writing, his or her support for the issuance of the license; and
(9) the principal religious leader of the church has delivered a written statement that he or she does not object to the issuance of a license under this subsection (jj).

(kk) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school if:
(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
(2) the licensee shall only sell packaged liquors on the premises;
(3) the licensee is a national retail chain;
(4) as of February 27, 2013, the licensee had 1,778 stores operating nationwide, 89 operating in this State, and 11 stores operating within the municipality;
(5) the licensee shall occupy approximately 169,048 square feet of space within a building that is located across the street from a tuition-based preschool; and
(6) the alderman of the ward in which the premises is located has expressed, in writing, his or her support for the issuance of the license.

(ll) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school if:
(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

New matter indicated by italics - deletions by strikeout
(2) the licensee shall only sell packaged liquors on the premises;
(3) the licensee is a national retail chain;
(4) as of February 27, 2013, the licensee had 1,778 stores operating nationwide, 89 operating in this State, and 11 stores operating within the municipality;
(5) the licensee shall occupy approximately 191,535 square feet of space within a building that is located across the street from an elementary school; and
(6) the alderman of the ward in which the premises is located has expressed, in writing, his or her support for the issuance of the license.

(mm) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within premises and at an outdoor patio or sidewalk cafe, or both, attached to premises that are located in a municipality with a population in excess of 1,000,000 inhabitants and that are within 100 feet of a hospital if:
(1) the primary business of the restaurant consists of the sale of food where the sale of liquor is incidental to the sale of food;
(2) as a restaurant, the premises may or may not offer catering as an incidental part of food service;
(3) the primary business of the restaurant is conducted in space owned by a hospital or an entity owned or controlled by, under common control with, or that controls a hospital, and the chief hospital administrator has expressed his or her support for the issuance of the license in writing; and
(4) the hospital is an adult acute care facility primarily located within the City of Chicago Institutional Planned Development Number 3.

(nn) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:
(1) the sale of alcoholic liquor is not the principal business carried out on the premises;

New matter indicated by italics - deletions by strikeout
(2) the sale of alcoholic liquor at the premises is incidental to the operation of a theater;
(3) the premises are a building that was constructed in 1913 and opened on May 24, 1915 as a vaudeville theater, and the premises were converted to a motion picture theater in 1935;
(4) the church was constructed in 1889 with a stone exterior;
(5) the primary entrance of the premises and the primary entrance of the church are at least 100 feet apart; and
(6) the principal religious leader at the place of worship has indicated his or her consent to the issuance of the license in writing; and
(7) the alderman in whose ward the premises are located has expressed his or her support for the issuance of the license in writing.

(oo) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a mosque, church, or other place of worship if:

(1) the primary entrance of the premises and the primary entrance of the mosque, church, or other place of worship are perpendicular and are on different streets;
(2) the primary entrance to the premises faces West and the primary entrance to the mosque, church, or other place of worship faces South;
(3) the distance between the 2 primary entrances is at least 100 feet;
(4) the mosque, church, or other place of worship was established in a location within 100 feet of the premises after a license for the sale of alcohol at the premises was first issued;
(5) the mosque, church, or other place of worship was established on or around January 1, 2011;
(6) a license for the sale of alcohol at the premises was first issued on or before January 1, 1985;
(7) a license for the sale of alcohol at the premises has been continuously in effect since January 1, 1985, except for interruptions between licenses of no more than 90 days; and

New matter indicated by italics - deletions by strikeout
(8) the premises are a single-story, single-use building of at least 3,000 square feet and no more than 3,380 square feet.

(pp) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor incidental to the sale of food within a restaurant or banquet facility established on premises that are located in a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of at least one church if:

1. the sale of liquor shall not be the principal business carried on by the licensee at the premises;
2. the premises are at least 2,000 square feet and no more than 10,000 square feet and is located in a single-story building;
3. the property on which the premises are located is within an area that, as of 2009, was designated as a Renewal Community by the United States Department of Housing and Urban Development;
4. the property on which the premises are located and the properties on which the churches are located are on the same street;
5. the property on which the premises are located is immediately adjacent to and east of the property on which at least one of the churches is located;
6. the property on which the premises are located is across the street and southwest of the property on which another church is located;
7. the principal religious leaders of the churches have indicated their support for the issuance of the license in writing; and
8. the alderman in whose ward the premises are located has expressed his or her support for the issuance of the license in writing.

For purposes of this subsection (pp), "banquet facility" means the part of the building that caters to private parties and where the sale of alcoholic liquors is not the principal business.

(qq) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor on premises that are located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church or school if:

New matter indicated by italics - deletions by strikeout
(1) the primary entrance of the premises and the closest entrance of the church or school are at least 200 feet apart and no greater than 300 feet apart;

(2) the shortest distance between the premises and the church or school is at least 66 feet apart and no greater than 81 feet apart;

(3) the premises are a single-story, steel-framed commercial building with at least 18,042 square feet, and was constructed in 1925 and 1997;

(4) the owner of the business operated within the premises has been the general manager of a similar supermarket within one mile from the premises, which has had a valid license authorizing the sale of alcoholic liquor since 2002, and is in good standing with the City of Chicago;

(5) the principal religious leader at the place of worship has indicated his or her support to the issuance or renewal of the license in writing;

(6) the alderman of the ward has indicated his or her support to the issuance or renewal of the license in writing; and

(7) the principal of the school has indicated his or her support to the issuance or renewal of the license in writing.

(rr) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a club that leases space to a school if:

(1) the sale of alcoholic liquor is not the principal business carried out on the premises;

(2) the sale of alcoholic liquor at the premises is incidental to the operation of a grocery store;

(3) the premises are a building of approximately 1,750 square feet and is rented by the owners of the grocery store from a family member;

(4) the property line of the premises is approximately 68 feet from the property line of the club;

(5) the primary entrance of the premises and the primary entrance of the club where the school leases space are at least 100 feet apart;

New matter indicated by italics - deletions by strikeout
(6) the director of the club renting space to the school has indicated his or her consent to the issuance of the license in writing; and

(7) the alderman in whose district the premises are located has expressed his or her support for the issuance of the license in writing.

(ss) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the premises are located within a 15 unit building with 13 residential apartments and 2 commercial spaces, and the licensee will occupy both commercial spaces;

(2) a restaurant has been operated on the premises since June 2011;

(3) the restaurant currently occupies 1,075 square feet, but will be expanding to include 975 additional square feet;

(4) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

(5) the premises are located south of the church and on the same street and are separated by a one-way westbound street;

(6) the primary entrance of the premises is at least 93 feet from the primary entrance of the church;

(7) the shortest distance between any part of the premises and any part of the church is at least 72 feet;

(8) the building in which the restaurant is located was built in 1910;

(9) the alderman of the ward in which the premises are located has expressed, in writing, his or her support for the issuance of the license; and

(10) the principal religious leader of the church has delivered a written statement that he or she does not object to the issuance of a license under this subsection (ss).

(tt) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

New matter indicated by italics - deletions by strikeout
(1) the sale of alcoholic liquor is not the principal business
carried on by the licensee at the premises;

(2) the sale of alcoholic liquor is incidental to the sale of
food;

(3) the sale of alcoholic liquor at the premises was
previously authorized by a package goods liquor license;

(4) the premises are at least 40,000 square feet with 25
parking spaces in the contiguous surface lot to the north of the
store and 93 parking spaces on the roof;

(5) the shortest distance between the lot line of the parking
lot of the premises and the exterior wall of the church is at least 80
feet;

(6) the distance between the building in which the church is
located and the building in which the premises are located is at
least 180 feet;

(7) the main entrance to the church faces west and is at least
257 feet from the main entrance of the premises; and

(8) the applicant is the owner of 10 similar grocery stores
within the City of Chicago and the surrounding area and has been
in business for more than 30 years.

Notwithstanding any provision of this Section to the contrary,
nothing in this Section shall prohibit the issuance or renewal of a license
authorizing the sale of alcoholic liquor at premises located within a
municipality with a population in excess of 1,000,000 inhabitants and
within 100 feet of a church if:

(1) the sale of alcoholic liquor is not the principal business
carried on by the licensee at the premises;

(2) the sale of alcoholic liquor is incidental to the operation
of a grocery store;

(3) the premises are located in a building that is
approximately 68,000 square feet with 157 parking spaces on
property that was previously vacant land;

(4) the main entrance to the church faces west and is at least
500 feet from the entrance of the premises, which faces north;

(5) the church and the premises are separated by an alley;

(6) the applicant is the owner of 9 similar grocery stores in
the City of Chicago and the surrounding area and has been in
business for more than 40 years; and

New matter indicated by italics - deletions by strikeout
(7) the alderman of the ward in which the premises are located has expressed, in writing, his or her support for the issuance of the license.

(vv) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the sale of alcoholic liquor is the principal business carried on by the licensee at the premises;

(2) the sale of alcoholic liquor is primary to the sale of food;

(3) the premises are located south of the church and on perpendicular streets and are separated by a driveway;

(4) the primary entrance of the premises is at least 100 feet from the primary entrance of the church;

(5) the shortest distance between any part of the premises and any part of the church is at least 15 feet;

(6) the premises are less than 100 feet from the church center, but greater than 100 feet from the area within the building where church services are held;

(7) the premises are 25,830 square feet and sit on a lot that is 0.48 acres;

(8) the premises were once designated as a Korean American Presbyterian Church and were once used as a Masonic Temple;

(9) the premises were built in 1910;

(10) the alderman of the ward in which the premises are located has expressed, in writing, his or her support for the issuance of the license; and

(11) the principal religious leader of the church has delivered a written statement that he or she does not object to the issuance of a license under this subsection (vv).

For the purposes of this subsection (vv), "premises" means a place of business together with a privately owned outdoor location that is adjacent to the place of business.

(ww) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a

New matter indicated by italics - deletions by strikeout
municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school if:

1. the school is located within Sub Area III of City of Chicago Residential-Business Planned Development Number 523, as amended; and
2. the premises are located within Sub Area I, Sub Area II, or Sub Area IV of City of Chicago Residential-Business Planned Development Number 523, as amended.

(xx) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

1. the sale of wine or wine-related products is the exclusive business carried on by the licensee at the premises;
2. the primary entrance of the premises and the primary entrance of the church are at least 100 feet apart and are located on different streets;
3. the building in which the premises are located and the building in which the church is located are separated by an alley;
4. the premises consists of less than 2,000 square feet of floor area dedicated to the sale of wine or wine-related products;
5. the premises are located on the first floor of a 2-story building that is at least 99 years old and has a residential unit on the second floor; and
6. the principal religious leader at the church has indicated his or her support for the issuance or renewal of the license in writing.

(yy) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

1. the premises are a 27-story hotel containing 191 guest rooms;
2. the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises and is limited to a restaurant located on the first floor of the hotel;
3. the hotel is adjacent to the church;

New matter indicated by italics - deletions by strikeout
(4) the site is zoned as DX-16;
(5) the principal religious leader of the church has delivered a written statement that he or she does not object to the issuance of a license under this subsection (yy); and
(6) the alderman of the ward in which the premises are located has expressed, in writing, his or her support for the issuance of the license.

(zz) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

  (1) the premises are a 15-story hotel containing 143 guest rooms;
  (2) the premises are approximately 85,691 square feet;
  (3) a restaurant is operated on the premises;
  (4) the restaurant is located in the first floor lobby of the hotel;
  (5) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
  (6) the hotel is located approximately 50 feet from the church and is separated from the church by a public street on the ground level and by air space on the upper level, which is where the public entrances are located;
  (7) the site is zoned as DX-16;
  (8) the principal religious leader of the church has delivered a written statement that he or she does not object to the issuance of a license under this subsection (zz); and
  (9) the alderman of the ward in which the premises are located has expressed, in writing, his or her support for the issuance of the license.

(aaa) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within a full-service grocery store at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school if:

  (1) the sale of alcoholic liquor is not the primary business activity of the grocery store;

New matter indicated by italics - deletions by strikeout
(2) the premises are newly constructed on land that was formerly used by the Young Men's Christian Association;

(3) the grocery store is located within a planned development that was approved by the municipality in 2007;

(4) the premises are located in a multi-building, mixed-use complex;

(5) the entrance to the grocery store is located more than 200 feet from the entrance to the school;

(6) the entrance to the grocery store is located across the street from the back of the school building, which is not used for student or public access;

(7) the grocery store executed a binding lease for the property in 2008;

(8) the premises consist of 2 levels and occupy more than 80,000 square feet;

(9) the owner and operator of the grocery store operates at least 10 other grocery stores that have alcoholic liquor licenses within the same municipality; and

(10) the director of the school has expressed, in writing, his or her support for the issuance of the license.

(bbb) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the sale of alcoholic liquor at the premises is incidental to the sale of food;

(2) the premises are located in a single-story building of primarily brick construction containing at least 6 commercial units constructed before 1940;

(3) the premises are located in a B3-2 zoning district;

(4) the premises are less than 4,000 square feet;

(5) the church established its congregation in 1891 and completed construction of the church building in 1990;

(6) the premises are located south of the church;

(7) the premises and church are located on the same street and are separated by a one-way westbound street; and

New matter indicated by italics - deletions by strikeout
(8) the principal religious leader of the church has not indicated his or her opposition to the issuance or renewal of the license in writing.

(ccc) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within a full-service grocery store at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church and school if:

(1) as of March 14, 2007, the premises are located in a City of Chicago Residential-Business Planned Development No. 1052;

(2) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

(3) the sale of alcoholic liquor is incidental to the operation of a grocery store and comprises no more than 10% of the total in-store sales;

(4) the owner and operator of the grocery store operates at least 10 other grocery stores that have alcoholic liquor licenses within the same municipality;

(5) the premises are new construction when the license is first issued;

(6) the constructed premises are to be no less than 50,000 square feet;

(7) the school is a private church-affiliated school;

(8) the premises and the property containing the church and church-affiliated school are located on perpendicular streets and the school and church are adjacent to one another;

(9) the pastor of the church and school has expressed, in writing, support for the issuance of the license; and

(10) the alderman of the ward in which the premises are located has expressed, in writing, his or her support for the issuance of the license.

(ddd) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church or school if:

(1) the business has been issued a license from the municipality to allow the business to operate a theater on the premises;

New matter indicated by italics - deletions by strikeout
(2) the theater has less than 200 seats;
(3) the premises are approximately 2,700 to 3,100 square feet of space;
(4) the premises are located to the north of the church;
(5) the primary entrance of the premises and the primary entrance of any church within 100 feet of the premises are located either on a different street or across a right-of-way from the premises;
(6) the primary entrance of the premises and the primary entrance of any school within 100 feet of the premises are located either on a different street or across a right-of-way from the premises;
(7) the premises are located in a building that is at least 100 years old; and
(8) any church or school located within 100 feet of the premises has indicated its support for the issuance or renewal of the license to the premises in writing.

(eee) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church and school if:

(1) the sale of alcoholic liquor is incidental to the sale of food;
(2) the sale of alcoholic liquor is not the principal business carried on by the applicant on the premises;
(3) a family-owned restaurant has operated on the premises since 1957;
(4) the premises occupy the first floor of a 3-story building that is at least 90 years old;
(5) the distance between the property line of the premises and the property line of the church is at least 20 feet;
(6) the church was established at its current location and the present structure was erected before 1900;
(7) the primary entrance of the premises is at least 75 feet from the primary entrance of the church;
(8) the school is affiliated with the church;

New matter indicated by italics - deletions by strikeout
(9) the principal religious leader at the place of worship has indicated his or her support for the issuance of the license in writing;

(10) the principal of the school has indicated in writing that he or she is not opposed to the issuance of the license; and

(11) the alderman of the ward in which the premises are located has expressed, in writing, his or her lack of an objection to the issuance of the license.

**Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:**

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

(2) the sale of alcoholic liquor at the premises is incidental to the operation of a grocery store;

(3) the premises are a one-story building containing approximately 10,000 square feet and are rented by the owners of the grocery store;

(4) the sale of alcoholic liquor at the premises occurs in a retail area of the grocery store that is approximately 3,500 square feet;

(5) the grocery store has operated at the location since 1984;

(6) the grocery store is closed on Sundays;

(7) the property on which the premises are located is a corner lot that is bound by 3 streets and an alley, where one street is a one-way street that runs north-south, one street runs east-west, and one street runs northwest-southeast;

(8) the property line of the premises is approximately 16 feet from the property line of the building where the church is located;

(9) the premises are separated from the building containing the church by a public alley;

(10) the primary entrance of the premises and the primary entrance of the church are at least 100 feet apart;
(11) representatives of the church have delivered a written statement that the church does not object to the issuance of a license under this subsection \( (fff) \) \( (yyy) \); and

(12) the alderman of the ward in which the grocery store is located has expressed, in writing, his or her support for the issuance of the license.

Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of licenses authorizing the sale of alcoholic liquor within a restaurant or lobby coffee house at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church and school if:

(1) a residential retirement home formerly operated on the premises and the premises are being converted into a new apartment living complex containing studio and one-bedroom apartments with ground floor retail space;

(2) the restaurant and lobby coffee house are located within a Community Shopping District within the municipality;

(3) the premises are located in a single-building, mixed-use complex that, in addition to the restaurant and lobby coffee house, contains apartment residences, a fitness center for the residents of the apartment building, a lobby designed as a social center for the residents, a rooftop deck, and a patio with a dog run for the exclusive use of the residents;

(4) the sale of alcoholic liquor is not the primary business activity of the apartment complex, restaurant, or lobby coffee house;

(5) the entrance to the apartment residence is more than 310 feet from the entrance to the school and church;

(6) the entrance to the apartment residence is located at the end of the block around the corner from the south side of the school building;

(7) the school is affiliated with the church;

(8) the pastor of the parish, principal of the school, and the titleholder to the church and school have given written consent to the issuance of the license;

(9) the alderman of the ward in which the premises are located has given written consent to the issuance of the license; and

New matter indicated by italics - deletions by strikeout
(10) the neighborhood block club has given written consent to the issuance of the license.

(hhh) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license to sell alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a home for indigent persons or a church if:

(1) a restaurant operates on the premises and has been in operation since January of 2014;

(2) the sale of alcoholic liquor is incidental to the sale of food;

(3) the sale of alcoholic liquor is not the principal business carried on by the licensee on the premises;

(4) the premises occupy the first floor of a 3-story building that is at least 100 years old;

(5) the primary entrance to the premises is more than 100 feet from the primary entrance to the home for indigent persons, which opened in 1989 and is operated to address homelessness and provide shelter;

(6) the primary entrance to the premises and the primary entrance to the home for indigent persons are located on different streets;

(7) the executive director of the home for indigent persons has given written consent to the issuance of the license;

(8) the entrance to the premises is located within 100 feet of a Buddhist temple;

(9) the entrance to the premises is more than 100 feet from where any worship or educational programming is conducted by the Buddhist temple and is located in an area used only for other purposes; and

(10) the president and the board of directors of the Buddhist temple have given written consent to the issuance of the license.

(iii) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality in excess of 1,000,000 inhabitants and within 100 feet of a home for the aged if:

New matter indicated by italics - deletions by strikeout
(1) the sale of alcoholic liquor is not the principal business carried on by the licensee on the premises;
(2) the sale of alcoholic liquor at the premises is incidental to the operation of a restaurant;
(3) the premises are on the ground floor of a multi-floor, university-affiliated housing facility;
(4) the premises occupy 1,916 square feet of space, with the total square footage from which liquor will be sold, served, and consumed to be 900 square feet;
(5) the premises are separated from the home for the aged by an alley;
(6) the primary entrance to the premises and the primary entrance to the home for the aged are at least 500 feet apart and located on different streets;
(7) representatives of the home for the aged have expressed, in writing, that the home does not object to the issuance of a license under this subsection; and
(8) the alderman of the ward in which the restaurant is located has expressed, in writing, his or her support for the issuance of the license.

(jjj) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school if:
(1) as of January 1, 2016, the premises were used for the sale of alcoholic liquor for consumption on the premises and were authorized to do so pursuant to a retail tavern license held by an individual as the sole proprietor of the premises;
(2) the primary entrance to the school and the primary entrance to the premises are on the same street;
(3) the school was founded in 1949;
(4) the building in which the premises are situated was constructed before 1930;
(5) the building in which the premises are situated is immediately across the street from the school; and
(6) the school has not indicated its opposition to the issuance or renewal of the license in writing.

(kkk) (Blank).

New matter indicated by italics - deletions by strikeout
(lll) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a synagogue or school if:

(1) the sale of alcoholic liquor at the premises is incidental to the sale of food;

(2) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

(3) the premises are located on the same street on which the synagogue or school is located;

(4) the primary entrance to the premises and the closest entrance to the synagogue or school is at least 100 feet apart;

(5) the shortest distance between the premises and the synagogue or school is at least 65 feet apart and no greater than 70 feet apart;

(6) the premises are between 1,800 and 2,000 square feet;

(7) the synagogue was founded in 1861; and

(8) the leader of the synagogue has indicated, in writing, the synagogue's support for the issuance or renewal of the license.

(mmm) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of licenses authorizing the sale of alcoholic liquor within a restaurant or lobby coffee house at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

(2) the sale of alcoholic liquor at the premises is incidental to the sale of food in a restaurant;

(3) the restaurant has been run by the same family for at least 19 consecutive years;

(4) the premises are located in a 3-story building in the most easterly part of the first floor;

(5) the building in which the premises are located has residential housing on the second and third floors;

(6) the primary entrance to the premises is on a north-south street around the corner and across an alley from the primary entrance to the church, which is on an east-west street;

New matter indicated by italics - deletions by strikeout
(7) the primary entrance to the church and the primary entrance to the premises are more than 160 feet apart; and
(8) the church has expressed, in writing, its support for the issuance of a license under this subsection.

(nnn) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of licenses authorizing the sale of alcoholic liquor within a restaurant or lobby coffee house at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school and church or synagogue if:

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
(2) the sale of alcoholic liquor at the premises is incidental to the sale of food in a restaurant;
(3) the front door of the synagogue faces east on the next north-south street east of and parallel to the north-south street on which the restaurant is located where the restaurant's front door faces west;
(4) the closest exterior pedestrian entrance that leads to the school or the synagogue is across an east-west street and at least 300 feet from the primary entrance to the restaurant;
(5) the nearest church-related or school-related building is a community center building;
(6) the restaurant is on the ground floor of a 3-story building constructed in 1896 with a brick façade;
(7) the restaurant shares the ground floor with a theater, and the second and third floors of the building in which the restaurant is located consists of residential housing;
(8) the leader of the synagogue and school has expressed, in writing, that the synagogue does not object to the issuance of a license under this subsection; and
(9) the alderman of the ward in which the premises is located has expressed, in writing, his or her support for the issuance of the license.

(ooo) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 2,000 but less than

New matter indicated by italics - deletions by strikeout
5,000 inhabitants in a county with a population in excess of 3,000,000 and within 100 feet of a home for the aged if:

(1) as of March 1, 2016, the premises were used to sell alcohol pursuant to a retail tavern and packaged goods license issued by the municipality and held by a limited liability company as the proprietor of the premises;

(2) the home for the aged was completed in 2015;

(3) the home for the aged is a 5-story structure;

(4) the building in which the premises are situated is directly adjacent to the home for the aged;

(5) the building in which the premises are situated was constructed before 1950;

(6) the home for the aged has not indicated its opposition to the issuance or renewal of the license; and

(7) the president of the municipality has expressed in writing that he or she does not object to the issuance or renewal of the license.

Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church or churches if:

(1) the shortest distance between the premises and a church is at least 78 feet apart and no greater than 95 feet apart;

(2) the premises are a single-story, brick commercial building and at least 5,067 square feet and were constructed in 1922;

(3) the premises are located in a B3-2 zoning district;

(4) the premises are separated from the buildings containing the churches by a street;

(5) the previous owners of the business located on the premises held a liquor license for at least 10 years;

(6) the new owner of the business located on the premises has managed 2 other food and liquor stores since 1997;

(7) the principal religious leaders at the places of worship have indicated their support for the issuance or renewal of the license in writing; and

New matter indicated by italics - deletions by strikeout
(8) the alderman of the ward in which the premises are located has indicated his or her support for the issuance or renewal of the license in writing.

(Source: P.A. 98-274, eff. 8-9-13; 98-463, eff. 8-16-13; 98-571, eff. 8-27-13; 98-592, eff. 11-15-13; 98-1092, eff. 8-26-14; 98-1158, eff. 1-9-15; 99-46, eff. 7-15-15; 99-47, eff. 7-15-15; 99-477, eff. 8-27-15; 99-484, eff. 10-30-15; revised 11-4-15.)

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

approved July 15, 2016.
Effective July 15, 2016.
liquor for one day or less. Alcoholic liquors may be delivered to and sold at any airport belonging to or under the control of a municipality of more than 25,000 inhabitants, or in any building or on any golf course owned by a park district organized under the Park District Code, subject to the approval of the governing board of the district, or in any building or on any golf course owned by a forest preserve district organized under the Downstate Forest Preserve District Act, subject to the approval of the governing board of the district, or on the grounds within 500 feet of any building owned by a forest preserve district organized under the Downstate Forest Preserve District Act during times when food is dispensed for consumption within 500 feet of the building from which the food is dispensed, subject to the approval of the governing board of the district, or in a building owned by a Local Mass Transit District organized under the Local Mass Transit District Act, subject to the approval of the governing Board of the District, or in Bicentennial Park, or on the premises of the City of Mendota Lake Park located adjacent to Route 51 in Mendota, Illinois, or on the premises of Camden Park in Milan, Illinois, or in the community center owned by the City of Loves Park that is located at 1000 River Park Drive in Loves Park, Illinois, or, in connection with the operation of an established food serving facility during times when food is dispensed for consumption on the premises, and at the following aquarium and museums located in public parks: Art Institute of Chicago, Chicago Academy of Sciences, Chicago Historical Society, Field Museum of Natural History, Museum of Science and Industry, DuSable Museum of African American History, John G. Shedd Aquarium and Adler Planetarium, or at Lakeview Museum of Arts and Sciences in Peoria, or in connection with the operation of the facilities of the Chicago Zoological Society or the Chicago Horticultural Society on land owned by the Forest Preserve District of Cook County, or on any land used for a golf course or for recreational purposes owned by the Forest Preserve District of Cook County, subject to the control of the Forest Preserve District Board of Commissioners and applicable local law, provided that dram shop liability insurance is provided at maximum coverage limits so as to hold the District harmless from all financial loss, damage, and harm, or in any building located on land owned by the Chicago Park District if approved by the Park District Commissioners, or on any land used for a golf course or for recreational purposes and owned by the Illinois International Port District if approved by the District's governing board, or at any airport, golf course, faculty center, or facility in which conference and convention
type activities take place belonging to or under control of any State university or public community college district, provided that with respect to a facility for conference and convention type activities alcoholic liquors shall be limited to the use of the convention or conference participants or participants in cultural, political or educational activities held in such facilities, and provided further that the faculty or staff of the State university or a public community college district, or members of an organization of students, alumni, faculty or staff of the State university or a public community college district are active participants in the conference or convention, or in Memorial Stadium on the campus of the University of Illinois at Urbana-Champaign during games in which the Chicago Bears professional football team is playing in that stadium during the renovation of Soldier Field, not more than one and a half hours before the start of the game and not after the end of the third quarter of the game, or in the Pavilion Facility on the campus of the University of Illinois at Chicago during games in which the Chicago Storm professional soccer team is playing in that facility, not more than one and a half hours before the start of the game and not after the end of the third quarter of the game, or in the Pavilion Facility on the campus of the University of Illinois at Chicago during games in which the WNBA professional women's basketball team is playing in that facility, not more than one and a half hours before the start of the game and not after the 10-minute mark of the second half of the game, or by a catering establishment which has rented facilities from a board of trustees of a public community college district, or in a restaurant that is operated by a commercial tenant in the North Campus Parking Deck building that (1) is located at 1201 West University Avenue, Urbana, Illinois and (2) is owned by the Board of Trustees of the University of Illinois, or, if approved by the District board, on land owned by the Metropolitan Sanitary District of Greater Chicago and leased to others for a term of at least 20 years. Nothing in this Section precludes the sale or delivery of alcoholic liquor in the form of original packaged goods in premises located at 500 S. Racine in Chicago belonging to the University of Illinois and used primarily as a grocery store by a commercial tenant during the term of a lease that predates the University's acquisition of the premises; but the University shall have no power or authority to renew, transfer, or extend the lease with terms allowing the sale of alcoholic liquor; and the sale of alcoholic liquor shall be subject to all local laws and regulations. After the acquisition by Winnebago County of the property located at 404 Elm Street in Rockford, a commercial tenant

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who sold alcoholic liquor at retail on a portion of the property under a valid license at the time of the acquisition may continue to do so for so long as the tenant and the County may agree under existing or future leases, subject to all local laws and regulations regarding the sale of alcoholic liquor. Alcoholic liquors may be delivered to and sold at Memorial Hall, located at 211 North Main Street, Rockford, under conditions approved by Winnebago County and subject to all local laws and regulations regarding the sale of alcoholic liquor. Each facility shall provide dram shop liability in maximum insurance coverage limits so as to save harmless the State, municipality, State university, airport, golf course, faculty center, facility in which conference and convention type activities take place, park district, Forest Preserve District, public community college district, aquarium, museum, or sanitary district from all financial loss, damage or harm. Alcoholic liquors may be sold at retail in buildings of golf courses owned by municipalities or Illinois State University in connection with the operation of an established food serving facility during times when food is dispensed for consumption upon the premises. Alcoholic liquors may be delivered to and sold at retail in any building owned by a fire protection district organized under the Fire Protection District Act, provided that such delivery and sale is approved by the board of trustees of the district, and provided further that such delivery and sale is limited to fundraising events and to a maximum of 6 events per year. However, the limitation to fundraising events and to a maximum of 6 events per year does not apply to the delivery, sale, or manufacture of alcoholic liquors at the building located at 59 Main Street in Oswego, Illinois, owned by the Oswego Fire Protection District if the alcoholic liquor is sold or dispensed as approved by the Oswego Fire Protection District and the property is no longer being utilized for fire protection purposes.

Alcoholic liquors may be served or sold in buildings under the control of the Board of Trustees of the University of Illinois for events that the Board may determine are public events and not related student activities. The Board of Trustees shall issue a written policy within 6 months of the effective date of this amendatory Act of the 95th General Assembly concerning the types of events that would be eligible for an exemption. Thereafter, the Board of Trustees may issue revised, updated, new, or amended policies as it deems necessary and appropriate. In preparing its written policy, the Board of Trustees shall, among other factors it considers relevant and important, give consideration to the

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following: (i) whether the event is a student activity or student-related activity; (ii) whether the physical setting of the event is conducive to control of liquor sales and distribution; (iii) the ability of the event operator to ensure that the sale or serving of alcoholic liquors and the demeanor of the participants are in accordance with State law and University policies; (iv) regarding the anticipated attendees at the event, the relative proportion of individuals under the age of 21 to individuals age 21 or older; (v) the ability of the venue operator to prevent the sale or distribution of alcoholic liquors to individuals under the age of 21; (vi) whether the event prohibits participants from removing alcoholic beverages from the venue; and (vii) whether the event prohibits participants from providing their own alcoholic liquors to the venue. In addition, any policy submitted by the Board of Trustees to the Illinois Liquor Control Commission must require that any event at which alcoholic liquors are served or sold in buildings under the control of the Board of Trustees shall require the prior written approval of the Office of the Chancellor for the University campus where the event is located. The Board of Trustees shall submit its policy, and any subsequently revised, updated, new, or amended policies, to the Illinois Liquor Control Commission, and any University event, or location for an event, exempted under such policies shall apply for a license under the applicable Sections of this Act.

Alcoholic liquors may be served or sold in buildings under the control of the Board of Trustees of Northern Illinois University for events that the Board may determine are public events and not student-related activities. The Board of Trustees shall issue a written policy within 6 months after June 28, 2011 (the effective date of Public Act 97-45) concerning the types of events that would be eligible for an exemption. Thereafter, the Board of Trustees may issue revised, updated, new, or amended policies as it deems necessary and appropriate. In preparing its written policy, the Board of Trustees shall, in addition to other factors it considers relevant and important, give consideration to the following: (i) whether the event is a student activity or student-related activity; (ii) whether the physical setting of the event is conducive to control of liquor sales and distribution; (iii) the ability of the event operator to ensure that the sale or serving of alcoholic liquors and the demeanor of the participants are in accordance with State law and University policies; (iv) the anticipated attendees at the event and the relative proportion of individuals under the age of 21 to individuals age 21 or older; (v) the
ability of the venue operator to prevent the sale or distribution of alcoholic liquors to individuals under the age of 21; (vi) whether the event prohibits participants from removing alcoholic beverages from the venue; and (vii) whether the event prohibits participants from providing their own alcoholic liquors to the venue.

Alcoholic liquors may be served or sold in buildings under the control of the Board of Trustees of Chicago State University for events that the Board may determine are public events and not student-related activities. The Board of Trustees shall issue a written policy within 6 months after August 2, 2013 (the effective date of Public Act 98-132) concerning the types of events that would be eligible for an exemption. Thereafter, the Board of Trustees may issue revised, updated, new, or amended policies as it deems necessary and appropriate. In preparing its written policy, the Board of Trustees shall, in addition to other factors it considers relevant and important, give consideration to the following: (i) whether the event is a student activity or student-related activity; (ii) whether the physical setting of the event is conducive to control of liquor sales and distribution; (iii) the ability of the event operator to ensure that the sale or serving of alcoholic liquors and the demeanor of the participants are in accordance with State law and University policies; (iv) the anticipated attendees at the event and the relative proportion of individuals under the age of 21 to individuals age 21 or older; (v) the ability of the venue operator to prevent the sale or distribution of alcoholic liquors to individuals under the age of 21; (vi) whether the event prohibits participants from removing alcoholic beverages from the venue; and (vii) whether the event prohibits participants from providing their own alcoholic liquors to the venue.

Alcoholic liquors may be served or sold in buildings under the control of the Board of Trustees of Illinois State University for events that the Board may determine are public events and not student-related activities. The Board of Trustees shall issue a written policy within 6 months after the effective date of this amendatory Act of the 97th General Assembly concerning the types of events that would be eligible for an exemption. Thereafter, the Board of Trustees may issue revised, updated, new, or amended policies as it deems necessary and appropriate. In preparing its written policy, the Board of Trustees shall, in addition to other factors it considers relevant and important, give consideration to the following: (i) whether the event is a student activity or student-related activity; (ii) whether the physical setting of the event is conducive to

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control of liquor sales and distribution; (iii) the ability of the event operator to ensure that the sale or serving of alcoholic liquors and the demeanor of the participants are in accordance with State law and University policies; (iv) the anticipated attendees at the event and the relative proportion of individuals under the age of 21 to individuals age 21 or older; (v) the ability of the venue operator to prevent the sale or distribution of alcoholic liquors to individuals under the age of 21; (vi) whether the event prohibits participants from removing alcoholic beverages from the venue; and (vii) whether the event prohibits participants from providing their own alcoholic liquors to the venue.

Alcoholic liquor may be delivered to and sold at retail in the Dorchester Senior Business Center owned by the Village of Dolton if the alcoholic liquor is sold or dispensed only in connection with organized functions for which the planned attendance is 20 or more persons, and if the person or facility selling or dispensing the alcoholic liquor has provided dram shop liability insurance in maximum limits so as to hold harmless the Village of Dolton and the State from all financial loss, damage and harm.

Alcoholic liquors may be delivered to and sold at retail in any building used as an Illinois State Armory provided:

(i) the Adjutant General's written consent to the issuance of a license to sell alcoholic liquor in such building is filed with the Commission;
(ii) the alcoholic liquor is sold or dispensed only in connection with organized functions held on special occasions;
(iii) the organized function is one for which the planned attendance is 25 or more persons; and
(iv) the facility selling or dispensing the alcoholic liquors has provided dram shop liability insurance in maximum limits so as to save harmless the facility and the State from all financial loss, damage or harm.

Alcoholic liquors may be delivered to and sold at retail in the Chicago Civic Center, provided that:

(i) the written consent of the Public Building Commission which administers the Chicago Civic Center is filed with the Commission;
(ii) the alcoholic liquor is sold or dispensed only in connection with organized functions held on special occasions;

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(iii) the organized function is one for which the planned attendance is 25 or more persons;
(iv) the facility selling or dispensing the alcoholic liquors has provided dram shop liability insurance in maximum limits so as to hold harmless the Civic Center, the City of Chicago and the State from all financial loss, damage or harm; and
(v) all applicable local ordinances are complied with.

Alcoholic liquors may be delivered or sold in any building belonging to or under the control of any city, village or incorporated town where more than 75% of the physical properties of the building is used for commercial or recreational purposes, and the building is located upon a pier extending into or over the waters of a navigable lake or stream or on the shore of a navigable lake or stream. In accordance with a license issued under this Act, alcoholic liquor may be sold, served, or delivered in buildings and facilities under the control of the Department of Natural Resources during events or activities lasting no more than 7 continuous days upon the written approval of the Director of Natural Resources acting as the controlling government authority. The Director of Natural Resources may specify conditions on that approval, including but not limited to requirements for insurance and hours of operation.

Notwithstanding any other provision of this Act, alcoholic liquor sold by a United States Army Corps of Engineers or Department of Natural Resources concessionaire who was operating on June 1, 1991 for on-premises consumption only is not subject to the provisions of Articles IV and IX. Beer and wine may be sold on the premises of the Joliet Park District Stadium owned by the Joliet Park District when written consent to the issuance of a license to sell beer and wine in such premises is filed with the local liquor commissioner by the Joliet Park District. Beer and wine may be sold in buildings on the grounds of State veterans' homes when written consent to the issuance of a license to sell beer and wine in such buildings is filed with the Commission by the Department of Veterans' Affairs, and the facility shall provide dram shop liability in maximum insurance coverage limits so as to save the facility harmless from all financial loss, damage or harm. Such liquors may be delivered to and sold at any property owned or held under lease by a Metropolitan Pier and Exposition Authority or Metropolitan Exposition and Auditorium Authority.

Beer and wine may be sold and dispensed at professional sporting events and at professional concerts and other entertainment events

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conducted on premises owned by the Forest Preserve District of Kane County, subject to the control of the District Commissioners and applicable local law, provided that dram shop liability insurance is provided at maximum coverage limits so as to hold the District harmless from all financial loss, damage and harm.

Nothing in this Section shall preclude the sale or delivery of beer and wine at a State or county fair or the sale or delivery of beer or wine at a city fair in any otherwise lawful manner.

Alcoholic liquors may be sold at retail in buildings in State parks under the control of the Department of Natural Resources, provided:

a. the State park has overnight lodging facilities with some restaurant facilities or, not having overnight lodging facilities, has restaurant facilities which serve complete luncheon and dinner or supper meals,

b. (blank), and

c. the alcoholic liquors are sold by the State park lodge or restaurant concessionaire only during the hours from 11 o'clock a.m. until 12 o'clock midnight. Notwithstanding any other provision of this Act, alcoholic liquor sold by the State park or restaurant concessionaire is not subject to the provisions of Articles IV and IX.

Alcoholic liquors may be sold at retail in buildings on properties under the control of the Historic Sites and Preservation Division of the Historic Preservation Agency or the Abraham Lincoln Presidential Library and Museum provided:

a. the property has overnight lodging facilities with some restaurant facilities or, not having overnight lodging facilities, has restaurant facilities which serve complete luncheon and dinner or supper meals,

b. consent to the issuance of a license to sell alcoholic liquors in the buildings has been filed with the commission by the Historic Sites and Preservation Division of the Historic Preservation Agency or the Abraham Lincoln Presidential Library and Museum, and

c. the alcoholic liquors are sold by the lodge or restaurant concessionaire only during the hours from 11 o'clock a.m. until 12 o'clock midnight.

The sale of alcoholic liquors pursuant to this Section does not authorize the establishment and operation of facilities commonly called

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taverns, saloons, bars, cocktail lounges, and the like except as a part of lodge and restaurant facilities in State parks or golf courses owned by Forest Preserve Districts with a population of less than 3,000,000 or municipalities or park districts.

Alcoholic liquors may be sold at retail in the Springfield Administration Building of the Department of Transportation and the Illinois State Armory in Springfield; provided, that the controlling government authority may consent to such sales only if
a. the request is from a not-for-profit organization;
b. such sales would not impede normal operations of the departments involved;
c. the not-for-profit organization provides dram shop liability in maximum insurance coverage limits and agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm;
d. no such sale shall be made during normal working hours of the State of Illinois; and
e. the consent is in writing.

Alcoholic liquors may be sold at retail in buildings in recreational areas of river conservancy districts under the control of, or leased from, the river conservancy districts. Such sales are subject to reasonable local regulations as provided in Article IV; however, no such regulations may prohibit or substantially impair the sale of alcoholic liquors on Sundays or Holidays.

Alcoholic liquors may be provided in long term care facilities owned or operated by a county under Division 5-21 or 5-22 of the Counties Code, when approved by the facility operator and not in conflict with the regulations of the Illinois Department of Public Health, to residents of the facility who have had their consumption of the alcoholic liquors provided approved in writing by a physician licensed to practice medicine in all its branches.

Alcoholic liquors may be delivered to and dispensed in State housing assigned to employees of the Department of Corrections. No person shall furnish or allow to be furnished any alcoholic liquors to any prisoner confined in any jail, reformatory, prison or house of correction except upon a physician's prescription for medicinal purposes.

Alcoholic liquors may be sold at retail or dispensed at the Willard Ice Building in Springfield, at the State Library in Springfield, and at Illinois State Museum facilities by (1) an agency of the State, whether

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legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the controlling government authority, or by (2) a not-for-profit organization, provided that such organization:

a. Obtains written consent from the controlling government authority;

b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;

c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;

d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at authorized functions.

The controlling government authority for the Willard Ice Building in Springfield shall be the Director of the Department of Revenue. The controlling government authority for Illinois State Museum facilities shall be the Director of the Illinois State Museum. The controlling government authority for the State Library in Springfield shall be the Secretary of State.

Alcoholic liquors may be delivered to and sold at retail or dispensed at any facility, property or building under the jurisdiction of the Historic Sites and Preservation Division of the Historic Preservation Agency or the Abraham Lincoln Presidential Library and Museum where the delivery, sale or dispensing is by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from a controlling government authority, or by (2) an individual or organization provided that such individual or organization:

a. Obtains written consent from the controlling government authority;

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b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal workings of State offices or operations located at the facility, property or building;

c. Sells or dispenses alcoholic liquors only in connection with an official activity of the individual or organization in the facility, property or building;

d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

The controlling government authority for the Historic Sites and Preservation Division of the Historic Preservation Agency shall be the Director of the Historic Sites and Preservation, and the controlling government authority for the Abraham Lincoln Presidential Library and Museum shall be the Director of the Abraham Lincoln Presidential Library and Museum.

Alcoholic liquors may be delivered to and sold at retail or dispensed for consumption at the Michael Bilandic Building at 160 North LaSalle Street, Chicago IL 60601, after the normal business hours of any day care or child care facility located in the building, by (1) a commercial tenant or subtenant conducting business on the premises under a lease made pursuant to Section 405-315 of the Department of Central Management Services Law (20 ILCS 405/405-315), provided that such tenant or subtenant who accepts delivery of, sells, or dispenses alcoholic liquors shall procure and maintain dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, indemnify, and save harmless the State of Illinois from all financial loss, damage, or harm arising out of the delivery, sale, or dispensing of alcoholic liquors, or by (2) an agency of the State, whether legislative, judicial, or executive, provided that such agency first obtains written permission to accept delivery of and sell or dispense alcoholic liquors from the Director of Central Management Services, or by (3) a not-for-profit organization, provided that such organization:

a. obtains written consent from the Department of Central Management Services;

b. accepts delivery of and sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;

New matter indicated by italics - deletions by strikeout
c. accepts delivery of and sells or dispenses alcoholic liquors only in connection with an official activity in the building; and

d. provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless, and indemnify the State of Illinois from all financial loss, damage, or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at functions authorized by the Director of Central Management Services.

Alcoholic liquors may be sold at retail or dispensed at the James R. Thompson Center in Chicago, subject to the provisions of Section 7.4 of the State Property Control Act, and 222 South College Street in Springfield, Illinois by (1) a commercial tenant or subtenant conducting business on the premises under a lease or sublease made pursuant to Section 405-315 of the Department of Central Management Services Law (20 ILCS 405/405-315), provided that such tenant or subtenant who sells or dispenses alcoholic liquors shall procure and maintain dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, indemnify and save harmless the State of Illinois from all financial loss, damage or harm arising out of the sale or dispensing of alcoholic liquors, or by (2) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the Director of Central Management Services, or by (3) a not-for-profit organization, provided that such organization:

a. Obtains written consent from the Department of Central Management Services;

b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;

c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;

d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage, or harm arising out of the selling or dispensing of alcoholic liquors.

New matter indicated by italics - deletions by strikeout
Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at functions authorized by the Director of Central Management Services.

Alcoholic liquors may be sold or delivered at any facility owned by the Illinois Sports Facilities Authority provided that dram shop liability insurance has been made available in a form, with such coverage and in such amounts as the Authority reasonably determines is necessary.

Alcoholic liquors may be sold at retail or dispensed at the Rockford State Office Building by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the Department of Central Management Services, or by (2) a not-for-profit organization, provided that such organization:

a. Obtains written consent from the Department of Central Management Services;

b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;

c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;

d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at functions authorized by the Department of Central Management Services.

Alcoholic liquors may be sold or delivered in a building that is owned by McLean County, situated on land owned by the county in the City of Bloomington, and used by the McLean County Historical Society if the sale or delivery is approved by an ordinance adopted by the county board, and the municipality in which the building is located may not prohibit that sale or delivery, notwithstanding any other provision of this Section. The regulation of the sale and delivery of alcoholic liquor in a
building that is owned by McLean County, situated on land owned by the county, and used by the McLean County Historical Society as provided in this paragraph is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution of the power of a home rule municipality to regulate that sale and delivery.

Alcoholic liquors may be sold or delivered in any building situated on land held in trust for any school district organized under Article 34 of the School Code, if the building is not used for school purposes and if the sale or delivery is approved by the board of education.

Alcoholic liquors may be delivered to and sold at retail in any building owned by the Six Mile Regional Library District, provided that the delivery and sale is approved by the board of trustees of the Six Mile Regional Library District and the delivery and sale is limited to a maximum of 6 library district events per year. The Six Mile Regional Library District shall provide dram shop liability in maximum insurance coverage limits so as to save harmless the library district from all financial loss, damage, or harm.

Alcoholic liquors may be delivered to and sold at retail in any building owned by a public library district, provided that the delivery and sale is approved by the board of trustees of that public library district and is limited to library fundraising events or programs of a cultural or educational nature. Before the board of trustees of a public library district may approve the delivery and sale of alcoholic liquors, the board of trustees of the public library district must have a written policy that has been approved by the board of trustees of the public library district governing when and under what circumstances alcoholic liquors may be delivered to and sold at retail on property owned by that public library district. The written policy must (i) provide that no alcoholic liquor may be sold, distributed, or consumed in any area of the library accessible to the general public during the event or program, (ii) prohibit the removal of alcoholic liquor from the venue during the event, and (iii) require that steps be taken to prevent the sale or distribution of alcoholic liquor to persons under the age of 21. Any public library district that has alcoholic liquor delivered to or sold at retail on property owned by the public library district shall provide dram shop liability insurance in maximum insurance coverage limits so as to save harmless the public library districts from all financial loss, damage, or harm.

New matter indicated by italics - deletions by strikeout
Alcoholic liquors may be sold or delivered in buildings owned by the Community Building Complex Committee of Boone County, Illinois if the person or facility selling or dispensing the alcoholic liquor has provided dram shop liability insurance with coverage and in amounts that the Committee reasonably determines are necessary.

Alcoholic liquors may be sold or delivered in the building located at 1200 Centerville Avenue in Belleville, Illinois and occupied by either the Belleville Area Special Education District or the Belleville Area Special Services Cooperative.

Alcoholic liquors may be delivered to and sold at the Louis Joliet Renaissance Center, City Center Campus, located at 214 N. Ottawa Street, Joliet, and the Food Services/Culinary Arts Department facilities, Main Campus, located at 1215 Houbolt Road, Joliet, owned by or under the control of Joliet Junior College, Illinois Community College District No. 525.

Alcoholic liquors may be delivered to and sold at Triton College, Illinois Community College District No. 504.

Alcoholic liquors may be delivered to and sold at the College of DuPage, Illinois Community College District No. 502.

Alcoholic liquors may be delivered to and sold on any property owned, operated, or controlled by Lewis and Clark Community College, Illinois Community College District No. 536.

Alcoholic liquors may be delivered to and sold at the building located at 446 East Hickory Avenue in Apple River, Illinois, owned by the Apple River Fire Protection District, and occupied by the Apple River Community Association if the alcoholic liquor is sold or dispensed only in connection with organized functions approved by the Apple River Community Association for which the planned attendance is 20 or more persons and if the person or facility selling or dispensing the alcoholic liquor has provided dram shop liability insurance in maximum limits so as to hold harmless the Apple River Fire Protection District, the Village of Apple River, and the Apple River Community Association from all financial loss, damage, and harm.

Alcoholic liquors may be delivered to and sold at the Sikia Restaurant, Kennedy King College Campus, located at 740 West 63rd Street, Chicago, and at the Food Services in the Great Hall/Washburne Culinary Institute Department facility, Kennedy King College Campus, located at 740 West 63rd Street, Chicago, owned by or under the control of City Colleges of Chicago, Illinois Community College District No. 508.

New matter indicated by italics - deletions by strikeout
(Source: P.A. 98-132, eff. 8-2-13; 98-201, eff. 8-9-13; 98-692, eff. 7-1-14; 98-756, eff. 7-16-14; 98-1092, eff. 8-26-14; 99-78, eff. 7-20-15; 99-484, eff. 10-30-15.)

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

Passed in the General Assembly May 24, 2016.
Approved July 15, 2016.
Effective July 15, 2016.

PUBLIC ACT 99-0560
(Senate Bill No. 2160)

AN ACT concerning revenue.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

Section 5. The Property Tax Code is amended by changing Section
10-152 as follows:

(35 ILCS 200/10-152)
(Section scheduled to be repealed on December 31, 2016)

Sec. 10-152. Vegetative filter strip assessment.

(a) In counties with less than 3,000,000 inhabitants, any land (i) that is located between a farm field and an area to be protected, including but not limited to surface water, a stream, a river, or a sinkhole and (ii) that meets the requirements of subsection (b) of this Section shall be considered a "vegetative filter strip" and valued at 1/6th of its productivity index equalized assessed value as cropland. In counties with 3,000,001 or more inhabitants, the land shall be valued at the lesser of either (i) 16% of the fair cash value of the farmland estimated at the price it would bring at a fair, voluntary sale for use by the buyer as a farm as defined in Section 1-60 or (ii) 90% of the 1983 average equalized assessed value per acre certified by the Department of Revenue.

(b) Vegetative filter strips shall meet the standards and specifications set forth in the Natural Resources Conservation Service Technical Guide and shall contain vegetation that (i) has a dense top growth; (ii) forms a uniform ground cover; (iii) has a heavy fibrous root system; and (iv) tolerates pesticides used in the farm field.

(c) The county's soil and water conservation district shall assist the taxpayer in completing a uniform certified document as prescribed by the Department of Revenue in cooperation with the Association of Illinois

New matter indicated by italics - deletions by strikeout
Soil and Water Conservation Districts that certifies (i) that the property meets the requirements established under this Section for vegetative filter strips and (ii) the acreage or square footage of property that qualifies for assessment as a vegetative filter strip. The document shall be filed by the applicant with the Chief County Assessment Officer. The Chief County Assessment Officer shall promulgate rules concerning the filing of the document. The soil and water conservation district shall create a conservation plan for the creation of the filter strip. The plan shall be kept on file in the soil and water conservation district office. Nothing in this Section shall be construed to require any taxpayer to have vegetative filter strips.

(d) A joint report by the Department of Agriculture and the Department of Natural Resources concerning the effect and impact of vegetative filter strip assessment shall be submitted to the General Assembly by March 1, 2006.

(e) This Section is repealed on December 31, 2016.
(Source: P.A. 94-1002, eff. 7-3-06.)

Passed in the General Assembly May 24, 2016.
Approved July 15, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0561
(Senate Bill No. 2167)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 2012 is amended by changing Section 17-2 as follows:
(720 ILCS 5/17-2) (from Ch. 38, par. 17-2)
Sec. 17-2. False personation; solicitation.
(a) False personation; solicitation.
    (1) A person commits a false personation when he or she knowingly and falsely represents himself or herself to be a member or representative of any veterans' or public safety personnel organization or a representative of any charitable organization, or when he or she knowingly exhibits or uses in any manner any decal, badge or insignia of any charitable, public safety personnel, or veterans' organization when not authorized to do so by the

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charitable, public safety personnel, or veterans' organization. "Public safety personnel organization" has the meaning ascribed to that term in Section 1 of the Solicitation for Charity Act.

(2) A person commits a false personation when he or she knowingly and falsely represents himself or herself to be a veteran in seeking employment or public office. In this paragraph, "veteran" means a person who has served in the Armed Services or Reserve Forces of the United States.

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

(A) an active-duty member of the Armed Services or Reserve Forces of the United States or the National Guard or a veteran of the Armed Services or Reserve Forces of the United States or the National Guard; and

(B) obtains money, property, or another tangible benefit through that false representation.

In this paragraph, "member of the Armed Services or Reserve Forces of the United States" means a member of the United States Navy, Army, Air Force, Marine Corps, or Coast Guard; and "veteran" means a person who has served in the Armed Services or Reserve Forces of the United States or the National Guard.

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

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

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

(3) No person shall knowingly use the words "Police", "Police Department", "Patrolman", "Sergeant", "Lieutenant", "Peace Officer", "Sheriff's Police", "Sheriff", "Officer", "Law Enforcement", "Trooper", "Deputy", "Deputy Sheriff", "State Police", or any other words to the same effect (i) in the title of any organization, magazine, or other publication without the express approval of the named public safety personnel organization's governing board or (ii) in combination with the name of any state, state agency, public university, or unit of local government without

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the express written authorization of that state, state agency, public
university, or unit of local government.

(4) No person may knowingly claim or represent that he or
she is acting on behalf of any public safety personnel organization
when soliciting financial contributions or selling or delivering or
offering to sell or deliver any merchandise, goods, services,
memberships, or advertisements unless the chief of the police
department, fire department, and the corporate or municipal
authority thereof, or the sheriff has first entered into a written
agreement with the person or with an organization with which the
person is affiliated and the agreement permits the activity and
specifies and states clearly and fully the purpose for which the
proceeds of the solicitation, contribution, or sale will be used.

(5) No person, when soliciting financial contributions or
selling or delivering or offering to sell or deliver any merchandise,
goods, services, memberships, or advertisements may claim or
represent that he or she is representing or acting on behalf of any
nongovernmental organization by any name which includes
"officer", "peace officer", "police", "law enforcement", "trooper",
"sheriff", "deputy", "deputy sheriff", "State police", or any other
word or words which would reasonably be understood to imply
that the organization is composed of law enforcement personnel
unless:

(A) the person is actually representing or acting on
behalf of the nongovernmental organization;

(B) the nongovernmental organization is controlled
by and governed by a membership of and represents a
group or association of active duty peace officers, retired
peace officers, or injured peace officers; and

(C) before commencing the solicitation or the sale
the offers to sell any merchandise, goods, services,
memberships, or advertisements, a written contract between
the soliciting or selling person and the nongovernmental
organization, which specifies and states clearly and fully
the purposes for which the proceeds of the solicitation,
contribution, or sale will be used, has been entered into.

(6) No person, when soliciting financial contributions or
selling or delivering or offering to sell or deliver any merchandise,
goods, services, memberships, or advertisements, may knowingly

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claim or represent that he or she is representing or acting on behalf
of any nongovernmental organization by any name which includes
the term "fireman", "fire fighter", "paramedic", or any other word
or words which would reasonably be understood to imply that the
organization is composed of fire fighter or paramedic personnel
unless:

    (A) the person is actually representing or acting on
    behalf of the nongovernmental organization;
    (B) the nongovernmental organization is controlled
    by and governed by a membership of and represents a
    group or association of active duty, retired, or injured fire
    fighters (for the purposes of this Section, "fire fighter" has
    the meaning ascribed to that term in Section 2 of the Illinois
    Fire Protection Training Act) or active duty, retired, or
    injured emergency medical technicians - ambulance,
    emergency medical technicians - intermediate, emergency
    medical technicians - paramedic, ambulance drivers, or
    other medical assistance or first aid personnel; and
    (C) before commencing the solicitation or the sale
    or delivery or the offers to sell or deliver any merchandise,
    goods, services, memberships, or advertisements, the
    soliciting or selling person and the nongovernmental
    organization have entered into a written contract that
    specifies and states clearly and fully the purposes for which
    the proceeds of the solicitation, contribution, or sale will be
    used.

(7) No person may knowingly claim or represent that he or
she is an airman, airline employee, airport employee, or contractor
at an airport in order to obtain the uniform, identification card,
license, or other identification paraphernalia of an airman, airline
employee, airport employee, or contractor at an airport.

(8) No person, firm, copartnership, or corporation (except
corporations organized and doing business under the Pawnsers
Societies Act) shall knowingly use a name that contains in it the
words "Pawners' Society".

(b) False personation; public officials and employees. A person
commits a false personation if he or she knowingly and falsely represents
himself or herself to be any of the following:

New matter indicated by italics - deletions by strikeout
(1) An attorney authorized to practice law for purposes of compensation or consideration. This paragraph (b)(1) does not apply to a person who unintentionally fails to pay attorney registration fees established by Supreme Court Rule.

(2) A public officer or a public employee or an official or employee of the federal government.

(2.3) A public officer, a public employee, or an official or employee of the federal government, and the false representation is made in furtherance of the commission of felony.

(2.7) A public officer or a public employee, and the false representation is for the purpose of effectuating identity theft as defined in Section 16-30 of this Code.

(3) A peace officer.

(4) A peace officer while carrying a deadly weapon.

(5) A peace officer in attempting or committing a felony.

(6) A peace officer in attempting or committing a forcible felony.

(7) The parent, legal guardian, or other relation of a minor child to any public official, public employee, or elementary or secondary school employee or administrator.

(7.5) The legal guardian, including any representative of a State or public guardian, of a disabled person appointed under Article Xla of the Probate Act of 1975.

(8) A fire fighter.

(9) A fire fighter while carrying a deadly weapon.

(10) A fire fighter in attempting or committing a felony.

(11) An emergency management worker of any jurisdiction in this State.

(12) An emergency management worker of any jurisdiction in this State in attempting or committing a felony. For the purposes of this subsection (b), "emergency management worker" has the meaning provided under Section 2-6.6 of this Code.

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

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

New matter indicated by italics - deletions by strikeout
(2) falsely expresses by word or action that he or she is a public officer or public employee or official or employee of the federal government and is acting with approval or authority of a public agency or department.

(c) Fraudulent advertisement of a corporate name.

(1) A company, association, or individual commits fraudulent advertisement of a corporate name if he, she, or it, not being incorporated, puts forth a sign or advertisement and assumes, for the purpose of soliciting business, a corporate name.

(2) Nothing contained in this subsection (c) prohibits a corporation, company, association, or person from using a divisional designation or trade name in conjunction with its corporate name or assumed name under Section 4.05 of the Business Corporation Act of 1983 or, if it is a member of a partnership or joint venture, from doing partnership or joint venture business under the partnership or joint venture name. The name under which the joint venture or partnership does business may differ from the names of the members. Business may not be conducted or transacted under that joint venture or partnership name, however, unless all provisions of the Assumed Business Name Act have been complied with. Nothing in this subsection (c) permits a foreign corporation to do business in this State without complying with all Illinois laws regulating the doing of business by foreign corporations. No foreign corporation may conduct or transact business in this State as a member of a partnership or joint venture that violates any Illinois law regulating or pertaining to the doing of business by foreign corporations in Illinois.

(3) The provisions of this subsection (c) do not apply to limited partnerships formed under the Revised Uniform Limited Partnership Act or under the Uniform Limited Partnership Act (2001).

(d) False law enforcement badges.

(1) A person commits false law enforcement badges if he or she knowingly produces, sells, or distributes a law enforcement badge without the express written consent of the law enforcement agency represented on the badge or, in case of a reorganized or defunct law enforcement agency, its successor law enforcement agency.

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(2) It is a defense to false law enforcement badges that the law enforcement badge is used or is intended to be used exclusively: (i) as a memento or in a collection or exhibit; (ii) for decorative purposes; or (iii) for a dramatic presentation, such as a theatrical, film, or television production.

(e) False medals.

(1) A person commits a false personation if he or she knowingly and falsely represents himself or herself to be a recipient of, or wears on his or her person, any of the following medals if that medal was not awarded to that person by the United States Government, irrespective of branch of service: The Congressional Medal of Honor, The Distinguished Service Cross, The Navy Cross, The Air Force Cross, The Silver Star, The Bronze Star, or the Purple Heart.

(2) It is a defense to a prosecution under paragraph (e)(1) that the medal is used, or is intended to be used, exclusively:

(A) for a dramatic presentation, such as a theatrical, film, or television production, or a historical re-enactment; or

(B) for a costume worn, or intended to be worn, by a person under 18 years of age.

(f) Sentence.

(1) A violation of paragraph (a)(8) is a petty offense subject to a fine of not less than $5 nor more than $100, and the person, firm, copartnership, or corporation commits an additional petty offense for each day he, she, or it continues to commit the violation. A violation of paragraph (c)(1) is a petty offense, and the company, association, or person commits an additional petty offense for each day he, she, or it continues to commit the violation. A violation of paragraph (a)(2.1) or subsection (e) is a petty offense for which the offender shall be fined at least $100 and not more than $200.

(2) A violation of paragraph (a)(1), (a)(3), or (b)(7.5) is a Class C misdemeanor.

(3) A violation of paragraph (a)(2), (a)(2.5), (a)(7), (b)(2), or (b)(7) or subsection (d) is a Class A misdemeanor. A second or subsequent violation of subsection (d) is a Class 3 felony.

(4) A violation of paragraph (a)(4), (a)(5), (a)(6), (b)(1), (b)(2.3), (b)(2.7), (b)(3), (b)(8), or (b)(11) is a Class 4 felony.

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(5) A violation of paragraph (b)(4), (b)(9), or (b)(12) is a Class 3 felony.

(6) A violation of paragraph (b)(5) or (b)(10) is a Class 2 felony.

(7) A violation of paragraph (b)(6) is a Class 1 felony.

(g) A violation of subsection (a)(1) through (a)(7) or subsection (e) of this Section may be accomplished in person or by any means of communication, including but not limited to the use of an Internet website or any form of electronic communication.

(Source: P.A. 97-219, eff. 1-1-12; 97-597, eff. 1-1-12; incorporates change to Sec. 32-5 from 97-219; 97-1109, eff. 1-1-13; 98-1125, eff. 1-1-15.)

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

Passed in the General Assembly May 24, 2016.
Approved July 15, 2016.
Effective July 15, 2016.

PUBLIC ACT 99-0562
(Senate Bill No. 2260)

AN ACT concerning State government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The State Treasurer Act is amended by changing Sections 11 and 14 as follows:

(15 ILCS 505/11) (from Ch. 130, par. 11)

Sec. 11. When any warrant is presented to the State Treasurer to be countersigned, he shall do so if the warrant is in proper form and there are sufficient moneys in the fund to pay the warrant. He shall also make a record of the date and amount of each warrant and name of the person to whom the same is made payable.

Upon request for a wire or electronic transfer of funds pursuant to a warrant payable from the State treasury, the State Treasurer may impose upon and collect from the requesting payee a service charge covering all costs of such transfer.

(Source: P.A. 83-1249.)

(15 ILCS 505/14) (from Ch. 130, par. 14)

Sec. 14.

New matter indicated by italics - deletions by strikeout
He shall, at appropriate intervals but at least once each month at the close of each month, report to the State Comptroller the amount of money received and paid out by him during the time period month, stating on what account the same was received and paid; and shall, at appropriate intervals but at least once each month, report to deposit with the Comptroller all warrants, properly canceled, which he may have paid, and take the Comptroller's receipt for the same.

(Source: P.A. 78-592.)

Approved July 15, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0563
(Senate Bill No. 2268)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The State Treasurer Act is amended by changing Section 16.6 as follows:

(15 ILCS 505/16.6)
Sec. 16.6. ABLE account program.
(a) As used in this Section:
"ABLE account" or "account" means an account established for the purpose of financing certain qualified expenses of eligible individuals as specifically provided for in this Section and authorized by Section 529A of the Internal Revenue Code.
"ABLE account plan" or "plan" means the savings account plan provided for in this Section.
"Account administrator" means the person selected by the State Treasurer to administer the daily operations of the ABLE account plan and provide marketing, recordkeeping, investment management, and other services for the plan.
"Aggregate account balance" means the amount in an account on a particular date or the fair market value of an account on a particular date.
"Beneficiary" means the ABLE account owner.
"Board" means the Illinois State Board of Investment.

New matter indicated by italics - deletions by strikeout
"Contracting state" means a state without a qualified ABLE program which has entered into a contract with Illinois to provide residents of the contracting state access to a qualified ABLE program.

"Designated representative" means a person who is authorized to act on behalf of an account owner. An account owner is authorized to act on his or her own behalf unless the account owner is a minor or the account owner has been adjudicated to have a disability so that a guardian has been appointed. A designated representative acts in a fiduciary capacity to the account owner. The State Treasurer shall recognize a person as a designated representative without appointment by a court in the following order of priority:

(1) The account owner's plenary guardian of the estate, or the account owner's limited guardian of financial or contractual matters. Any guardian acting in this capacity shall not be required to seek court approval for any ABLE qualified distributions.

(2) The agent named by the account owner in a property power of attorney recognized as a statutory short form power of attorney for property.

(3) Such individual or entity that the account owner so designates in writing, in a manner to be established by the State Treasurer.

(4) Such other individual or entity designated by the State Treasurer pursuant to its rules.

"Disability certification" has the meaning given to that term under Section 529A of the Internal Revenue Code.

"Eligible individual" has the meaning given to that term under Section 529A of the Internal Revenue Code.

"Participation agreement" means an agreement to participate in the ABLE account plan between an account owner and the State, through its agencies and the State Treasurer.

"Qualified disability expenses" has the meaning given to that term under Section 529A of the Internal Revenue Code.

"Qualified withdrawal" or "qualified distribution" means a withdrawal from an ABLE account to pay the qualified disability expenses of the beneficiary of the account.

(b) The "Achieving a Better Life Experience" or "ABLE" account program is hereby created and shall be administered by the State Treasurer. The purpose of the ABLE plan is to encourage and assist individuals and families in saving private funds for the purpose of

New matter indicated by italics - deletions by strikeout
supporting individuals with disabilities to maintain health, independence, and quality of life, and to provide secure funding for disability-related expenses on behalf of designated beneficiaries with disabilities that will supplement, but not supplant, benefits provided through private insurance, federal and State medical and disability insurance, the beneficiary's employment, and other sources. Under the plan, a person may make contributions to an ABLE account to meet the qualified disability expenses of the designated beneficiary of the account. The plan must be operated as an accounts-type plan that permits persons to save for qualified disability expenses incurred by or on behalf of an eligible individual.

The State Treasurer shall promote awareness of the availability and advantages of the ABLE account plan as a way to assist individuals and families in saving private funds for the purpose of supporting individuals with disabilities. The cost of these promotional efforts shall not be funded with fees imposed on participants by the State Treasurer.

The State Treasurer shall not accept contributions for ABLE accounts under this Section until the Internal Revenue Service has issued its final regulations or interim guidance concerning ABLE accounts.

A separate account must be maintained for each beneficiary for whom contributions are made, and no more than one account shall be established per beneficiary. If an ABLE account is established for a designated beneficiary, no account subsequently established for such beneficiary shall be treated as an ABLE account. The preceding sentence shall not apply in the case of an ABLE account established for purposes of a rollover as permitted under Section 529A of the Internal Revenue Code.

An ABLE account may be established under this Section only for a designated beneficiary who is a resident of Illinois, or a resident of a contracting state, or a resident of any other state.

Prior to the establishment of an ABLE account, an account owner must provide documentation to the State Treasurer that the account beneficiary is an eligible individual.

Annual contributions to an ABLE account on behalf of a beneficiary are subject to the requirements of subsection (b) of Section 529A of the Internal Revenue Code. No person may make a contribution to an ABLE account if such a contribution would result in the aggregate account balance of an ABLE account exceeding the account balance limit authorized under Section 529A of the Internal Revenue Code. The Treasurer shall review the contribution limit at least annually.

New matter indicated by italics - deletions by strikeout
The State Treasurer shall administer the plan, including accepting and processing applications, maintaining account records, making payments, and undertaking any other necessary tasks to administer the plan, including the appointment of an account administrator. The State Treasurer may contract with one or more third parties to carry out some or all of these administrative duties, including, but not limited to, providing investment management services, incentives, and marketing the plan.

In designing and establishing the plan's requirements and in negotiating or entering into contracts with third parties under this Section, the State Treasurer shall consult with the Board. The State Treasurer shall establish fees to be imposed on participants to recover the costs of administration, recordkeeping, and investment management. The State Treasurer must use his or her best efforts to keep these fees as low as possible, consistent with efficient administration.

The Illinois ABLE Accounts Administrative Fund is created as a nonappropriated trust fund in the State treasury. The State Treasurer shall use moneys in the Administrative Fund to pay for administrative expenses he or she incurs in the performance of his or her duties under this Section. The State Treasurer shall use moneys in the Administrative Fund to cover administrative expenses incurred under this Section. The Administrative Fund may receive any grants or other moneys designated for administrative purposes from the State, or any unit of federal, state, or local government, or any other person, firm, partnership, or corporation. Any interest earnings that are attributable to moneys in the Administrative Fund must be deposited into the Administrative Fund. Any fees established by the State Treasurer to recover the costs of administration, recordkeeping, and investment management shall be deposited into the Administrative Fund.

Subject to appropriation, the State Treasurer may pay administrative costs associated with the creation and management of the plan until sufficient assets are available in the Administrative Fund for that purpose.

Applications for accounts, account owner data, account data, and data on beneficiaries of accounts are confidential and exempt from disclosure under the Freedom of Information Act.

(c) The State Treasurer may invest the moneys in ABLE accounts in the same manner and in the same types of investments provided for the investment of moneys by the Board. To enhance the safety and liquidity of ABLE accounts, to ensure the diversification of the investment portfolio of
accounts, and in an effort to keep investment dollars in the State, the State Treasurer may make a percentage of each account available for investment in participating financial institutions doing business in the State, except that the accounts may be invested without limit in investment options from open-ended investment companies registered under Section 80a of the federal Investment Company Act of 1940. The State Treasurer may contract with one or more third parties for investment management, recordkeeping, or other services in connection with investing the accounts.

The account administrator shall annually prepare and adopt a written statement of investment policy that includes a risk management and oversight program. The risk management and oversight program shall be designed to ensure that an effective risk management system is in place to monitor the risk levels of the ABLE plan, to ensure that the risks taken are prudent and properly managed, to provide an integrated process for overall risk management, and to assess investment returns as well as risk to determine if the risks taken are adequately compensated compared to applicable performance benchmarks and standards.

The State Treasurer may enter into agreements with other states to either allow Illinois residents to participate in a plan operated by another state or to allow residents of other states to participate in the Illinois ABLE plan.

(d) The State Treasurer shall ensure that the plan meets the requirements for an ABLE account under Section 529A of the Internal Revenue Code. The State Treasurer may request a private letter ruling or rulings from the Internal Revenue Service and must take any necessary steps to ensure that the plan qualifies under relevant provisions of federal law. Notwithstanding the foregoing, any determination by the Secretary of the Treasury of the United States that an account was utilized to make non-qualified distributions shall not result in an ABLE account being disregarded as a resource.

A person may make contributions to an ABLE account on behalf of a beneficiary. Contributions to an account made by persons other than the account owner become the property of the account owner. Contributions to an account shall be considered as a transfer of assets for fair market value. A person does not acquire an interest in an ABLE account by making contributions to an account. A contribution to any account for a beneficiary must be rejected if the contribution would cause either the aggregate or annual account balance of the account to exceed the limits imposed by Section 529A of the Internal Revenue Code.

New matter indicated by italics - deletions by strikeout
Any change in account owner must be done in a manner consistent with Section 529A of the Internal Revenue Code.

Notice of any proposed amendments to the rules and regulations shall be provided to all owners or their designated representatives prior to adoption. Amendments to rules and regulations shall apply only to contributions made after the adoption of the amendment. Amendments to this Section automatically amend the participation agreement. Any amendments to the operating procedures and policies of the plan shall automatically amend the participation agreement after adoption by the State Treasurer.

All assets of the plan, including any contributions to accounts, are held in trust for the exclusive benefit of the account owner and shall be considered spendthrift accounts exempt from all of the owner's creditors. The plan shall provide separate accounting for each designated beneficiary sufficient to satisfy the requirements of paragraph (3) of subsection (b) of Section 529A of the Internal Revenue Code. Assets must be held in either a state trust fund outside the State treasury, to be known as the Illinois ABLE plan trust fund, or in accounts with a third-party provider selected pursuant to this Section. Amounts contributed to ABLE accounts shall not be commingled with State funds and the State shall have no claim to or against, or interest in, such funds.

Plan assets are not subject to claims by creditors of the State and are not subject to appropriation by the State. Payments from the Illinois ABLE account plan shall be made under this Section.

The assets of ABLE accounts and their income may not be used as security for a loan.

The assets of ABLE accounts and their income and operation shall be exempt from all taxation by the State of Illinois and any of its subdivisions to the extent exempt from federal income taxation. The accrued earnings on investments in an ABLE account once disbursed on behalf of a designated beneficiary shall be similarly exempt from all taxation by the State of Illinois and its subdivisions to the extent exempt from federal income taxation, so long as they are used for qualified expenses.

Notwithstanding any other provision of law that requires consideration of one or more financial circumstances of an individual, for the purpose of determining eligibility to receive, or the amount of, any assistance or benefit authorized by such provision to be provided to or for the benefit of such individual, any amount, including earnings thereon, in

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the ABLE account of such individual, any contributions to the ABLE account of the individual, and any distribution for qualified disability expenses shall be disregarded for such purpose with respect to any period during which such individual maintains, makes contributions to, or receives distributions from such ABLE account.

(e) The account owner or the designated representative of the account owner may request that a qualified distribution be made for the benefit of the account owner. Qualified distributions shall be made for qualified disability expenses allowed pursuant to Section 529A of the Internal Revenue Code. Qualified distributions must be withdrawn proportionally from contributions and earnings in an account owner's account on the date of distribution as provided in Section 529A of the Internal Revenue Code. Upon the death of a beneficiary, the amount remaining in the beneficiary's account must be distributed pursuant to subsection (f) of Section 529A of the Internal Revenue Code.

(f) The State Treasurer may adopt rules to carry out the purposes of this Section. The State Treasurer shall further have the power to issue peremptory rules necessary to ensure that ABLE accounts meet all of the requirements for a qualified state ABLE program under Section 529A of the Internal Revenue Code and any regulations issued by the Internal Revenue Service.

(Source: P.A. 99-145, eff. 1-1-16.)

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

Approved July 15, 2016.
Effective July 15, 2016.

PUBLIC ACT 99-0564
(Senate Bill No. 2271)

AN ACT concerning housing.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Comprehensive Housing Planning Act is amended by changing Sections 5, 10, 15, 20, and 25 as follows:
(310 ILCS 110/5)
Sec. 5. Definitions. In this Act:
"Authority" means the Illinois Housing Development Authority.

New matter indicated by italics - deletions by strikeout
"Executive Committee" means the Executive Committee of the State Housing Task Force, which shall consist of 13 members of the State Housing Task Force: the Chair, the Vice-Chair, a representative of the Governor's Office, a representative of the Governor's Office of Management and Budget responsible for Bond Cap allocation in the State; the Director of Commerce and Economic Opportunity or his or her designee; the Secretary of Human Services or his or her designee, and 7 housing experts from the State Housing Task Force as designated by the Governor.

"Interagency Committee Subcommittee" means the Interagency Committee Subcommittee of the State Housing Task Force, which shall consist of the following members or their senior staff designees: the Executive Director of the Authority; the Secretaries of Human Services and Transportation; the Directors of the State Departments of Aging, Children and Family Services, Corrections, Commerce and Economic Opportunity, Emergency Management, Financial and Professional Regulation, Healthcare and Family Services, Human Rights, Juvenile Justice, Natural Resources, Public Health, and Veterans' Affairs; the Director of the Environmental Protection Agency; a representative of the Governor's Office; and a representative of the Governor's Office of Management and Budget.

"State Housing Task Force" or "Task Force" means a task force comprised of the following persons or their designees: the Executive Director of the Authority; a representative of the Governor's Office; a representative of the Lieutenant Governor's Office; and the Interagency Committee the Secretaries of Human Services and Transportation; the Directors of the State Departments of Aging, Children and Family Services, Commerce and Economic Opportunity, Financial and Professional Regulation, Healthcare and Family Services, Human Rights, Natural Resources, Public Health, and Veterans' Affairs; the Director of the Environmental Protection Agency; and a representative of the Governor's Office of Management and Budget. The Governor may also invite and appoint the following to the Task Force: a representative of the Illinois Institute for Rural Affairs of Western Illinois University; representatives of the U. S. Departments of Housing and Urban Development (HUD) and Agriculture Rural Development; and up to 18 housing experts, with proportional representation from urban, suburban, and rural areas throughout the State. The Speaker of the Illinois House of Representatives, the President of the Illinois Senate, the Minority Leader
of the Illinois House of Representatives, and the Minority Leader of the Illinois Senate may each appoint one representative to the Task Force. The Executive Director of the Authority shall serve as Chair of the Task Force. The Governor shall appoint a housing expert from the non-governmental sector to serve as Vice-Chair.

(Source: P.A. 94-965, eff. 6-30-06.)

(310 ILCS 110/10)

Sec. 10. Purpose. In order to maintain the economic health of its communities, the State must have a comprehensive and unified policy for the allocation of resources for affordable housing and supportive services for historically underserved populations throughout the State. Executive Order 2003-18 shall be codified into this Act. The purposes of this Act are, issued September 16, 2003, created the Illinois Housing Initiative through December 31, 2008, which led to the adoption of the first Annual Comprehensive Housing Plan for the State of Illinois. The General Assembly determines that it is now necessary to codify provisions of Executive Order 2003-18 in order to accomplish the following:

(1) address the need to make available quality housing at a variety of price points in communities throughout the State;
(2) overcome the shortage of affordable housing, which threatens the viability of many communities and has significant social costs, such as homelessness, concentration of poverty, and unnecessary institutionalization;
(3) meet the need for safe, sanitary, and accessible affordable and community-based housing and supportive services for elderly persons and people with disabilities and other populations with special needs;
(4) promote a full range of quality housing choices near job opportunities jobs, transit options, and related other amenities;
(5) meet the needs of constituencies that have been historically underserved and segregated due to barriers and trends in the existing housing market or insufficient resources;
(6) facilitate the preservation of ownership of existing homes and rental housing in communities;
(7) create new housing opportunities and, where appropriate, promote mixed-income communities; and
(7.5) maximize federal funding opportunities for affordable housing or the services people need to maintain their housing with required State funding, such as, without limitation, for federal

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Continuum of Care networks and HOME Investment Partnerships Program project sponsors; and

(8) encourage development of State incentives for communities to create a mix of housing to meet the needs of current and future residents.

(Source: P.A. 94-965, eff. 6-30-06.)

(310 ILCS 110/15)

Sec. 15. Annual Comprehensive Housing Plan.

(a) During the period from the effective date of this Act through December 31, 2026, the State of Illinois shall prepare and be guided by an annual comprehensive housing plan ("Annual Comprehensive Housing Plan") that is consistent with the affirmative fair housing provisions of the Illinois Human Rights Act and specifically addresses the following underserved populations:

(1) households earning below 50% of the area median income, with particular emphasis on households earning below 30% of the area median income;
(2) low-income senior citizens;
(3) low-income persons with any form of disability, including, but not limited to, physical disability, developmental disability, intellectual disability, mental illness, co-occurring mental illness and substance abuse disorder, and HIV/AIDS;
(4) homeless persons and persons determined to be at risk of homelessness;
(5) low-income and moderate-income persons unable to afford housing that has access to near work opportunities or transportation options; and
(6) low-income persons residing in communities with existing affordable housing that is in danger of becoming unaffordable or being lost;

(7) low-income people residing in communities with ongoing community revitalization efforts; and
(8) other special needs populations, including people with criminal records and veterans experiencing or at risk of homelessness.

(b) The Annual Comprehensive Housing Plan shall include, but need not be limited to, the following:

(1) The identification of all funding sources for which the State has administrative control that are available for housing

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construction, rehabilitation, preservation, operating or rental
subsidies, and supportive services.

(2) Goals for the number, *affordability for different income
levels*, and types of housing units to be constructed, preserved, or
rehabilitated each year for the underserved populations identified
in subsection (a) of Section 15, based on available housing
resources.

(3) Funding recommendations for types of programs for
housing construction, preservation, rehabilitation, and supportive
services, where necessary, related to the underserved populations
identified in subsection (a) of Section 15, based on the Annual
Comprehensive Housing Plan.

(4) Specific actions needed to ensure the coordination of
State government resources that can be used to build or preserve
affordable housing, provide services to accompany the creation of
affordable housing, and prevent homelessness.

(5) Recommended State actions that promote the
construction, preservation, and rehabilitation of affordable housing
by private-sector, not-for-profit, and government entities and
address those practices that impede such promotion.

(6) Specific suggestions for incentives for counties and
municipalities to develop and implement local comprehensive
housing plans that would encourage a mix of housing to meet the
needs of current and future residents.

(7) Identification of options that counties, municipalities,
and other local jurisdictions, including public housing authorities,
can take to construct, rehabilitate, or preserve housing in their own
communities for the underserved populations identified in Section
10 of this Act.

c) The Interagency *Committee Subcommittee*, with staff support
and coordination assistance from the Authority, shall develop the Annual
Comprehensive Housing Plan. The State Housing Task Force shall provide
advice and guidance to the Interagency *Committee Subcommittee in
developing the Plan. The Interagency *Committee Subcommittee shall
deliver the Annual Comprehensive Housing Plan to the Governor and the
General Assembly by January 15 of each year or the first business day
thereafter. The Authority, on behalf of the Interagency *Committee Subcommittee*
shall prepare an Annual Progress Report an interim report an interim report
by September 30 and a final report by April 1 of the following year to the

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Governor and the General Assembly on the progress made toward achieving the projected goals, as defined in paragraph (2) of subsection (b), of the Annual Comprehensive Housing Plan during the previous calendar year. These reports shall include estimates of revenues, expenditures, obligations, bond allocations, and fund balances for all programs or funds addressed in the Annual Comprehensive Housing Plan.

(d) The Authority shall provide staffing to the Interagency Committee and Subcommittee, the Task Force, and the Executive Committee of the Task Force. It shall also provide the staff support needed to help coordinate the implementation of the Annual Comprehensive Housing Plan during the course of the year. The Authority shall be eligible for reimbursement of up to $300,000 per year for such staff support costs from a designated funding source, if available, or from the Illinois Affordable Housing Trust Fund.

(Source: P.A. 94-965, eff. 6-30-06.)

(310 ILCS 110/20)

Sec. 20. State Housing Task Force Executive Committee. The State Housing Task Force Executive Committee shall:

(1) (Blank) Overseer and structure the operations of the Task Force.

(2) Create necessary subcommittees and appoint subcommittee members and outside experts, with the advice of the Task Force and the Interagency Committee Subcommittee, as the Executive Committee deems necessary.

(3) Ensure adequate public input into the Annual Comprehensive Housing Plan.

(4) Involve, to the extent possible, appropriate representatives of the federal government, local governments and municipalities, public housing authorities, local continuum-of-care, for-profit, and not-for-profit developers, supportive housing providers, business, labor, lenders, advocates for the underserved populations named in this Act, and fair housing agencies.

(5) Have input into the development of the Annual Comprehensive Housing Plan and the Annual Progress Report prepared by the Authority before the Authority submits them to the Task Force.

(Source: P.A. 94-965, eff. 6-30-06.)

(310 ILCS 110/25)
Sec. 25. Interagency Committee Subcommittee. The Interagency Committee Subcommittee and its member agencies shall:

(1) Provide interagency coordination and funding efforts to facilitate meeting the purposes of this Act, including the housing needs of priority populations;

(2) (1) Be responsible for providing the information needed to develop the Annual Comprehensive Housing Plan as well as the Annual Progress Report interim and final Plan reports.

(3) (2) Develop the Annual Comprehensive Housing Plan.

(4) (3) Oversee the implementation of the Plan by coordinating, streamlining, and prioritizing the allocation of available production, rehabilitation, preservation, financial, and service resources.

(Source: P.A. 94-965, eff. 6-30-06.)

(310 ILCS 110/30 rep.)

Section 10. The Comprehensive Housing Planning Act is amended by repealing Section 30.

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

Approved July 15, 2016.
Effective July 15, 2016.

PUBLIC ACT 99-0565
(Senate Bill No. 2286)

AN ACT concerning human rights.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Human Trafficking Resource Center Notice Act is amended by changing Sections 5 and 15 as follows:

(775 ILCS 50/5)

Sec. 5. Posted notice required.

(a) Each of the following businesses and other establishments shall, upon the availability of the model notice described in Section 15 of this Act, post a notice that complies with the requirements of this Act in a conspicuous place near the public entrance of the establishment or in another conspicuous location in clear view of the public and employees where similar notices are customarily posted:

New matter indicated by italics - deletions by strikeout
(1) On premise consumption retailer licensees under the Liquor Control Act of 1934 where the sale of alcoholic liquor is the principal business carried on by the licensee at the premises and primary to the sale of food.

(2) Adult entertainment facilities, as defined in Section 5-1097.5 of the Counties Code.

(3) Primary airports, as defined in Section 47102(16) of Title 49 of the United States Code.

(4) Intercity passenger rail or light rail stations.

(5) Bus stations.

(6) Truck stops. For purposes of this Act, "truck stop" means a privately-owned and operated facility that provides food, fuel, shower or other sanitary facilities, and lawful overnight truck parking.

(7) Emergency rooms within general acute care hospitals.

(8) Urgent care centers.

(9) Farm labor contractors. For purposes of this Act, "farm labor contractor" means: (i) any person who for a fee or other valuable consideration recruits, supplies, or hires, or transports in connection therewith, into or within the State, any farmworker not of the contractor's immediate family to work for, or under the direction, supervision, or control of, a third person; or (ii) any person who for a fee or other valuable consideration recruits, supplies, or hires, or transports in connection therewith, into or within the State, any farmworker not of the contractor's immediate family, and who for a fee or other valuable consideration directs, supervises, or controls all or any part of the work of the farmworker or who disburses wages to the farmworker. However, "farm labor contractor" does not include full-time regular employees of food processing companies when the employees are engaged in recruiting for the companies if those employees are not compensated according to the number of farmworkers they recruit.

(10) Privately-operated job recruitment centers.

(b) The Department of Transportation shall, upon the availability of the model notice described in Section 15 of this Act, post a notice that complies with the requirements of this Act in a conspicuous place near the public entrance of each roadside rest area or in another conspicuous location in clear view of the public and employees where similar notices are customarily posted.

New matter indicated by italics - deletions by strikeout
(c) The owner of a hotel or motel shall, upon the availability of the model notice described in Section 15 of this Act, post a notice that complies with the requirements of this Act in a conspicuous and accessible place in or about the premises in clear view of the employees where similar notices are customarily posted.

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

(775 ILCS 50/15)

Sec. 15. Model notice. No later than 6 months after the effective date of this Act, the Department of Human Services shall: (i) develop a model notice that complies with the requirements of Section 10 of this Act; or (ii) adopt a model notice developed by the Illinois Task Force on Human Trafficking that complies with the requirements of Section 10 of this Act. The Department of Human Services shall make the model notice available for download on the Department's Internet website. Upon request, the Department of Human Services shall furnish copies of the model notice without charge to a business or establishment identified in subsection (c) of Section 5.

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

Section 99. Effective date. This Act takes effect July 1, 2017.


Approved July 15, 2016.

Effective July 1, 2017.

PUBLIC ACT 99-0566
(Senate Bill No. 2331)

AN ACT concerning public aid.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Public Aid Code is amended by changing Section 5-30 as follows:

(305 ILCS 5/5-30)

Sec. 5-30. Care coordination.

(a) At least 50% of recipients eligible for comprehensive medical benefits in all medical assistance programs or other health benefit programs administered by the Department, including the Children's Health Insurance Program Act and the Covering ALL KIDS Health Insurance Act, shall be enrolled in a care coordination program by no later than January 1, 2015. For purposes of this Section, "coordinated care" or "care

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coordination" means delivery systems where recipients will receive their care from providers who participate under contract in integrated delivery systems that are responsible for providing or arranging the majority of care, including primary care physician services, referrals from primary care physicians, diagnostic and treatment services, behavioral health services, in-patient and outpatient hospital services, dental services, and rehabilitation and long-term care services. The Department shall designate or contract for such integrated delivery systems (i) to ensure enrollees have a choice of systems and of primary care providers within such systems; (ii) to ensure that enrollees receive quality care in a culturally and linguistically appropriate manner; and (iii) to ensure that coordinated care programs meet the diverse needs of enrollees with developmental, mental health, physical, and age-related disabilities.

(b) Payment for such coordinated care shall be based on arrangements where the State pays for performance related to health care outcomes, the use of evidence-based practices, the use of primary care delivered through comprehensive medical homes, the use of electronic medical records, and the appropriate exchange of health information electronically made either on a capitated basis in which a fixed monthly premium per recipient is paid and full financial risk is assumed for the delivery of services, or through other risk-based payment arrangements.

(c) To qualify for compliance with this Section, the 50% goal shall be achieved by enrolling medical assistance enrollees from each medical assistance enrollment category, including parents, children, seniors, and people with disabilities to the extent that current State Medicaid payment laws would not limit federal matching funds for recipients in care coordination programs. In addition, services must be more comprehensively defined and more risk shall be assumed than in the Department's primary care case management program as of January 25, 2011 (the effective date of Public Act 96-1501) this amendatory Act of the 96th General Assembly.

(d) The Department shall report to the General Assembly in a separate part of its annual medical assistance program report, beginning April, 2012 until April, 2016, on the progress and implementation of the care coordination program initiatives established by the provisions of Public Act 96-1501 this amendatory Act of the 96th General Assembly. The Department shall include in its April 2011 report a full analysis of federal laws or regulations regarding upper payment limitations to providers and the necessary revisions or adjustments in rate methodologies
and payments to providers under this Code that would be necessary to implement coordinated care with full financial risk by a party other than the Department.

(e) Integrated Care Program for individuals with chronic mental health conditions.

(1) The Integrated Care Program shall encompass services administered to recipients of medical assistance under this Article to prevent exacerbations and complications using cost-effective, evidence-based practice guidelines and mental health management strategies.

(2) The Department may utilize and expand upon existing contractual arrangements with integrated care plans under the Integrated Care Program for providing the coordinated care provisions of this Section.

(3) Payment for such coordinated care shall be based on arrangements where the State pays for performance related to mental health outcomes on a capitated basis in which a fixed monthly premium per recipient is paid and full financial risk is assumed for the delivery of services, or through other risk-based payment arrangements such as provider-based care coordination.

(4) The Department shall examine whether chronic mental health management programs and services for recipients with specific chronic mental health conditions do any or all of the following:

(A) Improve the patient's overall mental health in a more expeditious and cost-effective manner.

(B) Lower costs in other aspects of the medical assistance program, such as hospital admissions, emergency room visits, or more frequent and inappropriate psychotropic drug use.

(5) The Department shall work with the facilities and any integrated care plan participating in the program to identify and correct barriers to the successful implementation of this subsection (e) prior to and during the implementation to best facilitate the goals and objectives of this subsection (e).

(f) A hospital that is located in a county of the State in which the Department mandates some or all of the beneficiaries of the Medical Assistance Program residing in the county to enroll in a Care Coordination Program, as set forth in Section 5-30 of this Code, shall not be eligible for
any non-claims based payments not mandated by Article V-A of this Code for which it would otherwise be qualified to receive, unless the hospital is a Coordinated Care Participating Hospital no later than 60 days after June 14, 2012 (the effective date of Public Act 97-689) this amendatory Act of the 97th General Assembly or 60 days after the first mandatory enrollment of a beneficiary in a Coordinated Care program. For purposes of this subsection, "Coordinated Care Participating Hospital" means a hospital that meets one of the following criteria:

1. The hospital has entered into a contract to provide hospital services with one or more MCOs to enrollees of the care coordination program.

2. The hospital has not been offered a contract by a care coordination plan that the Department has determined to be a good faith offer and that pays at least as much as the Department would pay, on a fee-for-service basis, not including disproportionate share hospital adjustment payments or any other supplemental adjustment or add-on payment to the base fee-for-service rate, except to the extent such adjustments or add-on payments are incorporated into the development of the applicable MCO capitated rates.

As used in this subsection (f), "MCO" means any entity which contracts with the Department to provide services where payment for medical services is made on a capitated basis.

(g) No later than August 1, 2013, the Department shall issue a purchase of care solicitation for Accountable Care Entities (ACE) to serve any children and parents or caretaker relatives of children eligible for medical assistance under this Article. An ACE may be a single corporate structure or a network of providers organized through contractual relationships with a single corporate entity. The solicitation shall require that:

1. An ACE operating in Cook County be capable of serving at least 40,000 eligible individuals in that county; an ACE operating in Lake, Kane, DuPage, or Will Counties be capable of serving at least 20,000 eligible individuals in those counties and an ACE operating in other regions of the State be capable of serving at least 10,000 eligible individuals in the region in which it operates. During initial periods of mandatory enrollment, the Department shall require its enrollment services contractor to use a

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default assignment algorithm that ensures if possible an ACE reaches the minimum enrollment levels set forth in this paragraph.

(2) An ACE must include at a minimum the following types of providers: primary care, specialty care, hospitals, and behavioral healthcare.

(3) An ACE shall have a governance structure that includes the major components of the health care delivery system, including one representative from each of the groups listed in paragraph (2).

(4) An ACE must be an integrated delivery system, including a network able to provide the full range of services needed by Medicaid beneficiaries and system capacity to securely pass clinical information across participating entities and to aggregate and analyze that data in order to coordinate care.

(5) An ACE must be capable of providing both care coordination and complex case management, as necessary, to beneficiaries. To be responsive to the solicitation, a potential ACE must outline its care coordination and complex case management model and plan to reduce the cost of care.

(6) In the first 18 months of operation, unless the ACE selects a shorter period, an ACE shall be paid care coordination fees on a per member per month basis that are projected to be cost neutral to the State during the term of their payment and, subject to federal approval, be eligible to share in additional savings generated by their care coordination.

(7) In months 19 through 36 of operation, unless the ACE selects a shorter period, an ACE shall be paid on a pre-paid capitation basis for all medical assistance covered services, under contract terms similar to Managed Care Organizations (MCO), with the Department sharing the risk through either stop-loss insurance for extremely high cost individuals or corridors of shared risk based on the overall cost of the total enrollment in the ACE. The ACE shall be responsible for claims processing, encounter data submission, utilization control, and quality assurance.

(8) In the fourth and subsequent years of operation, an ACE shall convert to a Managed Care Community Network (MCCN), as defined in this Article, or Health Maintenance Organization pursuant to the Illinois Insurance Code, accepting full-risk capitation payments.

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The Department shall allow potential ACE entities 5 months from the date of the posting of the solicitation to submit proposals. After the solicitation is released, in addition to the MCO rate development data available on the Department's website, subject to federal and State confidentiality and privacy laws and regulations, the Department shall provide 2 years of de-identified summary service data on the targeted population, split between children and adults, showing the historical type and volume of services received and the cost of those services to those potential bidders that sign a data use agreement. The Department may add up to 2 non-state government employees with expertise in creating integrated delivery systems to its review team for the purchase of care solicitation described in this subsection. Any such individuals must sign a no-conflict disclosure and confidentiality agreement and agree to act in accordance with all applicable State laws.

During the first 2 years of an ACE's operation, the Department shall provide claims data to the ACE on its enrollees on a periodic basis no less frequently than monthly.

Nothing in this subsection shall be construed to limit the Department's mandate to enroll 50% of its beneficiaries into care coordination systems by January 1, 2015, using all available care coordination delivery systems, including Care Coordination Entities (CCE), MCCNs, or MCOs, nor be construed to affect the current CCEs, MCCNs, and MCOs selected to serve seniors and persons with disabilities prior to that date.

Nothing in this subsection precludes the Department from considering future proposals for new ACEs or expansion of existing ACEs at the discretion of the Department.

(h) Department contracts with MCOs and other entities reimbursed by risk based capitation shall have a minimum medical loss ratio of 85%, shall require the entity to establish an appeals and grievances process for consumers and providers, and shall require the entity to provide a quality assurance and utilization review program. Entities contracted with the Department to coordinate healthcare regardless of risk shall be measured utilizing the same quality metrics. The quality metrics may be population specific. Any contracted entity serving at least 5,000 seniors or people with disabilities or 15,000 individuals in other populations covered by the Medical Assistance Program that has been receiving full-risk capitation for a year shall be accredited by a national accreditation organization authorized by the Department within 2 years after the date it is eligible to

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become accredited. The requirements of this subsection shall apply to contracts with MCOs entered into or renewed or extended after June 1, 2013.

(h-5) The Department shall monitor and enforce compliance by MCOs with agreements they have entered into with providers on issues that include, but are not limited to, timeliness of payment, payment rates, and processes for obtaining prior approval. The Department may impose sanctions on MCOs for violating provisions of those agreements that include, but are not limited to, financial penalties, suspension of enrollment of new enrollees, and termination of the MCO's contract with the Department. As used in this subsection (h-5), "MCO" has the meaning ascribed to that term in Section 5-30.1 of this Code.

(i) Unless otherwise required by federal law, Medicaid Managed Care Entities and their respective business associates shall not disclose divulge, directly or indirectly, including by sending a bill or explanation of benefits, information concerning the sensitive health services received by enrollees of the Medicaid Managed Care Entity to any person other than covered entities and business associates, which may receive, use, and further disclose such information solely for the purposes permitted under applicable federal and State laws and regulations if such use and further disclosure satisfies all applicable requirements of such laws and regulations providers and care coordinators caring for the enrollee and employees of the entity in the course of the entity's internal operations. The Medicaid Managed Care Entity or its respective business associates may disclose divulge information concerning the sensitive health services if the enrollee who received the sensitive health services requests the information from the Medicaid Managed Care Entity or its respective business associates and authorized the sending of a bill or explanation of benefits. Communications including, but not limited to, statements of care received or appointment reminders either directly or indirectly to the enrollee from the health care provider, health care professional, and care coordinators, remain permissible. Medicaid Managed Care Entities or their respective business associates may communicate directly with their enrollees regarding care coordination activities for those enrollees.

For the purposes of this subsection, the term "Medicaid Managed Care Entity" includes Care Coordination Entities, Accountable Care Entities, Managed Care Organizations, and Managed Care Community Networks.
For purposes of this subsection, the term "sensitive health services" means mental health services, substance abuse treatment services, reproductive health services, family planning services, services for sexually transmitted infections and sexually transmitted diseases, and services for sexual assault or domestic abuse. Services include prevention, screening, consultation, examination, treatment, or follow-up.

*For purposes of this subsection, "business associate", "covered entity", "disclosure", and "use" have the meanings ascribed to those terms in 45 CFR 160.103.*

Nothing in this subsection shall be construed to relieve a Medicaid Managed Care Entity or the Department of any duty to report incidents of sexually transmitted infections to the Department of Public Health or to the local board of health in accordance with regulations adopted under a statute or ordinance or to report incidents of sexually transmitted infections as necessary to comply with the requirements under Section 5 of the Abused and Neglected Child Reporting Act or as otherwise required by State or federal law.

The Department shall create policy in order to implement the requirements in this subsection.

(j) (i) Managed Care Entities (MCEs), including MCOs and all other care coordination organizations, shall develop and maintain a written language access policy that sets forth the standards, guidelines, and operational plan to ensure language appropriate services and that is consistent with the standard of meaningful access for populations with limited English proficiency. The language access policy shall describe how the MCEs will provide all of the following required services:

1. Translation (the written replacement of text from one language into another) of all vital documents and forms as identified by the Department.

2. Qualified interpreter services (the oral communication of a message from one language into another by a qualified interpreter).

3. Staff training on the language access policy, including how to identify language needs, access and provide language assistance services, work with interpreters, request translations, and track the use of language assistance services.

4. Data tracking that identifies the language need.

5. Notification to participants on the availability of language access services and on how to access such services.

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AN ACT concerning civil law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Common Interest Community Association Act is amended by changing Section 1-40 as follows:

(765 ILCS 160/1-40)
Sec. 1-40. Meetings.
(a) Notice of any membership meeting shall be given detailing the time, place, and purpose of such meeting no less than 10 and no more than 30 days prior to the meeting through a prescribed delivery method.
(b) Meetings.
   (1) Twenty percent of the membership shall constitute a quorum, unless the community instruments indicate a lesser amount.
   (2) The membership shall hold an annual meeting. The board of directors may be elected at the annual meeting.
   (3) Special meetings of the board may be called by the president, by 25% of the members of the board, or by any other method that is prescribed in the community instruments. Special meetings of the membership may be called by the president, the board, 20% of the membership, or any other method that is prescribed in the community instruments.
   (4) Except to the extent otherwise provided by this Act, the board shall give the members notice of all board meetings at least 48 hours prior to the meeting by sending notice by using a prescribed delivery method or by posting copies of notices of meetings in entranceways, elevators, or other conspicuous places in the common areas of the common interest community at least 48 hours prior to the meeting except where there is no common entranceway for 7 or more units, the board may designate one or
more locations in the proximity of these units where the notices of meetings shall be posted. The board shall give members notice of any board meeting, through a prescribed delivery method, concerning the adoption of (i) the proposed annual budget, (ii) regular assessments, or (iii) a separate or special assessment within 10 to 60 days prior to the meeting, unless otherwise provided in Section 1-45 (a) or any other provision of this Act.

(5) Meetings of the board shall be open to any unit owner, except that the board may close any portion of a noticed meeting or meet separately from a noticed meeting: for the portion of any meeting held (i) to discuss litigation when an action against or on behalf of the particular association has been filed and is pending in a court or administrative tribunal, or when the common interest community association finds that such an action is probable or imminent, (ii) to discuss third party contracts or information regarding appointment, employment, engagement, or dismissal of an employee, independent contractor, agent, or other provider of goods and services, (iii) to interview a potential employee, independent contractor, agent, or other provider of goods and services, (iv) or (iii) to discuss violations of rules and regulations of the association, (v) to discuss a member's or unit owner's unpaid share of common expenses, or (vi) to consult with the association's legal counsel. Any vote on these matters shall be taken at a meeting or portion thereof open to any member.

(6) The board must reserve a portion of the meeting of the board for comments by members; provided, however, the duration and meeting order for the member comment period is within the sole discretion of the board.

(Source: P.A. 96-1400, eff. 7-29-10; 97-605, eff. 8-26-11; 97-1090, eff. 8-24-12.)

Section 10. The Condominium Property Act is amended by changing Section 18 as follows:

(765 ILCS 605/18) (from Ch. 30, par. 318)

Sec. 18. Contents of bylaws. The bylaws shall provide for at least the following:

(a)(1) The election from among the unit owners of a board of managers, the number of persons constituting such board, and that the terms of at least one-third of the members of the board shall expire

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annually and that all members of the board shall be elected at large; if there are multiple owners of a single unit, only one of the multiple owners shall be eligible to serve as a member of the board at any one time;

(2) the powers and duties of the board;

(3) the compensation, if any, of the members of the board;

(4) the method of removal from office of members of the board;

(5) that the board may engage the services of a manager or managing agent;

(6) that each unit owner shall receive, at least 30 days prior to the adoption thereof by the board of managers, a copy of the proposed annual budget together with an indication of which portions are intended for reserves, capital expenditures or repairs or payment of real estate taxes;

(7) that the board of managers shall annually supply to all unit owners an itemized accounting of the common expenses for the preceding year actually incurred or paid, together with an indication of which portions were for reserves, capital expenditures or repairs or payment of real estate taxes and with a tabulation of the amounts collected pursuant to the budget or assessment, and showing the net excess or deficit of income over expenditures plus reserves;

(8)(i) that each unit owner shall receive notice, in the same manner as is provided in this Act for membership meetings, of any meeting of the board of managers concerning the adoption of the proposed annual budget and regular assessments pursuant thereto or to adopt a separate (special) assessment, (ii) that except as provided in subsection (iv) below, if an adopted budget or any separate assessment adopted by the board would result in the sum of all regular and separate assessments payable in the current fiscal year exceeding 115% of the sum of all regular and separate assessments payable during the preceding fiscal year, the board of managers, upon written petition by unit owners with 20 percent of the votes of the association delivered to the board within 14 days of the board action, shall call a meeting of the unit owners within 30 days of the date of delivery of the petition to consider the budget or separate assessment; unless a majority of the total votes of the unit owners are cast at the meeting to reject the budget or separate assessment, it is ratified, (iii) that any common expense not set forth in the budget or any increase in assessments over the amount adopted in the budget shall be separately assessed against all unit owners, (iv) that separate assessments for expenditures relating to emergencies or mandated by law may be adopted by the board of managers without being subject to unit owner approval or

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the provisions of item (ii) above or item (v) below. As used herein, "emergency" means an immediate danger to the structural integrity of the common elements or to the life, health, safety or property of the unit owners, (v) that assessments for additions and alterations to the common elements or to association-owned property not included in the adopted annual budget, shall be separately assessed and are subject to approval of two-thirds of the total votes of all unit owners, (vi) that the board of managers may adopt separate assessments payable over more than one fiscal year. With respect to multi-year assessments not governed by items (iv) and (v), the entire amount of the multi-year assessment shall be deemed considered and authorized in the first fiscal year in which the assessment is approved;

(9) that meetings of the board of managers shall be open to any unit owner, except for the portion of any meeting held (i) to discuss litigation when an action against or on behalf of the particular association has been filed and is pending in a court or administrative tribunal, or when the board of managers finds that such an action is probable or imminent, (ii) to consider information regarding appointment, employment or dismissal of an employee, or (iii) to discuss violations of rules and regulations of the association or a unit owner's unpaid share of common expenses; that any vote on these matters shall be taken at a meeting or portion thereof open to any unit owner; that any unit owner may record the proceedings at meetings or portions thereof required to be open by this Act by tape, film or other means; that the board may prescribe reasonable rules and regulations to govern the right to make such recordings, that notice of such meetings shall be mailed or delivered at least 48 hours prior thereto, unless a written waiver of such notice is signed by the person or persons entitled to such notice pursuant to the declaration, bylaws, other condominium instrument, or provision of law other than this subsection before the meeting is convened, and that copies of notices of meetings of the board of managers shall be posted in entranceways, elevators, or other conspicuous places in the condominium at least 48 hours prior to the meeting of the board of managers except where there is no common entranceway for 7 or more units, the board of managers may designate one or more locations in the proximity of these units where the notices of meetings shall be posted;

(10) that the board shall meet at least 4 times annually;

(11) that no member of the board or officer shall be elected for a term of more than 2 years, but that officers and board members may succeed themselves;

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(12) the designation of an officer to mail and receive all notices and execute amendments to condominium instruments as provided for in this Act and in the condominium instruments;

(13) the method of filling vacancies on the board which shall include authority for the remaining members of the board to fill the vacancy by two-thirds vote until the next annual meeting of unit owners or for a period terminating no later than 30 days following the filing of a petition signed by unit owners holding 20% of the votes of the association requesting a meeting of the unit owners to fill the vacancy for the balance of the term, and that a meeting of the unit owners shall be called for purposes of filling a vacancy on the board no later than 30 days following the filing of a petition signed by unit owners holding 20% of the votes of the association requesting such a meeting, and the method of filling vacancies among the officers that shall include the authority for the members of the board to fill the vacancy for the unexpired portion of the term;

(14) what percentage of the board of managers, if other than a majority, shall constitute a quorum;

(15) provisions concerning notice of board meetings to members of the board;

(16) the board of managers may not enter into a contract with a current board member or with a corporation or partnership in which a board member or a member of the board member's immediate family has 25% or more interest, unless notice of intent to enter the contract is given to unit owners within 20 days after a decision is made to enter into the contract and the unit owners are afforded an opportunity by filing a petition, signed by 20% of the unit owners, for an election to approve or disapprove the contract; such petition shall be filed within 20 days after such notice and such election shall be held within 30 days after filing the petition; for purposes of this subsection, a board member's immediate family means the board member's spouse, parents, and children;

(17) that the board of managers may disseminate to unit owners biographical and background information about candidates for election to the board if (i) reasonable efforts to identify all candidates are made and all candidates are given an opportunity to include biographical and background information in the information to be disseminated; and (ii) the board does not express a preference in favor of any candidate;

(18) any proxy distributed for board elections by the board of managers gives unit owners the opportunity to designate any person as the
proxy holder, and gives the unit owner the opportunity to express a preference for any of the known candidates for the board or to write in a name;

(19) that special meetings of the board of managers can be called by the president or 25% of the members of the board; and

(20) that the board of managers may establish and maintain a system of master metering of public utility services and collect payments in connection therewith, subject to the requirements of the Tenant Utility Payment Disclosure Act.

(b)(1) What percentage of the unit owners, if other than 20%, shall constitute a quorum provided that, for condominiums with 20 or more units, the percentage of unit owners constituting a quorum shall be 20% unless the unit owners holding a majority of the percentage interest in the association provide for a higher percentage, provided that in voting on amendments to the association's bylaws, a unit owner who is in arrears on the unit owner's regular or separate assessments for 60 days or more, shall not be counted for purposes of determining if a quorum is present, but that unit owner retains the right to vote on amendments to the association's bylaws;

(2) that the association shall have one class of membership;

(3) that the members shall hold an annual meeting, one of the purposes of which shall be to elect members of the board of managers;

(4) the method of calling meetings of the unit owners;

(5) that special meetings of the members can be called by the president, board of managers, or by 20% of unit owners;

(6) that written notice of any membership meeting shall be mailed or delivered giving members no less than 10 and no more than 30 days notice of the time, place and purpose of such meeting except that notice may be sent, to the extent the condominium instruments or rules adopted thereunder expressly so provide, by electronic transmission consented to by the unit owner to whom the notice is given, provided the director and officer or his agent certifies in writing to the delivery by electronic transmission;

(7) that voting shall be on a percentage basis, and that the percentage vote to which each unit is entitled is the percentage interest of the undivided ownership of the common elements appurtenant thereto, provided that the bylaws may provide for approval by unit owners in connection with matters where the requisite approval on a percentage basis is not specified in this Act, on the basis of one vote per unit;

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(8) that, where there is more than one owner of a unit, if only one of the multiple owners is present at a meeting of the association, he is entitled to cast all the votes allocated to that unit, if more than one of the multiple owners are present, the votes allocated to that unit may be cast only in accordance with the agreement of a majority in interest of the multiple owners, unless the declaration expressly provides otherwise, that there is majority agreement if any one of the multiple owners cast the votes allocated to that unit without protest being made promptly to the person presiding over the meeting by any of the other owners of the unit;

(9)(A) except as provided in subparagraph (B) of this paragraph (9) in connection with board elections, that a unit owner may vote by proxy executed in writing by the unit owner or by his duly authorized attorney in fact; that the proxy must bear the date of execution and, unless the condominium instruments or the written proxy itself provide otherwise, is invalid after 11 months from the date of its execution; to the extent the condominium instruments or rules adopted thereunder expressly so provide, a vote or proxy may be submitted by electronic transmission, provided that any such electronic transmission shall either set forth or be submitted with information from which it can be determined that the electronic transmission was authorized by the unit owner or the unit owner's proxy;

(B) that if a rule adopted at least 120 days before a board election or the declaration or bylaws provide for balloting as set forth in this subsection, unit owners may not vote by proxy in board elections, but may vote only (i) by submitting an association-issued ballot in person at the election meeting or (ii) by submitting an association-issued ballot to the association or its designated agent by mail or other means of delivery specified in the declaration, bylaws, or rule; that the ballots shall be mailed or otherwise distributed to unit owners not less than 10 and not more than 30 days before the election meeting, and the board shall give unit owners not less than 21 days' prior written notice of the deadline for inclusion of a candidate's name on the ballots; that the deadline shall be no more than 7 days before the ballots are mailed or otherwise distributed to unit owners; that every such ballot must include the names of all candidates who have given the board or its authorized agent timely written notice of their candidacy and must give the person casting the ballot the opportunity to cast votes for candidates whose names do not appear on the ballot; that a ballot received by the association or its designated agent after the close of voting shall not be counted; that a unit owner who submits a ballot by mail

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or other means of delivery specified in the declaration, bylaws, or rule may request and cast a ballot in person at the election meeting, and thereby void any ballot previously submitted by that unit owner;

(B-5) that if a rule adopted at least 120 days before a board election or the declaration or bylaws provide for balloting as set forth in this subparagraph, unit owners may not vote by proxy in board elections, but may vote only (i) by submitting an association-issued ballot in person at the election meeting; or (ii) by any acceptable technological means as defined in Section 2 of this Act; instructions regarding the use of electronic means for voting shall be distributed to all unit owners not less than 10 and not more than 30 days before the election meeting, and the board shall give unit owners not less than 21 days' prior written notice of the deadline for inclusion of a candidate's name on the ballots; the deadline shall be no more than 7 days before the instructions for voting using electronic or acceptable technological means is distributed to unit owners; every instruction notice must include the names of all candidates who have given the board or its authorized agent timely written notice of their candidacy and must give the person voting through electronic or acceptable technological means the opportunity to cast votes for candidates whose names do not appear on the ballot; a unit owner who submits a vote using electronic or acceptable technological means may request and cast a ballot in person at the election meeting, thereby voiding any vote previously submitted by that unit owner;

(C) that if a written petition by unit owners with at least 20% of the votes of the association is delivered to the board within 14 days after the board's approval of a rule adopted pursuant to subparagraph (B) or subparagraph (B-5) of this paragraph (9), the board shall call a meeting of the unit owners within 30 days after the date of delivery of the petition; that unless a majority of the total votes of the unit owners are cast at the meeting to reject the rule, the rule is ratified;

(D) that votes cast by ballot under subparagraph (B) or electronic or acceptable technological means under subparagraph (B-5) of this paragraph (9) are valid for the purpose of establishing a quorum;

(10) that the association may, upon adoption of the appropriate rules by the board of managers, conduct elections by secret ballot whereby the voting ballot is marked only with the percentage interest for the unit and the vote itself, provided that the board further adopt rules to verify the status of the unit owner issuing a proxy or casting a ballot; and further, that a candidate for election to the board of managers or such candidate's
representative shall have the right to be present at the counting of ballots at such election;

(11) that in the event of a resale of a condominium unit the purchaser of a unit from a seller other than the developer pursuant to an installment contract for purchase shall during such times as he or she resides in the unit be counted toward a quorum for purposes of election of members of the board of managers at any meeting of the unit owners called for purposes of electing members of the board, shall have the right to vote for the election of members of the board of managers and to be elected to and serve on the board of managers unless the seller expressly retains in writing any or all of such rights. In no event may the seller and purchaser both be counted toward a quorum, be permitted to vote for a particular office or be elected and serve on the board. Satisfactory evidence of the installment contract shall be made available to the association or its agents. For purposes of this subsection, "installment contract" shall have the same meaning as set forth in Section 1 (e) of the Dwelling Unit Installment Contract Act "An Act relating to installment contracts to sell dwelling structures", approved August 11, 1967, as amended;

(12) the method by which matters subject to the approval of unit owners set forth in this Act, or in the condominium instruments, will be submitted to the unit owners at special membership meetings called for such purposes; and

(13) that matters subject to the affirmative vote of not less than 2/3 of the votes of unit owners at a meeting duly called for that purpose, shall include, but not be limited to:

(i) merger or consolidation of the association;
(ii) sale, lease, exchange, or other disposition (excluding the mortgage or pledge) of all, or substantially all of the property and assets of the association; and
(iii) the purchase or sale of land or of units on behalf of all unit owners.

(c) Election of a president from among the board of managers, who shall preside over the meetings of the board of managers and of the unit owners.

(d) Election of a secretary from among the board of managers, who shall keep the minutes of all meetings of the board of managers and of the unit owners and who shall, in general, perform all the duties incident to the office of secretary.

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(e) Election of a treasurer from among the board of managers, who shall keep the financial records and books of account.

(f) Maintenance, repair and replacement of the common elements and payments therefor, including the method of approving payment vouchers.

(g) An association with 30 or more units shall obtain and maintain fidelity insurance covering persons who control or disburse funds of the association for the maximum amount of coverage available to protect funds in the custody or control of the association plus the association reserve fund. All management companies which are responsible for the funds held or administered by the association shall maintain and furnish to the association a fidelity bond for the maximum amount of coverage available to protect funds in the custody of the management company at any time. The association shall bear the cost of the fidelity insurance and fidelity bond, unless otherwise provided by contract between the association and a management company. The association shall be the direct obligee of any such fidelity bond. A management company holding reserve funds of an association shall at all times maintain a separate account for each association, provided, however, that for investment purposes, the Board of Managers of an association may authorize a management company to maintain the association's reserve funds in a single interest bearing account with similar funds of other associations. The management company shall at all times maintain records identifying all moneys of each association in such investment account. The management company may hold all operating funds of associations which it manages in a single operating account but shall at all times maintain records identifying all moneys of each association in such operating account. Such operating and reserve funds held by the management company for the association shall not be subject to attachment by any creditor of the management company.

For the purpose of this subsection, a management company shall be defined as a person, partnership, corporation, or other legal entity entitled to transact business on behalf of others, acting on behalf of or as an agent for a unit owner, unit owners or association of unit owners for the purpose of carrying out the duties, responsibilities, and other obligations necessary for the day to day operation and management of any property subject to this Act. For purposes of this subsection, the term "fiduciary insurance coverage" shall be defined as both a fidelity bond and directors and officers liability coverage, the fidelity bond in the full amount of

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association funds and association reserves that will be in the custody of the association, and the directors and officers liability coverage at a level as shall be determined to be reasonable by the board of managers, if not otherwise established by the declaration or by laws.

Until one year after September 21, 1985 (the effective date of Public Act 84-722) this amendatory Act of 1985, if a condominium association has reserves plus assessments in excess of $250,000 and cannot reasonably obtain 100% fidelity bond coverage for such amount, then it must obtain a fidelity bond coverage of $250,000.

(h) Method of estimating the amount of the annual budget, and the manner of assessing and collecting from the unit owners their respective shares of such estimated expenses, and of any other expenses lawfully agreed upon.

(i) That upon 10 days notice to the manager or board of managers and payment of a reasonable fee, any unit owner shall be furnished a statement of his account setting forth the amount of any unpaid assessments or other charges due and owing from such owner.

(j) Designation and removal of personnel necessary for the maintenance, repair and replacement of the common elements.

(k) Such restrictions on and requirements respecting the use and maintenance of the units and the use of the common elements, not set forth in the declaration, as are designed to prevent unreasonable interference with the use of their respective units and of the common elements by the several unit owners.

(l) Method of adopting and of amending administrative rules and regulations governing the operation and use of the common elements.

(m) The percentage of votes required to modify or amend the bylaws, but each one of the particulars set forth in this section shall always be embodied in the bylaws.

(n)(i) The provisions of this Act, the declaration, bylaws, other condominium instruments, and rules and regulations that relate to the use of the individual unit or the common elements shall be applicable to any person leasing a unit and shall be deemed to be incorporated in any lease executed or renewed on or after August 30, 1984 (the effective date of Public Act 83-1271) this amendatory Act of 1984.

(ii) With regard to any lease entered into subsequent to July 1, 1990 (the effective date of Public Act 86-991) this amendatory Act of 1989, the unit owner leasing the unit shall deliver a copy of the signed lease to the board or if the lease is oral, a memorandum of the lease, not
later than the date of occupancy or 10 days after the lease is signed, whichever occurs first. In addition to any other remedies, by filing an action jointly against the tenant and the unit owner, an association may seek to enjoin a tenant from occupying a unit or seek to evict a tenant under the provisions of Article IX of the Code of Civil Procedure for failure of the lessor-owner to comply with the leasing requirements prescribed by this Section or by the declaration, bylaws, and rules and regulations. The board of managers may proceed directly against a tenant, at law or in equity, or under the provisions of Article IX of the Code of Civil Procedure, for any other breach by tenant of any covenants, rules, regulations or bylaws.

(o) The association shall have no authority to forbear the payment of assessments by any unit owner.

(p) That when 30% or fewer of the units, by number, possess over 50% in the aggregate of the votes in the association, any percentage vote of members specified herein or in the condominium instruments shall require the specified percentage by number of units rather than by percentage of interest in the common elements allocated to units that would otherwise be applicable and garage units or storage units, or both, shall have, in total, no more votes than their aggregate percentage of ownership in the common elements; this shall mean that if garage units or storage units, or both, are to be given a vote, or portion of a vote, that the association must add the total number of votes cast of garage units, storage units, or both, and divide the total by the number of garage units, storage units, or both, and multiply by the aggregate percentage of ownership of garage units and storage units to determine the vote, or portion of a vote, that garage units or storage units, or both, have. For purposes of this subsection (p), when making a determination of whether 30% or fewer of the units, by number, possess over 50% in the aggregate of the votes in the association, a unit shall not include a garage unit or a storage unit.

(q) That a unit owner may not assign, delegate, transfer, surrender, or avoid the duties, responsibilities, and liabilities of a unit owner under this Act, the condominium instruments, or the rules and regulations of the Association; and that such an attempted assignment, delegation, transfer, surrender, or avoidance shall be deemed void.

The provisions of this Section are applicable to all condominium instruments recorded under this Act. Any portion of a condominium instrument which contains provisions contrary to these provisions shall be void as against public policy and ineffective. Any such instrument which
fails to contain the provisions required by this Section shall be deemed to
incorporate such provisions by operation of law.
(Source: P.A. 98-1042, eff. 1-1-15; revised 10-19-15.)

(Text of Section after amendment by P.A. 99-472)

Sec. 18. Contents of bylaws. The bylaws shall provide for at least
the following:

(a)(1) The election from among the unit owners of a board of
managers, the number of persons constituting such board, and that the
terms of at least one-third of the members of the board shall expire
annually and that all members of the board shall be elected at large; if
there are multiple owners of a single unit, only one of the multiple owners
shall be eligible to serve as a member of the board at any one time;

(2) the powers and duties of the board;

(3) the compensation, if any, of the members of the board;

(4) the method of removal from office of members of the board;

(5) that the board may engage the services of a manager or
managing agent;

(6) that each unit owner shall receive, at least 25 days prior to the
adoption thereof by the board of managers, a copy of the proposed annual
budget together with an indication of which portions are intended for
reserves, capital expenditures or repairs or payment of real estate taxes;

(7) that the board of managers shall annually supply to all unit
owners an itemized accounting of the common expenses for the preceding
year actually incurred or paid, together with an indication of which
portions were for reserves, capital expenditures or repairs or payment of
real estate taxes and with a tabulation of the amounts collected pursuant to
the budget or assessment, and showing the net excess or deficit of income
over expenditures plus reserves;

(8)(i) that each unit owner shall receive notice, in the same manner
as is provided in this Act for membership meetings, of any meeting of the
board of managers concerning the adoption of the proposed annual budget
and regular assessments pursuant thereto or to adopt a separate (special)
assessment, (ii) that except as provided in subsection (iv) below, if an
adopted budget or any separate assessment adopted by the board would
result in the sum of all regular and separate assessments payable in the
current fiscal year exceeding 115% of the sum of all regular and separate
assessments payable during the preceding fiscal year, the board of
managers, upon written petition by unit owners with 20 percent of the
votes of the association delivered to the board within 14 days of the board

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action, shall call a meeting of the unit owners within 30 days of the date of
delivery of the petition to consider the budget or separate assessment;
unless a majority of the total votes of the unit owners are cast at the
meeting to reject the budget or separate assessment, it is ratified, (iii) that
any common expense not set forth in the budget or any increase in
assessments over the amount adopted in the budget shall be separately
assessed against all unit owners, (iv) that separate assessments for
expenditures relating to emergencies or mandated by law may be adopted
by the board of managers without being subject to unit owner approval or
the provisions of item (ii) above or item (v) below. As used herein,
"emergency" means an immediate danger to the structural integrity of the
common elements or to the life, health, safety or property of the unit
owners, (v) that assessments for additions and alterations to the common
elements or to association-owned property not included in the adopted
annual budget, shall be separately assessed and are subject to approval of
two-thirds of the total votes of all unit owners, (vi) that the board of
managers may adopt separate assessments payable over more than one
fiscal year. With respect to multi-year assessments not governed by items
(iv) and (v), the entire amount of the multi-year assessment shall be
deemed considered and authorized in the first fiscal year in which the
assessment is approved;

(9)(A) that every meeting of the board of managers shall be open to
any unit owner, except that the board may close any portion of a noticed
meeting or meet separately from a noticed meeting for the portion of any
meeting held to discuss or consider information relating to: (i) discuss
litigation when an action against or on behalf of the particular association
has been filed and is pending in a court or administrative tribunal, or when
the board of managers finds that such an action is probable or imminent,
(ii) discuss the appointment, employment, engagement, or dismissal of an
employee, independent contractor, agent, or other provider of goods and
services, (iii) interview a potential employee, independent contractor,
agent, or other provider of goods and services, (iv) discuss (iii) violations
of rules and regulations of the association, (v) discuss or (iv) a unit owner's
unpaid share of common expenses, or (vi) consult with the association's
legal counsel; that any vote on these matters discussed or considered in
closed session shall take place at a meeting of the board of managers or
portion thereof open to any unit owner;

(B) that board members may participate in and act at any meeting
of the board of managers in person, by telephonic means, or by use of any

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acceptable technological means whereby all persons participating in the meeting can communicate with each other; that participation constitutes attendance and presence in person at the meeting;

(C) that any unit owner may record the proceedings at meetings of the board of managers or portions thereof required to be open by this Act by tape, film or other means, and that the board may prescribe reasonable rules and regulations to govern the right to make such recordings;

(D) that notice of every meeting of the board of managers shall be given to every board member at least 48 hours prior thereto, unless the board member waives notice of the meeting pursuant to subsection (a) of Section 18.8; and

(E) that notice of every meeting of the board of managers shall be posted in entranceways, elevators, or other conspicuous places in the condominium at least 48 hours prior to the meeting of the board of managers except where there is no common entranceway for 7 or more units, the board of managers may designate one or more locations in the proximity of these units where the notices of meetings shall be posted; that notice of every meeting of the board of managers shall also be given at least 48 hours prior to the meeting, or such longer notice as this Act may separately require, to: (i) each unit owner who has provided the association with written authorization to conduct business by acceptable technological means, and (ii) to the extent that the condominium instruments of an association require, to each other unit owner, as required by subsection (f) of Section 18.8, by mail or delivery, and that no other notice of a meeting of the board of managers need be given to any unit owner;

(10) that the board shall meet at least 4 times annually;

(11) that no member of the board or officer shall be elected for a term of more than 2 years, but that officers and board members may succeed themselves;

(12) the designation of an officer to mail and receive all notices and execute amendments to condominium instruments as provided for in this Act and in the condominium instruments;

(13) the method of filling vacancies on the board which shall include authority for the remaining members of the board to fill the vacancy by two-thirds vote until the next annual meeting of unit owners or for a period terminating no later than 30 days following the filing of a petition signed by unit owners holding 20% of the votes of the association requesting a meeting of the unit owners to fill the vacancy for the balance of the term, and that a meeting of the unit owners shall be called for

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purposes of filling a vacancy on the board no later than 30 days following the filing of a petition signed by unit owners holding 20% of the votes of the association requesting such a meeting, and the method of filling vacancies among the officers that shall include the authority for the members of the board to fill the vacancy for the unexpired portion of the term;

(14) what percentage of the board of managers, if other than a majority, shall constitute a quorum;

(15) provisions concerning notice of board meetings to members of the board;

(16) the board of managers may not enter into a contract with a current board member or with a corporation or partnership in which a board member or a member of the board member's immediate family has 25% or more interest, unless notice of intent to enter the contract is given to unit owners within 20 days after a decision is made to enter into the contract and the unit owners are afforded an opportunity by filing a petition, signed by 20% of the unit owners, for an election to approve or disapprove the contract; such petition shall be filed within 20 days after such notice and such election shall be held within 30 days after filing the petition; for purposes of this subsection, a board member's immediate family means the board member's spouse, parents, and children;

(17) that the board of managers may disseminate to unit owners biographical and background information about candidates for election to the board if (i) reasonable efforts to identify all candidates are made and all candidates are given an opportunity to include biographical and background information in the information to be disseminated; and (ii) the board does not express a preference in favor of any candidate;

(18) any proxy distributed for board elections by the board of managers gives unit owners the opportunity to designate any person as the proxy holder, and gives the unit owner the opportunity to express a preference for any of the known candidates for the board or to write in a name;

(19) that special meetings of the board of managers can be called by the president or 25% of the members of the board;

(20) that the board of managers may establish and maintain a system of master metering of public utility services and collect payments in connection therewith, subject to the requirements of the Tenant Utility Payment Disclosure Act; and

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(21) that the board may ratify and confirm actions of the members of the board taken in response to an emergency, as that term is defined in subdivision (a)(8)(iv) of this Section; that the board shall give notice to the unit owners of: (i) the occurrence of the emergency event within 7 business days after the emergency event, and (ii) the general description of the actions taken to address the event within 7 days after the emergency event.

The intent of the provisions of Public Act 99-472 this amendatory Act of the 99th General Assembly adding this paragraph (21) is to empower and support boards to act in emergencies.

(b)(1) What percentage of the unit owners, if other than 20%, shall constitute a quorum provided that, for condominiums with 20 or more units, the percentage of unit owners constituting a quorum shall be 20% unless the unit owners holding a majority of the percentage interest in the association provide for a higher percentage, provided that in voting on amendments to the association's bylaws, a unit owner who is in arrears on the unit owner's regular or separate assessments for 60 days or more, shall not be counted for purposes of determining if a quorum is present, but that unit owner retains the right to vote on amendments to the association's bylaws;

(2) that the association shall have one class of membership;
(3) that the members shall hold an annual meeting, one of the purposes of which shall be to elect members of the board of managers;
(4) the method of calling meetings of the unit owners;
(5) that special meetings of the members can be called by the president, board of managers, or by 20% of unit owners;
(6) that written notice of any membership meeting shall be mailed or delivered giving members no less than 10 and no more than 30 days notice of the time, place and purpose of such meeting except that notice may be sent, to the extent the condominium instruments or rules adopted thereunder expressly so provide, by electronic transmission consented to by the unit owner to whom the notice is given, provided the director and officer or his agent certifies in writing to the delivery by electronic transmission;
(7) that voting shall be on a percentage basis, and that the percentage vote to which each unit is entitled is the percentage interest of the undivided ownership of the common elements appurtenant thereto, provided that the bylaws may provide for approval by unit owners in

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connection with matters where the requisite approval on a percentage basis is not specified in this Act, on the basis of one vote per unit;

(8) that, where there is more than one owner of a unit, if only one of the multiple owners is present at a meeting of the association, he is entitled to cast all the votes allocated to that unit, if more than one of the multiple owners are present, the votes allocated to that unit may be cast only in accordance with the agreement of a majority in interest of the multiple owners, unless the declaration expressly provides otherwise, that there is majority agreement if any one of the multiple owners cast the votes allocated to that unit without protest being made promptly to the person presiding over the meeting by any of the other owners of the unit;

(9)(A) except as provided in subparagraph (B) of this paragraph (9) in connection with board elections, that a unit owner may vote by proxy executed in writing by the unit owner or by his duly authorized attorney in fact; that the proxy must bear the date of execution and, unless the condominium instruments or the written proxy itself provide otherwise, is invalid after 11 months from the date of its execution; to the extent the condominium instruments or rules adopted thereunder expressly so provide, a vote or proxy may be submitted by electronic transmission, provided that any such electronic transmission shall either set forth or be submitted with information from which it can be determined that the electronic transmission was authorized by the unit owner or the unit owner's proxy;

(B) that if a rule adopted at least 120 days before a board election or the declaration or bylaws provide for balloting as set forth in this subsection, unit owners may not vote by proxy in board elections, but may vote only (i) by submitting an association-issued ballot in person at the election meeting or (ii) by submitting an association-issued ballot to the association or its designated agent by mail or other means of delivery specified in the declaration, bylaws, or rule; that the ballots shall be mailed or otherwise distributed to unit owners not less than 10 and not more than 30 days before the election meeting, and the board shall give unit owners not less than 21 days' prior written notice of the deadline for inclusion of a candidate's name on the ballots; that the deadline shall be no more than 7 days before the ballots are mailed or otherwise distributed to unit owners; that every such ballot must include the names of all candidates who have given the board or its authorized agent timely written notice of their candidacy and must give the person casting the ballot the opportunity to cast votes for candidates whose names do not appear on the ballot; that a

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ballot received by the association or its designated agent after the close of voting shall not be counted; that a unit owner who submits a ballot by mail or other means of delivery specified in the declaration, bylaws, or rule may request and cast a ballot in person at the election meeting, and thereby void any ballot previously submitted by that unit owner;

(B-5) that if a rule adopted at least 120 days before a board election or the declaration or bylaws provide for balloting as set forth in this subparagraph, unit owners may not vote by proxy in board elections, but may vote only (i) by submitting an association-issued ballot in person at the election meeting; or (ii) by any acceptable technological means as defined in Section 2 of this Act; instructions regarding the use of electronic means for voting shall be distributed to all unit owners not less than 10 and not more than 30 days before the election meeting, and the board shall give unit owners not less than 21 days' prior written notice of the deadline for inclusion of a candidate's name on the ballots; the deadline shall be no more than 7 days before the instructions for voting using electronic or acceptable technological means is distributed to unit owners; every instruction notice must include the names of all candidates who have given the board or its authorized agent timely written notice of their candidacy and must give the person voting through electronic or acceptable technological means the opportunity to cast votes for candidates whose names do not appear on the ballot; a unit owner who submits a vote using electronic or acceptable technological means may request and cast a ballot in person at the election meeting, thereby voiding any vote previously submitted by that unit owner;

(C) that if a written petition by unit owners with at least 20% of the votes of the association is delivered to the board within 14 days after the board's approval of a rule adopted pursuant to subparagraph (B) or subparagraph (B-5) of this paragraph (9), the board shall call a meeting of the unit owners within 30 days after the date of delivery of the petition; that unless a majority of the total votes of the unit owners are cast at the meeting to reject the rule, the rule is ratified;

(D) that votes cast by ballot under subparagraph (B) or electronic or acceptable technological means under subparagraph (B-5) of this paragraph (9) are valid for the purpose of establishing a quorum;

(10) that the association may, upon adoption of the appropriate rules by the board of managers, conduct elections by secret ballot whereby the voting ballot is marked only with the percentage interest for the unit and the vote itself, provided that the board further adopt rules to verify the
status of the unit owner issuing a proxy or casting a ballot; and further, that a candidate for election to the board of managers or such candidate's representative shall have the right to be present at the counting of ballots at such election;

(11) that in the event of a resale of a condominium unit the purchaser of a unit from a seller other than the developer pursuant to an installment contract for purchase shall during such times as he or she resides in the unit be counted toward a quorum for purposes of election of members of the board of managers at any meeting of the unit owners called for purposes of electing members of the board, shall have the right to vote for the election of members of the board of managers and to be elected to and serve on the board of managers unless the seller expressly retains in writing any or all of such rights. In no event may the seller and purchaser both be counted toward a quorum, be permitted to vote for a particular office or be elected and serve on the board. Satisfactory evidence of the installment contract shall be made available to the association or its agents. For purposes of this subsection, "installment contract" shall have the same meaning as set forth in Section 1(e) of the Dwelling Unit Installment Contract Act "An Act relating to installment contracts to sell dwelling structures", approved August 11, 1967, as amended;

(12) the method by which matters subject to the approval of unit owners set forth in this Act, or in the condominium instruments, will be submitted to the unit owners at special membership meetings called for such purposes; and

(13) that matters subject to the affirmative vote of not less than 2/3 of the votes of unit owners at a meeting duly called for that purpose, shall include, but not be limited to:

(i) merger or consolidation of the association;
(ii) sale, lease, exchange, or other disposition (excluding the mortgage or pledge) of all, or substantially all of the property and assets of the association; and
(iii) the purchase or sale of land or of units on behalf of all unit owners.

(c) Election of a president from among the board of managers, who shall preside over the meetings of the board of managers and of the unit owners.

(d) Election of a secretary from among the board of managers, who shall keep the minutes of all meetings of the board of managers and of the

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unit owners and who shall, in general, perform all the duties incident to the office of secretary.

(e) Election of a treasurer from among the board of managers, who shall keep the financial records and books of account.

(f) Maintenance, repair and replacement of the common elements and payments therefor, including the method of approving payment vouchers.

(g) An association with 30 or more units shall obtain and maintain fidelity insurance covering persons who control or disburse funds of the association for the maximum amount of coverage available to protect funds in the custody or control of the association plus the association reserve fund. All management companies which are responsible for the funds held or administered by the association shall maintain and furnish to the association a fidelity bond for the maximum amount of coverage available to protect funds in the custody of the management company at any time. The association shall bear the cost of the fidelity insurance and fidelity bond, unless otherwise provided by contract between the association and a management company. The association shall be the direct obligee of any such fidelity bond. A management company holding reserve funds of an association shall at all times maintain a separate account for each association, provided, however, that for investment purposes, the Board of Managers of an association may authorize a management company to maintain the association's reserve funds in a single interest bearing account with similar funds of other associations. The management company shall at all times maintain records identifying all moneys of each association in such investment account. The management company may hold all operating funds of associations which it manages in a single operating account but shall at all times maintain records identifying all moneys of each association in such operating account. Such operating and reserve funds held by the management company for the association shall not be subject to attachment by any creditor of the management company.

For the purpose of this subsection, a management company shall be defined as a person, partnership, corporation, or other legal entity entitled to transact business on behalf of others, acting on behalf of or as an agent for a unit owner, unit owners or association of unit owners for the purpose of carrying out the duties, responsibilities, and other obligations necessary for the day to day operation and management of any property subject to this Act. For purposes of this subsection, the term "fiduciary insurance
coverage" shall be defined as both a fidelity bond and directors and officers liability coverage, the fidelity bond in the full amount of association funds and association reserves that will be in the custody of the association, and the directors and officers liability coverage at a level as shall be determined to be reasonable by the board of managers, if not otherwise established by the declaration or by laws.

Until one year after September 21, 1985 (the effective date of Public Act 84-722) this amendatory Act of 1985, if a condominium association has reserves plus assessments in excess of $250,000 and cannot reasonably obtain 100% fidelity bond coverage for such amount, then it must obtain a fidelity bond coverage of $250,000.

(h) Method of estimating the amount of the annual budget, and the manner of assessing and collecting from the unit owners their respective shares of such estimated expenses, and of any other expenses lawfully agreed upon.

(i) That upon 10 days notice to the manager or board of managers and payment of a reasonable fee, any unit owner shall be furnished a statement of his account setting forth the amount of any unpaid assessments or other charges due and owing from such owner.

(j) Designation and removal of personnel necessary for the maintenance, repair and replacement of the common elements.

(k) Such restrictions on and requirements respecting the use and maintenance of the units and the use of the common elements, not set forth in the declaration, as are designed to prevent unreasonable interference with the use of their respective units and of the common elements by the several unit owners.

(l) Method of adopting and of amending administrative rules and regulations governing the operation and use of the common elements.

(m) The percentage of votes required to modify or amend the bylaws, but each one of the particulars set forth in this section shall always be embodied in the bylaws.

(n)(i) The provisions of this Act, the declaration, bylaws, other condominium instruments, and rules and regulations that relate to the use of the individual unit or the common elements shall be applicable to any person leasing a unit and shall be deemed to be incorporated in any lease executed or renewed on or after August 30, 1984 (the effective date of Public Act 83-1271) this amendatory Act of 1984.

(ii) With regard to any lease entered into subsequent to July 1, 1990 (the effective date of Public Act 86-991) this amendatory Act of

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1989, the unit owner leasing the unit shall deliver a copy of the signed lease to the board or if the lease is oral, a memorandum of the lease, not later than the date of occupancy or 10 days after the lease is signed, whichever occurs first. In addition to any other remedies, by filing an action jointly against the tenant and the unit owner, an association may seek to enjoin a tenant from occupying a unit or seek to evict a tenant under the provisions of Article IX of the Code of Civil Procedure for failure of the lessor-owner to comply with the leasing requirements prescribed by this Section or by the declaration, bylaws, and rules and regulations. The board of managers may proceed directly against a tenant, at law or in equity, or under the provisions of Article IX of the Code of Civil Procedure, for any other breach by tenant of any covenants, rules, regulations or bylaws.

(o) The association shall have no authority to forbear the payment of assessments by any unit owner.

(p) That when 30% or fewer of the units, by number, possess over 50% in the aggregate of the votes in the association, any percentage vote of members specified herein or in the condominium instruments shall require the specified percentage by number of units rather than by percentage of interest in the common elements allocated to units that would otherwise be applicable and garage units or storage units, or both, shall have, in total, no more votes than their aggregate percentage of ownership in the common elements; this shall mean that if garage units or storage units, or both, are to be given a vote, or portion of a vote, that the association must add the total number of votes cast of garage units, storage units, or both, and divide the total by the number of garage units, storage units, or both, and multiply by the aggregate percentage of ownership of garage units and storage units to determine the vote, or portion of a vote, that garage units or storage units, or both, have. For purposes of this subsection (p), when making a determination of whether 30% or fewer of the units, by number, possess over 50% in the aggregate of the votes in the association, a unit shall not include a garage unit or a storage unit.

(q) That a unit owner may not assign, delegate, transfer, surrender, or avoid the duties, responsibilities, and liabilities of a unit owner under this Act, the condominium instruments, or the rules and regulations of the Association; and that such an attempted assignment, delegation, transfer, surrender, or avoidance shall be deemed void.

The provisions of this Section are applicable to all condominium instruments recorded under this Act. Any portion of a condominium

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instrument which contains provisions contrary to these provisions shall be void as against public policy and ineffective. Any such instrument which fails to contain the provisions required by this Section shall be deemed to incorporate such provisions by operation of law.

(Source: P.A. 98-1042, eff. 1-1-15; 99-472, eff. 6-1-16; revised 10-19-15.)

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

Passed in the General Assembly May 18, 2016.
Approved July 15, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0568
(Senate Bill No. 2355)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Insurance Code is amended by adding Section 355.4 as follows:

(215 ILCS 5/355.4 new)

Sec. 355.4. Provider notification of network plan changes. Any contract entered into or renewed on or after the effective date of this amendatory Act of the 99th General Assembly that allows the rights and obligations of the contract to be assigned or leased to another insurer shall provide for notice of that assignment or lease within 30 days after the assignment or lease to the contracting dentist.

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

Passed in the General Assembly May 24, 2016.
Approved July 15, 2016.
Effective July 15, 2016.
PUBLIC ACT 99-0569  
(Senate Bill No. 2358)

AN ACT concerning civil law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Common Interest Community Association Act is amended by adding Section 1-47 as follows:
(765 ILCS 160/1-47 new)
Sec. 1-47. Successor developers. Any assignment of a developer's interest in the property is not effective until the successor: (i) obtains the assignment in writing; and (ii) records the assignment.
Passed in the General Assembly May 18, 2016.
Approved July 15, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0570  
(Senate Bill No. 2386)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The MC/DD Act is amended by adding Section 2-204 as follows:
(210 ILCS 46/2-204 new)
Sec. 2-204. DD Facility Advisory Board. The DD Facility Advisory Board established under Section 2-204 of the ID/DD Community Care Act shall advise the Department of Public Health on all aspects of its responsibilities under this Act, including the format and content of any rules adopted by the Department of Public Health. Any such rules, except emergency rules adopted pursuant to Section 5-45 of the Illinois Administrative Procedure Act, adopted without obtaining the advice of the DD Facility Advisory Board are null and void. If the Department fails to

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follow the advice of the DD Facility Advisory Board, the Department shall, prior to the adoption of such rules, transmit a written explanation of the reason therefor to the DD Facility Advisory Board. During its review of rules, the DD Facility Advisory Board shall analyze the economic and regulatory impact of those rules. If the DD Facility Advisory Board, having been asked for its advice, fails to advise the Department within 90 days, the rules shall be considered acted upon.

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

Passed in the General Assembly May 18, 2016.
Approved July 15, 2016.
Effective July 15, 2016.

PUBLIC ACT 99-0571
(Senate Bill No. 2420)

AN ACT concerning employment.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 3. The Illinois Income Tax Act is amended by changing Section 917 as follows:

(35 ILCS 5/917) (from Ch. 120, par. 9-917)
Sec. 917. Confidentiality and information sharing.
(a) Confidentiality. Except as provided in this Section, all information received by the Department from returns filed under this Act, or from any investigation conducted under the provisions of this Act, shall be confidential, except for official purposes within the Department or pursuant to official procedures for collection of any State tax or pursuant to an investigation or audit by the Illinois State Scholarship Commission of a delinquent student loan or monetary award or enforcement of any civil or criminal penalty or sanction imposed by this Act or by another statute imposing a State tax, and any person who divulges any such information in any manner, except for such purposes and pursuant to order of the Director or in accordance with a proper judicial order, shall be guilty of a Class A misdemeanor. However, the provisions of this paragraph are not applicable to information furnished to (i) the Department of Healthcare and Family Services (formerly Department of Public Aid), State's Attorneys, and the Attorney General for child support enforcement purposes and (ii) a licensed attorney representing the taxpayer where an

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appeal or a protest has been filed on behalf of the taxpayer. If it is necessary to file information obtained pursuant to this Act in a child support enforcement proceeding, the information shall be filed under seal.

(b) Public information. Nothing contained in this Act shall prevent the Director from publishing or making available to the public the names and addresses of persons filing returns under this Act, or from publishing or making available reasonable statistics concerning the operation of the tax wherein the contents of returns are grouped into aggregates in such a way that the information contained in any individual return shall not be disclosed.

(c) Governmental agencies. The Director may make available to the Secretary of the Treasury of the United States or his delegate, or the proper officer or his delegate of any other state imposing a tax upon or measured by income, for exclusively official purposes, information received by the Department in the administration of this Act, but such permission shall be granted only if the United States or such other state, as the case may be, grants the Department substantially similar privileges. The Director may exchange information with the Department of Healthcare and Family Services and the Department of Human Services (acting as successor to the Department of Public Aid under the Department of Human Services Act) for the purpose of verifying sources and amounts of income and for other purposes directly connected with the administration of this Act, the Illinois Public Aid Code, and any other health benefit program administered by the State. The Director may exchange information with the Director of the Department of Employment Security for the purpose of verifying sources and amounts of income and for other purposes directly connected with the administration of this Act and Acts administered by the Department of Employment Security. The Director may make available to the Illinois Workers' Compensation Commission information regarding employers for the purpose of verifying the insurance coverage required under the Workers' Compensation Act and Workers' Occupational Diseases Act. The Director may exchange information with the Illinois Department on Aging for the purpose of verifying sources and amounts of income for purposes directly related to confirming eligibility for participation in the programs of benefits authorized by the Senior Citizens and Persons with Disabilities Property Tax Relief and Pharmaceutical Assistance Act. The Director may exchange information with the State Treasurer's Office and the Department of Employment Security for the purpose of implementing,

The Director may make available to any State agency, including the Illinois Supreme Court, which licenses persons to engage in any occupation, information that a person licensed by such agency has failed to file returns under this Act or pay the tax, penalty and interest shown therein, or has failed to pay any final assessment of tax, penalty or interest due under this Act. The Director may make available to any State agency, including the Illinois Supreme Court, information regarding whether a bidder, contractor, or an affiliate of a bidder or contractor has failed to file returns under this Act or pay the tax, penalty, and interest shown therein, or has failed to pay any final assessment of tax, penalty, or interest due under this Act, for the limited purpose of enforcing bidder and contractor certifications. For purposes of this Section, the term "affiliate" means any entity that (1) directly, indirectly, or constructively controls another entity, (2) is directly, indirectly, or constructively controlled by another entity, or (3) is subject to the control of a common entity. For purposes of this subsection (a), an entity controls another entity if it owns, directly or individually, more than 10% of the voting securities of that entity. As used in this subsection (a), the term "voting security" means a security that (1) confers upon the holder the right to vote for the election of members of the board of directors or similar governing body of the business or (2) is convertible into, or entitles the holder to receive upon its exercise, a security that confers such a right to vote. A general partnership interest is a voting security.

The Director may make available to any State agency, including the Illinois Supreme Court, units of local government, and school districts, information regarding whether a bidder or contractor is an affiliate of a person who is not collecting and remitting Illinois Use taxes, for the limited purpose of enforcing bidder and contractor certifications.

The Director may also make available to the Secretary of State information that a corporation which has been issued a certificate of incorporation by the Secretary of State has failed to file returns under this Act or pay the tax, penalty and interest shown therein, or has failed to pay any final assessment of tax, penalty or interest due under this Act. An assessment is final when all proceedings in court for review of such assessment have terminated or the time for the taking thereof has expired without such proceedings being instituted. For taxable years ending on or after December 31, 1987, the Director may make available to the Director
or principal officer of any Department of the State of Illinois, information that a person employed by such Department has failed to file returns under this Act or pay the tax, penalty and interest shown therein. For purposes of this paragraph, the word "Department" shall have the same meaning as provided in Section 3 of the State Employees Group Insurance Act of 1971.

(d) The Director shall make available for public inspection in the Department's principal office and for publication, at cost, administrative decisions issued on or after January 1, 1995. These decisions are to be made available in a manner so that the following taxpayer information is not disclosed:

(1) The names, addresses, and identification numbers of the taxpayer, related entities, and employees.

(2) At the sole discretion of the Director, trade secrets or other confidential information identified as such by the taxpayer, no later than 30 days after receipt of an administrative decision, by such means as the Department shall provide by rule.

The Director shall determine the appropriate extent of the deletions allowed in paragraph (2). In the event the taxpayer does not submit deletions, the Director shall make only the deletions specified in paragraph (1).

The Director shall make available for public inspection and publication an administrative decision within 180 days after the issuance of the administrative decision. The term "administrative decision" has the same meaning as defined in Section 3-101 of Article III of the Code of Civil Procedure. Costs collected under this Section shall be paid into the Tax Compliance and Administration Fund.

(e) Nothing contained in this Act shall prevent the Director from divulging information to any person pursuant to a request or authorization made by the taxpayer, by an authorized representative of the taxpayer, or, in the case of information related to a joint return, by the spouse filing the joint return with the taxpayer.

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

Section 5. The Illinois Secure Choice Savings Program Act is amended by changing Sections 30, 35, and 60 as follows:

(820 ILCS 80/30)

Sec. 30. Duties of the Board. In addition to the other duties and responsibilities stated in this Act, the Board shall:

New matter indicated by italics - deletions by strikeout
a) Cause the Program to be designed, established and operated in a manner that:

(1) accords with best practices for retirement savings vehicles;
(2) maximizes participation, savings, and sound investment practices;
(3) maximizes simplicity, including ease of administration for participating employers and enrollees;
(4) provides an efficient product to enrollees by pooling investment funds;
(5) ensures the portability of benefits; and
(6) provides for the deaccumulation of enrollee assets in a manner that maximizes financial security in retirement.

b) Appoint a trustee to the IRA Fund in compliance with Section 408 of the Internal Revenue Code.

c) Explore and establish investment options, subject to Section 45 of this Act, that offer employees returns on contributions and the conversion of individual retirement savings account balances to secure retirement income without incurring debt or liabilities to the State.

d) Establish the process by which interest, investment earnings, and investment losses are allocated to individual program accounts on a pro rata basis and are computed at the interest rate on the balance of an individual's account.

e) Make and enter into contracts necessary for the administration of the Program and Fund, including, but not limited to, retaining and contracting with investment managers, private financial institutions, other financial and service providers, consultants, actuaries, counsel, auditors, third-party administrators, and other professionals as necessary.

(e-5) Conduct a review of the performance of any investment vendors every 4 years, including, but not limited to, a review of returns, fees, and customer service. A copy of reviews conducted under this subsection (e-5) shall be posted to the Board's Internet website.

(f) Determine the number and duties of staff members needed to administer the Program and assemble such a staff, including, as needed, employing staff, appointing a Program administrator, and entering into contracts with the State Treasurer to make employees of the State Treasurer's Office available to administer the Program.
(g) Cause moneys in the Fund to be held and invested as pooled investments described in Section 45 of this Act, with a view to achieving cost savings through efficiencies and economies of scale.

(h) Evaluate and establish the process by which an enrollee is able to contribute a portion of his or her wages to the Program for automatic deposit of those contributions and the process by which the participating employer provides a payroll deposit retirement savings arrangement to forward those contributions and related information to the Program, including, but not limited to, contracting with financial service companies and third-party administrators with the capability to receive and process employee information and contributions for payroll deposit retirement savings arrangements or similar arrangements.

(i) Design and establish the process for enrollment under Section 60 of this Act, including the process by which an employee can opt not to participate in the Program, select a contribution level, select an investment option, and terminate participation in the Program.

(j) Evaluate and establish the process by which an individual may voluntarily enroll in and make contributions to the Program.

(k) Accept any grants, appropriations, or other moneys from the State, any unit of federal, State, or local government, or any other person, firm, partnership, or corporation solely for deposit into the Fund, whether for investment or administrative purposes.

(l) Evaluate the need for, and procure as needed, insurance against any and all loss in connection with the property, assets, or activities of the Program, and indemnify as needed each member of the Board from personal loss or liability resulting from a member's action or inaction as a member of the Board.

(m) Make provisions for the payment of administrative costs and expenses for the creation, management, and operation of the Program, including the costs associated with subsection (b) of Section 20 of this Act, subsections (e), (f), (h), and (l) of this Section, subsection (b) of Section 45 of this Act, subsection (a) of Section 80 of this Act, and subsection (n) of Section 85 of this Act. Subject to appropriation, the State may pay administrative costs associated with the creation and management of the Program until sufficient assets are available in the Fund for that purpose. Thereafter, all administrative costs of the Fund, including repayment of any start-up funds provided by the State, shall be paid only out of moneys on deposit therein. However, private funds or federal funding received under subsection (k) of Section 30 of this Act in order to

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implement the Program until the Fund is self-sustaining shall not be repaid unless those funds were offered contingent upon the promise of such repayment. The Board shall keep total annual administrative expenses as low as possible, but in no event shall they exceed 0.75% of the total trust balance.

(n) Allocate administrative fees to individual retirement accounts in the Program on a pro rata basis.

(o) Set minimum and maximum contribution levels in accordance with limits established for IRAs by the Internal Revenue Code.

(p) Facilitate education and outreach to employers and employees.

(q) Facilitate compliance by the Program with all applicable requirements for the Program under the Internal Revenue Code, including tax qualification requirements or any other applicable law and accounting requirements.

(r) Carry out the duties and obligations of the Program in an effective, efficient, and low-cost manner.

(s) Exercise any and all other powers reasonably necessary for the effectuation of the purposes, objectives, and provisions of this Act pertaining to the Program.

(t) Deposit into the Illinois Secure Choice Administrative Fund all grants, gifts, donations, fees, and earnings from investments from the Illinois Secure Choice Savings Program Fund that are used to recover administrative costs. All expenses of the Board shall be paid from the Illinois Secure Choice Administrative Fund.

(Source: P.A. 98-1150, eff. 6-1-15.)

(820 ILCS 80/35)

Sec. 35. Risk management. The Board shall annually prepare and adopt a written statement of investment policy that includes a risk management and oversight program. This investment policy shall prohibit the Board, Program, and Fund from borrowing for investment purposes. The risk management and oversight program shall be designed to ensure that an effective risk management system is in place to monitor the risk levels of the Program and Fund portfolio, to ensure that the risks taken are prudent and properly managed, to provide an integrated process for overall risk management, and to assess investment returns as well as risk to determine if the risks taken are adequately compensated compared to applicable performance benchmarks and standards. The Board shall adopt consider the statement of investment policy and any changes in the investment policy at a public meeting of the Board. The investment policy

New matter indicated by italics - deletions by strikeout
and any changes to the investment policy shall be published on the Board's or Treasurer's website at least 30 days prior to implementation of such policy hearing.
(Source: P.A. 98-1150, eff. 6-1-15.)
(820 ILCS 80/60)
Sec. 60. Program implementation and enrollment. Except as otherwise provided in Section 93 of this Act, the Program shall be implemented, and enrollment of employees shall begin, within 24 months after the effective date of this Act. The provisions of this Section shall be in force after the Board opens the Program for enrollment.
(a) Each employer shall establish a payroll deposit retirement savings arrangement to allow each employee to participate in the Program at most nine months after the Board opens the Program for enrollment.
(b) Employers shall automatically enroll in the Program each of their employees who has not opted out of participation in the Program using the form described in subsection (c) of Section 55 of this Act and shall provide payroll deduction retirement savings arrangements for such employees and deposit, on behalf of such employees, these funds into the Program. Small employers may, but are not required to, provide payroll deduction retirement savings arrangements for each employee who elects to participate in the Program. Small employers' use of automatic enrollment for employees is subject to final rules from the United States Department of Labor. Utilization of automatic enrollment by small employers may be allowed only if it does not create employer liability under the federal Employee Retirement Income Security Act.
(c) Enrollees shall have the ability to select a contribution level into the Fund. This level may be expressed as a percentage of wages or as a dollar amount up to the deductible amount for the enrollee's taxable year under Section 219(b)(1)(A) of the Internal Revenue Code. Enrollees may change their contribution level at any time, subject to rules promulgated by the Board. If an enrollee fails to select a contribution level using the form described in subsection (c) of Section 55 of this Act, then he or she shall contribute 3% of his or her wages to the Program, provided that such contributions shall not cause the enrollee's total contributions to IRAs for the year to exceed the deductible amount for the enrollee's taxable year under Section 219(b)(1)(A) of the Internal Revenue Code.
(d) Enrollees may select an investment option from the permitted investment options listed in Section 45 of this Act. Enrollees may change their investment option at any time, subject to rules promulgated by the
Board. In the event that an enrollee fails to select an investment option, that enrollee shall be placed in the investment option selected by the Board as the default under subsection (c) of Section 45 of this Act. If the Board has not selected a default investment option under subsection (c) of Section 45 of this Act, then an enrollee who fails to select an investment option shall be placed in the life-cycle fund investment option.

(e) Following initial implementation of the Program pursuant to this Section, at least once every year, participating employers shall designate an open enrollment period during which employees who previously opted out of the Program may enroll in the Program.

(f) An employee who opts out of the Program who subsequently wants to participate through the participating employer's payroll deposit retirement savings arrangement may only enroll during the participating employer's designated open enrollment period or if permitted by the participating employer at an earlier time.

(g) Employers shall retain the option at all times to set up any type of employer-sponsored retirement plan, such as a defined benefit plan or a 401(k), Simplified Employee Pension (SEP) plan, or Savings Incentive Match Plan for Employees (SIMPLE) plan, or to offer an automatic enrollment payroll deduction IRA, instead of having a payroll deposit retirement savings arrangement to allow employee participation in the Program.

(h) An employee may terminate his or her participation in the Program at any time in a manner prescribed by the Board.

(i) The Board shall establish and maintain an Internet website designed to assist employers in identifying private sector providers of retirement arrangements that can be set up by the employer rather than allowing employee participation in the Program under this Act; however, the Board shall only establish and maintain an Internet website under this subsection if there is sufficient interest in such an Internet website by private sector providers and if the private sector providers furnish the funding necessary to establish and maintain the Internet website. The Board must provide public notice of the availability of and the process for inclusion on the Internet website before it becomes publicly available. This Internet website must be available to the public before the Board opens the Program for enrollment, and the Internet website address must be included on any Internet website posting or other materials regarding the Program offered to the public by the Board.

(Source: P.A. 98-1150, eff. 6-1-15.)

New matter indicated by italics - deletions by strikeout
Section 10. The Unemployment Insurance Act is amended by changing Section 1900 as follows:

(820 ILCS 405/1900) (from Ch. 48, par. 640)

Sec. 1900. Disclosure of information.

A. Except as provided in this Section, information obtained from any individual or employing unit during the administration of this Act shall:

1. be confidential,
2. not be published or open to public inspection,
3. not be used in any court in any pending action or proceeding,
4. not be admissible in evidence in any action or proceeding other than one arising out of this Act.

B. No finding, determination, decision, ruling or order (including any finding of fact, statement or conclusion made therein) issued pursuant to this Act shall be admissible or used in evidence in any action other than one arising out of this Act, nor shall it be binding or conclusive except as provided in this Act, nor shall it constitute res judicata, regardless of whether the actions were between the same or related parties or involved the same facts.

C. Any officer or employee of this State, any officer or employee of any entity authorized to obtain information pursuant to this Section, and any agent of this State or of such entity who, except with authority of the Director under this Section, shall disclose information shall be guilty of a Class B misdemeanor and shall be disqualified from holding any appointment or employment by the State.

D. An individual or his duly authorized agent may be supplied with information from records only to the extent necessary for the proper presentation of his claim for benefits or with his existing or prospective rights to benefits. Discretion to disclose this information belongs solely to the Director and is not subject to a release or waiver by the individual. Notwithstanding any other provision to the contrary, an individual or his or her duly authorized agent may be supplied with a statement of the amount of benefits paid to the individual during the 18 months preceding the date of his or her request.

E. An employing unit may be furnished with information, only if deemed by the Director as necessary to enable it to fully discharge its obligations or safeguard its rights under the Act. Discretion to disclose this

New matter indicated by italics - deletions by strikeout
information belongs solely to the Director and is not subject to a release or waiver by the employing unit.

F. The Director may furnish any information that he may deem proper to any public officer or public agency of this or any other State or of the federal government dealing with:
   1. the administration of relief,
   2. public assistance,
   3. unemployment compensation,
   4. a system of public employment offices,
   5. wages and hours of employment, or
   6. a public works program.

The Director may make available to the Illinois Workers' Compensation Commission information regarding employers for the purpose of verifying the insurance coverage required under the Workers' Compensation Act and Workers' Occupational Diseases Act.

G. The Director may disclose information submitted by the State or any of its political subdivisions, municipal corporations, instrumentalities, or school or community college districts, except for information which specifically identifies an individual claimant.

H. The Director shall disclose only that information required to be disclosed under Section 303 of the Social Security Act, as amended, including:

   1. any information required to be given the United States Department of Labor under Section 303(a)(6); and
   2. the making available upon request to any agency of the United States charged with the administration of public works or assistance through public employment, the name, address, ordinary occupation and employment status of each recipient of unemployment compensation, and a statement of such recipient's right to further compensation under such law as required by Section 303(a)(7); and
   3. records to make available to the Railroad Retirement Board as required by Section 303(c)(1); and
   4. information that will assure reasonable cooperation with every agency of the United States charged with the administration of any unemployment compensation law as required by Section 303(c)(2); and
   5. information upon request and on a reimbursable basis to the United States Department of Agriculture and to any State food
stamp agency concerning any information required to be furnished by Section 303(d); and

6. any wage information upon request and on a reimbursable basis to any State or local child support enforcement agency required by Section 303(e); and

7. any information required under the income eligibility and verification system as required by Section 303(f); and

8. information that might be useful in locating an absent parent or that parent's employer, establishing paternity or establishing, modifying, or enforcing child support orders for the purpose of a child support enforcement program under Title IV of the Social Security Act upon the request of and on a reimbursable basis to the public agency administering the Federal Parent Locator Service as required by Section 303(h); and

9. information, upon request, to representatives of any federal, State or local governmental public housing agency with respect to individuals who have signed the appropriate consent form approved by the Secretary of Housing and Urban Development and who are applying for or participating in any housing assistance program administered by the United States Department of Housing and Urban Development as required by Section 303(i).

I. The Director, upon the request of a public agency of Illinois, of the federal government or of any other state charged with the investigation or enforcement of Section 10-5 of the Criminal Code of 2012 (or a similar federal law or similar law of another State), may furnish the public agency information regarding the individual specified in the request as to:

1. the current or most recent home address of the individual, and

2. the names and addresses of the individual's employers.

J. Nothing in this Section shall be deemed to interfere with the disclosure of certain records as provided for in Section 1706 or with the right to make available to the Internal Revenue Service of the United States Department of the Treasury, or the Department of Revenue of the State of Illinois, information obtained under this Act.

K. The Department shall make available to the Illinois Student Assistance Commission, upon request, information in the possession of the Department that may be necessary or useful to the Commission in the
collection of defaulted or delinquent student loans which the Commission administers.

L. The Department shall make available to the State Employees' Retirement System, the State Universities Retirement System, the Teachers' Retirement System of the State of Illinois, and the Department of Central Management Services, Risk Management Division, upon request, information in the possession of the Department that may be necessary or useful to the System or the Risk Management Division for the purpose of determining whether any recipient of a disability benefit from the System or a workers' compensation benefit from the Risk Management Division is gainfully employed.

M. This Section shall be applicable to the information obtained in the administration of the State employment service, except that the Director may publish or release general labor market information and may furnish information that he may deem proper to an individual, public officer or public agency of this or any other State or the federal government (in addition to those public officers or public agencies specified in this Section) as he prescribes by Rule.

N. The Director may require such safeguards as he deems proper to insure that information disclosed pursuant to this Section is used only for the purposes set forth in this Section.

O. Nothing in this Section prohibits communication with an individual or entity through unencrypted e-mail or other unencrypted electronic means as long as the communication does not contain the individual's or entity's name in combination with any one or more of the individual's or entity's social security number; driver's license or State identification number; account number or credit or debit card number; or any required security code, access code, or password that would permit access to further information pertaining to the individual or entity.

P. Within 30 days after the effective date of this amendatory Act of 1993 and annually thereafter, the Department shall provide to the Department of Financial Institutions a list of individuals or entities that, for the most recently completed calendar year, report to the Department as paying wages to workers. The lists shall be deemed confidential and may not be disclosed to any other person.

Q. The Director shall make available to an elected federal official the name and address of an individual or entity that is located within the jurisdiction from which the official was elected and that, for the most recently completed calendar year, has reported to the Department as

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paying wages to workers, where the information will be used in connection with the official duties of the official and the official requests the information in writing, specifying the purposes for which it will be used. For purposes of this subsection, the use of information in connection with the official duties of an official does not include use of the information in connection with the solicitation of contributions or expenditures, in money or in kind, to or on behalf of a candidate for public or political office or a political party or with respect to a public question, as defined in Section 1-3 of the Election Code, or in connection with any commercial solicitation. Any elected federal official who, in submitting a request for information covered by this subsection, knowingly makes a false statement or fails to disclose a material fact, with the intent to obtain the information for a purpose not authorized by this subsection, shall be guilty of a Class B misdemeanor.

R. The Director may provide to any State or local child support agency, upon request and on a reimbursable basis, information that might be useful in locating an absent parent or that parent's employer, establishing paternity, or establishing, modifying, or enforcing child support orders.

S. The Department shall make available to a State's Attorney of this State or a State's Attorney's investigator, upon request, the current address or, if the current address is unavailable, current employer information, if available, of a victim of a felony or a witness to a felony or a person against whom an arrest warrant is outstanding.

T. The Director shall make available to the Department of State Police, a county sheriff's office, or a municipal police department, upon request, any information concerning the current address and place of employment or former places of employment of a person who is required to register as a sex offender under the Sex Offender Registration Act that may be useful in enforcing the registration provisions of that Act.

U. The Director shall make information available to the Department of Healthcare and Family Services and the Department of Human Services for the purpose of determining eligibility for public benefit programs authorized under the Illinois Public Aid Code and related statutes administered by those departments, for verifying sources and amounts of income, and for other purposes directly connected with the administration of those programs.

V. The Director shall make information available to the State Board of Elections as may be required by an agreement the State Board of Elections.
Elections has entered into with a multi-state voter registration list maintenance system.

W. The Director shall make information available to the State Treasurer's office and the Department of Revenue for the purpose of facilitating compliance with the Illinois Secure Choice Savings Program Act, including employer contact information for employers with 25 or more employees and any other information the Director deems appropriate that is directly related to the administration of this program.

(Source: P.A. 97-621, eff. 11-18-11; 97-689, eff. 6-14-12; 97-1150, eff. 1-25-13; 98-1171, eff. 6-1-15.)

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

Approved July 15, 2016.
Effective July 15, 2016.

PUBLIC ACT 99-0572
(Senate Bill No. 2433)

AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Regulatory Sunset Act is amended by changing Section 4.27 and by adding Section 4.37 as follows:

(5 ILCS 80/4.27)

Sec. 4.27. Acts repealed on January 1, 2017. The following are repealed on January 1, 2017:

The Clinical Psychologist Licensing Act.
The Boiler and Pressure Vessel Repairer Regulation Act.

(Source: P.A. 99-78, eff. 7-20-15.)

(5 ILCS 80/4.37 new)

Sec. 4.37. Acts repealed on January 1, 2027. The following Act is repealed on January 1, 2027:
The Clinical Psychologist Licensing Act.

New matter indicated by italics - deletions by strikeout
Section 10. The Clinical Psychologist Licensing Act is amended by changing Sections 2, 3, 6, 7, 10, 11, 15, 15.2, 16, 16.1, 19, 20, 21, and 23 and by adding Section 2.5 as follows:

(225 ILCS 15/2) (from Ch. 111, par. 5352)
(Section scheduled to be repealed on January 1, 2017)
Sec. 2. Definitions. As used in this Act:

(1) "Department" means the Department of Financial and Professional Regulation.

(2) "Secretary" means the Secretary of Financial and Professional Regulation.

(3) "Board" means the Clinical Psychologists Licensing and Disciplinary Board appointed by the Secretary.

(4) "Blank". "Person" means an individual, association, partnership or corporation.

(5) "Clinical psychology" means the independent evaluation, classification, diagnosis, and treatment of mental, emotional, behavioral or nervous disorders or conditions, developmental disabilities, alcoholism and substance abuse, disorders of habit or conduct, and the psychological aspects of physical illness. The practice of clinical psychology includes psychoeducational evaluation, therapy, remediation and consultation, the use of psychological and neuropsychological testing, assessment, psychotherapy, psychoanalysis, hypnosis, biofeedback, and behavioral modification when any of these are used for the purpose of preventing or eliminating psychopathology, or for the amelioration of psychological disorders of individuals or groups. "Clinical psychology" does not include the use of hypnosis by unlicensed persons pursuant to Section 3.

(6) A person represents himself to be a "clinical psychologist" or "psychologist" within the meaning of this Act when he or she holds himself out to the public by any title or description of services incorporating the words "psychological", "psychologic", "psychologist", "psychology", or "clinical psychologist" or under such title or description offers to render or renders clinical psychological services as defined in paragraph (7) of this Section to individuals, corporations, or the public for remuneration.

(7) "Clinical psychological services" refers to any services under paragraph (5) of this Section if the words "psychological",

New matter indicated by italics - deletions by strikeout
"psychologic", "psychologist", "psychology" or "clinical psychologist" are used to describe such services by the person or organization offering to render or rendering them.

(8) "Collaborating physician" means a physician licensed to practice medicine in all of its branches in Illinois who generally prescribes medications for the treatment of mental health disease or illness to his or her patients in the normal course of his or her clinical medical practice.

(9) "Prescribing psychologist" means a licensed, doctoral level psychologist who has undergone specialized training, has passed an examination as determined by rule, and has received a current license granting prescriptive authority under Section 4.2 of this Act that has not been revoked or suspended from the Department.

(10) "Prescriptive authority" means the authority to prescribe, administer, discontinue, or distribute drugs or medicines.

(11) "Prescription" means an order for a drug, laboratory test, or any medicines, including controlled substances as defined in the Illinois Controlled Substances Act.

(12) "Drugs" has the meaning given to that term in the Pharmacy Practice Act.

(13) "Medicines" has the meaning given to that term in the Pharmacy Practice Act.

(14) "Address of record" means the designated address recorded by the Department in the applicant's application file or the licensee's license file maintained by the Department's licensure maintenance unit.

This Act shall not apply to persons lawfully carrying on their particular profession or business under any valid existing regulatory Act of the State.

(Source: P.A. 98-668, eff. 6-25-14.)

(225 ILCS 15/2.5 new)

Sec. 2.5. Change of address. It is the duty of the applicant or licensee to inform the Department of any change of address within 14 days after such change either through the Department's website or by contacting the Department's licensure maintenance unit.

(225 ILCS 15/3) (from Ch. 111, par. 5353)

(Section scheduled to be repealed on January 1, 2017)

New matter indicated by italics - deletions by strikeout
Sec. 3. Necessity of license; corporations, professional limited liability companies, partnerships, and associations; display of license.

(a) No individual, partnership, association or corporation shall, without a valid license as a clinical psychologist issued by the Department, in any manner hold himself or herself out to the public as a psychologist or clinical psychologist under the provisions of this Act or render or offer to render clinical psychological services as defined in paragraph 7 of Section 2 of this Act; or attach the title "clinical psychologist", "psychologist" or any other name or designation which would in any way imply that he or she is able to practice as a clinical psychologist; or offer to render or render, to individuals, corporations or the public, clinical psychological services as defined in paragraph 7 of Section 2 of this Act.

No person may engage in the practice of clinical psychology, as defined in paragraph (5) of Section 2 of this Act, without a license granted under this Act, except as otherwise provided in this Act.

(b) No business organization association or partnership shall be granted a license and no professional limited liability company shall provide, attempt to provide, or offer to provide clinical psychological services unless every member, shareholder, director, officer, holder of any other ownership interest, agent partner, and employee of the association, partnership, or professional limited liability company who renders clinical psychological services holds a currently valid license issued under this Act. No license shall be issued by the Department to a corporation or limited liability company shall be created that (i) has a stated purpose that includes clinical psychology, or (ii) practices or holds itself out as available to practice clinical psychology, unless it is organized under the Professional Service Corporation Act or the Professional Limited Liability Company Act.

(c) Individuals, corporations, professional limited liability companies, partnerships, and associations may employ practicum students, interns or postdoctoral candidates seeking to fulfill educational requirements or the professional experience requirements needed to qualify for a license as a clinical psychologist to assist in the rendering of services, provided that such employees function under the direct supervision, order, control and full professional responsibility of a licensed clinical psychologist in the corporation, professional limited liability company, partnership, or association. Nothing in this paragraph shall prohibit a corporation, professional limited liability company, partnership,
or association from contracting with a licensed health care professional to provide services.

(c-5) Nothing in this Act shall preclude individuals licensed under this Act from practicing directly or indirectly for a physician licensed to practice medicine in all its branches under the Medical Practice Act of 1987 or for any legal entity as provided under subsection (c) of Section 22.2 of the Medical Practice Act of 1987.

Nothing in this Act shall preclude individuals licensed under this Act from practicing directly or indirectly for any hospital licensed under the Hospital Licensing Act or any hospital affiliate as defined in Section 10.8 of the Hospital Licensing Act and any hospital authorized under the University of Illinois Hospital Act.

(d) Nothing in this Act shall prevent the employment, by a clinical psychologist, individual, association, partnership, professional limited liability company, or corporation furnishing clinical psychological services for remuneration, of persons not licensed as clinical psychologists under the provisions of this Act to perform services in various capacities as needed, provided that such persons are not in any manner held out to the public as rendering clinical psychological services as defined in paragraph 7 of Section 2 of this Act. Nothing contained in this Act shall require any hospital, clinic, home health agency, hospice, or other entity that provides health care services to employ or to contract with a clinical psychologist licensed under this Act to perform any of the activities under paragraph (5) of Section 2 of this Act.

(e) Nothing in this Act shall be construed to limit the services and use of official title on the part of a person, not licensed under the provisions of this Act, in the employ of a State, county or municipal agency or other political subdivision insofar that such services are a part of the duties in his or her salaried position, and insofar that such services are performed solely on behalf of his or her employer.

Nothing contained in this Section shall be construed as permitting such person to offer their services as psychologists to any other persons and to accept remuneration for such psychological services other than as specifically excepted herein, unless they have been licensed under the provisions of this Act.

(f) Duly recognized members of any bonafide religious denomination shall not be restricted from functioning in their ministerial capacity provided they do not represent themselves as being clinical psychologists or providing clinical psychological services.
(g) Nothing in this Act shall prohibit individuals not licensed under the provisions of this Act who work in self-help groups or programs or not-for-profit organizations from providing services in those groups, programs, or organizations, provided that such persons are not in any manner held out to the public as rendering clinical psychological services as defined in paragraph 7 of Section 2 of this Act.

(h) Nothing in this Act shall be construed to prevent a person from practicing hypnosis without a license issued under this Act provided that the person (1) does not otherwise engage in the practice of clinical psychology including, but not limited to, the independent evaluation, classification, and treatment of mental, emotional, behavioral, or nervous disorders or conditions, developmental disabilities, alcoholism and substance abuse, disorders of habit or conduct, and the psychological aspects of physical illness, (2) does not otherwise engage in the practice of medicine including, but not limited to, the diagnosis or treatment of physical or mental ailments or conditions, and (3) does not hold himself or herself out to the public by a title or description stating or implying that the individual is a clinical psychologist or is licensed to practice clinical psychology.

(i) Every licensee under this Act shall prominently display the license at the licensee's principal office, place of business, or place of employment and, whenever requested by any representative of the Department, must exhibit the license.

(Source: P.A. 99-227, eff. 8-3-15.)

(225 ILCS 15/6) (from Ch. 111, par. 5356)

Sec. 6. Subject to the provisions of this Act, the Department shall:

(1) Authorize examinations to ascertain the qualifications and fitness of applicants for licensure as clinical psychologists and pass upon the qualifications of applicants for reciprocal licensure.

(2) Conduct hearings on proceedings to refuse to issue or renew or to revoke licenses or suspend, place on probation, censure or reprimand persons licensed under the provisions of this Act, and to refuse to issue or to suspend or to revoke or to refuse to renew licenses or to place on probation, censure or reprimand such persons licensed under the provisions of this Act.

(3) Adopt rules and regulations required for the administration of this Act.

New matter indicated by italics - deletions by strikeout
(4) Prescribe forms to be issued for the administration and enforcement of this Act.

(5) Conduct investigations related to possible violations of this Act.

(Source: P.A. 85-947.)

(225 ILCS 15/7) (from Ch. 111, par. 5357)

(Section scheduled to be repealed on January 1, 2017)

Sec. 7. Board. The Secretary shall appoint a Board that shall serve in an advisory capacity to the Secretary.

The Board shall consist of 11 persons: 4 of whom are licensed clinical psychologists and actively engaged in the practice of clinical psychology; 2 of whom are licensed prescribing psychologists; 2 of whom are physicians licensed to practice medicine in all its branches in Illinois who generally prescribe medications for the treatment of mental health disease or illness in the normal course of clinical medical practice, one of whom shall be a psychiatrist and the other a primary care or family physician; 2 of whom are licensed clinical psychologists and are full time faculty members of accredited colleges or universities who are engaged in training clinical psychologists; and one of whom is a public member who is not a licensed health care provider. In appointing members of the Board, the Secretary shall give due consideration to the adequate representation of the various fields of health care psychology such as clinical psychology, school psychology and counseling psychology. In appointing members of the Board, the Secretary shall give due consideration to recommendations by members of the profession of clinical psychology and by the State-wide organizations representing the interests of clinical psychologists and organizations representing the interests of academic programs as well as recommendations by approved doctoral level psychology programs in the State of Illinois, and, with respect to the 2 physician members of the Board, the Secretary shall give due consideration to recommendations by the Statewide professional associations or societies representing physicians licensed to practice medicine in all its branches in Illinois. The members shall be appointed for a term of 4 years. No member shall be eligible to serve for more than 2 full terms. Any appointment to fill a vacancy shall be for the unexpired portion of the term. A member appointed to fill a vacancy for an unexpired term for a duration of 2 years or more may be reappointed for a maximum of one term and a member appointed to fill a vacancy for an unexpired term for a duration of less than 2 years may be reappointed for a maximum of 2 terms. The Secretary may remove any member for cause at any time prior to the expiration of his or her term.

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The 2 initial appointees to the Board who are licensed prescribing psychologists may hold a medical or prescription license issued by another state so long as the license is deemed by the Secretary to be substantially equivalent to a prescribing psychologist license under this Act and so long as the appointees also maintain an Illinois clinical psychologist license. Such initial appointees shall serve on the Board until the Department adopts rules necessary to implement licensure under Section 4.2 of this Act.

The Board shall annually elect a member as chairperson and vice chairperson.

The members of the Board shall be reimbursed for all authorized legitimate and necessary expenses incurred in attending the meetings of the Board.

The Secretary shall give due consideration to all recommendations of the Board. In the event the Secretary disagrees with or takes action contrary to the recommendation of the Board, he or she shall provide the Board with a written and specific explanation of his or her actions.

The Board may make recommendations on all matters relating to continuing education including the number of hours necessary for license renewal, waivers for those unable to meet such requirements and acceptable course content. Such recommendations shall not impose an undue burden on the Department or an unreasonable restriction on those seeking license renewal.

The 2 licensed prescribing psychologist members of the Board and the 2 physician members of the Board shall only deliberate and make recommendations related to the licensure and discipline of prescribing psychologists. Four members shall constitute a quorum, except that all deliberations and recommendations related to the licensure and discipline of prescribing psychologists shall require a quorum of 6 members. A quorum is required for all Board decisions.

Members of the Board shall have no liability in any action based upon any disciplinary proceeding or other activity performed in good faith as a member of the Board.

The Secretary may terminate the appointment of any member for cause which in the opinion of the Secretary reasonably justifies such termination.

(Source: P.A. 98-668, eff. 6-25-14.)

(225 ILCS 15/10) (from Ch. 111, par. 5360)

(Section scheduled to be repealed on January 1, 2017)
Sec. 10. Qualifications of applicants; examination. The Department, except as provided in Section 11 of this Act, shall issue a license as a clinical psychologist to any person who pays an application fee and who:

(1) is at least 21 years of age; and has not engaged in conduct or activities which would constitute grounds for discipline under this Act;
(2) (blank);
(3) is a graduate of a doctoral program from a college, university or school accredited by the regional accrediting body which is recognized by the Council on Postsecondary Accreditation and is in the jurisdiction in which it is located for purposes of granting the doctoral degree and either:
   (a) is a graduate of a doctoral program in clinical, school or counseling psychology either accredited by the American Psychological Association or the Psychological Clinical Science Accreditation System or approved by the Council for the National Register of Health Service Providers in Psychology or other national board recognized by the Board, and has completed 2 years of satisfactory supervised experience in clinical, school or counseling psychology at least one of which is an internship and one of which is postdoctoral; or
   (b) holds a doctoral degree from a recognized college, university or school which the Department, through its rules, establishes as being equivalent to a clinical, school or counseling psychology program and has completed at least one course in each of the following 7 content areas, in actual attendance at a recognized university, college or school whose graduates would be eligible for licensure under this Act: scientific and professional ethics, biological basis of behavior, cognitive-affective basis of behavior, social basis of behavior, individual differences, assessment, and treatment modalities; and has completed 2 years of satisfactory supervised experience in clinical, school or counseling psychology, at least one of which is an internship and one of which is postdoctoral; or
   (c) holds a doctorate in psychology or in a program whose content is psychological in nature from an accredited

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college, university or school not meeting the standards of paragraph (a) or (b) of this subsection (3) and provides evidence of the completion of at least one course in each of the 7 content areas specified in paragraph (b) in actual attendance at a recognized university, school or college whose graduate would be eligible for licensure under this Act; and has completed an appropriate practicum, an internship or equivalent supervised clinical experience in an organized mental health care setting and 2 years of satisfactory supervised experience in clinical or counseling psychology, at least one of which is postdoctoral; and

(4) has passed an examination authorized by the Department to determine his or her fitness to receive a license.

Applicants for licensure under subsection (3)(a) and (3)(b) of this Section shall complete 2 years of satisfactory supervised experience, at least one of which shall be an internship and one of which shall be postdoctoral. A year of supervised experience is defined as not less than 1,750 hours obtained in not less than 50 weeks based on 35 hours per week for full-time work experience. Full-time supervised experience will be counted only if it is obtained in a single setting for a minimum of 6 months. Part-time and internship experience will be counted only if it is 18 hours or more a week for a minimum of 9 months and is in a single setting. The internship experience required under subsection (3)(a) and (3)(b) of this Section shall be a minimum of 1,750 hours completed within 24 months.

Programs leading to a doctoral degree require minimally the equivalent of 3 full-time academic years of graduate study, at least 2 years of which are at the institution from which the degree is granted, and of which at least one year or its equivalent is in residence at the institution from which the degree is granted. Course work for which credit is given for life experience will not be accepted by the Department as fulfilling the educational requirements for licensure. Residence requires interaction with psychology faculty and other matriculated psychology students; one year's residence or its equivalent is defined as follows:

(a) 30 semester hours taken on a full-time or part-time basis at the institution accumulated within 24 months, or

(b) a minimum of 350 hours of student-faculty contact involving face-to-face individual or group courses or seminars accumulated within 18 months. Such educational meetings must include both faculty-student and student-student interaction, be

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conducted by the psychology faculty of the institution at least 90% of the time, be fully documented by the institution, and relate substantially to the program and course content. The institution must clearly document how the applicant's performance is assessed and evaluated.

To meet the requirement for satisfactory supervised experience, under this Act the supervision must be performed pursuant to the order, control and full professional responsibility of a licensed clinical psychologist. The clients shall be the clients of the agency or supervisor rather than the supervisee. Supervised experience in which the supervisor receives monetary payment or other consideration from the supervisee or in which the supervisor is hired by or otherwise employed by the supervisee shall not be accepted by the Department as fulfilling the practicum, internship or 2 years of satisfactory supervised experience requirements for licensure.

Examinations for applicants under this Act shall be held at the direction of the Department from time to time but not less than once each year. The scope and form of the examination shall be determined by the Department.

Each applicant for a license who possesses the necessary qualifications therefor shall be examined by the Department, and shall pay to the Department, or its designated testing service, the required examination fee, which fee shall not be refunded by the Department.

Applicants have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

An applicant has one year from the date of notification of successful completion of the examination to apply to the Department for a license. If an applicant fails to apply within one year, the applicant shall be required to take and pass the examination again unless licensed in another jurisdiction of the United States within one year of passing the examination.

(Source: P.A. 98-849, eff. 1-1-15.)

(225 ILCS 15/11) (from Ch. 111, par. 5361)
(Section scheduled to be repealed on January 1, 2017)
Sec. 11. Persons licensed in other jurisdictions.

New matter indicated by italics - deletions by strikeout
(a) The Department may, in its discretion, grant a license on payment of the required fee to any person who, at the time of application, is licensed by a similar board of another state or jurisdiction of the United States or by any of a foreign country or province whose standards, in the opinion of the Department, were substantially equivalent, at the date of his or her licensure in the other jurisdiction, to the requirements of this Act or to any person who, at the time of his or her licensure, possessed individual qualifications that were substantially equivalent to the requirements then in force in this State.

(b) The Department may issue a license, upon payment of the required fee and recommendation of the Board, to an individual applicant who:

1. has been licensed based on a doctorate degree to practice psychology in one or more other states or Canada for at least 20 years;
2. has had no disciplinary action taken against his or her license in any other jurisdiction during the entire period of licensure;
3. submits the appropriate fee and application;
4. has not violated any provision of this Act or the rules adopted under this Act; and
5. complies with all additional rules promulgated under this subsection.

The Department may promulgate rules to further define these licensing criteria.

(b-5) The endorsement process for individuals who are already licensed as medical or prescribing psychologists in another state is governed by Section 4.5 of this Act and not this Section.

(c) Applicants have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 89-387, eff. 8-20-95; 89-626, eff. 8-9-96; 89-702, eff. 7-1-97.)

(225 ILCS 15/15) (from Ch. 111, par. 5365)
(Section scheduled to be repealed on January 1, 2017)
Sec. 15. Disciplinary action; grounds. The Department may refuse to issue, refuse to renew, suspend, or revoke any license, or may place on
probation, censure, reprimand, or take other disciplinary or non-disciplinary action deemed appropriate by the Department, including the imposition of fines not to exceed $10,000 for each violation, with regard to any license issued under the provisions of this Act for any one or a combination of the following reasons:

(1) Conviction of, or entry of a plea of guilty or nolo contendere to, any crime that is a felony under the laws of the United States or any state or territory thereof or that is a misdemeanor of which an essential element is dishonesty, or any crime that is directly related to the practice of the profession.

(2) Gross negligence in the rendering of clinical psychological services.

(3) Using fraud or making any misrepresentation in applying for a license or in passing the examination provided for in this Act.

(4) Aiding or abetting or conspiring to aid or abet a person, not a clinical psychologist licensed under this Act, in representing himself or herself as so licensed or in applying for a license under this Act.

(5) Violation of any provision of this Act or the rules promulgated thereunder.

(6) Professional connection or association with any person, firm, association, partnership or corporation holding himself, herself, themselves, or itself out in any manner contrary to this Act.

(7) Unethical, unauthorized or unprofessional conduct as defined by rule. In establishing those rules, the Department shall consider, though is not bound by, the ethical standards for psychologists promulgated by recognized national psychology associations.

(8) Aiding or assisting another person in violating any provisions of this Act or the rules promulgated thereunder.

(9) Failing to provide, within 60 days, information in response to a written request made by the Department.

(10) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in a clinical psychologist's inability to practice with reasonable judgment, skill or safety.

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

(12) Directly or indirectly giving or receiving from any person, firm, corporation, association or partnership any fee, commission, rebate, or other form of compensation for any professional service not actually or personally rendered. Nothing in this paragraph (12) affects any bona fide independent contractor or employment arrangements among health care professionals, health facilities, health care providers, or other entities, except as otherwise prohibited by law. Any employment arrangements may include provisions for compensation, health insurance, pension, or other employment benefits for the provision of services within the scope of the licensee’s practice under this Act. Nothing in this paragraph (12) shall be construed to require an employment arrangement to receive professional fees for services rendered.

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

(14) Willfully making or filing false records or reports, including but not limited to, false records or reports filed with State agencies or departments.

(15) Physical illness, including but not limited to, deterioration through the aging process, mental illness or disability that results in the inability to practice the profession with reasonable judgment, skill and safety.

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

(17) Being named as a perpetrator in an indicated report by the Department of Children and Family Services pursuant to the Abused and Neglected Child Reporting Act, and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act.

(18) Violation of the Health Care Worker Self-Referral Act.

(19) Making a material misstatement in furnishing information to the Department, any other State or federal agency, or any other entity.

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(20) Failing to report to the Department any adverse judgment, settlement, or award arising from a liability claim related to an act or conduct similar to an act or conduct that would constitute grounds for action as set forth in this Section.

(21) Failing to report to the Department any adverse final action taken against a licensee or applicant by another licensing jurisdiction, including any other state or territory of the United States or any foreign state or country, or any peer review body, health care institution, professional society or association related to the profession, governmental agency, law enforcement agency, or court for an act or conduct similar to an act or conduct that would constitute grounds for disciplinary action as set forth in this Section.

(22) Prescribing, selling, administering, distributing, giving, or self-administering (A) any drug classified as a controlled substance (designated product) for other than medically accepted therapeutic purposes or (B) any narcotic drug.

(23) Violating state or federal laws or regulations relating to controlled substances, legend drugs, or ephedra as defined in the Ephedra Prohibition Act.

(24) Exceeding the terms of a collaborative agreement or the prescriptive authority delegated to a licensee by his or her collaborating physician or established under a written collaborative agreement.

The entry of an order by any circuit court establishing that any person holding a license under this Act is subject to involuntary admission or judicial admission as provided for in the Mental Health and Developmental Disabilities Code, operates as an automatic suspension of that license. That person may have his or her license restored only upon the determination by a circuit court that the patient is no longer subject to involuntary admission or judicial admission and the issuance of an order so finding and discharging the patient and upon the Board's recommendation to the Department that the license be restored. Where the circumstances so indicate, the Board may recommend to the Department that it require an examination prior to restoring any license so automatically suspended.

The Department shall may refuse to issue or may suspend the license of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of the tax

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penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

In enforcing this Section, the Department or Board upon a showing of a possible violation may compel any person licensed to practice under this Act, or who has applied for licensure or certification pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians or clinical psychologists shall be those specifically designated by the Department Board. The Board or the Department may order the examining physician or clinical psychologist to present testimony concerning this mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician or clinical psychologist. The person to be examined may have, at his or her own expense, another physician or clinical psychologist of his or her choice present during all aspects of the examination. Failure of any person to submit to a mental or physical examination, when directed, shall be grounds for suspension of a license until the person submits to the examination if the Department or Board finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Department or Board finds a person unable to practice because of the reasons set forth in this Section, the Department or Board may require that person to submit to care, counseling or treatment by physicians or clinical psychologists approved or designated by the Department Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling or treatment, the Board may recommend to the Department to file or the Department may file a complaint to immediately suspend, revoke or otherwise discipline the license of the person. Any person whose license was granted, continued, reinstated, renewed, disciplined or supervised subject to such terms, conditions or restrictions, and who fails to comply with such terms, conditions or restrictions, shall be referred to the Secretary for a determination as to whether the person shall have his or her license suspended immediately, pending a hearing by the Board.

In instances in which the Secretary immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Board within 15 days after the suspension and
completed without appreciable delay. The Board shall have the authority to review the subject person's record of treatment and counseling regarding the impairment, to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

A person licensed under this Act and affected under this Section shall be afforded an opportunity to demonstrate to the Board that he or she can resume practice in compliance with acceptable and prevailing standards under the provisions of his or her license.

(Source: P.A. 98-668, eff. 6-25-14.)

(225 ILCS 15/15.2)
(Section scheduled to be repealed on January 1, 2017)

Sec. 15.2. Administrative Procedure Act. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated herein as if all of the provisions of that Act were included in this Act, except that the provision of subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act that provides that at hearings the licensee has the right to show compliance with all lawful requirements for retention, or continuation or renewal of the license, is specifically excluded. For the purposes of this Act, the notice required under Section 10-25 of the Illinois Administrative Procedure Act is deemed sufficient when mailed to the last known address of a party.

(Source: P.A. 89-702, eff. 7-1-97.)

(225 ILCS 15/16) (from Ch. 111, par. 5366)
(Section scheduled to be repealed on January 1, 2017)

Sec. 16. Investigations; notice; hearing.
(a) The Department may investigate the actions of any applicant or of any person or persons holding or claiming to hold a license or registration under this Act.

(b) The Department shall, before disciplining an applicant or licensee, at least 30 days before the date set for the hearing, (i) notify the accused in writing of the charges made and the time and place for the hearing on the charges, (ii) direct him or her to file a written answer to the charges under oath within 20 days after service, and (iii) inform the applicant or licensee that failure to answer will result in a default being entered against the applicant or licensee.

(c) At the time and place fixed in the notice, the Board or hearing officer appointed by the Secretary shall proceed to hear the charges, and the parties or their counsel shall be accorded ample opportunity to present any pertinent statements, testimony, evidence, and arguments. The
Board or hearing officer may continue the hearing from time to time. In case the person, after receiving the notice, fails to file an answer, his or her license may, in the discretion of the Secretary, having first received the recommendation of the Board, be suspended, revoked, or placed on probationary status, or be subject to whatever disciplinary action the Secretary considers proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without hearing, if the act or acts charged constitute sufficient grounds for that action under this Act.

(d) The written notice and any notice in the subsequent proceeding may be served by regular or certified mail to the applicant's or licensee's address of record. Licenses may be refused, revoked, or suspended in the manner provided by this Act and not otherwise. The Department may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts that if proven would constitute grounds for refusal to issue, suspend or revoke under this Act investigate the actions of any person applying for, holding or claiming to hold a license. The Department shall, before refusing to issue; renew, suspend or revoke any license or take other disciplinary action pursuant to Section 15 of this Act; and at least 30 days prior to the date set for the hearing, notify in writing the applicant for or the holder of such license of any charges made, shall afford such accused person an opportunity to be heard in person or by counsel in reference thereto, and direct the applicant or licensee to file a written answer to the Board under oath within 20 days after the service of the notice and inform the applicant or licensee that failure to file an answer will result in default being taken against the applicant or licensee and that the license or certificate may be suspended; revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature or extent of practice, as the Secretary may deem proper. Written notice may be served by delivery of the same personally to the accused person, or by mailing the same by certified mail to his or her last known place of residence or to the place of business last theretofore specified by the accused person in his or her last notification to the Department. In case the person fails to file an answer after receiving notice, his or her license or certificate may, in the discretion of the Department, be suspended, revoked, or placed on probationary status; or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for that action under this Act.
constitute sufficient grounds for such action under this Act. At the time and place fixed in the notice, the Board shall proceed to hearing of the charges and both the accused person and the complainant shall be accorded ample opportunity to present, in person or by counsel, any statements, testimony, evidence and arguments as may be pertinent to the charges or to their defense. The Board may continue such hearing from time to time. If the Board shall not be sitting at the time and place fixed in the notice or at the time and place to which the hearing shall have been continued, the Department shall continue such hearing for a period not to exceed 30 days.

(Source: P.A. 94-870, eff. 6-16-06.)

(225 ILCS 15/16.1)

(Section scheduled to be repealed on January 1, 2017)

Sec. 16.1. Appointment of hearing officer. Notwithstanding any other provision of this Act, the Secretary shall have the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue, renew or discipline a license. The hearing officer shall have full authority to conduct the hearing. The hearing officer shall report his or her findings of fact, conclusions of law, and recommendations to the Board and the Secretary. The Board shall have 60 days after receipt of the report to review the report of the hearing officer and to present its findings of fact, conclusions of law and recommendations to the Secretary. If the Board fails to present its report within the 60 day period, the Secretary may issue an order based on the report of the hearing officer. If the Secretary disagrees with the recommendations of the Board or hearing officer, the Secretary may issue an order in contravention of the Board’s report. The Secretary shall promptly provide a written explanation to the Board on any such disagreement.

(Source: P.A. 94-870, eff. 6-16-06.)

(225 ILCS 15/19) (from Ch. 111, par. 5369)

(Section scheduled to be repealed on January 1, 2017)

Sec. 19. Record of proceedings; transcript. The Department, at its expense, shall preserve a record of all proceedings at any formal hearing of any case. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board and the orders of the Department shall be the record of the proceedings. The Department shall furnish a copy transcript of the record to any person upon payment of the...
fee required under Section 2105-115 of the Department of Professional
Regulation Law (20 ILCS 2105/2105-115).
(Source: P.A. 91-239, eff. 1-1-00.)
(225 ILCS 15/20) (from Ch. 111, par. 5370)
(Section scheduled to be repealed on January 1, 2017)
Sec. 20. Hearing Report; motion for rehearing.
(a) The Board or the hearing officer appointed by the Secretary
shall hear evidence in support of the formal charges and evidence
produced by the licensee. At the conclusion of the hearing, the Board shall
present to the Secretary a written report of its findings of fact, conclusions
of law, and recommendations.
(b) At the conclusion of the hearing, a copy of the Board or
hearing officer's report shall be served upon the applicant or licensee by
the Department, either personally or as provided in this Act for the service
of a notice of hearing. Within 20 calendar days after service, the applicant
or licensee may present to the Department a motion in writing for a
rehearing, which shall specify the particular grounds for rehearing. The
Department may respond to the motion for rehearing within 20 calendar
days after its service on the Department. If no motion for rehearing is
filed, then upon the expiration of the time specified for filing such motion,
or upon denial of a motion for rehearing, the Secretary may enter an
order in accordance with the recommendation of the Board or hearing
officer. If the applicant or licensee orders from the reporting service and
pays for a transcript of the record within the time for filing a motion for
rehearing, the 20-day period within which a motion may be filed shall
commence upon the delivery of the transcript to the applicant or licensee.
(c) If the Secretary disagrees in any regard with the report of the
Board, the Secretary may issue an order contrary to the report.
(d) Whenever the Secretary is not satisfied that substantial justice
has been done, the Secretary may order a rehearing by the same or
another hearing officer.
(e) At any point in any investigation or disciplinary proceeding
provided for in this Act, both parties may agree to a negotiated consent
order. The consent order shall be final upon signature of the Secretary.
(f) Any fine imposed shall be payable within 60 days after the
effective date of the order imposing the fine. The Board shall present to the
Secretary its written report of its findings and recommendations. A copy of
such report shall be served upon the applicant or licensee, either personally
or by certified mail. Within 20 days after such service, the applicant or

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licensee may present to the Department a motion in writing for a rehearing, that shall specify the particular grounds for the rehearing. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon such denial, the Secretary may enter an order in accordance with recommendations of the Board, except as provided in Section 16.1 of this Act. If the applicant or licensee requests and pays for a transcript of the record within the time for filing a motion for rehearing, the 20 day period within which a motion may be filed shall commence upon the delivery of the transcript.

(Source: P.A. 94-870, eff. 6-16-06.)

(225 ILCS 15/21) (from Ch. 111, par. 5371)

Sec. 21. Restoration of license. At any time after the suspension or revocation of any license, the Department may restore it to the licensee upon the written recommendation of the Board unless after an investigation and hearing the Board or Department determines that restoration is not in the public interest. Where circumstances of suspension or revocation so indicate, the Department may require an examination of the accused person prior to restoring his or her license.

(Source: P.A. 89-702, eff. 7-1-97.)

(225 ILCS 15/23) (from Ch. 111, par. 5373)

Sec. 23. Certification of record. The Department shall not be required to certify any record to the court, file any answer in court or otherwise appear in any court in a judicial review proceeding, unless and until the Department has received from the plaintiff there is filed in the court with the complaint a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record, which costs shall be determined by the Department. Failure on the part of the plaintiff to file a receipt in court shall be grounds for dismissal of the action.

(Source: P.A. 89-702, eff. 7-1-97.)

(225 ILCS 15/15.4 rep.)

Section 15. The Clinical Psychologist Licensing Act is amended by repealing Section 15.4.

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

Approved July 15, 2016.

New matter indicated by italics - deletions by strikeout
AN ACT concerning revenue.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Property Tax Code is amended by changing Section 9-245 as follows:

(35 ILCS 200/9-245)

Sec. 9-245. Return of books to board of review; counties of less than 3,000,000. In counties with less than 3,000,000 inhabitants, the chief county assessment officer shall on or before the third Monday in June of the assessment year, or on or before the 90th day following the certification of the final township assessment roll in the county, certified pursuant to Section 9-230 of this Code, whichever is later, return the assessment books to the board of review verified by affidavit, substantially in the following form:

State of Illinois)

)ss.

.......... County)

I,...., chief county assessment officer do solemnly swear that this book contains a correct and full list of all the property subject to taxation in ...., so far as I have been able to ascertain the same; and that the assessed value set down in the column opposite the descriptions of property is a just and equitable assessment under the law, to the best of my knowledge and belief; and that the footings of the columns and the accompanying tabular statement, are correct to the best of my knowledge and belief.

Dated ..........

(Source: P.A. 83-121; 88-455.)

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

Passed in the General Assembly May 19, 2016.

Approved July 15, 2016.

Effective July 15, 2016.
AN ACT concerning State government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Alcoholism and Other Drug Abuse and Dependency Act is amended by changing Section 40-10 as follows:

(20 ILCS 301/40-10)

Sec. 40-10. Treatment as a condition of probation.

(a) If a court has reason to believe that an individual who is charged with or convicted of a crime suffers from alcoholism or other drug addiction and the court finds that he is eligible to make the election provided for under Section 40-5, the court shall advise the individual that he or she may be sentenced to probation and shall be subject to terms and conditions of probation under Section 5-6-3 of the Unified Code of Corrections if he or she elects to submit to treatment and is accepted for treatment by a designated program. The court shall further advise the individual that:

(1) if he or she elects to submit to treatment and is accepted he or she shall be sentenced to probation and placed under the supervision of the designated program for a period not to exceed the maximum sentence that could be imposed for his conviction or 5 years, whichever is less.

(2) during probation he or she may be treated at the discretion of the designated program.

(3) if he or she adheres to the requirements of the designated program and fulfills the other conditions of probation ordered by the court, he or she will be discharged, but any failure to adhere to the requirements of the designated program is a breach of probation.

The court may certify an individual for treatment while on probation under the supervision of a designated program and probation authorities regardless of the election of the individual.

(b) If the individual elects to undergo treatment or is certified for treatment, the court shall order an examination by a designated program to determine whether he suffers from alcoholism or other drug addiction and is likely to be rehabilitated through treatment. The designated program shall report to the court the results of the examination and recommend
whether the individual should be placed for treatment. If the court, on the basis of the report and other information, finds that such an individual suffers from alcoholism or other drug addiction and is likely to be rehabilitated through treatment, the individual shall be placed on probation and under the supervision of a designated program for treatment and under the supervision of the proper probation authorities for probation supervision unless, giving consideration to the nature and circumstances of the offense and to the history, character and condition of the individual, the court is of the opinion that no significant relationship exists between the addiction or alcoholism of the individual and the crime committed, or that his imprisonment or periodic imprisonment is necessary for the protection of the public, and the court specifies on the record the particular evidence, information or other reasons that form the basis of such opinion. However, under no circumstances shall the individual be placed under the supervision of a designated program for treatment before the entry of a judgment of conviction.

(c) If the court, on the basis of the report or other information, finds that the individual suffering from alcoholism or other drug addiction is not likely to be rehabilitated through treatment, or that his addiction or alcoholism and the crime committed are not significantly related, or that his imprisonment or periodic imprisonment is necessary for the protection of the public, the court shall impose sentence as in other cases. The court may require such progress reports on the individual from the probation officer and designated program as the court finds necessary. No individual may be placed under treatment supervision unless a designated program accepts him for treatment.

(d) Failure of an individual placed on probation and under the supervision of a designated program to observe the requirements set down by the designated program shall be considered a probation violation. Such failure shall be reported by the designated program to the probation officer in charge of the individual and treated in accordance with probation regulations.

(e) Upon successful fulfillment of the terms and conditions of probation the court shall discharge the person from probation. If the person has not previously been convicted of any felony offense and has not previously been granted a vacation of judgment under this Section, upon motion, the court shall vacate the judgment of conviction and dismiss the criminal proceedings against him unless, having considered the nature and circumstances of the offense and the history, character and condition of the

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individual, the court finds that the motion should not be granted. Unless good cause is shown, such motion to vacate must be filed at any time from the date of the entry of the judgment to a date that is not more than 60 days after the discharge of the probation.

(Source: P.A. 91-663, eff. 12-22-99.)

Passed in the General Assembly May 12, 2016.
Approved July 15, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0575
(Senate Bill No. 2611)

AN ACT concerning revenue.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Estate and Generation-Skipping Transfer Tax Act is amended by changing Section 6 as follows:

(35 ILCS 405/6) (from Ch. 120, par. 405A-6)
Sec. 6. Returns and payments.
(a) Due Dates. The Illinois transfer tax shall be paid and the Illinois transfer tax return shall be filed on the due date or dates, respectively, including extensions, for paying the federal transfer tax and filing the related federal return.

(b) Installment payments and deferral. In the event that any portion of the federal transfer tax is deferred or to be paid in installments under the provisions of the Internal Revenue Code, the portion of the Illinois transfer tax which is subject to deferral or payable in installments shall be determined by multiplying the Illinois transfer tax by a fraction, the numerator of which is the gross value of the assets included in the transferred property having a tax situs in this State and which give rise to the deferred or installment payment under the Internal Revenue Code, and the denominator of which is the gross value of all assets included in the transferred property having a tax situs in this State. Deferred payments and installment payments, with interest, shall be paid at the same time and in the same manner as payments of the federal transfer tax are required to be made under the applicable Sections of the Internal Revenue Code, provided that the rate of interest on unpaid amounts of Illinois transfer tax shall be determined under this Act. Acceleration of payment under this

New matter indicated by italics - deletions by strikeout
Section shall occur under the same circumstances and in the same manner as provided in the Internal Revenue Code.

(c) Who shall file and pay. The Illinois transfer tax return (including any supplemental or amended return) shall be filed, and the Illinois transfer tax (including any additional tax that may become due) shall be paid by the same person or persons, respectively, who are required to pay the federal transfer tax and file the federal return, or who would have been required to pay a federal transfer tax and file a federal return if a federal transfer tax were due.

(d) Where to file return. The executed Illinois transfer tax return shall be filed with the Attorney General. In addition, for payments made prior to July 1, 2012, a copy of the Illinois transfer tax return shall be filed with the county treasurer to whom the Illinois transfer tax is paid, determined under subsection (e) of this Section, and, for payments made on or after July 1, 2012, a copy of the Illinois transfer tax return shall be filed with the State Treasurer.

(e) Where to pay tax. The Illinois transfer tax shall be paid according to the following rules:

(1) Illinois Estate Tax. Prior to July 1, 2012, the Illinois estate tax shall be paid to the treasurer of the county in which the decedent was a resident on the date of the decedent's death or, if the decedent was not a resident of this State on the date of death, the county in which the greater part, by gross value, of the transferred property with a tax situs in this State is located.

(2) Illinois Generation-Skipping Transfer Tax. Prior to July 1, 2012, the Illinois generation-skipping transfer tax involving transferred property from or in a resident trust shall be paid to the county treasurer for the county in which the grantor resided at the time the trust became irrevocable (in the case of an inter vivos trust) or the county in which the decedent resided at death (in the case of a trust created by the will of a decedent). In the case of an Illinois generation-skipping transfer tax involving transferred property from or in a non-resident trust, the Illinois generation-skipping transfer tax shall be paid to the county treasurer for the county in which the greater part, by gross value, of the transferred property with a tax situs in this State is located.

(3) Payments on or after July 1, 2012. On or after July 1, 2012, both the Illinois estate tax and the Illinois generation-skipping transfer tax shall be paid directly to the State Treasurer.

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(f) Forms; confidentiality. The Illinois transfer tax return shall be in all respects in the manner and form prescribed by the regulations of the Attorney General. At the same time the Illinois transfer tax return is filed, the person required to file shall also file with the Attorney General a copy of the related federal return. For individuals dying after December 31, 2005, in cases where no federal return is required to be filed, the person required to file an Illinois return shall also file with the Attorney General schedules of assets in the manner and form prescribed by the Attorney General. The Illinois transfer tax return and the copy of the federal return filed with the Attorney General, the county treasurer, or the State Treasurer shall be confidential, and the Attorney General, each county treasurer, and the State Treasurer and all of their assistants or employees are prohibited from divulging in any manner any of the contents of those returns, except only in a proceeding instituted under the provisions of this Act.

(g) County Treasurer shall accept payment. Prior to July 1, 2012, no county treasurer shall refuse to accept payment of any amount due under this Act on the grounds that the county treasurer has not yet received a copy of the appropriate Illinois transfer tax return.

(h) Beginning July 1, 2012, the State Treasurer shall not refuse to accept payment of any amount due under this Act on the grounds that the State Treasurer has not yet received a copy of the appropriate Illinois transfer tax return.

(Source: P.A. 97-732, eff. 6-30-12.)

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

Passed in the General Assembly May 12, 2016.
Approved July 15, 2016.
Effective July 15, 2016.
Sec. 2. For the purposes of this Act, the following words have the meanings ascribed to them in this Section.

(a) "Advisory Committee" means the 21st Century Workforce Development Fund Advisory Committee, established under the 21st Century Workforce Development Fund Act.

(b) "Coordinator" means the Illinois Emergency Employment Development Coordinator appointed under Section 3.

(c) "Department" means the Illinois Department of Commerce and Economic Opportunity.

(d) "Director" means the Director of Commerce and Economic Opportunity.

(e) "Eligible business" means a for-profit business.

(f) "Eligible employer" means an eligible nonprofit agency, or an eligible business.

(g) "Eligible job applicant" means a person who (1) has been a resident of this State for at least one year; and (2) is unemployed; and (3) is not receiving and is not qualified to receive unemployment compensation or workers' compensation; and (4) is determined by the employment administrator to be likely to be available for employment by an eligible employer for the duration of the job.

(h) "Eligible nonprofit agency" means an organization exempt from taxation under the Internal Revenue Code of 1954, Section 501(c)(3).

(i) "Employment administrator" means the administrative entity designated by the Coordinator, and approved by the Advisory Committee, to administer the provisions of this Act in each service delivery area. With approval of the Advisory Committee, the Coordinator may designate an administrative entity authorized under the Workforce Investment Act or private, public, or non-profit entities that have proven effectiveness in providing training, workforce development, and job placement services to low-income individuals.

(j) "Fringe benefits" means all non-salary costs for each person employed under the program, including, but not limited to, workers compensation, unemployment insurance, and health benefits, as would be provided to non-subsidized employees performing similar work.

(k) "Household" means a group of persons living at the same residence consisting of, at a maximum, spouses and the minor children of each.

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(l) "Program" means the Illinois Emergency Employment Development Program created by this Act consisting of new job creation in the private sector.

(m) "Service delivery area" means an area designated as a Local Workforce Investment Area by the State.

(n) "Workforce Investment Act" means the federal Workforce Investment Act of 1998, any amendments to that Act, and any other applicable federal statutes.

(Source: P.A. 97-581, eff. 8-26-11.)

(20 ILCS 630/9) (from Ch. 48, par. 2409)

Sec. 9. Eligible businesses.

(a) A business employer is an eligible employer if it enters into a written contract, signed and subscribed to under oath, with the employment administrator for its service delivery area containing assurances that:

(1) funds received by a business shall be used only as permitted under the program;

(2) the business has submitted a plan to the employment administrator (A) describing the duties and proposed compensation of each employee proposed to be hired under the program; and (B) demonstrating that with the funds provided under the program the business is likely to succeed and continue to employ persons hired under the program;

(3) the business will use funds exclusively for compensation and fringe benefits of eligible job applicants and will provide employees hired with these funds with fringe benefits and other terms and conditions of employment comparable to those provided to other employees of the business who do comparable work;

(4) the funds are necessary to allow the business to begin, or to employ additional people, but not to fill positions which would be filled even in the absence of funds from this program;

(5) the business will cooperate with the coordinator in collecting data to assess the result of the program; and

(6) the business is in compliance with all applicable affirmative action, fair labor, health, safety, and environmental standards.

New matter indicated by italics - deletions by strikeout
(b) In allocating funds among eligible businesses, the employment administrator shall give priority to businesses which best satisfy the following criteria:

1. have a high potential for growth and long-term job creation;
2. are labor intensive;
3. make high use of local and State resources;
4. are under ownership of women and minorities;
4.5 meet the definition of a small business as defined in Section 5 of the Small Business Advisory Act;
4.10 produce energy conserving materials or services or are involved in development of renewable sources of energy;
5. have their primary places of business in the State; and
6. intend to continue the employment of the eligible applicant for at least 6 months of unsubsidized employment.

(c) (Blank).

(d) A business receiving funds under this program shall repay 70% of the amount received for each eligible job applicant employed who does not continue in the employment of the business for at least 6 months beyond the subsidized period unless the employer dismisses an employee for good cause and works with the Employment Administrator to employ and train another person referred by the Employment Administrator. The Employment Administrator shall forward payments received under this subsection to the Coordinator on a monthly basis. The Coordinator shall deposit these payments into the Illinois 21st Century Workforce Development Fund.

(Source: P.A. 97-581, eff. 8-26-11; 97-813, eff. 7-13-12.)

20 ILCS 630/11
Sec. 11. Illinois 21st Century Workforce Development Fund Advisory Committee.

(a) The 21st Century Workforce Development Fund Advisory Committee; established under this Act as a continuation of the Advisory Committee created under the 21st Century Workforce Development Fund Act (now repealed) is continued under this Act. The Advisory Committee shall provide oversight to the Illinois Emergency Employment Development program. The Department is responsible for the administration and staffing of the Advisory Committee.

(b) The Advisory Committee shall meet at the call of the Coordinator to do the following:

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(1) establish guidelines for the selection of Employment Administrators;
(2) review recommendations of the Coordinator and approve final selection of Employment Administrators;
(3) develop guidelines for the emergency employment development plans to be created by each Employment Administrator;
(4) review the emergency employment development plan submitted by the Employment Administrator of each service delivery area and approve satisfactory plans;
(5) ensure that the program is widely marketed to employers and eligible job seekers;
(6) set policy regarding disbursement of program funds; and
(7) review program quarterly reports and make recommendations for program improvements as needed.

(c) Membership. The Advisory Committee shall consist of 21 persons. Co-chairs shall be appointed by the Governor with the requirement that one come from the public and one from the private sector.

(d) Eleven members shall be appointed by the Governor, and any of the 11 members appointed by the Governor may fill more than one of the following required categories:

(i) Four must be from communities outside of the City of Chicago.
(ii) At least one must be a member of a local workforce investment board (LWIB) in his or her community.
(iii) At least one must represent organized labor.
(iv) At least one must represent business or industry.
(v) At least one must represent a non-profit organization that provides workforce development or job training services.
(vi) At least one must represent a non-profit organization involved in workforce development policy, analysis, or research.
(vii) At least one must represent a non-profit organization involved in environmental policy, advocacy, or research.
(viii) At least one must represent a group that advocates for individuals with barriers to employment, including at-risk youth, formerly incarcerated individuals, and individuals living in poverty.

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(e) The other 10 members shall be the following:

(i) The Director of Commerce and Economic Opportunity, or his or her designee who oversees workforce development services.

(ii) The Secretary of Human Services, or his or her designee who oversees human capital services.

(iii) The Director of Corrections, or his or her designee who oversees prisoner re-entry services.

(iv) The Director of the Environmental Protection Agency, or his or her designee who oversees contractor compliance.

(v) The Chairman of the Illinois Community College Board, or his or her designee who oversees technical and career education.

(vi) A representative of the Illinois Community College Board involved in energy education and sustainable practices, designated by the Board.

(vii) Four State legislators, one designated by the President of the Senate, one designated by the Speaker of the House, one designated by the Senate Minority Leader, and one designated by the House Minority Leader.

(f) Appointees under subsection (d) shall serve a 2-year term and are eligible to be re-appointed one time. Members under subsection (e) shall serve ex officio or at the pleasure of the designating official, as applicable.

(Source: P.A. 97-581, eff. 8-26-11.)

Section 5-10. The High Speed Internet Services and Information Technology Act is amended by changing Section 20 as follows:

(20 ILCS 661/20)

Sec. 20. Duties of the enlisted nonprofit organization.

(a) The high speed Internet deployment strategy and demand creation initiative to be performed by the nonprofit organization shall include, but not be limited to, the following actions:

(1) Create a geographic statewide inventory of high speed Internet service and other relevant broadband and information technology services. The inventory shall:

   (A) identify geographic gaps in high speed Internet service through a method of GIS mapping of service availability and GIS analysis at the census block level;

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(B) provide a baseline assessment of statewide high speed Internet deployment in terms of percentage of Illinois households with high speed Internet availability; and

(C) collect from Facilities-based Providers of Broadband Connections to End User Locations the information provided pursuant to the agreements entered into with the non-profit organization as of the effective date of this amendatory Act of the 96th General Assembly or similar information from Facilities-based Providers of Broadband Connections to End User Locations that do not have the agreements on said date.

For the purposes of item (C), "Facilities-based Providers of Broadband Connections to End User Locations" shall have the same meaning as that term is defined in Section 13-407 of the Public Utilities Act.

(2) Track and identify, through customer interviews and surveys and other publicly available sources, statewide residential and business adoption of high speed Internet, computers, and related information technology and any barriers to adoption.

(3) Build and facilitate in each county or designated region a local technology planning team with members representing a cross section of the community, including, but not limited to, representatives of business, K-12 education, health care, libraries, higher education, community-based organizations, local government, tourism, parks and recreation, and agriculture. Each team shall benchmark technology use across relevant community sectors, set goals for improved technology use within each sector, and develop a plan for achieving its goals, with specific recommendations for online application development and demand creation.

(4) Collaborate with high speed Internet providers and technology companies to encourage deployment and use, especially in underserved areas, by aggregating local demand, mapping analysis, and creating market intelligence to improve the business case for providers to deploy.

(5) Collaborate with the Department in developing a program to increase computer ownership and broadband access for disenfranchised populations across the State. The program may include grants to local community technology centers that provide

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technology training, promote computer ownership, and increase broadband access.

(6) Collaborate with the Department and the Illinois Commerce Commission regarding the collection of the information required by this Section to assist in monitoring and analyzing the broadband markets and the status of competition and deployment of broadband services to consumers in the State, including the format of information requested, provided the Commission enters into the proprietary and confidentiality agreements governing such information.

(b) The nonprofit organization may apply for federal grants consistent with the objectives of this Act.

(c) (Blank). The Department of Commerce and Economic Opportunity shall use the funds in the High Speed Internet Services and Information Technology Fund to (1) provide grants to the nonprofit organization enlisted under this Act and (2) for any costs incurred by the Department to administer this Act.

(d) The nonprofit organization shall have the power to obtain or to raise funds other than the grants received from the Department under this Act.

(e) The nonprofit organization and its Board of Directors shall exist separately and independently from the Department and any other governmental entity, but shall cooperate with other public or private entities it deems appropriate in carrying out its duties.

(f) Notwithstanding anything in this Act or any other Act to the contrary, any information that is designated confidential or proprietary by an entity providing the information to the nonprofit organization or any other entity to accomplish the objectives of this Act shall be deemed confidential, proprietary, and a trade secret and treated by the nonprofit organization or anyone else possessing the information as such and shall not be disclosed.

(g) The nonprofit organization shall provide a report to the Commission on Government Forecasting and Accountability on an annual basis for the first 3 complete State fiscal years following its enlistment.

(Source: P.A. 95-684, eff. 10-19-07; 96-927, eff. 6-15-10.)

(20 ILCS 661/30 rep.)

Section 5-15. The High Speed Internet Services and Information Technology Act is amended by repealing Section 30.

(20 ILCS 2310/2310-260 rep.)

New matter indicated by italics - deletions by strikeout
Section 5-20. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by repealing Section 2310-260.

Section 5-25. The Department of Veterans Affairs Act is amended by changing Section 2 as follows:

(20 ILCS 2805/2) (from Ch. 126 1/2, par. 67)

Sec. 2. Powers and duties. The Department shall have the following powers and duties:

To perform such acts at the request of any veteran, or his or her spouse, surviving spouse or dependents as shall be reasonably necessary or reasonably incident to obtaining or endeavoring to obtain for the requester any advantage, benefit or emolument accruing or due to such person under any law of the United States, the State of Illinois or any other state or governmental agency by reason of the service of such veteran, and in pursuance thereof shall:

(1) Contact veterans, their survivors and dependents and advise them of the benefits of state and federal laws and assist them in obtaining such benefits;

(2) Establish field offices and direct the activities of the personnel assigned to such offices;

(3) Create and maintain a volunteer field force; the volunteer field force may include representatives from the following without limitation: educational institutions, labor organizations, veterans organizations, employers, churches, and farm organizations; the volunteer field force may not process federal veterans assistance claims;

(4) Conduct informational and training services;

(5) Conduct educational programs through newspapers, periodicals, social media, television, and radio for the specific purpose of disseminating information affecting veterans and their dependents;

(6) Coordinate the services and activities of all state departments having services and resources affecting veterans and their dependents;

(7) Encourage and assist in the coordination of agencies within counties giving service to veterans and their dependents;

(8) Cooperate with veterans organizations and other governmental agencies;

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(9) Make, alter, amend and promulgate reasonable rules and procedures for the administration of this Act;
(10) Make and publish annual reports to the Governor regarding the administration and general operation of the Department;
(11) (Blank); and
(12) (Blank).
The Department may accept and hold on behalf of the State, if for the public interest, a grant, gift, devise or bequest of money or property to the Department made for the general benefit of Illinois veterans, including the conduct of informational and training services by the Department and other authorized purposes of the Department. The Department shall cause each grant, gift, devise or bequest to be kept as a distinct fund and shall invest such funds in the manner provided by the Public Funds Investment Act, as now or hereafter amended, and shall make such reports as may be required by the Comptroller concerning what funds are so held and the manner in which such funds are invested. The Department may make grants from these funds for the general benefit of Illinois veterans. Grants from these funds, except for the funds established under Sections 2.01a and 2.03, shall be subject to appropriation.

The Department has the power to make grants, from funds appropriated from the Korean War Veterans National Museum and Library Fund, to private organizations for the benefit of the Korean War Veterans National Museum and Library.

The Department has the power to make grants, from funds appropriated from the Illinois Military Family Relief Fund, for benefits authorized under the Survivors Compensation Act.
(Source: P.A. 99-314, eff. 8-7-15.)

(20 ILCS 2805/25 rep.)
Section 5-30. The Department of Veterans Affairs Act is amended by repealing Section 25.
(20 ILCS 3981/Act rep.)
Section 5-35. The Illinois Laboratory Advisory Committee Act is repealed.
(30 ILCS 105/5.438 rep.)
(30 ILCS 105/5.536 rep.)
(30 ILCS 105/5.554 rep.)
(30 ILCS 105/5.595 rep.)
(30 ILCS 105/5.624 rep.)

New matter indicated by italics - deletions by strikeout
Section 5-40. The State Finance Act is amended by repealing Sections 5.438, 5.536, 5.554, 5.595, 5.624, 5.651, 5.665, 5.696, 5.702, 5.721, 5.725, 5.744, 5.752, 5.784, 5.785, 5.793, 5.802, 6b-3, 6p-6, 6z-76, 6z-80, 6z-84, 6z-89, and 6z-90.

Section 5-45. The 21st Century Workforce Development Fund Act is repealed.

Section 5-50. The Illinois Income Tax Act is amended by repealing Sections 507W, 507UU, and 507VV.

Section 5-55. The 2016 Olympic and Paralympic Games Act is repealed.

Section 5-60. The Housing Authorities Act is amended by changing Section 32 as follows:

Sec. 32. An Authority created pursuant to this Act may be dissolved and its corporate status terminated in the following manner:

New matter indicated by italics - deletions by strikeout
whenever the commissioners of an Authority adopt a resolution to the effect that it has completed all projects undertaken by it, or that it has undertaken no project and has no project in contemplation, and that it has no other duties to perform in its area of operation, it shall submit a certified copy thereof to the governing body of the area of operation for which it was initially created. If the governing body concurs therein, it shall adopt an ordinance or resolution in support thereof and transmit a certified copy thereof, together with the certified copy of the resolution of the Authority, to the Department. The Department shall audit the financial records of the Authority and if the Authority has not been the recipient of funds from the State of Illinois, or if it has received such funds and fully expended the same in the exercise of its statutory powers, and if no judicial action is then pending in which the Authority, or the Commissioners thereof in their official capacity, is a party, and if the Authority is not a party to any unexecuted contract or agreement, oral or written, in which a monetary claim may be asserted against it by any person, firm or corporation, it shall issue a Certificate of Dissolution, attested by the Director of the Department, and file the same for record in the office of the recorder in the county in which the Authority is located.

If the Authority has in its possession or title public funds which are or have been derived from grants made by the State of Illinois, or any real or personal property acquired by such state funds, and if no judicial action is pending or contractual claims outstanding against such Authority as above provided, the Department shall require the Authority to transfer such funds to it, and to sell and liquidate its interest in such real or personal property at a fair value to be fixed by the Department and pay the proceeds thereof to the Department. Upon compliance with such direction, the Department shall issue, and file for recording, a Certificate of Dissolution in the manner above provided. All moneys received by the Department from the Authority shall forthwith be paid into the Housing Fund as provided in Section 46.1 of the "State Housing Act".

An Authority shall be deemed legally dissolved upon the filing of the Certificate of Dissolution in the Office of the recorder as herein provided. Such dissolution shall not affect or impair the validity of any deed of conveyance theretofore executed and delivered by the Authority. The dissolution of an Authority shall not be a bar to the establishment of a new Authority for the same area of operation in the manner provided by Section 3 of this Act.

(Source: P.A. 83-358.)

New matter indicated by italics - deletions by strikeout
Section 5-65. The Housing Development and Construction Act is amended by changing Section 9a as follows:

(310 ILCS 20/9a) (from Ch. 67 1/2, par. 61a)

Sec. 9a. In the event that any housing authority or land clearance commission has failed or refused to initiate any project or projects for which it has received grants of State funds under the provisions of this Act or "An Act to promote the improvement of housing," approved July 26, 1945, and the Department of Commerce and Economic Opportunity, upon the basis of an investigation, is convinced that such housing authority or land clearance commission is unable or unwilling to proceed thereon, the Department may direct the housing authority or land clearance commission to transfer to the Department the balance of the State funds then in the possession of such agency, and upon failure to do so within thirty days after such demand, the Department shall institute a civil action for the recovery thereof, which action shall be maintained by the Attorney General of the State of Illinois or the state's attorney of the county in which the housing authority or land clearance commission has its area of operation.

Any officer or member of any such housing authority or land clearance commission who refuses to comply with the demand of the Department of Commerce and Economic Opportunity for the transfer of State funds as herein provided shall be guilty of a Class A misdemeanor.

All State funds recovered by the Department of Commerce and Economic Opportunity pursuant to this section shall forthwith be paid into the State Housing Fund in the State Treasury.

(Source: P.A. 94-793, eff. 5-19-06.)

(315 ILCS 5/25a rep.)

Section 5-70. The Blighted Areas Redevelopment Act of 1947 is amended by repealing Section 25a.

Section 5-75. The Older Adult Services Act is amended by changing Section 30 as follows:

(320 ILCS 42/30)

Sec. 30. Nursing home conversion program.

(a) The Department of Public Health, in collaboration with the Department on Aging and the Department of Healthcare and Family Services, shall establish a nursing home conversion program. Start-up grants, pursuant to subsections (l) and (m) of this Section, shall be made available to nursing homes as appropriations permit as an incentive to

New matter indicated by italics - deletions by strikeout
reduce certified beds, retrofit, and retool operations to meet new service delivery expectations and demands.

(b) Grant moneys shall be made available for capital and other costs related to: (1) the conversion of all or a part of a nursing home to an assisted living establishment or a special program or unit for persons with Alzheimer's disease or related disorders licensed under the Assisted Living and Shared Housing Act or a supportive living facility established under Section 5-5.01a of the Illinois Public Aid Code; (2) the conversion of multi-resident bedrooms in the facility into single-occupancy rooms; and (3) the development of any of the services identified in a priority service plan that can be provided by a nursing home within the confines of a nursing home or transportation services. Grantees shall be required to provide a minimum of a 20% match toward the total cost of the project.

(c) Nothing in this Act shall prohibit the co-location of services or the development of multifunctional centers under subsection (f) of Section 20, including a nursing home offering community-based services or a community provider establishing a residential facility.

(d) A certified nursing home with at least 50% of its resident population having their care paid for by the Medicaid program is eligible to apply for a grant under this Section.

(e) Any nursing home receiving a grant under this Section shall reduce the number of certified nursing home beds by a number equal to or greater than the number of beds being converted for one or more of the permitted uses under item (1) or (2) of subsection (b). The nursing home shall retain the Certificate of Need for its nursing and sheltered care beds that were converted for 15 years. If the beds are reinstated by the provider or its successor in interest, the provider shall pay to the fund from which the grant was awarded, on an amortized basis, the amount of the grant. The Department shall establish, by rule, the bed reduction methodology for nursing homes that receive a grant pursuant to item (3) of subsection (b).

(f) Any nursing home receiving a grant under this Section shall agree that, for a minimum of 10 years after the date that the grant is awarded, a minimum of 50% of the nursing home's resident population shall have their care paid for by the Medicaid program. If the nursing home provider or its successor in interest ceases to comply with the requirement set forth in this subsection, the provider shall pay to the fund from which the grant was awarded, on an amortized basis, the amount of the grant.

New matter indicated by italics - deletions by strikeout
(g) Before awarding grants, the Department of Public Health shall seek recommendations from the Department on Aging and the Department of Healthcare and Family Services. The Department of Public Health shall attempt to balance the distribution of grants among geographic regions, and among small and large nursing homes. The Department of Public Health shall develop, by rule, the criteria for the award of grants based upon the following factors:

(1) the unique needs of older adults (including those with moderate and low incomes), caregivers, and providers in the geographic area of the State the grantee seeks to serve;
(2) whether the grantee proposes to provide services in a priority service area;
(3) the extent to which the conversion or transition will result in the reduction of certified nursing home beds in an area with excess beds;
(4) the compliance history of the nursing home; and
(5) any other relevant factors identified by the Department, including standards of need.

(h) A conversion funded in whole or in part by a grant under this Section must not:

(1) diminish or reduce the quality of services available to nursing home residents;
(2) force any nursing home resident to involuntarily accept home-based or community-based services instead of nursing home services;
(3) diminish or reduce the supply and distribution of nursing home services in any community below the level of need, as defined by the Department by rule; or
(4) cause undue hardship on any person who requires nursing home care.

(i) The Department shall prescribe, by rule, the grant application process. At a minimum, every application must include:

(1) the type of grant sought;
(2) a description of the project;
(3) the objective of the project;
(4) the likelihood of the project meeting identified needs;
(5) the plan for financing, administration, and evaluation of the project;
(6) the timetable for implementation;

New matter indicated by italics - deletions by strikeout
(7) the roles and capabilities of responsible individuals and organizations;
(8) documentation of collaboration with other service providers, local community government leaders, and other stakeholders, other providers, and any other stakeholders in the community;
(9) documentation of community support for the project, including support by other service providers, local community government leaders, and other stakeholders;
(10) the total budget for the project;
(11) the financial condition of the applicant; and
(12) any other application requirements that may be established by the Department by rule.

(j) A conversion project funded in whole or in part by a grant under this Section is exempt from the requirements of the Illinois Health Facilities Planning Act. The Department of Public Health, however, shall send to the Health Facilities and Services Review Board a copy of each grant award made under this Section.

(k) Applications for grants are public information, except that nursing home financial condition and any proprietary data shall be classified as nonpublic data.

(l) The Department of Public Health may award grants from the Long Term Care Civil Money Penalties Fund established under Section 1919(h)(2)(A)(ii) of the Social Security Act and 42 CFR 488.422(g) if the award meets federal requirements.

(m) (Blank). The Nursing Home Conversion Fund is created as a special fund in the State treasury. Moneys appropriated by the General Assembly or transferred from other sources for the purposes of this Section shall be deposited into the Fund. All interest earned on moneys in the fund shall be credited to the fund. Moneys contained in the fund shall be used to support the purposes of this Section:

(Source: P.A. 95-331, eff. 8-21-07; 96-31, eff. 6-30-09; 96-758, eff. 8-25-09; 96-1000, eff. 7-2-10.)

Section 5-80. The Illinois Prescription Drug Discount Program Act is amended by adding Sections 55 and 60 as follows:

(320 ILCS 55/55 new)
Sec. 55. Unexpended funds. Notwithstanding any other provision of law, in addition to any other transfers that may be provided by law, on July 1, 2016, or as soon thereafter as practical, the State Comptroller
shall direct and the State Treasurer shall transfer the remaining balance from the Illinois Prescription Drug Discount Program Fund into the General Revenue Fund. Upon completion of the transfers, the Illinois Prescription Drug Discount Program Fund is dissolved, and any future deposits due to that Fund and any outstanding obligations or liabilities of that Fund pass to the General Revenue Fund.

(320 ILCS 55/60 new)

Sec. 60. Repeal. This Act is repealed on October 1, 2016.

Section 5-85. The Cigarette Fire Safety Standard Act is amended by changing Section 45 as follows:

(425 ILCS 8/45)

Sec. 45. Penalties; Cigarette Fire Safety Standard Act Fund.

(a) Any manufacturer, wholesale dealer, agent, or other person or entity who knowingly sells cigarettes wholesale in violation of item (3) of subsection (a) of Section 10 of this Act shall be subject to a civil penalty not to exceed $10,000 for each sale of the cigarettes. Any retail dealer who knowingly sells cigarettes in violation of Section 10 of this Act shall be subject to the following: (i) a civil penalty not to exceed $500 for each sale or offer for sale of cigarettes, provided that the total number of cigarettes sold or offered for sale in such sale does not exceed 1,000 cigarettes; (ii) a civil penalty not to exceed $1,000 for each sale or offer for sale of the cigarettes, provided that the total number of cigarettes sold or offered for sale in such sale exceeds 1,000 cigarettes.

(b) In addition to any penalty prescribed by law, any corporation, partnership, sole proprietor, limited partnership, or association engaged in the manufacture of cigarettes that knowingly makes a false certification pursuant to Section 30 of this Act shall be subject to a civil penalty not to exceed $10,000 for each false certification.

(c) Upon discovery by the Office of the State Fire Marshal, the Department of Revenue, the Office of the Attorney General, or a law enforcement agency that any person offers, possesses for sale, or has made a sale of cigarettes in violation of Section 10 of this Act, the Office of the State Fire Marshal, the Department of Revenue, the Office of the Attorney General, or the law enforcement agency may seize those cigarettes possessed in violation of this Act.

(d) The Cigarette Fire Safety Standard Act Fund is established as a special fund in the State treasury. The Fund shall consist of all moneys recovered by the Attorney General from the assessment of civil penalties authorized by this Section. The moneys in the Fund shall, in addition to
any moneys made available for such purpose, be available, subject to
appropriation, to the Office of the State Fire Marshal for the purpose of
fire safety and prevention programs.

(e) Notwithstanding any other provision of law, in addition to any
other transfers that may be provided by law, on July 1, 2016, or as soon
thereafter as practical, the State Comptroller shall direct and the State
Treasurer shall transfer the remaining balance from the Cigarette Fire
Safety Standard Act Fund into the General Revenue Fund. Upon
completion of the transfers, the Cigarette Fire Safety Standard Act Fund is
dissolved, and any future deposits due to that Fund and any outstanding
obligations or liabilities of that Fund pass to the General Revenue Fund.
(Source: P.A. 94-775, eff. 1-1-08.)

(625 ILCS 5/12-601.2 rep.)

Section 5-90. The Illinois Vehicle Code is amended by repealing
Section 12-601.2.

Section 5-95. The Gang Crime Witness Protection Act of 2013 is
amended by changing Section 20 as follows:

(725 ILCS 173/20)

Sec. 20. Gang Crime Witness Protection Program Fund. There is
created in the State Treasury the Gang Crime Witness Protection Program
Fund into which shall be deposited appropriated funds, grants, or other
funds made available to the Illinois Criminal Justice Information Authority
to assist State's Attorneys and the Attorney General in protecting victims
and witnesses who are aiding in the prosecution of perpetrators of gang
crime, and appropriate related persons. Within 30 days after the effective
date of this Act, all moneys in the Gang Crime Witness Protection Fund
shall be transferred into the Gang Crime Witness Protection Program
Fund.
(Source: P.A. 98-58, eff. 7-8-13.)

ARTICLE 10.

MANDATE RELIEF

Section 10-5. The Family Farm Assistance Act is amended by
changing Section 25 as follows:

(20 ILCS 660/25) (from Ch. 5, par. 2725)

Sec. 25. Powers; duties. The Department has the following powers
and duties:

(a) The Department may establish and coordinate a Farm
Family Assistance Program.

New matter indicated by italics - deletions by strikeout
(b) The Department may establish guidelines to identify farmers, farm families, and farm workers who are eligible for the program.

c) The Department may identify and assess the needs of eligible farmers, farm families, and farm workers and may coordinate or provide reemployment services such as outreach, counseling, vocational assessment, classroom training, on-the-job training, job search assistance, placement, supportive services, and follow-up, so that the farmers may remain in farming or find other employment if farming is no longer an option.

(d) The Department may adopt, amend, or repeal such rules and regulations as may be necessary to administer this Act.

(Source: P.A. 87-170.)

(20 ILCS 3405/20 rep.)

Section 10-10. The Historic Preservation Agency Act is amended by repealing Section 20.

Section 10-15. The Local Legacy Act is amended by changing Section 15 as follows:

(20 ILCS 3988/15)

Sec. 15. The Local Legacy Board. The Local Legacy Board is created to administer the Program under this Act. The membership of the Board shall be composed of the Director of Natural Resources, the Director of Historic Preservation, and the Director of Agriculture, or their respective designees. The Board must choose a Chairperson to serve for 2 years on a rotating basis. All members must be present for the Board to conduct official business. The Departments must each furnish technical support to the Board.

The Board has those powers necessary to carry out the purposes of this Act, including, without limitation, the power to:

1. employ agents and employees necessary to carry out the purposes of this Act and fix their compensation, benefits, terms, and conditions of employment;

2. adopt, alter and use a corporate seal;

3. have an audit made of the accounts of any grantee or any person or entity that receives funding under this Act;

4. enforce the terms of any grant made under this Act, whether in law or equity, or by any other legal means;

5. prepare and submit a budget and request for appropriations for the necessary and contingent operating expenses of the Board; and

New matter indicated by italics - deletions by strikeout
(6) receive and accept, from any source, aid or contributions of money, property, labor, or other items of value for furtherance of any of its purposes, subject to any conditions not inconsistent with this Act or with the laws of this State pertaining to those contributions, including, but not limited to, gifts, guarantees, or grants from any department, agency, or instrumentality of the United States of America.

The Board must adopt any rules, regulations, guidelines, and directives necessary to implement the Act, including guidelines for designing inventories so that they will be compatible with each other.

The Board must submit a report to the General Assembly and the Governor by January 1, 2005 and every 2 years thereafter regarding progress made towards accomplishing the purposes of this Act, except that beginning on the effective date of this amendatory Act of the 99th General Assembly, the Board shall submit a report only if significant progress has been made since the previous report.

(Source: P.A. 93-328, eff. 1-1-04.)

(110 ILCS 935/4.08 rep.)

Section 10-20. The Family Practice Residency Act is amended by repealing Section 4.08.

ARTICLE 99.
SEVERABILITY; EFFECTIVE DATE

Section 99-97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

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

Passed in the General Assembly May 19, 2016.
Approved July 15, 2016.
Effective July 15, 2016.

PUBLIC ACT 99-0577
(Senate Bill No. 2783)

AN ACT concerning civil law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Uniform Disposition of Unclaimed Property Act is amended by changing Sections 8 and 8.1 as follows:

(765 ILCS 1025/8) (from Ch. 141, par. 108)

New matter indicated by italics - deletions by strikeout
Sec. 8. All funds and intangible personal property held for the owner by any court, public authority, or public officer of this State, or a political subdivision thereof, that has remained unclaimed by the owner for more than 5 years is presumed abandoned. This Section does not apply to deposits made to municipalities as a condition for the issuance of a building permit.
(Source: P.A. 90-167, eff. 7-23-97.)

Sec. 8.1. Property held by governments.
(a) All tangible personal property or intangible personal property and all debts owed or entrusted funds or other property held by any federal, state or local government or governmental subdivision, agency, entity, officer or appointee thereof, shall be presumed abandoned if the property has remained unclaimed for 5 years.
(b) This Section applies to all abandoned property held by any federal, state or local government or governmental subdivision, agency, entity, officer or appointee thereof, on the effective date of this amendatory Act of 1991 or at any time thereafter, regardless of when the property became or becomes presumptively abandoned.
(Source: P.A. 90-167, eff. 7-23-97; 91-357, eff. 7-29-99.)

Passed in the General Assembly May 12, 2016.
Approved July 15, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0578
(Senate Bill No. 2817)

AN ACT concerning public employee benefits.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Pension Code is amended by changing Sections 9-158, 9-166, and 9-179.2 and by adding Sections 9-108.3 and 9-241 as follows:

(40 ILCS 5/9-108.3 new)
Sec. 9-108.3. In service.
"In service": Any period during which contributions are being made to the Fund on behalf of an employee.
(40 ILCS 5/9-158) (from Ch. 108 1/2, par. 9-158)

New matter indicated by italics - deletions by strikeout
Sec. 9-158. Proof of disability, duty and ordinary. Proof of duty or ordinary disability shall be furnished to the board by at least one licensed and practicing physician appointed by the board, except that this requirement may be waived by the board for proof of duty disability if the employee has been compensated by the county for such disability or specific loss under the Workers' Compensation Act or Workers' Occupational Diseases Act. The physician requirement may also be waived by the board for ordinary disability maternity claims of up to 8 weeks. With respect to duty disability, satisfactory proof must be provided to the board that the final adjudication of the claim required under subsection (d) of Section 9-159 established that the disability or death resulted from an injury incurred in the performance of an act or acts of duty. The board may require other evidence of disability. Each disabled employee who receives duty or ordinary disability benefit shall be examined at least once a year by one or more licensed and practicing physicians appointed by the board. When the disability ceases, the board shall discontinue payment of the benefit and the employee shall be returned to active service.

(Source: P.A. 95-1036, eff. 2-17-09.)

(40 ILCS 5/9-166) (from Ch. 108 1/2, par. 9-166)

Sec. 9-166. Refunds - When paid to beneficiary, children or estate. Whenever the total amount accumulated to the account of a deceased employee from employee contributions for annuity purposes, and from employee contributions applied to any county pension fund superseded by this fund, have not been paid to him, and in the case of a married male employee to the employee and his widow together, in form of annuity or refund before the death of the last of such persons, a refund shall be payable as follows:

An amount equal to the excess of such amounts over the amounts paid on any annuity or annuities or refund, without interest upon either of such amounts, shall be refunded to a beneficiary theretofore designated by the employee in writing, signed by him before an officer authorized to administer oaths, and filed with the board before the employee's death.

If there is no designated beneficiary or the beneficiary does not survive the employee, the amount shall be refunded to the employee's children, in equal parts with the children of a deceased child taking the share of their parent. If there is no designated beneficiary or children, the refund shall be paid to the administrator or executor of the employee's estate.

New matter indicated by italics - deletions by strikeout
If an administrator or executor of the estate has not been appointed within 90 days from the date the refund became payable the refund may be applied in the discretion of the board toward the payment of the employee's burial expenses. Any remaining balance shall be paid to the heirs of the employee according to the law of descent and distribution of this state but assuming for the purpose of such payment of refund and determination of heirs that the deceased male employee left no widow surviving in those cases where a widow eligible for widow's annuity as his widow survived him and subsequently died; provided,

(a) that if any child or children of the employee are less than age 18, such part or all of any such amount necessary to pay annuities to them shall not be refunded as hereinbefore stated; and provided further,

(b) that if a reversionary annuity becomes payable as provided in Section 9-135 such refund shall not be paid until the death of the reversionary annuitant, and the refund otherwise payable under this section shall then first further be reduced by the total amount of the reversionary annuity paid.

(Source: P.A. 95-369, eff. 8-23-07.)

(40 ILCS 5/9-179.2) (from Ch. 108 1/2, par. 9-179.2)

Sec. 9-179.2. Other governmental service-Former County Service. Any employee who first becomes a contributor before the effective date of this amendatory Act of the 99th General Assembly, who has rendered service to any "governmental unit" as such term is defined in the "Retirement Systems Reciprocal Act" under Article 20 of the Illinois Pension Code, who did not contribute to the retirement system of such "governmental unit", including the retirement system created by this Article 9 of the Illinois Pension code, for such service because of ineligibility for participation and has no equity or rights in such retirement system because of such service shall be given credit for such service in this fund, provided:

(a) The employee shall pay to this fund, while in the service of such county, or while in the service of a governmental unit whose retirement system has adopted the "Retirement Systems Reciprocal Act", such amounts, including interest at the effective rate, as he would have paid to this fund, on the basis of his salary in effect during the service rendered to such other "governmental unit" at the rates prescribed in this Article 9 for the periods of such service to the end that such service shall be considered as service rendered to such county, with all the rights and

New matter indicated by italics - deletions by strikeout
conditions attaching to such service and payments; and (b) this Section shall not be applicable to any period of such service for which the employee retains credit in any other public annuity and benefit fund established by Act of the Legislature of this State and in operation for employees of such other "governmental unit" from which such employee was transferred.

(Source: P.A. 90-655, eff. 7-30-98.)

(40 ILCS 5/9-241 new)

Sec. 9-241. Mistake in benefit. If the Fund mistakenly sets any benefit at an incorrect amount, it shall recalculate the benefit as soon as may be practicable after the mistake is discovered.

If the benefit was mistakenly set too low, the Fund shall make a lump sum payment to the recipient of an amount equal to the difference between the benefits that should have been paid and those actually paid, without interest.

If the benefit was mistakenly set too high, the Fund may recover the amount overpaid from the recipient thereof, either directly or by deducting such amount from the remaining benefits payable to the recipient, without interest. If the overpayment is recovered by deductions from the remaining benefits payable to the recipient, the monthly deduction shall not exceed 10% of the corrected monthly benefit unless otherwise indicated by the recipient. However, if (1) the amount of the benefit was mistakenly set too high, and (2) the error was undiscovered for 3 years or longer, and (3) the error was not the result of incorrect information supplied by the employer, the affected participant, or any beneficiary, then upon discovery of the mistake the benefit shall be adjusted to the correct level, but the recipient of the benefit need not repay to the Fund the excess amounts received in error.

This Section applies to all mistakes in benefit calculations that occur before, on, or after the effective date of this amendatory Act of the 99th General Assembly.

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

Passed in the General Assembly May 19, 2016.
Approved July 15, 2016.
Effective July 15, 2016.

New matter indicated by italics - deletions by strikeout
AN ACT concerning revenue.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Property Tax Code is amended by changing Section 16-55 as follows:

(35 ILCS 200/16-55)

Sec. 16-55. Complaints.

(a) On written complaint that any property is overassessed or underassessed, the board shall review the assessment, and correct it, as appears to be just, but in no case shall the property be assessed at a higher percentage of fair cash value than other property in the assessment district prior to equalization by the board or the Department.

(b) The board shall include compulsory sales in reviewing and correcting assessments, including, but not limited to, those compulsory sales submitted by the complainant, if the board determines that those sales reflect the same property characteristics and condition as those originally used to make the assessment. The board shall also consider whether the compulsory sale would otherwise be considered an arm's length transaction.

(c) If a complaint is filed by an attorney on behalf of a complainant, all notices and correspondence from the board relating to the appeal shall be directed to the attorney. The board may require proof of the attorney's authority to represent the taxpayer. If the attorney fails to provide proof of authority within the compliance period granted by the board pursuant to subsection (d), the board may dismiss the complaint. The Board shall send, electronically or by mail, notice of the dismissal to the attorney and complainant.

(d) A complaint to affect the assessment for the current year shall be filed on or before 30 calendar days after the date of publication of the assessment list under Section 12-10. Upon receipt of a written complaint that is timely filed under this Section, the board of review shall docket the complaint. If the complaint does not comply with the board of review rules adopted under Section 9-5 entitling the complainant to a hearing, the board shall send, electronically or by mail, notification acknowledging receipt of the complaint. The notification must identify which rules have not been complied with and provide the complainant with not less than 10 business
days to bring the complaint into compliance with those rules. If the complainant complies with the board of review rules either upon the initial filing of a complaint or within the time as extended by the board of review for compliance, then the board of review shall send, electronically or by mail, a notice of hearing and the board shall hear the complaint and shall issue and send, electronically or by mail, a decision upon resolution. Except as otherwise provided in subsection (c), if the complainant has not complied with the rules within the time as extended by the board of review, the board shall nonetheless issue and send a decision. The board of review may adopt rules allowing any party to attend and participate in a hearing by telephone or electronically.

(d-5) Complaints and other written correspondence sent by the United States mail shall be considered filed as of the postmark date in accordance with Section 1.25 of the Statute on Statutes. Complaints and other written correspondence sent by a delivery service other than the United States Postal System shall be considered as filed as of the date sent as indicated by the shipper's tracking label. If allowed by board of review rule, complaints and other written correspondence transmitted electronically shall be considered filed as of the date received.

(e) The board may also, at any time before its revision of the assessments is completed in every year, increase, reduce or otherwise adjust the assessment of any property, making changes in the valuation as may be just, and shall have full power over the assessment of any person and may do anything in regard thereto that it may deem necessary to make a just assessment, but the property shall not be assessed at a higher percentage of fair cash value than the assessed valuation of other property in the assessment district prior to equalization by the board or the Department.

(f) No assessment shall be increased until the person to be affected has been notified and given an opportunity to be heard, except as provided below.

(g) Before making any reduction in assessments of its own motion, the board of review shall give notice to the assessor or chief county assessment officer who certified the assessment, and give the assessor or chief county assessment officer an opportunity to be heard thereon.

(h) All complaints of errors in assessments of property shall be in writing, and shall be filed by the complaining party with the board of review, in the number of copies required by board of review rule. A copy

New matter indicated by italics - deletions by strikeout
shall be filed by the board of review with the assessor or chief county assessment officer who certified the assessment.

(i) In all cases where a change in assessed valuation of $100,000 or more is sought, the board of review shall also serve a copy of the petition on all taxing districts as shown on the last available tax bill at least 14 days prior to the hearing on the complaint. Service may be by electronic means if the taxing district consents to electronic service and provides the board of review with a valid e-mail address for the purpose of receiving service. All taxing districts shall have an opportunity to be heard on the complaint. A taxing district wishing to intervene shall file a request to intervene with the board of review at least five days in advance of a scheduled hearing. If board of review rules require the appellant to submit evidence in advance of a hearing, then any evidence in support of the intervenor's opinion of assessed value must be submitted to the board of review and complainant no later than five calendar days prior to the hearing. Service shall be made as set forth in subsection (d-5), but if board of review rules allow complaints and correspondence to be transmitted electronically, then the intervenor's evidence shall be transmitted electronically.

(i-5) If board of review rules require the appellant to submit evidence in advance of a hearing, then any evidence to support the assessor's opinion of assessed value must be submitted to the board of review and the complainant (or, if represented by an attorney, to the attorney) no later than five calendar days prior to the hearing. Service shall be made as set forth in subsection (d-5), but if board of review rules allow complaints and correspondence to be transmitted electronically, then the assessor's evidence shall be transmitted electronically.

(j) Complaints shall be classified by townships or taxing districts by the clerk of the board of review. All classes of complaints shall be docketed numerically, each in its own class, in the order in which they are presented, in books kept for that purpose, which books shall be open to public inspection. Complaints shall be considered by townships or taxing districts until all complaints have been heard and passed upon by the board.

(Source: P.A. 98-322, eff. 8-12-13; 99-98, eff. 1-1-16.)

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

Passed in the General Assembly May 23, 2016.
Approved July 15, 2016.
Effective July 15, 2016.
AN ACT concerning public employee benefits.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Pension Code is amended by changing Section 7-155 as follows:

(40 ILCS 5/7-155) (from Ch. 108 1/2, par. 7-155)

Sec. 7-155. Surviving spouse annuities-commencement.

(a) A surviving spouse annuity shall begin on the 1st day of the month next following the month in which the participating employee, or the employee annuitant or such person entitled to a retirement annuity died, upon a written application therefor, provided:

1. Any such annuity payments payable for periods beginning Such date is not more than one year prior to the date the application was received by the Board shall not include interest based on late payment; and

2. The amount of surviving spouse annuity before the application of paragraph 3 of Section 7-158, is at least $5 per month, beginning on such date.

(b) A person receiving a surviving spouse annuity whose annuity was granted but limited to one year prior to the application date under the former provisions of this Section may reapply for annuity payments for the period denied due to the one-year limitation. Such annuity payments shall not include interest based on late payment.

(c) The changes to this Section made by this amendatory Act of the 99th General Assembly apply without regard to whether the deceased spouse was in service on or after the effective date of this amendatory Act.

(Source: P.A. 80-653.)

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

Passed in the General Assembly May 23, 2016.

Approved July 15, 2016.

Effective July 15, 2016.
AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

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

(5 ILCS 375/6.11A)

Sec. 6.11A. Physical therapy and occupational therapy.

(a) The program of health benefits provided under this Act shall provide coverage for medically necessary physical therapy and occupational therapy when that therapy is ordered for the treatment of autoimmune diseases or referred for the same purpose by (i) a physician licensed under the Medical Practice Act of 1987, (ii) a physician's assistant licensed under the Physician Assistant Practice Act of 1987, or (iii) an advanced practice nurse licensed under the Nurse Practice Act.

(b) For the purpose of this Section, "medically necessary" means any care, treatment, intervention, service, or item that will or is reasonably expected to:

(i) prevent the onset of an illness, condition, injury, disease, or disability;
(ii) reduce or ameliorate the physical, mental, or developmental effects of an illness, condition, injury, disease, or disability; or
(iii) assist the achievement or maintenance of maximum functional activity in performing daily activities.

(c) The coverage required under this Section shall be subject to the same deductible, coinsurance, waiting period, cost sharing limitation, treatment limitation, calendar year maximum, or other limitations as provided for other physical or rehabilitative or occupational therapy benefits covered by the policy.

(d) Upon request of the reimbursing insurer, the provider of the physical therapy or occupational therapy shall furnish medical records, clinical notes, or other necessary data that substantiate that initial or continued treatment is medically necessary. When treatment is anticipated to require continued services to achieve demonstrable progress, the insurer may request a treatment plan consisting of the diagnosis, proposed...
treatment by type, proposed frequency of treatment, anticipated duration of
treatment, anticipated outcomes stated as goals, and proposed frequency of
updating the treatment plan.

(e) When making a determination of medical necessity for
treatment, an insurer must make the determination in a manner consistent
with the manner in which that determination is made with respect to other
diseases or illnesses covered under the policy, including an appeals
process. During the appeals process, any challenge to medical necessity
may be viewed as reasonable only if the review includes a licensed health
care professional with the same category of license as the professional who
ordered or referred the service in question and with expertise in the most
current and effective treatment.

(Source: P.A. 96-1227, eff. 1-1-11; 97-604, eff. 8-26-11.)

Section 10. The Election Code is amended by changing Sections
19-12.1 and 19-13 as follows:

(10 ILCS 5/19-12.1) (from Ch. 46, par. 19-12.1)
Sec. 19-12.1. Any qualified elector who has secured an Illinois
Person with a Disability Identification Card in accordance with the Illinois
Identification Card Act, indicating that the person named thereon has a
Class 1A or Class 2 disability or any qualified voter who has a permanent
physical incapacity of such a nature as to make it improbable that he will
be able to be present at the polls at any future election, or any voter who is
a resident of (i) a federally operated veterans' home, hospital, or facility
located in Illinois or (ii) a facility licensed or certified pursuant to the
Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act
of 2013, the ID/DD Community Care Act, or the MC/DD Act and has a
condition or disability of such a nature as to make it improbable that he
will be able to be present at the polls at any future election, may secure a
voter's identification card for persons with disabilities or a nursing home
resident's identification card, which will enable him to vote under this
Article as a physically incapacitated or nursing home voter. For the
purposes of this Section, "federally operated veterans' home, hospital, or
facility" means the long-term care facilities at the Jesse Brown VA
Medical Center, Illiana Health Care System, Edward Hines, Jr. VA
Hospital, Marion VA Medical Center, and Captain James A. Lovell
Federal Health Care Center.

Application for a voter's identification card for persons with
disabilities or a nursing home resident's identification card shall be made
either: (a) in writing, with voter's sworn affidavit, to the county clerk or

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board of election commissioners, as the case may be, and shall be accompanied by the affidavit of the attending physician, advanced practice nurse, or a physician assistant specifically describing the nature of the physical incapacity or the fact that the voter is a nursing home resident and is physically unable to be present at the polls on election days; or (b) by presenting, in writing or otherwise, to the county clerk or board of election commissioners, as the case may be, proof that the applicant has secured an Illinois Person with a Disability Identification Card indicating that the person named thereon has a Class 1A or Class 2 disability. Upon the receipt of either the sworn-to application and the physician's, advanced practice nurse's, or a physician assistant's affidavit or proof that the applicant has secured an Illinois Person with a Disability Identification Card indicating that the person named thereon has a Class 1A or Class 2 disability, the county clerk or board of election commissioners shall issue a voter's identification card for persons with disabilities or a nursing home resident's identification card. Such identification cards shall be issued for a period of 5 years, upon the expiration of which time the voter may secure a new card by making application in the same manner as is prescribed for the issuance of an original card, accompanied by a new affidavit of the attending physician, advanced practice nurse, or a physician assistant.

The date of expiration of such five-year period shall be made known to any interested person by the election authority upon the request of such person. Applications for the renewal of the identification cards shall be mailed to the voters holding such cards not less than 3 months prior to the date of expiration of the cards.

Each voter's identification card for persons with disabilities or nursing home resident's identification card shall bear an identification number, which shall be clearly noted on the voter's original and duplicate registration record cards. In the event the holder becomes physically capable of resuming normal voting, he must surrender his voter's identification card for persons with disabilities or nursing home resident's identification card to the county clerk or board of election commissioners before the next election.

The holder of a voter's identification card for persons with disabilities or a nursing home resident's identification card may make application by mail for an official ballot within the time prescribed by Section 19-2. Such application shall contain the same information as is included in the form of application for ballot by a physically incapacitated elector prescribed in Section 19-3 except that it shall also include the
applicant's voter's identification card for persons with disabilities card number and except that it need not be sworn to. If an examination of the records discloses that the applicant is lawfully entitled to vote, he shall be mailed a ballot as provided in Section 19-4. The ballot envelope shall be the same as that prescribed in Section 19-5 for voters with physical disabilities, and the manner of voting and returning the ballot shall be the same as that provided in this Article for other vote by mail ballots, except that a statement to be subscribed to by the voter but which need not be sworn to shall be placed on the ballot envelope in lieu of the affidavit prescribed by Section 19-5.

Any person who knowingly subscribes to a false statement in connection with voting under this Section shall be guilty of a Class A misdemeanor.

For the purposes of this Section, "nursing home resident" includes a resident of (i) a federally operated veterans' home, hospital, or facility located in Illinois or (ii) a facility licensed under the ID/DD Community Care Act, the MC/DD Act, or the Specialized Mental Health Rehabilitation Act of 2013. For the purposes of this Section, "federally operated veterans' home, hospital, or facility" means the long-term care facilities at the Jesse Brown VA Medical Center, Illiana Health Care System, Edward Hines, Jr. VA Hospital, Marion VA Medical Center, and Captain James A. Lovell Federal Health Care Center.

(10 ILCS 5/19-13) (from Ch. 46, par. 19-13)

Sec. 19-13. Any qualified voter who has been admitted to a hospital, nursing home, or rehabilitation center due to an illness or physical injury not more than 14 days before an election shall be entitled to personal delivery of a vote by mail ballot in the hospital, nursing home, or rehabilitation center subject to the following conditions:

(1) The voter completes the Application for Physically Incapacitated Elector as provided in Section 19-3, stating as reasons therein that he is a patient in ............... (name of hospital/home/center), ............... located at, ............... (address of hospital/home/center), ............... (county, city/village), was admitted for ............... (nature of illness or physical injury), on ............... (date of admission), and does not expect to be released from the hospital/home/center on or before the day of election or, if released, is expected to be homebound on the day of the election and unable to travel to the polling place.

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(2) The voter's physician, advanced practice nurse, or physician assistant completes a Certificate of Attending Health Care Professional Physician in a form substantially as follows:

CERTIFICATE OF ATTENDING HEALTH CARE PROFESSIONAL PHYSICIAN

I state that I am a physician, advanced practice nurse, or physician assistant, duly licensed to practice in the State of ........; that ........ is a patient in ........... (name of hospital/home/center), located at ............ (address of hospital/home/center), ............... (county, city/village); that such individual was admitted for ............. (nature of illness or physical injury), on ............ (date of admission); and that I have examined such individual in the State in which I am licensed to practice medicine and do not expect such individual to be released from the hospital/home/center on or before the day of election or, if released, to be able to travel to the polling place on election day.

Under penalties as provided by law pursuant to Section 29-10 of The Election Code, the undersigned certifies that the statements set forth in this certification are true and correct.

(Signature) ................
(Date licensed) ..........

(3) Any person who is registered to vote in the same precinct as the admitted voter or any legal relative of the admitted voter may present such voter's vote by mail ballot application, completed as prescribed in paragraph 1, accompanied by the physician's, advanced practice nurse's, or a physician assistant's certificate, completed as prescribed in paragraph 2, to the election authority. Such precinct voter or relative shall execute and sign an affidavit furnished by the election authority attesting that he is a registered voter in the same precinct as the admitted voter or that he is a legal relative of the admitted voter and stating the nature of the relationship. Such precinct voter or relative shall further attest that he has been authorized by the admitted voter to obtain his or her vote by mail ballot from the election authority and deliver such ballot to him in the hospital, home, or center.

Upon receipt of the admitted voter's application, physician's, advanced practice nurse's, or a physician assistant's certificate, and the affidavit of the precinct voter or the relative, the election authority shall examine the registration records to determine if the applicant is qualified to vote and, if found to be qualified, shall provide the precinct voter or the relative the vote by mail ballot for delivery to the applicant.

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Upon receipt of the vote by mail ballot, the admitted voter shall mark the ballot in secret and subscribe to the certifications on the vote by mail ballot return envelope. After depositing the ballot in the return envelope and securely sealing the envelope, such voter shall give the envelope to the precinct voter or the relative who shall deliver it to the election authority in sufficient time for the ballot to be delivered by the election authority to the election authority's central ballot counting location before 7 p.m. on election day.

Upon receipt of the admitted voter's vote by mail ballot, the ballot shall be counted in the manner prescribed in this Article.

(Source: P.A. 98-1171, eff. 6-1-15.)

Section 15. The Alcoholism and Other Drug Abuse and Dependency Act is amended by changing Section 5-23 as follows:

(20 ILCS 301/5-23)

Sec. 5-23. Drug Overdose Prevention Program.

(a) Reports of drug overdose.

(1) The Director of the Division of Alcoholism and Substance Abuse shall publish annually a report on drug overdose trends statewide that reviews State death rates from available data to ascertain changes in the causes or rates of fatal and nonfatal drug overdose. The report shall also provide information on interventions that would be effective in reducing the rate of fatal or nonfatal drug overdose and shall include an analysis of drug overdose information reported to the Department of Public Health pursuant to subsection (e) of Section 3-3013 of the Counties Code, Section 6.14g of the Hospital Licensing Act, and subsection (j) of Section 22-30 of the School Code.

(2) The report may include:

(A) Trends in drug overdose death rates.

(B) Trends in emergency room utilization related to drug overdose and the cost impact of emergency room utilization.

(C) Trends in utilization of pre-hospital and emergency services and the cost impact of emergency services utilization.

(D) Suggested improvements in data collection.

(E) A description of other interventions effective in reducing the rate of fatal or nonfatal drug overdose.

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(F) A description of efforts undertaken to educate the public about unused medication and about how to properly dispose of unused medication, including the number of registered collection receptacles in this State, mail-back programs, and drug take-back events.

(b) Programs; drug overdose prevention.

(1) The Director may establish a program to provide for the production and publication, in electronic and other formats, of drug overdose prevention, recognition, and response literature. The Director may develop and disseminate curricula for use by professionals, organizations, individuals, or committees interested in the prevention of fatal and nonfatal drug overdose, including, but not limited to, drug users, jail and prison personnel, jail and prison inmates, drug treatment professionals, emergency medical personnel, hospital staff, families and associates of drug users, peace officers, firefighters, public safety officers, needle exchange program staff, and other persons. In addition to information regarding drug overdose prevention, recognition, and response, literature produced by the Department shall stress that drug use remains illegal and highly dangerous and that complete abstinence from illegal drug use is the healthiest choice. The literature shall provide information and resources for substance abuse treatment.

The Director may establish or authorize programs for prescribing, dispensing, or distributing opioid antagonists for the treatment of drug overdose. Such programs may include the prescribing of opioid antagonists for the treatment of drug overdose to a person who is not at risk of opioid overdose but who, in the judgment of the health care professional, may be in a position to assist another individual during an opioid-related drug overdose and who has received basic instruction on how to administer an opioid antagonist.

(2) The Director may provide advice to State and local officials on the growing drug overdose crisis, including the prevalence of drug overdose incidents, programs promoting the disposal of unused prescription drugs, trends in drug overdose incidents, and solutions to the drug overdose crisis.

(c) Grants.

(1) The Director may award grants, in accordance with this subsection, to create or support local drug overdose prevention,
recognition, and response projects. Local health departments, correctional institutions, hospitals, universities, community-based organizations, and faith-based organizations may apply to the Department for a grant under this subsection at the time and in the manner the Director prescribes.

(2) In awarding grants, the Director shall consider the necessity for overdose prevention projects in various settings and shall encourage all grant applicants to develop interventions that will be effective and viable in their local areas.

(3) The Director shall give preference for grants to proposals that, in addition to providing life-saving interventions and responses, provide information to drug users on how to access drug treatment or other strategies for abstaining from illegal drugs. The Director shall give preference to proposals that include one or more of the following elements:

   (A) Policies and projects to encourage persons, including drug users, to call 911 when they witness a potentially fatal drug overdose.

   (B) Drug overdose prevention, recognition, and response education projects in drug treatment centers, outreach programs, and other organizations that work with, or have access to, drug users and their families and communities.

   (C) Drug overdose recognition and response training, including rescue breathing, in drug treatment centers and for other organizations that work with, or have access to, drug users and their families and communities.

   (D) The production and distribution of targeted or mass media materials on drug overdose prevention and response, the potential dangers of keeping unused prescription drugs in the home, and methods to properly dispose of unused prescription drugs.

   (E) Prescription and distribution of opioid antagonists.

   (F) The institution of education and training projects on drug overdose response and treatment for emergency services and law enforcement personnel.

   (G) A system of parent, family, and survivor education and mutual support groups.

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(4) In addition to moneys appropriated by the General Assembly, the Director may seek grants from private foundations, the federal government, and other sources to fund the grants under this Section and to fund an evaluation of the programs supported by the grants.

(d) Health care professional prescription of opioid antagonists.

(1) A health care professional who, acting in good faith, directly or by standing order, prescribes or dispenses an opioid antagonist to: (a) a patient who, in the judgment of the health care professional, is capable of administering the drug in an emergency, or (b) a person who is not at risk of opioid overdose but who, in the judgment of the health care professional, may be in a position to assist another individual during an opioid-related drug overdose and who has received basic instruction on how to administer an opioid antagonist shall not, as a result of his or her acts or omissions, be subject to: (i) any disciplinary or other adverse action under the Medical Practice Act of 1987, the Physician Assistant Practice Act of 1987, the Nurse Practice Act, the Pharmacy Practice Act, or any other professional licensing statute or (ii) any criminal liability, except for willful and wanton misconduct.

(2) A person who is not otherwise licensed to administer an opioid antagonist may in an emergency administer without fee an opioid antagonist if the person has received the patient information specified in paragraph (4) of this subsection and believes in good faith that another person is experiencing a drug overdose. The person shall not, as a result of his or her acts or omissions, be (i) liable for any violation of the Medical Practice Act of 1987, the Physician Assistant Practice Act of 1987, the Nurse Practice Act, the Pharmacy Practice Act, or any other professional licensing statute, or (ii) subject to any criminal prosecution or civil liability, except for willful and wanton misconduct.

(3) A health care professional prescribing an opioid antagonist to a patient shall ensure that the patient receives the patient information specified in paragraph (4) of this subsection. Patient information may be provided by the health care professional or a community-based organization, substance abuse program, or other organization with which the health care professional establishes a written agreement that includes a description of how the organization will provide patient

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information, how employees or volunteers providing information will be trained, and standards for documenting the provision of patient information to patients. Provision of patient information shall be documented in the patient's medical record or through similar means as determined by agreement between the health care professional and the organization. The Director of the Division of Alcoholism and Substance Abuse, in consultation with statewide organizations representing physicians, pharmacists, advanced practice nurses, physician assistants, substance abuse programs, and other interested groups, shall develop and disseminate to health care professionals, community-based organizations, substance abuse programs, and other organizations training materials in video, electronic, or other formats to facilitate the provision of such patient information.

(4) For the purposes of this subsection:
"Opioid antagonist" means a drug that binds to opioid receptors and blocks or inhibits the effect of opioids acting on those receptors, including, but not limited to, naloxone hydrochloride or any other similarly acting drug approved by the U.S. Food and Drug Administration. "Health care professional" means a physician licensed to practice medicine in all its branches, a licensed physician assistant with prescriptive authority, a licensed advanced practice nurse with prescriptive authority, or an advanced practice nurse or physician assistant who practices in a hospital, hospital affiliate, or ambulatory surgical treatment center and possesses appropriate clinical privileges in accordance with the Nurse Practice Act, or a pharmacist licensed to practice pharmacy under the Pharmacy Practice Act. 

"Patient" includes a person who is not at risk of opioid overdose but who, in the judgment of the physician, advanced practice nurse, or physician assistant, may be in a position to assist another individual during an overdose and who has received patient information as required in paragraph (2) of this subsection on the indications for and administration of an opioid antagonist. "Patient information" includes information provided to the patient on drug overdose prevention and recognition; how to perform rescue breathing and resuscitation; opioid antagonist dosage and administration; the importance of calling 911; care for

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the overdose victim after administration of the overdose antagonist; and other issues as necessary.

(e) Drug overdose response policy.

(1) Every State and local government agency that employs a law enforcement officer or fireman as those terms are defined in the Line of Duty Compensation Act must possess opioid antagonists and must establish a policy to control the acquisition, storage, transportation, and administration of such opioid antagonists and to provide training in the administration of opioid antagonists. A State or local government agency that employs a fireman as defined in the Line of Duty Compensation Act but does not respond to emergency medical calls or provide medical services shall be exempt from this subsection.

(2) Every publicly or privately owned ambulance, special emergency medical services vehicle, non-transport vehicle, or ambulance assist vehicle, as described in the Emergency Medical Services (EMS) Systems Act, which responds to requests for emergency services or transports patients between hospitals in emergency situations must possess opioid antagonists.

(3) Entities that are required under paragraphs (1) and (2) to possess opioid antagonists may also apply to the Department for a grant to fund the acquisition of opioid antagonists and training programs on the administration of opioid antagonists.

(Source: P.A. 99-173, eff. 7-29-15; 99-480, eff. 9-9-15; revised 10-19-15.)

Section 20. The Department of Central Management Services Law of the Civil Administrative Code of Illinois is amended by changing Section 405-105 as follows:

(20 ILCS 405/405-105) (was 20 ILCS 405/64.1)

Sec. 405-105. Fidelity, surety, property, and casualty insurance.
The Department shall establish and implement a program to coordinate the handling of all fidelity, surety, property, and casualty insurance exposures of the State and the departments, divisions, agencies, branches, and universities of the State. In performing this responsibility, the Department shall have the power and duty to do the following:

(1) Develop and maintain loss and exposure data on all State property.

(2) Study the feasibility of establishing a self-insurance plan for State property and prepare estimates of the costs of

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reinsurance for risks beyond the realistic limits of the self-insurance.

(3) Prepare a plan for centralizing the purchase of property and casualty insurance on State property under a master policy or policies and purchase the insurance contracted for as provided in the Illinois Purchasing Act.

(4) Evaluate existing provisions for fidelity bonds required of State employees and recommend changes that are appropriate commensurate with risk experience and the determinations respecting self-insurance or reinsurance so as to permit reduction of costs without loss of coverage.

(5) Investigate procedures for inclusion of school districts, public community college districts, and other units of local government in programs for the centralized purchase of insurance.

(6) Implement recommendations of the State Property Insurance Study Commission that the Department finds necessary or desirable in the performance of its powers and duties under this Section to achieve efficient and comprehensive risk management.

(7) Prepare and, in the discretion of the Director, implement a plan providing for the purchase of public liability insurance or for self-insurance for public liability or for a combination of purchased insurance and self-insurance for public liability (i) covering the State and drivers of motor vehicles owned, leased, or controlled by the State of Illinois pursuant to the provisions and limitations contained in the Illinois Vehicle Code, (ii) covering other public liability exposures of the State and its employees within the scope of their employment, and (iii) covering drivers of motor vehicles not owned, leased, or controlled by the State but used by a State employee on State business, in excess of liability covered by an insurance policy obtained by the owner of the motor vehicle or in excess of the dollar amounts that the Department shall determine to be reasonable. Any contract of insurance let under this Law shall be by bid in accordance with the procedure set forth in the Illinois Purchasing Act. Any provisions for self-insurance shall conform to subdivision (11).

The term "employee" as used in this subdivision (7) and in subdivision (11) means a person while in the employ of the State who is a member of the staff or personnel of a State agency, bureau, board, commission, committee, department, university, or

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college or who is a State officer, elected official, commissioner, member of or ex officio member of a State agency, bureau, board, commission, committee, department, university, or college, or a member of the National Guard while on active duty pursuant to orders of the Governor of the State of Illinois, or any other person while using a licensed motor vehicle owned, leased, or controlled by the State of Illinois with the authorization of the State of Illinois, provided the actual use of the motor vehicle is within the scope of that authorization and within the course of State service.

Subsequent to payment of a claim on behalf of an employee pursuant to this Section and after reasonable advance written notice to the employee, the Director may exclude the employee from future coverage or limit the coverage under the plan if (i) the Director determines that the claim resulted from an incident in which the employee was grossly negligent or had engaged in willful and wanton misconduct or (ii) the Director determines that the employee is no longer an acceptable risk based on a review of prior accidents in which the employee was at fault and for which payments were made pursuant to this Section.

The Director is authorized to promulgate administrative rules that may be necessary to establish and administer the plan.

Appropriations from the Road Fund shall be used to pay auto liability claims and related expenses involving employees of the Department of Transportation, the Illinois State Police, and the Secretary of State.

(8) Charge, collect, and receive from all other agencies of the State government fees or monies equivalent to the cost of purchasing the insurance.

(9) Establish, through the Director, charges for risk management services rendered to State agencies by the Department. The State agencies so charged shall reimburse the Department by vouchers drawn against their respective appropriations. The reimbursement shall be determined by the Director as amounts sufficient to reimburse the Department for expenditures incurred in rendering the service.

The Department shall charge the employing State agency or university for workers' compensation payments for temporary total disability paid to any employee after the employee has received temporary total disability payments for 120 days if the employee's
treating physician, advanced practice nurse, or physician assistant has issued a release to return to work with restrictions and the employee is able to perform modified duty work but the employing State agency or university does not return the employee to work at modified duty. Modified duty shall be duties assigned that may or may not be delineated as part of the duties regularly performed by the employee. Modified duties shall be assigned within the prescribed restrictions established by the treating physician and the physician who performed the independent medical examination. The amount of all reimbursements shall be deposited into the Workers' Compensation Revolving Fund which is hereby created as a revolving fund in the State treasury. In addition to any other purpose authorized by law, moneys in the Fund shall be used, subject to appropriation, to pay these or other temporary total disability claims of employees of State agencies and universities.

Beginning with fiscal year 1996, all amounts recovered by the Department through subrogation in workers' compensation and workers' occupational disease cases shall be deposited into the Workers' Compensation Revolving Fund created under this subdivision (9).

(10) Establish rules, procedures, and forms to be used by State agencies in the administration and payment of workers' compensation claims. For claims filed prior to July 1, 2013, the Department shall initially evaluate and determine the compensability of any injury that is the subject of a workers' compensation claim and provide for the administration and payment of such a claim for all State agencies. For claims filed on or after July 1, 2013, the Department shall retain responsibility for certain administrative payments including, but not limited to, payments to the private vendor contracted to perform services under subdivision (10b) of this Section, payments related to travel expenses for employees of the Office of the Attorney General, and payments to internal Department staff responsible for the oversight and management of any contract awarded pursuant to subdivision (10b) of this Section. Through December 31, 2012, the Director may delegate to any agency with the agreement of the agency head the responsibility for evaluation, administration, and payment of that agency's claims. Neither the Department nor the private vendor contracted to perform services under subdivision (10b) of this
Section shall be responsible for providing workers' compensation services to the Illinois State Toll Highway Authority or to State universities that maintain self-funded workers' compensation liability programs.

(10a) By April 1 of each year prior to calendar year 2013, the Director must report and provide information to the State Workers' Compensation Program Advisory Board concerning the status of the State workers' compensation program for the next fiscal year. Information that the Director must provide to the State Workers' Compensation Program Advisory Board includes, but is not limited to, documents, reports of negotiations, bid invitations, requests for proposals, specifications, copies of proposed and final contracts or agreements, and any other materials concerning contracts or agreements for the program. By the first of each month prior to calendar year 2013, the Director must provide updated, and any new, information to the State Workers' Compensation Program Advisory Board until the State workers' compensation program for the next fiscal year is determined.

(10b) No later than January 1, 2013, the chief procurement officer appointed under paragraph (4) of subsection (a) of Section 10-20 of the Illinois Procurement Code (hereinafter "chief procurement officer"), in consultation with the Department of Central Management Services, shall procure one or more private vendors to administer the program providing payments for workers' compensation liability with respect to the employees of all State agencies. The chief procurement officer may procure a single contract applicable to all State agencies or multiple contracts applicable to one or more State agencies. If the chief procurement officer procures a single contract applicable to all State agencies, then the Department of Central Management Services shall be designated as the agency that enters into the contract and shall be responsible for the contract. If the chief procurement officer procures multiple contracts applicable to one or more State agencies, each agency to which the contract applies shall be designated as the agency that shall enter into the contract and shall be responsible for the contract. If the chief procurement officer procures contracts applicable to an individual State agency, the agency subject to the contract shall be designated as the agency responsible for the contract.

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(10c) The procurement of private vendors for the administration of the workers' compensation program for State employees is subject to the provisions of the Illinois Procurement Code and administration by the chief procurement officer.

(10d) Contracts for the procurement of private vendors for the administration of the workers' compensation program for State employees shall be based upon, but limited to, the following criteria: (i) administrative cost, (ii) service capabilities of the vendor, and (iii) the compensation (including premiums, fees, or other charges). A vendor for the administration of the workers' compensation program for State employees shall provide services, including, but not limited to:

(A) providing a web-based case management system and provide access to the Office of the Attorney General;
(B) ensuring claims adjusters are available to provide testimony or information as requested by the Office of the Attorney General;
(C) establishing a preferred provider program for all State agencies and facilities; and
(D) authorizing the payment of medical bills at the preferred provider discount rate.

(10e) By September 15, 2012, the Department of Central Management Services shall prepare a plan to effectuate the transfer of responsibility and administration of the workers' compensation program for State employees to the selected private vendors. The Department shall submit a copy of the plan to the General Assembly.

(11) Any plan for public liability self-insurance implemented under this Section shall provide that (i) the Department shall attempt to settle and may settle any public liability claim filed against the State of Illinois or any public liability claim filed against a State employee on the basis of an occurrence in the course of the employee's State employment; (ii) any settlement of such a claim is not subject to fiscal year limitations and must be approved by the Director and, in cases of settlements exceeding $100,000, by the Governor; and (iii) a settlement of any public liability claim against the State or a State employee shall require an unqualified release of any right of action.

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against the State and the employee for acts within the scope of the employee's employment giving rise to the claim.

Whenever and to the extent that a State employee operates a motor vehicle or engages in other activity covered by self-insurance under this Section, the State of Illinois shall defend, indemnify, and hold harmless the employee against any claim in tort filed against the employee for acts or omissions within the scope of the employee's employment in any proper judicial forum and not settled pursuant to this subdivision (11), provided that this obligation of the State of Illinois shall not exceed a maximum liability of $2,000,000 for any single occurrence in connection with the operation of a motor vehicle or $100,000 per person per occurrence for any other single occurrence, or $500,000 for any single occurrence in connection with the provision of medical care by a licensed physician, advanced practice nurse, or physician assistant employee.

Any claims against the State of Illinois under a self-insurance plan that are not settled pursuant to this subdivision (11) shall be heard and determined by the Court of Claims and may not be filed or adjudicated in any other forum. The Attorney General of the State of Illinois or the Attorney General's designee shall be the attorney with respect to all public liability self-insurance claims that are not settled pursuant to this subdivision (11) and therefore result in litigation. The payment of any award of the Court of Claims entered against the State relating to any public liability self-insurance claim shall act as a release against any State employee involved in the occurrence.

(12) Administer a plan the purpose of which is to make payments on final settlements or final judgments in accordance with the State Employee Indemnification Act. The plan shall be funded through appropriations from the General Revenue Fund specifically designated for that purpose, except that indemnification expenses for employees of the Department of Transportation, the Illinois State Police, and the Secretary of State shall be paid from the Road Fund. The term "employee" as used in this subdivision (12) has the same meaning as under subsection (b) of Section 1 of the State Employee Indemnification Act. Subject to sufficient appropriation, the Director shall approve payment of any claim, without regard to fiscal year limitations, presented to the

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Director that is supported by a final settlement or final judgment when the Attorney General and the chief officer of the public body against whose employee the claim or cause of action is asserted certify to the Director that the claim is in accordance with the State Employee Indemnification Act and that they approve of the payment. In no event shall an amount in excess of $150,000 be paid from this plan to or for the benefit of any claimant.

(13) Administer a plan the purpose of which is to make payments on final settlements or final judgments for employee wage claims in situations where there was an appropriation relevant to the wage claim, the fiscal year and lapse period have expired, and sufficient funds were available to pay the claim. The plan shall be funded through appropriations from the General Revenue Fund specifically designated for that purpose.

Subject to sufficient appropriation, the Director is authorized to pay any wage claim presented to the Director that is supported by a final settlement or final judgment when the chief officer of the State agency employing the claimant certifies to the Director that the claim is a valid wage claim and that the fiscal year and lapse period have expired. Payment for claims that are properly submitted and certified as valid by the Director shall include interest accrued at the rate of 7% per annum from the forty-fifth day after the claims are received by the Department or 45 days from the date on which the amount of payment is agreed upon, whichever is later, until the date the claims are submitted to the Comptroller for payment. When the Attorney General has filed an appearance in any proceeding concerning a wage claim settlement or judgment, the Attorney General shall certify to the Director that the wage claim is valid before any payment is made. In no event shall an amount in excess of $150,000 be paid from this plan to or for the benefit of any claimant.

Nothing in Public Act 84-961 shall be construed to affect in any manner the jurisdiction of the Court of Claims concerning wage claims made against the State of Illinois.

(14) Prepare and, in the discretion of the Director, implement a program for self-insurance for official fidelity and surety bonds for officers and employees as authorized by the Official Bond Act.

New matter indicated by italics - deletions by strikeout
Section 25. The Foster Parent Law is amended by changing Section 1-15 as follows:

(20 ILCS 520/1-15)

Sec. 1-15. Foster parent rights. A foster parent's rights include, but are not limited to, the following:

(1) The right to be treated with dignity, respect, and consideration as a professional member of the child welfare team.

(2) The right to be given standardized pre-service training and appropriate ongoing training to meet mutually assessed needs and improve the foster parent's skills.

(3) The right to be informed as to how to contact the appropriate child placement agency in order to receive information and assistance to access supportive services for children in the foster parent's care.

(4) The right to receive timely financial reimbursement commensurate with the care needs of the child as specified in the service plan.

(5) The right to be provided a clear, written understanding of a placement agency's plan concerning the placement of a child in the foster parent's home. Inherent in this right is the foster parent's responsibility to support activities that will promote the child's right to relationships with his or her own family and cultural heritage.

(6) The right to be provided a fair, timely, and impartial investigation of complaints concerning the foster parent's licensure, to be provided the opportunity to have a person of the foster parent's choosing present during the investigation, and to be provided due process during the investigation; the right to be provided the opportunity to request and receive mediation or an administrative review of decisions that affect licensing parameters, or both mediation and an administrative review; and the right to have decisions concerning a licensing corrective action plan specifically explained and tied to the licensing standards violated.

(7) The right, at any time during which a child is placed with the foster parent, to receive additional or necessary information that is relevant to the care of the child.

New matter indicated by italics - deletions by strikeout
(7.5) The right to be given information concerning a child (i) from the Department as required under subsection (u) of Section 5 of the Children and Family Services Act and (ii) from a child welfare agency as required under subsection (c-5) of Section 7.4 of the Child Care Act of 1969.

(8) The right to be notified of scheduled meetings and staffings concerning the foster child in order to actively participate in the case planning and decision-making process regarding the child, including individual service planning meetings, administrative case reviews, interdisciplinary staffings, and individual educational planning meetings; the right to be informed of decisions made by the courts or the child welfare agency concerning the child; the right to provide input concerning the plan of services for the child and to have that input given full consideration in the same manner as information presented by any other professional on the team; and the right to communicate with other professionals who work with the foster child within the context of the team, including therapists, physicians, attending health care professionals, and teachers.

(9) The right to be given, in a timely and consistent manner, any information a case worker has regarding the child and the child's family which is pertinent to the care and needs of the child and to the making of a permanency plan for the child. Disclosure of information concerning the child's family shall be limited to that information that is essential for understanding the needs of and providing care to the child in order to protect the rights of the child's family. When a positive relationship exists between the foster parent and the child's family, the child's family may consent to disclosure of additional information.

(10) The right to be given reasonable written notice of (i) any change in a child's case plan, (ii) plans to terminate the placement of the child with the foster parent, and (iii) the reasons for the change or termination in placement. The notice shall be waived only in cases of a court order or when the child is determined to be at imminent risk of harm.

(11) The right to be notified in a timely and complete manner of all court hearings, including notice of the date and time of the court hearing, the name of the judge or hearing officer hearing the case, the location of the hearing, and the court docket.

New matter indicated by italics - deletions by strikeout
number of the case; and the right to intervene in court proceedings or to seek mandamus under the Juvenile Court Act of 1987.

(12) The right to be considered as a placement option when a foster child who was formerly placed with the foster parent is to be re-entered into foster care, if that placement is consistent with the best interest of the child and other children in the foster parent's home.

(13) The right to have timely access to the child placement agency's existing appeals process and the right to be free from acts of harassment and retaliation by any other party when exercising the right to appeal.

(14) The right to be informed of the Foster Parent Hotline established under Section 35.6 of the Children and Family Services Act and all of the rights accorded to foster parents concerning reports of misconduct by Department employees, service providers, or contractors, confidential handling of those reports, and investigation by the Inspector General appointed under Section 35.5 of the Children and Family Services Act.

(Source: P.A. 94-1010, eff. 10-1-06.)

Section 30. The Regional Integrated Behavioral Health Networks Act is amended by changing Section 20 as follows:

(20 ILCS 1340/20)

Sec. 20. Steering Committee and Networks.
(a) To achieve these goals, the Department of Human Services shall convene a Regional Integrated Behavioral Health Networks Steering Committee (hereinafter "Steering Committee") comprised of State agencies involved in the provision, regulation, or financing of health, mental health, substance abuse, rehabilitation, and other services. These include, but shall not be limited to, the following agencies:

1. The Department of Healthcare and Family Services.
2. The Department of Human Services and its Divisions of Mental Illness and Alcoholism and Substance Abuse Services.
3. The Department of Public Health, including its Center for Rural Health.

The Steering Committee shall include a representative from each Network. The agencies of the Steering Committee are directed to work collaboratively to provide consultation, advice, and leadership to the Networks in facilitating communication within and across multiple agencies and in removing regulatory barriers that may prevent Networks

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from accomplishing the goals. The Steering Committee collectively or through one of its member Agencies shall also provide technical assistance to the Networks.

(b) There also shall be convened Networks in each of the Department of Human Services' regions comprised of representatives of community stakeholders represented in the Network, including when available, but not limited to, relevant trade and professional associations representing hospitals, community providers, public health care, hospice care, long term care, law enforcement, emergency medical service, physicians, advanced practice nurses, and physician assistants trained in psychiatry; an organization that advocates on behalf of federally qualified health centers, an organization that advocates on behalf of persons suffering with mental illness and substance abuse disorders, an organization that advocates on behalf of persons with disabilities, an organization that advocates on behalf of persons who live in rural areas, an organization that advocates on behalf of persons who live in medically underserved areas; and others designated by the Steering Committee or the Networks. A member from each Network may choose a representative who may serve on the Steering Committee.

(Source: P.A. 97-381, eff. 1-1-12.)

Section 35. The Mental Health and Developmental Disabilities Administrative Act is amended by changing Sections 5.1, 14, and 15.4 as follows:

(20 ILCS 1705/5.1) (from Ch. 91 1/2, par. 100-5.1)
Sec. 5.1. The Department shall develop, by rule, the procedures and standards by which it shall approve medications for clinical use in its facilities. A list of those drugs approved pursuant to these procedures shall be distributed to all Department facilities.

Drugs not listed by the Department may not be administered in facilities under the jurisdiction of the Department, provided that an unlisted drug may be administered as part of research with the prior written consent of the Secretary specifying the nature of the permitted use and the physicians authorized to prescribe the drug. Drugs, as used in this Section, mean psychotropic and narcotic drugs.

No physician, advanced practice nurse, or physician assistant in the Department shall sign a prescription in blank, nor permit blank prescription forms to circulate out of his possession or control.

(Source: P.A. 89-507, eff. 7-1-97.)

(20 ILCS 1705/14) (from Ch. 91 1/2, par. 100-14)

New matter indicated by italics - deletions by strikeout
Sec. 14. Chester Mental Health Center. To maintain and operate a facility for the care, custody, and treatment of persons with mental illness or habilitation of persons with developmental disabilities hereinafter designated, to be known as the Chester Mental Health Center.

Within the Chester Mental Health Center there shall be confined the following classes of persons, whose history, in the opinion of the Department, discloses dangerous or violent tendencies and who, upon examination under the direction of the Department, have been found a fit subject for confinement in that facility:

(a) Any male person who is charged with the commission of a crime but has been acquitted by reason of insanity as provided in Section 5-2-4 of the Unified Code of Corrections.

(b) Any male person who is charged with the commission of a crime but has been found unfit under Article 104 of the Code of Criminal Procedure of 1963.

(c) Any male person with mental illness or developmental disabilities or person in need of mental treatment now confined under the supervision of the Department or hereafter admitted to any facility thereof or committed thereto by any court of competent jurisdiction.

If and when it shall appear to the facility director of the Chester Mental Health Center that it is necessary to confine persons in order to maintain security or provide for the protection and safety of recipients and staff, the Chester Mental Health Center may confine all persons on a unit to their rooms. This period of confinement shall not exceed 10 hours in a 24 hour period, including the recipient's scheduled hours of sleep, unless approved by the Secretary of the Department. During the period of confinement, the persons confined shall be observed at least every 15 minutes. A record shall be kept of the observations. This confinement shall not be considered seclusion as defined in the Mental Health and Developmental Disabilities Code.

The facility director of the Chester Mental Health Center may authorize the temporary use of handcuffs on a recipient for a period not to exceed 10 minutes when necessary in the course of transport of the recipient within the facility to maintain custody or security. Use of handcuffs is subject to the provisions of Section 2-108 of the Mental Health and Developmental Disabilities Code. The facility shall keep a monthly record listing each instance in which handcuffs are used, circumstances indicating the need for use of handcuffs, and time of

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application of handcuffs and time of release therefrom. The facility
director shall allow the Illinois Guardianship and Advocacy Commission,
the agency designated by the Governor under Section 1 of the Protection
and Advocacy for Persons with Developmental Disabilities Act, and the
Department to examine and copy such record upon request.

The facility director of the Chester Mental Health Center may
authorize the temporary use of transport devices on a civil recipient when
necessary in the course of transport of the civil recipient outside the
facility to maintain custody or security. The decision whether to use any
transport devices shall be reviewed and approved on an individualized
basis by a physician, an advanced practice nurse, or a physician assistant
based upon a determination of the civil recipient's: (1) history of violence,
(2) history of violence during transports, (3) history of escapes and escape
attempts, (4) history of trauma, (5) history of incidents of restraint or
seclusion and use of involuntary medication, (6) current functioning level
and medical status, and (7) prior experience during similar transports, and
the length, duration, and purpose of the transport. The least restrictive
transport device consistent with the individual's need shall be used. Staff
transporting the individual shall be trained in the use of the transport
devices, recognizing and responding to a person in distress, and shall
observe and monitor the individual while being transported. The facility
shall keep a monthly record listing all transports, including those
transports for which use of transport devices was not sought, those for
which use of transport devices was sought but denied, and each instance in
which transport devices are used, circumstances indicating the need for use
of transport devices, time of application of transport devices, time of
release from those devices, and any adverse events. The facility director
shall allow the Illinois Guardianship and Advocacy Commission, the
agency designated by the Governor under Section 1 of the Protection and
Advocacy for Persons with Developmental Disabilities Act, and the
Department to examine and copy the record upon request. This use of
transport devices shall not be considered restraint as defined in the Mental
Health and Developmental Disabilities Code. For the purpose of this
Section "transport device" means ankle cuffs, handcuffs, waist chains or
wrist-waist devices designed to restrict an individual's range of motion
while being transported. These devices must be approved by the Division
of Mental Health, used in accordance with the manufacturer's instructions,
and used only by qualified staff members who have completed all training
required to be eligible to transport patients and all other required training

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relating to the safe use and application of transport devices, including recognizing and responding to signs of distress in an individual whose movement is being restricted by a transport device.

If and when it shall appear to the satisfaction of the Department that any person confined in the Chester Mental Health Center is not or has ceased to be such a source of danger to the public as to require his subjection to the regimen of the center, the Department is hereby authorized to transfer such person to any State facility for treatment of persons with mental illness or habilitation of persons with developmental disabilities, as the nature of the individual case may require.

Subject to the provisions of this Section, the Department, except where otherwise provided by law, shall, with respect to the management, conduct and control of the Chester Mental Health Center and the discipline, custody and treatment of the persons confined therein, have and exercise the same rights and powers as are vested by law in the Department with respect to any and all of the State facilities for treatment of persons with mental illness or habilitation of persons with developmental disabilities, and the recipients thereof, and shall be subject to the same duties as are imposed by law upon the Department with respect to such facilities and the recipients thereof.

The Department may elect to place persons who have been ordered by the court to be detained under the Sexually Violent Persons Commitment Act in a distinct portion of the Chester Mental Health Center. The persons so placed shall be separated and shall not comingle with the recipients of the Chester Mental Health Center. The portion of Chester Mental Health Center that is used for the persons detained under the Sexually Violent Persons Commitment Act shall not be a part of the mental health facility for the enforcement and implementation of the Mental Health and Developmental Disabilities Code nor shall their care and treatment be subject to the provisions of the Mental Health and Developmental Disabilities Code. The changes added to this Section by this amendatory Act of the 98th General Assembly are inoperative on and after June 30, 2015.

(Source: P.A. 98-79, eff. 7-15-13; 98-356, eff. 8-16-13; 98-756, eff. 7-16-14; 99-143, eff. 7-27-15.)

(20 ILCS 1705/15.4)

Sec. 15.4. Authorization for nursing delegation to permit direct care staff to administer medications.

New matter indicated by italics - deletions by strikeout
(a) This Section applies to (i) all programs for persons with a developmental disability in settings of 16 persons or fewer that are funded or licensed by the Department of Human Services and that distribute or administer medications and (ii) all intermediate care facilities for persons with developmental disabilities with 16 beds or fewer that are licensed by the Department of Public Health. The Department of Human Services shall develop a training program for authorized direct care staff to administer medications under the supervision and monitoring of a registered professional nurse. This training program shall be developed in consultation with professional associations representing (i) physicians licensed to practice medicine in all its branches, (ii) registered professional nurses, and (iii) pharmacists.

(b) For the purposes of this Section:

"Authorized direct care staff" means non-licensed persons who have successfully completed a medication administration training program approved by the Department of Human Services and conducted by a nurse-trainer. This authorization is specific to an individual receiving service in a specific agency and does not transfer to another agency.

"Medications" means oral and topical medications, insulin in an injectable form, oxygen, epinephrine auto-injectors, and vaginal and rectal creams and suppositories. "Oral" includes inhalants and medications administered through enteral tubes, utilizing aseptic technique. "Topical" includes eye, ear, and nasal medications. Any controlled substances must be packaged specifically for an identified individual.

"Insulin in an injectable form" means a subcutaneous injection via an insulin pen pre-filled by the manufacturer. Authorized direct care staff may administer insulin, as ordered by a physician, advanced practice nurse, or physician assistant, if: (i) the staff has successfully completed a Department-approved advanced training program specific to insulin administration developed in consultation with professional associations listed in subsection (a) of this Section, and (ii) the staff consults with the registered nurse, prior to administration, of any insulin dose that is determined based on a blood glucose test result. The authorized direct care staff shall not: (i) calculate the insulin dosage needed when the dose is dependent upon a blood glucose test result, or (ii) administer insulin to individuals who require blood glucose monitoring greater than 3 times daily, unless directed to do so by the registered nurse.

"Nurse-trainer training program" means a standardized, competency-based medication administration train-the-trainer program.
provided by the Department of Human Services and conducted by a
Department of Human Services master nurse-trainer for the purpose of
training nurse-trainers to train persons employed or under contract to
provide direct care or treatment to individuals receiving services to
administer medications and provide self-administration of medication
training to individuals under the supervision and monitoring of the nurse-
trainer. The program incorporates adult learning styles, teaching strategies,
classroom management, and a curriculum overview, including the ethical
and legal aspects of supervising those administering medications.
"Self-administration of medications" means an individual
administers his or her own medications. To be considered capable to self-
administer their own medication, individuals must, at a minimum, be able
to identify their medication by size, shape, or color, know when they
should take the medication, and know the amount of medication to be
taken each time.
"Training program" means a standardized medication
administration training program approved by the Department of Human
Services and conducted by a registered professional nurse for the purpose
of training persons employed or under contract to provide direct care or
treatment to individuals receiving services to administer medications and
provide self-administration of medication training to individuals under the
delegation and supervision of a nurse-trainer. The program incorporates
adult learning styles, teaching strategies, classroom management,
curriculum overview, including ethical-legal aspects, and standardized
competency-based evaluations on administration of medications and self-
administration of medication training programs.
(c) Training and authorization of non-licensed direct care staff by
nurse-trainers must meet the requirements of this subsection.
(1) Prior to training non-licensed direct care staff to
administer medication, the nurse-trainer shall perform the
following for each individual to whom medication will be
administered by non-licensed direct care staff:
(A) An assessment of the individual's health history
and physical and mental status.
(B) An evaluation of the medications prescribed.
(2) Non-licensed authorized direct care staff shall meet the
following criteria:
(A) Be 18 years of age or older.
(B) Have completed high school or have a high school equivalency certificate.

(C) Have demonstrated functional literacy.

(D) Have satisfactorily completed the Health and Safety component of a Department of Human Services authorized direct care staff training program.

(E) Have successfully completed the training program, pass the written portion of the comprehensive exam, and score 100% on the competency-based assessment specific to the individual and his or her medications.

(F) Have received additional competency-based assessment by the nurse-trainer as deemed necessary by the nurse-trainer whenever a change of medication occurs or a new individual that requires medication administration enters the program.

(3) Authorized direct care staff shall be re-evaluated by a nurse-trainer at least annually or more frequently at the discretion of the registered professional nurse. Any necessary retraining shall be to the extent that is necessary to ensure competency of the authorized direct care staff to administer medication.

(4) Authorization of direct care staff to administer medication shall be revoked if, in the opinion of the registered professional nurse, the authorized direct care staff is no longer competent to administer medication.

(5) The registered professional nurse shall assess an individual's health status at least annually or more frequently at the discretion of the registered professional nurse.

(d) Medication self-administration shall meet the following requirements:

(1) As part of the normalization process, in order for each individual to attain the highest possible level of independent functioning, all individuals shall be permitted to participate in their total health care program. This program shall include, but not be limited to, individual training in preventive health and self-medication procedures.

(A) Every program shall adopt written policies and procedures for assisting individuals in obtaining preventative health and self-medication skills in

New matter indicated by italics - deletions by strikeout
consultation with a registered professional nurse, advanced practice nurse, physician assistant, or physician licensed to practice medicine in all its branches.

(B) Individuals shall be evaluated to determine their ability to self-medicate by the nurse-trainer through the use of the Department's required, standardized screening and assessment instruments.

(C) When the results of the screening and assessment indicate an individual not to be capable to self-administer his or her own medications, programs shall be developed in consultation with the Community Support Team or Interdisciplinary Team to provide individuals with self-medication administration.

(2) Each individual shall be presumed to be competent to self-administer medications if:

(A) authorized by an order of a physician licensed to practice medicine in all its branches, an advanced practice nurse, or a physician assistant; and

(B) approved to self-administer medication by the individual's Community Support Team or Interdisciplinary Team, which includes a registered professional nurse or an advanced practice nurse.

(e) Quality Assurance.

(1) A registered professional nurse, advanced practice nurse, licensed practical nurse, physician licensed to practice medicine in all its branches, physician assistant, or pharmacist shall review the following for all individuals:

(A) Medication orders.

(B) Medication labels, including medications listed on the medication administration record for persons who are not self-medicating to ensure the labels match the orders issued by the physician licensed to practice medicine in all its branches, advanced practice nurse, or physician assistant.

(C) Medication administration records for persons who are not self-medicating to ensure that the records are completed appropriately for:

(i) medication administered as prescribed;

(ii) refusal by the individual; and

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(iii) full signatures provided for all initials used.

(2) Reviews shall occur at least quarterly, but may be done more frequently at the discretion of the registered professional nurse or advanced practice nurse.

(3) A quality assurance review of medication errors and data collection for the purpose of monitoring and recommending corrective action shall be conducted within 7 days and included in the required annual review.

(f) Programs using authorized direct care staff to administer medications are responsible for documenting and maintaining records on the training that is completed.

(g) The absence of this training program constitutes a threat to the public interest, safety, and welfare and necessitates emergency rulemaking by the Departments of Human Services and Public Health under Section 5-45 of the Illinois Administrative Procedure Act.

(h) Direct care staff who fail to qualify for delegated authority to administer medications pursuant to the provisions of this Section shall be given additional education and testing to meet criteria for delegation authority to administer medications. Any direct care staff person who fails to qualify as an authorized direct care staff after initial training and testing must within 3 months be given another opportunity for retraining and retesting. A direct care staff person who fails to meet criteria for delegated authority to administer medication, including, but not limited to, failure of the written test on 2 occasions shall be given consideration for shift transfer or reassignment, if possible. No employee shall be terminated for failure to qualify during the 3-month time period following initial testing. Refusal to complete training and testing required by this Section may be grounds for immediate dismissal.

(i) No authorized direct care staff person delegated to administer medication shall be subject to suspension or discharge for errors resulting from the staff person's acts or omissions when performing the functions unless the staff person's actions or omissions constitute willful and wanton conduct. Nothing in this subsection is intended to supersede paragraph (4) of subsection (c).

(j) A registered professional nurse, advanced practice nurse, physician licensed to practice medicine in all its branches, or physician assistant shall be on duty or on call at all times in any program covered by this Section.

New matter indicated by italics - deletions by strikeout
(k) The employer shall be responsible for maintaining liability insurance for any program covered by this Section.

(l) Any direct care staff person who qualifies as authorized direct care staff pursuant to this Section shall be granted consideration for a one-time additional salary differential. The Department shall determine and provide the necessary funding for the differential in the base. This subsection (l) is inoperative on and after June 30, 2000.

(Source: P.A. 98-718, eff. 1-1-15; 98-901, eff. 8-15-14; 99-78, eff. 7-20-15; 99-143, eff. 7-27-15.)

Section 40. The Department of Professional Regulation Law of the Civil Administrative Code of Illinois is amended by changing Section 2105-360 as follows:

(20 ILCS 2105/2105-360)
Sec. 2105-360. Licensing exemptions for athletic team health care professionals.

(a) Definitions. For purposes of this Section:
"Athletic team" means any professional or amateur level group from outside the State of Illinois organized for the purpose of engaging in athletic events that employs the services of a health care professional.
"Health care professional" means a physician, physician assistant, physical therapist, athletic trainer, or acupuncturist.

(b) Notwithstanding any other provision of law, a health care professional who is licensed to practice in another state or country shall be exempt from licensure requirements under the applicable Illinois professional Act while practicing his or her profession in this State if all of the following conditions are met:

(1) The health care professional has an oral or written agreement with an athletic team to provide health care services to the athletic team members, coaching staff, and families traveling with the athletic team for a specific sporting event to take place in this State.

(2) The health care professional may not provide care or consultation to any person residing in this State other than a person described in paragraph (1) of this subsection (b) unless the care is covered under the Good Samaritan Act.

(c) The exemption from licensure shall remain in force while the health care professional is traveling with the athletic team, but shall be no longer than 10 days per individual sporting event.

New matter indicated by italics - deletions by strikeout
(d) The Secretary, upon prior written request by the health care professional, may grant the health care professional additional time of up to 20 additional days per sporting event. The total number of days the health care professional may be exempt, including additional time granted upon request, may not exceed 30 days per sporting event.

(e) A health care professional who is exempt from licensure requirements under this Section is not authorized to practice at a health care clinic or facility, including an acute care facility.

(20 ILCS 2305/7) (from Ch. 111 1/2, par. 22.05)

Sec. 7. The Illinois Department of Public Health shall adopt rules requiring that upon death of a person who had or is suspected of having an infectious or communicable disease that could be transmitted through contact with the person's body or bodily fluids, the body shall be labeled "Infection Hazard", or with an equivalent term to inform persons having subsequent contact with the body, including any funeral director or embalmer, to take suitable precautions. Such rules shall require that the label shall be prominently displayed on and affixed to the outer wrapping or covering of the body if the body is wrapped or covered in any manner. Responsibility for such labeling shall lie with the attending physician, advanced practice nurse, or physician assistant who certifies death, or if the death occurs in a health care facility, with such staff member as may be designated by the administrator of the facility. The Department may adopt rules providing for the safe disposal of human remains. To the extent feasible without endangering the public's health, the Department shall respect and accommodate the religious beliefs of individuals in implementing this Section.

(20 ILCS 2305/8.2)

Sec. 8.2. Osteoporosis Prevention and Education Program.

(a) The Department of Public Health, utilizing available federal funds, State funds appropriated for that purpose, or other available funding as provided for in this Section, shall establish, promote, and maintain an Osteoporosis Prevention and Education Program to promote public awareness of the causes of osteoporosis, options for prevention, the value of early detection, and possible treatments (including the benefits and risks of those treatments). The Department may accept, for that purpose, any

New matter indicated by italics - deletions by strikeout
special grant of money, services, or property from the federal government or any of its agencies or from any foundation, organization, or medical school.

(b) The program shall include the following:

(1) Development of a public education and outreach campaign to promote osteoporosis prevention and education, including, but not limited to, the following subjects:

   (A) The cause and nature of the disease.
   (B) Risk factors.
   (C) The role of hysterectomy.
   (D) Prevention of osteoporosis, including nutrition, diet, and physical exercise.
   (E) Diagnostic procedures and appropriate indications for their use.
   (F) Hormone replacement, including benefits and risks.
   (G) Environmental safety and injury prevention.
   (H) Availability of osteoporosis diagnostic treatment services in the community.

(2) Development of educational materials to be made available for consumers, particularly targeted to high-risk groups, through local health departments, local physicians, advanced practice nurses, or physician assistants, other providers (including, but not limited to, health maintenance organizations, hospitals, and clinics), and women's organizations.

(3) Development of professional education programs for health care providers to assist them in understanding research findings and the subjects set forth in paragraph (1).

(4) Development and maintenance of a list of current providers of specialized services for the prevention and treatment of osteoporosis. Dissemination of the list shall be accompanied by a description of diagnostic procedures, appropriate indications for their use, and a cautionary statement about the current status of osteoporosis research, prevention, and treatment. The statement shall also indicate that the Department does not license, certify, or in any other way approve osteoporosis programs or centers in this State.

(c) The State Board of Health shall serve as an advisory board to the Department with specific respect to the prevention and education

New matter indicated by italics - deletions by strikeout
activities related to osteoporosis described in this Section. The State Board of Health shall assist the Department in implementing this Section.

(Source: P.A. 88-622, eff. 1-1-95.)

Section 50. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by changing Sections 2310-345, 2310-397, 2310-410, 2310-425, and 2310-600 and by renumbering and changing Section 2310-685 (as added by Public Act 99-424) as follows:

(20 ILCS 2310/2310-345) (was 20 ILCS 2310/55.49)


(a) From funds made available for this purpose, the Department shall publish, in layman's language, a standardized written summary outlining methods for the early detection and diagnosis of breast cancer. The summary shall include recommended guidelines for screening and detection of breast cancer through the use of techniques that shall include but not be limited to self-examination, clinical breast exams, and diagnostic radiology.

(b) The summary shall also suggest that women seek mammography services from facilities that are certified to perform mammography as required by the federal Mammography Quality Standards Act of 1992.

(c) The summary shall also include the medically viable alternative methods for the treatment of breast cancer, including, but not limited to, hormonal, radiological, chemotherapeutic, or surgical treatments or combinations thereof. The summary shall contain information on breast reconstructive surgery, including, but not limited to, the use of breast implants and their side effects. The summary shall inform the patient of the advantages, disadvantages, risks, and dangers of the various procedures. The summary shall include (i) a statement that mammography is the most accurate method for making an early detection of breast cancer, however, no diagnostic tool is 100% effective, (ii) the benefits of clinical breast exams, and (iii) instructions for performing breast self-examination and a statement that it is important to perform a breast self-examination monthly.

(c-5) The summary shall specifically address the benefits of early detection and review the clinical standard recommendations by the Centers for Disease Control and Prevention and the American Cancer Society for mammography, clinical breast exams, and breast self-exams.

New matter indicated by italics - deletions by strikeout
(c-10) The summary shall also inform individuals that public and private insurance providers shall pay for clinical breast exams as part of an exam, as indicated by guidelines of practice.

(c-15) The summary shall also inform individuals, in layman's terms, of the meaning and consequences of "dense breast tissue" under the guidelines of the Breast Imaging Reporting and Data System of the American College of Radiology and potential recommended follow-up tests or studies.

(d) In developing the summary, the Department shall consult with the Advisory Board of Cancer Control, the Illinois State Medical Society and consumer groups. The summary shall be updated by the Department every 2 years.

(e) The summaries shall additionally be translated into Spanish, and the Department shall conduct a public information campaign to distribute the summaries to the Hispanic women of this State in order to inform them of the importance of early detection and mammograms.

(f) The Department shall distribute the summary to hospitals, public health centers, and physicians, and other health care professionals who are likely to perform or order diagnostic tests for breast disease or treat breast cancer by surgical or other medical methods. Those hospitals, public health centers, and physicians, and other health care professionals shall make the summaries available to the public. The Department shall also distribute the summaries to any person, organization, or other interested parties upon request. The summaries may be duplicated by any person, provided the copies are identical to the current summary prepared by the Department.

(g) The summary shall display, on the inside of its cover, printed in capital letters, in bold face type, the following paragraph:

"The information contained in this brochure regarding recommendations for early detection and diagnosis of breast disease and alternative breast disease treatments is only for the purpose of assisting you, the patient, in understanding the medical information and advice offered by your physician. This brochure cannot serve as a substitute for the sound professional advice of your physician. The availability of this brochure or the information contained within is not intended to alter, in any way, the existing physician-patient relationship, nor the existing professional obligations of your physician in the delivery of medical services to you, the patient."

(h) The summary shall be updated when necessary.

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Sec. 2310-397. Prostate and testicular cancer program.

(a) The Department, subject to appropriation or other available funding, shall conduct a program to promote awareness and early detection of prostate and testicular cancer. The program may include, but need not be limited to:

(1) Dissemination of information regarding the incidence of prostate and testicular cancer, the risk factors associated with prostate and testicular cancer, and the benefits of early detection and treatment.

(2) Promotion of information and counseling about treatment options.

(3) Establishment and promotion of referral services and screening programs.

Beginning July 1, 2004, the program must include the development and dissemination, through print and broadcast media, of public service announcements that publicize the importance of prostate cancer screening for men over age 40.

(b) Subject to appropriation or other available funding, a Prostate Cancer Screening Program shall be established in the Department of Public Health.

(1) The Program shall apply to the following persons and entities:

(A) uninsured and underinsured men 50 years of age and older;

(B) uninsured and underinsured men between 40 and 50 years of age who are at high risk for prostate cancer, upon the advice of a physician, advanced practice nurse, or physician assistant or upon the request of the patient; and

(C) non-profit organizations providing assistance to persons described in subparagraphs (A) and (B).

(2) Any entity funded by the Program shall coordinate with other local providers of prostate cancer screening, diagnostic, follow-up, education, and advocacy services to avoid duplication of effort. Any entity funded by the Program shall comply with any applicable State and federal standards regarding prostate cancer screening.
(3) Administrative costs of the Department shall not exceed 10% of the funds allocated to the Program. Indirect costs of the entities funded by this Program shall not exceed 12%. The Department shall define "indirect costs" in accordance with applicable State and federal law.

(4) Any entity funded by the Program shall collect data and maintain records that are determined by the Department to be necessary to facilitate the Department's ability to monitor and evaluate the effectiveness of the entities and the Program. Commencing with the Program's second year of operation, the Department shall submit an Annual Report to the General Assembly and the Governor. The report shall describe the activities and effectiveness of the Program and shall include, but not be limited to, the following types of information regarding those served by the Program:

(A) the number; and
(B) the ethnic, geographic, and age breakdown.

(5) The Department or any entity funded by the Program shall collect personal and medical information necessary to administer the Program from any individual applying for services under the Program. The information shall be confidential and shall not be disclosed other than for purposes directly connected with the administration of the Program or except as otherwise provided by law or pursuant to prior written consent of the subject of the information.

(6) The Department or any entity funded by the program may disclose the confidential information to medical personnel and fiscal intermediaries of the State to the extent necessary to administer the Program, and to other State public health agencies or medical researchers if the confidential information is necessary to carry out the duties of those agencies or researchers in the investigation, control, or surveillance of prostate cancer.

(c) The Department shall adopt rules to implement the Prostate Cancer Screening Program in accordance with the Illinois Administrative Procedure Act.

(Source: P.A. 98-87, eff. 1-1-14.)

(20 ILCS 2310/2310-410) (was 20 ILCS 2310/55.42)
Sec. 2310-410. Sickle cell disease. To conduct a public information campaign for physicians, advanced practice nurses, physician

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assistants, hospitals, health facilities, public health departments, and the
general public on sickle cell disease, methods of care, and treatment
modalities available; to identify and catalogue sickle cell resources in this
State for distribution and referral purposes; and to coordinate services with
the established programs, including State, federal, and voluntary groups.
(Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 2310/2310-425) (was 20 ILCS 2310/55.66)
Sec. 2310-425. Health care summary for women.
(a) From funds made available from the General Assembly for this
purpose, the Department shall publish in plain language, in both an
English and a Spanish version, a pamphlet providing information
regarding health care for women which shall include the following:

(1) A summary of the various medical conditions, including
cancer, sexually transmitted diseases, endometriosis, or other
similar diseases or conditions widely affecting women's
reproductive health, that may require a hysterectomy or other
treatment.

(2) A summary of the recommended schedule and
indications for physical examinations, including "pap smears" or
other tests designed to detect medical conditions of the uterus and
other reproductive organs.

(3) A summary of the widely accepted medical treatments,
including viable alternatives, that may be prescribed for the
medical conditions specified in paragraph (1).

(b) In developing the summary the Department shall consult with
the Illinois State Medical Society, Illinois Society of Advanced Practice
Nurses, the Illinois Academy of Physician Assistants, and consumer
groups. The summary shall be updated by the Department every 2 years.

(c) The Department shall distribute the summary to hospitals,
public health centers, and health care professionals physicians who are
likely to treat medical conditions described in paragraph (1) of subsection
(a). Those hospitals, public health centers, and physicians shall make the
summaries available to the public. The Department shall also distribute the
summaries to any person, organization, or other interested parties upon
request. The summary may be duplicated by any person provided the
copies are identical to the current summary prepared by the Department.

(d) The summary shall display on the inside of its cover, printed in
capital letters and bold face type, the following paragraph:

New matter indicated by italics - deletions by strikeout
"The information contained in this brochure is only for the purpose of assisting you, the patient, in understanding the medical information and advice offered by your health care professional physician. This brochure cannot serve as a substitute for the sound professional advice of your health care professional physician. The availability of this brochure or the information contained within is not intended to alter, in any way, the existing health care professional-patient physician-patient relationship, nor the existing professional obligations of your health care professional physician in the delivery of medical services to you, the patient."
(Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 2310/2310-600)
Sec. 2310-600. Advance directive information.
(a) The Department of Public Health shall prepare and publish the summary of advance directives law, as required by the federal Patient Self-Determination Act, and related forms. Publication may be limited to the World Wide Web. The summary required under this subsection (a) must include the Department of Public Health Uniform POLST form.

(b) The Department of Public Health shall publish Spanish language versions of the following:
   (1) The statutory Living Will Declaration form.
   (2) The Illinois Statutory Short Form Power of Attorney for Health Care.
   (3) The statutory Declaration of Mental Health Treatment Form.
   (4) The summary of advance directives law in Illinois.
   (5) The Department of Public Health Uniform POLST form. Publication may be limited to the World Wide Web.

(b-5) In consultation with a statewide professional organization representing physicians licensed to practice medicine in all its branches, statewide organizations representing physician assistants, advanced practice nurses, nursing homes, registered professional nurses, and emergency medical systems, and a statewide organization representing hospitals, the Department of Public Health shall develop and publish a uniform form for practitioner cardiopulmonary resuscitation (CPR) or life-sustaining treatment orders that may be utilized in all settings. The form shall meet the published minimum requirements to nationally be considered a practitioner orders for life-sustaining treatment form, or POLST, and may be referred to as the Department of Public Health

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Uniform POLST form. This form does not replace a physician's or other practitioner's authority to make a do-not-resuscitate (DNR) order.

(c) (Blank).

(d) The Department of Public Health shall publish the Department of Public Health Uniform POLST form reflecting the changes made by this amendatory Act of the 98th General Assembly no later than January 1, 2015.

(Source: P.A. 98-1110, eff. 8-26-14; 99-319, eff. 1-1-16.)

(20 ILCS 2310/2310-690)

Sec. 2310-690. Cytomegalovirus public education.

(a) In this Section:

"CMV" means cytomegalovirus.

"Health care professional and provider" means any physician, advanced practice nurse, physician assistant, hospital facility, or other person that is licensed or otherwise authorized to deliver health care services.

(b) The Department shall develop or approve and publish informational materials for women who may become pregnant, expectant parents, and parents of infants regarding:

(1) the incidence of CMV;

(2) the transmission of CMV to pregnant women and women who may become pregnant;

(3) birth defects caused by congenital CMV;

(4) methods of diagnosing congenital CMV; and

(5) available preventive measures to avoid the infection of women who are pregnant or may become pregnant.

(c) The Department shall publish the information required under subsection (b) on its Internet website.

(d) The Department shall publish information to:

(1) educate women who may become pregnant, expectant parents, and parents of infants about CMV; and

(2) raise awareness of CMV among health care professionals and providers who provide care to expectant mothers or infants.

(e) The Department may solicit and accept the assistance of any relevant health care professional medical associations or community resources, including faith-based resources, to promote education about CMV under this Section.

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(f) If a newborn infant fails the 2 initial hearing screenings in the hospital, then the hospital performing that screening shall provide to the parents of the newborn infant information regarding: (i) birth defects caused by congenital CMV; (ii) testing opportunities and options for CMV, including the opportunity to test for CMV before leaving the hospital; and (iii) early intervention services. Health care professionals and providers may, but are not required to, use the materials developed by the Department for distribution to parents of newborn infants.

(Source: P.A. 99-424, eff. 1-1-16; revised 9-28-15.)

Section 55. The Comprehensive Healthcare Workforce Planning Act is amended by changing Section 15 as follows:

(20 ILCS 2325/15)
Sec. 15. Members.
(a) The following 10 persons or their designees shall be members of the Council: the Director of the Department; a representative of the Governor's Office; the Secretary of Human Services; the Directors of the Departments of Commerce and Economic Opportunity, Employment Security, Financial and Professional Regulation, and Healthcare and Family Services; and the Executive Director of the Board of Higher Education, the Executive Director of the Illinois Community College Board, and the State Superintendent of Education.

(b) The Governor shall appoint additional members, who shall be healthcare workforce experts, including representatives of practicing physicians, nurses, pharmacists, and dentists, physician assistants, State and local health professions organizations, schools of medicine and osteopathy, nursing, dental, physician assistants, allied health, and public health; public and private teaching hospitals; health insurers, business; and labor. The Speaker of the Illinois House of Representatives, the President of the Illinois Senate, the Minority Leader of the Illinois House of Representatives, and the Minority Leader of the Illinois Senate may each appoint 2 representatives to the Council. Members appointed under this subsection (b) shall serve 4-year terms and may be reappointed.

(c) The Director of the Department shall serve as Chair of the Council. The Governor shall appoint a healthcare workforce expert from the non-governmental sector to serve as Vice-Chair.

(Source: P.A. 97-424, eff. 7-1-12; 98-719, eff. 1-1-15.)

Section 60. The Community Health Worker Advisory Board Act is amended by changing Section 10 as follows:

(20 ILCS 2335/10)

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Sec. 10. Advisory Board.

(a) There is created the Advisory Board on Community Health Workers. The Board shall consist of 16 members appointed by the Director of Public Health. The Director shall make the appointments to the Board within 90 days after the effective date of this Act. The members of the Board shall represent different racial and ethnic backgrounds and have the qualifications as follows:

(1) four members who currently serve as community health workers in Cook County, one of whom shall have served as a health insurance marketplace navigator;
(2) two members who currently serve as community health workers in DuPage, Kane, Lake, or Will County;
(3) one member who currently serves as a community health worker in Bond, Calhoun, Clinton, Jersey, Macoupin, Madison, Monroe, Montgomery, Randolph, St. Clair, or Washington County;
(4) one member who currently serves as a community health worker in any other county in the State;
(5) one member who is a physician licensed to practice medicine in Illinois;
(6) one member who is a physician assistant;
(7) one member who is a licensed nurse or advanced practice nurse;
(8) one member who is a licensed social worker, counselor, or psychologist;
(9) one member who currently employs community health workers;
(10) one member who is a health policy advisor with experience in health workforce policy;
(11) one member who is a public health professional with experience with community health policy; and
(12) one representative of a community college, university, or educational institution that provides training to community health workers.

(b) In addition, the following persons or their designees shall serve as ex officio, non-voting members of the Board: the Executive Director of the Illinois Community College Board, the Director of Children and Family Services, the Director of Aging, the Director of Public Health, the Director of Employment Security, the Director of Commerce and

New matter indicated by italics - deletions by strikeout
Economic Opportunity, the Secretary of Financial and Professional Regulation, the Director of Healthcare and Family Services, and the Secretary of Human Services.

(c) The voting members of the Board shall select a chairperson from the voting members of the Board. The Board shall consult with additional experts as needed. Members of the Board shall serve without compensation. The Department shall provide administrative and staff support to the Board. The meetings of the Board are subject to the provisions of the Open Meetings Act.

(d) The Board shall consider the core competencies of a community health worker, including skills and areas of knowledge that are essential to bringing about expanded health and wellness in diverse communities and reducing health disparities. As relating to members of communities and health teams, the core competencies for effective community health workers may include, but are not limited to:

(1) outreach methods and strategies;
(2) client and community assessment;
(3) effective community-based and participatory methods, including research;
(4) culturally competent communication and care;
(5) health education for behavior change;
(6) support, advocacy, and health system navigation for clients;
(7) application of public health concepts and approaches;
(8) individual and community capacity building and mobilization; and
(9) writing, oral, technical, and communication skills.

(Source: P.A. 98-796, eff. 7-31-14.)

Section 65. The Illinois Housing Development Act is amended by changing Section 7.30 as follows:

(20 ILCS 3805/7.30)
Sec. 7.30. Foreclosure Prevention Program.

(a) The Authority shall establish and administer a Foreclosure Prevention Program. The Authority shall use moneys in the Foreclosure Prevention Program Fund, and any other funds appropriated for this purpose, to make grants to (i) approved counseling agencies for approved housing counseling and (ii) approved community-based organizations for approved foreclosure prevention outreach programs. The Authority shall
promulgate rules to implement this Program and may adopt emergency
rules as soon as practicable to begin implementation of the Program.

(b) Subject to appropriation and the annual receipt of funds, the
Authority shall make grants from the Foreclosure Prevention Program
Fund derived from fees paid as specified in subsection (a) of Section 15-
1504.1 of the Code of Civil Procedure as follows:

(1) 25% of the moneys in the Fund shall be used to make
grants to approved counseling agencies that provide services in
Illinois outside of the City of Chicago. Grants shall be based upon
the number of foreclosures filed in an approved counseling
agency's service area, the capacity of the agency to provide
foreclosure counseling services, and any other factors that the
Authority deems appropriate.

(2) 25% of the moneys in the Fund shall be distributed to
the City of Chicago to make grants to approved counseling
agencies located within the City of Chicago for approved housing
counseling or to support foreclosure prevention counseling
programs administered by the City of Chicago.

(3) 25% of the moneys in the Fund shall be used to make
grants to approved community-based organizations located outside
of the City of Chicago for approved foreclosure prevention
outreach programs.

(4) 25% of the moneys in the Fund shall be used to make
grants to approved community-based organizations located within
the City of Chicago for approved foreclosure prevention outreach
programs, with priority given to programs that provide door-to-
door outreach.

(b-1) Subject to appropriation and the annual receipt of funds, the
Authority shall make grants from the Foreclosure Prevention Program
Graduated Fund derived from fees paid as specified in paragraph (1) of
subsection (a-5) of Section 15-1504.1 of the Code of Civil Procedure, as
follows:

(1) 30% shall be used to make grants for approved housing
counseling in Cook County outside of the City of Chicago;
(2) 25% shall be used to make grants for approved housing
counseling in the City of Chicago;
(3) 30% shall be used to make grants for approved housing
counseling in DuPage, Kane, Lake, McHenry, and Will Counties; and

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(4) 15% shall be used to make grants for approved housing counseling in Illinois in counties other than Cook, DuPage, Kane, Lake, McHenry, and Will Counties provided that grants to provide approved housing counseling to borrowers residing within these counties shall be based, to the extent practicable, (i) proportionately on the amount of fees paid to the respective clerks of the courts within these counties and (ii) on any other factors that the Authority deems appropriate.

The percentages set forth in this subsection (b-1) shall be calculated after deduction of reimbursable administrative expenses incurred by the Authority, but shall not be greater than 4% of the annual appropriated amount.

(b-5) As used in this Section:

"Approved community-based organization" means a not-for-profit entity that provides educational and financial information to residents of a community through in-person contact. "Approved community-based organization" does not include a not-for-profit corporation or other entity or person that provides legal representation or advice in a civil proceeding or court-sponsored mediation services, or a governmental agency.

"Approved foreclosure prevention outreach program" means a program developed by an approved community-based organization that includes in-person contact with residents to provide (i) pre-purchase and post-purchase home ownership counseling, (ii) education about the foreclosure process and the options of a mortgagor in a foreclosure proceeding, and (iii) programs developed by an approved community-based organization in conjunction with a State or federally chartered financial institution.

"Approved counseling agency" means a housing counseling agency approved by the U.S. Department of Housing and Urban Development.

"Approved housing counseling" means in-person counseling provided by a counselor employed by an approved counseling agency to all borrowers, or documented telephone counseling where a hardship would be imposed on one or more borrowers. A hardship shall exist in instances in which the borrower is confined to his or her home due to a medical condition, as verified in writing by a physician, advanced practice nurse, or physician assistant, or the borrower resides 50 miles or more from the nearest approved counseling agency. In instances of telephone counseling, the borrower must supply all necessary documents to the counselor at least 72 hours prior to the scheduled telephone counseling session.

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Section 70. The Illinois Health Information Exchange and Technology Act is amended by changing Section 15 as follows:

Sec. 15. Governance of the Illinois Health Information Exchange Authority.

(a) The Authority shall consist of and be governed by one Executive Director and 8 directors who are hereby authorized to carry out the provisions of this Act and to exercise the powers conferred under this Act.

(b) The Executive Director and 8 directors shall be appointed to 3-year staggered terms by the Governor with the advice and consent of the Senate. Of the members first appointed after the effective date of this Act, 3 shall be appointed for a term of one year, 3 shall be appointed for a term of 2 years, and 3 shall be appointed for a term of 3 years. The Executive Director and directors may serve successive terms and, in the event the term of the Executive Director or a director expires, he or she shall serve in the expired term until a new Executive Director or director is appointed and qualified. Vacancies shall be filled for the unexpired term in the same manner as original appointments. The Governor may remove a director or the Executive Director for incompetency, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office or any other good cause. The Executive Director shall be compensated at an annual salary of 75% of the salary of the Governor.

(c) The Executive Director and directors shall be chosen with due regard to broad geographic representation and shall be representative of a broad spectrum of health care providers and stakeholders, including representatives from any of the following fields or groups: health care consumers, consumer advocates, physicians, physician assistants, nurses, hospitals, federally qualified health centers as defined in Section 1905(l)(2)(B) of the Social Security Act and any subsequent amendments thereto, health plans or third-party payors, employers, long-term care providers, pharmacists, State and local public health entities, outpatient

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diagnostic service providers, behavioral health providers, home health agency organizations, health professional schools in Illinois, health information technology, or health information research.

(d) The directors of the Illinois Department of Healthcare and Family Services, the Illinois Department of Public Health, and the Illinois Department of Insurance and the Secretary of the Illinois Department of Human Services, or their designees, and a designee of the Office of the Governor, shall serve as ex-officio members of the Authority.

(e) The Authority is authorized to conduct its business by a majority of the appointed members. The Authority may adopt bylaws in order to conduct meetings. The bylaws may permit the Authority to meet by telecommunication or electronic communication.

(f) The Authority shall appoint an Illinois Health Information Exchange Authority Advisory Committee ("Advisory Committee") with representation from any of the fields or groups listed in subsection (c) of this Section. The purpose of the Advisory Committee shall be to advise and provide recommendations to the Authority regarding the ILHIE. The Advisory Committee members shall serve 2-year terms. The Authority may establish other advisory committees and subcommittees to conduct the business of the Authority.

(g) Directors of the Authority, members of the Advisory Committee, and any other advisory committee and subcommittee members may be reimbursed for ordinary and contingent travel and meeting expenses for their service at the rate approved for State employee travel.

(Source: P.A. 96-1331, eff. 7-27-10.)

Section 75. The Property Tax Code is amended by changing Sections 15-168 and 15-172 as follows:

(35 ILCS 200/15-168)

Sec. 15-168. Homestead exemption for persons with disabilities.

(a) Beginning with taxable year 2007, an annual homestead exemption is granted to persons with disabilities in the amount of $2,000, except as provided in subsection (c), to be deducted from the property's value as equalized or assessed by the Department of Revenue. The person with a disability shall receive the homestead exemption upon meeting the following requirements:

(1) The property must be occupied as the primary residence by the person with a disability.

(2) The person with a disability must be liable for paying the real estate taxes on the property.

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(3) The person with a disability must be an owner of record of the property or have a legal or equitable interest in the property as evidenced by a written instrument. In the case of a leasehold interest in property, the lease must be for a single family residence.

A person who has a disability during the taxable year is eligible to apply for this homestead exemption during that taxable year. Application must be made during the application period in effect for the county of residence. If a homestead exemption has been granted under this Section and the person awarded the exemption subsequently becomes a resident of a facility licensed under the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act of 2013, the ID/DD Community Care Act, or the MC/DD Act, then the exemption shall continue (i) so long as the residence continues to be occupied by the qualifying person's spouse or (ii) if the residence remains unoccupied but is still owned by the person qualified for the homestead exemption.

(b) For the purposes of this Section, "person with a disability" means a person unable to engage in any substantial gainful activity by reason of a medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months. Persons with disabilities filing claims under this Act shall submit proof of disability in such form and manner as the Department shall by rule and regulation prescribe. Proof that a claimant is eligible to receive disability benefits under the Federal Social Security Act shall constitute proof of disability for purposes of this Act. Issuance of an Illinois Person with a Disability Identification Card stating that the claimant is under a Class 2 disability, as defined in Section 4A of the Illinois Identification Card Act, shall constitute proof that the person named thereon is a person with a disability for purposes of this Act. A person with a disability not covered under the Federal Social Security Act and not presenting an Illinois Person with a Disability Identification Card stating that the claimant is under a Class 2 disability shall be examined by a physician, advanced practice nurse, or physician assistant designated by the Department, and his status as a person with a disability determined using the same standards as used by the Social Security Administration. The costs of any required examination shall be borne by the claimant.

(c) For land improved with (i) an apartment building owned and operated as a cooperative or (ii) a life care facility as defined under Section 2 of the Life Care Facilities Act that is considered to be a cooperative, the
maximum reduction from the value of the property, as equalized or assessed by the Department, shall be multiplied by the number of apartments or units occupied by a person with a disability. The person with a disability shall receive the homestead exemption upon meeting the following requirements:

(1) The property must be occupied as the primary residence by the person with a disability.

(2) The person with a disability must be liable by contract with the owner or owners of record for paying the apportioned property taxes on the property of the cooperative or life care facility. In the case of a life care facility, the person with a disability must be liable for paying the apportioned property taxes under a life care contract as defined in Section 2 of the Life Care Facilities Act.

(3) The person with a disability must be an owner of record of a legal or equitable interest in the cooperative apartment building. A leasehold interest does not meet this requirement.

If a homestead exemption is granted under this subsection, the cooperative association or management firm shall credit the savings resulting from the exemption to the apportioned tax liability of the qualifying person with a disability. The chief county assessment officer may request reasonable proof that the association or firm has properly credited the exemption. A person who willfully refuses to credit an exemption to the qualified person with a disability is guilty of a Class B misdemeanor.

(d) The chief county assessment officer shall determine the eligibility of property to receive the homestead exemption according to guidelines established by the Department. After a person has received an exemption under this Section, an annual verification of eligibility for the exemption shall be mailed to the taxpayer.

In counties with fewer than 3,000,000 inhabitants, the chief county assessment officer shall provide to each person granted a homestead exemption under this Section a form to designate any other person to receive a duplicate of any notice of delinquency in the payment of taxes assessed and levied under this Code on the person's qualifying property. The duplicate notice shall be in addition to the notice required to be provided to the person receiving the exemption and shall be given in the manner required by this Code. The person filing the request for the duplicate notice shall pay an administrative fee of $5 to the chief county assessment officer. The assessment officer shall then file the executed

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designation with the county collector, who shall issue the duplicate notices as indicated by the designation. A designation may be rescinded by the person with a disability in the manner required by the chief county assessment officer.

(e) A taxpayer who claims an exemption under Section 15-165 or 15-169 may not claim an exemption under this Section.

(Source: P.A. 98-104, eff. 7-22-13; 99-143, eff. 7-27-15; 99-180, eff. 7-29-15; revised 10-20-15.)

(35 ILCS 200/15-172)

Sec. 15-172. Senior Citizens Assessment Freeze Homestead Exemption.

(a) This Section may be cited as the Senior Citizens Assessment Freeze Homestead Exemption.

(b) As used in this Section:

"Applicant" means an individual who has filed an application under this Section.

"Base amount" means the base year equalized assessed value of the residence plus the first year's equalized assessed value of any added improvements which increased the assessed value of the residence after the base year.

"Base year" means the taxable year prior to the taxable year for which the applicant first qualifies and applies for the exemption provided that in the prior taxable year the property was improved with a permanent structure that was occupied as a residence by the applicant who was liable for paying real property taxes on the property and who was either (i) an owner of record of the property or had legal or equitable interest in the property as evidenced by a written instrument or (ii) had a legal or equitable interest as a lessee in the parcel of property that was single family residence. If in any subsequent taxable year for which the applicant applies and qualifies for the exemption the equalized assessed value of the residence is less than the equalized assessed value in the existing base year (provided that such equalized assessed value is not based on an assessed value that results from a temporary irregularity in the property that reduces the assessed value for one or more taxable years), then that subsequent taxable year shall become the base year until a new base year is established under the terms of this paragraph. For taxable year 1999 only, the Chief County Assessment Officer shall review (i) all taxable years for which the applicant applied and qualified for the exemption and (ii) the existing base year. The assessment officer shall select as the new base year the year with
the lowest equalized assessed value. An equalized assessed value that is based on an assessed value that results from a temporary irregularity in the property that reduces the assessed value for one or more taxable years shall not be considered the lowest equalized assessed value. The selected year shall be the base year for taxable year 1999 and thereafter until a new base year is established under the terms of this paragraph.

"Chief County Assessment Officer" means the County Assessor or Supervisor of Assessments of the county in which the property is located.

"Equalized assessed value" means the assessed value as equalized by the Illinois Department of Revenue.

"Household" means the applicant, the spouse of the applicant, and all persons using the residence of the applicant as their principal place of residence.

"Household income" means the combined income of the members of a household for the calendar year preceding the taxable year.

"Income" has the same meaning as provided in Section 3.07 of the Senior Citizens and Persons with Disabilities Property Tax Relief Act, except that, beginning in assessment year 2001, "income" does not include veteran's benefits.

"Internal Revenue Code of 1986" means the United States Internal Revenue Code of 1986 or any successor law or laws relating to federal income taxes in effect for the year preceding the taxable year.

"Life care facility that qualifies as a cooperative" means a facility as defined in Section 2 of the Life Care Facilities Act.

"Maximum income limitation" means:

1. $35,000 prior to taxable year 1999;
2. $40,000 in taxable years 1999 through 2003;
3. $45,000 in taxable years 2004 through 2005;
4. $50,000 in taxable years 2006 and 2007; and
5. $55,000 in taxable year 2008 and thereafter.

"Residence" means the principal dwelling place and appurtenant structures used for residential purposes in this State occupied on January 1 of the taxable year by a household and so much of the surrounding land, constituting the parcel upon which the dwelling place is situated, as is used for residential purposes. If the Chief County Assessment Officer has established a specific legal description for a portion of property constituting the residence, then that portion of property shall be deemed the residence for the purposes of this Section.

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"Taxable year" means the calendar year during which ad valorem property taxes payable in the next succeeding year are levied.

(c) Beginning in taxable year 1994, a senior citizens assessment freeze homestead exemption is granted for real property that is improved with a permanent structure that is occupied as a residence by an applicant who (i) is 65 years of age or older during the taxable year, (ii) has a household income that does not exceed the maximum income limitation, (iii) is liable for paying real property taxes on the property, and (iv) is an owner of record of the property or has a legal or equitable interest in the property as evidenced by a written instrument. This homestead exemption shall also apply to a leasehold interest in a parcel of property improved with a permanent structure that is a single family residence that is occupied as a residence by a person who (i) is 65 years of age or older during the taxable year, (ii) has a household income that does not exceed the maximum income limitation, (iii) has a legal or equitable ownership interest in the property as lessee, and (iv) is liable for the payment of real property taxes on that property.

In counties of 3,000,000 or more inhabitants, the amount of the exemption for all taxable years is the equalized assessed value of the residence in the taxable year for which application is made minus the base amount. In all other counties, the amount of the exemption is as follows: (i) through taxable year 2005 and for taxable year 2007 and thereafter, the amount of this exemption shall be the equalized assessed value of the residence in the taxable year for which application is made minus the base amount; and (ii) for taxable year 2006, the amount of the exemption is as follows:

1. For an applicant who has a household income of $45,000 or less, the amount of the exemption is the equalized assessed value of the residence in the taxable year for which application is made minus the base amount.

2. For an applicant who has a household income exceeding $45,000 but not exceeding $46,250, the amount of the exemption is (i) the equalized assessed value of the residence in the taxable year for which application is made minus the base amount (ii) multiplied by 0.8.

3. For an applicant who has a household income exceeding $46,250 but not exceeding $47,500, the amount of the exemption is (i) the equalized assessed value of the residence in the taxable year for which application is made minus the base amount (ii) multiplied by 0.8.
year for which application is made minus the base amount (ii) multiplied by 0.6.

(4) For an applicant who has a household income exceeding $47,500 but not exceeding $48,750, the amount of the exemption is (i) the equalized assessed value of the residence in the taxable year for which application is made minus the base amount (ii) multiplied by 0.4.

(5) For an applicant who has a household income exceeding $48,750 but not exceeding $50,000, the amount of the exemption is (i) the equalized assessed value of the residence in the taxable year for which application is made minus the base amount (ii) multiplied by 0.2.

When the applicant is a surviving spouse of an applicant for a prior year for the same residence for which an exemption under this Section has been granted, the base year and base amount for that residence are the same as for the applicant for the prior year.

Each year at the time the assessment books are certified to the County Clerk, the Board of Review or Board of Appeals shall give to the County Clerk a list of the assessed values of improvements on each parcel qualifying for this exemption that were added after the base year for this parcel and that increased the assessed value of the property.

In the case of land improved with an apartment building owned and operated as a cooperative or a building that is a life care facility that qualifies as a cooperative, the maximum reduction from the equalized assessed value of the property is limited to the sum of the reductions calculated for each unit occupied as a residence by a person or persons (i) 65 years of age or older, (ii) with a household income that does not exceed the maximum income limitation, (iii) who is liable, by contract with the owner or owners of record, for paying real property taxes on the property, and (iv) who is an owner of record of a legal or equitable interest in the cooperative apartment building, other than a leasehold interest. In the instance of a cooperative where a homestead exemption has been granted under this Section, the cooperative association or its management firm shall credit the savings resulting from that exemption only to the apportioned tax liability of the owner who qualified for the exemption. Any person who willfully refuses to credit that savings to an owner who qualifies for the exemption is guilty of a Class B misdemeanor.

When a homestead exemption has been granted under this Section and an applicant then becomes a resident of a facility licensed under the

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Assisted Living and Shared Housing Act, the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act of 2013, the ID/DD Community Care Act, or the MC/DD Act, the exemption shall be granted in subsequent years so long as the residence (i) continues to be occupied by the qualified applicant's spouse or (ii) if remaining unoccupied, is still owned by the qualified applicant for the homestead exemption.

Beginning January 1, 1997, when an individual dies who would have qualified for an exemption under this Section, and the surviving spouse does not independently qualify for this exemption because of age, the exemption under this Section shall be granted to the surviving spouse for the taxable year preceding and the taxable year of the death, provided that, except for age, the surviving spouse meets all other qualifications for the granting of this exemption for those years.

When married persons maintain separate residences, the exemption provided for in this Section may be claimed by only one of such persons and for only one residence.

For taxable year 1994 only, in counties having less than 3,000,000 inhabitants, to receive the exemption, a person shall submit an application by February 15, 1995 to the Chief County Assessment Officer of the county in which the property is located. In counties having 3,000,000 or more inhabitants, for taxable year 1994 and all subsequent taxable years, to receive the exemption, a person may submit an application to the Chief County Assessment Officer of the county in which the property is located during such period as may be specified by the Chief County Assessment Officer. The Chief County Assessment Officer in counties of 3,000,000 or more inhabitants shall annually give notice of the application period by mail or by publication. In counties having less than 3,000,000 inhabitants, beginning with taxable year 1995 and thereafter, to receive the exemption, a person shall submit an application by July 1 of each taxable year to the Chief County Assessment Officer of the county in which the property is located. A county may, by ordinance, establish a date for submission of applications that is different than July 1. The applicant shall submit with the application an affidavit of the applicant's total household income, age, marital status (and if married the name and address of the applicant's spouse, if known), and principal dwelling place of members of the household on January 1 of the taxable year. The Department shall establish, by rule, a method for verifying the accuracy of affidavits filed by applicants under this Section, and the Chief County Assessment Officer may conduct audits of any taxpayer claiming an exemption under this

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Section to verify that the taxpayer is eligible to receive the exemption. Each application shall contain or be verified by a written declaration that it is made under the penalties of perjury. A taxpayer's signing a fraudulent application under this Act is perjury, as defined in Section 32-2 of the Criminal Code of 2012. The applications shall be clearly marked as applications for the Senior Citizens Assessment Freeze Homestead Exemption and must contain a notice that any taxpayer who receives the exemption is subject to an audit by the Chief County Assessment Officer.

Notwithstanding any other provision to the contrary, in counties having fewer than 3,000,000 inhabitants, if an applicant fails to file the application required by this Section in a timely manner and this failure to file is due to a mental or physical condition sufficiently severe so as to render the applicant incapable of filing the application in a timely manner, the Chief County Assessment Officer may extend the filing deadline for a period of 30 days after the applicant regains the capability to file the application, but in no case may the filing deadline be extended beyond 3 months of the original filing deadline. In order to receive the extension provided in this paragraph, the applicant shall provide the Chief County Assessment Officer with a signed statement from the applicant's physician, advanced practice nurse, or physician assistant stating the nature and extent of the condition, that, in the physician's, advanced practice nurse's, or physician assistant's opinion, the condition was so severe that it rendered the applicant incapable of filing the application in a timely manner, and the date on which the applicant regained the capability to file the application.

Beginning January 1, 1998, notwithstanding any other provision to the contrary, in counties having fewer than 3,000,000 inhabitants, if an applicant fails to file the application required by this Section in a timely manner and this failure to file is due to a mental or physical condition sufficiently severe so as to render the applicant incapable of filing the application in a timely manner, the Chief County Assessment Officer may extend the filing deadline for a period of 3 months. In order to receive the extension provided in this paragraph, the applicant shall provide the Chief County Assessment Officer with a signed statement from the applicant's physician, advanced practice nurse, or physician assistant stating the nature and extent of the condition, and that, in the physician's, advanced practice nurse's, or physician assistant's opinion, the condition was so severe that it rendered the applicant incapable of filing the application in a timely manner.

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In counties having less than 3,000,000 inhabitants, if an applicant was denied an exemption in taxable year 1994 and the denial occurred due to an error on the part of an assessment official, or his or her agent or employee, then beginning in taxable year 1997 the applicant's base year, for purposes of determining the amount of the exemption, shall be 1993 rather than 1994. In addition, in taxable year 1997, the applicant's exemption shall also include an amount equal to (i) the amount of any exemption denied to the applicant in taxable year 1995 as a result of using 1994, rather than 1993, as the base year, (ii) the amount of any exemption denied to the applicant in taxable year 1996 as a result of using 1994, rather than 1993, as the base year, and (iii) the amount of the exemption erroneously denied for taxable year 1994.

For purposes of this Section, a person who will be 65 years of age during the current taxable year shall be eligible to apply for the homestead exemption during that taxable year. Application shall be made during the application period in effect for the county of his or her residence.

The Chief County Assessment Officer may determine the eligibility of a life care facility that qualifies as a cooperative to receive the benefits provided by this Section by use of an affidavit, application, visual inspection, questionnaire, or other reasonable method in order to insure that the tax savings resulting from the exemption are credited by the management firm to the apportioned tax liability of each qualifying resident. The Chief County Assessment Officer may request reasonable proof that the management firm has so credited that exemption.

Except as provided in this Section, all information received by the chief county assessment officer or the Department from applications filed under this Section, or from any investigation conducted under the provisions of this Section, shall be confidential, except for official purposes or pursuant to official procedures for collection of any State or local tax or enforcement of any civil or criminal penalty or sanction imposed by this Act or by any statute or ordinance imposing a State or local tax. Any person who divulges any such information in any manner, except in accordance with a proper judicial order, is guilty of a Class A misdemeanor.

Nothing contained in this Section shall prevent the Director or chief county assessment officer from publishing or making available reasonable statistics concerning the operation of the exemption contained in this Section in which the contents of claims are grouped into aggregates

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in such a way that information contained in any individual claim shall not be disclosed.

(d) Each Chief County Assessment Officer shall annually publish a notice of availability of the exemption provided under this Section. The notice shall be published at least 60 days but no more than 75 days prior to the date on which the application must be submitted to the Chief County Assessment Officer of the county in which the property is located. The notice shall appear in a newspaper of general circulation in the county.

Notwithstanding Sections 6 and 8 of the State Mandates Act, no reimbursement by the State is required for the implementation of any mandate created by this Section.

(Source: P.A. 98-104, eff. 7-22-13; 99-143, eff. 7-27-15; 99-180, eff. 7-29-15; revised 10-21-15.)

Section 80. The Missing Persons Identification Act is amended by changing Section 5 as follows:

(50 ILCS 722/5)

Sec. 5. Missing person reports.

(a) Report acceptance. All law enforcement agencies shall accept without delay any report of a missing person. Acceptance of a missing person report filed in person may not be refused on any ground. No law enforcement agency may refuse to accept a missing person report:

(1) on the basis that the missing person is an adult;
(2) on the basis that the circumstances do not indicate foul play;
(3) on the basis that the person has been missing for a short period of time;
(4) on the basis that the person has been missing a long period of time;
(5) on the basis that there is no indication that the missing person was in the jurisdiction served by the law enforcement agency at the time of the disappearance;
(6) on the basis that the circumstances suggest that the disappearance may be voluntary;
(7) on the basis that the reporting individual does not have personal knowledge of the facts;
(8) on the basis that the reporting individual cannot provide all of the information requested by the law enforcement agency;
(9) on the basis that the reporting individual lacks a familial or other relationship with the missing person;

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(9-5) on the basis of the missing person's mental state or medical condition; or
(10) for any other reason.

(b) Manner of reporting. All law enforcement agencies shall accept missing person reports in person. Law enforcement agencies are encouraged to accept reports by phone or by electronic or other media to the extent that such reporting is consistent with law enforcement policies or practices.

(c) Contents of report. In accepting a report of a missing person, the law enforcement agency shall attempt to gather relevant information relating to the disappearance. The law enforcement agency shall attempt to gather at the time of the report information that shall include, but shall not be limited to, the following:

(1) the name of the missing person, including alternative names used;
(2) the missing person's date of birth;
(3) the missing person's identifying marks, such as birthmarks, moles, tattoos, and scars;
(4) the missing person's height and weight;
(5) the missing person's gender;
(6) the missing person's race;
(7) the missing person's current hair color and true or natural hair color;
(8) the missing person's eye color;
(9) the missing person's prosthetics, surgical implants, or cosmetic implants;
(10) the missing person's physical anomalies;
(11) the missing person's blood type, if known;
(12) the missing person's driver's license number, if known;
(13) the missing person's social security number, if known;
(14) a photograph of the missing person; recent photographs are preferable and the agency is encouraged to attempt to ascertain the approximate date the photograph was taken;
(15) a description of the clothing the missing person was believed to be wearing;
(16) a description of items that might be with the missing person, such as jewelry, accessories, and shoes or boots;
(17) information on the missing person's electronic communications devices, such as cellular telephone numbers and e-mail addresses;
(18) the reasons why the reporting individual believes that the person is missing;
(19) the name and location of the missing person's school or employer, if known;
(20) the name and location of the missing person's dentist or primary care physician or provider, or both, if known;
(21) any circumstances that may indicate that the disappearance was not voluntary;
(22) any circumstances that may indicate that the missing person may be at risk of injury or death;
(23) a description of the possible means of transportation of the missing person, including make, model, color, license number, and Vehicle Identification Number of a vehicle;
(24) any identifying information about a known or possible abductor or person last seen with the missing person, or both, including:
   (A) name;
   (B) a physical description;
   (C) date of birth;
   (D) identifying marks;
   (E) the description of possible means of transportation, including make, model, color, license number, and Vehicle Identification Number of a vehicle;
   (F) known associates;
(25) any other information that may aid in locating the missing person; and
(26) the date of last contact.
(d) Notification and follow up action.
   (1) Notification. The law enforcement agency shall notify the person making the report, a family member, or other person in a position to assist the law enforcement agency in its efforts to locate the missing person of the following:
      (A) general information about the handling of the missing person case or about intended efforts in the case to the extent that the law enforcement agency determines that disclosure would not adversely affect its ability to locate or

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protect the missing person or to apprehend or prosecute any person criminally involved in the disappearance;

(B) that the person should promptly contact the law enforcement agency if the missing person remains missing in order to provide additional information and materials that will aid in locating the missing person such as the missing person's credit cards, debit cards, banking information, and cellular telephone records; and

(C) that any DNA samples provided for the missing person case are provided on a voluntary basis and will be used solely to help locate or identify the missing person and will not be used for any other purpose.

The law enforcement agency, upon acceptance of a missing person report, shall inform the reporting citizen of one of 2 resources, based upon the age of the missing person. If the missing person is under 18 years of age, contact information for the National Center for Missing and Exploited Children shall be given. If the missing person is age 18 or older, contact information for the National Center for Missing Adults shall be given.

Agencies handling the remains of a missing person who is deceased must notify the agency handling the missing person's case. Documented efforts must be made to locate family members of the deceased person to inform them of the death and location of the remains of their family member.

The law enforcement agency is encouraged to make available informational materials, through publications or electronic or other media, that advise the public about how the information or materials identified in this subsection are used to help locate or identify missing persons.

(2) Follow up action. If the person identified in the missing person report remains missing after 30 days, and the additional information and materials specified below have not been received, the law enforcement agency shall attempt to obtain:

(A) DNA samples from family members or from the missing person along with any needed documentation, or both, including any consent forms, required for the use of State or federal DNA databases, including, but not limited to, the Local DNA Index System (LDIS), State DNA Index System (SDIS), and National DNA Index System (NDIS);
(B) an authorization to release dental or skeletal x-rays of the missing person;
(C) any additional photographs of the missing person that may aid the investigation or an identification; the law enforcement agency is not required to obtain written authorization before it releases publicly any photograph that would aid in the investigation or identification of the missing person;
(D) dental information and x-rays; and
(E) fingerprints.

(3) All DNA samples obtained in missing person cases shall be immediately forwarded to the Department of State Police for analysis. The Department of State Police shall establish procedures for determining how to prioritize analysis of the samples relating to missing person cases.

(4) This subsection shall not be interpreted to preclude a law enforcement agency from attempting to obtain the materials identified in this subsection before the expiration of the 30-day period.

(Source: P.A. 99-244, eff. 1-1-16.)

Section 85. The Counties Code is amended by changing Sections 3-14049, 3-15003.6, 5-1069, and 5-21001 as follows:

(55 ILCS 5/3-14049) (from Ch. 34, par. 3-14049)

Sec. 3-14049. Appointment of physicians and nurses for the poor and mentally ill persons. The appointment, employment and removal by the Board of Commissioners of Cook County; of all physicians and surgeons, advanced practice nurses, physician assistants, and nurses for the care and treatment of the sick, poor, mentally ill or persons in need of mental treatment of said county shall be made only in conformity with rules prescribed by the County Civil Service Commission to accomplish the purposes of this Section.

The Board of Commissioners of Cook County may provide that all such physicians and surgeons who serve without compensation shall be appointed for a term to be fixed by the Board, and that the physicians and surgeons usually designated and known as interns shall be appointed for a term to be fixed by the Board: Provided, that there may also, at the discretion of the board, be a consulting staff of physicians and surgeons, which staff may be appointed by the president, subject to the approval of the board, and provided further, that the Board may contract with any

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recognized training school or any program for health professionals for health care services the nursing of any or all of such sick or mentally ill or persons in need of mental treatment.
(Source: P.A. 86-962.)

(55 ILCS 5/3-15003.6)
Sec. 3-15003.6. Pregnant female prisoners.
(a) Definitions. For the purpose of this Section:

(1) "Restraints" means any physical restraint or mechanical device used to control the movement of a prisoner's body or limbs, or both, including, but not limited to, flex cuffs, soft restraints, hard metal handcuffs, a black box, Chubb cuffs, leg irons, belly chains, a security (tether) chain, or a convex shield, or shackles of any kind.

(2) "Labor" means the period of time before a birth and shall include any medical condition in which a woman is sent or brought to the hospital for the purpose of delivering her baby. These situations include: induction of labor, prodromal labor, pre-term labor, prelabor rupture of membranes, the 3 stages of active labor, uterine hemorrhage during the third trimester of pregnancy, and caesarian delivery including pre-operative preparation.

(3) "Post-partum" means, as determined by her physician, advanced practice nurse, or physician assistant, the period immediately following delivery, including the entire period a woman is in the hospital or infirmary after birth.

(4) "Correctional institution" means any entity under the authority of a county law enforcement division of a county of more than 3,000,000 inhabitants that has the power to detain or restrain, or both, a person under the laws of the State.

(5) "Corrections official" means the official that is responsible for oversight of a correctional institution, or his or her designee.

(6) "Prisoner" means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program, and any person detained under the immigration laws of the United States at any correctional facility.

(7) "Extraordinary circumstance" means an extraordinary medical or security circumstance, including a substantial flight

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risk, that dictates restraints be used to ensure the safety and security of the prisoner, the staff of the correctional institution or medical facility, other prisoners, or the public.

(b) A county department of corrections shall not apply security restraints to a prisoner that has been determined by a qualified medical professional to be pregnant and is known by the county department of corrections to be pregnant or in postpartum recovery, which is the entire period a woman is in the medical facility after birth, unless the corrections official makes an individualized determination that the prisoner presents a substantial flight risk or some other extraordinary circumstance that dictates security restraints be used to ensure the safety and security of the prisoner, her child or unborn child, the staff of the county department of corrections or medical facility, other prisoners, or the public. The protections set out in clauses (b)(3) and (b)(4) of this Section shall apply to security restraints used pursuant to this subsection. The corrections official shall immediately remove all restraints upon the written or oral request of medical personnel. Oral requests made by medical personnel shall be verified in writing as promptly as reasonably possible.

(1) Qualified authorized health staff shall have the authority to order therapeutic restraints for a pregnant or postpartum prisoner who is a danger to herself, her child, unborn child, or other persons due to a psychiatric or medical disorder. Therapeutic restraints may only be initiated, monitored and discontinued by qualified and authorized health staff and used to safely limit a prisoner's mobility for psychiatric or medical reasons. No order for therapeutic restraints shall be written unless medical or mental health personnel, after personally observing and examining the prisoner, are clinically satisfied that the use of therapeutic restraints is justified and permitted in accordance with hospital policies and applicable State law. Metal handcuffs or shackles are not considered therapeutic restraints.

(2) Whenever therapeutic restraints are used by medical personnel, Section 2-108 of the Mental Health and Developmental Disabilities Code shall apply.

(3) Leg irons, shackles or waist shackles shall not be used on any pregnant or postpartum prisoner regardless of security classification. Except for therapeutic restraints under clause (b)(2), no restraints of any kind may be applied to prisoners during labor.

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(4) When a pregnant or postpartum prisoner must be restrained, restraints used shall be the least restrictive restraints possible to ensure the safety and security of the prisoner, her child, unborn child, the staff of the county department of corrections or medical facility, other prisoners, or the public, and in no case shall include leg irons, shackles or waist shackles.

(5) Upon the pregnant prisoner's entry into a hospital room, and completion of initial room inspection, a corrections official shall be posted immediately outside the hospital room, unless requested to be in the room by medical personnel attending to the prisoner's medical needs.

(6) The county department of corrections shall provide adequate corrections personnel to monitor the pregnant prisoner during her transport to and from the hospital and during her stay at the hospital.

(7) Where the county department of corrections requires prisoner safety assessments, a corrections official may enter the hospital room to conduct periodic prisoner safety assessments, except during a medical examination or the delivery process.

(8) Upon discharge from a medical facility, postpartum prisoners shall be restrained only with handcuffs in front of the body during transport to the county department of corrections. A corrections official shall immediately remove all security restraints upon written or oral request by medical personnel. Oral requests made by medical personnel shall be verified in writing as promptly as reasonably possible.

(c) Enforcement. No later than 30 days before the end of each fiscal year, the county sheriff or corrections official of the correctional institution where a pregnant prisoner has been restrained during that previous fiscal year, shall submit a written report to the Illinois General Assembly and the Office of the Governor that includes an account of every instance of prisoner restraint pursuant to this Section. The written report shall state the date, time, location and rationale for each instance in which restraints are used. The written report shall not contain any individually identifying information of any prisoner. Such reports shall be made available for public inspection.

(Source: P.A. 97-660, eff. 6-1-12.)

(55 ILCS 5/5-1069) (from Ch. 34, par. 5-1069)
Sec. 5-1069. Group life, health, accident, hospital, and medical insurance.

(a) The county board of any county may arrange to provide, for the benefit of employees of the county, group life, health, accident, hospital, and medical insurance, or any one or any combination of those types of insurance, or the county board may self-insure, for the benefit of its employees, all or a portion of the employees' group life, health, accident, hospital, and medical insurance, or any one or any combination of those types of insurance, including a combination of self-insurance and other types of insurance authorized by this Section, provided that the county board complies with all other requirements of this Section. The insurance may include provision for employees who rely on treatment by prayer or spiritual means alone for healing in accordance with the tenets and practice of a well recognized religious denomination. The county board may provide for payment by the county of a portion or all of the premium or charge for the insurance with the employee paying the balance of the premium or charge, if any. If the county board undertakes a plan under which the county pays only a portion of the premium or charge, the county board shall provide for withholding and deducting from the compensation of those employees who consent to join the plan the balance of the premium or charge for the insurance.

(b) If the county board does not provide for self-insurance or for a plan under which the county pays a portion or all of the premium or charge for a group insurance plan, the county board may provide for withholding and deducting from the compensation of those employees who consent thereto the total premium or charge for any group life, health, accident, hospital, and medical insurance.

(c) The county board may exercise the powers granted in this Section only if it provides for self-insurance or, where it makes arrangements to provide group insurance through an insurance carrier, if the kinds of group insurance are obtained from an insurance company authorized to do business in the State of Illinois. The county board may enact an ordinance prescribing the method of operation of the insurance program.

(d) If a county, including a home rule county, is a self-insurer for purposes of providing health insurance coverage for its employees, the insurance coverage shall include screening by low-dose mammography for all women 35 years of age or older for the presence of occult breast cancer.
unless the county elects to provide mammograms itself under Section 5-1069.1. The coverage shall be as follows:

1. A baseline mammogram for women 35 to 39 years of age.

2. An annual mammogram for women 40 years of age or older.

3. A mammogram at the age and intervals considered medically necessary by the woman's health care provider for women under 40 years of age and having a family history of breast cancer, prior personal history of breast cancer, positive genetic testing, or other risk factors.

4. A comprehensive ultrasound screening of an entire breast or breasts if a mammogram demonstrates heterogeneous or dense breast tissue, when medically necessary as determined by a physician licensed to practice medicine in all of its branches, advanced practice nurse, or physician assistant.

For purposes of this subsection, "low-dose mammography" means the x-ray examination of the breast using equipment dedicated specifically for mammography, including the x-ray tube, filter, compression device, and image receptor, with an average radiation exposure delivery of less than one rad per breast for 2 views of an average size breast. The term also includes digital mammography.

(d-5) Coverage as described by subsection (d) shall be provided at no cost to the insured and shall not be applied to an annual or lifetime maximum benefit.

(d-10) When health care services are available through contracted providers and a person does not comply with plan provisions specific to the use of contracted providers, the requirements of subsection (d-5) are not applicable. When a person does not comply with plan provisions specific to the use of contracted providers, plan provisions specific to the use of non-contracted providers must be applied without distinction for coverage required by this Section and shall be at least as favorable as for other radiological examinations covered by the policy or contract.

(d-15) If a county, including a home rule county, is a self-insurer for purposes of providing health insurance coverage for its employees, the insurance coverage shall include mastectomy coverage, which includes coverage for prosthetic devices or reconstructive surgery incident to the mastectomy. Coverage for breast reconstruction in connection with a mastectomy shall include:

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(1) reconstruction of the breast upon which the mastectomy has been performed;
(2) surgery and reconstruction of the other breast to produce a symmetrical appearance; and
(3) prostheses and treatment for physical complications at all stages of mastectomy, including lymphedemas.

Care shall be determined in consultation with the attending physician and the patient. The offered coverage for prosthetic devices and reconstructive surgery shall be subject to the deductible and coinsurance conditions applied to the mastectomy, and all other terms and conditions applicable to other benefits. When a mastectomy is performed and there is no evidence of malignancy then the offered coverage may be limited to the provision of prosthetic devices and reconstructive surgery to within 2 years after the date of the mastectomy. As used in this Section, "mastectomy" means the removal of all or part of the breast for medically necessary reasons, as determined by a licensed physician.

A county, including a home rule county, that is a self-insurer for purposes of providing health insurance coverage for its employees, may not penalize or reduce or limit the reimbursement of an attending provider or provide incentives (monetary or otherwise) to an attending provider to induce the provider to provide care to an insured in a manner inconsistent with this Section.

(d-20) The requirement that mammograms be included in health insurance coverage as provided in subsections (d) through (d-15) is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution of home rule county powers. A home rule county to which subsections (d) through (d-15) apply must comply with every provision of those subsections.

(e) The term "employees" as used in this Section includes elected or appointed officials but does not include temporary employees.

(f) The county board may, by ordinance, arrange to provide group life, health, accident, hospital, and medical insurance, or any one or a combination of those types of insurance, under this Section to retired former employees and retired former elected or appointed officials of the county.

(g) Rulemaking authority to implement this amendatory Act of the 95th General Assembly, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure


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Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

(Source: P.A. 95-1045, eff. 3-27-09.)

(55 ILCS 5/5-21001) (from Ch. 34, par. 5-21001)

Sec. 5-21001. Establishment and maintenance of county home. In any county which establishes and maintains a county sheltered care home or a county nursing home for the care of infirm or chronically ill persons, as provided in Section 5-1005, the County Board shall have power:

1. To acquire in the name of the county by purchase, grant, gift, or legacy, a suitable tract or tracts of land upon which to erect and maintain the home, and in connection therewith a farm or acreage for the purpose of providing supplies for the home and employment for such patients as are able to work and benefit thereby.

The board shall expend not more than $20,000 for the purchase of any such land or the erection of buildings without a 2/3 vote of all its members in counties of 300,000 or more population, or a favorable vote of at least a majority of all its members in counties under 300,000 population.

2. To receive in the name of the county, gifts and legacies to aid in the erection or maintenance of the home.

3. To appoint a superintendent and all necessary employees for the management and control of the home and to prescribe their compensation and duties.

4. To arrange for physicians' or other health care professionals' services and other medical care for the patients in the home and prescribe the compensation and duties of physicians so designated.

5. To control the admission and discharge of patients in the home.

6. To fix the rate per day, week, or month which it will charge for care and maintenance of the patients. Rates so established may vary according to the amount of care required, but the rates shall be uniform for all persons or agencies purchasing care in the home except rates for persons who are able to purchase their own care may approximate actual cost.

7. To make all rules and regulations for the management of the home and of the patients therein.

8. To make appropriations from the county treasury for the purchase of land and the erection of buildings for the home, and to defray the expenses necessary for the care and maintenance of the home and for providing maintenance, personal care and nursing services to the patients

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therein, and to cause an amount sufficient for those purposes to be levied upon the taxable property of the counties and collected as other taxes and further providing that in counties with a population of not more than 1,000,000 to levy and collect annually a tax of not to exceed .1% of the value, as equalized or assessed by the Department of Revenue, of all the taxable property in the county for these purposes. The tax shall be in addition to all other taxes which the county is authorized to levy on the aggregate valuation of the property within the county and shall not be included in any limitation of the tax rate upon which taxes are required to be extended, but shall be excluded therefrom and in addition thereto. The tax shall be levied and collected in like manner as the general taxes of the county, and when collected, shall be paid into a special fund in the county treasury and used only as herein authorized. No such tax shall be levied or increased from a rate lower than the maximum rate in any such county until the question of levying such tax has first been submitted to the voters of such county at an election held in such county, and has been approved by a majority of such voters voting thereon. The corporate authorities shall certify the question of levying such tax to the proper election officials, who shall submit the question to the voters at an election held in accordance with the general election law.

The proposition shall be in substantially the following form:

-------------------------------------------------------------
Shall ........ County be authorized

YES

to levy and collect a tax at a rate not
to exceed .1% for the purpose of

---------

........ (purchasing, maintaining) a
county nursing home?

NO

-------------------------------------------------------------

If a majority of votes cast on the question are in favor, the county shall be authorized to levy the tax.

If the county has levied such tax at a rate lower than the maximum rate set forth in this Section, the county board may increase the rate of the tax, but not to exceed such maximum rate, by certifying the proposition of such increase to the proper election officials for submission to the voters of the county at a regular election in accordance with the general election law. The proposition shall be in substantially the following form:

-------------------------------------------------------------
Shall the maximum rate


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of the tax levied by........ 
County for the purpose of........ 
(purchasing, maintaining) a 

----------------------------------------------- 
county nursing home be 
increased from........ to NO 
........ (not to exceed .1%) 

If a majority of all the votes cast upon the proposition are in favor thereof, the county board may levy the tax at a rate not to exceed the rate set forth in this Section.

9. Upon the vote of a 2/3 majority of all the members of the board, to sell, dispose of or lease for any term, any part of the home properties in such manner and upon such terms as it deems best for the interest of the county, and to make and execute all necessary conveyances thereof in the same manner as other conveyances of real estate may be made by a county. However, if the home was erected after referendum approval by the voters of the county, it shall not be sold or disposed of except after referendum approval thereof by a majority of the voters of the county voting thereon.

If the home was erected after referendum approval by the voters of the county, the county nursing home may be leased upon the vote of a 3/5 majority of all the members of the board.

10. To operate a sheltered care home as a part of a county nursing home provided that a license to do so is obtained pursuant to the Nursing Home Care Act, as amended.

(Source: P.A. 89-185, eff. 1-1-96.)

Section 90. The Illinois Municipal Code is amended by changing Sections 10-1-38.1 and 10-2.1-18 as follows:

(65 ILCS 5/10-1-38.1) (from Ch. 24, par. 10-1-38.1)

Sec. 10-1-38.1. When the force of the Fire Department or of the Police Department is reduced, and positions displaced or abolished, seniority shall prevail, and the officers and members so reduced in rank, or removed from the service of the Fire Department or of the Police Department shall be considered furloughed without pay from the positions from which they were reduced or removed.

Such reductions and removals shall be in strict compliance with seniority and in no event shall any officer or member be reduced more than one rank in a reduction of force. Officers and members with the least seniority in the position to be reduced shall be reduced to the next lower
rated position. For purposes of determining which officers and members will be reduced in rank, seniority shall be determined by adding the time spent at the rank or position from which the officer or member is to be reduced and the time spent at any higher rank or position in the Department. For purposes of determining which officers or members in the lowest rank or position shall be removed from the Department in the event of a layoff, length of service in the Department shall be the basis for determining seniority, with the least senior such officer or member being the first so removed and laid off. Such officers or members laid off shall have their names placed on an appropriate reemployment list in the reverse order of dates of layoff.

If any positions which have been vacated because of reduction in forces or displacement and abolition of positions, are reinstated, such members and officers of the Fire Department or of the Police Department as are furloughed from the said positions shall be notified by registered mail of such reinstatement of positions and shall have prior right to such positions if otherwise qualified, and in all cases seniority shall prevail. Written application for such reinstated position must be made by the furloughed person within 30 days after notification as above provided and such person may be required to submit to examination by physicians, advanced practice nurses, or physician assistants of both the commission and the appropriate pension board to determine his physical fitness.

(Source: P.A. 84-747.)

(65 ILCS 5/10-2.1-18) (from Ch. 24, par. 10-2.1-18)

Sec. 10-2.1-18. Fire or police departments - Reduction of force - Reinstatement. When the force of the fire department or of the police department is reduced, and positions displaced or abolished, seniority shall prevail and the officers and members so reduced in rank, or removed from the service of the fire department or of the police department shall be considered furloughed without pay from the positions from which they were reduced or removed.

Such reductions and removals shall be in strict compliance with seniority and in no event shall any officer or member be reduced more than one rank in a reduction of force. Officers and members with the least seniority in the position to be reduced shall be reduced to the next lower rated position. For purposes of determining which officers and members will be reduced in rank, seniority shall be determined by adding the time spent at the rank or position from which the officer or member is to be reduced and the time spent at any higher rank or position in the

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Department. For purposes of determining which officers or members in the lowest rank or position shall be removed from the Department in the event of a layoff, length of service in the Department shall be the basis for determining seniority, with the least senior such officer or member being the first so removed and laid off. Such officers or members laid off shall have their names placed on an appropriate reemployment list in the reverse order of dates of layoff.

If any positions which have been vacated because of reduction in forces or displacement and abolition of positions, are reinstated, such members and officers of the fire department or of the police department as are furloughed from the said positions shall be notified by the board by registered mail of such reinstatement of positions and shall have prior right to such positions if otherwise qualified, and in all cases seniority shall prevail. Written application for such reinstated position must be made by the furloughed person within 30 days after notification as above provided and such person may be required to submit to examination by physicians, advanced practice nurses, or physician assistants of both the board of fire and police commissioners and the appropriate pension board to determine his physical fitness.

(Source: P.A. 84-747.)

Passed in the General Assembly May 23, 2016.
Approved July 15, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0582
(Senate Bill No. 2956)

AN ACT concerning health.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Environmental Barriers Act is amended by changing Sections 2, 3, 4, 5, 6, and 8 as follows:

Sec. 2. Statement of Findings and Purpose. The General Assembly finds that:
(a) Public facilities and multi-story housing units which contain environmental barriers create a serious threat to the safety and welfare of all members of society both in normal conditions and in the event of fire, panic and other emergency.

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(b) Individuals with disabilities Environmentally limited persons are often denied access to and use of public facilities and multi-story housing units due to environmental barriers which prevent them from exercising many of their rights and privileges as citizens.

(c) The integration of individuals with disabilities environmentally limited persons into the mainstream of society furthers the goals and policies of this State to assure the right of all persons to live and work as independently as possible and to participate in the life of the community as fully as possible.

Therefore, eliminating environmental barriers is an object of serious public concern. This Act shall be liberally construed toward that end.

(Source: P.A. 84-948.)

(410 ILCS 25/3) (from Ch. 111 1/2, par. 3713)

Sec. 3. Definitions. As used in this Act and the Illinois Accessibility Code (71 Ill. Adm. Code 400):

"2010 Standards for Accessible Design" means the regulations promulgated by the Department of Justice, 28 CFR Parts 35 and 36, pursuant to the Americans with Disabilities Act of 1990 (ADA).


"Accessible" means that a site, building, facility, or portion thereof is compliant with the Code.

"Accessible means of egress" means a continuous and unobstructed way of egress travel from any point in a building or facility that provides an accessible route to an area of refuge, a horizontal exit, or a public way.

"Accessible route" means a continuous unobstructed path connecting all accessible elements and spaces of a building or facility. Interior accessible routes may include corridors, floors, ramps, elevators, lifts, skywalks, tunnels, and clear floor space at fixtures. Exterior accessible routes may include parking access aisles, curb ramps, crosswalks at vehicular ways, walks, ramps, and lifts.

"Adaptability" or "adaptable" means the ability of certain building spaces and elements, such as kitchen counters, sinks and grab bars, to be added or altered so as to accommodate the needs of individuals with different types or degrees of disability.

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"Adaptable dwelling unit" means a dwelling unit constructed and equipped so it can be converted with minimal structural change for use by persons with different types and degrees of disability.

"Addition" means an expansion, extension, or increase in the gross floor area of a public facility or multi-story housing unit.

"Alteration" means any modification or renovation that affects or could affect the usability of the building or facility or part of the building or facility. "Alteration" includes, but is not limited to, remodeling, renovation, rehabilitation, reconstruction, historic preservation, historic reconstruction, historic rehabilitation, historic restoration, changes to or rearrangement of the structural parts or elements, changes to or replacement of plumbing fixtures or controls, changes to or rearrangement in the plan configuration of walls and full-height partitions, resurfacing of circulation paths or vehicular ways, and changes or improvements to parking lots. Extraordinary repairs, plumbing fixture changes, and changes or rearrangements in the plan configuration of walls and full-height partitions. The following work is not considered to be an alteration unless it affects the usability of the building or facility: normal maintenance, reroofing, painting or wallpapering interior or exterior redecoration, or changes to mechanical and electrical systems; replacement of plumbing, piping, or valves, asbestos removal, or installation of fire sprinkler systems.

"Built environment" means those parts of the physical environment which are designed, constructed or altered by people, including all public facilities and multi-story housing units.

"Circulation path" means an exterior or interior way of passage provided for pedestrian travel, including, but not limited to, walks, hallways, courtyards, elevators, platform lifts, ramps, stairways, and landings.

"Common use areas" or "common areas" means areas, including interior and exterior rooms, spaces, or elements, which are held out for use by all tenants and owners in public facilities and multi-story housing, including, but not limited to, residents of an apartment building or condominium complex, occupants of an office building, or the guests of such residents or occupants. "Common use areas" or "common areas" includes, but is not limited to, lobbies, elevators, hallways, laundry rooms, swimming pools, storage rooms, recreation areas, parking garages, building offices, conference rooms, patios,
restrooms, telephones, drinking fountains, restaurants, cafeterias, delicatessens and stores.

"Construction" means any erection, building, installation or reconstruction. Additions shall be deemed construction for purposes of this Act.

"Disability" means a physical or mental impairment that substantially limits one or more major life activities; a record or history of such an impairment; or regarded as having such an impairment.

"Dwelling unit" means a single unit of residence which provides a kitchen or food preparation area, in addition to rooms and spaces for living, bathing, sleeping, and the like. Dwelling units are found in such housing types such as townhouses and apartment buildings.

"Element" means an architectural, or mechanical (including electrical and plumbing), or electrical component of a building, facility, space, or site, or public right-of-way. including but not limited to a telephone, curb ramp, door, drinking fountain, seating, or water closet.

"Entrance" means any access point to a building or portion of a building or facility or multi-story housing unit used for the purpose of entering. An entrance includes the approach walk, the vertical access leading to the entrance platform, the entrance platform itself, vestibules if provided, and the entry door or doors or gate or gates.

"Environmental barrier" means an element or space of the built environment which limits accessibility to or use of the built environment by individuals with disabilities environmentally limited persons.

"Environmentally limited person" means a person with a disability or condition who is restricted in the use of the built environment.

"Facility" means all or any portion of buildings, structures, site improvements, elements, and pedestrian routes or vehicular ways located on a site.

"Governmental unit" means State agencies as defined in the State Auditing Act, circuit courts, units of local government and their officers, boards of election commissioners, public colleges and universities, and school districts. the State or any political subdivision thereof, including but not limited to any county, town, township, city, village, municipality, municipal corporation, school district or other special purpose district.

"Means of egress" means a continuous and unobstructed path of travel from any point in a building or structure to a public way, consisting of 3 separate and distinct parts: the exit access, the exit, and the exit discharge. A means of egress comprises vertical and horizontal means of

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travel and includes intervening room spaces, doors, hallways, corridors, passageways, balconies, ramps, stairs, enclosures, lobbies, escalators, horizontal exits, courts, and yards.

"Multi-story housing unit" means any building of 4 or more stories containing 10 or more dwelling units constructed to be held out for sale or lease by any person to the public. "Multi-story housing" includes, but is not limited to, the following building types: apartment buildings, condominium buildings, convents, housing for the elderly, and monasteries.

"Occupiable" means a room or enclosed space designed for human occupancy in which individuals congregate for amusement, educational, or similar purposes, or in which occupants are engaged at labor, and that is equipped with means of egress, light, and ventilation.

"Owner" means the person contracting for the construction or alteration. That person may be the owner of the real property or existing facility or the may be a tenant of the real property or existing facility.

"Primary function area" means an area of a building or facility containing a major activity for which the building or facility is intended. There can be multiple areas containing a primary function in a single building. Primary function areas are not limited to public use areas. Mixed use facilities may include numerous primary function areas for each use. Areas containing a primary function do not include: mechanical rooms, boiler rooms, supply storage rooms, employee lounges or employee locker rooms, janitorial closets, entrances, corridors, or restrooms. Restrooms are not areas containing a primary function unless the provision of restrooms is a primary purpose of the area, such as in highway rest stops.

"Public" means any group of people who are users of the building or employees of the building. The term "public" is not intended to include those people who are employed by the owner of a building for the sole purpose of construction or alteration of a building during the time in which the building is being constructed or altered.

"Person" means one or more individuals, partnerships, associations, unincorporated organizations, corporations, cooperatives, legal representatives, trustees, receivers, agents, any group of persons or any governmental unit.

"Planning" means the preparation of architectural or engineering designs or plans, technical or other specifications, landscaping plans or other preconstruction plans or specifications.

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"Public facility" means:
(1) any building, structure, or site improvement which is:
   (i) owned by or on behalf of a governmental unit,
   (ii) leased, rented or used, in whole or in part, by a governmental unit, or
   (iii) financed, in whole or in part, by a grant or a loan made or guaranteed by a governmental unit; or
(2) any building, structure, or site improvement used or held out for use or intended for use by the public or by employees for one or more of, but not limited to, the following:
   (i) the purpose of gathering, recreation, transient lodging, education, employment, institutional care, or the purchase, rental, sale or acquisition of any goods, personal property or services;
   (ii) places of public display or collection;
   (iii) social service establishments; and
   (iv) stations used for specified public transportation;

or:
(3) a public right-of-way.

"Public right-of-way" means public land or property, usually in interconnected corridors, that is acquired for or dedicated to transportation purposes.

"Public way" means any street, alley, or other parcel of land open to the outside air leading to a public street, which has been deeded, dedicated, or otherwise permanently appropriated to the public for public use, and which has a clear width and height of not less than 10 feet (3048 mm).

"Public" means any group of people who are users of the building and employees of the building excluding those people who are employed by the owner of a building for construction or alteration of a building.

"Reproduction cost" means the estimated cost of constructing a new building, structure, or site improvement of like size, design and materials at the site of the original building, structure, or site improvement, assuming such site is clear. The reproduction cost shall be determined by using the recognized standards of an authoritative technical organization.

"Site improvements" means landscaping, pedestrian and vehicular pathways, steps, ramps, curb ramps, parking lots, outdoor lighting, recreational facilities, and the like, added to a site.

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"Space" means a definable area, such as a toilet room, corridor, assembly area, entrance, storage room, alcove, courtyard, or lobby.

"State" means the State of Illinois and any instrumentality or agency thereof.

"Technically infeasible" means, with respect to an alteration of a building or a facility, that a requirement of this Act or the Code has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member that is an essential part of the structural frame; or because other existing physical or site constraints prohibit modification or addition of elements, spaces, or features that are in full and strict compliance with the minimum requirements.

"Transient lodging" means a building or facility or portion of a building or facility, excluding inpatient medical care facilities and owner-occupied buildings of 4 or fewer lodging units. "Transient lodging" may include, but is not limited to, resorts, group homes, hotels and motels, including cabins and other detached units, and dormitories.

(Source: P.A. 89-539, eff. 7-19-96.)

(410 ILCS 25/4) (from Ch. 111 1/2, par. 3714)

Sec. 4. Illinois Accessibility Code Standards. The Capital Development Board shall adopt and publish accessibility standards known as the Illinois Accessibility Code. With respect to Accessibility standards for public facilities, the Code shall dictate minimum design, construction, and alteration requirements to facilitate access to and use of the public facility by individuals with disabilities environmentally limited persons. With respect to Accessibility standards for multi-story housing, the Code units shall dictate minimum design and construction requirements to facilitate access to and use of the common areas by individuals with disabilities environmentally limited persons and create a number of adaptable dwelling units in accordance with Section 5. With respect to areas within public facilities or multi-story housing units which areas are restricted to use by the employees of businesses or concerns occupying such restricted areas, the Capital Development Board shall promulgate standards designed to ensure that such areas will be accessible to those environmentally limited persons who can reasonably be expected to perform the duties of a job therein.

The Code standards shall be adopted and revised in accordance with the Illinois Administrative Procedure Act. Beginning on the effective date of this amendatory Act of the 98th General Assembly, the Capital
Development Board shall begin the process of updating the 1997 Illinois Accessibility Code and shall model the updates on the 2010 ADA Standards for Accessible Design. By no later than January 1, 2017, the Capital Development Board shall adopt and publish the updated Illinois Accessibility Code. The updated Illinois Accessibility Code may be more stringent than the 2010 ADA Standards for Accessible Design and may identify specific standards. Beginning on January 1, 2017, if the ADA Standards for Accessible Design are updated, then the Capital Development Board shall update its accessibility standards, in keeping with the ADA Standards for Accessible Design, within 3\(\frac{1}{2}\) years after the ADA Standards for Accessible Design updates and shall adopt and publish an updated Illinois Accessibility Code.

The Capital Development Board may issue written interpretation of the Code standards adopted under Section 4 of this Act. The Capital Development Board shall issue an interpretation within 30 calendar days of receipt of a written request by certified mail unless a longer period is agreed to by the parties. Interpretations issued under this Section are project specific and do not constitute precedent for future or different circumstances.

(Source: P.A. 98-224, eff. 1-1-14; 99-61, eff. 7-16-15.)

(410 ILCS 25/5) (from Ch. 111 1/2, par. 3715)

Sec. 5. Scope.

(a) New construction. Any new public facility or multi-story housing, or portion thereof, the construction of which began after May 1, 1988, is subject to the current provisions of this Act. The Code adopted by the Capital Development Board shall apply as follows:

(1) Public facilities; new construction. Any new public facility or portion thereof, the construction of which is begun after May 1, 1988 is subject to the provisions of the Code applicable to new construction as the Code existed at the time the construction commenced.

(2) Multi-story housing; new construction. Any new multi-story housing, or portion thereof, the construction of which is begun after May 1, 1988, is subject to the provisions of the Code applicable to new construction as the Code existed at the time the construction commenced. Twenty percent of the dwelling units in the multi-story housing shall be adaptable and the adaptable units shall be in accordance with the Code adopted by the Capital Development Board.
shall be distributed throughout the multi-story housing to provide a variety of sizes and locations. In addition, all common and public use spaces shall be in compliance with the Code.

(3) Any new public facility or multi-story housing (i) for which a specific contract for the planning has been awarded prior to the effective date of a new version of the Code this Act and (ii) construction of which is begun within 12 months of the effective date of the new version of the Code this Act shall be exempt from compliance with the new version of the Code and may instead comply with the version of the Code as it existed at the time the contract was awarded. standards adopted pursuant to this Act insofar as those standards vary from standards in the Illinois Accessibility Code.

(2) Multi-Story Housing Units; New Construction. Any new multi-story housing unit or portion thereof, the construction of which is begun after the effective date of this Act. However, any new multi-story housing unit (i) for which a specific contract for the planning has been awarded prior to the effective date of this Act and (ii) construction of which is begun within 12 months of the effective date of this Act shall be exempt from compliance with the standards adopted pursuant to this Act insofar as those standards vary from standards in the Illinois Accessibility Code. Provided, however, that if the common areas comply with the standards, if 20% of the dwelling units are adaptable and if the adaptable dwelling units include dwelling units of various sizes and locations within the multi-story housing unit, then the entire multi-story housing unit shall be deemed to comply with the standards.

(4) Accessibility of structures; new construction. New housing subject to regulation under this Act shall comply be constructed in compliance with all applicable laws and regulations. In and, in the case where the new housing is and the new housing not defined as multi-story for the purposes of this Act, but instead is a building in which 4 or more dwelling units or sleeping units intended to be occupied as a residence are contained within a single structure, the housing shall comply with the technical guidance requirements of the Department of Housing and Urban Development's Fair Housing Accessibility Guidelines published March 6, 1991; and all subsequent versions, amendments, or supplements the Supplement to Notice of Fair Housing

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This subsection (4) (a-1) does not apply within any unit of local government that by ordinance, rule, or regulation prescribes requirements to increase and facilitate access to the built environment by individuals with disabilities and environmentally limited persons that are more stringent than those contained in this Act prior to the effective date of this amendatory Act of the 94th General Assembly.

(5) This Act, together with the Illinois Accessibility Code, 71 Ill. Adm. Code 400, has the force of a building code and as such is law in the State of Illinois. Any violation of the Code is deemed a violation of this Act and subject to enforcement pursuant to this Act.

(b) Alterations. Any alteration to a public facility shall provide accessibility as follows:

(1) Alterations Generally. No alteration shall be undertaken that decreases or has the effect of decreasing accessibility or usability of a building or facility below the requirements for new construction at the time of alteration.

(2) Applicability. Any alteration of a public facility or multi-story housing shall comply with the Code provisions regarding alterations as such provisions exist at the time such alteration commences. If the alteration costs 15% or less of the reproduction cost of the public facility, the element or space being altered shall comply with the applicable requirements for new construction.

(3) Path of travel to primary function area. An alteration that affects or could affect the usability of or access to an area containing a primary function shall be made so as to ensure that, to the maximum extent feasible, the path of travel to the altered area, including the entrance route to the altered area and the rest rooms, telephones, and drinking fountains serving the altered area, are readily accessible to and usable by individuals with disabilities, unless the cost of the alterations to provide an accessible path of travel to the primary function area exceeds 20% of the cost of the overall alteration, or such alterations are otherwise disproportionate to the overall alterations in terms of cost and scope as set forth in the Code. State-Owned Public
Facilities. If the alteration is to a public facility owned by the State and the alteration costs more than 15% but less than 50% of the reproduction cost of the public facility, the following shall comply with the applicable requirements for new construction:

(i) the element or space being altered;

(ii) an entrance and a means of egress intended for use by the general public;

(iii) all spaces and elements necessary to provide horizontal and vertical accessible routes between an accessible means entrance and means of egress and the element or space being altered;

(iv) at least one accessible toilet room for each sex or a unisex toilet when permitted, if toilets are provided or required;

(v) accessible parking spaces, where parking is provided, and

(vi) an accessible route from public sidewalks or from accessible parking spaces, if provided, to an accessible entrance.

(4) All Other Public Facilities. If the alteration costs more than 15% but less than 50% of the reproduction cost of the public facility, and less than $100,000, the following shall comply with the applicable requirements for new construction:

(i) the element or space being altered, and

(ii) an entrance and a means of egress intended for use by the general public.

(5) If the alteration costs more than 15% but less than 50% of the reproduction cost of the public facility, and more than $100,000, the following shall comply with the applicable requirements for new construction:

(i) the element or space being altered;

(ii) an entrance and a means of egress intended for use by the general public;

(iii) all spaces and elements necessary to provide horizontal and vertical accessible routes between an accessible entrance and means of egress and the element or space being altered; however, privately-owned public facilities are not required to provide vertical access in a building with 2 levels of occupiable space where the cost of

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providing such vertical access is more than 20% of the reproduction cost of the public facility;

(iv) at least one accessible toilet room for each sex or a unisex toilet, when permitted, if toilets are provided or required;

(v) accessible parking spaces, where parking is provided, and

(vi) an accessible route from public sidewalks or from the accessible parking spaces, if provided, to an accessible entrance:

(6) If the alteration costs 50% or more of the reproduction cost of the public facility, the entire public facility shall comply with the applicable requirements for new construction.

(e) Alterations to Specific Categories of Public Facilities. For religious entities, private clubs, and owner-occupied transient lodging facilities of 5 units, compliance with the standards adopted by the Capital Development Board is not mandatory if the alteration costs 15% or less of the reproduction cost of the public facility. However, if the cost of the alteration exceeds $100,000, the element or space being altered must comply with applicable requirements for new construction. Alterations over 15% of the reproduction cost of these public facilities are governed by subdivisions (4), (5), and (6) of subsection (b), as applicable.

(f) Calculation of Reproduction Cost. For the purpose of calculating percentages of reproduction cost, the cost of alteration shall be construed as the total actual combined cost of all alterations made within any period of 30 months.

(e) No governmental unit may enter into a new or renewal agreement to lease, rent or use, in whole or in part, any building, structure or improved area which does not comply with the Code standards. Any governmental unit which, on the effective date of this Act, is leasing, renting or using, in whole or in part, any building, structure or improved area which does not comply with the Code standards shall make all reasonable efforts to terminate such lease, rental or use by January 1, 1990.

(f) No public facility may be constructed or altered and no multi-story housing unit may be constructed without the statement of an architect registered in the State of Illinois that the plans for the work to be performed comply with the provisions of this Act and the Code standards promulgated hereunder unless the cost of such construction or alteration is less than $50,000. In the case of construction or alteration of an

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engineering nature, where the plans are prepared by an engineer, the statement may be made by a professional engineer registered in the State of Illinois or a structural engineer registered in the State of Illinois that the engineering plans comply with the provisions of this Act and the Code standards promulgated hereunder. The architect's and/or engineer's statement shall be filed by the architect or engineer and maintained in the office of the governmental unit responsible for the issuance of the building permit. In those governmental units which do not issue building permits, the statement shall be filed and maintained in the office of the county clerk.

(e) The requirements found in the Code cannot be waived by any party.

(Source: P.A. 94-283, eff. 1-1-06.)

(410 ILCS 25/6) (from Ch. 111 1/2, par. 3716)

Sec. 6. Civil Enforcement.

(a) The Attorney General shall have authority to enforce the Code and the standards. The Attorney General may investigate any complaint or reported violation of this Act and, where necessary to ensure compliance, may do bring an action for any or all of the following:

(1) Conduct an investigation to determine if a violation of this Act and the Code exists. This includes the power to:

mandamus;

(A) require an individual or entity to file a statement or report in writing under oath or otherwise, as to all information the Attorney General may consider;

(B) examine under oath any person alleged to have participated in or with knowledge of the violations; and

(C) issue subpoenas or conduct hearings in aid of any investigation.

(2) Bring an action for injunction to halt construction or alteration of any public facility or multi-story housing or to require compliance with the Code standards by any public facility or multi-story housing which has been or is being constructed or altered in violation of this Act and the Code;

(3) Bring an action for mandamus. injunction to halt construction of any multi-story housing unit or to require compliance with the standards by any multi-story housing unit which has been or is being constructed in violation of this Act; or
(4) Bring an action for penalties as follows: other appropriate relief:

(A) any owner of a public facility or multi-story housing in violation of this Act shall be subject to civil penalties in a sum not to exceed $250 per day, and each day the owner is in violation of this Act constitutes a separate offense;

(B) any architect or engineer negligently or intentionally stating pursuant to Section 5 of this Act that a plan is in compliance with this Act when such plan is not in compliance shall be subject to a suspension, revocation, or refusal of restoration of his or her certificate of registration or license pursuant to the Illinois Architecture Practice Act of 1989, the Professional Engineering Practice Act of 1989, and the Structural Engineering Practice Act of 1989; and

(C) any person who knowingly issues a building permit or other official authorization for the construction or alteration of a public facility or the construction of multi-story housing in violation of this Act shall be subject to civil penalties in a sum not to exceed $1,000.

(5) Bring an action for any other appropriate relief, including, but not limited to, in lieu of a civil action, the entry of an Assurance of Voluntary Compliance with the individual or entity deemed to have violated this Act.

(b) A public facility or multi-story housing continues to be in violation of this Act and the Code following construction or alteration so long as the public facility or multi-story housing is not compliant with this Act and the Code.

(Source: P.A. 91-357, eff. 7-29-99.)

(410 ILCS 25/8) (from Ch. 111 1/2, par. 3718)

Sec. 8. Local Standards. The provisions of this Act and the Code adopted under this Act constitute minimum requirements for all governmental units, including home rule units. Any governmental unit may enact more stringent requirements to increase and facilitate access to the built environment by individuals with disabilities environmentally limited persons.

(Source: P.A. 84-948.)

(410 ILCS 25/7 rep.)

New matter indicated by italics - deletions by strikeout
Section 10. The Environmental Barriers Act is amended by repealing Section 7.
Passed in the General Assembly May 27, 2016.
Approved July 15, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0583
(Senate Bill No. 3034)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Counties Code is amended by adding Section 4-11001.5 as follows:
(55 ILCS 5/4-11001.5 new)
Sec. 4-11001.5. Lake County Children's Advocacy Center Pilot Program.
(a) The Lake County Children's Advocacy Center Pilot Program is established. Under the Pilot Program, any grand juror or petit juror in Lake County may elect to have his or her juror fees earned under Section 4-11001 of this Code to be donated to the Lake County Children's Advocacy Center, a division of the Lake County State's Attorney's office.
(b) On or before January 1, 2017, the Lake County board shall adopt, by ordinance or resolution, rules and policies governing and effectuating the ability of jurors to donate their juror fees to the Lake County Children's Advocacy Center beginning January 1, 2017 and ending December 31, 2018. At a minimum, the rules and policies must provide:

(1) for a form that a juror may fill out to elect to donate their juror fees. The form must contain a statement, in at least 14-point bold type, that donation of juror fees is optional;
(2) that all monies donated by jurors shall be transferred by the county to the Lake County Children's Advocacy Center at the same time a juror is paid under Section 4-11001 of this Code who did not elect to donate their juror fees; and
(3) that all juror fees donated under this Section shall be used exclusively for the operation of Lake County Children's Advocacy Center.

New matter indicated by italics - deletions by strikeout
(c) The following information shall be reported to the General Assembly and the Governor by the Lake County board after each calendar year of the Pilot Program on or before March 31, 2018 and March 31, 2019:

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

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

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

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

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

(d) This Section is repealed on December 31, 2019.

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

Passed in the General Assembly May 23, 2016.
Approved July 15, 2016.
Effective July 15, 2016.

PUBLIC ACT 99-0584
(Senate Bill No. 3104)

AN ACT concerning finance.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The State Construction Minority and Female Building Trades Act is amended by changing Section 35-10 and by adding Section 35-11 as follows:

(30 ILCS 577/35-10)

Sec. 35-10. Apprenticeship reports. Each labor organization and other entity in Illinois with one or more apprenticeship programs for construction trades, whether or not recognized and certified by the United States Department of Labor, Bureau of Apprenticeship and Training, must report to the Illinois Department of Labor the information required to be reported to the Bureau of Apprenticeship and Training by labor

New matter indicated by italics - deletions by strikeout
organizations with recognized and certified apprenticeship programs that lists the race, gender, ethnicity, and national origin of apprentices in that labor organization or entity. The information must be submitted to the Illinois Department of Labor as provided by rules adopted by the Department. For labor organizations with recognized and certified apprentice programs, the reporting requirement of this Section may be met by providing the Illinois Department of Labor, on a schedule adopted by the Department by rule, copies of the reports submitted to the Bureau of Apprenticeship and Training. Failure to submit this report is a violation of this Act.

(Source: P.A. 96-37, eff. 7-13-09.)

(30 ILCS 577/35-11 new)

Sec. 35-11. Penalties. If the Department of Labor determines that an entity has violated Section 35-10 of this Act, it shall provide the entity reasonable notice of noncompliance for a first violation and inform the entity that it has 45 days to provide the information required under Section 35-10 of this Act without penalty. If the first violation is not remedied within 45 days' notice, the entity shall be subject to a civil penalty not to exceed $100 for each day after the 45th day following notice that the entity is in violation of this Act.

For a second violation, the entity shall be subject to a civil penalty not to exceed $250 for each day that the entity is in violation of this Act.

For any violation by an entity after the second violation, the entity shall be subject to a civil penalty not to exceed $500 for each day that the entity is in violation of this Act.

In determining the amount of a penalty, the Director shall consider the appropriateness of the penalty to the entity.

Passed in the General Assembly May 23, 2016.
Approved July 15, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0585
(Senate Bill No. 0210)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Bath Salts Prohibition Act.

New matter indicated by italics - deletions by strikeout
Section 5. Findings. The General Assembly finds the following:

(1) Synthetic cathinones, currently a Schedule I controlled substance under State and federal law, are often labeled, marketed, and sold as various products: most notably, "bath salts", but also "plant food", "jewelry cleaner", "phone screen cleaner", and "carpet deodorizer".

(2) Unlike traditional cosmetic bath salts, which are made to be added to bath water, toxic bath salt products have no legitimate use for bathing and are produced specifically for recreational drug abusers as substitutes for cocaine, ecstasy (MDMA), and amphetamines.

(3) Bath salt products are commonly sold online as well as at drug paraphernalia stores commonly known as "head" shops, tobacco shops, convenience stores, adult book stores, gas stations, and truck stops.

(4) The abuse of synthetic stimulant drugs known as "bath salts" has become a major public health threat across the United States.

(5) Case reports and clinical studies have shown that the use of synthetic cathinones can cause severe psychiatric symptoms and possibly death.

(6) Forty-four states have passed laws prohibiting synthetic cathinones.

Section 10. Purpose. The purpose of this Act is to ban the sale of all synthetic cathinones sold under the disguise of legitimate products such as "bath salts" and other various labels in this State in order to protect the health and public safety of residents of this State.

Section 15. Definitions. As used in this Act:

"Bath salts" means any synthetic or natural material containing any quantity of a cathinone chemical structure, including any analogs, salts, isomers, or salts of isomers of any synthetic or natural material containing a cathinone chemical structure. This includes, but is not limited to, synthetic cathinones as defined in subsection (h) of Section 204 of the Illinois Controlled Substances Act, and any related "controlled substance analog" as defined in Section 402 of the Illinois Controlled Substances Act, regardless of how the product is labeled or marketed.

"Person" means any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint stock association, or any other business organization or entity.

"Retail mercantile establishment" has the meaning ascribed to it in Section 16-0.1 of the Criminal Code of 2012.

Section 20. Prohibition. A person may not sell or offer for sale any bath salts in a retail mercantile establishment located within this State.
Section 25. Penalties. Any person who violates this Act is guilty of a Class 3 felony for which a fine of not more than $150,000 may be imposed. In addition to any other penalty that may be imposed for a violation of this Act, the unit of local government that issued a retailer's license for the retail mercantile establishment whose merchant violated this Act may revoke the retailer's license of that retail mercantile establishment upon conviction for a violation of this Act.

Section 105. The Illinois Controlled Substances Act is amended by changing Section 401 as follows:

(720 ILCS 570/401) (from Ch. 56 1/2, par. 1401)

Sec. 401. Manufacture or delivery, or possession with intent to manufacture or deliver, a controlled substance, a counterfeit substance, or controlled substance analog. Except as authorized by this Act, it is unlawful for any person knowingly to manufacture or deliver, or possess with intent to manufacture or deliver, a controlled substance other than methamphetamine and other than bath salts as defined in the Bath Salts Prohibition Act sold or offered for sale in a retail mercantile establishment as defined in Section 16-0.1 of the Criminal Code of 2012, a counterfeit substance, or a controlled substance analog. A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. For purposes of this Section, "controlled substance analog" or "analog" means a substance, other than a controlled substance, that has a chemical structure substantially similar to that of a controlled substance in Schedule I or II, or that was specifically designed to produce an effect substantially similar to that of a controlled substance in Schedule I or II. Examples of chemical classes in which controlled substance analogs are found include, but are not limited to, the following: phenethylamines, N-substituted piperidines, morphinans, ecgonines, quinazolinones, substituted indoles, and arylcycloalkylamines. For purposes of this Act, a controlled substance analog shall be treated in the same manner as the controlled substance to which it is substantially similar.

(a) Any person who violates this Section with respect to the following amounts of controlled or counterfeit substances or controlled substance analogs, notwithstanding any of the provisions of subsections (c), (d), (e), (f), (g) or (h) to the contrary, is guilty of a Class X felony and shall be sentenced to a term of imprisonment as provided in this subsection (a) and fined as provided in subsection (b):

New matter indicated by italics - deletions by strikeout
(1) (A) not less than 6 years and not more than 30 years with respect to 15 grams or more but less than 100 grams of a substance containing heroin, or an analog thereof;
    (B) not less than 9 years and not more than 40 years with respect to 100 grams or more but less than 400 grams of a substance containing heroin, or an analog thereof;
    (C) not less than 12 years and not more than 50 years with respect to 400 grams or more but less than 900 grams of a substance containing heroin, or an analog thereof;
    (D) not less than 15 years and not more than 60 years with respect to 900 grams or more of any substance containing heroin, or an analog thereof;
(1.5) (A) not less than 6 years and not more than 30 years with respect to 15 grams or more but less than 100 grams of a substance containing fentanyl, or an analog thereof;
    (B) not less than 9 years and not more than 40 years with respect to 100 grams or more but less than 400 grams of a substance containing fentanyl, or an analog thereof;
    (C) not less than 12 years and not more than 50 years with respect to 400 grams or more but less than 900 grams of a substance containing fentanyl, or an analog thereof;
    (D) not less than 15 years and not more than 60 years with respect to 900 grams or more of any substance containing fentanyl, or an analog thereof;
(2) (A) not less than 6 years and not more than 30 years with respect to 15 grams or more but less than 100 grams of a substance containing cocaine, or an analog thereof;
    (B) not less than 9 years and not more than 40 years with respect to 100 grams or more but less than 400 grams of a substance containing cocaine, or an analog thereof;
    (C) not less than 12 years and not more than 50 years with respect to 400 grams or more but less than 900 grams of a substance containing cocaine, or an analog thereof;
    (D) not less than 15 years and not more than 60 years with respect to 900 grams or more of any substance containing cocaine, or an analog thereof;

New matter indicated by italics - deletions by strikeout
(3) (A) not less than 6 years and not more than 30 years with respect to 15 grams or more but less than 100 grams of a substance containing morphine, or an analog thereof;
     (B) not less than 9 years and not more than 40 years with respect to 100 grams or more but less than 400 grams of a substance containing morphine, or an analog thereof;
     (C) not less than 12 years and not more than 50 years with respect to 400 grams or more but less than 900 grams of a substance containing morphine, or an analog thereof;
     (D) not less than 15 years and not more than 60 years with respect to 900 grams or more of a substance containing morphine, or an analog thereof;
(4) 200 grams or more of any substance containing peyote, or an analog thereof;
(5) 200 grams or more of any substance containing a derivative of barbituric acid or any of the salts of a derivative of barbituric acid, or an analog thereof;
(6) 200 grams or more of any substance containing amphetamine or any salt of an optical isomer of amphetamine, or an analog thereof;
(6.5) (blank);
(6.6) (blank);
(7) (A) not less than 6 years and not more than 30 years with respect to: (i) 15 grams or more but less than 100 grams of a substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 15 or more objects or 15 or more segregated parts of an object or objects but less than 200 objects or 200 segregated parts of an object or objects containing in them or having upon them any amounts of any substance containing lysergic acid diethylamide (LSD), or an analog thereof;
     (B) not less than 9 years and not more than 40 years with respect to: (i) 100 grams or more but less than 400 grams of a substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 200 or more objects or 200 or more segregated parts of an object or objects but less than 600 objects or less than 600 segregated parts of an object or objects containing in them or having upon them

New matter indicated by italics - deletions by strikeout
any amount of any substance containing lysergic acid diethylamide (LSD), or an analog thereof;

(C) not less than 12 years and not more than 50 years with respect to: (i) 400 grams or more but less than 900 grams of a substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 600 or more objects or 600 or more segregated parts of an object or objects but less than 1500 objects or 1500 segregated parts of an object or objects containing in them or having upon them any amount of any substance containing lysergic acid diethylamide (LSD), or an analog thereof;

(D) not less than 15 years and not more than 60 years with respect to: (i) 900 grams or more of any substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 1500 or more objects or 1500 or more segregated parts of an object or objects containing in them or having upon them any amount of a substance containing lysergic acid diethylamide (LSD), or an analog thereof;

(7.5) (A) not less than 6 years and not more than 30 years with respect to: (i) 15 grams or more but less than 100 grams of a substance listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof, or (ii) 15 or more pills, tablets, caplets, capsules, or objects but less than 200 pills, tablets, caplets, capsules, or objects containing in them or having upon them any amounts of any substance listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof;

(B) not less than 9 years and not more than 40 years with respect to: (i) 100 grams or more but less than 400 grams of a substance listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof, or (ii) 200 or more pills, tablets, caplets, capsules, or objects but less than 600 pills, tablets, caplets, capsules, or objects containing in them or having upon them any amounts of any substance listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof;
amount of any substance listed in paragraph (1), (2), (2.1),
(2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of
subsection (d) of Section 204, or an analog or derivative
thereof;

(C) not less than 12 years and not more than 50
years with respect to: (i) 400 grams or more but less than
900 grams of a substance listed in paragraph (1), (2), (2.1),
(2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of
subsection (d) of Section 204, or an analog or derivative
thereof, or (ii) 600 or more pills, tablets, caplets, capsules,
objects but less than 1,500 pills, tablets, caplets,
capules, or objects containing in them or having upon
them any amount of any substance listed in paragraph (1),
(2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or
(26) of subsection (d) of Section 204, or an analog or
derivative thereof;

(D) not less than 15 years and not more than 60
years with respect to: (i) 900 grams or more of any
substance listed in paragraph (1), (2), (2.1), (2.2), (3),
(14.1), (19), (20), (20.1), (21), (25), or (26) of subsection
(d) of Section 204, or an analog or derivative thereof, or (ii)
1,500 or more pills, tablets, caplets, capsules, or objects
containing in them or having upon them any amount of a
substance listed in paragraph (1), (2), (2.1), (2.2), (3),
(14.1), (19), (20), (20.1), (21), (25), or (26) of subsection
(d) of Section 204, or an analog or derivative thereof;

(8) 30 grams or more of any substance containing
pentazocine or any of the salts, isomers and salts of isomers of
pentazocine, or an analog thereof;

(9) 30 grams or more of any substance containing
methaqualone or any of the salts, isomers and salts of isomers of
methaqualone, or an analog thereof;

(10) 30 grams or more of any substance containing
phencyclidine or any of the salts, isomers and salts of isomers of
phencyclidine (PCP), or an analog thereof;

(10.5) 30 grams or more of any substance containing
ketamine or any of the salts, isomers and salts of isomers of
ketamine, or an analog thereof;
(10.6) 100 grams or more of any substance containing hydrocodone, or any of the salts, isomers and salts of isomers of hydrocodone, or an analog thereof;
(10.7) 100 grams or more of any substance containing dihydrocodeinone, or any of the salts, isomers and salts of isomers of dihydrocodeinone, or an analog thereof;
(10.8) 100 grams or more of any substance containing dihydrocodeine, or any of the salts, isomers and salts of isomers of dihydrocodeine, or an analog thereof;
(10.9) 100 grams or more of any substance containing oxycodone, or any of the salts, isomers and salts of isomers of oxycodone, or an analog thereof;
(11) 200 grams or more of any substance containing any other controlled substance classified in Schedules I or II, or an analog thereof, which is not otherwise included in this subsection.
(b) Any person sentenced with respect to violations of paragraph (1), (2), (3), (7), or (7.5) of subsection (a) involving 100 grams or more of the controlled substance named therein, may in addition to the penalties provided therein, be fined an amount not more than $500,000 or the full street value of the controlled or counterfeit substance or controlled substance analog, whichever is greater. The term "street value" shall have the meaning ascribed in Section 110-5 of the Code of Criminal Procedure of 1963. Any person sentenced with respect to any other provision of subsection (a), may in addition to the penalties provided therein, be fined an amount not to exceed $500,000.
(b-1) Excluding violations of this Act when the controlled substance is fentanyl, any person sentenced to a term of imprisonment with respect to violations of Section 401, 401.1, 405, 405.1, 405.2, or 407, when the substance containing the controlled substance contains any amount of fentanyl, 3 years shall be added to the term of imprisonment imposed by the court, and the maximum sentence for the offense shall be increased by 3 years.
(c) Any person who violates this Section with regard to the following amounts of controlled or counterfeit substances or controlled substance analogs, notwithstanding any of the provisions of subsections (a), (b), (d), (e), (f), (g) or (h) to the contrary, is guilty of a Class I felony. The fine for violation of this subsection (c) shall not be more than $250,000.

New matter indicated by italics - deletions by strikeout
(1) 1 gram or more but less than 15 grams of any substance containing heroin, or an analog thereof;
   (1.5) 1 gram or more but less than 15 grams of any substance containing fentanyl, or an analog thereof;
   (2) 1 gram or more but less than 15 grams of any substance containing cocaine, or an analog thereof;
   (3) 10 grams or more but less than 15 grams of any substance containing morphine, or an analog thereof;
   (4) 50 grams or more but less than 200 grams of any substance containing peyote, or an analog thereof;
   (5) 50 grams or more but less than 200 grams of any substance containing a derivative of barbituric acid or any of the salts of a derivative of barbituric acid, or an analog thereof;
   (6) 50 grams or more but less than 200 grams of any substance containing amphetamine or any salt of an optical isomer of amphetamine, or an analog thereof;
   (6.5) (blank);
   (7) (i) 5 grams or more but less than 15 grams of any substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) more than 10 objects or more than 10 segregated parts of an object or objects but less than 15 objects or less than 15 segregated parts of an object containing in them or having upon them any amount of any substance containing lysergic acid diethylamide (LSD), or an analog thereof;
   (7.5) (i) 5 grams or more but less than 15 grams of any substance listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof, or (ii) more than 10 pills, tablets, caplets, capsules, or objects but less than 15 pills, tablets, caplets, capsules, or objects containing in them or having upon them any amount of any substance listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof;
   (8) 10 grams or more but less than 30 grams of any substance containing pentazocine or any of the salts, isomers and salts of isomers of pentazocine, or an analog thereof;
   (9) 10 grams or more but less than 30 grams of any substance containing methaqualone or any of the salts, isomers and salts of isomers of methaqualone, or an analog thereof;

New matter indicated by italics - deletions by strikeout
(10) 10 grams or more but less than 30 grams of any substance containing phencyclidine or any of the salts, isomers and salts of isomers of phencyclidine (PCP), or an analog thereof;

(10.5) 10 grams or more but less than 30 grams of any substance containing ketamine or any of the salts, isomers and salts of isomers of ketamine, or an analog thereof;

(10.6) 50 grams or more but less than 100 grams of any substance containing hydrocodone, or any of the salts, isomers and salts of isomers of hydrocodone, or an analog thereof;

(10.7) 50 grams or more but less than 100 grams of any substance containing dihydrocodeinone, or any of the salts, isomers and salts of isomers of dihydrocodeinone, or an analog thereof;

(10.8) 50 grams or more but less than 100 grams of any substance containing dihydrocodeine, or any of the salts, isomers and salts of isomers of dihydrocodeine, or an analog thereof;

(10.9) 50 grams or more but less than 100 grams of any substance containing oxycodone, or any of the salts, isomers and salts of isomers of oxycodone, or an analog thereof;

(11) 50 grams or more but less than 200 grams of any substance containing a substance classified in Schedules I or II, or an analog thereof, which is not otherwise included in this subsection.

(c-5) (Blank).

(d) Any person who violates this Section with regard to any other amount of a controlled or counterfeit substance containing dihydrocodeinone or dihydrocodeine or classified in Schedules I or II, or an analog thereof, which is (i) a narcotic drug, (ii) lysergic acid diethylamide (LSD) or an analog thereof, (iii) any substance containing amphetamine or fentanyl or any salt or optical isomer of amphetamine or fentanyl, or an analog thereof, or (iv) any substance containing N-Benzylpiperazine (BZP) or any salt or optical isomer of N-Benzylpiperazine (BZP), or an analog thereof, is guilty of a Class 2 felony. The fine for violation of this subsection (d) shall not be more than $200,000.

(d-5) (Blank).

(e) Any person who violates this Section with regard to any other amount of a controlled substance other than methamphetamine or counterfeit substance classified in Schedule I or II, or an analog thereof, which substance is not included under subsection (d) of this Section, is
guilty of a Class 3 felony. The fine for violation of this subsection (e) shall not be more than $150,000.

(f) Any person who violates this Section with regard to any other amount of a controlled or counterfeit substance classified in Schedule III is guilty of a Class 3 felony. The fine for violation of this subsection (f) shall not be more than $125,000.

(g) Any person who violates this Section with regard to any other amount of a controlled or counterfeit substance classified in Schedule IV is guilty of a Class 3 felony. The fine for violation of this subsection (g) shall not be more than $100,000.

(h) Any person who violates this Section with regard to any other amount of a controlled or counterfeit substance classified in Schedule V is guilty of a Class 3 felony. The fine for violation of this subsection (h) shall not be more than $75,000.

(i) This Section does not apply to the manufacture, possession or distribution of a substance in conformance with the provisions of an approved new drug application or an exemption for investigational use within the meaning of Section 505 of the Federal Food, Drug and Cosmetic Act.

(j) (Blank).

(Source: P.A. 99-371, eff. 1-1-16.)

Passed in the General Assembly May 24, 2016.
Approved July 18, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0586
(House Bill No. 4715)

AN ACT concerning government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Freedom of Information Act is amended by changing Section 11 and by adding Section 11.6 as follows:
(5 ILCS 140/11) (from Ch. 116, par. 211)
Sec. 11. (a) Any person denied access to inspect or copy any public record by a public body may file suit for injunctive or declaratory relief.

(a-5) In accordance with Section 11.6 of this Act, a requester may file an action to enforce a binding opinion issued under Section 9.5 of this Act.

New matter indicated by italics - deletions by strikeout
(b) Where the denial is from a public body of the State, suit may be filed in the circuit court for the county where the public body has its principal office or where the person denied access resides.

(c) Where the denial is from a municipality or other public body, except as provided in subsection (b) of this Section, suit may be filed in the circuit court for the county where the public body is located.

(d) The circuit court shall have the jurisdiction to enjoin the public body from withholding public records and to order the production of any public records improperly withheld from the person seeking access. If the public body can show that exceptional circumstances exist, and that the body is exercising due diligence in responding to the request, the court may retain jurisdiction and allow the agency additional time to complete its review of the records.

(e) On motion of the plaintiff, prior to or after in camera inspection, the court shall order the public body to provide an index of the records to which access has been denied. The index shall include the following:

(i) A description of the nature or contents of each document withheld, or each deletion from a released document, provided, however, that the public body shall not be required to disclose the information which it asserts is exempt; and

(ii) A statement of the exemption or exemptions claimed for each such deletion or withheld document.

(f) In any action considered by the court, the court shall consider the matter de novo, and shall conduct such in camera examination of the requested records as it finds appropriate to determine if such records or any part thereof may be withheld under any provision of this Act. The burden shall be on the public body to establish that its refusal to permit public inspection or copying is in accordance with the provisions of this Act. Any public body that asserts that a record is exempt from disclosure has the burden of proving that it is exempt by clear and convincing evidence.

(g) In the event of noncompliance with an order of the court to disclose, the court may enforce its order against any public official or employee so ordered or primarily responsible for such noncompliance through the court's contempt powers.

(h) Except as to causes the court considers to be of greater importance, proceedings arising under this Section shall take precedence

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on the docket over all other causes and be assigned for hearing and trial at
the earliest practicable date and expedited in every way.

(i) If a person seeking the right to inspect or receive a copy of a
public record prevails in a proceeding under this Section, the court shall
award such person reasonable attorney's fees and costs. In
determining what amount of attorney's fees is reasonable, the court shall
consider the degree to which the relief obtained relates to the relief sought.
The changes contained in this subsection apply to an action filed on or
after January 1, 2010 (the effective date of Public Act 96-542) this
amendatory Act of the 96th General Assembly.

(j) If the court determines that a public body willfully and
intentionally failed to comply with this Act, or otherwise acted in bad
faith, the court shall also impose upon the public body a civil penalty of
not less than $2,500 nor more than $5,000 for each occurrence. In
assessing the civil penalty, the court shall consider in aggravation or
mitigation the budget of the public body and whether the public body has
previously been assessed penalties for violations of this Act. The court
may impose an additional penalty of up to $1,000 for each day the
violation continues if:

(1) the public body fails to comply with the court's order
    after 30 days;
(2) the court's order is not on appeal or stayed; and
(3) the court does not grant the public body additional time
to comply with the court's order to disclose public records.

The changes contained in this subsection made by Public Act 96-542 apply to an action filed on or after January 1, 2010 (the effective date of
Public Act 96-542) this amendatory Act of the 96th General Assembly.

(k) The changes to this Section made by this amendatory Act of the
99th General Assembly apply to actions filed on or after the effective date
of this amendatory Act of the 99th General Assembly.

(Source: P.A. 96-542, eff. 1-1-10; 97-813, eff. 7-13-12; revised 10-14-15.)
Sec. 11.6. Noncompliance with binding opinion.
(a) The requester may file an action under Section 11 and there
shall be a rebuttable presumption that the public body willfully and
intentionally failed to comply with this Act for purposes of subsection (j) of
Section 11 if:

(1) the Attorney General issues a binding opinion pursuant
to Section 9.5;

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(2) the public body does not file for administrative review of the binding opinion within 35 days after the binding opinion is served on the public body; and

(3) the public body does not comply with the binding opinion within 35 days after the binding opinion is served on the public body.

For purposes of this subsection (a), service of the binding opinion shall be by personal delivery or by depositing the opinion in the United States mail as provided in Section 3-103 of the Code of Civil Procedure.

(b) The presumption in subsection (a) may be rebutted by the public body showing that it is making a good faith effort to comply with the binding opinion, but compliance was not possible within the 35-day time frame.

(c) This Section applies to binding opinions of the Attorney General requested or issued on or after the effective date of this amendatory Act of the 99th General Assembly.

Passed in the General Assembly May 29, 2016.
Approved July 19, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0587
(House Bill No. 6083)

AN ACT concerning the disclosure of information.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 1. This Act may be referred to as Molly's Law.
Section 5. The Wrongful Death Act is amended by changing Section 2 as follows:

(740 ILCS 180/2) (from Ch. 70, par. 2)

Sec. 2. (a) Every such action shall be brought by and in the names of the personal representatives of such deceased person, and, except as otherwise hereinafter provided, the amount recovered in every such action shall be for the exclusive benefit of the surviving spouse and next of kin of such deceased person. In every such action the jury may give such damages as they shall deem a fair and just compensation with reference to the pecuniary injuries resulting from such death, including damages for grief, sorrow, and mental suffering, to the surviving spouse and next of kin of such deceased person.

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(b) The amount recovered in any such action shall be distributed by the court in which the cause is heard or, in the case of an agreed settlement, by the circuit court, to each of the surviving spouse and next of kin of such deceased person in the proportion, as determined by the court, that the percentage of dependency of each such person upon the deceased person bears to the sum of the percentages of dependency of all such persons upon the deceased person.

(c) Where the deceased person left no surviving spouse or next of kin entitled to recovery, the damages shall, subject to the following limitations inure, to the exclusive benefit of the following persons, or any one or more of them:

(1) (a) to the person or persons furnishing hospitalization or hospital services in connection with the last illness or injury of the deceased person, not exceeding $450;

(2) (b) to the person or persons furnishing medical or surgical services in connection with such last illness or injury, not exceeding $450;

(3) (c) to the personal representatives, as such, for the costs and expenses of administering the estate and prosecuting or compromising the action, including a reasonable attorney's fee. In any such case the measure of damages to be recovered shall be the total of the reasonable value of such hospitalization or hospital service, medical and surgical services, funeral expenses, and such costs and expenses of administration, including attorney fees, not exceeding the foregoing limitations for each class of such expenses and not exceeding $900 plus a reasonable attorney's fee.

(d) Except as otherwise provided in subsection (e) of this Section, every such action shall be commenced within 2 years after the death of such person but an action against a defendant arising from a crime committed by the defendant in whose name an escrow account was established under the "Criminal Victims' Escrow Account Act" shall be commenced within 2 years after the establishment of such account.

(e) An action may be brought within 5 years after the date of the death if the death is the result of violent intentional conduct or within one year after the final disposition of the criminal case if the defendant is charged with:

(1) first degree murder under Section 9-1 of the Criminal Code of 2012;

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(2) intentional homicide of an unborn child under Section 9-1.2 of the Criminal Code of 2012;
(3) second degree murder under Section 9-2 of the Criminal Code of 2012;
(4) voluntary manslaughter of an unborn child under Section 9-2.1 of the Criminal Code of 2012;
(5) involuntary manslaughter or reckless homicide under Section 9-3 of the Criminal Code of 2012;
(6) involuntary manslaughter or reckless homicide of an unborn child under Section 9-3.2 of the Criminal Code of 2012; or
(7) drug-induced homicide under Section 9-3.3 of the Criminal Code of 2012.

This subsection extends the statute of limitations only against the individual who allegedly committed a violent intentional act or was the defendant charged with a crime listed in this subsection. It does not extend the statute of limitations against any other person or entity. The changes to this Section made by this amendatory Act of the 99th General Assembly apply to causes of action arising on or after the effective date of this amendatory Act of the 99th General Assembly.

(f) For the purposes of this Section 2, next of kin includes an adopting parent and an adopted child, and they shall be treated as a natural parent and a natural child, respectively. However, if a person entitled to recover benefits under this Act, is, at the time the cause of action accrued, within the age of 18 years, he or she may cause such action to be brought within 2 years after attainment of the age of 18.

(g) In any such action to recover damages, it shall not be a defense that the death was caused in whole or in part by the contributory negligence of one or more of the beneficiaries on behalf of whom the action is brought, but the amount of damages given shall be reduced in the following manner.

(h) The trier of fact shall first determine the decedent's contributory fault in accordance with Sections 2-1116 and 2-1107.1 of the Code of Civil Procedure. Recovery of damages shall be barred or diminished accordingly. The trier of fact shall then determine the contributory fault, if any, of each beneficiary on behalf of whom the action was brought:

(1) Where the trier of fact finds that the contributory fault of a beneficiary on whose behalf the action is brought is not more than 50% of the proximate cause of the wrongful death of the decedent, then the damages allowed to that beneficiary shall be
diminished in proportion to the contributory fault attributed to that beneficiary. The amount of the reduction shall not be payable by any defendant.

(2) Where the trier of fact finds that the contributory fault of a beneficiary on whose behalf the action is brought is more than 50% of the proximate cause of the wrongful death of the decedent, then the beneficiary shall be barred from recovering damages and the amount of damages which would have been payable to that beneficiary, but for the beneficiary's contributory fault, shall not inure to the benefit of the remaining beneficiaries and shall not be payable by any defendant.

(i) The trial judge shall conduct a hearing to determine the degree of dependency of each beneficiary upon the decedent. The trial judge shall calculate the amount of damages to be awarded each beneficiary, taking into account any reduction arising from either the decedent's or the beneficiary's contributory fault.

(j) This amendatory Act of the 91st General Assembly applies to all actions pending on or filed after the effective date of this amendatory Act.

(k) This amendatory Act of the 95th General Assembly applies to causes of actions accruing on or after its effective date.

(Source: P.A. 95-3, eff. 5-31-07.)

Approved July 19, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0588
(Senate Bill No. 0466)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Insurance Code is amended by changing Section 356g as follows:

(215 ILCS 5/356g) (from Ch. 73, par. 968g)
(Text of Section before amendment by P.A. 99-407)
Sec. 356g. Mammograms; mastectomies.
(a) Every insurer shall provide in each group or individual policy, contract, or certificate of insurance issued or renewed for persons who are

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residents of this State, coverage for screening by low-dose mammography for all women 35 years of age or older for the presence of occult breast cancer within the provisions of the policy, contract, or certificate. The coverage shall be as follows:

1. A baseline mammogram for women 35 to 39 years of age.

2. An annual mammogram for women 40 years of age or older.

3. A mammogram at the age and intervals considered medically necessary by the woman's health care provider for women under 40 years of age and having a family history of breast cancer, prior personal history of breast cancer, positive genetic testing, or other risk factors.

4. A comprehensive ultrasound screening of an entire breast or breasts if a mammogram demonstrates heterogeneous or dense breast tissue, when medically necessary as determined by a physician licensed to practice medicine in all of its branches.

5. A screening MRI when medically necessary, as determined by a physician licensed to practice medicine in all of its branches.

For purposes of this Section, "low-dose mammography" means the x-ray examination of the breast using equipment dedicated specifically for mammography, including the x-ray tube, filter, compression device, and image receptor, with radiation exposure delivery of less than 1 rad per breast for 2 views of an average size breast. The term also includes digital mammography.

(a-5) Coverage as described by subsection (a) shall be provided at no cost to the insured and shall not be applied to an annual or lifetime maximum benefit.

(a-10) When health care services are available through contracted providers and a person does not comply with plan provisions specific to the use of contracted providers, the requirements of subsection (a-5) are not applicable. When a person does not comply with plan provisions specific to the use of contracted providers, plan provisions specific to the use of non-contracted providers must be applied without distinction for coverage required by this Section and shall be at least as favorable as for other radiological examinations covered by the policy or contract.

(b) No policy of accident or health insurance that provides for the surgical procedure known as a mastectomy shall be issued, amended,

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delivered, or renewed in this State unless that coverage also provides for prosthetic devices or reconstructive surgery incident to the mastectomy. Coverage for breast reconstruction in connection with a mastectomy shall include:

(1) reconstruction of the breast upon which the mastectomy has been performed;
(2) surgery and reconstruction of the other breast to produce a symmetrical appearance; and
(3) prostheses and treatment for physical complications at all stages of mastectomy, including lymphedemas.

Care shall be determined in consultation with the attending physician and the patient. The offered coverage for prosthetic devices and reconstructive surgery shall be subject to the deductible and coinsurance conditions applied to the mastectomy, and all other terms and conditions applicable to other benefits. When a mastectomy is performed and there is no evidence of malignancy then the offered coverage may be limited to the provision of prosthetic devices and reconstructive surgery to within 2 years after the date of the mastectomy. As used in this Section, "mastectomy" means the removal of all or part of the breast for medically necessary reasons, as determined by a licensed physician.

Written notice of the availability of coverage under this Section shall be delivered to the insured upon enrollment and annually thereafter. An insurer may not deny to an insured eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan solely for the purpose of avoiding the requirements of this Section. An insurer may not penalize or reduce or limit the reimbursement of an attending provider or provide incentives (monetary or otherwise) to an attending provider to induce the provider to provide care to an insured in a manner inconsistent with this Section.

(c) Rulemaking authority to implement Public Act 95-1045 this amendatory Act of the 95th General Assembly, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

(Source: P.A. 99-433, eff. 8-21-15; revised 10-20-15.)

(Text of Section after amendment by P.A. 99-407)
Sec. 356g. Mammograms; mastectomies.
(a) Every insurer shall provide in each group or individual policy, contract, or certificate of insurance issued or renewed for persons who are residents of this State, coverage for screening by low-dose mammography for all women 35 years of age or older for the presence of occult breast cancer within the provisions of the policy, contract, or certificate. The coverage shall be as follows:

1. A baseline mammogram for women 35 to 39 years of age.
2. An annual mammogram for women 40 years of age or older.
3. A mammogram at the age and intervals considered medically necessary by the woman's health care provider for women under 40 years of age and having a family history of breast cancer, prior personal history of breast cancer, positive genetic testing, or other risk factors.
4. A comprehensive ultrasound screening of an entire breast or breasts if a mammogram demonstrates heterogeneous or dense breast tissue, when medically necessary as determined by a physician licensed to practice medicine in all of its branches.
5. A screening MRI when medically necessary, as determined by a physician licensed to practice medicine in all of its branches.

For purposes of this Section, "low-dose mammography" means the x-ray examination of the breast using equipment dedicated specifically for mammography, including the x-ray tube, filter, compression device, and image receptor, with radiation exposure delivery of less than 1 rad per breast for 2 views of an average size breast. The term also includes digital mammography and includes breast tomosynthesis. As used in this Section, the term "breast tomosynthesis" means a radiologic procedure that involves the acquisition of projection images over the stationary breast to produce cross-sectional digital three-dimensional images of the breast.

If, at any time, the Secretary of the United States Department of Health and Human Services, or its successor agency, promulgates rules or regulations to be published in the Federal Register or publishes a comment in the Federal Register or issues an opinion, guidance, or other action that would require the State, pursuant to any provision of the Patient Protection and Affordable Care Act (Public Law 111-148), including, but not limited to, 42 U.S.C. 18031(d)(3)(B) or any successor provision, to defray the cost of any coverage for breast tomosynthesis

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outlined in this subsection, then the requirement that an insurer cover breast tomosynthesis is inoperative other than any such coverage authorized under Section 1902 of the Social Security Act, 42 U.S.C. 1396a, and the State shall not assume any obligation for the cost of coverage for breast tomosynthesis set forth in this subsection.

(a-5) Coverage as described by subsection (a) shall be provided at no cost to the insured and shall not be applied to an annual or lifetime maximum benefit.

(a-10) When health care services are available through contracted providers and a person does not comply with plan provisions specific to the use of contracted providers, the requirements of subsection (a-5) are not applicable. When a person does not comply with plan provisions specific to the use of contracted providers, plan provisions specific to the use of non-contracted providers must be applied without distinction for coverage required by this Section and shall be at least as favorable as for other radiological examinations covered by the policy or contract.

(b) No policy of accident or health insurance that provides for the surgical procedure known as a mastectomy shall be issued, amended, delivered, or renewed in this State unless that coverage also provides for prosthetic devices or reconstructive surgery incident to the mastectomy. Coverage for breast reconstruction in connection with a mastectomy shall include:

(1) reconstruction of the breast upon which the mastectomy has been performed;
(2) surgery and reconstruction of the other breast to produce a symmetrical appearance; and
(3) prostheses and treatment for physical complications at all stages of mastectomy, including lymphedemas.

Care shall be determined in consultation with the attending physician and the patient. The offered coverage for prosthetic devices and reconstructive surgery shall be subject to the deductible and coinsurance conditions applied to the mastectomy, and all other terms and conditions applicable to other benefits. When a mastectomy is performed and there is no evidence of malignancy then the offered coverage may be limited to the provision of prosthetic devices and reconstructive surgery to within 2 years after the date of the mastectomy. As used in this Section, "mastectomy" means the removal of all or part of the breast for medically necessary reasons, as determined by a licensed physician.

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Written notice of the availability of coverage under this Section shall be delivered to the insured upon enrollment and annually thereafter. An insurer may not deny to an insured eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan solely for the purpose of avoiding the requirements of this Section. An insurer may not penalize or reduce or limit the reimbursement of an attending provider or provide incentives (monetary or otherwise) to an attending provider to induce the provider to provide care to an insured in a manner inconsistent with this Section.

(c) Rulemaking authority to implement Public Act 95-1045 this amendatory Act of the 95th General Assembly, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

(Source: P.A. 99-407 (see Section 99 of P.A. 99-407 for its effective date); 99-433, eff. 8-21-15; revised 10-20-15.)

Section 10. The Health Maintenance Organization Act is amended by changing Section 4-6.1 as follows:

(215 ILCS 125/4-6.1) (from Ch. 111 1/2, par. 1408.7)

Sec. 4-6.1. Mammograms; mastectomies.

(a) Every contract or evidence of coverage issued by a Health Maintenance Organization for persons who are residents of this State shall contain coverage for screening by low-dose mammography for all women 35 years of age or older for the presence of occult breast cancer. The coverage shall be as follows:

1. A baseline mammogram for women 35 to 39 years of age.

2. An annual mammogram for women 40 years of age or older.

3. A mammogram at the age and intervals considered medically necessary by the woman's health care provider for women under 40 years of age and having a family history of breast cancer, prior personal history of breast cancer, positive genetic testing, or other risk factors.

4. A comprehensive ultrasound screening of an entire breast or breasts if a mammogram demonstrates heterogeneous or

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dense breast tissue, when medically necessary as determined by a physician licensed to practice medicine in all of its branches.

For purposes of this Section, "low-dose mammography" means the x-ray examination of the breast using equipment dedicated specifically for mammography, including the x-ray tube, filter, compression device, and image receptor, with radiation exposure delivery of less than 1 rad per breast for 2 views of an average size breast. The term also includes digital mammography.

(a-5) Coverage as described in subsection (a) shall be provided at no cost to the enrollee and shall not be applied to an annual or lifetime maximum benefit.

(b) No contract or evidence of coverage issued by a health maintenance organization that provides for the surgical procedure known as a mastectomy shall be issued, amended, delivered, or renewed in this State on or after the effective date of this amendatory Act of the 92nd General Assembly unless that coverage also provides for prosthetic devices or reconstructive surgery incident to the mastectomy, providing that the mastectomy is performed after the effective date of this amendatory Act. Coverage for breast reconstruction in connection with a mastectomy shall include:

(1) reconstruction of the breast upon which the mastectomy has been performed;
(2) surgery and reconstruction of the other breast to produce a symmetrical appearance; and
(3) prostheses and treatment for physical complications at all stages of mastectomy, including lymphedemas.

Care shall be determined in consultation with the attending physician and the patient. The offered coverage for prosthetic devices and reconstructive surgery shall be subject to the deductible and coinsurance conditions applied to the mastectomy and all other terms and conditions applicable to other benefits. When a mastectomy is performed and there is no evidence of malignancy, then the offered coverage may be limited to the provision of reconstructive surgery to within 2 years after the date of the mastectomy. As used in this Section, "mastectomy" means the removal of all or part of the breast for medically necessary reasons, as determined by a licensed physician.

Written notice of the availability of coverage under this Section shall be delivered to the enrollee upon enrollment and annually thereafter. A health maintenance organization may not deny to an enrollee eligibility,
or continued eligibility, to enroll or to renew coverage under the terms of the plan solely for the purpose of avoiding the requirements of this Section. A health maintenance organization may not penalize or reduce or limit the reimbursement of an attending provider or provide incentives (monetary or otherwise) to an attending provider to induce the provider to provide care to an insured in a manner inconsistent with this Section.

(c) Rulemaking authority to implement this amendatory Act of the 95th General Assembly, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

(Source: P.A. 94-121, eff. 7-6-05; 95-431, eff. 8-24-07; 95-1045, eff. 3-27-09.)

(Text of Section after amendment by P.A. 99-407)

Sec. 4-6.1. Mammograms; mastectomies.

(a) Every contract or evidence of coverage issued by a Health Maintenance Organization for persons who are residents of this State shall contain coverage for screening by low-dose mammography for all women 35 years of age or older for the presence of occult breast cancer. The coverage shall be as follows:

1. A baseline mammogram for women 35 to 39 years of age.

2. An annual mammogram for women 40 years of age or older.

3. A mammogram at the age and intervals considered medically necessary by the woman's health care provider for women under 40 years of age and having a family history of breast cancer, prior personal history of breast cancer, positive genetic testing, or other risk factors.

4. A comprehensive ultrasound screening of an entire breast or breasts if a mammogram demonstrates heterogeneous or dense breast tissue, when medically necessary as determined by a physician licensed to practice medicine in all of its branches.

For purposes of this Section, "low-dose mammography" means the x-ray examination of the breast using equipment dedicated specifically for mammography, including the x-ray tube, filter, compression device, and image receptor, with radiation exposure delivery of less than 1 rad per breast for 2 views of an average size breast. The term also includes digital

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mammography and includes breast tomosynthesis. As used in this Section, the term "breast tomosynthesis" means a radiologic procedure that involves the acquisition of projection images over the stationary breast to produce cross-sectional digital three-dimensional images of the breast.

If, at any time, the Secretary of the United States Department of Health and Human Services, or its successor agency, promulgates rules or regulations to be published in the Federal Register or publishes a comment in the Federal Register or issues an opinion, guidance, or other action that would require the State, pursuant to any provision of the Patient Protection and Affordable Care Act (Public Law 111-148), including, but not limited to, 42 U.S.C. 18031(d)(3)(B) or any successor provision, to defray the cost of any coverage for breast tomosynthesis outlined in this subsection, then the requirement that an insurer cover breast tomosynthesis is inoperative other than any such coverage authorized under Section 1902 of the Social Security Act, 42 U.S.C. 1396a, and the State shall not assume any obligation for the cost of coverage for breast tomosynthesis set forth in this subsection.

(a-5) Coverage as described in subsection (a) shall be provided at no cost to the enrollee and shall not be applied to an annual or lifetime maximum benefit.

(b) No contract or evidence of coverage issued by a health maintenance organization that provides for the surgical procedure known as a mastectomy shall be issued, amended, delivered, or renewed in this State on or after the effective date of this amendatory Act of the 92nd General Assembly unless that coverage also provides for prosthetic devices or reconstructive surgery incident to the mastectomy, providing that the mastectomy is performed after the effective date of this amendatory Act. Coverage for breast reconstruction in connection with a mastectomy shall include:

1. reconstruction of the breast upon which the mastectomy has been performed;
2. surgery and reconstruction of the other breast to produce a symmetrical appearance; and
3. prostheses and treatment for physical complications at all stages of mastectomy, including lymphedemas.

Care shall be determined in consultation with the attending physician and the patient. The offered coverage for prosthetic devices and reconstructive surgery shall be subject to the deductible and coinsurance conditions applied to the mastectomy and all other terms and conditions applicable to
other benefits. When a mastectomy is performed and there is no evidence of malignancy, then the offered coverage may be limited to the provision of prosthetic devices and reconstructive surgery to within 2 years after the date of the mastectomy. As used in this Section, "mastectomy" means the removal of all or part of the breast for medically necessary reasons, as determined by a licensed physician.

Written notice of the availability of coverage under this Section shall be delivered to the enrollee upon enrollment and annually thereafter. A health maintenance organization may not deny to an enrollee eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan solely for the purpose of avoiding the requirements of this Section. A health maintenance organization may not penalize or reduce or limit the reimbursement of an attending provider or provide incentives (monetary or otherwise) to an attending provider to induce the provider to provide care to an insured in a manner inconsistent with this Section.

(c) Rulemaking authority to implement this amendatory Act of the 95th General Assembly, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

(Source: P.A. 99-407 (see Section 99 of P.A. 99-407 for its effective date).)

Section 15. The Illinois Public Aid Code is amended by changing Section 5-5 as follows:

(305 ILCS 5/5-5) (from Ch. 23, par. 5-5)
(Text of Section before amendment by P.A. 99-407)

Sec. 5-5. Medical services. The Illinois Department, by rule, shall determine the quantity and quality of and the rate of reimbursement for the medical assistance for which payment will be authorized, and the medical services to be provided, which may include all or part of the following: (1) inpatient hospital services; (2) outpatient hospital services; (3) other laboratory and X-ray services; (4) skilled nursing home services; (5) physicians' services whether furnished in the office, the patient's home, a hospital, a skilled nursing home, or elsewhere; (6) medical care, or any other type of remedial care furnished by licensed practitioners; (7) home health care services; (8) private duty nursing service; (9) clinic services; (10) dental services, including prevention and treatment of periodontal disease and dental caries disease for pregnant women, provided by an

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individual licensed to practice dentistry or dental surgery; for purposes of this item (10), "dental services" means diagnostic, preventive, or corrective procedures provided by or under the supervision of a dentist in the practice of his or her profession; (11) physical therapy and related services; (12) prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in the diseases of the eye, or by an optometrist, whichever the person may select; (13) other diagnostic, screening, preventive, and rehabilitative services, including to ensure that the individual's need for intervention or treatment of mental disorders or substance use disorders or co-occurring mental health and substance use disorders is determined using a uniform screening, assessment, and evaluation process inclusive of criteria, for children and adults; for purposes of this item (13), a uniform screening, assessment, and evaluation process refers to a process that includes an appropriate evaluation and, as warranted, a referral; "uniform" does not mean the use of a singular instrument, tool, or process that all must utilize; (14) transportation and such other expenses as may be necessary; (15) medical treatment of sexual assault survivors, as defined in Section 1a of the Sexual Assault Survivors Emergency Treatment Act, for injuries sustained as a result of the sexual assault, including examinations and laboratory tests to discover evidence which may be used in criminal proceedings arising from the sexual assault; (16) the diagnosis and treatment of sickle cell anemia; and (17) any other medical care, and any other type of remedial care recognized under the laws of this State, but not including abortions, or induced miscarriages or premature births, unless, in the opinion of a physician, such procedures are necessary for the preservation of the life of the woman seeking such treatment, or except an induced premature birth intended to produce a live viable child and such procedure is necessary for the health of the mother or her unborn child. The Illinois Department, by rule, shall prohibit any physician from providing medical assistance to anyone eligible therefor under this Code where such physician has been found guilty of performing an abortion procedure in a wilful and wanton manner upon a woman who was not pregnant at the time such abortion procedure was performed. The term "any other type of remedial care" shall include nursing care and nursing home service for persons who rely on treatment by spiritual means alone through prayer for healing.

Notwithstanding any other provision of this Section, a comprehensive tobacco use cessation program that includes purchasing

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prescription drugs or prescription medical devices approved by the Food and Drug Administration shall be covered under the medical assistance program under this Article for persons who are otherwise eligible for assistance under this Article.

Notwithstanding any other provision of this Code, the Illinois Department may not require, as a condition of payment for any laboratory test authorized under this Article, that a physician's handwritten signature appear on the laboratory test order form. The Illinois Department may, however, impose other appropriate requirements regarding laboratory test order documentation.

Upon receipt of federal approval of an amendment to the Illinois Title XIX State Plan for this purpose, the Department shall authorize the Chicago Public Schools (CPS) to procure a vendor or vendors to manufacture eyeglasses for individuals enrolled in a school within the CPS system. CPS shall ensure that its vendor or vendors are enrolled as providers in the medical assistance program and in any capitated Medicaid managed care entity (MCE) serving individuals enrolled in a school within the CPS system. Under any contract procured under this provision, the vendor or vendors must serve only individuals enrolled in a school within the CPS system. Claims for services provided by CPS's vendor or vendors to recipients of benefits in the medical assistance program under this Code, the Children's Health Insurance Program, or the Covering ALL KIDS Health Insurance Program shall be submitted to the Department or the MCE in which the individual is enrolled for payment and shall be reimbursed at the Department's or the MCE's established rates or rate methodologies for eyeglasses.

On and after July 1, 2012, the Department of Healthcare and Family Services may provide the following services to persons eligible for assistance under this Article who are participating in education, training or employment programs operated by the Department of Human Services as successor to the Department of Public Aid:

(1) dental services provided by or under the supervision of a dentist; and

(2) eyeglasses prescribed by a physician skilled in the diseases of the eye, or by an optometrist, whichever the person may select.

Notwithstanding any other provision of this Code and subject to federal approval, the Department may adopt rules to allow a dentist who is volunteering his or her service at no cost to render dental services through
an enrolled not-for-profit health clinic without the dentist personally enrolling as a participating provider in the medical assistance program. A not-for-profit health clinic shall include a public health clinic or Federally Qualified Health Center or other enrolled provider, as determined by the Department, through which dental services covered under this Section are performed. The Department shall establish a process for payment of claims for reimbursement for covered dental services rendered under this provision.

The Illinois Department, by rule, may distinguish and classify the medical services to be provided only in accordance with the classes of persons designated in Section 5-2.

The Department of Healthcare and Family Services must provide coverage and reimbursement for amino acid-based elemental formulas, regardless of delivery method, for the diagnosis and treatment of (i) eosinophilic disorders and (ii) short bowel syndrome when the prescribing physician has issued a written order stating that the amino acid-based elemental formula is medically necessary.

The Illinois Department shall authorize the provision of, and shall authorize payment for, screening by low-dose mammography for the presence of occult breast cancer for women 35 years of age or older who are eligible for medical assistance under this Article, as follows:

(A) A baseline mammogram for women 35 to 39 years of age.

(B) An annual mammogram for women 40 years of age or older.

(C) A mammogram at the age and intervals considered medically necessary by the woman's health care provider for women under 40 years of age and having a family history of breast cancer, prior personal history of breast cancer, positive genetic testing, or other risk factors.

(D) A comprehensive ultrasound screening of an entire breast or breasts if a mammogram demonstrates heterogeneous or dense breast tissue, when medically necessary as determined by a physician licensed to practice medicine in all of its branches.

(E) A screening MRI when medically necessary, as determined by a physician licensed to practice medicine in all of its branches.

All screenings shall include a physical breast exam, instruction on self-examination and information regarding the frequency of self-

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examination and its value as a preventative tool. For purposes of this Section, "low-dose mammography" means the x-ray examination of the breast using equipment dedicated specifically for mammography, including the x-ray tube, filter, compression device, and image receptor, with an average radiation exposure delivery of less than one rad per breast for 2 views of an average size breast. The term also includes digital mammography.

On and after January 1, 2016, the Department shall ensure that all networks of care for adult clients of the Department include access to at least one breast imaging Center of Imaging Excellence as certified by the American College of Radiology.

On and after January 1, 2012, providers participating in a quality improvement program approved by the Department shall be reimbursed for screening and diagnostic mammography at the same rate as the Medicare program's rates, including the increased reimbursement for digital mammography.

The Department shall convene an expert panel including representatives of hospitals, free-standing mammography facilities, and doctors, including radiologists, to establish quality standards for mammography.

On and after January 1, 2017, providers participating in a breast cancer treatment quality improvement program approved by the Department shall be reimbursed for breast cancer treatment at a rate that is no lower than 95% of the Medicare program's rates for the data elements included in the breast cancer treatment quality program.

The Department shall convene an expert panel, including representatives of hospitals, free standing breast cancer treatment centers, breast cancer quality organizations, and doctors, including breast surgeons, reconstructive breast surgeons, oncologists, and primary care providers to establish quality standards for breast cancer treatment.

Subject to federal approval, the Department shall establish a rate methodology for mammography at federally qualified health centers and other encounter-rate clinics. These clinics or centers may also collaborate with other hospital-based mammography facilities. By January 1, 2016, the Department shall report to the General Assembly on the status of the provision set forth in this paragraph.

The Department shall establish a methodology to remind women who are age-appropriate for screening mammography, but who have not received a mammogram within the previous 18 months, of the importance

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and benefit of screening mammography. The Department shall work with experts in breast cancer outreach and patient navigation to optimize these reminders and shall establish a methodology for evaluating their effectiveness and modifying the methodology based on the evaluation.

The Department shall establish a performance goal for primary care providers with respect to their female patients over age 40 receiving an annual mammogram. This performance goal shall be used to provide additional reimbursement in the form of a quality performance bonus to primary care providers who meet that goal.

The Department shall devise a means of case-managing or patient navigation for beneficiaries diagnosed with breast cancer. This program shall initially operate as a pilot program in areas of the State with the highest incidence of mortality related to breast cancer. At least one pilot program site shall be in the metropolitan Chicago area and at least one site shall be outside the metropolitan Chicago area. On or after July 1, 2016, the pilot program shall be expanded to include one site in western Illinois, one site in southern Illinois, one site in central Illinois, and 4 sites within metropolitan Chicago. An evaluation of the pilot program shall be carried out measuring health outcomes and cost of care for those served by the pilot program compared to similarly situated patients who are not served by the pilot program.

The Department shall require all networks of care to develop a means either internally or by contract with experts in navigation and community outreach to navigate cancer patients to comprehensive care in a timely fashion. The Department shall require all networks of care to include access for patients diagnosed with cancer to at least one academic commission on cancer-accredited cancer program as an in-network covered benefit.

Any medical or health care provider shall immediately recommend, to any pregnant woman who is being provided prenatal services and is suspected of drug abuse or is addicted as defined in the Alcoholism and Other Drug Abuse and Dependency Act, referral to a local substance abuse treatment provider licensed by the Department of Human Services or to a licensed hospital which provides substance abuse treatment services. The Department of Healthcare and Family Services shall assure coverage for the cost of treatment of the drug abuse or addiction for pregnant recipients in accordance with the Illinois Medicaid Program in conjunction with the Department of Human Services.

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All medical providers providing medical assistance to pregnant women under this Code shall receive information from the Department on the availability of services under the Drug Free Families with a Future or any comparable program providing case management services for addicted women, including information on appropriate referrals for other social services that may be needed by addicted women in addition to treatment for addiction.

The Illinois Department, in cooperation with the Departments of Human Services (as successor to the Department of Alcoholism and Substance Abuse) and Public Health, through a public awareness campaign, may provide information concerning treatment for alcoholism and drug abuse and addiction, prenatal health care, and other pertinent programs directed at reducing the number of drug-affected infants born to recipients of medical assistance.

Neither the Department of Healthcare and Family Services nor the Department of Human Services shall sanction the recipient solely on the basis of her substance abuse.

The Illinois Department shall establish such regulations governing the dispensing of health services under this Article as it shall deem appropriate. The Department should seek the advice of formal professional advisory committees appointed by the Director of the Illinois Department for the purpose of providing regular advice on policy and administrative matters, information dissemination and educational activities for medical and health care providers, and consistency in procedures to the Illinois Department.

The Illinois Department may develop and contract with Partnerships of medical providers to arrange medical services for persons eligible under Section 5-2 of this Code. Implementation of this Section may be by demonstration projects in certain geographic areas. The Partnership shall be represented by a sponsor organization. The Department, by rule, shall develop qualifications for sponsors of Partnerships. Nothing in this Section shall be construed to require that the sponsor organization be a medical organization.

The sponsor must negotiate formal written contracts with medical providers for physician services, inpatient and outpatient hospital care, home health services, treatment for alcoholism and substance abuse, and other services determined necessary by the Illinois Department by rule for delivery by Partnerships. Physician services must include prenatal and obstetrical care. The Illinois Department shall reimburse medical services

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delivered by Partnership providers to clients in target areas according to provisions of this Article and the Illinois Health Finance Reform Act, except that:

(1) Physicians participating in a Partnership and providing certain services, which shall be determined by the Illinois Department, to persons in areas covered by the Partnership may receive an additional surcharge for such services.

(2) The Department may elect to consider and negotiate financial incentives to encourage the development of Partnerships and the efficient delivery of medical care.

(3) Persons receiving medical services through Partnerships may receive medical and case management services above the level usually offered through the medical assistance program.

Medical providers shall be required to meet certain qualifications to participate in Partnerships to ensure the delivery of high quality medical services. These qualifications shall be determined by rule of the Illinois Department and may be higher than qualifications for participation in the medical assistance program. Partnership sponsors may prescribe reasonable additional qualifications for participation by medical providers, only with the prior written approval of the Illinois Department.

Nothing in this Section shall limit the free choice of practitioners, hospitals, and other providers of medical services by clients. In order to ensure patient freedom of choice, the Illinois Department shall immediately promulgate all rules and take all other necessary actions so that provided services may be accessed from therapeutically certified optometrists to the full extent of the Illinois Optometric Practice Act of 1987 without discriminating between service providers.

The Department shall apply for a waiver from the United States Health Care Financing Administration to allow for the implementation of Partnerships under this Section.

The Illinois Department shall require health care providers to maintain records that document the medical care and services provided to recipients of Medical Assistance under this Article. Such records must be retained for a period of not less than 6 years from the date of service or as provided by applicable State law, whichever period is longer, except that if an audit is initiated within the required retention period then the records must be retained until the audit is completed and every exception is resolved. The Illinois Department shall require health care providers to make available, when authorized by the patient, in writing, the medical

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records in a timely fashion to other health care providers who are treating or serving persons eligible for Medical Assistance under this Article. All dispensers of medical services shall be required to maintain and retain business and professional records sufficient to fully and accurately document the nature, scope, details and receipt of the health care provided to persons eligible for medical assistance under this Code, in accordance with regulations promulgated by the Illinois Department. The rules and regulations shall require that proof of the receipt of prescription drugs, dentures, prosthetic devices and eyeglasses by eligible persons under this Section accompany each claim for reimbursement submitted by the dispenser of such medical services. No such claims for reimbursement shall be approved for payment by the Illinois Department without such proof of receipt, unless the Illinois Department shall have put into effect and shall be operating a system of post-payment audit and review which shall, on a sampling basis, be deemed adequate by the Illinois Department to assure that such drugs, dentures, prosthetic devices and eyeglasses for which payment is being made are actually being received by eligible recipients. Within 90 days after September 16, 1984 (the effective date of Public Act 83-1439) this amendatory Act of 1984, the Illinois Department shall establish a current list of acquisition costs for all prosthetic devices and any other items recognized as medical equipment and supplies reimbursable under this Article and shall update such list on a quarterly basis, except that the acquisition costs of all prescription drugs shall be updated no less frequently than every 30 days as required by Section 5-5.12.

The rules and regulations of the Illinois Department shall require that a written statement including the required opinion of a physician shall accompany any claim for reimbursement for abortions, or induced miscarriages or premature births. This statement shall indicate what procedures were used in providing such medical services.

Notwithstanding any other law to the contrary, the Illinois Department shall, within 365 days after July 22, 2013 (the effective date of Public Act 98-104), establish procedures to permit skilled care facilities licensed under the Nursing Home Care Act to submit monthly billing claims for reimbursement purposes. Following development of these procedures, the Department shall, by July 1, 2016, test the viability of the new system and implement any necessary operational or structural changes to its information technology platforms in order to allow for the direct acceptance and payment of nursing home claims.

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Notwithstanding any other law to the contrary, the Illinois Department shall, within 365 days after August 15, 2014 (the effective date of Public Act 98-963), establish procedures to permit ID/DD facilities licensed under the ID/DD Community Care Act and MC/DD facilities licensed under the MC/DD Act to submit monthly billing claims for reimbursement purposes. Following development of these procedures, the Department shall have an additional 365 days to test the viability of the new system and to ensure that any necessary operational or structural changes to its information technology platforms are implemented.

The Illinois Department shall require all dispensers of medical services, other than an individual practitioner or group of practitioners, desiring to participate in the Medical Assistance program established under this Article to disclose all financial, beneficial, ownership, equity, surety or other interests in any and all firms, corporations, partnerships, associations, business enterprises, joint ventures, agencies, institutions or other legal entities providing any form of health care services in this State under this Article.

The Illinois Department may require that all dispensers of medical services desiring to participate in the medical assistance program established under this Article disclose, under such terms and conditions as the Illinois Department may by rule establish, all inquiries from clients and attorneys regarding medical bills paid by the Illinois Department, which inquiries could indicate potential existence of claims or liens for the Illinois Department.

Enrollment of a vendor shall be subject to a provisional period and shall be conditional for one year. During the period of conditional enrollment, the Department may terminate the vendor's eligibility to participate in, or may disenroll the vendor from, the medical assistance program without cause. Unless otherwise specified, such termination of eligibility or disenrollment is not subject to the Department's hearing process. However, a disenrolled vendor may reapply without penalty.

The Department has the discretion to limit the conditional enrollment period for vendors based upon category of risk of the vendor.

Prior to enrollment and during the conditional enrollment period in the medical assistance program, all vendors shall be subject to enhanced oversight, screening, and review based on the risk of fraud, waste, and abuse that is posed by the category of risk of the vendor. The Illinois Department shall establish the procedures for oversight, screening, and review, which may include, but need not be limited to: criminal and
financial background checks; fingerprinting; license, certification, and authorization verifications; unscheduled or unannounced site visits; database checks; prepayment audit reviews; audits; payment caps; payment suspensions; and other screening as required by federal or State law.

The Department shall define or specify the following: (i) by provider notice, the "category of risk of the vendor" for each type of vendor, which shall take into account the level of screening applicable to a particular category of vendor under federal law and regulations; (ii) by rule or provider notice, the maximum length of the conditional enrollment period for each category of risk of the vendor; and (iii) by rule, the hearing rights, if any, afforded to a vendor in each category of risk of the vendor that is terminated or disenrolled during the conditional enrollment period.

To be eligible for payment consideration, a vendor's payment claim or bill, either as an initial claim or as a resubmitted claim following prior rejection, must be received by the Illinois Department, or its fiscal intermediary, no later than 180 days after the latest date on the claim on which medical goods or services were provided, with the following exceptions:

(1) In the case of a provider whose enrollment is in process by the Illinois Department, the 180-day period shall not begin until the date on the written notice from the Illinois Department that the provider enrollment is complete.

(2) In the case of errors attributable to the Illinois Department or any of its claims processing intermediaries which result in an inability to receive, process, or adjudicate a claim, the 180-day period shall not begin until the provider has been notified of the error.

(3) In the case of a provider for whom the Illinois Department initiates the monthly billing process.

(4) In the case of a provider operated by a unit of local government with a population exceeding 3,000,000 when local government funds finance federal participation for claims payments.

For claims for services rendered during a period for which a recipient received retroactive eligibility, claims must be filed within 180 days after the Department determines the applicant is eligible. For claims for which the Illinois Department is not the primary payer, claims must be

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submitted to the Illinois Department within 180 days after the final adjudication by the primary payer.

In the case of long term care facilities, within 5 days of receipt by the facility of required prescreening information, data for new admissions shall be entered into the Medical Electronic Data Interchange (MEDI) or the Recipient Eligibility Verification (REV) System or successor system, and within 15 days of receipt by the facility of required prescreening information, admission documents shall be submitted through MEDI or REV or shall be submitted directly to the Department of Human Services using required admission forms. Effective September 1, 2014, admission documents, including all prescreening information, must be submitted through MEDI or REV. Confirmation numbers assigned to an accepted transaction shall be retained by a facility to verify timely submittal. Once an admission transaction has been completed, all resubmitted claims following prior rejection are subject to receipt no later than 180 days after the admission transaction has been completed.

Claims that are not submitted and received in compliance with the foregoing requirements shall not be eligible for payment under the medical assistance program, and the State shall have no liability for payment of those claims.

To the extent consistent with applicable information and privacy, security, and disclosure laws, State and federal agencies and departments shall provide the Illinois Department access to confidential and other information and data necessary to perform eligibility and payment verifications and other Illinois Department functions. This includes, but is not limited to: information pertaining to licensure; certification; earnings; immigration status; citizenship; wage reporting; unearned and earned income; pension income; employment; supplemental security income; social security numbers; National Provider Identifier (NPI) numbers; the National Practitioner Data Bank (NPDB); program and agency exclusions; taxpayer identification numbers; tax delinquency; corporate information; and death records.

The Illinois Department shall enter into agreements with State agencies and departments, and is authorized to enter into agreements with federal agencies and departments, under which such agencies and departments shall share data necessary for medical assistance program integrity functions and oversight. The Illinois Department shall develop, in cooperation with other State departments and agencies, and in compliance with applicable federal laws and regulations, appropriate and effective
methods to share such data. At a minimum, and to the extent necessary to provide data sharing, the Illinois Department shall enter into agreements with State agencies and departments, and is authorized to enter into agreements with federal agencies and departments, including but not limited to: the Secretary of State; the Department of Revenue; the Department of Public Health; the Department of Human Services; and the Department of Financial and Professional Regulation.

Beginning in fiscal year 2013, the Illinois Department shall set forth a request for information to identify the benefits of a pre-payment, post-adjudication, and post-edit claims system with the goals of streamlining claims processing and provider reimbursement, reducing the number of pending or rejected claims, and helping to ensure a more transparent adjudication process through the utilization of: (i) provider data verification and provider screening technology; and (ii) clinical code editing; and (iii) pre-pay, pre- or post-adjudicated predictive modeling with an integrated case management system with link analysis. Such a request for information shall not be considered as a request for proposal or as an obligation on the part of the Illinois Department to take any action or acquire any products or services.

The Illinois Department shall establish policies, procedures, standards and criteria by rule for the acquisition, repair and replacement of orthotic and prosthetic devices and durable medical equipment. Such rules shall provide, but not be limited to, the following services: (1) immediate repair or replacement of such devices by recipients; and (2) rental, lease, purchase or lease-purchase of durable medical equipment in a cost-effective manner, taking into consideration the recipient's medical prognosis, the extent of the recipient's needs, and the requirements and costs for maintaining such equipment. Subject to prior approval, such rules shall enable a recipient to temporarily acquire and use alternative or substitute devices or equipment pending repairs or replacements of any device or equipment previously authorized for such recipient by the Department.

The Department shall execute, relative to the nursing home prescreening project, written inter-agency agreements with the Department of Human Services and the Department on Aging, to effect the following: (i) intake procedures and common eligibility criteria for those persons who are receiving non-institutional services; and (ii) the establishment and development of non-institutional services in areas of the State where they are not currently available or are undeveloped; and (iii) notwithstanding

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any other provision of law, subject to federal approval, on and after July 1, 2012, an increase in the determination of need (DON) scores from 29 to 37 for applicants for institutional and home and community-based long term care; if and only if federal approval is not granted, the Department may, in conjunction with other affected agencies, implement utilization controls or changes in benefit packages to effectuate a similar savings amount for this population; and (iv) no later than July 1, 2013, minimum level of care eligibility criteria for institutional and home and community-based long term care; and (v) no later than October 1, 2013, establish procedures to permit long term care providers access to eligibility scores for individuals with an admission date who are seeking or receiving services from the long term care provider. In order to select the minimum level of care eligibility criteria, the Governor shall establish a workgroup that includes affected agency representatives and stakeholders representing the institutional and home and community-based long term care interests. This Section shall not restrict the Department from implementing lower level of care eligibility criteria for community-based services in circumstances where federal approval has been granted.

The Illinois Department shall develop and operate, in cooperation with other State Departments and agencies and in compliance with applicable federal laws and regulations, appropriate and effective systems of health care evaluation and programs for monitoring of utilization of health care services and facilities, as it affects persons eligible for medical assistance under this Code.

The Illinois Department shall report annually to the General Assembly, no later than the second Friday in April of 1979 and each year thereafter, in regard to:

(a) actual statistics and trends in utilization of medical services by public aid recipients;
(b) actual statistics and trends in the provision of the various medical services by medical vendors;
(c) current rate structures and proposed changes in those rate structures for the various medical vendors; and
(d) efforts at utilization review and control by the Illinois Department.

The period covered by each report shall be the 3 years ending on the June 30 prior to the report. The report shall include suggested legislation for consideration by the General Assembly. The filing of one copy of the report with the Speaker, one copy with the Minority Leader

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and one copy with the Clerk of the House of Representatives, one copy with the President, one copy with the Minority Leader and one copy with the Secretary of the Senate, one copy with the Legislative Research Unit, and such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act shall be deemed sufficient to comply with this Section.

Rulemaking authority to implement Public Act 95-1045, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

On and after July 1, 2012, the Department shall reduce any rate of reimbursement for services or other payments or alter any methodologies authorized by this Code to reduce any rate of reimbursement for services or other payments in accordance with Section 5-5e.

Because kidney transplantation can be an appropriate, cost effective alternative to renal dialysis when medically necessary and notwithstanding the provisions of Section 1-11 of this Code, beginning October 1, 2014, the Department shall cover kidney transplantation for noncitizens with end-stage renal disease who are not eligible for comprehensive medical benefits, who meet the residency requirements of Section 5-3 of this Code, and who would otherwise meet the financial requirements of the appropriate class of eligible persons under Section 5-2 of this Code. To qualify for coverage of kidney transplantation, such person must be receiving emergency renal dialysis services covered by the Department. Providers under this Section shall be prior approved and certified by the Department to perform kidney transplantation and the services under this Section shall be limited to services associated with kidney transplantation.

Notwithstanding any other provision of this Code to the contrary, on or after July 1, 2015, all FDA approved forms of medication assisted treatment prescribed for the treatment of alcohol dependence or treatment of opioid dependence shall be covered under both fee for service and managed care medical assistance programs for persons who are otherwise eligible for medical assistance under this Article and shall not be subject to any (1) utilization control, other than those established under the American Society of Addiction Medicine patient placement criteria, (2) prior authorization mandate, or (3) lifetime restriction limit mandate.

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On or after July 1, 2015, opioid antagonists prescribed for the treatment of an opioid overdose, including the medication product, administration devices, and any pharmacy fees related to the dispensing and administration of the opioid antagonist, shall be covered under the medical assistance program for persons who are otherwise eligible for medical assistance under this Article. As used in this Section, "opioid antagonist" means a drug that binds to opioid receptors and blocks or inhibits the effect of opioids acting on those receptors, including, but not limited to, naloxone hydrochloride or any other similarly acting drug approved by the U.S. Food and Drug Administration.

(Source: P.A. 98-104, Article 9, Section 9-5, eff. 7-22-13; 98-104, Article 12, Section 12-20, eff. 7-22-13; 98-303, eff. 8-9-13; 98-463, eff. 8-16-13; 98-651, eff. 6-16-14; 98-756, eff. 7-16-14; 98-963, eff. 8-15-14; 99-78, eff. 7-20-15; 99-180, eff. 7-29-15; 99-236, eff. 8-3-15; 99-433, eff. 8-21-15; 99-480, eff. 9-9-15; revised 10-13-15.)

Sec. 5-5. Medical services. The Illinois Department, by rule, shall determine the quantity and quality of and the rate of reimbursement for the medical assistance for which payment will be authorized, and the medical services to be provided, which may include all or part of the following: (1) inpatient hospital services; (2) outpatient hospital services; (3) other laboratory and X-ray services; (4) skilled nursing home services; (5) physicians' services whether furnished in the office, the patient's home, a hospital, a skilled nursing home, or elsewhere; (6) medical care, or any other type of remedial care furnished by licensed practitioners; (7) home health care services; (8) private duty nursing service; (9) clinic services; (10) dental services, including prevention and treatment of periodontal disease and dental caries disease for pregnant women, provided by an individual licensed to practice dentistry or dental surgery; for purposes of this item (10), "dental services" means diagnostic, preventive, or corrective procedures provided by or under the supervision of a dentist in the practice of his or her profession; (11) physical therapy and related services; (12) prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in the diseases of the eye, or by an optometrist, whichever the person may select; (13) other diagnostic, screening, preventive, and rehabilitative services, including to ensure that the individual's need for intervention or treatment of mental disorders or substance use disorders or co-occurring mental health and substance use disorders is determined using a uniform screening, assessment, and

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evaluation process inclusive of criteria, for children and adults; for purposes of this item (13), a uniform screening, assessment, and evaluation process refers to a process that includes an appropriate evaluation and, as warranted, a referral; "uniform" does not mean the use of a singular instrument, tool, or process that all must utilize; (14) transportation and such other expenses as may be necessary; (15) medical treatment of sexual assault survivors, as defined in Section 1a of the Sexual Assault Survivors Emergency Treatment Act, for injuries sustained as a result of the sexual assault, including examinations and laboratory tests to discover evidence which may be used in criminal proceedings arising from the sexual assault; (16) the diagnosis and treatment of sickle cell anemia; and (17) any other medical care, and any other type of remedial care recognized under the laws of this State, but not including abortions, or induced miscarriages or premature births, unless, in the opinion of a physician, such procedures are necessary for the preservation of the life of the woman seeking such treatment, or except an induced premature birth intended to produce a live viable child and such procedure is necessary for the health of the mother or her unborn child. The Illinois Department, by rule, shall prohibit any physician from providing medical assistance to anyone eligible therefor under this Code where such physician has been found guilty of performing an abortion procedure in a wilful and wanton manner upon a woman who was not pregnant at the time such abortion procedure was performed. The term "any other type of remedial care" shall include nursing care and nursing home service for persons who rely on treatment by spiritual means alone through prayer for healing.

Notwithstanding any other provision of this Section, a comprehensive tobacco use cessation program that includes purchasing prescription drugs or prescription medical devices approved by the Food and Drug Administration shall be covered under the medical assistance program under this Article for persons who are otherwise eligible for assistance under this Article.

Notwithstanding any other provision of this Code, the Illinois Department may not require, as a condition of payment for any laboratory test authorized under this Article, that a physician's handwritten signature appear on the laboratory test order form. The Illinois Department may, however, impose other appropriate requirements regarding laboratory test order documentation.

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Upon receipt of federal approval of an amendment to the Illinois Title XIX State Plan for this purpose, the Department shall authorize the Chicago Public Schools (CPS) to procure a vendor or vendors to manufacture eyeglasses for individuals enrolled in a school within the CPS system. CPS shall ensure that its vendor or vendors are enrolled as providers in the medical assistance program and in any capitated Medicaid managed care entity (MCE) serving individuals enrolled in a school within the CPS system. Under any contract procured under this provision, the vendor or vendors must serve only individuals enrolled in a school within the CPS system. Claims for services provided by CPS's vendor or vendors to recipients of benefits in the medical assistance program under this Code, the Children's Health Insurance Program, or the Covering ALL KIDS Health Insurance Program shall be submitted to the Department or the MCE in which the individual is enrolled for payment and shall be reimbursed at the Department's or the MCE's established rates or rate methodologies for eyeglasses.

On and after July 1, 2012, the Department of Healthcare and Family Services may provide the following services to persons eligible for assistance under this Article who are participating in education, training or employment programs operated by the Department of Human Services as successor to the Department of Public Aid:

(1) dental services provided by or under the supervision of a dentist; and
(2) eyeglasses prescribed by a physician skilled in the diseases of the eye, or by an optometrist, whichever the person may select.

Notwithstanding any other provision of this Code and subject to federal approval, the Department may adopt rules to allow a dentist who is volunteering his or her service at no cost to render dental services through an enrolled not-for-profit health clinic without the dentist personally enrolling as a participating provider in the medical assistance program. A not-for-profit health clinic shall include a public health clinic or Federally Qualified Health Center or other enrolled provider, as determined by the Department, through which dental services covered under this Section are performed. The Department shall establish a process for payment of claims for reimbursement for covered dental services rendered under this provision.
The Illinois Department, by rule, may distinguish and classify the medical services to be provided only in accordance with the classes of persons designated in Section 5-2.

The Department of Healthcare and Family Services must provide coverage and reimbursement for amino acid-based elemental formulas, regardless of delivery method, for the diagnosis and treatment of (i) eosinophilic disorders and (ii) short bowel syndrome when the prescribing physician has issued a written order stating that the amino acid-based elemental formula is medically necessary.

The Illinois Department shall authorize the provision of, and shall authorize payment for, screening by low-dose mammography for the presence of occult breast cancer for women 35 years of age or older who are eligible for medical assistance under this Article, as follows:

(A) A baseline mammogram for women 35 to 39 years of age.

(B) An annual mammogram for women 40 years of age or older.

(C) A mammogram at the age and intervals considered medically necessary by the woman's health care provider for women under 40 years of age and having a family history of breast cancer, prior personal history of breast cancer, positive genetic testing, or other risk factors.

(D) A comprehensive ultrasound screening of an entire breast or breasts if a mammogram demonstrates heterogeneous or dense breast tissue, when medically necessary as determined by a physician licensed to practice medicine in all of its branches.

(E) A screening MRI when medically necessary, as determined by a physician licensed to practice medicine in all of its branches.

All screenings shall include a physical breast exam, instruction on self-examination and information regarding the frequency of self-examination and its value as a preventative tool. For purposes of this Section, "low-dose mammography" means the x-ray examination of the breast using equipment dedicated specifically for mammography, including the x-ray tube, filter, compression device, and image receptor, with an average radiation exposure delivery of less than one rad per breast for 2 views of an average size breast. The term also includes digital mammography and includes breast tomosynthesis. As used in this Section, the term "breast tomosynthesis" means a radiologic procedure that

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involves the acquisition of projection images over the stationary breast to produce cross-sectional digital three-dimensional images of the breast. If, at any time, the Secretary of the United States Department of Health and Human Services, or its successor agency, promulgates rules or regulations to be published in the Federal Register or publishes a comment in the Federal Register or issues an opinion, guidance, or other action that would require the State, pursuant to any provision of the Patient Protection and Affordable Care Act (Public Law 111-148), including, but not limited to, 42 U.S.C. 18031(d)(3)(B) or any successor provision, to defray the cost of any coverage for breast tomosynthesis outlined in this paragraph, then the requirement that an insurer cover breast tomosynthesis is inoperative other than any such coverage authorized under Section 1902 of the Social Security Act, 42 U.S.C. 1396a, and the State shall not assume any obligation for the cost of coverage for breast tomosynthesis set forth in this paragraph.

On and after January 1, 2016, the Department shall ensure that all networks of care for adult clients of the Department include access to at least one breast imaging Center of Imaging Excellence as certified by the American College of Radiology.

On and after January 1, 2012, providers participating in a quality improvement program approved by the Department shall be reimbursed for screening and diagnostic mammography at the same rate as the Medicare program's rates, including the increased reimbursement for digital mammography.

The Department shall convene an expert panel including representatives of hospitals, free-standing mammography facilities, and doctors, including radiologists, to establish quality standards for mammography.

On and after January 1, 2017, providers participating in a breast cancer treatment quality improvement program approved by the Department shall be reimbursed for breast cancer treatment at a rate that is no lower than 95% of the Medicare program's rates for the data elements included in the breast cancer treatment quality program.

The Department shall convene an expert panel, including representatives of hospitals, free standing breast cancer treatment centers, breast cancer quality organizations, and doctors, including breast surgeons, reconstructive breast surgeons, oncologists, and primary care providers to establish quality standards for breast cancer treatment.

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Subject to federal approval, the Department shall establish a rate methodology for mammography at federally qualified health centers and other encounter-rate clinics. These clinics or centers may also collaborate with other hospital-based mammography facilities. By January 1, 2016, the Department shall report to the General Assembly on the status of the provision set forth in this paragraph.

The Department shall establish a methodology to remind women who are age-appropriate for screening mammography, but who have not received a mammogram within the previous 18 months, of the importance and benefit of screening mammography. The Department shall work with experts in breast cancer outreach and patient navigation to optimize these reminders and shall establish a methodology for evaluating their effectiveness and modifying the methodology based on the evaluation.

The Department shall establish a performance goal for primary care providers with respect to their female patients over age 40 receiving an annual mammogram. This performance goal shall be used to provide additional reimbursement in the form of a quality performance bonus to primary care providers who meet that goal.

The Department shall devise a means of case-managing or patient navigation for beneficiaries diagnosed with breast cancer. This program shall initially operate as a pilot program in areas of the State with the highest incidence of mortality related to breast cancer. At least one pilot program site shall be in the metropolitan Chicago area and at least one site shall be outside the metropolitan Chicago area. On or after July 1, 2016, the pilot program shall be expanded to include one site in western Illinois, one site in southern Illinois, one site in central Illinois, and 4 sites within metropolitan Chicago. An evaluation of the pilot program shall be carried out measuring health outcomes and cost of care for those served by the pilot program compared to similarly situated patients who are not served by the pilot program.

The Department shall require all networks of care to develop a means either internally or by contract with experts in navigation and community outreach to navigate cancer patients to comprehensive care in a timely fashion. The Department shall require all networks of care to include access for patients diagnosed with cancer to at least one academic commission on cancer-accredited cancer program as an in-network covered benefit.

Any medical or health care provider shall immediately recommend, to any pregnant woman who is being provided prenatal services and is
suspected of drug abuse or is addicted as defined in the Alcoholism and Other Drug Abuse and Dependency Act, referral to a local substance abuse treatment provider licensed by the Department of Human Services or to a licensed hospital which provides substance abuse treatment services. The Department of Healthcare and Family Services shall assure coverage for the cost of treatment of the drug abuse or addiction for pregnant recipients in accordance with the Illinois Medicaid Program in conjunction with the Department of Human Services.

All medical providers providing medical assistance to pregnant women under this Code shall receive information from the Department on the availability of services under the Drug Free Families with a Future or any comparable program providing case management services for addicted women, including information on appropriate referrals for other social services that may be needed by addicted women in addition to treatment for addiction.

The Illinois Department, in cooperation with the Departments of Human Services (as successor to the Department of Alcoholism and Substance Abuse) and Public Health, through a public awareness campaign, may provide information concerning treatment for alcoholism and drug abuse and addiction, prenatal health care, and other pertinent programs directed at reducing the number of drug-affected infants born to recipients of medical assistance.

Neither the Department of Healthcare and Family Services nor the Department of Human Services shall sanction the recipient solely on the basis of her substance abuse.

The Illinois Department shall establish such regulations governing the dispensing of health services under this Article as it shall deem appropriate. The Department should seek the advice of formal professional advisory committees appointed by the Director of the Illinois Department for the purpose of providing regular advice on policy and administrative matters, information dissemination and educational activities for medical and health care providers, and consistency in procedures to the Illinois Department.

The Illinois Department may develop and contract with Partnerships of medical providers to arrange medical services for persons eligible under Section 5-2 of this Code. Implementation of this Section may be by demonstration projects in certain geographic areas. The Partnership shall be represented by a sponsor organization. The Department, by rule, shall develop qualifications for sponsors of

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Partnerships. Nothing in this Section shall be construed to require that the sponsor organization be a medical organization.

The sponsor must negotiate formal written contracts with medical providers for physician services, inpatient and outpatient hospital care, home health services, treatment for alcoholism and substance abuse, and other services determined necessary by the Illinois Department by rule for delivery by Partnerships. Physician services must include prenatal and obstetrical care. The Illinois Department shall reimburse medical services delivered by Partnership providers to clients in target areas according to provisions of this Article and the Illinois Health Finance Reform Act, except that:

(1) Physicians participating in a Partnership and providing certain services, which shall be determined by the Illinois Department, to persons in areas covered by the Partnership may receive an additional surcharge for such services.

(2) The Department may elect to consider and negotiate financial incentives to encourage the development of Partnerships and the efficient delivery of medical care.

(3) Persons receiving medical services through Partnerships may receive medical and case management services above the level usually offered through the medical assistance program.

Medical providers shall be required to meet certain qualifications to participate in Partnerships to ensure the delivery of high quality medical services. These qualifications shall be determined by rule of the Illinois Department and may be higher than qualifications for participation in the medical assistance program. Partnership sponsors may prescribe reasonable additional qualifications for participation by medical providers, only with the prior written approval of the Illinois Department.

Nothing in this Section shall limit the free choice of practitioners, hospitals, and other providers of medical services by clients. In order to ensure patient freedom of choice, the Illinois Department shall immediately promulgate all rules and take all other necessary actions so that provided services may be accessed from therapeutically certified optometrists to the full extent of the Illinois Optometric Practice Act of 1987 without discriminating between service providers.

The Department shall apply for a waiver from the United States Health Care Financing Administration to allow for the implementation of Partnerships under this Section.

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The Illinois Department shall require health care providers to maintain records that document the medical care and services provided to recipients of Medical Assistance under this Article. Such records must be retained for a period of not less than 6 years from the date of service or as provided by applicable State law, whichever period is longer, except that if an audit is initiated within the required retention period then the records must be retained until the audit is completed and every exception is resolved. The Illinois Department shall require health care providers to make available, when authorized by the patient, in writing, the medical records in a timely fashion to other health care providers who are treating or serving persons eligible for Medical Assistance under this Article. All dispensers of medical services shall be required to maintain and retain business and professional records sufficient to fully and accurately document the nature, scope, details and receipt of the health care provided to persons eligible for medical assistance under this Code, in accordance with regulations promulgated by the Illinois Department. The rules and regulations shall require that proof of the receipt of prescription drugs, dentures, prosthetic devices and eyeglasses by eligible persons under this Section accompany each claim for reimbursement submitted by the dispenser of such medical services. No such claims for reimbursement shall be approved for payment by the Illinois Department without such proof of receipt, unless the Illinois Department shall have put into effect and shall be operating a system of post-payment audit and review which shall, on a sampling basis, be deemed adequate by the Illinois Department to assure that such drugs, dentures, prosthetic devices and eyeglasses for which payment is being made are actually being received by eligible recipients. Within 90 days after September 16, 1984 (the effective date of this amendatory Act of 1984), the Illinois Department shall establish a current list of acquisition costs for all prosthetic devices and any other items recognized as medical equipment and supplies reimbursable under this Article and shall update such list on a quarterly basis, except that the acquisition costs of all prescription drugs shall be updated no less frequently than every 30 days as required by Section 5-5.12.

The rules and regulations of the Illinois Department shall require that a written statement including the required opinion of a physician shall accompany any claim for reimbursement for abortions, or induced miscarriages or premature births. This statement shall indicate what procedures were used in providing such medical services.

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Notwithstanding any other law to the contrary, the Illinois Department shall, within 365 days after July 22, 2013 (the effective date of Public Act 98-104), establish procedures to permit skilled care facilities licensed under the Nursing Home Care Act to submit monthly billing claims for reimbursement purposes. Following development of these procedures, the Department shall, by July 1, 2016, test the viability of the new system and implement any necessary operational or structural changes to its information technology platforms in order to allow for the direct acceptance and payment of nursing home claims.

Notwithstanding any other law to the contrary, the Illinois Department shall, within 365 days after August 15, 2014 (the effective date of Public Act 98-963), establish procedures to permit ID/DD facilities licensed under the ID/DD Community Care Act and MC/DD facilities licensed under the MC/DD Act to submit monthly billing claims for reimbursement purposes. Following development of these procedures, the Department shall have an additional 365 days to test the viability of the new system and to ensure that any necessary operational or structural changes to its information technology platforms are implemented.

The Illinois Department shall require all dispensers of medical services, other than an individual practitioner or group of practitioners, desiring to participate in the Medical Assistance program established under this Article to disclose all financial, beneficial, ownership, equity, surety or other interests in any and all firms, corporations, partnerships, associations, business enterprises, joint ventures, agencies, institutions or other legal entities providing any form of health care services in this State under this Article.

The Illinois Department may require that all dispensers of medical services desiring to participate in the medical assistance program established under this Article disclose, under such terms and conditions as the Illinois Department may by rule establish, all inquiries from clients and attorneys regarding medical bills paid by the Illinois Department, which inquiries could indicate potential existence of claims or liens for the Illinois Department.

Enrollment of a vendor shall be subject to a provisional period and shall be conditional for one year. During the period of conditional enrollment, the Department may terminate the vendor's eligibility to participate in, or may disenroll the vendor from, the medical assistance program without cause. Unless otherwise specified, such termination of

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eligibility or disenrollment is not subject to the Department's hearing process. However, a disenrolled vendor may reapply without penalty.

The Department has the discretion to limit the conditional enrollment period for vendors based upon category of risk of the vendor.

Prior to enrollment and during the conditional enrollment period in the medical assistance program, all vendors shall be subject to enhanced oversight, screening, and review based on the risk of fraud, waste, and abuse that is posed by the category of risk of the vendor. The Illinois Department shall establish the procedures for oversight, screening, and review, which may include, but need not be limited to: criminal and financial background checks; fingerprinting; license, certification, and authorization verifications; unscheduled or unannounced site visits; database checks; prepayment audit reviews; audits; payment caps; payment suspensions; and other screening as required by federal or State law.

The Department shall define or specify the following: (i) by provider notice, the "category of risk of the vendor" for each type of vendor, which shall take into account the level of screening applicable to a particular category of vendor under federal law and regulations; (ii) by rule or provider notice, the maximum length of the conditional enrollment period for each category of risk of the vendor; and (iii) by rule, the hearing rights, if any, afforded to a vendor in each category of risk of the vendor that is terminated or disenrolled during the conditional enrollment period.

To be eligible for payment consideration, a vendor's payment claim or bill, either as an initial claim or as a resubmitted claim following prior rejection, must be received by the Illinois Department, or its fiscal intermediary, no later than 180 days after the latest date on the claim on which medical goods or services were provided, with the following exceptions:

(1) In the case of a provider whose enrollment is in process by the Illinois Department, the 180-day period shall not begin until the date on the written notice from the Illinois Department that the provider enrollment is complete.

(2) In the case of errors attributable to the Illinois Department or any of its claims processing intermediaries which result in an inability to receive, process, or adjudicate a claim, the 180-day period shall not begin until the provider has been notified of the error.

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(3) In the case of a provider for whom the Illinois Department initiates the monthly billing process.

(4) In the case of a provider operated by a unit of local government with a population exceeding 3,000,000 when local government funds finance federal participation for claims payments.

For claims for services rendered during a period for which a recipient received retroactive eligibility, claims must be filed within 180 days after the Department determines the applicant is eligible. For claims for which the Illinois Department is not the primary payer, claims must be submitted to the Illinois Department within 180 days after the final adjudication by the primary payer.

In the case of long term care facilities, within 5 days of receipt by the facility of required prescreening information, data for new admissions shall be entered into the Medical Electronic Data Interchange (MEDI) or the Recipient Eligibility Verification (REV) System or successor system, and within 15 days of receipt by the facility of required prescreening information, admission documents shall be submitted through MEDI or REV or shall be submitted directly to the Department of Human Services using required admission forms. Effective September 1, 2014, admission documents, including all prescreening information, must be submitted through MEDI or REV. Confirmation numbers assigned to an accepted transaction shall be retained by a facility to verify timely submittal. Once an admission transaction has been completed, all resubmitted claims following prior rejection are subject to receipt no later than 180 days after the admission transaction has been completed.

Claims that are not submitted and received in compliance with the foregoing requirements shall not be eligible for payment under the medical assistance program, and the State shall have no liability for payment of those claims.

To the extent consistent with applicable information and privacy, security, and disclosure laws, State and federal agencies and departments shall provide the Illinois Department access to confidential and other information and data necessary to perform eligibility and payment verifications and other Illinois Department functions. This includes, but is not limited to: information pertaining to licensure; certification; earnings; immigration status; citizenship; wage reporting; unearned and earned income; pension income; employment; supplemental security income; social security numbers; National Provider Identifier (NPI) numbers; the

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National Practitioner Data Bank (NPDB); program and agency exclusions; taxpayer identification numbers; tax delinquency; corporate information; and death records.

The Illinois Department shall enter into agreements with State agencies and departments, and is authorized to enter into agreements with federal agencies and departments, under which such agencies and departments shall share data necessary for medical assistance program integrity functions and oversight. The Illinois Department shall develop, in cooperation with other State departments and agencies, and in compliance with applicable federal laws and regulations, appropriate and effective methods to share such data. At a minimum, and to the extent necessary to provide data sharing, the Illinois Department shall enter into agreements with State agencies and departments, and is authorized to enter into agreements with federal agencies and departments, including but not limited to: the Secretary of State; the Department of Revenue; the Department of Public Health; the Department of Human Services; and the Department of Financial and Professional Regulation.

Beginning in fiscal year 2013, the Illinois Department shall set forth a request for information to identify the benefits of a pre-payment, post-adjudication, and post-edit claims system with the goals of streamlining claims processing and provider reimbursement, reducing the number of pending or rejected claims, and helping to ensure a more transparent adjudication process through the utilization of: (i) provider data verification and provider screening technology; and (ii) clinical code editing; and (iii) pre-pay, pre- or post-adjudicated predictive modeling with an integrated case management system with link analysis. Such a request for information shall not be considered as a request for proposal or as an obligation on the part of the Illinois Department to take any action or acquire any products or services.

The Illinois Department shall establish policies, procedures, standards and criteria by rule for the acquisition, repair and replacement of orthotic and prosthetic devices and durable medical equipment. Such rules shall provide, but not be limited to, the following services: (1) immediate repair or replacement of such devices by recipients; and (2) rental, lease, purchase or lease-purchase of durable medical equipment in a cost-effective manner, taking into consideration the recipient's medical prognosis, the extent of the recipient's needs, and the requirements and costs for maintaining such equipment. Subject to prior approval, such rules shall enable a recipient to temporarily acquire and use alternative or

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substitute devices or equipment pending repairs or replacements of any
device or equipment previously authorized for such recipient by the
Department.

The Department shall execute, relative to the nursing home
prescreening project, written inter-agency agreements with the Department
of Human Services and the Department on Aging, to effect the following:
(i) intake procedures and common eligibility criteria for those persons who
are receiving non-institutional services; and (ii) the establishment and
development of non-institutional services in areas of the State where they
are not currently available or are undeveloped; and (iii) notwithstanding
any other provision of law, subject to federal approval, on and after July 1,
2012, an increase in the determination of need (DON) scores from 29 to 37
for applicants for institutional and home and community-based long term
care; if and only if federal approval is not granted, the Department may, in
conjunction with other affected agencies, implement utilization controls or
changes in benefit packages to effectuate a similar savings amount for this
population; and (iv) no later than July 1, 2013, minimum level of care
eligibility criteria for institutional and home and community-based long
term care; and (v) no later than October 1, 2013, establish procedures to
permit long term care providers access to eligibility scores for individuals
with an admission date who are seeking or receiving services from the
long term care provider. In order to select the minimum level of care
eligibility criteria, the Governor shall establish a workgroup that includes
affected agency representatives and stakeholders representing the
institutional and home and community-based long term care interests. This
Section shall not restrict the Department from implementing lower level of
care eligibility criteria for community-based services in circumstances
where federal approval has been granted.

The Illinois Department shall develop and operate, in cooperation
with other State Departments and agencies and in compliance with
applicable federal laws and regulations, appropriate and effective systems
of health care evaluation and programs for monitoring of utilization of
health care services and facilities, as it affects persons eligible for medical
assistance under this Code.

The Illinois Department shall report annually to the General
Assembly, no later than the second Friday in April of 1979 and each year
thereafter, in regard to:

(a) actual statistics and trends in utilization of medical
services by public aid recipients;

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(b) actual statistics and trends in the provision of the various medical services by medical vendors;
(c) current rate structures and proposed changes in those rate structures for the various medical vendors; and
(d) efforts at utilization review and control by the Illinois Department.
The period covered by each report shall be the 3 years ending on the June 30 prior to the report. The report shall include suggested legislation for consideration by the General Assembly. The filing of one copy of the report with the Speaker, one copy with the Minority Leader and one copy with the Clerk of the House of Representatives, one copy with the President, one copy with the Minority Leader and one copy with the Secretary of the Senate, one copy with the Legislative Research Unit, and such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act shall be deemed sufficient to comply with this Section.

Rulemaking authority to implement Public Act 95-1045, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

On and after July 1, 2012, the Department shall reduce any rate of reimbursement for services or other payments or alter any methodologies authorized by this Code to reduce any rate of reimbursement for services or other payments in accordance with Section 5-5e.

Because kidney transplantation can be an appropriate, cost effective alternative to renal dialysis when medically necessary and notwithstanding the provisions of Section 1-11 of this Code, beginning October 1, 2014, the Department shall cover kidney transplantation for noncitizens with end-stage renal disease who are not eligible for comprehensive medical benefits, who meet the residency requirements of Section 5-3 of this Code, and who would otherwise meet the financial requirements of the appropriate class of eligible persons under Section 5-2 of this Code. To qualify for coverage of kidney transplantation, such person must be receiving emergency renal dialysis services covered by the Department. Providers under this Section shall be prior approved and certified by the Department to perform kidney transplantation and the

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services under this Section shall be limited to services associated with kidney transplantation.

Notwithstanding any other provision of this Code to the contrary, on or after July 1, 2015, all FDA approved forms of medication assisted treatment prescribed for the treatment of alcohol dependence or treatment of opioid dependence shall be covered under both fee for service and managed care medical assistance programs for persons who are otherwise eligible for medical assistance under this Article and shall not be subject to any (1) utilization control, other than those established under the American Society of Addiction Medicine patient placement criteria, (2) prior authorization mandate, or (3) lifetime restriction limit mandate.

On or after July 1, 2015, opioid antagonists prescribed for the treatment of an opioid overdose, including the medication product, administration devices, and any pharmacy fees related to the dispensing and administration of the opioid antagonist, shall be covered under the medical assistance program for persons who are otherwise eligible for medical assistance under this Article. As used in this Section, "opioid antagonist" means a drug that binds to opioid receptors and blocks or inhibits the effect of opioids acting on those receptors, including, but not limited to, naloxone hydrochloride or any other similarly acting drug approved by the U.S. Food and Drug Administration.

(Source: P.A. 98-104, Article 9, Section 9-5, eff. 7-22-13; 98-104, Article 12, Section 12-20, eff. 7-22-13; 98-303, eff. 8-9-13; 98-463, eff. 8-16-13; 98-651, eff. 6-16-14; 98-756, eff. 7-16-14; 98-963, eff. 8-15-14; 99-78, eff. 7-20-15; 99-180, eff. 7-29-15; 99-236, eff. 8-3-15; 99-407 (see Section 99 of P.A. 99-407 for its effective date); 99-433, eff. 8-21-15; 99-480, eff. 9-9-15; revised 10-13-15.)

Section 20. "An Act concerning regulation", approved August 19, 2015, Public Act 99-407, is amended by changing Section 99 as follows:

(P.A. 99-407, Sec. 99)
Sec. 99. Effective date. This Act takes effect on July 1, 2016. If and only if on or before July 1, 2016:

(1) the Secretary of the United States Department of Health and Human Services, or its successor agency, promulgates rules or regulations published in the Federal Register or publishes a comment in the Federal Register:

(A) repealing, amending, or reinterpretting 45 CFR 455.170 to eliminate the State's responsibility to defray the cost of a state-mandated benefit enacted on or after January 1, 2012;

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(B) requiring qualified health plans, as defined in the federal Patient Protection and Affordable Care Act, as amended by the Health Care and Education Reconciliation Act of 2010 and any subsequent amendatory Acts, rules, or regulations issued pursuant thereto, to cover breast tomosynthesis as an essential health benefit; or

(C) including breast tomosynthesis as a standard as part of the essential health benefits required of benchmark plans under 45 CFR 156.110; or

(2) the federal Patient Protection and Affordable Care Act is repealed by an Act of Congress or is invalidated by a decision of the U.S. Supreme Court.

(Source: P.A. 99-407, eff. (see Section 99 of P.A. 99-407 for its effective date).)

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

Section 99. Effective date. This Act takes effect on July 1, 2016.
Passed in the General Assembly May 24, 2016.
Approved July 20, 2016.
Effective July 20, 2016.

PUBLIC ACT 99-0589
(Senate Bill No. 0238)

AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Section 1C-2 as follows:

(105 ILCS 5/1C-2)
Sec. 1C-2. Block grants.
(a) For fiscal year 1999, and each fiscal year thereafter, the State Board of Education shall award to school districts block grants as described in subsection (c). The State Board of Education may adopt rules and regulations necessary to implement this Section. In accordance with

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Section 2-3.32, all state block grants are subject to an audit. Therefore, block grant receipts and block grant expenditures shall be recorded to the appropriate fund code.

(b) (Blank).

(c) An Early Childhood Education Block Grant shall be created by combining the following programs: Preschool Education, Parental Training and Prevention Initiative. These funds shall be distributed to school districts and other entities on a competitive basis. Not less than 14% of the Early Childhood Education Block Grant allocation of funds shall be used to fund programs for children ages 0-3, which percentage shall increase to at least 20% by Fiscal Year 2016. Beginning in Fiscal Year 2016, at least 25% of any additional Early Childhood Education Block Grant funding over and above the previous fiscal year's allocation shall be used to fund programs for children ages 0-3. Once the percentage of Early Childhood Education Block Grant funding allocated to programs for children ages 0-3 reaches 20% of the overall Early Childhood Education Block Grant allocation for a full fiscal year, thereafter in subsequent fiscal years the percentage of Early Childhood Education Block Grant funding allocated to programs for children ages 0-3 each fiscal year shall remain at least 20% of the overall Early Childhood Education Block Grant allocation. However, if, in a given fiscal year, the amount appropriated for the Early Childhood Education Block Grant is insufficient to increase the percentage of the grant to fund programs for children ages 0-3 without reducing the amount of the grant for existing providers of preschool education programs, then the percentage of the grant to fund programs for children ages 0-3 may be held steady instead of increased.

(Source: P.A. 98-645, eff. 7-1-14.)

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

Passed in the General Assembly May 24, 2016.
Approved July 21, 2016.
Effective July 21, 2016.
AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by adding Section 22-82 as follows:

(105 ILCS 5/22-82 new)

Sec. 22-82. Assessment reporting.

(a) Before the 30th day of each school year, beginning with the 2016-2017 school year, every school district shall report, for each of its schools, all of the following to the State Board of Education, using a form developed by the State Board of Education:

(1) Every reliable assessment that measures a certain group or subset of students in the same manner with the same potential assessment items; is scored by a non-district entity; is administered either statewide or beyond Illinois, such as assessments available from the Northwest Evaluation Association, Scantron Performance Series assessments, Renaissance Learning’s STAR Reading Enterprise assessments, the College Board’s SAT, Advanced Placement or International Baccalaureate examinations, or ACT’s Educational Planning and Assessment System tests; and will be administered by each school that school year.

(2) The administration window for each of these assessments.

(3) Which entity is requiring the assessment (State, school district, network, or principal).

(4) Which grade levels will be taking the assessment.

(5) Which subsets of students, such as English Learners and special education students, will be taking the assessment.

(6) An estimate of the average time it will take a student to complete the assessment.

(7) If the results of the assessment are to be used for purposes other than for guiding instruction, what the results of the assessment will be used for, such as for promotion, course placement, graduation, teacher evaluation, or school performance ratings.

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(b) The State Board of Education shall compile the information reported under subsection (a) of this Section for each school year and make that information available to the public. Each school shall also make that information publicly available to the parents and guardians of its students through the school district's Internet website or distribution in paper form.

(c) The State Board of Education may adopt any rules necessary to carry out its responsibilities under this Section.

Section 99. Effective date. This Act takes effect January 1, 2016.
Approved July 22, 2016.
Effective July 22, 2016.

PUBLIC ACT 99-0591
(House Bill No. 6181)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The School Code is amended by changing Section 21B-45 as follows:
(105 ILCS 5/21B-45)
Sec. 21B-45. Professional Educator License renewal.
(a) Individuals holding a Professional Educator License are required to complete the licensure renewal requirements as specified in this Section, unless otherwise provided in this Code.
Individuals holding a Professional Educator License shall meet the renewal requirements set forth in this Section, unless otherwise provided in this Code. If an individual holds a license endorsed in more than one area that has different renewal requirements, that individual shall follow the renewal requirements for the position for which he or she spends the majority of his or her time working.
(b) All Professional Educator Licenses not renewed as provided in this Section shall lapse on September 1 of that year. Lapsed licenses may be immediately reinstated upon (i) payment by the applicant of a $500 penalty to the State Board of Education or (ii) the demonstration of proficiency by completing 9 semester hours of coursework from a regionally accredited institution of higher education in the content area that most aligns with one or more of the educator's endorsement areas.

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Any and all back fees, including without limitation registration fees owed from the time of expiration of the license until the date of reinstatement, shall be paid and kept in accordance with the provisions in Article 3 of this Code concerning an institute fund and the provisions in Article 21B of this Code concerning fees and requirements for registration. Licenses not registered in accordance with Section 21B-40 of this Code shall lapse after a period of 6 months from the expiration of the last year of registration. An unregistered license is invalid after September 1 for employment and performance of services in an Illinois public or State-operated school or cooperative and in a charter school. Any license or endorsement may be voluntarily surrendered by the license holder. A voluntarily surrendered license, except a substitute teaching license issued under Section 21B-20 of this Code, shall be treated as a revoked license. An Educator License with Stipulations with only a paraprofessional endorsement does not lapse.

(c) From July 1, 2013 through June 30, 2014, in order to satisfy the requirements for licensure renewal provided for in this Section, each professional educator licensee with an administrative endorsement who is working in a position requiring such endorsement shall complete one Illinois Administrators' Academy course, as described in Article 2 of this Code, per fiscal year.

(d) Beginning July 1, 2014, in order to satisfy the requirements for licensure renewal provided for in this Section, each professional educator licensee may create a professional development plan each year. The plan shall address one or more of the endorsements that are required of his or her educator position if the licensee is employed and performing services in an Illinois public or State-operated school or cooperative. If the licensee is employed in a charter school, the plan shall address that endorsement or those endorsements most closely related to his or her educator position. Licensees employed and performing services in any other Illinois schools may participate in the renewal requirements by adhering to the same process.

Except as otherwise provided in this Section, the licensee's professional development activities shall align with one or more of the following criteria:

(1) activities are of a type that engage participants over a sustained period of time allowing for analysis, discovery, and application as they relate to student learning, social or emotional achievement, or well-being;

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(2) professional development aligns to the licensee's performance;
(3) outcomes for the activities must relate to student growth or district improvement;
(4) activities align to State-approved standards; and
(5) higher education coursework.

(e) For each renewal cycle, each professional educator licensee shall engage in professional development activities. Prior to renewal, the licensee shall enter electronically into the Educator Licensure Information System (ELIS) the name, date, and location of the activity, the number of professional development hours, and the provider's name. The following provisions shall apply concerning professional development activities:

(1) Each licensee shall complete a total of 120 hours of professional development per 5-year renewal cycle in order to renew the license, except as otherwise provided in this Section.

(2) Beginning with his or her first full 5-year cycle, any licensee with an administrative endorsement who is not working in a position requiring such endorsement shall complete one Illinois Administrators' Academy course, as described in Article 2 of this Code, in each 5-year renewal cycle in which the administrative endorsement was held for at least one year. The Illinois Administrators' Academy course may count toward the total of 120 hours per 5-year cycle.

(3) Any licensee with an administrative endorsement who is working in a position requiring such endorsement or an individual with a Teacher Leader endorsement serving in an administrative capacity at least 50% of the day shall complete one Illinois Administrators' Academy course, as described in Article 2 of this Code, each fiscal year in addition to 100 hours of professional development per 5-year renewal cycle in accordance with this Code.

(4) Any licensee holding a current National Board for Professional Teaching Standards (NBPTS) master teacher designation shall complete a total of 60 hours of professional development per 5-year renewal cycle in order to renew the license.

(5) Licensees working in a position that does not require educator licensure or working in a position for less than 50% for any particular year are considered to be exempt and shall be

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required to pay only the registration fee in order to renew and maintain the validity of the license.

(6) Licensees who are retired and qualify for benefits from a State retirement system shall notify the State Board of Education using ELIS, and the license shall be maintained in retired status. An individual with a license in retired status shall not be required to complete professional development activities or pay registration fees until returning to a position that requires educator licensure. Upon returning to work in a position that requires the Professional Educator License, the licensee shall immediately pay a registration fee and complete renewal requirements for that year. A license in retired status cannot lapse.

(7) For any renewal cycle in which professional development hours were required, but not fulfilled, the licensee shall complete any missed hours to total the minimum professional development hours required in this Section prior to September 1 of that year. For any fiscal year or renewal cycle in which an Illinois Administrators' Academy course was required but not completed, the licensee shall complete any missed Illinois Administrators' Academy courses prior to September 1 of that year. The licensee may complete all deficient hours and Illinois Administrators' Academy courses while continuing to work in a position that requires that license until September 1 of that year.

(8) Any licensee who has not fulfilled the professional development renewal requirements set forth in this Section at the end of any 5-year renewal cycle is ineligible to register his or her license and may submit an appeal to the State Superintendent of Education for reinstatement of the license.

(9) If professional development opportunities were unavailable to a licensee, proof that opportunities were unavailable and request for an extension of time beyond August 31 to complete the renewal requirements may be submitted from April 1 through June 30 of that year to the State Educator Preparation and Licensure Board. If an extension is approved, the license shall remain valid during the extension period.

(10) Individuals who hold exempt licenses prior to December 27, 2013 (the effective date of Public Act 98-610) this amendatory Act of the 98th General Assembly shall commence the annual renewal process with the first scheduled registration due
after December 27, 2013 (the effective date of Public Act 98-610) this amendatory Act of the 98th General Assembly.

(11) Notwithstanding any other provision of this subsection (e), if a licensee earns more than the required number of professional development hours during a renewal cycle, then the licensee may carry over any hours earned from April 1 through June 30 of the last year of the renewal cycle. Any hours carried over in this manner must be applied to the next renewal cycle. Illinois Administrators' Academy courses or hours earned in those courses may not be carried over.

(f) At the time of renewal, each licensee shall respond to the required questions under penalty of perjury.

(g) The following entities shall be designated as approved to provide professional development activities for the renewal of Professional Educator Licenses:

(1) The State Board of Education.
(2) Regional offices of education and intermediate service centers.
(3) Illinois professional associations representing the following groups that are approved by the State Superintendent of Education:
   (A) school administrators;
   (B) principals;
   (C) school business officials;
   (D) teachers, including special education teachers;
   (E) school boards;
   (F) school districts;
   (G) parents; and
   (H) school service personnel.
(4) Regionally accredited institutions of higher education that offer Illinois-approved educator preparation programs and public community colleges subject to the Public Community College Act.
(5) Illinois public school districts, charter schools authorized under Article 27A of this Code, and joint educational programs authorized under Article 10 of this Code for the purposes of providing career and technical education or special education services.

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(6) A not-for-profit organization that, as of December 31, 2014 (the effective date of Public Act 98-1147) this amendatory Act of the 98th General Assembly, has had or has a grant from or a contract with the State Board of Education to provide professional development services in the area of English Learning to Illinois school districts, teachers, or administrators.

(7) State agencies, State boards, and State commissions.

(8) Museums as defined in Section 10 of the Museum Disposition of Property Act.

(h) Approved providers under subsection (g) of this Section shall make available professional development opportunities that satisfy at least one of the following:

(1) increase the knowledge and skills of school and district leaders who guide continuous professional development;
(2) improve the learning of students;
(3) organize adults into learning communities whose goals are aligned with those of the school and district;
(4) deepen educator's content knowledge;
(5) provide educators with research-based instructional strategies to assist students in meeting rigorous academic standards;
(6) prepare educators to appropriately use various types of classroom assessments;
(7) use learning strategies appropriate to the intended goals;
(8) provide educators with the knowledge and skills to collaborate; or
(9) prepare educators to apply research to decision-making.

(i) Approved providers under subsection (g) of this Section shall do the following:

(1) align professional development activities to the State-approved national standards for professional learning;
(2) meet the professional development criteria for Illinois licensure renewal;
(3) produce a rationale for the activity that explains how it aligns to State standards and identify the assessment for determining the expected impact on student learning or school improvement;
(4) maintain original documentation for completion of activities; and

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(5) provide license holders with evidence of completion of activities.
   (j) The State Board of Education shall conduct annual audits of approved providers, except for school districts, which shall be audited by regional offices of education and intermediate service centers. The State Board of Education shall complete random audits of licensees.

   (1) Approved providers shall annually submit to the State Board of Education a list of subcontractors used for delivery of professional development activities for which renewal credit was issued and other information as defined by rule.

   (2) Approved providers shall annually submit data to the State Board of Education demonstrating how the professional development activities impacted one or more of the following:

   (A) educator and student growth in regards to content knowledge or skills, or both;

   (B) educator and student social and emotional growth; or

   (C) alignment to district or school improvement plans.

   (3) The State Superintendent of Education shall review the annual data collected by the State Board of Education, regional offices of education, and intermediate service centers in audits to determine if the approved provider has met the criteria and should continue to be an approved provider or if further action should be taken as provided in rules.

   (k) Registration fees shall be paid for the next renewal cycle between April 1 and June 30 in the last year of each 5-year renewal cycle using ELIS. If all required professional development hours for the renewal cycle have been completed and entered by the licensee, the licensee shall pay the registration fees for the next cycle using a form of credit or debit card.

   (l) Beginning July 1, 2014, any professional educator licensee endorsed for school support personnel who is employed and performing services in Illinois public schools and who holds an active and current professional license issued by the Department of Financial and Professional Regulation related to the endorsement areas on the Professional Educator License shall be deemed to have satisfied the continuing professional development requirements provided for in this Section. Such individuals shall be required to pay only registration fees to

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renew the Professional Educator License. An individual who does not hold a license issued by the Department of Financial and Professional Regulation shall complete professional development requirements for the renewal of a Professional Educator License provided for in this Section.

(m) Appeals to the State Educator Preparation and Licensure Board must be made within 30 days after receipt of notice from the State Superintendent of Education that a license will not be renewed based upon failure to complete the requirements of this Section. A licensee may appeal that decision to the State Educator Preparation and Licensure Board in a manner prescribed by rule.

(1) Each appeal shall state the reasons why the State Superintendent's decision should be reversed and shall be sent by certified mail, return receipt requested, to the State Board of Education.

(2) The State Educator Preparation and Licensure Board shall review each appeal regarding renewal of a license within 90 days after receiving the appeal in order to determine whether the licensee has met the requirements of this Section. The State Educator Preparation and Licensure Board may hold an appeal hearing or may make its determination based upon the record of review, which shall consist of the following:

(A) the regional superintendent of education's rationale for recommending nonrenewal of the license, if applicable;

(B) any evidence submitted to the State Superintendent along with the individual's electronic statement of assurance for renewal; and

(C) the State Superintendent's rationale for nonrenewal of the license.

(3) The State Educator Preparation and Licensure Board shall notify the licensee of its decision regarding license renewal by certified mail, return receipt requested, no later than 30 days after reaching a decision. Upon receipt of notification of renewal, the licensee, using ELIS, shall pay the applicable registration fee for the next cycle using a form of credit or debit card.

(n) The State Board of Education may adopt rules as may be necessary to implement this Section.

(Source: P.A. 98-610, eff. 12-27-13; 98-1147, eff. 12-31-14; 99-58, eff. 7-16-15; 99-130, eff. 7-24-15; revised 10-21-15.)

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AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Section 14-6.01 and by adding Section 34-18.49 as follows:

(105 ILCS 5/14-6.01) (from Ch. 122, par. 14-6.01)
Sec. 14-6.01. Powers and duties of school boards. School boards of one or more school districts establishing and maintaining any of the educational facilities described in this Article shall, in connection therewith, exercise similar powers and duties as are prescribed by law for the establishment, maintenance and management of other recognized educational facilities. Such school boards shall include only eligible children in the program and shall comply with all the requirements of this Article and all rules and regulations established by the State Board of Education. Such school boards shall accept in part-time attendance children with disabilities of the types described in Sections 14-1.02 through 14-1.07 who are enrolled in nonpublic schools. A request for part-time attendance must be submitted by a parent or guardian of the disabled child and may be made only to those public schools located in the district where the child attending the nonpublic school resides; however, nothing in this Section shall be construed as prohibiting an agreement between the district where the child resides and another public school district to provide special educational services if such an arrangement is deemed more convenient and economical. Special education and related services must be provided in accordance with the student's IEP no later than 10 school attendance days after notice is provided to the parents pursuant to Section 300.503 of Title 34 of the Code of Federal Regulations and implementing rules adopted by the State Board of Education. Transportation for students in part time attendance shall be provided only if required in the child's individualized educational program on the basis of the child's disabling condition or as the special education program location may require.

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A school board shall publish a public notice in its newsletter of general circulation or in the newsletter of another governmental entity of general circulation in the district or if neither is available in the district, then in a newspaper of general circulation in the district, the right of all children with disabilities to a free appropriate public education as provided under this Code. Such notice shall identify the location and phone number of the office or agent of the school district to whom inquiries should be directed regarding the identification, assessment and placement of such children.

School boards shall immediately provide upon request by any person written materials and other information that indicates the specific policies, procedures, rules and regulations regarding the identification, evaluation or educational placement of children with disabilities under Section 14-8.02 of the School Code. Such information shall include information regarding all rights and entitlements of such children under this Code, and of the opportunity to present complaints with respect to any matter relating to educational placement of the student, or the provision of a free appropriate public education and to have an impartial due process hearing on the complaint. The notice shall inform the parents or guardian in the parents' or guardian's native language, unless it is clearly not feasible to do so, of their rights and all procedures available pursuant to this Act and federal Public Law 94-142; it shall be the responsibility of the State Superintendent to develop uniform notices setting forth the procedures available under this Act and federal Public Law 94-142, as amended, to be used by all school boards. The notice shall also inform the parents or guardian of the availability upon request of a list of free or low-cost legal and other relevant services available locally to assist parents or guardians in exercising rights or entitlements under this Code.

Any parent or guardian who is deaf, or does not normally communicate using spoken English, who participates in a meeting with a representative of a local educational agency for the purposes of developing an individualized educational program shall be entitled to the services of an interpreter.

No disabled student or, in a school district organized under Article 34 of this Code, child with a learning disability may be denied promotion, graduation or a general diploma on the basis of failing a minimal competency test when such failure can be directly related to the disabling condition of the student. For the purpose of this Act, "minimal competency
"testing" is defined as tests which are constructed to measure the acquisition of skills to or beyond a certain defined standard.

Effective July 1, 1966, high school districts are financially responsible for the education of pupils with disabilities who are residents in their districts when such pupils have reached age 15 but may admit children with disabilities into special educational facilities without regard to graduation from the eighth grade after such pupils have reached the age of 14 1/2 years. Upon a disabled pupil's attaining the age of 14 1/2 years, it shall be the duty of the elementary school district in which the pupil resides to notify the high school district in which the pupil resides of the pupil's current eligibility for special education services, of the pupil's current program, and of all evaluation data upon which the current program is based. After an examination of that information the high school district may accept the current placement and all subsequent timelines shall be governed by the current individualized educational program; or the high school district may elect to conduct its own evaluation and multidisciplinary staff conference and formulate its own individualized educational program, in which case the procedures and timelines contained in Section 14-8.02 shall apply.

(Source: P.A. 98-219, eff. 8-9-13.)

(105 ILCS 5/34-18.49 new)

Sec. 34-18.49. Committee on the retention of students.

(a) The board may create a committee on the retention of students. The committee shall consist of the general superintendent of schools or his or her designee, a district administrator who directs student instruction and curriculum, a principal from a school of the district, and a teacher from a school of the district.

(b) Prior to retention in a grade, a school may submit, by a date as set by the committee on the retention of students, the names of all students determined by the school to not qualify for promotion to the next higher grade and the reason for that determination. The committee shall review the school's decision to retain with respect to each student and shall make a final decision regarding whether or not to retain a particular student. The committee shall take into consideration the relevant data and evidence gathered during the Response to Intervention process. The committee may vote to overturn a retention decision if the committee determines that the student should be promoted after examining the student's access to remedial assistance, performance, attendance, and
participation and the resources and facilities provided by the school district or due to the student having an undiagnosed learning disability.

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

Passed in the General Assembly May 18, 2016.
Approved July 22, 2016.
Effective July 22, 2016.

PUBLIC ACT 99-0593
(House Bill No. 1056)

AN ACT concerning transportation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Section 5-401.2 and by adding Section 5-101.2 as follows:

(625 ILCS 5/5-101.2 new)

Sec. 5-101.2. Manufactured home dealers; licensing.

(a) For the purposes of this Section, the following words shall have the meanings ascribed to them as follows:

"Community-based manufactured home dealer" means an individual or entity that operates a tract of land or 2 or more contiguous tracts of land which contain sites with the necessary utilities for 5 or more independent manufactured homes for permanent habitation, either free of charge or for revenue purposes, and shall include any building, structure, vehicle, or enclosure used or intended for use as a part of the equipment of the manufactured home park who may, incidental to the operation of the manufactured home community, sell, trade, or buy a manufactured home or park model that is located within the manufactured home community or is located in a different manufactured home community that is owned or managed by the community-based manufactured home dealer.

"Established place of business" means the place owned or leased and occupied by any person duly licensed or required to be licensed as a manufactured home dealer or a community-based manufactured home dealer for the purpose of engaging in selling, buying, bartering, displaying, exchanging, or dealing in, by consignment or otherwise, manufactured homes or park models.

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and for such other ancillary purposes as may be permitted by the Secretary by rule. An established place of business shall include a single or central office in which the manufactured home dealer's or community-based manufactured home dealer's records shall be separate and distinct from any other business or tenant which may occupy space in the same building, except as provided in this Section, and the office shall not be located in a tent, temporary stand, temporary address, room or rooms in a hotel or rooming house, nor the premises occupied by a single or multiple unit residence, unless the multiple unit residence has a separate and distinct office.

"Manufactured home" means a factory assembled structure built on a permanent chassis, transportable in one or more sections in the travel mode, incapable of self-propulsion, and bears a label indicating the manufacturer's compliance with the United States Department of Housing and Urban Development standards, as applicable, that is without a permanent foundation and is designed for year round occupancy as a single-family residence when connected to approved water, sewer, and electrical utilities.

"Manufactured home dealer" means an individual or entity that engages in the business of acquiring or disposing of a manufactured home or park model, either a new manufactured home or park model, pursuant to a franchise agreement with a manufacturer, or used manufactured homes or park models, and who has an established place of business that is not in a residential community-based setting.

"Park model" means a vehicle that is incapable of self-propulsion that is less than 400 square feet of habitable space that is built to American National Standards Institute (ANSI) standards that prohibits occupancy on a permanent basis and is built on a vehicle chassis.

"Supplemental license" means a license that a community-based manufactured home dealer receives and displays at locations in which the licensee is authorized to sell, buy, barter, display, exchange, or deal in, on consignment or otherwise, manufactured homes or park models, but is not the established place of business of the licensee.

(b) No person shall engage in this State in the business of selling or dealing in, on consignment or otherwise, manufactured homes or park

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models of any make, or act as an intermediary, agent, or broker for any manufactured home or park model purchaser, other than as a salesperson or to represent or advertise that he or she is so engaged, or intends to so engage, in the business, unless licensed to do so by the Secretary of State under the provisions of this Section.

(c) An application for a manufactured home dealer's license or a community-based manufactured home dealer's license shall be filed with the Secretary of State and duly verified by oath, on such form as the Secretary of State may by rule prescribe and shall contain all of the following:

(1) The name and type of business organization of the applicant, and his or her established and additional places of business, if any, in this State.

(2) If the applicant is a corporation, a list of its officers, directors, and shareholders having a 10% or greater ownership interest in the corporation. If the applicant is a sole proprietorship, a partnership, a limited liability company, an unincorporated association, a trust, or any similar form of business organization, the name and residence address of the proprietor, or the name and residence address of each partner, member, officer, director, trustee, or manager.

(3) The make or makes of new manufactured homes or park models that the applicant will offer for sale at retail in the State.

(4) The name of each manufacturer or franchised distributor, if any, of new manufactured homes or park models with whom the applicant has contracted for the sale of new manufactured homes or park models. As evidence of this fact, the application shall be accompanied by a signed statement from each manufacturer or franchised distributor.

(5) A statement that the applicant has been approved for registration under the Retailers' Occupation Tax Act by the Department of Revenue, provided that this requirement does not apply to a manufactured home dealer who is already licensed with the Secretary of State, and who is merely applying for a renewal of his or her license. As evidence of this fact, the application shall be accompanied by a certification from the Department of Revenue showing that the Department has approved the applicant for registration under the Retailers' Occupation Tax Act.

(6) An application for:

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(A) a manufactured home dealer's license, when the applicant is selling new manufactured homes or park models on behalf of a manufacturer of manufactured homes or park models, or 5 or more used manufactured homes or park models during the calendar year, shall be accompanied by a $1,000 license fee for the applicant's established place of business, and $100 for each additional place of business, if any, to which the application pertains. If the application is made after June 15 in any year, the license fee shall be $500 for the applicant's established place of business, and $50 for each additional place of business, if any, to which the application pertains. License fees shall be returnable only in the event that the application is denied by the Secretary of State; or

(B) a community-based manufactured home dealer's license, when the applicant is selling 5 or more manufactured homes during the calendar year not on behalf of a manufacturer of manufactured homes, but within a community setting, shall be accompanied by a license fee of $500 for the applicant's established place of business, and $50 for each additional place of business, if any, to which the application pertains. If the application is made after June 15 in any year, the license fee shall be $250 for the applicant's established place of business, and $50 for each additional place of business, if any, to which the application pertains. License fees shall be returnable only in the event that the application is denied by the Secretary of State.

Of the monies received by the Secretary of State as license fees under this paragraph (6), 95% shall be deposited into the General Revenue Fund and 5% into the Motor Vehicle License Plate Fund.

(7) A statement that the applicant's officers, directors, and shareholders having a 10% or greater ownership interest therein, proprietor, a partner, member, officer, director, trustee, manager, or other principals in the business, have not committed in the past 3 years any one violation, as determined in any civil, criminal, or administrative hearing proceeding, of any one of the following Acts:

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(A) the Anti Theft Laws of the Illinois Vehicle Code;
(B) the Certificate of Title Laws of the Illinois Vehicle Code;
(C) the Offenses against Registration and Certificates of Title Laws of the Illinois Vehicle Code;
(D) the Dealers, Transporters, Wreckers, and Rebuilders Laws of the Illinois Vehicle Code;
(E) Section 21-2 of the Criminal Code of 2012 (criminal trespass to vehicles);
(F) the Retailers Occupation Tax Act;
(G) the Consumer Finance Act;
(H) the Consumer Installment Loan Act;
(I) the Retail Installment Sales Act;
(J) the Motor Vehicle Retail Installment Sales Act;
(K) the Interest Act;
(L) the Illinois Wage Assignment Act;
(M) Part 8 of Article XII of the Code of Civil Procedure; or
(N) the Consumer Fraud Act.

(8) A bond or certificate of deposit in the amount of $20,000 for each license holder applicant intending to act as a manufactured home dealer or community-based manufactured home dealer under this Section. The bond shall be for the term of the license, for which application is made, and shall expire not sooner than December 31 of the year for which the license was issued. The bond shall run to the People of the State of Illinois, with surety by a bonding or insurance company authorized to do business in this State. It shall be conditioned upon the proper transmittal of all title and registration fees and taxes (excluding taxes under the Retailers' Occupation Tax Act) accepted by the applicant as a manufactured home dealer.

(9) Dealers in business for over 5 years may substitute a certificate of insurance in lieu of the bond or certificate of deposit upon renewing their license.

(10) Any other information concerning the business of the applicant as the Secretary of State may by rule prescribe.

(11) A statement that the applicant has read and understands Chapters 1 through 5 of this Code.

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(d) Any change which renders no longer accurate any information contained in any application for a license under this Section shall be amended within 30 days after the occurrence of the change on a form the Secretary of State may prescribe, by rule, accompanied by an amendatory fee of $25.

(e) The Secretary of State shall, within a reasonable time after receipt, examine an application submitted to him or her under this Section, and unless he or she makes a determination that the application submitted to him or her does not conform with the requirements of this Section or that grounds exist for a denial of the application under Section 5-501 of this Chapter, grant the applicant an initial manufactured home dealer's license or a community-based manufactured home dealer's license in writing for his or her established place of business and a supplemental license in writing for each additional place of business in a form the Secretary may prescribe by rule, which shall include the following:

1. the name of the person or entity licensed;
2. if a corporation, the name and address of its officers; if a sole proprietorship, a partnership, an unincorporated association, or any similar form of business organization, the name and address of the proprietor, or the name and address of each partner, member, officer, director, trustee or manager; or if a limited liability company, the name and address of the general partner or partners, or managing member or members;
3. in the case of an original license, the established place of business of the licensee;
4. in the case of a supplemental license, the established place of business of the licensee and the additional place of business to which the supplemental license pertains; and
5. if applicable, the make or makes of new manufactured homes or park models to which a manufactured home dealer is licensed to sell.

(f) The appropriate instrument evidencing the license or a certified copy of the instrument, provided by the Secretary of State, shall be kept posted conspicuously in the established place of business of the licensee and in each additional place of business, if any, maintained by the licensee, unless the licensee is a community-based manufactured home dealer, then the license shall be posted in the community-based manufactured home dealer's central office and it shall include a list of the

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other locations that the community-based manufactured home dealer may oversee.

(g) Except as provided in subsection (i) of this Section, all licenses granted under this Section shall expire by operation of law on December 31 of the calendar year for which the licenses were granted, unless sooner revoked or cancelled under the provisions of Section 5-501 of this Chapter.

(h) All persons licensed as a manufactured home dealer or a community-based manufactured home dealer are required to furnish each purchaser of a manufactured home or park model:

(1) in the case of a new manufactured home or park model, a manufacturer's statement of origin, and in the case of a previously owned manufactured home or park model, a certificate of title, in either case properly assigned to the purchaser;

(2) a statement verified under oath that all identifying numbers on the vehicle match the identifying numbers on the certificate of title or manufacturer's statement of origin;

(3) a bill of sale properly executed on behalf of the purchaser;

(4) a copy of the Uniform Invoice-transaction reporting return form referred to in Section 5-402; and

(5) for a new manufactured home or park model, a warranty, and in the case of a manufactured home or park model for which the warranty has been reinstated, a copy of the warranty; if no warranty is provided, a disclosure or statement that the manufactured home or park model is being sold "AS IS".

(i) This Section shall not apply to a (i) seller who privately owns his or her manufactured home or park model as his or her main residence and is selling the manufactured home or park model to another individual or to a licensee; (ii) a retailer or entity licensed under either Section 5-101 or 5-102 of this Code; or (iii) an individual or entity licensed to sell truck campers, travel trailers, motor homes, or mini motor homes as defined by this Code. Any vehicle not covered by this Section that requires an individual or entity to obtain a license to sell 5 or more vehicles must obtain a license under the relevant provisions of this Code.

(j) This Section shall not apply to any person licensed under the Real Estate License Act of 2000.

(k) The Secretary of State may adopt any rules necessary to implement this Section.

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Sec. 5-401.2. Licensees required to keep records and make inspections.

(a) Every person licensed or required to be licensed under Section 5-101, 5-101.1, 5-101.2, 5-102, 5-301 or 5-302 of this Code, shall, with the exception of scrap processors, maintain for 3 years, in a form as the Secretary of State may by rule or regulation prescribe, at his established place of business, additional place of business, or principal place of business if licensed under Section 5-302, the following records relating to the acquisition or disposition of vehicles and their essential parts possessed in this State, brought into this State from another state, territory or country, or sold or transferred to another person in this State or in another state, territory, or country.

(1) The following records pertaining to new or used vehicles shall be kept:

(A) the year, make, model, style and color of the vehicle;
(B) the vehicle's manufacturer's identification number or, if applicable, the Secretary of State or Illinois Department of State Police identification number;
(C) the date of acquisition of the vehicle;
(D) the name and address of the person from whom the vehicle was acquired and, if that person is a dealer, the Illinois or out-of-state dealer license number of such person;
(E) the signature of the person making the inspection of a used vehicle as required under subsection (d) of this Section, if applicable;
(F) the purchase price of the vehicle, if applicable;
(G) the date of the disposition of the vehicle;
(H) the name and address of the person to whom any vehicle was disposed, and if that person is a dealer, the Illinois or out-of-State dealer's license number of that dealer;
(I) the uniform invoice number reflecting the disposition of the vehicle, if applicable; and
(J) The sale price of the vehicle, if applicable.
(2) (A) The following records pertaining to used essential parts other than quarter panels and transmissions of vehicles of the first division shall be kept:

(i) the year, make, model, color and type of such part;
(ii) the vehicle's manufacturer's identification number, derivative number, or, if applicable, the Secretary of State or Illinois Department of State Police identification number of such part;
(iii) the date of the acquisition of each part;
(iv) the name and address of the person from whom the part was acquired and, if that person is a dealer, the Illinois or out-of-state dealer license number of such person; if the essential part being acquired is from a person other than a dealer, the licensee shall verify and record that person's identity by recording the identification numbers from at least two sources of identification, one of which shall be a driver's license or State identification card;
(v) the uniform invoice number or out-of-state bill of sale number reflecting the acquisition of such part;
(vi) the stock number assigned to the essential part by the licensee, if applicable;
(vii) the date of the disposition of such part;
(viii) the name and address of the person to whom such part was disposed of and, if that person is a dealer, the Illinois or out-of-state dealer license number of that person;
(ix) the uniform invoice number reflecting the disposition of such part.

(B) Inspections of all essential parts shall be conducted in accordance with Section 5-402.1.

(C) A separate entry containing all of the information required to be recorded in subparagraph (A) of paragraph (2) of subsection (a) of this Section shall be made for each separate essential part. Separate entries shall be made regardless of whether the part was a large purchase acquisition. In addition, a separate entry shall be made for each part acquired for immediate sale or transfer, or for placement into the overall inventory or stock to be disposed of at a later time, or for use on a vehicle to be materially altered by the licensee, or acquired for any other purpose or reason.
Failure to make a separate entry for each essential part acquired or disposed of, or a failure to record any of the specific information required to be recorded concerning the acquisition or disposition of each essential part as set forth in subparagraph (A) of paragraph (2) of subsection (a) shall constitute a failure to keep records.

(D) The vehicle's manufacturer's identification number or Secretary of State or Illinois Department of State Police identification number for the essential part shall be ascertained and recorded even if such part is acquired from a person or dealer located in a State, territory, or country which does not require that such information be recorded. If the vehicle's manufacturer's identification number or Secretary of State or Illinois Department of State Police identification number for an essential part cannot be obtained, that part shall not be acquired by the licensee or any of his agents or employees. If such part or parts were physically acquired by the licensee or any of his agents or employees while the licensee or agent or employee was outside this State, that licensee or agent or employee was outside the State, that licensee, agent or employee shall not bring such essential part into this State or cause it to be brought into this State. The acquisition or disposition of an essential part by a licensee without the recording of the vehicle identification number or Secretary of State identification number for such part or the transportation into the State by the licensee or his agent or employee of such part or parts shall constitute a failure to keep records.

(E) The records of essential parts required to be kept by this Section shall apply to all hulks, chassis, frames or cowls, regardless of the age of those essential parts. The records required to be kept by this Section for essential parts other than hulks, chassis, frames or cowls, shall apply only to those essential parts which are 6 model years of age or newer. In determining the model year of such an essential part it may be presumed that the identification number of the vehicle from which the essential part came or the identification number affixed to the essential part itself acquired by the licensee denotes the model year of that essential part. This presumption, however, shall not apply if the gross appearance of the essential part does not correspond to the year, make or model of either the identification number of the vehicle from which the essential part is alleged to have come or the

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identification number which is affixed to the essential part itself. To determine whether an essential part is 6 years of age or newer within this paragraph, the model year of the essential part shall be subtracted from the calendar year in which the essential part is acquired or disposed of by the licensee. If the remainder is 6 or less, the record of the acquisition or disposition of that essential part shall be kept as required by this Section.

(F) The requirements of paragraph (2) of subsection (a) of this Section shall not apply to the disposition of an essential part other than a cowl which has been damaged or altered to a state in which it can no longer be returned to a usable condition and which is being sold or transferred to a scrap processor or for delivery to a scrap processor.

(3) the following records for vehicles on which junking certificates are obtained shall be kept:

(A) the year, make, model, style and color of the vehicle;
(B) the vehicle's manufacturer's identification number or, if applicable, the Secretary of State or Illinois Department of State Police identification number;
(C) the date the vehicle was acquired;
(D) the name and address of the person from whom the vehicle was acquired and, if that person is a dealer, the Illinois or out-of-state dealer license number of that person;
(E) the certificate of title number or salvage certificate number for the vehicle, if applicable;
(F) the junking certificate number obtained by the licensee; this entry shall be recorded at the close of business of the fifth business day after receiving the junking certificate;
(G) the name and address of the person to whom the junking certificate has been assigned, if applicable, and if that person is a dealer, the Illinois or out-of-state dealer license number of that dealer;
(H) if the vehicle or any part of the vehicle is dismantled for its parts to be disposed of in any way, or if such parts are to be used by the licensee to materially alter a vehicle, those essential parts shall be recorded and the entries required by paragraph (2) of subsection (a) shall be made.

(4) The following records for rebuilt vehicles shall be kept:

(A) the year, make, model, style and color of the vehicle;

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(B) the vehicle's manufacturer's identification number of
the vehicle or, if applicable, the Secretary of State or Illinois
Department of State Police identification number;
(C) the date the vehicle was acquired;
(D) the name and address of the person from whom the
vehicle was acquired, and if that person is a dealer, the Illinois or
out-of-state dealer license number of that person;
(E) the salvage certificate number for the vehicle;
(F) the newly issued certificate of title number for the
vehicle;
(G) the date of disposition of the vehicle;
(H) the name and address of the person to whom the
vehicle was disposed, and if a dealer, the Illinois or out-of-state
dealer license number of that dealer;
(I) the sale price of the vehicle.

(a-1) A person licensed or required to be licensed under Section 5-
101 or Section 5-102 of this Code who issues temporary registration
permits as permitted by this Code and by rule must electronically file the
registration with the Secretary and must maintain records of the
registration in the manner prescribed by the Secretary.

(b) A failure to make separate entries for each vehicle acquired,
disposed of, or assigned, or a failure to record any of the specific
information required to be recorded concerning the acquisition or
disposition of each vehicle as set forth in paragraphs (1), (3) and (4) of
subsection (a) of this Section shall constitute a failure to keep records.

(c) All entries relating to the acquisition of a vehicle or essential
part required by subsection (a) of this Section shall be recorded no later
than the close of business on the seventh calendar day following such
acquisition. All entries relating to the disposition of a vehicle or an
essential part shall be made at the time of such disposition. If the vehicle
or essential part was disposed of on the same day as its acquisition or the
day thereafter, the entries relating to the acquisition of the vehicle or
essential part shall be made at the time of the disposition of the vehicle or
essential part. Failure to make the entries required in or at the times
prescribed by this subsection following the acquisition or disposition of
such vehicle or essential part shall constitute a failure to keep records.

(d) Every person licensed or required to be licensed shall, before
accepting delivery of a used vehicle, inspect the vehicle to determine
whether the manufacturer's public vehicle identification number has been

New matter indicated by italics - deletions by strikeout
defaced, destroyed, falsified, removed, altered, or tampered with in any way. If the person making the inspection determines that the manufacturer's public vehicle identification number has been altered, removed, defaced, destroyed, falsified or tampered with he shall not acquire that vehicle but instead shall promptly notify law enforcement authorities of his finding.

(e) The information required to be kept in subsection (a) of this Section shall be kept in a manner prescribed by rule or regulation of the Secretary of State.

(f) Every person licensed or required to be licensed shall have in his possession a separate certificate of title, salvage certificate, junking certificate, certificate of purchase, uniform invoice, out-of-state bill of sale or other acceptable documentary evidence of his right to the possession of every vehicle or essential part.

(g) Every person licensed or required to be licensed as a transporter under Section 5-201 shall maintain for 3 years, in such form as the Secretary of State may by rule or regulation prescribe, at his principal place of business a record of every vehicle transported by him, including numbers of or other marks of identification thereof, the names and addresses of persons from whom and to whom the vehicle was delivered and the dates of delivery.

(h) No later than 15 days prior to going out of business, selling the business, or transferring the ownership of the business, the licensee shall notify the Secretary of State that he is going out of business or that he is transferring the ownership of the business. Failure to notify under this paragraph shall constitute a failure to keep records.

(i) (Blank).

(j) A person who knowingly fails to comply with the provisions of this Section or knowingly fails to obey, observe, or comply with any order of the Secretary or any law enforcement agency issued in accordance with this Section is guilty of a Class B misdemeanor for the first violation and a Class A misdemeanor for the second and subsequent violations. Each violation constitutes a separate and distinct offense and a separate count may be brought in the same indictment or information for each vehicle or each essential part of a vehicle for which a record was not kept as required by this Section.

(k) Any person convicted of failing to keep the records required by this Section with intent to conceal the identity or origin of a vehicle or its essential parts or with intent to defraud the public in the transfer or sale of

New matter indicated by italics - deletions by strikeout
vehicles or their essential parts is guilty of a Class 2 felony. Each violation constitutes a separate and distinct offense and a separate count may be brought in the same indictment or information for each vehicle or essential part of a vehicle for which a record was not kept as required by this Section.

(l) A person may not be criminally charged with or convicted of both a knowing failure to comply with this Section and a knowing failure to comply with any order, if both offenses involve the same record keeping violation.

(m) The Secretary shall adopt rules necessary for implementation of this Section, which may include the imposition of administrative fines.

(Source: P.A. 91-415, eff. 1-1-00; 92-773, eff. 8-6-02.)

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

Passed in the General Assembly May 18, 2016.
Approved July 22, 2016.
Effective July 22, 2016.

PUBLIC ACT 99-0594
(House Bill No. 1191)

AN ACT concerning civil law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Eminent Domain Act is amended by adding Section 25-5-65 as follows:

(735 ILCS 30/25-5-65 new)

Sec. 25-5-65. Quick-take; Will County; Weber Road. Quick-take proceedings under Article 20 may be used for a period of no more than one year after the effective date of this amendatory Act of the 99th General Assembly by Will County for the acquisition of the following described property for the purpose of expanding the portion of Weber Road (County Highway 88) between Normantown Road and West 135th Street:
Route: I-55
Limits: at Weber Road
County: Will
Job No.: R-91-015-15
Parcel: 1LQ0001A
Stations: 726+09.11 to 728+67.91

New matter indicated by italics - deletions by strikeout
That part of Tract 13 in Carillon Phase 1A being a subdivision in the Northeast Quarter of Section 6, Township 36 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded as document R89-035486, in Will County, Illinois, described as follows:

Beginning at the most easterly southeast corner of said Tract 13; thence South 43 degrees 33 minutes 04 seconds West on a bearing based on the Illinois State Plane Coordinate System, NAD '83 (2011), East Zone, along the southeasterly line of said Tract 13, a distance of 5.19 feet; thence North 02 degrees 01 minute 35 seconds West, 158.84 feet; thence North 01 degree 22 minutes 42 seconds East, 99.59 feet to the east line of said Tract 13, being a 17,138.91 foot radius curve concave westerly; thence southerly 116.99 feet along said curve and east line through a central angle of 00 degrees 23 minutes 28 seconds, the chord of said curve bears South 01 degree 38 minutes 10 seconds East, 116.99 feet; thence South 01 degree 26 minutes 26 seconds East along the east line of said Tract 13, a distance of 137.65 feet to the Point of Beginning.

Said parcel containing 0.022 acres, more or less.

Route: I-55
Limits: at Weber Road
County: Will
Job No.: R-91-015-15
Parcel: 1LQ0001B
Stations: 739+40.00 to 745+21.46

That part of Tracts 10 and 11, in Carillon Phase 1A, being a subdivision in the Northeast Quarter of Section 6, Township 36 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded as document R89-035486, in Will County, Illinois, described as follows:

Beginning at the northeast corner of said Tract 10; thence North 89 degrees 44 minutes 14 seconds West on a bearing based on the Illinois State Plane Coordinate System, NAD '83 (2011), East Zone, along the northerly line of said Tract 10, a distance of 34.58 feet to a 5,085.00 foot radius curve concave easterly; thence southerly 21.83 feet along said curve through a central angle of 00 degrees 14 minutes 35 seconds, the chord of said curve bears South 02 degrees 50 minutes 05 minutes East, 21.58 feet; thence North 87 degrees 08 minutes 47 East, 20.50 feet to a 15,470.89 foot curve concave easterly; thence southerly 299.54 feet along said curve through a central angle of 01 degree 06 minutes 34 seconds,
the chord of said curve bears South 03 degrees 24 minutes 29 seconds East, 299.54 feet to the south line of said Tract 10; thence North 85 degrees 44 minutes 04 seconds East along said south line, 1.50 feet to a 15,469.89 foot radius curve concave easterly; thence southerly 262.89 feet along said curve through a central angle of 00 degrees 58 minutes 25 seconds, the chord of said curve bears South 04 degrees 26 minutes 54 seconds East, 262.89 feet; thence North 85 degrees 03 minutes 54 seconds East, 15.69 feet to the east line of said Tract 11, being a 17,238.91 foot radius curve concave easterly; thence northerly along said curve and the east line of said Tracts 10 and 11, a distance of 581.59 feet through a central angle of 01 degrees 55 minutes 59 seconds, the chord of said curve bears North 04 degrees 10 minutes 15 seconds West, 581.56 feet to the Point of Beginning.

Said parcel containing 0.212 acres, more or less.

Route: I-55
Limits: at Weber Road
County: Will
Job No.: R-91-015-15
Parcel: 1LQ0002
Stations: 745+19.63 to 749+37.76
P.I.N.: 11-04-06-227-041; 11-04-06-227-048

That part of Lot C in Carillon Parcel 31 East, according to the plat thereof recorded October 25, 1996 as document R96-096429, also that part of Lot C in Carillon Parcel 32, according to the plat thereof recorded July 8, 1997 as document R97-056892, all in the Northeast Quarter of Section 6, Township 36 North, Range 10 East of the Third Principal Meridian, Will County, Illinois, described as follows:

Beginning at the northeast corner of said Lot C in Carillon Parcel 31 East; thence South 87 degrees 49 minutes 34 seconds West on a bearing based on the Illinois State Plane Coordinate System, NAD '83 (2011), East Zone, along the north line of said Lot C in Carillon Parcel 31 East, 27.89 feet; thence South 01 degree 22 minutes 31 seconds East, 290.08 feet to a point on a tangential curve concave easterly having a radius of 5,085.00 feet; thence southerly 127.96 feet along said curve through a central angle of 01 degree 26 minutes 30 seconds, the chord of said curve bears South 02 degrees 05 minutes 46 seconds East, 127.95 feet to the south line of said Lot C in Carillon Parcel 32; thence South 89 degrees 44 minutes 14 seconds East along said south line, 34.58 feet to the east line of said Lot C in Carillon Parcel 32, being a 17,238.91 foot radius curve concave
easterly; thence northerly 419.49 feet along said east line through a central angle of 01 degree 23 minutes 39 seconds, the chord of said curve bears North 02 degrees 30 minutes 26 seconds West, 419.48 feet to the Point of Beginning.

Said parcel containing 0.298 acres, more or less.

Route: I-55
Limits: at Weber Road
County: Will
Job No.: R-91-015-15
Parcel: 1LQ0003
Stations: 749+37.37 to 751+16.92
P.I.N.: 11-04-06-227-047

That part of Lot 2 in Carillon Court Exhibit 3, being a subdivision in the Northeast Quarter of Section 6, Township 36 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded June 11, 1997 as document R97-48868, in Will County, Illinois, described as follows:

Beginning at the southeast corner of said Lot 2; thence South 87 degrees 49 minutes 34 seconds West on a bearing based on the Illinois State Plane Coordinate System, NAD 83 (2011), East Zone, along the south line of said Lot 2, a distance of 27.89 feet; thence North 01 degree 22 minutes 31 seconds West, 107.63 feet; thence North 26 degrees 23 minutes 16 seconds West, 79.36 feet to the north line of said Lot 2; thence North 87 degrees 49 minutes 34 seconds East along said north line, 30.88 feet to the northeast line of said Lot 2; thence South 46 degrees 48 minutes 26 seconds East along said northeast line, 42.15 feet to the east line of said Lot 2; thence South 01 degree 26 minutes 26 seconds East along said east line, 39.62 to a tangential curve concave easterly having a radius of 17,238.91 feet; thence continuing southerly 110.39 feet along said east line and curve through a central angle of 00 degrees 22 minutes 01 second, the chord of said curve bears South 01 degree 37 minutes 36 seconds East, 110.39 feet to the Point of Beginning.

Said parcel containing 0.131 acres, more or less.

Route: I-55
Limits: at Weber Road
County: Will
Job No.: R-91-015-15
Parcel: 1LQ0003TE
Stations: 112+85.73 to 114+35.95

New matter indicated by italics - deletions by strikeout
That part of Lot 2 in Carillon Court Exhibit 3, being a subdivision in the Northeast Quarter of Section 6, Township 36 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded June 11, 1997 as document R97-048868, in Will County, Illinois, described as follows:

Beginning at the northwest corner of said Lot 2; thence North 87 degrees 49 minutes 34 seconds East on a bearing based on the Illinois State Plane Coordinate System, NAD '83 (2011), East Zone, along the north line of said Lot 2, a distance of 159.13 feet; thence South 26 degrees 23 minutes 16 seconds East, 46.05 feet; thence South 88 degrees 00 minutes 52 seconds West, 160.45 feet; thence North 02 degrees 26 minutes 12 seconds West, 9.67 feet; thence North 41 degrees 05 minutes 08 seconds West, 28.12 feet to the west line of said Lot 2; thence North 01 degree 26 minutes 25 seconds West along said west line, 9.93 feet to the Point of Beginning.

Said parcel containing 0.153 acres, more or less.

Route: I-55
Limits: at Weber Road
County: Will
Job No.: R-91-015-15
Parcel: 1LQ0004TE
Stations: 111+25.00 to 112+85.73
P.I.N.: 11-04-06-227-068; 12-02-31-480-021

That part of Lot 1 in Carillon Court Resubdivision Phase Two, being a subdivision in the Northeast Quarter of Section 6, Township 36 North, Range 10 East of the Third Principal Meridian and the Southeast Quarter of Section 31, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded November 12, 2014 as document R2014-099765, in Will County, Illinois, described as follows:

Beginning at the most southerly southeast corner of said Lot 1, being also the southwest corner of 135th Street as dedicated by document R2014-081720 recorded September 19, 2014; thence South 87 degrees 49 minutes 34 seconds West on a bearing based on the Illinois State Plane Coordinate System, NAD '83 (2011), East Zone, along the south line of said Lot 1 a distance of 8.14 feet; thence South 02 degrees 10 minutes 13 seconds West, 9.93 feet; thence North 87 degrees 48 minutes 58 seconds East, 64.45 feet to an east line of said Lot 1; thence South 02 degrees 10 minutes 13 seconds West, 28.12 feet to the west line of said Lot 1; thence North 01 degree 26 minutes 25 seconds West along said west line, 9.93 feet to the Point of Beginning.
seconds East along said east line, 87.26 feet; thence South 18 degrees 50 minutes 13 seconds East along an easterly line of said Lot 1, a distance of 24.59 feet to the southeasterly line of said Lot 1; thence South 51 degrees 32 minutes 22 seconds West along said southeasterly line, 50.00 feet to a northeasterly line of said Lot 1; thence South 47 degrees 07 minutes 03 seconds East along said northeasterly line, 27.93 feet to an east line of said Lot 1; thence South 01 degree 29 minutes 21 seconds East along said east line, 32.08 feet to the Point of Beginning.

Said parcel containing 0.306 acres, more or less.

Route: I-55
Limits: at Weber Road
County: Will
Job No.: R-91-015-15
Parcel: 1LQ0005
Stations: 114+07.90 to 114+70.22
P.I.N.: 12-02-31-480-027

That part of Lot 10 in Carillon Court Resubdivision, being a subdivision in the Northeast Quarter of Section 6, Township 36 North, Range 10 East of the Third Principal Meridian and the Southeast Quarter of Section 31, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded March 7, 2002 as document R2002-39716, in Will County, Illinois, described as follows:

Beginning at the northeast corner of said Lot 10; thence South 87 degrees 50 minutes 11 seconds West on a bearing based on the Illinois State Plane Coordinate System, NAD '83 (2011), East Zone, along the north line of said Lot 10, a distance of 44.21 feet; thence South 47 degrees 12 minutes 21 seconds West, 23.27 feet to the west line of said Lot 10; thence South 01 degree 20 minutes 45 seconds East along said west line, 14.86 feet to the south line of said Lot 10; thence North 87 degrees 21 seconds West along said south line, 23.27 feet to the west line of said Lot 10; thence South 01 degree 20 minutes 45 seconds East along said west line, 14.86 feet to the south line of said Lot 10; thence North 87 degrees 49 minutes 34 seconds East along said south line, 41.66 feet to the southeast line of said Lot 10; thence North 43 degrees 14 minutes 25 seconds East along said southeast line, 28.49 feet east line of said Lot 10; thence North 01 degree 20 minutes 45 seconds West along said east line, 10.00 feet to the Point of Beginning.

Said parcel containing 0.035 acres, more or less.

Route: I-55
Limits: at Weber Road
County: Will
Job No.: R-91-015-15

New matter indicated by italics - deletions by strikeout
Parcel: 1LQ0005TE  
Stations: 114+08.23 to 114+26.01  
P.I.N.: 12-02-31-480-027  
That part of Lot 10 in Carillon Court Resubdivision, being a subdivision in the Northeast Quarter of Section 6, Township 36 North, Range 10 East of the Third Principal Meridian and the Southeast Quarter of Section 31, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded March 7, 2002 as document R2002-39716, in Will County, Illinois, described as follows:

Beginning at the northwest corner of said Lot 10; thence North 87 degrees 50 minutes 11 seconds East on a bearing based on the Illinois State Plane Coordinate System, NAD '83 (2011), East Zone, along the north line of said Lot 10, a distance of 17.45 feet; thence South 47 degrees 12 minutes 21 seconds West 23.27 feet to the west line of said Lot 10; thence North 01 degree 20 minutes 45 seconds West along said west line, 15.16 feet to the Point of Beginning.

Said parcel containing 132 square feet, more or less, or 0.003 acres, more or less.

Route: I-55  
Limits: at Weber Road  
County: Will  
Job No.: R-91-015-15  
Parcel: 1LQ0006A  
Stations: 112+43.69 to 114+08.29  
P.I.N.: 12-02-31-480-028  
That part of Lot 2 in Carillon Court Resubdivision, according to the Plat thereof recorded March 7, 2002 as document R2002-39716, in the Northeast Quarter of Section 6, Township 36 North, Range 10 East of the Third Principal Meridian and the Southeast Quarter of Section 31, Township 37 North, Range 10 East of the Third Principal Meridian, Will County, Illinois, described as follows:

Beginning at the most southerly southeast corner of said Lot 2; thence South 87 degrees 49 minutes 34 seconds West on a bearing based on the Illinois State Plane Coordinate System, NAD '83 (2011), East Zone, along a south line of said Lot 2, a distance of 99.50 feet to the southwesterly line of said Lot 2 being a 30.00 foot radius curve concave northeasterly; thence northwesterly 38.40 feet along said curve through a central angle of 73 degrees 20 minutes 13 seconds, the chord of said curve bears North 55 degrees 30 minutes 20 seconds West, 35.83 feet; thence

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North 61 degrees 37 minutes 49 seconds East, 17.80 feet to a 25.00 foot radius curve concave northeasterly; thence southeasterly 31.21 feet along said curve through a central angle of 71 degrees 31 minutes 33 seconds, the chord of said curve bears South 54 degrees 01 minute 41 seconds East, 29.22 feet; thence South 89 degrees 47 minutes 27 seconds East tangent to said curve, 81.40 feet; thence North 47 degrees 12 minutes 21 seconds East, 10.77 feet to an east line of said Lot 2; thence South 01 degree 20 minutes 45 seconds West along said east line, 14.86 feet to the Point of Beginning.

Said parcel containing 0.034 acres, more or less.

Route: I-55
Limits: at Weber Road
County: Will
Job No.: R-91-015-15
Parcel: 1LQ0006B
Stations: 752+07.03 to 762+84.28
P.I.N.: 12-02-31-480-028; 12-02-31-480-031; 12-02-31-480-030; 12-02-31-480-029; 12-02-31-480-022
That part of Lots 2 and 7 in Carillon Court Resubdivision, according to the Plat thereof recorded March 7, 2002 as document R2002-39716, in the Northeast Quarter of Section 6, Township 36 North, Range 10 East of the Third Principal Meridian and the Southeast Quarter of Section 31, Township 37 North, Range 10 East of the Third Principal Meridian, and also that part of Lots 3, 5 and 6 in Mid Northern Equities Resubdivision according to the Plat thereof recorded April 26, 2004 as document R2004-070593, in the Southeast Quarter of Section 31, Township 37 North, Range 10 East of the Third Principal Meridian, all in Will County, Illinois, described as follows:
Beginning at the most easterly southeast corner of said Lot 2 in Carillon Court Resubdivision; thence South 87 degrees 50 minutes 11 seconds West on a bearing based on the Illinois State Plane Coordinate System, NAD '83 (2011), East Zone, along a south line of said Lot 2, a distance of 44.21 feet; thence North 47 degrees 12 minutes 21 seconds East, 17.19 feet; thence North 66 degrees 48 minutes 19 seconds East, 17.77 feet; thence North 01 degree 22 minutes 31 seconds West, 415.30 feet to the north line of said Lot 3 in Mid Northern Equities Resubdivision; thence South 87 degrees 49 minutes 34 seconds West along said north line, 2.50 feet; thence 01 degree 22 minutes 31 seconds West, 644.02 feet to the northeast line of said Lot 7 in Carillon Court Resubdivision; thence South 44

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degrees 28 minutes 14 seconds East along said northeast line, 26.15 feet
to the east line of said Lot 7; thence South 01 degree 20 minutes 45
seconds East along the east line of said Lots, 1057.56 feet to the Point of
Beginning.
Said parcel containing 0.413 acres, more or less.
Route: I-55
Limits: at Weber Road
County: Will
Job No.: R-91-015-15
Parcel: 1LQ0006TE-A
Stations: 111+25.00 135th Access Road to 755+77.37 Weber Road
P.I.N.: 12-02-31-480-028; 12-02-31-480-031
That part of Lot 2 in Carillon Court Resubdivision, according to the Plat
thereof recorded March 7, 2002 as document R2002-39716, in the
Northeast Quarter of Section 6, Township 36 North, Range 10 East of the
Third Principal Meridian and the Southeast Quarter of Section 31,
Township 37 North, Range 10 East of the Third Principal Meridian, and
also that part of Lot 3 in Mid Northern Equities Resubdivision according
to the Plat thereof recorded April 26, 2004 as document R2004-070593, in
the Southeast Quarter of Section 31, Township 37 North, Range 10 East of
the Third Principal Meridian, all in Will County, Illinois, described as
follows:
Commencing at the most southerly southeast corner of said Lot 2 in
Carillon Court Resubdivision; thence North 01 degree 20 minutes 45
seconds West on a bearing based on the Illinois State Plane Coordinate
System, NAD ’83 (2011), East Zone, along an east line of said Lot 2, a
distance of 14.86 feet to the Point of Beginning; thence continuing North
01 degree 20 minutes 45 seconds West along said east line, 15.16 feet to a
south line of said Lot 2; thence North 87 degrees 50 minutes 11 seconds
East along said south line, 17.45 feet; thence North 01 degrees 22 minutes
21 seconds East, 17.19 feet; thence North 66 degrees 48 minutes 19
seconds East, 17.77 feet; thence North 01 degree 22 minutes 31 seconds
West, 352.36 feet; thence South 87 degrees 49 minutes 34 seconds West,
5.00 feet; thence South 01 degree 22 minutes 31 seconds East, 117.92 feet
to the south line of said Lot 3; thence South 86 degrees 13 minutes 49
seconds West along said south line, 2.50 feet; thence South 01 degree 22
minutes 31 seconds East, 228.75 feet; thence South 87 degrees 34 minutes
33 seconds West, 98.60 feet; thence South 02 degrees 24 minutes 15
seconds East, 25.05 feet; thence South 85 degrees 15 minutes 38 seconds

New matter indicated by italics - deletions by strikeout
West, 29.47 feet; thence North 72 degrees 02 minutes 52 seconds West, 16.02 feet; thence North 29 degrees 18 minutes 02 seconds West, 31.18 feet; thence North 02 degrees 11 minutes 02 seconds West, 72.58 feet; thence South 87 degrees 48 minutes 58 seconds West, 18.18 feet to the west line of said Lot 2; thence South 02 degrees 10 minutes 13 seconds East along said west line, 87.26 feet; thence South 18 degrees 50 minutes 13 seconds East along the westerly line of said Lot 2, a distance of 24.59 feet; thence North 61 degrees 37 minutes 49 seconds East, 17.80 feet to a 25.00 foot radius curve concave northeasterly; thence southeasterly 31.21 feet along said curve through a central angle of 71 degrees 31 minutes 33 seconds, the chord of said curve bears South 54 degrees 01 minute 41 seconds East, 29.22 feet; thence South 89 degrees 47 minutes 27 seconds East tangent to said curve, 81.40 feet; thence North 47 degrees 12 minutes 21 seconds East, 10.77 feet to the Point of Beginning.

Said parcel containing 0.198 acres, more or less.

Route: I-55
Limits: at Weber Road
County: Will
Job No.: R-91-015-15
Parcel: 1KR0006TE-B
Stations: 757+90.00 to 758+15.00
P.I.N.: 12-02-31-480-030

That part of Lot 5 in Mid Northern Equities Resubdivision, being a subdivision in the Southeast Quarter of Section 31, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded April 26, 2004 as document R2004-070593, in Will County, Illinois, described as follows:

Commencing at the southeast corner of said Lot 5; thence South 87 degree 49 minutes 34 seconds West on a bearing based on the Illinois State Plane Coordinate System, NAD '83 (2011), East Zone, along the south line of said Lot 5, a distance of 17.54 feet; thence North 01 degree 22 minutes 31 seconds West, 149.73 feet to the Point of Beginning; thence continuing North 01 degree 22 minutes 31 seconds West, 25.00 feet; thence South 88 degrees 37 minutes 29 seconds West, 20.00 feet; thence South 01 degree 22 minutes 31 seconds East, 25.00 feet; thence North 88 degrees 37 minutes 29 seconds East, 20.00 feet to the Point of Beginning.

Said parcel containing 0.011 acres, more or less.

Route: I-55
Limits: at Weber Road

New matter indicated by italics - deletions by strikeout
County: Will
Job No.: R-91-015-15
Parcel: 1LQ0006TE-C
Stations: 760+23.00 to 760+94.00
P.I.N.: 12-02-31-480-022; 12-02-31-480-029
That part of Lot 7 in Carillon Court Resubdivision, according to the Plat thereof recorded March 7, 2002 as document R2002-39716, in the Northeast Quarter of Section 6, Township 36 North, Range 10 East of the Third Principal Meridian and the Southeast Quarter of Section 31, Township 37 North, Range 10 East of the Third Principal Meridian, and also that part of Lot 6 in Mid Northern Equities Resubdivision according to the Plat thereof recorded April 26, 2004 as document R2004-070593, in the Southeast Quarter of Section 31, Township 37 North, Range 10 East of the Third Principal Meridian, Will County, Illinois, described as follows:
Commencing at the southeast corner of said Lot 7; thence South 88 degrees 39 minutes 15 seconds West on a bearing based on the Illinois State Plane Coordinate System, NAD ‘83 (2011), East Zone, along the south line of said Lot 7, a distance of 18.22 feet to the Point of Beginning; thence North 01 degree 22 minutes 31 seconds West, 34.48 feet; thence South 88 degrees 37 minutes 29 seconds West, 20.00 feet; thence South 01 degree 22 minutes 31 seconds East, 71.00 feet; thence North 88 degrees 37 minutes 29 seconds East, 20.00 feet; thence North 01 degrees 22 minutes 31 seconds West, 36.52 feet to the Point of Beginning.
Said parcel containing 0.033 acres, more or less.
Route: I-55
Limits: at Weber Road
County: Will
Job No.: R-91-015-15
Parcel: 1LQ0007
Stations: 747+00.00 Weber Road to 122+99.49 135th Street (Romeo Road)
P.I.N.: 11-04-05-100-001
That part of the West Half of the Northwest Quarter of Section 5, Township 36 North, Range 10 East of the Third Principal Meridian, all in Will County, Illinois, described as follows:
Beginning at the northwest corner of said Northwest Quarter; thence South 01 degree 26 minutes 26 seconds East on a bearing based on the Illinois State Plane Coordinate System, NAD ‘83 (2011), East Zone, along the west line of said Northwest Quarter, 448.18 feet; thence North 87

New matter indicated by italics - deletions by strikeout
degrees 53 minutes 23 seconds East, 33.00 feet to the east line of Weber Road; thence North 01 degree 26 minutes 26 seconds West long said east line, 378.41 feet; thence North 75 degrees 26 minutes 42 seconds East, 71.79 feet; thence North 87 degrees 19 minutes 44 seconds East, 322.68 feet; thence North 88 degrees 18 minutes 48 seconds East, 231.48 feet; thence North 88 degrees 13 minutes 49 seconds East, 19.98 feet; thence North 01 degree 46 minutes 12 seconds West, 16.40 feet to the south line of 135th Street (Romeo Road); thence continuing North 01 degree 46 minutes 12 seconds West, 33.00 feet to the north line of said Northwest Quarter of Section 5; thence South 88 degrees 11 minutes 32 seconds West along said north line, 676.71 feet to the Point of Beginning.

Said parcel containing 1.102 acres, more or less, of which 0.827 acres, more or less, has been previously dedicated or used as right of way.

Route: I-55
Limits: at Weber Road
County: Will
Job No.: R-91-015-15
Parcel: 1LQ0007PE
Stations: 747+00.00 to 750+99.46
P.I.N.: 11-04-05-100-001

That part of the West Half of the Northwest Quarter of Section 5, Township 36 North, Range 10 East of the Third Principal Meridian, all in Will County, Illinois, described as follows:

Commencing at the northwest corner of said Northwest Quarter; thence South 01 degree 26 minutes 26 seconds East on a bearing based on the Illinois State Plane Coordinate System, NAD '83 (2011), East Zone, along the west line of said Northwest Quarter, 448.18 feet; thence North 87 degrees 53 minutes 23 seconds East, 33.00 feet to the east line of Weber Road for a Point of Beginning; thence North 01 degree 26 minutes 26 seconds West along said east line, 378.41 feet; thence North 75 degrees 26 minutes 42 seconds East, 71.79 feet; thence North 87 degrees 19 minutes 44 seconds East, 139.66 feet; thence South 01 degree 44 minutes 16 seconds East, 395.23 feet; thence South 87 degrees 53 minutes 23 seconds West, 211.61 feet to the Point of Beginning.

Said parcel containing 1.894 acres, more or less.

Route: I-55
Limits: at Weber Road
County: Will
Job No.: R-91-015-15

New matter indicated by italics - deletions by strikeout
Parcel: 1LQ0007TE-A  
Stations: 729+00.00 to 747+00.00  
P.I.N.: 11-04-05-100-001  
That part of the West Half of the Northwest Quarter of Section 5, Township 36 North, Range 10 East of the Third Principal Meridian, all in Will County, Illinois, described as follows:  
Commencing at the northwest corner of said Northwest Quarter; thence South 01 degree 26 minutes 26 seconds East on a bearing based on the Illinois State Plane Coordinate System, NAD ’83 (2011), East Zone, along the west line of said Northwest Quarter, 448.18 feet; thence North 87 degrees 53 minutes 23 seconds East, 33.00 feet to the east line of Weber Road for a Point of Beginning; thence continuing North 87 degrees 53 minutes 23 seconds East, 15.00 feet; thence South 01 degree 21 minutes 41 seconds East, 844.27 feet; thence North 84 degrees 46 minutes 49 seconds East, 5.01 feet; thence South 01 degree 25 minutes 31 seconds East, 100.83 feet; thence North 85 degrees 08 minutes 10 seconds East, 10.02 feet; thence South 01 degree 25 minutes 43 seconds East, 302.25 feet; thence South 86 degrees 12 minutes 13 seconds West, 10.01 feet; thence South 01 degree 25 minutes 45 seconds East, 150.74 feet; thence South 86 degrees 39 minutes 42 seconds West, 5.00 feet; thence South 01 degree 25 minutes 45 seconds East, 401.13 feet; thence South 87 degrees 31 minutes 13 seconds West, 13.64 feet to said east line of Weber Road; thence North 01 degree 26 minutes 26 seconds West along said east line, 1,798.93 feet to the Point of Beginning.  
Said parcel containing 0.713 acres, more or less.  
Route: I-55  
Limits: at Weber Road  
County: Will  
Job No.: R-91-015-15  
Parcel: 1LQ0007TE-B  
Stations: 122+99.49 to 125+50.00  
P.I.N.: 11-04-05-100-001  
That part of the West Half of the Northwest Quarter of Section 5, Township 36 North, Range 10 East of the Third Principal Meridian, all in Will County, Illinois, described as follows:  
Commencing at the northwest corner of said Northwest Quarter; thence North 88 degrees 11 minutes 32 seconds East on a bearing based on the Illinois State Plane Coordinate System, NAD ’83 (2011), East Zone, along the north line of said Northwest Quarter, 676.71 feet; thence South 01...
degree 46 minutes 12 seconds East, 33.00 feet to the south line of 135th Street (Romeo Road) for a Point of Beginning; thence continuing South 01 degree 46 minutes 12 seconds East, 17.40 feet; thence North 88 degrees 13 minutes 48 seconds East, 250.51 feet; thence North 01 degree 46 minutes 12 seconds West, 17.56 feet to said south line of 135th Street (Romeo Road); thence South 88 degrees 11 minutes 32 seconds West along said south line, 250.51 feet to the Point of Beginning.

Said parcel containing 0.101 acres, more or less.

Route: I-55
Limits: at Weber Road
County: Will
Job No.: R-91-015-15
Parcel: 1LQ0008
Stations: 122+67.35 135th Street to 759+12.00 Weber Road
P.I.N.: 12-02-32-303-043; 12-02-32-303-044

That part of Lot 3 in Fairfield Meadows, being a subdivision in the West Half of Section 32, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded June 11, 1998 as document R98-66945, in Will County, Illinois, described as follows:

Beginning at the most westerly southwest corner of said Lot 3; thence North 01 degree 20 minutes 45 seconds West on a bearing based on the Illinois State Plane Coordinate System, NAD '83 (2011), East Zone, along the west line of said Lot 3, a distance of 681.31 feet; thence North 88 degrees 39 minutes 15 seconds East, 22.32 feet; thence South 01 degree 22 minutes 31 seconds East, 665.86 feet; thence South 41 degrees 48 minutes 21 seconds East, 48.17 feet; thence North 87 degrees 19 minutes 46 seconds East, 403.44 feet; thence South 87 degrees 38 minutes 04 seconds East, 221.24 feet to the southeast corner of said Lot 3; thence South 88 degrees 11 minutes 32 seconds West along the south line of said Lot 3, a distance of 650.08 feet to the southwest line of said Lot 3; thence North 43 degrees 00 minutes 02 seconds West along said southwest line, 42.08 feet to the Point of Beginning.

Said parcel containing 0.540 acres, more or less.

Route: I-55
Limits: at Weber Road
County: Will
Job No.: R-91-015-15
Parcel: 1LQ0008TE-A

New matter indicated by italics - deletions by strikeout
Stations: 117+35.00 135th Street (Romeo Road) to 759+11.99 Weber Road
P.I.N.: 12-02-32-303-044
That part of Lot 3 in Fairfield Meadows, being a subdivision in the West Half of Section 32, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded June 11, 1998 as document R98-66945, in Will County, Illinois, described as follows:
Commencing at the most westerly southwest corner of said Lot 3; thence North 01 degree 20 minutes 45 seconds West on a bearing based on the Illinois State Plane Coordinate System, NAD '83 (2011), East Zone, along the west line of said Lot 3, a distance of 681.31 feet; thence North 88 degrees 39 minutes 15 seconds East, 22.32 feet for a Point of Beginning; thence South 01 degree 22 minutes 31 seconds East, 665.86 feet; thence South 41 degrees 48 minutes 21 seconds East, 48.17 feet; thence North 87 degrees 19 minutes 46 seconds East, 90.86 feet; thence North 02 degrees 37 minutes 17 seconds West, 5.27 feet; thence South 87 degrees 22 minutes 43 seconds West, 85.04 feet; thence North 25 degrees 38 minutes 04 seconds West, 65.56 feet; thence North 01 degree 25 minutes 26 seconds West, 637.28 feet; thence South 88 degrees 39 minutes 15 seconds West, 9.46 feet to the Point of Beginning.
Said parcel containing 0.176 acres, more or less.
Route: I-55
Limits: at Weber Road
County: Will
Job No.: R-91-015-15
Parcel: 1LQ0008TE-B
Stations: 119+15.00 to 119+70.00
P.I.N.: 12-02-32-303-043
That part of Lot 3 in Fairfield Meadows, being a subdivision in the West Half of Section 32, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded June 11, 1998 as document R98-66945, in Will County, Illinois, described as follows:
Commencing at the most westerly southwest corner of said Lot 3; thence North 01 degree 20 minutes 45 seconds West on a bearing based on the Illinois State Plane Coordinate System, NAD '83 (2011), East Zone, along the west line of said Lot 3, a distance of 681.31 feet; thence North 88 degrees 39 minutes 15 seconds East, 22.32 feet for a Point of Beginning; thence South 01 degree 22 minutes 31 seconds East, 665.86 feet; thence South 41 degrees 48 minutes 21 seconds East, 48.17 feet; thence North 87 degrees 19 minutes 46 seconds East, 90.86 feet; thence North 02 degrees 37 minutes 17 seconds West, 5.27 feet; thence South 87 degrees 22 minutes 43 seconds West, 85.04 feet; thence North 25 degrees 38 minutes 04 seconds West, 65.56 feet; thence North 01 degree 25 minutes 26 seconds West, 637.28 feet; thence South 88 degrees 39 minutes 15 seconds West, 9.46 feet to the Point of Beginning.
Said parcel containing 0.176 acres, more or less.

New matter indicated by italics - deletions by strikeout
46 seconds East, 270.86 feet to the Point of Beginning; thence continuing North 87 degrees 19 minutes 46 seconds East, 55.00 feet; thence North 02 degrees 37 minutes 17 seconds West, 30.07 feet; thence South 87 degrees 22 minutes 43 seconds West, 55.00 feet; thence South 02 degrees 37 minutes 17 seconds East, 30.11 feet to the Point of Beginning.
Said parcel containing 0.038 acres, more or less.
Route: I-55
Limits: at Weber Road
County: Will
Job No.: R-91-015-15
Parcel: 1LQ0008TE-C
Stations: 120+74.58 to 122+32.56
P.I.N.: 12-02-32-303-043

That part of Lot 3 in Fairfield Meadows, being a subdivision in the West Half of Section 32, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded June 11, 1998 as document R98-66945, in Will County, Illinois, described as follows:
Commencing at the most westerly southwest corner of said Lot 3; thence North 01 degree 20 minutes 45 seconds West on a bearing based on the Illinois State Plane Coordinate System, NAD '83 (2011), East Zone, along the west line of said Lot 3, a distance of 681.31 feet; thence North 88 degrees 39 minutes 15 seconds East, 22.32 feet; thence South 01 degree 22 minutes 31 seconds East, 665.86 feet; thence South 41 degrees 48 minutes 21 seconds East, 48.17 feet; thence North 87 degrees 19 minutes 46 seconds East, 403.44 feet; thence South 87 degrees 38 minutes 04 seconds East, 27.96 feet to the Point of Beginning; thence continuing South 87 degrees 38 minutes 04 seconds East, 158.40 feet; thence North 01 degree 41 minutes 12 seconds West, 23.18 feet; thence South 88 degrees 18 minutes 48 seconds West, 158.00 feet; thence South 01 degree 41 minutes 12 seconds East, 11.99 feet to the Point of Beginning.
Said parcel containing 0.064 acres, more or less.
Route: I-55
Limits: at Weber Road
County: Will
Job No.: R-91-015-15
Parcel: 1LQ0009
Stations: 759+11.99 to 760+98.69
P.I.N.: 12-02-32-303-033; 12-02-32-303-034

New matter indicated by italics - deletions by strikeout
That part of Lot 3 in Fairfield Meadows, being a subdivision in the West Half of Section 32, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded June 11, 1998 as document R98-066945, in Will County, Illinois, described as follows:
Commencing at the most westerly northwest corner of said Lot 3; thence South 01 degree 20 minutes 45 seconds East on a bearing based on the Illinois State Plane Coordinate System, NAD '83 (2011), East Zone, along the west line of said Lot 3, a distance of 355.79 feet to the Point of Beginning; thence North 88 degrees 39 minutes 15 seconds East, 22.22 feet; thence South 01 degree 22 minutes 31 seconds East, 186.69 feet; thence South 88 degrees 39 minutes 15 seconds West, 22.32 feet to said west line of Lot 3; thence North 01 degree 20 minutes 45 seconds West along said west line, 186.69 feet to the Point of Beginning.
Said parcel containing 0.095 acres, more or less.
Route: I-55
Limits: at Weber Road
County: Will
Job No.: R-91-015-15
Parcel: 1LQ0009TE
Stations: 759+11.99 to 760+98.68
P.I.N.: 12-02-32-303-033; 12-02-32-303-034

That part of Lot 3 in Fairfield Meadows, being a subdivision in the West Half of Section 32, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded June 11, 1998 as document R98-066945, in Will County, Illinois, described as follows:
Commencing at the most westerly northwest corner of said Lot 3; thence South 01 degree 20 minutes 45 seconds East on a bearing based on the Illinois State Plane Coordinate System, NAD '83 (2011), East Zone, along the west line of said Lot 3, a distance of 355.79 feet; thence North 88 degrees 39 minutes 15 seconds East, 22.22 feet to the Point of Beginning; thence South 01 degree 22 minutes 31 seconds East, 186.69 feet; thence North 88 degrees 39 minutes 15 seconds East, 9.46 feet; thence North 01 degree 25 minutes 26 seconds West, 186.69 feet; thence South 88 degrees 39 minutes 15 seconds West, 9.30 feet to the Point of Beginning.
Said parcel containing 0.040 acres, more or less.
Route: I-55
Limits: at Weber Road
County: Will
Job No.: R-91-015-15

New matter indicated by italics - deletions by strikeout
Parcel: 1LQ0010
Stations: 760+98.68 to 764+84.25
P.I.N.: 12-02-32-303-045
That part of Lot 3 in Fairfield Meadows, being a subdivision in the West Half of Section 32, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded June 11, 1998 as document R98-066945, in Will County, Illinois, described as follows:
Beginning at the most westerly northwest corner of said Lot 3; thence South 01 degree 20 minutes 45 seconds East on a bearing based on the Illinois State Plane Coordinate System, NAD '83 (2011), East Zone, along the west line of said Lot 3, a distance of 355.79 feet; thence North 88 degrees 39 minutes 15 seconds East, 22.22 feet; thence North 00 degrees 47 minutes 07 seconds West, 194.09 feet; thence North 01 degree 29 minutes 25 seconds West to a tangential curve concave southeasterly having a radius of 40.42 feet; thence northeasterly 52.92 feet along said curve through a central angle of 75 degrees 01 minutes 08 seconds, the chord of said curve bears North 36 degrees 01 minute 10 seconds East, 49.22 feet; thence North 73 degrees 32 minutes 10 seconds East tangent to said curve, 44.85 feet; thence North 01 degree 50 minutes 45 seconds West, 9.56 feet to the north line of said Lot 3; thence South 88 degrees 11 minutes 32 seconds West along said north line, 66.88 feet to the northwest line of said Lot 3; thence South 43 degrees 25 minutes 24 seconds West along said northwest line, 42.60 feet to the Point of Beginning.
Said parcel containing 0.235 acres, more or less.
Route: I-55
Limits: at Weber Road
County: Will
Job No.: R-91-015-15
Parcel: 1LQ0010PE
Stations: 236+24.79 to 239+12.35
P.I.N.: 12-02-32-303-045
That part of Lot 3 in Fairfield Meadows, being a subdivision in the West Half of Section 32, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded June 11, 1998 as document R98-066945, in Will County, Illinois, described as follows:
Beginning at the northwest corner of Lot 1 in Dalrymple Subdivision of part of Lot 3 in said Fairfield Meadows, recorded October 25, 2006 as document R2006-178269; thence South 01 degree 20 minutes 45 seconds

New matter indicated by italics - deletions by strikeout
East on a bearing based on the Illinois State Plane Coordinate System, NAD '83 (2011), East Zone, along the west line of said Lot 1, a distance of 18.54 feet; thence South 88 degrees 11 minutes 19 seconds West, 287.41 feet; thence North 73 degrees 32 minutes 10 seconds East, 35.59 feet; thence North 01 degree 50 minutes 45 seconds West, 9.56 feet to the north line of said Lot 3; thence North 88 degrees 11 minutes 32 seconds East along said north line, 253.13 feet to the Point of Beginning.
Said parcel containing 0.111 acres, more or less.

Route: I-55
Limits: at Weber Road
County: Will
Job No.: R-91-015-15
Parcel: 1LQ0010TE
Stations: 760+98.68 to 764+47.55
P.I.N.: 12-02-32-303-045

That part of Lot 3 in Fairfield Meadows, being a subdivision in the West Half of Section 32, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded June 11, 1998 as document R98-066945, in Will County, Illinois, described as follows:
Commencing at the most westerly northwest corner of said Lot 3; thence South 01 degree 20 minutes 45 seconds East on a bearing based on the Illinois State Plane Coordinate System, NAD '83 (2011), East Zone, along the west line of said Lot 3, a distance of 355.79 feet; thence North 88 degrees 39 minutes 15 seconds East, 22.22 feet to the Point of Beginning; thence North 00 degrees 47 minutes 07 seconds West, 194.09 feet; thence North 01 degree 29 minutes 25 seconds West, 132.12 feet to a tangential curve concave southeasterly having a radius of 40.42 feet; thence northeasterly 24.71 feet along said curve through a central angle of 35 degrees 01 minute 18 seconds, the chord of said curve bears North 16 degrees 01 minute 06 seconds East, 24.32 feet; thence South 01 degree 25 minutes 26 seconds East, 349.41 feet; thence South 88 degrees 39 minutes 15 seconds West, 9.30 feet to the Point of Beginning.
Said parcel containing 0.061 acres, more or less.

Route: I-55
Limits: at Weber Road
County: Will
Job No.: R-91-015-15
Parcel: 1LQ0011
Stations: 765+54.17 to 767+74.16

New matter indicated by italics - deletions by strikeout
That part of Lot 4 in Fairfield Meadows, being a subdivision in the West Half of Section 32, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded June 11, 1998 as document R98-066945, in Will County, Illinois, described as follows:
Beginning at the northwest corner of said Lot 4; thence North 88 degrees 11 minutes 32 seconds East on a bearing based on the Illinois State Plane Coordinate System, NAD '83 (2011), East Zone, along the north line of said Lot 4, a distance of 13.79 feet; thence South 07 degrees 38 minutes 34 seconds East, 183.23 feet; thence South 51 degrees 56 minutes 39 seconds East, 42.56 feet; thence South 01 degree 50 minutes 45 seconds East, 10.43 feet to the south line of said Lot 4; thence South 88 degrees 11 minutes 32 seconds West along said south line, 41.87 feet to the southwest line of said Lot 4; thence North 46 degrees 34 minutes 36 seconds West along said southwest line, 35.21 feet to the west line of said Lot 4; thence North 01 degree 20 minutes 45 seconds West along said west line, 195.01 feet to the Point of Beginning.
Said parcel containing 0.140 acres, more or less.

Route: I-55
Limits: at Weber Road
County: Will
Job No.: R-91-015-15
Parcel: 11Q0011PE
Stations: 236+16.59 to 238+53.09

That part of Lot 4 in Fairfield Meadows, being a subdivision in the West Half of Section 32, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded June 11, 1998 as document R98-066945, in Will County, Illinois, described as follows:
Beginning at the most southerly southeast corner of said Lot 4; thence North 01 degree 20 minutes 45 seconds West on a bearing based on the Illinois State Plane Coordinate System, NAD '83 (2011), East Zone, along the west line of the east 10.00 feet of said Lot 4, being the west line of an easement for roadway granted by said Fairfield Meadows, a distance of 21.45 feet; thence South 88 degrees 11 minutes 19 seconds West, 236.50 feet; thence South 51 degrees 56 minutes 39 seconds East, 17.17 feet; thence South 01 degree 50 minutes 45 seconds East, 10.43 feet to the south line of said Lot 4; thence North 88 degrees 11 minutes 32 seconds East along said south line, 223.14 feet to the Point of Beginning.

New matter indicated by italics - deletions by strikeout
Said parcel containing 0.112 acres, more or less.
Route: I-55
Limits: at Weber Road
County: Will
Job No.: R-91-015-15
Parcel: 1LQ0011ITE
Stations: 765+90.93 to 767+74.18
P.I.N.: 12-02-32-301-002

That part of Lot 4 in Fairfield Meadows, being a subdivision in the West Half of Section 32, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded June 11, 1998 as document R98-066945, in Will County, Illinois, described as follows:
Commencing at the northwest corner of said Lot 4; thence North 88 degrees 11 minutes 32 seconds East on a bearing based on the Illinois State Plane Coordinate System, NAD '83 (2011), East Zone, along the north line of said Lot 4, a distance of 13.79 feet to the Point of Beginning; thence South 07 degrees 38 minutes 34 seconds East, 183.23 feet; thence South 51 degrees 56 minutes 39 seconds East, 1.51 feet; thence North 01 degree 44 minutes 31 seconds West, 183.25 feet to the north line of said Lot 4; thence South 88 degrees 11 minutes 32 seconds West along said north line, 20.00 feet to the Point of Beginning.
Said parcel containing 0.044 acres, more or less.
Route: I-55
Limits: at Weber Road
County: Will
Job No.: R-91-015-15
Parcel: 1LQ0012
Stations: 767+74.15 to 778+04.87
P.I.N.: 12-02-32-301-001

That part of Lot 1 in Fairfield Meadows, being a subdivision in the West Half of Section 32, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded June 11, 1998 as document R98-066945, in Will County, Illinois, described as follows:
Beginning at the southwest corner of said Lot 1; thence North 88 degrees 11 minutes 32 seconds East on a bearing based on the Illinois State Plane Coordinate System, NAD '83 (2011), East Zone, along the south line of said Lot 1, a distance of 13.79 feet; thence North 01 degree 44 minutes 31 seconds West, 304.00 feet; thence North 00 degrees 46 minutes 59 seconds West, 725.54 feet to the north line of said Lot 1; thence South 88 degrees

New matter indicated by italics - deletions by strikeout
23 minutes 52 seconds West along said north line, 18.81 feet to the west line of said Lot 1; thence South 01 degree 20 minutes 45 seconds East along said west line, 1029.52 feet to the Point of Beginning.  
Said parcel containing 0.343 acres, more or less.
Route: I-55  
Limits: at Weber Road  
County: Will  
Job No.: R-91-015-15  
Parcel: 1LQ0012TE  
Stations: 767+74.16 to 778+06.15  
P.I.N.: 12-02-32-301-001  

That part of Lot 1 in Fairfield Meadows, being a subdivision in the West Half of Section 32, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded June 11, 1998 as document R98-066945, in Will County, Illinois, described as follows:  
Commencing at the southwest corner of said Lot 1; thence North 88 degrees 11 minutes 32 seconds East on a bearing based on the Illinois State Plane Coordinate System, NAD '83 (2011), East Zone, along the south line of said Lot 1, a distance of 13.79 feet for a Point of Beginning; thence North 01 degree 44 minutes 31 seconds West, 304.00 feet; thence North 00 degrees 46 minutes 59 seconds West, 725.54 feet to the north line of said Lot 1; thence North 88 degrees 23 minutes 52 seconds East along said north line, 90.01 feet; thence South 00 degrees 46 minutes 59 seconds East, 71.15 feet; thence South 89 degrees 13 minutes 01 second West, 65.00 feet; thence South 00 degrees 46 minutes 59 seconds East, 535.00 feet; thence South 89 degrees 13 minutes 01 second West, 5.00 feet; thence South 00 degrees 46 minutes 59 seconds East, 120.50 feet; thence South 01 degree 44 minutes 31 seconds East, 26.50 feet; thence South 87 degrees 55 minutes 05 seconds East, 24.02 feet; thence South 01 degree 52 minutes 13 seconds West, 10.00 feet; thence North 87 degrees 55 minutes 05 seconds West, 23.39 feet; thence South 01 degree 44 minutes 31 seconds East, 217.16 feet; thence North 70 degrees 47 minutes 46 seconds East, 34.85 feet; thence South 19 degrees 12 minutes 14 seconds East, 10.00 feet; thence South 70 degrees 47 minutes 46 seconds West, 37.99 feet; thence South 01 degree 44 minutes 31 seconds East, 39.64 feet to said south line of Lot 1; thence South 88 degrees 11 minutes 32 seconds West along said south line, 20.00 feet to the Point of Beginning.  
Said parcel containing 0.661 acres, more or less.
Route: I-55  

New matter indicated by italics - deletions by strikeout
Lot 8 in Weber and Normantown 2nd Resubdivision, being a resubdivision of Lot 1 in Weber and Normantown subdivision, and of revised Lot 2 in the resubdivision of Lots 2 and 3 Weber and Normantown Subdivision, all in part of the Southwest Quarter of Section 29 and part of the Northwest Quarter of Section 32, Township 37 North, Range 10 East of the Third Principal Meridian, according to the Plat thereof recorded June 18, 1999 as document number R99-76929, in Will County, Illinois. Said parcel containing 1.102 acres, more or less.

That part of Lot 7 in Normantown Center, being a subdivision of part of the Southwest Quarter of Section 29 and the Northwest Quarter of Section 32, Township 37 North, Range 10 East of the Third Principal Meridian, according to the Final Plat of Subdivision recorded May 13, 2003 as document R2003-110091, in Will County, Illinois described as follows:

Commencing at the most westerly southwest corner of said Lot 7; thence North 88 degrees 23 minutes 52 seconds East on a bearing based on the Illinois State Plane Coordinate System, NAD '83 (2011), East Zone, along a south line of said Lot 7, a distance of 25.00 feet to the east line of property dedicated by document R2003-052589, recorded March 7, 2003 for a Point of Beginning; thence continuing North 88 degrees 23 minutes 52 seconds East along said south line, 19.78 feet; thence North 00 degrees 46 minutes 59 seconds West, 344.67 feet; thence South 89 degrees 13 minutes 01 second West, 23.19 feet to said east line of property dedicated by document R2003-052589; thence South 01 degree 20 minutes 59 seconds East along said east line, 344.97 feet to the Point of Beginning. Said parcel containing 0.170 acres, more or less.

New matter indicated by italics - deletions by strikeout
Route: I-55  
Limits: at Weber Road  
County: Will  
Job No.: R-91-015-15  
Parcel: 1LQ0014B  
Stations: 786+00.00 to 792+42.41  
P.I.N.: 12-02-32-102-020  
That part of Lot 7 in Normantown Center, being a subdivision of part of the Southwest Quarter of Section 29 and the Northwest Quarter of Section 32, Township 37 North, Range 10 East of the Third Principal Meridian, according to the Final Plat of Subdivision recorded May 13, 2003 as document R2003-110091, in Will County, Illinois described as follows:  
Commencing at the most westerly northwest corner of said Lot 7; thence North 89 degrees 34 minutes 43 seconds East on a bearing based on the Illinois State Plane Coordinate System, NAD '83 (2011), East Zone, along a north line of said Lot 7, a distance of 22.24 feet to the east line of property dedicated by document R2003-052589, recorded March 7, 2003 for a Point of Beginning; thence continuing North 89 degrees 34 minutes 43 seconds East along said north line, 11.76 feet; thence South 01 degree 20 minutes 59 seconds East, 443.14 feet; thence South 01 degree 59 minutes 12 seconds West, 200.23 feet to said east line of property dedicated by document R2003-052589; thence North 01 degree 20 minutes 59 seconds West along said east line, 643.22 feet to the Point of Beginning.  
Said parcel containing 0.146 acres, more or less.

Route: I-55  
Limits: at Weber Road  
County: Will  
Job No.: R-91-015-15  
Parcel: 1LQ0018A  
Stations: 762+54.51 to 764+29.17  
P.I.N.: 12-02-31-480-004  
That part of Parcel 34 in Carillon Phase 1A, being a subdivision of part of the South Half of Section 31, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded July 20, 1989 as document R89-35486, and the Certificate of Correction recorded August 18, 1989 as document R89-41377 and the Certificate of Correction recorded March 28, 1990 as document R90-15896, in Will County, Illinois, described as follows:

New matter indicated by italics - deletions by strikeout
Beginning at the most easterly northeast corner of Parcel 34; thence North 51 degrees 26 minutes 52 seconds West on a bearing based on the Illinois State Plane Coordinate System, NAD '83 (2011), East Zone, along the northeast line of said Parcel 34, a distance of 37.57 feet; thence South 01 degree 44 minutes 31 seconds East, 136.36 feet; thence South 01 degree 22 minutes 31 seconds East, 7.98 feet to the northeast line of Lot 7 in Carillon Court Resubdivision, recorded March 7, 2002 as document R2002-039716; thence South 44 degrees 28 minutes 14 seconds East along said southeast line, 40.78 to the east line of said Parcel 34; thence North 01 degree 20 minutes 45 seconds West along said east line, 150.00 feet to the Point of Beginning.
Said parcel containing 0.095 acres, more or less.
Route: I-55
Limits: at Weber Road
County: Will
Job No.: R-91-015-15
Parcel: 1LQ0018B
Stations: 766+03.52 to 767+71.86
P.I.N.: 12-02-31-411-077
That part of the South Half of Section 31, Township 37 North, Range 10 East of the Third Principal Meridian, lying north of North Carillon Drive in Carillon Phase 1A, being a subdivision of part of the South Half of Section 31, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded July 20, 1989 as document R89-35486, and the Certificate of Correction recorded August 18, 1989 as document R89-41377 and the Certificate of Correction recorded March 28, 1990 as document R90-15896, and lying south of Carillon Parcel 35 Subdivision recorded July 7, 1999 as document R99-084509, in Will County, Illinois, described as follows:
Beginning at the intersection of the most northerly line of said North Carillon Drive and the west line of Weber Road; thence North 01 degree 20 minutes 45 seconds West on a bearing based on the Illinois State Plane Coordinate System, NAD '83 (2011), East Zone, along said west line of Weber Road, 133.26 feet to the northeasterly extension of the southeast line of Lot G in said Carillon Parcel 35 Subdivision; thence South 41 degrees 38 minutes 50 seconds West along said line, 67.24 feet; thence South 01 degree 44 minutes 31 seconds East, 119.47 to said northerly line of North Carillon Drive; thence North 50 degrees 29 minutes 01 second East along said northerly line, 57.27 feet to the Point of Beginning.
Said parcel containing 0.132 acres, more or less.

Route: I-55

Limits: at Weber Road

County: Will

Job No.: R-91-015-15

Parcel: 1LQ0018TE

Stations: 227+00.00 to 234+53.59

P.I.N.: 12-02-31-411-001

That part of North Carillon Drive in Carillon Phase 1A, being a subdivision of part of the South Half of Section 31, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded July 20, 1989 as document R89-35486, and the Certificate of Correction recorded August 18, 1989 as document R89-41377 and the Certificate of Correction recorded March 28, 1990 as document R90-15896, in Will County, Illinois, described as follows:

Beginning at the most easterly northeast corner of Parcel 34, being also the intersection of the southerly line of North Carillon Drive and the west line of Weber Road; thence North 51 degrees 26 minutes 52 seconds West on a bearing based on the Illinois State Plane Coordinate System, NAD '83 (2011), East Zone, along the northeast line of said Parcel 34 and the southerly line of said North Carillon Drive, 37.57 feet; thence South 01 degree 44 minutes 31 seconds East, 136.36 feet; thence South 01 degree 22 minutes 31 seconds East, 7.98 feet to the northeast line of Lot 7 in Carillon Court Subdivision, recorded March 7, 2002 as document R2002-039716; thence North 44 degrees 28 minutes 14 seconds West along said northeast line, 8.78 feet; thence North 01 degree 31 minutes 33 seconds West, 133.72 feet; thence North 43 degrees 53 minutes 25 seconds West, 13.22 feet; thence South 88 degrees 24 minutes 19 seconds West, 116.98 feet; thence North 01 degree 37 minutes 39 seconds West, 15.00 feet; thence South 88 degrees 22 minutes 21 seconds West, 108.19 feet; thence North 02 degrees 09 minutes 59 seconds West, 13.75 feet to the north line of said Parcel 34 and south line of said North Carillon Drive being a 1982.12 foot radius curve concave southerly; thence westerly 57.02 feet along said line through a central angle of 01 degree 38 minutes 54 seconds, the chord of said curve bears South 86 degrees 41 minutes 06 seconds West, 57.02 feet; thence North 03 degrees 18 minutes 44 seconds West, 16.31 feet to a 1610.00 foot radius curve concave southerly; thence westerly 316.62 feet along said curve through a central angle of 11 degrees 16 minutes 03 seconds, the chord of said curve bears South 80
degrees 17 minutes 51 seconds West, 316.11 feet; thence North 15 degrees 20 minutes 11 seconds West, 5.00 feet; thence South 74 degrees 34 minutes 12 seconds West, 99.94 feet; thence North 15 degrees 25 minutes 52 seconds West, 85.82 feet; thence North 74 degrees 26 minutes 37 seconds East, 18.37 feet to a 2082.12 foot radius curve concave southerly; thence easterly 416.35 feet along said curve through a central angle of 11 degrees 27 minutes 26 seconds, the chord of said curve bears North 80 degrees 10 minutes 20 seconds East, 415.66 feet; thence North 03 degrees 18 minutes 44 seconds West, 40.00 feet to the south line of Lot F in Carillon Parcel 35 Subdivision, recorded July 7, 1999 as document R99-084509; thence South 01 degree 53 minutes 21 seconds East, 420.43 feet; thence South 88 degrees 29 minutes 14 seconds East, 88.97 feet; thence South 01 degree 44 minutes 31 seconds East, 21.48 feet to the northerly line of said North Carillon Drive; thence North 50 degrees 29 minutes 01 second East along said northerly line, 57.28 feet to the west line of Weber Road per said Carillon Phase 1A; thence South 01 degree 20 minutes 45 seconds East along said west line, 233.74 feet to the Point of Beginning.

Said parcel containing 2.102 acres, more or less.

Route: I-55
Limits: at Weber Road
County: Will
Job No.: R-91-015-15
Parcel: 1LQ0019
Stations: 767+23.00 to 783+40.98

That part of Lots G, H, I, L, M, N, Q, R, X and Y in Carillon Parcel 35, being a subdivision of part of Section 31, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded July 7, 1999 as document R99-084509, Will County, Illinois described as follows:

Beginning at the most easterly southeast corner of said Lot G; thence North 01 degree 20 minutes 45 seconds West on a bearing based on the Illinois State Plane Coordinate System, NAD '83 (2011), East Zone, along the east line of Carillon Parcel 35 Subdivision, a distance of 1042.53 feet to a 17,307.74 foot radius curve concave easterly; thence northerly 538.34

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feet along said east line and curve through a central angle of 01 degree 46
minutes 56 seconds, the chord of said curve bears North 00 degrees 27
minutes 17 seconds West, 538.32 feet to the northerly line of said Carillon
Parcel 35; thence South 67 degrees 54 minutes 02 seconds West along
said northerly line, 20.71 feet; thence South 00 degrees 46 minutes 59
seconds East, 233.44 feet; thence South 07 degrees 44 minutes 52 seconds
West, 101.12 feet; thence South 06 degrees 32 minutes 19 seconds East,
199.43 feet to the south line of the northeast Quarter of said Section 31;
thence South 00 degrees 46 minutes 59 seconds East, 401.57 feet; thence
South 02 degrees 55 minutes 37 seconds West, 250.53 feet; thence South
01 degree 44 minutes 33 seconds East, 351.60 feet; thence South 88
degrees 15 minutes 29 seconds West, 5.00 feet; thence South 01 degree 44
minutes 31 seconds East, 77.01 feet to the southeasterly line of said
Carillon Parcel 35 Subdivision; thence North 41 degrees 38 minutes 50
seconds East along said southeasterly line, 52.58 feet to the Point of
Beginning.
Said parcel containing 0.814 acres, more or less.
Route: I-55
Limits: at Weber Road
County: Will
Job No.: R-91-015-15
Parcel: 1LQ0020
Stations: 783+33.45 to 785+80.30
P.I.N.: 12-02-31-200-01

That part of Section 31, Township 37 North, Range 10 East of the Third
Principal Meridian, Will County, Illinois described as follows:
Beginning at the northeast corner of parcel conveyed by document R94-
26594, recorded March 9, 1994, being also the intersection of the west
line of Weber Road per document R80-33643 and the easterly extension of
the northerly line of Lot Y in Carillon Parcel 35 Subdivision, recorded
July 7, 1999 as document R1999-084509; thence South 67 degrees 54
minutes 02 seconds West on a bearing based on the Illinois State Plane
Coordinate System, NAD '83 (2011), East Zone along said easterly
extension and northerly line, 31.53 feet; thence North 00 degrees 46
minutes 59 seconds West, 238.69 feet to the southerly line of Lot 5 in
Windham Lakes Southwest, recorded July 6, 2006 as document R2006-
109671; thence North 75 degrees 14 minutes 45 seconds East along said
southerly line and the easterly extension thereof, 33.83 feet to said west
line of Weber Road, being a 17158.54 foot radius curve concave easterly;

New matter indicated by italics - deletions by strikeout
thence southerly 235.42 feet along said curve through a central angle of 00 degrees 47 minutes 10 seconds, the chord of said curve bears South 00 degrees 03 minutes 25 seconds West, 235.42 feet to the Point of Beginning.

Said parcel containing 0.170 acres, more or less.

Route: I-55
Limits: at Weber Road
County: Will
Job No.: R-91-015-15
Parcel: 1LQ0021
Stations: 785+72.14 to 790+76.00
P.I.N.: 12-02-31-202-003

That part of Lot 5 in Windham Lakes Southwest, being a subdivision in Section 31, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded July 6, 2006 as document R2006-109671, in Will County, Illinois described as follows:

Beginning at the most easterly northot 5; thence North 51 degrees 42 minutes 07 seconds West on a bearing based on the Illinois State Plane Coordinate System, NAD '83 (2011), East Zone, along the northeasterly line of said Lot 5, a distance of 18.38 feet; thence South 05 degrees 16 minutes 18 seconds West, 76.52 feet; thence South 01 degree 24 minutes 47 seconds East, 145.65 feet; thence South 00 degrees 46 minutes 59 seconds East, 53.25 feet; thence South 05 degrees 04 minutes 20 seconds East, 200.56 feet; thence South 00 degrees 46 minutes 59 seconds East, 27.87 feet to the southerly line of said Lot 5; thence North 75 degrees 14 minutes 45 seconds East along said southerly line, 8.01 feet to the east line of said Lot 5, being a 17,133.54 foot radius curve concave easterly; thence northerly 309.59 feet along said curve through a central angle of 01 degree 02 minutes 07 seconds, the chord of said curve bears North 00 degrees 49 minutes 56 seconds West, 309.58 feet; thence North 01 degree 20 minutes 59 seconds West tangent to said curve along said east line, 179.76 feet to the Point of Beginning.

Said parcel containing 0.212 acres, more or less.

Route: I-55
Limits: at Weber Road
County: Will
Job No.: R-91-015-15
Parcel: 1LQ0065PE
Stations: 239+12.20 to 239+65.00

New matter indicated by italics - deletions by strikeout
P.I.N.: 12-02-32-303-041
That part of Lot 1 in Dalrymple Resubdivision, being a subdivision in the West Half of Section 32, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded October 25, 2006 as document R2006-178269, in Will County, Illinois, described as follows:
Beginning at the northwest corner of said Lot 1; thence South 01 degree 20 minutes 45 seconds East on a bearing based on the Illinois State Plane Coordinate System, NAD '83 (2011), East Zone, along the west line of said Lot 1, a distance of 18.54 feet; thence North 88 degrees 11 minutes 19 seconds East, 22.80 feet; thence North 61 degrees 37 minutes 24 seconds East, 11.18 feet; thence North 88 degrees 11 minutes 19 seconds East, 20.00 feet; thence North 01 degree 48 minutes 41 seconds West, 13.54 feet to the north line of said Lot 1; thence South 88 degrees 11 minutes 32 seconds West along said north line, 52.65 feet to the Point of Beginning.
Said parcel containing 0.020 acres, more or less.

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

Passed in the General Assembly May 26, 2016.
Approved July 22, 2016.
Effective July 22, 2016.

PUBLIC ACT 99-0595
(House Bill No. 2262)

AN ACT concerning transportation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing Section 12-707.01 as follows:
(625 ILCS 5/12-707.01) (from Ch. 95 1/2, par. 12-707.01)
Sec. 12-707.01. Liability insurance.
(a) No school bus, first division vehicle including a taxi which is used for a purpose that requires a school bus driver permit, commuter van or motor vehicle owned by or used for hire by and in connection with the operation of private or public schools, day camps, summer camps or nursery schools, and no commuter van or passenger car used for a for-profit ridesharing arrangement, shall be operated for such purposes unless

New matter indicated by italics - deletions by strikeout
the owner thereof shall carry a minimum of personal injury liability insurance in the amount of $25,000 for any one person in any one accident, and subject to the limit for one person, $100,000 for two or more persons injured by reason of the operation of the vehicle in any one accident. This subsection (a) applies only to personal injury liability policies issued or renewed before January 1, 2013.

(b) Liability insurance policies issued or renewed on and after January 1, 2013 shall comply with the following:

(1) except as provided in subparagraph (2) of this subsection (b), any vehicle that is used for a purpose that requires a school bus driver permit under Section 6-104 of this Code shall carry a minimum of liability insurance in the amount of $2,000,000. This minimum insurance requirement may be satisfied by either (i) a $2,000,000 combined single limit primary commercial automobile policy; or (ii) a $1 million primary commercial automobile policy and a minimum $5,000,000 excess or umbrella liability policy combined single limit per accident;

(2) any vehicle that is used for a purpose that requires a school bus driver permit under Section 6-104 of this Code and is used in connection with the operation of private day care facilities, day camps, summer camps, or nursery schools shall carry a minimum of liability insurance in the amount of $1,000,000 combined single limit per accident;

(3) any commuter van or passenger car used for a for-profit ridesharing arrangement shall carry a minimum of liability insurance in the amount of $500,000 combined single limit per accident.

(c) Primary insurance coverage under the provisions of this Section must be provided by a licensed and admitted insurance carrier or an intergovernmental cooperative formed under Section 10 of Article VII of the Illinois Constitution, or Section 6 or 9 of the Intergovernmental Cooperation Act, or provided by a certified self-insurer under Section 7-502 of this Code. The excess or umbrella liability coverage requirement may be met by securing surplus line insurance as defined under Section 445 of the Illinois Insurance Code. If the excess or umbrella liability coverage requirement is met by securing surplus line insurance, that coverage must be effected through a licensed surplus line producer acting under the surplus line insurance laws and regulations of this State. Nothing in this subsection (c) shall be construed as prohibiting a licensed

New matter indicated by italics - deletions by strikeout
and admitted insurance carrier or an intergovernmental cooperative formed under Section 10 of Article VII of the Illinois Constitution, or Section 6 or 9 of the Intergovernmental Cooperation Act, or a certified self-insurer under Section 7-502 of this Code, from retaining the risk required under paragraphs (1) and (2) of subsection (b) of this Section or issuing a single primary policy meeting the requirements of paragraphs (1) and (2) of subsection (b).

(d) Each owner of a vehicle required to obtain the minimum liability requirements under subsection (b) of this Section shall attest that the vehicle meets the minimum insurance requirements under this Section. The Secretary of State shall create a form for each owner of a vehicle to attest that the owner meets the minimum insurance requirements and the owner of the vehicle shall submit the form with each registration application. The form shall be valid for the full registration period; however, if at any time the Secretary has reason to believe that the owner does not have the minimum required amount of insurance for a vehicle, then the Secretary may require a certificate of insurance, or its equivalent, to ensure the vehicle is insured. If the owner fails to produce a certificate of insurance, or its equivalent, within 2 calendar days after the request was made, then the Secretary may revoke the vehicle owner's registration until the Secretary is assured the vehicle meets the minimum insurance requirements. If the owner of a vehicle participates in an intergovernmental cooperative or is self-insured, then the owner shall attest that the insurance required under this Section is equivalent to or greater than the insurance required under paragraph (1) of subsection (b) of this Section. The Secretary may adopt any rules necessary to enforce the provisions of this subsection (d).

(Source: P.A. 97-224, eff. 7-28-11; 97-1078, eff. 8-24-12.)
Passed in the General Assembly May 18, 2016.
Approved July 22, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0596
(House Bill No. 3199)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout
Section 5. The School Code is amended by adding Section 27A-5.5 as follows:

(105 ILCS 5/27A-5.5 new)
Sec. 27A-5.5. Charter school truancy.
(a) A charter school shall comply with all applicable absenteeism and truancy policies and requirements applicable to public schools under the laws of the State of Illinois.
(b) A charter school shall define a truant as a child who is subject to compulsory school attendance and who is absent without valid cause from such attendance for a school day or portion thereof.
(c) A charter school shall define a chronic or habitual truant as a child who is subject to compulsory school attendance and who is absent without valid cause from such attendance for 5% or more of the previous 180 regular attendance days.
(d) A charter school shall define a truant minor as a chronic truant to whom supportive services, including prevention, diagnostic, intervention, and remedial services, alternative programs, and other school and community resources have been provided and have failed to result in the cessation of chronic truancy or have been offered and refused.
(e) A charter school shall define a dropout as any child enrolled in grades 9 through 12 whose name has been removed from the charter school enrollment roster for any reason other than the student's death, extended illness, removal for medical non-compliance, expulsion, aging out, graduation, or completion of a program of studies and who has not transferred to another public or private school and is not known to be home-schooled by his or her parents or guardians or continuing school in another country.

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

Passed in the General Assembly May 18, 2016.
Approved July 22, 2016.
Effective July 22, 2016.
AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Section 34-2.1 as follows:

(105 ILCS 5/34-2.1) (from Ch. 122, par. 34-2.1)

Sec. 34-2.1. Local School Councils - Composition - Voter-Eligibility - Elections - Terms.

(a) A local school council shall be established for each attendance center within the school district. Each local school council shall consist of the following 12 voting members: the principal of the attendance center, 2 teachers employed and assigned to perform the majority of their employment duties at the attendance center, 6 parents of students currently enrolled at the attendance center, one employee of the school district employed and assigned to perform the majority of his or her employment duties at the attendance center who is not a teacher, and 2 community residents. Neither the parents nor the community residents who serve as members of the local school council shall be employees of the Board of Education. In each secondary attendance center, the local school council shall consist of 13 voting members -- the 12 voting members described above and one full-time student member, appointed as provided in subsection (m) below. In the event that the chief executive officer of the Chicago School Reform Board of Trustees determines that a local school council is not carrying out its financial duties effectively, the chief executive officer is authorized to appoint a representative of the business community with experience in finance and management to serve as an advisor to the local school council for the purpose of providing advice and assistance to the local school council on fiscal matters. The advisor shall have access to relevant financial records of the local school council. The advisor may attend executive sessions. The chief executive officer shall issue a written policy defining the circumstances under which a local school council is not carrying out its financial duties effectively.

(b) Within 7 days of January 11, 1991, the Mayor shall appoint the members and officers (a Chairperson who shall be a parent member and a Secretary) of each local school council who shall hold their offices until their successors shall be elected and qualified. Members so appointed shall

New matter indicated by italics - deletions by strikeout
have all the powers and duties of local school councils as set forth in this amendatory Act of 1991. The Mayor's appointments shall not require approval by the City Council.

The membership of each local school council shall be encouraged to be reflective of the racial and ethnic composition of the student population of the attendance center served by the local school council.

(c) Beginning with the 1995-1996 school year and in every even-numbered year thereafter, the Board shall set second semester Parent Report Card Pick-up Day for Local School Council elections and may schedule elections at year-round schools for the same dates as the remainder of the school system. Elections shall be conducted as provided herein by the Board of Education in consultation with the local school council at each attendance center.

(d) Beginning with the 1995-96 school year, the following procedures shall apply to the election of local school council members at each attendance center:

(i) The elected members of each local school council shall consist of the 6 parent members and the 2 community resident members.

(ii) Each elected member shall be elected by the eligible voters of that attendance center to serve for a two-year term commencing on July 1 immediately following the election described in subsection (c). Eligible voters for each attendance center shall consist of the parents and community residents for that attendance center.

(iii) Each eligible voter shall be entitled to cast one vote for up to a total of 5 candidates, irrespective of whether such candidates are parent or community resident candidates.

(iv) Each parent voter shall be entitled to vote in the local school council election at each attendance center in which he or she has a child currently enrolled. Each community resident voter shall be entitled to vote in the local school council election at each attendance center for which he or she resides in the applicable attendance area or voting district, as the case may be.

(v) Each eligible voter shall be entitled to vote once, but not more than once, in the local school council election at each attendance center at which the voter is eligible to vote.

(vi) The 2 teacher members and the non-teacher employee member of each local school council shall be appointed as

New matter indicated by italics - deletions by strikeout
provided in subsection (l) below each to serve for a two-year term coinciding with that of the elected parent and community resident members.

(vii) At secondary attendance centers, the voting student member shall be appointed as provided in subsection (m) below to serve for a one-year term coinciding with the beginning of the terms of the elected parent and community members of the local school council.

(e) The Council shall publicize the date and place of the election by posting notices at the attendance center, in public places within the attendance boundaries of the attendance center and by distributing notices to the pupils at the attendance center, and shall utilize such other means as it deems necessary to maximize the involvement of all eligible voters.

(f) Nomination. The Council shall publicize the opening of nominations by posting notices at the attendance center, in public places within the attendance boundaries of the attendance center and by distributing notices to the pupils at the attendance center, and shall utilize such other means as it deems necessary to maximize the involvement of all eligible voters. Not less than 2 weeks before the election date, persons eligible to run for the Council shall submit their name, date of birth, social security number, if available, and some evidence of eligibility to the Council. The Council shall encourage nomination of candidates reflecting the racial/ethnic population of the students at the attendance center. Each person nominated who runs as a candidate shall disclose, in a manner determined by the Board, any economic interest held by such person, by such person's spouse or children, or by each business entity in which such person has an ownership interest, in any contract with the Board, any local school council or any public school in the school district. Each person nominated who runs as a candidate shall also disclose, in a manner determined by the Board, if he or she ever has been convicted of any of the offenses specified in subsection (c) of Section 34-18.5; provided that neither this provision nor any other provision of this Section shall be deemed to require the disclosure of any information that is contained in any law enforcement record or juvenile court record that is confidential or whose accessibility or disclosure is restricted or prohibited under Section 5-901 or 5-905 of the Juvenile Court Act of 1987. Failure to make such disclosure shall render a person ineligible for election or to serve on the local school council. The same disclosure shall be required of persons

New matter indicated by italics - deletions by strikeout
under consideration for appointment to the Council pursuant to subsections (l) and (m) of this Section.

(f-5) Notwithstanding disclosure, a person who has been convicted of any of the following offenses at any time shall be ineligible for election or appointment to a local school council and ineligible for appointment to a local school council pursuant to subsections (l) and (m) of this Section: (i) those defined in Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-9.1, 11-14.4, 11-16, 11-17.1, 11-19, 11-19.1, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15, or 12-16, or subdivision (a)(2) of Section 11-14.3, of the Criminal Code of 1961 or the Criminal Code of 2012, or (ii) any offense committed or attempted in any other state or against the laws of the United States, which, if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses. Notwithstanding disclosure, a person who has been convicted of any of the following offenses within the 10 years previous to the date of nomination or appointment shall be ineligible for election or appointment to a local school council: (i) those defined in Section 401.1, 405.1, or 405.2 of the Illinois Controlled Substances Act or (ii) any offense committed or attempted in any other state or against the laws of the United States, which, if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses.

Immediately upon election or appointment, incoming local school council members shall be required to undergo a criminal background investigation, to be completed prior to the member taking office, in order to identify any criminal convictions under the offenses enumerated in Section 34-18.5. The investigation shall be conducted by the Department of State Police in the same manner as provided for in Section 34-18.5. However, notwithstanding Section 34-18.5, the social security number shall be provided only if available. If it is determined at any time that a local school council member or member-elect has been convicted of any of the offenses enumerated in this Section or failed to disclose a conviction of any of the offenses enumerated in Section 34-18.5, the general superintendent shall notify the local school council member or member-elect of such determination and the local school council member or member-elect shall be removed from the local school council by the Board, subject to a hearing, convened pursuant to Board rule, prior to removal.

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(g) At least one week before the election date, the Council shall publicize, in the manner provided in subsection (e), the names of persons nominated for election.

(h) Voting shall be in person by secret ballot at the attendance center between the hours of 6:00 a.m. and 7:00 p.m.

(i) Candidates receiving the highest number of votes shall be declared elected by the Council. In cases of a tie, the Council shall determine the winner by lot.

(j) The Council shall certify the results of the election and shall publish the results in the minutes of the Council.

(k) The general superintendent shall resolve any disputes concerning election procedure or results and shall ensure that, except as provided in subsections (e) and (g), no resources of any attendance center shall be used to endorse or promote any candidate.

(l) Beginning with the 1995-1996 school year and in every even numbered year thereafter, the Board shall appoint 2 teacher members to each local school council. These appointments shall be made in the following manner:

   (i) The Board shall appoint 2 teachers who are employed and assigned to perform the majority of their employment duties at the attendance center to serve on the local school council of the attendance center for a two-year term coinciding with the terms of the elected parent and community members of that local school council. These appointments shall be made from among those teachers who are nominated in accordance with subsection (f).

   (ii) A non-binding, advisory poll to ascertain the preferences of the school staff regarding appointments of teachers to the local school council for that attendance center shall be conducted in accordance with the procedures used to elect parent and community Council representatives. At such poll, each member of the school staff shall be entitled to indicate his or her preference for up to 2 candidates from among those who submitted statements of candidacy as described above. These preferences shall be advisory only and the Board shall maintain absolute discretion to appoint teacher members to local school councils, irrespective of the preferences expressed in any such poll.

   (iii) In the event that a teacher representative is unable to perform his or her employment duties at the school due to illness, disability, leave of absence, disciplinary action, or any other

New matter indicated by italics - deletions by strikeout
reason, the Board shall declare a temporary vacancy and appoint a replacement teacher representative to serve on the local school council until such time as the teacher member originally appointed pursuant to this subsection (l) resumes service at the attendance center or for the remainder of the term. The replacement teacher representative shall be appointed in the same manner and by the same procedures as teacher representatives are appointed in subdivisions (i) and (ii) of this subsection (l).

(m) Beginning with the 1995-1996 school year, and in every year thereafter, the Board shall appoint one student member to each secondary attendance center. These appointments shall be made in the following manner:

(i) Appointments shall be made from among those students who submit statements of candidacy to the principal of the attendance center, such statements to be submitted commencing on the first day of the twentieth week of school and continuing for 2 weeks thereafter. The form and manner of such candidacy statements shall be determined by the Board.

(ii) During the twenty-second week of school in every year, the principal of each attendance center shall conduct a non-binding, advisory poll to ascertain the preferences of the school students regarding the appointment of a student to the local school council for that attendance center. At such poll, each student shall be entitled to indicate his or her preference for up to one candidate from among those who submitted statements of candidacy as described above. The Board shall promulgate rules to ensure that these non-binding, advisory polls are conducted in a fair and equitable manner and maximize the involvement of all school students. The preferences expressed in these non-binding, advisory polls shall be transmitted by the principal to the Board. However, these preferences shall be advisory only and the Board shall maintain absolute discretion to appoint student members to local school councils, irrespective of the preferences expressed in any such poll.

(iii) For the 1995-96 school year only, appointments shall be made from among those students who submitted statements of candidacy to the principal of the attendance center during the first 2 weeks of the school year. The principal shall communicate the results of any nonbinding, advisory poll to the Board. These results
shall be advisory only, and the Board shall maintain absolute
discretion to appoint student members to local school councils,
irrespective of the preferences expressed in any such poll.

(n) The Board may promulgate such other rules and regulations for
election procedures as may be deemed necessary to ensure fair elections.

(o) In the event that a vacancy occurs during a member's term, the
Council shall appoint a person eligible to serve on the Council, to fill the
unexpired term created by the vacancy, except that any teacher vacancy
shall be filled by the Board after considering the preferences of the school
staff as ascertained through a non-binding advisory poll of school staff.

(p) If less than the specified number of persons is elected within
each candidate category, the newly elected local school council shall
appoint eligible persons to serve as members of the Council for two-year
terms.

(q) The Board shall promulgate rules regarding conflicts of interest
and disclosure of economic interests which shall apply to local school
council members and which shall require reports or statements to be filed
by Council members at regular intervals with the Secretary of the Board.
Failure to comply with such rules or intentionally falsifying such reports
shall be grounds for disqualification from local school council
membership. A vacancy on the Council for disqualification may be so
declared by the Secretary of the Board. Rules regarding conflicts of
interest and disclosure of economic interests promulgated by the Board
shall apply to local school council members. No less than 45 days prior to
the deadline, the general superintendent shall provide notice, by mail, to
each local school council member of all requirements and forms for
compliance with economic interest statements.

(r) (1) If a parent member of a local school council ceases to have
any child enrolled in the attendance center governed by the Local School
Council due to the graduation or voluntary transfer of a child or children
from the attendance center, the parent's membership on the Local School
Council and all voting rights are terminated immediately as of the date of
the child's graduation or voluntary transfer. If the child of a parent member
of a local school council dies during the member's term in office, the
member may continue to serve on the local school council for the balance
of his or her term. Further, a local school council member may be removed
from the Council by a majority vote of the Council as provided in
subsection (c) of Section 34-2.2 if the Council member has missed 3
consecutive regular meetings, not including committee meetings, or 5

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regular meetings in a 12 month period, not including committee meetings. If a parent member of a local school council ceases to be eligible to serve on the Council for any other reason, he or she shall be removed by the Board subject to a hearing, convened pursuant to Board rule, prior to removal. A vote to remove a Council member by the local school council shall only be valid if the Council member has been notified personally or by certified mail, mailed to the person's last known address, of the Council's intent to vote on the Council member's removal at least 7 days prior to the vote. The Council member in question shall have the right to explain his or her actions and shall be eligible to vote on the question of his or her removal from the Council. The provisions of this subsection shall be contained within the petitions used to nominate Council candidates.

(2) A person may continue to serve as a community resident member of a local school council as long as he or she resides in the attendance area served by the school and is not employed by the Board nor is a parent of a student enrolled at the school. If a community resident member ceases to be eligible to serve on the Council, he or she shall be removed by the Board subject to a hearing, convened pursuant to Board rule, prior to removal.

(3) A person may continue to serve as a teacher member of a local school council as long as he or she is employed and assigned to perform a majority of his or her duties at the school, provided that if the teacher representative resigns from employment with the Board or voluntarily transfers to another school, the teacher's membership on the local school council and all voting rights are terminated immediately as of the date of the teacher's resignation or upon the date of the teacher's voluntary transfer to another school. If a teacher member of a local school council ceases to be eligible to serve on a local school council for any other reason, that member shall be removed by the Board subject to a hearing, convened pursuant to Board rule, prior to removal.

(s) As used in this Section only, "community resident" means a person, 17 years of age or older, residing within an attendance area served by a school, excluding any person who is a parent of a student enrolled in that school; provided that with respect to any multi-area school, community resident means any person, 17 years of age or older, residing within the voting district established for that school pursuant to Section 34-2.1c, excluding any person who is a parent of a student.
enrolled in that school. This definition does not apply to any provisions concerning school boards.
(Source: P.A. 96-1412, eff. 1-1-11; 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

Passed in the General Assembly May 18, 2016.
Approved July 22, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0598
(House Bill No. 4105)

AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Section 12-208 as follows:

(a) Every vehicle other than an antique vehicle displaying an antique plate or an expanded-use antique vehicle displaying expanded-use antique vehicle plates operated in this State shall be equipped with a stop lamp or lamps on the rear of the vehicle which shall display a red or amber light visible from a distance of not less than 500 feet to the rear in normal sunlight and which shall be actuated upon application of the service (foot) brake, and which may but need not be incorporated with other rear lamps. During times when lighted lamps are not required, an antique vehicle or an expanded-use antique vehicle may be equipped with a stop lamp or lamps on the rear of such vehicle of the same type originally installed by the manufacturer as original equipment and in working order. However, at all other times, except as provided in subsection (a-1), such antique vehicle or expanded-use antique vehicle must be equipped with stop lamps meeting the requirements of Section 12-208 of this Act.

(a-1) A motorcycle or an antique vehicle or an expanded-use antique vehicle, including an antique motorcycle, may display a blue light or lights of up to one inch in diameter as part of the vehicle's rear stop lamp or lamps.

(b) Every motor vehicle other than an antique vehicle displaying an antique plate or an expanded-use antique vehicle displaying expanded-use antique vehicle plates shall be equipped with an electric turn signal device

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which shall indicate the intention of the driver to turn to the right or to the left in the form of flashing lights located at and showing to the front and rear of the vehicle on the side of the vehicle toward which the turn is to be made. The lamps showing to the front shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit a white or amber light, or any shade of light between white and amber. The lamps showing to the rear shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit a red or amber light. An antique vehicle or expanded-use antique vehicle shall be equipped with a turn signal device of the same type originally installed by the manufacturer as original equipment and in working order.

(c) Every trailer and semitrailer shall be equipped with an electric turn signal device which indicates the intention of the driver in the power unit to turn to the right or to the left in the form of flashing red or amber lights located at the rear of the vehicle on the side toward which the turn is to be made and mounted on the same level and as widely spaced laterally as practicable.

(d) Turn signal lamps must be visible from a distance of not less than 300 feet in normal sunlight.

(e) Motorcycles and motor-driven cycles need not be equipped with electric turn signals. Antique vehicles and expanded-use antique vehicles need not be equipped with turn signals unless such were installed by the manufacturer as original equipment.

(f) (Blank).

(g) Motorcycles and motor-driven cycles may be equipped with a stop lamp or lamps on the rear of the vehicle that display a red or amber light, visible from a distance of not less than 500 feet to the rear in normal sunlight, that flashes and becomes steady only when the brake is actuated.

(Source: P.A. 96-487, eff. 1-1-10; 97-412, eff. 1-1-12; 97-743, eff. 1-1-13.)

Passed in the General Assembly May 18, 2016.
Approved July 22, 2016.
Effective January 1, 2017.

New matter indicated by italics - deletions by strikeout
AN ACT concerning children.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Probate Act of 1975 is amended by changing Section 11-5.4 as follows:

(755 ILCS 5/11-5.4)

Sec. 11-5.4. Short-term guardian.

(a) A parent, adoptive parent, or adjudicated parent whose parental rights have not been terminated, or the guardian of the person of a minor may appoint in writing, without court approval, a short-term guardian of an unmarried minor or a child likely to be born. The written instrument appointing a short-term guardian shall be dated and shall identify the appointing parent or guardian, the minor, and the person appointed to be the short-term guardian. The written instrument shall be signed by, or at the direction of, the appointing parent in the presence of at least 2 credible witnesses at least 18 years of age, neither of whom is the person appointed as the short-term guardian. The person appointed as the short-term guardian shall also sign the written instrument, but need not sign at the same time as the appointing parent.

(b) A parent or guardian shall not appoint a short-term guardian of a minor if the minor has another living parent, adoptive parent or adjudicated parent, whose parental rights have not been terminated, whose whereabouts are known, and who is willing and able to make and carry out day-to-day child care decisions concerning the minor, unless the nonappointing parent consents to the appointment by signing the written instrument of appointment.

(c) The appointment of the short-term guardian is effective immediately upon the date the written instrument is executed, unless the written instrument provides for the appointment to become effective upon a later specified date or event. Except as provided in subsection (e-5) or (e-10) of this Section, the short-term guardian shall have authority to act as guardian of the minor as provided in Section 11-13.2 for a period of 365 days from the date the appointment is effective, unless the written instrument provides for the appointment to terminate upon a different or earlier specified date or event as permitted by this Section. Only one
written instrument appointing a short-term guardian may be in force at any
given time.

(d) Every appointment of a short-term guardian may be amended or
revoked by the appointing parent or by the appointing guardian of the
person of the minor at any time and in any manner communicated to the
short-term guardian or to any other person. Any person other than the
short-term guardian to whom a revocation or amendment is communicated
or delivered shall make all reasonable efforts to inform the short-term
guardian of that fact as promptly as possible.

(e) The appointment of a short-term guardian or successor short-
term guardian does not affect the rights of the other parent in the minor.
The short-term guardian appointment does not constitute consent for court
appointment of a guardian.

(e-5) Any time after the appointment of a temporary custodian
under Section 2-10, 3-12, 4-9, 5-410, or 5-501 of the Juvenile Court Act of
1987, and after notice to all parties, including the short-term guardian, as
required by the Juvenile Court Act of 1987, a court may vacate any short-
term guardianship for the minor appointed under this Section, provided the
vacation is consistent with the minor's best interests as determined using
the factors listed in paragraph (4.05) of Section 1-3 of the Juvenile Court

(e-10) A parent or guardian who is a member of the Armed Forces
of the United States, including any reserve component thereof, or the
commissioned corps of the National Oceanic and Atmospheric
Administration or the Public Health Service of the United States
Department of Health and Human Services detailed by proper authority
for duty with the Armed Forces of the United States, or who is required to
enter or serve in the active military service of the United States under a
call or order of the President of the United States or to serve on State
active duty, may appoint a short-term guardian for a period of longer than
365 days if on active duty service. The writing appointing the short-term
guardian under this subsection shall include the dates of the parent's or
guardian's active duty service, and the appointment may not exceed the
term of active duty plus 30 days.

(f) The written instrument appointing a short-term guardian may,
but need not, be in the following form:

APPOINTMENT OF SHORT-TERM GUARDIAN

[ITALICS: IT IS IMPORTANT TO READ THE FOLLOWING INSTRUCTIONS:]

New matter indicated by italics - deletions by strikeout
By properly completing this form, a parent or the guardian of the person of the child is appointing a guardian of a child of the parent (or a minor ward of the guardian, as the case may be) for a period of up to 365 days. A separate form should be completed for each child. The person appointed as the guardian must sign the form, but need not do so at the same time as the parent or parents or guardian.

If you are a parent or guardian who is a member of the Armed Forces of the United States, including any reserve component thereof, or the commissioned corps of the National Oceanic and Atmospheric Administration or the Public Health Service of the United States Department of Health and Human Services detailed by proper authority for duty with the Armed Forces of the United States, or who is required to enter or serve in the active military service of the United States under a call or order of the President of the United States or to serve on State active duty, you may appoint a short-term guardian for your child for the period of your active duty service plus 30 days. When executing this form, include the date your active duty service is scheduled to begin in part 3 and the date your active duty service is scheduled to end in part 4.

This form may not be used to appoint a guardian if there is a guardian already appointed for the child, except that if a guardian of the person of the child has been appointed, that guardian may use this form to appoint a short-term guardian. Both living parents of a child may together appoint a guardian of the child, or the guardian of the person of the child may appoint a guardian of the child, for a period of up to 365 days through the use of this form. If the short-term guardian is appointed by both living parents of the child, the parents need not sign the form at the same time.

1. Parent (or guardian) and Child. I, (insert name of appointing parent or guardian), currently residing at (insert address of appointing parent or guardian), am a parent (or the guardian of the person) of the following child (or of a child likely to be born): (insert name and date of birth of child, or insert the words "not yet born" to appoint a short-term guardian for a child likely to be born and the child's expected date of birth).

2. Guardian. I hereby appoint the following person as the short-term guardian for the child: (insert name and address of appointed person).

3. Effective date. This appointment becomes effective: (check one if you wish it to be applicable)
( ) On the date that I state in writing that I am no longer either willing or able to make and carry out day-to-day child care decisions concerning the child.

( ) On the date that a physician familiar with my condition certifies in writing that I am no longer willing or able to make and carry out day-to-day child care decisions concerning the child.

( ) On the date that I am admitted as an in-patient to a hospital or other health care institution.

( ) On the following date: (insert date).

( ) On the date my active duty service begins: (insert date).

( ) Other: (insert other).

[NOTE: If this item is not completed, the appointment is effective immediately upon the date the form is signed and dated below.]

4. Termination. This appointment shall terminate 365 days after the effective date, unless it terminates sooner as determined by the event or date I have indicated below: (check one if you wish it to be applicable)

( ) On the date that I state in writing that I am willing and able to make and carry out day-to-day child care decisions concerning the child, but not more than 365 days after the effective date.

( ) On the date that a physician familiar with my condition certifies in writing that I am willing and able to make and carry out day-to-day child care decisions concerning the child, but not more than 365 days after the effective date.

( ) On the date that I am discharged from the hospital or other health care institution where I was admitted as an in-patient, which established the effective date, but not more than 365 days after the effective date.

( ) On the date which is (state a number of days, but no more than 365 days) days after the effective date.

( ) On the date no more than 30 days after my active duty service is scheduled to end: (insert date active duty service is scheduled to end).

( ) Other: (insert other).

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[NOTE: If this item is not completed, the appointment will be effective for a period of 365 days, beginning on the effective date.]

5. Date and signature of appointing parent or guardian. This appointment is made this (insert day) day of (insert month and year).

   Signed: (appointing parent)

6. Witnesses. I saw the parent (or the guardian of the person of the child) sign this instrument or I saw the parent (or the guardian of the person of the child) direct someone to sign this instrument for the parent (or the guardian). Then I signed this instrument as a witness in the presence of the parent (or the guardian). I am not appointed in this instrument to act as the short-term guardian for the child. (Insert space for names, addresses, and signatures of 2 witnesses)

7. Acceptance of short-term guardian. I accept this appointment as short-term guardian on this (insert day) day of (insert month and year).

   Signed: (short-term guardian)

8. Consent of child's other parent. I, (insert name of the child's other living parent), currently residing at (insert address of child's other living parent), hereby consent to this appointment on this (insert day) day of (insert month and year).

   Signed: (consenting parent)

[NOTE: The signature of a consenting parent is not necessary if one of the following applies: (i) the child's other parent has died; or (ii) the whereabouts of the child's other parent are not known; or (iii) the child's other parent is not willing or able to make and carry out day-to-day child care decisions concerning the child; or (iv) the child's parents were never married and no court has issued an order establishing parentage.]

(Source: P.A. 98-568, eff. 1-1-14; 98-1082, eff. 1-1-15.)

Passed in the General Assembly May 18, 2016.
Approved July 22, 2016.
Effective January 1, 2017.

New matter indicated by italics - deletions by strikeout
AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Section 2-3.159 as follows:

(105 ILCS 5/2-3.159)
Sec. 2-3.159. State Seal of Biliteracy.
(a) In this Section, "foreign language" means any language other than English, including all modern languages, Latin, American Sign Language, Native American languages, and native languages.
(b) The State Seal of Biliteracy program is established to recognize public high school graduates who have attained a high level of proficiency in one or more languages in addition to English. The State Seal of Biliteracy shall be awarded beginning with the 2014-2015 school year. School district participation in this program is voluntary.
(c) The purposes of the State Seal of Biliteracy are as follows:
   (1) To encourage pupils to study languages.
   (2) To certify attainment of biliteracy.
   (3) To provide employers with a method of identifying people with language and biliteracy skills.
   (4) To provide universities with an additional method to recognize applicants seeking admission.
   (5) To prepare pupils with 21st century skills.
   (6) To recognize the value of foreign language and native language instruction in public schools.
   (7) To strengthen intergroup relationships, affirm the value of diversity, and honor the multiple cultures and languages of a community.
(d) The State Seal of Biliteracy certifies attainment of a high level of proficiency, sufficient for meaningful use in college and a career, by a graduating public high school pupil in one or more languages in addition to English.
(e) The State Board of Education shall adopt such rules as may be necessary to establish the criteria that pupils must achieve to earn a State Seal of Biliteracy, which may include without limitation attainment of units of credit in English language arts and languages other than English.

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and passage of such assessments of foreign language proficiency as may
be approved by the State Board of Education for this purpose. *These rules
shall ensure that the criteria that pupils must achieve to earn a State Seal
of Biliteracy meet the course credit criteria established under subsection
(i) of this Section.*

(f) The State Board of Education shall do both of the following:

1. Prepare and deliver to participating school districts an
appropriate mechanism for designating the State Seal of Biliteracy
on the diploma and transcript of the pupil indicating that the pupil
has been awarded a State Seal of Biliteracy by the State Board of
Education.

2. Provide other information the State Board of Education
deems necessary for school districts to successfully participate in
the program.

(g) A school district that participates in the program under this
Section shall do both of the following:

1. Maintain appropriate records in order to identify pupils
who have earned a State Seal of Biliteracy.

2. Make the appropriate designation on the diploma and
transcript of each pupil who earns a State Seal of Biliteracy.

(h) No fee shall be charged to a pupil to receive the designation
pursuant to this Section. Notwithstanding this prohibition, costs may be
incurred by the pupil in demonstrating proficiency, including without
limitation any assessments required under subsection (e) of this Section.

(i) For admissions purposes, each public university in this State
shall accept the State Seal of Biliteracy as equivalent to 2 years of foreign
language coursework taken during high school if a student's high school
transcript indicates that he or she will be receiving or has received the
State Seal of Biliteracy.

(j) Each public community college and public university in this
State shall establish criteria to translate a State Seal of Biliteracy into
course credit based on foreign language course equivalencies identified by
the community college's or university's faculty and staff and, upon request
from an enrolled student, the community college or university shall award
foreign language course credit to a student who has received a State Seal
of Biliteracy. Students enrolled in a public community college or public
university who have received a State Seal of Biliteracy must request
course credit for their seal within 3 academic years after graduating from
high school.

New matter indicated by italics - deletions by strikeout
AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by renumbering and changing Section 2-3.163 as added by Public Act 99-432 as follows:

(105 ILCS 5/2-3.164)


(a) The Attendance Commission is created within the State Board of Education to study the issue of chronic absenteeism in this State and make recommendations for strategies to prevent chronic absenteeism. The Commission shall consist of all of the following members:

(1) The Director of the Department of Children and Family Services or his or her designee.

(2) The Chairperson of the State Board of Education or his or her designee.

(3) The Chairperson of the Board of Higher Education or his or her designee.

(4) The Secretary of the Department of Human Services or his or her designee.

(5) The Director of the Department of Public Health or his or her designee.

(6) The Chairperson of the Illinois Community College Board or his or her designee.

(7) The Chairperson of the State Charter School Commission or his or her designee.

(8) An individual that deals with children's disabilities, impairments, and social emotional issues, appointed by the State Superintendent of Education.

(9) One member from each of the following organizations, appointed by the State Superintendent of Education:

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(A) A non-profit organization that advocates for students in temporary living situations.

(B) An Illinois-focused, non-profit organization that advocates for the well-being of all children and families in this State.

(C) An Illinois non-profit, anti-crime organization of law enforcement that researches and recommends early learning and youth development strategies to reduce crime.

(D) An Illinois non-profit organization that conducts community-organizing around family issues.

(E) A statewide professional teachers' organization.

(F) A different statewide professional teachers' organization.

(G) A professional teachers' organization in a city having a population exceeding 500,000.

(H) An association representing school administrators.

(I) An association representing school board members.

(J) An association representing school principals.

(K) An association representing regional superintendents of schools.

(L) An association representing parents.

(M) An association representing high school districts.

(N) An association representing large unit districts.

(O) An organization that advocates for healthier school environments in Illinois.

(P) An organization that advocates for the health and safety of Illinois youth and families by providing capacity building services.

(Q) A statewide association of local philanthropic organizations that advocates for effective educational, health, and human service policies to improve this State's communities.

(R) A statewide organization that advocates for partnerships among schools, families, and the community that provide access to support and remove barriers to learning and development, using schools as hubs.

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(S) An organization representing statewide programs actively involved in truancy intervention. Attendance Commission members shall serve without compensation but shall be reimbursed for their travel expenses from appropriations to the State Board of Education available for that purpose and subject to the rules of the appropriate travel control board.

(b) The Attendance Commission shall meet initially at the call of the State Superintendent of Education. The members shall elect a chairperson at their initial meeting. Thereafter, the Attendance Commission shall meet at the call of the chairperson. The Attendance Commission shall hold hearings on a periodic basis to receive testimony from the public regarding attendance.

(c) The Attendance Commission shall identify strategies, mechanisms, and approaches to help parents, educators, principals, superintendents, and the State Board of Education address and prevent chronic absenteeism and shall recommend to the General Assembly and State Board of Education:

(1) a standard for attendance and chronic absenteeism, defining attendance as a calculation of standard clock hours in a day that equal a full day based on instructional minutes for both a half day and a full day per learning environment;

(2) mechanisms to improve data systems to monitor and track chronic absenteeism across this State in a way that identifies trends from prekindergarten through grade 12 and allows the identification of students who need individualized chronic absenteeism prevention plans;

(3) mechanisms for reporting and accountability for schools and districts across this State, including creating multiple measure indexes for reporting;

(4) best practices for utilizing attendance and chronic absenteeism data to create multi-tiered systems of support and prevention that will result in students being ready for college and career; and

(5) new initiatives and responses to ongoing challenges presented by chronic absenteeism.

(d) The State Board of Education shall provide administrative support to the Commission. The Attendance Commission shall submit an initial report to the General Assembly and the State Board of Education no later than March 15, 2016. The Attendance Commission shall submit

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an annual report to the General Assembly and the State Board of Education no later than December 15, 2016 and each December 15 thereafter of each year.

(e) The Attendance Commission is abolished and this Section is repealed on December 16, 2020.

(Source: P.A. 99-432, eff. 8-21-15; revised 10-5-15.)

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

Passed in the General Assembly May 18, 2016.
Approved July 22, 2016.
Effective July 22, 2016.

PUBLIC ACT 99-0602
(House Bill No. 4352)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Section 2-3.161 as follows:

(105 ILCS 5/2-3.161)
Sec. 2-3.161. Definition of dyslexia in rules; reading instruction advisory group.

(a) The State Board of Education shall adopt rules that incorporate, in both general education and special education, the following international definition of dyslexia: into Part 226 of Title 23 of the Illinois Administrative Code.

Dyslexia is a specific learning disability that is neurobiological in origin. Dyslexia is characterized by difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities. These difficulties typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.

(b) Subject to specific State appropriation or the availability of private donations, the State Board of Education shall establish an advisory group.

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group to develop a training module or training modules to provide education and professional development to teachers, school administrators, and other education professionals regarding multi-sensory, systematic, and sequential instruction in reading. This advisory group shall complete its work before December 15, 2015 and is abolished on December 15, 2015.

(Source: P.A. 98-705, eff. 7-14-14; 99-65, eff. 7-16-15; 99-78, eff. 7-20-15.)

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

Passed in the General Assembly May 19, 2016.
Approved July 22, 2016.
Effective July 22, 2016.

PUBLIC ACT 99-0603
(House Bill No. 4367)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Section 2-3.161 as follows:

(105 ILCS 5/2-3.161)
Sec. 2-3.161. Definition of dyslexia in rules; reading instruction advisory group.
(a) The State Board of Education shall adopt rules that incorporate an international definition of dyslexia into Part 226 of Title 23 of the Illinois Administrative Code.

(b) Subject to specific State appropriation or the availability of private donations, the State Board of Education shall establish an advisory group to develop a training module or training modules to provide education and professional development to teachers, school administrators, and other education professionals regarding multi-sensory, systematic, and sequential instruction in reading. This advisory group shall complete its work before December 15, 2015 and is abolished on December 15, 2015. The State Board of Education shall reestablish the advisory group abolished on December 15, 2015 to complete the abolished group's work. The reestablished advisory group shall complete its work before December 31, 2016 and is abolished on December 31, 2016. The

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provisions of this subsection (b), other than this sentence, are inoperative after December 31, 2016.
(Source: P.A. 98-705, eff. 7-14-14; 99-65, eff. 7-16-15; 99-78, eff. 7-20-15.)

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

Passed in the General Assembly May 19, 2016.
Approved July 22, 2016.
Effective July 22, 2016.

PUBLIC ACT 99-0604
(House Bill No. 4379)

AN ACT concerning local government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Local Government Travel Expense Control Act.

Section 5. Definitions. As used in this Act:
"Entertainment" includes, but is not limited to, shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless ancillary to the purpose of the program or event.
"Local public agency" means a school district, community college district, or unit of local government other than a home rule unit.
"Travel" means any expenditure directly incident to official travel by employees and officers of a local public agency or by wards or charges of a local public agency involving reimbursement to travelers or direct payment to private agencies providing transportation or related services.

Section 10. Regulation of travel expenses. All local public agencies shall, by resolution or ordinance, regulate the reimbursement of all travel, meal, and lodging expenses of officers and employees, including, but not limited to: (1) the types of official business for which travel, meal, and lodging expenses are allowed; (2) maximum allowable reimbursement for travel, meal, and lodging expenses; and (3) a standardized form for submission of travel, meal, and lodging expenses supported by the minimum documentation required under Section 20 of this Act. The regulations may allow for approval of expenses that exceed the maximum allowable travel, meal, or lodging expenses because of emergency or other

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extraordinary circumstances. On and after 180 days after the effective date of this Act of the 99th General Assembly, no travel, meal, or lodging expense shall be approved or paid by a local public agency unless regulations have been adopted under this Section.

Section 15. Approval of expenses. On or after 60 days after the effective date of this Act of the 99th General Assembly, expenses for travel, meals, and lodging of: (1) any officer or employee that exceeds the maximum allowed under the regulations adopted under Section 10 of this Act; or (2) any member of the governing board or corporate authorities of the local public agency, may only be approved by roll call vote at an open meeting of the governing board or corporate authorities of the local public agency.

Section 20. Documentation of expenses. Before an expense for travel, meals, or lodging may be approved under Section 15 of this Act, the following minimum documentation must first be submitted, in writing, to the governing board or corporate authorities:

(1) an estimate of the cost of travel, meals, or lodging if expenses have not been incurred or a receipt of the cost of the travel, meals, or lodging if the expenses have already been incurred;
(2) the name of the individual who received or is requesting the travel, meal, or lodging expense;
(3) the job title or office of the individual who received or is requesting the travel, meal, or lodging expense; and
(4) the date or dates and nature of the official business in which the travel, meal, or lodging expense was or will be expended.

All documents and information submitted under this Section are public records subject to disclosure under the Freedom of Information Act.

Section 25. Entertainment expenses. No local public agency may reimburse any governing board member, employee, or officer for any entertainment expense.

Passed in the General Assembly May 19, 2016.
Approved July 22, 2016.
Effective January 1, 2017.
AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The Illinois Aeronautics Act is amended by changing
Section 42 as follows:
(620 ILCS 5/42) (from Ch. 15 1/2, par. 22.42)
Sec. 42. Regulation of aircraft, airmen, and airports.
(a) The general public interest and safety, the safety of persons
operating, using, or traveling in, aircraft, and of persons and property on
the ground, and the interest of aeronautical progress require that aircraft
operated within this State should be airworthy, that airmen should be
properly qualified, and that air navigation facilities should be suitable for
the purposes for which they are designed. The purposes of this Act require
that the Department should be enabled to exercise the powers of regulation
and supervision herein granted. The advantage of uniform regulation
makes it desirable that aircraft operated within this State should conform
with respect to design, construction, and airworthiness to the standards
prescribed by the United States Government with respect to civil aircraft
subject to its jurisdiction and that persons engaging in aeronautics within
this State should have the qualifications necessary for obtaining and
holding appropriate airmen certificates of the United States. It is desirable
and right that all applicable fees and taxes shall be paid with respect to
aircraft operated within this State.
(b) In light of the findings in subsection (a), the Department is
authorized:
(1) To require the registration, every 2 years, of federal
licenses, certificates or permits of civil aircraft engaged in air
navigation within this State, and a one-time registration of
airmen engaged in aeronautics within this State, and to issue
certificates of such registration. These certificates of registration
constitute the authorization of such aircraft and airmen for
operations within this State to the extent permitted by the federal
licenses, certificates or permits so registered. It shall charge a fee,
payable every 2 years, for the registration of each federal license,
certificate or permit of $10 for each airman’s certificate and $20 for
each aircraft certificate and a one-time fee of $20, payable at

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registration, for each airman's certificate. It may accept as evidence of the holding of a federal license, certificate or permit the verified application of the airman or the owner of the aircraft, which application shall contain such information as the Department may by rule, ruling, regulation, order or decision prescribe. The Department's authority to register aircraft or to issue certificates of registration is limited as follows:

(i) Except as to any aircraft vehicle purchased before March 8, 1963, the Department, in the case of the first registration of any aircraft vehicle for any given owner on or after March 8, 1963, may not issue a certificate of registration with respect to any aircraft vehicle until after the Department has been satisfied that no tax under the Use Tax Act, the Aircraft Use Tax Law, the Municipal Use Tax Act, or the Home Rule County Use Tax Law is owing by reason of the use of the vehicle in Illinois or that any tax so imposed has been paid. A receipt issued under those Acts by the Department of Revenue constitutes proof of payment of the tax. For the purpose of this paragraph, "aircraft vehicle" means a single aircraft.

(ii) If the proof of payment of the tax or of nonliability therefor is, after the issuance of the certificate of registration, found to be invalid, the Department shall revoke the certificate and require that the certificate be returned to the Department.

(2) To classify and approve airports and restricted landing areas and any alterations or extensions thereof. Certificates of approval issued pursuant to this paragraph, or pursuant to any prior law, shall be issued in the name of the applicant and shall be transferable upon a change of ownership or control of the airport or restricted landing area only after approval of the Department. No charge or fee shall be made or imposed for any kind of certificate of approval or a transfer thereof.

(3) To revoke, temporarily or permanently, any certificate of registration of an aircraft or airman issued by it, or to refuse to issue any such certificate of registration, when it shall reasonably determine that any aircraft is not airworthy, or that any airman:

(i) is not qualified;

New matter indicated by italics - deletions by strikeout
(ii) has willfully violated the laws of this State pertaining to aeronautics or any rules, rulings, regulations, orders, or decisions issued pursuant thereto, or any Federal law or any rule or regulation issued pursuant thereto;

(iii) is addicted to the use of narcotics or other habit forming drug, or to the excessive use of intoxicating liquor;

(iv) has made any false statement in any application for registration of a federal license, certificate or permit; or

(v) has been guilty of other conduct, acts, or practices dangerous to the public safety or the safety of those engaged in aeronautics.

(c) The Department may refuse to issue or may suspend the certificate of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

(Source: P.A. 92-341, eff. 8-10-01; 93-24, eff. 6-20-03.)

Passed in the General Assembly May 19, 2016.

Approved July 22, 2016.

Effective January 1, 2017.

PUBLIC ACT 99-0606

(House Bill No. 4397)

AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Grant Funds Recovery Act is amended by changing Section 5 as follows:

(30 ILCS 705/5) (from Ch. 127, par. 2305)

Sec. 5. Time Limit on Expenditure of Grant Funds. Subject to the restriction of Section 35 of the State Finance Act "An Act in relation to State finance", approved June 10, 1919, as amended, no grant funds may be made available for expenditure by a grantee for a period longer than 2 years, except where such grant funds are disbursed in reimbursement of costs previously incurred by the grantee and except as otherwise provided in subsection (d) of Section 5-200 of the School Construction Law. Any grant funds not expended or legally obligated by the end of the grant

New matter indicated by italics - deletions by strikeout
agreement, or during the time limitation to grant fund expenditures set forth in this Section, must be returned to the grantor agency within 45 days, if the funds are not already on deposit with the grantor agency or the State Treasurer. Such returned funds shall be deposited into the fund from which the original grant disbursement to the grantee was made. (Source: P.A. 83-640.)

Section 10. The School Construction Law is amended by changing Section 5-200 as follows:

(105 ILCS 230/5-200)
Sec. 5-200. School energy efficiency grants.
(a) The State Board of Education is authorized to make grants to school districts and special education cooperatives, without regard to enrollment, for school energy efficiency projects. These grants shall be paid out of moneys appropriated for that purpose from the School Infrastructure Fund. No grant under this Section for one fiscal year shall exceed $250,000, but a school district or special education cooperative may receive grants for more than one project during one fiscal year. A school district or special education cooperative must provide local matching funds in an amount equal to the amount of the grant under this Section. A school district or special education cooperative has no entitlement to a grant under this Section.

(b) The State Board of Education shall adopt rules to implement this Section. These rules need not be the same as the rules for school construction project grants or school maintenance project grants. The rules may specify:

(1) the manner of applying for grants;
(2) project eligibility requirements;
(3) restrictions on the use of grant moneys;
(4) the manner in which school districts and special education cooperatives must account for the use of grant moneys; and

(5) any other provision that the State Board determines to be necessary or useful for the administration of this Section.

(c) In each school year in which school energy efficiency project grants are awarded, 20% of the total amount awarded shall be awarded to a school district in a city with a population of more than 500,000, provided that the school district complies with the requirements of this Section and the rules adopted under this Section.

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(d) Notwithstanding Section 5 of the Illinois Grant Funds Recovery Act, for school energy efficiency grants awarded in 2014, grant funds may be made available for expenditure by a grantee for a period of 4 years from the date the funds were distributed by the State. Any grant funds not expended or legally obligated by the end of the grant agreement must be returned to the grantor agency within 45 days if the funds are not already on deposit with the grantor agency or the State Treasurer. Such returned funds must be deposited into the fund from which the original grant disbursement to the grantee was made.

(Source: P.A. 96-37, eff. 7-13-09; 96-1423, eff. 8-3-10; 97-205, eff. 7-28-11.)

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

Passed in the General Assembly May 19, 2016.
Approved July 22, 2016.
Effective July 22, 2016.

PUBLIC ACT 99-0607
(House Bill No. 4445)

AN ACT concerning the Secretary of State.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Identification Card Act is amended by changing Section 12 as follows:

Sec. 12. Fees concerning Standard Illinois Identification Cards. The fees required under this Act for standard Illinois Identification Cards must accompany any application provided for in this Act, and the Secretary shall collect such fees as follows:

a. Original card............................... $20
b. Renewal card............................... 20
c. Corrected card............................... 10
d. Duplicate card............................... 20
e. Certified copy with seal ..................... 5
f. Search ....................................... 2
g. Applicant 65 years of age or over ........... No Fee
h. (Blank) .....................................
i. Individual living in Veterans

New matter indicated by italics - deletions by strikeout
Home or Hospital ....................... No Fee
j. Original card under 18 years of age....... $10
k. Renewal card under 18 years of age....... $10
l. Corrected card under 18 years of age....... $5
m. Duplicate card under 18 years of age....... $10
n. Homeless person ....................... No Fee
o. Duplicate card issued to an active-duty
   member of the United States Armed Forces, the
   member's spouse, or dependent children
   living with the member .................... No Fee
   p. Duplicate temporary card ................ $5

All fees collected under this Act shall be paid into the Road Fund of the State treasury, except that the following amounts shall be paid into the General Revenue Fund: (i) 80% of the fee for an original, renewal, or duplicate Illinois Identification Card issued on or after January 1, 2005; and (ii) 80% of the fee for a corrected Illinois Identification Card issued on or after January 1, 2005.

An individual, who resides in a veterans home or veterans hospital operated by the state or federal government, who makes an application for an Illinois Identification Card to be issued at no fee, must submit, along with the application, an affirmation by the applicant on a form provided by the Secretary of State, that such person resides in a veterans home or veterans hospital operated by the state or federal government.

The application of a homeless individual for an Illinois Identification Card to be issued at no fee must be accompanied by an affirmation by a qualified person, as defined in Section 4C of this Act, on a form provided by the Secretary of State, that the applicant is currently homeless as defined in Section 1A of this Act.

The fee for any duplicate identification card shall be waived for any person who presents the Secretary of State's Office with a police report showing that his or her identification card was stolen.

The fee for any duplicate identification card shall be waived for any person age 60 or older whose identification card has been lost or stolen.

As used in this Section, "active-duty member of the United States Armed Forces" means a member of the Armed Services or Reserve Forces of the United States or a member of the Illinois National Guard who is called to active duty pursuant to an executive order of the President of the
United States, an act of the Congress of the United States, or an order of the Governor.  
(Source: P.A. 96-183, eff. 7-1-10; 96-1231, eff. 7-23-10; 97-333, eff. 8-12-11; 97-1064, eff. 1-1-13.)

Section 10. The Illinois Vehicle Code is amended by changing Sections 3-821, 6-206, 6-507 and 6-508.1 as follows:

(625 ILCS 5/3-821) (from Ch. 95 1/2, par. 3-821)
Sec. 3-821. Miscellaneous Registration and Title Fees.
(a) The fee to be paid to the Secretary of State for the following certificates, registrations or evidences of proper registration, or for corrected or duplicate documents shall be in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Certificate/Registration</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Certificate of Title, except for an all-terrain vehicle or off-highway motorcycle</td>
<td>$95</td>
</tr>
<tr>
<td>Certificate of Title for an all-terrain vehicle or off-highway motorcycle</td>
<td>$30</td>
</tr>
<tr>
<td>Certificate of Title for an all-terrain vehicle or off-highway motorcycle used for production agriculture, or accepted by a dealer in trade</td>
<td>13</td>
</tr>
<tr>
<td>Certificate of Title for a low-speed vehicle</td>
<td>30</td>
</tr>
<tr>
<td>Transfer of Registration or any evidence of proper registration</td>
<td>$25</td>
</tr>
<tr>
<td>Duplicate Registration Card for plates or other evidence of proper registration</td>
<td>3</td>
</tr>
<tr>
<td>Duplicate Registration Sticker or Stickers, each</td>
<td>20</td>
</tr>
<tr>
<td>Duplicate Certificate of Title</td>
<td>95</td>
</tr>
<tr>
<td>Corrected Registration Card or Card for other evidence of proper registration</td>
<td>3</td>
</tr>
<tr>
<td>Corrected Certificate of Title</td>
<td>95</td>
</tr>
<tr>
<td>Salvage Certificate</td>
<td>4</td>
</tr>
<tr>
<td>Fleet Reciprocity Permit</td>
<td>15</td>
</tr>
<tr>
<td>Prorate Decal</td>
<td>1</td>
</tr>
<tr>
<td>Prorate Backing Plate</td>
<td>3</td>
</tr>
<tr>
<td>Special Corrected Certificate of Title</td>
<td>15</td>
</tr>
<tr>
<td>Expedited Title Service (to be charged in addition to other applicable fees)</td>
<td>30</td>
</tr>
<tr>
<td>Dealer Lien Release Certificate of Title</td>
<td>20</td>
</tr>
</tbody>
</table>

A special corrected certificate of title shall be issued (i) to remove a co-owner's name due to the death of the co-owner, to transfer title to a

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spouse if the decedent-spouse was the sole owner on the title, or due to a
divorce or (ii) to change a co-owner's name due to a marriage.

There shall be no fee paid for a Junking Certificate.

There shall be no fee paid for a certificate of title issued to a county
when the vehicle is forfeited to the county under Article 36 of the Criminal
Code of 2012.

(a-5) The Secretary of State may revoke a certificate of title and
registration card and issue a corrected certificate of title and registration
card, at no fee to the vehicle owner or lienholder, if there is proof that the
vehicle identification number is erroneously shown on the original
certificate of title.

(a-10) The Secretary of State may issue, in connection with the sale
of a motor vehicle, a corrected title to a motor vehicle dealer upon
application and submittal of a lien release letter from the lienholder listed
in the files of the Secretary. In the case of a title issued by another state,
the dealer must submit proof from the state that issued the last title. The
corrected title, which shall be known as a dealer lien release certificate of
title, shall be issued in the name of the vehicle owner without the named
lienholder. If the motor vehicle is currently titled in a state other than
Illinois, the applicant must submit either (i) a letter from the current
lienholder releasing the lien and stating that the lienholder has possession
of the title; or (ii) a letter from the current lienholder releasing the lien and
a copy of the records of the department of motor vehicles for the state in
which the vehicle is titled, showing that the vehicle is titled in the name of
the applicant and that no liens are recorded other than the lien for which a
release has been submitted. The fee for the dealer lien release certificate of
title is $20.

(b) The Secretary may prescribe the maximum service charge to be
imposed upon an applicant for renewal of a registration by any person
authorized by law to receive and remit or transmit to the Secretary such
renewal application and fees therewith.

(c) If payment is delivered to the Office of the Secretary of State as
payment of any fee or tax under this Code, and such payment is not
honored for any reason, the registrant or other person tendering the
payment remains liable for the payment of such fee or tax. The Secretary
of State may assess a service charge of $25 in addition to the fee or tax due
and owing for all dishonored payments.

If the total amount then due and owing exceeds the sum of $100
and has not been paid in full within 60 days from the date the dishonored

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payment was first delivered such fee or tax became due to the Secretary of State, the Secretary of State shall assess a penalty of 25% of such amount remaining unpaid.

All amounts payable under this Section shall be computed to the nearest dollar. Out of each fee collected for dishonored payments, $5 shall be deposited in the Secretary of State Special Services Fund.

(d) The minimum fee and tax to be paid by any applicant for apportionment of a fleet of vehicles under this Code shall be $15 if the application was filed on or before the date specified by the Secretary together with fees and taxes due. If an application and the fees or taxes due are filed after the date specified by the Secretary, the Secretary may prescribe the payment of interest at the rate of 1/2 of 1% per month or fraction thereof after such due date and a minimum of $8.

(e) Trucks, truck tractors, truck tractors with loads, and motor buses, any one of which having a combined total weight in excess of 12,000 lbs. shall file an application for a Fleet Reciprocity Permit issued by the Secretary of State. This permit shall be in the possession of any driver operating a vehicle on Illinois highways. Any foreign licensed vehicle of the second division operating at any time in Illinois without a Fleet Reciprocity Permit or other proper Illinois registration, shall subject the operator to the penalties provided in Section 3-834 of this Code. For the purposes of this Code, "Fleet Reciprocity Permit" means any second division motor vehicle with a foreign license and used only in interstate transportation of goods. The fee for such permit shall be $15 per fleet which shall include all vehicles of the fleet being registered.

(f) For purposes of this Section, "all-terrain vehicle or off-highway motorcycle used for production agriculture" means any all-terrain vehicle or off-highway motorcycle used in the raising of or the propagation of livestock, crops for sale for human consumption, crops for livestock consumption, and production seed stock grown for the propagation of feed grains and the husbandry of animals or for the purpose of providing a food product, including the husbandry of blood stock as a main source of providing a food product. "All-terrain vehicle or off-highway motorcycle used in production agriculture" also means any all-terrain vehicle or off-highway motorcycle used in animal husbandry, floriculture, aquaculture, horticulture, and viticulture.

(g) All of the proceeds of the additional fees imposed by Public Act 96-34 shall be deposited into the Capital Projects Fund.

(Source: P.A. 99-260, eff. 1-1-16.)

New matter indicated by italics - deletions by strikeout
Sec. 6-206. Discretionary authority to suspend or revoke license or permit; Right to a hearing.

(a) The Secretary of State is authorized to suspend or revoke the driving privileges of any person without preliminary hearing upon a showing of the person's records or other sufficient evidence that the person:

1. Has committed an offense for which mandatory revocation of a driver's license or permit is required upon conviction;

2. Has been convicted of not less than 3 offenses against traffic regulations governing the movement of vehicles committed within any 12 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;

3. Has been repeatedly involved as a driver in motor vehicle collisions or has been repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic, to a degree that indicates lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle or disrespect for the traffic laws and the safety of other persons upon the highway;

4. Has by the unlawful operation of a motor vehicle caused or contributed to an accident resulting in injury requiring immediate professional treatment in a medical facility or doctor's office to any person, except that any suspension or revocation imposed by the Secretary of State under the provisions of this subsection shall start no later than 6 months after being convicted of violating a law or ordinance regulating the movement of traffic, which violation is related to the accident, or shall start not more than one year after the date of the accident, whichever date occurs later;

5. Has permitted an unlawful or fraudulent use of a driver's license, identification card, or permit;

6. Has been lawfully convicted of an offense or offenses in another state, including the authorization contained in Section 6-203.1, which if committed within this State would be grounds for suspension or revocation;

7. Has refused or failed to submit to an examination provided for by Section 6-207 or has failed to pass the examination;

New matter indicated by italics - deletions by strikeout
8. Is ineligible for a driver's license or permit under the provisions of Section 6-103;

9. Has made a false statement or knowingly concealed a material fact or has used false information or identification in any application for a license, identification card, or permit;

10. Has possessed, displayed, or attempted to fraudulently use any license, identification card, or permit not issued to the person;

11. Has operated a motor vehicle upon a highway of this State when the person's driving privilege or privilege to obtain a driver's license or permit was revoked or suspended unless the operation was authorized by a monitoring device driving permit, judicial driving permit issued prior to January 1, 2009, probationary license to drive, or a restricted driving permit issued under this Code;

12. Has submitted to any portion of the application process for another person or has obtained the services of another person to submit to any portion of the application process for the purpose of obtaining a license, identification card, or permit for some other person;

13. Has operated a motor vehicle upon a highway of this State when the person's driver's license or permit was invalid under the provisions of Sections 6-107.1 and 6-110;

14. Has committed a violation of Section 6-301, 6-301.1, or 6-301.2 of this Code Act, or Section 14, 14A, or 14B of the Illinois Identification Card Act;

15. Has been convicted of violating Section 21-2 of the Criminal Code of 1961 or the Criminal Code of 2012 relating to criminal trespass to vehicles in which case, the suspension shall be for one year;

16. Has been convicted of violating Section 11-204 of this Code relating to fleeing from a peace officer;

17. Has refused to submit to a test, or tests, as required under Section 11-501.1 of this Code and the person has not sought a hearing as provided for in Section 11-501.1;

18. Has, since issuance of a driver's license or permit, been adjudged to be afflicted with or suffering from any mental disability or disease;

New matter indicated by italics - deletions by strikeout
19. Has committed a violation of paragraph (a) or (b) of Section 6-101 relating to driving without a driver's license;

20. Has been convicted of violating Section 6-104 relating to classification of driver's license;

21. Has been convicted of violating Section 11-402 of this Code relating to leaving the scene of an accident resulting in damage to a vehicle in excess of $1,000, in which case the suspension shall be for one year;

22. Has used a motor vehicle in violating paragraph (3), (4), (7), or (9) of subsection (a) of Section 24-1 of the Criminal Code of 1961 or the Criminal Code of 2012 relating to unlawful use of weapons, in which case the suspension shall be for one year;

23. Has, as a driver, been convicted of committing a violation of paragraph (a) of Section 11-502 of this Code for a second or subsequent time within one year of a similar violation;

24. Has been convicted by a court-martial or punished by non-judicial punishment by military authorities of the United States at a military installation in Illinois or in another state of or for a traffic related offense that is the same as or similar to an offense specified under Section 6-205 or 6-206 of this Code;

25. Has permitted any form of identification to be used by another in the application process in order to obtain or attempt to obtain a license, identification card, or permit;

26. Has altered or attempted to alter a license or has possessed an altered license, identification card, or permit;

27. Has violated Section 6-16 of the Liquor Control Act of 1934;

28. Has been convicted for a first time of the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the Illinois Controlled Substances Act, any cannabis prohibited under the Cannabis Control Act, or any methamphetamine prohibited under the Methamphetamine Control and Community Protection Act, in which case the person's driving privileges shall be suspended for one year. Any defendant found guilty of this offense while operating a motor vehicle, shall have an entry made in the court record by the presiding judge that this offense did occur while the defendant was operating a motor

New matter indicated by italics - deletions by strikeout
vehicle and order the clerk of the court to report the violation to the Secretary of State;

29. Has been convicted of the following offenses that were committed while the person was operating or in actual physical control, as a driver, of a motor vehicle: criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, juvenile pimping, soliciting for a juvenile prostitute, promoting juvenile prostitution as described in subdivision (a)(1), (a)(2), or (a)(3) of Section 11-14.4 of the Criminal Code of 1961 or the Criminal Code of 2012, and the manufacture, sale or delivery of controlled substances or instruments used for illegal drug use or abuse in which case the driver's driving privileges shall be suspended for one year;

30. Has been convicted a second or subsequent time for any combination of the offenses named in paragraph 29 of this subsection, in which case the person's driving privileges shall be suspended for 5 years;

31. Has refused to submit to a test as required by Section 11-501.6 of this Code or Section 5-16c of the Boat Registration and Safety Act or has submitted to a test resulting in an alcohol concentration of 0.08 or more or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act, a controlled substance as listed in the Illinois Controlled Substances Act, an intoxicating compound as listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, in which case the penalty shall be as prescribed in Section 6-208.1;

32. Has been convicted of Section 24-1.2 of the Criminal Code of 1961 or the Criminal Code of 2012 relating to the aggravated discharge of a firearm if the offender was located in a motor vehicle at the time the firearm was discharged, in which case the suspension shall be for 3 years;

33. Has as a driver, who was less than 21 years of age on the date of the offense, been convicted a first time of a violation of paragraph (a) of Section 11-502 of this Code or a similar provision of a local ordinance;

New matter indicated by italics - deletions by strikeout
34. Has committed a violation of Section 11-1301.5 of this Code or a similar provision of a local ordinance;
35. Has committed a violation of Section 11-1301.6 of this Code or a similar provision of a local ordinance;
36. Is under the age of 21 years at the time of arrest and has been convicted of not less than 2 offenses against traffic regulations governing the movement of vehicles committed within any 24 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;
37. Has committed a violation of subsection (c) of Section 11-907 of this Code that resulted in damage to the property of another or the death or injury of another;
38. Has been convicted of a violation of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance;
39. Has committed a second or subsequent violation of Section 11-1201 of this Code;
40. Has committed a violation of subsection (a-1) of Section 11-908 of this Code;
41. Has committed a second or subsequent violation of Section 11-605.1 of this Code, a similar provision of a local ordinance, or a similar violation in any other state within 2 years of the date of the previous violation, in which case the suspension shall be for 90 days;
42. Has committed a violation of subsection (a-1) of Section 11-1301.3 of this Code or a similar provision of a local ordinance;
43. Has received a disposition of court supervision for a violation of subsection (a), (d), or (e) of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance, in which case the suspension shall be for a period of 3 months;
44. Is under the age of 21 years at the time of arrest and has been convicted of an offense against traffic regulations governing the movement of vehicles after having previously had his or her driving privileges suspended or revoked pursuant to subparagraph 36 of this Section;
45. Has, in connection with or during the course of a formal hearing conducted under Section 2-118 of this Code: (i) committed perjury; (ii) submitted fraudulent or falsified documents; (iii)
submitted documents that have been materially altered; or (iv) submitted, as his or her own, documents that were in fact prepared or composed for another person;

46. Has committed a violation of subsection (j) of Section 3-413 of this Code; or

47. Has committed a violation of Section 11-502.1 of this Code; or

48. Has submitted a falsified or altered medical examiner's certificate to the Secretary of State or provided false information to obtain a medical examiner's certificate.

For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26, and 27 of this subsection, license means any driver's license, any traffic ticket issued when the person's driver's license is deposited in lieu of bail, a suspension notice issued by the Secretary of State, a duplicate or corrected driver's license, a probationary driver's license or a temporary driver's license.

(b) If any conviction forming the basis of a suspension or revocation authorized under this Section is appealed, the Secretary of State may rescind or withhold the entry of the order of suspension or revocation, as the case may be, provided that a certified copy of a stay order of a court is filed with the Secretary of State. If the conviction is affirmed on appeal, the date of the conviction shall relate back to the time the original judgment of conviction was entered and the 6 month limitation prescribed shall not apply.

(c) 1. Upon suspending or revoking the driver's license or permit of any person as authorized in this Section, the Secretary of State shall immediately notify the person in writing of the revocation or suspension. The notice to be deposited in the United States mail, postage prepaid, to the last known address of the person.

2. If the Secretary of State suspends the driver's license of a person under subsection 2 of paragraph (a) of this Section, a person's privilege to operate a vehicle as an occupation shall not be suspended, provided an affidavit is properly completed, the appropriate fee received, and a permit issued prior to the effective date of the suspension, unless 5 offenses were committed, at least 2 of which occurred while operating a commercial vehicle in connection with the driver's regular occupation. All other driving privileges shall be suspended by the Secretary of State. Any driver prior to operating a vehicle for occupational purposes only must submit the affidavit on forms to be provided by the Secretary of State setting forth the facts of the person's occupation. The affidavit shall also state the

New matter indicated by italics - deletions by strikeout
number of offenses committed while operating a vehicle in connection with the driver's regular occupation. The affidavit shall be accompanied by the driver's license. Upon receipt of a properly completed affidavit, the Secretary of State shall issue the driver a permit to operate a vehicle in connection with the driver's regular occupation only. Unless the permit is issued by the Secretary of State prior to the date of suspension, the privilege to drive any motor vehicle shall be suspended as set forth in the notice that was mailed under this Section. If an affidavit is received subsequent to the effective date of this suspension, a permit may be issued for the remainder of the suspension period.

The provisions of this subparagraph shall not apply to any driver required to possess a CDL for the purpose of operating a commercial motor vehicle.

Any person who falsely states any fact in the affidavit required herein shall be guilty of perjury under Section 6-302 and upon conviction thereof shall have all driving privileges revoked without further rights.

3. At the conclusion of a hearing under Section 2-118 of this Code, the Secretary of State shall either rescind or continue an order of revocation or shall substitute an order of suspension; or, good cause appearing therefor, rescind, continue, change, or extend the order of suspension. If the Secretary of State does not rescind the order, the Secretary may upon application, to relieve undue hardship (as defined by the rules of the Secretary of State), issue a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of the petitioner's employment related duties, or to allow the petitioner to transport himself or herself, or a family member of the petitioner's household to a medical facility, to receive necessary medical care, to allow the petitioner to transport himself or herself to and from alcohol or drug remedial or rehabilitative activity recommended by a licensed service provider, or to allow the petitioner to transport himself or herself or a family member of the petitioner's household to classes, as a student, at an accredited educational institution, or to allow the petitioner to transport children, elderly persons, or persons with disabilities who do not hold driving privileges and are living in the petitioner's household to and from daycare. The petitioner must demonstrate that no alternative means of transportation is reasonably available and that the petitioner will not endanger the public safety or welfare.

New matter indicated by italics - deletions by strikeout
(A) If a person's license or permit is revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, or Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, where the use of alcohol or other drugs is recited as an element of the offense, or a similar out-of-state offense, or a combination of these offenses, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

(B) If a person's license or permit is revoked or suspended 2 or more times due to any combination of:

(i) a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense or Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, where the use of alcohol or other drugs is recited as an element of the offense, or a similar out-of-state offense; or

(ii) a statutory summary suspension or revocation under Section 11-501.1; or

(iii) a suspension under Section 6-203.1;

arising out of separate occurrences; that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

(B-5) If a person's license or permit is revoked or suspended due to a conviction for a violation of subparagraph (C) or (F) of paragraph (1) of subsection (d) of Section 11-501 of this Code, or a similar provision of a local ordinance or similar out-of-state offense, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

(C) The person issued a permit conditioned upon the use of an ignition interlock device must pay to the Secretary of State DUI Administration Fund an amount not to exceed $30 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees.

(D) If the restricted driving permit is issued for employment purposes, then the prohibition against operating a motor vehicle

New matter indicated by italics - deletions by strikeout
that is not equipped with an ignition interlock device does not apply to the operation of an occupational vehicle owned or leased by that person's employer when used solely for employment purposes. For any person who, within a 5-year period, is convicted of a second or subsequent offense under Section 11-501 of this Code, or a similar provision of a local ordinance or similar out-of-state offense, this employment exemption does not apply until a one-year period has elapsed during which that person had his or her driving privileges revoked or a one-year period has elapsed during which that person had a restricted driving permit which required the use of an ignition interlock device on every motor vehicle owned or operated by that person.

(E) In each case the Secretary may issue a restricted driving permit for a period deemed appropriate, except that all permits shall expire within one year from the date of issuance. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. The Secretary of State is authorized to cancel a restricted driving permit if the permit holder does not successfully complete the program.

(F) A person subject to the provisions of paragraph 4 of subsection (b) of Section 6-208 of this Code may make application for a restricted driving permit at a hearing conducted under Section 2-118 of this Code after the expiration of 5 years from the effective date of the most recent revocation or after 5 years from the date of release from a period of imprisonment resulting from a conviction of the most recent offense, whichever is later, provided the person, in addition to all other requirements of the Secretary, shows by clear and convincing evidence:

(i) a minimum of 3 years of uninterrupted abstinence from alcohol and the unlawful use or

New matter indicated by italics - deletions by strikeout
consumption of cannabis under the Cannabis Control Act, a controlled substance under the Illinois Controlled Substances Act, an intoxicating compound under the Use of Intoxicating Compounds Act, or methamphetamine under the Methamphetamine Control and Community Protection Act; and

(ii) the successful completion of any rehabilitative treatment and involvement in any ongoing rehabilitative activity that may be recommended by a properly licensed service provider according to an assessment of the person's alcohol or drug use under Section 11-501.01 of this Code.

In determining whether an applicant is eligible for a restricted driving permit under this subparagraph (F), the Secretary may consider any relevant evidence, including, but not limited to, testimony, affidavits, records, and the results of regular alcohol or drug tests. Persons subject to the provisions of paragraph 4 of subsection (b) of Section 6-208 of this Code and who have been convicted of more than one violation of paragraph (3), paragraph (4), or paragraph (5) of subsection (a) of Section 11-501 of this Code shall not be eligible to apply for a restricted driving permit under this subparagraph (F).

A restricted driving permit issued under this subparagraph (F) shall provide that the holder may only operate motor vehicles equipped with an ignition interlock device as required under paragraph (2) of subsection (c) of Section 6-205 of this Code and subparagraph (A) of paragraph 3 of subsection (c) of this Section. The Secretary may revoke a restricted driving permit or amend the conditions of a restricted driving permit issued under this subparagraph (F) if the holder operates a vehicle that is not equipped with an ignition interlock device, or for any other reason authorized under this Code.

A restricted driving permit issued under this subparagraph (F) shall be revoked, and the holder barred from applying for or being issued a restricted driving permit in the future, if the holder is convicted of a violation of Section 11-501 of this Code, a similar provision of a local ordinance, or a similar offense in another state. (c-3) In the case of a suspension under paragraph 43 of subsection (a), reports received by the Secretary of State under this Section shall, except during the actual time the suspension is in effect, be privileged.
information and for use only by the courts, police officers, prosecuting authorities, the driver licensing administrator of any other state, the Secretary of State, or the parent or legal guardian of a driver under the age of 18. However, beginning January 1, 2008, if the person is a CDL holder, the suspension shall also be made available to the driver licensing administrator of any other state, the U.S. Department of Transportation, and the affected driver or motor carrier or prospective motor carrier upon request.

(c-4) In the case of a suspension under paragraph 43 of subsection (a), the Secretary of State shall notify the person by mail that his or her driving privileges and driver's license will be suspended one month after the date of the mailing of the notice.

(c-5) The Secretary of State may, as a condition of the reissuance of a driver's license or permit to an applicant whose driver's license or permit has been suspended before he or she reached the age of 21 years pursuant to any of the provisions of this Section, require the applicant to participate in a driver remedial education course and be retested under Section 6-109 of this Code.

(d) This Section is subject to the provisions of the Drivers License Compact.

(e) The Secretary of State shall not issue a restricted driving permit to a person under the age of 16 years whose driving privileges have been suspended or revoked under any provisions of this Code.

(f) In accordance with 49 C.F.R. 384, the Secretary of State may not issue a restricted driving permit for the operation of a commercial motor vehicle to a person holding a CDL whose driving privileges have been suspended, revoked, cancelled, or disqualified under any provisions of this Code.

Sec. 6-507. Commercial Driver's License (CDL) or Commercial Learner's Permit (CLP) Required.

(a) Except as expressly permitted by this UCDLA, or when driving pursuant to the issuance of a commercial learner's permit and accompanied by the holder of a CDL valid for the vehicle being driven; no person shall drive a commercial motor vehicle on the highways without:

(1) a CDL in the driver's possession;

New matter indicated by italics - deletions by strikeout
(2) having obtained a CLP or CDL;
(3) the proper class of CLP or CDL or endorsements or both for the specific vehicle group being operated or for the passengers or type of cargo being transported; or
(4) a copy of a medical variance document, if one exists, such as an exemption letter or a skill performance evaluation certificate.

(a-5) A CLP or CDL holder whose CLP or CDL is held by this State or any other state in the course of enforcement of a motor vehicle traffic code and who has not been convicted of a disqualifying offense under 49 C.F.R. 383.51 based on this enforcement, may drive a CMV while holding a dated receipt for the CLP or CDL.

(b) Except as otherwise provided by this Code, no person may drive a commercial motor vehicle on the highways while such person's driving privilege, license, or permit is:

(1) Suspended, revoked, cancelled, or subject to disqualification. Any person convicted of violating this provision or a similar provision of this or any other state shall have their driving privileges revoked under paragraph 12 of subsection (a) of Section 6-205 of this Code.

(2) Subject to or in violation of an "out-of-service" order. Any person who has been issued a CLP or CDL and is convicted of violating this provision or a similar provision of any other state shall be disqualified from operating a commercial motor vehicle under subsection (i) of Section 6-514 of this Code.

(3) Subject to or in violation of a driver or vehicle "out of service" order while operating a vehicle designed to transport 16 or more passengers, including the driver, or transporting hazardous materials required to be placarded. Any person who has been issued a CLP or CDL and is convicted of violating this provision or a similar provision of this or any other state shall be disqualified from operating a commercial motor vehicle under subsection (i) of Section 6-514 of this Code.

(b-3) Except as otherwise provided by this Code, no person may drive a commercial motor vehicle on the highways during a period which the commercial motor vehicle or the motor carrier operation is subject to an "out-of-service" order. Any person who is convicted of violating this provision or a similar provision of any other state shall be disqualified
from operating a commercial motor vehicle under subsection (i) of Section 6-514 of this Code.

(b-5) Except as otherwise provided by this Code, no person may operate a vehicle designed to transport 16 or more passengers including the driver or hazardous materials of a type or quantity that requires the vehicle to be placarded during a period in which the commercial motor vehicle or the motor carrier operation is subject to an "out-of-service" order. Any person who is convicted of violating this provision or a similar provision of any other state shall be disqualified from operating a commercial motor vehicle under subsection (i) of Section 6-514 of this Code.

(c) Pursuant to the options provided to the States by FHWA Docket No. MC-88-8, the driver of any motor vehicle controlled or operated by or for a farmer is waived from the requirements of this Section, when such motor vehicle is being used to transport: agricultural products; implements of husbandry; or farm supplies; to and from a farm, as long as such movement is not over 150 air miles from the originating farm. This waiver does not apply to the driver of any motor vehicle being used in a common or contract carrier type operation. However, for those drivers of any truck-tractor semitrailer combination or combinations registered under subsection (c) of Section 3-815 of this Code, this waiver shall apply only when the driver is a farmer or a member of the farmer's family and the driver is 21 years of age or more and has successfully completed any tests the Secretary of State deems necessary.

In addition, the farmer or a member of the farmer's family who operates a truck-tractor semitrailer combination or combinations pursuant to this waiver shall be granted all of the rights and shall be subject to all of the duties and restrictions with respect to Sections 6-514 and 6-515 of this Code applicable to the driver who possesses a commercial driver's license issued under this Code, except that the driver shall not be subject to any additional duties or restrictions contained in Part 382 of the Federal Motor Carrier Safety Regulations that are not otherwise imposed under Section 6-514 or 6-515 of this Code.

For purposes of this subsection (c), a member of the farmer's family is a natural or in-law spouse, child, parent, or sibling.

As required under the Code of Federal Regulations 49 CFR 390.39, an operator of a covered farm vehicle, as defined under Section 18b-101 of this Code, is exempt from the requirements of this Section. However, for drivers of any truck-tractor semitrailer combination or combinations
operating as a covered farm vehicle, the driver must successfully complete any tests the Secretary of State deems necessary. When operating any truck-tractor semitrailer combination as a covered farm vehicle, the exemption applies only to persons age 21 or older, if operating the vehicle in interstate driving, and to persons at least 18 years of age, if operating the vehicle in intrastate driving. The Secretary may adopt rules necessary to implement this Section.

(c-5) An employee of a township or road district with a population of less than 3,000 operating a vehicle within the boundaries of the township or road district for the purpose of removing snow or ice from a roadway by plowing, sanding, or salting is waived from the requirements of this Section when the employee is needed to operate the vehicle because the employee of the township or road district who ordinarily operates the vehicle and who has a commercial driver's license is unable to operate the vehicle or is in need of additional assistance due to a snow emergency.

(c-10) A driver of a commercial motor vehicle used primarily in the transportation of propane winter heating fuel or a driver of a motor vehicle used to respond to a pipeline emergency is waived from the requirements of this Section if such requirements would prevent the driver from responding to an emergency condition requiring immediate response as defined in 49 C.F.R. Part 390.5.

(d) Any person convicted of violating this Section, shall be guilty of a Class A misdemeanor.

(e) Any person convicted of violating paragraph (1) of subsection (b) of this Section, shall have all driving privileges revoked by the Secretary of State.

(f) This Section shall not apply to:

(1) A person who currently holds a valid Illinois driver's license, for the type of vehicle being operated, until the expiration of such license or April 1, 1992, whichever is earlier; or

(2) A non-Illinois domiciliary who is properly licensed in another State, until April 1, 1992. A non-Illinois domiciliary, if such domiciliary is properly licensed in another State or foreign jurisdiction, until April 1, 1992.

(Source: P.A. 98-176 (see Section 10 of P.A. 98-722 and Section 10 of P.A. 99-414 for the effective date of changes made by P.A. 98-176); 99-57, eff. 7-16-15.)

(625 ILCS 5/6-508.1)
Sec. 6-508.1. Medical Examiner's Certificate.

New matter indicated by italics - deletions by strikeout
(a) It shall be unlawful for any person to drive a CMV in non-excepted interstate commerce unless the person holds a CLP or CDL and is medically certified as physically qualified to do so.

(b) No person who has certified to non-excepted interstate driving as provided in Sections 6-507.5 and 6-508 of this Code shall be issued a commercial learner's permit or CDL unless that person presents to the Secretary a medical examiner's certificate or has a current medical examiner's certificate on the CDLIS driver record.

(c) Persons who hold a commercial driver instruction permit or CDL on January 30, 2012 who have certified as non-excepted interstate as provided in Section 6-508 of this Code must provide to the Secretary a medical examiner's certificate no later than January 30, 2014.

(d) On and after January 30, 2014, all persons who hold a commercial driver instruction permit or CDL who have certified as non-excepted interstate shall maintain a current medical examiner's certificate on file with the Secretary. On and after July 1, 2014, all persons issued a CLP who have certified as non-excepted interstate shall maintain a current medical examiner's certificate on file with the Secretary.

(e) Within 10 calendar days of receipt of a medical examiner's certificate of a driver who has certified as non-excepted interstate, the Secretary shall post the following to the CDLIS driver record:

(1) the medical examiner's name;
(2) the medical examiner's telephone number;
(3) the date of issuance of the medical examiner's certificate;
(4) the medical examiner's license number and the state that issued it;
(5) the medical certification status;
(6) the expiration date of the medical examiner's certificate;
(7) the existence of any medical variance on the medical examiner's certificate or grandfather provisions;
(8) any restrictions noted on the medical examiner's certificate; and
(9) the date the medical examiner's certificate information was posted to the CDLIS driver record.

(f) Within 10 calendar days of the expiration or rescission of the driver's medical examiner's certificate or medical variance or both, the Secretary shall update the medical certification status to "not certified".

New matter indicated by italics - deletions by strikeout
(g) Within 10 calendar days of receipt of information from the Federal Motor Carrier Safety Administration regarding issuance or renewal of a medical variance, the Secretary shall update the CDLIS driver record to include the medical variance information provided by the Federal Motor Carrier Safety Administration.

(h) The Secretary shall notify the driver of his or her non-certified status and that his or her CDL will be canceled unless the driver submits a current medical examiner's certificate or medical variance or changes his or her self-certification to driving only in excepted or intrastate commerce.

(i) Within 60 calendar days of a driver's medical certification status becoming non-certified, the Secretary shall cancel the CDL.

(j) As required under the Code of Federal Regulations 49 CFR 390.39, an operator of a covered farm vehicle, as defined under Section 18b-101 of this Code, is exempt from the requirements of this Section.

(k) For purposes of ensuring a person is medically fit to drive a commercial motor vehicle, the Secretary may release medical information provided by an applicant or a holder of a CDL or CLP to the Federal Motor Carrier Safety Administration. Medical information includes, but is not limited to, a medical examiner's certificate, a medical report that the Secretary requires to be submitted, statements regarding medical conditions made by an applicant or a holder of a CDL or CLP, or statements made by his or her physician.

(Source: P.A. 98-176 (see Section 10 of P.A. 98-722 and Section 10 of P.A. 99-414 for the effective date of changes made by P.A. 98-176); 99-57, eff. 7-16-15.)

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

INDEX

Statutes amended in order of appearance
15 ILCS 335/12 from Ch. 124, par. 32
625 ILCS 5/3-821 from Ch. 95 1/2, par. 3-821
625 ILCS 5/6-206
625 ILCS 5/6-507 from Ch. 95 1/2, par. 6-507
625 ILCS 5/6-508.1

Passed in the General Assembly May 19, 2016.
Approved July 22, 2016.
Effective July 22, 2016.

New matter indicated by italics - deletions by strikeout
AN ACT concerning business organizations.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Business Corporation Act of 1983 is amended by changing Section 1.10 as follows:

(805 ILCS 5/1.10) (from Ch. 32, par. 1.10)

Sec. 1.10. Forms, execution, acknowledgment and filing.

(a) All reports required by this Act to be filed in the office of the Secretary of State shall be made on forms which shall be prescribed and furnished by the Secretary of State. Forms for all other documents to be filed in the office of the Secretary of State shall be furnished by the Secretary of State on request therefor, but the use thereof, unless otherwise specifically prescribed in this Act, shall not be mandatory.

(b) Whenever any provision of this Act specifically requires any document to be executed by the corporation in accordance with this Section, unless otherwise specifically stated in this Act and subject to any additional provisions of this Act, such document shall be executed, in ink, as follows:

(1) The articles of incorporation, and any other document to be filed before the election of the initial board of directors if the initial directors were not named in the articles of incorporation, shall be signed by the incorporator or incorporators.

(2) All other documents shall be signed:

   (i) By the president, a vice-president, the secretary, an assistant secretary, the treasurer, or other officer duly authorized by the board of directors of the corporation to execute the document and verified by him or her; or

   (ii) If it shall appear from the document that there are no such officers, then by a majority of the directors or by such directors as may be designated by the board; or

   (iii) If it shall appear from the document that there are no such officers or directors, then by the holders of record, or such of them as may be designated by the holders of record of a majority of all outstanding shares; or

   (iv) By the holders of all outstanding shares; or

New matter indicated by italics - deletions by strikeout
(v) If the corporate assets are in the possession of a receiver, trustee or other court appointed officer, then by the fiduciary or the majority of them if there are more than one.

(c) The name of a person signing the document and the capacity in which he or she signs shall be stated beneath or opposite his or her signature.

(d) Whenever any provision of this Act requires any document to be verified, such requirement is satisfied by either:

(1) The formal acknowledgment by the person or one of the persons signing the instrument that it is his or her act and deed or the act and deed of the corporation, as the case may be, and that the facts stated therein are true. Such acknowledgment shall be made before a person who is authorized by the law of the place of execution to take acknowledgments of deeds and who, if he or she has a seal of office, shall affix it to the instrument.

(2) The signature, without more, of the person or persons signing the instrument, in which case such signature or signatures shall constitute the affirmation or acknowledgment of the signatory, under penalties of perjury, that the instrument is his or her act and deed or the act and deed of the corporation, as the case may be, and that the facts stated therein are true.

(e) Whenever any provision of this Act requires any document to be filed with the Secretary of State or in accordance with this Section, such requirement means that:

(1) The original signed document, and if in duplicate as provided by this Act, one true copy, which may be signed, carbon or photocopy, shall be delivered to the office of the Secretary of State.

(2) All fees, taxes and charges authorized by law to be collected by the Secretary of State in connection with the filing of the document shall be tendered to the Secretary of State.

(3) If the Secretary of State finds that the document conforms to law, he or she shall, when all fees, taxes and charges have been paid as in this Act prescribed:

(i) Endorse on the original and on the true copy, if any, the word "filed" and the month, day and year thereof;
(ii) File the original in his or her office;
(iii) (Blank); or

New matter indicated by italics - deletions by strikeout
(iv) If the filing is in duplicate, he or she shall return one true copy to the corporation or its representative.

(f) If another Section of this Act specifically prescribes a manner of filing or executing a specified document which differs from the corresponding provisions of this Section, then the provisions of such other Section shall govern.

(Source: P.A. 96-1121, eff. 1-1-11.)

Section 10. The General Not For Profit Corporation Act of 1986 is amended by changing Sections 101.10, 112.35, and 112.40 as follows:

(805 ILCS 105/101.10) (from Ch. 32, par. 101.10)

Sec. 101.10. Forms, execution, acknowledgment and filing.

(a) All reports required by this Act to be filed in the office of the Secretary of State shall be made on forms which shall be prescribed and furnished by the Secretary of State. Forms for all other documents to be filed in the office of the Secretary of State shall be furnished by the Secretary of State on request therefor, but the use thereof, unless otherwise specifically prescribed in this Act, shall not be mandatory.

(b) Whenever any provision of this Act specifically requires any document to be executed by the corporation in accordance with this Section, unless otherwise specifically stated in this Act and subject to any additional provisions of this Act, such document shall be executed, in ink, as follows:

(1) The articles of incorporation shall be signed by the incorporator or incorporators.

(2) All other documents shall be signed:

(i) By the president, a vice-president, the secretary, an assistant secretary, the treasurer, or other officer duly authorized by the board of directors of the corporation to execute the document and verified by him or her; or

(ii) If it shall appear from the document that there are no such officers, then by a majority of the directors or by such directors as may be designated by the board; or

(iii) If it shall appear from the document that there are no such officers or directors, then by the members, or such of them as may be designated by the members at a lawful meeting; or

(iv) If the corporate assets are in the possession of a receiver, trustee or other court-appointed officer, then by

New matter indicated by italics - deletions by strikeout
the fiduciary or the majority of them if there are more than one.

(c) The name of a person signing the document and the capacity in which he or she signs shall be stated beneath or opposite his or her signature.

(d) Whenever any provision of this Act requires any document to be verified, such requirement is satisfied by either:

(1) The formal acknowledgment by the person or one of the persons signing the instrument that it is his or her act and deed or the act and deed of the corporation, as the case may be, and that the facts stated therein are true. Such acknowledgment shall be made before a person who is authorized by the law of the place of execution to take acknowledgments of deeds and who, if he or she has a seal of office, shall affix it to the instrument; or

(2) The signature, without more, of the person or persons signing the instrument, in which case such signature or signatures shall constitute the affirmation or acknowledgment of the signatory, under penalties of perjury, that the instrument is his or her act and deed or the act and deed of the corporation, as the case may be, and that the facts stated therein are true.

(e) Whenever any provision of this Act requires any document to be filed with the Secretary of State or in accordance with this Section, such requirement means that:

(1) The original signed document, and if in duplicate as provided by this Act, one true copy, which may be signed, or carbon or photocopy shall be delivered to the office of the Secretary of State.

(2) All fees and charges authorized by law to be collected by the Secretary of State in connection with the filing of the document shall be tendered to the Secretary of State.

(3) If the Secretary of State finds that the document conforms to law, he or she shall, when all fees and charges have been paid as in this Act prescribed:

   (i) Endorse on the original and on the true copy, if any, the word "filed" and the month, day and year thereof;
   (ii) File the original in his or her office;
   (iii) (Blank); and
   (iv) If the filing is in duplicate, he or she shall return the copy to the corporation or its representative.

New matter indicated by italics - deletions by strikeout
(f) If another Section of this Act specifically prescribes a manner of filing or executing a specified document which differs from the corresponding provisions of this Section, then the provisions of such other Section shall govern.

(Source: P.A. 96-1121, eff. 1-1-11.)

(805 ILCS 105/112.35) (from Ch. 32, par. 112.35)
Sec. 112.35. Grounds for administrative dissolution. The Secretary of State may dissolve any corporation administratively if:

(a) It has failed to file its annual report as required by this Act before the first day of the anniversary month of the corporation of the year in which such annual report becomes due;

(b) It has failed to file in the office of the Secretary of State any report after the expiration of the period prescribed in this Act for filing such report;

(c) It has failed to pay any fees or charges prescribed by this Act;

(d) It has failed to appoint and maintain a registered agent in this State;

(e) It has misrepresented any material matter in any application, report, affidavit, or other document filed by the corporation pursuant to this Act;

(f) The Secretary of State receives notification from a local liquor commissioner, pursuant to Section 4-4(3) of "The Liquor Control Act of 1934," as now or hereafter amended, that an organization incorporated under this Act and functioning as a club has violated that Act by selling or offering for sale at retail alcoholic liquors without a retailer's license; or

(g) It has failed to elect and maintain at least 3 directors in accordance with Section 108.10 of this Act.

(Source: P.A. 92-33, eff. 7-1-01.)

(805 ILCS 105/112.40) (from Ch. 32, par. 112.40)
Sec. 112.40. Procedure for administrative dissolution.

(a) After the Secretary of State determines that one or more grounds exist under Section 112.35 of this Act for the administrative dissolution of a corporation, he or she shall send by regular mail to each delinquent corporation a Notice of Delinquency to its registered office, or, if the corporation has failed to maintain a registered office, then to the president or other principal officer at the last known office of said officer. Failure to receive such notice shall not relieve the corporation of its obligation to pay the filing fee and any penalties due or invalidate the validity thereof.

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(b) If the corporation does not correct the default within 90 days following such notice, the Secretary of State shall thereupon dissolve the corporation by issuing a certificate of dissolution that recites the ground or grounds for dissolution and its effective date. The Secretary of State shall file the original of the certificate in his or her office and mail one copy to the corporation at its registered office or, if the corporation has failed to maintain a registered office, then to the president or other principal officer at the last known office of said officer.

(c) The administrative dissolution of a corporation terminates its corporate existence and such a dissolved corporation shall not thereafter carry on any affairs, provided however, that such a dissolved corporation may take all action authorized under Section 112.75 of this Act or as otherwise necessary or appropriate to wind up and liquidate its affairs under Section 112.30 of this Act.

(Source: P.A. 98-776, eff. 1-1-15.)

Section 15. The Limited Liability Company Act is amended by changing Sections 35-25 and 37-40 as follows:

(805 ILCS 180/35-25)

Sec. 35-25. Grounds for administrative dissolution. The Secretary of State may dissolve any limited liability company administratively if:

1. it has failed to file its annual report and pay its fee as required by this Act before the first day of the anniversary month or has failed to pay any fees, penalties, or charges required by this Act;

2. it has failed to file in the Office of the Secretary of State any report after the expiration of the period prescribed in this Act for filing the report;

2.5 it has misrepresented any material matter in any application, report, affidavit, or other document submitted by the limited liability company under this Act;

3. it has failed to appoint and maintain a registered agent in Illinois  

   in accordance with the provisions of this Act within 60 days after a registered agent's notice of resignation under Section 1-35;

4. a manager or member to whom interrogatories have been propounded by the Secretary of State as provided in Section 5-60 of this Act fails to answer the interrogatories fully and to timely file the answer in the office of the Secretary of State; or

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(5) it has tendered payment to the Secretary of State which is returned due to insufficient funds, a closed account, or for any other reason, and acceptable payment has not been subsequently tendered.

(Source: P.A. 98-171, eff. 8-5-13.)

(805 ILCS 180/37-40)

Sec. 37-40. Series of members, managers or limited liability company interests.

(a) An operating agreement may establish or provide for the establishment of designated series of members, managers or limited liability company interests having separate rights, powers or duties with respect to specified property or obligations of the limited liability company or profits and losses associated with specified property or obligations, and to the extent provided in the operating agreement, any such series may have a separate business purpose or investment objective.

(b) Notwithstanding anything to the contrary set forth in this Section or under other applicable law, in the event that an operating agreement creates one or more series, and if separate and distinct records are maintained for any such series and the assets associated with any such series are held (directly or indirectly, including through a nominee or otherwise) and accounted for separately from the other assets of the limited liability company, or any other series thereof, and if the operating agreement so provides, and notice of the limitation on liabilities of a series as referenced in this subsection is set forth in the articles of organization of the limited liability company and if the limited liability company has filed a certificate of designation for each series which is to have limited liability under this Section, then the debts, liabilities and obligations incurred, contracted for or otherwise existing with respect to a particular series shall be enforceable against the assets of such series only, and not against the assets of the limited liability company generally or any other series thereof, and unless otherwise provided in the operating agreement, none of the debts, liabilities, obligations and expenses incurred, contracted for or otherwise existing with respect to the limited liability company generally or any other series thereof shall be enforceable against the assets of such series. The fact that the articles of organization contain the foregoing notice of the limitation on liabilities of a series and a certificate of designation for a series is on file in the Office of the Secretary of State shall constitute notice of such limitation on liabilities of a series. A series with limited liability shall be treated as a separate entity to the extent set

New matter indicated by italics - deletions by strikeout
forth in the articles of organization. Each series with limited liability may, in its own name, contract, hold title to assets, grant security interests, sue and be sued and otherwise conduct business and exercise the powers of a limited liability company under this Act. The limited liability company and any of its series may elect to consolidate their operations as a single taxpayer to the extent permitted under applicable law, elect to work cooperatively, elect to contract jointly or elect to be treated as a single business for purposes of qualification to do business in this or any other state. Such elections shall not affect the limitation of liability set forth in this Section except to the extent that the series have specifically accepted joint liability by contract.

(c) Except in the case of a foreign limited liability company that has adopted an assumed name pursuant to Section 45-15, the name of the series with limited liability must commence with the entire name of the limited liability company, as set forth in its articles of organization, and be distinguishable from the names of the other series set forth in the articles of organization. In the case of a foreign limited liability company that has adopted an assumed name pursuant to Section 45-15, the name of the series with limited liability must commence with the entire name, as set forth in the foreign limited liability company's assumed name application, under which the foreign limited liability company has been admitted to transact business in this State.

(d) Upon the filing of the certificate of designation with the Secretary of State setting forth the name of each series with limited liability, the series' existence shall begin, and each of the duplicate copies stamped "Filed" and marked with the filing date shall be conclusive evidence, except as against the State, that all conditions precedent required to be performed have been complied with and that the series has been or shall be legally organized and formed under this Act. If different from the limited liability company, the certificate of designation for each series shall list the names of the members if the series is member managed or the names of the managers if the series is manager managed. The name of a series with limited liability under subsection (b) of this Section may be changed by filing with the Secretary of State a certificate of designation identifying the series whose name is being changed and the new name of such series. If not the same as the limited liability company, the names of the members of a member managed series or of the managers of a manager managed series may be changed by filing a new certificate of designation with the Secretary of State. A series with limited liability under subsection

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(b) of this Section may be dissolved by filing with the Secretary of State a certificate of designation identifying the series being dissolved or by the dissolution of the limited liability company as provided in subsection (m) of this Section. Certificates of designation may be executed by the limited liability company or any manager, person or entity designated in the operating agreement for the limited liability company.

(e) A series of a limited liability company will be deemed to be in good standing as long as the limited liability company is in good standing.

(f) The registered agent and registered office for the limited liability company in Illinois shall serve as the agent and office for service of process in Illinois for each series.

(g) An operating agreement may provide for classes or groups of members or managers associated with a series having such relative rights, powers and duties as the operating agreement may provide, and may make provision for the future creation of additional classes or groups of members or managers associated with the series having such relative rights, powers and duties as may from time to time be established, including rights, powers and duties senior to existing classes and groups of members or managers associated with the series.

(h) A series may be managed by either the member or members associated with the series or by a manager or managers chosen by the members of such series, as provided in the operating agreement. Unless otherwise provided in an operating agreement, the management of a series shall be vested in the members associated with such series.

(i) An operating agreement may grant to all or certain identified members or managers or a specified class or group of the members or managers associated with a series the right to vote separately or with all or any class or group of the members or managers associated with the series, on any matter. An operating agreement may provide that any member or class or group of members associated with a series shall have no voting rights.

(j) Except to the extent modified in this Section, the provisions of this Act which are generally applicable to limited liability companies, their managers, members and transferees shall be applicable to each particular series with respect to the operation of such series.

(k) Except as otherwise provided in an operating agreement, any event under this Act or in an operating agreement that causes a manager to cease to be a manager with respect to a series shall not, in itself, cause
such manager to cease to be a manager of the limited liability company or with respect to any other series thereof.

(l) Except as otherwise provided in an operating agreement, any event under this Act or an operating agreement that causes a member to cease to be associated with a series shall not, in itself, cause such member to cease to be associated with any other series or terminate the continued membership of a member in the limited liability company or cause the termination of the series, regardless of whether such member was the last remaining member associated with such series.

(m) Except to the extent otherwise provided in the operating agreement, a series may be dissolved and its affairs wound up without causing the dissolution of the limited liability company. The dissolution of a series established in accordance with subsection (b) of this Section shall not affect the limitation on liabilities of such series provided by subsection (b) of this Section. A series is terminated and its affairs shall be wound up upon the dissolution of the limited liability company under Article 35 of this Act.

(n) If a limited liability company with the ability to establish series does not register to do business in a foreign jurisdiction for itself and certain of its series, a series of a limited liability company may itself register to do business as a limited liability company in the foreign jurisdiction in accordance with the laws of the foreign jurisdiction.

(o) If a foreign limited liability company, as permitted in the jurisdiction of its organization, has established a series having separate rights, powers or duties and has limited the liabilities of such series so that the debts, liabilities and obligations incurred, contracted for or otherwise existing with respect to a particular series are enforceable against the assets of such series only, and not against the assets of the limited liability company generally or any other series thereof, or so that the debts, liabilities, obligations and expenses incurred, contracted for or otherwise existing with respect to the limited liability company generally or any other series thereof are not enforceable against the assets of such series, then the limited liability company, on behalf of itself or any of its series, or any of its series on their own behalf may register to do business in the State in accordance with Section 45-5 of this Act. The limitation of liability shall be so stated on the application for admission as a foreign limited liability company and a certificate of designation shall be filed for each series being registered to do business in the State by the limited liability company. Unless otherwise provided in the operating agreement,

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the debts, liabilities and obligations incurred, contracted for or otherwise existing with respect to a particular series of such a foreign limited liability company shall be enforceable against the assets of such series only, and not against the assets of the foreign limited liability company generally or any other series thereof and none of the debts, liabilities, obligations and expenses incurred, contracted for or otherwise existing with respect to such a foreign limited liability company generally or any other series thereof shall be enforceable against the assets of such series.

(Source: P.A. 98-720, eff. 7-16-14.)

Section 99. Effective date. This Act takes effect July 1, 2016.
Passed in the General Assembly May 19, 2016.
Approved July 22, 2016.
Effective July 22, 2016.

PUBLIC ACT 99-0609
(House Bill No. 4697)

AN ACT concerning civil law.
WHEREAS, The General Assembly finds that banks, trust companies, and title companies enter into and exit the land trust business in Illinois on a regular basis; and
WHEREAS, It is, and has always been, in the public interest to protect the rights of land trust beneficiaries in light of the changing land trust business; therefore
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 1. Short title. This Act may be cited as the Land Trust Beneficiary Rights Act.
Section 5. Land trust beneficiary rights. If the identity of the trustee of a land trust has been changed by virtue of sale, assignment, appointment, or otherwise, but the beneficial owner or owners of the land trust remain unchanged, the rights of the beneficial owner or owners shall in no way be impaired by the change of trustees.
Section 10. Change of trustee not a bar or defense to litigation. A change of trustee pursuant to a sale, acquisition, or appointment governed by the Corporate Fiduciary Act is not a bar or defense to any court action filed by or in the name of either the previous trustee or the new trustee, irrespective of whether the court action was originally filed in a representative capacity on behalf of the beneficial owner or owners.

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AN ACT concerning employment.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Freedom From Location Surveillance Act is amended by changing Section 5 as follows:

(725 ILCS 168/5)
Sec. 5. Definitions. For the purpose of this Act:
"Basic subscriber information" means name, address, local and long distance telephone connection records or records of session time and durations; length of services, including start dates, and types of services utilized; telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address; and the means and source of payment for the service, including the credit card or bank account number.

"Electronic device" means any device that enables access to, or use of:

(1) an electronic communication service that provides the ability to send or receive wire or electronic communications;
(2) a remote computing service that provides computer storage or processing services by means of an electronic communications system; or
(3) a location information service such as a global positioning service or other mapping, locational, or directional information service.

"Electronic device" does not mean devices used by a governmental agency or by a company operating under a contract with a governmental agency for toll collection, traffic enforcement, or license plate reading.

"Law enforcement agency" means any agency of this State or a political subdivision of this State which is vested by law with the duty to maintain public order or enforce criminal laws.

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"Location information" means any information concerning the location of an electronic device that, in whole or in part, is generated by or derived from the operation of that device.

"Social networking website" has the same meaning ascribed to the term in paragraph (4) of subsection (b) of Section 10 of the Right to Privacy in the Workplace Act.

(Source: P.A. 98-1104, eff. 8-26-14.)

Section 10. The Right to Privacy in the Workplace Act is amended by changing Section 10 as follows:

(820 ILCS 55/10) (from Ch. 48, par. 2860)
Sec. 10. Prohibited inquiries; online activities.

(a) It shall be unlawful for any employer to inquire, in a written application or in any other manner, of any prospective employee or of the prospective employee's previous employers, whether that prospective employee has ever filed a claim for benefits under the Workers' Compensation Act or Workers' Occupational Diseases Act or received benefits under these Acts.

(b)(1) Except as provided in this subsection, it shall be unlawful for any employer or prospective employer to:

(A) request, or require, or coerce any employee or prospective employee to provide a user name and password or any password or other related account information in order to gain access to the employee's or prospective employee's personal online account or profile on a social networking website or to demand access in any manner to an employee's or prospective employee's personal online account or profile on a social networking website.

(B) request, require, or coerce an employee or applicant to authenticate or access a personal online account in the presence of the employer;

(C) require or coerce an employee or applicant to invite the employer to join a group affiliated with any personal online account of the employee or applicant;

(D) require or coerce an employee or applicant to join an online account established by the employer or add the employer or an employment agency to the employee's or applicant's list of contacts that enable the contacts to access the employee or applicant's personal online account;

(E) discharge, discipline, discriminate against, retaliate against, or otherwise penalize an employee for (i) refusing or
declining to provide the employer with a user name and password, password, or any other authentication means for accessing his or her personal online account, (ii) refusing or declining to authenticate or access a personal online account in the presence of the employer, (iii) refusing to invite the employer to join a group affiliated with any personal online account of the employee, (iv) refusing to join an online account established by the employer, or (v) filing or causing to be filed any complaint, whether orally or in writing, with a public or private body or court concerning the employer's violation of this subsection; or

(F) fail or refuse to hire an applicant as a result of his or her refusal to (i) provide the employer with a user name and password, password, or any other authentication means for accessing a personal online account, (ii) authenticate or access a personal online account in the presence of the employer, or (iii) invite the employer to join a group affiliated with a personal online account of the applicant.

(2) Nothing in this subsection shall limit an employer's right to:

(A) promulgate and maintain lawful workplace policies governing the use of the employer's electronic equipment, including policies regarding Internet use, social networking site use, and electronic mail use; or and

(B) monitor usage of the employer's electronic equipment and the employer's electronic mail without requesting or requiring any employee or prospective employee to provide any password or other related account information in order to gain access to the employee's or prospective employee's personal online account or profile on a social networking website.

(3) Nothing in this subsection shall prohibit an employer from:

(A) obtaining about a prospective employee or an employee information that is in the public domain or that is otherwise obtained in compliance with this amendatory Act of the 97th General Assembly;:

(B) complying with State and federal laws, rules, and regulations and the rules of self-regulatory organizations created pursuant to federal or State law when applicable;

(C) requesting or requiring an employee or applicant to share specific content that has been reported to the employer, without requesting or requiring an employee or applicant to

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provide a user name and password, or other means of authentication that provides access to an employee's or applicant's personal online account, for the purpose of:

(i) ensuring compliance with applicable laws or regulatory requirements;

(ii) investigating an allegation, based on receipt of specific information, of the unauthorized transfer of an employer's proprietary or confidential information or financial data to an employee or applicant's personal account;

(iii) investigating an allegation, based on receipt of specific information, of a violation of applicable laws, regulatory requirements, or prohibitions against work-related employee misconduct;

(iv) prohibiting an employee from using a personal online account for business purposes; or

(v) prohibiting an employee or applicant from accessing or operating a personal online account during business hours, while on business property, while using an electronic communication device supplied by, or paid for by, the employer, or while using the employer's network or resources, to the extent permissible under applicable laws.

(4) If an employer inadvertently receives the username, password, or any other information that would enable the employer to gain access to the employee's or potential employee's personal online account through the use of an otherwise lawful technology that monitors the employer's network or employer-provided devices for network security or data confidentiality purposes, then the employer is not liable for having that information, unless the employer:

(A) uses that information, or enables a third party to use that information, to access the employee or potential employee's personal online account; or

(B) after the employer becomes aware that such information was received, does not delete the information as soon as is reasonably practicable, unless that information is being retained by the employer in connection with an ongoing investigation of an actual or suspected breach of computer, network, or data security. Where an employer knows or, through reasonable efforts, should be aware that its network monitoring

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technology is likely to inadvertently to receive such information, the employer shall make reasonable efforts to secure that information.

(5) Nothing in this subsection shall prohibit or restrict an employer from complying with a duty to screen employees or applicants prior to hiring or to monitor or retain employee communications as required under Illinois insurance laws or federal law or by a self-regulatory organization as defined in Section 3(A)(26) of the Securities Exchange Act of 1934, 15 U.S.C. 78(A)(26) provided that the password, account information, or access sought by the employer only relates to an online account that:

(A) an employer supplies or pays; or
(B) an employee creates or maintains on behalf of or under direction of an employer in connection with that employee's employment. a professional account, and not a personal account,

nothing in this subsection shall prohibit or restrict an employer from complying with a duty to screen employees or applicants prior to hiring or to monitor or retain employee communications as required under Illinois insurance laws or federal law or by a self-regulatory organization as defined in Section 3(A)(26) of the Securities Exchange Act of 1934, 15 U.S.C. 78(A)(26):

(6) For the purposes of this subsection:

(A) "Social social networking website" means an Internet-based service that allows individuals to:

(i) construct a public or semi-public profile within a bounded system, created by the service;

(ii) create a list of other users with whom they share a connection within the system; and

(iii) view and navigate their list of connections and those made by others within the system.

"Social networking website" does not include electronic mail.

(B) "Personal online account" means an online account, that is used by a person primarily for personal purposes. "Personal online account" does not include an account created, maintained, used, or accessed by a person for a business purpose of the person's employer or prospective employer.

For the purposes of paragraph (3.5) of this subsection, "professional account" means an account, service, or profile created;
maintained, used, or accessed by a current or prospective employee for business purposes of the employer.

For the purposes of paragraph (3.5) of this subsection, "personal account" means an account, service, or profile on a social networking website that is used by a current or prospective employee exclusively for personal communications unrelated to any business purposes of the employer.

(Source: P.A. 97-875, eff. 1-1-13; 98-501, eff. 1-1-14.)

Passed in the General Assembly May 24, 2016.
Approved July 22, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0611
(House Bill No. 5561)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by adding Sections 10-20.58 and 34-18.50 as follows:

(105 ILCS 5/10-20.58 new)
Sec. 10-20.58. Accelerate College pilot program. School districts may enter into Accelerate College educational partnership agreements as authorized under Section 3-42.4 of the Public Community College Act.

(105 ILCS 5/34-18.50 new)
Sec. 34-18.50. Accelerate College pilot program. The district may enter into an Accelerate College educational partnership agreement as authorized under Section 3-42.4 of the Public Community College Act.

Section 10. The Public Community College Act is amended by adding Section 3-42.4 as follows:

(110 ILCS 805/3-42.4 new)
Sec. 3-42.4. Accelerate College pilot program.
(a) As used in this Section, "district board" means a community college district board of trustees.
(b) A district board may elect to enter into an Accelerate College educational partnership agreement with any school district wholly contained within the community college district's jurisdiction. If the district board and a school district enter into an Accelerate College educational partnership agreement, the district board must offer a group
of high school students the right to take community college courses without paying tuition for those courses.

(c) In the first full academic year after the effective date of this amendatory Act of the 99th General Assembly, no school district may enroll more than 45 students in college courses under an Accelerate College educational partnership agreement, and the students enrolled shall be limited to one year of community college credits.

In the second full academic year after the effective date of this amendatory Act of the 99th General Assembly, no school district may enroll more than 90 students in college courses under an Accelerate College educational partnership agreement. No more than 45 of those students may be in the final year before school graduation and no more than 45 of those students may be in the second to last year before high school graduation in this academic year.

In the third full academic year and more after the effective date of this amendatory Act of the 99th General Assembly, no school district may enroll more than 90 students in college courses under an Accelerate College educational partnership agreement.

(d) Subject to the terms of its Accelerate College educational partnership agreement, the community college may limit the courses offered to high school students and may charge non-tuition fees to the students. Allowable non-tuition fees include actual operating costs of the courses taken by high school students and any student activities in which the high school student may participate at the community college.

(e) Any coursework completed by high school students in a community college under this Section shall be transferrable to all public universities in this State on the same basis as coursework completed by community college students who have previously earned high school diplomas.

(f) The State Board must study agreements established under this Section and, by January 1 each year after the effective date of this amendatory Act of the 99th General Assembly, deliver a report based on the State Board's findings to both the General Assembly and the Governor. The annual report must include, but is not limited to, the ongoing success or lack thereof in growing the program from the point of view of Illinois educational institutions, ongoing success or lack thereof of the students who participate in the program, and the advantage or lack thereof of authorizing the expansion of the program from one year to 2 years of college-level coursework for select groups of students.

New matter indicated by italics - deletions by strikeout
(g) This Section is repealed 36 months after the effective date of this amendatory Act of the 99th General Assembly.

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

Approved July 22, 2016.
Effective July 22, 2016.

PUBLIC ACT 99-0612
(House Bill No. 5696)

AN ACT concerning civil law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Common Interest Community Association Act is amended by changing Sections 1-5 and 1-85 as follows:

(765 ILCS 160/1-5)
Sec. 1-5. Definitions. As used in this Act, unless the context otherwise requires:
"Acceptable technological means" includes, without limitation, electronic transmission over the Internet or other network, whether by direct connection, intranet, telecopier, or electronic mail, and any generally available technology that, by rule of the association, is deemed to provide reasonable security, reliability, identification, and verifiability.
"Association" or "common interest community association" means the association of all the members of a common interest community, acting pursuant to bylaws or an operating agreement through its duly elected board of managers or board of directors.
"Board" means a common interest community association's board of managers or board of directors, whichever is applicable.
"Board member" or "member of the board" means a member of the board of managers or the board of directors, whichever is applicable.
"Board of directors" means, for a common interest community that has been incorporated as an Illinois not-for-profit corporation, the group of people elected by the members of a common interest community as the governing body to exercise for the members of the common interest community association all powers, duties, and authority vested in the board of directors under this Act and the common interest community association's declaration and bylaws.

New matter indicated by italics - deletions by strikeout
"Board of managers" means, for a common interest community that is an unincorporated association or organized as a limited liability company, the group of people elected by the members of a common interest community as the governing body to exercise for the members of the common interest community association all powers, duties, and authority vested in the board of managers under this Act and the common interest community association's declaration, bylaws, or operating agreement.

"Building" means all structures, attached or unattached, containing one or more units.

"Common areas" means the portion of the property other than a unit.

"Common expenses" means the proposed or actual expenses affecting the property, including reserves, if any, lawfully assessed by the common interest community association.

"Common interest community" means real estate other than a condominium or cooperative with respect to which any person by virtue of his or her ownership of a partial interest or a unit therein is obligated to pay for the maintenance, improvement, insurance premiums or real estate taxes of common areas described in a declaration which is administered by an association. "Common interest community" may include, but not be limited to, an attached or detached townhome, villa, or single-family home. A "common interest community" does not include a master association.

"Community instruments" means all documents and authorized amendments thereto recorded by a developer or common interest community association, including, but not limited to, the declaration, bylaws, operating agreement, plat of survey, and rules and regulations.

"Declaration" means any duly recorded instruments, however designated, that have created a common interest community and any duly recorded amendments to those instruments.

"Developer" means any person who submits property legally or equitably owned in fee simple by the person to the provisions of this Act, or any person who offers units legally or equitably owned in fee simple by the person for sale in the ordinary course of such person's business, including any successor to such person's entire interest in the property other than the purchaser of an individual unit.

New matter indicated by italics - deletions by strikeout
"Developer control" means such control at a time prior to the election of the board of the common interest community association by a majority of the members other than the developer.

"Electronic transmission" means any form of communication, not directly involving the physical transmission of paper, that creates a record that may be retained, retrieved, and reviewed by a recipient and that may be directly reproduced in paper form by the recipient through an automated process.

"Majority" or "majority of the members" means the owners of more than 50% in the aggregate in interest of the undivided ownership of the common elements. Any specified percentage of the members means such percentage in the aggregate in interest of such undivided ownership. "Majority" or "majority of the members of the board of the common interest community association" means more than 50% of the total number of persons constituting such board pursuant to the bylaws or operating agreement. Any specified percentage of the members of the common interest community association means that percentage of the total number of persons constituting such board pursuant to the bylaws or operating agreement.

"Management company" or "community association manager" means a person, partnership, corporation, or other legal entity entitled to transact business on behalf of others, acting on behalf of or as an agent for an association for the purpose of carrying out the duties, responsibilities, and other obligations necessary for the day to day operation and management of any property subject to this Act.

"Meeting of the board" or "board meeting" means any gathering of a quorum of the members of the board of the common interest community association held for the purpose of conducting board business.

"Member" means the person or entity designated as an owner and entitled to one vote as defined by the community instruments. The terms "member" and "unit owner" may be used interchangeably as defined by the community instruments, except in situations in which a matter of legal title to the unit is involved or at issue, in which case the term "unit owner" would be the applicable term used.

"Membership" means the collective group of members entitled to vote as defined by the community instruments.

"Parcel" means the lot or lots or tract or tracts of land described in the declaration as part of a common interest community.
"Person" means a natural individual, corporation, partnership, trustee, or other legal entity capable of holding title to real property.

"Plat" means a plat or plats of survey of the parcel and of all units in the common interest community, which may consist of a three-dimensional horizontal and vertical delineation of all such units, structures, easements, and common areas on the property.

"Prescribed delivery method" means mailing, delivering, posting in an association publication that is routinely mailed to all members, electronic transmission, or any other delivery method that is approved in writing by the member and authorized by the community instruments.

"Property" means all the land, property, and space comprising the parcel, all improvements and structures erected, constructed or contained therein or thereon, including any building and all easements, rights, and appurtenances belonging thereto, and all fixtures and equipment intended for the mutual use, benefit, or enjoyment of the members, under the authority or control of a common interest community association.

"Purchaser" means any person or persons, other than the developer, who purchase a unit in a bona fide transaction for value.

"Record" means to record in the office of the recorder of the county wherein the property is located.

"Reserves" means those sums paid by members which are separately maintained by the common interest community association for purposes specified by the declaration and bylaws of the common interest community association.

"Unit" means a part of the property designed and intended for any type of independent use.

"Unit owner" means the person or persons whose estates or interests, individually or collectively, aggregate fee simple absolute ownership of a unit.

(Source: P.A. 98-1042, eff. 1-1-15; 99-41, eff. 7-14-15.)

(765 ILCS 160/1-85)

Sec. 1-85. Use of technology.
(a) Any notice required to be sent or received or signature, vote, consent, or approval required to be obtained under any community instrument or any provision of this Act may be accomplished using acceptable technological means the technology generally available at that time. This Section governs the use of technology in implementing the provisions of any community instrument or any provision of this Act concerning notices, signatures, votes, consents, or approvals.

New matter indicated by italics - deletions by strikeout.
(b) The common interest community association, unit owners, and other persons entitled to occupy a unit may perform any obligation or exercise any right under any community instrument or any provision of this Act by use of acceptable technological means any technological means that provides sufficient security, reliability, identification, and verifiability.

(c) A verifiable electronic signature transmitted by acceptable technological means satisfies any requirement for a signature under any community instrument or any provision of this Act.

(d) Voting on, consent to, and approval of any matter under any community instrument or any provision of this Act may be accomplished by any acceptable electronic transmission or other equivalent technological means, provided that a record is created as evidence thereof and maintained as long as the record would be required to be maintained in nonelectronic form.

(e) Subject to other provisions of law, no action required or permitted by any community instrument or any provision of this Act need be acknowledged before a notary public if the identity and signature of the signatory person can otherwise be authenticated to the satisfaction of the board of directors.

(f) If any person does not provide written authorization to conduct business using acceptable electronic transmission or other equivalent technological means, the common interest community association shall, at its expense, conduct business with the person without the use of acceptable electronic transmission or other equivalent technological means.

(g) This Section does not apply to any notices required: (i) under Article IX of the Code of Civil Procedure; or (ii) in connection with related to: (i) an action by the common interest community association to collect a common expense; or (ii) foreclosure proceedings in enforcement of any lien rights under this Act.

(Source: P.A. 98-1042, eff. 1-1-15.)

Section 10. The Condominium Property Act is amended by changing Sections 2 and 18.8 as follows:

(765 ILCS 605/2) (from Ch. 30, par. 302)

Sec. 2. Definitions. As used in this Act, unless the context otherwise requires:

New matter indicated by italics - deletions by strikeout
(a) "Declaration" means the instrument by which the property is submitted to the provisions of this Act, as hereinafter provided, and such declaration as from time to time amended.

(b) "Parcel" means the lot or lots, tract or tracts of land, described in the declaration, submitted to the provisions of this Act.

(c) "Property" means all the land, property and space comprising the parcel, all improvements and structures erected, constructed or contained therein or thereon, including the building and all easements, rights and appurtenances belonging thereto, and all fixtures and equipment intended for the mutual use, benefit or enjoyment of the unit owners, submitted to the provisions of this Act.

(d) "Unit" means a part of the property designed and intended for any type of independent use.

(e) "Common Elements" means all portions of the property except the units, including limited common elements unless otherwise specified.

(f) "Person" means a natural individual, corporation, partnership, trustee or other legal entity capable of holding title to real property.

(g) "Unit Owner" means the person or persons whose estates or interests, individually or collectively, aggregate fee simple absolute ownership of a unit, or, in the case of a leasehold condominium, the lessee or lessees of a unit whose leasehold ownership of the unit expires simultaneously with the lease described in item (x) of this Section.

(h) "Majority" or "majority of the unit owners" means the owners of more than 50% in the aggregate in interest of the undivided ownership of the common elements. Any specified percentage of the unit owners means such percentage in the aggregate in interest of such undivided ownership. "Majority" or "majority of the members of the board of managers" means more than 50% of the total number of persons constituting such board pursuant to the bylaws. Any specified percentage of the members of the board of managers means that percentage of the total number of persons constituting such board pursuant to the bylaws.

(i) "Plat" means a plat or plats of survey of the parcel and of all units in the property submitted to the provisions of this Act, which may consist of a three-dimensional horizontal and vertical delineation of all such units.

(j) "Record" means to record in the office of the recorder or, whenever required, to file in the office of the Registrar of Titles of the county wherein the property is located.
(k) "Conversion Condominium" means a property which contains structures, excepting those newly constructed and intended for condominium ownership, which are, or have previously been, wholly or partially occupied before recording of condominium instruments by persons other than those who have contracted for the purchase of condominiums.

(l) "Condominium Instruments" means all documents and authorized amendments thereto recorded pursuant to the provisions of the Act, including the declaration, bylaws and plat.

(m) "Common Expenses" means the proposed or actual expenses affecting the property, including reserves, if any, lawfully assessed by the Board of Managers of the Unit Owner's Association.

(n) "Reserves" means those sums paid by unit owners which are separately maintained by the board of managers for purposes specified by the board of managers or the condominium instruments.

(o) "Unit Owners' Association" or "Association" means the association of all the unit owners, acting pursuant to bylaws through its duly elected board of managers.

(p) "Purchaser" means any person or persons other than the Developer who purchase a unit in a bona fide transaction for value.

(q) "Developer" means any person who submits property legally or equitably owned in fee simple by the developer, or leased to the developer under a lease described in item (x) of this Section, to the provisions of this Act, or any person who offers units legally or equitably owned in fee simple by the developer, or leased to the developer under a lease described in item (x) of this Section, for sale in the ordinary course of such person's business, including any successor or successors to such developers' entire interest in the property other than the purchaser of an individual unit.

(r) "Add-on Condominium" means a property to which additional property may be added in accordance with condominium instruments and this Act.

(s) "Limited Common Elements" means a portion of the common elements so designated in the declaration as being reserved for the use of a certain unit or units to the exclusion of other units, including but not limited to balconies, terraces, patios and parking spaces or facilities.

(t) "Building" means all structures, attached or unattached, containing one or more units.

New matter indicated by italics - deletions by strikeout
(u) "Master Association" means an organization described in Section 18.5 whether or not it is also an association described in Section 18.3.

(v) "Developer Control" means such control at a time prior to the election of the Board of Managers provided for in Section 18.2(b) of this Act.

(w) "Meeting of Board of Managers or Board of Master Association" means any gathering of a quorum of the members of the Board of Managers or Board of the Master Association held for the purpose of conducting board business.

(x) "Leasehold Condominium" means a property submitted to the provisions of this Act which is subject to a lease, the expiration or termination of which would terminate the condominium and the lessor of which is (i) exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, (ii) a limited liability company whose sole member is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or (iii) a Public Housing Authority created pursuant to the Housing Authorities Act that is located in a municipality having a population in excess of 1,000,000 inhabitants.

(y) "Electronic transmission" means any form of communication, not directly involving the physical transmission of paper, that creates a record that may be retained, retrieved, and reviewed by a recipient and that may be directly reproduced in paper form by the recipient through an automated process.

(z) "Acceptable technological means" includes, without limitation, electronic transmission over the Internet or other network, whether by direct connection, intranet, telecopier, or electronic mail, and any generally available technology that, by rule of the association, is deemed to provide reasonable security, reliability, identification, and verifiability.

(Source: P.A. 98-1042, eff. 1-1-15.)

(765 ILCS 605/18.8)
Sec. 18.8. Use of technology.
(a) Any notice required to be sent or received or signature, vote, consent, or approval required to be obtained under any condominium instrument or any provision of this Act may be accomplished using acceptable technological means the technology generally available at that time. This Section shall govern the use of technology in implementing the provisions of any condominium instrument or any provision of this Act concerning notices, signatures, votes, consents, or approvals.

New matter indicated by italics - deletions by strikeout
(b) The association, unit owners, and other persons entitled to occupy a unit may perform any obligation or exercise any right under any condominium instrument or any provision of this Act by use of **acceptable technological means**—any technological means that provides sufficient security, reliability, identification, and verifiability.

(c) A **verifiable electronic signature transmitted by acceptable technological means** satisfies any requirement for a signature under any condominium instrument or any provision of this Act.

(d) Voting on, consent to, and approval of any matter under any condominium instrument or any provision of this Act may be accomplished by any **acceptable electronic transmission or other equivalent technological means**, provided that a record is created as evidence thereof and maintained as long as the record would be required to be maintained in nonelectronic form.

(e) Subject to other provisions of law, no action required or permitted by any condominium instrument or any provision of this Act need be acknowledged before a notary public if the identity and signature of the **signatory person** can otherwise be authenticated to the satisfaction of the board of directors or board of managers.

(f) If any person does not provide written authorization to conduct business using **acceptable electronic transmission or other equivalent technological means**, the association shall, at its expense, conduct business with the person without the use of **acceptable electronic transmission or other equivalent technological means**.

(g) This Section does not apply to any notices required: (i) under Article IX of the Code of Civil Procedure; or (ii) in connection with related to: (i) an action by the association to collect a common expense; or (ii) foreclosure proceedings in enforcement of any lien rights under this Act.

(Source: P.A. 98-1042, eff. 1-1-15; 99-78, eff. 7-20-15.)

Approved July 22, 2016.
Effective January 1, 2017.
AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing
Section 3-707 as follows:
(625 ILCS 5/3-707) (from Ch. 95 1/2, par. 3-707)
Sec. 3-707. Operation of uninsured motor vehicle - penalty.
(a) No person shall operate a motor vehicle unless the motor
vehicle is covered by a liability insurance policy in accordance with
Section 7-601 of this Code.
(a-5) A person commits the offense of operation of uninsured
motor vehicle causing bodily harm when the person:
(1) operates a motor vehicle in violation of Section 7-601
of this Code; and
(2) causes, as a proximate result of the person's operation of
the motor vehicle, bodily harm to another person.
(a-6) Uninsured operation of a motor vehicle under subsection (a-
5) is a Class A misdemeanor. If a person convicted of the offense of
operation of a motor vehicle under subsection (a-5) has previously been
convicted of 2 or more violations of subsection (a-5) of this Section or of
Section 7-601 of this Code, a fine of $2,500, in addition to any sentence of
incarceration, must be imposed.
(b) Any person who fails to comply with a request by a law
enforcement officer for display of evidence of insurance, as required under
Section 7-602 of this Code, shall be deemed to be operating an uninsured
motor vehicle.
(c) Except as provided in subsections (a-6) and (c-5), any operator
of a motor vehicle subject to registration under this Code who is convicted
of violating this Section is guilty of a petty business offense and shall be
required to pay a fine in excess of $500, but not more than $1,000, except
a person convicted of a third or subsequent violation of this Section shall
be guilty of a business offense and shall be required to pay a fine of
$1,000. However, no person charged with violating this Section shall be
convicted if such person produces in court satisfactory evidence that at the
time of the arrest the motor vehicle was covered by a liability insurance
policy in accordance with Section 7-601 of this Code. The chief judge of

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each circuit may designate an officer of the court to review the documentation demonstrating that at the time of arrest the motor vehicle was covered by a liability insurance policy in accordance with Section 7-601 of this Code.

(c-1) A person convicted of violating this Section shall also have his or her driver's license, permit, or privileges suspended for 3 months. After the expiration of the 3 months, the person's driver's license, permit, or privileges shall not be reinstated until he or she has paid a reinstatement fee of $100. If a person violates this Section while his or her driver's license, permit, or privileges are suspended under this subsection (c-1), his or her driver's license, permit, or privileges shall be suspended for an additional 6 months and until he or she pays the reinstatement fee.

(c-5) A person who (i) has not previously been convicted of or received a disposition of court supervision for violating this Section and (ii) produces at his or her court appearance satisfactory evidence that the motor vehicle is covered, as of the date of the court appearance, by a liability insurance policy in accordance with Section 7-601 of this Code shall, for a violation of this Section, other than a violation of subsection (a-5), pay a fine of $100 and receive a disposition of court supervision. The person must, on the date that the period of court supervision is scheduled to terminate, produce satisfactory evidence that the vehicle was covered by the required liability insurance policy during the entire period of court supervision.

An officer of the court designated under subsection (c) may also review liability insurance documentation under this subsection (c-5) to determine if the motor vehicle is, as of the date of the court appearance, covered by a liability insurance policy in accordance with Section 7-601 of this Code. The officer of the court shall also determine, on the date the period of court supervision is scheduled to terminate, whether the vehicle was covered by the required policy during the entire period of court supervision.

(d) A person convicted a third or subsequent time of violating this Section or a similar provision of a local ordinance must give proof to the Secretary of State of the person's financial responsibility as defined in Section 7-315. The person must maintain the proof in a manner satisfactory to the Secretary for a minimum period of 3 years after the date the proof is first filed. The Secretary must suspend the driver's license of any person determined by the Secretary not to have provided adequate proof of financial responsibility as required by this subsection.

New matter indicated by italics - deletions by strikeout
AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

Section 5. The Illinois Credit Union Act is amended by changing
Sections 4, 22, 33, 46, and 52 and by adding Section 64.7 as follows:
(205 ILCS 305/4) (from Ch. 17, par. 4405)
Sec. 4. Amendments to articles of incorporation and bylaws. Amendments to the articles of incorporation or bylaws may be made by the members at any regular or special meeting, if the proposed amendment is set forth in the call of the meeting and is approved by at least two thirds of the members present at a meeting at which a quorum is present. Amendments to the bylaws may be made by the members at any regular or special meeting, if the proposed amendment is set forth in the call for the meeting and is approved by a majority of the members present at a meeting at which a quorum is present. Amendments to the articles of incorporation or bylaws may also be made by the board of directors at any regular or special meeting, if the proposed amendment is set forth in the call of the meeting and approved by at least two thirds of the directors present at a meeting at which a quorum is present. A report shall be made to the members at the next annual meeting of any amendments to the articles of incorporation or bylaws adopted by the board of directors. Any amendment to the articles of incorporation or bylaws of a credit union shall be approved by the Secretary before the amendment is effective. The Secretary shall approve or disapprove of any amendments within 60 days after submission to him or her.
(Source: P.A. 97-133, eff. 1-1-12.)
(205 ILCS 305/22) (from Ch. 17, par. 4423)
Sec. 22. Vacancies.
(a) The board of directors shall, by appointment from among the credit union members, fill any vacancies occurring on the board for the remainder of the director's unexpired term or until a successor is elected.

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and qualified following completion of the term filled by the board. In the event the vacancy reduces the number of directors serving on the board to less than the statutory minimum set forth in subsection (1) of Section 20, then the board shall fill the vacancy no later than the next annual meeting of members or 90 days after the vacancy occurred, whichever occurs first. Upon written application to the Secretary, the board may request additional time in which to fill the vacancy. The application may be approved by the Secretary in his or her discretion. The board shall, by appointment from among the credit union members, fill vacancies in the membership committee, credit committee, or credit manager if no credit committee has been appointed, and supervisory committees.

(b) An office may be declared vacant by the board when a director or a committee member dies, resigns from the board or committee, is removed from the board or committee, is no longer a member of the credit union, is the owner of less than one share of the credit union, or fails to attend three consecutive regular meetings of the board without good cause. (Source: P.A. 97-133, eff. 1-1-12.)

(205 ILCS 305/33) (from Ch. 17, par. 4434)
Sec. 33. Credit manager.

(1) The credit committee, board of directors, or chief management official may or, if no credit committee has been appointed, the board of directors or chief management official shall appoint a credit manager who shall be empowered to approve or disapprove loans and lines of credit under conditions prescribed by the board of directors. The credit committee or credit manager may appoint one or more loan officers with the power to approve loans and lines of credit, subject to such limitations or conditions as may be prescribed by the board of directors. The credit manager and any loan officers appointed by the credit committee or the credit manager shall keep written records of all transactions and shall report, in writing, to the credit committee if a credit committee has been appointed, otherwise to the directors at each board meeting.

(2) Applications for loans or lines of credit not approved by a loan officer shall be reviewed and acted upon by the credit committee or credit manager.

(3) The loan officers must keep written records of all loans or lines of credit granted or refused and any other transactions and submit a report to the credit committee or credit manager at least once each month. (Source: P.A. 97-133, eff. 1-1-12.)

(205 ILCS 305/46) (from Ch. 17, par. 4447)

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Sec. 46. Loans and interest rate.

(1) A credit union may make loans to its members for such purpose and upon such security and terms, including rates of interest, as the credit committee, credit manager, or loan officer approves. Notwithstanding the provisions of any other law in connection with extensions of credit, a credit union may elect to contract for and receive interest and fees and other charges for extensions of credit subject only to the provisions of this Act and rules promulgated under this Act, except that extensions of credit secured by residential real estate shall be subject to the laws applicable thereto. The rates of interest to be charged on loans to members shall be set by the board of directors of each individual credit union in accordance with Section 30 of this Act and such rates may be less than, but may not exceed, the maximum rate set forth in this Section. A borrower may repay his loan prior to maturity, in whole or in part, without penalty. A prepayment penalty does not include a waived, bona fide third-party charge that the credit union imposes if the borrower prepays all of the transaction's principal sooner than 36 months after consummation of a closed-end credit transaction, a waived, bona fide third-party charge that the credit union imposes if the borrower terminates an open-end credit plan sooner than 36 months after account opening, or a yield maintenance fee imposed on a business loan transaction. The credit contract may provide for the payment by the member and receipt by the credit union of all costs and disbursements, including reasonable attorney's fees and collection agency charges, incurred by the credit union to collect or enforce the debt in the event of a delinquency by the member, or in the event of a breach of any obligation of the member under the credit contract. A contingency or hourly arrangement established under an agreement entered into by a credit union with an attorney or collection agency to collect a loan of a member in default shall be presumed prima facie reasonable.

(2) Credit unions may make loans based upon the security of any interest or equity in real estate, subject to rules and regulations promulgated by the Secretary. In any contract or loan which is secured by a mortgage, deed of trust, or conveyance in the nature of a mortgage, on residential real estate, the interest which is computed, calculated, charged, or collected pursuant to such contract or loan, or pursuant to any regulation or rule promulgated pursuant to this Act, may not be computed, calculated, charged or collected for any period of time occurring after the date on

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which the total indebtedness, with the exception of late payment penalties, is paid in full.

For purposes of this subsection (2) of this Section 46, a prepayment shall mean the payment of the total indebtedness, with the exception of late payment penalties if incurred or charged, on any date before the date specified in the contract or loan agreement on which the total indebtedness shall be paid in full, or before the date on which all payments, if timely made, shall have been made. In the event of a prepayment of the indebtedness which is made on a date after the date on which interest on the indebtedness was last computed, calculated, charged, or collected but before the next date on which interest on the indebtedness was to be calculated, computed, charged, or collected, the lender may calculate, charge and collect interest on the indebtedness for the period which elapsed between the date on which the prepayment is made and the date on which interest on the indebtedness was last computed, calculated, charged or collected at a rate equal to 1/360 of the annual rate for each day which so elapsed, which rate shall be applied to the indebtedness outstanding as of the date of prepayment. The lender shall refund to the borrower any interest charged or collected which exceeds that which the lender may charge or collect pursuant to the preceding sentence. The provisions of this amendatory Act of 1985 shall apply only to contracts or loans entered into on or after the effective date of this amendatory Act.

(3) (Blank).

(4) Notwithstanding any other provisions of this Act, a credit union authorized under this Act to make loans secured by an interest or equity in real property may engage in making revolving credit loans secured by mortgages or deeds of trust on such real property or by security assignments of beneficial interests in land trusts.

For purposes of this Section, "revolving credit" has the meaning defined in Section 4.1 of the Interest Act.

Any mortgage or deed of trust given to secure a revolving credit loan may, and when so expressed therein shall, secure not only the existing indebtedness but also such future advances, whether such advances are obligatory or to be made at the option of the lender, or otherwise, as are made within twenty years from the date thereof, to the same extent as if such future advances were made on the date of the execution of such mortgage or deed of trust, although there may be no advance made at the time of execution of such mortgage or other instrument, and although there may be no indebtedness outstanding at the time any advance is made. The

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lien of such mortgage or deed of trust, as to third persons without actual notice thereof, shall be valid as to all such indebtedness and future advances form the time said mortgage or deed of trust is filed for record in the office of the recorder of deeds or the registrar of titles of the county where the real property described therein is located. The total amount of indebtedness that may be so secured may increase or decrease from time to time, but the total unpaid balance so secured at any one time shall not exceed a maximum principal amount which must be specified in such mortgage or deed of trust, plus interest thereon, and any disbursements made for the payment of taxes, special assessments, or insurance on said real property, with interest on such disbursements.

Any such mortgage or deed of trust shall be valid and have priority over all subsequent liens and encumbrances, including statutory liens, except taxes and assessments levied on said real property.

(4-5) For purposes of this Section, "real estate" and "real property" include a manufactured home as defined in subdivision (53) of Section 9-102 of the Uniform Commercial Code which is real property as defined in Section 5-35 of the Conveyance and Encumbrance of Manufactured Homes as Real Property and Severance Act.

(5) Compliance with federal or Illinois preemptive laws or regulations governing loans made by a credit union chartered under this Act shall constitute compliance with this Act.

(6) Credit unions may make residential real estate mortgage loans on terms and conditions established by the United States Department of Agriculture through its Rural Development Housing and Community Facilities Program. The portion of any loan in excess of the appraised value of the real estate shall be allocable only to the guarantee fee required under the program.

(7) For a renewal, refinancing, or restructuring of an existing loan at the credit union that is secured by an interest or equity in real estate, a new appraisal of the collateral shall not be required when (i) no new moneys are advanced other than funds necessary to cover reasonable closing costs, or (ii) there has been no obvious or material change in market conditions or physical aspects of the real estate that threatens the adequacy of the credit union's real estate collateral protection after the transaction, even with the advancement of new moneys. The Department reserves the right to require an appraisal under this subsection (7) whenever the Department believes it is necessary to address safety and soundness concerns.

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Sec. 52. Loans to directors, officers, credit committee, credit manager, and supervisory committee members. A credit union may make loans to its directors, officers, credit committee members, credit manager, and supervisory committee members, provided that the loan complies with all lawful requirements under this Act with respect to loans to other borrowers. No loan may be made to or cosigned by any director, officer, credit committee member, credit manager if no credit committee has been appointed, or supervisory committee member which would cause the aggregate amount of all loans then outstanding to or cosigned by all directors, officers, credit committee members, credit manager if no credit committee has been appointed, or supervisory committee members to exceed 20% of the unimpaired capital and surplus of the credit union.

Sec. 64.7. Network credit unions.

(a) Two or more credit unions merging pursuant to Section 63 of this Act may elect to request a network credit union designation for the surviving credit union from the Secretary. The request shall be set forth in the plan of merger and certificate of merger executed by the credit unions and submitted to the Secretary pursuant to subsection (4) of Section 63. The Secretary's approval of a certificate of merger containing a network credit union designation request shall constitute approval of the use of the network designation as a brand or other identifier of the surviving credit union. If the surviving credit union desires to include the network designation in its legal name, make any other change to its legal name, or both, it shall proceed with an amendment to the articles of incorporation and bylaws of the surviving credit union pursuant to Section 4 of this Act.

(b) A network credit union is a cooperative business structure comprised of 2 or more merging credit unions with a collective goal of efficiently serving their combined membership and gaining economies of scale through common vision, strategy and initiative. The merging credit unions shall be identified as divisional credit unions, branches, or units of the network credit union or by other descriptive references that ensure the members understand they are dealing with one credit union rather than multiple credit unions. Each divisional credit union shall have its own advisory board of directors and chief management official to assist in
maintaining and leveraging its respective local identity for the benefit of the surviving credit union. The divisional credit union advisory boards shall be appointed by the network credit union board of directors. Each divisional credit union's board of directors shall appoint its divisional credit union chief management official and may also appoint one of its directors to serve on the network credit union's nominating committee.

(c) The network credit union is the surviving legal entity in the merger and supervision, examination, audit, reporting, governance, and management shall be conducted or performed at the network credit union level. All share insurance, safety and soundness, and statutory and regulatory requirements and limitations shall be evaluated at the network credit union level.

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

Approved July 22, 2016.
Effective July 22, 2016.

PUBLIC ACT 99-0615
(Senate Bill No. 0571)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Enterprise Zone Act is amended by changing Section 5.3 as follows:
(20 ILCS 655/5.3) (from Ch. 67 1/2, par. 608)
Sec. 5.3. Certification of Enterprise Zones; Effective date.
(a) Certification of Board-approved designated Enterprise Zones shall be made by the Department by certification of the designating ordinance. The Department shall promptly issue a certificate for each Enterprise Zone upon approval by the Board. The certificate shall be signed by the Director of the Department, shall make specific reference to the designating ordinance, which shall be attached thereto, and shall be filed in the office of the Secretary of State. A certified copy of the Enterprise Zone Certificate, or a duplicate original thereof, shall be recorded in the office of recorder of deeds of the county in which the Enterprise Zone lies.

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(b) An Enterprise Zone certified prior to January 1, 2016 or on or after January 1, 2017 shall be effective on January 1 of the first calendar year after Department certification. An Enterprise Zone certified on or after January 1, 2016 and on or before December 31, 2016 shall be effective on the date of the Department's certification. The Department shall transmit a copy of the certification to the Department of Revenue, and to the designating municipality or county.

Upon certification of an Enterprise Zone, the terms and provisions of the designating ordinance shall be in effect, and may not be amended or repealed except in accordance with Section 5.4.

(c) With the exception of Enterprise Zones scheduled to expire before December 31, 2018, an Enterprise Zone designated before the effective date of this amendatory Act of the 97th General Assembly shall be in effect for 30 calendar years, or for a lesser number of years specified in the certified designating ordinance. Notwithstanding the foregoing, any Enterprise Zone in existence on the effective date of this amendatory Act of the 98th General Assembly that has a term of 20 calendar years may be extended for an additional 10 calendar years upon amendment of the designating ordinance by the designating municipality or county and submission of the ordinance to the Department. The amended ordinance must be properly recorded in the Office of Recorder of Deeds of each county in which the Enterprise Zone lies. Each Enterprise Zone in existence on the effective date of this amendatory Act of the 97th General Assembly that is scheduled to expire before July 1, 2016 may have its termination date extended until July 1, 2016 upon amendment of the designating ordinance by the designating municipality or county extending the termination date to July 1, 2016 and submission of the ordinance to the Department. The amended ordinance must be properly recorded in the Office of Recorder of Deeds of each county in which the Enterprise Zone lies. An Enterprise Zone designated on or after the effective date of this amendatory Act of the 97th General Assembly shall be in effect for a term of 15 calendar years, or for a lesser number of years specified in the certified designating ordinance. An enterprise zone designated on or after the effective date of this amendatory Act of the 97th General Assembly shall be subject to review by the Board after 13 years for an additional 10-year designation beginning on the expiration date of the enterprise zone. During the review process, the Board shall consider the costs incurred by the State and units of local government as a result of tax benefits received by the enterprise zone. Enterprise Zones shall terminate at midnight of

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December 31 of the final calendar year of the certified term, except as provided in Section 5.4.

(d) No more than 12 Enterprise Zones may be certified by the Department in calendar year 1984, no more than 12 Enterprise Zones may be certified by the Department in calendar year 1985, no more than 13 Enterprise Zones may be certified by the Department in calendar year 1986, no more than 15 Enterprise Zones may be certified by the Department in calendar year 1987, and no more than 20 Enterprise Zones may be certified by the Department in calendar year 1990. In other calendar years, no more than 13 Enterprise Zones may be certified by the Department. The Department may also designate up to 8 additional Enterprise Zones outside the regular application cycle if warranted by the extreme economic circumstances as determined by the Department. The Department may also designate one additional Enterprise Zone outside the regular application cycle if an aircraft manufacturer agrees to locate an aircraft manufacturing facility in the proposed Enterprise Zone. Notwithstanding any other provision of this Act, no more than 89 Enterprise Zones may be certified by the Department for the 10 calendar years commencing with 1983. The 7 additional Enterprise Zones authorized by Public Act 86-15 shall not lie within municipalities or unincorporated areas of counties that abut or are contiguous to Enterprise Zones certified pursuant to this Section prior to June 30, 1989. The 7 additional Enterprise Zones (excluding the additional Enterprise Zone which may be designated outside the regular application cycle) authorized by Public Act 86-1030 shall not lie within municipalities or unincorporated areas of counties that abut or are contiguous to Enterprise Zones certified pursuant to this Section prior to February 28, 1990. Beginning in calendar year 2004 and until December 31, 2008, one additional enterprise zone may be certified by the Department. In any calendar year, the Department may not certify more than 3 Zones located within the same municipality. The Department may certify Enterprise Zones in each of the 10 calendar years commencing with 1983. The Department may not certify more than a total of 18 Enterprise Zones located within the same county (whether within municipalities or within unincorporated territory) for the 10 calendar years commencing with 1983. Thereafter, the Department may not certify any additional Enterprise Zones, but may amend and rescind certifications of existing Enterprise Zones in accordance with Section 5.4.
(e) Notwithstanding any other provision of law, if (i) the county board of any county in which a current military base is located, in part or in whole, or in which a military base that has been closed within 20 years of the effective date of this amendatory Act of 1998 is located, in part or in whole, adopts a designating ordinance in accordance with Section 5 of this Act to designate the military base in that county as an enterprise zone and (ii) the property otherwise meets the qualifications for an enterprise zone as prescribed in Section 4 of this Act, then the Department may certify the designating ordinance or ordinances, as the case may be.

(f) Applications for Enterprise Zones that are scheduled to expire in 2016, including Enterprise Zones that have been extended until 2016 by this amendatory Act of the 97th General Assembly, shall be submitted to the Department no later than December 31, 2014. At that time, the Zone becomes available for either the previously designated area or a different area to compete for designation. No preference for designation as a Zone will be given to the previously designated area.

For Enterprise Zones that are scheduled to expire on or after January 1, 2017, an application process shall begin 2 years prior to the year in which the Zone expires. At that time, the Zone becomes available for either the previously designated area or a different area to compete for designation. No preference for designation as a Zone will be given to the previously designated area.

Each Enterprise Zone that reapplies for certification but does not receive a new certification shall expire on its scheduled termination date.

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

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

Approved July 22, 2016.
Effective July 22, 2016.

PUBLIC ACT 99-0616
(Senate Bill No. 2137)

AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Section 3-11 as follows:

New matter indicated by italics - deletions by strikeout
Sec. 3-11. Institutes or inservice training workshops. In counties of less than 2,000,000 inhabitants, the regional superintendent may arrange for or conduct district, regional, or county institutes, or equivalent professional educational experiences, not more than 4 days annually. Of those 4 days, 2 days may be used as a teacher's and educational support personnel workshop, when approved by the regional superintendent, up to 2 days may be used for conducting parent-teacher conferences, or up to 2 days may be utilized as parental institute days as provided in Section 10-22.18d. Educational support personnel may be exempt from a workshop if the workshop is not relevant to the work they do. A school district may use one of its 4 institute days on the last day of the school term. "Institute" or "Professional educational experiences" means any educational gathering, demonstration of methods of instruction, visitation of schools or other institutions or facilities, sexual abuse and sexual assault awareness seminar, or training in First Aid (which may include cardiopulmonary resuscitation or defibrillator training) held or approved by the regional superintendent and declared by him to be an institute day, or parent-teacher conferences. With the concurrence of the State Superintendent of Education, he or she may employ such assistance as is necessary to conduct the institute. Two or more adjoining counties may jointly hold an institute. Institute instruction shall be free to holders of licenses good in the county or counties holding the institute and to those who have paid an examination fee and failed to receive a license.

In counties of 2,000,000 or more inhabitants, the regional superintendent may arrange for or conduct district, regional, or county inservice training workshops, or equivalent professional educational experiences, not more than 4 days annually. Of those 4 days, 2 days may be used as a teacher's and educational support personnel workshop, when approved by the regional superintendent, up to 2 days may be used for conducting parent-teacher conferences, or up to 2 days may be utilized as parental institute days as provided in Section 10-22.18d. Educational support personnel may be exempt from a workshop if the workshop is not relevant to the work they do. A school district may use one of those 4 days on the last day of the school term. "Inservice Training Workshops" or "Professional educational experiences" means any educational gathering, demonstration of methods of instruction, visitation of schools or other institutions or facilities, sexual abuse and sexual assault awareness seminar, or training in First Aid (which may include cardiopulmonary resuscitation or defibrillator training) held or approved by the regional superintendent and declared by him to be an institute day, or parent-teacher conferences. With the concurrence of the State Superintendent of Education, he or she may employ such assistance as is necessary to conduct the institute. Two or more adjoining counties may jointly hold an institute. Institute instruction shall be free to holders of licenses good in the county or counties holding the institute and to those who have paid an examination fee and failed to receive a license.
resuscitation or defibrillator training) held or approved by the regional superintendent and declared by him to be an inservice training workshop, or parent-teacher conferences. With the concurrence of the State Superintendent of Education, he may employ such assistance as is necessary to conduct the inservice training workshop. With the approval of the regional superintendent, 2 or more adjoining districts may jointly hold an inservice training workshop. In addition, with the approval of the regional superintendent, one district may conduct its own inservice training workshop with subject matter consultants requested from the county, State or any State institution of higher learning.

Such teachers institutes as referred to in this Section may be held on consecutive or separate days at the option of the regional superintendent having jurisdiction thereof.

Whenever reference is made in this Act to "teachers institute", it shall be construed to include the inservice training workshops or equivalent professional educational experiences provided for in this Section.

Any institute advisory committee existing on April 1, 1995, is dissolved and the duties and responsibilities of the institute advisory committee are assumed by the regional office of education advisory board.

Districts providing inservice training programs shall constitute inservice committees, 1/2 of which shall be teachers, 1/4 school service personnel and 1/4 administrators to establish program content and schedules.

The teachers institutes shall include teacher training committed to (i) peer counseling programs and other anti-violence and conflict resolution programs, including without limitation programs for preventing at risk students from committing violent acts, and (ii) educator ethics and teacher-student conduct. Beginning with the 2009-2010 school year, the teachers institutes shall include instruction on prevalent student chronic health conditions. Beginning with the 2016-2017 school year, the teachers institutes shall include, at least once every 2 years, instruction on the federal Americans with Disabilities Act as it pertains to the school environment.

(Source: P.A. 99-30, eff. 7-10-15.)

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

Passed in the General Assembly May 24, 2016.
Approved July 22, 2016.

New matter indicated by italics - deletions by strikeout
Effective July 22, 2016.

PUBLIC ACT 99-0617
(Senate Bill No. 2221)

AN ACT concerning criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Sexual Assault Evidence Submission Act is amended by changing Sections 15 and 20 and by adding Section 42 as follows:

(725 ILCS 202/15)
Sec. 15. Analysis of evidence; notification.
(a) All sexual assault evidence submitted pursuant to Section 10 of this Act on or after the effective date of this Act shall be analyzed within 6 months after receipt of all necessary evidence and standards by the State Police Laboratory or other designated laboratory if sufficient staffing and resources are available.
(b) If a consistent DNA profile has been identified by comparing the submitted sexual assault evidence with a known standard from a suspect or with DNA profiles in the CODIS database, the Department shall notify the investigating law enforcement agency of the results in writing, and the Department shall provide an automatic courtesy copy of the written notification to the appropriate State's Attorney's Office for tracking and further action, as necessary.
(Source: P.A. 96-1011, eff. 9-1-10.)

(725 ILCS 202/20)
Sec. 20. Inventory of evidence.
(a) By October 15, 2010, each Illinois law enforcement agency shall provide written notice to the Department of State Police, in a form and manner prescribed by the Department, stating the number of sexual assault cases in the custody of the law enforcement agency that have not been previously submitted to a laboratory for analysis. Within 180 days after the effective date of this Act, appropriate arrangements shall be made between the law enforcement agency and the Department of State Police, or a laboratory approved and designated by the Director of State Police, to ensure that all cases that were collected prior to the effective date of this Act and are, or were at the time of collection, the subject of a criminal
investigation, are submitted to the Department of State Police, or a laboratory approved and designated by the Director of State Police.

(b) By February 15, 2011, the Department of State Police shall submit to the Governor, the Attorney General, and both houses of the General Assembly a plan for analyzing cases submitted pursuant to this Section. The plan shall include but not be limited to a timeline for completion of analysis and a summary of the inventory received, as well as requests for funding and resources necessary to meet the established timeline. Should the Department determine it is necessary to outsource the forensic testing of the cases submitted in accordance with this Section, all such cases will be exempt from the provisions of subsection (n) of Section 5-4-3 of the Unified Code of Corrections.

(c) Beginning June 1, 2016 or on and after the effective date of this amendatory Act of the 99th General Assembly, whichever is later, each law enforcement agency must conduct an annual inventory of all sexual assault cases in the custody of the law enforcement agency and provide written notice of its annual findings to the State's Attorney's Office having jurisdiction to ensure sexual assault cases are being submitted as provided by law.

(Source: P.A. 96-1011, eff. 9-1-10.)

(725 ILCS 202/42 new)

Sec. 42. Reporting. Beginning January 1, 2017 and each year thereafter, the Department shall publish a quarterly report on its website, indicating a breakdown of the number of sexual assault case submissions from every law enforcement agency.

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

Passed in the General Assembly May 18, 2016.
Approved July 22, 2016.
Effective July 22, 2016.

PUBLIC ACT 99-0618
(Senate Bill No. 2252)

AN ACT concerning criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Code of Criminal Procedure of 1963 is amended by changing Section 110-9 as follows:

New matter indicated by italics - deletions by strikeout
Sec. 110-9. Taking of bail by peace officer. When bail has been set by a judicial officer for a particular offense or offender any sheriff or other peace officer may take bail in accordance with the provisions of Section 110-7 or 110-8 of this Code and release the offender to appear in accordance with the conditions of the bail bond, the Notice to Appear or the Summons. The officer shall give a receipt to the offender for the bail so taken and within a reasonable time deposit such bail with the clerk of the court having jurisdiction of the offense. A sheriff or other peace officer taking bail in accordance with the provisions of Section 110-7 or 110-8 of this Code shall accept payments made in the form of currency, and may accept other forms of payment as the sheriff shall by rule authorize. For purposes of this Section, "currency" has the meaning provided in subsection (a) of Section 3 of the Currency Reporting Act. 

(Source: Laws 1963, p. 2836.)


Approved July 22, 2016.

Effective January 1, 2017.

PUBLIC ACT 99-0619
(Senate Bill No. 2255)

AN ACT concerning local government.

Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

Section 5. The Illinois Library System Act is amended by changing
Section 8.1 as follows:

(75 ILCS 10/8.1) (from Ch. 81, par. 118.1)

Sec. 8.1. The State Librarian shall make grants annually under this
Section to all qualified public libraries in the State from funds
appropriated by the General Assembly. Such grants shall be in the amount
of up to $1.25 per capita for the population of the area served by the
respective public library and, in addition, the amount of up to $0.19 per
capita to libraries serving populations over 500,000 under the Illinois
Major Urban Library Program. If the moneys appropriated for grants under
this Section fail to meet the $1.25 and the $0.19 per capita amounts above,
the funding shall be decreased pro rata so that qualifying public libraries
receive the same amount per capita. If the moneys appropriated for grants
under this Section exceed the $1.25 and the $0.19 per capita amounts

New matter indicated by italics - deletions by strikeout
above, the funding shall be increased pro rata so that qualifying public libraries receive the same amount per capita.

To be eligible for grants under this Section, a public library must:

(1) Provide, as determined by the State Librarian, library services which either meet or show progress toward meeting the Illinois library standards, as most recently adopted by the Illinois Library Association.

(2) Be a public library for which is levied a tax for library purposes at a rate not less than .13% or a county library for which is levied a tax for library purposes at a rate not less than .07%. If a library is subject to the Property Tax Extension Limitation Law in the Property Tax Code and its tax levy for library purposes has been lowered to a rate of less than .13%, this requirement will be waived if the library qualified for this grant in the previous year and if the tax levied for library purposes in the current year produces tax revenue for library purposes that is an increase over the previous year's extension of 5% or the percentage increase in the Consumer Price Index, whichever is less. Beginning in State Fiscal Year 2012 and continuing through and including State Fiscal Year 2015, the eligibility requirement in this subsection shall be waived if a library's tax levy for library purposes has been lowered to a rate of less than 0.13%, and the State Librarian determines that the library (i) continues to meet the requirements of item (1) of this Section and (ii) received a grant under this Section in the previous fiscal year.

Any other language in this Section to the contrary notwithstanding, grants under this Section 8.1 shall be made only upon application of the public library concerned, which applications shall be entirely voluntary and within the sole discretion of the public library concerned.

In order to be eligible for a grant under this Section, the corporate authorities, in lieu of a tax levy at a particular rate, may provide funds from other sources, an amount equivalent to the amount to be produced by that levy.

(Source: P.A. 99-186, eff. 7-29-15.)

(75 ILCS 10/12 rep.)

Section 10. The Illinois Library System Act is amended by repealing Section 12.

Section 99. Effective date. This Act takes effect upon becoming law.
AN ACT concerning business.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Business Corporation Act of 1983 is amended by changing Sections 15.95 and 15.97 as follows:

(805 ILCS 5/15.95) (from Ch. 32, par. 15.95)
Sec. 15.95. Department of Business Services Special Operations Fund.

(a) A special fund in the State treasury known as the Division of Corporations Special Operations Fund is renamed the Department of Business Services Special Operations Fund. Moneys deposited into the Fund shall, subject to appropriation, be used by the Department of Business Services of the Office of the Secretary of State, hereinafter "Department", to create and maintain the capability to perform expedited services in response to special requests made by the public for same day or 24 hour service. Moneys deposited into the Fund shall be used for, but not limited to, expenditures for personal services, retirement, social security, contractual services, equipment, electronic data processing, and telecommunications.

(b) On or before August 31 of each year, the balance in the Fund in excess of $600,000 shall be transferred to the General Revenue Fund.

The balance in the Fund at the end of any fiscal year shall not exceed $600,000 and any amount in excess thereof shall be transferred to the General Revenue Fund.

(c) All fees payable to the Secretary of State under this Section shall be deposited into the Fund. No other fees or taxes collected under this Act shall be deposited into the Fund.

(d) "Expedited services" means services rendered within the same day, or within 24 hours from the time, the request therefor is submitted by the filer, law firm, service company, or messenger physically in person or, at the Secretary of State's discretion, by electronic means, to the Department's Springfield Office and includes requests for certified copies,
photocopies, and certificates of good standing or fact made to the Department's Springfield Office in person or by telephone, or requests for certificates of good standing or fact made in person or by telephone to the Department's Chicago Office.

(e) Fees for expedited services shall be as follows:
Restatement of articles, $200;
Merger, consolidation or exchange, $200;
Articles of incorporation, $100;
Articles of amendment, $100;
Revocation of dissolution, $100;
Reinstatement, $100;
Application for authority, $100;
Cumulative report of changes in issued shares or paid-in capital, $100;
Report following merger or consolidation, $100;
Certificate of good standing or fact, $20;
All other filings, copies of documents, annual reports filed on or after January 1, 1984, and copies of documents of dissolved or revoked corporations having a file number over 5199, $50.

(f) Expedited services shall not be available for a statement of correction, a petition for refund or adjustment, or a request involving annual reports filed before January 1, 1984 or involving dissolved corporations with a file number below 5200.

(Source: P.A. 95-331, eff. 8-21-07.)
(805 ILCS 5/15.97) (from Ch. 32, par. 15.97)
Sec. 15.97. Corporate Franchise Tax Refund Fund.

(a) Beginning July 1, 1993, a percentage of the amounts collected under Sections 15.35, 15.45, 15.65, and 15.75 of this Act shall be deposited into the Corporate Franchise Tax Refund Fund, a special Fund hereby created in the State treasury. From July 1, 1993, until December 31, 1994, there shall be deposited into the Fund 3% of the amounts received under those Sections. Beginning January 1, 1995, and for each fiscal year beginning thereafter, 2% of the amounts collected under those Sections during the preceding fiscal year shall be deposited into the Fund.

(b) Beginning July 1, 1993, moneys in the Fund shall be expended exclusively for the purpose of paying refunds payable because of overpayment of franchise taxes, penalties, or interest under Sections 13.70, 15.35, 15.45, 15.65, 15.75, and 16.05 of this Act and making transfers authorized under this Section. Refunds in accordance with the provisions

New matter indicated by italics - deletions by strikeout
of subsections (f) and (g) of Section 1.15 and Section 1.17 of this Act may be made from the Fund only to the extent that amounts collected under Sections 15.35, 15.45, 15.65, and 15.75 of this Act have been deposited in the Fund and remain available. On or before August 31 of each year, the balance in the Fund in excess of $100,000 shall be transferred to the General Revenue Fund. Within a reasonable time after the 30th day of June of each year, the Secretary of State shall direct and the Comptroller shall order transferred to the General Revenue Fund all amounts in excess of $100,000 remaining in the fund as of June 30.

(c) This Act shall constitute an irrevocable and continuing appropriation from the Corporate Franchise Tax Refund Fund for the purpose of paying refunds upon the order of the Secretary of State in accordance with the provisions of this Section.
(Source: P.A. 93-59, eff. 7-1-03.)

Section 10. The Uniform Partnership Act (1997) is amended by changing Section 108 as follows:

Sec. 108. Fees.

(a) The Secretary of State shall charge and collect in accordance with the provisions of this Act and rules promulgated under its authority:

(1) fees for filing documents;

(2) miscellaneous charges; and

(3) fees for the sale of lists of filings and for copies of any documents.

(b) The Secretary of State shall charge and collect:

(1) for furnishing a copy or certified copy of any document, instrument, or paper relating to a registered limited liability partnership, $25;

(2) for the transfer of information by computer process media to any purchaser, fees established by rule;

(3) for filing a statement of partnership authority, $25;

(4) for filing a statement of denial, $25;

(5) for filing a statement of dissociation, $25;

(6) for filing a statement of dissolution, $100;

(7) for filing a statement of merger, $100;

(8) for filing a statement of qualification for a limited liability partnership organized under the laws of this State, $100 for each partner, but in no event shall the fee be less than $200 or exceed $5,000;

New matter indicated by italics - deletions by strikeout
(9) for filing a statement of foreign qualification, $500;
(10) for filing a renewal statement for a limited liability partnership organized under the laws of this State, $100 for each partner, but in no event shall the fee be less than $200 or exceed $5,000;
(11) for filing a renewal statement for a foreign limited liability partnership, $300;
(12) for filing an amendment or cancellation of a statement, $25;
(13) for filing a statement of withdrawal, $100;
(14) for the purposes of changing the registered agent name or registered office, or both, $25;
(15) for filing an application for reinstatement, $200;
(16) for filing any other document, $25.

(c) All fees collected pursuant to this Act shall be deposited into the Division of Corporations Limited Liability Partnership Fund.

(d) There is hereby continued in the State treasury a special fund to be known as the Division of Corporations Limited Liability Partnership Fund. Moneys deposited into the Fund shall, subject to appropriation, be used by the Business Services Division of the Office of the Secretary of State to administer the responsibilities of the Secretary of State under this Act. On or before August 31 of each year, the balance in the Fund in excess of $200,000 shall be transferred to the General Revenue Fund. The balance of the Fund at the end of any fiscal year shall not exceed $200,000, and any amount in excess thereof shall be transferred to the General Revenue Fund.

(Source: P.A. 97-839, eff. 7-20-12.)

Passed in the General Assembly May 18, 2016.
Approved July 22, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0621
(Senate Bill No. 2332)

AN ACT concerning public aid.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Public Aid Code is amended by changing Section 5-8 as follows:

New matter indicated by italics - deletions by strikeout
Sec. 5-8. Practitioners. In supplying medical assistance, the Illinois Department may provide for the legally authorized services of (i) persons licensed under the Medical Practice Act of 1987, as amended, except as hereafter in this Section stated, whether under a general or limited license, (ii) persons licensed under the Nurse Practice Act as advanced practice nurses, regardless of whether or not the persons have written collaborative agreements, (iii) persons licensed or registered under other laws of this State to provide dental, medical, pharmaceutical, optometric, podiatric, or nursing services, or other remedial care recognized under State law, and (iv) persons licensed under other laws of this State as a clinical social worker. The Department shall adopt rules, no later than 90 days after the effective date of this amendatory Act of the 99th General Assembly, for the legally authorized services of persons licensed under other laws of this State as a clinical social worker. The Department may not provide for legally authorized services of any physician who has been convicted of having performed an abortion procedure in a wilful and wanton manner on a woman who was not pregnant at the time such abortion procedure was performed. The utilization of the services of persons engaged in the treatment or care of the sick, which persons are not required to be licensed or registered under the laws of this State, is not prohibited by this Section.

(Source: P.A. 99-173, eff. 7-29-15.)

Passed in the General Assembly May 18, 2016.
Approved July 22, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0622
(Senate Bill No. 2343)

AN ACT concerning the use of cell site simulator devices.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Citizen Privacy Protection Act.

Section 5. Definitions. As used in this Act:
"Cell site simulator device" means a device that transmits or receives radio waves to or from a communications device that can be used to intercept, collect, access, transfer, or forward the data transmitted or received by the communications device, or stored on the communications

New matter indicated by italics - deletions by strikeout
device, including an international mobile subscriber identity (IMSI) catcher or other cell phone or telephone surveillance or eavesdropping device that mimics a cellular base station and transmits radio waves that cause cell phones or other communications devices in the area to transmit or receive radio waves, electronic data, location data, information used to calculate location, identifying information, communications content, or metadata, or otherwise obtains this information through passive means, such as through the use of a digital analyzer or other passive interception device. "Cell site simulator device" does not include any device used or installed by an electric utility solely to the extent the device is used by that utility to measure electrical usage, to provide services to customers, or to operate the electric grid.

"Communications device" means any electronic device that transmits signs, signals, writings, images, sounds, or data in whole or in part by a wire, radio, electromagnetic, photoelectric, or photo-optical system.

"Law enforcement agency" means any agency of this State or a political subdivision of this State which is vested by law with the duty to maintain public order and to enforce criminal laws.

Section 10. Prohibited use of cell site simulator devices. A law enforcement agency may not use a cell site simulator device, except to locate or track the location of a communications device or to identify a communications device. Except as provided in Section 15 of the Freedom From Location Surveillance Act, a court order based on probable cause that a person whose location information is sought has committed, is committing, or is about to commit a crime, is required for any permitted use of a cell site simulator device.

Section 15. Application for court order.

(a) An application for a court order to use a cell site simulator device, including an emergency application under subparagraph (B) of paragraph (6) of Section 15 of the Freedom From Location Surveillance Act, must include:

(1) a description of the nature and capabilities of the cell site simulator device that will be used and the manner and method of its deployment, including whether the cell site simulator device will obtain data from non-target communications devices; and

(2) a description of the procedures that will be followed to protect the privacy of non-targets during the investigation,
including the deletion of data obtained from non-target communications devices.

(b) If the cell site simulator device is used to locate or track a known communications device, all non-target data must be deleted as soon as reasonably practicable, but no later than once every 24 hours.

(c) If the cell site simulator device is used to identify an unknown communications device, all non-target data must be deleted as soon as reasonably practicable, but no later than within 72 hours of the time that the unknown communications device is identified, absent a court order preserving the non-target data and directing that it be filed under seal with the court. The court may retain data obtained from a non-target communications device under a court order showing good cause for no longer than the period required under Supreme Court Rules. The law enforcement agency is prohibited from accessing data obtained from a non-target communications device for the purpose of any investigation not authorized by the original court order.

(d) A court order issued under this Section may be sealed upon a showing of need, but for no more than 180 days, with any extensions to be granted upon a certification that an investigation remains active or a showing of exceptional circumstances.

Section 20. Admissibility. If the court finds by a preponderance of the evidence that a law enforcement agency used a cell site simulator to gather information in violation of the limits in Sections 10 and 15 of this Act, then the information shall be presumed to be inadmissible in any judicial or administrative proceeding. The State may overcome this presumption by proving the applicability of a judicially recognized exception to the exclusionary rule of the Fourth Amendment to the U.S. Constitution or Article I, Section 6 of the Illinois Constitution to the information. Nothing in this Act shall be deemed to prevent a court from independently reviewing the admissibility of the information for compliance with the aforementioned provisions of the U.S. and Illinois Constitutions.

Passed in the General Assembly May 18, 2016.
Approved July 22, 2016.
Effective January 1, 2017.
AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Section 21B-25 as follows:

(105 ILCS 5/21B-25)

Sec. 21B-25. Endorsement on licenses. All licenses issued under paragraph (1) of Section 21B-20 of this Code shall be specifically endorsed by the State Board of Education for each content area, school support area, and administrative area for which the holder of the license is qualified. Recognized institutions approved to offer educator preparation programs shall be trained to add endorsements to licenses issued to applicants who meet all of the requirements for the endorsement or endorsements, including passing any required tests. The State Superintendent of Education shall randomly audit institutions to ensure that all rules and standards are being followed for entitlement or when endorsements are being recommended.

(1) The State Board of Education, in consultation with the State Educator Preparation and Licensure Board, shall establish, by rule, the grade level and subject area endorsements to be added to the Professional Educator License. These rules shall outline the requirements for obtaining each endorsement.

(2) In addition to any and all grade level and content area endorsements developed by rule, the State Board of Education, in consultation with the State Educator Preparation and Licensure Board, shall develop the requirements for the following endorsements:

A) General administrative endorsement. A general administrative endorsement shall be added to a Professional Educator License, provided that an approved program has been completed. An individual holding a general administrative endorsement may work only as a principal or assistant principal or in a related or similar position, as determined by the State Superintendent of Education, in consultation with the State Educator Preparation and Licensure Board.

New matter indicated by italics - deletions by strikeout
Beginning on September 1, 2014, the general administrative endorsement shall no longer be issued except to individuals who completed all coursework requirements for the receipt of the general administrative endorsement by September 1, 2014, who have completed all testing requirements by June 30, 2016, and who apply for the endorsement on or before June 30, 2016. Individuals who hold a valid and registered administrative certificate with a general administrative endorsement issued under Section 21-7.1 of this Code or a Professional Educator License with a general administrative endorsement issued prior to September 1, 2014 and who have served for at least one full year during the 5 years prior in a position requiring a general administrative endorsement shall, upon request to the State Board of Education and through July 1, 2015, have their respective general administrative endorsement converted to a principal endorsement on the Professional Educator License. Candidates shall not be admitted to an approved general administrative preparation program after September 1, 2012.

All other individuals holding a valid and registered administrative certificate with a general administrative endorsement issued pursuant to Section 21-7.1 of this Code or a general administrative endorsement on a Professional Educator License issued prior to September 1, 2014 shall have the general administrative endorsement converted to a principal endorsement on a Professional Educator License upon request to the State Board of Education and by completing one of the following pathways:

(i) Passage of the State principal assessment developed by the State Board of Education.

(ii) Through July 1, 2019, completion of an Illinois Educators' Academy course designated by the State Superintendent of Education.

(iii) Completion of a principal preparation program established and approved pursuant to Section 21B-60 of this Code and applicable rules.

Individuals who do not choose to convert the general administrative endorsement on the administrative
certificate issued pursuant to Section 21-7.1 of this Code or on the Professional Educator License shall continue to be able to serve in any position previously allowed under paragraph (2) of subsection (e) of Section 21-7.1 of this Code.

The general administrative endorsement on the Professional Educator License is available only to individuals who, prior to September 1, 2014, had such an endorsement on the administrative certificate issued pursuant to Section 21-7.1 of this Code or who already have a Professional Educator License and have completed a general administrative program and who do not choose to convert the general administrative endorsement to a principal endorsement pursuant to the options in this Section.

(B) Principal endorsement. A principal endorsement shall be affixed to a Professional Educator License of any holder who qualifies by having all of the following:

(i) Successful completion of a principal preparation program approved in accordance with Section 21B-60 of this Code and any applicable rules.

(ii) At least 4 total years of teaching or, until June 30, 2021, 4 total years of, until June 30, 2019, working in the capacity of school support personnel in an Illinois public school or nonpublic school recognized by the State Board of Education or in an out-of-state public school or out-of-state nonpublic school meeting out-of-state recognition standards comparable to those approved by the State Superintendent of Education; however, the State Board of Education, in consultation with the State Educator Preparation and Licensure Board, shall allow, by rules, for fewer than 4 years of experience based on meeting standards set forth in such rules, including without limitation a review of performance evaluations or other evidence of demonstrated qualifications.

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(iii) A master's degree or higher from a regionally accredited college or university.

(C) Chief school business official endorsement. A chief school business official endorsement shall be affixed to the Professional Educator License of any holder who qualifies by having a master's degree or higher, 2 years of full-time administrative experience in school business management or 2 years of university-approved practical experience, and a minimum of 24 semester hours of graduate credit in a program approved by the State Board of Education for the preparation of school business administrators and by passage of the applicable State tests. The chief school business official endorsement may also be affixed to the Professional Educator License of any holder who qualifies by having a master's degree in business administration, finance, or accounting and who completes an additional 6 semester hours of internship in school business management from a regionally accredited institution of higher education and passes the applicable State tests. This endorsement shall be required for any individual employed as a chief school business official.

(D) Superintendent endorsement. A superintendent endorsement shall be affixed to the Professional Educator License of any holder who has completed a program approved by the State Board of Education for the preparation of superintendents of schools, has had at least 2 years of experience employed full-time in a general administrative position or as a full-time principal, director of special education, or chief school business official in the public schools or in a State-recognized nonpublic school in which the chief administrator is required to have the licensure necessary to be a principal in a public school in this State and where a majority of the teachers are required to have the licensure necessary to be instructors in a public school in this State, and has passed the required State tests; or of any holder who has completed a program that is not an Illinois-approved educator preparation program at an Illinois institution of higher education and that has recognition standards comparable to those approved by the

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State Superintendent of Education and holds the general administrative, principal, or chief school business official endorsement and who has had 2 years of experience as a principal, director of special education, or chief school business official while holding a valid educator license or certificate comparable in validity and educational and experience requirements and has passed the appropriate State tests, as provided in Section 21B-30 of this Code. The superintendent endorsement shall allow individuals to serve only as a superintendent or assistant superintendent.

(E) Teacher leader endorsement. It shall be the policy of this State to improve the quality of instructional leaders by providing a career pathway for teachers interested in serving in leadership roles, but not as principals. The State Board of Education, in consultation with the State Educator Preparation and Licensure Board, may issue a teacher leader endorsement under this subdivision (E). Persons who meet and successfully complete the requirements of the endorsement shall be issued a teacher leader endorsement on the Professional Educator License for serving in schools in this State. Teacher leaders may qualify to serve in such positions as department chairs, coaches, mentors, curriculum and instruction leaders, or other leadership positions as defined by the district. The endorsement shall be available to those teachers who (i) hold a Professional Educator License, (ii) hold a master's degree or higher from a regionally accredited institution, (iii) have completed a program of study that has been approved by the State Board of Education, in consultation with the State Educator Preparation and Licensure Board, and (iv) have taken coursework in all of the following areas:

(I) Leadership.
(II) Designing professional development to meet teaching and learning needs.
(III) Building school culture that focuses on student learning.
(IV) Using assessments to improve student learning and foster school improvement.

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(V) Building collaboration with teachers and stakeholders.

A teacher who meets the requirements set forth in this Section and holds a teacher leader endorsement may evaluate teachers pursuant to Section 24A-5 of this Code, provided that the individual has completed the evaluation component required by Section 24A-3 of this Code and a teacher leader is allowed to evaluate personnel under the respective school district's collective bargaining agreement.

The State Board of Education, in consultation with the State Educator Preparation and Licensure Board, may adopt such rules as may be necessary to establish and implement the teacher leader endorsement program and to specify the positions for which this endorsement shall be required.

(F) Special education endorsement. A special education endorsement in one or more areas shall be affixed to a Professional Educator License for any individual that meets those requirements established by the State Board of Education in rules. Special education endorsement areas shall include without limitation the following:

   (i) Learning Behavior Specialist I;
   (ii) Learning Behavior Specialist II;
   (iii) Speech Language Pathologist;
   (iv) Blind or Visually Impaired;
   (v) Deaf-Hard of Hearing; and
   (vi) Early Childhood Special Education.

Notwithstanding anything in this Code to the contrary, the State Board of Education, in consultation with the State Educator Preparation and Licensure Board, may add additional areas of special education by rule.

(G) School support personnel endorsement. School support personnel endorsement areas shall include, but are not limited to, school counselor, marriage and family therapist, school psychologist, school speech and language pathologist, school nurse, and school social worker. This endorsement is for individuals who are not teachers or administrators, but still require licensure to work in an

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instructional support position in a public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control or a charter school operating in compliance with the Charter Schools Law. The school support personnel endorsement shall be affixed to the Professional Educator License and shall meet all of the requirements established in any rules adopted to implement this subdivision (G). The holder of such an endorsement is entitled to all of the rights and privileges granted holders of any other Professional Educator License, including teacher benefits, compensation, and working conditions.

Beginning on January 1, 2014 and ending on April 30, 2014, a person holding a Professional Educator License with a school speech and language pathologist (teaching) endorsement may exchange his or her school speech and language pathologist (teaching) endorsement for a school speech and language pathologist (non-teaching) endorsement through application to the State Board of Education. There shall be no cost for this exchange.

(Source: P.A. 98-413, eff. 8-16-13; 98-610, eff. 12-27-13; 98-872, eff. 8-11-14; 98-917, eff. 8-15-14; 98-1147, eff. 12-31-14; 99-58, eff. 7-16-15.)

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

Passed in the General Assembly May 19, 2016.
Approved July 22, 2016.
Effective July 22, 2016.

PUBLIC ACT 99-0624
(Senate Bill No. 2505)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The College and Career Success for All Students Act is amended by changing Section 30 as follows:

(105 ILCS 302/30)
Sec. 30. Postsecondary-level Examination; postsecondary-level course credit.

New matter indicated by italics - deletions by strikeout
(a) In this Section: "Institution of higher education" means a public university or public community college located in this State.

"International Baccalaureate Diploma Programme subject" means an International Baccalaureate course taken by either International Baccalaureate diploma candidates or by International Baccalaureate course candidates.

"Subject score" means the total points awarded to a candidate for an International Baccalaureate course based on fulfillment of all subject requirements, including the end-of-course examination.

(b) Beginning with the 2016-2017 academic year, scores of 3, 4, and 5 on the College Board Advanced Placement examinations and, beginning with the 2017-2018 academic year, subject scores of 4 or higher for International Baccalaureate Diploma Programme subjects shall be accepted for credit to satisfy degree requirements by all institutions of higher education. Each institution of higher education shall determine for each Advanced Placement test and International Baccalaureate Diploma Programme subject whether credit will be granted for electives, general education requirements, or major requirements and the Advanced Placement and International Baccalaureate Diploma Programme subject scores required to grant credit for those purposes.

(c) By the conclusion of the 2020-2021 academic year, the Board of Higher Education, in cooperation with the Illinois Community College Board, shall analyze the Advanced Placement examination and International Baccalaureate Diploma Programme subject score course granting policy of each institution of higher education and the research used by each institution in determining the level of credit and the number of credits provided for the Advanced Placement and International Baccalaureate Diploma Programme subject scores in accordance with the requirements of this Section and file a report that includes findings and recommendations to the General Assembly and the Governor. Each institution of higher education shall provide the Board of Higher Education and the Illinois Community College Board with all necessary data, in accordance with the federal Family Educational Rights and Privacy Act of 1974, to conduct the analysis.

(d) Each institution of higher education shall publish its updated Advanced Placement examination and International Baccalaureate Diploma Programme subject score course granting policy in accordance

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with the requirements of this Section on its Internet website before the beginning of the 2017-2018 academic year.
(Source: P.A. 99-358, eff. 8-13-15.)

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

Passed in the General Assembly May 19, 2016.
Approved July 22, 2016.
Effective July 22, 2016.

PUBLIC ACT 99-0625
(Senate Bill No. 2512)

AN ACT concerning courts.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Juvenile Court Act of 1987 is amended by changing Section 2-10 as follows:

(705 ILCS 405/2-10) (from Ch. 37, par. 802-10)
Sec. 2-10. Temporary custody hearing. At the appearance of the minor before the court at the temporary custody hearing, all witnesses present shall be examined before the court in relation to any matter connected with the allegations made in the petition.

(1) If the court finds that there is not probable cause to believe that the minor is abused, neglected or dependent it shall release the minor and dismiss the petition.

(2) If the court finds that there is probable cause to believe that the minor is abused, neglected or dependent, the court shall state in writing the factual basis supporting its finding and the minor, his or her parent, guardian, custodian and other persons able to give relevant testimony shall be examined before the court in relation to any matter connected with the allegations made in the petition.

(1) If the court finds that there is not probable cause to believe that the minor is abused, neglected or dependent it shall release the minor and dismiss the petition.

(2) If the court finds that there is probable cause to believe that the minor is abused, neglected or dependent, the court shall state in writing the factual basis supporting its finding and the minor, his or her parent, guardian, custodian and other persons able to give relevant testimony shall be examined before the court. The Department of Children and Family Services shall give testimony concerning indicated reports of abuse and neglect, of which they are aware of through the central registry, involving the minor's parent, guardian or custodian. After such testimony, the court may, consistent with the health, safety and best interests of the minor, enter an order that the minor shall be released upon the request of parent, guardian or custodian if the parent, guardian or custodian appears to take custody. If it is determined that a parent's, guardian's, or custodian's compliance with critical services mitigates the necessity for removal of the minor from his or her home, the court may enter an Order of Protection

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setting forth reasonable conditions of behavior that a parent, guardian, or
custodian must observe for a specified period of time, not to exceed 12
months, without a violation; provided, however, that the 12-month period
shall begin anew after any violation. Custodian shall include any agency of
the State which has been given custody or wardship of the child. If it is
consistent with the health, safety and best interests of the minor, the court
may also prescribe shelter care and order that the minor be kept in a
suitable place designated by the court or in a shelter care facility
designated by the Department of Children and Family Services or a
licensed child welfare agency; however, on and after January 1, 2015 (the
effective date of Public Act 98-803) this amendatory Act of the 98th
General Assembly and before January 1, 2017, a minor charged with a
criminal offense under the Criminal Code of 1961 or the Criminal Code of
2012 or adjudicated delinquent shall not be placed in the custody of or
committed to the Department of Children and Family Services by any
court, except a minor less than 16 years of age and committed to the
Department of Children and Family Services under Section 5-710 of this
Act or a minor for whom an independent basis of abuse, neglect, or
dependency exists; and on and after January 1, 2017, a minor charged with
a criminal offense under the Criminal Code of 1961 or the Criminal Code
of 2012 or adjudicated delinquent shall not be placed in the custody of or
committed to the Department of Children and Family Services by any
court, except a minor less than 15 years of age and committed to the
Department of Children and Family Services under Section 5-710 of this
Act or a minor for whom an independent basis of abuse, neglect, or
dependency exists. An independent basis exists when the allegations or
adjudication of abuse, neglect, or dependency do not arise from the same
facts, incident, or circumstances which give rise to a charge or
adjudication of delinquency.

In placing the minor, the Department or other agency shall, to the
extent compatible with the court's order, comply with Section 7 of the
Children and Family Services Act. In determining the health, safety and
best interests of the minor to prescribe shelter care, the court must find that
it is a matter of immediate and urgent necessity for the safety and
protection of the minor or of the person or property of another that the
minor be placed in a shelter care facility or that he or she is likely to flee
the jurisdiction of the court, and must further find that reasonable efforts
have been made or that, consistent with the health, safety and best interests
of the minor, no efforts reasonably can be made to prevent or eliminate the

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necessity of removal of the minor from his or her home. The court shall require documentation from the Department of Children and Family Services as to the reasonable efforts that were made to prevent or eliminate the necessity of removal of the minor from his or her home or the reasons why no efforts reasonably could be made to prevent or eliminate the necessity of removal. When a minor is placed in the home of a relative, the Department of Children and Family Services shall complete a preliminary background review of the members of the minor's custodian's household in accordance with Section 4.3 of the Child Care Act of 1969 within 90 days of that placement. If the minor is ordered placed in a shelter care facility of the Department of Children and Family Services or a licensed child welfare agency, the court shall, upon request of the appropriate Department or other agency, appoint the Department of Children and Family Services Guardianship Administrator or other appropriate agency executive temporary custodian of the minor and the court may enter such other orders related to the temporary custody as it deems fit and proper, including the provision of services to the minor or his family to ameliorate the causes contributing to the finding of probable cause or to the finding of the existence of immediate and urgent necessity.

Where the Department of Children and Family Services Guardianship Administrator is appointed as the executive temporary custodian, the Department of Children and Family Services shall file with the court and serve on the parties a parent-child visiting plan, within 10 days, excluding weekends and holidays, after the appointment. The parent-child visiting plan shall set out the time and place of visits, the frequency of visits, the length of visits, who shall be present at the visits, and where appropriate, the minor's opportunities to have telephone and mail communication with the parents.

Where the Department of Children and Family Services Guardianship Administrator is appointed as the executive temporary custodian, and when the child has siblings in care, the Department of Children and Family Services shall file with the court and serve on the parties a sibling placement and contact plan within 10 days, excluding weekends and holidays, after the appointment. The sibling placement and contact plan shall set forth whether the siblings are placed together, and if they are not placed together, what, if any, efforts are being made to place them together. If the Department has determined that it is not in a child's best interest to be placed with a sibling, the Department shall document in the sibling placement and contact plan the basis for its determination. For
siblings placed separately, the sibling placement and contact plan shall set
the time and place for visits, the frequency of the visits, the length of
visits, who shall be present for the visits, and where appropriate, the child's
opportunities to have contact with their siblings in addition to in person
contact. If the Department determines it is not in the best interest of a
sibling to have contact with a sibling, the Department shall document in
the sibling placement and contact plan the basis for its determination. The
sibling placement and contact plan shall specify a date for development of
the Sibling Contact Support Plan, under subsection (f) of Section 7.4 of
the Children and Family Services Act, and shall remain in effect until the
Sibling Contact Support Plan is developed.

For good cause, the court may waive the requirement to file the
parent-child visiting plan or the sibling placement and contact plan, or
extend the time for filing either plan. Any party may, by motion, request
the court to review the parent-child visiting plan to determine whether it is
reasonably calculated to expeditiously facilitate the achievement of the
permanency goal. A party may, by motion, request the court to review the
parent-child visiting plan or the sibling placement and contact plan to
determine whether it is consistent with the minor's best interest. The court
may refer the parties to mediation where available. The frequency,
duration, and locations of visitation shall be measured by the needs of the
child and family, and not by the convenience of Department personnel.
Child development principles shall be considered by the court in its
analysis of how frequent visitation should be, how long it should last,
where it should take place, and who should be present. If upon motion of
the party to review either plan and after receiving evidence, the court
determines that the parent-child visiting plan is not reasonably calculated
to expeditiously facilitate the achievement of the permanency goal or that
the restrictions placed on parent-child contact or sibling placement or
contact are contrary to the child's best interests, the court shall put in
writing the factual basis supporting the determination and enter specific
findings based on the evidence. The court shall enter an order for the
Department to implement changes to the parent-child visiting plan or
sibling placement or contact plan, consistent with the court's findings. At
any stage of proceeding, any party may by motion request the court to
enter any orders necessary to implement the parent-child visiting plan,
sibling placement or contact plan or subsequently developed Sibling
Contact Support Plan. Nothing under this subsection (2) shall restrict the
court from granting discretionary authority to the Department to increase

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opportunities for additional parent-child contacts or sibling contacts, without further court orders. Nothing in this subsection (2) shall restrict the Department from immediately restricting or terminating parent-child contact or sibling contacts, without either amending the parent-child visiting plan or the sibling contact plan or obtaining a court order, where the Department or its assigns reasonably believe that continuation of the contact, as set out in the plan, would be contrary to the child's health, safety, and welfare. The Department shall file with the court and serve on the parties any amendments to the plan within 10 days, excluding weekends and holidays, of the change of the visitation.

Acceptance of services shall not be considered an admission of any allegation in a petition made pursuant to this Act, nor may a referral of services be considered as evidence in any proceeding pursuant to this Act, except where the issue is whether the Department has made reasonable efforts to reunite the family. In making its findings that it is consistent with the health, safety and best interests of the minor to prescribe shelter care, the court shall state in writing (i) the factual basis supporting its findings concerning the immediate and urgent necessity for the protection of the minor or of the person or property of another and (ii) the factual basis supporting its findings that reasonable efforts were made to prevent or eliminate the removal of the minor from his or her home or that no efforts reasonably could be made to prevent or eliminate the removal of the minor from his or her home. The parents, guardian, custodian, temporary custodian and minor shall each be furnished a copy of such written findings. The temporary custodian shall maintain a copy of the court order and written findings in the case record for the child. The order together with the court's findings of fact in support thereof shall be entered of record in the court.

Once the court finds that it is a matter of immediate and urgent necessity for the protection of the minor that the minor be placed in a shelter care facility, the minor shall not be returned to the parent, custodian or guardian until the court finds that such placement is no longer necessary for the protection of the minor.

If the child is placed in the temporary custody of the Department of Children and Family Services for his or her protection, the court shall admonish the parents, guardian, custodian or responsible relative that the parents must cooperate with the Department of Children and Family Services, comply with the terms of the service plans, and correct the conditions which require the child to be in care, or risk termination of their

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parental rights. The court shall ensure, by inquiring in open court of each parent, guardian, custodian or responsible relative, that the parent, guardian, custodian or responsible relative has had the opportunity to provide the Department with all known names, addresses, and telephone numbers of each of the minor's living maternal and paternal adult relatives, including, but not limited to, grandparents, aunts, uncles, and siblings. The court shall advise the parents, guardian, custodian or responsible relative to inform the Department if additional information regarding the minor's adult relatives becomes available.

(3) If prior to the shelter care hearing for a minor described in Sections 2-3, 2-4, 3-3 and 4-3 the moving party is unable to serve notice on the party respondent, the shelter care hearing may proceed ex parte. A shelter care order from an ex parte hearing shall be endorsed with the date and hour of issuance and shall be filed with the clerk's office and entered of record. The order shall expire after 10 days from the time it is issued unless before its expiration it is renewed, at a hearing upon appearance of the party respondent, or upon an affidavit of the moving party as to all diligent efforts to notify the party respondent by notice as herein prescribed. The notice prescribed shall be in writing and shall be personally delivered to the minor or the minor's attorney and to the last known address of the other person or persons entitled to notice. The notice shall also state the nature of the allegations, the nature of the order sought by the State, including whether temporary custody is sought, and the consequences of failure to appear and shall contain a notice that the parties will not be entitled to further written notices or publication notices of proceedings in this case, including the filing of an amended petition or a motion to terminate parental rights, except as required by Supreme Court Rule 11; and shall explain the right of the parties and the procedures to vacate or modify a shelter care order as provided in this Section. The notice for a shelter care hearing shall be substantially as follows:

NOTICE TO PARENTS AND CHILDREN
OF SHELTER CARE HEARING

On ............... at ........, before the Honorable .............., (address:) ............... the State of Illinois will present evidence (1) that (name of child or children) ................. are abused, neglected or dependent for the following reasons:

................................................................. and (2) whether there is "immediate and urgent necessity" to remove the child or children from the responsible relative.

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YOUR FAILURE TO APPEAR AT THE HEARING MAY RESULT IN PLACEMENT of the child or children in foster care until a trial can be held. A trial may not be held for up to 90 days. You will not be entitled to further notices of proceedings in this case, including the filing of an amended petition or a motion to terminate parental rights.

At the shelter care hearing, parents have the following rights:

1. To ask the court to appoint a lawyer if they cannot afford one.
2. To ask the court to continue the hearing to allow them time to prepare.
3. To present evidence concerning:
   a. Whether or not the child or children were abused, neglected or dependent.
   b. Whether or not there is "immediate and urgent necessity" to remove the child from home (including: their ability to care for the child, conditions in the home, alternative means of protecting the child other than removal).
   c. The best interests of the child.
4. To cross examine the State's witnesses.

The Notice for rehearings shall be substantially as follows:

NOTICE OF PARENT'S AND CHILDREN'S RIGHTS TO REHEARING ON TEMPORARY CUSTODY

If you were not present at and did not have adequate notice of the Shelter Care Hearing at which temporary custody of ............... was awarded to ............... you have the right to request a full rehearing on whether the State should have temporary custody of ............... To request this rehearing, you must file with the Clerk of the Juvenile Court (address): ............... in person or by mailing a statement (affidavit) setting forth the following:

1. That you were not present at the shelter care hearing.
2. That you did not get adequate notice (explaining how the notice was inadequate).
3. Your signature.
4. Signature must be notarized.

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The rehearing should be scheduled within 48 hours of your filing this affidavit.

At the rehearing, your rights are the same as at the initial shelter care hearing. The enclosed notice explains those rights.

At the Shelter Care Hearing, children have the following rights:

1. To have a guardian ad litem appointed.
2. To be declared competent as a witness and to present testimony concerning:
   a. Whether they are abused, neglected or dependent.
   b. Whether there is "immediate and urgent necessity" to be removed from home.
   c. Their best interests.
3. To cross examine witnesses for other parties.
4. To obtain an explanation of any proceedings and orders of the court.

(4) If the parent, guardian, legal custodian, responsible relative, minor age 8 or over, or counsel of the minor did not have actual notice of or was not present at the shelter care hearing, he or she may file an affidavit setting forth these facts, and the clerk shall set the matter for rehearing not later than 48 hours, excluding Sundays and legal holidays, after the filing of the affidavit. At the rehearing, the court shall proceed in the same manner as upon the original hearing.

(5) Only when there is reasonable cause to believe that the minor taken into custody is a person described in subsection (3) of Section 5-105 may the minor be kept or detained in a detention home or county or municipal jail. This Section shall in no way be construed to limit subsection (6).

(6) No minor under 16 years of age may be confined in a jail or place ordinarily used for the confinement of prisoners in a police station. Minors under 18 years of age must be kept separate from confined adults and may not at any time be kept in the same cell, room, or yard with adults confined pursuant to the criminal law.

(7) If the minor is not brought before a judicial officer within the time period as specified in Section 2-9, the minor must immediately be released from custody.

(8) If neither the parent, guardian or custodian appears within 24 hours to take custody of a minor released upon request pursuant to

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subsection (2) of this Section, then the clerk of the court shall set the matter for rehearing not later than 7 days after the original order and shall issue a summons directed to the parent, guardian or custodian to appear. At the same time the probation department shall prepare a report on the minor. If a parent, guardian or custodian does not appear at such rehearing, the judge may enter an order prescribing that the minor be kept in a suitable place designated by the Department of Children and Family Services or a licensed child welfare agency.

(9) Notwithstanding any other provision of this Section any interested party, including the State, the temporary custodian, an agency providing services to the minor or family under a service plan pursuant to Section 8.2 of the Abused and Neglected Child Reporting Act, foster parent, or any of their representatives, on notice to all parties entitled to notice, may file a motion that it is in the best interests of the minor to modify or vacate a temporary custody order on any of the following grounds:

   (a) It is no longer a matter of immediate and urgent necessity that the minor remain in shelter care; or
   (b) There is a material change in the circumstances of the natural family from which the minor was removed and the child can be cared for at home without endangering the child's health or safety; or
   (c) A person not a party to the alleged abuse, neglect or dependency, including a parent, relative or legal guardian, is capable of assuming temporary custody of the minor; or
   (d) Services provided by the Department of Children and Family Services or a child welfare agency or other service provider have been successful in eliminating the need for temporary custody and the child can be cared for at home without endangering the child's health or safety.

In ruling on the motion, the court shall determine whether it is consistent with the health, safety and best interests of the minor to modify or vacate a temporary custody order.

The clerk shall set the matter for hearing not later than 14 days after such motion is filed. In the event that the court modifies or vacates a temporary custody order but does not vacate its finding of probable cause, the court may order that appropriate services be continued or initiated in behalf of the minor and his or her family.

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(10) When the court finds or has found that there is probable cause to believe a minor is an abused minor as described in subsection (2) of Section 2-3 and that there is an immediate and urgent necessity for the abused minor to be placed in shelter care, immediate and urgent necessity shall be presumed for any other minor residing in the same household as the abused minor provided:

(a) Such other minor is the subject of an abuse or neglect petition pending before the court; and

(b) A party to the petition is seeking shelter care for such other minor.

Once the presumption of immediate and urgent necessity has been raised, the burden of demonstrating the lack of immediate and urgent necessity shall be on any party that is opposing shelter care for the other minor.

(11) The changes made to this Section by Public Act 98-61 apply to a minor who has been arrested or taken into custody on or after January 1, 2014 (the effective date of Public Act 98-61).

(Source: P.A. 97-1076, eff. 8-24-12; 97-1150, eff. 1-25-13; 98-61, eff. 1-1-14; 98-756, eff. 7-16-14; 98-803, eff. 1-1-15; revised 10-16-15.)

Approved July 22, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0626
(Senate Bill No. 2593)

AN ACT concerning revenue.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Property Tax Code is amended by changing Sections 16-180 and 16-185 as follows:

(35 ILCS 200/16-180)

Sec. 16-180. Procedure for determination of correct assessment. The Property Tax Appeal Board shall establish by rules an informal procedure for the determination of the correct assessment of property which is the subject of an appeal. The procedure, to the extent that the Board considers practicable, shall eliminate formal rules of pleading, practice and evidence, and except for any reasonable filing fee determined by the Board, may provide that costs shall be in the discretion of the

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Board. A copy of the appellant's petition shall be mailed or sent by electronic means by the clerk of the Property Tax Appeal Board to the board of review whose decision is being appealed. In all cases where a change in assessed valuation of $100,000 or more is sought, the board of review shall serve a copy of the petition on all taxing districts as shown on the last available tax bill. The chairman of the Property Tax Appeal Board shall provide for the speedy hearing of all such appeals. Each appeal shall be limited to the grounds listed in the petition filed with the Property Tax Appeal Board. All appeals shall be considered de novo and the Property Tax Appeal Board shall not be limited to the evidence presented to the board of review of the county. A party participating in the hearing before the Property Tax Appeal Board is entitled to introduce evidence that is otherwise proper and admissible without regard to whether that evidence has previously been introduced at a hearing before the board of review of the county. Where no complaint has been made to the board of review of the county where the property is located and the appeal is based solely on the effect of an equalizing factor assigned to all property or to a class of property by the board of review, the Property Tax Appeal Board shall not grant a reduction in assessment greater than the amount that was added as the result of the equalizing factor.

The provisions added to this Section by this amendatory Act of the 93rd General Assembly shall be construed as declaratory of existing law and not as a new enactment.

(Source: P.A. 93-248, eff. 7-22-03; 93-758, eff. 7-16-04.)

(35 ILCS 200/16-185)

Sec. 16-185. Decisions. The Board shall make a decision in each appeal or case appealed to it, and the decision shall be based upon equity and the weight of evidence and not upon constructive fraud, and shall be binding upon appellant and officials of government. The extension of taxes on any assessment so appealed shall not be delayed by any proceeding before the Board, and, in case the assessment is altered by the Board, any taxes extended upon the unauthorized assessment or part thereof shall be abated, or, if already paid, shall be refunded with interest as provided in Section 23-20.

The decision or order of the Property Tax Appeal Board in any such appeal, shall, within 10 days thereafter, be certified at no charge to the appellant and to the proper authorities, including the board of review or board of appeals whose decision was appealed, the county clerk who

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extends taxes upon the assessment in question, and the county collector who collects property taxes upon such assessment.

The final administrative decision of the Property Tax Appeal Board shall be deemed served on a party when a copy of the decision is: (1) deposited in the United States Mail, in a sealed package, with postage prepaid, addressed to that party at the address listed for that party in the pleadings; except that, if the party is represented by an attorney, the notice shall go to the attorney at the address listed in the pleadings; or (2) sent electronically to the party at the e-mail addresses provided for that party in the pleadings. The Property Tax Appeal Board shall allow each party to designate one or more individuals to receive electronic correspondence on behalf of that party and shall allow each party to change, add, or remove designees selected by that party during the course of the proceedings. Decisions and all electronic correspondence shall be directed to each individual so designated.

If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the board of review or board of appeals or after adjournment of the session of the board of review or board of appeals at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for the subsequent year directly to the Property Tax Appeal Board.

If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review.

(Source: P.A. 88-455; 88-660, eff. 9-16-94; 89-671, eff. 8-14-96.)

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

Passed in the General Assembly May 19, 2016.
Approved July 22, 2016.
Effective July 22, 2016.

New matter indicated by italics - deletions by strikeout
AN ACT concerning civil law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Common Interest Community Association Act is amended by changing Section 1-60 as follows:

(765 ILCS 160/1-60)

Sec. 1-60. Errors, and omissions, and inconsistencies.

(a) If a provision of the community instruments does not conform to this Act or to another applicable law because of an error, omission, or inconsistency in the community instruments of the association, the association may correct the error, omission, or inconsistency to conform the community instruments to this Act or to another applicable law by an amendment adopted by vote of two-thirds of the board of directors, without a membership vote. A provision in the community instruments requiring members of record to vote to approve an amendment to the community instruments, or for the members of record to be given notice of an amendment to the community instruments, does not apply to an amendment that corrects an omission, error, or inconsistency to conform the community instruments to this Act or to another applicable law. there is an omission or error in the declaration or other instrument of the association, the association may correct the error or omission by an amendment to the declaration or other instrument, as may be required to conform it to this Act, to any other applicable statute, or to the declaration. The amendment shall be adopted by vote of two-thirds of the members of the board of directors or by a majority vote of the members at a meeting called for that purpose, unless the Act or the declaration of the association specifically provides for greater percentages or different procedures.

(b) If, through a scrivener's error, a unit has not been designated as owning an appropriate undivided share of the common areas or does not bear an appropriate share of the common expenses, or if all of the common expenses or all of the common elements have not been distributed in the declaration, so that the sum total of the shares of common areas which have been distributed or the sum total of the shares of the common expenses fail to equal 100%, or if it appears that more than 100% of the common elements or common expenses have been distributed, the error may be corrected by operation of law by filing an amendment to the

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declaration, approved by vote of two-thirds of the members of the board or a majority vote of the members at a meeting called for that purpose, which proportionately adjusts all percentage interests so that the total is equal to 100%, unless the declaration specifically provides for a different procedure or different percentage vote by the owners of the units and the owners of mortgages thereon affected by modification being made in the undivided interest in the common areas, the number of votes in the association or the liability for common expenses appertaining to the unit.

(c) If a scrivener's error in the declaration or other instrument is corrected by vote of two-thirds of the members of the board pursuant to the authority established in subsection (a) or subsection (b), the board, upon written petition by members with 20% of the votes of the association received within 30 days of the board action, shall call a meeting of the members within 30 days of the filing of the petition to consider the board action. Unless a majority of the votes of the members of the association are cast at the meeting to reject the action, it is ratified whether or not a quorum is present.

(d) Nothing contained in this Section shall be construed to invalidate any provision of a declaration authorizing the developer to amend an instrument prior to the latest date on which the initial membership meeting of the members must be held, whether or not it has actually been held, to bring the instrument into compliance with the legal requirements of the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Federal Housing Administration, the United States Department of Veterans Affairs, or their respective successors and assigns.

(Source: P.A. 96-1400, eff. 7-29-10; 97-605, eff. 8-26-11; 97-1090, eff. 8-24-12.)

Passed in the General Assembly May 12, 2016.
Approved July 22, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0628
(Senate Bill No. 2777)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout
Section 5. The Sex Offender Management Board Act is amended by changing Section 17 as follows:

(20 ILCS 4026/17)

Sec. 17. Sentencing of sex offenders; treatment based upon evaluation required.

(a) Each felony sex offender sentenced by the court for a sex offense shall be required as a part of any sentence to probation, conditional release, or periodic imprisonment to undergo treatment based upon the recommendations of the evaluation made pursuant to Section 16 or based upon any subsequent recommendations by the Administrative Office of the Illinois Courts or the county probation department, whichever is appropriate. Beginning on January 1, 2014, the treatment shall be with a sex offender treatment provider or associate sex offender provider as defined in Section 10 of this Act and at the offender's own expense based upon the offender's ability to pay for such treatment.

(b) Beginning on January 1, 2004, each sex offender placed on parole, aftercare release, or mandatory supervised release by the Prisoner Review Board shall be required as a condition of parole or aftercare release to undergo treatment based upon any evaluation or subsequent reevaluation regarding such offender during the offender's incarceration or any period of parole or aftercare release. Beginning on January 1, 2014, the treatment shall be by a sex offender treatment provider or associate sex offender provider as defined in Section 10 of this Act and at the offender's expense based upon the offender's ability to pay for such treatment.

(Source: P.A. 97-1098, eff. 1-1-13; 98-558, eff. 1-1-14.)

Section 10. The Juvenile Court Act of 1987 is amended by changing Sections 5-710, 5-740, and 5-745 as follows:

(705 ILCS 405/5-710)

Sec. 5-710. Kinds of sentencing orders.

(1) The following kinds of sentencing orders may be made in respect of wards of the court:

(a) Except as provided in Sections 5-805, 5-810, 5-815, a minor who is found guilty under Section 5-620 may be:

   (i) put on probation or conditional discharge and released to his or her parents, guardian or legal custodian, provided, however, that any such minor who is not committed to the Department of Juvenile Justice under this subsection and who is found to be a delinquent for an
offense which is first degree murder, a Class X felony, or a forcible felony shall be placed on probation;

(ii) placed in accordance with Section 5-740, with or without also being put on probation or conditional discharge;

(iii) required to undergo a substance abuse assessment conducted by a licensed provider and participate in the indicated clinical level of care;

(iv) on and after the effective date of this amendatory Act of the 98th General Assembly and before January 1, 2017, placed in the guardianship of the Department of Children and Family Services, but only if the delinquent minor is under 16 years of age or, pursuant to Article II of this Act, a minor for whom an independent basis of abuse, neglect, or dependency exists. On and after January 1, 2017, placed in the guardianship of the Department of Children and Family Services, but only if the delinquent minor is under 15 years of age or, pursuant to Article II of this Act, a minor for whom an independent basis of abuse, neglect, or dependency exists. An independent basis exists when the allegations or adjudication of abuse, neglect, or dependency do not arise from the same facts, incident, or circumstances which give rise to a charge or adjudication of delinquency;

(v) placed in detention for a period not to exceed 30 days, either as the exclusive order of disposition or, where appropriate, in conjunction with any other order of disposition issued under this paragraph, provided that any such detention shall be in a juvenile detention home and the minor so detained shall be 10 years of age or older. However, the 30-day limitation may be extended by further order of the court for a minor under age 15 committed to the Department of Children and Family Services if the court finds that the minor is a danger to himself or others. The minor shall be given credit on the sentencing order of detention for time spent in detention under Sections 5-501, 5-601, 5-710, or 5-720 of this Article as a result of the offense for which the sentencing order was imposed. The court may grant credit on a sentencing order of detention

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entered under a violation of probation or violation of conditional discharge under Section 5-720 of this Article for time spent in detention before the filing of the petition alleging the violation. A minor shall not be deprived of credit for time spent in detention before the filing of a violation of probation or conditional discharge alleging the same or related act or acts. The limitation that the minor shall only be placed in a juvenile detention home does not apply as follows:

Persons 18 years of age and older who have a petition of delinquency filed against them may be confined in an adult detention facility. In making a determination whether to confine a person 18 years of age or older who has a petition of delinquency filed against the person, these factors, among other matters, shall be considered:

(A) the age of the person;
(B) any previous delinquent or criminal history of the person;
(C) any previous abuse or neglect history of the person;
(D) any mental health history of the person; and
(E) any educational history of the person;
(vi) ordered partially or completely emancipated in accordance with the provisions of the Emancipation of Minors Act;
(vii) subject to having his or her driver's license or driving privileges suspended for such time as determined by the court but only until he or she attains 18 years of age;
(viii) put on probation or conditional discharge and placed in detention under Section 3-6039 of the Counties Code for a period not to exceed the period of incarceration permitted by law for adults found guilty of the same offense or offenses for which the minor was adjudicated delinquent, and in any event no longer than upon attainment of age 21; this subdivision (viii) notwithstanding any contrary provision of the law;

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(ix) ordered to undergo a medical or other procedure
to have a tattoo symbolizing allegiance to a street gang
removed from his or her body; or
(x) placed in electronic home detention under Part
7A of this Article.

(b) A minor found to be guilty may be committed to the
Department of Juvenile Justice under Section 5-750 if the minor is
at least 13 years and under 20 years of age, provided that the
commitment to the Department of Juvenile Justice shall be made
only if the minor was found guilty of a felony offense or first
degree murder a term of imprisonment in the penitentiary system
of the Department of Corrections is permitted by law for adults
found guilty of the offense for which the minor was adjudicated
delinquent. The court shall include in the sentencing order any pre-
custody credits the minor is entitled to under Section 5-4.5-100 of
the Unified Code of Corrections. The time during which a minor is
in custody before being released upon the request of a parent,
guardian or legal custodian shall also be considered as time spent
in custody.

(c) When a minor is found to be guilty for an offense which
is a violation of the Illinois Controlled Substances Act, the
Cannabis Control Act, or the Methamphetamine Control and
Community Protection Act and made a ward of the court, the court
may enter a disposition order requiring the minor to undergo
assessment, counseling or treatment in a substance abuse program
approved by the Department of Human Services.

(2) Any sentencing order other than commitment to the Department
of Juvenile Justice may provide for protective supervision under Section 5-
725 and may include an order of protection under Section 5-730.

(3) Unless the sentencing order expressly so provides, it does not
operate to close proceedings on the pending petition, but is subject to
modification until final closing and discharge of the proceedings under
Section 5-750.

(4) In addition to any other sentence, the court may order any
minor found to be delinquent to make restitution, in monetary or non-
monetary form, under the terms and conditions of Section 5-5-6 of the
Unified Code of Corrections, except that the "presentencing hearing"
referred to in that Section shall be the sentencing hearing for purposes of
this Section. The parent, guardian or legal custodian of the minor may be

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ordered by the court to pay some or all of the restitution on the minor's behalf, pursuant to the Parental Responsibility Law. The State's Attorney is authorized to act on behalf of any victim in seeking restitution in proceedings under this Section, up to the maximum amount allowed in Section 5 of the Parental Responsibility Law.

(5) Any sentencing order where the minor is committed or placed in accordance with Section 5-740 shall provide for the parents or guardian of the estate of the minor to pay to the legal custodian or guardian of the person of the minor such sums as are determined by the custodian or guardian of the person of the minor as necessary for the minor's needs. The payments may not exceed the maximum amounts provided for by Section 9.1 of the Children and Family Services Act.

(6) Whenever the sentencing order requires the minor to attend school or participate in a program of training, the truant officer or designated school official shall regularly report to the court if the minor is a chronic or habitual truant under Section 26-2a of the School Code. Notwithstanding any other provision of this Act, in instances in which educational services are to be provided to a minor in a residential facility where the minor has been placed by the court, costs incurred in the provision of those educational services must be allocated based on the requirements of the School Code.

(7) In no event shall a guilty minor be committed to the Department of Juvenile Justice for a period of time in excess of that period for which an adult could be committed for the same act. The court shall include in the sentencing order a limitation on the period of confinement not to exceed the maximum period of imprisonment the court could impose under Article V of the Unified Code of Corrections.

(7.5) In no event shall a guilty minor be committed to the Department of Juvenile Justice or placed in detention when the act for which the minor was adjudicated delinquent would not be illegal if committed by an adult.

(7.6) In no event shall a guilty minor be committed to the Department of Juvenile Justice for an offense which is a Class 4 felony under Section 19-4 (criminal trespass to a residence), 21-1 (criminal damage to property), 21-1.01 (criminal damage to government supported property), 21-1.3 (criminal defacement of property), 26-1 (disorderly conduct), or 31-4 (obstructing justice), of the Criminal Code of 2012.

(8) A minor found to be guilty for reasons that include a violation of Section 21-1.3 of the Criminal Code of 1961 or the Criminal Code of

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2012 shall be ordered to perform community service for not less than 30 and not more than 120 hours, if community service is available in the jurisdiction. The community service shall include, but need not be limited to, the cleanup and repair of the damage that was caused by the violation or similar damage to property located in the municipality or county in which the violation occurred. The order may be in addition to any other order authorized by this Section.

(8.5) A minor found to be guilty for reasons that include a violation of Section 3.02 or Section 3.03 of the Humane Care for Animals Act or paragraph (d) of subsection (1) of Section 21-1 of the Criminal Code of 1961 or paragraph (4) of subsection (a) of Section 21-1 of the Criminal Code of 2012 shall be ordered to undergo medical or psychiatric treatment rendered by a psychiatrist or psychological treatment rendered by a clinical psychologist. The order may be in addition to any other order authorized by this Section.

(9) In addition to any other sentencing order, the court shall order any minor found to be guilty for an act which would constitute, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated criminal sexual abuse, or criminal sexual abuse if committed by an adult to undergo medical testing to determine whether the defendant has any sexually transmissible disease including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agency of acquired immunodeficiency syndrome (AIDS). Any medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the minor's person. Except as otherwise provided by law, the results of the test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the sentencing order was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom the results of the testing may be revealed. The court shall notify the minor of the results of the test for infection with the human immunodeficiency virus (HIV). The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or the legal guardian, of the results of the test for infection with the human immunodeficiency virus (HIV). The court shall provide information on the

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availability of HIV testing and counseling at the Department of Public Health facilities to all parties to whom the results of the testing are revealed. The court shall order that the cost of any test shall be paid by the county and may be taxed as costs against the minor.

(10) When a court finds a minor to be guilty the court shall, before entering a sentencing order under this Section, make a finding whether the offense committed either: (a) was related to or in furtherance of the criminal activities of an organized gang or was motivated by the minor's membership in or allegiance to an organized gang, or (b) involved a violation of subsection (a) of Section 12-7.1 of the Criminal Code of 1961 or the Criminal Code of 2012, a violation of any Section of Article 24 of the Criminal Code of 1961 or the Criminal Code of 2012, or a violation of any statute that involved the wrongful use of a firearm. If the court determines the question in the affirmative, and the court does not commit the minor to the Department of Juvenile Justice, the court shall order the minor to perform community service for not less than 30 hours nor more than 120 hours, provided that community service is available in the jurisdiction and is funded and approved by the county board of the county where the offense was committed. The community service shall include, but need not be limited to, the cleanup and repair of any damage caused by a violation of Section 21-1.3 of the Criminal Code of 1961 or the Criminal Code of 2012 and similar damage to property located in the municipality or county in which the violation occurred. When possible and reasonable, the community service shall be performed in the minor's neighborhood. This order shall be in addition to any other order authorized by this Section except for an order to place the minor in the custody of the Department of Juvenile Justice. For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(11) If the court determines that the offense was committed in furtherance of the criminal activities of an organized gang, as provided in subsection (10), and that the offense involved the operation or use of a motor vehicle or the use of a driver's license or permit, the court shall notify the Secretary of State of that determination and of the period for which the minor shall be denied driving privileges. If, at the time of the determination, the minor does not hold a driver's license or permit, the court shall provide that the minor shall not be issued a driver's license or permit until his or her 18th birthday. If the minor holds a driver's license or permit at the time of the determination, the court shall provide that the

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minor's driver's license or permit shall be revoked until his or her 21st birthday, or until a later date or occurrence determined by the court. If the minor holds a driver's license at the time of the determination, the court may direct the Secretary of State to issue the minor a judicial driving permit, also known as a JDP. The JDP shall be subject to the same terms as a JDP issued under Section 6-206.1 of the Illinois Vehicle Code, except that the court may direct that the JDP be effective immediately.

(12) If a minor is found to be guilty of a violation of subsection (a-7) of Section 1 of the Prevention of Tobacco Use by Minors Act, the court may, in its discretion, and upon recommendation by the State's Attorney, order that minor and his or her parents or legal guardian to attend a smoker's education or youth diversion program as defined in that Act if that program is available in the jurisdiction where the offender resides. Attendance at a smoker's education or youth diversion program shall be time-credited against any community service time imposed for any first violation of subsection (a-7) of Section 1 of that Act. In addition to any other penalty that the court may impose for a violation of subsection (a-7) of Section 1 of that Act, the court, upon request by the State's Attorney, may in its discretion require the offender to remit a fee for his or her attendance at a smoker's education or youth diversion program.

For purposes of this Section, "smoker's education program" or "youth diversion program" includes, but is not limited to, a seminar designed to educate a person on the physical and psychological effects of smoking tobacco products and the health consequences of smoking tobacco products that can be conducted with a locality's youth diversion program.

In addition to any other penalty that the court may impose under this subsection (12):

(a) If a minor violates subsection (a-7) of Section 1 of the Prevention of Tobacco Use by Minors Act, the court may impose a sentence of 15 hours of community service or a fine of $25 for a first violation.

(b) A second violation by a minor of subsection (a-7) of Section 1 of that Act that occurs within 12 months after the first violation is punishable by a fine of $50 and 25 hours of community service.

(c) A third or subsequent violation by a minor of subsection (a-7) of Section 1 of that Act that occurs within 12 months after the
first violation is punishable by a $100 fine and 30 hours of community service.

(d) Any second or subsequent violation not within the 12-month time period after the first violation is punishable as provided for a first violation.

(Source: P.A. 98-536, eff. 8-23-13; 98-803, eff. 1-1-15; 99-268, eff. 1-1-16.)

(705 ILCS 405/5-740)

Sec. 5-740. Placement; legal custody or guardianship.

(1) If the court finds that the parents, guardian, or legal custodian of a minor adjudged a ward of the court are unfit or are unable, for some reason other than financial circumstances alone, to care for, protect, train or discipline the minor or are unwilling to do so, and that appropriate services aimed at family preservation and family reunification have been unsuccessful in rectifying the conditions which have led to a finding of unfitness or inability to care for, protect, train or discipline the minor, and that it is in the best interest of the minor to take him or her from the custody of his or her parents, guardian or custodian, the court may:

(a) place him or her in the custody of a suitable relative or other person;

(b) place him or her under the guardianship of a probation officer;

(c) commit him or her to an agency for care or placement, except an institution under the authority of the Department of Juvenile Justice Corrections or of the Department of Children and Family Services;

(d) commit him or her to some licensed training school or industrial school; or

(e) commit him or her to any appropriate institution having among its purposes the care of delinquent children, including a child protective facility maintained by a child protection district serving the county from which commitment is made, but not including any institution under the authority of the Department of Juvenile Justice Corrections or of the Department of Children and Family Services.

(2) When making such placement, the court, wherever possible, shall select a person holding the same religious belief as that of the minor or a private agency controlled by persons of like religious faith of the minor and shall require the Department of Children and Family Services to

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otherwise comply with Section 7 of the Children and Family Services Act in placing the child. In addition, whenever alternative plans for placement are available, the court shall ascertain and consider, to the extent appropriate in the particular case, the views and preferences of the minor.

(3) When a minor is placed with a suitable relative or other person, the court shall appoint him or her the legal custodian or guardian of the person of the minor. When a minor is committed to any agency, the court shall appoint the proper officer or representative of the proper officer as legal custodian or guardian of the person of the minor. Legal custodians and guardians of the person of the minor have the respective rights and duties set forth in subsection (9) of Section 5-105 except as otherwise provided by order of court; but no guardian of the person may consent to adoption of the minor. An agency whose representative is appointed guardian of the person or legal custodian of the minor may place him or her in any child care facility, but the facility must be licensed under the Child Care Act of 1969 or have been approved by the Department of Children and Family Services as meeting the standards established for such licensing. Like authority and restrictions shall be conferred by the court upon any probation officer who has been appointed guardian of the person of a minor.

(4) No placement by any probation officer or agency whose representative is appointed guardian of the person or legal custodian of a minor may be made in any out of State child care facility unless it complies with the Interstate Compact on the Placement of Children.

(5) The clerk of the court shall issue to the guardian or legal custodian of the person a certified copy of the order of court, as proof of his or her authority. No other process is necessary as authority for the keeping of the minor.

(6) Legal custody or guardianship granted under this Section continues until the court otherwise directs, but not after the minor reaches the age of 21 years except as set forth in Section 5-750.

(705 ILCS 405/5-745)

Sec. 5-745. Court review.

(1) The court may require any legal custodian or guardian of the person appointed under this Act, including the Department of Juvenile Justice for youth committed under Section 5-750 of this Act, to report periodically to the court or may cite him or her into court and require him or her, or his or her agency, to make a full and accurate report of his or her

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or its doings in behalf of the minor, including efforts to secure post-release placement of the youth after release from the Department's facilities. The legal custodian or guardian, within 10 days after the citation, shall make the report, either in writing verified by affidavit or orally under oath in open court, or otherwise as the court directs. Upon the hearing of the report the court may remove the legal custodian or guardian and appoint another in his or her stead or restore the minor to the custody of his or her parents or former guardian or legal custodian.

(2) A guardian or legal custodian appointed by the court under Section 5-740 of this Act shall file updated case plans with the court every 6 months. Every agency which has guardianship of a child shall file a supplemental petition for court review, or review by an administrative body appointed or approved by the court and further order within 18 months of the sentencing order and each 18 months thereafter. The petition shall state facts relative to the child's present condition of physical, mental and emotional health as well as facts relative to his or her present custodial or foster care. The petition shall be set for hearing and the clerk shall mail 10 days notice of the hearing by certified mail, return receipt requested, to the person or agency having the physical custody of the child, the minor and other interested parties unless a written waiver of notice is filed with the petition.

If the minor is in the custody of the Illinois Department of Children and Family Services, pursuant to an order entered under this Article, the court shall conduct permanency hearings as set out in subsections (1), (2), and (3) of Section 2-28 of Article II of this Act.

Rights of wards of the court under this Act are enforceable against any public agency by complaints for relief by mandamus filed in any proceedings brought under this Act.

(3) The minor or any person interested in the minor may apply to the court for a change in custody of the minor and the appointment of a new custodian or guardian of the person or for the restoration of the minor to the custody of his or her parents or former guardian or custodian. In the event that the minor has attained 18 years of age and the guardian or custodian petitions the court for an order terminating his or her guardianship or custody, guardianship or legal custody shall terminate automatically 30 days after the receipt of the petition unless the court orders otherwise. No legal custodian or guardian of the person may be removed without his or her consent until given notice and an opportunity to be heard by the court.

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Section 15. The Illinois Controlled Substances Act is amended by changing Section 509 as follows:

Sec. 509. Whenever any court in this State grants probation to any person that the court has reason to believe is or has been an addict or unlawful possessor of controlled substances, the court shall require, as a condition of probation, that the probationer submit to periodic tests by the Department of Corrections to determine by means of appropriate chemical detection tests whether the probationer is using controlled substances. The court may require as a condition of probation that the probationer enter an approved treatment program, if the court determines that the probationer is addicted to a controlled substance. Whenever the Prisoner Review Parole and Pardon Board grants parole or the Department of Juvenile Justice grants aftercare release to a person believed to have been an unlawful possessor or addict of controlled substances, the Board or Department shall require as a condition of parole or aftercare release that the parolee or aftercare releasee submit to appropriate periodic chemical tests by the Department of Corrections or the Department of Juvenile Justice to determine whether the parolee or aftercare releasee is using controlled substances.

Section 20. The Rights of Crime Victims and Witnesses Act is amended by changing Sections 4.5 and 5 as follows:

Sec. 4.5. Procedures to implement the rights of crime victims. To afford crime victims their rights, law enforcement, prosecutors, judges and corrections will provide information, as appropriate of the following procedures:

(a) At the request of the crime victim, law enforcement authorities investigating the case shall provide notice of the status of the investigation, except where the State's Attorney determines that disclosure of such information would unreasonably interfere with the investigation, until such time as the alleged assailant is apprehended or the investigation is closed.

(a-5) When law enforcement authorities re-open a closed case to resume investigating, they shall provide notice of the re-opening of the case, except where the State's Attorney determines that disclosure of such information would unreasonably interfere with the investigation.

(b) The office of the State's Attorney:
(1) shall provide notice of the filing of an information, the return of an indictment, or the filing of a petition to adjudicate a minor as a delinquent for a violent crime;

(2) shall provide timely notice of the date, time, and place of court proceedings; of any change in the date, time, and place of court proceedings; and of any cancellation of court proceedings. Notice shall be provided in sufficient time, wherever possible, for the victim to make arrangements to attend or to prevent an unnecessary appearance at court proceedings;

(3) or victim advocate personnel shall provide information of social services and financial assistance available for victims of crime, including information of how to apply for these services and assistance;

(3.5) or victim advocate personnel shall provide information about available victim services, including referrals to programs, counselors, and agencies that assist a victim to deal with trauma, loss, and grief;

(4) shall assist in having any stolen or other personal property held by law enforcement authorities for evidentiary or other purposes returned as expeditiously as possible, pursuant to the procedures set out in Section 115-9 of the Code of Criminal Procedure of 1963;

(5) or victim advocate personnel shall provide appropriate employer intercession services to ensure that employers of victims will cooperate with the criminal justice system in order to minimize an employee's loss of pay and other benefits resulting from court appearances;

(6) shall provide, whenever possible, a secure waiting area during court proceedings that does not require victims to be in close proximity to defendants or juveniles accused of a violent crime, and their families and friends;

(7) shall provide notice to the crime victim of the right to have a translator present at all court proceedings and, in compliance with the federal Americans with Disabilities Act of 1990, the right to communications access through a sign language interpreter or by other means;

(8) (blank);

(8.5) shall inform the victim of the right to be present at all court proceedings, unless the victim is to testify and the court

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determines that the victim's testimony would be materially affected if the victim hears other testimony at trial;

(9) shall inform the victim of the right to have present at all court proceedings, subject to the rules of evidence and confidentiality, an advocate and other support person of the victim's choice;

(9.3) shall inform the victim of the right to retain an attorney, at the victim's own expense, who, upon written notice filed with the clerk of the court and State's Attorney, is to receive copies of all notices, motions and court orders filed thereafter in the case, in the same manner as if the victim were a named party in the case;

(9.5) shall inform the victim of (A) the victim's right under Section 6 of this Act to make a victim impact statement at the sentencing hearing; (B) the right of the victim's spouse, guardian, parent, grandparent and other immediate family and household members under Section 6 of this Act to present an impact statement at sentencing; and (C) if a presentence report is to be prepared, the right of the victim's spouse, guardian, parent, grandparent and other immediate family and household members to submit information to the preparer of the presentence report about the effect the offense has had on the victim and the person;

(10) at the sentencing shall make a good faith attempt to explain the minimum amount of time during which the defendant may actually be physically imprisoned. The Office of the State's Attorney shall further notify the crime victim of the right to request from the Prisoner Review Board or Department of Juvenile Justice information concerning the release of the defendant under subparagraph (d)(1) of this Section;

(11) shall request restitution at sentencing and as part of a plea agreement if the victim requests restitution;

(12) shall, upon the court entering a verdict of not guilty by reason of insanity, inform the victim of the notification services available from the Department of Human Services, including the statewide telephone number, under subparagraph (d)(2) of this Section;

(13) shall provide notice within a reasonable time after receipt of notice from the custodian, of the release of the defendant.
on bail or personal recognizance or the release from detention of a minor who has been detained;

(14) shall explain in nontechnical language the details of any plea or verdict of a defendant, or any adjudication of a juvenile as a delinquent;

(15) shall make all reasonable efforts to consult with the crime victim before the Office of the State's Attorney makes an offer of a plea bargain to the defendant or enters into negotiations with the defendant concerning a possible plea agreement, and shall consider the written victim impact statement, if prepared prior to entering into a plea agreement. The right to consult with the prosecutor does not include the right to veto a plea agreement or to insist the case go to trial. If the State's Attorney has not consulted with the victim prior to making an offer or entering into plea negotiations with the defendant, the Office of the State's Attorney shall notify the victim of the offer or the negotiations within 2 business days and confer with the victim;

(16) shall provide notice of the ultimate disposition of the cases arising from an indictment or an information, or a petition to have a juvenile adjudicated as a delinquent for a violent crime;

(17) shall provide notice of any appeal taken by the defendant and information on how to contact the appropriate agency handling the appeal, and how to request notice of any hearing, oral argument, or decision of an appellate court;

(18) shall provide timely notice of any request for post-conviction review filed by the defendant under Article 122 of the Code of Criminal Procedure of 1963, and of the date, time and place of any hearing concerning the petition. Whenever possible, notice of the hearing shall be given within 48 hours of the court's scheduling of the hearing; and

(19) shall forward a copy of any statement presented under Section 6 to the Prisoner Review Board or Department of Juvenile Justice to be considered by the Board in making its determination under Section 3-2.5-85 or subsection (b) of Section 3-3-8 of the Unified Code of Corrections.

(c) The court shall ensure that the rights of the victim are afforded.

(c-5) The following procedures shall be followed to afford victims the rights guaranteed by Article I, Section 8.1 of the Illinois Constitution:

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(1) Written notice. A victim may complete a written notice of intent to assert rights on a form prepared by the Office of the Attorney General and provided to the victim by the State's Attorney. The victim may at any time provide a revised written notice to the State's Attorney. The State's Attorney shall file the written notice with the court. At the beginning of any court proceeding in which the right of a victim may be at issue, the court and prosecutor shall review the written notice to determine whether the victim has asserted the right that may be at issue.

(2) Victim's retained attorney. A victim's attorney shall file an entry of appearance limited to assertion of the victim's rights. Upon the filing of the entry of appearance and service on the State's Attorney and the defendant, the attorney is to receive copies of all notices, motions and court orders filed thereafter in the case.

(3) Standing. The victim has standing to assert the rights enumerated in subsection (a) of Article I, Section 8.1 of the Illinois Constitution and the statutory rights under Section 4 of this Act in any court exercising jurisdiction over the criminal case. The prosecuting attorney, a victim, or the victim's retained attorney may assert the victim's rights. The defendant in the criminal case has no standing to assert a right of the victim in any court proceeding, including on appeal.

(4) Assertion of and enforcement of rights.

   (A) The prosecuting attorney shall assert a victim's right or request enforcement of a right by filing a motion or by orally asserting the right or requesting enforcement in open court in the criminal case outside the presence of the jury. The prosecuting attorney shall consult with the victim and the victim's attorney regarding the assertion or enforcement of a right. If the prosecuting attorney decides not to assert or enforce a victim's right, the prosecuting attorney shall notify the victim or the victim's attorney in sufficient time to allow the victim or the victim's attorney to assert the right or to seek enforcement of a right.

   (B) If the prosecuting attorney elects not to assert a victim's right or to seek enforcement of a right, the victim or the victim's attorney may assert the victim's right or request enforcement of a right by filing a motion or by
orally asserting the right or requesting enforcement in open court in the criminal case outside the presence of the jury.

(C) If the prosecuting attorney asserts a victim's right or seeks enforcement of a right, and the court denies the assertion of the right or denies the request for enforcement of a right, the victim or victim's attorney may file a motion to assert the victim's right or to request enforcement of the right within 10 days of the court's ruling. The motion need not demonstrate the grounds for a motion for reconsideration. The court shall rule on the merits of the motion.

(D) The court shall take up and decide any motion or request asserting or seeking enforcement of a victim's right without delay, unless a specific time period is specified by law or court rule. The reasons for any decision denying the motion or request shall be clearly stated on the record.

(5) Violation of rights and remedies.

(A) If the court determines that a victim's right has been violated, the court shall determine the appropriate remedy for the violation of the victim's right by hearing from the victim and the parties, considering all factors relevant to the issue, and then awarding appropriate relief to the victim.

(B) The appropriate remedy shall include only actions necessary to provide the victim the right to which the victim was entitled and may include reopening previously held proceedings; however, in no event shall the court vacate a conviction. Any remedy shall be tailored to provide the victim an appropriate remedy without violating any constitutional right of the defendant. In no event shall the appropriate remedy be a new trial, damages, or costs.

(6) Right to be heard. Whenever a victim has the right to be heard, the court shall allow the victim to exercise the right in any reasonable manner the victim chooses.

(7) Right to attend trial. A party must file a written motion to exclude a victim from trial at least 60 days prior to the date set for trial. The motion must state with specificity the reason exclusion is necessary to protect a constitutional right of the party,
and must contain an offer of proof. The court shall rule on the motion within 30 days. If the motion is granted, the court shall set forth on the record the facts that support its finding that the victim's testimony will be materially affected if the victim hears other testimony at trial.

(8) Right to have advocate present. A party who intends to call an advocate as a witness must seek permission of the court before the subpoena is issued. The party must file a written motion and offer of proof regarding the anticipated testimony of the advocate in sufficient time to allow the court to rule and the victim to seek appellate review. The court shall rule on the motion without delay.

(9) Right to notice and hearing before disclosure of confidential or privileged information or records. A defendant who seeks to subpoena records of or concerning the victim that are confidential or privileged by law must seek permission of the court before the subpoena is issued. The defendant must file a written motion and an offer of proof regarding the relevance, admissibility and materiality of the records. If the court finds by a preponderance of the evidence that: (A) the records are not protected by an absolute privilege and (B) the records contain relevant, admissible, and material evidence that is not available through other witnesses or evidence, the court shall issue a subpoena requiring a sealed copy of the records be delivered to the court to be reviewed in camera. If, after conducting an in camera review of the records, the court determines that due process requires disclosure of any portion of the records, the court shall provide copies of what it intends to disclose to the prosecuting attorney and the victim. The prosecuting attorney and the victim shall have 30 days to seek appellate review before the records are disclosed to the defendant. The disclosure of copies of any portion of the records to the prosecuting attorney does not make the records subject to discovery.

(10) Right to notice of court proceedings. If the victim is not present at a court proceeding in which a right of the victim is at issue, the court shall ask the prosecuting attorney whether the victim was notified of the time, place, and purpose of the court proceeding and that the victim had a right to be heard at the court proceeding. If the court determines that timely notice was not given

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or that the victim was not adequately informed of the nature of the court proceeding, the court shall not rule on any substantive issues, accept a plea, or impose a sentence and shall continue the hearing for the time necessary to notify the victim of the time, place and nature of the court proceeding. The time between court proceedings shall not be attributable to the State under Section 103-5 of the Code of Criminal Procedure of 1963.

(11) Right to timely disposition of the case. A victim has the right to timely disposition of the case so as to minimize the stress, cost, and inconvenience resulting from the victim's involvement in the case. Before ruling on a motion to continue trial or other court proceeding, the court shall inquire into the circumstances for the request for the delay and, if the victim has provided written notice of the assertion of the right to a timely disposition, and whether the victim objects to the delay. If the victim objects, the prosecutor shall inform the court of the victim's objections. If the prosecutor has not conferred with the victim about the continuance, the prosecutor shall inform the court of the attempts to confer. If the court finds the attempts of the prosecutor to confer with the victim were inadequate to protect the victim's right to be heard, the court shall give the prosecutor at least 3 but not more than 5 business days to confer with the victim. In ruling on a motion to continue, the court shall consider the reasons for the requested continuance, the number and length of continuances that have been granted, the victim's objections and procedures to avoid further delays. If a continuance is granted over the victim's objection, the court shall specify on the record the reasons for the continuance and the procedures that have been or will be taken to avoid further delays.

(12) Right to Restitution.

(A) If the victim has asserted the right to restitution and the amount of restitution is known at the time of sentencing, the court shall enter the judgment of restitution at the time of sentencing.

(B) If the victim has asserted the right to restitution and the amount of restitution is not known at the time of sentencing, the prosecutor shall, within 5 days after sentencing, notify the victim what information and documentation related to restitution is needed and that the victim has
information and documentation must be provided to the prosecutor within 45 days after sentencing. Failure to timely provide information and documentation related to restitution shall be deemed a waiver of the right to restitution. The prosecutor shall file and serve within 60 days after sentencing a proposed judgment for restitution and a notice that includes information concerning the identity of any victims or other persons seeking restitution, whether any victim or other person expressly declines restitution, the nature and amount of any damages together with any supporting documentation, a restitution amount recommendation, and the names of any co-defendants and their case numbers. Within 30 days after receipt of the proposed judgment for restitution, the defendant shall file any objection to the proposed judgment, a statement of grounds for the objection, and a financial statement. If the defendant does not file an objection, the court may enter the judgment for restitution without further proceedings. If the defendant files an objection and either party requests a hearing, the court shall schedule a hearing.

(13) Access to presentence reports.

(A) The victim may request a copy of the presentence report prepared under the Unified Code of Corrections from the State's Attorney. The State's Attorney shall redact the following information before providing a copy of the report:

(i) the defendant's mental history and condition;
(ii) any evaluation prepared under subsection (b) or (b-5) of Section 5-3-2; and
(iii) the name, address, phone number, and other personal information about any other victim.

(B) The State's Attorney or the defendant may request the court redact other information in the report that may endanger the safety of any person.

(C) The State's Attorney may orally disclose to the victim any of the information that has been redacted if there is a reasonable likelihood that the information will be stated in court at the sentencing.

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(D) The State's Attorney must advise the victim that the victim must maintain the confidentiality of the report and other information. Any dissemination of the report or information that was not stated at a court proceeding constitutes indirect criminal contempt of court.

(14) Appellate relief. If the trial court denies the relief requested, the victim, the victim's attorney or the prosecuting attorney may file an appeal within 30 days of the trial court's ruling. The trial or appellate court may stay the court proceedings if the court finds that a stay would not violate a constitutional right of the defendant. If the appellate court denies the relief sought, the reasons for the denial shall be clearly stated in a written opinion. In any appeal in a criminal case, the State may assert as error the court's denial of any crime victim's right in the proceeding to which the appeal relates.

(15) Limitation on appellate relief. In no case shall an appellate court provide a new trial to remedy the violation of a victim's right.

(d)(1) The Prisoner Review Board shall inform a victim or any other concerned citizen, upon written request, of the prisoner's release on parole, aftercare release, mandatory supervised release, electronic detention, work release, international transfer or exchange, or by the custodian, other than the Department of Juvenile Justice, of the discharge of any individual who was adjudicated a delinquent for a crime from State custody and by the sheriff of the appropriate county of any such person's final discharge from county custody. The Prisoner Review Board, upon written request, shall provide to a victim or any other concerned citizen a recent photograph of any person convicted of a felony, upon his or her release from custody. The Prisoner Review Board, upon written request, shall inform a victim or any other concerned citizen when feasible at least 7 days prior to the prisoner's release on furlough of the times and dates of such furlough. Upon written request by the victim or any other concerned citizen, the State's Attorney shall notify the person once of the times and dates of release of a prisoner sentenced to periodic imprisonment. Notification shall be based on the most recent information as to victim's or other concerned citizen's residence or other location available to the notifying authority.

(2) When the defendant has been committed to the Department of Human Services pursuant to Section 5-2-4 or any other provision of the

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Unified Code of Corrections, the victim may request to be notified by the releasing authority of the approval by the court of an on-grounds pass, a supervised off-grounds pass, an unsupervised off-grounds pass, or conditional release; the release on an off-grounds pass; the return from an off-grounds pass; transfer to another facility; conditional release; escape; death; or final discharge from State custody. The Department of Human Services shall establish and maintain a statewide telephone number to be used by victims to make notification requests under these provisions and shall publicize this telephone number on its website and to the State's Attorney of each county.

(3) In the event of an escape from State custody, the Department of Corrections or the Department of Juvenile Justice immediately shall notify the Prisoner Review Board of the escape and the Prisoner Review Board shall notify the victim. The notification shall be based upon the most recent information as to the victim's residence or other location available to the Board. When no such information is available, the Board shall make all reasonable efforts to obtain the information and make the notification. When the escapee is apprehended, the Department of Corrections or the Department of Juvenile Justice immediately shall notify the Prisoner Review Board and the Board shall notify the victim.

(4) The victim of the crime for which the prisoner has been sentenced shall receive reasonable written notice not less than 30 days prior to the parole or aftercare release hearing or target aftercare release date and may submit, in writing, on film, videotape or other electronic means or in the form of a recording prior to the parole hearing or target aftercare release date or in person at the parole hearing or aftercare release protest hearing or if a victim of a violent crime, by calling the toll-free number established in subsection (f) of this Section, information for consideration by the Prisoner Review Board or Department of Juvenile Justice. The victim shall be notified within 7 days after the prisoner has been granted parole or aftercare release and shall be informed of the right to inspect the registry of parole or aftercare release decisions, established under subsection (g) of Section 3-3-5 of the Unified Code of Corrections. The provisions of this paragraph (4) are subject to the Open Parole Hearings Act.

(5) If a statement is presented under Section 6, the Prisoner Review Board or Department of Juvenile Justice shall inform the victim of any order of discharge entered by the Board pursuant to Section 3-2.5-85 or 3-3-8 of the Unified Code of Corrections.

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(6) At the written or oral request of the victim of the crime for which the prisoner was sentenced or the State's Attorney of the county where the person seeking parole or aftercare release was prosecuted, the Prisoner Review Board or Department of Juvenile Justice shall notify the victim and the State's Attorney of the county where the person seeking parole or aftercare release was prosecuted of the death of the prisoner if the prisoner died while on parole or aftercare release or mandatory supervised release.

(7) When a defendant who has been committed to the Department of Corrections, the Department of Juvenile Justice, or the Department of Human Services is released or discharged and subsequently committed to the Department of Human Services as a sexually violent person and the victim had requested to be notified by the releasing authority of the defendant's discharge, conditional release, death, or escape from State custody, the releasing authority shall provide to the Department of Human Services such information that would allow the Department of Human Services to contact the victim.

(8) When a defendant has been convicted of a sex offense as defined in Section 2 of the Sex Offender Registration Act and has been sentenced to the Department of Corrections or the Department of Juvenile Justice, the Prisoner Review Board or the Department of Juvenile Justice shall notify the victim of the sex offense of the prisoner's eligibility for release on parole, aftercare release, mandatory supervised release, electronic detention, work release, international transfer or exchange, or by the custodian of the discharge of any individual who was adjudicated a delinquent for a sex offense from State custody and by the sheriff of the appropriate county of any such person's final discharge from county custody. The notification shall be made to the victim at least 30 days, whenever possible, before release of the sex offender.

(e) The officials named in this Section may satisfy some or all of their obligations to provide notices and other information through participation in a statewide victim and witness notification system established by the Attorney General under Section 8.5 of this Act.

(f) To permit a crime victim of a violent crime to provide information to the Prisoner Review Board or the Department of Juvenile Justice for consideration by the Board or Department at a parole hearing or before an aftercare release decision hearing of a person who committed the crime against the victim in accordance with clause (d)(4) of this Section or at a proceeding to determine the conditions of mandatory

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supervised release of a person sentenced to a determinate sentence or at a hearing on revocation of mandatory supervised release of a person sentenced to a determinate sentence, the Board shall establish a toll-free number that may be accessed by the victim of a violent crime to present that information to the Board.

(Source: P.A. 98-372, eff. 1-1-14; 98-558, eff. 1-1-14; 98-756, eff. 7-16-14; 99-413, eff. 8-20-15.)

(725 ILCS 120/5) (from Ch. 38, par. 1405)

Sec. 5. Rights of Witnesses.

(a) Witnesses as defined in subsection (b) of Section 3 of this Act shall have the following rights:

(1) to be notified by the Office of the State's Attorney of all court proceedings at which the witness' presence is required in a reasonable amount of time prior to the proceeding, and to be notified of the cancellation of any scheduled court proceeding in sufficient time to prevent an unnecessary appearance in court, where possible;

(2) to be provided with appropriate employer intercession services by the Office of the State's Attorney or the victim advocate personnel to ensure that employers of witnesses will cooperate with the criminal justice system in order to minimize an employee's loss of pay and other benefits resulting from court appearances;

(3) to be provided, whenever possible, a secure waiting area during court proceedings that does not require witnesses to be in close proximity to defendants and their families and friends;

(4) to be provided with notice by the Office of the State's Attorney, where necessary, of the right to have a translator present whenever the witness' presence is required and, in compliance with the federal Americans with Disabilities Act of 1990, to be provided with notice of the right to communications access through a sign language interpreter or by other means.

(b) At the written request of the witness, the witness shall:

(1) receive notice from the office of the State's Attorney of any request for post-conviction review filed by the defendant under Article 122 of the Code of Criminal Procedure of 1963, and of the date, time, and place of any hearing concerning the petition for post-conviction review; whenever possible, notice of the hearing on the petition shall be given in advance;

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(2) receive notice by the releasing authority of the defendant's discharge from State custody if the defendant was committed to the Department of Human Services under Section 5-2-4 or any other provision of the Unified Code of Corrections;

(3) receive notice from the Prisoner Review Board of the prisoner's escape from State custody, after the Board has been notified of the escape by the Department of Corrections or the Department of Juvenile Justice; when the escapee is apprehended, the Department of Corrections or the Department of Juvenile Justice shall immediately notify the Prisoner Review Board and the Board shall notify the witness;

(4) receive notice from the Prisoner Review Board or the Department of Juvenile Justice of the prisoner's release on parole, aftercare release, electronic detention, work release or mandatory supervised release and of the prisoner's final discharge from parole, aftercare release, electronic detention, work release, or mandatory supervised release.

(Source: P.A. 98-558, eff. 1-1-14.)

Section 25. The Sexually Violent Persons Commitment Act is amended by changing Section 15 as follows:

(725 ILCS 207/15)
Sec. 15. Sexually violent person petition; contents; filing.
(a) A petition alleging that a person is a sexually violent person must be filed before the release or discharge of the person or within 30 days of placement onto parole, aftercare release, or mandatory supervised release for an offense enumerated in paragraph (e) of Section 5 of this Act. A petition may be filed by the following:

(1) The Attorney General on his or her own motion, after consulting with and advising the State's Attorney of the county in which the person was convicted of a sexually violent offense, adjudicated delinquent for a sexually violent offense or found not guilty of or not responsible for a sexually violent offense by reason of insanity, mental disease, or mental defect; or

(2) The State's Attorney of the county referenced in paragraph (1)(a)(1) of this Section, on his or her own motion; or

(3) The Attorney General and the State's Attorney of the county referenced in paragraph (1)(a)(1) of this Section may jointly file a petition on their own motion; or

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(4) A petition may be filed at the request of the agency with jurisdiction over the person, as defined in subsection (a) of Section 10 of this Act, by:
   (a) the Attorney General;
   (b) the State's Attorney of the county referenced in paragraph (1)(a)(1) of this Section; or
   (c) the Attorney General and the State's Attorney jointly.

(b) A petition filed under this Section shall allege that all of the following apply to the person alleged to be a sexually violent person:
   (1) The person satisfies any of the following criteria:
       (A) The person has been convicted of a sexually violent offense;
       (B) The person has been found delinquent for a sexually violent offense; or
       (C) The person has been found not guilty of a sexually violent offense by reason of insanity, mental disease, or mental defect.
   (2) (Blank).
   (3) (Blank).
   (4) The person has a mental disorder.
   (5) The person is dangerous to others because the person's mental disorder creates a substantial probability that he or she will engage in acts of sexual violence.

(b-5) The petition must be filed no more than 90 days before discharge or entry into mandatory supervised release from a Department of Corrections or aftercare release from the Department of Juvenile Justice correctional facility for a sentence that was imposed upon a conviction for a sexually violent offense. For inmates sentenced under the law in effect prior to February 1, 1978, the petition shall be filed no more than 90 days after the Prisoner Review Board's order granting parole pursuant to Section 3-3-5 of the Unified Code of Corrections.

(b-6) The petition must be filed no more than 90 days before discharge or release:
   (1) from a Department of Juvenile Justice juvenile correctional facility if the person was placed in the facility for being adjudicated delinquent under Section 5-20 of the Juvenile Court Act of 1987 or found guilty under Section 5-620 of that Act on the basis of a sexually violent offense; or
(2) from a commitment order that was entered as a result of a sexually violent offense.

(b-7) A person convicted of a sexually violent offense remains eligible for commitment as a sexually violent person pursuant to this Act under the following circumstances: (1) the person is in custody for a sentence that is being served concurrently or consecutively with a sexually violent offense; (2) the person returns to the custody of the Illinois Department of Corrections or the Department of Juvenile Justice for any reason during the term of parole, aftercare release, or mandatory supervised release being served for a sexually violent offense; or (3) the person is convicted or adjudicated delinquent for any offense committed during the term of parole, aftercare release, or mandatory supervised release being served for a sexually violent offense, regardless of whether that conviction or adjudication was for a sexually violent offense.

(c) A petition filed under this Section shall state with particularity essential facts to establish probable cause to believe the person is a sexually violent person. If the petition alleges that a sexually violent offense or act that is a basis for the allegation under paragraph (b)(1) of this Section was an act that was sexually motivated as provided under paragraph (e)(2) of Section 5 of this Act, the petition shall state the grounds on which the offense or act is alleged to be sexually motivated.

(d) A petition under this Section shall be filed in either of the following:

(1) The circuit court for the county in which the person was convicted of a sexually violent offense, adjudicated delinquent for a sexually violent offense or found not guilty of a sexually violent offense by reason of insanity, mental disease or mental defect.

(2) The circuit court for the county in which the person is in custody under a sentence, a placement to a Department of Corrections correctional facility or a Department of Juvenile Justice juvenile correctional facility, or a commitment order.

(e) The filing of a petition under this Act shall toll the running of the term of parole or mandatory supervised release until:

(1) dismissal of the petition filed under this Act;

(2) a finding by a judge or jury that the respondent is not a sexually violent person; or

(3) the sexually violent person is discharged under Section 65 of this Act.

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(f) The State has the right to have the person evaluated by experts chosen by the State. The agency with jurisdiction as defined in Section 10 of this Act shall allow the expert reasonable access to the person for purposes of examination, to the person’s records, and to past and present treatment providers and any other staff members relevant to the examination.

(Source: P.A. 98-558, eff. 1-1-14.)

Section 30. The Unified Code of Corrections is amended by changing Sections 3-2-3.1, 3-2-5, 3-2.5-20, 3-2.5-70, 3-2.5-80, 3-3-1, 3-3-2, 3-3-3, 3-3-4, 3-3-5, 3-3-7, 3-3-8, 3-3-9, 3-3-10, 5-8-6, 5-8A-3, and 5-8A-7 and by adding Sections 3-2.5-85, 3-2.5-90, 3-2.5-95, 3-2.5-100, and 3-3-9.5 as follows:

(730 ILCS 5/3-2-3.1) (from Ch. 38, par. 1003-2-3.1)
Sec. 3-2-3.1. Treaties. If a treaty in effect between the United States and a foreign country provides for the transfer or exchange of convicted offenders to the country of which they are citizens or nationals, the Governor may, on behalf of the State and subject to the terms of the treaty, authorize the Director of Corrections or the Director of Juvenile Justice to consent to the transfer or exchange of offenders and take any other action necessary to initiate the participation of this State in the treaty. Before any transfer or exchange may occur, the Director of Corrections shall notify in writing the Prisoner Review Board and the Office of the State’s Attorney which obtained the defendant’s conviction, or the Director of Juvenile Justice shall notify in writing the Office of the State’s Attorney which obtained the youth’s conviction.

(Source: P.A. 95-317, eff. 8-21-07.)

(730 ILCS 5/3-2-5) (from Ch. 38, par. 1003-2-5)
Sec. 3-2-5. Organization of the Department of Corrections and the Department of Juvenile Justice.

(a) There shall be a Department of Corrections which shall be administered by a Director and an Assistant Director appointed by the Governor under the Civil Administrative Code of Illinois. The Assistant Director shall be under the direction of the Director. The Department of Corrections shall be responsible for all persons committed or transferred to the Department under Sections 3-10-7 or 5-8-6 of this Code.

(b) There shall be a Department of Juvenile Justice which shall be administered by a Director appointed by the Governor under the Civil Administrative Code of Illinois. The Department of Juvenile Justice shall be responsible for all persons under 18 years of age when sentenced to

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imprisonment and committed to the Department under subsection (c) of Section 5-8-6 of this Code, Section 5-10 of the Juvenile Court Act, or Section 5-750 of the Juvenile Court Act of 1987. Persons under 18 \( \text{or} \) 17 years of age committed to the Department of Juvenile Justice pursuant to this Code shall be sight and sound separate from adult offenders committed to the Department of Corrections.

(c) The Department shall create a gang intelligence unit under the supervision of the Director. The unit shall be specifically designed to gather information regarding the inmate gang population, monitor the activities of gangs, and prevent the furtherance of gang activities through the development and implementation of policies aimed at deterring gang activity. The Director shall appoint a Corrections Intelligence Coordinator.

All information collected and maintained by the unit shall be highly confidential, and access to that information shall be restricted by the Department. The information shall be used to control and limit the activities of gangs within correctional institutions under the jurisdiction of the Illinois Department of Corrections and may be shared with other law enforcement agencies in order to curb gang activities outside of correctional institutions under the jurisdiction of the Department and to assist in the investigations and prosecutions of gang activity. The Department shall establish and promulgate rules governing the release of information to outside law enforcement agencies. Due to the highly sensitive nature of the information, the information is exempt from requests for disclosure under the Freedom of Information Act as the information contained is highly confidential and may be harmful if disclosed.

(Source: P.A. 97-800, eff. 7-13-12; 97-1083, eff. 8-24-12; 98-463, eff. 8-16-13.)

(730 ILCS 5/3-2.5-20)
Sec. 3-2.5-20. General powers and duties.
(a) In addition to the powers, duties, and responsibilities which are otherwise provided by law or transferred to the Department as a result of this Article, the Department, as determined by the Director, shall have, but are not limited to, the following rights, powers, functions and duties:

(1) To accept juveniles committed to it by the courts of this State for care, custody, treatment, and rehabilitation.

(2) To maintain and administer all State juvenile correctional institutions previously under the control of the Juvenile and Women's & Children Divisions of the Department of

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Corrections, and to establish and maintain institutions as needed to meet the needs of the youth committed to its care.

(3) To identify the need for and recommend the funding and implementation of an appropriate mix of programs and services within the juvenile justice continuum, including but not limited to prevention, nonresidential and residential commitment programs, day treatment, and conditional release programs and services, with the support of educational, vocational, alcohol, drug abuse, and mental health services where appropriate.

(3.5) To assist youth committed to the Department of Juvenile Justice under the Juvenile Court Act of 1987 with successful reintegration into society, the Department shall retain custody and control of all adjudicated delinquent juveniles released under Section 3-2.5-85 or 3-3-10 of this Code, shall provide a continuum of post-release treatment and services to those youth, and shall supervise those youth during their release period in accordance with the conditions set by the Department of Juvenile Justice or the Prisoner Review Board.

(4) To establish and provide transitional and post-release treatment programs for juveniles committed to the Department. Services shall include but are not limited to:

(i) family and individual counseling and treatment placement;
(ii) referral services to any other State or local agencies;
(iii) mental health services;
(iv) educational services;
(v) family counseling services; and
(vi) substance abuse services.

(5) To access vital records of juveniles for the purposes of providing necessary documentation for transitional services such as obtaining identification, educational enrollment, employment, and housing.

(6) To develop staffing and workload standards and coordinate staff development and training appropriate for juvenile populations.

(7) To develop, with the approval of the Office of the Governor and the Governor's Office of Management and Budget, annual budget requests.

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(8) To administer the Interstate Compact for Juveniles, with respect to all juveniles under its jurisdiction, and to cooperate with the Department of Human Services with regard to all non-offender juveniles subject to the Interstate Compact for Juveniles.

(9) To decide the date of release on aftercare for youth committed to the Department under Section 5-750 of the Juvenile Court Act of 1987.

(10) To set conditions of aftercare release for all youth committed to the Department under the Juvenile Court Act of 1987.

(b) The Department may employ personnel in accordance with the Personnel Code and Section 3-2.5-15 of this Code, provide facilities, contract for goods and services, and adopt rules as necessary to carry out its functions and purposes, all in accordance with applicable State and federal law.

(c) On and after the date 6 months after August 16, 2013 (the effective date of Public Act 98-488), as provided in the Executive Order 1 (2012) Implementation Act, all of the powers, duties, rights, and responsibilities related to State healthcare purchasing under this Code that were transferred from the Department of Corrections to the Department of Healthcare and Family Services by Executive Order 3 (2005) are transferred back to the Department of Corrections; however, powers, duties, rights, and responsibilities related to State healthcare purchasing under this Code that were exercised by the Department of Corrections before the effective date of Executive Order 3 (2005) but that pertain to individuals resident in facilities operated by the Department of Juvenile Justice are transferred to the Department of Juvenile Justice.

(Source: P.A. 98-488, eff. 8-16-13; 98-558, eff. 1-1-14; 98-756, eff. 7-16-14.)

(730 ILCS 5/3-2.5-70)
Sec. 3-2.5-70. Aftercare.
(a) The Department shall implement an aftercare program that includes, at a minimum, the following program elements:
   (1) A process for developing and implementing a case management plan for timely and successful reentry into the community beginning upon commitment.
   (2) A process for reviewing committed youth for recommendation for aftercare release.
   (3) Supervision in accordance with the conditions set by the Department or Prisoner Review Board and referral to and

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facilitation of community-based services including education, social and mental health services, substance abuse treatment, employment and vocational training, individual and family counseling, financial counseling, and other services as appropriate; and assistance in locating appropriate residential placement and obtaining suitable employment. The Department may purchase necessary services for a releasee if they are otherwise unavailable and the releasee is unable to pay for the services. It may assess all or part of the costs of these services to a releasee in accordance with his or her ability to pay for the services.

(4) Standards for sanctioning violations of conditions of aftercare release that ensure that juvenile offenders face uniform and consistent consequences that hold them accountable taking into account aggravating and mitigating factors and prioritizing public safety.

(5) A process for reviewing youth on aftercare release for discharge.

(b) The Department of Juvenile Justice shall have the following rights, powers, functions, and duties:

(1) To investigate alleged violations of an aftercare releasee's conditions of release; and for this purpose it may issue subpoenas and compel the attendance of witnesses and the production of documents only if there is reason to believe that the procedures would provide evidence that the violations have occurred. If any person fails to obey a subpoena issued under this subsection, the Director may apply to any circuit court to secure compliance with the subpoena. The failure to comply with the order of the court issued in response thereto shall be punishable as contempt of court.

(2) To issue a violation warrant for the apprehension of an aftercare releasee for violations of the conditions of aftercare release. Aftercare specialists and supervisors have the full power of peace officers in the retaking of any youth alleged to have violated the conditions of aftercare release.

(c) The Department of Juvenile Justice shall designate aftercare specialists qualified in juvenile matters to perform case management and post-release programming functions under this Section.

(Source: P.A. 98-558, eff. 1-1-14.)

(730 ILCS 5/3-2.5-80)

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Sec. 3-2.5-80. Supervision on Aftercare Release.

(a) The Department shall retain custody of all youth placed on aftercare release or released under Section 3-2.5-85 or 3-3-10 of this Code. The Department shall supervise those youth during their aftercare release period in accordance with the conditions set by the Department or Prisoner Review Board.

(b) A copy of youth's conditions of aftercare release shall be signed by the youth and given to the youth and to his or her aftercare specialist who shall report on the youth's progress under the rules of the Department or Prisoner Review Board. Aftercare specialists and supervisors shall have the full power of peace officers in the retaking of any releasee who has allegedly violated his or her aftercare release conditions. The aftercare specialist may request the Department of Juvenile Justice to issue a warrant for the arrest of any releasee who has allegedly violated his or her aftercare release conditions.

(c) The aftercare supervisor shall request the Department of Juvenile Justice to issue an aftercare release violation warrant, and the Department of Juvenile Justice shall issue an aftercare release violation warrant, under the following circumstances:

1. if the releasee has a subsequent delinquency petition filed against him or her alleging commission of an act that constitutes a felony using a firearm or knife;
2. if the releasee has a subsequent delinquency petition filed against him or her alleging commission of an act that constitutes a felony using a firearm or knife;
3. if the releasee has a subsequent delinquency petition filed against him or her alleging commission of an act that constitutes a felony using a firearm or knife;
4. if the releasee has a subsequent delinquency petition filed against him or her alleging commission of an act that constitutes a felony using a firearm or knife.

Personnel designated by the Department of Juvenile Justice or another peace officer may detain an alleged aftercare release violator until a warrant for his or her return to the Department of Juvenile Justice can be issued. The releasee may be delivered to any secure place until he or she can be transported to the Department of Juvenile Justice. The aftercare specialist or the Department of Juvenile Justice shall file a violation report with notice of charges with the Department or Prisoner Review Board.
(d) The aftercare specialist shall regularly advise and consult with
the releasee and assist the youth in adjusting to community life in accord
with this Section.

(e) If the aftercare releasee has been convicted of a sex offense as
defined in the Sex Offender Management Board Act, the aftercare
specialist shall periodically, but not less than once a month, verify that the
releasee is in compliance with paragraph (7.6) of subsection (a) of Section
3-3-7.

(f) The aftercare specialist shall keep those records as the Prisoner
Review Board or Department may require. All records shall be entered in
the master file of the youth.

(Source: P.A. 98-558, eff. 1-1-14; 99-268, eff. 1-1-16.)

(730 ILCS 5/3-2.5-85 new)
Sec. 3-2.5-85. Eligibility for release; determination.
(a) Every youth committed to the Department of Juvenile Justice
under Section 5-750 of the Juvenile Court Act of 1987, except those
committed for first degree murder, shall be:

(1) Eligible for aftercare release without regard to the
length of time the youth has been confined or whether the youth
has served any minimum term imposed.

(2) Placed on aftercare release on or before his or her 20th
birthday or upon completion of the maximum term of confinement
ordered by the court under Section 5-710 of the Juvenile Court Act
of 1987, whichever is sooner.

(3) Considered for aftercare release at least 30 days prior
to the expiration of the first year of confinement and at least
annually thereafter.

(b) This Section does not apply to the initial release of youth
committed to the Department under Section 5-815 or 5-820 of the Juvenile
Court Act of 1987. Those youth shall be released by the Department upon
completion of the determinate sentence established under this Code.
Subsections (d) through (l) of this Section do not apply when a youth is
released under paragraph (2) of subsection (a) of this Section or the
youth's release is otherwise required by law or ordered by the court.
Youth who have been tried as an adult and committed to the Department
under Section 5-8-6 of this Code are only eligible for mandatory
supervised release as an adult under Section 3-3-3 of this Code.

(c) The Department shall establish a process for deciding the date
of release on aftercare for every youth committed to the Department of
Juvenile Justice under Section 5-750 of the Juvenile Court Act of 1987. The process shall include establishing a target release date upon commitment to the Department, the regular review and appropriate adjustment of the target release date, and the final release consideration at least 30 days prior to the youth's target release date. The establishment, adjustment, and final consideration of the target release date shall include consideration of the following factors:

(1) the nature and seriousness of the youth's offense;
(2) the likelihood the youth will reoffend or will pose a danger to the community based on an assessment of the youth's risks, strengths, and behavior; and
(3) the youth's progress since being committed to the Department.

The target release date for youth committed to the Department for first degree murder shall not precede the minimum period of confinement provided in Section 5-750 of the Juvenile Court Act of 1987. These youth shall be considered for release upon completion of their minimum term of confinement and at least annually thereafter.

(d) If the youth being considered for aftercare release has a petition or any written submissions prepared on his or her behalf by an attorney or other representative, the attorney or representative for the youth must serve by certified mail the State's Attorney of the county where the youth was prosecuted with the petition or any written submissions 15 days prior to the youth's target release date.

(e) In making its determination of aftercare release, the Department shall consider:

(1) material transmitted to the Department by the clerk of the committing court under Section 5-750 of the Juvenile Court Act of 1987;
(2) the report under Section 3-10-2;
(3) a report by the Department and any report by the chief administrative officer of the institution or facility;
(4) an aftercare release progress report;
(5) a medical and psychological report, if available;
(6) material in writing, or on film, video tape or other electronic means in the form of a recording submitted by the youth whose aftercare release is being considered;
(7) material in writing, or on film, video tape or other electronic means in the form of a recording or testimony submitted...
by the State's Attorney and the victim or a concerned citizen under the Rights of Crime Victims and Witnesses Act; and

(8) the youth's eligibility for commitment under the Sexually Violent Persons Commitment Act.

(f) The prosecuting State's Attorney's office shall receive from the Department reasonable written notice not less than 30 days prior to the target release date and may submit relevant information by oral argument or testimony of victims and concerned citizens, or both, in writing, or on film, video tape or other electronic means or in the form of a recording to the Department for its consideration. The State's Attorney may waive the written notice of the target release date at any time. Upon written request of the State's Attorney's office, provided the request is received within 15 days of receipt of the written notice of the target release date, the Department shall hear protests to aftercare release. If a State's Attorney requests a protest hearing, the committed youth's attorney or other representative shall also receive notice of the request and a copy of any information submitted by the State's Attorney. This hearing shall take place prior to the youth's aftercare release. The Department shall schedule the protest hearing date, providing at least 15 days' notice to the State's Attorney. If the protest hearing is rescheduled, the Department shall promptly notify the State's Attorney of the new date.

(g) The victim of the violent crime for which the youth has been sentenced shall receive notice of the target release date as provided in paragraph (4) of subsection (d) of Section 4.5 of the Rights of Crime Victims and Witnesses Act.

(h) The Department shall not release any material to the youth, the youth's attorney, any third party, or any other person containing any information from the victim or from a person related to the victim by blood, adoption, or marriage who has written objections, testified at any hearing, or submitted audio or visual objections to the youth's aftercare release, unless provided with a waiver from that objecting party. The Department shall not release the names or addresses of any person on its victim registry to any other person except the victim, a law enforcement agency, or other victim notification system.

(i) Any recording considered under the provisions of paragraph (6) or (7) of subsection (e) or subsection (f) of this Section shall be in the form designated by the Department. The recording shall be both visual and aural. Every voice on the recording and person present shall be identified and the recording shall contain either a visual or aural statement of the

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person submitting the recording, the date of the recording, and the name of the youth whose aftercare release is being considered. The recordings shall be retained by the Department and shall be considered during any subsequent aftercare release decision if the victim or State's Attorney submits in writing a declaration clearly identifying the recording as representing the position of the victim or State's Attorney regarding the release of the youth.

(j) The Department shall not release a youth eligible for aftercare release if it determines that:

1. there is a substantial risk that he or she will not conform to reasonable conditions of aftercare release;
2. his or her release at that time would deprecate the seriousness of his or her offense or promote disrespect for the law; or
3. his or her release would have a substantially adverse effect on institutional discipline.

(k) The Department shall render its release decision and shall state the basis thereof both in the records of the Department and in written notice to the youth who was considered for aftercare release. In its decision, the Department shall set the youth's time for aftercare release, or if it denies aftercare release it shall provide for reconsideration of aftercare release not less frequently than once each year.

(l) The Department shall ensure all evaluations and proceedings under the Sexually Violent Persons Commitment Act are completed prior to any youth's release, when applicable.

(m) Any youth whose aftercare release has been revoked by the Prisoner Review Board under Section 3-3-9.5 of this Code may be rereleased to the full aftercare release term by the Department at any time in accordance with this Section. Youth rereleased under this subsection shall be subject to Sections 3-2.5-70, 3-2.5-75, 3-2.5-80, 3-2.5-90, 3-2.5-95, and 3-3-9.5 of this Code.

(n) The Department shall adopt rules regarding the exercise of its discretion under this Section.

(730 ILCS 5/3-2.5-90 new)

Sec. 3-2.5-90. Release to warrant or detainer.

(a) If a warrant or detainer is placed against a youth by the court or other authority of this or any other jurisdiction, the Department of Juvenile Justice shall inquire before the youth is considered for aftercare

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release whether the authority concerned intends to execute or withdraw the process if the youth is released.

(b) If the authority notifies the Department that it intends to execute the process when the youth is released, the Department shall advise the authority concerned of the sentence or disposition under which the youth is held, the time of eligibility for release, any decision of the Department relating to the youth and the nature of his or her adjustment during confinement, and shall give reasonable notice to the authority of the youth's release date.

(c) The Department may release a youth to a warrant or detainer. The Department may provide, as a condition of aftercare release, that if the charge or charges on which the warrant or detainer is based are dismissed or satisfied, prior to the expiration of the youth's aftercare release term, the authority to whose warrant or detainer he or she was released shall return him or her to serve the remainder of his or her aftercare release term.

(d) If a youth released to a warrant or detainer is thereafter sentenced to probation, or released on parole in another jurisdiction prior to the expiration of his or her aftercare release term in this State, the Department may permit the youth to serve the remainder of his or her term in either of the jurisdictions.

(730 ILCS 5/3-2.5-95 new)
Sec. 3-2.5-95. Conditions of aftercare release.
(a) The conditions of aftercare release for all youth committed to the Department under the Juvenile Court Act of 1987 shall be such as the Department of Juvenile Justice deems necessary to assist the youth in leading a law-abiding life. The conditions of every aftercare release are that the youth:

(1) not violate any criminal statute of any jurisdiction during the aftercare release term;
(2) refrain from possessing a firearm or other dangerous weapon;
(3) report to an agent of the Department;
(4) permit the agent or aftercare specialist to visit the youth at his or her home, employment, or elsewhere to the extent necessary for the agent or aftercare specialist to discharge his or her duties;
(5) reside at a Department-approved host site;

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(6) secure permission before visiting or writing a committed person in an Illinois Department of Corrections or Illinois Department of Juvenile Justice facility;

(7) report all arrests to an agent of the Department as soon as permitted by the arresting authority but in no event later than 24 hours after release from custody and immediately report service or notification of an order of protection, a civil no contact order, or a stalking no contact order to an agent of the Department;

(8) obtain permission of an agent of the Department before leaving the State of Illinois;

(9) obtain permission of an agent of the Department before changing his or her residence or employment;

(10) consent to a search of his or her person, property, or residence under his or her control;

(11) refrain from the use or possession of narcotics or other controlled substances in any form, or both, or any paraphernalia related to those substances and submit to a urinalysis test as instructed by an agent of the Department;

(12) not frequent places where controlled substances are illegally sold, used, distributed, or administered;

(13) not knowingly associate with other persons on parole, aftercare release, or mandatory supervised release without prior written permission of his or her aftercare specialist and not associate with persons who are members of an organized gang as that term is defined in the Illinois Streetgang Terrorism Omnibus Prevention Act;

(14) provide true and accurate information, as it relates to his or her adjustment in the community while on aftercare release or to his or her conduct while incarcerated, in response to inquiries by an agent of the Department;

(15) follow any specific instructions provided by the agent that are consistent with furthering conditions set and approved by the Department or by law to achieve the goals and objectives of his or her aftercare release or to protect the public; these instructions by the agent may be modified at any time, as the agent deems appropriate;

(16) comply with the terms and conditions of an order of protection issued under the Illinois Domestic Violence Act of 1986; an order of protection issued by the court of another state, tribe, or

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United States territory; a no contact order issued under the Civil No Contact Order Act; or a no contact order issued under the Stalking No Contact Order Act;

(17) if convicted of a sex offense as defined in the Sex Offender Management Board Act, and a sex offender treatment provider has evaluated and recommended further sex offender treatment while on aftercare release, the youth shall undergo treatment by a sex offender treatment provider or associate sex offender provider as defined in the Sex Offender Management Board Act at his or her expense based on his or her ability to pay for the treatment;

(18) if convicted of a sex offense as defined in the Sex Offender Management Board Act, refrain from residing at the same address or in the same condominium unit or apartment unit or in the same condominium complex or apartment complex with another person he or she knows or reasonably should know is a convicted sex offender or has been placed on supervision for a sex offense; the provisions of this paragraph do not apply to a person convicted of a sex offense who is placed in a Department of Corrections licensed transitional housing facility for sex offenders, or is in any facility operated or licensed by the Department of Children and Family Services or by the Department of Human Services, or is in any licensed medical facility;

(19) if convicted for an offense that would qualify the offender as a sexual predator under the Sex Offender Registration Act wear an approved electronic monitoring device as defined in Section 5-8A-2 for the duration of the youth's aftercare release term and if convicted for an offense of criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, aggravated criminal sexual abuse, or ritualized abuse of a child when the victim was under 18 years of age at the time of the commission of the offense and the offender used force or the threat of force in the commission of the offense wear an approved electronic monitoring device as defined in Section 5-8A-2 that has Global Positioning System (GPS) capability for the duration of the youth's aftercare release term;

(20) if convicted for an offense that would qualify the offender as a child sex offender as defined in Section 11-9.3 or 11-
9.4 of the Criminal Code of 1961 or the Criminal Code of 2012, refrain from communicating with or contacting, by means of the Internet, a person who is not related to the offender and whom the offender reasonably believes to be under 18 years of age; for purposes of this paragraph (20), "Internet" has the meaning ascribed to it in Section 16-0.1 of the Criminal Code of 2012; and a person is not related to the offender if the person is not: (A) the spouse, brother, or sister of the offender; (B) a descendant of the offender; (C) a first or second cousin of the offender; or (D) a step-child or adopted child of the offender;

(21) if convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or the Criminal Code of 2012, consent to search of computers, PDAs, cellular phones, and other devices under his or her control that are capable of accessing the Internet or storing electronic files, in order to confirm Internet protocol addresses reported in accordance with the Sex Offender Registration Act and compliance with conditions in this Act;

(22) if convicted for an offense that would qualify the offender as a sex offender or sexual predator under the Sex Offender Registration Act, not possess prescription drugs for erectile dysfunction;

(23) if convicted for an offense under Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a juvenile prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or the Criminal Code of 2012, or any attempt to commit any of these offenses:

(A) not access or use a computer or any other device with Internet capability without the prior written approval of the Department;

(B) submit to periodic unannounced examinations of the youth's computer or any other device with Internet capability by the youth's aftercare specialist, a law enforcement officer, or assigned computer or information technology specialist, including the retrieval and copying of all data from the computer or device and any internal or external peripherals and removal of the information, equipment, or device to conduct a more thorough inspection;

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(C) submit to the installation on the youth's computer or device with Internet capability, at the youth's expense, of one or more hardware or software systems to monitor the Internet use; and

(D) submit to any other appropriate restrictions concerning the youth's use of or access to a computer or any other device with Internet capability imposed by the Department or the youth's aftercare specialist;

(24) if convicted of a sex offense as defined in the Sex Offender Registration Act, refrain from accessing or using a social networking website as defined in Section 17-0.5 of the Criminal Code of 2012;

(25) if convicted of a sex offense as defined in Section 2 of the Sex Offender Registration Act that requires the youth to register as a sex offender under that Act, not knowingly use any computer scrub software on any computer that the youth uses;

(26) if convicted of a sex offense as defined in subsection (a-5) of Section 3-1-2 of this Code, unless the youth is a parent or guardian of a person under 18 years of age present in the home and no non-familial minors are present, not participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, being employed as a department store Santa Claus, or wearing an Easter Bunny costume on or preceding Easter;

(27) if convicted of a violation of an order of protection under Section 12-3.4 or Section 12-30 of the Criminal Code of 1961 or the Criminal Code of 2012, be placed under electronic surveillance as provided in Section 5-8A-7 of this Code; and

(28) if convicted of a violation of the Methamphetamine Control and Community Protection Act, the Methamphetamine Precursor Control Act, or a methamphetamine related offense, be:

(A) prohibited from purchasing, possessing, or having under his or her control any product containing pseudoephedrine unless prescribed by a physician; and

(B) prohibited from purchasing, possessing, or having under his or her control any product containing ammonium nitrate.

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(b) The Department may in addition to other conditions require that the youth:

(1) work or pursue a course of study or vocational training;
(2) undergo medical or psychiatric treatment, or treatment for drug addiction or alcoholism;
(3) attend or reside in a facility established for the instruction or residence of persons on probation or aftercare release;
(4) support his or her dependents;
(5) if convicted for an offense that would qualify the youth as a child sex offender as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of 1961 or the Criminal Code of 2012, refrain from communicating with or contacting, by means of the Internet, a person who is related to the youth and whom the youth reasonably believes to be under 18 years of age; for purposes of this paragraph (5), "Internet" has the meaning ascribed to it in Section 16-0.1 of the Criminal Code of 2012; and a person is related to the youth if the person is: (A) the spouse, brother, or sister of the youth; (B) a descendant of the youth; (C) a first or second cousin of the youth; or (D) a step-child or adopted child of the youth;
(6) if convicted for an offense that would qualify as a sex offense as defined in the Sex Offender Registration Act:

(A) not access or use a computer or any other device with Internet capability without the prior written approval of the Department;
(B) submit to periodic unannounced examinations of the youth's computer or any other device with Internet capability by the youth's aftercare specialist, a law enforcement officer, or assigned computer or information technology specialist, including the retrieval and copying of all data from the computer or device and any internal or external peripherals and removal of the information, equipment, or device to conduct a more thorough inspection;
(C) submit to the installation on the youth's computer or device with Internet capability, at the youth's offender's expense, of one or more hardware or software systems to monitor the Internet use; and

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(D) submit to any other appropriate restrictions concerning the youth's use of or access to a computer or any other device with Internet capability imposed by the Department or the youth's aftercare specialist; and

(7) in addition to other conditions:

(A) reside with his or her parents or in a foster home;

(B) attend school;

(C) attend a non-residential program for youth; or

(D) contribute to his or her own support at home or in a foster home.

(c) In addition to the conditions under subsections (a) and (b) of this Section, youths required to register as sex offenders under the Sex Offender Registration Act, upon release from the custody of the Department of Juvenile Justice, may be required by the Department to comply with the following specific conditions of release:

(1) reside only at a Department approved location;

(2) comply with all requirements of the Sex Offender Registration Act;

(3) notify third parties of the risks that may be occasioned by his or her criminal record;

(4) obtain the approval of an agent of the Department prior to accepting employment or pursuing a course of study or vocational training and notify the Department prior to any change in employment, study, or training;

(5) not be employed or participate in any volunteer activity that involves contact with children, except under circumstances approved in advance and in writing by an agent of the Department;

(6) be electronically monitored for a specified period of time from the date of release as determined by the Department;

(7) refrain from entering into a designated geographic area except upon terms approved in advance by an agent of the Department; these terms may include consideration of the purpose of the entry, the time of day, and others accompanying the youth;

(8) refrain from having any contact, including written or oral communications, directly or indirectly, personally or by telephone, letter, or through a third party with certain specified persons including, but not limited to, the victim or the victim's

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family without the prior written approval of an agent of the Department;

(9) refrain from all contact, directly or indirectly, personally, by telephone, letter, or through a third party, with minor children without prior identification and approval of an agent of the Department;

(10) neither possess or have under his or her control any material that is sexually oriented, sexually stimulating, or that shows male or female sex organs or any pictures depicting children under 18 years of age nude or any written or audio material describing sexual intercourse or that depicts or alludes to sexual activity, including, but not limited to, visual, auditory, telephonic, or electronic media, or any matter obtained through access to any computer or material linked to computer access use;

(11) not patronize any business providing sexually stimulating or sexually oriented entertainment nor utilize "900" or adult telephone numbers;

(12) not reside near, visit, or be in or about parks, schools, day care centers, swimming pools, beaches, theaters, or any other places where minor children congregate without advance approval of an agent of the Department and immediately report any incidental contact with minor children to the Department;

(13) not possess or have under his or her control certain specified items of contraband related to the incidence of sexually offending as determined by an agent of the Department;

(14) may be required to provide a written daily log of activities if directed by an agent of the Department;

(15) comply with all other special conditions that the Department may impose that restrict the youth from high-risk situations and limit access to potential victims;

(16) take an annual polygraph exam;

(17) maintain a log of his or her travel; or

(18) obtain prior approval of an agent of the Department before driving alone in a motor vehicle.

(d) The conditions under which the aftercare release is to be served shall be communicated to the youth in writing prior to his or her release, and he or she shall sign the same before release. A signed copy of these conditions, including a copy of an order of protection if one had been issued by the criminal court, shall be retained by the youth and

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another copy forwarded to the officer or aftercare specialist in charge of his or her supervision.

(e) After a revocation hearing under Section 3-3-9.5, the Department of Juvenile Justice may modify or enlarge the conditions of aftercare release.

(f) The Department shall inform all youth of the optional services available to them upon release and shall assist youth in availing themselves of the optional services upon their release on a voluntary basis.

(730 ILCS 5/3-2.5-100 new)
Sec. 3-2.5-100. Length of aftercare release; discharge.
(a) The aftercare release term of a youth committed to the Department under the Juvenile Court Act of 1987 shall be as set out in Section 5-750 of the Juvenile Court Act of 1987, unless sooner terminated under subsection (b) of this Section, as otherwise provided by law, or as ordered by the court. The aftercare release term of youth committed to the Department as a habitual or violent juvenile offender under Section 5-815 or 5-820 of the Juvenile Court Act of 1987 shall continue until the youth’s 21st birthday unless sooner terminated under subsection (c) of this Section, as otherwise provided by law, or as ordered by the court.

(b) Provided that the youth is in compliance with the terms and conditions of his or her aftercare release, the Department of Juvenile Justice may reduce the period of a releasee's aftercare release by 90 days upon the releasee receiving a high school diploma or upon passage of high school equivalency testing during the period of his or her aftercare release. This reduction in the period of a youth's term of aftercare release shall be available only to youth who have not previously earned a high school diploma or who have not previously passed high school equivalency testing.

(c) The Department of Juvenile Justice may discharge a youth from aftercare release and his or her commitment to the Department in accordance with subsection (3) of Section 5-750 of the Juvenile Court Act of 1987, if it determines that he or she is likely to remain at liberty without committing another offense.

(730 ILCS 5/3-3-1) (from Ch. 38, par. 1003-3-1)
Sec. 3-3-1. Establishment and Appointment of Prisoner Review Board.
(a) There shall be a Prisoner Review Board independent of the Department of Corrections which shall be:

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(1) the paroling authority for persons sentenced under the law in effect prior to the effective date of this amendatory Act of 1977;

(1.5) (blank); the authority for hearing and deciding the time of aftercare release for persons adjudicated delinquent under the Juvenile Court Act of 1987;

(2) the board of review for cases involving the revocation of sentence credits or a suspension or reduction in the rate of accumulating the credit;

(3) the board of review and recommendation for the exercise of executive clemency by the Governor;

(4) the authority for establishing release dates for certain prisoners sentenced under the law in existence prior to the effective date of this amendatory Act of 1977, in accordance with Section 3-3-2.1 of this Code;

(5) the authority for setting conditions for parole and mandatory supervised release under Section 5-8-1(a) of this Code, and aftercare release; and determining whether a violation of those conditions warrant revocation of parole, aftercare release, or mandatory supervised release or the imposition of other sanctions; and:

(6) the authority for determining whether a violation of aftercare release conditions warrant revocation of aftercare release.

(b) The Board shall consist of 15 persons appointed by the Governor by and with the advice and consent of the Senate. One member of the Board shall be designated by the Governor to be Chairman and shall serve as Chairman at the pleasure of the Governor. The members of the Board shall have had at least 5 years of actual experience in the fields of penology, corrections work, law enforcement, sociology, law, education, social work, medicine, psychology, other behavioral sciences, or a combination thereof. At least 6 members so appointed must have had at least 3 years experience in the field of juvenile matters. No more than 8 Board members may be members of the same political party.

Each member of the Board shall serve on a full-time basis and shall not hold any other salaried public office, whether elective or appointive, nor any other office or position of profit, nor engage in any other business, employment, or vocation. The Chairman of the Board shall receive $35,000 a year, or an amount set by the Compensation Review Board,
whichever is greater, and each other member $30,000, or an amount set by the Compensation Review Board, whichever is greater.

(c) Notwithstanding any other provision of this Section, the term of each member of the Board who was appointed by the Governor and is in office on June 30, 2003 shall terminate at the close of business on that date or when all of the successor members to be appointed pursuant to this amendatory Act of the 93rd General Assembly have been appointed by the Governor, whichever occurs later. As soon as possible, the Governor shall appoint persons to fill the vacancies created by this amendatory Act.

Of the initial members appointed under this amendatory Act of the 93rd General Assembly, the Governor shall appoint 5 members whose terms shall expire on the third Monday in January 2005, 5 members whose terms shall expire on the third Monday in January 2007, and 5 members whose terms shall expire on the third Monday in January 2009. Their respective successors shall be appointed for terms of 6 years from the third Monday in January of the year of appointment. Each member shall serve until his or her successor is appointed and qualified.

Any member may be removed by the Governor for incompetence, neglect of duty, malfeasance or inability to serve.

(d) The Chairman of the Board shall be its chief executive and administrative officer. The Board may have an Executive Director; if so, the Executive Director shall be appointed by the Governor with the advice and consent of the Senate. The salary and duties of the Executive Director shall be fixed by the Board.

(Source: P.A. 97-697, eff. 6-22-12; 98-558, eff. 1-1-14.)
(730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)
Sec. 3-3-2. Powers and Duties.

(a) The Parole and Pardon Board is abolished and the term "Parole and Pardon Board" as used in any law of Illinois, shall read "Prisoner Review Board." After the effective date of this amendatory Act of 1977, the Prisoner Review Board shall provide by rule for the orderly transition of all files, records, and documents of the Parole and Pardon Board and for such other steps as may be necessary to effect an orderly transition and shall:

(1) hear by at least one member and through a panel of at least 3 members decide, cases of prisoners who were sentenced under the law in effect prior to the effective date of this amendatory Act of 1977, and who are eligible for parole;

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(2) hear by at least one member and through a panel of at least 3 members decide, the conditions of parole and the time of discharge from parole, impose sanctions for violations of parole, and revoke parole for those sentenced under the law in effect prior to this amendatory Act of 1977; provided that the decision to parole and the conditions of parole for all prisoners who were sentenced for first degree murder or who received a minimum sentence of 20 years or more under the law in effect prior to February 1, 1978 shall be determined by a majority vote of the Prisoner Review Board. One representative supporting parole and one representative opposing parole will be allowed to speak. Their comments shall be limited to making corrections and filling in omissions to the Board's presentation and discussion;

(3) hear by at least one member and through a panel of at least 3 members decide, the conditions of mandatory supervised release and the time of discharge from mandatory supervised release, impose sanctions for violations of mandatory supervised release, and revoke mandatory supervised release for those sentenced under the law in effect after the effective date of this amendatory Act of 1977;

(3.5) hear by at least one member and through a panel of at least 3 members decide, the conditions of mandatory supervised release and the time of discharge from mandatory supervised release, to impose sanctions for violations of mandatory supervised release and revoke mandatory supervised release for those serving extended supervised release terms pursuant to paragraph (4) of subsection (d) of Section 5-8-1;

(3.6) hear by at least one member and through a panel of at least 3 members decide whether to, the time of aftercare release, the conditions of aftercare release and the time of discharge from aftercare release, impose sanctions for violations of aftercare release, and revoke aftercare release for those committed to the Department of Juvenile Justice adjudicated delinquent under the Juvenile Court Act of 1987;

(4) hear by at least one member and through a panel of at least 3 members, decide cases brought by the Department of Corrections against a prisoner in the custody of the Department for alleged violation of Department rules with respect to sentence credits under Section 3-6-3 of this Code in which the Department

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seeks to revoke sentence credits, if the amount of time at issue exceeds 30 days or when, during any 12 month period, the cumulative amount of credit revoked exceeds 30 days except where the infraction is committed or discovered within 60 days of scheduled release. In such cases, the Department of Corrections may revoke up to 30 days of sentence credit. The Board may subsequently approve the revocation of additional sentence credit, if the Department seeks to revoke sentence credit in excess of thirty days. However, the Board shall not be empowered to review the Department's decision with respect to the loss of 30 days of sentence credit for any prisoner or to increase any penalty beyond the length requested by the Department;

(5) hear by at least one member and through a panel of at least 3 members decide, the release dates for certain prisoners sentenced under the law in existence prior to the effective date of this amendatory Act of 1977, in accordance with Section 3-3-2.1 of this Code;

(6) hear by at least one member and through a panel of at least 3 members decide, all requests for pardon, reprieve or commutation, and make confidential recommendations to the Governor;

(7) comply with the requirements of the Open Parole Hearings Act;

(8) hear by at least one member and, through a panel of at least 3 members, decide cases brought by the Department of Corrections against a prisoner in the custody of the Department for court dismissal of a frivolous lawsuit pursuant to Section 3-6-3(d) of this Code in which the Department seeks to revoke up to 180 days of sentence credit, and if the prisoner has not accumulated 180 days of sentence credit at the time of the dismissal, then all sentence credit accumulated by the prisoner shall be revoked;

(9) hear by at least 3 members, and, through a panel of at least 3 members, decide whether to grant certificates of relief from disabilities or certificates of good conduct as provided in Article 5.5 of Chapter V;

(10) upon a petition by a person who has been convicted of a Class 3 or Class 4 felony and who meets the requirements of this paragraph, hear by at least 3 members and, with the unanimous vote of a panel of 3 members, issue a certificate of eligibility for

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sealing recommending that the court order the sealing of all official records of the arresting authority, the circuit court clerk, and the Department of State Police concerning the arrest and conviction for the Class 3 or 4 felony. A person may not apply to the Board for a certificate of eligibility for sealing:

(A) until 5 years have elapsed since the expiration of his or her sentence;

(B) until 5 years have elapsed since any arrests or detentions by a law enforcement officer for an alleged violation of law, other than a petty offense, traffic offense, conservation offense, or local ordinance offense;

(C) if convicted of a violation of the Cannabis Control Act, Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, the Methamphetamine Precursor Control Act, or the Methamphetamine Precursor Tracking Act unless the petitioner has completed a drug abuse program for the offense on which sealing is sought and provides proof that he or she has completed the program successfully;

(D) if convicted of:

(i) a sex offense described in Article 11 or Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012;

(ii) aggravated assault;

(iii) aggravated battery;

(iv) domestic battery;

(v) aggravated domestic battery;

(vi) violation of an order of protection;

(vii) an offense under the Criminal Code of 1961 or the Criminal Code of 2012 involving a firearm;

(viii) driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof;

(ix) aggravated driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof; or

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(x) any crime defined as a crime of violence
under Section 2 of the Crime Victims
Compensation Act.

If a person has applied to the Board for a certificate of eligibility for sealing and the Board denies the certificate, the person must wait at least 4 years before filing again or filing for pardon from the Governor unless the Chairman of the Prisoner Review Board grants a waiver.

The decision to issue or refrain from issuing a certificate of eligibility for sealing shall be at the Board's sole discretion, and shall not give rise to any cause of action against either the Board or its members.

The Board may only authorize the sealing of Class 3 and 4 felony convictions of the petitioner from one information or indictment under this paragraph (10). A petitioner may only receive one certificate of eligibility for sealing under this provision for life; and

(11) upon a petition by a person who after having been convicted of a Class 3 or Class 4 felony thereafter served in the United States Armed Forces or National Guard of this or any other state and had received an honorable discharge from the United States Armed Forces or National Guard or who at the time of filing the petition is enlisted in the United States Armed Forces or National Guard of this or any other state and served one tour of duty and who meets the requirements of this paragraph, hear by at least 3 members and, with the unanimous vote of a panel of 3 members, issue a certificate of eligibility for expungement recommending that the court order the expungement of all official records of the arresting authority, the circuit court clerk, and the Department of State Police concerning the arrest and conviction for the Class 3 or 4 felony. A person may not apply to the Board for a certificate of eligibility for expungement:

(A) if convicted of:

(i) a sex offense described in Article 11 or Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or Criminal Code of 2012;

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(ii) an offense under the Criminal Code of 1961 or Criminal Code of 2012 involving a firearm; or

(iii) a crime of violence as defined in Section 2 of the Crime Victims Compensation Act; or

(B) if the person has not served in the United States Armed Forces or National Guard of this or any other state or has not received an honorable discharge from the United States Armed Forces or National Guard of this or any other state or who at the time of the filing of the petition is serving in the United States Armed Forces or National Guard of this or any other state and has not completed one tour of duty.

If a person has applied to the Board for a certificate of eligibility for expungement and the Board denies the certificate, the person must wait at least 4 years before filing again or filing for a pardon with authorization for expungement from the Governor unless the Governor or Chairman of the Prisoner Review Board grants a waiver.

(a-5) The Prisoner Review Board, with the cooperation of and in coordination with the Department of Corrections and the Department of Central Management Services, shall implement a pilot project in 3 correctional institutions providing for the conduct of hearings under paragraphs (1) and (4) of subsection (a) of this Section through interactive video conferences. The project shall be implemented within 6 months after the effective date of this amendatory Act of 1996. Within 6 months after the implementation of the pilot project, the Prisoner Review Board, with the cooperation of and in coordination with the Department of Corrections and the Department of Central Management Services, shall report to the Governor and the General Assembly regarding the use, costs, effectiveness, and future viability of interactive video conferences for Prisoner Review Board hearings.

(b) Upon recommendation of the Department the Board may restore sentence credit previously revoked.

(c) The Board shall cooperate with the Department in promoting an effective system of parole, aftercare release, and mandatory supervised release.

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(d) The Board shall promulgate rules for the conduct of its work, and the Chairman shall file a copy of such rules and any amendments thereto with the Director and with the Secretary of State.

(e) The Board shall keep records of all of its official actions and shall make them accessible in accordance with law and the rules of the Board.

(f) The Board or one who has allegedly violated the conditions of his or her parole, aftercare release, or mandatory supervised release may require by subpoena the attendance and testimony of witnesses and the production of documentary evidence relating to any matter under investigation or hearing. The Chairman of the Board may sign subpoenas which shall be served by any agent or public official authorized by the Chairman of the Board, or by any person lawfully authorized to serve a subpoena under the laws of the State of Illinois. The attendance of witnesses, and the production of documentary evidence, may be required from any place in the State to a hearing location in the State before the Chairman of the Board or his or her designated agent or agents or any duly constituted Committee or Subcommittee of the Board. Witnesses so summoned shall be paid the same fees and mileage that are paid witnesses in the circuit courts of the State, and witnesses whose depositions are taken and the persons taking those depositions are each entitled to the same fees as are paid for like services in actions in the circuit courts of the State. Fees and mileage shall be vouchered for payment when the witness is discharged from further attendance.

In case of disobedience to a subpoena, the Board may petition any circuit court of the State for an order requiring the attendance and testimony of witnesses or the production of documentary evidence or both. A copy of such petition shall be served by personal service or by registered or certified mail upon the person who has failed to obey the subpoena, and such person shall be advised in writing that a hearing upon the petition will be requested in a court room to be designated in such notice before the judge hearing motions or extraordinary remedies at a specified time, on a specified date, not less than 10 nor more than 15 days after the deposit of the copy of the written notice and petition in the U.S. mails addressed to the person at his last known address or after the personal service of the copy of the notice and petition upon such person. The court upon the filing of such a petition, may order the person refusing to obey the subpoena to appear at an investigation or hearing, or to there produce documentary evidence, if so ordered, or to give evidence relative to the subject matter of

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that investigation or hearing. Any failure to obey such order of the circuit court may be punished by that court as a contempt of court.

Each member of the Board and any hearing officer designated by the Board shall have the power to administer oaths and to take the testimony of persons under oath.

(g) Except under subsection (a) of this Section, a majority of the members then appointed to the Prisoner Review Board shall constitute a quorum for the transaction of all business of the Board.

(h) The Prisoner Review Board shall annually transmit to the Director a detailed report of its work for the preceding calendar year. The annual report shall also be transmitted to the Governor for submission to the Legislature.

(Source: P.A. 97-697, eff. 6-22-12; 97-1120, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-399, eff. 8-16-13; 98-558, eff. 1-1-14; 98-756, eff. 7-16-14.)

(730 ILCS 5/3-3-3) (from Ch. 38, par. 1003-3-3)
Sec. 3-3-3. Eligibility for Parole or Release.

(a) Except for those offenders who accept the fixed release date established by the Prisoner Review Board under Section 3-3-2.1, every person serving a term of imprisonment under the law in effect prior to the effective date of this amendatory Act of 1977 shall be eligible for parole when he or she has served:

1) the minimum term of an indeterminate sentence less time credit for good behavior, or 20 years less time credit for good behavior, whichever is less; or

2) 20 years of a life sentence less time credit for good behavior; or

3) 20 years or one-third of a determinate sentence, whichever is less, less time credit for good behavior.

(b) No person sentenced under this amendatory Act of 1977 or who accepts a release date under Section 3-3-2.1 shall be eligible for parole.

(c) Except for those sentenced to a term of natural life imprisonment, every person sentenced to imprisonment under this amendatory Act of 1977 or given a release date under Section 3-3-2.1 of this Act shall serve the full term of a determinate sentence less time credit for good behavior and shall then be released under the mandatory supervised release provisions of paragraph (d) of Section 5-8-1 of this Code.

(d) No person serving a term of natural life imprisonment may be paroled or released except through executive clemency.

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(e) Every person committed to the Department of Juvenile Justice under Section 5-10 of the Juvenile Court Act or Section 5-750 of the Juvenile Court Act of 1987 or Section 5-8-6 of this Code and confined in the State correctional institutions or facilities if such juvenile has not been tried as an adult shall be eligible for aftercare release under Section 3-2.5-85 of this Code without regard to the length of time the person has been confined or whether the person has served any minimum term imposed. However, if a juvenile has been tried as an adult he or she shall only be eligible for parole or mandatory supervised release as an adult under this Section.

(Source: P.A. 98-558, eff. 1-1-14.)

(730 ILCS 5/3-3-4) (from Ch. 38, par. 1003-3-4)

Sec. 3-3-4. Preparation for Parole Hearing.

(a) The Prisoner Review Board shall consider the parole of each eligible person committed to the Department of Corrections at least 30 days prior to the date he or she shall first become eligible for parole, and shall consider the aftercare release of each person committed to the Department of Juvenile Justice as a delinquent at least 30 days prior to the expiration of the first year of confinement.

(b) A person eligible for parole or aftercare release shall, no less than 15 days in advance of his or her parole interview, prepare a parole or aftercare release plan in accordance with the rules of the Prisoner Review Board. The person shall be assisted in preparing his or her parole or aftercare release plan by personnel of the Department of Corrections, or the Department of Juvenile Justice in the case of a person committed to that Department, and may, for this purpose, be released on furlough under Article 11 or on authorized absence under Section 3-9-4. The appropriate Department shall also provide assistance in obtaining information and records helpful to the individual for his or her parole hearing. If the person eligible for parole or aftercare release has a petition or any written submissions prepared on his or her behalf by an attorney or other representative, the attorney or representative for the person eligible for parole or aftercare release must serve by certified mail the State's Attorney of the county where he or she was prosecuted with the petition or any written submissions 15 days after his or her parole interview. The State's Attorney shall provide the attorney for the person eligible for parole or aftercare release with a copy of his or her letter in opposition to parole or aftercare release via certified mail within 5 business days of the en banc hearing.

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(c) Any member of the Board shall have access at all reasonable times to any committed person and to his or her master record file within the Department, and the Department shall furnish such a report to the Board concerning the conduct and character of any such person prior to his or her parole interview.

(d) In making its determination of parole or aftercare release, the Board shall consider:

   (1) material transmitted to the Department of Juvenile Justice by the clerk of the committing court under Section 5-4-1 or Section 5-10 of the Juvenile Court Act or Section 5-750 of the Juvenile Court Act of 1987;
   (2) the report under Section 3-8-2 or 3-10-2;
   (3) a report by the Department and any report by the chief administrative officer of the institution or facility;
   (4) a parole or aftercare release progress report;
   (5) a medical and psychological report, if requested by the Board;
   (6) material in writing, or on film, video tape or other electronic means in the form of a recording submitted by the person whose parole or aftercare release is being considered;
   (7) material in writing, or on film, video tape or other electronic means in the form of a recording or testimony submitted by the State's Attorney and the victim or a concerned citizen pursuant to the Rights of Crime Victims and Witnesses Act; and
   (8) the person's eligibility for commitment under the Sexually Violent Persons Commitment Act.

(e) The prosecuting State's Attorney's office shall receive from the Board reasonable written notice not less than 30 days prior to the parole or aftercare release interview and may submit relevant information by oral argument or testimony of victims and concerned citizens, or both, in writing, or on film, video tape or other electronic means or in the form of a recording to the Board for its consideration. Upon written request of the State's Attorney's office, the Prisoner Review Board shall hear protests to parole, or aftercare release, except in counties of 1,500,000 or more inhabitants where there shall be standing objections to all such petitions. If a State's Attorney who represents a county of less than 1,500,000 inhabitants requests a protest hearing, the inmate's counsel or other representative shall also receive notice of such request. This hearing shall take place the month following the inmate's parole or aftercare release interview.

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interview. If the inmate's parole or aftercare release interview is rescheduled then the Prisoner Review Board shall promptly notify the State's Attorney of the new date. The person eligible for parole or aftercare release shall be heard at the next scheduled en banc hearing date. If the case is to be continued, the State's Attorney's office and the attorney or representative for the person eligible for parole or aftercare release will be notified of any continuance within 5 business days. The State's Attorney may waive the written notice.

(f) The victim of the violent crime for which the prisoner has been sentenced shall receive notice of a parole or aftercare release hearing as provided in paragraph (4) of subsection (d) of Section 4.5 of the Rights of Crime Victims and Witnesses Act.

(g) Any recording considered under the provisions of subsection (d)(6), (d)(7) or (e) of this Section shall be in the form designated by the Board. Such recording shall be both visual and aural. Every voice on the recording and person present shall be identified and the recording shall contain either a visual or aural statement of the person submitting such recording, the date of the recording and the name of the person whose parole or aftercare release eligibility is being considered. Such recordings shall be retained by the Board and shall be deemed to be submitted at any subsequent parole or aftercare release hearing if the victim or State's Attorney submits in writing a declaration clearly identifying such recording as representing the present position of the victim or State's Attorney regarding the issues to be considered at the parole or aftercare release hearing.

(h) The Board shall not release any material to the inmate, the inmate's attorney, any third party, or any other person containing any information from the victim or from a person related to the victim by blood, adoption, or marriage who has written objections, testified at any hearing, or submitted audio or visual objections to the inmate's parole, or aftercare release, unless provided with a waiver from that objecting party. The Board shall not release the names or addresses of any person on its victim registry to any other person except the victim, a law enforcement agency, or other victim notification system.

(Source: P.A. 97-523, eff. 1-1-12; 97-1075, eff. 8-24-12; 97-1083, eff. 8-24-12; 98-463, eff. 8-16-13; 98-558, eff. 1-1-14; 98-717, eff. 1-1-15.)

(730 ILCS 5/3-3-5) (from Ch. 38, par. 1003-3-5)
Sec. 3-3-5. Hearing and Determination.

New matter indicated by italics - deletions by strikeout
(a) The Prisoner Review Board shall meet as often as need requires to consider the cases of persons eligible for parole and aftercare release. Except as otherwise provided in paragraph (2) of subsection (a) of Section 3-3-2 of this Act, the Prisoner Review Board may meet and order its actions in panels of 3 or more members. The action of a majority of the panel shall be the action of the Board. In consideration of persons committed to the Department of Juvenile Justice, the panel shall have at least a majority of members experienced in juvenile matters.

(b) If the person under consideration for parole or aftercare release is in the custody of the Department, at least one member of the Board shall interview him or her, and a report of that interview shall be available for the Board's consideration. However, in the discretion of the Board, the interview need not be conducted if a psychiatric examination determines that the person could not meaningfully contribute to the Board's consideration. The Board may in its discretion parole or release on aftercare a person who is then outside the jurisdiction on his or her record without an interview. The Board need not hold a hearing or interview a person who is paroled or released on aftercare under paragraphs (d) or (e) of this Section or released on Mandatory release under Section 3-3-10.

(c) The Board shall not parole or release a person eligible for parole or aftercare release if it determines that:

(1) there is a substantial risk that he or she will not conform to reasonable conditions of parole or aftercare release; or

(2) his or her release at that time would deprecate the seriousness of his or her offense or promote disrespect for the law; or

(3) his or her release would have a substantially adverse effect on institutional discipline.

(d) (Blank). A person committed under the Juvenile Court Act or the Juvenile Court Act of 1987 who has not been sooner released shall be released on aftercare on or before his or her 20th birthday or upon completion of the maximum term of confinement ordered by the court under Section 5-710 of the Juvenile Court Act of 1987, whichever is sooner, to begin serving a period of aftercare release under Section 3-3-8.

(e) A person who has served the maximum term of imprisonment imposed at the time of sentencing less time credit for good behavior shall be released on parole to serve a period of parole under Section 5-8-1.

(f) The Board shall render its decision within a reasonable time after hearing and shall state the basis therefor both in the records of the
Board and in written notice to the person on whose application it has acted. In its decision, the Board shall set the person's time for parole or aftercare release, or if it denies parole or aftercare release, it shall provide for a rehearing not less frequently than once every year, except that the Board may, after denying parole, schedule a rehearing no later than 5 years from the date of the parole denial, if the Board finds that it is not reasonable to expect that parole would be granted at a hearing prior to the scheduled rehearing date. If the Board shall parole or release a person, and, if he or she is not released within 90 days from the effective date of the order granting parole or aftercare release, the matter shall be returned to the Board for review.

(f-1) If the Board paroles or releases a person who is eligible for commitment as a sexually violent person, the effective date of the Board's order shall be stayed for 90 days for the purpose of evaluation and proceedings under the Sexually Violent Persons Commitment Act.

(g) The Board shall maintain a registry of decisions in which parole has been granted, which shall include the name and case number of the prisoner, the highest charge for which the prisoner was sentenced, the length of sentence imposed, the date of the sentence, the date of the parole, and the basis for the decision of the Board to grant parole and the vote of the Board on any such decisions. The registry shall be made available for public inspection and copying during business hours and shall be a public record pursuant to the provisions of the Freedom of Information Act.

(h) The Board shall promulgate rules regarding the exercise of its discretion under this Section.

(Source: P.A. 98-558, eff. 1-1-14; 99-268, eff. 1-1-16.)

(730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

Sec. 3-3-7. Conditions of Parole or Aftercare Release.

(a) The conditions of parole, aftercare release, or mandatory supervised release shall be such as the Prisoner Review Board deems necessary to assist the subject in leading a law-abiding life. The conditions of every parole, aftercare release, and mandatory supervised release are that the subject:

1. not violate any criminal statute of any jurisdiction during the parole, aftercare release, or release term;
2. refrain from possessing a firearm or other dangerous weapon;

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(3) report to an agent of the Department of Corrections or to the Department of Juvenile Justice;

(4) permit the agent or aftercare specialist to visit him or her at his or her home, employment, or elsewhere to the extent necessary for the agent or aftercare specialist to discharge his or her duties;

(5) attend or reside in a facility established for the instruction or residence of persons on parole, aftercare release, or mandatory supervised release;

(6) secure permission before visiting or writing a committed person in an Illinois Department of Corrections facility;

(7) report all arrests to an agent of the Department of Corrections or to the Department of Juvenile Justice as soon as permitted by the arresting authority but in no event later than 24 hours after release from custody and immediately report service or notification of an order of protection, a civil no contact order, or a stalking no contact order to an agent of the Department of Corrections;

(7.5) if convicted of a sex offense as defined in the Sex Offender Management Board Act, the individual shall undergo and successfully complete sex offender treatment conducted in conformance with the standards developed by the Sex Offender Management Board Act by a treatment provider approved by the Board;

(7.6) if convicted of a sex offense as defined in the Sex Offender Management Board Act, refrain from residing at the same address or in the same condominium unit or apartment unit or in the same condominium complex or apartment complex with another person he or she knows or reasonably should know is a convicted sex offender or has been placed on supervision for a sex offense; the provisions of this paragraph do not apply to a person convicted of a sex offense who is placed in a Department of Corrections licensed transitional housing facility for sex offenders, or is in any facility operated or licensed by the Department of Children and Family Services or by the Department of Human Services, or is in any licensed medical facility;

(7.7) if convicted for an offense that would qualify the accused as a sexual predator under the Sex Offender Registration Act on or after January 1, 2007 (the effective date of Public Act

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94-988), wear an approved electronic monitoring device as defined in Section 5-8A-2 for the duration of the person's parole, **aftercare release**, mandatory supervised release term, or extended mandatory supervised release term and if convicted for an offense of criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, aggravated criminal sexual abuse, or ritualized abuse of a child committed on or after August 11, 2009 (the effective date of Public Act 96-236) when the victim was under 18 years of age at the time of the commission of the offense and the defendant used force or the threat of force in the commission of the offense wear an approved electronic monitoring device as defined in Section 5-8A-2 that has Global Positioning System (GPS) capability for the duration of the person's parole, **aftercare release**, mandatory supervised release term, or extended mandatory supervised release term;

(7.8) if convicted for an offense committed on or after June 1, 2008 (the effective date of Public Act 95-464) that would qualify the accused as a child sex offender as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of 1961 or the Criminal Code of 2012, refrain from communicating with or contacting, by means of the Internet, a person who is not related to the accused and whom the accused reasonably believes to be under 18 years of age; for purposes of this paragraph (7.8), "Internet" has the meaning ascribed to it in Section 16-0.1 of the Criminal Code of 2012; and a person is not related to the accused if the person is not: (i) the spouse, brother, or sister of the accused; (ii) a descendant of the accused; (iii) a first or second cousin of the accused; or (iv) a step-child or adopted child of the accused;

(7.9) if convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or the Criminal Code of 2012, consent to search of computers, PDAs, cellular phones, and other devices under his or her control that are capable of accessing the Internet or storing electronic files, in order to confirm Internet protocol addresses reported in accordance with the Sex Offender Registration Act and compliance with conditions in this Act;

(7.10) if convicted for an offense that would qualify the accused as a sex offender or sexual predator under the Sex Offender Registration Act and compliance with conditions in this Act;

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Offender Registration Act on or after June 1, 2008 (the effective date of Public Act 95-640), not possess prescription drugs for erectile dysfunction;

(7.11) if convicted for an offense under Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a juvenile prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or the Criminal Code of 2012, or any attempt to commit any of these offenses, committed on or after June 1, 2009 (the effective date of Public Act 95-983):

(i) not access or use a computer or any other device with Internet capability without the prior written approval of the Department;

(ii) submit to periodic unannounced examinations of the offender's computer or any other device with Internet capability by the offender's supervising agent, aftercare specialist, a law enforcement officer, or assigned computer or information technology specialist, including the retrieval and copying of all data from the computer or device and any internal or external peripherals and removal of such information, equipment, or device to conduct a more thorough inspection;

(iii) submit to the installation on the offender's computer or device with Internet capability, at the offender's expense, of one or more hardware or software systems to monitor the Internet use; and

(iv) submit to any other appropriate restrictions concerning the offender's use of or access to a computer or any other device with Internet capability imposed by the Board, the Department or the offender's supervising agent or aftercare specialist;

(7.12) if convicted of a sex offense as defined in the Sex Offender Registration Act committed on or after January 1, 2010 (the effective date of Public Act 96-262), refrain from accessing or using a social networking website as defined in Section 17-0.5 of the Criminal Code of 2012;

(7.13) if convicted of a sex offense as defined in Section 2 of the Sex Offender Registration Act committed on or after January 1, 2010 (the effective date of Public Act 96-362) that requires the person to register as a sex offender under that Act, may not

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knowingly use any computer scrub software on any computer that the sex offender uses;

(8) obtain permission of an agent of the Department of Corrections or the Department of Juvenile Justice before leaving the State of Illinois;

(9) obtain permission of an agent of the Department of Corrections or the Department of Juvenile Justice before changing his or her residence or employment;

(10) consent to a search of his or her person, property, or residence under his or her control;

(11) refrain from the use or possession of narcotics or other controlled substances in any form, or both, or any paraphernalia related to those substances and submit to a urinalysis test as instructed by a parole agent of the Department of Corrections or an aftercare specialist of the Department of Juvenile Justice;

(12) not frequent places where controlled substances are illegally sold, used, distributed, or administered;

(13) not knowingly associate with other persons on parole, aftercare release, or mandatory supervised release without prior written permission of his or her parole agent or aftercare specialist and not associate with persons who are members of an organized gang as that term is defined in the Illinois Streetgang Terrorism Omnibus Prevention Act;

(14) provide true and accurate information, as it relates to his or her adjustment in the community while on parole, aftercare release, or mandatory supervised release or to his or her conduct while incarcerated, in response to inquiries by his or her parole agent or of the Department of Corrections or by his or her aftercare specialist or of the Department of Juvenile Justice;

(15) follow any specific instructions provided by the parole agent or aftercare specialist that are consistent with furthering conditions set and approved by the Prisoner Review Board or by law, exclusive of placement on electronic detention, to achieve the goals and objectives of his or her parole, aftercare release, or mandatory supervised release or to protect the public. These instructions by the parole agent or aftercare specialist may be modified at any time, as the agent or aftercare specialist deems appropriate;

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(16) if convicted of a sex offense as defined in subsection (a-5) of Section 3-1-2 of this Code, unless the offender is a parent or guardian of the person under 18 years of age present in the home and no non-familial minors are present, not participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, being employed as a department store Santa Claus, or wearing an Easter Bunny costume on or preceding Easter;

(17) if convicted of a violation of an order of protection under Section 12-3.4 or Section 12-30 of the Criminal Code of 1961 or the Criminal Code of 2012, be placed under electronic surveillance as provided in Section 5-8A-7 of this Code;

(18) comply with the terms and conditions of an order of protection issued pursuant to the Illinois Domestic Violence Act of 1986; an order of protection issued by the court of another state, tribe, or United States territory; a no contact order issued pursuant to the Civil No Contact Order Act; or a no contact order issued pursuant to the Stalking No Contact Order Act; and

(19) if convicted of a violation of the Methamphetamine Control and Community Protection Act, the Methamphetamine Precursor Control Act, or a methamphetamine related offense, be:

(A) prohibited from purchasing, possessing, or having under his or her control any product containing pseudoephedrine unless prescribed by a physician; and

(B) prohibited from purchasing, possessing, or having under his or her control any product containing ammonium nitrate.

(b) The Board may in addition to other conditions require that the subject:

(1) work or pursue a course of study or vocational training;
(2) undergo medical or psychiatric treatment, or treatment for drug addiction or alcoholism;
(3) attend or reside in a facility established for the instruction or residence of persons on probation or parole;
(4) support his or her dependents;
(5) (blank);
(6) (blank);
(7) (blank);

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(7.5) if convicted for an offense committed on or after the effective date of this amendatory Act of the 95th General Assembly that would qualify the accused as a child sex offender as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of 1961 or the Criminal Code of 2012, refrain from communicating with or contacting, by means of the Internet, a person who is related to the accused and whom the accused reasonably believes to be under 18 years of age; for purposes of this paragraph (7.5), "Internet" has the meaning ascribed to it in Section 16-0.1 of the Criminal Code of 2012; and a person is related to the accused if the person is: (i) the spouse, brother, or sister of the accused; (ii) a descendant of the accused; (iii) a first or second cousin of the accused; or (iv) a stepchild or adopted child of the accused;

(7.6) if convicted for an offense committed on or after June 1, 2009 (the effective date of Public Act 95-983) that would qualify as a sex offense as defined in the Sex Offender Registration Act:

(i) not access or use a computer or any other device with Internet capability without the prior written approval of the Department;

(ii) submit to periodic unannounced examinations of the offender's computer or any other device with Internet capability by the offender's supervising agent or aftercare specialist, a law enforcement officer, or assigned computer or information technology specialist, including the retrieval and copying of all data from the computer or device and any internal or external peripherals and removal of such information, equipment, or device to conduct a more thorough inspection;

(iii) submit to the installation on the offender's computer or device with Internet capability, at the offender's expense, of one or more hardware or software systems to monitor the Internet use; and

(iv) submit to any other appropriate restrictions concerning the offender's use of or access to a computer or any other device with Internet capability imposed by the Board, the Department or the offender's supervising agent or aftercare specialist; and

(8) in addition, if a minor:

(i) reside with his or her parents or in a foster home;

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(ii) attend school;
(iii) attend a non-residential program for youth; or
(iv) contribute to his or her own support at home or in a foster home.

(b-1) In addition to the conditions set forth in subsections (a) and (b), persons required to register as sex offenders pursuant to the Sex Offender Registration Act, upon release from the custody of the Illinois Department of Corrections or Department of Juvenile Justice, may be required by the Board to comply with the following specific conditions of release:

1. reside only at a Department approved location;
2. comply with all requirements of the Sex Offender Registration Act;
3. notify third parties of the risks that may be occasioned by his or her criminal record;
4. obtain the approval of an agent of the Department of Corrections or the Department of Juvenile Justice prior to accepting employment or pursuing a course of study or vocational training and notify the Department prior to any change in employment, study, or training;
5. not be employed or participate in any volunteer activity that involves contact with children, except under circumstances approved in advance and in writing by an agent of the Department of Corrections or the Department of Juvenile Justice;
6. be electronically monitored for a minimum of 12 months from the date of release as determined by the Board;
7. refrain from entering into a designated geographic area except upon terms approved in advance by an agent of the Department of Corrections or the Department of Juvenile Justice. The terms may include consideration of the purpose of the entry, the time of day, and others accompanying the person;
8. refrain from having any contact, including written or oral communications, directly or indirectly, personally or by telephone, letter, or through a third party with certain specified persons including, but not limited to, the victim or the victim's family without the prior written approval of an agent of the Department of Corrections or the Department of Juvenile Justice;
9. refrain from all contact, directly or indirectly, personally, by telephone, letter, or through a third party, with minor

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children without prior identification and approval of an agent of the Department of Corrections or the Department of Juvenile Justice;

(10) neither possess or have under his or her control any material that is sexually oriented, sexually stimulating, or that shows male or female sex organs or any pictures depicting children under 18 years of age nude or any written or audio material describing sexual intercourse or that depicts or alludes to sexual activity, including but not limited to visual, auditory, telephonic, or electronic media, or any matter obtained through access to any computer or material linked to computer access use;

(11) not patronize any business providing sexually stimulating or sexually oriented entertainment nor utilize "900" or adult telephone numbers;

(12) not reside near, visit, or be in or about parks, schools, day care centers, swimming pools, beaches, theaters, or any other places where minor children congregate without advance approval of an agent of the Department of Corrections or the Department of Juvenile Justice and immediately report any incidental contact with minor children to the Department;

(13) not possess or have under his or her control certain specified items of contraband related to the incidence of sexually offending as determined by an agent of the Department of Corrections or the Department of Juvenile Justice;

(14) may be required to provide a written daily log of activities if directed by an agent of the Department of Corrections or the Department of Juvenile Justice;

(15) comply with all other special conditions that the Department may impose that restrict the person from high-risk situations and limit access to potential victims;

(16) take an annual polygraph exam;

(17) maintain a log of his or her travel; or

(18) obtain prior approval of his or her parole officer or aftercare specialist before driving alone in a motor vehicle.

(c) The conditions under which the parole, aftercare release, or mandatory supervised release is to be served shall be communicated to the person in writing prior to his or her release, and he or she shall sign the same before release. A signed copy of these conditions, including a copy of an order of protection where one had been issued by the criminal court,
shall be retained by the person and another copy forwarded to the officer or aftercare specialist in charge of his or her supervision.

(d) After a hearing under Section 3-3-9, the Prisoner Review Board may modify or enlarge the conditions of parole; aftercare release; or mandatory supervised release.

(e) The Department shall inform all offenders committed to the Department of the optional services available to them upon release and shall assist inmates in availing themselves of such optional services upon their release on a voluntary basis.

(f) (Blank).

(Source: P.A. 97-50, eff. 6-28-11; 97-531, eff. 1-1-12; 97-560, eff. 1-1-12; 97-597, eff. 1-1-12; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-558, eff. 1-1-14.)

(730 ILCS 5/3-3-8) (from Ch. 38, par. 1003-3-8)
Sec. 3-3-8. Length of parole, aftercare release, and mandatory supervised release; discharge.

(a) The length of parole for a person sentenced under the law in effect prior to the effective date of this amendatory Act of 1977 and the length of mandatory supervised release for those sentenced under the law in effect on and after such effective date shall be as set out in Section 5-8-1 unless sooner terminated under paragraph (b) of this Section. The aftercare release period of a juvenile committed to the Department under the Juvenile Court Act or the Juvenile Court Act of 1987 shall be as set out in Section 5-750 of the Juvenile Court Act of 1987 unless sooner terminated under paragraph (b) of this Section or under the Juvenile Court Act of 1987.

(b) The Prisoner Review Board may enter an order releasing and discharging one from parole; aftercare release; or mandatory supervised release, and his or her commitment to the Department, when it determines that he or she is likely to remain at liberty without committing another offense.

(b-1) Provided that the subject is in compliance with the terms and conditions of his or her parole, aftercare release; or mandatory supervised release, the Prisoner Review Board may reduce the period of a parolee's parole; aftercare release; or mandatory supervised release by 90 days upon the parolee or releasee receiving a high school diploma or upon passage of high school equivalency testing during the period of his or her parole; aftercare release; or mandatory supervised release. This reduction in the period of a subject's term of parole; aftercare release; or mandatory supervised release shall be as set out in Section 5-8-1.

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supervised release shall be available only to subjects who have not previously earned a high school diploma or who have not previously passed high school equivalency testing.

(c) The order of discharge shall become effective upon entry of the order of the Board. The Board shall notify the clerk of the committing court of the order. Upon receipt of such copy, the clerk shall make an entry on the record judgment that the sentence or commitment has been satisfied pursuant to the order.

(d) Rights of the person discharged under this Section shall be restored under Section 5-5-5. This Section is subject to Section 5-750 of the Juvenile Court Act of 1987.

(Source: P.A. 98-558, eff. 1-1-14; 98-718, eff. 1-1-15; 99-268, eff. 1-1-16.)

(730 ILCS 5/3-3-9) (from Ch. 38, par. 1003-3-9)

Sec. 3-3-9. Violations; changes of conditions; preliminary hearing; revocation of parole, aftercare release, or mandatory supervised release; revocation hearing.

(a) If prior to expiration or termination of the term of parole, aftercare release, or mandatory supervised release, a person violates a condition set by the Prisoner Review Board or a condition of parole, aftercare release, or mandatory supervised release under Section 3-3-7 of this Code to govern that term, the Board may:

(1) continue the existing term, with or without modifying or enlarging the conditions; or
(2) parole or release the person to a half-way house; or
(3) revoke the parole, aftercare release, or mandatory supervised release and reconfine the person for a term computed in the following manner:

(i) (A) For those sentenced under the law in effect prior to this amendatory Act of 1977, the recommitment shall be for any portion of the imposed maximum term of imprisonment or confinement which had not been served at the time of parole and the parole term, less the time elapsed between the parole of the person and the commission of the violation for which parole was revoked;

(B) Except as set forth in paragraph (C), for those subject to mandatory supervised release under paragraph (d) of Section 5-8-1 of this Code, the recommitment shall be for the total mandatory supervised release term, less the
time elapsed between the release of the person and the commission of the violation for which mandatory supervised release is revoked. The Board may also order that a prisoner serve up to one year of the sentence imposed by the court which was not served due to the accumulation of sentence credit;

(C) For those subject to sex offender supervision under clause (d)(4) of Section 5-8-1 of this Code, the reconfinement period for violations of clauses (a)(3) through (b-1)(15) of Section 3-3-7 shall not exceed 2 years from the date of reconfinement;

   (ii) the person shall be given credit against the term of reimprisonment or reconfinement for time spent in custody since he or she was paroled or released which has not been credited against another sentence or period of confinement;

   (iii) (blank); persons committed under the Juvenile Court Act or the Juvenile Court Act of 1987 may be continued under the existing term of aftercare release with or without modifying the conditions of aftercare release, released on aftercare release to a group home or other residential facility, or recommitted until the age of 21 unless sooner terminated;

   (iv) this Section is subject to the release under supervision and the reparole and rerelease provisions of Section 3-3-10.

(b) The Board may revoke parole, aftercare release, or mandatory supervised release for violation of a condition for the duration of the term and for any further period which is reasonably necessary for the adjudication of matters arising before its expiration. The issuance of a warrant of arrest for an alleged violation of the conditions of parole, aftercare release, or mandatory supervised release shall toll the running of the term until the final determination of the charge. When parole, aftercare release, or mandatory supervised release is not revoked that period shall be credited to the term, unless a community-based sanction is imposed as an alternative to revocation and reincarceration, including a diversion established by the Illinois Department of Corrections Parole Services Unit prior to the holding of a preliminary parole revocation hearing. Parolees

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who are diverted to a community-based sanction shall serve the entire term of parole or mandatory supervised release, if otherwise appropriate.

(b-5) The Board shall revoke parole, aftercare release, or mandatory supervised release for violation of the conditions prescribed in paragraph (7.6) of subsection (a) of Section 3-3-7.

(c) A person charged with violating a condition of parole, aftercare release, or mandatory supervised release shall have a preliminary hearing before a hearing officer designated by the Board to determine if there is cause to hold the person for a revocation hearing. However, no preliminary hearing need be held when revocation is based upon new criminal charges and a court finds probable cause on the new criminal charges or when the revocation is based upon a new criminal conviction and a certified copy of that conviction is available.

(d) Parole, aftercare release, or mandatory supervised release shall not be revoked without written notice to the offender setting forth the violation of parole, aftercare release, or mandatory supervised release charged against him or her.

(e) A hearing on revocation shall be conducted before at least one member of the Prisoner Review Board. The Board may meet and order its actions in panels of 3 or more members. The action of a majority of the panel shall be the action of the Board. In consideration of persons committed to the Department of Juvenile Justice, the member hearing the matter and at least a majority of the panel shall be experienced in juvenile matters. A record of the hearing shall be made. At the hearing the offender shall be permitted to:

(1) appear and answer the charge; and
(2) bring witnesses on his or her behalf.

(f) The Board shall either revoke parole, aftercare release, or mandatory supervised release or order the person's term continued with or without modification or enlargement of the conditions.

(g) Parole, aftercare release, or mandatory supervised release shall not be revoked for failure to make payments under the conditions of parole or release unless the Board determines that such failure is due to the offender's willful refusal to pay.

(Source: P.A. 97-697, eff. 6-22-12; 98-463, eff. 8-16-13; 98-558, eff. 1-1-14.)

(730 ILCS 5/3-3-9.5 new)

Sec. 3-3-9.5. Revocation of aftercare release; revocation hearing.
(a) If, prior to expiration or termination of the aftercare release term, a juvenile committed to the Department of Juvenile Justice under the Juvenile Court Act of 1987 violates a condition of release set by the Department under Section 3-2.5-95 of this Code, the Department may initiate revocation proceedings by issuing a violation warrant under Section 3-2.5-70 of this Code or by retaking of the releasee and returning him or her to a Department facility.

(b) The Department shall provide the releasee and the Prisoner Review Board with written notice of the alleged violation of aftercare release charged against him or her.

(c) The issuance of a warrant of arrest for an alleged violation of the conditions of aftercare release shall toll the running of the aftercare release term until the final determination of the alleged violation is made. If the Board finds that the youth has not violated a condition of aftercare release, that period shall be credited to the term.

(d) A person charged with violating a condition of aftercare release shall have a preliminary hearing before a hearing officer designated by the Board to determine if there is probable cause to hold the person for a revocation hearing. However, no preliminary hearing need be held when revocation is based upon new criminal charges and a court finds probable cause on the new criminal charges or when the revocation is based upon a new criminal conviction or a finding of delinquency and a certified copy of that conviction is available.

(e) At the preliminary hearing, the Board may order the releasee held in Department custody or released under supervision pending a final revocation decision of the Board. A youth who is held in Department custody, shall be released and discharged upon the expiration of the maximum term permitted under the Juvenile Court Act of 1987.

(f) A hearing on revocation shall be conducted before at least one member of the Prisoner Review Board. The Board may meet and order its actions in panels of 3 or more members. The action of a majority of the panel shall be the action of the Board. The member hearing the matter and at least a majority of the panel shall be experienced in juvenile matters. A record of the hearing shall be made. At the hearing the releasee shall be permitted to:

1. appear and answer the charge; and
2. bring witnesses on his or her behalf.

(g) If the Board finds that the juvenile has not violated a condition of aftercare release, the Board shall order the juvenile rereleased and

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aftercare release continued under the existing term and may make specific recommendations to the Department regarding appropriate conditions of release.

(h) If the Board finds that the juvenile has violated a condition of aftercare release, the Board shall either:

1. revoke aftercare release and order the juvenile reconfined; or
2. order the juvenile rereleased to serve a specified aftercare release term not to exceed the full term permitted under the Juvenile Court Act of 1987 and may make specific recommendations to the Department regarding appropriate conditions of rerelease.

(i) Aftercare release shall not be revoked for failure to make payments under the conditions of release unless the Board determines that the failure is due to the juvenile’s willful refusal to pay.

(730 ILCS 5/3-3-10) (from Ch. 38, par. 1003-3-10)

Sec. 3-3-10. Eligibility after Revocation; Release under Supervision.

(a) A person whose parole, aftercare release, or mandatory supervised release has been revoked may be reparoled or rereleased by the Board at any time to the full parole, aftercare release, or mandatory supervised release term under Section 3-3-8, except that the time which the person shall remain subject to the Board shall not exceed (1) the imposed maximum term of imprisonment or confinement and the parole term for those sentenced under the law in effect prior to the effective date of this amendatory Act of 1977 or (2) the term of imprisonment imposed by the court and the mandatory supervised release term for those sentenced under the law in effect on and after such effective date.

(b) If the Board sets no earlier release date:

1. A person sentenced for any violation of law which occurred before January 1, 1973, shall be released under supervision 6 months prior to the expiration of his or her maximum sentence of imprisonment less good time credit under Section 3-6-3.

2. Any person who has violated the conditions of his or her parole and been reconfined under Section 3-3-9 shall be released under supervision 6 months prior to the expiration of the term of his or her reconfinement under paragraph (a) of Section 3-3-9 less good time credit under Section 3-6-3. This paragraph shall

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not apply to persons serving terms of mandatory supervised release or aftercare release.

(3) Nothing herein shall require the release of a person who has violated his or her parole within 6 months of the date when his or her release under this Section would otherwise be mandatory.

(c) Persons released under this Section shall be subject to Sections 3-3-6, 3-3-7, 3-3-9, 3-14-1, 3-14-2, 3-14-2.5, 3-14-3, and 3-14-4.

(d) This Section shall not apply to a juvenile committed to the Department of Juvenile Justice under the Juvenile Court Act of 1987 serving terms of aftercare release.

(Source: P.A. 98-558, eff. 1-1-14; 99-268, eff. 1-1-16.)

Sec. 3-10-7. Interdepartmental Transfers.

(a) (Blank). In any case where a minor was originally prosecuted under the provisions of the Criminal Code of 1961 or the Criminal Code of 2012 and sentenced under the provisions of this Act pursuant to Section 2-7 of the Juvenile Court Act or Section 5-805 of the Juvenile Court Act of 1987 and committed to the Department of Juvenile Justice under Section 5-8-6, the Department of Juvenile Justice shall, within 30 days of the date that the minor reaches the age of 17, send formal notification to the sentencing court and the State's Attorney of the county from which the minor was sentenced indicating the day upon which the minor offender will achieve the age of 17. Within 90 days of receipt of that notice, the sentencing court shall conduct a hearing, pursuant to the provisions of subsection (c) of this Section to determine whether or not the minor shall continue to remain under the auspices of the Department of Juvenile Justice or be transferred to the Department of Corrections.

The minor shall be served with notice of the date of the hearing shall be present at the hearing, and has the right to counsel at the hearing. The minor, with the consent of his or her counsel or guardian may waive his presence at hearing.

(b) (Blank). Unless sooner paroled under Section 3-3-3, the confinement of a minor person committed for an indeterminate sentence in a criminal proceeding shall terminate at the expiration of the maximum term of imprisonment, and he shall thereupon be released to serve a period of parole under Section 5-8-1, but if the maximum term of imprisonment does not expire until after his 21st birthday, he shall continue to be subject to the control and custody of the Department of Juvenile Justice, and on his 21st birthday, he shall be transferred to the Department of Corrections.

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If such person is on parole on his 21st birthday, his parole supervision may be transferred to the Department of Corrections.

(c) (Blank). Any interdivisional transfer hearing conducted pursuant to subsection (a) of this Section shall consider all available information which may bear upon the issue of transfer. All evidence helpful to the court in determining the question of transfer, including oral and written reports containing hearsay, may be relied upon to the extent of its probative value, even though not competent for the purposes of an adjudicatory hearing. The court shall consider, along with any other relevant matter, the following:

1. The nature of the offense for which the minor was found guilty and the length of the sentence the minor has to serve and the record and previous history of the minor.

2. The record of the minor’s adjustment within the Department of Juvenile Justice, including, but not limited to, reports from the minor’s counselor, any escapes, attempted escapes or violent or disruptive conduct on the part of the minor, any tickets received by the minor, summaries of classes attended by the minor, and any record of work performed by the minor while in the institution.

3. The relative maturity of the minor based upon the physical, psychological and emotional development of the minor.

4. The record of the rehabilitative progress of the minor and an assessment of the vocational potential of the minor.

5. An assessment of the necessity for transfer of the minor, including, but not limited to, the availability of space within the Department of Corrections, the disciplinary and security problem which the minor has presented to the Department of Juvenile Justice and the practicability of maintaining the minor in a juvenile facility, whether resources have been exhausted within the Department of Juvenile Justice, the availability of rehabilitative and vocational programs within the Department of Corrections, and the anticipated ability of the minor to adjust to confinement within an adult institution based upon the minor’s physical size and maturity.

All relevant factors considered under this subsection need not be resolved against the juvenile in order to justify such transfer. Access to social records, probation reports or any other reports which are considered by the court for the purpose of transfer shall be made available to counsel.

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for the juvenile at least 30 days prior to the date of the transfer hearing. The Sentencing Court, upon granting a transfer order, shall accompany such order with a statement of reasons:

(d) (Blank). Whenever the Director of Juvenile Justice or his designee determines that the interests of safety, security and discipline require the transfer to the Department of Corrections of a person 17 years or older who was prosecuted under the provisions of the Criminal Code of 1961 or the Criminal Code of 2012 and sentenced under the provisions of this Act pursuant to Section 2-7 of the Juvenile Court Act or Section 5-805 of the Juvenile Court Act of 1987 and committed to the Department of Juvenile Justice under Section 5-8-6, the Director or his designee may authorize the emergency transfer of such person, unless the transfer of the person is governed by subsection (e) of this Section. The sentencing court shall be provided notice of any emergency transfer no later than 3 days after the emergency transfer. Upon motion brought within 60 days of the emergency transfer by the sentencing court or any party, the sentencing court may conduct a hearing pursuant to the provisions of subsection (e) of this Section in order to determine whether the person shall remain confined in the Department of Corrections:

(e) The Director of Juvenile Justice or his designee may authorize the permanent transfer to the Department of Corrections of any person 18 years or older who was prosecuted under the provisions of the Criminal Code of 1961 or the Criminal Code of 2012 and sentenced under the provisions of this Act pursuant to Section 2-7 of the Juvenile Court Act or Section 5-805 of the Juvenile Court Act of 1987 and committed to the Department of Juvenile Justice under Section 5-8-6 of this Act. The Director of Juvenile Justice or his designee shall be governed by the following factors in determining whether to authorize the permanent transfer of the person to the Department of Corrections:

1. The nature of the offense for which the person was found guilty and the length of the sentence the person has to serve and the record and previous history of the person:

2. The record of the person’s adjustment within the Department of Juvenile Justice, including, but not limited to, reports from the person’s counselor, any escapes, attempted escapes or violent or disruptive conduct on the part of the person, any tickets received by the person, summaries of classes attended by the person, and any record of work performed by the person while in the institution.

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3. The relative maturity of the person based upon the physical, psychological and emotional development of the person.

4. The record of the rehabilitative progress of the person and an assessment of the vocational potential of the person.

5. An assessment of the necessity for transfer of the person, including, but not limited to, the availability of space within the Department of Corrections, the disciplinary and security problem which the person has presented to the Department of Juvenile Justice and the practicability of maintaining the person in a juvenile facility; whether resources have been exhausted within the Department of Juvenile Justice, the availability of rehabilitative and vocational programs within the Department of Corrections; and the anticipated ability of the person to adjust to confinement within an adult institution based upon the person's physical size and maturity.

(Source: P.A. 97-1083, eff. 8-24-12; 97-1150, eff. 1-25-13.)
(730 ILCS 5/5-8-6) (from Ch. 38, par. 1005-8-6)

Sec. 5-8-6. Place of Confinement.

(a) Offenders sentenced to a term of imprisonment for a felony shall be committed to the penitentiary system of the Department of Corrections. However, such sentence shall not limit the powers of the Department of Children and Family Services in relation to any child under the age of one year in the sole custody of a person so sentenced, nor in relation to any child delivered by a female so sentenced while she is so confined as a consequence of such sentence. A person sentenced for a felony may be assigned by the Department of Corrections to any of its institutions, facilities or programs.

(b) Offenders sentenced to a term of imprisonment for less than one year shall be committed to the custody of the sheriff. A person committed to the Department of Corrections, prior to July 14, 1983, for less than one year may be assigned by the Department to any of its institutions, facilities or programs.

(c) All offenders under 18 years of age when sentenced to imprisonment shall be committed to the Department of Juvenile Justice and the court in its order of commitment shall set a definite term. Such order of commitment shall be the sentence of the court which may be amended by the court while jurisdiction is retained; and such sentence shall apply whenever the offender sentenced is in the control and custody of the Department of Corrections. The provisions of Section 3-3-3 shall be

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a part of such commitment as fully as though written in the order of commitment. The place of confinement for sentences imposed before the effective date of this amendatory Act of the 99th General Assembly are not affected or abated by this amendatory Act of the 99th General Assembly. The committing court shall retain jurisdiction of the subject matter and the person until he or she reaches the age of 21 unless earlier discharged. However, the Department of Juvenile Justice shall, after a juvenile has reached 17 years of age, petition the court to conduct a hearing pursuant to subsection (c) of Section 3-10-7 of this Code.

(d) No defendant shall be committed to the Department of Corrections for the recovery of a fine or costs.

(e) When a court sentences a defendant to a term of imprisonment concurrent with a previous and unexpired sentence of imprisonment imposed by any district court of the United States, it may commit the offender to the custody of the Attorney General of the United States. The Attorney General of the United States, or the authorized representative of the Attorney General of the United States, shall be furnished with the warrant of commitment from the court imposing sentence, which warrant of commitment shall provide that, when the offender is released from federal confinement, whether by parole or by termination of sentence, the offender shall be transferred by the Sheriff of the committing county to the Department of Corrections. The court shall cause the Department to be notified of such sentence at the time of commitment and to be provided with copies of all records regarding the sentence.

(Source: P.A. 94-696, eff. 6-1-06.)

(730 ILCS 5/5-8A-3) (from Ch. 38, par. 1005-8A-3)
Sec. 5-8A-3. Application.

(a) Except as provided in subsection (d), a person charged with or convicted of an excluded offense may not be placed in an electronic home detention program, except for bond pending trial or appeal or while on parole, aftercare release, or mandatory supervised release.

(b) A person serving a sentence for a conviction of a Class 1 felony, other than an excluded offense, may be placed in an electronic home detention program for a period not to exceed the last 90 days of incarceration.

(c) A person serving a sentence for a conviction of a Class X felony, other than an excluded offense, may be placed in an electronic home detention program for a period not to exceed the last 90 days of incarceration, provided that the person was sentenced on or after the
effective date of this amendatory Act of 1993 and provided that the court has not prohibited the program for the person in the sentencing order.

(d) A person serving a sentence for conviction of an offense other than for predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated criminal sexual abuse, or felony criminal sexual abuse, may be placed in an electronic home detention program for a period not to exceed the last 12 months of incarceration, provided that (i) the person is 55 years of age or older; (ii) the person is serving a determinate sentence; (iii) the person has served at least 25% of the sentenced prison term; and (iv) placement in an electronic home detention program is approved by the Prisoner Review Board or the Department of Juvenile Justice.

(e) A person serving a sentence for conviction of a Class 2, 3 or 4 felony offense which is not an excluded offense may be placed in an electronic home detention program pursuant to Department administrative directives.

(f) Applications for electronic home detention may include the following:

1. pretrial or pre-adjudicatory detention;
2. probation;
3. conditional discharge;
4. periodic imprisonment;
5. parole, aftercare release, or mandatory supervised release;
6. work release;
7. furlough; or
8. post-trial incarceration.

(g) A person convicted of an offense described in clause (4) or (5) of subsection (d) of Section 5-8-1 of this Code shall be placed in an electronic home detention program for at least the first 2 years of the person's mandatory supervised release term.

(Source: P.A. 98-558, eff. 1-1-14; 98-756, eff. 7-16-14.)

(730 ILCS 5/5-8A-7)

Sec. 5-8A-7. Domestic violence surveillance program. If the Prisoner Review Board, Department of Corrections, Department of Juvenile Justice, or court (the supervising authority) orders electronic surveillance as a condition of parole, aftercare release, mandatory supervised release, early release, probation, or conditional discharge for a violation of an order of protection or as a condition of bail for a person

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charged with a violation of an order of protection, the supervising authority shall use the best available global positioning technology to track domestic violence offenders. Best available technology must have real-time and interactive capabilities that facilitate the following objectives: (1) immediate notification to the supervising authority of a breach of a court ordered exclusion zone; (2) notification of the breach to the offender; and (3) communication between the supervising authority, law enforcement, and the victim, regarding the breach.

(Source: P.A. 98-558, eff. 1-1-14.)

Section 35. The Open Parole Hearings Act is amended by changing Sections 5, 10, 15, and 20 as follows:

(730 ILCS 105/5) (from Ch. 38, par. 1655)
Sec. 5. Definitions. As used in this Act:
(a) "Applicant" means an inmate who is being considered for parole or aftercare release by the Prisoner Review Board.
(a-1) "Aftercare releasee" means a person released from the Department of Juvenile Justice on aftercare release subject to aftercare revocation proceedings.
(b) "Board" means the Prisoner Review Board as established in Section 3-3-1 of the Unified Code of Corrections.
(c) "Parolee" means a person subject to parole revocation proceedings.
(d) "Parole or aftercare release hearing" means the formal hearing and determination of an inmate being considered for release from incarceration on parole community supervision.
(e) "Parole, aftercare release, or mandatory supervised release revocation hearing" means the formal hearing and determination of allegations that a parolee, aftercare releasee, or mandatory supervised releasee has violated the conditions of his or her release agreement.
(f) "Victim" means a victim or witness of a violent crime as defined in subsection (a) of Section 3 of the Bill of Rights for Victims and Witnesses of Violent Crime Act, or any person legally related to the victim by blood, marriage, adoption, or guardianship, or any friend of the victim, or any concerned citizen.
(g) "Violent crime" means a crime defined in subsection (c) of Section 3 of the Bill of Rights for Victims and Witnesses of Violent Crime Act.

(Source: P.A. 97-299, eff. 8-11-11; 98-558, eff. 1-1-14.)
(730 ILCS 105/10) (from Ch. 38, par. 1660)

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Sec. 10. Victim's statements.
   (a) Upon request of the victim, the State's Attorney shall forward a copy of any statement presented at the time of trial to the Prisoner Review Board to be considered at the time of a parole or aftercare release hearing.
   (b) The victim may enter a statement either oral, written, on video tape, or other electronic means in the form and manner described by the Prisoner Review Board to be considered at the time of a parole or aftercare release consideration hearing.
(Source: P.A. 98-558, eff. 1-1-14.)

Sec. 15. Open hearings.
   (a) The Board may restrict the number of individuals allowed to attend parole or aftercare release, or parole or aftercare release revocation hearings in accordance with physical limitations, security requirements of the hearing facilities or those giving repetitive or cumulative testimony. The Board may also restrict attendance at an aftercare release or aftercare release revocation hearing in order to protect the confidentiality of the youth.
   (b) The Board may deny admission or continued attendance at parole or aftercare release hearings, or parole or aftercare release revocation hearings to individuals who:
      (1) threaten or present danger to the security of the institution in which the hearing is being held;
      (2) threaten or present a danger to other attendees or participants; or
      (3) disrupt the hearing.
   (c) Upon formal action of a majority of the Board members present, the Board may close parole or aftercare release hearings and parole or aftercare release revocation hearings in order to:
      (1) deliberate upon the oral testimony and any other relevant information received from applicants, parolees, releasees, victims, or others; or
      (2) provide applicants, releasees, and parolees the opportunity to challenge information other than that which if the person's identity were to be exposed would possibly subject them to bodily harm or death, which they believe detrimental to their parole or aftercare release determination hearing or revocation proceedings.
(Source: P.A. 98-558, eff. 1-1-14.)

New matter indicated by italics - deletions by strikeout
Sec. 20. Finality of Board decisions. A Board decision concerning parole or aftercare release, or parole or aftercare release revocation shall be final at the time the decision is delivered to the inmate, subject to any rehearing granted under Board rules.

(Source: P.A. 98-558, eff. 1-1-14.)

Passed in the General Assembly May 19, 2016.
Approved July 25, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0629
(Senate Bill No. 2876)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Code of Criminal Procedure of 1963 is amended by changing Section 111-4 as follows:

Sec. 111-4. Joinder of offenses and defendants.
(a) Two or more offenses may be charged in the same indictment, information or complaint in a separate count for each offense if the offenses charged, whether felonies or misdemeanors or both, are based on the same act or on 2 or more acts which are part of the same comprehensive transaction.

(b) Two or more defendants may be charged in the same indictment, information or complaint if they are alleged to have participated in the same act or in the same comprehensive transaction out of which the offense or offenses arose. Such defendants may be charged in one or more counts together or separately and all of the defendants need not be charged in each count.

(c) Two or more acts or transactions in violation of any provision or provisions of Sections 8A-2, 8A-3, 8A-4, 8A-4A and 8A-5 of the Illinois Public Aid Code, Section 14 of the Illinois Wage Payment and Collection Act, Sections 16-1, 16-1.3, 16-2, 16-3, 16-5, 16-7, 16-8, 16-10, 16-25, 16-30, 16A-3, 16B-2, 16G-15, 16G-20, 16H-15, 16H-20, 16H-25, 16H-30, 16H-45, 16H-50, 16H-55, 17-1, 17-3, 17-6, 17-30, 17-56, or 17-60, or 29B-1, or item (ii) of subsection (a) or (b) of Section 17-9, or subdivision (a)(2) of Section 17-10.5, or subsection (a), (b), (c), (d), (g),

New matter indicated by italics - deletions by strikeout
(h), or (i) of Section 17-10.6, or subsection (a) of Section 17-32 of the
Criminal Code of 1961 or the Criminal Code of 2012 and Section 118 of
Division I of the Criminal Jurisprudence Act, may be charged as a single
offense in a single count of the same indictment, information or complaint,
if such acts or transactions by one or more defendants are in furtherance of
a single intention and design or if the property, labor or services obtained
are of the same person or are of several persons having a common interest
in such property, labor or services. In such a charge, the period between
the dates of the first and the final such acts or transactions may be alleged
as the date of the offense and, if any such act or transaction by any
defendant was committed in the county where the prosecution was
commenced, such county may be alleged as the county of the offense.
(Source: P.A. 96-354, eff. 8-13-09; 96-1207, eff. 7-22-10; 96-1407, eff. 1-
1-11; 96-1551, eff. 7-1-11; 97-333, eff. 8-12-11; 97-597, eff. 1-1-12; 97-
1150, eff. 1-25-13.)
Passed in the General Assembly May 23, 2016.
Approved July 22, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0630
(Senate Bill No. 2880)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The Code of Criminal Procedure of 1963 is amended by
changing Section 106B-5 as follows:
(725 ILCS 5/106B-5)
Sec. 106B-5. Testimony by a victim who is a child or a person with
a moderate, severe, or profound intellectual disability or a person affected
by a developmental disability.
(a) In a proceeding in the prosecution of an offense of criminal
sexual assault, predatory criminal sexual assault of a child, aggravated
criminal sexual assault, criminal sexual abuse, or aggravated criminal
sexual abuse, aggravated battery, or aggravated domestic battery, a court
may order that the testimony of a victim who is a child under the age of 18
years or a person with a moderate, severe, or profound intellectual
disability or a person affected by a developmental disability be taken

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outside the courtroom and shown in the courtroom by means of a closed circuit television if:

(1) the testimony is taken during the proceeding; and
(2) the judge determines that testimony by the child victim or victim with a moderate, severe, or profound intellectual disability or victim affected by a developmental disability in the courtroom will result in the child or person with a moderate, severe, or profound intellectual disability or person affected by a developmental disability suffering serious emotional distress such that the child or person with a moderate, severe, or profound intellectual disability or person affected by a developmental disability cannot reasonably communicate or that the child or person with a moderate, severe, or profound intellectual disability or person affected by a developmental disability will suffer severe emotional distress that is likely to cause the child or person with a moderate, severe, or profound intellectual disability or person affected by a developmental disability to suffer severe adverse effects.

(b) Only the prosecuting attorney, the attorney for the defendant, and the judge may question the child or person with a moderate, severe, or profound intellectual disability or person affected by a developmental disability.

(c) The operators of the closed circuit television shall make every effort to be unobtrusive.

(d) Only the following persons may be in the room with the child or person with a moderate, severe, or profound intellectual disability or person affected by a developmental disability when the child or person with a moderate, severe, or profound intellectual disability or person affected by a developmental disability testifies by closed circuit television:

(1) the prosecuting attorney;
(2) the attorney for the defendant;
(3) the judge;
(4) the operators of the closed circuit television equipment;

and

(5) any person or persons whose presence, in the opinion of the court, contributes to the well-being of the child or person with a moderate, severe, or profound intellectual disability or person affected by a developmental disability, including a person who has dealt with the child in a therapeutic setting concerning the abuse, a

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parent or guardian of the child or person with a moderate, severe, or profound intellectual disability or person affected by a developmental disability, and court security personnel.

(e) During the child's or person with a moderate, severe, or profound intellectual disability or person affected by a developmental disability's testimony by closed circuit television, the defendant shall be in the courtroom and shall not communicate with the jury if the cause is being heard before a jury.

(f) The defendant shall be allowed to communicate with the persons in the room where the child or person with a moderate, severe, or profound intellectual disability or person affected by a developmental disability is testifying by any appropriate electronic method.

(g) The provisions of this Section do not apply if the defendant represents himself pro se.

(h) This Section may not be interpreted to preclude, for purposes of identification of a defendant, the presence of both the victim and the defendant in the courtroom at the same time.

(i) This Section applies to prosecutions pending on or commenced on or after the effective date of this amendatory Act of 1994.

(j) For the purposes of this Section, "developmental disability" includes, but is not limited to, cerebral palsy, epilepsy, and autism.

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

Passed in the General Assembly May 23, 2016.
Approved July 22, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0631
(Senate Bill No. 2907)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 2012 is amended by changing Sections 21-1, 21-1.2, and 21-1.3 as follows:
(720 ILCS 5/21-1) (from Ch. 38, par. 21-1)
Sec. 21-1. Criminal damage to property.
(a) A person commits criminal damage to property when he or she:
   (1) knowingly damages any property of another;

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(2) recklessly by means of fire or explosive damages property of another;
(3) knowingly starts a fire on the land of another;
(4) knowingly injures a domestic animal of another without his or her consent;
(5) knowingly deposits on the land or in the building of another any stink bomb or any offensive smelling compound and thereby intends to interfere with the use by another of the land or building;
(6) knowingly damages any property, other than as described in paragraph (2) of subsection (a) of Section 20-1, with intent to defraud an insurer;
(7) knowingly shoots a firearm at any portion of a railroad train;
(8) knowingly, without proper authorization, cuts, injures, damages, defaces, destroys, or tampers with any fire hydrant or any public or private fire fighting equipment, or any apparatus appertaining to fire fighting equipment; or
(9) intentionally, without proper authorization, opens any fire hydrant.
(b) When the charge of criminal damage to property exceeding a specified value is brought, the extent of the damage is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding the specified value.
(c) It is an affirmative defense to a violation of paragraph (1), (3), or (5) of subsection (a) of this Section that the owner of the property or land damaged consented to the damage.
(d) Sentence.
   (1) A violation of subsection (a) shall have the following penalties:
      (A) A violation of paragraph (8) or (9) is a Class B misdemeanor.
      (B) A violation of paragraph (1), (2), (3), (5), or (6) is a Class A misdemeanor when the damage to property does not exceed $500 $300.
      (C) A violation of paragraph (1), (2), (3), (5), or (6) is a Class 4 felony when the damage to property does not exceed $500 $300 and the damage occurs to property of a school or place of worship or to farm equipment or
immovable items of agricultural production, including but not limited to grain elevators, grain bins, and barns or property which memorializes or honors an individual or group of police officers, fire fighters, members of the United States Armed Forces, National Guard, or veterans.

(D) A violation of paragraph (4) is a Class 4 felony when the damage to property does not exceed $10,000.

(E) A violation of paragraph (7) is a Class 4 felony.

(F) A violation of paragraph (1), (2), (3), (5) or (6) is a Class 4 felony when the damage to property exceeds $500 but does not exceed $10,000.

(G) A violation of paragraphs (1) through (6) is a Class 3 felony when the damage to property exceeds $500 but does not exceed $10,000 and the damage occurs to property of a school or place of worship or to farm equipment or immovable items of agricultural production, including but not limited to grain elevators, grain bins, and barns or property which memorializes or honors an individual or group of police officers, fire fighters, members of the United States Armed Forces, National Guard, or veterans.

(H) A violation of paragraphs (1) through (6) is a Class 3 felony when the damage to property exceeds $10,000 but does not exceed $100,000.

(I) A violation of paragraphs (1) through (6) is a Class 2 felony when the damage to property exceeds $10,000 but does not exceed $100,000 and the damage occurs to property of a school or place of worship or to farm equipment or immovable items of agricultural production, including but not limited to grain elevators, grain bins, and barns or property which memorializes or honors an individual or group of police officers, fire fighters, members of the United States Armed Forces, National Guard, or veterans.

(J) A violation of paragraphs (1) through (6) is a Class 2 felony when the damage to property exceeds $100,000. A violation of paragraphs (1) through (6) is a Class 1 felony when the damage to property exceeds $100,000 and the damage occurs to property of a school or
place of worship or to farm equipment or immovable items of agricultural production, including but not limited to grain elevators, grain bins, and barns or property which memorializes or honors an individual or group of police officers, fire fighters, members of the United States Armed Forces, National Guard, or veterans.

(2) When the damage to property exceeds $10,000, the court shall impose upon the offender a fine equal to the value of the damages to the property.

(3) In addition to any other sentence that may be imposed, a court shall order any person convicted of criminal damage to property to perform community service for not less than 30 and not more than 120 hours, if community service is available in the jurisdiction and is funded and approved by the county board of the county where the offense was committed. In addition, whenever any person is placed on supervision for an alleged offense under this Section, the supervision shall be conditioned upon the performance of the community service.

The community service requirement does not apply when the court imposes a sentence of incarceration.

(4) In addition to any criminal penalties imposed for a violation of this Section, if a person is convicted of or placed on supervision for knowingly damaging or destroying crops of another, including crops intended for personal, commercial, research, or developmental purposes, the person is liable in a civil action to the owner of any crops damaged or destroyed for money damages up to twice the market value of the crops damaged or destroyed.

(5) For the purposes of this subsection (d), "farm equipment" means machinery or other equipment used in farming.

(Source: P.A. 97-1108, eff. 1-1-13; 98-315, eff. 1-1-14.)

(720 ILCS 5/21-1.2) (from Ch. 38, par. 21-1.2)
Sec. 21-1.2. Institutional vandalism.

(a) A person commits institutional vandalism when, by reason of the actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin of another individual or group of individuals, regardless of the existence of any other motivating factor or factors, he or she knowingly and without consent inflicts damage to any of the following properties:

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(1) A church, synagogue, mosque, or other building, structure or place used for religious worship or other religious purpose;
(2) A cemetery, mortuary, or other facility used for the purpose of burial or memorializing the dead;
(3) A school, educational facility or community center;
(4) The grounds adjacent to, and owned or rented by, any institution, facility, building, structure or place described in paragraphs (1), (2) or (3) of this subsection (a); or
(5) Any personal property contained in any institution, facility, building, structure or place described in paragraphs (1), (2) or (3) of this subsection (a).

(b) Sentence.

(1) Institutional vandalism is a Class 3 felony when the damage to the property does not exceed $500 $300. Institutional vandalism is a Class 2 felony when the damage to the property exceeds $500 $300. Institutional vandalism is a Class 2 felony for any second or subsequent offense.
(2) Upon imposition of any sentence, the trial court shall also either order restitution paid to the victim or impose a fine up to $1,000. In addition, any order of probation or conditional discharge entered following a conviction or an adjudication of delinquency shall include a condition that the offender perform public or community service of no less than 200 hours if that service is established in the county where the offender was convicted of institutional vandalism. The court may also impose any other condition of probation or conditional discharge under this Section.
(c) Independent of any criminal prosecution or the result of that prosecution, a person suffering damage to property or injury to his or her person as a result of institutional vandalism may bring a civil action for damages, injunction or other appropriate relief. The court may award actual damages, including damages for emotional distress, or punitive damages. A judgment may include attorney's fees and costs. The parents or legal guardians of an unemancipated minor, other than guardians appointed under the Juvenile Court Act or the Juvenile Court Act of 1987, shall be liable for the amount of any judgment for actual damages rendered against the minor under this subsection in an amount not exceeding the amount provided under Section 5 of the Parental Responsibility Law.

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(d) As used in this Section, "sexual orientation" has the meaning ascribed to it in paragraph (O-1) of Section 1-103 of the Illinois Human Rights Act.
(Source: P.A. 99-77, eff. 1-1-16.)

(720 ILCS 5/21-1.3)
Sec. 21-1.3. Criminal defacement of property.
(a) A person commits criminal defacement of property when the person knowingly damages the property of another by defacing, deforming, or otherwise damaging the property by the use of paint or any other similar substance, or by the use of a writing instrument, etching tool, or any other similar device. It is an affirmative defense to a violation of this Section that the owner of the property damaged consented to such damage.

(b) Sentence.
(1) Criminal defacement of property is a Class A misdemeanor for a first offense when the aggregate value of the damage to the property does not exceed $500 $300. Criminal defacement of property is a Class 4 felony when the aggregate value of the damage to property does not exceed $500 $300 and the property damaged is a school building or place of worship or property which memorializes or honors an individual or group of police officers, fire fighters, members of the United States Armed Forces or National Guard, or veterans. Criminal defacement of property is a Class 4 felony for a second or subsequent conviction or when the aggregate value of the damage to the property exceeds $500 $300. Criminal defacement of property is a Class 3 felony when the aggregate value of the damage to property exceeds $500 $300 and the property damaged is a school building or place of worship or property which memorializes or honors an individual or group of police officers, fire fighters, members of the United States Armed Forces or National Guard, or veterans.

(2) In addition to any other sentence that may be imposed for a violation of this Section, a person convicted of criminal defacement of property shall:

(A) pay the actual costs incurred by the property owner or the unit of government to abate, remediate, repair, or remove the effect of the damage to the property. To the extent permitted by law, reimbursement for the costs of abatement, remediation, repair, or removal shall be payable to the person who incurred the costs; and

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(B) if convicted of criminal defacement of property that is chargeable as a Class 3 or Class 4 felony, pay a mandatory minimum fine of $500.

(3) In addition to any other sentence that may be imposed, a court shall order any person convicted of criminal defacement of property to perform community service for not less than 30 and not more than 120 hours, if community service is available in the jurisdiction. The community service shall include, but need not be limited to, the cleanup and repair of the damage to property that was caused by the offense, or similar damage to property located in the municipality or county in which the offense occurred. When the property damaged is a school building, the community service may include cleanup, removal, or painting over the defacement. In addition, whenever any person is placed on supervision for an alleged offense under this Section, the supervision shall be conditioned upon the performance of the community service.

(4) For the purposes of this subsection (b), aggregate value shall be determined by adding the value of the damage to one or more properties if the offenses were committed as part of a single course of conduct.

(Source: P.A. 97-1108, eff. 1-1-13; 98-315, eff. 1-1-14; 98-466, eff. 8-16-13; 98-756, eff. 7-16-14.)

Passed in the General Assembly May 23, 2016.
Approved July 22, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0632
(Senate Bill No. 2984)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Electrologist Licensing Act is amended by changing Section 30 as follows:
(225 ILCS 412/30)
(Section scheduled to be repealed on January 1, 2024)
Sec. 30. Qualifications for licensure. A person shall be qualified for licensure as an electrologist if that person has met all of the following requirements:

(1) Has applied in writing on the prescribed forms and has paid the required fees.

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(2) Has not violated any of the provisions of Section 75 of this Act or the rules promulgated under this Act. The Department shall take into consideration any felony conviction of the applicant, but a conviction shall not operate as an absolute bar to licensure.

(3) Is at least 18 years of age.

(4) Has received his or her high school diploma or equivalent.

(5) Has completed a total of 600 hours in the study of electrology over a period of not less than 16 weeks nor more than 42 consecutive years at a program approved by the Department. Upon approval by the Department, time spent in such study under the laws of another state or territory of the United States or of a foreign country or province shall be credited toward the period of study required by the provisions of this paragraph. If an applicant completed a program before December 31, 2003, the program may be less than 600 hours if it is approved by the Department.

(6) Has successfully completed an examination approved by the Department that tests the applicant's knowledge of the theory and clinical practice of electrology.

(6) New matter indicated by italics - deletions by strikeout

Passed in the General Assembly May 12, 2016.
Approved July 22, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0633
(Senate Bill No. 2985)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Genetic Counselor Licensing Act is amended by changing Sections 10, 20, and 95 as follows:

(225 ILCS 135/10)
(Section scheduled to be repealed on January 1, 2025)
Sec. 10. Definitions. As used in this Act:
"ABGC" means the American Board of Genetic Counseling.
"ABMG" means the American Board of Medical Genetics.

New matter indicated by italics - deletions by strikeout
"Active candidate status" is awarded to applicants who have received approval from the ABGC or ABMG to sit for their respective certification examinations.

"Address of record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file as maintained by the Department's licensure maintenance unit. It is the duty of the applicant or licensee to inform the Department of any change of address, and those changes must be made either through the Department's website or by contacting the Department.

"Department" means the Department of Financial and Professional Regulation.

"Genetic anomaly" means a variation in an individual's DNA that has been shown to confer a genetically influenced disease or predisposition to a genetically influenced disease or makes a person a carrier of such variation. A "carrier" of a genetic anomaly means a person who may or may not have a predisposition or risk of incurring a genetically influenced condition and who is at risk of having offspring with a genetically influenced condition.

"Genetic counseling" means the provision of services, which may include the ordering of genetic tests, pursuant to a referral, to individuals, couples, groups, families, and organizations by one or more appropriately trained individuals to address the physical and psychological issues associated with the occurrence or risk of occurrence or recurrence of a genetic disorder, birth defect, disease, or potentially inherited or genetically influenced condition in an individual or a family. "Genetic counseling" consists of the following:

(A) Estimating the likelihood of occurrence or recurrence of a birth defect or of any potentially inherited or genetically influenced condition. This assessment may involve:

(i) obtaining and analyzing a complete health history of the person and his or her family;
(ii) reviewing pertinent medical records;
(iii) evaluating the risks from exposure to possible mutagens or teratogens;
(iv) recommending genetic testing or other evaluations to diagnose a condition or determine the carrier status of one or more family members;

(B) Helping the individual, family, health care provider, or health care professional (i) appreciate the medical, psychological

New matter indicated by italics - deletions by strikeout
and social implications of a disorder, including its features, variability, usual course and management options, (ii) learn how genetic factors contribute to the disorder and affect the chance for recurrence of the condition in other family members, and (iii) understand available options for coping with, preventing, or reducing the chance of occurrence or recurrence of a condition.

(C) Facilitating an individual's or family's (i) exploration of the perception of risk and burden associated with the disorder and (ii) adjustment and adaptation to the condition or their genetic risk by addressing needs for psychological, social, and medical support. "Genetic counselor" means a person licensed under this Act to engage in the practice of genetic counseling.

"Genetic testing" and "genetic test" mean a test or analysis of human genes, gene products, DNA, RNA, chromosomes, proteins, or metabolites that detects genotypes, mutations, chromosomal changes, abnormalities, or deficiencies, including carrier status, that (i) are linked to physical or mental disorders or impairments, (ii) indicate a susceptibility to illness, disease, impairment, or other disorders, whether physical or mental, or (iii) demonstrate genetic or chromosomal damage due to environmental factors. "Genetic testing" and "genetic tests" do not include routine physical measurements; chemical, blood and urine analyses that are widely accepted and in use in clinical practice; tests for use of drugs; tests for the presence of the human immunodeficiency virus; analyses of proteins or metabolites that do not detect genotypes, mutations, chromosomal changes, abnormalities, or deficiencies; or analyses of proteins or metabolites that are directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved.

"Person" means an individual, association, partnership, or corporation.

"Qualified supervisor" means any person who is a licensed genetic counselor, as defined by rule, or a physician licensed to practice medicine in all its branches. A qualified supervisor may be provided at the applicant's place of work, or may be contracted by the applicant to provide supervision. The qualified supervisor shall file written documentation with the Department of employment, discharge, or supervisory control of a genetic counselor at the time of employment, discharge, or assumption of supervision of a genetic counselor.

New matter indicated by italics - deletions by strikeout
"Referral" means a written or telecommunicated authorization for genetic counseling services from a physician licensed to practice medicine in all its branches, a licensed advanced practice nurse, or a licensed physician assistant.

"Secretary" means the Secretary of Financial and Professional Regulation.

"Supervision" means review of aspects of genetic counseling and case management in a bimonthly meeting with the person under supervision.

(Source: P.A. 98-813, eff. 1-1-15; 99-173, eff. 7-29-15.)

(225 ILCS 135/20)

(Section scheduled to be repealed on January 1, 2025)

Sec. 20. Restrictions and limitations.

(a) Except as provided in Section 15, no person shall, without a valid license as a genetic counselor issued by the Department (i) in any manner hold himself or herself out to the public as a genetic counselor under this Act; (ii) use in connection with his or her name or place of business the title "genetic counselor", "licensed genetic counselor", "gene counselor", "genetic consultant", or "genetic associate" or any words, letters, abbreviations, or insignia indicating or implying a person has met the qualifications for or has the license issued under this Act; or (iii) offer to render or render to individuals, corporations, or the public genetic counseling services if the words "genetic counselor" or "licensed genetic counselor" are used to describe the person offering to render or rendering them, or "genetic counseling" is used to describe the services rendered or offered to be rendered.

(b) (Blank). No licensed genetic counselor may provide genetic counseling to individuals, couples, groups, or families without a referral from a physician licensed to practice medicine in all its branches, an advanced practice nurse, or a licensed physician assistant. The physician, advanced practice nurse, or physician assistant shall maintain supervision of the patient and be provided timely written reports on the services, including genetic testing results, provided by the licensed genetic counselor. Genetic testing shall be ordered by a physician licensed to practice medicine in all its branches or a genetic counselor pursuant to a referral that gives the specific authority to order genetic tests. Genetic test results and reports shall be provided to the referring physician, advanced practice nurse, or physician assistant. General seminars or talks to groups or organizations on genetic counseling that do not include individual,

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couple, or family specific counseling may be conducted without a referral. In clinical settings, genetic counselors who serve as a liaison between family members of a patient and a genetic research project, may, with the consent of the patient, provide information to family members for the purpose of gathering additional information, as it relates to the patient, without a referral. In non-clinical settings where no patient is being treated, genetic counselors who serve as a liaison between a genetic research project and participants in that genetic research project may provide information to the participants, without a referral.

(c) No association or partnership shall practice genetic counseling unless every member, partner, and employee of the association or partnership who practices genetic counseling or who renders genetic counseling services holds a valid license issued under this Act. No license shall be issued to a corporation, the stated purpose of which includes or which practices or which holds itself out as available to practice genetic counseling, unless it is organized under the Professional Service Corporation Act.

(d) Nothing in this Act shall be construed as permitting persons licensed as genetic counselors to engage in any manner in the practice of medicine in all its branches as defined by law in this State.

(e) Nothing in this Act shall be construed to authorize a licensed genetic counselor to diagnose, test (unless authorized in a referral), or treat any genetic or other disease or condition.

(f) When, in the course of providing genetic counseling services to any person, a genetic counselor licensed under this Act finds any indication of a disease or condition that in his or her professional judgment requires professional service outside the scope of practice as defined in this Act, he or she shall refer that person to a physician licensed to practice medicine in all of its branches.

(Source: P.A. 98-813, eff. 1-1-15; 99-173, eff. 7-29-15.)

(225 ILCS 135/95)
(Section scheduled to be repealed on January 1, 2025)
Sec. 95. Grounds for discipline.
(a) The Department may refuse to issue, renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary or non-disciplinary action as the Department deems appropriate, including the issuance of fines not to exceed $10,000 for each violation, with regard to any license for any one or more of the following:

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

(2) Violations or negligent or intentional disregard of this Act, or any of its rules.

(3) Conviction by plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or sentencing, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge, or first offender probation, under the laws of any jurisdiction of the United States: (i) that is a felony or (ii) that is a misdemeanor, an essential element of which is dishonesty, or that is directly related to the practice of genetic counseling.

(4) Making any misrepresentation for the purpose of obtaining a license, or violating any provision of this Act or its rules.

(5) Negligence in the rendering of genetic counseling services.

(6) Failure to provide genetic testing results and any requested information to a referring physician licensed to practice medicine in all its branches, advanced practice nurse, or physician assistant.

(7) Aiding or assisting another person in violating any provision of this Act or any rules.

(8) Failing to provide information within 60 days in response to a written request made by the Department.

(9) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public and violating the rules of professional conduct adopted by the Department.

(10) Failing to maintain the confidentiality of any information received from a client, unless otherwise authorized or required by law.

(10.5) Failure to maintain client records of services provided and provide copies to clients upon request.

(11) Exploiting a client for personal advantage, profit, or interest.

(12) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug which results in inability to practice with reasonable skill, judgment, or safety.

New matter indicated by italics - deletions by strikeout
(13) Discipline by another governmental agency or unit of government, by any jurisdiction of the United States, or by a foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section.

(14) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any professional service not actually rendered. Nothing in this paragraph (14) affects any bona fide independent contractor or employment arrangements among health care professionals, health facilities, health care providers, or other entities, except as otherwise prohibited by law. Any employment arrangements may include provisions for compensation, health insurance, pension, or other employment benefits for the provision of services within the scope of the licensee's practice under this Act. Nothing in this paragraph (14) shall be construed to require an employment arrangement to receive professional fees for services rendered.

(15) A finding by the Department that the licensee, after having the license placed on probationary status has violated the terms of probation.

(16) Failing to refer a client to other health care professionals when the licensee is unable or unwilling to adequately support or serve the client.

(17) Willfully filing false reports relating to a licensee's practice, including but not limited to false records filed with federal or State agencies or departments.

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

(19) Being named as a perpetrator in an indicated report by the Department of Children and Family Services pursuant to the Abused and Neglected Child Reporting Act, and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act.

(20) Physical or mental disability, including deterioration through the aging process or loss of abilities and skills which results in the inability to practice the profession with reasonable judgment, skill, or safety.

New matter indicated by italics - deletions by strikeout
(21) Solicitation of professional services by using false or misleading advertising.

(22) Failure to file a return, or to pay the tax, penalty of interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue or any successor agency or the Internal Revenue Service or any successor agency.

(23) Fraud or making any misrepresentation in applying for or procuring a license under this Act or in connection with applying for renewal of a license under this Act.

(24) Practicing or attempting to practice under a name other than the full name as shown on the license or any other legally authorized name.

(25) Gross overcharging for professional services, including filing statements for collection of fees or monies for which services are not rendered.

(26) (Blank). Providing genetic counseling services to individuals, couples, groups, or families without a referral from either a physician licensed to practice medicine in all its branches, a licensed advanced practice nurse, or a licensed physician assistant.

(27) Charging for professional services not rendered, including filing false statements for the collection of fees for which services are not rendered.

(28) Allowing one's license under this Act to be used by an unlicensed person in violation of this Act.

(b) The Department shall deny, without hearing, any application or renewal for a license under this Act to any person who has defaulted on an educational loan guaranteed by the Illinois State Assistance Commission; however, the Department may issue a license or renewal if the person in default has established a satisfactory repayment record as determined by the Illinois Student Assistance Commission.

(c) The determination by a court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code will result in an automatic suspension of his or her license. The suspension will end upon a finding by a court that the licensee is no longer subject to involuntary admission or judicial admission, the issuance of an order so finding and discharging the
(d) The Department may refuse to issue or renew or may suspend without hearing the license of any person who fails to file a return, to pay the tax penalty or interest shown in a filed return, or to pay any final assessment of the tax, penalty, or interest as required by any Act regarding the payment of taxes administered by the Illinois Department of Revenue until the requirements of the Act are satisfied in accordance with subsection (g) of Section 2105-15 of the Civil Administrative Code of Illinois.

(e) In cases where the Department of Healthcare and Family Services has previously determined that a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the Department, the Department may refuse to issue or renew or may revoke or suspend that person's license or may take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Healthcare and Family Services in accordance with item (5) of subsection (a) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(f) All fines or costs imposed under this Section shall be paid within 60 days after the effective date of the order imposing the fine or costs or in accordance with the terms set forth in the order imposing the fine.

(Source: P.A. 98-813, eff. 1-1-15; 99-173, eff. 7-29-15.)

Passed in the General Assembly May 12, 2016.
Approved July 22, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0634
(Senate Bill No. 2994)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Counties Code is amended by adding Section 5-44060 as follows:
(55 ILCS 5/5-44060 new)

New matter indicated by italics - deletions by strikeout
Sec. 5-44060. County report on appointment of local public entities.

(a) As used in this Section, "local public entity" shall mean any unit of local government, special district, or other governing body whose membership is appointed in whole or in part by the county board, board of county commissioners, county board chairman or president, or county executive.

(b) On or before January 1, 2017, the county board or board of county commissioners of each county shall prepare and file a report with the General Assembly identifying any local public entity that the county board, board of county commissioners, county board chairman or president, or county executive appoints members to. The report shall include, but is not limited to, the following concerning each local public entity: (1) the legal name of the local public entity; (2) the principal place of business of the local public entity; (3) a description of the services the local public entity provides; (4) the total numbers of members of the local public entity's governing board, with an indication of any other authorities that also make appointments to that public entity; (5) the process by which the local public entity was first created; (6) an identification of any plans for consolidation or dissolution of the local public entity; (7) an indication of whether or not the local public entity levies a property tax; and (8) if there is no property tax levy, an explanation of how the local public entity is funded.

(c) This Section is repealed on January 1, 2018.

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

Passed in the General Assembly May 23, 2016.
Approved July 22, 2016.
Effective July 22, 2016.

PUBLIC ACT 99-0635
(Senate Bill No. 3082)

AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Podiatric Medical Practice Act of 1987 is amended by changing Section 5 as follows:

(225 ILCS 100/5) (from Ch. 111, par. 4805)

New matter indicated by italics - deletions by strikeout
Sec. 5. Definitions. As used in this Act:

(A) "Department" means the Department of Financial and Professional Regulation.

(B) "Secretary" means the Secretary of Financial and Professional Regulation.

(C) "Board" means the Podiatric Medical Licensing Board appointed by the Secretary.

(D) "Podiatric medicine" or "podiatry" means the diagnosis, medical, physical, or surgical treatment of the ailments of the human foot, including amputations as defined in this Section; provided that amputations of the human foot are limited to 10 centimeters proximal to the tibial talar articulation. "Podiatric medicine" or "podiatry" includes the provision of topical and local anesthesia and moderate and deep sedation, as defined by Department rule adopted under the Medical Practice Act of 1987. For the purposes of this Act, the terms podiatric medicine, podiatry and chiropody have the same definition.

(E) "Human foot" means the ankle and soft tissue which insert into the foot as well as the foot.

(F) "Podiatric physician" means a physician licensed to practice podiatric medicine.

(G) "Postgraduate training" means a minimum one year postdoctoral structured and supervised educational experience approved by the Council on Podiatric Medical Education of the American Podiatric Medical Association which includes residencies and preceptorships.

(H) "Amputations" means amputations of the human foot, in whole or in part, that are limited to 10 centimeters proximal to the tibial talar articulation.

(Source: P.A. 95-235, eff. 8-17-07.)

Passed in the General Assembly May 23, 2016.
Approved July 22, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0636
(Senate Bill No. 3301)

AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout
Section 1. Short title. This Act may be cited as the Illinois Articulation Initiative Act.

Section 5. Legislative findings. The General Assembly finds and declares that in January of 1993, the Board of Higher Education, the Illinois Community College Board, and transfer coordinators from Illinois colleges and universities jointly launched the Illinois Articulation Initiative to ease the transfer of students among Illinois public and independent associate and baccalaureate degree-granting institutions. The General Assembly finds and declares that the Illinois Articulation Initiative was driven by the following foundational ideas:

(1) that associate and baccalaureate degree-granting institutions are equal partners in educating college freshmen and sophomores;
(2) that faculties should take primary responsibility for developing and maintaining program and course articulation; and
(3) that institutions are expected to work together to facilitate transfer for lower-division baccalaureate programs.

The General Assembly finds and declares that students have benefited by receiving the General Education Core Curriculum and transferring across institutions of higher education.

Section 10. Definition of public institution. In this Act, "public institution" means a public university or public community college in this State.

Section 15. Participation. All public institutions shall participate in the Illinois Articulation Initiative through submission and review of their courses for statewide transfer. All public institutions shall maintain a complete Illinois Articulation Initiative General Education Core Curriculum package, and all public institutions shall maintain up to 4 core courses in an Illinois Articulation Initiative major, provided the public institution has equivalent majors and courses. All public institutions shall provide faculty, as appointed by the Board of Higher Education for public universities and the Illinois Community College Board for public community colleges, to serve on panels in the review of courses.

Section 20. Course transferability.
(a) All courses approved for Illinois Articulation Initiative General Education codes must be transferable as a part of the General Education Core Curriculum package, consistent with the specific requirements of the package. All public institutions shall determine if Illinois Articulation Initiative major courses are direct course equivalents or are elective credit
toward the requirements of the major. If the receiving institution does not offer the course or does not offer it at the lower-division level, the student shall receive elective lower-division major credit toward the requirements of the major for the course and may be required to take the course at the upper-division level.

(b) Students receiving the full General Education Core Curriculum package must not be required to take additional lower-division general education courses.


(a) The Board of Higher Education and the Illinois Community College Board shall co-manage the implementation, oversight, and evaluation of the Illinois Articulation Initiative, including determining when panels must be discontinued or convened and the specific requirements of the General Education Core Curriculum. Panels must be convened across the fields of General Education, Communications, Humanities and Fine Arts, Life Sciences, Physical Sciences, Social and Behavioral Sciences, Mathematics, and other fields as determined by the Board of Higher Education and the Illinois Community College Board.

(b) The Board of Higher Education and the Illinois Community College Board shall provide a joint report on an annual basis to the General Assembly, the Governor, and the Illinois P-20 Council on the status of the Illinois Articulation Initiative and the implementation of this Act.

Passed in the General Assembly May 23, 2016.
Approved July 22, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0637
(House Bill No. 4361)

AN ACT concerning business.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:


New matter indicated by italics - deletions by strikeout
Articles 30 and 37, and by adding Sections 1-6, 1-46, 1-65, 13-15, 13-20, 30-25, 35-37, 37-16, 37-17, 37-21, 37-31, 37-32, 37-33, 37-34, 37-36, and 55-3 as follows:

(805 ILCS 180/1-5)

Sec. 1-5. Definitions. As used in this Act, unless the context otherwise requires:

"Anniversary" means that day every year exactly one or more years after: (i) the date the articles of organization filed under Section 5-5 of this Act were filed by the Office of the Secretary of State, in the case of a limited liability company; or (ii) the date the application for admission to transact business filed under Section 45-5 of this Act was filed by the Office of the Secretary of State, in the case of a foreign limited liability company.

"Anniversary month" means the month in which the anniversary of the limited liability company occurs.

"Articles of organization" means the articles of organization filed by the Secretary of State for the purpose of forming a limited liability company as specified in Article 5 and all amendments thereto, whether evidenced by articles of amendment, articles of merger, or a statement of correction affecting the articles.

"Assumed limited liability company name" means any limited liability company name other than the true limited liability company name, except that the identification by a limited liability company of its business with a trademark or service mark of which it is the owner or licensed user shall not constitute the use of an assumed name under this Act.

"Bankruptcy" means bankruptcy under the Federal Bankruptcy Code of 1978, Title 11, Chapter 7 of the United States Code, as amended from time to time, or any successor statute.

"Business" includes every trade, occupation, profession, and other lawful purpose, whether or not carried on for profit.

"Company" means a limited liability company.

"Contribution" means any cash, property, or services rendered, or other benefit, or a promissory note or other binding obligation to contribute cash or property, or to perform services, or provide any other benefit, that a person contributes to the limited liability company in that person's capacity as a member or in order to become a member.

"Court" includes every court and judge having jurisdiction in a case.

New matter indicated by italics - deletions by strikeout
"Debtor in bankruptcy" means a person who is the subject of an order for relief under Title 11 of the United States Code, a comparable order under a successor statute of general application, or a comparable order under federal, state, or foreign law governing insolvency.

"Distribution" means a transfer of money, property, or other benefit from a limited liability company to a member in the member's capacity as a member or to a transferee of the member's distributional interest.

"Distributional interest" means all of a member's right to receive interest in distributions of by the limited liability company's assets, but no other rights or interests of a member company.

"Entity" means a person other than an individual.

"Federal employer identification number" means either (i) the federal employer identification number assigned by the Internal Revenue Service to the limited liability company or foreign limited liability company or (ii) in the case of a limited liability company or foreign limited liability company not required to have a federal employer identification number, any other number that may be assigned by the Internal Revenue Service for purposes of identification.

"Foreign limited liability company" means an unincorporated entity organized under laws other than the laws of this State that afford limited liability to its owners comparable to the liability under Section 10-10 and is not required to register to transact business under any law of this State other than this Act.

"Insolvent" means that a limited liability company is unable to pay its debts as they become due in the usual course of its business.

"Legal representative" means, without limitation, an executor, administrator, guardian, personal representative and agent, including an appointee under a power of attorney.

"Limited liability company" means a limited liability company organized under this Act.

"L3C" or "low-profit limited liability company" means a for-profit limited liability company which satisfies the requirements of Section 1-26 of this Act and does not have as a significant purpose the production of income or the appreciation of property.

"Manager" means a person, whether or not a member of a manager-managed company, who is vested with authority in an operating agreement as provided in under Section 15-1 13-5.

"Manager-managed company" means a limited liability company that vests authority in a manager or managers in an operating agreement.
as provided in Section 15-1 which is so designated in its articles of organization.

"Member" means a person who becomes a member of the limited liability company upon formation of the company or in the manner and at the time provided in the operating agreement or, if the operating agreement does not so provide, in the manner and at the time provided in this Act.

"Member-managed company" means a limited liability company other than a manager-managed company.

"Membership interest" means all of a member's rights in the limited liability company, including the member's right to receive distributions of the limited liability company's assets.

"Operating agreement" means the agreement under Section 15-5, whether or not referred to as an operating agreement and whether oral, in a record, implied, or in any combination thereof, of all of the members of a limited liability company, including a sole member, concerning the relations among the members, managers, and limited liability company. The term "operating agreement" includes amendments to the agreement.

"Organizer" means one of the signers of the original articles of organization.

"Person" means an individual, partnership, domestic or foreign limited partnership, limited liability company or foreign limited liability company, trust, estate, association, corporation, governmental body, or other juridical being.

"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

"Registered office" means that office maintained by the limited liability company in this State, the address, including street, number, city and county, of which is on file in the office of the Secretary of State, at which, any process, notice, or demand required or permitted by law may be served upon the registered agent of the limited liability company.

"Registered agent" means a person who is an agent for service of process on the limited liability company who is appointed by the limited liability company and whose address is the registered office of the limited liability company.

"Restated articles of organization" means the articles of organization restated as provided in Section 5-30.
"Sign" means, with the present intent to authenticate or adopt a record:

(1) to execute or adopt a tangible symbol; or
(2) to attach to or logically associate with the record an electronic symbol, sound, or process.

"State" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

"Transfer" includes an assignment, conveyance, deed, bill of sale, lease, mortgage, security interest, encumbrance, and gift.

(Source: P.A. 96-126, eff. 1-1-10; 97-839, eff. 7-20-12.)

(805 ILCS 180/1-6 new)

Sec. 1-6. Electronic records. Any requirement in this Act that there be a writing or that any document, instrument, or agreement be written or in ink is subject to the provisions of the Electronic Commerce Security Act.

(805 ILCS 180/1-30)

Sec. 1-30. Powers. Each limited liability company organized and existing under this Act may do all of the following:

(1) Sue and be sued, complain and defend, and participate in administrative or other proceedings, in its name.
(2) Have a seal, which may be altered at pleasure, and use the same by causing it, or a facsimile thereof, to be impressed or affixed or in any other manner reproduced, provided that the affixing of a seal to an instrument shall not give the instrument additional force or effect, or change the construction thereof, and the use of a seal is not mandatory.
(3) Purchase, take, receive, lease as lessee, take by gift, legacy, or otherwise acquire, own, hold, use, and otherwise deal in and with any real or personal property, or any interest therein, wherever situated.
(4) Sell, convey, mortgage, pledge, lease as lessor, and otherwise dispose of all or any part of its property and assets.
(5) Lend money to and otherwise assist its members and employees.
(6) Purchase, take, receive, subscribe for or otherwise acquire, own, hold, vote, use, employ, sell, mortgage, loan, pledge, or otherwise dispose of, and otherwise use and deal in and with, shares or other interests in or obligations of other limited liability companies, domestic or foreign corporations, associations, general or limited partnerships, or individuals.
(7) Incur liabilities, borrow money for its proper purposes at any rate of interest the limited liability company may determine without regard

New matter indicated by italics - deletions by strikeout
to the restrictions of any usury law of this State, issue notes, bonds, and other obligations, secure any of its obligations by mortgage or pledge or deed of trust of all or any part of its property, franchises, and income, and make contracts, including contracts of guaranty and suretyship.

(8) Invest its surplus funds from time to time, lend money for its proper purposes, and take and hold real and personal property as security for the payment of funds so loaned or invested.

(9) Conduct its business, carry on its operations, have offices within and without this State, and exercise in any other state, territory, district, or possession of the United States or in any foreign country the powers granted by this Act.

(10) Designate managers and appoint officers and other agents of the limited liability company, define their duties, and fix their compensation.

(11) Enter into or amend an operating agreement, not inconsistent with the laws of this State, for the administration and regulation of the affairs of the limited liability company.

(12) Make donations for the public welfare or for charitable, scientific, religious, or educational purposes, lend money to the government, and transact any lawful business in aid of the United States.

(13) Establish deferred compensation plans, pension plans, profit-sharing plans, bonus plans, option plans, and other incentive plans for its managers and employees and make the payments provided for therein.

(14) Become a promoter, partner, member, associate, or manager of any general partnership, limited partnership, joint venture or similar association, any other limited liability company, or other enterprise.

(15) Have and exercise all powers necessary or convenient to effect any or all of the purposes for which the limited liability company is organized.

(Source: P.A. 90-424, eff. 1-1-98.)

(805 ILCS 180/1-40)
Sec. 1-40. Records to be kept.

(a) Each limited liability company shall keep at the principal place of business of the company named in the articles of organization or other reasonable locations specified in the operating agreement all of the following:

(1) A list of the full name and last known address of each member setting forth the amount of cash each member has contributed, a description and statement of the agreed value of the

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other property or services each member has contributed or has agreed to contribute in the future, and the date on which each became a member.

(2) A copy of the articles of organization, as amended or restated, together with executed copies of any powers of attorney under which any articles, application, or certificate has been executed.

(3) Copies of the limited liability company's federal, State, and local income tax returns and reports, if any, for the 3 most recent years.

(4) Copies of any then effective written operating agreement and any amendments thereto and of any financial statements of the limited liability company for the 3 most recent years.

(b) Records kept under this Section may be inspected and copied at the request and expense of any member or legal representative of a deceased member or member under legal disability during ordinary business hours.

(c) The rights under subsection (b) of this Section also extend to a transferee of a distributional interest, but only for a proper purpose. In order to exercise this right, a transferee must make written demand upon the limited liability company, stating with particularity the records sought to be inspected and the purpose of the demand.

(d) Within 10 days after receiving a demand pursuant to subsection (c):

(1) the company shall provide the information demanded or, in a record, a description of the information the company will provide, stating a reasonable time within which it will be provided and the place where it will be provided; and

(2) if the company declines to provide any demanded information, the company shall state its reasons for declining to the transferee in a record.

A transferee may exercise the rights under this subsection through a legal representative.

(Source: P.A. 90-424, eff. 1-1-98.)

(805 ILCS 180/1-46 new)

Sec. 1-46. Applicability of statute of frauds. An operating agreement is enforceable whether or not there is a writing signed or record authenticated by a party against whom enforcement is sought, even

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if the agreement is not capable of performance within one year of its making.

(805 ILCS 180/1-65 new)
Sec. 1-65. Governing law. The law of this State governs:
(1) the internal affairs and organization of a limited liability company;
(2) the liability of a member as member and a manager as manager for the debts, obligations, or other liabilities of a limited liability company;
(3) the internal affairs and establishment of a series of a limited liability company;
(4) the liability of a member or a manager associated with a series for the debts, obligations, or other liabilities of the series; and
(5) the liability of a series for the debts, obligations, or other liabilities of the limited liability company that established the series or for another series established by the limited liability company, and the liability of the limited liability company for the debts, obligations, or other liabilities of a series established by the limited liability company.

(805 ILCS 180/5-5)
Sec. 5-5. Articles of organization.
(a) The articles of organization shall set forth all of the following:
(1) The name of the limited liability company and the address of its principal place of business which may, but need not be a place of business in this State.
(2) The purposes for which the limited liability company is organized, which may be stated to be, or to include, the transaction of any or all lawful businesses for which limited liability companies may be organized under this Act.
(3) The name of its registered agent and the address of its registered office.
(4) A confirmation that the limited liability company complies with the requirement in subsection (b) of Section 5-1 that the company has one or more members at the time of filing or, if the filing is to be effective on a later date, that the company will have one or more members on the date the filing is to be effective is to be managed by a manager or managers, the names and business addresses of the initial manager or managers.

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The name and business address of all of the managers and any member having the authority of a manager of the limited liability company is to be vested in the members under Section 15-1, then the names and addresses of the initial member or members.

(5.5) The duration of the limited liability company, which shall be perpetual unless otherwise stated.

(6) (Blank).

(7) The name and address of each organizer.

(8) Any other provision, not inconsistent with law, that the members elect to set out in the articles of organization for the regulation of the internal affairs of the limited liability company, including any provisions that, under this Act, are required or permitted to be set out in the operating agreement of the limited liability company.

(b) A limited liability company is organized at the time articles of organization are filed by the Secretary of State or at any later time, not more than 60 days after the filing of the articles of organization, specified in the articles of organization.

(c) Articles of organization for the organization of a limited liability company for the purpose of accepting and executing trusts shall not be filed by the Secretary of State until there is delivered to him or her a statement executed by the Secretary of Financial and Professional Regulation or successor State board, department, or agency having jurisdiction over the regulation of trust companies that the organizers of the limited liability company have made arrangements with the Secretary of Financial and Professional Regulation or successor State board, department, or agency having jurisdiction over the regulation of trust companies to comply with the Corporate Fiduciary Act.

(d) Articles of organization for the organization of a limited liability company as a bank or a savings bank must be filed with the Secretary Department of Financial and Professional Regulation or successor State board, department, or agency having jurisdiction over the regulation of banks or savings banks or, if the bank or savings bank will be organized under federal law, with the appropriate federal banking regulator.

(Source: P.A. 98-171, eff. 8-5-13; 99-227, eff. 8-3-15.)

(805 ILCS 180/5-45)
Sec. 5-45. Forms, execution, acknowledgement and filing.

New matter indicated by italics - deletions by strikeout
(a) All reports required by this Act to be filed in the Office of the Secretary of State shall be made on forms prescribed and furnished by the Secretary of State. Forms for all other documents to be filed in the Office of the Secretary of State shall be furnished by the Secretary of State upon request therefor, but the use thereof, unless otherwise specifically prescribed in this Act, shall not be mandatory.

(b) Whenever any provision of this Act specifically requires any document to be executed by the limited liability company in accordance with this Section, unless otherwise specifically stated in this Act and subject to any additional provisions of this Act, the document shall be signed executed, in ink, as follows:

1. The initial articles of organization shall be signed by the organizer or organizers.

2. A document filed on behalf of a dissolved limited liability company that has no members must be signed by the person winding up the company's activities under Section 35-4.

3. Any other document must be signed by a person authorized by the limited liability company to sign it. All other documents shall be signed:

   (A) by a manager and verified by him or her; or
   (B) if there are no managers, then by the members or those of them that may be designated by a majority vote of the members.

(c) The name of a person signing the document and the capacity in which the person signs shall be stated beneath or opposite the person's signature.

(d) The execution of any document required by this Act by a person member or manager constitutes an affirmation under the penalties of perjury that the facts stated therein are true and that the person has authority to execute the document.

(e) When filed in the Office of the Secretary of State, an authorization, including a power of attorney, to sign a record must be in writing, then sworn to, verified, or acknowledged.

(805 ILCS 180/5-47)
Sec. 5-47. Statement of correction.

(a) Whenever any instrument authorized to be filed with the Secretary of State under any provision of this Act has been so filed and, as of the date of the action therein referred to, contains any misstatement of
fact, typographical error, error of transcription, or any other error or defect or was defectively or erroneously executed, such instrument may be corrected by filing, in accordance with Section 5-45 of this Act, a statement of correction.

(b) A statement of correction shall set forth:
   (1) The name of the limited liability company and the state or country under the laws of which it is organized.
   (2) The title of the instrument being corrected and the date it was filed by the Secretary of State.
   (3) The inaccuracy, error, or defect to be corrected and the portion of the instrument in corrected form.

(c) A statement of correction shall be executed in the same manner in which the instrument being corrected was required to be executed.

(d) The corrected instrument shall be effective as of the date the original instrument was filed.

(e) A statement of correction shall not:
   (1) Effect any change or amendment of articles which would not in all respects have complied with the requirements of this Act at the time of filing the instrument being corrected.
   (2) Take the place of any document, statement, or report otherwise required to be filed by this Act.
   (3) Affect any right or liability accrued or incurred before such filing, except that any right or liability accrued or incurred by reason of the error or defect being corrected shall be extinguished by such filing if the person having such right has not detrimentally relied on the original instrument.
   (4) (Blank). Alter the provisions of the articles of organization with respect to the limited liability company name, purpose, ability to establish series, or the names and addresses of the organizers, initial manager or managers, and initial member or members:
   (5) (Blank). Alter the provisions of the application for admission to transact business as a foreign limited liability company with respect to the limited liability name or ability to establish series:
   (6) (Blank). Alter the provisions of the application to adopt or change an assumed limited liability company name with respect to the assumed limited liability company name:

New matter indicated by italics - deletions by strikeout
(7) Alter the wording of any resolution as filed in any document with the Secretary of State and which was in fact adopted by the members or managers.
(Source: P.A. 95-368, eff. 8-23-07.)
(805 ILCS 180/5-50)
Sec. 5-50. Amendment or termination dissolution by judicial act. If a person required by Section 5-45 to execute an amendment or statement articles of termination dissolution fails or refuses to do so, any other member and any transferee of a limited liability company interest, who is adversely affected by the failure or refusal, may petition a court to direct the amendment or statement of termination dissolution. If the court finds that the amendment or statement of termination dissolution is proper and that any person so designated has failed or refused to execute the amendment or statement articles of termination dissolution, it shall order the Secretary of State to record an appropriate amendment or statement of termination dissolution.
(Source: P.A. 90-424, eff. 1-1-98.)
(805 ILCS 180/10-1)
Sec. 10-1. Admission of members.
(a) A person becomes a member of a limited liability company:
(1) upon formation of the company, as provided in an agreement between the organizer and the initial member if there is only one member, or as provided in an agreement among initial members if there is more than one member;
(2) after the formation of the company,
(A) as provided in the operating agreement;
(B) as the result of a transaction effective under Article 37;
(C) with the consent of all the members; or
(D) if, within 180 consecutive days after the company ceases to have any members:
   (i) the last person to have been a member, or the legal representative of that person, designates a person to become a member; and
   (ii) the designated person consents to become a member.
(b) A person that acquires a distributional interest, but that does not become a member, has merely the rights of a transferee under Sections 30-5 and 30-10.

New matter indicated by italics - deletions by strikeout
(c) A person may become a member without acquiring a distributional interest and without making or being obligated to make a contribution to the limited liability company. After the filing of the articles of organization, a person who acquires a membership interest directly from the limited liability company or is a transferee of a membership interest may be admitted as a member with unanimous consent of the members. (Source: P.A. 90-424, eff. 1-1-98.)

(805 ILCS 180/10-15)

Sec. 10-15. Right of members and dissociated members. Member's right to information.

(a) A company shall furnish information when any member demands it in a record concerning the company's activities, financial condition, and other circumstances of the company's business necessary to the proper exercise of a member's rights and duties under the operating agreement or this Act or that is otherwise material to the membership interest of a member, unless the company knows that the member already knows that information.

(b) The following rules apply when a member makes a demand for information under this Section:

(1) During regular business hours and at a reasonable location and time specified by the company, a member may obtain from the company, inspect, and copy information for a purpose consistent with subsection (a).

(2) Within 10 days after receiving a demand pursuant to subsection (a):

(A) the company shall provide the information demanded or, in a record, a description of the information the company will provide, stating a reasonable time within which it will be provided and the place where it will be provided; and

(B) if the company declines to provide any demanded information, the company shall state its reasons for declining to the member in a record.

(c) Whenever this Act or an operating agreement provides for a member to give or withhold consent to a matter, before the consent is given or withheld, the company shall, without demand, provide the member with all information that is known to the company that is material to the member's decision.

New matter indicated by italics - deletions by strikeout
(d) Within 10 days after a demand made in a record received by the limited liability company, a dissociated member may have access to information to which the person was entitled while a member if the information pertains to the period during which the person was a member, and the person seeks the information in good faith for a purpose consistent with subsection (a). The company shall respond to a demand made pursuant to this subsection in the manner provided in subdivisions (A) and (B) of paragraph (2) of subsection (b).

(e) A limited liability company may charge a person that makes a demand under this Section the reasonable costs of copying, limited to the costs of labor and material.

(f) A member or dissociated member may exercise rights under this Section through an agent or, in the case of an individual under legal disability, a legal representative. Any restriction or condition imposed by the operating agreement or under subsection (h) applies both to the agent or legal representative and the member or dissociated member.

(g) The rights under this Section do not extend to a person as transferee.

(h) In addition to any restriction or condition stated in its operating agreement, the limited liability company, as a matter within the ordinary course of its activities, may impose reasonable restrictions and conditions on access to and use of information to be furnished under this Section including, but not limited to, the designation of information such as trade secrets or information subject to confidentiality agreements with third parties as confidential with appropriate nondisclosure and safeguarding obligations. In a dispute concerning the reasonableness of a restriction or designation under this subsection, the company has the burden of proving reasonableness.

(i) This Section does not limit or restrict the right to inspect and copy records as provided in subsection (b) of Section 1-40. (a) A limited liability company shall provide members and their agents and attorneys access to its records, including the records required to be kept under Section 1-40, at the company's principal place of business or other reasonable locations specified in the operating agreement. The company shall provide former members and their agents and attorneys access for proper purposes to records pertaining to the period during which they were members. The right of access provides the opportunity to inspect and copy records during ordinary business hours. The company may impose a
reasonable charge, limited to the costs of labor and material, for copies of records furnished:

(b) A member has the right upon written demand given to the limited liability company to obtain at the company's expense a copy of any written operating agreement.

(Source: P.A. 90-424, eff. 1-1-98.)

(805 ILCS 180/13-5)

Sec. 13-5. No agency power of a member as member. Agency of members and managers:

(a) A member is not an agent of a limited liability company solely by reason of being a member. Subject to subsections (b) and (c):

(b) Nothing herein shall be deemed to limit the effect of law other than this Act, including the law of agency.

(c) A person's status as a member does not prevent or restrict law other than this Act from imposing liability on a limited liability company because of the person's conduct.

(1) Each member is an agent of the limited liability company for the purpose of its business, and an act of a member, including the signing of an instrument in the company's name, for apparently carrying on, in the ordinary course, the company's business or business of the kind carried on by the company binds the company, unless the member had no authority to act for the company in the particular matter and the person with whom the member was dealing knew or had notice that the member lacked authority:

(2) An act of a member that is not apparently for carrying on, in the ordinary course, the company's business or business of the kind carried on by the company binds the company only if the act was authorized by the other members.

(b) Subject to subsection (c), in a manager-managed company:

(1) A member is not an agent of the company for the purpose of its business solely by reason of being a member. Each manager is an agent of the company for the purpose of its business, and an act of a manager, including the signing of an instrument in the company's name, for apparently carrying on, in the ordinary course, the company's business or business of the kind carried on by the company binds the company, unless the manager had no authority to act for the company in the particular matter and the

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person with whom the manager was dealing knew or had notice that the manager lacked authority.

(2) An act of a manager which is not apparently for carrying on, in the ordinary course, the company's business or business of the kind carried on by the company binds the company only if the act was authorized under Section 15-1.

e) Unless the articles of organization limit their authority, any member of a member-managed company or manager of a manager-managed company may sign and deliver any instrument transferring or affecting the company's interest in real property. The instrument is conclusive in favor of a person who gives value without knowledge of the lack of the authority of the person signing and delivering the instrument.

(Source: P.A. 90-424, eff. 1-1-98.)

(805 ILCS 180/13-15 new)


(a) A limited liability company may deliver to the Secretary of State for filing a statement of authority. The statement:

(1) must include the name of the company and the address of its principal place of business; and

(2) may state the authority, or limitations on the authority, of any member or manager of the company or any other person to:

(A) execute an instrument transferring real property held in the name of the company; or

(B) enter into other transactions on behalf of, or otherwise act for or bind, the company.

(b) To amend or cancel a statement of authority, a limited liability company must deliver to the Secretary of State for filing a statement of amendment or cancellation. The statement must include:

(1) the name of the limited liability company and the address of its principal place of business;

(2) the date the statement of authority being amended or cancelled became effective; and

(3) the contents of the amendment or a declaration that the statement of authority is canceled.

(c) Except as otherwise provided in subsections (e) and (f), a limitation on the authority of a member or manager of the limited liability company contained in a statement of authority is not by itself evidence of knowledge or notice of the limitation by any person.

New matter indicated by italics - deletions by strikeout
(d) A grant of authority not pertaining to transfers of real property and contained in a statement of authority is conclusive in favor of a person that is not a member and that gives value in reliance on the grant, except to the extent that when the person gives value, the person has knowledge to the contrary.

(e) A certified copy of a statement of authority that grants authority to transfer real property held in the name of the limited liability company and that is recorded in the office for recording transfers of the real property is conclusive in favor of a person that is not a member and that gives value in reliance on the grant without knowledge to the contrary.

(f) If a certified copy of a statement of authority containing a limitation on the authority to transfer real property held in the name of a limited liability company is recorded in the office for recording transfers of that real property, all persons that are not members are deemed to know of the limitation.

(g) Unless previously cancelled by a statement of cancellation, a statement of authority expires as of the date, if any, specified in the statement of authority.

(h) If the articles of organization state the authority or limitations on the authority of any person on behalf of a company, the authority stated or limited shall not bind any person who is not a member or manager until that person receives actual notice in a record from the company that agency authority is stated or limited in the articles. If the authority stated or limited in the articles of organization conflicts with authority stated or limited in a statement of authority filed with the Secretary of State under this Section on behalf of the company, the statement of authority is the effective statement and a person who is not a member or manager may rely upon the terms of the filed statement of authority notwithstanding conflicting terms in the articles of organization.

(805 ILCS 180/13-20 new)

Sec. 13-20. Statement of denial. A person named in a filed statement of authority granting that person authority may deliver to the Secretary of State for filing a statement of denial that:

(1) provides the name of the limited liability company and the caption of the statement of authority to which the statement of denial pertains; and

(2) denies the grant of authority.

An effective statement of denial operates as a restrictive amendment under subsection (b) of Section 13-15 and, if a certified copy

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thereof is recorded in the office for recording transfers of real property in which a prior statement of authority has been recorded as provided in subsection (e) of Section 13-15, the statement of denial shall be deemed a limitation on the statement of authority for purposes of subsection (f) of Section 13-15.

(805 ILCS 180/15-1)
Sec. 15-1. Management of limited liability company.
(a) A limited liability company is a member-managed limited liability company unless the operating agreement:
(1) expressly provides that:
   (A) the company is or will be manager-managed;
   (B) the company is or will be managed by managers; or
   (C) management of the company is or will be vested in managers; or
(2) includes words of similar import.
(b) In a member-managed company:
   (1) each member has equal rights in the management and conduct of the company's business; and
   (2) except as otherwise provided in subsection (d) of this Section, any matter relating to the business of the company may be decided by a majority of the members.
(c) In a manager-managed company:
   (1) each manager has equal rights in the management and conduct of the company's business;
   (2) except as otherwise provided in subsection (d) of this Section, any matter relating to the business of the company may be exclusively decided by the manager or, if there is more than one manager, by a majority of the managers; and
   (3) a manager:
      (A) must be designated, appointed, elected, removed, or replaced by a vote, approval, or consent of a majority of the members; and
      (B) holds office until a successor has been elected and qualified, unless the manager sooner resigns or is removed.
(d) The only matters of a member or manager-managed company's business requiring the consent of all of the members are the following:

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(1) the amendment of the operating agreement under Section 15-5;
(2) an amendment to the articles of organization under Article 5;
(3) the compromise of an obligation to make a contribution under Section 20-5;
(4) the compromise, as among members, of an obligation of a member to make a contribution or return money or other property paid or distributed in violation of this Act;
(5) the making of interim distributions under subsection (a) of Section 25-1, including the redemption of an interest;
(6) the admission of a new member;
(7) the use of the company's property to redeem an interest subject to a charging order;
(8) the consent to dissolve the company under subdivision (2) of subsection (a) of Section 35-1;
(9) a waiver of the right to have the company's business wound up and the company terminated under Section 35-3;
(9) (10) the consent of members to convert, merge with another entity or domesticate under Article 37 under Section 37-20; and
(10) (10) the sale, lease, exchange, or other disposal of all, or substantially all, of the company's property with or without goodwill.

(e) (d) Action requiring the consent of members or managers under this Act may be taken without a meeting.

(f) (e) A member or manager may appoint a proxy to vote or otherwise act for the member or manager by signing an appointment instrument, either personally or by the member or manager's attorney-in-fact.

(Source: P.A. 90-424, eff. 1-1-98.)

(805 ILCS 180/15-3)

Sec. 15-3. General standards of member and manager's conduct.
(a) The fiduciary duties a member owes to a member-managed company and its other members include the duty of loyalty and the duty of care referred to in subsections (b) and (c) of this Section.

(b) A member's duty of loyalty to a member-managed company and its other members includes the following:

New matter indicated by italics - deletions by strikeout
(1) to account to the company and to hold as trustee for it any property, profit, or benefit derived by the member in the conduct or winding up of the company's business or derived from a use by the member of the company's property, including the appropriation of a company's opportunity;

(2) to act fairly when a member deals with the company in the conduct or winding up of the company's business as or on behalf of a party having an interest adverse to the company; and

(3) to refrain from competing with the company in the conduct of the company's business before the dissolution of the company.

(c) A member's duty of care to a member-managed company and its other members in the conduct of and winding up of the company's business is limited to refraining from engaging in grossly negligent or reckless conduct, intentional misconduct, or a knowing violation of law.

(d) A member shall discharge his or her duties to a member-managed company and its other members under this Act or under the operating agreement and exercise any rights consistent with the obligation of good faith and fair dealing.

(e) A member of a member-managed company does not violate a duty or obligation under this Act or under the operating agreement merely because the member's conduct furthers the member's own interest.

(f) This Section applies to a person winding up the limited liability company's business as the personal or legal representative of the last surviving member as if the person were a member.

(g) In a manager-managed company:

(1) a member who is not also a manager owes no duties to the company or to the other members solely by reason of being a member;

(2) a manager is held to the same standards of conduct prescribed for members in subsections (b), (c), (d), and (e) of this Section;

(3) a member who exercises some or all of the authority of a manager and conduct of the company's business is held to the standards of conduct in subsections (b), (c), (d), and (e) of this Section to the extent that the member exercises the managerial authority vested in a manager by this Act; and

(4) a manager is relieved of liability imposed by law for violations of the standards prescribed by subsections (b), (c), (d),

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and (e) to the extent of the managerial authority delegated to the members by the operating agreement.

(Source: P.A. 95-331, eff. 8-21-07; 96-263, eff. 1-1-10.)

(805 ILCS 180/15-5)

Sec. 15-5. Operating agreement.

(a) All members of a limited liability company may enter into an operating agreement to regulate the affairs of the company and the conduct of its business and to govern relations among the members, managers, and company. The operating agreement may establish that a limited liability company is a manager-managed limited liability company and the rights and duties under this Act of a person in the capacity of a manager. To the extent the operating agreement does not otherwise provide, this Act governs relations among the members, managers, and company. Except as provided in subsections (b), (c), (d), and (e) of this Section, an operating agreement may modify any provision or provisions of this Act governing relations among the members, managers, and company.

(b) The operating agreement may not:

(1) unreasonably restrict a right to information or access to records under Section 1-40 or Section 10-15;

(2) vary the right to expel a member in an event specified in subdivision (6) of Section 35-45;

(3) vary the requirement to wind up the limited liability company's business in a case specified in subdivisions (3) or (4), (5), or (6) of subsection (a) of Section 35-1;

(4) restrict rights of a person, other than a manager, member, and transferee of a member's distributional interest, under this Act;

(5) restrict the power of a member to dissociate under Section 35-50, although an operating agreement may determine whether a dissociation is wrongful under Section 35-50, and it may eliminate or vary the obligation of the limited liability company to purchase the dissociated member's distributional interest under Section 35-60;

(6) (blank); eliminate or reduce a member's fiduciary duties, but may:

(A) identify specific types or categories of activities that do not violate these duties, if not manifestly unreasonable; and

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(B) specify the number or percentage of members or disinterested managers that may authorize or ratify, after full disclosure of all material facts, a specific act or transaction that otherwise would violate these duties;

(6.5) eliminate or reduce the obligations or purposes a low-profit limited liability company undertakes when organized under Section 1-26; or

(7) eliminate or reduce the obligation of good faith and fair dealing under subsection (d) of Section 15-3, but the operating agreement may determine the standards by which the performance of the member's duties or the exercise of the member's rights obligation is to be measured; if the standards are not manifestly unreasonable.

(8) eliminate, vary, or restrict the priority of a statement of authority over provisions in the articles of organization as provided in subsection (h) of Section 13-15;

(9) vary the law applicable under Section 1-65;

(10) vary the power of the court under Section 5-50; or

(11) restrict the right to approve a merger, conversion, or domestication under Article 37 of a member that will have personal liability with respect to a surviving, converted, or domesticated organization.

(c) The operating agreement may:

(1) restrict or eliminate a fiduciary duty, other than the duty of care described in subsection (c) of Section 15-3, but only to the extent the restriction or elimination in the operating agreement is clear and unambiguous;

(2) identify specific types or categories of activities that do not violate any fiduciary duty; and

(3) alter the duty of care, except to authorize intentional misconduct or knowing violation of law.

(d) The operating agreement may specify the method by which a specific act or transaction that would otherwise violate the duty of loyalty may be authorized or ratified by one or more disinterested and independent persons after full disclosure of all material facts.

(e) The operating agreement may alter or eliminate the right to payment or reimbursement for a member or manager provided by Section 15-7 and may eliminate or limit a member or manager's liability to the limited liability company and members for money damages, except for:

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(1) subject to subsections (c) and (d) of this Section, breach of the duties as required in subdivisions (1), (2), and (3) of subsection (b) of Section 15-3 and subsection (g) of Section 15-3;
(2) a financial benefit received by the member or manager to which the member or manager is not entitled;
(3) a breach of a duty under Section 25-35;
(4) intentional infliction of harm on the company or a member; or
(5) an intentional violation of criminal law.

(f) A limited liability company is bound by and may enforce the operating agreement, whether or not the company has itself manifested assent to the operating agreement.

(g) A person that becomes a member of a limited liability company is deemed to assent to the operating agreement.

(h) An operating agreement may be entered into before, after, or at the time of filing of articles of organization and, whether entered into before, after, or at the time of the filing, may be made effective as of the time of formation of the limited liability company or as of the time or date provided in the operating agreement.

(c) In a limited liability company with only one member, the operating agreement includes any of the following:

(1) Any writing, without regard to whether the writing otherwise constitutes an agreement, as to the company's affairs signed by the sole member.
(2) Any written agreement between the member and the company as to the company's affairs.
(3) Any agreement, which need not be in writing, between the member and the company as to a company's affairs, provided that the company is managed by a manager who is a person other than the member.

(Source: P.A. 96-126, eff. 1-1-10.)
(805 ILCS 180/15-7)
Sec. 15-7. Member and manager's right to payments and reimbursement and indemnification.

(a) A limited liability company shall reimburse a member or manager for payments made and indemnify a member or manager for debts, obligations, or other liabilities incurred by the member or manager in the ordinary course of the member's or manager's activities on behalf of the company, if, in making the payment or incurring the debt, obligation,

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or other liability, the member or manager complied with the duties stated in Sections 15-3 and 25-35 business of the company or for the preservation of its business or property.

(b) A limited liability company shall reimburse a member for an advance to the company beyond the amount of contribution the member agreed to make.

(c) A payment or advance made by a member that gives rise to an obligation of a limited liability company under subsection (a) or (b) of this Section constitutes a loan to the company upon which interest accrues from the date of the payment or advance.

(d) A member is not entitled to remuneration for services performed for a limited liability company, except for reasonable compensation for services rendered in winding up the business of the company.

(e) A limited liability company may purchase and maintain insurance on behalf of a member or manager of the company against liability asserted against or incurred by the member or manager in that capacity or arising from that status even if, under subsection (e) of Section 15-5, the operating agreement could not eliminate or limit the person's liability to the company for the conduct giving rise to the liability.

(Source: P.A. 90-424, eff. 1-1-98.)

(805 ILCS 180/20-1)

Sec. 20-1. Form of contribution. The contribution of a member may be in cash, property, services rendered, or other benefit, or a promissory note or other obligation to contribute cash or property or to perform services.

(Source: P.A. 87-1062.)

(805 ILCS 180/20-5)

Sec. 20-5. Member's liability for contributions.

(a) (Blank).

(b) (Blank).

(c) A member's obligation to contribute money, property, or other benefit to, or to perform services for, a limited liability company is not excused by the member's death, disability, dissolution, or any other reason inability to perform personally. If a member does not make the required contribution of property or services, the member is obligated at the option of the company to contribute money equal to the value of that portion of the required stated contribution which has not been made. The foregoing
option does not limit the availability of any remedy provided for in the operating agreement or under law, including specific performance.

(d) A creditor of a limited liability company who extends credit or otherwise acts in reliance on an obligation described in subsection (c), and without notice of any compromise under subdivision (4) of subsection (d) of Section 15-1, may enforce the original obligation.

(e) Subject to Sections 1-43 and 15-5, the operating agreement may provide that the interest of any member that fails to make any contribution that the member is required to make will be subject to specified remedies for, or specified consequences of, the failure. The specified remedies or consequences may include, without limitation:

(1) Loss of voting, approval, or other rights.
(2) Loss of the member's ability to participate in the management or operations of the limited liability company.
(3) Liquidated damages.
(4) Diluting, reducing, or eliminating the defaulting member's proportionate interest in the company.
(5) Subordinating the defaulting member's right to receive distributions to that of the nondefaulting members.
(6) Permitting the forced sale of the defaulting member's interest in the company.
(7) Permitting one or more nondefaulting members to lend the amount necessary to meet the defaulting member's commitment.
(8) Adjusting the interest rates or other rates of return, preferred, priority or otherwise, with respect to contributions by or capital accounts of the nondefaulting members.
(9) Fixing the value of the defaulting member's interest by appraisal or formula and the redemption or sale of the defaulting member's interest at that value.

(Source: P.A. 90-424, eff. 1-1-98.)

Sec. 25-35. Liability for unlawful distributions.

(a) Except as otherwise provided in subsections (b) and (c), if a member of a member-managed company or a member or manager of a manager-managed company consents who votes for or assents to a distribution made in violation of Section 25-30, the articles of organization, or the operating agreement and in consenting to the distribution fails to comply with Section 15-3, the member or manager is

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personally liable to the company for the amount of the distribution that exceeds the amount that could have been distributed without violating Section 25-30, the articles of organization, or the operating agreement if it is established that the member or manager did not perform the member or manager's duties in compliance with Section 15-3.

(b) To the extent the operating agreement of a limited liability company expressly relieves a member of the authority and responsibility to consent to distributions and imposes that authority and responsibility on one or more other members, the liability stated in subsection (a) applies to the other members and not the member that the operating agreement relieves of authority and responsibility.

(c) If the members of a member-managed company or the members or managers of a manager-managed company consent to a distribution that violates the articles of organization or the operating agreement, but does not violate Section 25-30, by a vote that would have been sufficient to amend the articles of organization or operating agreement, as the case may be, the liability stated in subsection (a) does not apply.

(d) (b) A person that receives a distribution and that member of a manager-managed company who knew the distribution was made in violation of Section 25-30, the articles of organization, or the operating agreement is personally liable to the company, but only to the extent that the distribution received by the person member exceeded the amount that could have been properly paid under Section 25-30.

(e) (c) A person member or manager against whom an action is brought under this Section may implead in the action:

(1) all other members or managers who consented voted for or assented to the distribution in violation of subsection (a) of this Section and may compel contribution from them; and

(2) all persons members who received a distribution in violation of subsection (d) (b) of this Section and may compel contribution from any person receiving such a distribution the member in the amount received in violation of subsection (d) (b) of this Section.

(f) (d) A proceeding under this Section is barred unless it is commenced within 2 years after the distribution.

(Source: P.A. 90-424, eff. 1-1-98.)

(805 ILCS 180/Art. 30 heading)

Article 30. Transfer Assignment of Distributonal Membership Interests

(805 ILCS 180/30-5)

New matter indicated by italics - deletions by strikeout
Sec. 30-5. Transfer of a distributional interest.

(a) A transfer of a distributional interest in whole or in part:

(1) does not by itself cause dissolution and winding up of the limited liability company's activities; and

(2) is subject to Section 30-10.

(b) A transfer of a distributional interest does not entitle the transferee to become or to exercise any rights of a member. A transfer entitles the transferee to receive, to the extent transferred, only the distributions to which the transferor would be entitled.

(Source: P.A. 90-424, eff. 1-1-98.)

(805 ILCS 180/30-10)

Sec. 30-10. Rights of a transferee.

(a) A transferee of a distributional interest may become a member of a limited liability company if and to the extent that the transferor gives the transferee the right in accordance with authority described in the operating agreement or all other members consent.

(b) A transferee who has become a member, to the extent transferred, has the rights and powers, and is subject to the restrictions and liabilities, of a member under the operating agreement of a limited liability company and this Act. A transferee who becomes a member also is liable for the transferor member's obligations to make contributions under Section 20-5 and for obligations under Section 25-35 to return unlawful distributions, but the transferee is not obligated for the transferor member's liabilities unknown to the transferee at the time the transferee becomes a member.

(c) Whether or not a transferee of a distributional interest becomes a member under subsection (a) of this Section, the transferor is not released from liability to the limited liability company under the operating agreement or this Act.

(d) A transferee who does not become a member is not entitled to participate in the management or conduct of the limited liability company's business, require access to information concerning the company's transactions, or, except as provided in subsections (c) and (d) of Section 1-40, inspect or copy any of the company's records.

(e) A transferee who does not become a member is entitled to:

(1) receive, in accordance with the transfer, distributions to which the transferor would otherwise be entitled;

(2) receive, upon dissolution and winding up of the limited liability company's business:

New matter indicated by italics - deletions by strikeout
(A) in accordance with the transfer, the net amount otherwise distributable to the transferor; and
(B) a statement of account only from the date of the latest statement of account agreed to by all the members.

and

(3) seek under subdivision (5) of Section 35-1 a judicial determination that it is equitable to dissolve and wind up the company's business.

(f) A limited liability company need not give effect to a transfer until it has notice of the transfer.

(Source: P.A. 97-813, eff. 7-13-12.)

(805 ILCS 180/30-20)

Sec. 30-20. Rights of creditor.

(a) On application by a judgment creditor of a member or transferee, a court may enter a charging order against the distributional interest of the judgment debtor for the unsatisfied amount of the judgment. A charging order constitutes a lien on a judgment debtor's distributional interest and requires the limited liability company to pay over to the person to which the charging order was issued any distribution that would otherwise be paid to the judgment debtor. A charging order grants no other rights with respect to the assets or affairs of the company. On application by a judgment creditor of a member of a limited liability company or of a member's transferee, a court having jurisdiction may charge the distributional interest of the judgment debtor to satisfy the judgment. The court may appoint a receiver of the share of the distributions due or to become due to the judgment debtor and make all other orders, directions, accounts, and inquiries the judgment debtor might have made or which the circumstances may require to give effect to the charging order.

(b) To the extent necessary to effectuate the collection of distributions pursuant to a charging order in effect under subsection (a), the court may:

(1) appoint a receiver of the distributions subject to the charging order, with the power to make all inquiries the judgment debtor might have made; and

(2) make all other orders necessary to give effect to the charging order. A charging order constitutes a lien on the judgment debtor's distributional interest. The court may order a foreclosure of a lien on a distributional interest subject to the

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charging order at any time. A purchaser at the foreclosure sale has the rights of a transferee.

(c) At any time the court may foreclose the lien and order the sale of the distributional interest. The purchaser at the foreclosure sale obtains only the distributional interest, does not thereby become a member, and is subject to Section 30-10. At any time before foreclosure, a distributional interest in a limited liability company that is charged may be redeemed:

(1) by the judgment debtor;
(2) with property other than the company's property, by one or more of the other members; or
(3) with the company's property, but only if permitted by the operating agreement.

(d) At any time before foreclosure under subsection (c), the member or transferee whose distributional interest is subject to a charging order under subsection (a) may extinguish the charging order by satisfying the judgment and filing a certified copy of the satisfaction with the court that issued the charging order. This Act does not affect a member's right under exemption laws with respect to the member's distributional interest in a limited liability company:

(e) At any time before foreclosure under subsection (c), a limited liability company or one or more members whose distributional interests are not subject to the charging order may satisfy the judgment and thereby succeed to the rights of the judgment creditor, including the charging order. This Section provides the exclusive remedy by which a judgment creditor of a member or a transferee may satisfy a judgment out of the judgment debtor's distributional interest in a limited liability company.

(f) This Act does not deprive any member or transferee of the benefit of any exemption laws applicable to the member's or transferee's distributional interest.

(g) This Section provides the exclusive remedy by which a person seeking to enforce a judgment against a member or transferee may, in the capacity of judgment creditor, satisfy the judgment from the judgment debtor's distributional interest. If and to the extent that other law permits a judgment creditor to obtain a lien against the distributional interest or other rights of a member or transferee of a member, the lien shall be treated as a charging order subject to all the provisions of this Section.

(Source: P.A. 90-424, eff. 1-1-98.)

(805 ILCS 180/30-25 new)
Sec. 30-25. Power of personal representative of deceased member.
If a member dies, the deceased member's personal representative or other legal representative may exercise the rights of a transferee provided in subsection (e) of Section 30-10 and, for the purposes of settling the estate, the rights of a current member under Section 10-15.

(805 ILCS 180/35-1)

Sec. 35-1. Events causing dissolution and winding up of company's business.

(a) A limited liability company is dissolved; and, unless continued pursuant to subsection (b) of Section 35-3; its business must be wound up, upon the occurrence of any of the following events:

(1) An event or circumstance that causes the dissolution of a company by the express terms of specified in the operating agreement.

(2) The consent of all members Consent of the number or percentage of members specified in the operating agreement.

(3) The passage of 180 consecutive days during which the company has no members An event that makes it unlawful for all or substantially all of the business of the company to be continued; but any cure of illegality within 90 days after notice to the company of the event is effective retroactively to the date of the event for purposes of this Section.

(4) On application by a member or a dissociated member, upon entry of a judicial decree that:

(A) the economic purpose of the company has been or is likely to be unreasonably frustrated;

(B) the another member has engaged in conduct of all or substantially all of relating to the company's activities is unlawful business that makes it not reasonably practicable to carry on the company's business with that member;

(C) it is not otherwise reasonably practicable to carry on the company's business in conformity with the articles of organization and the operating agreement.

(5) On application by a member or transferee of a (D) the company failed to purchase the petitioner's distributional interest, upon entry of a judicial decree that as required by Section 35-60; or (E) the managers or those members in control of the company:

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(A) have acted, are acting, or will act in a manner that is illegal, oppressive, or fraudulent; or with respect to the petitioner:

(B) have acted or are acting in a manner that is oppressive and was, is, or will be directly harmful to the applicant.

(5) On application by a transferee of a member’s interest, a judicial determination that it is equitable to wind up the company’s business:

(6) Administrative dissolution under Section 35-25.

(b) In a proceeding under subdivision (4) or (5) of subsection (a), the court may order a remedy other than dissolution including, but not limited to, a buyout of the applicant's membership interest.

(Source: P.A. 90-424, eff. 1-1-98.)

(805 ILCS 180/35-3)

Sec. 35-3. Limited liability company continues after dissolution.

(a) Subject to subsections (b), and (c), and (d) of this Section, a limited liability company continues after dissolution only for the purpose of winding up its business.

(b) At any time after the dissolution of a limited liability company and before the winding up of its business is completed, the members, including a dissociated member whose dissociation caused the dissolution, may unanimously waive the right to have the company's business wound up and the company terminated. In that case any such waiver shall take effect upon:

(1) (blank);
(2) (blank);
(3) the filing with the Secretary of State by the limited liability company of all reports then due and theretofore becoming due;
(4) the payment to the Secretary of State by the limited liability company of all fees and penalties then due and theretofore becoming due; and
(5) the filing of articles of revocation of dissolution setting forth:

(A) the name of the limited liability company at the time of filing the articles of dissolution;

(B) if the name is not available for use as determined by the Secretary of State at the time of filing the

New matter indicated by italics - deletions by strikeout
articles of revocation of dissolution, the name of the limited liability company as changed, provided that any change of name is properly effected under Section 1-10 and Section 5-25 of this Act;

(C) the effective date of the dissolution that was revoked;

(D) the date that the revocation of dissolution was authorized;

(E) a statement that the members have unanimously waived the right to have the company’s business wound up and the company terminated; and

(F) the address, including street and number or rural route number, of the registered office of the limited liability company upon revocation of dissolution and the name of its registered agent at that address upon the revocation of dissolution of the limited liability company, provided that any change from either the registered office or the registered agent at the time of dissolution is properly reported under Section 1-35 of this Act.

Upon compliance with the provisions of this subsection, the Secretary of State shall file the articles of revocation of dissolution. Upon filing of the articles of revocation of dissolution:

(1) (i) the limited liability company resumes carrying on its business as if dissolution had never occurred, and any liability incurred by the limited liability company or a member after the dissolution and before the waiver is determined as if the dissolution had never occurred; and

(2) (ii) the rights of a third party accruing under subsection (a) of Section 35-7 or arising out of conduct in reliance on the dissolution before the third party knew or received a notification of the waiver are not adversely affected.

(c) If there are no members, the legal representative of the last remaining member may, within one year after the occurrence of the event that caused the dissociation of the last remaining member, agree in writing to continue the limited liability company. In that event, the legal representative or its nominee or designee will be admitted to the company as a member and the company will not be dissolved or its business wound up until the occurrence of a future event of dissolution, if any.
(d) This Section does not apply in the case of a dissolution described in subdivision (4), (5), or (6) of Section 35-1.

(c) Unless otherwise provided in the articles of organization or the operating agreement, the limited liability company is not dissolved and is not required to be wound up if:

(1) within 6 months or such period as is provided for in the articles of organization or the operating agreement after the occurrence of the event that caused the dissociation of the last remaining member, the personal representative of the last remaining member agrees in writing to continue the limited liability company until the admission of the personal representative of that member or its nominee or designee to the limited liability company as a member, effective as of the occurrence of the event that caused the dissociation of the last remaining member, provided that the articles of organization or the operating agreement provide that the personal representative of the last remaining member shall be obligated to agree in writing to continue the limited liability company and to the admission of the personal representative of that member or its nominee or designee to the limited liability company as a member, effective as of the occurrence of the event that caused the dissociation of the last remaining member; or

(2) a member is admitted to the limited liability company in the manner provided for in the articles of organization or the operating agreement, effective as of the occurrence of the event that caused the dissociation of the last remaining member, within 6 months or such other period as is provided for in the operating agreement after the occurrence of the event that caused the dissociation of the last remaining member, pursuant to a provision of the articles of organization or the operating agreement that specifically provides for the admission of a member to the limited liability company after there is no longer a remaining member of the limited liability company.

(Source: P.A. 98-720, eff. 7-16-14.)

(805 ILCS 180/35-4)

Sec. 35-4. Wind Right to wind up of limited liability company's business.

(a) After dissolution, a member who has not wrongfully dissociated may participate in winding up a limited liability company's business, but

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on application of any member, member's legal representative, or transferee, the Circuit Court, for good cause shown, may order judicial supervision of the winding up.

(b) If a dissolved limited liability company has no members, the legal representative of the last person to have been a surviving member may wind up the limited liability company's business of the company. If the person does so, the person has the powers of a sole manager under subsection (b) of Section 15-1 and is deemed to be a manager for the purposes of subsection (a) of Section 10-10.

(c) A person winding up a limited liability company's business may preserve the company's business or property as a going concern for a reasonable time, prosecute and defend actions and proceedings, whether civil, criminal, or administrative, settle and close the company's business, dispose of and transfer the company's property, settle disputes by mediation or arbitration, and perform other acts necessary or appropriate to winding up and shall discharge the company's debts, obligations, or other liabilities, settle and close the company's business and marshal and distribute the assets of the company pursuant to Section 35-10, settle disputes by mediation or arbitration, and perform other necessary acts.

(d) If the legal representative under subsection (b) declines or fails to wind up the company's business, a person may be appointed to do so by the consent of transferees owning a majority of the rights to receive distributions as transferees at the time the consent is to be effective. A person appointed under this subsection:

(1) has the powers of a sole manager under subsection (b) of Section 15-1 and is deemed to be a manager for the purposes of subsection (a) of Section 10-10; and

(2) shall promptly deliver to the Secretary of State for filing an amendment to the company's articles of organization to:

(A) state that the company has no members;

(B) state that the person has been appointed pursuant to this subsection to wind up the company; and

(C) provide the mailing addresses of the person.

(e) The circuit court may order judicial supervision of the winding up of a dissolved limited liability company, including the appointment of a person to wind up the company's business:

(1) on application of a member, if the applicant establishes good cause;

(2) on the application of a transferee, if:

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(A) the company does not have any members;
(B) the legal representative of the last person to have been a member declines or fails to wind up the company's business; and
(C) within a reasonable time following the dissolution a person has not been appointed pursuant to subsection (d); or
(3) in connection with a proceeding under subdivision (4)
of subsection (a) of Section 35-1.

(Source: P.A. 90-424, eff. 1-1-98.)

(805 ILCS 180/35-7)
Sec. 35-7. Member or manager's power and liability as agent after
dissolution.
(a) A limited liability company is bound by a member or manager's
act after dissolution that:
(1) is appropriate for winding up the company's business; or
(2) would have bound the company under Section 13-5
before dissolution, if the other party to the transaction did not have
notice of the dissolution.
(b) A member or manager who, with knowledge of the dissolution,
subjects a limited liability company to liability by an act that is not
appropriate for winding up the company's business is liable to the
company for any damage caused to the company arising from the liability.

(Source: P.A. 90-424, eff. 1-1-98.)

(805 ILCS 180/35-15)
Sec. 35-15. Statement Articles of termination dissolution. When a
all debts, liabilities, and obligations of the limited liability company has
been wound up, a statement of termination have been paid and discharged
or adequate provision has been made therefor and all of the remaining
property and assets of the limited liability company have been distributed
to the members, articles of dissolution shall be executed in duplicate in the
manner prescribed in Section 5-45 and shall set forth all of the following:

(1) The name of the limited liability company; :
(2) A post office address to which may be mailed a copy of
any process against the company that may be served upon the
Secretary of State; and
(3) A statement that the limited liability company has been
terminated (2) That all debts, obligations, and liabilities of the
limited liability company have been paid and discharged or that adequate provision has been made therefor.

(3) That all the remaining property and assets of the limited liability company have been distributed among its members in accordance with their respective rights and interests.

(4) That there are no suits pending against the company in any court or that adequate provision has been made for the satisfaction of any judgment, order, or decree that may be entered against it in any pending suit.

(Source: P.A. 87-1062.)

(805 ILCS 180/35-20)

Sec. 35-20. Filing of statement articles of termination dissolution.

(a) Duplicate originals of the statement articles of termination dissolution shall be delivered to the Secretary of State. If the Secretary of State finds that the statement articles of termination dissolution conform to law, he or she shall, when all required fees have been paid:

(1) endorse on each duplicate original the word "Filed" and the date of the filing thereof; and

(2) file one duplicate original in his or her office.

(b) A duplicate original of the statement articles of termination dissolution shall be returned to the representative of the dissolved limited liability company. Upon the filing of a statement the articles of termination dissolution, the existence of the company shall terminate, and its articles of organization shall be deemed cancelled, except for the purpose of suits, other proceedings, and appropriate action as provided in this Article. The manager or managers or member or members at the time of termination, or those that remain, shall thereafter be trustee for the members and creditors of the terminated company and, in that capacity, shall have authority to convey or distribute any company property discovered after termination and take any other action that may be necessary on behalf of and in the name of the terminated company.

(Source: P.A. 90-424, eff. 1-1-98.)

(805 ILCS 180/35-37 new)

Sec. 35-37. Administrative dissolution; limited liability company name. The Secretary of State shall not allow another limited liability company or corporation to use the name of a domestic limited liability company that has been administratively dissolved until 3 years have elapsed following the date of issuance of the notice of dissolution. If the domestic limited liability company that has been administratively dissolved

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dissolved is reinstated within 3 years after the date of issuance of the notice of dissolution, the domestic limited liability company shall continue under its previous name unless the limited liability company changes its name upon reinstatement.

(805 ILCS 180/35-45)

Sec. 35-45. Events causing member's dissociation. A member is dissociated from a limited liability company upon the occurrence of any of the following events:

1. The company's having notice of the member's express will to withdraw upon the date of notice or on a later date specified by the member.
2. An event agreed to in the operating agreement as causing the member's dissociation.
3. Upon transfer of all of a member's distributional interest, other than a transfer for security purposes or a court order charging the member's distributional interest that has not been foreclosed.
4. The member's expulsion pursuant to the operating agreement.
5. The member's expulsion by unanimous vote of the other members if:
   A. it is unlawful to carry on the company's business with the member;
   B. there has been a transfer of substantially all of the member's distributional interest, other than a transfer for security purposes or a court order charging the member's distributional interest that has not been foreclosed;
   C. within 90 days after the company notifies a corporate member that it will be expelled because it has filed a certificate of dissolution or the equivalent, its charter has been revoked, or its right to conduct business has been suspended by the jurisdiction of its incorporation, the member fails to obtain a revocation of the certificate of dissolution or a reinstatement of its charter or its right to conduct business; or
   D. a partnership or a limited liability company that is a member has been dissolved and its business is being wound up.
6. On application by the company or another member, the member's expulsion by judicial determination because the member:
   A. engaged in wrongful conduct that adversely and materially affected the company's business;

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(B) willfully or persistently committed a material breach of the operating agreement or of a duty owed to the company or the other members under Section 15-3; or
(C) engaged in conduct relating to the company's business that makes it not reasonably practicable to carry on the business with the member.

(7) The member's:
(A) becoming a debtor in bankruptcy;
(B) executing an assignment for the benefit of creditors;
(C) seeking, consenting to, or acquiescing in the appointment of a trustee, receiver, or liquidator of the member or of all or substantially all of the member's property; or
(D) failing, within 90 days after the appointment, to have vacated or stayed the appointment of a trustee, receiver, or liquidator of the member or of all or substantially all of the member's property obtained without the member's consent or acquiescence, or failing within 90 days after the expiration of a stay to have the appointment vacated.

(8) In the case of a member who is an individual:
(A) the member's death;
(B) the appointment of a guardian or general conservator for the member; or
(C) a judicial determination that the member has otherwise become incapable of performing the member's duties under the operating agreement.

(9) In the case of a member that is a trust or is acting as a member by virtue of being a trustee of a trust, distribution of the trust's entire rights to receive distributions from the company, but not merely by reason of the substitution of a successor trustee.

(10) In the case of a member that is an estate or is acting as a member by virtue of being a personal representative of an estate, distribution of the estate's entire rights to receive distributions from the company, but not merely the substitution of a successor personal representative.

(11) Termination of the existence of a member if the member is not an individual, estate, or trust other than a business trust.

(12) In the case of a company that participates in a merger under Article 37, if:
(A) the company is not the surviving entity; or
(B) otherwise as a result of the merger, the person ceases to be a member.

(13) The company participates in a conversion under Article 37.

(14) The company participates in a domestication under Article 37, if, as a result, the person ceases to be a member.

(Source: P.A. 90-424, eff. 1-1-98.)

(805 ILCS 180/35-55)
Sec. 35-55. Effect of member's dissociation.

(a) Upon a member's dissociation the company must cause the dissociated member's distributional interest to be purchased under Section 35-60. (b) Upon a member's dissociation from a limited liability company:

(1) the member's right to participate in the management and conduct of the company's business terminates, except as otherwise provided in Section 35-4, and the member ceases to be a member and is treated the same as a transferee of a member;

(2) the member's fiduciary duties terminate, except as provided in subdivision (3) of this subsection (a) (b); and

(3) the member's duty of loyalty under subdivisions (1) and (2) of subsection (b) of Section 15-3 and duty of care under subsection (c) of Section 15-3 continue only with regard to matters arising and events occurring before the member's dissociation, unless the member participates in winding up the company's business pursuant to Section 35-4; and

(4) subject to Section 30-25 and Article 37, any distributional interest owned by the person immediately before dissociation in the person's capacity as a member is owned by the person solely as a transferee.

(b) A person's dissociation as a member of a limited liability company does not of itself discharge the person from any debt, obligation, or other liability to the company or the other members which the person incurred while a member.

(Source: P.A. 90-424, eff. 1-1-98.)

(805 ILCS 180/Art. 37 heading)
Article 37. Conversions, domestications, mergers, and series

(Source: P.A. 97-839, eff. 7-20-12.)

(805 ILCS 180/37-5)
Sec. 37-5. Definitions. In this Article:

"Constituent limited liability company" means a constituent organization that is a limited liability company.

New matter indicated by italics - deletions by strikeout
"Constituent organization" means an organization that is party to a merger.

"Converted organization" means the organization into which a converting organization converts pursuant to Sections 37-10 through 37-17.

"Converting limited liability company" means a converting organization that is a limited liability company.

"Converting organization" means an organization that converts into another organization pursuant to Sections 37-10 through 37-17.

"Domesticated company" means the company that exists after a domesticating foreign limited liability company or limited liability company effects a domestication pursuant to Sections 37-31 through 37-34.

"Domesticating company" means the company that effects a domestication pursuant to Sections 37-31 through 37-34.

"Governing statute" means the statute that governs an organization's internal affairs.

"Organization" means a general partnership, including a limited liability partnership, limited partnership, including a limited liability limited partnership, limited liability company, business trust, corporation, or any other person having a governing statute. The term includes a domestic or foreign organization regardless of whether organized for profit.

"Organizational document" means:

(1) for a domestic or foreign general partnership, its partnership agreement;

(2) for a limited partnership or foreign limited partnership, its certificate of limited partnership and partnership agreement;

(3) for a domestic or foreign limited liability company, its certificate or articles of organization and operating agreement, or comparable records as provided in its governing statute;

(4) for a business trust, its agreement of trust and declaration of trust;

(5) for a domestic or foreign corporation for profit, its articles of incorporation, bylaws, and any agreements among its shareholders which are authorized by its governing statute, or comparable records as provided in its governing statute; and

(6) for any other organization, the basic records that create the organization and determine its internal governance and the

New matter indicated by italics - deletions by strikeout
relations among the persons that own it, have an interest in it, or are members of it.

"Personal liability" means liability for a debt, obligation, or other liability of an organization which is imposed on a person that co-owns, has an interest in, or is a member of the organization:

(1) by the governing statute solely by reason of the person co-owning, having an interest in, or being a member of the organization; or

(2) by the organization's organizational documents under a provision of the governing statute authorizing those documents to make one or more specified persons liable for all or specified debts, obligations, or other liabilities of the organization solely by reason of the person or persons co-owning, having an interest in, or being a member of the organization.

"Surviving organization" means an organization into which one or more other organizations are merged, whether the organization preexisted the merger or was created by the merger.

"Corporation" means (i) a corporation under the Business Corporation Act of 1983, a predecessor law, or comparable law of another jurisdiction or (ii) a bank or savings bank.

"General partner" means a partner in a partnership and a general partner in a limited partnership.

"Limited partner" means a limited partner in a limited partnership.

"Limited partnership" means a limited partnership created under the Uniform Limited Partnership Act (2001), a predecessor law, or comparable law of another jurisdiction.

"Partner" includes a general partner and a limited partner.

"Partnership" means a general partnership under the Uniform Partnership Act (1997), a predecessor law, or comparable law of another jurisdiction.

"Partnership agreement" means an agreement among the partners concerning the partnership or limited partnership.

"Shareholder" means a shareholder in a corporation.

(Source: P.A. 96-328, eff. 8-11-09.)

(805 ILCS 180/37-10)

Sec. 37-10. Conversion of partnership or limited partnership to limited liability company.

(a) An organization other than a limited liability company or a foreign limited liability company may convert to a limited liability

New matter indicated by italics - deletions by strikeout
company, and a limited liability company may convert to an organization other than a foreign limited liability company pursuant to this Section, Sections 37-15 through 37-17, and a plan of conversion, if:

1. the other organization’s governing statute authorizes the conversion;
2. the conversion is not prohibited by the law of the jurisdiction that enacted the other organization's governing statute; and
3. the other organization complies with its governing statute in effecting the conversion.

(b) A plan of conversion must be in a record and must include:
1. the name and form of the organization before conversion;
2. the name and form of the organization after conversion;
3. the terms and conditions of the conversion, including the manner and basis for converting interests in the converting organization into any combination of money, interests in the converted organization, and other consideration; and
4. the organizational documents of the converted organization that are, or are proposed to be, in a record.

A partnership or limited partnership may be converted to a limited liability company pursuant to this Section if conversion to a limited liability company is permitted under the law governing the partnership or limited partnership.

(b) The terms and conditions of a conversion of a partnership or limited partnership to a limited liability company must be approved by all of the partners or by a number or percentage of the partners required for conversion in the partnership agreement.

(c) An agreement of conversion must set forth the terms and conditions of the conversion of the interests of partners of a partnership or of a limited partnership, as the case may be, into interests in the converted limited liability company or the cash or other consideration to be paid or delivered as a result of the conversion of the interests of the partners, or a combination thereof.

(d) After a conversion is approved under subsection (b) of this Section, the partnership or limited partnership shall file articles of organization in the office of the Secretary of State that satisfy the requirements of Section 5-5 and contain all of the following:

New matter indicated by italics - deletions by strikeout
(1) A statement that the partnership or limited partnership was converted to a limited liability company from a partnership or limited partnership, as the case may be:

(2) Its former name:

(3) A statement of the number of votes cast by the partners entitled to vote for and against the conversion and, if the vote is less than unanimous, the number or percentage required to approve the conversion under subsection (b) of this Section:

(4) In the case of a limited partnership, a statement that the certificate of limited partnership shall be canceled as of the date the conversion took effect:

(e) In the case of a limited partnership, the filing of articles of organization under subsection (d) of this Section cancels its certificate of limited partnership as of the date the conversion took effect.

(f) A conversion takes effect when the articles of organization are filed in the office of the Secretary of State or on a date specified in the articles of organization not later than 30 days subsequent to the filing of the articles of organization:

(g) A general partner who becomes a member of a limited liability company as a result of a conversion remains liable as a partner for an obligation incurred by the partnership or limited partnership before the conversion takes effect:

(h) A general partner's liability for all obligations of the limited liability company after the conversion takes effect is that of a member of the company. A limited partner who becomes a member as a result of a conversion remains liable only to the extent the limited partner was liable for an obligation incurred by the limited partnership before the conversion takes effect.

(Source: P.A. 90-424, eff. 1-1-98.)

(805 ILCS 180/37-15)

Sec. 37-15. Effect of conversion; entity unchanged.

(a) An organization that has been converted pursuant to Sections 37-10 through 37-17 under this Article is for all purposes the same entity that existed before the conversion.

(b) When a conversion takes effect:

(1) all property owned by the converting organization vests in the converted organization partnership or limited partnership vests in the limited liability company;

New matter indicated by italics - deletions by strikeout
(2) all debts, liabilities, and other obligations, or other liabilities of the converting organization partnership or limited partnership continue as debts, obligations, or other liabilities of the converted organization limited liability company;

(3) an action or proceeding pending by or against the converting organization partnership or limited partnership may be continued as if the conversion had not occurred;

(4) except as prohibited by other law other than Article 37, all of the rights, privileges, immunities, powers, and purposes of the converting organization remain vested in the converted organization partnership or limited partnership vest in the limited liability company; and

(5) except as otherwise provided in the plan of conversion, the terms and conditions of the plan of conversion take effect; and

(6) except as otherwise agreed, the conversion does not dissolve a converting limited liability company for the purposes of Article 35.

(c) A converted organization that is a foreign organization consents to the jurisdiction of the courts of this State to enforce any debt, obligation, or other liability for which the converting limited liability company is liable if, before the conversion, the converting limited liability company was subject to suit in this State on the debt, obligation, or other liability. A converted organization that is a foreign organization and not authorized to transact business in this State appoints the Secretary of State as its agent for service of process for purposes of enforcing a debt, obligation, or other liability under this subsection. Service on the Secretary of State under this subsection must be made in the same manner and has the same consequences as in subsections (b) and (c) of Section 1-50. agreement of conversion under Section 37-10, all of the partners of the converting partnership continue as members of the limited liability company.

(d) A converted organization that is a foreign organization may not do business in this State until an application for that authority is filed with the Secretary of State.

(Source: P.A. 90-424, eff. 1-1-98.)

(805 ILCS 180/37-16 new)

Sec. 37-16. Action on plan of conversion by converting limited liability company.

New matter indicated by italics - deletions by strikeout
(a) Subject to Section 37-36, a plan of conversion must be consented to by all the members of a converting limited liability company.

(b) Subject to Section 37-36 and any contractual rights, after a conversion is approved, and at any time before a filing is made under Section 37-17, a converting limited liability company may amend the plan or abandon the conversion:

(1) as provided in the plan; or

(2) except as otherwise prohibited in the plan, by the same consent as was required to approve the plan.

(805 ILCS 180/37-17 new)

Sec. 37-17. Filings required for conversion; effective date.

(a) After a plan of conversion is approved:

(1) a converting limited liability company shall deliver to the Secretary of State for filing articles of conversion, which must be executed as provided in Section 5-45 and must include:

(A) a statement that the limited liability company has been converted into another organization;

(B) the name and form of the organization and the jurisdiction of its governing statute;

(C) the date the conversion is effective under the governing statute of the converted organization;

(D) a statement that the conversion was approved as required by this Act;

(E) a statement that the conversion was approved as required by the governing statute of the converted organization; and

(F) if the converted organization is a foreign organization not authorized to transact business in this State, the street and mailing addresses of an office which the Secretary of State may use for the purposes of subsection (c) of Section 37-15; and

(2) if the converting organization is not a converting limited liability company, the converting organization shall deliver to the Secretary of State for filing, articles of organization, which must include, in addition to the information required by Section 5-5:

(A) a statement that the converted organization was converted from another organization;

New matter indicated by italics - deletions by strikeout
(B) the name and form of the converting organization and the jurisdiction of its governing statute; and

(C) a statement that the conversion was approved in a manner that complied with the converting organization's governing statute.

(b) A conversion becomes effective:

(1) if the converted organization is a limited liability company, when the articles of organization take effect; and

(2) if the converted organization is not a limited liability company, as provided by the governing statute of the converted organization.

(805 ILCS 180/37-20)


(a) Pursuant to a plan of merger approved under subsection (c) of this Section, a limited liability company may merge with one or more other constituent organizations pursuant to this Section, Sections 37-21 through 37-30, and a plan of merger, if:

(1) the governing statute of each of the other organizations authorizes the merger;

(2) the merger is not prohibited by the law of a jurisdiction that enacted any of the governing statutes; and

(3) each of the other organizations complies with its governing statute in effecting the merger, or into one or more limited liability companies, foreign limited liability companies, corporations, foreign corporations, partnerships, foreign partnerships, limited partnerships, foreign limited partnerships, or other domestic or foreign entities if merger with or into a limited liability company is permitted under the law governing the domestic or foreign entity.

(b) A plan of merger must be in a record and must include all of the following:

(1) the name and form of each constituent organization; entity that is a party to the merger.

(2) the name and form of the surviving organization and, if the surviving organization is to be created by the merger, a statement to that effect; entity into which the other entities will merge.

(3) The type of organization of the surviving entity.

New matter indicated by italics - deletions by strikeout
(3) the terms and conditions of the merger, including the manner and basis for converting the interests in each constituent organization into any combination of money, shares, obligations, or other securities of each party to the merger into interests in; shares, obligations, or other securities of the surviving organization, and other consideration, entity, or into money or other property in whole or in part.

(4) if the surviving organization is to be created by the merger, the surviving organization's organizational documents that are proposed to be in a record; and

(5) if the surviving organization is not to be created by the merger, any amendments to be made by the merger to the surviving organization's organizational documents that are, or are proposed to be, in a record.

(6) The street address of the surviving entity's principal place of business.

c) A plan of merger must be approved:

(1) in the case of a limited liability company that is a party to the merger, by all of the members or by a number or percentage of members specified in the operating agreement;

(2) in the case of a foreign limited liability company that is a party to the merger, by the vote required for approval of a merger by the law of the state or foreign jurisdiction in which the foreign limited liability company is organized;

(3) in the case of a partnership or domestic limited partnership that is a party to the merger, by the vote required for approval of a conversion under Section 37-5(b); and

(4) in the case of any other entities that are parties to the merger, by the vote required for approval of a merger by the law of this State or of the state or foreign jurisdiction in which the entity is organized and, in the absence of such a requirement, by all the owners of interests in the entity.

d) After a plan of merger is approved and before the merger takes effect, the plan may be amended or abandoned as provided in the plan.

e) The merger is effective upon the filing of the articles of merger with the Secretary of State, or a later date as specified in the articles of merger not later than 30 days subsequent to the filing of the plan of merger under Section 37-25.

(Source: P.A. 90-424, eff. 1-1-98.)

New matter indicated by italics - deletions by strikeout
Sec. 37-21. Action on plan of merger by constituent limited liability company.

(a) Subject to Section 37-36, a plan of merger must be consented to by all the members of a constituent limited liability company.

(b) Subject to Section 37-36 and any contractual rights, after a merger is approved and at any time before articles of merger are delivered to the Secretary of State for filing under Section 37-25, a constituent limited liability company may amend the plan or abandon the merger:

1) as provided in the plan; or
2) except as otherwise prohibited in the plan, with the same consent as was required to approve the plan.

Sec. 37-25. Articles of merger.

(a) After each constituent organization has approved a plan of merger under Section 37-20, unless the merger is abandoned under subsection (d) of Section 37-20, articles of merger must be signed on behalf of:

1) each constituent limited liability company as provided in Section 5-45; and
2) each other constituent organization, as provided in its governing statute and other entity that is a party to the merger and delivered to the Secretary of State for filing.

(b) Articles of merger under this Section The articles must include set forth all of the following:

1) the name and form of each constituent organization and the jurisdiction of its governing statute; formation—organization of each of the limited liability companies and other entities that are parties to the merger.

2) For each limited liability company that is to merge, the date its articles of organization were filed with the Secretary of State.

3) That a plan of merger has been approved and signed by each limited liability company and other entity that is to merge and, if a corporation is a party to the merger, a copy of the plan as approved by the corporation shall be attached to the articles:

4) The name and form address of the surviving organization, the jurisdiction of its governing statute and, if the

New matter indicated by italics - deletions by strikeout
surviving organization is created by the merger, a statement to that effect; limited liability company or other surviving entity.

(3) The effective date of the merger is effective under the governing statute of the surviving organization;

(4) if the surviving organization is to be created by the merger:

   (A) if it will be a limited liability company, the company's articles of organization; or
   (B) if it will be an organization other than a limited liability company, the organizational document that creates the organization that is in a public record;

(5) if the surviving organization preexists the merger, any amendments provided for in the plan of merger for the organizational document that created the organization that are in a public record;

(6) a statement as to each constituent organization that the merger was approved as required by the organization's governing statute;

(7) if the surviving organization is a foreign organization not authorized to transact business in this State, the street and mailing addresses of an office the Secretary of State may use for the purposes of subsection (b) of Section 37-30; and

(8) any additional information required by the governing statute of any constituent organization.

(c) Each constituent limited liability company shall deliver the articles of merger for filing to the Secretary of State, together with a copy of that portion of the plan of merger that contains the name and form of each constituent organization and the surviving organization.

(d) A merger becomes effective:

   (1) if the surviving organization is a limited liability company, upon the later of:

       (A) the filing of the articles of merger with the Secretary of State; or
       (B) subject to Section 5-40, as specified in the articles of merger; or

   (2) if the surviving organization is not a limited liability company, as provided by the governing statute of the surviving organization.

New matter indicated by italics - deletions by strikeout
(6) If a limited liability company is the surviving entity, any changes in its articles of organization that are necessary by reason of the merger.

(7) If a party to a merger is a foreign limited liability company, the jurisdiction and date of filing of its initial articles of organization and the date when its application for authority was filed by the Secretary of State or, if an application has not been filed, a statement to that effect.

(8) If the surviving entity is not a limited liability company, an agreement that the surviving entity may be served with process in this State and is subject to liability in any action or proceeding for the enforcement of any liability or obligation of any limited liability company previously subject to suit in this State which is to merge, and for the enforcement, as provided in this Act, of the right of members of any limited liability company to receive payment for their interest against the surviving entity.

(b) If a foreign limited liability company is the surviving entity of a merger, it may not do business in this State until an application for that authority is filed with the Secretary of State.

c) The surviving limited liability company or other entity shall furnish a copy of the plan of merger, on request and without cost, to any member of any limited liability company or any person holding an interest in any other entity that is to merge.

d) To the extent the articles of merger are inconsistent with the limited liability company's articles of organization, the articles of merger shall operate as an amendment to the company's articles of organization.

(Source: P.A. 90-424, eff. 1-1-98.)

(805 ILCS 180/37-30)
(a) When a merger becomes effective takes effect:

(1) the surviving organization continues or comes into existence;

(2) each constituent organization that merges into the surviving organization ceases to exist as a separate entity;

(3) all property owned by each constituent organization that ceases to exist vests in the surviving organization;

(4) all debts, obligations, or other liabilities of each constituent organization that ceases to exist continue as debts, obligations, or other liabilities of the surviving organization;

New matter indicated by italics - deletions by strikeout
(5) an action or proceeding pending by or against any constituent organization that ceases to exist may be continued as if the merger had not occurred;
(6) except as prohibited by other law, all of the rights, privileges, immunities, powers, and purposes of each constituent organization that ceases to exist vest in the surviving organization;
(7) except as otherwise provided in the plan of merger, the terms and conditions of the plan of merger take effect;
(8) except as otherwise agreed, if a constituent limited liability company ceases to exist, the merger does not dissolve the limited liability company for the purposes of Article 35;
(9) if the surviving organization is created by the merger:
   (A) if it is a limited liability company, the articles of organization become effective; or
   (B) if it is an organization other than a limited liability company, the organizational document that creates the organization becomes effective; and
(10) if the surviving organization preexisted the merger, any amendments provided for in the articles of merger for the organizational document that created the organization become effective.

(b) A surviving organization that is a foreign organization consents to the jurisdiction of the courts of this State to enforce any debt, obligation, or other liability owed by a constituent organization, if before the merger the constituent organization was subject to suit in this State on the debt, obligation, or other liability. A surviving organization that is a foreign organization and not authorized to transact business in this State appoints the Secretary of State as its agent for service of process for the purposes of enforcing a debt, obligation, or other liability under this subsection. Service on the Secretary of State under this subsection must be made in the same manner and has the same consequences as in subsections (b) and (c) of Section 1-50.

(c) A surviving organization that is a foreign organization may not do business in this State until an application for that authority is filed with the Secretary of State.

(1) the separate existence of each limited liability company and other entity that is a party to the merger, other than the surviving entity, terminates;

New matter indicated by italics - deletions by strikeout
(2) all property owned by each of the limited liability companies and other entities that are party to the merger vests in the surviving entity;

(3) all debts, liabilities, and other obligations of each limited liability company and other entity that is party to the merger become the obligations of the surviving entity;

(4) an action or proceeding pending by or against a limited liability company or other party to a merger may be continued as if the merger had not occurred or the surviving entity may be substituted as a party to the action or proceeding; and

(5) except as prohibited by other law, all the rights, privileges, immunities, powers, and purposes of every limited liability company and other entity that is a party to a merger vest in the surviving entity.

(b) The Secretary of State is an agent for service of process in an action or proceeding against the surviving foreign entity to enforce an obligation of any party to a merger if the surviving foreign entity fails to appoint or maintain an agent designated for service of process in this State or the agent for service of process cannot with reasonable diligence be found at the designated office. Service is effected under this subsection (b) at the earliest of:

(1) the date the company receives the process, notice, or demand;

(2) the date shown on the return receipt, if signed on behalf of the company; or

(3) 5 days after its deposit in the mail, if mailed postpaid and correctly addressed.

(c) Service under subsection (b) of this Section shall be made by the person instituting the action by doing all of the following:

(1) Serving on the Secretary of State, or on any employee having responsibility for administering this Act, a copy of the process, notice, or demand, together with any papers required by law to be delivered in connection with service and paying the fee prescribed by Article 50 of this Act.

(2) Transmitting notice of the service on the Secretary of State and a copy of the process, notice, or demand and accompanying papers to the surviving entity being served, by registered or certified mail at the address set forth in the articles of merger.

New matter indicated by italics - deletions by strikeout
(3) Attaching an affidavit of compliance with this Section, in substantially the form that the Secretary of State may by rule prescribe, to the process, notice, or demand:
(d) Nothing contained in this Section shall limit or affect the right to serve any process, notice, or demand required or permitted by law to be served upon a limited liability company in any other manner now or hereafter permitted by law.
(e) A member of the surviving limited liability company is liable for all obligations of a party to the merger for which the member was personally liable before the merger.
(f) Unless otherwise agreed, a merger of a limited liability company that is not the surviving entity in the merger does not require the limited liability company to wind up its business under this Act or pay its liabilities and distribute its assets under this Act.

(Source: P.A. 90-424, eff. 1-1-98.)

(805 ILCS 180/37-31 new)

(a) A foreign limited liability company may become a limited liability company pursuant to this Section, Sections 37-32, 37-33, and 37-34, and a plan of domestication, if:

(1) the foreign limited liability company's governing statute authorizes the domestication;
(2) the domestication is not prohibited by the law of the jurisdiction that enacted the governing statute; and
(3) the foreign limited liability company complies with its governing statute in effecting the domestication.

(b) A limited liability company may become a foreign limited liability company pursuant to this Section, Sections 37-32, 37-33, and 37-34, and a plan of domestication, if:

(1) the foreign limited liability company's governing statute authorizes the domestication;
(2) the domestication is not prohibited by the law of the jurisdiction that enacted the governing statute; and
(3) the foreign limited liability company complies with its governing statute in effecting the domestication.

(c) A plan of domestication must be in a record and must include:

(1) the name of the domesticating company before domestication and the jurisdiction of its governing statute;

New matter indicated by italics - deletions by strikeout
Sec. 37-32. Action on plan of domestication by domesticating limited liability company.

(a) A plan of domestication must be consented to:

(1) by all the members, subject to Section 37-36, if the domesticating company is a limited liability company; and

(2) as provided in the domesticating company’s governing statute, if the company is a foreign limited liability company.

(b) Subject to any contractual rights, after a domestication is approved, and at any time before articles of domestication are delivered to the Secretary of State for filing under Section 37-33, a domesticating limited liability company may amend the plan or abandon the domestication:

(1) as provided in the plan; or

(2) except as otherwise prohibited in the plan, by the same consent as was required to approve the plan.

Sec. 37-33. Filings required for domestication; effective date.

(a) After a plan of domestication is approved, a domesticating company shall deliver to the Secretary of State for filing articles of domestication, which must include:

(1) a statement, as the case may be, that the company has been domesticated from or into another jurisdiction;

(2) the name of the domesticating company and the jurisdiction of its governing statute;

(3) the name of the domesticated company and the jurisdiction of its governing statute;

(4) the date the domestication is effective under the governing statute of the domesticated company;

New matter indicated by italics - deletions by strikeout
(5) if the domesticating company was a limited liability company, a statement that the domestication was approved as required by this Act;

(6) if the domesticating company was a foreign limited liability company, a statement that the domestication was approved as required by the governing statute of the other jurisdiction;

(7) if the domesticated company was a foreign limited liability company not authorized to transact business in this State, the street and mailing addresses of an office that the Secretary of State may use for the purposes of subsection (b) of Section 37-34;

and

(8) if the domesticated company was a foreign limited liability company, the company's articles of organization.

(b) A domestication becomes effective:

(1) when the articles of organization take effect, if the domesticated company is a limited liability company; and

(2) according to the governing statute of the domesticated company, if the domesticated organization is a foreign limited liability company.

(805 ILCS 180/37-34 new)
Sec. 37-34. Effect of domestication.

(a) When a domestication takes effect:

(1) the domesticated company is for all purposes the company that existed before the domestication;

(2) all property owned by the domesticating company remains vested in the domesticated company;

(3) all debts, obligations, or other liabilities of the domesticating company continue as debts, obligations, or other liabilities of the domesticated company;

(4) an action or proceeding pending by or against a domesticating company may be continued as if the domestication had not occurred;

(5) except as prohibited by other law, all of the rights, privileges, immunities, powers, and purposes of the domesticating company remain vested in the domesticated company;

(6) except as otherwise provided in the plan of domestication, the terms and conditions of the plan of domestication take effect; and

New matter indicated by italics - deletions by strikeout
(7) except as otherwise agreed, the domestication does not
dissolve a domesticating limited liability company for the purposes
of Article 35.

(b) A domesticated company that is a foreign limited liability
company consents to the jurisdiction of the courts of this State to enforce
any debt, obligation, or other liability owed by the domesticating
company, if, before the domestication, the domesticating company was
subject to suit in this State on the debt, obligation, or other liability. A
domesticated company that is a foreign limited liability company and not
authorized to transact business in this State appoints the Secretary of State
as its agent for service of process for purposes of enforcing a debt,
obligation, or other liability under this subsection. Service on the
Secretary of State under this subsection must be made in the same manner
and has the same consequences as in subsections (b) and (c) of Section 1-50.

(c) If a limited liability company has adopted and approved a plan
of domestication under Section 37-32 providing for the company to be
domesticated in a foreign jurisdiction, a statement surrendering the
company's articles of organization must be delivered to the Secretary of
State for filing setting forth:

(1) the name of the company;
(2) a statement that the articles of organization are being
surrendered in connection with the domestication of the company
in a foreign jurisdiction;
(3) a statement that the domestication was approved as
required by this Act; and
(4) the jurisdiction of formation of the domesticated foreign
limited liability company.

(d) A domesticated company that is a foreign limited liability
company may not do business in this State until an application for that
authority is filed with the Secretary of State.

(805 ILCS 180/37-36 new)
Sec. 37-36. Restrictions on approval of mergers and conversions.

(a) If a member of a merging or converting limited liability
company will have personal liability with respect to a surviving or
converted organization, approval or amendment of a plan of merger or
conversion is ineffective without the consent of the member, unless:

New matter indicated by italics - deletions by strikeout
(1) the company's operating agreement provides for approval of a merger or conversion with the consent of fewer than all the members; and

(2) the member has consented to the provision of the operating agreement.

(b) A member does not give the consent required by subsection (a) merely by consenting to a provision of the operating agreement that permits the operating agreement to be amended with the consent of fewer than all the members.

(805 ILCS 180/37-40)

Sec. 37-40. Series of members, managers or limited liability company interests.

(a) An operating agreement may establish or provide for the establishment of designated series of members, managers or limited liability company interests having separate rights, powers or duties with respect to specified property or obligations of the limited liability company or profits and losses associated with specified property or obligations, and to the extent provided in the operating agreement, any such series may have a separate business purpose or investment objective.

(b) Notwithstanding anything to the contrary set forth in this Section or under other applicable law, in the event that an operating agreement creates one or more series, and if separate and distinct records are maintained for any such series and the assets associated with any such series are held (directly or indirectly, including through a nominee or otherwise) and accounted for separately from the other assets of the limited liability company, or any other series thereof, and if the operating agreement so provides, and notice of the limitation on liabilities of a series as referenced in this subsection is set forth in the articles of organization of the limited liability company and if the limited liability company has filed a certificate of designation for each series which is to have limited liability under this Section, then the debts, liabilities and obligations incurred, contracted for or otherwise existing with respect to a particular series shall be enforceable against the assets of such series only, and not against the assets of the limited liability company generally or any other series thereof, and unless otherwise provided in the operating agreement, none of the debts, liabilities, obligations and expenses incurred, contracted for or otherwise existing with respect to the limited liability company generally or any other series thereof shall be enforceable against the assets of such series. The fact that the articles of organization contain the foregoing

New matter indicated by italics - deletions by strikeout
notice of the limitation on liabilities of a series and a certificate of designation for a series is on file in the Office of the Secretary of State shall constitute notice of such limitation on liabilities of a series. A series with limited liability shall be treated as a separate entity to the extent set forth in the articles of organization. Each series with limited liability may, in its own name, contract, hold title to assets, grant security interests, sue and be sued and otherwise conduct business and exercise the powers of a limited liability company under this Act. The limited liability company and any of its series may elect to consolidate their operations as a single taxpayer to the extent permitted under applicable law, elect to work cooperatively, elect to contract jointly or elect to be treated as a single business for purposes of qualification to do business in this or any other state. Such elections shall not affect the limitation of liability set forth in this Section except to the extent that the series have specifically accepted joint liability by contract.

(c) Except in the case of a foreign limited liability company that has adopted an assumed name pursuant to Section 45-15, the name of the series with limited liability must commence with the entire name of the limited liability company, as set forth in its articles of organization, and be distinguishable from the names of the other series set forth in the articles of organization. In the case of a foreign limited liability company that has adopted an assumed name pursuant to Section 45-15, the name of the series with limited liability must commence with the entire name, as set forth in the foreign limited liability company's assumed name application, under which the foreign limited liability company has been admitted to transact business in this State.

(d) Upon the filing of the certificate of designation with the Secretary of State setting forth the name of each series with limited liability, the series' existence shall begin, and each of the duplicate copies stamped "Filed" and marked with the filing date shall be conclusive evidence, except as against the State, that all conditions precedent required to be performed have been complied with and that the series has been or shall be legally organized and formed under this Act. If different from the limited liability company, the certificate of designation for each series shall list the name and business address of all names of the members if the series is member managed or the names of the managers and any member having the authority of a manager if the series is manager managed. The name of a series with limited liability under subsection (b) of this Section may be changed by filing with the Secretary of State a certificate of designation.
identifying the series whose name is being changed and the new name of such series. If not the same as the limited liability company, the name and business address of all names of the members of a member managed series or of the managers and any member having the authority of a manager managed series may be changed by filing a new certificate of designation with the Secretary of State. A series with limited liability under subsection (b) of this Section may be dissolved by filing with the Secretary of State a certificate of designation identifying the series being dissolved or by the dissolution of the limited liability company as provided in subsection (m) of this Section. Certificates of designation may be executed by the limited liability company or any manager, person or entity designated in the operating agreement for the limited liability company.

(e) A series of a limited liability company will be deemed to be in good standing as long as the limited liability company is in good standing.

(f) The registered agent and registered office for the limited liability company in Illinois shall serve as the agent and office for service of process in Illinois for each series.

(g) An operating agreement may provide for classes or groups of members or managers associated with a series having such relative rights, powers and duties as the operating agreement may provide, and may make provision for the future creation of additional classes or groups of members or managers associated with the series having such relative rights, powers and duties as may from time to time be established, including rights, powers and duties senior to existing classes and groups of members or managers associated with the series.

(h) A series may be managed by either the member or members associated with the series or by a manager or managers chosen by the members of such series, as provided in the operating agreement. Unless otherwise provided in an operating agreement, the management of a series shall be vested in the members associated with such series.

(i) An operating agreement may grant to all or certain identified members or managers or a specified class or group of the members or managers associated with a series the right to vote separately or with all or any class or group of the members or managers associated with the series, on any matter. An operating agreement may provide that any member or class or group of members associated with a series shall have no voting rights.

(j) Except to the extent modified in this Section, the provisions of this Act which are generally applicable to limited liability companies, their
managers, members and transferees shall be applicable to each particular series with respect to the operation of such series.

(k) Except as otherwise provided in an operating agreement, any event under this Act or in an operating agreement that causes a manager to cease to be a manager with respect to a series shall not, in itself, cause such manager to cease to be a manager of the limited liability company or with respect to any other series thereof.

(l) Except as otherwise provided in an operating agreement, any event under this Act or an operating agreement that causes a member to cease to be associated with a series shall not, in itself, cause such member to cease to be associated with any other series or terminate the continued membership of a member in the limited liability company or cause the termination of the series, regardless of whether such member was the last remaining member associated with such series.

(m) Except to the extent otherwise provided in the operating agreement, a series may be dissolved and its affairs wound up without causing the dissolution of the limited liability company. The dissolution of a series established in accordance with subsection (b) of this Section shall not affect the limitation on liabilities of such series provided by subsection (b) of this Section. A series is terminated and its affairs shall be wound up upon the dissolution of the limited liability company under Article 35 of this Act.

(n) If a limited liability company with the ability to establish series does not register to do business in a foreign jurisdiction for itself and certain of its series, a series of a limited liability company may itself register to do business as a limited liability company in the foreign jurisdiction in accordance with the laws of the foreign jurisdiction.

(o) If a foreign limited liability company, as permitted in the jurisdiction of its organization, has established a series having separate rights, powers or duties and has limited the liabilities of such series so that the debts, liabilities and obligations incurred, contracted for or otherwise existing with respect to a particular series are enforceable against the assets of such series only, and not against the assets of the limited liability company generally or any other series thereof, or so that the debts, liabilities, obligations and expenses incurred, contracted for or otherwise existing with respect to the limited liability company generally or any other series thereof are not enforceable against the assets of such series, then the limited liability company, on behalf of itself or any of its series, or any of its series on their own behalf may register to do business in the

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State in accordance with Section 45-5 of this Act. The limitation of liability shall be so stated on the application for admission as a foreign limited liability company and a certificate of designation shall be filed for each series being registered to do business in the State by the limited liability company. Unless otherwise provided in the operating agreement, the debts, liabilities and obligations incurred, contracted for or otherwise existing with respect to a particular series of such a foreign limited liability company shall be enforceable against the assets of such series only, and not against the assets of the foreign limited liability company generally or any other series thereof and none of the debts, liabilities, obligations and expenses incurred, contracted for or otherwise existing with respect to such a foreign limited liability company generally or any other series thereof shall be enforceable against the assets of such series.

(Source: P.A. 98-720, eff. 7-16-14.)

(805 ILCS 180/50-1)

Sec. 50-1. Annual reports.

(a) Each limited liability company organized under the laws of this State and each foreign limited liability company admitted to transact business in this State shall file, within the time prescribed by this Act, an annual report setting forth all of the following:

(1) The name of the limited liability company.

(2) The address, including street and number or rural route number, of its registered office in this State and the name of its registered agent at that address.

(3) The address, including street and number or rural route number of its principal place of business.

(4) The names and business addresses of all of the managers and any member having the authority of a manager or, if none, the members.

(5) Additional information that may be necessary or appropriate in order to enable the Secretary of State to administer this Act and to verify the proper amount of fees payable by the limited liability company.

(6) The annual report shall be made on forms prescribed and furnished by the Secretary of State, and the information therein, required by paragraphs (1) through (4) of subsection (a), both inclusive, shall be given as of the date of execution of the annual report. The annual report shall be executed by a manager or,
if none, a member designated by the members pursuant to limited
liability company action properly taken under Section 15-1.
(b) The annual report, together with all fees and charges prescribed
by this Act, shall be delivered to the Secretary of State within 60 days
immediately preceding the first day of the anniversary month. Proof to the
satisfaction of the Secretary of State that, before the first day of the
anniversary month of the limited liability company, the report, together
with all fees and charges as prescribed by this Act, was deposited in the
United States mail in a sealed envelope, properly addressed, with postage
prepaid, shall be deemed a compliance with this requirement. If the
Secretary of State finds that the report conforms to the requirements of this
Act, he or she shall file it. If the Secretary of State finds that it does not so
conform, he or she shall promptly return it to the limited liability company
for any necessary corrections, in which event the penalties prescribed for
failure to file the report within the time provided shall not apply if the
report is corrected to conform to the requirements of this Act and returned
to the Secretary of State within 60 days of the original due date of the
report.
(Source: P.A. 90-424, eff. 1-1-98; 91-354, eff. 1-1-00.)
(805 ILCS 180/50-10)
Sec. 50-10. Fees.
(a) The Secretary of State shall charge and collect in accordance
with the provisions of this Act and rules promulgated under its authority
all of the following:
(1) Fees for filing documents.
(2) Miscellaneous charges.
(3) Fees for the sale of lists of filings and for copies of any
documents.
(b) The Secretary of State shall charge and collect for all of the
following:
(1) Filing articles of organization (domestic), application
for admission (foreign), and restated articles of organization
(domestic), $500. Notwithstanding the foregoing, the fee for filing
articles of organization (domestic), application for admission
( foreign), and restated articles of organization (domestic) in
connection with a limited liability company with a series or the
ability to establish a series pursuant to Section 37-40 of this Act is
$750.

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(2) Filing amendments (domestic or foreign) articles of amendment or an amended application for admission, $150.

(3) Filing a statement of termination articles of dissolution or application for withdrawal, $25 $100.

(4) Filing an application to reserve a name, $300.

(5) Filing a notice of cancellation of a reserved name, $100.

(6) Filing a notice of a transfer of a reserved name, $100.

(7) Registration of a name, $300.

(8) Renewal of registration of a name, $100.

(9) Filing an application for use of an assumed name under Section 1-20 of this Act, $150 for each year or part thereof ending in 0 or 5, $120 for each year or part thereof ending in 1 or 6, $90 for each year or part thereof ending in 2 or 7, $60 for each year or part thereof ending in 3 or 8, $30 for each year or part thereof ending in 4 or 9, and a renewal for each assumed name, $150.

(10) Filing an application for change or cancellation of an assumed name, $100.

(11) Filing an annual report of a limited liability company or foreign limited liability company, $250, if filed as required by this Act, plus a penalty if delinquent. Notwithstanding the foregoing, the fee for filing an annual report of a limited liability company or foreign limited liability company with ability to establish series is $250 plus $50 for each series for which a certificate of designation has been filed pursuant to Section 37-40 of this Act and is in effect active on the last day of the third month preceding the company's anniversary month, plus a penalty if delinquent.

(12) Filing an application for reinstatement of a limited liability company or foreign limited liability company $500.

(13) Filing articles Articles of merger Merger, $100 plus $50 for each party to the merger in excess of the first 2 parties.

(14) Filing articles of conversion an Agreement of Conversion or Statement of Conversion, $100.

(15) Filing a statement of change of address of registered office or change of registered agent, or both, or filing a statement of correction, $25.

(16) Filing a petition for refund, $15.

(17) Filing a certificate of designation of a limited liability company with a series pursuant to Section 37-40 of this Act, $50.

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(18) Filing articles of domestication, $100.
(19) Filing, amending, or cancelling a statement of authority, $50.
(20) Filing, amending, or cancelling a statement of denial, $10.

(21) (17) Filing any other document, $100.
(18) Filing a certificate of designation of a limited liability company with the ability to establish series pursuant to Section 37-40 of this Act, $50.

(c) The Secretary of State shall charge and collect all of the following:

(1) For furnishing a copy or certified copy of any document, instrument, or paper relating to a limited liability company or foreign limited liability company, or for a certificate, $25.

(2) For the transfer of information by computer process media to any purchaser, fees established by rule.

(Source: P.A. 97-839, eff. 7-20-12.)

(805 ILCS 180/55-1)
Sec. 55-1. Construction and application.
(a) This Act shall be so applied and construed to effectuate its general purpose.
(b) Subject to subsection (b) of Section 15-5, it is the policy of this Act to give maximum effect to the principles of freedom of contract and to the enforceability of operating agreements.
(c) Rules that statutes in derogation of the common law are to be strictly construed shall have no application to this Act.
(d) Unless the context otherwise requires, as used in this Act, the singular shall include the plural and the plural shall include the singular. The use of any gender shall be applicable to all genders. The captions contained in this Act are for purposes of convenience only and shall not control or affect the construction of this Act.
(Source: P.A. 87-1062.)

(805 ILCS 180/55-3 new)
Sec. 55-3. Relation to Electronic Signatures in Global and National Commerce Act. This Act modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 et seq., but does not modify, limit, or supersede Section 101(c) of that Act, 15 U.S.C. Section 7001(c), or authorize

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electronic delivery of any of the notices described in Section 103(b) of that Act, 15 U.S.C. Section 7003(b).

(805 ILCS 180/35-60 rep.)
(805 ILCS 180/35-65 rep.)
(805 ILCS 180/35-70 rep.)

Section 10. The Limited Liability Company Act is amended by repealing Sections 35-60, 35-65, and 35-70.

Section 99. Effective date. This Act takes effect July 1, 2017.

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Statutes amended in order of appearance

805 ILCS 180/1-5
805 ILCS 180/1-6 new
805 ILCS 180/1-30
805 ILCS 180/1-40
805 ILCS 180/1-46 new
805 ILCS 180/1-65 new
805 ILCS 180/5-5
805 ILCS 180/5-45
805 ILCS 180/5-47
805 ILCS 180/5-50
805 ILCS 180/10-1
805 ILCS 180/10-15
805 ILCS 180/13-5
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805 ILCS 180/20-5
805 ILCS 180/25-35
805 ILCS 180/Art. 30 heading
805 ILCS 180/30-5
805 ILCS 180/30-10
805 ILCS 180/30-20
805 ILCS 180/30-25 new
805 ILCS 180/35-1

New matter indicated by italics - deletions by strikeout
Passed in the General Assembly May 26, 2016.
Approved July 28, 2016.
Effective July 1, 2017.

New matter indicated by italics - deletions by strikeout
AN ACT concerning children.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Abused and Neglected Child Reporting Act is amended by adding Section 4.4b as follows:

(325 ILCS 5/4.4b new)

Sec. 4.4b. Department of Children and Family Services' duty to report to a Department of Defense Family Advocacy Program. Whenever the Department receives, by means of its statewide toll-free telephone number established under Section 7.6 for the purpose of reporting suspected child abuse or neglect or by any other means or from any mandated reporter under Section 4 of this Act, a report of suspected abuse or neglect of a child and the child's parent or guardian is named in the report as the alleged perpetrator of the child abuse or neglect, the Department shall make efforts as soon as practicable to determine the military status of the parent or guardian. If the Department determines that the parent or guardian is a service member, the Department shall notify the geographically closest Department of Defense Family Advocacy Program within the State that there is an allegation of abuse or neglect against the parent or guardian that is open for investigation. If the Department determines that a person or guardian is a member of the Illinois National Guard, the Department shall also notify the Office of the Adjutant General that there is an allegation of abuse or neglect against the parent or guardian that is open for investigation.

As used in this Section, "service member" means an Illinois resident who is a member of any component of the United States Armed Forces, including the Illinois National Guard or any reserve component of the United States Armed Forces.

Passed in the General Assembly May 19, 2016.  
Approved July 28, 2016.  
Effective January 1, 2017.
AN ACT concerning State government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Capital Development Board Act is amended by adding Section 10.18 as follows:

(20 ILCS 3105/10.18 new)

Sec. 10.18. Identification of local building codes. All municipalities with a population of less than 1,000,000 or a county adopting a new building code or amending an existing building code must, at least 30 days before adopting the code or amendment, provide an identification of the code, by title and edition, or the amendment to the Capital Development Board. The Capital Development Board must identify the proposed code, by the title and edition, and note if any amendments were made to the public on the Capital Development Board website.

For the purposes of this Section, "building code" means a model building code regulating the construction and maintenance of structures within the municipality or county.

Section 10. The Energy Efficient Building Act is amended by changing Sections 40 and 45 as follows:

(20 ILCS 3125/40)

Sec. 40. Input from interested parties. When developing Code adaptations, rules, and procedures for compliance with the Code, the Capital Development Board, or the Illinois Building Commission as directed by the Board, shall seek input from representatives from the building trades, design professionals, construction professionals, code administrators, and other interested entities affected. (Source: P.A. 93-936, eff. 8-13-04.)

(20 ILCS 3125/45)

Sec. 45. Home rule.

(a) No unit of local government, including any home rule unit, may regulate energy efficient building standards for commercial buildings in a manner that is less stringent than the provisions contained in this Act.

(b) No unit of local government, including any home rule unit, may regulate energy efficient building standards for residential buildings in a manner that is either less or more stringent than the standards established pursuant to this Act; provided, however, that the following entities may

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regulate energy efficient building standards for residential buildings in a manner that is more stringent than the provisions contained in this Act: (i) a unit of local government, including a home rule unit, that has, on or before May 15, 2009, adopted or incorporated by reference energy efficient building standards for residential buildings that are equivalent to or more stringent than the 2006 International Energy Conservation Code, (ii) a unit of local government, including a home rule unit, that has, on or before May 15, 2009, provided to the Capital Development Board, as required by Section 10.18 of the Capital Development Board Act 55 of the Illinois Building Commission Act, an identification of an energy efficient building code or amendment that is equivalent to or more stringent than the 2006 International Energy Conservation Code, and (iii) a municipality with a population of 1,000,000 or more.

(c) No unit of local government, including any home rule unit or unit of local government that is subject to State regulation under the Code as provided in Section 15 of this Act, may hereafter enact any annexation ordinance or resolution, or require or enter into any annexation agreement, that imposes energy efficient building standards for residential buildings that are either less or more stringent than the energy efficiency standards in effect, at the time of construction, throughout the unit of local government.

(d) This Section is a denial and limitation of home rule powers and functions under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State. Nothing in this Section, however, prevents a unit of local government from adopting an energy efficiency code or standards for commercial buildings that are more stringent than the Code under this Act.

(Source: P.A. 96-778, eff. 8-28-09.)

20 ILCS 3918/Act rep.)

Section 15. The Illinois Building Commission Act is repealed.

Section 20. The Counties Code is amended by changing Sections 5-1063 and 5-1064 as follows:

(55 ILCS 5/5-1063) (from Ch. 34, par. 5-1063)

Sec. 5-1063. Building construction, alteration and maintenance. For the purpose of promoting and safeguarding the public health, safety, comfort and welfare, a county board may prescribe by resolution or ordinance reasonable rules and regulations (a) governing the construction and alteration of all buildings, structures and camps or parks accommodating persons in house trailers, house cars, cabins or tents and

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parts and appurtenances thereof and governing the maintenance thereof in a condition reasonably safe from hazards of fire, explosion, collapse, electrocution, flooding, asphyxiation, contagion and the spread of infectious disease, where such buildings, structures and camps or parks are located outside the limits of cities, villages and incorporated towns, but excluding those for agricultural purposes on farms including farm residences, but any such resolution or ordinance shall be subject to any rule or regulation heretofore or hereafter adopted by the State Fire Marshal pursuant to "An Act to regulate the storage, transportation, sale and use of gasoline and volatile oils", approved June 28, 1919, as amended; (b) for prohibiting the use for residential purposes of buildings and structures already erected or moved into position which do not comply with such rules and regulations; and (c) for the restraint, correction and abatement of any violations.

In addition, the county board may by resolution or ordinance require that each occupant of an industrial or commercial building located outside the limits of cities, villages and incorporated towns obtain an occupancy permit issued by the county. The county board may by resolution or ordinance require that an occupancy permit be obtained for each newly constructed residential dwelling located outside the limits of cities, villages, and incorporated towns, but may not require more than one occupancy permit per newly constructed residential dwelling. Such permit may be valid for the duration of the occupancy or for a specified period of time, and shall be valid only with respect to the occupant to which it is issued. A county board may not impose a fee on an occupancy permit for a newly constructed residential dwelling issued pursuant to this Section. If, before the effective date of this amendatory Act of the 96th General Assembly, a county board imposes a fee on an occupancy permit for a newly constructed residential dwelling, then the county board may continue to impose the occupancy permit fee.

Within 30 days after its adoption, such resolution or ordinance shall be printed in book or pamphlet form, published by authority of the County Board; or it shall be published at least once in a newspaper published and having general circulation in the county; or if no newspaper is published therein, copies shall be posted in at least 4 conspicuous places in each township or Road District. No such resolution or ordinance shall take effect until 10 days after it is published or posted. Where such building or camp or park rules and regulations have been published previously in book or pamphlet form, the resolution or ordinance may

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provide for the adoption of such rules and regulations or portions thereof, by reference thereto without further printing, publication or posting, provided that not less than 3 copies of such rules and regulations in book or pamphlet form shall have been filed, in the office of the County Clerk, for use and examination by the public for at least 30 days prior to the adoption thereof by the County Board.

Beginning on the effective date of this amendatory Act of the 92nd General Assembly, any county adopting a new building code or amending an existing building code under this Section must, at least 30 days before adopting the building code or amendment, provide an identification of the building code, by title and edition, or the amendment to the Illinois Building Commission for identification under Section 10.18 of the Capital Development Board Act on the Internet. For the purposes of this Section, "building code" means any ordinance, resolution, law, housing or building code, or zoning ordinance that establishes construction related activities applicable to structures in the county.

The violation of any rule or regulation adopted pursuant to this Section, except for a violation of the provisions of this amendatory Act of the 92nd General Assembly and the rules and regulations adopted under those provisions, shall be a petty offense.

All rules and regulations enacted by resolution or ordinance under the provisions of this Section shall be enforced by such officer of the county as may be designated by resolution of the County Board.

No such resolution or ordinance shall be enforced if it is in conflict with any law of this State or with any rule of the Department of Public Health.

(Source: P.A. 96-721, eff. 1-1-10.)

(55 ILCS 5/5-1064) (from Ch. 34, par. 5-1064)

Sec. 5-1064. Buildings in certain counties of less than 1,000,000 population. The county board in any county with a population not in excess of 1,000,000 located in the area served by the Northeastern Illinois Metropolitan Area Planning Commission may prescribe by resolution or ordinance reasonable rules and regulations (a) governing the construction and alteration of all buildings and structures and parts and appurtenances thereof and governing the maintenance thereof in a condition reasonably safe from the hazards of fire, explosion, collapse, contagion and the spread of infectious disease, but any such resolution or ordinance shall be subject to any rule or regulation now or hereafter adopted by the State Fire Marshal pursuant to "An Act to regulate the storage, transportation, sale
and use of gasoline and volatile oils", approved June 28, 1919, as amended, (b) for prohibiting the use for residential purposes of buildings and structures already erected or moved into position which do not comply with such rules and regulations, and (c) for the restraint, correction and abatement of any violations. However, the county shall exempt all municipalities located wholly or partly within the county where the municipal building code is equal to the county regulation and where the local authorities are enforcing the municipal building code. Such rules and regulations shall be applicable throughout the county but this Section shall not be construed to prevent municipalities from establishing higher standards nor shall such rules and regulations apply to the construction or alteration of buildings and structures used or to be used for agricultural purposes and located upon a tract of land which is zoned and used for agricultural purposes.

In the adoption of rules and regulations under this Section the county board shall be governed by the publication and posting requirements set out in Section 5-1063.

Beginning on the effective date of this amendatory Act of the 92nd General Assembly, any county adopting a new building code or amending an existing building code under this Section must, at least 30 days before adopting the building code or amendment, provide an identification of the building code, by title and edition, or the amendment to the Illinois Building Commission for identification under Section 10.18 of the Capital Development Board Act on the Internet.

For the purposes of this Section, "building code" means any ordinance, resolution, law, housing or building code, or zoning ordinance that establishes construction related activities applicable to structures in the county.

Violation of any rule or regulation adopted pursuant to this Section, except for a violation of the provisions of this amendatory Act of the 92nd General Assembly and the rules and regulations adopted under those provisions, shall be deemed a petty offense.

All rules and regulations enacted by resolution or ordinance under the provisions of this Section shall be enforced by such officer of the county as may be designated by resolution of the county board.

(Source: P.A. 92-489, eff. 7-1-02.)

Section 25. The Illinois Municipal Code is amended by changing Section 1-2-3.1 as follows:

(65 ILCS 5/1-2-3.1)

New matter indicated by italics - deletions by strikeout
Sec. 1-2-3.1. Building codes. Beginning on the effective date of this amendatory Act of the 92nd General Assembly, any municipality with a population of less than 1,000,000 adopting a new building code or amending an existing building code must, at least 30 days before adopting the code or amendment, provide an identification of the code, by title and edition, or the amendment to the Illinois Building Commission for identification under Section 10.18 of the Capital Development Board Act on the Internet.

For the purposes of this Section, "building code" means any ordinance, resolution, law, housing or building code, or zoning ordinance that establishes construction related activities applicable to structures in the municipality.

(Source: P.A. 92-489, eff. 7-1-02.)

Section 30. The Hospital Licensing Act is amended by changing Section 8 as follows:

(210 ILCS 85/8) (from Ch. 111 1/2, par. 149)

Sec. 8. Facility plan review; fees.

(a) Before commencing construction of new facilities or specified types of alteration or additions to an existing hospital involving major construction, as defined by rule by the Department, with an estimated cost greater than $100,000, architectural plans and specifications therefor shall be submitted by the licensee to the Department for review and approval. A hospital may submit architectural drawings and specifications for other construction projects for Department review according to subsection (b) that shall not be subject to fees under subsection (d). The Department must give a hospital that is planning to submit a construction project for review the opportunity to discuss its plans and specifications with the Department before the hospital formally submits the plans and specifications for Department review. Review of drawings and specifications shall be conducted by an employee of the Department meeting the qualifications established by the Department of Central Management Services class specifications for such an individual's position or by a person contracting with the Department who meets those class specifications. Final approval of the plans and specifications for compliance with design and construction standards shall be obtained from the Department before the alteration, addition, or new construction is begun. Subject to this Section 8, and prior to January 1, 2012, the Department shall consider the re-licensing of an existing hospital structure according to the standards for an existing hospital, as set forth in the Department's rules. Re-licensing under

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this provision shall occur only if that facility operated as a licensed hospital on July 1, 2005, has had no intervening use as other than a hospital, and exists in a county with a population of less than 20,000 that does not have another licensed hospital on the effective date of this amendatory Act of the 95th General Assembly.

(b) The Department shall inform an applicant in writing within 10 working days after receiving drawings and specifications and the required fee, if any, from the applicant whether the applicant's submission is complete or incomplete. Failure to provide the applicant with this notice within 10 working days shall result in the submission being deemed complete for purposes of initiating the 60-day review period under this Section. If the submission is incomplete, the Department shall inform the applicant of the deficiencies with the submission in writing. If the submission is complete and the required fee, if any, has been paid, the Department shall approve or disapprove drawings and specifications submitted to the Department no later than 60 days following receipt by the Department. The drawings and specifications shall be of sufficient detail, as provided by Department rule, to enable the Department to render a determination of compliance with design and construction standards under this Act. If the Department finds that the drawings are not of sufficient detail for it to render a determination of compliance, the plans shall be determined to be incomplete and shall not be considered for purposes of initiating the 60 day review period. If a submission of drawings and specifications is incomplete, the applicant may submit additional information. The 60-day review period shall not commence until the Department determines that a submission of drawings and specifications is complete or the submission is deemed complete. If the Department has not approved or disapproved the drawings and specifications within 60 days, the construction, major alteration, or addition shall be deemed approved. If the drawings and specifications are disapproved, the Department shall state in writing, with specificity, the reasons for the disapproval. The entity submitting the drawings and specifications may submit additional information in response to the written comments from the Department or request a reconsideration of the disapproval. A final decision of approval or disapproval shall be made within 45 days of the receipt of the additional information or reconsideration request. A final decision shall be subject to review under the Administrative Review Law. If denied, the Department shall state the specific reasons for the denial and the applicant may elect to

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seek dispute resolution pursuant to Section 25 of the Illinois Building Commission Act, which the Department must participate in.

(c) The Department shall provide written approval for occupancy pursuant to subsection (g) and shall not issue a violation to a facility as a result of a licensure or complaint survey based upon the facility's physical structure if:

(1) the Department reviewed and approved or deemed approved the drawing and specifications for compliance with design and construction standards;
(2) the construction, major alteration, or addition was built as submitted;
(3) the law or rules have not been amended since the original approval; and
(4) the conditions at the facility indicate that there is a reasonable degree of safety provided for the patients.

(c-5) The Department shall not issue a violation to a facility if the inspected aspects of the facility were previously found to be in compliance with applicable standards, the relevant law or rules have not been amended, conditions at the facility reasonably protect the safety of its patients, and alterations or new hazards have not been identified.

(d) The Department shall charge the following fees in connection with its reviews conducted before June 30, 2004 under this Section:

(1) (Blank).
(2) (Blank).
(3) If the estimated dollar value of the major construction is greater than $500,000, the fee shall be established by the Department pursuant to rules that reflect the reasonable and direct cost of the Department in conducting the architectural reviews required under this Section. The estimated dollar value of the major construction subject to review under this Section shall be annually readjusted to reflect the increase in construction costs due to inflation.

The fees provided in this subsection (d) shall not apply to major construction projects involving facility changes that are required by Department rule amendments or to projects related to homeland security.

The fees provided in this subsection (d) shall also not apply to major construction projects if 51% or more of the estimated cost of the project is attributed to capital equipment. For major construction projects where 51% or more of the estimated cost of the project is attributed to
capital equipment, the Department shall by rule establish a fee that is reasonably related to the cost of reviewing the project.

Disproportionate share hospitals and rural hospitals shall only pay one-half of the fees required in this subsection (d). For the purposes of this subsection (d), (i) "disproportionate share hospital" means a hospital described in items (1) through (5) of subsection (b) of Section 5-5.02 of the Illinois Public Aid Code and (ii) "rural hospital" means a hospital that is (A) located outside a metropolitan statistical area or (B) located 15 miles or less from a county that is outside a metropolitan statistical area and is licensed to perform medical/surgical or obstetrical services and has a combined total bed capacity of 75 or fewer beds in these 2 service categories as of July 14, 1993, as determined by the Department.

The Department shall not commence the facility plan review process under this Section until the applicable fee has been paid.

(e) All fees received by the Department under this Section shall be deposited into the Health Facility Plan Review Fund, a special fund created in the State treasury. All fees paid by hospitals under subsection (d) shall be used only to cover the direct and reasonable costs relating to the Department's review of hospital projects under this Section. Moneys shall be appropriated from that Fund to the Department only to pay the costs of conducting reviews under this Section. None of the moneys in the Health Facility Plan Review Fund shall be used to reduce the amount of General Revenue Fund moneys appropriated to the Department for facility plan reviews conducted pursuant to this Section.

(f) (Blank).

(g) The Department shall conduct an on-site inspection of the completed project no later than 15 business days after notification from the applicant that the project has been completed and all certifications required by the Department have been received and accepted by the Department. The Department may extend this deadline only if a federally mandated survey time frame takes precedence. The Department shall provide written approval for occupancy to the applicant within 5 working days of the Department's final inspection, provided the applicant has demonstrated substantial compliance as defined by Department rule. Occupancy of new major construction is prohibited until Department approval is received, unless the Department has not acted within the time frames provided in this subsection (g), in which case the construction shall be deemed approved. Occupancy shall be authorized after any required health inspection by the Department has been conducted.
(h) The Department shall establish, by rule, a procedure to conduct interim on-site review of large or complex construction projects.

(i) The Department shall establish, by rule, an expedited process for emergency repairs or replacement of like equipment.

(j) Nothing in this Section shall be construed to apply to maintenance, upkeep, or renovation that does not affect the structural integrity of the building, does not add beds or services over the number for which the facility is licensed, and provides a reasonable degree of safety for the patients.

(Source: P.A. 95-707, eff. 1-11-08.)

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

Passed in the General Assembly May 26, 2016.
Approved July 28, 2016.
Effective July 28, 2016.

PUBLIC ACT 99-0640
(House Bill No. 4595)

AN ACT concerning civil law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Code of Civil Procedure is amended by changing Section 15-1508 as follows:

(735 ILCS 5/15-1508) (from Ch. 110, par. 15-1508)


(a) Report. The person conducting the sale shall promptly make a report to the court, which report shall include a copy of all receipts and, if any, certificate of sale.

(b) Hearing. Upon motion and notice in accordance with court rules applicable to motions generally, which motion shall not be made prior to sale, the court shall conduct a hearing to confirm the sale. Unless the court finds that (i) a notice required in accordance with subsection (c) of Section 15-1507 was not given, (ii) the terms of sale were unconscionable, (iii) the sale was conducted fraudulently, or (iv) justice was otherwise not done, the court shall then enter an order confirming the sale. The confirmation order shall include a name, address, and telephone number of the holder of the certificate of sale or deed issued pursuant to that certificate or, if no certificate or deed was issued, the purchaser, whom

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a municipality or county may contact with concerns about the real estate. The confirmation order may also:

(1) approve the mortgagee's fees and costs arising between the entry of the judgment of foreclosure and the confirmation hearing, those costs and fees to be allowable to the same extent as provided in the note and mortgage and in Section 15-1504;

(2) provide for a personal judgment against any party for a deficiency; and

(3) determine the priority of the judgments of parties who deferred proving the priority pursuant to subsection (h) of Section 15-1506, but the court shall not defer confirming the sale pending the determination of such priority.

(b-3) Hearing to confirm sale of abandoned residential property. Upon motion and notice by first-class mail to the last known address of the mortgagor, which motion shall be made prior to the sale and heard by the court at the earliest practicable time after conclusion of the sale, and upon the posting at the property address of the notice required by paragraph (2) of subsection (l) of Section 15-1505.8, the court shall enter an order confirming the sale of the abandoned residential property, unless the court finds that a reason set forth in items (i) through (iv) of subsection (b) of this Section exists for not approving the sale, or an order is entered pursuant to subsection (h) of Section 15-1505.8. The confirmation order also may address the matters identified in items (1) through (3) of subsection (b) of this Section. The notice required under subsection (b-5) of this Section shall not be required.

(b-5) Notice with respect to residential real estate. With respect to residential real estate, the notice required under subsection (b) of this Section shall be sent to the mortgagor even if the mortgagor has previously been held in default. In the event the mortgagor has filed an appearance, the notice shall be sent to the address indicated on the appearance. In all other cases, the notice shall be sent to the mortgagor at the common address of the foreclosed property. The notice shall be sent by first class mail. Unless the right to possession has been previously terminated by the court, the notice shall include the following language in 12-point boldface capitalized type:

IF YOU ARE THE MORTGAGOR (HOMEOWNER), YOU HAVE THE RIGHT TO REMAIN IN POSSESSION FOR 30 DAYS AFTER ENTRY OF AN ORDER OF POSSESSION, IN ACCORDANCE WITH
SECTION 15-1701(c) OF THE ILLINOIS MORTGAGE
FORECLOSURE LAW.

(b-10) Notice of confirmation order sent to municipality or county. A copy of the confirmation order required under subsection (b) shall be sent to the municipality in which the foreclosed property is located, or to the county within the boundary of which the foreclosed property is located if the foreclosed property is located in an unincorporated territory. A municipality or county must clearly publish on its website a single address to which a copy of the order shall be sent. If a municipality or county does not maintain a website, then the municipality or county must publicly post in its main office a single address to which a copy of the order shall be sent. In the event that a municipality or county has not complied with the publication requirement in this subsection (b-10), then a copy of the order shall be sent by first class mail, postage prepaid, to the chairperson of the county board or county clerk in the case of a county, to the mayor or city clerk in the case of a city, to the president of the board of trustees or village clerk in the case of a village, or to the president or town clerk in the case of a town.

(b-15) Notice of confirmation order sent to known insurers. With respect to residential real estate, the party filing the complaint shall send a copy of the confirmation order required under subsection (b) by first class mail, postage prepaid, to the last known property insurer of the foreclosed property. Failure to send or receive a copy of the order shall not impair or abrogate in any way the rights of the mortgagee or purchaser or affect the status of the foreclosure proceedings.

(c) Failure to Give Notice. If any sale is held without compliance with subsection (c) of Section 15-1507 of this Article, any party entitled to the notice provided for in paragraph (3) of that subsection (c) who was not so notified may, by motion supported by affidavit made prior to confirmation of such sale, ask the court which entered the judgment to set aside the sale. Any such party shall guarantee or secure by bond a bid equal to the successful bid at the prior sale, unless the party seeking to set aside the sale is the mortgagor, the real estate sold at the sale is residential real estate, and the mortgagor occupies the residential real estate at the time the motion is filed. In that event, no guarantee or bond shall be required of the mortgagor. Any subsequent sale is subject to the same notice requirement as the original sale.

(d) Validity of Sale. Except as provided in subsection (c) of Section 15-1508, no sale under this Article shall be held invalid or be set aside.
aside because of any defect in the notice thereof or in the publication of the same, or in the proceedings of the officer conducting the sale, except upon good cause shown in a hearing pursuant to subsection (b) of Section 15-1508. At any time after a sale has occurred, any party entitled to notice under paragraph (3) of subsection (c) of Section 15-1507 may recover from the mortgagee any damages caused by the mortgagee's failure to comply with such paragraph (3). Any party who recovers damages in a judicial proceeding brought under this subsection may also recover from the mortgagee the reasonable expenses of litigation, including reasonable attorney's fees.

(d-5) Making Home Affordable Program. The court that entered the judgment shall set aside a sale held pursuant to Section 15-1507, upon motion of the mortgagor at any time prior to the confirmation of the sale, if the mortgagor proves by a preponderance of the evidence that (i) the mortgagor has applied for assistance under the Making Home Affordable Program established by the United States Department of the Treasury pursuant to the Emergency Economic Stabilization Act of 2008, as amended by the American Recovery and Reinvestment Act of 2009, and (ii) the mortgaged real estate was sold in material violation of the program's requirements for proceeding to a judicial sale. The provisions of this subsection (d-5) are operative and, except for this sentence, shall become inoperative on January 1, 2018 January 1, 2016 for all actions filed under this Article after December 31, 2017 December 31, 2015, in which the mortgagor did not apply for assistance under the Making Home Affordable Program on or before December 31, 2016 December 31, 2015. The changes to this subsection (d-5) by this amendatory Act of the 99th General Assembly apply to all cases pending and filed on or after the effective date of this amendatory Act of the 99th General Assembly.

(e) Deficiency Judgment. In any order confirming a sale pursuant to the judgment of foreclosure, the court shall also enter a personal judgment for deficiency against any party (i) if otherwise authorized and (ii) to the extent requested in the complaint and proven upon presentation of the report of sale in accordance with Section 15-1508. Except as otherwise provided in this Article, a judgment may be entered for any balance of money that may be found due to the plaintiff, over and above the proceeds of the sale or sales, and enforcement may be had for the collection of such balance, the same as when the judgment is solely for the payment of money. Such judgment may be entered, or enforcement had, only in cases where personal service has been had upon the persons

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personally liable for the mortgage indebtedness, unless they have entered their appearance in the foreclosure action.

(f) Satisfaction. Upon confirmation of the sale, the judgment stands satisfied to the extent of the sale price less expenses and costs. If the order confirming the sale includes a deficiency judgment, the judgment shall become a lien in the manner of any other judgment for the payment of money.

(g) The order confirming the sale shall include, notwithstanding any previous orders awarding possession during the pendency of the foreclosure, an award to the purchaser of possession of the mortgaged real estate, as of the date 30 days after the entry of the order, against the parties to the foreclosure whose interests have been terminated.

An order of possession authorizing the removal of a person from possession of the mortgaged real estate shall be entered and enforced only against those persons personally named as individuals in the complaint or the petition under subsection (h) of Section 15-1701. No order of possession issued under this Section shall be entered against a lessee with a bona fide lease of a dwelling unit in residential real estate in foreclosure, whether or not the lessee has been made a party in the foreclosure. An order shall not be entered and enforced against any person who is only generically described as an unknown owner or nonrecord claimant or by another generic designation in the complaint.

Notwithstanding the preceding paragraph, the failure to personally name, include, or seek an award of possession of the mortgaged real estate against a person in the confirmation order shall not abrogate any right that the purchaser may have to possession of the mortgaged real estate and to maintain a proceeding against that person for possession under Article IX of this Code or, if applicable, under subsection (h) of Section 15-1701; and possession against a person who (1) has not been personally named as a party to the foreclosure and (2) has not been provided an opportunity to be heard in the foreclosure proceeding may be sought only by maintaining a proceeding under Article IX of this Code or, if applicable, under subsection (h) of Section 15-1701.

(h) With respect to mortgaged real estate containing 5 or more dwelling units, the order confirming the sale shall also provide that (i) the mortgagor shall transfer to the purchaser the security deposits, if any, that the mortgagor received to secure payment of rent or to compensate for damage to the mortgaged real estate from any current occupant of a dwelling unit of the mortgaged real estate, as well as any statutory interest
that has not been paid to the occupant, and (ii) the mortgagor shall provide an accounting of the security deposits that are transferred, including the name and address of each occupant for whom the mortgagor holds the deposit and the amount of the deposit and any statutory interest.

(Source: P.A. 97-333, eff. 8-12-11; 97-575, eff. 8-26-11; 97-1159, eff. 1-29-13; 97-1164, eff. 6-1-13; 98-514, eff. 11-19-13; 98-605, eff. 12-26-13.)

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

Passed in the General Assembly May 26, 2016.
Approved July 28, 2016.
Effective July 28, 2016.

PUBLIC ACT 99-0641
(House Bill No. 5527)

AN ACT concerning revenue.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the State Tax Preparer Oversight Act.

Section 5. Definitions. As used in this Act:
"Department" means the Department of Revenue.
"Income tax return preparer" has the meaning ascribed to that term in Section 1501 of the Illinois Income Tax Act.
"PTIN" means a Preparer Tax Identification Number, as defined in Internal Revenue Service Notice 2011-6.

Section 10. Powers and duties of the Department.
(a) For taxable years beginning on or after January 1, 2017, the Department shall, by rule, require any income tax return preparer, as defined in Section 1501 of the Illinois Income Tax Act, to include his or her PTIN on any tax return prepared by the income tax return preparer and filed under the Illinois Income Tax Act or any claim for refund of tax imposed by the Illinois Income Tax Act.
(b) The Department shall develop and by rule implement a program using the PTIN as an oversight mechanism to assess returns, to identify high error rates, patterns of suspected fraud, and unsubstantiated basis for tax positions by income tax return preparers.
(c) The Department shall, by rule, establish formal and regular communication protocols with the Commissioner of the Internal Revenue
Service to share and exchange PTIN information on income tax return preparers who are suspected of fraud, disciplined, or barred from filing tax returns with the Department or the Internal Revenue Service. The Department may, by rule, establish additional communication protocols with other states to exchange similar enforcement or discipline information.

Section 15. Enforcement.
(a) The Department may investigate the actions of any income tax return preparer doing business in the State and may bar or suspend an income tax return preparer from filing returns with the Department for good cause.

(b) In addition to any other penalty provided by law, any individual or person violating this Act by failing to provide his or her PTIN shall pay a civil penalty to the Department in the amount of $50 per offense, but not to exceed $25,000 per calendar year; however, no such penalty shall be imposed if it is shown that the failure is due to reasonable cause and not due to willful neglect, as determined by the Department.

(c) The Department shall, before taking any disciplinary action against an income tax return preparer under this Section, hold a hearing in accordance with this Act. The Department shall, at least 30 days before the date set for the hearing, (i) notify the accused in writing of the charges made and the time and place for the hearing on the charges, (ii) direct him or her to file a written answer to the charges with the Department under oath within 20 days after the service on him or her of the notice, and (iii) inform the accused that, if he or she fails to answer, disciplinary action shall be taken against him or her, as the Department may consider proper.

(d) At the time and place fixed in the notice, the Department shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present any pertinent statements, testimony, evidence, and arguments. The Department may continue the hearing from time to time.

(e) In case the person, after receiving the notice, fails to file an answer, he or she may be subject to the disciplinary action set forth in the notice. The written notice may be served by registered or certified mail to the person's address of record.

(f) All final administrative decisions of the Department under this Section shall be subject to judicial review pursuant to the provisions of the Administrative Review Law. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure. Proceedings for
judicial review shall be commenced in the Circuit Court of the county in which the party applying for review resides; provided, that if such party is not a resident of this State, the venue shall be in Sangamon or Cook County.

(g) The Department shall not be required to certify any record to the court or file any answer in court or otherwise appear in any court in a judicial review proceeding, unless and until the Department has received from the plaintiff payment of the costs of furnishing and certifying the record, which costs shall be established by the Department. Exhibits shall be certified without cost. Failure on the part of the plaintiff to file such receipt in court shall be grounds for dismissal of the action.

Section 20. Rules. The Department shall adopt rules consistent with the provisions of this Act for the administration and enforcement of this Act.

Section 85. The Illinois Income Tax Act is amended by changing Section 503 as follows:

(35 ILCS 5/503) (from Ch. 120, par. 5-503)
Sec. 503. Signing of Returns and Notices.

(a) Signature presumed authentic. The fact that an individual's name is signed to a return or notice shall be prima facie evidence for all purposes that such document was actually signed by such individual. If a return is prepared by an income tax return preparer for a taxpayer, that preparer shall sign the return as the preparer of that return and include his or her PTIN, as defined in the State Tax Preparer Oversight Act, on the return. If a return is transmitted to the Department electronically, the Department may presume that the electronic return originator has obtained and is transmitting a valid signature document pursuant to the rules promulgated by the Department for the electronic filing of tax returns, or the Department may authorize electronic return originators to maintain the signature documents and associated documentation, subject to the Department's right of inspection at any time without notice, rather than transmitting those documents to the Department, and the Department may process the return.

(b) Corporations. A return or notice required of a corporation shall be signed by the president, vice-president, treasurer or any other officer duly authorized so to act or, in the case of a limited liability company, by a manager or member. In the case of a return or notice made for a corporation by a fiduciary pursuant to the provisions of section 502(b) (4), such fiduciary shall sign such document. The fact that an individual's name

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is signed to a return or notice shall be prima facie evidence that such individual is authorized to sign such document on behalf of the corporation.

(c) Partnerships. A return or notice of a partnership shall be signed by any one of the partners or, in the case of a limited liability company, by a manager or member. The fact that a partner's name is signed to a return or notice shall be prima facie evidence that such individual is authorized to sign such document on behalf of the partnership or limited liability company.

(d) Joint fiduciaries. A return or notice signed by one of two or more joint fiduciaries will comply with the requirements of this Act. The fact that a fiduciary's name is signed to such document shall be prima facie evidence that such fiduciary is authorized to sign such document on behalf of the person from whom it is required.

(e) Failure to sign a return. If a taxpayer fails to sign a return within 30 days after proper notice and demand for signature by the Department, the return shall be considered valid and any amount shown to be due on the return shall be deemed assessed. Any overpayment of tax shown on the face of an unsigned return shall be considered forfeited if after notice and demand for signature by the Department the taxpayer fails to provide a signature and 3 years have passed from the date the return was filed. An overpayment of tax refunded to a taxpayer whose return was filed electronically shall be considered an erroneous refund under Section 912 of this Act if, after proper notice and demand by the Department, the taxpayer fails to provide a required signature document. A notice and demand for signature in the case of a return reflecting an overpayment may be made by first class mail. This subsection (e) shall apply to all returns filed pursuant to the Illinois Income Tax Act since 1969.

P.A. 88-480; 88-672, eff. 12-14-94; 89-379, eff. 1-1-96; 89-399, eff. 8-20-95; 89-626, eff. 8-9-96.)

Passed in the General Assembly May 26, 2016.
Approved July 28, 2016.
Effective January 1, 2017.

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AN ACT to revise the law by combining multiple enactments and making technical corrections.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Nature of this Act.
(a) This Act may be cited as the First 2016 General Revisory Act.
(b) This Act is not intended to make any substantive change in the law. It reconciles conflicts that have arisen from multiple amendments and enactments and makes technical corrections and revisions in the law.

This Act revises and, where appropriate, renumbers certain Sections that have been added or amended by more than one Public Act. In certain cases in which a repealed Act or Section has been replaced with a successor law, this Act may incorporate amendments to the repealed Act or Section into the successor law. This Act also corrects errors, revises cross-references, and deletes obsolete text.

(c) In this Act, the reference at the end of each amended Section indicates the sources in the Session Laws of Illinois that were used in the preparation of the text of that Section. The text of the Section included in this Act is intended to include the different versions of the Section found in the Public Acts included in the list of sources, but may not include other versions of the Section to be found in Public Acts not included in the list of sources. The list of sources is not a part of the text of the Section.
(d) Public Acts 98-1174 through 99-492 were considered in the preparation of the combining revisories included in this Act. Many of those combining revisories contain no striking or underscoring because no additional changes are being made in the material that is being combined.

Section 5. The Regulatory Sunset Act is amended by changing Section 4.36 as follows:

Sec. 4.36. Acts Act repealed on January 1, 2026. The following Acts are Act is repealed on January 1, 2026:
The Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985.
The Collection Agency Act.
The Hearing Instrument Consumer Protection Act.
The Illinois Athletic Trainers Practice Act.

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The Illinois Dental Practice Act.
The Illinois Roofing Industry Licensing Act.
The Professional Geologist Licensing Act.
The Respiratory Care Practice Act.

(Source: P.A. 99-26, eff. 7-10-15; 99-204, eff. 7-30-15; 99-227, eff. 8-3-15; 99-229, eff. 8-3-15; 99-230, eff. 8-3-15; 99-427, eff. 8-21-15; 99-469, eff. 8-26-15; 99-492, eff. 12-31-15; revised 12-29-15.)

(5 ILCS 80/4.26 rep.)

Section 7. The Regulatory Sunset Act is amended by repealing Section 4.26.

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

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

Sec. 5-45. Emergency rulemaking.

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

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

(c) An emergency rule may be effective for a period of not longer than 150 days, but the agency's authority to adopt an identical rule under Section 5-40 is not precluded. No emergency rule may be adopted more than once in any 24 month period, except that this limitation on the number of emergency rules that may be adopted in a 24 month period does not apply to (i) emergency rules that make additions to and deletions from the Drug Manual under Section 5-5.16 of the Illinois Public Aid Code or

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the generic drug formulary under Section 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii) emergency rules adopted by the Pollution Control Board before July 1, 1997 to implement portions of the Livestock Management Facilities Act, (iii) emergency rules adopted by the Illinois Department of Public Health under subsections (a) through (i) of Section 2 of the Department of Public Health Act when necessary to protect the public's health, (iv) emergency rules adopted pursuant to subsection (n) of this Section, (v) emergency rules adopted pursuant to subsection (o) of this Section, or (vi) emergency rules adopted pursuant to subsection (c-5) of this Section. Two or more emergency rules having substantially the same purpose and effect shall be deemed to be a single rule for purposes of this Section.

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

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

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

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subsection (e) shall be deemed to be necessary for the public interest, safety, and welfare.

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

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

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

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

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

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

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

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

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

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

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

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

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

(s) In order to provide for the expeditious and timely implementation of the provisions of Sections 5-5b.1 and 5A-2 of the Illinois Public Aid Code, emergency rules to implement any provision of Section 5-5b.1 or Section 5A-2 of the Illinois Public Aid Code may be
adopted in accordance with this subsection (s) by the Department of Healthcare and Family Services. The rulemaking authority granted in this subsection (s) shall apply only to those rules adopted prior to July 1, 2015. Notwithstanding any other provision of this Section, any emergency rule adopted under this subsection (s) shall only apply to payments made for State fiscal year 2015. The adoption of emergency rules authorized by this subsection (s) is deemed to be necessary for the public interest, safety, and welfare.

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

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

(Source: P.A. 98-104, eff. 7-22-13; 98-463, eff. 8-16-13; 98-651, eff. 6-16-14; 99-2, eff. 3-26-15; 99-6, eff. 1-1-16; 99-143, eff. 7-27-15; 99-455, eff. 1-1-16; revised 10-15-15.)

Section 15. The Open Meetings Act is amended by changing Section 2 as follows:

(5 ILCS 120/2) (from Ch. 102, par. 42)
Sec. 2. Open meetings.
(a) Openness required. All meetings of public bodies shall be open to the public unless excepted in subsection (c) and closed in accordance with Section 2a.
(b) Construction of exceptions. The exceptions contained in subsection (c) are in derogation of the requirement that public bodies meet in the open, and therefore, the exceptions are to be strictly construed, extending only to subjects clearly within their scope. The exceptions authorize but do not require the holding of a closed meeting to discuss a subject included within an enumerated exception.

(c) Exceptions. A public body may hold closed meetings to consider the following subjects:

1. The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity.

2. Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees.

3. The selection of a person to fill a public office, as defined in this Act, including a vacancy in a public office, when the public body is given power to appoint under law or ordinance, or the discipline, performance or removal of the occupant of a public office, when the public body is given power to remove the occupant under law or ordinance.

4. Evidence or testimony presented in open hearing, or in closed hearing where specifically authorized by law, to a quasi-adjudicative body, as defined in this Act, provided that the body prepares and makes available for public inspection a written decision setting forth its determinative reasoning.

5. The purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired.

6. The setting of a price for sale or lease of property owned by the public body.

7. The sale or purchase of securities, investments, or investment contracts. This exception shall not apply to the investment of assets or income of funds deposited into the Illinois Prepaid Tuition Trust Fund.

8. Security procedures, school building safety and security, and the use of personnel and equipment to respond to an actual, a

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threatened, or a reasonably potential danger to the safety of employees, students, staff, the public, or public property.

(9) Student disciplinary cases.

(10) The placement of individual students in special education programs and other matters relating to individual students.

(11) Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting.

(12) The establishment of reserves or settlement of claims as provided in the Local Governmental and Governmental Employees Tort Immunity Act, if otherwise the disposition of a claim or potential claim might be prejudiced, or the review or discussion of claims, loss or risk management information, records, data, advice or communications from or with respect to any insurer of the public body or any intergovernmental risk management association or self insurance pool of which the public body is a member.

(13) Conciliation of complaints of discrimination in the sale or rental of housing, when closed meetings are authorized by the law or ordinance prescribing fair housing practices and creating a commission or administrative agency for their enforcement.

(14) Informant sources, the hiring or assignment of undercover personnel or equipment, or ongoing, prior or future criminal investigations, when discussed by a public body with criminal investigatory responsibilities.

(15) Professional ethics or performance when considered by an advisory body appointed to advise a licensing or regulatory agency on matters germane to the advisory body's field of competence.

(16) Self evaluation, practices and procedures or professional ethics, when meeting with a representative of a statewide association of which the public body is a member.

(17) The recruitment, credentialing, discipline or formal peer review of physicians or other health care professionals for a

New matter indicated by italics - deletions by strikeout
hospital, or other institution providing medical care, that is operated by the public body.

(18) Deliberations for decisions of the Prisoner Review Board.

(19) Review or discussion of applications received under the Experimental Organ Transplantation Procedures Act.

(20) The classification and discussion of matters classified as confidential or continued confidential by the State Government Suggestion Award Board.

(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06.

(22) Deliberations for decisions of the State Emergency Medical Services Disciplinary Review Board.

(23) The operation by a municipality of a municipal utility or the operation of a municipal power agency or municipal natural gas agency when the discussion involves (i) contracts relating to the purchase, sale, or delivery of electricity or natural gas or (ii) the results or conclusions of load forecast studies.

(24) Meetings of a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.

(25) Meetings of an independent team of experts under Brian's Law.

(26) Meetings of a mortality review team appointed under the Department of Juvenile Justice Mortality Review Team Act.

(27) (Blank).

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

(29) Meetings between internal or external auditors and governmental audit committees, finance committees, and their equivalents, when the discussion involves internal control weaknesses, identification of potential fraud risk areas, known or suspected frauds, and fraud interviews conducted in accordance with generally accepted auditing standards of the United States of America.

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(30) Those meetings or portions of meetings of a fatality review team or the Illinois Fatality Review Team Advisory Council during which a review of the death of an eligible adult in which abuse or neglect is suspected, alleged, or substantiated is conducted pursuant to Section 15 of the Adult Protective Services Act.

(31) Meetings and deliberations for decisions of the Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act.

(32) Meetings between the Regional Transportation Authority Board and its Service Boards when the discussion involves review by the Regional Transportation Authority Board of employment contracts under Section 28d of the Metropolitan Transit Authority Act and Sections 3A.18 and 3B.26 of the Regional Transportation Authority Act.

(33) Those meetings meeting or portions of meetings of the advisory committee and peer review subcommittee created under Section 320 of the Illinois Controlled Substances Act during which specific controlled substance prescriber, dispenser, or patient information is discussed.

(d) Definitions. For purposes of this Section:

"Employee" means a person employed by a public body whose relationship with the public body constitutes an employer-employee relationship under the usual common law rules, and who is not an independent contractor.

"Public office" means a position created by or under the Constitution or laws of this State, the occupant of which is charged with the exercise of some portion of the sovereign power of this State. The term "public office" shall include members of the public body, but it shall not include organizational positions filled by members thereof, whether established by law or by a public body itself, that exist to assist the body in the conduct of its business.

"Quasi-adjudicative body" means an administrative body charged by law or ordinance with the responsibility to conduct hearings, receive evidence or testimony and make determinations based thereon, but does not include local electoral boards when such bodies are considering petition challenges.

(e) Final action. No final action may be taken at a closed meeting. Final action shall be preceded by a public recital of the nature of the matter.

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being considered and other information that will inform the public of the business being conducted.

(Source: P.A. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756, eff. 7-16-14; 98-1027, eff. 1-1-15; 98-1039, eff. 8-25-14; 99-78, eff. 7-20-15; 99-235, eff. 1-1-16; 99-480, eff. 9-9-15; revised 10-14-15.)

Section 20. The Freedom of Information Act is amended by changing Sections 7, 7.5, and 11 as follows:

(5 ILCS 140/7) (from Ch. 116, par. 207)

Sec. 7. Exemptions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

New matter indicated by italics - deletions by strikeout
record, and only has access to the record through the shared electronic record management system.

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

(e-5) Records requested by persons committed to the Department of Corrections if those materials are available in the library of the correctional facility where the inmate is confined.

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

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

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

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

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

New matter indicated by italics - deletions by strikeout
exemption contained in this item does not apply to the identity of a privately held company within the investment portfolio of a private equity fund, unless the disclosure of the identity of a privately held company may cause competitive harm.

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

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

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

(j) The following information pertaining to educational matters:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(w) (Blank).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Source: P.A. 98-463, eff. 8-16-13; 98-578, eff. 8-27-13; 98-695, eff. 7-3-14; 99-298, eff. 8-6-15; 99-346, eff. 1-1-16; revised 1-11-16.)

(5 ILCS 140/7.5)

Sec. 7.5. Statutory exemptions. To the extent provided for by the statutes referenced below, the following shall be exempt from inspection and copying:

(a) All information determined to be confidential under Section 4002 of the Technology Advancement and Development Act.
(b) Library circulation and order records identifying library users with specific materials under the Library Records Confidentiality Act.

(c) Applications, related documents, and medical records received by the Experimental Organ Transplantation Procedures Board and any and all documents or other records prepared by the Experimental Organ Transplantation Procedures Board or its staff relating to applications it has received.

(d) Information and records held by the Department of Public Health and its authorized representatives relating to known or suspected cases of sexually transmissible disease or any information the disclosure of which is restricted under the Illinois Sexually Transmissible Disease Control Act.

(e) Information the disclosure of which is exempted under Section 30 of the Radon Industry Licensing Act.


(g) Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid Tuition Act.

(h) Information the disclosure of which is exempted under the State Officials and Employees Ethics Act, and records of any lawfully created State or local inspector general's office that would be exempt if created or obtained by an Executive Inspector General's office under that Act.

(i) Information contained in a local emergency energy plan submitted to a municipality in accordance with a local emergency energy plan ordinance that is adopted under Section 11-21.5-5 of the Illinois Municipal Code.

(j) Information and data concerning the distribution of surcharge moneys collected and remitted by wireless carriers under the Wireless Emergency Telephone Safety Act.

(k) Law enforcement officer identification information or driver identification information compiled by a law enforcement agency or the Department of Transportation under Section 11-212 of the Illinois Vehicle Code.

(l) Records and information provided to a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.

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(m) Information provided to the predatory lending database created pursuant to Article 3 of the Residential Real Property Disclosure Act, except to the extent authorized under that Article.

(n) Defense budgets and petitions for certification of compensation and expenses for court appointed trial counsel as provided under Sections 10 and 15 of the Capital Crimes Litigation Act. This subsection (n) shall apply until the conclusion of the trial of the case, even if the prosecution chooses not to pursue the death penalty prior to trial or sentencing.

(o) Information that is prohibited from being disclosed under Section 4 of the Illinois Health and Hazardous Substances Registry Act.

(p) Security portions of system safety program plans, investigation reports, surveys, schedules, lists, data, or information compiled, collected, or prepared by or for the Regional Transportation Authority under Section 2.11 of the Regional Transportation Authority Act or the St. Clair County Transit District under the Bi-State Transit Safety Act.

(q) Information prohibited from being disclosed by the Personnel Records Review Act.

(r) Information prohibited from being disclosed by the Illinois School Student Records Act.

(s) Information the disclosure of which is restricted under Section 5-108 of the Public Utilities Act.

(t) All identified or deidentified health information in the form of health data or medical records contained in, stored in, submitted to, transferred by, or released from the Illinois Health Information Exchange, and identified or deidentified health information in the form of health data and medical records of the Illinois Health Information Exchange in the possession of the Illinois Health Information Exchange Authority due to its administration of the Illinois Health Information Exchange. The terms "identified" and "deidentified" shall be given the same meaning as in the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, or any subsequent amendments thereto, and any regulations promulgated thereunder.

(u) Records and information provided to an independent team of experts under Brian's Law.

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(v) Names and information of people who have applied for or received Firearm Owner's Identification Cards under the Firearm Owners Identification Card Act or applied for or received a concealed carry license under the Firearm Concealed Carry Act, unless otherwise authorized by the Firearm Concealed Carry Act; and databases under the Firearm Concealed Carry Act, records of the Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act, and law enforcement agency objections under the Firearm Concealed Carry Act.

(w) Personally identifiable information which is exempted from disclosure under subsection (g) of Section 19.1 of the Toll Highway Act.

(x) Information which is exempted from disclosure under Section 5-1014.3 of the Counties Code or Section 8-11-21 of the Illinois Municipal Code.

(y) Confidential information under the Adult Protective Services Act and its predecessor enabling statute, the Elder Abuse and Neglect Act, including information about the identity and administrative finding against any caregiver of a verified and substantiated decision of abuse, neglect, or financial exploitation of an eligible adult maintained in the Registry established under Section 7.5 of the Adult Protective Services Act.

(z) Records and information provided to a fatality review team or the Illinois Fatality Review Team Advisory Council under Section 15 of the Adult Protective Services Act.

(aa) Information which is exempted from disclosure under Section 2.37 of the Wildlife Code.

(bb) Information which is or was prohibited from disclosure by the Juvenile Court Act of 1987.

(cc) Recordings made under the Law Enforcement Officer-Worn Body Camera Act, except to the extent authorized under that Act.

(Source: P.A. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756, eff. 7-16-14; 98-1039, eff. 8-25-14; 98-1045, eff. 8-25-14; 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352, eff. 1-1-16; revised 10-14-15.)

5 ILCS 140/11 (from Ch. 116, par. 211)

Sec. 11. (a) Any person denied access to inspect or copy any public record by a public body may file suit for injunctive or declaratory relief.

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(b) Where the denial is from a public body of the State, suit may be filed in the circuit court for the county where the public body has its principal office or where the person denied access resides.

(c) Where the denial is from a municipality or other public body, except as provided in subsection (b) of this Section, suit may be filed in the circuit court for the county where the public body is located.

(d) The circuit court shall have the jurisdiction to enjoin the public body from withholding public records and to order the production of any public records improperly withheld from the person seeking access. If the public body can show that exceptional circumstances exist, and that the body is exercising due diligence in responding to the request, the court may retain jurisdiction and allow the agency additional time to complete its review of the records.

(e) On motion of the plaintiff, prior to or after in camera inspection, the court shall order the public body to provide an index of the records to which access has been denied. The index shall include the following:

   (i) A description of the nature or contents of each document withheld, or each deletion from a released document, provided, however, that the public body shall not be required to disclose the information which it asserts is exempt; and

   (ii) A statement of the exemption or exemptions claimed for each such deletion or withheld document.

(f) In any action considered by the court, the court shall consider the matter de novo, and shall conduct such in camera examination of the requested records as it finds appropriate to determine if such records or any part thereof may be withheld under any provision of this Act. The burden shall be on the public body to establish that its refusal to permit public inspection or copying is in accordance with the provisions of this Act. Any public body that asserts that a record is exempt from disclosure has the burden of proving that it is exempt by clear and convincing evidence.

   (g) In the event of noncompliance with an order of the court to disclose, the court may enforce its order against any public official or employee so ordered or primarily responsible for such noncompliance through the court's contempt powers.

   (h) Except as to causes the court considers to be of greater importance, proceedings arising under this Section shall take precedence
on the docket over all other causes and be assigned for hearing and trial at
the earliest practicable date and expedited in every way.

(i) If a person seeking the right to inspect or receive a copy of a
public record prevails in a proceeding under this Section, the court shall
award such person reasonable attorney's fees and costs. In
determining what amount of attorney's fees is reasonable, the court shall
consider the degree to which the relief obtained relates to the relief sought.
The changes contained in this subsection apply to an action filed on or
after January 1, 2010 (the effective date of Public Act 96-542) this
amendatory Act of the 96th General Assembly.

(j) If the court determines that a public body willfully and
intentionally failed to comply with this Act, or otherwise acted in bad
faith, the court shall also impose upon the public body a civil penalty of
not less than $2,500 nor more than $5,000 for each occurrence. In
assessing the civil penalty, the court shall consider in aggravation or
mitigation the budget of the public body and whether the public body has
previously been assessed penalties for violations of this Act. The changes
contained in this subsection apply to an action filed on or after January 1,
2010 (the effective date of Public Act 96-542) this amendatory Act of the
96th General Assembly.

(Source: P.A. 96-542, eff. 1-1-10; 97-813, eff. 7-13-12; revised 10-14-15.)

Section 25. The State Records Act is amended by changing Section
9 as follows:

(5 ILCS 160/9) (from Ch. 116, par. 43.12)

Sec. 9. The head of each agency shall establish; and maintain an
active, continuing program for the economical and efficient management
of the records of the agency.

Such program:

(1) shall provide for effective controls over the creation,
maintenance, and use of records in the conduct of current business
and shall ensure that agency electronic records, as specified in
Section 5-135 of the Electronic Commerce Security Act, are
retained in a trustworthy manner so that the records, and the
information contained in the records, are accessible and usable for
reference for the duration of the retention period; all computer tape
or disk maintenance and preservation procedures must be fully
applied and, if equipment or programs providing access to the
records are updated or replaced, the existing data must remain

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accessible in the successor format for the duration of the approved retention period;

(2) shall provide for cooperation with the Secretary in appointing a records officer and in applying standards, procedures, and techniques to improve the management of records, promote the maintenance and security of records deemed appropriate for preservation, and facilitate the segregation and disposal of records of temporary value; and

(3) shall provide for compliance with the provisions of this Act and the rules and regulations issued thereunder.

If an agency has delegated its authority to retain records to another agency, then the delegate agency shall maintain the same, or a more diligent, record retention methodology and record retention period as the original agency's program. If the delegate is from the legislative or judicial branch, then the delegate may use the same record retention methodology and record retention period that the delegate uses for similar records.

(Source: P.A. 97-932, eff. 8-10-12; revised 10-13-15.)

Section 30. The Filing of Copies Act is amended by changing Section 2 as follows:

(5 ILCS 165/2) (from Ch. 116, par. 102)

Sec. 2. In order to be acceptable for filing, reproduced copies shall conform to the following standards:

(a) be facsimiles of the official form, produced by photo-offset, photoengraving, photocopying, or other similar reproduction process;

(b) be on paper of substantially the same weight and texture and of a quality at least as good as that used in the official form;

(c) substantially duplicate the colors of the official form;

(d) have a high degree of legibility, both as to the original form and as to matter filled in; the agency with which a report is required to be filed may reject any illegible reproduction and reject any process which fails to meet this standard;

(e) be on paper perforated in the same manner as the official form; and

(f) be of the same size as the official form, both as to the dimensions of the paper and the image produced.

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Section 35. The Intergovernmental Cooperation Act is amended by changing Section 3.5 as follows:

(5 ILCS 220/3.5) (from Ch. 127, par. 743.5)

Sec. 3.5. Any expenditure of funds by a public agency organized pursuant to an intergovernmental agreement in accordance with the provisions of this Act and consisting of 5 public agencies or less, except for an intergovernmental risk management association, self-insurance pool or self-administered health and accident cooperative or pool, shall be in accordance with the Illinois Purchasing Act if the State is a party to the agreement, and shall be in accordance with any law or ordinance applicable to the public agency with the largest population which is a party to the agreement if the State is not a party to the agreement. If the State is not a party to the agreement and there is no such applicable law or ordinance, all purchases shall be subject to the provisions of the Governmental Joint Purchasing Act "An Act authorizing certain governmental units to purchase personal property, supplies and services jointly", approved August 15, 1961, as amended. Such self-insurance or insurance pools may enter into reinsurance agreements for the protection of their members.

(Source: P.A. 84-1431; revised 10-13-15.)

Section 40. The Election Code is amended by changing Sections 10-10, 11-6, and 19-12.1 as follows:

(10 ILCS 5/10-10) (from Ch. 46, par. 10-10)

Sec. 10-10. Within 24 hours after the receipt of the certificate of nomination or nomination papers or proposed question of public policy, as the case may be, and the objector's petition, the chairman of the electoral board other than the State Board of Elections shall send a call by registered or certified mail to each of the members of the electoral board, to the objector who filed the objector's petition, and either to the candidate whose certificate of nomination or nomination papers are objected to or to the principal proponent or attorney for proponents of a question of public policy, as the case may be, whose petitions are objected to, and shall also cause the sheriff of the county or counties in which such officers and persons reside to serve a copy of such call upon each of such officers and persons, which call shall set out the fact that the electoral board is required to meet to hear and pass upon the objections to nominations made for the office, designating it, and shall state the day, hour and place at which the electoral board shall meet for the purpose, which place shall be in the

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county court house in the county in the case of the County Officers Electoral Board, the Municipal Officers Electoral Board, the Township Officers Electoral Board or the Education Officers Electoral Board, except that the Municipal Officers Electoral Board, the Township Officers Electoral Board, and the Education Officers Electoral Board may meet at the location where the governing body of the municipality, township, or community college district, respectively, holds its regularly scheduled meetings, if that location is available; provided that voter records may be removed from the offices of an election authority only at the discretion and under the supervision of the election authority. In those cases where the State Board of Elections is the electoral board designated under Section 10-9, the chairman of the State Board of Elections shall, within 24 hours after the receipt of the certificate of nomination or nomination papers or petitions for a proposed amendment to Article IV of the Constitution or proposed statewide question of public policy, send a call by registered or certified mail to the objector who files the objector's petition, and either to the candidate whose certificate of nomination or nomination papers are objected to or to the principal proponent or attorney for proponents of the proposed Constitutional amendment or statewide question of public policy and shall state the day, hour, and place at which the electoral board shall meet for the purpose, which place may be in the Capitol Building or in the principal or permanent branch office of the State Board. The day of the meeting shall not be less than 3 nor more than 5 days after the receipt of the certificate of nomination or nomination papers and the objector's petition by the chairman of the electoral board.

The electoral board shall have the power to administer oaths and to subpoena and examine witnesses and, at the request of either party and only upon a vote by a majority of its members, may authorize the chairman to issue subpoenas requiring the attendance of witnesses and subpoenas duces tecum requiring the production of such books, papers, records and documents as may be evidence of any matter under inquiry before the electoral board, in the same manner as witnesses are subpoenaed in the Circuit Court.

Service of such subpoenas shall be made by any sheriff or other person in the same manner as in cases in such court and the fees of such sheriff shall be the same as is provided by law, and shall be paid by the objector or candidate who causes the issuance of the subpoena. In case any person so served shall knowingly neglect or refuse to obey any such subpoena, or to testify, the electoral board shall at once file a petition in

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the circuit court of the county in which such hearing is to be heard, or has been attempted to be heard, setting forth the facts, of such knowing refusal or neglect, and accompanying the petition with a copy of the citation and the answer, if one has been filed, together with a copy of the subpoena and the return of service thereon, and shall apply for an order of court requiring such person to attend and testify, and forthwith produce books and papers, before the electoral board. Any circuit court of the state, excluding the judge who is sitting on the electoral board, upon such showing shall order such person to appear and testify, and to forthwith produce such books and papers, before the electoral board at a place to be fixed by the court. If such person shall knowingly fail or refuse to obey such order of the court without lawful excuse, the court shall punish him or her by fine and imprisonment, as the nature of the case may require and may be lawful in cases of contempt of court.

The electoral board on the first day of its meeting shall adopt rules of procedure for the introduction of evidence and the presentation of arguments and may, in its discretion, provide for the filing of briefs by the parties to the objection or by other interested persons.

In the event of a State Electoral Board hearing on objections to a petition for an amendment to Article IV of the Constitution pursuant to Section 3 of Article XIV of the Constitution, or to a petition for a question of public policy to be submitted to the voters of the entire State, the certificates of the county clerks and boards of election commissioners showing the results of the random sample of signatures on the petition shall be prima facie valid and accurate, and shall be presumed to establish the number of valid and invalid signatures on the petition sheets reviewed in the random sample, as prescribed in Section 28-11 and 28-12 of this Code. Either party, however, may introduce evidence at such hearing to dispute the findings as to particular signatures. In addition to the foregoing, in the absence of competent evidence presented at such hearing by a party substantially challenging the results of a random sample, or showing a different result obtained by an additional sample, this certificate of a county clerk or board of election commissioners shall be presumed to establish the ratio of valid to invalid signatures within the particular election jurisdiction.

The electoral board shall take up the question as to whether or not the certificate of nomination or nomination papers or petitions are in proper form, and whether or not they were filed within the time and under the conditions required by law, and whether or not they are the genuine
certificate of nomination or nomination papers or petitions which they purport to be, and whether or not in the case of the certificate of nomination in question it represents accurately the decision of the caucus or convention issuing it, and in general shall decide whether or not the certificate of nomination or nominating papers or petitions on file are valid or whether the objections thereto should be sustained and the decision of a majority of the electoral board shall be final subject to judicial review as provided in Section 10-10.1. The electoral board must state its findings in writing and must state in writing which objections, if any, it has sustained. A copy of the decision shall be served upon the parties to the proceedings in open proceedings before the electoral board. If a party does not appear for receipt of the decision, the decision shall be deemed to have been served on the absent party on the date when a copy of the decision is personally delivered or on the date when a copy of the decision is deposited in the United States mail, in a sealed envelope or package, with postage prepaid, addressed to each party affected by the decision or to such party's attorney of record, if any, at the address on record for such person in the files of the electoral board.

Upon the expiration of the period within which a proceeding for judicial review must be commenced under Section 10-10.1, the electoral board shall, unless a proceeding for judicial review has been commenced within such period, transmit, by registered or certified mail, a certified copy of its ruling, together with the original certificate of nomination or nomination papers or petitions and the original objector's petition, to the officer or board with whom the certificate of nomination or nomination papers or petitions, as objected to, were on file, and such officer or board shall abide by and comply with the ruling so made to all intents and purposes.

(Source: P.A. 98-115, eff. 7-29-13; 98-691, eff. 7-1-14; 99-78, eff. 7-20-15; revised 10-14-15.)

(10 ILCS 5/11-6) (from Ch. 46, par. 11-6)

Sec. 11-6. Within 60 days after July 1, 2014 (the effective date of Public Act 98-691), this amendatory Act of the 98th General Assembly, each election authority shall transmit to the principal office of the State Board of Elections and publish on any website maintained by the election authority maps in electronic portable document format (.PDF) showing the current boundaries of all the precincts within its jurisdiction. Whenever election precincts in an election jurisdiction have been redivided or readjusted, the county board or board of election

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commissioners shall prepare maps in electronic portable document format (PDF) showing such election precinct boundaries no later than 90 days before the next scheduled election. The maps shall show the boundaries of all political subdivisions and districts. The county board or board of election commissioners shall immediately forward copies thereof to the chairman of each county central committee in the county, to each township, ward, or precinct committeeman, and each local election official whose political subdivision is wholly or partly in the county and, upon request, shall furnish copies thereof to each candidate for political or public office in the county and shall transmit copies thereof to the principal office of the State Board of Elections and publish copies thereof on any website maintained by the election authority.  
(Source: P.A. 98-691, eff. 7-1-14; revised 10-14-15.)  
(10 ILCS 5/19-12.1) (from Ch. 46, par. 19-12.1)  
Sec. 19-12.1. Any qualified elector who has secured an Illinois Person with a Disability Identification Card in accordance with the Illinois Identification Card Act, indicating that the person named thereon has a Class 1A or Class 2 disability or any qualified voter who has a permanent physical incapacity of such a nature as to make it improbable that he will be able to be present at the polls at any future election, or any voter who is a resident of (i) a federally operated veterans' home, hospital, or facility located in Illinois or (ii) a facility licensed or certified pursuant to the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act of 2013, the ID/DD Community Care Act, or the MC/DD Act and has a condition or disability of such a nature as to make it improbable that he will be able to be present at the polls at any future election, may secure a voter's identification card for persons with disabilities or a nursing home resident's identification card, which will enable him to vote under this Article as a physically incapacitated or nursing home voter. For the purposes of this Section, "federally operated veterans' home, hospital, or facility" means the long-term care facilities at the Jesse Brown VA Medical Center, Illiana Health Care System, Edward Hines, Jr. VA Hospital, Marion VA Medical Center, and Captain James A. Lovell Federal Health Care Center.  
Application for a voter's identification card for persons with disabilities or a nursing home resident's identification card shall be made either: (a) in writing, with voter's sworn affidavit, to the county clerk or board of election commissioners, as the case may be, and shall be accompanied by the affidavit of the attending physician specifically  

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describing the nature of the physical incapacity or the fact that the voter is a nursing home resident and is physically unable to be present at the polls on election days; or (b) by presenting, in writing or otherwise, to the county clerk or board of election commissioners, as the case may be, proof that the applicant has secured an Illinois Person with a Disability Identification Card indicating that the person named thereon has a Class 1A or Class 2 disability. Upon the receipt of either the sworn-to application and the physician's affidavit or proof that the applicant has secured an Illinois Person with a Disability Identification Card indicating that the person named thereon has a Class 1A or Class 2 disability, the county clerk or board of election commissioners shall issue a voter's identification card for persons with disabilities or a nursing home resident's identification card. Such identification cards shall be issued for a period of 5 years, upon the expiration of which time the voter may secure a new card by making application in the same manner as is prescribed for the issuance of an original card, accompanied by a new affidavit of the attending physician. The date of expiration of such five-year period shall be made known to any interested person by the election authority upon the request of such person. Applications for the renewal of the identification cards shall be mailed to the voters holding such cards not less than 3 months prior to the date of expiration of the cards.

Each voter's identification card for persons with disabilities or nursing home resident's identification card shall bear an identification number, which shall be clearly noted on the voter's original and duplicate registration record cards. In the event the holder becomes physically capable of resuming normal voting, he must surrender his voter's identification card for persons with disabilities or nursing home resident's identification card to the county clerk or board of election commissioners before the next election.

The holder of a voter's identification card for persons with disabilities or a nursing home resident's identification card may make application by mail for an official ballot within the time prescribed by Section 19-2. Such application shall contain the same information as is included in the form of application for ballot by a physically incapacitated elector prescribed in Section 19-3 except that it shall also include the applicant's voter's identification card for persons with disabilities card number and except that it need not be sworn to. If an examination of the records discloses that the applicant is lawfully entitled to vote, he shall be mailed a ballot as provided in Section 19-4. The ballot envelope shall be

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the same as that prescribed in Section 19-5 for voters with physical disabilities, and the manner of voting and returning the ballot shall be the same as that provided in this Article for other vote by mail ballots, except that a statement to be subscribed to by the voter but which need not be sworn to shall be placed on the ballot envelope in lieu of the affidavit prescribed by Section 19-5.

Any person who knowingly subscribes to a false statement in connection with voting under this Section shall be guilty of a Class A misdemeanor.

For the purposes of this Section, "nursing home resident" includes a resident of (i) a federally operated veterans' home, hospital, or facility located in Illinois or (ii) a facility licensed under the ID/DD Community Care Act, the MC/DD Act, or the Specialized Mental Health Rehabilitation Act of 2013. For the purposes of this Section, "federally operated veterans' home, hospital, or facility" means the long-term care facilities at the Jesse Brown VA Medical Center, Illiana Health Care System, Edward Hines, Jr. VA Hospital, Marion VA Medical Center, and Captain James A. Lovell Federal Health Care Center.

(Source: P.A. 98-104, eff. 7-22-13; 98-1171, eff. 6-1-15; 99-143, eff. 7-27-15; 99-180, eff. 7-29-15; revised 10-14-15.)

Section 45. The Secretary of State Merit Employment Code is amended by changing Section 10a as follows:

(15 ILCS 310/10a) (from Ch. 124, par. 110a)

Sec. 10a. Jurisdiction A - classification and pay. For positions in the Office of the Secretary of State with respect to the classification and pay:

(1) For the preparation, maintenance, and revision by the Director, subject to approval by the Commission, of a position classification plan for all positions subject to this Act, based upon similarity of duties performed, responsibilities assigned, and conditions of employment so that the same schedule of pay may be equitably applied to all positions in the same class. Unless the Commission disapproves such classification plan or any revision thereof within 30 calendar days, the Director shall allocate every such position to one of the classes in the plan. Any employee affected by the allocation of a position to a class shall after filing with the Director of Personnel within 30 calendar days of the allocation a request for reconsideration thereof in such manner and form as the Director may prescribe, be given a reasonable

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opportunity to be heard by the Director. If the employee does not accept the decision of the Director he may, within 15 calendar days after receipt of the reconsidered decision, appeal to the Merit Commission.

(2) For a pay plan to be prepared by the Director for all employees subject to this Act. Such pay plan may include provisions for uniformity of starting pay, an increment plan, area differentials, a delay not to exceed one year in the reduction of the pay of employees whose positions are reduced in rank or grade by reallocation because of a loss of duties or responsibilities after their appointments to such positions, prevailing rates of wages in those classifications in which employers are now paying or may hereafter pay such rates of wage and other provisions. Such pay plan shall become effective only after it has been approved by the Secretary of State. Amendments to the pay plan will be made in the same manner. Such pay plan shall provide that each employee shall be paid at one of the rates set forth in the pay plan for the class of position in which he is employed. Such pay plan shall provide for a fair and reasonable compensation for services rendered.

(Source: P.A. 80-13; revised 10-13-15.)

Section 50. The Illinois Identification Card Act is amended by changing Sections 2, 4, and 14C as follows:

(15 ILCS 335/2) (from Ch. 124, par. 22)

Sec. 2. Administration and powers and duties of the Administrator.

(a) The Secretary of State is the Administrator of this Act, and he is charged with the duty of observing, administering and enforcing the provisions of this Act.

(b) The Secretary is vested with the powers and duties for the proper administration of this Act as follows:

1. He shall organize the administration of this Act as he may deem necessary and appoint such subordinate officers, clerks and other employees as may be necessary.

2. From time to time, he may make, amend or rescind rules and regulations as may be in the public interest to implement the Act.

3. He may prescribe or provide suitable forms as necessary, including such forms as are necessary to establish that an applicant for an Illinois Person with a Disability Identification Card is a "person with a disability" as defined in Section 4A of this Act, and

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establish that an applicant for a State identification card is a "homeless person" as defined in Section 1A of this Act.

4. He may prepare under the seal of the Secretary of State certified copies of any records utilized under this Act and any such certified copy shall be admissible in any proceeding in any court in like manner as the original thereof.

5. Records compiled under this Act shall be maintained for 6 years, but the Secretary may destroy such records with the prior approval of the State Records Commission.

6. He shall examine and determine the genuineness, regularity and legality of every application filed with him under this Act, and he may in all cases investigate the same, require additional information or proof or documentation from any applicant.

7. He shall require the payment of all fees prescribed in this Act, and all such fees received by him shall be placed in the Road Fund of the State treasury except as otherwise provided in Section 12 of this Act. Whenever any application to the Secretary for an identification card under this Act is accompanied by any fee, as required by law, and the application is denied after a review of eligibility, which may include facial recognition comparison, the applicant shall not be entitled to a refund of any fees paid.

(Source: P.A. 99-143, eff. 7-27-15; 99-305, eff. 1-1-16; revised 10-14-15.)

(15 ILCS 335/4) (from Ch. 124, par. 24)

Sec. 4. Identification Card.

(a) The Secretary of State shall issue a standard Illinois Identification Card to any natural person who is a resident of the State of Illinois who applies for such card, or renewal thereof, or who applies for a standard Illinois Identification Card upon release as a committed person on parole, mandatory supervised release, aftercare release, final discharge, or pardon from the Department of Corrections or Department of Juvenile Justice by submitting an identification card issued by the Department of Corrections or Department of Juvenile Justice under Section 3-14-1 or Section 3-2.5-70 of the Unified Code of Corrections, together with the prescribed fees. No identification card shall be issued to any person who holds a valid foreign state identification card, license, or permit unless the person first surrenders to the Secretary of State the valid foreign state identification card, license, or permit. The card shall be prepared and supplied by the Secretary of State and shall include a photograph and

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signature or mark of the applicant. However, the Secretary of State may provide by rule for the issuance of Illinois Identification Cards without photographs if the applicant has a bona fide religious objection to being photographed or to the display of his or her photograph. The Illinois Identification Card may be used for identification purposes in any lawful situation only by the person to whom it was issued. As used in this Act, "photograph" means any color photograph or digitally produced and captured image of an applicant for an identification card. As used in this Act, "signature" means the name of a person as written by that person and captured in a manner acceptable to the Secretary of State.

(a-5) If an applicant for an identification card has a current driver's license or instruction permit issued by the Secretary of State, the Secretary may require the applicant to utilize the same residence address and name on the identification card, driver's license, and instruction permit records maintained by the Secretary. The Secretary may promulgate rules to implement this provision.

(a-10) If the applicant is a judicial officer as defined in Section 1-10 of the Judicial Privacy Act or a peace officer, the applicant may elect to have his or her office or work address listed on the card instead of the applicant's residence or mailing address. The Secretary may promulgate rules to implement this provision. For the purposes of this subsection (a-10), "peace officer" means any person who by virtue of his or her office or public employment is vested by law with a duty to maintain public order or to make arrests for a violation of any penal statute of this State, whether that duty extends to all violations or is limited to specific violations.

(a-15) The Secretary of State may provide for an expedited process for the issuance of an Illinois Identification Card. The Secretary shall charge an additional fee for the expedited issuance of an Illinois Identification Card, to be set by rule, not to exceed $75. All fees collected by the Secretary for expedited Illinois Identification Card service shall be deposited into the Secretary of State Special Services Fund. The Secretary may adopt rules regarding the eligibility, process, and fee for an expedited Illinois Identification Card. If the Secretary of State determines that the volume of expedited identification card requests received on a given day exceeds the ability of the Secretary to process those requests in an expedited manner, the Secretary may decline to provide expedited services, and the additional fee for the expedited service shall be refunded to the applicant.
(b) The Secretary of State shall issue a special Illinois Identification Card, which shall be known as an Illinois Person with a Disability Identification Card, to any natural person who is a resident of the State of Illinois, who is a person with a disability as defined in Section 4A of this Act, who applies for such card, or renewal thereof. No Illinois Person with a Disability Identification Card shall be issued to any person who holds a valid foreign state identification card, license, or permit unless the person first surrenders to the Secretary of State the valid foreign state identification card, license, or permit. The Secretary of State shall charge no fee to issue such card. The card shall be prepared and supplied by the Secretary of State, and shall include a photograph and signature or mark of the applicant, a designation indicating that the card is an Illinois Person with a Disability Identification Card, and shall include a comprehensible designation of the type and classification of the applicant's disability as set out in Section 4A of this Act. However, the Secretary of State may provide by rule for the issuance of Illinois Person with a Disability Identification Cards without photographs if the applicant has a bona fide religious objection to being photographed or to the display of his or her photograph. If the applicant so requests, the card shall include a description of the applicant's disability and any information about the applicant's disability or medical history which the Secretary determines would be helpful to the applicant in securing emergency medical care. If a mark is used in lieu of a signature, such mark shall be affixed to the card in the presence of two witnesses who attest to the authenticity of the mark. The Illinois Person with a Disability Identification Card may be used for identification purposes in any lawful situation by the person to whom it was issued.

The Illinois Person with a Disability Identification Card may be used as adequate documentation of disability in lieu of a physician's determination of disability, a determination of disability from a physician assistant, a determination of disability from an advanced practice nurse, or any other documentation of disability whenever any State law requires that a person with a disability provide such documentation of disability, however an Illinois Person with a Disability Identification Card shall not qualify the cardholder to participate in any program or to receive any benefit which is not available to all persons with like disabilities. Notwithstanding any other provisions of law, an Illinois Person with a Disability Identification Card, or evidence that the Secretary of State has issued an Illinois Person with a Disability Identification Card, shall not be
An optometrist's determination of a visual disability under Section 4A of this Act is acceptable as documentation for the purpose of issuing an Illinois Person with a Disability Identification Card.

When medical information is contained on an Illinois Person with a Disability Identification Card, the Office of the Secretary of State shall not be liable for any actions taken based upon that medical information.

(c) The Secretary of State shall provide that each original or renewal Illinois Identification Card or Illinois Person with a Disability Identification Card issued to a person under the age of 21 shall be of a distinct nature from those Illinois Identification Cards or Illinois Person with a Disability Identification Cards issued to individuals 21 years of age or older. The color designated for Illinois Identification Cards or Illinois Person with a Disability Identification Cards for persons under the age of 21 shall be at the discretion of the Secretary of State.

(c-1) Each original or renewal Illinois Identification Card or Illinois Person with a Disability Identification Card issued to a person under the age of 21 shall display the date upon which the person becomes 18 years of age and the date upon which the person becomes 21 years of age.

(c-3) The General Assembly recognizes the need to identify military veterans living in this State for the purpose of ensuring that they receive all of the services and benefits to which they are legally entitled, including healthcare, education assistance, and job placement. To assist the State in identifying these veterans and delivering these vital services and benefits, the Secretary of State is authorized to issue Illinois Identification Cards and Illinois Person with a Disability Identification Cards with the word "veteran" appearing on the face of the cards. This authorization is predicated on the unique status of veterans. The Secretary may not issue any other identification card which identifies an occupation, status, affiliation, hobby, or other unique characteristics of the identification card holder which is unrelated to the purpose of the identification card.

(c-5) Beginning on or before July 1, 2015, the Secretary of State shall designate a space on each original or renewal identification card
where, at the request of the applicant, the word "veteran" shall be placed. The veteran designation shall be available to a person identified as a veteran under subsection (b) of Section 5 of this Act who was discharged or separated under honorable conditions.

(d) The Secretary of State may issue a Senior Citizen discount card, to any natural person who is a resident of the State of Illinois who is 60 years of age or older and who applies for such a card or renewal thereof. The Secretary of State shall charge no fee to issue such card. The card shall be issued in every county and applications shall be made available at, but not limited to, nutrition sites, senior citizen centers and Area Agencies on Aging. The applicant, upon receipt of such card and prior to its use for any purpose, shall have affixed thereon in the space provided therefor his signature or mark.

(e) The Secretary of State, in his or her discretion, may designate on each Illinois Identification Card or Illinois Person with a Disability Identification Card a space where the card holder may place a sticker or decal, issued by the Secretary of State, of uniform size as the Secretary may specify, that shall indicate in appropriate language that the card holder has renewed his or her Illinois Identification Card or Illinois Person with a Disability Identification Card.

(Source: P.A. 98-323, eff. 1-1-14; 98-463, eff. 8-16-13; 98-558, eff. 1-1-14; 98-756, eff. 7-16-14; 99-143, eff. 7-27-15; 99-173, eff. 7-29-15; 99-305, eff. 1-1-16; revised 10-14-15.)

(15 ILCS 335/14C) (from Ch. 124, par. 34C)
Sec. 14C. Making false application or affidavit.
(a) It is a violation of this Section for any person:
1. To display or present any document for the purpose of making application for an Illinois Identification Card or Illinois Person with a Disability Identification Card knowing that such document contains false information concerning the identity of the applicant;
2. To accept or allow to be accepted any document displayed or presented for the purpose of making application for an Illinois Identification Card or Illinois Person with a Disability Identification Card knowing that such document contains false information concerning the identity of the applicant;
3. To knowingly make any false affidavit or swear or affirm falsely to any matter or thing required by the terms of this Act to be sworn to or affirmed.

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(b) Sentence.

1. Any person convicted of a violation of this Section shall be guilty of a Class 4 felony.
2. A person convicted of a second or subsequent violation of this Section shall be guilty of a Class 3 felony.

(c) This Section does not prohibit any lawfully authorized investigative, protective, law enforcement or other activity of any agency of the United States, State of Illinois or any other state or political subdivision thereof.

(d) The Secretary of State may confiscate any suspected fraudulent, fictitious, or altered documents submitted by an applicant in support of an application for an Illinois Identification Card or Illinois Person with a Disability Identification Card.

(Source: P.A. 97-1064, eff. 1-1-13; revised 10-13-15.)

Section 55. The Alcoholism and Other Drug Abuse and Dependency Act is amended by changing Section 5-23 as follows:

(20 ILCS 301/5-23)
Sec. 5-23. Drug Overdose Prevention Program.
(a) Reports of drug overdose.

(1) The Director of the Division of Alcoholism and Substance Abuse shall publish annually a report on drug overdose trends statewide that reviews State death rates from available data to ascertain changes in the causes or rates of fatal and nonfatal drug overdose. The report shall also provide information on interventions that would be effective in reducing the rate of fatal or nonfatal drug overdose and shall include an analysis of drug overdose information reported to the Department of Public Health pursuant to subsection (e) of Section 3-3013 of the Counties Code, Section 6.14g of the Hospital Licensing Act, and subsection (j) of Section 22-30 of the School Code.

(2) The report may include:

(A) Trends in drug overdose death rates.
(B) Trends in emergency room utilization related to drug overdose and the cost impact of emergency room utilization.
(C) Trends in utilization of pre-hospital and emergency services and the cost impact of emergency services utilization.
(D) Suggested improvements in data collection.

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(E) A description of other interventions effective in reducing the rate of fatal or nonfatal drug overdose.

(F) A description of efforts undertaken to educate the public about unused medication and about how to properly dispose of unused medication, including the number of registered collection receptacles in this State, mail-back programs, and drug take-back events.

(b) Programs; drug overdose prevention.

(1) The Director may establish a program to provide for the production and publication, in electronic and other formats, of drug overdose prevention, recognition, and response literature. The Director may develop and disseminate curricula for use by professionals, organizations, individuals, or committees interested in the prevention of fatal and nonfatal drug overdose, including, but not limited to, drug users, jail and prison personnel, jail and prison inmates, drug treatment professionals, emergency medical personnel, hospital staff, families and associates of drug users, peace officers, firefighters, public safety officers, needle exchange program staff, and other persons. In addition to information regarding drug overdose prevention, recognition, and response, literature produced by the Department shall stress that drug use remains illegal and highly dangerous and that complete abstinence from illegal drug use is the healthiest choice. The literature shall provide information and resources for substance abuse treatment.

The Director may establish or authorize programs for prescribing, dispensing, or distributing opioid antagonists for the treatment of drug overdose. Such programs may include the prescribing of opioid antagonists for the treatment of drug overdose to a person who is not at risk of opioid overdose but who, in the judgment of the health care professional, may be in a position to assist another individual during an opioid-related drug overdose and who has received basic instruction on how to administer an opioid antagonist.

(2) The Director may provide advice to State and local officials on the growing drug overdose crisis, including the prevalence of drug overdose incidents, programs promoting the disposal of unused prescription drugs, trends in drug overdose incidents, and solutions to the drug overdose crisis.

(c) Grants.

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(1) The Director may award grants, in accordance with this subsection, to create or support local drug overdose prevention, recognition, and response projects. Local health departments, correctional institutions, hospitals, universities, community-based organizations, and faith-based organizations may apply to the Department for a grant under this subsection at the time and in the manner the Director prescribes.

(2) In awarding grants, the Director shall consider the necessity for overdose prevention projects in various settings and shall encourage all grant applicants to develop interventions that will be effective and viable in their local areas.

(3) The Director shall give preference for grants to proposals that, in addition to providing life-saving interventions and responses, provide information to drug users on how to access drug treatment or other strategies for abstaining from illegal drugs. The Director shall give preference to proposals that include one or more of the following elements:

(A) Policies and projects to encourage persons, including drug users, to call 911 when they witness a potentially fatal drug overdose.

(B) Drug overdose prevention, recognition, and response education projects in drug treatment centers, outreach programs, and other organizations that work with, or have access to, drug users and their families and communities.

(C) Drug overdose recognition and response training, including rescue breathing, in drug treatment centers and for other organizations that work with, or have access to, drug users and their families and communities.

(D) The production and distribution of targeted or mass media materials on drug overdose prevention and response, the potential dangers of keeping unused prescription drugs in the home, and methods to properly dispose of unused prescription drugs.

(E) Prescription and distribution of opioid antagonists.

(F) The institution of education and training projects on drug overdose response and treatment for emergency services and law enforcement personnel.

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(G) A system of parent, family, and survivor education and mutual support groups.

(4) In addition to moneys appropriated by the General Assembly, the Director may seek grants from private foundations, the federal government, and other sources to fund the grants under this Section and to fund an evaluation of the programs supported by the grants.

(d) Health care professional prescription of opioid antagonists.

   (1) A health care professional who, acting in good faith, directly or by standing order, prescribes or dispenses an opioid antagonist to: (a) a patient who, in the judgment of the health care professional, is capable of administering the drug in an emergency, or (b) a person who is not at risk of opioid overdose but who, in the judgment of the health care professional, may be in a position to assist another individual during an opioid-related drug overdose and who has received basic instruction on how to administer an opioid antagonist shall not, as a result of his or her acts or omissions, be subject to: (i) any disciplinary or other adverse action under the Medical Practice Act of 1987, the Physician Assistant Practice Act of 1987, the Nurse Practice Act, the Pharmacy Practice Act, or any other professional licensing statute or (ii) any criminal liability, except for willful and wanton misconduct.

   (2) A person who is not otherwise licensed to administer an opioid antagonist may in an emergency administer without fee an opioid antagonist if the person has received the patient information specified in paragraph (4) of this subsection and believes in good faith that another person is experiencing a drug overdose. The person shall not, as a result of his or her acts or omissions, be (i) liable for any violation of the Medical Practice Act of 1987, the Physician Assistant Practice Act of 1987, the Nurse Practice Act, the Pharmacy Practice Act, or any other professional licensing statute, or (ii) subject to any criminal prosecution or civil liability, except for willful and wanton misconduct.

   (3) A health care professional prescribing an opioid antagonist to a patient shall ensure that the patient receives the patient information specified in paragraph (4) of this subsection. Patient information may be provided by the health care professional or a community-based organization, substance abuse program, or other organization with which the health care

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professional establishes a written agreement that includes a
description of how the organization will provide patient
information, how employees or volunteers providing information
will be trained, and standards for documenting the provision of
patient information to patients. Provision of patient information
shall be documented in the patient's medical record or through
similar means as determined by agreement between the health care
professional and the organization. The Director of the Division of
Alcoholism and Substance Abuse, in consultation with statewide
organizations representing physicians, pharmacists, advanced
practice nurses, physician assistants, substance abuse programs,
and other interested groups, shall develop and disseminate to
health care professionals, community-based organizations,
substance abuse programs, and other organizations training
materials in video, electronic, or other formats to facilitate the
 provision of such patient information.

(4) For the purposes of this subsection:
"Opioid antagonist" means a drug that binds to opioid
receptors and blocks or inhibits the effect of opioids acting on
those receptors, including, but not limited to, naloxone
hydrochloride or any other similarly acting drug approved by the
U.S. Food and Drug Administration.

"Health care professional" means a physician licensed to
practice medicine in all its branches, a licensed physician assistant
prescriptive authority, a licensed advanced practice nurse
prescriptive authority, or an advanced practice nurse or physician
assistant who practices in a hospital, hospital affiliate, or
ambulatory surgical treatment center and possesses appropriate
clinical privileges in accordance with the Nurse Practice Act, or a
pharmacist licensed to practice pharmacy under the Pharmacy
Practice Act.

"Patient" includes a person who is not at risk of opioid
overdose but who, in the judgment of the physician, may be in a
position to assist another individual during an overdose and who
has received patient information as required in paragraph (2) of this
subsection on the indications for and administration of an opioid
antagonist.

"Patient information" includes information provided to the
patient on drug overdose prevention and recognition; how to
perform rescue breathing and resuscitation; opioid antagonist dosage and administration; the importance of calling 911; care for the overdose victim after administration of the overdose antagonist; and other issues as necessary.

(e) Drug overdose response policy.

(1) Every State and local government agency that employs a law enforcement officer or fireman as those terms are defined in the Line of Duty Compensation Act must possess opioid antagonists and must establish a policy to control the acquisition, storage, transportation, and administration of such opioid antagonists and to provide training in the administration of opioid antagonists. A State or local government agency that employs a fireman as defined in the Line of Duty Compensation Act but does not respond to emergency medical calls or provide medical services shall be exempt from this subsection.

(2) Every publicly or privately owned ambulance, special emergency medical services vehicle, non-transport vehicle, or ambulance assist vehicle, as described in the Emergency Medical Services (EMS) Systems Act, which responds to requests for emergency services or transports patients between hospitals in emergency situations must possess opioid antagonists.

(3) Entities that are required under paragraphs (1) and (2) to possess opioid antagonists may also apply to the Department for a grant to fund the acquisition of opioid antagonists and training programs on the administration of opioid antagonists.

(Source: P.A. 99-173, eff. 7-29-15; 99-480, eff. 9-9-15; revised 10-19-15.)

Section 60. The Children and Family Services Act is amended by changing Section 7 as follows:

(20 ILCS 505/7) (from Ch. 23, par. 5007)
Sec. 7. Placement of children; considerations.

(a) In placing any child under this Act, the Department shall place the child, as far as possible, in the care and custody of some individual holding the same religious belief as the parents of the child, or with some child care facility which is operated by persons of like religious faith as the parents of such child.

(a-5) In placing a child under this Act, the Department shall place the child with the child's sibling or siblings under Section 7.4 of this Act unless the placement is not in each child's best interest, or is otherwise not possible under the Department's rules. If the child is not placed with a
sibling under the Department's rules, the Department shall consider placements that are likely to develop, preserve, nurture, and support sibling relationships, where doing so is in each child's best interest.

(b) In placing a child under this Act, the Department may place a child with a relative if the Department determines that the relative will be able to adequately provide for the child's safety and welfare based on the factors set forth in the Department's rules governing relative placements, and that the placement is consistent with the child's best interests, taking into consideration the factors set out in subsection (4.05) of Section 1-3 of the Juvenile Court Act of 1987.

When the Department first assumes custody of a child, in placing that child under this Act, the Department shall make reasonable efforts to identify, locate, and provide notice to all adult grandparents and other adult relatives of the child who are ready, willing, and able to care for the child. At a minimum, these efforts shall be renewed each time the child requires a placement change and it is appropriate for the child to be cared for in a home environment. The Department must document its efforts to identify, locate, and provide notice to such potential relative placements and maintain the documentation in the child's case file.

If the Department determines that a placement with any identified relative is not in the child's best interests or that the relative does not meet the requirements to be a relative caregiver, as set forth in Department rules or by statute, the Department must document the basis for that decision and maintain the documentation in the child's case file.

If, pursuant to the Department's rules, any person files an administrative appeal of the Department's decision not to place a child with a relative, it is the Department's burden to prove that the decision is consistent with the child's best interests.

When the Department determines that the child requires placement in an environment, other than a home environment, the Department shall continue to make reasonable efforts to identify and locate relatives to serve as visitation resources for the child and potential future placement resources, except when the Department determines that those efforts would be futile or inconsistent with the child's best interests.

If the Department determines that efforts to identify and locate relatives would be futile or inconsistent with the child's best interests, the Department shall document the basis of its determination and maintain the documentation in the child's case file.
If the Department determines that an individual or a group of relatives are inappropriate to serve as visitation resources or possible placement resources, the Department shall document the basis of its determination and maintain the documentation in the child's case file.

When the Department determines that an individual or a group of relatives are appropriate to serve as visitation resources or possible future placement resources, the Department shall document the basis of its determination, maintain the documentation in the child's case file, create a visitation or transition plan, or both, and incorporate the visitation or transition plan, or both, into the child's case plan. For the purpose of this subsection, any determination as to the child's best interests shall include consideration of the factors set out in subsection (4.05) of Section 1-3 of the Juvenile Court Act of 1987.

The Department may not place a child with a relative, with the exception of certain circumstances which may be waived as defined by the Department in rules, if the results of a check of the Law Enforcement Agencies Data System (LEADS) identifies a prior criminal conviction of the relative or any adult member of the relative's household for any of the following offenses under the Criminal Code of 1961 or the Criminal Code of 2012:

1. murder;
2. solicitation of murder;
3. solicitation of murder for hire;
4. intentional homicide of an unborn child;
5. voluntary manslaughter of an unborn child;
6. involuntary manslaughter;
7. reckless homicide;
8. concealment of a homicidal death;
9. involuntary manslaughter of an unborn child;
10. reckless homicide of an unborn child;
11. drug-induced homicide;
12. a sex offense under Article 11, except offenses described in Sections 11-7, 11-8, 11-12, 11-13, 11-35, 11-40, and 11-45;
13. kidnapping;
14. aggravated unlawful restraint;
15. forcible detention;
16. aiding and abetting child abduction;
17. aggravated kidnapping;

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(5) child abduction;
(6) aggravated battery of a child as described in Section 12-4.3 or subdivision (b)(1) of Section 12-3.05;
(7) criminal sexual assault;
(8) aggravated criminal sexual assault;
(8.1) predatory criminal sexual assault of a child;
(9) criminal sexual abuse;
(10) aggravated sexual abuse;
(11) heinous battery as described in Section 12-4.1 or subdivision (a)(2) of Section 12-3.05;
(12) aggravated battery with a firearm as described in Section 12-4.2 or subdivision (e)(1), (e)(2), (e)(3), or (e)(4) of Section 12-3.05;
(13) tampering with food, drugs, or cosmetics;
(14) drug-induced infliction of great bodily harm as described in Section 12-4.7 or subdivision (g)(1) of Section 12-3.05;
(15) aggravated stalking;
(16) home invasion;
(17) vehicular invasion;
(18) criminal transmission of HIV;
(19) criminal abuse or neglect of an elderly person or person with a disability as described in Section 12-21 or subsection (b) of Section 12-4.4a;
(20) child abandonment;
(21) endangering the life or health of a child;
(22) ritual mutilation;
(23) ritualized abuse of a child;
(24) an offense in any other state the elements of which are similar and bear a substantial relationship to any of the foregoing offenses.

For the purpose of this subsection, "relative" shall include any person, 21 years of age or over, other than the parent, who (i) is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, second cousin, godparent, great-uncle, or great-aunt; or (ii) is the spouse of such a relative; or (iii) is the child's step-father, step-mother, or adult step-brother or step-sister; or (iv) is a fictive kin; "relative" also includes a person related in any of the foregoing ways to a sibling of a

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child, even though the person is not related to the child, when the child and its sibling are placed together with that person. For children who have been in the guardianship of the Department, have been adopted, and are subsequently returned to the temporary custody or guardianship of the Department, a "relative" may also include any person who would have qualified as a relative under this paragraph prior to the adoption, but only if the Department determines, and documents, that it would be in the child's best interests to consider this person a relative, based upon the factors for determining best interests set forth in subsection (4.05) of Section 1-3 of the Juvenile Court Act of 1987. A relative with whom a child is placed pursuant to this subsection may, but is not required to, apply for licensure as a foster family home pursuant to the Child Care Act of 1969; provided, however, that as of July 1, 1995, foster care payments shall be made only to licensed foster family homes pursuant to the terms of Section 5 of this Act.

Notwithstanding any other provision under this subsection to the contrary, a fictive kin with whom a child is placed pursuant to this subsection shall apply for licensure as a foster family home pursuant to the Child Care Act of 1969 within 6 months of the child's placement with the fictive kin. The Department shall not remove a child from the home of a fictive kin on the basis that the fictive kin fails to apply for licensure within 6 months of the child's placement with the fictive kin, or fails to meet the standard for licensure. All other requirements established under the rules and procedures of the Department concerning the placement of a child, for whom the Department is legally responsible, with a relative shall apply. By June 1, 2015, the Department shall promulgate rules establishing criteria and standards for placement, identification, and licensure of fictive kin.

For purposes of this subsection, "fictive kin" means any individual, unrelated by birth or marriage, who is shown to have close personal or emotional ties with the child or the child's family prior to the child's placement with the individual.

The provisions added to this subsection (b) by Public Act 98-846 this amendatory Act of the 98th General Assembly shall become operative on and after June 1, 2015.

(c) In placing a child under this Act, the Department shall ensure that the child's health, safety, and best interests are met. In rejecting placement of a child with an identified relative, the Department shall ensure that the child's health, safety, and best interests are met. In

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evaluating the best interests of the child, the Department shall take into consideration the factors set forth in subsection (4.05) of Section 1-3 of the Juvenile Court Act of 1987.

The Department shall consider the individual needs of the child and the capacity of the prospective foster or adoptive parents to meet the needs of the child. When a child must be placed outside his or her home and cannot be immediately returned to his or her parents or guardian, a comprehensive, individualized assessment shall be performed of that child at which time the needs of the child shall be determined. Only if race, color, or national origin is identified as a legitimate factor in advancing the child's best interests shall it be considered. Race, color, or national origin shall not be routinely considered in making a placement decision. The Department shall make special efforts for the diligent recruitment of potential foster and adoptive families that reflect the ethnic and racial diversity of the children for whom foster and adoptive homes are needed. "Special efforts" shall include contacting and working with community organizations and religious organizations and may include contracting with those organizations, utilizing local media and other local resources, and conducting outreach activities.

(c-1) At the time of placement, the Department shall consider concurrent planning, as described in subsection (l-1) of Section 5, so that permanency may occur at the earliest opportunity. Consideration should be given so that if reunification fails or is delayed, the placement made is the best available placement to provide permanency for the child.

(d) The Department may accept gifts, grants, offers of services, and other contributions to use in making special recruitment efforts.

(e) The Department in placing children in adoptive or foster care homes may not, in any policy or practice relating to the placement of children for adoption or foster care, discriminate against any child or prospective adoptive or foster parent on the basis of race.

(Source: P.A. 98-846, eff. 1-1-15; 99-143, eff. 7-27-15; 99-340, eff. 1-1-16; revised 10-19-15.)

Section 65. The Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois is amended by changing Section 605-817 as follows:

(20 ILCS 605/605-817) (was 20 ILCS 605/46.19k)
Sec. 605-817. Family loan program.

(a) From amounts appropriated for such purpose, the Department in consultation with the Department of Human Services shall solicit

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proposals to establish programs to be known as family loan programs. Such programs shall provide small, no-interest loans to custodial parents with income below 200% of the federal poverty level and who are working or enrolled in a post-secondary education program, to aid in covering the costs of unexpected expenses that could interfere with their ability to maintain employment or continue education. Loans awarded through a family loan program may be paid directly to a third party on behalf of a loan recipient and in either case shall not constitute income or resources for the purposes of public assistance and care so long as the funds are used for the intended purpose.

(b) The Director shall enter into written agreements with not-for-profit organizations or local government agencies to administer loan pools. Agreements shall be entered into with no more than 4 organizations or agencies, no more than one of which shall be located in the city of Chicago.

(c) Program sites shall be approved based on the demonstrated ability of the organization or governmental agency to secure funding from private or public sources sufficient to establish a loan pool to be maintained through repayment agreements entered into by eligible low-income families. Funds awarded by the Department to approved program sites shall be used for the express purposes of covering staffing and administration costs associated with administering the loan pool.

(Source: P.A. 91-372, eff. 1-1-00; 92-16, eff. 6-28-01; revised 10-19-15.)

Section 70. The Department of Natural Resources (Conservation) Law of the Civil Administrative Code of Illinois is amended by changing Section 805-305 as follows:

(20 ILCS 805/805-305) (was 20 ILCS 805/63a23)
Sec. 805-305. Campsites and housing facilities. The Department has the power to provide facilities for overnight tent and trailer campsites and to provide suitable housing facilities for student and juvenile overnight camping groups. The Department of Natural Resources may regulate, by administrative order, the fees to be charged for tent and trailer camping units at individual park areas based upon the facilities available. However, for campsites with access to showers or electricity, any Illinois resident who is age 62 or older or has a Class 2 disability as defined in Section 4A of the Illinois Identification Card Act shall be charged only one-half of the camping fee charged to the general public during the period Monday through Thursday of any week and shall be charged the same camping fee as the general public on all other days. For

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campsites without access to showers or electricity, no camping fee authorized by this Section shall be charged to any resident of Illinois who has a Class 2 disability as defined in Section 4A of the Illinois Identification Card Act. For campsites without access to showers or electricity, no camping fee authorized by this Section shall be charged to any resident of Illinois who is age 62 or older for the use of a campsite unit during the period Monday through Thursday of any week. No camping fee authorized by this Section shall be charged to any resident of Illinois who is a veteran with a disability or a former prisoner of war, as defined in Section 5 of the Department of Veterans Affairs Act. No camping fee authorized by this Section shall be charged to any resident of Illinois after returning from service abroad or mobilization by the President of the United States as an active duty member of the United States Armed Forces, the Illinois National Guard, or the Reserves of the United States Armed Forces for the amount of time that the active duty member spent in service abroad or mobilized if the person (i) applies for a pass at the Department office in Springfield within 2 years after returning and provides acceptable verification of service or mobilization to the Department or (ii) applies for a pass at a Regional Office of the Department within 2 years after returning and provides acceptable verification of service or mobilization to the Department; any portion of a year that the active duty member spent in service abroad or mobilized shall count as a full year. Nonresidents shall be charged the same fees as are authorized for the general public regardless of age. The Department shall provide by regulation for suitable proof of age, or either a valid driver's license or a "Golden Age Passport" issued by the federal government shall be acceptable as proof of age. The Department shall further provide by regulation that notice of these reduced admission fees be posted in a conspicuous place and manner.

Reduced fees authorized in this Section shall not apply to any charge for utility service.

For the purposes of this Section, "acceptable verification of service or mobilization" means official documentation from the Department of Defense or the appropriate Major Command showing mobilization dates or service abroad dates, including: (i) a DD-214, (ii) a letter from the Illinois Department of Military Affairs for members of the Illinois National Guard, (iii) a letter from the Regional Reserve Command for members of the Armed Forces Reserve, (iv) a letter from the Major Command covering Illinois for active duty members, (v) personnel records.
for mobilized State employees, and (vi) any other documentation that the Department, by administrative rule, deems acceptable to establish dates of mobilization or service abroad.

For the purposes of this Section, the term "service abroad" means active duty service outside of the 50 United States and the District of Columbia, and includes all active duty service in territories and possessions of the United States.

(Source: P.A. 99-143, eff. 7-27-15; revised 10-14-15.)

Section 75. The Recreational Trails of Illinois Act is amended by changing Section 34 as follows:

(20 ILCS 862/34)

Sec. 34. Exception from display of Off-Highway Vehicle Usage Stamps. The operator of an off-highway vehicle shall not be required to display an Off-Highway Vehicle Usage Stamp if the off-highway vehicle is:

(1) owned and used by the United States, the State of Illinois, another state, or a political subdivision thereof, but these off-highway vehicles shall prominently display the name of the owner on the off-highway vehicle;

(2) operated on lands where the operator, his or her immediate family, or both are the sole owners of the land; this exception shall not apply to clubs, associations, or lands leased for hunting or recreational purposes;

(3) used only on local, national, or international competition circuits in events for which written permission has been obtained by the sponsoring or sanctioning body from the governmental unit having jurisdiction over the location of any event held in this State;

(4) (blank);

(5) used on an off-highway vehicle grant assisted site and the off-highway vehicle displays an Off-Highway Vehicle Access decal;

(6) used in conjunction with a bona fide commercial business, including, but not limited to, agricultural and livestock production;

(7) a golf cart, regardless of whether the golf cart is currently being used for golfing purposes;

(8) displaying a valid motor vehicle registration issued by the Secretary of State or any other state;

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(9) operated by an individual who either possesses an Illinois Identification Card issued to the operator by the Secretary of State that lists a Class P2 (or P2O or any successor classification) or P2A disability or an original or photocopy of a valid motor vehicle disability placard issued to the operator by the Secretary of State, or is assisting a person with a disability who has a Class P2 (or P2O or any successor classification) or P2A disability while using the same off-highway vehicle as the individual with a disability; or

(10) used only at commercial riding parks.

For the purposes of this Section, "golf cart" means a machine specifically designed for the purposes of transporting one or more persons and their golf clubs.

For the purposes of this Section, "local, national, or international competition circuit" means any competition circuit sponsored or sanctioned by an international, national, or state organization, including, but not limited to, the American Motorcyclist Association, or sponsored, sanctioned, or both by an affiliate organization of an international, national, or state organization which sanctions competitions, including trials or practices leading up to or in connection with those competitions.

For the purposes of this Section, "commercial riding parks" mean commercial properties used for the recreational operation of off-highway vehicles by the paying members of the park or paying guests.

(Source: P.A. 98-820, eff. 8-1-14; 99-143, eff. 7-27-15; revised 10-14-15.)

Section 80. The Department of Human Services Act is amended by changing Sections 1-17 and 1-42 as follows:

(20 ILCS 1305/1-17)

Sec. 1-17. Inspector General.

(a) Nature and purpose. It is the express intent of the General Assembly to ensure the health, safety, and financial condition of individuals receiving services in this State due to mental illness, developmental disability, or both by protecting those persons from acts of abuse, neglect, or both by service providers. To that end, the Office of the Inspector General for the Department of Human Services is created to investigate and report upon allegations of the abuse, neglect, or financial exploitation of individuals receiving services within mental health facilities, developmental disabilities facilities, and community agencies operated, licensed, funded or certified by the Department of Human Services, but not licensed or certified by any other State agency.

New matter indicated by italics - deletions by strikeout
(b) Definitions. The following definitions apply to this Section:

"Adult student with a disability" means an adult student, age 18 through 21, inclusive, with an Individual Education Program, other than a resident of a facility licensed by the Department of Children and Family Services in accordance with the Child Care Act of 1969. For purposes of this definition, "through age 21, inclusive", means through the day before the student's 22nd birthday.

"Agency" or "community agency" means (i) a community agency licensed, funded, or certified by the Department, but not licensed or certified by any other human services agency of the State, to provide mental health service or developmental disabilities service, or (ii) a program licensed, funded, or certified by the Department, but not licensed or certified by any other human services agency of the State, to provide mental health service or developmental disabilities service.

"Aggravating circumstance" means a factor that is attendant to a finding and that tends to compound or increase the culpability of the accused.

"Allegation" means an assertion, complaint, suspicion, or incident involving any of the following conduct by an employee, facility, or agency against an individual or individuals: mental abuse, physical abuse, sexual abuse, neglect, or financial exploitation.

"Day" means working day, unless otherwise specified.

"Deflection" means a situation in which an individual is presented for admission to a facility or agency, and the facility staff or agency staff do not admit the individual. "Deflection" includes triage, redirection, and denial of admission.

"Department" means the Department of Human Services.

"Developmental disability" means "developmental disability" as defined in the Mental Health and Developmental Disabilities Code.

"Egregious neglect" means a finding of neglect as determined by the Inspector General that (i) represents a gross failure to adequately provide for, or a callous indifference to, the health, safety, or medical needs of an individual and (ii) results in an individual's death or other serious deterioration of an individual's physical condition or mental condition.

"Employee" means any person who provides services at the facility or agency on-site or off-site. The service relationship can be with the individual or with the facility or agency. Also, "employee" includes any employee or contractual agent of the Department of Human Services or the
community agency involved in providing or monitoring or administering mental health or developmental disability services. This includes but is not limited to: owners, operators, payroll personnel, contractors, subcontractors, and volunteers.

"Facility" or "State-operated facility" means a mental health facility or developmental disabilities facility operated by the Department.

"Financial exploitation" means taking unjust advantage of an individual's assets, property, or financial resources through deception, intimidation, or conversion for the employee's, facility's, or agency's own advantage or benefit.

"Finding" means the Office of Inspector General's determination regarding whether an allegation is substantiated, unsubstantiated, or unfounded.

"Health care worker registry" or "registry" means the health care worker registry created by the Nursing Home Care Act.

"Individual" means any person receiving mental health service, developmental disabilities service, or both from a facility or agency, while either on-site or off-site.

"Mental abuse" means the use of demeaning, intimidating, or threatening words, signs, gestures, or other actions by an employee about an individual and in the presence of an individual or individuals that results in emotional distress or maladaptive behavior, or could have resulted in emotional distress or maladaptive behavior, for any individual present.

"Mental illness" means "mental illness" as defined in the Mental Health and Developmental Disabilities Code.

"Mentally ill" means having a mental illness.

"Mitigating circumstance" means a condition that (i) is attendant to a finding, (ii) does not excuse or justify the conduct in question, but (iii) may be considered in evaluating the severity of the conduct, the culpability of the accused, or both the severity of the conduct and the culpability of the accused.

"Neglect" means an employee's, agency's, or facility's failure to provide adequate medical care, personal care, or maintenance and that, as a consequence, (i) causes an individual pain, injury, or emotional distress, (ii) results in either an individual's maladaptive behavior or the deterioration of an individual's physical condition or mental condition, or (iii) places the individual's health or safety at substantial risk.

New matter indicated by italics - deletions by strikeout
"Person with a developmental disability" means a person having a developmental disability.

"Physical abuse" means an employee's non-accidental and inappropriate contact with an individual that causes bodily harm. "Physical abuse" includes actions that cause bodily harm as a result of an employee directing an individual or person to physically abuse another individual.

"Recommendation" means an admonition, separate from a finding, that requires action by the facility, agency, or Department to correct a systemic issue, problem, or deficiency identified during an investigation.

"Required reporter" means any employee who suspects, witnesses, or is informed of an allegation of any one or more of the following: mental abuse, physical abuse, sexual abuse, neglect, or financial exploitation.

"Secretary" means the Chief Administrative Officer of the Department.

"Sexual abuse" means any sexual contact or intimate physical contact between an employee and an individual, including an employee's coercion or encouragement of an individual to engage in sexual behavior that results in sexual contact, intimate physical contact, sexual behavior, or intimate physical behavior. Sexual abuse also includes (i) an employee's actions that result in the sending or showing of sexually explicit images to an individual via computer, cellular phone, electronic mail, portable electronic device, or other media with or without contact with the individual or (ii) an employee's posting of sexually explicit images of an individual online or elsewhere whether or not there is contact with the individual.

"Sexually explicit images" includes, but is not limited to, any material which depicts nudity, sexual conduct, or sado-masochistic abuse, or which contains explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct, or sado-masochistic abuse.

"Substantiated" means there is a preponderance of the evidence to support the allegation.

"Unfounded" means there is no credible evidence to support the allegation.

"Unsubstantiated" means there is credible evidence, but less than a preponderance of evidence to support the allegation.

(c) Appointment. The Governor shall appoint, and the Senate shall confirm, an Inspector General. The Inspector General shall be appointed for a term of 4 years and shall function within the Department of Human Services and report to the Secretary and the Governor.

New matter indicated by italics - deletions by strikeout
(d) Operation and appropriation. The Inspector General shall function independently within the Department with respect to the operations of the Office, including the performance of investigations and issuance of findings and recommendations. The appropriation for the Office of Inspector General shall be separate from the overall appropriation for the Department.

(e) Powers and duties. The Inspector General shall investigate reports of suspected mental abuse, physical abuse, sexual abuse, neglect, or financial exploitation of individuals in any mental health or developmental disabilities facility or agency and shall have authority to take immediate action to prevent any one or more of the following from happening to individuals under its jurisdiction: mental abuse, physical abuse, sexual abuse, neglect, or financial exploitation. Upon written request of an agency of this State, the Inspector General may assist another agency of the State in investigating reports of the abuse, neglect, or abuse and neglect of persons with mental illness, persons with developmental disabilities, or persons with both. To comply with the requirements of subsection (k) of this Section, the Inspector General shall also review all reportable deaths for which there is no allegation of abuse or neglect. Nothing in this Section shall preempt any duties of the Medical Review Board set forth in the Mental Health and Developmental Disabilities Code. The Inspector General shall have no authority to investigate alleged violations of the State Officials and Employees Ethics Act. Allegations of misconduct under the State Officials and Employees Ethics Act shall be referred to the Office of the Governor's Executive Inspector General for investigation.

(f) Limitations. The Inspector General shall not conduct an investigation within an agency or facility if that investigation would be redundant to or interfere with an investigation conducted by another State agency. The Inspector General shall have no supervision over, or involvement in, the routine programmatic, licensing, funding, or certification operations of the Department. Nothing in this subsection limits investigations by the Department that may otherwise be required by law or that may be necessary in the Department's capacity as central administrative authority responsible for the operation of the State's mental health and developmental disabilities facilities.

(g) Rulemaking authority. The Inspector General shall promulgate rules establishing minimum requirements for reporting allegations as well as for initiating, conducting, and completing investigations based upon the
nature of the allegation or allegations. The rules shall clearly establish that if 2 or more State agencies could investigate an allegation, the Inspector General shall not conduct an investigation that would be redundant to, or interfere with, an investigation conducted by another State agency. The rules shall further clarify the method and circumstances under which the Office of Inspector General may interact with the licensing, funding, or certification units of the Department in preventing further occurrences of mental abuse, physical abuse, sexual abuse, neglect, egregious neglect, and financial exploitation.

(h) Training programs. The Inspector General shall (i) establish a comprehensive program to ensure that every person authorized to conduct investigations receives ongoing training relative to investigation techniques, communication skills, and the appropriate means of interacting with persons receiving treatment for mental illness, developmental disability, or both mental illness and developmental disability, and (ii) establish and conduct periodic training programs for facility and agency employees concerning the prevention and reporting of any one or more of the following: mental abuse, physical abuse, sexual abuse, neglect, egregious neglect, or financial exploitation. Nothing in this Section shall be deemed to prevent the Office of Inspector General from conducting any other training as determined by the Inspector General to be necessary or helpful.

(i) Duty to cooperate.

(1) The Inspector General shall at all times be granted access to any facility or agency for the purpose of investigating any allegation, conducting unannounced site visits, monitoring compliance with a written response, or completing any other statutorily assigned duty. The Inspector General shall conduct unannounced site visits to each facility at least annually for the purpose of reviewing and making recommendations on systemic issues relative to preventing, reporting, investigating, and responding to all of the following: mental abuse, physical abuse, sexual abuse, neglect, egregious neglect, or financial exploitation.

(2) Any employee who fails to cooperate with an Office of the Inspector General investigation is in violation of this Act. Failure to cooperate with an investigation includes, but is not limited to, any one or more of the following: (i) creating and transmitting a false report to the Office of the Inspector General hotline, (ii) providing false information to an Office of the
Inspector General Investigator during an investigation, (iii) colluding with other employees to cover up evidence, (iv) colluding with other employees to provide false information to an Office of the Inspector General investigator, (v) destroying evidence, (vi) withholding evidence, or (vii) otherwise obstructing an Office of the Inspector General investigation. Additionally, any employee who, during an unannounced site visit or written response compliance check, fails to cooperate with requests from the Office of the Inspector General is in violation of this Act.

(j) Subpoena powers. The Inspector General shall have the power to subpoena witnesses and compel the production of all documents and physical evidence relating to his or her investigations and any hearings authorized by this Act. This subpoena power shall not extend to persons or documents of a labor organization or its representatives insofar as the persons are acting in a representative capacity to an employee whose conduct is the subject of an investigation or the documents relate to that representation. Any person who otherwise fails to respond to a subpoena or who knowingly provides false information to the Office of the Inspector General by subpoena during an investigation is guilty of a Class A misdemeanor.

(k) Reporting allegations and deaths.

(1) Allegations. If an employee witnesses, is told of, or has reason to believe an incident of mental abuse, physical abuse, sexual abuse, neglect, or financial exploitation has occurred, the employee, agency, or facility shall report the allegation by phone to the Office of the Inspector General hotline according to the agency's or facility's procedures, but in no event later than 4 hours after the initial discovery of the incident, allegation, or suspicion of any one or more of the following: mental abuse, physical abuse, sexual abuse, neglect, or financial exploitation. A required reporter as defined in subsection (b) of this Section who knowingly or intentionally fails to comply with these reporting requirements is guilty of a Class A misdemeanor.

(2) Deaths. Absent an allegation, a required reporter shall, within 24 hours after initial discovery, report by phone to the Office of the Inspector General hotline each of the following:

(i) Any death of an individual occurring within 14 calendar days after discharge or transfer of the individual from a residential program or facility.

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(ii) Any death of an individual occurring within 24 hours after deflection from a residential program or facility.
(iii) Any other death of an individual occurring at an agency or facility or at any Department-funded site.

(3) Retaliation. It is a violation of this Act for any employee or administrator of an agency or facility to take retaliatory action against an employee who acts in good faith in conformance with his or her duties as a required reporter.

(l) Reporting to law enforcement.

(1) Reporting criminal acts. Within 24 hours after determining that there is credible evidence indicating that a criminal act may have been committed or that special expertise may be required in an investigation, the Inspector General shall notify the Department of State Police or other appropriate law enforcement authority, or ensure that such notification is made. The Department of State Police shall investigate any report from a State-operated facility indicating a possible murder, sexual assault, or other felony by an employee. All investigations conducted by the Inspector General shall be conducted in a manner designed to ensure the preservation of evidence for possible use in a criminal prosecution.

(2) Reporting allegations of adult students with disabilities. Upon receipt of a reportable allegation regarding an adult student with a disability, the Department's Office of the Inspector General shall determine whether the allegation meets the criteria for the Domestic Abuse Program under the Abuse of Adults with Disabilities Intervention Act. If the allegation is reportable to that program, the Office of the Inspector General shall initiate an investigation. If the allegation is not reportable to the Domestic Abuse Program, the Office of the Inspector General shall make an expeditious referral to the respective law enforcement entity. If the alleged victim is already receiving services from the Department, the Office of the Inspector General shall also make a referral to the respective Department of Human Services' Division or Bureau.

(m) Investigative reports. Upon completion of an investigation, the Office of Inspector General shall issue an investigative report identifying whether the allegations are substantiated, unsubstantiated, or unfounded. Within 10 business days after the transmittal of a completed investigative report substantiating an allegation, or if a recommendation is made, the

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Inspector General shall provide the investigative report on the case to the Secretary and to the director of the facility or agency where any one or more of the following occurred: mental abuse, physical abuse, sexual abuse, neglect, egregious neglect, or financial exploitation. In a substantiated case, the investigative report shall include any mitigating or aggravating circumstances that were identified during the investigation. If the case involves substantiated neglect, the investigative report shall also state whether egregious neglect was found. An investigative report may also set forth recommendations. All investigative reports prepared by the Office of the Inspector General shall be considered confidential and shall not be released except as provided by the law of this State or as required under applicable federal law. Unsubstantiated and unfounded reports shall not be disclosed except as allowed under Section 6 of the Abused and Neglected Long Term Care Facility Residents Reporting Act. Raw data used to compile the investigative report shall not be subject to release unless required by law or a court order. "Raw data used to compile the investigative report" includes, but is not limited to, any one or more of the following: the initial complaint, witness statements, photographs, investigator's notes, police reports, or incident reports. If the allegations are substantiated, the accused shall be provided with a redacted copy of the investigative report. Death reports where there was no allegation of abuse or neglect shall only be released pursuant to applicable State or federal law or a valid court order.

(n) Written responses and reconsideration requests.

(1) Written responses. Within 30 calendar days from receipt of a substantiated investigative report or an investigative report which contains recommendations, absent a reconsideration request, the facility or agency shall file a written response that addresses, in a concise and reasoned manner, the actions taken to: (i) protect the individual; (ii) prevent recurrences; and (iii) eliminate the problems identified. The response shall include the implementation and completion dates of such actions. If the written response is not filed within the allotted 30 calendar day period, the Secretary shall determine the appropriate corrective action to be taken.

(2) Reconsideration requests. The facility, agency, victim or guardian, or the subject employee may request that the Office of Inspector General reconsider or clarify its finding based upon additional information.

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(o) Disclosure of the finding by the Inspector General. The Inspector General shall disclose the finding of an investigation to the following persons: (i) the Governor, (ii) the Secretary, (iii) the director of the facility or agency, (iv) the alleged victims and their guardians, (v) the complainant, and (vi) the accused. This information shall include whether the allegations were deemed substantiated, unsubstantiated, or unfounded.

(p) Secretary review. Upon review of the Inspector General's investigative report and any agency's or facility's written response, the Secretary shall accept or reject the written response and notify the Inspector General of that determination. The Secretary may further direct that other administrative action be taken, including, but not limited to, any one or more of the following: (i) additional site visits, (ii) training, (iii) provision of technical assistance relative to administrative needs, licensure or certification, or (iv) the imposition of appropriate sanctions.

(q) Action by facility or agency. Within 30 days of the date the Secretary approves the written response or directs that further administrative action be taken, the facility or agency shall provide an implementation report to the Inspector General that provides the status of the action taken. The facility or agency shall be allowed an additional 30 days to send notice of completion of the action or to send an updated implementation report. If the action has not been completed within the additional 30 day period, the facility or agency shall send updated implementation reports every 60 days until completion. The Inspector General shall conduct a review of any implementation plan that takes more than 120 days after approval to complete, and shall monitor compliance through a random review of approved written responses, which may include, but are not limited to: (i) site visits, (ii) telephone contact, and (iii) requests for additional documentation evidencing compliance.

(r) Sanctions. Sanctions, if imposed by the Secretary under Subdivision (p)(iv) of this Section, shall be designed to prevent further acts of mental abuse, physical abuse, sexual abuse, neglect, egregious neglect, or financial exploitation or some combination of one or more of those acts at a facility or agency, and may include any one or more of the following:

(1) Appointment of on-site monitors.
(2) Transfer or relocation of an individual or individuals.
(3) Closure of units.
(4) Termination of any one or more of the following:
   (i) Department licensing, (ii) funding, or (iii) certification.

New matter indicated by italics - deletions by strikeout
The Inspector General may seek the assistance of the Illinois Attorney General or the office of any State's Attorney in implementing sanctions.

(s) Health care worker registry.

(1) Reporting to the registry. The Inspector General shall report to the Department of Public Health's health care worker registry, a public registry, the identity and finding of each employee of a facility or agency against whom there is a final investigative report containing a substantiated allegation of physical or sexual abuse, financial exploitation, or egregious neglect of an individual.

(2) Notice to employee. Prior to reporting the name of an employee, the employee shall be notified of the Department's obligation to report and shall be granted an opportunity to request an administrative hearing, the sole purpose of which is to determine if the substantiated finding warrants reporting to the registry. Notice to the employee shall contain a clear and concise statement of the grounds on which the report to the registry is based, offer the employee an opportunity for a hearing, and identify the process for requesting such a hearing. Notice is sufficient if provided by certified mail to the employee's last known address. If the employee fails to request a hearing within 30 days from the date of the notice, the Inspector General shall report the name of the employee to the registry. Nothing in this subdivision (s)(2) shall diminish or impair the rights of a person who is a member of a collective bargaining unit under the Illinois Public Labor Relations Act or under any other federal labor statute.

(3) Registry hearings. If the employee requests an administrative hearing, the employee shall be granted an opportunity to appear before an administrative law judge to present reasons why the employee's name should not be reported to the registry. The Department shall bear the burden of presenting evidence that establishes, by a preponderance of the evidence, that the substantiated finding warrants reporting to the registry. After considering all the evidence presented, the administrative law judge shall make a recommendation to the Secretary as to whether the substantiated finding warrants reporting the name of the employee to the registry. The Secretary shall render the final decision. The Department and the employee shall have the right to

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request that the administrative law judge consider a stipulated disposition of these proceedings.

(4) Testimony at registry hearings. A person who makes a report or who investigates a report under this Act shall testify fully in any judicial proceeding resulting from such a report, as to any evidence of abuse or neglect, or the cause thereof. No evidence shall be excluded by reason of any common law or statutory privilege relating to communications between the alleged perpetrator of abuse or neglect, or the individual alleged as the victim in the report, and the person making or investigating the report. Testimony at hearings is exempt from the confidentiality requirements of subsection (f) of Section 10 of the Mental Health and Developmental Disabilities Confidentiality Act.

(5) Employee's rights to collateral action. No reporting to the registry shall occur and no hearing shall be set or proceed if an employee notifies the Inspector General in writing, including any supporting documentation, that he or she is formally contesting an adverse employment action resulting from a substantiated finding by complaint filed with the Illinois Civil Service Commission, or which otherwise seeks to enforce the employee's rights pursuant to any applicable collective bargaining agreement. If an action taken by an employer against an employee as a result of a finding of physical abuse, sexual abuse, or egregious neglect is overturned through an action filed with the Illinois Civil Service Commission or under any applicable collective bargaining agreement and if that employee's name has already been sent to the registry, the employee's name shall be removed from the registry.

(6) Removal from registry. At any time after the report to the registry, but no more than once in any 12-month period, an employee may petition the Department in writing to remove his or her name from the registry. Upon receiving notice of such request, the Inspector General shall conduct an investigation into the petition. Upon receipt of such request, an administrative hearing will be set by the Department. At the hearing, the employee shall bear the burden of presenting evidence that establishes, by a preponderance of the evidence, that removal of the name from the registry is in the public interest. The parties may jointly request that the administrative law judge consider a stipulated disposition of these proceedings.

New matter indicated by italics - deletions by strikeout
(t) Review of Administrative Decisions. The Department shall preserve a record of all proceedings at any formal hearing conducted by the Department involving health care worker registry hearings. Final administrative decisions of the Department are subject to judicial review pursuant to provisions of the Administrative Review Law.

(u) Quality Care Board. There is created, within the Office of the Inspector General, a Quality Care Board to be composed of 7 members appointed by the Governor with the advice and consent of the Senate. One of the members shall be designated as chairman by the Governor. Of the initial appointments made by the Governor, 4 Board members shall each be appointed for a term of 4 years and 3 members shall each be appointed for a term of 2 years. Upon the expiration of each member's term, a successor shall be appointed for a term of 4 years. In the case of a vacancy in the office of any member, the Governor shall appoint a successor for the remainder of the unexpired term.

Members appointed by the Governor shall be qualified by professional knowledge or experience in the area of law, investigatory techniques, or in the area of care of the mentally ill or care of persons with developmental disabilities. Two members appointed by the Governor shall be persons with a disability or a parent of a person with a disability. Members shall serve without compensation, but shall be reimbursed for expenses incurred in connection with the performance of their duties as members.

The Board shall meet quarterly, and may hold other meetings on the call of the chairman. Four members shall constitute a quorum allowing the Board to conduct its business. The Board may adopt rules and regulations it deems necessary to govern its own procedures.

The Board shall monitor and oversee the operations, policies, and procedures of the Inspector General to ensure the prompt and thorough investigation of allegations of neglect and abuse. In fulfilling these responsibilities, the Board may do the following:

1. Provide independent, expert consultation to the Inspector General on policies and protocols for investigations of alleged abuse, neglect, or both abuse and neglect.
2. Review existing regulations relating to the operation of facilities.
3. Advise the Inspector General as to the content of training activities authorized under this Section.

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(4) Recommend policies concerning methods for improving the intergovernmental relationships between the Office of the Inspector General and other State or federal offices.

(v) Annual report. The Inspector General shall provide to the General Assembly and the Governor, no later than January 1 of each year, a summary of reports and investigations made under this Act for the prior fiscal year with respect to individuals receiving mental health or developmental disabilities services. The report shall detail the imposition of sanctions, if any, and the final disposition of any corrective or administrative action directed by the Secretary. The summaries shall not contain any confidential or identifying information of any individual, but shall include objective data identifying any trends in the number of reported allegations, the timeliness of the Office of the Inspector General's investigations, and their disposition, for each facility and Department-wide, for the most recent 3-year time period. The report shall also identify, by facility, the staff-to-patient ratios taking account of direct care staff only. The report shall also include detailed recommended administrative actions and matters for consideration by the General Assembly.

(w) Program audit. The Auditor General shall conduct a program audit of the Office of the Inspector General on an as-needed basis, as determined by the Auditor General. The audit shall specifically include the Inspector General's compliance with the Act and effectiveness in investigating reports of allegations occurring in any facility or agency. The Auditor General shall conduct the program audit according to the provisions of the Illinois State Auditing Act and shall report its findings to the General Assembly no later than January 1 following the audit period.

(x) Nothing in this Section shall be construed to mean that a patient is a victim of abuse or neglect because of health care services appropriately provided or not provided by health care professionals.

(y) Nothing in this Section shall require a facility, including its employees, agents, medical staff members, and health care professionals, to provide a service to a patient in contravention of that patient's stated or implied objection to the provision of that service on the ground that that service conflicts with the patient's religious beliefs or practices, nor shall the failure to provide a service to a patient be considered abuse under this Section if the patient has objected to the provision of that service based on his or her religious beliefs or practices.

(Source: P.A. 98-49, eff. 7-1-13; 98-711, eff. 7-16-14; 99-143, eff. 7-27-15; 99-323, eff. 8-7-15; revised 10-19-15.)

New matter indicated by italics - deletions by strikeout
Sec. 1-42. Department Ambassador. Subject to appropriation, as part of a pilot program, the Department shall designate one or more officials or employees to serve as Department Ambassador. Department Ambassadors shall serve as a liaison between the Department and the public and shall have the following duties: (i) to inform the public about services available through the Department, (ii) to assist the public in accessing those services, (iii) to review the Department's methods of disseminating information, and (iv) to recommend and implement more efficient practices of providing services and information to the public where possible.

(Source: P.A. 98-1065, eff. 8-26-14; revised 10-19-15.)

Section 85. The Burn Victims Relief Act is amended by changing Section 15 as follows:

(20 ILCS 1410/15)

Sec. 15. Rulemaking. The Department of Insurance may adopt rules to implement the provisions of this Act. In order to provide for the expeditious and timely implementation of the provisions of this Act, emergency rules to implement any provision of this Act may be adopted by the Department in accordance with subsection (u) of Section 5-45 of the Illinois Administrative Procedure Act.

(Source: P.A. 99-455, eff. 1-1-16; revised 10-26-15.)

Section 90. The Department of Professional Regulation Law of the Civil Administrative Code of Illinois is amended by changing Section 2105-15 as follows:

(20 ILCS 2105/2105-15)

Sec. 2105-15. General powers and duties.

(a) The Department has, subject to the provisions of the Civil Administrative Code of Illinois, the following powers and duties:

(1) To authorize examinations in English to ascertain the qualifications and fitness of applicants to exercise the profession, trade, or occupation for which the examination is held.

(2) To prescribe rules and regulations for a fair and wholly impartial method of examination of candidates to exercise the respective professions, trades, or occupations.

(3) To pass upon the qualifications of applicants for licenses, certificates, and authorities, whether by examination, by reciprocity, or by endorsement.

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(4) To prescribe rules and regulations defining, for the respective professions, trades, and occupations, what shall constitute a school, college, or university, or department of a university, or other institution, reputable and in good standing, and to determine the reputability and good standing of a school, college, or university, or department of a university, or other institution, reputable and in good standing, by reference to a compliance with those rules and regulations; provided, that no school, college, or university, or department of a university, or other institution that refuses admittance to applicants solely on account of race, color, creed, sex, sexual orientation, or national origin shall be considered reputable and in good standing.

(5) To conduct hearings on proceedings to revoke, suspend, refuse to renew, place on probationary status, or take other disciplinary action as authorized in any licensing Act administered by the Department with regard to licenses, certificates, or authorities of persons exercising the respective professions, trades, or occupations and to revoke, suspend, refuse to renew, place on probationary status, or take other disciplinary action as authorized in any licensing Act administered by the Department with regard to those licenses, certificates, or authorities.

The Department shall issue a monthly disciplinary report.

The Department shall deny any license or renewal authorized by the Civil Administrative Code of Illinois to any person who has defaulted on an educational loan or scholarship provided by or guaranteed by the Illinois Student Assistance Commission or any governmental agency of this State; however, the Department may issue a license or renewal if the aforementioned persons have established a satisfactory repayment record as determined by the Illinois Student Assistance Commission or other appropriate governmental agency of this State. Additionally, beginning June 1, 1996, any license issued by the Department may be suspended or revoked if the Department, after the opportunity for a hearing under the appropriate licensing Act, finds that the licensee has failed to make satisfactory repayment to the Illinois Student Assistance Commission for a delinquent or defaulted loan. For the purposes of this Section, "satisfactory repayment record" shall be defined by rule.

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The Department shall refuse to issue or renew a license to, or shall suspend or revoke a license of, any person who, after receiving notice, fails to comply with a subpoena or warrant relating to a paternity or child support proceeding. However, the Department may issue a license or renewal upon compliance with the subpoena or warrant.

The Department, without further process or hearings, shall revoke, suspend, or deny any license or renewal authorized by the Civil Administrative Code of Illinois to a person who is certified by the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) as being more than 30 days delinquent in complying with a child support order or who is certified by a court as being in violation of the Non-Support Punishment Act for more than 60 days. The Department may, however, issue a license or renewal if the person has established a satisfactory repayment record as determined by the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) or if the person is determined by the court to be in compliance with the Non-Support Punishment Act. The Department may implement this paragraph as added by Public Act 89-6 through the use of emergency rules in accordance with Section 5-45 of the Illinois Administrative Procedure Act. For purposes of the Illinois Administrative Procedure Act, the adoption of rules to implement this paragraph shall be considered an emergency and necessary for the public interest, safety, and welfare.

(6) To transfer jurisdiction of any realty under the control of the Department to any other department of the State Government or to acquire or accept federal lands when the transfer, acquisition, or acceptance is advantageous to the State and is approved in writing by the Governor.

(7) To formulate rules and regulations necessary for the enforcement of any Act administered by the Department.

(8) To exchange with the Department of Healthcare and Family Services information that may be necessary for the enforcement of child support orders entered pursuant to the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Revised Uniform Reciprocal

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Enforcement of Support Act, the Uniform Interstate Family Support Act, the Illinois Parentage Act of 1984, or the Illinois Parentage Act of 2015. Notwithstanding any provisions in this Code to the contrary, the Department of Professional Regulation shall not be liable under any federal or State law to any person for any disclosure of information to the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) under this paragraph (8) or for any other action taken in good faith to comply with the requirements of this paragraph (8).

(8.5) To accept continuing education credit for mandated reporter training on how to recognize and report child abuse offered by the Department of Children and Family Services and completed by any person who holds a professional license issued by the Department and who is a mandated reporter under the Abused and Neglected Child Reporting Act. The Department shall adopt any rules necessary to implement this paragraph.

(9) To perform other duties prescribed by law.

(a-5) Except in cases involving default on an educational loan or scholarship provided by or guaranteed by the Illinois Student Assistance Commission or any governmental agency of this State or in cases involving delinquency in complying with a child support order or violation of the Non-Support Punishment Act and notwithstanding anything that may appear in any individual licensing Act or administrative rule, no person or entity whose license, certificate, or authority has been revoked as authorized in any licensing Act administered by the Department may apply for restoration of that license, certification, or authority until 3 years after the effective date of the revocation.

(b) The Department may, when a fee is payable to the Department for a wall certificate of registration provided by the Department of Central Management Services, require that portion of the payment for printing and distribution costs be made directly or through the Department to the Department of Central Management Services for deposit into the Paper and Printing Revolving Fund. The remainder shall be deposited into the General Revenue Fund.

(c) For the purpose of securing and preparing evidence, and for the purchase of controlled substances, professional services, and equipment necessary for enforcement activities, recoupment of investigative costs, and other activities directed at suppressing the misuse and abuse of controlled substances, including those activities set forth in Sections 504

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and 508 of the Illinois Controlled Substances Act, the Director and agents appointed and authorized by the Director may expend sums from the Professional Regulation Evidence Fund that the Director deems necessary from the amounts appropriated for that purpose. Those sums may be advanced to the agent when the Director deems that procedure to be in the public interest. Sums for the purchase of controlled substances, professional services, and equipment necessary for enforcement activities and other activities as set forth in this Section shall be advanced to the agent who is to make the purchase from the Professional Regulation Evidence Fund on vouchers signed by the Director. The Director and those agents are authorized to maintain one or more commercial checking accounts with any State banking corporation or corporations organized under or subject to the Illinois Banking Act for the deposit and withdrawal of moneys to be used for the purposes set forth in this Section; provided, that no check may be written nor any withdrawal made from any such account except upon the written signatures of 2 persons designated by the Director to write those checks and make those withdrawals. Vouchers for those expenditures must be signed by the Director. All such expenditures shall be audited by the Director, and the audit shall be submitted to the Department of Central Management Services for approval.

(d) Whenever the Department is authorized or required by law to consider some aspect of criminal history record information for the purpose of carrying out its statutory powers and responsibilities, then, upon request and payment of fees in conformance with the requirements of Section 2605-400 of the Department of State Police Law (20 ILCS 2605/2605-400), the Department of State Police is authorized to furnish, pursuant to positive identification, the information contained in State files that is necessary to fulfill the request.

(e) The provisions of this Section do not apply to private business and vocational schools as defined by Section 15 of the Private Business and Vocational Schools Act of 2012.

(f) (Blank).

(g) Notwithstanding anything that may appear in any individual licensing statute or administrative rule, the Department shall deny any license application or renewal authorized under any licensing Act administered by the Department to any person who has failed to file a return, or to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as

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the requirement of any such tax Act are satisfied; however, the Department may issue a license or renewal if the person has established a satisfactory repayment record as determined by the Illinois Department of Revenue. For the purpose of this Section, "satisfactory repayment record" shall be defined by rule.

In addition, a complaint filed with the Department by the Illinois Department of Revenue that includes a certification, signed by its Director or designee, attesting to the amount of the unpaid tax liability or the years for which a return was not filed, or both, is prima facie evidence of the licensee's failure to comply with the tax laws administered by the Illinois Department of Revenue. Upon receipt of that certification, the Department shall, without a hearing, immediately suspend all licenses held by the licensee. Enforcement of the Department's order shall be stayed for 60 days. The Department shall provide notice of the suspension to the licensee by mailing a copy of the Department's order by certified and regular mail to the licensee's last known address as registered with the Department. The notice shall advise the licensee that the suspension shall be effective 60 days after the issuance of the Department's order unless the Department receives, from the licensee, a request for a hearing before the Department to dispute the matters contained in the order.

Any suspension imposed under this subsection (g) shall be terminated by the Department upon notification from the Illinois Department of Revenue that the licensee is in compliance with all tax laws administered by the Illinois Department of Revenue.

The Department may promulgate rules for the administration of this subsection (g).

(h) The Department may grant the title "Retired", to be used immediately adjacent to the title of a profession regulated by the Department, to eligible retirees. For individuals licensed under the Medical Practice Act of 1987, the title "Retired" may be used in the profile required by the Patients' Right to Know Act. The use of the title "Retired" shall not constitute representation of current licensure, registration, or certification. Any person without an active license, registration, or certificate in a profession that requires licensure, registration, or certification shall not be permitted to practice that profession.

(i) Within 180 days after December 23, 2009 (the effective date of Public Act 96-852), the Department shall promulgate rules which permit a person with a criminal record, who seeks a license or certificate in an occupation for which a criminal record is not expressly a per se bar, to
apply to the Department for a non-binding, advisory opinion to be provided by the Board or body with the authority to issue the license or certificate as to whether his or her criminal record would bar the individual from the licensure or certification sought, should the individual meet all other licensure requirements including, but not limited to, the successful completion of the relevant examinations.

(Source: P.A. 98-756, eff. 7-16-14; 98-850, eff. 1-1-15; 99-85, eff. 1-1-16; 99-227, eff. 8-3-15; 99-330, eff. 8-10-15; revised 10-16-15.)

Section 95. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by setting forth, renumbering, and changing multiple versions of Section 2310-685 as follows:

(20 ILCS 2310/2310-685)
Sec. 2310-685. Health care facility; policy to encourage participation in capital projects.
(a) A health care facility shall develop a policy to encourage the participation of minority-owned, women-owned, veteran-owned, and small business enterprises in capital projects undertaken by the health care facility.

(b) A health care system may develop a system-wide policy in order to comply with the requirement of subsection (a) of this Section.

(c) The policy required under this Section must be developed no later than 6 months after January 1, 2016 (the effective date of Public Act 99-315) this amendatory Act of the 99th General Assembly.

(d) This Section does not apply to health care facilities with 100 or fewer beds, health care facilities located in a county with a total census population of less than 3,000,000, or health care facilities owned or operated by a unit of local government or the State or federal government.

(e) For the purpose of this Section, "health care facility" has the same meaning as set forth in the Illinois Health Facilities Planning Act.

(Source: P.A. 99-315, eff. 1-1-16; revised 9-28-15.)

(20 ILCS 2310/2310-690)
Sec. 2310-690 2310-685. Cytomegalovirus public education.
(a) In this Section:
"CMV" means cytomegalovirus.
"Health care provider" means any physician, hospital facility, or other person that is licensed or otherwise authorized to deliver health care services.

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(b) The Department shall develop or approve and publish informational materials for women who may become pregnant, expectant parents, and parents of infants regarding:

1. the incidence of CMV;
2. the transmission of CMV to pregnant women and women who may become pregnant;
3. birth defects caused by congenital CMV;
4. methods of diagnosing congenital CMV; and
5. available preventive measures to avoid the infection of women who are pregnant or may become pregnant.

(c) The Department shall publish the information required under subsection (b) on its Internet website.

(d) The Department shall publish information to:

1. educate women who may become pregnant, expectant parents, and parents of infants about CMV; and
2. raise awareness of CMV among health care providers who provide care to expectant mothers or infants.

(e) The Department may solicit and accept the assistance of any relevant medical associations or community resources, including faith-based resources, to promote education about CMV under this Section.

(f) If a newborn infant fails the 2 initial hearing screenings in the hospital, then the hospital performing that screening shall provide to the parents of the newborn infant information regarding: (i) birth defects caused by congenital CMV; (ii) testing opportunities and options for CMV, including the opportunity to test for CMV before leaving the hospital; and (iii) early intervention services. Health care providers may use the materials developed by the Department for distribution to parents of newborn infants.

(Source: P.A. 99-424, eff. 1-1-16; revised 9-28-15.)

Section 100. The Disabilities Services Act of 2003 is amended by changing Section 52 as follows:

(20 ILCS 2407/52)

Sec. 52. Applicability; definitions. In accordance with Section 6071 of the Deficit Reduction Act of 2005 (P.L. 109-171), as used in this Article:

"Departments". The term "Departments" means for the purposes of this Act, the Department of Human Services, the Department on Aging, Department of Healthcare and Family Services and Department of Public Health, unless otherwise noted.

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"Home and community-based long-term care services". The term "home and community-based long-term care services" means, with respect to the State Medicaid program, a service aid, or benefit, home and community-based services, including, but not limited to, home health and personal care services, that are provided to a person with a disability, and are voluntarily accepted, as part of his or her long-term care that: (i) is provided under the State's qualified home and community-based program or that could be provided under such a program but is otherwise provided under the Medicaid program; (ii) is delivered in a qualified residence; and (iii) is necessary for the person with a disability to live in the community.

"ID/DD community care facility". The term "ID/DD community care facility", for the purposes of this Article, means a skilled nursing or intermediate long-term care facility subject to licensure by the Department of Public Health under the ID/DD Community Care Act or the MC/DD Act, an intermediate care facility for persons with developmental disabilities (ICF-DDs), and a State-operated developmental center or mental health center, whether publicly or privately owned.

"Money Follows the Person" Demonstration. Enacted by the Deficit Reduction Act of 2005, the Money Follows the Person (MFP) Rebalancing Demonstration is part of a comprehensive, coordinated strategy to assist states, in collaboration with stakeholders, to make widespread changes to their long-term care support systems. This initiative will assist states in their efforts to reduce their reliance on institutional care while developing community-based long-term care opportunities, enabling the elderly and people with disabilities to fully participate in their communities.

"Public funds" mean any funds appropriated by the General Assembly to the Departments of Human Services, on Aging, of Healthcare and Family Services and of Public Health for settings and services as defined in this Article.

"Qualified residence". The term "qualified residence" means, with respect to an eligible individual: (i) a home owned or leased by the individual or the individual's authorized representative (as defined by P.L. 109-171); (ii) an apartment with an individual lease, with lockable access and egress, and which includes living, sleeping, bathing, and cooking areas over which the individual or the individual's family has domain and control; or (iii) a residence, in a community-based residential setting, in which no more than 4 unrelated individuals reside. Where qualified residences are not sufficient to meet the demand of eligible individuals,
time-limited exceptions to this definition may be developed through administrative rule.

"Self-directed services". The term "self-directed services" means, with respect to home and community-based long-term services for an eligible individual, those services for the individual that are planned and purchased under the direction and control of the individual or the individual's authorized representative, including the amount, duration, scope, provider, and location of such services, under the State Medicaid program consistent with the following requirements:

(a) Assessment: there is an assessment of the needs, capabilities, and preference of the individual with respect to such services.

(b) Individual service care or treatment plan: based on the assessment, there is development jointly with such individual or individual's authorized representative, a plan for such services for the individual that (i) specifies those services, if any, that the individual or the individual's authorized representative would be responsible for directing; (ii) identifies the methods by which the individual or the individual's authorized representative or an agency designated by an individual or representative will select, manage, and dismiss providers of such services.

(Source: P.A. 99-143, eff. 7-27-15; 99-180, eff. 7-29-15; revised 11-3-15.)

Section 105. The Criminal Identification Act is amended by changing Section 5.2 as follows:

(20 ILCS 2630/5.2)
Sec. 5.2. Expungement and sealing.
(a) General Provisions.

(1) Definitions. In this Act, words and phrases have the meanings set forth in this subsection, except when a particular context clearly requires a different meaning.

(A) The following terms shall have the meanings ascribed to them in the Unified Code of Corrections, 730 ILCS 5/5-1-2 through 5/5-1-22:

(i) Business Offense (730 ILCS 5/5-1-2),
(ii) Charge (730 ILCS 5/5-1-3),
(iii) Court (730 ILCS 5/5-1-6),
(iv) Defendant (730 ILCS 5/5-1-7),
(v) Felony (730 ILCS 5/5-1-9),
(vi) Imprisonment (730 ILCS 5/5-1-10),

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(vii) Judgment (730 ILCS 5/5-1-12),
(viii) Misdemeanor (730 ILCS 5/5-1-14),
(ix) Offense (730 ILCS 5/5-1-15),
(x) Parole (730 ILCS 5/5-1-16),
(xi) Petty Offense (730 ILCS 5/5-1-17),
(xii) Probation (730 ILCS 5/5-1-18),
(xiii) Sentence (730 ILCS 5/5-1-19),
(xiv) Supervision (730 ILCS 5/5-1-21), and
(xv) Victim (730 ILCS 5/5-1-22).

(B) As used in this Section, "charge not initiated by arrest" means a charge (as defined by 730 ILCS 5/5-1-3) brought against a defendant where the defendant is not arrested prior to or as a direct result of the charge.

(C) "Conviction" means a judgment of conviction or sentence entered upon a plea of guilty or upon a verdict or finding of guilty of an offense, rendered by a legally constituted jury or by a court of competent jurisdiction authorized to try the case without a jury. An order of supervision successfully completed by the petitioner is not a conviction. An order of qualified probation (as defined in subsection (a)(1)(J)) successfully completed by the petitioner is not a conviction. An order of supervision or an order of qualified probation that is terminated unsatisfactorily is a conviction, unless the unsatisfactory termination is reversed, vacated, or modified and the judgment of conviction, if any, is reversed or vacated.

(D) "Criminal offense" means a petty offense, business offense, misdemeanor, felony, or municipal ordinance violation (as defined in subsection (a)(1)(H)). As used in this Section, a minor traffic offense (as defined in subsection (a)(1)(G)) shall not be considered a criminal offense.

(E) "Expunge" means to physically destroy the records or return them to the petitioner and to obliterate the petitioner's name from any official index or public record, or both. Nothing in this Act shall require the physical destruction of the circuit court file, but such records relating to arrests or charges, or both, ordered expunged shall be.
impounded as required by subsections (d)(9)(A)(ii) and (d)(9)(B)(ii).

(F) As used in this Section, "last sentence" means the sentence, order of supervision, or order of qualified probation (as defined by subsection (a)(1)(J)), for a criminal offense (as defined by subsection (a)(1)(D)) that terminates last in time in any jurisdiction, regardless of whether the petitioner has included the criminal offense for which the sentence or order of supervision or qualified probation was imposed in his or her petition. If multiple sentences, orders of supervision, or orders of qualified probation terminate on the same day and are last in time, they shall be collectively considered the "last sentence" regardless of whether they were ordered to run concurrently.

(G) "Minor traffic offense" means a petty offense, business offense, or Class C misdemeanor under the Illinois Vehicle Code or a similar provision of a municipal or local ordinance.

(H) "Municipal ordinance violation" means an offense defined by a municipal or local ordinance that is criminal in nature and with which the petitioner was charged or for which the petitioner was arrested and released without charging.

(I) "Petitioner" means an adult or a minor prosecuted as an adult who has applied for relief under this Section.

(J) "Qualified probation" means an order of probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 70 of the Methamphetamine Control and Community Protection Act, Section 5-6-3.3 or 5-6-3.4 of the Unified Code of Corrections, Section 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (as those provisions existed before their deletion by Public Act 89-313), Section 10-102 of the Illinois Alcoholism and Other Drug Dependency Act, Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act, or Section 10 of the Steroid Control Act. For the purpose of this Section, "successful completion" of an order of qualified probation

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under Section 10-102 of the Illinois Alcoholism and Other Drug Dependency Act and Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act means that the probation was terminated satisfactorily and the judgment of conviction was vacated.

(K) "Seal" means to physically and electronically maintain the records, unless the records would otherwise be destroyed due to age, but to make the records unavailable without a court order, subject to the exceptions in Sections 12 and 13 of this Act. The petitioner's name shall also be obliterated from the official index required to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act, but any index issued by the circuit court clerk before the entry of the order to seal shall not be affected.

(L) "Sexual offense committed against a minor" includes but is not limited to the offenses of indecent solicitation of a child or criminal sexual abuse when the victim of such offense is under 18 years of age.

(M) "Terminate" as it relates to a sentence or order of supervision or qualified probation includes either satisfactory or unsatisfactory termination of the sentence, unless otherwise specified in this Section.

(2) Minor Traffic Offenses. Orders of supervision or convictions for minor traffic offenses shall not affect a petitioner's eligibility to expunge or seal records pursuant to this Section.

(3) Exclusions. Except as otherwise provided in subsections (b)(5), (b)(6), (b)(8), (e), (e-5), and (e-6) of this Section, the court shall not order:

(A) the sealing or expungement of the records of arrests or charges not initiated by arrest that result in an order of supervision for or conviction of: (i) any sexual offense committed against a minor; (ii) Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance; or (iii) Section 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance, unless the arrest or charge is for a misdemeanor violation of subsection (a) of Section 11-503 or a similar provision of a local ordinance, that occurred prior to the offender reaching the age of 25 years and the offender has no other conviction

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for violating Section 11-501 or 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(B) the sealing or expungement of records of minor traffic offenses (as defined in subsection (a)(1)(G)), unless the petitioner was arrested and released without charging.

(C) the sealing of the records of arrests or charges not initiated by arrest which result in an order of supervision or a conviction for the following offenses:

   (i) offenses included in Article 11 of the Criminal Code of 1961 or the Criminal Code of 2012 or a similar provision of a local ordinance, except Section 11-14 of the Criminal Code of 1961 or the Criminal Code of 2012, or a similar provision of a local ordinance;

   (ii) Section 11-1.50, 12-3.4, 12-15, 12-30, 26-5, or 48-1 of the Criminal Code of 1961 or the Criminal Code of 2012, or a similar provision of a local ordinance;

   (iii) Sections 12-3.1 or 12-3.2 of the Criminal Code of 1961 or the Criminal Code of 2012, or Section 125 of the Stalking No Contact Order Act, or Section 219 of the Civil No Contact Order Act, or a similar provision of a local ordinance;

   (iv) offenses which are Class A misdemeanors under the Humane Care for Animals Act; or

   (v) any offense or attempted offense that would subject a person to registration under the Sex Offender Registration Act.

(D) the sealing of the records of an arrest which results in the petitioner being charged with a felony offense or records of a charge not initiated by arrest for a felony offense unless:

   (i) the charge is amended to a misdemeanor and is otherwise eligible to be sealed pursuant to subsection (e);

   (ii) the charge is brought along with another charge as a part of one case and the charge results in
acquittal, dismissal, or conviction when the conviction was reversed or vacated, and another charge brought in the same case results in a disposition for a misdemeanor offense that is eligible to be sealed pursuant to subsection (c) or a disposition listed in paragraph (i), (iii), or (iv) of this subsection;

(iii) the charge results in first offender probation as set forth in subsection (c)(2)(E);

(iv) the charge is for a felony offense listed in subsection (c)(2)(F) or the charge is amended to a felony offense listed in subsection (c)(2)(F);

(v) the charge results in acquittal, dismissal, or the petitioner's release without conviction; or

(vi) the charge results in a conviction, but the conviction was reversed or vacated.

(b) Expungement.

(1) A petitioner may petition the circuit court to expunge the records of his or her arrests and charges not initiated by arrest when:

(A) He or she has never been convicted of a criminal offense; and

(B) Each arrest or charge not initiated by arrest sought to be expunged resulted in: (i) acquittal, dismissal, or the petitioner's release without charging, unless excluded by subsection (a)(3)(B); (ii) a conviction which was vacated or reversed, unless excluded by subsection (a)(3)(B); (iii) an order of supervision and such supervision was successfully completed by the petitioner, unless excluded by subsection (a)(3)(A) or (a)(3)(B); or (iv) an order of qualified probation (as defined in subsection (a)(1)(J)) and such probation was successfully completed by the petitioner.

(2) Time frame for filing a petition to expunge.

(A) When the arrest or charge not initiated by arrest sought to be expunged resulted in an acquittal, dismissal, the petitioner's release without charging, or the reversal or vacation of a conviction, there is no waiting period to petition for the expungement of such records.
(B) When the arrest or charge not initiated by arrest sought to be expunged resulted in an order of supervision, successfully completed by the petitioner, the following time frames will apply:

(i) Those arrests or charges that resulted in orders of supervision under Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance, or under Section 11-1.50, 12-3.2, or 12-15 of the Criminal Code of 1961 or the Criminal Code of 2012, or a similar provision of a local ordinance, shall not be eligible for expungement until 5 years have passed following the satisfactory termination of the supervision.

(i-5) Those arrests or charges that resulted in orders of supervision for a misdemeanor violation of subsection (a) of Section 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance, that occurred prior to the offender reaching the age of 25 years and the offender has no other conviction for violating Section 11-501 or 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance shall not be eligible for expungement until the petitioner has reached the age of 25 years.

(ii) Those arrests or charges that resulted in orders of supervision for any other offenses shall not be eligible for expungement until 2 years have passed following the satisfactory termination of the supervision.

(C) When the arrest or charge not initiated by arrest sought to be expunged resulted in an order of qualified probation, successfully completed by the petitioner, such records shall not be eligible for expungement until 5 years have passed following the satisfactory termination of the probation.

(3) Those records maintained by the Department for persons arrested prior to their 17th birthday shall be expunged as provided in Section 5-915 of the Juvenile Court Act of 1987.

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(4) Whenever a person has been arrested for or convicted of any offense, in the name of a person whose identity he or she has stolen or otherwise come into possession of, the aggrieved person from whom the identity was stolen or otherwise obtained without authorization, upon learning of the person having been arrested using his or her identity, may, upon verified petition to the chief judge of the circuit wherein the arrest was made, have a court order entered nunc pro tunc by the Chief Judge to correct the arrest record, conviction record, if any, and all official records of the arresting authority, the Department, other criminal justice agencies, the prosecutor, and the trial court concerning such arrest, if any, by removing his or her name from all such records in connection with the arrest and conviction, if any, and by inserting in the records the name of the offender, if known or ascertainable, in lieu of the aggrieved's name. The records of the circuit court clerk shall be sealed until further order of the court upon good cause shown and the name of the aggrieved person obliterated on the official index required to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act, but the order shall not affect any index issued by the circuit court clerk before the entry of the order. Nothing in this Section shall limit the Department of State Police or other criminal justice agencies or prosecutors from listing under an offender's name the false names he or she has used.

(5) Whenever a person has been convicted of criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, or aggravated criminal sexual abuse, the victim of that offense may request that the State's Attorney of the county in which the conviction occurred file a verified petition with the presiding trial judge at the petitioner's trial to have a court order entered to seal the records of the circuit court clerk in connection with the proceedings of the trial court concerning that offense. However, the records of the arresting authority and the Department of State Police concerning the offense shall not be sealed. The court, upon good cause shown, shall make the records of the circuit court clerk in connection with the proceedings of the trial court concerning the offense available for public inspection.

(6) If a conviction has been set aside on direct review or on collateral attack and the court determines by clear and convincing evidence that the conviction should be set aside, the court shall enter an order to that effect. The order shall be filed in the records of the circuit court clerk and shall be entered nunc pro tunc.

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evidence that the petitioner was factually innocent of the charge, the court that finds the petitioner factually innocent of the charge shall enter an expungement order for the conviction for which the petitioner has been determined to be innocent as provided in subsection (b) of Section 5-5-4 of the Unified Code of Corrections.

(7) Nothing in this Section shall prevent the Department of State Police from maintaining all records of any person who is admitted to probation upon terms and conditions and who fulfills those terms and conditions pursuant to Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 70 of the Methamphetamine Control and Community Protection Act, Section 5-6-3.3 or 5-6-3.4 of the Unified Code of Corrections, Section 12-4.3 or subdivision (b)(1) of Section 12-3.05 of the Criminal Code of 1961 or the Criminal Code of 2012, Section 10-102 of the Illinois Alcoholism and Other Drug Dependency Act, Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act, or Section 10 of the Steroid Control Act.

(8) If the petitioner has been granted a certificate of innocence under Section 2-702 of the Code of Civil Procedure, the court that grants the certificate of innocence shall also enter an order expunging the conviction for which the petitioner has been determined to be innocent as provided in subsection (h) of Section 2-702 of the Code of Civil Procedure.

c) Sealing.

(1) Applicability. Notwithstanding any other provision of this Act to the contrary, and cumulative with any rights to expungement of criminal records, this subsection authorizes the sealing of criminal records of adults and of minors prosecuted as adults.

(2) Eligible Records. The following records may be sealed:

(A) All arrests resulting in release without charging;

(B) Arrests or charges not initiated by arrest resulting in acquittal, dismissal, or conviction when the conviction was reversed or vacated, except as excluded by subsection (a)(3)(B);

(C) Arrests or charges not initiated by arrest resulting in orders of supervision, including orders of supervision for municipal ordinance violations, successfully
completed by the petitioner, unless excluded by subsection (a)(3);

(D) Arrests or charges not initiated by arrest resulting in convictions, including convictions on municipal ordinance violations, unless excluded by subsection (a)(3);

(E) Arrests or charges not initiated by arrest resulting in orders of first offender probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 70 of the Methamphetamine Control and Community Protection Act, or Section 5-6-3.3 of the Unified Code of Corrections; and

(F) Arrests or charges not initiated by arrest resulting in felony convictions for the following offenses:

(i) Class 4 felony convictions for:
   Prostitution under Section 11-14 of the Criminal Code of 1961 or the Criminal Code of 2012.
   Possession of cannabis under Section 4 of the Cannabis Control Act.
   Possession of a controlled substance under Section 402 of the Illinois Controlled Substances Act.
   Offenses under the Methamphetamine Precursor Control Act.
   Offenses under the Steroid Control Act.
   Theft under Section 16-1 of the Criminal Code of 1961 or the Criminal Code of 2012.
   Retail theft under Section 16A-3 or paragraph (a) of 16-25 of the Criminal Code of 1961 or the Criminal Code of 2012.
   Deceptive practices under Section 17-1 of the Criminal Code of 1961 or the Criminal Code of 2012.
   Forgery under Section 17-3 of the Criminal Code of 1961 or the Criminal Code of 2012.

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(ii) Class 3 felony convictions for:

Theft under Section 16-1 of the Criminal Code of 1961 or the Criminal Code of 2012.

Retail theft under Section 16A-3 or paragraph (a) of 16-25 of the Criminal Code of 1961 or the Criminal Code of 2012.

Deceptive practices under Section 17-1 of the Criminal Code of 1961 or the Criminal Code of 2012.

Forgery under Section 17-3 of the Criminal Code of 1961 or the Criminal Code of 2012.

Possession with intent to manufacture or deliver a controlled substance under Section 401 of the Illinois Controlled Substances Act.

(3) When Records Are Eligible to Be Sealed. Records identified as eligible under subsection (c)(2) may be sealed as follows:

(A) Records identified as eligible under subsection (c)(2)(A) and (c)(2)(B) may be sealed at any time.

(B) Except as otherwise provided in subparagraph (E) of this paragraph (3), records identified as eligible under subsection (c)(2)(C) may be sealed 2 years after the termination of petitioner's last sentence (as defined in subsection (a)(1)(F)).

(C) Except as otherwise provided in subparagraph (E) of this paragraph (3), records identified as eligible under subsections (c)(2)(D), (c)(2)(E), and (c)(2)(F) may be sealed 3 years after the termination of the petitioner's last sentence (as defined in subsection (a)(1)(F)).

(D) Records identified in subsection (a)(3)(A)(iii) may be sealed after the petitioner has reached the age of 25 years.

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(E) Records identified as eligible under subsections (c)(2)(C), (c)(2)(D), (c)(2)(E), or (c)(2)(F) may be sealed upon termination of the petitioner's last sentence if the petitioner earned a high school diploma, associate's degree, career certificate, vocational technical certification, or bachelor's degree, or passed the high school level Test of General Educational Development, during the period of his or her sentence, aftercare release, or mandatory supervised release. This subparagraph shall apply only to a petitioner who has not completed the same educational goal prior to the period of his or her sentence, aftercare release, or mandatory supervised release. If a petition for sealing eligible records filed under this subparagraph is denied by the court, the time periods under subparagraph (B) or (C) shall apply to any subsequent petition for sealing filed by the petitioner.

(4) Subsequent felony convictions. A person may not have subsequent felony conviction records sealed as provided in this subsection (c) if he or she is convicted of any felony offense after the date of the sealing of prior felony convictions as provided in this subsection (c). The court may, upon conviction for a subsequent felony offense, order the unsealing of prior felony conviction records previously ordered sealed by the court.

(5) Notice of eligibility for sealing. Upon entry of a disposition for an eligible record under this subsection (c), the petitioner shall be informed by the court of the right to have the records sealed and the procedures for the sealing of the records.

(d) Procedure. The following procedures apply to expungement under subsections (b), (e), and (e-6) and sealing under subsections (c) and (e-5):

(1) Filing the petition. Upon becoming eligible to petition for the expungement or sealing of records under this Section, the petitioner shall file a petition requesting the expungement or sealing of records with the clerk of the court where the arrests occurred or the charges were brought, or both. If arrests occurred or charges were brought in multiple jurisdictions, a petition must be filed in each such jurisdiction. The petitioner shall pay the applicable fee, if not waived.

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(2) Contents of petition. The petition shall be verified and shall contain the petitioner's name, date of birth, current address and, for each arrest or charge not initiated by arrest sought to be sealed or expunged, the case number, the date of arrest (if any), the identity of the arresting authority, and such other information as the court may require. During the pendency of the proceeding, the petitioner shall promptly notify the circuit court clerk of any change of his or her address. If the petitioner has received a certificate of eligibility for sealing from the Prisoner Review Board under paragraph (10) of subsection (a) of Section 3-3-2 of the Unified Code of Corrections, the certificate shall be attached to the petition.

(3) Drug test. The petitioner must attach to the petition proof that the petitioner has passed a test taken within 30 days before the filing of the petition showing the absence within his or her body of all illegal substances as defined by the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, and the Cannabis Control Act if he or she is petitioning to:

(A) seal felony records under clause (c)(2)(E);
(B) seal felony records for a violation of the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or the Cannabis Control Act under clause (c)(2)(F);
(C) seal felony records under subsection (e-5); or
(D) expunge felony records of a qualified probation under clause (b)(1)(B)(iv).

(4) Service of petition. The circuit court clerk shall promptly serve a copy of the petition and documentation to support the petition under subsection (e-5) or (e-6) on the State's Attorney or prosecutor charged with the duty of prosecuting the offense, the Department of State Police, the arresting agency and the chief legal officer of the unit of local government effecting the arrest.

(5) Objections.

(A) Any party entitled to notice of the petition may file an objection to the petition. All objections shall be in writing, shall be filed with the circuit court clerk, and shall state with specificity the basis of the objection. Whenever a person who has been convicted of an offense is granted a

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pardon by the Governor which specifically authorizes expungement, an objection to the petition may not be filed.

(B) Objections to a petition to expunge or seal must be filed within 60 days of the date of service of the petition.

(6) Entry of order.

(A) The Chief Judge of the circuit wherein the charge was brought, any judge of that circuit designated by the Chief Judge, or in counties of less than 3,000,000 inhabitants, the presiding trial judge at the petitioner's trial, if any, shall rule on the petition to expunge or seal as set forth in this subsection (d)(6).

(B) Unless the State's Attorney or prosecutor, the Department of State Police, the arresting agency, or the chief legal officer files an objection to the petition to expunge or seal within 60 days from the date of service of the petition, the court shall enter an order granting or denying the petition.

(7) Hearings. If an objection is filed, the court shall set a date for a hearing and notify the petitioner and all parties entitled to notice of the petition of the hearing date at least 30 days prior to the hearing. Prior to the hearing, the State's Attorney shall consult with the Department as to the appropriateness of the relief sought in the petition to expunge or seal. At the hearing, the court shall hear evidence on whether the petition should or should not be granted, and shall grant or deny the petition to expunge or seal the records based on the evidence presented at the hearing. The court may consider the following:

(A) the strength of the evidence supporting the defendant's conviction;

(B) the reasons for retention of the conviction records by the State;

(C) the petitioner's age, criminal record history, and employment history;

(D) the period of time between the petitioner's arrest on the charge resulting in the conviction and the filing of the petition under this Section; and

(E) the specific adverse consequences the petitioner may be subject to if the petition is denied.

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(8) Service of order. After entering an order to expunge or
seal records, the court must provide copies of the order to the
Department, in a form and manner prescribed by the Department,
to the petitioner, to the State's Attorney or prosecutor charged with
the duty of prosecuting the offense, to the arresting agency, to the
chief legal officer of the unit of local government effecting the
arrest, and to such other criminal justice agencies as may be
ordered by the court.

(9) Implementation of order.
   (A) Upon entry of an order to expunge records
   pursuant to (b)(2)(A) or (b)(2)(B)(ii), or both:
      (i) the records shall be expunged (as defined
      in subsection (a)(1)(E)) by the arresting agency, the
      Department, and any other agency as ordered by the
court, within 60 days of the date of service of the
order, unless a motion to vacate, modify, or
reconsider the order is filed pursuant to paragraph
(12) of subsection (d) of this Section;
      (ii) the records of the circuit court clerk shall
be impounded until further order of the court upon
good cause shown and the name of the petitioner
obliterated on the official index required to be kept
by the circuit court clerk under Section 16 of the
Clerks of Courts Act, but the order shall not affect
any index issued by the circuit court clerk before the
entry of the order; and
      (iii) in response to an inquiry for expunged
records, the court, the Department, or the agency
receiving such inquiry, shall reply as it does in
response to inquiries when no records ever existed.
   (B) Upon entry of an order to expunge records
pursuant to (b)(2)(B)(i) or (b)(2)(C), or both:
      (i) the records shall be expunged (as defined
in subsection (a)(1)(E)) by the arresting agency and
any other agency as ordered by the court, within 60
days of the date of service of the order, unless a
motion to vacate, modify, or reconsider the order is
filed pursuant to paragraph (12) of subsection (d) of
this Section;

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(ii) the records of the circuit court clerk shall be impounded until further order of the court upon good cause shown and the name of the petitioner obliterated on the official index required to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act, but the order shall not affect any index issued by the circuit court clerk before the entry of the order;

(iii) the records shall be impounded by the Department within 60 days of the date of service of the order as ordered by the court, unless a motion to vacate, modify, or reconsider the order is filed pursuant to paragraph (12) of subsection (d) of this Section;

(iv) records impounded by the Department may be disseminated by the Department only as required by law or to the arresting authority, the State's Attorney, and the court upon a later arrest for the same or a similar offense or for the purpose of sentencing for any subsequent felony, and to the Department of Corrections upon conviction for any offense; and

(v) in response to an inquiry for such records from anyone not authorized by law to access such records, the court, the Department, or the agency receiving such inquiry shall reply as it does in response to inquiries when no records ever existed.

(B-5) Upon entry of an order to expunge records under subsection (e-6):

(i) the records shall be expunged (as defined in subsection (a)(1)(E)) by the arresting agency and any other agency as ordered by the court, within 60 days of the date of service of the order, unless a motion to vacate, modify, or reconsider the order is filed under paragraph (12) of subsection (d) of this Section;

(ii) the records of the circuit court clerk shall be impounded until further order of the court upon good cause shown and the name of the petitioner

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obliterated on the official index required to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act, but the order shall not affect any index issued by the circuit court clerk before the entry of the order;

(iii) the records shall be impounded by the Department within 60 days of the date of service of the order as ordered by the court, unless a motion to vacate, modify, or reconsider the order is filed under paragraph (12) of subsection (d) of this Section;

(iv) records impounded by the Department may be disseminated by the Department only as required by law or to the arresting authority, the State's Attorney, and the court upon a later arrest for the same or a similar offense or for the purpose of sentencing for any subsequent felony, and to the Department of Corrections upon conviction for any offense; and

(v) in response to an inquiry for these records from anyone not authorized by law to access the records, the court, the Department, or the agency receiving the inquiry shall reply as it does in response to inquiries when no records ever existed.

(C) Upon entry of an order to seal records under subsection (c), the arresting agency, any other agency as ordered by the court, the Department, and the court shall seal the records (as defined in subsection (a)(1)(K)). In response to an inquiry for such records, from anyone not authorized by law to access such records, the court, the Department, or the agency receiving such inquiry shall reply as it does in response to inquiries when no records ever existed.

(D) The Department shall send written notice to the petitioner of its compliance with each order to expunge or seal records within 60 days of the date of service of that order or, if a motion to vacate, modify, or reconsider is filed, within 60 days of service of the order resolving the motion, if that order requires the Department to expunge or seal records. In the event of an appeal from the circuit court

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order, the Department shall send written notice to the petitioner of its compliance with an Appellate Court or Supreme Court judgment to expunge or seal records within 60 days of the issuance of the court's mandate. The notice is not required while any motion to vacate, modify, or reconsider, or any appeal or petition for discretionary appellate review, is pending.

(10) Fees. The Department may charge the petitioner a fee equivalent to the cost of processing any order to expunge or seal records. Notwithstanding any provision of the Clerks of Courts Act to the contrary, the circuit court clerk may charge a fee equivalent to the cost associated with the sealing or expungement of records by the circuit court clerk. From the total filing fee collected for the petition to seal or expunge, the circuit court clerk shall deposit $10 into the Circuit Court Clerk Operation and Administrative Fund, to be used to offset the costs incurred by the circuit court clerk in performing the additional duties required to serve the petition to seal or expunge on all parties. The circuit court clerk shall collect and forward the Department of State Police portion of the fee to the Department and it shall be deposited in the State Police Services Fund.

(11) Final Order. No court order issued under the expungement or sealing provisions of this Section shall become final for purposes of appeal until 30 days after service of the order on the petitioner and all parties entitled to notice of the petition.

(12) Motion to Vacate, Modify, or Reconsider. Under Section 2-1203 of the Code of Civil Procedure, the petitioner or any party entitled to notice may file a motion to vacate, modify, or reconsider the order granting or denying the petition to expunge or seal within 60 days of service of the order. If filed more than 60 days after service of the order, a petition to vacate, modify, or reconsider shall comply with subsection (c) of Section 2-1401 of the Code of Civil Procedure. Upon filing of a motion to vacate, modify, or reconsider, notice of the motion shall be served upon the petitioner and all parties entitled to notice of the petition.

(13) Effect of Order. An order granting a petition under the expungement or sealing provisions of this Section shall not be considered void because it fails to comply with the provisions of this Section or because of any error asserted in a motion to vacate,
modify, or reconsider. The circuit court retains jurisdiction to
determine whether the order is voidable and to vacate, modify, or
reconsider its terms based on a motion filed under paragraph (12)
of this subsection (d).

(14) Compliance with Order Granting Petition to Seal
Records. Unless a court has entered a stay of an order granting a
petition to seal, all parties entitled to notice of the petition must
fully comply with the terms of the order within 60 days of service
of the order even if a party is seeking relief from the order through
a motion filed under paragraph (12) of this subsection (d) or is
appealing the order.

(15) Compliance with Order Granting Petition to Expunge
Records. While a party is seeking relief from the order granting the
petition to expunge through a motion filed under paragraph (12) of
this subsection (d) or is appealing the order, and unless a court has
entered a stay of that order, the parties entitled to notice of the
petition must seal, but need not expunge, the records until there is a
final order on the motion for relief or, in the case of an appeal, the
issuance of that court's mandate.

(16) The changes to this subsection (d) made by Public Act
98-163 apply to all petitions pending on August 5, 2013 (the
effective date of Public Act 98-163) and to all orders ruling on a
petition to expunge or seal on or after August 5, 2013 (the effective
date of Public Act 98-163).

(e) Whenever a person who has been convicted of an offense is
granted a pardon by the Governor which specifically authorizes
expungement, he or she may, upon verified petition to the Chief Judge of
the circuit where the person had been convicted, any judge of the circuit
designated by the Chief Judge, or in counties of less than 3,000,000
inhabitants, the presiding trial judge at the defendant's trial, have a court
order entered expunging the record of arrest from the official records of
the arresting authority and order that the records of the circuit court clerk
and the Department be sealed until further order of the court upon good
cause shown or as otherwise provided herein, and the name of the
defendant obliterated from the official index requested to be kept by the
circuit court clerk under Section 16 of the Clerks of Courts Act in
connection with the arrest and conviction for the offense for which he or
she had been pardoned but the order shall not affect any index issued by
the circuit court clerk before the entry of the order. All records sealed by

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the Department may be disseminated by the Department only to the
arresting authority, the State's Attorney, and the court upon a later arrest
for the same or similar offense or for the purpose of sentencing for any
subsequent felony. Upon conviction for any subsequent offense, the
Department of Corrections shall have access to all sealed records of the
Department pertaining to that individual. Upon entry of the order of
expungement, the circuit court clerk shall promptly mail a copy of the
order to the person who was pardoned.

  (e-5) Whenever a person who has been convicted of an offense is
granted a certificate of eligibility for sealing by the Prisoner Review Board
which specifically authorizes sealing, he or she may, upon verified petition
to the Chief Judge of the circuit where the person had been convicted, any
judge of the circuit designated by the Chief Judge, or in counties of less
than 3,000,000 inhabitants, the presiding trial judge at the petitioner's trial,
have a court order entered sealing the record of arrest from the official
records of the arresting authority and order that the records of the circuit
court clerk and the Department be sealed until further order of the court
upon good cause shown or as otherwise provided herein, and the name of
the petitioner obliterated from the official index requested to be kept by
the circuit court clerk under Section 16 of the Clerks of Courts Act in
connection with the arrest and conviction for the offense for which he or
she had been granted the certificate but the order shall not affect any index
issued by the circuit court clerk before the entry of the order. All records
sealed by the Department may be disseminated by the Department only as
required by this Act or to the arresting authority, a law enforcement
agency, the State's Attorney, and the court upon a later arrest for the same
or similar offense or for the purpose of sentencing for any subsequent
felony. Upon conviction for any subsequent offense, the Department of
Corrections shall have access to all sealed records of the Department
pertaining to that individual. Upon entry of the order of sealing, the circuit
court clerk shall promptly mail a copy of the order to the person who was
granted the certificate of eligibility for sealing.

  (e-6) Whenever a person who has been convicted of an offense is
granted a certificate of eligibility for expungement by the Prisoner Review
Board which specifically authorizes expungement, he or she may, upon
verified petition to the Chief Judge of the circuit where the person had
been convicted, any judge of the circuit designated by the Chief Judge, or
in counties of less than 3,000,000 inhabitants, the presiding trial judge at
the petitioner's trial, have a court order entered expunging the record of

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arrest from the official records of the arresting authority and order that the
records of the circuit court clerk and the Department be sealed until further
order of the court upon good cause shown or as otherwise provided herein,
and the name of the petitioner obliterated from the official index requested
to be kept by the circuit court clerk under Section 16 of the Clerks of
Courts Act in connection with the arrest and conviction for the offense for
which he or she had been granted the certificate but the order shall not
affect any index issued by the circuit court clerk before the entry of the
order. All records sealed by the Department may be disseminated by the
Department only as required by this Act or to the arresting authority, a law
enforcement agency, the State's Attorney, and the court upon a later arrest
for the same or similar offense or for the purpose of sentencing for any
subsequent felony. Upon conviction for any subsequent offense, the
Department of Corrections shall have access to all expunged records of the
Department pertaining to that individual. Upon entry of the order of
expungement, the circuit court clerk shall promptly mail a copy of the
order to the person who was granted the certificate of eligibility for
expungement.

(f) Subject to available funding, the Illinois Department of
Corrections shall conduct a study of the impact of sealing, especially on
employment and recidivism rates, utilizing a random sample of those who
apply for the sealing of their criminal records under Public Act 93-211. At
the request of the Illinois Department of Corrections, records of the Illinois
Department of Employment Security shall be utilized as appropriate to
assist in the study. The study shall not disclose any data in a manner that
would allow the identification of any particular individual or employing
unit. The study shall be made available to the General Assembly no later
than September 1, 2010.

(Source: P.A. 98-133, eff. 1-1-14; 98-142, eff. 1-1-14; 98-163, eff. 8-5-13;
98-164, eff. 1-1-14; 98-399, eff. 8-16-13; 98-635, eff. 1-1-15; 98-637, eff.
1-1-15; 98-756, eff. 7-16-14; 98-1009, eff. 1-1-15; 99-78, eff. 7-20-15; 99-
378, eff. 1-1-16; 99-385, eff. 1-1-16; revised 10-15-15.)

Section 110. The Department of Transportation Law of the Civil
Administrative Code of Illinois is amended by changing Sections 2705-
565 and 2705-605 as follows:

(20 ILCS 2705/2705-565)

Sec. 2705-565. North Chicago property; study; conveyance.

(a) The Department shall perform a study of property owned by the
Department consisting of approximately 160 acres located in North

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Chicago, south of IL Route 137, between IL Route 43 and US Route 41. The study shall include, but not be limited to, a survey of the property for the purpose of delineating jurisdictional wetlands in accordance with the Interagency Wetland Policy Act of 1989 and identifying threatened and endangered species in accordance with the Illinois Endangered Species Protection Act, for the purpose of identifying property no longer needed for highway purposes.

(b) Upon completion of the study and for a period ending 3 years after the effective date of this amendatory Act of the 94th General Assembly, the City of North Chicago shall have an exclusive option to purchase for public purposes those portions of the property no longer needed for highway purposes for a consideration, which may be de minimis, negotiated by the parties. The Department of Transportation is authorized to convey the excess property to the City of North Chicago pursuant to this Section within 3 years after the effective date of this amendatory Act of the 94th General Assembly, but may not otherwise convey or transfer the property during that period.

(c) Any conveyance to the City of North Chicago under this Section shall provide (i) that title to the property reverts to the State of Illinois if the property ceases to be used for public purposes and (ii) the City of North Chicago may lease the property but may not convey its ownership of the property to any party, other than the State of Illinois.

(Source: P.A. 94-1045, eff. 7-24-06; revised 10-19-15.)

(20 ILCS 2705/2705-605)

Sec. 2705-605. Construction projects; notification of the public.

(a) The Department shall develop and publish a policy for the notification of members of the public prior to the commencement of construction projects which impact their communities. The policy shall include procedures for ensuring that the public is informed of construction projects, excluding emergency projects, which are estimated to require the closure of a street or lane of traffic for a period longer than 5 consecutive business days. The policy shall include procedures for the notification of local public officials and affected businesses of affected communities and shall provide the local public officials the opportunity to request a meeting with the Department prior to the initiation of the closure.

(b) The policy shall be completed and published on the Department's Internet website by January 1, 2013.

(c) The Department shall work with affected stakeholders, including residents, businesses, and other community members, before and
during construction by considering various methods to mitigate and reduce project impacts to better serve those directly impacted by the improvement. Those methods could include, but need not be limited to, detour routing and temporary signage.

(Source: P.A. 97-992, eff. 1-1-13; 98-412, eff. 1-1-14; revised 10-19-15.)

Section 115. The Department of Veterans Affairs Act is amended by changing Section 2.01 as follows:

(20 ILCS 2805/2.01) (from Ch. 126 1/2, par. 67.01)
Sec. 2.01. Veterans Home admissions.
(a) Any honorably discharged veteran is entitled to admission to an Illinois Veterans Home if the applicant meets the requirements of this Section.

(b) The veteran must:

(1) have served in the armed forces of the United States at least 1 day in World War II, the Korean Conflict, the Viet Nam Campaign, or the Persian Gulf Conflict between the dates recognized by the U.S. Department of Veterans Affairs or between any other present or future dates recognized by the U.S. Department of Veterans Affairs as a war period, or have served in a hostile fire environment and has been awarded a campaign or expeditionary medal signifying his or her service, for purposes of eligibility for domiciliary or nursing home care;

(2) have served and been honorably discharged or retired from the armed forces of the United States for a service connected disability or injury, for purposes of eligibility for domiciliary or nursing home care;

(3) have served as an enlisted person at least 90 days on active duty in the armed forces of the United States, excluding service on active duty for training purposes only, and entered active duty before September 8, 1980, for purposes of eligibility for domiciliary or nursing home care;

(4) have served as an officer at least 90 days on active duty in the armed forces of the United States, excluding service on active duty for training purposes only, and entered active duty before October 17, 1981, for purposes of eligibility for domiciliary or nursing home care;

(5) have served on active duty in the armed forces of the United States for 24 months of continuous service or more, excluding active duty for training purposes only, and enlisted after...
September 7, 1980, for purposes of eligibility for domiciliary or nursing home care;

(6) have served as a reservist in the armed forces of the United States or the National Guard and the service included being called to federal active duty, excluding service on active duty for training purposes only, and who completed the term, for purposes of eligibility for domiciliary or nursing home care;

(7) have been discharged for reasons of hardship or released from active duty due to a reduction in the United States armed forces prior to the completion of the required period of service, regardless of the actual time served, for purposes of eligibility for domiciliary or nursing home care; or

(8) have served in the National Guard or Reserve Forces of the United States and completed 20 years of satisfactory service, be otherwise eligible to receive reserve or active duty retirement benefits, and have been an Illinois resident for at least one year before applying for admission for purposes of eligibility for domiciliary care only.

(c) The veteran must have service accredited to the State of Illinois or have been a resident of this State for one year immediately preceding the date of application.

(d) For admission to the Illinois Veterans Homes at Anna and Quincy, the veteran must have developed a disability by disease, wounds, or otherwise and because of the disability be incapable of earning a living.

(e) For admission to the Illinois Veterans Homes at LaSalle and Manteno, the veteran must have developed a disability by disease, wounds, or otherwise and, for purposes of eligibility for nursing home care, require nursing care because of the disability.

(f) An individual who served during a time of conflict as set forth in paragraph (1) of subsection (b) of this Section has preference over all other qualifying candidates, for purposes of eligibility for domiciliary or nursing home care at any Illinois Veterans Home.

(g) A veteran or spouse, once admitted to an Illinois Veterans Home facility, is considered a resident for interfacility purposes.

(Source: P.A. 99-143, eff. 7-27-15; 99-314, eff. 8-7-15; revised 10-19-15.)

Section 120. The Historic Preservation Agency Act is amended by changing Section 16 as follows:

(20 ILCS 3405/16) (from Ch. 127, par. 2716)

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Sec. 16. The Historic Sites and Preservation Division of the Agency shall have the following additional powers:

(a) To hire agents and employees necessary to carry out the duties and purposes of the Historic Sites and Preservation Division of the Agency.

(b) To take all measures necessary to erect, maintain, preserve, restore, and conserve all State Historic Sites and State Memorials, except when supervision and maintenance is otherwise provided by law. This authorization includes the power, with the consent of the Board, to enter into contracts, acquire and dispose of real and personal property, and enter into leases of real and personal property. The Agency has the power to acquire, for purposes authorized by law, any real property in fee simple subject to a life estate in the seller in not more than 3 acres of the real property acquired, subject to the restrictions that the life estate shall be used for residential purposes only and that it shall be non-transferable.

(c) To provide recreational facilities, including campsites, lodges and cabins, trails, picnic areas, and related recreational facilities, at all sites under the jurisdiction of the Agency.

(d) To lay out, construct, and maintain all needful roads, parking areas, paths or trails, bridges, camp or lodge sites, picnic areas, lodges and cabins, and any other structures and improvements necessary and appropriate in any State historic site or easement thereto; and to provide water supplies, heat and light, and sanitary facilities for the public and living quarters for the custodians and keepers of State historic sites.

(e) To grant licenses and rights-of-way within the areas controlled by the Historic Sites and Preservation Division of the Agency for the construction, operation, and maintenance upon, under or across the property, of facilities for water, sewage, telephone, telegraph, electric, gas, or other public service, subject to the terms and conditions as may be determined by the Agency.

(f) To authorize the officers, employees, and agents of the Historic Sites and Preservation Division of the Agency, for the purposes of investigation and to exercise the rights, powers, and duties vested and that may be vested in it, to enter and cross all lands and waters in this State, doing no damage to private property.

(g) To transfer jurisdiction of or exchange any realty under the control of the Historic Sites and Preservation Division of the Agency to any other Department of the State Government, or to any agency of the Federal Government, or to acquire or accept Federal lands, when any

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transfer, exchange, acquisition, or acceptance is advantageous to the State and is approved in writing by the Governor.

(h) To erect, supervise, and maintain all public monuments and memorials erected by the State, except when the supervision and maintenance of public monuments and memorials is otherwise provided by law.

(i) To accept, hold, maintain, and administer, as trustee, property given in trust for educational or historic purposes for the benefit of the People of the State of Illinois and to dispose, with the consent of the Board, of any property under the terms of the instrument creating the trust.

(j) To lease concessions on any property under the jurisdiction of the Agency for a period not exceeding 25 years and to lease a concession complex at Lincoln's New Salem State Historic Site for which a cash incentive has been authorized under Section 5.1 of the Historic Preservation Agency Act for a period not to exceed 40 years. All leases, for whatever period, shall be made subject to the written approval of the Governor. All concession leases extending for a period in excess of 10 years, will contain provisions for the Agency to participate, on a percentage basis, in the revenues generated by any concession operation.

The Agency is authorized to allow for provisions for a reserve account and a leasehold account within Agency concession lease agreements for the purpose of setting aside revenues for the maintenance, rehabilitation, repair, improvement, and replacement of the concession facility, structure, and equipment of the Agency that are part of the leased premises.

The lessee shall be required to pay into the reserve account a percentage of gross receipts, as set forth in the lease, to be set aside and expended in a manner acceptable to the Agency by the concession lessee for the purpose of ensuring that an appropriate amount of the lessee's moneys are provided by the lessee to satisfy the lessee's incurred responsibilities for the operation of the concession facility under the terms and conditions of the concession lease.

The lessee account shall allow for the amortization of certain authorized expenses that are incurred by the concession lessee but that are not an obligation of the lessee under the terms and conditions of the lease agreement. The Agency may allow a reduction of up to 50% of the monthly rent due for the purpose of enabling the recoupment of the lessee's authorized expenditures during the term of the lease.
(k) To sell surplus agricultural products grown on land owned by or under the jurisdiction of the Historic Sites and Preservation Division of the Agency, when the products cannot be used by the Agency.

(l) To enforce the laws of the State and the rules and regulations of the Agency in or on any lands owned, leased, or managed by the Historic Sites and Preservation Division of the Agency.

(m) To cooperate with private organizations and agencies of the State of Illinois by providing areas and the use of staff personnel where feasible for the sale of publications on the historic and cultural heritage of the State and craft items made by Illinois craftsmen. These sales shall not conflict with existing concession agreements. The Historic Sites and Preservation Division of the Agency is authorized to negotiate with the organizations and agencies for a portion of the monies received from sales to be returned to the Historic Sites and Preservation Division of the Agency's Historic Sites Fund for the furtherance of interpretive and restoration programs.

(n) To establish local bank or savings and loan association accounts, upon the written authorization of the Director, to temporarily hold income received at any of its properties. The local accounts established under this Section shall be in the name of the Historic Preservation Agency and shall be subject to regular audits. The balance in a local bank or savings and loan association account shall be forwarded to the Agency for deposit with the State Treasurer on Monday of each week if the amount to be deposited in a fund exceeds $500.

No bank or savings and loan association shall receive public funds as permitted by this Section, unless it has complied with the requirements established under Section 6 of the Public Funds Investment Act.

(o) To accept, with the consent of the Board, offers of gifts, gratuities, or grants from the federal government, its agencies, or offices, or from any person, firm, or corporation.

(p) To make reasonable rules and regulations as may be necessary to discharge the duties of the Agency.

(q) With appropriate cultural organizations, to further and advance the goals of the Agency.

(r) To make grants for the purposes of planning, survey, rehabilitation, restoration, reconstruction, landscaping, and acquisition of Illinois properties (i) designated individually in the National Register of Historic Places, (ii) designated as a landmark under a county or municipal landmark ordinance, or (iii) located within a National Register of Historic Places.

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Places historic district or a locally designated historic district when the Director determines that the property is of historic significance whenever an appropriation is made therefor by the General Assembly or whenever gifts or grants are received for that purpose and to promulgate regulations as may be necessary or desirable to carry out the purposes of the grants.

Grantees may, as prescribed by rule, be required to provide matching funds for each grant. Grants made under this subsection shall be known as Illinois Heritage Grants.

Every owner of a historic property, or the owner's agent, is eligible to apply for a grant under this subsection.

(s) To establish and implement a pilot program for charging admission to State historic sites. Fees may be charged for special events, admissions, and parking or any combination; fees may be charged at all sites or selected sites. All fees shall be deposited into the Illinois Historic Sites Fund. The Historic Sites and Preservation Division of the Agency shall have the discretion to set and adjust reasonable fees at the various sites, taking into consideration various factors, including, but not limited to: cost of services furnished to each visitor, impact of fees on attendance and tourism, and the costs expended collecting the fees. The Agency shall keep careful records of the income and expenses resulting from the imposition of fees, shall keep records as to the attendance at each historic site, and shall report to the Governor and General Assembly by January 31 after the close of each year. The report shall include information on costs, expenses, attendance, comments by visitors, and any other information the Agency may believe pertinent, including:

(1) Recommendations as to whether fees should be continued at each State historic site.

(2) How the fees should be structured and imposed.

(3) Estimates of revenues and expenses associated with each site.

(t) To provide for overnight tent and trailer campsites and to provide suitable housing facilities for student and juvenile overnight camping groups. The Historic Sites and Preservation Division of the Agency shall charge rates similar to those charged by the Department of Conservation for the same or similar facilities and services.

(u) To engage in marketing activities designed to promote the sites and programs administered by the Agency. In undertaking these activities, the Agency may take all necessary steps with respect to products and services, including, but not limited to, retail sales, wholesale sales, direct
marketing, mail order sales, telephone sales, advertising and promotion, purchase of product and materials inventory, design, printing and manufacturing of new products, reproductions, and adaptations, copyright and trademark licensing and royalty agreements, and payment of applicable taxes. In addition, the Agency shall have the authority to sell advertising in its publications and printed materials. All income from marketing activities shall be deposited into the Illinois Historic Sites Fund. (Source: P.A. 95-140, eff. 1-1-08; revised 10-14-15.)

Section 125. The Illinois Health Information Exchange and Technology Act is amended by changing Section 20 as follows:

Sec. 20. Powers and duties of the Illinois Health Information Exchange Authority. The Authority has the following powers, together with all powers incidental or necessary to accomplish the purposes of this Act:

(1) The Authority shall create and administer the ILHIE using information systems and processes that are secure, are cost effective, and meet all other relevant privacy and security requirements under State and federal law.

(2) The Authority shall establish and adopt standards and requirements for the use of health information and the requirements for participation in the ILHIE by persons or entities including, but not limited to, health care providers, payors, and local health information exchanges.

(3) The Authority shall establish minimum standards for accessing the ILHIE to ensure that the appropriate security and privacy protections apply to health information, consistent with applicable federal and State standards and laws. The Authority shall have the power to suspend, limit, or terminate the right to participate in the ILHIE for non-compliance or failure to act, with respect to applicable standards and laws, in the best interests of patients, users of the ILHIE, or the public. The Authority may seek all remedies allowed by law to address any violation of the terms of participation in the ILHIE.

(4) The Authority shall identify barriers to the adoption of electronic health records systems, including researching the rates and patterns of dissemination and use of electronic health record

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systems throughout the State. The Authority shall make the results of the research available on its website.

(5) The Authority shall prepare educational materials and educate the general public on the benefits of electronic health records, the ILHIE, and the safeguards available to prevent unauthorized disclosure of health information.

(6) The Authority may appoint or designate an institutional review board in accordance with federal and State law to review and approve requests for research in order to ensure compliance with standards and patient privacy and security protections as specified in paragraph (3) of this Section.

(7) The Authority may enter into all contracts and agreements necessary or incidental to the performance of its powers under this Act. The Authority's expenditures of private funds are exempt from the Illinois Procurement Code, pursuant to Section 1-10 of that Act. Notwithstanding this exception, the Authority shall comply with the Business Enterprise for Minorities, Females, and Persons with Disabilities Act.

(8) The Authority may solicit and accept grants, loans, contributions, or appropriations from any public or private source and may expend those moneys, through contracts, grants, loans, or agreements, on activities it considers suitable to the performance of its duties under this Act.

(9) The Authority may determine, charge, and collect any fees, charges, costs, and expenses from any healthcare provider or entity in connection with its duties under this Act. Moneys collected under this paragraph (9) shall be deposited into the Health Information Exchange Fund.

(10) The Authority may, under the direction of the Executive Director, employ and discharge staff, including administrative, technical, expert, professional, and legal staff, as is necessary or convenient to carry out the purposes of this Act. The Authority may establish and administer standards of classification regarding compensation, benefits, duties, performance, and tenure for that staff and may enter into contracts of employment with members of that staff for such periods and on such terms as the Authority deems desirable. All employees of the Authority are exempt from the Personnel Code as provided by Section 4 of the Personnel Code.

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(11) The Authority shall consult and coordinate with the Department of Public Health to further the Authority's collection of health information from health care providers for public health purposes. The collection of public health information shall include identifiable information for use by the Authority or other State agencies to comply with State and federal laws. Any identifiable information so collected shall be privileged and confidential in accordance with Sections 8-2101, 8-2102, 8-2103, 8-2104, and 8-2105 of the Code of Civil Procedure.

(12) All identified or deidentified health information in the form of health data or medical records contained in, stored in, submitted to, transferred by, or released from the Illinois Health Information Exchange, and identified or deidentified health information in the form of health data and medical records of the Illinois Health Information Exchange in the possession of the Illinois Health Information Exchange Authority due to its administration of the Illinois Health Information Exchange, shall be exempt from inspection and copying under the Freedom of Information Act. The terms "identified" and "deidentified" shall be given the same meaning as in the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, or any subsequent amendments thereto, and any regulations promulgated thereunder.

(13) To address gaps in the adoption of, workforce preparation for, and exchange of electronic health records that result in regional and socioeconomic disparities in the delivery of care, the Authority may evaluate such gaps and provide resources as available, giving priority to healthcare providers serving a significant percentage of Medicaid or uninsured patients and in medically underserved or rural areas.

(Source: P.A. 96-1331, eff. 7-27-10; revised 10-13-15.)

Section 130. The Illinois Health Facilities Planning Act is amended by changing Sections 12 and 14.1 as follows:

(20 ILCS 3960/12) (from Ch. 111 1/2, par. 1162)

Sec. 12. Powers and duties of State Board. For purposes of this Act, the State Board shall exercise the following powers and duties:

(1) Prescribe rules, regulations, standards, criteria, procedures or reviews which may vary according to the purpose for which a particular

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review is being conducted or the type of project reviewed and which are required to carry out the provisions and purposes of this Act. Policies and procedures of the State Board shall take into consideration the priorities and needs of medically underserved areas and other health care services identified through the comprehensive health planning process, giving special consideration to the impact of projects on access to safety net services.

(2) Adopt procedures for public notice and hearing on all proposed rules, regulations, standards, criteria, and plans required to carry out the provisions of this Act.

(3) (Blank).

(4) Develop criteria and standards for health care facilities planning, conduct statewide inventories of health care facilities, maintain an updated inventory on the Board's web site reflecting the most recent bed and service changes and updated need determinations when new census data become available or new need formulae are adopted, and develop health care facility plans which shall be utilized in the review of applications for permit under this Act. Such health facility plans shall be coordinated by the Board with pertinent State Plans. Inventories pursuant to this Section of skilled or intermediate care facilities licensed under the Nursing Home Care Act, skilled or intermediate care facilities licensed under the ID/DD Community Care Act, skilled or intermediate care facilities licensed under the MC/DD Act, facilities licensed under the Specialized Mental Health Rehabilitation Act of 2013, or nursing homes licensed under the Hospital Licensing Act shall be conducted on an annual basis no later than July 1 of each year and shall include among the information requested a list of all services provided by a facility to its residents and to the community at large and differentiate between active and inactive beds.

In developing health care facility plans, the State Board shall consider, but shall not be limited to, the following:

(a) The size, composition and growth of the population of the area to be served;

(b) The number of existing and planned facilities offering similar programs;

(c) The extent of utilization of existing facilities;

(d) The availability of facilities which may serve as alternatives or substitutes;

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(e) The availability of personnel necessary to the operation of the facility;
(f) Multi-institutional planning and the establishment of multi-institutional systems where feasible;
(g) The financial and economic feasibility of proposed construction or modification; and
(h) In the case of health care facilities established by a religious body or denomination, the needs of the members of such religious body or denomination may be considered to be public need.

The health care facility plans which are developed and adopted in accordance with this Section shall form the basis for the plan of the State to deal most effectively with statewide health needs in regard to health care facilities.

(5) Coordinate with the Center for Comprehensive Health Planning and other state agencies having responsibilities affecting health care facilities, including those of licensure and cost reporting. Beginning no later than January 1, 2013, the Department of Public Health shall produce a written annual report to the Governor and the General Assembly regarding the development of the Center for Comprehensive Health Planning. The Chairman of the State Board and the State Board Administrator shall also receive a copy of the annual report.

(6) Solicit, accept, hold and administer on behalf of the State any grants or bequests of money, securities or property for use by the State Board or Center for Comprehensive Health Planning in the administration of this Act; and enter into contracts consistent with the appropriations for purposes enumerated in this Act.

(7) The State Board shall prescribe procedures for review, standards, and criteria which shall be utilized to make periodic reviews and determinations of the appropriateness of any existing health services being rendered by health care facilities subject to the Act. The State Board shall consider recommendations of the Board in making its determinations.

(8) Prescribe, in consultation with the Center for Comprehensive Health Planning, rules, regulations, standards, and criteria for the conduct of an expeditious review of applications for permits for projects of construction or modification of a health care facility, which projects are classified as emergency, substantive, or non-substantive in nature.

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Six months after June 30, 2009 (the effective date of Public Act 96-31), substantive projects shall include no more than the following:

(a) Projects to construct (1) a new or replacement facility located on a new site or (2) a replacement facility located on the same site as the original facility and the cost of the replacement facility exceeds the capital expenditure minimum, which shall be reviewed by the Board within 120 days;

(b) Projects proposing a (1) new service within an existing healthcare facility or (2) discontinuation of a service within an existing healthcare facility, which shall be reviewed by the Board within 60 days; or

(c) Projects proposing a change in the bed capacity of a healthcare facility by an increase in the total number of beds or by a redistribution of beds among various categories of service or by a relocation of beds from one physical facility or site to another by more than 20 beds or more than 10% of total bed capacity, as defined by the State Board, whichever is less, over a 2-year period.

The Chairman may approve applications for exemption that meet the criteria set forth in rules or refer them to the full Board. The Chairman may approve any unopposed application that meets all of the review criteria or refer them to the full Board.

Such rules shall not abridge the right of the Center for Comprehensive Health Planning to make recommendations on the classification and approval of projects, nor shall such rules prevent the conduct of a public hearing upon the timely request of an interested party. Such reviews shall not exceed 60 days from the date the application is declared to be complete.

(9) Prescribe rules, regulations, standards, and criteria pertaining to the granting of permits for construction and modifications which are emergent in nature and must be undertaken immediately to prevent or correct structural deficiencies or hazardous conditions that may harm or injure persons using the facility, as defined in the rules and regulations of the State Board. This procedure is exempt from public hearing requirements of this Act.

(10) Prescribe rules, regulations, standards and criteria for the conduct of an expeditious review, not exceeding 60 days, of applications for permits for projects to construct or modify health care facilities which are needed for the care and treatment of persons who have acquired immunodeficiency syndrome (AIDS) or related conditions.

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(10.5) Provide its rationale when voting on an item before it at a State Board meeting in order to comply with subsection (b) of Section 3-108 of the Code of Civil Procedure.

(11) Issue written decisions upon request of the applicant or an adversely affected party to the Board. Requests for a written decision shall be made within 15 days after the Board meeting in which a final decision has been made. A "final decision" for purposes of this Act is the decision to approve or deny an application, or take other actions permitted under this Act, at the time and date of the meeting that such action is scheduled by the Board. The transcript of the State Board meeting shall be incorporated into the Board's final decision. The staff of the Board shall prepare a written copy of the final decision and the Board shall approve a final copy for inclusion in the formal record. The Board shall consider, for approval, the written draft of the final decision no later than the next scheduled Board meeting. The written decision shall identify the applicable criteria and factors listed in this Act and the Board's regulations that were taken into consideration by the Board when coming to a final decision. If the Board denies or fails to approve an application for permit or exemption, the Board shall include in the final decision a detailed explanation as to why the application was denied and identify what specific criteria or standards the applicant did not fulfill.

(12) Require at least one of its members to participate in any public hearing, after the appointment of a majority of the members to the Board.

(13) Provide a mechanism for the public to comment on, and request changes to, draft rules and standards.

(14) Implement public information campaigns to regularly inform the general public about the opportunity for public hearings and public hearing procedures.

(15) Establish a separate set of rules and guidelines for long-term care that recognizes that nursing homes are a different business line and service model from other regulated facilities. An open and transparent process shall be developed that considers the following: how skilled nursing fits in the continuum of care with other care providers, modernization of nursing homes, establishment of more private rooms, development of alternative services, and current trends in long-term care services. The Chairman of the Board shall appoint a permanent Health Services Review Board Long-term Care Facility Advisory Subcommittee that shall develop and recommend to the Board the rules to be established by the Board under this paragraph (15). The Subcommittee shall also

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provide continuous review and commentary on policies and procedures relative to long-term care and the review of related projects. The Subcommittee shall make recommendations to the Board no later than January 1, 2016 and every January thereafter pursuant to the Subcommittee's responsibility for the continuous review and commentary on policies and procedures relative to long-term care. In consultation with other experts from the health field of long-term care, the Board and the Subcommittee shall study new approaches to the current bed need formula and Health Service Area boundaries to encourage flexibility and innovation in design models reflective of the changing long-term care marketplace and consumer preferences and submit its recommendations to the Chairman of the Board no later than January 1, 2017. The Subcommittee shall evaluate, and make recommendations to the State Board regarding, the buying, selling, and exchange of beds between long-term care facilities within a specified geographic area or drive time. The Board shall file the proposed related administrative rules for the separate rules and guidelines for long-term care required by this paragraph (15) by no later than September 30, 2011. The Subcommittee shall be provided a reasonable and timely opportunity to review and comment on any review, revision, or updating of the criteria, standards, procedures, and rules used to evaluate project applications as provided under Section 12.3 of this Act.

The Chairman of the Board shall appoint voting members of the Subcommittee, who shall serve for a period of 3 years, with one-third of the terms expiring each January, to be determined by lot. Appointees shall include, but not be limited to, recommendations from each of the 3 statewide long-term care associations, with an equal number to be appointed from each. Compliance with this provision shall be through the appointment and reappointment process. All appointees serving as of April 1, 2015 shall serve to the end of their term as determined by lot or until the appointee voluntarily resigns, whichever is earlier.

One representative from the Department of Public Health, the Department of Healthcare and Family Services, the Department on Aging, and the Department of Human Services may each serve as an ex-officio non-voting member of the Subcommittee. The Chairman of the Board shall select a Subcommittee Chair, who shall serve for a period of 3 years.

(16) Prescribe the format of the State Board Staff Report. A State Board Staff Report shall pertain to applications that include, but are not limited to, applications for permit or exemption, applications for permit renewal, applications for extension of the obligation period, applications
requesting a declaratory ruling, or applications under the Health Care Worker Self-Referral Act. State Board Staff Reports shall compare applications to the relevant review criteria under the Board's rules.

(17) Establish a separate set of rules and guidelines for facilities licensed under the Specialized Mental Health Rehabilitation Act of 2013. An application for the re-establishment of a facility in connection with the relocation of the facility shall not be granted unless the applicant has a contractual relationship with at least one hospital to provide emergency and inpatient mental health services required by facility consumers, and at least one community mental health agency to provide oversight and assistance to facility consumers while living in the facility, and appropriate services, including case management, to assist them to prepare for discharge and reside stably in the community thereafter. No new facilities licensed under the Specialized Mental Health Rehabilitation Act of 2013 shall be established after June 16, 2014 (the effective date of Public Act 98-651) except in connection with the relocation of an existing facility to a new location. An application for a new location shall not be approved unless there are adequate community services accessible to the consumers within a reasonable distance, or by use of public transportation, so as to facilitate the goal of achieving maximum individual self-care and independence. At no time shall the total number of authorized beds under this Act in facilities licensed under the Specialized Mental Health Rehabilitation Act of 2013 exceed the number of authorized beds on June 16, 2014 (the effective date of Public Act 98-651).

(Source: P.A. 98-414, eff. 1-1-14; 98-463, eff. 8-16-13; 98-651, eff. 6-16-14; 98-1086, eff. 8-26-14; 99-78, eff. 7-20-15; 99-114, eff. 7-23-15; 99-180, eff. 7-29-15; 99-277, eff. 8-5-15; revised 10-15-15.)

(20 ILCS 3960/14.1)
Sec. 14.1. Denial of permit; other sanctions.
(a) The State Board may deny an application for a permit or may revoke or take other action as permitted by this Act with regard to a permit as the State Board deems appropriate, including the imposition of fines as set forth in this Section, for any one or a combination of the following:

(1) The acquisition of major medical equipment without a permit or in violation of the terms of a permit.
(2) The establishment, construction, modification, or change of ownership of a health care facility without a permit or exemption or in violation of the terms of a permit.

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(3) The violation of any provision of this Act or any rule adopted under this Act.

(4) The failure, by any person subject to this Act, to provide information requested by the State Board or Agency within 30 days after a formal written request for the information.

(5) The failure to pay any fine imposed under this Section within 30 days of its imposition.

(a-5) For facilities licensed under the ID/DD Community Care Act, no permit shall be denied on the basis of prior operator history, other than for actions specified under item (2), (4), or (5) of Section 3-117 of the ID/DD Community Care Act. For facilities licensed under the MC/DD Act, no permit shall be denied on the basis of prior operator history, other than for actions specified under item (2), (4), or (5) of Section 3-117 of the MC/DD Act. For facilities licensed under the Specialized Mental Health Rehabilitation Act of 2013, no permit shall be denied on the basis of prior operator history, other than for actions specified under item (2), (4), or (5) of Section 3-117 of the Specialized Mental Health Rehabilitation Act of 2013. For facilities licensed under the Nursing Home Care Act, no permit shall be denied on the basis of prior operator history, other than for: (i) actions specified under item (2), (3), (4), (5), or (6) of Section 3-117 of the Nursing Home Care Act; (ii) actions specified under item (a)(6) of Section 3-119 of the Nursing Home Care Act; or (iii) actions within the preceding 5 years constituting a substantial and repeated failure to comply with the Nursing Home Care Act or the rules and regulations adopted by the Department under that Act. The State Board shall not deny a permit on account of any action described in this subsection (a-5) without also considering all such actions in the light of all relevant information available to the State Board, including whether the permit is sought to substantially comply with a mandatory or voluntary plan of correction associated with any action described in this subsection (a-5).

(b) Persons shall be subject to fines as follows:

(1) A permit holder who fails to comply with the requirements of maintaining a valid permit shall be fined an amount not to exceed 1% of the approved permit amount plus an additional 1% of the approved permit amount for each 30-day period, or fraction thereof, that the violation continues.

(2) A permit holder who alters the scope of an approved project or whose project costs exceed the allowable permit amount without first obtaining approval from the State Board shall be fined

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an amount not to exceed the sum of (i) the lesser of $25,000 or 2% of the approved permit amount and (ii) in those cases where the approved permit amount is exceeded by more than $1,000,000, an additional $20,000 for each $1,000,000, or fraction thereof, in excess of the approved permit amount.

(2.5) A permit holder who fails to comply with the post-permit and reporting requirements set forth in Section 5 shall be fined an amount not to exceed $10,000 plus an additional $10,000 for each 30-day period, or fraction thereof, that the violation continues. This fine shall continue to accrue until the date that (i) the post-permit requirements are met and the post-permit reports are received by the State Board or (ii) the matter is referred by the State Board to the State Board's legal counsel. The accrued fine is not waived by the permit holder submitting the required information and reports. Prior to any fine beginning to accrue, the Board shall notify, in writing, a permit holder of the due date for the post-permit and reporting requirements no later than 30 days before the due date for the requirements. This paragraph (2.5) takes effect 6 months after August 27, 2012 (the effective date of Public Act 97-1115).

(3) A person who acquires major medical equipment or who establishes a category of service without first obtaining a permit or exemption, as the case may be, shall be fined an amount not to exceed $10,000 for each such acquisition or category of service established plus an additional $10,000 for each 30-day period, or fraction thereof, that the violation continues.

(4) A person who constructs, modifies, establishes, or changes ownership of a health care facility without first obtaining a permit or exemption shall be fined an amount not to exceed $25,000 plus an additional $25,000 for each 30-day period, or fraction thereof, that the violation continues.

(5) A person who discontinues a health care facility or a category of service without first obtaining a permit or exemption shall be fined an amount not to exceed $10,000 plus an additional $10,000 for each 30-day period, or fraction thereof, that the violation continues. For purposes of this subparagraph (5), facilities licensed under the Nursing Home Care Act, the ID/DD Community Care Act, or the MC/DD Act, with the exceptions of facilities operated by a county or Illinois Veterans Homes, are

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exempt from this permit requirement. However, facilities licensed under the Nursing Home Care Act, the ID/DD Community Care Act, or the MC/DD Act must comply with Section 3-423 of the Nursing Home Care Act, Section 3-423 of the ID/DD Community Care Act, or Section 3-423 of the MC/DD Act and must provide the Board and the Department of Human Services with 30 days' written notice of their intent to close. Facilities licensed under the ID/DD Community Care Act or the MC/DD Act also must provide the Board and the Department of Human Services with 30 days' written notice of their intent to reduce the number of beds for a facility.

(6) A person subject to this Act who fails to provide information requested by the State Board or Agency within 30 days of a formal written request shall be fined an amount not to exceed $1,000 plus an additional $1,000 for each 30-day period, or fraction thereof, that the information is not received by the State Board or Agency.

(b-5) The State Board may accept in-kind services instead of or in combination with the imposition of a fine. This authorization is limited to cases where the non-compliant individual or entity has waived the right to an administrative hearing or opportunity to appear before the Board regarding the non-compliant matter.

(c) Before imposing any fine authorized under this Section, the State Board shall afford the person or permit holder, as the case may be, an appearance before the State Board and an opportunity for a hearing before a hearing officer appointed by the State Board. The hearing shall be conducted in accordance with Section 10. Requests for an appearance before the State Board must be made within 30 days after receiving notice that a fine will be imposed.

(d) All fines collected under this Act shall be transmitted to the State Treasurer, who shall deposit them into the Illinois Health Facilities Planning Fund.

(e) Fines imposed under this Section shall continue to accrue until:
(i) the date that the matter is referred by the State Board to the Board's legal counsel; or (ii) the date that the health care facility becomes compliant with the Act, whichever is earlier.
(Source: P.A. 98-463, eff. 8-16-13; 99-114, eff. 7-23-15; 99-180, eff. 7-29-15; revised 10-14-15.)
Section 135. The Illinois Holocaust and Genocide Commission Act is amended by changing Section 10 as follows:
(20 ILCS 5010/10)
(Section scheduled to be repealed on January 1, 2021)
Sec. 10. Composition of the Commission.
(a) The Commission is composed of 22 members as follows:
(1) 19 public members appointed by the Governor, one of whom shall be a student; and
(2) 3 ex officio members as follows:
(A) the State Superintendent of Education;
(B) the Executive Director of the Board of Higher Education; and
(C) the Director of Veterans' Affairs.
(b) The President and Minority Leader of the Senate shall each designate a member or former member of the Senate and the Speaker and Minority Leader of the House of Representatives shall each designate a member or former member of the House of Representatives to advise the Commission.
(Source: P.A. 98-793, eff. 7-28-14; revised 10-13-15.)
Section 140. The State Finance Act is amended by setting forth and renumbering multiple versions of Sections 5.866 and 5.867 as follows:
(30 ILCS 105/5.866)
Sec. 5.866. The Illinois Telecommunications Access Corporation Fund.
(Source: P.A. 99-6, eff. 6-29-15.)
(30 ILCS 105/5.867)
Sec. 5.867. The Illinois Secure Choice Administrative Fund.
(Source: P.A. 98-1150, eff. 6-1-15; 99-78, eff. 7-20-15.)
(30 ILCS 105/5.868)
Sec. 5.868 5.866. The Illinois ABLE Accounts Administrative Fund.
(Source: P.A. 99-145, eff. 1-1-16; revised 9-29-15.)
(30 ILCS 105/5.869)
Sec. 5.869 5.866. The Women's Business Ownership Fund.
(Source: P.A. 99-233, eff. 8-3-15; revised 9-29-15.)
(30 ILCS 105/5.870)
(Section scheduled to be repealed on December 31, 2017)
Sec. 5.870 5.866. The U.S.S. Illinois Commissioning Fund. This Section is repealed on December 31, 2017.

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Section 145. The Business Enterprise for Minorities, Females, and Persons with Disabilities Act is amended by changing Sections 2 and 4f as follows:

(30 ILCS 575/2)
(Section scheduled to be repealed on June 30, 2016)
Sec. 2. Definitions.
(A) For the purpose of this Act, the following terms shall have the following definitions:

(1) "Minority person" shall mean a person who is a citizen or lawful permanent resident of the United States and who is any of the following:

(a) American Indian or Alaska Native (a person having origins in any of the original peoples of North and South America, including Central America, and who maintains tribal affiliation or community attachment).
(b) Asian (a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, but not limited to, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam).
(c) Black or African American (a person having origins in any of the black racial groups of Africa). Terms such as "Haitian" or "Negro" can be used in addition to "Black or African American".
(d) Hispanic or Latino (a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race).
(e) Native Hawaiian or Other Pacific Islander (a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands).

(2) "Female" shall mean a person who is a citizen or lawful permanent resident of the United States and who is of the female gender.

(2.05) "Person with a disability" means a person who is a citizen or lawful resident of the United States and is a person qualifying as a person with a disability under subdivision (2.1) of this subsection (A).

(2.1) "Person with a disability" means a person with a severe physical or mental disability that:

(a) results from:
  amputation,
  arthritis,
  autism,
  blindness,
  burn injury,
  cancer,
  cerebral palsy,
  Crohn's disease,
  cystic fibrosis,
  deafness,
  head injury,
  heart disease,
  hemiplegia,
  hemophilia,
  respiratory or pulmonary dysfunction,
  an intellectual disability,
  mental illness,
  multiple sclerosis,
  muscular dystrophy,
  musculoskeletal disorders,
  neurological disorders, including stroke and epilepsy,
  paraplegia,
  quadriplegia and other spinal cord conditions,
  sickle cell anemia,
  ulcerative colitis,

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specific learning disabilities, or
end stage renal failure disease; and
(b) substantially limits one or more of the person's
major life activities.

Another disability or combination of disabilities may also
be considered as a severe disability for the purposes of item (a) of
this subdivision (2.1) if it is determined by an evaluation of
rehabilitation potential to cause a comparable degree of substantial
functional limitation similar to the specific list of disabilities listed
in item (a) of this subdivision (2.1).

(3) "Minority owned business" means a business which is at
least 51% owned by one or more minority persons, or in the case of
a corporation, at least 51% of the stock in which is owned by one
or more minority persons; and the management and daily business
operations of which are controlled by one or more of the minority
individuals who own it.

(4) "Female owned business" means a business which is at
least 51% owned by one or more females, or, in the case of a
corporation, at least 51% of the stock in which is owned by one
or more females; and the management and daily business operations
of which are controlled by one or more of the females who own it.

(4.1) "Business owned by a person with a disability" means
a business that is at least 51% owned by one or more persons with
a disability and the management and daily business operations of
which are controlled by one or more of the persons with disabilities
who own it. A not-for-profit agency for persons with disabilities
that is exempt from taxation under Section 501 of the Internal
Revenue Code of 1986 is also considered a "business owned by a
person with a disability".

(4.2) "Council" means the Business Enterprise Council for
Minorities, Females, and Persons with Disabilities created under
Section 5 of this Act.

(5) "State contracts" means all contracts entered into by the
State, any agency or department thereof, or any public institution of
higher education, including community college districts, regardless
of the source of the funds with which the contracts are paid, which
are not subject to federal reimbursement. "State contracts" does not
include contracts awarded by a retirement system, pension fund, or
investment board subject to Section 1-109.1 of the Illinois Pension

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Code. This definition shall control over any existing definition under this Act or applicable administrative rule.

"State construction contracts" means all State contracts entered into by a State agency or public institution of higher education for the repair, remodeling, renovation or construction of a building or structure, or for the construction or maintenance of a highway defined in Article 2 of the Illinois Highway Code.

(6) "State agencies" shall mean all departments, officers, boards, commissions, institutions and bodies politic and corporate of the State, but does not include the Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of Trustees of Chicago State University, the Board of Trustees of Eastern Illinois University, the Board of Trustees of Governors State University, the Board of Trustees of Illinois State University, the Board of Trustees of Northeastern Illinois University, the Board of Trustees of Northern Illinois University, the Board of Trustees of Western Illinois University, municipalities or other local governmental units, or other State constitutional officers.

(7) "Public institutions of higher education" means the University of Illinois, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Western Illinois University, the public community colleges of the State, and any other public universities, colleges, and community colleges now or hereafter established or authorized by the General Assembly.

(8) "Certification" means a determination made by the Council or by one delegated authority from the Council to make certifications, or by a State agency with statutory authority to make such a certification, that a business entity is a business owned by a minority, female, or person with a disability for whatever purpose. A business owned and controlled by females shall be certified as a "female owned business". A business owned and controlled by females who are also minorities shall be certified as both a "female owned business" and a "minority owned business".

(9) "Control" means the exclusive or ultimate and sole control of the business including, but not limited to, capital investment and all other financial matters, property, acquisitions,
contract negotiations, legal matters, officer-director-employee
selection and comprehensive hiring, operating responsibilities,
cost-control matters, income and dividend matters, financial
transactions and rights of other shareholders or joint partners.
Control shall be real, substantial and continuing, not pro forma.
Control shall include the power to direct or cause the direction of
the management and policies of the business and to make the day-
to-day as well as major decisions in matters of policy, management
and operations. Control shall be exemplified by possessing the
requisite knowledge and expertise to run the particular business
and control shall not include simple majority or absentee
ownership.
(10) "Business" means a business that has annual gross
sales of less than $75,000,000 as evidenced by the federal income
tax return of the business. A firm with gross sales in excess of this
cap may apply to the Council for certification for a particular
contract if the firm can demonstrate that the contract would have
significant impact on businesses owned by minorities, females, or
persons with disabilities as suppliers or subcontractors or in
employment of minorities, females, or persons with disabilities.
(B) When a business is owned at least 51% by any combination of
minority persons, females, or persons with disabilities, even though none
of the 3 classes alone holds at least a 51% interest, the ownership
requirement for purposes of this Act is considered to be met. The
certification category for the business is that of the class holding the
largest ownership interest in the business. If 2 or more classes have equal
ownership interests, the certification category shall be determined by the
business.
(Source: P.A. 98-95, eff. 7-17-13; 99-143, eff. 7-27-15; 99-462, eff. 8-25-
15; revised 10-16-15.)
(30 ILCS 575/4f)
(Section scheduled to be repealed on June 30, 2016)
Sec. 4f. Award of State contracts.
(1) It is hereby declared to be the public policy of the State of
Illinois to promote and encourage each State agency and public institution
of higher education to use businesses owned by minorities, females, and
persons with disabilities in the area of goods and services, including, but
not limited to, insurance services, investment management services,
information technology services, accounting services, architectural and

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engineering services, and legal services. Furthermore, each State agency and public institution of higher education shall utilize such firms to the greatest extent feasible within the bounds of financial and fiduciary prudence, and take affirmative steps to remove any barriers to the full participation of such firms in the procurement and contracting opportunities afforded.

(a) When a State agency or public institution of higher education, other than a community college, awards a contract for insurance services, for each State agency or public institution of higher education, it shall be the aspirational goal to use insurance brokers owned by minorities, females, and persons with disabilities as defined by this Act, for not less than 20% of the total annual premiums or fees.

(b) When a State agency or public institution of higher education, other than a community college, awards a contract for investment services, for each State agency or public institution of higher education, it shall be the aspirational goal to use emerging investment managers owned by minorities, females, and persons with disabilities as defined by this Act, for not less than 20% of the total funds under management. Furthermore, it is the aspirational goal that not less than 20% of the direct asset managers of the State funds be minorities, females, and persons with disabilities.

(c) When a State agency or public institution of higher education, other than a community college, awards contracts for information technology services, accounting services, architectural and engineering services, and legal services, for each State agency and public institution of higher education, it shall be the aspirational goal to use such firms owned by minorities, females, and persons with disabilities as defined by this Act and lawyers who are minorities, females, and persons with disabilities as defined by this Act, for not less than 20% of the total dollar amount of State contracts.

(d) When a community college awards a contract for insurance services, investment services, information technology services, accounting services, architectural and engineering services, and legal services, it shall be the aspirational goal of each community college to use businesses owned by minorities, females, and persons with disabilities as defined in this Act for not less than 20% of the total amount spent on contracts for these

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services collectively. When a community college awards contracts for investment services, contracts awarded to investment managers who are not emerging investment managers as defined in this Act shall not be considered businesses owned by minorities, females, or persons with disabilities for the purposes of this Section.

(2) As used in this Section:

"Accounting services" means the measurement, processing and communication of financial information about economic entities including, but is not limited to, financial accounting, management accounting, auditing, cost containment and auditing services, taxation and accounting information systems.

"Architectural and engineering services" means professional services of an architectural or engineering nature, or incidental services, that members of the architectural and engineering professions, and individuals in their employ, may logically or justifiably perform, including studies, investigations, surveying and mapping, tests, evaluations, consultations, comprehensive planning, program management, conceptual designs, plans and specifications, value engineering, construction phase services, soils engineering, drawing reviews, preparation of operating and maintenance manuals, and other related services.

"Emerging investment manager" means an investment manager or claims consultant having assets under management below $10 billion or otherwise adjudicating claims.

"Information technology services" means, but is not limited to, specialized technology-oriented solutions by combining the processes and functions of software, hardware, networks, telecommunications, web designers, cloud developing resellers, and electronics.

"Insurance broker" means an insurance brokerage firm, claims administrator, or both, that procures, places all lines of insurance, or administers claims with annual premiums or fees of at least $5,000,000 but not more than $10,000,000.

"Legal services" means work performed by a lawyer including, but not limited to, contracts in anticipation of litigation, enforcement actions, or investigations.

(3) Each State agency and public institution of higher education shall adopt policies that identify its plan and implementation

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procedures for increasing the use of service firms owned by minorities, females, and persons with disabilities.

(4) Except as provided in subsection (5), the Council shall file no later than March 1 of each year an annual report to the Governor and the General Assembly. The report filed with the General Assembly shall be filed as required in Section 3.1 of the General Assembly Organization Act. This report shall: (i) identify the service firms used by each State agency and public institution of higher education, (ii) identify the actions it has undertaken to increase the use of service firms owned by minorities, females, and persons with disabilities, including encouraging non-minority owned firms to use other service firms owned by minorities, females, and persons with disabilities as subcontractors when the opportunities arise, (iii) state any recommendations made by the Council to each State agency and public institution of higher education to increase participation by the use of service firms owned by minorities, females, and persons with disabilities, and (iv) include the following:

(A) For insurance services: the names of the insurance brokers or claims consultants used, the total of risk managed by each State agency and public institution of higher education by insurance brokers, the total commissions, fees paid, or both, the lines or insurance policies placed, and the amount of premiums placed; and the percentage of the risk managed by insurance brokers, the percentage of total commission, fees paid, or both, the lines or insurance policies placed, and the amount of premiums placed with each by the insurance brokers owned by minorities, females, and persons with disabilities by each State agency and public institution of higher education.

(B) For investment management services: the names of the investment managers used, the total funds under management of investment managers; the total commissions, fees paid, or both; the total and percentage of funds under management of emerging investment managers owned by minorities, females, and persons with disabilities, including the total and percentage of total commissions, fees paid, or both by each State agency and public institution of higher education.

(C) The names of service firms, the percentage and total dollar amount paid for professional services by category by each State agency and public institution of higher education.
(D) The names of service firms, the percentage and total dollar amount paid for services by category to firms owned by minorities, females, and persons with disabilities by each State agency and public institution of higher education.

(E) The total number of contracts awarded for services by category and the total number of contracts awarded to firms owned by minorities, females, and persons with disabilities by each State agency and public institution of higher education.

(5) For community college districts, the Business Enterprise Council shall only report the following information for each community college district: (i) the name of the community colleges in the district, (ii) the name and contact information of a person at each community college appointed to be the single point of contact for vendors owned by minorities, females, or persons with disabilities, (iii) the policy of the community college district concerning certified vendors, (iv) the certifications recognized by the community college district for determining whether a business is owned or controlled by a minority, female, or person with a disability, (v) outreach efforts conducted by the community college district to increase the use of certified vendors, (vi) the total expenditures by the community college district in the prior fiscal year in the divisions of work specified in paragraphs (a), (b), and (c) of subsection (1) of this Section and the amount paid to certified vendors in those divisions of work, and (vii) the total number of contracts entered into for the divisions of work specified in paragraphs (a), (b), and (c) of subsection (1) of this Section and the total number of contracts awarded to certified vendors providing these services to the community college district. The Business Enterprise Council shall not make any utilization reports under this Act for community college districts for Fiscal Year 2015 and Fiscal Year 2016, but shall make the report required by this subsection for Fiscal Year 2017 and for each fiscal year thereafter. The Business Enterprise Council may collect the data needed to make its report from the Illinois Community College Board.

(6) The status of the utilization of services shall be discussed at each of the regularly scheduled Business Enterprise Council meetings. Time shall be allotted for the Council to receive, review, and discuss the progress of the use of service firms owned by minorities, females, and persons with disabilities by each State agency and public institution.
institutions of higher education; and any evidence regarding past or present racial, ethnic, or gender-based discrimination which directly impacts a State agency or public institution institutions of higher education contracting with such firms. If after reviewing such evidence the Council finds that there is or has been such discrimination against a specific group, race or sex, the Council shall establish sheltered markets or adjust existing sheltered markets tailored to address the Council's specific findings for the divisions of work specified in paragraphs (a), (b), and (c) of subsection (1) of this Section.

(Source: P.A. 99-462, eff. 8-25-15; revised 10-15-15.)

Section 150. The State Mandates Act is amended by changing Section 8.39 as follows:

(30 ILCS 805/8.39)

Sec. 8.39. Exempt mandate.

(a) Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by Public Act 99-176, 99-180, 99-228, or 99-466 this amendatory Act of the 99th General Assembly.

(b) Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by the Student Transfer Achievement Reform Act.

(Source: P.A. 99-176, eff. 7-29-15; 99-180, eff. 7-29-15; 99-228, eff. 1-1-16; 99-316, eff. 1-1-16; 99-466, eff. 8-26-15; revised 10-9-15.)

Section 155. The Illinois Income Tax Act is amended by changing Sections 304 and 507DDD as follows:

(35 ILCS 5/304) (from Ch. 120, par. 3-304)

Sec. 304. Business income of persons other than residents.

(a) In general. The business income of a person other than a resident shall be allocated to this State if such person's business income is derived solely from this State. If a person other than a resident derives business income from this State and one or more other states, then, for tax years ending on or before December 30, 1998, and except as otherwise provided by this Section, such person's business income shall be apportioned to this State by multiplying the income by a fraction, the numerator of which is the sum of the property factor (if any), the payroll factor (if any) and 200% of the sales factor (if any), and the denominator of which is 4 reduced by the number of factors other than the sales factor which have a denominator of zero and by an additional 2 if the sales factor has a denominator of zero. For tax years ending on or after December 31,

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1998, and except as otherwise provided by this Section, persons other than residents who derive business income from this State and one or more other states shall compute their apportionment factor by weighting their property, payroll, and sales factors as provided in subsection (h) of this Section.

(1) Property factor.

(A) The property factor is a fraction, the numerator of which is the average value of the person's real and tangible personal property owned or rented and used in the trade or business in this State during the taxable year and the denominator of which is the average value of all the person's real and tangible personal property owned or rented and used in the trade or business during the taxable year.

(B) Property owned by the person is valued at its original cost. Property rented by the person is valued at 8 times the net annual rental rate. Net annual rental rate is the annual rental rate paid by the person less any annual rental rate received by the person from sub-rentals.

(C) The average value of property shall be determined by averaging the values at the beginning and ending of the taxable year but the Director may require the averaging of monthly values during the taxable year if reasonably required to reflect properly the average value of the person's property.

(2) Payroll factor.

(A) The payroll factor is a fraction, the numerator of which is the total amount paid in this State during the taxable year by the person for compensation, and the denominator of which is the total compensation paid everywhere during the taxable year.

(B) Compensation is paid in this State if:

(i) The individual's service is performed entirely within this State;

(ii) The individual's service is performed both within and without this State, but the service performed without this State is incidental to the individual's service performed within this State; or

(iii) Some of the service is performed within this State and either the base of operations, or if there is no base of operations, the place from which the service is directed or controlled is within this State, or the base of operations

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or the place from which the service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this State.

(iv) Compensation paid to nonresident professional athletes.

(a) General. The Illinois source income of a nonresident individual who is a member of a professional athletic team includes the portion of the individual's total compensation for services performed as a member of a professional athletic team during the taxable year which the number of duty days spent within this State performing services for the team in any manner during the taxable year bears to the total number of duty days spent both within and without this State during the taxable year.

(b) Travel days. Travel days that do not involve either a game, practice, team meeting, or other similar team event are not considered duty days spent in this State. However, such travel days are considered in the total duty days spent both within and without this State.

(c) Definitions. For purposes of this subpart (iv):

(1) The term "professional athletic team" includes, but is not limited to, any professional baseball, basketball, football, soccer, or hockey team.

(2) The term "member of a professional athletic team" includes those employees who are active players, players on the disabled list, and any other persons required to travel and who travel with and perform services on behalf of a professional athletic team on a regular basis. This includes, but is not limited to, coaches, managers, and trainers.

(3) Except as provided in items (C) and (D) of this subpart (3), the term "duty days" means all days during the taxable year from the beginning of the professional athletic team's official pre-season training period through the last game in which the team competes or is scheduled to compete. Duty days shall be counted for the year in which they occur, including where a team's official pre-season...
training period through the last game in which the team competes or is scheduled to compete, occurs during more than one tax year.

(A) Duty days shall also include days on which a member of a professional athletic team performs service for a team on a date that does not fall within the foregoing period (e.g., participation in instructional leagues, the "All Star Game", or promotional "caravans"). Performing a service for a professional athletic team includes conducting training and rehabilitation activities, when such activities are conducted at team facilities.

(B) Also included in duty days are game days, practice days, days spent at team meetings, promotional caravans, preseason training camps, and days served with the team through all post-season games in which the team competes or is scheduled to compete.

(C) Duty days for any person who joins a team during the period from the beginning of the professional athletic team's official pre-season training period through the last game in which the team competes, or is scheduled to compete, shall begin on the day that person joins the team. Conversely, duty days for any person who leaves a team during this period shall end on the day that person leaves the team. Where a person switches teams during a taxable year, a separate duty-day calculation shall be made for the period the person was with each team.

(D) Days for which a member of a professional athletic team is not compensated and is not performing services for the team in any manner, including days
when such member of a professional athletic team has been suspended without pay and prohibited from performing any services for the team, shall not be treated as duty days.

(E) Days for which a member of a professional athletic team is on the disabled list and does not conduct rehabilitation activities at facilities of the team, and is not otherwise performing services for the team in Illinois, shall not be considered duty days spent in this State. All days on the disabled list, however, are considered to be included in total duty days spent both within and without this State.

(4) The term "total compensation for services performed as a member of a professional athletic team" means the total compensation received during the taxable year for services performed:

(A) from the beginning of the official pre-season training period through the last game in which the team competes or is scheduled to compete during that taxable year; and

(B) during the taxable year on a date which does not fall within the foregoing period (e.g., participation in instructional leagues, the "All Star Game", or promotional caravans).

This compensation shall include, but is not limited to, salaries, wages, bonuses as described in this subpart, and any other type of compensation paid during the taxable year to a member of a professional athletic team for services performed in that year. This compensation does not include strike benefits, severance pay, termination pay, contract or option year buy-out payments, expansion or relocation payments, or any other payments not related to services performed for the team.
For purposes of this subparagraph, "bonuses" included in "total compensation for services performed as a member of a professional athletic team" subject to the allocation described in Section 302(c)(1) are: bonuses earned as a result of play (i.e., performance bonuses) during the season, including bonuses paid for championship, playoff or "bowl" games played by a team, or for selection to all-star league or other honorary positions; and bonuses paid for signing a contract, unless the payment of the signing bonus is not conditional upon the signee playing any games for the team or performing any subsequent services for the team or even making the team, the signing bonus is payable separately from the salary and any other compensation, and the signing bonus is nonrefundable.

(3) Sales factor.

(A) The sales factor is a fraction, the numerator of which is the total sales of the person in this State during the taxable year, and the denominator of which is the total sales of the person everywhere during the taxable year.

(B) Sales of tangible personal property are in this State if:

(i) The property is delivered or shipped to a purchaser, other than the United States government, within this State regardless of the f. o. b. point or other conditions of the sale; or

(ii) The property is shipped from an office, store, warehouse, factory or other place of storage in this State and either the purchaser is the United States government or the person is not taxable in the state of the purchaser; provided, however, that premises owned or leased by a person who has independently contracted with the seller for the printing of newspapers, periodicals or books shall not be deemed to be an office, store, warehouse, factory or other place of storage for purposes of this Section. Sales of tangible personal property are not in this State if the seller and purchaser would be members of the same unitary business group but for the fact that either the seller or

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purchaser is a person with 80% or more of total business activity outside of the United States and the property is purchased for resale.

(B-1) Patents, copyrights, trademarks, and similar items of intangible personal property.

(i) Gross receipts from the licensing, sale, or other disposition of a patent, copyright, trademark, or similar item of intangible personal property, other than gross receipts governed by paragraph (B-7) of this item (3), are in this State to the extent the item is utilized in this State during the year the gross receipts are included in gross income.

(ii) Place of utilization.

(I) A patent is utilized in a state to the extent that it is employed in production, fabrication, manufacturing, or other processing in the state or to the extent that a patented product is produced in the state. If a patent is utilized in more than one state, the extent to which it is utilized in any one state shall be a fraction equal to the gross receipts of the licensee or purchaser from sales or leases of items produced, fabricated, manufactured, or processed within that state using the patent and of patented items produced within that state, divided by the total of such gross receipts for all states in which the patent is utilized.

(II) A copyright is utilized in a state to the extent that printing or other publication originates in the state. If a copyright is utilized in more than one state, the extent to which it is utilized in any one state shall be a fraction equal to the gross receipts from sales or licenses of materials printed or published in that state divided by the total of such gross receipts for all states in which the copyright is utilized.

(III) Trademarks and other items of intangible personal property governed by this paragraph (B-1) are utilized in the state in which the
commercial domicile of the licensee or purchaser is located.

(iii) If the state of utilization of an item of property governed by this paragraph (B-1) cannot be determined from the taxpayer's books and records or from the books and records of any person related to the taxpayer within the meaning of Section 267(b) of the Internal Revenue Code, 26 U.S.C. 267, the gross receipts attributable to that item shall be excluded from both the numerator and the denominator of the sales factor.

(B-2) Gross receipts from the license, sale, or other disposition of patents, copyrights, trademarks, and similar items of intangible personal property, other than gross receipts governed by paragraph (B-7) of this item (3), may be included in the numerator or denominator of the sales factor only if gross receipts from licenses, sales, or other disposition of such items comprise more than 50% of the taxpayer's total gross receipts included in gross income during the tax year and during each of the 2 immediately preceding tax years; provided that, when a taxpayer is a member of a unitary business group, such determination shall be made on the basis of the gross receipts of the entire unitary business group.

(B-5) For taxable years ending on or after December 31, 2008, except as provided in subsections (ii) through (vii), receipts from the sale of telecommunications service or mobile telecommunications service are in this State if the customer's service address is in this State.

(i) For purposes of this subparagraph (B-5), the following terms have the following meanings:

"Ancillary services" means services that are associated with or incidental to the provision of "telecommunications services", including but not limited to "detailed telecommunications billing", "directory assistance", "vertical service", and "voice mail services".

"Air-to-Ground Radiotelephone service" means a radio service, as that term is defined in 47 CFR 22.99, in which common carriers are authorized to offer and provide radio telecommunications service for hire to subscribers in aircraft.
"Call-by-call Basis" means any method of charging for telecommunications services where the price is measured by individual calls.

"Communications Channel" means a physical or virtual path of communications over which signals are transmitted between or among customer channel termination points.

"Conference bridging service" means an "ancillary service" that links two or more participants of an audio or video conference call and may include the provision of a telephone number. "Conference bridging service" does not include the "telecommunications services" used to reach the conference bridge.

"Customer Channel Termination Point" means the location where the customer either inputs or receives the communications.

"Detailed telecommunications billing service" means an "ancillary service" of separately stating information pertaining to individual calls on a customer's billing statement.

"Directory assistance" means an "ancillary service" of providing telephone number information, and/or address information.

"Home service provider" means the facilities based carrier or reseller with which the customer contracts for the provision of mobile telecommunications services.

"Mobile telecommunications service" means commercial mobile radio service, as defined in Section 20.3 of Title 47 of the Code of Federal Regulations as in effect on June 1, 1999.

"Place of primary use" means the street address representative of where the customer's use of the telecommunications service primarily occurs, which must be the residential street address or the primary business street address of the customer. In the case of mobile telecommunications services, "place of primary use" must be within the licensed service area of the home service provider.

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"Post-paid telecommunication service" means the telecommunications service obtained by making a payment on a call-by-call basis either through the use of a credit card or payment mechanism such as a bank card, travel card, credit card, or debit card, or by charge made to a telephone number which is not associated with the origination or termination of the telecommunications service. A post-paid calling service includes telecommunications service, except a prepaid wireless calling service, that would be a prepaid calling service except it is not exclusively a telecommunication service.

"Prepaid telecommunication service" means the right to access exclusively telecommunications services, which must be paid for in advance and which enables the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with use in a known amount.

"Prepaid Mobile telecommunication service" means a telecommunications service that provides the right to utilize mobile wireless service as well as other non-telecommunication services, including but not limited to ancillary services, which must be paid for in advance that is sold in predetermined units or dollars of which the number declines with use in a known amount.

"Private communication service" means a telecommunication service that entitles the customer to exclusive or priority use of a communications channel or group of channels between or among termination points, regardless of the manner in which such channel or channels are connected, and includes switching capacity, extension lines, stations, and any other associated services that are provided in connection with the use of such channel or channels.

"Service address" means:

(a) The location of the telecommunications equipment to which a customer's call is charged and from which the call originates or terminates, regardless of where the call is billed or paid;

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(b) If the location in line (a) is not known, service address means the origination point of the signal of the telecommunications services first identified by either the seller's telecommunications system or in information received by the seller from its service provider where the system used to transport such signals is not that of the seller; and

(c) If the locations in line (a) and line (b) are not known, the service address means the location of the customer's place of primary use.

"Telecommunications service" means the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points. The term "telecommunications service" includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code or protocol of the content for purposes of transmission, conveyance or routing without regard to whether such service is referred to as voice over Internet protocol services or is classified by the Federal Communications Commission as enhanced or value added. "Telecommunications service" does not include:

(a) Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a purchaser when such purchaser's primary purpose for the underlying transaction is the processed data or information;

(b) Installation or maintenance of wiring or equipment on a customer's premises;

(c) Tangible personal property;

(d) Advertising, including but not limited to directory advertising.

(e) Billing and collection services provided to third parties;

(f) Internet access service;

(g) Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission,
conveyance and routing of such services by the programming service provider. Radio and television audio and video programming services shall include but not be limited to cable service as defined in 47 USC 522(6) and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 CFR 20.3;

(h) "Ancillary services"; or

(i) Digital products "delivered electronically", including but not limited to software, music, video, reading materials or ring tones.

"Vertical service" means an "ancillary service" that is offered in connection with one or more "telecommunications services", which offers advanced calling features that allow customers to identify callers and to manage multiple calls and call connections, including "conference bridging services".

"Voice mail service" means an "ancillary service" that enables the customer to store, send or receive recorded messages. "Voice mail service" does not include any "vertical services" that the customer may be required to have in order to utilize the "voice mail service".

(ii) Receipts from the sale of telecommunications service sold on an individual call-by-call basis are in this State if either of the following applies:

(a) The call both originates and terminates in this State.

(b) The call either originates or terminates in this State and the service address is located in this State.

(iii) Receipts from the sale of postpaid telecommunications service at retail are in this State if the origination point of the telecommunication signal, as first identified by the service provider's telecommunication system or as identified by information received by the seller from its service provider if the system used to transport telecommunication signals is not the seller's, is located in this State.

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(iv) Receipts from the sale of prepaid telecommunications service or prepaid mobile telecommunications service at retail are in this State if the purchaser obtains the prepaid card or similar means of conveyance at a location in this State. Receipts from recharging a prepaid telecommunications service or mobile telecommunications service is in this State if the purchaser's billing information indicates a location in this State.

(v) Receipts from the sale of private communication services are in this State as follows:

   (a) 100% of receipts from charges imposed at each channel termination point in this State.

   (b) 100% of receipts from charges for the total channel mileage between each channel termination point in this State.

   (c) 50% of the total receipts from charges for service segments when those segments are between 2 customer channel termination points, 1 of which is located in this State and the other is located outside of this State, which segments are separately charged.

   (d) The receipts from charges for service segments with a channel termination point located in this State and in two or more other states, and which segments are not separately billed, are in this State based on a percentage determined by dividing the number of customer channel termination points in this State by the total number of customer channel termination points.

(vi) Receipts from charges for ancillary services for telecommunications service sold to customers at retail are in this State if the customer's primary place of use of telecommunications services associated with those ancillary services is in this State. If the seller of those ancillary services cannot determine where the associated telecommunications are located, then the ancillary services shall be based on the location of the purchaser.
(vii) Receipts to access a carrier's network or from the sale of telecommunication services or ancillary services for resale are in this State as follows:

(a) 100% of the receipts from access fees attributable to intrastate telecommunications service that both originates and terminates in this State.

(b) 50% of the receipts from access fees attributable to interstate telecommunications service if the interstate call either originates or terminates in this State.

(c) 100% of the receipts from interstate end user access line charges, if the customer's service address is in this State. As used in this subdivision, "interstate end user access line charges" includes, but is not limited to, the surcharge approved by the federal communications commission and levied pursuant to 47 CFR 69.

(d) Gross receipts from sales of telecommunication services or from ancillary services for telecommunications services sold to other telecommunication service providers for resale shall be sourced to this State using the apportionment concepts used for non-resale receipts of telecommunications services if the information is readily available to make that determination. If the information is not readily available, then the taxpayer may use any other reasonable and consistent method.

(B-7) For taxable years ending on or after December 31, 2008, receipts from the sale of broadcasting services are in this State if the broadcasting services are received in this State. For purposes of this paragraph (B-7), the following terms have the following meanings:

"Advertising revenue" means consideration received by the taxpayer in exchange for broadcasting services or allowing the broadcasting of commercials or announcements in connection with the broadcasting of film or radio programming, from sponsorships of the

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programming, or from product placements in the programming.

"Audience factor" means the ratio that the audience or subscribers located in this State of a station, a network, or a cable system bears to the total audience or total subscribers for that station, network, or cable system. The audience factor for film or radio programming shall be determined by reference to the books and records of the taxpayer or by reference to published rating statistics provided the method used by the taxpayer is consistently used from year to year for this purpose and fairly represents the taxpayer's activity in this State.

"Broadcast" or "broadcasting" or "broadcasting services" means the transmission or provision of film or radio programming, whether through the public airwaves, by cable, by direct or indirect satellite transmission, or by any other means of communication, either through a station, a network, or a cable system.

"Film" or "film programming" means the broadcast on television of any and all performances, events, or productions, including but not limited to news, sporting events, plays, stories, or other literary, commercial, educational, or artistic works, either live or through the use of video tape, disc, or any other type of format or medium. Each episode of a series of films produced for television shall constitute separate "film" notwithstanding that the series relates to the same principal subject and is produced during one or more tax periods.

"Radio" or "radio programming" means the broadcast on radio of any and all performances, events, or productions, including but not limited to news, sporting events, plays, stories, or other literary, commercial, educational, or artistic works, either live or through the use of an audio tape, disc, or any other format or medium. Each episode in a series of radio programming produced for radio broadcast shall constitute a separate "radio programming" notwithstanding that the series relates to the same principal subject and is produced during one or more tax periods.

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(i) In the case of advertising revenue from broadcasting, the customer is the advertiser and the service is received in this State if the commercial domicile of the advertiser is in this State.

(ii) In the case where film or radio programming is broadcast by a station, a network, or a cable system for a fee or other remuneration received from the recipient of the broadcast, the portion of the service that is received in this State is measured by the portion of the recipients of the broadcast located in this State. Accordingly, the fee or other remuneration for such service that is included in the Illinois numerator of the sales factor is the total of those fees or other remuneration received from recipients in Illinois. For purposes of this paragraph, a taxpayer may determine the location of the recipients of its broadcast using the address of the recipient shown in its contracts with the recipient or using the billing address of the recipient in the taxpayer's records.

(iii) In the case where film or radio programming is broadcast by a station, a network, or a cable system for a fee or other remuneration from the person providing the programming, the portion of the broadcast service that is received by such station, network, or cable system in this State is measured by the portion of recipients of the broadcast located in this State. Accordingly, the amount of revenue related to such an arrangement that is included in the Illinois numerator of the sales factor is the total fee or other total remuneration from the person providing the programming related to that broadcast multiplied by the Illinois audience factor for that broadcast.

(iv) In the case where film or radio programming is provided by a taxpayer that is a network or station to a customer for broadcast in exchange for a fee or other remuneration from that customer the broadcasting service is received at the

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location of the office of the customer from which the services were ordered in the regular course of the customer's trade or business. Accordingly, in such a case the revenue derived by the taxpayer that is included in the taxpayer's Illinois numerator of the sales factor is the revenue from such customers who receive the broadcasting service in Illinois.

(v) In the case where film or radio programming is provided by a taxpayer that is not a network or station to another person for broadcasting in exchange for a fee or other remuneration from that person, the broadcasting service is received at the location of the office of the customer from which the services were ordered in the regular course of the customer's trade or business. Accordingly, in such a case the revenue derived by the taxpayer that is included in the taxpayer's Illinois numerator of the sales factor is the revenue from such customers who receive the broadcasting service in Illinois.

(B-8) Gross receipts from winnings under the Illinois Lottery Law from the assignment of a prize under Section 13.1+3+ of the Illinois Lottery Law are received in this State. This paragraph (B-8) applies only to taxable years ending on or after December 31, 2013.

(C) For taxable years ending before December 31, 2008, sales, other than sales governed by paragraphs (B), (B-1), (B-2), and (B-8) are in this State if:

(i) The income-producing activity is performed in this State; or

(ii) The income-producing activity is performed both within and without this State and a greater proportion of the income-producing activity is performed within this State than without this State, based on performance costs.

(C-5) For taxable years ending on or after December 31, 2008, sales, other than sales governed by paragraphs (B), (B-1), (B-2), (B-5), and (B-7), are in this State if any of the following criteria are met:

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(i) Sales from the sale or lease of real property are in this State if the property is located in this State.

(ii) Sales from the lease or rental of tangible personal property are in this State if the property is located in this State during the rental period. Sales from the lease or rental of tangible personal property that is characteristically moving property, including, but not limited to, motor vehicles, rolling stock, aircraft, vessels, or mobile equipment are in this State to the extent that the property is used in this State.

(iii) In the case of interest, net gains (but not less than zero) and other items of income from intangible personal property, the sale is in this State if:

   (a) in the case of a taxpayer who is a dealer in the item of intangible personal property within the meaning of Section 475 of the Internal Revenue Code, the income or gain is received from a customer in this State. For purposes of this subparagraph, a customer is in this State if the customer is an individual, trust or estate who is a resident of this State and, for all other customers, if the customer's commercial domicile is in this State. Unless the dealer has actual knowledge of the residence or commercial domicile of a customer during a taxable year, the customer shall be deemed to be a customer in this State if the billing address of the customer, as shown in the records of the dealer, is in this State; or

   (b) in all other cases, if the income-producing activity of the taxpayer is performed in this State or, if the income-producing activity of the taxpayer is performed both within and without this State, if a greater proportion of the income-producing activity of the taxpayer is performed within this State than in any other state, based on performance costs.

(iv) Sales of services are in this State if the services are received in this State. For the purposes of this section, gross receipts from the performance of services provided to

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a corporation, partnership, or trust may only be attributed to a state where that corporation, partnership, or trust has a fixed place of business. If the state where the services are received is not readily determinable or is a state where the corporation, partnership, or trust receiving the service does not have a fixed place of business, the services shall be deemed to be received at the location of the office of the customer from which the services were ordered in the regular course of the customer's trade or business. If the ordering office cannot be determined, the services shall be deemed to be received at the office of the customer to which the services are billed. If the taxpayer is not taxable in the state in which the services are received, the sale must be excluded from both the numerator and the denominator of the sales factor. The Department shall adopt rules prescribing where specific types of service are received, including, but not limited to, publishing, and utility service.

(D) For taxable years ending on or after December 31, 1995, the following items of income shall not be included in the numerator or denominator of the sales factor: dividends; amounts included under Section 78 of the Internal Revenue Code; and Subpart F income as defined in Section 952 of the Internal Revenue Code. No inference shall be drawn from the enactment of this paragraph (D) in construing this Section for taxable years ending before December 31, 1995.

(E) Paragraphs (B-1) and (B-2) shall apply to tax years ending on or after December 31, 1999, provided that a taxpayer may elect to apply the provisions of these paragraphs to prior tax years. Such election shall be made in the form and manner prescribed by the Department, shall be irrevocable, and shall apply to all tax years; provided that, if a taxpayer's Illinois income tax liability for any tax year, as assessed under Section 903 prior to January 1, 1999, was computed in a manner contrary to the provisions of paragraphs (B-1) or (B-2), no refund shall be payable to the taxpayer for that tax year to the extent such refund is the result of applying the provisions of paragraph (B-1) or (B-2) retroactively. In the case of a unitary business group, such election shall apply to all members of such group for every tax year such
group is in existence, but shall not apply to any taxpayer for any period during which that taxpayer is not a member of such group.

(b) Insurance companies.

(1) In general. Except as otherwise provided by paragraph (2), business income of an insurance company for a taxable year shall be apportioned to this State by multiplying such income by a fraction, the numerator of which is the direct premiums written for insurance upon property or risk in this State, and the denominator of which is the direct premiums written for insurance upon property or risk everywhere. For purposes of this subsection, the term "direct premiums written" means the total amount of direct premiums written, assessments and annuity considerations as reported for the taxable year on the annual statement filed by the company with the Illinois Director of Insurance in the form approved by the National Convention of Insurance Commissioners or such other form as may be prescribed in lieu thereof.

(2) Reinsurance. If the principal source of premiums written by an insurance company consists of premiums for reinsurance accepted by it, the business income of such company shall be apportioned to this State by multiplying such income by a fraction, the numerator of which is the sum of (i) direct premiums written for insurance upon property or risk in this State, plus (ii) premiums written for reinsurance accepted in respect of property or risk in this State, and the denominator of which is the sum of (iii) direct premiums written for insurance upon property or risk everywhere, plus (iv) premiums written for reinsurance accepted in respect of property or risk everywhere. For purposes of this paragraph, premiums written for reinsurance accepted in respect of property or risk in this State, whether or not otherwise determinable, may, at the election of the company, be determined on the basis of the proportion which premiums written for reinsurance accepted from companies commercially domiciled in Illinois bears to premiums written for reinsurance accepted from all sources, or, alternatively, in the proportion which the sum of the direct premiums written for insurance upon property or risk in this State by each ceding company from which reinsurance is accepted bears to the sum of the total direct premiums written by each such ceding company for the taxable year. The election made by a company under this paragraph for its first taxable year ending on or

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after December 31, 2011, shall be binding for that company for that taxable year and for all subsequent taxable years, and may be altered only with the written permission of the Department, which shall not be unreasonably withheld.

(c) Financial organizations.

(1) In general. For taxable years ending before December 31, 2008, business income of a financial organization shall be apportioned to this State by multiplying such income by a fraction, the numerator of which is its business income from sources within this State, and the denominator of which is its business income from all sources. For the purposes of this subsection, the business income of a financial organization from sources within this State is the sum of the amounts referred to in subparagraphs (A) through (E) following, but excluding the adjusted income of an international banking facility as determined in paragraph (2):

(A) Fees, commissions or other compensation for financial services rendered within this State;

(B) Gross profits from trading in stocks, bonds or other securities managed within this State;

(C) Dividends, and interest from Illinois customers, which are received within this State;

(D) Interest charged to customers at places of business maintained within this State for carrying debit balances of margin accounts, without deduction of any costs incurred in carrying such accounts; and

(E) Any other gross income resulting from the operation as a financial organization within this State. In computing the amounts referred to in paragraphs (A) through (E) of this subsection, any amount received by a member of an affiliated group (determined under Section 1504(a) of the Internal Revenue Code but without reference to whether any such corporation is an "includible corporation" under Section 1504(b) of the Internal Revenue Code) from another member of such group shall be included only to the extent such amount exceeds expenses of the recipient directly related thereto.

(2) International Banking Facility. For taxable years ending before December 31, 2008:

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(A) Adjusted Income. The adjusted income of an international banking facility is its income reduced by the amount of the floor amount.

(B) Floor Amount. The floor amount shall be the amount, if any, determined by multiplying the income of the international banking facility by a fraction, not greater than one, which is determined as follows:

(i) The numerator shall be:

The average aggregate, determined on a quarterly basis, of the financial organization's loans to banks in foreign countries, to foreign domiciled borrowers (except where secured primarily by real estate) and to foreign governments and other foreign official institutions, as reported for its branches, agencies and offices within the state on its "Consolidated Report of Condition", Schedule A, Lines 2.c., 5.b., and 7.a., which was filed with the Federal Deposit Insurance Corporation and other regulatory authorities, for the year 1980, minus

The average aggregate, determined on a quarterly basis, of such loans (other than loans of an international banking facility), as reported by the financial institution for its branches, agencies and offices within the state, on the corresponding Schedule and lines of the Consolidated Report of Condition for the current taxable year, provided, however, that in no case shall the amount determined in this clause (the subtrahend) exceed the amount determined in the preceding clause (the minuend); and

(ii) the denominator shall be the average aggregate, determined on a quarterly basis, of the international banking facility's loans to banks in foreign countries, to foreign domiciled borrowers (except where secured primarily by real estate) and to foreign governments and other foreign official institutions, which were recorded in its financial accounts for the current taxable year.

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(C) Change to Consolidated Report of Condition and in Qualification. In the event the Consolidated Report of Condition which is filed with the Federal Deposit Insurance Corporation and other regulatory authorities is altered so that the information required for determining the floor amount is not found on Schedule A, lines 2.c., 5.b. and 7.a., the financial institution shall notify the Department and the Department may, by regulations or otherwise, prescribe or authorize the use of an alternative source for such information. The financial institution shall also notify the Department should its international banking facility fail to qualify as such, in whole or in part, or should there be any amendment or change to the Consolidated Report of Condition, as originally filed, to the extent such amendment or change alters the information used in determining the floor amount.

(3) For taxable years ending on or after December 31, 2008, the business income of a financial organization shall be apportioned to this State by multiplying such income by a fraction, the numerator of which is its gross receipts from sources in this State or otherwise attributable to this State's marketplace and the denominator of which is its gross receipts everywhere during the taxable year. "Gross receipts" for purposes of this subparagraph (3) means gross income, including net taxable gain on disposition of assets, including securities and money market instruments, when derived from transactions and activities in the regular course of the financial organization's trade or business. The following examples are illustrative:

(i) Receipts from the lease or rental of real or tangible personal property are in this State if the property is located in this State during the rental period. Receipts from the lease or rental of tangible personal property that is characteristically moving property, including, but not limited to, motor vehicles, rolling stock, aircraft, vessels, or mobile equipment are from sources in this State to the extent that the property is used in this State.

(ii) Interest income, commissions, fees, gains on disposition, and other receipts from assets in the nature of loans that are secured primarily by real estate or tangible

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personal property are from sources in this State if the security is located in this State.

(iii) Interest income, commissions, fees, gains on disposition, and other receipts from consumer loans that are not secured by real or tangible personal property are from sources in this State if the debtor is a resident of this State.

(iv) Interest income, commissions, fees, gains on disposition, and other receipts from commercial loans and installment obligations that are not secured by real or tangible personal property are from sources in this State if the proceeds of the loan are to be applied in this State. If it cannot be determined where the funds are to be applied, the income and receipts are from sources in this State if the office of the borrower from which the loan was negotiated in the regular course of business is located in this State. If the location of this office cannot be determined, the income and receipts shall be excluded from the numerator and denominator of the sales factor.

(v) Interest income, fees, gains on disposition, service charges, merchant discount income, and other receipts from credit card receivables are from sources in this State if the card charges are regularly billed to a customer in this State.

(vi) Receipts from the performance of services, including, but not limited to, fiduciary, advisory, and brokerage services, are in this State if the services are received in this State within the meaning of subparagraph (a)(3)(C-5)(iv) of this Section.

(vii) Receipts from the issuance of travelers checks and money orders are from sources in this State if the checks and money orders are issued from a location within this State.

(viii) Receipts from investment assets and activities and trading assets and activities are included in the receipts factor as follows:

(1) Interest, dividends, net gains (but not less than zero) and other income from investment assets and activities from trading assets and activities shall be included in the receipts factor. Investment assets

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and activities and trading assets and activities include but are not limited to: investment securities; trading account assets; federal funds; securities purchased and sold under agreements to resell or repurchase; options; futures contracts; forward contracts; notional principal contracts such as swaps; equities; and foreign currency transactions. With respect to the investment and trading assets and activities described in subparagraphs (A) and (B) of this paragraph, the receipts factor shall include the amounts described in such subparagraphs.

(A) The receipts factor shall include the amount by which interest from federal funds sold and securities purchased under resale agreements exceeds interest expense on federal funds purchased and securities sold under repurchase agreements.

(B) The receipts factor shall include the amount by which interest, dividends, gains and other income from trading assets and activities, including but not limited to assets and activities in the matched book, in the arbitrage book, and foreign currency transactions, exceed amounts paid in lieu of interest, amounts paid in lieu of dividends, and losses from such assets and activities.

(2) The numerator of the receipts factor includes interest, dividends, net gains (but not less than zero), and other income from investment assets and activities and from trading assets and activities described in paragraph (1) of this subsection that are attributable to this State.

(A) The amount of interest, dividends, net gains (but not less than zero), and other income from investment assets and activities in the investment account to be attributed to this State and included in the numerator is determined by multiplying all

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such income from such assets and activities by a fraction, the numerator of which is the gross income from such assets and activities which are properly assigned to a fixed place of business of the taxpayer within this State and the denominator of which is the gross income from all such assets and activities.

(B) The amount of interest from federal funds sold and purchased and from securities purchased under resale agreements and securities sold under repurchase agreements attributable to this State and included in the numerator is determined by multiplying the amount described in subparagraph (A) of paragraph (1) of this subsection from such funds and such securities by a fraction, the numerator of which is the gross income from such funds and such securities which are properly assigned to a fixed place of business of the taxpayer within this State and the denominator of which is the gross income from all such funds and such securities.

(C) The amount of interest, dividends, gains, and other income from trading assets and activities, including but not limited to assets and activities in the matched book, in the arbitrage book and foreign currency transactions (but excluding amounts described in subparagraphs (A) or (B) of this paragraph), attributable to this State and included in the numerator is determined by multiplying the amount described in subparagraph (B) of paragraph (1) of this subsection by a fraction, the numerator of which is the gross income from such trading assets and activities which are properly assigned to a fixed place of business of the taxpayer within this State.

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and the denominator of which is the gross income from all such assets and activities.

(D) Properly assigned, for purposes of this paragraph (2) of this subsection, means the investment or trading asset or activity is assigned to the fixed place of business with which it has a preponderance of substantive contacts. An investment or trading asset or activity assigned by the taxpayer to a fixed place of business without the State shall be presumed to have been properly assigned if:

(i) the taxpayer has assigned, in the regular course of its business, such asset or activity on its records to a fixed place of business consistent with federal or state regulatory requirements;

(ii) such assignment on its records is based upon substantive contacts of the asset or activity to such fixed place of business; and

(iii) the taxpayer uses such records reflecting assignment of such assets or activities for the filing of all state and local tax returns for which an assignment of such assets or activities to a fixed place of business is required.

(E) The presumption of proper assignment of an investment or trading asset or activity provided in subparagraph (D) of paragraph (2) of this subsection may be rebutted upon a showing by the Department, supported by a preponderance of the evidence, that the preponderance of substantive contacts regarding such asset or activity did not occur at the fixed place of business to which it was assigned on the

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taxpayer's records. If the fixed place of business that has a preponderance of substantive contacts cannot be determined for an investment or trading asset or activity to which the presumption in subparagraph (D) of paragraph (2) of this subsection does not apply or with respect to which that presumption has been rebutted, that asset or activity is properly assigned to the state in which the taxpayer's commercial domicile is located. For purposes of this subparagraph (E), it shall be presumed, subject to rebuttal, that taxpayer's commercial domicile is in the state of the United States or the District of Columbia to which the greatest number of employees are regularly connected with the management of the investment or trading income or out of which they are working, irrespective of where the services of such employees are performed, as of the last day of the taxable year.

(4) (Blank).

(5) (Blank).

(c-1) Federally regulated exchanges. For taxable years ending on or after December 31, 2012, business income of a federally regulated exchange shall, at the option of the federally regulated exchange, be apportioned to this State by multiplying such income by a fraction, the numerator of which is its business income from sources within this State, and the denominator of which is its business income from all sources. For purposes of this subsection, the business income within this State of a federally regulated exchange is the sum of the following:

(1) Receipts attributable to transactions executed on a physical trading floor if that physical trading floor is located in this State.

(2) Receipts attributable to all other matching, execution, or clearing transactions, including without limitation receipts from the provision of matching, execution, or clearing services to another entity, multiplied by (i) for taxable years ending on or after December 31, 2012 but before December 31, 2013, 63.77%; and

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(ii) for taxable years ending on or after December 31, 2013, 27.54%.

(3) All other receipts not governed by subparagraphs (1) or (2) of this subsection (c-1), to the extent the receipts would be characterized as "sales in this State" under item (3) of subsection (a) of this Section.

"Federally regulated exchange" means (i) a "registered entity" within the meaning of 7 U.S.C. Section 1a(40)(A), (B), or (C), (ii) an "exchange" or "clearing agency" within the meaning of 15 U.S.C. Section 78c (a)(1) or (23), (iii) any such entities regulated under any successor regulatory structure to the foregoing, and (iv) all taxpayers who are members of the same unitary business group as a federally regulated exchange, determined without regard to the prohibition in Section 1501(a)(27) of this Act against including in a unitary business group taxpayers who are ordinarily required to apportion business income under different subsections of this Section; provided that this subparagraph (iv) shall apply only if 50% or more of the business receipts of the unitary business group determined by application of this subparagraph (iv) for the taxable year are attributable to the matching, execution, or clearing of transactions conducted by an entity described in subparagraph (i), (ii), or (iii) of this paragraph.

In no event shall the Illinois apportionment percentage computed in accordance with this subsection (c-1) for any taxpayer for any tax year be less than the Illinois apportionment percentage computed under this subsection (c-1) for that taxpayer for the first full tax year ending on or after December 31, 2013 for which this subsection (c-1) applied to the taxpayer.

(d) Transportation services. For taxable years ending before December 31, 2008, business income derived from furnishing transportation services shall be apportioned to this State in accordance with paragraphs (1) and (2):

(1) Such business income (other than that derived from transportation by pipeline) shall be apportioned to this State by multiplying such income by a fraction, the numerator of which is the revenue miles of the person in this State, and the denominator of which is the revenue miles of the person everywhere. For purposes of this paragraph, a revenue mile is the transportation of 1 passenger or 1 net ton of freight the distance of 1 mile for a consideration. Where a person is engaged in the transportation of

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both passengers and freight, the fraction above referred to shall be determined by means of an average of the passenger revenue mile fraction and the freight revenue mile fraction, weighted to reflect the person's

(A) relative railway operating income from total passenger and total freight service, as reported to the Interstate Commerce Commission, in the case of transportation by railroad, and

(B) relative gross receipts from passenger and freight transportation, in case of transportation other than by railroad.

(2) Such business income derived from transportation by pipeline shall be apportioned to this State by multiplying such income by a fraction, the numerator of which is the revenue miles of the person in this State, and the denominator of which is the revenue miles of the person everywhere. For the purposes of this paragraph, a revenue mile is the transportation by pipeline of 1 barrel of oil, 1,000 cubic feet of gas, or of any specified quantity of any other substance, the distance of 1 mile for a consideration.

(3) For taxable years ending on or after December 31, 2008, business income derived from providing transportation services other than airline services shall be apportioned to this State by using a fraction, (a) the numerator of which shall be (i) all receipts from any movement or shipment of people, goods, mail, oil, gas, or any other substance (other than by airline) that both originates and terminates in this State, plus (ii) that portion of the person's gross receipts from movements or shipments of people, goods, mail, oil, gas, or any other substance (other than by airline) that originates in one state or jurisdiction and terminates in another state or jurisdiction, that is determined by the ratio that the miles traveled in this State bears to total miles everywhere and (b) the denominator of which shall be all revenue derived from the movement or shipment of people, goods, mail, oil, gas, or any other substance (other than by airline). Where a taxpayer is engaged in the transportation of both passengers and freight, the fraction above referred to shall first be determined separately for passenger miles and freight miles. Then an average of the passenger miles fraction and the freight miles fraction shall be weighted to reflect the taxpayer's:

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(A) relative railway operating income from total passenger and total freight service, as reported to the Surface Transportation Board, in the case of transportation by railroad; and

(B) relative gross receipts from passenger and freight transportation, in case of transportation other than by railroad.

(4) For taxable years ending on or after December 31, 2008, business income derived from furnishing airline transportation services shall be apportioned to this State by multiplying such income by a fraction, the numerator of which is the revenue miles of the person in this State, and the denominator of which is the revenue miles of the person everywhere. For purposes of this paragraph, a revenue mile is the transportation of one passenger or one net ton of freight the distance of one mile for a consideration. If a person is engaged in the transportation of both passengers and freight, the fraction above referred to shall be determined by means of an average of the passenger revenue mile fraction and the freight revenue mile fraction, weighted to reflect the person's relative gross receipts from passenger and freight airline transportation.

(e) Combined apportionment. Where 2 or more persons are engaged in a unitary business as described in subsection (a)(27) of Section 1501, a part of which is conducted in this State by one or more members of the group, the business income attributable to this State by any such member or members shall be apportioned by means of the combined apportionment method.

(f) Alternative allocation. If the allocation and apportionment provisions of subsections (a) through (e) and of subsection (h) do not, for taxable years ending before December 31, 2008, fairly represent the extent of a person's business activity in this State, or, for taxable years ending on or after December 31, 2008, fairly represent the market for the person's goods, services, or other sources of business income, the person may petition for, or the Director may, without a petition, permit or require, in respect of all or any part of the person's business activity, if reasonable:

(1) Separate accounting;
(2) The exclusion of any one or more factors;
(3) The inclusion of one or more additional factors which will fairly represent the person's business activities or market in this State; or

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(4) The employment of any other method to effectuate an equitable allocation and apportionment of the person's business income.

(g) Cross reference. For allocation of business income by residents, see Section 301(a).

(h) For tax years ending on or after December 31, 1998, the apportionment factor of persons who apportion their business income to this State under subsection (a) shall be equal to:

(1) for tax years ending on or after December 31, 1998 and before December 31, 1999, 16 2/3% of the property factor plus 16 2/3% of the payroll factor plus 66 2/3% of the sales factor;

(2) for tax years ending on or after December 31, 1999 and before December 31, 2000, 8 1/3% of the property factor plus 8 1/3% of the payroll factor plus 83 1/3% of the sales factor;

(3) for tax years ending on or after December 31, 2000, the sales factor.

If, in any tax year ending on or after December 31, 1998 and before December 31, 2000, the denominator of the payroll, property, or sales factor is zero, the apportionment factor computed in paragraph (1) or (2) of this subsection for that year shall be divided by an amount equal to 100% minus the percentage weight given to each factor whose denominator is equal to zero.

(Source: P.A. 97-507, eff. 8-23-11; 97-636, eff. 6-1-12; 98-478, eff. 1-1-14; 98-496, eff. 1-1-14; 98-756, eff. 7-16-14; revised 10-19-15.)

(35 ILCS 5/507DDD)

Sec. 507DDD. Special Olympics Illinois and Special Children's Checkoff. For taxable years beginning on or after January 1, 2015, the Department shall print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the Special Olympics Illinois and Special Children's Charities Checkoff Fund as authorized by Public Act 99-423 this amendatory Act of the 99th General Assembly, he or she may do so by stating the amount of the contribution (not less than $1) on the return and that the contribution will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly. This Section shall not apply to an amended return. For the purpose of this Section, the Department of Revenue must distribute the moneys as provided in subsection 21.9(b) of the Illinois Lottery Law: (i) 75% of the moneys to Special Olympics Illinois to support

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the statewide training, competitions, and programs for future Special Olympics athletes; and (ii) 25% of the moneys to Special Children's Charities to support the City of Chicago-wide training, competitions, and programs for future Special Olympics athletes.

(Source: P.A. 99-423, eff. 8-20-15; revised 10-20-15.)

Section 160. The Service Use Tax Act is amended by changing Section 3-10 as follows:

(35 ILCS 110/3-10) (from Ch. 120, par. 439.33-10)

Sec. 3-10. Rate of tax. Unless otherwise provided in this Section, the tax imposed by this Act is at the rate of 6.25% of the selling price of tangible personal property transferred as an incident to the sale of service, but, for the purpose of computing this tax, in no event shall the selling price be less than the cost price of the property to the serviceman.

Beginning on July 1, 2000 and through December 31, 2000, with respect to motor fuel, as defined in Section 1.1 of the Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of the Use Tax Act, the tax is imposed at the rate of 1.25%.

With respect to gasohol, as defined in the Use Tax Act, the tax imposed by this Act applies to (i) 70% of the selling price of property transferred as an incident to the sale of service on or after January 1, 1990, and before July 1, 2003, (ii) 80% of the selling price of property transferred as an incident to the sale of service on or after July 1, 2003 and on or before December 31, 2018, and (iii) 100% of the selling price thereafter. If, at any time, however, the tax under this Act on sales of gasohol, as defined in the Use Tax Act, is imposed at the rate of 1.25%, then the tax imposed by this Act applies to 100% of the proceeds of sales of gasohol made during that time.

With respect to majority blended ethanol fuel, as defined in the Use Tax Act, the tax imposed by this Act does not apply to the selling price of property transferred as an incident to the sale of service on or after July 1, 2003 and on or before December 31, 2018 but applies to 100% of the selling price thereafter.

With respect to biodiesel blends, as defined in the Use Tax Act, with no less than 1% and no more than 10% biodiesel, the tax imposed by this Act applies to (i) 80% of the selling price of property transferred as an incident to the sale of service on or after July 1, 2003 and on or before December 31, 2018 and (ii) 100% of the proceeds of the selling price thereafter. If, at any time, however, the tax under this Act on sales of biodiesel blends, as defined in the Use Tax Act, with no less than 1% and
no more than 10% biodiesel is imposed at the rate of 1.25%, then the tax imposed by this Act applies to 100% of the proceeds of sales of biodiesel blends with no less than 1% and no more than 10% biodiesel made during that time.

With respect to 100% biodiesel, as defined in the Use Tax Act, and biodiesel blends, as defined in the Use Tax Act, with more than 10% but no more than 99% biodiesel, the tax imposed by this Act does not apply to the proceeds of the selling price of property transferred as an incident to the sale of service on or after July 1, 2003 and on or before December 31, 2018 but applies to 100% of the selling price thereafter.

At the election of any registered serviceman made for each fiscal year, sales of service in which the aggregate annual cost price of tangible personal property transferred as an incident to the sales of service is less than 35%, or 75% in the case of servicemen transferring prescription drugs or servicemen engaged in graphic arts production, of the aggregate annual total gross receipts from all sales of service, the tax imposed by this Act shall be based on the serviceman's cost price of the tangible personal property transferred as an incident to the sale of those services.

The tax shall be imposed at the rate of 1% on food prepared for immediate consumption and transferred incident to a sale of service subject to this Act or the Service Occupation Tax Act by an entity licensed under the Hospital Licensing Act, the Nursing Home Care Act, the ID/DD Community Care Act, the MC/DD Act, the Specialized Mental Health Rehabilitation Act of 2013, or the Child Care Act of 1969. The tax shall also be imposed at the rate of 1% on food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption and is not otherwise included in this paragraph) and prescription and nonprescription medicines, drugs, medical appliances, modifications to a motor vehicle for the purpose of rendering it usable by a person with a disability, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use. For the purposes of this Section, until September 1, 2009: the term "soft drinks" means any complete, finished, ready-to-use, non-alcoholic drink, whether carbonated or not, including but not limited to soda water, cola, fruit juice, vegetable juice, carbonated water, and all other preparations commonly known as soft drinks of whatever kind or description that are contained in any closed or sealed bottle, can, carton, or container, regardless of size; but "soft drinks" does not include coffee, tea, non-carbonated water, infant formula, milk or

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milk products as defined in the Grade A Pasteurized Milk and Milk Products Act, or drinks containing 50% or more natural fruit or vegetable juice.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "soft drinks" means non-alcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" do not include beverages that contain milk or milk products, soy, rice or similar milk substitutes, or greater than 50% of vegetable or fruit juice by volume.

Until August 1, 2009, and notwithstanding any other provisions of this Act, "food for human consumption that is to be consumed off the premises where it is sold" includes all food sold through a vending machine, except soft drinks and food products that are dispensed hot from a vending machine, regardless of the location of the vending machine. Beginning August 1, 2009, and notwithstanding any other provisions of this Act, "food for human consumption that is to be consumed off the premises where it is sold" includes all food sold through a vending machine, except soft drinks, candy, and food products that are dispensed hot from a vending machine, regardless of the location of the vending machine.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "food for human consumption that is to be consumed off the premises where it is sold" does not include candy. For purposes of this Section, "candy" means a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts or other ingredients or flavorings in the form of bars, drops, or pieces. "Candy" does not include any preparation that contains flour or requires refrigeration.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "nonprescription medicines and drugs" does not include grooming and hygiene products. For purposes of this Section, "grooming and hygiene products" includes, but is not limited to, soaps and cleaning solutions, shampoo, toothpaste, mouthwash, antiperspirants, and sun tan lotions and screens, unless those products are available by prescription only, regardless of whether the products meet the definition of "over-the-counter-drugs". For the purposes of this paragraph, "over-the-counter-drug" means a drug for human use that contains a label that identifies the product as a drug as required by 21 C.F.R. § 201.66. The "over-the-counter-drug" label includes:

(A) A "Drug Facts" panel; or
(B) A statement of the "active ingredient(s)" with a list of those ingredients contained in the compound, substance or preparation.

Beginning on January 1, 2014 (the effective date of Public Act 98-122), "prescription and nonprescription medicines and drugs" includes medical cannabis purchased from a registered dispensing organization under the Compassionate Use of Medical Cannabis Pilot Program Act.

If the property that is acquired from a serviceman is acquired outside Illinois and used outside Illinois before being brought to Illinois for use here and is taxable under this Act, the "selling price" on which the tax is computed shall be reduced by an amount that represents a reasonable allowance for depreciation for the period of prior out-of-state use.

(Source: P.A. 98-104, eff. 7-22-13; 98-122, eff. 1-1-14; 98-756, eff. 7-16-14; 99-143, eff. 7-27-15; 99-180, eff. 7-29-15; revised 10-16-15.)

Section 165. The Service Occupation Tax Act is amended by changing Section 3-10 as follows:

Sec. 3-10. Rate of tax. Unless otherwise provided in this Section, the tax imposed by this Act is at the rate of 6.25% of the "selling price", as defined in Section 2 of the Service Use Tax Act, of the tangible personal property. For the purpose of computing this tax, in no event shall the "selling price" be less than the cost price to the serviceman of the tangible personal property transferred. The selling price of each item of tangible personal property transferred as an incident of a sale of service may be shown as a distinct and separate item on the serviceman's billing to the service customer. If the selling price is not so shown, the selling price of the tangible personal property is deemed to be 50% of the serviceman's entire billing to the service customer. When, however, a serviceman contracts to design, develop, and produce special order machinery or equipment, the tax imposed by this Act shall be based on the serviceman's cost price of the tangible personal property transferred incident to the completion of the contract.

Beginning on July 1, 2000 and through December 31, 2000, with respect to motor fuel, as defined in Section 1.1 of the Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of the Use Tax Act, the tax is imposed at the rate of 1.25%.

With respect to gasohol, as defined in the Use Tax Act, the tax imposed by this Act shall apply to (i) 70% of the cost price of property transferred as an incident to the sale of service on or after January 1, 1990,
and before July 1, 2003, (ii) 80% of the selling price of property transferred as an incident to the sale of service on or after July 1, 2003 and on or before December 31, 2018, and (iii) 100% of the cost price thereafter. If, at any time, however, the tax under this Act on sales of gasohol, as defined in the Use Tax Act, is imposed at the rate of 1.25%, then the tax imposed by this Act applies to 100% of the proceeds of sales of gasohol made during that time.

With respect to majority blended ethanol fuel, as defined in the Use Tax Act, the tax imposed by this Act does not apply to the selling price of property transferred as an incident to the sale of service on or after July 1, 2003 and on or before December 31, 2018 but applies to 100% of the selling price thereafter.

With respect to biodiesel blends, as defined in the Use Tax Act, with no less than 1% and no more than 10% biodiesel, the tax imposed by this Act applies to (i) 80% of the selling price of property transferred as an incident to the sale of service on or after July 1, 2003 and on or before December 31, 2018 and (ii) 100% of the proceeds of the selling price thereafter. If, at any time, however, the tax under this Act on sales of biodiesel blends, as defined in the Use Tax Act, with no less than 1% and no more than 10% biodiesel is imposed at the rate of 1.25%, then the tax imposed by this Act applies to 100% of the proceeds of sales of biodiesel blends with no less than 1% and no more than 10% biodiesel made during that time.

With respect to 100% biodiesel, as defined in the Use Tax Act, and biodiesel blends, as defined in the Use Tax Act, with more than 10% but no more than 99% biodiesel material, the tax imposed by this Act does not apply to the proceeds of the selling price of property transferred as an incident to the sale of service on or after July 1, 2003 and on or before December 31, 2018 but applies to 100% of the selling price thereafter.

At the election of any registered serviceman made for each fiscal year, sales of service in which the aggregate annual cost price of tangible personal property transferred as an incident to the sales of service is less than 35%, or 75% in the case of servicemen transferring prescription drugs or servicemen engaged in graphic arts production, of the aggregate annual total gross receipts from all sales of service, the tax imposed by this Act shall be based on the serviceman's cost price of the tangible personal property transferred incident to the sale of those services.

The tax shall be imposed at the rate of 1% on food prepared for immediate consumption and transferred incident to a sale of service

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subject to this Act or the Service Occupation Tax Act by an entity licensed under the Hospital Licensing Act, the Nursing Home Care Act, the ID/DD Community Care Act, the MC/DD Act, the Specialized Mental Health Rehabilitation Act of 2013, or the Child Care Act of 1969. The tax shall also be imposed at the rate of 1% on food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption and is not otherwise included in this paragraph) and prescription and nonprescription medicines, drugs, medical appliances, modifications to a motor vehicle for the purpose of rendering it usable by a person with a disability, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use. For the purposes of this Section, until September 1, 2009: the term "soft drinks" means any complete, finished, ready-to-use, non-alcoholic drink, whether carbonated or not, including but not limited to soda water, cola, fruit juice, vegetable juice, carbonated water, and all other preparations commonly known as soft drinks of whatever kind or description that are contained in any closed or sealed can, carton, or container, regardless of size; but "soft drinks" does not include coffee, tea, non-carbonated water, infant formula, milk or milk products as defined in the Grade A Pasteurized Milk and Milk Products Act, or drinks containing 50% or more natural fruit or vegetable juice.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "soft drinks" means non-alcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" do not include beverages that contain milk or milk products, soy, rice or similar milk substitutes, or greater than 50% of vegetable or fruit juice by volume.

Until August 1, 2009, and notwithstanding any other provisions of this Act, "food for human consumption that is to be consumed off the premises where it is sold" includes all food sold through a vending machine, except soft drinks and food products that are dispensed hot from a vending machine, regardless of the location of the vending machine. Beginning August 1, 2009, and notwithstanding any other provisions of this Act, "food for human consumption that is to be consumed off the premises where it is sold" includes all food sold through a vending machine, except soft drinks, candy, and food products that are dispensed hot from a vending machine, regardless of the location of the vending machine.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "food for human consumption that is to be consumed
off the premises where it is sold" does not include candy. For purposes of this Section, "candy" means a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts or other ingredients or flavorings in the form of bars, drops, or pieces. "Candy" does not include any preparation that contains flour or requires refrigeration.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "nonprescription medicines and drugs" does not include grooming and hygiene products. For purposes of this Section, "grooming and hygiene products" includes, but is not limited to, soaps and cleaning solutions, shampoo, toothpaste, mouthwash, antiperspirants, and sun tan lotions and screens, unless those products are available by prescription only, regardless of whether the products meet the definition of "over-the-counter-drugs". For the purposes of this paragraph, "over-the-counter-drug" means a drug for human use that contains a label that identifies the product as a drug as required by 21 C.F.R. § 201.66. The "over-the-counter-drug" label includes:

(A) A "Drug Facts" panel; or
(B) A statement of the "active ingredient(s)" with a list of those ingredients contained in the compound, substance or preparation.

Beginning on January 1, 2014 (the effective date of Public Act 98-122), "prescription and nonprescription medicines and drugs" includes medical cannabis purchased from a registered dispensing organization under the Compassionate Use of Medical Cannabis Pilot Program Act.

(Source: P.A. 98-104, eff. 7-22-13; 98-122, eff. 1-1-14; 98-756, eff. 7-16-14; 99-143, eff. 7-27-15; 99-180, eff. 7-29-15; revised 10-16-15.)

Section 170. The Property Tax Code is amended by changing Sections 9-195, 15-168, 15-169, 15-172, and 15-175 as follows:

(35 ILCS 200/9-195)
Sec. 9-195. Leasing of exempt property.
(a) Except as provided in Sections 15-35, 15-55, 15-60, 15-100, 15-103, 15-160, and 15-185, when property which is exempt from taxation is leased to another whose property is not exempt, and the leasing of which does not make the property taxable, the leasehold estate and the appurtenances shall be listed as the property of the lessee thereof, or his or her assignee. Taxes on that property shall be collected in the same manner as on property that is not exempt, and the lessee shall be liable for those taxes. However, no tax lien shall attach to the exempt real estate. The

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changes made by Public Act 90-562 this amendatory Act of 1997 and by
Public Act 91-513 this amendatory Act of the 91st General Assembly
are declaratory of existing law and shall not be construed as a new enactment.
The changes made by Public Acts 88-221 and 88-420 that are incorporated
into this Section by Public Act 88-670 this amendatory Act of 1993 are
declaratory of existing law and are not a new enactment.

(b) The provisions of this Section regarding taxation of leasehold
interests in exempt property do not apply to any leasehold interest created
pursuant to any transaction described in subsection (e) of Section 15-35,
subsection (c-5) of Section 15-60, subsection (b) of Section 15-100,
Section 15-103, Section 15-160, or Section 15-185 of this Code; or
Section 6c of the Downstate Forest Preserve District Act.
(Source: P.A. 99-219, eff. 7-31-15; revised 10-20-15.)

(35 ILCS 200/15-168)
Sec. 15-168. Homestead exemption for persons with disabilities.
(a) Beginning with taxable year 2007, an annual homestead
exemption is granted to persons with disabilities in the amount of $2,000,
except as provided in subsection (c), to be deducted from the property's
value as equalized or assessed by the Department of Revenue. The person
with a disability shall receive the homestead exemption upon meeting the
following requirements:

(1) The property must be occupied as the primary residence
by the person with a disability.

(2) The person with a disability must be liable for paying
the real estate taxes on the property.

(3) The person with a disability must be an owner of record
of the property or have a legal or equitable interest in the property
as evidenced by a written instrument. In the case of a leasehold
interest in property, the lease must be for a single family residence.

A person who has a disability during the taxable year is eligible to
apply for this homestead exemption during that taxable year. Application
must be made during the application period in effect for the county of
residence. If a homestead exemption has been granted under this Section
and the person awarded the exemption subsequently becomes a resident of
a facility licensed under the Nursing Home Care Act, the Specialized
Mental Health Rehabilitation Act of 2013, the ID/DD Community Care
Act, or the MC/DD Act, then the exemption shall continue (i) so long as
the residence continues to be occupied by the qualifying person's spouse or

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(ii) if the residence remains unoccupied but is still owned by the person qualified for the homestead exemption.

(b) For the purposes of this Section, "person with a disability" means a person unable to engage in any substantial gainful activity by reason of a medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months. Persons with disabilities filing claims under this Act shall submit proof of disability in such form and manner as the Department shall by rule and regulation prescribe. Proof that a claimant is eligible to receive disability benefits under the Federal Social Security Act shall constitute proof of disability for purposes of this Act. Issuance of an Illinois Person with a Disability Identification Card stating that the claimant is under a Class 2 disability, as defined in Section 4A of the Illinois Identification Card Act, shall constitute proof that the person named thereon is a person with a disability for purposes of this Act. A person with a disability not covered under the Federal Social Security Act and not presenting an Illinois Person with a Disability Identification Card stating that the claimant is under a Class 2 disability shall be examined by a physician designated by the Department, and his status as a person with a disability determined using the same standards as used by the Social Security Administration. The costs of any required examination shall be borne by the claimant.

(c) For land improved with (i) an apartment building owned and operated as a cooperative or (ii) a life care facility as defined under Section 2 of the Life Care Facilities Act that is considered to be a cooperative, the maximum reduction from the value of the property, as equalized or assessed by the Department, shall be multiplied by the number of apartments or units occupied by a person with a disability. The person with a disability shall receive the homestead exemption upon meeting the following requirements:

1. The property must be occupied as the primary residence by the person with a disability.

2. The person with a disability must be liable by contract with the owner or owners of record for paying the apportioned property taxes on the property of the cooperative or life care facility. In the case of a life care facility, the person with a disability must be liable for paying the apportioned property taxes under a life care contract as defined in Section 2 of the Life Care Facilities Act.

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(3) The person with a disability must be an owner of record of a legal or equitable interest in the cooperative apartment building. A leasehold interest does not meet this requirement. If a homestead exemption is granted under this subsection, the cooperative association or management firm shall credit the savings resulting from the exemption to the apportioned tax liability of the qualifying person with a disability. The chief county assessment officer may request reasonable proof that the association or firm has properly credited the exemption. A person who willfully refuses to credit an exemption to the qualified person with a disability is guilty of a Class B misdemeanor.

(d) The chief county assessment officer shall determine the eligibility of property to receive the homestead exemption according to guidelines established by the Department. After a person has received an exemption under this Section, an annual verification of eligibility for the exemption shall be mailed to the taxpayer.

In counties with fewer than 3,000,000 inhabitants, the chief county assessment officer shall provide to each person granted a homestead exemption under this Section a form to designate any other person to receive a duplicate of any notice of delinquency in the payment of taxes assessed and levied under this Code on the person's qualifying property. The duplicate notice shall be in addition to the notice required to be provided to the person receiving the exemption and shall be given in the manner required by this Code. The person filing the request for the duplicate notice shall pay an administrative fee of $5 to the chief county assessment officer. The assessment officer shall then file the executed designation with the county collector, who shall issue the duplicate notices as indicated by the designation. A designation may be rescinded by the person with a disability in the manner required by the chief county assessment officer.

(e) A taxpayer who claims an exemption under Section 15-165 or 15-169 may not claim an exemption under this Section.

(Source: P.A. 98-104, eff. 7-22-13; 99-143, eff. 7-27-15; 99-180, eff. 7-29-15; revised 10-20-15.)

(35 ILCS 200/15-169)

Sec. 15-169. Homestead exemption for veterans with disabilities.

(a) Beginning with taxable year 2007, an annual homestead exemption, limited to the amounts set forth in subsections (b) and (b-3), is granted for property that is used as a qualified residence by a veteran with a disability.

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(b) For taxable years prior to 2015, the amount of the exemption under this Section is as follows:

   (1) for veterans with a service-connected disability of at least (i) 75% for exemptions granted in taxable years 2007 through 2009 and (ii) 70% for exemptions granted in taxable year 2010 and each taxable year thereafter, as certified by the United States Department of Veterans Affairs, the annual exemption is $5,000; and

   (2) for veterans with a service-connected disability of at least 50%, but less than (i) 75% for exemptions granted in taxable years 2007 through 2009 and (ii) 70% for exemptions granted in taxable year 2010 and each taxable year thereafter, as certified by the United States Department of Veterans Affairs, the annual exemption is $2,500.

(b-3) For taxable years 2015 and thereafter:

   (1) if the veteran has a service connected disability of 30% or more but less than 50%, as certified by the United States Department of Veterans Affairs, then the annual exemption is $2,500;

   (2) if the veteran has a service connected disability of 50% or more but less than 70%, as certified by the United States Department of Veterans Affairs, then the annual exemption is $5,000; and

   (3) if the veteran has a service connected disability of 70% or more, as certified by the United States Department of Veterans Affairs, then the property is exempt from taxation under this Code.

(b-5) If a homestead exemption is granted under this Section and the person awarded the exemption subsequently becomes a resident of a facility licensed under the Nursing Home Care Act or a facility operated by the United States Department of Veterans Affairs, then the exemption shall continue (i) so long as the residence continues to be occupied by the qualifying person's spouse or (ii) if the residence remains unoccupied but is still owned by the person who qualified for the homestead exemption.

(c) The tax exemption under this Section carries over to the benefit of the veteran's surviving spouse as long as the spouse holds the legal or beneficial title to the homestead, permanently resides thereon, and does not remarry. If the surviving spouse sells the property, an exemption not to exceed the amount granted from the most recent ad valorem tax roll may

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be transferred to his or her new residence as long as it is used as his or her primary residence and he or she does not remarry.

(c-1) Beginning with taxable year 2015, nothing in this Section shall require the veteran to have qualified for or obtained the exemption before death if the veteran was killed in the line of duty.

(d) The exemption under this Section applies for taxable year 2007 and thereafter. A taxpayer who claims an exemption under Section 15-165 or 15-168 may not claim an exemption under this Section.

(e) Each taxpayer who has been granted an exemption under this Section must reapply on an annual basis. Application must be made during the application period in effect for the county of his or her residence. The assessor or chief county assessment officer may determine the eligibility of residential property to receive the homestead exemption provided by this Section by application, visual inspection, questionnaire, or other reasonable methods. The determination must be made in accordance with guidelines established by the Department.

(f) For the purposes of this Section:

"Qualified residence" means real property, but less any portion of that property that is used for commercial purposes, with an equalized assessed value of less than $250,000 that is the primary residence of a veteran with a disability. Property rented for more than 6 months is presumed to be used for commercial purposes.

"Veteran" means an Illinois resident who has served as a member of the United States Armed Forces on active duty or State active duty, a member of the Illinois National Guard, or a member of the United States Reserve Forces and who has received an honorable discharge.

(Source: P.A. 98-1145, eff. 12-30-14; 99-143, eff. 7-27-15; 99-375, eff. 8-17-15; revised 10-9-15.)

(35 ILCS 200/15-172)
Sec. 15-172. Senior Citizens Assessment Freeze Homestead Exemption.

(a) This Section may be cited as the Senior Citizens Assessment Freeze Homestead Exemption.

(b) As used in this Section:

"Applicant" means an individual who has filed an application under this Section.

"Base amount" means the base year equalized assessed value of the residence plus the first year's equalized assessed value of any added

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improvements which increased the assessed value of the residence after the base year.

"Base year" means the taxable year prior to the taxable year for which the applicant first qualifies and applies for the exemption provided that in the prior taxable year the property was improved with a permanent structure that was occupied as a residence by the applicant who was liable for paying real property taxes on the property and who was either (i) an owner of record of the property or had legal or equitable interest in the property as evidenced by a written instrument or (ii) had a legal or equitable interest as a lessee in the parcel of property that was single family residence. If in any subsequent taxable year for which the applicant applies and qualifies for the exemption the equalized assessed value of the residence is less than the equalized assessed value in the existing base year (provided that such equalized assessed value is not based on an assessed value that results from a temporary irregularity in the property that reduces the assessed value for one or more taxable years), then that subsequent taxable year shall become the base year until a new base year is established under the terms of this paragraph. For taxable year 1999 only, the Chief County Assessment Officer shall review (i) all taxable years for which the applicant applied and qualified for the exemption and (ii) the existing base year. The assessment officer shall select as the new base year the year with the lowest equalized assessed value. An equalized assessed value that is based on an assessed value that results from a temporary irregularity in the property that reduces the assessed value for one or more taxable years shall not be considered the lowest equalized assessed value. The selected year shall be the base year for taxable year 1999 and thereafter until a new base year is established under the terms of this paragraph.

"Chief County Assessment Officer" means the County Assessor or Supervisor of Assessments of the county in which the property is located.

"Equalized assessed value" means the assessed value as equalized by the Illinois Department of Revenue.

"Household" means the applicant, the spouse of the applicant, and all persons using the residence of the applicant as their principal place of residence.

"Household income" means the combined income of the members of a household for the calendar year preceding the taxable year.

"Income" has the same meaning as provided in Section 3.07 of the Senior Citizens and Persons with Disabilities Property Tax Relief Act,

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except that, beginning in assessment year 2001, "income" does not include veteran's benefits.

"Internal Revenue Code of 1986" means the United States Internal Revenue Code of 1986 or any successor law or laws relating to federal income taxes in effect for the year preceding the taxable year.

"Life care facility that qualifies as a cooperative" means a facility as defined in Section 2 of the Life Care Facilities Act.

"Maximum income limitation" means:

1. $35,000 prior to taxable year 1999;
2. $40,000 in taxable years 1999 through 2003;
3. $45,000 in taxable years 2004 through 2005;
4. $50,000 in taxable years 2006 and 2007; and
5. $55,000 in taxable year 2008 and thereafter.

"Residence" means the principal dwelling place and appurtenant structures used for residential purposes in this State occupied on January 1 of the taxable year by a household and so much of the surrounding land, constituting the parcel upon which the dwelling place is situated, as is used for residential purposes. If the Chief County Assessment Officer has established a specific legal description for a portion of property constituting the residence, then that portion of property shall be deemed the residence for the purposes of this Section.

"Taxable year" means the calendar year during which ad valorem property taxes payable in the next succeeding year are levied.

(c) Beginning in taxable year 1994, a senior citizens assessment freeze homestead exemption is granted for real property that is improved with a permanent structure that is occupied as a residence by an applicant who (i) is 65 years of age or older during the taxable year, (ii) has a household income that does not exceed the maximum income limitation, (iii) is liable for paying real property taxes on the property, and (iv) is an owner of record of the property or has a legal or equitable interest in the property as evidenced by a written instrument. This homestead exemption shall also apply to a leasehold interest in a parcel of property improved with a permanent structure that is a single family residence that is occupied as a residence by a person who (i) is 65 years of age or older during the taxable year, (ii) has a household income that does not exceed the maximum income limitation, (iii) has a legal or equitable ownership interest in the property as lessee, and (iv) is liable for the payment of real property taxes on that property.

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In counties of 3,000,000 or more inhabitants, the amount of the exemption for all taxable years is the equalized assessed value of the residence in the taxable year for which application is made minus the base amount. In all other counties, the amount of the exemption is as follows: (i) through taxable year 2005 and for taxable year 2007 and thereafter, the amount of this exemption shall be the equalized assessed value of the residence in the taxable year for which application is made minus the base amount; and (ii) for taxable year 2006, the amount of the exemption is as follows:

1. For an applicant who has a household income of $45,000 or less, the amount of the exemption is the equalized assessed value of the residence in the taxable year for which application is made minus the base amount.

2. For an applicant who has a household income exceeding $45,000 but not exceeding $46,250, the amount of the exemption is (i) the equalized assessed value of the residence in the taxable year for which application is made minus the base amount (ii) multiplied by 0.8.

3. For an applicant who has a household income exceeding $46,250 but not exceeding $47,500, the amount of the exemption is (i) the equalized assessed value of the residence in the taxable year for which application is made minus the base amount (ii) multiplied by 0.6.

4. For an applicant who has a household income exceeding $47,500 but not exceeding $48,750, the amount of the exemption is (i) the equalized assessed value of the residence in the taxable year for which application is made minus the base amount (ii) multiplied by 0.4.

5. For an applicant who has a household income exceeding $48,750 but not exceeding $50,000, the amount of the exemption is (i) the equalized assessed value of the residence in the taxable year for which application is made minus the base amount (ii) multiplied by 0.2.

When the applicant is a surviving spouse of an applicant for a prior year for the same residence for which an exemption under this Section has been granted, the base year and base amount for that residence are the same as for the applicant for the prior year.

Each year at the time the assessment books are certified to the County Clerk, the Board of Review or Board of Appeals shall give to the
County Clerk a list of the assessed values of improvements on each parcel qualifying for this exemption that were added after the base year for this parcel and that increased the assessed value of the property.

In the case of land improved with an apartment building owned and operated as a cooperative or a building that is a life care facility that qualifies as a cooperative, the maximum reduction from the equalized assessed value of the property is limited to the sum of the reductions calculated for each unit occupied as a residence by a person or persons (i) 65 years of age or older, (ii) with a household income that does not exceed the maximum income limitation, (iii) who is liable, by contract with the owner or owners of record, for paying real property taxes on the property, and (iv) who is an owner of record of a legal or equitable interest in the cooperative apartment building, other than a leasehold interest. In the instance of a cooperative where a homestead exemption has been granted under this Section, the cooperative association or its management firm shall credit the savings resulting from that exemption only to the apportioned tax liability of the owner who qualified for the exemption. Any person who willfully refuses to credit that savings to an owner who qualifies for the exemption is guilty of a Class B misdemeanor.

When a homestead exemption has been granted under this Section and an applicant then becomes a resident of a facility licensed under the Assisted Living and Shared Housing Act, the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act of 2013, the ID/DD Community Care Act, or the MC/DD Act, the exemption shall be granted in subsequent years so long as the residence (i) continues to be occupied by the qualified applicant's spouse or (ii) if remaining unoccupied, is still owned by the qualified applicant for the homestead exemption.

Beginning January 1, 1997, when an individual dies who would have qualified for an exemption under this Section, and the surviving spouse does not independently qualify for this exemption because of age, the exemption under this Section shall be granted to the surviving spouse for the taxable year preceding and the taxable year of the death, provided that, except for age, the surviving spouse meets all other qualifications for the granting of this exemption for those years.

When married persons maintain separate residences, the exemption provided for in this Section may be claimed by only one of such persons and for only one residence.

For taxable year 1994 only, in counties having less than 3,000,000 inhabitants, to receive the exemption, a person shall submit an application
by February 15, 1995 to the Chief County Assessment Officer of the county in which the property is located. In counties having 3,000,000 or more inhabitants, for taxable year 1994 and all subsequent taxable years, to receive the exemption, a person may submit an application to the Chief County Assessment Officer of the county in which the property is located during such period as may be specified by the Chief County Assessment Officer. The Chief County Assessment Officer in counties of 3,000,000 or more inhabitants shall annually give notice of the application period by mail or by publication. In counties having less than 3,000,000 inhabitants, beginning with taxable year 1995 and thereafter, to receive the exemption, a person shall submit an application by July 1 of each taxable year to the Chief County Assessment Officer of the county in which the property is located. A county may, by ordinance, establish a date for submission of applications that is different than July 1. The applicant shall submit with the application an affidavit of the applicant's total household income, age, marital status (and if married the name and address of the applicant's spouse, if known), and principal dwelling place of members of the household on January 1 of the taxable year. The Department shall establish, by rule, a method for verifying the accuracy of affidavits filed by applicants under this Section, and the Chief County Assessment Officer may conduct audits of any taxpayer claiming an exemption under this Section to verify that the taxpayer is eligible to receive the exemption. Each application shall contain or be verified by a written declaration that it is made under the penalties of perjury. A taxpayer's signing a fraudulent application under this Act is perjury, as defined in Section 32-2 of the Criminal Code of 2012. The applications shall be clearly marked as applications for the Senior Citizens Assessment Freeze Homestead Exemption and must contain a notice that any taxpayer who receives the exemption is subject to an audit by the Chief County Assessment Officer.

Notwithstanding any other provision to the contrary, in counties having fewer than 3,000,000 inhabitants, if an applicant fails to file the application required by this Section in a timely manner and this failure to file is due to a mental or physical condition sufficiently severe so as to render the applicant incapable of filing the application in a timely manner, the Chief County Assessment Officer may extend the filing deadline for a period of 30 days after the applicant regains the capability to file the application, but in no case may the filing deadline be extended beyond 3 months of the original filing deadline. In order to receive the extension provided in this paragraph, the applicant shall provide the Chief County

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Assessment Officer with a signed statement from the applicant's physician stating the nature and extent of the condition, that, in the physician's opinion, the condition was so severe that it rendered the applicant incapable of filing the application in a timely manner, and the date on which the applicant regained the capability to file the application.

Beginning January 1, 1998, notwithstanding any other provision to the contrary, in counties having fewer than 3,000,000 inhabitants, if an applicant fails to file the application required by this Section in a timely manner and this failure to file is due to a mental or physical condition sufficiently severe so as to render the applicant incapable of filing the application in a timely manner, the Chief County Assessment Officer may extend the filing deadline for a period of 3 months. In order to receive the extension provided in this paragraph, the applicant shall provide the Chief County Assessment Officer with a signed statement from the applicant's physician stating the nature and extent of the condition, and that, in the physician's opinion, the condition was so severe that it rendered the applicant incapable of filing the application in a timely manner.

In counties having less than 3,000,000 inhabitants, if an applicant was denied an exemption in taxable year 1994 and the denial occurred due to an error on the part of an assessment official, or his or her agent or employee, then beginning in taxable year 1997 the applicant's base year, for purposes of determining the amount of the exemption, shall be 1993 rather than 1994. In addition, in taxable year 1997, the applicant's exemption shall also include an amount equal to (i) the amount of any exemption denied to the applicant in taxable year 1995 as a result of using 1994, rather than 1993, as the base year, (ii) the amount of any exemption denied to the applicant in taxable year 1996 as a result of using 1994, rather than 1993, as the base year, and (iii) the amount of the exemption erroneously denied for taxable year 1994.

For purposes of this Section, a person who will be 65 years of age during the current taxable year shall be eligible to apply for the homestead exemption during that taxable year. Application shall be made during the application period in effect for the county of his or her residence.

The Chief County Assessment Officer may determine the eligibility of a life care facility that qualifies as a cooperative to receive the benefits provided by this Section by use of an affidavit, application, visual inspection, questionnaire, or other reasonable method in order to insure that the tax savings resulting from the exemption are credited by the management firm to the apportioned tax liability of each qualifying facility.

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resident. The Chief County Assessment Officer may request reasonable proof that the management firm has so credited that exemption.

Except as provided in this Section, all information received by the chief county assessment officer or the Department from applications filed under this Section, or from any investigation conducted under the provisions of this Section, shall be confidential, except for official purposes or pursuant to official procedures for collection of any State or local tax or enforcement of any civil or criminal penalty or sanction imposed by this Act or by any statute or ordinance imposing a State or local tax. Any person who divulges any such information in any manner, except in accordance with a proper judicial order, is guilty of a Class A misdemeanor.

Nothing contained in this Section shall prevent the Director or chief county assessment officer from publishing or making available reasonable statistics concerning the operation of the exemption contained in this Section in which the contents of claims are grouped into aggregates in such a way that information contained in any individual claim shall not be disclosed.

(d) Each Chief County Assessment Officer shall annually publish a notice of availability of the exemption provided under this Section. The notice shall be published at least 60 days but no more than 75 days prior to the date on which the application must be submitted to the Chief County Assessment Officer of the county in which the property is located. The notice shall appear in a newspaper of general circulation in the county.

Notwithstanding Sections 6 and 8 of the State Mandates Act, no reimbursement by the State is required for the implementation of any mandate created by this Section.

(Source: P.A. 98-104, eff. 7-22-13; 99-143, eff. 7-27-15; 99-180, eff. 7-29-15; revised 10-21-15.)

(35 ILCS 200/15-175)

Sec. 15-175. General homestead exemption.

(a) Except as provided in Sections 15-176 and 15-177, homestead property is entitled to an annual homestead exemption limited, except as described here with relation to cooperatives, to a reduction in the equalized assessed value of homestead property equal to the increase in equalized assessed value for the current assessment year above the equalized assessed value of the property for 1977, up to the maximum reduction set forth below. If however, the 1977 equalized assessed value upon which taxes were paid is subsequently determined by local assessing officials, the

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Property Tax Appeal Board, or a court to have been excessive, the equalized assessed value which should have been placed on the property for 1977 shall be used to determine the amount of the exemption.

(b) Except as provided in Section 15-176, the maximum reduction before taxable year 2004 shall be $4,500 in counties with 3,000,000 or more inhabitants and $3,500 in all other counties. Except as provided in Sections 15-176 and 15-177, for taxable years 2004 through 2007, the maximum reduction shall be $5,000, for taxable year 2008, the maximum reduction is $5,500, and, for taxable years 2009 through 2011, the maximum reduction is $6,000 in all counties. For taxable years 2012 and thereafter, the maximum reduction is $7,000 in counties with 3,000,000 or more inhabitants and $6,000 in all other counties. If a county has elected to subject itself to the provisions of Section 15-176 as provided in subsection (k) of that Section, then, for the first taxable year only after the provisions of Section 15-176 no longer apply, for owners who, for the taxable year, have not been granted a senior citizens assessment freeze homestead exemption under Section 15-172 or a long-time occupant homestead exemption under Section 15-177, there shall be an additional exemption of $5,000 for owners with a household income of $30,000 or less.

(c) In counties with fewer than 3,000,000 inhabitants, if, based on the most recent assessment, the equalized assessed value of the homestead property for the current assessment year is greater than the equalized assessed value of the property for 1977, the owner of the property shall automatically receive the exemption granted under this Section in an amount equal to the increase over the 1977 assessment up to the maximum reduction set forth in this Section.

(d) If in any assessment year beginning with the 2000 assessment year, homestead property has a pro-rata valuation under Section 9-180 resulting in an increase in the assessed valuation, a reduction in equalized assessed valuation equal to the increase in equalized assessed value of the property for the year of the pro-rata valuation above the equalized assessed value of the property for 1977 shall be applied to the property on a proportionate basis for the period the property qualified as homestead property during the assessment year. The maximum proportionate homestead exemption shall not exceed the maximum homestead exemption allowed in the county under this Section divided by 365 and multiplied by the number of days the property qualified as homestead property.

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(e) The chief county assessment officer may, when considering whether to grant a leasehold exemption under this Section, require the following conditions to be met:

(1) that a notarized application for the exemption, signed by both the owner and the lessee of the property, must be submitted each year during the application period in effect for the county in which the property is located;

(2) that a copy of the lease must be filed with the chief county assessment officer by the owner of the property at the time the notarized application is submitted;

(3) that the lease must expressly state that the lessee is liable for the payment of property taxes; and

(4) that the lease must include the following language in substantially the following form:

"Lessee shall be liable for the payment of real estate taxes with respect to the residence in accordance with the terms and conditions of Section 15-175 of the Property Tax Code (35 ILCS 200/15-175). The permanent real estate index number for the premises is (insert number), and, according to the most recent property tax bill, the current amount of real estate taxes associated with the premises is (insert amount) per year. The parties agree that the monthly rent set forth above shall be increased or decreased pro rata (effective January 1 of each calendar year) to reflect any increase or decrease in real estate taxes. Lessee shall be deemed to be satisfying Lessee's liability for the above mentioned real estate taxes with the monthly rent payments as set forth above (or increased or decreased as set forth herein)."

In addition, if there is a change in lessee, or if the lessee vacates the property, then the chief county assessment officer may require the owner of the property to notify the chief county assessment officer of that change.

This subsection (e) does not apply to leasehold interests in property owned by a municipality.

(f) "Homestead property" under this Section includes residential property that is occupied by its owner or owners as his or their principal dwelling place, or that is a leasehold interest on which a single family residence is situated, which is occupied as a residence by a person who has an ownership interest therein, legal or equitable or as a lessee, and on

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which the person is liable for the payment of property taxes. For land improved with an apartment building owned and operated as a cooperative or a building which is a life care facility as defined in Section 15-170 and considered to be a cooperative under Section 15-170, the maximum reduction from the equalized assessed value shall be limited to the increase in the value above the equalized assessed value of the property for 1977, up to the maximum reduction set forth above, multiplied by the number of apartments or units occupied by a person or persons who is liable, by contract with the owner or owners of record, for paying property taxes on the property and is an owner of record of a legal or equitable interest in the cooperative apartment building, other than a leasehold interest. For purposes of this Section, the term "life care facility" has the meaning stated in Section 15-170.

"Household", as used in this Section, means the owner, the spouse of the owner, and all persons using the residence of the owner as their principal place of residence.

"Household income", as used in this Section, means the combined income of the members of a household for the calendar year preceding the taxable year.

"Income", as used in this Section, has the same meaning as provided in Section 3.07 of the Senior Citizens and Persons with Disabilities Property Tax Relief Act, except that "income" does not include veteran's benefits.

(g) In a cooperative where a homestead exemption has been granted, the cooperative association or its management firm shall credit the savings resulting from that exemption only to the apportioned tax liability of the owner who qualified for the exemption. Any person who willfully refuses to so credit the savings shall be guilty of a Class B misdemeanor.

(h) Where married persons maintain and reside in separate residences qualifying as homestead property, each residence shall receive 50% of the total reduction in equalized assessed valuation provided by this Section.

(i) In all counties, the assessor or chief county assessment officer may determine the eligibility of residential property to receive the homestead exemption and the amount of the exemption by application, visual inspection, questionnaire or other reasonable methods. The determination shall be made in accordance with guidelines established by the Department, provided that the taxpayer applying for an additional

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general exemption under this Section shall submit to the chief county assessment officer an application with an affidavit of the applicant's total household income, age, marital status (and, if married, the name and address of the applicant's spouse, if known), and principal dwelling place of members of the household on January 1 of the taxable year. The Department shall issue guidelines establishing a method for verifying the accuracy of the affidavits filed by applicants under this paragraph. The applications shall be clearly marked as applications for the Additional General Homestead Exemption.

(i-5) This subsection (i-5) applies to counties with 3,000,000 or more inhabitants. In the event of a sale of homestead property, the homestead exemption shall remain in effect for the remainder of the assessment year of the sale. Upon receipt of a transfer declaration transmitted by the recorder pursuant to Section 31-30 of the Real Estate Transfer Tax Law for property receiving an exemption under this Section, the assessor shall mail a notice and forms to the new owner of the property providing information pertaining to the rules and applicable filing periods for applying or reapplying for homestead exemptions under this Code for which the property may be eligible. If the new owner fails to apply or reapply for a homestead exemption during the applicable filing period or the property no longer qualifies for an existing homestead exemption, the assessor shall cancel such exemption for any ensuing assessment year.

(j) In counties with fewer than 3,000,000 inhabitants, in the event of a sale of homestead property the homestead exemption shall remain in effect for the remainder of the assessment year of the sale. The assessor or chief county assessment officer may require the new owner of the property to apply for the homestead exemption for the following assessment year.

(k) Notwithstanding Sections 6 and 8 of the State Mandates Act, no reimbursement by the State is required for the implementation of any mandate created by this Section.

(Source: P.A. 98-7, eff. 4-23-13; 98-463, eff. 8-16-13; 99-143, eff. 7-27-15; 99-164, eff. 7-28-15; revised 8-25-15.)

Section 175. The Electricity Excise Tax Law is amended by changing Section 2-10 as follows:

(35 ILCS 640/2-10)

Sec. 2-10. Election and registration to be self-assessing purchaser. Any purchaser for non-residential electric use may elect to register with the Department as a self-assessing purchaser and to pay the tax imposed by Section 2-4 directly to the Department, at the rate stated in that Section for...
self-assessing purchasers, rather than paying the tax to such purchaser's delivering supplier. The election by a purchaser to register as a self-assessing purchaser may not be revoked by the purchaser for at least 2 years thereafter. A purchaser who revokes his or her registration as a self-assessing purchaser shall not thereafter be permitted to register as a self-assessing purchaser within the succeeding 2 years. A self-assessing purchaser shall renew his or her registration every 2 years, or the registration shall be deemed to be revoked.

Application for a certificate of registration as a self-assessing purchaser shall be made to the Department upon forms furnished by the Department and shall contain any reasonable information the Department may require. The self-assessing purchaser shall be required to disclose the name of the delivering supplier or suppliers and each account numbers for which the self-assessing purchaser elects to pay the tax imposed by Section 2-4 directly to the Department. Upon receipt of the application for a certificate of registration in proper form and payment of a non-refundable biennial fee of $200, the Department shall issue to the applicant a certificate of registration that permits the person to whom it was issued to pay the tax incurred under this Law directly to the Department for a period of 2 years. The Department shall notify the delivering supplier or suppliers that the applicant has been registered as a self-assessing purchaser for the accounts listed by the self-assessing purchaser. A certificate of registration under this Section shall be renewed upon application and payment of a non-refundable biennial $200 fee, subject to revocation as provided by this Law, for additional 2-year periods from the date of its expiration unless otherwise notified by the Department.

Upon notification by the Department that an applicant has been registered as a self-assessing purchaser, the delivering supplier is no longer required to collect the tax imposed by this Act for the accounts specifically listed by the self-assessing purchaser, until the delivering supplier is notified by the Department as set forth below that the self-assessing purchaser's certificate of registration has been expired, revoked, or denied.

The Department may deny a certificate of registration to any applicant if the owner, any partner, any manager or member of a limited liability company, or a corporate officer of the applicant, is or has been the owner, a partner, a manager or member of a limited liability company, or a corporate officer, of another self-assessing purchaser that is in default for moneys due under this Law.
Any person aggrieved by any decision of the Department under this Section may, within 20 days after notice of such decision, protest and request a hearing, whereupon the Department shall give notice to such person of the time and place fixed for such hearing and shall hold a hearing in conformity with the provisions of this Law and then issue its final administrative decision in the matter to such person. In the absence of such a protest within 20 days, the Department's decision shall become final without any further determination being made or notice given. Upon the expiration, revocation, or denial of a certificate of registration as a self-assessing purchaser, the Department of Revenue shall provide written notice of the expiration, revocation, or denial of the certificate to the self-assessing purchaser's delivering supplier or suppliers.

(Source: P.A. 90-561, eff. 8-1-98; 90-624, eff. 7-10-98; revised 10-13-15.)

Section 180. The Illinois Pension Code is amended by changing Sections 7-172.1 and 16-152 as follows:

(40 ILCS 5/7-172.1) (from Ch. 108 1/2, par. 7-172.1)
Sec. 7-172.1. Actions to enforce payments by municipalities and instrumentalities.

(a) If any participating municipality or participating instrumentality fails to transmit to the Fund contributions required of it under this Article or contributions collected by it from its participating employees for the purposes of this Article for more than 60 days after the payment of such contributions is due, the Fund, after giving notice to such municipality or instrumentality, may certify to the State Comptroller the amounts of such delinquent payments in accordance with any applicable rules of the Comptroller, and the Comptroller shall deduct the amounts so certified or any part thereof from any payments of State funds to the municipality or instrumentality involved and shall remit the amount so deducted to the Fund. If State funds from which such deductions may be made are not available, the Fund may proceed against the municipality or instrumentality to recover the amounts of such delinquent payments in the appropriate circuit court.

(b) If any participating municipality fails to transmit to the Fund contributions required of it under this Article or contributions collected by it from its participating employees for the purposes of this Article for more than 60 days after the payment of such contributions is due, the Fund, after giving notice to such municipality, may certify the fact of such delinquent payment to the county treasurer of the county in which such municipality

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is located, who shall thereafter remit the amounts collected from the tax levied by the municipality under Section 7-171 directly to the Fund.

(c) If reports furnished to the Fund by the municipality or instrumentality involved are inadequate for the computation of the amounts of such delinquent payments, the Fund may provide for such audit of the records of the municipality or instrumentality as may be required to establish the amounts of such delinquent payments. The municipality or instrumentality shall make its records available to the Fund for the purpose of such audit. The cost of such audit shall be added to the amount of the delinquent payments and shall be recovered by the Fund from the municipality or instrumentality at the same time and in the same manner as the delinquent payments are recovered.

(Source: P.A. 99-8, eff. 7-9-15; 99-239, eff. 8-3-15; revised 10-8-15.)

(40 ILCS 5/16-152) (from Ch. 108 1/2, par. 16-152)

(Text of Section WITH the changes made by P.A. 98-599, which has been held unconstitutional)

Sec. 16-152. Contributions by members.

(a) Except as provided in subsection (a-5), each member shall make contributions for membership service to this System as follows:

(1) Effective July 1, 1998, contributions of 7.50% of salary towards the cost of the retirement annuity. Such contributions shall be deemed "normal contributions".

(2) Effective July 1, 1969 and, in the case of Tier 1 members, ending on June 30, 2014, contributions of 1/2 of 1% of salary toward the cost of the automatic annual increase in retirement annuity provided under Section 16-133.1.

(3) Effective July 24, 1959, contributions of 1% of salary towards the cost of survivor benefits. Such contributions shall not be credited to the individual account of the member and shall not be subject to refund except as provided under Section 16-143.2.

(4) Effective July 1, 2005, contributions of 0.40% of salary toward the cost of the early retirement without discount option provided under Section 16-133.2. This contribution shall cease upon termination of the early retirement without discount option as provided in Section 16-133.2.

(a-5) Beginning July 1, 2014, in lieu of the contribution otherwise required under paragraph (1) of subsection (a), each Tier 1 member shall contribute 7% of salary towards the cost of the retirement annuity.

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Contributions made pursuant to this subsection (a-5) shall be deemed "normal contributions".

(b) The minimum required contribution for any year of full-time teaching service shall be $192.

(c) Contributions shall not be required of any annuitant receiving a retirement annuity who is given employment as permitted under Section 16-118 or 16-150.1.

(d) A person who (i) was a member before July 1, 1998, (ii) retires with more than 34 years of creditable service, and (iii) does not elect to qualify for the augmented rate under Section 16-129.1 shall be entitled, at the time of retirement, to receive a partial refund of contributions made under this Section for service occurring after the later of June 30, 1998 or attainment of 34 years of creditable service, in an amount equal to 1.00% of the salary upon which those contributions were based.

(e) A member's contributions toward the cost of early retirement without discount made under item (a)(4) of this Section shall not be refunded if the member has elected early retirement without discount under Section 16-133.2 and has begun to receive a retirement annuity under this Article calculated in accordance with that election. Otherwise, a member's contributions toward the cost of early retirement without discount made under item (a)(4) of this Section shall be refunded according to whichever one of the following circumstances occurs first:

1. The contributions shall be refunded to the member, without interest, within 120 days after the member's retirement annuity commences, if the member does not elect early retirement without discount under Section 16-133.2.

2. The contributions shall be included, without interest, in any refund claimed by the member under Section 16-151.

3. The contributions shall be refunded to the member's designated beneficiary (or if there is no beneficiary, to the member's estate), without interest, if the member dies without having begun to receive a retirement annuity under this Article.

4. The contributions shall be refunded to the member, without interest, if the early retirement without discount option provided under subsection (d) of Section 16-133.2 is terminated. In that event, the System shall provide to the member, within 120 days after the option is terminated, an application for a refund of those contributions.
Sec. 16-152. Contributions by members.

(a) Each member shall make contributions for membership service to this System as follows:

(1) Effective July 1, 1998, contributions of 7.50% of salary towards the cost of the retirement annuity. Such contributions shall be deemed "normal contributions".

(2) Effective July 1, 1969, contributions of 1/2 of 1% of salary toward the cost of the automatic annual increase in retirement annuity provided under Section 16-133.1.

(3) Effective July 24, 1959, contributions of 1% of salary towards the cost of survivor benefits. Such contributions shall not be credited to the individual account of the member and shall not be subject to refund except as provided under Section 16-143.2.

(4) Effective July 1, 2005, contributions of 0.40% of salary toward the cost of the early retirement without discount option provided under Section 16-133.2. This contribution shall cease upon termination of the early retirement without discount option as provided in Section 16-133.2.

(b) The minimum required contribution for any year of full-time teaching service shall be $192.

(c) Contributions shall not be required of any annuitant receiving a retirement annuity who is given employment as permitted under Section 16-118 or 16-150.1.

(d) A person who (i) was a member before July 1, 1998, (ii) retires with more than 34 years of creditable service, and (iii) does not elect to qualify for the augmented rate under Section 16-129.1 shall be entitled, at the time of retirement, to receive a partial refund of contributions made under this Section for service occurring after the later of June 30, 1998 or attainment of 34 years of creditable service, in an amount equal to 1.00% of the salary upon which those contributions were based.

(e) A member's contributions toward the cost of early retirement without discount made under item (a)(4) of this Section shall not be refunded if the member has elected early retirement without discount under Section 16-133.2 and has begun to receive a retirement annuity under this Article calculated in accordance with that election. Otherwise, a
member's contributions toward the cost of early retirement without discount made under item (a)(4) of this Section shall be refunded according to whichever one of the following circumstances occurs first:

    (1) The contributions shall be refunded to the member, without interest, within 120 days after the member's retirement annuity commences, if the member does not elect early retirement without discount under Section 16-133.2.

    (2) The contributions shall be included, without interest, in any refund claimed by the member under Section 16-151.

    (3) The contributions shall be refunded to the member's designated beneficiary (or if there is no beneficiary, to the member's estate), without interest, if the member dies without having begun to receive a retirement annuity under this Article.

    (4) The contributions shall be refunded to the member, without interest, if the early retirement without discount option provided under subsection (d) of Section 16-133.2 is terminated. In that event, the System shall provide to the member, within 120 days after the option is terminated, an application for a refund of those contributions.

(Source: P.A. 98-42, eff. 6-28-13; 98-92, eff. 7-16-13; revised 7-23-13.)

Section 185. The Innovation Development and Economy Act is amended by changing Sections 10 and 40 as follows:

(50 ILCS 470/10)

Sec. 10. Definitions. As used in this Act, the following words and phrases shall have the following meanings unless a different meaning clearly appears from the context:

"Base year" means the calendar year immediately prior to the calendar year in which the STAR bond district is established.

"Commence work" means the manifest commencement of actual operations on the development site, such as, erecting a building, general on-site and off-site grading and utility installations, commencing design and construction documentation, ordering lead-time materials, excavating the ground to lay a foundation or a basement, or work of like description which a reasonable person would recognize as being done with the intention and purpose to continue work until the project is completed.

"County" means the county in which a proposed STAR bond district is located.

"De minimis minimum" means an amount less than 15% of the land area within a STAR bond district.

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"Department of Revenue" means the Department of Revenue of the State of Illinois.

"Destination user" means an owner, operator, licensee, co-developer, subdeveloper, or tenant (i) that operates a business within a STAR bond district that is a retail store having at least 150,000 square feet of sales floor area; (ii) that at the time of opening does not have another Illinois location within a 70 mile radius; (iii) that has an annual average of not less than 30% of customers who travel from at least 75 miles away or from out-of-state, as demonstrated by data from a comparable existing store or stores, or, if there is no comparable existing store, as demonstrated by an economic analysis that shows that the proposed retailer will have an annual average of not less than 30% of customers who travel from at least 75 miles away or from out-of-state; and (iv) that makes an initial capital investment, including project costs and other direct costs, of not less than $30,000,000 for such retail store.

"Destination hotel" means a hotel (as that term is defined in Section 2 of the Hotel Operators' Occupation Tax Act) complex having at least 150 guest rooms and which also includes a venue for entertainment attractions, rides, or other activities oriented toward the entertainment and amusement of its guests and other patrons.

"Developer" means any individual, corporation, trust, estate, partnership, limited liability partnership, limited liability company, or other entity. The term does not include a not-for-profit entity, political subdivision, or other agency or instrumentality of the State.

"Director" means the Director of Revenue, who shall consult with the Director of Commerce and Economic Opportunity in any approvals or decisions required by the Director under this Act.

"Economic impact study" means a study conducted by an independent economist to project the financial benefit of the proposed STAR bond project to the local, regional, and State economies, consider the proposed adverse impacts on similar projects and businesses, as well as municipalities within the projected market area, and draw conclusions about the net effect of the proposed STAR bond project on the local, regional, and State economies. A copy of the economic impact study shall be provided to the Director for review.

"Eligible area" means any improved or vacant area that (i) is contiguous and is not, in the aggregate, less than 250 acres nor more than 500 acres which must include only parcels of real property directly and substantially benefited by the proposed STAR bond district plan, (ii) is

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adjacent to a federal interstate highway, (iii) is within one mile of 2 State highways, (iv) is within one mile of an entertainment user, or a major or minor league sports stadium or other similar entertainment venue that had an initial capital investment of at least $20,000,000, and (v) includes land that was previously surface or strip mined. The area may be bisected by streets, highways, roads, alleys, railways, bike paths, streams, rivers, and other waterways and still be deemed contiguous. In addition, in order to constitute an eligible area one of the following requirements must be satisfied and all of which are subject to the review and approval of the Director as provided in subsection (d) of Section 15:

(a) the governing body of the political subdivision shall have determined that the area meets the requirements of a "blighted area" as defined under the Tax Increment Allocation Redevelopment Act; or

(b) the governing body of the political subdivision shall have determined that the area is a blighted area as determined under the provisions of Section 11-74.3-5 of the Illinois Municipal Code; or

(c) the governing body of the political subdivision shall make the following findings:

   (i) that the vacant portions of the area have remained vacant for at least one year, or that any building located on a vacant portion of the property was demolished within the last year and that the building would have qualified under item (ii) of this subsection;

   (ii) if portions of the area are currently developed, that the use, condition, and character of the buildings on the property are not consistent with the purposes set forth in Section 5;

   (iii) that the STAR bond district is expected to create or retain job opportunities within the political subdivision;

   (iv) that the STAR bond district will serve to further the development of adjacent areas;

   (v) that without the availability of STAR bonds, the projects described in the STAR bond district plan would not be possible;

   (vi) that the master developer meets high standards of creditworthiness and financial strength as demonstrated

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by one or more of the following: (i) corporate debenture ratings of BBB or higher by Standard & Poor's Corporation or Baa or higher by Moody's Investors Service, Inc.; (ii) a letter from a financial institution with assets of $10,000,000 or more attesting to the financial strength of the master developer; or (iii) specific evidence of equity financing for not less than 10% of the estimated total STAR bond project costs;

(vii) that the STAR bond district will strengthen the commercial sector of the political subdivision;
(viii) that the STAR bond district will enhance the tax base of the political subdivision; and
(ix) that the formation of a STAR bond district is in the best interest of the political subdivision.

"Entertainment user" means an owner, operator, licensee, co-developer, subdeveloper, or tenant that operates a business within a STAR bond district that has a primary use of providing a venue for entertainment attractions, rides, or other activities oriented toward the entertainment and amusement of its patrons, occupies at least 20 acres of land in the STAR bond district, and makes an initial capital investment, including project costs and other direct and indirect costs, of not less than $25,000,000 for that venue.

"Feasibility study" means a feasibility study as defined in subsection (b) of Section 20.

"Infrastructure" means the public improvements and private improvements that serve the public purposes set forth in Section 5 of this Act and that benefit the STAR bond district or any STAR bond projects, including, but not limited to, streets, drives and driveways, traffic and directional signs and signals, parking lots and parking facilities, interchanges, highways, sidewalks, bridges, underpasses and overpasses, bike and walking trails, sanitary storm sewers and lift stations, drainage conduits, channels, levees, canals, storm water detention and retention facilities, utilities and utility connections, water mains and extensions, and street and parking lot lighting and connections.

"Local sales taxes" means any locally imposed taxes received by a municipality, county, or other local governmental entity arising from sales by retailers and servicemen within a STAR bond district, including business district sales taxes and STAR bond occupation taxes, and that portion of the net revenue realized under the Retailers' Occupation Tax

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Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act from transactions at places of business located within a STAR bond district that is deposited into the Local Government Tax Fund and the County and Mass Transit District Fund. For the purpose of this Act, "local sales taxes" does not include (i) any taxes authorized pursuant to the Local Mass Transit District Act or the Metro-East Park and Recreation District Act for so long as the applicable taxing district does not impose a tax on real property, (ii) county school facility occupation taxes imposed pursuant to Section 5-1006.7 of the Counties Code, or (iii) any taxes authorized under the Flood Prevention District Act.

"Local sales tax increment" means, with respect to local sales taxes administered by the Illinois Department of Revenue, (i) all of the local sales tax paid by destination users, destination hotels, and entertainment users that is in excess of the local sales tax paid by destination users, destination hotels, and entertainment users for the same month in the base year, as determined by the Illinois Department of Revenue, (ii) in the case of a municipality forming a STAR bond district that is wholly within the corporate boundaries of the municipality and in the case of a municipality and county forming a STAR bond district that is only partially within such municipality, that portion of the local sales tax paid by taxpayers that are not destination users, destination hotels, or entertainment users that is in excess of the local sales tax paid by taxpayers that are not destination users, destination hotels, or entertainment users for the same month in the base year, as determined by the Illinois Department of Revenue, (iii) in the case of a county in which a STAR bond district is formed that is wholly within a municipality, that portion of the local sales tax paid by taxpayers that are not destination users, destination hotels, or entertainment users that is in excess of the local sales tax paid by taxpayers that are not destination users, destination hotels, or entertainment users for the same month in the base year, as determined by the Illinois Department of Revenue, but only if the corporate authorities of the county adopts an ordinance, and files a copy with the Department within the same time frames as required for STAR bond occupation taxes under Section 31, that designates the taxes referenced in this clause (iii) as part of the local sales tax increment under this Act. "Local sales tax increment" means, with respect to local sales taxes administered by a municipality, county, or other unit of local government, that portion of the local sales tax that is in excess of the local sales tax for the same month in the base year, as determined by the respective municipality, county, or other unit of local government. If
any portion of local sales taxes are, at the time of formation of a STAR bond district, already subject to tax increment financing under the Tax Increment Allocation Redevelopment Act, then the local sales tax increment for such portion shall be frozen at the base year established in accordance with this Act, and all future incremental increases shall be included in the "local sales tax increment" under this Act. Any party otherwise entitled to receipt of incremental local sales tax revenues through an existing tax increment financing district shall be entitled to continue to receive such revenues up to the amount frozen in the base year. Nothing in this Act shall affect the prior qualification of existing redevelopment project costs incurred that are eligible for reimbursement under the Tax Increment Allocation Redevelopment Act. In such event, prior to approving a STAR bond district, the political subdivision forming the STAR bond district shall take such action as is necessary, including amending the existing tax increment financing district redevelopment plan, to carry out the provisions of this Act. The Illinois Department of Revenue shall allocate the local sales tax increment only if the local sales tax is administered by the Department.

"Market study" means a study to determine the ability of the proposed STAR bond project to gain market share locally and regionally and to remain profitable past the term of repayment of STAR bonds.

"Master developer" means a developer cooperating with a political subdivision to plan, develop, and implement a STAR bond project plan for a STAR bond district. Subject to the limitations of Section 25, the master developer may work with and transfer certain development rights to other developers for the purpose of implementing STAR bond project plans and achieving the purposes of this Act. A master developer for a STAR bond district shall be appointed by a political subdivision in the resolution establishing the STAR bond district, and the master developer must, at the time of appointment, own or have control of, through purchase agreements, option contracts, or other means, not less than 50% of the acreage within the STAR bond district and the master developer or its affiliate must have ownership or control on June 1, 2010.

"Master development agreement" means an agreement between the master developer and the political subdivision to govern a STAR bond district and any STAR bond projects.

"Municipality" means the city, village, or incorporated town in which a proposed STAR bond district is located.

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"Pledged STAR revenues" means those sales tax and revenues and other sources of funds pledged to pay debt service on STAR bonds or to pay project costs pursuant to Section 30. Notwithstanding any provision to the contrary, the following revenues shall not constitute pledged STAR revenues or be available to pay principal and interest on STAR bonds: any State sales tax increment or local sales tax increment from a retail entity initiating operations in a STAR bond district while terminating operations at another Illinois location within 25 miles of the STAR bond district. For purposes of this paragraph, "terminating operations" means a closing of a retail operation that is directly related to the opening of the same operation or like retail entity owned or operated by more than 50% of the original ownership in a STAR bond district within one year before or after initiating operations in the STAR bond district, but it does not mean closing an operation for reasons beyond the control of the retail entity, as documented by the retail entity, subject to a reasonable finding by the municipality (or county if such retail operation is not located within a municipality) in which the terminated operations were located that the closed location contained inadequate space, had become economically obsolete, or was no longer a viable location for the retailer or serviceman.

"Political subdivision" means a municipality or county which undertakes to establish a STAR bond district pursuant to the provisions of this Act.

"Project costs" means and includes the sum total of all costs incurred or estimated to be incurred on or following the date of establishment of a STAR bond district that are reasonable or necessary to implement a STAR bond district plan or any STAR bond project plans, or both, including costs incurred for public improvements and private improvements that serve the public purposes set forth in Section 5 of this Act. Such costs include without limitation the following:

(a) costs of studies, surveys, development of plans and specifications, formation, implementation, and administration of a STAR bond district, STAR bond district plan, any STAR bond projects, or any STAR bond project plans, including, but not limited to, staff and professional service costs for architectural, engineering, legal, financial, planning, or other services, provided however that no charges for professional services may be based on a percentage of the tax increment collected and no contracts for professional services, excluding architectural and engineering

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services, may be entered into if the terms of the contract extend beyond a period of 3 years;

(b) property assembly costs, including, but not limited to, acquisition of land and other real property or rights or interests therein, located within the boundaries of a STAR bond district, demolition of buildings, site preparation, site improvements that serve as an engineered barrier addressing ground level or below ground environmental contamination, including, but not limited to, parking lots and other concrete or asphalt barriers, the clearing and grading of land, and importing additional soil and fill materials, or removal of soil and fill materials from the site;

(c) subject to paragraph (d), costs of buildings and other vertical improvements that are located within the boundaries of a STAR bond district and owned by a political subdivision or other public entity, including without limitation police and fire stations, educational facilities, and public restrooms and rest areas;

(c-1) costs of buildings and other vertical improvements that are located within the boundaries of a STAR bond district and owned by a destination user or destination hotel; except that only 2 destination users in a STAR bond district and one destination hotel are eligible to include the cost of those vertical improvements as project costs;

(c-5) costs of buildings; rides and attractions, which include carousels, slides, roller coasters, displays, models, towers, works of art, and similar theme and amusement park improvements; and other vertical improvements that are located within the boundaries of a STAR bond district and owned by an entertainment user; except that only one entertainment user in a STAR bond district is eligible to include the cost of those vertical improvements as project costs;

(d) costs of the design and construction of infrastructure and public works located within the boundaries of a STAR bond district that are reasonable or necessary to implement a STAR bond district plan or any STAR bond project plans, or both, except that project costs shall not include the cost of constructing a new municipal public building principally used to provide offices, storage space, or conference facilities or vehicle storage, maintenance, or repair for administrative, public safety, or public works personnel and that is not intended to replace an existing

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public building unless the political subdivision makes a reasonable determination in a STAR bond district plan or any STAR bond project plans, supported by information that provides the basis for that determination, that the new municipal building is required to meet an increase in the need for public safety purposes anticipated to result from the implementation of the STAR bond district plan or any STAR bond project plans;

(e) costs of the design and construction of the following improvements located outside the boundaries of a STAR bond district, provided that the costs are essential to further the purpose and development of a STAR bond district plan and either (i) part of and connected to sewer, water, or utility service lines that physically connect to the STAR bond district or (ii) significant improvements for adjacent offsite highways, streets, roadways, and interchanges that are approved by the Illinois Department of Transportation. No other cost of infrastructure and public works improvements located outside the boundaries of a STAR bond district may be deemed project costs;

(f) costs of job training and retraining projects, including the cost of "welfare to work" programs implemented by businesses located within a STAR bond district;

(g) financing costs, including, but not limited to, all necessary and incidental expenses related to the issuance of obligations and which may include payment of interest on any obligations issued hereunder including interest accruing during the estimated period of construction of any improvements in a STAR bond district or any STAR bond projects for which such obligations are issued and for not exceeding 36 months thereafter and including reasonable reserves related thereto;

(h) to the extent the political subdivision by written agreement accepts and approves the same, all or a portion of a taxing district's capital costs resulting from a STAR bond district or STAR bond projects necessarily incurred or to be incurred within a taxing district in furtherance of the objectives of a STAR bond district plan or STAR bond project plans;

(i) interest cost incurred by a developer for project costs related to the acquisition, formation, implementation, development, construction, and administration of a STAR bond district, STAR

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bond district plan, STAR bond projects, or any STAR bond project plans provided that:

(i) payment of such costs in any one year may not exceed 30% of the annual interest costs incurred by the developer with regard to the STAR bond district or any STAR bond projects during that year; and

(ii) the total of such interest payments paid pursuant to this Act may not exceed 30% of the total cost paid or incurred by the developer for a STAR bond district or STAR bond projects, plus project costs, excluding any property assembly costs incurred by a political subdivision pursuant to this Act;

(j) costs of common areas located within the boundaries of a STAR bond district;

(k) costs of landscaping and plantings, retaining walls and fences, man-made lakes and ponds, shelters, benches, lighting, and similar amenities located within the boundaries of a STAR bond district;

(l) costs of mounted building signs, site monument, and pylon signs located within the boundaries of a STAR bond district; or

(m) if included in the STAR bond district plan and approved in writing by the Director, salaries or a portion of salaries for local government employees to the extent the same are directly attributable to the work of such employees on the establishment and management of a STAR bond district or any STAR bond projects.

Except as specified in items (a) through (m), "project costs" shall not include:

(i) the cost of construction of buildings that are privately owned or owned by a municipality and leased to a developer or retail user for non-entertainment retail uses;

(ii) moving expenses for employees of the businesses locating within the STAR bond district;

(iii) property taxes for property located in the STAR bond district;

(iv) lobbying costs; and

(v) general overhead or administrative costs of the political subdivision that would still have been incurred by the political

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subdivision if the political subdivision had not established a STAR bond district.

"Project development agreement" means any one or more agreements, including any amendments thereto, between a master developer and any co-developer or subdeveloper in connection with a STAR bond project, which project development agreement may include the political subdivision as a party.

"Projected market area" means any area within the State in which a STAR bond district or STAR bond project is projected to have a significant fiscal or market impact as determined by the Director.

"Resolution" means a resolution, order, ordinance, or other appropriate form of legislative action of a political subdivision or other applicable public entity approved by a vote of a majority of a quorum at a meeting of the governing body of the political subdivision or applicable public entity.

"STAR bond" means a sales tax and revenue bond, note, or other obligation payable from pledged STAR revenues and issued by a political subdivision, the proceeds of which shall be used only to pay project costs as defined in this Act.

"STAR bond district" means the specific area declared to be an eligible area as determined by the political subdivision, and approved by the Director, in which the political subdivision may develop one or more STAR bond projects.

"STAR bond district plan" means the preliminary or conceptual plan that generally identifies the proposed STAR bond project areas and identifies in a general manner the buildings, facilities, and improvements to be constructed or improved in each STAR bond project area.

"STAR bond project" means a project within a STAR bond district which is approved pursuant to Section 20.

"STAR bond project area" means the geographic area within a STAR bond district in which there may be one or more STAR bond projects.

"STAR bond project plan" means the written plan adopted by a political subdivision for the development of a STAR bond project in a STAR bond district; the plan may include, but is not limited to, (i) project costs incurred prior to the date of the STAR bond project plan and estimated future STAR bond project costs, (ii) proposed sources of funds to pay those costs, (iii) the nature and estimated term of any obligations to be issued by the political subdivision to pay those costs, (iv) the most
recent equalized assessed valuation of the STAR bond project area, (v) an estimate of the equalized assessed valuation of the STAR bond district or applicable project area after completion of a STAR bond project, (vi) a general description of the types of any known or proposed developers, users, or tenants of the STAR bond project or projects included in the plan, (vii) a general description of the type, structure, and character of the property or facilities to be developed or improved, (viii) a description of the general land uses to apply to the STAR bond project, and (ix) a general description or an estimate of the type, class, and number of employees to be employed in the operation of the STAR bond project.

"State sales tax" means all of the net revenue realized under the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act from transactions at places of business located within a STAR bond district, excluding that portion of the net revenue realized under the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act from transactions at places of business located within a STAR bond district that is deposited into the Local Government Tax Fund and the County and Mass Transit District Fund.

"State sales tax increment" means (i) 100% of that portion of the State sales tax that is in excess of the State sales tax for the same month in the base year, as determined by the Department of Revenue, from transactions at up to 2 destination users, one destination hotel, and one entertainment user located within a STAR bond district, which destination users, destination hotel, and entertainment user shall be designated by the master developer and approved by the political subdivision and the Director in conjunction with the applicable STAR bond project approval, and (ii) 25% of that portion of the State sales tax that is in excess of the State sales tax for the same month in the base year, as determined by the Department of Revenue, from all other transactions within a STAR bond district. If any portion of State sales taxes are, at the time of formation of a STAR bond district, already subject to tax increment financing under the Tax Increment Allocation Redevelopment Act, then the State sales tax increment for such portion shall be frozen at the base year established in accordance with this Act, and all future incremental increases shall be included in the State sales tax increment under this Act. Any party otherwise entitled to receipt of incremental State sales tax revenues through an existing tax increment financing district shall be entitled to continue to receive such revenues up to the amount frozen in the base year.
Nothing in this Act shall affect the prior qualification of existing redevelopment project costs incurred that are eligible for reimbursement under the Tax Increment Allocation Redevelopment Act. In such event, prior to approving a STAR bond district, the political subdivision forming the STAR bond district shall take such action as is necessary, including amending the existing tax increment financing district redevelopment plan, to carry out the provisions of this Act.

"Substantial change" means a change wherein the proposed STAR bond project plan differs substantially in size, scope, or use from the approved STAR bond district plan or STAR bond project plan.

"Taxpayer" means an individual, partnership, corporation, limited liability company, trust, estate, or other entity that is subject to the Illinois Income Tax Act.

"Total development costs" means the aggregate public and private investment in a STAR bond district, including project costs and other direct and indirect costs related to the development of the STAR bond district.

"Traditional retail use" means the operation of a business that derives at least 90% of its annual gross revenue from sales at retail, as that phrase is defined by Section 1 of the Retailers' Occupation Tax Act, but does not include the operations of destination users, entertainment users, restaurants, hotels, retail uses within hotels, or any other non-retail uses.

"Vacant" means that portion of the land in a proposed STAR bond district that is not occupied by a building, facility, or other vertical improvement.

(Source: P.A. 96-939, eff. 6-24-10; 97-188, eff. 7-22-11; revised 10-16-15.)

(50 ILCS 470/40)

Sec. 40. Amendments to STAR bond district. Any addition of real property to a STAR bond district or any substantial change to a STAR bond district plan shall be subject to the same procedure for public notice, hearing, and approval as is required for the establishment of the STAR bond district pursuant to this Act.

(a) The addition or removal of land to or from a STAR bond district shall require the consent of the master developer of the STAR bond district.

(b) Any land that is outside of, but is contiguous to an established STAR bond district and is subsequently owned, leased, or controlled by the master developer shall be added to a STAR bond district at the request
of the master developer and by approval of the political subdivision, provided that the land becomes a part of a STAR bond project area.

(c) If a political subdivision has undertaken a STAR bond project within a STAR bond district, and the political subdivision desires to subsequently remove more than a de minimis amount of real property from the STAR bond district, then prior to any removal of property the political subdivision must provide a revised feasibility study showing that the pledged STAR revenues from the resulting STAR bond district within which the STAR bond project is located are estimated to be sufficient to pay the project costs. If the revenue from the resulting STAR bond district is insufficient to pay the project costs, then the property may not be removed from the STAR bond district. Any removal of real property from a STAR bond district shall be approved by a resolution of the governing body of the political subdivision.

(Source: P.A. 96-939, eff. 6-24-10; revised 10-16-15.)

Section 190. The Illinois Police Training Act is amended by changing Section 7 and by setting forth and renumbering multiple versions of Section 10.17 as follows:

(50 ILCS 705/7) (from Ch. 85, par. 507)

Sec. 7. Rules and standards for schools. The Board shall adopt rules and minimum standards for such schools which shall include but not be limited to the following:

a. The curriculum for probationary police officers which shall be offered by all certified schools shall include but not be limited to courses of procedural justice, arrest and use and control tactics, search and seizure, including temporary questioning, civil rights, human rights, human relations, cultural competency, including implicit bias and racial and ethnic sensitivity, criminal law, law of criminal procedure, constitutional and proper use of law enforcement authority, vehicle and traffic law including uniform and non-discriminatory enforcement of the Illinois Vehicle Code, traffic control and accident investigation, techniques of obtaining physical evidence, court testimonies, statements, reports, firearms training, training in the use of electronic control devices, including the psychological and physiological effects of the use of those devices on humans, first-aid (including cardiopulmonary resuscitation), training in the administration of opioid antagonists as defined in paragraph (1) of subsection (e) of Section 5-23 of the Alcoholism and Other Drug Abuse and Dependency Act, handling of juvenile offenders, recognition of mental conditions, including, but not limited to, the disease of addiction,

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which require immediate assistance and methods to safeguard and provide assistance to a person in need of mental treatment, recognition of abuse, neglect, financial exploitation, and self-neglect of adults with disabilities and older adults, as defined in Section 2 of the Adult Protective Services Act, crimes against the elderly, law of evidence, the hazards of high-speed police vehicle chases with an emphasis on alternatives to the high-speed chase, and physical training. The curriculum shall include specific training in techniques for immediate response to and investigation of cases of domestic violence and of sexual assault of adults and children, including cultural perceptions and common myths of rape as well as interview techniques that are trauma informed, victim centered, and victim sensitive. The curriculum shall include training in techniques designed to promote effective communication at the initial contact with crime victims and ways to comprehensively explain to victims and witnesses their rights under the Rights of Crime Victims and Witnesses Act and the Crime Victims Compensation Act. The curriculum shall also include a block of instruction aimed at identifying and interacting with persons with autism and other developmental or physical disabilities, reducing barriers to reporting crimes against persons with autism, and addressing the unique challenges presented by cases involving victims or witnesses with autism and other developmental disabilities. The curriculum for permanent police officers shall include but not be limited to (1) refresher and in-service training in any of the courses listed above in this subparagraph, (2) advanced courses in any of the subjects listed above in this subparagraph, (3) training for supervisory personnel, and (4) specialized training in subjects and fields to be selected by the board. The training in the use of electronic control devices shall be conducted for probationary police officers, including University police officers.

b. Minimum courses of study, attendance requirements and equipment requirements.

c. Minimum requirements for instructors.

d. Minimum basic training requirements, which a probationary police officer must satisfactorily complete before being eligible for permanent employment as a local law enforcement officer for a participating local governmental agency. Those requirements shall include training in first aid (including cardiopulmonary resuscitation).

e. Minimum basic training requirements, which a probationary county corrections officer must satisfactorily complete before being
eligible for permanent employment as a county corrections officer for a participating local governmental agency.

f. Minimum basic training requirements which a probationary court security officer must satisfactorily complete before being eligible for permanent employment as a court security officer for a participating local governmental agency. The Board shall establish those training requirements which it considers appropriate for court security officers and shall certify schools to conduct that training.

A person hired to serve as a court security officer must obtain from the Board a certificate (i) attesting to his or her successful completion of the training course; (ii) attesting to his or her satisfactory completion of a training program of similar content and number of hours that has been found acceptable by the Board under the provisions of this Act; or (iii) attesting to the Board's determination that the training course is unnecessary because of the person's extensive prior law enforcement experience.

Individuals who currently serve as court security officers shall be deemed qualified to continue to serve in that capacity so long as they are certified as provided by this Act within 24 months of June 1, 1997 (the effective date of Public Act 89-685) this amendatory Act of 1996. Failure to be so certified, absent a waiver from the Board, shall cause the officer to forfeit his or her position.

All individuals hired as court security officers on or after the effective date of this amendatory Act of 1996 shall be certified within 12 months of the date of their hire, unless a waiver has been obtained by the Board, or they shall forfeit their positions.

The Sheriff's Merit Commission, if one exists, or the Sheriff's Office if there is no Sheriff's Merit Commission, shall maintain a list of all individuals who have filed applications to become court security officers and who meet the eligibility requirements established under this Act. Either the Sheriff's Merit Commission, or the Sheriff's Office if no Sheriff's Merit Commission exists, shall establish a schedule of reasonable intervals for verification of the applicants' qualifications under this Act and as established by the Board.

g. Minimum in-service training requirements, which a police officer must satisfactorily complete every 3 years. Those requirements shall include constitutional and proper use of law enforcement authority, procedural justice, civil rights, human rights, and cultural competency.

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h. Minimum in-service training requirements, which a police officer must satisfactorily complete at least annually. Those requirements shall include law updates and use of force training which shall include scenario based training, or similar training approved by the Board.
(Source: P.A. 98-49, eff. 7-1-13; 98-358, eff. 1-1-14; 98-463, eff. 8-16-13; 98-756, eff. 7-16-14; 99-352, eff. 1-1-16; 99-480, eff. 9-9-15; revised 10-20-15.)

(50 ILCS 705/10.17)
Sec. 10.17. Crisis intervention team training. The Illinois Law Enforcement Training and Standards Board shall develop and approve a standard curriculum for a certified training program in crisis intervention addressing specialized policing responses to people with mental illnesses. The Board shall conduct Crisis Intervention Team (CIT) training programs that train officers to identify signs and symptoms of mental illness, to de-escalate situations involving individuals who appear to have a mental illness, and connect that person in crisis to treatment. Officers who have successfully completed this program shall be issued a certificate attesting to their attendance of a Crisis Intervention Team (CIT) training program.
(Source: P.A. 99-261, eff. 1-1-16.)

(50 ILCS 705/10.18)
Sec. 10.18 +10.17. Training; administration of opioid antagonists. The Board shall conduct or approve an in-service training program for police officers in the administration of opioid antagonists as defined in paragraph (1) of subsection (e) of Section 5-23 of the Alcoholism and Other Drug Abuse and Dependency Act that is in accordance with that Section. As used in this Section 10.17, the term "police officers" includes full-time or part-time probationary police officers, permanent or part-time police officers, law enforcement officers, recruits, permanent or probationary county corrections officers, permanent or probationary county security officers, and court security officers. The term does not include auxiliary police officers as defined in Section 3.1-30-20 of the Illinois Municipal Code.
(Source: P.A. 99-480, eff. 9-9-15; revised 10-19-15.)

Section 195. The Law Enforcement Officer-Worn Body Camera Act is amended by changing Sections 10-10 and 10-20 as follows:

(50 ILCS 706/10-10)
Sec. 10-10. Definitions. As used in this Act:

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"Badge" means an officer's department issued identification number associated with his or her position as a police officer with that department.


"Business offense" means a petty offense for which the fine is in excess of $1,000.

"Community caretaking function" means a task undertaken by a law enforcement officer in which the officer is performing an articulable act unrelated to the investigation of a crime. "Community caretaking function" includes, but is not limited to, participating in town halls or other community outreach, helping a child find his or her parents, providing death notifications, and performing in-home or hospital well-being checks on the sick, elderly, or persons presumed missing.

"Fund" means the Law Enforcement Camera Grant Fund.

"In uniform" means a law enforcement officer who is wearing any officially authorized uniform designated by a law enforcement agency, or a law enforcement officer who is visibly wearing articles of clothing, a badge, tactical gear, gun belt, a patch, or other insignia that he or she is a law enforcement officer acting in the course of his or her duties.

"Law enforcement officer" or "officer" means any person employed by a State, county, municipality, special district, college, unit of government, or any other entity authorized by law to employ peace officers or exercise police authority and who is primarily responsible for the prevention or detection of crime and the enforcement of the laws of this State.

"Law enforcement agency" means all State agencies with law enforcement officers, county sheriff's offices, municipal, special district, college, or unit of local government police departments.

"Law enforcement-related encounters or activities" include, but are not limited to, traffic stops, pedestrian stops, arrests, searches, interrogations, investigations, pursuits, crowd control, traffic control, non-community caretaking interactions with an individual while on patrol, or any other instance in which the officer is enforcing the laws of the municipality, county, or State. "Law enforcement-related encounter or activities" does not include when the officer is completing paperwork alone or only in the presence of another law enforcement officer.
"Minor traffic offense" means a petty offense, business offense, or Class C misdemeanor under the Illinois Vehicle Code or a similar provision of a municipal or local ordinance.

"Officer-worn body camera" means an electronic camera system for creating, generating, sending, receiving, storing, displaying, and processing audiovisual recordings that may be worn about the person of a law enforcement officer.

"Peace officer" has the meaning provided in Section 2-13 of the Criminal Code of 2012.

"Petty offense" means any offense for which a sentence of imprisonment is not an authorized disposition.

"Recording" means the process of capturing data or information stored on a recording medium as required under this Act.

"Recording medium" means any recording medium authorized by the Board for the retention and playback of recorded audio and video including, but not limited to, VHS, DVD, hard drive, cloud storage, solid state, digital, flash memory technology, or any other electronic medium.

(Source: P.A. 99-352, eff. 1-1-16; revised 10-20-15.)

(50 ILCS 706/10-20)
Sec. 10-20. Requirements.

(a) The Board shall develop basic guidelines for the use of officer-worn body cameras by law enforcement agencies. The guidelines developed by the Board shall be the basis for the written policy which must be adopted by each law enforcement agency which employs the use of officer-worn body cameras. The written policy adopted by the law enforcement agency must include, at a minimum, all of the following:

(1) Cameras must be equipped with pre-event recording, capable of recording at least the 30 seconds prior to camera activation, unless the officer-worn body camera was purchased and acquired by the law enforcement agency prior to July 1, 2015.

(2) Cameras must be capable of recording for a period of 10 hours or more, unless the officer-worn body camera was purchased and acquired by the law enforcement agency prior to July 1, 2015.

(3) Cameras must be turned on at all times when the officer is in uniform and is responding to calls for service or engaged in any law enforcement-related encounter or activity, that occurs while the officer is on duty.

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(A) If exigent circumstances exist which prevent the camera from being turned on, the camera must be turned on as soon as practicable.

(B) Officer-worn body cameras may be turned off when the officer is inside of a patrol car which is equipped with a functioning in-car camera; however, the officer must turn on the camera upon exiting the patrol vehicle for law enforcement-related encounters.

(4) Cameras must be turned off when:

(A) the victim of a crime requests that the camera be turned off, and unless impractical or impossible, that request is made on the recording;

(B) a witness of a crime or a community member who wishes to report a crime requests that the camera be turned off, and unless impractical or impossible that request is made on the recording; or

(C) the officer is interacting with a confidential informant used by the law enforcement agency.

However, an officer may continue to record or resume recording a victim or a witness, if exigent circumstances exist, or if the officer has reasonable articulable suspicion that a victim or witness, or confidential informant has committed or is in the process of committing a crime. Under these circumstances, and unless impractical or impossible, the officer must indicate on the recording the reason for continuing to record despite the request of the victim or witness.

(4.5) Cameras may be turned off when the officer is engaged in community caretaking functions. However, the camera must be turned on when the officer has reason to believe that the person on whose behalf the officer is performing a community caretaking function has committed or is in the process of committing a crime. If exigent circumstances exist which prevent the camera from being turned on, the camera must be turned on as soon as practicable.

(5) The officer must provide notice of recording to any person if the person has a reasonable expectation of privacy and proof of notice must be evident in the recording. If exigent circumstances exist which prevent the officer from providing notice, notice must be provided as soon as practicable.

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(6) For the purposes of redaction, labeling, or duplicating recordings, access to camera recordings shall be restricted to only those personnel responsible for those purposes. The recording officer and his or her supervisor may access and review recordings prior to completing incident reports or other documentation, provided that the officer or his or her supervisor discloses that fact in the report or documentation.

(7) Recordings made on officer-worn cameras must be retained by the law enforcement agency or by the camera vendor used by the agency, on a recording medium for a period of 90 days.

(A) Under no circumstances shall any recording made with an officer-worn body camera be altered, erased, or destroyed prior to the expiration of the 90-day storage period.

(B) Following the 90-day storage period, any and all recordings made with an officer-worn body camera must be destroyed, unless any encounter captured on the recording has been flagged. An encounter is deemed to be flagged when:

(i) a formal or informal complaint has been filed;

(ii) the officer discharged his or her firearm or used force during the encounter;

(iii) death or great bodily harm occurred to any person in the recording;

(iv) the encounter resulted in a detention or an arrest, excluding traffic stops which resulted in only a minor traffic offense or business offense;

(v) the officer is the subject of an internal investigation or otherwise being investigated for possible misconduct;

(vi) the supervisor of the officer, prosecutor, defendant, or court determines that the encounter has evidentiary value in a criminal prosecution; or

(vii) the recording officer requests that the video be flagged for official purposes related to his or her official duties.

(C) Under no circumstances shall any recording made with an officer-worn body camera relating to a

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flagged encounter be altered or destroyed prior to 2 years after the recording was flagged. If the flagged recording was used in a criminal, civil, or administrative proceeding, the recording shall not be destroyed except upon a final disposition and order from the court.

(8) Following the 90-day storage period, recordings may be retained if a supervisor at the law enforcement agency designates the recording for training purposes. If the recording is designated for training purposes, the recordings may be viewed by officers, in the presence of a supervisor or training instructor, for the purposes of instruction, training, or ensuring compliance with agency policies.

(9) Recordings shall not be used to discipline law enforcement officers unless:
   (A) a formal or informal complaint of misconduct has been made;
   (B) a use of force incident has occurred;
   (C) the encounter on the recording could result in a formal investigation under the Uniform Peace Officers' Disciplinary Act; or
   (D) as corroboration of other evidence of misconduct.

Nothing in this paragraph (9) shall be construed to limit or prohibit a law enforcement officer from being subject to an action that does not amount to discipline.

(10) The law enforcement agency shall ensure proper care and maintenance of officer-worn body cameras. Upon becoming aware, officers must as soon as practical document and notify the appropriate supervisor of any technical difficulties, failures, or problems with the officer-worn body camera or associated equipment. Upon receiving notice, the appropriate supervisor shall make every reasonable effort to correct and repair any of the officer-worn body camera equipment.

(11) No officer may hinder or prohibit any person, not a law enforcement officer, from recording a law enforcement officer in the performance of his or her duties in a public place or when the officer has no reasonable expectation of privacy. The law enforcement agency's written policy shall indicate the potential criminal penalties, as well as any departmental discipline, which

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may result from unlawful confiscation or destruction of the recording medium of a person who is not a law enforcement officer. However, an officer may take reasonable action to maintain safety and control, secure crime scenes and accident sites, protect the integrity and confidentiality of investigations, and protect the public safety and order.

(b) Recordings made with the use of an officer-worn body camera are not subject to disclosure under the Freedom of Information Act, except that:

(1) if the subject of the encounter has a reasonable expectation of privacy, at the time of the recording, any recording which is flagged, due to the filing of a complaint, discharge of a firearm, use of force, arrest or detention, or resulting death or bodily harm, shall be disclosed in accordance with the Freedom of Information Act if:

(A) the subject of the encounter captured on the recording is a victim or witness; and
(B) the law enforcement agency obtains written permission of the subject or the subject's legal representative;

(2) except as provided in paragraph (1) of this subsection (b), any recording which is flagged due to the filing of a complaint, discharge of a firearm, use of force, arrest or detention, or resulting death or bodily harm shall be disclosed in accordance with the Freedom of Information Act; and

(3) upon request, the law enforcement agency shall disclose, in accordance with the Freedom of Information Act, the recording to the subject of the encounter captured on the recording or to the subject's attorney, or the officer or his or her legal representative.

For the purposes of paragraph (1) of this subsection (b), the subject of the encounter does not have a reasonable expectation of privacy if the subject was arrested as a result of the encounter. For purposes of subparagraph (A) of paragraph (1) of this subsection (b), "witness" does not include a person who is a victim or who was arrested as a result of the encounter.

Only recordings or portions of recordings responsive to the request shall be available for inspection or reproduction. Any recording disclosed under the Freedom of Information Act shall be redacted to remove

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identification of any person that appears on the recording and is not the
officer, a subject of the encounter, or directly involved in the encounter.
Nothing in this subsection (b) shall require the disclosure of any recording
or portion of any recording which would be exempt from disclosure under
the Freedom of Information Act.
(c) Nothing in this Section shall limit access to a camera recording
for the purposes of complying with Supreme Court rules or the rules of
evidence.

(Source: P.A. 99-352, eff. 1-1-16; revised 10-20-15.)

Section 200. The Emergency Telephone System Act is amended by
changing Section 75 as follows:

(50 ILCS 750/75)
(Section scheduled to be repealed on July 1, 2017)
Sec. 75. Transfer of rights, functions, powers, duties, and property
to Department of State Police; rules and standards; savings provisions.
(a) On January 1, 2016, the rights, functions, powers, and duties of
the Illinois Commerce Commission as set forth in this Act and the
Wireless Emergency Telephone Safety Act existing prior to January 1,
2016, are transferred to and shall be exercised by the Department of State
Police. On or before January 1, 2016, the Commission shall transfer and
deliver to the Department all books, records, documents, property (real and
personal), unexpended appropriations, and pending business pertaining to
the rights, powers, duties, and functions transferred to the Department
under Public Act 99-6 this amendatory Act of the 99th General Assembly.
(b) The rules and standards of the Commission that are in effect on
January 1, 2016 and that pertain to the rights, powers, duties, and functions
transferred to the Department under Public Act 99-6 this amendatory Act
of the 99th General Assembly shall become the rules and standards of the
Department on January 1, 2016, and shall continue in effect until amended
or repealed by the Department.
Any rules pertaining to the rights, powers, duties, and functions
transferred to the Department under Public Act 99-6 this amendatory Act
of the 99th General Assembly that have been proposed by the Commission
but have not taken effect or been finally adopted by January 1, 2016, shall
become proposed rules of the Department on January 1, 2016, and any
rulemaking procedures that have already been completed by the
Commission for those proposed rules need not be repealed.

As soon as it is practical after January 1, 2016, the Department
shall revise and clarify the rules transferred to it under Public Act 99-6 this

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amendatory Act of the 99th General Assembly to reflect the transfer of rights, powers, duties, and functions effected by Public Act 99-6 this amendatory Act of the 99th General Assembly using the procedures for recodification of rules available under the Illinois Administrative Procedure Act, except that existing title, part, and section numbering for the affected rules may be retained. The Department may propose and adopt under the Illinois Administrative Procedure Act any other rules necessary to consolidate and clarify those rules.

(c) The rights, powers, duties, and functions transferred to the Department by Public Act 99-6 this amendatory Act of the 99th General Assembly shall be vested in and exercised by the Department subject to the provisions of this Act and the Wireless Emergency Telephone Safety Act. An act done by the Department or an officer, employee, or agent of the Department in the exercise of the transferred rights, powers, duties, and functions shall have the same legal effect as if done by the Commission or an officer, employee, or agent of the Commission.

The transfer of rights, powers, duties, and functions to the Department under Public Act 99-6 this amendatory Act of the 99th General Assembly does not invalidate any previous action taken by or in respect to the Commission, its officers, employees, or agents. References to the Commission or its officers, employees, or agents in any document, contract, agreement, or law shall, in appropriate contexts, be deemed to refer to the Department or its officers, employees, or agents.

The transfer of rights, powers, duties, and functions to the Department under Public Act 99-6 this amendatory Act of the 99th General Assembly does not affect any person's rights, obligations, or duties, including any civil or criminal penalties applicable thereto, arising out of those transferred rights, powers, duties, and functions.

Public Act 99-6 This amendatory Act of the 99th General Assembly does not affect any act done, ratified, or cancelled, any right occurring or established, or any action or proceeding commenced in an administrative, civil, or criminal case before January 1, 2016. Any such action or proceeding that pertains to a right, power, duty, or function transferred to the Department under Public Act 99-6 this amendatory Act of the 99th General Assembly that is pending on that date may be prosecuted, defended, or continued by the Commission.

For the purposes of Section 9b of the State Finance Act, the Department is the successor to the Commission with respect to the rights,
duties, powers, and functions transferred by Public Act 99-6 this amendatory Act of the 99th General Assembly.

(d) The Department is authorized to enter into an intergovernmental agreement with the Commission for the purpose of having the Commission assist the Department and the Statewide 9-1-1 Administrator in carrying out their duties and functions under this Act. The agreement may provide for funding for the Commission for its assistance to the Department and the Statewide 9-1-1 Administrator.

(Source: P.A. 99-6, eff. 6-29-15; revised 11-9-15.)

Section 205. The Counties Code is amended by changing Sections 3-3013, 3-8007, 3-9005, 5-1006.5, 5-1006.7, 5-12020, and 6-1003 as follows:

(55 ILCS 5/3-3013) (from Ch. 34, par. 3-3013)
Sec. 3-3013. Preliminary investigations; blood and urine analysis; summoning jury; reports. Every coroner, whenever, as soon as he knows or is informed that the dead body of any person is found, or lying within his county, whose death is suspected of being:

(a) A sudden or violent death, whether apparently suicidal, homicidal or accidental, including but not limited to deaths apparently caused or contributed to by thermal, traumatic, chemical, electrical or radiational injury, or a complication of any of them, or by drowning or suffocation, or as a result of domestic violence as defined in the Illinois Domestic Violence Act of 1986;

(b) A maternal or fetal death due to abortion, or any death due to a sex crime or a crime against nature;

(c) A death where the circumstances are suspicious, obscure, mysterious or otherwise unexplained or where, in the written opinion of the attending physician, the cause of death is not determined;

(d) A death where addiction to alcohol or to any drug may have been a contributory cause; or

(e) A death where the decedent was not attended by a licensed physician;

shall go to the place where the dead body is, and take charge of the same and shall make a preliminary investigation into the circumstances of the death. In the case of death without attendance by a licensed physician the body may be moved with the coroner's consent from the place of death to a mortuary in the same county. Coroners in their discretion shall notify such
physician as is designated in accordance with Section 3-3014 to attempt to ascertain the cause of death, either by autopsy or otherwise.

In cases of accidental death involving a motor vehicle in which the decedent was (1) the operator or a suspected operator of a motor vehicle, or (2) a pedestrian 16 years of age or older, the coroner shall require that a blood specimen of at least 30 cc., and if medically possible a urine specimen of at least 30 cc. or as much as possible up to 30 cc., be withdrawn from the body of the decedent in a timely fashion after the accident causing his death, by such physician as has been designated in accordance with Section 3-3014, or by the coroner or deputy coroner or a qualified person designated by such physician, coroner, or deputy coroner. If the county does not maintain laboratory facilities for making such analysis, the blood and urine so drawn shall be sent to the Department of State Police or any other accredited or State-certified laboratory for analysis of the alcohol, carbon monoxide, and dangerous or narcotic drug content of such blood and urine specimens. Each specimen submitted shall be accompanied by pertinent information concerning the decedent upon a form prescribed by such laboratory. Any person drawing blood and urine and any person making any examination of the blood and urine under the terms of this Division shall be immune from all liability, civil or criminal, that might otherwise be incurred or imposed.

In all other cases coming within the jurisdiction of the coroner and referred to in subparagraphs (a) through (e) above, blood, and whenever possible, urine samples shall be analyzed for the presence of alcohol and other drugs. When the coroner suspects that drugs may have been involved in the death, either directly or indirectly, a toxicological examination shall be performed which may include analyses of blood, urine, bile, gastric contents and other tissues. When the coroner suspects a death is due to toxic substances, other than drugs, the coroner shall consult with the toxicologist prior to collection of samples. Information submitted to the toxicologist shall include information as to height, weight, age, sex and race of the decedent as well as medical history, medications used by and the manner of death of decedent.

When the coroner or medical examiner finds that the cause of death is due to homicidal means, the coroner or medical examiner shall cause blood and buccal specimens (tissue may be submitted if no uncontaminated blood or buccal specimen can be obtained), whenever possible, to be withdrawn from the body of the decedent in a timely fashion. For proper preservation of the specimens, collected blood and
buccal specimens shall be dried and tissue specimens shall be frozen if available equipment exists. As soon as possible, but no later than 30 days after the collection of the specimens, the coroner or medical examiner shall release those specimens to the police agency responsible for investigating the death. As soon as possible, but no later than 30 days after the receipt from the coroner or medical examiner, the police agency shall submit the specimens using the agency case number to a National DNA Index System (NDIS) participating laboratory within this State, such as the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings. The results of the analysis and categorizing into genetic marker groupings shall be provided to the Illinois Department of State Police and shall be maintained by the Illinois Department of State Police in the State central repository in the same manner, and subject to the same conditions, as provided in Section 5-4-3 of the Unified Code of Corrections. The requirements of this paragraph are in addition to any other findings, specimens, or information that the coroner or medical examiner is required to provide during the conduct of a criminal investigation.

In all counties, in cases of apparent suicide, homicide, or accidental death or in other cases, within the discretion of the coroner, the coroner may summon 8 persons of lawful age from those persons drawn for petit jurors in the county. The summons shall command these persons to present themselves personally at such a place and time as the coroner shall determine, and may be in any form which the coroner shall determine and may incorporate any reasonable form of request for acknowledgement which the coroner deems practical and provides a reliable proof of service. The summons may be served by first class mail. From the 8 persons so summoned, the coroner shall select 6 to serve as the jury for the inquest. Inquests may be continued from time to time, as the coroner may deem necessary. The 6 jurors selected in a given case may view the body of the deceased. If at any continuation of an inquest one or more of the original jurors shall be unable to continue to serve, the coroner shall fill the vacancy or vacancies. A juror serving pursuant to this paragraph shall receive compensation from the county at the same rate as the rate of compensation that is paid to petit or grand jurors in the county. The coroner shall furnish to each juror without fee at the time of his discharge a certificate of the number of days in attendance at an inquest, and, upon being presented with such certificate, the county treasurer shall pay to the juror the sum provided for his services.

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In counties which have a jury commission, in cases of apparent suicide or homicide or of accidental death, the coroner may conduct an inquest. The jury commission shall provide at least 8 jurors to the coroner, from whom the coroner shall select any 6 to serve as the jury for the inquest. Inquests may be continued from time to time as the coroner may deem necessary. The 6 jurors originally chosen in a given case may view the body of the deceased. If at any continuation of an inquest one or more of the 6 jurors originally chosen shall be unable to continue to serve, the coroner shall fill the vacancy or vacancies. At the coroner's discretion, additional jurors to fill such vacancies shall be supplied by the jury commission. A juror serving pursuant to this paragraph in such county shall receive compensation from the county at the same rate as the rate of compensation that is paid to petit or grand jurors in the county.

In every case in which a fire is determined to be a contributing factor in a death, the coroner shall report the death to the Office of the State Fire Marshal. The coroner shall provide a copy of the death certificate (i) within 30 days after filing the permanent death certificate and (ii) in a manner that is agreed upon by the coroner and the State Fire Marshal.

In every case in which a drug overdose is determined to be the cause or a contributing factor in the death, the coroner or medical examiner shall report the death to the Department of Public Health. The Department of Public Health shall adopt rules regarding specific information that must be reported in the event of such a death. If possible, the coroner shall report the cause of the overdose. As used in this Section, "overdose" has the same meaning as it does in Section 414 of the Illinois Controlled Substances Act. The Department of Public Health shall issue a semiannual report to the General Assembly summarizing the reports received. The Department shall also provide on its website a monthly report of overdose death figures organized by location, age, and any other factors, the Department deems appropriate.

In addition, in every case in which domestic violence is determined to be a contributing factor in a death, the coroner shall report the death to the Department of State Police.

All deaths in State institutions and all deaths of wards of the State in private care facilities or in programs funded by the Department of Human Services under its powers relating to mental health and developmental disabilities or alcoholism and substance abuse or funded by the Department of Children and Family Services shall be reported to the
coroner of the county in which the facility is located. If the coroner has reason to believe that an investigation is needed to determine whether the death was caused by maltreatment or negligent care of the ward of the State, the coroner may conduct a preliminary investigation of the circumstances of such death as in cases of death under circumstances set forth in paragraphs (a) through (e) of this Section.

(Source: P.A. 99-354, eff. 1-1-16; 99-480, eff. 9-9-15; revised 10-20-15.)

(55 ILCS 5/3-8007) (from Ch. 34, par. 3-8007)

Sec. 3-8007. Duties and jurisdiction of commission. The Merit Commission shall have the duties, pursuant to recognized merit principles of public employment, of certification for employment and promotion, and, upon complaint of the sheriff or State's Attorney states attorney as limited in this Division, to discipline or discharge as the circumstances may warrant. All full time deputy sheriffs shall be under the jurisdiction of this Act and the county board may provide that other positions, including jail officers, as defined in "An Act to revise the law in relation to jails and jailers", approved March 3, 1874, as now or hereafter amended (repealed), shall be under the jurisdiction of the Commission. There may be exempted from coverage by resolution of the county board a "chief deputy" or "chief deputies" who shall be vested with all authorities granted to deputy sheriffs pursuant to Section 3-6015. "Chief Deputy" or "Chief Deputies" as used in this Section include the personal assistant or assistants of the sheriff whether titled "chief deputy", "undersheriff" "under sheriff", or "administrative assistant".

(Source: P.A. 86-962; revised 11-9-15.)

(55 ILCS 5/3-9005) (from Ch. 34, par. 3-9005)
Sec. 3-9005. Powers and duties of State's attorney.
(a) The duty of each State's attorney shall be:

(1) To commence and prosecute all actions, suits, indictments and prosecutions, civil and criminal, in the circuit court for his county, in which the people of the State or county may be concerned.

(2) To prosecute all forfeited bonds and recognizances, and all actions and proceedings for the recovery of debts, revenues, moneys, fines, penalties and forfeitures accruing to the State or his county, or to any school district or road district in his county; also, to prosecute all suits in his county against railroad or transportation companies, which may be prosecuted in the name of the People of the State of Illinois.

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(3) To commence and prosecute all actions and proceedings brought by any county officer in his official capacity.

(4) To defend all actions and proceedings brought against his county, or against any county or State officer, in his official capacity, within his county.

(5) To attend the examination of all persons brought before any judge on habeas corpus, when the prosecution is in his county.

(6) To attend before judges and prosecute charges of felony or misdemeanor, for which the offender is required to be recognized to appear before the circuit court, when in his power so to do.

(7) To give his opinion, without fee or reward, to any county officer in his county, upon any question or law relating to any criminal or other matter, in which the people or the county may be concerned.

(8) To assist the attorney general whenever it may be necessary, and in cases of appeal from his county to the Supreme Court, to which it is the duty of the attorney general to attend, he shall furnish the attorney general at least 10 days before such is due to be filed, a manuscript of a proposed statement, brief and argument to be printed and filed on behalf of the people, prepared in accordance with the rules of the Supreme Court. However, if such brief, argument or other document is due to be filed by law or order of court within this 10-day period, then the State's attorney shall furnish such as soon as may be reasonable.

(9) To pay all moneys received by him in trust, without delay, to the officer who by law is entitled to the custody thereof.

(10) To notify, by first class mail, complaining witnesses of the ultimate disposition of the cases arising from an indictment or an information.

(11) To perform such other and further duties as may, from time to time, be enjoined on him by law.

(12) To appear in all proceedings by collectors of taxes against delinquent taxpayers for judgments to sell real estate, and see that all the necessary preliminary steps have been legally taken to make the judgment legal and binding.

(13) To notify, by first-class mail, the State Superintendent of Education, the applicable regional superintendent of schools, and the superintendent of the employing school district or the chief

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school administrator of the employing nonpublic school, if any, upon the conviction of any individual known to possess a certificate or license issued pursuant to Article 21 or 21B, respectively, of the School Code of any offense set forth in Section 21B-80 of the School Code or any other felony conviction, providing the name of the certificate holder, the fact of the conviction, and the name and location of the court where the conviction occurred. The certificate holder must also be contemporaneously sent a copy of the notice.

(b) The State's Attorney of each county shall have authority to appoint one or more special investigators to serve subpoenas and summonses, make return of process, and conduct investigations which assist the State's Attorney in the performance of his duties. In counties of the first and second class, the fees for service of subpoenas and summonses are allowed by this Section and shall be consistent with those set forth in Section 4-5001 of this Act, except when increased by county ordinance as provided for in Section 4-5001. In counties of the third class, the fees for service of subpoenas and summonses are allowed by this Section and shall be consistent with those set forth in Section 4-12001 of this Act. A special investigator shall not carry firearms except with permission of the State's Attorney and only while carrying appropriate identification indicating his employment and in the performance of his assigned duties.

Subject to the qualifications set forth in this subsection, special investigators shall be peace officers and shall have all the powers possessed by investigators under the State's Attorneys Appellate Prosecutor's Act.

No special investigator employed by the State's Attorney shall have peace officer status or exercise police powers unless he or she successfully completes the basic police training course mandated and approved by the Illinois Law Enforcement Training Standards Board or such board waives the training requirement by reason of the special investigator's prior law enforcement experience or training or both. Any State's Attorney appointing a special investigator shall consult with all affected local police agencies, to the extent consistent with the public interest, if the special investigator is assigned to areas within that agency's jurisdiction.

Before a person is appointed as a special investigator, his fingerprints shall be taken and transmitted to the Department of State Police. The Department shall examine its records and submit to the State's

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Attorney of the county in which the investigator seeks appointment any conviction information concerning the person on file with the Department. No person shall be appointed as a special investigator if he has been convicted of a felony or other offense involving moral turpitude. A special investigator shall be paid a salary and be reimbursed for actual expenses incurred in performing his assigned duties. The county board shall approve the salary and actual expenses and appropriate the salary and expenses in the manner prescribed by law or ordinance.

(c) The State's Attorney may request and receive from employers, labor unions, telephone companies, and utility companies location information concerning putative fathers and noncustodial parents for the purpose of establishing a child's paternity or establishing, enforcing, or modifying a child support obligation. In this subsection, "location information" means information about (i) the physical whereabouts of a putative father or noncustodial parent, (ii) the putative father or noncustodial parent's employer, or (iii) the salary, wages, and other compensation paid and the health insurance coverage provided to the putative father or noncustodial parent by the employer of the putative father or noncustodial parent or by a labor union of which the putative father or noncustodial parent is a member.

(d) For each State fiscal year, the State's Attorney of Cook County shall appear before the General Assembly and request appropriations to be made from the Capital Litigation Trust Fund to the State Treasurer for the purpose of providing assistance in the prosecution of capital cases in Cook County and for the purpose of providing assistance to the State in post-conviction proceedings in capital cases under Article 122 of the Code of Criminal Procedure of 1963 and in relation to petitions filed under Section 2-1401 of the Code of Civil Procedure in relation to capital cases. The State's Attorney may appear before the General Assembly at other times during the State's fiscal year to request supplemental appropriations from the Trust Fund to the State Treasurer.

(e) The State's Attorney shall have the authority to enter into a written agreement with the Department of Revenue for pursuit of civil liability under subsection (E) of Section 17-1 of the Criminal Code of 2012 against persons who have issued to the Department checks or other orders in violation of the provisions of paragraph (1) of subsection (B) of Section 17-1 of the Criminal Code of 2012, with the Department to retain the amount owing upon the dishonored check or order along with the dishonored check fee imposed under the Uniform Penalty and Interest Act,
with the balance of damages, fees, and costs collected under subsection (E) of Section 17-1 of the Criminal Code of 2012 or under Section 17-1a of that Code to be retained by the State's Attorney. The agreement shall not affect the allocation of fines and costs imposed in any criminal prosecution.
(Source: P.A. 99-169, eff. 7-28-15; revised 11-9-15.)

(55 ILCS 5/5-1006.5)

Sec. 5-1006.5. Special County Retailers' Occupation Tax For Public Safety, Public Facilities, or Transportation.

(a) The county board of any county may impose a tax upon all persons engaged in the business of selling tangible personal property, other than personal property titled or registered with an agency of this State's government, at retail in the county on the gross receipts from the sales made in the course of business to provide revenue to be used exclusively for public safety, public facility, or transportation purposes in that county, if a proposition for the tax has been submitted to the electors of that county and approved by a majority of those voting on the question. If imposed, this tax shall be imposed only in one-quarter percent increments. By resolution, the county board may order the proposition to be submitted at any election. If the tax is imposed for transportation purposes for expenditures for public highways or as authorized under the Illinois Highway Code, the county board must publish notice of the existence of its long-range highway transportation plan as required or described in Section 5-301 of the Illinois Highway Code and must make the plan publicly available prior to approval of the ordinance or resolution imposing the tax. If the tax is imposed for transportation purposes for expenditures for passenger rail transportation, the county board must publish notice of the existence of its long-range passenger rail transportation plan and must make the plan publicly available prior to approval of the ordinance or resolution imposing the tax.

If a tax is imposed for public facilities purposes, then the name of the project may be included in the proposition at the discretion of the county board as determined in the enabling resolution. For example, the "XXX Nursing Home" or the "YYY Museum".

The county clerk shall certify the question to the proper election authority, who shall submit the proposition at an election in accordance with the general election law.

(1) The proposition for public safety purposes shall be in substantially the following form:

New matter indicated by italics - deletions by strikeout
"To pay for public safety purposes, shall (name of county) be authorized to impose an increase on its share of local sales taxes by (insert rate)?"

As additional information on the ballot below the question shall appear the following:

"This would mean that a consumer would pay an additional (insert amount) in sales tax for every $100 of tangible personal property bought at retail."

The county board may also opt to establish a sunset provision at which time the additional sales tax would cease being collected, if not terminated earlier by a vote of the county board. If the county board votes to include a sunset provision, the proposition for public safety purposes shall be in substantially the following form:

"To pay for public safety purposes, shall (name of county) be authorized to impose an increase on its share of local sales taxes by (insert rate) for a period not to exceed (insert number of years)?"

As additional information on the ballot below the question shall appear the following:

"This would mean that a consumer would pay an additional (insert amount) in sales tax for every $100 of tangible personal property bought at retail. If imposed, the additional tax would cease being collected at the end of (insert number of years), if not terminated earlier by a vote of the county board."

For the purposes of the paragraph, "public safety purposes" means crime prevention, detention, fire fighting, police, medical, ambulance, or other emergency services.

Votes shall be recorded as "Yes" or "No".

Beginning on the January 1 or July 1, whichever is first, that occurs not less than 30 days after May 31, 2015 (the effective date of Public Act 99-4) this amendatory Act of the 99th General Assembly, Adams County may impose a public safety retailers' occupation tax and service occupation tax at the rate of 0.25%, as provided in the referendum approved by the voters on April 7, 2015, notwithstanding the omission of the additional information that is otherwise required to be printed on the ballot below the question pursuant to this item (1).

(2) The proposition for transportation purposes shall be in substantially the following form:

New matter indicated by italics - deletions by strikeout
"To pay for improvements to roads and other transportation purposes, shall (name of county) be authorized to impose an increase on its share of local sales taxes by (insert rate)?"

As additional information on the ballot below the question shall appear the following:

"This would mean that a consumer would pay an additional (insert amount) in sales tax for every $100 of tangible personal property bought at retail."

The county board may also opt to establish a sunset provision at which time the additional sales tax would cease being collected, if not terminated earlier by a vote of the county board. If the county board votes to include a sunset provision, the proposition for transportation purposes shall be in substantially the following form:

"To pay for road improvements and other transportation purposes, shall (name of county) be authorized to impose an increase on its share of local sales taxes by (insert rate) for a period not to exceed (insert number of years)?"

As additional information on the ballot below the question shall appear the following:

"This would mean that a consumer would pay an additional (insert amount) in sales tax for every $100 of tangible personal property bought at retail. If imposed, the additional tax would cease being collected at the end of (insert number of years), if not terminated earlier by a vote of the county board."

For the purposes of this paragraph, transportation purposes means construction, maintenance, operation, and improvement of public highways, any other purpose for which a county may expend funds under the Illinois Highway Code, and passenger rail transportation.

The votes shall be recorded as "Yes" or "No".

(3) The proposition for public facilities purposes shall be in substantially the following form:

"To pay for public facilities purposes, shall (name of county) be authorized to impose an increase on its share of local sales taxes by (insert rate)?"

As additional information on the ballot below the question shall appear the following:

New matter indicated by italics - deletions by strikeout
"This would mean that a consumer would pay an additional (insert amount) in sales tax for every $100 of tangible personal property bought at retail."

The county board may also opt to establish a sunset provision at which time the additional sales tax would cease being collected, if not terminated earlier by a vote of the county board. If the county board votes to include a sunset provision, the proposition for public facilities purposes shall be in substantially the following form:

"To pay for public facilities purposes, shall (name of county) be authorized to impose an increase on its share of local sales taxes by (insert rate) for a period not to exceed (insert number of years)?"

As additional information on the ballot below the question shall appear the following:

"This would mean that a consumer would pay an additional (insert amount) in sales tax for every $100 of tangible personal property bought at retail. If imposed, the additional tax would cease being collected at the end of (insert number of years), if not terminated earlier by a vote of the county board."

For purposes of this Section, "public facilities purposes" means the acquisition, development, construction, reconstruction, rehabilitation, improvement, financing, architectural planning, and installation of capital facilities consisting of buildings, structures, and durable equipment and for the acquisition and improvement of real property and interest in real property required, or expected to be required, in connection with the public facilities, for use by the county for the furnishing of governmental services to its citizens, including but not limited to museums and nursing homes.

The votes shall be recorded as "Yes" or "No".

If a majority of the electors voting on the proposition vote in favor of it, the county may impose the tax. A county may not submit more than one proposition authorized by this Section to the electors at any one time.

This additional tax may not be imposed on the sales of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food which has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes, and needles used by diabetics. The tax imposed

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by a county under this Section and all civil penalties that may be assessed as an incident of the tax shall be collected and enforced by the Illinois Department of Revenue and deposited into a special fund created for that purpose. The certificate of registration that is issued by the Department to a retailer under the Retailers' Occupation Tax Act shall permit the retailer to engage in a business that is taxable without registering separately with the Department under an ordinance or resolution under this Section. The Department has full power to administer and enforce this Section, to collect all taxes and penalties due under this Section, to dispose of taxes and penalties so collected in the manner provided in this Section, and to determine all rights to credit memoranda arising on account of the erroneous payment of a tax or penalty under this Section. In the administration of and compliance with this Section, the Department and persons who are subject to this Section shall (i) have the same rights, remedies, privileges, immunities, powers, and duties, (ii) be subject to the same conditions, restrictions, limitations, penalties, and definitions of terms, and (iii) employ the same modes of procedure as are prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j, 1k, 1m, 1n, 2 through 2-70 (in respect to all provisions contained in those Sections other than the State rate of tax), 2a, 2b, 2c, 3 (except provisions relating to transaction returns and quarter monthly payments), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act as if those provisions were set forth in this Section.

Persons subject to any tax imposed under the authority granted in this Section may reimburse themselves for their sellers' tax liability by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax which sellers are required to collect under the Use Tax Act, pursuant to such bracketed schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this Section to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified and to the person named in the notification from the Department. The refund shall be paid by the State Treasurer out of the County Public Safety or Transportation Retailers' Occupation Tax Fund.

(b) If a tax has been imposed under subsection (a), a service occupation tax shall also be imposed at the same rate upon all persons
engaged, in the county, in the business of making sales of service, who, as an incident to making those sales of service, transfer tangible personal property within the county as an incident to a sale of service. This tax may not be imposed on sales of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes, and needles used by diabetics. The tax imposed under this subsection and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the Department of Revenue. The Department has full power to administer and enforce this subsection; to collect all taxes and penalties due hereunder; to dispose of taxes and penalties so collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder.

In the administration of, and compliance with this subsection, the Department and persons who are subject to this paragraph shall (i) have the same rights, remedies, privileges, immunities, powers, and duties, (ii) be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions, and definitions of terms, and (iii) employ the same modes of procedure as are prescribed in Sections 2 (except that the reference to State in the definition of supplier maintaining a place of business in this State shall mean the county), 2a, 2b, 2c, 3 through 3-50 (in respect to all provisions therein other than the State rate of tax), 4 (except that the reference to the State shall be to the county), 5, 7, 8 (except that the jurisdiction to which the tax shall be a debt to the extent indicated in that Section 8 shall be the county), 9 (except as to the disposition of taxes and penalties collected), 10, 11, 12 (except the reference therein to Section 2b of the Retailers' Occupation Tax Act), 13 (except that any reference to the State shall mean the county), Section 15, 16, 17, 18, 19 and 20 of the Service Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under the authority granted in this subsection may reimburse themselves for their serviceman's tax liability by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax that servicemen are authorized to collect under the Service Use Tax Act, in accordance with such bracket schedules as the Department may prescribe.
Whenever the Department determines that a refund should be made under this subsection to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the warrant to be drawn for the amount specified, and to the person named, in the notification from the Department. The refund shall be paid by the State Treasurer out of the County Public Safety or Transportation Retailers' Occupation Fund.

Nothing in this subsection shall be construed to authorize the county to impose a tax upon the privilege of engaging in any business which under the Constitution of the United States may not be made the subject of taxation by the State.

(c) The Department shall immediately pay over to the State Treasurer, ex officio, as trustee, all taxes and penalties collected under this Section to be deposited into the County Public Safety or Transportation Retailers' Occupation Tax Fund, which shall be an unappropriated trust fund held outside of the State treasury.

As soon as possible after the first day of each month, beginning January 1, 2011, upon certification of the Department of Revenue, the Comptroller shall order transferred, and the Treasurer shall transfer, to the STAR Bonds Revenue Fund the local sales tax increment, as defined in the Innovation Development and Economy Act, collected under this Section during the second preceding calendar month for sales within a STAR bond district.

After the monthly transfer to the STAR Bonds Revenue Fund, on or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to the counties from which retailers have paid taxes or penalties to the Department during the second preceding calendar month. The amount to be paid to each county, and deposited by the county into its special fund created for the purposes of this Section, shall be the amount (not including credit memoranda) collected under this Section during the second preceding calendar month by the Department plus an amount the Department determines is necessary to offset any amounts that were erroneously paid to a different taxing body, and not including (i) an amount equal to the amount of refunds made during the second preceding calendar month by the Department on behalf of the county, (ii) any amount that the Department determines is necessary to offset any amounts that were payable to a different taxing body but were erroneously paid to the county, and (iii) any amounts that are transferred to the STAR Bonds

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Revenue Fund. Within 10 days after receipt by the Comptroller of the
disbursement certification to the counties provided for in this Section to be
given to the Comptroller by the Department, the Comptroller shall cause
the orders to be drawn for the respective amounts in accordance with
directions contained in the certification.

In addition to the disbursement required by the preceding
paragraph, an allocation shall be made in March of each year to each
county that received more than $500,000 in disbursements under the
preceding paragraph in the preceding calendar year. The allocation shall be
in an amount equal to the average monthly distribution made to each such
county under the preceding paragraph during the preceding calendar year
(excluding the 2 months of highest receipts). The distribution made in
March of each year subsequent to the year in which an allocation was
made pursuant to this paragraph and the preceding paragraph shall be
reduced by the amount allocated and disbursed under this paragraph in the
preceding calendar year. The Department shall prepare and certify to the
Comptroller for disbursement the allocations made in accordance with this
paragraph.

A county may direct, by ordinance, that all or a portion of the taxes
and penalties collected under the Special County Retailers' Occupation
Tax For Public Safety or Transportation be deposited into the
Transportation Development Partnership Trust Fund.

(d) For the purpose of determining the local governmental unit
whose tax is applicable, a retail sale by a producer of coal or another
mineral mined in Illinois is a sale at retail at the place where the coal or
other mineral mined in Illinois is extracted from the earth. This paragraph
does not apply to coal or another mineral when it is delivered or shipped
by the seller to the purchaser at a point outside Illinois so that the sale is
exempt under the United States Constitution as a sale in interstate or
foreign commerce.

(e) Nothing in this Section shall be construed to authorize a county
to impose a tax upon the privilege of engaging in any business that under
the Constitution of the United States may not be made the subject of
taxation by this State.

(e-5) If a county imposes a tax under this Section, the county board
may, by ordinance, discontinue or lower the rate of the tax. If the county
board lowers the tax rate or discontinues the tax, a referendum must be
held in accordance with subsection (a) of this Section in order to increase
the rate of the tax or to reimpose the discontinued tax.

New matter indicated by italics - deletions by strikeout
(f) Beginning April 1, 1998 and through December 31, 2013, the results of any election authorizing a proposition to impose a tax under this Section or effecting a change in the rate of tax, or any ordinance lowering the rate or discontinuing the tax, shall be certified by the county clerk and filed with the Illinois Department of Revenue either (i) on or before the first day of April, whereupon the Department shall proceed to administer and enforce the tax as of the first day of July next following the filing; or (ii) on or before the first day of October, whereupon the Department shall proceed to administer and enforce the tax as of the first day of January next following the filing.

Beginning January 1, 2014, the results of any election authorizing a proposition to impose a tax under this Section or effecting an increase in the rate of tax, along with the ordinance adopted to impose the tax or increase the rate of the tax, or any ordinance adopted to lower the rate or discontinue the tax, shall be certified by the county clerk and filed with the Illinois Department of Revenue either (i) on or before the first day of May, whereupon the Department shall proceed to administer and enforce the tax as of the first day of July next following the adoption and filing; or (ii) on or before the first day of October, whereupon the Department shall proceed to administer and enforce the tax as of the first day of January next following the adoption and filing.

(g) When certifying the amount of a monthly disbursement to a county under this Section, the Department shall increase or decrease the amounts by an amount necessary to offset any miscalculation of previous disbursements. The offset amount shall be the amount erroneously disbursed within the previous 6 months from the time a miscalculation is discovered.

(h) This Section may be cited as the "Special County Occupation Tax For Public Safety, Public Facilities, or Transportation Law".

(i) For purposes of this Section, "public safety" includes, but is not limited to, crime prevention, detention, fire fighting, police, medical, ambulance, or other emergency services. The county may share tax proceeds received under this Section for public safety purposes, including proceeds received before August 4, 2009 (the effective date of Public Act 96-124), with any fire protection district located in the county. For the purposes of this Section, "transportation" includes, but is not limited to, the construction, maintenance, operation, and improvement of public highways, any other purpose for which a county may expend funds under the Illinois Highway Code, and passenger rail transportation. For the...
purposes of this Section, "public facilities purposes" includes, but is not limited to, the acquisition, development, construction, reconstruction, rehabilitation, improvement, financing, architectural planning, and installation of capital facilities consisting of buildings, structures, and durable equipment and for the acquisition and improvement of real property and interest in real property required, or expected to be required, in connection with the public facilities, for use by the county for the furnishing of governmental services to its citizens, including but not limited to museums and nursing homes.

(j) The Department may promulgate rules to implement Public Act 95-1002 only to the extent necessary to apply the existing rules for the Special County Retailers' Occupation Tax for Public Safety to this new purpose for public facilities.

(Source: P.A. 98-584, eff. 8-27-13; 99-4, eff. 5-31-15; 99-217, eff. 7-31-15; revised 11-6-15.)

(55 ILCS 5/5-1006.7)

Sec. 5-1006.7. School facility occupation taxes.

(a) In any county, a tax shall be imposed upon all persons engaged in the business of selling tangible personal property, other than personal property titled or registered with an agency of this State's government, at retail in the county on the gross receipts from the sales made in the course of business to provide revenue to be used exclusively for school facility purposes if a proposition for the tax has been submitted to the electors of that county and approved by a majority of those voting on the question as provided in subsection (c). The tax under this Section shall be imposed only in one-quarter percent increments and may not exceed 1%.

This additional tax may not be imposed on the sale of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics. The Department of Revenue has full power to administer and enforce this subsection, to collect all taxes and penalties due under this subsection, to dispose of taxes and penalties so collected in the manner provided in this subsection, and to determine all rights to credit memoranda arising on account of the erroneous payment of a tax or penalty under this subsection. The Department shall deposit all taxes and penalties collected under this subsection into a special fund created for that purpose.

New matter indicated by italics - deletions by strikeout
In the administration of and compliance with this subsection, the Department and persons who are subject to this subsection (i) have the same rights, remedies, privileges, immunities, powers, and duties, (ii) are subject to the same conditions, restrictions, limitations, penalties, and definitions of terms, and (iii) shall employ the same modes of procedure as are set forth in Sections 1 through 10, 2 through 2-70 (in respect to all provisions contained in those Sections other than the State rate of tax), 2a through 2h, 3 (except as to the disposition of taxes and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation Tax Act and all provisions of the Uniform Penalty and Interest Act as if those provisions were set forth in this subsection.

The certificate of registration that is issued by the Department to a retailer under the Retailers' Occupation Tax Act permits the retailer to engage in a business that is taxable without registering separately with the Department under an ordinance or resolution under this subsection.

Persons subject to any tax imposed under the authority granted in this subsection may reimburse themselves for their seller's tax liability by separately stating that tax as an additional charge, which may be stated in combination, in a single amount, with State tax that sellers are required to collect under the Use Tax Act, pursuant to any bracketed schedules set forth by the Department.

(b) If a tax has been imposed under subsection (a), then a service occupation tax must also be imposed at the same rate upon all persons engaged, in the county, in the business of making sales of service, who, as an incident to making those sales of service, transfer tangible personal property within the county as an incident to a sale of service.

This tax may not be imposed on sales of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes, and needles used by diabetics.

The tax imposed under this subsection and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the Department and deposited into a special fund created for that purpose. The Department has full power to administer and enforce this subsection, to collect all taxes and penalties due under this subsection, to dispose of taxes and penalties so collected in the manner provided in this subsection,
and to determine all rights to credit memoranda arising on account of the erroneous payment of a tax or penalty under this subsection.

In the administration of and compliance with this subsection, the Department and persons who are subject to this subsection shall (i) have the same rights, remedies, privileges, immunities, powers and duties, (ii) be subject to the same conditions, restrictions, limitations, penalties and definition of terms, and (iii) employ the same modes of procedure as are set forth in Sections 2 (except that that reference to State in the definition of supplier maintaining a place of business in this State means the county), 2a through 2d, 3 through 3-50 (in respect to all provisions contained in those Sections other than the State rate of tax), 4 (except that the reference to the State shall be to the county), 5, 7, 8 (except that the jurisdiction to which the tax is a debt to the extent indicated in that Section 8 is the county), 9 (except as to the disposition of taxes and penalties collected), 10, 11, 12 (except the reference therein to Section 2b of the Retailers' Occupation Tax Act), 13 (except that any reference to the State means the county), Section 15, 16, 17, 18, 19, and 20 of the Service Occupation Tax Act and all provisions of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under the authority granted in this subsection may reimburse themselves for their serviceman's tax liability by separately stating the tax as an additional charge, which may be stated in combination, in a single amount, with State tax that servicemen are authorized to collect under the Service Use Tax Act, pursuant to any bracketed schedules set forth by the Department.

(c) The tax under this Section may not be imposed until the question of imposing the tax has been submitted to the electors of the county at a regular election and approved by a majority of the electors voting on the question. For all regular elections held prior to August 23, 2011 (the effective date of Public Act 97-542) this amendatory Act of the 97th General Assembly, upon a resolution by the county board or a resolution by school district boards that represent at least 51% of the student enrollment within the county, the county board must certify the question to the proper election authority in accordance with the Election Code.

For all regular elections held prior to August 23, 2011 (the effective date of Public Act 97-542) this amendatory Act of the 97th General Assembly, the election authority must submit the question in substantially the following form:

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Shall (name of county) be authorized to impose a retailers' occupation tax and a service occupation tax (commonly referred to as a "sales tax") at a rate of (insert rate) to be used exclusively for school facility purposes?

The election authority must record the votes as "Yes" or "No".

If a majority of the electors voting on the question vote in the affirmative, then the county may, thereafter, impose the tax.

For all regular elections held on or after August 23, 2011 (the effective date of Public Act 97-542), the regional superintendent of schools for the county must, upon receipt of a resolution or resolutions of school district boards that represent more than 50% of the student enrollment within the county, certify the question to the proper election authority for submission to the electors of the county at the next regular election at which the question lawfully may be submitted to the electors, all in accordance with the Election Code.

For all regular elections held on or after August 23, 2011 (the effective date of Public Act 97-542), the election authority must submit the question in substantially the following form:

Shall a retailers' occupation tax and a service occupation tax (commonly referred to as a "sales tax") be imposed in (name of county) at a rate of (insert rate) to be used exclusively for school facility purposes?

The election authority must record the votes as "Yes" or "No".

If a majority of the electors voting on the question vote in the affirmative, then the tax shall be imposed at the rate set forth in the question.

For the purposes of this subsection (c), "enrollment" means the head count of the students residing in the county on the last school day of September of each year, which must be reported on the Illinois State Board of Education Public School Fall Enrollment/Housing Report.

(d) The Department shall immediately pay over to the State Treasurer, ex officio, as trustee, all taxes and penalties collected under this Section to be deposited into the School Facility Occupation Tax Fund, which shall be an unappropriated trust fund held outside the State treasury.

On or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to the regional superintendents of schools in counties from

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which retailers or servicemen have paid taxes or penalties to the Department during the second preceding calendar month. The amount to be paid to each regional superintendent of schools and disbursed to him or her in accordance with Section 3-14.31 of the School Code, is equal to the amount (not including credit memoranda) collected from the county under this Section during the second preceding calendar month by the Department, (i) less 2% of that amount, which shall be deposited into the Tax Compliance and Administration Fund and shall be used by the Department, subject to appropriation, to cover the costs of the Department in administering and enforcing the provisions of this Section, on behalf of the county, (ii) plus an amount that the Department determines is necessary to offset any amounts that were erroneously paid to a different taxing body; (iii) less an amount equal to the amount of refunds made during the second preceding calendar month by the Department on behalf of the county; and (iv) less any amount that the Department determines is necessary to offset any amounts that were payable to a different taxing body but were erroneously paid to the county. When certifying the amount of a monthly disbursement to a regional superintendent of schools under this Section, the Department shall increase or decrease the amounts by an amount necessary to offset any miscalculation of previous disbursements within the previous 6 months from the time a miscalculation is discovered.

Within 10 days after receipt by the Comptroller from the Department of the disbursement certification to the regional superintendents of the schools provided for in this Section, the Comptroller shall cause the orders to be drawn for the respective amounts in accordance with directions contained in the certification.

If the Department determines that a refund should be made under this Section to a claimant instead of issuing a credit memorandum, then the Department shall notify the Comptroller, who shall cause the order to be drawn for the amount specified and to the person named in the notification from the Department. The refund shall be paid by the Treasurer out of the School Facility Occupation Tax Fund.

(e) For the purposes of determining the local governmental unit whose tax is applicable, a retail sale by a producer of coal or another mineral mined in Illinois is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth. This subsection does not apply to coal or another mineral when it is delivered or shipped by the seller to the purchaser at a point outside Illinois so that the sale is

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exempt under the United States Constitution as a sale in interstate or foreign commerce.

(f) Nothing in this Section may be construed to authorize a tax to be imposed upon the privilege of engaging in any business that under the Constitution of the United States may not be made the subject of taxation by this State.

(g) If a county board imposes a tax under this Section pursuant to a referendum held before August 23, 2011 (the effective date of Public Act 97-542) this amendatory Act of the 97th General Assembly at a rate below the rate set forth in the question approved by a majority of electors of that county voting on the question as provided in subsection (c), then the county board may, by ordinance, increase the rate of the tax up to the rate set forth in the question approved by a majority of electors of that county voting on the question as provided in subsection (c). If a county board imposes a tax under this Section pursuant to a referendum held before August 23, 2011 (the effective date of Public Act 97-542) this amendatory Act of the 97th General Assembly, then the board may, by ordinance, discontinue or reduce the rate of the tax. If a tax is imposed under this Section pursuant to a referendum held on or after August 23, 2011 (the effective date of Public Act 97-542) this amendatory Act of the 97th General Assembly, then the county board may reduce or discontinue the tax, but only in accordance with subsection (h-5) of this Section. If, however, a school board issues bonds that are secured by the proceeds of the tax under this Section, then the county board may not reduce the tax rate or discontinue the tax if that rate reduction or discontinuance would adversely affect the school board's ability to pay the principal and interest on those bonds as they become due or necessitate the extension of additional property taxes to pay the principal and interest on those bonds. If the county board reduces the tax rate or discontinues the tax, then a referendum must be held in accordance with subsection (c) of this Section in order to increase the rate of the tax or to reimpose the discontinued tax. Until January 1, 2014, the results of any election that imposes, reduces, or discontinues a tax under this Section must be certified by the election authority, and any ordinance that increases or lowers the rate or discontinues the tax must be certified by the county clerk and, in each case, filed with the Illinois Department of Revenue either (i) on or before the first day of April, whereupon the Department shall proceed to administer and enforce the tax or change in the rate as of the first day of July next following the filing; or (ii) on or before the first day of October,
whereupon the Department shall proceed to administer and enforce the tax or change in the rate as of the first day of January next following the filing.

Beginning January 1, 2014, the results of any election that imposes, reduces, or discontinues a tax under this Section must be certified by the election authority, and any ordinance that increases or lowers the rate or discontinues the tax must be certified by the county clerk and, in each case, filed with the Illinois Department of Revenue either (i) on or before the first day of May, whereupon the Department shall proceed to administer and enforce the tax or change in the rate as of the first day of July next following the filing; or (ii) on or before the first day of October, whereupon the Department shall proceed to administer and enforce the tax or change in the rate as of the first day of January next following the filing.

(h) For purposes of this Section, "school facility purposes" means (i) the acquisition, development, construction, reconstruction, rehabilitation, improvement, financing, architectural planning, and installation of capital facilities consisting of buildings, structures, and durable equipment and for the acquisition and improvement of real property and interest in real property required, or expected to be required, in connection with the capital facilities and (ii) the payment of bonds or other obligations heretofore or hereafter issued, including bonds or other obligations heretofore or hereafter issued to refund or to continue to refund bonds or other obligations issued, for school facility purposes, provided that the taxes levied to pay those bonds are abated by the amount of the taxes imposed under this Section that are used to pay those bonds. "School-facility purposes" also includes fire prevention, safety, energy conservation, accessibility, school security, and specified repair purposes set forth under Section 17-2.11 of the School Code.

(h-5) A county board in a county where a tax has been imposed under this Section pursuant to a referendum held on or after August 23, 2011 (the effective date of Public Act 97-542) may, by ordinance or resolution, submit to the voters of the county the question of reducing or discontinuing the tax. In the ordinance or resolution, the county board shall certify the question to the proper election authority in accordance with the Election Code. The election authority must submit the question in substantially the following form:

Shall the school facility retailers' occupation tax and service occupation tax (commonly referred to as the "school facility sales

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tax") currently imposed in (name of county) at a rate of (insert rate) be (reduced to (insert rate))(discontinued)?

If a majority of the electors voting on the question vote in the affirmative, then, subject to the provisions of subsection (g) of this Section, the tax shall be reduced or discontinued as set forth in the question.

(i) This Section does not apply to Cook County.

(j) This Section may be cited as the County School Facility Occupation Tax Law.

(Source: P.A. 98-584, eff. 8-27-13; 99-143, eff. 7-27-15; 99-217, eff. 7-31-15; revised 11-6-15.)

(55 ILCS 5/5-12020)

Sec. 5-12020. Wind farms. Notwithstanding any other provision of law, a county may establish standards for wind farms and electric-generating wind devices. The standards may include, without limitation, the height of the devices and the number of devices that may be located within a geographic area. A county may also regulate the siting of wind farms and electric-generating wind devices in unincorporated areas of the county outside of the zoning jurisdiction of a municipality and the 1.5 mile radius surrounding the zoning jurisdiction of a municipality. There shall be at least one public hearing not more than 30 days prior to a siting decision by the county board. Notice of the hearing shall be published in a newspaper of general circulation in the county. A commercial wind energy facility owner, as defined in the Wind Energy Facilities Agricultural Impact Mitigation Act, must enter into an agricultural impact mitigation agreement with the Department of Agriculture prior to the date of the required public hearing. A commercial wind energy facility owner seeking an extension of a permit granted by a county prior to July 24, 2015 (the effective date of Public Act 99-132) must enter into an agricultural impact mitigation agreement with the Department of Agriculture prior to the date of the permit extension. Counties may allow test wind towers to be sited without formal approval by the county board. Any provision of a county zoning ordinance pertaining to wind farms that is in effect before August 16, 2007 (the effective date of Public Act 95-203) may continue in effect notwithstanding any requirements of this Section.

A county may not require a wind tower or other renewable energy system that is used exclusively by an end user to be setback more than 1.1

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times the height of the renewable energy system from the end user's property line.
(Source: P.A. 99-123, eff. 1-1-16; 99-132, eff. 7-24-15; revised 11-6-15.)
(55 ILCS 5/6-1003) (from Ch. 34, par. 6-1003)
Sec. 6-1003. Further appropriations barred; transfers. After the adoption of the county budget, no further appropriations shall be made at any other time during such fiscal year, except as provided in this Division. Appropriations in excess of those authorized by the budget in order to meet an immediate emergency may be made at any meeting of the board by a two-thirds vote of all the members constituting such board, the vote to be taken by ayes and nays and entered on the record of the meeting. After the adoption of the county budget, transfers of appropriations may be made without a vote of the board; however, transfers of appropriations affecting personnel and capital may be made at any meeting of the board by a two-thirds vote of all the members constituting such board, the vote to be taken by ayes and nays and entered on the record of the meeting, provided for any type of transfer that the total amount appropriated for the fund is not affected.
(Source: P.A. 99-356, eff. 8-13-15; revised 11-9-15.)

Section 210. The County Economic Development Project Area Property Tax Allocation Act is amended by changing Section 10 as follows:
(55 ILCS 85/10) (from Ch. 34, par. 7010)
Sec. 10. Conflicts of interests, disclosure. If any member of the corporate authorities of a county, or any employee or consultant of the county involved in the planning, analysis, preparation or administration of an economic development plan or an economic development project, or any proposed economic development plan or any proposed economic development project, owns or controls any interest, direct or indirect, in any property included in any economic development project area or proposed economic development project area, he or she shall disclose the same in writing to the county clerk, which disclosure shall include the dates, terms and conditions of any disposition of any such interest. The disclosures shall be acknowledged by the corporate authorities of the county and entered upon the official records and files of the corporate authorities. Any such individual holding any such interest shall refrain from any further official involvement regarding such established or proposed economic development project area, economic development plan or economic development project, and shall also refrain from voting
on any matter pertaining to that project, plan or area and from communicating with any members of the corporate authorities of the county and no employee of the county shall acquire any interest, direct or indirect, in any real or personal property or rights or interest therein within an economic development project area or a proposed economic development project area after that person obtains knowledge of the project, plan or area or after the first public notice of the project, plan or area is given by the county, whichever shall first occur.

(Source: P.A. 86-1388; revised 11-9-15.)

Section 215. The Illinois Municipal Code is amended by changing Sections 8-11-1.6 and 11-13-26 as follows:

(65 ILCS 5/8-11-1.6)
Sec. 8-11-1.6. Non-home rule municipal retailers occupation tax; municipalities between 20,000 and 25,000. The corporate authorities of a non-home rule municipality with a population of more than 20,000 but less than 25,000 that has, prior to January 1, 1987, established a Redevelopment Project Area that has been certified as a State Sales Tax Boundary and has issued bonds or otherwise incurred indebtedness to pay for costs in excess of $5,000,000, which is secured in part by a tax increment allocation fund, in accordance with the provisions of Division 11-74.4 of this Code may, by passage of an ordinance, impose a tax upon all persons engaged in the business of selling tangible personal property, other than on an item of tangible personal property that is titled and registered by an agency of this State's Government, at retail in the municipality. This tax may not be imposed on the sales of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes, and needles used by diabetics. If imposed, the tax shall only be imposed in .25% increments of the gross receipts from such sales made in the course of business. Any tax imposed by a municipality under this Section Sec: and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the State Department of Revenue. An ordinance imposing a tax hereunder or effecting a change in the rate thereof shall be adopted and a certified copy thereof filed with the Department on or before the first day of October, whereupon the Department shall proceed to administer and enforce this Section as of the first day of January next following such adoption and filing. The certificate of registration that is

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issued by the Department to a retailer under the Retailers' Occupation Tax Act shall permit the retailer to engage in a business that is taxable under any ordinance or resolution enacted under this Section without registering separately with the Department under the ordinance or resolution or under this Section. The Department shall have full power to administer and enforce this Section, to collect all taxes and penalties due hereunder, to dispose of taxes and penalties so collected in the manner hereinafter provided, and to determine all rights to credit memoranda, arising on account of the erroneous payment of tax or penalty hereunder. In the administration of, and compliance with this Section, the Department and persons who are subject to this Section shall have the same rights, remedies, privileges, immunities, powers, and duties, and be subject to the same conditions, restrictions, limitations, penalties, and definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions therein other than the State rate of tax), 2c, 3 (except as to the disposition of taxes and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act as fully as if those provisions were set forth herein.

A tax may not be imposed by a municipality under this Section unless the municipality also imposes a tax at the same rate under Section 8-11-1.7 of this Act.

Persons subject to any tax imposed under the authority granted in this Section, may reimburse themselves for their seller's tax liability hereunder by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax which sellers are required to collect under the Use Tax Act, pursuant to such bracket schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this Section to a claimant, instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified, and to the person named in the notification from the Department. The refund shall be paid by the State Treasurer out of the Non-Home Rule Municipal Retailers' Occupation Tax Fund, which is hereby created.

The Department shall forthwith pay over to the State Treasurer, ex officio, as trustee, all taxes and penalties collected hereunder.

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As soon as possible after the first day of each month, beginning January 1, 2011, upon certification of the Department of Revenue, the Comptroller shall order transferred, and the Treasurer shall transfer, to the STAR Bonds Revenue Fund the local sales tax increment, as defined in the Innovation Development and Economy Act, collected under this Section during the second preceding calendar month for sales within a STAR bond district.

After the monthly transfer to the STAR Bonds Revenue Fund, on or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to named municipalities, the municipalities to be those from which retailers have paid taxes or penalties hereunder to the Department during the second preceding calendar month. The amount to be paid to each municipality shall be the amount (not including credit memoranda) collected hereunder during the second preceding calendar month by the Department plus an amount the Department determines is necessary to offset any amounts that were erroneously paid to a different taxing body, and not including an amount equal to the amount of refunds made during the second preceding calendar month by the Department on behalf of the municipality, and not including any amount that the Department determines is necessary to offset any amounts that were payable to a different taxing body but were erroneously paid to the municipality, and not including any amounts that are transferred to the STAR Bonds Revenue Fund. Within 10 days after receipt by the Comptroller of the disbursement certification to the municipalities provided for in this Section to be given to the Comptroller by the Department, the Comptroller shall cause the orders to be drawn for the respective amounts in accordance with the directions contained in the certification.

For the purpose of determining the local governmental unit whose tax is applicable, a retail sale by a producer of coal or other mineral mined in Illinois is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth. This paragraph does not apply to coal or other mineral when it is delivered or shipped by the seller to the purchaser at a point outside Illinois so that the sale is exempt under the federal Constitution as a sale in interstate or foreign commerce.

Nothing in this Section shall be construed to authorize a municipality to impose a tax upon the privilege of engaging in any business which under the constitution of the United States may not be made the subject of taxation by this State.

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When certifying the amount of a monthly disbursement to a municipality under this Section, the Department shall increase or decrease the amount by an amount necessary to offset any misallocation of previous disbursements. The offset amount shall be the amount erroneously disbursed within the previous 6 months from the time a misallocation is discovered.

As used in this Section, "municipal" and "municipality" means a city, village, or incorporated town, including an incorporated town that has superseded a civil township.

(Source: P.A. 99-217, eff. 7-31-15; revised 11-9-15.)

(65 ILCS 5/11-13-26)

Sec. 11-13-26. Wind farms. Notwithstanding any other provision of law:

(a) A municipality may regulate wind farms and electric-generating wind devices within its zoning jurisdiction and within the 1.5 mile radius surrounding its zoning jurisdiction. There shall be at least one public hearing not more than 30 days prior to a siting decision by the corporate authorities of a municipality. Notice of the hearing shall be published in a newspaper of general circulation in the municipality. A commercial wind energy facility owner, as defined in the Wind Energy Facilities Agricultural Impact Mitigation Act, must enter into an agricultural impact mitigation agreement with the Department of Agriculture prior to the date of the required public hearing. A commercial wind energy facility owner seeking an extension of a permit granted by a municipality prior to July 24, 2015 (the effective date of Public Act 99-132) and public hearing this amendatory Act of the 99th General Assembly must enter into an agricultural impact mitigation agreement with the Department of Agriculture prior to a decision by the municipality to grant the permit extension. A municipality may allow test wind towers to be sited without formal approval by the corporate authorities of the municipality. Test wind towers must be dismantled within 3 years of installation. For the purposes of this Section, "test wind towers" are wind towers that are designed solely to collect wind generation data.

(b) A municipality may not require a wind tower or other renewable energy system that is used exclusively by an end user to be setback more than 1.1 times the height of the renewable energy system from the end user's property line. A setback requirement imposed by a municipality on a renewable energy system may not be more restrictive than as provided under this subsection. This subsection is a limitation of
home rule powers and functions under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.
(Source: P.A. 99-123, eff. 1-1-16; 99-132, eff. 7-24-15; revised 11-6-15.)

Section 220. The Civic Center Code is amended by changing Sections 170-50 and 240-50 as follows:

(70 ILCS 200/170-50)

Sec. 170-50. Contracts. All contracts for sale of property of the value of more than $10,000 or for a concession in or lease of property, including air rights, of the Authority for a term of more than one year shall be awarded to the highest responsible bidder, after advertising for bids. All construction contracts and contracts for supplies, materials, equipment and services, when the expense thereof will exceed $10,000, shall be let to the lowest responsible bidder, after advertising for bids, excepting (1) when repair parts, accessories, equipment or services are required for equipment or services previously furnished or contracted for; (2) when the nature of the services required is such that competitive bidding is not in the best interest of the public, including, without limiting the generality of the foregoing, the services of accountants, architects, attorneys, engineers, physicians, superintendents of construction, and others possessing a high degree of skill; and (3) when services such as water, light, heat, power, telephone or telegraph are required.

All contracts involving less than $10,000 shall be let by competitive bidding to the lowest responsible bidder whenever possible, and in any event in a manner calculated to ensure the best interests of the public.

In determining the responsibility of any bidder, the Board may take into account the past record of dealings with the bidder, the bidder's experience, adequacy of equipment, and ability to complete performance within the time set, and other factors besides financial responsibility, but in no case shall any such contracts be awarded to any other than the highest bidder (in case of sale, concession or lease) or the lowest bidder (in case of purchase or expenditure) unless authorized or approved by a vote of at least three-fourths of the members of the Board, and unless such action is accompanied by a statement in writing setting forth the reasons for not awarding the contract to the highest or lowest bidder, as the case may be, which statement shall be kept on file in the principal office of the Authority and open to public inspection.

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From the group of responsible bidders the lowest bidder shall be selected in the following manner: to all bids for sales the gross receipts of which are not taxable under the Retailers' Occupation Tax Act, there shall be added an amount equal to the tax which would be payable under said Act, if applicable, and the lowest in amount of said adjusted bids and bids for sales the gross receipts of which are taxable under said Act shall be considered the lowest bid; provided, that, if said lowest bid relates to a sale not taxable under said Act, any contract entered into thereon shall be in the amount of the original bid not adjusted as aforesaid.

Contracts shall not be split into parts involving expenditures of less than $10,000 for the purposes of avoiding the provisions of this Section, and all such split contracts shall be void. If any collusion occurs among bidders or prospective bidders in restraint of freedom of competition, by agreement to bid a fixed amount or to refrain from bidding or otherwise, the bids of such bidders shall be void. Each bidder shall accompany his bid with a sworn statement that he has not been a party to any such agreement.

Members of the Board, officers and employees of the Authority, and their relatives within the fourth degree of consanguinity by the terms of the civil law, are forbidden to be interested directly or indirectly in any contract for construction or maintenance work or for the delivery of materials, supplies or equipment.

The Board shall have the right to reject all bids and to readvertise for bids. If after any such advertisement no responsible and satisfactory bid, within the terms of the advertisement, shall be received, the Board may award such contract, without competitive bidding, provided that it shall not be less advantageous to the Authority than any valid bid received pursuant to advertisement.

The Board shall adopt rules and regulations to carry into effect the provisions of this Section.

(Source: P.A. 93-491, eff. 1-1-04; revised 10-13-15.)

(70 ILCS 200/240-50)

Sec. 240-50. Contracts. All contracts for sale of property of the value of more than $10,000 or for a concession in or lease of property including air rights, of the Authority for a term of more than one year shall be awarded to the highest responsible bidder, after advertising for bids. All construction contracts and contracts for supplies, materials, equipment and services, when the expense thereof will exceed $10,000, shall be let to the lowest responsible bidder, after advertising for bids, excepting (1) when repair parts, accessories, equipment or services are required for equipment

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or services previously furnished or contracted for; (2) when the nature of the services required is such that competitive bidding is not in the best interest of the public, including, without limiting the generality of the foregoing, the services of accountants, architects, attorneys, engineers, physicians, superintendents of construction, and others possessing a high degree of skill; and (3) when services such as water, light, heat, power, telephone or telegraph are required.

All contracts involving less than $10,000 shall be let by competitive bidding to the lowest responsible bidder whenever possible, and in any event in a manner calculated to ensure the best interests of the public.

In determining the responsibility of any bidder, the Board may take into account the past record of dealings with the bidder, experience, adequacy of equipment, ability to complete performance within the time set, and other factors besides financial responsibility, but in no case shall any such contracts be awarded to any other than the highest bidder (in case of sale, concession or lease) or the lowest bidder (in case of purchase or expenditure) unless authorized or approved by the affirmative vote of at least 6 of the members of the Board present at a meeting at which a quorum is present, and unless such action is accompanied by a statement in writing setting forth the reasons for not awarding the contract to the highest or lowest bidder, as the case may be, which statement shall be kept on file in the principal office of the Authority and open to public inspection.

From the group of responsible bidders the lowest bidder shall be selected in the following manner: to all bids for sales the gross receipts of which are not taxable under the Retailers' Occupation Tax Act, there shall be added an amount equal to the tax which would be payable under said Act, if applicable, and the lowest in amount of said adjusted bids and bids for sales the gross receipts of which are taxable under said Act shall be considered the lowest bid; provided, that, if said lowest bid relates to a sale not taxable under said Act, any contract entered into thereon shall be in the amount of the original bid not adjusted as aforesaid.

Contracts shall not be split into parts involving expenditures of less than $10,000 for the purposes of avoiding the provisions of this Section, and all such split contracts shall be void. If any collusion occurs among bidders or prospective bidders in restraint of freedom of competition, by agreement to bid a fixed amount or to refrain from bidding or otherwise,
the bids of such bidders shall be void. Each bidder shall accompany his bid with a sworn statement that he has not been a party to any such agreement.

Members of the Board, officers and employees of the Authority, and their relatives within the fourth degree of consanguinity by the terms of the civil law, are forbidden to be interested directly or indirectly in any contract for construction or maintenance work or for the delivery of materials, supplies or equipment.

The Board shall have the right to reject all bids and to readvertise for bids. If after any such advertisement no responsible and satisfactory bid, within the terms of the advertisement, shall be received, the Board may award such contract, without competitive bidding, provided that it shall not be less advantageous to the Authority than any valid bid received pursuant to advertisement.

The Board shall adopt rules and regulations to carry into effect the provisions of this Section.

(Source: P.A. 93-491, eff. 1-1-04; revised 10-13-15.)

Section 225. The Flood Prevention District Act is amended by changing Section 25 as follows:

(70 ILCS 750/25)

Sec. 25. Flood prevention retailers' and service occupation taxes.

(a) If the Board of Commissioners of a flood prevention district determines that an emergency situation exists regarding levee repair or flood prevention, and upon an ordinance confirming the determination adopted by the affirmative vote of a majority of the members of the county board of the county in which the district is situated, the county may impose a flood prevention retailers' occupation tax upon all persons engaged in the business of selling tangible personal property at retail within the territory of the district to provide revenue to pay the costs of providing emergency levee repair and flood prevention and to secure the payment of bonds, notes, and other evidences of indebtedness issued under this Act for a period not to exceed 25 years or as required to repay the bonds, notes, and other evidences of indebtedness issued under this Act. The tax rate shall be 0.25% of the gross receipts from all taxable sales made in the course of that business. The tax imposed under this Section and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the State Department of Revenue. The Department shall have full power to administer and enforce this Section; to collect all taxes and penalties so collected in the manner hereinafter provided; and to determine

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all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder.

In the administration of and compliance with this subsection, the Department and persons who are subject to this subsection (i) have the same rights, remedies, privileges, immunities, powers, and duties, (ii) are subject to the same conditions, restrictions, limitations, penalties, and definitions of terms, and (iii) shall employ the same modes of procedure as are set forth in Sections 1 through 10, 2 through 2-70 (in respect to all provisions contained in those Sections other than the State rate of tax), 2a through 2h, 3 (except as to the disposition of taxes and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation Tax Act and all provisions of the Uniform Penalty and Interest Act as if those provisions were set forth in this subsection.

Persons subject to any tax imposed under this Section may reimburse themselves for their seller's tax liability hereunder by separately stating the tax as an additional charge, which charge may be stated in combination in a single amount with State taxes that sellers are required to collect under the Use Tax Act, under any bracket schedules the Department may prescribe.

If a tax is imposed under this subsection (a), a tax shall also be imposed under subsection (b) of this Section.

(b) If a tax has been imposed under subsection (a), a flood prevention service occupation tax shall also be imposed upon all persons engaged within the territory of the district in the business of making sales of service, who, as an incident to making the sales of service, transfer tangible personal property, either in the form of tangible personal property or in the form of real estate as an incident to a sale of service to provide revenue to pay the costs of providing emergency levee repair and flood prevention and to secure the payment of bonds, notes, and other evidences of indebtedness issued under this Act for a period not to exceed 25 years or as required to repay the bonds, notes, and other evidences of indebtedness. The tax rate shall be 0.25% of the selling price of all tangible personal property transferred.

The tax imposed under this subsection and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the State Department of Revenue. The Department shall have full power to administer and enforce this subsection; to collect all taxes and penalties due hereunder; to dispose of taxes and penalties collected in the manner

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hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder.

In the administration of and compliance with this subsection, the Department and persons who are subject to this subsection shall (i) have the same rights, remedies, privileges, immunities, powers, and duties, (ii) be subject to the same conditions, restrictions, limitations, penalties, and definitions of terms, and (iii) employ the same modes of procedure as are set forth in Sections 2 (except that the reference to State in the definition of supplier maintaining a place of business in this State means the district), 2a through 2d, 3 through 3-50 (in respect to all provisions contained in those Sections other than the State rate of tax), 4 (except that the reference to the State shall be to the district), 5, 7, 8 (except that the jurisdiction to which the tax is a debt to the extent indicated in that Section 8 is the district), 9 (except as to the disposition of taxes and penalties collected), 10, 11, 12 (except the reference therein to Section 2b of the Retailers’ Occupation Tax Act), 13 (except that any reference to the State means the district), Section 15, 16, 17, 18, 19, and 20 of the Service Occupation Tax Act and all provisions of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under the authority granted in this subsection may reimburse themselves for their serviceman's tax liability hereunder by separately stating the tax as an additional charge, that charge may be stated in combination in a single amount with State tax that servicemen are authorized to collect under the Service Use Tax Act, under any bracket schedules the Department may prescribe.

(c) The taxes imposed in subsections (a) and (b) may not be imposed on personal property titled or registered with an agency of the State; food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption); prescription and non-prescription medicines, drugs, and medical appliances; modifications to a motor vehicle for the purpose of rendering it usable by a person with a disability; or insulin, urine testing materials, and syringes and needles used by diabetics.

(d) Nothing in this Section shall be construed to authorize the district to impose a tax upon the privilege of engaging in any business that under the Constitution of the United States may not be made the subject of taxation by the State.

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(e) The certificate of registration that is issued by the Department to a retailer under the Retailers' Occupation Tax Act or a serviceman under the Service Occupation Tax Act permits the retailer or serviceman to engage in a business that is taxable without registering separately with the Department under an ordinance or resolution under this Section.

(f) The Department shall immediately pay over to the State Treasurer, ex officio, as trustee, all taxes and penalties collected under this Section to be deposited into the Flood Prevention Occupation Tax Fund, which shall be an unappropriated trust fund held outside the State treasury.

On or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to the counties from which retailers or servicemen have paid taxes or penalties to the Department during the second preceding calendar month. The amount to be paid to each county is equal to the amount (not including credit memoranda) collected from the county under this Section during the second preceding calendar month by the Department, (i) less 2% of that amount, which shall be deposited into the Tax Compliance and Administration Fund and shall be used by the Department in administering and enforcing the provisions of this Section on behalf of the county, (ii) plus an amount that the Department determines is necessary to offset any amounts that were erroneously paid to a different taxing body; (iii) less an amount equal to the amount of refunds made during the second preceding calendar month by the Department on behalf of the county; and (iv) less any amount that the Department determines is necessary to offset any amounts that were payable to a different taxing body but were erroneously paid to the county. When certifying the amount of a monthly disbursement to a county under this Section, the Department shall increase or decrease the amounts by an amount necessary to offset any miscalculation of previous disbursements within the previous 6 months from the time a miscalculation is discovered.

Within 10 days after receipt by the Comptroller from the Department of the disbursement certification to the counties provided for in this Section, the Comptroller shall cause the orders to be drawn for the respective amounts in accordance with directions contained in the certification.

If the Department determines that a refund should be made under this Section to a claimant instead of issuing a credit memorandum, then the Department shall notify the Comptroller, who shall cause the order to be drawn for the amount specified and to the person named in the

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notification from the Department. The refund shall be paid by the Treasurer out of the Flood Prevention Occupation Tax Fund.

(g) If a county imposes a tax under this Section, then the county board shall, by ordinance, discontinue the tax upon the payment of all indebtedness of the flood prevention district. The tax shall not be discontinued until all indebtedness of the District has been paid.

(h) Any ordinance imposing the tax under this Section, or any ordinance that discontinues the tax, must be certified by the county clerk and filed with the Illinois Department of Revenue either (i) on or before the first day of April, whereupon the Department shall proceed to administer and enforce the tax or change in the rate as of the first day of July next following the filing; or (ii) on or before the first day of October, whereupon the Department shall proceed to administer and enforce the tax or change in the rate as of the first day of January next following the filing.

(j) County Flood Prevention Occupation Tax Fund. All proceeds received by a county from a tax distribution under this Section must be maintained in a special fund known as the [name of county] flood prevention occupation tax fund. The county shall, at the direction of the flood prevention district, use moneys in the fund to pay the costs of providing emergency levee repair and flood prevention and to pay bonds, notes, and other evidences of indebtedness issued under this Act.

(k) This Section may be cited as the Flood Prevention Occupation Tax Law.

(Source: P.A. 99-143, eff. 7-27-15; 99-217, eff. 7-31-15; revised 11-6-15.)

Section 230. The Mt. Carmel Regional Port District Act is amended by changing Section 22 as follows:

(70 ILCS 1835/22) (from Ch. 19, par. 722)
Sec. 22. Members of the Board shall hold office until their respective successors have been appointed and qualified. Any member may resign from his office to take effect when his successor has been appointed and qualified. The Governor may remove any member of the Board in case of incompetency, neglect of duty or malfeasance in office. He shall give such member a copy of the charges against him and an opportunity to be publicly heard in person or by counsel in his own defense upon not less than 10 days’ notice. In case of failure to qualify within the time required, or of abandonment of his office, or in case of death, conviction of a felony or removal from office, the office of such member shall become vacant. Each vacancy shall be filled for the

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unexpired term by appointment in like manner as in case of expiration of
the term of a member of the Board.
(Source: P.A. 76-1788; revised 10-9-15.)
Section 235. The Local Mass Transit District Act is amended by
changing Section 5 as follows:

(70 ILCS 3610/5) (from Ch. 111 2/3, par. 355)
Sec. 5. (a) The Board of Trustees of every District may establish or
acquire any or all manner of mass transit facility. The Board may engage
in the business of transportation of passengers on scheduled routes and by
contract on nonscheduled routes within the territorial limits of the counties
or municipalities creating the District, by whatever means it may decide.
Its routes may be extended beyond such territorial limits with the consent
of the governing bodies of the municipalities or counties into which such
operation is extended.

(b) The Board of Trustees of every District may for the purposes of
the District, acquire by gift, purchase, lease, legacy, condemnation, or
otherwise and hold, use, improve, maintain, operate, own, manage or
lease, as lessor or lessee, such cars, buses, equipment, buildings,
structures, real and personal property, and interests therein, and services,
lands for terminal and other related facilities, improvements and services,
or any interest therein, including all or any part of the plant, land,
buildings, equipment, vehicles, licenses, franchises, patents, property,
service contracts and agreements of every kind and nature. Real property
may be so acquired if it is situated within or partially within the area
served by the District or if it is outside the area if it is desirable or
necessary for the purposes of the District.

(c) The Board of Trustees of every District which establishes,
provides, or acquires mass transit facilities or services may contract with
any person or corporation or public or private entity for the operation or
provision thereof upon such terms and conditions as the District shall
determine.

(d) The Board of Trustees of every District shall have the authority
to contract for any and all purposes of the District, including with an
interstate transportation authority, or with another local Mass Transit
District or any other municipal, public, or private corporation entity in the
transportation business including the authority to contract to lease its or
otherwise provide land, buildings, and equipment, and other related
facilities, improvements, and services, for the carriage of passengers
beyond the territorial limits of the District or to subsidize transit operations

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by a public or private or municipal corporation operating entity providing mass transit facilities.

(e) The Board of Trustees of every District shall have the authority to establish, alter and discontinue transportation routes and services and any or all ancillary or supporting facilities and services, and to establish and amend rate schedules for the transportation of persons thereon or for the public or private use thereof which rate schedules shall, together with any grants, receipts or income from other sources, be sufficient to pay the expenses of the District, the repair, maintenance and the safe and adequate operation of its mass transit facilities and public mass transportation system and to fulfill the terms of its debts, undertakings, and obligations.

(f) The Board of Trustees of every District shall have perpetual succession and shall have the following powers in addition to any others in this Act granted:

(1) to sue and be sued;
(2) to adopt and use a seal;
(3) to make and execute contracts loans, leases, subleases, installment purchase agreements, contracts, notes and other instruments evidencing financial obligations, and other instruments necessary or convenient in the exercise of its powers;
(4) to make, amend and repeal bylaws, rules and regulations not inconsistent with this Act;
(5) to sell, lease, sublease, license, transfer, convey or otherwise dispose of any of its real or personal property, or interests therein, in whole or in part, at any time upon such terms and conditions as it may determine, with public bidding if the value exceeds $1,000 at negotiated, competitive, public, or private sale;
(6) to invest funds, not required for immediate disbursement, in property, agreements, or securities legal for investment of public funds controlled by savings banks under applicable law;
(7) to mortgage, pledge, hypothecate or otherwise encumber all or any part of its real or personal property or other assets, or interests therein;
(8) to apply for, accept and use grants, loans or other financial assistance from any private entity or municipal, county, State or Federal governmental agency or other public entity;
(9) to borrow money from the United States Government or any agency thereof, or from any other public or private source, for

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the purposes of the District and, as evidence thereof, to issue its revenue bonds, payable solely from the revenue derived from the operation of the District. These bonds may be issued with maturities not exceeding 40 years from the date of the bonds, and in such amounts as may be necessary to provide sufficient funds, together with interest, for the purposes of the District. These bonds shall bear interest at a rate of not more than the maximum rate authorized by the Bond Authorization Act, as amended at the time of the making of the contract of sale, payable semi-annually, may be made registerable as to principal, and may be made payable and callable as provided on any interest payment date at a price of par and accrued interest under such terms and conditions as may be fixed by the ordinance authorizing the issuance of the bonds. Bonds issued under this Section are negotiable instruments. They shall be executed by the chairman and members of the Board of Trustees, attested by the secretary, and shall be sealed with the corporate seal of the District. In case any Trustee or officer whose signature appears on the bonds or coupons ceases to hold that office before the bonds are delivered, such officer's signature, shall nevertheless be valid and sufficient for all purposes, the same as though such officer had remained in office until the bonds were delivered. The bonds shall be sold in such manner and upon such terms as the Board of Trustees shall determine, except that the selling price shall be such that the interest cost to the District of the proceeds of the bonds shall not exceed the maximum rate authorized by the Bond Authorization Act, as amended at the time of the making of the contract of sale, payable semi-annually, computed to maturity according to the standard table of bond values.

The ordinance shall fix the amount of revenue bonds proposed to be issued, the maturity or maturities, the interest rate, which shall not exceed the maximum rate authorized by the Bond Authorization Act, as amended at the time of the making of the contract of sale, and all the details in connection with the bonds. The ordinance may contain such covenants and restrictions upon the issuance of additional revenue bonds thereafter, which will share equally in the revenue of the District, as may be deemed necessary or advisable for the assurance of the payment of the bonds first issued. Any District may also provide in the ordinance

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authorizing the issuance of bonds under this Section that the bonds, or such ones thereof as may be specified, shall, to the extent and in the manner prescribed, be subordinated and be junior in standing, with respect to the payment of principal and interest and the security thereof, to such other bonds as are designated in the ordinance.

The ordinance shall pledge the revenue derived from the operations of the District for the purpose of paying the cost of operation and maintenance of the District, and, as applicable, providing adequate depreciation funds, and paying the principal of and interest on the bonds of the District issued under this Section:*

(10) subject to Section 5.1, to levy a tax on property within the District at the rate of not to exceed .25% on the assessed value of such property in the manner provided in "The Illinois Municipal Budget Law", approved July 12, 1937, as amended;

(11) to issue tax anticipation warrants;

(12) to contract with any school district in this State to provide for the transportation of pupils to and from school within such district pursuant to the provisions of Section 29-15 of the School Code;

(13) to provide for the insurance of any property, directors, officers, employees or operations of the District against any risk or hazard, and to self-insure or participate in joint self-insurance pools or entities to insure against such risk or hazard;

(14) to use its established funds, personnel, and other resources to acquire, construct, operate, and maintain bikeways and trails. Districts may cooperate with other governmental and private agencies in bikeway and trail programs; and

(15) to acquire, own, maintain, construct, reconstruct, improve, repair, operate or lease any light-rail public transportation system, terminal, terminal facility, public airport, or bridge or toll bridge across waters with any city, state, or both.

With respect to instruments for the payment of money issued under this Section either before, on, or after June 6, 1989 (the effective date of Public Act 86-4) this amendatory Act of 1989, it is and always has been the intention of the General Assembly (i) that the Omnibus Bond Acts are and always have been supplementary grants of power to issue instruments in accordance with the Omnibus Bond Acts, regardless of any provision of this Act that may appear to be or to have been more restrictive than those

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Acts, (ii) that the provisions of this Section are not a limitation on the supplementary authority granted by the Omnibus Bond Acts, and (iii) that instruments issued under this Section within the supplementary authority granted by the Omnibus Bond Acts are not invalid because of any provision of this Act that may appear to be or to have been more restrictive than those Acts.

This Section shall be liberally construed to give effect to its purposes.

(Source: P.A. 93-590, eff. 1-1-04; revised 10-13-15.)

Section 240. The Regional Transportation Authority Act is amended by changing Section 4.03 as follows:

(70 ILCS 3615/4.03) (from Ch. 111 2/3, par. 704.03)
Sec. 4.03. Taxes.

(a) In order to carry out any of the powers or purposes of the Authority, the Board may by ordinance adopted with the concurrence of 12 of the then Directors, impose throughout the metropolitan region any or all of the taxes provided in this Section. Except as otherwise provided in this Act, taxes imposed under this Section and civil penalties imposed incident thereto shall be collected and enforced by the State Department of Revenue. The Department shall have the power to administer and enforce the taxes and to determine all rights for refunds for erroneous payments of the taxes. Nothing in Public Act 95-708 this amendatory Act of the 95th General Assembly is intended to invalidate any taxes currently imposed by the Authority. The increased vote requirements to impose a tax shall only apply to actions taken after January 1, 2008 (the effective date of Public Act 95-708) this amendatory Act of the 95th General Assembly.

(b) The Board may impose a public transportation tax upon all persons engaged in the metropolitan region in the business of selling at retail motor fuel for operation of motor vehicles upon public highways. The tax shall be at a rate not to exceed 5% of the gross receipts from the sales of motor fuel in the course of the business. As used in this Act, the term "motor fuel" shall have the same meaning as in the Motor Fuel Tax Law. The Board may provide for details of the tax. The provisions of any tax shall conform, as closely as may be practicable, to the provisions of the Municipal Retailers Occupation Tax Act, including without limitation, conformity to penalties with respect to the tax imposed and as to the powers of the State Department of Revenue to promulgate and enforce rules and regulations relating to the administration and enforcement of the provisions of the tax imposed, except that reference in the Act to any

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municipality shall refer to the Authority and the tax shall be imposed only with regard to receipts from sales of motor fuel in the metropolitan region, at rates as limited by this Section.

(c) In connection with the tax imposed under paragraph (b) of this Section the Board may impose a tax upon the privilege of using in the metropolitan region motor fuel for the operation of a motor vehicle upon public highways, the tax to be at a rate not in excess of the rate of tax imposed under paragraph (b) of this Section. The Board may provide for details of the tax.

(d) The Board may impose a motor vehicle parking tax upon the privilege of parking motor vehicles at off-street parking facilities in the metropolitan region at which a fee is charged, and may provide for reasonable classifications in and exemptions to the tax, for administration and enforcement thereof and for civil penalties and refunds thereunder and may provide criminal penalties thereunder, the maximum penalties not to exceed the maximum criminal penalties provided in the Retailers' Occupation Tax Act. The Authority may collect and enforce the tax itself or by contract with any unit of local government. The State Department of Revenue shall have no responsibility for the collection and enforcement unless the Department agrees with the Authority to undertake the collection and enforcement. As used in this paragraph, the term "parking facility" means a parking area or structure having parking spaces for more than 2 vehicles at which motor vehicles are permitted to park in return for an hourly, daily, or other periodic fee, whether publicly or privately owned, but does not include parking spaces on a public street, the use of which is regulated by parking meters.

(e) The Board may impose a Regional Transportation Authority Retailers' Occupation Tax upon all persons engaged in the business of selling tangible personal property at retail in the metropolitan region. In Cook County the tax rate shall be 1.25% of the gross receipts from sales of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics, and 1% of the gross receipts from other taxable sales made in the course of that business. In DuPage, Kane, Lake, McHenry, and Will Counties, the tax rate shall be 0.75% of the gross receipts from all taxable sales made in the course of that business. The tax imposed under this Section and all civil penalties
that may be assessed as an incident thereof shall be collected and enforced by the State Department of Revenue. The Department shall have full power to administer and enforce this Section; to collect all taxes and penalties so collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder. In the administration of, and compliance with this Section, the Department and persons who are subject to this Section shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions and definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions therein other than the State rate of tax), 2e, 3 (except as to the disposition of taxes and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under the authority granted in this Section may reimburse themselves for their seller's tax liability hereunder by separately stating the tax as an additional charge, which charge may be stated in combination in a single amount with State taxes that sellers are required to collect under the Use Tax Act, under any bracket schedules the Department may prescribe.

Whenever the Department determines that a refund should be made under this Section to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the warrant to be drawn for the amount specified, and to the person named, in the notification from the Department. The refund shall be paid by the State Treasurer out of the Regional Transportation Authority tax fund established under paragraph (n) of this Section.

If a tax is imposed under this subsection (e), a tax shall also be imposed under subsections (f) and (g) of this Section.

For the purpose of determining whether a tax authorized under this Section is applicable, a retail sale by a producer of coal or other mineral mined in Illinois, is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth. This paragraph does not apply to coal or other mineral when it is delivered or shipped by the seller to the purchaser at a point outside Illinois so that the sale is exempt under the Federal Constitution as a sale in interstate or foreign commerce.
No tax shall be imposed or collected under this subsection on the sale of a motor vehicle in this State to a resident of another state if that motor vehicle will not be titled in this State.

Nothing in this Section shall be construed to authorize the Regional Transportation Authority to impose a tax upon the privilege of engaging in any business that under the Constitution of the United States may not be made the subject of taxation by this State.

(f) If a tax has been imposed under paragraph (e), a Regional Transportation Authority Service Occupation Tax shall also be imposed upon all persons engaged, in the metropolitan region in the business of making sales of service, who as an incident to making the sales of service, transfer tangible personal property within the metropolitan region, either in the form of tangible personal property or in the form of real estate as an incident to a sale of service. In Cook County, the tax rate shall be: (1) 1.25% of the serviceman's cost price of food prepared for immediate consumption and transferred incident to a sale of service subject to the service occupation tax by an entity licensed under the Hospital Licensing Act, the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act of 2013, the ID/DD Community Care Act, or the MC/DD Act that is located in the metropolitan region; (2) 1.25% of the selling price of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics; and (3) 1% of the selling price from other taxable sales of tangible personal property transferred. In DuPage, Kane, Lake, McHenry and Will Counties the rate shall be 0.75% of the selling price of all tangible personal property transferred.

The tax imposed under this paragraph and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the State Department of Revenue. The Department shall have full power to administer and enforce this paragraph; to collect all taxes and penalties due hereunder; to dispose of taxes and penalties collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder. In the administration of and compliance with this paragraph, the Department and persons who are subject to this paragraph shall have the same rights, remedies, privileges, immunities, powers and duties, and be

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subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions and definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 1a-1, 2, 2a, 3 through 3-50 (in respect to all provisions therein other than the State rate of tax), 4 (except that the reference to the State shall be to the Authority), 5, 7, 8 (except that the jurisdiction to which the tax shall be a debt to the extent indicated in that Section 8 shall be the Authority), 9 (except as to the disposition of taxes and penalties collected, and except that the returned merchandise credit for this tax may not be taken against any State tax), 10, 11, 12 (except the reference therein to Section 2b of the Retailers' Occupation Tax Act), 13 (except that any reference to the State shall mean the Authority), the first paragraph of Section 15, 16, 17, 18, 19 and 20 of the Service Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under the authority granted in this paragraph may reimburse themselves for their serviceman's tax liability hereunder by separately stating the tax as an additional charge, that charge may be stated in combination in a single amount with State tax that servicemen are authorized to collect under the Service Use Tax Act, under any bracket schedules the Department may prescribe.

Whenever the Department determines that a refund should be made under this paragraph to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the warrant to be drawn for the amount specified, and to the person named in the notification from the Department. The refund shall be paid by the State Treasurer out of the Regional Transportation Authority tax fund established under paragraph (n) of this Section.

Nothing in this paragraph shall be construed to authorize the Authority to impose a tax upon the privilege of engaging in any business that under the Constitution of the United States may not be made the subject of taxation by the State.

(g) If a tax has been imposed under paragraph (e), a tax shall also be imposed upon the privilege of using in the metropolitan region, any item of tangible personal property that is purchased outside the metropolitan region at retail from a retailer, and that is titled or registered with an agency of this State's government. In Cook County the tax rate shall be 1% of the selling price of the tangible personal property, as "selling price" is defined in the Use Tax Act. In DuPage, Kane, Lake, McHenry and Will counties the tax rate shall be 0.75% of the selling price.
of the tangible personal property, as "selling price" is defined in the Use Tax Act. The tax shall be collected from persons whose Illinois address for titling or registration purposes is given as being in the metropolitan region. The tax shall be collected by the Department of Revenue for the Regional Transportation Authority. The tax must be paid to the State, or an exemption determination must be obtained from the Department of Revenue, before the title or certificate of registration for the property may be issued. The tax or proof of exemption may be transmitted to the Department by way of the State agency with which, or the State officer with whom, the tangible personal property must be titled or registered if the Department and the State agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

The Department shall have full power to administer and enforce this paragraph; to collect all taxes, penalties and interest due hereunder; to dispose of taxes, penalties and interest collected in the manner hereinafter provided; and to determine all rights to credit memoranda or refunds arising on account of the erroneous payment of tax, penalty or interest hereunder. In the administration of and compliance with this paragraph, the Department and persons who are subject to this paragraph shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions and definitions of terms and employ the same modes of procedure, as are prescribed in Sections 2 (except the definition of "retailer maintaining a place of business in this State"), 3 through 3-80 (except provisions pertaining to the State rate of tax, and except provisions concerning collection or refunding of the tax by retailers), 4, 11, 12, 12a, 14, 15, 19 (except the portions pertaining to claims by retailers and except the last paragraph concerning refunds), 20, 21 and 22 of the Use Tax Act, and are not inconsistent with this paragraph, as fully as if those provisions were set forth herein.

Whenever the Department determines that a refund should be made under this paragraph to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified, and to the person named in the notification from the Department. The refund shall be paid by the State Treasurer out of the Regional Transportation Authority tax fund established under paragraph (n) of this Section.

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(h) The Authority may impose a replacement vehicle tax of $50 on any passenger car as defined in Section 1-157 of the Illinois Vehicle Code purchased within the metropolitan region by or on behalf of an insurance company to replace a passenger car of an insured person in settlement of a total loss claim. The tax imposed may not become effective before the first day of the month following the passage of the ordinance imposing the tax and receipt of a certified copy of the ordinance by the Department of Revenue. The Department of Revenue shall collect the tax for the Authority in accordance with Sections 3-2002 and 3-2003 of the Illinois Vehicle Code.

The Department shall immediately pay over to the State Treasurer, ex officio, as trustee, all taxes collected hereunder.

As soon as possible after the first day of each month, beginning January 1, 2011, upon certification of the Department of Revenue, the Comptroller shall order transferred, and the Treasurer shall transfer, to the STAR Bonds Revenue Fund the local sales tax increment, as defined in the Innovation Development and Economy Act, collected under this Section during the second preceding calendar month for sales within a STAR bond district.

After the monthly transfer to the STAR Bonds Revenue Fund, on or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to the Authority. The amount to be paid to the Authority shall be the amount collected hereunder during the second preceding calendar month by the Department, less any amount determined by the Department to be necessary for the payment of refunds, and less any amounts that are transferred to the STAR Bonds Revenue Fund. Within 10 days after receipt by the Comptroller of the disbursement certification to the Authority provided for in this Section to be given to the Comptroller by the Department, the Comptroller shall cause the orders to be drawn for that amount in accordance with the directions contained in the certification.

(i) The Board may not impose any other taxes except as it may from time to time be authorized by law to impose.

(j) A certificate of registration issued by the State Department of Revenue to a retailer under the Retailers' Occupation Tax Act or under the Service Occupation Tax Act shall permit the registrant to engage in a business that is taxed under the tax imposed under paragraphs (b), (e), (f) or (g) of this Section and no additional registration shall be required under the tax. A certificate issued under the Use Tax Act or the Service Use Tax Act is not required.
Act shall be applicable with regard to any tax imposed under paragraph (c) of this Section.

(k) The provisions of any tax imposed under paragraph (c) of this Section shall conform as closely as may be practicable to the provisions of the Use Tax Act, including without limitation conformity as to penalties with respect to the tax imposed and as to the powers of the State Department of Revenue to promulgate and enforce rules and regulations relating to the administration and enforcement of the provisions of the tax imposed. The taxes shall be imposed only on use within the metropolitan region and at rates as provided in the paragraph.

(l) The Board in imposing any tax as provided in paragraphs (b) and (c) of this Section, shall, after seeking the advice of the State Department of Revenue, provide means for retailers, users or purchasers of motor fuel for purposes other than those with regard to which the taxes may be imposed as provided in those paragraphs to receive refunds of taxes improperly paid, which provisions may be at variance with the refund provisions as applicable under the Municipal Retailers Occupation Tax Act. The State Department of Revenue may provide for certificates of registration for users or purchasers of motor fuel for purposes other than those with regard to which taxes may be imposed as provided in paragraphs (b) and (c) of this Section to facilitate the reporting and nontaxability of the exempt sales or uses.

(m) Any ordinance imposing or discontinuing any tax under this Section shall be adopted and a certified copy thereof filed with the Department on or before June 1, whereupon the Department of Revenue shall proceed to administer and enforce this Section on behalf of the Regional Transportation Authority as of September 1 next following such adoption and filing. Beginning January 1, 1992, an ordinance or resolution imposing or discontinuing the tax hereunder shall be adopted and a certified copy thereof filed with the Department on or before the first day of July, whereupon the Department shall proceed to administer and enforce this Section as of the first day of October next following such adoption and filing. Beginning January 1, 1993, an ordinance or resolution imposing, increasing, decreasing, or discontinuing the tax hereunder shall be adopted and a certified copy thereof filed with the Department, whereupon the Department shall proceed to administer and enforce this Section as of the first day of the first month to occur not less than 60 days following such adoption and filing. Any ordinance or resolution of the Authority imposing a tax under this Section and in effect on August 1,
2007 shall remain in full force and effect and shall be administered by the Department of Revenue under the terms and conditions and rates of tax established by such ordinance or resolution until the Department begins administering and enforcing an increased tax under this Section as authorized by Public Act 95-708 this amendatory Act of the 95th General Assembly. The tax rates authorized by Public Act 95-708 this amendatory Act of the 95th General Assembly are effective only if imposed by ordinance of the Authority.

(n) The State Department of Revenue shall, upon collecting any taxes as provided in this Section, pay the taxes over to the State Treasurer as trustee for the Authority. The taxes shall be held in a trust fund outside the State Treasury. On or before the 25th day of each calendar month, the State Department of Revenue shall prepare and certify to the Comptroller of the State of Illinois and to the Authority (i) the amount of taxes collected in each County other than Cook County in the metropolitan region, (ii) the amount of taxes collected within the City of Chicago, and (iii) the amount collected in that portion of Cook County outside of Chicago, each amount less the amount necessary for the payment of refunds to taxpayers located in those areas described in items (i), (ii), and (iii). Within 10 days after receipt by the Comptroller of the certification of the amounts, the Comptroller shall cause an order to be drawn for the payment of two-thirds of the amounts certified in item (i) of this subsection to the Authority and one-third of the amounts certified in item (i) of this subsection to the respective counties other than Cook County and the amount certified in items (ii) and (iii) of this subsection to the Authority.

In addition to the disbursement required by the preceding paragraph, an allocation shall be made in July 1991 and each year thereafter to the Regional Transportation Authority. The allocation shall be made in an amount equal to the average monthly distribution during the preceding calendar year (excluding the 2 months of lowest receipts) and the allocation shall include the amount of average monthly distribution from the Regional Transportation Authority Occupation and Use Tax Replacement Fund. The distribution made in July 1992 and each year thereafter under this paragraph and the preceding paragraph shall be reduced by the amount allocated and disbursed under this paragraph in the preceding calendar year. The Department of Revenue shall prepare and certify to the Comptroller for disbursement the allocations made in accordance with this paragraph.

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(o) Failure to adopt a budget ordinance or otherwise to comply with Section 4.01 of this Act or to adopt a Five-year Capital Program or otherwise to comply with paragraph (b) of Section 2.01 of this Act shall not affect the validity of any tax imposed by the Authority otherwise in conformity with law.

(p) At no time shall a public transportation tax or motor vehicle parking tax authorized under paragraphs (b), (c) and (d) of this Section be in effect at the same time as any retailers' occupation, use or service occupation tax authorized under paragraphs (e), (f) and (g) of this Section is in effect.

Any taxes imposed under the authority provided in paragraphs (b), (c) and (d) shall remain in effect only until the time as any tax authorized by paragraphs (e), (f) or (g) of this Section are imposed and becomes effective. Once any tax authorized by paragraphs (e), (f) or (g) is imposed the Board may not reimpose taxes as authorized in paragraphs (b), (c) and (d) of the Section unless any tax authorized by paragraphs (e), (f) or (g) of this Section becomes ineffective by means other than an ordinance of the Board.

(q) Any existing rights, remedies and obligations (including enforcement by the Regional Transportation Authority) arising under any tax imposed under paragraphs (b), (c) or (d) of this Section shall not be affected by the imposition of a tax under paragraphs (e), (f) or (g) of this Section.

(Source: P.A. 98-104, eff. 7-22-13; 99-180, eff. 7-29-15; 99-217, eff. 7-31-15; revised 10-9-15.)

Section 245. The Water Commission Act of 1985 is amended by changing Section 4 as follows:

Sec. 4. Taxes.
(a) The board of commissioners of any county water commission may, by ordinance, impose throughout the territory of the commission any or all of the taxes provided in this Section for its corporate purposes. However, no county water commission may impose any such tax unless the commission certifies the proposition of imposing the tax to the proper election officials, who shall submit the proposition to the voters residing in the territory at an election in accordance with the general election law, and the proposition has been approved by a majority of those voting on the proposition.

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The proposition shall be in the form provided in Section 5 or shall be substantially in the following form:

Shall the (insert corporate name of county water commission) YES impose (state type of tax or taxes to be imposed) at the NO rate of 1/4%?

Taxes imposed under this Section and civil penalties imposed incident thereto shall be collected and enforced by the State Department of Revenue. The Department shall have the power to administer and enforce the taxes and to determine all rights for refunds for erroneous payments of the taxes.

(b) The board of commissioners may impose a County Water Commission Retailers' Occupation Tax upon all persons engaged in the business of selling tangible personal property at retail in the territory of the commission at a rate of 1/4% of the gross receipts from the sales made in the course of such business within the territory. The tax imposed under this paragraph and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the State Department of Revenue. The Department shall have full power to administer and enforce this paragraph; to collect all taxes and penalties due hereunder; to dispose of taxes and penalties so collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder. In the administration of, and compliance with, this paragraph, the Department and persons who are subject to this paragraph shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions and definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions therein other than the State rate of tax except that food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicine, drugs, medical appliances and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, shall not be subject to tax hereunder), 2c, 3 (except as to the disposition of

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taxes and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under the authority granted in this paragraph may reimburse themselves for their seller's tax liability hereunder by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State taxes that sellers are required to collect under the Use Tax Act and under subsection (e) of Section 4.03 of the Regional Transportation Authority Act, in accordance with such bracket schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this paragraph to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the warrant to be drawn for the amount specified, and to the person named, in the notification from the Department. The refund shall be paid by the State Treasurer out of a county water commission tax fund established under paragraph (g) of this Section.

For the purpose of determining whether a tax authorized under this paragraph is applicable, a retail sale by a producer of coal or other mineral mined in Illinois is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth. This paragraph does not apply to coal or other mineral when it is delivered or shipped by the seller to the purchaser at a point outside Illinois so that the sale is exempt under the Federal Constitution as a sale in interstate or foreign commerce.

If a tax is imposed under this subsection (b) a tax shall also be imposed under subsections (c) and (d) of this Section.

No tax shall be imposed or collected under this subsection on the sale of a motor vehicle in this State to a resident of another state if that motor vehicle will not be titled in this State.

Nothing in this paragraph shall be construed to authorize a county water commission to impose a tax upon the privilege of engaging in any business which under the Constitution of the United States may not be made the subject of taxation by this State.

(c) If a tax has been imposed under subsection (b), a County Water Commission Service Occupation Tax shall also be imposed upon all persons engaged, in the territory of the commission, in the business of making sales of service, who, as an incident to making the sales of service,
transfer tangible personal property within the territory. The tax rate shall be 1/4% of the selling price of tangible personal property so transferred within the territory. The tax imposed under this paragraph and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the State Department of Revenue. The Department shall have full power to administer and enforce this paragraph; to collect all taxes and penalties due hereunder; to dispose of taxes and penalties so collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder. In the administration of, and compliance with, this paragraph, the Department and persons who are subject to this paragraph shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions and definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 1a-1, 2 (except that the reference to State in the definition of supplier maintaining a place of business in this State shall mean the territory of the commission), 2a, 3 through 3-50 (in respect to all provisions therein other than the State rate of tax except that food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, shall not be subject to tax hereunder), 4 (except that the reference to the State shall be to the territory of the commission), 5, 7, 8 (except that the jurisdiction to which the tax shall be a debt to the extent indicated in that Section 8 shall be the commission), 9 (except as to the disposition of taxes and penalties collected and except that the returned merchandise credit for this tax may not be taken against any State tax), 10, 11, 12 (except the reference therein to Section 2b of the Retailers' Occupation Tax Act), 13 (except that any reference to the State shall mean the territory of the commission), the first paragraph of Section 15, 15.5, 16, 17, 18, 19 and 20 of the Service Occupation Tax Act as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under the authority granted in this paragraph may reimburse themselves for their serviceman's tax liability hereunder by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax that servicemen are authorized to collect under the Service Use Tax

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Act, and any tax for which servicemen may be liable under subsection (f) of Section 4.03 of the Regional Transportation Authority Act, in accordance with such bracket schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this paragraph to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the warrant to be drawn for the amount specified, and to the person named, in the notification from the Department. The refund shall be paid by the State Treasurer out of a county water commission tax fund established under paragraph (g) of this Section.

Nothing in this paragraph shall be construed to authorize a county water commission to impose a tax upon the privilege of engaging in any business which under the Constitution of the United States may not be made the subject of taxation by the State.

(d) If a tax has been imposed under subsection (b), a tax shall also imposed upon the privilege of using, in the territory of the commission, any item of tangible personal property that is purchased outside the territory at retail from a retailer, and that is titled or registered with an agency of this State's government, at a rate of 1/4% of the selling price of the tangible personal property within the territory, as "selling price" is defined in the Use Tax Act. The tax shall be collected from persons whose Illinois address for titling or registration purposes is given as being in the territory. The tax shall be collected by the Department of Revenue for a county water commission. The tax must be paid to the State, or an exemption determination must be obtained from the Department of Revenue, before the title or certificate of registration for the property may be issued. The tax or proof of exemption may be transmitted to the Department by way of the State agency with which, or the State officer with whom, the tangible personal property must be titled or registered if the Department and the State agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

The Department shall have full power to administer and enforce this paragraph; to collect all taxes, penalties and interest due hereunder; to dispose of taxes, penalties and interest so collected in the manner hereinafter provided; and to determine all rights to credit memoranda or refunds arising on account of the erroneous payment of tax, penalty or interest hereunder. In the administration of, and compliance with this paragraph, the Department and persons who are subject to this paragraph

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shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions and definitions of terms and employ the same modes of procedure, as are prescribed in Sections 2 (except the definition of "retailer maintaining a place of business in this State"), 3 through 3-80 (except provisions pertaining to the State rate of tax, and except provisions concerning collection or refunding of the tax by retailers, and except that food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, shall not be subject to tax hereunder), 4, 11, 12, 12a, 14, 15, 19 (except the portions pertaining to claims by retailers and except the last paragraph concerning refunds), 20, 21 and 22 of the Use Tax Act and Section 3-7 of the Uniform Penalty and Interest Act that are not inconsistent with this paragraph, as fully as if those provisions were set forth herein.

Whenever the Department determines that a refund should be made under this paragraph to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified, and to the person named, in the notification from the Department. The refund shall be paid by the State Treasurer out of a county water commission tax fund established under paragraph (g) of this Section.

(e) A certificate of registration issued by the State Department of Revenue to a retailer under the Retailers' Occupation Tax Act or under the Service Occupation Tax Act shall permit the registrant to engage in a business that is taxed under the tax imposed under paragraphs (b), (c) or (d) of this Section and no additional registration shall be required under the tax. A certificate issued under the Use Tax Act or the Service Use Tax Act shall be applicable with regard to any tax imposed under paragraph (c) of this Section.

(f) Any ordinance imposing or discontinuing any tax under this Section shall be adopted and a certified copy thereof filed with the Department on or before June 1, whereupon the Department of Revenue shall proceed to administer and enforce this Section on behalf of the county water commission as of September 1 next following the adoption and filing. Beginning January 1, 1992, an ordinance or resolution imposing

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or discontinuing the tax hereunder shall be adopted and a certified copy thereof filed with the Department on or before the first day of July, whereupon the Department shall proceed to administer and enforce this Section as of the first day of October next following such adoption and filing. Beginning January 1, 1993, an ordinance or resolution imposing or discontinuing the tax hereunder shall be adopted and a certified copy thereof filed with the Department on or before the first day of October, whereupon the Department shall proceed to administer and enforce this Section as of the first day of January next following such adoption and filing.

(g) The State Department of Revenue shall, upon collecting any taxes as provided in this Section, pay the taxes over to the State Treasurer as trustee for the commission. The taxes shall be held in a trust fund outside the State Treasury.

As soon as possible after the first day of each month, beginning January 1, 2011, upon certification of the Department of Revenue, the Comptroller shall order transferred, and the Treasurer shall transfer, to the STAR Bonds Revenue Fund the local sales tax increment, as defined in the Innovation Development and Economy Act, collected under this Section during the second preceding calendar month for sales within a STAR bond district.

After the monthly transfer to the STAR Bonds Revenue Fund, on or before the 25th day of each calendar month, the State Department of Revenue shall prepare and certify to the Comptroller of the State of Illinois the amount to be paid to the commission, which shall be the amount (not including credit memoranda) collected under this Section during the second preceding calendar month by the Department plus an amount the Department determines is necessary to offset any amounts that were erroneously paid to a different taxing body, and not including any amount equal to the amount of refunds made during the second preceding calendar month by the Department on behalf of the commission, and not including any amount that the Department determines is necessary to offset any amounts that were payable to a different taxing body but were erroneously paid to the commission, and less any amounts that are transferred to the STAR Bonds Revenue Fund. Within 10 days after receipt by the Comptroller of the certification of the amount to be paid to the commission, the Comptroller shall cause an order to be drawn for the payment for the amount in accordance with the direction in the certification.

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(h) Beginning June 1, 2016, any tax imposed pursuant to this Section may no longer be imposed or collected, unless a continuation of the tax is approved by the voters at a referendum as set forth in this Section.

(Source: P.A. 98-298, eff. 8-9-13; 99-217, eff. 7-31-15; revised 11-9-15.)

Section 250. The School Code is amended by changing Sections 2-3.25a, 2-3.25f, 2-3.64a-5, 5-2.2, 10-17a, 10-29, 14-8.02, 19-1, 21B-20, 21B-45, 22-30, 27-8.1, 27-24.2, 27A-5, 32-5, 34-2.4, and 34-8.1, by setting forth and renumbering multiple versions of Sections 2-3.163 and 22-80, and by setting forth, renumbering, and changing multiple versions of Section 10-20.56 as follows:

(105 ILCS 5/2-3.25a) (from Ch. 122, par. 2-3.25a)

Sec. 2-3.25a. "School district" defined; additional standards.

(a) For the purposes of this Section and Sections 3.25b, 3.25c, 3.25d, 3.25e, and 3.25f of this Code, "school district" includes other public entities responsible for administering public schools, such as cooperatives, joint agreements, charter schools, special charter districts, regional offices of education, local agencies, and the Department of Human Services.

(b) In addition to the standards established pursuant to Section 2-3.25, the State Board of Education shall develop recognition standards for student performance and school improvement for all school districts and their individual schools, which must be an outcomes-based, balanced accountability measure. The State Board of Education is prohibited from having separate performance standards for students based on race or ethnicity.

Subject to the availability of federal, State, public, or private funds, the balanced accountability measure must be designed to focus on 2 components, student performance and professional practice. The student performance component shall count for 30% of the total balanced accountability measure, and the professional practice component shall count for 70% of the total balanced accountability measure. The student performance component shall focus on student outcomes and closing the achievement gaps within each school district and its individual schools using a Multiple Measure Index and Annual Measurable Objectives, as set forth in Section 2-3.25d of this Code. The professional practice component shall focus on the degree to which a school district, as well as its individual schools, is implementing evidence-based, best professional practices and exhibiting continued improvement. Beginning with the 2015-2016 school year, the balanced accountability measure shall consist

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of only the student performance component, which shall account for 100% of the total balanced accountability measure. From the 2016-2017 school year through the 2021-2022 school year, the State Board of Education and a Balanced Accountability Measure Committee shall identify a number of school districts per the designated school years to begin implementing the balanced accountability measure, which includes both the student performance and professional practice components. By the 2021-2022 school year, all school districts must be implementing the balanced accountability measure, which includes both components. The Balanced Accountability Measure Committee shall consist of the following individuals: a representative of a statewide association representing regional superintendents of schools, a representative of a statewide association representing principals, a representative of an association representing principals in a city having a population exceeding 500,000, a representative of a statewide association representing school administrators, a representative of a statewide professional teachers' organization, a representative of a different statewide professional teachers' organization, an additional representative from either statewide professional teachers' organization, a representative of a professional teachers' organization in a city having a population exceeding 500,000, a representative of a statewide association representing school boards, and a representative of a school district organized under Article 34 of this Code. The head of each association or entity listed in this paragraph shall appoint its respective representative. The State Superintendent of Education, in consultation with the Committee, may appoint no more than 2 additional individuals to the Committee, which individuals shall serve in an advisory role and must not have voting or other decision-making rights. The Committee is abolished on June 1, 2022.

Using a Multiple Measure Index consistent with subsection (a) of Section 2-3.25d of this Code, the student performance component shall consist of the following subcategories, each of which must be valued at 10%:

(1) achievement status;
(2) achievement growth; and
(3) Annual Measurable Objectives, as set forth in subsection (b) of Section 2-3.25d of this Code.

Achievement status shall measure and assess college and career readiness, as well as the graduation rate. Achievement growth shall measure the school district's and its individual schools' student growth via this State's
growth value tables. Annual Measurable Objectives shall measure the
degree to which school districts, as well as their individual schools, are
closing their achievement gaps among their student population and
subgroups.

The professional practice component shall consist of the following
subcategories:

(A) compliance;
(B) evidence-based best practices; and
(C) contextual improvement.

Compliance, which shall count for 10%, shall measure the degree to which
a school district and its individual schools meet the current State
compliance requirements. Evidence-based best practices, which shall
count for 30%, shall measure the degree to which school districts and their
individual schools are adhering to a set of evidence-based quality
standards and best practice for effective schools that include (i) continuous
improvement, (ii) culture and climate, (iii) shared leadership, (iv)
governance, (v) education and employee quality, (vi) family and
community connections, and (vii) student and learning development and
are further developed in consultation with the State Board of Education
and the Balanced Accountability Measure Committee set forth in this
subsection (b). Contextual improvement, which shall count for 30%, shall
provide school districts and their individual schools the opportunity to
demonstrate improved outcomes through local data, including without
limitation school climate, unique characteristics, and barriers that impact
the educational environment and hinder the development and
implementation of action plans to address areas of school district and
individual school improvement. Each school district, in good faith
cooperation with its teachers or, where applicable, the exclusive
bargaining representatives of its teachers, shall develop 2 measurable
objectives to demonstrate contextual improvement, each of which must be
equally weighted. Each school district shall begin such good faith
cooperative development of these objectives no later than 6 months prior
to the beginning of the school year in which the school district is to
implement the professional practice component of the balanced
accountability measure. The professional practice component must be
scored using trained peer review teams that observe and verify school
district practices using an evidence-based framework.

The balanced accountability measure shall combine the student
performance and professional practice components into one summative
score based on 100 points at the school district and individual-school level. A school district shall be designated as "Exceeds Standards - Exemplar" if the overall score is 100 to 90, "Meets Standards - Proficient" if the overall score is 89 to 75, "Approaching Standards - Needs Improvement" if the overall score is 74 to 60, and "Below Standards - Unsatisfactory" if the overall score is 59 to 0. The balanced accountability measure shall also detail both incentives that reward school districts for continued improved performance, as provided in Section 2-3.25c of this Code, and consequences for school districts that fail to provide evidence of continued improved performance, which may include presentation of a barrier analysis, additional school board and administrator training, or additional State assistance. Based on its summative score, a school district may be exempt from the balanced accountability measure for one or more school years. The State Board of Education, in collaboration with the Balanced Accountability Measure Committee set forth in this subsection (b), shall adopt rules that further implementation in accordance with the requirements of this Section.

(Source: P.A. 99-84, eff. 1-1-16; 99-193, eff. 7-30-15; revised 10-9-15.)

(105 ILCS 5/2-3.25f) (from Ch. 122, par. 2-3.25f)
Sec. 2-3.25f. State interventions.

(a) The State Board of Education shall provide technical assistance to assist with the development and implementation of School and District Improvement Plans.

Schools or school districts that fail to make reasonable efforts to implement an approved Improvement Plan may suffer loss of State funds by school district, attendance center, or program as the State Board of Education deems appropriate.

(a-5) (Blank).

(b) Beginning in 2017, if, after 3 years following its identification as a priority district under Section 2-3.25d-5 of this Code, a district does not make progress as measured by a reduction in achievement gaps commensurate with the targets in this State's approved accountability plan with the U.S. Department of Education, then the State Board of Education may (i) change the recognition status of the school district or school to nonrecognized or (ii) authorize the State Superintendent of Education to direct the reassignment of pupils or direct the reassignment or replacement of school district personnel. If a school district is nonrecognized in its entirety, it shall automatically be dissolved on July 1 following that nonrecognition and its territory realigned with another school district or
districts by the regional board of school trustees in accordance with the procedures set forth in Section 7-11 of the School Code. The effective date of the nonrecognition of a school shall be July 1 following the nonrecognition.

(b-5) The State Board of Education shall also develop a system to provide assistance and resources to lower performing school districts. At a minimum, the State Board shall identify school districts to receive priority services, to be known as priority districts under Section 2-3.25d-5 of this Code. The school district shall provide the exclusive bargaining representative with a 5-day notice that the district has been identified as a priority district. In addition, the State Board may, by rule, develop other categories of low-performing schools and school districts to receive services.

Based on the results of the district needs assessment under Section 2-3.25d-5 of this Code, the State Board of Education shall work with the district to provide technical assistance and professional development, in partnership with the district, to implement a continuous improvement plan that would increase outcomes for students. The plan for continuous improvement shall be based on the results of the district needs assessment and shall be used to determine the types of services that are to be provided to each priority district. Potential services for a district may include monitoring adult and student practices, reviewing and reallocating district resources, developing a district leadership team, providing access to curricular content area specialists, and providing online resources and professional development.

The State Board of Education may require priority districts identified as having deficiencies in one or more core functions of the district needs assessment to undergo an accreditation process as provided in subsection (d) of Section 2-3.25f-5 of this Code.

(c) All federal requirements apply to schools and school districts utilizing federal funds under Title I, Part A of the federal Elementary and Secondary Education Act of 1965.

(Source: P.A. 98-1155, eff. 1-9-15; 99-193, eff. 7-30-15; 99-203, eff. 7-30-15; revised 10-9-15.)

(105 ILCS 5/2-3.64a-5)

Sec. 2-3.64a-5. State goals and assessment.

(a) For the assessment and accountability purposes of this Section, "students" includes those students enrolled in a public or State-operated elementary school, secondary school, or cooperative or joint agreement
with a governing body or board of control, a charter school operating in compliance with the Charter Schools Law, a school operated by a regional office of education under Section 13A-3 of this Code, or a public school administered by a local public agency or the Department of Human Services.

(b) The State Board of Education shall establish the academic standards that are to be applicable to students who are subject to State assessments under this Section. The State Board of Education shall not establish any such standards in final form without first providing opportunities for public participation and local input in the development of the final academic standards. Those opportunities shall include a well-publicized period of public comment and opportunities to file written comments.

(c) Beginning no later than the 2014-2015 school year, the State Board of Education shall annually assess all students enrolled in grades 3 through 8 in English language arts and mathematics.

Beginning no later than the 2017-2018 school year, the State Board of Education shall annually assess all students in science at one grade in grades 3 through 5, at one grade in grades 6 through 8, and at one grade in grades 9 through 12.

The State Board of Education shall annually assess schools that operate a secondary education program, as defined in Section 22-22 of this Code, in English language arts and mathematics. The State Board of Education shall administer no more than 3 assessments, per student, of English language arts and mathematics for students in a secondary education program. One of these assessments shall include a college and career ready determination that shall be accepted by this State's public institutions of higher education, as defined in the Board of Higher Education Act, for the purpose of student application or admissions consideration.

Students who are not assessed for college and career ready determinations may not receive a regular high school diploma unless the student is exempted from taking State assessments under subsection (d) of this Section because (i) the student's individualized educational program developed under Article 14 of this Code identifies the State assessment as inappropriate for the student, (ii) the student is enrolled in a program of adult and continuing education, as defined in the Adult Education Act, (iii) the school district is not required to assess the individual student for purposes of accountability under federal No Child Left Behind Act of

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2001 requirements, (iv) the student has been determined to be an English learner and has been enrolled in schools in the United States for less than 12 months, or (v) the student is otherwise identified by the State Board of Education, through rules, as being exempt from the assessment.

The State Board of Education shall not assess students under this Section in subjects not required by this Section.

Districts shall inform their students of the timelines and procedures applicable to their participation in every yearly administration of the State assessments. The State Board of Education shall establish periods of time in each school year during which State assessments shall occur to meet the objectives of this Section.

(d) Every individualized educational program as described in Article 14 shall identify if the State assessment or components thereof are appropriate for the student. The State Board of Education shall develop rules governing the administration of an alternate assessment that may be available to students for whom participation in this State's regular assessments is not appropriate, even with accommodations as allowed under this Section.

Students receiving special education services whose individualized educational programs identify them as eligible for the alternative State assessments nevertheless shall have the option of taking this State's regular assessment that includes a college and career ready determination, which shall be administered in accordance with the eligible accommodations appropriate for meeting these students' respective needs.

All students determined to be English learners shall participate in the State assessments, excepting those students who have been enrolled in schools in the United States for less than 12 months. Such students may be exempted from participation in one annual administration of the English language arts assessment. Any student determined to be an English learner shall receive appropriate assessment accommodations, including language supports, which shall be established by rule. Approved assessment accommodations must be provided until the student's English language skills develop to the extent that the student is no longer considered to be an English learner, as demonstrated through a State-identified English language proficiency assessment.

(e) The results or scores of each assessment taken under this Section shall be made available to the parents of each student.

In each school year, the scores attained by a student on the State assessment that includes a college and career ready determination must be
placed in the student's permanent record and must be entered on the student's transcript pursuant to rules that the State Board of Education shall adopt for that purpose in accordance with Section 3 of the Illinois School Student Records Act. In each school year, the scores attained by a student on the State assessments administered in grades 3 through 8 must be placed in the student's temporary record.

(f) All schools shall administer an academic assessment of English language proficiency in oral language (listening and speaking) and reading and writing skills to all children determined to be English learners.

(g) All schools in this State that are part of the sample drawn by the National Center for Education Statistics, in collaboration with their school districts and the State Board of Education, shall administer the biennial academic assessments under the National Assessment of Educational Progress carried out under Section 411(b)(2) of the federal National Education Statistics Act of 1994 (20 U.S.C. 9010) if the U.S. Secretary of Education pays the costs of administering the assessments.

(h) Subject to available funds to this State for the purpose of student assessment, the State Board of Education shall provide additional assessments and assessment resources that may be used by school districts for local assessment purposes. The State Board of Education shall annually distribute a listing of these additional resources.

(i) For the purposes of this subsection (i), "academically based assessments" means assessments consisting of questions and answers that are measurable and quantifiable to measure the knowledge, skills, and ability of students in the subject matters covered by the assessments. All assessments administered pursuant to this Section must be academically based assessments. The scoring of academically based assessments shall be reliable, valid, and fair and shall meet the guidelines for assessment development and use prescribed by the American Psychological Association, the National Council on Measurement in Education, and the American Educational Research Association.

The State Board of Education shall review the use of all assessment item types in order to ensure that they are valid and reliable indicators of student performance aligned to the learning standards being assessed and that the development, administration, and scoring of these item types are justifiable in terms of cost.

(j) The State Superintendent of Education shall appoint a committee of no more than 21 members, consisting of parents, teachers, school administrators, school board members, assessment experts, regional

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superintendents of schools, and citizens, to review the State assessments administered by the State Board of Education. The Committee shall select one of its members as its chairperson. The Committee shall meet on an ongoing basis to review the content and design of the assessments (including whether the requirements of subsection (i) of this Section have been met), the time and money expended at the local and State levels to prepare for and administer the assessments, the collective results of the assessments as measured against the stated purpose of assessing student performance, and other issues involving the assessments identified by the Committee. The Committee shall make periodic recommendations to the State Superintendent of Education and the General Assembly concerning the assessments.

(k) The State Board of Education may adopt rules to implement this Section.

(Source: P.A. 98-972, eff. 8-15-14; 99-30, eff. 7-10-15; 99-185, eff. 1-1-16; revised 10-16-15.)

(105 ILCS 5/2-3.163)

Sec. 2-3.163. Prioritization of Urgency of Need for Services database.

(a) The General Assembly makes all of the following findings:

1) The Department of Human Services maintains a statewide database known as the Prioritization of Urgency of Need for Services that records information about individuals with developmental disabilities who are potentially in need of services.

2) The Department of Human Services uses the data on Prioritization of Urgency of Need for Services to select individuals for services as funding becomes available, to develop proposals and materials for budgeting, and to plan for future needs.

3) Prioritization of Urgency of Need for Services is available for children and adults with a developmental disability who have an unmet service need anticipated in the next 5 years.

4) Prioritization of Urgency of Need for Services is the first step toward getting developmental disabilities services in this State. If individuals are not on the Prioritization of Urgency of Need for Services waiting list, they are not in queue for State developmental disabilities services.

5) Prioritization of Urgency of Need for Services may be underutilized by children and their parents or guardians due to lack of awareness or lack of information.

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(b) The State Board of Education may work with school districts to inform all students with developmental disabilities and their parents or guardians about the Prioritization of Urgency of Need for Services database.

(c) Subject to appropriation, the Department of Human Services and State Board of Education shall develop and implement an online, computer-based training program for at least one designated employee in every public school in this State to educate him or her about the Prioritization of Urgency of Need for Services database and steps to be taken to ensure children and adolescents are enrolled. The training shall include instruction for at least one designated employee in every public school in contacting the appropriate developmental disabilities Independent Service Coordination agency to enroll children and adolescents in the database. At least one designated employee in every public school shall ensure the opportunity to enroll in the Prioritization of Urgency of Need for Services database is discussed during annual individualized education program (IEP) meetings for all children and adolescents believed to have a developmental disability.

(d) The State Board of Education, in consultation with the Department of Human Services, shall inform parents and guardians of students through school districts about the Prioritization of Urgency of Need for Services waiting list.

(Source: P.A. 99-144, eff. 1-1-16.)

(105 ILCS 5/2-3.164)

(Section scheduled to be repealed on December 16, 2020)


(a) The Attendance Commission is created within the State Board of Education to study the issue of chronic absenteeism in this State and make recommendations for strategies to prevent chronic absenteeism. The Commission shall consist of all of the following members:

(1) The Director of the Department of Children and Family Services or his or her designee.

(2) The Chairperson of the State Board of Education or his or her designee.

(3) The Chairperson of the Board of Higher Education or his or her designee.

(4) The Secretary of the Department of Human Services or his or her designee.

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(5) The Director of the Department of Public Health or his or her designee.

(6) The Chairperson of the Illinois Community College Board or his or her designee.

(7) The Chairperson of the State Charter School Commission or his or her designee.

(8) An individual that deals with children's disabilities, impairments, and social emotional issues, appointed by the State Superintendent of Education.

(9) One member from each of the following organizations, appointed by the State Superintendent of Education:

(A) A non-profit organization that advocates for students in temporary living situations.

(B) An Illinois-focused, non-profit organization that advocates for the well-being of all children and families in this State.

(C) An Illinois non-profit, anti-crime organization of law enforcement that researches and recommends early learning and youth development strategies to reduce crime.

(D) An Illinois non-profit organization that conducts community-organizing around family issues.

(E) A statewide professional teachers' organization.

(F) A different statewide professional teachers' organization.

(G) A professional teachers' organization in a city having a population exceeding 500,000.

(H) An association representing school administrators.

(I) An association representing school board members.

(J) An association representing school principals.

(K) An association representing regional superintendents of schools.

(L) An association representing parents.

(M) An association representing high school districts.

(N) An association representing large unit districts.

(O) An organization that advocates for healthier school environments in Illinois.

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(P) An organization that advocates for the health and safety of Illinois youth and families by providing capacity building services.

(Q) A statewide association of local philanthropic organizations that advocates for effective educational, health, and human service policies to improve this State's communities.

(R) A statewide organization that advocates for partnerships among schools, families, and the community that provide access to support and remove barriers to learning and development, using schools as hubs.

(S) An organization representing statewide programs actively involved in truancy intervention.

Attendance Commission members shall serve without compensation but shall be reimbursed for their travel expenses from appropriations to the State Board of Education available for that purpose and subject to the rules of the appropriate travel control board.

(b) The Attendance Commission shall meet initially at the call of the State Superintendent of Education. The members shall elect a chairperson at their initial meeting. Thereafter, the Attendance Commission shall meet at the call of the chairperson. The Attendance Commission shall hold hearings on a periodic basis to receive testimony from the public regarding attendance.

(c) The Attendance Commission shall identify strategies, mechanisms, and approaches to help parents, educators, principals, superintendents, and the State Board of Education address and prevent chronic absenteeism and shall recommend to the General Assembly and State Board of Education:

(1) a standard for attendance and chronic absenteeism, defining attendance as a calculation of standard clock hours in a day that equal a full day based on instructional minutes for both a half day and a full day per learning environment;

(2) mechanisms to improve data systems to monitor and track chronic absenteeism across this State in a way that identifies trends from prekindergarten through grade 12 and allows the identification of students who need individualized chronic absenteeism prevention plans;

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(3) mechanisms for reporting and accountability for schools and districts across this State, including creating multiple measure indexes for reporting;

(4) best practices for utilizing attendance and chronic absenteeism data to create multi-tiered systems of support and prevention that will result in students being ready for college and career; and

(5) new initiatives and responses to ongoing challenges presented by chronic absenteeism.

(d) The State Board of Education shall provide administrative support to the Commission. The Attendance Commission shall submit an annual report to the General Assembly and the State Board of Education no later than December 15 of each year.

(e) The Attendance Commission is abolished and this Section is repealed on December 16, 2020.

(Source: P.A. 99-432, eff. 8-21-15; revised 10-5-15.)

(105 ILCS 5/2-3.165)

(Section scheduled to be repealed on June 1, 2016)

Sec. 2-3.165. Virtual education review committee.

(a) The State Superintendent of Education shall establish a review committee to review virtual education and course choice. The review committee shall consist of all of the following individuals appointed by the State Superintendent:

(1) One representative of the State Board of Education, who shall serve as chairperson.

(2) One parent.

(3) One educator representing a statewide professional teachers' organization.

(4) One educator representing a different statewide professional teachers' organization.

(5) One educator representing a professional teachers' organization in a city having a population exceeding 500,000.

(6) One school district administrator representing an association that represents school administrators.

(7) One school principal representing an association that represents school principals.

(8) One school board member representing an association that represents school board members.

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(9) One special education administrator representing an association that represents special education administrators.

(10) One representative of a school district in a city having a population exceeding 500,000.

(11) One school principal representing an association that represents school principals in a city having a population exceeding 500,000.

(12) One representative of an education advocacy group that works with parents.

(13) One representative of an education public policy organization.

(14) One representative of an institution of higher education.

(15) One representative of a virtual school in this State.

The review committee shall also consist of all of the following members appointed as follows:

(A) One member of the Senate appointed by the President of the Senate.

(B) One member of the Senate appointed by the Minority Leader of the Senate.

(C) One member of the House of Representatives appointed by the Speaker of the House of Representatives.

(D) One member of the House of Representatives appointed by the Minority Leader of the House of Representatives.

Members of the review committee shall serve without compensation, but, subject to appropriation, members may be reimbursed for travel.

(b) The review committee shall meet at least 4 times, at the call of the chairperson, to review virtual education and course choice. This review shall include a discussion on virtual course access programs, including the ability of students to enroll in online coursework and access technology to complete courses. The review committee shall make recommendations on changes and improvements and provide best practices for virtual education and course choice in this State. The review committee shall determine funding mechanisms and district cost projections to administer course access programs.

(c) The State Board of Education shall provide administrative and other support to the review committee.

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(d) The review committee shall report its findings and recommendations to the Governor and General Assembly no later than May 31, 2016. Upon filing its report, the review committee is dissolved.

(e) This Section is repealed on June 1, 2016.

(Source: P.A. 99-442, eff. 8-21-15; revised 10-5-15.)

(105 ILCS 5/2-3.166)

Sec. 2-3.166. Youth suicide awareness and prevention.

(a) This Section may be referred to as Ann Marie's Law.

(b) The State Board of Education shall do both of the following:

(1) In consultation with a youth suicide prevention organization operating in this State and organizations representing school boards and school personnel, develop a model youth suicide awareness and prevention policy that is consistent with subsection (c) of this Section.

(2) Compile, develop, and post on its publicly accessible Internet website both of the following, which may include materials already publicly available:

(A) Recommended guidelines and educational materials for training and professional development.

(B) Recommended resources and age-appropriate educational materials on youth suicide awareness and prevention.

(c) The model policy developed by the State Board of Education under subsection (b) of this Section and any policy adopted by a school board under subsection (d) of this Section shall include all of the following:

(1) A statement on youth suicide awareness and prevention.

(2) Protocols for administering youth suicide awareness and prevention education to staff and students.

(3) Methods of prevention, including procedures for early identification and referral of students at risk of suicide.

(4) Methods of intervention, including procedures that address an emotional or mental health safety plan for students identified as being at increased risk of suicide.

(5) Methods of responding to a student or staff suicide or suicide attempt.

(6) Reporting procedures.

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(7) Recommended resources on youth suicide awareness and prevention programs, including current contact information for such programs.

(d) Beginning with the 2015-2016 school year, each school board shall review and update its current suicide awareness and prevention policy to be consistent with subsection (c) of this Section or adopt an age-appropriate youth suicide awareness and prevention policy consistent with subsection (c) of this Section, inform each school district employee and the parent or legal guardian of each student enrolled in the school district of such policy, and post such policy on the school district's publicly accessible Internet website. The policy adopted by a school board under this subsection (d) may be based upon the model policy developed by the State Board of Education under subsection (b) of this Section.

(Source: P.A. 99-443, eff. 8-21-15; revised 10-5-15.)

(105 ILCS 5/5-2.2)

Sec. 5-2.2. Designation of trustees; Township 36 North, Range 13 East. After the April 5, 2011 consolidated election, the trustees of schools in Township 36 North, Range 13 East shall no longer be elected pursuant to the provisions of Sections 5-2, 5-2.1, 5-3, 5-4, 5-12, and 5-13 of this Code. Any such trustees elected before such date may complete the term to which that trustee was elected, but shall not be succeeded by election. Instead, the board of education or board of school directors of each of the elementary and high school districts that are subject to the jurisdiction of Township 36 North, Range 13 East shall appoint one of the members to serve as trustee of schools. The trustees of schools shall be appointed by each board of education or board of school directors within 60 days after the effective date of this amendatory Act of the 97th General Assembly and shall reorganize within 30 days after all the trustees of schools have been appointed or within 30 days after all the trustees of schools were due to have been appointed, whichever is sooner. Trustees of schools so appointed shall serve at the pleasure of the board of education or board of school directors appointing them, but in no event longer than 2 years unless reappointed.

A majority of members of the trustees of schools shall constitute a quorum for the transaction of business. The trustees shall organize by appointing one of their number president, who shall hold the office for 2 years. If the president is absent from any meeting, or refuses to perform any of the duties of the office, a president pro-tempore may be appointed. Trustees who serve on the board as a result of appointment or election at
the time of the reorganization shall continue to serve as a member of the trustees of schools, with no greater or lesser authority than any other trustee, until such time as their elected term expires.

Each trustee of schools appointed by a board of education or board of school directors shall be entitled to indemnification and protection against claims and suits by the board that appointed that trustee of schools for acts or omissions as a trustee of schools in the same manner and to the same extent as the trustee of schools is entitled to indemnification and protection for acts or omissions as a member of the board of education or board of school directors under Section 10-20.20 of this Code.

(Source: P.A. 97-631, eff. 12-8-11; revised 10-15-15.)

(105 ILCS 5/10-17a) (from Ch. 122, par. 10-17a)
Sec. 10-17a. State, school district, and school report cards.
(1) By October 31, 2013 and October 31 of each subsequent school year, the State Board of Education, through the State Superintendent of Education, shall prepare a State report card, school district report cards, and school report cards, and shall by the most economic means provide to each school district in this State, including special charter districts and districts subject to the provisions of Article 34, the report cards for the school district and each of its schools.

(2) In addition to any information required by federal law, the State Superintendent shall determine the indicators and presentation of the school report card, which must include, at a minimum, the most current data possessed by the State Board of Education related to the following:

(A) school characteristics and student demographics, including average class size, average teaching experience, student racial/ethnic breakdown, and the percentage of students classified as low-income; the percentage of students classified as English learners; the percentage of students who have individualized education plans or 504 plans that provide for special education services; the percentage of students who annually transferred in or out of the school district; the per-pupil operating expenditure of the school district; and the per-pupil State average operating expenditure for the district type (elementary, high school, or unit);

(B) curriculum information, including, where applicable, Advanced Placement, International Baccalaureate or equivalent courses, dual enrollment courses, foreign language classes, school personnel resources (including Career Technical Education teachers), before and after school programs, extracurricular

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activities, subjects in which elective classes are offered, health and wellness initiatives (including the average number of days of Physical Education per week per student), approved programs of study, awards received, community partnerships, and special programs such as programming for the gifted and talented, students with disabilities, and work-study students;

(C) student outcomes, including, where applicable, the percentage of students deemed proficient on assessments of State standards, the percentage of students in the eighth grade who pass Algebra, the percentage of students enrolled in post-secondary institutions (including colleges, universities, community colleges, trade/vocational schools, and training programs leading to career certification within 2 semesters of high school graduation), the percentage of students graduating from high school who are college and career ready, and the percentage of graduates enrolled in community colleges, colleges, and universities who are in one or more courses that the community college, college, or university identifies as a developmental course;

(D) student progress, including, where applicable, the percentage of students in the ninth grade who have earned 5 credits or more without failing more than one core class, a measure of students entering kindergarten ready to learn, a measure of growth, and the percentage of students who enter high school on track for college and career readiness;

(E) the school environment, including, where applicable, the percentage of students with less than 10 absences in a school year, the percentage of teachers with less than 10 absences in a school year for reasons other than professional development, leaves taken pursuant to the federal Family Medical Leave Act of 1993, long-term disability, or parental leaves, the 3-year average of the percentage of teachers returning to the school from the previous year, the number of different principals at the school in the last 6 years, 2 or more indicators from any school climate survey selected or approved by the State and administered pursuant to Section 2-3.153 of this Code, with the same or similar indicators included on school report cards for all surveys selected or approved by the State pursuant to Section 2-3.153 of this Code, and the combined percentage of teachers rated as proficient or excellent in their most recent evaluation; and

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(F) a school district's and its individual schools’ balanced accountability measure, in accordance with Section 2-3.25a of this Code.

The school report card shall also provide information that allows for comparing the current outcome, progress, and environment data to the State average, to the school data from the past 5 years, and to the outcomes, progress, and environment of similar schools based on the type of school and enrollment of low-income students, special education students, and English learners.

(3) At the discretion of the State Superintendent, the school district report card shall include a subset of the information identified in paragraphs (A) through (E) of subsection (2) of this Section, as well as information relating to the operating expense per pupil and other finances of the school district, and the State report card shall include a subset of the information identified in paragraphs (A) through (E) of subsection (2) of this Section.

(4) Notwithstanding anything to the contrary in this Section, in consultation with key education stakeholders, the State Superintendent shall at any time have the discretion to amend or update any and all metrics on the school, district, or State report card.

(5) Annually, no more than 30 calendar days after receipt of the school district and school report cards from the State Superintendent of Education, each school district, including special charter districts and districts subject to the provisions of Article 34, shall present such report cards at a regular school board meeting subject to applicable notice requirements, post the report cards on the school district's Internet web site, if the district maintains an Internet web site, make the report cards available to a newspaper of general circulation serving the district, and, upon request, send the report cards home to a parent (unless the district does not maintain an Internet web site, in which case the report card shall be sent home to parents without request). If the district posts the report card on its Internet web site, the district shall send a written notice home to parents stating (i) that the report card is available on the web site, (ii) the address of the web site, (iii) that a printed copy of the report card will be sent to parents upon request, and (iv) the telephone number that parents may call to request a printed copy of the report card.

(6) Nothing contained in this amendatory Act of the 98th General Assembly repeals, supersedes, invalidates, or nullifies final decisions in lawsuits pending on the effective date of this amendatory Act of the 98th
General Assembly in Illinois courts involving the interpretation of Public Act 97-8.
(Source: P.A. 98-463, eff. 8-16-13; 98-648, eff. 7-1-14; 99-30, eff. 7-10-15; 99-193, eff. 7-30-15; revised 10-21-15.)

(105 ILCS 5/10-20.56)
Sec. 10-20.56. E-learning days.

(a) The State Board of Education shall establish and maintain, for implementation in selected school districts during the 2015-2016, 2016-2017, and 2017-2018 school years, a pilot program for use of electronic-learning (e-learning) days, as described in this Section. The State Superintendent of Education shall select up to 3 school districts for this program, at least one of which may be an elementary or unit school district. The use of e-learning days may not begin until the second semester of the 2015-2016 school year, and the pilot program shall conclude with the end of the 2017-2018 school year. On or before June 1, 2019, the State Board shall report its recommendation for expansion, revision, or discontinuation of the program to the Governor and General Assembly.

(b) The school board of a school district selected by the State Superintendent of Education under subsection (a) of this Section may, by resolution, adopt a research-based program or research-based programs for e-learning days district-wide that shall permit student instruction to be received electronically while students are not physically present in lieu of the district's scheduled emergency days as required by Section 10-19 of this Code. The research-based program or programs may not exceed the minimum number of emergency days in the approved school calendar and must be submitted to the State Superintendent for approval on or before September 1st annually to ensure access for all students. The State Superintendent shall approve programs that ensure that the specific needs of all students are met, including special education students and English learners, and that all mandates are still met using the proposed research-based program. The e-learning program may utilize the Internet, telephones, texts, chat rooms, or other similar means of electronic communication for instruction and interaction between teachers and students that meet the needs of all learners.

(c) Before its adoption by a school board, a school district's initial proposal for an e-learning program or for renewal of such a program must be approved by the State Board of Education and shall follow a public hearing, at a regular or special meeting of the school board, in which the

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terms of the proposal must be substantially presented and an opportunity for allowing public comments must be provided. Notice of such public hearing must be provided at least 10 days prior to the hearing by:

(1) publication in a newspaper of general circulation in the school district;
(2) written or electronic notice designed to reach the parents or guardians of all students enrolled in the school district; and
(3) written or electronic notice designed to reach any exclusive collective bargaining representatives of school district employees and all those employees not in a collective bargaining unit.

(d) A proposal for an e-learning program must be timely approved by the State Board of Education if the requirements specified in this Section have been met and if, in the view of the State Board of Education, the proposal contains provisions designed to reasonably and practicably accomplish the following:

(1) to ensure and verify at least 5 clock hours of instruction or school work for each student participating in an e-learning day;
(2) to ensure access from home or other appropriate remote facility for all students participating, including computers, the Internet, and other forms of electronic communication that must be utilized in the proposed program;
(3) to ensure appropriate learning opportunities for students with special needs;
(4) to monitor and verify each student's electronic participation;
(5) to address the extent to which student participation is within the student's control as to the time, pace, and means of learning;
(6) to provide effective notice to students and their parents or guardians of the use of particular days for e-learning;
(7) to provide staff and students with adequate training for e-learning days' participation;
(8) to ensure an opportunity for any collective bargaining negotiations with representatives of the school district's employees that would be legally required; and
(9) to review and revise the program as implemented to address difficulties confronted.

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The State Board of Education's approval of a school district's initial e-learning program and renewal of the e-learning program shall be for a term of 3 years.

(e) The State Board of Education may adopt rules governing its supervision and review of e-learning programs consistent with the provision of this Section. However, in the absence of such rules, school districts may submit proposals for State Board of Education consideration under the authority of this Section.

(Source: P.A. 99-194, eff. 7-30-15.)

(105 ILCS 5/10-20.57)

Sec. 10-20.57 10-20.56. Carbon monoxide alarm required.

(a) In this Section:

"Approved carbon monoxide alarm" and "alarm" have the meaning ascribed to those terms in the Carbon Monoxide Alarm Detector Act.

"Carbon monoxide detector" and "detector" mean a device having a sensor that responds to carbon monoxide gas and that is connected to an alarm control unit and approved in accordance with rules adopted by the State Fire Marshal.

(b) A school board shall require that each school under its authority be equipped with approved carbon monoxide alarms or carbon monoxide detectors. The alarms must be powered as follows:

(1) For a school designed before January 1, 2016 (the effective date of Public Act 99-470) this amendatory Act of the 99th General Assembly, alarms powered by batteries are permitted. In accordance with Section 17-2.11 of this Code, alarms permanently powered by the building's electrical system and monitored by any required fire alarm system are also permitted. Fire prevention and safety tax levy proceeds or bond proceeds may be used for alarms.

(2) For a school designed on or after January 1, 2016 (the effective date of Public Act 99-470) this amendatory Act of the 99th General Assembly, alarms must be permanently powered by the building's electrical system or be an approved carbon monoxide detection system. An installation required in this subdivision (2) must be monitored by any required fire alarm system.

Alarms or detectors must be located within 20 feet of a carbon monoxide emitting device. Alarms or detectors must be in operating condition and be inspected annually. A school is exempt from the requirements of this Section if it does not have or is not close to any

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sources of carbon monoxide. A school must require plans, protocols, and procedures in response to the activation of a carbon monoxide alarm or carbon monoxide detection system.

(Source: P.A. 99-470, eff. 1-1-16; revised 10-19-15.)

(105 ILCS 5/10-29)

Sec. 10-29. Remote educational programs.

(a) For purposes of this Section, "remote educational program" means an educational program delivered to students in the home or other location outside of a school building that meets all of the following criteria:

(1) A student may participate in the program only after the school district, pursuant to adopted school board policy, and a person authorized to enroll the student under Section 10-20.12b of this Code determine that a remote educational program will best serve the student's individual learning needs. The adopted school board policy shall include, but not be limited to, all of the following:

   (A) Criteria for determining that a remote educational program will best serve a student's individual learning needs. The criteria must include consideration of, at a minimum, a student's prior attendance, disciplinary record, and academic history.

   (B) Any limitations on the number of students or grade levels that may participate in a remote educational program.

   (C) A description of the process that the school district will use to approve participation in the remote educational program. The process must include without limitation a requirement that, for any student who qualifies to receive services pursuant to the federal Individuals with Disabilities Education Improvement Act of 2004, the student's participation in a remote educational program receive prior approval from the student's individualized education program team.

   (D) A description of the process the school district will use to develop and approve a written remote educational plan that meets the requirements of subdivision (5) of this subsection (a).

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(E) A description of the system the school district will establish to calculate the number of clock hours a student is participating in instruction in accordance with the remote educational program.

(F) A description of the process for renewing a remote educational program at the expiration of its term.

(G) Such other terms and provisions as the school district deems necessary to provide for the establishment and delivery of a remote educational program.

(2) The school district has determined that the remote educational program's curriculum is aligned to State learning standards and that the program offers instruction and educational experiences consistent with those given to students at the same grade level in the district.

(3) The remote educational program is delivered by instructors that meet the following qualifications:

(A) they are certificated under Article 21 of this Code;

(B) they meet applicable highly qualified criteria under the federal No Child Left Behind Act of 2001; and

(C) they have responsibility for all of the following elements of the program: planning instruction, diagnosing learning needs, prescribing content delivery through class activities, assessing learning, reporting outcomes to administrators and parents and guardians, and evaluating the effects of instruction.

(4) During the period of time from and including the opening date to the closing date of the regular school term of the school district established pursuant to Section 10-19 of this Code, participation in a remote educational program may be claimed for general State aid purposes under Section 18-8.05 of this Code on any calendar day, notwithstanding whether the day is a day of pupil attendance or institute day on the school district's calendar or any other provision of law restricting instruction on that day. If the district holds year-round classes in some buildings, the district shall classify each student's participation in a remote educational program as either on a year-round or a non-year-round schedule for purposes of claiming general State aid. Outside of the regular school term of the district, the remote educational program may be

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offered as part of any summer school program authorized by this Code.

(5) Each student participating in a remote educational program must have a written remote educational plan that has been approved by the school district and a person authorized to enroll the student under Section 10-20.12b of this Code. The school district and a person authorized to enroll the student under Section 10-20.12b of this Code must approve any amendment to a remote educational plan. The remote educational plan must include, but is not limited to, all of the following:

(A) Specific achievement goals for the student aligned to State learning standards.

(B) A description of all assessments that will be used to measure student progress, which description shall indicate the assessments that will be administered at an attendance center within the school district.

(C) A description of the progress reports that will be provided to the school district and the person or persons authorized to enroll the student under Section 10-20.12b of this Code.

(D) Expectations, processes, and schedules for interaction between a teacher and student.

(E) A description of the specific responsibilities of the student's family and the school district with respect to equipment, materials, phone and Internet service, and any other requirements applicable to the home or other location outside of a school building necessary for the delivery of the remote educational program.

(F) If applicable, a description of how the remote educational program will be delivered in a manner consistent with the student's individualized education program required by Section 614(d) of the federal Individuals with Disabilities Education Improvement Act of 2004 or plan to ensure compliance with Section 504 of the federal Rehabilitation Act of 1973.

(G) A description of the procedures and opportunities for participation in academic and extracurricular activities and programs within the school district.

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(H) The identification of a parent, guardian, or other responsible adult who will provide direct supervision of the program. The plan must include an acknowledgment by the parent, guardian, or other responsible adult that he or she may engage only in non-teaching duties not requiring instructional judgment or the evaluation of a student. The plan shall designate the parent, guardian, or other responsible adult as non-teaching personnel or volunteer personnel under subsection (a) of Section 10-22.34 of this Code.

(I) The identification of a school district administrator who will oversee the remote educational program on behalf of the school district and who may be contacted by the student's parents with respect to any issues or concerns with the program.

(J) The term of the student's participation in the remote educational program, which may not extend for longer than 12 months, unless the term is renewed by the district in accordance with subdivision (7) of this subsection (a).

(K) A description of the specific location or locations in which the program will be delivered. If the remote educational program is to be delivered to a student in any location other than the student's home, the plan must include a written determination by the school district that the location will provide a learning environment appropriate for the delivery of the program. The location or locations in which the program will be delivered shall be deemed a long distance teaching reception area under subsection (a) of Section 10-22.34 of this Code.

(L) Certification by the school district that the plan meets all other requirements of this Section.

(6) Students participating in a remote educational program must be enrolled in a school district attendance center pursuant to the school district's enrollment policy or policies. A student participating in a remote educational program must be tested as part of all assessments administered by the school district pursuant to Section 2-3.64a-5 of this Code at the attendance center in which the student is enrolled and in accordance with the attendance
center's assessment policies and schedule. The student must be included within all accountability determinations for the school district and attendance center under State and federal law.

(7) The term of a student's participation in a remote educational program may not extend for longer than 12 months, unless the term is renewed by the school district. The district may only renew a student's participation in a remote educational program following an evaluation of the student's progress in the program, a determination that the student's continuation in the program will best serve the student's individual learning needs, and an amendment to the student's written remote educational plan addressing any changes for the upcoming term of the program.

For purposes of this Section, a remote educational program does not include instruction delivered to students through an e-learning program approved under Section 10-20.56 of this Code.

(b) A school district may, by resolution of its school board, establish a remote educational program.

c) Clock hours of instruction by students in a remote educational program meeting the requirements of this Section may be claimed by the school district and shall be counted as school work for general State aid purposes in accordance with and subject to the limitations of Section 18-8.05 of this Code.

(d) The impact of remote educational programs on wages, hours, and terms and conditions of employment of educational employees within the school district shall be subject to local collective bargaining agreements.

e) The use of a home or other location outside of a school building for a remote educational program shall not cause the home or other location to be deemed a public school facility.

(f) A remote educational program may be used, but is not required, for instruction delivered to a student in the home or other location outside of a school building that is not claimed for general State aid purposes under Section 18-8.05 of this Code.

(g) School districts that, pursuant to this Section, adopt a policy for a remote educational program must submit to the State Board of Education a copy of the policy and any amendments thereto, as well as data on student participation in a format specified by the State Board of Education. The State Board of Education may perform or contract with an outside

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entity to perform an evaluation of remote educational programs in this State.

(h) The State Board of Education may adopt any rules necessary to ensure compliance by remote educational programs with the requirements of this Section and other applicable legal requirements.

(Source: P.A. 98-972, eff. 8-15-14; 99-193, eff. 7-30-15; 99-194, eff. 7-30-15; revised 10-9-15.)

(105 ILCS 5/14-8.02) (from Ch. 122, par. 14-8.02)


(a) The State Board of Education shall make rules under which local school boards shall determine the eligibility of children to receive special education. Such rules shall ensure that a free appropriate public education be available to all children with disabilities as defined in Section 14-1.02. The State Board of Education shall require local school districts to administer non-discriminatory procedures or tests to English learners coming from homes in which a language other than English is used to determine their eligibility to receive special education. The placement of low English proficiency students in special education programs and facilities shall be made in accordance with the test results reflecting the student's linguistic, cultural and special education needs. For purposes of determining the eligibility of children the State Board of Education shall include in the rules definitions of "case study", "staff conference", "individualized educational program", and "qualified specialist" appropriate to each category of children with disabilities as defined in this Article. For purposes of determining the eligibility of children from homes in which a language other than English is used, the State Board of Education shall include in the rules definitions for "qualified bilingual specialists" and "linguistically and culturally appropriate individualized educational programs". For purposes of this Section, as well as Sections 14-8.02a, 14-8.02b, and 14-8.02c of this Code, "parent" means a parent as defined in the federal Individuals with Disabilities Education Act (20 U.S.C. 1401(23)).

(b) No child shall be eligible for special education facilities except with a carefully completed case study fully reviewed by professional personnel in a multidisciplinary staff conference and only upon the recommendation of qualified specialists or a qualified bilingual specialist, if available. At the conclusion of the multidisciplinary staff conference, the parent of the child shall be given a copy of the multidisciplinary conference summary report and recommendations, which includes options

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considered, and be informed of their right to obtain an independent educational evaluation if they disagree with the evaluation findings conducted or obtained by the school district. If the school district's evaluation is shown to be inappropriate, the school district shall reimburse the parent for the cost of the independent evaluation. The State Board of Education shall, with advice from the State Advisory Council on Education of Children with Disabilities on the inclusion of specific independent educational evaluators, prepare a list of suggested independent educational evaluators. The State Board of Education shall include on the list clinical psychologists licensed pursuant to the Clinical Psychologist Licensing Act. Such psychologists shall not be paid fees in excess of the amount that would be received by a school psychologist for performing the same services. The State Board of Education shall supply school districts with such list and make the list available to parents at their request. School districts shall make the list available to parents at the time they are informed of their right to obtain an independent educational evaluation. However, the school district may initiate an impartial due process hearing under this Section within 5 days of any written parent request for an independent educational evaluation to show that its evaluation is appropriate. If the final decision is that the evaluation is appropriate, the parent still has a right to an independent educational evaluation to show that its evaluation is appropriate. If the final decision is that the evaluation is appropriate, the parent still has a right to an independent educational evaluation, but not at public expense. An independent educational evaluation at public expense must be completed within 30 days of a parent written request unless the school district initiates an impartial due process hearing or the parent or school district offers reasonable grounds to show that such 30 day time period should be extended. If the due process hearing decision indicates that the parent is entitled to an independent educational evaluation, it must be completed within 30 days of the decision unless the parent or the school district offers reasonable grounds to show that such 30 day period should be extended. If a parent disagrees with the summary report or recommendations of the multidisciplinary conference or the findings of any educational evaluation which results therefrom, the school district shall not proceed with a placement based upon such evaluation and the child shall remain in his or her regular classroom setting. No child shall be eligible for admission to a special class for children with a mental disability who are educable or for children with a mental disability who are trainable except with a psychological evaluation and recommendation by a school psychologist. Consent shall be obtained from the parent of a child before any evaluation is conducted. If

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consent is not given by the parent or if the parent disagrees with the findings of the evaluation, then the school district may initiate an impartial due process hearing under this Section. The school district may evaluate the child if that is the decision resulting from the impartial due process hearing and the decision is not appealed or if the decision is affirmed on appeal. The determination of eligibility shall be made and the IEP meeting shall be completed within 60 school days from the date of written parental consent. In those instances when written parental consent is obtained with fewer than 60 pupil attendance days left in the school year, the eligibility determination shall be made and the IEP meeting shall be completed prior to the first day of the following school year. Special education and related services must be provided in accordance with the student's IEP no later than 10 school attendance days after notice is provided to the parents pursuant to Section 300.503 of Title 34 of the Code of Federal Regulations and implementing rules adopted by the State Board of Education. The appropriate program pursuant to the individualized educational program of students whose native tongue is a language other than English shall reflect the special education, cultural and linguistic needs. No later than September 1, 1993, the State Board of Education shall establish standards for the development, implementation and monitoring of appropriate bilingual special individualized educational programs. The State Board of Education shall further incorporate appropriate monitoring procedures to verify implementation of these standards. The district shall indicate to the parent and the State Board of Education the nature of the services the child will receive for the regular school term while waiting placement in the appropriate special education class.

If the child is deaf, hard of hearing, blind, or visually impaired and he or she might be eligible to receive services from the Illinois School for the Deaf or the Illinois School for the Visually Impaired, the school district shall notify the parents, in writing, of the existence of these schools and the services they provide and shall make a reasonable effort to inform the parents of the existence of other, local schools that provide similar services and the services that these other schools provide. This notification shall include without limitation information on school services, school admissions criteria, and school contact information.

In the development of the individualized education program for a student who has a disability on the autism spectrum (which includes autistic disorder, Asperger's disorder, pervasive developmental disorder not otherwise specified, childhood disintegrative disorder, and Rett

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Syndrome, as defined in the Diagnostic and Statistical Manual of Mental Disorders, fourth edition (DSM-IV, 2000)), the IEP team shall consider all of the following factors:

1. The verbal and nonverbal communication needs of the child.
2. The need to develop social interaction skills and proficiencies.
3. The needs resulting from the child's unusual responses to sensory experiences.
4. The needs resulting from resistance to environmental change or change in daily routines.
5. The needs resulting from engagement in repetitive activities and stereotyped movements.
6. The need for any positive behavioral interventions, strategies, and supports to address any behavioral difficulties resulting from autism spectrum disorder.
7. Other needs resulting from the child's disability that impact progress in the general curriculum, including social and emotional development.

Public Act 95-257 does not create any new entitlement to a service, program, or benefit, but must not affect any entitlement to a service, program, or benefit created by any other law.

If the student may be eligible to participate in the Home-Based Support Services Program for Adults with Mental Disabilities authorized under the Developmental Disability and Mental Disability Services Act upon becoming an adult, the student's individualized education program shall include plans for (i) determining the student's eligibility for those home-based services, (ii) enrolling the student in the program of home-based services, and (iii) developing a plan for the student's most effective use of the home-based services after the student becomes an adult and no longer receives special educational services under this Article. The plans developed under this paragraph shall include specific actions to be taken by specified individuals, agencies, or officials.

(c) In the development of the individualized education program for a student who is functionally blind, it shall be presumed that proficiency in Braille reading and writing is essential for the student's satisfactory educational progress. For purposes of this subsection, the State Board of Education shall determine the criteria for a student to be classified as functionally blind. Students who are not currently identified as
functionally blind who are also entitled to Braille instruction include: (i) those whose vision loss is so severe that they are unable to read and write at a level comparable to their peers solely through the use of vision, and (ii) those who show evidence of progressive vision loss that may result in functional blindness. Each student who is functionally blind shall be entitled to Braille reading and writing instruction that is sufficient to enable the student to communicate with the same level of proficiency as other students of comparable ability. Instruction should be provided to the extent that the student is physically and cognitively able to use Braille. Braille instruction may be used in combination with other special education services appropriate to the student's educational needs. The assessment of each student who is functionally blind for the purpose of developing the student's individualized education program shall include documentation of the student's strengths and weaknesses in Braille skills. Each person assisting in the development of the individualized education program for a student who is functionally blind shall receive information describing the benefits of Braille instruction. The individualized education program for each student who is functionally blind shall specify the appropriate learning medium or media based on the assessment report.

(d) To the maximum extent appropriate, the placement shall provide the child with the opportunity to be educated with children who do not have a disability; provided that children with disabilities who are recommended to be placed into regular education classrooms are provided with supplementary services to assist the children with disabilities to benefit from the regular classroom instruction and are included on the teacher's regular education class register. Subject to the limitation of the preceding sentence, placement in special classes, separate schools or other removal of the child with a disability from the regular educational environment shall occur only when the nature of the severity of the disability is such that education in the regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. The placement of English learners with disabilities shall be in non-restrictive environments which provide for integration with peers who do not have disabilities in bilingual classrooms. Annually, each January, school districts shall report data on students from non-English speaking backgrounds receiving special education and related services in public and private facilities as prescribed in Section 2-3.30. If there is a disagreement between parties involved regarding the special education placement of any child, either in-state or out-of-state, the placement is subject to impartial
due process procedures described in Article 10 of the Rules and Regulations to Govern the Administration and Operation of Special Education.

(e) No child who comes from a home in which a language other than English is the principal language used may be assigned to any class or program under this Article until he has been given, in the principal language used by the child and used in his home, tests reasonably related to his cultural environment. All testing and evaluation materials and procedures utilized for evaluation and placement shall not be linguistically, racially or culturally discriminatory.

(f) Nothing in this Article shall be construed to require any child to undergo any physical examination or medical treatment whose parents object thereto on the grounds that such examination or treatment conflicts with his religious beliefs.

(g) School boards or their designee shall provide to the parents of a child prior written notice of any decision (a) proposing to initiate or change, or (b) refusing to initiate or change, the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to their child, and the reasons therefor. Such written notification shall also inform the parent of the opportunity to present complaints with respect to any matter relating to the educational placement of the student, or the provision of a free appropriate public education and to have an impartial due process hearing on the complaint. The notice shall inform the parents in the parents' native language, unless it is clearly not feasible to do so, of their rights and all procedures available pursuant to this Act and the federal Individuals with Disabilities Education Improvement Act of 2004 (Public Law 108-446); it shall be the responsibility of the State Superintendent to develop uniform notices setting forth the procedures available under this Act and the federal Individuals with Disabilities Education Improvement Act of 2004 (Public Law 108-446) to be used by all school boards. The notice shall also inform the parents of the availability upon request of a list of free or low-cost legal and other relevant services available locally to assist parents in initiating an impartial due process hearing. Any parent who is deaf, or does not normally communicate using spoken English, who participates in a meeting with a representative of a local educational agency for the purposes of developing an individualized educational program shall be entitled to the services of an interpreter.
(g-5) For purposes of this subsection (g-5), "qualified professional" means an individual who holds credentials to evaluate the child in the domain or domains for which an evaluation is sought or an intern working under the direct supervision of a qualified professional, including a master's or doctoral degree candidate.

To ensure that a parent can participate fully and effectively with school personnel in the development of appropriate educational and related services for his or her child, the parent, an independent educational evaluator, or a qualified professional retained by or on behalf of a parent or child must be afforded reasonable access to educational facilities, personnel, classrooms, and buildings and to the child as provided in this subsection (g-5). The requirements of this subsection (g-5) apply to any public school facility, building, or program and to any facility, building, or program supported in whole or in part by public funds. Prior to visiting a school, school building, or school facility, the parent, independent educational evaluator, or qualified professional may be required by the school district to inform the building principal or supervisor in writing of the proposed visit, the purpose of the visit, and the approximate duration of the visit. The visitor and the school district shall arrange the visit or visits at times that are mutually agreeable. Visitors shall comply with school safety, security, and visitation policies at all times. School district visitation policies must not conflict with this subsection (g-5). Visitors shall be required to comply with the requirements of applicable privacy laws, including those laws protecting the confidentiality of education records such as the federal Family Educational Rights and Privacy Act and the Illinois School Student Records Act. The visitor shall not disrupt the educational process.

(1) A parent must be afforded reasonable access of sufficient duration and scope for the purpose of observing his or her child in the child's current educational placement, services, or program or for the purpose of visiting an educational placement or program proposed for the child.

(2) An independent educational evaluator or a qualified professional retained by or on behalf of a parent or child must be afforded reasonable access of sufficient duration and scope for the purpose of conducting an evaluation of the child, the child's performance, the child's current educational program, placement, services, or environment, or any educational program, placement, services, or environment proposed for the child, including
interviews of educational personnel, child observations, assessments, tests or assessments of the child's educational program, services, or placement or of any proposed educational program, services, or placement. If one or more interviews of school personnel are part of the evaluation, the interviews must be conducted at a mutually agreed upon time, date, and place that do not interfere with the school employee's school duties. The school district may limit interviews to personnel having information relevant to the child's current educational services, program, or placement or to a proposed educational service, program, or placement.

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(Source: P.A. 98-219, eff. 8-9-13; 99-30, eff. 7-10-15; 99-143, eff. 7-27-15; revised 10-21-15.)

(105 ILCS 5/19-1)
Sec. 19-1. Debt limitations of school districts.

(a) School districts shall not be subject to the provisions limiting their indebtedness prescribed in the Local Government Debt Limitation Act "An Act to limit the indebtedness of counties having a population of less than 500,000 and townships, school districts and other municipal corporations having a population of less than 300,000", approved February 15, 1928, as amended.

No school districts maintaining grades K through 8 or 9 through 12 shall become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate exceeding 6.9% on the value of the taxable property therein to be ascertained by the last assessment for State and county taxes or, until January 1, 1983, if greater, the sum that is produced by multiplying the school district's 1978 equalized assessed valuation by the debt limitation percentage in effect on January 1, 1979, previous to the incurring of such indebtedness.

No school districts maintaining grades K through 12 shall become indebted in any manner or for any purpose to an amount, including

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existing indebtedness, in the aggregate exceeding 13.8% on the value of the taxable property therein to be ascertained by the last assessment for State and county taxes or, until January 1, 1983, if greater, the sum that is produced by multiplying the school district's 1978 equalized assessed valuation by the debt limitation percentage in effect on January 1, 1979, previous to the incurring of such indebtedness.

No partial elementary unit district, as defined in Article 11E of this Code, shall become indebted in any manner or for any purpose in an amount, including existing indebtedness, in the aggregate exceeding 6.9% of the value of the taxable property of the entire district, to be ascertained by the last assessment for State and county taxes, plus an amount, including existing indebtedness, in the aggregate exceeding 6.9% of the value of the taxable property of that portion of the district included in the elementary and high school classification, to be ascertained by the last assessment for State and county taxes. Moreover, no partial elementary unit district, as defined in Article 11E of this Code, shall become indebted on account of bonds issued by the district for high school purposes in the aggregate exceeding 6.9% of the value of the taxable property of the entire district, to be ascertained by the last assessment for State and county taxes, nor shall the district become indebted on account of bonds issued by the district for elementary purposes in the aggregate exceeding 6.9% of the value of the taxable property for that portion of the district included in the elementary and high school classification, to be ascertained by the last assessment for State and county taxes.

Notwithstanding the provisions of any other law to the contrary, in any case in which the voters of a school district have approved a proposition for the issuance of bonds of such school district at an election held prior to January 1, 1979, and all of the bonds approved at such election have not been issued, the debt limitation applicable to such school district during the calendar year 1979 shall be computed by multiplying the value of taxable property therein, including personal property, as ascertained by the last assessment for State and county taxes, previous to the incurring of such indebtedness, by the percentage limitation applicable to such school district under the provisions of this subsection (a).

(b) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, additional indebtedness may be incurred in an amount not to exceed the estimated cost of acquiring or improving school sites or constructing and equipping additional building facilities under the following conditions:

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(1) Whenever the enrollment of students for the next school year is estimated by the board of education to increase over the actual present enrollment by not less than 35% or by not less than 200 students or the actual present enrollment of students has increased over the previous school year by not less than 35% or by not less than 200 students and the board of education determines that additional school sites or building facilities are required as a result of such increase in enrollment; and

(2) When the Regional Superintendent of Schools having jurisdiction over the school district and the State Superintendent of Education concur in such enrollment projection or increase and approve the need for such additional school sites or building facilities and the estimated cost thereof; and

(3) When the voters in the school district approve a proposition for the issuance of bonds for the purpose of acquiring or improving such needed school sites or constructing and equipping such needed additional building facilities at an election called and held for that purpose. Notice of such an election shall state that the amount of indebtedness proposed to be incurred would exceed the debt limitation otherwise applicable to the school district. The ballot for such proposition shall state what percentage of the equalized assessed valuation will be outstanding in bonds if the proposed issuance of bonds is approved by the voters; or

(4) Notwithstanding the provisions of paragraphs (1) through (3) of this subsection (b), if the school board determines that additional facilities are needed to provide a quality educational program and not less than 2/3 of those voting in an election called by the school board on the question approve the issuance of bonds for the construction of such facilities, the school district may issue bonds for this purpose; or

(5) Notwithstanding the provisions of paragraphs (1) through (3) of this subsection (b), if (i) the school district has previously availed itself of the provisions of paragraph (4) of this subsection (b) to enable it to issue bonds, (ii) the voters of the school district have not defeated a proposition for the issuance of bonds since the referendum described in paragraph (4) of this subsection (b) was held, (iii) the school board determines that additional facilities are needed to provide a quality educational program, and (iv) a majority of those voting in an election called

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by the school board on the question approve the issuance of bonds for the construction of such facilities, the school district may issue bonds for this purpose.

In no event shall the indebtedness incurred pursuant to this subsection (b) and the existing indebtedness of the school district exceed 15% of the value of the taxable property therein to be ascertained by the last assessment for State and county taxes, previous to the incurring of such indebtedness or, until January 1, 1983, if greater, the sum that is produced by multiplying the school district's 1978 equalized assessed valuation by the debt limitation percentage in effect on January 1, 1979.

The indebtedness provided for by this subsection (b) shall be in addition to and in excess of any other debt limitation.

(c) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, in any case in which a public question for the issuance of bonds of a proposed school district maintaining grades kindergarten through 12 received at least 60% of the valid ballots cast on the question at an election held on or prior to November 8, 1994, and in which the bonds approved at such election have not been issued, the school district pursuant to the requirements of Section 11A-10 (now repealed) may issue the total amount of bonds approved at such election for the purpose stated in the question.

(d) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, a school district that meets all the criteria set forth in paragraphs (1) and (2) of this subsection (d) may incur an additional indebtedness in an amount not to exceed $4,500,000, even though the amount of the additional indebtedness authorized by this subsection (d), when incurred and added to the aggregate amount of indebtedness of the district existing immediately prior to the district incurring the additional indebtedness authorized by this subsection (d), causes the aggregate indebtedness of the district to exceed the debt limitation otherwise applicable to that district under subsection (a):

(1) The additional indebtedness authorized by this subsection (d) is incurred by the school district through the issuance of bonds under and in accordance with Section 17-2.11a for the purpose of replacing a school building which, because of mine subsidence damage, has been closed as provided in paragraph (2) of this subsection (d) or through the issuance of bonds under and in accordance with Section 19-3 for the purpose of increasing
the size of, or providing for additional functions in, such replacement school buildings, or both such purposes.

(2) The bonds issued by the school district as provided in paragraph (1) above are issued for the purposes of construction by the school district of a new school building pursuant to Section 17-2.11, to replace an existing school building that, because of mine subsidence damage, is closed as of the end of the 1992-93 school year pursuant to action of the regional superintendent of schools of the educational service region in which the district is located under Section 3-14.22 or are issued for the purpose of increasing the size of, or providing for additional functions in, the new school building being constructed to replace a school building closed as the result of mine subsidence damage, or both such purposes.

(e) (Blank).

(f) Notwithstanding the provisions of subsection (a) of this Section or of any other law, bonds in not to exceed the aggregate amount of $5,500,000 and issued by a school district meeting the following criteria shall not be considered indebtedness for purposes of any statutory limitation and may be issued in an amount or amounts, including existing indebtedness, in excess of any heretofore or hereafter imposed statutory limitation as to indebtedness:

(1) At the time of the sale of such bonds, the board of education of the district shall have determined by resolution that the enrollment of students in the district is projected to increase by not less than 7% during each of the next succeeding 2 school years.

(2) The board of education shall also determine by resolution that the improvements to be financed with the proceeds of the bonds are needed because of the projected enrollment increases.

(3) The board of education shall also determine by resolution that the projected increases in enrollment are the result of improvements made or expected to be made to passenger rail facilities located in the school district.

Notwithstanding the provisions of subsection (a) of this Section or of any other law, a school district that has availed itself of the provisions of this subsection (f) prior to July 22, 2004 (the effective date of Public Act 93-799) may also issue bonds approved by referendum up to an amount, including existing indebtedness, not exceeding 25% of the
equalized assessed value of the taxable property in the district if all of the conditions set forth in items (1), (2), and (3) of this subsection (f) are met.

(g) Notwithstanding the provisions of subsection (a) of this Section or any other law, bonds in not to exceed an aggregate amount of 25% of the equalized assessed value of the taxable property of a school district and issued by a school district meeting the criteria in paragraphs (i) through (iv) of this subsection shall not be considered indebtedness for purposes of any statutory limitation and may be issued pursuant to resolution of the school board in an amount or amounts, including existing indebtedness, in excess of any statutory limitation of indebtedness heretofore or hereafter imposed:

(i) The bonds are issued for the purpose of constructing a new high school building to replace two adjacent existing buildings which together house a single high school, each of which is more than 65 years old, and which together are located on more than 10 acres and less than 11 acres of property.

(ii) At the time the resolution authorizing the issuance of the bonds is adopted, the cost of constructing a new school building to replace the existing school building is less than 60% of the cost of repairing the existing school building.

(iii) The sale of the bonds occurs before July 1, 1997.

(iv) The school district issuing the bonds is a unit school district located in a county of less than 70,000 and more than 50,000 inhabitants, which has an average daily attendance of less than 1,500 and an equalized assessed valuation of less than $29,000,000.

(h) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1998, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 27.6% of the equalized assessed value of the taxable property in the district, if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 1995 of less than $24,000,000;

(ii) The bonds are issued for the capital improvement, renovation, rehabilitation, or replacement of existing school buildings of the district, all of which buildings were originally constructed not less than 40 years ago;

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(iii) The voters of the district approve a proposition for the issuance of the bonds at a referendum held after March 19, 1996; and

(iv) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(i) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1998, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 27% of the equalized assessed value of the taxable property in the district, if all of the following conditions are met:

   (i) The school district has an equalized assessed valuation for calendar year 1995 of less than $44,600,000;

   (ii) The bonds are issued for the capital improvement, renovation, rehabilitation, or replacement of existing school buildings of the district, all of which existing buildings were originally constructed not less than 80 years ago;

   (iii) The voters of the district approve a proposition for the issuance of the bonds at a referendum held after December 31, 1996; and

   (iv) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(j) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1999, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 27% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:

   (i) The school district has an equalized assessed valuation for calendar year 1995 of less than $140,000,000 and a best 3 months average daily attendance for the 1995-96 school year of at least 2,800;

   (ii) The bonds are issued to purchase a site and build and equip a new high school, and the school district's existing high school was originally constructed not less than 35 years prior to the sale of the bonds;

   (iii) At the time of the sale of the bonds, the board of education determines by resolution that a new high school is needed because of projected enrollment increases;

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(iv) At least 60% of those voting in an election held after December 31, 1996 approve a proposition for the issuance of the bonds; and

(v) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(k) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, a school district that meets all the criteria set forth in paragraphs (1) through (4) of this subsection (k) may issue bonds to incur an additional indebtedness in an amount not to exceed $4,000,000 even though the amount of the additional indebtedness authorized by this subsection (k), when incurred and added to the aggregate amount of indebtedness of the school district existing immediately prior to the school district incurring such additional indebtedness, causes the aggregate indebtedness of the school district to exceed or increases the amount by which the aggregate indebtedness of the district already exceeds the debt limitation otherwise applicable to that school district under subsection (a):

(1) the school district is located in 2 counties, and a referendum to authorize the additional indebtedness was approved by a majority of the voters of the school district voting on the proposition to authorize that indebtedness;

(2) the additional indebtedness is for the purpose of financing a multi-purpose room addition to the existing high school;

(3) the additional indebtedness, together with the existing indebtedness of the school district, shall not exceed 17.4% of the value of the taxable property in the school district, to be ascertained by the last assessment for State and county taxes; and

(4) the bonds evidencing the additional indebtedness are issued, if at all, within 120 days of August 14, 1998 (the effective date of Public Act 90-757) this amendatory Act of 1998.

(l) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 2000, a school district maintaining grades kindergarten through 8 may issue bonds up to an amount, including existing indebtedness, not exceeding 15% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:

(i) the district has an equalized assessed valuation for calendar year 1996 of less than $10,000,000;
(ii) the bonds are issued for capital improvement, renovation, rehabilitation, or replacement of one or more school buildings of the district, which buildings were originally constructed not less than 70 years ago;

(iii) the voters of the district approve a proposition for the issuance of the bonds at a referendum held on or after March 17, 1998; and

(iv) the bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(m) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1999, an elementary school district maintaining grades K through 8 may issue bonds up to an amount, excluding existing indebtedness, not exceeding 18% of the equalized assessed value of the taxable property in the district, if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 1995 or less than $7,700,000;

(ii) The school district operates 2 elementary attendance centers that until 1976 were operated as the attendance centers of 2 separate and distinct school districts;

(iii) The bonds are issued for the construction of a new elementary school building to replace an existing multi-level elementary school building of the school district that is not accessible at all levels and parts of which were constructed more than 75 years ago;

(iv) The voters of the school district approve a proposition for the issuance of the bonds at a referendum held after July 1, 1998; and

(v) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(n) Notwithstanding the debt limitation prescribed in subsection (a) of this Section or any other provisions of this Section or of any other law, a school district that meets all of the criteria set forth in paragraphs (i) through (vi) of this subsection (n) may incur additional indebtedness by the issuance of bonds in an amount not exceeding the amount certified by the Capital Development Board to the school district as provided in paragraph (iii) of this subsection (n), even though the amount of the additional indebtedness so authorized, when incurred and added to the aggregate amount of indebtedness of the district existing immediately prior

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to the district incurring the additional indebtedness authorized by this subsection (n), causes the aggregate indebtedness of the district to exceed the debt limitation otherwise applicable by law to that district:

(i) The school district applies to the State Board of Education for a school construction project grant and submits a district facilities plan in support of its application pursuant to Section 5-20 of the School Construction Law.

(ii) The school district's application and facilities plan are approved by, and the district receives a grant entitlement for a school construction project issued by, the State Board of Education under the School Construction Law.

(iii) The school district has exhausted its bonding capacity or the unused bonding capacity of the district is less than the amount certified by the Capital Development Board to the district under Section 5-15 of the School Construction Law as the dollar amount of the school construction project's cost that the district will be required to finance with non-grant funds in order to receive a school construction project grant under the School Construction Law.

(iv) The bonds are issued for a "school construction project", as that term is defined in Section 5-5 of the School Construction Law, in an amount that does not exceed the dollar amount certified, as provided in paragraph (iii) of this subsection (n), by the Capital Development Board to the school district under Section 5-15 of the School Construction Law.

(v) The voters of the district approve a proposition for the issuance of the bonds at a referendum held after the criteria specified in paragraphs (i) and (iii) of this subsection (n) are met.

(vi) The bonds are issued pursuant to Sections 19-2 through 19-7 of the School Code.

(o) Notwithstanding any other provisions of this Section or the provisions of any other law, until November 1, 2007, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 20% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:

(i) the school district has an equalized assessed valuation for calendar year 2001 of at least $737,000,000 and an enrollment for the 2002-2003 school year of at least 8,500;

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(ii) the bonds are issued to purchase school sites, build and equip a new high school, build and equip a new junior high school, build and equip 5 new elementary schools, and make technology and other improvements and additions to existing schools;

(iii) at the time of the sale of the bonds, the board of education determines by resolution that the sites and new or improved facilities are needed because of projected enrollment increases;

(iv) at least 57% of those voting in a general election held prior to January 1, 2003 approved a proposition for the issuance of the bonds; and

(v) the bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(p) Notwithstanding any other provisions of this Section or the provisions of any other law, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including indebtedness, not exceeding 27% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 2001 of at least $295,741,187 and a best 3 months' average daily attendance for the 2002-2003 school year of at least 2,394.

(ii) The bonds are issued to build and equip 3 elementary school buildings; build and equip one middle school building; and alter, repair, improve, and equip all existing school buildings in the district.

(iii) At the time of the sale of the bonds, the board of education determines by resolution that the project is needed because of expanding growth in the school district and a projected enrollment increase.

(iv) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(p-5) Notwithstanding any other provisions of this Section or the provisions of any other law, bonds issued by a community unit school district maintaining grades K through 12 shall not be considered indebtedness for purposes of any statutory limitation and may be issued in an amount or amounts, including existing indebtedness, in excess of any heretofore or hereafter imposed statutory limitation as to indebtedness, if all of the following conditions are met:

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(i) For each of the 4 most recent years, residential property comprises more than 80% of the equalized assessed valuation of the district.

(ii) At least 2 school buildings that were constructed 40 or more years prior to the issuance of the bonds will be demolished and will be replaced by new buildings or additions to one or more existing buildings.

(iii) Voters of the district approve a proposition for the issuance of the bonds at a regularly scheduled election.

(iv) At the time of the sale of the bonds, the school board determines by resolution that the new buildings or building additions are needed because of an increase in enrollment projected by the school board.

(v) The principal amount of the bonds, including existing indebtedness, does not exceed 25% of the equalized assessed value of the taxable property in the district.

(vi) The bonds are issued prior to January 1, 2007, pursuant to Sections 19-2 through 19-7 of this Code.

(p-10) Notwithstanding any other provisions of this Section or the provisions of any other law, bonds issued by a community consolidated school district maintaining grades K through 8 shall not be considered indebtedness for purposes of any statutory limitation and may be issued in an amount or amounts, including existing indebtedness, in excess of any heretofore or hereafter imposed statutory limitation as to indebtedness, if all of the following conditions are met:

(i) For each of the 4 most recent years, residential and farm property comprises more than 80% of the equalized assessed valuation of the district.

(ii) The bond proceeds are to be used to acquire and improve school sites and build and equip a school building.

(iii) Voters of the district approve a proposition for the issuance of the bonds at a regularly scheduled election.

(iv) At the time of the sale of the bonds, the school board determines by resolution that the school sites and building additions are needed because of an increase in enrollment projected by the school board.

(v) The principal amount of the bonds, including existing indebtedness, does not exceed 20% of the equalized assessed value of the taxable property in the district.

New matter indicated by italics - deletions by strikeout
(vi) The bonds are issued prior to January 1, 2007, pursuant to Sections 19-2 through 19-7 of this Code.

(p-15) In addition to all other authority to issue bonds, the Oswego Community Unit School District Number 308 may issue bonds with an aggregate principal amount not to exceed $450,000,000, but only if all of the following conditions are met:

(i) The voters of the district have approved a proposition for the bond issue at the general election held on November 7, 2006.

(ii) At the time of the sale of the bonds, the school board determines, by resolution, that: (A) the building and equipping of the new high school building, new junior high school buildings, new elementary school buildings, early childhood building, maintenance building, transportation facility, and additions to existing school buildings, the altering, repairing, equipping, and provision of technology improvements to existing school buildings, and the acquisition and improvement of school sites, as the case may be, are required as a result of a projected increase in the enrollment of students in the district; and (B) the sale of bonds for these purposes is authorized by legislation that exempts the debt incurred on the bonds from the district's statutory debt limitation.

(iii) The bonds are issued, in one or more bond issues, on or before November 7, 2011, but the aggregate principal amount issued in all such bond issues combined must not exceed $450,000,000.

(iv) The bonds are issued in accordance with this Article 19.

(v) The proceeds of the bonds are used only to accomplish those projects approved by the voters at the general election held on November 7, 2006.

The debt incurred on any bonds issued under this subsection (p-15) shall not be considered indebtedness for purposes of any statutory debt limitation.

(p-20) In addition to all other authority to issue bonds, the Lincoln-Way Community High School District Number 210 may issue bonds with an aggregate principal amount not to exceed $225,000,000, but only if all of the following conditions are met:

New matter indicated by italics - deletions by strikeout
(i) The voters of the district have approved a proposition for the bond issue at the general primary election held on March 21, 2006.

(ii) At the time of the sale of the bonds, the school board determines, by resolution, that: (A) the building and equipping of the new high school buildings, the altering, repairing, and equipping of existing school buildings, and the improvement of school sites, as the case may be, are required as a result of a projected increase in the enrollment of students in the district; and (B) the sale of bonds for these purposes is authorized by legislation that exempts the debt incurred on the bonds from the district's statutory debt limitation.

(iii) The bonds are issued, in one or more bond issues, on or before March 21, 2011, but the aggregate principal amount issued in all such bond issues combined must not exceed $225,000,000.

(iv) The bonds are issued in accordance with this Article 19.

(v) The proceeds of the bonds are used only to accomplish those projects approved by the voters at the primary election held on March 21, 2006.

The debt incurred on any bonds issued under this subsection (p-20) shall not be considered indebtedness for purposes of any statutory debt limitation.

(p-25) In addition to all other authority to issue bonds, Rochester Community Unit School District 3A may issue bonds with an aggregate principal amount not to exceed $18,500,000, but only if all of the following conditions are met:

(i) The voters of the district approve a proposition for the bond issuance at the general primary election held in 2008.

(ii) At the time of the sale of the bonds, the school board determines, by resolution, that: (A) the building and equipping of a new high school building; the addition of classrooms and support facilities at the high school, middle school, and elementary school; the altering, repairing, and equipping of existing school buildings; and the improvement of school sites, as the case may be, are required as a result of a projected increase in the enrollment of students in the district; and (B) the sale of bonds for these purposes is authorized by a law that exempts the debt incurred on the bonds from the district's statutory debt limitation.

New matter indicated by italics - deletions by strikeout
(iii) The bonds are issued, in one or more bond issues, on or before December 31, 2012, but the aggregate principal amount issued in all such bond issues combined must not exceed $18,500,000.

(iv) The bonds are issued in accordance with this Article 19.

(v) The proceeds of the bonds are used to accomplish only those projects approved by the voters at the primary election held in 2008.

The debt incurred on any bonds issued under this subsection (p-25) shall not be considered indebtedness for purposes of any statutory debt limitation.

(p-30) In addition to all other authority to issue bonds, Prairie Grove Consolidated School District 46 may issue bonds with an aggregate principal amount not to exceed $30,000,000, but only if all of the following conditions are met:

(i) The voters of the district approve a proposition for the bond issuance at an election held in 2008.

(ii) At the time of the sale of the bonds, the school board determines, by resolution, that (A) the building and equipping of a new school building and additions to existing school buildings are required as a result of a projected increase in the enrollment of students in the district and (B) the altering, repairing, and equipping of existing school buildings are required because of the age of the existing school buildings.

(iii) The bonds are issued, in one or more bond issuances, on or before December 31, 2012; however, the aggregate principal amount issued in all such bond issuances combined must not exceed $30,000,000.

(iv) The bonds are issued in accordance with this Article.

(v) The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held in 2008.

The debt incurred on any bonds issued under this subsection (p-30) shall not be considered indebtedness for purposes of any statutory debt limitation.

(p-35) In addition to all other authority to issue bonds, Prairie Hill Community Consolidated School District 133 may issue bonds with an aggregate principal amount not to exceed $13,900,000, but only if all of the following conditions are met:

New matter indicated by italics - deletions by strikeout
(i) The voters of the district approved a proposition for the bond issuance at an election held on April 17, 2007.

(ii) At the time of the sale of the bonds, the school board determines, by resolution, that (A) the improvement of the site of and the building and equipping of a school building are required as a result of a projected increase in the enrollment of students in the district and (B) the repairing and equipping of the Prairie Hill Elementary School building is required because of the age of that school building.

(iii) The bonds are issued, in one or more bond issuances, on or before December 31, 2011, but the aggregate principal amount issued in all such bond issuances combined must not exceed $13,900,000.

(iv) The bonds are issued in accordance with this Article.

(v) The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held on April 17, 2007.

The debt incurred on any bonds issued under this subsection (p-35) shall not be considered indebtedness for purposes of any statutory debt limitation.

(p-40) In addition to all other authority to issue bonds, Mascoutah Community Unit District 19 may issue bonds with an aggregate principal amount not to exceed $55,000,000, but only if all of the following conditions are met:

1. The voters of the district approve a proposition for the bond issuance at a regular election held on or after November 4, 2008.

2. At the time of the sale of the bonds, the school board determines, by resolution, that (i) the building and equipping of a new high school building is required as a result of a projected increase in the enrollment of students in the district and the age and condition of the existing high school building, (ii) the existing high school building will be demolished, and (iii) the sale of bonds is authorized by statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.

3. The bonds are issued, in one or more bond issuances, on or before December 31, 2011, but the aggregate principal amount issued in all such bond issuances combined must not exceed $55,000,000.

New matter indicated by italics - deletions by strikeout
(4) The bonds are issued in accordance with this Article.

(5) The proceeds of the bonds are used to accomplish only those projects approved by the voters at a regular election held on or after November 4, 2008.

The debt incurred on any bonds issued under this subsection (p-40) shall not be considered indebtedness for purposes of any statutory debt limitation.

(p-45) Notwithstanding the provisions of subsection (a) of this Section or of any other law, bonds issued pursuant to Section 19-3.5 of this Code shall not be considered indebtedness for purposes of any statutory limitation if the bonds are issued in an amount or amounts, including existing indebtedness of the school district, not in excess of 18.5% of the value of the taxable property in the district to be ascertained by the last assessment for State and county taxes.

(p-50) Notwithstanding the provisions of subsection (a) of this Section or of any other law, bonds issued pursuant to Section 19-3.10 of this Code shall not be considered indebtedness for purposes of any statutory limitation if the bonds are issued in an amount or amounts, including existing indebtedness of the school district, not in excess of 43% of the value of the taxable property in the district to be ascertained by the last assessment for State and county taxes.

(p-55) In addition to all other authority to issue bonds, Belle Valley School District 119 may issue bonds with an aggregate principal amount not to exceed $47,500,000, but only if all of the following conditions are met:

(1) The voters of the district approve a proposition for the bond issuance at an election held on or after April 7, 2009.

(2) Prior to the issuance of the bonds, the school board determines, by resolution, that (i) the building and equipping of a new school building is required as a result of mine subsidence in an existing school building and because of the age and condition of another existing school building and (ii) the issuance of bonds is authorized by statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.

(3) The bonds are issued, in one or more bond issuances, on or before March 31, 2014, but the aggregate principal amount issued in all such bond issuances combined must not exceed $47,500,000.

(4) The bonds are issued in accordance with this Article.

New matter indicated by italics - deletions by strikeout
(5) The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held on or after April 7, 2009.

The debt incurred on any bonds issued under this subsection (p-55) shall not be considered indebtedness for purposes of any statutory debt limitation. Bonds issued under this subsection (p-55) must mature within not to exceed 30 years from their date, notwithstanding any other law to the contrary.

(p-60) In addition to all other authority to issue bonds, Wilmington Community Unit School District Number 209-U may issue bonds with an aggregate principal amount not to exceed $2,285,000, but only if all of the following conditions are met:

(1) The proceeds of the bonds are used to accomplish only those projects approved by the voters at the general primary election held on March 21, 2006.

(2) Prior to the issuance of the bonds, the school board determines, by resolution, that (i) the projects approved by the voters were and are required because of the age and condition of the school district's prior and existing school buildings and (ii) the issuance of the bonds is authorized by legislation that exempts the debt incurred on the bonds from the district's statutory debt limitation.

(3) The bonds are issued in one or more bond issuances on or before March 1, 2011, but the aggregate principal amount issued in all those bond issuances combined must not exceed $2,285,000.

(4) The bonds are issued in accordance with this Article.

The debt incurred on any bonds issued under this subsection (p-60) shall not be considered indebtedness for purposes of any statutory debt limitation.

(p-65) In addition to all other authority to issue bonds, West Washington County Community Unit School District 10 may issue bonds with an aggregate principal amount not to exceed $32,200,000 and maturing over a period not exceeding 25 years, but only if all of the following conditions are met:

(1) The voters of the district approve a proposition for the bond issuance at an election held on or after February 2, 2010.

(2) Prior to the issuance of the bonds, the school board determines, by resolution, that (A) all or a portion of the existing Okawville Junior/Senior High School Building will be demolished;

New matter indicated by italics - deletions by strikeout
(B) the building and equipping of a new school building to be attached to and the alteration, repair, and equipping of the remaining portion of the Okawville Junior/Senior High School Building is required because of the age and current condition of that school building; and (C) the issuance of bonds is authorized by a statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.

(3) The bonds are issued, in one or more bond issuances, on or before March 31, 2014, but the aggregate principal amount issued in all such bond issuances combined must not exceed $32,200,000.

(4) The bonds are issued in accordance with this Article.

(5) The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held on or after February 2, 2010.

The debt incurred on any bonds issued under this subsection (p-65) shall not be considered indebtedness for purposes of any statutory debt limitation.

(p-70) In addition to all other authority to issue bonds, Cahokia Community Unit School District 187 may issue bonds with an aggregate principal amount not to exceed $50,000,000, but only if all the following conditions are met:

(1) The voters of the district approve a proposition for the bond issuance at an election held on or after November 2, 2010.

(2) Prior to the issuance of the bonds, the school board determines, by resolution, that (i) the building and equipping of a new school building is required as a result of the age and condition of an existing school building and (ii) the issuance of bonds is authorized by a statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.

(3) The bonds are issued, in one or more issuances, on or before July 1, 2016, but the aggregate principal amount issued in all such bond issuances combined must not exceed $50,000,000.

(4) The bonds are issued in accordance with this Article.

(5) The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held on or after November 2, 2010.

The debt incurred on any bonds issued under this subsection (p-70) shall not be considered indebtedness for purposes of any statutory debt limitation.
limitation. Bonds issued under this subsection (p-70) must mature within not to exceed 25 years from their date, notwithstanding any other law, including Section 19-3 of this Code, to the contrary.

(p-75) Notwithstanding the debt limitation prescribed in subsection (a) of this Section or any other provisions of this Section or of any other law, the execution of leases on or after January 1, 2007 and before July 1, 2011 by the Board of Education of Peoria School District 150 with a public building commission for leases entered into pursuant to the Public Building Commission Act shall not be considered indebtedness for purposes of any statutory debt limitation.

This subsection (p-75) applies only if the State Board of Education or the Capital Development Board makes one or more grants to Peoria School District 150 pursuant to the School Construction Law. The amount exempted from the debt limitation as prescribed in this subsection (p-75) shall be no greater than the amount of one or more grants awarded to Peoria School District 150 by the State Board of Education or the Capital Development Board.

(p-80) In addition to all other authority to issue bonds, Ridgeland School District 122 may issue bonds with an aggregate principal amount not to exceed $50,000,000 for the purpose of refunding or continuing to refund bonds originally issued pursuant to voter approval at the general election held on November 7, 2000, and the debt incurred on any bonds issued under this subsection (p-80) shall not be considered indebtedness for purposes of any statutory debt limitation. Bonds issued under this subsection (p-80) may be issued in one or more issuances and must mature within not to exceed 25 years from their date, notwithstanding any other law, including Section 19-3 of this Code, to the contrary.

(p-85) In addition to all other authority to issue bonds, Hall High School District 502 may issue bonds with an aggregate principal amount not to exceed $32,000,000, but only if all the following conditions are met:

(1) The voters of the district approve a proposition for the bond issuance at an election held on or after April 9, 2013.

(2) Prior to the issuance of the bonds, the school board determines, by resolution, that (i) the building and equipping of a new school building is required as a result of the age and condition of an existing school building, (ii) the existing school building should be demolished in its entirety or the existing school building should be demolished except for the 1914 west wing of the building, and (iii) the issuance of bonds is authorized by a statute.
that exempts the debt incurred on the bonds from the district's statutory debt limitation.

(3) The bonds are issued, in one or more issuances, not later than 5 years after the date of the referendum approving the issuance of the bonds, but the aggregate principal amount issued in all such bond issuances combined must not exceed $32,000,000.

(4) The bonds are issued in accordance with this Article.

(5) The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held on or after April 9, 2013.

The debt incurred on any bonds issued under this subsection (p-85) shall not be considered indebtedness for purposes of any statutory debt limitation. Bonds issued under this subsection (p-85) must mature within not to exceed 30 years from their date, notwithstanding any other law, including Section 19-3 of this Code, to the contrary.

(p-90) In addition to all other authority to issue bonds, Lebanon Community Unit School District 9 may issue bonds with an aggregate principal amount not to exceed $7,500,000, but only if all of the following conditions are met:

(1) The voters of the district approved a proposition for the bond issuance at the general primary election on February 2, 2010.

(2) At or prior to the time of the sale of the bonds, the school board determines, by resolution, that (i) the building and equipping of a new elementary school building is required as a result of a projected increase in the enrollment of students in the district and the age and condition of the existing Lebanon Elementary School building, (ii) a portion of the existing Lebanon Elementary School building will be demolished and the remaining portion will be altered, repaired, and equipped, and (iii) the sale of bonds is authorized by a statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.

(3) The bonds are issued, in one or more bond issuances, on or before April 1, 2014, but the aggregate principal amount issued in all such bond issuances combined must not exceed $7,500,000.

(4) The bonds are issued in accordance with this Article.

(5) The proceeds of the bonds are used to accomplish only those projects approved by the voters at the general primary election held on February 2, 2010.

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The debt incurred on any bonds issued under this subsection (p-90) shall not be considered indebtedness for purposes of any statutory debt limitation.

(p-95) In addition to all other authority to issue bonds, Monticello Community Unit School District 25 may issue bonds with an aggregate principal amount not to exceed $35,000,000, but only if all of the following conditions are met:

(1) The voters of the district approve a proposition for the bond issuance at an election held on or after November 4, 2014.

(2) Prior to the issuance of the bonds, the school board determines, by resolution, that (i) the building and equipping of a new school building is required as a result of the age and condition of an existing school building and (ii) the issuance of bonds is authorized by a statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.

(3) The bonds are issued, in one or more issuances, on or before July 1, 2020, but the aggregate principal amount issued in all such bond issuances combined must not exceed $35,000,000.

(4) The bonds are issued in accordance with this Article.

(5) The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held on or after November 4, 2014.

The debt incurred on any bonds issued under this subsection (p-95) shall not be considered indebtedness for purposes of any statutory debt limitation. Bonds issued under this subsection (p-95) must mature within not to exceed 25 years from their date, notwithstanding any other law, including Section 19-3 of this Code, to the contrary.

(p-100) In addition to all other authority to issue bonds, the community unit school district created in the territory comprising Milford Community Consolidated School District 280 and Milford Township High School District 233, as approved at the general primary election held on March 18, 2014, may issue bonds with an aggregate principal amount not to exceed $17,500,000, but only if all the following conditions are met:

(1) The voters of the district approve a proposition for the bond issuance at an election held on or after November 4, 2014.

(2) Prior to the issuance of the bonds, the school board determines, by resolution, that (i) the building and equipping of a new school building is required as a result of the age and condition of an existing school building and (ii) the issuance of bonds is

New matter indicated by italics - deletions by strikeout
authorized by a statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.

(3) The bonds are issued, in one or more issuances, on or before July 1, 2020, but the aggregate principal amount issued in all such bond issuances combined must not exceed $17,500,000.

(4) The bonds are issued in accordance with this Article.

(5) The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held on or after November 4, 2014.

The debt incurred on any bonds issued under this subsection (p-100) shall not be considered indebtedness for purposes of any statutory debt limitation. Bonds issued under this subsection (p-100) must mature within not to exceed 25 years from their date, notwithstanding any other law, including Section 19-3 of this Code, to the contrary.

(p-105) In addition to all other authority to issue bonds, North Shore School District 112 may issue bonds with an aggregate principal amount not to exceed $150,000,000, but only if all of the following conditions are met:

(1) The voters of the district approve a proposition for the bond issuance at an election held on or after March 15, 2016.

(2) Prior to the issuance of the bonds, the school board determines, by resolution, that (i) the building and equipping of new buildings and improving the sites thereof and the building and equipping of additions to, altering, repairing, equipping, and renovating existing buildings and improving the sites thereof are required as a result of the age and condition of the district's existing buildings and (ii) the issuance of bonds is authorized by a statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.

(3) The bonds are issued, in one or more issuances, not later than 5 years after the date of the referendum approving the issuance of the bonds, but the aggregate principal amount issued in all such bond issuances combined must not exceed $150,000,000.

(4) The bonds are issued in accordance with this Article.

(5) The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held on or after March 15, 2016.

The debt incurred on any bonds issued under this subsection (p-105) and on any bonds issued to refund or continue to refund such bonds
shall not be considered indebtedness for purposes of any statutory debt limitation. Bonds issued under this subsection (p-105) and any bonds issued to refund or continue to refund such bonds must mature within not to exceed 30 years from their date, notwithstanding any other law, including Section 19-3 of this Code, to the contrary.

(p-110) In addition to all other authority to issue bonds, Sandoval Community Unit School District 501 may issue bonds with an aggregate principal amount not to exceed $2,000,000, but only if all of the following conditions are met:

(1) The voters of the district approved a proposition for the bond issuance at an election held on March 20, 2012.

(2) Prior to the issuance of the bonds, the school board determines, by resolution, that (i) the building and equipping of a new school building is required because of the age and current condition of the Sandoval Elementary School building and (ii) the issuance of bonds is authorized by a statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.

(3) The bonds are issued, in one or more bond issuances, on or before March 19, 2017, but the aggregate principal amount issued in all such bond issuances combined must not exceed $2,000,000.

(4) The bonds are issued in accordance with this Article.

(5) The proceeds of the bonds are used to accomplish only those projects approved by the voters at the election held on March 20, 2012.

The debt incurred on any bonds issued under this subsection (p-110) shall not be considered indebtedness for purposes of any statutory debt limitation.

(q) A school district must notify the State Board of Education prior to issuing any form of long-term or short-term debt that will result in outstanding debt that exceeds 75% of the debt limit specified in this Section or any other provision of law.

(Source: P.A. 98-617, eff. 1-7-14; 98-912, eff. 8-15-14; 98-916, eff. 8-15-14; 99-78, eff. 7-20-15; 99-143, eff. 7-27-15; 99-390, eff. 8-18-15; revised 10-13-15.)

(105 ILCS 5/21B-20)

Sec. 21B-20. Types of licenses. Before July 1, 2013, the State Board of Education shall implement a system of educator licensure, whereby individuals employed in school districts who are required to be

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licensed must have one of the following licenses: (i) a professional educator license; (ii) a professional educator license with stipulations; or (iii) a substitute teaching license. References in law regarding individuals certified or certificated or required to be certified or certificated under Article 21 of this Code shall also include individuals licensed or required to be licensed under this Article. The first year of all licenses ends on June 30 following one full year of the license being issued.

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

(1) Professional Educator License.Persons who (i) have successfully completed an approved educator preparation program and are recommended for licensure by the Illinois institution offering the educator preparation program, (ii) have successfully completed the required testing under Section 21B-30 of this Code, (iii) have successfully completed coursework on the psychology of, the identification of, and the methods of instruction for the exceptional child, including without limitation children with learning disabilities, (iv) have successfully completed coursework in methods of reading and reading in the content area, and (v) have met all other criteria established by rule of the State Board of Education shall be issued a Professional Educator License. All Professional Educator Licenses are valid until June 30 immediately following 5 years of the license being issued. The Professional Educator License shall be endorsed with specific areas and grade levels in which the individual is eligible to practice.

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

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

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

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

(A) Provisional educator. A provisional educator endorsement in a specific content area or areas on an Educator License with Stipulations may be issued to an applicant who holds an educator license with a minimum of 15 semester hours in content coursework from another state, U.S. territory, or foreign country and who, at the time of applying for an Illinois license, does not meet the minimum requirements under Section 21B-35 of this Code, but does, at a minimum, meet the following requirements:

(i) Holds the equivalent of a minimum of a bachelor's degree, unless a master's degree is required for the endorsement, from a regionally accredited college or university or, for individuals educated in a country other than the United States, the equivalent of a minimum of a bachelor's degree issued in the United States, unless a master's degree is required for the endorsement.

(ii) Has passed or passes a test of basic skills and content area test, as required by Section 21B-30 of this Code, prior to or within one year after issuance of the provisional educator endorsement on the Educator License with Stipulations. If an individual who holds an Educator License with Stipulations endorsed for provisional educator has not passed a test of basic skills and applicable content area test or tests within one year after issuance of the endorsement, the endorsement shall expire on June 30 following one full year of the endorsement being issued. If such an individual has passed the test of basic skills and applicable content area test or tests either prior to issuance of the endorsement or within one year after issuance of the endorsement, the endorsement is valid until June 30 immediately following 2 years of the license being issued, during which time any and all coursework...
deficiencies must be met and any and all additional testing deficiencies must be met.

In addition, a provisional educator endorsement for principals or superintendents may be issued if the individual meets the requirements set forth in subdivisions (1) and (3) of subsection (b-5) of Section 21B-35 of this Code. Applicants who have not been entitled by an Illinois-approved educator preparation program at an Illinois institution of higher education shall not receive a provisional educator endorsement if the person completed an alternative licensure program in another state, unless the program has been determined to be equivalent to Illinois program requirements.

Notwithstanding any other requirements of this Section, a service member or spouse of a service member may obtain a Professional Educator License with Stipulations, and a provisional educator endorsement in a specific content area or areas, if he or she holds a valid teaching certificate or license in good standing from another state, meets the qualifications of educators outlined in Section 21B-15 of this Code, and has not engaged in any misconduct that would prohibit an individual from obtaining a license pursuant to Illinois law, including without limitation any administrative rules of the State Board of Education.

In this Section, "service member" means any person who, at the time of application under this Section, is an active duty member of the United States Armed Forces or any reserve component of the United States Armed Forces or the National Guard of any state, commonwealth, or territory of the United States or the District of Columbia.

A provisional educator endorsement is valid until June 30 immediately following 2 years of the license being issued, provided that any remaining testing and coursework deficiencies are met as set forth in this Section. Failure to satisfy all stated deficiencies shall mean the individual, including any service member or spouse who has obtained a Professional Educator License with Stipulations and a provisional educator endorsement in a specific content area

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or areas, is ineligible to receive a Professional Educator License at that time. An Educator License with Stipulations endorsed for provisional educator shall not be renewed for individuals who hold an Educator License with Stipulations and who have held a position in a public school or non-public school recognized by the State Board of Education.

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

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

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

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

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

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

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

(ii) Been employed for a period of at least 5 years in a management level position in a field other than education.
(iii) Successfully completed the first phase of an alternative route to superintendent endorsement program, as provided in Section 21B-55 of this Code.

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

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

(D) Resident teacher endorsement. A resident teacher endorsement on an Educator License with Stipulations may be issued to an applicant who, at the time of applying for the endorsement, has done all of the following:

(i) Graduated from a regionally accredited institution of higher education with a minimum of a bachelor's degree.

(ii) Enrolled in an approved Illinois educator preparation program.

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

The resident teacher endorsement on an Educator License with Stipulations is valid for 4 years of teaching and shall not be renewed.

A resident teacher may teach only under the direction of a licensed teacher, who shall act as the resident mentor teacher, and may not teach in place of a licensed teacher. A resident teacher endorsement on an Educator License with Stipulations shall no longer be valid after June 30, 2017.

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

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The career and technical educator endorsement on an Educator License with Stipulations is valid until June 30 immediately following 5 years of the endorsement being issued and may be renewed. For individuals who were issued the career and technical educator endorsement on an Educator License with Stipulations on or after January 1, 2015, the license may be renewed if the individual passes a test of basic skills, as required under Section 21B-30 of this Code.

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

The provisional career and technical educator endorsement on an Educator License with Stipulations is valid until June 30 immediately following 5 years of the endorsement being issued and may be renewed only one time for 5 years. For individuals who were issued the provisional career and technical educator endorsement on an Educator License with Stipulations on or after January 1, 2015, the license may be renewed one time if the individual passes a test of basic skills, as required under Section 21B-30 of this Code, and has completed a minimum of 20 semester hours from a regionally accredited institution.

A part-time provisional career and technical educator endorsement on an Educator License with Stipulations may be issued for teaching no more than 2

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courses of study for grades 6 through 12. The part-time provisional career and technical educator endorsement on an Educator License with Stipulations is valid until June 30 immediately following 5 years of the endorsement being issued and may be renewed for 5 years if the individual makes application for renewal.

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

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

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

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

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

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

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

(i) Holds a transitional bilingual endorsement.

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

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

(iv) Has passed a test of basic skills, as required under Section 21B-30 of this Code.

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

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

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

(ii) Has been prepared as a teacher at the grade level for which he or she will be employed.
(iii) Has adequate content knowledge in the subject to be taught.
(iv) Has an adequate command of the English language.

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

A visiting international educator endorsement on an Educator License with Stipulations is valid for 3 years and shall not be renewed.

(J) Paraprofessional educator. A paraprofessional educator endorsement on an Educator License with Stipulations may be issued to an applicant who holds a high school diploma or its recognized equivalent and either holds an associate's degree or a minimum of 60 semester hours of credit from a regionally accredited institution of higher education or has passed a test of basic skills required under Section 21B-30 of this Code. The paraprofessional educator endorsement is valid until June 30 immediately following 5 years of the endorsement being issued and may be renewed through application and payment of the appropriate fee, as required under Section 21B-40 of this Code. An individual who holds only a paraprofessional educator endorsement is not subject to additional requirements in order to renew the endorsement.

(K) Chief school business official. A chief school business official endorsement on an Educator License with Stipulations may be issued to an applicant who qualifies by having a master's degree or higher, 2 years of full-time administrative experience in school business management or 2 years of university-approved practical experience, and a minimum of 24 semester hours of graduate credit in a program approved by the State Board of Education for the
preparation of school business administrators and by passage of the applicable State tests, including a test of basic skills and applicable content area test.

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

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

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

Substitute Teaching Licenses are valid for 5 years and may be renewed if the individual has passed a test of basic skills, as authorized under Section 21B-30 of this Code. An individual who has passed a test of basic skills for the first licensure renewal is not required to retake the test again for further renewals.

Substitute Teaching Licenses are valid for substitute teaching in every county of this State. If an individual has had his or her Professional Educator License or Educator License with Stipulations suspended or revoked or has not met the renewal

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requirements for licensure, then that individual is not eligible to obtain a Substitute Teaching License.

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

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

(Source: P.A. 98-28, eff. 7-1-13; 98-751, eff. 1-1-15; 99-35, eff. 1-1-16; 99-58, eff. 7-16-15; 99-143, eff. 7-27-15; revised 10-14-15.)

(105 ILCS 5/21B-45)
Sec. 21B-45. Professional Educator License renewal.
(a) Individuals holding a Professional Educator License are required to complete the licensure renewal requirements as specified in this Section, unless otherwise provided in this Code.

Individuals holding a Professional Educator License shall meet the renewal requirements set forth in this Section, unless otherwise provided in this Code. If an individual holds a license endorsed in more than one area that has different renewal requirements, that individual shall follow the renewal requirements for the position for which he or she spends the majority of his or her time working.

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(b) All Professional Educator Licenses not renewed as provided in this Section shall lapse on September 1 of that year. Lapsed licenses may be immediately reinstated upon (i) payment by the applicant of a $500 penalty to the State Board of Education or (ii) the demonstration of proficiency by completing 9 semester hours of coursework from a regionally accredited institution of higher education in the content area that most aligns with one or more of the educator's endorsement areas. Any and all back fees, including without limitation registration fees owed from the time of expiration of the license until the date of reinstatement, shall be paid and kept in accordance with the provisions in Article 3 of this Code concerning an institute fund and the provisions in Article 21B of this Code concerning fees and requirements for registration. Licenses not registered in accordance with Section 21B-40 of this Code shall lapse after a period of 6 months from the expiration of the last year of registration. An unregistered license is invalid after September 1 for employment and performance of services in an Illinois public or State-operated school or cooperative and in a charter school. Any license or endorsement may be voluntarily surrendered by the license holder. A voluntarily surrendered license, except a substitute teaching license issued under Section 21B-20 of this Code, shall be treated as a revoked license. An Educator License with Stipulations with only a paraprofessional endorsement does not lapse.

(c) From July 1, 2013 through June 30, 2014, in order to satisfy the requirements for licensure renewal provided for in this Section, each professional educator licensee with an administrative endorsement who is working in a position requiring such endorsement shall complete one Illinois Administrators' Academy course, as described in Article 2 of this Code, per fiscal year.

(d) Beginning July 1, 2014, in order to satisfy the requirements for licensure renewal provided for in this Section, each professional educator licensee may create a professional development plan each year. The plan shall address one or more of the endorsements that are required of his or her educator position if the licensee is employed and performing services in an Illinois public or State-operated school or cooperative. If the licensee is employed in a charter school, the plan shall address that endorsement or those endorsements most closely related to his or her educator position. Licensees employed and performing services in any other Illinois schools may participate in the renewal requirements by adhering to the same process.
Except as otherwise provided in this Section, the licensee's professional development activities shall align with one or more of the following criteria:

(1) activities are of a type that engage participants over a sustained period of time allowing for analysis, discovery, and application as they relate to student learning, social or emotional achievement, or well-being;

(2) professional development aligns to the licensee's performance;

(3) outcomes for the activities must relate to student growth or district improvement;

(4) activities align to State-approved standards; and

(5) higher education coursework.

(e) For each renewal cycle, each professional educator licensee shall engage in professional development activities. Prior to renewal, the licensee shall enter electronically into the Educator Licensure Information System (ELIS) the name, date, and location of the activity, the number of professional development hours, and the provider's name. The following provisions shall apply concerning professional development activities:

(1) Each licensee shall complete a total of 120 hours of professional development per 5-year renewal cycle in order to renew the license, except as otherwise provided in this Section.

(2) Beginning with his or her first full 5-year cycle, any licensee with an administrative endorsement who is not working in a position requiring such endorsement shall complete one Illinois Administrators' Academy course, as described in Article 2 of this Code, in each 5-year renewal cycle in which the administrative endorsement was held for at least one year. The Illinois Administrators' Academy course may count toward the total of 120 hours per 5-year cycle.

(3) Any licensee with an administrative endorsement who is working in a position requiring such endorsement or an individual with a Teacher Leader endorsement serving in an administrative capacity at least 50% of the day shall complete one Illinois Administrators' Academy course, as described in Article 2 of this Code, each fiscal year in addition to 100 hours of professional development per 5-year renewal cycle in accordance with this Code.

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(4) Any licensee holding a current National Board for Professional Teaching Standards (NBPTS) master teacher designation shall complete a total of 60 hours of professional development per 5-year renewal cycle in order to renew the license.

(5) Licensees working in a position that does not require educator licensure or working in a position for less than 50% for any particular year are considered to be exempt and shall be required to pay only the registration fee in order to renew and maintain the validity of the license.

(6) Licensees who are retired and qualify for benefits from a State retirement system shall notify the State Board of Education using ELIS, and the license shall be maintained in retired status. An individual with a license in retired status shall not be required to complete professional development activities or pay registration fees until returning to a position that requires educator licensure. Upon returning to work in a position that requires the Professional Educator License, the licensee shall immediately pay a registration fee and complete renewal requirements for that year. A license in retired status cannot lapse.

(7) For any renewal cycle in which professional development hours were required, but not fulfilled, the licensee shall complete any missed hours to total the minimum professional development hours required in this Section prior to September 1 of that year. For any fiscal year or renewal cycle in which an Illinois Administrators' Academy course was required but not completed, the licensee shall complete any missed Illinois Administrators' Academy courses prior to September 1 of that year. The licensee may complete all deficient hours and Illinois Administrators' Academy courses while continuing to work in a position that requires that license until September 1 of that year.

(8) Any licensee who has not fulfilled the professional development renewal requirements set forth in this Section at the end of any 5-year renewal cycle is ineligible to register his or her license and may submit an appeal to the State Superintendent of Education for reinstatement of the license.

(9) If professional development opportunities were unavailable to a licensee, proof that opportunities were unavailable and request for an extension of time beyond August 31 to complete the renewal requirements may be submitted from April 1 through

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June 30 of that year to the State Educator Preparation and Licensure Board. If an extension is approved, the license shall remain valid during the extension period.

(10) Individuals who hold exempt licenses prior to December 27, 2013 (the effective date of Public Act 98-610) shall commence the annual renewal process with the first scheduled registration due after December 27, 2013 (the effective date of Public Act 98-610).

(f) At the time of renewal, each licensee shall respond to the required questions under penalty of perjury.

(g) The following entities shall be designated as approved to provide professional development activities for the renewal of Professional Educator Licenses:

(1) The State Board of Education.
(2) Regional offices of education and intermediate service centers.
(3) Illinois professional associations representing the following groups that are approved by the State Superintendent of Education:
   (A) school administrators;
   (B) principals;
   (C) school business officials;
   (D) teachers, including special education teachers;
   (E) school boards;
   (F) school districts;
   (G) parents; and
   (H) school service personnel.

(4) Regionally accredited institutions of higher education that offer Illinois-approved educator preparation programs and public community colleges subject to the Public Community College Act.

(5) Illinois public school districts, charter schools authorized under Article 27A of this Code, and joint educational programs authorized under Article 10 of this Code for the purposes of providing career and technical education or special education services.

(6) A not-for-profit organization that, as of December 31, 2014 (the effective date of Public Act 98-1147) is approved to provide professional development activities for the renewal of Professional Educator Licenses.
Act of the 98th General Assembly, has had or has a grant from or a contract with the State Board of Education to provide professional development services in the area of English Learning to Illinois school districts, teachers, or administrators.

(7) State agencies, State boards, and State commissions.

(8) Museums as defined in Section 10 of the Museum Disposition of Property Act.

(h) Approved providers under subsection (g) of this Section shall make available professional development opportunities that satisfy at least one of the following:

(1) increase the knowledge and skills of school and district leaders who guide continuous professional development;
(2) improve the learning of students;
(3) organize adults into learning communities whose goals are aligned with those of the school and district;
(4) deepen educator's content knowledge;
(5) provide educators with research-based instructional strategies to assist students in meeting rigorous academic standards;
(6) prepare educators to appropriately use various types of classroom assessments;
(7) use learning strategies appropriate to the intended goals;
(8) provide educators with the knowledge and skills to collaborate; or
(9) prepare educators to apply research to decision-making.

(i) Approved providers under subsection (g) of this Section shall do the following:

(1) align professional development activities to the State-approved national standards for professional learning;
(2) meet the professional development criteria for Illinois licensure renewal;
(3) produce a rationale for the activity that explains how it aligns to State standards and identify the assessment for determining the expected impact on student learning or school improvement;
(4) maintain original documentation for completion of activities; and
(5) provide license holders with evidence of completion of activities.

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(j) The State Board of Education shall conduct annual audits of approved providers, except for school districts, which shall be audited by regional offices of education and intermediate service centers. The State Board of Education shall complete random audits of licensees.

(1) Approved providers shall annually submit to the State Board of Education a list of subcontractors used for delivery of professional development activities for which renewal credit was issued and other information as defined by rule.

(2) Approved providers shall annually submit data to the State Board of Education demonstrating how the professional development activities impacted one or more of the following:

   (A) educator and student growth in regards to content knowledge or skills, or both;
   (B) educator and student social and emotional growth; or
   (C) alignment to district or school improvement plans.

(3) The State Superintendent of Education shall review the annual data collected by the State Board of Education, regional offices of education, and intermediate service centers in audits to determine if the approved provider has met the criteria and should continue to be an approved provider or if further action should be taken as provided in rules.

(k) Registration fees shall be paid for the next renewal cycle between April 1 and June 30 in the last year of each 5-year renewal cycle using ELIS. If all required professional development hours for the renewal cycle have been completed and entered by the licensee, the licensee shall pay the registration fees for the next cycle using a form of credit or debit card.

(l) Beginning July 1, 2014, any professional educator licensee endorsed for school support personnel who is employed and performing services in Illinois public schools and who holds an active and current professional license issued by the Department of Financial and Professional Regulation related to the endorsement areas on the Professional Educator License shall be deemed to have satisfied the continuing professional development requirements provided for in this Section. Such individuals shall be required to pay only registration fees to renew the Professional Educator License. An individual who does not hold a license issued by the Department of Financial and Professional

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Regulation shall complete professional development requirements for the renewal of a Professional Educator License provided for in this Section.

(m) Appeals to the State Educator Preparation and Licensure Board must be made within 30 days after receipt of notice from the State Superintendent of Education that a license will not be renewed based upon failure to complete the requirements of this Section. A licensee may appeal that decision to the State Educator Preparation and Licensure Board in a manner prescribed by rule.

(1) Each appeal shall state the reasons why the State Superintendent's decision should be reversed and shall be sent by certified mail, return receipt requested, to the State Board of Education.

(2) The State Educator Preparation and Licensure Board shall review each appeal regarding renewal of a license within 90 days after receiving the appeal in order to determine whether the licensee has met the requirements of this Section. The State Educator Preparation and Licensure Board may hold an appeal hearing or may make its determination based upon the record of review, which shall consist of the following:

(A) the regional superintendent of education's rationale for recommending nonrenewal of the license, if applicable;

(B) any evidence submitted to the State Superintendent along with the individual's electronic statement of assurance for renewal; and

(C) the State Superintendent's rationale for nonrenewal of the license.

(3) The State Educator Preparation and Licensure Board shall notify the licensee of its decision regarding license renewal by certified mail, return receipt requested, no later than 30 days after reaching a decision. Upon receipt of notification of renewal, the licensee, using ELIS, shall pay the applicable registration fee for the next cycle using a form of credit or debit card.

(n) The State Board of Education may adopt rules as may be necessary to implement this Section.

(Source: P.A. 98-610, eff. 12-27-13; 98-1147, eff. 12-31-14; 99-58, eff. 7-16-15; 99-130, eff. 7-24-15; revised 10-21-15.)

(105 ILCS 5/22-30)
Sec. 22-30. Self-administration and self-carry of asthma medication and epinephrine auto-injectors; administration of undesignated epinephrine auto-injectors; administration of an opioid antagonist.

(a) For the purpose of this Section only, the following terms shall have the meanings set forth below:

"Asthma inhaler" means a quick reliever asthma inhaler.

"Epinephrine auto-injector" means a single-use device used for the automatic injection of a pre-measured dose of epinephrine into the human body.

"Asthma medication" means a medicine, prescribed by (i) a physician licensed to practice medicine in all its branches, (ii) a licensed physician assistant prescriptive authority, or (iii) a licensed advanced practice nurse prescriptive authority for a pupil that pertains to the pupil's asthma and that has an individual prescription label.

"Opioid antagonist" means a drug that binds to opioid receptors and blocks or inhibits the effect of opioids acting on those receptors, including, but not limited to, naloxone hydrochloride or any other similarly acting drug approved by the U.S. Food and Drug Administration.

"School nurse" means a registered nurse working in a school with or without licensure endorsed in school nursing.

"Self-administration" means a pupil's discretionary use of his or her prescribed asthma medication or epinephrine auto-injector.

"Self-carry" means a pupil's ability to carry his or her prescribed asthma medication or epinephrine auto-injector.

"Standing protocol" may be issued by (i) a physician licensed to practice medicine in all its branches, (ii) a licensed physician assistant prescriptive authority, or (iii) a licensed advanced practice nurse prescriptive authority.

"Trained personnel" means any school employee or volunteer personnel authorized in Sections 10-22.34, 10-22.34a, and 10-22.34b of this Code who has completed training under subsection (g) of this Section to recognize and respond to anaphylaxis.

"Undesignated epinephrine auto-injector" means an epinephrine auto-injector prescribed in the name of a school district, public school, or nonpublic school.

(b) A school, whether public or nonpublic, must permit the self-administration and self-carry of asthma medication by a pupil with asthma or the self-administration and self-carry of an epinephrine auto-injector by a pupil, provided that:

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(1) the parents or guardians of the pupil provide to the school (i) written authorization from the parents or guardians for (A) the self-administration and self-carry of asthma medication or (B) the self-carry of asthma medication or (ii) for (A) the self-administration and self-carry of an epinephrine auto-injector or (B) the self-carry of an epinephrine auto-injector, written authorization from the pupil's physician, physician assistant, or advanced practice nurse; and

(2) the parents or guardians of the pupil provide to the school (i) the prescription label, which must contain the name of the asthma medication, the prescribed dosage, and the time at which or circumstances under which the asthma medication is to be administered, or (ii) for the self-administration or self-carry of an epinephrine auto-injector, a written statement from the pupil's physician, physician assistant, or advanced practice nurse containing the following information:

(A) the name and purpose of the epinephrine auto-injector;

(B) the prescribed dosage; and

(C) the time or times at which or the special circumstances under which the epinephrine auto-injector is to be administered.

The information provided shall be kept on file in the office of the school nurse or, in the absence of a school nurse, the school's administrator.

(b-5) A school district, public school, or nonpublic school may authorize the provision of a student-specific or undesignated epinephrine auto-injector to a student or any personnel authorized under a student's Individual Health Care Action Plan, Illinois Food Allergy Emergency Action Plan and Treatment Authorization Form, or plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 to administer an epinephrine auto-injector to the student, that meets the student's prescription on file.

(b-10) The school district, public school, or nonpublic school may authorize a school nurse or trained personnel to do the following: (i) provide an undesignated epinephrine auto-injector to a student for self-administration only or any personnel authorized under a student's Individual Health Care Action Plan, Illinois Food Allergy Emergency Action Plan and Treatment Authorization Form, or plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 to administer to the student.
student, that meets the student's prescription on file; (ii) administer an
undesignated epinephrine auto-injector that meets the prescription on file
to any student who has an Individual Health Care Action Plan, Illinois
Food Allergy Emergency Action Plan and Treatment Authorization Form,
or plan pursuant to Section 504 of the federal Rehabilitation Act of 1973
that authorizes the use of an epinephrine auto-injector; (iii) administer an
undesignated epinephrine auto-injector to any person that the school nurse
or trained personnel in good faith believes is having an anaphylactic
reaction; and (iv) administer an opioid antagonist to any person that the
school nurse or trained personnel in good faith believes is having an opioid
overdose.

(c) The school district, public school, or nonpublic school must
inform the parents or guardians of the pupil, in writing, that the school
district, public school, or nonpublic school and its employees and agents,
including a physician, physician assistant, or advanced practice nurse
providing standing protocol or prescription for school epinephrine auto-
injectors, are to incur no liability or professional discipline, except for
willful and wanton conduct, as a result of any injury arising from the
administration of asthma medication, an epinephrine auto-injector, or an
opioid antagonist regardless of whether authorization was given by the
pupil's parents or guardians or by the pupil's physician, physician assistant,
or advanced practice nurse. The parents or guardians of the pupil must sign
a statement acknowledging that the school district, public school, or
nonpublic school and its employees and agents are to incur no liability,
except for willful and wanton conduct, as a result of any injury arising
from the administration of asthma medication, an epinephrine auto-
injector, or an opioid antagonist regardless of whether authorization was
given by the pupil's parents or guardians or by the pupil's physician,
physician assistant, or advanced practice nurse and that the parents or
guardians must indemnify and hold harmless the school district, public
school, or nonpublic school and its employees and agents against any
claims, except a claim based on willful and wanton conduct, arising out of
the administration of asthma medication, an epinephrine auto-injector, or
an opioid antagonist regardless of whether authorization was given by the
pupil's parents or guardians or by the pupil's physician, physician assistant,
or advanced practice nurse.

(c-5) When a school nurse or trained personnel administers an
undesignated epinephrine auto-injector to a person whom the school nurse
or trained personnel in good faith believes is having an anaphylactic

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reaction, or administers an opioid antagonist to a person whom the school nurse or trained personnel in good faith believes is having an opioid overdose, notwithstanding the lack of notice to the parents or guardians of the pupil or the absence of the parents or guardians signed statement acknowledging no liability, except for willful and wanton conduct, the school district, public school, or nonpublic school and its employees and agents, and a physician, a physician assistant, or an advanced practice nurse providing standing protocol or prescription for undesignated epinephrine auto-injectors, are to incur no liability or professional discipline, except for willful and wanton conduct, as a result of any injury arising from the use of an undesignated epinephrine auto-injector or the use of an opioid antagonist regardless of whether authorization was given by the pupil's parents or guardians or by the pupil's physician, physician assistant, or advanced practice nurse.

(d) The permission for self-administration and self-carry of asthma medication or the self-administration and self-carry of an epinephrine auto-injector is effective for the school year for which it is granted and shall be renewed each subsequent school year upon fulfillment of the requirements of this Section.

(e) Provided that the requirements of this Section are fulfilled, a pupil with asthma may self-administer and self-carry his or her asthma medication or a pupil may self-administer and self-carry an epinephrine auto-injector (i) while in school, (ii) while at a school-sponsored activity, (iii) while under the supervision of school personnel, or (iv) before or after normal school activities, such as while in before-school or after-school care on school-operated property.

(e-5) Provided that the requirements of this Section are fulfilled, a school nurse or trained personnel may administer an undesignated epinephrine auto-injector to any person whom the school nurse or trained personnel in good faith believes to be having an anaphylactic reaction (i) while in school, (ii) while at a school-sponsored activity, (iii) while under the supervision of school personnel, or (iv) before or after normal school activities, such as while in before-school or after-school care on school-operated property. A school nurse or trained personnel may carry undesignated epinephrine auto-injectors on his or her person while in school or at a school-sponsored activity.

(e-10) Provided that the requirements of this Section are fulfilled, a school nurse or trained personnel may administer an opioid antagonist to any person whom the school nurse or trained personnel in good faith
believes to be having an opioid overdose (i) while in school, (ii) while at a school-sponsored activity, (iii) while under the supervision of school personnel, or (iv) before or after normal school activities, such as while in before-school or after-school care on school-operated property. A school nurse or trained personnel may carry an opioid antagonist on their person while in school or at a school-sponsored activity.

(f) The school district, public school, or nonpublic school may maintain a supply of undesignated epinephrine auto-injectors in any secure location where an allergic person is most at risk, including, but not limited to, classrooms and lunchrooms. A physician, a physician assistant who has been delegated prescriptive authority in accordance with Section 7.5 of the Physician Assistant Practice Act of 1987, or an advanced practice nurse who has been delegated prescriptive authority in accordance with Section 65-40 of the Nurse Practice Act may prescribe undesignated epinephrine auto-injectors in the name of the school district, public school, or nonpublic school to be maintained for use when necessary. Any supply of epinephrine auto-injectors shall be maintained in accordance with the manufacturer's instructions.

The school district, public school, or nonpublic school may maintain a supply of an opioid antagonist in any secure location where an individual may have an opioid overdose. A health care professional who has been delegated prescriptive authority for opioid antagonists in accordance with Section 5-23 of the Alcoholism and Other Drug Abuse and Dependency Act may prescribe opioid antagonists in the name of the school district, public school, or nonpublic school, to be maintained for use when necessary. Any supply of opioid antagonists shall be maintained in accordance with the manufacturer's instructions.

(f-5) Upon any administration of an epinephrine auto-injector, a school district, public school, or nonpublic school must immediately activate the EMS system and notify the student's parent, guardian, or emergency contact, if known.

Upon any administration of an opioid antagonist, a school district, public school, or nonpublic school must immediately activate the EMS system and notify the student's parent, guardian, or emergency contact, if known.

(f-10) Within 24 hours of the administration of an undesignated epinephrine auto-injector, a school district, public school, or nonpublic school must notify the physician, physician assistant, or advanced practice nurse.

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practice nurse who provided the standing protocol or prescription for the undesignated epinephrine auto-injector of its use.

Within 24 hours after the administration of an opioid antagonist, a school district, public school, or nonpublic school must notify the health care professional who provided the prescription for the opioid antagonist of its use.

(g) Prior to the administration of an undesignated epinephrine auto-injector, trained personnel must submit to their school's administration proof of completion of a training curriculum to recognize and respond to anaphylaxis that meets the requirements of subsection (h) of this Section. Training must be completed annually. Trained personnel must also submit to their school's administration proof of cardiopulmonary resuscitation and automated external defibrillator certification. The school district, public school, or nonpublic school must maintain records related to the training curriculum and trained personnel.

Prior to the administration of an opioid antagonist, trained personnel must submit to their school's administration proof of completion of a training curriculum to recognize and respond to an opioid overdose, which curriculum must meet the requirements of subsection (h-5) of this Section. Training must be completed annually. Trained personnel must also submit to the school's administration proof of cardiopulmonary resuscitation and automated external defibrillator certification. The school district, public school, or nonpublic school must maintain records relating to the training curriculum and the trained personnel.

(h) A training curriculum to recognize and respond to anaphylaxis, including the administration of an undesignated epinephrine auto-injector, may be conducted online or in person. It must include, but is not limited to:

1. how to recognize symptoms of an allergic reaction;
2. a review of high-risk areas within the school and its related facilities;
3. steps to take to prevent exposure to allergens;
4. how to respond to an emergency involving an allergic reaction;
5. how to administer an epinephrine auto-injector;
6. how to respond to a student with a known allergy as well as a student with a previously unknown allergy;

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(7) a test demonstrating competency of the knowledge required to recognize anaphylaxis and administer an epinephrine auto-injector; and

(8) other criteria as determined in rules adopted pursuant to this Section.

In consultation with statewide professional organizations representing physicians licensed to practice medicine in all of its branches, registered nurses, and school nurses, the State Board of Education shall make available resource materials consistent with criteria in this subsection (h) for educating trained personnel to recognize and respond to anaphylaxis. The State Board may take into consideration the curriculum on this subject developed by other states, as well as any other curricular materials suggested by medical experts and other groups that work on life-threatening allergy issues. The State Board is not required to create new resource materials. The State Board shall make these resource materials available on its Internet website.

(h-5) A training curriculum to recognize and respond to an opioid overdose, including the administration of an opioid antagonist, may be conducted online or in person. The training must comply with any training requirements under Section 5-23 of the Alcoholism and Other Drug Abuse and Dependency Act and the corresponding rules. It must include, but is not limited to:

(1) how to recognize symptoms of an opioid overdose;
(2) information on drug overdose prevention and recognition;
(3) how to perform rescue breathing and resuscitation;
(4) how to respond to an emergency involving an opioid overdose;
(5) opioid antagonist dosage and administration;
(6) the importance of calling 911;
(7) care for the overdose victim after administration of the overdose antagonist;
(8) a test demonstrating competency of the knowledge required to recognize an opioid overdose and administer a dose of an opioid antagonist; and
(9) other criteria as determined in rules adopted pursuant to this Section.

(i) Within 3 days after the administration of an undesignated epinephrine auto-injector by a school nurse, trained personnel, or a student

New matter indicated by italics - deletions by strikeout
at a school or school-sponsored activity, the school must report to the State Board in a form and manner prescribed by the State Board the following information:

(1) age and type of person receiving epinephrine (student, staff, visitor);
(2) any previously known diagnosis of a severe allergy;
(3) trigger that precipitated allergic episode;
(4) location where symptoms developed;
(5) number of doses administered;
(6) type of person administering epinephrine (school nurse, trained personnel, student); and
(7) any other information required by the State Board.

(i-5) Within 3 days after the administration of an opioid antagonist by a school nurse or trained personnel, the school must report to the State Board, in a form and manner prescribed by the State Board, the following information:

(1) the age and type of person receiving the opioid antagonist (student, staff, or visitor);
(2) the location where symptoms developed;
(3) the type of person administering the opioid antagonist (school nurse or trained personnel); and
(4) any other information required by the State Board.

(j) By October 1, 2015 and every year thereafter, the State Board shall submit a report to the General Assembly identifying the frequency and circumstances of epinephrine administration during the preceding academic year. This report shall be published on the State Board's Internet website on the date the report is delivered to the General Assembly.

On or before October 1, 2016 and every year thereafter, the State Board shall submit a report to the General Assembly and the Department of Public Health identifying the frequency and circumstances of opioid antagonist administration during the preceding academic year. This report shall be published on the State Board's Internet website on the date the report is delivered to the General Assembly.

(k) The State Board may adopt rules necessary to implement this Section.
(Source: P.A. 98-795, eff. 8-1-14; 99-173, eff. 7-29-15; 99-480, eff. 9-9-15; revised 10-13-15.)

(105 ILCS 5/22-80)
Sec. 22-80. Student athletes; concussions and head injuries.

New matter indicated by italics - deletions by strikeout
(a) The General Assembly recognizes all of the following:

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

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

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

(4) Student athletes who have sustained a concussion may need informal or formal accommodations, modifications of curriculum, and monitoring by medical or academic staff until the student is fully recovered. To that end, all schools are encouraged to establish a return-to-learn protocol that is based on peer-reviewed scientific evidence consistent with Centers for Disease Control and Prevention guidelines and conduct baseline testing for student athletes.

(b) In this Section:

"Athletic trainer" means an athletic trainer licensed under the Illinois Athletic Trainers Practice Act.

"Coach" means any volunteer or employee of a school who is responsible for organizing and supervising students to teach them or train them in the fundamental skills of an interscholastic athletic activity. "Coach" refers to both head coaches and assistant coaches.
"Concussion" means a complex pathophysiological process affecting the brain caused by a traumatic physical force or impact to the head or body, which may include temporary or prolonged altered brain function resulting in physical, cognitive, or emotional symptoms or altered sleep patterns and which may or may not involve a loss of consciousness.

"Department" means the Department of Financial and Professional Regulation.

"Game official" means a person who officiates at an interscholastic athletic activity, such as a referee or umpire, including, but not limited to, persons enrolled as game officials by the Illinois High School Association or Illinois Elementary School Association.

"Interscholastic athletic activity" means any organized school-sponsored or school-sanctioned activity for students, generally outside of school instructional hours, under the direction of a coach, athletic director, or band leader, including, but not limited to, baseball, basketball, cheerleading, cross country track, fencing, field hockey, football, golf, gymnastics, ice hockey, lacrosse, marching band, rugby, soccer, skating, softball, swimming and diving, tennis, track (indoor and outdoor), ultimate Frisbee, volleyball, water polo, and wrestling. All interscholastic athletics are deemed to be interscholastic activities.

"Licensed healthcare professional" means a person who has experience with concussion management and who is a nurse, a psychologist who holds a license under the Clinical Psychologist Licensing Act and specializes in the practice of neuropsychology, a physical therapist licensed under the Illinois Physical Therapy Act, an occupational therapist licensed under the Illinois Occupational Therapy Practice Act.

"Nurse" means a person who is employed by or volunteers at a school and is licensed under the Nurse Practice Act as a registered nurse, practical nurse, or advanced practice nurse.

"Physician" means a physician licensed to practice medicine in all of its branches under the Medical Practice Act of 1987.

"School" means any public or private elementary or secondary school, including a charter school.

"Student" means an adolescent or child enrolled in a school.

(c) This Section applies to any interscholastic athletic activity, including practice and competition, sponsored or sanctioned by a school, the Illinois Elementary School Association, or the Illinois High School.
Association. This Section applies beginning with the 2016-2017 school year.

(d) The governing body of each public or charter school and the appropriate administrative officer of a private school with students enrolled who participate in an interscholastic athletic activity shall appoint or approve a concussion oversight team. Each concussion oversight team shall establish a return-to-play protocol, based on peer-reviewed scientific evidence consistent with Centers for Disease Control and Prevention guidelines, for a student's return to interscholastic athletics practice or competition following a force or impact believed to have caused a concussion. Each concussion oversight team shall also establish a return-to-learn protocol, based on peer-reviewed scientific evidence consistent with Centers for Disease Control and Prevention guidelines, for a student's return to the classroom after that student is believed to have experienced a concussion, whether or not the concussion took place while the student was participating in an interscholastic athletic activity.

Each concussion oversight team must include to the extent practicable at least one physician. If a school employs an athletic trainer, the athletic trainer must be a member of the school concussion oversight team to the extent practicable. If a school employs a nurse, the nurse must be a member of the school concussion oversight team to the extent practicable. At a minimum, a school shall appoint a person who is responsible for implementing and complying with the return-to-play and return-to-learn protocols adopted by the concussion oversight team. A school may appoint other licensed healthcare professionals to serve on the concussion oversight team.

(e) A student may not participate in an interscholastic athletic activity for a school year until the student and the student's parent or guardian or another person with legal authority to make medical decisions for the student have signed a form for that school year that acknowledges receiving and reading written information that explains concussion prevention, symptoms, treatment, and oversight and that includes guidelines for safely resuming participation in an athletic activity following a concussion. The form must be approved by the Illinois High School Association.

(f) A student must be removed from an interscholastic athletics practice or competition immediately if one of the following persons believes the student might have sustained a concussion during the practice or competition:
(1) a coach;
(2) a physician;
(3) a game official;
(4) an athletic trainer;
(5) the student's parent or guardian or another person with legal authority to make medical decisions for the student;
(6) the student; or
(7) any other person deemed appropriate under the school's return-to-play protocol.

(g) A student removed from an interscholastic athletics practice or competition under this Section may not be permitted to practice or compete again following the force or impact believed to have caused the concussion until:

(1) the student has been evaluated, using established medical protocols based on peer-reviewed scientific evidence consistent with Centers for Disease Control and Prevention guidelines, by a treating physician (chosen by the student or the student's parent or guardian or another person with legal authority to make medical decisions for the student) or an athletic trainer working under the supervision of a physician;

(2) the student has successfully completed each requirement of the return-to-play protocol established under this Section necessary for the student to return to play;

(3) the student has successfully completed each requirement of the return-to-learn protocol established under this Section necessary for the student to return to learn;

(4) the treating physician or athletic trainer working under the supervision of a physician has provided a written statement indicating that, in the physician's professional judgment, it is safe for the student to return to play and return to learn; and

(5) the student and the student's parent or guardian or another person with legal authority to make medical decisions for the student:

(A) have acknowledged that the student has completed the requirements of the return-to-play and return-to-learn protocols necessary for the student to return to play;

(B) have provided the treating physician's or athletic trainer's written statement under subdivision (4) of this
subsection (g) to the person responsible for compliance with the return-to-play and return-to-learn protocols under this subsection (g) and the person who has supervisory responsibilities under this subsection (g); and

(C) have signed a consent form indicating that the person signing:

(i) has been informed concerning and consents to the student participating in returning to play in accordance with the return-to-play and return-to-learn protocols;

(ii) understands the risks associated with the student returning to play and returning to learn and will comply with any ongoing requirements in the return-to-play and return-to-learn protocols; and

(iii) consents to the disclosure to appropriate persons, consistent with the federal Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191), of the treating physician's or athletic trainer's written statement under subdivision (4) of this subsection (g) and, if any, the return-to-play and return-to-learn recommendations of the treating physician or the athletic trainer, as the case may be.

A coach of an interscholastic athletics team may not authorize a student's return to play or return to learn.

The district superintendent or the superintendent's designee in the case of a public elementary or secondary school, the chief school administrator or that person's designee in the case of a charter school, or the appropriate administrative officer or that person's designee in the case of a private school shall supervise an athletic trainer or other person responsible for compliance with the return-to-play protocol and shall supervise the person responsible for compliance with the return-to-learn protocol. The person who has supervisory responsibilities under this paragraph may not be a coach of an interscholastic athletics team.

(h)(1) The Illinois High School Association shall approve, for coaches and game officials of interscholastic athletic activities, training courses that provide for not less than 2 hours of training in the subject matter of concussions, including evaluation, prevention, symptoms, risks, and long-term effects. The Association shall maintain an updated list of

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individuals and organizations authorized by the Association to provide the training.

(2) The following persons must take a training course in accordance with paragraph (4) of this subsection (h) from an authorized training provider at least once every 2 years:

(A) a coach of an interscholastic athletic activity;
(B) a nurse who serves as a member of a concussion oversight team and is an employee, representative, or agent of a school;
(C) a game official of an interscholastic athletic activity;
and
(D) a nurse who serves on a volunteer basis as a member of a concussion oversight team for a school.

(3) A physician who serves as a member of a concussion oversight team shall, to the greatest extent practicable, periodically take an appropriate continuing medical education course in the subject matter of concussions.

(4) For purposes of paragraph (2) of this subsection (h):

(A) a coach or game officials, as the case may be, must take a course described in paragraph (1) of this subsection (h).
(B) an athletic trainer must take a concussion-related continuing education course from an athletic trainer continuing education sponsor approved by the Department; and
(C) a nurse must take a course concerning the subject matter of concussions that has been approved for continuing education credit by the Department.

(5) Each person described in paragraph (2) of this subsection (h) must submit proof of timely completion of an approved course in compliance with paragraph (4) of this subsection (h) to the district superintendent or the superintendent's designee in the case of a public elementary or secondary school, the chief school administrator or that person's designee in the case of a charter school, or the appropriate administrative officer or that person's designee in the case of a private school.

(6) A physician, athletic trainer, or nurse who is not in compliance with the training requirements under this subsection (h) may not serve on a concussion oversight team in any capacity.
(7) A person required under this subsection (h) to take a training course in the subject of concussions must initially complete the training not later than September 1, 2016.

(i) The governing body of each public or charter school and the appropriate administrative officer of a private school with students enrolled who participate in an interscholastic athletic activity shall develop a school-specific emergency action plan for interscholastic athletic activities to address the serious injuries and acute medical conditions in which the condition of the student may deteriorate rapidly. The plan shall include a delineation of roles, methods of communication, available emergency equipment, and access to and a plan for emergency transport. This emergency action plan must be:

(1) in writing;
(2) reviewed by the concussion oversight team;
(3) approved by the district superintendent or the superintendent's designee in the case of a public elementary or secondary school, the chief school administrator or that person's designee in the case of a charter school, or the appropriate administrative officer or that person's designee in the case of a private school;
(4) distributed to all appropriate personnel;
(5) posted conspicuously at all venues utilized by the school; and
(6) reviewed annually by all athletic trainers, first responders, coaches, school nurses, athletic directors, and volunteers for interscholastic athletic activities.

(j) The State Board of Education may adopt rules as necessary to administer this Section.

(Source: P.A. 99-245, eff. 8-3-15; 99-486, eff. 11-20-15.)

(105 ILCS 5/22-81)

Sec. 22-81. Heroin and opioid prevention pilot program. By January 1, 2017, the State Board of Education and the Department of Human Services shall develop and establish a 3-year heroin and opioid drug prevention pilot program that offers educational materials and instruction on heroin and opioid abuse to all school districts in the State for use at their respective public elementary and secondary schools. A school district's participation in the pilot program shall be voluntary. Subject to appropriation, the Department of Human Services shall reimburse a school district that decides to participate in the pilot program

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for any costs it incurs in connection with its participation in the pilot program. Each school district that participates in the pilot program shall have the discretion to determine which grade levels the school district will instruct under the program.

The pilot program must use effective, research-proven, interactive teaching methods and technologies, and must provide students, parents, and school staff with scientific, social, and emotional learning content to help them understand the risk of drug use. Such learning content must specifically target the dangers of prescription pain medication and heroin abuse. The Department may contract with a health education organization to fulfill the requirements of the pilot program.

The State Board of Education, the Department of Human Services, and any contracted organization shall submit an annual report to the General Assembly that includes: (i) a list of school districts participating in the pilot program; (ii) the grade levels each school district instructs under the pilot program; and (iii) any findings regarding the effectiveness of the pilot program.

(Source: P.A. 99-480, eff. 9-9-15; revised 10-19-15.)

(105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)
Sec. 27-8.1. Health examinations and immunizations.
(1) In compliance with rules and regulations which the Department of Public Health shall promulgate, and except as hereinafter provided, all children in Illinois shall have a health examination as follows: within one year prior to entering kindergarten or the first grade of any public, private, or parochial elementary school; upon entering the sixth and ninth grades of any public, private, or parochial school; prior to entrance into any public, private, or parochial nursery school; and, irrespective of grade, immediately prior to or upon entrance into any public, private, or parochial school or nursery school, each child shall present proof of having been examined in accordance with this Section and the rules and regulations promulgated hereunder. Any child who received a health examination within one year prior to entering the fifth grade for the 2007-2008 school year is not required to receive an additional health examination in order to comply with the provisions of Public Act 95-422 when he or she attends school for the 2008-2009 school year, unless the child is attending school for the first time as provided in this paragraph.

A tuberculosis skin test screening shall be included as a required part of each health examination included under this Section if the child resides in an area designated by the Department of Public Health as having

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a high incidence of tuberculosis. Additional health examinations of pupils, including eye examinations, may be required when deemed necessary by school authorities. Parents are encouraged to have their children undergo eye examinations at the same points in time required for health examinations.

(1.5) In compliance with rules adopted by the Department of Public Health and except as otherwise provided in this Section, all children in kindergarten and the second and sixth grades of any public, private, or parochial school shall have a dental examination. Each of these children shall present proof of having been examined by a dentist in accordance with this Section and rules adopted under this Section before May 15th of the school year. If a child in the second or sixth grade fails to present proof by May 15th, the school may hold the child's report card until one of the following occurs: (i) the child presents proof of a completed dental examination or (ii) the child presents proof that a dental examination will take place within 60 days after May 15th. The Department of Public Health shall establish, by rule, a waiver for children who show an undue burden or a lack of access to a dentist. Each public, private, and parochial school must give notice of this dental examination requirement to the parents and guardians of students at least 60 days before May 15th of each school year.

(1.10) Except as otherwise provided in this Section, all children enrolling in kindergarten in a public, private, or parochial school on or after the effective date of this amendatory Act of the 95th General Assembly and any student enrolling for the first time in a public, private, or parochial school on or after the effective date of this amendatory Act of the 95th General Assembly shall have an eye examination. Each of these children shall present proof of having been examined by a physician licensed to practice medicine in all of its branches or a licensed optometrist within the previous year, in accordance with this Section and rules adopted under this Section, before October 15th of the school year. If the child fails to present proof by October 15th, the school may hold the child's report card until one of the following occurs: (i) the child presents proof of a completed eye examination or (ii) the child presents proof that an eye examination will take place within 60 days after October 15th. The Department of Public Health shall establish, by rule, a waiver for children who show an undue burden or a lack of access to a physician licensed to practice medicine in all of its branches who provides eye examinations or to a licensed optometrist. Each public, private, and parochial school must

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give notice of this eye examination requirement to the parents and
guardians of students in compliance with rules of the Department of Public
Health. Nothing in this Section shall be construed to allow a school to
exclude a child from attending because of a parent's or guardian's failure to
obtain an eye examination for the child.

(2) The Department of Public Health shall promulgate rules and
regulations specifying the examinations and procedures that constitute a
health examination, which shall include the collection of data relating to
obesity (including at a minimum, date of birth, gender, height, weight,
blood pressure, and date of exam), and a dental examination and may
recommend by rule that certain additional examinations be performed. The
rules and regulations of the Department of Public Health shall specify that
a tuberculosis skin test screening shall be included as a required part of
each health examination included under this Section if the child resides in
an area designated by the Department of Public Health as having a high
incidence of tuberculosis. The Department of Public Health shall specify
that a diabetes screening as defined by rule shall be included as a required
part of each health examination. Diabetes testing is not required.

Physicians licensed to practice medicine in all of its branches,
licensed advanced practice nurses, or licensed physician assistants shall be
responsible for the performance of the health examinations, other than
dental examinations, eye examinations, and vision and hearing screening,
and shall sign all report forms required by subsection (4) of this Section
that pertain to those portions of the health examination for which the
physician, advanced practice nurse, or physician assistant is responsible. If
a registered nurse performs any part of a health examination, then a
physician licensed to practice medicine in all of its branches must review
and sign all required report forms. Licensed dentists shall perform all
dental examinations and shall sign all report forms required by subsection
(4) of this Section that pertain to the dental examinations. Physicians
licensed to practice medicine in all its branches or licensed optometrists
shall perform all eye examinations required by this Section and shall sign
all report forms required by subsection (4) of this Section that pertain to
the eye examination. For purposes of this Section, an eye examination
shall at a minimum include history, visual acuity, subjective refraction to
best visual acuity near and far, internal and external examination, and a
glaucoma evaluation, as well as any other tests or observations that in the
professional judgment of the doctor are necessary. Vision and hearing
screening tests, which shall not be considered examinations as that term is

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used in this Section, shall be conducted in accordance with rules and regulations of the Department of Public Health, and by individuals whom the Department of Public Health has certified. In these rules and regulations, the Department of Public Health shall require that individuals conducting vision screening tests give a child's parent or guardian written notification, before the vision screening is conducted, that states, "Vision screening is not a substitute for a complete eye and vision evaluation by an eye doctor. Your child is not required to undergo this vision screening if an optometrist or ophthalmologist has completed and signed a report form indicating that an examination has been administered within the previous 12 months."

(3) Every child shall, at or about the same time as he or she receives a health examination required by subsection (1) of this Section, present to the local school proof of having received such immunizations against preventable communicable diseases as the Department of Public Health shall require by rules and regulations promulgated pursuant to this Section and the Communicable Disease Prevention Act.

(4) The individuals conducting the health examination, dental examination, or eye examination shall record the fact of having conducted the examination, and such additional information as required, including for a health examination data relating to obesity (including at a minimum, date of birth, gender, height, weight, blood pressure, and date of exam), on uniform forms which the Department of Public Health and the State Board of Education shall prescribe for statewide use. The examiner shall summarize on the report form any condition that he or she suspects indicates a need for special services, including for a health examination factors relating to obesity. The individuals confirming the administration of required immunizations shall record as indicated on the form that the immunizations were administered.

(5) If a child does not submit proof of having had either the health examination or the immunization as required, then the child shall be examined or receive the immunization, as the case may be, and present proof by October 15 of the current school year, or by an earlier date of the current school year established by a school district. To establish a date before October 15 of the current school year for the health examination or immunization as required, a school district must give notice of the requirements of this Section 60 days prior to the earlier established date. If for medical reasons one or more of the required immunizations must be given after October 15 of the current school year, or after an earlier...
established date of the current school year, then the child shall present, by October 15, or by the earlier established date, a schedule for the administration of the immunizations and a statement of the medical reasons causing the delay, both the schedule and the statement being issued by the physician, advanced practice nurse, physician assistant, registered nurse, or local health department that will be responsible for administration of the remaining required immunizations. If a child does not comply by October 15, or by the earlier established date of the current school year, with the requirements of this subsection, then the local school authority shall exclude that child from school until such time as the child presents proof of having had the health examination as required and presents proof of having received those required immunizations which are medically possible to receive immediately. During a child's exclusion from school for noncompliance with this subsection, the child's parents or legal guardian shall be considered in violation of Section 26-1 and subject to any penalty imposed by Section 26-10. This subsection (5) does not apply to dental examinations and eye examinations. If the student is an out-of-state transfer student and does not have the proof required under this subsection (5) before October 15 of the current year or whatever date is set by the school district, then he or she may only attend classes (i) if he or she has proof that an appointment for the required vaccinations has been scheduled with a party authorized to submit proof of the required vaccinations. If the proof of vaccination required under this subsection (5) is not submitted within 30 days after the student is permitted to attend classes, then the student is not to be permitted to attend classes until proof of the vaccinations has been properly submitted. No school district or employee of a school district shall be held liable for any injury or illness to another person that results from admitting an out-of-state transfer student to class that has an appointment scheduled pursuant to this subsection (5).

(6) Every school shall report to the State Board of Education by November 15, in the manner which that agency shall require, the number of children who have received the necessary immunizations and the health examination (other than a dental examination or eye examination) as required, indicating, of those who have not received the immunizations and examination as required, the number of children who are exempt from health examination and immunization requirements on religious or medical grounds as provided in subsection (8). On or before December 1 of each year, every public school district and registered nonpublic school shall make publicly available the immunization data they are required to

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submit to the State Board of Education by November 15. The immunization data made publicly available must be identical to the data the school district or school has reported to the State Board of Education.

Every school shall report to the State Board of Education by June 30, in the manner that the State Board requires, the number of children who have received the required dental examination, indicating, of those who have not received the required dental examination, the number of children who are exempt from the dental examination on religious grounds as provided in subsection (8) of this Section and the number of children who have received a waiver under subsection (1.5) of this Section.

Every school shall report to the State Board of Education by June 30, in the manner that the State Board requires, the number of children who have received the required eye examination, indicating, of those who have not received the required eye examination, the number of children who are exempt from the eye examination as provided in subsection (8) of this Section, the number of children who have received a waiver under subsection (1.10) of this Section, and the total number of children in noncompliance with the eye examination requirement.

The reported information under this subsection (6) shall be provided to the Department of Public Health by the State Board of Education.

(7) Upon determining that the number of pupils who are required to be in compliance with subsection (5) of this Section is below 90% of the number of pupils enrolled in the school district, 10% of each State aid payment made pursuant to Section 18-8.05 to the school district for such year may be withheld by the State Board of Education until the number of students in compliance with subsection (5) is the applicable specified percentage or higher.

(8) Children of parents or legal guardians who object to health, dental, or eye examinations or any part thereof, to immunizations, or to vision and hearing screening tests on religious grounds shall not be required to undergo the examinations, tests, or immunizations to which they so object if such parents or legal guardians present to the appropriate local school authority a signed Certificate of Religious Exemption detailing the grounds for objection and the specific immunizations, tests, or examinations to which they object. The grounds for objection must set forth the specific religious belief that conflicts with the examination, test, immunization, or other medical intervention. The signed certificate shall also reflect the parent's or legal guardian's understanding of the school's
exclusion policies in the case of a vaccine-preventable disease outbreak or exposure. The certificate must also be signed by the authorized examining health care provider responsible for the performance of the child's health examination confirming that the provider provided education to the parent or legal guardian on the benefits of immunization and the health risks to the student and to the community of the communicable diseases for which immunization is required in this State. However, the health care provider's signature on the certificate reflects only that education was provided and does not allow a health care provider grounds to determine a religious exemption. Those receiving immunizations required under this Code shall be provided with the relevant vaccine information statements that are required to be disseminated by the federal National Childhood Vaccine Injury Act of 1986, which may contain information on circumstances when a vaccine should not be administered, prior to administering a vaccine. A healthcare provider may consider including without limitation the nationally accepted recommendations from federal agencies such as the Advisory Committee on Immunization Practices, the information outlined in the relevant vaccine information statement, and vaccine package inserts, along with the healthcare provider's clinical judgment, to determine whether any child may be more susceptible to experiencing an adverse vaccine reaction than the general population, and, if so, the healthcare provider may exempt the child from an immunization or adopt an individualized immunization schedule. The Certificate of Religious Exemption shall be created by the Department of Public Health and shall be made available and used by parents and legal guardians by the beginning of the 2015-2016 school year. Parents or legal guardians must submit the Certificate of Religious Exemption to their local school authority prior to entering kindergarten, sixth grade, and ninth grade for each child for which they are requesting an exemption. The religious objection stated need not be directed by the tenets of an established religious organization. However, general philosophical or moral reluctance to allow physical examinations, eye examinations, immunizations, vision and hearing screenings, or dental examinations does not provide a sufficient basis for an exception to statutory requirements. The local school authority is responsible for determining if the content of the Certificate of Religious Exemption constitutes a valid religious objection. The local school authority shall inform the parent or legal guardian of exclusion procedures, in accordance with the Department's rules under
Part 690 of Title 77 of the Illinois Administrative Code, at the time the objection is presented.

If the physical condition of the child is such that any one or more of the immunizing agents should not be administered, the examining physician, advanced practice nurse, or physician assistant responsible for the performance of the health examination shall endorse that fact upon the health examination form.

Exempting a child from the health, dental, or eye examination does not exempt the child from participation in the program of physical education training provided in Sections 27-5 through 27-7 of this Code.

(9) For the purposes of this Section, "nursery schools" means those nursery schools operated by elementary school systems or secondary level school units or institutions of higher learning.

(Source: P.A. 98-673, eff. 6-30-14; 99-173, eff. 7-29-15; 99-249, eff. 8-3-15; revised 10-21-15.)

(105 ILCS 5/27-24.2) (from Ch. 122, par. 27-24.2)

Sec. 27-24.2. Safety education; driver education course. Instruction shall be given in safety education in each of grades one through eight, equivalent to one class period each week, and any school district which maintains grades nine through twelve shall offer a driver education course in any such school which it operates. Its curriculum shall include content dealing with Chapters 11, 12, 13, 15, and 16 of the Illinois Vehicle Code, the rules adopted pursuant to those Chapters insofar as they pertain to the operation of motor vehicles, and the portions of the Litter Control Act relating to the operation of motor vehicles. The course of instruction given in grades ten through twelve shall include an emphasis on the development of knowledge, attitudes, habits, and skills necessary for the safe operation of motor vehicles, including motorcycles insofar as they can be taught in the classroom, and instruction on distracted driving as a major traffic safety issue. In addition, the course shall include instruction on special hazards existing at and required safety and driving precautions that must be observed at emergency situations, highway construction and maintenance zones, and railroad crossings and the approaches thereto. The course of instruction required of each eligible student at the high school level shall consist of a minimum of 30 clock hours of classroom instruction and a minimum of 6 clock hours of individual behind-the-wheel instruction in a dual control car on public roadways taught by a driver education instructor endorsed by the State Board of Education. Both the classroom instruction part and the practice driving part of such driver education course shall be

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open to a resident or non-resident student attending a non-public school in the district wherein the course is offered. Each student attending any public or non-public high school in the district must receive a passing grade in at least 8 courses during the previous 2 semesters prior to enrolling in a driver education course, or the student shall not be permitted to enroll in the course; provided that the local superintendent of schools (with respect to a student attending a public high school in the district) or chief school administrator (with respect to a student attending a non-public high school in the district) may waive the requirement if the superintendent or chief school administrator, as the case may be, deems it to be in the best interest of the student. A student may be allowed to commence the classroom instruction part of such driver education course prior to reaching age 15 if such student then will be eligible to complete the entire course within 12 months after being allowed to commence such classroom instruction.

Such a course may be commenced immediately after the completion of a prior course. Teachers of such courses shall meet the certification requirements of this Act and regulations of the State Board as to qualifications.

Subject to rules of the State Board of Education, the school district may charge a reasonable fee, not to exceed $50, to students who participate in the course, unless a student is unable to pay for such a course, in which event the fee for such a student must be waived. However, the district may increase this fee to an amount not to exceed $250 by school board resolution following a public hearing on the increase, which increased fee must be waived for students who participate in the course and are unable to pay for the course. The total amount from driver education fees and reimbursement from the State for driver education must not exceed the total cost of the driver education program in any year and must be deposited into the school district's driver education fund as a separate line item budget entry. All moneys deposited into the school district's driver education fund must be used solely for the funding of a high school driver education program approved by the State Board of Education that uses driver education instructors endorsed by the State Board of Education.

(Source: P.A. 96-734, eff. 8-25-09; 97-145, eff. 7-14-11; revised 10-21-15.)

(105 ILCS 5/27A-5)
(Text of Section before amendment by P.A. 99-456)

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Sec. 27A-5. Charter school; legal entity; requirements.

(a) A charter school shall be a public, nonsectarian, nonreligious, non-home based, and non-profit school. A charter school shall be organized and operated as a nonprofit corporation or other discrete, legal, nonprofit entity authorized under the laws of the State of Illinois.

(b) A charter school may be established under this Article by creating a new school or by converting an existing public school or attendance center to charter school status. Beginning on April 16, 2003 (the effective date of Public Act 93-3) this amendatory Act of the 93rd General Assembly, in all new applications to establish a charter school in a city having a population exceeding 500,000, operation of the charter school shall be limited to one campus. The changes made to this Section by Public Act 93-3 this amendatory Act of the 93rd General Assembly do not apply to charter schools existing or approved on or before April 16, 2003 (the effective date of Public Act 93-3) this amendatory Act.

(b-5) In this subsection (b-5), "virtual-schooling" means a cyber school where students engage in online curriculum and instruction via the Internet and electronic communication with their teachers at remote locations and with students participating at different times.

From April 1, 2013 through December 31, 2016, there is a moratorium on the establishment of charter schools with virtual-schooling components in school districts other than a school district organized under Article 34 of this Code. This moratorium does not apply to a charter school with virtual-schooling components existing or approved prior to April 1, 2013 or to the renewal of the charter of a charter school with virtual-schooling components already approved prior to April 1, 2013.

On or before March 1, 2014, the Commission shall submit to the General Assembly a report on the effect of virtual-schooling, including without limitation the effect on student performance, the costs associated with virtual-schooling, and issues with oversight. The report shall include policy recommendations for virtual-schooling.

(c) A charter school shall be administered and governed by its board of directors or other governing body in the manner provided in its charter. The governing body of a charter school shall be subject to the Freedom of Information Act and the Open Meetings Act.

(d) For purposes of this subsection (d), "non-curricular health and safety requirement" means any health and safety requirement created by statute or rule to provide, maintain, preserve, or safeguard safe or healthful conditions for students and school personnel or to eliminate, reduce, or
prevent threats to the health and safety of students and school personnel. "Non-curricular health and safety requirement" does not include any course of study or specialized instructional requirement for which the State Board has established goals and learning standards or which is designed primarily to impart knowledge and skills for students to master and apply as an outcome of their education.

A charter school shall comply with all non-curricular health and safety requirements applicable to public schools under the laws of the State of Illinois. On or before September 1, 2015, the State Board shall promulgate and post on its Internet website a list of non-curricular health and safety requirements that a charter school must meet. The list shall be updated annually no later than September 1. Any charter contract between a charter school and its authorizer must contain a provision that requires the charter school to follow the list of all non-curricular health and safety requirements promulgated by the State Board and any non-curricular health and safety requirements added by the State Board to such list during the term of the charter. Nothing in this subsection (d) precludes an authorizer from including non-curricular health and safety requirements in a charter school contract that are not contained in the list promulgated by the State Board, including non-curricular health and safety requirements of the authorizing local school board.

(e) Except as otherwise provided in the School Code, a charter school shall not charge tuition; provided that a charter school may charge reasonable fees for textbooks, instructional materials, and student activities.

(f) A charter school shall be responsible for the management and operation of its fiscal affairs including, but not limited to, the preparation of its budget. An audit of each charter school's finances shall be conducted annually by an outside, independent contractor retained by the charter school. To ensure financial accountability for the use of public funds, on or before December 1 of every year of operation, each charter school shall submit to its authorizer and the State Board a copy of its audit and a copy of the Form 990 the charter school filed that year with the federal Internal Revenue Service. In addition, if deemed necessary for proper financial oversight of the charter school, an authorizer may require quarterly financial statements from each charter school.

(g) A charter school shall comply with all provisions of this Article, the Illinois Educational Labor Relations Act, all federal and State laws and rules applicable to public schools that pertain to special

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education and the instruction of English learners, and its charter. A charter school is exempt from all other State laws and regulations in this Code governing public schools and local school board policies; however, a charter school is not exempt from the following:

(1) Sections 10-21.9 and 34-18.5 of this Code regarding criminal history records checks and checks of the Statewide Sex Offender Database and Statewide Murderer and Violent Offender Against Youth Database of applicants for employment;
(2) Sections 24-24 and 34-84A of this Code regarding discipline of students;
(3) the Local Governmental and Governmental Employees Tort Immunity Act;
(4) Section 108.75 of the General Not For Profit Corporation Act of 1986 regarding indemnification of officers, directors, employees, and agents;
(5) the Abused and Neglected Child Reporting Act;
(6) the Illinois School Student Records Act;
(7) Section 10-17a of this Code regarding school report cards;
(8) the P-20 Longitudinal Education Data System Act;
(9) Section 27-23.7 of this Code regarding bullying prevention; and
(10) Section 2-3.162 of this Code regarding student discipline reporting; and
(11) Section 22-80 of this Code.

The change made by Public Act 96-104 to this subsection (g) is declaratory of existing law.

(h) A charter school may negotiate and contract with a school district, the governing body of a State college or university or public community college, or any other public or for-profit or nonprofit private entity for: (i) the use of a school building and grounds or any other real property or facilities that the charter school desires to use or convert for use as a charter school site, (ii) the operation and maintenance thereof, and (iii) the provision of any service, activity, or undertaking that the charter school is required to perform in order to carry out the terms of its charter. However, a charter school that is established on or after April 16, 2003 (the effective date of Public Act 93-3) and that operates in a city having a population exceeding 500,000 may not contract with a for-profit entity to manage or

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operate the school during the period that commences on April 16, 2003 (the effective date of Public Act 93-3) this amendatory Act of the 93rd General Assembly and concludes at the end of the 2004-2005 school year. Except as provided in subsection (i) of this Section, a school district may charge a charter school reasonable rent for the use of the district's buildings, grounds, and facilities. Any services for which a charter school contracts with a school district shall be provided by the district at cost. Any services for which a charter school contracts with a local school board or with the governing body of a State college or university or public community college shall be provided by the public entity at cost.

(i) In no event shall a charter school that is established by converting an existing school or attendance center to charter school status be required to pay rent for space that is deemed available, as negotiated and provided in the charter agreement, in school district facilities. However, all other costs for the operation and maintenance of school district facilities that are used by the charter school shall be subject to negotiation between the charter school and the local school board and shall be set forth in the charter.

(j) A charter school may limit student enrollment by age or grade level.

(k) If the charter school is approved by the Commission, then the Commission charter school is its own local education agency.

(Source: P.A. 98-16, eff. 5-24-13; 98-639, eff. 6-9-14; 98-669, eff. 6-26-14; 98-739, eff. 7-16-14; 98-783, eff. 1-1-15; 98-1059, eff. 8-26-14; 98-1102, eff. 8-26-14; 99-30, eff. 7-10-15; 99-78, eff. 7-20-15; 99-245, eff. 8-3-15; 99-325, eff. 8-10-15; revised 10-19-15.)

(Text of Section after amendment by P.A. 99-456)

Sec. 27A-5. Charter school; legal entity; requirements.

(a) A charter school shall be a public, nonsectarian, nonreligious, non-home based, and non-profit school. A charter school shall be organized and operated as a nonprofit corporation or other discrete, legal, nonprofit entity authorized under the laws of the State of Illinois.

(b) A charter school may be established under this Article by creating a new school or by converting an existing public school or attendance center to charter school status. Beginning on April 16, 2003 (the effective date of Public Act 93-3) this amendatory Act of the 93rd General Assembly, in all new applications to establish a charter school in a city having a population exceeding 500,000, operation of the charter school shall be limited to one campus. The changes made to this Section

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by Public Act 93-3 this amendatory Act of the 93rd General Assembly do not apply to charter schools existing or approved on or before April 16, 2003 (the effective date of Public Act 93-3) this amendatory Act.

(b-5) In this subsection (b-5), "virtual-schooling" means a cyber school where students engage in online curriculum and instruction via the Internet and electronic communication with their teachers at remote locations and with students participating at different times.

From April 1, 2013 through December 31, 2016, there is a moratorium on the establishment of charter schools with virtual-schooling components in school districts other than a school district organized under Article 34 of this Code. This moratorium does not apply to a charter school with virtual-schooling components existing or approved prior to April 1, 2013 or to the renewal of the charter of a charter school with virtual-schooling components already approved prior to April 1, 2013.

On or before March 1, 2014, the Commission shall submit to the General Assembly a report on the effect of virtual-schooling, including without limitation the effect on student performance, the costs associated with virtual-schooling, and issues with oversight. The report shall include policy recommendations for virtual-schooling.

(c) A charter school shall be administered and governed by its board of directors or other governing body in the manner provided in its charter. The governing body of a charter school shall be subject to the Freedom of Information Act and the Open Meetings Act.

(d) For purposes of this subsection (d), "non-curricular health and safety requirement" means any health and safety requirement created by statute or rule to provide, maintain, preserve, or safeguard safe or healthful conditions for students and school personnel or to eliminate, reduce, or prevent threats to the health and safety of students and school personnel. "Non-curricular health and safety requirement" does not include any course of study or specialized instructional requirement for which the State Board has established goals and learning standards or which is designed primarily to impart knowledge and skills for students to master and apply as an outcome of their education.

A charter school shall comply with all non-curricular health and safety requirements applicable to public schools under the laws of the State of Illinois. On or before September 1, 2015, the State Board shall promulgate and post on its Internet website a list of non-curricular health and safety requirements that a charter school must meet. The list shall be updated annually no later than September 1. Any charter contract between

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a charter school and its authorizer must contain a provision that requires the charter school to follow the list of all non-curricular health and safety requirements promulgated by the State Board and any non-curricular health and safety requirements added by the State Board to such list during the term of the charter. Nothing in this subsection (d) precludes an authorizer from including non-curricular health and safety requirements in a charter school contract that are not contained in the list promulgated by the State Board, including non-curricular health and safety requirements of the authorizing local school board.

(e) Except as otherwise provided in the School Code, a charter school shall not charge tuition; provided that a charter school may charge reasonable fees for textbooks, instructional materials, and student activities.

(f) A charter school shall be responsible for the management and operation of its fiscal affairs including, but not limited to, the preparation of its budget. An audit of each charter school's finances shall be conducted annually by an outside, independent contractor retained by the charter school. To ensure financial accountability for the use of public funds, on or before December 1 of every year of operation, each charter school shall submit to its authorizer and the State Board a copy of its audit and a copy of the Form 990 the charter school filed that year with the federal Internal Revenue Service. In addition, if deemed necessary for proper financial oversight of the charter school, an authorizer may require quarterly financial statements from each charter school.

(g) A charter school shall comply with all provisions of this Article, the Illinois Educational Labor Relations Act, all federal and State laws and rules applicable to public schools that pertain to special education and the instruction of English learners, and its charter. A charter school is exempt from all other State laws and regulations in this Code governing public schools and local school board policies; however, a charter school is not exempt from the following:

1. Sections 10-21.9 and 34-18.5 of this Code regarding criminal history records checks and checks of the Statewide Sex Offender Database and Statewide Murderer and Violent Offender Against Youth Database of applicants for employment;
2. Sections 10-20.14, 10-22.6, 24-24, 34-19, and 34-84a of this Code regarding discipline of students;
3. the Local Governmental and Governmental Employees Tort Immunity Act;

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(4) Section 108.75 of the General Not For Profit Corporation Act of 1986 regarding indemnification of officers, directors, employees, and agents;
(5) the Abused and Neglected Child Reporting Act;
(6) the Illinois School Student Records Act;
(7) Section 10-17a of this Code regarding school report cards;
(8) the P-20 Longitudinal Education Data System Act;
(9) Section 27-23.7 of this Code regarding bullying prevention; and
(10) Section 2-3.162 of this Code regarding student discipline reporting; and
(11) Section 22-80 of this Code.

The change made by Public Act 96-104 to this subsection (g) is declaratory of existing law.

(h) A charter school may negotiate and contract with a school district, the governing body of a State college or university or public community college, or any other public or for-profit or nonprofit private entity for: (i) the use of a school building and grounds or any other real property or facilities that the charter school desires to use or convert for use as a charter school site, (ii) the operation and maintenance thereof, and (iii) the provision of any service, activity, or undertaking that the charter school is required to perform in order to carry out the terms of its charter. However, a charter school that is established on or after April 16, 2003 (the effective date of this amendatory Act of the 93rd General Assembly) and that operates in a city having a population exceeding 500,000 may not contract with a for-profit entity to manage or operate the school during the period that commences on April 16, 2003 (the effective date of this amendatory Act of the 93rd General Assembly) and concludes at the end of the 2004-2005 school year. Except as provided in subsection (i) of this Section, a school district may charge a charter school reasonable rent for the use of the district's buildings, grounds, and facilities. Any services for which a charter school contracts with a school district shall be provided by the district at cost. Any services for which a charter school contracts with a local school board or with the governing body of a State college or university or public community college shall be provided by the public entity at cost.

(i) In no event shall a charter school that is established by converting an existing school or attendance center to charter school status...
be required to pay rent for space that is deemed available, as negotiated and provided in the charter agreement, in school district facilities. However, all other costs for the operation and maintenance of school district facilities that are used by the charter school shall be subject to negotiation between the charter school and the local school board and shall be set forth in the charter.

(j) A charter school may limit student enrollment by age or grade level.

(k) If the charter school is approved by the Commission, then the Commission charter school is its own local education agency.

(Source: P.A. 98-16, eff. 5-24-13; 98-639, eff. 6-9-14; 98-669, eff. 6-26-14; 98-739, eff. 7-16-14; 98-783, eff. 1-1-15; 98-1059, eff. 8-26-14; 98-1102, eff. 8-26-14; 99-30, eff. 7-10-15; 99-78, eff. 7-20-15; 99-245, eff. 8-3-15; 99-325, eff. 8-10-15; 99-456, eff. 9-15-16; revised 10-19-15.)

(105 ILCS 5/32-5) (from Ch. 122, par. 32-5)

Sec. 32-5. Bond issues - District boundaries coextensive with city. For the purpose of building or repairing schoolhouses or purchasing or improving school sites, including the purchase of school sites outside the boundaries of the school district and building school buildings thereon as provided by Section 10-20.10 of this Act, any special charter district governed by a special charter, and special or general school laws, whose boundaries are coextensive with or greater than the boundaries of any incorporated city, town or village, where authorized by a majority of all the votes cast on the proposition may borrow money and as evidence of the indebtedness, may issue bonds in denominations of not less than $100 nor more than $1,000, for a term not to exceed 20 years bearing interest at a rate not to exceed the maximum rate authorized by the Bond Authorization Act, as amended at the time of the making of the contract, payable annually, semi-annually, or quarterly, ct signed by the president and secretary of the school board of the district; provided, that the amount borrowed shall not exceed, including existing indebtedness, 5% of the taxable property of such school district, as ascertained by the last assessment for State and county taxes previous to incurring such indebtedness.

With respect to instruments for the payment of money issued under this Section either before, on, or after June 6, 1989 (the effective date of Public Act 86-4) this amendatory Act of 1989, it is and always has been the intention of the General Assembly (i) that the Omnibus Bond Acts are and always have been supplementary grants of power to issue instruments

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in accordance with the Omnibus Bond Acts, regardless of any provision of this Act that may appear to be or to have been more restrictive than those Acts, (ii) that the provisions of this Section are not a limitation on the supplementary authority granted by the Omnibus Bond Acts, and (iii) that instruments issued under this Section within the supplementary authority granted by the Omnibus Bond Acts are not invalid because of any provision of this Act that may appear to be or to have been more restrictive than those Acts.

(Source: P.A. 86-4; revised 10-9-15.)

(105 ILCS 5/34-2.4) (from Ch. 122, par. 34-2.4)

Sec. 34-2.4. School improvement plan. A 3-year local school improvement plan shall be developed and implemented at each attendance center. This plan shall reflect the overriding purpose of the attendance center to improve educational quality. The local school principal shall develop a school improvement plan in consultation with the local school council, all categories of school staff, parents and community residents. Once the plan is developed, reviewed by the professional personnel leadership committee, and approved by the local school council, the principal shall be responsible for directing implementation of the plan, and the local school council shall monitor its implementation. After the termination of the initial 3-year plan, a new 3-year plan shall be developed and modified as appropriate on an annual basis.

The school improvement plan shall be designed to achieve priority goals including but not limited to:

(a) assuring that students show significant progress toward meeting and exceeding State performance standards in State mandated learning areas, including the mastery of higher order thinking skills in these areas;

(b) assuring that students attend school regularly and graduate from school at such rates that the district average equals or surpasses national norms;

(c) assuring that students are adequately prepared for and aided in making a successful transition to further education and life experience;

(d) assuring that students are adequately prepared for and aided in making a successful transition to employment; and

(e) assuring that students are, to the maximum extent possible, provided with a common learning experience that is of

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high academic quality and that reflects high expectations for all students' capacities to learn.

With respect to these priority goals, the school improvement plan shall include but not be limited to the following:

(a) an analysis of data collected in the attendance center and community indicating the specific strengths and weaknesses of the attendance center in light of the goals specified above, including data and analysis specified by the State Board of Education pertaining to specific measurable outcomes for student performance, the attendance centers, and their instructional programs;

(b) a description of specific annual objectives the attendance center will pursue in achieving the goals specified above;

(c) a description of the specific activities the attendance center will undertake to achieve its objectives;

(d) an analysis of the attendance center's staffing pattern and material resources, and an explanation of how the attendance center's planned staffing pattern, the deployment of staff, and the use of material resources furthers the objectives of the plan;

(e) a description of the key assumptions and directions of the school's curriculum and the academic and non-academic programs of the attendance center, and an explanation of how this curriculum and these programs further the goals and objectives of the plan;

(f) a description of the steps that will be taken to enhance educational opportunities for all students, regardless of gender, including English learners, students with disabilities, low-income students, and minority students;

(g) a description of any steps which may be taken by the attendance center to educate parents as to how they can assist children at home in preparing their children to learn effectively;

(h) a description of the steps the attendance center will take to coordinate its efforts with, and to gain the participation and support of, community residents, business organizations, and other local institutions and individuals;

(i) a description of any staff development program for all school staff and volunteers tied to the priority goals, objectives, and activities specified in the plan;

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(j) a description of the steps the local school council will undertake to monitor implementation of the plan on an ongoing basis;

(k) a description of the steps the attendance center will take to ensure that teachers have working conditions that provide a professional environment conducive to fulfilling their responsibilities;

(l) a description of the steps the attendance center will take to ensure teachers the time and opportunity to incorporate new ideas and techniques, both in subject matter and teaching skills, into their own work;

(m) a description of the steps the attendance center will take to encourage pride and positive identification with the attendance center through various athletic activities; and

(n) a description of the student need for and provision of services to special populations, beyond the standard school programs provided for students in grades K through 12 and those enumerated in the categorical programs cited in item d of part 4 of Section 34-2.3, including financial costs of providing same and a timeline for implementing the necessary services, including but not limited, when applicable, to ensuring the provisions of educational services to all eligible children aged 4 years for the 1990-91 school year and thereafter, reducing class size to State averages in grades K-3 for the 1991-92 school year and thereafter and in all grades for the 1993-94 school year and thereafter, and providing sufficient staff and facility resources for students not served in the regular classroom setting.

Based on the analysis of data collected indicating specific strengths and weaknesses of the attendance center, the school improvement plan may place greater emphasis from year to year on particular priority goals, objectives, and activities.

(Source: P.A. 99-30, eff. 7-10-15; 99-143, eff. 7-27-15; revised 10-21-15.)

Sec. 34-8.1. Principals. Principals shall be employed to supervise the operation of each attendance center. Their powers and duties shall include but not be limited to the authority (i) to direct, supervise, evaluate, and suspend with or without pay or otherwise discipline all teachers, assistant principals, and other employees assigned to the attendance center in accordance with board rules and policies and (ii) to direct all other

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persons assigned to the attendance center pursuant to a contract with a third party to provide services to the school system. The right to employ, discharge, and layoff shall be vested solely with the board, provided that decisions to discharge or suspend non-certified employees, including disciplinary layoffs, and the termination of certified employees from employment pursuant to a layoff or reassignment policy are subject to review under the grievance resolution procedure adopted pursuant to subsection (c) of Section 10 of the Illinois Educational Labor Relations Act. The grievance resolution procedure adopted by the board shall provide for final and binding arbitration, and, notwithstanding any other provision of law to the contrary, the arbitrator's decision may include all make-whole relief, including without limitation reinstatement. The principal shall fill positions by appointment as provided in this Section and may make recommendations to the board regarding the employment, discharge, or layoff of any individual. The authority of the principal shall include the authority to direct the hours during which the attendance center shall be open and available for use provided the use complies with board rules and policies, to determine when and what operations shall be conducted within those hours, and to schedule staff within those hours. Under the direction of, and subject to the authority of the principal, the Engineer In Charge shall be accountable for the safe, economical operation of the plant and grounds and shall also be responsible for orientation, training, and supervising the work of Engineers, Trainees, school maintenance assistants, custodial workers and other plant operation employees under his or her direction.

There shall be established by the board a system of semi-annual evaluations conducted by the principal as to performance of the engineer in charge. Nothing in this Section shall prevent the principal from conducting additional evaluations. An overall numerical rating shall be given by the principal based on the evaluation conducted by the principal. An unsatisfactory numerical rating shall result in disciplinary action, which may include, without limitation and in the judgment of the principal, loss of promotion or bidding procedure, reprimand, suspension with or without pay, or recommended dismissal. The board shall establish procedures for conducting the evaluation and reporting the results to the engineer in charge.

Under the direction of, and subject to the authority of, the principal, the Food Service Manager is responsible at all times for the proper operation and maintenance of the lunch room to which he is
assigned and shall also be responsible for the orientation, training, and 
supervising the work of cooks, bakers, porters, and lunchroom attendants 
under his or her direction.

There shall be established by the Board a system of semi-annual 
evaluations conducted by the principal as to the performance of the food 
service manager. Nothing in this Section shall prevent the principal from 
conducting additional evaluations. An overall numerical rating shall be 
given by the principal based on the evaluation conducted by the principal. 
An unsatisfactory numerical rating shall result in disciplinary action which 
may include, without limitation and in the judgment of the principal, loss 
of promotion or bidding procedure, reprimand, suspension with or without 
pay, or recommended dismissal. The board shall establish rules for 
conducting the evaluation and reporting the results to the food service 
manager.

Nothing in this Section shall be interpreted to require the 
employment or assignment of an Engineer-In-Charge or a Food Service 
Manager for each attendance center.

Principals shall be employed to supervise the educational operation 
of each attendance center. If a principal is absent due to extended illness or 
leave of absence, an assistant principal may be assigned as acting 
principal for a period not to exceed 100 school days. Each principal shall 
assume administrative responsibility and instructional leadership, in 
accordance with reasonable rules and regulations of the board, for the 
planning, operation and evaluation of the educational program of the 
attendance center to which he is assigned. The principal shall submit 
recommendations to the general superintendent concerning the 
appointment, dismissal, retention, promotion, and assignment of all 
personnel assigned to the attendance center; provided, that from and after 
September 1, 1989: (i) if any vacancy occurs in a position at the attendance 
center or if an additional or new position is created at the attendance 
center, that position shall be filled by appointment made by the principal in 
accordance with procedures established and provided by the Board 
whenever the majority of the duties included in that position are to be 
performed at the attendance center which is under the principal's 
supervision, and each such appointment so made by the principal shall be 
made and based upon merit and ability to perform in that position without 
regard to seniority or length of service, provided, that such appointments 
shall be subject to the Board's desegregation obligations, including but not 
limited to the Consent Decree and Desegregation Plan in U.S. v. Chicago

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Board of Education; (ii) the principal shall submit recommendations based upon merit and ability to perform in the particular position, without regard to seniority or length of service, to the general superintendent concerning the appointment of any teacher, teacher aide, counselor, clerk, hall guard, security guard and any other personnel which is to be made by the general superintendent whenever less than a majority of the duties of that teacher, teacher aide, counselor, clerk, hall guard, and security guard and any other personnel are to be performed at the attendance center which is under the principal's supervision; and (iii) subject to law and the applicable collective bargaining agreements, the authority and responsibilities of a principal with respect to the evaluation of all teachers and other personnel assigned to an attendance center shall commence immediately upon his or her appointment as principal of the attendance center, without regard to the length of time that he or she has been the principal of that attendance center.

Notwithstanding the existence of any other law of this State, nothing in this Act shall prevent the board from entering into a contract with a third party for services currently performed by any employee or bargaining unit member.

Notwithstanding any other provision of this Article, each principal may approve contracts, binding on the board, in the amount of no more than $10,000, if the contract is endorsed by the Local School Council.

Unless otherwise prohibited by law or by rule of the board, the principal shall provide to local school council members copies of all internal audits and any other pertinent information generated by any audits or reviews of the programs and operation of the attendance center.

Each principal shall hold a valid administrative certificate issued or exchanged in accordance with Article 21 and endorsed as required by that Article for the position of principal. The board may establish or impose academic, educational, examination, and experience requirements and criteria that are in addition to those established and required by Article 21 for issuance of a valid certificate endorsed for the position of principal as a condition of the nomination, selection, appointment, employment, or continued employment of a person as principal of any attendance center, or as a condition of the renewal of any principal's performance contract.

The board shall specify in its formal job description for principals, and from and after July 1, 1990 shall specify in the 4 year performance contracts for use with respect to all principals, that his or her primary responsibility is in the improvement of instruction. A majority of the time

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spent by a principal shall be spent on curriculum and staff development through both formal and informal activities, establishing clear lines of communication regarding school goals, accomplishments, practices and policies with parents and teachers. The principal, with the assistance of the local school council, shall develop a school improvement plan as provided in Section 34-2.4 and, upon approval of the plan by the local school council, shall be responsible for directing implementation of the plan. The principal, with the assistance of the professional personnel leadership committee, shall develop the specific methods and contents of the school's curriculum within the board's system-wide curriculum standards and objectives and the requirements of the school improvement plan. The board shall ensure that all principals are evaluated on their instructional leadership ability and their ability to maintain a positive education and learning climate. It shall also be the responsibility of the principal to utilize resources of proper law enforcement agencies when the safety and welfare of students and teachers are threatened by illegal use of drugs and alcohol, by illegal use or possession of weapons, or by illegal gang activity.

Nothing in this Section shall prohibit the board and the exclusive representative of the district's teachers from entering into an agreement under Section 34-85c of this Code to establish alternative procedures for teacher evaluation, remediation, and removal for cause after remediation, including an alternative system for peer evaluation and recommendations, for teachers assigned to schools identified in that agreement.

On or before October 1, 1989, the Board of Education, in consultation with any professional organization representing principals in the district, shall promulgate rules and implement a lottery for the purpose of determining whether a principal's existing performance contract (including the performance contract applicable to any principal's position in which a vacancy then exists) expires on June 30, 1990 or on June 30, 1991, and whether the ensuing 4 year performance contract begins on July 1, 1990 or July 1, 1991. The Board of Education shall establish and conduct the lottery in such manner that of all the performance contracts of principals (including the performance contracts applicable to all principal positions in which a vacancy then exists), 50% of such contracts shall expire on June 30, 1990, and 50% shall expire on June 30, 1991. All persons serving as principal on May 1, 1989, and all persons appointed as principal after May 1, 1989 and prior to July 1, 1990 or July 1, 1991, in a manner other than as provided by Section 34-2.3, shall be deemed by

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operation of law to be serving under a performance contract which expires on June 30, 1990 or June 30, 1991; and unless such performance contract of any such principal is renewed (or such person is again appointed to serve as principal) in the manner provided by Section 34-2.2 or 34-2.3, the employment of such person as principal shall terminate on June 30, 1990 or June 30, 1991.

Commencing on July 1, 1990, or on July 1, 1991, and thereafter, the principal of each attendance center shall be the person selected in the manner provided by Section 34-2.3 to serve as principal of that attendance center under a 4 year performance contract. All performance contracts of principals expiring after July 1, 1990, or July 1, 1991, shall commence on the date specified in the contract, and the renewal of their performance contracts and the appointment of principals when their performance contracts are not renewed shall be governed by Sections 34-2.2 and 34-2.3. Whenever a vacancy in the office of a principal occurs for any reason, the vacancy shall be filled by the selection of a new principal to serve under a 4 year performance contract in the manner provided by Section 34-2.3.

The board of education shall develop and prepare, in consultation with the organization representing principals, a performance contract for use at all attendance centers, and shall furnish the same to each local school council. The term of the performance contract shall be 4 years, unless the principal is retained by the decision of a hearing officer pursuant to subdivision 1.5 of Section 34-2.3, in which case the contract shall be extended for 2 years. The performance contract of each principal shall consist of the uniform performance contract, as developed or from time to time modified by the board, and such additional criteria as are established by a local school council pursuant to Section 34-2.3 for the performance contract of its principal.

During the term of his or her performance contract, a principal may be removed only as provided for in the performance contract except for cause. He or she shall also be obliged to follow the rules of the board of education concerning conduct and efficiency.

In the event the performance contract of a principal is not renewed or a principal is not reappointed as principal under a new performance contract, or in the event a principal is appointed to any position of superintendent or higher position, or voluntarily resigns his position of principal, his or her employment as a principal shall terminate and such former principal shall not be reinstated to the position from which he or she was promoted to principal, except that he or she, if otherwise qualified

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and certified in accordance with Article 21, shall be placed by the board on appropriate eligibility lists which it prepares for use in the filling of vacant or additional or newly created positions for teachers. The principal's total years of service to the board as both a teacher and a principal, or in other professional capacities, shall be used in calculating years of experience for purposes of being selected as a teacher into new, additional or vacant positions.

In the event the performance contract of a principal is not renewed or a principal is not reappointed as principal under a new performance contract, such principal shall be eligible to continue to receive his or her previously provided level of health insurance benefits for a period of 90 days following the non-renewal of the contract at no expense to the principal, provided that such principal has not retired. (Source: P.A. 95-331, eff. 8-21-07; 95-510, eff. 8-28-07; revised 10-9-15.)

Section 255. The University of Illinois Act is amended by changing Section 9 as follows:

Sec. 9. Scholarships for children of veterans. For each of the following periods of hostilities, each county shall be entitled, annually, to one honorary scholarship in the University, for the benefit of the children of persons who served in the armed forces of the United States, except that the total number of scholarships annually granted to recipients from each county may not exceed 3: any time between September 16, 1940 and the termination of World War II, any time during the national emergency between June 25, 1950 and January 31, 1955, any time during the Viet Nam conflict between January 1, 1961 and May 7, 1975, any time during the siege of Beirut and the Grenada Conflict between June 14, 1982 and December 15, 1983, or any time on or after August 2, 1990 and until Congress or the President orders that persons in service are no longer eligible for the Southwest Asia Service Medal, Operation Enduring Freedom, and Operation Iraqi Freedom. Preference for scholarships shall be given to the children of persons who are deceased or to the children of persons who have a disability. Such scholarships shall be granted to such pupils as shall, upon public examination, conducted as the board of trustees of the University may determine, be decided to have attained the greatest proficiency in the branches of learning usually taught in the secondary schools, and who shall be of good moral character, and not less than 15 years of age. Such pupils, so selected, shall be entitled to receive, without charge for tuition, instruction in any or all departments of the

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University for a term of at least 4 consecutive years. Such pupils shall conform, in all respects, to the rules and regulations of the University, established for the government of the pupils in attendance.
(Source: P.A. 99-143, eff. 7-27-15; 99-377, eff. 8-17-15; revised 10-21-15.)

Section 260. The Illinois Credit Union Act is amended by changing Section 46 as follows:

(205 ILCS 305/46) (from Ch. 17, par. 4447)
Sec. 46. Loans and interest rate.

(1) A credit union may make loans to its members for such purpose and upon such security and terms, including rates of interest, as the credit committee, credit manager, or loan officer approves. Notwithstanding the provisions of any other law in connection with extensions of credit, a credit union may elect to contract for and receive interest and fees and other charges for extensions of credit subject only to the provisions of this Act and rules promulgated under this Act, except that extensions of credit secured by residential real estate shall be subject to the laws applicable thereto. The rates of interest to be charged on loans to members shall be set by the board of directors of each individual credit union in accordance with Section 30 of this Act and such rates may be less than, but may not exceed, the maximum rate set forth in this Section. A borrower may repay his loan prior to maturity, in whole or in part, without penalty. The credit contract may provide for the payment by the member and receipt by the credit union of all costs and disbursements, including reasonable attorney's fees and collection agency charges, incurred by the credit union to collect or enforce the debt in the event of a delinquency by the member, or in the event of a breach of any obligation of the member under the credit contract. A contingency or hourly arrangement established under an agreement entered into by a credit union with an attorney or collection agency to collect a loan of a member in default shall be presumed prima facie reasonable.

(2) Credit unions may make loans based upon the security of any interest or equity in real estate, subject to rules and regulations promulgated by the Secretary. In any contract or loan which is secured by a mortgage, deed of trust, or conveyance in the nature of a mortgage, on residential real estate, the interest which is computed, calculated, charged, or collected pursuant to such contract or loan, or pursuant to any regulation or rule promulgated pursuant to this Act, may not be computed, calculated, charged or collected for any period of time occurring after the date on

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which the total indebtedness, with the exception of late payment penalties, is paid in full.

For purposes of this subsection (2) of this Section 46, a prepayment shall mean the payment of the total indebtedness, with the exception of late payment penalties if incurred or charged, on any date before the date specified in the contract or loan agreement on which the total indebtedness shall be paid in full, or before the date on which all payments, if timely made, shall have been made. In the event of a prepayment of the indebtedness which is made on a date after the date on which interest on the indebtedness was last computed, calculated, charged, or collected but before the next date on which interest on the indebtedness was to be calculated, computed, charged, or collected, the lender may calculate, charge and collect interest on the indebtedness for the period which elapsed between the date on which the prepayment is made and the date on which interest on the indebtedness was last computed, calculated, charged or collected at a rate equal to 1/360 of the annual rate for each day which so elapsed, which rate shall be applied to the indebtedness outstanding as of the date of prepayment. The lender shall refund to the borrower any interest charged or collected which exceeds that which the lender may charge or collect pursuant to the preceding sentence. The provisions of Public Act 84-941 this amendatory Act of 1985 shall apply only to contracts or loans entered into on or after January 1, 1986 (the effective date of Public Act 84-941) this amendatory Act.

(3) (Blank).

(4) Notwithstanding any other provisions of this Act, a credit union authorized under this Act to make loans secured by an interest or equity in real property may engage in making revolving credit loans secured by mortgages or deeds of trust on such real property or by security assignments of beneficial interests in land trusts.

For purposes of this Section, "revolving credit" has the meaning defined in Section 4.1 of the Interest Act.

Any mortgage or deed of trust given to secure a revolving credit loan may, and when so expressed therein shall, secure not only the existing indebtedness but also such future advances, whether such advances are obligatory or to be made at the option of the lender, or otherwise, as are made within twenty years from the date thereof, to the same extent as if such future advances were made on the date of the execution of such mortgage or deed of trust, although there may be no advance made at the time of execution of such mortgage or other instrument, and although there

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may be no indebtedness outstanding at the time any advance is made. The
lien of such mortgage or deed of trust, as to third persons without actual
notice thereof, shall be valid as to all such indebtedness and future
advances form the time said mortgage or deed of trust is filed for record in
the office of the recorder of deeds or the registrar of titles of the county
where the real property described therein is located. The total amount of
indebtedness that may be so secured may increase or decrease from time to
time, but the total unpaid balance so secured at any one time shall not
exceed a maximum principal amount which must be specified in such
mortgage or deed of trust, plus interest thereon, and any disbursements
made for the payment of taxes, special assessments, or insurance on said
real property, with interest on such disbursements.

Any such mortgage or deed of trust shall be valid and have priority
over all subsequent liens and encumbrances, including statutory liens,
except taxes and assessments levied on said real property.

(4-5) For purposes of this Section, "real estate" and "real property"
include a manufactured home as defined in subdivision (53) of Section 9-
102 of the Uniform Commercial Code which is real property as defined in
Section 5-35 of the Conveyance and Encumbrance of Manufactured
Homes as Real Property and Severance Act.

(5) Compliance with federal or Illinois preemptive laws or
regulations governing loans made by a credit union chartered under this
Act shall constitute compliance with this Act.

(6) Credit unions may make residential real estate mortgage loans
on terms and conditions established by the United States Department of
Agriculture through its Rural Development Housing and Community
Facilities Program. The portion of any loan in excess of the appraised
value of the real estate shall be allocable only to the guarantee fee required
under the program.

(7) For a renewal, refinancing, or restructuring of an existing loan
at the credit union that is secured by an interest or equity in real estate, a
new appraisal of the collateral shall not be required when (i) no new
moneys are advanced other than funds necessary to cover reasonable
closing costs, or (ii) there has been no obvious or material change in
market conditions or physical aspects of the real estate that threatens the
adequacy of the credit union's real estate collateral protection after the
transaction, even with the advancement of new moneys. The Department
reserves the right to require an appraisal under this subsection (7)

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whenever the Department believes it is necessary to address safety and soundness concerns.

(Source: P.A. 98-749, eff. 7-16-14; 98-784, eff. 7-24-14; 99-78, eff. 7-20-15; 99-149, eff. 1-1-16; 99-331, eff. 1-1-16; revised 10-16-15.)

Section 265. The Corporate Fiduciary Act is amended by changing Section 5-10.5 as follows:

(205 ILCS 620/5-10.5)

Sec. 5-10.5. Disclosure of records. A corporate fiduciary may not disclose to any person, except to the customer or the customer's duly authorized agent, any records pertaining to the fiduciary relationship between the corporate fiduciary and the customer unless:

1. the instrument or court order establishing the fiduciary relationship permits the record to be disclosed under the circumstances;
2. applicable law authorizes the disclosure;
3. disclosure by the corporate fiduciary is necessary to perform a transaction or act that is authorized by the instrument or court order establishing the fiduciary relationship; or
4. Section 48.1 of the Illinois Banking Act would permit a bank to disclose the record to the same extent under the circumstances.

For purposes of this Section, "customer" means the person or individual who contracted to establish the fiduciary relationship or who executed any instrument or document from which the fiduciary relationship was established, a person authorized by the customer to provide such direction or, if the instrument, law, or court order so permits, the beneficiaries of the fiduciary relationship.

(Source: P.A. 89-364, eff. 8-18-95; revised 10-14-15.)

Section 270. The Ambulatory Surgical Treatment Center Act is amended by changing Section 6.5 as follows:

(210 ILCS 5/6.5)

Sec. 6.5. Clinical privileges; advanced practice nurses. All ambulatory surgical treatment centers (ASTC) licensed under this Act shall comply with the following requirements:

1. No ASTC policy, rule, regulation, or practice shall be inconsistent with the provision of adequate collaboration and consultation in accordance with Section 54.5 of the Medical Practice Act of 1987.

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(2) Operative surgical procedures shall be performed only by a physician licensed to practice medicine in all its branches under the Medical Practice Act of 1987, a dentist licensed under the Illinois Dental Practice Act, or a podiatric physician licensed under the Podiatric Medical Practice Act of 1987, with medical staff membership and surgical clinical privileges granted by the consulting committee of the ASTC. A licensed physician, dentist, or podiatric physician may be assisted by a physician licensed to practice medicine in all its branches, dentist, dental assistant, podiatric physician, licensed advanced practice nurse, licensed physician assistant, licensed registered nurse, licensed practical nurse, surgical assistant, surgical technician, or other individuals granted clinical privileges to assist in surgery by the consulting committee of the ASTC. Payment for services rendered by an assistant in surgery who is not an ambulatory surgical treatment center employee shall be paid at the appropriate non-physician modifier rate if the payor would have made payment had the same services been provided by a physician.

(2.5) A registered nurse licensed under the Nurse Practice Act and qualified by training and experience in operating room nursing shall be present in the operating room and function as the circulating nurse during all invasive or operative procedures. For purposes of this paragraph (2.5), "circulating nurse" means a registered nurse who is responsible for coordinating all nursing care, patient safety needs, and the needs of the surgical team in the operating room during an invasive or operative procedure.

(3) An advanced practice nurse is not required to possess prescriptive authority or a written collaborative agreement meeting the requirements of the Nurse Practice Act to provide advanced practice nursing services in an ambulatory surgical treatment center. An advanced practice nurse must possess clinical privileges granted by the consulting medical staff committee and ambulatory surgical treatment center in order to provide services. Individual advanced practice nurses may also be granted clinical privileges to order, select, and administer medications, including controlled substances, to provide delineated care. The attending physician must determine the advanced practice nurse's role in providing care for his or her patients, except as otherwise provided in the consulting staff policies. The consulting medical staff

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committee shall periodically review the services of advanced practice nurses granted privileges.

(4) The anesthesia service shall be under the direction of a physician licensed to practice medicine in all its branches who has had specialized preparation or experience in the area or who has completed a residency in anesthesiology. An anesthesiologist, Board certified or Board eligible, is recommended. Anesthesia services may only be administered pursuant to the order of a physician licensed to practice medicine in all its branches, licensed dentist, or licensed podiatric physician.

(A) The individuals who, with clinical privileges granted by the medical staff and ASTC, may administer anesthesia services are limited to the following:

(i) an anesthesiologist; or
(ii) a physician licensed to practice medicine in all its branches; or
(iii) a dentist with authority to administer anesthesia under Section 8.1 of the Illinois Dental Practice Act; or
(iv) a licensed certified registered nurse anesthetist; or
(v) a podiatric physician licensed under the Podiatric Medical Practice Act of 1987.

(B) For anesthesia services, an anesthesiologist shall participate through discussion of and agreement with the anesthesia plan and shall remain physically present and be available on the premises during the delivery of anesthesia services for diagnosis, consultation, and treatment of emergency medical conditions. In the absence of 24-hour availability of anesthesiologists with clinical privileges, an alternate policy (requiring participation, presence, and availability of a physician licensed to practice medicine in all its branches) shall be developed by the medical staff consulting committee in consultation with the anesthesia service and included in the medical staff consulting committee policies.

(C) A certified registered nurse anesthetist is not required to possess prescriptive authority or a written collaborative agreement meeting the requirements of

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Section 65-35 of the Nurse Practice Act to provide anesthesia services ordered by a licensed physician, dentist, or podiatric physician. Licensed certified registered nurse anesthetists are authorized to select, order, and administer drugs and apply the appropriate medical devices in the provision of anesthesia services under the anesthesia plan agreed with by the anesthesiologist or, in the absence of an available anesthesiologist with clinical privileges, agreed with by the operating physician, operating dentist, or operating podiatric physician in accordance with the medical staff consulting committee policies of a licensed ambulatory surgical treatment center.

(Source: P.A. 98-214, eff. 8-9-13; revised 10-21-15.)

Section 275. The Abused and Neglected Long Term Care Facility Residents Reporting Act is amended by changing Section 6 as follows:

(210 ILCS 30/6) (from Ch. 111 1/2, par. 4166)

Sec. 6. All reports of suspected abuse or neglect made under this Act shall be made immediately by telephone to the Department's central register established under Section 14 on the single, State-wide, toll-free telephone number established under Section 13, or in person or by telephone through the nearest Department office. No long term care facility administrator, agent or employee, or any other person, shall screen reports or otherwise withhold any reports from the Department, and no long term care facility, department of State government, or other agency shall establish any rules, criteria, standards or guidelines to the contrary. Every long term care facility, department of State government and other agency whose employees are required to make or cause to be made reports under Section 4 shall notify its employees of the provisions of that Section and of this Section, and provide to the Department documentation that such notification has been given. The Department of Human Services shall train all of its mental health and developmental disabilities employees in the detection and reporting of suspected abuse and neglect of residents. Reports made to the central register through the State-wide, toll-free telephone number shall be transmitted to appropriate Department offices and municipal health departments that have responsibility for licensing long term care facilities under the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act of 2013, the ID/DD Community Care Act, or the MC/DD Act. All reports received through offices of the Department shall be forwarded to the central register, in a manner and

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form described by the Department. The Department shall be capable of receiving reports of suspected abuse and neglect 24 hours a day, 7 days a week. Reports shall also be made in writing deposited in the U.S. mail, postage prepaid, within 24 hours after having reasonable cause to believe that the condition of the resident resulted from abuse or neglect. Such reports may in addition be made to the local law enforcement agency in the same manner. However, in the event a report is made to the local law enforcement agency, the reporter also shall immediately so inform the Department. The Department shall initiate an investigation of each report of resident abuse and neglect under this Act, whether oral or written, as provided for in Section 3-702 of the Nursing Home Care Act, Section 2-208 of the Specialized Mental Health Rehabilitation Act of 2013, Section 3-702 of the ID/DD Community Care Act, or Section 3-702 of the MC/DD Act, except that reports of abuse which indicate that a resident's life or safety is in imminent danger shall be investigated within 24 hours of such report. The Department may delegate to law enforcement officials or other public agencies the duty to perform such investigation.

With respect to investigations of reports of suspected abuse or neglect of residents of mental health and developmental disabilities institutions under the jurisdiction of the Department of Human Services, the Department shall transmit copies of such reports to the Department of State Police, the Department of Human Services, and the Inspector General appointed under Section 1-17 of the Department of Human Services Act. If the Department receives a report of suspected abuse or neglect of a recipient of services as defined in Section 1-123 of the Mental Health and Developmental Disabilities Code, the Department shall transmit copies of such report to the Inspector General and the Directors of the Guardianship and Advocacy Commission and the agency designated by the Governor pursuant to the Protection and Advocacy for Persons with Developmental Disabilities Act. When requested by the Director of the Guardianship and Advocacy Commission, the agency designated by the Governor pursuant to the Protection and Advocacy for Persons with Developmental Disabilities Act, or the Department of Financial and Professional Regulation, the Department, the Department of Human Services and the Department of State Police shall make available a copy of the final investigative report regarding investigations conducted by their respective agencies on incidents of suspected abuse or neglect of residents of mental health and developmental disabilities institutions or individuals receiving services at community agencies under the jurisdiction of the

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Department of Human Services. Such final investigative report shall not contain witness statements, investigation notes, draft summaries, results of lie detector tests, investigative files or other raw data which was used to compile the final investigative report. Specifically, the final investigative report of the Department of State Police shall mean the Director's final transmittal letter. The Department of Human Services shall also make available a copy of the results of disciplinary proceedings of employees involved in incidents of abuse or neglect to the Directors. All identifiable information in reports provided shall not be further disclosed except as provided by the Mental Health and Developmental Disabilities Confidentiality Act. Nothing in this Section is intended to limit or construe the power or authority granted to the agency designated by the Governor pursuant to the Protection and Advocacy for Persons with Developmental Disabilities Act, pursuant to any other State or federal statute.

With respect to investigations of reported resident abuse or neglect, the Department shall effect with appropriate law enforcement agencies formal agreements concerning methods and procedures for the conduct of investigations into the criminal histories of any administrator, staff assistant or employee of the nursing home or other person responsible for the residents care, as well as for other residents in the nursing home who may be in a position to abuse, neglect or exploit the patient. Pursuant to the formal agreements entered into with appropriate law enforcement agencies, the Department may request information with respect to whether the person or persons set forth in this paragraph have ever been charged with a crime and if so, the disposition of those charges. Unless the criminal histories of the subjects involved crimes of violence or resident abuse or neglect, the Department shall be entitled only to information limited in scope to charges and their dispositions. In cases where prior crimes of violence or resident abuse or neglect are involved, a more detailed report can be made available to authorized representatives of the Department, pursuant to the agreements entered into with appropriate law enforcement agencies. Any criminal charges and their disposition information obtained by the Department shall be confidential and may not be transmitted outside the Department, except as required herein, to authorized representatives or delegates of the Department, and may not be transmitted to anyone within the Department who is not duly authorized to handle resident abuse or neglect investigations.

The Department shall effect formal agreements with appropriate law enforcement agencies in the various counties and communities to

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encourage cooperation and coordination in the handling of resident abuse or neglect cases pursuant to this Act. The Department shall adopt and implement methods and procedures to promote statewide uniformity in the handling of reports of abuse and neglect under this Act, and those methods and procedures shall be adhered to by personnel of the Department involved in such investigations and reporting. The Department shall also make information required by this Act available to authorized personnel within the Department, as well as its authorized representatives.

The Department shall keep a continuing record of all reports made pursuant to this Act, including indications of the final determination of any investigation and the final disposition of all reports.

The Department shall report annually to the General Assembly on the incidence of abuse and neglect of long term care facility residents, with special attention to residents who are persons with mental disabilities. The report shall include but not be limited to data on the number and source of reports of suspected abuse or neglect filed under this Act, the nature of any injuries to residents, the final determination of investigations, the type and number of cases where abuse or neglect is determined to exist, and the final disposition of cases.

(Source: P.A. 98-104, eff. 7-22-13; 99-143, eff. 7-27-15; 99-180, eff. 7-29-15; revised 10-9-15.)

Section 280. The Nursing Home Care Act is amended by changing Sections 1-113, 2-201.5, and 3-702 as follows:

(210 ILCS 45/1-113) (from Ch. 111 1/2, par. 4151-113)

Sec. 1-113. "Facility" or "long-term care facility" means a private home, institution, building, residence, or any other place, whether operated for profit or not, or a county home for the infirm and chronically ill operated pursuant to Division 5-21 or 5-22 of the Counties Code, or any similar institution operated by a political subdivision of the State of Illinois, which provides, through its ownership or management, personal care, sheltered care or nursing for 3 or more persons, not related to the applicant or owner by blood or marriage. It includes skilled nursing facilities and intermediate care facilities as those terms are defined in Title XVIII and Title XIX of the federal Social Security Act. It also includes homes, institutions, or other places operated by or under the authority of the Illinois Department of Veterans' Affairs.

"Facility" does not include the following:

(1) A home, institution, or other place operated by the federal government or agency thereof, or by the State of Illinois,
other than homes, institutions, or other places operated by or under the authority of the Illinois Department of Veterans' Affairs;

   (2) A hospital, sanitarium, or other institution whose principal activity or business is the diagnosis, care, and treatment of human illness through the maintenance and operation as organized facilities therefor, which is required to be licensed under the Hospital Licensing Act;

   (3) Any "facility for child care" as defined in the Child Care Act of 1969;

   (4) Any "Community Living Facility" as defined in the Community Living Facilities Licensing Act;

   (5) Any "community residential alternative" as defined in the Community Residential Alternatives Licensing Act;

   (6) Any nursing home or sanatorium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer, in accordance with the creed or tenets of any well-recognized church or religious denomination. However, such nursing home or sanatorium shall comply with all local laws and rules relating to sanitation and safety;

   (7) Any facility licensed by the Department of Human Services as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangements Licensure and Certification Act;

   (8) Any "Supportive Residence" licensed under the Supportive Residences Licensing Act;

   (9) Any "supportive living facility" in good standing with the program established under Section 5-5.01a of the Illinois Public Aid Code, except only for purposes of the employment of persons in accordance with Section 3-206.01;

   (10) Any assisted living or shared housing establishment licensed under the Assisted Living and Shared Housing Act, except only for purposes of the employment of persons in accordance with Section 3-206.01;

   (11) An Alzheimer's disease management center alternative health care model licensed under the Alternative Health Care Delivery Act;

   (12) A facility licensed under the ID/DD Community Care Act;

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(13) A facility licensed under the Specialized Mental Health Rehabilitation Act of 2013; or
(14) A facility licensed under the MC/DD Act; or
(15) A medical foster home, as defined in 38 CFR 17.73, that is under the oversight of the United States Department of Veterans Affairs.

(Source: P.A. 98-104, eff. 7-22-13; 99-180, eff. 7-29-15; 99-376, eff. 1-1-16; revised 10-16-15.)

(210 ILCS 45/2-201.5)
Sec. 2-201.5. Screening prior to admission.
(a) All persons age 18 or older seeking admission to a nursing facility must be screened to determine the need for nursing facility services prior to being admitted, regardless of income, assets, or funding source. Screening for nursing facility services shall be administered through procedures established by administrative rule. Screening may be done by agencies other than the Department as established by administrative rule. This Section applies on and after July 1, 1996. No later than October 1, 2010, the Department of Healthcare and Family Services, in collaboration with the Department on Aging, the Department of Human Services, and the Department of Public Health, shall file administrative rules providing for the gathering, during the screening process, of information relevant to determining each person's potential for placing other residents, employees, and visitors at risk of harm.

(a-1) Any screening performed pursuant to subsection (a) of this Section shall include a determination of whether any person is being considered for admission to a nursing facility due to a need for mental health services. For a person who needs mental health services, the screening shall also include an evaluation of whether there is permanent supportive housing, or an array of community mental health services, including but not limited to supported housing, assertive community treatment, and peer support services, that would enable the person to live in the community. The person shall be told about the existence of any such services that would enable the person to live safely and humanely and about available appropriate nursing home services that would enable the person to live safely and humanely, and the person shall be given the assistance necessary to avail himself or herself of any available services.

(a-2) Pre-screening for persons with a serious mental illness shall be performed by a psychiatrist, a psychologist, a registered nurse certified in psychiatric nursing, a licensed clinical professional counselor, or a

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licensed clinical social worker, who is competent to (i) perform a clinical
assessment of the individual, (ii) certify a diagnosis, (iii) make a
determination about the individual's current need for treatment, including
substance abuse treatment, and recommend specific treatment, and (iv)
determine whether a facility or a community-based program is able to
meet the needs of the individual.

For any person entering a nursing facility, the pre-screening agent
shall make specific recommendations about what care and services the
individual needs to receive, beginning at admission, to attain or maintain
the individual's highest level of independent functioning and to live in the
most integrated setting appropriate for his or her physical and personal
care and developmental and mental health needs. These recommendations
shall be revised as appropriate by the pre-screening or re-screening agent
based on the results of resident review and in response to changes in the
resident's wishes, needs, and interest in transition.

Upon the person entering the nursing facility, the Department of
Human Services or its designee shall assist the person in establishing a
relationship with a community mental health agency or other appropriate
agencies in order to (i) promote the person's transition to independent
living and (ii) support the person's progress in meeting individual goals.

(a-3) The Department of Human Services, by rule, shall provide for
a prohibition on conflicts of interest for pre-admission screeners. The rule
shall provide for waiver of those conflicts by the Department of Human
Services if the Department of Human Services determines that a scarcity
of qualified pre-admission screeners exists in a given community and that,
absent a waiver of conflicts, an insufficient number of pre-admission
screeners would be available. If a conflict is waived, the pre-admission
screener shall disclose the conflict of interest to the screened individual in
the manner provided for by rule of the Department of Human Services. For
the purposes of this subsection, a "conflict of interest" includes, but is not
limited to, the existence of a professional or financial relationship between
(i) a PAS-MH corporate or a PAS-MH agent and (ii) a community
provider or long-term care facility.

(b) In addition to the screening required by subsection (a), a
facility, except for those licensed under the MC/DD Act, shall, within 24
hours after admission, request a criminal history background check
pursuant to the Illinois Uniform Conviction Information Act for all
persons age 18 or older seeking admission to the facility, unless (i) a
background check was initiated by a hospital pursuant to subsection (d) of

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Section 6.09 of the Hospital Licensing Act or a pre-admission background check was conducted by the Department of Veterans' Affairs 30 days prior to admittance into an Illinois Veterans Home; (ii) the transferring resident is immobile; or (iii) the transferring resident is moving into hospice. The exemption provided in item (ii) or (iii) of this subsection (b) shall apply only if a background check was completed by the facility the resident resided at prior to seeking admission to the facility and the resident was transferred to the facility with no time passing during which the resident was not institutionalized. If item (ii) or (iii) of this subsection (b) applies, the prior facility shall provide a copy of its background check of the resident and all supporting documentation, including, when applicable, the criminal history report and the security assessment, to the facility to which the resident is being transferred. Background checks conducted pursuant to this Section shall be based on the resident's name, date of birth, and other identifiers as required by the Department of State Police. If the results of the background check are inconclusive, the facility shall initiate a fingerprint-based check, unless the fingerprint check is waived by the Director of Public Health based on verification by the facility that the resident is completely immobile or that the resident meets other criteria related to the resident's health or lack of potential risk which may be established by Departmental rule. A waiver issued pursuant to this Section shall be valid only while the resident is immobile or while the criteria supporting the waiver exist. The facility shall provide for or arrange for any required fingerprint-based checks to be taken on the premises of the facility. If a fingerprint-based check is required, the facility shall arrange for it to be conducted in a manner that is respectful of the resident's dignity and that minimizes any emotional or physical hardship to the resident.

(c) If the results of a resident's criminal history background check reveal that the resident is an identified offender as defined in Section 1-114.01, the facility shall do the following:

(1) Immediately notify the Department of State Police, in the form and manner required by the Department of State Police, in collaboration with the Department of Public Health, that the resident is an identified offender.

(2) Within 72 hours, arrange for a fingerprint-based criminal history record inquiry to be requested on the identified offender resident. The inquiry shall be based on the subject's name, sex, race, date of birth, fingerprint images, and other identifiers required by the Department of State Police. The inquiry shall be conducted in a manner that is respectful of the resident's dignity and that minimizes any emotional or physical hardship to the resident.
processed through the files of the Department of State Police and
the Federal Bureau of Investigation to locate any criminal history
record information that may exist regarding the subject. The
Federal Bureau of Investigation shall furnish to the Department of
State Police, pursuant to an inquiry under this paragraph (2), any
criminal history record information contained in its files.
The facility shall comply with all applicable provisions contained
in the *Illinois Uniform Conviction Information Act.*

All name-based and fingerprint-based criminal history record
inquiries shall be submitted to the Department of State Police
electronically in the form and manner prescribed by the Department of
State Police. The Department of State Police may charge the facility a fee
for processing name-based and fingerprint-based criminal history record
inquiries. The fee shall be deposited into the State Police Services Fund.
The fee shall not exceed the actual cost of processing the inquiry.

(d) (Blank).

(e) The Department shall develop and maintain a de-identified
database of residents who have injured facility staff, facility visitors, or
other residents, and the attendant circumstances, solely for the purposes of
evaluating and improving resident pre-screening and assessment
procedures (including the Criminal History Report prepared under Section
2-201.6) and the adequacy of Department requirements concerning the
provision of care and services to residents. A resident shall not be listed in
the database until a Department survey confirms the accuracy of the
listing. The names of persons listed in the database and information that
would allow them to be individually identified shall not be made public.
Neither the Department nor any other agency of State government may use
information in the database to take any action against any individual,
licensee, or other entity, unless the Department or agency receives the
information independent of this subsection (e). All information collected,
maintained, or developed under the authority of this subsection (e) for the
purposes of the database maintained under this subsection (e) shall be
treated in the same manner as information that is subject to Part 21 of
Article VIII of the Code of Civil Procedure.
(Source: P.A. 99-180, eff. 7-29-15; 99-314, eff. 8-7-15; 99-453, eff. 8-24-
15; revised 10-20-15.)

(210 ILCS 45/3-702) (from Ch. 111 1/2, par. 4153-702)

Sec. 3-702. (a) A person who believes that this Act or a rule
promulgated under this Act may have been violated may request an

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investigation. The request may be submitted to the Department in writing, by telephone, by electronic means, or by personal visit. An oral complaint shall be reduced to writing by the Department. The Department shall make available, through its website and upon request, information regarding the oral and phone intake processes and the list of questions that will be asked of the complainant. The Department shall request information identifying the complainant, including the name, address and telephone number, to help enable appropriate follow-up. The Department shall act on such complaints via on-site visits or other methods deemed appropriate to handle the complaints with or without such identifying information, as otherwise provided under this Section. The complainant shall be informed that compliance with such request is not required to satisfy the procedures for filing a complaint under this Act. The Department must notify complainants that complaints with less information provided are far more difficult to respond to and investigate.

(b) The substance of the complaint shall be provided in writing to the licensee, owner, or administrator no earlier than at the commencement of an on-site inspection of the facility which takes place pursuant to the complaint.

(c) The Department shall not disclose the name of the complainant unless the complainant consents in writing to the disclosure or the investigation results in a judicial proceeding, or unless disclosure is essential to the investigation. The complainant shall be given the opportunity to withdraw the complaint before disclosure. Upon the request of the complainant, the Department may permit the complainant or a representative of the complainant to accompany the person making the on-site inspection of the facility.

(d) Upon receipt of a complaint, the Department shall determine whether this Act or a rule promulgated under this Act has been or is being violated. The Department shall investigate all complaints alleging abuse or neglect within 7 days after the receipt of the complaint except that complaints of abuse or neglect which indicate that a resident's life or safety is in imminent danger shall be investigated within 24 hours after receipt of the complaint. All other complaints shall be investigated within 30 days after the receipt of the complaint. The Department employees investigating a complaint shall conduct a brief, informal exit conference with the facility to alert its administration of any suspected serious deficiency that poses a direct threat to the health, safety or welfare of a resident to enable an immediate correction for the alleviation or elimination of such threat. Such
information and findings discussed in the brief exit conference shall become a part of the investigating record but shall not in any way constitute an official or final notice of violation as provided under Section 3-301. All complaints shall be classified as "an invalid report", "a valid report", or "an undetermined report". For any complaint classified as "a valid report", the Department must determine within 30 working days if any rule or provision of this Act has been or is being violated.

(d-1) The Department shall, whenever possible, combine an on-site investigation of a complaint in a facility with other inspections in order to avoid duplication of inspections.

(e) In all cases, the Department shall inform the complainant of its findings within 10 days of its determination unless otherwise indicated by the complainant, and the complainant may direct the Department to send a copy of such findings to another person. The Department's findings may include comments or documentation provided by either the complainant or the licensee pertaining to the complaint. The Department shall also notify the facility of such findings within 10 days of the determination, but the name of the complainant or residents shall not be disclosed in this notice to the facility. The notice of such findings shall include a copy of the written determination; the correction order, if any; the warning notice, if any; the inspection report; or the State licensure form on which the violation is listed.

(f) A written determination, correction order, or warning notice concerning a complaint, together with the facility's response, shall be available for public inspection, but the name of the complainant or resident shall not be disclosed without his consent.

(g) A complainant who is dissatisfied with the determination or investigation by the Department may request a hearing under Section 3-703. The facility shall be given notice of any such hearing and may participate in the hearing as a party. If a facility requests a hearing under Section 3-703 which concerns a matter covered by a complaint, the complainant shall be given notice and may participate in the hearing as a party. A request for a hearing by either a complainant or a facility shall be submitted in writing to the Department within 30 days after the mailing of the Department's findings as described in subsection (e) of this Section. Upon receipt of the request the Department shall conduct a hearing as provided under Section 3-703.

(g-5) The Department shall conduct an annual review and make a report concerning the complaint process that includes the number of
complaints received, the breakdown of anonymous and non-anonymous complaints and whether the complaints were substantiated or not, the total number of substantiated complaints, and any other complaint information requested by the Long-Term Care Facility Advisory Board created under Section 2-204 of this Act or the Illinois Long-Term Care Council created under Section 4.04a of the Illinois Act on the Aging. This report shall be provided to the Long-Term Care Facility Advisory Board and the Illinois Long-Term Care Council. The Long-Term Care Facility Advisory Board and the Illinois Long-Term Care Council shall review the report and suggest any changes deemed necessary to the Department for review and action, including how to investigate and substantiate anonymous complaints.

(h) Any person who knowingly transmits a false report to the Department commits the offense of disorderly conduct under subsection (a)(8) of Section 26-1 of the Criminal Code of 2012.
(Source: P.A. 97-1150, eff. 1-25-13; 98-988, eff. 8-18-14; revised 10-9-15.)

Section 285. The MC/DD Act is amended by changing Section 2-104.2 as follows:

(210 ILCS 46/2-104.2)
Sec. 2-104.2. Do Not Resuscitate Orders. Every facility licensed under this Act shall establish a policy for the implementation of physician orders limiting resuscitation such as those commonly referred to as "Do Not Resuscitate" orders. This policy may only prescribe the format, method of documentation and duration of any physician orders limiting resuscitation. Any orders under this policy shall be honored by the facility. The Department of Public Health Uniform POLST DNR/POLST form or a copy of that form or a previous version of the uniform form shall be honored by the facility.
(Source: P.A. 99-180, eff. 7-29-15; revised 10-13-15.)

Section 290. The ID/DD Community Care Act is amended by changing Sections 1-101.05 and 1-113 as follows:

(210 ILCS 47/1-101.05)
Sec. 1-101.05. Prior law.

(a) This Act provides for licensure of intermediate care facilities for persons with developmental disabilities under this Act instead of under the Nursing Home Care Act. On and after July 1, 2010 (the effective date of this Act), those facilities shall be governed by this Act instead of the Nursing Home Care Act.

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On and after July 29, 2015 (the effective date of Public Act 99-180) this amendatory Act of the 99th General Assembly, long-term care for under age 22 facilities shall be known as medically complex for the developmentally disabled facilities and governed by the MC/DD Act instead of this Act.

(b) If any other Act of the General Assembly changes, adds, or repeals a provision of the Nursing Home Care Act that is the same as or substantially similar to a provision of this Act, then that change, addition, or repeal in the Nursing Home Care Act shall be construed together with this Act until July 1, 2010 and not thereafter.

(c) Nothing in this Act affects the validity or effect of any finding, decision, or action made or taken by the Department or the Director under the Nursing Home Care Act before July 1, 2010 (the effective date of this Act) with respect to a facility subject to licensure under this Act. That finding, decision, or action shall continue to apply to the facility on and after July 1, 2010 (the effective date of this Act). Any finding, decision, or action with respect to the facility made or taken on or after July 1, 2010 (the effective date of this Act) shall be made or taken as provided in this Act.

(Source: P.A. 99-143, eff. 7-27-15; 99-180, eff. 7-29-15; revised 10-14-15.)

(210 ILCS 47/1-113)
Sec. 1-113. Facility. "ID/DD facility" or "facility" means an intermediate care facility for persons with developmental disabilities, whether operated for profit or not, which provides, through its ownership or management, personal care or nursing for 3 or more persons not related to the applicant or owner by blood or marriage. It includes intermediate care facilities for the intellectually disabled as the term is defined in Title XVIII and Title XIX of the federal Social Security Act.

"Facility" does not include the following:

(1) A home, institution, or other place operated by the federal government or agency thereof, or by the State of Illinois, other than homes, institutions, or other places operated by or under the authority of the Illinois Department of Veterans' Affairs;

(2) A hospital, sanitarium, or other institution whose principal activity or business is the diagnosis, care, and treatment of human illness through the maintenance and operation as organized facilities therefore, which is required to be licensed under the Hospital Licensing Act;

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(3) Any "facility for child care" as defined in the Child Care Act of 1969;

(4) Any "community living facility" as defined in the Community Living Facilities Licensing Act;

(5) Any "community residential alternative" as defined in the Community Residential Alternatives Licensing Act;

(6) Any nursing home or sanatorium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer, in accordance with the creed or tenets of any well recognized church or religious denomination. However, such nursing home or sanatorium shall comply with all local laws and rules relating to sanitation and safety;

(7) Any facility licensed by the Department of Human Services as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangements Licensure and Certification Act;

(8) Any "supportive residence" licensed under the Supportive Residences Licensing Act;

(9) Any "supportive living facility" in good standing with the program established under Section 5-5.01a of the Illinois Public Aid Code, except only for purposes of the employment of persons in accordance with Section 3-206.01;

(10) Any assisted living or shared housing establishment licensed under the Assisted Living and Shared Housing Act, except only for purposes of the employment of persons in accordance with Section 3-206.01;

(11) An Alzheimer's disease management center alternative health care model licensed under the Alternative Health Care Delivery Act;

(12) A home, institution, or other place operated by or under the authority of the Illinois Department of Veterans' Affairs; or

(13) Any MC/DD facility licensed under the MC/DD Act.
(Source: P.A. 99-143, eff. 7-27-15; 99-180, eff. 7-29-15; revised 10-14-15.)

Section 295. The Hospital Licensing Act is amended by changing Sections 6.09, 10.2, and 10.7 as follows:

(210 ILCS 85/6.09) (from Ch. 111 1/2, par. 147.09)

New matter indicated by italics - deletions by strikeout
Sec. 6.09. (a) In order to facilitate the orderly transition of aged patients and patients with disabilities from hospitals to post-hospital care, whenever a patient who qualifies for the federal Medicare program is hospitalized, the patient shall be notified of discharge at least 24 hours prior to discharge from the hospital. With regard to pending discharges to a skilled nursing facility, the hospital must notify the case coordination unit, as defined in 89 Ill. Adm. Code 240.260, at least 24 hours prior to discharge. When the assessment is completed in the hospital, the case coordination unit shall provide the discharge planner with a copy of the prescreening information and accompanying materials, which the discharge planner shall transmit when the patient is discharged to a skilled nursing facility. If home health services are ordered, the hospital must inform its designated case coordination unit, as defined in 89 Ill. Adm. Code 240.260, of the pending discharge and must provide the patient with the case coordination unit's telephone number and other contact information.

(b) Every hospital shall develop procedures for a physician with medical staff privileges at the hospital or any appropriate medical staff member to provide the discharge notice prescribed in subsection (a) of this Section. The procedures must include prohibitions against discharging or referring a patient to any of the following if unlicensed, uncertified, or unregistered: (i) a board and care facility, as defined in the Board and Care Home Act; (ii) an assisted living and shared housing establishment, as defined in the Assisted Living and Shared Housing Act; (iii) a facility licensed under the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act of 2013, the ID/DD Community Care Act, or the MC/DD Act; (iv) a supportive living facility, as defined in Section 5-5.01a of the Illinois Public Aid Code; or (v) a free-standing hospice facility licensed under the Hospice Program Licensing Act if licensure, certification, or registration is required. The Department of Public Health shall annually provide hospitals with a list of licensed, certified, or registered board and care facilities, assisted living and shared housing establishments, nursing homes, supportive living facilities, facilities licensed under the ID/DD Community Care Act, the MC/DD Act, or the Specialized Mental Health Rehabilitation Act of 2013, and hospice facilities. Reliance upon this list by a hospital shall satisfy compliance with this requirement. The procedure may also include a waiver for any case in which a discharge notice is not feasible due to a short length of stay in the hospital by the patient, or for any case in which the patient...

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voluntarily desires to leave the hospital before the expiration of the 24 hour period.

(c) At least 24 hours prior to discharge from the hospital, the patient shall receive written information on the patient's right to appeal the discharge pursuant to the federal Medicare program, including the steps to follow to appeal the discharge and the appropriate telephone number to call in case the patient intends to appeal the discharge.

(d) Before transfer of a patient to a long term care facility licensed under the Nursing Home Care Act where elderly persons reside, a hospital shall as soon as practicable initiate a name-based criminal history background check by electronic submission to the Department of State Police for all persons between the ages of 18 and 70 years; provided, however, that a hospital shall be required to initiate such a background check only with respect to patients who:

1. are transferring to a long term care facility for the first time;
2. have been in the hospital more than 5 days;
3. are reasonably expected to remain at the long term care facility for more than 30 days;
4. have a known history of serious mental illness or substance abuse; and
5. are independently ambulatory or mobile for more than a temporary period of time.

A hospital may also request a criminal history background check for a patient who does not meet any of the criteria set forth in items (1) through (5).

A hospital shall notify a long term care facility if the hospital has initiated a criminal history background check on a patient being discharged to that facility. In all circumstances in which the hospital is required by this subsection to initiate the criminal history background check, the transfer to the long term care facility may proceed regardless of the availability of criminal history results. Upon receipt of the results, the hospital shall promptly forward the results to the appropriate long term care facility. If the results of the background check are inconclusive, the hospital shall have no additional duty or obligation to seek additional information from, or about, the patient.

(Source: P.A. 98-104, eff. 7-22-13; 98-651, eff. 6-16-14; 99-143, eff. 7-27-15; 99-180, eff. 7-29-15; revised 10-14-15.)

(210 ILCS 85/10.2) (from Ch. 111 1/2, par. 151.2)

New matter indicated by italics - deletions by strikeout
Sec. 10.2. Because the candid and conscientious evaluation of clinical practices is essential to the provision of adequate hospital care, it is the policy of this State to encourage peer review by health care providers. Therefore, no hospital and no individual who is a member, agent, or employee of a hospital, hospital medical staff, hospital administrative staff, or hospital governing board shall be liable for civil damages as a result of the acts, omissions, decisions, or any other conduct, except those involving wilful or wanton misconduct, of a medical utilization committee, medical review committee, patient care audit committee, medical care evaluation committee, quality review committee, credential committee, peer review committee, or any other committee or individual whose purpose, directly or indirectly, is internal quality control or medical study to reduce morbidity or mortality, or for improving patient care within a hospital, or the improving or benefiting of patient care and treatment, whether within a hospital or not, or for the purpose of professional discipline including institution of a summary suspension in accordance with Section 10.4 of this Act and the medical staff bylaws. Nothing in this Section shall relieve any individual or hospital from liability arising from treatment of a patient. For the purposes of this Section, "wilful and wanton misconduct" means a course of action that shows actual or deliberate intention to harm or that, if not intentional, shows an utter indifference to or conscious disregard for a person's own safety and the safety of others.

(Source: P.A. 91-448, eff. 8-6-99; revised 10-9-15.)

Sec. 10.7. Clinical privileges; advanced practice nurses. All hospitals licensed under this Act shall comply with the following requirements:

(1) No hospital policy, rule, regulation, or practice shall be inconsistent with the provision of adequate collaboration and consultation in accordance with Section 54.5 of the Medical Practice Act of 1987.

(2) Operative surgical procedures shall be performed only by a physician licensed to practice medicine in all its branches under the Medical Practice Act of 1987, a dentist licensed under the Illinois Dental Practice Act, or a podiatric physician licensed under the Podiatric Medical Practice Act of 1987, with medical staff membership and surgical clinical privileges granted at the...
hospital. A licensed physician, dentist, or podiatric physician may be assisted by a physician licensed to practice medicine in all its branches, dentist, dental assistant, podiatric physician, licensed advanced practice nurse, licensed physician assistant, licensed registered nurse, licensed practical nurse, surgical assistant, surgical technician, or other individuals granted clinical privileges to assist in surgery at the hospital. Payment for services rendered by an assistant in surgery who is not a hospital employee shall be paid at the appropriate non-physician modifier rate if the payor would have made payment had the same services been provided by a physician.

(2.5) A registered nurse licensed under the Nurse Practice Act and qualified by training and experience in operating room nursing shall be present in the operating room and function as the circulating nurse during all invasive or operative procedures. For purposes of this paragraph (2.5), "circulating nurse" means a registered nurse who is responsible for coordinating all nursing care, patient safety needs, and the needs of the surgical team in the operating room during an invasive or operative procedure.

(3) An advanced practice nurse is not required to possess prescriptive authority or a written collaborative agreement meeting the requirements of the Nurse Practice Act to provide advanced practice nursing services in a hospital. An advanced practice nurse must possess clinical privileges recommended by the medical staff and granted by the hospital in order to provide services. Individual advanced practice nurses may also be granted clinical privileges to order, select, and administer medications, including controlled substances, to provide delineated care. The attending physician must determine the advanced practice nurse's role in providing care for his or her patients, except as otherwise provided in medical staff bylaws. The medical staff shall periodically review the services of advanced practice nurses granted privileges. This review shall be conducted in accordance with item (2) of subsection (a) of Section 10.8 of this Act for advanced practice nurses employed by the hospital.

(4) The anesthesia service shall be under the direction of a physician licensed to practice medicine in all its branches who has had specialized preparation or experience in the area or who has completed a residency in anesthesiology. An anesthesiologist,
Board certified or Board eligible, is recommended. Anesthesia services may only be administered pursuant to the order of a physician licensed to practice medicine in all its branches, licensed dentist, or licensed podiatric physician.

(A) The individuals who, with clinical privileges granted at the hospital, may administer anesthesia services are limited to the following:
   (i) an anesthesiologist; or
   (ii) a physician licensed to practice medicine in all its branches; or
   (iii) a dentist with authority to administer anesthesia under Section 8.1 of the Illinois Dental Practice Act; or
   (iv) a licensed certified registered nurse anesthetist; or
   (v) a podiatric physician licensed under the Podiatric Medical Practice Act of 1987.

(B) For anesthesia services, an anesthesiologist shall participate through discussion of and agreement with the anesthesia plan and shall remain physically present and be available on the premises during the delivery of anesthesia services for diagnosis, consultation, and treatment of emergency medical conditions. In the absence of 24-hour availability of anesthesiologists with medical staff privileges, an alternate policy (requiring participation, presence, and availability of a physician licensed to practice medicine in all its branches) shall be developed by the medical staff and licensed hospital in consultation with the anesthesia service.

(C) A certified registered nurse anesthetist is not required to possess prescriptive authority or a written collaborative agreement meeting the requirements of Section 65-35 of the Nurse Practice Act to provide anesthesia services ordered by a licensed physician, dentist, or podiatric physician. Licensed certified registered nurse anesthetists are authorized to select, order, and administer drugs and apply the appropriate medical devices in the provision of anesthesia services under the anesthesia plan agreed with by the anesthesiologist or, in the absence of an
available anesthesiologist with clinical privileges, agreed with by the operating physician, operating dentist, or operating podiatric physician in accordance with the hospital's alternative policy.

(Source: P.A. 98-214, eff. 8-9-13; revised 10-21-15.)

Section 300. The Illinois Migrant Labor Camp Law is amended by changing Sections 4 and 6 as follows:

(210 ILCS 110/4) (from Ch. 111 1/2, par. 185.4)
Sec. 4. Applications for a license to operate or maintain a Migrant Labor Camp or for a renewal thereof shall be made upon paper or electronic forms to be furnished by the Department. Such application shall include:

(a) The name and address of the applicant or applicants. If the applicant is a partnership, the names and addresses of all the partners shall also be given. If the applicant is a corporation, the names and addresses of the principal officers of the corporation shall be given.

(b) The approximate legal description and the address of the tract of land upon which the applicant proposes to operate and maintain such Migrant Labor Camp.

(c) A general plan or sketch of the *campsite* showing the location of the buildings or facilities together with a description of the buildings, of the water supply, of the toilet, bathing, and laundry facilities, and of the fire protection equipment.

(d) The date upon which the occupancy and use of the Migrant Labor Camp will commence.

The application for the original license or for any renewal thereof shall be accompanied by a fee of $100.

Application for the original license or for a renewal of the license shall be filed with the Department at least 10 business days prior to the date on which the occupancy and use of such camp is to commence. The camp shall be ready for inspection at least 5 business days prior to the date upon which the occupancy and use of such camp is to commence.

(Source: P.A. 97-135, eff. 7-14-11; 98-1034, eff. 8-25-14; revised 10-14-15.)

(210 ILCS 110/6) (from Ch. 111 1/2, par. 185.6)
Sec. 6. Upon receipt of an application for a license, the Department shall inspect, at its earliest opportunity, the *campsite* and the

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facilities described in the application. If the Department finds that the Migrant Labor Camp described in the application meets and complies with the provisions of this Act and the rules of the Department in relation thereto, the Director shall issue a license to the applicant for the operation of the camp.

If the application is denied, the Department shall notify the applicant in writing of such denial setting forth the reasons therefor. If the conditions constituting the basis for such denial are remediable, the applicant may correct such conditions and notify the Department in writing indicating therein the manner in which such conditions have been remedied. Notifications of corrections shall be processed in the same manner as the original application.

(Source: P.A. 97-135, eff. 7-14-11; 98-1034, eff. 8-25-14; revised 10-14-15.)

Section 305. The Tanning Facility Permit Act is amended by changing Section 80 as follows:

(210 ILCS 145/80) (from Ch. 111 1/2, par. 8351-80)
Sec. 80. Public nuisance.
(a) Any tanning facility operating without a valid permit or operating on a revoked permit shall be guilty of committing a public nuisance.
(b) A person convicted of knowingly maintaining a public nuisance commits a Class A misdemeanor. Each subsequent offense under this Section is a Class 4 felony.
(c) The Attorney General of this State or the State's Attorney of the county wherein the nuisance exists may commence an action to abate the nuisance. The court may without notice or bond enter a temporary restraining order or a preliminary injunction to enjoin the defendant from operating in violation of this Act.

(Source: P.A. 87-636; revised 10-9-15.)

Section 310. The Illinois Insurance Code is amended by changing Sections 131.4, 143a, 147.1, 356g, 356z.2, 460, 512.59, 902, and 1202 as follows:

(215 ILCS 5/131.4) (from Ch. 73, par. 743.4)
Sec. 131.4. Acquisition of control of or merger with domestic company.
(a) No person other than the issuer may make a tender for or a request or invitation for tenders of, or enter into an agreement to exchange securities for, or seek to acquire or acquire shareholders' proxies to vote or

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seek to acquire or acquire in the open market, or otherwise, any voting
security of a domestic company or acquire policyholders' proxies of a
domestic company or any entity that controls a domestic company, for
consideration if, after the consummation thereof, that person would,
directly or indirectly, (or by conversion or by exercise of any right to
acquire) be in control of the company, and no person may enter into an
agreement to merge or consolidate with or otherwise to acquire control of
a domestic company, unless the offer, request, invitation, or agreement is
conditioned on receiving the approval of the Director based on Section
131.8 of this Article and no such acquisition of control or a merger with a
domestic company may be consummated unless the person has filed with
the Director and has sent to the company a statement containing the
information required by Section 131.5 and the Director has approved the
transaction or granted an exemption. Prior to the acquisition, the Director
may conclude that a statement need not be filed by the acquiring party if
the acquiring party demonstrates to the satisfaction of the Director that:

(1) such transaction will not result in the change of control
of the domestic company; or
(2) (blank);
(3) the acquisition of, or attempt to acquire control of, such
other person is subject to requirements in the jurisdiction of its
domicile which are substantially similar to those contained in this
Section and Sections 131.5 through 131.12; or
(4) the control of the policyholders' proxies is being
acquired solely by virtue of the holders official office and not as
the result of any agreement or for any consideration.

The purpose of this Section is to afford to the Director the
opportunity to review acquisitions in order to determine whether or not the
acquisition would be adverse to the interests of the existing and future
policyholders of the company.

(b) For purposes of this Section, any controlling person of a
domestic company seeking to divest its controlling interest in the domestic
company in any manner shall file with the Director, with a copy to the
company, confidential notice of its proposed divestiture at least 30 days
prior to the cessation of control. The Director shall determine those
instances in which the party or parties seeking to divest or to acquire a
controlling interest in a company shall be required to file for and obtain
approval of the transaction. The information shall remain confidential until
the conclusion of the transaction unless the Director, in his or her

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discretion, determines that confidential treatment shall interfere with enforcement of this Section. If the statement referred to in subsection (a) of this Section is otherwise filed in connection with the proposed divestiture or related acquisition, this subsection (b) shall not apply.

(c) For purposes of this Section, a domestic company shall include any person controlling a domestic company unless the person, as determined by the Director, is either directly or through its affiliates primarily engaged in business other than the business of insurance. For the purposes of this Section, "person" shall not include any securities broker holding, in the usual and customary broker's function, less than 20% of the voting securities of an insurance company or of any person that controls an insurance company.

(Source: P.A. 98-609, eff. 1-1-14; revised 10-14-15.)

(215 ILCS 5/143a) (from Ch. 73, par. 755a)
Sec. 143a. Uninsured and hit and run motor vehicle coverage.

(1) No policy insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any person arising out of the ownership, maintenance or use of a motor vehicle that is designed for use on public highways and that is either required to be registered in this State or is principally garaged in this State shall be renewed, delivered, or issued for delivery in this State unless coverage is provided therein or supplemental thereto, in limits for bodily injury or death set forth in Section 7-203 of the Illinois Vehicle Code for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles and hit-and-run motor vehicles because of bodily injury, sickness or disease, including death, resulting therefrom. Uninsured motor vehicle coverage does not apply to bodily injury, sickness, disease, or death resulting therefrom, of an insured while occupying a motor vehicle owned by, or furnished or available for the regular use of the insured, a resident spouse or resident relative, if that motor vehicle is not described in the policy under which a claim is made or is not a newly acquired or replacement motor vehicle covered under the terms of the policy. The limits for any coverage for any vehicle under the policy may not be aggregated with the limits for any similar coverage, whether provided by the same insurer or another insurer, applying to other motor vehicles, for purposes of determining the total limit of insurance coverage available for bodily injury or death suffered by a person in any one accident. No policy shall be renewed, delivered, or issued for delivery

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in this State unless it is provided therein that any dispute with respect to
the coverage and the amount of damages shall be submitted for arbitration
to the American Arbitration Association and be subject to its rules for the
conduct of arbitration hearings as to all matters except medical opinions.
As to medical opinions, if the amount of damages being sought is equal to
or less than the amount provided for in Section 7-203 of the Illinois
Vehicle Code, then the current American Arbitration Association Rules
shall apply. If the amount being sought in an American Arbitration
Association case exceeds that amount as set forth in Section 7-203 of the
Illinois Vehicle Code, then the Rules of Evidence that apply in the circuit
court for placing medical opinions into evidence shall govern. Alternatively, disputes with respect to damages and the coverage shall be
determined in the following manner: Upon the insured requesting
arbitration, each party to the dispute shall select an arbitrator and the 2
arbitrators so named shall select a third arbitrator. If such arbitrators are
not selected within 45 days from such request, either party may request
that the arbitration be submitted to the American Arbitration Association.
Any decision made by the arbitrators shall be binding for the amount of
damages not exceeding $75,000 for bodily injury to or death of any one
person, $150,000 for bodily injury to or death of 2 or more persons in any
one motor vehicle accident, or the corresponding policy limits for bodily
injury or death, whichever is less. All 3-person arbitration cases
proceeding in accordance with any uninsured motorist coverage conducted
in this State in which the claimant is only seeking monetary damages up to
the limits set forth in Section 7-203 of the Illinois Vehicle Code shall be
subject to the following rules:

(A) If at least 60 days' written notice of the intention to
offer the following documents in evidence is given to every other
party, accompanied by a copy of the document, a party may offer in
evidence, without foundation or other proof:

(1) bills, records, and reports of hospitals, doctors,
dentists, registered nurses, licensed practical nurses,
physical therapists, and other healthcare providers;

(2) bills for drugs, medical appliances, and
prostheses;

(3) property repair bills or estimates, when
identified and itemized setting forth the charges for labor
and material used or proposed for use in the repair of the
property;

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(4) a report of the rate of earnings and time lost from work or lost compensation prepared by an employer;

(5) the written opinion of an opinion witness, the deposition of a witness, and the statement of a witness that the witness would be allowed to express if testifying in person, if the opinion or statement is made by affidavit or by certification as provided in Section 1-109 of the Code of Civil Procedure;

(6) any other document not specifically covered by any of the foregoing provisions that is otherwise admissible under the rules of evidence.

Any party receiving a notice under this paragraph (A) may apply to the arbitrator or panel of arbitrators, as the case may be, for the issuance of a subpoena directed to the author or maker or custodian of the document that is the subject of the notice, requiring the person subpoenaed to produce copies of any additional documents as may be related to the subject matter of the document that is the subject of the notice. Any such subpoena shall be issued in substantially similar form and served by notice as provided by Illinois Supreme Court Rule 204(a)(4). Any such subpoena shall be returnable not less than 5 days before the arbitration hearing.

(B) Notwithstanding the provisions of Supreme Court Rule 213(g), a party who proposes to use a written opinion of an expert or opinion witness or the testimony of an expert or opinion witness at the hearing may do so provided a written notice of that intention is given to every other party not less than 60 days prior to the date of hearing, accompanied by a statement containing the identity of the witness, his or her qualifications, the subject matter, the basis of the witness's conclusions, and his or her opinion.

(C) Any other party may subpoena the author or maker of a document admissible under this subsection, at that party's expense, and examine the author or maker as if under cross-examination. The provisions of Section 2-1101 of the Code of Civil Procedure shall be applicable to arbitration hearings, and it shall be the duty of a party requesting the subpoena to modify the form to show that the appearance is set before an arbitration panel and to give the time and place set for the hearing.

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(D) The provisions of Section 2-1102 of the Code of Civil Procedure shall be applicable to arbitration hearings under this subsection.

(2) No policy insuring against loss resulting from liability imposed by law for property damage arising out of the ownership, maintenance, or use of a motor vehicle shall be renewed, delivered, or issued for delivery in this State with respect to any private passenger or recreational motor vehicle that is designed for use on public highways and that is either required to be registered in this State or is principally garaged in this State and is not covered by collision insurance under the provisions of such policy, unless coverage is made available in the amount of the actual cash value of the motor vehicle described in the policy or $15,000 whichever is less, subject to a $250 deductible, for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles and hit-and-run motor vehicles because of property damage to the motor vehicle described in the policy.

There shall be no liability imposed under the uninsured motorists property damage coverage required by this subsection if the owner or operator of the at-fault uninsured motor vehicle or hit-and-run motor vehicle cannot be identified. This subsection shall not apply to any policy which does not provide primary motor vehicle liability insurance for liabilities arising from the maintenance, operation, or use of a specifically insured motor vehicle.

Each insurance company providing motor vehicle property damage liability insurance shall advise applicants of the availability of uninsured motor vehicle property damage coverage, the premium therefor, and provide a brief description of the coverage. That information need be given only once and shall not be required in any subsequent renewal, reinstatement or reissuance, substitute, amended, replacement or supplementary policy. No written rejection shall be required, and the absence of a premium payment for uninsured motor vehicle property damage shall constitute conclusive proof that the applicant or policyholder has elected not to accept uninsured motorist property damage coverage.

An insurance company issuing uninsured motor vehicle property damage coverage may provide that:

(i) Property damage losses recoverable thereunder shall be limited to damages caused by the actual physical contact of an uninsured motor vehicle with the insured motor vehicle.

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(ii) There shall be no coverage for loss of use of the insured motor vehicle and no coverage for loss or damage to personal property located in the insured motor vehicle.

(iii) Any claim submitted shall include the name and address of the owner of the at-fault uninsured motor vehicle, or a registration number and description of the vehicle, or any other available information to establish that there is no applicable motor vehicle property damage liability insurance.

Any dispute with respect to the coverage and the amount of damages shall be submitted for arbitration to the American Arbitration Association and be subject to its rules for the conduct of arbitration hearings or for determination in the following manner: Upon the insured requesting arbitration, each party to the dispute shall select an arbitrator and the 2 arbitrators so named shall select a third arbitrator. If such arbitrators are not selected within 45 days from such request, either party may request that the arbitration be submitted to the American Arbitration Association. Any arbitration proceeding under this subsection seeking recovery for property damages shall be subject to the following rules:

(A) If at least 60 days' written notice of the intention to offer the following documents in evidence is given to every other party, accompanied by a copy of the document, a party may offer in evidence, without foundation or other proof:

1. property repair bills or estimates, when identified and itemized setting forth the charges for labor and material used or proposed for use in the repair of the property;

2. the written opinion of an opinion witness, the deposition of a witness, and the statement of a witness that the witness would be allowed to express if testifying in person, if the opinion or statement is made by affidavit or by certification as provided in Section 1-109 of the Code of Civil Procedure;

3. any other document not specifically covered by any of the foregoing provisions that is otherwise admissible under the rules of evidence.

Any party receiving a notice under this paragraph (A) may apply to the arbitrator or panel of arbitrators, as the case may be, for the issuance of a subpoena directed to the author or maker or custodian of the document that is the subject of the notice,
requiring the person subpoenaed to produce copies of any additional documents as may be related to the subject matter of the document that is the subject of the notice. Any such subpoena shall be issued in substantially similar form and served by notice as provided by Illinois Supreme Court Rule 204(a)(4). Any such subpoena shall be returnable not less than 5 days before the arbitration hearing.

(B) Notwithstanding the provisions of Supreme Court Rule 213(g), a party who proposes to use a written opinion of an expert or opinion witness or the testimony of an expert or opinion witness at the hearing may do so provided a written notice of that intention is given to every other party not less than 60 days prior to the date of hearing, accompanied by a statement containing the identity of the witness, his or her qualifications, the subject matter, the basis of the witness's conclusions, and his or her opinion.

(C) Any other party may subpoena the author or maker of a document admissible under this subsection, at that party's expense, and examine the author or maker as if under cross-examination. The provisions of Section 2-1101 of the Code of Civil Procedure shall be applicable to arbitration hearings, and it shall be the duty of a party requesting the subpoena to modify the form to show that the appearance is set before an arbitration panel and to give the time and place set for the hearing.

(D) The provisions of Section 2-1102 of the Code of Civil Procedure shall be applicable to arbitration hearings under this subsection.

(3) For the purpose of the coverage, the term "uninsured motor vehicle" includes, subject to the terms and conditions of the coverage, a motor vehicle where on, before or after the accident date the liability insurer thereof is unable to make payment with respect to the legal liability of its insured within the limits specified in the policy because of the entry by a court of competent jurisdiction of an order of rehabilitation or liquidation by reason of insolvency on or after the accident date. An insurer's extension of coverage, as provided in this subsection, shall be applicable to all accidents occurring after July 1, 1967 during a policy period in which its insured's uninsured motor vehicle coverage is in effect. Nothing in this Section may be construed to prevent any insurer from extending coverage under terms and conditions more favorable to its insureds than is required by this Section.
(4) In the event of payment to any person under the coverage required by this Section and subject to the terms and conditions of the coverage, the insurer making the payment shall, to the extent thereof, be entitled to the proceeds of any settlement or judgment resulting from the exercise of any rights of recovery of the person against any person or organization legally responsible for the property damage, bodily injury or death for which the payment is made, including the proceeds recoverable from the assets of the insolvent insurer. With respect to payments made by reason of the coverage described in subsection (3), the insurer making such payment shall not be entitled to any right of recovery against the tortfeasor in excess of the proceeds recovered from the assets of the insolvent insurer of the tortfeasor.

(5) This amendatory Act of 1967 (Laws of Illinois 1967, page 875) shall not be construed to terminate or reduce any insurance coverage or any right of any party under this Code in effect before July 1, 1967. Public Act 86-1155 This amendatory Act of 1990 shall not be construed to terminate or reduce any insurance coverage or any right of any party under this Code in effect before its effective date.

(6) Failure of the motorist from whom the claimant is legally entitled to recover damages to file the appropriate forms with the Safety Responsibility Section of the Department of Transportation within 120 days of the accident date shall create a rebuttable presumption that the motorist was uninsured at the time of the injurious occurrence.

(7) An insurance carrier may upon good cause require the insured to commence a legal action against the owner or operator of an uninsured motor vehicle before good faith negotiation with the carrier. If the action is commenced at the request of the insurance carrier, the carrier shall pay to the insured, before the action is commenced, all court costs, jury fees and sheriff’s fees arising from the action.

The changes made by Public Act 90-451 this amendatory Act of 1997 apply to all policies of insurance amended, delivered, issued, or renewed on and after January 1, 1998 (the effective date of Public Act 90-451) this amendatory Act of 1997.

(8) The changes made by Public Act 98-927 this amendatory Act of the 98th General Assembly apply to all policies of insurance amended, delivered, issued, or renewed on and after January 1, 2015 (the effective date of Public Act 98-927) this amendatory Act of the 98th General Assembly.

(Source: P.A. 98-242, eff. 1-1-14; 98-927, eff. 1-1-15; revised 10-15-15.)

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Sec. 147.1. Sale of insurance company shares.

(1) No shares of the capital stock of a domestic stock company shall be sold or offered for sale to the public in this State by an issuer, underwriter, dealer or controlling person in respect of such shares without first procuring from the Director a permit so to do.

(2) Unless the context otherwise indicates the following terms as used in this Section shall have the following meanings:

(a) The word "issuer" shall mean every company which shall have issued or proposes to issue any such shares of capital stock.

(b) The word "underwriter" shall mean any person who has purchased such shares of capital stock from an issuer or controlling person with a view to, or sells such shares of capital stock for an issuer or a controlling person in connection with, the distribution thereof, or participates or has a participation in the direct or indirect underwriting of such distribution; but such term shall not include a person whose interest is limited to a commission or discount from an underwriter or dealer not in excess of the usual and customary distributor's or seller's commission or discount or not in excess of any applicable statutory maximum commission or discount. An underwriter shall be deemed to be no longer an underwriter of an issue of shares of capital stock after he has completely disposed of his allotment of such shares or, if he did not purchase the shares, after he has ceased to sell such shares for the issuer or controlling person.

(c) The word "dealer" shall mean any person other than an issuer, a controlling person, a bank organized under the banking laws of this State or of the United States, a trust company organized under the laws of this State, an insurance company or a salesman, who engages in this State, either for all or part of his time, directly or indirectly, as agent, broker or principal, in the business of offering, selling, buying and selling, or otherwise dealing or trading in shares of capital stock of insurance companies.

(d) The words "controlling person" shall mean any person selling such shares of capital stock, or group of persons acting in concert in the sale of such shares, owning beneficially (and in the absence of knowledge, or reasonable grounds of belief, to the

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contrary, record ownership shall for the purposes hereof be presumed to be beneficial ownership) either:

(i) 25% or more of the outstanding voting shares of the issuer of such shares where no other person owns or controls a greater percentage of such shares, or

(ii) such number of outstanding number of shares of the issuer as would enable such person, or group of persons, to elect a majority of the Board of Directors of such issuer.

(e) The word "salesman" shall mean an individual, other than an issuer, an underwriter, a dealer or a controlling person, employed or appointed or authorized by an issuer, an underwriter, a dealer or a controlling person to sell such shares in this State. The partners or officers of an issuer, an underwriter, a dealer or a controlling person shall not be deemed to be a salesman within the meaning of this definition.

(3) The provisions of this Section shall not apply to any of the following transactions:

(a) The sale in good faith, whether through a dealer or otherwise, of such shares by a vendor who is not an issuer, underwriter, dealer or controlling person, and who, being the bona fide owner of such shares deposes thereof for his own account; provided, that such sale is not made directly or indirectly for the benefit of the issuer or of an underwriter or controlling person.

(b) The sale, issuance or exchange by an issuer of its shares to or with its own shareholders, if no commission or other remuneration is paid or given directly or indirectly for or on account of the procuring or soliciting of such sale or exchange (other than a fee paid to underwriters based on their undertaking to purchase any shares not purchased by shareholders in connection with such sale or exchange), or the issuance by an issuer of its shares to a holder of convertible securities pursuant to a conversion provision granted at the time of issuance of such convertible securities, provided that no commission or other remuneration is paid or given directly or indirectly thereon on account of the procuring or soliciting of such conversion and no consideration from the holder in addition to the surrender or cancellation of the convertible security is required to effect the conversion.

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(c) The sale of such shares to any corporation, bank, savings institution, trust company, insurance company, building and loan association, dealer, pension fund or pension trust, employees profit sharing trust or to any association engaged as a substantial part of its business or operations in purchasing or holding securities, or to any trust in respect of which a bank or trust company is trustee or co-trustee.

(d) The sale of such shares by an executor, administrator, guardian, receiver or trustee in insolvency or bankruptcy or at any judicial sale or at a public sale by auction held at an advertised time and place or the sale of such shares in good faith and not for the purpose of avoiding the provisions of this Section by a pledgee of such shares pledged for a bona fide debt.

(e) Such other transaction as may be declared by ruling of the Director to be exempt from the provisions of this Section.

(4) Prior to the issuance of any permit under this Section, there shall be delivered to the Director two copies of the following:

(a) the prospectus which is to be used in connection with the sale of such shares;

(b) the underwriting and selling agreements, if any;

(c) the subscription agreement;

(d) the depository agreement under which the subscription proceeds are to be held;

(e) any and all other documents, agreements, contracts and other papers of whatever nature which are to be used in connection with or relative to the sale of such shares, which may be required by the Director.

(5) The Director shall within a reasonable time examine the documents submitted to him and unless he finds from said documents that the sale of said shares is inequitable or would work or tend to work a fraud or deceit upon the purchasers thereof, he shall issue a permit authorizing the sale of said shares.

(6) The Director shall have the power to prescribe such rules and regulations relating to the sale, issuance, and offering of said shares as will effectuate the purpose of this section to the end that no inequity, fraud or deceit will be perpetrated upon the purchasers thereof.

(7) If the Director finds that any of the provisions of this Section or of the rules and regulations adopted pursuant hereto have been violated or that the sale, issuance or offering of any such shares is inequitable or
works or tends to work a fraud or deceit upon the purchasers thereof he may refuse to issue a permit to sell, issue or offer such shares or may, after notice and hearing, revoke such permit. The action of the Director in refusing, after due application therefor in form prescribed by the Director, or revoking, any such permit shall be subject to judicial review in the manner prescribed by the insurance laws of this State.

(8) Any person who violates any of the provisions of this Section shall be guilty of a business offense and, upon conviction thereof shall be fined not less than $1,000 nor more than the greater of either $5,000 or twice the whole amount, received upon the sale of shares in violation of this Section and may in addition, if a natural person, be convicted of a Class A misdemeanor.

(Source: P.A. 84-502; revised 10-21-15.)

(215 ILCS 5/356g) (from Ch. 73, par. 968g)

Sec. 356g. Mammograms; mastectomies.

(a) Every insurer shall provide in each group or individual policy, contract, or certificate of insurance issued or renewed for persons who are residents of this State, coverage for screening by low-dose mammography for all women 35 years of age or older for the presence of occult breast cancer within the provisions of the policy, contract, or certificate. The coverage shall be as follows:

(1) A baseline mammogram for women 35 to 39 years of age.

(2) An annual mammogram for women 40 years of age or older.

(3) A mammogram at the age and intervals considered medically necessary by the woman's health care provider for women under 40 years of age and having a family history of breast cancer, prior personal history of breast cancer, positive genetic testing, or other risk factors.

(4) A comprehensive ultrasound screening of an entire breast or breasts if a mammogram demonstrates heterogeneous or dense breast tissue, when medically necessary as determined by a physician licensed to practice medicine in all of its branches.

(5) A screening MRI when medically necessary, as determined by a physician licensed to practice medicine in all of its branches.
For purposes of this Section, "low-dose mammography" means the x-ray examination of the breast using equipment dedicated specifically for mammography, including the x-ray tube, filter, compression device, and image receptor, with radiation exposure delivery of less than 1 rad per breast for 2 views of an average size breast. The term also includes digital mammography.

(a-5) Coverage as described by subsection (a) shall be provided at no cost to the insured and shall not be applied to an annual or lifetime maximum benefit.

(a-10) When health care services are available through contracted providers and a person does not comply with plan provisions specific to the use of contracted providers, the requirements of subsection (a-5) are not applicable. When a person does not comply with plan provisions specific to the use of contracted providers, plan provisions specific to the use of non-contracted providers must be applied without distinction for coverage required by this Section and shall be at least as favorable as for other radiological examinations covered by the policy or contract.

(b) No policy of accident or health insurance that provides for the surgical procedure known as a mastectomy shall be issued, amended, delivered, or renewed in this State unless that coverage also provides for prosthetic devices or reconstructive surgery incident to the mastectomy. Coverage for breast reconstruction in connection with a mastectomy shall include:

1. reconstruction of the breast upon which the mastectomy has been performed;
2. surgery and reconstruction of the other breast to produce a symmetrical appearance; and
3. prostheses and treatment for physical complications at all stages of mastectomy, including lymphedemas.

Care shall be determined in consultation with the attending physician and the patient. The offered coverage for prosthetic devices and reconstructive surgery shall be subject to the deductible and coinsurance conditions applied to the mastectomy, and all other terms and conditions applicable to other benefits. When a mastectomy is performed and there is no evidence of malignancy then the offered coverage may be limited to the provision of prosthetic devices and reconstructive surgery to within 2 years after the date of the mastectomy. As used in this Section, "mastectomy" means the removal of all or part of the breast for medically necessary reasons, as determined by a licensed physician.

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Written notice of the availability of coverage under this Section shall be delivered to the insured upon enrollment and annually thereafter. An insurer may not deny to an insured eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan solely for the purpose of avoiding the requirements of this Section. An insurer may not penalize or reduce or limit the reimbursement of an attending provider or provide incentives (monetary or otherwise) to an attending provider to induce the provider to provide care to an insured in a manner inconsistent with this Section.

(c) Rulemaking authority to implement Public Act 95-1045 this amendatory Act of the 95th General Assembly, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

(Source: P.A. 99-433, eff. 8-21-15; revised 10-20-15.)

(Text of Section after amendment by P.A. 99-407)

Sec. 356g. Mammograms; mastectomies.

(a) Every insurer shall provide in each group or individual policy, contract, or certificate of insurance issued or renewed for persons who are residents of this State, coverage for screening by low-dose mammography for all women 35 years of age or older for the presence of occult breast cancer within the provisions of the policy, contract, or certificate. The coverage shall be as follows:

(1) A baseline mammogram for women 35 to 39 years of age.

(2) An annual mammogram for women 40 years of age or older.

(3) A mammogram at the age and intervals considered medically necessary by the woman's health care provider for women under 40 years of age and having a family history of breast cancer, prior personal history of breast cancer, positive genetic testing, or other risk factors.

(4) A comprehensive ultrasound screening of an entire breast or breasts if a mammogram demonstrates heterogeneous or dense breast tissue, when medically necessary as determined by a physician licensed to practice medicine in all of its branches.

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(5) A screening MRI when medically necessary, as determined by a physician licensed to practice medicine in all of its branches.

For purposes of this Section, "low-dose mammography" means the x-ray examination of the breast using equipment dedicated specifically for mammography, including the x-ray tube, filter, compression device, and image receptor, with radiation exposure delivery of less than 1 rad per breast for 2 views of an average size breast. The term also includes digital mammography and includes breast tomosynthesis. As used in this Section, the term "breast tomosynthesis" means a radiologic procedure that involves the acquisition of projection images over the stationary breast to produce cross-sectional digital three-dimensional images of the breast.

(a-5) Coverage as described by subsection (a) shall be provided at no cost to the insured and shall not be applied to an annual or lifetime maximum benefit.

(a-10) When health care services are available through contracted providers and a person does not comply with plan provisions specific to the use of contracted providers, the requirements of subsection (a-5) are not applicable. When a person does not comply with plan provisions specific to the use of non-contracted providers must be applied without distinction for coverage required by this Section and shall be at least as favorable as for other radiological examinations covered by the policy or contract.

(b) No policy of accident or health insurance that provides for the surgical procedure known as a mastectomy shall be issued, amended, delivered, or renewed in this State unless that coverage also provides for prosthetic devices or reconstructive surgery incident to the mastectomy. Coverage for breast reconstruction in connection with a mastectomy shall include:

(1) reconstruction of the breast upon which the mastectomy has been performed;
(2) surgery and reconstruction of the other breast to produce a symmetrical appearance; and
(3) prostheses and treatment for physical complications at all stages of mastectomy, including lymphedemas.

Care shall be determined in consultation with the attending physician and the patient. The offered coverage for prosthetic devices and reconstructive surgery shall be subject to the deductible and coinsurance conditions applied to the mastectomy, and all other terms and conditions applicable to
other benefits. When a mastectomy is performed and there is no evidence of malignancy then the offered coverage may be limited to the provision of prosthetic devices and reconstructive surgery to within 2 years after the date of the mastectomy. As used in this Section, "mastectomy" means the removal of all or part of the breast for medically necessary reasons, as determined by a licensed physician.

Written notice of the availability of coverage under this Section shall be delivered to the insured upon enrollment and annually thereafter. An insurer may not deny to an insured eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan solely for the purpose of avoiding the requirements of this Section. An insurer may not penalize or reduce or limit the reimbursement of an attending provider or provide incentives (monetary or otherwise) to an attending provider to induce the provider to provide care to an insured in a manner inconsistent with this Section.

(c) Rulemaking authority to implement Public Act 95-1045 this amendatory Act of the 95th General Assembly, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

(Source: P.A. 99-407 (see Section 99 of P.A. 99-407 for its effective date); 99-433, eff. 8-21-15; revised 10-20-15.)

(215 ILCS 5/356z.2)
Sec. 356z.2. Coverage for adjunctive services in dental care.

(a) An individual or group policy of accident and health insurance amended, delivered, issued, or renewed after January 1, 2003 (the effective date of Public Act 92-764) this amendatory Act of the 92nd General Assembly shall cover charges incurred, and anesthetics provided, in conjunction with dental care that is provided to a covered individual in a hospital or an ambulatory surgical treatment center if any of the following applies:

(1) the individual is a child age 6 or under;
(2) the individual has a medical condition that requires hospitalization or general anesthesia for dental care; or
(3) the individual is a person with a disability.

(a-5) An individual or group policy of accident and health insurance amended, delivered, issued, or renewed after January 1, 2016 (the effective date of Public Act 99-141) this amendatory Act of the 99th

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General Assembly shall cover charges incurred, and anesthetics provided by a dentist with a permit provided under Section 8.1 of the Illinois Dental Practice Act, in conjunction with dental care that is provided to a covered individual in a dental office, oral surgeon's office, hospital, or ambulatory surgical treatment center if the individual is under age 19 and has been diagnosed with an autism spectrum disorder as defined in Section 10 of the Autism Spectrum Disorders Reporting Act or a developmental disability. A covered individual shall be required to make 2 visits to the dental care provider prior to accessing other coverage under this subsection.

For purposes of this subsection, "developmental disability" means a disability that is attributable to an intellectual disability or a related condition, if the related condition meets all of the following conditions:

1. It is attributable to cerebral palsy, epilepsy, or any other condition, other than mental illness, found to be closely related to an intellectual disability because that condition results in impairment of general intellectual functioning or adaptive behavior similar to that of individuals with an intellectual disability and requires treatment or services similar to those required for those individuals; for purposes of this definition, autism is considered a related condition;
2. It is manifested before the individual reaches age 22;
3. It is likely to continue indefinitely; and
4. It results in substantial functional limitations in 3 or more of the following areas of major life activity: self-care, language, learning, mobility, self-direction, and capacity for independent living.

(b) For purposes of this Section, "ambulatory surgical treatment center" has the meaning given to that term in Section 3 of the Ambulatory Surgical Treatment Center Act.

For purposes of this Section, "person with a disability" means a person, regardless of age, with a chronic disability if the chronic disability meets all of the following conditions:

1. It is attributable to a mental or physical impairment or combination of mental and physical impairments.
2. It is likely to continue.
3. It results in substantial functional limitations in one or more of the following areas of major life activity:
   (A) self-care;

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(B) receptive and expressive language;
(C) learning;
(D) mobility;
(E) capacity for independent living; or
(F) economic self-sufficiency.

c) The coverage required under this Section may be subject to any limitations, exclusions, or cost-sharing provisions that apply generally under the insurance policy.

d) This Section does not apply to a policy that covers only dental care.

e) Nothing in this Section requires that the dental services be covered.

f) The provisions of this Section do not apply to short-term travel, accident-only, limited, or specified disease policies, nor to policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under State or federal governmental plans.

(Source: P.A. 99-141, eff. 1-1-16; 99-143, eff. 7-27-15; revised 10-15-15.)
(215 ILCS 5/460) (from Ch. 73, par. 1065.7)

Sec. 460. Competitive market; approval of rates. Market, Approval of Rates.

(a) Beginning January 1, 1983, a competitive market is presumed to exist unless the Director, after a hearing, determines that a reasonable degree of competition does not exist in the market and the Director issues a ruling to that effect. For purposes of this Article only, market shall mean the statewide workers' compensation and employers' liability lines of business. In determining whether a reasonable degree of competition exists, the Director shall consider relevant tests of workable competition pertaining to market structure, market performance and market conduct. Such tests may include, but need not be limited to, the following: size and number of firms actively engaged in the market, market shares and changes in market shares of firms, ease of entry and exit from a given market, underwriting restriction, and whether profitability for companies generally in the market is unreasonably high. The determination of competition involves the interaction of the various tests and the weight given to specific tests depends upon the particular situation and pattern of test results.

In determining whether or not a competitive market exists, the Director shall monitor the degree of competition in this State. In doing so,
he shall utilize existing relevant information, analytical systems and other sources; cause or participate in the development of new relevant information, analytical systems and other sources; or rely on some combination thereof. Such activities may be conducted internally within the Department of Insurance, in cooperation with other state insurance departments, through outside contractors, or in any other appropriate manner.

(b) If the Director finds that a reasonable degree of competition does not exist in a market, he may require that the insurers in that market file supporting information in support of existing rates. If the Director believes that such rates may violate any of the requirements of this Article, he shall call a hearing prior to any disapproval. If the Director determines that a competitive market does not exist in the workers' compensation market as provided in a ruling pursuant to this Section, then every company must prefile every manual of classifications, rules, rates, rating plans, rating schedules, and every modification of the foregoing covered by such rule. Such filing shall be made at least 30 days prior to its taking effect, and such prefileing requirement shall remain in effect as long as there is a ruling in effect pursuant to this Section that a reasonable degree of competition does not exist.

(c) The Director shall disapprove a rate if he finds that the rate is excessive, inadequate or unfairly discriminatory as defined in Section 456. An insurer whose rates have been disapproved shall be given a hearing upon a written request made within 30 days after the disapproval order.

If the Director disapproves a rate, he shall issue an order specifying in what respects it fails to meet the requirements of this Article and stating when within a reasonable period thereafter such rate shall be discontinued for any policy issued or renewed after a date specified in the order. The order shall be issued within 30 days after the close of the hearing or within such reasonable time extension as the Director may fix. Such order may include a provision for premium adjustment for the period after the effective date of the order for policies in effect on such date.

(d) Whenever an insurer has no legally effective rates as a result of the Director's disapproval of rates or other act, the Director shall on request of the insurer specify interim rates for the insurer that are high enough to protect the interest of all parties and may order that a specified portion of the premiums be placed in an escrow account approved by him. When new rates become legally effective, the Director shall order the escrowed funds or any overcharge in the interim rates to be distributed

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appropriately, except that refunds to policyholders that are de *minimis minimus* shall not be required.

(Source: P.A. 82-939; revised 10-21-15.)

(215 ILCS 5/512.59) (from Ch. 73, par. 1065.59-59)

(Section scheduled to be repealed on January 1, 2017)

Sec. 512.59. Performance standards applicable to all Public Insurance Adjusters.

(a) A Public Insurance Adjuster shall not represent that he is a representative of an insurance company, a fire department, or the State of Illinois, or that he is a fire investigator, or that his services are required for the insured to submit a claim to the insured's insurance company, or that he may provide legal advice or representation to the insured. A Public Insurance Adjuster may represent that he has been licensed by the State of Illinois.

(b) A Public Insurance Adjuster shall not agree to any loss settlement without the insured's knowledge and consent and shall provide the insured with a document setting forth the scope, amount, and value of the damages prior to requesting the insured for authority to settling any loss.

(c) If the Public Insurance Adjuster refers the insured to a contractor, the Public Insurance Adjuster warrants that all work will be performed in a workmanlike manner and conform to all statutes, ordinances and codes. Should the work not be completed in a workmanlike manner, the Public Insurance Adjuster shall be responsible for any and all costs and expense required to complete or repair the work in a workmanlike manner.

(d) In all cases where the loss giving rise to the claim for which the Public Insurance Adjuster was retained arise from damage to a personal residence, the insurance proceeds shall be delivered in person to the named insured or his or her designee. Where proceeds paid by an insurance company are paid jointly to the insured and the Public Insurance Adjuster, the insured shall release such portion of the proceeds which are due the Public Insurance Adjuster within 30 calendar days after the insured's receipt of the insurance company's check, money order, draft, or release of funds. If the proceeds are not so released to the insured within 30 calendar days, the insured shall provide the Public Insurance Adjuster with a written explanation of the reason for the delay.

(e) A Public Insurance Adjuster may not propose or attempt to propose to any person that the Public Insurance Adjuster represent that

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person while a loss-producing occurrence is continuing nor while the fire
department or its representatives are engaged at the damaged premises nor
between the hours of 7:00 p.m. and 8:00 a.m.:

(f) A Public Insurance Adjuster shall not advance money or any
valuable consideration to an insured pending adjustment of a claim.

(g) A Public Insurance Adjuster shall not provide legal advice or
representation to the insured, or engage in the unauthorized practice of
law.

(Source: P.A. 95-213, eff. 1-1-08; revised 10-21-15.)

(215 ILCS 5/902) (from Ch. 73, par. 1065.602)

Sec. 902. "Entire contract" specified.) Each group legal
expense insurance policy shall provide that the policy, the application of
the employer, or executive officer or trustee of any association, and the
individual applications, if any, of the employees, members or employees
of members insured shall constitute the entire contract between the parties,
and that all statements made by the employer, or the executive officer or
trustee, or by the individual employees, members or employees of
members shall, in the absence of fraud, be deemed representations and not
warranties, and that no such statement shall be used in defense
to a claim under the policy, unless it is contained in a written application.

(Source: P.A. 81-1361; revised 10-21-15.)

(215 ILCS 5/1202) (from Ch. 73, par. 1065.902)

Sec. 1202. Duties. The Director shall:

(a) determine the relationship of insurance premiums and
related income as compared to insurance costs and expenses and
provide such information to the General Assembly and the general
public;

(b) study the insurance system in the State of Illinois, and
recommend to the General Assembly what it deems to be the most
appropriate and comprehensive cost containment system for the
State;

(c) respond to the requests by agencies of government and
the General Assembly for special studies and analysis of data
collected pursuant to this Article. Such reports shall be made
available in a form prescribed by the Director. The Director may
also determine a fee to be charged to the requesting agency to
cover the direct and indirect costs for producing such a report, and
shall permit affected insurers the right to review the accuracy of the
report before it is released. The fees shall be deposited into the

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Statistical Services Revolving Fund and credited to the account of the Department of Insurance;

(d) make an interim report to the General Assembly no later than August 15, 1987, and an annual report to the General Assembly no later than July 1 every year thereafter which shall include the Director's findings and recommendations regarding its duties as provided under subsections (a), (b), and (c) of this Section.

(Source: P.A. 98-226, eff. 1-1-14; revised 10-21-15.)

Section 315. The Public Utilities Act is amended by changing Sections 13-703 and 16-108.5 as follows:

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

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

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serve persons with hearing or speech disabilities in such hearings and
during the development and implementation of the system. The
Commission shall phase in this program, on a geographical basis, as soon
as is practicable, but no later than June 30, 1990.

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

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

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

(e) As used in this Section:

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

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

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

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

"Wireless carrier" has the meaning given to that term under Section 10 of the Wireless Emergency Telephone Safety Act.

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

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

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

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

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

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

(Source: P.A. 99-6, eff. 6-29-15; 99-143, eff. 7-27-15; revised 10-21-15.)

Sec. 16-108.5. Infrastructure investment and modernization; regulatory reform.

(a) (Blank).

(b) For purposes of this Section, "participating utility" means an electric utility or a combination utility serving more than 1,000,000 customers in Illinois that voluntarily elects and commits to undertake (i) the infrastructure investment program consisting of the commitments and obligations described in this subsection (b) and (ii) the customer assistance program consisting of the commitments and obligations described in subsection (b-10) of this Section, notwithstanding any other provisions of this Act and without obtaining any approvals from the Commission or any other agency other than as set forth in this Section, regardless of whether any such approval would otherwise be required. "Combination utility" means a utility that, as of January 1, 2011, provided electric service to at least one million retail customers in Illinois and gas service to at least 500,000 retail customers in Illinois. A participating utility shall recover the expenditures made under the infrastructure investment program through the ratemaking process, including, but not limited to, the performance-based formula rate and process set forth in this Section.

During the infrastructure investment program's peak program year, a participating utility other than a combination utility shall create 2,000 full-time equivalent jobs in Illinois, and a participating utility that is a combination utility shall create 450 full-time equivalent jobs in Illinois related to the provision of electric service. These jobs shall include direct jobs, contractor positions, and induced jobs, but shall not include any portion of a job commitment, not specifically contingent on an amendatory Act of the 97th General Assembly becoming law, between a participating utility and a labor union that existed on December 30, 2011 (the effective date of Public Act 97-646) this amendatory Act of the 97th General Assembly.

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Assembly and that has not yet been fulfilled. A portion of the full-time equivalent jobs created by each participating utility shall include incremental personnel hired subsequent to December 30, 2011 (the effective date of Public Act 97-646) this amendatory Act of the 97th General Assembly. For purposes of this Section, "peak program year" means the consecutive 12-month period with the highest number of full-time equivalent jobs that occurs between the beginning of investment year 2 and the end of investment year 4.

A participating utility shall meet one of the following commitments, as applicable:

(1) Beginning no later than 180 days after a participating utility other than a combination utility files a performance-based formula rate tariff pursuant to subsection (c) of this Section, or, beginning no later than January 1, 2012 if such utility files such performance-based formula rate tariff within 14 days of October 26, 2011 (the effective date of Public Act 97-616) this amendatory Act of the 97th General Assembly, the participating utility shall, except as provided in subsection (b-5):

(A) over a 5-year period, invest an estimated $1,300,000,000 in electric system upgrades, modernization projects, and training facilities, including, but not limited to:

   (i) distribution infrastructure improvements totaling an estimated $1,000,000,000, including underground residential distribution cable injection and replacement and mainline cable system refurbishment and replacement projects;

   (ii) training facility construction or upgrade projects totaling an estimated $10,000,000, provided that, at a minimum, one such facility shall be located in a municipality having a population of more than 2 million residents and one such facility shall be located in a municipality having a population of more than 150,000 residents but fewer than 170,000 residents; any such new facility located in a municipality having a population of more than 2 million residents must be designed for the purpose of obtaining, and the owner of the facility shall apply for, certification under the

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(iii) wood pole inspection, treatment, and replacement programs;

(iv) an estimated $200,000,000 for reducing the susceptibility of certain circuits to storm-related damage, including, but not limited to, high winds, thunderstorms, and ice storms; improvements may include, but are not limited to, overhead to underground conversion and other engineered outcomes for circuits; the participating utility shall prioritize the selection of circuits based on each circuit's historical susceptibility to storm-related damage and the ability to provide the greatest customer benefit upon completion of the improvements; to be eligible for improvement, the participating utility's ability to maintain proper tree clearances surrounding the overhead circuit must not have been impeded by third parties; and

(B) over a 10-year period, invest an estimated $1,300,000,000 to upgrade and modernize its transmission and distribution infrastructure and in Smart Grid electric system upgrades, including, but not limited to:

(i) additional smart meters;

(ii) distribution automation;

(iii) associated cyber secure data communication network; and

(iv) substation micro-processor relay upgrades.

(2) Beginning no later than 180 days after a participating utility that is a combination utility files a performance-based formula rate tariff pursuant to subsection (c) of this Section, or, beginning no later than January 1, 2012 if such utility files such performance-based formula rate tariff within 14 days of October 26, 2011 (the effective date of Public Act 97-616) this amendatory Act of the 97th General Assembly, the participating utility shall, except as provided in subsection (b-5):

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(A) over a 10-year period, invest an estimated $265,000,000 in electric system upgrades, modernization projects, and training facilities, including, but not limited to:

(i) distribution infrastructure improvements totaling an estimated $245,000,000, which may include bulk supply substations, transformers, reconductoring, and rebuilding overhead distribution and sub-transmission lines, underground residential distribution cable injection and replacement and mainline cable system refurbishment and replacement projects;

(ii) training facility construction or upgrade projects totaling an estimated $1,000,000; any such new facility must be designed for the purpose of obtaining, and the owner of the facility shall apply for, certification under the United States Green Building Council's Leadership in Energy Efficiency Design Green Building Rating System; and

(iii) wood pole inspection, treatment, and replacement programs; and

(B) over a 10-year period, invest an estimated $360,000,000 to upgrade and modernize its transmission and distribution infrastructure and in Smart Grid electric system upgrades, including, but not limited to:

(i) additional smart meters;

(ii) distribution automation;

(iii) associated cyber secure data communication network; and

(iv) substation micro-processor relay upgrades.

For purposes of this Section, "Smart Grid electric system upgrades" shall have the meaning set forth in subsection (a) of Section 16-108.6 of this Act.

The investments in the infrastructure investment program described in this subsection (b) shall be incremental to the participating utility's annual capital investment program, as defined by, for purposes of this subsection (b), the participating utility's average capital spend for calendar years 2008, 2009, and 2010 as reported in the applicable Federal

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Energy Regulatory Commission (FERC) Form 1; provided that where one or more utilities have merged, the average capital spend shall be determined using the aggregate of the merged utilities' capital spend reported in FERC Form 1 for the years 2008, 2009, and 2010. A participating utility may add reasonable construction ramp-up and ramp-down time to the investment periods specified in this subsection (b). For each such investment period, the ramp-up and ramp-down time shall not exceed a total of 6 months.

Within 60 days after filing a tariff under subsection (c) of this Section, a participating utility shall submit to the Commission its plan, including scope, schedule, and staffing, for satisfying its infrastructure investment program commitments pursuant to this subsection (b). The submitted plan shall include a schedule and staffing plan for the next calendar year. The plan shall also include a plan for the creation, operation, and administration of a Smart Grid test bed as described in subsection (c) of Section 16-108.8. The plan need not allocate the work equally over the respective periods, but should allocate material increments throughout such periods commensurate with the work to be undertaken. No later than April 1 of each subsequent year, the utility shall submit to the Commission a report that includes any updates to the plan, a schedule for the next calendar year, the expenditures made for the prior calendar year and cumulatively, and the number of full-time equivalent jobs created for the prior calendar year and cumulatively. If the utility is materially deficient in satisfying a schedule or staffing plan, then the report must also include a corrective action plan to address the deficiency. The fact that the plan, implementation of the plan, or a schedule changes shall not imply the imprudence or unreasonableness of the infrastructure investment program, plan, or schedule. Further, no later than 45 days following the last day of the first, second, and third quarters of each year of the plan, a participating utility shall submit to the Commission a verified quarterly report for the prior quarter that includes (i) the total number of full-time equivalent jobs created during the prior quarter, (ii) the total number of employees as of the last day of the prior quarter, (iii) the total number of full-time equivalent hours in each job classification or job title, (iv) the total number of incremental employees and contractors in support of the investments undertaken pursuant to this subsection (b) for the prior quarter, and (v) any other information that the Commission may require by rule.

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With respect to the participating utility's peak job commitment, if, after considering the utility's corrective action plan and compliance thereunder, the Commission enters an order finding, after notice and hearing, that a participating utility did not satisfy its peak job commitment described in this subsection (b) for reasons that are reasonably within its control, then the Commission shall also determine, after consideration of the evidence, including, but not limited to, evidence submitted by the Department of Commerce and Economic Opportunity and the utility, the deficiency in the number of full-time equivalent jobs during the peak program year due to such failure. The Commission shall notify the Department of any proceeding that is initiated pursuant to this paragraph. For each full-time equivalent job deficiency during the peak program year that the Commission finds as set forth in this paragraph, the participating utility shall, within 30 days after the entry of the Commission's order, pay $6,000 to a fund for training grants administered under Section 605-800 of the Department of Commerce and Economic Opportunity Law, which shall not be a recoverable expense.

With respect to the participating utility's investment amount commitments, if, after considering the utility's corrective action plan and compliance thereunder, the Commission enters an order finding, after notice and hearing, that a participating utility is not satisfying its investment amount commitments described in this subsection (b), then the utility shall no longer be eligible to annually update the performance-based formula rate tariff pursuant to subsection (d) of this Section. In such event, the then current rates shall remain in effect until such time as new rates are set pursuant to Article IX of this Act, subject to retroactive adjustment, with interest, to reconcile rates charged with actual costs.

If the Commission finds that a participating utility is no longer eligible to update the performance-based formula rate tariff pursuant to subsection (d) of this Section, or the performance-based formula rate is otherwise terminated, then the participating utility's voluntary commitments and obligations under this subsection (b) shall immediately terminate, except for the utility's obligation to pay an amount already owed to the fund for training grants pursuant to a Commission order.

In meeting the obligations of this subsection (b), to the extent feasible and consistent with State and federal law, the investments under the infrastructure investment program should provide employment opportunities for all segments of the population and workforce, including minority-owned and female-owned business enterprises, and shall not,

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consistent with State and federal law, discriminate based on race or socioeconomic status.

(b-5) Nothing in this Section shall prohibit the Commission from investigating the prudence and reasonableness of the expenditures made under the infrastructure investment program during the annual review required by subsection (d) of this Section and shall, as part of such investigation, determine whether the utility's actual costs under the program are prudent and reasonable. The fact that a participating utility invests more than the minimum amounts specified in subsection (b) of this Section or its plan shall not imply imprudence or unreasonableness.

If the participating utility finds that it is implementing its plan for satisfying the infrastructure investment program commitments described in subsection (b) of this Section at a cost below the estimated amounts specified in subsection (b) of this Section, then the utility may file a petition with the Commission requesting that it be permitted to satisfy its commitments by spending less than the estimated amounts specified in subsection (b) of this Section. The Commission shall, after notice and hearing, enter its order approving, or approving as modified, or denying each such petition within 150 days after the filing of the petition.

In no event, absent General Assembly approval, shall the capital investment costs incurred by a participating utility other than a combination utility in satisfying its infrastructure investment program commitments described in subsection (b) of this Section exceed $3,000,000,000 or, for a participating utility that is a combination utility, $720,000,000. If the participating utility’s updated cost estimates for satisfying its infrastructure investment program commitments described in subsection (b) of this Section exceed the limitation imposed by this subsection (b-5), then it shall submit a report to the Commission that identifies the increased costs and explains the reason or reasons for the increased costs no later than the year in which the utility estimates it will exceed the limitation. The Commission shall review the report and shall, within 90 days after the participating utility files the report, report to the General Assembly its findings regarding the participating utility's report. If the General Assembly does not amend the limitation imposed by this subsection (b-5), then the utility may modify its plan so as not to exceed the limitation imposed by this subsection (b-5) and may propose corresponding changes to the metrics established pursuant to subparagraphs (5) through (8) of subsection (f) of this Section, and the

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Commission may modify the metrics and incremental savings goals established pursuant to subsection (f) of this Section accordingly.

(b-10) All participating utilities shall make contributions for an energy low-income and support program in accordance with this subsection. Beginning no later than 180 days after a participating utility files a performance-based formula rate tariff pursuant to subsection (c) of this Section, or beginning no later than January 1, 2012 if such utility files such performance-based formula rate tariff within 14 days of December 30, 2011 (the effective date of Public Act 97-646) this amendatory Act of the 97th General Assembly, and without obtaining any approvals from the Commission or any other agency other than as set forth in this Section, regardless of whether any such approval would otherwise be required, a participating utility other than a combination utility shall pay $10,000,000 per year for 5 years and a participating utility that is a combination utility shall pay $1,000,000 per year for 10 years to the energy low-income and support program, which is intended to fund customer assistance programs with the primary purpose being avoidance of imminent disconnection. Such programs may include:

(1) a residential hardship program that may partner with community-based organizations, including senior citizen organizations, and provides grants to low-income residential customers, including low-income senior citizens, who demonstrate a hardship;

(2) a program that provides grants and other bill payment concessions to veterans with disabilities who demonstrate a hardship and members of the armed services or reserve forces of the United States or members of the Illinois National Guard who are on active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor and who demonstrate a hardship;

(3) a budget assistance program that provides tools and education to low-income senior citizens to assist them with obtaining information regarding energy usage and effective means of managing energy costs;

(4) a non-residential special hardship program that provides grants to non-residential customers such as small businesses and non-profit organizations that demonstrate a hardship, including those providing services to senior citizen and low-income customers; and

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(5) a performance-based assistance program that provides grants to encourage residential customers to make on-time payments by matching a portion of the customer's payments or providing credits towards arrearages.

The payments made by a participating utility pursuant to this subsection (b-10) shall not be a recoverable expense. A participating utility may elect to fund either new or existing customer assistance programs, including, but not limited to, those that are administered by the utility.

Programs that use funds that are provided by a participating utility to reduce utility bills may be implemented through tariffs that are filed with and reviewed by the Commission. If a utility elects to file tariffs with the Commission to implement all or a portion of the programs, those tariffs shall, regardless of the date actually filed, be deemed accepted and approved, and shall become effective on December 30, 2011 (the effective date of Public Act 97-646) this amendatory Act of the 97th General Assembly. The participating utilities whose customers benefit from the funds that are disbursed as contemplated in this Section shall file annual reports documenting the disbursement of those funds with the Commission. The Commission has the authority to audit disbursement of the funds to ensure they were disbursed consistently with this Section.

If the Commission finds that a participating utility is no longer eligible to update the performance-based formula rate tariff pursuant to subsection (d) of this Section, or the performance-based formula rate is otherwise terminated, then the participating utility's voluntary commitments and obligations under this subsection (b-10) shall immediately terminate.

(c) A participating utility may elect to recover its delivery services costs through a performance-based formula rate approved by the Commission, which shall specify the cost components that form the basis of the rate charged to customers with sufficient specificity to operate in a standardized manner and be updated annually with transparent information that reflects the utility's actual costs to be recovered during the applicable rate year, which is the period beginning with the first billing day of January and extending through the last billing day of the following December. In the event the utility recovers a portion of its costs through automatic adjustment clause tariffs on October 26, 2011 (the effective date of Public Act 97-616) this amendatory Act of the 97th General Assembly, the utility may elect to continue to recover these costs through such tariffs, but then these costs shall not be recovered through the performance-based

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formula rate. In the event the participating utility, prior to December 30, 2011 (the effective date of Public Act 97-646) this amendatory Act of the 97th General Assembly, filed electric delivery services tariffs with the Commission pursuant to Section 9-201 of this Act that are related to the recovery of its electric delivery services costs that are still pending on December 30, 2011 (the effective date of Public Act 97-646) this amendatory Act of the 97th General Assembly, the participating utility shall, at the time it files its performance-based formula rate tariff with the Commission, also file a notice of withdrawal with the Commission to withdraw the electric delivery services tariffs previously filed pursuant to Section 9-201 of this Act. Upon receipt of such notice, the Commission shall dismiss with prejudice any docket that had been initiated to investigate the electric delivery services tariffs filed pursuant to Section 9-201 of this Act, and such tariffs and the record related thereto shall not be the subject of any further hearing, investigation, or proceeding of any kind related to rates for electric delivery services.

The performance-based formula rate shall be implemented through a tariff filed with the Commission consistent with the provisions of this subsection (c) that shall be applicable to all delivery services customers. The Commission shall initiate and conduct an investigation of the tariff in a manner consistent with the provisions of this subsection (c) and the provisions of Article IX of this Act to the extent they do not conflict with this subsection (c). Except in the case where the Commission finds, after notice and hearing, that a participating utility is not satisfying its investment amount commitments under subsection (b) of this Section, the performance-based formula rate shall remain in effect at the discretion of the utility. The performance-based formula rate approved by the Commission shall do the following:

1. Provide for the recovery of the utility's actual costs of delivery services that are prudently incurred and reasonable in amount consistent with Commission practice and law. The sole fact that a cost differs from that incurred in a prior calendar year or that an investment is different from that made in a prior calendar year shall not imply the imprudence or unreasonableness of that cost or investment.

2. Reflect the utility's actual year-end capital structure for the applicable calendar year, excluding goodwill, subject to a determination of prudence and reasonableness consistent with Commission practice and law.

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(3) Include a cost of equity, which shall be calculated as the sum of the following:

(A) the average for the applicable calendar year of the monthly average yields of 30-year U.S. Treasury bonds published by the Board of Governors of the Federal Reserve System in its weekly H.15 Statistical Release or successor publication; and

(B) 580 basis points.

At such time as the Board of Governors of the Federal Reserve System ceases to include the monthly average yields of 30-year U.S. Treasury bonds in its weekly H.15 Statistical Release or successor publication, the monthly average yields of the U.S. Treasury bonds then having the longest duration published by the Board of Governors in its weekly H.15 Statistical Release or successor publication shall instead be used for purposes of this paragraph (3).

(4) Permit and set forth protocols, subject to a determination of prudence and reasonableness consistent with Commission practice and law, for the following:

(A) recovery of incentive compensation expense that is based on the achievement of operational metrics, including metrics related to budget controls, outage duration and frequency, safety, customer service, efficiency and productivity, and environmental compliance. Incentive compensation expense that is based on net income or an affiliate's earnings per share shall not be recoverable under the performance-based formula rate;

(B) recovery of pension and other post-employment benefits expense, provided that such costs are supported by an actuarial study;

(C) recovery of severance costs, provided that if the amount is over $3,700,000 for a participating utility that is a combination utility or $10,000,000 for a participating utility that serves more than 3 million retail customers, then the full amount shall be amortized consistent with subparagraph (F) of this paragraph (4);

(D) investment return at a rate equal to the utility's weighted average cost of long-term debt, on the pension assets as, and in the amount, reported in Account 186 (or in

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such other Account or Accounts as such asset may subsequently be recorded) of the utility's most recently filed FERC Form 1, net of deferred tax benefits;

(E) recovery of the expenses related to the Commission proceeding under this subsection (c) to approve this performance-based formula rate and initial rates or to subsequent proceedings related to the formula, provided that the recovery shall be amortized over a 3-year period; recovery of expenses related to the annual Commission proceedings under subsection (d) of this Section to review the inputs to the performance-based formula rate shall be expensed and recovered through the performance-based formula rate;

(F) amortization over a 5-year period of the full amount of each charge or credit that exceeds $3,700,000 for a participating utility that is a combination utility or $10,000,000 for a participating utility that serves more than 3 million retail customers in the applicable calendar year and that relates to a workforce reduction program's severance costs, changes in accounting rules, changes in law, compliance with any Commission-initiated audit, or a single storm or other similar expense, provided that any unamortized balance shall be reflected in rate base. For purposes of this subparagraph (F), changes in law includes any enactment, repeal, or amendment in a law, ordinance, rule, regulation, interpretation, permit, license, consent, or order, including those relating to taxes, accounting, or to environmental matters, or in the interpretation or application thereof by any governmental authority occurring after October 26, 2011 (the effective date of Public Act 97-616) this amendatory Act of the 97th General Assembly;

(G) recovery of existing regulatory assets over the periods previously authorized by the Commission;

(H) historical weather normalized billing determinants; and

(I) allocation methods for common costs.

(5) Provide that if the participating utility's earned rate of return on common equity related to the provision of delivery

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services for the prior rate year (calculated using costs and capital structure approved by the Commission as provided in subparagraph (2) of this subsection (c), consistent with this Section, in accordance with Commission rules and orders, including, but not limited to, adjustments for goodwill, and after any Commission-ordered disallowances and taxes) is more than 50 basis points higher than the rate of return on common equity calculated pursuant to paragraph (3) of this subsection (c) (after adjusting for any penalties to the rate of return on common equity applied pursuant to the performance metrics provision of subsection (f) of this Section), then the participating utility shall apply a credit through the performance-based formula rate that reflects an amount equal to the value of that portion of the earned rate of return on common equity that is more than 50 basis points higher than the rate of return on common equity calculated pursuant to paragraph (3) of this subsection (c) (after adjusting for any penalties to the rate of return on common equity applied pursuant to the performance metrics provision of subsection (f) of this Section) for the prior rate year, adjusted for taxes. If the participating utility's earned rate of return on common equity related to the provision of delivery services for the prior rate year (calculated using costs and capital structure approved by the Commission as provided in subparagraph (2) of this subsection (c), consistent with this Section, in accordance with Commission rules and orders, including, but not limited to, adjustments for goodwill, and after any Commission-ordered disallowances and taxes) is more than 50 basis points less than the return on common equity calculated pursuant to paragraph (3) of this subsection (c) (after adjusting for any penalties to the rate of return on common equity applied pursuant to the performance metrics provision of subsection (f) of this Section), then the participating utility shall apply a charge through the performance-based formula rate that reflects an amount equal to the value of that portion of the earned rate of return on common equity that is more than 50 basis points less than the rate of return on common equity calculated pursuant to paragraph (3) of this subsection (c) (after adjusting for any penalties to the rate of return on common equity applied pursuant to the performance metrics provision of subsection (f) of this Section) for the prior rate year, adjusted for taxes.

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(6) Provide for an annual reconciliation, as described in subsection (d) of this Section, with interest, of the revenue requirement reflected in rates for each calendar year, beginning with the calendar year in which the utility files its performance-based formula rate tariff pursuant to subsection (c) of this Section, with what the revenue requirement would have been had the actual cost information for the applicable calendar year been available at the filing date.

The utility shall file, together with its tariff, final data based on its most recently filed FERC Form 1, plus projected plant additions and correspondingly updated depreciation reserve and expense for the calendar year in which the tariff and data are filed, that shall populate the performance-based formula rate and set the initial delivery services rates under the formula. For purposes of this Section, "FERC Form 1" means the Annual Report of Major Electric Utilities, Licensees and Others that electric utilities are required to file with the Federal Energy Regulatory Commission under the Federal Power Act, Sections 3, 4(a), 304 and 209, modified as necessary to be consistent with 83 Ill. Admin. Code Part 415 as of May 1, 2011. Nothing in this Section is intended to allow costs that are not otherwise recoverable to be recoverable by virtue of inclusion in FERC Form 1.

After the utility files its proposed performance-based formula rate structure and protocols and initial rates, the Commission shall initiate a docket to review the filing. The Commission shall enter an order approving, or approving as modified, the performance-based formula rate, including the initial rates, as just and reasonable within 270 days after the date on which the tariff was filed, or, if the tariff is filed within 14 days after October 26, 2011 (the effective date of Public Act 97-616) this amendatory Act of the 97th General Assembly, then by May 31, 2012. Such review shall be based on the same evidentiary standards, including, but not limited to, those concerning the prudence and reasonableness of the costs incurred by the utility, the Commission applies in a hearing to review a filing for a general increase in rates under Article IX of this Act. The initial rates shall take effect within 30 days after the Commission's order approving the performance-based formula rate tariff.

Until such time as the Commission approves a different rate design and cost allocation pursuant to subsection (e) of this Section, rate design and cost allocation across customer classes shall be consistent with the
Commission's most recent order regarding the participating utility's request for a general increase in its delivery services rates.

Subsequent changes to the performance-based formula rate structure or protocols shall be made as set forth in Section 9-201 of this Act, but nothing in this subsection (c) is intended to limit the Commission's authority under Article IX and other provisions of this Act to initiate an investigation of a participating utility's performance-based formula rate tariff, provided that any such changes shall be consistent with paragraphs (1) through (6) of this subsection (c). Any change ordered by the Commission shall be made at the same time new rates take effect following the Commission's next order pursuant to subsection (d) of this Section, provided that the new rates take effect no less than 30 days after the date on which the Commission issues an order adopting the change.

A participating utility that files a tariff pursuant to this subsection (c) must submit a one-time $200,000 filing fee at the time the Chief Clerk of the Commission accepts the filing, which shall be a recoverable expense.

In the event the performance-based formula rate is terminated, the then current rates shall remain in effect until such time as new rates are set pursuant to Article IX of this Act, subject to retroactive rate adjustment, with interest, to reconcile rates charged with actual costs. At such time that the performance-based formula rate is terminated, the participating utility's voluntary commitments and obligations under subsection (b) of this Section shall immediately terminate, except for the utility's obligation to pay an amount already owed to the fund for training grants pursuant to a Commission order issued under subsection (b) of this Section.

(d) Subsequent to the Commission's issuance of an order approving the utility's performance-based formula rate structure and protocols, and initial rates under subsection (c) of this Section, the utility shall file, on or before May 1 of each year, with the Chief Clerk of the Commission its updated cost inputs to the performance-based formula rate for the applicable rate year and the corresponding new charges. Each such filing shall conform to the following requirements and include the following information:

(1) The inputs to the performance-based formula rate for the applicable rate year shall be based on final historical data reflected in the utility's most recently filed annual FERC Form 1 plus projected plant additions and correspondingly updated depreciation reserve and expense for the calendar year in which the

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inputs are filed. The filing shall also include a reconciliation of the revenue requirement that was in effect for the prior rate year (as set by the cost inputs for the prior rate year) with the actual revenue requirement for the prior rate year (determined using a year-end rate base) that uses amounts reflected in the applicable FERC Form 1 that reports the actual costs for the prior rate year. Any over-collection or under-collection indicated by such reconciliation shall be reflected as a credit against, or recovered as an additional charge to, respectively, with interest calculated at a rate equal to the utility's weighted average cost of capital approved by the Commission for the prior rate year, the charges for the applicable rate year. Provided, however, that the first such reconciliation shall be for the calendar year in which the utility files its performance-based formula rate tariff pursuant to subsection (c) of this Section and shall reconcile (i) the revenue requirement or requirements established by the rate order or orders in effect from time to time during such calendar year (weighted, as applicable) with (ii) the revenue requirement determined using a year-end rate base for that calendar year calculated pursuant to the performance-based formula rate using (A) actual costs for that year as reflected in the applicable FERC Form 1, and (B) for the first such reconciliation only, the cost of equity, which shall be calculated as the sum of 590 basis points plus the average for the applicable calendar year of the monthly average yields of 30-year U.S. Treasury bonds published by the Board of Governors of the Federal Reserve System in its weekly H.15 Statistical Release or successor publication. The first such reconciliation is not intended to provide for the recovery of costs previously excluded from rates based on a prior Commission order finding of imprudence or unreasonableness. Each reconciliation shall be certified by the participating utility in the same manner that FERC Form 1 is certified. The filing shall also include the charge or credit, if any, resulting from the calculation required by paragraph (6) of subsection (c) of this Section.

Notwithstanding anything that may be to the contrary, the intent of the reconciliation is to ultimately reconcile the revenue requirement reflected in rates for each calendar year, beginning with the calendar year in which the utility files its performance-based formula rate tariff pursuant to subsection (c) of this Section, with what the revenue requirement determined using a year-end

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rate base for the applicable calendar year would have been had the actual cost information for the applicable calendar year been available at the filing date.

(2) The new charges shall take effect beginning on the first billing day of the following January billing period and remain in effect through the last billing day of the next December billing period regardless of whether the Commission enters upon a hearing pursuant to this subsection (d).

(3) The filing shall include relevant and necessary data and documentation for the applicable rate year that is consistent with the Commission's rules applicable to a filing for a general increase in rates or any rules adopted by the Commission to implement this Section. Normalization adjustments shall not be required. Notwithstanding any other provision of this Section or Act or any rule or other requirement adopted by the Commission, a participating utility that is a combination utility with more than one rate zone shall not be required to file a separate set of such data and documentation for each rate zone and may combine such data and documentation into a single set of schedules.

Within 45 days after the utility files its annual update of cost inputs to the performance-based formula rate, the Commission shall have the authority, either upon complaint or its own initiative, but with reasonable notice, to enter upon a hearing concerning the prudence and reasonableness of the costs incurred by the utility to be recovered during the applicable rate year that are reflected in the inputs to the performance-based formula rate derived from the utility's FERC Form 1. During the course of the hearing, each objection shall be stated with particularity and evidence provided in support thereof, after which the utility shall have the opportunity to rebut the evidence. Discovery shall be allowed consistent with the Commission's Rules of Practice, which Rules shall be enforced by the Commission or the assigned hearing examiner. The Commission shall apply the same evidentiary standards, including, but not limited to, those concerning the prudence and reasonableness of the costs incurred by the utility, in the hearing as it would apply in a hearing to review a filing for a general increase in rates under Article IX of this Act. The Commission shall not, however, have the authority in a proceeding under this subsection (d) to consider or order any changes to the structure or protocols of the performance-based formula rate approved pursuant to subsection (c) of this Section. In a proceeding under this subsection (d),

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the Commission shall enter its order no later than the earlier of 240 days after the utility's filing of its annual update of cost inputs to the performance-based formula rate or December 31. The Commission's determinations of the prudence and reasonableness of the costs incurred for the applicable calendar year shall be final upon entry of the Commission's order and shall not be subject to reopening, reexamination, or collateral attack in any other Commission proceeding, case, docket, order, rule or regulation, provided, however, that nothing in this subsection (d) shall prohibit a party from petitioning the Commission to rehear or appeal to the courts the order pursuant to the provisions of this Act.

In the event the Commission does not, either upon complaint or its own initiative, enter upon a hearing within 45 days after the utility files the annual update of cost inputs to its performance-based formula rate, then the costs incurred for the applicable calendar year shall be deemed prudent and reasonable, and the filed charges shall not be subject to reopening, reexamination, or collateral attack in any other proceeding, case, docket, order, rule, or regulation.

A participating utility's first filing of the updated cost inputs, and any Commission investigation of such inputs pursuant to this subsection (d) shall proceed notwithstanding the fact that the Commission's investigation under subsection (c) of this Section is still pending and notwithstanding any other law, order, rule, or Commission practice to the contrary.

(e) Nothing in subsections (c) or (d) of this Section shall prohibit the Commission from investigating, or a participating utility from filing, revenue-neutral tariff changes related to rate design of a performance-based formula rate that has been placed into effect for the utility. Following approval of a participating utility's performance-based formula rate tariff pursuant to subsection (c) of this Section, the utility shall make a filing with the Commission within one year after the effective date of the performance-based formula rate tariff that proposes changes to the tariff to incorporate the findings of any final rate design orders of the Commission applicable to the participating utility and entered subsequent to the Commission's approval of the tariff. The Commission shall, after notice and hearing, enter its order approving, or approving with modification, the proposed changes to the performance-based formula rate tariff within 240 days after the utility's filing. Following such approval, the utility shall make a filing with the Commission during each subsequent 3-year period that either proposes revenue-neutral tariff changes or re-files the existing

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tariffs without change, which shall present the Commission with an opportunity to suspend the tariffs and consider revenue-neutral tariff changes related to rate design.

(f) Within 30 days after the filing of a tariff pursuant to subsection (c) of this Section, each participating utility shall develop and file with the Commission multi-year metrics designed to achieve, ratably (i.e., in equal segments) over a 10-year period, improvement over baseline performance values as follows:

(1) Twenty percent improvement in the System Average Interruption Frequency Index, using a baseline of the average of the data from 2001 through 2010.

(2) Fifteen percent improvement in the system Customer Average Interruption Duration Index, using a baseline of the average of the data from 2001 through 2010.

(3) For a participating utility other than a combination utility, 20% improvement in the System Average Interruption Frequency Index for its Southern Region, using a baseline of the average of the data from 2001 through 2010. For purposes of this paragraph (3), Southern Region shall have the meaning set forth in the participating utility's most recent report filed pursuant to Section 16-125 of this Act.

(3.5) For a participating utility other than a combination utility, 20% improvement in the System Average Interruption Frequency Index for its Northeastern Region, using a baseline of the average of the data from 2001 through 2010. For purposes of this paragraph (3.5), Northeastern Region shall have the meaning set forth in the participating utility's most recent report filed pursuant to Section 16-125 of this Act.

(4) Seventy-five percent improvement in the total number of customers who exceed the service reliability targets as set forth in subparagraphs (A) through (C) of paragraph (4) of subsection (b) of 83 Ill. Admin. Code Part 411.140 as of May 1, 2011, using 2010 as the baseline year.

(5) Reduction in issuance of estimated electric bills: 90% improvement for a participating utility other than a combination utility, and 56% improvement for a participating utility that is a combination utility, using a baseline of the average number of estimated bills for the years 2008 through 2010.
(6) Consumption on inactive meters: 90% improvement for a participating utility other than a combination utility, and 56% improvement for a participating utility that is a combination utility, using a baseline of the average unbilled kilowatthours for the years 2009 and 2010.

(7) Unaccounted for energy: 50% improvement for a participating utility other than a combination utility using a baseline of the non-technical line loss unaccounted for energy kilowatthours for the year 2009.

(8) Uncollectible expense: reduce uncollectible expense by at least $30,000,000 for a participating utility other than a combination utility and by at least $3,500,000 for a participating utility that is a combination utility, using a baseline of the average uncollectible expense for the years 2008 through 2010.

(9) Opportunities for minority-owned and female-owned business enterprises: design a performance metric regarding the creation of opportunities for minority-owned and female-owned business enterprises consistent with State and federal law using a base performance value of the percentage of the participating utility's capital expenditures that were paid to minority-owned and female-owned business enterprises in 2010.

The definitions set forth in 83 Ill. Admin. Code Part 411.20 as of May 1, 2011 shall be used for purposes of calculating performance under paragraphs (1) through (3.5) of this subsection (f), provided, however, that the participating utility may exclude up to 9 extreme weather event days from such calculation for each year, and provided further that the participating utility shall exclude 9 extreme weather event days when calculating each year of the baseline period to the extent that there are 9 such days in a given year of the baseline period. For purposes of this Section, an extreme weather event day is a 24-hour calendar day (beginning at 12:00 a.m. and ending at 11:59 p.m.) during which any weather event (e.g., storm, tornado) caused interruptions for 10,000 or more of the participating utility's customers for 3 hours or more. If there are more than 9 extreme weather event days in a year, then the utility may choose no more than 9 extreme weather event days to exclude, provided that the same extreme weather event days are excluded from each of the calculations performed under paragraphs (1) through (3.5) of this subsection (f).

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The metrics shall include incremental performance goals for each year of the 10-year period, which shall be designed to demonstrate that the utility is on track to achieve the performance goal in each category at the end of the 10-year period. The utility shall elect when the 10-year period shall commence for the metrics set forth in subparagraphs (1) through (4) and (9) of this subsection (f), provided that it begins no later than 14 months following the date on which the utility begins investing pursuant to subsection (b) of this Section, and when the 10-year period shall commence for the metrics set forth in subparagraphs (5) through (8) of this subsection (f), provided that it begins no later than 14 months following the date on which the Commission enters its order approving the utility’s Advanced Metering Infrastructure Deployment Plan pursuant to subsection (c) of Section 16-108.6 of this Act.

The metrics and performance goals set forth in subparagraphs (5) through (8) of this subsection (f) are based on the assumptions that the participating utility may fully implement the technology described in subsection (b) of this Section, including utilizing the full functionality of such technology and that there is no requirement for personal on-site notification. If the utility is unable to meet the metrics and performance goals set forth in subparagraphs (5) through (8) of this subsection (f) for such reasons, and the Commission so finds after notice and hearing, then the utility shall be excused from compliance, but only to the limited extent achievement of the affected metrics and performance goals was hindered by the less than full implementation.

(f-5) The financial penalties applicable to the metrics described in subparagraphs (1) through (8) of subsection (f) of this Section, as applicable, shall be applied through an adjustment to the participating utility's return on equity of no more than a total of 30 basis points in each of the first 3 years, of no more than a total of 34 basis points in each of the 3 years thereafter, and of no more than a total of 38 basis points in each of the 4 years thereafter, as follows:

(1) With respect to each of the incremental annual performance goals established pursuant to paragraph (1) of subsection (f) of this Section,

   (A) for each year that a participating utility other than a combination utility does not achieve the annual goal, the participating utility's return on equity shall be reduced as follows: during years 1 through 3, by 5 basis points;
(B) for each year that a participating utility that is a combination utility does not achieve the annual goal, the participating utility's return on equity shall be reduced as follows: during years 1 through 3, by 10 basis points; during years 4 through 6, by 12 basis points; and during years 7 through 10, by 14 basis points.

(2) With respect to each of the incremental annual performance goals established pursuant to paragraph (2) of subsection (f) of this Section, for each year that the participating utility does not achieve each such goal, the participating utility's return on equity shall be reduced as follows: during years 1 through 3, by 5 basis points; during years 4 through 6, by 6 basis points; and during years 7 through 10, by 7 basis points.

(3) With respect to each of the incremental annual performance goals established pursuant to paragraphs (3) and (3.5) of subsection (f) of this Section, for each year that a participating utility other than a combination utility does not achieve both such goals, the participating utility's return on equity shall be reduced as follows: during years 1 through 3, by 5 basis points; during years 4 through 6, by 6 basis points; and during years 7 through 10, by 7 basis points.

(4) With respect to each of the incremental annual performance goals established pursuant to paragraph (4) of subsection (f) of this Section, for each year that the participating utility does not achieve each such goal, the participating utility's return on equity shall be reduced as follows: during years 1 through 3, by 5 basis points; during years 4 through 6, by 6 basis points; and during years 7 through 10, by 7 basis points.

(5) With respect to each of the incremental annual performance goals established pursuant to subparagraph (5) of subsection (f) of this Section, for each year that the participating utility does not achieve at least 95% of each such goal, the participating utility's return on equity shall be reduced by 5 basis points for each such unachieved goal.

(6) With respect to each of the incremental annual performance goals established pursuant to paragraphs (6), (7), and (8) of subsection (f) of this Section, as applicable, which together

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measure non-operational customer savings and benefits relating to the implementation of the Advanced Metering Infrastructure Deployment Plan, as defined in Section 16-108.6 of this Act, the performance under each such goal shall be calculated in terms of the percentage of the goal achieved. The percentage of goal achieved for each of the goals shall be aggregated, and an average percentage value calculated, for each year of the 10-year period. If the utility does not achieve an average percentage value in a given year of at least 95%, the participating utility's return on equity shall be reduced by 5 basis points.

The financial penalties shall be applied as described in this subsection (f-5) for the 12-month period in which the deficiency occurred through a separate tariff mechanism, which shall be filed by the utility together with its metrics. In the event the formula rate tariff established pursuant to subsection (c) of this Section terminates, the utility's obligations under subsection (f) of this Section and this subsection (f-5) shall also terminate, provided, however, that the tariff mechanism established pursuant to subsection (f) of this Section and this subsection (f-5) shall remain in effect until any penalties due and owing at the time of such termination are applied.

The Commission shall, after notice and hearing, enter an order within 120 days after the metrics are filed approving, or approving with modification, a participating utility's tariff or mechanism to satisfy the metrics set forth in subsection (f) of this Section. On June 1 of each subsequent year, each participating utility shall file a report with the Commission that includes, among other things, a description of how the participating utility performed under each metric and an identification of any extraordinary events that adversely impacted the utility's performance. Whenever a participating utility does not satisfy the metrics required pursuant to subsection (f) of this Section, the Commission shall, after notice and hearing, enter an order approving financial penalties in accordance with this subsection (f-5). The Commission-approved financial penalties shall be applied beginning with the next rate year. Nothing in this Section shall authorize the Commission to reduce or otherwise obviate the imposition of financial penalties for failing to achieve one or more of the metrics established pursuant to subparagraph (1) through (4) of subsection (f) of this Section.

(g) On or before July 31, 2014, each participating utility shall file a report with the Commission that sets forth the average annual increase in
the average amount paid per kilowatthour for residential eligible retail customers, exclusive of the effects of energy efficiency programs, comparing the 12-month period ending May 31, 2012; the 12-month period ending May 31, 2013; and the 12-month period ending May 31, 2014. For a participating utility that is a combination utility with more than one rate zone, the weighted average aggregate increase shall be provided. The report shall be filed together with a statement from an independent auditor attesting to the accuracy of the report. The cost of the independent auditor shall be borne by the participating utility and shall not be a recoverable expense. "The average amount paid per kilowatthour" shall be based on the participating utility's tariffed rates actually in effect and shall not be calculated using any hypothetical rate or adjustments to actual charges (other than as specified for energy efficiency) as an input.

In the event that the average annual increase exceeds 2.5% as calculated pursuant to this subsection (g), then Sections 16-108.5, 16-108.6, 16-108.7, and 16-108.8 of this Act, other than this subsection, shall be inoperative as they relate to the utility and its service area as of the date of the report due to be submitted pursuant to this subsection and the utility shall no longer be eligible to annually update the performance-based formula rate tariff pursuant to subsection (d) of this Section. In such event, the then current rates shall remain in effect until such time as new rates are set pursuant to Article IX of this Act, subject to retroactive adjustment, with interest, to reconcile rates charged with actual costs, and the participating utility's voluntary commitments and obligations under subsection (b) of this Section shall immediately terminate, except for the utility's obligation to pay an amount already owed to the fund for training grants pursuant to a Commission order issued under subsection (b) of this Section.

In the event that the average annual increase is 2.5% or less as calculated pursuant to this subsection (g), then the performance-based formula rate shall remain in effect as set forth in this Section.

For purposes of this Section, the amount per kilowatthour means the total amount paid for electric service expressed on a per kilowatthour basis, and the total amount paid for electric service includes without limitation amounts paid for supply, transmission, distribution, surcharges, and add-on taxes exclusive of any increases in taxes or new taxes imposed after October 26, 2011 (the effective date of Public Act 97-616) this amendatory Act of the 97th General Assembly. For purposes of this
Section, "eligible retail customers" shall have the meaning set forth in Section 16-111.5 of this Act.

The fact that this Section becomes inoperative as set forth in this subsection shall not be construed to mean that the Commission may reexamine or otherwise reopen prudence or reasonableness determinations already made.

(h) Sections 16-108.5, 16-108.6, 16-108.7, and 16-108.8 of this Act, other than this subsection, are inoperative after December 31, 2019 for every participating utility, after which time a participating utility shall no longer be eligible to annually update the performance-based formula rate tariff pursuant to subsection (d) of this Section. At such time, the then current rates shall remain in effect until such time as new rates are set pursuant to Article IX of this Act, subject to retroactive adjustment, with interest, to reconcile rates charged with actual costs.

By December 31, 2017, the Commission shall prepare and file with the General Assembly a report on the infrastructure program and the performance-based formula rate. The report shall include the change in the average amount per kilowatthour paid by residential customers between June 1, 2011 and May 31, 2017. If the change in the total average rate paid exceeds 2.5% compounded annually, the Commission shall include in the report an analysis that shows the portion of the change due to the delivery services component and the portion of the change due to the supply component of the rate. The report shall include separate sections for each participating utility.

In the event Sections 16-108.5, 16-108.6, 16-108.7, and 16-108.8 of this Act do not become inoperative after December 31, 2019, then these Sections are inoperative after December 31, 2022 for every participating utility, after which time a participating utility shall no longer be eligible to annually update the performance-based formula rate tariff pursuant to subsection (d) of this Section. At such time, the then current rates shall remain in effect until such time as new rates are set pursuant to Article IX of this Act, subject to retroactive adjustment, with interest, to reconcile rates charged with actual costs.

The fact that this Section becomes inoperative as set forth in this subsection shall not be construed to mean that the Commission may reexamine or otherwise reopen prudence or reasonableness determinations already made.

(i) While a participating utility may use, develop, and maintain broadband systems and the delivery of broadband services, voice-over-

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internet-protocol services, telecommunications services, and cable and video programming services for use in providing delivery services and Smart Grid functionality or application to its retail customers, including, but not limited to, the installation, implementation and maintenance of Smart Grid electric system upgrades as defined in Section 16-108.6 of this Act, a participating utility is prohibited from offering to its retail customers broadband services or the delivery of broadband services, voice-over-internet-protocol services, telecommunications services, or cable or video programming services, unless they are part of a service directly related to delivery services or Smart Grid functionality or applications as defined in Section 16-108.6 of this Act, and from recovering the costs of such offerings from retail customers.

(j) Nothing in this Section is intended to legislatively overturn the opinion issued in Commonwealth Edison Co. v. Ill. Commerce Comm'n, Nos. 2-08-0959, 2-08-1037, 2-08-1137, 1-08-3008, 1-08-3030, 1-08-3054, 1-08-3313 cons. (Ill. App. Ct. 2d Dist. Sept. 30, 2010). Public Act 97-616

This amendatory Act of the 97th General Assembly shall not be construed as creating a contract between the General Assembly and the participating utility, and shall not establish a property right in the participating utility.

(k) The changes made in subsections (c) and (d) of this Section by Public Act 98-15 this amendatory Act of the 98th General Assembly are intended to be a restatement and clarification of existing law, and intended to give binding effect to the provisions of House Resolution 1157 adopted by the House of Representatives of the 97th General Assembly and Senate Resolution 821 adopted by the Senate of the 97th General Assembly that are reflected in paragraph (3) of this subsection. In addition, Public Act 98-15 this amendatory Act of the 98th General Assembly preempts and supersedes any final Commission orders entered in Docket Nos. 11-0721, 12-0001, 12-0293, and 12-0321 to the extent inconsistent with the amendatory language added to subsections (c) and (d).

(1) No earlier than 5 business days after May 22, 2013 (the effective date of Public Act 98-15) this amendatory Act of the 98th General Assembly, each participating utility shall file any tariff changes necessary to implement the amendatory language set forth in subsections (c) and (d) of this Section by Public Act 98-15 this amendatory Act of the 98th General Assembly and a revised revenue requirement under the participating utility's performance-based formula rate. The Commission shall enter a final order

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approving such tariff changes and revised revenue requirement within 21 days after the participating utility's filing.

(2) Notwithstanding anything that may be to the contrary, a participating utility may file a tariff to retroactively recover its previously unrecovered actual costs of delivery service that are no longer subject to recovery through a reconciliation adjustment under subsection (d) of this Section. This retroactive recovery shall include any derivative adjustments resulting from the changes to subsections (c) and (d) of this Section by Public Act 98-15 this amendatory Act of the 98th General Assembly. Such tariff shall allow the utility to assess, on current customer bills over a period of 12 monthly billing periods, a charge or credit related to those unrecovered costs with interest at the utility's weighted average cost of capital during the period in which those costs were unrecovered. A participating utility may file a tariff that implements a retroactive charge or credit as described in this paragraph for amounts not otherwise included in the tariff filing provided for in paragraph (1) of this subsection (k). The Commission shall enter a final order approving such tariff within 21 days after the participating utility's filing.

(3) The tariff changes described in paragraphs (1) and (2) of this subsection (k) shall relate only to, and be consistent with, the following provisions of Public Act 98-15 this amendatory Act of the 98th General Assembly: paragraph (2) of subsection (c) regarding year-end capital structure, subparagraph (D) of paragraph (4) of subsection (c) regarding pension assets, and subsection (d) regarding the reconciliation components related to year-end rate base and interest calculated at a rate equal to the utility's weighted average cost of capital.

(4) Nothing in this subsection is intended to effect a dismissal of or otherwise affect an appeal from any final Commission orders entered in Docket Nos. 11-0721, 12-0001, 12-0293, and 12-0321 other than to the extent of the amendatory language contained in subsections (c) and (d) of this Section of Public Act 98-15 this amendatory Act of the 98th General Assembly.

(I) Each participating utility shall be deemed to have been in full compliance with all requirements of subsection (b) of this Section, subsection (c) of this Section, Section 16-108.6 of this Act, and all

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Commission orders entered pursuant to Sections 16-108.5 and 16-108.6 of this Act, up to and including May 22, 2013 (the effective date of Public Act 98-15) this amendatory Act of the 98th General Assembly. The Commission shall not undertake any investigation of such compliance and no penalty shall be assessed or adverse action taken against a participating utility for noncompliance with Commission orders associated with subsection (b) of this Section, subsection (c) of this Section, and Section 16-108.6 of this Act prior to such date. Each participating utility other than a combination utility shall be permitted, without penalty, a period of 12 months after such effective date to take actions required to ensure its infrastructure investment program is in compliance with subsection (b) of this Section and with Section 16-108.6 of this Act. Provided further: (1) if this amendatory Act of the 98th General Assembly takes effect on or before June 15, 2013, the following subparagraphs shall apply to a participating utility other than a combination utility:

(A) if the Commission has initiated a proceeding pursuant to subsection (e) of Section 16-108.6 of this Act that is pending as of May 22, 2013 (the effective date of Public Act 98-15) this amendatory Act of the 98th General Assembly, then the order entered in such proceeding shall, after notice and hearing, accelerate the commencement of the meter deployment schedule approved in the final Commission order on rehearing entered in Docket No. 12-0298;

(B) if the Commission has entered an order pursuant to subsection (e) of Section 16-108.6 of this Act prior to May 22, 2013 (the effective date of Public Act 98-15) this amendatory Act of the 98th General Assembly that does not accelerate the commencement of the meter deployment schedule approved in the final Commission order on rehearing entered in Docket No. 12-0298, then the utility shall file with the Commission, within 45 days after such effective date, a plan for accelerating the commencement of the utility's meter deployment schedule approved in the final Commission order on rehearing entered in Docket No. 12-0298; the Commission shall reopen the proceeding in which it entered its order pursuant to subsection (e) of Section 16-108.6 of this Act and shall, after notice and hearing, enter an amendatory order that approves or approves as modified such accelerated plan within 90 days after the utility's filing; or

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(C) if the Commission has not initiated a proceeding pursuant to subsection (e) of Section 16-108.6 of this Act prior to May 22, 2013 (the effective date of Public Act 98-15) this amendatory Act of the 98th General Assembly, then the utility shall file with the Commission, within 45 days after such effective date, a plan for accelerating the commencement of the utility's meter deployment schedule approved in the final Commission order on rehearing entered in Docket No. 12-0298 and the Commission shall, after notice and hearing, approve or approve as modified such plan within 90 days after the utility's filing.

(2) if this amendatory Act of the 98th General Assembly takes effect after June 15, 2013, then each participating utility other than a combination utility shall file with the Commission, within 45 days after such effective date, a plan for accelerating the commencement of the utility's meter deployment schedule approved in the final Commission order on rehearing entered in Docket No. 12-0298; the Commission shall reopen the most recent proceeding in which it entered an order pursuant to subsection (e) of Section 16-108.6 of this Act and within 90 days after the utility's filing shall, after notice and hearing, enter an amendatory order that approves or approves as modified such accelerated plan, provided that if there was no such prior proceeding the Commission shall open a new proceeding and within 90 days after the utility's filing shall, after notice and hearing, enter an order that approves or approves as modified such accelerated plan.

Any schedule for meter deployment approved by the Commission pursuant to subparagraphs (1) or (2) of this subsection (l) shall take into consideration procurement times for meters and other equipment and operational issues. Nothing in Public Act 98-15 this amendatory Act of the 98th General Assembly shall shorten or extend the end dates for the 5-year or 10-year periods set forth in subsection (b) of this Section or Section 16-108.6 of this Act. Nothing in this subsection is intended to address whether a participating utility has, or has not, satisfied any or all of the metrics and performance goals established pursuant to subsection (f) of this Section.

(m) The provisions of Public Act 98-15 this amendatory Act of the 98th General Assembly are severable under Section 1.31 of the Statute on Statutes.

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Section 320. The Illinois Athletic Trainers Practice Act is amended by changing Section 18 as follows:

Sec. 18. Investigations; notice and hearing. The Department may investigate the actions of any applicant or of any person or persons holding or claiming to hold a license. The Department shall, before refusing to issue or to renew a license or disciplining a registrant, at least 30 days prior to the date set for the hearing, notify in writing the applicant or licensee of the nature of the charges and the time and place that a hearing will be held on the charges. The Department shall direct the applicant or licensee to file a written answer under oath within 20 days after the service of the notice. In case the person fails to file an answer after receiving notice, his or her license or certificate may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. At the time and place fixed in the notice, the Department shall proceed to hear the charges, and the parties or their counsel shall be accorded ample opportunity to present such statements, testimony, evidence, and argument as may be pertinent to the charges or to their defense. The Department may continue a hearing from time to time. The written notice and any notice in the subsequent proceeding may be served by registered or certified mail to the licensee's address of record.

Section 325. The Child Care Act of 1969 is amended by changing Section 2.06 as follows:

Sec. 2.06. "Child care institution" means a child care facility where more than 7 children are received and maintained for the purpose of providing them with care or training or both. The term "child care institution" includes residential schools, primarily serving ambulatory children with disabilities, and those operating a full calendar year, but does not include:

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(a) any State-operated institution for child care established by legislative action;

(b) any juvenile detention or shelter care home established and operated by any county or child protection district established under the "Child Protection Act";

(c) any institution, home, place or facility operating under a license pursuant to the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act of 2013, the ID/DD Community Care Act, or the MC/DD Act;

(d) any bona fide boarding school in which children are primarily taught branches of education corresponding to those taught in public schools, grades one through 12, or taught in public elementary schools, high schools, or both elementary and high schools, and which operates on a regular academic school year basis; or

(e) any facility licensed as a "group home" as defined in this Act.

(Source: P.A. 98-104, eff. 7-22-13; 99-143, eff. 7-27-15; 99-180, eff. 7-29-15; revised 10-9-15.)

Section 330. The Environmental Health Practitioner Licensing Act is amended by changing Section 130 as follows:

(225 ILCS 37/130)

(Section scheduled to be repealed on January 1, 2019)

Sec. 130. Illinois Administrative Procedure Act. The Illinois Administrative Procedure Act is expressly adopted and incorporated in this Act as if all of the provisions of that Act were included in this Act, except that the provision of paragraph (c) of Section 10-65 of the Illinois Administrative Procedure Act, which provides that at hearings the certificate holder has the right to show compliance with all lawful requirements for retention, or continuation, or renewal of the certificate, is specifically excluded. For the purpose of this Act, the notice required under Section 10-25 of the Illinois Administrative Procedure Act is deemed sufficient when mailed to the last known address of a party.

(Source: P.A. 89-61, eff. 6-30-95; revised 10-9-15.)

Section 335. The Patients' Right to Know Act is amended by changing Section 5 as follows:

(225 ILCS 61/5)

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Sec. 5. Definitions. For purposes of this Act, the following definitions shall have the following meanings, except where the context requires otherwise:

"Department" means the Department of Financial and Professional Regulation.

"Disciplinary Board" means the Medical Disciplinary Board.

"Physician" means a person licensed under the Medical Practice Act of 1987 to practice medicine in all of its branches or a chiropractic physician licensed to treat human ailments without the use of drugs and without operative surgery.

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

(Source: P.A. 97-280, eff. 8-9-11; revised 10-21-15.)

Section 340. The Nurse Practice Act is amended by changing Section 50-10 as follows:

(225 ILCS 65/50-10) (was 225 ILCS 65/5-10)

(Section scheduled to be repealed on January 1, 2018)

Sec. 50-10. Definitions. Each of the following terms, when used in this Act, shall have the meaning ascribed to it in this Section, except where the context clearly indicates otherwise:

"Academic year" means the customary annual schedule of courses at a college, university, or approved school, customarily regarded as the school year as distinguished from the calendar year.

"Advanced practice nurse" or "APN" means a person who has met the qualifications for a (i) certified nurse midwife (CNM); (ii) certified nurse practitioner (CNP); (iii) certified registered nurse anesthetist (CRNA); or (iv) clinical nurse specialist (CNS) and has been licensed by the Department. All advanced practice nurses licensed and practicing in the State of Illinois shall use the title APN and may use specialty credentials CNM, CNP, CRNA, or CNS after their name. All advanced practice nurses may only practice in accordance with national certification and this Act.

"Approved program of professional nursing education" and "approved program of practical nursing education" are programs of professional or practical nursing, respectively, approved by the Department under the provisions of this Act.

"Board" means the Board of Nursing appointed by the Secretary.
"Collaboration" means a process involving 2 or more health care professionals working together, each contributing one's respective area of expertise to provide more comprehensive patient care.

"Consultation" means the process whereby an advanced practice nurse seeks the advice or opinion of another health care professional.

"Credentialed" means the process of assessing and validating the qualifications of a health care professional.

"Current nursing practice update course" means a planned nursing education curriculum approved by the Department consisting of activities that have educational objectives, instructional methods, content or subject matter, clinical practice, and evaluation methods, related to basic review and updating content and specifically planned for those nurses previously licensed in the United States or its territories and preparing for reentry into nursing practice.

"Dentist" means a person licensed to practice dentistry under the Illinois Dental Practice Act.

"Department" means the Department of Financial and Professional Regulation.

"Hospital affiliate" means a corporation, partnership, joint venture, limited liability company, or similar organization, other than a hospital, that is devoted primarily to the provision, management, or support of health care services and that directly or indirectly controls, is controlled by, or is under common control of the hospital. For the purposes of this definition, "control" means having at least an equal or a majority ownership or membership interest. A hospital affiliate shall be 100% owned or controlled by any combination of hospitals, their parent corporations, or physicians licensed to practice medicine in all its branches in Illinois. "Hospital affiliate" does not include a health maintenance organization regulated under the Health Maintenance Organization Act.

"Impaired nurse" means a nurse licensed under this Act who is unable to practice with reasonable skill and safety because of a physical or mental disability as evidenced by a written determination or written consent based on clinical evidence, including loss of motor skills, abuse of drugs or alcohol, or a psychiatric disorder, of sufficient degree to diminish his or her ability to deliver competent patient care.

"License-pending advanced practice nurse" means a registered professional nurse who has completed all requirements for licensure as an advanced practice nurse except the certification examination and has
applied to take the next available certification exam and received a temporary license from the Department.

"License-pending registered nurse" means a person who has passed the Department-approved registered nurse licensure exam and has applied for a license from the Department. A license-pending registered nurse shall use the title "RN lic pend" on all documentation related to nursing practice.

"Physician" means a person licensed to practice medicine in all its branches under the Medical Practice Act of 1987.

"Podiatric physician" means a person licensed to practice podiatry under the Podiatric Medical Practice Act of 1987.

"Practical nurse" or "licensed practical nurse" means a person who is licensed as a practical nurse under this Act and practices practical nursing as defined in this Act. Only a practical nurse licensed under this Act is entitled to use the title "licensed practical nurse" and the abbreviation "L.P.N.".

"Practical nursing" means the performance of nursing acts requiring the basic nursing knowledge, judgment, and skill acquired by means of completion of an approved practical nursing education program. Practical nursing includes assisting in the nursing process as delegated by a registered professional nurse or an advanced practice nurse. The practical nurse may work under the direction of a licensed physician, dentist, podiatric physician, or other health care professional determined by the Department.

"Privileged" means the authorization granted by the governing body of a healthcare facility, agency, or organization to provide specific patient care services within well-defined limits, based on qualifications reviewed in the credentialing process.

"Registered Nurse" or "Registered Professional Nurse" means a person who is licensed as a professional nurse under this Act and practices nursing as defined in this Act. Only a registered nurse licensed under this Act is entitled to use the titles "registered nurse" and "registered professional nurse" and the abbreviation, "R.N.".

"Registered professional nursing practice" is a scientific process founded on a professional body of knowledge; it is a learned profession based on the understanding of the human condition across the life span and environment and includes all nursing specialties and means the performance of any nursing act based upon professional knowledge, judgment, and skills acquired by means of completion of an approved
A registered professional nurse provides holistic nursing care through the nursing process to individuals, groups, families, or communities, that includes but is not limited to: (1) the assessment of healthcare needs, nursing diagnosis, planning, implementation, and nursing evaluation; (2) the promotion, maintenance, and restoration of health; (3) counseling, patient education, health education, and patient advocacy; (4) the administration of medications and treatments as prescribed by a physician licensed to practice medicine in all of its branches, a licensed dentist, a licensed podiatric physician, or a licensed optometrist or as prescribed by a physician assistant or by an advanced practice nurse; (5) the coordination and management of the nursing plan of care; (6) the delegation to and supervision of individuals who assist the registered professional nurse implementing the plan of care; and (7) teaching nursing students. The foregoing shall not be deemed to include those acts of medical diagnosis or prescription of therapeutic or corrective measures.

"Professional assistance program for nurses" means a professional assistance program that meets criteria established by the Board of Nursing and approved by the Secretary, which provides a non-disciplinary treatment approach for nurses licensed under this Act whose ability to practice is compromised by alcohol or chemical substance addiction.

"Secretary" means the Secretary of Financial and Professional Regulation.

"Unencumbered license" means a license issued in good standing.

"Written collaborative agreement" means a written agreement between an advanced practice nurse and a collaborating physician, dentist, or podiatric physician pursuant to Section 65-35.

(225 ILCS 85/19.1)

Sec. 19.1. Dispensing opioid antagonists naloxone antidotes.

(a) Due to the recent rise in opioid-related deaths in Illinois and the existence of an opioid antagonist that can reverse the deadly effects of overdose, the General Assembly finds that in order to avoid further loss where possible, it is responsible to allow greater access of such an antagonist to those populations at risk of overdose.

New matter indicated by italics - deletions by strikeout
(b) Notwithstanding any general or special law to the contrary, a licensed pharmacist may dispense an opioid antagonist in accordance with written, standardized procedures or protocols developed by the Department with the Department of Public Health and the Department of Human Services if the procedures or protocols are filed at the pharmacy before implementation and are available to the Department upon request.

(c) Before dispensing an opioid antagonist pursuant to this Section, a pharmacist shall complete a training program approved by the Department of Human Services pursuant to Section 5-23 of the Alcoholism and Other Drug Abuse and Dependency Act. The training program shall include, but not be limited to, proper documentation and quality assurance.

(d) For the purpose of this Section, "opioid antagonist" means a drug that binds to opioid receptors and blocks or inhibits the effect of opioids acting on those receptors, including, but not limited to, naloxone hydrochloride or any other similarly acting and equally safe drug approved by the U.S. Food and Drug Administration for the treatment of drug overdose.

(Source: P.A. 99-480, eff. 9-9-15; revised 10-16-15.)

Section 350. The Illinois Physical Therapy Act is amended by changing Section 1 as follows:

(225 ILCS 90/1) (from Ch. 111, par. 4251)

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

Sec. 1. Definitions. As used in this Act:

(1) "Physical therapy" means all of the following:

(A) Examining, evaluating, and testing individuals who may have mechanical, physiological, or developmental impairments, functional limitations, disabilities, or other health and movement-related conditions, classifying these disorders, determining a rehabilitation prognosis and plan of therapeutic intervention, and assessing the on-going effects of the interventions.

(B) Alleviating impairments, functional limitations, or disabilities by designing, implementing, and modifying therapeutic interventions that may include, but are not limited to, the evaluation or treatment of a person through the use of the effective properties of physical measures and heat, cold, light, water, radiant energy, electricity, sound, and air and use of therapeutic massage, therapeutic exercise, mobilization, and rehabilitative procedures,
with or without assistive devices, for the purposes of preventing, correcting, or alleviating a physical or mental impairment, functional limitation, or disability.

(C) Reducing the risk of injury, impairment, functional limitation, or disability, including the promotion and maintenance of fitness, health, and wellness.

(D) Engaging in administration, consultation, education, and research.

Physical therapy includes, but is not limited to: (a) performance of specialized tests and measurements, (b) administration of specialized treatment procedures, (c) interpretation of referrals from physicians, dentists, advanced practice nurses, physician assistants, and podiatric physicians, (d) establishment, and modification of physical therapy treatment programs, (e) administration of topical medication used in generally accepted physical therapy procedures when such medication is either prescribed by the patient's physician, licensed to practice medicine in all its branches, the patient's physician licensed to practice podiatric medicine, the patient's advanced practice nurse, the patient's physician assistant, or the patient's dentist or used following the physician's orders or written instructions, and (f) supervision or teaching of physical therapy. Physical therapy does not include radiology, electrosurgery, chiropractic technique or determination of a differential diagnosis; provided, however, the limitation on determining a differential diagnosis shall not in any manner limit a physical therapist licensed under this Act from performing an evaluation pursuant to such license. Nothing in this Section shall limit a physical therapist from employing appropriate physical therapy techniques that he or she is educated and licensed to perform. A physical therapist shall refer to a licensed physician, advanced practice nurse, physician assistant, dentist, podiatric physician, other physical therapist, or other health care provider any patient whose medical condition should, at the time of evaluation or treatment, be determined to be beyond the scope of practice of the physical therapist.

(2) "Physical therapist" means a person who practices physical therapy and who has met all requirements as provided in this Act.

(3) "Department" means the Department of Professional Regulation.

(4) "Director" means the Director of Professional Regulation.

(5) "Board" means the Physical Therapy Licensing and Disciplinary Board approved by the Director.

New matter indicated by italics - deletions by strikeout
(6) "Referral" means a written or oral authorization for physical therapy services for a patient by a physician, dentist, advanced practice nurse, physician assistant, or podiatric physician who maintains medical supervision of the patient and makes a diagnosis or verifies that the patient's condition is such that it may be treated by a physical therapist.

(7) "Documented current and relevant diagnosis" for the purpose of this Act means a diagnosis, substantiated by signature or oral verification of a physician, dentist, advanced practice nurse, physician assistant, or podiatric physician, that a patient's condition is such that it may be treated by physical therapy as defined in this Act, which diagnosis shall remain in effect until changed by the physician, dentist, advanced practice nurse, physician assistant, or podiatric physician.

(8) "State" includes:
   (a) the states of the United States of America;
   (b) the District of Columbia; and
   (c) the Commonwealth of Puerto Rico.

(9) "Physical therapist assistant" means a person licensed to assist a physical therapist and who has met all requirements as provided in this Act and who works under the supervision of a licensed physical therapist to assist in implementing the physical therapy treatment program as established by the licensed physical therapist. The patient care activities provided by the physical therapist assistant shall not include the interpretation of referrals, evaluation procedures, or the planning or major modification of patient programs.

(10) "Physical therapy aide" means a person who has received on the job training, specific to the facility in which he is employed.

(11) "Advanced practice nurse" means a person licensed as an advanced practice nurse under the Nurse Practice Act.

(12) "Physician assistant" means a person licensed under the Physician Assistant Practice Act of 1987.

(Source: P.A. 98-214, eff. 8-9-13; 99-173, eff. 7-29-15; 99-229, eff. 8-3-15; revised 10-21-15.)

Section 355. The Respiratory Care Practice Act is amended by changing Sections 10 and 115 as follows:

(225 ILCS 106/10)
(Section scheduled to be repealed on January 1, 2026)

Sec. 10. Definitions. In this Act:
"Address of record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file as

New matter indicated by italics - deletions by strikeout
maintained by the Department's licensure maintenance unit. It is the duty of the applicant or licensee to inform the Department of any change of address and those changes must be made either through the Department's website or by contacting the Department.

"Advanced practice nurse" means an advanced practice nurse licensed under the Nurse Practice Act.

"Board" means the Respiratory Care Board appointed by the Secretary.

"Basic respiratory care activities" means and includes all of the following activities:

(1) Cleaning, disinfecting, and sterilizing equipment used in the practice of respiratory care as delegated by a licensed health care professional or other authorized licensed personnel.

(2) Assembling equipment used in the practice of respiratory care as delegated by a licensed health care professional or other authorized licensed personnel.

(3) Collecting and reviewing patient data through non-invasive means, provided that the collection and review does not include the individual's interpretation of the clinical significance of the data. Collecting and reviewing patient data includes the performance of pulse oximetry and non-invasive monitoring procedures in order to obtain vital signs and notification to licensed health care professionals and other authorized licensed personnel in a timely manner.

(4) Maintaining a nasal cannula or face mask for oxygen therapy in the proper position on the patient's face.

(5) Assembling a nasal cannula or face mask for oxygen therapy at patient bedside in preparation for use.

(6) Maintaining a patient's natural airway by physically manipulating the jaw and neck, suctioning the oral cavity, or suctioning the mouth or nose with a bulb syringe.

(7) Performing assisted ventilation during emergency resuscitation using a manual resuscitator.

(8) Using a manual resuscitator at the direction of a licensed health care professional or other authorized licensed personnel who is present and performing routine airway suctioning. These activities do not include care of a patient's artificial airway or the adjustment of mechanical ventilator settings while a patient is connected to the ventilator.

New matter indicated by italics - deletions by strikeout
"Basic respiratory care activities" does not mean activities that involve any of the following:

1. Specialized knowledge that results from a course of education or training in respiratory care.
2. An unreasonable risk of a negative outcome for the patient.
3. The assessment or making of a decision concerning patient care.
4. The administration of aerosol medication or medical gas.
5. The insertion and maintenance of an artificial airway.
6. Mechanical ventilatory support.
7. Patient assessment.
8. Patient education.
9. The transferring of oxygen devices, for purposes of patient transport, with a liter flow greater than 6 liters per minute, and the transferring of oxygen devices at any liter flow being delivered to patients less than 12 years of age.

"Department" means the Department of Financial and Professional Regulation.

"Licensed" means that which is required to hold oneself out as a respiratory care practitioner as defined in this Act.

"Licensed health care professional" means a physician licensed to practice medicine in all its branches, a licensed advanced practice nurse, or a licensed physician assistant.

"Order" means a written, oral, or telecommunicated authorization for respiratory care services for a patient by (i) a licensed health care professional who maintains medical supervision of the patient and makes a diagnosis or verifies that the patient's condition is such that it may be treated by a respiratory care practitioner or (ii) a certified registered nurse anesthetist in a licensed hospital or ambulatory surgical treatment center.

"Other authorized licensed personnel" means a licensed respiratory care practitioner, a licensed registered nurse, or a licensed practical nurse whose scope of practice authorizes the professional to supervise an individual who is not licensed, certified, or registered as a health professional.

"Proximate supervision" means a situation in which an individual is responsible for directing the actions of another individual in the facility.

New matter indicated by italics - deletions by strikeout
and is physically close enough to be readily available, if needed, by the supervised individual.

"Respiratory care" and "cardiorespiratory care" mean preventative services, evaluation and assessment services, therapeutic services, cardiopulmonary disease management, and rehabilitative services under the order of a licensed health care professional for an individual with a disorder, disease, or abnormality of the cardiopulmonary system. These terms include, but are not limited to, measuring, observing, assessing, and monitoring signs and symptoms, reactions, general behavior, and general physical response of individuals to respiratory care services, including the determination of whether those signs, symptoms, reactions, behaviors, or general physical responses exhibit abnormal characteristics; the administration of pharmacological and therapeutic agents and procedures related to respiratory care services; the collection of blood specimens and other bodily fluids and tissues for, and the performance of, cardiopulmonary diagnostic testing procedures, including, but not limited to, blood gas analysis; development, implementation, and modification of respiratory care treatment plans based on assessed abnormalities of the cardiopulmonary system, respiratory care guidelines, referrals, and orders of a licensed health care professional; application, operation, and management of mechanical ventilatory support and other means of life support, including, but not limited to, hemodynamic cardiovascular support; and the initiation of emergency procedures under the rules promulgated by the Department. A respiratory care practitioner shall refer to a physician licensed to practice medicine in all its branches any patient whose condition, at the time of evaluation or treatment, is determined to be beyond the scope of practice of the respiratory care practitioner.

"Respiratory care education program" means a course of academic study leading to eligibility for registry or certification in respiratory care. The training is to be approved by an accrediting agency recognized by the Board and shall include an evaluation of competence through a standardized testing mechanism that is determined by the Board to be both valid and reliable.

"Respiratory care practitioner" means a person who is licensed by the Department of Professional Regulation and meets all of the following criteria:

1. The person is engaged in the practice of cardiorespiratory care and has the knowledge and skill necessary to administer respiratory care.
(2) The person is capable of serving as a resource to the licensed health care professional in relation to the technical aspects of cardiorespiratory care and the safe and effective methods for administering cardiorespiratory care modalities.

(3) The person is able to function in situations of unsupervised patient contact requiring great individual judgment. "Secretary" means the Secretary of Financial and Professional Regulation.

(Source: P.A. 99-173, eff. 7-29-15; 99-230, eff. 8-3-15; revised 10-20-15.)

(225 ILCS 106/115)

Section scheduled to be repealed on January 1, 2026

Sec. 115. Subpoena; depositions; oaths. The Department has the power to subpoena and to bring before it any person, exhibit, book, document, record, file, or any other material and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed in civil cases in the courts of this State.

The Secretary, the designated hearing officer, and every member of the Board has the power to administer oaths to witnesses at any hearing which the Department is authorized to conduct, and any other oaths authorized in any Act administered by the Department.

(Source: P.A. 99-230, eff. 8-3-15; revised 10-21-15.)

Section 360. The Perfusionist Practice Act is amended by changing Section 125 as follows:

(225 ILCS 125/125)

(Section scheduled to be repealed on January 1, 2020)

Sec. 125. Record of proceedings. The Department, at its expense, shall preserve a record of all proceedings at a formal hearing conducted pursuant to Section 120 of this Act. The notice of hearing, complaint, and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board or hearing officer, and orders of the Department shall be the record of the proceeding. The Department shall supply a transcript of the record to a person interested in the hearing on payment of the fee required under Section 2105-115 of the Department of Professional Regulation Law Section 60f of the Civil Administrative Code of Illinois.

(Source: P.A. 91-580, eff. 1-1-00; revised 10-16-15.)

New matter indicated by italics - deletions by strikeout
Section 365. The Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985 is amended by changing Section 2-4 as follows:

(225 ILCS 410/2-4) (from Ch. 111, par. 1702-4)
(Section scheduled to be repealed on January 1, 2026)
Sec. 2-4. Licensure as a barber teacher; qualifications. A person is qualified to receive a license as a barber teacher if that person files an application on forms provided by the Department, pays the required fee, and:

a. Is at least 18 years of age;
b. Has graduated from high school or its equivalent;
c. Has a current license as a barber or cosmetologist;
d. Has graduated from a barber school or school of cosmetology approved by the Department having:
   (1) completed a total of 500 hours in barber teacher training extending over a period of not less than 3 months nor more than 2 years and has had 3 years of practical experience as a licensed barber;
   (2) completed a total of 1,000 hours of barber teacher training extending over a period of not less than 6 months nor more than 2 years; or
   (3) completed the cosmetology teacher training as specified in paragraph (4) of subsection (a) of Section 3-4 of this Act and completed a supplemental barbering course as established by rule;
e. Has passed an examination authorized by the Department to determine fitness to receive a license as a barber teacher or a cosmetology teacher; and
f. Has met any other requirements set forth in this Act.

An applicant who is issued a license as a barber teacher is not required to maintain a barber license in order to practice barbering as defined in this Act.
(Source: P.A. 98-911, eff. 1-1-15; 99-78, eff. 7-20-15; 99-427, eff. 8-21-15; revised 10-19-15.)

Section 370. The Collection Agency Act is amended by changing Section 2.04 as follows:

(225 ILCS 425/2.04) (from Ch. 111, par. 2005.1)
(Section scheduled to be repealed on January 1, 2026)
Sec. 2.04. Child support debt.

New matter indicated by italics - deletions by strikeout
(a) Collection agencies engaged in the business of collecting child support debt owing under a court order as provided under the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support Punishment Act, the Illinois Parentage Act of 1984, the Illinois Parentage Act of 2015, or similar laws of other states are not restricted (i) in the frequency of contact with an obligor who is in arrears, whether by phone, mail, or other means, (ii) from contacting the employer of an obligor who is in arrears, (iii) from publishing or threatening to publish a list of obligors in arrears, (iv) from disclosing or threatening to disclose an arrearage that the obligor disputes, but for which a verified notice of delinquency has been served under the Income Withholding for Support Act (or any of its predecessors, Section 10-16.2 of the Illinois Public Aid Code, Section 706.1 of the Illinois Marriage and Dissolution of Marriage Act, Section 22 of the Non-Support Punishment Act, Section 26.1 of the Revised Uniform Reciprocal Enforcement of Support Act, or Section 20 of the Illinois Parentage Act of 1984), or (v) from engaging in conduct that would not cause a reasonable person mental or physical illness. For purposes of this subsection, "obligor" means an individual who owes a duty to make periodic payments, under a court order, for the support of a child. "Arrearage" means the total amount of an obligor's unpaid child support obligations.

(a-5) A collection agency may not impose a fee or charge, including costs, for any child support payments collected through the efforts of a federal, State, or local government agency, including but not limited to child support collected from federal or State tax refunds, unemployment benefits, or Social Security benefits.

No collection agency that collects child support payments shall (i) impose a charge or fee, including costs, for collection of a current child support payment, (ii) fail to apply collections to current support as specified in the order for support before applying collection to arrears or other amounts, or (iii) designate a current child support payment as arrears or other amount owed. In all circumstances, the collection agency shall turn over to the obligee all support collected in a month up to the amount of current support required to be paid for that month.

As to any fees or charges, including costs, retained by the collection agency, that agency shall provide documentation to the obligee demonstrating that the child support payments resulted from the actions of the agency.

New matter indicated by italics - deletions by strikeout
After collection of the total amount or arrearage, including statutory interest, due as of the date of execution of the collection contract, no further fees may be charged.

(a-10) The Department shall determine a fee rate of not less than 25% but not greater than 35%, based upon presentation by the licensees as to costs to provide the service and a fair rate of return. This rate shall be established by administrative rule.

Without prejudice to the determination by the Department of the appropriate rate through administrative rule, a collection agency shall impose a fee of not more than 29% of the amount of child support actually collected by the collection agency subject to the provisions of subsection (a-5). This interim rate is based upon the March 2002 General Account Office report "Child Support Enforcement", GAO-02-349. This rate shall apply until a fee rate is established by administrative rule.

(b) The Department shall adopt rules necessary to administer and enforce the provisions of this Section.

(Source: P.A. 99-85, eff. 1-1-16; 99-227, eff. 8-3-15; revised 10-21-15.)

Section 375. The Illinois Livestock Dealer Licensing Act is amended by changing Section 9 as follows:

Sec. 9. The Department may refuse to issue or renew or may suspend or revoke a license on any of the following grounds:

a. Material misstatement in the application for original license or in the application for any renewal license under this Act;

b. Wilful disregard or violation of this Act, or of any other Act relative to the purchase and sale of livestock, feeder swine or horses, or of any regulation or rule issued pursuant thereto;

c. Wilfully aiding or abetting another in the violation of this Act or of any regulation or rule issued pursuant thereto;

d. Allowing one's license under this Act to be used by an unlicensed person;

e. Conviction of any felony, if the Department determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust;

f. Conviction of any crime an essential element of which is misstatement, fraud or dishonesty;

g. Conviction of a violation of any law in Illinois or any Departmental rule or regulation relating to livestock;

New matter indicated by italics - deletions by strikeout
h. Making substantial misrepresentations or false promises of a character likely to influence, persuade or induce in connection with the livestock industry;

i. Pursuing a continued course of misrepresentation of or making false promises through advertising, salesmen, agents or otherwise in connection with the livestock industry;

j. Failure to possess the necessary qualifications or to meet the requirements of this Act for the issuance or holding a license;

k. Failure to pay for livestock after purchase;

l. Issuance of checks for payment of livestock when funds are insufficient;

m. Determination by a Department audit that the licensee or applicant is insolvent;

n. Operating without adequate bond coverage or its equivalent required for licensees;

o. Failing to remit the assessment required in Section 9 of the Beef Market Development Act upon written complaint of the Checkoff Division of the Illinois Beef Association Board of Governors.

The Department may refuse to issue or may suspend the license of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

(Source: P.A. 99-389, eff. 8-18-15; revised 10-20-15.)

Section 380. The Raffles and Poker Runs Act is amended by changing Section 1 as follows:

(230 ILCS 15/1) (from Ch. 85, par. 2301)

Sec. 1. Definitions. For the purposes of this Act the terms defined in this Section have the meanings given them.

"Net proceeds" means the gross receipts from the conduct of raffles, less reasonable sums expended for prizes, local license fees and other reasonable operating expenses incurred as a result of operating a raffle or poker run.

"Key location" means the location where the poker run concludes and the prize or prizes are awarded.

"Poker run" means a prize-awarding event organized by an organization licensed under this Act in which participants travel to
multiple predetermined locations, including a key location, to play a randomized game based on an element of chance. "Poker run" includes dice runs, marble runs, or other events where the objective is to build the best hand or highest score by obtaining an item or playing a randomized game at each location.

"Raffle" means a form of lottery, as defined in Section 28-2(b) of the Criminal Code of 2012, conducted by an organization licensed under this Act, in which:

1. the player pays or agrees to pay something of value for a chance, represented and differentiated by a number or by a combination of numbers or by some other medium, one or more of which chances is to be designated the winning chance;

2. the winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.

"Raffle" does not include a savings promotion raffle authorized under Section 5g of the Illinois Banking Act, Section 7008 of the Savings Bank Act, Section 42.7 of the Illinois Credit Union Act, Section 5136B of the National Bank Act (12 U.S.C. 25a), or Section 4 of the Home Owners' Loan Act (12 U.S.C. 1463).

(Source: P.A. 98-644, eff. 6-10-14; 99-149, eff. 1-1-16; 99-405, eff. 8-19-15; revised 10-19-15.)

Section 385. The Bingo License and Tax Act is amended by changing Section 1.3 as follows:

(230 ILCS 25/1.3)
Sec. 1.3. Restrictions on licensure. Licensing for the conducting of bingo is subject to the following restrictions:

1. The license application, when submitted to the Department, must contain a sworn statement attesting to the not-for-profit character of the prospective licensee organization, signed by a person listed on the application as an owner, officer, or other person in charge of the necessary day-to-day operations of that organization.

2. The license application shall be prepared in accordance with the rules of the Department.

New matter indicated by italics - deletions by strikeout
(3) The licensee shall prominently display the license in the area where the licensee conducts bingo. The licensee shall likewise display, in the form and manner as prescribed by the Department, the provisions of Section 8 of this Act.

(4) Each license shall state the day of the week, hours and at which location the licensee is permitted to conduct bingo games.

(5) A license is not assignable or transferable.

(6) A license authorizes the licensee to conduct the game commonly known as bingo, in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random.

(7) The Department may, on special application made by any organization having a bingo license, issue a special permit for conducting bingo on other days not exceeding 5 consecutive days, except that a licensee may conduct bingo at the Illinois State Fair or any county fair held in Illinois during each day that the fair is held, without a fee. Bingo games conducted at the Illinois State Fair or a county fair shall not require a special permit. No more than 2 special permits may be issued in one year to any one organization.

(8) Any organization qualified for a license but not holding one may, upon application and payment of a nonrefundable fee of $50, receive a limited license to conduct bingo games at no more than 2 indoor or outdoor festivals in a year for a maximum of 5 consecutive days on each occasion. No more than 2 limited licenses under this item (7) may be issued to any organization in any year. A limited license must be prominently displayed at the site where the bingo games are conducted.

(9) Senior citizens organizations and units of local government may conduct bingo without a license or fee, subject to the following conditions:

(A) bingo shall be conducted only (i) at a facility that is owned by a unit of local government to which the corporate authorities have given their approval and that is used to provide social services or a meeting place to senior citizens, (ii) in common areas in multi-unit federally assisted rental housing maintained solely for elderly persons and persons with disabilities, or (iii) at a building owned by a church or veterans organization;

New matter indicated by italics - deletions by strikeout
(B) the price paid for a single card shall not exceed 50 cents;

(C) the aggregate retail value of all prizes or merchandise awarded in any one game of bingo shall not exceed $10;

(D) no person or organization shall participate in the management or operation of bingo under this item (9) if the person or organization would be ineligible for a license under this Section; and

(E) no license is required to provide premises for bingo conducted under this item (9).

(10) Bingo equipment shall not be used for any purpose other than for the play of bingo.

(Source: P.A. 99-143, eff. 7-27-15; 99-177, eff. 7-29-15; revised 10-19-15.)

Section 390. The Liquor Control Act of 1934 is amended by setting forth and renumbering multiple versions of Section 1-3.40 and by changing Sections 5-1, 6-4, and 6-11 as follows:

(235 ILCS 5/1-3.40)
(Source: P.A. 99-282, eff. 8-5-15.)

(235 ILCS 5/1-3.42)
Sec. 1-3.42 +3-40. Class 2 brewer. "Class 2 brewer" means a person who is a holder of a brewer license or non-resident dealer license who manufactures up to 3,720,000 gallons of beer per year for sale to a licensed importing distributor or distributor.
(Source: P.A. 99-448, eff. 8-24-15; revised 10-28-15.)

(235 ILCS 5/5-1) (from Ch. 43, par. 115)
Sec. 5-1. Licenses issued by the Illinois Liquor Control Commission shall be of the following classes:


New matter indicated by italics - deletions by strikeout
(b) Distributor's license,  
(c) Importing Distributor's license,  
(d) Retailer's license,  
(e) Special Event Retailer's license (not-for-profit),  
(f) Railroad license,  
(g) Boat license,  
(h) Non-Beverage User's license,  
(i) Wine-maker's premises license,  
(j) Airplane license,  
(k) Foreign importer's license,  
(l) Broker's license,  
(m) Non-resident dealer's license,  
(n) Brew Pub license,  
(o) Auction liquor license,  
(p) Caterer retailer license,  
(q) Special use permit license,  
(r) Winery shipper's license.  

No person, firm, partnership, corporation, or other legal business entity that is engaged in the manufacturing of wine may concurrently obtain and hold a wine-maker's license and a wine manufacturer's license.  

(a) A manufacturer's license shall allow the manufacture, importation in bulk, storage, distribution and sale of alcoholic liquor to persons without the State, as may be permitted by law and to licensees in this State as follows:  

Class 1. A Distiller may make sales and deliveries of alcoholic liquor to distillers, rectifiers, importing distributors, distributors and non-beverage users and to no other licensees.  

Class 2. A Rectifier, who is not a distiller, as defined herein, may make sales and deliveries of alcoholic liquor to rectifiers, importing distributors, distributors, retailers and non-beverage users and to no other licensees.  

Class 3. A Brewer may make sales and deliveries of beer to importing distributors and distributors and may make sales as authorized under subsection (e) of Section 6-4 of this Act.  

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Class 4. A first class wine-manufacturer may make sales and deliveries of up to 50,000 gallons of wine to manufacturers, importing distributors and distributors, and to no other licensees.

Class 5. A second class Wine manufacturer may make sales and deliveries of more than 50,000 gallons of wine to manufacturers, importing distributors and distributors and to no other licensees.

Class 6. A first-class wine-maker's license shall allow the manufacture of up to 50,000 gallons of wine per year, and the storage and sale of such wine to distributors in the State and to persons without the State, as may be permitted by law. A person who, prior to June 1, 2008 (the effective date of Public Act 95-634) this amendatory Act of the 95th General Assembly, is a holder of a first-class wine-maker's license and annually produces more than 25,000 gallons of its own wine and who distributes its wine to licensed retailers shall cease this practice on or before July 1, 2008 in compliance with Public Act 95-634 this amendatory Act of the 95th General Assembly.

Class 7. A second-class wine-maker's license shall allow the manufacture of between 50,000 and 150,000 gallons of wine per year, and the storage and sale of such wine to distributors in this State and to persons without the State, as may be permitted by law. A person who, prior to June 1, 2008 (the effective date of Public Act 95-634) this amendatory Act of the 95th General Assembly, is a holder of a second-class wine-maker's license and annually produces more than 25,000 gallons of its own wine and who distributes its wine to licensed retailers shall cease this practice on or before July 1, 2008 in compliance with Public Act 95-634 this amendatory Act of the 95th General Assembly.

Class 8. A limited wine-manufacturer may make sales and deliveries not to exceed 40,000 gallons of wine per year to distributors, and to non-licensees in accordance with the provisions of this Act.

Class 9. A craft distiller license shall allow the manufacture of up to 30,000 gallons of spirits by distillation for one year after March 1, 2013 (the effective date of Public Act 97-1166) this amendatory Act of the 97th General Assembly and up to 35,000 gallons of spirits by distillation per year thereafter and the storage of such spirits. If a craft distiller licensee is not affiliated with any other manufacturer, then the craft distiller licensee may sell such spirits to distributors in this State and up to 2,500 gallons of such spirits to non-licensees to the extent permitted by any exemption approved by the Commission pursuant to Section 6-4 of this Act.

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Any craft distiller licensed under this Act who on *July 28, 2010* (the effective date of Public Act 96-1367) this amending Act of the 96th General Assembly was licensed as a distiller and manufactured no more spirits than permitted by this Section shall not be required to pay the initial licensing fee.

Class 10. A class 1 brewer license, which may only be issued to a licensed brewer or licensed non-resident dealer, shall allow the manufacture of up to 930,000 gallons of beer per year provided that the class 1 brewer licensee does not manufacture more than a combined 930,000 gallons of beer per year and is not a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 930,000 gallons of beer per year or any other alcoholic liquor. A class 1 brewer licensee may make sales and deliveries to importing distributors and distributors and to retail licensees in accordance with the conditions set forth in paragraph (18) of subsection (a) of Section 3-12 of this Act.

Class 11. A class 2 brewer license, which may only be issued to a licensed brewer or licensed non-resident dealer, shall allow the manufacture of up to 3,720,000 gallons of beer per year provided that the class 2 brewer licensee does not manufacture more than a combined 3,720,000 gallons of beer per year and is not a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 3,720,000 gallons of beer per year or any other alcoholic liquor. A class 2 brewer licensee may make sales and deliveries to importing distributors and distributors, but shall not make sales or deliveries to any other licensee. If the State Commission provides prior approval, a class 2 brewer licensee may annually transfer up to 3,720,000 gallons of beer manufactured by that class 2 brewer licensee to the premises of a licensed class 2 brewer wholly owned and operated by the same licensee.

(a-1) A manufacturer which is licensed in this State to make sales or deliveries of alcoholic liquor to licensed distributors or importing distributors and which enlists agents, representatives, or individuals acting on its behalf who contact licensed retailers on a regular and continual basis in this State must register those agents, representatives, or persons acting on its behalf with the State Commission.

Registration of agents, representatives, or persons acting on behalf of a manufacturer is fulfilled by submitting a form to the Commission. The form shall be developed by the Commission and shall include the name and address of the applicant, the name and address of the manufacturer he or she represents, the territory or areas assigned to sell to or discuss pricing

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terms of alcoholic liquor, and any other questions deemed appropriate and necessary. All statements in the forms required to be made by law or by rule shall be deemed material, and any person who knowingly misstates any material fact under oath in an application is guilty of a Class B misdemeanor. Fraud, misrepresentation, false statements, misleading statements, evasions, or suppression of material facts in the securing of a registration are grounds for suspension or revocation of the registration. The State Commission shall post a list of registered agents on the Commission's website.

(b) A distributor's license shall allow the wholesale purchase and storage of alcoholic liquors and sale of alcoholic liquors to licensees in this State and to persons without the State, as may be permitted by law.

(c) An importing distributor's license may be issued to and held by those only who are duly licensed distributors, upon the filing of an application by a duly licensed distributor, with the Commission and the Commission shall, without the payment of any fee, immediately issue such importing distributor's license to the applicant, which shall allow the importation of alcoholic liquor by the licensee into this State from any point in the United States outside this State, and the purchase of alcoholic liquor in barrels, casks or other bulk containers and the bottling of such alcoholic liquors before resale thereof, but all bottles or containers so filled shall be sealed, labeled, stamped and otherwise made to comply with all provisions, rules and regulations governing manufacturers in the preparation and bottling of alcoholic liquors. The importing distributor's license shall permit such licensee to purchase alcoholic liquor from Illinois licensed non-resident dealers and foreign importers only.

(d) A retailer's license shall allow the licensee to sell and offer for sale at retail, only in the premises specified in the license, alcoholic liquor for use or consumption, but not for resale in any form. Nothing in Public Act 95-634 this amendatory Act of the 95th General Assembly shall deny, limit, remove, or restrict the ability of a holder of a retailer's license to transfer, deliver, or ship alcoholic liquor to the purchaser for use or consumption subject to any applicable local law or ordinance. Any retail license issued to a manufacturer shall only permit the manufacturer to sell beer at retail on the premises actually occupied by the manufacturer. For the purpose of further describing the type of business conducted at a retail licensed premises, a retailer's licensee may be designated by the State Commission as (i) an on premise consumption retailer, (ii) an off premise...
sale retailer, or (iii) a combined on premise consumption and off premise sale retailer.

Notwithstanding any other provision of this subsection (d), a retail licensee may sell alcoholic liquors to a special event retailer licensee for resale to the extent permitted under subsection (e).

(e) A special event retailer's license (not-for-profit) shall permit the licensee to purchase alcoholic liquors from an Illinois licensed distributor (unless the licensee purchases less than $500 of alcoholic liquors for the special event, in which case the licensee may purchase the alcoholic liquors from a licensed retailer) and shall allow the licensee to sell and offer for sale, at retail, alcoholic liquors for use or consumption, but not for resale in any form and only at the location and on the specific dates designated for the special event in the license. An applicant for a special event retailer license must (i) furnish with the application: (A) a resale number issued under Section 2c of the Retailers' Occupation Tax Act or evidence that the applicant is registered under Section 2a of the Retailers' Occupation Tax Act, (B) a current, valid exemption identification number issued under Section 1g of the Retailers' Occupation Tax Act, and a certification to the Commission that the purchase of alcoholic liquors will be a tax-exempt purchase, or (C) a statement that the applicant is not registered under Section 2a of the Retailers' Occupation Tax Act, does not hold a resale number under Section 2c of the Retailers' Occupation Tax Act, and does not hold an exemption number under Section 1g of the Retailers' Occupation Tax Act, in which event the Commission shall set forth on the special event retailer's license a statement to that effect; (ii) submit with the application proof satisfactory to the State Commission that the applicant will provide dram shop liability insurance in the maximum limits; and (iii) show proof satisfactory to the State Commission that the applicant has obtained local authority approval.

(f) A railroad license shall permit the licensee to import alcoholic liquors into this State from any point in the United States outside this State and to store such alcoholic liquors in this State; to make wholesale purchases of alcoholic liquors directly from manufacturers, foreign importers, distributors and importing distributors from within or outside this State; and to store such alcoholic liquors in this State; provided that the above powers may be exercised only in connection with the importation, purchase or storage of alcoholic liquors to be sold or dispensed on a club, buffet, lounge or dining car operated on an electric, gas or steam railway in this State; and provided further, that railroad

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licensees exercising the above powers shall be subject to all provisions of Article VIII of this Act as applied to importing distributors. A railroad license shall also permit the licensee to sell or dispense alcoholic liquors on any club, buffet, lounge or dining car operated on an electric, gas or steam railway regularly operated by a common carrier in this State, but shall not permit the sale for resale of any alcoholic liquors to any licensee within this State. A license shall be obtained for each car in which such sales are made.

(g) A boat license shall allow the sale of alcoholic liquor in individual drinks, on any passenger boat regularly operated as a common carrier on navigable waters in this State or on any riverboat operated under the Riverboat Gambling Act, which boat or riverboat maintains a public dining room or restaurant thereon.

(h) A non-beverage user's license shall allow the licensee to purchase alcoholic liquor from a licensed manufacturer or importing distributor, without the imposition of any tax upon the business of such licensed manufacturer or importing distributor as to such alcoholic liquor to be used by such licensee solely for the non-beverage purposes set forth in subsection (a) of Section 8-1 of this Act, and such licenses shall be divided and classified and shall permit the purchase, possession and use of limited and stated quantities of alcoholic liquor as follows:

<table>
<thead>
<tr>
<th>Class</th>
<th>Not to exceed</th>
<th>Gallons</th>
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<tbody>
<tr>
<td>Class 1</td>
<td></td>
<td>500</td>
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<tr>
<td>Class 2</td>
<td></td>
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<td>Class 3</td>
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<tr>
<td>Class 4</td>
<td></td>
<td>10,000</td>
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<tr>
<td>Class 5</td>
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<td>50,000</td>
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</tbody>
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(i) A wine-maker's premises license shall allow a licensee that concurrently holds a first-class wine-maker's license to sell and offer for sale at retail in the premises specified in such license not more than 50,000 gallons of the first-class wine-maker's wine that is made at the first-class wine-maker's licensed premises per year for use or consumption, but not for resale in any form. A wine-maker's premises license shall allow a licensee who concurrently holds a second-class wine-maker's license to sell and offer for sale at retail in the premises specified in such license up to 100,000 gallons of the second-class wine-maker's wine that is made at the second-class wine-maker's licensed premises per year for use or consumption but not for resale in any form. A wine-maker's premises license shall allow a licensee that concurrently holds a first-class wine-maker's license or a second-class wine-maker's license to sell and offer for
sale at retail at the premises specified in the wine-maker's premises license, for use or consumption but not for resale in any form, any beer, wine, and spirits purchased from a licensed distributor. Upon approval from the State Commission, a wine-maker's premises license shall allow the licensee to sell and offer for sale at (i) the wine-maker's licensed premises and (ii) at up to 2 additional locations for use and consumption and not for resale. Each location shall require additional licensing per location as specified in Section 5-3 of this Act. A wine-maker's premises licensee shall secure liquor liability insurance coverage in an amount at least equal to the maximum liability amounts set forth in subsection (a) of Section 6-21 of this Act.

(j) An airplane license shall permit the licensee to import alcoholic liquors into this State from any point in the United States outside this State and to store such alcoholic liquors in this State; to make wholesale purchases of alcoholic liquors directly from manufacturers, foreign importers, distributors and importing distributors from within or outside this State; and to store such alcoholic liquors in this State; provided that the above powers may be exercised only in connection with the importation, purchase or storage of alcoholic liquors to be sold or dispensed on an airplane; and provided further, that airplane licensees exercising the above powers shall be subject to all provisions of Article VIII of this Act as applied to importing distributors. An airplane licensee shall also permit the sale or dispensing of alcoholic liquors on any passenger airplane regularly operated by a common carrier in this State, but shall not permit the sale for resale of any alcoholic liquors to any licensee within this State. A single airplane license shall be required of an airline company if liquor service is provided on board aircraft in this State. The annual fee for such license shall be as determined in Section 5-3.

(k) A foreign importer's license shall permit such licensee to purchase alcoholic liquor from Illinois licensed non-resident dealers only, and to import alcoholic liquor other than in bulk from any point outside the United States and to sell such alcoholic liquor to Illinois licensed importing distributors and to no one else in Illinois; provided that (i) the foreign importer registers with the State Commission every brand of alcoholic liquor that it proposes to sell to Illinois licensees during the license period, (ii) the foreign importer complies with all of the provisions of Section 6-9 of this Act with respect to registration of such Illinois licensees as may be granted the right to sell such brands at wholesale, and (iii) the foreign importer complies with the provisions of Sections 6-5 and

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6-6 of this Act to the same extent that these provisions apply to manufacturers.

   (l) (i) A broker's license shall be required of all persons who solicit orders for, offer to sell or offer to supply alcoholic liquor to retailers in the State of Illinois, or who offer to retailers to ship or cause to be shipped or to make contact with distillers, rectifiers, brewers or manufacturers or any other party within or without the State of Illinois in order that alcoholic liquors be shipped to a distributor, importing distributor or foreign importer, whether such solicitation or offer is consummated within or without the State of Illinois.

   No holder of a retailer's license issued by the Illinois Liquor Control Commission shall purchase or receive any alcoholic liquor, the order for which was solicited or offered for sale to such retailer by a broker unless the broker is the holder of a valid broker's license.

   The broker shall, upon the acceptance by a retailer of the broker's solicitation of an order or offer to sell or supply or deliver or have delivered alcoholic liquors, promptly forward to the Illinois Liquor Control Commission a notification of said transaction in such form as the Commission may by regulations prescribe.

   (ii) A broker's license shall be required of a person within this State, other than a retail licensee, who, for a fee or commission, promotes, solicits, or accepts orders for alcoholic liquor, for use or consumption and not for resale, to be shipped from this State and delivered to residents outside of this State by an express company, common carrier, or contract carrier. This Section does not apply to any person who promotes, solicits, or accepts orders for wine as specifically authorized in Section 6-29 of this Act.

   A broker's license under this subsection (l) shall not entitle the holder to buy or sell any alcoholic liquors for his own account or to take or deliver title to such alcoholic liquors.

   This subsection (l) shall not apply to distributors, employees of distributors, or employees of a manufacturer who has registered the trademark, brand or name of the alcoholic liquor pursuant to Section 6-9 of this Act, and who regularly sells such alcoholic liquor in the State of Illinois only to its registrants thereunder.

   Any agent, representative, or person subject to registration pursuant to subsection (a-1) of this Section shall not be eligible to receive a broker's license.

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(m) A non-resident dealer's license shall permit such licensee to ship into and warehouse alcoholic liquor into this State from any point outside of this State, and to sell such alcoholic liquor to Illinois licensed foreign importers and importing distributors and to no one else in this State; provided that (i) said non-resident dealer shall register with the Illinois Liquor Control Commission each and every brand of alcoholic liquor which it proposes to sell to Illinois licensees during the license period, (ii) it shall comply with all of the provisions of Section 6-9 hereof with respect to registration of such Illinois licensees as may be granted the right to sell such brands at wholesale, and (iii) the non-resident dealer shall comply with the provisions of Sections 6-5 and 6-6 of this Act to the same extent that these provisions apply to manufacturers.

(n) A brew pub license shall allow the licensee to only (i) manufacture up to 155,000 gallons of beer per year only on the premises specified in the license, (ii) make sales of the beer manufactured on the premises or, with the approval of the Commission, beer manufactured on another brew pub licensed premises that is wholly owned and operated by the same licensee to importing distributors, distributors, and to non-licensees for use and consumption, (iii) store the beer upon the premises, (iv) sell and offer for sale at retail from the licensed premises for off-premises consumption no more than 155,000 gallons per year so long as such sales are only made in-person, (v) sell and offer for sale at retail for use and consumption on the premises specified in the license any form of alcoholic liquor purchased from a licensed distributor or importing distributor, and (vi) with the prior approval of the Commission, annually transfer no more than 155,000 gallons of beer manufactured on the premises to a licensed brew pub wholly owned and operated by the same licensee.

A brew pub licensee shall not under any circumstance sell or offer for sale beer manufactured by the brew pub licensee to retail licensees.

A person who holds a class 2 brewer license may simultaneously hold a brew pub license if the class 2 brewer (i) does not, under any circumstance, sell or offer for sale beer manufactured by the class 2 brewer to retail licensees; (ii) does not hold more than 3 brew pub licenses in this State; (iii) does not manufacture more than a combined 3,720,000 gallons of beer per year, including the beer manufactured at the brew pub; and (iv) is not a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 3,720,000 gallons of beer per year or any other alcoholic liquor.

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Notwithstanding any other provision of this Act, a licensed brewer, class 2 brewer, or non-resident dealer who before July 1, 2015 manufactured less than than 3,720,000 gallons of beer per year and held a brew pub license on or before July 1, 2015 may (i) continue to qualify for and hold that brew pub license for the licensed premises and (ii) manufacture more than 3,720,000 gallons of beer per year and continue to qualify for and hold that brew pub license if that brewer, class 2 brewer, or non-resident dealer does not simultaneously hold a class 1 brewer license and is not a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 3,720,000 gallons of beer per year or that produces any other alcoholic liquor.

(o) A caterer retailer license shall allow the holder to serve alcoholic liquors as an incidental part of a food service that serves prepared meals which excludes the serving of snacks as the primary meal, either on or off-site whether licensed or unlicensed.

(p) An auction liquor license shall allow the licensee to sell and offer for sale at auction wine and spirits for use or consumption, or for resale by an Illinois liquor licensee in accordance with provisions of this Act. An auction liquor license will be issued to a person and it will permit the auction liquor licensee to hold the auction anywhere in the State. An auction liquor license must be obtained for each auction at least 14 days in advance of the auction date.

(q) A special use permit license shall allow an Illinois licensed retailer to transfer a portion of its alcoholic liquor inventory from its retail licensed premises to the premises specified in the license hereby created, and to sell or offer for sale at retail, only in the premises specified in the license hereby created, the transferred alcoholic liquor for use or consumption, but not for resale in any form. A special use permit license may be granted for the following time periods: one day or less; 2 or more days to a maximum of 15 days per location in any 12 month period. An applicant for the special use permit license must also submit with the application proof satisfactory to the State Commission that the applicant will provide dram shop liability insurance to the maximum limits and have local authority approval.

(r) A winery shipper's license shall allow a person with a first-class or second-class wine manufacturer's license, a first-class or second-class wine-maker's license, or a limited wine manufacturer's license or who is licensed to make wine under the laws of another state to ship wine made by that licensee directly to a resident of this State who is 21 years of age or

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older for that resident's personal use and not for resale. Prior to receiving a
winery shipper's license, an applicant for the license must provide the
Commission with a true copy of its current license in any state in which it
is licensed as a manufacturer of wine. An applicant for a winery shipper's
license must also complete an application form that provides any other
information the Commission deems necessary. The application form shall
include an acknowledgement consenting to the jurisdiction of the
Commission, the Illinois Department of Revenue, and the courts of this
State concerning the enforcement of this Act and any related laws, rules,
and regulations, including authorizing the Department of Revenue and the
Commission to conduct audits for the purpose of ensuring compliance
with Public Act 95-634 this amendatory Act.

A winery shipper licensee must pay to the Department of Revenue
the State liquor gallonage tax under Section 8-1 for all wine that is sold by
the licensee and shipped to a person in this State. For the purposes of
Section 8-1, a winery shipper licensee shall be taxed in the same manner
as a manufacturer of wine. A licensee who is not otherwise required to
register under the Retailers' Occupation Tax Act must register under the
Use Tax Act to collect and remit use tax to the Department of Revenue for
all gallons of wine that are sold by the licensee and shipped to persons in
this State. If a licensee fails to remit the tax imposed under this Act in
accordance with the provisions of Article VIII of this Act, the winery
shipper's license shall be revoked in accordance with the provisions of
Article VII of this Act. If a licensee fails to properly register and remit tax
under the Use Tax Act or the Retailers' Occupation Tax Act for all wine
that is sold by the winery shipper and shipped to persons in this State, the
winery shipper's license shall be revoked in accordance with the provisions
of Article VII of this Act.

A winery shipper licensee must collect, maintain, and submit to the
Commission on a semi-annual basis the total number of cases per resident
of wine shipped to residents of this State. A winery shipper licensed under
this subsection (r) must comply with the requirements of Section 6-29 of
this amendatory Act.

Pursuant to paragraph (5.1) or (5.3) of subsection (a) of Section 3-
12, the State Commission may receive, respond to, and investigate any
complaint and impose any of the remedies specified in paragraph (1) of
subsection (a) of Section 3-12.
(Source: P.A. 98-394, eff. 8-16-13; 98-401, eff. 8-16-13; 98-756, eff. 7-16-
14; 99-448, eff. 8-24-15; revised 10-27-15.)

New matter indicated by italics - deletions by strikeout
Sec. 6-4. (a) No person licensed by any licensing authority as a distiller, or a wine manufacturer, or any subsidiary or affiliate thereof, or any officer, associate, member, partner, representative, employee, agent or shareholder owning more than 5% of the outstanding shares of such person shall be issued an importing distributor's or distributor's license, nor shall any person licensed by any licensing authority as an importing distributor, distributor or retailer, or any subsidiary or affiliate thereof, or any officer or associate, member, partner, representative, employee, agent or shareholder owning more than 5% of the outstanding shares of such person be issued a distiller's license or a wine manufacturer's license; and no person or persons licensed as a distiller by any licensing authority shall have any interest, directly or indirectly, with such distributor or importing distributor.

However, an importing distributor or distributor, which on January 1, 1985 is owned by a brewer, or any subsidiary or affiliate thereof or any officer, associate, member, partner, representative, employee, agent or shareholder owning more than 5% of the outstanding shares of the importing distributor or distributor referred to in this paragraph, may own or acquire an ownership interest of more than 5% of the outstanding shares of a wine manufacturer and be issued a wine manufacturer's license by any licensing authority.

(b) The foregoing provisions shall not apply to any person licensed by any licensing authority as a distiller or wine manufacturer, or to any subsidiary or affiliate of any distiller or wine manufacturer who shall have been heretofore licensed by the State Commission as either an importing distributor or distributor during the annual licensing period expiring June 30, 1947, and shall actually have made sales regularly to retailers.

(c) Provided, however, that in such instances where a distributor's or importing distributor's license has been issued to any distiller or wine manufacturer or to any subsidiary or affiliate of any distiller or wine manufacturer who has, during the licensing period ending June 30, 1947, sold or distributed as such licensed distributor or importing distributor alcoholic liquors and wines to retailers, such distiller or wine manufacturer or any subsidiary or affiliate of any distiller or wine manufacturer holding such distributor's or importing distributor's license may continue to sell or distribute to retailers such alcoholic liquors and wines which are manufactured, distilled, processed or marketed by distillers and wine manufacturers whose products it sold or distributed to retailers during the

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whole or any part of its licensing periods; and such additional brands and additional products may be added to the line of such distributor or importing distributor, provided, that such brands and such products were not sold or distributed by any distributor or importing distributor licensed by the State Commission during the licensing period ending June 30, 1947, but can not sell or distribute to retailers any other alcoholic liquors or wines.

(d) It shall be unlawful for any distiller licensed anywhere to have any stock ownership or interest in any distributor's or importing distributor's license wherein any other person has an interest therein who is not a distiller and does not own more than 5% of any stock in any distillery. Nothing herein contained shall apply to such distillers or their subsidiaries or affiliates, who had a distributor's or importing distributor's license during the licensing period ending June 30, 1947, which license was owned in whole by such distiller, or subsidiaries or affiliates of such distiller.

(e) Any person licensed as a brewer, class 1 brewer, or class 2 brewer shall be permitted to sell on the licensed premises to non-licensees for on or off-premises consumption for the premises in which he or she actually conducts such business beer manufactured by the brewer, class 1 brewer, or class 2 brewer. Such sales shall be limited to on-premises, in-person sales only, for lawful consumption on or off premises. Such authorization shall be considered a privilege granted by the brewer license and, other than a manufacturer of beer as stated above, no manufacturer or distributor or importing distributor, excluding airplane licensees exercising powers provided in paragraph (i) of Section 5-1 of this Act, or any subsidiary or affiliate thereof, or any officer, associate, member, partner, representative, employee or agent, or shareholder shall be issued a retailer's license, nor shall any person having a retailer's license, excluding airplane licensees exercising powers provided in paragraph (i) of Section 5-1 of this Act, or any subsidiary or affiliate thereof, or any officer, associate, member, partner, representative or agent, or shareholder be issued a manufacturer's license or importing distributor's license.

A person who holds a class 1 or class 2 brewer license and is authorized by this Section to sell beer to non-licensees shall not sell beer to non-licensees from more than 3 total brewer or commonly owned brew pub licensed locations in this State. The class 1 or class 2 brewer shall designate to the State Commission the brewer or brew pub locations from which it will sell beer to non-licensees.

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A person licensed as a craft distiller not affiliated with any other person manufacturing spirits may be authorized by the Commission to sell up to 2,500 gallons of spirits produced by the person to non-licensees for on or off-premises consumption for the premises in which he or she actually conducts business permitting only the retail sale of spirits manufactured at such premises. Such sales shall be limited to on-premises, in-person sales only, for lawful consumption on or off premises, and such authorization shall be considered a privilege granted by the craft distiller license. A craft distiller licensed for retail sale shall secure liquor liability insurance coverage in an amount at least equal to the maximum liability amounts set forth in subsection (a) of Section 6-21 of this Act.

(f) (Blank).

(g) Notwithstanding any of the foregoing prohibitions, a limited wine manufacturer may sell at retail at its manufacturing site for on or off premises consumption and may sell to distributors. A limited wine manufacturer licensee shall secure liquor liability insurance coverage in an amount at least equal to the maximum liability amounts set forth in subsection (a) of Section 6-21 of this Act.

(h) The changes made to this Section by Public Act 99-47 shall not diminish or impair the rights of any person, whether a distiller, wine manufacturer, agent, or affiliate thereof, who requested in writing and submitted documentation to the State Commission on or before February 18, 2015 to be approved for a retail license pursuant to what has heretofore been subsection (f); provided that, on or before that date, the State Commission considered the intent of that person to apply for the retail license under that subsection and, by recorded vote, the State Commission approved a resolution indicating that such a license application could be lawfully approved upon that person duly filing a formal application for a retail license and if that person, within 90 days of the State Commission appearance and recorded vote, first filed an application with the appropriate local commission, which application was subsequently approved by the appropriate local commission prior to consideration by the State Commission of that person's application for a retail license. It is further provided that the State Commission may approve the person's application for a retail license or renewals of such license if such person continues to diligently adhere to all representations made in writing to the State Commission on or before February 18, 2015, or thereafter, or in the affidavit filed by that person

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with the State Commission to support the issuance of a retail license and to abide by all applicable laws and duly adopted rules.
(Source: P.A. 99-47, eff. 7-15-15; 99-448, eff. 8-24-15; revised 10-30-15.)
(235 ILCS 5/6-11)
Sec. 6-11. Sale near churches, schools, and hospitals.
(a) No license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children or any military or naval station, provided, that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where sale of alcoholic liquors is not the principal business carried on if the place of business so exempted is not located in a municipality of more than 500,000 persons, unless required by local ordinance; nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within 100 feet of any church or school where the church or school has been established within such 100 feet since the issuance of the original license. In the case of a church, the distance of 100 feet shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.

(b) Nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor to a restaurant, the primary business of which is the sale of goods baked on the premises if (i) the restaurant is newly constructed and located on a lot of not less than 10,000 square feet, (ii) the restaurant costs at least $1,000,000 to construct, (iii) the licensee is the titleholder to the premises and resides on the premises, and (iv) the construction of the restaurant is completed within 18 months of July 10, 1998 (the effective date of Public Act 90-617) this amendatory Act of 1998.

(c) Nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor incidental to a restaurant if (1) the primary business of the restaurant consists of the sale of food where the sale of liquor is incidental to the sale of food and the applicant is a completely new owner of the restaurant, (2) the immediately prior owner or operator of the premises where the restaurant is located operated the premises as a restaurant and held a valid retail license authorizing the sale of alcoholic liquor at the restaurant for at least part of the 24 months before the change of ownership, and (3) the restaurant is located 75 or more feet from a school.

New matter indicated by italics - deletions by strikeout
(d) In the interest of further developing Illinois' economy in the area of commerce, tourism, convention, and banquet business, nothing in this Section shall prohibit issuance of a retail license authorizing the sale of alcoholic beverages to a restaurant, banquet facility, grocery store, or hotel having not fewer than 150 guest room accommodations located in a municipality of more than 500,000 persons, notwithstanding the proximity of such hotel, restaurant, banquet facility, or grocery store to any church or school, if the licensed premises described on the license are located within an enclosed mall or building of a height of at least 6 stories, or 60 feet in the case of a building that has been registered as a national landmark, or in a grocery store having a minimum of 56,010 square feet of floor space in a single story building in an open mall of at least 3.96 acres that is adjacent to a public school that opened as a boys technical high school in 1934, or in a grocery store having a minimum of 31,000 square feet of floor space in a single story building located a distance of more than 90 feet but less than 100 feet from a high school that opened in 1928 as a junior high school and became a senior high school in 1933, and in each of these cases if the sale of alcoholic liquors is not the principal business carried on by the licensee.

For purposes of this Section, a "banquet facility" is any part of a building that caters to private parties and where the sale of alcoholic liquors is not the principal business.

(e) Nothing in this Section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors.

(f) Nothing in this Section shall prohibit a church or church affiliated school located in a home rule municipality or in a municipality with 75,000 or more inhabitants from locating within 100 feet of a property for which there is a preexisting license to sell alcoholic liquor at retail. In these instances, the local zoning authority may, by ordinance adopted simultaneously with the granting of an initial special use zoning permit for the church or church affiliated school, provide that the 100-foot restriction in this Section shall not apply to that church or church affiliated school and future retail liquor licenses.

(g) Nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor at premises within 100 feet, but not less than 90 feet, of a public school if (1) the premises have been
continuously licensed to sell alcoholic liquor for a period of at least 50 years, (2) the premises are located in a municipality having a population of over 500,000 inhabitants, (3) the licensee is an individual who is a member of a family that has held the previous 3 licenses for that location for more than 25 years, (4) the principal of the school and the alderman of the ward in which the school is located have delivered a written statement to the local liquor control commissioner stating that they do not object to the issuance of a license under this subsection (g), and (5) the local liquor control commissioner has received the written consent of a majority of the registered voters who live within 200 feet of the premises.

(h) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within premises and at an outdoor patio area attached to premises that are located in a municipality with a population in excess of 300,000 inhabitants and that are within 100 feet of a church if:

1. the sale of alcoholic liquor at the premises is incidental to the sale of food,
2. the sale of liquor is not the principal business carried on by the licensee at the premises,
3. the premises are less than 1,000 square feet,
4. the premises are owned by the University of Illinois,
5. the premises are immediately adjacent to property owned by a church and are not less than 20 nor more than 40 feet from the church space used for worship services, and
6. the principal religious leader at the place of worship has indicated his or her support for the issuance of the license in writing.

(i) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license to sell alcoholic liquor at a premises that is located within a municipality with a population in excess of 300,000 inhabitants and is within 100 feet of a church, synagogue, or other place of worship if:

1. the primary entrance of the premises and the primary entrance of the church, synagogue, or other place of worship are at least 100 feet apart, on parallel streets, and separated by an alley; and

New matter indicated by italics - deletions by strikeout
(2) the principal religious leader at the place of worship has not indicated his or her opposition to the issuance or renewal of the license in writing.

(j) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor at a theater that is within 100 feet of a church if (1) the church owns the theater, (2) the church leases the theater to one or more entities, and (3) the theater is used by at least 5 different not-for-profit theater groups.

(k) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and is within 100 feet of a school if:

(1) the primary entrance of the premises and the primary entrance of the school are parallel, on different streets, and separated by an alley;
(2) the southeast corner of the premises are at least 350 feet from the southwest corner of the school;
(3) the school was built in 1978;
(4) the sale of alcoholic liquor at the premises is incidental to the sale of food;
(5) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
(6) the applicant is the owner of the restaurant and has held a valid license authorizing the sale of alcoholic liquor for the business to be conducted on the premises at a different location for more than 7 years; and
(7) the premises is at least 2,300 square feet and sits on a lot that is between 6,100 and 6,150 square feet.

(l) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and is within 100 feet of a church or school if:

(1) the primary entrance of the premises and the closest entrance of the church or school is at least 90 feet apart and no greater than 95 feet apart;

New matter indicated by italics - deletions by strikeout
(2) the shortest distance between the premises and the church or school is at least 80 feet apart and no greater than 85 feet apart;

(3) the applicant is the owner of the restaurant and on November 15, 2006 held a valid license authorizing the sale of alcoholic liquor for the business to be conducted on the premises for at least 14 different locations;

(4) the sale of alcoholic liquor at the premises is incidental to the sale of food;

(5) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

(6) the premises is at least 3,200 square feet and sits on a lot that is between 7,150 and 7,200 square feet; and

(7) the principal religious leader at the place of worship has not indicated his or her opposition to the issuance or renewal of the license in writing.

(m) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and is within 100 feet of a church if:

(1) the premises and the church are perpendicular, and the primary entrance of the premises faces South while the primary entrance of the church faces West and the distance between the two entrances is more than 100 feet;

(2) the shortest distance between the premises lot line and the exterior wall of the church is at least 80 feet;

(3) the church was established at the current location in 1916 and the present structure was erected in 1925;

(4) the premises is a single story, single use building with at least 1,750 square feet and no more than 2,000 square feet;

(5) the sale of alcoholic liquor at the premises is incidental to the sale of food;

(6) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises; and

(7) the principal religious leader at the place of worship has not indicated his or her opposition to the issuance or renewal of the license in writing.

New matter indicated by italics - deletions by strikeout
(n) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and is within 100 feet of a school if:

(1) the school is a City of Chicago School District 299 school;
(2) the school is located within subarea E of City of Chicago Residential Business Planned Development Number 70;
(3) the sale of alcoholic liquor is not the principal business carried on by the licensee on the premises;
(4) the sale of alcoholic liquor at the premises is incidental to the sale of food; and
(5) the administration of City of Chicago School District 299 has expressed, in writing, its support for the issuance of the license.

(o) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a retail license authorizing the sale of alcoholic liquor at a premises that is located within a municipality in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the sale of alcoholic liquor at the premises is incidental to the sale of food;
(2) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
(3) the premises is located on a street that runs perpendicular to the street on which the church is located;
(4) the primary entrance of the premises is at least 100 feet from the primary entrance of the church;
(5) the shortest distance between any part of the premises and any part of the church is at least 60 feet;
(6) the premises is between 3,600 and 4,000 square feet and sits on a lot that is between 3,600 and 4,000 square feet; and
(7) the premises was built in the year 1909.

For purposes of this subsection (o), "premises" means a place of business together with a privately owned outdoor location that is adjacent to the place of business.

(p) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license

New matter indicated by italics - deletions by strikeout
authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the shortest distance between the backdoor of the premises, which is used as an emergency exit, and the church is at least 80 feet;

(2) the church was established at the current location in 1889; and

(3) liquor has been sold on the premises since at least 1985.

(q) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within a premises that is located in a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church-owned property if:

(1) the premises is located within a larger building operated as a grocery store;

(2) the area of the premises does not exceed 720 square feet and the area of the larger building exceeds 18,000 square feet;

(3) the larger building containing the premises is within 100 feet of the nearest property line of a church-owned property on which a church-affiliated school is located;

(4) the sale of liquor is not the principal business carried on within the larger building;

(5) the primary entrance of the larger building and the premises and the primary entrance of the church-affiliated school are on different, parallel streets, and the distance between the 2 primary entrances is more than 100 feet;

(6) the larger building is separated from the church-owned property and church-affiliated school by an alley;

(7) the larger building containing the premises and the church building front are on perpendicular streets and are separated by a street; and

(8) (Blank).

(r) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance, renewal, or maintenance of a license authorizing the sale of alcoholic liquor incidental to the sale of food within a restaurant established in a premises that is located in a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

New matter indicated by italics - deletions by strikeout
(1) the primary entrance of the church and the primary entrance of the restaurant are at least 100 feet apart;
(2) the restaurant has operated on the ground floor and lower level of a multi-story, multi-use building for more than 40 years;
(3) the primary business of the restaurant consists of the sale of food where the sale of liquor is incidental to the sale of food;
(4) the sale of alcoholic liquor is conducted primarily in the below-grade level of the restaurant to which the only public access is by a staircase located inside the restaurant; and
(5) the restaurant has held a license authorizing the sale of alcoholic liquor on the premises for more than 40 years.

(s) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population more than 5,000 and less than 10,000 and is within 100 feet of a church if:
(1) the church was established at the location within 100 feet of the premises after a license for the sale of alcoholic liquor at the premises was first issued;
(2) a license for sale of alcoholic liquor at the premises was first issued before January 1, 2007; and
(3) a license for the sale of alcoholic liquor on the premises has been continuously in effect since January 1, 2007, except for interruptions between licenses of no more than 90 days.

(t) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor incidental to the sale of food within a restaurant that is established in a premises that is located in a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school and a church if:
(1) the restaurant is located inside a five-story building with over 16,800 square feet of commercial space;
(2) the area of the premises does not exceed 31,050 square feet;
(3) the area of the restaurant does not exceed 5,800 square feet;
(4) the building has no less than 78 condominium units;

New matter indicated by italics - deletions by strikeout
(5) the construction of the building in which the restaurant is located was completed in 2006;
(6) the building has 10 storefront properties, 3 of which are used for the restaurant;
(7) the restaurant will open for business in 2010; +
(8) the building is north of the school and separated by an alley; and
(9) the principal religious leader of the church and either the alderman of the ward in which the school is located or the principal of the school have delivered a written statement to the local liquor control commissioner stating that he or she does not object to the issuance of a license under this subsection (t).

(u) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license to sell alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school if:

(1) the premises operates as a restaurant and has been in operation since February 2008;
(2) the applicant is the owner of the premises;
(3) the sale of alcoholic liquor is incidental to the sale of food;
(4) the sale of alcoholic liquor is not the principal business carried on by the licensee on the premises;
(5) the premises occupy the first floor of a 3-story building that is at least 90 years old;
(6) the rear lot of the school and the rear corner of the building that the premises occupy are separated by an alley;
(7) the distance from the southwest corner of the property line of the school and the northeast corner of the building that the premises occupy is at least 16 feet, 5 inches;
(8) the distance from the rear door of the premises to the southwest corner of the property line of the school is at least 93 feet;
(9) the school is a City of Chicago School District 299 school;
(10) the school's main structure was erected in 1902 and an addition was built to the main structure in 1959; and

New matter indicated by italics - deletions by strikeout
(11) the principal of the school and the alderman in whose district the premises are located have expressed, in writing, their support for the issuance of the license.

(v) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and is within 100 feet of a school if:

(1) the total land area of the premises for which the license or renewal is sought is more than 600,000 square feet;
(2) the premises for which the license or renewal is sought has more than 600 parking stalls;
(3) the total area of all buildings on the premises for which the license or renewal is sought exceeds 140,000 square feet;
(4) the property line of the premises for which the license or renewal is sought is separated from the property line of the school by a street;
(5) the distance from the school's property line to the property line of the premises for which the license or renewal is sought is at least 60 feet;

(6) as of June 14, 2011 (the effective date of this amendatory Act of the 97th General Assembly), the premises for which the license or renewal is sought is located in the Illinois Medical District.

(w) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license to sell alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the sale of alcoholic liquor at the premises is incidental to the sale of food;
(2) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
(3) the premises occupy the first floor and basement of a 2-story building that is 106 years old;
(4) the premises is at least 7,000 square feet and located on a lot that is at least 11,000 square feet;
(5) the premises is located directly west of the church, on perpendicular streets, and separated by an alley;

New matter indicated by italics - deletions by strikeout
(6) the distance between the property line of the premises and the property line of the church is at least 20 feet;

(7) the distance between the primary entrance of the premises and the primary entrance of the church is at least 130 feet; and

(8) the church has been at its location for at least 40 years.

(x) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

(2) the church has been operating in its current location since 1973;

(3) the premises has been operating in its current location since 1988;

(4) the church and the premises are owned by the same parish;

(5) the premises is used for cultural and educational purposes;

(6) the primary entrance to the premises and the primary entrance to the church are located on the same street;

(7) the principal religious leader of the church has indicated his support of the issuance of the license;

(8) the premises is a 2-story building of approximately 23,000 square feet; and

(9) the premises houses a ballroom on its ground floor of approximately 5,000 square feet.

(y) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school if:

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

(2) the sale of alcoholic liquor at the premises is incidental to the sale of food;

New matter indicated by italics - deletions by strikeout
(3) according to the municipality, the distance between the
east property line of the premises and the west property line of the
school is 97.8 feet;

(4) the school is a City of Chicago School District 299
school;

(5) the school has been operating since 1959;

(6) the primary entrance to the premises and the primary
entrance to the school are located on the same street;

(7) the street on which the entrances of the premises and the
school are located is a major diagonal thoroughfare;

(8) the premises is a single-story building of approximately
2,900 square feet; and

(9) the premises is used for commercial purposes only.

(z) Notwithstanding any provision of this Section to the contrary,
nothing in this Section shall prohibit the issuance or renewal of a license
authorizing the sale of alcoholic liquor at a premises that is located within
a municipality with a population in excess of 1,000,000 inhabitants and
within 100 feet of a mosque if:

(1) the sale of alcoholic liquor is not the principal business
carried on by the licensee at the premises;

(2) the licensee shall only sell packaged liquors at the
premises;

(3) the licensee is a national retail chain having over 100
locations within the municipality;

(4) the licensee has over 8,000 locations nationwide;

(5) the licensee has locations in all 50 states;

(6) the premises is located in the North-East quadrant of the
municipality;

(7) the premises is a free-standing building that has "drive-
through" pharmacy service;

(8) the premises has approximately 14,490 square feet of
retail space;

(9) the premises has approximately 799 square feet of
pharmacy space;

(10) the premises is located on a major arterial street that
runs east-west and accepts truck traffic; and

(11) the alderman of the ward in which the premises is
located has expressed, in writing, his or her support for the
issuance of the license.

New matter indicated by italics - deletions by strikeout
(aa) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
(2) the licensee shall only sell packaged liquors at the premises;
(3) the licensee is a national retail chain having over 100 locations within the municipality;
(4) the licensee has over 8,000 locations nationwide;
(5) the licensee has locations in all 50 states;
(6) the premises is located in the North-East quadrant of the municipality;
(7) the premises is located across the street from a national grocery chain outlet;
(8) the premises has approximately 16,148 square feet of retail space;
(9) the premises has approximately 992 square feet of pharmacy space;
(10) the premises is located on a major arterial street that runs north-south and accepts truck traffic; and
(11) the alderman of the ward in which the premises is located has expressed, in writing, his or her support for the issuance of the license.

(bb) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
(2) the sale of alcoholic liquor at the premises is incidental to the sale of food;
(3) the primary entrance to the premises and the primary entrance to the church are located on the same street;
(4) the premises is across the street from the church;

New matter indicated by italics - deletions by strikeout
(5) the street on which the premises and the church are located is a major arterial street that runs east-west;
(6) the church is an elder-led and Bible-based Assyrian church;
(7) the premises and the church are both single-story buildings;
(8) the storefront directly west of the church is being used as a restaurant; and
(9) the distance between the northern-most property line of the premises and the southern-most property line of the church is 65 feet.

(cc) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school if:

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
(2) the licensee shall only sell packaged liquors at the premises;
(3) the licensee is a national retail chain;
(4) as of October 25, 2011, the licensee has 1,767 stores operating nationwide, 87 stores operating in the State, and 10 stores operating within the municipality;
(5) the licensee shall occupy approximately 124,000 square feet of space in the basement and first and second floors of a building located across the street from a school;
(6) the school opened in August of 2009 and occupies approximately 67,000 square feet of space; and
(7) the building in which the premises shall be located has been listed on the National Register of Historic Places since April 17, 1970.

(dd) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within a full-service grocery store at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and is within 100 feet of a school if:

(1) the premises is constructed on land that was purchased from the municipality at a fair market price;

New matter indicated by italics - deletions by strikeout
(2) the premises is constructed on land that was previously used as a parking facility for public safety employees;

(3) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

(4) the main entrance to the store is more than 100 feet from the main entrance to the school;

(5) the premises is to be new construction;

(6) the school is a private school;

(7) the principal of the school has given written approval for the license;

(8) the alderman of the ward where the premises is located has given written approval of the issuance of the license;

(9) the grocery store level of the premises is between 60,000 and 70,000 square feet; and

(10) the owner and operator of the grocery store operates 2 other grocery stores that have alcoholic liquor licenses within the same municipality.

(ee) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within a full-service grocery store at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and is within 100 feet of a school if:

(1) the premises is constructed on land that once contained an industrial steel facility;

(2) the premises is located on land that has undergone environmental remediation;

(3) the premises is located within a retail complex containing retail stores where some of the stores sell alcoholic beverages;

(4) the principal activity of any restaurant in the retail complex is the sale of food, and the sale of alcoholic liquor is incidental to the sale of food;

(5) the sale of alcoholic liquor is not the principal business carried on by the grocery store;

(6) the entrance to any business that sells alcoholic liquor is more than 100 feet from the entrance to the school;

(7) the alderman of the ward where the premises is located has given written approval of the issuance of the license; and

New matter indicated by italics - deletions by strikeout
(8) the principal of the school has given written consent to the issuance of the license.

(ff) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school if:

(1) the sale of alcoholic liquor is not the principal business carried on at the premises;
(2) the sale of alcoholic liquor at the premises is incidental to the operation of a theater;
(3) the premises is a one and one-half-story building of approximately 10,000 square feet;
(4) the school is a City of Chicago School District 299 school;
(5) the primary entrance of the premises and the primary entrance of the school are at least 300 feet apart and no more than 400 feet apart;
(6) the alderman of the ward in which the premises is located has expressed, in writing, his support for the issuance of the license; and
(7) the principal of the school has expressed, in writing, that there is no objection to the issuance of a license under this subsection (ff).

(gg) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor incidental to the sale of food within a restaurant or banquet facility established in a premises that is located in a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
(2) the property on which the church is located and the property on which the premises are located are both within a district originally listed on the National Register of Historic Places on February 14, 1979;
(3) the property on which the premises are located contains one or more multi-story buildings that are at least 95 years old and have no more than three stories;

New matter indicated by italics - deletions by strikeout
(4) the building in which the church is located is at least 120 years old;
(5) the property on which the church is located is immediately adjacent to and west of the property on which the premises are located;
(6) the western boundary of the property on which the premises are located is no less than 118 feet in length and no more than 122 feet in length;
(7) as of December 31, 2012, both the church property and the property on which the premises are located are within 250 feet of City of Chicago Business-Residential Planned Development Number 38;
(8) the principal religious leader at the place of worship has indicated his or her support for the issuance of the license in writing; and
(9) the alderman in whose district the premises are located has expressed his or her support for the issuance of the license in writing.
For the purposes of this subsection, "banquet facility" means the part of the building that is located on the floor above a restaurant and caters to private parties and where the sale of alcoholic liquors is not the principal business.
(hh) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within a hotel and at an outdoor patio area attached to the hotel that are located in a municipality with a population in excess of 1,000,000 inhabitants and that are within 100 feet of a hospital if:
(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the hotel;
(2) the hotel is located within the City of Chicago Business Planned Development Number 468; and
(3) the hospital is located within the City of Chicago Institutional Planned Development Number 3.
(ii) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within a restaurant and at an outdoor patio area attached to the restaurant that are located in a
municipality with a population in excess of 1,000,000 inhabitants and that are within 100 feet of a church if:

(1) the sale of alcoholic liquor at the premises is not the principal business carried on by the licensee and is incidental to the sale of food;
(2) the restaurant has been operated on the street level of a 2-story building located on a corner lot since 2008;
(3) the restaurant is between 3,700 and 4,000 square feet and sits on a lot that is no more than 6,200 square feet;
(4) the primary entrance to the restaurant and the primary entrance to the church are located on the same street;
(5) the street on which the restaurant and the church are located is a major east-west street;
(6) the restaurant and the church are separated by a one-way northbound street;
(7) the church is located to the west of and no more than 65 feet from the restaurant; and
(8) the principal religious leader at the place of worship has indicated his or her consent to the issuance of the license in writing.

(jj) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
(2) the sale of alcoholic liquor is incidental to the sale of food;
(3) the premises are located east of the church, on perpendicular streets, and separated by an alley;
(4) the distance between the primary entrance of the premises and the primary entrance of the church is at least 175 feet;
(5) the distance between the property line of the premises and the property line of the church is at least 40 feet;
(6) the licensee has been operating at the premises since 2012;
(7) the church was constructed in 1904;
(8) the alderman of the ward in which the premises is located has expressed, in writing, his or her support for the issuance of the license; and

(9) the principal religious leader of the church has delivered a written statement that he or she does not object to the issuance of a license under this subsection (jj).

(kk) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school if:

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

(2) the licensee shall only sell packaged liquors on the premises;

(3) the licensee is a national retail chain;

(4) as of February 27, 2013, the licensee had 1,778 stores operating nationwide, 89 operating in this State, and 11 stores operating within the municipality;

(5) the licensee shall occupy approximately 169,048 square feet of space within a building that is located across the street from a tuition-based preschool; and

(6) the alderman of the ward in which the premises is located has expressed, in writing, his or her support for the issuance of the license.

(ll) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school if:

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

(2) the licensee shall only sell packaged liquors on the premises;

(3) the licensee is a national retail chain;

(4) as of February 27, 2013, the licensee had 1,778 stores operating nationwide, 89 operating in this State, and 11 stores operating within the municipality;

New matter indicated by italics - deletions by strikeout
(5) the licensee shall occupy approximately 191,535 square feet of space within a building that is located across the street from an elementary school; and

(6) the alderman of the ward in which the premises is located has expressed, in writing, his or her support for the issuance of the license.

(mm) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within premises and at an outdoor patio or sidewalk cafe, or both, attached to premises that are located in a municipality with a population in excess of 1,000,000 inhabitants and that are within 100 feet of a hospital if:

(1) the primary business of the restaurant consists of the sale of food where the sale of liquor is incidental to the sale of food;

(2) as a restaurant, the premises may or may not offer catering as an incidental part of food service;

(3) the primary business of the restaurant is conducted in space owned by a hospital or an entity owned or controlled by, under common control with, or that controls a hospital, and the chief hospital administrator has expressed his or her support for the issuance of the license in writing; and

(4) the hospital is an adult acute care facility primarily located within the City of Chicago Institutional Planned Development Number 3.

(nn) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the sale of alcoholic liquor is not the principal business carried out on the premises;

(2) the sale of alcoholic liquor at the premises is incidental to the operation of a theater;

(3) the premises are a building that was constructed in 1913 and opened on May 24, 1915 as a vaudeville theater, and the premises were converted to a motion picture theater in 1935;

(4) the church was constructed in 1889 with a stone exterior;

New matter indicated by italics - deletions by strikeout
(5) the primary entrance of the premises and the primary entrance of the church are at least 100 feet apart; and
(6) the principal religious leader at the place of worship has indicated his or her consent to the issuance of the license in writing; and
(7) the alderman in whose ward the premises are located has expressed his or her support for the issuance of the license in writing.

(oo) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a mosque, church, or other place of worship if:

1. the primary entrance of the premises and the primary entrance of the mosque, church, or other place of worship are perpendicular and are on different streets;
2. the primary entrance to the premises faces West and the primary entrance to the mosque, church, or other place of worship faces South;
3. the distance between the 2 primary entrances is at least 100 feet;
4. the mosque, church, or other place of worship was established in a location within 100 feet of the premises after a license for the sale of alcohol at the premises was first issued;
5. the mosque, church, or other place of worship was established on or around January 1, 2011;
6. a license for the sale of alcohol at the premises was first issued on or before January 1, 1985;
7. a license for the sale of alcohol at the premises has been continuously in effect since January 1, 1985, except for interruptions between licenses of no more than 90 days; and
8. the premises are a single-story, single-use building of at least 3,000 square feet and no more than 3,380 square feet.

(pp) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor incidental to the sale of food within a restaurant or banquet facility established on premises that are located in a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of at least one church if:

New matter indicated by italics - deletions by strikeout
(1) the sale of liquor shall not be the principal business carried on by the licensee at the premises;
(2) the premises are at least 2,000 square feet and no more than 10,000 square feet and is located in a single-story building;
(3) the property on which the premises are located is within an area that, as of 2009, was designated as a Renewal Community by the United States Department of Housing and Urban Development;
(4) the property on which the premises are located and the properties on which the churches are located are on the same street;
(5) the property on which the premises are located is immediately adjacent to and east of the property on which at least one of the churches is located;
(6) the property on which the premises are located is across the street and southwest of the property on which another church is located;
(7) the principal religious leaders of the churches have indicated their support for the issuance of the license in writing; and
(8) the alderman in whose ward the premises are located has expressed his or her support for the issuance of the license in writing.

For purposes of this subsection (pp), "banquet facility" means the part of the building that caters to private parties and where the sale of alcoholic liquors is not the principal business.

(qq) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor on premises that are located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church or school if:
(1) the primary entrance of the premises and the closest entrance of the church or school are at least 200 feet apart and no greater than 300 feet apart;
(2) the shortest distance between the premises and the church or school is at least 66 feet apart and no greater than 81 feet apart;
(3) the premises are a single-story, steel-framed commercial building with at least 18,042 square feet, and was constructed in 1925 and 1997;

New matter indicated by italics - deletions by strikeout
(4) the owner of the business operated within the premises has been the general manager of a similar supermarket within one mile from the premises, which has had a valid license authorizing the sale of alcoholic liquor since 2002, and is in good standing with the City of Chicago;

(5) the principal religious leader at the place of worship has indicated his or her support to the issuance or renewal of the license in writing;

(6) the alderman of the ward has indicated his or her support to the issuance or renewal of the license in writing; and

(7) the principal of the school has indicated his or her support to the issuance or renewal of the license in writing.

(rr) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a club that leases space to a school if:

(1) the sale of alcoholic liquor is not the principal business carried out on the premises;

(2) the sale of alcoholic liquor at the premises is incidental to the operation of a grocery store;

(3) the premises are a building of approximately 1,750 square feet and is rented by the owners of the grocery store from a family member;

(4) the property line of the premises is approximately 68 feet from the property line of the club;

(5) the primary entrance of the premises and the primary entrance of the club where the school leases space are at least 100 feet apart;

(6) the director of the club renting space to the school has indicated his or her consent to the issuance of the license in writing; and

(7) the alderman in whose district the premises are located has expressed his or her support for the issuance of the license in writing.

(ss) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a
municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the premises are located within a 15 unit building with 13 residential apartments and 2 commercial spaces, and the licensee will occupy both commercial spaces;

(2) a restaurant has been operated on the premises since June 2011;

(3) the restaurant currently occupies 1,075 square feet, but will be expanding to include 975 additional square feet;

(4) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

(5) the premises are located south of the church and on the same street and are separated by a one-way westbound street;

(6) the primary entrance of the premises is at least 93 feet from the primary entrance of the church;

(7) the shortest distance between any part of the premises and any part of the church is at least 72 feet;

(8) the building in which the restaurant is located was built in 1910;

(9) the alderman of the ward in which the premises are located has expressed, in writing, his or her support for the issuance of the license; and

(10) the principal religious leader of the church has delivered a written statement that he or she does not object to the issuance of a license under this subsection (ss).

Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

(2) the sale of alcoholic liquor is incidental to the sale of food;

(3) the sale of alcoholic liquor at the premises was previously authorized by a package goods liquor license;

(4) the premises are at least 40,000 square feet with 25 parking spaces in the contiguous surface lot to the north of the store and 93 parking spaces on the roof;

New matter indicated by italics - deletions by strikeout
(5) the shortest distance between the lot line of the parking lot of the premises and the exterior wall of the church is at least 80 feet;

(6) the distance between the building in which the church is located and the building in which the premises are located is at least 180 feet;

(7) the main entrance to the church faces west and is at least 257 feet from the main entrance of the premises; and

(8) the applicant is the owner of 10 similar grocery stores within the City of Chicago and the surrounding area and has been in business for more than 30 years.

(uu) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

(2) the sale of alcoholic liquor is incidental to the operation of a grocery store;

(3) the premises are located in a building that is approximately 68,000 square feet with 157 parking spaces on property that was previously vacant land;

(4) the main entrance to the church faces west and is at least 500 feet from the entrance of the premises, which faces north;

(5) the church and the premises are separated by an alley;

(6) the applicant is the owner of 9 similar grocery stores in the City of Chicago and the surrounding area and has been in business for more than 40 years; and

(7) the alderman of the ward in which the premises are located has expressed, in writing, his or her support for the issuance of the license.

(vv) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the sale of alcoholic liquor is the principal business carried on by the licensee at the premises;

New matter indicated by italics - deletions by strikeout
(2) the sale of alcoholic liquor is primary to the sale of food;

(3) the premises are located south of the church and on perpendicular streets and are separated by a driveway;

(4) the primary entrance of the premises is at least 100 feet from the primary entrance of the church;

(5) the shortest distance between any part of the premises and any part of the church is at least 15 feet;

(6) the premises are less than 100 feet from the church center, but greater than 100 feet from the area within the building where church services are held;

(7) the premises are 25,830 square feet and sit on a lot that is 0.48 acres;

(8) the premises were once designated as a Korean American Presbyterian Church and were once used as a Masonic Temple;

(9) the premises were built in 1910;

(10) the alderman of the ward in which the premises are located has expressed, in writing, his or her support for the issuance of the license; and

(11) the principal religious leader of the church has delivered a written statement that he or she does not object to the issuance of a license under this subsection (vv).

For the purposes of this subsection (vv), "premises" means a place of business together with a privately owned outdoor location that is adjacent to the place of business.

(ww) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school if:

(1) the school is located within Sub Area III of City of Chicago Residential-Business Planned Development Number 523, as amended; and

(2) the premises are located within Sub Area I, Sub Area II, or Sub Area IV of City of Chicago Residential-Business Planned Development Number 523, as amended.

(xx) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license

New matter indicated by italics - deletions by strikeout
authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the sale of wine or wine-related products is the exclusive business carried on by the licensee at the premises;
(2) the primary entrance of the premises and the primary entrance of the church are at least 100 feet apart and are located on different streets;
(3) the building in which the premises are located and the building in which the church is located are separated by an alley;
(4) the premises consists of less than 2,000 square feet of floor area dedicated to the sale of wine or wine-related products;
(5) the premises are located on the first floor of a 2-story building that is at least 99 years old and has a residential unit on the second floor; and
(6) the principal religious leader at the church has indicated his or her support for the issuance or renewal of the license in writing.

(yy) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the premises are a 27-story hotel containing 191 guest rooms;
(2) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises and is limited to a restaurant located on the first floor of the hotel;
(3) the hotel is adjacent to the church;
(4) the site is zoned as DX-16;
(5) the principal religious leader of the church has delivered a written statement that he or she does not object to the issuance of a license under this subsection (yy); and
(6) the alderman of the ward in which the premises are located has expressed, in writing, his or her support for the issuance of the license.

(zz) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the sale of wine or wine-related products is the exclusive business carried on by the licensee at the premises;
(2) the primary entrance of the premises and the primary entrance of the church are at least 100 feet apart and are located on different streets;
(3) the building in which the premises are located and the building in which the church is located are separated by an alley;
(4) the premises consists of less than 2,000 square feet of floor area dedicated to the sale of wine or wine-related products;
(5) the premises are located on the first floor of a 2-story building that is at least 99 years old and has a residential unit on the second floor; and
(6) the principal religious leader at the church has indicated his or her support for the issuance or renewal of the license in writing.
municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

1) the premises are a 15-story hotel containing 143 guest rooms;
2) the premises are approximately 85,691 square feet;
3) a restaurant is operated on the premises;
4) the restaurant is located in the first floor lobby of the hotel;
5) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
6) the hotel is located approximately 50 feet from the church and is separated from the church by a public street on the ground level and by air space on the upper level, which is where the public entrances are located;
7) the site is zoned as DX-16;
8) the principal religious leader of the church has delivered a written statement that he or she does not object to the issuance of a license under this subsection (zz); and
9) the alderman of the ward in which the premises are located has expressed, in writing, his or her support for the issuance of the license.

Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within a full-service grocery store at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school if:

1) the sale of alcoholic liquor is not the primary business activity of the grocery store;
2) the premises are newly constructed on land that was formerly used by the Young Men's Christian Association;
3) the grocery store is located within a planned development that was approved by the municipality in 2007;
4) the premises are located in a multi-building, mixed-use complex;
5) the entrance to the grocery store is located more than 200 feet from the entrance to the school;
6) the entrance to the grocery store is located across the street from the back of the school building, which is not used for student or public access;

New matter indicated by italics - deletions by strikeout
(7) the grocery store executed a binding lease for the property in 2008;
(8) the premises consist of 2 levels and occupy more than 80,000 square feet;
(9) the owner and operator of the grocery store operates at least 10 other grocery stores that have alcoholic liquor licenses within the same municipality; and
(10) the director of the school has expressed, in writing, his or her support for the issuance of the license.

(bbb) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:
(1) the sale of alcoholic liquor at the premises is incidental to the sale of food;
(2) the premises are located in a single-story building of primarily brick construction containing at least 6 commercial units constructed before 1940;
(3) the premises are located in a B3-2 zoning district;
(4) the premises are less than 4,000 square feet;
(5) the church established its congregation in 1891 and completed construction of the church building in 1990;
(6) the premises are located south of the church;
(7) the premises and church are located on the same street and are separated by a one-way westbound street; and
(8) the principal religious leader of the church has not indicated his or her opposition to the issuance or renewal of the license in writing.

(ccc) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within a full-service grocery store at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church and school if:
(1) as of March 14, 2007, the premises are located in a City of Chicago Residential-Business Planned Development No. 1052;
(2) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

New matter indicated by italics - deletions by strikeout
(3) the sale of alcoholic liquor is incidental to the operation of a grocery store and comprises no more than 10% of the total in-store sales;

(4) the owner and operator of the grocery store operates at least 10 other grocery stores that have alcoholic liquor licenses within the same municipality;

(5) the premises are new construction when the license is first issued;

(6) the constructed premises are to be no less than 50,000 square feet;

(7) the school is a private church-affiliated school;

(8) the premises and the property containing the church and church-affiliated school are located on perpendicular streets and the school and church are adjacent to one another;

(9) the pastor of the church and school has expressed, in writing, support for the issuance of the license; and

(10) the alderman of the ward in which the premises are located has expressed, in writing, his or her support for the issuance of the license.

(ddd) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church or school if:

(1) the business has been issued a license from the municipality to allow the business to operate a theater on the premises;

(2) the theater has less than 200 seats;

(3) the premises are approximately 2,700 to 3,100 square feet of space;

(4) the premises are located to the north of the church;

(5) the primary entrance of the premises and the primary entrance of any church within 100 feet of the premises are located either on a different street or across a right-of-way from the premises;

(6) the primary entrance of the premises and the primary entrance of any school within 100 feet of the premises are located either on a different street or across a right-of-way from the premises;

New matter indicated by italics - deletions by strikeout
(7) the premises are located in a building that is at least 100 years old; and

(8) any church or school located within 100 feet of the premises has indicated its support for the issuance or renewal of the license to the premises in writing.

(eee) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church and school if:

(1) the sale of alcoholic liquor is incidental to the sale of food;

(2) the sale of alcoholic liquor is not the principal business carried on by the applicant on the premises;

(3) a family-owned restaurant has operated on the premises since 1957;

(4) the premises occupy the first floor of a 3-story building that is at least 90 years old;

(5) the distance between the property line of the premises and the property line of the church is at least 20 feet;

(6) the church was established at its current location and the present structure was erected before 1900;

(7) the primary entrance of the premises is at least 75 feet from the primary entrance of the church;

(8) the school is affiliated with the church;

(9) the principal religious leader at the place of worship has indicated his or her support for the issuance of the license in writing;

(10) the principal of the school has indicated in writing that he or she is not opposed to the issuance of the license; and

(11) the alderman of the ward in which the premises are located has expressed, in writing, his or her lack of an objection to the issuance of the license.

(fff) (yyyy) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

New matter indicated by italics - deletions by strikeout
(1) the sale of alcoholic liquor is not the principal business
   carried on by the licensee at the premises;
(2) the sale of alcoholic liquor at the premises is incidental
   to the operation of a grocery store;
(3) the premises are a one-story building containing
   approximately 10,000 square feet and are rented by the owners of
   the grocery store;
(4) the sale of alcoholic liquor at the premises occurs in a
   retail area of the grocery store that is approximately 3,500 square
   feet;
(5) the grocery store has operated at the location since 1984;
(6) the grocery store is closed on Sundays;
(7) the property on which the premises are located is a
   corner lot that is bound by 3 streets and an alley, where one street
   is a one-way street that runs north-south, one street runs east-west,
   and one street runs northwest-southeast;
(8) the property line of the premises is approximately 16
   feet from the property line of the building where the church is
   located;
(9) the premises are separated from the building containing
   the church by a public alley;
(10) the primary entrance of the premises and the primary
     entrance of the church are at least 100 feet apart;
(11) representatives of the church have delivered a written
     statement that the church does not object to the issuance of a
     license under this subsection (fff) (yy); and
(12) the alderman of the ward in which the grocery store is
     located has expressed, in writing, his or her support for the
     issuance of the license.

(240 ILCS 40/15-10)
Sec. 15-10. De minimis minimus violations.

New matter indicated by italics - deletions by strikeout
(a) If a licensee commits a de minimis violation of this Code, the Director may, in his or her discretion, and without further action, issue a warning letter to the licensee.

(b) For the purposes of this Article, a de minimis violation exists when a licensee:

1. violates the maximum allowable speculative limits of item (a)(2) of Section 10-10 by 1,000 bushels or less;
2. has total grain quantity deficiency violations that do not exceed $1,000 as determined by the formula set forth in subsection (c) of Section 15-20; or
3. has total grain quality deficiency violations that do not exceed $1,000 as determined by the formula set forth in subsection (d) of Section 15-20.

(Source: P.A. 89-287, eff. 1-1-96; revised 10-21-15.)

Section 400. The Illinois Public Aid Code is amended by changing Sections 5-5, 5-5e, 5-16.8, 5-30, 10-25, and 10-25.5 as follows:

(305 ILCS 5/5-5) (from Ch. 23, par. 5-5)

Sec. 5-5. Medical services. The Illinois Department, by rule, shall determine the quantity and quality of and the rate of reimbursement for the medical assistance for which payment will be authorized, and the medical services to be provided, which may include all or part of the following: (1) inpatient hospital services; (2) outpatient hospital services; (3) other laboratory and X-ray services; (4) skilled nursing home services; (5) physicians' services whether furnished in the office, the patient's home, a hospital, a skilled nursing home, or elsewhere; (6) medical care, or any other type of remedial care furnished by licensed practitioners; (7) home health care services; (8) private duty nursing service; (9) clinic services; (10) dental services, including prevention and treatment of periodontal disease and dental caries disease for pregnant women, provided by an individual licensed to practice dentistry or dental surgery; for purposes of this item (10), "dental services" means diagnostic, preventive, or corrective procedures provided by or under the supervision of a dentist in the practice of his or her profession; (11) physical therapy and related services; (12) prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in the diseases of the eye, or by an optometrist, whichever the person may select; (13) other diagnostic, screening, preventive, and rehabilitative services, including to ensure that the individual's need for intervention or treatment of mental disorders or

New matter indicated by italics - deletions by strikeout
substance use disorders or co-occurring mental health and substance use disorders is determined using a uniform screening, assessment, and evaluation process inclusive of criteria, for children and adults; for purposes of this item (13), a uniform screening, assessment, and evaluation process refers to a process that includes an appropriate evaluation and, as warranted, a referral; "uniform" does not mean the use of a singular instrument, tool, or process that all must utilize; (14) transportation and such other expenses as may be necessary; (15) medical treatment of sexual assault survivors, as defined in Section 1a of the Sexual Assault Survivors Emergency Treatment Act, for injuries sustained as a result of the sexual assault, including examinations and laboratory tests to discover evidence which may be used in criminal proceedings arising from the sexual assault; (16) the diagnosis and treatment of sickle cell anemia; and (17) any other medical care, and any other type of remedial care recognized under the laws of this State, but not including abortions, or induced miscarriages or premature births, unless, in the opinion of a physician, such procedures are necessary for the preservation of the life of the woman seeking such treatment, or except an induced premature birth intended to produce a live viable child and such procedure is necessary for the health of the mother or her unborn child. The Illinois Department, by rule, shall prohibit any physician from providing medical assistance to anyone eligible therefor under this Code where such physician has been found guilty of performing an abortion procedure in a wilful and wanton manner upon a woman who was not pregnant at the time such abortion procedure was performed. The term "any other type of remedial care" shall include nursing care and nursing home service for persons who rely on treatment by spiritual means alone through prayer for healing.

Notwithstanding any other provision of this Section, a comprehensive tobacco use cessation program that includes purchasing prescription drugs or prescription medical devices approved by the Food and Drug Administration shall be covered under the medical assistance program under this Article for persons who are otherwise eligible for assistance under this Article.

Notwithstanding any other provision of this Code, the Illinois Department may not require, as a condition of payment for any laboratory test authorized under this Article, that a physician's handwritten signature appear on the laboratory test order form. The Illinois Department may,
however, impose other appropriate requirements regarding laboratory test order documentation.

Upon receipt of federal approval of an amendment to the Illinois Title XIX State Plan for this purpose, the Department shall authorize the Chicago Public Schools (CPS) to procure a vendor or vendors to manufacture eyeglasses for individuals enrolled in a school within the CPS system. CPS shall ensure that its vendor or vendors are enrolled as providers in the medical assistance program and in any capitated Medicaid managed care entity (MCE) serving individuals enrolled in a school within the CPS system. Under any contract procured under this provision, the vendor or vendors must serve only individuals enrolled in a school within the CPS system. Claims for services provided by CPS's vendor or vendors to recipients of benefits in the medical assistance program under this Code, the Children's Health Insurance Program, or the Covering ALL KIDS Health Insurance Program shall be submitted to the Department or the MCE in which the individual is enrolled for payment and shall be reimbursed at the Department's or the MCE's established rates or rate methodologies for eyeglasses.

On and after July 1, 2012, the Department of Healthcare and Family Services may provide the following services to persons eligible for assistance under this Article who are participating in education, training or employment programs operated by the Department of Human Services as successor to the Department of Public Aid:

1. dental services provided by or under the supervision of a dentist; and
2. eyeglasses prescribed by a physician skilled in the diseases of the eye, or by an optometrist, whichever the person may select.

Notwithstanding any other provision of this Code and subject to federal approval, the Department may adopt rules to allow a dentist who is volunteering his or her service at no cost to render dental services through an enrolled not-for-profit health clinic without the dentist personally enrolling as a participating provider in the medical assistance program. A not-for-profit health clinic shall include a public health clinic or Federally Qualified Health Center or other enrolled provider, as determined by the Department, through which dental services covered under this Section are performed. The Department shall establish a process for payment of claims for reimbursement for covered dental services rendered under this provision.

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The Illinois Department, by rule, may distinguish and classify the medical services to be provided only in accordance with the classes of persons designated in Section 5-2.

The Department of Healthcare and Family Services must provide coverage and reimbursement for amino acid-based elemental formulas, regardless of delivery method, for the diagnosis and treatment of (i) eosinophilic disorders and (ii) short bowel syndrome when the prescribing physician has issued a written order stating that the amino acid-based elemental formula is medically necessary.

The Illinois Department shall authorize the provision of, and shall authorize payment for, screening by low-dose mammography for the presence of occult breast cancer for women 35 years of age or older who are eligible for medical assistance under this Article, as follows:

(A) A baseline mammogram for women 35 to 39 years of age.

(B) An annual mammogram for women 40 years of age or older.

(C) A mammogram at the age and intervals considered medically necessary by the woman’s health care provider for women under 40 years of age and having a family history of breast cancer, prior personal history of breast cancer, positive genetic testing, or other risk factors.

(D) A comprehensive ultrasound screening of an entire breast or breasts if a mammogram demonstrates heterogeneous or dense breast tissue, when medically necessary as determined by a physician licensed to practice medicine in all of its branches.

(E) A screening MRI when medically necessary, as determined by a physician licensed to practice medicine in all of its branches.

All screenings shall include a physical breast exam, instruction on self-examination and information regarding the frequency of self-examination and its value as a preventative tool. For purposes of this Section, "low-dose mammography" means the x-ray examination of the breast using equipment dedicated specifically for mammography, including the x-ray tube, filter, compression device, and image receptor, with an average radiation exposure delivery of less than one rad per breast for 2 views of an average size breast. The term also includes digital mammography.
On and after January 1, 2016, the Department shall ensure that all networks of care for adult clients of the Department include access to at least one breast imaging Center of Imaging Excellence as certified by the American College of Radiology.

On and after January 1, 2012, providers participating in a quality improvement program approved by the Department shall be reimbursed for screening and diagnostic mammography at the same rate as the Medicare program's rates, including the increased reimbursement for digital mammography.

The Department shall convene an expert panel including representatives of hospitals, free-standing mammography facilities, and doctors, including radiologists, to establish quality standards for mammography.

On and after January 1, 2017, providers participating in a breast cancer treatment quality improvement program approved by the Department shall be reimbursed for breast cancer treatment at a rate that is no lower than 95% of the Medicare program's rates for the data elements included in the breast cancer treatment quality program.

The Department shall convene an expert panel, including representatives of hospitals, free standing breast cancer treatment centers, breast cancer quality organizations, and doctors, including breast surgeons, reconstructive breast surgeons, oncologists, and primary care providers to establish quality standards for breast cancer treatment.

Subject to federal approval, the Department shall establish a rate methodology for mammography at federally qualified health centers and other encounter-rate clinics. These clinics or centers may also collaborate with other hospital-based mammography facilities. By January 1, 2016, the Department shall report to the General Assembly on the status of the provision set forth in this paragraph.

The Department shall establish a methodology to remind women who are age-appropriate for screening mammography, but who have not received a mammogram within the previous 18 months, of the importance and benefit of screening mammography. The Department shall work with experts in breast cancer outreach and patient navigation to optimize these reminders and shall establish a methodology for evaluating their effectiveness and modifying the methodology based on the evaluation.

The Department shall establish a performance goal for primary care providers with respect to their female patients over age 40 receiving an annual mammogram. This performance goal shall be used to provide

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additional reimbursement in the form of a quality performance bonus to primary care providers who meet that goal.

The Department shall devise a means of case-managing or patient navigation for beneficiaries diagnosed with breast cancer. This program shall initially operate as a pilot program in areas of the State with the highest incidence of mortality related to breast cancer. At least one pilot program site shall be in the metropolitan Chicago area and at least one site shall be outside the metropolitan Chicago area. On or after July 1, 2016, the pilot program shall be expanded to include one site in western Illinois, one site in southern Illinois, one site in central Illinois, and 4 sites within metropolitan Chicago. An evaluation of the pilot program shall be carried out measuring health outcomes and cost of care for those served by the pilot program compared to similarly situated patients who are not served by the pilot program.

The Department shall require all networks of care to develop a means either internally or by contract with experts in navigation and community outreach to navigate cancer patients to comprehensive care in a timely fashion. The Department shall require all networks of care to include access for patients diagnosed with cancer to at least one academic commission on cancer-accredited cancer program as an in-network covered benefit.

Any medical or health care provider shall immediately recommend, to any pregnant woman who is being provided prenatal services and is suspected of drug abuse or is addicted as defined in the Alcoholism and Other Drug Abuse and Dependency Act, referral to a local substance abuse treatment provider licensed by the Department of Human Services or to a licensed hospital which provides substance abuse treatment services. The Department of Healthcare and Family Services shall assure coverage for the cost of treatment of the drug abuse or addiction for pregnant recipients in accordance with the Illinois Medicaid Program in conjunction with the Department of Human Services.

All medical providers providing medical assistance to pregnant women under this Code shall receive information from the Department on the availability of services under the Drug Free Families with a Future or any comparable program providing case management services for addicted women, including information on appropriate referrals for other social services that may be needed by addicted women in addition to treatment for addiction.

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The Illinois Department, in cooperation with the Departments of
Human Services (as successor to the Department of Alcoholism and
Substance Abuse) and Public Health, through a public awareness
campaign, may provide information concerning treatment for alcoholism
and drug abuse and addiction, prenatal health care, and other pertinent
programs directed at reducing the number of drug-affected infants born to
recipients of medical assistance.

Neither the Department of Healthcare and Family Services nor the
Department of Human Services shall sanction the recipient solely on the
basis of her substance abuse.

The Illinois Department shall establish such regulations governing
the dispensing of health services under this Article as it shall deem
appropriate. The Department should seek the advice of formal professional
advisory committees appointed by the Director of the Illinois Department
for the purpose of providing regular advice on policy and administrative
matters, information dissemination and educational activities for medical
and health care providers, and consistency in procedures to the Illinois
Department.

The Illinois Department may develop and contract with
Partnerships of medical providers to arrange medical services for persons
eligible under Section 5-2 of this Code. Implementation of this Section
may be by demonstration projects in certain geographic areas. The
Partnership shall be represented by a sponsor organization. The
Department, by rule, shall develop qualifications for sponsors of
Partnerships. Nothing in this Section shall be construed to require that the
sponsor organization be a medical organization.

The sponsor must negotiate formal written contracts with medical
providers for physician services, inpatient and outpatient hospital care,
home health services, treatment for alcoholism and substance abuse, and
other services determined necessary by the Illinois Department by rule for
delivery by Partnerships. Physician services must include prenatal and
obstetrical care. The Illinois Department shall reimburse medical services
delivered by Partnership providers to clients in target areas according to
provisions of this Article and the Illinois Health Finance Reform Act,
except that:

(1) Physicians participating in a Partnership and providing
certain services, which shall be determined by the Illinois
Department, to persons in areas covered by the Partnership may
receive an additional surcharge for such services.

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(2) The Department may elect to consider and negotiate financial incentives to encourage the development of Partnerships and the efficient delivery of medical care.

(3) Persons receiving medical services through Partnerships may receive medical and case management services above the level usually offered through the medical assistance program.

Medical providers shall be required to meet certain qualifications to participate in Partnerships to ensure the delivery of high quality medical services. These qualifications shall be determined by rule of the Illinois Department and may be higher than qualifications for participation in the medical assistance program. Partnership sponsors may prescribe reasonable additional qualifications for participation by medical providers, only with the prior written approval of the Illinois Department.

Nothing in this Section shall limit the free choice of practitioners, hospitals, and other providers of medical services by clients. In order to ensure patient freedom of choice, the Illinois Department shall immediately promulgate all rules and take all other necessary actions so that provided services may be accessed from therapeutically certified optometrists to the full extent of the Illinois Optometric Practice Act of 1987 without discriminating between service providers.

The Department shall apply for a waiver from the United States Health Care Financing Administration to allow for the implementation of Partnerships under this Section.

The Illinois Department shall require health care providers to maintain records that document the medical care and services provided to recipients of Medical Assistance under this Article. Such records must be retained for a period of not less than 6 years from the date of service or as provided by applicable State law, whichever period is longer, except that if an audit is initiated within the required retention period then the records must be retained until the audit is completed and every exception is resolved. The Illinois Department shall require health care providers to make available, when authorized by the patient, in writing, the medical records in a timely fashion to other health care providers who are treating or serving persons eligible for Medical Assistance under this Article. All dispensers of medical services shall be required to maintain and retain business and professional records sufficient to fully and accurately document the nature, scope, details and receipt of the health care provided to persons eligible for medical assistance under this Code, in accordance with regulations promulgated by the Illinois Department. The rules and

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regulations shall require that proof of the receipt of prescription drugs,
dentures, prosthetic devices and eyeglasses by eligible persons under this
Section accompany each claim for reimbursement submitted by the
dispenser of such medical services. No such claims for reimbursement
shall be approved for payment by the Illinois Department without such
proof of receipt, unless the Illinois Department shall have put into effect
and shall be operating a system of post-payment audit and review which
shall, on a sampling basis, be deemed adequate by the Illinois Department
to assure that such drugs, dentures, prosthetic devices and eyeglasses for
which payment is being made are actually being received by eligible
recipients. Within 90 days after September 16, 1984 (the effective date of
Public Act 83-1439) this amendatory Act of 1984, the Illinois Department
shall establish a current list of acquisition costs for all prosthetic devices
and any other items recognized as medical equipment and supplies
reimbursable under this Article and shall update such list on a quarterly
basis, except that the acquisition costs of all prescription drugs shall be
updated no less frequently than every 30 days as required by Section 5-5.12.

The rules and regulations of the Illinois Department shall require
that a written statement including the required opinion of a physician shall
accompany any claim for reimbursement for abortions, or induced
miscarriages or premature births. This statement shall indicate what
procedures were used in providing such medical services.

Notwithstanding any other law to the contrary, the Illinois
Department shall, within 365 days after July 22, 2013 (the effective date of
Public Act 98-104), establish procedures to permit skilled care facilities
licensed under the Nursing Home Care Act to submit monthly billing
claims for reimbursement purposes. Following development of these
procedures, the Department shall, by July 1, 2016, test the viability of the
new system and implement any necessary operational or structural changes
to its information technology platforms in order to allow for the direct
acceptance and payment of nursing home claims.

Notwithstanding any other law to the contrary, the Illinois
Department shall, within 365 days after August 15, 2014 (the effective
date of Public Act 98-963), establish procedures to permit ID/DD facilities
licensed under the ID/DD Community Care Act and MC/DD facilities
licensed under the MC/DD Act to submit monthly billing claims for
reimbursement purposes. Following development of these procedures, the
Department shall have an additional 365 days to test the viability of the

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new system and to ensure that any necessary operational or structural changes to its information technology platforms are implemented.

The Illinois Department shall require all dispensers of medical services, other than an individual practitioner or group of practitioners, desiring to participate in the Medical Assistance program established under this Article to disclose all financial, beneficial, ownership, equity, surety or other interests in any and all firms, corporations, partnerships, associations, business enterprises, joint ventures, agencies, institutions or other legal entities providing any form of health care services in this State under this Article.

The Illinois Department may require that all dispensers of medical services desiring to participate in the medical assistance program established under this Article disclose, under such terms and conditions as the Illinois Department may by rule establish, all inquiries from clients and attorneys regarding medical bills paid by the Illinois Department, which inquiries could indicate potential existence of claims or liens for the Illinois Department.

Enrollment of a vendor shall be subject to a provisional period and shall be conditional for one year. During the period of conditional enrollment, the Department may terminate the vendor's eligibility to participate in, or may disenroll the vendor from, the medical assistance program without cause. Unless otherwise specified, such termination of eligibility or disenrollment is not subject to the Department's hearing process. However, a disenrolled vendor may reapply without penalty.

The Department has the discretion to limit the conditional enrollment period for vendors based upon category of risk of the vendor.

Prior to enrollment and during the conditional enrollment period in the medical assistance program, all vendors shall be subject to enhanced oversight, screening, and review based on the risk of fraud, waste, and abuse that is posed by the category of risk of the vendor. The Illinois Department shall establish the procedures for oversight, screening, and review, which may include, but need not be limited to: criminal and financial background checks; fingerprinting; license, certification, and authorization verifications; unscheduled or unannounced site visits; database checks; prepayment audit reviews; audits; payment caps; payment suspensions; and other screening as required by federal or State law.

The Department shall define or specify the following: (i) by provider notice, the "category of risk of the vendor" for each type of

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vendor, which shall take into account the level of screening applicable to a particular category of vendor under federal law and regulations; (ii) by rule or provider notice, the maximum length of the conditional enrollment period for each category of risk of the vendor; and (iii) by rule, the hearing rights, if any, afforded to a vendor in each category of risk of the vendor that is terminated or disenrolled during the conditional enrollment period.

To be eligible for payment consideration, a vendor's payment claim or bill, either as an initial claim or as a resubmitted claim following prior rejection, must be received by the Illinois Department, or its fiscal intermediary, no later than 180 days after the latest date on the claim on which medical goods or services were provided, with the following exceptions:

(1) In the case of a provider whose enrollment is in process by the Illinois Department, the 180-day period shall not begin until the date on the written notice from the Illinois Department that the provider enrollment is complete.

(2) In the case of errors attributable to the Illinois Department or any of its claims processing intermediaries which result in an inability to receive, process, or adjudicate a claim, the 180-day period shall not begin until the provider has been notified of the error.

(3) In the case of a provider for whom the Illinois Department initiates the monthly billing process.

(4) In the case of a provider operated by a unit of local government with a population exceeding 3,000,000 when local government funds finance federal participation for claims payments.

For claims for services rendered during a period for which a recipient received retroactive eligibility, claims must be filed within 180 days after the Department determines the applicant is eligible. For claims for which the Illinois Department is not the primary payer, claims must be submitted to the Illinois Department within 180 days after the final adjudication by the primary payer.

In the case of long term care facilities, within 5 days of receipt by the facility of required prescreening information, data for new admissions shall be entered into the Medical Electronic Data Interchange (MEDI) or the Recipient Eligibility Verification (REV) System or successor system, and within 15 days of receipt by the facility of required prescreening information, admission documents shall be submitted through MEDI or

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REV or shall be submitted directly to the Department of Human Services using required admission forms. Effective September 1, 2014, admission documents, including all prescreening information, must be submitted through MEDI or REV. Confirmation numbers assigned to an accepted transaction shall be retained by a facility to verify timely submittal. Once an admission transaction has been completed, all resubmitted claims following prior rejection are subject to receipt no later than 180 days after the admission transaction has been completed.

Claims that are not submitted and received in compliance with the foregoing requirements shall not be eligible for payment under the medical assistance program, and the State shall have no liability for payment of those claims.

To the extent consistent with applicable information and privacy, security, and disclosure laws, State and federal agencies and departments shall provide the Illinois Department access to confidential and other information and data necessary to perform eligibility and payment verifications and other Illinois Department functions. This includes, but is not limited to: information pertaining to licensure; certification; earnings; immigration status; citizenship; wage reporting; unearned and earned income; pension income; employment; supplemental security income; social security numbers; National Provider Identifier (NPI) numbers; the National Practitioner Data Bank (NPDB); program and agency exclusions; taxpayer identification numbers; tax delinquency; corporate information; and death records.

The Illinois Department shall enter into agreements with State agencies and departments, and is authorized to enter into agreements with federal agencies and departments, under which such agencies and departments shall share data necessary for medical assistance program integrity functions and oversight. The Illinois Department shall develop, in cooperation with other State departments and agencies, and in compliance with applicable federal laws and regulations, appropriate and effective methods to share such data. At a minimum, and to the extent necessary to provide data sharing, the Illinois Department shall enter into agreements with State agencies and departments, and is authorized to enter into agreements with federal agencies and departments, including but not limited to: the Secretary of State; the Department of Revenue; the Department of Public Health; the Department of Human Services; and the Department of Financial and Professional Regulation.

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Beginning in fiscal year 2013, the Illinois Department shall set forth a request for information to identify the benefits of a pre-payment, post-adjudication, and post-edit claims system with the goals of streamlining claims processing and provider reimbursement, reducing the number of pending or rejected claims, and helping to ensure a more transparent adjudication process through the utilization of: (i) provider data verification and provider screening technology; and (ii) clinical code editing; and (iii) pre-pay, pre- or post-adjudicated predictive modeling with an integrated case management system with link analysis. Such a request for information shall not be considered as a request for proposal or as an obligation on the part of the Illinois Department to take any action or acquire any products or services.

The Illinois Department shall establish policies, procedures, standards and criteria by rule for the acquisition, repair and replacement of orthotic and prosthetic devices and durable medical equipment. Such rules shall provide, but not be limited to, the following services: (1) immediate repair or replacement of such devices by recipients; and (2) rental, lease, purchase or lease-purchase of durable medical equipment in a cost-effective manner, taking into consideration the recipient's medical prognosis, the extent of the recipient's needs, and the requirements and costs for maintaining such equipment. Subject to prior approval, such rules shall enable a recipient to temporarily acquire and use alternative or substitute devices or equipment pending repairs or replacements of any device or equipment previously authorized for such recipient by the Department.

The Department shall execute, relative to the nursing home prescreening project, written inter-agency agreements with the Department of Human Services and the Department on Aging, to effect the following: (i) intake procedures and common eligibility criteria for those persons who are receiving non-institutional services; and (ii) the establishment and development of non-institutional services in areas of the State where they are not currently available or are undeveloped; and (iii) notwithstanding any other provision of law, subject to federal approval, on and after July 1, 2012, an increase in the determination of need (DON) scores from 29 to 37 for applicants for institutional and home and community-based long term care; if and only if federal approval is not granted, the Department may, in conjunction with other affected agencies, implement utilization controls or changes in benefit packages to effectuate a similar savings amount for this population; and (iv) no later than July 1, 2013, minimum level of care
eligibility criteria for institutional and home and community-based long term care; and (v) no later than October 1, 2013, establish procedures to permit long term care providers access to eligibility scores for individuals with an admission date who are seeking or receiving services from the long term care provider. In order to select the minimum level of care eligibility criteria, the Governor shall establish a workgroup that includes affected agency representatives and stakeholders representing the institutional and home and community-based long term care interests. This Section shall not restrict the Department from implementing lower level of care eligibility criteria for community-based services in circumstances where federal approval has been granted.

The Illinois Department shall develop and operate, in cooperation with other State Departments and agencies and in compliance with applicable federal laws and regulations, appropriate and effective systems of health care evaluation and programs for monitoring of utilization of health care services and facilities, as it affects persons eligible for medical assistance under this Code.

The Illinois Department shall report annually to the General Assembly, no later than the second Friday in April of 1979 and each year thereafter, in regard to:

(a) actual statistics and trends in utilization of medical services by public aid recipients;

(b) actual statistics and trends in the provision of the various medical services by medical vendors;

(c) current rate structures and proposed changes in those rate structures for the various medical vendors; and

(d) efforts at utilization review and control by the Illinois Department.

The period covered by each report shall be the 3 years ending on the June 30 prior to the report. The report shall include suggested legislation for consideration by the General Assembly. The filing of one copy of the report with the Speaker, one copy with the Minority Leader and one copy with the Clerk of the House of Representatives, one copy with the President, one copy with the Minority Leader and one copy with the Secretary of the Senate, one copy with the Legislative Research Unit, and such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act shall be deemed sufficient to comply with this Section.

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Rulemaking authority to implement Public Act 95-1045, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

On and after July 1, 2012, the Department shall reduce any rate of reimbursement for services or other payments or alter any methodologies authorized by this Code to reduce any rate of reimbursement for services or other payments in accordance with Section 5-5e.

Because kidney transplantation can be an appropriate, cost effective alternative to renal dialysis when medically necessary and notwithstanding the provisions of Section 1-11 of this Code, beginning October 1, 2014, the Department shall cover kidney transplantation for noncitizens with end-stage renal disease who are not eligible for comprehensive medical benefits, who meet the residency requirements of Section 5-3 of this Code, and who would otherwise meet the financial requirements of the appropriate class of eligible persons under Section 5-2 of this Code. To qualify for coverage of kidney transplantation, such person must be receiving emergency renal dialysis services covered by the Department. Providers under this Section shall be prior approved and certified by the Department to perform kidney transplantation and the services under this Section shall be limited to services associated with kidney transplantation.

Notwithstanding any other provision of this Code to the contrary, on or after July 1, 2015, all FDA approved forms of medication assisted treatment prescribed for the treatment of alcohol dependence or treatment of opioid dependence shall be covered under both fee for service and managed care medical assistance programs for persons who are otherwise eligible for medical assistance under this Article and shall not be subject to any (1) utilization control, other than those established under the American Society of Addiction Medicine patient placement criteria, (2) prior authorization mandate, or (3) lifetime restriction limit mandate.

On or after July 1, 2015, opioid antagonists prescribed for the treatment of an opioid overdose, including the medication product, administration devices, and any pharmacy fees related to the dispensing and administration of the opioid antagonist, shall be covered under the medical assistance program for persons who are otherwise eligible for medical assistance under this Article. As used in this Section, "opioid antagonist" means a drug that binds to opioid receptors and blocks or

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inhibits the effect of opioids acting on those receptors, including, but not limited to, naloxone hydrochloride or any other similarly acting drug approved by the U.S. Food and Drug Administration.

(Source: P.A. 98-104, Article 9, Section 9-5, eff. 7-22-13; 98-104, Article 12, Section 12-20, eff. 7-22-13; 98-303, eff. 8-9-13; 98-463, eff. 8-16-13; 98-651, eff. 6-16-14; 98-756, eff. 7-16-14; 98-963, eff. 8-15-14; 99-78, eff. 7-20-15; 99-180, eff. 7-29-15; 99-236, eff. 8-3-15; 99-433, eff. 8-21-15; 99-480, eff. 9-9-15; revised 10-13-15.)

(Text of Section after amendment by P.A. 99-407)

Sec. 5-5. Medical services. The Illinois Department, by rule, shall determine the quantity and quality of and the rate of reimbursement for the medical assistance for which payment will be authorized, and the medical services to be provided, which may include all or part of the following: (1) inpatient hospital services; (2) outpatient hospital services; (3) other laboratory and X-ray services; (4) skilled nursing home services; (5) physicians' services whether furnished in the office, the patient's home, a hospital, a skilled nursing home, or elsewhere; (6) medical care, or any other type of remedial care furnished by licensed practitioners; (7) home health care services; (8) private duty nursing service; (9) clinic services; (10) dental services, including prevention and treatment of periodontal disease and dental caries disease for pregnant women, provided by an individual licensed to practice dentistry or dental surgery; for purposes of this item (10), "dental services" means diagnostic, preventive, or corrective procedures provided by or under the supervision of a dentist in the practice of his or her profession; (11) physical therapy and related services; (12) prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in the diseases of the eye, or by an optometrist, whichever the person may select; (13) other diagnostic, screening, preventive, and rehabilitative services, including to ensure that the individual's need for intervention or treatment of mental disorders or substance use disorders or co-occurring mental health and substance use disorders is determined using a uniform screening, assessment, and evaluation process inclusive of criteria, for children and adults; for purposes of this item (13), a uniform screening, assessment, and evaluation process refers to a process that includes an appropriate evaluation and, as warranted, a referral; "uniform" does not mean the use of a singular instrument, tool, or process that all must utilize; (14) transportation and such other expenses as may be necessary; (15) medical treatment of sexual assault survivors, as defined in Section 1a of the

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Sexual Assault Survivors Emergency Treatment Act, for injuries sustained as a result of the sexual assault, including examinations and laboratory tests to discover evidence which may be used in criminal proceedings arising from the sexual assault; (16) the diagnosis and treatment of sickle cell anemia; and (17) any other medical care, and any other type of remedial care recognized under the laws of this State, but not including abortions, or induced miscarriages or premature births, unless, in the opinion of a physician, such procedures are necessary for the preservation of the life of the woman seeking such treatment, or except an induced premature birth intended to produce a live viable child and such procedure is necessary for the health of the mother or her unborn child. The Illinois Department, by rule, shall prohibit any physician from providing medical assistance to anyone eligible therefor under this Code where such physician has been found guilty of performing an abortion procedure in a wilful and wanton manner upon a woman who was not pregnant at the time such abortion procedure was performed. The term "any other type of remedial care" shall include nursing care and nursing home service for persons who rely on treatment by spiritual means alone through prayer for healing.

Notwithstanding any other provision of this Section, a comprehensive tobacco use cessation program that includes purchasing prescription drugs or prescription medical devices approved by the Food and Drug Administration shall be covered under the medical assistance program under this Article for persons who are otherwise eligible for assistance under this Article.

Notwithstanding any other provision of this Code, the Illinois Department may not require, as a condition of payment for any laboratory test authorized under this Article, that a physician's handwritten signature appear on the laboratory test order form. The Illinois Department may, however, impose other appropriate requirements regarding laboratory test order documentation.

Upon receipt of federal approval of an amendment to the Illinois Title XIX State Plan for this purpose, the Department shall authorize the Chicago Public Schools (CPS) to procure a vendor or vendors to manufacture eyeglasses for individuals enrolled in a school within the CPS system. CPS shall ensure that its vendor or vendors are enrolled as providers in the medical assistance program and in any capitated Medicaid managed care entity (MCE) serving individuals enrolled in a school within the CPS system. Under any contract procured under this provision, the

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vendor or vendors must serve only individuals enrolled in a school within the CPS system. Claims for services provided by CPS's vendor or vendors to recipients of benefits in the medical assistance program under this Code, the Children's Health Insurance Program, or the Covering ALL KIDS Health Insurance Program shall be submitted to the Department or the MCE in which the individual is enrolled for payment and shall be reimbursed at the Department's or the MCE's established rates or rate methodologies for eyeglasses.

On and after July 1, 2012, the Department of Healthcare and Family Services may provide the following services to persons eligible for assistance under this Article who are participating in education, training or employment programs operated by the Department of Human Services as successor to the Department of Public Aid:

(1) dental services provided by or under the supervision of a dentist; and

(2) eyeglasses prescribed by a physician skilled in the diseases of the eye, or by an optometrist, whichever the person may select.

Notwithstanding any other provision of this Code and subject to federal approval, the Department may adopt rules to allow a dentist who is volunteering his or her service at no cost to render dental services through an enrolled not-for-profit health clinic without the dentist personally enrolling as a participating provider in the medical assistance program. A not-for-profit health clinic shall include a public health clinic or Federally Qualified Health Center or other enrolled provider, as determined by the Department, through which dental services covered under this Section are performed. The Department shall establish a process for payment of claims for reimbursement for covered dental services rendered under this provision.

The Illinois Department, by rule, may distinguish and classify the medical services to be provided only in accordance with the classes of persons designated in Section 5-2.

The Department of Healthcare and Family Services must provide coverage and reimbursement for amino acid-based elemental formulas, regardless of delivery method, for the diagnosis and treatment of (i) eosinophilic disorders and (ii) short bowel syndrome when the prescribing physician has issued a written order stating that the amino acid-based elemental formula is medically necessary.

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The Illinois Department shall authorize the provision of, and shall authorize payment for, screening by low-dose mammography for the presence of occult breast cancer for women 35 years of age or older who are eligible for medical assistance under this Article, as follows:

(A) A baseline mammogram for women 35 to 39 years of age.

(B) An annual mammogram for women 40 years of age or older.

(C) A mammogram at the age and intervals considered medically necessary by the woman's health care provider for women under 40 years of age and having a family history of breast cancer, prior personal history of breast cancer, positive genetic testing, or other risk factors.

(D) A comprehensive ultrasound screening of an entire breast or breasts if a mammogram demonstrates heterogeneous or dense breast tissue, when medically necessary as determined by a physician licensed to practice medicine in all of its branches.

(E) A screening MRI when medically necessary, as determined by a physician licensed to practice medicine in all of its branches.

All screenings shall include a physical breast exam, instruction on self-examination and information regarding the frequency of self-examination and its value as a preventative tool. For purposes of this Section, "low-dose mammography" means the x-ray examination of the breast using equipment dedicated specifically for mammography, including the x-ray tube, filter, compression device, and image receptor, with an average radiation exposure delivery of less than one rad per breast for 2 views of an average size breast. The term also includes digital mammography and includes breast tomosynthesis. As used in this Section, the term "breast tomosynthesis" means a radiologic procedure that involves the acquisition of projection images over the stationary breast to produce cross-sectional digital three-dimensional images of the breast.

On and after January 1, 2016, the Department shall ensure that all networks of care for adult clients of the Department include access to at least one breast imaging Center of Imaging Excellence as certified by the American College of Radiology.

On and after January 1, 2012, providers participating in a quality improvement program approved by the Department shall be reimbursed for screening and diagnostic mammography at the same rate as the
Medicare program's rates, including the increased reimbursement for digital mammography.

The Department shall convene an expert panel including representatives of hospitals, free-standing mammography facilities, and doctors, including radiologists, to establish quality standards for mammography.

On and after January 1, 2017, providers participating in a breast cancer treatment quality improvement program approved by the Department shall be reimbursed for breast cancer treatment at a rate that is no lower than 95% of the Medicare program's rates for the data elements included in the breast cancer treatment quality program.

The Department shall convene an expert panel, including representatives of hospitals, free standing breast cancer treatment centers, breast cancer quality organizations, and doctors, including breast surgeons, reconstructive breast surgeons, oncologists, and primary care providers to establish quality standards for breast cancer treatment.

Subject to federal approval, the Department shall establish a rate methodology for mammography at federally qualified health centers and other encounter-rate clinics. These clinics or centers may also collaborate with other hospital-based mammography facilities. By January 1, 2016, the Department shall report to the General Assembly on the status of the provision set forth in this paragraph.

The Department shall establish a methodology to remind women who are age-appropriate for screening mammography, but who have not received a mammogram within the previous 18 months, of the importance and benefit of screening mammography. The Department shall work with experts in breast cancer outreach and patient navigation to optimize these reminders and shall establish a methodology for evaluating their effectiveness and modifying the methodology based on the evaluation.

The Department shall establish a performance goal for primary care providers with respect to their female patients over age 40 receiving an annual mammogram. This performance goal shall be used to provide additional reimbursement in the form of a quality performance bonus to primary care providers who meet that goal.

The Department shall devise a means of case-managing or patient navigation for beneficiaries diagnosed with breast cancer. This program shall initially operate as a pilot program in areas of the State with the highest incidence of mortality related to breast cancer. At least one pilot program site shall be in the metropolitan Chicago area and at least one site

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shall be outside the metropolitan Chicago area. On or after July 1, 2016, the pilot program shall be expanded to include one site in western Illinois, one site in southern Illinois, one site in central Illinois, and 4 sites within metropolitan Chicago. An evaluation of the pilot program shall be carried out measuring health outcomes and cost of care for those served by the pilot program compared to similarly situated patients who are not served by the pilot program.

The Department shall require all networks of care to develop a means either internally or by contract with experts in navigation and community outreach to navigate cancer patients to comprehensive care in a timely fashion. The Department shall require all networks of care to include access for patients diagnosed with cancer to at least one academic commission on cancer-accredited cancer program as an in-network covered benefit.

Any medical or health care provider shall immediately recommend, to any pregnant woman who is being provided prenatal services and is suspected of drug abuse or is addicted as defined in the Alcoholism and Other Drug Abuse and Dependency Act, referral to a local substance abuse treatment provider licensed by the Department of Human Services or to a licensed hospital which provides substance abuse treatment services. The Department of Healthcare and Family Services shall assure coverage for the cost of treatment of the drug abuse or addiction for pregnant recipients in accordance with the Illinois Medicaid Program in conjunction with the Department of Human Services.

All medical providers providing medical assistance to pregnant women under this Code shall receive information from the Department on the availability of services under the Drug Free Families with a Future or any comparable program providing case management services for addicted women, including information on appropriate referrals for other social services that may be needed by addicted women in addition to treatment for addiction.

The Illinois Department, in cooperation with the Departments of Human Services (as successor to the Department of Alcoholism and Substance Abuse) and Public Health, through a public awareness campaign, may provide information concerning treatment for alcoholism and drug abuse and addiction, prenatal health care, and other pertinent programs directed at reducing the number of drug-affected infants born to recipients of medical assistance.

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Neither the Department of Healthcare and Family Services nor the Department of Human Services shall sanction the recipient solely on the basis of her substance abuse.

The Illinois Department shall establish such regulations governing the dispensing of health services under this Article as it shall deem appropriate. The Department should seek the advice of formal professional advisory committees appointed by the Director of the Illinois Department for the purpose of providing regular advice on policy and administrative matters, information dissemination and educational activities for medical and health care providers, and consistency in procedures to the Illinois Department.

The Illinois Department may develop and contract with Partnerships of medical providers to arrange medical services for persons eligible under Section 5-2 of this Code. Implementation of this Section may be by demonstration projects in certain geographic areas. The Partnership shall be represented by a sponsor organization. The Department, by rule, shall develop qualifications for sponsors of Partnerships. Nothing in this Section shall be construed to require that the sponsor organization be a medical organization.

The sponsor must negotiate formal written contracts with medical providers for physician services, inpatient and outpatient hospital care, home health services, treatment for alcoholism and substance abuse, and other services determined necessary by the Illinois Department by rule for delivery by Partnerships. Physician services must include prenatal and obstetrical care. The Illinois Department shall reimburse medical services delivered by Partnership providers to clients in target areas according to provisions of this Article and the Illinois Health Finance Reform Act, except that:

1) Physicians participating in a Partnership and providing certain services, which shall be determined by the Illinois Department, to persons in areas covered by the Partnership may receive an additional surcharge for such services.

2) The Department may elect to consider and negotiate financial incentives to encourage the development of Partnerships and the efficient delivery of medical care.

3) Persons receiving medical services through Partnerships may receive medical and case management services above the level usually offered through the medical assistance program.

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Medical providers shall be required to meet certain qualifications to participate in Partnerships to ensure the delivery of high quality medical services. These qualifications shall be determined by rule of the Illinois Department and may be higher than qualifications for participation in the medical assistance program. Partnership sponsors may prescribe reasonable additional qualifications for participation by medical providers, only with the prior written approval of the Illinois Department.

Nothing in this Section shall limit the free choice of practitioners, hospitals, and other providers of medical services by clients. In order to ensure patient freedom of choice, the Illinois Department shall immediately promulgate all rules and take all other necessary actions so that provided services may be accessed from therapeutically certified optometrists to the full extent of the Illinois Optometric Practice Act of 1987 without discriminating between service providers.

The Department shall apply for a waiver from the United States Health Care Financing Administration to allow for the implementation of Partnerships under this Section.

The Illinois Department shall require health care providers to maintain records that document the medical care and services provided to recipients of Medical Assistance under this Article. Such records must be retained for a period of not less than 6 years from the date of service or as provided by applicable State law, whichever period is longer, except that if an audit is initiated within the required retention period then the records must be retained until the audit is completed and every exception is resolved. The Illinois Department shall require health care providers to make available, when authorized by the patient, in writing, the medical records in a timely fashion to other health care providers who are treating or serving persons eligible for Medical Assistance under this Article. All dispensers of medical services shall be required to maintain and retain business and professional records sufficient to fully and accurately document the nature, scope, details and receipt of the health care provided to persons eligible for medical assistance under this Code, in accordance with regulations promulgated by the Illinois Department. The rules and regulations shall require that proof of the receipt of prescription drugs, dentures, prosthetic devices and eyeglasses by eligible persons under this Section accompany each claim for reimbursement submitted by the dispenser of such medical services. No such claims for reimbursement shall be approved for payment by the Illinois Department without such proof of receipt, unless the Illinois Department shall have put into effect

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and shall be operating a system of post-payment audit and review which shall, on a sampling basis, be deemed adequate by the Illinois Department to assure that such drugs, dentures, prosthetic devices and eyeglasses for which payment is being made are actually being received by eligible recipients. Within 90 days after September 16, 1984 (the effective date of Public Act 83-1439) this amendatory Act of 1984, the Illinois Department shall establish a current list of acquisition costs for all prosthetic devices and any other items recognized as medical equipment and supplies reimbursable under this Article and shall update such list on a quarterly basis, except that the acquisition costs of all prescription drugs shall be updated no less frequently than every 30 days as required by Section 5-5.12.

The rules and regulations of the Illinois Department shall require that a written statement including the required opinion of a physician shall accompany any claim for reimbursement for abortions, or induced miscarriages or premature births. This statement shall indicate what procedures were used in providing such medical services.

Notwithstanding any other law to the contrary, the Illinois Department shall, within 365 days after July 22, 2013 (the effective date of Public Act 98-104), establish procedures to permit skilled care facilities licensed under the Nursing Home Care Act to submit monthly billing claims for reimbursement purposes. Following development of these procedures, the Department shall, by July 1, 2016, test the viability of the new system and implement any necessary operational or structural changes to its information technology platforms in order to allow for the direct acceptance and payment of nursing home claims.

Notwithstanding any other law to the contrary, the Illinois Department shall, within 365 days after August 15, 2014 (the effective date of Public Act 98-963), establish procedures to permit ID/DD facilities licensed under the ID/DD Community Care Act and MC/DD facilities licensed under the MC/DD Act to submit monthly billing claims for reimbursement purposes. Following development of these procedures, the Department shall have an additional 365 days to test the viability of the new system and to ensure that any necessary operational or structural changes to its information technology platforms are implemented.

The Illinois Department shall require all dispensers of medical services, other than an individual practitioner or group of practitioners, desiring to participate in the Medical Assistance program established under this Article to disclose all financial, beneficial, ownership, equity,

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surety or other interests in any and all firms, corporations, partnerships, associations, business enterprises, joint ventures, agencies, institutions or other legal entities providing any form of health care services in this State under this Article.

The Illinois Department may require that all dispensers of medical services desiring to participate in the medical assistance program established under this Article disclose, under such terms and conditions as the Illinois Department may by rule establish, all inquiries from clients and attorneys regarding medical bills paid by the Illinois Department, which inquiries could indicate potential existence of claims or liens for the Illinois Department.

Enrollment of a vendor shall be subject to a provisional period and shall be conditional for one year. During the period of conditional enrollment, the Department may terminate the vendor's eligibility to participate in, or may disenroll the vendor from, the medical assistance program without cause. Unless otherwise specified, such termination of eligibility or disenrollment is not subject to the Department's hearing process. However, a disenrolled vendor may reapply without penalty.

The Department has the discretion to limit the conditional enrollment period for vendors based upon category of risk of the vendor.

Prior to enrollment and during the conditional enrollment period in the medical assistance program, all vendors shall be subject to enhanced oversight, screening, and review based on the risk of fraud, waste, and abuse that is posed by the category of risk of the vendor. The Illinois Department shall establish the procedures for oversight, screening, and review, which may include, but need not be limited to: criminal and financial background checks; fingerprinting; license, certification, and authorization verifications; unscheduled or unannounced site visits; database checks; prepayment audit reviews; audits; payment caps; payment suspensions; and other screening as required by federal or State law.

The Department shall define or specify the following: (i) by provider notice, the "category of risk of the vendor" for each type of vendor, which shall take into account the level of screening applicable to a particular category of vendor under federal law and regulations; (ii) by rule or provider notice, the maximum length of the conditional enrollment period for each category of risk of the vendor; and (iii) by rule, the hearing rights, if any, afforded to a vendor in each category of risk of the vendor that is terminated or disenrolled during the conditional enrollment period.

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To be eligible for payment consideration, a vendor's payment claim or bill, either as an initial claim or as a resubmitted claim following prior rejection, must be received by the Illinois Department, or its fiscal intermediary, no later than 180 days after the latest date on the claim on which medical goods or services were provided, with the following exceptions:

(1) In the case of a provider whose enrollment is in process by the Illinois Department, the 180-day period shall not begin until the date on the written notice from the Illinois Department that the provider enrollment is complete.

(2) In the case of errors attributable to the Illinois Department or any of its claims processing intermediaries which result in an inability to receive, process, or adjudicate a claim, the 180-day period shall not begin until the provider has been notified of the error.

(3) In the case of a provider for whom the Illinois Department initiates the monthly billing process.

(4) In the case of a provider operated by a unit of local government with a population exceeding 3,000,000 when local government funds finance federal participation for claims payments.

For claims for services rendered during a period for which a recipient received retroactive eligibility, claims must be filed within 180 days after the Department determines the applicant is eligible. For claims for which the Illinois Department is not the primary payer, claims must be submitted to the Illinois Department within 180 days after the final adjudication by the primary payer.

In the case of long term care facilities, within 5 days of receipt by the facility of required prescreening information, data for new admissions shall be entered into the Medical Electronic Data Interchange (MEDI) or the Recipient Eligibility Verification (REV) System or successor system, and within 15 days of receipt by the facility of required prescreening information, admission documents shall be submitted through MEDI or REV or shall be submitted directly to the Department of Human Services using required admission forms. Effective September 1, 2014, admission documents, including all prescreening information, must be submitted through MEDI or REV. Confirmation numbers assigned to an accepted transaction shall be retained by a facility to verify timely submittal. Once an admission transaction has been completed, all resubmitted claims

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following prior rejection are subject to receipt no later than 180 days after the admission transaction has been completed.

Claims that are not submitted and received in compliance with the foregoing requirements shall not be eligible for payment under the medical assistance program, and the State shall have no liability for payment of those claims.

To the extent consistent with applicable information and privacy, security, and disclosure laws, State and federal agencies and departments shall provide the Illinois Department access to confidential and other information and data necessary to perform eligibility and payment verifications and other Illinois Department functions. This includes, but is not limited to: information pertaining to licensure; certification; earnings; immigration status; citizenship; wage reporting; unearned and earned income; pension income; employment; supplemental security income; social security numbers; National Provider Identifier (NPI) numbers; the National Practitioner Data Bank (NPDB); program and agency exclusions; taxpayer identification numbers; tax delinquency; corporate information; and death records.

The Illinois Department shall enter into agreements with State agencies and departments, and is authorized to enter into agreements with federal agencies and departments, under which such agencies and departments shall share data necessary for medical assistance program integrity functions and oversight. The Illinois Department shall develop, in cooperation with other State departments and agencies, and in compliance with applicable federal laws and regulations, appropriate and effective methods to share such data. At a minimum, and to the extent necessary to provide data sharing, the Illinois Department shall enter into agreements with State agencies and departments, and is authorized to enter into agreements with federal agencies and departments, including but not limited to: the Secretary of State; the Department of Revenue; the Department of Public Health; the Department of Human Services; and the Department of Financial and Professional Regulation.

Beginning in fiscal year 2013, the Illinois Department shall set forth a request for information to identify the benefits of a pre-payment, post-adjudication, and post-edit claims system with the goals of streamlining claims processing and provider reimbursement, reducing the number of pending or rejected claims, and helping to ensure a more transparent adjudication process through the utilization of: (i) provider data verification and provider screening technology; and (ii) clinical code

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editing; and (iii) pre-pay, pre- or post-adjudicated predictive modeling with an integrated case management system with link analysis. Such a request for information shall not be considered as a request for proposal or as an obligation on the part of the Illinois Department to take any action or acquire any products or services.

The Illinois Department shall establish policies, procedures, standards and criteria by rule for the acquisition, repair and replacement of orthotic and prosthetic devices and durable medical equipment. Such rules shall provide, but not be limited to, the following services: (1) immediate repair or replacement of such devices by recipients; and (2) rental, lease, purchase or lease-purchase of durable medical equipment in a cost-effective manner, taking into consideration the recipient's medical prognosis, the extent of the recipient's needs, and the requirements and costs for maintaining such equipment. Subject to prior approval, such rules shall enable a recipient to temporarily acquire and use alternative or substitute devices or equipment pending repairs or replacements of any device or equipment previously authorized for such recipient by the Department.

The Department shall execute, relative to the nursing home prescreening project, written inter-agency agreements with the Department of Human Services and the Department on Aging, to effect the following: (i) intake procedures and common eligibility criteria for those persons who are receiving non-institutional services; and (ii) the establishment and development of non-institutional services in areas of the State where they are not currently available or are undeveloped; and (iii) notwithstanding any other provision of law, subject to federal approval, on and after July 1, 2012, an increase in the determination of need (DON) scores from 29 to 37 for applicants for institutional and home and community-based long term care; if and only if federal approval is not granted, the Department may, in conjunction with other affected agencies, implement utilization controls or changes in benefit packages to effectuate a similar savings amount for this population; and (iv) no later than July 1, 2013, minimum level of care eligibility criteria for institutional and home and community-based long term care; and (v) no later than October 1, 2013, establish procedures to permit long term care providers access to eligibility scores for individuals with an admission date who are seeking or receiving services from the long term care provider. In order to select the minimum level of care eligibility criteria, the Governor shall establish a workgroup that includes affected agency representatives and stakeholders representing the

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institutional and home and community-based long term care interests. This Section shall not restrict the Department from implementing lower level of care eligibility criteria for community-based services in circumstances where federal approval has been granted.

The Illinois Department shall develop and operate, in cooperation with other State Departments and agencies and in compliance with applicable federal laws and regulations, appropriate and effective systems of health care evaluation and programs for monitoring of utilization of health care services and facilities, as it affects persons eligible for medical assistance under this Code.

The Illinois Department shall report annually to the General Assembly, no later than the second Friday in April of 1979 and each year thereafter, in regard to:

(a) actual statistics and trends in utilization of medical services by public aid recipients;
(b) actual statistics and trends in the provision of the various medical services by medical vendors;
(c) current rate structures and proposed changes in those rate structures for the various medical vendors; and
(d) efforts at utilization review and control by the Illinois Department.

The period covered by each report shall be the 3 years ending on the June 30 prior to the report. The report shall include suggested legislation for consideration by the General Assembly. The filing of one copy of the report with the Speaker, one copy with the Minority Leader and one copy with the Clerk of the House of Representatives, one copy with the President, one copy with the Minority Leader and one copy with the Secretary of the Senate, one copy with the Legislative Research Unit, and such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (i) of Section 7 of the State Library Act shall be deemed sufficient to comply with this Section.

Rulemaking authority to implement Public Act 95-1045, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

On and after July 1, 2012, the Department shall reduce any rate of reimbursement for services or other payments or alter any methodologies
authorized by this Code to reduce any rate of reimbursement for services or other payments in accordance with Section 5-5e.

Because kidney transplantation can be an appropriate, cost effective alternative to renal dialysis when medically necessary and notwithstanding the provisions of Section 1-11 of this Code, beginning October 1, 2014, the Department shall cover kidney transplantation for noncitizens with end-stage renal disease who are not eligible for comprehensive medical benefits, who meet the residency requirements of Section 5-3 of this Code, and who would otherwise meet the financial requirements of the appropriate class of eligible persons under Section 5-2 of this Code. To qualify for coverage of kidney transplantation, such person must be receiving emergency renal dialysis services covered by the Department. Providers under this Section shall be prior approved and certified by the Department to perform kidney transplantation and the services under this Section shall be limited to services associated with kidney transplantation.

Notwithstanding any other provision of this Code to the contrary, on or after July 1, 2015, all FDA approved forms of medication assisted treatment prescribed for the treatment of alcohol dependence or treatment of opioid dependence shall be covered under both fee for service and managed care medical assistance programs for persons who are otherwise eligible for medical assistance under this Article and shall not be subject to any (1) utilization control, other than those established under the American Society of Addiction Medicine patient placement criteria, (2) prior authority mandate, or (3) lifetime restriction limit mandate.

On or after July 1, 2015, opioid antagonists prescribed for the treatment of an opioid overdose, including the medication product, administration devices, and any pharmacy fees related to the dispensing and administration of the opioid antagonist, shall be covered under the medical assistance program for persons who are otherwise eligible for medical assistance under this Article. As used in this Section, "opioid antagonist" means a drug that binds to opioid receptors and blocks or inhibits the effect of opioids acting on those receptors, including, but not limited to, naloxone hydrochloride or any other similarly acting drug approved by the U.S. Food and Drug Administration.

(Source: P.A. 98-104, Article 9, Section 9-5, eff. 7-22-13; 98-104, Article 12, Section 12-20, eff. 7-22-13; 98-303, eff. 8-9-13; 98-463, eff. 8-16-13; 98-651, eff. 6-16-14; 98-756, eff. 7-16-14; 98-963, eff. 8-15-14; 99-78, eff. 7-20-15; 99-180, eff. 7-29-15; 99-236, eff. 8-3-15; 99-407 (see Section

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Sec. 5-5e. Adjusted rates of reimbursement.

(a) Rates or payments for services in effect on June 30, 2012 shall be adjusted and services shall be affected as required by any other provision of Public Act 97-689 this amendatory Act of the 97th General Assembly. In addition, the Department shall do the following:

(1) Delink the per diem rate paid for supportive living facility services from the per diem rate paid for nursing facility services, effective for services provided on or after May 1, 2011.

(2) Cease payment for bed reserves in nursing facilities and specialized mental health rehabilitation facilities; for purposes of therapeutic home visits for individuals scoring as TBI on the MDS 3.0, beginning June 1, 2015, the Department shall approve payments for bed reserves in nursing facilities and specialized mental health rehabilitation facilities that have at least a 90% occupancy level and at least 80% of their residents are Medicaid eligible. Payment shall be at a daily rate of 75% of an individual's current Medicaid per diem and shall not exceed 10 days in a calendar month.

(2.5) Cease payment for bed reserves for purposes of inpatient hospitalizations to intermediate care facilities for persons with development disabilities, except in the instance of residents who are under 21 years of age.

(3) Cease payment of the $10 per day add-on payment to nursing facilities for certain residents with developmental disabilities.

(b) After the application of subsection (a), notwithstanding any other provision of this Code to the contrary and to the extent permitted by federal law, on and after July 1, 2012, the rates of reimbursement for services and other payments provided under this Code shall further be reduced as follows:

(1) Rates or payments for physician services, dental services, or community health center services reimbursed through an encounter rate, and services provided under the Medicaid Rehabilitation Option of the Illinois Title XIX State Plan shall not be further reduced, except as provided in Section 5-5b.1.

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(2) Rates or payments, or the portion thereof, paid to a provider that is operated by a unit of local government or State University that provides the non-federal share of such services shall not be further reduced, except as provided in Section 5-5b.1.

(3) Rates or payments for hospital services delivered by a hospital defined as a Safety-Net Hospital under Section 5-5e.1 of this Code shall not be further reduced, except as provided in Section 5-5b.1.

(4) Rates or payments for hospital services delivered by a Critical Access Hospital, which is an Illinois hospital designated as a critical care hospital by the Department of Public Health in accordance with 42 CFR 485, Subpart F, shall not be further reduced, except as provided in Section 5-5b.1.

(5) Rates or payments for Nursing Facility Services shall only be further adjusted pursuant to Section 5-5.2 of this Code.

(6) Rates or payments for services delivered by long term care facilities licensed under the ID/DD Community Care Act or the MC/DD Act and developmental training services shall not be further reduced.

(7) Rates or payments for services provided under capitation rates shall be adjusted taking into consideration the rates reduction and covered services required by Public Act 97-689 this amendatory Act of the 97th General Assembly.

(8) For hospitals not previously described in this subsection, the rates or payments for hospital services shall be further reduced by 3.5%, except for payments authorized under Section 5A-12.4 of this Code.

(9) For all other rates or payments for services delivered by providers not specifically referenced in paragraphs (1) through (8), rates or payments shall be further reduced by 2.7%.

(c) Any assessment imposed by this Code shall continue and nothing in this Section shall be construed to cause it to cease.

(d) Notwithstanding any other provision of this Code to the contrary, subject to federal approval under Title XIX of the Social Security Act, for dates of service on and after July 1, 2014, rates or payments for services provided for the purpose of transitioning children from a hospital to home placement or other appropriate setting by a children's community-based health care center authorized under the Alternative Health Care Delivery Act shall be $683 per day.
(e) Notwithstanding any other provision of this Code to the contrary, subject to federal approval under Title XIX of the Social Security Act, for dates of service on and after July 1, 2014, rates or payments for home health visits shall be $72.

(f) Notwithstanding any other provision of this Code to the contrary, subject to federal approval under Title XIX of the Social Security Act, for dates of service on and after July 1, 2014, rates or payments for the certified nursing assistant component of the home health agency rate shall be $20.

(Source: P.A. 98-104, eff. 7-22-13; 98-651, eff. 6-16-14; 98-1166, eff. 6-1-15; 99-2, eff. 3-26-15; 99-180, eff. 7-29-15; revised 10-21-15.)

(305 ILCS 5/5-16.8)

Sec. 5-16.8. Required health benefits. The medical assistance program shall (i) provide the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t and the coverage required under Sections 356g.5, 356u, 356w, 356x, and 356z.6 of the Illinois Insurance Code and (ii) be subject to the provisions of Sections 356z.19, 364.01, 370c, and 370c.1 of the Illinois Insurance Code.

On and after July 1, 2012, the Department shall reduce any rate of reimbursement for services or other payments or alter any methodologies authorized by this Code to reduce any rate of reimbursement for services or other payments in accordance with Section 5-5e.

To ensure full access to the benefits set forth in this Section, on and after January 1, 2016, the Department shall ensure that provider and hospital reimbursement for post-mastectomy care benefits required under this Section are no lower than the Medicare reimbursement rate.

(Source: P.A. 99-433, eff. 8-21-15; 99-480, eff. 9-9-15; revised 10-21-15.)

(305 ILCS 5/5-30)

Sec. 5-30. Care coordination.

(a) At least 50% of recipients eligible for comprehensive medical benefits in all medical assistance programs or other health benefit programs administered by the Department, including the Children's Health Insurance Program Act and the Covering ALL KIDS Health Insurance Act, shall be enrolled in a care coordination program by no later than January 1, 2015. For purposes of this Section, "coordinated care" or "care coordination" means delivery systems where recipients will receive their care from providers who participate under contract in integrated delivery systems that are responsible for providing or arranging the majority of
care, including primary care physician services, referrals from primary care physicians, diagnostic and treatment services, behavioral health services, in-patient and outpatient hospital services, dental services, and rehabilitation and long-term care services. The Department shall designate or contract for such integrated delivery systems (i) to ensure enrollees have a choice of systems and of primary care providers within such systems; (ii) to ensure that enrollees receive quality care in a culturally and linguistically appropriate manner; and (iii) to ensure that coordinated care programs meet the diverse needs of enrollees with developmental, mental health, physical, and age-related disabilities.

(b) Payment for such coordinated care shall be based on arrangements where the State pays for performance related to health care outcomes, the use of evidence-based practices, the use of primary care delivered through comprehensive medical homes, the use of electronic medical records, and the appropriate exchange of health information electronically made either on a capitated basis in which a fixed monthly premium per recipient is paid and full financial risk is assumed for the delivery of services, or through other risk-based payment arrangements.

(c) To qualify for compliance with this Section, the 50% goal shall be achieved by enrolling medical assistance enrollees from each medical assistance enrollment category, including parents, children, seniors, and people with disabilities to the extent that current State Medicaid payment laws would not limit federal matching funds for recipients in care coordination programs. In addition, services must be more comprehensively defined and more risk shall be assumed than in the Department's primary care case management program as of January 25, 2011 (the effective date of Public Act 96-1501) this amendatory Act of the 96th General Assembly.

(d) The Department shall report to the General Assembly in a separate part of its annual medical assistance program report, beginning April, 2012 until April, 2016, on the progress and implementation of the care coordination program initiatives established by the provisions of Public Act 96-1501 this amendatory Act of the 96th General Assembly. The Department shall include in its April 2011 report a full analysis of federal laws or regulations regarding upper payment limitations to providers and the necessary revisions or adjustments in rate methodologies and payments to providers under this Code that would be necessary to implement coordinated care with full financial risk by a party other than the Department.
(e) Integrated Care Program for individuals with chronic mental health conditions.

(1) The Integrated Care Program shall encompass services administered to recipients of medical assistance under this Article to prevent exacerbations and complications using cost-effective, evidence-based practice guidelines and mental health management strategies.

(2) The Department may utilize and expand upon existing contractual arrangements with integrated care plans under the Integrated Care Program for providing the coordinated care provisions of this Section.

(3) Payment for such coordinated care shall be based on arrangements where the State pays for performance related to mental health outcomes on a capitated basis in which a fixed monthly premium per recipient is paid and full financial risk is assumed for the delivery of services, or through other risk-based payment arrangements such as provider-based care coordination.

(4) The Department shall examine whether chronic mental health management programs and services for recipients with specific chronic mental health conditions do any or all of the following:

(A) Improve the patient's overall mental health in a more expeditious and cost-effective manner.

(B) Lower costs in other aspects of the medical assistance program, such as hospital admissions, emergency room visits, or more frequent and inappropriate psychotropic drug use.

(5) The Department shall work with the facilities and any integrated care plan participating in the program to identify and correct barriers to the successful implementation of this subsection (e) prior to and during the implementation to best facilitate the goals and objectives of this subsection (e).

(f) A hospital that is located in a county of the State in which the Department mandates some or all of the beneficiaries of the Medical Assistance Program residing in the county to enroll in a Care Coordination Program, as set forth in Section 5-30 of this Code, shall not be eligible for any non-claims based payments not mandated by Article V-A of this Code for which it would otherwise be qualified to receive, unless the hospital is a Coordinated Care Participating Hospital no later than 60 days after June
14, 2012 (the effective date of Public Act 97-689) this amendatory Act of the 97th General Assembly or 60 days after the first mandatory enrollment of a beneficiary in a Coordinated Care program. For purposes of this subsection, "Coordinated Care Participating Hospital" means a hospital that meets one of the following criteria:

(1) The hospital has entered into a contract to provide hospital services with one or more MCOs to enrollees of the care coordination program.

(2) The hospital has not been offered a contract by a care coordination plan that the Department has determined to be a good faith offer and that pays at least as much as the Department would pay, on a fee-for-service basis, not including disproportionate share hospital adjustment payments or any other supplemental adjustment or add-on payment to the base fee-for-service rate, except to the extent such adjustments or add-on payments are incorporated into the development of the applicable MCO capitated rates.

As used in this subsection (f), "MCO" means any entity which contracts with the Department to provide services where payment for medical services is made on a capitated basis.

(g) No later than August 1, 2013, the Department shall issue a purchase of care solicitation for Accountable Care Entities (ACE) to serve any children and parents or caretaker relatives of children eligible for medical assistance under this Article. An ACE may be a single corporate structure or a network of providers organized through contractual relationships with a single corporate entity. The solicitation shall require that:

(1) An ACE operating in Cook County be capable of serving at least 40,000 eligible individuals in that county; an ACE operating in Lake, Kane, DuPage, or Will Counties be capable of serving at least 20,000 eligible individuals in those counties and an ACE operating in other regions of the State be capable of serving at least 10,000 eligible individuals in the region in which it operates. During initial periods of mandatory enrollment, the Department shall require its enrollment services contractor to use a default assignment algorithm that ensures if possible an ACE reaches the minimum enrollment levels set forth in this paragraph.

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(2) An ACE must include at a minimum the following types of providers: primary care, specialty care, hospitals, and behavioral healthcare.

(3) An ACE shall have a governance structure that includes the major components of the health care delivery system, including one representative from each of the groups listed in paragraph (2).

(4) An ACE must be an integrated delivery system, including a network able to provide the full range of services needed by Medicaid beneficiaries and system capacity to securely pass clinical information across participating entities and to aggregate and analyze that data in order to coordinate care.

(5) An ACE must be capable of providing both care coordination and complex case management, as necessary, to beneficiaries. To be responsive to the solicitation, a potential ACE must outline its care coordination and complex case management model and plan to reduce the cost of care.

(6) In the first 18 months of operation, unless the ACE selects a shorter period, an ACE shall be paid care coordination fees on a per member per month basis that are projected to be cost neutral to the State during the term of their payment and, subject to federal approval, be eligible to share in additional savings generated by their care coordination.

(7) In months 19 through 36 of operation, unless the ACE selects a shorter period, an ACE shall be paid on a pre-paid capitation basis for all medical assistance covered services, under contract terms similar to Managed Care Organizations (MCO), with the Department sharing the risk through either stop-loss insurance for extremely high cost individuals or corridors of shared risk based on the overall cost of the total enrollment in the ACE. The ACE shall be responsible for claims processing, encounter data submission, utilization control, and quality assurance.

(8) In the fourth and subsequent years of operation, an ACE shall convert to a Managed Care Community Network (MCCN), as defined in this Article, or Health Maintenance Organization pursuant to the Illinois Insurance Code, accepting full-risk capitation payments.

The Department shall allow potential ACE entities 5 months from the date of the posting of the solicitation to submit proposals. After the solicitation is released, in addition to the MCO rate development data

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available on the Department's website, subject to federal and State confidentiality and privacy laws and regulations, the Department shall provide 2 years of de-identified summary service data on the targeted population, split between children and adults, showing the historical type and volume of services received and the cost of those services to those potential bidders that sign a data use agreement. The Department may add up to 2 non-state government employees with expertise in creating integrated delivery systems to its review team for the purchase of care solicitation described in this subsection. Any such individuals must sign a no-conflict disclosure and confidentiality agreement and agree to act in accordance with all applicable State laws.

During the first 2 years of an ACE's operation, the Department shall provide claims data to the ACE on its enrollees on a periodic basis no less frequently than monthly.

Nothing in this subsection shall be construed to limit the Department's mandate to enroll 50% of its beneficiaries into care coordination systems by January 1, 2015, using all available care coordination delivery systems, including Care Coordination Entities (CCE), MCCNs, or MCOs, nor be construed to affect the current CCEs, MCCNs, and MCOs selected to serve seniors and persons with disabilities prior to that date.

Nothing in this subsection precludes the Department from considering future proposals for new ACEs or expansion of existing ACEs at the discretion of the Department.

(h) Department contracts with MCOs and other entities reimbursed by risk based capitation shall have a minimum medical loss ratio of 85%, shall require the entity to establish an appeals and grievances process for consumers and providers, and shall require the entity to provide a quality assurance and utilization review program. Entities contracted with the Department to coordinate healthcare regardless of risk shall be measured utilizing the same quality metrics. The quality metrics may be population specific. Any contracted entity serving at least 5,000 seniors or people with disabilities or 15,000 individuals in other populations covered by the Medical Assistance Program that has been receiving full-risk capitation for a year shall be accredited by a national accreditation organization authorized by the Department within 2 years after the date it is eligible to become accredited. The requirements of this subsection shall apply to contracts with MCOs entered into or renewed or extended after June 1, 2013.

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(h-5) The Department shall monitor and enforce compliance by MCOs with agreements they have entered into with providers on issues that include, but are not limited to, timeliness of payment, payment rates, and processes for obtaining prior approval. The Department may impose sanctions on MCOs for violating provisions of those agreements that include, but are not limited to, financial penalties, suspension of enrollment of new enrollees, and termination of the MCO's contract with the Department. As used in this subsection (h-5), "MCO" has the meaning ascribed to that term in Section 5-30.1 of this Code.

(i) Unless otherwise required by federal law, Medicaid Managed Care Entities shall not divulge, directly or indirectly, including by sending a bill or explanation of benefits, information concerning the sensitive health services received by enrollees of the Medicaid Managed Care Entity to any person other than providers and care coordinators caring for the enrollee and employees of the entity in the course of the entity's internal operations. The Medicaid Managed Care Entity may divulge information concerning the sensitive health services if the enrollee who received the sensitive health services requests the information from the Medicaid Managed Care Entity and authorized the sending of a bill or explanation of benefits. Communications including, but not limited to, statements of care received or appointment reminders either directly or indirectly to the enrollee from the health care provider, health care professional, and care coordinators, remain permissible.

For the purposes of this subsection, the term "Medicaid Managed Care Entity" includes Care Coordination Entities, Accountable Care Entities, Managed Care Organizations, and Managed Care Community Networks.

For purposes of this subsection, the term "sensitive health services" means mental health services, substance abuse treatment services, reproductive health services, family planning services, services for sexually transmitted infections and sexually transmitted diseases, and services for sexual assault or domestic abuse. Services include prevention, screening, consultation, examination, treatment, or follow-up.

Nothing in this subsection shall be construed to relieve a Medicaid Managed Care Entity or the Department of any duty to report incidents of sexually transmitted infections to the Department of Public Health or to the local board of health in accordance with regulations adopted under a statute or ordinance or to report incidents of sexually transmitted infections as necessary to comply with the requirements under Section 5 of
the Abused and Neglected Child Reporting Act or as otherwise required by State or federal law.

The Department shall create policy in order to implement the requirements in this subsection.

(j) Managed Care Entities (MCEs), including MCOs and all other care coordination organizations, shall develop and maintain a written language access policy that sets forth the standards, guidelines, and operational plan to ensure language appropriate services and that is consistent with the standard of meaningful access for populations with limited English proficiency. The language access policy shall describe how the MCEs will provide all of the following required services:

(1) Translation (the written replacement of text from one language into another) of all vital documents and forms as identified by the Department.

(2) Qualified interpreter services (the oral communication of a message from one language into another by a qualified interpreter).

(3) Staff training on the language access policy, including how to identify language needs, access and provide language assistance services, work with interpreters, request translations, and track the use of language assistance services.

(4) Data tracking that identifies the language need.

(5) Notification to participants on the availability of language access services and on how to access such services.

(Source: P.A. 98-104, eff. 7-22-13; 98-651, eff. 6-16-14; 99-106, eff. 1-1-16; 99-181, eff. 7-29-15; revised 10-26-15.)

Sec. 10-25. Administrative liens and levies on real property for past-due child support.

(a) Notwithstanding any other State or local law to the contrary, the State shall have a lien on all legal and equitable interests of responsible relatives in their real property in the amount of past-due child support owing pursuant to an order for child support entered under Sections 10-10 and 10-11 of this Code, or under the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Uniform Interstate Family Support Act, the Illinois Parentage Act of 1984, or the Illinois Parentage Act of 2015.

New matter indicated by italics - deletions by strikeout
(b) The Illinois Department shall provide by rule for notice to and an opportunity to be heard by each responsible relative affected, and any final administrative decision rendered by the Illinois Department shall be reviewed only under and in accordance with the Administrative Review Law.

(c) When enforcing a lien under subsection (a) of this Section, the Illinois Department shall have the authority to execute notices of administrative liens and levies, which shall contain the name and address of the responsible relative, a legal description of the real property to be levied, the fact that a lien is being claimed for past-due child support, and such other information as the Illinois Department may by rule prescribe. The Illinois Department shall record the notice of lien with the recorder or registrar of titles of the county or counties in which the real estate is located.

(d) The State's lien under subsection (a) shall be enforceable upon the recording or filing of a notice of lien with the recorder or registrar of titles of the county or counties in which the real estate is located. The lien shall be prior to any lien thereafter recorded or filed and shall be notice to a subsequent purchaser, assignor, or encumbrancer of the existence and nature of the lien. The lien shall be inferior to the lien of general taxes, special assessment, and special taxes heretofore or hereafter levied by any political subdivision or municipal corporation of the State.

In the event that title to the land to be affected by the notice of lien is registered under the Registered Titles (Torrens) Act, the notice shall be filed in the office of the registrar of titles as a memorial or charge upon each folium of the register of titles affected by the notice; but the State shall not have a preference over the rights of any bona fide purchaser, mortgagee, judgment creditor, or other lien holders registered prior to the registration of the notice.

(e) The recorder or registrar of titles of each county shall procure a file labeled "Child Support Lien Notices" and an index book labeled "Child Support Lien Notices". When notice of any lien is presented to the recorder or registrar of titles for filing, the recorder or registrar of titles shall file it in numerical order in the file and shall enter it alphabetically in the index. The entry shall show the name and last known address of the person named in the notice, the serial number of the notice, the date and hour of filing, and the amount of child support due at the time when the lien is filed.

New matter indicated by italics - deletions by strikeout
(f) The Illinois Department shall not be required to furnish bond or make a deposit for or pay any costs or fees of any court or officer thereof in any legal proceeding involving the lien.

(g) To protect the lien of the State for past-due child support, the Illinois Department may, from funds that are available for that purpose, pay or provide for the payment of necessary or essential repairs, purchase tax certificates, pay balances due on land contracts, or pay or cause to be satisfied any prior liens on the property to which the lien hereunder applies.

(h) A lien on real property under this Section shall be released pursuant to Section 12-101 of the Code of Civil Procedure.

(i) The Illinois Department, acting in behalf of the State, may foreclose the lien in a judicial proceeding to the same extent and in the same manner as in the enforcement of other liens. The process, practice, and procedure for the foreclosure shall be the same as provided in the Code of Civil Procedure.

(Source: P.A. 99-85, eff. 1-1-16.)

(Text of Section after amendment by P.A. 99-157)

Sec. 10-25. Administrative liens and levies on real property for past-due child support and for fines against a payor who wilfully fails to withhold or pay over income pursuant to a properly served income withholding notice or otherwise fails to comply with any duties imposed by the Income Withholding for Support Act.

(a) Notwithstanding any other State or local law to the contrary, the State shall have a lien on all legal and equitable interests of responsible relatives in their real property in the amount of past-due child support owing pursuant to an order for child support entered under Sections 10-10 and 10-11 of this Code, or under the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Uniform Interstate Family Support Act, the Illinois Parentage Act of 1984, or the Illinois Parentage Act of 2015.

(a-5) The State shall have a lien on all legal and equitable interests of a payor, as that term is described in the Income Withholding for Support Act, in the payor's real property in the amount of any fine imposed by the Illinois Department pursuant to the Income Withholding for Support Act.

(b) The Illinois Department shall provide by rule for notice to and an opportunity to be heard by each responsible relative or payor affected, and any final administrative decision rendered by the Illinois Department
shall be reviewed only under and in accordance with the Administrative Review Law.

(c) When enforcing a lien under subsection (a) of this Section, the Illinois Department shall have the authority to execute notices of administrative liens and levies, which shall contain the name and address of the responsible relative or payor, a legal description of the real property to be levied, the fact that a lien is being claimed for past-due child support or for the fines imposed on a payor pursuant to the Income Withholding for Support Act, and such other information as the Illinois Department may by rule prescribe. The Illinois Department shall record the notice of lien with the recorder or registrar of titles of the county or counties in which the real estate is located.

(d) The State's lien under subsection (a) shall be enforceable upon the recording or filing of a notice of lien with the recorder or registrar of titles of the county or counties in which the real estate is located. The lien shall be prior to any lien thereafter recorded or filed and shall be notice to a subsequent purchaser, assignor, or encumbrancer of the existence and nature of the lien. The lien shall be inferior to the lien of general taxes, special assessment, and special taxes heretofore or hereafter levied by any political subdivision or municipal corporation of the State.

In the event that title to the land to be affected by the notice of lien is registered under the Registered Titles (Torrens) Act, the notice shall be filed in the office of the registrar of titles as a memorial or charge upon each folium of the register of titles affected by the notice; but the State shall not have a preference over the rights of any bona fide purchaser, mortgagee, judgment creditor, or other lien holders registered prior to the registration of the notice.

(e) The recorder or registrar of titles of each county shall procure a file labeled "Child Support Lien Notices" and an index book labeled "Child Support Lien Notices". When notice of any lien is presented to the recorder or registrar of titles for filing, the recorder or registrar of titles shall file it in numerical order in the file and shall enter it alphabetically in the index. The entry shall show the name and last known address of the person or payor named in the notice, the serial number of the notice, the date and hour of filing, and the amount of child support or the amount of the fine imposed on the payor due at the time when the lien is filed.

(f) The Illinois Department shall not be required to furnish bond or make a deposit for or pay any costs or fees of any court or officer thereof in any legal proceeding involving the lien.

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(g) To protect the lien of the State for past-due child support and for any fine imposed against a payor, the Illinois Department may, from funds that are available for that purpose, pay or provide for the payment of necessary or essential repairs, purchase tax certificates, pay balances due on land contracts, or pay or cause to be satisfied any prior liens on the property to which the lien hereunder applies.

(h) A lien on real property under this Section shall be released pursuant to Section 12-101 of the Code of Civil Procedure.

(i) The Illinois Department, acting in behalf of the State, may foreclose the lien in a judicial proceeding to the same extent and in the same manner as in the enforcement of other liens. The process, practice, and procedure for the foreclosure shall be the same as provided in the Code of Civil Procedure.

(Source: P.A. 99-85, eff. 1-1-16; 99-157, eff. 7-1-17; revised 10-26-15.)

(305 ILCS 5/10-25.5)

Sec. 10-25.5. Administrative liens and levies on personal property for past-due child support.

(a) Notwithstanding any other State or local law to the contrary, the State shall have a lien on all legal and equitable interests of responsible relatives in their personal property, including any account in a financial institution as defined in Section 10-24, or in the case of an insurance company or benefit association only in accounts as defined in Section 10-24, in the amount of past-due child support owing pursuant to an order for child support entered under Sections 10-10 and 10-11 of this Code, or under the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Uniform Interstate Family Support Act, the Illinois Parentage Act of 1984, or the Illinois Parentage Act of 2015.

(b) The Illinois Department shall provide by rule for notice to and an opportunity to be heard by each responsible relative affected, and any final administrative decision rendered by the Illinois Department shall be reviewed only under and in accordance with the Administrative Review Law.

(c) When enforcing a lien under subsection (a) of this Section, the Illinois Department shall have the authority to execute notices of administrative liens and levies, which shall contain the name and address of the responsible relative, a description of the property to be levied, the fact that a lien is being claimed for past-due child support, and such other
information as the Illinois Department may by rule prescribe. The Illinois
Department may serve the notice of lien or levy upon any financial
institution where the accounts as defined in Section 10-24 of the
responsible relative may be held, for encumbrance or surrender of the
accounts as defined in Section 10-24 by the financial institution.

(d) The Illinois Department shall enforce its lien against the
responsible relative's personal property, other than accounts as defined in
Section 10-24 in financial institutions, and levy upon such personal
property in the manner provided for enforcement of judgments contained
in Article XII of the Code of Civil Procedure.

(e) The Illinois Department shall not be required to furnish bond or
make a deposit for or pay any costs or fees of any court or officer thereof
in any legal proceeding involving the lien.

(f) To protect the lien of the State for past-due child support, the
Illinois Department may, from funds that are available for that purpose,
pay or provide for the payment of necessary or essential repairs, purchase
tax certificates, or pay or cause to be satisfied any prior liens on the
property to which the lien hereunder applies.

(g) A lien on personal property under this Section shall be released
in the manner provided under Article XII of the Code of Civil Procedure.
Notwithstanding the foregoing, a lien under this Section on accounts as
defined in Section 10-24 shall expire upon the passage of 120 days from
the date of issuance of the Notice of Lien or Levy by the Illinois
Department. However, the lien shall remain in effect during the pendency
of any appeal or protest.

(h) A lien created under this Section is subordinate to any prior lien
of the financial institution or any prior lien holder or any prior right of set-
off that the financial institution may have against the assets, or in the case
of an insurance company or benefit association only in the accounts as
defined in Section 10-24.

(i) A financial institution has no obligation under this Section to
hold, encumber, or surrender the assets, or in the case of an insurance
company or benefit association only the accounts as defined in Section 10-
24, until the financial institution has been properly served with a
subpoena, summons, warrant, court or administrative order, or
administrative lien and levy requiring that action.

(Source: P.A. 99-85, eff. 1-1-16.)

(Text of Section after amendment by P.A. 99-157)
Sec. 10-25.5. Administrative liens and levies on personal property for past-due child support and for fines against a payor who wilfully fails to withhold or pay over income pursuant to a properly served income withholding notice or otherwise fails to comply with any duties imposed by the Income Withholding for Support Act.

(a) Notwithstanding any other State or local law to the contrary, the State shall have a lien on all legal and equitable interests of responsible relatives in their personal property, including any account in a financial institution as defined in Section 10-24, or in the case of an insurance company or benefit association only in accounts as defined in Section 10-24, in the amount of past-due child support owing pursuant to an order for child support entered under Sections 10-10 and 10-11 of this Code, or under the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Uniform Interstate Family Support Act, the Illinois Parentage Act of 1984, or the Illinois Parentage Act of 2015.

(a-5) The State shall have a lien on all legal and equitable interests of a payor, as that term is described in the Income Withholding for Support Act, in the payor's personal property in the amount of any fine imposed by the Illinois Department pursuant to the Income Withholding for Support Act.

(b) The Illinois Department shall provide by rule for notice to and an opportunity to be heard by each responsible relative or payor affected, and any final administrative decision rendered by the Illinois Department shall be reviewed only under and in accordance with the Administrative Review Law.

(c) When enforcing a lien under subsection (a) of this Section, the Illinois Department shall have the authority to execute notices of administrative liens and levies, which shall contain the name and address of the responsible relative or payor, a description of the property to be levied, the fact that a lien is being claimed for past-due child support, and such other information as the Illinois Department may by rule prescribe. The Illinois Department may serve the notice of lien or levy upon any financial institution where the accounts as defined in Section 10-24 of the responsible relative may be held, for encumbrance or surrender of the accounts as defined in Section 10-24 by the financial institution.

(d) The Illinois Department shall enforce its lien against the responsible relative's or payor's personal property, other than accounts as defined in Section 10-24 in financial institutions, and levy upon such

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personal property in the manner provided for enforcement of judgments contained in Article XII of the Code of Civil Procedure.

(e) The Illinois Department shall not be required to furnish bond or make a deposit for or pay any costs or fees of any court or officer thereof in any legal proceeding involving the lien.

(f) To protect the lien of the State for past-due child support and for any fine imposed on a payor, the Illinois Department may, from funds that are available for that purpose, pay or provide for the payment of necessary or essential repairs, purchase tax certificates, or pay or cause to be satisfied any prior liens on the property to which the lien hereunder applies.

(g) A lien on personal property under this Section shall be released in the manner provided under Article XII of the Code of Civil Procedure. Notwithstanding the foregoing, a lien under this Section on accounts as defined in Section 10-24 shall expire upon the passage of 120 days from the date of issuance of the Notice of Lien or Levy by the Illinois Department. However, the lien shall remain in effect during the pendency of any appeal or protest.

(h) A lien created under this Section is subordinate to any prior lien of the financial institution or any prior lien holder or any prior right of set-off that the financial institution may have against the assets, or in the case of an insurance company or benefit association only in the accounts as defined in Section 10-24.

(i) A financial institution has no obligation under this Section to hold, encumber, or surrender the assets, or in the case of an insurance company or benefit association only the accounts as defined in Section 10-24, until the financial institution has been properly served with a subpoena, summons, warrant, court or administrative order, or administrative lien and levy requiring that action.

(Source: P.A. 99-85, eff. 1-1-16; 99-157, eff. 7-1-17; revised 10-27-15.)
or persons making a report of alleged abuse, neglect, financial exploitation, or self-neglect as contained in such records, shall be provided, upon request, to the following persons and for the following persons:

(1) Department staff, provider agency staff, other aging network staff, and regional administrative agency staff, including staff of the Chicago Department on Aging while that agency is designated as a regional administrative agency, in the furtherance of their responsibilities under this Act;

(1.5) A representative of the public guardian acting in the course of investigating the appropriateness of guardianship for the eligible adult or while pursuing a petition for guardianship of the eligible adult pursuant to the Probate Act of 1975;

(2) A law enforcement agency investigating known or suspected abuse, neglect, financial exploitation, or self-neglect. Where a provider agency has reason to believe that the death of an eligible adult may be the result of abuse or neglect, including any reports made after death, the agency shall immediately provide the appropriate law enforcement agency with all records pertaining to the eligibleadult;

(2.5) A law enforcement agency, fire department agency, or fire protection district having proper jurisdiction pursuant to a written agreement between a provider agency and the law enforcement agency, fire department agency, or fire protection district under which the provider agency may furnish to the law enforcement agency, fire department agency, or fire protection district a list of all eligible adults who may be at imminent risk of abuse, neglect, financial exploitation, or self-neglect;

(3) A physician who has before him or her or who is involved in the treatment of an eligible adult whom he or she reasonably suspects may be abused, neglected, financially exploited, or self-neglected or who has been referred to the Adult Protective Services Program;

(4) An eligible adult reported to be abused, neglected, financially exploited, or self-neglected, or such adult's authorized guardian or agent, unless such guardian or agent is the abuser or the alleged abuser;

(4.5) An executor or administrator of the estate of an eligible adult who is deceased;

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

(5.5) In cases regarding self-neglect, a guardian ad litem;

(6) A grand jury, upon its determination that access to such records is necessary in the conduct of its official business;

(7) Any person authorized by the Director, in writing, for audit or bona fide research purposes;

(8) A coroner or medical examiner who has reason to believe that an eligible adult has died as the result of abuse, neglect, financial exploitation, or self-neglect. The provider agency shall immediately provide the coroner or medical examiner with all records pertaining to the eligible adult;

(8.5) A coroner or medical examiner having proper jurisdiction, pursuant to a written agreement between a provider agency and the coroner or medical examiner, under which the provider agency may furnish to the office of the coroner or medical examiner a list of all eligible adults who may be at imminent risk of death as a result of abuse, neglect, financial exploitation, or self-neglect;

(9) Department of Financial and Professional Regulation staff and members of the Illinois Medical Disciplinary Board or the Social Work Examining and Disciplinary Board in the course of investigating alleged violations of the Clinical Social Work and Social Work Practice Act by provider agency staff or other licensing bodies at the discretion of the Director of the Department on Aging;

(9-a) Department of Healthcare and Family Services staff and provider agency staff when that Department is funding services to the eligible adult, including access to the identity of the eligible adult;

(9-b) Department of Human Services staff and provider agency staff when that Department is funding services to the eligible adult or is providing reimbursement for services provided

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by the abuser or alleged abuser, including access to the identity of the eligible adult;

(10) Hearing officers in the course of conducting an administrative hearing under this Act; parties to such hearing shall be entitled to discovery as established by rule;

(11) A caregiver who challenges placement on the Registry shall be given the statement of allegations in the abuse report and the substantiation decision in the final investigative report; and

(12) The Illinois Guardianship and Advocacy Commission and the agency designated by the Governor under Section 1 of the Protection and Advocacy for Persons with Developmental Disabilities Act shall have access, through the Department, to records, including the findings, pertaining to a completed or closed investigation of a report of suspected abuse, neglect, financial exploitation, or self-neglect of an eligible adult.

(Source: P.A. 98-49, eff. 7-1-13; 98-1039, eff. 8-25-14; 99-143, eff. 7-27-15; 99-287, eff. 1-1-16; revised 10-26-15.)

Section 410. The Abused and Neglected Child Reporting Act is amended by changing Section 7.8 as follows:

(325 ILCS 5/7.8)

(Text of Section before amendment by P.A. 99-350)

Sec. 7.8. Upon receiving an oral or written report of suspected child abuse or neglect, the Department shall immediately notify, either orally or electronically, the Child Protective Service Unit of a previous report concerning a subject of the present report or other pertinent information. In addition, upon satisfactory identification procedures, to be established by Department regulation, any person authorized to have access to records under Section 11.1 relating to child abuse and neglect may request and shall be immediately provided the information requested in accordance with this Act. However, no information shall be released unless it prominently states the report is "indicated", and only information from "indicated" reports shall be released, except that information concerning pending reports may be released pursuant to Sections 7.14 and 7.22 of this Act to the attorney or guardian ad litem appointed under Section 2-17 of the Juvenile Court Act of 1987 and to any person authorized under paragraphs (1), (2), (3) and (11) of Section 11.1. In addition, State's Attorneys are authorized to receive unfounded reports (i) for prosecution purposes related to the transmission of false reports of child abuse or neglect in violation of subsection (a), paragraph (7) of

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Section 26-1 of the Criminal Code of 2012 or (ii) for the purposes of screening and prosecuting a petition filed under Article II of the Juvenile Court Act of 1987 alleging a subsequent allegation of abuse or neglect relating to the same child, a sibling of the child, or the same perpetrator; the parties to the proceedings filed under Article II of the Juvenile Court Act of 1987 are entitled to receive copies of previously unfounded reports regarding the same child, a sibling of the child, or the same perpetrator for purposes of hearings under Sections 2-10 and 2-21 of the Juvenile Court Act of 1987, and attorneys and guardians ad litem appointed under Article II of the Juvenile Court Act of 1987 shall receive the reports set forth in Section 7.14 of this Act in conformance with paragraph (19) of Section 11.1 and Section 7.14 of this Act. The names and other identifying data and the dates and the circumstances of any persons requesting or receiving information from the central register shall be entered in the register record.

(Source: P.A. 98-807, eff. 8-1-14; 99-78, eff. 7-20-15; 99-349, eff. 1-1-16.)

(Text of Section after amendment by P.A. 99-350)

Sec. 7.8. Upon receiving an oral or written report of suspected child abuse or neglect, the Department shall immediately notify, either orally or electronically, the Child Protective Service Unit of a previous report concerning a subject of the present report or other pertinent information. In addition, upon satisfactory identification procedures, to be established by Department regulation, any person authorized to have access to records under Section 11.1 relating to child abuse and neglect may request and shall be immediately provided the information requested in accordance with this Act. However, no information shall be released unless it prominently states the report is "indicated", and only information from "indicated" reports shall be released, except that information concerning pending reports may be released pursuant to Sections 7.14 and 7.22 of this Act to the attorney or guardian ad litem appointed under Section 2-17 of the Juvenile Court Act of 1987 and to any person authorized under paragraphs (1), (2), (3) and (11) of Section 11.1. In addition, State's Attorneys are authorized to receive unfounded reports (i) for prosecution purposes related to the transmission of false reports of child abuse or neglect in violation of subsection (a), paragraph (7) of Section 26-1 of the Criminal Code of 2012 or (ii) for the purposes of screening and prosecuting a petition filed under Article II of the Juvenile Court Act of 1987 alleging a subsequent allegation of abuse or neglect relating to the same child, a sibling of the child, or the same perpetrator;

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the parties to the proceedings filed under Article II of the Juvenile Court Act of 1987 are entitled to receive copies of previously unfounded reports regarding the same child, a sibling of the child, or the same perpetrator for purposes of hearings under Sections 2-10 and 2-21 of the Juvenile Court Act of 1987, and attorneys and guardians ad litem appointed under Article II of the Juvenile Court Act of 1987 shall receive the reports set forth in Section 7.14 of this Act in conformance with paragraph (19) of Section 11.1 and Section 7.14 of this Act. The Department is authorized and required to release information from unfounded reports, upon request by a person who has access to the unfounded report as provided in this Act, as necessary in its determination to protect children and adult residents who are in child care facilities licensed by the Department under the Child Care Act of 1969. The names and other identifying data and the dates and the circumstances of any persons requesting or receiving information from the central register shall be entered in the register record.

(Source: P.A. 98-807, eff. 8-1-14; 99-78, eff. 7-20-15; 99-349, eff. 1-1-16; 99-350, eff. 6-1-16; revised 10-27-15.)

Section 415. The Mental Health and Developmental Disabilities Code is amended by changing Section 6-103.2 as follows:

(405 ILCS 5/6-103.2)

Sec. 6-103.2. Developmental disability; notice. If a person 14 years old or older is determined to be a person with a developmental disability by a physician, clinical psychologist, or qualified examiner, the physician, clinical psychologist, or qualified examiner shall notify the Department of Human Services within 7 days of making the determination that the person has a developmental disability. The Department of Human Services shall immediately update its records and information relating to mental health and developmental disabilities, and if appropriate, shall notify the Department of State Police in a form and manner prescribed by the Department of State Police. Information disclosed under this Section shall remain privileged and confidential, and shall not be redisclosed, except as required under subsection (e) of Section 3.1 of the Firearm Owners Identification Card Act, nor used for any other purpose. The method of providing this information shall guarantee that the information is not released beyond that which is necessary for the purpose of this Section and shall be provided by rule by the Department of Human Services. The identity of the person reporting under this Section shall not be disclosed to the subject of the report.

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The physician, clinical psychologist, or qualified examiner making the determination and his or her employer may not be held criminally, civilly, or professionally liable for making or not making the notification required under this Section, except for willful or wanton misconduct.

For purposes of this Section, "developmental disability" means a disability which is attributable to any other condition which results in impairment similar to that caused by an intellectual disability and which requires services similar to those required by intellectually disabled persons. The disability must originate before the age of 18 years, be expected to continue indefinitely, and constitute a substantial disability. This disability results, in the professional opinion of a physician, clinical psychologist, or qualified examiner, in significant functional limitations in 3 or more of the following areas of major life activity:

(i) self-care;
(ii) receptive and expressive language;
(iii) learning;
(iv) mobility; or
(v) self-direction.

"Determined to be a person with a developmental disability developmentally disabled" by a physician, clinical psychologist, or qualified examiner" means in the professional opinion of the physician, clinical psychologist, or qualified examiner, a person is diagnosed, assessed, or evaluated as having a developmental disability to be developmentally disabled.

(Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-143, eff. 7-27-15; revised 11-13-15.)

Section 420. The Community Services Act is amended by changing the title of the Act as follows:

(405 ILCS 30/Act title)

An Act to facilitate the establishment of community services for persons who are mentally ill, alcohol dependent, or addicted or who are persons with developmental disabilities.

Section 425. The Developmental Disability and Mental Disability Services Act is amended by changing Sections 2-3 and 5-1 as follows:

(405 ILCS 80/2-3) (from Ch. 91 1/2, par. 1802-3)

Sec. 2-3. As used in this Article, unless the context requires otherwise:

New matter indicated by italics - deletions by strikeout
(a) "Agency" means an agency or entity licensed by the Department pursuant to this Article or pursuant to the Community Residential Alternatives Licensing Act.

(b) "Department" means the Department of Human Services, as successor to the Department of Mental Health and Developmental Disabilities.

(c) "Home-based services" means services provided to an adult with a mental disability who lives in his or her own home. These services include but are not limited to:

1. home health services;
2. case management;
3. crisis management;
4. training and assistance in self-care;
5. personal care services;
6. habilitation and rehabilitation services;
7. employment-related services;
8. respite care; and
9. other skill training that enables a person to become self-supporting.

(d) "Legal guardian" means a person appointed by a court of competent jurisdiction to exercise certain powers on behalf of an adult with a mental disability.

(e) "Adult with a mental disability" means a person over the age of 18 years who lives in his or her own home; who needs home-based services, but does not require 24-hour-a-day supervision; and who has one of the following conditions: severe autism, severe mental illness, a severe or profound intellectual disability, or severe and multiple impairments.

(f) In one's "own home" means that an adult with a mental disability lives alone; or that an adult with a mental disability is in full-time residence with his or her parents, legal guardian, or other relatives; or that an adult with a mental disability is in full-time residence in a setting not subject to licensure under the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act of 2013, the ID/DD Community Care Act, the MC/DD Act, or the Child Care Act of 1969, as now or hereafter amended, with 3 or fewer other adults unrelated to the adult with a mental disability who do not provide home-based services to the adult with a mental disability.

(g) "Parent" means the biological or adoptive parent of an adult with a mental disability, or a person licensed as a foster parent under the

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laws of this State who acts as a foster parent to an adult with a mental disability.

(h) "Relative" means any of the following relationships by blood, marriage or adoption: parent, son, daughter, brother, sister, grandparent, uncle, aunt, nephew, niece, great grandparent, great uncle, great aunt, stepbrother, stepsister, stepson, stepdaughter, stepparent or first cousin.

(i) "Severe autism" means a lifelong developmental disability which is typically manifested before 30 months of age and is characterized by severe disturbances in reciprocal social interactions; verbal and nonverbal communication and imaginative activity; and repertoire of activities and interests. A person shall be determined severely autistic, for purposes of this Article, if both of the following are present:

1. Diagnosis consistent with the criteria for autistic disorder in the current edition of the Diagnostic and Statistical Manual of Mental Disorders.
2. Severe disturbances in reciprocal social interactions; verbal and nonverbal communication and imaginative activity; repertoire of activities and interests. A determination of severe autism shall be based upon a comprehensive, documented assessment with an evaluation by a licensed clinical psychologist or psychiatrist. A determination of severe autism shall not be based solely on behaviors relating to environmental, cultural or economic differences.

(j) "Severe mental illness" means the manifestation of all of the following characteristics:

1. A primary diagnosis of one of the major mental disorders in the current edition of the Diagnostic and Statistical Manual of Mental Disorders listed below:
   A. Schizophrenia disorder.
   B. Delusional disorder.
   C. Schizo-affective disorder.
   D. Bipolar affective disorder.
   E. Atypical psychosis.
   F. Major depression, recurrent.
2. The individual's mental illness must substantially impair his or her functioning in at least 2 of the following areas:
   A. Self-maintenance.
   B. Social functioning.
   C. Activities of community living.
(D) Work skills.

(3) Disability must be present or expected to be present for at least one year.

A determination of severe mental illness shall be based upon a comprehensive, documented assessment with an evaluation by a licensed clinical psychologist or psychiatrist, and shall not be based solely on behaviors relating to environmental, cultural or economic differences.

(k) "Severe or profound intellectual disability" means a manifestation of all of the following characteristics:

1. A diagnosis which meets Classification in Mental Retardation or criteria in the current edition of the Diagnostic and Statistical Manual of Mental Disorders for severe or profound mental retardation (an IQ of 40 or below). This must be measured by a standardized instrument for general intellectual functioning.

2. A severe or profound level of disturbed adaptive behavior. This must be measured by a standardized adaptive behavior scale or informal appraisal by the professional in keeping with illustrations in Classification in Mental Retardation, 1983.

3. Disability diagnosed before age of 18.

A determination of a severe or profound intellectual disability shall be based upon a comprehensive, documented assessment with an evaluation by a licensed clinical psychologist or certified school psychologist or a psychiatrist, and shall not be based solely on behaviors relating to environmental, cultural or economic differences.

(l) "Severe and multiple impairments" means the manifestation of all of the following characteristics:

1. The evaluation determines the presence of a developmental disability which is expected to continue indefinitely, constitutes a substantial disability and is attributable to any of the following:

   A. Intellectual disability, which is defined as general intellectual functioning that is 2 or more standard deviations below the mean concurrent with impairment of adaptive behavior which is 2 or more standard deviations below the mean. Assessment of the individual's intellectual functioning must be measured by a standardized instrument for general intellectual functioning.

   B. Cerebral palsy.

   C. Epilepsy.
(D) Autism.

(E) Any other condition which results in impairment similar to that caused by an intellectual disability and which requires services similar to those required by persons with intellectual disabilities.

(2) The evaluation determines multiple disabilities in physical, sensory, behavioral or cognitive functioning which constitute a severe or profound impairment attributable to one or more of the following:

(A) Physical functioning, which severely impairs the individual's motor performance that may be due to:

   (i) Neurological, psychological or physical involvement resulting in a variety of disabling conditions such as hemiplegia, quadriplegia or ataxia,

   (ii) Severe organ systems involvement such as congenital heart defect,

   (iii) Physical abnormalities resulting in the individual being non-mobile and non-ambulatory or confined to bed and receiving assistance in transferring, or

   (iv) The need for regular medical or nursing supervision such as gastrostomy care and feeding.

    Assessment of physical functioning must be based on clinical medical assessment by a physician licensed to practice medicine in all its branches, using the appropriate instruments, techniques and standards of measurement required by the professional.

(B) Sensory, which involves severe restriction due to hearing or visual impairment limiting the individual's movement and creating dependence in completing most daily activities. Hearing impairment is defined as a loss of 70 decibels aided or speech discrimination of less than 50% aided. Visual impairment is defined as 20/200 corrected in the better eye or a visual field of 20 degrees or less. Sensory functioning must be based on clinical medical assessment by a physician licensed to practice medicine in all its branches using the appropriate instruments, techniques and standards of measurement required by the professional.
(C) Behavioral, which involves behavior that is maladaptive and presents a danger to self or others, is destructive to property by deliberately breaking, destroying or defacing objects, is disruptive by fighting, or has other socially offensive behaviors in sufficient frequency or severity to seriously limit social integration. Assessment of behavioral functioning may be measured by a standardized scale or informal appraisal by a clinical psychologist or psychiatrist.

(D) Cognitive, which involves intellectual functioning at a measured IQ of 70 or below. Assessment of cognitive functioning must be measured by a standardized instrument for general intelligence.

(3) The evaluation determines that development is substantially less than expected for the age in cognitive, affective or psychomotor behavior as follows:

(A) Cognitive, which involves intellectual functioning at a measured IQ of 70 or below. Assessment of cognitive functioning must be measured by a standardized instrument for general intelligence.

(B) Affective behavior, which involves over and under responding to stimuli in the environment and may be observed in mood, attention to awareness, or in behaviors such as euphoria, anger or sadness that seriously limit integration into society. Affective behavior must be based on clinical assessment using the appropriate instruments, techniques and standards of measurement required by the professional.

(C) Psychomotor, which includes a severe developmental delay in fine or gross motor skills so that development in self-care, social interaction, communication or physical activity will be greatly delayed or restricted.

(4) A determination that the disability originated before the age of 18 years.

A determination of severe and multiple impairments shall be based upon a comprehensive, documented assessment with an evaluation by a licensed clinical psychologist or psychiatrist.
If the examiner is a licensed clinical psychologist, ancillary evaluation of physical impairment, cerebral palsy or epilepsy must be made by a physician licensed to practice medicine in all its branches.

Regardless of the discipline of the examiner, ancillary evaluation of visual impairment must be made by an ophthalmologist or a licensed optometrist.

Regardless of the discipline of the examiner, ancillary evaluation of hearing impairment must be made by an otolaryngologist or an audiologist with a certificate of clinical competency.

The only exception to the above is in the case of a person with cerebral palsy or epilepsy who, according to the eligibility criteria listed below, has multiple impairments which are only physical and sensory. In such a case, a physician licensed to practice medicine in all its branches may serve as the examiner.

(m) "Twenty-four-hour-a-day supervision" means 24-hour-a-day care by a trained mental health or developmental disability professional on an ongoing basis.

(405 ILCS 80/5-1) (from Ch. 91 1/2, par. 1805-1)

Sec. 5-1. As the mental health and developmental disabilities or intellectual disabilities authority for the State of Illinois, the Department of Human Services shall have the authority to license, certify and prescribe standards governing the programs and services provided under this Act, as well as all other agencies or programs which provide home-based or community-based services to persons with mental disabilities, except those services, programs or agencies established under or otherwise subject to the Child Care Act of 1969, the Specialized Mental Health Rehabilitation Act of 2013, the ID/DD Community Care Act, or the MC/DD Act, as now or hereafter amended, and this Act shall not be construed to limit the application of those Acts.

(405 ILCS 80/5-1) (from Ch. 91 1/2, par. 1805-1)

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(405 ILCS 80/5-1) (from Ch. 91 1/2, par. 1805-1)

Sec. 430. The Sexual Assault Survivors Emergency Treatment Act is amended by changing Section 5 as follows:

(410 ILCS 70/5) (from Ch. 111 1/2, par. 87-5)

Sec. 5. Minimum requirements for hospitals providing hospital emergency services and forensic services to sexual assault survivors.

New matter indicated by italics - deletions by strikeout
(a) Every hospital providing hospital emergency services and forensic services to sexual assault survivors under this Act shall, as minimum requirements for such services, provide, with the consent of the sexual assault survivor, and as ordered by the attending physician, an advanced practice nurse, or a physician assistant, the following:

1. Appropriate medical examinations and laboratory tests required to ensure the health, safety, and welfare of a sexual assault survivor or which may be used as evidence in a criminal proceeding against a person accused of the sexual assault, or both; and records of the results of such examinations and tests shall be maintained by the hospital and made available to law enforcement officials upon the request of the sexual assault survivor;

2. Appropriate oral and written information concerning the possibility of infection, sexually transmitted disease and pregnancy resulting from sexual assault;

3. Appropriate oral and written information concerning accepted medical procedures, medication, and possible contraindications of such medication available for the prevention or treatment of infection or disease resulting from sexual assault;

4. An amount of medication for treatment at the hospital and after discharge as is deemed appropriate by the attending physician, an advanced practice nurse, or a physician assistant and consistent with the hospital's current approved protocol for sexual assault survivors;

5. An evaluation of the sexual assault survivor's risk of contracting human immunodeficiency virus (HIV) from the sexual assault;

6. Written and oral instructions indicating the need for follow-up examinations and laboratory tests after the sexual assault to determine the presence or absence of sexually transmitted disease;

7. Referral by hospital personnel for appropriate counseling; and

8. When HIV prophylaxis is deemed appropriate, an initial dose or doses of HIV prophylaxis, along with written and oral instructions indicating the importance of timely follow-up healthcare.

(b) Any person who is a sexual assault survivor who seeks emergency hospital services and forensic services or follow-up healthcare.

New matter indicated by italics - deletions by strikeout
under this Act shall be provided such services without the consent of any parent, guardian, custodian, surrogate, or agent.

(b-5) Every treating hospital providing hospital emergency and forensic services to sexual assault survivors shall issue a voucher to any sexual assault survivor who is eligible to receive one. The hospital shall make a copy of the voucher and place it in the medical record of the sexual assault survivor. The hospital shall provide a copy of the voucher to the sexual assault survivor after discharge upon request.

(c) Nothing in this Section creates a physician-patient relationship that extends beyond discharge from the hospital emergency department.

(Source: P.A. 99-173, eff. 7-29-15; 99-454, eff. 1-1-16; revised 10-16-15.)

Section 435. The Compassionate Use of Medical Cannabis Pilot Program Act is amended by changing Section 45 as follows:

(410 ILCS 130/45)

Sec. 45. Addition of debilitating medical conditions. Any citizen may petition the Department of Public Health to add debilitating conditions or treatments to the list of debilitating medical conditions listed in subsection (h) of Section 10. The Department of Public Health shall consider petitions in the manner required by Department rule, including public notice and hearing. The Department shall approve or deny a petition within 180 days of its submission, and, upon approval, shall proceed to add that condition by rule in accordance with the Illinois Administrative Procedure Act. The approval or denial of any petition is a final decision of the Department, subject to judicial review. Jurisdiction and venue are vested in the Circuit Court.

(Source: P.A. 98-122, eff. 1-1-14; revised 10-21-15.)

Section 440. The AIDS Confidentiality Act is amended by changing Section 3 as follows:

(410 ILCS 305/3) (from Ch. 111 1/2, par. 7303)

Sec. 3. Definitions. When used in this Act:
(a) "AIDS" means acquired immunodeficiency syndrome.
(b) "Authority" means the Illinois Health Information Exchange Authority established pursuant to the Illinois Health Information Exchange and Technology Act.
(c) "Business associate" has the meaning ascribed to it under HIPAA, as specified in 45 CFR 160.103.
(d) "Covered entity" has the meaning ascribed to it under HIPAA, as specified in 45 CFR 160.103.

New matter indicated by italics - deletions by strikeout
(e) "De-identified information" means health information that is not individually identifiable as described under HIPAA, as specified in 45 CFR 164.514(b).

(f) "Department" means the Illinois Department of Public Health or its designated agents.

(g) "Disclosure" has the meaning ascribed to it under HIPAA, as specified in 45 CFR 160.103.

(h) "Health care operations" has the meaning ascribed to it under HIPAA, as specified in 45 CFR 164.501.

(i) "Health care professional" means (i) a licensed physician, (ii) a licensed physician assistant, (iii) a licensed advanced practice nurse, (iv) an advanced practice nurse or physician assistant who practices in a hospital or ambulatory surgical treatment center and possesses appropriate clinical privileges, (v) a licensed dentist, (vi) a licensed podiatric physician, or (vii) an individual certified to provide HIV testing and counseling by a state or local public health department.

(j) "Health care provider" has the meaning ascribed to it under HIPAA, as specified in 45 CFR 160.103.

(k) "Health facility" means a hospital, nursing home, blood bank, blood center, sperm bank, or other health care institution, including any "health facility" as that term is defined in the Illinois Finance Authority Act.

(l) "Health information exchange" or "HIE" means a health information exchange or health information organization that oversees and governs the electronic exchange of health information that (i) is established pursuant to the Illinois Health Information Exchange and Technology Act, or any subsequent amendments thereto, and any administrative rules adopted thereunder; (ii) has established a data sharing arrangement with the Authority; or (iii) as of August 16, 2013, was designated by the Authority Board as a member of, or was represented on, the Authority Board's Regional Health Information Exchange Workgroup; provided that such designation shall not require the establishment of a data sharing arrangement or other participation with the Illinois Health Information Exchange or the payment of any fee. In certain circumstances, in accordance with HIPAA, an HIE will be a business associate.

(m) "Health oversight agency" has the meaning ascribed to it under HIPAA, as specified in 45 CFR 164.501.

(n) "HIPAA" means the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, as amended by the
Health Information Technology for Economic and Clinical Health Act of 2009, Public Law 111-05, and any subsequent amendments thereto and any regulations promulgated thereunder.

(o) "HIV" means the human immunodeficiency virus.

(p) "HIV-related information" means the identity of a person upon whom an HIV test is performed, the results of an HIV test, as well as diagnosis, treatment, and prescription information that reveals a patient is HIV-positive, including such information contained in a limited data set. "HIV-related information" does not include information that has been de-identified in accordance with HIPAA.

(q) "Informed consent" means:

(1) where a health care provider, health care professional, or health facility has implemented opt-in testing, a process by which an individual or their legal representative receives pre-test information, has an opportunity to ask questions, and consents verbally or in writing to the test without undue inducement or any element of force, fraud, deceit, duress, or other form of constraint or coercion; or

(2) where a health care provider, health care professional, or health facility has implemented opt-out testing, the individual or their legal representative has been notified verbally or in writing that the test is planned, has received pre-test information, has been given the opportunity to ask questions and the opportunity to decline testing, and has not declined testing; where such notice is provided, consent for opt-out HIV testing may be incorporated into the patient's general consent for medical care on the same basis as are other screening or diagnostic tests; a separate consent for opt-out HIV testing is not required.

In addition, where the person providing informed consent is a participant in an HIE, informed consent requires a fair explanation that the results of the patient's HIV test will be accessible through an HIE and meaningful disclosure of the patient's opt-out right under Section 9.6 of this Act.

A health care provider, health care professional, or health facility undertaking an informed consent process for HIV testing under this subsection may combine a form used to obtain informed consent for HIV testing with forms used to obtain written consent for general medical care or any other medical test or procedure, provided that the forms make it clear that the subject may consent to general medical care, tests, or...
procedures without being required to consent to HIV testing, and clearly explain how the subject may decline HIV testing. Health facility clerical staff or other staff responsible for the consent form for general medical care may obtain consent for HIV testing through a general consent form.

(r) "Limited data set" has the meaning ascribed to it under HIPAA, as described in 45 CFR 164.514(e)(2).

(s) "Minimum necessary" means the HIPAA standard for using, disclosing, and requesting protected health information found in 45 CFR 164.502(b) and 164.514(d).

(s-1) "Opt-in testing" means an approach where an HIV test is presented by offering the test and the patient accepts or declines testing.

(s-3) "Opt-out testing" means an approach where an HIV test is presented such that a patient is notified that HIV testing may occur unless the patient declines.

(t) "Organized health care arrangement" has the meaning ascribed to it under HIPAA, as specified in 45 CFR 160.103.

(u) "Patient safety activities" has the meaning ascribed to it under 42 CFR 3.20.

(v) "Payment" has the meaning ascribed to it under HIPAA, as specified in 45 CFR 164.501.

(w) "Person" includes any natural person, partnership, association, joint venture, trust, governmental entity, public or private corporation, health facility, or other legal entity.

(w-5) "Pre-test information" means:

(1) a reasonable explanation of the test, including its purpose, potential uses, limitations, and the meaning of its results; and

(2) a reasonable explanation of the procedures to be followed, including the voluntary nature of the test, the availability of a qualified person to answer questions, the right to withdraw consent to the testing process at any time, the right to anonymity to the extent provided by law with respect to participation in the test and disclosure of test results, and the right to confidential treatment of information identifying the subject of the test and the results of the test, to the extent provided by law.

Pre-test information may be provided in writing, verbally, or by video, electronic, or other means and may be provided as designated by the supervising health care professional or the health facility.

New matter indicated by italics - deletions by strikeout
For the purposes of this definition, a qualified person to answer questions is a health care professional or, when acting under the supervision of a health care professional, a registered nurse, medical assistant, or other person determined to be sufficiently knowledgeable about HIV testing, its purpose, potential uses, limitations, the meaning of the test results, and the testing procedures in the professional judgment of a supervising health care professional or as designated by a health care facility.

(x) "Protected health information" has the meaning ascribed to it under HIPAA, as specified in 45 CFR 160.103.

(y) "Research" has the meaning ascribed to it under HIPAA, as specified in 45 CFR 164.501.

(z) "State agency" means an instrumentality of the State of Illinois and any instrumentality of another state that, pursuant to applicable law or a written undertaking with an instrumentality of the State of Illinois, is bound to protect the privacy of HIV-related information of Illinois persons.

(aa) "Test" or "HIV test" means a test to determine the presence of the antibody or antigen to HIV, or of HIV infection.

(bb) "Treatment" has the meaning ascribed to it under HIPAA, as specified in 45 CFR 164.501.

(cc) "Use" has the meaning ascribed to it under HIPAA, as specified in 45 CFR 160.103, where context dictates.

(Source: P.A. 98-214, eff. 8-9-13; 98-1046, eff. 1-1-15; 99-54, eff. 1-1-16; 99-173, eff. 7-29-15; revised 10-16-15.)

Section 445. The Illinois Sexually Transmissible Disease Control Act is amended by changing Section 5.5 as follows:

(410 ILCS 325/5.5) (from Ch. 111 1/2, par. 7405.5)
Sec. 5.5. Risk assessment.

(a) Whenever the Department receives a report of HIV infection or AIDS pursuant to this Act and the Department determines that the subject of the report may present or may have presented a possible risk of HIV transmission, the Department shall, when medically appropriate, investigate the subject of the report and that person's contacts as defined in subsection (c), to assess the potential risks of transmission. Any investigation and action shall be conducted in a timely fashion. All contacts other than those defined in subsection (c) shall be investigated in accordance with Section 5 of this Act.

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(b) If the Department determines that there is or may have been potential risks of HIV transmission from the subject of the report to other persons, the Department shall afford the subject the opportunity to submit any information and comment on proposed actions the Department intends to take with respect to the subject's contacts who are at potential risk of transmission of HIV prior to notification of the subject's contacts. The Department shall also afford the subject of the report the opportunity to notify the subject's contacts in a timely fashion who are at potential risk of transmission of HIV prior to the Department taking any steps to notify such contacts. If the subject declines to notify such contacts or if the Department determines the notices to be inadequate or incomplete, the Department shall endeavor to notify such other persons of the potential risk, and offer testing and counseling services to these individuals. When the contacts are notified, they shall be informed of the disclosure provisions of the AIDS Confidentiality Act and the penalties therein and this Section.

(c) Contacts investigated under this Section shall in the case of HIV infection include (i) individuals who have undergone invasive procedures performed by an HIV infected health care provider and (ii) health care providers who have performed invasive procedures for persons infected with HIV, provided the Department has determined that there is or may have been potential risk of HIV transmission from the health care provider to those individuals or from infected persons to health care providers. The Department shall have access to the subject's records to review for the identity of contacts. The subject's records shall not be copied or seized by the Department.

For purposes of this subsection, the term "invasive procedures" means those procedures termed invasive by the Centers for Disease Control in current guidelines or recommendations for the prevention of HIV transmission in health care settings, and the term "health care provider" means any physician, dentist, podiatric physician, advanced practice nurse, physician assistant, nurse, or other person providing health care services of any kind.

(d) All information and records held by the Department and local health authorities pertaining to activities conducted pursuant to this Section shall be strictly confidential and exempt from copying and inspection under the Freedom of Information Act. Such information and records shall not be released or made public by the Department or local health authorities, and shall not be admissible as evidence, nor

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discoverable in any action of any kind in any court or before any tribunal, board, agency or person and shall be treated in the same manner as the information and those records subject to the provisions of Part 21 of Article VIII of the Code of Civil Procedure except under the following circumstances:

(1) When made with the written consent of all persons to whom this information pertains;
(2) When authorized under Section 8 to be released under court order or subpoena pursuant to Section 12-5.01 or 12-16.2 of the Criminal Code of 1961 or the Criminal Code of 2012; or
(3) When made by the Department for the purpose of seeking a warrant authorized by Sections 6 and 7 of this Act. Such disclosure shall conform to the requirements of subsection (a) of Section 8 of this Act.

(e) Any person who knowingly or maliciously disseminates any information or report concerning the existence of any disease under this Section is guilty of a Class A misdemeanor.

(Source: P.A. 97-1150, eff. 1-25-13; 98-214, eff. 8-9-13; 98-756, eff. 7-16-14; revised 10-15-15.)

Section 450. The Food Handling Regulation Enforcement Act is amended by changing Section 3.3 as follows:

(410 ILCS 625/3.3)
Sec. 3.3. Farmers' markets.
(a) The General Assembly finds as follows:
(1) Farmers' markets, as defined in subsection (b) of this Section, provide not only a valuable marketplace for farmers and food artisans to sell their products directly to consumers, but also a place for consumers to access fresh fruits, vegetables, and other agricultural products.
(2) Farmers' markets serve as a stimulator for local economies and for thousands of new businesses every year, allowing farmers to sell directly to consumers and capture the full retail value of their products. They have become important community institutions and have figured in the revitalization of downtown districts and rural communities.
(3) Since 1999, the number of farmers' markets has tripled and new ones are being established every year. There is a lack of consistent regulation from one county to the next, resulting in

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confusion and discrepancies between counties regarding how products may be sold.

(4) In 1999, the Department of Public Health published Technical Information Bulletin/Food #30 in order to outline the food handling and sanitation guidelines required for farmers' markets, producer markets, and other outdoor food sales events.

(5) While this bulletin was revised in 2010, there continues to be inconsistencies, confusion, and lack of awareness by consumers, farmers, markets, and local health authorities of required guidelines affecting farmers' markets from county to county.

(b) For the purposes of this Section:
"Department" means the Department of Public Health.
"Director" means the Director of Public Health.
"Farmers' market" means a common facility or area where the primary purpose is for farmers to gather to sell a variety of fresh fruits and vegetables and other locally produced farm and food products directly to consumers.

(c) In order to facilitate the orderly and uniform statewide implementation of the standards established in the Department of Public Health's administrative rules for this Section, the Farmers' Market Task Force shall be formed by the Director to assist the Department in implementing statewide administrative regulations for farmers' markets.

(d) This Section does not intend and shall not be construed to limit the power of counties, municipalities, and other local government units to regulate farmers' markets for the protection of the public health, safety, morals, and welfare, including, but not limited to, licensing requirements and time, place, and manner restrictions. This Section provides for a statewide scheme for the orderly and consistent interpretation of the Department of Public Health administrative rules pertaining to the safety of food and food products sold at farmers' markets.

(e) The Farmers' Market Task Force shall consist of at least 24 members appointed within 60 days after August 16, 2011 (the effective date of this Section). Task Force members shall consist of:

(1) one person appointed by the President of the Senate;
(2) one person appointed by the Minority Leader of the Senate;
(3) one person appointed by the Speaker of the House of Representatives;

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(4) one person appointed by the Minority Leader of the House of Representatives;
(5) the Director of Public Health or his or her designee;
(6) the Director of Agriculture or his or her designee;
(7) a representative of a general agricultural production association appointed by the Department of Agriculture;
(8) three representatives of local county public health departments appointed by the Director and selected from 3 different counties representing each of the northern, central, and southern portions of this State;
(9) four members of the general public who are engaged in local farmers' markets appointed by the Director of Agriculture;
(10) a representative of an association representing public health administrators appointed by the Director;
(11) a representative of an organization of public health departments that serve the City of Chicago and the counties of Cook, DuPage, Kane, Kendall, Lake, McHenry, Will, and Winnebago appointed by the Director;
(12) a representative of a general public health association appointed by the Director;
(13) the Director of Commerce and Economic Opportunity or his or her designee;
(14) the Lieutenant Governor or his or her designee; and
(15) five farmers who sell their farm products at farmers' markets appointed by the Lieutenant Governor or his or her designee.

Task Force members' terms shall be for a period of 2 years, with ongoing appointments made according to the provisions of this Section.

(f) The Task Force shall be convened by the Director or his or her designee. Members shall elect a Task Force Chair and Co-Chair.

(g) Meetings may be held via conference call, in person, or both. Three members of the Task Force may call a meeting as long as a 5-working-day notification is sent via mail, e-mail, or telephone call to each member of the Task Force.

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

(i) The Task Force shall undertake a comprehensive and thorough review of the current Statutes and administrative rules that define which products and practices are permitted and which products and practices are
not permitted at farmers' markets and to assist the Department in developing statewide administrative regulations for farmers' markets.

(j) The Task Force shall advise the Department regarding the content of any administrative rules adopted under this Section and Sections 3.4, 3.5, and 4 of this Act Section prior to adoption of the rules. Any administrative rules, except emergency rules adopted pursuant to Section 5-45 of the Illinois Administrative Procedure Act, adopted under this Section without obtaining the advice of the Task Force are null and void. If the Department fails to follow the advice of the Task Force, the Department shall, prior to adopting the rules, transmit a written explanation to the Task Force. If the Task Force, having been asked for its advice, fails to advise the Department within 90 days after receiving the rules for review, the rules shall be considered to have been approved by the Task Force.

(k) The Department of Public Health shall provide staffing support to the Task Force and shall help to prepare, print, and distribute all reports deemed necessary by the Task Force.

(l) The Task Force may request assistance from any entity necessary or useful for the performance of its duties. The Task Force shall issue a report annually to the Secretary of the Senate and the Clerk of the House.

(m) The following provisions shall apply concerning statewide farmers' market food safety guidelines:

(1) The Director, in accordance with this Section, shall adopt administrative rules (as provided by the Illinois Administrative Procedure Act) for foods found at farmers' markets.

(2) The rules and regulations described in this Section shall be consistently enforced by local health authorities throughout the State.

(2.5) Notwithstanding any other provision of law except as provided in this Section, local public health departments and all other units of local government are prohibited from creating sanitation guidelines, rules, or regulations for farmers' markets that are more stringent than those farmers' market sanitation regulations contained in the administrative rules adopted by the Department for the purposes of implementing this Section and Sections 3.4, 3.5, and 4 of this Act. Except as provided for in Sections 3.4 and 4 of this Act, this Section does not intend and shall not be construed to limit the power of local health departments and other

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government units from requiring licensing and permits for the sale of commercial food products, processed food products, prepared foods, and potentially hazardous foods at farmers' markets or conducting related inspections and enforcement activities, so long as those permits and licenses do not include unreasonable fees or sanitation provisions and rules that are more stringent than those laid out in the administrative rules adopted by the Department for the purposes of implementing this Section and Sections 3.4, 3.5, and 4 of this Act.

(3) In the case of alleged non-compliance with the provisions described in this Section, local health departments shall issue written notices to vendors and market managers of any noncompliance issues.

(4) Produce and food products coming within the scope of the provisions of this Section shall include, but not be limited to, raw agricultural products, including fresh fruits and vegetables; popcorn, grains, seeds, beans, and nuts that are whole, unprocessed, unpackaged, and unsprouted; fresh herb springs and dried herbs in bunches; baked goods sold at farmers' markets; cut fruits and vegetables; milk and cheese products; ice cream; syrups; wild and cultivated mushrooms; apple cider and other fruit and vegetable juices; herb vinegar; garlic-in-oil; flavored oils; pickles, relishes, salsas, and other canned or jarred items; shell eggs; meat and poultry; fish; ready-to-eat foods; commercially produced prepackaged food products; and any additional items specified in the administrative rules adopted by the Department to implement Section 3.3 of this Act.

(n) Local health department regulatory guidelines may be applied to foods not often found at farmers' markets, all other food products not regulated by the Department of Agriculture and the Department of Public Health, as well as live animals to be sold at farmers' markets.

(o) The Task Force shall issue annual reports to the Secretary of the Senate and the Clerk of the House with recommendations for the development of administrative rules as specified. The first report shall be issued no later than December 31, 2012.

(p) The Department of Public Health and the Department of Agriculture, in conjunction with the Task Force, shall adopt administrative rules necessary to implement, interpret, and make specific the provisions of this Section, including, but not limited to, rules concerning labels,
sanitation, and food product safety according to the realms of their jurisdiction in accordance with subsection (j) of this Section.

(q) The Department and the Task Force shall work together to create a food sampling training and license program as specified in Section 3.4 of this Act.

(Source: P.A. 98-660, eff. 6-23-14; 99-9, eff. 7-10-15; 99-191, eff. 1-1-16; revised 10-30-15.)

Section 455. The Environmental Protection Act is amended by changing Sections 3.330, 22.55, and 39 as follows:

(415 ILCS 5/3.330) (was 415 ILCS 5/3.32)
Sec. 3.330. Pollution control facility.
(a) "Pollution control facility" is any waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility, or waste incinerator. This includes sewers, sewage treatment plants, and any other facilities owned or operated by sanitary districts organized under the Metropolitan Water Reclamation District Act.
The following are not pollution control facilities:
(1) (blank);
(2) waste storage sites regulated under 40 CFR, Part 761.42;
(3) sites or facilities used by any person conducting a waste storage, waste treatment, waste disposal, waste transfer or waste incineration operation, or a combination thereof, for wastes generated by such person's own activities, when such wastes are stored, treated, disposed of, transferred or incinerated within the site or facility owned, controlled or operated by such person, or when such wastes are transported within or between sites or facilities owned, controlled or operated by such person;
(4) sites or facilities at which the State is performing removal or remedial action pursuant to Section 22.2 or 55.3;
(5) abandoned quarries used solely for the disposal of concrete, earth materials, gravel, or aggregate debris resulting from road construction activities conducted by a unit of government or construction activities due to the construction and installation of underground pipes, lines, conduit or wires off of the premises of a public utility company which are conducted by a public utility;
(6) sites or facilities used by any person to specifically conduct a landscape composting operation;

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(7) regional facilities as defined in the Central Midwest Interstate Low-Level Radioactive Waste Compact;

(8) the portion of a site or facility where coal combustion wastes are stored or disposed of in accordance with subdivision (r)(2) or (r)(3) of Section 21;

(9) the portion of a site or facility used for the collection, storage or processing of waste tires as defined in Title XIV;

(10) the portion of a site or facility used for treatment of petroleum contaminated materials by application onto or incorporation into the soil surface and any portion of that site or facility used for storage of petroleum contaminated materials before treatment. Only those categories of petroleum listed in Section 57.9(a)(3) are exempt under this subdivision (10);

(11) the portion of a site or facility where used oil is collected or stored prior to shipment to a recycling or energy recovery facility, provided that the used oil is generated by households or commercial establishments, and the site or facility is a recycling center or a business where oil or gasoline is sold at retail;

(11.5) processing sites or facilities that receive only on-specification used oil, as defined in 35 Ill. Admin. Code 739, originating from used oil collectors for processing that is managed under 35 Ill. Admin. Code 739 to produce products for sale to off-site petroleum facilities, if these processing sites or facilities are: (i) located within a home rule unit of local government with a population of at least 30,000 according to the 2000 federal census, that home rule unit of local government has been designated as an Urban Round II Empowerment Zone by the United States Department of Housing and Urban Development, and that home rule unit of local government has enacted an ordinance approving the location of the site or facility and provided funding for the site or facility; and (ii) in compliance with all applicable zoning requirements;

(12) the portion of a site or facility utilizing coal combustion waste for stabilization and treatment of only waste generated on that site or facility when used in connection with response actions pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the federal Resource Conservation and Recovery Act of

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1976, or the Illinois Environmental Protection Act or as authorized by the Agency;

(13) the portion of a site or facility that accepts exclusively general construction or demolition debris and is operated and located in accordance with Section 22.38 of this Act;

(14) the portion of a site or facility, located within a unit of local government that has enacted local zoning requirements, used to accept, separate, and process uncontaminated broken concrete, with or without protruding metal bars, provided that the uncontaminated broken concrete and metal bars are not speculatively accumulated, are at the site or facility no longer than one year after their acceptance, and are returned to the economic mainstream in the form of raw materials or products;

(15) the portion of a site or facility located in a county with a population over 3,000,000 that has obtained local siting approval under Section 39.2 of this Act for a municipal waste incinerator on or before July 1, 2005 and that is used for a non-hazardous waste transfer station;

(16) a site or facility that temporarily holds in transit for 10 days or less, non-putrescible solid waste in original containers, no larger in capacity than 500 gallons, provided that such waste is further transferred to a recycling, disposal, treatment, or storage facility on a non-contiguous site and provided such site or facility complies with the applicable 10-day transfer requirements of the federal Resource Conservation and Recovery Act of 1976 and United States Department of Transportation hazardous material requirements. For purposes of this Section only, "non-putrescible solid waste" means waste other than municipal garbage that does not rot or become putrid, including, but not limited to, paints, solvent, filters, and absorbents;

(17) the portion of a site or facility located in a county with a population greater than 3,000,000 that has obtained local siting approval, under Section 39.2 of this Act, for a municipal waste incinerator on or before July 1, 2005 and that is used for wood combustion facilities for energy recovery that accept and burn only wood material, as included in a fuel specification approved by the Agency;

(18) a transfer station used exclusively for landscape waste, including a transfer station where landscape waste is ground to

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reduce its volume, where the landscape waste is held no longer than 24 hours from the time it was received;

(19) the portion of a site or facility that (i) is used for the composting of food scrap, livestock waste, crop residue, uncontaminated wood waste, or paper waste, including, but not limited to, corrugated paper or cardboard, and (ii) meets all of the following requirements:

(A) There must not be more than a total of 30,000 cubic yards of livestock waste in raw form or in the process of being composted at the site or facility at any one time.

(B) All food scrap, livestock waste, crop residue, uncontaminated wood waste, and paper waste must, by the end of each operating day, be processed and placed into an enclosed vessel in which air flow and temperature are controlled, or all of the following additional requirements must be met:

(i) The portion of the site or facility used for the composting operation must include a setback of at least 200 feet from the nearest potable water supply well.

(ii) The portion of the site or facility used for the composting operation must be located outside the boundary of the 10-year floodplain or floodproofed.

(iii) Except in municipalities with more than 1,000,000 inhabitants, the portion of the site or facility used for the composting operation must be located at least one-eighth of a mile from the nearest residence, other than a residence located on the same property as the site or facility.

(iv) The portion of the site or facility used for the composting operation must be located at least one-eighth of a mile from the property line of all of the following areas:

(I) Facilities that primarily serve to house or treat people that are immunocompromised or immunosuppressed, such as cancer or AIDS patients; people with asthma, cystic fibrosis,
or bioaerosol allergies; or children under the age of one year.

(II) Primary and secondary schools and adjacent areas that the schools use for recreation.

(III) Any facility for child care licensed under Section 3 of the Child Care Act of 1969; preschools; and adjacent areas that the facilities or preschools use for recreation.

(v) By the end of each operating day, all food scrap, livestock waste, crop residue, uncontaminated wood waste, and paper waste must be (i) processed into windrows or other piles and (ii) covered in a manner that prevents scavenging by birds and animals and that prevents other nuisances.

(C) Food scrap, livestock waste, crop residue, uncontaminated wood waste, paper waste, and compost must not be placed within 5 feet of the water table.

(D) The site or facility must meet all of the requirements of the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.).

(E) The site or facility must not (i) restrict the flow of a 100-year flood, (ii) result in washout of food scrap, livestock waste, crop residue, uncontaminated wood waste, or paper waste from a 100-year flood, or (iii) reduce the temporary water storage capacity of the 100-year floodplain, unless measures are undertaken to provide alternative storage capacity, such as by providing lagoons, holding tanks, or drainage around structures at the facility.

(F) The site or facility must not be located in any area where it may pose a threat of harm or destruction to the features for which:

(i) an irreplaceable historic or archaeological site has been listed under the National Historic Preservation Act (16 U.S.C. 470 et seq.) or the Illinois Historic Preservation Act;

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(ii) a natural landmark has been designated by the National Park Service or the Illinois State Historic Preservation Office; or
(iii) a natural area has been designated as a Dedicated Illinois Nature Preserve under the Illinois Natural Areas Preservation Act.

(G) The site or facility must not be located in an area where it may jeopardize the continued existence of any designated endangered species, result in the destruction or adverse modification of the critical habitat for such species, or cause or contribute to the taking of any endangered or threatened species of plant, fish, or wildlife listed under the Endangered Species Act (16 U.S.C. 1531 et seq.) or the Illinois Endangered Species Protection Act;

(20) the portion of a site or facility that is located entirely within a home rule unit having a population of no less than 120,000 and no more than 135,000, according to the 2000 federal census, and that meets all of the following requirements:
(i) the portion of the site or facility is used exclusively to perform testing of a thermochemical conversion technology using only woody biomass, collected as landscape waste within the boundaries of the home rule unit, as the hydrocarbon feedstock for the production of synthetic gas in accordance with Section 39.9 of this Act;
(ii) the portion of the site or facility is in compliance with all applicable zoning requirements; and
(iii) a complete application for a demonstration permit at the portion of the site or facility has been submitted to the Agency in accordance with Section 39.9 of this Act within one year after July 27, 2010 (the effective date of Public Act 96-1314);

(21) the portion of a site or facility used to perform limited testing of a gasification conversion technology in accordance with Section 39.8 of this Act and for which a complete permit application has been submitted to the Agency prior to one year from April 9, 2010 (the effective date of Public Act 96-887);

(22) the portion of a site or facility that is used to incinerate only pharmaceuticals from residential sources that are collected
and transported by law enforcement agencies under Section 17.9A of this Act;

(23) the portion of a site or facility:
   (A) that is used exclusively for the transfer of commingled landscape waste and food scrap held at the site or facility for no longer than 24 hours after their receipt;
   (B) that is located entirely within a home rule unit having a population of either (i) not less than 100,000 and not more than 115,000 according to the 2010 federal census or (ii) not less than 5,000 and not more than 10,000 according to the 2010 federal census or that is located in the unincorporated area of a county having a population of not less than 700,000 and not more than 705,000 according to the 2010 federal census;
   (C) that is permitted, by the Agency, prior to January 1, 2002, for the transfer of landscape waste if located in a home rule unit or that is permitted prior to January 1, 2008 if located in an unincorporated area of a county; and
   (D) for which a permit application is submitted to the Agency to modify an existing permit for the transfer of landscape waste to also include, on a demonstration basis not to exceed 24 months each time a permit is issued, the transfer of commingled landscape waste and food scrap or for which a permit application is submitted to the Agency within 6 months after January 1, 2016; and

(24) the portion of a municipal solid waste landfill unit:
   (A) that is located in a county having a population of not less than 55,000 and not more than 60,000 according to the 2010 federal census;
   (B) that is owned by that county;
   (C) that is permitted, by the Agency, prior to July 10, 2015 (the effective date of Public Act 99-12) this amendatory Act of the 99th General Assembly; and
   (D) for which a permit application is submitted to the Agency within 6 months after July 10, 2015 (the effective date of Public Act 99-12) this amendatory Act of the 99th General Assembly for the disposal of non-hazardous special waste.

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(b) A new pollution control facility is:
   (1) a pollution control facility initially permitted for development or construction after July 1, 1981; or
   (2) the area of expansion beyond the boundary of a currently permitted pollution control facility; or
   (3) a permitted pollution control facility requesting approval to store, dispose of, transfer or incinerate, for the first time, any special or hazardous waste.

(Source: P.A. 98-146, eff. 1-1-14; 98-239, eff. 8-9-13; 98-756, eff. 7-16-14; 98-1130, eff. 1-1-15; 99-12, eff. 7-10-15; 99-440, eff. 8-21-15; revised 10-20-15.)

(415 ILCS 5/22.55)
Sec. 22.55. Household Waste Drop-off Points.
(a) Findings; Purpose and Intent.

(1) The General Assembly finds that protection of human health and the environment can be enhanced if certain commonly generated household wastes are managed separately from the general household waste stream.

(2) The purpose of this Section is to provide, to the extent allowed under federal law, a method for managing certain types of household waste separately from the general household waste stream.

(b) Definitions. For the purposes of this Section:
   "Compostable waste" means household waste that is source-separated food scrap, household waste that is source-separated landscape waste, or a mixture of both.
   "Controlled substance" means a controlled substance as defined in the Illinois Controlled Substances Act.
   "Household waste" means waste generated from a single residence or multiple residences.
   "Household waste drop-off point" means the portion of a site or facility used solely for the receipt and temporary storage of household waste.
   "One-day compostable waste collection event" means a household waste drop-off point approved by a county or municipality under subsection (d-5) of this Section.
   "One-day household waste collection event" means a household waste drop-off point approved by the Agency under subsection (d) of this Section.

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"Permanent compostable waste collection point" means a household waste drop-off point approved by a county or municipality under subsection (d-6) of this Section.

"Personal care product" means an item other than a pharmaceutical product that is consumed or applied by an individual for personal health, hygiene, or cosmetic reasons. Personal care products include, but are not limited to, items used in bathing, dressing, or grooming.

"Pharmaceutical product" means medicine or a product containing medicine. A pharmaceutical product may be sold by prescription or over the counter. "Pharmaceutical product" does not include medicine that contains a radioactive component or a product that contains a radioactive component.

"Recycling coordinator" means the person designated by each county waste management plan to administer the county recycling program, as set forth in the Solid Waste Management Act.

(c) Except as otherwise provided in Agency rules, the following requirements apply to each household waste drop-off point, other than a one-day household waste collection event, one-day compostable waste collection event, or permanent compostable waste collection point:

(1) A household waste drop-off point must not accept waste other than the following types of household waste: pharmaceutical products, personal care products, batteries other than lead-acid batteries, paints, automotive fluids, compact fluorescent lightbulbs, mercury thermometers, and mercury thermostats. A household waste drop-off point may accept controlled substances in accordance with federal law.

(2) Except as provided in subdivision (c)(2) of this Section, household waste drop-off points must be located at a site or facility where the types of products accepted at the household waste drop-off point are lawfully sold, distributed, or dispensed. For example, household waste drop-off points that accept prescription pharmaceutical products must be located at a site or facility where prescription pharmaceutical products are sold, distributed, or dispensed.

(A) Subdivision (c)(2) of this Section does not apply to household waste drop-off points operated by a
government or school entity, or by an association or other organization of government or school entities.

(B) Household waste drop-off points that accept mercury thermometers can be located at any site or facility where non-mercury thermometers are sold, distributed, or dispensed.

(C) Household waste drop-off points that accept mercury thermostats can be located at any site or facility where non-mercury thermostats are sold, distributed, or dispensed.

(3) The location of acceptance for each type of waste accepted at the household waste drop-off point must be clearly identified. Locations where pharmaceutical products are accepted must also include a copy of the sign required under subsection (j) of this Section.

(4) Household waste must be accepted only from private individuals. Waste must not be accepted from other persons, including, but not limited to, owners and operators of rented or leased residences where the household waste was generated, commercial haulers, and other commercial, industrial, agricultural, and government operations or entities.

(5) If more than one type of household waste is accepted, each type of household waste must be managed separately prior to its packaging for off-site transfer.

(6) Household waste must not be stored for longer than 90 days after its receipt, except as otherwise approved by the Agency in writing.

(7) Household waste must be managed in a manner that protects against releases of the waste, prevents nuisances, and otherwise protects human health and the environment. Household waste must also be properly secured to prevent unauthorized public access to the waste, including, but not limited to, preventing access to the waste during the non-business hours of the site or facility on which the household waste drop-off point is located. Containers in which pharmaceutical products are collected must be clearly marked "No Controlled Substances", unless the household waste drop-off point accepts controlled substances in accordance with federal law.

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(8) Management of the household waste must be limited to the following: (i) acceptance of the waste, (ii) temporary storage of the waste prior to transfer, and (iii) off-site transfer of the waste and packaging for off-site transfer.

(9) Off-site transfer of the household waste must comply with federal and State laws and regulations.

(d) One-day household waste collection events. To further aid in the collection of certain household wastes, the Agency may approve the operation of one-day household waste collection events. The Agency shall not approve a one-day household waste collection event at the same site or facility for more than one day each calendar quarter. Requests for approval must be submitted on forms prescribed by the Agency. The Agency must issue its approval in writing, and it may impose conditions as necessary to protect human health and the environment and to otherwise accomplish the purposes of this Act. One-day household waste collection events must be operated in accordance with the Agency's approval, including all conditions contained in the approval. The following requirements apply to all one-day household waste collection events, in addition to the conditions contained in the Agency's approval:

(1) Waste accepted at the event must be limited to household waste and must not include garbage, landscape waste, or other waste excluded by the Agency in the Agency's approval or any conditions contained in the approval. A one-day household waste collection event may accept controlled substances in accordance with federal law.

(2) Household waste must be accepted only from private individuals. Waste must not be accepted from other persons, including, but not limited to, owners and operators of rented or leased residences where the household waste was generated, commercial haulers, and other commercial, industrial, agricultural, and government operations or entities.

(3) Household waste must be managed in a manner that protects against releases of the waste, prevents nuisances, and otherwise protects human health and the environment. Household waste must also be properly secured to prevent public access to the waste, including, but not limited to, preventing access to the waste during the event's non-business hours.

(4) Management of the household waste must be limited to the following: (i) acceptance of the waste, (ii) temporary storage of
the waste before transfer, and (iii) off-site transfer of the waste or packaging for off-site transfer.

(5) Except as otherwise approved by the Agency, all household waste received at the collection event must be transferred off-site by the end of the day following the collection event.

(6) The transfer and ultimate disposition of household waste received at the collection event must comply with the Agency's approval, including all conditions contained in the approval.

(d-5) One-day compostable waste collection event. To further aid in the collection and composting of compostable waste, as defined in subsection (b), a municipality may approve the operation of one-day compostable waste collection events at any site or facility within its territorial jurisdiction, and a county may approve the operation of one-day compostable waste collection events at any site or facility in any unincorporated area within its territorial jurisdiction. The approval granted under this subsection (d-5) must be in writing; must specify the date, location, and time of the event; and must list the types of compostable waste that will be collected at the event. If the one-day compostable waste collection event is to be operated at a location within a county with a population of more than 400,000 but less than 2,000,000 inhabitants, according to the 2010 decennial census, then the operator of the event shall, at least 30 days before the event, provide a copy of the approval to the recycling coordinator designated by that county. The approval granted under this subsection (d-5) may include conditions imposed by the county or municipality as necessary to protect public health and prevent odors, vectors, and other nuisances. A one-day compostable waste collection event approved under this subsection (d-5) must be operated in accordance with the approval, including all conditions contained in the approval. The following requirements shall apply to the one-day compostable waste collection event, in addition to the conditions contained in the approval:

(1) Waste accepted at the event must be limited to the types of compostable waste authorized to be accepted under the approval.

(2) Information promoting the event and signs at the event must clearly indicate the types of compostable waste approved for collection. To discourage the receipt of other waste, information promoting the event and signs at the event must also include:

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(A) examples of compostable waste being collected;
and

(B) examples of waste that is not being collected.

(3) Compostable waste must be accepted only from private individuals. It may not be accepted from other persons, including, but not limited to, owners and operators of rented or leased residences where it was generated, commercial haulers, and other commercial, industrial, agricultural, and government operations or entities.

(4) Compostable waste must be managed in a manner that protects against releases of the waste, prevents nuisances, and otherwise protects human health and the environment. Compostable waste must be properly secured to prevent it from being accessed by the public at any time, including, but not limited to, during the collection event's non-operating hours. One-day compostable waste collection events must be adequately supervised during their operating hours.

(5) Compostable waste must be secured in non-porous, rigid, leak-proof containers that:

(A) are covered, except when the compostable waste is being added to or removed from the containers or it is otherwise necessary to access the compostable waste;

(B) prevent precipitation from draining through the compostable waste;

(C) prevent dispersion of the compostable waste by wind;

(D) contain spills or releases that could create nuisances or otherwise harm human health or the environment;

(E) limit access to the compostable waste by vectors;

(F) control odors and other nuisances; and

(G) provide for storage, removal, and off-site transfer of the compostable waste in a manner that protects its ability to be composted.

(6) No more than a total of 40 cubic yards of compostable waste shall be located at the collection site at any one time.

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(7) Management of the compostable waste must be limited to the following: (A) acceptance, (B) temporary storage before transfer, and (C) off-site transfer.

(8) All compostable waste received at the event must be transferred off-site to a permitted compost facility by no later than 48 hours after the event ends or by the end of the first business day after the event ends, whichever is sooner.

(9) If waste other than compostable waste is received at the event, then that waste must be disposed of within 48 hours after the event ends or by the end of the first business day after the event ends, whichever is sooner.

(d-6) Permanent compostable waste collection points. To further aid in the collection and composting of compostable waste, as defined in subsection (b), a municipality may approve the operation of permanent compostable waste collection points at any site or facility within its territorial jurisdiction, and a county may approve the operation of permanent compostable waste collection points at any site or facility in any unincorporated area within its territorial jurisdiction. The approval granted pursuant to this subsection (d-6) must be in writing; must specify the location, operating days, and operating hours of the collection point; must list the types of compostable waste that will be collected at the collection point; and must specify a term of not more than 365 calendar days during which the approval will be effective. In addition, if the permanent compostable waste collection point is to be operated at a location within a county with a population of more than 400,000 but less than 2,000,000 inhabitants, according to the 2010 federal decennial census, then the operator of the collection point shall, at least 30 days before the collection point begins operation, provide a copy of the approval to the recycling coordinator designated by that county. The approval may include conditions imposed by the county or municipality as necessary to protect public health and prevent odors, vectors, and other nuisances. A permanent compostable waste collection point approved pursuant to this subsection (d-6) must be operated in accordance with the approval, including all conditions contained in the approval. The following requirements apply to the permanent compostable waste collection point, in addition to the conditions contained in the approval:

(1) Waste accepted at the collection point must be limited to the types of compostable waste authorized to be accepted under the approval.
(2) Information promoting the collection point and signs at the collection point must clearly indicate the types of compostable waste approved for collection. To discourage the receipt of other waste, information promoting the collection point and signs at the collection point must also include (A) examples of compostable waste being collected and (B) examples of waste that is not being collected.

(3) Compostable waste must be accepted only from private individuals. It may not be accepted from other persons, including, but not limited to, owners and operators of rented or leased residences where it was generated, commercial haulers, and other commercial, industrial, agricultural, and government operations or entities.

(4) Compostable waste must be managed in a manner that protects against releases of the waste, prevents nuisances, and otherwise protects human health and the environment. Compostable waste must be properly secured to prevent it from being accessed by the public at any time, including, but not limited to, during the collection point's non-operating hours. Permanent compostable waste collection points must be adequately supervised during their operating hours.

(5) Compostable waste must be secured in non-porous, rigid, leak-proof containers that:
   (A) are no larger than 10 cubic yards in size;
   (B) are covered, except when the compostable waste is being added to or removed from the container or it is otherwise necessary to access the compostable waste;
   (C) prevent precipitation from draining through the compostable waste;
   (D) prevent dispersion of the compostable waste by wind;
   (E) contain spills or releases that could create nuisances or otherwise harm human health or the environment;
   (F) limit access to the compostable waste by vectors;
   (G) control odors and other nuisances; and

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(H) provide for storage, removal, and off-site transfer of the compostable waste in a manner that protects its ability to be composted.

(6) No more than a total of 10 cubic yards of compostable waste shall be located at the permanent compostable waste collection site at any one time.

(7) Management of the compostable waste must be limited to the following: (A) acceptance, (B) temporary storage before transfer, and (C) off-site transfer.

(8) All compostable waste received at the permanent compostable waste collection point must be transferred off-site to a permitted compost facility not less frequently than once every 7 days.

(9) If a permanent compostable waste collection point receives waste other than compostable waste, then that waste must be disposed of not less frequently than once every 7 days.

(e) The Agency may adopt rules governing the operation of household waste drop-off points, other than one-day household waste collection events, one-day compostable waste collection events, and permanent compostable waste collection points. Those rules must be designed to protect against releases of waste to the environment, prevent nuisances, and otherwise protect human health and the environment. As necessary to address different circumstances, the regulations may contain different requirements for different types of household waste and different types of household waste drop-off points, and the regulations may modify the requirements set forth in subsection (c) of this Section. The regulations may include, but are not limited to, the following: (i) identification of additional types of household waste that can be collected at household waste drop-off points, (ii) identification of the different types of household wastes that can be received at different household waste drop-off points, (iii) the maximum amounts of each type of household waste that can be stored at household waste drop-off points at any one time, and (iv) the maximum time periods each type of household waste can be stored at household waste drop-off points.

(f) Prohibitions.

(1) Except as authorized in a permit issued by the Agency, no person shall cause or allow the operation of a household waste drop-off point, other than a one-day household waste collection event, one-day compostable waste collection event, or permanent...
compostable waste collection point, in violation of this Section or any regulations adopted under this Section.

(2) No person shall cause or allow the operation of a one-day household waste collection event in violation of this Section or the Agency's approval issued under subsection (d) of this Section, including all conditions contained in the approval.

(3) No person shall cause or allow the operation of a one-day compostable waste collection event in violation of this Section or the approval issued for the one-day compostable waste collection event under subsection (d-5) of this Section, including all conditions contained in the approval.

(4) No person shall cause or allow the operation of a permanent compostable waste collection event in violation of this Section or the approval issued for the permanent compostable waste collection point under subsection (d-6) of this Section, including all conditions contained in the approval.

(g) Permit exemptions.

(1) No permit is required under subdivision (d)(1) of Section 21 of this Act for the operation of a household waste drop-off point, other than a one-day household waste collection event, one-day compostable waste collection event, or permanent compostable waste collection point, if the household waste drop-off point is operated in accordance with this Section and all regulations adopted under this Section.

(2) No permit is required under subdivision (d)(1) of Section 21 of this Act for the operation of a one-day household waste collection event if the event is operated in accordance with this Section and the Agency's approval issued under subsection (d) of this Section, including all conditions contained in the approval, or for the operation of a household waste collection event by the Agency.

(3) No permit is required under paragraph (1) of subsection (d) of Section 21 of this Act for the operation of a one-day compostable waste collection event if the compostable waste collection event is operated in accordance with this Section and the approval issued for the compostable waste collection point under subsection (d-5) of this Section, including all conditions contained in the approval.

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(4) No permit is required under paragraph (1) of subsection (d) of Section 21 of this Act for the operation of a permanent compostable waste collection point if the collection point is operated in accordance with this Section and the approval issued for the compostable waste collection event under subsection (d-6) of this Section, including all conditions contained in the approval.

(h) This Section does not apply to the following:

(1) Persons accepting household waste that they are authorized to accept under a permit issued by the Agency.

(2) Sites or facilities operated pursuant to an intergovernmental agreement entered into with the Agency under Section 22.16b(d) of this Act.

(i) The Agency, in consultation with the Department of Public Health, must develop and implement a public information program regarding household waste drop-off points that accept pharmaceutical products, as well as mail-back programs authorized under federal law.

(j) The Agency must develop a sign that provides information on the proper disposal of unused pharmaceutical products. The sign shall include information on approved drop-off sites or list a website where updated information on drop-off sites can be accessed. The sign shall also include information on mail-back programs and self-disposal. The Agency shall make a copy of the sign available for downloading from its website. Every pharmacy shall display the sign in the area where medications are dispensed and shall also display any signs the Agency develops regarding local take-back programs or household waste collection events. These signs shall be no larger than 8.5 inches by 11 inches.

(k) If an entity chooses to participate as a household waste drop-off point, then it must follow the provisions of this Section and any rules the Agency may adopt governing household waste drop-off points.

(l) The Agency shall establish, by rule, a statewide medication take-back program by June 1, 2016 to ensure that there are pharmaceutical product disposal options regularly available for residents across the State. No private entity may be compelled to serve as or fund a take-back location or program. Medications collected and disposed of under the program shall include controlled substances approved for collection by federal law. All medications collected and disposed of under the program must be managed in accordance with all applicable federal and State laws and regulations. The Agency shall issue a report to the General Assembly.

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by June 1, 2019 detailing the amount of pharmaceutical products annually collected under the program, as well as any legislative recommendations. (Source: P.A. 99-11, eff. 7-10-15; 99-480, eff. 9-9-15; revised 10-20-15.) (415 ILCS 5/39) (from Ch. 111 1/2, par. 1039)

Sec. 39. Issuance of permits; procedures.

(a) When the Board has by regulation required a permit for the construction, installation, or operation of any type of facility, equipment, vehicle, vessel, or aircraft, the applicant shall apply to the Agency for such permit and it shall be the duty of the Agency to issue such a permit upon proof by the applicant that the facility, equipment, vehicle, vessel, or aircraft will not cause a violation of this Act or of regulations hereunder. The Agency shall adopt such procedures as are necessary to carry out its duties under this Section. In making its determinations on permit applications under this Section the Agency may consider prior adjudications of noncompliance with this Act by the applicant that involved a release of a contaminant into the environment. In granting permits, the Agency may impose reasonable conditions specifically related to the applicant's past compliance history with this Act as necessary to correct, detect, or prevent noncompliance. The Agency may impose such other conditions as may be necessary to accomplish the purposes of this Act, and as are not inconsistent with the regulations promulgated by the Board hereunder. Except as otherwise provided in this Act, a bond or other security shall not be required as a condition for the issuance of a permit. If the Agency denies any permit under this Section, the Agency shall transmit to the applicant within the time limitations of this Section specific, detailed statements as to the reasons the permit application was denied. Such statements shall include, but not be limited to the following:

(i) the Sections of this Act which may be violated if the permit were granted;
(ii) the provision of the regulations, promulgated under this Act, which may be violated if the permit were granted;
(iii) the specific type of information, if any, which the Agency deems the applicant did not provide the Agency; and
(iv) a statement of specific reasons why the Act and the regulations might not be met if the permit were granted.

If there is no final action by the Agency within 90 days after the filing of the application for permit, the applicant may deem the permit issued; except that this time period shall be extended to 180 days when (1) notice and opportunity for public hearing are required by State or federal

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law or regulation, (2) the application which was filed is for any permit to develop a landfill subject to issuance pursuant to this subsection, or (3) the application that was filed is for a MSWLF unit required to issue public notice under subsection (p) of Section 39. The 90-day and 180-day time periods for the Agency to take final action do not apply to NPDES permit applications under subsection (b) of this Section, to RCRA permit applications under subsection (d) of this Section, or to UIC permit applications under subsection (e) of this Section.

The Agency shall publish notice of all final permit determinations for development permits for MSWLF units and for significant permit modifications for lateral expansions for existing MSWLF units one time in a newspaper of general circulation in the county in which the unit is or is proposed to be located.

After January 1, 1994 and until July 1, 1998, operating permits issued under this Section by the Agency for sources of air pollution permitted to emit less than 25 tons per year of any combination of regulated air pollutants, as defined in Section 39.5 of this Act, shall be required to be renewed only upon written request by the Agency consistent with applicable provisions of this Act and regulations promulgated hereunder. Such operating permits shall expire 180 days after the date of such a request. The Board shall revise its regulations for the existing State air pollution operating permit program consistent with this provision by January 1, 1994.

After June 30, 1998, operating permits issued under this Section by the Agency for sources of air pollution that are not subject to Section 39.5 of this Act and are not required to have a federally enforceable State operating permit shall be required to be renewed only upon written request by the Agency consistent with applicable provisions of this Act and its rules. Such operating permits shall expire 180 days after the date of such a request. Before July 1, 1998, the Board shall revise its rules for the existing State air pollution operating permit program consistent with this paragraph and shall adopt rules that require a source to demonstrate that it qualifies for a permit under this paragraph.

(b) The Agency may issue NPDES permits exclusively under this subsection for the discharge of contaminants from point sources into navigable waters, all as defined in the Federal Water Pollution Control Act, as now or hereafter amended, within the jurisdiction of the State, or into any well.
All NPDES permits shall contain those terms and conditions, including but not limited to schedules of compliance, which may be required to accomplish the purposes and provisions of this Act.

The Agency may issue general NPDES permits for discharges from categories of point sources which are subject to the same permit limitations and conditions. Such general permits may be issued without individual applications and shall conform to regulations promulgated under Section 402 of the Federal Water Pollution Control Act, as now or hereafter amended.

The Agency may include, among such conditions, effluent limitations and other requirements established under this Act, Board regulations, the Federal Water Pollution Control Act, as now or hereafter amended, and regulations pursuant thereto, and schedules for achieving compliance therewith at the earliest reasonable date.

The Agency shall adopt filing requirements and procedures which are necessary and appropriate for the issuance of NPDES permits, and which are consistent with the Act or regulations adopted by the Board, and with the Federal Water Pollution Control Act, as now or hereafter amended, and regulations pursuant thereto.

The Agency, subject to any conditions which may be prescribed by Board regulations, may issue NPDES permits to allow discharges beyond deadlines established by this Act or by regulations of the Board without the requirement of a variance, subject to the Federal Water Pollution Control Act, as now or hereafter amended, and regulations pursuant thereto.

(c) Except for those facilities owned or operated by sanitary districts organized under the Metropolitan Water Reclamation District Act, no permit for the development or construction of a new pollution control facility may be granted by the Agency unless the applicant submits proof to the Agency that the location of the facility has been approved by the County Board of the county if in an unincorporated area, or the governing body of the municipality when in an incorporated area, in which the facility is to be located in accordance with Section 39.2 of this Act. For purposes of this subsection (c), and for purposes of Section 39.2 of this Act, the appropriate county board or governing body of the municipality shall be the county board of the county or the governing body of the municipality in which the facility is to be located as of the date when the application for siting approval is filed.
In the event that siting approval granted pursuant to Section 39.2 has been transferred to a subsequent owner or operator, that subsequent owner or operator may apply to the Agency for, and the Agency may grant, a development or construction permit for the facility for which local siting approval was granted. Upon application to the Agency for a development or construction permit by that subsequent owner or operator, the permit applicant shall cause written notice of the permit application to be served upon the appropriate county board or governing body of the municipality that granted siting approval for that facility and upon any party to the siting proceeding pursuant to which siting approval was granted. In that event, the Agency shall conduct an evaluation of the subsequent owner or operator's prior experience in waste management operations in the manner conducted under subsection (i) of Section 39 of this Act.

Beginning August 20, 1993, if the pollution control facility consists of a hazardous or solid waste disposal facility for which the proposed site is located in an unincorporated area of a county with a population of less than 100,000 and includes all or a portion of a parcel of land that was, on April 1, 1993, adjacent to a municipality having a population of less than 5,000, then the local siting review required under this subsection (c) in conjunction with any permit applied for after that date shall be performed by the governing body of that adjacent municipality rather than the county board of the county in which the proposed site is located; and for the purposes of that local siting review, any references in this Act to the county board shall be deemed to mean the governing body of that adjacent municipality; provided, however, that the provisions of this paragraph shall not apply to any proposed site which was, on April 1, 1993, owned in whole or in part by another municipality.

In the case of a pollution control facility for which a development permit was issued before November 12, 1981, if an operating permit has not been issued by the Agency prior to August 31, 1989 for any portion of the facility, then the Agency may not issue or renew any development permit nor issue an original operating permit for any portion of such facility unless the applicant has submitted proof to the Agency that the location of the facility has been approved by the appropriate county board or municipal governing body pursuant to Section 39.2 of this Act.

After January 1, 1994, if a solid waste disposal facility, any portion for which an operating permit has been issued by the Agency, has not accepted waste disposal for 5 or more consecutive calendars years, before that facility may accept any new or additional waste for disposal, the

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owner and operator must obtain a new operating permit under this Act for that facility unless the owner and operator have applied to the Agency for a permit authorizing the temporary suspension of waste acceptance. The Agency may not issue a new operation permit under this Act for the facility unless the applicant has submitted proof to the Agency that the location of the facility has been approved or re-approved by the appropriate county board or municipal governing body under Section 39.2 of this Act after the facility ceased accepting waste.

Except for those facilities owned or operated by sanitary districts organized under the Metropolitan Water Reclamation District Act, and except for new pollution control facilities governed by Section 39.2, and except for fossil fuel mining facilities, the granting of a permit under this Act shall not relieve the applicant from meeting and securing all necessary zoning approvals from the unit of government having zoning jurisdiction over the proposed facility.

Before beginning construction on any new sewage treatment plant or sludge drying site to be owned or operated by a sanitary district organized under the Metropolitan Water Reclamation District Act for which a new permit (rather than the renewal or amendment of an existing permit) is required, such sanitary district shall hold a public hearing within the municipality within which the proposed facility is to be located, or within the nearest community if the proposed facility is to be located within an unincorporated area, at which information concerning the proposed facility shall be made available to the public, and members of the public shall be given the opportunity to express their views concerning the proposed facility.

The Agency may issue a permit for a municipal waste transfer station without requiring approval pursuant to Section 39.2 provided that the following demonstration is made:

(1) the municipal waste transfer station was in existence on or before January 1, 1979 and was in continuous operation from January 1, 1979 to January 1, 1993;

(2) the operator submitted a permit application to the Agency to develop and operate the municipal waste transfer station during April of 1994;

(3) the operator can demonstrate that the county board of the county, if the municipal waste transfer station is in an unincorporated area, or the governing body of the municipality, if

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the station is in an incorporated area, does not object to resumption of the operation of the station; and

(4) the site has local zoning approval.

(d) The Agency may issue RCRA permits exclusively under this subsection to persons owning or operating a facility for the treatment, storage, or disposal of hazardous waste as defined under this Act.

All RCRA permits shall contain those terms and conditions, including but not limited to schedules of compliance, which may be required to accomplish the purposes and provisions of this Act. The Agency may include among such conditions standards and other requirements established under this Act, Board regulations, the Resource Conservation and Recovery Act of 1976 (P.L. 94-580), as amended, and regulations pursuant thereto, and may include schedules for achieving compliance therewith as soon as possible. The Agency shall require that a performance bond or other security be provided as a condition for the issuance of a RCRA permit.

In the case of a permit to operate a hazardous waste or PCB incinerator as defined in subsection (k) of Section 44, the Agency shall require, as a condition of the permit, that the operator of the facility perform such analyses of the waste to be incinerated as may be necessary and appropriate to ensure the safe operation of the incinerator.

The Agency shall adopt filing requirements and procedures which are necessary and appropriate for the issuance of RCRA permits, and which are consistent with the Act or regulations adopted by the Board, and with the Resource Conservation and Recovery Act of 1976 (P.L. 94-580), as amended, and regulations pursuant thereto.

The applicant shall make available to the public for inspection all documents submitted by the applicant to the Agency in furtherance of an application, with the exception of trade secrets, at the office of the county board or governing body of the municipality. Such documents may be copied upon payment of the actual cost of reproduction during regular business hours of the local office. The Agency shall issue a written statement concurrent with its grant or denial of the permit explaining the basis for its decision.

(e) The Agency may issue UIC permits exclusively under this subsection to persons owning or operating a facility for the underground injection of contaminants as defined under this Act.

All UIC permits shall contain those terms and conditions, including but not limited to schedules of compliance, which may be

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required to accomplish the purposes and provisions of this Act. The Agency may include among such conditions standards and other requirements established under this Act, Board regulations, the Safe Drinking Water Act (P.L. 93-523), as amended, and regulations pursuant thereto, and may include schedules for achieving compliance therewith. The Agency shall require that a performance bond or other security be provided as a condition for the issuance of a UIC permit.

The Agency shall adopt filing requirements and procedures which are necessary and appropriate for the issuance of UIC permits, and which are consistent with the Act or regulations adopted by the Board, and with the Safe Drinking Water Act (P.L. 93-523), as amended, and regulations pursuant thereto.

The applicant shall make available to the public for inspection, all documents submitted by the applicant to the Agency in furtherance of an application, with the exception of trade secrets, at the office of the county board or governing body of the municipality. Such documents may be copied upon payment of the actual cost of reproduction during regular business hours of the local office. The Agency shall issue a written statement concurrent with its grant or denial of the permit explaining the basis for its decision.

(f) In making any determination pursuant to Section 9.1 of this Act:

(1) The Agency shall have authority to make the determination of any question required to be determined by the Clean Air Act, as now or hereafter amended, this Act, or the regulations of the Board, including the determination of the Lowest Achievable Emission Rate, Maximum Achievable Control Technology, or Best Available Control Technology, consistent with the Board's regulations, if any.

(2) The Agency shall adopt requirements as necessary to implement public participation procedures, including, but not limited to, public notice, comment, and an opportunity for hearing, which must accompany the processing of applications for PSD permits. The Agency shall briefly describe and respond to all significant comments on the draft permit raised during the public comment period or during any hearing. The Agency may group related comments together and provide one unified response for each issue raised.

(3) Any complete permit application submitted to the Agency under this subsection for a PSD permit shall be granted or
denied by the Agency not later than one year after the filing of such completed application.

(4) The Agency shall, after conferring with the applicant, give written notice to the applicant of its proposed decision on the application including the terms and conditions of the permit to be issued and the facts, conduct or other basis upon which the Agency will rely to support its proposed action.

(g) The Agency shall include as conditions upon all permits issued for hazardous waste disposal sites such restrictions upon the future use of such sites as are reasonably necessary to protect public health and the environment, including permanent prohibition of the use of such sites for purposes which may create an unreasonable risk of injury to human health or to the environment. After administrative and judicial challenges to such restrictions have been exhausted, the Agency shall file such restrictions of record in the Office of the Recorder of the county in which the hazardous waste disposal site is located.

(h) A hazardous waste stream may not be deposited in a permitted hazardous waste site unless specific authorization is obtained from the Agency by the generator and disposal site owner and operator for the deposit of that specific hazardous waste stream. The Agency may grant specific authorization for disposal of hazardous waste streams only after the generator has reasonably demonstrated that, considering technological feasibility and economic reasonableness, the hazardous waste cannot be reasonably recycled for reuse, nor incinerated or chemically, physically or biologically treated so as to neutralize the hazardous waste and render it nonhazardous. In granting authorization under this Section, the Agency may impose such conditions as may be necessary to accomplish the purposes of the Act and are consistent with this Act and regulations promulgated by the Board hereunder. If the Agency refuses to grant authorization under this Section, the applicant may appeal as if the Agency refused to grant a permit, pursuant to the provisions of subsection (a) of Section 40 of this Act. For purposes of this subsection (h), the term "generator" has the meaning given in Section 3.205 of this Act, unless: (1) the hazardous waste is treated, incinerated, or partially recycled for reuse prior to disposal, in which case the last person who treats, incinerates, or partially recycles the hazardous waste prior to disposal is the generator; or (2) the hazardous waste is from a response action, in which case the person performing the response action is the generator. This subsection (h) does
not apply to any hazardous waste that is restricted from land disposal under 35 Ill. Adm. Code 728.

(i) Before issuing any RCRA permit, any permit for a waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility, waste incinerator, or any waste-transportation operation, or any permit or interim authorization for a clean construction or demolition debris fill operation, or any permit required under subsection (d-5) of Section 55, the Agency shall conduct an evaluation of the prospective owner's or operator's prior experience in waste management operations, clean construction or demolition debris fill operations, and tire storage site management. The Agency may deny such a permit, or deny or revoke interim authorization, if the prospective owner or operator or any employee or officer of the prospective owner or operator has a history of:

(1) repeated violations of federal, State, or local laws, regulations, standards, or ordinances in the operation of waste management facilities or sites, clean construction or demolition debris fill operation facilities or sites, or tire storage sites; or

(2) conviction in this or another State of any crime which is a felony under the laws of this State, or conviction of a felony in a federal court; or conviction in this or another state or federal court of any of the following crimes: forgery, official misconduct, bribery, perjury, or knowingly submitting false information under any environmental law, regulation, or permit term or condition; or

(3) proof of gross carelessness or incompetence in handling, storing, processing, transporting or disposing of waste, clean construction or demolition debris, or used or waste tires, or proof of gross carelessness or incompetence in using clean construction or demolition debris as fill.

(i-5) Before issuing any permit or approving any interim authorization for a clean construction or demolition debris fill operation in which any ownership interest is transferred between January 1, 2005, and the effective date of the prohibition set forth in Section 22.52 of this Act, the Agency shall conduct an evaluation of the operation if any previous activities at the site or facility may have caused or allowed contamination of the site. It shall be the responsibility of the owner or operator seeking the permit or interim authorization to provide to the Agency all of the information necessary for the Agency to conduct its evaluation. The Agency may deny a permit or interim authorization if previous activities at
the site may have caused or allowed contamination at the site, unless such contamination is authorized under any permit issued by the Agency.

(j) The issuance under this Act of a permit to engage in the surface mining of any resources other than fossil fuels shall not relieve the permittee from its duty to comply with any applicable local law regulating the commencement, location or operation of surface mining facilities.

(k) A development permit issued under subsection (a) of Section 39 for any facility or site which is required to have a permit under subsection (d) of Section 21 shall expire at the end of 2 calendar years from the date upon which it was issued, unless within that period the applicant has taken action to develop the facility or the site. In the event that review of the conditions of the development permit is sought pursuant to Section 40 or 41, or permittee is prevented from commencing development of the facility or site by any other litigation beyond the permittee's control, such two-year period shall be deemed to begin on the date upon which such review process or litigation is concluded.

(l) No permit shall be issued by the Agency under this Act for construction or operation of any facility or site located within the boundaries of any setback zone established pursuant to this Act, where such construction or operation is prohibited.

(m) The Agency may issue permits to persons owning or operating a facility for composting landscape waste. In granting such permits, the Agency may impose such conditions as may be necessary to accomplish the purposes of this Act, and as are not inconsistent with applicable regulations promulgated by the Board. Except as otherwise provided in this Act, a bond or other security shall not be required as a condition for the issuance of a permit. If the Agency denies any permit pursuant to this subsection, the Agency shall transmit to the applicant within the time limitations of this subsection specific, detailed statements as to the reasons the permit application was denied. Such statements shall include but not be limited to the following:

1. the Sections of this Act that may be violated if the permit were granted;
2. the specific regulations promulgated pursuant to this Act that may be violated if the permit were granted;
3. the specific information, if any, the Agency deems the applicant did not provide in its application to the Agency; and
4. a statement of specific reasons why the Act and the regulations might be violated if the permit were granted.

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If no final action is taken by the Agency within 90 days after the filing of the application for permit, the applicant may deem the permit issued. Any applicant for a permit may waive the 90-day limitation by filing a written statement with the Agency.

The Agency shall issue permits for such facilities upon receipt of an application that includes a legal description of the site, a topographic map of the site drawn to the scale of 200 feet to the inch or larger, a description of the operation, including the area served, an estimate of the volume of materials to be processed, and documentation that:

1. the facility includes a setback of at least 200 feet from the nearest potable water supply well;
2. the facility is located outside the boundary of the 10-year floodplain or the site will be floodproofed;
3. the facility is located so as to minimize incompatibility with the character of the surrounding area, including at least a 200 foot setback from any residence, and in the case of a facility that is developed or the permitted composting area of which is expanded after November 17, 1991, the composting area is located at least 1/8 mile from the nearest residence (other than a residence located on the same property as the facility);
4. the design of the facility will prevent any compost material from being placed within 5 feet of the water table, will adequately control runoff from the site, and will collect and manage any leachate that is generated on the site;
5. the operation of the facility will include appropriate dust and odor control measures, limitations on operating hours, appropriate noise control measures for shredding, chipping and similar equipment, management procedures for composting, containment and disposal of non-compostable wastes, procedures to be used for terminating operations at the site, and recordkeeping sufficient to document the amount of materials received, composted and otherwise disposed of; and
6. the operation will be conducted in accordance with any applicable rules adopted by the Board.

The Agency shall issue renewable permits of not longer than 10 years in duration for the composting of landscape wastes, as defined in Section 3.155 of this Act, based on the above requirements.

The operator of any facility permitted under this subsection (m) must submit a written annual statement to the Agency on or before April 1

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of each year that includes an estimate of the amount of material, in tons, received for composting.

(n) The Agency shall issue permits jointly with the Department of Transportation for the dredging or deposit of material in Lake Michigan in accordance with Section 18 of the Rivers, Lakes, and Streams Act.

(o) (Blank.)

(p) (1) Any person submitting an application for a permit for a new MSWLF unit or for a lateral expansion under subsection (t) of Section 21 of this Act for an existing MSWLF unit that has not received and is not subject to local siting approval under Section 39.2 of this Act shall publish notice of the application in a newspaper of general circulation in the county in which the MSWLF unit is or is proposed to be located. The notice must be published at least 15 days before submission of the permit application to the Agency. The notice shall state the name and address of the applicant, the location of the MSWLF unit or proposed MSWLF unit, the nature and size of the MSWLF unit or proposed MSWLF unit, the nature of the activity proposed, the probable life of the proposed activity, the date the permit application will be submitted, and a statement that persons may file written comments with the Agency concerning the permit application within 30 days after the filing of the permit application unless the time period to submit comments is extended by the Agency.

When a permit applicant submits information to the Agency to supplement a permit application being reviewed by the Agency, the applicant shall not be required to reissue the notice under this subsection.

(2) The Agency shall accept written comments concerning the permit application that are postmarked no later than 30 days after the filing of the permit application, unless the time period to accept comments is extended by the Agency.

(3) Each applicant for a permit described in part (1) of this subsection shall file a copy of the permit application with the county board or governing body of the municipality in which the MSWLF unit is or is proposed to be located at the same time the application is submitted to the Agency. The permit application filed with the county board or governing body of the municipality shall include all documents submitted to or to be submitted to the Agency, except trade secrets as determined under Section 7.1 of this Act. The permit application and other documents on file with the county board or governing body of the municipality shall be made available for public inspection during regular business hours at the office.

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of the county board or the governing body of the municipality and may be copied upon payment of the actual cost of reproduction.

(q) Within 6 months after July 12, 2011 (the effective date of Public Act 97-95) this amendatory Act of the 97th General Assembly, the Agency, in consultation with the regulated community, shall develop a web portal to be posted on its website for the purpose of enhancing review and promoting timely issuance of permits required by this Act. At a minimum, the Agency shall make the following information available on the web portal:

(1) Checklists and guidance relating to the completion of permit applications, developed pursuant to subsection (s) of this Section, which may include, but are not limited to, existing instructions for completing the applications and examples of complete applications. As the Agency develops new checklists and develops guidance, it shall supplement the web portal with those materials.

(2) Within 2 years after July 12, 2011 (the effective date of Public Act 97-95) this amendatory Act of the 97th General Assembly, permit application forms or portions of permit applications that can be completed and saved electronically, and submitted to the Agency electronically with digital signatures.

(3) Within 2 years after July 12, 2011 (the effective date of Public Act 97-95) this amendatory Act of the 97th General Assembly, an online tracking system where an applicant may review the status of its pending application, including the name and contact information of the permit analyst assigned to the application. Until the online tracking system has been developed, the Agency shall post on its website semi-annual permitting efficiency tracking reports that include statistics on the timeframes for Agency action on the following types of permits received after July 12, 2011 (the effective date of Public Act 97-95) this amendatory Act of the 97th General Assembly: air construction permits, new NPDES permits and associated water construction permits, and modifications of major NPDES permits and associated water construction permits. The reports must be posted by February 1 and August 1 each year and shall include:

(A) the number of applications received for each type of permit, the number of applications on which
Agency has taken action, and the number of applications still pending; and

(B) for those applications where the Agency has not taken action in accordance with the timeframes set forth in this Act, the date the application was received and the reasons for any delays, which may include, but shall not be limited to, (i) the application being inadequate or incomplete, (ii) scientific or technical disagreements with the applicant, USEPA, or other local, state, or federal agencies involved in the permitting approval process, (iii) public opposition to the permit, or (iv) Agency staffing shortages. To the extent practicable, the tracking report shall provide approximate dates when cause for delay was identified by the Agency, when the Agency informed the applicant of the problem leading to the delay, and when the applicant remedied the reason for the delay.

(r) Upon the request of the applicant, the Agency shall notify the applicant of the permit analyst assigned to the application upon its receipt.

(s) The Agency is authorized to prepare and distribute guidance documents relating to its administration of this Section and procedural rules implementing this Section. Guidance documents prepared under this subsection shall not be considered rules and shall not be subject to the Illinois Administrative Procedure Act. Such guidance shall not be binding on any party.

(t) Except as otherwise prohibited by federal law or regulation, any person submitting an application for a permit may include with the application suggested permit language for Agency consideration. The Agency is not obligated to use the suggested language or any portion thereof in its permitting decision. If requested by the permit applicant, the Agency shall meet with the applicant to discuss the suggested language.

(u) If requested by the permit applicant, the Agency shall provide the permit applicant with a copy of the draft permit prior to any public review period.

(v) If requested by the permit applicant, the Agency shall provide the permit applicant with a copy of the final permit prior to its issuance.

(w) An air pollution permit shall not be required due to emissions of greenhouse gases, as specified by Section 9.15 of this Act.

(x) If, before the expiration of a State operating permit that is issued pursuant to subsection (a) of this Section and contains federally

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enforceable conditions limiting the potential to emit of the source to a level below the major source threshold for that source so as to exclude the source from the Clean Air Act Permit Program, the Agency receives a complete application for the renewal of that permit, then all of the terms and conditions of the permit shall remain in effect until final administrative action has been taken on the application for the renewal of the permit.

(Source: P.A. 98-284, eff. 8-9-13; 99-396, eff. 8-18-15; 99-463, eff. 1-1-16; revised 10-20-15.)

Section 460. The Lawn Care Products Application and Notice Act is amended by changing Section 7 as follows:

(415 ILCS 65/7) (from Ch. 5, par. 857)

Sec. 7. When an administrative hearing is held by the Department, the hearing officer, upon determination of any violation of this Act or rule or regulation, shall either refer the violation to the State's Attorney's office in the county where the alleged violation occurred for prosecution or levy the following administrative monetary penalties:

(a) a penalty of $250 for a first violation;
(b) a penalty of $500 for a second violation; and
(c) a penalty of $1,000 for a third or subsequent violation.

The penalty levied shall be collected by the Department, and all penalties collected by the Department under this Act shall be deposited into the Pesticide Control Fund. Any penalty not paid within 60 days of notice from the Department shall be submitted to the Attorney General's office for collection.

Upon prosecution by a State's Attorney, a violation of this Act or rules shall be a petty offense subject to a fine of $250 for a first offense, a fine of $500 for a second offense, and a fine of $1,000 for a third or subsequent offense.

(Source: P.A. 96-1005, eff. 7-6-10; revised 10-20-15.)

Section 465. The Mercury Switch Removal Act is amended by changing Section 10 as follows:

(415 ILCS 97/10)
(Section scheduled to be repealed on January 1, 2017)

Sec. 10. Removal requirements.

(a) Mercury switches removed from end-of-life vehicles must be managed in accordance with the Environmental Protection Act and regulations adopted thereunder.

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(b) No person shall represent that all mercury switches have been removed from a vehicle if all mercury switches have not been removed from the vehicle, except where a mercury switch cannot be removed from the vehicle because the switch is inaccessible due to significant damage to the vehicle in the area surrounding the switch.

(c) Consistent with the protection of confidential business information, vehicle recyclers, vehicle crushers, and scrap metal recyclers that remove mercury switches from end-of-life vehicles must maintain records documenting the following for each calendar quarter:

1. the number of mercury switches the vehicle recycler, vehicle crusher, or scrap metal recycler removed from end-of-life vehicles;
2. the number of end-of-life vehicles received by the vehicle recycler, vehicle crusher, or scrap metal recycler that contain one or more mercury switches;
3. the number of end-of-life vehicles the vehicle recycler, vehicle crusher, or scrap metal recycler flattened, crushed, shredded, or otherwise processed for recycling; and
4. the make and model of each car from which one or more mercury switches was removed by the vehicle recycler, vehicle crusher, or scrap metal recycler.

The records required under this subsection (c) must be retained at the vehicle recycler's or scrap metal recycler's place of business for a minimum of 3 years and made available for inspection and copying by the Agency during normal business hours.

(d) For the period of July 1, 2006 through June 30, 2007 and for each period of July 1 through June 30 thereafter, no later than 45 days after the close of the period vehicle recyclers, vehicle crushers, and scrap metal recyclers that remove mercury switches from end-of-life vehicles must submit to the Agency an annual report containing the following information for the period: (i) the number of mercury switches the vehicle recycler, vehicle crusher, or scrap metal recycler removed from end-of-life vehicles; (ii) the number of end-of-life vehicles received by the vehicle recycler, vehicle crusher, or scrap metal recycler that contain one or more mercury switches; and (iii) the number of end-of-life vehicles the vehicle recycler, vehicle crusher, or scrap metal recycler flattened, crushed, shredded, or otherwise processed for recycling.

Data required to be reported to the United States Environmental Protection Agency under federal law or regulation may be used in meeting

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requirements of this subsection (d), if the data contains the information required under items (i), (ii), and (iii) of this subsection.
(Source: P.A. 94-732, eff. 4-24-06; revised 10-21-15.)

Section 470. The Litter Control Act is amended by changing Section 11 as follows:

(415 ILCS 105/11) (from Ch. 38, par. 86-11)
Sec. 11. This Act shall be enforced by all law enforcement officers in their respective jurisdictions, whether employed by the State or by any unit of local government. Prosecutions for violation of this Act shall be conducted by the State's Attorneys of the several counties and by the Attorney General of this State.
(Source: P.A. 78-837; revised 10-21-15.)

Section 480. The Pyrotechnic Use Act is amended by changing Section 1 as follows:

(425 ILCS 35/1) (from Ch. 127 1/2, par. 127)
Sec. 1. Definitions. As used in this Act, the following words shall have the following meanings:
"1.3G fireworks" means those fireworks used for professional outdoor displays and classified as fireworks UN0333, UN0334, or UN0335 by the United States Department of Transportation under 49 C.F.R. 172.101.
"Consumer distributor" means any person who distributes, offers for sale, sells, or exchanges for consideration consumer fireworks in Illinois to another distributor or directly to any retailer or person for resale.
"Consumer fireworks" means those fireworks that must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Products Safety Commission, as set forth in 16 C.F.R. Parts 1500 and 1507, and classified as fireworks UN0336 or UN0337 by the United States Department of Transportation under 49 C.F.R. 172.101. "Consumer fireworks" shall not include snake or glow worm pellets; smoke devices; trick noisemakers known as "party poppers", "booby traps", "snappers", "trick matches", "cigarette loads", and "auto burglar alarms"; sparklers; toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive compound are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for the explosion; and toy pistol paper or plastic caps that contain less than twenty

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hundredths grains of explosive mixture; the sale and use of which shall be permitted at all times.

"Consumer fireworks display" or "consumer display" means the detonation, ignition, or deflagration of consumer fireworks to produce a visual or audible effect.

"Consumer operator" means an adult individual who is responsible for the safety, setup, and discharge of the consumer fireworks display and who has completed the training required in Section 2.2 of this Act.

"Consumer retailer" means any person who offers for sale, sells, or exchanges for consideration consumer fireworks in Illinois directly to any person with a consumer display permit.

"Display fireworks" means 1.3G or special effects fireworks or as further defined in the Pyrotechnic Distributor and Operator Licensing Act.

"Flame effect" means the detonation, ignition, or deflagration of flammable gases, liquids, or special materials to produce a thermal, physical, visual, or audible effect before the public, invitees, or licensees, regardless of whether admission is charged, in accordance with National Fire Protection Association 160 guidelines, and as may be further defined in the Pyrotechnic Distributor and Operator Licensing Act.

"Lead pyrotechnic operator" means an individual who is responsible for the safety, setup, and discharge of the pyrotechnic display or pyrotechnic service and who is licensed pursuant to the Pyrotechnic Distributor and Operator Licensing Act.

"Person" means an individual, firm, corporation, association, partnership, company, consortium, joint venture, commercial entity, state, municipality, or political subdivision of a state or any agency, department, or instrumentality of the United States and any officer, agent, or employee of these entities.

"Production company" means any person in the film, digital and video media, television, commercial, music, or theatrical stage industry who provides pyrotechnic services or pyrotechnic display services as part of a film, digital and video media, television, commercial, music, or theatrical production in the State of Illinois and is licensed by the Office pursuant to the Pyrotechnic Distributor and Operator Licensing Act.

"Pyrotechnic display" means the detonation, ignition, or deflagration of display fireworks or flame effects to produce visual or audible effects of an *exhibition*al nature before the public, invitees, or licensees, regardless of whether admission is charged, and as may be further defined in the Pyrotechnic Distributor and Operator Licensing Act.

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"Pyrotechnic distributor" means any person who distributes display fireworks for sale in the State of Illinois or provides them as part of a pyrotechnic display service in the State of Illinois or provides only pyrotechnic services and is licensed by the Office pursuant to the Pyrotechnic Distributor and Operator Licensing Act.

"Pyrotechnic service" means the detonation, ignition, or deflagration of display fireworks, special effects, or flame effects to produce a visual or audible effect.

"Special effects fireworks" means pyrotechnic devices used for special effects by professionals in the performing arts in conjunction with theatrical, musical, or other productions that are similar to consumer fireworks in chemical compositions and construction, but are not intended for consumer use and are not labeled as such or identified as "intended for indoor use". "Special effects fireworks" are classified as fireworks UN0431 or UN0432 by the United States Department of Transportation under 49 C.F.R. 172.101.

(Source: P.A. 96-708, eff. 8-25-09; 97-164, eff. 1-1-12; revised 10-20-15.)

Section 485. The Hazardous Materials Emergency Act is amended by changing Section 4 as follows:

(430 ILCS 50/4) (from Ch. 127, par. 1254)

Sec. 4. There is hereby created a Hazardous Materials Advisory Board, composed of 21 members as follows: the Director of the Illinois Emergency Management Agency, or his designee; the Director of Agriculture or his designee; the Chairman of the Illinois Commerce Commission or his designee; the Director of Public Health or his designee; the Director of the Environmental Protection Agency or his designee; the Secretary of Transportation or his designee; the State Fire Marshal or his designee; the Director of State Police or his designee; the Director of Natural Resources or his designee; the Illinois Attorney General or his designee; the Director of Nuclear Safety or his designee; the Executive Director of the Illinois Law Enforcement Training Standards Board or his designee; the Director of the Illinois Fire Service Institute, University of Illinois, or his designee; and a representative from the Illinois Association of Chiefs of Police; the Illinois Fire Chiefs Association; the Illinois Sheriffs' Association; the Illinois Emergency Services Management Association; and 4 members appointed by the Governor, one of whom shall represent volunteer firefighters, one of whom shall represent the local emergency response service and two shall represent the

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business community. The Chairman shall be selected by the membership
from those members not representing a State agency.

The Board shall meet within 90 days of January 1, 1985 (the
effective date of Public Act 83-1368) to select a chairman, other officers and establish an organization structure as
the members deem necessary and thereafter at the call of the chair or any
11 members. A person who has been designated by the Director of his
department to represent the Director on the Board shall be entitled to vote
on all questions before the Board. Eleven members of the Board constitute
a quorum, except that where members have not been appointed or
designated to the Board, a quorum shall be constituted by a simple
majority of the appointed or designated membership.

The Board shall advise and make recommendations to the Agency
regarding the reporting of an accident involving hazardous materials and
to the Department regarding the placarding of transportation of hazardous
materials. The Board shall design a program and develop a Statewide plan
providing for a coordinating system among State agencies and departments
and units of local government, for response to accidents involving
hazardous materials. Every attempt shall be made to avoid requiring any
person to report an accident involving hazardous materials to more than
one State agency. If at all possible, the primary agency receiving the
reports shall be the Illinois Emergency Management Agency, and that
agency shall relay reports to other State and local agencies.

The Board shall form from among its members, an Emergency
Response Training and Standards Committee. The Secretary of
Transportation or his designee, the State Fire Marshal or his designee, and
the representatives from the Chiefs of Police, Fire Chiefs and Sheriffs' Sheriff's Association shall also serve on the Committee. It shall be the duty
of this Committee, with final approval of the Board, to recommend
standardized training courses for firefighters, police officers, and other
hazardous material emergency response personnel of the State and local
governments; to recommend standards for hazardous material emergency
response equipment; and recommend standards for achievement levels for
the various hazardous material emergency response personnel. The
standardized courses shall include training for firefighters, police officers,
and other hazardous material emergency response personnel described in
the federal regulations relating to the placarding system that has been
promulgated under the Hazardous Materials Transportation Act (P.L. 93-
633).

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The Board shall review and recommend the material to be provided under Sections 5.04, 5.05, and 5.06 of this Act and assure the development of a plan for those activities in Section 5.07 of this Act.

The Board shall have the duty to study and recommend to the various State agencies, local governments and the General Assembly any aspect of placarding in transportation, hazard signage systems, the training of hazardous material emergency response personnel, the equipment used in hazardous material emergency response, the planning for hazardous material emergency response, and the dissemination of information concerning these areas.

The Department of Transportation and the Illinois Emergency Management Agency shall furnish meeting facilities, staff, and other administrative needs of the Board. The Agency or the Department shall inform the Board whenever the Agency or the Department is considering the adoption of any regulations under this Act. The Agency or the Department shall send a copy of all proposed regulations to each member of the Board; the Board shall be represented at all public hearings regarding proposals for and changes in Agency or the Department regulations. The Board may, at its discretion, present the Agency or the Department with its written evaluation of the proposed regulations or changes.

Before the Department exempts any hazardous material from the placarding regulations, under Section 3 of this Act, the Board must approve the regulations providing for the exemption.

(Source: P.A. 89-445, eff. 2-7-96; 90-449, eff. 8-16-97; revised 10-20-15.)

Section 490. The Firearm Owners Identification Card Act is amended by changing Section 1.1 as follows:

(430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)
Sec. 1.1. For purposes of this Act:
"Addicted to narcotics" means a person who has been:
(1) convicted of an offense involving the use or possession of cannabis, a controlled substance, or methamphetamine within the past year; or
(2) determined by the Department of State Police to be addicted to narcotics based upon federal law or federal guidelines.
"Addicted to narcotics" does not include possession or use of a prescribed controlled substance under the direction and authority of a physician or other person authorized to prescribe the controlled substance when the controlled substance is used in the prescribed manner.

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"Adjudicated as a person with a mental disability" means the person is the subject of a determination by a court, board, commission or other lawful authority that the person, as a result of marked subnormal intelligence, or mental illness, mental impairment, incompetency, condition, or disease:

(1) presents a clear and present danger to himself, herself, or to others;
(2) lacks the mental capacity to manage his or her own affairs or is adjudicated a person with a disability as defined in Section 11a-2 of the Probate Act of 1975;
(3) is not guilty in a criminal case by reason of insanity, mental disease or defect;
(3.5) is guilty but mentally ill, as provided in Section 5-2-6 of the Unified Code of Corrections;
(4) is incompetent to stand trial in a criminal case;
(5) is not guilty by reason of lack of mental responsibility under Articles 50a and 72b of the Uniform Code of Military Justice, 10 U.S.C. 850a, 876b;
(6) is a sexually violent person under subsection (f) of Section 5 of the Sexually Violent Persons Commitment Act;
(7) is a sexually dangerous person under the Sexually Dangerous Persons Act;
(8) is unfit to stand trial under the Juvenile Court Act of 1987;
(9) is not guilty by reason of insanity under the Juvenile Court Act of 1987;
(10) is subject to involuntary admission as an inpatient as defined in Section 1-119 of the Mental Health and Developmental Disabilities Code;
(11) is subject to involuntary admission as an outpatient as defined in Section 1-119.1 of the Mental Health and Developmental Disabilities Code;
(12) is subject to judicial admission as set forth in Section 4-500 of the Mental Health and Developmental Disabilities Code; or
(13) is subject to the provisions of the Interstate Agreements on Sexually Dangerous Persons Act.

"Clear and present danger" means a person who:

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(1) communicates a serious threat of physical violence against a reasonably identifiable victim or poses a clear and imminent risk of serious physical injury to himself, herself, or another person as determined by a physician, clinical psychologist, or qualified examiner; or

(2) demonstrates threatening physical or verbal behavior, such as violent, suicidal, or assaultive threats, actions, or other behavior, as determined by a physician, clinical psychologist, qualified examiner, school administrator, or law enforcement official.

"Clinical psychologist" has the meaning provided in Section 1-103 of the Mental Health and Developmental Disabilities Code.

"Controlled substance" means a controlled substance or controlled substance analog as defined in the Illinois Controlled Substances Act.

"Counterfeit" means to copy or imitate, without legal authority, with intent to deceive.

"Disability" means this disability results in the professional opinion of a physician, clinical psychologist, or qualified examiner, in significant functional limitations in 3 or more of the following areas of major life activity:

(i) self-care;
(ii) receptive and expressive language;
(iii) learning;
(iv) mobility; or
(v) self-direction.

"Federally licensed firearm dealer" means a person who is licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).

"Firearm" means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; excluding, however:

(1) any pneumatic gun, spring gun, paint ball gun, or B-B gun which expels a single globular projectile not exceeding .18 inch in diameter or which has a maximum muzzle velocity of less than 700 feet per second;

(1.1) any pneumatic gun, spring gun, paint ball gun, or B-B gun which expels breakable paint balls containing washable marking colors;

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(2) any device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission;
(3) any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition; and
(4) an antique firearm (other than a machine-gun) which, although designed as a weapon, the Department of State Police finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

"Firearm ammunition" means any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm; excluding, however:

(1) any ammunition exclusively designed for use with a device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; and
(2) any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

"Gun show" means an event or function:

(1) at which the sale and transfer of firearms is the regular and normal course of business and where 50 or more firearms are displayed, offered, or exhibited for sale, transfer, or exchange; or
(2) at which not less than 10 gun show vendors display, offer, or exhibit for sale, sell, transfer, or exchange firearms.

"Gun show" includes the entire premises provided for an event or function, including parking areas for the event or function, that is sponsored to facilitate the purchase, sale, transfer, or exchange of firearms as described in this Section. Nothing in this definition shall be construed to exclude a gun show held in conjunction with competitive shooting events at the World Shooting Complex sanctioned by a national governing body in which the sale or transfer of firearms is authorized under subparagraph (5) of paragraph (g) of subsection (A) of Section 24-3 of the Criminal Code of 2012.

Unless otherwise expressly stated, "gun show" does not include training or safety classes, competitive shooting events, such as rifle, shotgun, or handgun matches, trap, skeet, or sporting clays shoots, dinners, banquets, raffles, or any other event where the sale or transfer of firearms is not the primary course of business.

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"Gun show promoter" means a person who organizes or operates a gun show.

"Gun show vendor" means a person who exhibits, sells, offers for sale, transfers, or exchanges any firearms at a gun show, regardless of whether the person arranges with a gun show promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange any firearm.

"Involuntarily admitted" has the meaning as prescribed in Sections 1-119 and 1-119.1 of the Mental Health and Developmental Disabilities Code.

"Mental health facility" means any licensed private hospital or hospital affiliate, institution, or facility, or part thereof, and any facility, or part thereof, operated by the State or a political subdivision thereof which provide treatment of persons with mental illness and includes all hospitals, institutions, clinics, evaluation facilities, mental health centers, colleges, universities, long-term care facilities, and nursing homes, or parts thereof, which provide treatment of persons with mental illness whether or not the primary purpose is to provide treatment of persons with mental illness.

"National governing body" means a group of persons who adopt rules and formulate policy on behalf of a national firearm sporting organization.

"Patient" means:

(1) a person who voluntarily receives mental health treatment as an in-patient or resident of any public or private mental health facility, unless the treatment was solely for an alcohol abuse disorder and no other secondary substance abuse disorder or mental illness; or

(2) a person who voluntarily receives mental health treatment as an out-patient or is provided services by a public or private mental health facility, and who poses a clear and present danger to himself, herself, or to others.

"Person with a developmental disability" means a person with a disability which is attributable to any other condition which results in impairment similar to that caused by an intellectual disability and which requires services similar to those required by persons with intellectual disabilities. The disability must originate before the age of 18 years, be expected to continue indefinitely, and constitute a substantial disability. This disability results, in the professional opinion of a physician, clinical
psychologist, or qualified examiner, in significant functional limitations in 3 or more of the following areas of major life activity:

(i) self-care;
(ii) receptive and expressive language;
(iii) learning;
(iv) mobility; or
(v) self-direction.

"Person with an intellectual disability" means a person with a significantly subaverage general intellectual functioning which exists concurrently with impairment in adaptive behavior and which originates before the age of 18 years.

"Physician" has the meaning as defined in Section 1-120 of the Mental Health and Developmental Disabilities Code.

"Qualified examiner" has the meaning provided in Section 1-122 of the Mental Health and Developmental Disabilities Code.

"Sanctioned competitive shooting event" means a shooting contest officially recognized by a national or state shooting sport association, and includes any sight-in or practice conducted in conjunction with the event.

"School administrator" means the person required to report under the School Administrator Reporting of Mental Health Clear and Present Danger Determinations Law.

"Stun gun or taser" has the meaning ascribed to it in Section 24-1 of the Criminal Code of 2012.

(Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-143, eff. 7-27-15; revised 10-20-15.)

Section 495. The Beef Market Development Act is amended by changing Section 7 as follows:

(505 ILCS 25/7) (from Ch. 5, par. 1407)
Sec. 7. Acceptance of grants and gifts. (a) The Checkoff Division may accept grants, donations, contributions, or gifts from any source, provided the use of such resources is not restricted in any manner which is deemed inconsistent with the objectives of the program.

(Source: P.A. 99-389, eff. 8-18-15; revised 10-16-15.)

Section 500. The Illinois Conservation Enhancement Act is amended by changing Section 2-2 as follows:

(505 ILCS 35/2-2) (from Ch. 5, par. 2402-2)
Sec. 2-2. Payments to the landowner. The Director shall, subject to available funds and appropriations, make the following payments to the landowner:

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(1) establishment of the perennial cover or other improvements required by the agreement, up to 60% of the cost, but not to exceed $75 per acre, for easements of limited duration;

(2) the cost of planting trees required by the agreement, up to 80% of the cost, but not to exceed $75 per acre, for easements of limited duration;

(3) a permanent easement, not to exceed 70% of the fair market value at the time the easement is conveyed, and payment of 100% of the cost, but not to exceed $75 per acre, to establish the perennial cover, other improvements or to plant trees required by the agreement; and

(4) an easement of limited duration, not to exceed 90% of the present value of the average of the acceptable bids for the federal Conservation Reserve Program, as contained in Public Law Number 99-198, in the relevant geographic area and on bids made immediately prior to when the easement is conveyed. If federal bid figures have not been determined for the area, or the federal program has been discontinued, the rate paid shall be determined by the Director.

The Director may not pay more than $50,000 annually to a landowner for the landowner's conservation easements and agreements. Any cost-share payments shall be in addition to this $50,000 limit.

The Director may supplement cost-share payments made under other local, State or federal programs, not to exceed $75 an and acre, to the extent of available appropriations. The supplemental cost-share payments must be used to establish perennial cover on land enrolled in programs approved by the Director.

(Source: P.A. 85-1332; revised 10-16-15.)

Section 505. The Animal Control Act is amended by changing Section 15 as follows:

(510 ILCS 5/15) (from Ch. 8, par. 365)

Sec. 15. (a) In order to have a dog deemed "vicious", the Administrator, Deputy Administrator, or law enforcement officer must give notice of the infraction that is the basis of the investigation to the owner, conduct a thorough investigation, interview any witnesses, including the owner, gather any existing medical records, veterinary medical records or behavioral evidence, and make a detailed report recommending a finding that the dog is a vicious dog and give the report to the State's Attorney's Office and the owner. The Administrator, State's Attorney, Director or any citizen of the county in which the dog exists may file a complaint in the circuit court in the name of the People of

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the State of Illinois to deem a dog to be a vicious dog. Testimony of a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert may be relevant to the court's determination of whether the dog's behavior was justified. The petitioner must prove the dog is a vicious dog by clear and convincing evidence. The Administrator shall determine where the animal shall be confined during the pendency of the case.

A dog may not be declared vicious if the court determines the conduct of the dog was justified because:

1. the threat, injury, or death was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog, or was committing a willful trespass or other tort upon the premises or property owned or occupied by the owner of the animal;

2. the injured, threatened, or killed person was abusing, assaulting, or physically threatening the dog or its offspring, or has in the past abused, assaulted, or physically threatened the dog or its offspring;

3. the dog was responding to pain or injury, or was protecting itself, its owner, custodian, or member of its household, kennel, or offspring.

No dog shall be deemed "vicious" if it is a professionally trained dog for law enforcement or guard duties. Vicious dogs shall not be classified in a manner that is specific as to breed.

If the burden of proof has been met, the court shall deem the dog to be a vicious dog.

If a dog is found to be a vicious dog, the owner shall pay a $100 public safety fine to be deposited into the Pet Population Control Fund, the dog shall be spayed or neutered within 10 days of the finding at the expense of its owner and microchipped, if not already, and the dog is subject to enclosure. If an owner fails to comply with these requirements, the animal control agency shall impound the dog and the owner shall pay a $500 fine plus impoundment fees to the animal control agency impounding the dog. The judge has the discretion to order a vicious dog be euthanized. A dog found to be a vicious dog shall not be released to the owner until the Administrator, an Animal Control Warden, or the Director approves the enclosure. No owner or keeper of a vicious dog shall sell or give away the dog without approval from the Administrator or court. Whenever an owner of a vicious dog relocates, he or she shall notify both

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the Administrator of County Animal Control where he or she has relocated
and the Administrator of County Animal Control where he or she formerly
resided.

(b) It shall be unlawful for any person to keep or maintain any dog
which has been found to be a vicious dog unless the dog is kept in an
enclosure. The only times that a vicious dog may be allowed out of the
enclosure are (1) if it is necessary for the owner or keeper to obtain
veterinary care for the dog, (2) in the case of an emergency or natural
disaster where the dog's life is threatened, or (3) to comply with the order
of a court of competent jurisdiction, provided that the dog is securely
muzzled and restrained with a leash not exceeding 6 feet in length, and
shall be under the direct control and supervision of the owner or keeper of
the dog or muzzled in its residence.

Any dog which has been found to be a vicious dog and which is
not confined to an enclosure shall be impounded by the Administrator, an
Animal Control Warden, or the law enforcement authority having
jurisdiction in such area.

If the owner of the dog has not appealed the impoundment order to
the circuit court in the county in which the animal was impounded within
15 working days, the dog may be euthanized.

Upon filing a notice of appeal, the order of euthanasia shall be
automatically stayed pending the outcome of the appeal. The owner shall
bear the burden of timely notification to animal control in writing.

Guide dogs for the blind or hearing impaired, support dogs for
persons with physical disabilities, accelerant detection dogs, and sentry,
guard, or police-owned dogs are exempt from this Section; provided, an
attack or injury to a person occurs while the dog is performing duties as
expected. To qualify for exemption under this Section, each such dog shall
be currently inoculated against rabies in accordance with Section 8 of this
Act. It shall be the duty of the owner of such exempted dog to notify the
Administrator of changes of address. In the case of a sentry or guard dog,
the owner shall keep the Administrator advised of the location where such
dog will be stationed. The Administrator shall provide police and fire
departments with a categorized list of such exempted dogs, and shall
promptly notify such departments of any address changes reported to him.

(c) If the animal control agency has custody of the dog, the agency
may file a petition with the court requesting that the owner be ordered to
post security. The security must be in an amount sufficient to secure
payment of all reasonable expenses expected to be incurred by the animal
control agency or animal shelter in caring for and providing for the dog pending the determination. Reasonable expenses include, but are not limited to, estimated medical care and boarding of the animal for 30 days. If security has been posted in accordance with this Section, the animal control agency may draw from the security the actual costs incurred by the agency in caring for the dog.

(d) Upon receipt of a petition, the court must set a hearing on the petition, to be conducted within 5 business days after the petition is filed. The petitioner must serve a true copy of the petition upon the defendant.

(e) If the court orders the posting of security, the security must be posted with the clerk of the court within 5 business days after the hearing. If the person ordered to post security does not do so, the dog is forfeited by operation of law and the animal control agency must dispose of the animal through adoption or humane euthanization.

(Source: P.A. 99-143, eff. 7-27-15; revised 10-20-15.)

Section 510. The Herptiles-Herps Act is amended by changing Section 80-5 as follows:

Sec. 80-5. Injury to a member of public by special use herptiles. A person who possesses a special use herptile without complying with the requirements of this Act and the rules adopted under the authority of this Act and whose special use herptile harms a person when the possessor knew or should have known that the herptile had a propensity, when provoked or unprovoked, to harm, cause injury to, or otherwise substantially endanger a member of the public is guilty of a Class A misdemeanor. A person who fails to comply with the provisions of this Act and the rules adopted under the authority of this Act and who intentionally or knowingly allows a special use herptile to cause great bodily harm to, or the death of, a human is guilty of a Class 4 felony.

(Source: P.A. 98-752, eff. 1-1-15; revised 10-20-15.)

Section 515. The Humane Care for Animals Act is amended by changing Section 3.01 as follows:

Sec. 3.01. Cruel treatment.

(a) No person or owner may beat, cruelly treat, torment, starve, overwork or otherwise abuse any animal.

(b) No owner may abandon any animal where it may become a public charge or may suffer injury, hunger or exposure.

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(c) No owner of a dog or cat that is a companion animal may expose the dog or cat in a manner that places the dog or cat in a life-threatening situation for a prolonged period of time in extreme heat or cold conditions that results in injury to or death of the animal.

(d) (c) A person convicted of violating this Section is guilty of a Class A misdemeanor. A second or subsequent conviction for a violation of this Section is a Class 4 felony. In addition to any other penalty provided by law, a person who is convicted of violating subsection (a) upon a companion animal in the presence of a child, as defined in Section 12-0.1 of the Criminal Code of 2012, shall be subject to a fine of $250 and ordered to perform community service for not less than 100 hours. In addition to any other penalty provided by law, upon conviction for violating this Section, the court may order the convicted person to undergo a psychological or psychiatric evaluation and to undergo any treatment at the convicted person's expense that the court determines to be appropriate after due consideration of the evidence. If the convicted person is a juvenile or a companion animal hoarder, the court must order the convicted person to undergo a psychological or psychiatric evaluation and to undergo treatment that the court determines to be appropriate after due consideration of the evaluation.

(Source: P.A. 99-311, eff. 1-1-16; 99-357, eff. 1-1-16; revised 10-20-15.)

Section 520. The Wildlife Code is amended by changing Sections 2.26, 2.33, and 3.31 as follows:

(520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

Sec. 2.26. Deer hunting permits. In this Section, "bona fide equity shareholder" means an individual who (1) purchased, for market price, publicly sold stock shares in a corporation, purchased shares of a privately-held corporation for a value equal to the percentage of the appraised value of the corporate assets represented by the ownership in the corporation, or is a member of a closely-held family-owned corporation and has purchased or been gifted with shares of stock in the corporation accurately reflecting his or her percentage of ownership and (2) intends to retain the ownership of the shares of stock for at least 5 years.

In this Section, "bona fide equity member" means an individual who (1) (i) became a member upon the formation of the limited liability company or (ii) has purchased a distributional interest in a limited liability company for a value equal to the percentage of the appraised value of the LLC assets represented by the distributional interest in the LLC and subsequently becomes a member of the company pursuant to Article 30 of

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the Limited Liability Company Act and who (2) intends to retain the membership for at least 5 years.

In this Section, "bona fide equity partner" means an individual who (1) (i) became a partner, either general or limited, upon the formation of a partnership or limited partnership, or (ii) has purchased, acquired, or been gifted a partnership interest accurately representing his or her percentage distributinal interest in the profits, losses, and assets of a partnership or limited partnership, (2) intends to retain ownership of the partnership interest for at least 5 years, and (3) is a resident of Illinois.

Any person attempting to take deer shall first obtain a "Deer Hunting Permit" issued by the Department in accordance with its administrative rules. Those rules must provide for the issuance of the following types of resident deer archery permits: (i) a combination permit, consisting of one either-sex permit and one antlerless-only permit, (ii) a single antlerless-only permit, and (iii) a single either-sex permit. The fee for a Deer Hunting Permit to take deer with either bow and arrow or gun shall not exceed $25.00 for residents of the State. The Department may by administrative rule provide for non-resident deer hunting permits for which the fee will not exceed $300 in 2005, $350 in 2006, and $400 in 2007 and thereafter except as provided below for non-resident landowners and non-resident archery hunters. The Department may by administrative rule provide for a non-resident archery deer permit consisting of not more than 2 harvest tags at a total cost not to exceed $325 in 2005, $375 in 2006, and $425 in 2007 and thereafter. Permits shall be issued without charge to:

(a) Illinois landowners residing in Illinois who own at least 40 acres of Illinois land and wish to hunt their land only,

(b) resident tenants of at least 40 acres of commercial agricultural land where they will hunt, and

(c) Bona fide equity shareholders of a corporation, bona fide equity members of a limited liability company, or bona fide equity partners of a general or limited partnership which owns at least 40 acres of land in a county in Illinois who wish to hunt on the corporation's, company's, or partnership's land only. One permit shall be issued without charge to one bona fide equity shareholder, one bona fide equity member, or one bona fide equity partner for each 40 acres of land owned by the corporation, company, or partnership in a county; however, the number of permits issued without charge to bona fide equity shareholders of any corporation...
or bona fide equity members of a limited liability company in any county shall not exceed 15, and shall not exceed 3 in the case of bona fide equity partners of a partnership.

Bona fide landowners or tenants who do not wish to hunt only on the land they own, rent, or lease or bona fide equity shareholders, bona fide equity members, or bona fide equity partners who do not wish to hunt only on the land owned by the corporation, limited liability company, or partnership shall be charged the same fee as the applicant who is not a landowner, tenant, bona fide equity shareholder, bona fide equity member, or bona fide equity partner. Nonresidents of Illinois who own at least 40 acres of land and wish to hunt on their land only shall be charged a fee set by administrative rule. The method for obtaining these permits shall be prescribed by administrative rule.

The deer hunting permit issued without fee shall be valid on all farm lands which the person to whom it is issued owns, leases or rents, except that in the case of a permit issued to a bona fide equity shareholder, bona fide equity member, or bona fide equity partner, the permit shall be valid on all lands owned by the corporation, limited liability company, or partnership in the county.

The standards and specifications for use of guns and bow and arrow for deer hunting shall be established by administrative rule.

No person may have in his possession any firearm not authorized by administrative rule for a specific hunting season when taking deer.

Persons having a firearm deer hunting permit shall be permitted to take deer only during the period from 1/2 hour before sunrise to 1/2 hour after sunset, and only during those days for which an open season is established for the taking of deer by use of shotgun, handgun, or muzzle loading rifle.

Persons having an archery deer hunting permit shall be permitted to take deer only during the period from 1/2 hour before sunrise to 1/2 hour after sunset, and only during those days for which an open season is established for the taking of deer by use of bow and arrow.

It shall be unlawful for any person to take deer by use of dogs, horses, automobiles, aircraft or other vehicles, or by the use or aid of bait or baiting of any kind. For the purposes of this Section, "bait" means any material, whether liquid or solid, including food, salt, minerals, and other products, except pure water, that can be ingested, placed, or scattered in such a manner as to attract or lure white-tailed deer. "Baiting" means the placement or scattering of bait to attract deer. An area is considered as

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baited during the presence of and for 10 consecutive days following the removal of bait. Nothing in this Section shall prohibit the use of a dog to track wounded deer. Any person using a dog for tracking wounded deer must maintain physical control of the dog at all times by means of a maximum 50 foot lead attached to the dog's collar or harness. Tracking wounded deer is permissible at night, but at no time outside of legal deer hunting hours or seasons shall any person handling or accompanying a dog being used for tracking wounded deer be in possession of any firearm or archery device. Persons tracking wounded deer with a dog during the firearm deer seasons shall wear blaze orange as required. Dog handlers tracking wounded deer with a dog are exempt from hunting license and deer permit requirements so long as they are accompanied by the licensed deer hunter who wounded the deer.

It shall be unlawful to possess or transport any wild deer which has been injured or killed in any manner upon a public highway or public right-of-way of this State unless exempted by administrative rule.

Persons hunting deer must have gun unloaded and no bow and arrow device shall be carried with the arrow in the nocked position during hours when deer hunting is unlawful.

It shall be unlawful for any person, having taken the legal limit of deer by gun, to further participate with gun in any deer hunting party.

It shall be unlawful for any person, having taken the legal limit of deer by bow and arrow, to further participate with bow and arrow in any deer hunting party.

The Department may prohibit upland game hunting during the gun deer season by administrative rule.

The Department shall not limit the number of non-resident, either-sex archery deer hunting permits to less than 20,000.

Any person who violates any of the provisions of this Section, including administrative rules, shall be guilty of a Class B misdemeanor.

For the purposes of calculating acreage under this Section, the Department shall, after determining the total acreage of the applicable tract or tracts of land, round remaining fractional portions of an acre greater than or equal to half of an acre up to the next whole acre.

For the purposes of taking white-tailed deer, nothing in this Section shall be construed to prevent the manipulation, including mowing or cutting, of standing crops as a normal agricultural or soil stabilization practice, food plots, or normal agricultural practices, including planting, harvesting, and maintenance such as cultivating or the use of products

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designed for scent only and not capable of ingestion, solid or liquid, placed or scattered, in such a manner as to attract or lure deer. Such manipulation for the purpose of taking white-tailed deer may be further modified by administrative rule.

(Source: P.A. 97-564, eff. 8-25-11; 97-907, eff. 8-7-12; 98-180, eff. 8-5-13; revised 10-20-15.)

(520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

Sec. 2.33. Prohibitions.

(a) It is unlawful to carry or possess any gun in any State refuge unless otherwise permitted by administrative rule.

(b) It is unlawful to use or possess any snare or snare-like device, deadfall, net, or pit trap to take any species, except that snares not powered by springs or other mechanical devices may be used to trap fur-bearing mammals, in water sets only, if at least one-half of the snare noose is located underwater at all times.

(c) It is unlawful for any person at any time to take a wild mammal protected by this Act from its den by means of any mechanical device, spade, or digging device or to use smoke or other gases to dislodge or remove such mammal except as provided in Section 2.37.

(d) It is unlawful to use a ferret or any other small mammal which is used in the same or similar manner for which ferrets are used for the purpose of frightening or driving any mammals from their dens or hiding places.

(e) (Blank).

(f) It is unlawful to use spears, gigs, hooks or any like device to take any species protected by this Act.

(g) It is unlawful to use poisons, chemicals or explosives for the purpose of taking any species protected by this Act.

(h) It is unlawful to hunt adjacent to or near any peat, grass, brush or other inflammable substance when it is burning.

(i) It is unlawful to take, pursue or intentionally harass or disturb in any manner any wild birds or mammals by use or aid of any vehicle or conveyance, except as permitted by the Code of Federal Regulations for the taking of waterfowl. It is also unlawful to use the lights of any vehicle or conveyance or any light from or any light connected to the vehicle or conveyance in any area where wildlife may be found except in accordance with Section 2.37 of this Act; however, nothing in this Section shall prohibit the normal use of headlamps for the purpose of driving upon a roadway. Striped skunk, opossum, red fox, gray fox, raccoon, bobcat, and

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coyote may be taken during the open season by use of a small light which
is worn on the body or hand-held by a person on foot and not in any
vehicle.

(j) It is unlawful to use any shotgun larger than 10 gauge while
taking or attempting to take any of the species protected by this Act.

(k) It is unlawful to use or possess in the field any shotgun shell
loaded with a shot size larger than lead BB or steel T (.20 diameter) when
taking or attempting to take any species of wild game mammals (excluding
white-tailed deer), wild game birds, migratory waterfowl or migratory
game birds protected by this Act, except white-tailed deer as provided for
in Section 2.26 and other species as provided for by subsection (l) or
administrative rule.

(l) It is unlawful to take any species of wild game, except white-
tailed deer and fur-bearing mammals, with a shotgun loaded with slugs
unless otherwise provided for by administrative rule.

(m) It is unlawful to use any shotgun capable of holding more than
3 shells in the magazine or chamber combined, except on game breeding
and hunting preserve areas licensed under Section 3.27 and except as
permitted by the Code of Federal Regulations for the taking of waterfowl.
If the shotgun is capable of holding more than 3 shells, it shall, while
being used on an area other than a game breeding and shooting preserve
area licensed pursuant to Section 3.27, be fitted with a one piece plug that
is irremovable without dismantling the shotgun or otherwise altered to
render it incapable of holding more than 3 shells in the magazine and
chamber, combined.

(n) It is unlawful for any person, except persons who possess a
permit to hunt from a vehicle as provided in this Section and persons
otherwise permitted by law, to have or carry any gun in or on any vehicle,
conveyance or aircraft, unless such gun is unloaded and enclosed in a case,
except that at field trials authorized by Section 2.34 of this Act, unloaded
guns or guns loaded with blank cartridges only, may be carried on
horseback while not contained in a case, or to have or carry any bow or
arrow device in or on any vehicle unless such bow or arrow device is
unstrung or enclosed in a case, or otherwise made inoperable.

(o) It is unlawful to use any crossbow for the purpose of taking any
wild birds or mammals, except as provided for in Section 2.5.

(p) It is unlawful to take game birds, migratory game birds or
migratory waterfowl with a rifle, pistol, revolver or airgun.

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(q) It is unlawful to fire a rifle, pistol, revolver or airgun on, over or into any waters of this State, including frozen waters.

(r) It is unlawful to discharge any gun or bow and arrow device along, upon, across, or from any public right-of-way or highway in this State.

(s) It is unlawful to use a silencer or other device to muffle or mute the sound of the explosion or report resulting from the firing of any gun.

(t) It is unlawful for any person to take or attempt to take any species of wildlife or parts thereof, intentionally or wantonly allow a dog to hunt, within or upon the land of another, or upon waters flowing over or standing on the land of another, or to knowingly shoot a gun or bow and arrow device at any wildlife physically on or flying over the property of another without first obtaining permission from the owner or the owner's designee. For the purposes of this Section, the owner's designee means anyone who the owner designates in a written authorization and the authorization must contain (i) the legal or common description of property for such authority is given, (ii) the extent that the owner's designee is authorized to make decisions regarding who is allowed to take or attempt to take any species of wildlife or parts thereof, and (iii) the owner's notarized signature. Before enforcing this Section the law enforcement officer must have received notice from the owner or the owner's designee of a violation of this Section. Statements made to the law enforcement officer regarding this notice shall not be rendered inadmissible by the hearsay rule when offered for the purpose of showing the required notice.

(u) It is unlawful for any person to discharge any firearm for the purpose of taking any of the species protected by this Act, or hunt with gun or dog, or intentionally or wantonly allow a dog to hunt, within 300 yards of an inhabited dwelling without first obtaining permission from the owner or tenant, except that while trapping, hunting with bow and arrow, hunting with dog and shotgun using shot shells only, or hunting with shotgun using shot shells only, or providing outfitting services under a waterfowl outfitter permit, or on licensed game breeding and hunting preserve areas, as defined in Section 3.27, on federally owned and managed lands and on Department owned, managed, leased, or controlled lands, a 100 yard restriction shall apply.

(v) It is unlawful for any person to remove fur-bearing mammals from, or to move or disturb in any manner, the traps owned by another person without written authorization of the owner to do so.

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(w) It is unlawful for any owner of a dog to knowingly or wantonly allow his or her dog to pursue, harass or kill deer, except that nothing in this Section shall prohibit the tracking of wounded deer with a dog in accordance with the provisions of Section 2.26 of this Code.

(x) It is unlawful for any person to wantonly or carelessly injure or destroy, in any manner whatsoever, any real or personal property on the land of another while engaged in hunting or trapping thereon.

(y) It is unlawful to hunt wild game protected by this Act between one half hour after sunset and one half hour before sunrise, except that hunting hours between one half hour after sunset and one half hour before sunrise may be established by administrative rule for fur-bearing mammals.

(z) It is unlawful to take any game bird (excluding wild turkeys and crippled pheasants not capable of normal flight and otherwise irretrievable) protected by this Act when not flying. Nothing in this Section shall prohibit a person from carrying an uncased, unloaded shotgun in a boat, while in pursuit of a crippled migratory waterfowl that is incapable of normal flight, for the purpose of attempting to reduce the migratory waterfowl to possession, provided that the attempt is made immediately upon downing the migratory waterfowl and is done within 400 yards of the blind from which the migratory waterfowl was downed. This exception shall apply only to migratory game birds that are not capable of normal flight. Migratory waterfowl that are crippled may be taken only with a shotgun as regulated by subsection (j) of this Section using shotgun shells as regulated in subsection (k) of this Section.

(aa) It is unlawful to use or possess any device that may be used for tree climbing or cutting, while hunting fur-bearing mammals, excluding coyotes.

(bb) It is unlawful for any person, except licensed game breeders, pursuant to Section 2.29 to import, carry into, or possess alive in this State any species of wildlife taken outside of this State, without obtaining permission to do so from the Director.

(cc) It is unlawful for any person to have in his or her possession any freshly killed species protected by this Act during the season closed for taking.

(dd) It is unlawful to take any species protected by this Act and retain it alive except as provided by administrative rule.

(ee) It is unlawful to possess any rifle while in the field during gun deer season except as provided in Section 2.26 and administrative rules.

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(ff) It is unlawful for any person to take any species protected by this Act, except migratory waterfowl, during the gun deer hunting season in those counties open to gun deer hunting, unless he or she wears, when in the field, a cap and upper outer garment of a solid blaze orange color, with such articles of clothing displaying a minimum of 400 square inches of blaze orange material.

(gg) It is unlawful during the upland game season for any person to take upland game with a firearm unless he or she wears, while in the field, a cap of solid blaze orange color. For purposes of this Act, upland game is defined as Bobwhite Quail, Hungarian Partridge, Ring-necked Pheasant, Eastern Cottontail and Swamp Rabbit.

(hh) It shall be unlawful to kill or cripple any species protected by this Act for which there is a bag limit without making a reasonable effort to retrieve such species and include such in the bag limit. It shall be unlawful for any person having control over harvested game mammals, game birds, or migratory game birds for which there is a bag limit to wantonly waste or destroy the usable meat of the game, except this shall not apply to wildlife taken under Sections 2.37 or 3.22 of this Code. For purposes of this subsection, "usable meat" means the breast meat of a game bird or migratory game bird and the hind ham and front shoulders of a game mammal. It shall be unlawful for any person to place, leave, dump, or abandon a wildlife carcass or parts of it along or upon a public right-of-way or highway or on public or private property, including a waterway or stream, without the permission of the owner or tenant. It shall not be unlawful to discard game meat that is determined to be unfit for human consumption.

(ii) This Section shall apply only to those species protected by this Act taken within the State. Any species or any parts thereof, legally taken in and transported from other states or countries, may be possessed within the State, except as provided in this Section and Sections 2.35, 2.36 and 3.21.

(jj) (Blank).

(kk) Nothing contained in this Section shall prohibit the Director from issuing permits to paraplegics or to other persons with disabilities who meet the requirements set forth in administrative rule to shoot or hunt from a vehicle as provided by that rule, provided that such is otherwise in accord with this Act.

(ll) Nothing contained in this Act shall prohibit the taking of aquatic life protected by the Fish and Aquatic Life Code or birds and
mammals protected by this Act, except deer and fur-bearing mammals, from a boat not camouflaged or disguised to alter its identity or to further provide a place of concealment and not propelled by sail or mechanical power. However, only shotguns not larger than 10 gauge nor smaller than .410 bore loaded with not more than 3 shells of a shot size no larger than lead BB or steel T (.20 diameter) may be used to take species protected by this Act.

(mm) Nothing contained in this Act shall prohibit the use of a shotgun, not larger than 10 gauge nor smaller than a 20 gauge, with a rifled barrel.

(nn) It shall be unlawful to possess any species of wildlife or wildlife parts taken unlawfully in Illinois, any other state, or any other country, whether or not the wildlife or wildlife parts is indigenous to Illinois. For the purposes of this subsection, the statute of limitations for unlawful possession of wildlife or wildlife parts shall not cease until 2 years after the possession has permanently ended.

Sec. 3.31. The Department may designate any operator of a licensed game breeding and hunting preserve area or any of his or its agents or employees as a special representative of the Department with power to enforce the game laws and to prevent trespassing upon such property; provided that not more than two special representatives may be appointed for each such preserve. Such special representative shall be subject to rules and regulations to be prescribed by the Department and shall serve without compensation from the Department.

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such vehicle, as provided by law except that application for renewal of a
vehicle registration, as to those vehicles required to be registered on a
staggered calendar year basis, shall be made by the owner in the form and
manner prescribed by the Secretary of State.

(b) Fiscal year. Application for renewal of a vehicle registration
shall be made by the owner, as to those vehicles required to be registered
on a fiscal registration year, not later than June 1 of each year, upon proper
application and by payment of the registration fee and tax for such vehicle
as provided by law, except that application for renewal of a vehicle
registration, as to those vehicles required to be registered on a staggered
fiscal year basis, shall be made by the owner in the form and manner
prescribed by the Secretary of State.

(c) Two calendar years. Application for renewal of a vehicle
registration shall be made by the owner, as to those vehicles required to be
registered for 2 calendar years, not later than December 1 of the year
preceding commencement of the 2-year registration period, except that
application for renewal of a vehicle registration, as to those vehicles
required to be registered for 2 years on a staggered registration basis, shall
be made by the owner in the form and manner prescribed by the Secretary
of State.

(d) Two fiscal years. Application for renewal of a vehicle
registration shall be made by the owner, as to those vehicles required to be
registered for 2 fiscal years, not later than June 1 immediately preceding
commencement of the 2-year registration period, except that application
for renewal of a vehicle registration, as to those vehicles required to be
registered for 2 fiscal years on a staggered registration basis, shall be made
by the owner in the form and manner prescribed by the Secretary of State.

(d-5) Three calendar years. Application for renewal of a vehicle
registration shall be made by the owner, as to those vehicles required to be
registered for 3 calendar years, not later than December 1 of the year
preceding commencement of the 3-year registration period.

(d-10) Five calendar years. Application for renewal of a vehicle
registration shall be made by the owner, as to those vehicles required to be
registered for 5 calendar years, not later than December 1 of the year
preceding commencement of the 5-year registration period.

(e) Time of application. The Secretary of State may receive
applications for renewal of registration and grant the same and issue new
registration cards and plates or registration stickers at any time prior to
expiration of registration. No person shall display upon a vehicle, the new

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registration plates or registration stickers prior to the dates the Secretary of State in his discretion may select.

(f) Verification. The Secretary of State may further require, as to vehicles for-hire, that applications be accompanied by verification that fees due under the Illinois Motor Carrier of Property Law, as amended, have been paid.

(g) (Blank).

(h) Returning combat mission veterans. Beginning in registration year 2017, the application for renewal, and subsequent fees, of a vehicle registration for a member of the active-duty or reserve component of the United States Armed Forces returning from a combat mission shall not be required for that service member's next scheduled renewal. Proof of combat mission service shall come from the service member's hostile fire pay or imminent danger pay documentation received any time in the 12 months preceding the registration renewal. Nothing in this subsection is applicable to the additional fees incurred by specialty, personalized, or vanity license plates.

(Source: P.A. 98-539, eff. 1-1-14; 98-787, eff. 7-25-14; 99-32, eff. 7-10-15; 99-80, eff. 1-1-16; revised 10-19-15.)

(625 ILCS 5/3-616) (from Ch. 95 1/2, par. 3-616)

Sec. 3-616. Disability license plates.

(a) Upon receiving an application for a certificate of registration for a motor vehicle of the first division or for a motor vehicle of the second division weighing no more than 8,000 pounds, accompanied with payment of the registration fees required under this Code from a person with disabilities or a person who is deaf or hard of hearing, the Secretary of State, if so requested, shall issue to such person registration plates as provided for in Section 3-611, provided that the person with disabilities or person who is deaf or hard of hearing must not be disqualified from obtaining a driver's license under subsection 8 of Section 6-103 of this Code, and further provided that any person making such a request must submit a statement, certified by a licensed physician, by a licensed physician assistant, or by a licensed advanced practice nurse, to the effect that such person is a person with disabilities as defined by Section 1-159.1 of this Code, or alternatively provide adequate documentation that such person has a Class 1A, Class 2A or Type Four disability under the provisions of Section 4A of the Illinois Identification Card Act. For purposes of this Section, an Illinois Person with a Disability Identification Card issued pursuant to the Illinois Identification Card Act indicating that

New matter indicated by italics - deletions by strikeout
the person thereon named has a disability shall be adequate documentation of such a disability.

(b) The Secretary shall issue plates under this Section to a parent or legal guardian of a person with disabilities if the person with disabilities has a Class 1A or Class 2A disability as defined in Section 4A of the Illinois Identification Card Act or is a person with disabilities as defined by Section 1-159.1 of this Code, and does not possess a vehicle registered in his or her name, provided that the person with disabilities relies frequently on the parent or legal guardian for transportation. Only one vehicle per family may be registered under this subsection, unless the applicant can justify in writing the need for one additional set of plates. Any person requesting special plates under this subsection shall submit such documentation or such physician's, physician assistant's, or advanced practice nurse's statement as is required in subsection (a) and a statement describing the circumstances qualifying for issuance of special plates under this subsection. An optometrist may certify a Class 2A Visual Disability, as defined in Section 4A of the Illinois Identification Card Act, for the purpose of qualifying a person with disabilities for special plates under this subsection.

(c) The Secretary may issue a parking decal or device to a person with disabilities as defined by Section 1-159.1 without regard to qualification of such person with disabilities for a driver's license or registration of a vehicle by such person with disabilities or such person's immediate family, provided such person with disabilities making such a request has been issued an Illinois Person with a Disability Identification Card indicating that the person named thereon has a Class 1A or Class 2A disability, or alternatively, submits a statement certified by a licensed physician, or by a licensed physician assistant or a licensed advanced practice nurse as provided in subsection (a), to the effect that such person is a person with disabilities as defined by Section 1-159.1. An optometrist may certify a Class 2A Visual Disability as defined in Section 4A of the Illinois Identification Card Act for the purpose of qualifying a person with disabilities for a parking decal or device under this subsection.

(d) The Secretary shall prescribe by rules and regulations procedures to certify or re-certify as necessary the eligibility of persons whose disabilities are other than permanent for special plates or parking decals or devices issued under subsections (a), (b) and (c). Except as provided under subsection (f) of this Section, no such special plates, decals or devices shall be issued by the Secretary of State to or on behalf of any

New matter indicated by italics - deletions by strikeout
person with disabilities unless such person is certified as meeting the
definition of a person with disabilities pursuant to Section 1-159.1 or
meeting the requirement of a Type Four disability as provided under
Section 4A of the Illinois Identification Card Act for the period of time
that the physician, or the physician assistant or advanced practice nurse as
provided in subsection (a), determines the applicant will have the
disability, but not to exceed 6 months from the date of certification or
recertification.

(e) Any person requesting special plates under this Section may
also apply to have the special plates personalized, as provided under
Section 3-405.1.

(f) The Secretary of State, upon application, shall issue disability
registration plates or a parking decal to corporations, school districts, State
or municipal agencies, limited liability companies, nursing homes, convalescent homes, or special education cooperatives which will
transport persons with disabilities. The Secretary shall prescribe by rule a
means to certify or re-certify the eligibility of organizations to receive
disability plates or decals and to designate which of the 2 person with
disabilities emblems shall be placed on qualifying vehicles.

(g) The Secretary of State, or his designee, may enter into
agreements with other jurisdictions, including foreign jurisdictions, on
behalf of this State relating to the extension of parking privileges by such
jurisdictions to residents of this State with disabilities who display a
special license plate or parking device that contains the International
symbol of access on his or her motor vehicle, and to recognize such plates
or devices issued by such other jurisdictions. This State shall grant the
same parking privileges which are granted to residents of this State with
disabilities to any non-resident whose motor vehicle is licensed in another
state, district, territory or foreign country if such vehicle displays the
international symbol of access or a distinguishing insignia on license
plates or parking device issued in accordance with the laws of the non-
resident's state, district, territory or foreign country.

(625 ILCS 5/3-626)
Sec. 3-626. Korean War Veteran license plates.

(a) In addition to any other special license plate, the Secretary,
on receipt of all applicable fees and applications made in the form
prescribed by the Secretary of State, may issue special registration plates

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designated as Korean War Veteran license plates to residents of Illinois who participated in the United States Armed Forces during the Korean War. The special plate issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, motor vehicles of the second division weighing not more than 8,000 pounds, and recreational vehicles as defined by Section 1-169 of this Code. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land Of Lincoln", as prescribed in subsection (b) of Section 3-412 of this Code. The Secretary shall prescribe the eligibility requirements and, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) (Blank).

(d) The Korean War Memorial Construction Fund is created as a special fund in the State treasury. All moneys in the Korean War Memorial Construction Fund shall, subject to appropriation, be used by the Department of Veteran Affairs to provide grants for construction of the Korean War Memorial to be located at Oak Ridge Cemetery in Springfield, Illinois. Upon the completion of the Memorial, the Department of Veteran Affairs shall certify to the State Treasurer that the construction of the Memorial has been completed. Upon the certification by the Department of Veteran Affairs, the State Treasurer shall transfer all moneys in the Fund and any future deposits into the Fund into the Secretary of State Special License Plate Fund.

(e) An individual who has been issued Korean War Veteran license plates for a vehicle and who has been approved for benefits under the Senior Citizens and Persons with Disabilities Property Tax Relief Act shall pay the original issuance and the regular annual fee for the registration of the vehicle as provided in Section 3-806.3 of this Code.

(Source: P.A. 99-127, eff. 1-1-16; 99-143, eff. 7-27-15; revised 11-2-15.
(625 ILCS 5/3-801) (from Ch. 95 1/2, par. 3-801)
Sec. 3-801. Registration.
(a) Except as provided herein for new residents, every owner of any vehicle which shall be operated upon the public highways of this State shall, within 24 hours after becoming the owner or at such time as such
vehicle becomes subject to registration under the provisions of this Act, file in an office of the Secretary of State, an application for registration properly completed and executed. New residents need not secure registration until 30 days after establishing residency in this State, provided the vehicle is properly registered in another jurisdiction. By the expiration of such 30-day statutory grace period, a new resident shall comply with the provisions of this Act and apply for Illinois vehicle registration. All applications for registration shall be accompanied by all documentation required under the provisions of this Act. The appropriate registration fees and taxes provided for in this Article of this Chapter shall be paid to the Secretary of State with the application for registration of vehicles subject to registration under this Act.

(b) Any resident of this State, who has been serving as a member or as a civilian employee of the United States Armed Services, or as a civilian employee of the United States Department of Defense, outside of the State of Illinois, need not secure registration until 45 days after returning to this State, provided the vehicle displays temporary military registration.

(c) When an application is submitted by mail, the applicant may not submit cash or postage stamps for payment of fees or taxes due. The Secretary in his discretion, may decline to accept a personal or company check or electronic payment in payment of fees or taxes. An application submitted to a dealer, or a remittance made to the Secretary of State shall be deemed in compliance with this Section.

(Source: P.A. 99-118, eff. 1-1-16; 99-324, eff. 1-1-16; revised 11-2-15.)

(625 ILCS 5/3-806.3) (from Ch. 95 1/2, par. 3-806.3)

Sec. 3-806.3. Senior Citizens. Commencing with the 2009 registration year, the registration fee paid by any vehicle owner who has been approved for benefits under the Senior Citizens and Persons with Disabilities Property Tax Relief Act or who is the spouse of such a person shall be $24 instead of the fee otherwise provided in this Code for passenger cars displaying standard multi-year registration plates issued under Section 3-414.1, motor vehicles displaying special registration plates issued under Section 3-609, 3-616, 3-621, 3-622, 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650, 3-651, or 3-663, motor vehicles registered at 8,000 pounds or less under Section 3-815(a), and recreational vehicles registered at 8,000 pounds or less under Section 3-815(b). Widows and widowers of claimants shall also be entitled to this

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reduced registration fee for the registration year in which the claimant was eligible.

Commencing with the 2009 registration year, the registration fee paid by any vehicle owner who has claimed and received a grant under the Senior Citizens and Persons with Disabilities Property Tax Relief Act or who is the spouse of such a person shall be $24 instead of the fee otherwise provided in this Code for passenger cars displaying standard multi-year registration plates issued under Section 3-414.1, motor vehicles displaying special registration plates issued under Section 3-607, 3-609, 3-616, 3-621, 3-622, 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650, 3-651, 3-663, or 3-664, motor vehicles registered at 8,000 pounds or less under Section 3-815(a), and recreational vehicles registered at 8,000 pounds or less under Section 3-815(b). Widows and widowers of claimants shall also be entitled to this reduced registration fee for the registration year in which the claimant was eligible.

Commencing with the 2017 registration year, the reduced fee under this Section shall apply to any special registration plate authorized in Article VI of Chapter 3 of this Code; for which the applicant would otherwise be eligible.

No more than one reduced registration fee under this Section shall be allowed during any 12-month period based on the primary eligibility of any individual, whether such reduced registration fee is allowed to the individual or to the spouse, widow or widower of such individual. This Section does not apply to the fee paid in addition to the registration fee for motor vehicles displaying vanity, personalized, or special license plates.

(Source: P.A. 99-71, eff. 1-1-16; 99-143, eff. 7-27-15; revised 10-19-15.

(625 ILCS 5/3-818) (from Ch. 95 1/2, par. 3-818)
Sec. 3-818. (a) Mileage weight tax option.

(a) Any owner of a vehicle of the second division may elect to pay a mileage weight tax for such vehicle in lieu of the flat weight tax set out in Section 3-815. Such election shall be binding to the end of the registration year. Renewal of this election must be filed with the Secretary of State on or before July 1 of each registration period. In such event the owner shall, at the time of making such election, pay the $10 registration fee and the minimum guaranteed mileage weight tax, as hereinafter provided, which payment shall permit the owner to operate that vehicle the maximum mileage in this State hereinafter set forth. Any vehicle being operated on mileage plates cannot be operated outside of this State. In
addition thereto, the owner of that vehicle shall pay a mileage weight tax at the following rates for each mile traveled in this State in excess of the maximum mileage provided under the minimum guaranteed basis:

**BUS, TRUCK OR TRUCK TRACTOR**

<table>
<thead>
<tr>
<th>Gross Weight Vehicle and Load</th>
<th>Class</th>
<th>Minimum Guaranteed Mileage</th>
<th>Maximum Permitted Mileage</th>
<th>Weight Tax for Mileage in excess of Guaranteed Mileage</th>
</tr>
</thead>
<tbody>
<tr>
<td>12,000 lbs. or less</td>
<td>MD</td>
<td>$73</td>
<td>5,000</td>
<td>26 Mills</td>
</tr>
<tr>
<td>12,001 to 16,000 lbs.</td>
<td>MF</td>
<td>120</td>
<td>6,000</td>
<td>34 Mills</td>
</tr>
<tr>
<td>16,001 to 20,000 lbs.</td>
<td>MG</td>
<td>180</td>
<td>6,000</td>
<td>46 Mills</td>
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<tr>
<td>20,001 to 24,000 lbs.</td>
<td>MH</td>
<td>235</td>
<td>6,000</td>
<td>63 Mills</td>
</tr>
<tr>
<td>24,001 to 28,000 lbs.</td>
<td>MJ</td>
<td>315</td>
<td>7,000</td>
<td>63 Mills</td>
</tr>
<tr>
<td>28,001 to 32,000 lbs.</td>
<td>MK</td>
<td>385</td>
<td>7,000</td>
<td>83 Mills</td>
</tr>
<tr>
<td>32,001 to 36,000 lbs.</td>
<td>ML</td>
<td>485</td>
<td>7,000</td>
<td>99 Mills</td>
</tr>
<tr>
<td>36,001 to 40,000 lbs.</td>
<td>MN</td>
<td>615</td>
<td>7,000</td>
<td>128 Mills</td>
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<tr>
<td>40,001 to 45,000 lbs.</td>
<td>MP</td>
<td>695</td>
<td>7,000</td>
<td>139 Mills</td>
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<tr>
<td>45,001 to 54,999 lbs.</td>
<td>MR</td>
<td>853</td>
<td>7,000</td>
<td>156 Mills</td>
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<tr>
<td>55,000 to 59,500 lbs.</td>
<td>MS</td>
<td>920</td>
<td>7,000</td>
<td>178 Mills</td>
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<tr>
<td>59,501 to 64,000 lbs.</td>
<td>MT</td>
<td>985</td>
<td>7,000</td>
<td>195 Mills</td>
</tr>
<tr>
<td>64,001 to 73,280 lbs.</td>
<td>MV</td>
<td>1,173</td>
<td>7,000</td>
<td>225 Mills</td>
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<tr>
<td>73,281 to 77,000 lbs.</td>
<td>MX</td>
<td>1,328</td>
<td>7,000</td>
<td>258 Mills</td>
</tr>
<tr>
<td>77,001 to 80,000 lbs.</td>
<td>MZ</td>
<td>1,415</td>
<td>7,000</td>
<td>275 Mills</td>
</tr>
</tbody>
</table>

**TRAILER**

<table>
<thead>
<tr>
<th>Gross Weight Vehicle and Load</th>
<th>Class</th>
<th>Minimum Guaranteed Mileage</th>
<th>Maximum Permitted Mileage</th>
<th>Weight Tax for Mileage in excess of Guaranteed Mileage</th>
</tr>
</thead>
<tbody>
<tr>
<td>14,000 lbs. or less</td>
<td>ME</td>
<td>$75</td>
<td>5,000</td>
<td>31 Mills</td>
</tr>
<tr>
<td>14,001 to 20,000 lbs.</td>
<td>MF</td>
<td>135</td>
<td>6,000</td>
<td>36 Mills</td>
</tr>
<tr>
<td>20,001 to 36,000 lbs.</td>
<td>ML</td>
<td>540</td>
<td>7,000</td>
<td>103 Mills</td>
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<tr>
<td>36,001 to 40,000 lbs.</td>
<td>MM</td>
<td>750</td>
<td>7,000</td>
<td>150 Mills</td>
</tr>
</tbody>
</table>

(a-1) A Special Hauling Vehicle is a vehicle or combination of vehicles of the second division registered under Section 3-813 transporting asphalt or concrete in the plastic state or a vehicle or combination of

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vehicles that are subject to the gross weight limitations in subsection (a) of Section 15-111 for which the owner of the vehicle or combination of vehicles has elected to pay, in addition to the registration fee in subsection (a), $125 to the Secretary of State for each registration year. The Secretary shall designate this class of vehicle as a Special Hauling Vehicle.

In preparing rate schedules on registration applications, the Secretary of State shall add to the above rates, the $10 registration fee. The Secretary may decline to accept any renewal filed after July 1st.

The number of axles necessary to carry the maximum load provided shall be determined from Chapter 15 of this Code.

Every owner of a second division motor vehicle for which he has elected to pay a mileage weight tax shall keep a daily record upon forms prescribed by the Secretary of State, showing the mileage covered by that vehicle in this State. Such record shall contain the license number of the vehicle and the miles traveled by the vehicle in this State for each day of the calendar month. Such owner shall also maintain records of fuel consumed by each such motor vehicle and fuel purchases therefor. On or before the 10th day of July the owner shall certify to the Secretary of State upon forms prescribed therefor, summaries of his daily records which shall show the miles traveled by the vehicle in this State during the preceding 12 months and such other information as the Secretary of State may require. The daily record and fuel records shall be filed, preserved and available for audit for a period of 3 years. Any owner filing a return hereunder shall certify that such return is a true, correct and complete return. Any person who willfully makes a false return hereunder is guilty of perjury and shall be punished in the same manner and to the same extent as is provided therefor.

At the time of filing his return, each owner shall pay to the Secretary of State the proper amount of tax at the rate herein imposed.

Every owner of a vehicle of the second division who elects to pay on a mileage weight tax basis and who operates the vehicle within this State, shall file with the Secretary of State a bond in the amount of $500. The bond shall be in a form approved by the Secretary of State and with a surety company approved by the Illinois Department of Insurance to transact business in this State as surety, and shall be conditioned upon such applicant's paying to the State of Illinois all money becoming due by reason of the operation of the second division vehicle in this State, together with all penalties and interest thereon.

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Upon notice from the Secretary that the registrant has failed to pay the excess mileage fees, the surety shall immediately pay the fees together with any penalties and interest thereon in an amount not to exceed the limits of the bond.

(b) Beginning January 1, 2016, upon the request of the vehicle owner, a $10 surcharge shall be collected in addition to the above fees for vehicles in the 12,000 lbs. and less mileage weight plate category as described in subsection (a) to be deposited into the Secretary of State Special License Plate Fund. The $10 surcharge is to identify vehicles in the 12,000 lbs. and less mileage weight plate category as a covered farm vehicle. The $10 surcharge is an annual flat fee that shall be based on an applicant's new or existing registration year for each vehicle in the 12,000 lbs. and less mileage weight plate category. A designation as a covered farm vehicle under this subsection (b) shall not alter a vehicle's registration as a registration in the 12,000 lbs. or less mileage weight category. The Secretary shall adopt any rules necessary to implement this subsection (b). (Source: P.A. 99-57, eff. 7-16-15; revised 10-19-15.)

(625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)
Sec. 6-106.1. School bus driver permit.

(a) The Secretary of State shall issue a school bus driver permit to those applicants who have met all the requirements of the application and screening process under this Section to insure the welfare and safety of children who are transported on school buses throughout the State of Illinois. Applicants shall obtain the proper application required by the Secretary of State from their prospective or current employer and submit the completed application to the prospective or current employer along with the necessary fingerprint submission as required by the Department of State Police to conduct fingerprint based criminal background checks on current and future information available in the state system and current information available through the Federal Bureau of Investigation's system. Applicants who have completed the fingerprinting requirements shall not be subjected to the fingerprinting process when applying for subsequent permits or submitting proof of successful completion of the annual refresher course. Individuals who on July 1, 1995 (the effective date of Public Act 88-612) this Act possess a valid school bus driver permit that has been previously issued by the appropriate Regional School Superintendent are not subject to the fingerprinting provisions of this Section as long as the permit remains valid and does not lapse. The applicant shall be required to pay all related application and fingerprinting

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fees as established by rule including, but not limited to, the amounts established by the Department of State Police and the Federal Bureau of Investigation to process fingerprint based criminal background investigations. All fees paid for fingerprint processing services under this Section shall be deposited into the State Police Services Fund for the cost incurred in processing the fingerprint based criminal background investigations. All other fees paid under this Section shall be deposited into the Road Fund for the purpose of defraying the costs of the Secretary of State in administering this Section. All applicants must:

1. be 21 years of age or older;
2. possess a valid and properly classified driver's license issued by the Secretary of State;
3. possess a valid driver's license, which has not been revoked, suspended, or canceled for 3 years immediately prior to the date of application, or have not had his or her commercial motor vehicle driving privileges disqualified within the 3 years immediately prior to the date of application;
4. successfully pass a written test, administered by the Secretary of State, on school bus operation, school bus safety, and special traffic laws relating to school buses and submit to a review of the applicant's driving habits by the Secretary of State at the time the written test is given;
5. demonstrate ability to exercise reasonable care in the operation of school buses in accordance with rules promulgated by the Secretary of State;
6. demonstrate physical fitness to operate school buses by submitting the results of a medical examination, including tests for drug use for each applicant not subject to such testing pursuant to federal law, conducted by a licensed physician, a licensed advanced practice nurse, or a licensed physician assistant within 90 days of the date of application according to standards promulgated by the Secretary of State;
7. affirm under penalties of perjury that he or she has not made a false statement or knowingly concealed a material fact in any application for permit;
8. have completed an initial classroom course, including first aid procedures, in school bus driver safety as promulgated by the Secretary of State; and after satisfactory completion of said initial course an annual refresher course; such courses and the
agency or organization conducting such courses shall be approved by the Secretary of State; failure to complete the annual refresher course, shall result in cancellation of the permit until such course is completed;

9. not have been under an order of court supervision for or convicted of 2 or more serious traffic offenses, as defined by rule, within one year prior to the date of application that may endanger the life or safety of any of the driver's passengers within the duration of the permit period;

10. not have been under an order of court supervision for or convicted of reckless driving, aggravated reckless driving, driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, or reckless homicide resulting from the operation of a motor vehicle within 3 years of the date of application;

11. not have been convicted of committing or attempting to commit any one or more of the following offenses: (i) those offenses defined in Sections 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-1.66, 11-6, 11-6.5, 11-6.6, 11-9, 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.1B, 11-20.3, 11-21, 11-22, 11-23, 11-24, 11-25, 11-26, 11-30, 12-2.6, 12-3.1, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9, 12-5.01, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33, 12C-5, 12C-10, 12C-20, 12C-30, 12C-45, 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1, 31A-1.1, 33A-2, and 33D-1, and in subsection (b) of Section 8-1, and in subdivisions (a)(1), (a)(2), (b)(1), (e)(1), (e)(2), (e)(3), (e)(4), and (f)(1) of Section 12-3.05, and in subsection (a) and subsection (b), clause (1), of Section 12-4, and in subsection (A), clauses (a) and (b), of Section 24-3, and those offenses contained in Article 29D of the Criminal Code of 1961 or the Criminal Code of 2012; (ii) those offenses defined in the Cannabis Control Act except those offenses defined in subsections (a) and (b) of Section 4, and subsection (a) of Section 5 of the

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Cannabis Control Act; (iii) those offenses defined in the Illinois Controlled Substances Act; (iv) those offenses defined in the Methamphetamine Control and Community Protection Act; (v) any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in this State would be punishable as one or more of the foregoing offenses; (vi) the offenses defined in Section 4.1 and 5.1 of the Wrongs to Children Act or Section 11-9.1A of the Criminal Code of 1961 or the Criminal Code of 2012; (vii) those offenses defined in Section 6-16 of the Liquor Control Act of 1934; and (viii) those offenses defined in the Methamphetamine Precursor Control Act;

12. not have been repeatedly involved as a driver in motor vehicle collisions or been repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic, to a degree which indicates lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle or disrespect for the traffic laws and the safety of other persons upon the highway;

13. not have, through the unlawful operation of a motor vehicle, caused an accident resulting in the death of any person;

14. not have, within the last 5 years, been adjudged to be afflicted with or suffering from any mental disability or disease; and

15. consent, in writing, to the release of results of reasonable suspicion drug and alcohol testing under Section 6-106.1c of this Code by the employer of the applicant to the Secretary of State.

(b) A school bus driver permit shall be valid for a period specified by the Secretary of State as set forth by rule. It shall be renewable upon compliance with subsection (a) of this Section.

(c) A school bus driver permit shall contain the holder's driver's license number, legal name, residence address, zip code, and date of birth, a brief description of the holder and a space for signature. The Secretary of State may require a suitable photograph of the holder.

(d) The employer shall be responsible for conducting a pre-employment interview with prospective school bus driver candidates, distributing school bus driver applications and medical forms to be completed by the applicant, and submitting the applicant's fingerprint cards to the Department of State Police that are required for the criminal background investigations. The employer shall certify in writing to the
Secretary of State that all pre-employment conditions have been successfully completed including the successful completion of an Illinois specific criminal background investigation through the Department of State Police and the submission of necessary fingerprints to the Federal Bureau of Investigation for criminal history information available through the Federal Bureau of Investigation system. The applicant shall present the certification to the Secretary of State at the time of submitting the school bus driver permit application.

(e) Permits shall initially be provisional upon receiving certification from the employer that all pre-employment conditions have been successfully completed, and upon successful completion of all training and examination requirements for the classification of the vehicle to be operated, the Secretary of State shall provisionally issue a School Bus Driver Permit. The permit shall remain in a provisional status pending the completion of the Federal Bureau of Investigation's criminal background investigation based upon fingerprinting specimens submitted to the Federal Bureau of Investigation by the Department of State Police. The Federal Bureau of Investigation shall report the findings directly to the Secretary of State. The Secretary of State shall remove the bus driver permit from provisional status upon the applicant's successful completion of the Federal Bureau of Investigation's criminal background investigation.

(f) A school bus driver permit holder shall notify the employer and the Secretary of State if he or she is issued an order of court supervision for or convicted in another state of an offense that would make him or her ineligible for a permit under subsection (a) of this Section. The written notification shall be made within 5 days of the entry of the order of court supervision or conviction. Failure of the permit holder to provide the notification is punishable as a petty offense for a first violation and a Class B misdemeanor for a second or subsequent violation.

(g) Cancellation; suspension; notice and procedure.

(1) The Secretary of State shall cancel a school bus driver permit of an applicant whose criminal background investigation discloses that he or she is not in compliance with the provisions of subsection (a) of this Section.

(2) The Secretary of State shall cancel a school bus driver permit when he or she receives notice that the permit holder fails to comply with any provision of this Section or any rule promulgated for the administration of this Section.

New matter indicated by italics - deletions by strikeout
(3) The Secretary of State shall cancel a school bus driver permit if the permit holder's restricted commercial or commercial driving privileges are withdrawn or otherwise invalidated.

(4) The Secretary of State may not issue a school bus driver permit for a period of 3 years to an applicant who fails to obtain a negative result on a drug test as required in item 6 of subsection (a) of this Section or under federal law.

(5) The Secretary of State shall forthwith suspend a school bus driver permit for a period of 3 years upon receiving notice that the holder has failed to obtain a negative result on a drug test as required in item 6 of subsection (a) of this Section or under federal law.

(6) The Secretary of State shall suspend a school bus driver permit for a period of 3 years upon receiving notice from the employer that the holder failed to perform the inspection procedure set forth in subsection (a) or (b) of Section 12-816 of this Code.

(7) The Secretary of State shall suspend a school bus driver permit for a period of 3 years upon receiving notice from the employer that the holder refused to submit to an alcohol or drug test as required by Section 6-106.1c or has submitted to a test required by that Section which disclosed an alcohol concentration of more than 0.00 or disclosed a positive result on a National Institute on Drug Abuse five-drug panel, utilizing federal standards set forth in 49 CFR 40.87.

The Secretary of State shall notify the State Superintendent of Education and the permit holder's prospective or current employer that the applicant has (1) has failed a criminal background investigation or (2) is no longer eligible for a school bus driver permit; and of the related cancellation of the applicant's provisional school bus driver permit. The cancellation shall remain in effect pending the outcome of a hearing pursuant to Section 2-118 of this Code. The scope of the hearing shall be limited to the issuance criteria contained in subsection (a) of this Section. A petition requesting a hearing shall be submitted to the Secretary of State and shall contain the reason the individual feels he or she is entitled to a school bus driver permit. The permit holder's employer shall notify in writing to the Secretary of State that the employer has certified the removal of the offending school bus driver from service prior to the start of that school bus driver's next workshift. An employing school board that fails to remove the offending school bus driver from service is subject to

New matter indicated by italics - deletions by strikeout
the penalties defined in Section 3-14.23 of the School Code. A school bus contractor who violates a provision of this Section is subject to the penalties defined in Section 6-106.11.

All valid school bus driver permits issued under this Section prior to January 1, 1995, shall remain effective until their expiration date unless otherwise invalidated.

(h) When a school bus driver permit holder who is a service member is called to active duty, the employer of the permit holder shall notify the Secretary of State, within 30 days of notification from the permit holder, that the permit holder has been called to active duty. Upon notification pursuant to this subsection, (i) the Secretary of State shall characterize the permit as inactive until a permit holder renews the permit as provided in subsection (i) of this Section, and (ii) if a permit holder fails to comply with the requirements of this Section while called to active duty, the Secretary of State shall not characterize the permit as invalid.

(i) A school bus driver permit holder who is a service member returning from active duty must, within 90 days, renew a permit characterized as inactive pursuant to subsection (h) of this Section by complying with the renewal requirements of subsection (b) of this Section.

(j) For purposes of subsections (h) and (i) of this Section:
"Active duty" means active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor.
"Service member" means a member of the Armed Services or reserve forces of the United States or a member of the Illinois National Guard.

(k) A private carrier employer of a school bus driver permit holder, having satisfied the employer requirements of this Section, shall be held to a standard of ordinary care for intentional acts committed in the course of employment by the bus driver permit holder. This subsection (k) shall in no way limit the liability of the private carrier employer for violation of any provision of this Section or for the negligent hiring or retention of a school bus driver permit holder.

(Source: P.A. 99-148, eff. 1-1-16; 99-173, eff. 7-29-15; revised 11-2-15.)
(625 ILCS 5/6-115) (from Ch. 95 1/2, par. 6-115)
Sec. 6-115. Expiration of driver's license.
(a) Except as provided elsewhere in this Section, every driver's license issued under the provisions of this Code shall expire 4 years from the date of its issuance, or at such later date, as the Secretary of State may
by proper rule and regulation designate, not to exceed 12 calendar months; in the event that an applicant for renewal of a driver's license fails to apply prior to the expiration date of the previous driver's license, the renewal driver's license shall expire 4 years from the expiration date of the previous driver's license, or at such later date as the Secretary of State may by proper rule and regulation designate, not to exceed 12 calendar months.

The Secretary of State may, however, issue to a person not previously licensed as a driver in Illinois a driver's license which will expire not less than 4 years nor more than 5 years from date of issuance, except as provided elsewhere in this Section.

(a-5) Beginning July 1, 2016, every driver's license issued under this Code to an applicant who is not a United States citizen shall expire on whichever is the earlier date of the following:

(1) as provided under subsection (a), (f), (g), or (i) of this Section;
or

(2) on the date the applicant's authorized stay in the United States terminates.

(b) Before the expiration of a driver's license, except those licenses expiring on the individual's 21st birthday, or 3 months after the individual's 21st birthday, the holder thereof may apply for a renewal thereof, subject to all the provisions of Section 6-103, and the Secretary of State may require an examination of the applicant. A licensee whose driver's license expires on his 21st birthday, or 3 months after his 21st birthday, may not apply for a renewal of his driving privileges until he reaches the age of 21.

(c) The Secretary of State shall, 30 days prior to the expiration of a driver's license, forward to each person whose license is to expire a notification of the expiration of said license which may be presented at the time of renewal of said license.

There may be included with such notification information explaining the anatomical gift and Emergency Medical Information Card provisions of Section 6-110. The format and text of such information shall be prescribed by the Secretary.

There shall be included with such notification, for a period of 4 years beginning January 1, 2000 information regarding the Illinois Adoption Registry and Medical Information Exchange established in Section 18.1 of the Adoption Act.

(d) The Secretary may defer the expiration of the driver's license of a licensee, spouse, and dependent children who are living with such

New matter indicated by italics - deletions by strikeout
licensee while on active duty, serving in the Armed Forces of the United States outside of the State of Illinois, and 120 days thereafter, upon such terms and conditions as the Secretary may prescribe.

(d-5) The Secretary may defer the expiration of the driver's license of a licensee, or of a spouse or dependent children living with the licensee, serving as a civilian employee of the United States Armed Forces or the United States Department of Defense, outside of the State of Illinois, and 120 days thereafter, upon such terms and conditions as the Secretary may prescribe.

(e) The Secretary of State may decline to process a renewal of a driver's license of any person who has not paid any fee or tax due under this Code and is not paid upon reasonable notice and demand.

(f) The Secretary shall provide that each original or renewal driver's license issued to a licensee under 21 years of age shall expire 3 months after the licensee's 21st birthday. Persons whose current driver's licenses expire on their 21st birthday on or after January 1, 1986 shall not renew their driver's license before their 21st birthday, and their current driver's license will be extended for an additional term of 3 months beyond their 21st birthday. Thereafter, the expiration and term of the driver's license shall be governed by subsection (a) hereof.

(g) The Secretary shall provide that each original or renewal driver's license issued to a licensee 81 years of age through age 86 shall expire 2 years from the date of issuance, or at such later date as the Secretary may by rule and regulation designate, not to exceed an additional 12 calendar months. The Secretary shall also provide that each original or renewal driver's license issued to a licensee 87 years of age or older shall expire 12 months from the date of issuance, or at such later date as the Secretary may by rule and regulation designate, not to exceed an additional 12 calendar months.

(h) The Secretary of State shall provide that each special restricted driver's license issued under subsection (g) of Section 6-113 of this Code shall expire 12 months from the date of issuance. The Secretary shall adopt rules defining renewal requirements.

(i) The Secretary of State shall provide that each driver's license issued to a person convicted of a sex offense as defined in Section 2 of the Sex Offender Registration Act shall expire 12 months from the date of issuance or at such date as the Secretary may by rule designate, not to exceed an additional 12 calendar months. The Secretary may adopt rules defining renewal requirements.

New matter indicated by italics - deletions by strikeout
(Source: P.A. 99-118, eff. 1-1-16; 99-305, eff. 1-1-16; revised 11-3-15.)
(625 ILCS 5/6-118)
Sec. 6-118. Fees.
(a) The fee for licenses and permits under this Article is as follows:

<table>
<thead>
<tr>
<th>License/Permit</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Original driver's license</td>
<td>$30</td>
</tr>
<tr>
<td>Original or renewal driver's license</td>
<td></td>
</tr>
<tr>
<td>issued to 18, 19 and 20 year olds</td>
<td>5</td>
</tr>
<tr>
<td>All driver's licenses for persons</td>
<td></td>
</tr>
<tr>
<td>age 69 through age 80</td>
<td>5</td>
</tr>
<tr>
<td>All driver's licenses for persons</td>
<td></td>
</tr>
<tr>
<td>age 81 through age 86</td>
<td>2</td>
</tr>
<tr>
<td>All driver's licenses for persons</td>
<td></td>
</tr>
<tr>
<td>age 87 or older</td>
<td>0</td>
</tr>
<tr>
<td>Renewal driver's license (except for</td>
<td></td>
</tr>
<tr>
<td>applicants ages 18, 19 and 20 or</td>
<td>30</td>
</tr>
<tr>
<td>age 69 and older</td>
<td></td>
</tr>
<tr>
<td>Original instruction permit issued to</td>
<td></td>
</tr>
<tr>
<td>persons (except those age 69 and older)</td>
<td></td>
</tr>
<tr>
<td>who do not hold or have not previously held an Illinois instruction permit or driver's license</td>
<td>20</td>
</tr>
<tr>
<td>Instruction permit issued to any person</td>
<td></td>
</tr>
<tr>
<td>holding an Illinois driver's license</td>
<td></td>
</tr>
<tr>
<td>who wishes a change in classifications,</td>
<td></td>
</tr>
<tr>
<td>other than at the time of renewal</td>
<td>5</td>
</tr>
<tr>
<td>Any instruction permit issued to a person</td>
<td></td>
</tr>
<tr>
<td>age 69 and older</td>
<td>5</td>
</tr>
<tr>
<td>Instruction permit issued to any person,</td>
<td></td>
</tr>
<tr>
<td>under age 69, not currently holding a valid Illinois driver's license or instruction permit but who has previously been issued either document in Illinois</td>
<td>10</td>
</tr>
<tr>
<td>Restricted driving permit</td>
<td>8</td>
</tr>
<tr>
<td>Monitoring device driving permit</td>
<td>8</td>
</tr>
<tr>
<td>Duplicate or corrected driver's license or permit</td>
<td></td>
</tr>
<tr>
<td>Duplicate or corrected restricted driving permit</td>
<td></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Duplicate or corrected monitoring device driving permit.......................... 5
Duplicate driver's license or permit issued to an active-duty member of the United States Armed Forces, the member's spouse, or the dependent children living with the member.................................. 0
Original or renewal M or L endorsement......................... 5

SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE
The fees for commercial driver licenses and permits under Article V shall be as follows:

Commercial driver's license:
$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund (Commercial Driver's License Information System/American Association of Motor Vehicle Administrators network/National Motor Vehicle Title Information Service Trust Fund); $20 for the Motor Carrier Safety Inspection Fund; $10 for the driver's license; and $24 for the CDL:............................. $60

Renewal commercial driver's license:
$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund; $20 for the Motor Carrier Safety Inspection Fund; $10 for the driver's license; and $24 for the CDL:................................. $60

Commercial learner's permit
issued to any person holding a valid Illinois driver's license for the purpose of changing to a CDL classification: $6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund; $20 for the Motor Carrier Safety Inspection Fund; and $24 for the CDL classification................... $50

Commercial learner's permit
issued to any person holding a valid Illinois CDL for the purpose of making a change in a classification,

New matter indicated by italics - deletions by strikeout
endorsement or restriction........................ $5
CDL duplicate or corrected license................. $5

In order to ensure the proper implementation of the Uniform Commercial Driver License Act, Article V of this Chapter, the Secretary of State is empowered to pro-rate the $24 fee for the commercial driver's license proportionate to the expiration date of the applicant's Illinois driver's license.

The fee for any duplicate license or permit shall be waived for any person who presents the Secretary of State's office with a police report showing that his license or permit was stolen.

The fee for any duplicate license or permit shall be waived for any person age 60 or older whose driver's license or permit has been lost or stolen.

No additional fee shall be charged for a driver's license, or for a commercial driver's license, when issued to the holder of an instruction permit for the same classification or type of license who becomes eligible for such license.

(b) Any person whose license or privilege to operate a motor vehicle in this State has been suspended or revoked under Section 3-707, any provision of Chapter 6, Chapter 11, or Section 7-205, 7-303, or 7-702 of the Family Financial Responsibility Law of this Code, shall in addition to any other fees required by this Code, pay a reinstatement fee as follows:

Suspension under Section 3-707....................... $100
Suspension under Section 11-1431..................... $100
Summary suspension under Section 11-501.1......... $250
Suspension under Section 11-501.9................... $250
Summary revocation under Section 11-501.1.......... $500
Other suspension........................................ $70
Revocation............................................... $500

However, any person whose license or privilege to operate a motor vehicle in this State has been suspended or revoked for a second or subsequent time for a violation of Section 11-501, 11-501.1, or 11-501.9 of this Code or a similar provision of a local ordinance or a similar out-of-state offense or Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 and each suspension or revocation was for a violation of Section 11-501, 11-501.1, or 11-501.9 of this Code or a similar provision of a local ordinance or a similar out-of-state offense or Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 shall pay, in addition to any other fees required by this Code, a reinstatement fee as follows:

New matter indicated by italics - deletions by strikeout
Summary suspension under Section 11-501.1......... $500
Suspension under Section 11-501.9............... $500
Summary revocation under Section 11-501.1....... $500
Revocation......................................... $500

(c) All fees collected under the provisions of this Chapter 6 shall be disbursed under subsection (g) of Section 2-119 of this Code, except as follows:

1. The following amounts shall be paid into the Driver Education Fund:
   - (A) $16 of the $20 fee for an original driver's instruction permit;
   - (B) $5 of the $30 fee for an original driver's license;
   - (C) $5 of the $30 fee for a 4 year renewal driver's license;
   - (D) $4 of the $8 fee for a restricted driving permit; and
   - (E) $4 of the $8 fee for a monitoring device driving permit.

2. $30 of the $250 fee for reinstatement of a license summarily suspended under Section 11-501.1 or suspended under Section 11-501.9 shall be deposited into the Drunk and Drugged Driving Prevention Fund. However, for a person whose license or privilege to operate a motor vehicle in this State has been suspended or revoked for a second or subsequent time for a violation of Section 11-501, 11-501.1, or 11-501.9 of this Code or Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, $190 of the $500 fee for reinstatement of a license summarily suspended under Section 11-501.1 or suspended under Section 11-501.9, and $190 of the $500 fee for reinstatement of a revoked license shall be deposited into the Drunk and Drugged Driving Prevention Fund. $190 of the $500 fee for reinstatement of a license summarily revoked pursuant to Section 11-501.1 shall be deposited into the Drunk and Drugged Driving Prevention Fund.

3. $6 of the original or renewal fee for a commercial driver's license and $6 of the commercial learner's permit fee when the permit is issued to any person holding a valid Illinois driver's license, shall be paid into the CDLIS/AAMVAnet/NMVTIS Trust Fund.

New matter indicated by italics - deletions by strikeout
4. $30 of the $70 fee for reinstatement of a license suspended under the Family Financial Responsibility Law shall be paid into the Family Responsibility Fund.

5. The $5 fee for each original or renewal M or L endorsement shall be deposited into the Cycle Rider Safety Training Fund.

6. $20 of any original or renewal fee for a commercial driver's license or commercial learner's permit shall be paid into the Motor Carrier Safety Inspection Fund.

7. The following amounts shall be paid into the General Revenue Fund:
   (A) $190 of the $250 reinstatement fee for a summary suspension under Section 11-501.1 or a suspension under Section 11-501.9;
   (B) $40 of the $70 reinstatement fee for any other suspension provided in subsection (b) of this Section; and
   (C) $440 of the $500 reinstatement fee for a first offense revocation and $310 of the $500 reinstatement fee for a second or subsequent revocation.

8. Fees collected under paragraph (4) of subsection (d) and subsection (h) of Section 6-205 of this Code; subparagraph (C) of paragraph 3 of subsection (c) of Section 6-206 of this Code; and paragraph (4) of subsection (a) of Section 6-206.1 of this Code, shall be paid into the funds set forth in those Sections.

   (d) All of the proceeds of the additional fees imposed by this amendatory Act of the 96th General Assembly shall be deposited into the Capital Projects Fund.

   (e) The additional fees imposed by this amendatory Act of the 96th General Assembly shall become effective 90 days after becoming law.

   (f) As used in this Section, "active-duty member of the United States Armed Forces" means a member of the Armed Services or Reserve Forces of the United States or a member of the Illinois National Guard who is called to active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor.

(Source: P.A. 98-176 (see Section 10 of P.A. 98-722 and Section 10 of P.A. 99-414 for the effective date of changes made by P.A. 98-176); 98-177, eff. 1-1-14; 98-756, eff. 7-16-14; 98-1172, eff. 1-12-15; 99-127, eff. 1-1-16; 99-438, eff. 1-1-16; revised 10-19-15.)

New matter indicated by italics - deletions by strikeout
Sec. 6-205. Mandatory revocation of license or permit; Hardship cases.

(a) Except as provided in this Section, the Secretary of State shall immediately revoke the license, permit, or driving privileges of any driver upon receiving a report of the driver's conviction of any of the following offenses:

1. Reckless homicide resulting from the operation of a motor vehicle;
2. Violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating or being in physical control of a vehicle while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof;
3. Any felony under the laws of any State or the federal government in the commission of which a motor vehicle was used;
4. Violation of Section 11-401 of this Code relating to the offense of leaving the scene of a traffic accident involving death or personal injury;
5. Perjury or the making of a false affidavit or statement under oath to the Secretary of State under this Code or under any other law relating to the ownership or operation of motor vehicles;
6. Conviction upon 3 charges of violation of Section 11-503 of this Code relating to the offense of reckless driving committed within a period of 12 months;
7. Conviction of any offense defined in Section 4-102 of this Code;
8. Violation of Section 11-504 of this Code relating to the offense of drag racing;
9. Violation of Chapters 8 and 9 of this Code;
10. Violation of Section 12-5 of the Criminal Code of 1961 or the Criminal Code of 2012 arising from the use of a motor vehicle;
11. Violation of Section 11-204.1 of this Code relating to aggravated fleeing or attempting to elude a peace officer;
12. Violation of paragraph (1) of subsection (b) of Section 6-507, or a similar law of any other state, relating to the unlawful operation of a commercial motor vehicle;

New matter indicated by italics - deletions by strikeout
13. Violation of paragraph (a) of Section 11-502 of this Code or a similar provision of a local ordinance if the driver has been previously convicted of a violation of that Section or a similar provision of a local ordinance and the driver was less than 21 years of age at the time of the offense;

14. Violation of paragraph (a) of Section 11-506 of this Code or a similar provision of a local ordinance relating to the offense of street racing;

15. A second or subsequent conviction of driving while the person's driver's license, permit or privileges was revoked for reckless homicide or a similar out-of-state offense;

16. Any offense against any provision in this Code, or any local ordinance, regulating the movement of traffic when that offense was the proximate cause of the death of any person. Any person whose driving privileges have been revoked pursuant to this paragraph may seek to have the revocation terminated or to have the length of revocation reduced by requesting an administrative hearing with the Secretary of State prior to the projected driver's license application eligibility date;

17. Violation of subsection (a-2) of Section 11-1301.3 of this Code or a similar provision of a local ordinance;

18. A second or subsequent conviction of illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the Illinois Controlled Substances Act, any cannabis prohibited under the Cannabis Control Act, or any methamphetamine prohibited under the Methamphetamine Control and Community Protection Act. A defendant found guilty of this offense while operating a motor vehicle shall have an entry made in the court record by the presiding judge that this offense did occur while the defendant was operating a motor vehicle and order the clerk of the court to report the violation to the Secretary of State.

(b) The Secretary of State shall also immediately revoke the license or permit of any driver in the following situations:

1. Of any minor upon receiving the notice provided for in Section 5-901 of the Juvenile Court Act of 1987 that the minor has been adjudicated under that Act as having committed an offense relating to motor vehicles prescribed in Section 4-103 of this Code;

New matter indicated by italics - deletions by strikeout
2. Of any person when any other law of this State requires either the revocation or suspension of a license or permit;

3. Of any person adjudicated under the Juvenile Court Act of 1987 based on an offense determined to have been committed in furtherance of the criminal activities of an organized gang as provided in Section 5-710 of that Act, and that involved the operation or use of a motor vehicle or the use of a driver's license or permit. The revocation shall remain in effect for the period determined by the court.

(c)(1) Whenever a person is convicted of any of the offenses enumerated in this Section, the court may recommend and the Secretary of State in his discretion, without regard to whether the recommendation is made by the court may, upon application, issue to the person a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of the petitioner's employment related duties, or to allow the petitioner to transport himself or herself or a family member of the petitioner's household to a medical facility for the receipt of necessary medical care or to allow the petitioner to transport himself or herself to and from alcohol or drug remedial or rehabilitative activity recommended by a licensed service provider, or to allow the petitioner to transport himself or herself or a family member of the petitioner's household to classes, as a student, at an accredited educational institution, or to allow the petitioner to transport children, elderly persons, or persons with disabilities who do not hold driving privileges and are living in the petitioner's household to and from daycare; if the petitioner is able to demonstrate that no alternative means of transportation is reasonably available and that the petitioner will not endanger the public safety or welfare; provided that the Secretary's discretion shall be limited to cases where undue hardship, as defined by the rules of the Secretary of State, would result from a failure to issue the restricted driving permit.

(1.5) A person subject to the provisions of paragraph 4 of subsection (b) of Section 6-208 of this Code may make application for a restricted driving permit at a hearing conducted under Section 2-118 of this Code after the expiration of 5 years from the effective date of the most recent revocation, or after 5 years from the date of release from a period of imprisonment resulting from a conviction of the most recent offense, whichever is later, provided the person,

New matter indicated by italics - deletions by strikeout
in addition to all other requirements of the Secretary, shows by clear and convincing evidence:

(A) a minimum of 3 years of uninterrupted abstinence from alcohol and the unlawful use or consumption of cannabis under the Cannabis Control Act, a controlled substance under the Illinois Controlled Substances Act, an intoxicating compound under the Use of Intoxicating Compounds Act, or methamphetamine under the Methamphetamine Control and Community Protection Act; and

(B) the successful completion of any rehabilitative treatment and involvement in any ongoing rehabilitative activity that may be recommended by a properly licensed service provider according to an assessment of the person's alcohol or drug use under Section 11-501.01 of this Code.

In determining whether an applicant is eligible for a restricted driving permit under this paragraph (1.5), the Secretary may consider any relevant evidence, including, but not limited to, testimony, affidavits, records, and the results of regular alcohol or drug tests. Persons subject to the provisions of paragraph 4 of subsection (b) of Section 6-208 of this Code and who have been convicted of more than one violation of paragraph (3), paragraph (4), or paragraph (5) of subsection (a) of Section 11-501 of this Code shall not be eligible to apply for a restricted driving permit.

A restricted driving permit issued under this paragraph (1.5) shall provide that the holder may only operate motor vehicles equipped with an ignition interlock device as required under paragraph (2) of subsection (c) of this Section and subparagraph (A) of paragraph 3 of subsection (c) of Section 6-206 of this Code. The Secretary may revoke a restricted driving permit or amend the conditions of a restricted driving permit issued under this paragraph (1.5) if the holder operates a vehicle that is not equipped with an ignition interlock device, or for any other reason authorized under this Code.

A restricted driving permit issued under this paragraph (1.5) shall be revoked, and the holder barred from applying for or being issued a restricted driving permit in the future, if the holder is subsequently convicted of a violation of Section 11-501 of this
Code, a similar provision of a local ordinance, or a similar offense in another state.

(2) If a person's license or permit is revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, or Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, where the use of alcohol or other drugs is recited as an element of the offense, or a similar out-of-state offense, or a combination of these offenses, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

(3) If:

(A) a person's license or permit is revoked or suspended 2 or more times due to any combination of:
   (i) a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, or Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, where the use of alcohol or other drugs is recited as an element of the offense, or a similar out-of-state offense; or
   (ii) a statutory summary suspension or revocation under Section 11-501.1; or
   (iii) a suspension pursuant to Section 6-203.1;

arising out of separate occurrences; or

(B) a person has been convicted of one violation of subparagraph (C) or (F) of paragraph (1) of subsection (d) of Section 11-501 of this Code, Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide where the use of alcohol or other drugs was recited as an element of the offense, or a similar provision of a law of another state;

that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

(4) The person issued a permit conditioned on the use of an ignition interlock device must pay to the Secretary of State DUI

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Administration Fund an amount not to exceed $30 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees.

(5) If the restricted driving permit is issued for employment purposes, then the prohibition against operating a motor vehicle that is not equipped with an ignition interlock device does not apply to the operation of an occupational vehicle owned or leased by that person's employer when used solely for employment purposes. For any person who, within a 5-year period, is convicted of a second or subsequent offense under Section 11-501 of this Code, or a similar provision of a local ordinance or similar out-of-state offense, this employment exemption does not apply until either a one-year period has elapsed during which that person had his or her driving privileges revoked or a one-year period has elapsed during which that person had a restricted driving permit which required the use of an ignition interlock device on every motor vehicle owned or operated by that person.

(6) In each case the Secretary of State may issue a restricted driving permit for a period he deems appropriate, except that the permit shall expire within one year from the date of issuance. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the petitioner to participate in a designated driver remedial or rehabilitative program. The Secretary of State is authorized to cancel a restricted driving permit if the permit holder does not successfully complete the program. However, if an individual's driving privileges have been revoked in accordance with paragraph 13 of subsection (a) of this Section, no restricted driving permit shall be issued until the individual has served 6 months of the revocation period.

(c-5) (Blank).

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(c-6) If a person is convicted of a second violation of operating a motor vehicle while the person's driver's license, permit or privilege was revoked, where the revocation was for a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 relating to the offense of reckless homicide or a similar out-of-state offense, the person's driving privileges shall be revoked pursuant to subdivision (a)(15) of this Section. The person may not make application for a license or permit until the expiration of five years from the effective date of the revocation or the expiration of five years from the date of release from a term of imprisonment, whichever is later.

(c-7) If a person is convicted of a third or subsequent violation of operating a motor vehicle while the person's driver's license, permit or privilege was revoked, where the revocation was for a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 relating to the offense of reckless homicide or a similar out-of-state offense, the person may never apply for a license or permit.

(d)(1) Whenever a person under the age of 21 is convicted under Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, the Secretary of State shall revoke the driving privileges of that person. One year after the date of revocation, and upon application, the Secretary of State may, if satisfied that the person applying will not endanger the public safety or welfare, issue a restricted driving permit granting the privilege of driving a motor vehicle only between the hours of 5 a.m. and 9 p.m. or as otherwise provided by this Section for a period of one year. After this one-year period, and upon reapplication for a license as provided in Section 6-106, upon payment of the appropriate reinstatement fee provided under paragraph (b) of Section 6-118, the Secretary of State, in his discretion, may reinstate the petitioner's driver's license and driving privileges, or extend the restricted driving permit as many times as the Secretary of State deems appropriate, by additional periods of not more than 12 months each.

(2) If a person's license or permit is revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, or Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, where the use of alcohol or other drugs is recited as an element of the offense, or a similar out-of-state offense, or a combination of these offenses, arising out of separate occurrences, that person, if issued a restricted driving permit, may

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not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

(3) If a person's license or permit is revoked or suspended 2 or more times due to any combination of:

(A) a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, or Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, where the use of alcohol or other drugs is recited as an element of the offense, or a similar out-of-state offense; or

(B) a statutory summary suspension or revocation under Section 11-501.1; or

(C) a suspension pursuant to Section 6-203.1; or

arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

(3.5) If a person's license or permit is revoked or suspended due to a conviction for a violation of subparagraph (C) or (F) of paragraph (1) of subsection (d) of Section 11-501 of this Code, or a similar provision of a local ordinance or similar out-of-state offense, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

(4) The person issued a permit conditioned upon the use of an interlock device must pay to the Secretary of State DUI Administration Fund an amount not to exceed $30 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees.

(5) If the restricted driving permit is issued for employment purposes, then the prohibition against driving a vehicle that is not equipped with an ignition interlock device does not apply to the operation of an occupational vehicle owned or leased by that person's employer when used solely for employment purposes. For any person who, within a 5-year period, is convicted of a second or subsequent offense under Section 11-501 of this Code, or a similar provision of a local ordinance or similar out-of-state offense, this employment exemption does not apply until either a one-year period has elapsed during which that person had his or her

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driving privileges revoked or a one-year period has elapsed during which that person had a restricted driving permit which required the use of an ignition interlock device on every motor vehicle owned or operated by that person.

(6) A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit.

(d-5) The revocation of the license, permit, or driving privileges of a person convicted of a third or subsequent violation of Section 6-303 of this Code committed while his or her driver's license, permit, or privilege was revoked because of a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a similar provision of a law of another state, is permanent. The Secretary may not, at any time, issue a license or permit to that person.

(e) This Section is subject to the provisions of the Driver License Compact.

(f) Any revocation imposed upon any person under subsections 2 and 3 of paragraph (b) that is in effect on December 31, 1988 shall be converted to a suspension for a like period of time.

(g) The Secretary of State shall not issue a restricted driving permit to a person under the age of 16 years whose driving privileges have been revoked under any provisions of this Code.

(h) The Secretary of State shall require the use of ignition interlock devices for a period not less than 5 years on all vehicles owned by a person who has been convicted of a second or subsequent offense under Section 11-501 of this Code or a similar provision of a local ordinance. The person must pay to the Secretary of State DUI Administration Fund an amount not to exceed $30 for each month that he or she uses the device. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system, the amount of the fee, and the procedures, terms, and conditions relating to these fees. During the time period in which a person is required to install an ignition interlock device under this subsection (h), that person shall only operate vehicles in which ignition devices.
interlock devices have been installed, except as allowed by subdivision (c)(5) or (d)(5) of this Section.

(i) (Blank).

(j) In accordance with 49 C.F.R. 384, the Secretary of State may not issue a restricted driving permit for the operation of a commercial motor vehicle to a person holding a CDL whose driving privileges have been revoked, suspended, cancelled, or disqualified under any provisions of this Code.

(k) The Secretary of State shall notify by mail any person whose driving privileges have been revoked under paragraph 16 of subsection (a) of this Section that his or her driving privileges and driver's license will be revoked 90 days from the date of the mailing of the notice.

(Source: P.A. 99-143, eff. 7-27-15; 99-289, eff. 8-6-15; 99-290, eff. 1-1-16; 99-296, eff. 1-1-16; 99-297, eff. 1-1-16; 99-467, eff. 1-1-16; 99-483, eff. 1-1-16; revised 11-2-15.)

Sec. 6-206. Discretionary authority to suspend or revoke license or permit; Right to a hearing.

(a) The Secretary of State is authorized to suspend or revoke the driving privileges of any person without preliminary hearing upon a showing of the person's records or other sufficient evidence that the person:

1. Has committed an offense for which mandatory revocation of a driver's license or permit is required upon conviction;

2. Has been convicted of not less than 3 offenses against traffic regulations governing the movement of vehicles committed within any 12 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;

3. Has been repeatedly involved as a driver in motor vehicle collisions or has been repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic, to a degree that indicates lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle or disrespect for the traffic laws and the safety of other persons upon the highway;

4. Has by the unlawful operation of a motor vehicle caused or contributed to an accident resulting in injury requiring immediate professional treatment in a medical facility or doctor's office to any person, except that any suspension or revocation

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imposed by the Secretary of State under the provisions of this subsection shall start no later than 6 months after being convicted of violating a law or ordinance regulating the movement of traffic, which violation is related to the accident, or shall start not more than one year after the date of the accident, whichever date occurs later;

5. Has permitted an unlawful or fraudulent use of a driver's license, identification card, or permit;

6. Has been lawfully convicted of an offense or offenses in another state, including the authorization contained in Section 6-203.1, which if committed within this State would be grounds for suspension or revocation;

7. Has refused or failed to submit to an examination provided for by Section 6-207 or has failed to pass the examination;

8. Is ineligible for a driver's license or permit under the provisions of Section 6-103;

9. Has made a false statement or knowingly concealed a material fact or has used false information or identification in any application for a license, identification card, or permit;

10. Has possessed, displayed, or attempted to fraudulently use any license, identification card, or permit not issued to the person;

11. Has operated a motor vehicle upon a highway of this State when the person's driving privilege or privilege to obtain a driver's license or permit was revoked or suspended unless the operation was authorized by a monitoring device driving permit, judicial driving permit issued prior to January 1, 2009, probationary license to drive, or a restricted driving permit issued under this Code;

12. Has submitted to any portion of the application process for another person or has obtained the services of another person to submit to any portion of the application process for the purpose of obtaining a license, identification card, or permit for some other person;

13. Has operated a motor vehicle upon a highway of this State when the person's driver's license or permit was invalid under the provisions of Sections 6-107.1 and 6-110;

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14. Has committed a violation of Section 6-301, 6-301.1, or 6-301.2 of this Code Act, or Section 14, 14A, or 14B of the Illinois Identification Card Act;

15. Has been convicted of violating Section 21-2 of the Criminal Code of 1961 or the Criminal Code of 2012 relating to criminal trespass to vehicles in which case, the suspension shall be for one year;

16. Has been convicted of violating Section 11-204 of this Code relating to fleeing from a peace officer;

17. Has refused to submit to a test, or tests, as required under Section 11-501.1 of this Code and the person has not sought a hearing as provided for in Section 11-501.1;

18. Has, since issuance of a driver's license or permit, been adjudged to be afflicted with or suffering from any mental disability or disease;

19. Has committed a violation of paragraph (a) or (b) of Section 6-101 relating to driving without a driver's license;

20. Has been convicted of violating Section 6-104 relating to classification of driver's license;

21. Has been convicted of violating Section 11-402 of this Code relating to leaving the scene of an accident resulting in damage to a vehicle in excess of $1,000, in which case the suspension shall be for one year;

22. Has used a motor vehicle in violating paragraph (3), (4), (7), or (9) of subsection (a) of Section 24-1 of the Criminal Code of 1961 or the Criminal Code of 2012 relating to unlawful use of weapons, in which case the suspension shall be for one year;

23. Has, as a driver, been convicted of committing a violation of paragraph (a) of Section 11-502 of this Code for a second or subsequent time within one year of a similar violation;

24. Has been convicted by a court-martial or punished by non-judicial punishment by military authorities of the United States at a military installation in Illinois or in another state of or for a traffic related offense that is the same as or similar to an offense specified under Section 6-205 or 6-206 of this Code;

25. Has permitted any form of identification to be used by another in the application process in order to obtain or attempt to obtain a license, identification card, or permit;

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26. Has altered or attempted to alter a license or has possessed an altered license, identification card, or permit;

27. Has violated Section 6-16 of the Liquor Control Act of 1934;

28. Has been convicted for a first time of the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the Illinois Controlled Substances Act, any cannabis prohibited under the Cannabis Control Act, or any methamphetamine prohibited under the Methamphetamine Control and Community Protection Act, in which case the person's driving privileges shall be suspended for one year. Any defendant found guilty of this offense while operating a motor vehicle, shall have an entry made in the court record by the presiding judge that this offense did occur while the defendant was operating a motor vehicle and order the clerk of the court to report the violation to the Secretary of State;

29. Has been convicted of the following offenses that were committed while the person was operating or in actual physical control, as a driver, of a motor vehicle: criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, juvenile pimping, soliciting for a juvenile prostitute, promoting juvenile prostitution as described in subdivision (a)(1), (a)(2), or (a)(3) of Section 11-14.4 of the Criminal Code of 1961 or the Criminal Code of 2012, and the manufacture, sale or delivery of controlled substances or instruments used for illegal drug use or abuse in which case the driver's driving privileges shall be suspended for one year;

30. Has been convicted a second or subsequent time for any combination of the offenses named in paragraph 29 of this subsection, in which case the person's driving privileges shall be suspended for 5 years;

31. Has refused to submit to a test as required by Section 11-501.6 of this Code or Section 5-16c of the Boat Registration and Safety Act or has submitted to a test resulting in an alcohol concentration of 0.08 or more or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act, a controlled

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substance as listed in the Illinois Controlled Substances Act, an intoxicating compound as listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, in which case the penalty shall be as prescribed in Section 6-208.1;

32. Has been convicted of Section 24-1.2 of the Criminal Code of 1961 or the Criminal Code of 2012 relating to the aggravated discharge of a firearm if the offender was located in a motor vehicle at the time the firearm was discharged, in which case the suspension shall be for 3 years;

33. Has as a driver, who was less than 21 years of age on the date of the offense, been convicted a first time of a violation of paragraph (a) of Section 11-502 of this Code or a similar provision of a local ordinance;

34. Has committed a violation of Section 11-1301.5 of this Code or a similar provision of a local ordinance;

35. Has committed a violation of Section 11-1301.6 of this Code or a similar provision of a local ordinance;

36. Is under the age of 21 years at the time of arrest and has been convicted of not less than 2 offenses against traffic regulations governing the movement of vehicles committed within any 24 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;

37. Has committed a violation of subsection (c) of Section 11-907 of this Code that resulted in damage to the property of another or the death or injury of another;

38. Has been convicted of a violation of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance;

39. Has committed a second or subsequent violation of Section 11-1201 of this Code;

40. Has committed a violation of subsection (a-1) of Section 11-908 of this Code;

41. Has committed a second or subsequent violation of Section 11-605.1 of this Code, a similar provision of a local ordinance, or a similar violation in any other state within 2 years of the date of the previous violation, in which case the suspension shall be for 90 days;

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42. Has committed a violation of subsection (a-1) of Section 11-1301.3 of this Code or a similar provision of a local ordinance;

43. Has received a disposition of court supervision for a violation of subsection (a), (d), or (e) of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance, in which case the suspension shall be for a period of 3 months;

44. Is under the age of 21 years at the time of arrest and has been convicted of an offense against traffic regulations governing the movement of vehicles after having previously had his or her driving privileges suspended or revoked pursuant to subparagraph 36 of this Section;

45. Has, in connection with or during the course of a formal hearing conducted under Section 2-118 of this Code: (i) committed perjury; (ii) submitted fraudulent or falsified documents; (iii) submitted documents that have been materially altered; or (iv) submitted, as his or her own, documents that were in fact prepared or composed for another person;

46. Has committed a violation of subsection (j) of Section 3-413 of this Code; or

47. Has committed a violation of Section 11-502.1 of this Code.

For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26, and 27 of this subsection, license means any driver's license, any traffic ticket issued when the person's driver's license is deposited in lieu of bail, a suspension notice issued by the Secretary of State, a duplicate or corrected driver's license, a probationary driver's license or a temporary driver's license.

(b) If any conviction forming the basis of a suspension or revocation authorized under this Section is appealed, the Secretary of State may rescind or withhold the entry of the order of suspension or revocation, as the case may be, provided that a certified copy of a stay order of a court is filed with the Secretary of State. If the conviction is affirmed on appeal, the date of the conviction shall relate back to the time the original judgment of conviction was entered and the 6 month limitation prescribed shall not apply.

(c) 1. Upon suspending or revoking the driver's license or permit of any person as authorized in this Section, the Secretary of State shall immediately notify the person in writing of the revocation or suspension.

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The notice to be deposited in the United States mail, postage prepaid, to the last known address of the person.

2. If the Secretary of State suspends the driver's license of a person under subsection 2 of paragraph (a) of this Section, a person's privilege to operate a vehicle as an occupation shall not be suspended, provided an affidavit is properly completed, the appropriate fee received, and a permit issued prior to the effective date of the suspension, unless 5 offenses were committed, at least 2 of which occurred while operating a commercial vehicle in connection with the driver's regular occupation. All other driving privileges shall be suspended by the Secretary of State. Any driver prior to operating a vehicle for occupational purposes only must submit the affidavit on forms to be provided by the Secretary of State setting forth the facts of the person's occupation. The affidavit shall also state the number of offenses committed while operating a vehicle in connection with the driver's regular occupation. The affidavit shall be accompanied by the driver's license. Upon receipt of a properly completed affidavit, the Secretary of State shall issue the driver a permit to operate a vehicle in connection with the driver's regular occupation only. Unless the permit is issued by the Secretary of State prior to the date of suspension, the privilege to drive any motor vehicle shall be suspended as set forth in the notice that was mailed under this Section. If an affidavit is received subsequent to the effective date of this suspension, a permit may be issued for the remainder of the suspension period.

The provisions of this subparagraph shall not apply to any driver required to possess a CDL for the purpose of operating a commercial motor vehicle.

Any person who falsely states any fact in the affidavit required herein shall be guilty of perjury under Section 6-302 and upon conviction thereof shall have all driving privileges revoked without further rights.

3. At the conclusion of a hearing under Section 2-118 of this Code, the Secretary of State shall either rescind or continue an order of revocation or shall substitute an order of suspension; or, good cause appearing therefor, rescind, continue, change, or extend the order of suspension. If the Secretary of State does not rescind the order, the Secretary may upon application, to relieve undue hardship (as defined by the rules of the Secretary of State), issue a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of the petitioner's employment related duties, or to allow the petitioner to

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transport himself or herself, or a family member of the petitioner's household to a medical facility, to receive necessary medical care, to allow the petitioner to transport himself or herself to and from alcohol or drug remedial or rehabilitative activity recommended by a licensed service provider, or to allow the petitioner to transport himself or herself or a family member of the petitioner's household to classes, as a student, at an accredited educational institution, or to allow the petitioner to transport children, elderly persons, or persons with disabilities who do not hold driving privileges and are living in the petitioner's household to and from daycare. The petitioner must demonstrate that no alternative means of transportation is reasonably available and that the petitioner will not endanger the public safety or welfare.

(A) If a person's license or permit is revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, or Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, where the use of alcohol or other drugs is recited as an element of the offense, or a similar out-of-state offense, or a combination of these offenses, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

(B) If a person's license or permit is revoked or suspended 2 or more times due to any combination of:

(i) a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense or Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, where the use of alcohol or other drugs is recited as an element of the offense, or a similar out-of-state offense; or

(ii) a statutory summary suspension or revocation under Section 11-501.1; or

(iii) a suspension under Section 6-203.1;

arising out of separate occurrences; that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

(B-5) If a person's license or permit is revoked or suspended due to a conviction for a violation of subparagraph (C)

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or (F) of paragraph (1) of subsection (d) of Section 11-501 of this Code, or a similar provision of a local ordinance or similar out-of-state offense, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

(C) The person issued a permit conditioned upon the use of an ignition interlock device must pay to the Secretary of State DUI Administration Fund an amount not to exceed $30 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees.

(D) If the restricted driving permit is issued for employment purposes, then the prohibition against operating a motor vehicle that is not equipped with an ignition interlock device does not apply to the operation of an occupational vehicle owned or leased by that person's employer when used solely for employment purposes. For any person who, within a 5-year period, is convicted of a second or subsequent offense under Section 11-501 of this Code, or a similar provision of a local ordinance or similar out-of-state offense, this employment exemption does not apply until either a one-year period has elapsed during which that person had his or her driving privileges revoked or a one-year period has elapsed during which that person had a restricted driving permit which required the use of an ignition interlock device on every motor vehicle owned or operated by that person.

(E) In each case the Secretary may issue a restricted driving permit for a period deemed appropriate, except that all permits shall expire within one year from the date of issuance. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. The Secretary of State is authorized to cancel a restricted...
driving permit if the permit holder does not successfully complete the program.

(F) A person subject to the provisions of paragraph 4 of subsection (b) of Section 6-208 of this Code may make application for a restricted driving permit at a hearing conducted under Section 2-118 of this Code after the expiration of 5 years from the effective date of the most recent revocation or after 5 years from the date of release from a period of imprisonment resulting from a conviction of the most recent offense, whichever is later, provided the person, in addition to all other requirements of the Secretary, shows by clear and convincing evidence:

(i) a minimum of 3 years of uninterrupted abstinence from alcohol and the unlawful use or consumption of cannabis under the Cannabis Control Act, a controlled substance under the Illinois Controlled Substances Act, an intoxicating compound under the Use of Intoxicating Compounds Act, or methamphetamine under the Methamphetamine Control and Community Protection Act; and

(ii) the successful completion of any rehabilitative treatment and involvement in any ongoing rehabilitative activity that may be recommended by a properly licensed service provider according to an assessment of the person's alcohol or drug use under Section 11-501.01 of this Code.

In determining whether an applicant is eligible for a restricted driving permit under this subparagraph (F), the Secretary may consider any relevant evidence, including, but not limited to, testimony, affidavits, records, and the results of regular alcohol or drug tests. Persons subject to the provisions of paragraph 4 of subsection (b) of Section 6-208 of this Code and who have been convicted of more than one violation of paragraph (3), paragraph (4), or paragraph (5) of subsection (a) of Section 11-501 of this Code shall not be eligible to apply for a restricted driving permit under this subparagraph (F).

A restricted driving permit issued under this subparagraph (F) shall provide that the holder may only operate motor vehicles equipped with an ignition interlock device as required under paragraph (2) of subsection (c) of Section 6-205 of this Code and subparagraph (A) of paragraph 3 of subsection (c) of this Section.

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The Secretary may revoke a restricted driving permit or amend the conditions of a restricted driving permit issued under this subparagraph (F) if the holder operates a vehicle that is not equipped with an ignition interlock device, or for any other reason authorized under this Code.

A restricted driving permit issued under this subparagraph (F) shall be revoked, and the holder barred from applying for or being issued a restricted driving permit in the future, if the holder is convicted of a violation of Section 11-501 of this Code, a similar provision of a local ordinance, or a similar offense in another state.

(c-3) In the case of a suspension under paragraph 43 of subsection (a), reports received by the Secretary of State under this Section shall, except during the actual time the suspension is in effect, be privileged information and for use only by the courts, police officers, prosecuting authorities, the driver licensing administrator of any other state, the Secretary of State, or the parent or legal guardian of a driver under the age of 18. However, beginning January 1, 2008, if the person is a CDL holder, the suspension shall also be made available to the driver licensing administrator of any other state, the U.S. Department of Transportation, and the affected driver or motor carrier or prospective motor carrier upon request.

(c-4) In the case of a suspension under paragraph 43 of subsection (a), the Secretary of State shall notify the person by mail that his or her driving privileges and driver's license will be suspended one month after the date of the mailing of the notice.

(c-5) The Secretary of State may, as a condition of the reissuance of a driver's license or permit to an applicant whose driver's license or permit has been suspended before he or she reached the age of 21 years pursuant to any of the provisions of this Section, require the applicant to participate in a driver remedial education course and be retested under Section 6-109 of this Code.

(d) This Section is subject to the provisions of the Drivers License Compact.

(e) The Secretary of State shall not issue a restricted driving permit to a person under the age of 16 years whose driving privileges have been suspended or revoked under any provisions of this Code.

(f) In accordance with 49 C.F.R. 384, the Secretary of State may not issue a restricted driving permit for the operation of a commercial motor vehicle to a person holding a CDL whose driving privileges have

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been suspended, revoked, cancelled, or disqualified under any provisions of this Code.

(Source: P.A. 98-103, eff. 1-1-14; 98-122, eff. 1-1-14; 98-726, eff. 1-1-15; 98-756, eff. 7-16-14; 99-143, eff. 7-27-15; 99-290, eff. 1-1-16; 99-467, eff. 1-1-16; 99-483, eff. 1-1-16; revised 11-3-15.)

(625 ILCS 5/6-208) (from Ch. 95 1/2, par. 6-208)

Sec. 6-208. Period of Suspension - Application After Revocation.

(a) Except as otherwise provided by this Code or any other law of this State, the Secretary of State shall not suspend a driver's license, permit, or privilege to drive a motor vehicle on the highways for a period of more than one year.

(b) Any person whose license, permit, or privilege to drive a motor vehicle on the highways has been revoked shall not be entitled to have such license, permit, or privilege renewed or restored. However, such person may, except as provided under subsections (d) and (d-5) of Section 6-205, make application for a license pursuant to Section 6-106 (i) if the revocation was for a cause that has been removed or (ii) as provided in the following subparagraphs:

1. Except as provided in subparagraphs 1.3, 1.5, 2, 3, 4, and 5, the person may make application for a license (A) after the expiration of one year from the effective date of the revocation, (B) in the case of a violation of paragraph (b) of Section 11-401 of this Code or a similar provision of a local ordinance, after the expiration of 3 years from the effective date of the revocation, or (C) in the case of a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 or a similar provision of a law of another state relating to the offense of reckless homicide or a violation of subparagraph (F) of paragraph 1 of subsection (d) of Section 11-501 of this Code relating to aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof, if the violation was the proximate cause of a death, after the expiration of 2 years from the effective date of the revocation or after the expiration of 24 months from the date of release from a period of imprisonment as provided in Section 6-103 of this Code, whichever is later.

1.3. If the person is convicted of a second or subsequent violation of Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, or Section 9-3 of

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the Criminal Code of 1961 or the Criminal Code of 2012, in which
the use of alcohol or other drugs is recited as an element of the
offense, or a similar out-of-state offense, or a combination of these
offenses, arising out of separate occurrences, that person may not
make application for a driver's license until:

(A) the person has first been issued a restricted
driving permit by the Secretary of State; and

(B) the expiration of a continuous period of not less
than 5 years following the issuance of the restricted driving
permit during which the person's restricted driving permit is
not suspended, cancelled, or revoked for a violation of any
provision of law, or any rule or regulation of the Secretary
of State relating to the required use of an ignition interlock
device.

1.5. If the person is convicted of a violation of Section 6-
303 of this Code committed while his or her driver's license,
permit, or privilege was revoked because of a violation of Section
9-3 of the Criminal Code of 1961 or the Criminal Code of 2012,
relating to the offense of reckless homicide, or a similar provision
of a law of another state, the person may not make application for a
license or permit until the expiration of 3 years from the date of the
conviction.

2. If such person is convicted of committing a second
violation within a 20-year period of:

(A) Section 11-501 of this Code or a similar
provision of a local ordinance;

(B) Paragraph (b) of Section 11-401 of this Code or
a similar provision of a local ordinance;

(C) Section 9-3 of the Criminal Code of 1961 or the
Criminal Code of 2012, relating to the offense of reckless
homicide; or

(D) any combination of the above offenses
committed at different instances;

then such person may not make application for a license until after
the expiration of 5 years from the effective date of the most recent
revocation. The 20-year period shall be computed by using the
dates the offenses were committed and shall also include similar
out-of-state offenses and similar offenses committed on a military
installation.

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2.5. If a person is convicted of a second violation of Section 6-303 of this Code committed while the person's driver's license, permit, or privilege was revoked because of a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a similar provision of a law of another state, the person may not make application for a license or permit until the expiration of 5 years from the date of release from a term of imprisonment.

3. However, except as provided in subparagraph 4, if such person is convicted of committing a third violation or any combination of the above offenses, including similar out-of-state offenses and similar offenses committed on a military installation, contained in subparagraph 2, then such person may not make application for a license until after the expiration of 10 years from the effective date of the most recent revocation.

4. Except as provided in paragraph (1.5) of subsection (c) of Section 6-205 and subparagraph (F) of paragraph 3 of subsection (c) of Section 6-206 of this Code, the person may not make application for a license if the person is convicted of committing a fourth or subsequent violation of Section 11-501 of this Code or a similar provision of a local ordinance, Section 11-401 of this Code, Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, or a combination of these offenses, similar provisions of local ordinances, similar out-of-state offenses, or similar offenses committed on a military installation.

4.5. A bona fide resident of a foreign jurisdiction who is subject to the provisions of subparagraph 4 of this subsection (b) may make application for termination of the revocation after a period of 10 years from the effective date of the most recent revocation. However, if a person who has been granted a termination of revocation under this subparagraph 4.5 subsequently becomes a resident of this State, the revocation shall be reinstated and the person shall be subject to the provisions of subparagraph 4.

5. The person may not make application for a license or permit if the person is convicted of a third or subsequent violation of Section 6-303 of this Code committed while his or her driver's license, permit, or privilege was revoked because of a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 1961 or the Criminal Code of 2012.
2012, relating to the offense of reckless homicide, or a similar provision of a law of another state.

Notwithstanding any other provision of this Code, all persons referred to in this paragraph (b) may not have their privileges restored until the Secretary receives payment of the required reinstatement fee pursuant to subsection (b) of Section 6-118.

In no event shall the Secretary issue such license unless and until such person has had a hearing pursuant to this Code and the appropriate administrative rules and the Secretary is satisfied, after a review or investigation of such person, that to grant the privilege of driving a motor vehicle on the highways will not endanger the public safety or welfare.

(c) (Blank).

(Source: P.A. 99-290, eff. 1-1-16; 99-296, eff. 1-1-16; revised 11-3-15.)

(625 ILCS 5/6-302) (from Ch. 95 1/2, par. 6-302)
Sec. 6-302. Making false application or affidavit - Perjury.
(a) It is a violation of this Section for any person:
   1. To display or present any document for the purpose of making application for a driver's license or permit knowing that such document contains false information concerning the identity of the applicant;
   2. To accept or allow to be accepted any document displayed or presented for the purpose of making application for a driver's license or permit knowing that such document contains false information concerning the identity of the applicant;
   3. To knowingly make any false affidavit or swear or affirm falsely to any matter or thing required by the terms of this Act to be sworn to or affirmed.
(b) Sentence.
   1. Any person convicted of a violation of this Section shall be guilty of a Class 4 felony.
   2. Any person convicted of a second or subsequent violation of this Section shall be guilty of a Class 3 felony.
(c) This Section does not prohibit any lawfully authorized investigative, protective, law enforcement or other activity of any agency of the United States, State of Illinois or any other state or political subdivision thereof.

(Source: P.A. 86-503; revised 11-2-15.)

(625 ILCS 5/11-501.01)
Sec. 11-501.01. Additional administrative sanctions.

New matter indicated by italics - deletions by strikeout
(a) After a finding of guilt and prior to any final sentencing or an order for supervision, for an offense based upon an arrest for a violation of Section 11-501 or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem, and undergo the imposition of treatment as appropriate. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

(b) Any person who is found guilty of or pleads guilty to violating Section 11-501, including any person receiving a disposition of court supervision for violating that Section, may be required by the Court to attend a victim impact panel offered by, or under contract with, a county State's Attorney's office, a probation and court services department, Mothers Against Drunk Driving, or the Alliance Against Intoxicated Motorists. All costs generated by the victim impact panel shall be paid from fees collected from the offender or as may be determined by the court.

(c) Every person found guilty of violating Section 11-501, whose operation of a motor vehicle while in violation of that Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided in subsection (i) of this Section.

(d) The Secretary of State shall revoke the driving privileges of any person convicted under Section 11-501 or a similar provision of a local ordinance.

(e) The Secretary of State shall require the use of ignition interlock devices for a period not less than 5 years on all vehicles owned by a person who has been convicted of a second or subsequent offense of Section 11-501 or a similar provision of a local ordinance. The person must pay to the Secretary of State DUI Administration Fund an amount not to exceed $30 for each month that he or she uses the device. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system, the amount of the fee, and the procedures, terms, and conditions relating to these fees. During the time period in which a person is required to install an ignition interlock device under this subsection (e), that person shall only operate vehicles in which ignition interlock devices...
have been installed, except as allowed by subdivision (c)(5) or (d)(5) of Section 6-205 of this Code.

(f) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating Section 11-501, including any person placed on court supervision for violating Section 11-501, shall be assessed $750, payable to the circuit clerk, who shall distribute the money as follows: $350 to the law enforcement agency that made the arrest, and $400 shall be forwarded to the State Treasurer for deposit into the General Revenue Fund. If the person has been previously convicted of violating Section 11-501 or a similar provision of a local ordinance, the fine shall be $1,000, and the circuit clerk shall distribute $200 to the law enforcement agency that made the arrest and $800 to the State Treasurer for deposit into the General Revenue Fund. In the event that more than one agency is responsible for the arrest, the amount payable to law enforcement agencies shall be shared equally. Any moneys received by a law enforcement agency under this subsection (f) shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by Section 11-501 of this Code, including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations. Any moneys received by the Department of State Police under this subsection (f) shall be deposited into the State Police DUI Fund and shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State.

(g) The Secretary of State Police DUI Fund is created as a special fund in the State treasury. All moneys received by the Secretary of State Police under subsection (f) of this Section shall be deposited into the Secretary of State Police DUI Fund and, subject to appropriation, shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by Section 11-501 of this Code, including but not limited to the purchase of law enforcement equipment and commodities to assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in

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areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

(h) Whenever an individual is sentenced for an offense based upon an arrest for a violation of Section 11-501 or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. If the individual is not a resident of Illinois, however, the court may accept an alcohol or other drug evaluation or remedial education program in the individual's state of residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

(i) In addition to any other fine or penalty required by law, an individual convicted of a violation of Section 11-501, Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision, whose operation of a motor vehicle, snowmobile, or watercraft while in violation of Section 11-501, Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. The restitution may not exceed $1,000 per public agency for each emergency response. As used in this subsection (i), "emergency response" means any incident requiring a response by a police officer, a firefighter carried on the rolls of a regularly constituted fire department, or an ambulance. With respect to funds designated for the Department of State Police, the moneys shall be remitted by the circuit court clerk to the State Police within one month after receipt for deposit into the State Police DUI Fund. With respect to funds designated for the Department of Natural Resources, the Department of Natural Resources shall deposit the moneys into the Conservation Police Operations Assistance Fund.

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(j) A person that is subject to a chemical test or tests of blood under subsection (a) of Section 11-501.1 or subdivision (c)(2) of Section 11-501.2 of this Code, whether or not that person consents to testing, shall be liable for the expense up to $500 for blood withdrawal by a physician authorized to practice medicine, a licensed physician assistant, a licensed advanced practice nurse, a registered nurse, a trained phlebotomist, a licensed paramedic, or a qualified person other than a police officer approved by the Department of State Police to withdraw blood, who responds, whether at a law enforcement facility or a health care facility, to a police department request for the drawing of blood based upon refusal of the person to submit to a lawfully requested breath test or probable cause exists to believe the test would disclose the ingestion, consumption, or use of drugs or intoxicating compounds if:

1. the person is found guilty of violating Section 11-501 of this Code or a similar provision of a local ordinance; or
2. the person pleads guilty to or stipulates to facts supporting a violation of Section 11-503 of this Code or a similar provision of a local ordinance when the plea or stipulation was the result of a plea agreement in which the person was originally charged with violating Section 11-501 of this Code or a similar local ordinance.

(Source: P.A. 98-292, eff. 1-1-14; 98-463, eff. 8-16-13; 98-973, eff. 8-15-14; 99-289, eff. 8-6-15; 99-296, eff. 1-1-16; revised 11-3-15.)

Sec. 11-605.1. Special limit while traveling through a highway construction or maintenance speed zone.

(a) A person may not operate a motor vehicle in a construction or maintenance speed zone at a speed in excess of the posted speed limit when workers are present.

(a-5) A person may not operate a motor vehicle in a construction or maintenance speed zone at a speed in excess of the posted speed limit when workers are not present.

(b) Nothing in this Chapter prohibits the use of electronic speed-detecting devices within 500 feet of signs within a construction or maintenance speed zone indicating the zone, as defined in this Section, nor shall evidence obtained by use of those devices be inadmissible in any prosecution for speeding, provided the use of the device shall apply only to the enforcement of the speed limit in the construction or maintenance speed zone.

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(c) As used in this Section, a "construction or maintenance speed zone" is an area in which the Department, Toll Highway Authority, or local agency has posted signage advising drivers that a construction or maintenance speed zone is being approached, or in which the Department, Authority, or local agency has posted a lower speed limit with a highway construction or maintenance speed zone special speed limit sign after determining that the preexisting established speed limit through a highway construction or maintenance project is greater than is reasonable or safe with respect to the conditions expected to exist in the construction or maintenance speed zone.

If it is determined that the preexisting established speed limit is safe with respect to the conditions expected to exist in the construction or maintenance speed zone, additional speed limit signs which conform to the requirements of this subsection (c) shall be posted.

Highway construction or maintenance speed zone special speed limit signs shall be of a design approved by the Department. The signs must give proper due warning that a construction or maintenance speed zone is being approached and must indicate the maximum speed limit in effect. The signs also must state the amount of the minimum fine for a violation.

(d) Except as provided under subsection (d-5), a person who violates this Section is guilty of a petty offense. Violations of this Section are punishable with a minimum fine of $250 for the first violation and a minimum fine of $750 for the second or subsequent violation.

(d-5) A person committing a violation of this Section is guilty of aggravated special speed limit while traveling through a highway construction or maintenance speed zone when he or she drives a motor vehicle at a speed that is:

(1) 26 miles per hour or more but less than 35 miles per hour in excess of the applicable special speed limit established under this Section or a similar provision of a local ordinance and is guilty of a Class B misdemeanor; or

(2) 35 miles per hour or more in excess of the applicable special speed limit established under this Section or a similar provision of a local ordinance and is guilty of a Class A misdemeanor.

(e) If a fine for a violation of this Section is $250 or greater, the person who violated this Section shall be charged an additional $125, which shall be deposited into the Transportation Safety Highway Hire-
back Fund in the State treasury, unless (i) the violation occurred on a highway other than an interstate highway and (ii) a county police officer wrote the ticket for the violation, in which case the $125 shall be deposited into that county's Transportation Safety Highway Hire-back Fund. In the case of a second or subsequent violation of this Section, if the fine is $750 or greater, the person who violated this Section shall be charged an additional $250, which shall be deposited into the Transportation Safety Highway Hire-back Fund in the State treasury, unless (i) the violation occurred on a highway other than an interstate highway and (ii) a county police officer wrote the ticket for the violation, in which case the $250 shall be deposited into that county's Transportation Safety Highway Hire-back Fund.

(e-5) The Department of State Police and the local county police department have concurrent jurisdiction over any violation of this Section that occurs on an interstate highway.

(f) The Transportation Safety Highway Hire-back Fund, which was created by Public Act 92-619, shall continue to be a special fund in the State treasury. Subject to appropriation by the General Assembly and approval by the Secretary, the Secretary of Transportation shall use all moneys in the Transportation Safety Highway Hire-back Fund to hire off-duty Department of State Police officers to monitor construction or maintenance zones.

(f-5) Each county shall create a Transportation Safety Highway Hire-back Fund. The county shall use the moneys in its Transportation Safety Highway Hire-back Fund to hire off-duty county police officers to monitor construction or maintenance zones in that county on highways other than interstate highways. The county, in its discretion, may also use a portion of the moneys in its Transportation Safety Highway Hire-back Fund to purchase equipment for county law enforcement and fund the production of materials to educate drivers on construction zone safe driving habits.

(g) For a second or subsequent violation of this Section within 2 years of the date of the previous violation, the Secretary of State shall suspend the driver's license of the violator for a period of 90 days. This suspension shall only be imposed if the current violation of this Section and at least one prior violation of this Section occurred during a period when workers were present in the construction or maintenance zone.

(Source: P.A. 98-337, eff. 1-1-14; 99-212, eff. 1-1-16; 99-280, eff. 1-1-16; revised 10-15-15.)

New matter indicated by italics - deletions by strikeout
Sec. 12-215. Oscillating, rotating or flashing lights on motor vehicles. Except as otherwise provided in this Code:

(a) The use of red or white oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Law enforcement vehicles of State, Federal or local authorities;

2. A vehicle operated by a police officer or county coroner and designated or authorized by local authorities, in writing, as a law enforcement vehicle; however, such designation or authorization must be carried in the vehicle;

2.1. A vehicle operated by a fire chief who has completed an emergency vehicle operation training course approved by the Office of the State Fire Marshal and designated or authorized by local authorities, in writing, as a fire department, fire protection district, or township fire department vehicle; however, the designation or authorization must be carried in the vehicle, and the lights may be visible or activated only when responding to a bona fide emergency;

3. Vehicles of local fire departments and State or federal firefighting vehicles;

4. Vehicles which are designed and used exclusively as ambulances or rescue vehicles; furthermore, such lights shall not be lighted except when responding to an emergency call for and while actually conveying the sick or injured;

4.5. Vehicles which are occasionally used as rescue vehicles that have been authorized for use as rescue vehicles by a volunteer EMS provider, provided that the operator of the vehicle has successfully completed an emergency vehicle operation training course recognized by the Department of Public Health; furthermore, the lights shall not be lighted except when responding to an emergency call for the sick or injured;

5. Tow trucks licensed in a state that requires such lights; furthermore, such lights shall not be lighted on any such tow truck while the tow truck is operating in the State of Illinois;

Department of Corrections, and vehicles of the Illinois Department of Juvenile Justice;

7. Vehicles operated by a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act;

8. School buses operating alternately flashing head lamps as permitted under Section 12-805 of this Code;

9. Vehicles that are equipped and used exclusively as organ transplant vehicles when used in combination with blue oscillating, rotating, or flashing lights; furthermore, these lights shall be lighted only when the transportation is declared an emergency by a member of the transplant team or a representative of the organ procurement organization;

10. Vehicles of the Illinois Department of Natural Resources that are used for mine rescue and explosives emergency response;

11. Vehicles of the Illinois Department of Transportation identified as Emergency Traffic Patrol; the lights shall not be lighted except when responding to an emergency call or when parked or stationary while engaged in motor vehicle assistance or at the scene of the emergency; and

12. Vehicles of the Illinois State Toll Highway Authority identified as Highway Emergency Lane Patrol; the lights shall not be lighted except when responding to an emergency call or when parked or stationary while engaged in motor vehicle assistance or at the scene of the emergency.

(b) The use of amber oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Second division vehicles designed and used for towing or hoisting vehicles; furthermore, such lights shall not be lighted except as required in this paragraph 1; such lights shall be lighted when such vehicles are actually being used at the scene of an accident or disablement; if the towing vehicle is equipped with a flat bed that supports all wheels of the vehicle being transported, the lights shall not be lighted while the vehicle is engaged in towing on a highway; if the towing vehicle is not equipped with a flat bed that supports all wheels of a vehicle being transported, the lights shall be lighted while the towing vehicle is engaged in towing on a highway during all times when the use of headlights is

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required under Section 12-201 of this Code; in addition, these vehicles may use white oscillating, rotating, or flashing lights in combination with amber oscillating, rotating, or flashing lights as provided in this paragraph;

2. Motor vehicles or equipment of the State of Illinois, the Illinois State Toll Highway Authority, local authorities and contractors; furthermore, such lights shall not be lighted except while such vehicles are engaged in maintenance or construction operations within the limits of construction projects;

3. Vehicles or equipment used by engineering or survey crews; furthermore, such lights shall not be lighted except while such vehicles are actually engaged in work on a highway;

4. Vehicles of public utilities, municipalities, or other construction, maintenance or automotive service vehicles except that such lights shall be lighted only as a means for indicating the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing while such vehicles are engaged in maintenance, service or construction on a highway;

5. Oversized vehicle or load; however, such lights shall only be lighted when moving under permit issued by the Department under Section 15-301 of this Code;

6. The front and rear of motorized equipment owned and operated by the State of Illinois or any political subdivision thereof, which is designed and used for removal of snow and ice from highways;

6.1. The front and rear of motorized equipment or vehicles that (i) are not owned by the State of Illinois or any political subdivision of the State, (ii) are designed and used for removal of snow and ice from highways and parking lots, and (iii) are equipped with a snow plow that is 12 feet in width; these lights may not be lighted except when the motorized equipment or vehicle is actually being used for those purposes on behalf of a unit of government;

7. Fleet safety vehicles registered in another state, furthermore, such lights shall not be lighted except as provided for in Section 12-212 of this Code;

8. Such other vehicles as may be authorized by local authorities;

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9. Law enforcement vehicles of State or local authorities when used in combination with red oscillating, rotating or flashing lights;

9.5. Propane delivery trucks;

10. Vehicles used for collecting or delivering mail for the United States Postal Service provided that such lights shall not be lighted except when such vehicles are actually being used for such purposes;

10.5. Vehicles of the Office of the Illinois State Fire Marshal, provided that such lights shall not be lighted except when such vehicles are engaged in work for the Office of the Illinois State Fire Marshal;

11. Any vehicle displaying a slow-moving vehicle emblem as provided in Section 12-205.1;

12. All trucks equipped with self-compactors or roll-off hoists and roll-on containers for garbage, recycling, or refuse hauling. Such lights shall not be lighted except when such vehicles are actually being used for such purposes;

13. Vehicles used by a security company, alarm responder, control agency, or the Illinois Department of Corrections;

14. Security vehicles of the Department of Human Services; however, the lights shall not be lighted except when used for security related purposes under the direction of the superintendent of the facility where the vehicle is located; and

15. Vehicles of union representatives, except that the lights shall be lighted only while the vehicle is within the limits of a construction project.

(c) The use of blue oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Rescue squad vehicles not owned by a fire department and vehicles owned or operated by a:
   voluntary firefighter;
   paid firefighter;
   part-paid firefighter;
   call firefighter;
   member of the board of trustees of a fire protection district;
   paid or unpaid member of a rescue squad;

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paid or unpaid member of a voluntary ambulance unit; or
paid or unpaid members of a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, designated or authorized by local authorities, in writing, and carrying that designation or authorization in the vehicle.
However, such lights are not to be lighted except when responding to a bona fide emergency or when parked or stationary at the scene of a fire, rescue call, ambulance call, or motor vehicle accident.

Any person using these lights in accordance with this subdivision (c)1 must carry on his or her person an identification card or letter identifying the bona fide member of a fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency that owns or operates that vehicle. The card or letter must include:

(A) the name of the fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency;

(B) the member's position within the fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency;

(C) the member's term of service; and

(D) the name of a person within the fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency to contact to verify the information provided.

2. Police department vehicles in cities having a population of 500,000 or more inhabitants.

3. Law enforcement vehicles of State or local authorities when used in combination with red oscillating, rotating or flashing lights.

4. Vehicles of local fire departments and State or federal firefighting vehicles when used in combination with red oscillating, rotating or flashing lights.

5. Vehicles which are designed and used exclusively as ambulances or rescue vehicles when used in combination with red

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oscillating, rotating or flashing lights; furthermore, such lights shall not be lighted except when responding to an emergency call.

6. Vehicles that are equipped and used exclusively as organ transport vehicles when used in combination with red oscillating, rotating, or flashing lights; furthermore, these lights shall only be lighted when the transportation is declared an emergency by a member of the transplant team or a representative of the organ procurement organization.


8. Vehicles operated by a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, when used in combination with red oscillating, rotating, or flashing lights.

9. Vehicles of the Illinois Department of Natural Resources that are used for mine rescue and explosives emergency response, when used in combination with red oscillating, rotating, or flashing lights.

(c-1) In addition to the blue oscillating, rotating, or flashing lights permitted under subsection (c), and notwithstanding subsection (a), a vehicle operated by a voluntary firefighter, a voluntary member of a rescue squad, or a member of a voluntary ambulance unit may be equipped with flashing white headlights and blue grill lights, which may be used only in responding to an emergency call or when parked or stationary at the scene of a fire, rescue call, ambulance call, or motor vehicle accident.

(c-2) In addition to the blue oscillating, rotating, or flashing lights permitted under subsection (c), and notwithstanding subsection (a), a vehicle operated by a paid or unpaid member of a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, may be equipped with white oscillating, rotating, or flashing lights to be used in combination with blue oscillating, rotating, or flashing lights, if authorization by local authorities is in writing and carried in the vehicle.

(d) The use of a combination of amber and white oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited.
except on second division vehicles designed and used for towing or hoisting vehicles or motor vehicles or equipment of the State of Illinois, local authorities, contractors, and union representatives; furthermore, such lights shall not be lighted on second division vehicles designed and used for towing or hoisting vehicles or vehicles of the State of Illinois, local authorities, and contractors except while such vehicles are engaged in a tow operation, highway maintenance, or construction operations within the limits of highway construction projects, and shall not be lighted on the vehicles of union representatives except when those vehicles are within the limits of a construction project.

(e) All oscillating, rotating or flashing lights referred to in this Section shall be of sufficient intensity, when illuminated, to be visible at 500 feet in normal sunlight.

(f) Nothing in this Section shall prohibit a manufacturer of oscillating, rotating or flashing lights or his representative or authorized vendor from temporarily mounting such lights on a vehicle for demonstration purposes only. If the lights are not covered while the vehicle is operated upon a highway, the vehicle shall display signage indicating that the vehicle is out of service or not an emergency vehicle. The signage shall be displayed on all sides of the vehicle in letters at least 2 inches tall and one-half inch wide. A vehicle authorized to have oscillating, rotating, or flashing lights mounted for demonstration purposes may not activate the lights while the vehicle is operated upon a highway.

(g) Any person violating the provisions of subsections (a), (b), (c) or (d) of this Section who without lawful authority stops or detains or attempts to stop or detain another person shall be guilty of a Class 2 felony.

(h) Except as provided in subsection (g) above, any person violating the provisions of subsections (a) or (c) of this Section shall be guilty of a Class A misdemeanor.

(Source: P.A. 98-80, eff. 7-15-13; 98-123, eff. 1-1-14; 98-468, eff. 8-16-13; 98-756, eff. 7-16-14; 98-873, eff. 1-1-15; 99-40, eff. 1-1-16; 99-78, eff. 7-20-15; 99-125, eff. 1-1-16; revised 10-15-15.)

(625 ILCS 5/15-316) (from Ch. 95 1/2, par. 15-316)

Sec. 15-316. When the Department or local authority may restrict right to use highways.

(a) Except as provided in subsection (g), local authorities with respect to highways under their jurisdiction may by ordinance or resolution prohibit the operation of vehicles upon any such highway or impose
restrictions as to the weight of vehicles to be operated upon any such highway, for a total period of not to exceed 90 days, measured in either consecutive or nonconsecutive days at the discretion of local authorities, in any one calendar year, whenever any said highway by reason of deterioration, rain, snow, or other climate conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced.

(b) The local authority enacting any such ordinance or resolution shall erect or cause to be erected and maintained signs designating the provision of the ordinance or resolution at each end of that portion of any highway affected thereby, and the ordinance or resolution shall not be effective unless and until such signs are erected and maintained.

(c) Local authorities with respect to highways under their jurisdiction may also, by ordinance or resolution, prohibit the operation of trucks or other commercial vehicles, or may impose limitations as the weight thereof, on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highways.

(c-1) (Blank).

(c-5) Highway commissioners, with respect to roads under their authority, may not permanently post a road or portion thereof at a reduced weight limit unless the decision to do so is made in accordance with Section 6-201.22 of the Illinois Highway Code.

(d) The Department shall likewise have authority as hereinbefore granted to local authorities to determine by resolution and to impose restrictions as to the weight of vehicles operated upon any highway under the jurisdiction of said department, and such restrictions shall be effective when signs giving notice thereof are erected upon the highway or portion of any highway affected by such resolution.

(d-1) (Blank).

(d-2) (Blank).

(e) When any vehicle is operated in violation of this Section, the owner or driver of the vehicle shall be deemed guilty of a violation and either the owner or the driver of the vehicle may be prosecuted for the violation. Any person, firm, or corporation convicted of violating this Section shall be fined $50 for any weight exceeding the posted limit up to the axle or gross weight limit allowed a vehicle as provided for in subsections (a) or (b) of Section 15-111 and $75 per every 500 pounds or

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fraction thereof for any weight exceeding that which is provided for in subsections (a) or (b) of Section 15-111.

(f) A municipality is authorized to enforce a county weight limit ordinance applying to county highways within its corporate limits and is entitled to the proceeds of any fines collected from the enforcement.

(g) An ordinance or resolution enacted by a county or township pursuant to subsection (a) of this Section shall not apply to cargo tank vehicles with two or three permanent axles when delivering propane for emergency heating purposes if the cargo tank is loaded at no more than 50 percent capacity, the gross vehicle weight of the vehicle does not exceed 32,000 pounds, and the driver of the cargo tank vehicle notifies the appropriate agency or agencies with jurisdiction over the highway before driving the vehicle on the highway pursuant to this subsection. The cargo tank vehicle must have an operating gauge on the cargo tank which indicates the amount of propane as a percent of capacity of the cargo tank. The cargo tank must have the capacity displayed on the cargo tank, or documentation of the capacity of the cargo tank must be available in the vehicle. For the purposes of this subsection, propane weighs 4.2 pounds per gallon. This subsection does not apply to municipalities. Nothing in this subsection shall allow cargo tank vehicles to cross bridges with posted weight restrictions if the vehicle exceeds the posted weight limit.

(Source: P.A. 99-168, eff. 1-1-16; 99-237, eff. 1-1-16; revised 10-19-15.)

Section 530. The Juvenile Court Act of 1987 is amended by changing Sections 2-10, 3-12, and 5-530 as follows:

(705 ILCS 405/2-10) (from Ch. 37, par. 802-10)

Sec. 2-10. Temporary custody hearing. At the appearance of the minor before the court at the temporary custody hearing, all witnesses present shall be examined before the court in relation to any matter connected with the allegations made in the petition.

(1) If the court finds that there is not probable cause to believe that the minor is abused, neglected or dependent it shall release the minor and dismiss the petition.

(2) If the court finds that there is probable cause to believe that the minor is abused, neglected or dependent, the court shall state in writing the factual basis supporting its finding and the minor, his or her parent, guardian, custodian and other persons able to give relevant testimony shall be examined before the court. The Department of Children and Family Services shall give testimony concerning indicated reports of abuse and neglect, of which they are aware of through the central registry, involving

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the minor's parent, guardian or custodian. After such testimony, the court may, consistent with the health, safety and best interests of the minor, enter an order that the minor shall be released upon the request of parent, guardian or custodian if the parent, guardian or custodian appears to take custody. If it is determined that a parent's, guardian's, or custodian's compliance with critical services mitigates the necessity for removal of the minor from his or her home, the court may enter an Order of Protection setting forth reasonable conditions of behavior that a parent, guardian, or custodian must observe for a specified period of time, not to exceed 12 months, without a violation; provided, however, that the 12-month period shall begin anew after any violation. Custodian shall include any agency of the State which has been given custody or wardship of the child. If it is consistent with the health, safety and best interests of the minor, the court may also prescribe shelter care and order that the minor be kept in a suitable place designated by the court or in a shelter care facility designated by the Department of Children and Family Services or a licensed child welfare agency; however, on and after January 1, 2015 (the effective date of Public Act 98-803) and before January 1, 2017, a minor charged with a criminal offense under the Criminal Code of 1961 or the Criminal Code of 2012 or adjudicated delinquent shall not be placed in the custody of or committed to the Department of Children and Family Services by any court, except a minor less than 16 years of age and committed to the Department of Children and Family Services under Section 5-710 of this Act or a minor for whom an independent basis of abuse, neglect, or dependency exists; and on and after January 1, 2017, a minor charged with a criminal offense under the Criminal Code of 1961 or the Criminal Code of 2012 or adjudicated delinquent shall not be placed in the custody of or committed to the Department of Children and Family Services by any court, except a minor less than 15 years of age and committed to the Department of Children and Family Services under Section 5-710 of this Act or a minor for whom an independent basis of abuse, neglect, or dependency exists. An independent basis exists when the allegations or adjudication of abuse, neglect, or dependency do not arise from the same facts, incident, or circumstances which give rise to a charge or adjudication of delinquency.

In placing the minor, the Department or other agency shall, to the extent compatible with the court's order, comply with Section 7 of the Children and Family Services Act. In determining the health, safety and

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best interests of the minor to prescribe shelter care, the court must find that it is a matter of immediate and urgent necessity for the safety and protection of the minor or of the person or property of another that the minor be placed in a shelter care facility or that he or she is likely to flee the jurisdiction of the court, and must further find that reasonable efforts have been made or that, consistent with the health, safety and best interests of the minor, no efforts reasonably can be made to prevent or eliminate the necessity of removal of the minor from his or her home. The court shall require documentation from the Department of Children and Family Services as to the reasonable efforts that were made to prevent or eliminate the necessity of removal of the minor from his or her home or the reasons why no efforts reasonably could be made to prevent or eliminate the necessity of removal. When a minor is placed in the home of a relative, the Department of Children and Family Services shall complete a preliminary background review of the members of the minor's custodian's household in accordance with Section 4.3 of the Child Care Act of 1969 within 90 days of that placement. If the minor is ordered placed in a shelter care facility of the Department of Children and Family Services or a licensed child welfare agency, the court shall, upon request of the appropriate Department or other agency, appoint the Department of Children and Family Services Guardianship Administrator or other appropriate agency executive temporary custodian of the minor and the court may enter such other orders related to the temporary custody as it deems fit and proper, including the provision of services to the minor or his family to ameliorate the causes contributing to the finding of probable cause or to the finding of the existence of immediate and urgent necessity.

Where the Department of Children and Family Services Guardianship Administrator is appointed as the executive temporary custodian, the Department of Children and Family Services shall file with the court and serve on the parties a parent-child visiting plan, within 10 days, excluding weekends and holidays, after the appointment. The parent-child visiting plan shall set out the time and place of visits, the frequency of visits, the length of visits, who shall be present at the visits, and where appropriate, the minor's opportunities to have telephone and mail communication with the parents.

Where the Department of Children and Family Services Guardianship Administrator is appointed as the executive temporary custodian, and when the child has siblings in care, the Department of Children and Family Services shall file with the court and serve on the
parties a sibling placement and contact plan within 10 days, excluding weekends and holidays, after the appointment. The sibling placement and contact plan shall set forth whether the siblings are placed together, and if they are not placed together, what, if any, efforts are being made to place them together. If the Department has determined that it is not in a child's best interest to be placed with a sibling, the Department shall document in the sibling placement and contact plan the basis for its determination. For siblings placed separately, the sibling placement and contact plan shall set the time and place for visits, the frequency of the visits, the length of visits, who shall be present for the visits, and where appropriate, the child's opportunities to have contact with their siblings in addition to in person contact. If the Department determines it is not in the best interest of a sibling to have contact with a sibling, the Department shall document in the sibling placement and contact plan the basis for its determination. The sibling placement and contact plan shall specify a date for development of the Sibling Contact Support Plan, under subsection (f) of Section 7.4 of the Children and Family Services Act, and shall remain in effect until the Sibling Contact Support Plan is developed.

For good cause, the court may waive the requirement to file the parent-child visiting plan or the sibling placement and contact plan, or extend the time for filing either plan. Any party may, by motion, request the court to review the parent-child visiting plan to determine whether it is reasonably calculated to expeditiously facilitate the achievement of the permanency goal. A party may, by motion, request the court to review the parent-child visiting plan or the sibling placement and contact plan to determine whether it is consistent with the minor's best interest. The court may refer the parties to mediation where available. The frequency, duration, and locations of visitation shall be measured by the needs of the child and family, and not by the convenience of Department personnel. Child development principles shall be considered by the court in its analysis of how frequent visitation should be, how long it should last, where it should take place, and who should be present. If upon motion of the party to review either plan and after receiving evidence, the court determines that the parent-child visiting plan is not reasonably calculated to expeditiously facilitate the achievement of the permanency goal or that the restrictions placed on parent-child contact or sibling placement or contact are contrary to the child's best interests, the court shall put in writing the factual basis supporting the determination and enter specific findings based on the evidence. The court shall enter an order for the

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Department to implement changes to the parent-child visiting plan or sibling placement or contact plan, consistent with the court's findings. At any stage of proceeding, any party may by motion request the court to enter any orders necessary to implement the parent-child visiting plan, sibling placement or contact plan or subsequently developed Sibling Contact Support Plan. Nothing under this subsection (2) shall restrict the court from granting discretionary authority to the Department to increase opportunities for additional parent-child contacts or sibling contacts, without further court orders. Nothing in this subsection (2) shall restrict the Department from immediately restricting or terminating parent-child contact or sibling contacts, without either amending the parent-child visiting plan or the sibling contact plan or obtaining a court order, where the Department or its assigns reasonably believe that continuation of the contact, as set out in the plan, would be contrary to the child's health, safety, and welfare. The Department shall file with the court and serve on the parties any amendments to the plan within 10 days, excluding weekends and holidays, of the change of the visitation.

Acceptance of services shall not be considered an admission of any allegation in a petition made pursuant to this Act, nor may a referral of services be considered as evidence in any proceeding pursuant to this Act, except where the issue is whether the Department has made reasonable efforts to reunite the family. In making its findings that it is consistent with the health, safety and best interests of the minor to prescribe shelter care, the court shall state in writing (i) the factual basis supporting its findings concerning the immediate and urgent necessity for the protection of the minor or of the person or property of another and (ii) the factual basis supporting its findings that reasonable efforts were made to prevent or eliminate the removal of the minor from his or her home or that no efforts reasonably could be made to prevent or eliminate the removal of the minor from his or her home. The parents, guardian, custodian, temporary custodian and minor shall each be furnished a copy of such written findings. The temporary custodian shall maintain a copy of the court order and written findings in the case record for the child. The order together with the court's findings of fact in support thereof shall be entered of record in the court.

Once the court finds that it is a matter of immediate and urgent necessity for the protection of the minor that the minor be placed in a shelter care facility, the minor shall not be returned to the parent, custodian

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or guardian until the court finds that such placement is no longer necessary for the protection of the minor.

If the child is placed in the temporary custody of the Department of Children and Family Services for his or her protection, the court shall admonish the parents, guardian, custodian or responsible relative that the parents must cooperate with the Department of Children and Family Services, comply with the terms of the service plans, and correct the conditions which require the child to be in care, or risk termination of their parental rights.

(3) If prior to the shelter care hearing for a minor described in Sections 2-3, 2-4, 3-3, and 4-3 the moving party is unable to serve notice on the party respondent, the shelter care hearing may proceed ex parte. A shelter care order from an ex parte hearing shall be endorsed with the date and hour of issuance and shall be filed with the clerk's office and entered of record. The order shall expire after 10 days from the time it is issued unless before its expiration it is renewed, at a hearing upon appearance of the party respondent, or upon an affidavit of the moving party as to all diligent efforts to notify the party respondent by notice as herein prescribed. The notice prescribed shall be in writing and shall be personally delivered to the minor or the minor's attorney and to the last known address of the other person or persons entitled to notice. The notice shall also state the nature of the allegations, the nature of the order sought by the State, including whether temporary custody is sought, and the consequences of failure to appear and shall contain a notice that the parties will not be entitled to further written notices or publication notices of proceedings in this case, including the filing of an amended petition or a motion to terminate parental rights, except as required by Supreme Court Rule 11; and shall explain the right of the parties and the procedures to vacate or modify a shelter care order as provided in this Section. The notice for a shelter care hearing shall be substantially as follows:

NOTICE TO PARENTS AND CHILDREN
OF SHELTER CARE HEARING

On .............. at ........, before the Honorable ............., (address:) .............., the State of Illinois will present evidence (1) that (name of child or children) ................. are abused, neglected or dependent for the following reasons: ................................................ and (2) whether there is "immediate and urgent necessity" to remove the child or children from the responsible relative.

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YOUR FAILURE TO APPEAR AT THE HEARING MAY RESULT IN PLACEMENT of the child or children in foster care until a trial can be held. A trial may not be held for up to 90 days. You will not be entitled to further notices of proceedings in this case, including the filing of an amended petition or a motion to terminate parental rights.

At the shelter care hearing, parents have the following rights:

1. To ask the court to appoint a lawyer if they cannot afford one.
2. To ask the court to continue the hearing to allow them time to prepare.
3. To present evidence concerning:
   a. Whether or not the child or children were abused, neglected or dependent.
   b. Whether or not there is "immediate and urgent necessity" to remove the child from home (including: their ability to care for the child, conditions in the home, alternative means of protecting the child other than removal).
   c. The best interests of the child.
4. To cross examine the State's witnesses.

The Notice for rehearings shall be substantially as follows:

NOTICE OF PARENT'S AND CHILDREN'S RIGHTS TO REHEARING ON TEMPORARY CUSTODY

If you were not present at and did not have adequate notice of the Shelter Care Hearing at which temporary custody of ................. was awarded to ................., you have the right to request a full rehearing on whether the State should have temporary custody of ................. To request this rehearing, you must file with the Clerk of the Juvenile Court (address): ................., in person or by mailing a statement (affidavit) setting forth the following:

1. That you were not present at the shelter care hearing.
2. That you did not get adequate notice (explaining how the notice was inadequate).
3. Your signature.
4. Signature must be notarized.

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The rehearing should be scheduled within 48 hours of your filing this affidavit.

At the rehearing, your rights are the same as at the initial shelter care hearing. The enclosed notice explains those rights.

At the Shelter Care Hearing, children have the following rights:

1. To have a guardian ad litem appointed.
2. To be declared competent as a witness and to present testimony concerning:
   a. Whether they are abused, neglected or dependent.
   b. Whether there is "immediate and urgent necessity" to be removed from home.
   c. Their best interests.
3. To cross examine witnesses for other parties.
4. To obtain an explanation of any proceedings and orders of the court.

(4) If the parent, guardian, legal custodian, responsible relative, minor age 8 or over, or counsel of the minor did not have actual notice of or was not present at the shelter care hearing, he or she may file an affidavit setting forth these facts, and the clerk shall set the matter for rehearing not later than 48 hours, excluding Sundays and legal holidays, after the filing of the affidavit. At the rehearing, the court shall proceed in the same manner as upon the original hearing.

(5) Only when there is reasonable cause to believe that the minor taken into custody is a person described in subsection (3) of Section 5-105 may the minor be kept or detained in a detention home or county or municipal jail. This Section shall in no way be construed to limit subsection (6).

(6) No minor under 16 years of age may be confined in a jail or place ordinarily used for the confinement of prisoners in a police station. Minors under 18 years of age must be kept separate from confined adults and may not at any time be kept in the same cell, room, or yard with adults confined pursuant to the criminal law.

(7) If the minor is not brought before a judicial officer within the time period as specified in Section 2-9, the minor must immediately be released from custody.

(8) If neither the parent, guardian or custodian appears within 24 hours to take custody of a minor released upon request pursuant to
subsection (2) of this Section, then the clerk of the court shall set the matter for rehearing not later than 7 days after the original order and shall issue a summons directed to the parent, guardian or custodian to appear. At the same time the probation department shall prepare a report on the minor. If a parent, guardian or custodian does not appear at such rehearing, the judge may enter an order prescribing that the minor be kept in a suitable place designated by the Department of Children and Family Services or a licensed child welfare agency.

(9) Notwithstanding any other provision of this Section any interested party, including the State, the temporary custodian, an agency providing services to the minor or family under a service plan pursuant to Section 8.2 of the Abused and Neglected Child Reporting Act, foster parent, or any of their representatives, on notice to all parties entitled to notice, may file a motion that it is in the best interests of the minor to modify or vacate a temporary custody order on any of the following grounds:

(a) It is no longer a matter of immediate and urgent necessity that the minor remain in shelter care; or
(b) There is a material change in the circumstances of the natural family from which the minor was removed and the child can be cared for at home without endangering the child's health or safety; or
(c) A person not a party to the alleged abuse, neglect or dependency, including a parent, relative or legal guardian, is capable of assuming temporary custody of the minor; or
(d) Services provided by the Department of Children and Family Services or a child welfare agency or other service provider have been successful in eliminating the need for temporary custody and the child can be cared for at home without endangering the child's health or safety.

In ruling on the motion, the court shall determine whether it is consistent with the health, safety and best interests of the minor to modify or vacate a temporary custody order.

The clerk shall set the matter for hearing not later than 14 days after such motion is filed. In the event that the court modifies or vacates a temporary custody order but does not vacate its finding of probable cause, the court may order that appropriate services be continued or initiated in behalf of the minor and his or her family.

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(10) When the court finds or has found that there is probable cause to believe a minor is an abused minor as described in subsection (2) of Section 2-3 and that there is an immediate and urgent necessity for the abused minor to be placed in shelter care, immediate and urgent necessity shall be presumed for any other minor residing in the same household as the abused minor provided:

(a) Such other minor is the subject of an abuse or neglect petition pending before the court; and

(b) A party to the petition is seeking shelter care for such other minor.

Once the presumption of immediate and urgent necessity has been raised, the burden of demonstrating the lack of immediate and urgent necessity shall be on any party that is opposing shelter care for the other minor.

(11) The changes made to this Section by Public Act 98-61 apply to a minor who has been arrested or taken into custody on or after January 1, 2014 (the effective date of Public Act 98-61).

(Source: P.A. 97-1076, eff. 8-24-12; 97-1150, eff. 1-25-13; 98-61, eff. 1-1-14; 98-756, eff. 7-16-14; 98-803, eff. 1-1-15; revised 10-16-15.)

Sec. 3-12. Shelter care hearing. At the appearance of the minor before the court at the shelter care hearing, all witnesses present shall be examined before the court in relation to any matter connected with the allegations made in the petition.

(1) If the court finds that there is not probable cause to believe that the minor is a person requiring authoritative intervention, it shall release the minor and dismiss the petition.

(2) If the court finds that there is probable cause to believe that the minor is a person requiring authoritative intervention, the minor, his or her parent, guardian, custodian and other persons able to give relevant testimony shall be examined before the court. After such testimony, the court may enter an order that the minor shall be released upon the request of a parent, guardian or custodian if the parent, guardian or custodian appears to take custody. Custodian shall include any agency of the State which has been given custody or wardship of the child. The Court shall require documentation by representatives of the Department of Children and Family Services or the probation department as to the reasonable efforts that were made to prevent or eliminate the necessity of removal of the minor from his or her home, and shall consider the testimony of any

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person as to those reasonable efforts. If the court finds that it is a matter of immediate and urgent necessity for the protection of the minor or of the person or property of another that the minor be placed in a shelter care facility, or that he or she is likely to flee the jurisdiction of the court, and further finds that reasonable efforts have been made or good cause has been shown why reasonable efforts cannot prevent or eliminate the necessity of removal of the minor from his or her home, the court may prescribe shelter care and order that the minor be kept in a suitable place designated by the court or in a shelter care facility designated by the Department of Children and Family Services or a licensed child welfare agency; otherwise it shall release the minor from custody. If the court prescribes shelter care, then in placing the minor, the Department or other agency shall, to the extent compatible with the court's order, comply with Section 7 of the Children and Family Services Act. If the minor is ordered placed in a shelter care facility of the Department of Children and Family Services or a licensed child welfare agency, the court shall, upon request of the Department or other agency, appoint the Department of Children and Family Services Guardianship Administrator or other appropriate agency executive temporary custodian of the minor and the court may enter such other orders related to the temporary custody as it deems fit and proper, including the provision of services to the minor or his family to ameliorate the causes contributing to the finding of probable cause or to the finding of the existence of immediate and urgent necessity. Acceptance of services shall not be considered an admission of any allegation in a petition made pursuant to this Act, nor may a referral of services be considered as evidence in any proceeding pursuant to this Act, except where the issue is whether the Department has made reasonable efforts to reunite the family. In making its findings that reasonable efforts have been made or that good cause has been shown why reasonable efforts cannot prevent or eliminate the necessity of removal of the minor from his or her home, the court shall state in writing its findings concerning the nature of the services that were offered or the efforts that were made to prevent removal of the child and the apparent reasons that such services or efforts could not prevent the need for removal. The parents, guardian, custodian, temporary custodian and minor shall each be furnished a copy of such written findings. The temporary custodian shall maintain a copy of the court order and written findings in the case record for the child.

The order together with the court's findings of fact and support thereof shall be entered of record in the court.

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Once the court finds that it is a matter of immediate and urgent necessity for the protection of the minor that the minor be placed in a shelter care facility, the minor shall not be returned to the parent, custodian or guardian until the court finds that such placement is no longer necessary for the protection of the minor.

(3) If prior to the shelter care hearing for a minor described in Sections 2-3, 2-4, 3-3, and 4-3 the petitioner is unable to serve notice on the party respondent, the shelter care hearing may proceed *ex parte*. A shelter care order from an *ex parte* hearing shall be endorsed with the date and hour of issuance and shall be filed with the clerk's office and entered of record. The order shall expire after 10 days from the time it is issued unless before its expiration it is renewed, at a hearing upon appearance of the party respondent, or upon an affidavit of the moving party as to all diligent efforts to notify the party respondent by notice as herein prescribed. The notice prescribed shall be in writing and shall be personally delivered to the minor or the minor's attorney and to the last known address of the other person or persons entitled to notice. The notice shall also state the nature of the allegations, the nature of the order sought by the State, including whether temporary custody is sought, and the consequences of failure to appear; and shall explain the right of the parties and the procedures to vacate or modify a shelter care order as provided in this Section. The notice for a shelter care hearing shall be substantially as follows:

**NOTICE TO PARENTS AND CHILDREN OF SHELTER CARE HEARING**

On ................ at ........., before the Honorable ................, (address:)
................., the State of Illinois will present evidence (1) that (name of child or children) ....................... are abused, neglected or dependent for the following reasons:
............................................................
and (2) that there is "immediate and urgent necessity" to remove the child or children from the responsible relative.

YOUR FAILURE TO APPEAR AT THE HEARING MAY RESULT IN PLACEMENT of the child or children in foster care until a trial can be held. A trial may not be held for up to 90 days.

At the shelter care hearing, parents have the following rights:
1. To ask the court to appoint a lawyer if they cannot afford one.
2. To ask the court to continue the hearing to allow them
time to prepare.
3. To present evidence concerning:
   a. Whether or not the child or children were abused,
      neglected or dependent.
   b. Whether or not there is "immediate and urgent
      necessity" to remove the child from home (including: their
      ability to care for the child, conditions in the home,
      alternative means of protecting the child other than
      removal).
   c. The best interests of the child.
4. To cross examine the State's witnesses.

The Notice for rehearings shall be substantially as follows:

NOTICE OF PARENT'S AND CHILDREN'S RIGHTS
TO REHEARING ON TEMPORARY CUSTODY

If you were not present at and did not have adequate notice of the
Shelter Care Hearing at which temporary custody of .......... was
awarded to ............... , you have the right to request a full rehearing on
whether the State should have temporary custody of ............... To request
this rehearing, you must file with the Clerk of the Juvenile Court
(address): ............... , in person or by mailing a statement (affidavit)
setting forth the following:

1. That you were not present at the shelter care hearing.
2. That you did not get adequate notice (explaining how the
   notice was inadequate).
3. Your signature.
4. Signature must be notarized.

The rehearing should be scheduled within one day of your filing
this affidavit.

At the rehearing, your rights are the same as at the initial shelter
care hearing. The enclosed notice explains those rights.

At the Shelter Care Hearing, children have the following rights:
1. To have a guardian ad litem appointed.
2. To be declared competent as a witness and to present
testimony concerning:
   a. Whether they are abused, neglected or dependent.
   b. Whether there is "immediate and urgent
      necessity" to be removed from home.
   c. Their best interests.

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3. To cross examine witnesses for other parties.
4. To obtain an explanation of any proceedings and orders of the court.

(4) If the parent, guardian, legal custodian, responsible relative, or counsel of the minor did not have actual notice of or was not present at the shelter care hearing, he or she may file an affidavit setting forth these facts, and the clerk shall set the matter for rehearing not later than 48 hours, excluding Sundays and legal holidays, after the filing of the affidavit. At the rehearing, the court shall proceed in the same manner as upon the original hearing.

(5) Only when there is reasonable cause to believe that the minor taken into custody is a person described in subsection (3) of Section 5-105 may the minor be kept or detained in a detention home or county or municipal jail. This Section shall in no way be construed to limit subsection (6).

(6) No minor under 16 years of age may be confined in a jail or place ordinarily used for the confinement of prisoners in a police station. Minors under 18 years of age must be kept separate from confined adults and may not at any time be kept in the same cell, room, or yard with adults confined pursuant to the criminal law.

(7) If the minor is not brought before a judicial officer within the time period specified in Section 3-11, the minor must immediately be released from custody.

(8) If neither the parent, guardian or custodian appears within 24 hours to take custody of a minor released upon request pursuant to subsection (2) of this Section, then the clerk of the court shall set the matter for rehearing not later than 7 days after the original order and shall issue a summons directed to the parent, guardian or custodian to appear. At the same time the probation department shall prepare a report on the minor. If a parent, guardian or custodian does not appear at such rehearing, the judge may enter an order prescribing that the minor be kept in a suitable place designated by the Department of Children and Family Services or a licensed child welfare agency.

(9) Notwithstanding any other provision of this Section, any interested party, including the State, the temporary custodian, an agency providing services to the minor or family under a service plan pursuant to Section 8.2 of the Abused and Neglected Child Reporting Act, foster parent, or any of their representatives, on notice to all parties entitled to

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notice, may file a motion to modify or vacate a temporary custody order on any of the following grounds:

(a) It is no longer a matter of immediate and urgent necessity that the minor remain in shelter care; or
(b) There is a material change in the circumstances of the natural family from which the minor was removed; or
(c) A person, including a parent, relative or legal guardian, is capable of assuming temporary custody of the minor; or
(d) Services provided by the Department of Children and Family Services or a child welfare agency or other service provider have been successful in eliminating the need for temporary custody.

The clerk shall set the matter for hearing not later than 14 days after such motion is filed. In the event that the court modifies or vacates a temporary custody order but does not vacate its finding of probable cause, the court may order that appropriate services be continued or initiated in behalf of the minor and his or her family.

(10) The changes made to this Section by Public Act 98-61 apply to a minor who has been arrested or taken into custody on or after January 1, 2014 (the effective date of Public Act 98-61).

(Source: P.A. 98-61, eff. 1-1-14; 98-756, eff. 7-16-14; revised 10-16-15.)

(705 ILCS 405/5-530)
Sec. 5-530. Notice.

(1) A party presenting a supplemental or amended petition or motion to the court shall provide the other parties with a copy of any supplemental or amended petition, motion or accompanying affidavit not yet served upon that party, and shall file proof of that service, in accordance with subsections (2), (3), and (4) of this Section. Written notice of the date, time and place of the hearing, shall be provided to all parties in accordance with local court rules.

(2) (a) On whom made. If a party is represented by an attorney of record, service shall be made upon the attorney. Otherwise service shall be made upon the party.

(b) Method. Papers shall be served as follows:

(1) by delivering them to the attorney or party personally;

(2) by leaving them in the office of the attorney with his or her clerk, or with a person in charge of the office; or if a party is not represented by counsel, by leaving them at
his or her residence with a family member of the age of 10 years or upwards;

(3) by depositing them in the United States post office or post-office box enclosed in an envelope, plainly addressed to the attorney at his or her business address, or to the party at his or her business address or residence, with postage fully pre-paid; or

(4) by transmitting them via facsimile machine to the office of the attorney or party, who has consented to receiving service by facsimile transmission. Briefs filed in reviewing courts shall be served in accordance with Supreme Court Rule.

(i) A party or attorney electing to serve pleading by facsimile must include on the certificate of service transmitted the telephone number of the sender's facsimile transmitting device. Use of service by facsimile shall be deemed consent by that party or attorney to receive service by facsimile transmission. Any party may rescind consent of service by facsimile transmission in a case by filing with the court and serving a notice on all parties or their attorneys who have filed appearances that facsimile service will not be accepted. A party or attorney who has rescinded consent to service by facsimile transmission in a case may not serve another party or attorney by facsimile transmission in that case.

(ii) Each page of notices and documents transmitted by facsimile pursuant to this rule should bear the circuit court number, the title of the document, and the page number.

(c) Multiple parties or attorneys. In cases in which there are 2 or more minor-respondents who appear by different attorneys, service on all papers shall be made on the attorney for each of the parties. If one attorney appears for several parties, he or she is entitled to only one copy of any paper served upon him or her by the opposite side. When more than one attorney appears for a party, service of a copy upon one of them is sufficient.
(3)(a) Filing. When service of a paper is required, proof of service shall be filed with the clerk.

(b) Manner of Proof. Service is proved:

(i) by written acknowledgement signed by the person served;

(ii) in case of service by personal delivery, by certificate of the attorney, or affidavit of a person, other than an attorney, who made delivery;

(iii) in case of service by mail, by certificate of the attorney, or affidavit of a person other than the attorney, who deposited the paper in the mail, stating the time and place of mailing, the complete address which appeared on the envelope, and the fact that proper postage was pre-paid; or

(iv) in case of service by facsimile transmission, by certificate of the attorney or affidavit of a person other than the attorney, who transmitted the paper via facsimile machine, stating the time and place of transmission, the telephone number to which the transmission was sent and the number of pages transmitted.

(c) Effective date of service by mail. Service by mail is complete 4 days after mailing.

(d) Effective date of service by facsimile transmission. Service by facsimile machine is complete on the first court day following transmission.

(Source: P.A. 90-590, eff. 1-1-99; revised 10-16-15.)

Section 535. The Criminal Code of 2012 is amended by changing Sections 7-5.5, 10-2, 11-1.30, 11-21, 12-2, 12-4.4a, 24-3, and 26-1 as follows:

(720 ILCS 5/7-5.5)

Sec. 7-5.5. Prohibited use of force by a peace officer.

(a) A peace officer shall not use a chokehold in the performance of his or her duties, unless deadly force is justified under Article 7 of this Code.

(b) A peace officer shall not use a chokehold, or any lesser contact with the throat or neck area of another, in order to prevent the destruction of evidence by ingestion.

(c) As used in this Section, "chokehold" means applying any direct pressure to the throat, windpipe, or airway of another with the intent to

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reduce or prevent the intake of air. "Chokehold" does not include any holding involving contact with the neck that is not intended to reduce the intake of air.
(Source: P.A. 99-352, eff. 1-1-16; revised 10-16-15.)

Sec. 10-2. Aggravated kidnaping.
(a) A person commits the offense of aggravated kidnaping when he or she commits kidnaping and:
   (1) kidnaps with the intent to obtain ransom from the person kidnaped or from any other person;
   (2) takes as his or her victim a child under the age of 13 years, or a person with a severe or profound intellectual disability;
   (3) inflicts great bodily harm, other than by the discharge of a firearm, or commits another felony upon his or her victim;
   (4) wears a hood, robe, or mask or conceals his or her identity;
   (5) commits the offense of kidnaping while armed with a dangerous weapon, other than a firearm, as defined in Section 33A-1 of this Code;
   (6) commits the offense of kidnaping while armed with a firearm;
   (7) during the commission of the offense of kidnaping, personally discharges a firearm; or
   (8) during the commission of the offense of kidnaping, personally discharges a firearm that proximately causes great bodily harm, permanent disability, permanent disfigurement, or death to another person.

As used in this Section, "ransom" includes money, benefit, or other valuable thing or concession.

(b) Sentence. Aggravated kidnaping in violation of paragraph (1), (2), (3), (4), or (5) of subsection (a) is a Class X felony. A violation of subsection (a)(6) is a Class X felony for which 15 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(7) is a Class X felony for which 20 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(8) is a Class X felony for which 25 years or up to a term of natural life shall be added to the term of imprisonment imposed by the court. An offender under the age of 18 years at the time of the commission of aggravated kidnaping is subject to the punishment provided in Section 110-3-4.5-3.

As used in this Section, "firearm" includes a propellant-actuated device, and a propellant-actuated device which is designed, adapted, or intended for use as a weapon and which is not a firearm as defined in this Section.

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A person who has attained the age of 18 years at the time of the commission of the offense and who is convicted of a second or subsequent offense of aggravated kidnaping shall be sentenced to a term of natural life imprisonment; except that a sentence of natural life imprisonment shall not be imposed under this Section unless the second or subsequent offense was committed after conviction on the first offense. An offender under the age of 18 years at the time of the commission of the second or subsequent offense shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections.

(Source: P.A. 99-69, eff. 1-1-16; 99-143, eff. 7-27-15; revised 10-16-16.)

Sec. 11-1.30. Aggravated Criminal Sexual Assault.

(a) A person commits aggravated criminal sexual assault if that person commits criminal sexual assault and any of the following aggravating circumstances exist during the commission of the offense or, for purposes of paragraph (7), occur as part of the same course of conduct as the commission of the offense:

(1) the person displays, threatens to use, or uses a dangerous weapon, other than a firearm, or any other object fashioned or used in a manner that leads the victim, under the circumstances, reasonably to believe that the object is a dangerous weapon;

(2) the person causes bodily harm to the victim, except as provided in paragraph (10);

(3) the person acts in a manner that threatens or endangers the life of the victim or any other person;

(4) the person commits the criminal sexual assault during the course of committing or attempting to commit any other felony;

(5) the victim is 60 years of age or older;

(6) the victim is a person with a physical disability;

(7) the person delivers (by injection, inhalation, ingestion, transfer of possession, or any other means) any controlled substance to the victim without the victim's consent or by threat or deception for other than medical purposes;

(8) the person is armed with a firearm;

(9) the person personally discharges a firearm during the commission of the offense; or

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(10) the person personally discharges a firearm during the commission of the offense, and that discharge proximately causes great bodily harm, permanent disability, permanent disfigurement, or death to another person.

(b) A person commits aggravated criminal sexual assault if that person is under 17 years of age and: (i) commits an act of sexual penetration with a victim who is under 9 years of age; or (ii) commits an act of sexual penetration with a victim who is at least 9 years of age but under 13 years of age and the person uses force or threat of force to commit the act.

(c) A person commits aggravated criminal sexual assault if that person commits an act of sexual penetration with a victim who is a person with a severe or profound intellectual disability.

(d) Sentence.

(1) Aggravated criminal sexual assault in violation of paragraph (2), (3), (4), (5), (6), or (7) of subsection (a) or in violation of subsection (b) or (c) is a Class X felony. A violation of subsection (a)(1) is a Class X felony for which 10 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(8) is a Class X felony for which 15 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(9) is a Class X felony for which 20 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(10) is a Class X felony for which 25 years or up to a term of natural life imprisonment shall be added to the term of imprisonment imposed by the court. An offender under the age of 18 years at the time of the commission of aggravated criminal sexual assault in violation of paragraphs (1) through (10) of subsection (a) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections.

(2) A person who has attained the age of 18 years at the time of the commission of the offense and who is convicted of a second or subsequent offense of aggravated criminal sexual assault, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted of the offense of criminal sexual assault or the offense of predatory criminal sexual assault of a child, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted under the laws of this or any other state of an offense

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that is substantially equivalent to the offense of criminal sexual assault, the offense of aggravated criminal sexual assault or the offense of predatory criminal sexual assault of a child, shall be sentenced to a term of natural life imprisonment. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (2) to apply. An offender under the age of 18 years at the time of the commission of the offense covered by this paragraph (2) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections.

(Source: P.A. 99-69, eff. 1-1-16; 99-143, eff. 7-27-15; revised 10-16-15.)

(720 ILCS 5/11-21) (from Ch. 38, par. 11-21)

Sec. 11-21. Harmful material.

(a) As used in this Section:

"Distribute" means to transfer possession of, whether with or without consideration.

"Harmful to minors" means that quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse, when, taken as a whole, it (i) predominately appeals to the prurient interest in sex of minors, (ii) is patently offensive to prevailing standards in the adult community in the State as a whole with respect to what is suitable material for minors, and (iii) lacks serious literary, artistic, political, or scientific value for minors.

"Knowingly" means having knowledge of the contents of the subject matter, or recklessly failing to exercise reasonable inspection which would have disclosed the contents.

"Material" means (i) any picture, photograph, drawing, sculpture, film, video game, computer game, video or similar visual depiction, including any such representation or image which is stored electronically, or (ii) any book, magazine, printed matter however reproduced, or recorded audio of any sort.

"Minor" means any person under the age of 18.

"Nudity" means the showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

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"Sado-masochistic abuse" means flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one clothed for sexual gratification or stimulation.

"Sexual conduct" means acts of masturbation, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person be a female, breast.

"Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

(b) A person is guilty of distributing harmful material to a minor when he or she:

(1) knowingly sells, lends, distributes, exhibits to, depicts to, or gives away to a minor, knowing that the minor is under the age of 18 or failing to exercise reasonable care in ascertaining the person's true age:

(A) any material which depicts nudity, sexual conduct or sado-masochistic abuse, or which contains explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sado-masochistic abuse, and which taken as a whole is harmful to minors;

(B) a motion picture, show, or other presentation which depicts nudity, sexual conduct or sado-masochistic abuse and is harmful to minors; or

(C) an admission ticket or pass to premises where there is exhibited or to be exhibited such a motion picture, show, or other presentation; or

(2) admits a minor to premises where there is exhibited or to be exhibited such a motion picture, show, or other presentation, knowing that the minor is a person under the age of 18 or failing to exercise reasonable care in ascertaining the person's true age.

(c) In any prosecution arising under this Section, it is an affirmative defense:

(1) that the minor as to whom the offense is alleged to have been committed exhibited to the accused a draft card, driver's license, birth certificate or other official or apparently official

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document purporting to establish that the minor was 18 years of age or older, which was relied upon by the accused;

(2) that the defendant was in a parental or guardianship relationship with the minor or that the minor was accompanied by a parent or legal guardian;

(3) that the defendant was a bona fide school, museum, or public library, or was a person acting in the course of his or her employment as an employee or official of such organization or retail outlet affiliated with and serving the educational purpose of such organization;

(4) that the act charged was committed in aid of legitimate scientific or educational purposes; or

(5) that an advertisement of harmful material as defined in this Section culminated in the sale or distribution of such harmful material to a child under circumstances where there was no personal confrontation of the child by the defendant, his or her employees, or agents, as where the order or request for such harmful material was transmitted by mail, telephone, Internet or similar means of communication, and delivery of such harmful material to the child was by mail, freight, Internet or similar means of transport, which advertisement contained the following statement, or a substantially similar statement, and that the defendant required the purchaser to certify that he or she was not under the age of 18 and that the purchaser falsely stated that he or she was not under the age of 18: "NOTICE: It is unlawful for any person under the age of 18 to purchase the matter advertised. Any person under the age of 18 that falsely states that he or she is not under the age of 18 for the purpose of obtaining the material advertised is guilty of a Class B misdemeanor under the laws of the State."

(d) The predominant appeal to prurient interest of the material shall be judged with reference to average children of the same general age of the child to whom such material was sold, lent, distributed or given, unless it appears from the nature of the matter or the circumstances of its dissemination or distribution that it is designed for specially susceptible groups, in which case the predominant appeal of the material shall be judged with reference to its intended or probable recipient group.

(e) Distribution of harmful material in violation of this Section is a Class A misdemeanor. A second or subsequent offense is a Class 4 felony.

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(f) Any person under the age of 18 who falsely states, either orally or in writing, that he or she is not under the age of 18, or who presents or offers to any person any evidence of age and identity that is false or not actually his or her own with the intent of ordering, obtaining, viewing, or otherwise procuring or attempting to procure or view any harmful material is guilty of a Class B misdemeanor.

(g) A person over the age of 18 who fails to exercise reasonable care in ascertaining the true age of a minor, knowingly distributes to, or sends, or causes to be sent, or exhibits to, or offers to distribute, or exhibits any harmful material to a person that he or she believes is a minor is guilty of a Class A misdemeanor. If that person utilized a computer web camera, cellular telephone, or any other type of device to manufacture the harmful material, then each offense is a Class 4 felony.

(h) Telecommunications carriers, commercial mobile service providers, and providers of information services, including, but not limited to, Internet service providers and hosting service providers, are not liable under this Section, except for willful and wanton misconduct, by virtue of the transmission, storage, or caching of electronic communications or messages of others or by virtue of the provision of other related telecommunications, commercial mobile services, or information services used by others in violation of this Section.

(Source: P.A. 95-983, eff. 6-1-09; 96-280, eff. 1-1-10; 96-1551, eff. 7-1-11; revised 10-16-15.)

(720 ILCS 5/12-2) (from Ch. 38, par. 12-2)
Sec. 12-2. Aggravated assault.

(a) Offense based on location of conduct. A person commits aggravated assault when he or she commits an assault against an individual who is on or about a public way, public property, a public place of accommodation or amusement, or a sports venue.

(b) Offense based on status of victim. A person commits aggravated assault when, in committing an assault, he or she knows the individual assaulted to be any of the following:

(1) A person with a physical disability or a person 60 years of age or older and the assault is without legal justification.

(2) A teacher or school employee upon school grounds or grounds adjacent to a school or in any part of a building used for school purposes.

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(3) A park district employee upon park grounds or grounds adjacent to a park or in any part of a building used for park purposes.

(4) A community policing volunteer, private security officer, or utility worker:
   (i) performing his or her official duties;
   (ii) assaulted to prevent performance of his or her official duties; or
   (iii) assaulted in retaliation for performing his or her official duties.

(4.1) A peace officer, fireman, emergency management worker, or emergency medical technician:
   (i) performing his or her official duties;
   (ii) assaulted to prevent performance of his or her official duties; or
   (iii) assaulted in retaliation for performing his or her official duties.

(5) A correctional officer or probation officer:
   (i) performing his or her official duties;
   (ii) assaulted to prevent performance of his or her official duties; or
   (iii) assaulted in retaliation for performing his or her official duties.

(6) A correctional institution employee, a county juvenile detention center employee who provides direct and continuous supervision of residents of a juvenile detention center, including a county juvenile detention center employee who supervises recreational activity for residents of a juvenile detention center, or a Department of Human Services employee, Department of Human Services officer, or employee of a subcontractor of the Department of Human Services supervising or controlling sexually dangerous persons or sexually violent persons:
   (i) performing his or her official duties;
   (ii) assaulted to prevent performance of his or her official duties; or
   (iii) assaulted in retaliation for performing his or her official duties.

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(7) An employee of the State of Illinois, a municipal corporation therein, or a political subdivision thereof, performing his or her official duties.

(8) A transit employee performing his or her official duties, or a transit passenger.

(9) A sports official or coach actively participating in any level of athletic competition within a sports venue, on an indoor playing field or outdoor playing field, or within the immediate vicinity of such a facility or field.

(10) A person authorized to serve process under Section 2-202 of the Code of Civil Procedure or a special process server appointed by the circuit court, while that individual is in the performance of his or her duties as a process server.

(c) Offense based on use of firearm, device, or motor vehicle. A person commits aggravated assault when, in committing an assault, he or she does any of the following:

(1) Uses a deadly weapon, an air rifle as defined in Section 24.8-0.1 of this Act, or any device manufactured and designed to be substantially similar in appearance to a firearm, other than by discharging a firearm.

(2) Discharges a firearm, other than from a motor vehicle.

(3) Discharges a firearm from a motor vehicle.

(4) Wears a hood, robe, or mask to conceal his or her identity.

(5) Knowingly and without lawful justification shines or flashes a laser gun sight or other laser device attached to a firearm, or used in concert with a firearm, so that the laser beam strikes near or in the immediate vicinity of any person.

(6) Uses a firearm, other than by discharging the firearm, against a peace officer, community policing volunteer, fireman, private security officer, emergency management worker, emergency medical technician, employee of a police department, employee of a sheriff's department, or traffic control municipal employee:

(i) performing his or her official duties;
(ii) assaulted to prevent performance of his or her official duties; or
(iii) assaulted in retaliation for performing his or her official duties.

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(7) Without justification operates a motor vehicle in a manner which places a person, other than a person listed in subdivision (b)(4), in reasonable apprehension of being struck by the moving motor vehicle.

(8) Without justification operates a motor vehicle in a manner which places a person listed in subdivision (b)(4), in reasonable apprehension of being struck by the moving motor vehicle.

(9) Knowingly video or audio records the offense with the intent to disseminate the recording.

(d) Sentence. Aggravated assault as defined in subdivision (a), (b)(1), (b)(2), (b)(3), (b)(4), (b)(7), (b)(8), (b)(9), (c)(1), (c)(4), or (c)(9) is a Class A misdemeanor, except that aggravated assault as defined in subdivision (b)(4) and (b)(7) is a Class 4 felony if a Category I, Category II, or Category III weapon is used in the commission of the assault. Aggravated assault as defined in subdivision (b)(4.1), (b)(5), (b)(6), (b)(10), (c)(2), (c)(5), (c)(6), or (c)(7) is a Class 4 felony. Aggravated assault as defined in subdivision (c)(3) or (c)(8) is a Class 3 felony.

(e) For the purposes of this Section, "Category I weapon", "Category II weapon", and "Category III weapon" have the meanings ascribed to those terms in Section 33A-1 of this Code.

(Source: P.A. 98-385, eff. 1-1-14; 99-78, eff. 7-20-15; 99-143, eff. 7-27-15; 99-256, eff. 1-1-16; revised 10-19-15.)

(720 ILCS 5/12-4.4a)

Sec. 12-4.4a. Abuse or criminal neglect of a long term care facility resident; criminal abuse or neglect of an elderly person or person with a disability.

(a) Abuse or criminal neglect of a long term care facility resident.

(1) A person or an owner or licensee commits abuse of a long term care facility resident when he or she knowingly causes any physical or mental injury to, or commits any sexual offense in this Code against, a resident.

(2) A person or an owner or licensee commits criminal neglect of a long term care facility resident when he or she recklessly:

(A) performs acts that cause a resident's life to be endangered, health to be injured, or pre-existing physical or mental condition to deteriorate, or that create the substantial likelihood that an elderly person's or person with a disability
disability's life will be endangered, health will be injured, or pre-existing physical or mental condition will deteriorate;

(B) fails to perform acts that he or she knows or reasonably should know are necessary to maintain or preserve the life or health of a resident, and that failure causes the resident's life to be endangered, health to be injured, or pre-existing physical or mental condition to deteriorate, or that create the substantial likelihood that an elderly person's or person with a disability's life will be endangered, health will be injured, or pre-existing physical or mental condition will deteriorate; or

(C) abandons a resident.

(3) A person or an owner or licensee commits neglect of a long term care facility resident when he or she negligently fails to provide adequate medical care, personal care, or maintenance to the resident which results in physical or mental injury or deterioration of the resident's physical or mental condition. An owner or licensee is guilty under this subdivision (a)(3), however, only if the owner or licensee failed to exercise reasonable care in the hiring, training, supervising, or providing of staff or other related routine administrative responsibilities.

(b) Criminal abuse or neglect of an elderly person or person with a disability.

(1) A caregiver commits criminal abuse or neglect of an elderly person or person with a disability when he or she knowingly does any of the following:

(A) performs acts that cause the person's life to be endangered, health to be injured, or pre-existing physical or mental condition to deteriorate;

(B) fails to perform acts that he or she knows or reasonably should know are necessary to maintain or preserve the life or health of the person, and that failure causes the person's life to be endangered, health to be injured, or pre-existing physical or mental condition to deteriorate;

(C) abandons the person;

(D) physically abuses, harasses, intimidates, or interferes with the personal liberty of the person; or

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(E) exposes the person to willful deprivation.

(2) It is not a defense to criminal abuse or neglect of an elderly person or person with a disability that the caregiver reasonably believed that the victim was not an elderly person or person with a disability.

(c) Offense not applicable.

(1) Nothing in this Section applies to a physician licensed to practice medicine in all its branches or a duly licensed nurse providing care within the scope of his or her professional judgment and within the accepted standards of care within the community.

(2) Nothing in this Section imposes criminal liability on a caregiver who made a good faith effort to provide for the health and personal care of an elderly person or person with a disability, but through no fault of his or her own was unable to provide such care.

(3) Nothing in this Section applies to the medical supervision, regulation, or control of the remedial care or treatment of residents in a long term care facility conducted for those who rely upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denomination as described in Section 3-803 of the Nursing Home Care Act, Section 1-102 of the Specialized Mental Health Rehabilitation Act of 2013, Section 3-803 of the ID/DD Community Care Act, or Section 3-803 of the MC/DD Act.

(4) Nothing in this Section prohibits a caregiver from providing treatment to an elderly person or person with a disability by spiritual means through prayer alone and care consistent therewith in lieu of medical care and treatment in accordance with the tenets and practices of any church or religious denomination of which the elderly person or person with a disability is a member.

(5) Nothing in this Section limits the remedies available to the victim under the Illinois Domestic Violence Act of 1986.

(d) Sentence.

(1) Long term care facility. Abuse of a long term care facility resident is a Class 3 felony. Criminal neglect of a long term care facility resident is a Class 4 felony, unless it results in the resident's death in which case it is a Class 3 felony. Neglect of a long term care facility resident is a petty offense.
(2) Caregiver. Criminal abuse or neglect of an elderly person or person with a disability is a Class 3 felony, unless it results in the person's death in which case it is a Class 2 felony, and if imprisonment is imposed it shall be for a minimum term of 3 years and a maximum term of 14 years.

(e) Definitions. For the purposes of this Section:

"Abandon" means to desert or knowingly forsake a resident or an elderly person or person with a disability under circumstances in which a reasonable person would continue to provide care and custody.

"Caregiver" means a person who has a duty to provide for an elderly person or person with a disability's health and personal care, at the elderly person or person with a disability's place of residence, including, but not limited to, food and nutrition, shelter, hygiene, prescribed medication, and medical care and treatment, and includes any of the following:

(1) A parent, spouse, adult child, or other relative by blood or marriage who resides with or resides in the same building with or regularly visits the elderly person or person with a disability, knows or reasonably should know of such person's physical or mental impairment, and knows or reasonably should know that such person is unable to adequately provide for his or her own health and personal care.

(2) A person who is employed by the elderly person or person with a disability or by another to reside with or regularly visit the elderly person or person with a disability and provide for such person's health and personal care.

(3) A person who has agreed for consideration to reside with or regularly visit the elderly person or person with a disability and provide for such person's health and personal care.

(4) A person who has been appointed by a private or public agency or by a court of competent jurisdiction to provide for the elderly person or person with a disability's health and personal care.

"Caregiver" does not include a long-term care facility licensed or certified under the Nursing Home Care Act or a facility licensed or certified under the ID/DD Community Care Act, the MC/DD Act, or the Specialized Mental Health Rehabilitation Act of 2013, or any administrative, medical, or other personnel of such a facility, or a health care facility.
care provider who is licensed under the Medical Practice Act of 1987 and renders care in the ordinary course of his or her profession.

"Elderly person" means a person 60 years of age or older who is incapable of adequately providing for his or her own health and personal care.

"Licensee" means the individual or entity licensed to operate a facility under the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act of 2013, the ID/DD Community Care Act, the MC/DD Act, or the Assisted Living and Shared Housing Act.

"Long term care facility" means a private home, institution, building, residence, or other place, whether operated for profit or not, or a county home for the infirm and chronically ill operated pursuant to Division 5-21 or 5-22 of the Counties Code, or any similar institution operated by the State of Illinois or a political subdivision thereof, which provides, through its ownership or management, personal care, sheltered care, or nursing for 3 or more persons not related to the owner by blood or marriage. The term also includes skilled nursing facilities and intermediate care facilities as defined in Titles XVIII and XIX of the federal Social Security Act and assisted living establishments and shared housing establishments licensed under the Assisted Living and Shared Housing Act.

"Owner" means the owner of a long term care facility as provided in the Nursing Home Care Act, the owner of a facility as provided under the Specialized Mental Health Rehabilitation Act of 2013, the owner of a facility as provided in the ID/DD Community Care Act, the owner of a facility as provided in the MC/DD Act, or the owner of an assisted living or shared housing establishment as provided in the Assisted Living and Shared Housing Act.

"Person with a disability" means a person who suffers from a permanent physical or mental impairment, resulting from disease, injury, functional disorder, or congenital condition, which renders the person incapable of adequately providing for his or her own health and personal care.

"Resident" means a person residing in a long term care facility.

"Willful deprivation" has the meaning ascribed to it in paragraph (15) of Section 103 of the Illinois Domestic Violence Act of 1986.

(Source: P.A. 98-104, eff. 7-22-13; 99-180, eff. 7-29-15; revised 10-16-15.)

(720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

New matter indicated by italics - deletions by strikeout
Sec. 24-3. Unlawful sale or delivery of firearms.

(A) A person commits the offense of unlawful sale or delivery of firearms when he or she knowingly does any of the following:

(a) Sells or gives any firearm of a size which may be concealed upon the person to any person under 18 years of age.

(b) Sells or gives any firearm to a person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent.

(c) Sells or gives any firearm to any narcotic addict.

(d) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction.

(e) Sells or gives any firearm to any person who has been a patient in a mental institution within the past 5 years. In this subsection (e):

"Mental institution" means any hospital, institution, clinic, evaluation facility, mental health center, or part thereof, which is used primarily for the care or treatment of persons with mental illness.

"Patient in a mental institution" means the person was admitted, either voluntarily or involuntarily, to a mental institution for mental health treatment, unless the treatment was voluntary and solely for an alcohol abuse disorder and no other secondary substance abuse disorder or mental illness.

(f) Sells or gives any firearms to any person who is a person with an intellectual disability.

(g) Delivers any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such firearm for at least 72 hours after application for its purchase has been made, or delivers any rifle, shotgun or other long gun, or a stun gun or taser, incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun, or a stun gun or taser for at least 24 hours after application for its purchase has been made. However, this paragraph (g) does not apply to: (1) the sale of a firearm to a law enforcement officer if the seller of the firearm knows that the person to whom he or she is selling the firearm is a law enforcement officer or the sale of a firearm to a person who desires to purchase a firearm for use in

New matter indicated by italics - deletions by strikeout
promoting the public interest incident to his or her employment as a bank guard, armed truck guard, or other similar employment; (2) a mail order sale of a firearm from a federally licensed firearms dealer to a nonresident of Illinois under which the firearm is mailed to a federally licensed firearms dealer outside the boundaries of Illinois; (3) the sale of a firearm to a nonresident of Illinois while at a firearm showing or display recognized by the Illinois Department of State Police; (4) the sale of a firearm to a dealer licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923); or (5) the transfer or sale of any rifle, shotgun, or other long gun to a resident registered competitor or attendee or non-resident registered competitor or attendee by any dealer licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 at competitive shooting events held at the World Shooting Complex sanctioned by a national governing body. For purposes of transfers or sales under subparagraph (5) of this paragraph (g), the Department of Natural Resources shall give notice to the Department of State Police at least 30 calendar days prior to any competitive shooting events at the World Shooting Complex sanctioned by a national governing body. The notification shall be made on a form prescribed by the Department of State Police. The sanctioning body shall provide a list of all registered competitors and attendees at least 24 hours before the events to the Department of State Police. Any changes to the list of registered competitors and attendees shall be forwarded to the Department of State Police as soon as practicable. The Department of State Police must destroy the list of registered competitors and attendees no later than 30 days after the date of the event. Nothing in this paragraph (g) relieves a federally licensed firearm dealer from the requirements of conducting a NICS background check through the Illinois Point of Contact under 18 U.S.C. 922(t). For purposes of this paragraph (g), "application" means when the buyer and seller reach an agreement to purchase a firearm. For purposes of this paragraph (g), "national governing body" means a group of persons who adopt rules and formulate policy on behalf of a national firearm sporting organization.

(h) While holding any license as a dealer, importer, manufacturer or pawnbroker under the federal Gun Control Act of 1968, manufactures, sells or delivers to any unlicensed person a

New matter indicated by italics - deletions by strikeout
handgun having a barrel, slide, frame or receiver which is a die casting of zinc alloy or any other nonhomogeneous metal which will melt or deform at a temperature of less than 800 degrees Fahrenheit. For purposes of this paragraph, (1) "firearm" is defined as in the Firearm Owners Identification Card Act; and (2) "handgun" is defined as a firearm designed to be held and fired by the use of a single hand, and includes a combination of parts from which such a firearm can be assembled.

(i) Sells or gives a firearm of any size to any person under 18 years of age who does not possess a valid Firearm Owner's Identification Card.

(j) Sells or gives a firearm while engaged in the business of selling firearms at wholesale or retail without being licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).

In this paragraph (j):

A person "engaged in the business" means a person who devotes time, attention, and labor to engaging in the activity as a regular course of trade or business with the principal objective of livelihood and profit, but does not include a person who makes occasional repairs of firearms or who occasionally fits special barrels, stocks, or trigger mechanisms to firearms.

"With the principal objective of livelihood and profit" means that the intent underlying the sale or disposition of firearms is predominantly one of obtaining livelihood and pecuniary gain, as opposed to other intents, such as improving or liquidating a personal firearms collection; however, proof of profit shall not be required as to a person who engages in the regular and repetitive purchase and disposition of firearms for criminal purposes or terrorism.

(k) Sells or transfers ownership of a firearm to a person who does not display to the seller or transferor of the firearm either: (1) a currently valid Firearm Owner's Identification Card that has previously been issued in the transferee's name by the Department of State Police under the provisions of the Firearm Owners Identification Card Act; or (2) a currently valid license to carry a concealed firearm that has previously been issued in the transferee's name by the Department of State Police under the Firearm Concealed Carry Act. This paragraph (k) does not apply to
the transfer of a firearm to a person who is exempt from the requirement of possessing a Firearm Owner's Identification Card under Section 2 of the Firearm Owners Identification Card Act. For the purposes of this Section, a currently valid Firearm Owner's Identification Card means (i) a Firearm Owner's Identification Card that has not expired or (ii) an approval number issued in accordance with subsection (a-10) of subsection 3 or Section 3.1 of the Firearm Owners Identification Card Act shall be proof that the Firearm Owner's Identification Card was valid.

(1) In addition to the other requirements of this paragraph (k), all persons who are not federally licensed firearms dealers must also have complied with subsection (a-10) of Section 3 of the Firearm Owners Identification Card Act by determining the validity of a purchaser's Firearm Owner's Identification Card.

(2) All sellers or transferors who have complied with the requirements of subparagraph (1) of this paragraph (k) shall not be liable for damages in any civil action arising from the use or misuse by the transferee of the firearm transferred, except for willful or wanton misconduct on the part of the seller or transferor.

(l) Not being entitled to the possession of a firearm, delivers the firearm, knowing it to have been stolen or converted. It may be inferred that a person who possesses a firearm with knowledge that its serial number has been removed or altered has knowledge that the firearm is stolen or converted.

(B) Paragraph (h) of subsection (A) does not include firearms sold within 6 months after enactment of Public Act 78-355 (approved August 21, 1973, effective October 31, 1973), nor is any firearm legally owned or possessed by any citizen or purchased by any citizen within 6 months after the enactment of Public Act 78-355 subject to confiscation or seizure under the provisions of that Public Act. Nothing in Public Act 78-355 shall be construed to prohibit the gift or trade of any firearm if that firearm was legally held or acquired within 6 months after the enactment of that Public Act.

(C) Sentence.

(1) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (c), (e), (f), (g), or (h) of subsection (A) commits a Class 4 felony.

New matter indicated by italics - deletions by strikeout
(2) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (b) or (i) of subsection (A) commits a Class 3 felony.

(3) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (a) of subsection (A) commits a Class 2 felony.

(4) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (a), (b), or (i) of subsection (A) in any school, on the real property comprising a school, within 1,000 feet of the real property comprising a school, at a school related activity, or on or within 1,000 feet of any conveyance owned, leased, or contracted by a school or school district to transport students to or from school or a school related activity, regardless of the time of day or time of year at which the offense was committed, commits a Class 1 felony. Any person convicted of a second or subsequent violation of unlawful sale or delivery of firearms in violation of paragraph (a), (b), or (i) of subsection (A) in any school, on the real property comprising a school, within 1,000 feet of the real property comprising a school, at a school related activity, or on or within 1,000 feet of any conveyance owned, leased, or contracted by a school or school district to transport students to or from school or a school related activity, regardless of the time of day or time of year at which the offense was committed, commits a Class 1 felony for which the sentence shall be a term of imprisonment of no less than 5 years and no more than 15 years.

(5) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (a) or (i) of subsection (A) in residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, in a public park, in a courthouse, on residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any public park, on the real property comprising any courthouse, or on any public way within 1,000 feet of the real property comprising any public park, courthouse, or residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a

New matter indicated by italics - deletions by strikeout
scattered site or mixed-income development commits a Class 2 felony.

(6) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (j) of subsection (A) commits a Class A misdemeanor. A second or subsequent violation is a Class 4 felony.

(7) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (k) of subsection (A) commits a Class 4 felony, except that a violation of subparagraph (1) of paragraph (k) of subsection (A) shall not be punishable as a crime or petty offense. A third or subsequent conviction for a violation of paragraph (k) of subsection (A) is a Class 1 felony.

(8) A person 18 years of age or older convicted of unlawful sale or delivery of firearms in violation of paragraph (a) or (i) of subsection (A), when the firearm that was sold or given to another person under 18 years of age was used in the commission of or attempt to commit a forcible felony, shall be fined or imprisoned, or both, not to exceed the maximum provided for the most serious forcible felony so committed or attempted by the person under 18 years of age who was sold or given the firearm.

(9) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (d) of subsection (A) commits a Class 3 felony.

(10) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (l) of subsection (A) commits a Class 2 felony if the delivery is of one firearm. Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (l) of subsection (A) commits a Class 1 felony if the delivery is of not less than 2 and not more than 5 firearms at the same time or within a one year period. Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (l) of subsection (A) commits a Class X felony for which he or she shall be sentenced to a term of imprisonment of not less than 6 years and not more than 30 years if the delivery is of not less than 6 and not more than 10 firearms at the same time or within a 2 year period. Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (l) of subsection (A) commits a Class X felony for which he or she shall be sentenced to a term of imprisonment of not less than 6 years and not more than 40 years if

New matter indicated by italics - deletions by strikeout
the delivery is of not less than 11 and not more than 20 firearms at the same time or within a 3 year period. Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (l) of subsection (A) commits a Class X felony for which he or she shall be sentenced to a term of imprisonment of not less than 6 years and not more than 50 years if the delivery is of not less than 21 and not more than 30 firearms at the same time or within a 4 year period. Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (l) of subsection (A) commits a Class X felony for which he or she shall be sentenced to a term of imprisonment of not less than 6 years and not more than 60 years if the delivery is of 31 or more firearms at the same time or within a 5 year period.

(D) For purposes of this Section:
"School" means a public or private elementary or secondary school, community college, college, or university.
"School related activity" means any sporting, social, academic, or other activity for which students' attendance or participation is sponsored, organized, or funded in whole or in part by a school or school district.

(E) A prosecution for a violation of paragraph (k) of subsection (A) of this Section may be commenced within 6 years after the commission of the offense. A prosecution for a violation of this Section other than paragraph (g) of subsection (A) of this Section may be commenced within 5 years after the commission of the offense defined in the particular paragraph.

(Source: P.A. 98-508, eff. 8-19-13; 99-29, eff. 7-10-15; 99-143, eff. 7-27-15; revised 10-16-15.)

(720 ILCS 5/26-1) (from Ch. 38, par. 26-1)
Sec. 26-1. Disorderly conduct.
(a) A person commits disorderly conduct when he or she knowingly:

(1) Does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace;

(2) Transmits or causes to be transmitted in any manner to the fire department of any city, town, village or fire protection district a false alarm of fire, knowing at the time of the transmission that there is no reasonable ground for believing that the fire exists;

New matter indicated by italics - deletions by strikeout
(3) Transmits or causes to be transmitted in any manner to another a false alarm to the effect that a bomb or other explosive of any nature or a container holding poison gas, a deadly biological or chemical contaminant, or radioactive substance is concealed in a place where its explosion or release would endanger human life, knowing at the time of the transmission that there is no reasonable ground for believing that the bomb, explosive or a container holding poison gas, a deadly biological or chemical contaminant, or radioactive substance is concealed in the place;

(3.5) Transmits or causes to be transmitted a threat of destruction of a school building or school property, or a threat of violence, death, or bodily harm directed against persons at a school, school function, or school event, whether or not school is in session;

(4) Transmits or causes to be transmitted in any manner to any peace officer, public officer or public employee a report to the effect that an offense will be committed, is being committed, or has been committed, knowing at the time of the transmission that there is no reasonable ground for believing that the offense will be committed, is being committed, or has been committed;

(5) Transmits or causes to be transmitted a false report to any public safety agency without the reasonable grounds necessary to believe that transmitting the report is necessary for the safety and welfare of the public; or

(6) Calls the number "911" for the purpose of making or transmitting a false alarm or complaint and reporting information when, at the time the call or transmission is made, the person knows there is no reasonable ground for making the call or transmission and further knows that the call or transmission could result in the emergency response of any public safety agency;

(7) Transmits or causes to be transmitted a false report to the Department of Children and Family Services under Section 4 of the "Abused and Neglected Child Reporting Act";

(8) Transmits or causes to be transmitted a false report to the Department of Public Health under the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act of 2013, the ID/DD Community Care Act, or the MC/DD Act;

(9) Transmits or causes to be transmitted in any manner to the police department or fire department of any municipality or fire
protection district, or any privately owned and operated ambulance service, a false request for an ambulance, emergency medical technician-ambulance or emergency medical technician-paramedic knowing at the time there is no reasonable ground for believing that the assistance is required;

(10) Transmits or causes to be transmitted a false report under Article II of Public Act 83-1432 “An Act in relation to victims of violence and abuse”, approved September 16, 1984, as amended;

(11) Enters upon the property of another and for a lewd or unlawful purpose deliberately looks into a dwelling on the property through any window or other opening in it; or

(12) While acting as a collection agency as defined in the Collection Agency Act or as an employee of the collection agency, and while attempting to collect an alleged debt, makes a telephone call to the alleged debtor which is designed to harass, annoy or intimidate the alleged debtor.

(b) Sentence. A violation of subsection (a)(1) of this Section is a Class C misdemeanor. A violation of subsection (a)(5) or (a)(11) of this Section is a Class A misdemeanor. A violation of subsection (a)(8) or (a)(10) of this Section is a Class B misdemeanor. A violation of subsection (a)(2), (a)(3.5), (a)(4), (a)(6), (a)(7), or (a)(9) of this Section is a Class 4 felony. A violation of subsection (a)(3) of this Section is a Class 3 felony, for which a fine of not less than $3,000 and no more than $10,000 shall be assessed in addition to any other penalty imposed.

A violation of subsection (a)(12) of this Section is a Business Offense and shall be punished by a fine not to exceed $3,000. A second or subsequent violation of subsection (a)(7) or (a)(5) of this Section is a Class 4 felony. A third or subsequent violation of subsection (a)(11) of this Section is a Class 4 felony.

(c) In addition to any other sentence that may be imposed, a court shall order any person convicted of disorderly conduct to perform community service for not less than 30 and not more than 120 hours, if community service is available in the jurisdiction and is funded and approved by the county board of the county where the offense was committed. In addition, whenever any person is placed on supervision for an alleged offense under this Section, the supervision shall be conditioned upon the performance of the community service.

New matter indicated by italics - deletions by strikeout
This subsection does not apply when the court imposes a sentence of incarceration.

(d) In addition to any other sentence that may be imposed, the court shall order any person convicted of disorderly conduct under paragraph (3) of subsection (a) involving a false alarm of a threat that a bomb or explosive device has been placed in a school to reimburse the unit of government that employs the emergency response officer or officers that were dispatched to the school for the cost of the search for a bomb or explosive device.

(e) In addition to any other sentence that may be imposed, the court shall order any person convicted of disorderly conduct under paragraph (6) of subsection (a) to reimburse the public agency for the reasonable costs of the emergency response by the public agency up to $10,000. If the court determines that the person convicted of disorderly conduct under paragraph (6) of subsection (a) is indigent, the provisions of this subsection (e) do not apply.

(f) For the purposes of this Section, "emergency response" means any condition that results in, or could result in, the response of a public official in an authorized emergency vehicle, any condition that jeopardizes or could jeopardize public safety and results in, or could result in, the evacuation of any area, building, structure, vehicle, or of any other place that any person may enter, or any incident requiring a response by a police officer, a firefighter, a State Fire Marshal employee, or an ambulance.

(Source: P.A. 98-104, eff. 7-22-13; 99-160, eff. 1-1-16; 99-180, eff. 7-29-15; revised 10-16-15.)

Section 540. The Illinois Controlled Substances Act is amended by changing Sections 102 and 302 as follows:

Sec. 102. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Addict" means any person who habitually uses any drug, chemical, substance or dangerous drug other than alcohol so as to endanger the public morals, health, safety or welfare or who is so far addicted to the use of a dangerous drug or controlled substance other than alcohol as to have lost the power of self control with reference to his or her addiction.

(b) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means,
to the body of a patient, research subject, or animal (as defined by the Humane Euthanasia in Animal Shelters Act) by:

(1) a practitioner (or, in his or her presence, by his or her authorized agent),

(2) the patient or research subject pursuant to an order, or

(3) a euthanasia technician as defined by the Humane Euthanasia in Animal Shelters Act.

(c) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, dispenser, prescriber, or practitioner. It does not include a common or contract carrier, public warehouseman or employee of the carrier or warehouseman.

(c-1) "Anabolic Steroids" means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone), and includes:

(i) 3[beta],17-dihydroxy-5a-androstane,

(ii) 3[alpha],17[beta]-dihydroxy-5a-androstane,

(iii) 5[alpha]-androstan-3,17-dione,

(iv) 1-androstenediol (3[alpha], 17[beta]-dihydroxy-5[alpha]-androst-1-ene),

(v) 1-androstenediol (3[alpha], 17[beta]-dihydroxy-5[alpha]-androst-1-ene),

(vi) 4-androstenediol (3[beta],17[beta]-dihydroxy-androst-4-ene),

(vii) 5-androstenediol (3[beta],17[beta]-dihydroxy-androst-5-ene),

(viii) 1-androstenedione ([5alpha]-androst-1-en-3,17-dione),

(ix) 4-androstenedione (androstan-4-en-3,17-dione),

(x) 5-androstenedione (androstan-5-en-3,17-dione),

(xi) bolasterone (7[alpha],17a-dimethyl-17[beta]-hydroxyandrost-4-en-3-one),

(xii) boldenone (17[beta]-hydroxyandrost-1,4-diene-3-one),

(xiii) boldone (androsta-1,4-diene-3,17-dione),

(xiv) calusterone (7[beta],17[alpha]-dimethyl-17
[beta]-hydroxyandrost-4-en-3-one),
(xv) clostebol (4-chloro-17[beta]-
hydroxyandrost-4-en-3-one),
(xvi) dehydrochloromethyltestosterone (4-chloro-
17[beta]-hydroxy-17[alpha]-methyl-
androst-1,4-dien-3-one),
(xvii) desoxymethyltestosterone
(17[alpha]-methyl-5[alpha]
-androst-2-en-17[beta]-ol)(a.k.a., madol),
(xviii) [delta]1-dihydrotestosterone (a.k.a.
'1-testosterone') (17[beta]-hydroxy-
5[alpha]-androst-1-en-3-one),
(xix) 4-dihydrotestosterone (17[beta]-hydroxy-
androstan-3-one),
(xx) drostanolone (17[beta]-hydroxy-2[alpha]-methyl-
5[alpha]-androstan-3-one),
(xxi) ethylestrenol (17[alpha]-ethyl-17[beta]-
hydroxyestr-4-ene),
(xxii) fluoxymesterone (9-fluoro-17[alpha]-methyl-
1[beta],17[beta]-dihydroxyandrost-4-en-3-one),
(xxiii) formebolone (2-formyl-17[alpha]-methyl-11[alpha],
17[beta]-dihydroxyandrost-1,4-dien-3-one),
(xxiv) furazabol (17[alpha]-methyl-17[beta]-
hydroxyandrostano[2,3-c]-furazan),
(xxv) 13[beta]-ethyl-17[beta]-hydroxygon-4-en-3-one)
(xxvi) 4-hydroxytestosterone (4,17[beta]-dihydroxy-
androst-4-en-3-one),
(xxvii) 4-hydroxy-19-nortestosterone (4,17[beta]-
dihydroxy-estr-4-en-3-one),
(xxviii) mestanolone (17[alpha]-methyl-17[beta]-
hydroxy-5-androstan-3-one),
(xxix) mesterolone (1amethyl-17[beta]-hydroxy-
[5a]-androstan-3-one),
(xxx) methandienone (17[alpha]-methyl-17[beta]-
hydroxyandrost-1,4-dien-3-one),
(xxxi) methandriol (17[alpha]-methyl-3[beta],17[beta]-
dihydroxyandrost-5-ene),
(xxxii) methenolone (1-methyl-17[beta]-hydroxy-
5[alpha]-androst-1-en-3-one),

New matter indicated by italics - deletions by strikeout
(xxxiii) 17[alpha]-methyl-3[beta], 17[beta]-dihydroxy-5a-androstane),

(xxiv) 17[alpha]-methyl-3[alpha], 17[beta]-dihydroxy-5a-androstane),

(xxv) 17[alpha]-methyl-3[beta], 17[beta]-dihydroxyandrost-4-ene),

(xxvi) 17[alpha]-methyl-4-hydroxynandrolone (17[alpha]-methyl-4-hydroxy-17[beta]-hydroxyestr-4-en-3-one),

(xxvii) methyltrienolone (17[alpha]-methyl-17[beta]-hydroxyestr-4,9(10)-dien-3-one),

(xxviii) methyltrienolone (17[alpha]-methyl-17[beta]-hydroxyestr-4,9-11-trien-3-one),

(xxxix) methyltestosterone (17[alpha]-methyl-17[beta]-hydroxyandrost-4-en-3-one),

(xl) mibolerone (7[alpha], 17a-dimethyl-17[beta]-hydroxyestr-4-en-3-one),

(xli) 17[alpha]-methyl-[delta]1-dihydrotestosterone (17b[beta]-hydroxy-17[alpha]-methyl-5[alpha]-androst-1-en-3-one)(a.k.a. '17-[alpha]-methyl-1-testosterone'),

(xlii) nandrolone (17[beta]-hydroxyestr-4-en-3-one),

(xliii) 19-nor-4-androstenediol (3[beta], 17[beta]-dihydroxyestr-4-ene),

(xliv) 19-nor-4-androstenediol (3[alpha], 17[beta]-dihydroxyestr-4-ene),

(xlv) 19-nor-5-androstenediol (3[beta], 17[beta]-dihydroxyestr-5-ene),

(xlvi) 19-nor-5-androstenediol (3[alpha], 17[beta]-dihydroxyestr-5-ene),

(xlvii) 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione),

(xlviiii) 19-nor-4-androstenedione (estr-4-en-3,17-dione),

(xlix) 19-nor-5-androstenedione (estr-5-en-3,17-dione),

(li) norbolethone (13[beta], 17a-diethyl-17[beta]-hydroxygon-4-en-3-one),

(lii) norclostebol (4-chloro-17[beta]-hydroxyestr-4-en-3-one),

New matter indicated by italics - deletions by strikeout
(lii) norethandrolone (17[alpha]-ethyl-17[beta]-hydroxyestr-4-en-3-one),
(liii) normethandrolone (17[alpha]-methyl-17[beta]-hydroxyestr-4-en-3-one),
(liv) oxandrolone (17[alpha]-methyl-17[beta]-hydroxy-2-oxa-5[alpha]-androstan-3-one),
(lv) oxymesterone (17[alpha]-methyl-4,17[beta]-dihydroxyandrostan-4-en-3-one),
(lvi) oxymetholone (17[alpha]-methyl-2-hydroxymethylene-17[beta]-hydroxy-(5[alpha]-androstan-3-one),
(lvii) stanozolol (17[alpha]-methyl-17[beta]-hydroxy-(5[alpha]-androsten-2-eno[3,2-c]-pyrazole),
(lviii) stenbolone (17[beta]-hydroxy-2-methyl-(5[alpha]-androsten-1-en-3-one),
(ix) testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone),
(lx) testosterone (17[beta]-hydroxyandrostan-4-en-3-one),
(lxi) tetrahydrogestrinone (13[beta], 17[alpha]-diethyl-17[beta]-hydroxygon-4,9,11-trien-3-one),
(lxii) trenbolone (17[beta]-hydroxyestr-4,9,11-trien-3-one).

Any person who is otherwise lawfully in possession of an anabolic steroid, or who otherwise lawfully manufactures, distributes, dispenses, delivers, or possesses with intent to deliver an anabolic steroid, which anabolic steroid is expressly intended for and lawfully allowed to be administered through implants to livestock or other nonhuman species, and which is approved by the Secretary of Health and Human Services for such administration, and which the person intends to administer or have administered through such implants, shall not be considered to be in unauthorized possession or to unlawfully manufacture, distribute, dispense, deliver, or possess with intent to deliver such anabolic steroid for purposes of this Act.

(d) "Administration" means the Drug Enforcement Administration, United States Department of Justice, or its successor agency.

(d-5) "Clinical Director, Prescription Monitoring Program" means a Department of Human Services administrative employee licensed to

New matter indicated by italics - deletions by strikeout
either prescribe or dispense controlled substances who shall run the clinical aspects of the Department of Human Services Prescription Monitoring Program and its Prescription Information Library.

(d-10) "Compounding" means the preparation and mixing of components, excluding flavorings, (1) as the result of a prescriber's prescription drug order or initiative based on the prescriber-patient-pharmacist relationship in the course of professional practice or (2) for the purpose of, or incident to, research, teaching, or chemical analysis and not for sale or dispensing. "Compounding" includes the preparation of drugs or devices in anticipation of receiving prescription drug orders based on routine, regularly observed dispensing patterns. Commercially available products may be compounded for dispensing to individual patients only if both of the following conditions are met: (i) the commercial product is not reasonably available from normal distribution channels in a timely manner to meet the patient's needs and (ii) the prescribing practitioner has requested that the drug be compounded.

(e) "Control" means to add a drug or other substance, or immediate precursor, to a Schedule whether by transfer from another Schedule or otherwise.

(f) "Controlled Substance" means (i) a drug, substance, immediate precursor, or synthetic drug in the Schedules of Article II of this Act or (ii) a drug or other substance, or immediate precursor, designated as a controlled substance by the Department through administrative rule. The term does not include distilled spirits, wine, malt beverages, or tobacco, as those terms are defined or used in the Liquor Control Act of 1934 and the Tobacco Products Tax Act of 1995.

(f-5) "Controlled substance analog" means a substance:

(1) the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II;

(2) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II; or

(3) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or
hallucinogenic effect on the central nervous system of a controlled
substance in Schedule I or II.

(g) "Counterfeit substance" means a controlled substance, which,
or the container or labeling of which, without authorization bears the
trademark, trade name, or other identifying mark, imprint, number or
device, or any likeness thereof, of a manufacturer, distributor, or dispenser
other than the person who in fact manufactured, distributed, or dispensed
the substance.

(h) "Deliver" or "delivery" means the actual, constructive or
attempted transfer of possession of a controlled substance, with or without
consideration, whether or not there is an agency relationship.

(i) "Department" means the Illinois Department of Human Services
(as successor to the Department of Alcoholism and Substance Abuse) or
its successor agency.

(j) (Blank).

(k) "Department of Corrections" means the Department of
Corrections of the State of Illinois or its successor agency.

(l) "Department of Financial and Professional Regulation" means
the Department of Financial and Professional Regulation of the State of
Illinois or its successor agency.

(m) "Depressant" means any drug that (i) causes an overall
depression of central nervous system functions, (ii) causes impaired
consciousness and awareness, and (iii) can be habit-forming or lead to a
substance abuse problem, including but not limited to alcohol, cannabis
and its active principles and their analogs, benzodiazepines and their
analogs, barbiturates and their analogs, opioids (natural and synthetic) and
their analogs, and chloral hydrate and similar sedative hypnotics.

(n) (Blank).

(o) "Director" means the Director of the Illinois State Police or his
or her designated agents.

(p) "Dispense" means to deliver a controlled substance to an
ultimate user or research subject by or pursuant to the lawful order of a
prescriber, including the prescribing, administering, packaging, labeling,
or compounding necessary to prepare the substance for that delivery.

(q) "Dispenser" means a practitioner who dispenses.

(r) "Distribute" means to deliver, other than by administering or
dispensing, a controlled substance.

(s) "Distributor" means a person who distributes.

New matter indicated by italics - deletions by strikeout
(t) "Drug" means (1) substances recognized as drugs in the official United States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; (2) substances intended for use in diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure of any function of the body of man or animals and (4) substances intended for use as a component of any article specified in clause (1), (2), or (3) of this subsection. It does not include devices or their components, parts, or accessories.

(t-3) "Electronic health record" or "EHR" means an electronic record of health-related information on an individual that is created, gathered, managed, and consulted by authorized health care clinicians and staff.

(t-5) "Euthanasia agency" means an entity certified by the Department of Financial and Professional Regulation for the purpose of animal euthanasia that holds an animal control facility license or animal shelter license under the Animal Welfare Act. A euthanasia agency is authorized to purchase, store, possess, and utilize Schedule II nonnarcotic and Schedule III nonnarcotic drugs for the sole purpose of animal euthanasia.

(t-10) "Euthanasia drugs" means Schedule II or Schedule III substances (nonnarcotic controlled substances) that are used by a euthanasia agency for the purpose of animal euthanasia.

(u) "Good faith" means the prescribing or dispensing of a controlled substance by a practitioner in the regular course of professional treatment to or for any person who is under his or her treatment for a pathology or condition other than that individual's physical or psychological dependence upon or addiction to a controlled substance, except as provided herein: and application of the term to a pharmacist shall mean the dispensing of a controlled substance pursuant to the prescriber's order which in the professional judgment of the pharmacist is lawful. The pharmacist shall be guided by accepted professional standards including, but not limited to the following, in making the judgment:

1. lack of consistency of prescriber-patient relationship,
2. frequency of prescriptions for same drug by one prescriber for large numbers of patients,
3. quantities beyond those normally prescribed,
(4) unusual dosages (recognizing that there may be clinical circumstances where more or less than the usual dose may be used legitimately),
(5) unusual geographic distances between patient, pharmacist and prescriber,
(6) consistent prescribing of habit-forming drugs.

(u-0.5) "Hallucinogen" means a drug that causes markedly altered sensory perception leading to hallucinations of any type.

(u-1) "Home infusion services" means services provided by a pharmacy in compounding solutions for direct administration to a patient in a private residence, long-term care facility, or hospice setting by means of parenteral, intravenous, intramuscular, subcutaneous, or intraspinal infusion.

(u-5) "Illinois State Police" means the State Police of the State of Illinois, or its successor agency.

(v) "Immediate precursor" means a substance:
(1) which the Department has found to be and by rule designated as being a principal compound used, or produced primarily for use, in the manufacture of a controlled substance;
(2) which is an immediate chemical intermediary used or likely to be used in the manufacture of such controlled substance; and
(3) the control of which is necessary to prevent, curtail or limit the manufacture of such controlled substance.

(w) "Instructional activities" means the acts of teaching, educating or instructing by practitioners using controlled substances within educational facilities approved by the State Board of Education or its successor agency.

(x) "Local authorities" means a duly organized State, County or Municipal peace unit or police force.

(y) "Look-alike substance" means a substance, other than a controlled substance which (1) by overall dosage unit appearance, including shape, color, size, markings or lack thereof, taste, consistency, or any other identifying physical characteristic of the substance, would lead a reasonable person to believe that the substance is a controlled substance, or (2) is expressly or impliedly represented to be a controlled substance or is distributed under circumstances which would lead a reasonable person to believe that the substance is a controlled substance. For the purpose of determining whether the representations made or the circumstances of the distribution of the substance lead to a reasonable belief that the substance is a controlled substance, the Department may examine and compare such substance with known substances in possession of the Department.

New matter indicated by italics - deletions by strikeout
distribution would lead a reasonable person to believe the substance to be a controlled substance under this clause (2) of subsection (y), the court or other authority may consider the following factors in addition to any other factor that may be relevant:

(a) statements made by the owner or person in control of the substance concerning its nature, use or effect;
(b) statements made to the buyer or recipient that the substance may be resold for profit;
(c) whether the substance is packaged in a manner normally used for the illegal distribution of controlled substances;
(d) whether the distribution or attempted distribution included an exchange of or demand for money or other property as consideration, and whether the amount of the consideration was substantially greater than the reasonable retail market value of the substance.

Clause (1) of this subsection (y) shall not apply to a noncontrolled substance in its finished dosage form that was initially introduced into commerce prior to the initial introduction into commerce of a controlled substance in its finished dosage form which it may substantially resemble.

Nothing in this subsection (y) prohibits the dispensing or distributing of noncontrolled substances by persons authorized to dispense and distribute controlled substances under this Act, provided that such action would be deemed to be carried out in good faith under subsection (u) if the substances involved were controlled substances.

Nothing in this subsection (y) or in this Act prohibits the manufacture, preparation, propagation, compounding, processing, packaging, advertising or distribution of a drug or drugs by any person registered pursuant to Section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

(y-1) "Mail-order pharmacy" means a pharmacy that is located in a state of the United States that delivers, dispenses or distributes, through the United States Postal Service or other common carrier, to Illinois residents, any substance which requires a prescription.

(z) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance other than methamphetamine, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and

New matter indicated by italics - deletions by strikeout
includes any packaging or repackaging of the substance or labeling of its container, except that this term does not include:

(1) by an ultimate user, the preparation or compounding of a controlled substance for his or her own use; or

(2) by a practitioner, or his or her authorized agent under his or her supervision, the preparation, compounding, packaging, or labeling of a controlled substance:

(a) as an incident to his or her administering or dispensing of a controlled substance in the course of his or her professional practice; or

(b) as an incident to lawful research, teaching or chemical analysis and not for sale.

(z-1) (Blank).

(z-5) "Medication shopping" means the conduct prohibited under subsection (a) of Section 314.5 of this Act.

(z-10) "Mid-level practitioner" means (i) a physician assistant who has been delegated authority to prescribe through a written delegation of authority by a physician licensed to practice medicine in all of its branches, in accordance with Section 7.5 of the Physician Assistant Practice Act of 1987, (ii) an advanced practice nurse who has been delegated authority to prescribe through a written delegation of authority by a physician licensed to practice medicine in all of its branches or by a podiatric physician, in accordance with Section 65-40 of the Nurse Practice Act, (iii) an advanced practice nurse certified as a nurse practitioner, nurse midwife, or clinical nurse specialist who has been granted authority to prescribe by a hospital affiliate in accordance with Section 65-45 of the Nurse Practice Act, (iv) an animal euthanasia agency, or (v) a prescribing psychologist.

(aa) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) opium, opiates, derivatives of opium and opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation; however the term "narcotic drug" does not include the isoquinoline alkaloids of opium;

(2) (blank);

(3) opium poppy and poppy straw;

New matter indicated by italics - deletions by strikeout
(4) coca leaves, except coca leaves and extracts of coca leaves from which substantially all of the cocaine and ecgonine, and their isomers, derivatives and salts, have been removed;
    (5) cocaine, its salts, optical and geometric isomers, and salts of isomers;
    (6) ecgonine, its derivatives, their salts, isomers, and salts of isomers;
    (7) any compound, mixture, or preparation which contains any quantity of any of the substances referred to in subparagraphs (1) through (6).
    (bb) "Nurse" means a registered nurse licensed under the Nurse Practice Act.
    (cc) (Blank).
    (dd) "Opiate" means any substance having an addiction forming or addiction sustaining liability similar to morphine or being capable of conversion into a drug having addiction forming or addiction sustaining liability.
    (ee) "Opium poppy" means the plant of the species Papaver somniferum L., except its seeds.
    (ee-5) "Oral dosage" means a tablet, capsule, elixir, or solution or other liquid form of medication intended for administration by mouth, but the term does not include a form of medication intended for buccal, sublingual, or transmucosal administration.
    (ff) "Parole and Pardon Board" means the Parole and Pardon Board of the State of Illinois or its successor agency.
    (gg) "Person" means any individual, corporation, mail-order pharmacy, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other entity.
    (hh) "Pharmacist" means any person who holds a license or certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act.
    (ii) "Pharmacy" means any store, ship or other place in which pharmacy is authorized to be practiced under the Pharmacy Practice Act.
    (ii-5) "Pharmacy shopping" means the conduct prohibited under subsection (b) of Section 314.5 of this Act.
    (ii-10) "Physician" (except when the context otherwise requires) means a person licensed to practice medicine in all of its branches.

New matter indicated by italics - deletions by strikeout
(jj) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(kk) "Practitioner" means a physician licensed to practice medicine in all its branches, dentist, optometrist, podiatric physician, veterinarian, scientific investigator, pharmacist, physician assistant, advanced practice nurse, licensed practical nurse, registered nurse, hospital, laboratory, or pharmacy, or other person licensed, registered, or otherwise lawfully permitted by the United States or this State to distribute, dispense, conduct research with respect to, administer or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

(ll) "Pre-printed prescription" means a written prescription upon which the designated drug has been indicated prior to the time of issuance; the term does not mean a written prescription that is individually generated by machine or computer in the prescriber's office.

(mm) "Prescriber" means a physician licensed to practice medicine in all its branches, dentist, optometrist, prescribing psychologist licensed under Section 4.2 of the Clinical Psychologist Licensing Act with prescriptive authority delegated under Section 4.3 of the Clinical Psychologist Licensing Act, podiatric physician, or veterinarian who issues a prescription, a physician assistant who issues a prescription for a controlled substance in accordance with Section 303.05, a written delegation, and a written supervision agreement required under Section 7.5 of the Physician Assistant Practice Act of 1987, an advanced practice nurse with prescriptive authority delegated under Section 65-40 of the Nurse Practice Act and in accordance with Section 303.05, a written delegation, and a written collaborative agreement under Section 65-35 of the Nurse Practice Act, or an advanced practice nurse certified as a nurse practitioner, nurse midwife, or clinical nurse specialist who has been granted authority to prescribe by a hospital affiliate in accordance with Section 65-45 of the Nurse Practice Act and in accordance with Section 303.05.

(nn) "Prescription" means a written, facsimile, or oral order, or an electronic order that complies with applicable federal requirements, of a physician licensed to practice medicine in all its branches, dentist, podiatric physician or veterinarian for any controlled substance, of an optometrist in accordance with Section 15.1 of the Illinois Optometric Practice Act of 1987, of a prescribing psychologist licensed under Section 4.2 of the Clinical Psychologist Licensing Act with prescriptive authority.
delegated under Section 4.3 of the Clinical Psychologist Licensing Act, of a physician assistant for a controlled substance in accordance with Section 303.05, a written delegation, and a written supervision agreement required under Section 7.5 of the Physician Assistant Practice Act of 1987, of an advanced practice nurse with prescriptive authority delegated under Section 65-40 of the Nurse Practice Act who issues a prescription for a controlled substance in accordance with Section 303.05, a written delegation, and a written collaborative agreement under Section 65-35 of the Nurse Practice Act, or of an advanced practice nurse certified as a nurse practitioner, nurse midwife, or clinical nurse specialist who has been granted authority to prescribe by a hospital affiliate in accordance with Section 65-45 of the Nurse Practice Act and in accordance with Section 303.05 when required by law.

(nn-5) "Prescription Information Library" (PIL) means an electronic library that contains reported controlled substance data.

(nn-10) "Prescription Monitoring Program" (PMP) means the entity that collects, tracks, and stores reported data on controlled substances and select drugs pursuant to Section 316.

(oo) "Production" or "produce" means manufacture, planting, cultivating, growing, or harvesting of a controlled substance other than methamphetamine.

(pp) "Registrant" means every person who is required to register under Section 302 of this Act.

(qq) "Registry number" means the number assigned to each person authorized to handle controlled substances under the laws of the United States and of this State.

(qq-5) "Secretary" means, as the context requires, either the Secretary of the Department or the Secretary of the Department of Financial and Professional Regulation, and the Secretary's designated agents.

(rr) "State" includes the State of Illinois and any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

(rr-5) "Stimulant" means any drug that (i) causes an overall excitation of central nervous system functions, (ii) causes impaired consciousness and awareness, and (iii) can be habit-forming or lead to a substance abuse problem, including but not limited to amphetamines and their analogs, methylphenidate and its analogs, cocaine, and phencyclidine and its analogs.

New matter indicated by italics - deletions by strikeout
"Ultimate user" means a person who lawfully possesses a controlled substance for his or her own use or for the use of a member of his or her household or for administering to an animal owned by him or her or by a member of his or her household.

(Source: P.A. 98-214, eff. 8-9-13; 98-668, eff. 6-25-14; 98-756, eff. 7-16-14; 98-1111, eff. 8-26-14; 99-78, eff. 7-20-15; 99-173, eff. 7-29-15; 99-371, eff. 1-1-16; 99-480, eff. 9-9-15; revised 10-19-15.)

Sec. 302. (a) Every person who manufactures, distributes, or dispenses any controlled substances; engages in chemical analysis, research, or instructional activities which utilize controlled substances; purchases, stores, or administers euthanasia drugs, within this State; provides canine odor detection services; proposes to engage in the manufacture, distribution, or dispensing of any controlled substance; proposes to engage in chemical analysis, research, or instructional activities which utilize controlled substances; proposes to engage in purchasing, storing, or administering euthanasia drugs; or proposes to provide canine odor detection services within this State, must obtain a registration issued by the Department of Financial and Professional Regulation in accordance with its rules. The rules shall include, but not be limited to, setting the expiration date and renewal period for each registration under this Act. The Department, any facility or service licensed by the Department, and any veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 2004 or maintained by a State-supported or publicly funded university or college shall be exempt from the regulation requirements of this Section; however, such exemption shall not operate to bar the University of Illinois from requesting, nor the Department of Financial and Professional Regulation from issuing, a registration to the University of Illinois Veterinary Teaching Hospital under this Act. Neither a request for such registration nor the issuance of such registration to the University of Illinois shall operate to otherwise waive or modify the exemption provided in this subsection (a).

(b) Persons registered by the Department of Financial and Professional Regulation under this Act to manufacture, distribute, or dispense controlled substances, engage in chemical analysis, research, or instructional activities which utilize controlled substances, purchase, store, or administer euthanasia drugs, or provide canine odor detection services, may possess, manufacture, distribute, engage in chemical analysis,
research, or instructional activities which utilize controlled substances, dispense those substances, or purchase, store, or administer euthanasia drugs, or provide canine odor detection services to the extent authorized by their registration and in conformity with the other provisions of this Article.

(c) The following persons need not register and may lawfully possess controlled substances under this Act:

(1) an agent or employee of any registered manufacturer, distributor, or dispenser of any controlled substance if he or she is acting in the usual course of his or her employer's lawful business or employment;

(2) a common or contract carrier or warehouseman, or an agent or employee thereof, whose possession of any controlled substance is in the usual lawful course of such business or employment;

(3) an ultimate user or a person in possession of a controlled substance prescribed for the ultimate user under a lawful prescription of a practitioner, including an advanced practice nurse, practical nurse, or registered nurse licensed under the Nurse Practice Act, or a physician assistant licensed under the Physician Assistant Practice Act of 1987, who provides hospice services to a hospice patient or who provides home health services to a person, or a person in possession of any controlled substance pursuant to a lawful prescription of a practitioner or in lawful possession of a Schedule V substance. In this Section, "home health services" has the meaning ascribed to it in the Home Health, Home Services, and Home Nursing Agency Licensing Act; and "hospice patient" and "hospice services" have the meanings ascribed to them in the Hospice Program Licensing Act;

(4) officers and employees of this State or of the United States while acting in the lawful course of their official duties which requires possession of controlled substances;

(5) a registered pharmacist who is employed in, or the owner of, a pharmacy licensed under this Act and the Federal Controlled Substances Act, at the licensed location, or if he or she is acting in the usual course of his or her lawful profession, business, or employment;

(6) a holder of a temporary license issued under Section 17 of the Medical Practice Act of 1987 practicing within the scope of

New matter indicated by italics - deletions by strikeout
that license and in compliance with the rules adopted under this Act. In addition to possessing controlled substances, a temporary license holder may order, administer, and prescribe controlled substances when acting within the scope of his or her license and in compliance with the rules adopted under this Act.

(d) A separate registration is required at each place of business or professional practice where the applicant manufactures, distributes, or dispenses controlled substances, or purchases, stores, or administers euthanasia drugs. Persons are required to obtain a separate registration for each place of business or professional practice where controlled substances are located or stored. A separate registration is not required for every location at which a controlled substance may be prescribed.

(e) The Department of Financial and Professional Regulation or the Illinois State Police may inspect the controlled premises, as defined in Section 502 of this Act, of a registrant or applicant for registration in accordance with this Act and the rules promulgated hereunder and with regard to persons licensed by the Department, in accordance with subsection (bb) of Section 30-5 of the Alcoholism and Other Drug Abuse and Dependency Act and the rules and regulations promulgated thereunder.

(Source: P.A. 99-163, eff. 1-1-16; 99-247, eff. 8-3-15; revised 10-16-15.)

Section 545. The Code of Criminal Procedure of 1963 is amended by changing Sections 111-8 and 115-17b as follows:

(725 ILCS 5/111-8) (from Ch. 38, par. 111-8)

Sec. 111-8. Orders of protection to prohibit domestic violence.

(a) Whenever a violation of Section 9-1, 9-2, 9-3, 10-3, 10-3.1, 10-4, 10-5, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14.3 that involves soliciting for a prostitute, 11-14.4 that involves soliciting for a juvenile prostitute, 11-15, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, 11-20a, 12-1, 12-2, 12-3, 12-3.05, 12-3.2, 12-3.3, 12-3.5, 12-4, 12-4.1, 12-4.3, 12-4.6, 12-5, 12-6, 12-6.3, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 19-4, 19-6, 21-1, 21-2, 21-3, or 26.5-2 of the Criminal Code of 1961 or the Criminal Code of 2012 or Section 1-1 of the Harassing and Obscene Communications Act is alleged in an information, complaint or indictment on file, and the alleged offender and victim are family or household members, as defined in the Illinois Domestic Violence Act of 1986, as now or hereafter amended, the People through the respective State's Attorneys may by separate petition and upon notice to the
defendant, except as provided in subsection (c) herein, request the court to issue an order of protection.

(b) In addition to any other remedies specified in Section 208 of the Illinois Domestic Violence Act of 1986, as now or hereafter amended, the order may direct the defendant to initiate no contact with the alleged victim or victims who are family or household members and to refrain from entering the residence, school or place of business of the alleged victim or victims.

(c) The court may grant emergency relief without notice upon a showing of immediate and present danger of abuse to the victim or minor children of the victim and may enter a temporary order pending notice and full hearing on the matter.

(Source: P.A. 96-1551, Article 1, Section 965, eff. 7-1-11; P.A. 96-1551, Article 2, Section 1040, eff. 7-1-11; 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; revised 10-20-15.)

(725 ILCS 5/115-17b)

Sec. 115-17b. Administrative subpoenas.

(a) Definitions. As used in this Section:

"Electronic communication services" and "remote computing services" have the same meaning as provided in the Electronic Communications Privacy Act in Chapter 121 (commencing with Section 2701) of Part I of Title 18 of the United States Code Annotated.

"Offense involving the sexual exploitation of children" means an offense under Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6, 11-9.1, 11-14.4, 11-15.1, 11-17.1, 11-18.1, 11-19.1, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 11-21, 11-23, 11-25, 11-26, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012 or any attempt to commit any of these offenses when the victim is under 18 years of age.

(b) Subpoenas duces tecum. In any criminal investigation of an offense involving the sexual exploitation of children, the Attorney General, or his or her designee, or a State's Attorney, or his or her designee, may issue in writing and cause to be served subpoenas duces tecum to providers of electronic communication services or remote computing services requiring the production of records relevant to the investigation. Any such request for records shall not extend beyond requiring the provider to disclose the information specified in 18 U.S.C.

New matter indicated by italics - deletions by strikeout
2703(c)(2). Any subpoena duces tecum issued under this Section shall be made returnable to the Chief Judge of the Circuit Court for the Circuit in which the State's Attorney resides, or his or her designee, or for subpoenas issued by the Attorney General, the subpoena shall be made returnable to the Chief Judge of the Circuit Court for the Circuit to which the investigation pertains, or his or her designee, to determine whether the documents are privileged and whether the subpoena is unreasonable or oppressive.

(c) Contents of subpoena. A subpoena under this Section shall describe the records or other things required to be produced and prescribe a return date within a reasonable period of time within which the objects or records can be assembled and made available.

(c-5) Contemporaneous notice to Chief Judge. Whenever a subpoena is issued under this Section, the Attorney General or his or her designee or the State's Attorney or his or her designee shall be required to provide a copy of the subpoena to the Chief Judge of the county in which the subpoena is returnable.

(d) Modifying or quashing subpoena. At any time before the return date specified in the subpoena, the person or entity to whom the subpoena is directed may petition for an order modifying or quashing the subpoena on the grounds that the subpoena is oppressive or unreasonable or that the subpoena seeks privileged documents or records.

(e) Ex parte order. An Illinois circuit court for the circuit in which the subpoena is or will be issued, upon application of the Attorney General, or his or her designee, or State's Attorney, or his or her designee, may issue an ex parte order that no person or entity disclose to any other person or entity (other than persons necessary to comply with the subpoena) the existence of such subpoena for a period of up to 90 days.

(1) Such order may be issued upon a showing that the things being sought may be relevant to the investigation and there is reason to believe that such disclosure may result in:

(A) endangerment to the life or physical safety of any person;
(B) flight to avoid prosecution;
(C) destruction of or tampering with evidence;
(D) intimidation of potential witnesses; or
(E) otherwise seriously jeopardizing an investigation or unduly delaying a trial.

New matter indicated by italics - deletions by strikeout
(2) An order under this Section may be renewed for additional periods of up to 90 days upon a showing that the circumstances described in paragraph (1) of this subsection (e) continue to exist.

(f) Enforcement. A witness who is duly subpoenaed who neglects or refuses to comply with the subpoena shall be proceeded against and punished for contempt of the court. A subpoena duces tecum issued under this Section may be enforced pursuant to the Uniform Act to Secure the Attendance of Witnesses from Within or Without a State in Criminal Proceedings.

(g) Immunity from civil liability. Notwithstanding any federal, State, or local law, any person, including officers, agents, and employees, receiving a subpoena under this Section, who complies in good faith with the subpoena and thus produces the materials sought, shall not be liable in any court of Illinois to any customer or other person for such production or for nondisclosure of that production to the customer.

(Source: P.A. 97-475, eff. 8-22-11; 97-1150, eff. 1-25-13; revised 10-16-15.)

Section 550. The Rights of Crime Victims and Witnesses Act is amended by changing Section 3 as follows:

Sec. 3. The terms used in this Act shall have the following meanings:

(a) "Crime victim" or "victim" means: (1) any natural person determined by the prosecutor or the court to have suffered direct physical or psychological harm as a result of a violent crime perpetrated or attempted against that person or direct physical or psychological harm as a result of (i) a violation of Section 11-501 of the Illinois Vehicle Code or similar provision of a local ordinance or (ii) a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012; (2) in the case of a crime victim who is under 18 years of age or an adult victim who is incompetent or incapacitated, both parents, legal guardians, foster parents, or a single adult representative; (3) in the case of an adult deceased victim, 2 representatives who may be the spouse, parent, child or sibling of the victim, or the representative of the victim's estate; and (4) an immediate family member of a victim under clause (1) of this paragraph (a) chosen by the victim. If the victim is 18 years of age or over, the victim may choose any person to be the victim's representative. In no event shall the defendant

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or any person who aided and abetted in the commission of the crime be considered a victim, a crime victim, or a representative of the victim.

A board, agency, or other governmental entity making decisions regarding an offender's release, sentence reduction, or clemency can determine additional persons are victims for the purpose of its proceedings.

(a-3) "Advocate" means a person whose communications with the victim are privileged under Section 8-802.1 or 8-802.2 of the Code of Civil Procedure, or Section 227 of the Illinois Domestic Violence Act of 1986.

(a-5) "Confer" means to consult together, share information, compare opinions and carry on a discussion or deliberation.

(a-7) "Sentence" includes, but is not limited to, the imposition of sentence, a request for a reduction in sentence, parole, mandatory supervised release, aftercare release, early release, clemency, or a proposal that would reduce the defendant's sentence or result in the defendant's release. "Early release" refers to a discretionary release.

(a-9) "Sentencing" includes, but is not limited to, the imposition of sentence and a request for a reduction in sentence, parole, mandatory supervised release, aftercare release, or early release.

(b) "Witness" means any person who personally observed the commission of a crime and who will testify on behalf of the State of Illinois.

(c) "Violent crime" means: (1) any felony in which force or threat of force was used against the victim; (2) any offense involving sexual exploitation, sexual conduct, or sexual penetration; (3) a violation of Section 11-20.1, 11-20.1B, 11-20.3, or 11-23.5 of the Criminal Code of 1961 or the Criminal Code of 2012; (4) domestic battery or stalking; (5) violation of an order of protection, a civil no contact order, or a stalking no contact order; (6) any misdemeanor which results in death or great bodily harm to the victim; or (7) any violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, or Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, if the violation resulted in personal injury or death. "Violent crime" includes any action committed by a juvenile that would be a violent crime if committed by an adult. For the purposes of this paragraph, "personal injury" shall include any Type A injury as indicated on the traffic accident report completed by a law enforcement officer that requires immediate professional attention in either a doctor's office or medical facility. A type

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A injury shall include severely bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene.

(d) (Blank).

(e) "Court proceedings" includes, but is not limited to, the preliminary hearing, any post-arraignment hearing the effect of which may be the release of the defendant from custody or to alter the conditions of bond, change of plea hearing, the trial, any pretrial or post-trial hearing, sentencing, any oral argument or hearing before an Illinois appellate court, any hearing under the Mental Health and Developmental Disabilities Code after a finding that the defendant is not guilty by reason of insanity, any hearing related to a modification of sentence, probation revocation hearing, aftercare release or parole hearings, post-conviction relief proceedings, habeas corpus proceedings and clemency proceedings related to the defendant's conviction or sentence. For purposes of the victim's right to be present, "court proceedings" does not include (1) hearings under Section 109-1 of the Code of Criminal Procedure of 1963, (2) grand jury proceedings, (3) status hearings, or (4) the issuance of an order or decision of an Illinois court that dismisses a charge, reverses a conviction, reduces a sentence, or releases an offender under a court rule.

(f) "Concerned citizen" includes relatives of the victim, friends of the victim, witnesses to the crime, or any other person associated with the victim or prisoner.

(g) "Victim's attorney" means an attorney retained by the victim for the purposes of asserting the victim's constitutional and statutory rights. An attorney retained by the victim means an attorney who is hired to represent the victim at the victim's expense or an attorney who has agreed to provide pro bono representation. Nothing in this statute creates a right to counsel at public expense for a victim.

(Source: P.A. 98-558, eff. 1-1-14; 99-143, eff. 7-27-15; 99-413, eff. 8-20-15; revised 10-19-15.)

Section 555. The Witness Protection Act is amended by changing Section 2 as follows:

Sec. 2. The Illinois Law Enforcement Commission with respect to federal grant moneys received by such Commission prior to January 1, 1983, may make grants prior to April 1, 1983 to the several State's Attorney states attorneys of the State of Illinois. Such grants may be made to any State's Attorney states attorney who applies for funds to provide for

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protection of witnesses and the families and property of witnesses involved in criminal investigations and prosecutions.
(Source: P.A. 82-1039; revised 10-16-15.)

Section 560. The Unified Code of Corrections is amended by changing Sections 3-6-3, 5-4-3b, 5-5-3.1, 5-5-3.2, 5-5.5-5, and 5-6-3.1 as follows:

(730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)
Sec. 3-6-3. Rules and Regulations for Sentence Credit.

(a) (1) The Department of Corrections shall prescribe rules and regulations for awarding and revoking sentence credit for persons committed to the Department which shall be subject to review by the Prisoner Review Board.

(1.5) As otherwise provided by law, sentence credit may be awarded for the following:

(A) successful completion of programming while in custody of the Department or while in custody prior to sentencing;

(B) compliance with the rules and regulations of the Department;

(C) service to the institution, service to a community, or service to the State.

(2) The rules and regulations on sentence credit shall provide, with respect to offenses listed in clause (i), (ii), or (iii) of this paragraph (2) committed on or after June 19, 1998 or with respect to the offense listed in clause (iv) of this paragraph (2) committed on or after June 23, 2005 (the effective date of Public Act 94-71) or with respect to offense listed in clause (vi) committed on or after June 1, 2008 (the effective date of Public Act 95-625) or with respect to the offense of being an armed habitual criminal committed on or after August 2, 2005 (the effective date of Public Act 94-398) or with respect to the offenses listed in clause (v) of this paragraph (2) committed on or after August 13, 2007 (the effective date of Public Act 95-134) or with respect to the offense of aggravated domestic battery committed on or after July 23, 2010 (the effective date of Public Act 96-1224) or with respect to the offense of attempt to commit terrorism committed on or after January 1, 2013 (the effective date of Public Act 97-990), the following:

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(i) that a prisoner who is serving a term of imprisonment for first degree murder or for the offense of terrorism shall receive no sentence credit and shall serve the entire sentence imposed by the court;

(ii) that a prisoner serving a sentence for attempt to commit terrorism, attempt to commit first degree murder, solicitation of murder, solicitation of murder for hire, intentional homicide of an unborn child, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated kidnapping, aggravated battery with a firearm as described in Section 12-4.2 or subdivision (e)(1), (e)(2), (e)(3), or (e)(4) of Section 12-3.05, heinous battery as described in Section 12-4.1 or subdivision (a)(2) of Section 12-3.05, being an armed habitual criminal, aggravated battery of a senior citizen as described in Section 12-4.6 or subdivision (a)(4) of Section 12-3.05, or aggravated battery of a child as described in Section 12-4.3 or subdivision (b)(1) of Section 12-3.05 shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment;

(iii) that a prisoner serving a sentence for home invasion, armed robbery, aggravated vehicular hijacking, aggravated discharge of a firearm, or armed violence with a category I weapon or category II weapon, when the court has made and entered a finding, pursuant to subsection (c-1) of Section 5-4-1 of this Code, that the conduct leading to conviction for the enumerated offense resulted in great bodily harm to a victim, shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment;

(iv) that a prisoner serving a sentence for aggravated discharge of a firearm, whether or not the conduct leading to conviction for the offense resulted in great bodily harm to the victim, shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment;

(v) that a person serving a sentence for gunrunning, narcotics racketeering, controlled substance trafficking,
methamphetamine trafficking, drug-induced homicide, aggravated methamphetamine-related child endangerment, money laundering pursuant to clause (c) (4) or (5) of Section 29B-1 of the Criminal Code of 1961 or the Criminal Code of 2012, or a Class X felony conviction for delivery of a controlled substance, possession of a controlled substance with intent to manufacture or deliver, calculated criminal drug conspiracy, criminal drug conspiracy, street gang criminal drug conspiracy, participation in methamphetamine manufacturing, aggravated participation in methamphetamine manufacturing, delivery of methamphetamine, possession with intent to deliver methamphetamine, aggravated delivery of methamphetamine, aggravated possession with intent to deliver methamphetamine, methamphetamine conspiracy when the substance containing the controlled substance or methamphetamine is 100 grams or more shall receive no more than 7.5 days sentence credit for each month of his or her sentence of imprisonment;

(vi) that a prisoner serving a sentence for a second or subsequent offense of luring a minor shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment; and

(vii) that a prisoner serving a sentence for aggravated domestic battery shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment.

(2.1) For all offenses, other than those enumerated in subdivision (a)(2)(i), (ii), or (iii) committed on or after June 19, 1998 or subdivision (a)(2)(iv) committed on or after June 23, 2005 (the effective date of Public Act 94-71) or subdivision (a)(2)(v) committed on or after August 13, 2007 (the effective date of Public Act 95-134) or subdivision (a)(2)(vi) committed on or after June 1, 2008 (the effective date of Public Act 95-625) or subdivision (a)(2)(vii) committed on or after July 23, 2010 (the effective date of Public Act 96-1224), and other than the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of
Section 11-501 of the Illinois Vehicle Code, and other than the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (C) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code committed on or after January 1, 2011 (the effective date of Public Act 96-1230), the rules and regulations shall provide that a prisoner who is serving a term of imprisonment shall receive one day of sentence credit for each day of his or her sentence of imprisonment or recommitment under Section 3-3-9. Each day of sentence credit shall reduce by one day the prisoner's period of imprisonment or recommitment under Section 3-3-9.

(2.2) A prisoner serving a term of natural life imprisonment or a prisoner who has been sentenced to death shall receive no sentence credit.

(2.3) The rules and regulations on sentence credit shall provide that a prisoner who is serving a sentence for aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment.

(2.4) The rules and regulations on sentence credit shall provide with respect to the offenses of aggravated battery with a machine gun or a firearm equipped with any device or attachment designed or used for silencing the report of a firearm or aggravated discharge of a machine gun or a firearm equipped with any device or attachment designed or used for silencing the report of a firearm, committed on or after July 15, 1999 (the effective date of Public Act 91-121), that a prisoner serving a sentence for any of these offenses shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment.

(2.5) The rules and regulations on sentence credit shall provide that a prisoner who is serving a sentence for aggravated arson committed on or after July 27, 2001 (the effective date of Public Act 92-176) shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment.

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(2.6) The rules and regulations on sentence credit shall provide that a prisoner who is serving a sentence for aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds or any combination thereof as defined in subparagraph (C) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code committed on or after January 1, 2011 (the effective date of Public Act 96-1230) shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment.

(3) The rules and regulations shall also provide that the Director may award up to 180 days additional sentence credit for good conduct in specific instances as the Director deems proper. The good conduct may include, but is not limited to, compliance with the rules and regulations of the Department, service to the Department, service to a community, or service to the State. However, the Director shall not award more than 90 days of sentence credit for good conduct to any prisoner who is serving a sentence for conviction of first degree murder, reckless homicide while under the influence of alcohol or any other drug, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, aggravated kidnapping, kidnapping, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, deviate sexual assault, aggravated criminal sexual abuse, aggravated indecent liberties with a child, indecent liberties with a child, child pornography, heinous battery as described in Section 12-4.1 or subdivision (a)(2) of Section 12-3.05, aggravated battery of a spouse, aggravated battery of a spouse with a firearm, stalking, aggravated stalking, aggravated battery of a child as described in Section 12-4.3 or subdivision (b)(1) of Section 12-3.05, endangering the life or health of a child, or cruelty to a child. Notwithstanding the foregoing, sentence credit for good conduct shall not be awarded on a sentence of imprisonment imposed for conviction of: (i) one of the offenses enumerated in subdivision (a)(2)(i), (ii), or (iii) when the offense is committed on or after June 19, 1998 or subdivision (a)(2)(iv) when the offense is committed on or after June 23, 2005 (the effective date of Public Act 96-1230) shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment.

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Act 94-71) or subdivision (a)(2)(v) when the offense is committed on or after August 13, 2007 (the effective date of Public Act 95-134) or subdivision (a)(2)(vi) when the offense is committed on or after June 1, 2008 (the effective date of Public Act 95-625) or subdivision (a)(2)(vii) when the offense is committed on or after July 23, 2010 (the effective date of Public Act 96-1224), (ii) aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, (iii) one of the offenses enumerated in subdivision (a)(2.4) when the offense is committed on or after July 15, 1999 (the effective date of Public Act 91-121), (iv) aggravated arson when the offense is committed on or after July 27, 2001 (the effective date of Public Act 92-176), (v) offenses that may subject the offender to commitment under the Sexually Violent Persons Commitment Act, or (vi) aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds or any combination thereof as defined in subparagraph (C) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code committed on or after January 1, 2011 (the effective date of Public Act 96-1230).

Eligible inmates for an award of sentence credit under this paragraph (3) may be selected to receive the credit at the Director's or his or her designee's sole discretion. Consideration may be based on, but not limited to, any available risk assessment analysis on the inmate, any history of conviction for violent crimes as defined by the Rights of Crime Victims and Witnesses Act, facts and circumstances of the inmate's holding offense or offenses, and the potential for rehabilitation.

The Director shall not award sentence credit under this paragraph (3) to an inmate unless the inmate has served a minimum of 60 days of the sentence; except nothing in this paragraph shall be construed to permit the Director to extend an inmate's sentence beyond that which was imposed by the court. Prior to awarding credit under this paragraph (3), the Director shall make a written determination that the inmate:

(A) is eligible for the sentence credit;
(B) has served a minimum of 60 days, or as close to 60 days as the sentence will allow; and

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(C) has met the eligibility criteria established by rule.

The Director shall determine the form and content of the written determination required in this subsection.

(3.5) The Department shall provide annual written reports to the Governor and the General Assembly on the award of sentence credit for good conduct, with the first report due January 1, 2014. The Department must publish both reports on its website within 48 hours of transmitting the reports to the Governor and the General Assembly. The reports must include:

(A) the number of inmates awarded sentence credit for good conduct;
(B) the average amount of sentence credit for good conduct awarded;
(C) the holding offenses of inmates awarded sentence credit for good conduct; and
(D) the number of sentence credit for good conduct revocations.

(4) The rules and regulations shall also provide that the sentence credit accumulated and retained under paragraph (2.1) of subsection (a) of this Section by any inmate during specific periods of time in which such inmate is engaged full-time in substance abuse programs, correctional industry assignments, educational programs, behavior modification programs, life skills courses, or re-entry planning provided by the Department under this paragraph (4) and satisfactorily completes the assigned program as determined by the standards of the Department, shall be multiplied by a factor of 1.25 for program participation before August 11, 1993 and 1.50 for program participation on or after that date. The rules and regulations shall also provide that sentence credit, subject to the same offense limits and multiplier provided in this paragraph, may be provided to an inmate who was held in pre-trial detention prior to his or her current commitment to the Department of Corrections and successfully completed a full-time, 60-day or longer substance abuse program, educational program, behavior modification program, life skills course, or re-entry planning provided by the county department of corrections or county jail. Calculation of this county program credit shall be done at sentencing as provided in Section 5-4.5-100 of this Code and shall

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be included in the sentencing order. However, no inmate shall be eligible for the additional sentence credit under this paragraph (4) or (4.1) of this subsection (a) while assigned to a boot camp or electronic detention, or if convicted of an offense enumerated in subdivision (a)(2)(i), (ii), or (iii) of this Section that is committed on or after June 19, 1998 or subdivision (a)(2)(iv) of this Section that is committed on or after June 23, 2005 (the effective date of Public Act 94-71) or subdivision (a)(2)(v) of this Section that is committed on or after August 13, 2007 (the effective date of Public Act 95-134) or subdivision (a)(2)(vi) when the offense is committed on or after June 1, 2008 (the effective date of Public Act 95-625) or subdivision (a)(2)(vii) when the offense is committed on or after July 23, 2010 (the effective date of Public Act 96-1224), or if convicted of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, or if convicted of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds or any combination thereof as defined in subparagraph (C) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code committed on or after January 1, 2011 (the effective date of Public Act 96-1230), or if convicted of an offense enumerated in paragraph (a)(2.4) of this Section that is committed on or after July 15, 1999 (the effective date of Public Act 91-121), or first degree murder, a Class X felony, criminal sexual assault, felony criminal sexual abuse, aggravated criminal sexual abuse, aggravated battery with a firearm as described in Section 12-4.2 or subdivision (e)(1), (e)(2), (e)(3), or (e)(4) of Section 12-3.05, or any predecessor or successor offenses with the same or substantially the same elements, or any inchoate offenses relating to the foregoing offenses. No inmate shall be eligible for the additional good conduct credit under this paragraph (4) who (i) has previously received increased good conduct credit under this paragraph (4) and has subsequently been convicted of a felony, or (ii) has previously served more than one prior sentence of imprisonment for a felony in an adult correctional facility.

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Educational, vocational, substance abuse, behavior modification programs, life skills courses, re-entry planning, and correctional industry programs under which sentence credit may be increased under this paragraph (4) and paragraph (4.1) of this subsection (a) shall be evaluated by the Department on the basis of documented standards. The Department shall report the results of these evaluations to the Governor and the General Assembly by September 30th of each year. The reports shall include data relating to the recidivism rate among program participants.

Availability of these programs shall be subject to the limits of fiscal resources appropriated by the General Assembly for these purposes. Eligible inmates who are denied immediate admission shall be placed on a waiting list under criteria established by the Department. The inability of any inmate to become engaged in any such programs by reason of insufficient program resources or for any other reason established under the rules and regulations of the Department shall not be deemed a cause of action under which the Department or any employee or agent of the Department shall be liable for damages to the inmate.

(4.1) The rules and regulations shall also provide that an additional 90 days of sentence credit shall be awarded to any prisoner who passes high school equivalency testing while the prisoner is committed to the Department of Corrections. The sentence credit awarded under this paragraph (4.1) shall be in addition to, and shall not affect, the award of sentence credit under any other paragraph of this Section, but shall also be pursuant to the guidelines and restrictions set forth in paragraph (4) of subsection (a) of this Section. The sentence credit provided for in this paragraph shall be available only to those prisoners who have not previously earned a high school diploma or a high school equivalency certificate. If, after an award of the high school equivalency testing sentence credit has been made, the Department determines that the prisoner was not eligible, then the award shall be revoked. The Department may also award 90 days of sentence credit to any committed person who passed high school equivalency testing while he or she was held in pre-trial detention prior to the current commitment to the Department of Corrections.

(4.5) The rules and regulations on sentence credit shall also provide that when the court's sentencing order recommends a
prisoner for substance abuse treatment and the crime was committed on or after September 1, 2003 (the effective date of Public Act 93-354), the prisoner shall receive no sentence credit awarded under clause (3) of this subsection (a) unless he or she participates in and completes a substance abuse treatment program. The Director may waive the requirement to participate in or complete a substance abuse treatment program and award the sentence credit in specific instances if the prisoner is not a good candidate for a substance abuse treatment program for medical, programming, or operational reasons. Availability of substance abuse treatment shall be subject to the limits of fiscal resources appropriated by the General Assembly for these purposes. If treatment is not available and the requirement to participate and complete the treatment has not been waived by the Director, the prisoner shall be placed on a waiting list under criteria established by the Department. The Director may allow a prisoner placed on a waiting list to participate in and complete a substance abuse education class or attend substance abuse self-help meetings in lieu of a substance abuse treatment program. A prisoner on a waiting list who is not placed in a substance abuse program prior to release may be eligible for a waiver and receive sentence credit under clause (3) of this subsection (a) at the discretion of the Director.

(4.6) The rules and regulations on sentence credit shall also provide that a prisoner who has been convicted of a sex offense as defined in Section 2 of the Sex Offender Registration Act shall receive no sentence credit unless he or she either has successfully completed or is participating in sex offender treatment as defined by the Sex Offender Management Board. However, prisoners who are waiting to receive treatment, but who are unable to do so due solely to the lack of resources on the part of the Department, may, at the Director's sole discretion, be awarded sentence credit at a rate as the Director shall determine.

(5) Whenever the Department is to release any inmate earlier than it otherwise would because of a grant of sentence credit for good conduct under paragraph (3) of subsection (a) of this Section given at any time during the term, the Department shall give reasonable notice of the impending release not less than 14 days prior to the date of the release to the State's Attorney of the county where the prosecution of the inmate took place, and if

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applicable, the State's Attorney of the county into which the inmate will be released. The Department must also make identification information and a recent photo of the inmate being released accessible on the Internet by means of a hyperlink labeled "Community Notification of Inmate Early Release" on the Department's World Wide Web homepage. The identification information shall include the inmate's: name, any known alias, date of birth, physical characteristics, commitment offense and county where conviction was imposed. The identification information shall be placed on the website within 3 days of the inmate's release and the information may not be removed until either: completion of the first year of mandatory supervised release or return of the inmate to custody of the Department.

(b) Whenever a person is or has been committed under several convictions, with separate sentences, the sentences shall be construed under Section 5-8-4 in granting and forfeiting of sentence credit.

(c) The Department shall prescribe rules and regulations for revoking sentence credit, including revoking sentence credit awarded for good conduct under paragraph (3) of subsection (a) of this Section. The Department shall prescribe rules and regulations for suspending or reducing the rate of accumulation of sentence credit for specific rule violations, during imprisonment. These rules and regulations shall provide that no inmate may be penalized more than one year of sentence credit for any one infraction.

When the Department seeks to revoke, suspend or reduce the rate of accumulation of any sentence credits for an alleged infraction of its rules, it shall bring charges therefor against the prisoner sought to be so deprived of sentence credits before the Prisoner Review Board as provided in subparagraph (a)(4) of Section 3-3-2 of this Code, if the amount of credit at issue exceeds 30 days or when during any 12 month period, the cumulative amount of credit revoked exceeds 30 days except where the infraction is committed or discovered within 60 days of scheduled release. In those cases, the Department of Corrections may revoke up to 30 days of sentence credit. The Board may subsequently approve the revocation of additional sentence credit, if the Department seeks to revoke sentence credit in excess of 30 days. However, the Board shall not be empowered to review the Department's decision with respect to the loss of 30 days of sentence credit within any calendar year for any prisoner or to increase any penalty beyond the length requested by the Department.

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The Director of the Department of Corrections, in appropriate cases, may restore up to 30 days of sentence credits which have been revoked, suspended or reduced. Any restoration of sentence credits in excess of 30 days shall be subject to review by the Prisoner Review Board. However, the Board may not restore sentence credit in excess of the amount requested by the Director.

Nothing contained in this Section shall prohibit the Prisoner Review Board from ordering, pursuant to Section 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the sentence imposed by the court that was not served due to the accumulation of sentence credit.

(d) If a lawsuit is filed by a prisoner in an Illinois or federal court against the State, the Department of Corrections, or the Prisoner Review Board, or against any of their officers or employees, and the court makes a specific finding that a pleading, motion, or other paper filed by the prisoner is frivolous, the Department of Corrections shall conduct a hearing to revoke up to 180 days of sentence credit by bringing charges against the prisoner sought to be deprived of the sentence credits before the Prisoner Review Board as provided in subparagraph (a)(8) of Section 3-3-2 of this Code. If the prisoner has not accumulated 180 days of sentence credit at the time of the finding, then the Prisoner Review Board may revoke all sentence credit accumulated by the prisoner.

For purposes of this subsection (d):

(1) "Frivolous" means that a pleading, motion, or other filing which purports to be a legal document filed by a prisoner in his or her lawsuit meets any or all of the following criteria:

(A) it lacks an arguable basis either in law or in fact;
(B) it is being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;
(C) the claims, defenses, and other legal contentions therein are not warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;
(D) the allegations and other factual contentions do not have evidentiary support or, if specifically so identified, are not likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; or

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(E) the denials of factual contentions are not warranted on the evidence, or if specifically so identified, are not reasonably based on a lack of information or belief.

(2) "Lawsuit" means a motion pursuant to Section 116-3 of the Code of Criminal Procedure of 1963, a habeas corpus action under Article X of the Code of Civil Procedure or under federal law (28 U.S.C. 2254), a petition for claim under the Court of Claims Act, an action under the federal Civil Rights Act (42 U.S.C. 1983), or a second or subsequent petition for post-conviction relief under Article 122 of the Code of Criminal Procedure of 1963 whether filed with or without leave of court or a second or subsequent petition for relief from judgment under Section 2-1401 of the Code of Civil Procedure.

(e) Nothing in Public Act 90-592 or 90-593 affects the validity of Public Act 89-404.

(f) Whenever the Department is to release any inmate who has been convicted of a violation of an order of protection under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the Criminal Code of 2012, earlier than it otherwise would because of a grant of sentence credit, the Department, as a condition of release, shall require that the person, upon release, be placed under electronic surveillance as provided in Section 5-8A-7 of this Code.

(Source: P.A. 98-718, eff. 1-1-15; 99-241, eff. 1-1-16; 99-275, eff. 1-1-16; revised 10-19-15.)

(730 ILCS 5/5-4-3b)
Sec. 5-4-3b. Electronic Laboratory Information Management System.

(a) The Department of State Police shall obtain, implement, and maintain an Electronic Laboratory Information Management System (LIMS); to efficiently and effectively track all evidence submitted for forensic testing. At a minimum, the LIMS shall record:

(1) the criminal offense or suspected criminal offense for which the evidence is being submitted;
(2) the law enforcement agency submitting the evidence;
(3) the name of the victim;
(4) the law enforcement agency case number;
(5) the State Police Laboratory case number;
(6) the date the evidence was received by the State Police Laboratory;

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(7) if the State Police Laboratory sent the evidence for analysis to another designated laboratory, the name of the laboratory and the date the evidence was sent to that laboratory; and

(8) the date and description of any results or information regarding the analysis sent to the submitting law enforcement agency by the State Police Laboratory or any other designated laboratory.

The LIMS shall also link multiple forensic evidence submissions pertaining to a single criminal investigation such that evidence submitted to confirm a previously reported Combined DNA Index System (CODIS) hit in a State or federal database can be linked to the initial evidence submission. The LIMS shall be such that the system provides ease of interoperability with law enforcement agencies for evidence submission and reporting, as well as supports expansion capabilities for future internal networking and laboratory operations.

(b) The Department of State Police, in consultation with and subject to the approval of the Chief Procurement Officer, may procure a single contract or multiple contracts to implement the provisions of this Section. A contract or contracts under this subsection are not subject to the provisions of the Illinois Procurement Code, except for Sections 20-60, 20-65, 20-70, and 20-160 and Article 50 of that Code, provided that the Chief Procurement Officer may, in writing with justification, waive any certification required under Article 50 of the Illinois Procurement Code. This exemption is inoperative 2 years from January 1, 2016 (the effective date of this amendatory Act of the 99th General Assembly).

(Source: P.A. 99-352, eff. 1-1-16; revised 10-20-15.)

(730 ILCS 5/5-5-3.1) (from Ch. 38, par. 1005-5-3.1)

Sec. 5-5-3.1. Factors in Mitigation.

(a) The following grounds shall be accorded weight in favor of withholding or minimizing a sentence of imprisonment:

(1) The defendant's criminal conduct neither caused nor threatened serious physical harm to another.

(2) The defendant did not contemplate that his criminal conduct would cause or threaten serious physical harm to another.

(3) The defendant acted under a strong provocation.

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(4) There were substantial grounds tending to excuse or justify the defendant's criminal conduct, though failing to establish a defense.

(5) The defendant's criminal conduct was induced or facilitated by someone other than the defendant.

(6) The defendant has compensated or will compensate the victim of his criminal conduct for the damage or injury that he sustained.

(7) The defendant has no history of prior delinquency or criminal activity or has led a law-abiding life for a substantial period of time before the commission of the present crime.

(8) The defendant's criminal conduct was the result of circumstances unlikely to recur.

(9) The character and attitudes of the defendant indicate that he is unlikely to commit another crime.

(10) The defendant is particularly likely to comply with the terms of a period of probation.

(11) The imprisonment of the defendant would entail excessive hardship to his dependents.

(12) The imprisonment of the defendant would endanger his or her medical condition.

(13) The defendant was a person with an intellectual disability as defined in Section 5-1-13 of this Code.

(14) The defendant sought or obtained emergency medical assistance for an overdose and was convicted of a Class 3 felony or higher possession, manufacture, or delivery of a controlled, counterfeit, or look-alike substance or a controlled substance analog under the Illinois Controlled Substances Act or a Class 2 felony or higher possession, manufacture or delivery of methamphetamine under the Methamphetamine Control and Community Protection Act.

(15) At the time of the offense, the defendant is or had been the victim of domestic violence and the effects of the domestic violence tended to excuse or justify the defendant's criminal conduct. As used in this paragraph (15), "domestic violence" means abuse as defined in Section 103 of the Illinois Domestic Violence Act of 1986.

(b) If the court, having due regard for the character of the offender, the nature and circumstances of the offense and the public interest finds
that a sentence of imprisonment is the most appropriate disposition of the offender, or where other provisions of this Code mandate the imprisonment of the offender, the grounds listed in paragraph (a) of this subsection shall be considered as factors in mitigation of the term imposed.

(Source: P.A. 98-463, eff. 8-16-13; 99-143, eff. 7-27-15; 99-384, eff. 1-1-16; revised 10-16-15.)

(730 ILCS 5/5-5-3.2)
Sec. 5-5-3.2. Factors in Aggravation and Extended-Term Sentencing.

(a) The following factors shall be accorded weight in favor of imposing a term of imprisonment or may be considered by the court as reasons to impose a more severe sentence under Section 5-8-1 or Article 4.5 of Chapter V:

(1) the defendant's conduct caused or threatened serious harm;
(2) the defendant received compensation for committing the offense;
(3) the defendant has a history of prior delinquency or criminal activity;
(4) the defendant, by the duties of his office or by his position, was obliged to prevent the particular offense committed or to bring the offenders committing it to justice;
(5) the defendant held public office at the time of the offense, and the offense related to the conduct of that office;
(6) the defendant utilized his professional reputation or position in the community to commit the offense, or to afford him an easier means of committing it;
(7) the sentence is necessary to deter others from committing the same crime;
(8) the defendant committed the offense against a person 60 years of age or older or such person's property;
(9) the defendant committed the offense against a person who has a physical disability or such person's property;
(10) by reason of another individual's actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin, the defendant committed the offense against (i) the person or property of that individual; (ii) the person or property of a person who has an

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association with, is married to, or has a friendship with the other individual; or (iii) the person or property of a relative (by blood or marriage) of a person described in clause (i) or (ii). For the purposes of this Section, "sexual orientation" has the meaning ascribed to it in paragraph (O-1) of Section 1-103 of the Illinois Human Rights Act;

(11) the offense took place in a place of worship or on the grounds of a place of worship, immediately prior to, during or immediately following worship services. For purposes of this subparagraph, "place of worship" shall mean any church, synagogue or other building, structure or place used primarily for religious worship;

(12) the defendant was convicted of a felony committed while he was released on bail or his own recognizance pending trial for a prior felony and was convicted of such prior felony, or the defendant was convicted of a felony committed while he was serving a period of probation, conditional discharge, or mandatory supervised release under subsection (d) of Section 5-8-1 for a prior felony;

(13) the defendant committed or attempted to commit a felony while he was wearing a bulletproof vest. For the purposes of this paragraph (13), a bulletproof vest is any device which is designed for the purpose of protecting the wearer from bullets, shot or other lethal projectiles;

(14) the defendant held a position of trust or supervision such as, but not limited to, family member as defined in Section 11-0.1 of the Criminal Code of 2012, teacher, scout leader, baby sitter, or day care worker, in relation to a victim under 18 years of age, and the defendant committed an offense in violation of Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11, 11-14.4 except for an offense that involves keeping a place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012 against that victim;

(15) the defendant committed an offense related to the activities of an organized gang. For the purposes of this factor, "organized gang" has the meaning ascribed to it in Section 10 of the Streetgang Terrorism Omnibus Prevention Act;

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(16) the defendant committed an offense in violation of one
of the following Sections while in a school, regardless of the time
of day or time of year; on any conveyance owned, leased, or
contracted by a school to transport students to or from school or a
school related activity; on the real property of a school; or on a
public way within 1,000 feet of the real property comprising any
school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40, 11-
1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1, 11-19.1, 11-
19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-6, 12-6.1, 12-6.5, 12-
13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or 33A-2, or Section 12-
3.05 except for subdivision (a)(4) or (g)(1), of the Criminal Code
of 1961 or the Criminal Code of 2012;

(16.5) the defendant committed an offense in violation of
one of the following Sections while in a day care center, regardless
of the time of day or time of year; on the real property of a day care
center, regardless of the time of day or time of year; or on a public
way within 1,000 feet of the real property comprising any day care
center, regardless of the time of day or time of year: Section 10-1,
10-2, 10-5, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14.4,
11-15.1, 11-17.1, 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-
4.2, 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-
16, 18-2, or 33A-2, or Section 12-3.05 except for subdivision
(a)(4) or (g)(1), of the Criminal Code of 1961 or the Criminal Code
of 2012;

(17) the defendant committed the offense by reason of any
person's activity as a community policing volunteer or to prevent
any person from engaging in activity as a community policing
volunteer. For the purpose of this Section, "community policing
volunteer" has the meaning ascribed to it in Section 2-3.5 of the
Criminal Code of 2012;

(18) the defendant committed the offense in a nursing home
or on the real property comprising a nursing home. For the
purposes of this paragraph (18), "nursing home" means a skilled
nursing or intermediate long term care facility that is subject to
license by the Illinois Department of Public Health under the
Nursing Home Care Act, the Specialized Mental Health
Rehabilitation Act of 2013, the ID/DD Community Care Act, or
the MC/DD Act;

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(19) the defendant was a federally licensed firearm dealer and was previously convicted of a violation of subsection (a) of Section 3 of the Firearm Owners Identification Card Act and has now committed either a felony violation of the Firearm Owners Identification Card Act or an act of armed violence while armed with a firearm;

(20) the defendant (i) committed the offense of reckless homicide under Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 or the offense of driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof under Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance and (ii) was operating a motor vehicle in excess of 20 miles per hour over the posted speed limit as provided in Article VI of Chapter 11 of the Illinois Vehicle Code;

(21) the defendant (i) committed the offense of reckless driving or aggravated reckless driving under Section 11-503 of the Illinois Vehicle Code and (ii) was operating a motor vehicle in excess of 20 miles per hour over the posted speed limit as provided in Article VI of Chapter 11 of the Illinois Vehicle Code;

(22) the defendant committed the offense against a person that the defendant knew, or reasonably should have known, was a member of the Armed Forces of the United States serving on active duty. For purposes of this clause (22), the term "Armed Forces" means any of the Armed Forces of the United States, including a member of any reserve component thereof or National Guard unit called to active duty;

(23) the defendant committed the offense against a person who was elderly or infirm or who was a person with a disability by taking advantage of a family or fiduciary relationship with the elderly or infirm person or person with a disability;

(24) the defendant committed any offense under Section 11-20.1 of the Criminal Code of 1961 or the Criminal Code of 2012 and possessed 100 or more images;

(25) the defendant committed the offense while the defendant or the victim was in a train, bus, or other vehicle used for public transportation;

(26) the defendant committed the offense of child pornography or aggravated child pornography, specifically

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including paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1 of the Criminal Code of 1961 or the Criminal Code of 2012 where a child engaged in, solicited for, depicted in, or posed in any act of sexual penetration or bound, fettered, or subject to sadistic, masochistic, or sadomasochistic abuse in a sexual context and specifically including paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1B or Section 11-20.3 of the Criminal Code of 1961 where a child engaged in, solicited for, depicted in, or posed in any act of sexual penetration or bound, fettered, or subject to sadistic, masochistic, or sadomasochistic abuse in a sexual context;

(27) the defendant committed the offense of first degree murder, assault, aggravated assault, battery, aggravated battery, robbery, armed robbery, or aggravated robbery against a person who was a veteran and the defendant knew, or reasonably should have known, that the person was a veteran performing duties as a representative of a veterans' organization. For the purposes of this paragraph (27), "veteran" means an Illinois resident who has served as a member of the United States Armed Forces, a member of the Illinois National Guard, or a member of the United States Reserve Forces; and "veterans' organization" means an organization comprised of members of which substantially all are individuals who are veterans or spouses, widows, or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit;

(28) the defendant committed the offense of assault, aggravated assault, battery, aggravated battery, robbery, armed robbery, or aggravated robbery against a person that the defendant knew or reasonably should have known was a letter carrier or postal worker while that person was performing his or her duties delivering mail for the United States Postal Service; or

(29) the defendant committed the offense of criminal sexual assault, aggravated criminal sexual assault, criminal sexual abuse, or aggravated criminal sexual abuse against a victim with an intellectual disability, and the defendant holds a position of trust, authority, or supervision in relation to the victim; or

(30) (29) the defendant committed the offense of promoting juvenile prostitution, patronizing a prostitute, or patronizing a

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minor engaged in prostitution and at the time of the commission of the offense knew that the prostitute or minor engaged in prostitution was in the custody or guardianship of the Department of Children and Family Services.

For the purposes of this Section:
"School" is defined as a public or private elementary or secondary school, community college, college, or university.
"Day care center" means a public or private State certified and licensed day care center as defined in Section 2.09 of the Child Care Act of 1969 that displays a sign in plain view stating that the property is a day care center.
"Intellectual disability" means significantly subaverage intellectual functioning which exists concurrently with impairment in adaptive behavior.
"Public transportation" means the transportation or conveyance of persons by means available to the general public, and includes paratransit services.

(b) The following factors, related to all felonies, may be considered by the court as reasons to impose an extended term sentence under Section 5-8-2 upon any offender:

(1) When a defendant is convicted of any felony, after having been previously convicted in Illinois or any other jurisdiction of the same or similar class felony or greater class felony, when such conviction has occurred within 10 years after the previous conviction, excluding time spent in custody, and such charges are separately brought and tried and arise out of different series of acts; or

(2) When a defendant is convicted of any felony and the court finds that the offense was accompanied by exceptionally brutal or heinous behavior indicative of wanton cruelty; or

(3) When a defendant is convicted of any felony committed against:

(i) a person under 12 years of age at the time of the offense or such person's property;
(ii) a person 60 years of age or older at the time of the offense or such person's property; or
(iii) a person who had a physical disability at the time of the offense or such person's property; or

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(4) When a defendant is convicted of any felony and the offense involved any of the following types of specific misconduct committed as part of a ceremony, rite, initiation, observance, performance, practice or activity of any actual or ostensible religious, fraternal, or social group:
  (i) the brutalizing or torturing of humans or animals;
  (ii) the theft of human corpses;
  (iii) the kidnapping of humans;
  (iv) the desecration of any cemetery, religious, fraternal, business, governmental, educational, or other building or property; or
  (v) ritualized abuse of a child; or

(5) When a defendant is convicted of a felony other than conspiracy and the court finds that the felony was committed under an agreement with 2 or more other persons to commit that offense and the defendant, with respect to the other individuals, occupied a position of organizer, supervisor, financier, or any other position of management or leadership, and the court further finds that the felony committed was related to or in furtherance of the criminal activities of an organized gang or was motivated by the defendant's leadership in an organized gang; or

(6) When a defendant is convicted of an offense committed while using a firearm with a laser sight attached to it. For purposes of this paragraph, "laser sight" has the meaning ascribed to it in Section 26-7 of the Criminal Code of 2012; or

(7) When a defendant who was at least 17 years of age at the time of the commission of the offense is convicted of a felony and has been previously adjudicated a delinquent minor under the Juvenile Court Act of 1987 for an act that if committed by an adult would be a Class X or Class 1 felony when the conviction has occurred within 10 years after the previous adjudication, excluding time spent in custody; or

(8) When a defendant commits any felony and the defendant used, possessed, exercised control over, or otherwise directed an animal to assault a law enforcement officer engaged in the execution of his or her official duties or in furtherance of the criminal activities of an organized gang in which the defendant is engaged; or

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(9) When a defendant commits any felony and the defendant knowingly video or audio records the offense with the intent to disseminate the recording.

(c) The following factors may be considered by the court as reasons to impose an extended term sentence under Section 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

(1) When a defendant is convicted of first degree murder, after having been previously convicted in Illinois of any offense listed under paragraph (c)(2) of Section 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred within 10 years after the previous conviction, excluding time spent in custody, and the charges are separately brought and tried and arise out of different series of acts.

(1.5) When a defendant is convicted of first degree murder, after having been previously convicted of domestic battery (720 ILCS 5/12-3.2) or aggravated domestic battery (720 ILCS 5/12-3.3) committed on the same victim or after having been previously convicted of violation of an order of protection (720 ILCS 5/12-30) in which the same victim was the protected person.

(2) When a defendant is convicted of voluntary manslaughter, second degree murder, involuntary manslaughter, or reckless homicide in which the defendant has been convicted of causing the death of more than one individual.

(3) When a defendant is convicted of aggravated criminal sexual assault or criminal sexual assault, when there is a finding that aggravated criminal sexual assault or criminal sexual assault was also committed on the same victim by one or more other individuals, and the defendant voluntarily participated in the crime with the knowledge of the participation of the others in the crime, and the commission of the crime was part of a single course of conduct during which there was no substantial change in the nature of the criminal objective.

(4) If the victim was under 18 years of age at the time of the commission of the offense, when a defendant is convicted of aggravated criminal sexual assault or predatory criminal sexual assault of a child under subsection (a)(1) of Section 11-1.40 or subsection (a)(1) of Section 12-14.1 of the Criminal Code of 1961 or the Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

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(5) When a defendant is convicted of a felony violation of Section 24-1 of the Criminal Code of 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a finding that the defendant is a member of an organized gang.

(6) When a defendant was convicted of unlawful use of weapons under Section 24-1 of the Criminal Code of 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing a weapon that is not readily distinguishable as one of the weapons enumerated in Section 24-1 of the Criminal Code of 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

(7) When a defendant is convicted of an offense involving the illegal manufacture of a controlled substance under Section 401 of the Illinois Controlled Substances Act (720 ILCS 570/401), the illegal manufacture of methamphetamine under Section 25 of the Methamphetamine Control and Community Protection Act (720 ILCS 646/25), or the illegal possession of explosives and an emergency response officer in the performance of his or her duties is killed or injured at the scene of the offense while responding to the emergency caused by the commission of the offense. In this paragraph, "emergency" means a situation in which a person's life, health, or safety is in jeopardy; and "emergency response officer" means a peace officer, community policing volunteer, fireman, emergency medical technician-ambulance, emergency medical technician-intermediate, emergency medical technician-paramedic, ambulance driver, other medical assistance or first aid personnel, or hospital emergency room personnel.

(8) When the defendant is convicted of attempted mob action, solicitation to commit mob action, or conspiracy to commit mob action under Section 8-1, 8-2, or 8-4 of the Criminal Code of 2012, where the criminal object is a violation of Section 25-1 of the Criminal Code of 2012, and an electronic communication is used in the commission of the offense. For the purposes of this paragraph (8), "electronic communication" shall have the meaning provided in Section 26.5-0.1 of the Criminal Code of 2012.

(d) For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(e) The court may impose an extended term sentence under Article 4.5 of Chapter V upon an offender who has been convicted of a felony

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violation of Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012 when the victim of the offense is under 18 years of age at the time of the commission of the offense and, during the commission of the offense, the victim was under the influence of alcohol, regardless of whether or not the alcohol was supplied by the offender; and the offender, at the time of the commission of the offense, knew or should have known that the victim had consumed alcohol.

(Source: P.A. 98-14, eff. 1-1-14; 98-104, eff. 7-22-13; 98-385, eff. 1-1-14; 98-756, eff. 7-16-14; 99-77, eff. 1-1-16; 99-143, eff. 7-27-15; 99-180, eff. 7-29-15; 99-283, eff. 1-1-16; 99-347, eff. 1-1-16; revised 10-19-15.)

(730 ILCS 5/5-5.5-5)

Sec. 5-5.5-5. Definition Definitions and rules of construction. In this Article, "eligible offender" means a person who has been convicted of a crime in this State or of an offense in any other jurisdiction that does not include any offense or attempted offense that would subject a person to registration under the Sex Offender Registration Act, the Arsonist Registration Act, or the Murderer and Violent Offender Against Youth Registration Act. "Eligible offender" does not include a person who has been convicted of arson, aggravated arson, kidnapping, aggravated kidnaping, aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, or aggravated domestic battery.

(Source: P.A. 99-381, eff. 1-1-16; revised 10-19-15.)

(730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

Sec. 5-6-3.1. Incidents and Conditions of Supervision.

(a) When a defendant is placed on supervision, the court shall enter an order for supervision specifying the period of such supervision, and shall defer further proceedings in the case until the conclusion of the period.

(b) The period of supervision shall be reasonable under all of the circumstances of the case, but may not be longer than 2 years, unless the defendant has failed to pay the assessment required by Section 10.3 of the Cannabis Control Act, Section 411.2 of the Illinois Controlled Substances Act, or Section 80 of the Methamphetamine Control and Community Protection Act, in which case the court may extend supervision beyond 2 years. Additionally, the court shall order the defendant to perform no less than 30 hours of community service and not more than 120 hours of community service, if community service is available in the jurisdiction.

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and is funded and approved by the county board where the offense was committed, when the offense (1) was related to or in furtherance of the criminal activities of an organized gang or was motivated by the defendant's membership in or allegiance to an organized gang; or (2) is a violation of any Section of Article 24 of the Criminal Code of 1961 or the Criminal Code of 2012 where a disposition of supervision is not prohibited by Section 5-6-1 of this Code. The community service shall include, but not be limited to, the cleanup and repair of any damage caused by violation of Section 21-1.3 of the Criminal Code of 1961 or the Criminal Code of 2012 and similar damages to property located within the municipality or county in which the violation occurred. Where possible and reasonable, the community service should be performed in the offender's neighborhood.

For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(c) The court may in addition to other reasonable conditions relating to the nature of the offense or the rehabilitation of the defendant as determined for each defendant in the proper discretion of the court require that the person:

(1) make a report to and appear in person before or participate with the court or such courts, person, or social service agency as directed by the court in the order of supervision;

(2) pay a fine and costs;

(3) work or pursue a course of study or vocational training;

(4) undergo medical, psychological or psychiatric treatment; or treatment for drug addiction or alcoholism;

(5) attend or reside in a facility established for the instruction or residence of defendants on probation;

(6) support his dependents;

(7) refrain from possessing a firearm or other dangerous weapon;

(8) and in addition, if a minor:

(i) reside with his parents or in a foster home;

(ii) attend school;

(iii) attend a non-residential program for youth;

(iv) contribute to his own support at home or in a foster home; or

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(v) with the consent of the superintendent of the facility, attend an educational program at a facility other than the school in which the offense was committed if he or she is placed on supervision for a crime of violence as defined in Section 2 of the Crime Victims Compensation Act committed in a school, on the real property comprising a school, or within 1,000 feet of the real property comprising a school;

(9) make restitution or reparation in an amount not to exceed actual loss or damage to property and pecuniary loss or make restitution under Section 5-5-6 to a domestic violence shelter. The court shall determine the amount and conditions of payment;

(10) perform some reasonable public or community service;

(11) comply with the terms and conditions of an order of protection issued by the court pursuant to the Illinois Domestic Violence Act of 1986 or an order of protection issued by the court of another state, tribe, or United States territory. If the court has ordered the defendant to make a report and appear in person under paragraph (1) of this subsection, a copy of the order of protection shall be transmitted to the person or agency so designated by the court;

(12) reimburse any "local anti-crime program" as defined in Section 7 of the Anti-Crime Advisory Council Act for any reasonable expenses incurred by the program on the offender's case, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced;

(13) contribute a reasonable sum of money, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced, (i) to a "local anti-crime program", as defined in Section 7 of the Anti-Crime Advisory Council Act, or (ii) for offenses under the jurisdiction of the Department of Natural Resources, to the fund established by the Department of Natural Resources for the purchase of evidence for investigation purposes and to conduct investigations as outlined in Section 805-105 of the Department of Natural Resources (Conservation) Law;

(14) refrain from entering into a designated geographic area except upon such terms as the court finds appropriate. Such terms
may include consideration of the purpose of the entry, the time of
day, other persons accompanying the defendant, and advance approval by a probation officer;

(15) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of person, including but not limited to members of street gangs and drug users or dealers;

(16) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug;

(17) refrain from operating any motor vehicle not equipped with an ignition interlock device as defined in Section 1-129.1 of the Illinois Vehicle Code; under this condition the court may allow a defendant who is not self-employed to operate a vehicle owned by the defendant's employer that is not equipped with an ignition interlock device in the course and scope of the defendant's employment; and

(18) if placed on supervision for a sex offense as defined in subsection (a-5) of Section 3-1-2 of this Code, unless the offender is a parent or guardian of the person under 18 years of age present in the home and no non-familial minors are present, not participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, being employed as a department store Santa Claus, or wearing an Easter Bunny costume on or preceding Easter.

(c-5) If payment of restitution as ordered has not been made, the victim shall file a petition notifying the sentencing court, any other person to whom restitution is owed, and the State's Attorney of the status of the ordered restitution payments unpaid at least 90 days before the supervision expiration date. If payment as ordered has not been made, the court shall hold a review hearing prior to the expiration date, unless the hearing is voluntarily waived by the defendant with the knowledge that waiver may result in an extension of the supervision period or in a revocation of supervision. If the court does not extend supervision, it shall issue a judgment for the unpaid restitution and direct the clerk of the circuit court

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to file and enter the judgment in the judgment and lien docket, without fee, unless it finds that the victim has recovered a judgment against the defendant for the amount covered by the restitution order. If the court issues a judgment for the unpaid restitution, the court shall send to the defendant at his or her last known address written notification that a civil judgment has been issued for the unpaid restitution.

(d) The court shall defer entering any judgment on the charges until the conclusion of the supervision.

(e) At the conclusion of the period of supervision, if the court determines that the defendant has successfully complied with all of the conditions of supervision, the court shall discharge the defendant and enter a judgment dismissing the charges.

(f) Discharge and dismissal upon a successful conclusion of a disposition of supervision shall be deemed without adjudication of guilt and shall not be termed a conviction for purposes of disqualification or disabilities imposed by law upon conviction of a crime. Two years after the discharge and dismissal under this Section, unless the disposition of supervision was for a violation of Sections 3-707, 3-708, 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance, or for a violation of Sections 12-3.2, 16-25, or 16A-3 of the Criminal Code of 1961 or the Criminal Code of 2012, in which case it shall be 5 years after discharge and dismissal, a person may have his record of arrest sealed or expunged as may be provided by law. However, any defendant placed on supervision before January 1, 1980, may move for sealing or expungement of his arrest record, as provided by law, at any time after discharge and dismissal under this Section. A person placed on supervision for a sexual offense committed against a minor as defined in clause (a)(1)(L) of Section 5.2 of the Criminal Identification Act or for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance shall not have his or her record of arrest sealed or expunged.

(g) A defendant placed on supervision and who during the period of supervision undergoes mandatory drug or alcohol testing, or both, or is assigned to be placed on an approved electronic monitoring device, shall be ordered to pay the costs incidental to such mandatory drug or alcohol testing, or both, and costs incidental to such approved electronic monitoring in accordance with the defendant's ability to pay those costs. The county board with the concurrence of the Chief Judge of the judicial circuit in which the county is located shall establish reasonable fees for the

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cost of maintenance, testing, and incidental expenses related to the mandatory drug or alcohol testing, or both, and all costs incidental to approved electronic monitoring, of all defendants placed on supervision. The concurrence of the Chief Judge shall be in the form of an administrative order. The fees shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all moneys collected from these fees to the county treasurer who shall use the moneys collected to defray the costs of drug testing, alcohol testing, and electronic monitoring. The county treasurer shall deposit the fees collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

(h) A disposition of supervision is a final order for the purposes of appeal.

(i) The court shall impose upon a defendant placed on supervision after January 1, 1992 or to community service under the supervision of a probation or court services department after January 1, 2004, as a condition of supervision or supervised community service, a fee of $50 for each month of supervision or supervised community service ordered by the court, unless after determining the inability of the person placed on supervision or supervised community service to pay the fee, the court assesses a lesser fee. The court may not impose the fee on a minor who is made a ward of the State under the Juvenile Court Act of 1987 while the minor is in placement. The fee shall be imposed only upon a defendant who is actively supervised by the probation and court services department. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the probation and court services fund pursuant to Section 15.1 of the Probation and Probation Officers Act.

A circuit court may not impose a probation fee in excess of $25 per month unless the circuit court has adopted, by administrative order issued by the chief judge, a standard probation fee guide determining an offender's ability to pay. Of the amount collected as a probation fee, not to exceed $5 of that fee collected per month may be used to provide services to crime victims and their families.

The Court may only waive probation fees based on an offender's ability to pay. The probation department may re-evaluate an offender's ability to pay every 6 months, and, with the approval of the Director of Court Services or the Chief Probation Officer, adjust the monthly fee amount. An offender may elect to pay probation fees due in a lump sum.
Any offender that has been assigned to the supervision of a probation department, or has been transferred either under subsection (h) of this Section or under any interstate compact, shall be required to pay probation fees to the department supervising the offender, based on the offender's ability to pay.

(j) All fines and costs imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(k) A defendant at least 17 years of age who is placed on supervision for a misdemeanor in a county of 3,000,000 or more inhabitants and who has not been previously convicted of a misdemeanor or felony may as a condition of his or her supervision be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing high school equivalency testing or to work toward completing a vocational training program approved by the court. The defendant placed on supervision must attend a public institution of education to obtain the educational or vocational training required by this subsection (k). The defendant placed on supervision shall be required to pay for the cost of the educational courses or high school equivalency testing if a fee is charged for those courses or testing. The court shall revoke the supervision of a person who wilfully fails to comply with this subsection (k). The court shall resentence the defendant upon revocation of supervision as provided in Section 5-6-4. This subsection (k) does not apply to a defendant who has a high school diploma or has successfully passed high school equivalency testing. This subsection (k) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(l) The court shall require a defendant placed on supervision for possession of a substance prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act after a previous conviction or disposition of supervision for possession of a substance prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act or a sentence

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of probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act and after a finding by the court that the person is addicted, to undergo treatment at a substance abuse program approved by the court.

(m) The Secretary of State shall require anyone placed on court supervision for a violation of Section 3-707 of the Illinois Vehicle Code or a similar provision of a local ordinance to give proof of his or her financial responsibility as defined in Section 7-315 of the Illinois Vehicle Code. The proof shall be maintained by the individual in a manner satisfactory to the Secretary of State for a minimum period of 3 years after the date the proof is first filed. The proof shall be limited to a single action per arrest and may not be affected by any post-sentence disposition. The Secretary of State shall suspend the driver's license of any person determined by the Secretary to be in violation of this subsection.

(n) Any offender placed on supervision for any offense that the court or probation department has determined to be sexually motivated as defined in the Sex Offender Management Board Act shall be required to refrain from any contact, directly or indirectly, with any persons specified by the court and shall be available for all evaluations and treatment programs required by the court or the probation department.

(o) An offender placed on supervision for a sex offense as defined in the Sex Offender Management Board Act shall refrain from residing at the same address or in the same condominium unit or apartment unit or in the same condominium complex or apartment complex with another person he or she knows or reasonably should know is a convicted sex offender or has been placed on supervision for a sex offense. The provisions of this subsection (o) do not apply to a person convicted of a sex offense who is placed in a Department of Corrections licensed transitional housing facility for sex offenders.

(p) An offender placed on supervision for an offense committed on or after June 1, 2008 (the effective date of Public Act 95-464) that would qualify the accused as a child sex offender as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of 1961 or the Criminal Code of 2012 shall refrain from communicating with or contacting, by means of the Internet, a person who is not related to the accused and whom the accused reasonably believes to be under 18 years of age. For purposes of this subsection (p), "Internet" has the meaning ascribed to it in Section 16-0.1 of the Criminal Code of 2012; and a person is not related to the accused if the person is not: (i) the spouse, brother, or sister of the accused; (ii) a descendant of the

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accused; (iii) a first or second cousin of the accused; or (iv) a step-child or adopted child of the accused.

(q) An offender placed on supervision for an offense committed on or after June 1, 2008 (the effective date of Public Act 95-464) that would qualify the accused as a child sex offender as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of 1961 or the Criminal Code of 2012 shall, if so ordered by the court, refrain from communicating with or contacting, by means of the Internet, a person who is related to the accused and whom the accused reasonably believes to be under 18 years of age. For purposes of this subsection (q), "Internet" has the meaning ascribed to it in Section 16-0.1 of the Criminal Code of 2012; and a person is related to the accused if the person is: (i) the spouse, brother, or sister of the accused; (ii) a descendant of the accused; (iii) a first or second cousin of the accused; or (iv) a step-child or adopted child of the accused.

(r) An offender placed on supervision for an offense under Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a juvenile prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or the Criminal Code of 2012, or any attempt to commit any of these offenses, committed on or after the effective date of this amendatory Act of the 95th General Assembly shall:

(i) not access or use a computer or any other device with Internet capability without the prior written approval of the court, except in connection with the offender's employment or search for employment with the prior approval of the court;

(ii) submit to periodic unannounced examinations of the offender's computer or any other device with Internet capability by the offender's probation officer, a law enforcement officer, or assigned computer or information technology specialist, including the retrieval and copying of all data from the computer or device and any internal or external peripherals and removal of such information, equipment, or device to conduct a more thorough inspection;

(iii) submit to the installation on the offender's computer or device with Internet capability, at the offender's expense, of one or more hardware or software systems to monitor the Internet use; and

(iv) submit to any other appropriate restrictions concerning the offender's use of or access to a computer or any other device with Internet capability imposed by the court.

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(s) An offender placed on supervision for an offense that is a sex offense as defined in Section 2 of the Sex Offender Registration Act that is committed on or after January 1, 2010 (the effective date of Public Act 96-362) that requires the person to register as a sex offender under that Act, may not knowingly use any computer scrub software on any computer that the sex offender uses.

(t) An offender placed on supervision for a sex offense as defined in the Sex Offender Registration Act committed on or after January 1, 2010 (the effective date of Public Act 96-262) shall refrain from accessing or using a social networking website as defined in Section 17-0.5 of the Criminal Code of 2012.

(u) Jurisdiction over an offender may be transferred from the sentencing court to the court of another circuit with the concurrence of both courts. Further transfers or retransfers of jurisdiction are also authorized in the same manner. The court to which jurisdiction has been transferred shall have the same powers as the sentencing court. The probation department within the circuit to which jurisdiction has been transferred may impose probation fees upon receiving the transferred offender, as provided in subsection (i). The probation department from the original sentencing court shall retain all probation fees collected prior to the transfer.

(Source: P.A. 97-454, eff. 1-1-12; 97-597, eff. 1-1-12; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-718, eff. 1-1-15; 98-940, eff. 1-1-15; revised 10-1-14.)

Section 565. The Code of Civil Procedure is amended by changing Sections 2-1401, 3-102, and 12-654 as follows:

(735 ILCS 5/2-1401) (from Ch. 110, par. 2-1401)

Sec. 2-1401. Relief from judgments.

(a) Relief from final orders and judgments, after 30 days from the entry thereof, may be had upon petition as provided in this Section. Writs of error coram nobis and coram vobis, bills of review and bills in the nature of bills of review are abolished. All relief heretofore obtainable and the grounds for such relief heretofore available, whether by any of the foregoing remedies or otherwise, shall be available in every case, by proceedings hereunder, regardless of the nature of the order or judgment from which relief is sought or of the proceedings in which it was entered. Except as provided in the Illinois Parentage Act of 2015, there shall be no distinction between actions and other proceedings, statutory or otherwise, as to availability of relief, grounds for relief or the relief obtainable.

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(b) The petition must be filed in the same proceeding in which the order or judgment was entered but is not a continuation thereof. The petition must be supported by affidavit or other appropriate showing as to matters not of record. All parties to the petition shall be notified as provided by rule.

(b-5) A movant may present a meritorious claim under this Section if the allegations in the petition establish each of the following by a preponderance of the evidence:

1. The movant was convicted of a forcible felony;
2. The movant's participation in the offense was related to him or her previously having been a victim of domestic violence as perpetrated by an intimate partner;
3. No evidence of domestic violence against the movant was presented at the movant's sentencing hearing;
4. The movant was unaware of the mitigating nature of the evidence of the domestic violence at the time of sentencing and could not have learned of its significance sooner through diligence; and
5. The new evidence of domestic violence against the movant is material and noncumulative to other evidence offered at the sentencing hearing, and is of such a conclusive character that it would likely change the sentence imposed by the original trial court.

Nothing in this subsection (b-5) shall prevent a movant from applying for any other relief under this Section or any other law otherwise available to him or her.

As used in this subsection (b-5):

"Forcible felony" has the meaning ascribed to the term in Section 2-8 of the Criminal Code of 2012.
"Intimate partner" means a spouse or former spouse, persons who have or allegedly have had a child in common, or persons who have or have had a dating or engagement relationship.

(c) Except as provided in Section 20b of the Adoption Act and Section 2-32 of the Juvenile Court Act of 1987 or in a petition based upon Section 116-3 of the Code of Criminal Procedure of 1963, the petition must be filed not later than 2 years after the entry of the order or judgment. Time during which the person seeking relief is under legal disability or

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duress or the ground for relief is fraudulently concealed shall be excluded in computing the period of 2 years.

(d) The filing of a petition under this Section does not affect the order or judgment, or suspend its operation.

(e) Unless lack of jurisdiction affirmatively appears from the record proper, the vacation or modification of an order or judgment pursuant to the provisions of this Section does not affect the right, title or interest in or to any real or personal property of any person, not a party to the original action, acquired for value after the entry of the order or judgment but before the filing of the petition, nor affect any right of any person not a party to the original action under any certificate of sale issued before the filing of the petition, pursuant to a sale based on the order or judgment.

(f) Nothing contained in this Section affects any existing right to relief from a void order or judgment, or to employ any existing method to procure that relief.

(Source: P.A. 99-85, eff. 1-1-16; 99-384, eff. 1-1-16; revised 10-19-15.)

(735 ILCS 5/3-102) (from Ch. 110, par. 3-102)

Sec. 3-102. Scope of Article. **This Article III of this Act** shall apply to and govern every action to review judicially a final decision of any administrative agency where the Act creating or conferring power on such agency, by express reference, adopts the provisions of **this Article III of this Act** or its predecessor, the Administrative Review Act. This Article shall be known as the "Administrative Review Law". In all such cases, any other statutory, equitable or common law mode of review of decisions of administrative agencies heretofore available shall not hereafter be employed.

Unless review is sought of an administrative decision within the time and in the manner herein provided, the parties to the proceeding before the administrative agency shall be barred from obtaining judicial review of such administrative decision. In an action to review any final decision of any administrative agency brought under **this Article III**, if a judgment is reversed or entered against the plaintiff, or the action is voluntarily dismissed by the plaintiff, or the action is dismissed for want of prosecution, or the action is dismissed by a United States District Court for lack of jurisdiction, neither the plaintiff nor his or her heirs, executors, or administrators may commence a new action within one year or within the remaining period of limitation, whichever is greater. All proceedings in the court for revision of such final decision shall terminate upon the date

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of the entry of any Order under either Section 2-1009 or Section 13-217. Such Order shall cause the final administrative decision of any administrative agency to become immediately enforceable. If under the terms of the Act governing the procedure before an administrative agency an administrative decision has become final because of the failure to file any document in the nature of objections, protests, petition for hearing or application for administrative review within the time allowed by such Act, such decision shall not be subject to judicial review hereunder excepting only for the purpose of questioning the jurisdiction of the administrative agency over the person or subject matter.

(Source: P.A. 88-1; revised 10-19-15.)

(735 ILCS 5/12-654) (from Ch. 110, par. 12-654)

Sec. 12-654. Stay.

(a) If the judgment debtor shows the circuit court that an appeal from the foreign judgment is pending or will be taken, or that a stay of execution has been granted, the court shall stay enforcement of the foreign judgment until the appeal is concluded, the time for appeal expires, or the stay of execution expires or is vacated, upon proof that the judgment debtor has furnished the security for the satisfaction of the judgment required by the state in which it is rendered.

(b) If the judgment debtor shows the circuit court any ground upon which enforcement of a judgment of any circuit court for any county of this State would be stayed, the court shall stay enforcement of the foreign judgment for an appropriate period, upon requiring the same security for satisfaction of the judgment which is required in this State.

(Source: P.A. 87-358; 87-895; revised 10-19-15.)

Section 570. The Mental Health and Developmental Disabilities Confidentiality Act is amended by changing Section 12 as follows:

(740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

Sec. 12. (a) If the United States Secret Service or the Department of State Police requests information from a mental health or developmental disability facility, as defined in Section 1-107 and 1-114 of the Mental Health and Developmental Disabilities Code, relating to a specific recipient and the facility director determines that disclosure of such information may be necessary to protect the life of, or to prevent the infliction of great bodily harm to, a public official, or a person under the protection of the United States Secret Service, only the following information may be disclosed: the recipient's name, address, and age and the date of any admission to or discharge from a facility; and any
information which would indicate whether or not the recipient has a history of violence or presents a danger of violence to the person under protection. Any information so disclosed shall be used for investigative purposes only and shall not be publicly disseminated. Any person participating in good faith in the disclosure of such information in accordance with this provision shall have immunity from any liability, civil, criminal or otherwise, if such information is disclosed relying upon the representation of an officer of the United States Secret Service or the Department of State Police that a person is under the protection of the United States Secret Service or is a public official.

For the purpose of this subsection (a), the term "public official" means the Governor, Lieutenant Governor, Attorney General, Secretary of State, State Comptroller, State Treasurer, member of the General Assembly, member of the United States Congress, Judge of the United States as defined in 28 U.S.C. 451, Justice of the United States as defined in 28 U.S.C. 451, United States Magistrate Judge as defined in 28 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or Supreme, Appellate, Circuit, or Associate Judge of the State of Illinois. The term shall also include the spouse, child or children of a public official.

(b) The Department of Human Services (acting as successor to the Department of Mental Health and Developmental Disabilities) and all public or private hospitals and mental health facilities are required, as hereafter described in this subsection, to furnish the Department of State Police only such information as may be required for the sole purpose of determining whether an individual who may be or may have been a patient is disqualified because of that status from receiving or retaining a Firearm Owner's Identification Card or falls within the federal prohibitors under subsection (e), (f), (g), (r), (s), or (t) of Section 8 of the Firearm Owners Identification Card Act, or falls within the federal prohibitors in 18 U.S.C. 922(g) and (n). All physicians, clinical psychologists, or qualified examiners at public or private mental health facilities or parts thereof as defined in this subsection shall, in the form and manner required by the Department, provide notice directly to the Department of Human Services, or to his or her employer who shall then report to the Department, within 24 hours after determining that a person poses a clear and present danger to himself, herself, or others, or within 7 days after a person 14 years or older is determined to be a person with a developmental disability by a physician, clinical psychologist, or qualified examiner as described in Section 1.1 of the Firearm Owners Identification Card Act. If a person is a

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patient as described in clause (1) of the definition of "patient" in Section 1.1 of the Firearm Owners Identification Card Act, this information shall be furnished within 7 days after admission to a public or private hospital or mental health facility or the provision of services. Any such information disclosed under this subsection shall remain privileged and confidential, and shall not be redisclosed, except as required by subsection (e) of Section 3.1 of the Firearm Owners Identification Card Act, nor utilized for any other purpose. The method of requiring the providing of such information shall guarantee that no information is released beyond what is necessary for this purpose. In addition, the information disclosed shall be provided by the Department within the time period established by Section 24-3 of the Criminal Code of 2012 regarding the delivery of firearms. The method used shall be sufficient to provide the necessary information within the prescribed time period, which may include periodically providing lists to the Department of Human Services or any public or private hospital or mental health facility of Firearm Owner's Identification Card applicants on which the Department or hospital shall indicate the identities of those individuals who are to its knowledge disqualified from having a Firearm Owner's Identification Card for reasons described herein. The Department may provide for a centralized source of information for the State on this subject under its jurisdiction. The identity of the person reporting under this subsection shall not be disclosed to the subject of the report. For the purposes of this subsection, the physician, clinical psychologist, or qualified examiner making the determination and his or her employer shall not be held criminally, civilly, or professionally liable for making or not making the notification required under this subsection, except for willful or wanton misconduct.

Any person, institution, or agency, under this Act, participating in good faith in the reporting or disclosure of records and communications otherwise in accordance with this provision or with rules, regulations or guidelines issued by the Department shall have immunity from any liability, civil, criminal or otherwise, that might result by reason of the action. For the purpose of any proceeding, civil or criminal, arising out of a report or disclosure in accordance with this provision, the good faith of any person, institution, or agency so reporting or disclosing shall be presumed. The full extent of the immunity provided in this subsection (b) shall apply to any person, institution or agency that fails to make a report or disclosure in the good faith belief that the report or disclosure would

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violate federal regulations governing the confidentiality of alcohol and drug abuse patient records implementing 42 U.S.C. 290dd-3 and 290ee-3.

For purposes of this subsection (b) only, the following terms shall have the meaning prescribed:

(1) (Blank).

(1.3) "Clear and present danger" has the meaning as defined in Section 1.1 of the Firearm Owners Identification Card Act.

(1.5) "Person with a developmental disability" has the meaning as defined in Section 1.1 of the Firearm Owners Identification Card Act.

(2) "Patient" has the meaning as defined in Section 1.1 of the Firearm Owners Identification Card Act.

(3) "Mental health facility" has the meaning as defined in Section 1.1 of the Firearm Owners Identification Card Act.

(c) Upon the request of a peace officer who takes a person into custody and transports such person to a mental health or developmental disability facility pursuant to Section 3-606 or 4-404 of the Mental Health and Developmental Disabilities Code or who transports a person from such facility, a facility director shall furnish said peace officer the name, address, age and name of the nearest relative of the person transported to or from the mental health or developmental disability facility. In no case shall the facility director disclose to the peace officer any information relating to the diagnosis, treatment or evaluation of the person's mental or physical health.

For the purposes of this subsection (c), the terms "mental health or developmental disability facility", "peace officer" and "facility director" shall have the meanings ascribed to them in the Mental Health and Developmental Disabilities Code.

(d) Upon the request of a peace officer or prosecuting authority who is conducting a bona fide investigation of a criminal offense, or attempting to apprehend a fugitive from justice, a facility director may disclose whether a person is present at the facility. Upon request of a peace officer or prosecuting authority who has a valid forcible felony warrant issued, a facility director shall disclose: (1) whether the person who is the subject of the warrant is present at the facility and (2) the date of that person's discharge or future discharge from the facility. The requesting peace officer or prosecuting authority must furnish a case number and the purpose of the investigation or an outstanding arrest warrant at the time of the request. Any person, institution, or agency participating in good faith
in disclosing such information in accordance with this subsection (d) is
immune from any liability, civil, criminal or otherwise, that might result
by reason of the action.
(Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-143, eff. 7-27-15;
revised 10-22-15.)
Section 575. The Premises Liability Act is amended by changing
Section 4.1 as follows:
(740 ILCS 130/4.1)
Sec. 4.1. Off-road riding facilities; liability.
(a) As used in this Section, "off-road riding facility" means:
(1) an area of land, consisting of a closed course, designed
for use of off-highway vehicles in events such as, but not limited
to, dirt track, short track, flat track, speedway, drag racing, grand
prix, hare scrambles, hill climb, ice racing, observed trails, mud
and snow scrambles, tractor pulls, sled pulls, truck pulls, mud runs,
or other contests of a side-by-side nature in a sporting event for
practice, instruction, testing, or competition of off-highway
vehicles; or
(2) a thoroughfare or track across land or snow used for off-
highway motorcycles or all-terrain vehicles.
(b) An owner or operator of an off-road riding facility in existence
on January 1, 2002 is immune from any criminal liability arising out of or
as a consequence of noise or sound emissions resulting from the use of the
off-road riding facility. An owner or operator of an off-road riding
facility is not subject to any action for public or private nuisance or
trespass, and no court in this State may enjoin the use or operation of an off-road riding facility on the basis of noise or sound emissions resulting
from the use of the off-road riding facility.
(c) An owner or operator of an off-road riding facility placed in
operation after January 1, 2002 is immune from any criminal liability and
is not subject to any action for public or private nuisance or trespass
arising out of or as a consequence of noise or sound emissions resulting
from the use of the off-road riding facility, if the off-road riding facility
conforms to any one of the following requirements:
(1) All areas from which an off-road vehicle may be
properly operated are at least 1,000 feet from any occupied
permanent dwelling on adjacent property at the time the facility
was placed into operation.

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(2) The off-road riding facility is situated on land otherwise subject to land use zoning, and the off-road riding facility was not prohibited by the zoning authority at the time the facility was placed into operation.

(3) The off-road riding facility is operated by a governmental entity or the off-road riding facility was the recipient of grants under the Recreational Trails of Illinois Act.

(d) The civil immunity in subsection (c) does not apply if there is willful or wanton misconduct outside the normal use of the off-road riding facility.

(Source: P.A. 98-847, eff. 1-1-15; revised 10-19-15.)

Section 580. The Illinois Marriage and Dissolution of Marriage Act is amended by changing Section 513 as follows:

Sec. 513. Educational Expenses for a Non-minor Child.

(a) The court may award sums of money out of the property and income of either or both parties or the estate of a deceased parent, as equity may require, for the educational expenses of any child of the parties. Unless otherwise agreed to by the parties, all educational expenses which are the subject of a petition brought pursuant to this Section shall be incurred no later than the student's 23rd birthday, except for good cause shown, but in no event later than the child's 25th birthday.

(b) Regardless of whether an award has been made under subsection (a), the court may require both parties and the child to complete the Free Application for Federal Student Aid (FAFSA) and other financial aid forms and to submit any form of that type prior to the designated submission deadline for the form. The court may require either or both parties to provide funds for the child so as to pay for the cost of up to 5 college applications, the cost of 2 standardized college entrance examinations, and the cost of one standardized college entrance examination preparatory course.

(c) The authority under this Section to make provision for educational expenses extends not only to periods of college education or vocational or professional or other training after graduation from high school, but also to any period during which the child of the parties is still attending high school, even though he or she attained the age of 19.

(d) Educational expenses may include, but shall not be limited to, the following:

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(1) except for good cause shown, the actual cost of the child's post-secondary expenses, including tuition and fees, provided that the cost for tuition and fees does not exceed the amount of tuition and fees paid by a student at the University of Illinois at Urbana-Champaign for the same academic year;

(2) except for good cause shown, the actual costs of the child's housing expenses, whether on-campus or off-campus, provided that the housing expenses do not exceed the cost for the same academic year of a double-occupancy student room, with a standard meal plan, in a residence hall operated by the University of Illinois at Urbana-Champaign;

(3) the actual costs of the child's medical expenses, including medical insurance, and dental expenses;

(4) the reasonable living expenses of the child during the academic year and periods of recess:
   (A) if the child is a resident student attending a post-secondary educational program; or
   (B) if the child is living with one party at that party's home and attending a post-secondary educational program as a non-resident student, in which case the living expenses include an amount that pays for the reasonable cost of the child's food, utilities, and transportation; and

(5) the cost of books and other supplies necessary to attend college.

(e) Sums may be ordered payable to the child, to either party, or to the educational institution, directly or through a special account or trust created for that purpose, as the court sees fit.

(f) If educational expenses are ordered payable, each party and the child shall sign any consent necessary for the educational institution to provide a supporting party with access to the child's academic transcripts, records, and grade reports. The consent shall not apply to any non-academic records. Failure to execute the required consent may be a basis for a modification or termination of any order entered under this Section. Unless the court specifically finds that the child's safety would be jeopardized, each party is entitled to know the name of the educational institution the child attends.

(g) The authority under this Section to make provision for educational expenses terminates when the child either: fails to maintain a cumulative "C" grade point average, except in the event of illness or other

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good cause shown; attains the age of 23; receives a baccalaureate degree; or marries. A child's enlisting in the armed forces, being incarcerated, or becoming pregnant does not terminate the court's authority to make provisions for the educational expenses for the child under this Section.

(h) An account established prior to the dissolution that is to be used for the child's post-secondary education, that is an account in a state tuition program under Section 529 of the Internal Revenue Code, or that is some other college savings plan, is to be considered by the court to be a resource of the child, provided that any post-judgment contribution made by a party to such an account is to be considered a contribution from that party.

(i) The child is not a third party beneficiary to the settlement agreement or judgment between the parties after trial and is not entitled to file a petition for contribution. If the parties' settlement agreement describes the manner in which a child's educational expenses will be paid, or if the court makes an award pursuant to this Section, then the parties are responsible pursuant to that agreement or award for the child's educational expenses, but in no event shall the court consider the child a third party beneficiary of that provision. In the event of the death or legal disability of a party who would have the right to file a petition for contribution, the child of the party may file a petition for contribution.

(j) In making awards under this Section, or pursuant to a petition or motion to decrease, modify, or terminate any such award, the court shall consider all relevant factors that appear reasonable and necessary, including:

1. The present and future financial resources of both parties to meet their needs, including, but not limited to, savings for retirement.
2. The standard of living the child would have enjoyed had the marriage not been dissolved.
3. The financial resources of the child.

(k) The establishment of an obligation to pay under this Section is retroactive only to the date of filing a petition. The right to enforce a prior obligation to pay may be enforced either before or after the obligation is incurred.

(Source: P.A. 99-90, eff. 1-1-16; 99-143, eff. 7-27-15; revised 10-22-15.)

Section 585. The Uniform Interstate Family Support Act is amended by changing Section 102 as follows:

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Sec. 102. Definitions. In this Act:

(1) "Child" means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent.

(2) "Child-support order" means a support order for a child, including a child who has attained the age of majority under the law of the issuing state or foreign country.


(4) "Duty of support" means an obligation imposed or imposable by law to provide support for a child, spouse, or former spouse including an unsatisfied obligation to provide support.

(5) "Foreign country" means a country, including a political subdivision thereof, other than the United States, that authorizes the issuance of support orders and:

(A) which has been declared under the law of the United States to be a foreign reciprocating country;

(B) which has established a reciprocal arrangement for child support with this State as provided in Section 308;

(C) which has enacted a law or established procedures for the issuance and enforcement of support orders which are substantially similar to the procedures under this Act; or

(D) in which the Convention is in force with respect to the United States.

(6) "Foreign support order" means a support order of a foreign tribunal.

(7) "Foreign tribunal" means a court, administrative agency, or quasi-judicial entity of a foreign country which is authorized to establish, enforce, or modify support orders or to determine parentage of a child. The term includes a competent authority under the Convention.

(8) "Home state" means the state or foreign country in which a child lived with a parent or a person acting as parent for at least 6 consecutive months immediately preceding the time of filing of a petition or comparable pleading for support, and if a child is less than 6 months old, the state or foreign country in which the child lived from birth with
any of them. A period of temporary absence of any of them is counted as part of the 6-month or other period.

(9) "Income" includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of this State.

(10) "Income-withholding order" means an order or other legal process directed to an obligor's employer or other debtor, as defined by the Income Withholding for Support Act; 2015, to withhold support from the income of the obligor.

(11) "Initiating tribunal" means the tribunal of a state or foreign country from which a petition or comparable pleading is forwarded or in which a petition or comparable pleading is filed for forwarding to another state or foreign country.

(12) "Issuing foreign country" means the foreign country in which a tribunal issues a support order or a judgment determining parentage of a child.

(13) "Issuing state" means the state in which a tribunal issues a support order or a judgment determining parentage of a child.

(14) "Issuing tribunal" means the tribunal of a state or foreign country that issues a support order or a judgment determining parentage of a child.

(15) "Law" includes decisional and statutory law and rules and regulations having the force of law.

(16) "Obligee" means:

(A) an individual to whom a duty of support is or is alleged to be owed or in whose favor a support order or a judgment determining parentage of a child has been issued;

(B) a foreign country, state, or political subdivision of a state to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee in place of child support;

(C) an individual seeking a judgment determining parentage of the individual's child; or

(D) a person that is a creditor in a proceeding under Article 7.

(17) "Obligor" means an individual, or the estate of a decedent that:

(A) owes or is alleged to owe a duty of support;

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(B) is alleged but has not been adjudicated to be a parent of a child;
(C) is liable under a support order; or
(D) is a debtor in a proceeding under Article 7.

(18) "Outside this State" means a location in another state or a country other than the United States, whether or not the country is a foreign country.

(19) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(20) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(21) "Register" means to record or file in a tribunal of this State a support order or judgment determining parentage of a child issued in another state or a foreign country.

(22) "Registering tribunal" means a tribunal in which a support order or judgment determining parentage of a child is registered.

(23) "Responding state" means a state in which a petition or comparable pleading for support or to determine parentage of a child is filed or to which a petition or comparable pleading is forwarded for filing from another state or a foreign country.

(24) "Responding tribunal" means the authorized tribunal in a responding state or foreign country.

(25) "Spousal-support order" means a support order for a spouse or former spouse of the obligor.

(26) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession under the jurisdiction of the United States. The term includes an Indian nation or tribe.

(27) "Support enforcement agency" means a public official, governmental entity, or private agency authorized to:
(A) seek enforcement of support orders or laws relating to the duty of support;
(B) seek establishment or modification of child support;
(C) request determination of parentage of a child;
(D) attempt to locate obligors or their assets; or

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(E) request determination of the controlling child-support order.

(28) "Support order" means a judgment, decree, order, decision, or directive, whether temporary, final, or subject to modification, issued in a state or foreign country for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, arrearages, retroactive support, or reimbursement for financial assistance provided to an individual obligee in place of child support. The term may include related costs and fees, interest, income withholding, automatic adjustment, reasonable attorney's fees, and other relief.

(29) "Tribunal" means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage of a child.

(Source: P.A. 99-78, eff. 7-20-15; 99-85, eff. 1-1-16; 99-119, eff. 1-1-16; revised 10-22-15.)

Section 590. The Adoption Act is amended by changing Sections 1 and 18.06 as follows:

(750 ILCS 50/1) (from Ch. 40, par. 1501)

Sec. 1. Definitions. When used in this Act, unless the context otherwise requires:

A. "Child" means a person under legal age subject to adoption under this Act.

B. "Related child" means a child subject to adoption where either or both of the adopting parents stands in any of the following relationships to the child by blood, marriage, adoption, or civil union: parent, grandparent, great-grandparent, brother, sister, step-parent, step-grandparent, step-brother, step-sister, uncle, aunt, great-uncle, great-aunt, first cousin, or second cousin. A person is related to the child as a first cousin or second cousin if they are both related to the same ancestor as either grandchild or great-grandchild. A child whose parent has executed a consent to adoption, a surrender, or a waiver pursuant to Section 10 of this Act or whose parent has signed a denial of paternity pursuant to Section 12 of the Vital Records Act or Section 12a of this Act, or whose parent has had his or her parental rights terminated, is not a related child to that person, unless (1) the consent is determined to be void or is void pursuant to subsection O of Section 10 of this Act; or (2) the parent of the child executed a consent to adoption by a specified person or persons pursuant to subsection A-1 of Section 10 of this Act and a court of competent jurisdiction.

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jurisdiction finds that such consent is void; or (3) the order terminating the parental rights of the parent is vacated by a court of competent jurisdiction.

C. "Agency" for the purpose of this Act means a public child welfare agency or a licensed child welfare agency.

D. "Unfit person" means any person whom the court shall find to be unfit to have a child, without regard to the likelihood that the child will be placed for adoption. The grounds of unfitness are any one or more of the following, except that a person shall not be considered an unfit person for the sole reason that the person has relinquished a child in accordance with the Abandoned Newborn Infant Protection Act:

(a) Abandonment of the child.
(a-1) Abandonment of a newborn infant in a hospital.
(a-2) Abandonment of a newborn infant in any setting where the evidence suggests that the parent intended to relinquish his or her parental rights.
(b) Failure to maintain a reasonable degree of interest, concern or responsibility as to the child's welfare.
(c) Desertion of the child for more than 3 months next preceding the commencement of the Adoption proceeding.
(d) Substantial neglect of the child if continuous or repeated.
(d-1) Substantial neglect, if continuous or repeated, of any child residing in the household which resulted in the death of that child.
(e) Extreme or repeated cruelty to the child.
(f) There is a rebuttable presumption, which can be overcome only by clear and convincing evidence, that a parent is unfit if:

(1) Two or more findings of physical abuse have been entered regarding any children under Section 2-21 of the Juvenile Court Act of 1987, the most recent of which was determined by the juvenile court hearing the matter to be supported by clear and convincing evidence; or
(2) The parent has been convicted or found not guilty by reason of insanity and the conviction or finding resulted from the death of any child by physical abuse; or
(3) There is a finding of physical child abuse resulting from the death of any child under Section 2-21 of the Juvenile Court Act of 1987.

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No conviction or finding of delinquency pursuant to Article V of the Juvenile Court Act of 1987 shall be considered a criminal conviction for the purpose of applying any presumption under this item (f).

(g) Failure to protect the child from conditions within his environment injurious to the child's welfare.

(h) Other neglect of, or misconduct toward the child; provided that in making a finding of unfitness the court hearing the adoption proceeding shall not be bound by any previous finding, order or judgment affecting or determining the rights of the parents toward the child sought to be adopted in any other proceeding except such proceedings terminating parental rights as shall be had under either this Act, the Juvenile Court Act or the Juvenile Court Act of 1987.

(i) Depravity. Conviction of any one of the following crimes shall create a presumption that a parent is depraved which can be overcome only by clear and convincing evidence: (1) first degree murder in violation of paragraph 1 or 2 of subsection (a) of Section 9-1 of the Criminal Code of 1961 or the Criminal Code of 2012 or conviction of second degree murder in violation of subsection (a) of Section 9-2 of the Criminal Code of 1961 or the Criminal Code of 2012 of a parent of the child to be adopted; (2) first degree murder or second degree murder of any child in violation of the Criminal Code of 1961 or the Criminal Code of 2012; (3) attempt or conspiracy to commit first degree murder or second degree murder of any child in violation of the Criminal Code of 1961 or the Criminal Code of 2012; (4) solicitation to commit murder of any child, solicitation to commit murder of any child for hire, or solicitation to commit second degree murder of any child in violation of the Criminal Code of 1961 or the Criminal Code of 2012; (5) predatory criminal sexual assault of a child in violation of Section 11-1.40 or 12-14.1 of the Criminal Code of 1961 or the Criminal Code of 2012; (6) heinous battery of any child in violation of the Criminal Code of 1961; or (7) aggravated battery of any child in violation of the Criminal Code of 1961 or the Criminal Code of 2012.

There is a rebuttable presumption that a parent is depraved if the parent has been criminally convicted of at least 3 felonies under the laws of this State or any other state, or under federal law,

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or the criminal laws of any United States territory; and at least one
of these convictions took place within 5 years of the filing of the
petition or motion seeking termination of parental rights.

There is a rebuttable presumption that a parent is depraved
if that parent has been criminally convicted of either first or second
degree murder of any person as defined in the Criminal Code of
1961 or the Criminal Code of 2012 within 10 years of the filing
date of the petition or motion to terminate parental rights.

No conviction or finding of delinquency pursuant to Article
5 of the Juvenile Court Act of 1987 shall be considered a criminal
conviction for the purpose of applying any presumption under this
item (i).

(j) Open and notorious adultery or fornication.
(j-1) (Blank).
(k) Habitual drunkenness or addiction to drugs, other than
those prescribed by a physician, for at least one year immediately
prior to the commencement of the unfitness proceeding.

There is a rebuttable presumption that a parent is unfit
under this subsection with respect to any child to which that parent
gives birth where there is a confirmed test result that at birth the
child's blood, urine, or meconium contained any amount of a
controlled substance as defined in subsection (f) of Section 102 of
the Illinois Controlled Substances Act or metabolites of such
substances, the presence of which in the newborn infant was not
the result of medical treatment administered to the mother or the
newborn infant; and the biological mother of this child is the
biological mother of at least one other child who was adjudicated a
neglected minor under subsection (c) of Section 2-3 of the Juvenile

(l) Failure to demonstrate a reasonable degree of interest,
concern or responsibility as to the welfare of a new born child
during the first 30 days after its birth.

(m) Failure by a parent (i) to make reasonable efforts to
correct the conditions that were the basis for the removal of the
child from the parent during any 9-month period following the
adjudication of neglected or abused minor under Section 2-3 of the
Juvenile Court Act of 1987 or dependent minor under Section 2-4
of that Act, or (ii) to make reasonable progress toward the return of
the child to the parent during any 9-month period following the

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adjudication of neglected or abused minor under Section 2-3 of the Juvenile Court Act of 1987 or dependent minor under Section 2-4 of that Act. If a service plan has been established as required under Section 8.2 of the Abused and Neglected Child Reporting Act to correct the conditions that were the basis for the removal of the child from the parent and if those services were available, then, for purposes of this Act, "failure to make reasonable progress toward the return of the child to the parent" includes the parent's failure to substantially fulfill his or her obligations under the service plan and correct the conditions that brought the child into care during any 9-month period following the adjudication under Section 2-3 or 2-4 of the Juvenile Court Act of 1987. Notwithstanding any other provision, when a petition or motion seeks to terminate parental rights on the basis of item (ii) of this subsection (m), the petitioner shall file with the court and serve on the parties a pleading that specifies the 9-month period or periods relied on. The pleading shall be filed and served on the parties no later than 3 weeks before the date set by the court for closure of discovery, and the allegations in the pleading shall be treated as incorporated into the petition or motion. Failure of a respondent to file a written denial of the allegations in the pleading shall not be treated as an admission that the allegations are true.

(m-1) Pursuant to the Juvenile Court Act of 1987, a child has been in foster care for 15 months out of any 22 month period which begins on or after the effective date of this amendatory Act of 1998 unless the child's parent can prove by a preponderance of the evidence that it is more likely than not that it will be in the best interests of the child to be returned to the parent within 6 months of the date on which a petition for termination of parental rights is filed under the Juvenile Court Act of 1987. The 15 month time limit is tolled during any period for which there is a court finding that the appointed custodian or guardian failed to make reasonable efforts to reunify the child with his or her family, provided that (i) the finding of no reasonable efforts is made within 60 days of the period when reasonable efforts were not made or (ii) the parent filed a motion requesting a finding of no reasonable efforts within 60 days of the period when reasonable efforts were not made. For purposes of this subdivision (m-1), the date of entering foster care is the earlier of: (i) the date of a judicial finding at an adjudicatory

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hearing that the child is an abused, neglected, or dependent minor; or (ii) 60 days after the date on which the child is removed from his or her parent, guardian, or legal custodian.

(n) Evidence of intent to forgo his or her parental rights, whether or not the child is a ward of the court, (1) as manifested by his or her failure for a period of 12 months: (i) to visit the child, (ii) to communicate with the child or agency, although able to do so and not prevented from doing so by an agency or by court order, or (iii) to maintain contact with or plan for the future of the child, although physically able to do so, or (2) as manifested by the father's failure, where he and the mother of the child were unmarried to each other at the time of the child's birth, (i) to commence legal proceedings to establish his paternity under the Illinois Parentage Act of 1984, the Illinois Parentage Act of 2015, or the law of the jurisdiction of the child's birth within 30 days of being informed, pursuant to Section 12a of this Act, that he is the father or the likely father of the child or, after being so informed where the child is not yet born, within 30 days of the child's birth, or (ii) to make a good faith effort to pay a reasonable amount of the expenses related to the birth of the child and to provide a reasonable amount for the financial support of the child, the court to consider in its determination all relevant circumstances, including the financial condition of both parents; provided that the ground for termination provided in this subparagraph (n)(2)(ii) shall only be available where the petition is brought by the mother or the husband of the mother.

Contact or communication by a parent with his or her child that does not demonstrate affection and concern does not constitute reasonable contact and planning under subdivision (n). In the absence of evidence to the contrary, the ability to visit, communicate, maintain contact, pay expenses and plan for the future shall be presumed. The subjective intent of the parent, whether expressed or otherwise, unsupported by evidence of the foregoing parental acts manifesting that intent, shall not preclude a determination that the parent has intended to forgo his or her parental rights. In making this determination, the court may consider but shall not require a showing of diligent efforts by an authorized agency to encourage the parent to perform the acts specified in subdivision (n).

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It shall be an affirmative defense to any allegation under paragraph (2) of this subsection that the father's failure was due to circumstances beyond his control or to impediments created by the mother or any other person having legal custody. Proof of that fact need only be by a preponderance of the evidence.

(o) Repeated or continuous failure by the parents, although physically and financially able, to provide the child with adequate food, clothing, or shelter.

(p) Inability to discharge parental responsibilities supported by competent evidence from a psychiatrist, licensed clinical social worker, or clinical psychologist of mental impairment, mental illness or an intellectual disability as defined in Section 1-116 of the Mental Health and Developmental Disabilities Code, or developmental disability as defined in Section 1-106 of that Code, and there is sufficient justification to believe that the inability to discharge parental responsibilities shall extend beyond a reasonable time period. However, this subdivision (p) shall not be construed so as to permit a licensed clinical social worker to conduct any medical diagnosis to determine mental illness or mental impairment.

(q) (Blank).

(r) The child is in the temporary custody or guardianship of the Department of Children and Family Services, the parent is incarcerated as a result of criminal conviction at the time the petition or motion for termination of parental rights is filed, prior to incarceration the parent had little or no contact with the child or provided little or no support for the child, and the parent's incarceration will prevent the parent from discharging his or her parental responsibilities for the child for a period in excess of 2 years after the filing of the petition or motion for termination of parental rights.

(s) The child is in the temporary custody or guardianship of the Department of Children and Family Services, the parent is incarcerated at the time the petition or motion for termination of parental rights is filed, the parent has been repeatedly incarcerated as a result of criminal convictions, and the parent's repeated incarceration has prevented the parent from discharging his or her parental responsibilities for the child.
(t) A finding that at birth the child's blood, urine, or meconium contained any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act, or a metabolite of a controlled substance, with the exception of controlled substances or metabolites of such substances, the presence of which in the newborn infant was the result of medical treatment administered to the mother or the newborn infant, and that the biological mother of this child is the biological mother of at least one other child who was adjudicated a neglected minor under subsection (c) of Section 2-3 of the Juvenile Court Act of 1987, after which the biological mother had the opportunity to enroll in and participate in a clinically appropriate substance abuse counseling, treatment, and rehabilitation program.

E. "Parent" means a person who is the legal mother or legal father of the child as defined in subsection X or Y of this Section. For the purpose of this Act, a parent who has executed a consent to adoption, a surrender, or a waiver pursuant to Section 10 of this Act, who has signed a Denial of Paternity pursuant to Section 12 of the Vital Records Act or Section 12a of this Act, or whose parental rights have been terminated by a court, is not a parent of the child who was the subject of the consent, surrender, waiver, or denial unless (1) the consent is void pursuant to subsection O of Section 10 of this Act; or (2) the person executed a consent to adoption by a specified person or persons pursuant to subsection A-1 of Section 10 of this Act and a court of competent jurisdiction finds that the consent is void; or (3) the order terminating the parental rights of the person is vacated by a court of competent jurisdiction.

F. A person is available for adoption when the person is:
   (a) a child who has been surrendered for adoption to an agency and to whose adoption the agency has thereafter consented;
   (b) a child to whose adoption a person authorized by law, other than his parents, has consented, or to whose adoption no consent is required pursuant to Section 8 of this Act;
   (c) a child who is in the custody of persons who intend to adopt him through placement made by his parents;
   (c-1) a child for whom a parent has signed a specific consent pursuant to subsection O of Section 10;
   (d) an adult who meets the conditions set forth in Section 3 of this Act; or

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(e) a child who has been relinquished as defined in Section 10 of the Abandoned Newborn Infant Protection Act.

A person who would otherwise be available for adoption shall not be deemed unavailable for adoption solely by reason of his or her death.

G. The singular includes the plural and the plural includes the singular and the "male" includes the "female", as the context of this Act may require.

H. (Blank).

I. "Habitual residence" has the meaning ascribed to it in the federal Intercountry Adoption Act of 2000 and regulations promulgated thereunder.

J. "Immediate relatives" means the biological parents, the parents of the biological parents and siblings of the biological parents.

K. "Intercountry adoption" is a process by which a child from a country other than the United States is adopted by persons who are habitual residents of the United States, or the child is a habitual resident of the United States who is adopted by persons who are habitual residents of a country other than the United States.

L. (Blank).

M. "Interstate Compact on the Placement of Children" is a law enacted by all states and certain territories for the purpose of establishing uniform procedures for handling the interstate placement of children in foster homes, adoptive homes, or other child care facilities.

N. (Blank).

O. "Preadoption requirements" means any conditions or standards established by the laws or administrative rules of this State that must be met by a prospective adoptive parent prior to the placement of a child in an adoptive home.

P. "Abused child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:

(a) inflicts, causes to be inflicted, or allows to be inflicted upon the child physical injury, by other than accidental means, that causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

(b) creates a substantial risk of physical injury to the child by other than accidental means which would be likely to cause

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death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

(c) commits or allows to be committed any sex offense against the child, as sex offenses are defined in the Criminal Code of 2012 and extending those definitions of sex offenses to include children under 18 years of age;

(d) commits or allows to be committed an act or acts of torture upon the child; or

(e) inflicts excessive corporal punishment.

Q. "Neglected child" means any child whose parent or other person responsible for the child's welfare withholds or denies nourishment or medically indicated treatment including food or care denied solely on the basis of the present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise does not provide the proper or necessary support, education as required by law, or medical or other remedial care recognized under State law as necessary for a child's well-being, or other care necessary for his or her well-being, including adequate food, clothing and shelter; or who is abandoned by his or her parents or other person responsible for the child's welfare.

A child shall not be considered neglected or abused for the sole reason that the child's parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care as provided under Section 4 of the Abused and Neglected Child Reporting Act. A child shall not be considered neglected or abused for the sole reason that the child's parent or other person responsible for the child's welfare failed to vaccinate, delayed vaccination, or refused vaccination for the child due to a waiver on religious or medical grounds as permitted by law.

R. "Putative father" means a man who may be a child's father, but who (1) is not married to the child's mother on or before the date that the child was or is to be born and (2) has not established paternity of the child in a court proceeding before the filing of a petition for the adoption of the child. The term includes a male who is less than 18 years of age. "Putative father" does not mean a man who is the child's father as a result of criminal sexual abuse or assault as defined under Article 11 of the Criminal Code of 2012.

S. "Standby adoption" means an adoption in which a parent consents to custody and termination of parental rights to become effective

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upon the occurrence of a future event, which is either the death of the parent or the request of the parent for the entry of a final judgment of adoption.

T. (Blank).

T-5. "Biological parent", "birth parent", or "natural parent" of a child are interchangeable terms that mean a person who is biologically or genetically related to that child as a parent.

U. "Interstate adoption" means the placement of a minor child with a prospective adoptive parent for the purpose of pursuing an adoption for that child that is subject to the provisions of the Interstate Compact on Placement of Children.

V. (Blank).

W. (Blank).

X. "Legal father" of a child means a man who is recognized as or presumed to be that child's father:

(1) because of his marriage to or civil union with the child's parent at the time of the child's birth or within 300 days prior to that child's birth, unless he signed a denial of paternity pursuant to Section 12 of the Vital Records Act or a waiver pursuant to Section 10 of this Act; or

(2) because his paternity of the child has been established pursuant to the Illinois Parentage Act, the Illinois Parentage Act of 1984, or the Gestational Surrogacy Act; or

(3) because he is listed as the child's father or parent on the child's birth certificate, unless he is otherwise determined by an administrative or judicial proceeding not to be the parent of the child or unless he rescinds his acknowledgment of paternity pursuant to the Illinois Parentage Act of 1984; or

(4) because his paternity or adoption of the child has been established by a court of competent jurisdiction.

The definition in this subsection X shall not be construed to provide greater or lesser rights as to the number of parents who can be named on a final judgment order of adoption or Illinois birth certificate that otherwise exist under Illinois law.

Y. "Legal mother" of a child means a woman who is recognized as or presumed to be that child's mother:

(1) because she gave birth to the child except as provided in the Gestational Surrogacy Act; or
(2) because her maternity of the child has been established pursuant to the Illinois Parentage Act of 1984 or the Gestational Surrogacy Act; or

(3) because her maternity or adoption of the child has been established by a court of competent jurisdiction; or

(4) because of her marriage to or civil union with the child's other parent at the time of the child's birth or within 300 days prior to the time of birth; or

(5) because she is listed as the child's mother or parent on the child's birth certificate unless she is otherwise determined by an administrative or judicial proceeding not to be the parent of the child.

The definition in this subsection Y shall not be construed to provide greater or lesser rights as to the number of parents who can be named on a final judgment order of adoption or Illinois birth certificate that otherwise exist under Illinois law.

Z. "Department" means the Illinois Department of Children and Family Services.

AA. "Placement disruption" means a circumstance where the child is removed from an adoptive placement before the adoption is finalized.

BB. "Secondary placement" means a placement, including but not limited to the placement of a ward of the Department, that occurs after a placement disruption or an adoption dissolution. "Secondary placement" does not mean secondary placements arising due to the death of the adoptive parent of the child.

CC. "Adoption dissolution" means a circumstance where the child is removed from an adoptive placement after the adoption is finalized.

DD. "Unregulated placement" means the secondary placement of a child that occurs without the oversight of the courts, the Department, or a licensed child welfare agency.

EE. "Post-placement and post-adoption support services" means support services for placed or adopted children and families that include, but are not limited to, counseling for emotional, behavioral, or developmental needs.

(Source: P.A. 98-455, eff. 1-1-14; 98-532, eff. 1-1-14; 98-804, eff. 1-1-15; 99-49, eff. 7-15-15; 99-85, eff. 1-1-16; revised 8-4-15.)

(750 ILCS 50/18.06)

Sec. 18.06. Definitions. When used in Sections 18.05 through Section 18.6, for the purposes of the Registry:

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"Adopted person" means a person who was adopted pursuant to the laws in effect at the time of the adoption.
"Adoptive parent" means a person who has become a parent through the legal process of adoption.
"Adult child" means the biological child 21 years of age or over of a deceased adopted or surrendered person.
"Adult grandchild" means the biological grandchild 21 years of age or over of a deceased adopted or surrendered person.
"Adult adopted or surrendered person" means an adopted or surrendered person 21 years of age or over.
"Agency" means a public child welfare agency or a licensed child welfare agency.
"Birth aunt" means the adult full or half sister of a deceased birth parent.
"Birth father" means the biological father of an adopted or surrendered person who is named on the original certificate of live birth or on a consent or surrender document, or a biological father whose paternity has been established by a judgment or order of the court, pursuant to the Illinois Parentage Act of 1984 or the Illinois Parentage Act of 2015.
"Birth grandparent" means the biological parent of: (i) a non-surrendered person who is a deceased birth mother; or (ii) a non-surrendered person who is a deceased birth father.
"Birth mother" means the biological mother of an adopted or surrendered person.
"Birth parent" means a birth mother or birth father of an adopted or surrendered person.
"Birth Parent Preference Form" means the form prepared by the Department of Public Health pursuant to Section 18.2 completed by a birth parent registrant and filed with the Registry that indicates the birth parent's preferences regarding contact and, if applicable, the release of his or her identifying information on the non-certified copy of the original birth certificate released to an adult adopted or surrendered person or to the surviving adult child or surviving spouse of a deceased adopted or surrendered person who has filed a Request for a Non-Certified Copy of an Original Birth Certificate.
"Birth relative" means a birth mother, birth father, birth grandparent, birth sibling, birth aunt, or birth uncle.
"Birth sibling" means the adult full or half sibling of an adopted or surrendered person.

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"Birth uncle" means the adult full or half brother of a deceased birth parent.

"Confidential intermediary" means an individual certified by the Department of Children and Family Services pursuant to Section 18.3a(e).

"Denial of Information Exchange" means an affidavit completed by a registrant with the Illinois Adoption Registry and Medical Information Exchange denying the release of identifying information which has been filed with the Registry.

"Information Exchange Authorization" means an affidavit completed by a registrant with the Illinois Adoption Registry and Medical Information Exchange authorizing the release of identifying information which has been filed with the Registry.

"Medical Information Exchange Questionnaire" means the medical history questionnaire completed by a registrant of the Illinois Adoption Registry and Medical Information Exchange.

"Non-certified Copy of the Original Birth Certificate" means a non-certified copy of the original certificate of live birth of an adult adopted or surrendered person who was born in Illinois.

"Proof of death" means a death certificate.

"Registrant" or "Registered Party" means a birth parent, birth grandparent, birth sibling, birth aunt, birth uncle, adopted or surrendered person 21 years of age or over, adoptive parent or legal guardian of an adopted or surrendered person under the age of 21, or adoptive parent, surviving spouse, or adult child of a deceased adopted or surrendered person who has filed an Illinois Adoption Registry Application or Registration Identification Form with the Registry.

"Registry" means the Illinois Adoption Registry and Medical Information Exchange.

"Request for a Non-Certified Copy of an Original Birth Certificate" means an affidavit completed by an adult adopted or surrendered person or by the surviving adult child or surviving spouse of a deceased adopted or surrendered person and filed with the Registry requesting a non-certified copy of an adult adopted or surrendered person's original certificate of live birth in Illinois.

"Surrendered person" means a person whose parents' rights have been surrendered or terminated but who has not been adopted.

"Surviving spouse" means the wife or husband, 21 years of age or older, of a deceased adopted or surrendered person who would be 21 years
of age or older if still alive and who has one or more surviving biological
children who are under the age of 21.

"18.3 statement" means a statement regarding the disclosure of
identifying information signed by a birth parent under Section 18.3 of this
Act as it existed immediately prior to May 21, 2010 (the effective date of
Public Act 96-895) this amendatory Act of the 96th General Assembly.
(Source: P.A. 98-704, eff. 1-1-15; 99-85, eff. 1-1-16; 99-345, eff. 1-1-16;
revised 10-22-15.)

Section 595. The Illinois Domestic Violence Act of 1986 is
amended by changing Sections 214 and 227 as follows:

(750 ILCS 60/214) (from Ch. 40, par. 2312-14)
Sec. 214. Order of protection; remedies.
(a) Issuance of order. If the court finds that petitioner has been
abused by a family or household member or that petitioner is a high-risk
adult who has been abused, neglected, or exploited, as defined in this Act,
an order of protection prohibiting the abuse, neglect, or exploitation shall
issue; provided that petitioner must also satisfy the requirements of one of
the following Sections, as appropriate: Section 217 on emergency orders,
Section 218 on interim orders, or Section 219 on plenary orders. Petitioner
shall not be denied an order of protection because petitioner or respondent
is a minor. The court, when determining whether or not to issue an order
of protection, shall not require physical manifestations of abuse on the
person of the victim. Modification and extension of prior orders of
protection shall be in accordance with this Act.

(b) Remedies and standards. The remedies to be included in an
order of protection shall be determined in accordance with this Section and
one of the following Sections, as appropriate: Section 217 on emergency
orders, Section 218 on interim orders, and Section 219 on plenary orders.
The remedies listed in this subsection shall be in addition to other civil or
criminal remedies available to petitioner.

(1) Prohibition of abuse, neglect, or exploitation. Prohibit
respondent's harassment, interference with personal liberty,
intimidation of a dependent, physical abuse, or willful deprivation,
neglect or exploitation, as defined in this Act, or stalking of the
petitioner, as defined in Section 12-7.3 of the Criminal Code of
2012, if such abuse, neglect, exploitation, or stalking has occurred
or otherwise appears likely to occur if not prohibited.

(2) Grant of exclusive possession of residence. Prohibit
respondent from entering or remaining in any residence,
household, or premises of the petitioner, including one owned or leased by respondent, if petitioner has a right to occupancy thereof. The grant of exclusive possession of the residence, household, or premises shall not affect title to real property, nor shall the court be limited by the standard set forth in Section 701 of the Illinois Marriage and Dissolution of Marriage Act.

(A) Right to occupancy. A party has a right to occupancy of a residence or household if it is solely or jointly owned or leased by that party, that party's spouse, a person with a legal duty to support that party or a minor child in that party's care, or by any person or entity other than the opposing party that authorizes that party's occupancy (e.g., a domestic violence shelter). Standards set forth in subparagraph (B) shall not preclude equitable relief.

(B) Presumption of hardships. If petitioner and respondent each has the right to occupancy of a residence or household, the court shall balance (i) the hardships to respondent and any minor child or dependent adult in respondent's care resulting from entry of this remedy with (ii) the hardships to petitioner and any minor child or dependent adult in petitioner's care resulting from continued exposure to the risk of abuse (should petitioner remain at the residence or household) or from loss of possession of the residence or household (should petitioner leave to avoid the risk of abuse). When determining the balance of hardships, the court shall also take into account the accessibility of the residence or household. Hardships need not be balanced if respondent does not have a right to occupancy.

The balance of hardships is presumed to favor possession by petitioner unless the presumption is rebutted by a preponderance of the evidence, showing that the hardships to respondent substantially outweigh the hardships to petitioner and any minor child or dependent adult in petitioner's care. The court, on the request of petitioner or on its own motion, may order respondent to provide suitable, accessible, alternate housing for petitioner.
instead of excluding respondent from a mutual residence or household.

(3) Stay away order and additional prohibitions. Order respondent to stay away from petitioner or any other person protected by the order of protection, or prohibit respondent from entering or remaining present at petitioner's school, place of employment, or other specified places at times when petitioner is present, or both, if reasonable, given the balance of hardships. Hardships need not be balanced for the court to enter a stay away order or prohibit entry if respondent has no right to enter the premises.

(A) If an order of protection grants petitioner exclusive possession of the residence, or prohibits respondent from entering the residence, or orders respondent to stay away from petitioner or other protected persons, then the court may allow respondent access to the residence to remove items of clothing and personal adornment used exclusively by respondent, medications, and other items as the court directs. The right to access shall be exercised on only one occasion as the court directs and in the presence of an agreed-upon adult third party or law enforcement officer.

(B) When the petitioner and the respondent attend the same public, private, or non-public elementary, middle, or high school, the court when issuing an order of protection and providing relief shall consider the severity of the act, any continuing physical danger or emotional distress to the petitioner, the educational rights guaranteed to the petitioner and respondent under federal and State law, the availability of a transfer of the respondent to another school, a change of placement or a change of program of the respondent, the expense, difficulty, and educational disruption that would be caused by a transfer of the respondent to another school, and any other relevant facts of the case. The court may order that the respondent not attend the public, private, or non-public elementary, middle, or high school attended by the petitioner, order that the respondent accept a change of placement or change of program, as determined by the school district or private or

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non-public school, or place restrictions on the respondent's movements within the school attended by the petitioner. The respondent bears the burden of proving by a preponderance of the evidence that a transfer, change of placement, or change of program of the respondent is not available. The respondent also bears the burden of production with respect to the expense, difficulty, and educational disruption that would be caused by a transfer of the respondent to another school. A transfer, change of placement, or change of program is not unavailable to the respondent solely on the ground that the respondent does not agree with the school district's or private or non-public school's transfer, change of placement, or change of program or solely on the ground that the respondent fails or refuses to consent or otherwise does not take an action required to effectuate a transfer, change of placement, or change of program. When a court orders a respondent to stay away from the public, private, or non-public school attended by the petitioner and the respondent requests a transfer to another attendance center within the respondent's school district or private or non-public school, the school district or private or non-public school shall have sole discretion to determine the attendance center to which the respondent is transferred. In the event the court order results in a transfer of the minor respondent to another attendance center, a change in the respondent's placement, or a change of the respondent's program, the parents, guardian, or legal custodian of the respondent is responsible for transportation and other costs associated with the transfer or change.

(C) The court may order the parents, guardian, or legal custodian of a minor respondent to take certain actions or to refrain from taking certain actions to ensure that the respondent complies with the order. In the event the court orders a transfer of the respondent to another school, the parents, guardian, or legal custodian of the respondent is responsible for transportation and other costs associated with the change of school by the respondent.

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(4) Counseling. Require or recommend the respondent to undergo counseling for a specified duration with a social worker, psychologist, clinical psychologist, psychiatrist, family service agency, alcohol or substance abuse program, mental health center guidance counselor, agency providing services to elders, program designed for domestic violence abusers or any other guidance service the court deems appropriate. The Court may order the respondent in any intimate partner relationship to report to an Illinois Department of Human Services protocol approved partner abuse intervention program for an assessment and to follow all recommended treatment.

(5) Physical care and possession of the minor child. In order to protect the minor child from abuse, neglect, or unwarranted separation from the person who has been the minor child's primary caretaker, or to otherwise protect the well-being of the minor child, the court may do either or both of the following: (i) grant petitioner physical care or possession of the minor child, or both, or (ii) order respondent to return a minor child to, or not remove a minor child from, the physical care of a parent or person in loco parentis.

If a court finds, after a hearing, that respondent has committed abuse (as defined in Section 103) of a minor child, there shall be a rebuttable presumption that awarding physical care to respondent would not be in the minor child's best interest.

(6) Temporary allocation of parental responsibilities: significant decision-making. Award temporary decision-making responsibility to petitioner in accordance with this Section, the Illinois Marriage and Dissolution of Marriage Act, the Illinois Parentage Act of 2015, and this State's Uniform Child-Custody Jurisdiction and Enforcement Act.

If a court finds, after a hearing, that respondent has committed abuse (as defined in Section 103) of a minor child, there shall be a rebuttable presumption that awarding temporary significant decision-making responsibility to respondent would not be in the child's best interest.

(7) Parenting time. Determine the parenting time, if any, of respondent in any case in which the court awards physical care or allocates temporary significant decision-making responsibility of a minor child to petitioner. The court shall restrict or deny respondent's parenting time with a minor child if the court finds

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that respondent has done or is likely to do any of the following: (i) abuse or endanger the minor child during parenting time; (ii) use the parenting time as an opportunity to abuse or harass petitioner or petitioner's family or household members; (iii) improperly conceal or detain the minor child; or (iv) otherwise act in a manner that is not in the best interests of the minor child. The court shall not be limited by the standards set forth in Section 603.10 of the Illinois Marriage and Dissolution of Marriage Act. If the court grants parenting time, the order shall specify dates and times for the parenting time to take place or other specific parameters or conditions that are appropriate. No order for parenting time shall refer merely to the term "reasonable parenting time".

Petitioner may deny respondent access to the minor child if, when respondent arrives for parenting time, respondent is under the influence of drugs or alcohol and constitutes a threat to the safety and well-being of petitioner or petitioner's minor children or is behaving in a violent or abusive manner.

If necessary to protect any member of petitioner's family or household from future abuse, respondent shall be prohibited from coming to petitioner's residence to meet the minor child for parenting time, and the parties shall submit to the court their recommendations for reasonable alternative arrangements for parenting time. A person may be approved to supervise parenting time only after filing an affidavit accepting that responsibility and acknowledging accountability to the court.

(8) Removal or concealment of minor child. Prohibit respondent from removing a minor child from the State or concealing the child within the State.

(9) Order to appear. Order the respondent to appear in court, alone or with a minor child, to prevent abuse, neglect, removal or concealment of the child, to return the child to the custody or care of the petitioner or to permit any court-ordered interview or examination of the child or the respondent.

(10) Possession of personal property. Grant petitioner exclusive possession of personal property and, if respondent has possession or control, direct respondent to promptly make it available to petitioner, if:

    (i) petitioner, but not respondent, owns the property; or

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(ii) the parties own the property jointly; sharing it would risk abuse of petitioner by respondent or is impracticable; and the balance of hardships favors temporary possession by petitioner.

If petitioner's sole claim to ownership of the property is that it is marital property, the court may award petitioner temporary possession thereof under the standards of subparagraph (ii) of this paragraph only if a proper proceeding has been filed under the Illinois Marriage and Dissolution of Marriage Act, as now or hereafter amended.

No order under this provision shall affect title to property.

(11) Protection of property. Forbid the respondent from taking, transferring, encumbering, concealing, damaging or otherwise disposing of any real or personal property, except as explicitly authorized by the court, if:

(i) petitioner, but not respondent, owns the property;

or

(ii) the parties own the property jointly, and the balance of hardships favors granting this remedy.

If petitioner's sole claim to ownership of the property is that it is marital property, the court may grant petitioner relief under subparagraph (ii) of this paragraph only if a proper proceeding has been filed under the Illinois Marriage and Dissolution of Marriage Act, as now or hereafter amended.

The court may further prohibit respondent from improperly using the financial or other resources of an aged member of the family or household for the profit or advantage of respondent or of any other person.

(11.5) Protection of animals. Grant the petitioner the exclusive care, custody, or control of any animal owned, possessed, leased, kept, or held by either the petitioner or the respondent or a minor child residing in the residence or household of either the petitioner or the respondent and order the respondent to stay away from the animal and forbid the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the animal.

(12) Order for payment of support. Order respondent to pay temporary support for the petitioner or any child in the petitioner's care or over whom the petitioner has been allocated parental

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responsibility, when the respondent has a legal obligation to support that person, in accordance with the Illinois Marriage and Dissolution of Marriage Act, which shall govern, among other matters, the amount of support, payment through the clerk and withholding of income to secure payment. An order for child support may be granted to a petitioner with lawful physical care of a child, or an order or agreement for physical care of a child, prior to entry of an order allocating significant decision-making responsibility. Such a support order shall expire upon entry of a valid order allocating parental responsibility differently and vacating the petitioner's significant decision-making authority, unless otherwise provided in the order.

(13) Order for payment of losses. Order respondent to pay petitioner for losses suffered as a direct result of the abuse, neglect, or exploitation. Such losses shall include, but not be limited to, medical expenses, lost earnings or other support, repair or replacement of property damaged or taken, reasonable attorney's fees, court costs and moving or other travel expenses, including additional reasonable expenses for temporary shelter and restaurant meals.

(i) Losses affecting family needs. If a party is entitled to seek maintenance, child support or property distribution from the other party under the Illinois Marriage and Dissolution of Marriage Act, as now or hereafter amended, the court may order respondent to reimburse petitioner's actual losses, to the extent that such reimbursement would be "appropriate temporary relief", as authorized by subsection (a)(3) of Section 501 of that Act.

(ii) Recovery of expenses. In the case of an improper concealment or removal of a minor child, the court may order respondent to pay the reasonable expenses incurred or to be incurred in the search for and recovery of the minor child, including but not limited to legal fees, court costs, private investigator fees, and travel costs.

(14) Prohibition of entry. Prohibit the respondent from entering or remaining in the residence or household while the respondent is under the influence of alcohol or drugs and constitutes a threat to the safety and well-being of the petitioner or the petitioner's children.

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(14.5) Prohibition of firearm possession.

(a) Prohibit a respondent against whom an order of protection was issued from possessing any firearms during the duration of the order if the order:

(1) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

(2) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(3)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or (ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.

Any Firearm Owner's Identification Card in the possession of the respondent, except as provided in subsection (b), shall be ordered by the court to be turned over to the local law enforcement agency. The local law enforcement agency shall immediately mail the card to the Department of State Police Firearm Owner's Identification Card Office for safekeeping. The court shall issue a warrant for seizure of any firearm in the possession of the respondent, to be kept by the local law enforcement agency for safekeeping, except as provided in subsection (b). The period of safekeeping shall be for the duration of the order of protection. The firearm or firearms and Firearm Owner's Identification Card, if unexpired, shall at the respondent's request, be returned to the respondent at the end of the order of protection. It is the respondent's responsibility to notify the Department of State Police Firearm Owner's Identification Card Office.

(b) If the respondent is a peace officer as defined in Section 2-13 of the Criminal Code of 2012, the court shall
order that any firearms used by the respondent in the performance of his or her duties as a peace officer be surrendered to the chief law enforcement executive of the agency in which the respondent is employed, who shall retain the firearms for safekeeping for the duration of the order of protection.

(c) Upon expiration of the period of safekeeping, if the firearms or Firearm Owner's Identification Card cannot be returned to respondent because respondent cannot be located, fails to respond to requests to retrieve the firearms, or is not lawfully eligible to possess a firearm, upon petition from the local law enforcement agency, the court may order the local law enforcement agency to destroy the firearms, use the firearms for training purposes, or for any other application as deemed appropriate by the local law enforcement agency; or that the firearms be turned over to a third party who is lawfully eligible to possess firearms, and who does not reside with respondent.

(15) Prohibition of access to records. If an order of protection prohibits respondent from having contact with the minor child, or if petitioner's address is omitted under subsection (b) of Section 203, or if necessary to prevent abuse or wrongful removal or concealment of a minor child, the order shall deny respondent access to, and prohibit respondent from inspecting, obtaining, or attempting to inspect or obtain, school or any other records of the minor child who is in the care of petitioner.

(16) Order for payment of shelter services. Order respondent to reimburse a shelter providing temporary housing and counseling services to the petitioner for the cost of the services, as certified by the shelter and deemed reasonable by the court.

(17) Order for injunctive relief. Enter injunctive relief necessary or appropriate to prevent further abuse of a family or household member or further abuse, neglect, or exploitation of a high-risk adult with disabilities or to effectuate one of the granted remedies, if supported by the balance of hardships. If the harm to be prevented by the injunction is abuse or any other harm that one of the remedies listed in paragraphs (1) through (16) of this subsection is designed to prevent, no further evidence is necessary that the harm is an irreparable injury.

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(c) Relevant factors; findings.

(1) In determining whether to grant a specific remedy, other than payment of support, the court shall consider relevant factors, including but not limited to the following:

(i) the nature, frequency, severity, pattern and consequences of the respondent's past abuse, neglect or exploitation of the petitioner or any family or household member, including the concealment of his or her location in order to evade service of process or notice, and the likelihood of danger of future abuse, neglect, or exploitation to petitioner or any member of petitioner's or respondent's family or household; and

(ii) the danger that any minor child will be abused or neglected or improperly relocated from the jurisdiction, improperly concealed within the State or improperly separated from the child's primary caretaker.

(2) In comparing relative hardships resulting to the parties from loss of possession of the family home, the court shall consider relevant factors, including but not limited to the following:

(i) availability, accessibility, cost, safety, adequacy, location and other characteristics of alternate housing for each party and any minor child or dependent adult in the party's care;

(ii) the effect on the party's employment; and

(iii) the effect on the relationship of the party, and any minor child or dependent adult in the party's care, to family, school, church and community.

(3) Subject to the exceptions set forth in paragraph (4) of this subsection, the court shall make its findings in an official record or in writing, and shall at a minimum set forth the following:

(i) That the court has considered the applicable relevant factors described in paragraphs (1) and (2) of this subsection.

(ii) Whether the conduct or actions of respondent, unless prohibited, will likely cause irreparable harm or continued abuse.

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(iii) Whether it is necessary to grant the requested relief in order to protect petitioner or other alleged abused persons.

(4) For purposes of issuing an ex parte emergency order of protection, the court, as an alternative to or as a supplement to making the findings described in paragraphs (c)(3)(i) through (c)(3)(iii) of this subsection, may use the following procedure:

When a verified petition for an emergency order of protection in accordance with the requirements of Sections 203 and 217 is presented to the court, the court shall examine petitioner on oath or affirmation. An emergency order of protection shall be issued by the court if it appears from the contents of the petition and the examination of petitioner that the averments are sufficient to indicate abuse by respondent and to support the granting of relief under the issuance of the emergency order of protection.

(5) Never married parties. No rights or responsibilities for a minor child born outside of marriage attach to a putative father until a father and child relationship has been established under the Illinois Parentage Act of 1984, the Illinois Parentage Act of 2015, the Illinois Public Aid Code, Section 12 of the Vital Records Act, the Juvenile Court Act of 1987, the Probate Act of 1985, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, the Expedited Child Support Act of 1990, any judicial, administrative, or other act of another state or territory, any other Illinois statute, or by any foreign nation establishing the father and child relationship, any other proceeding substantially in conformity with the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. 104-193), or where both parties appeared in open court or at an administrative hearing acknowledging under oath or admitting by affirmation the existence of a father and child relationship. Absent such an adjudication, finding, or acknowledgement, no putative father shall be granted temporary allocation of parental responsibilities, including parenting time with the minor child, or physical care and possession of the minor child, nor shall an order of payment for support of the minor child be entered.

(d) Balance of hardships; findings. If the court finds that the balance of hardships does not support the granting of a remedy governed

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by paragraph (2), (3), (10), (11), or (16) of subsection (b) of this Section, which may require such balancing, the court's findings shall so indicate and shall include a finding as to whether granting the remedy will result in hardship to respondent that would substantially outweigh the hardship to petitioner from denial of the remedy. The findings shall be an official record or in writing.

(e) Denial of remedies. Denial of any remedy shall not be based, in whole or in part, on evidence that:

(1) Respondent has cause for any use of force, unless that cause satisfies the standards for justifiable use of force provided by Article 7 of the Criminal Code of 2012;

(2) Respondent was voluntarily intoxicated;

(3) Petitioner acted in self-defense or defense of another, provided that, if petitioner utilized force, such force was justifiable under Article 7 of the Criminal Code of 2012;

(4) Petitioner did not act in self-defense or defense of another;

(5) Petitioner left the residence or household to avoid further abuse, neglect, or exploitation by respondent;

(6) Petitioner did not leave the residence or household to avoid further abuse, neglect, or exploitation by respondent;

(7) Conduct by any family or household member excused the abuse, neglect, or exploitation by respondent, unless that same conduct would have excused such abuse, neglect, or exploitation if the parties had not been family or household members.

(Source: P.A. 99-85, eff. 1-1-16; 99-90, eff. 1-1-16; revised 10-19-15.)

(750 ILCS 60/227) (from Ch. 40, par. 2312-27)

Sec. 227. Privileged communications between domestic violence counselors and victims.

(a) As used in this Section:

(1) "Domestic violence program" means any unit of local government, organization, or association whose major purpose is to provide one or more of the following: information, crisis intervention, emergency shelter, referral, counseling, advocacy, or emotional support to victims of domestic violence.

(2) "Domestic violence advocate or counselor" means any person (A) who has undergone a minimum of forty hours of training in domestic violence advocacy, crisis intervention, and related areas, and (B) who provides services to victims through a

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domestic violence program either on an employed or volunteer basis.

(3) "Confidential communication" means any communication between an alleged victim of domestic violence and a domestic violence advocate or counselor in the course of providing information, counseling, or advocacy. The term includes all records kept by the advocate or counselor or by the domestic violence program in the course of providing services to an alleged victim concerning the alleged victim and the services provided. The confidential nature of the communication is not waived by the presence at the time of the communication of any additional persons, including but not limited to an interpreter, to further express the interests of the domestic violence victim or by the advocate's or counselor's disclosure to such an additional person with the consent of the victim when reasonably necessary to accomplish the purpose for which the advocate or counselor is consulted.

(4) "Domestic violence victim" means any person who consults a domestic violence counselor for the purpose of securing advice, counseling or assistance related to one or more alleged incidents of domestic violence.

(5) "Domestic violence" means abuse as defined in the Illinois Domestic Violence Act.

(b) No domestic violence advocate or counselor shall disclose any confidential communication or be examined as a witness in any civil or criminal case or proceeding or in any legislative or administrative proceeding without the written consent of the domestic violence victim except (1) in accordance with the provisions of the Abused and Neglected Child Reporting Act or (2) in cases where failure to disclose is likely to result in an imminent risk of serious bodily harm or death of the victim or another person.

(c) A domestic violence advocate or counselor who knowingly discloses any confidential communication in violation of this Act commits a Class A misdemeanor.

(d) When a domestic violence victim is deceased or has been adjudged incompetent by a court of competent jurisdiction, the guardian of the domestic violence victim or the executor or administrator of the estate of the domestic violence victim may waive the privilege established by this Section, except where the guardian, executor or administrator of the

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estate has been charged with a violent crime against the domestic violence victim or has had an Order of Protection entered against him or her at the request of or on behalf of the domestic violence victim or otherwise has an interest adverse to that of the domestic violence victim with respect to the waiver of the privilege. In that case, the court shall appoint an attorney for the estate of the domestic violence victim.

(e) A minor may knowingly waive the privilege established by this Section. Where a minor is, in the opinion of the court, incapable of knowingly waiving the privilege, the parent or guardian of the minor may waive the privilege on behalf of the minor, except where such parent or guardian has been charged with a violent crime against the minor or has had an Order of Protection entered against him or her on request of or on behalf of the minor or otherwise has any interest adverse to that of the minor with respect to the waiver of the privilege. In that case, the court shall appoint an attorney for the minor child who shall be compensated in accordance with Section 506 of the Illinois Marriage and Dissolution of Marriage Act.

(f) Nothing in this Section shall be construed to limit in any way any privilege that might otherwise exist under statute or common law.

(g) The assertion of any privilege under this Section shall not result in an inference unfavorable to the State's cause or to the cause of the domestic violence victim.

(Source: P.A. 87-1186; revised 10-20-15.)

Section 600. The Probate Act of 1975 is amended by changing Sections 11a-4, 11a-10, and 11a-18 as follows:

(755 ILCS 5/11a-4) (from Ch. 110 1/2, par. 11a-4)
Sec. 11a-4. Temporary guardian.

(a) Prior to the appointment of a guardian under this Article, pending an appeal in relation to the appointment, or pending the completion of a citation proceeding brought pursuant to Section 23-3 of this Act, or upon a guardian's death, incapacity, or resignation, the court may appoint a temporary guardian upon a showing of the necessity therefor for the immediate welfare and protection of the alleged person with a disability or his or her estate on such notice and subject to such conditions as the court may prescribe. In determining the necessity for temporary guardianship, the immediate welfare and protection of the alleged person with a disability and his or her estate shall be of paramount concern, and the interests of the petitioner, any care provider, or any other party shall not outweigh the interests of the alleged person with a disability.
disability. The temporary guardian shall have the limited powers and duties of a guardian of the person or of the estate which are specifically enumerated by court order. The court order shall state the actual harm identified by the court that necessitates temporary guardianship or any extension thereof.

(b) The temporary guardianship shall expire within 60 days after the appointment or whenever a guardian is regularly appointed, whichever occurs first. No extension shall be granted except:

(1) In a case where there has been an adjudication of disability, an extension shall be granted:

(i) pending the disposition on appeal of an adjudication of disability;

(ii) pending the completion of a citation proceeding brought pursuant to Section 23-3;

(iii) pending the appointment of a successor guardian in a case where the former guardian has resigned, has become incapacitated, or is deceased; or

(iv) where the guardian's powers have been suspended pursuant to a court order.

(2) In a case where there has not been an adjudication of disability, an extension shall be granted pending the disposition of a petition brought pursuant to Section 11a-8 so long as the court finds it is in the best interest of the alleged person with a disability to extend the temporary guardianship so as to protect the alleged person with a disability from any potential abuse, neglect, self-neglect, exploitation, or other harm and such extension lasts no more than 120 days from the date the temporary guardian was originally appointed.

The ward shall have the right any time after the appointment of a temporary guardian is made to petition the court to revoke the appointment of the temporary guardian.

(Source: P.A. 99-70, eff. 1-1-16; 99-143, eff. 7-27-15; revised 10-21-15.)

(755 ILCS 5/11a-10) (from Ch. 110 1/2, par. 11a-10)

Sec. 11a-10. Procedures preliminary to hearing.

(a) Upon the filing of a petition pursuant to Section 11a-8, the court shall set a date and place for hearing to take place within 30 days. The court shall appoint a guardian ad litem to report to the court concerning the respondent's best interests consistent with the provisions of this Section, except that the appointment of a guardian ad litem shall not
be required when the court determines that such appointment is not necessary for the protection of the respondent or a reasonably informed decision on the petition. If the guardian ad litem is not a licensed attorney, he or she shall be qualified, by training or experience, to work with or advocate for persons with developmental disabilities, the mentally ill, persons with physical disabilities, the elderly, or persons with a disability due to mental deterioration, depending on the type of disability that is alleged in the petition. The court may allow the guardian ad litem reasonable compensation. The guardian ad litem may consult with a person who by training or experience is qualified to work with persons with a developmental disability, persons with mental illness, persons with physical disabilities, or persons with a disability due to mental deterioration, depending on the type of disability that is alleged. The guardian ad litem shall personally observe the respondent prior to the hearing and shall inform him orally and in writing of the contents of the petition and of his rights under Section 11a-11. The guardian ad litem shall also attempt to elicit the respondent's position concerning the adjudication of disability, the proposed guardian, a proposed change in residential placement, changes in care that might result from the guardianship, and other areas of inquiry deemed appropriate by the court. Notwithstanding any provision in the Mental Health and Developmental Disabilities Confidentiality Act or any other law, a guardian ad litem shall have the right to inspect and copy any medical or mental health record of the respondent which the guardian ad litem deems necessary, provided that the information so disclosed shall not be utilized for any other purpose nor be redisclosed except in connection with the proceedings. At or before the hearing, the guardian ad litem shall file a written report detailing his or her observations of the respondent, the responses of the respondent to any of the inquiries detailed in this Section, the opinion of the guardian ad litem or other professionals with whom the guardian ad litem consulted concerning the appropriateness of guardianship, and any other material issue discovered by the guardian ad litem. The guardian ad litem shall appear at the hearing and testify as to any issues presented in his or her report.

(b) The court (1) may appoint counsel for the respondent, if the court finds that the interests of the respondent will be best served by the appointment, and (2) shall appoint counsel upon respondent's request or if the respondent takes a position adverse to that of the guardian ad litem. The respondent shall be permitted to obtain the appointment of counsel.

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either at the hearing or by any written or oral request communicated to the
court prior to the hearing. The summons shall inform the respondent of
this right to obtain appointed counsel. The court may allow counsel for the
respondent reasonable compensation.

(c) If the respondent is unable to pay the fee of the guardian ad
litem or appointed counsel, or both, the court may enter an order for the
petitioner to pay all such fees or such amounts as the respondent or the
respondent's estate may be unable to pay. However, in cases where the
Office of State Guardian is the petitioner, consistent with Section 30 of the
Guardianship and Advocacy Act, where the public guardian is the
petitioner, consistent with Section 13-5 of this Act the Probate Act of
1975, where an adult protective services agency is the petitioner, pursuant
to Section 9 of the Adult Protective Services Act, or where the Department
of Children and Family Services is the petitioner under subparagraph (d)
of subsection (1) of Section 2-27 of the Juvenile Court Act of 1987, no
guardian ad litem or legal fees shall be assessed against the Office of State
Guardian, the public guardian, the adult protective services agency, or the
Department of Children and Family Services.

(d) The hearing may be held at such convenient place as the court
directs, including at a facility in which the respondent resides.

(e) Unless he is the petitioner, the respondent shall be personally
served with a copy of the petition and a summons not less than 14 days
before the hearing. The summons shall be printed in large, bold type and
shall include the following notice:

NOTICE OF RIGHTS OF RESPONDENT

You have been named as a respondent in a guardianship petition
asking that you be declared a person with a disability. If the court grants
the petition, a guardian will be appointed for you. A copy of the
guardianship petition is attached for your convenience.
The date and time of the hearing are:
The place where the hearing will occur is:
The Judge's name and phone number is:

If a guardian is appointed for you, the guardian may be given the
right to make all important personal decisions for you, such as where you
may live, what medical treatment you may receive, what places you may
visit, and who may visit you. A guardian may also be given the right to
control and manage your money and other property, including your home,
if you own one. You may lose the right to make these decisions for
yourself.

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You have the following legal rights:

(1) You have the right to be present at the court hearing.
(2) You have the right to be represented by a lawyer, either one that you retain, or one appointed by the Judge.
(3) You have the right to ask for a jury of six persons to hear your case.
(4) You have the right to present evidence to the court and to confront and cross-examine witnesses.
(5) You have the right to ask the Judge to appoint an independent expert to examine you and give an opinion about your need for a guardian.
(6) You have the right to ask that the court hearing be closed to the public.
(7) You have the right to tell the court whom you prefer to have for your guardian.

You do not have to attend the court hearing if you do not want to be there. If you do not attend, the Judge may appoint a guardian if the Judge finds that a guardian would be of benefit to you. The hearing will not be postponed or canceled if you do not attend.

IT IS VERY IMPORTANT THAT YOU ATTEND THE HEARING IF YOU DO NOT WANT A GUARDIAN OR IF YOU WANT SOMEONE OTHER THAN THE PERSON NAMED IN THE GUARDIANSHIP PETITION TO BE YOUR GUARDIAN. IF YOU DO NOT WANT A GUARDIAN OR IF YOU HAVE ANY OTHER PROBLEMS, YOU SHOULD CONTACT AN ATTORNEY OR COME TO COURT AND TELL THE JUDGE.

Service of summons and the petition may be made by a private person 18 years of age or over who is not a party to the action.

(f) Notice of the time and place of the hearing shall be given by the petitioner by mail or in person to those persons, including the proposed guardian, whose names and addresses appear in the petition and who do not waive notice, not less than 14 days before the hearing.

(Source: P.A. 98-49, eff. 7-1-13; 98-89, eff. 7-15-13; 98-756, eff. 7-16-14; 99-143, eff. 7-27-15; revised 10-19-15.)

(755 ILCS 5/11a-18) (from Ch. 110 1/2, par. 11a-18)

Sec. 11a-18. Duties of the estate guardian.

(a) To the extent specified in the order establishing the guardianship, the guardian of the estate shall have the care, management and investment of the estate, shall manage the estate frugally and shall
apply the income and principal of the estate so far as necessary for the comfort and suitable support and education of the ward, his minor and adult dependent children, and persons related by blood or marriage who are dependent upon or entitled to support from him, or for any other purpose which the court deems to be for the best interests of the ward, and the court may approve the making on behalf of the ward of such agreements as the court determines to be for the ward's best interests. The guardian may make disbursement of his ward's funds and estate directly to the ward or other distributee or in such other manner and in such amounts as the court directs. If the estate of a ward is derived in whole or in part from payments of compensation, adjusted compensation, pension, insurance or other similar benefits made directly to the estate by the Veterans Administration, notice of the application for leave to invest or expend the ward's funds or estate, together with a copy of the petition and proposed order, shall be given to the Veterans' Administration Regional Office in this State at least 7 days before the hearing on the application.

(a-5) The probate court, upon petition of a guardian, other than the guardian of a minor, and after notice to all other persons interested as the court directs, may authorize the guardian to exercise any or all powers over the estate and business affairs of the ward that the ward could exercise if present and not under disability. The court may authorize the taking of an action or the application of funds not required for the ward's current and future maintenance and support in any manner approved by the court as being in keeping with the ward's wishes so far as they can be ascertained. The court must consider the permanence of the ward's disabling condition and the natural objects of the ward's bounty. In ascertaining and carrying out the ward's wishes the court may consider, but shall not be limited to, minimization of State or federal income, estate, or inheritance taxes; and providing gifts to charities, relatives, and friends that would be likely recipients of donations from the ward. The ward's wishes as best they can be ascertained shall be carried out, whether or not tax savings are involved. Actions or applications of funds may include, but shall not be limited to, the following:

(1) making gifts of income or principal, or both, of the estate, either outright or in trust;
(2) conveying, releasing, or disclaiming his or her contingent and expectant interests in property, including marital property rights and any right of survivorship incident to joint tenancy or tenancy by the entirety;

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(3) releasing or disclaiming his or her powers as trustee, personal representative, custodian for minors, or guardian;

(4) exercising, releasing, or disclaiming his or her powers as donee of a power of appointment;

(5) entering into contracts;

(6) creating for the benefit of the ward or others, revocable or irrevocable trusts of his or her property that may extend beyond his or her disability or life;

(7) exercising options of the ward to purchase or exchange securities or other property;

(8) exercising the rights of the ward to elect benefit or payment options, to terminate, to change beneficiaries or ownership, to assign rights, to borrow, or to receive cash value in return for a surrender of rights under any one or more of the following:

(i) life insurance policies, plans, or benefits,

(ii) annuity policies, plans, or benefits,

(iii) mutual fund and other dividend investment plans,

(iv) retirement, profit sharing, and employee welfare plans and benefits;

(9) exercising his or her right to claim or disclaim an elective share in the estate of his or her deceased spouse and to renounce any interest by testate or intestate succession or by inter vivos transfer;

(10) changing the ward's residence or domicile; or

(11) modifying by means of codicil or trust amendment the terms of the ward's will or any revocable trust created by the ward, as the court may consider advisable in light of changes in applicable tax laws.

The guardian in his or her petition shall briefly outline the action or application of funds for which he or she seeks approval, the results expected to be accomplished thereby, and the tax savings, if any, expected to accrue. The proposed action or application of funds may include gifts of the ward's personal property or real estate, but transfers of real estate shall be subject to the requirements of Section 20 of this Act. Gifts may be for the benefit of prospective legatees, devisees, or heirs apparent of the ward or may be made to individuals or charities in which the ward is believed to have an interest. The guardian shall also indicate in the petition that any

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planned disposition is consistent with the intentions of the ward insofar as they can be ascertained, and if the ward's intentions cannot be ascertained, the ward will be presumed to favor reduction in the incidents of various forms of taxation and the partial distribution of his or her estate as provided in this subsection. The guardian shall not, however, be required to include as a beneficiary or fiduciary any person who he has reason to believe would be excluded by the ward. A guardian shall be required to investigate and pursue a ward's eligibility for governmental benefits.

(b) Upon the direction of the court which issued his letters, a guardian may perform the contracts of his ward which were legally subsisting at the time of the commencement of the ward's disability. The court may authorize the guardian to execute and deliver any bill of sale, deed or other instrument.

(c) The guardian of the estate of a ward shall appear for and represent the ward in all legal proceedings unless another person is appointed for that purpose as guardian or next friend. This does not impair the power of any court to appoint a guardian ad litem or next friend to defend the interests of the ward in that court, or to appoint or allow any person as the next friend of a ward to commence, prosecute or defend any proceeding in his behalf. Without impairing the power of the court in any respect, if the guardian of the estate of a ward and another person as next friend shall appear for and represent the ward in a legal proceeding in which the compensation of the attorney or attorneys representing the guardian and next friend is solely determined under a contingent fee arrangement, the guardian of the estate of the ward shall not participate in or have any duty to review the prosecution of the action, to participate in or review the appropriateness of any settlement of the action, or to participate in or review any determination of the appropriateness of any fees awarded to the attorney or attorneys employed in the prosecution of the action.

(d) Adjudication of disability shall not revoke or otherwise terminate a trust which is revocable by the ward. A guardian of the estate shall have no authority to revoke a trust that is revocable by the ward, except that the court may authorize a guardian to revoke a Totten trust or similar deposit or withdrawable capital account in trust to the extent necessary to provide funds for the purposes specified in paragraph (a) of this Section. If the trustee of any trust for the benefit of the ward has discretionary power to apply income or principal for the ward's benefit, the trustee shall not be required to distribute any of the income or principal to

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the guardian of the ward's estate, but the guardian may bring an action on behalf of the ward to compel the trustee to exercise the trustee's discretion or to seek relief from an abuse of discretion. This paragraph shall not limit the right of a guardian of the estate to receive accountings from the trustee on behalf of the ward.

(d-5) Upon a verified petition by the plenary or limited guardian of the estate or the request of the ward that is accompanied by a current physician's report that states the ward possesses testamentary capacity, the court may enter an order authorizing the ward to execute a will or codicil. In so ordering, the court shall authorize the guardian to retain independent counsel for the ward with whom the ward may execute or modify a will or codicil.

(e) Absent court order pursuant to the Illinois Power of Attorney Act directing a guardian to exercise powers of the principal under an agency that survives disability, the guardian will have no power, duty or liability with respect to any property subject to the agency. This subsection (e) applies to all agencies, whenever and wherever executed.

(f) Upon petition by any interested person (including the standby or short-term guardian), with such notice to interested persons as the court directs and a finding by the court that it is in the best interest of the person with a disability, the court may terminate or limit the authority of a standby or short-term guardian or may enter such other orders as the court deems necessary to provide for the best interest of the person with a disability. The petition for termination or limitation of the authority of a standby or short-term guardian may, but need not, be combined with a petition to have another guardian appointed for the person with a disability.

(Source: P.A. 99-143, eff. 7-27-15; 99-302, eff. 1-1-16; revised 10-21-15.)

Section 605. The Condominium Property Act is amended by changing Section 18 as follows:

(765 ILCS 605/18) (from Ch. 30, par. 318)

Sec. 18. Contents of bylaws. The bylaws shall provide for at least the following:

(a)(1) The election from among the unit owners of a board of managers, the number of persons constituting such board, and that the terms of at least one-third of the members of the board shall expire annually and that all members of the board shall be elected at large; if.

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there are multiple owners of a single unit, only one of the multiple owners
shall be eligible to serve as a member of the board at any one time;:

(2) the powers and duties of the board;
(3) the compensation, if any, of the members of the board;
(4) the method of removal from office of members of the board;
(5) that the board may engage the services of a manager or
managing agent;
(6) that each unit owner shall receive, at least 30 days prior to the
adoption thereof by the board of managers, a copy of the proposed annual
budget together with an indication of which portions are intended for
reserves, capital expenditures or repairs or payment of real estate taxes;

(7) that the board of managers shall annually supply to all unit
owners an itemized accounting of the common expenses for the preceding
year actually incurred or paid, together with an indication of which
portions were for reserves, capital expenditures or repairs or payment of
real estate taxes and with a tabulation of the amounts collected pursuant to
the budget or assessment, and showing the net excess or deficit of income
over expenditures plus reserves;

(8)(i) that each unit owner shall receive notice, in the same manner
as is provided in this Act for membership meetings, of any meeting of the
board of managers concerning the adoption of the proposed annual budget
and regular assessments pursuant thereto or to adopt a separate (special)
assessment, (ii) that except as provided in subsection (iv) below, if an
adopted budget or any separate assessment adopted by the board would
result in the sum of all regular and separate assessments payable in the
current fiscal year exceeding 115% of the sum of all regular and separate
assessments payable during the preceding fiscal year, the board of
managers, upon written petition by unit owners with 20 percent of the
votes of the association delivered to the board within 14 days of the board
action, shall call a meeting of the unit owners within 30 days of the date of
delivery of the petition to consider the budget or separate assessment;
unless a majority of the total votes of the unit owners are cast at the
meeting to reject the budget or separate assessment, it is ratified, (iii) that
any common expense not set forth in the budget or any increase in
assessments over the amount adopted in the budget shall be separately
assessed against all unit owners, (iv) that separate assessments for
expenditures relating to emergencies or mandated by law may be adopted
by the board of managers without being subject to unit owner approval or
the provisions of item (ii) above or item (v) below. As used herein,
"emergency" means an immediate danger to the structural integrity of the common elements or to the life, health, safety or property of the unit owners, (v) that assessments for additions and alterations to the common elements or to association-owned property not included in the adopted annual budget, shall be separately assessed and are subject to approval of two-thirds of the total votes of all unit owners, (vi) that the board of managers may adopt separate assessments payable over more than one fiscal year. With respect to multi-year assessments not governed by items (iv) and (v), the entire amount of the multi-year assessment shall be deemed considered and authorized in the first fiscal year in which the assessment is approved; 

(9) that meetings of the board of managers shall be open to any unit owner, except for the portion of any meeting held (i) to discuss litigation when an action against or on behalf of the particular association has been filed and is pending in a court or administrative tribunal, or when the board of managers finds that such an action is probable or imminent, (ii) to consider information regarding appointment, employment or dismissal of an employee, or (iii) to discuss violations of rules and regulations of the association or a unit owner's unpaid share of common expenses; that any vote on these matters shall be taken at a meeting or portion thereof open to any unit owner; that any unit owner may record the proceedings at meetings or portions thereof required to be open by this Act by tape, film or other means; that the board may prescribe reasonable rules and regulations to govern the right to make such recordings, that notice of such meetings shall be mailed or delivered at least 48 hours prior thereto, unless a written waiver of such notice is signed by the person or persons entitled to such notice pursuant to the declaration, bylaws, other condominium instrument, or provision of law other than this subsection before the meeting is convened, and that copies of notices of meetings of the board of managers shall be posted in entranceways, elevators, or other conspicuous places in the condominium at least 48 hours prior to the meeting of the board of managers except where there is no common entranceway for 7 or more units, the board of managers may designate one or more locations in the proximity of these units where the notices of meetings shall be posted; 

(10) that the board shall meet at least 4 times annually; 

(11) that no member of the board or officer shall be elected for a term of more than 2 years, but that officers and board members may succeed themselves; 

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(12) the designation of an officer to mail and receive all notices and execute amendments to condominium instruments as provided for in this Act and in the condominium instruments;

(13) the method of filling vacancies on the board which shall include authority for the remaining members of the board to fill the vacancy by two-thirds vote until the next annual meeting of unit owners or for a period terminating no later than 30 days following the filing of a petition signed by unit owners holding 20% of the votes of the association requesting a meeting of the unit owners to fill the vacancy for the balance of the term, and that a meeting of the unit owners shall be called for purposes of filling a vacancy on the board no later than 30 days following the filing of a petition signed by unit owners holding 20% of the votes of the association requesting such a meeting, and the method of filling vacancies among the officers that shall include the authority for the members of the board to fill the vacancy for the unexpired portion of the term;

(14) what percentage of the board of managers, if other than a majority, shall constitute a quorum;

(15) provisions concerning notice of board meetings to members of the board;

(16) the board of managers may not enter into a contract with a current board member or with a corporation or partnership in which a board member or a member of the board member's immediate family has 25% or more interest, unless notice of intent to enter the contract is given to unit owners within 20 days after a decision is made to enter into the contract and the unit owners are afforded an opportunity by filing a petition, signed by 20% of the unit owners, for an election to approve or disapprove the contract; such petition shall be filed within 20 days after such notice and such election shall be held within 30 days after filing the petition; for purposes of this subsection, a board member's immediate family means the board member's spouse, parents, and children;

(17) that the board of managers may disseminate to unit owners biographical and background information about candidates for election to the board if (i) reasonable efforts to identify all candidates are made and all candidates are given an opportunity to include biographical and background information in the information to be disseminated; and (ii) the board does not express a preference in favor of any candidate;

(18) any proxy distributed for board elections by the board of managers gives unit owners the opportunity to designate any person as the

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proxy holder, and gives the unit owner the opportunity to express a preference for any of the known candidates for the board or to write in a name;

(19) that special meetings of the board of managers can be called by the president or 25% of the members of the board; and

(20) that the board of managers may establish and maintain a system of master metering of public utility services and collect payments in connection therewith, subject to the requirements of the Tenant Utility Payment Disclosure Act.

(b)(1) What percentage of the unit owners, if other than 20%, shall constitute a quorum provided that, for condominiums with 20 or more units, the percentage of unit owners constituting a quorum shall be 20% unless the unit owners holding a majority of the percentage interest in the association provide for a higher percentage, provided that in voting on amendments to the association's bylaws, a unit owner who is in arrears on the unit owner's regular or separate assessments for 60 days or more, shall not be counted for purposes of determining if a quorum is present, but that unit owner retains the right to vote on amendments to the association's bylaws;

(2) that the association shall have one class of membership;

(3) that the members shall hold an annual meeting, one of the purposes of which shall be to elect members of the board of managers;

(4) the method of calling meetings of the unit owners;

(5) that special meetings of the members can be called by the president, board of managers, or by 20% of unit owners;

(6) that written notice of any membership meeting shall be mailed or delivered giving members no less than 10 and no more than 30 days notice of the time, place and purpose of such meeting except that notice may be sent, to the extent the condominium instruments or rules adopted thereunder expressly so provide, by electronic transmission consented to by the unit owner to whom the notice is given, provided the director and officer or his agent certifies in writing to the delivery by electronic transmission;

(7) that voting shall be on a percentage basis, and that the percentage vote to which each unit is entitled is the percentage interest of the undivided ownership of the common elements appurtenant thereto, provided that the bylaws may provide for approval by unit owners in connection with matters where the requisite approval on a percentage basis is not specified in this Act, on the basis of one vote per unit;

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(8) that, where there is more than one owner of a unit, if only one of the multiple owners is present at a meeting of the association, he is entitled to cast all the votes allocated to that unit, if more than one of the multiple owners are present, the votes allocated to that unit may be cast only in accordance with the agreement of a majority in interest of the multiple owners, unless the declaration expressly provides otherwise, that there is majority agreement if any one of the multiple owners cast the votes allocated to that unit without protest being made promptly to the person presiding over the meeting by any of the other owners of the unit;

(9)(A) except as provided in subparagraph (B) of this paragraph (9) in connection with board elections, that a unit owner may vote by proxy executed in writing by the unit owner or by his duly authorized attorney in fact; that the proxy must bear the date of execution and, unless the condominium instruments or the written proxy itself provide otherwise, is invalid after 11 months from the date of its execution; to the extent the condominium instruments or rules adopted thereunder expressly so provide, a vote or proxy may be submitted by electronic transmission, provided that any such electronic transmission shall either set forth or be submitted with information from which it can be determined that the electronic transmission was authorized by the unit owner or the unit owner's proxy;

(B) that if a rule adopted at least 120 days before a board election or the declaration or bylaws provide for balloting as set forth in this subsection, unit owners may not vote by proxy in board elections, but may vote only (i) by submitting an association-issued ballot in person at the election meeting or (ii) by submitting an association-issued ballot to the association or its designated agent by mail or other means of delivery specified in the declaration, bylaws, or rule; that the ballots shall be mailed or otherwise distributed to unit owners not less than 10 and not more than 30 days before the election meeting, and the board shall give unit owners not less than 21 days' prior written notice of the deadline for inclusion of a candidate's name on the ballots; that the deadline shall be no more than 7 days before the ballots are mailed or otherwise distributed to unit owners; that every such ballot must include the names of all candidates who have given the board or its authorized agent timely written notice of their candidacy and must give the person casting the ballot the opportunity to cast votes for candidates whose names do not appear on the ballot; that a ballot received by the association or its designated agent after the close of voting shall not be counted; that a unit owner who submits a ballot by mail
or other means of delivery specified in the declaration, bylaws, or rule may request and cast a ballot in person at the election meeting, and thereby void any ballot previously submitted by that unit owner;

(B-5) that if a rule adopted at least 120 days before a board election or the declaration or bylaws provide for balloting as set forth in this subparagraph, unit owners may not vote by proxy in board elections, but may vote only (i) by submitting an association-issued ballot in person at the election meeting; or (ii) by any acceptable technological means as defined in Section 2 of this Act; instructions regarding the use of electronic means for voting shall be distributed to all unit owners not less than 10 and not more than 30 days before the election meeting, and the board shall give unit owners not less than 21 days' prior written notice of the deadline for inclusion of a candidate's name on the ballots; the deadline shall be no more than 7 days before the instructions for voting using electronic or acceptable technological means is distributed to unit owners; every instruction notice must include the names of all candidates who have given the board or its authorized agent timely written notice of their candidacy and must give the person voting through electronic or acceptable technological means the opportunity to cast votes for candidates whose names do not appear on the ballot; a unit owner who submits a vote using electronic or acceptable technological means may request and cast a ballot in person at the election meeting, thereby voiding any vote previously submitted by that unit owner;

(C) that if a written petition by unit owners with at least 20% of the votes of the association is delivered to the board within 14 days after the board's approval of a rule adopted pursuant to subparagraph (B) or subparagraph (B-5) of this paragraph (9), the board shall call a meeting of the unit owners within 30 days after the date of delivery of the petition; that unless a majority of the total votes of the unit owners are cast at the meeting to reject the rule, the rule is ratified;

(D) that votes cast by ballot under subparagraph (B) or electronic or acceptable technological means under subparagraph (B-5) of this paragraph (9) are valid for the purpose of establishing a quorum;

(10) that the association may, upon adoption of the appropriate rules by the board of managers, conduct elections by secret ballot whereby the voting ballot is marked only with the percentage interest for the unit and the vote itself, provided that the board further adopt rules to verify the status of the unit owner issuing a proxy or casting a ballot; and further, that a candidate for election to the board of managers or such candidate's

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representative shall have the right to be present at the counting of ballots at such election;

(11) that in the event of a resale of a condominium unit the purchaser of a unit from a seller other than the developer pursuant to an installment contract for purchase shall during such times as he or she resides in the unit be counted toward a quorum for purposes of election of members of the board of managers at any meeting of the unit owners called for purposes of electing members of the board, shall have the right to vote for the election of members of the board of managers and to be elected to and serve on the board of managers unless the seller expressly retains in writing any or all of such rights. In no event may the seller and purchaser both be counted toward a quorum, be permitted to vote for a particular office or be elected and serve on the board. Satisfactory evidence of the installment contract shall be made available to the association or its agents. For purposes of this subsection, "installment contract" shall have the same meaning as set forth in Section 1 (e) of the Dwelling Unit Installment Contract Act, "An Act relating to installment contracts to sell dwelling structures", approved August 11, 1967, as amended;

(12) the method by which matters subject to the approval of unit owners set forth in this Act, or in the condominium instruments, will be submitted to the unit owners at special membership meetings called for such purposes; and

(13) that matters subject to the affirmative vote of not less than 2/3 of the votes of unit owners at a meeting duly called for that purpose, shall include, but not be limited to:

(i) merger or consolidation of the association;
(ii) sale, lease, exchange, or other disposition (excluding the mortgage or pledge) of all, or substantially all of the property and assets of the association; and
(iii) the purchase or sale of land or of units on behalf of all unit owners.

(c) Election of a president from among the board of managers, who shall preside over the meetings of the board of managers and of the unit owners.

(d) Election of a secretary from among the board of managers, who shall keep the minutes of all meetings of the board of managers and of the unit owners and who shall, in general, perform all the duties incident to the office of secretary.

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(e) Election of a treasurer from among the board of managers, who shall keep the financial records and books of account.

(f) Maintenance, repair and replacement of the common elements and payments therefor, including the method of approving payment vouchers.

(g) An association with 30 or more units shall obtain and maintain fidelity insurance covering persons who control or disburse funds of the association for the maximum amount of coverage available to protect funds in the custody or control of the association plus the association reserve fund. All management companies which are responsible for the funds held or administered by the association shall maintain and furnish to the association a fidelity bond for the maximum amount of coverage available to protect funds in the custody of the management company at any time. The association shall bear the cost of the fidelity insurance and fidelity bond, unless otherwise provided by contract between the association and a management company. The association shall be the direct obligee of any such fidelity bond. A management company holding reserve funds of an association shall at all times maintain a separate account for each association, provided, however, that for investment purposes, the Board of Managers of an association may authorize a management company to maintain the association's reserve funds in a single interest bearing account with similar funds of other associations. The management company shall at all times maintain records identifying all moneys of each association in such investment account. The management company may hold all operating funds of associations which it manages in a single operating account but shall at all times maintain records identifying all moneys of each association in such operating account. Such operating and reserve funds held by the management company for the association shall not be subject to attachment by any creditor of the management company.

For the purpose of this subsection, a management company shall be defined as a person, partnership, corporation, or other legal entity entitled to transact business on behalf of others, acting on behalf of or as an agent for a unit owner, unit owners or association of unit owners for the purpose of carrying out the duties, responsibilities, and other obligations necessary for the day to day operation and management of any property subject to this Act. For purposes of this subsection, the term "fiduciary insurance coverage" shall be defined as both a fidelity bond and directors and officers liability coverage, the fidelity bond in the full amount of

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association funds and association reserves that will be in the custody of the association, and the directors and officers liability coverage at a level as shall be determined to be reasonable by the board of managers, if not otherwise established by the declaration or by laws.

Until one year after September 21, 1985 (the effective date of Public Act 84-722) this amendatory Act of 1985, if a condominium association has reserves plus assessments in excess of $250,000 and cannot reasonably obtain 100% fidelity bond coverage for such amount, then it must obtain a fidelity bond coverage of $250,000.

(h) Method of estimating the amount of the annual budget, and the manner of assessing and collecting from the unit owners their respective shares of such estimated expenses, and of any other expenses lawfully agreed upon.

(i) That upon 10 days notice to the manager or board of managers and payment of a reasonable fee, any unit owner shall be furnished a statement of his account setting forth the amount of any unpaid assessments or other charges due and owing from such owner.

(j) Designation and removal of personnel necessary for the maintenance, repair and replacement of the common elements.

(k) Such restrictions on and requirements respecting the use and maintenance of the units and the use of the common elements, not set forth in the declaration, as are designed to prevent unreasonable interference with the use of their respective units and of the common elements by the several unit owners.

(l) Method of adopting and of amending administrative rules and regulations governing the operation and use of the common elements.

(m) The percentage of votes required to modify or amend the bylaws, but each one of the particulars set forth in this section shall always be embodied in the bylaws.

(n)(i) The provisions of this Act, the declaration, bylaws, other condominium instruments, and rules and regulations that relate to the use of the individual unit or the common elements shall be applicable to any person leasing a unit and shall be deemed to be incorporated in any lease executed or renewed on or after August 30, 1984 (the effective date of Public Act 83-1271) this amendatory Act of 1984.

(ii) With regard to any lease entered into subsequent to July 1, 1990 (the effective date of Public Act 86-991) this amendatory Act of 1989, the unit owner leasing the unit shall deliver a copy of the signed lease to the board or if the lease is oral, a memorandum of the lease, not

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later than the date of occupancy or 10 days after the lease is signed, whichever occurs first. In addition to any other remedies, by filing an action jointly against the tenant and the unit owner, an association may seek to enjoin a tenant from occupying a unit or seek to evict a tenant under the provisions of Article IX of the Code of Civil Procedure for failure of the lessor-owner to comply with the leasing requirements prescribed by this Section or by the declaration, bylaws, and rules and regulations. The board of managers may proceed directly against a tenant, at law or in equity, or under the provisions of Article IX of the Code of Civil Procedure, for any other breach by tenant of any covenants, rules, regulations or bylaws.

(o) The association shall have no authority to forbear the payment of assessments by any unit owner.

(p) That when 30% or fewer of the units, by number, possess over 50% in the aggregate of the votes in the association, any percentage vote of members specified herein or in the condominium instruments shall require the specified percentage by number of units rather than by percentage of interest in the common elements allocated to units that would otherwise be applicable and garage units or storage units, or both, shall have, in total, no more votes than their aggregate percentage of ownership in the common elements; this shall mean that if garage units or storage units, or both, are to be given a vote, or portion of a vote, that the association must add the total number of votes cast of garage units, storage units, or both, and divide the total by the number of garage units, storage units, or both, and multiply by the aggregate percentage of ownership of garage units and storage units to determine the vote, or portion of a vote, that garage units or storage units, or both, have. For purposes of this subsection (p), when making a determination of whether 30% or fewer of the units, by number, possess over 50% in the aggregate of the votes in the association, a unit shall not include a garage unit or a storage unit.

(q) That a unit owner may not assign, delegate, transfer, surrender, or avoid the duties, responsibilities, and liabilities of a unit owner under this Act, the condominium instruments, or the rules and regulations of the Association; and that such an attempted assignment, delegation, transfer, surrender, or avoidance shall be deemed void.

The provisions of this Section are applicable to all condominium instruments recorded under this Act. Any portion of a condominium instrument which contains provisions contrary to these provisions shall be void as against public policy and ineffective. Any such instrument which

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fails to contain the provisions required by this Section shall be deemed to incorporate such provisions by operation of law.
(Source: P.A. 98-1042, eff. 1-1-15; revised 10-19-15.)

(Text of Section after amendment by P.A. 99-472)

Sec. 18. Contents of bylaws. The bylaws shall provide for at least the following:

(a)(1) The election from among the unit owners of a board of managers, the number of persons constituting such board, and that the terms of at least one-third of the members of the board shall expire annually and that all members of the board shall be elected at large; if there are multiple owners of a single unit, only one of the multiple owners shall be eligible to serve as a member of the board at any one time;

(2) the powers and duties of the board;

(3) the compensation, if any, of the members of the board;

(4) the method of removal from office of members of the board;

(5) that the board may engage the services of a manager or managing agent;

(6) that each unit owner shall receive, at least 25 days prior to the adoption thereof by the board of managers, a copy of the proposed annual budget together with an indication of which portions are intended for reserves, capital expenditures or repairs or payment of real estate taxes;

(7) that the board of managers shall annually supply to all unit owners an itemized accounting of the common expenses for the preceding year actually incurred or paid, together with an indication of which portions were for reserves, capital expenditures or repairs or payment of real estate taxes and with a tabulation of the amounts collected pursuant to the budget or assessment, and showing the net excess or deficit of income over expenditures plus reserves;

(8)(i) that each unit owner shall receive notice, in the same manner as is provided in this Act for membership meetings, of any meeting of the board of managers concerning the adoption of the proposed annual budget and regular assessments pursuant thereto or to adopt a separate (special) assessment, (ii) that except as provided in subsection (iv) below, if an adopted budget or any separate assessment adopted by the board would result in the sum of all regular and separate assessments payable in the current fiscal year exceeding 115% of the sum of all regular and separate assessments payable during the preceding fiscal year, the board of managers, upon written petition by unit owners with 20 percent of the votes of the association delivered to the board within 14 days of the board meeting, shall...
action, shall call a meeting of the unit owners within 30 days of the date of
delivery of the petition to consider the budget or separate assessment;
unless a majority of the total votes of the unit owners are cast at the
meeting to reject the budget or separate assessment, it is ratified, (iii) that
any common expense not set forth in the budget or any increase in
assessments over the amount adopted in the budget shall be separately
assessed against all unit owners, (iv) that separate assessments for
expenditures relating to emergencies or mandated by law may be adopted
by the board of managers without being subject to unit owner approval or
the provisions of item (ii) above or item (v) below. As used herein,
"emergency" means an immediate danger to the structural integrity of the
common elements or to the life, health, safety or property of the unit
owners, (v) that assessments for additions and alterations to the common
elements or to association-owned property not included in the adopted
annual budget, shall be separately assessed and are subject to approval of
two-thirds of the total votes of all unit owners, (vi) that the board of
managers may adopt separate assessments payable over more than one
fiscal year. With respect to multi-year assessments not governed by items
(iv) and (v), the entire amount of the multi-year assessment shall be
deemed considered and authorized in the first fiscal year in which the
assessment is approved;

(9)(A) that every meeting of the board of managers shall be open to
any unit owner, except for the portion of any meeting held to discuss or
consider information relating to: (i) litigation when an action against or on
behalf of the particular association has been filed and is pending in a court
or administrative tribunal, or when the board of managers finds that such
an action is probable or imminent, (ii) appointment, employment or
dismissal of an employee, (iii) violations of rules and regulations of the
association, or (iv) a unit owner's unpaid share of common expenses; that
any vote on these matters discussed or considered in closed session shall
take place at a meeting of the board of managers or portion thereof open to
any unit owner;

(B) that board members may participate in and act at any meeting
of the board of managers in person, by telephonic means, or by use of any
acceptable technological means whereby all persons participating in the
meeting can communicate with each other; that participation constitutes
attendance and presence in person at the meeting;

(C) that any unit owner may record the proceedings at meetings of
the board of managers or portions thereof required to be open by this Act.
by tape, film or other means, and that the board may prescribe reasonable rules and regulations to govern the right to make such recordings;

(D) that notice of every meeting of the board of managers shall be given to every board member at least 48 hours prior thereto, unless the board member waives notice of the meeting pursuant to subsection (a) of Section 18.8; and

(E) that notice of every meeting of the board of managers shall be posted in entranceways, elevators, or other conspicuous places in the condominium at least 48 hours prior to the meeting of the board of managers except where there is no common entranceway for 7 or more units, the board of managers may designate one or more locations in the proximity of these units where the notices of meetings shall be posted; that notice of every meeting of the board of managers shall also be given at least 48 hours prior to the meeting, or such longer notice as this Act may separately require, to: (i) each unit owner who has provided the association with written authorization to conduct business by acceptable technological means, and (ii) to the extent that the condominium instruments of an association require, to each other unit owner, as required by subsection (f) of Section 18.8, by mail or delivery, and that no other notice of a meeting of the board of managers need be given to any unit owner;

(10) that the board shall meet at least 4 times annually;

(11) that no member of the board or officer shall be elected for a term of more than 2 years, but that officers and board members may succeed themselves;

(12) the designation of an officer to mail and receive all notices and execute amendments to condominium instruments as provided for in this Act and in the condominium instruments;

(13) the method of filling vacancies on the board which shall include authority for the remaining members of the board to fill the vacancy by two-thirds vote until the next annual meeting of unit owners or for a period terminating no later than 30 days following the filing of a petition signed by unit owners holding 20% of the votes of the association requesting a meeting of the unit owners to fill the vacancy for the balance of the term, and that a meeting of the unit owners shall be called for purposes of filling a vacancy on the board no later than 30 days following the filing of a petition signed by unit owners holding 20% of the votes of the association requesting such a meeting, and the method of filling vacancies among the officers that shall include the authority for the
members of the board to fill the vacancy for the unexpired portion of the term;

(14) what percentage of the board of managers, if other than a majority, shall constitute a quorum;

(15) provisions concerning notice of board meetings to members of the board;

(16) the board of managers may not enter into a contract with a current board member or with a corporation or partnership in which a board member or a member of the board member's immediate family has 25% or more interest, unless notice of intent to enter the contract is given to unit owners within 20 days after a decision is made to enter into the contract and the unit owners are afforded an opportunity by filing a petition, signed by 20% of the unit owners, for an election to approve or disapprove the contract; such petition shall be filed within 20 days after such notice and such election shall be held within 30 days after filing the petition; for purposes of this subsection, a board member's immediate family means the board member's spouse, parents, and children;

(17) that the board of managers may disseminate to unit owners biographical and background information about candidates for election to the board if (i) reasonable efforts to identify all candidates are made and all candidates are given an opportunity to include biographical and background information in the information to be disseminated; and (ii) the board does not express a preference in favor of any candidate;

(18) any proxy distributed for board elections by the board of managers gives unit owners the opportunity to designate any person as the proxy holder, and gives the unit owner the opportunity to express a preference for any of the known candidates for the board or to write in a name;

(19) that special meetings of the board of managers can be called by the president or 25% of the members of the board;

(20) that the board of managers may establish and maintain a system of master metering of public utility services and collect payments in connection therewith, subject to the requirements of the Tenant Utility Payment Disclosure Act; and

(21) that the board may ratify and confirm actions of the members of the board taken in response to an emergency, as that term is defined in subdivision (a)(8)(iv) of this Section; that the board shall give notice to the unit owners of: (i) the occurrence of the emergency event within 7 business days after the emergency event, and (ii) the general description of

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the actions taken to address the event within 7 days after the emergency event.

The intent of the provisions of Public Act 99-472 this amendatory Act of the 99th General Assembly adding this paragraph (21) is to empower and support boards to act in emergencies.

(b)(1) What percentage of the unit owners, if other than 20%, shall constitute a quorum provided that, for condominiums with 20 or more units, the percentage of unit owners constituting a quorum shall be 20% unless the unit owners holding a majority of the percentage interest in the association provide for a higher percentage, provided that in voting on amendments to the association's bylaws, a unit owner who is in arrears on the unit owner's regular or separate assessments for 60 days or more, shall not be counted for purposes of determining if a quorum is present, but that unit owner retains the right to vote on amendments to the association's bylaws;

(2) that the association shall have one class of membership;
(3) that the members shall hold an annual meeting, one of the purposes of which shall be to elect members of the board of managers;
(4) the method of calling meetings of the unit owners;
(5) that special meetings of the members can be called by the president, board of managers, or by 20% of unit owners;
(6) that written notice of any membership meeting shall be mailed or delivered giving members no less than 10 and no more than 30 days notice of the time, place and purpose of such meeting except that notice may be sent, to the extent the condominium instruments or rules adopted thereunder expressly so provide, by electronic transmission consented to by the unit owner to whom the notice is given, provided the director and officer or his agent certifies in writing to the delivery by electronic transmission;
(7) that voting shall be on a percentage basis, and that the percentage vote to which each unit is entitled is the percentage interest of the undivided ownership of the common elements appurtenant thereto, provided that the bylaws may provide for approval by unit owners in connection with matters where the requisite approval on a percentage basis is not specified in this Act, on the basis of one vote per unit;
(8) that, where there is more than one owner of a unit, if only one of the multiple owners is present at a meeting of the association, he is entitled to cast all the votes allocated to that unit, if more than one of the multiple owners are present, the votes allocated to that unit may be cast

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only in accordance with the agreement of a majority in interest of the multiple owners, unless the declaration expressly provides otherwise, that there is majority agreement if any one of the multiple owners cast the votes allocated to that unit without protest being made promptly to the person presiding over the meeting by any of the other owners of the unit;

(9)(A) except as provided in subparagraph (B) of this paragraph (9) in connection with board elections, that a unit owner may vote by proxy executed in writing by the unit owner or by his duly authorized attorney in fact; that the proxy must bear the date of execution and, unless the condominium instruments or the written proxy itself provide otherwise, is invalid after 11 months from the date of its execution; to the extent the condominium instruments or rules adopted thereunder expressly so provide, a vote or proxy may be submitted by electronic transmission, provided that any such electronic transmission shall either set forth or be submitted with information from which it can be determined that the electronic transmission was authorized by the unit owner or the unit owner's proxy;

(B) that if a rule adopted at least 120 days before a board election or the declaration or bylaws provide for balloting as set forth in this subsection, unit owners may not vote by proxy in board elections, but may vote only (i) by submitting an association-issued ballot in person at the election meeting or (ii) by submitting an association-issued ballot to the association or its designated agent by mail or other means of delivery specified in the declaration, bylaws, or rule; that the ballots shall be mailed or otherwise distributed to unit owners not less than 10 and not more than 30 days before the election meeting, and the board shall give unit owners not less than 21 days' prior written notice of the deadline for inclusion of a candidate's name on the ballots; that the deadline shall be no more than 7 days before the ballots are mailed or otherwise distributed to unit owners; that every such ballot must include the names of all candidates who have given the board or its authorized agent timely written notice of their candidacy and must give the person casting the ballot the opportunity to cast votes for candidates whose names do not appear on the ballot; that a ballot received by the association or its designated agent after the close of voting shall not be counted; that a unit owner who submits a ballot by mail or other means of delivery specified in the declaration, bylaws, or rule may request and cast a ballot in person at the election meeting, and thereby void any ballot previously submitted by that unit owner;

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(B-5) that if a rule adopted at least 120 days before a board election or the declaration or bylaws provide for balloting as set forth in this subparagraph, unit owners may not vote by proxy in board elections, but may vote only (i) by submitting an association-issued ballot in person at the election meeting; or (ii) by any acceptable technological means as defined in Section 2 of this Act; instructions regarding the use of electronic means for voting shall be distributed to all unit owners not less than 10 and not more than 30 days before the election meeting, and the board shall give unit owners not less than 21 days' prior written notice of the deadline for inclusion of a candidate's name on the ballots; the deadline shall be no more than 7 days before the instructions for voting using electronic or acceptable technological means is distributed to unit owners; every instruction notice must include the names of all candidates who have given the board or its authorized agent timely written notice of their candidacy and must give the person voting through electronic or acceptable technological means the opportunity to cast votes for candidates whose names do not appear on the ballot; a unit owner who submits a vote using electronic or acceptable technological means may request and cast a ballot in person at the election meeting, thereby voiding any vote previously submitted by that unit owner;

(C) that if a written petition by unit owners with at least 20% of the votes of the association is delivered to the board within 14 days after the board's approval of a rule adopted pursuant to subparagraph (B) or subparagraph (B-5) of this paragraph (9), the board shall call a meeting of the unit owners within 30 days after the date of delivery of the petition; that unless a majority of the total votes of the unit owners are cast at the meeting to reject the rule, the rule is ratified;

(D) that votes cast by ballot under subparagraph (B) or electronic or acceptable technological means under subparagraph (B-5) of this paragraph (9) are valid for the purpose of establishing a quorum;

(10) that the association may, upon adoption of the appropriate rules by the board of managers, conduct elections by secret ballot whereby the voting ballot is marked only with the percentage interest for the unit and the vote itself, provided that the board further adopt rules to verify the status of the unit owner issuing a proxy or casting a ballot; and further, that a candidate for election to the board of managers or such candidate's representative shall have the right to be present at the counting of ballots at such election;

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(11) that in the event of a resale of a condominium unit the purchaser of a unit from a seller other than the developer pursuant to an installment contract for purchase shall during such times as he or she resides in the unit be counted toward a quorum for purposes of election of members of the board of managers at any meeting of the unit owners called for purposes of electing members of the board, shall have the right to vote for the election of members of the board of managers and to be elected to and serve on the board of managers unless the seller expressly retains in writing any or all of such rights. In no event may the seller and purchaser both be counted toward a quorum, be permitted to vote for a particular office or be elected and serve on the board. Satisfactory evidence of the installment contract shall be made available to the association or its agents. For purposes of this subsection, "installment contract" shall have the same meaning as set forth in Section 1 (e) of the Dwelling Unit Installment Contract Act "An Act relating to installment contracts to sell dwelling structures", approved August 11, 1967, as amended;

(12) the method by which matters subject to the approval of unit owners set forth in this Act, or in the condominium instruments, will be submitted to the unit owners at special membership meetings called for such purposes; and

(13) that matters subject to the affirmative vote of not less than 2/3 of the votes of unit owners at a meeting duly called for that purpose, shall include, but not be limited to:

(i) merger or consolidation of the association;
(ii) sale, lease, exchange, or other disposition (excluding the mortgage or pledge) of all, or substantially all of the property and assets of the association; and
(iii) the purchase or sale of land or of units on behalf of all unit owners.

(c) Election of a president from among the board of managers, who shall preside over the meetings of the board of managers and of the unit owners.

(d) Election of a secretary from among the board of managers, who shall keep the minutes of all meetings of the board of managers and of the unit owners and who shall, in general, perform all the duties incident to the office of secretary.

(e) Election of a treasurer from among the board of managers, who shall keep the financial records and books of account.

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(f) Maintenance, repair and replacement of the common elements and payments therefor, including the method of approving payment vouchers.

(g) An association with 30 or more units shall obtain and maintain fidelity insurance covering persons who control or disburse funds of the association for the maximum amount of coverage available to protect funds in the custody or control of the association plus the association reserve fund. All management companies which are responsible for the funds held or administered by the association shall maintain and furnish to the association a fidelity bond for the maximum amount of coverage available to protect funds in the custody of the management company at any time. The association shall bear the cost of the fidelity insurance and fidelity bond, unless otherwise provided by contract between the association and a management company. The association shall be the direct obligee of any such fidelity bond. A management company holding reserve funds of an association shall at all times maintain a separate account for each association, provided, however, that for investment purposes, the Board of Managers of an association may authorize a management company to maintain the association's reserve funds in a single interest bearing account with similar funds of other associations. The management company shall at all times maintain records identifying all moneys of each association in such investment account. The management company may hold all operating funds of associations which it manages in a single operating account but shall at all times maintain records identifying all moneys of each association in such operating account. Such operating and reserve funds held by the management company for the association shall not be subject to attachment by any creditor of the management company.

For the purpose of this subsection, a management company shall be defined as a person, partnership, corporation, or other legal entity entitled to transact business on behalf of others, acting on behalf of or as an agent for a unit owner, unit owners or association of unit owners for the purpose of carrying out the duties, responsibilities, and other obligations necessary for the day to day operation and management of any property subject to this Act. For purposes of this subsection, the term "fiduciary insurance coverage" shall be defined as both a fidelity bond and directors and officers liability coverage, the fidelity bond in the full amount of association funds and association reserves that will be in the custody of the association, and the directors and officers liability coverage at a level as

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shall be determined to be reasonable by the board of managers, if not otherwise established by the declaration or by laws.

Until one year after September 21, 1985 (the effective date of Public Act 84-722) this amendatory Act of 1985, if a condominium association has reserves plus assessments in excess of $250,000 and cannot reasonably obtain 100% fidelity bond coverage for such amount, then it must obtain a fidelity bond coverage of $250,000.

(h) Method of estimating the amount of the annual budget, and the manner of assessing and collecting from the unit owners their respective shares of such estimated expenses, and of any other expenses lawfully agreed upon.

(i) That upon 10 days notice to the manager or board of managers and payment of a reasonable fee, any unit owner shall be furnished a statement of his account setting forth the amount of any unpaid assessments or other charges due and owing from such owner.

(j) Designation and removal of personnel necessary for the maintenance, repair and replacement of the common elements.

(k) Such restrictions on and requirements respecting the use and maintenance of the units and the use of the common elements, not set forth in the declaration, as are designed to prevent unreasonable interference with the use of their respective units and of the common elements by the several unit owners.

(l) Method of adopting and of amending administrative rules and regulations governing the operation and use of the common elements.

(m) The percentage of votes required to modify or amend the bylaws, but each one of the particulars set forth in this section shall always be embodied in the bylaws.

(n)(i) The provisions of this Act, the declaration, bylaws, other condominium instruments, and rules and regulations that relate to the use of the individual unit or the common elements shall be applicable to any person leasing a unit and shall be deemed to be incorporated in any lease executed or renewed on or after August 30, 1984 (the effective date of Public Act 83-1271) this amendatory Act of 1984.

(ii) With regard to any lease entered into subsequent to July 1, 1990 (the effective date of Public Act 86-991) this amendatory Act of 1989, the unit owner leasing the unit shall deliver a copy of the signed lease to the board or if the lease is oral, a memorandum of the lease, not later than the date of occupancy or 10 days after the lease is signed, whichever occurs first. In addition to any other remedies, by filing an

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action jointly against the tenant and the unit owner, an association may seek to enjoin a tenant from occupying a unit or seek to evict a tenant under the provisions of Article IX of the Code of Civil Procedure for failure of the lessor-owner to comply with the leasing requirements prescribed by this Section or by the declaration, bylaws, and rules and regulations. The board of managers may proceed directly against a tenant, at law or in equity, or under the provisions of Article IX of the Code of Civil Procedure, for any other breach by tenant of any covenants, rules, regulations or bylaws.

(o) The association shall have no authority to forbear the payment of assessments by any unit owner.

(p) That when 30% or fewer of the units, by number, possess over 50% in the aggregate of the votes in the association, any percentage vote of members specified herein or in the condominium instruments shall require the specified percentage by number of units rather than by percentage of interest in the common elements allocated to units that would otherwise be applicable and garage units or storage units, or both, shall have, in total, no more votes than their aggregate percentage of ownership in the common elements; this shall mean that if garage units or storage units, or both, are to be given a vote, or portion of a vote, that the association must add the total number of votes cast of garage units, storage units, or both, and divide the total by the number of garage units, storage units, or both, and multiply by the aggregate percentage of ownership of garage units and storage units to determine the vote, or portion of a vote, that garage units or storage units, or both, have. For purposes of this subsection (p), when making a determination of whether 30% or fewer of the units, by number, possess over 50% in the aggregate of the votes in the association, a unit shall not include a garage unit or a storage unit.

(q) That a unit owner may not assign, delegate, transfer, surrender, or avoid the duties, responsibilities, and liabilities of a unit owner under this Act, the condominium instruments, or the rules and regulations of the Association; and that such an attempted assignment, delegation, transfer, surrender, or avoidance shall be deemed void.

The provisions of this Section are applicable to all condominium instruments recorded under this Act. Any portion of a condominium instrument which contains provisions contrary to these provisions shall be void as against public policy and ineffective. Any such instrument which fails to contain the provisions required by this Section shall be deemed to incorporate such provisions by operation of law.
Section 610. The Illinois Human Rights Act is amended by changing Sections 2-104, 3-102, 3-105, 8-101, and 9-102 as follows:

(775 ILCS 5/2-104) (from Ch. 68, par. 2-104)
Sec. 2-104. Exemptions.
(A) Nothing contained in this Act shall prohibit an employer, employment agency, or labor organization from:

1. Bona Fide Qualification. Hiring or selecting between persons for bona fide occupational qualifications or any reason except those civil-rights violations specifically identified in this Article.

2. Veterans. Giving preferential treatment to veterans and their relatives as required by the laws or regulations of the United States or this State or a unit of local government, or pursuant to a private employer's voluntary veterans' preference employment policy authorized by the Veterans Preference in Private Employment Act.

3. Unfavorable Discharge From Military Service.
   (a) Using unfavorable discharge from military service as a valid employment criterion when authorized by federal law or regulation or when a position of employment involves the exercise of fiduciary responsibilities as defined by rules and regulations which the Department shall adopt; or

   (b) Participating in a bona fide recruiting incentive program, sponsored by a branch of the United States Armed Forces, a reserve component of the United States Armed Forces, or any National Guard or Naval Militia, where participation in the program is limited by the sponsoring branch based upon the service member's discharge status.

4. Ability Tests. Giving or acting upon the results of any professionally developed ability test provided that such test, its administration, or action upon the results, is not used as a subterfuge for or does not have the effect of unlawful discrimination.

5. Merit and Retirement Systems.
   (a) Applying different standards of compensation, or different terms, conditions or privileges of employment, pursuant to a merit or retirement system provided that such

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system or its administration is not used as a subterfuge for or does not have the effect of unlawful discrimination.

(b) Effecting compulsory retirement of any employee who has attained 65 years of age and who, for the 2-year period immediately preceding retirement, is employed in a bona fide executive or a high policymaking position, if such employee is entitled to an immediate nonforfeitable annual retirement benefit from a pension, profit-sharing, savings, or deferred compensation plan, or any combination of such plans of the employer of such employee, which equals, in the aggregate, at least $44,000. If any such retirement benefit is in a form other than a straight life annuity (with no ancillary benefits) or if the employees contribute to any such plan or make rollover contributions, the retirement benefit shall be adjusted in accordance with regulations prescribed by the Department, so that the benefit is the equivalent of a straight life annuity (with no ancillary benefits) under a plan to which employees do not contribute and under which no rollover contributions are made.

(c) Until January 1, 1994, effecting compulsory retirement of any employee who has attained 70 years of age, and who is serving under a contract of unlimited tenure (or similar arrangement providing for unlimited tenure) at an institution of higher education as defined by Section 1201(a) of the Higher Education Act of 1965.

(6) Training and Apprenticeship programs. Establishing an educational requirement as a prerequisite to selection for a training or apprenticeship program, provided such requirement does not operate to discriminate on the basis of any prohibited classification except age.

(7) Police and Firefighter/Paramedic Retirement. Imposing a mandatory retirement age for firefighters/paramedics or law enforcement officers and discharging or retiring such individuals pursuant to the mandatory retirement age if such action is taken pursuant to a bona fide retirement plan provided that the law enforcement officer or firefighter/paramedic has attained:

(a) the age of retirement in effect under applicable State or local law on March 3, 1983; or

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(b) if the applicable State or local law was enacted after the date of enactment of the federal Age Discrimination in Employment Act Amendments of 1996 (P.L. 104-208), the age of retirement in effect on the date of such discharge under such law.

This paragraph (7) shall not apply with respect to any cause of action arising under the Illinois Human Rights Act as in effect prior to the effective date of this amendatory Act of 1997.

(8) Police and Firefighter/Paramedic Appointment. Failing or refusing to hire any individual because of such individual's age if such action is taken with respect to the employment of an individual as a firefighter/paramedic or as a law enforcement officer and the individual has attained:

(a) the age of hiring or appointment in effect under applicable State or local law on March 3, 1983; or
(b) the age of hiring in effect on the date of such failure or refusal to hire under applicable State or local law enacted after the date of enactment of the federal Age Discrimination in Employment Act Amendments of 1996 (P.L. 104-208).

As used in paragraph (7) or (8):

"Firefighter/paramedic" means an employee, the duties of whose position are primarily to perform work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment, or to provide emergency medical services, including an employee engaged in this activity who is transferred to a supervisory or administrative position.

"Law enforcement officer" means an employee, the duties of whose position are primarily the investigation, apprehension, or detention of individuals suspected or convicted of criminal offenses, including an employee engaged in this activity who is transferred to a supervisory or administrative position.

(9) Citizenship Status. Making legitimate distinctions based on citizenship status if specifically authorized or required by State or federal law.

(B) With respect to any employee who is subject to a collective bargaining agreement:

(a) which is in effect on June 30, 1986,
(b) which terminates after January 1, 1987,
(c) any provision of which was entered into by a labor organization as defined by Section 6(d)(4) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)(4)), and
(d) which contains any provision that would be superseded by this amendatory Act of 1987 (Public Act 85-748), such amendatory Act of 1987 shall not apply until the termination of such collective bargaining agreement or January 1, 1990, whichever occurs first.

(C)(1) For purposes of this Act, the term "disability" shall not include any employee or applicant who is currently engaging in the illegal use of drugs, when an employer acts on the basis of such use.

(2) Paragraph (1) shall not apply where an employee or applicant for employment:

(a) has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs, or has otherwise been rehabilitated successfully and is no longer engaging in such use;
(b) is participating in a supervised rehabilitation program and is no longer engaging in such use; or
(c) is erroneously regarded as engaging in such use, but is not engaging in such use.

It shall not be a violation of this Act for an employer to adopt or administer reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual described in subparagraph (a) or (b) is no longer engaging in the illegal use of drugs.

(3) An employer:

(a) may prohibit the illegal use of drugs and the use of alcohol at the workplace by all employees;
(b) may require that employees shall not be under the influence of alcohol or be engaging in the illegal use of drugs at the workplace;
(c) may require that employees behave in conformance with the requirements established under the federal Drug-Free Workplace Act of 1988 (41 U.S.C. 701 et seq.) and the Drug Free Workplace Act;
(d) may hold an employee who engages in the illegal use of drugs or who is an alcoholic to the same qualification standards for employment or job performance and behavior that such employer

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holds other employees, even if any unsatisfactory performance or behavior is related to the drug use or alcoholism of such employee; and

(e) may, with respect to federal regulations regarding alcohol and the illegal use of drugs, require that:

(i) employees comply with the standards established in such regulations of the United States Department of Defense, if the employees of the employer are employed in an industry subject to such regulations, including complying with regulations (if any) that apply to employment in sensitive positions in such an industry, in the case of employees of the employer who are employed in such positions (as defined in the regulations of the Department of Defense);

(ii) employees comply with the standards established in such regulations of the Nuclear Regulatory Commission, if the employees of the employer are employed in an industry subject to such regulations, including complying with regulations (if any) that apply to employment in sensitive positions in such an industry, in the case of employees of the employer who are employed in such positions (as defined in the regulations of the Nuclear Regulatory Commission); and

(iii) employees comply with the standards established in such regulations of the United States Department of Transportation, if the employees of the employer are employed in a transportation industry subject to such regulations, including complying with such regulations (if any) that apply to employment in sensitive positions in such an industry, in the case of employees of the employer who are employed in such positions (as defined in the regulations of the United States Department of Transportation).

(4) For purposes of this Act, a test to determine the illegal use of drugs shall not be considered a medical examination. Nothing in this Act shall be construed to encourage, prohibit, or authorize the conducting of drug testing for the illegal use of drugs by job applicants or employees or making employment decisions based on such test results.
(5) Nothing in this Act shall be construed to encourage, prohibit, restrict, or authorize the otherwise lawful exercise by an employer subject to the jurisdiction of the United States Department of Transportation of authority to:

(a) test employees of such employer in, and applicants for, positions involving safety-sensitive duties for the illegal use of drugs and for on-duty impairment by alcohol; and

(b) remove such persons who test positive for illegal use of drugs and on-duty impairment by alcohol pursuant to subparagraph (a) from safety-sensitive duties in implementing paragraph (3).

(Source: P.A. 99-152, eff. 1-1-16, 99-165, eff. 7-28-15; revised 10-29-15.)

(775 ILCS 5/3-102) (from Ch. 68, par. 3-102)
Sec. 3-102. Civil Rights Violations; Real Estate Transactions. It is a civil rights violation for an owner or any other person engaging in a real estate transaction, or for a real estate broker or salesman, because of unlawful discrimination or familial status, to

(A) Transaction. Refuse to engage in a real estate transaction with a person or to discriminate in making available such a transaction;

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

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

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

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

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

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familial status, or an intention to make any such preference, limitation, or discrimination;

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

(Source: P.A. 99-196, eff. 7-30-15; revised 10-20-15.)

(775 ILCS 5/3-105) (from Ch. 68, par. 3-105)
Sec. 3-105. Restrictive Covenants.

(A) Agreements. Every provision in an oral agreement or a written instrument relating to real property which purports to forbid or restrict the conveyance, encumbrance, occupancy, or lease thereof on the basis of race, color, religion, or national origin is void.

(B) Limitations. (1) Every condition, restriction or prohibition, including a right of entry or possibility of reverter, which directly or indirectly limits the use or occupancy of real property on the basis of race, color, religion, or national origin is void.

(2) This Section shall not apply to a limitation of use on the basis of religion of real property held by a religious institution or organization or by a religious or charitable organization operated, supervised, or controlled by a religious institution or organization, and used for religious or charitable purposes.

(C) Civil Rights Violations. It is a civil rights violation to insert in a written instrument relating to real property a provision that is void under this Section or to honor or attempt to honor such a provision in the chain of title.

(Source: P.A. 81-1216; revised 10-21-15.)

(775 ILCS 5/8-101) (from Ch. 68, par. 8-101)

(A) Creation; appointments. The Human Rights Commission is created to consist of 13 members appointed by the Governor with the advice and consent of the Senate. No more than 7 members shall be of the same political party. The Governor shall designate one member as chairperson. All appointments shall be in writing and filed with the Secretary of State as a public record.

(B) Terms. Of the members first appointed, 4 shall be appointed for a term to expire on the third Monday of January, 1981, and 5 (including the Chairperson) shall be appointed for a term to expire on the third Monday of January, 1983.

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Notwithstanding any provision of this Section to the contrary, the term of office of each member of the Illinois Human Rights Commission is abolished on July 29, 1985, but the incumbent members shall continue to exercise all of the powers and be subject to all of the duties of members of the Commission until their respective successors are appointed and qualified. Subject to the provisions of subsection (A), of the 9 members appointed under Public Act 84-115, effective July 29, 1985, 5 members shall be appointed for terms to expire on the third Monday of January, 1987, and 4 members shall be appointed for terms to expire on the third Monday of January, 1989; and of the 4 additional members appointed under Public Act 84-1084, effective December 2, 1985, two shall be appointed for a term to expire on the third Monday of January, 1987, and two members shall be appointed for a term to expire on the third Monday of January, 1989.

Thereafter, each member shall serve for a term of 4 years and until his or her successor is appointed and qualified; except that any member chosen to fill a vacancy occurring otherwise than by expiration of a term shall be appointed only for the unexpired term of the member whom he or she shall succeed and until his or her successor is appointed and qualified.

(C) Vacancies.

(1) In the case of vacancies on the Commission during a recess of the Senate, the Governor shall make a temporary appointment until the next meeting of the Senate when he or she shall appoint a person to fill the vacancy. Any person so nominated and confirmed by the Senate shall hold office for the remainder of the term and until his or her successor is appointed and qualified.

(2) If the Senate is not in session at the time this Act takes effect, the Governor shall make temporary appointments to the Commission as in the case of vacancies.

(3) Vacancies in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission. Except when authorized by this Act to proceed through a 3 member panel, a majority of the members of the Commission then in office shall constitute a quorum.

(D) Compensation. The Chairperson of the Commission shall be compensated at the rate of $22,500 per year, or as set by the Compensation Review Board, whichever is greater, during his or her service as Chairperson, and each other member shall be compensated at the rate of $20,000 per year, or as set by the Compensation Review Board, whichever

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is greater. In addition, all members of the Commission shall be reimbursed for expenses actually and necessarily incurred by them in the performance of their duties.

(Source: P.A. 84-1308; revised 10-20-15.)

(775 ILCS 5/9-102) (from Ch. 68, par. 9-102)

Sec. 9-102. Pending Matters.

(A) Charges; Complaints; Causes of Action. This Act shall not affect or abate any cause of action, charge, complaint or other matter pending before or accrued under the jurisdiction of the Fair Employment Practices Commission or the Department of Equal Employment Opportunity. Each charge, complaint, or matter shall be assumed by the Department or Commission, as provided in this Act, at the same stage, or a parallel stage, of proceeding to which it had progressed prior to the effective date of this Act.

(B) Special Cases. The Human Rights Act shall not in any way affect or abate any right, claim or cause of action under the "Equal Opportunities for the Handicapped Act", approved August 23, 1971, as amended, which accrued or arose prior to July 1, 1980.

(Source: P.A. 84-1084; revised 10-19-15.)

Section 615. The General Not For Profit Corporation Act of 1986 is amended by changing Section 113.50 as follows:

(805 ILCS 105/113.50) (from Ch. 32, par. 113.50)

Sec. 113.50. Grounds for revocation of authority.

(a) The authority of a foreign corporation to conduct affairs in this State may be revoked by the Secretary of State:

(1) Upon the failure of an officer or director to whom interrogatories have been propounded by the Secretary of State, as provided in this Act, to answer the same fully and to file such answer in the office of the Secretary of State;

(2) If the authority of the corporation was procured through fraud practiced upon the State;

(3) If the corporation has continued to exceed or abuse the authority conferred upon it by this Act;

(4) Upon the failure of the corporation to keep on file in the office of the Secretary of State duly authenticated copies of each amendment to its articles of incorporation;

(5) Upon the failure of the corporation to appoint and maintain a registered agent in this State;

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(6) Upon the failure of the corporation to file any report after the period prescribed by this Act for the filing of such report;

(7) Upon the failure of the corporation to pay any fees or charges prescribed by this Act;

(8) For misrepresentation of any material matter in any application, report, affidavit, or other document filed by such corporation pursuant to this Act;

(9) Upon the failure of the corporation to renew its assumed name or to apply to change its assumed name pursuant to the provisions of this Act, when the corporation can only conduct affairs within this State under its assumed name in accordance with the provisions of Section 104.05 of this Act;

(10) Upon notification from the local liquor commissioner, pursuant to Section 4-4(3) of the "The Liquor Control Act of 1934," as now or hereafter amended, that a foreign corporation functioning as a club in this State has violated that Act by selling or offering for sale at retail alcoholic liquors without a retailer's license; or

(11) When, in an action by the Attorney General, under the provisions of the "Consumer Fraud and Deceptive Business Practices Act, the Solicitation for Charity Act", or "An Act to regulate solicitation and collection of funds for charitable purposes, providing for violations thereof, and making an appropriation therefor", approved July 26, 1963, as amended, or the "Charitable Trust Act", a court has found that the corporation substantially and willfully violated any of such Acts.

(b) The enumeration of grounds for revocation in paragraphs (1) through (11) of subsection (a) shall not preclude any action by the Attorney General which is authorized by any other statute of the State of Illinois or the common law.

(Source: P.A. 92-33, eff. 7-1-01; 93-59, eff. 7-1-03; revised 10-20-15.)

Section 620. The High Risk Home Loan Act is amended by changing Section 10 as follows:

(815 ILCS 137/10)
Sec. 10. Definitions. As used in this Act:
"Approved credit counselor" means a credit counselor approved by the Director of Financial Institutions.
"Bona fide discount points" means loan discount points that are knowingly paid by the consumer for the purpose of reducing, and that in

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fact result in a bona fide reduction of, the interest rate or time price differential applicable to the mortgage.

"Borrower" means a natural person who seeks or obtains a high risk home loan.

"Commissioner" means the Commissioner of the Office of Banks and Real Estate.

"Department" means the Department of Financial Institutions.

"Director" means the Director of Financial Institutions.

"Good faith" means honesty in fact in the conduct or transaction concerned.

"High risk home loan" means a consumer credit transaction, other than a reverse mortgage, that is secured by the consumer's principal dwelling if: (i) at the time of origination, the annual percentage rate exceeds by more than 6 percentage points in the case of a first lien mortgage, or by more than 8 percentage points in the case of a junior mortgage, the average prime offer rate, as defined in Section 129C(b)(2)(B) of the federal Truth in Lending Act, for a comparable transaction as of the date on which the interest rate for the transaction is set, or if the dwelling is personal property, then as provided under 15 U.S.C. 1602(bb), as amended, and any corresponding regulation, as amended, (ii) the loan documents permit the creditor to charge or collect prepayment fees or penalties more than 36 months after the transaction closing or such fees exceed, in the aggregate, more than 2% of the amount prepaid, or (iii) the total points and fees payable in connection with the transaction, other than bona fide third-party charges not retained by the mortgage originator, creditor, or an affiliate of the mortgage originator or creditor, will exceed (1) 5% of the total loan amount in the case of a transaction for $20,000 (or such other dollar amount as prescribed by federal regulation pursuant to the federal Dodd-Frank Act) or more or (2) the lesser of 8% of the total loan amount or $1,000 (or such other dollar amount as prescribed by federal regulation pursuant to the federal Dodd-Frank Act) in the case of a transaction for less than $20,000 (or such other dollar amount as prescribed by federal regulation pursuant to the federal Dodd-Frank Act), except that, with respect to all transactions, bona fide loan discount points may be excluded as provided for in Section 35 of this Act. "High risk home loan" does not include a loan that is made primarily for a business purpose unrelated to the residential real property securing the loan or a consumer credit transaction made by a natural person who provides seller financing secured by a principal residence no more than 3
times in a 12-month period, provided such consumer credit transaction is not made by a person that has constructed or acted as a contractor for the construction of the residence in the ordinary course of business of such person.

"Lender" means a natural or artificial person who transfers, deals in, offers, or makes a high risk home loan. "Lender" includes, but is not limited to, creditors and brokers who transfer, deal in, offer, or make high risk home loans. "Lender" does not include purchasers, assignees, or subsequent holders of high risk home loans.

"Office" means the Office of Banks and Real Estate.

"Points and fees" means all items considered to be points and fees under 12 CFR 226.32 (2000, or as initially amended pursuant to Section 1431 of the federal Dodd-Frank Act with no subsequent amendments or editions included, whichever is later); compensation paid directly or indirectly by a consumer or creditor to a mortgage broker from any source, including a broker that originates a loan in its own name in a table-funded transaction, not otherwise included in 12 CFR 226.4; the maximum prepayment fees and penalties that may be charged or collected under the terms of the credit transaction; all prepayment fees or penalties that are incurred by the consumer if the loan refinances a previous loan made or currently held by the same creditor or an affiliate of the creditor; and premiums or other charges payable at or before closing or financed directly or indirectly into the loan for any credit life, credit disability, credit unemployment, credit property, other accident, loss of income, life, or health insurance or payments directly or indirectly for any debt cancellation or suspension agreement or contract, except that insurance premiums or debt cancellation or suspension fees calculated and paid in full on a monthly basis shall not be considered financed by the creditor. "Points and fees" does not include any insurance premium provided by an agency of the federal government or an agency of a state; any insurance premium paid by the consumer after closing; and any amount of a premium, charge, or fee that is not in excess of the amount payable under policies in effect at the time of origination under Section 203(c)(2)(A) of the National Housing Act (12 U.S.C. 1709(c)(2)(A)), provided that the premium, charge, or fee is required to be refundable on a pro-rated basis and the refund is automatically issued upon notification of the satisfaction of the underlying mortgage loan.

"Prepayment penalty" and "prepayment fees or penalties" mean: (i) for a closed-end credit transaction, a charge imposed for paying all or part

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of the transaction's principal before the date on which the principal is due, other than a waived, bona fide third-party charge that the creditor imposes if the consumer prepays all of the transactions's principal sooner than 36 months after consummation and (ii) for an open-end credit plan, a charge imposed by the creditor if the consumer terminates the open-end credit plan prior to the end of its term, other than a waived, bona fide third-party charge that the creditor imposes if the consumer terminates the open-end credit plan sooner than 36 months after account opening.

"Reasonable" means fair, proper, just, or prudent under the circumstances.

"Servicer" means any entity chartered under the Illinois Banking Act, the Savings Bank Act, the Illinois Credit Union Act, or the Illinois Savings and Loan Act of 1985 and any person or entity licensed under the Residential Mortgage License Act of 1987, the Consumer Installment Loan Act, or the Sales Finance Agency Act who is responsible for the collection or remittance for, or has the right or obligation to collect or remit for, any lender, note owner, or note holder or for a licensee's own account, of payments, interest, principal, and trust items (such as hazard insurance and taxes on a residential mortgage loan) in accordance with the terms of the residential mortgage loan, including loan payment follow-up, delinquency loan follow-up, loan analysis, and any notifications to the borrower that are necessary to enable the borrower to keep the loan current and in good standing.

"Total loan amount" has the same meaning as that term is given in 12 CFR 226.32 and shall be calculated in accordance with the Federal Reserve Board's Official Staff Commentary to that regulation.

(Source: P.A. 99-150, eff. 7-28-15; 99-288, eff. 8-5-15; revised 10-19-15.)

Section 625. The Motor Fuel Sales Act is amended by changing Section 2 as follows:

(815 ILCS 365/2) (from Ch. 121 1/2, par. 1502)
Sec. 2. Assistance at stations with self-service and full-service islands.

(a) Any attendant on duty at a gasoline station or service station offering to the public retail sales of motor fuel at both self-service and full-service islands shall, upon request, dispense motor fuel for the driver of a car which is parked at a self-service island and displays: (1) registration plates issued to a person with a physical disability pursuant to Section 3-616 of the Illinois Vehicle Code; (2) registration plates issued to a veteran with a disability pursuant to Section 3-609 or 3-609.01 of such Code; or
(3) a special decal or device issued pursuant to Section 11-1301.2 of such Code; and shall only charge such driver prices as offered to the general public for motor fuel dispensed at the self-service island. However, such attendant shall not be required to perform other services which are offered at the full-service island.

(b) Gasoline stations and service stations in this State are subject to the federal Americans with Disabilities Act and must:

(1) provide refueling assistance upon the request of an individual with a disability (A gasoline station or service station is not required to provide such service at any time that it is operating on a remote control basis with a single employee on duty at the motor fuel site, but is encouraged to do so, if feasible.);

(2) by January 1, 2014, provide and display at least one ADA compliant motor fuel dispenser with a direct telephone number to the station that allows an operator of a motor vehicle who has a disability to request refueling assistance, with the telephone number posted in close proximity to the International Symbol of Accessibility required by the federal Americans with Disabilities Act, however, if the station does not have at least one ADA compliant motor fuel dispenser, the station must display on at least one motor fuel dispenser a direct telephone number to the station that allows an operator of a motor vehicle who has a disability to request refueling assistance; and

(3) provide the refueling assistance without any charge beyond the self-serve price.

(c) The signage required under paragraph (2) of subsection (b) shall be designated by the station owner and shall be posted in a prominently visible place. The sign shall be clearly visible to customers.

(d) The Secretary of State shall provide to persons with disabilities information regarding the availability of refueling assistance under this Section by the following methods:

(1) by posting information about that availability on the Secretary of State's Internet website, along with a link to the Department of Human Services website; and

(2) by publishing a brochure containing information about that availability, which shall be made available at all Secretary of State offices throughout the State.

(d-5) On its Internet website, the Department of Agriculture shall maintain a list of gasoline and service stations that are required to report to

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the Department of Agriculture's Bureau of Weights and Measures. The list shall include the addresses and telephone numbers of the gasoline and service stations. The Department of Agriculture shall provide the Department of Human Services with a link to this website information.

(e) The Department of Human Services shall post on its Internet website information regarding the availability of refueling assistance for persons with disabilities and the link to the list of gasoline and service stations provided by the Department of Agriculture.

(f) A person commits a Class C misdemeanor if he or she telephones a gasoline station or service station to request refueling assistance and he or she:

(1) is not actually physically present at the gasoline or service station; or

(2) is physically present at the gasoline or service station but does not actually require refueling assistance.

(g) The Department of Transportation shall work in cooperation with appropriate representatives of gasoline and service station trade associations and the petroleum industry to increase the signage at gasoline and service stations on interstate highways in this State with regard to the availability of refueling assistance for persons with disabilities.

(h) If an owner of a gas station or service station is found by the Illinois Department of Agriculture, Bureau of Weights and Measures, to be in violation of this Act, the owner shall pay an administrative fine of $250. Any moneys collected by the Department shall be deposited into the Motor Fuel and Petroleum Standards Fund. The Department of Agriculture shall have the same authority and powers as provided for in the Motor Fuel and Petroleum Standards Act in enforcing this Act.

(Source: P.A. 99-44, eff. 1-1-16; 99-143, eff. 7-27-15; revised 10-21-15.)

Section 630. The Used Lubricant Act is amended by changing Section 2 as follows:

(815 ILCS 435/2) (from Ch. 96 1/2, par. 5802)

Sec. 2. Any person dealing in previously used or previously used and reclaimed, re-refined, re-cleaned, or reconditioned lubricating oils, lubricants or mixtures of lubricants without having each and every container or item of equipment in or through which any of such products are sold, kept for sale, displayed or dispensed plainly labeled as required in this Act, or advertising any of such products for sale without inserting in such advertising a statement as required in this Act may upon proper hearing be enjoined from selling any of such products or offering,

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displaying or advertising any of the same for sale. Action for such injunction may be brought in the circuit court in the county in which the defendant resides, and may be brought either by the Attorney General of this State or by the State's Attorney in and for such county. The authority granted by this Section shall be in addition to and not in lieu of authority to prosecute criminally any person for a violation of this Act. The granting or enforcing of any injunction under this Act is a preventive measure for the protection of the people of this State, not a punitive measure, and the fact that a person has been charged or convicted of a violation of this Act shall not prevent the ordering of an injunction to prevent further unlawful dealing in previously used or previously used and reclaimed, re-refined, re-cleaned or reconditioned lubricating oils, lubricants or mixtures of lubricants, nor shall the fact that an injunction has been granted under this Act preclude the institution of criminal prosecution or punishment. Upon promulgation of labeling standards applicable to recycled oil by the Federal Trade Commission as prescribed pursuant to Title V, Section 383 of the federal Energy Policy and Conservation Act (P.L. 94-163) the provisions of this Section shall no longer be in effect.

(Source: P.A. 83-346; revised 10-21-15.)

Section 635. The Consumer Fraud and Deceptive Business Practices Act is amended by changing Sections 2Z and 2MM as follows:

Sec. 2Z. Violations of other Acts. Any person who knowingly violates the Automotive Repair Act, the Automotive Collision Repair Act, the Home Repair and Remodeling Act, the Dance Studio Act, the Physical Fitness Services Act, the Hearing Instrument Consumer Protection Act, the Illinois Union Label Act, the Job Referral and Job Listing Services Consumer Protection Act, the Travel Promotion Consumer Protection Act, the Credit Services Organizations Act, the Automatic Telephone Dialers Act, the Pay-Per-Call Services Consumer Protection Act, the Telephone Solicitations Act, the Illinois Funeral or Burial Funds Act, the Cemetery Oversight Act, the Cemetery Care Act, the Safe and Hygienic Bed Act, the Pre-Need Cemetery Sales Act, the High Risk Home Loan Act, the Payday Loan Reform Act, the Mortgage Rescue Fraud Act, subsection (a) or (b) of Section 3-10 of the Cigarette Tax Act, subsection (a) or (b) of Section 3-10 of the Cigarette Use Tax Act, the Electronic Mail Act, the Internet Caller Identification Act, paragraph (6) of subsection (k) of Section 6-305 of the Illinois Vehicle Code, Section 11-1431, 18d-115, 18d-120, 18d-125, 18d-
135, 18d-150, or 18d-153 of the Illinois Vehicle Code, Article 3 of the Residential Real Property Disclosure Act, the Automatic Contract Renewal Act, the Reverse Mortgage Act, Section 25 of the Youth Mental Health Protection Act, or the Personal Information Protection Act commits an unlawful practice within the meaning of this Act.

(Source: P.A. 99-331, eff. 1-1-16; 99-411, eff. 1-1-16; revised 10-21-15.)

Sec. 2MM. Verification of accuracy of consumer reporting information used to extend consumers credit and security freeze on credit reports.

(a) A credit card issuer who mails an offer or solicitation to apply for a credit card and who receives a completed application in response to the offer or solicitation which lists an address that is not substantially the same as the address on the offer or solicitation may not issue a credit card based on that application until reasonable steps have been taken to verify the applicant's change of address.

(b) Any person who uses a consumer credit report in connection with the approval of credit based on the application for an extension of credit, and who has received notification of a police report filed with a consumer reporting agency that the applicant has been a victim of financial identity theft, as defined in Section 16-30 or 16G-15 of the Criminal Code of 1961 or the Criminal Code of 2012, may not lend money or extend credit without taking reasonable steps to verify the consumer's identity and confirm that the application for an extension of credit is not the result of financial identity theft.

(c) A consumer may request that a security freeze be placed on his or her credit report by sending a request in writing by certified mail to a consumer reporting agency at an address designated by the consumer reporting agency to receive such requests.

The following persons may request that a security freeze be placed on the credit report of a person with a disability:

(1) a guardian of the person with a disability who that is the subject of the request, appointed under Article Xla of the Probate Act of 1975; and

(2) an agent of the person with a disability who that is the subject of the request, under a written durable power of attorney that complies with the Illinois Power of Attorney Act.

The following persons may request that a security freeze be placed on the credit report of a minor:

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(1) a guardian of the minor who is the subject of the request, appointed under Article XI of the Probate Act of 1975;  
(2) a parent of the minor who is the subject of the request; and  
(3) a guardian appointed under the Juvenile Court Act of 1987 for a minor under the age of 18 who is the subject of the request or, with a court order authorizing the guardian consent power, for a youth who is the subject of the request who has attained the age of 18, but who is under the age of 21. 
This subsection (c) does not prevent a consumer reporting agency from advising a third party that a security freeze is in effect with respect to the consumer's credit report.  
(d) A consumer reporting agency shall place a security freeze on a consumer's credit report no later than 5 business days after receiving a written request from the consumer:  
(1) a written request described in subsection (c);  
(2) proper identification; and  
(3) payment of a fee, if applicable.  
(e) Upon placing the security freeze on the consumer's credit report, the consumer reporting agency shall send to the consumer within 10 business days a written confirmation of the placement of the security freeze and a unique personal identification number or password or similar device, other than the consumer's Social Security number, to be used by the consumer when providing authorization for the release of his or her credit report for a specific party or period of time.  
(f) If the consumer wishes to allow his or her credit report to be accessed for a specific party or period of time while a freeze is in place, he or she shall contact the consumer reporting agency using a point of contact designated by the consumer reporting agency, request that the freeze be temporarily lifted, and provide the following:  
(1) Proper identification;  
(2) The unique personal identification number or password or similar device provided by the consumer reporting agency;  
(3) The proper information regarding the third party or time period for which the report shall be available to users of the credit report; and  
(4) A fee, if applicable.  
A security freeze for a minor may not be temporarily lifted. This Section does not require a consumer reporting agency to provide to a
minor or a parent or guardian of a minor on behalf of the minor a unique personal identification number, password, or similar device provided by the consumer reporting agency for the minor, or parent or guardian of the minor, to use to authorize the consumer reporting agency to release information from a minor.

(g) A consumer reporting agency shall develop a contact method to receive and process a request from a consumer to temporarily lift a freeze on a credit report pursuant to subsection (f) in an expedited manner.

A contact method under this subsection shall include: (i) a postal address; and (ii) an electronic contact method chosen by the consumer reporting agency, which may include the use of telephone, fax, Internet, or other electronic means.

(h) A consumer reporting agency that receives a request from a consumer to temporarily lift a freeze on a credit report pursuant to subsection (f), shall comply with the request no later than 3 business days after receiving the request.

(i) A consumer reporting agency shall remove or temporarily lift a freeze placed on a consumer's credit report only in the following cases:

1. upon consumer request, pursuant to subsection (f) or subsection (l) of this Section; or
2. if the consumer's credit report was frozen due to a material misrepresentation of fact by the consumer.

If a consumer reporting agency intends to remove a freeze upon a consumer's credit report pursuant to this subsection, the consumer reporting agency shall notify the consumer in writing prior to removing the freeze on the consumer's credit report.

(j) If a third party requests access to a credit report on which a security freeze is in effect, and this request is in connection with an application for credit or any other use, and the consumer does not allow his or her credit report to be accessed for that specific party or period of time, the third party may treat the application as incomplete.

(k) If a consumer requests a security freeze, the credit reporting agency shall disclose to the consumer the process of placing and temporarily lifting a security freeze, and the process for allowing access to information from the consumer's credit report for a specific party or period of time while the freeze is in place.

(l) A security freeze shall remain in place until the consumer or person authorized under subsection (c) to act on behalf of the minor or person with a disability who that is the subject of the security freeze

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requests, using a point of contact designated by the consumer reporting agency, that the security freeze be removed. A credit reporting agency shall remove a security freeze within 3 business days of receiving a request for removal from the consumer, who provides:

1. Proper identification;
2. The unique personal identification number or password or similar device provided by the consumer reporting agency; and
3. A fee, if applicable.

A consumer reporting agency shall require proper identification of the person making a request to place or remove a security freeze and may require proper identification and proper authority from the person making the request to place or remove a freeze on behalf of the person with a disability or minor.

(n) The provisions of subsections (c) through (m) of this Section do not apply to the use of a consumer credit report by any of the following:

1. A person or entity, or a subsidiary, affiliate, or agent of that person or entity, or an assignee of a financial obligation owing by the consumer to that person or entity, or a prospective assignee of a financial obligation owing by the consumer to that person or entity in conjunction with the proposed purchase of the financial obligation, with which the consumer has or had prior to assignment an account or contract, including a demand deposit account, or to whom the consumer issued a negotiable instrument, for the purposes of reviewing the account or collecting the financial obligation owing for the account, contract, or negotiable instrument. For purposes of this subsection, "reviewing the account" includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.

2. A subsidiary, affiliate, agent, assignee, or prospective assignee of a person to whom access has been granted under subsection (f) of this Section for purposes of facilitating the extension of credit or other permissible use.

3. Any state or local agency, law enforcement agency, trial court, or private collection agency acting pursuant to a court order, warrant, or subpoena.

4. A child support agency acting pursuant to Title IV-D of the Social Security Act.

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(5) The State or its agents or assigns acting to investigate
fraud.

(6) The Department of Revenue or its agents or assigns
acting to investigate or collect delinquent taxes or unpaid court
orders or to fulfill any of its other statutory responsibilities.

(7) The use of credit information for the purposes of
prescreening as provided for by the federal Fair Credit Reporting
Act.

(8) Any person or entity administering a credit file
monitoring subscription or similar service to which the consumer
has subscribed.

(9) Any person or entity for the purpose of providing a
consumer with a copy of his or her credit report or score upon the
consumer's request.

(10) Any person using the information in connection with
the underwriting of insurance.

(n-5) This Section does not prevent a consumer reporting agency
from charging a fee of no more than $10 to a consumer for each freeze,
removal, or temporary lift of the freeze, regarding access to a consumer
credit report, except that a consumer reporting agency may not charge a
fee to: (i) a consumer 65 years of age or over for placement and removal of
a freeze; (ii) a victim of identity theft who has submitted to the consumer
reporting agency a valid copy of a police report, investigative report, or
complaint that the consumer has filed with a law enforcement agency
about unlawful use of his or her personal information by another person;
or (iii) an active duty military service member who has submitted to the
consumer reporting agency a copy of his or her orders calling the service
member to military service and any orders further extending the service
member's period of service if currently active.

(o) If a security freeze is in place, a consumer reporting agency
shall not change any of the following official information in a credit report
without sending a written confirmation of the change to the consumer
within 30 days of the change being posted to the consumer's file: (i) name,
(ii) date of birth, (iii) Social Security number, and (iv) address. Written
confirmation is not required for technical modifications of a consumer's
official information, including name and street abbreviations, complete
spellings, or transposition of numbers or letters. In the case of an address
change, the written confirmation shall be sent to both the new address and
to the former address.

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(p) The following entities are not required to place a security freeze in a consumer report, however, pursuant to paragraph (3) of this subsection, a consumer reporting agency acting as a reseller shall honor any security freeze placed on a consumer credit report by another consumer reporting agency:

(1) A check services or fraud prevention services company, which issues reports on incidents of fraud or authorizations for the purpose of approving or processing negotiable instruments, electronic funds transfers, or similar methods of payment.

(2) A deposit account information service company, which issues reports regarding account closures due to fraud, substantial overdrafts, ATM abuse, or similar negative information regarding a consumer to inquiring banks or other financial institutions for use only in reviewing a consumer request for a deposit account at the inquiring bank or financial institution.

(3) A consumer reporting agency that:
   (A) acts only to resell credit information by assembling and merging information contained in a database of one or more consumer reporting agencies; and
   (B) does not maintain a permanent database of credit information from which new credit reports are produced.

(q) For purposes of this Section:
"Credit report" has the same meaning as "consumer report", as ascribed to it in 15 U.S.C. Sec. 1681a(d).
"Consumer reporting agency" has the meaning ascribed to it in 15 U.S.C. Sec. 1681a(f).
"Security freeze" means a notice placed in a consumer's credit report, at the request of the consumer and subject to certain exceptions, that prohibits the consumer reporting agency from releasing the consumer's credit report or score relating to an extension of credit, without the express authorization of the consumer.
"Extension of credit" does not include an increase in an existing open-end credit plan, as defined in Regulation Z of the Federal Reserve System (12 C.F.R. 226.2), or any change to or review of an existing credit account.
"Proper authority" means documentation that shows that a parent, guardian, or agent has authority to act on behalf of a minor or person with a disability. "Proper authority" includes (1) an order issued by a court of

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law that shows that a guardian has authority to act on behalf of a minor or person with a disability, (2) a written, notarized statement signed by a parent that expressly describes the authority of the parent to act on behalf of the minor, or (3) a durable power of attorney that complies with the Illinois Power of Attorney Act.

"Proper identification" means information generally deemed sufficient to identify a person. Only if the consumer is unable to reasonably identify himself or herself with the information described above, may a consumer reporting agency require additional information concerning the consumer's employment and personal or family history in order to verify his or her identity.

"Military service member" means a resident of Illinois who is a member of any component of the U.S. Armed Forces or the National Guard of any state, the District of Columbia, a commonwealth, or a territory of the United States who has entered any full-time training or duty for which the service member was ordered to report by the President, the governor of a state, commonwealth, or territory of the United States, or another appropriate military authority.

(r) Any person who violates this Section commits an unlawful practice within the meaning of this Act.

(Source: P.A. 98-486, eff. 1-1-14; 98-756, eff. 7-16-14; 99-143, eff. 7-27-15; 99-373, eff. 1-1-16; revised 10-21-15.)

Section 640. The Job Referral and Job Listing Services Consumer Protection Act is amended by changing Sections 5 and 12 as follows:

(815 ILCS 630/5) (from Ch. 121 1/2, par. 2005)
Sec. 5. Every Service shall be required to:
(1) Keep and make available to the Attorney General during regular business hours, and to the State's Attorney of any county in which the Service conducts business the following records:
(a) All job listing authorizations received by the Service during the immediate past year. Each such authorization shall include:
(i) the date when such authorization was received.
(ii) the name of the person recording the authorization.
(iii) the name and address of the employer or agent of the employer, making the authorization.

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(iv) the job title and the qualifications therefor.
(v) the salary offered or to be paid for such job, if known.
(vi) the duration of the job.
(b) Copies of all contracts, agreements or other documents signed by job seekers, pursuant to Section 6 of this Act, for the immediate past year.
(c) Copies of all receipts for fee payments given to each job seeker, pursuant to this Act, for the immediate past year.
(d) A current schedule of fees charged.
(e) All other written information relative to the services provided to the job seeker.
(2) Furnish to each job seeker a copy of every written instrument the job seeker has signed.
(3) Obtain a bona fide job order for employment prior to collecting any fee from a job seeker or sending out a job seeker to any place of employment.
(4) Furnish to each job seeker from whom a fee is received, at the time payment is received, a receipt in which shall be stated the name of the job seeker, the name and address of the Service and its agent, the date and amount of the fee and the purpose for which it was paid.
(5) Furnish to each job seeker, who is sent to a prospective employer, with a card or similar paper stating the nature of the prospective employment, the names of the job seeker and prospective employer, and the address of the employer.
(6) Verify each job listing authorization received from the authorizing employer within 7 days following the receipt or such authorization.
(7) Meet in person with a potential job seeker and enter into a written contract before a job seeker provides payment for a job list. A job list shall include, at a minimum, the following information:
   (a) name and address of the employer or agent of the employer, making the authorization;
   (b) job title and the qualifications therefor;

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(c) **salary** offered or to be paid for such job, if known;

(d) **the** duration of the job;

(e) **location** of the job; and

(f) **certification** that the position has not been filled as of the date that such a list is made available to the job seeker.

Said job list shall be considered deliverable under the contract.

(Source: P.A. 87-293; revised 10-19-15.)

(815 ILCS 630/12) (from Ch. 121 1/2, par. 2012)

Sec. 12. Violation of any of the provisions of this Act is an unlawful practice pursuant to Section 2 of the Deceptive Business Practices Act, as now or hereafter amended. All remedies, penalties and authority granted to the Attorney General or a State's Attorney by that Act shall be available to them for the enforcement of this Act. In any action brought by the Attorney General or a State's Attorney to enforce this Act, the court may order that persons who incurred actual damages be awarded the amount of actual damages assessed.

(Source: P.A. 85-1367; revised 10-21-15.)

Section 645. The Victims' Economic Security and Safety Act is amended by changing Section 905 as follows:

(820 ILCS 180/905)

Sec. 905. Severability. If any provision of this Act or the application of such provision to any person or circumstance is held to be in violation of the United States Constitution or Illinois Constitution, the remainder of the provisions of this Act and the application of those provisions to any person or circumstance shall not be affected.

(Source: P.A. 93-591, eff. 8-25-03; revised 10-21-15.)

Section 650. The Workers' Compensation Act is amended by changing Section 14 as follows:

(820 ILCS 305/14) (from Ch. 48, par. 138.14)

Sec. 14. The Commission shall appoint a secretary, an assistant secretary, and arbitrators and shall employ such assistants and clerical help as may be necessary. Arbitrators shall be appointed pursuant to this Section, notwithstanding any provision of the Personnel Code.

Each arbitrator appointed after June 28, 2011 shall be required to demonstrate in writing his or her knowledge of and expertise in the law of

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and judicial processes of the Workers' Compensation Act and the Workers' Occupational Diseases Act.

A formal training program for newly-hired arbitrators shall be implemented. The training program shall include the following:

(a) substantive and procedural aspects of the arbitrator position;

(b) current issues in workers' compensation law and practice;

(c) medical lectures by specialists in areas such as orthopedics, ophthalmology, psychiatry, rehabilitation counseling;

(d) orientation to each operational unit of the Illinois Workers' Compensation Commission;

(e) observation of experienced arbitrators conducting hearings of cases, combined with the opportunity to discuss evidence presented and rulings made;

(f) the use of hypothetical cases requiring the trainee to issue judgments as a means to evaluating knowledge and writing ability;

(g) writing skills;

(h) professional and ethical standards pursuant to Section 1.1 of this Act;

(i) detection of workers' compensation fraud and reporting obligations of Commission employees and appointees;

(j) standards of evidence-based medical treatment and best practices for measuring and improving quality and health care outcomes in the workers' compensation system, including but not limited to the use of the American Medical Association's "Guides to the Evaluation of Permanent Impairment" and the practice of utilization review; and

(k) substantive and procedural aspects of coal workers' pneumoconiosis (black lung) cases.

A formal and ongoing professional development program including, but not limited to, the above-noted areas shall be implemented to keep arbitrators informed of recent developments and issues and to assist them in maintaining and enhancing their professional competence. Each arbitrator shall complete 20 hours of training in the above-noted areas during every 2 years such arbitrator shall remain in office.

Each arbitrator shall devote full time to his or her duties and shall serve when assigned as an acting Commissioner when a Commissioner is
unavailable in accordance with the provisions of Section 13 of this Act. Any arbitrator who is an attorney-at-law shall not engage in the practice of law, nor shall any arbitrator hold any other office or position of profit under the United States or this State or any municipal corporation or political subdivision of this State. Notwithstanding any other provision of this Act to the contrary, an arbitrator who serves as an acting Commissioner in accordance with the provisions of Section 13 of this Act shall continue to serve in the capacity of Commissioner until a decision is reached in every case heard by that arbitrator while serving as an acting Commissioner.

Notwithstanding any other provision of this Section, the term of all arbitrators serving on June 28, 2011 (the effective date of Public Act 97-18) this amendatory Act of the 97th General Assembly, including any arbitrators on administrative leave, shall terminate at the close of business on July 1, 2011, but the incumbents shall continue to exercise all of their duties until they are reappointed or their successors are appointed.

On and after June 28, 2011 (the effective date of Public Act 97-18) this amendatory Act of the 97th General Assembly, arbitrators shall be appointed to 3-year terms as follows:

(1) All appointments shall be made by the Governor with the advice and consent of the Senate.

(2) For their initial appointments, 12 arbitrators shall be appointed to terms expiring July 1, 2012; 12 arbitrators shall be appointed to terms expiring July 1, 2013; and all additional arbitrators shall be appointed to terms expiring July 1, 2014. Thereafter, all arbitrators shall be appointed to 3-year terms.

Upon the expiration of a term, the Chairman shall evaluate the performance of the arbitrator and may recommend to the Governor that he or she be reappointed to a second or subsequent term by the Governor with the advice and consent of the Senate.

Each arbitrator appointed on or after June 28, 2011 (the effective date of Public Act 97-18) this amendatory Act of the 97th General Assembly and who has not previously served as an arbitrator for the Commission shall be required to be authorized to practice law in this State by the Supreme Court, and to maintain this authorization throughout his or her term of employment.

The performance of all arbitrators shall be reviewed by the Chairman on an annual basis. The Chairman shall allow input from the Commissioners in all such reviews.
The Commission shall assign no fewer than 3 arbitrators to each hearing site. The Commission shall establish a procedure to ensure that the arbitrators assigned to each hearing site are assigned cases on a random basis. No arbitrator shall hear cases in any county, other than Cook County, for more than 2 years in each 3-year term.

The Secretary and each arbitrator shall receive a per annum salary of $4,000 less than the per annum salary of members of The Illinois Workers' Compensation Commission as provided in Section 13 of this Act, payable in equal monthly installments.

The members of the Commission, Arbitrators and other employees whose duties require them to travel, shall have reimbursed to them their actual traveling expenses and disbursements made or incurred by them in the discharge of their official duties while away from their place of residence in the performance of their duties.

The Commission shall provide itself with a seal for the authentication of its orders, awards and proceedings upon which shall be inscribed the name of the Commission and the words "Illinois--Seal".

The Secretary or Assistant Secretary, under the direction of the Commission, shall have charge and custody of the seal of the Commission and also have charge and custody of all records, files, orders, proceedings, decisions, awards and other documents on file with the Commission. He shall furnish certified copies, under the seal of the Commission, of any such records, files, orders, proceedings, decisions, awards and other documents on file with the Commission as may be required. Certified copies so furnished by the Secretary or Assistant Secretary shall be received in evidence before the Commission or any Arbitrator thereof, and in all courts, provided that the original of such certified copy is otherwise competent and admissible in evidence. The Secretary or Assistant Secretary shall perform such other duties as may be prescribed from time to time by the Commission.

(Source: P.A. 97-18, eff. 6-28-11; 97-719, eff. 6-29-12; 98-40, eff. 6-28-13; revised 10-21-15.)

Section 995. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

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Section 996. No revival or extension. This Act does not revive or extend any Section or Act otherwise repealed.
Section 999. Effective date. This Act takes effect upon becoming law.

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720 ILCS 5/12-4.4a from Ch. 38, par. 24-3
720 ILCS 5/24-3 from Ch. 38, par. 26-1
720 ILCS 5/26-1 from Ch. 38, par. 26-1
720 ILCS 570/102 from Ch. 56 1/2, par. 1102
720 ILCS 570/302 from Ch. 56 1/2, par. 1302
725 ILCS 5/111-8 from Ch. 38, par. 111-8
725 ILCS 5/115-17b from Ch. 38, par. 1403
725 ILCS 120/3 from Ch. 38, par. 155-22
725 ILCS 245/2 from Ch. 38, par. 155-22

New matter indicated by italics - deletions by strikeout
Approved July 28, 2016.
Effective July 28, 2016.

New matter indicated by italics - deletions by strikeout
AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Section 22-45 as follows:

(105 ILCS 5/22-45)
Sec. 22-45. Illinois P-20 Council.

(a) The General Assembly finds that preparing Illinoisans for success in school and the workplace requires a continuum of quality education from preschool through graduate school. This State needs a framework to guide education policy and integrate education at every level. A statewide coordinating council to study and make recommendations concerning education at all levels can avoid fragmentation of policies, promote improved teaching and learning, and continue to cultivate and demonstrate strong accountability and efficiency. Establishing an Illinois P-20 Council will develop a statewide agenda that will move the State towards the common goals of improving academic achievement, increasing college access and success, improving use of existing data and measurements, developing improved accountability, fostering innovative approaches to education, promoting lifelong learning, easing the transition to college, and reducing remediation. A pre-kindergarten through grade 20 agenda will strengthen this State's economic competitiveness by producing a highly-skilled workforce. In addition, lifelong learning plans will enhance this State's ability to leverage funding.

(b) There is created the Illinois P-20 Council. The Illinois P-20 Council shall include all of the following members:

(1) The Governor or his or her designee, to serve as chairperson.

(2) Four members of the General Assembly, one appointed by the Speaker of the House of Representatives, one appointed by the Minority Leader of the House of Representatives, one appointed by the President of the Senate, and one appointed by the Minority Leader of the Senate.

(3) Six at-large members appointed by the Governor as follows, with 2 members being from the City of Chicago, 2 members being from Lake County, McHenry County, Kane County, and 2 members being from the rest of the State.

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County, DuPage County, Will County, or that part of Cook County outside of the City of Chicago, and 2 members being from the remainder of the State:

(A) one representative of civic leaders;
(B) one representative of local government;
(C) one representative of trade unions;
(D) one representative of nonprofit organizations or foundations;
(E) one representative of parents' organizations; and
(F) one education research expert.

(4) Five members appointed by statewide business organizations and business trade associations.

(5) Six members appointed by statewide professional organizations and associations representing pre-kindergarten through grade 20 teachers, community college faculty, and public university faculty.

(6) Two members appointed by associations representing local school administrators and school board members. One of these members must be a special education administrator.

(7) One member representing community colleges, appointed by the Illinois Council of Community College Presidents.

(8) One member representing 4-year independent colleges and universities, appointed by a statewide organization representing private institutions of higher learning.

(9) One member representing public 4-year universities, appointed jointly by the university presidents and chancellors.

(10) Ex-officio members as follows:

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

(B) The Executive Director of the Board of Higher Education or his or her designee.

(C) The Executive Director of the Illinois Community College Board or his or her designee.

(D) The Executive Director of the Illinois Student Assistance Commission or his or her designee.

(E) The Co-chairpersons of the Illinois Workforce Investment Board or their designee.
(F) The Director of Commerce and Economic Opportunity or his or her designee.

(G) The Chairperson of the Illinois Early Learning Council or his or her designee.

(H) The President of the Illinois Mathematics and Science Academy or his or her designee.

(I) The president of an association representing educators of adult learners or his or her designee.

Ex-officio members shall have no vote on the Illinois P-20 Council.

Appointed members shall serve for staggered terms expiring on July 1 of the first, second, or third calendar year following their appointments or until their successors are appointed and have qualified. Staggered terms shall be determined by lot at the organizing meeting of the Illinois P-20 Council.

Vacancies shall be filled in the same manner as original appointments, and any member so appointed shall serve during the remainder of the term for which the vacancy occurred.

(c) The Illinois P-20 Council shall be funded through State appropriations to support staff activities, research, data-collection, and dissemination. The Illinois P-20 Council shall be staffed by the Office of the Governor, in coordination with relevant State agencies, boards, and commissions. The Illinois Education Research Council shall provide research and coordinate research collection activities for the Illinois P-20 Council.

(d) The Illinois P-20 Council shall have all of the following duties:

(1) To make recommendations to do all of the following:

   (A) Coordinate pre-kindergarten through grade 20 (graduate school) education in this State through working at the intersections of educational systems to promote collaborative infrastructure.

   (B) Coordinate and leverage strategies, actions, legislation, policies, and resources of all stakeholders to support fundamental and lasting improvement in this State's public schools, community colleges, and universities.

   (C) Better align the high school curriculum with postsecondary expectations.

   (D) Better align assessments across all levels of education.

New matter indicated by italics - deletions by strikeout
(E) Reduce the need for students entering institutions of higher education to take remedial courses.

(F) Smooth the transition from high school to college.

(G) Improve high school and college graduation rates.

(H) Improve the rigor and relevance of academic standards for college and workforce readiness.

(I) Better align college and university teaching programs with the needs of Illinois schools.

(2) To advise the Governor, the General Assembly, the State's education and higher education agencies, and the State's workforce and economic development boards and agencies on policies related to lifelong learning for Illinois students and families.

(3) To articulate a framework for systemic educational improvement and innovation that will enable every student to meet or exceed Illinois learning standards and be well-prepared to succeed in the workforce and community.

(4) To provide an estimated fiscal impact for implementation of all Council recommendations.

(e) The chairperson of the Illinois P-20 Council may authorize the creation of working groups focusing on areas of interest to Illinois educational and workforce development, including without limitation the following areas:

(1) Preparation, recruitment, and certification of highly qualified teachers.

(2) Mentoring and induction of highly qualified teachers.

(3) The diversity of highly qualified teachers.

(4) Funding for highly qualified teachers, including developing a strategic and collaborative plan to seek federal and private grants to support initiatives targeting teacher preparation and its impact on student achievement.

(5) Highly effective administrators.

(6) Illinois birth through age 3 education, pre-kindergarten, and early childhood education.

(7) The assessment, alignment, outreach, and network of college and workforce readiness efforts.

(8) Alternative routes to college access.

New matter indicated by italics - deletions by strikeout
(9) Research data and accountability.
(10) Community schools, community participation, and other innovative approaches to education that foster community partnerships.

(11) Tuition, financial aid, and other issues related to keeping postsecondary education affordable for Illinois residents.

The chairperson of the Illinois P-20 Council may designate Council members to serve as working group chairpersons. Working groups may invite organizations and individuals representing pre-kindergarten through grade 20 interests to participate in discussions, data collection, and dissemination.

(Source: P.A. 98-463, eff. 8-16-13; 98-719, eff. 1-1-15.)

Passed in the General Assembly May 26, 2016.
Approved July 28, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0644
(House Bill No. 5651)

AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Section 3-414 as follows:

Sec. 3-414. Expiration of registration.
(a) Every vehicle registration under this Chapter and every registration card and registration plate or registration sticker issued hereunder to a vehicle shall be for the periods specified in this Chapter and shall expire at midnight on the day and date specified in this Section as follows:

1. When registered on a calendar year basis commencing January 1, expiration shall be on the 31st day of December or at such other date as may be selected in the discretion of the Secretary of State; however, through December 31, 2004, registrations of apportionable vehicles, motorcycles, motor driven cycles and pedalcycles shall commence on the first day of April and shall expire March 31st of the following calendar year;

New matter indicated by italics - deletions by strikeout
1.1. Beginning January 1, 2005, registrations of motorcycles and motor driven cycles shall commence on January 1 and shall expire on December 31 or on another date that may be selected by the Secretary; registrations of apportionable vehicles and pedalcycles, however, shall commence on the first day of April and shall expire March 31 of the following calendar year;

2. When registered on a 2 calendar year basis commencing January 1 of an even-numbered year, expiration shall be on the 31st day of December of the ensuing odd-numbered year, or at such other later date as may be selected in the discretion of the Secretary of State not beyond March 1 next;

3. When registered on a fiscal year basis commencing July 1, expiration shall be on the 30th day of June or at such other later date as may be selected in the discretion of the Secretary of State not beyond September 1 next;

4. When registered on a 2 fiscal year basis commencing July 1 of an even-numbered year, expiration shall be on the 30th day of June of the ensuing even-numbered year, or at such other later date as may be selected in the discretion of the Secretary of State not beyond September 1 next;

5. When registered on a 4 fiscal year basis commencing July 1 of an even-numbered year, expiration shall be on the 30th day of June of the second ensuing even-numbered year, or at such other later date as may be selected in the discretion of the Secretary of State not beyond September 1 next;

(a-5) The Secretary may, in his or her discretion, require an owner of a motor vehicle of the first division or a motor vehicle of the second division weighing not more than 8,000 pounds to select the owner's birthday as the date of registration expiration under this Section. If the motor vehicle has more than one registered owner, the owners may select one registered owner's birthday as the date of registration expiration. The Secretary may adopt any rules necessary to implement this subsection.

(b) Vehicle registrations of vehicles of the first division shall be for a calendar year, 2 calendar year, 3 calendar year, or 5 calendar year basis as provided for in this Chapter.

Vehicle registrations of vehicles under Sections 3-807, 3-808 and 3-809 shall be on an indefinite term basis or a 2 calendar year basis as provided for in this Chapter.

New matter indicated by italics - deletions by strikeout
Vehicle registrations for vehicles of the second division shall be for a fiscal year, 2 fiscal year or calendar year basis as provided for in this Chapter.

Motor vehicles registered under the provisions of Section 3-402.1 shall be issued multi-year registration plates with a new registration card issued annually upon payment of the appropriate fees. Motor vehicles registered under the provisions of Section 3-405.3 shall be issued multi-year registration plates with a new multi-year registration card issued pursuant to subsections (j), (k), and (l) of this Section upon payment of the appropriate fees. Apportionable trailers and apportionable semitrailers registered under the provisions of Section 3-402.1 shall be issued multi-year registration plates and cards that will be subject to revocation for failure to pay annual fees required by Section 3-814.1. The Secretary shall determine when these vehicles shall be issued new registration plates.

(c) Every vehicle registration specified in Section 3-810 and every registration card and registration plate or registration sticker issued thereunder shall expire on the 31st day of December of each year or at such other date as may be selected in the discretion of the Secretary of State.

(d) Every vehicle registration for a vehicle of the second division weighing over 8,000 pounds, except as provided in paragraph (g) of this Section, and every registration card and registration plate or registration sticker, where applicable, issued hereunder to such vehicles shall be issued for a fiscal year commencing on July 1st of each registration year. However, the Secretary of State may, pursuant to an agreement or arrangement or declaration providing for apportionment of a fleet of vehicles with other jurisdictions, provide for registration of such vehicles under apportionment or for all of the vehicles registered in Illinois by an applicant who registers some of his vehicles under apportionment on a calendar year basis instead, and the fees or taxes to be paid on a calendar year basis shall be identical to those specified in this Act for a fiscal year registration. Provision for installment payment may also be made.

(e) Semitrailer registrations under apportionment may be on a calendar year under a reciprocal agreement or arrangement and all other semitrailer registrations shall be on fiscal year or 2 fiscal year or 4 fiscal year basis as provided for in this Chapter.

(f) The Secretary of State may convert annual registration plates or 2-year registration plates, whether registered on a calendar year or fiscal year basis, to multi-year plates. The determination of which plate

New matter indicated by italics - deletions by strikeout
categories and when to convert to multi-year plates is solely within the discretion of the Secretary of State.

(g) After January 1, 1975, each registration, registration card and registration plate or registration sticker, where applicable, issued for a recreational vehicle or recreational or camping trailer, except a house trailer, used exclusively by the owner for recreational purposes, and not used commercially nor as a truck or bus, nor for hire, shall be on a calendar year basis; except that the Secretary of State shall provide for registration and the issuance of registration cards and plates or registration stickers, where applicable, for one 6-month period in order to accomplish an orderly transition from a fiscal year to a calendar year basis. Fees and taxes due under this Act for a registration year shall be appropriately reduced for such 6-month transitional registration period.

(h) The Secretary of State may, in order to accomplish an orderly transition for vehicles registered under Section 3-402.1 of this Code from a calendar year registration to a March 31st expiration, require applicants to pay fees and taxes due under this Code on a 15 month registration basis. However, if in the discretion of the Secretary of State this creates an undue hardship on any applicant the Secretary may allow the applicant to pay 3 month fees and taxes at the time of registration and the additional 12 month fees and taxes to be payable no later than March 31 of the year after this amendatory Act of 1991 takes effect.

(i) The Secretary of State may stagger registrations, or change the annual expiration date, as necessary for the convenience of the public and the efficiency of his Office. In order to appropriately and effectively accomplish any such staggering, the Secretary of State is authorized to prorate all required registration fees, rounded to the nearest dollar, but in no event for a period longer than 18 months, at a monthly rate for a 12 month registration fee.

(j) The Secretary of State may enter into an agreement with a rental owner, as defined in Section 3-400 of this Code, who registers a fleet of motor vehicles of the first division pursuant to Section 3-405.3 of this Code to provide for the registration of the rental owner's vehicles on a 2 or 3 calendar year basis and the issuance of multi-year registration plates with a new registration card issued up to every 3 years.

(k) The Secretary of State may provide multi-year registration cards for any registered fleet of motor vehicles of the first or second division that are registered pursuant to Section 3-405.3 of this Code. Each motor vehicle of the registered fleet must carry an unique multi-year
registration card that displays the vehicle identification number of the registered motor vehicle. The Secretary of State shall promulgate rules in order to implement multi-year registrations.

(1) Beginning with the 2018 registration year, the Secretary of State may enter into an agreement with a rental owner, as defined in Section 3-400 of this Code, who registers a fleet of motor vehicles of the first division under Section 3-405.3 of this Code to provide for the registration of the rental owner's vehicle on a 5 calendar year basis. Motor vehicles registered on a 5 calendar year basis shall be issued a distinct registration plate that expires on a 5-year cycle. The Secretary may prorate the registration of these registration plates to the length of time remaining in the 5-year cycle. The Secretary may adopt any rules necessary to implement this subsection.

(Source: P.A. 99-80, eff. 1-1-16.)

Approved July 28, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0645
(House Bill No. 5668)

AN ACT concerning government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Youth Unemployment Task Force Act.

Section 5. Definitions. As used in this Act:
"Department" means the Department of Human Services.
"Secretary" means the Secretary of Human Services.
"Task Force" means the Youth Unemployment Task Force.

Section 10. The Youth Unemployment Task Force.
(a) There is hereby created the Youth Unemployment Task Force.
(b) The Task Force shall include the following members:
(1) the Secretary of Human Services, or his or her designee;
(2) the Director of Commerce and Economic Opportunities, or his or designee;
(3) a representative of a Chicago-based organization focused on economic, educational, and social programs for African Americans, appointed by the Secretary;

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(4) a representative of a Chicago-based organization that connects partner communities and member schools to resources to improve outcomes of target populations, appointed by the Secretary; and

(5) representatives of other community-based organizations that focus on youth employment initiatives, appointed by the Secretary.

(c) The Task Force shall meet to organize and select a chairperson from the non-governmental members of the Task Force upon appointment of a majority of the members. The chairperson shall be elected by a majority vote of the members appointed to the Task Force, and the elected chairperson of the Task Force shall provide technical support and assistance to the Task Force and shall be responsible for administering its operations and ensuring that the requirements of this Act are met.

(d) The Task Force may consult with any persons or entities it deems necessary to carry out its purposes.

(e) The members of the Task Force shall receive no compensation for serving as members of the Task Force.

(f) The Task Force shall examine the State-wide youth unemployment crisis, and its particular effect on young people of color, including recommendations on how to improve employment among young people of color in this State.

(g) The Task Force shall submit its findings and recommendations to the General Assembly and the Governor on or before January 1, 2017.

Section 15. Repeal. This Act is repealed on January 1, 2018.

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

Approved July 28, 2016.
Effective July 28, 2016.

PUBLIC ACT 99-0646
(House Bill No. 5684)

AN ACT concerning public employee benefits.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Local Government Wage Increase Transparency Act.

New matter indicated by italics - deletions by strikeout

(a) This Section applies only to a participating employee under Article 7 of the Illinois Pension Code (IMRF) who began participation before January 1, 2011 and who is not subject to a collective bargaining agreement with respect to the employment upon which the participation is based.

(b) The definitions in Article 7 of the Illinois Pension Code also apply to this Section.

As used in this Section, "disclosable payment" means a payment, whether in the form of an increase in the rate of earnings or a lump-sum payment, that:

1. would be made by a participating employer to a participating employee after the employee has expressed to the employer his or her intent to retire or withdraw from service;
2. would have the effect of increasing the employee's reportable monthly earnings from that employer by more than 6% compared to the previous month; and
3. would be made between 12 months and 90 days prior to the employee's expected termination of service.

However, "disclosable payment" does not include a refund of contributions or any payment required to be paid by State or federal law.

(c) A disclosable payment shall not be made or payable unless the governing body of that participating employer has first discussed the specific payment to be made at a meeting open to the public and posted and held in accordance with the requirements of the Open Meetings Act. At the meeting, the governing body shall, at a minimum, disclose (1) the identity of the employee, (2) the purpose and amount of the increase or payment, (3) the proposed retirement date, (4) the effect of the payment upon the expected retirement annuity of the employee, and (5) the effect of the payment upon the liability of the employer to the Article 7 Fund.

(d) The determination of whether the disclosable payment is permissible under this Section shall rest exclusively with the employer.

(e) A participating employer may not make a disclosable payment to an employee in a manner inconsistent with this Section. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

Section 90. The Open Meetings Act is amended by changing Section 2 as follows:

New matter indicated by italics - deletions by strikeout
Sec. 2. Open meetings.
(a) Openness required. All meetings of public bodies shall be open to the public unless excepted in subsection (c) and closed in accordance with Section 2a.
(b) Construction of exceptions. The exceptions contained in subsection (c) are in derogation of the requirement that public bodies meet in the open, and therefore, the exceptions are to be strictly construed, extending only to subjects clearly within their scope. The exceptions authorize but do not require the holding of a closed meeting to discuss a subject included within an enumerated exception.
(c) Exceptions. A public body may hold closed meetings to consider the following subjects:

(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity. However, a meeting to consider an increase in compensation to a specific employee of a public body that is subject to the Local Government Wage Increase Transparency Act may not be closed and shall be open to the public and posted and held in accordance with this Act.

(2) Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees.

(3) The selection of a person to fill a public office, as defined in this Act, including a vacancy in a public office, when the public body is given power to appoint under law or ordinance, or the discipline, performance or removal of the occupant of a public office, when the public body is given power to remove the occupant under law or ordinance.

(4) Evidence or testimony presented in open hearing, or in closed hearing where specifically authorized by law, to a quasi-adjudicative body, as defined in this Act, provided that the body prepares and makes available for public inspection a written decision setting forth its determinative reasoning.
(5) The purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired.

(6) The setting of a price for sale or lease of property owned by the public body.

(7) The sale or purchase of securities, investments, or investment contracts. This exception shall not apply to the investment of assets or income of funds deposited into the Illinois Prepaid Tuition Trust Fund.

(8) Security procedures, school building safety and security, and the use of personnel and equipment to respond to an actual, a threatened, or a reasonably potential danger to the safety of employees, students, staff, the public, or public property.

(9) Student disciplinary cases.

(10) The placement of individual students in special education programs and other matters relating to individual students.

(11) Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting.

(12) The establishment of reserves or settlement of claims as provided in the Local Governmental and Governmental Employees Tort Immunity Act, if otherwise the disposition of a claim or potential claim might be prejudiced, or the review or discussion of claims, loss or risk management information, records, data, advice or communications from or with respect to any insurer of the public body or any intergovernmental risk management association or self insurance pool of which the public body is a member.

(13) Conciliation of complaints of discrimination in the sale or rental of housing, when closed meetings are authorized by the law or ordinance prescribing fair housing practices and creating a commission or administrative agency for their enforcement.

(14) Informant sources, the hiring or assignment of undercover personnel or equipment, or ongoing, prior or future

New matter indicated by italics - deletions by strikeout
criminal investigations, when discussed by a public body with criminal investigatory responsibilities.

(15) Professional ethics or performance when considered by an advisory body appointed to advise a licensing or regulatory agency on matters germane to the advisory body's field of competence.

(16) Self evaluation, practices and procedures or professional ethics, when meeting with a representative of a statewide association of which the public body is a member.

(17) The recruitment, credentialing, discipline or formal peer review of physicians or other health care professionals for a hospital, or other institution providing medical care, that is operated by the public body.

(18) Deliberations for decisions of the Prisoner Review Board.

(19) Review or discussion of applications received under the Experimental Organ Transplantation Procedures Act.

(20) The classification and discussion of matters classified as confidential or continued confidential by the State Government Suggestion Award Board.

(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06.

(22) Deliberations for decisions of the State Emergency Medical Services Disciplinary Review Board.

(23) The operation by a municipality of a municipal utility or the operation of a municipal power agency or municipal natural gas agency when the discussion involves (i) contracts relating to the purchase, sale, or delivery of electricity or natural gas or (ii) the results or conclusions of load forecast studies.

(24) Meetings of a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.

(25) Meetings of an independent team of experts under Brian's Law.

(26) Meetings of a mortality review team appointed under the Department of Juvenile Justice Mortality Review Team Act.

(27) (Blank).

New matter indicated by italics - deletions by strikeout
(28) Correspondence and records (i) that may not be disclosed under Section 11-9 of the Public Aid Code or (ii) that pertain to appeals under Section 11-8 of the Public Aid Code.

(29) Meetings between internal or external auditors and governmental audit committees, finance committees, and their equivalents, when the discussion involves internal control weaknesses, identification of potential fraud risk areas, known or suspected frauds, and fraud interviews conducted in accordance with generally accepted auditing standards of the United States of America.

(30) Those meetings or portions of meetings of a fatality review team or the Illinois Fatality Review Team Advisory Council during which a review of the death of an eligible adult in which abuse or neglect is suspected, alleged, or substantiated is conducted pursuant to Section 15 of the Adult Protective Services Act.

(31) Meetings and deliberations for decisions of the Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act.

(32) Meetings between the Regional Transportation Authority Board and its Service Boards when the discussion involves review by the Regional Transportation Authority Board of employment contracts under Section 28d of the Metropolitan Transit Authority Act and Sections 3A.18 and 3B.26 of the Regional Transportation Authority Act.

(33) Those meetings or portions of meetings of the advisory committee and peer review subcommittee created under Section 320 of the Illinois Controlled Substances Act during which specific controlled substance prescriber, dispenser, or patient information is discussed.

(d) Definitions. For purposes of this Section:

"Employee" means a person employed by a public body whose relationship with the public body constitutes an employer-employee relationship under the usual common law rules, and who is not an independent contractor.

"Public office" means a position created by or under the Constitution or laws of this State, the occupant of which is charged with the exercise of some portion of the sovereign power of this State. The term "public office" shall include members of the public body, but it shall not include organizational positions filled by members thereof, whether

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established by law or by a public body itself, that exist to assist the body in the conduct of its business.

"Quasi-adjudicative body" means an administrative body charged by law or ordinance with the responsibility to conduct hearings, receive evidence or testimony and make determinations based thereon, but does not include local electoral boards when such bodies are considering petition challenges.

(e) Final action. No final action may be taken at a closed meeting. Final action shall be preceded by a public recital of the nature of the matter being considered and other information that will inform the public of the business being conducted.

(Source: P.A. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756, eff. 7-16-14; 98-1027, eff. 1-1-15; 98-1039, eff. 8-25-14; 99-78, eff. 7-20-15; 99-235, eff. 1-1-16; 99-480, eff. 9-9-15; revised 10-14-15.)

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

Approved July 28, 2016.
Effective July 28, 2016.

PUBLIC ACT 99-0647
(House Bill No. 5720)

AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by adding Section 2-3.167 as follows:

(105 ILCS 5/2-3.167 new)

Sec. 2-3.167. Task Force on Computer Science Education. (a) The State Board of Education shall establish a Task Force on Computer Science Education, to be comprised of all of the following members, with an emphasis on bipartisan legislative representation and diverse non-legislative stakeholder representation:

(1) One member appointed by the Speaker of the House of Representatives.

(2) One member appointed by the President of the Senate.

(3) One member appointed by the Minority Leader of the House of Representatives.

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(4) One member appointed by the Minority Leader of the Senate.

(5) One member appointed by the head of a statewide association representing teachers.

(6) One member appointed by the head of an association representing teachers in a city of over 500,000 people.

(7) One member appointed by the head of an association representing computer science teachers.

(8) One member appointed by the head of an association representing school boards.

(9) One member appointed by the head of an association representing the media.

(10) One member appointed by the head of an association representing the non-profit sector that promotes computer science education as a core mission.

(11) One member appointed by the head of an association representing the non-profit sector that promotes computer science education among the general public.

(12) One member appointed by the president of an institution of higher education who teaches college or graduate-level government courses or facilitates a program dedicated to cultivating computer science education.

(13) One member appointed by the head of an association representing principals or district superintendents.

(14) The chief executive officer of the school district organized under Article 34 of this Code or his or her designee.

(b) The members of the Task Force shall serve without compensation but shall be reimbursed for their reasonable and necessary expenses from funds appropriated to the State Board of Education for that purpose. The members of the Task Force shall be reimbursed for their travel expenses from appropriations to the State Board of Education available for that purpose and subject to the rules of the appropriate travel control board.

(c) The members of the Task Force shall be considered members with voting rights. A quorum of the Task Force shall consist of a simple majority of the members of the Task Force. All actions and recommendations of the Task Force must be approved by a simple majority vote of the members.
(d) The Task Force shall meet initially at the call of the State Superintendent of Education, shall elect one member as chairperson at its initial meeting through a simple majority vote of the Task Force, and shall thereafter meet at the call of the chairperson.

(e) The State Board of Education shall provide administrative and other support to the Task Force.

(f) The Task Force is charged with all of the following tasks:
   (1) To analyze the current state of computer science education in this State.
   (2) To analyze current computer science education laws in other jurisdictions, both mandated and permissive.
   (3) To identify best practices in computer science education in other jurisdictions.
   (4) To make recommendations to the General Assembly focused on substantially increasing computer science education and the capacity of youth to obtain the requisite knowledge, skills, and practices to be educated in computer science.
   (5) To make funding recommendations, if the Task Force's recommendations to the General Assembly would require a fiscal commitment.

(g) No later than July 1, 2017, the Task Force shall summarize its findings and recommendations in a report to the General Assembly, filed as provided in Section 3.1 of the General Assembly Organization Act. Upon filing its report, the Task Force is dissolved.

(h) This Section is repealed on July 1, 2018.

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

Approved July 28, 2016.
Effective July 28, 2016.

PUBLIC ACT 99-0648
(House Bill No. 5781)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The State Police Act is amended by adding Section 40 as follows:

New matter indicated by italics - deletions by strikeout
Sec. 40. Disposal of medications. The Department may by rule authorize State Police officers to dispose of any unused medications under Section 18 of the Safe Pharmaceutical Disposal Act.

Section 10. The Illinois Police Training Act is amended by adding Section 10.19 as follows:

Sec. 10.19. Disposal of medications. The Board shall develop rules and minimum standards for local governmental agencies that authorize police officers to dispose of unused medications under Section 18 of the Safe Pharmaceutical Disposal Act.

Section 15. The Counties Code is amended by adding Section 3-3045 as follows:

Sec. 3-3045. Disposal of medications. A coroner or medical examiner may dispose of any unused medications found at the scene of a death the coroner or medical examiner is investigating under Section 18 of the Safe Pharmaceutical Disposal Act.

Section 20. The Safe Pharmaceutical Disposal Act is amended by changing Section 5 and adding Section 18 as follows:

Sec. 5. Definitions. In this Act:

"Health care institution" means any public or private institution or agency licensed or certified by State law to provide health care. The term includes hospitals, nursing homes, residential health care facilities, home health care agencies, hospice programs operating in this State, institutions, facilities, or agencies that provide services to persons with mental health illnesses, and institutions, facilities, or agencies that provide services for persons with developmental disabilities.

"Law enforcement agency" means any federal, State, or local law enforcement agency, including a State's Attorney and the Attorney General.

"Public wastewater collection system" means any wastewater collection system regulated by the Environmental Protection Agency.

"Unused medication" means any unopened, expired, or excess medication that has been dispensed for patient or resident care and that is in a solid form. The term includes pills, tablets, capsules, and caplets. For long-term care facilities licensed under the Nursing Home Care Act,
"unused medication" does not include any Schedule II controlled substance under federal law in any form, until such time as the federal Drug Enforcement Administration adopts regulations that permit these facilities to dispose of controlled substances in a manner consistent with this Act.

(Source: P.A. 96-221, eff. 1-1-10.)

(210 ILCS 150/18 new)

Sec. 18. Unused medications at the scene of a death.

(a) Notwithstanding any provision of law to the contrary, the Department of State Police may by rule authorize State Police officers to dispose of any unused medications found at the scene of a death the State Police officer is investigating. A State Police officer may only dispose of any unused medications under this subsection after consulting with any other investigating law enforcement agency to ensure that the unused medications will not be needed as evidence in any investigation. This Section shall not apply to any unused medications a State Police officer takes into custody as part of any investigation into a crime.

(b) Notwithstanding any provision of law to the contrary, a local governmental agency may authorize police officers to dispose of any unused medications found at the scene of a death a police officer is investigating. A police officer may only dispose of any unused medications under this subsection after consulting with any other investigating law enforcement agency to ensure that the unused medications will not be needed as evidence in any investigation. This Section shall not apply to any unused medications a police officer takes into custody as part of any investigation into a crime.

(c) Notwithstanding any provision of law to the contrary, a coroner or medical examiner may dispose of any unused medications found at the scene of a death the coroner or medical examiner is investigating. A coroner or medical examiner may only dispose of any unused medications under this subsection after consulting with any investigating law enforcement agency to ensure that the unused medications will not be needed as evidence in any investigation.

(d) Any disposal under this Section shall be in accordance with Section 17 of this Act or another State or federally approved medication take-back program or location.

(e) This Section shall not apply to prescription drugs for which the United States Food and Drug Administration created a Risk Evaluation and Mitigation Strategy for under the Food and Drug Administration Amendments Act of 2007.

New matter indicated by italics - deletions by strikeout
(f) Nothing in this Section shall be construed to require a search of the scene for unused medications.

(g) Prior to disposal of any medication collected as evidence in a criminal investigation under this Section, a State Police officer, police officer, coroner, or medical examiner shall photograph the unused medication and its container or packaging, if available; document the number or amount of medication to be disposed; and include the photographs and documentation in the police report, coroner report, or medical examiner report.

(h) If an autopsy is performed as part of a death investigation, no medication seized under this Section shall be disposed of until after a toxicology report is received by the entity requesting the report.

Approved July 28, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0649
(House Bill No. 5808)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Unmanned Aerial System Oversight Task Force Act is amended by changing Sections 15 and 20 as follows:
(20 ILCS 5065/15)
(Section scheduled to be repealed on September 1, 2016)
Sec. 15. The Unmanned Aerial System Task Force.
(a) There is hereby created the Unmanned Aerial System Oversight Task Force to study and make recommendations for the operation, usage, and regulation of Unmanned Aerial Systems, commonly referred to as "drone" technology, within this State.
(b) Within 90 days after the effective date of this Act members of the Task Force shall be appointed by the Governor and shall consist of one member from each of the following agencies or interest groups:
   (1) a member of the Division of Aeronautics of the Department of Transportation, nominated by the Secretary of Transportation;
   (2) a member of the Department of State Police, nominated by the Director of State Police;

New matter indicated by italics - deletions by strikeout
(3) a Conservation Police officer of the Department of Natural Resources, nominated by the Director of Natural Resources;

(4) a member of the Department of Agriculture, nominated by the Director of Agriculture;

(5) a member of the Department of Commerce and Economic Opportunity, nominated by the Director of Commerce and Economic Opportunity;

(6) a UAS technical commercial representative;

(7) a UAS manufacturing industry representative;

(8) a person nominated by the Attorney General;

(9) a member of the Illinois Conservation Police Lodge, nominated by the president of the Lodge;

(10) a member of a statewide sportsmen's federation, nominated by the president of the federation;

(11) a member of a statewide agricultural association, nominated by the president of the association;

(12) a member of a statewide commerce association, nominated by the president or executive director of the association;

(13) a person nominated by an electric utility company serving retail customers in this State;

(14) a member of the Illinois National Guard, nominated by the Adjutant General;

(15) a member of a statewide retail association, nominated by the president of the association;

(16) a member of a statewide manufacturing trade association, nominated by the president or chief executive officer of the association;

(17) a member of a statewide property and casualty insurance association, nominated by the president or chief executive officer of the association;

(18) a member of a statewide association representing real estate brokers licensed in this State, nominated by the president of the association;

(19) a member of a statewide surveying association, nominated by the president of the association;

(20) a law enforcement official from a municipality with a population of 2 million or more inhabitants, nominated by the mayor of the municipality;

New matter indicated by italics - deletions by strikeout
(21) a law enforcement official from a municipality with a population of less than 2 million inhabitants, nominated by a statewide police chiefs association; and

(22) a member of a statewide freight railroad association, nominated by the president of the association; and

(23) a member of a statewide broadcasters association, nominated by the president of the association.

(b-5) Within 90 days after the effective date of this amendatory Act of the 99th General Assembly, 8 members of the Task Force shall also be appointed as follows: 2 members appointed by the Speaker of the House of Representatives, 2 members appointed by the Minority Leader of the House of Representatives, 2 members appointed by the President of the Senate, and 2 members appointed by the Minority Leader of the Senate.

(c) Nominations to the Task Force must be submitted to the Governor within 60 days of August 18, 2015 (the effective date of Public Act 99-392), except that the nomination from a statewide broadcasters association shall be made within 60 days after the effective date of this amendatory Act of the 99th General Assembly this Act. The Governor shall make the appointments within 30 days after the close of nominations. The term of the appointment shall be until submission of the report of comprehensive recommendations under subsection (g) of this Section. The member from the Division of Aeronautics of the Department of Transportation shall chair the Task Force and serve as a liaison to the Governor and General Assembly. Meetings of the Task Force shall be held as necessary to complete the duties of the Task Force. Meetings of the Task Force shall be held in the central part of the State.

(d) The members of the Task Force shall receive no compensation for serving as members of the Task Force.

(e) The Task Force shall consider commercial and private uses of drones, landowner and privacy rights, as well as general rules and regulations for safe operation of drones, and prepare comprehensive recommendations for the safe and lawful operation of UAS in this State.

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

(g) The Task Force shall submit a report with recommendations to the Governor and General Assembly no later than July 1, 2017 2016.

(Source: P.A. 99-392, eff. 8-18-15.)

(20 ILCS 5065/20)

(Section scheduled to be repealed on September 1, 2016)
Sec. 20. Expiration. This Act is repealed on September 1, 2017.
(Source: P.A. 99-392, eff. 8-18-15.)

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

Approved July 28, 2016.
Effective July 28, 2016.

PUBLIC ACT 99-0650
(House Bill No. 5894)

AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Adult Education Act is amended by changing Section 2-4 as follows:

Sec. 2-4. Area Planning Councils. On or before October 15, 1982, an Area Planning Council shall be established within the boundaries of each community college district. A representative of each approved adult education provider is required to participate on the Area Planning Council. Other members may include:

(1) regional superintendents of schools;
(2) representatives of school districts;
(3) representatives of the community college district's career and technical education program;
(4) representatives of the community college district's financial aid office;
(5) representatives of the community college district's student services office;
(6) representatives of local workforce boards under the federal Workforce Innovation and Opportunity Act;
(7) persons with an interest in adult education services provided within the community college district; and
(8) persons with an interest in adult education services provided within the Area Planning Council district, including, but not limited to, representatives of social service agencies, businesses and employers, vocational rehabilitation services of the

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Department of Human Services, and the Department of Employment Security.

Each Area Planning Council must elect officers and develop bylaws that indicate the membership of the Council. The Area Planning Council chairperson must be a representative of an adult education provider approved by the Board. In areas where large multiple-provider Area Planning Councils exist, the Board may designate sub-areas within an Area Planning Council district to ensure maximum representation of need. The Board shall determine the guidelines for the bylaws and operation of the Area Planning Council. Each school district included within the boundaries of the community college district maintaining either grades kindergarten through 12 or grades 9 through 12; each regional superintendent of schools, the majority of whose region is included within the boundaries of the community college district; and the community college district shall be entitled to one representative on the Area Planning Council. Area Planning Councils may elect to form a joint Area Planning Council consisting of 2 or more community college districts as approved by the Board. School districts which are not included within the boundaries of a community college district may elect to participate in an Area Planning Council associated with a community college district with the approval of the Board; or they may elect to establish an Area Planning Council which is not associated with a community college district with the approval of the Board.

On or before March 1 of each year each Area Planning Council shall submit an annual Adult Education Plan for the area. The Area Adult Education Plan shall provide for the development and coordination of adult education programs in the area as prescribed by the Board. The Area Adult Education Plan must be aligned with Title II of the federal Workforce Innovation and Opportunity Act, the State Unified Plan, local workforce boards, and one-stop activities and must include involvement of the local Board-approved adult education workforce board representative. The local adult education workforce board representative is responsible for convening Area Planning Council chairpersons in a local workforce area to provide information regarding the development of the Area Adult Education Plans and related federal Workforce Innovation and Opportunity Act activities. If the Board finds that the annual Area Adult Education Plan submitted by the Area Planning Council meets the requirements of this amendatory Act of 1982 and the established standards and guidelines, the Board shall approve the Plan. The approval of adult

New matter indicated by italics - deletions by strikeout
education programs by the Board for reimbursement under Section 10-22.20 of the School Code shall be based on the Adult Education Plan approved for the Area. The Area Adult Education Plan must be approved prior to funding being made available to an Area Planning Council district.

On or before March 1, 2002 and each year thereafter, the Board shall submit an annual report to the Governor and the General Assembly for adult education for the preceding school year. The annual report shall include a summary of adult education needs and programs; the number of students served, federal Workforce Innovation and Opportunity Act activities, high school equivalency information, credit hours or units of instruction, performance data, total adult education allocations costs, and State reimbursement for adult basic education, adult secondary education, English language acquisition, integrated English literacy, civics education, bridge and integrated education and training programs, and vocational skills programs; the criteria used for program approval; and any recommendations.

(Source: P.A. 91-830, eff. 7-1-01.)

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

Passed in the General Assembly May 29, 2016.
Approved July 28, 2016.
Effective July 28, 2016.

PUBLIC ACT 99-0651
(House Bill No. 5910)

AN ACT concerning federal law enforcement agencies.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. The Illinois Police Training Act is amended by changing Section 3 as follows:

(50 ILCS 705/3) (from Ch. 85, par. 503)

Sec. 3. Board - composition - appointments - tenure - vacancies. The Board shall be composed of 19 members selected as follows: The Attorney General of the State of Illinois, the Director of State Police, the Director of Corrections, the Superintendent of the Chicago Police Department, the Sheriff of Cook County, the Director of the Illinois Police Training Institute, the Special Agent in Charge of the Springfield, Illinois, ACT 99-0651

New matter indicated by italics - deletions by strikeout
division of the Federal Bureau of Investigation, the Clerk of the Circuit
Court of Cook County, and the following to be appointed by the Governor:
2 mayors or village presidents of Illinois municipalities, 2 Illinois county
sheriffs from counties other than Cook County, 2 managers of Illinois
municipalities, 2 chiefs of municipal police departments in Illinois having
no Superintendent of the Police Department on the Board, 2 citizens of
Illinois who shall be members of an organized enforcement officers' asso-
ciation, one active member of a statewide association representing
sheriffs, and one active member of a statewide association representing
municipal police chiefs. The appointments of the Governor shall be made
on the first Monday of August in 1965 with 3 of the appointments to be for
a period of one year, 3 for 2 years, and 3 for 3 years. Their successors shall
be appointed in like manner for terms to expire the first Monday of August
each 3 years thereafter. All members shall serve until their respective
successors are appointed and qualify. Vacancies shall be filled by the
Governor for the unexpired terms.
(Source: P.A. 97-327, eff. 1-1-12; 97-747, eff. 7-6-12.)

Section 5. The Criminal Code of 2012 is amended by changing
Section 2-13 as follows:

(720 ILCS 5/2-13) (from Ch. 38, par. 2-13)

Sec. 2-13. "Peace officer". "Peace officer" means (i) any person
who by virtue of his office or public employment is vested by law with a
duty to maintain public order or to make arrests for offenses, whether that
duty extends to all offenses or is limited to specific offenses, or (ii) any
person who, by statute, is granted and authorized to exercise powers
similar to those conferred upon any peace officer employed by a law
enforcement agency of this State.

For purposes of Sections concerning unlawful use of weapons, for
the purposes of assisting an Illinois peace officer in an arrest, or when the
commission of any offense under Illinois law is directly observed by the
person, and statutes involving the false personation of a peace officer, false
personation of a peace officer while carrying a deadly weapon, false
personation of a peace officer in attempting or committing a felony, and
false personation of a peace officer in attempting or committing a forcible
felony, then officers, agents, or employees of the federal government
commissioned by federal statute to make arrests for violations of federal
criminal laws shall be considered "peace officers" under this Code,
including, but not limited to all criminal investigators of:

New matter indicated by italics - deletions by strikeout
(1) the United States Department of Justice, the Federal Bureau of Investigation, the Drug Enforcement Agency and all United States Marshals or Deputy United States Marshals whose duties involve the enforcement of federal criminal laws the Department of Immigration and Naturalization;

(1.5) the United States Department of Homeland Security, United States Citizenship and Immigration Services, United States Coast Guard, United States Customs and Border Protection, and United States Immigration and Customs Enforcement;

(2) the United States Department of the Treasury, the Alcohol and Tobacco Tax and Trade Bureau, and the United States Secret Service, the Bureau of Alcohol, Tobacco and Firearms and the Customs Service;

(3) the United States Internal Revenue Service;

(4) the United States General Services Administration;

(5) the United States Postal Service;

(6) (blank); and all United States Marshals or Deputy United States Marshals whose duties involve the enforcement of federal criminal laws; and

(7) the United States Department of Defense.

(Source: P.A. 97-1150, eff. 1-25-13.)

Section 10. The Federal Law Enforcement Officer Immunity Act is amended by changing Section 5 as follows:

(745 ILCS 22/5)

Sec. 5. Definition. As used in this Act, "federal law enforcement officer" means any officer, agent or employee of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws, including but not limited to, all criminal investigators of:

(a) The United States Department of Justice, the Federal Bureau of Investigation, the Drug Enforcement Agency and all United States Marshals or Deputy United States Marshals whose duties involve the enforcement of federal criminal laws and the Department of Immigration and Naturalization;

(a-5) The United States Department of Homeland Security, United States Citizenship and Immigration Services, United States Coast Guard, United States Customs and Border Protection, and United States Immigration and Customs Enforcement;

New matter indicated by italics - deletions by strikeout
(b) The United States Department of the Treasury, the Alcohol and Tobacco Tax and Trade Bureau, and the United States Secret Service; The Bureau of Alcohol, Tobacco and Firearms and The Customs Service;
(c) The United States Internal Revenue Service;
(d) The United States General Services Administration;
(e) The United States Postal Service; and
(f) Blank; and All United States Marshals or Deputy United States Marshals whose duties involve the enforcement of federal criminal laws:
  (g) The United States Department of Defense.
(Source: P.A. 95-331, eff. 8-21-07.)
Section 99. Effective date. This Section and Section 1 take effect upon becoming law.
Approved July 28, 2016.
Effective July 28, 2016.

PUBLIC ACT 99-0652
(House Bill No. 5930)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
  Section 5. The Department of Employment Security Law of the Civil Administrative Code of Illinois is amended by changing Section 1005-45 as follows:
  (20 ILCS 1005/1005-45) (was 20 ILCS 1005/43a.06)
  Sec. 1005-45. Prosperity of laboring men and women.
  (a) The Department has the power to acquire and diffuse among the people useful information concerning the means of promoting the material, social, intellectual, and moral prosperity of laboring men and women.
  (b) The Department shall monitor the employment progress of women and minorities in the work force, including access to the public sector, the private sector, labor unions, and collective bargaining units. This information shall be provided to the General Assembly in the form of a biennial report no later than April 1 of each even-numbered year.
(Source: P.A. 91-239, eff. 1-1-00.)

New matter indicated by italics - deletions by strikeout
Section 10. The Department of Labor Law of the Civil Administrative Code of Illinois is amended by changing Section 1505-20 as follows:

(20 ILCS 1505/1505-20) (was 20 ILCS 1505/43.13)
Sec. 1505-20. Prosperity of laboring men and women; progress of women and minorities.
(a) The Department has the power to acquire and diffuse among the people useful information concerning the means of promoting the material, social, intellectual, and moral prosperity of laboring men and women.
(b) (Blank). The Department shall monitor the employment progress of women and minorities in the work force, including access to the public sector, the private sector, labor unions, and collective bargaining units. This information shall be provided to the General Assembly in the form of an annual report no later than April 1 of each year.
(Source: P.A. 91-239, eff. 1-1-00.)

Section 15. The Nurse Agency Licensing Act is amended by changing Section 13 as follows:

(225 ILCS 510/13) (from Ch. 111, par. 963)
Sec. 13. Application for employment.
(a) Every nurse agency shall cause each applicant for employment, assignment, or referral, as a nurse to complete an application form including the following information:
    (1) name and address of the applicant;
    (2) whether or not such applicant is a nurse currently licensed by the Department of Professional Regulation;
    (3) if so licensed, the number and date of such license; and
    (4) references and dates and places of previous employment.
Prior to employing, assigning, or referring a nurse, the agency shall contact the Department of Professional Regulation to determine whether the nurse's license is valid and in good standing. Written verification shall be sent by the Department of Professional Regulation within 20 working days. At least biennially thereafter, the agency shall contact the Department of Professional Regulation to verify this information in writing. The nurse agency shall review the disciplinary report published by the Department of Professional Regulation on a monthly basis to determine whether the nurse's license is valid and in good standing.

New matter indicated by italics - deletions by strikeout
(b) Every nurse agency shall cause each applicant for employment, assignment, or referral, as a certified nurse aide to complete an application form including the following information:

(1) name and address of the applicant;
(2) whether or not the nurse aide is registered as having completed a certified course as approved by the Department of Public Health;
(3) references and dates and places of previous employment.

Prior to employing, assigning, or referring a certified nurse aide, the agency shall review the information provided on the Health Care Worker Registry to verify that the certification is valid and that the certified nurse aide is not ineligible to be hired by health care employers or long-term care facilities pursuant to Section 25 of the Health Care Worker Background Check Act.

Prior to employing, assigning or referring a certified nurse aide, the agency shall contact the Department of Public Health to determine whether the certification is valid and that the certified nurse aide is not listed on the abuse register. Written verification shall be sent by the Department of Public Health within 20 working days.

(c) Every nurse agency shall check at least 2 recent references and the dates of employment provided by the applicant, unless the applicant has not had 2 previous employers.

(d) Nurses or certified nurses aides employed, assigned, or referred to a health care facility by a nurse agency shall be deemed to be employees of the nurse agency while working for the nurse agency or on nurse agency employment, assignment or referral.

(Source: P.A. 86-817; 86-1043.)

Approved July 28, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0653
(House Bill No. 5933)

AN ACT concerning finance.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Local Food, Farms, and Jobs Act is amended by changing Sections 20 and 25 as follows:

New matter indicated by italics - deletions by strikeout
(30 ILCS 595/20)

Sec. 20. Responsibilities of the Local Food, Farms, and Jobs Council. The responsibilities of the Local Food, Farms, and Jobs Council include, but are not limited to, the following:

(a) To assist State agencies, State-owned facilities, and other entities with the purchase of local farm or food products and with tracking and reporting of such purchases in order to meet the goals established in Section 10 of this Act.

(b) To assist local farm and food entrepreneurs to identify and secure necessary resources and equipment to begin, maintain, and expand projects and networks necessary for the development of local farm or food products; provided, however, that it is the intent of this Act that the Local Food, Farms, and Jobs Council will facilitate program start-ups and then relinquish rights, benefits, and control within a reasonably short duration of time.

(c) To facilitate the building of infrastructure, including aggregation, processing, storage, packaging, and distribution facilities necessary to move local farm or food products to local and other markets.

(d) To support and expand programs that recruit, train, and provide technical assistance to Illinois farmers and residents in order to encourage the production of local farm or food products.

(e) To coordinate interagency policies, initiatives, and procedures promoting local farm and food products in Illinois communities, by working with and involving State, federal, and local agencies, as well as community based organizations, educational institutions, and trade organizations in executing the purposes of this Act.

(f) To facilitate the elimination of legal barriers hindering the development of a local farm and food economy by working with federal, State, and local public health agencies, other agencies and applicable entities, and the Illinois Attorney General to create consistent and compatible regulations for the production, storage, distribution, and marketing of local farm or food products.

(g) To facilitate the use of public lands for growing local farm or food products by working with governmental entities at the local, State, and federal levels.

(h) To set annual goals for all purchases of local farm or food products by Illinois residents and to monitor the development and expansion of a local farm and food economy through data collection,
tracking, measurement, analysis, and reporting on progress made in an annual report to the Illinois General Assembly.

(i) (Blank). To develop, in collaboration with the Department of Agriculture, a label and certification program different than the "Illinois Product" label program, whereby a label with a specific name and unique design or logo may be placed on local farm and food products.

(j) To initiate and facilitate public awareness campaigns about the economic benefits of a local farm and food economy.

(Source: P.A. 96-579, eff. 8-18-09.)

(30 ILCS 595/25)
Sec. 25. Governance of the Local Food, Farms, and Jobs Council.
(a) The Local Food, Farms, and Jobs Council shall be governed by a 20-member board of directors, which shall be comprised of the following:

(1) one representative each from the Department of Agriculture; the Department of Commerce and Economic Opportunity; the Department of Public Health; the Illinois Finance Authority; the Office of the State Treasurer; an agency tasked with responsibilities over economic or workforce development; the Department of Human Services, Office of Health and Prevention; the Department of Human Services, Office of Security and Emergency Preparedness;

(2) the Director of the Lieutenant Governor's Rural Affairs Council;

(3) one agricultural specialist from the University of Illinois Extension;

(3) one representative of the State's largest general farm organization;

(4) thirteen representatives, each of whom shall represent at least one of the following interests, and each interest shall be represented by at least one representative:

(A) local farm or food product farmers representing different sectors, including, but not limited to, dairy, meat, vegetable, and grain;

(B) local farm or food product producers representing different flower, fruit, viticulture, aquaculture, forestry, seeds, fiber, ornamental, or other specialty crop sectors;

New matter indicated by italics - deletions by strikeout
(C) local farm or food product processors or distributors, preferentially those operating cooperatively or under local ownership;

(D) not-for-profit educational organizations that specialize in supporting and expanding local farm or food product networks;

(E) local farm or food product retailers;

(F) municipalities in the State actively engaged in the development of local farm or food products;

(G) banking, investment, or philanthropic communities with expertise in financing or supporting local foods production and infrastructure;

(H) community-based organizations focusing on access to local farm or food products;

(I) restaurants or food service businesses, schools, or institutions that use or seek to increase and promote use of local foods; and

(J) employees working for businesses in the food system.

(4) four local farm or food product farmers representing different agribusiness sectors, including, but not limited to, the dairy, meat, vegetable, and grain sectors;

(5) four local farm or food product producers representing different flower, fruit, viticulture, aquaculture, forestry, seeds, fiber, vegetable, ornamental, or other specialty crop sectors;

(6) two local farm or food product processors;

(7) two local farm or food product distributors;

(8) three representatives of not-for-profit educational organizations that specialize in supporting and expanding local farm or food product networks;

(9) one certifier of specialty local farm or food products, such as an organic, naturally grown, biodynamic, Halal, or Kosher certifier;

(10) one local farm or food product consumer representative;

(11) two representatives of farm organizations;

(12) one representative from a philanthropic organization supporting the development of local farm or food products;

(13) one local farm or food product retailer;

New matter indicated by italics - deletions by strikeout
(14) two municipal representatives from different communities in the State actively engaged in the development of local farm or food products;

(15) four representatives from community-based organizations focusing on access to local farm or food products, including at least 3 minority members; and

(16) one chef specializing in the preparation of locally grown foods.

(b) The 15 non-state governmental board members shall be appointed by the Governor to 3-year staggered terms as determined by the Governor. Persons may be nominated by organizations representing the sectors outlined in subsection (a) of this Section. Vacancies shall be filled by the Governor.

(c) The Local Food, Farms, and Jobs Council may apply for and establish a not for profit corporation under the General Not For Profit Corporation Act of 1986.

(d) The board of directors shall have all the rights, titles, powers, privileges, and obligations provided for in the General Not For Profit Corporation Act of 1986. It shall elect its presiding officers from among its members and may elect or appoint an executive committee, other committees, and subcommittees to conduct the business of the organization.

(e) The Local Food, Farms, and Jobs Council may solicit grants, loans, and contributions from public or private sources and may enter into any contracts, grants, loans, or agreements with respect to the use of such funds to execute the purposes of this Act. No debt or obligation of the Local Food, Farms, and Jobs Council shall become the debt or obligation of the State.

(f) The Local Food, Farms, and Jobs Council shall not be considered a State Agency, and its funds shall be considered private funds and held in an appropriate account outside of the State Treasury. Private funds collected by the Local Food, Farms, and Jobs Council are not subject to the Public Funds Investment Act. Local Food, Farms, and Jobs Council procurement is exempt from the Illinois Procurement Code. The treasurer of Local Food, Farms, and Jobs Council funds shall be custodian of all Local Food, Farms, and Jobs Council funds. The Local Food, Farms, and Jobs Council and its officers shall be responsible for the approval of recording of receipts, approval of payments, and the proper filing of required reports. The Local Food, Farms, and Jobs Council's records shall

New matter indicated by italics - deletions by strikeout
be audited annually by an independent auditor who is a certified public accountant and has been selected by the Board. An annual report shall also be compiled by the Board. Both the annual report and the annual audit shall be filed with any public agency providing funds to the Local Food, Farms, and Jobs Council and be made available to the public.

(g) Subject to the availability of public or private funds, the board of directors may employ an executive director, treasurer, other staff, or independent contractors necessary to execute the purposes of this Act, and it may fix the compensation, benefits, terms, and conditions of those persons' employment.

(h) The State Governmental agencies represented on the board of directors may re-direct existing staff, as appropriations permit; assist in executing the purposes of this Act; and provide office space, meeting space, and other research and communication services as appropriate.

(i) The Local Food, Farms, and Jobs Council may be assisted in carrying out its functions by personnel of the Department of Agriculture. The Department shall provide reasonable assistance to the Local Food, Farms, and Jobs Council to help it achieve its purposes.

(Source: P.A. 96-579, eff. 8-18-09.)

Passed in the General Assembly May 29, 2016.
Approved July 28, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0654
(House Bill No. 5949)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Pharmacy Practice Act is amended by changing Section 16c as follows:
(225 ILCS 85/16c)
(Section scheduled to be repealed on January 1, 2017)
Sec. 16c. Medicine locking closure package.
(a) As used in this Section:
"Medicine locking closure package" means any alphanumeric combination locking closure mechanism that can only be unlocked with a user-generated, resettable alphanumeric code in combination with an

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amber prescription container that forms a package that allows only the person with a prescription access to the medicine.

"Schedule II controlled substance" means a Schedule II controlled substance under the United States Controlled Substances Act and 21 CFR 1308.

(b) Subject to appropriation, effective January 1, 2016, the Department shall by rule implement a pilot project requiring that every new or refilled prescription for a Schedule II controlled substance containing hydrocodone dispensed by a pharmacy that voluntarily decides to participate in the pilot program shall only be dispensed in a non-reusable medicine locking closure package. The Department shall not expend more than $150,000 on this pilot program. The Department may contract with third parties to implement the pilot program in whole or in part.

(c) The medicine locking closure package must be dispensed by the pharmacy with instructions for patient use unless the prescriber indicates orally, in writing, or electronically that a medicine locking closure package shall not be used.

(d) The manufacturer of the medicine locking closure package must make available assistance online or through a toll-free number for patient use.

(e) Prescriptions reimbursed via the Medicare Part D and Medicaid programs, including Medicaid managed care plans, are exempt from the provisions of this Section.

(f) Prescriptions for individuals residing in facilities licensed under the Nursing Home Care Act are exempt from the provisions of this Section.

(g) This Section is repealed on January 1, 2017.

(Source: P.A. 99-473, eff. 8-27-15.)

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

Passed in the General Assembly May 29, 2016.
Approved July 28, 2016.
Effective July 28, 2016.

New matter indicated by italics - deletions by strikeout
AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

(30 ILCS 105/5.528 rep.)
Section 5. The State Finance Act is amended by repealing Section
5.528.

Section 10. The Board of Higher Education Act is amended by
changing Sections 6 and 8 as follows:

(110 ILCS 205/6) (from Ch. 144, par. 186)
Sec. 6. The Board, in cooperation with the Illinois Community
College Board, shall analyze the present and future aims, needs and
requirements of higher education in the State of Illinois and prepare a
master plan for the development, expansion, integration, coordination and
efficient utilization of the facilities, curricula and standards of higher
education for the public institutions of higher education in the areas of
teaching, research and public service. The master plan shall also include
higher education affordability and accessibility measures. The Board, in
cooperation with the Illinois Community College Board, shall formulate
the master plan and prepare and submit to the General Assembly and the
Governor drafts of proposed legislation to effectuate the plan. The Board,
in cooperation with the Illinois Community College Board, shall engage in
a continuing study, an analysis, and an evaluation of the master plan so
developed, and it shall be its responsibility to recommend, from time to
time as it determines, amendments and modifications of any master plan
enacted by the General Assembly.
(Source: P.A. 96-319, eff. 1-1-10.)

(110 ILCS 205/8) (from Ch. 144, par. 188)
Sec. 8. The Board of Trustees of the University of Illinois, the
Board of Trustees of Southern Illinois University, the Board of Trustees of
Chicago State University, the Board of Trustees of Eastern Illinois
University, the Board of Trustees of Governors State University, the Board
of Trustees of Illinois State University, the Board of Trustees of
Northeastern Illinois University, the Board of Trustees of Northern Illinois
University, the Board of Trustees of Western Illinois University, and the
Illinois Community College Board shall submit to the Board not later than
the 15th day of November of each year its budget proposals for the

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operation and capital needs of the institutions under its governance or supervision for the ensuing fiscal year. Each budget proposal shall conform to the procedures developed by the Board in the design of an information system for State universities and colleges.

In order to maintain a cohesive system of higher education, the Board and its staff shall communicate on a regular basis with all public university presidents. They shall meet at least semiannually to achieve economies of scale where possible and provide the most innovative and efficient programs and services.

The Board, in the analysis of formulating the annual budget request, shall consider rates of tuition and fees and undergraduate tuition and fee waiver programs at the State universities and colleges. The Board shall also consider the current and projected utilization of the total physical plant of each campus of a university or college in approving the capital budget for any new building or facility.

The Board of Higher Education shall submit to the Governor, to the General Assembly, and to the appropriate budget agencies of the Governor and General Assembly its analysis and recommendations on such budget proposals.

The Board is directed to form a broad-based group of individuals representing the Office of the Governor, the General Assembly, public institutions of higher education, State agencies, business and industry, statewide organizations representing faculty and staff, and others as the Board shall deem appropriate to devise a system for allocating State resources to public institutions of higher education based upon performance in achieving State goals related to student success and certificate and degree completion.

Beginning in Fiscal Year 2013, the Board of Higher Education budget recommendations to the Governor and the General Assembly shall include allocations to public institutions of higher education based upon performance metrics designed to promote and measure student success in degree and certificate completion. Public university metrics must be adopted by the Board by rule, and public community college metrics must be adopted by the Illinois Community College Board by rule. These metrics must be developed and promulgated in accordance with the following principles:

(1) The metrics must be developed in consultation with public institutions of higher education, as well as other State educational agencies and other higher education organizations,
associations, interests, and stakeholders as deemed appropriate by the Board.

(2) The metrics shall include provisions for recognizing the demands on and rewarding the performance of institutions in advancing the success of students who are academically or financially at risk, including first-generation students, low-income students, and students traditionally underrepresented in higher education, as specified in Section 9.16 of this Act.

(3) The metrics shall recognize and account for the differentiated missions of institutions and sectors of higher education.

(4) The metrics shall focus on the fundamental goal of increasing completion of college courses, certificates, and degrees. Performance metrics shall recognize the unique and broad mission of public community colleges through consideration of additional factors including, but not limited to, enrollment, progress through key academic milestones, transfer to a baccalaureate institution, and degree completion.

(5) The metrics must be designed to maintain the quality of degrees, certificates, courses, and programs.

In devising performance metrics, the Board may be guided by the report of the Higher Education Finance Study Commission.

Each State university state-supported institution within the application of this Act must submit its plan for capital improvements of non-instructional facilities to the Board for approval before final commitments are made if the total cost of the project as approved by the institution's board of control is in excess of $2 million. Non-instructional uses shall include but not be limited to dormitories, union buildings, field houses, stadium, other recreational facilities and parking lots. The Board shall determine whether or not any project submitted for approval is consistent with the master plan for higher education and with instructional buildings that are provided for therein. If the project is found by a majority of the Board not to be consistent, such capital improvement shall not be constructed.

(Source: P.A. 97-290, eff. 8-10-11; 97-320, eff. 1-1-12; 97-610, eff. 1-1-12; 97-813, eff. 7-13-12.)

(110 ILCS 205/6.2 rep.)

Section 15. The Board of Higher Education Act is amended by repealing Section 6.2.

New matter indicated by italics - deletions by strikeout
Section 20. The Public Community College Act is amended by changing Sections 2-12, 3-2, 3-3, 3-20.3.01, 3-22.1, 3-29.8, 3-36, 3-37, 3-38, 3-40, and 5-11 as follows:

(110 ILCS 805/2-12) (from Ch. 122, par. 102-12)

Sec. 2-12. The State Board shall have the power and it shall be its duty:

(a) To provide statewide planning for community colleges as institutions of higher education and co-ordinate the programs, services and activities of all community colleges in the State so as to encourage and establish a system of locally initiated and administered comprehensive community colleges.

(b) To organize and conduct feasibility surveys for new community colleges or for the inclusion of existing institutions as community colleges and the locating of new institutions.

(c) (Blank). To approve all locally funded capital projects for which no State monies are required, in accordance with standards established by rule.

(d) To cooperate with the community colleges in continuing studies of student characteristics, admission standards, grading policies, performance of transfer students, qualification and certification of facilities and any other problem of community college education.

(e) To enter into contracts with other governmental agencies and eligible providers, such as local educational agencies, community-based organizations of demonstrated effectiveness, volunteer literacy organizations of demonstrated effectiveness, institutions of higher education, public and private nonprofit agencies, libraries, and public housing authorities; to accept federal funds and to plan with other State agencies when appropriate for the allocation of such federal funds for instructional programs and student services including such funds for adult education and adult literacy, vocational and technical education, and retraining as may be allocated by state and federal agencies for the aid of community colleges. To receive, receipt for, hold in trust, expend and administer, for all purposes of this Act, funds and other aid made available by the federal government or by other agencies public or private, subject to appropriation by the General Assembly. The changes to this subdivision (e) made by this amendatory Act of the 91st General Assembly apply on and after July 1, 2001.

(f) To determine efficient and adequate standards for community colleges for the physical plant, heating, lighting, ventilation, sanitation,
safety, equipment and supplies, instruction and teaching, curriculum, library, operation, maintenance, administration and supervision, and to grant recognition certificates to community colleges meeting such standards.

(g) To determine the standards for establishment of community colleges and the proper location of the site in relation to existing institutions of higher education offering academic, occupational and technical training curricula, possible enrollment, assessed valuation, industrial, business, agricultural, and other conditions reflecting educational needs in the area to be served; however, no community college may be considered as being recognized nor may the establishment of any community college be authorized in any district which shall be deemed inadequate for the maintenance, in accordance with the desirable standards thus determined, of a community college offering the basic subjects of general education and suitable vocational and semiprofessional and technical curricula.

(h) To approve or disapprove new units of instruction, research or public service as defined in Section 3-25.1 of this Act submitted by the boards of trustees of the respective community college districts of this State. The State Board may discontinue programs which fail to reflect the educational needs of the area being served. The community college district shall be granted 60 days following the State Board staff recommendation and prior to the State Board's action to respond to concerns regarding the program in question. If the State Board acts to abolish a community college program, the community college district has a right to appeal the decision in accordance with administrative rules promulgated by the State Board under the provisions of the Illinois Administrative Procedure Act.

(i) To participate in, to recommend approval or disapproval, and to assist in the coordination of the programs of community colleges participating in programs of interinstitutional cooperation with other public or nonpublic institutions of higher education. If the State Board does not approve a particular cooperative agreement, the community college district has a right to appeal the decision in accordance with administrative rules promulgated by the State Board under the provisions of the Illinois Administrative Procedure Act.

(j) To establish guidelines regarding sabbatical leaves.

(k) To establish guidelines for the admission into special, appropriate programs conducted or created by community colleges for elementary and secondary school dropouts who have received truant status.

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from the school districts of this State in compliance with Section 26-14 of The School Code.

(l) The Community College Board shall conduct a study of community college teacher education courses to determine how the community college system can increase its participation in the preparation of elementary and secondary teachers.

(m) (Blank). To establish by July 1, 1997 uniform financial accounting and reporting standards and principles for community colleges and develop procedures and systems for community colleges for reporting financial data to the State Board.

(n) To create and participate in the conduct and operation of any corporation, joint venture, partnership, association, or other organizational entity that has the power: (i) to acquire land, buildings, and other capital equipment for the use and benefit of the community colleges or their students; (ii) to accept gifts and make grants for the use and benefit of the community colleges or their students; (iii) to aid in the instruction and education of students of community colleges; and (iv) to promote activities to acquaint members of the community with the facilities of the various community colleges.

(o) On and after July 1, 2001, to ensure the effective teaching of adults and to prepare them for success in employment and lifelong learning by administering a network of providers, programs, and services to provide adult basic education, adult secondary and high school equivalency testing education, English as a second language, and any other instruction designed to prepare adult students to function successfully in society and to experience success in postsecondary education and the world of work.

(p) On and after July 1, 2001, to supervise the administration of adult education and adult literacy programs, to establish the standards for such courses of instruction and supervise the administration thereof, to contract with other State and local agencies and eligible providers, such as local educational agencies, community-based organizations of demonstrated effectiveness, volunteer literacy organizations of demonstrated effectiveness, institutions of higher education, public and private nonprofit agencies, libraries, and public housing authorities, for the purpose of promoting and establishing classes for instruction under these programs, to contract with other State and local agencies to accept and expend appropriations for educational purposes to reimburse local eligible providers for the cost of these programs, and to establish an advisory board.
council consisting of all categories of eligible providers; agency partners, such as the State Board of Education, the Department of Human Services, the Department of Employment Security, and the Secretary of State literacy program; and other stakeholders to identify, deliberate, and make recommendations to the State Board on adult education policy and priorities. The State Board shall support statewide geographic distribution; diversity of eligible providers; and the adequacy, stability, and predictability of funding so as not to disrupt or diminish, but rather to enhance, adult education by this change of administration.
(Source: P.A. 98-718, eff. 1-1-15.)

(110 ILCS 805/3-2) (from Ch. 122, par. 103-2)

Sec. 3-2. Upon the receipt of such a petition, the State Board shall, in cooperation with the regional superintendent of the county or counties in which the territory of the proposed district is located, cause a study to be made of the territory of the proposed district and the community college needs and condition thereof and the area within and adjacent thereto in relation to existing facilities for general education, including pre-professional curricula and for training in occupational activities, and in relation to a factual survey of the possible enrollment, assessed valuation, industrial business, agricultural and other conditions reflecting educational needs in the area to be served, in order to determine whether in its judgment the proposed district may adequately maintain a community college in accordance with such desirable standards. In reviewing the application the State Board shall consider the feasibility of any proposed utilization of existing public or private educational facilities and land within or in near proximity to the boundary of the proposed district, and of contracting with such public or private institutions for the provision of educational programs. If the State Board finds as the result of its study that it is not possible for the proposed district to produce a desirable program of community college education at a reasonable cost, it shall provide a brief statement of the reasons for this decision and shall thereupon cause a copy of the statement to be published in a newspaper or newspapers having a general circulation in the territory of the proposed district and no election shall be held or further proceedings had on said petition to establish such a community college district. In approving a request for a new community college district, If approved the State Board shall make submit its findings to the Board of Higher Education for a determination as to whether or not the proposal is in conformity with a comprehensive community college program. When the State Board of Higher Education

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approves the request for a new community college, the State Board shall prepare a report of such action on the petition. The report shall contain a brief statement of the reasons for the decision and a resume stating why the State Board deems it possible for the proposed district to provide a desirable two-year college program at reasonable cost, the conditions under which such operation would be possible, the estimated results of such operation in terms of local taxes, the nature and probable cost of alternative methods of providing adequate community college educational opportunities for students in the territory involved and such other information as the State Board believes may be helpful to the voters in such territory in voting on the proposition to establish a community college district.

(Source: P.A. 84-509.)

(110 ILCS 805/3-3) (from Ch. 122, par. 103-3)

Sec. 3-3. If the State Board disapproves the request for a new community college, no election shall be held or further proceedings had on such petition to establish a community college district.

If the State Board approves the request to establish a community college district, the State Board shall cause notice of a hearing on the petition to be given by publishing a notice thereof at least once each week for 3 successive weeks in at least one newspaper having general circulation within the territory of the proposed district, and if no such newspaper exists, then the publication shall be made in 2 or more newspapers which together cover the territory with general circulation. The notice shall state when and to whom the petition was presented, the description of the territory of the proposed district, and the day on which the hearing upon the petition and the report of the State Board will be held. On such day or on a day to which the State Board shall continue said hearing, the State Board or a hearing officer appointed by it shall hear the petition, present the report and determine the sufficiency of the petition as herein prescribed, and may adjourn the hearing from time to time or continue the matter for want of sufficient notice or for other good cause. The State Board or a hearing officer appointed by it shall hear any additional evidence as to the school needs and conditions of the territory and in the area within and adjacent thereto and if a hearing officer is appointed he shall report a summary of the testimony to the State Board. Whereupon the State Board shall determine whether it is for the best interests of the schools of such area and the educational welfare of the students therein that such district be organized, and shall determine also
whether the territory described in the petition is compact and contiguous
for college purposes.
(Source: P.A. 78-669.)

(110 ILCS 805/3-20.3.01) (from Ch. 122, par. 103-20.3.01)

Sec. 3-20.3.01. Whenever, as a result of any lawful order of any
agency, other than a local community college board, having authority to
enforce any law or regulation designed for the protection, health or safety
of community college students, employees or visitors, or any law or
regulation for the protection and safety of the environment, pursuant to the
"Environmental Protection Act", any local community college district,
including any district to which Article VII of this Act applies, is required
to alter or repair any physical facilities, or whenever any district
determines that it is necessary for energy conservation, health or safety,
environmental protection or accessibility purposes that any physical
facilities should be altered or repaired and that such alterations or repairs
will be made with funds not necessary for the completion of approved and
recommended projects for fire prevention and safety, or whenever after the
effective date of this amendatory Act of 1984 any district, including any
district to which Article VII applies, provides for alterations or repairs
determined by the local community college board to be necessary for
health and safety, environmental protection, accessibility or energy
conservation purposes, such district may, by proper resolution which
specifically identifies the project and which is adopted pursuant to the
provisions of the Open Meetings Act, levy a tax for the purpose of paying
for such alterations or repairs, or survey by a licensed architect or
engineer, upon the equalized assessed value of all the taxable property of
the district at a rate not to exceed .05% per year for a period sufficient to
finance such alterations or repairs, upon the following conditions:

(a) When in the judgment of the local community college board of
trustees there are not sufficient funds available in the operations and
maintenance fund of the district to permanently pay for such alterations or
repairs so ordered, determined as necessary.

(b) When a certified estimate of a licensed architect or engineer
stating the estimated amount that is necessary to make the alterations or
repairs so ordered or determined as necessary has been secured by the
local community college district and the project and estimated amount
have been approved by the Executive Director of the State Board.

The filing of a certified copy of the resolution or ordinance levying
the tax when accompanied by the certificate of approval of the Executive

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Director of the State Board shall be the authority of the county clerk or clerks to extend such tax; provided, however, that in no event shall the extension for the current and preceding years, if any, under this Section be greater than the amount so approved, and interest on bonds issued pursuant to this Section and in the event such current extension and preceding extensions exceed such approval and interest, it shall be reduced proportionately.

The county clerk of each of the counties in which any community college district levying a tax under the authority of this Section is located, in reducing raised levies, shall not consider any such tax as a part of the general levy for community college purposes and shall not include the same in the limitation of any other tax rate which may be extended. Such tax shall be levied and collected in like manner as all other taxes of community college districts.

The tax rate limit hereinabove specified in this Section may be increased to .10% upon the approval of a proposition to effect such increase by a majority of the electors voting on that proposition at a regular scheduled election. Such proposition may be initiated by resolution of the local community college board and shall be certified by the secretary of the local community college board to the proper election authorities for submission in accordance with the general election law.

Each local community college district authorized to levy any tax pursuant to this Section may also or in the alternative by proper resolution or ordinance borrow money for such specifically identified purposes not in excess of $4,500,000 in the aggregate at any one time when in the judgment of the local community college board of trustees there are not sufficient funds available in the operations and maintenance fund of the district to permanently pay for such alterations or repairs so ordered or determined as necessary and a certified estimate of a licensed architect or engineer stating the estimated amount has been secured by the local community college district and the project and the estimated amount have been approved by the State Board, and as evidence of such indebtedness may issue bonds without referendum. However, Community College District No. 522 and Community College District No. 536 may or in the alternative by proper resolution or ordinance borrow money for such specifically identified purposes not in excess of $20,000,000 in the aggregate at any one time when in the judgment of the community college board of trustees there are not sufficient funds available in the operations and maintenance fund of the district to permanently pay for such

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alterations or repairs so ordered or determined as necessary and a certified estimate of a licensed architect or engineer stating the estimated amount has been secured by the community college district and the project and the estimated amount have been approved by the State Board, and as evidence of such indebtedness may issue bonds without referendum. Such bonds shall bear interest at a rate or rates authorized by "An Act to authorize public corporations to issue bonds, other evidences of indebtedness and tax anticipation warrants subject to interest rate limitations set forth therein", approved May 26, 1970, as now or hereafter amended, shall mature within 20 years from date, and shall be signed by the chairman, secretary and treasurer of the local community college board.

In order to authorize and issue such bonds the local community college board shall adopt a resolution fixing the amount of bonds, the date thereof, the maturities thereof and rates of interest thereof, and the board by such resolution, or in a district to which Article VII applies the city council upon demand and under the direction of the board by ordinance, shall provide for the levy and collection of a direct annual tax upon all the taxable property in the local community college district sufficient to pay the principal and interest on such bonds to maturity. Upon the filing in the office of the county clerk of each of the counties in which the community college district is located of a certified copy of such resolution or ordinance it is the duty of the county clerk or clerks to extend the tax therefor without limit as to rate or amount and in addition to and in excess of all other taxes heretofore or hereafter authorized to be levied by such community college district.

The State Board shall set through administrative rule prepare and enforce regulations and specifications for minimum requirements for the construction, remodeling or rehabilitation of heating, ventilating, air conditioning, lighting, seating, water supply, toilet, accessibility, fire safety and any other matter that will conserve, preserve or provide for the protection and the health or safety of individuals in or on community college property and will conserve the integrity of the physical facilities of the district.

This Section is cumulative and constitutes complete authority for the issuance of bonds as provided in this Section notwithstanding any other statute or law to the contrary.

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

(110 ILCS 805/3-22.1) (from Ch. 122, par. 103-22.1)
Sec. 3-22.1. To cause an audit to be made as of the end of each fiscal year by an accountant licensed to practice public accounting in Illinois and appointed by the board. The auditor shall perform his or her examination in accordance with generally accepted auditing standards and regulations prescribed by the State Board, and submit his or her report therein in accordance with generally accepted accounting principles. The examination and report shall include a verification of student enrollments and any other bases upon which claims are filed with the State Board. The audit report shall include a statement of the scope and findings of the audit and a professional opinion signed by the auditor. If a professional opinion is denied by the auditor he or she shall set forth the reasons for that denial. The board shall not limit the scope of the examination to the extent that the effect of such limitation will result in the qualification of the auditor's professional opinion. The procedures for payment for the expenses of the audit shall be in accordance with Section 9 of the Governmental Account Audit Act. Copies of the audit report shall be filed with the State Board in accordance with regulations prescribed by the State Board. The State Board shall file one copy of the audit report with the Auditor General. The State Board shall file copies of the uniform financial statements from the audit report with the Board of Higher Education.

(Source: P.A. 90-468, eff. 8-17-97.)

(110 ILCS 805/3-29.8)

Sec. 3-29.8. Administrator and faculty salary and benefits; report. Each board of trustees shall report to the State Board of Higher Education, on or before July 1 of each year, the base salary and benefits of the president or chief executive officer of the community college and all administrators, faculty members, and instructors employed by the community college district. For the purposes of this Section, "benefits" includes without limitation vacation days, sick days, bonuses, annuities, and retirement enhancements.

(Source: P.A. 96-266, eff. 1-1-10; 96-1000, eff. 7-2-10.)

(110 ILCS 805/3-36) (from Ch. 122, par. 103-36)

Sec. 3-36. To buy one or more sites for college purposes with necessary ground, and to take and purchase the site for a college site either with or without the owner's consent, by condemnation or otherwise; to pay the amount of any award made by a jury in a condemnation proceedings; and to select and purchase all sites without the submission of the question to any referendum. No such purchase may be made without the prior approval of the State Board. Purchases under this Section may be made by

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contract for deed when the board considers the use of such a contract to be advantageous to the district but a contract for deed may not provide for interest on the unpaid balance of the purchase price at a rate in excess of 6% per year nor for a period of more than 10 years in which that price is to be paid. Title to all real estate shall be taken and held in the name of the board of the community college district.

(Source: P.A. 78-669.)

(110 ILCS 805/3-37) (from Ch. 122, par. 103-37)

Sec. 3-37. To build, buy or lease suitable buildings upon a site approved by the State Board and issue bonds, in the manner provided in Article IIIA, or, with the prior approval of the Illinois Community College Board, enter into an installment loan arrangement with a financial institution with a payback period of less than 20 years provided the board has entered into a contractual agreement which provides sufficient revenue to pay such loan in full from sources other than local taxes, tuition, or State appropriations and to provide adequate additional operation and maintenance funding for the term of the agreement, for the purpose of borrowing money to buy sites and to either or both buy or build and equip buildings and improvements.

Any provision in a contractual agreement providing for an installment loan agreement authorized by this Section that obligates the State of Illinois is against public policy and shall be null and void.

(Source: P.A. 91-776, eff. 6-9-00.)

(110 ILCS 805/3-38) (from Ch. 122, par. 103-38)

Sec. 3-38. To lease, with or without an option to purchase, for a period not to exceed 5 years or purchase under an installment contract extending over a period of not more than 5 years, with interest at a rate not to exceed 6% per year on the unpaid principal, such apparatus, equipment, machinery or other personal property as may be required when authorized by the affirmative vote of 2/3 of the members of the board. To lease for a period not to exceed 20 years such rooms, buildings and land, or any one or more of such items, as may be required when authorized by the affirmative vote of 2/3 of the members of the board. Any lease for rooms, buildings or land for a period exceeding 5 years must have the prior approval of the State Board. The provisions of this Section do not apply to guaranteed energy savings contracts or leases entered into under Article V-A.

(Source: P.A. 88-173.)

(110 ILCS 805/3-40) (from Ch. 122, par. 103-40)

New matter indicated by italics - deletions by strikeout
Sec. 3-40. To enter into contracts with any person, organization, association, educational institution, or governmental agency for providing or securing educational services. Any initial contract with a public university or a private degree-granting college or university entered into on or after July 1, 1985 but before July 1, 2016 shall have prior approval of the State Board and the Illinois Board of Higher Education. Any initial contract with a public university or a private degree-granting college or university entered into on or after July 1, 2016 shall have prior approval of the State Board. (Source: P.A. 84-509.)

(110 ILCS 805/5-11) (from Ch. 122, par. 105-11)

Sec. 5-11. Any public community college which subsequent to July 1, 1972 but before July 1, 2016, commenced construction of any facilities approved by the State Board and the Illinois Board of Higher Education may, after completion thereof, apply to the State for a grant for expenditures made by the community college from its own funds for building purposes for such facilities in excess of 25% of the cost of such facilities as approved by the State Board and the Illinois Board of Higher Education. Any public community college that, on or after July 1, 2016, commenced construction of any facilities approved by the State Board may, after completion thereof, apply to the State for a grant for expenditures made by the community college from its own funds for building purposes for such facilities in excess of 25% of the cost of such facilities as approved by the State Board. A such grant shall be contingent upon said community college having otherwise complied with Sections 5-3, 5-4, 5-5 and 5-10 of this Act.

If any payments or contributions of any kind which are based upon, or are to be applied to, the cost of such construction are received from the Federal government, or an agency thereof, subsequent to receipt of the grant herein provided, the amount of such subsequent payment or contributions shall be paid over to the Capital Development Board by the community college for deposit in the Capital Development Bond Interest and Retirement Fund. (Source: P.A. 80-1200.)

(110 ILCS 805/2-10 rep.)
(110 ILCS 805/2-19 rep.)
(110 ILCS 805/2-23 rep.)
(110 ILCS 805/2-16.05 rep.)
(110 ILCS 805/2-18a rep.)

New matter indicated by italics - deletions by strikeout
Section 25. The Public Community College Act is amended by repealing Sections 2-10, 2-19, 2-23, 2-16.05, and 2-18a.

Section 99. Effective date. This Act takes effect July 1, 2016.
Passed in the General Assembly May 29, 2016.
Approved July 28, 2016.
Effective July 28, 2016.

PUBLIC ACT 99-0656
(House Bill No. 6010)

AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 2012 is amended by changing Section 12-5.02 as follows:

(720 ILCS 5/12-5.02) (was 720 ILCS 5/12-2.5)
Sec. 12-5.02. Vehicular endangerment.
(a) A person commits vehicular endangerment when he or she strikes a motor vehicle by causing an object to fall from an overpass or other elevated location in the direction of a moving motor vehicle with the intent to strike a motor vehicle while it is traveling upon a highway in this State.
(b) Sentence. Vehicular endangerment is a Class 2 felony, unless death results, in which case vehicular endangerment is a Class 1 felony.
(c) Definitions. For purposes of this Section:
"Elevated location" means a bridge, overpass, highway ramp, building, artificial structure, hill, mound, or natural elevation above or adjacent to and above a highway.
"Object" means any object or substance that by its size, weight, or consistency is likely to cause great bodily harm to any occupant of a motor vehicle.
"Overpass" means any structure that passes over a highway.
"Motor vehicle" and "highway" have the meanings as defined in the Illinois Vehicle Code.
(Source: P.A. 96-1551, eff. 7-1-11.)
Approved July 28, 2016.
Effective January 1, 2017.

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AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

Section 5. The School Code is amended by changing Sections 2-
3.25a, 7-2a, 7-14A, 10-22.22b, 10-22.22c, 10-22.22d, 11E-110, 18-12, and
21B-30 as follows:

(105 ILCS 5/2-3.25a) (from Ch. 122, par. 2-3.25a)
Sec. 2-3.25a. "School district" defined; additional standards.
(a) For the purposes of this Section and Sections 3.25b, 3.25c,
3.25d, 3.25e, and 3.25f of this Code, "school district" includes other public
entities responsible for administering public schools, such as cooperatives,
joint agreements, charter schools, special charter districts, regional offices
of education, local agencies, and the Department of Human Services.
(b) In addition to the standards established pursuant to Section 2-
3.25, the State Board of Education shall develop recognition standards for
student performance and school improvement for all school districts and
their individual schools, which must be an outcomes-based, balanced
accountability measure. The State Board of Education is prohibited from
having separate performance standards for students based on race or
ethnicity.

Subject to the availability of federal, State, public, or private funds,
the balanced accountability measure must be designed to focus on 2
components, student performance and professional practice. The student
performance component shall count for 30% of the total balanced
accountability measure, and the professional practice component shall
count for 70% of the total balanced accountability measure. The student
performance component shall focus on student outcomes and closing the
achievement gaps within each school district and its individual schools
using a Multiple Measure Index and Annual Measurable Objectives, as set
forth in Section 2-3.25d of this Code. The professional practice component
shall focus on the degree to which a school district, as well as its
individual schools, is implementing evidence-based, best professional
practices and exhibiting continued improvement. Beginning with the
2015-2016 school year, the balanced accountability measure shall consist
of only the student performance component, which shall account for 100%
of the total balanced accountability measure. From the 2017-2018 2016-

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2017 school year through the 2022-2023 school year, the State Board of Education and a Balanced Accountability Measure Committee shall identify a number of school districts per the designated school years to begin implementing the balanced accountability measure, which includes both the student performance and professional practice components. By the 2022-2023 school year, all school districts must be implementing the balanced accountability measure, which includes both components. The Balanced Accountability Measure Committee shall consist of the following individuals: a representative of a statewide association representing regional superintendents of schools, a representative of a statewide association representing principals, a representative of an association representing principals in a city having a population exceeding 500,000, a representative of a statewide association representing school administrators, a representative of a statewide professional teachers' organization, a representative of a different statewide professional teachers' organization, an additional representative from either statewide professional teachers' organization, a representative of a professional teachers' organization in a city having a population exceeding 500,000, a representative of a statewide association representing school boards, and a representative of a school district organized under Article 34 of this Code. The head of each association or entity listed in this paragraph shall appoint its respective representative. The State Superintendent of Education, in consultation with the Committee, may appoint no more than 2 additional individuals to the Committee, which individuals shall serve in an advisory role and must not have voting or other decision-making rights. The Committee is abolished on June 1, 2023.

Using a Multiple Measure Index consistent with subsection (a) of Section 2-3.25d of this Code, the student performance component shall consist of the following subcategories, each of which must be valued at 10%:

1. achievement status;
2. achievement growth; and
3. Annual Measurable Objectives, as set forth in subsection (b) of Section 2-3.25d of this Code.

Achievement status shall measure and assess college and career readiness, as well as the graduation rate. Achievement growth shall measure the school district's and its individual schools' student growth via this State's growth value tables. Annual Measurable Objectives shall measure the

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degree to which school districts, as well as their individual schools, are closing their achievement gaps among their student population and subgroups.

The professional practice component shall consist of the following subcategories:

(A) compliance;
(B) evidence-based best practices; and
(C) contextual improvement.

Compliance, which shall count for 10%, shall measure the degree to which a school district and its individual schools meet the current State compliance requirements. Evidence-based best practices, which shall count for 30%, shall measure the degree to which school districts and their individual schools are adhering to a set of evidence-based quality standards and best practice for effective schools that include (i) continuous improvement, (ii) culture and climate, (iii) shared leadership, (iv) governance, (v) education and employee quality, (vi) family and community connections, and (vii) student and learning development and are further developed in consultation with the State Board of Education and the Balanced Accountability Measure Committee set forth in this subsection (b). Contextual improvement, which shall count for 30%, shall provide school districts and their individual schools the opportunity to demonstrate improved outcomes through local data, including without limitation school climate, unique characteristics, and barriers that impact the educational environment and hinder the development and implementation of action plans to address areas of school district and individual school improvement. Each school district, in good faith cooperation with its teachers or, where applicable, the exclusive bargaining representatives of its teachers, shall develop 2 measurable objectives to demonstrate contextual improvement, each of which must be equally weighted. Each school district shall begin such good faith cooperative development of these objectives no later than 6 months prior to the beginning of the school year in which the school district is to implement the professional practice component of the balanced accountability measure. The professional practice component must be scored using trained peer review teams that observe and verify school district practices using an evidence-based framework.

The balanced accountability measure shall combine the student performance and professional practice components into one summative score based on 100 points at the school district and individual-school

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level. A school district shall be designated as "Exceeds Standards - Exemplar" if the overall score is 100 to 90, "Meets Standards - Proficient" if the overall score is 89 to 75, "Approaching Standards - Needs Improvement" if the overall score is 74 to 60, and "Below Standards - Unsatisfactory" if the overall score is 59 to 0. The balanced accountability measure shall also detail both incentives that reward school districts for continued improved performance, as provided in Section 2-3.25c of this Code, and consequences for school districts that fail to provide evidence of continued improved performance, which may include presentation of a barrier analysis, additional school board and administrator training, or additional State assistance. Based on its summative score, a school district may be exempt from the balanced accountability measure for one or more school years. The State Board of Education, in collaboration with the Balanced Accountability Measure Committee set forth in this subsection (b), shall adopt rules that further implementation in accordance with the requirements of this Section.

(Source: P.A. 99-84, eff. 1-1-16; 99-193, eff. 7-30-15; revised 10-9-15.)

(105 ILCS 5/7-2a) (from Ch. 122, par. 7-2a)

Sec. 7-2a. (a) Except as provided in subsection (b) of this Section, any petition for dissolution filed under this Article must specify the school district or districts to which all of the territory of the district proposed to be dissolved will be annexed. Any petition for dissolution may be made by the board of education of the district or a majority of the legal voters residing in the district proposed to be dissolved. No petition from any other district affected by the proposed dissolution shall be required.

(b) Any school district with a population of less than 5,000 residents or an enrollment of less than 750 students, as determined by the district's current fall housing report filed with the State Board of Education, shall be dissolved and its territory annexed as provided in Section 7-11 by the regional board of school trustees upon the filing with the regional board of school trustees of a petition adopted by resolution of the board of education or a petition signed by a majority of the registered voters of the district seeking such dissolution. No petition shall be adopted or signed under this subsection until the board of education or the petitioners, as the case may be, shall have given at least 10 days' notice to be published once in a newspaper having general circulation in the district and shall have conducted a public informational meeting to inform the residents of the district of the proposed dissolution and to answer questions concerning the proposed dissolution. The petition shall be filed

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with and decided solely by the regional board of school trustees of the region in which the regional superintendent of schools has supervision of the school district being dissolved. The regional board of school trustees shall not act on a petition filed by a board of education if within 45 days after giving notice of the hearing required under Section 7-11 a petition in opposition to the petition of the board to dissolve, signed by a majority of the registered voters of the district, is filed with the regional board of school trustees. The regional board of school trustees shall have no authority to deny dissolution requested in a proper petition for dissolution filed under this subsection (b), but shall exercise its discretion in accordance with Section 7-11 on the issue of annexing the territory of a district being dissolved, giving consideration to but not being bound by the wishes expressed by the residents of the various school districts that may be affected by such annexation.

When dissolution and annexation become effective for purposes of administration and attendance as determined pursuant to Section 7-11, the positions of teachers in contractual continued service in the district being dissolved are transferred to an annexing district or to annexing districts pursuant to the provisions of subsection (h) of Section 24-11 of this Code Section 24-12 relative to teachers having contractual continued service status whose positions are transferred from one board to the control of a different board, and those said provisions of subsection (h) of Section 24-11 of this Code Section 24-12 shall apply to said transferred teachers. In the event that the territory is added to 2 or more districts, the decision on which positions shall be transferred to which annexing districts shall be made giving consideration to the proportionate percent of pupils transferred and the annexing districts' staffing needs, and the transfer of specific individuals into such positions shall be based upon the request of those teachers in order of seniority in the dissolving district. The contractual continued service status of any teacher thereby transferred to an annexing district is not lost and the different board is subject to this Act with respect to such transferred teacher in the same manner as if such teacher was that district's employee and had been its employee during the time such teacher was actually employed by the board of the dissolving district from which the position was transferred.

(Source: P.A. 98-125, eff. 8-2-13.)

(105 ILCS 5/7-14A) (from Ch. 122, par. 7-14A)

Sec. 7-14A. Annexation Compensation. There shall be no accounting made after a mere change in boundaries when no new district

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is created, except that those districts whose enrollment increases by 90% or more as a result of annexing territory detached from another district pursuant to this Article are eligible for supplementary State aid payments in accordance with Section 11E-135 of this Code. Eligible annexing districts shall apply to the State Board of Education for supplementary State aid payments by submitting enrollment figures for the year immediately preceding and the year immediately following the effective date of the boundary change for both the district gaining territory and the district losing territory. Copies of any intergovernmental agreements between the district gaining territory and the district losing territory detailing any transfer of fund balances and staff must also be submitted. In all instances of changes in boundaries, the district losing territory shall not count the average daily attendance of pupils living in the territory during the year preceding the effective date of the boundary change in its claim for reimbursement under Section 18-8.05 of this Code for the school year following the effective date of the change in boundaries and the district receiving the territory shall count the average daily attendance of pupils living in the territory during the year preceding the effective date of the boundary change in its claim for reimbursement under Section 18-8.05 of this Code for the school year following the effective date of the change in boundaries. The changes to this Section made by this amendatory Act of the 95th General Assembly are intended to be retroactive and applicable to any annexation taking effect on or after July 1, 2004.

(Source: P.A. 95-707, eff. 1-11-08.)

(105 ILCS 5/10-22.22b) (from Ch. 122, par. 10-22.22b)

Sec. 10-22.22b. (a) The provisions of this subsection shall not apply to the deactivation of a high school facility under subsection (c). Where in its judgment the interests of the district and of the students therein will be best served, to deactivate any high school facility or elementary school facility in the district and send the students of such high school in grades 9 through 12 or such elementary school in grades kindergarten through 8, as applicable, to schools in other districts. Such action may be taken only with the approval of the voters in the district and the approval, by proper resolution, of the school board of the receiving district. The board of the district contemplating deactivation shall, by proper resolution, cause the proposition to deactivate the school facility to be submitted to the voters of the district at a regularly scheduled election. Notice shall be published at least 10 days prior to the date of the election.

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at least once in one or more newspapers published in the district or, if no
newspaper is published in the district, in one or more newspapers with a
general circulation within the district.
The notice shall be substantially in the following form:

NOTICE OF REFERENDUM TO
DEACTIVATE THE ... SCHOOL FACILITY
IN SCHOOL DISTRICT NO. ........

Notice is hereby given that on (insert date), a referendum will be
held in ....... County (Counties) for the purpose of voting for or against the
proposition to deactivate the ...... School facility in School District No. ......
and to send pupils in ...... School to School District(s) No. .......

The polls will be open at .... o'clock ... m., and close at .... o'clock
... m. of the same day.

...........
Dated (insert date).
The proposition shall be in substantially the following form:

---------------------------------------------
Shall the Board
of Education of School
District No. .....,
...... County, Illinois, be
authorized to deactivate
the .... School facility
and to send pupils in ......
School to School
District(s) No. ......?

---------------------------------------------

If the majority of those voting upon the proposition in the district
contemplating deactivation vote in favor of the proposition, the board of
that district, upon approval of the board of the receiving district, shall
execute a contract with the receiving district providing for the
reassignment of students to the receiving district. If the deactivating
district seeks to send its students to more than one district, it shall execute
a contract with each receiving district. The length of the contract shall be
for 2 school years, but the districts may renew the contract for additional
one year or 2 year periods. Contract renewals shall be executed by January
1 of the year in which the existing contract expires. If the majority of those
voting upon the proposition do not vote in favor of the proposition, the
school facility may not be deactivated.

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The sending district shall pay to the receiving district an amount agreed upon by the 2 districts.

When the deactivation of school facilities becomes effective pursuant to this Section, the provisions of subsection (h) of Section 24-11 of this Code Section 24-12 relative to the contractual continued service status of teachers having contractual continued service whose positions are transferred from one board to the control of a different board shall apply, and the positions at the school facilities being deactivated held by teachers, as that term is defined in subsection (a) of Section 24-11 of this Code, having contractual continued service with the school district at the time of the deactivation shall be transferred to the control of the board or boards who shall be receiving the district's students on the following basis:

(1) positions of such teachers in contractual continued service that were full time positions shall be transferred to the control of whichever of such boards such teachers shall request with the teachers making such requests proceeding in the order of those with the greatest length of continuing service with the board to those with the shortest length of continuing service with the board, provided that the number selecting one board over another board or other boards shall not exceed that proportion of the school students going to such board or boards; and

(2) positions of such teachers in contractual continued service that were full time positions and as to which there is no selection left under subparagraph 1 hereof shall be transferred to the appropriate board.

The contractual continued service status of any teacher thereby transferred to another district is not lost and the receiving board is subject to the School Code with respect to such transferred teacher in the same manner as if such teacher was the district's employee during the time such teacher was actually employed by the board of the deactivating district from which the position was transferred.

When the deactivation of school facilities becomes effective pursuant to this Section, the provisions of subsection (b) of Section 10-23.5 of this Code relative to the transfer of educational support personnel employees shall apply, and the positions at the school facilities being deactivated that are held by educational support personnel employees at the time of the deactivation shall be transferred to the control of the board or boards that will be receiving the district's students on the following basis:

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(A) positions of such educational support personnel employees that were full-time positions shall be transferred to the control of whichever of the boards the employees request, with the educational support personnel employees making these requests proceeding in the order of those with the greatest length of continuing service with the board to those with the shortest length of continuing service with the board, provided that the number selecting one board over another board or other boards must not exceed that proportion of students going to such board or boards; and

(B) positions of such educational support personnel employees that were full-time positions and as to which there is no selection left under subdivision (A) shall be transferred to the appropriate board.

The length of continuing service of any educational support personnel employee thereby transferred to another district is not lost and the receiving board is subject to this Code with respect to that transferred educational support personnel employee in the same manner as if the educational support personnel employee was the district's employee during the time the educational support personnel employee was actually employed by the board of the deactivating district from which the position was transferred.

(b) The provisions of this subsection shall not apply to the reactivation of a high school facility which is deactivated under subsection (c). The sending district may, with the approval of the voters in the district, reactivate the school facility which was deactivated. The board of the district seeking to reactivate the school facility shall, by proper resolution, cause the proposition to reactivate to be submitted to the voters of the district at a regularly scheduled election. Notice shall be published at least 10 days prior to the date of the election at least once in one or more newspapers published in the district or, if no newspaper is published in the district, in one or more newspapers with a general circulation within the district. The notice shall be substantially in the following form:

NOTICE OF REFERENDUM TO
REACTIVATE THE ...... SCHOOL FACILITY
IN SCHOOL DISTRICT NO. ......

Notice is hereby given that on (insert date), a referendum will be held in ...... County (Counties) for the purpose of voting for or against the proposition to reactivate the ...... School facility in School District No. ......

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and to discontinue sending pupils of School District No. ...... to School District(s) No. ......

The polls will be opened at ... o'clock .. m., and closed at ... o'clock .. m. of the same day.

............

Dated (insert date).

The proposition shall be in substantially the following form:

------------------------------------------------------------------------------------------------------------------
Shall the Board of Education of School YES
District No. ......., ...... County, Illinois, NO
be authorized to -------------------
reactivate the .... School facility and to discontinue sending pupils of School District No. ....
to School District(s) No. ......?
------------------------------------------------------------------------------------------------------------------

(c) The school board of any unit school district which experienced a strike by a majority of its certified employees that endured for over 6 months during the regular school term of the 1986-1987 school year, and which during the ensuing 1987-1988 school year had an enrollment in grades 9 through 12 of less than 125 students may, when in its judgment the interests of the district and of the students therein will be best served thereby, deactivate the high school facilities within the district for the regular term of the 1988-1989 school year and, for that school year only, send the students of such high school in grades 9 through 12 to schools in adjoining or adjacent districts. Such action may only be taken: (a) by proper resolution of the school board deactivating its high school facilities and the approval, by proper resolution, of the school board of the receiving district or districts, and (b) pursuant to a contract between the sending and each receiving district, which contract or contracts: (i) shall provide for the reassignment of all students of the deactivated high school in grades 9 through 12 to the receiving district or districts; (ii) shall apply only to the regular school term of the 1988-1989 school year; (iii) shall not be subject to renewal or extension; and (iv) shall require the sending district to pay to the receiving district the cost of educating each student who is reassigned to the receiving district, such costs to be an amount agreed upon by the sending and receiving district but not less than the per capita cost of

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maintaining the high school in the receiving district during the 1987-1988 school year. Any high school facility deactivated pursuant to this subsection for the regular school term of the 1988-1989 school year shall be reactivated by operation of law as of the end of the regular term of the 1988-1989 school year. The status as a unit school district of a district which deactivates its high school facilities pursuant to this subsection shall not be affected by reason of such deactivation of its high school facilities and such district shall continue to be deemed in law a school district maintaining grades kindergarten through 12 for all purposes relating to the levy, extension, collection and payment of the taxes of the district under Article 17 for the 1988-1989 school year.

(d) Whenever a school facility is reactivated pursuant to the provisions of this Section, then all teachers in contractual continued service who were honorably dismissed or transferred as part of the deactivation process, in addition to other rights they may have under the School Code, shall be recalled or transferred back to the original district.

(Source: P.A. 94-213, eff. 7-14-05; 95-110, eff. 1-1-08; 95-148, eff. 8-14-07; 95-876, eff. 8-21-08.)

(105 ILCS 5/10-22.22c) (from Ch. 122, par. 10-22.22c)

Sec. 10-22.22c. (a) Subject to the following provisions of this Section two or more contiguous school districts each of which has an enrollment in grades 9 through 12 of less than 600 students may, when in their judgment the interest of the districts and of the students therein will be best served, jointly operate one or more cooperative high schools. Such action shall be taken for a minimum period of 20 school years, and may be taken only with the approval of the voters of each district. A district with 600 or more students enrolled in grades 9 through 12 may qualify for inclusion with one or more districts having less than 600 such students by receiving a size waiver from the State Board of Education based on a finding that such inclusion would significantly increase the educational opportunities of the district's students, and by meeting the other prerequisites of this Section. The board of each district contemplating such joint operation shall, by proper resolution, cause the proposition to enter into such joint operation to be submitted to the voters of the district at a regularly scheduled election. Notice shall be published at least 10 days prior to the date of the election at least once in one or more newspapers published in the district or, if no newspaper is published in the district, in one or more newspapers with a general circulation within the district. The notice shall be substantially in the following form:

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NOTICE OF REFERENDUM FOR SCHOOL DISTRICT NO. ...... AND SCHOOL DISTRICT NO. ...... TO JOINTLY OPERATE (A) COOPERATIVE HIGH SCHOOL (SCHOOLS)

Notice is hereby given that on (insert date), a referendum will be held in ...... County (Counties) for the purpose of voting for or against the proposition for School District No. ...... and School District No. ...... to jointly operate (a) cooperative high school (schools).

The polls will be open at ...... o'clock ... m., and close at ...... o'clock ... m., of the same day.

A ....... B .......

Dated (insert date).
Regional Superintendent of Schools

The proposition shall be in substantially the following form:

-------------------------------------------------------------
Shall the Board of Education of
School District No. ......, ...... County (Counties), Illinois be
authorized to enter with
into an agreement with School District No. ......, ...... County (Counties), Illinois to jointly
operate (a) cooperative high school (schools)?
-------------------------------------------------------------

If the majority of those voting on the proposition in each district vote in favor of the proposition, the school boards of the participating districts may, if they agree on terms, execute a contract for such joint operation subject to the following provisions of this Section.

(b) The agreement for joint operation of any such cooperative high school shall include, but not be limited to, provisions for administration, staff, programs, financing, facilities, and transportation. Such agreements may be modified, extended, or terminated by approval of each of the participating districts, provided that a district may withdraw from the agreement during its initial 20-year term only if the district is reorganizing with one or more districts under other provisions of this Code. Even if 2 or more of the participating district boards approve an extension of the agreement, any other participating district shall, upon failure of its board to
approve such extension, disengage from such participation at the end of
the then current agreement term.

(c) A governing board, which shall govern the operation of any
such cooperative high school, shall be composed of an equal number of
board members from each of the participating districts, except that where
all participating district boards concur, membership on the governing
board may be apportioned to reflect the number of students in each
respective district who attend the cooperative high school. The
membership of the governing board shall be not less than 6 nor more than
10 and shall be set by the agreement entered into by the participating
districts. The school board of each participating district shall select, from
its membership, its representatives on the governing board. The governing
board shall prepare and adopt a budget for the cooperative high school.
The governing board shall administer the cooperative high school in
accordance with the agreement of the districts and shall have the power to
hire, supervise, and terminate staff; to enter into contracts; to adopt
policies for the school; and to take all other actions necessary and proper
for the operation of the school. However, the governing board may not
levy taxes or incur any indebtedness except within the annual budget
approved by the participating districts.

(d) (Blank).

(e) Each participating district shall pay its per capita cost of
educating the students residing in its district and attending any such
cooperative high school into the budget for the maintenance and operation
of the cooperative high school.

The manner of determining per capita cost shall be set forth in the
agreement. Each district shall pay the amount owed the governing board
under the terms of the agreement from the fund that the district would
have used if the district had incurred the costs directly and may levy taxes
and issue bonds as otherwise authorized for these purposes in order to
make payments to the governing board.

(f) Additional school districts having an enrollment in grades 9
through 12 of less than 600 students may be added to the agreement in
accordance with the process described in subsection (a) of this Section. In
the event additional districts are added, a new contract shall be executed in
accordance with the provisions of this Section.

(g) Upon formation of the cooperative high school, the school
board of each participating district shall:

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(1) confer and coordinate with each other and the governing board, if the governing board is then in existence, as to staffing needs for the cooperative high school;

(2) in consultation with any exclusive employee representatives and the governing board, if the governing board is then in existence, establish a combined list of teachers in all participating districts, categorized by positions, showing the length of service and the contractual continued service status, if any, of each teacher in each participating district who is qualified to hold any such positions at the cooperative high school, and then distribute this list to the exclusive employee representatives on or before February 1 of the school year prior to the commencement of the operation of the cooperative high school or within 30 days after the date of the referendum election if the proposition receives a majority of those voting in each district, whichever occurs first. This list is in addition to and not a substitute for any the list mandated by Section 24-12 of this Code; and

(3) transfer to the governing board of the cooperative high school the employment and the position of so many of the full-time or part-time high school teachers employed by a participating district as are jointly determined by the school boards of the participating districts and the governing board, if the governing board is then in existence, to be needed at the cooperative high school, provided that these teacher transfers shall be done:

(A) by categories listed on the seniority list mentioned in subdivision (2) of this subsection (g);

(B) in each category, by having teachers in contractual continued service being transferred before any teachers who are not in contractual continued service; and

(C) in order from greatest seniority first through lesser amounts of seniority.

A teacher who is not in contractual continued service shall not be transferred if there is a teacher in contractual continued service in the same category who is qualified to hold the position that is to be filled.

If there are more teachers who have entered upon contractual continued service than there are available positions at the cooperative high school or within other assignments in the district, a school board shall first remove or dismiss all teachers who have not entered upon contractual continued service before removing or dismissing any teacher who has

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entered upon contractual continued service and who is legally qualified (i) to hold a position at the cooperative high school planned to be held by a teacher who has not entered upon contractual continued service or (ii) to hold another position in the participating district. As between teachers who have entered upon contractual continued service, the teacher or teachers with the shorter length of continuing service in any of the participating districts shall be dismissed first. Any teacher dismissed as a result of such a decrease shall be paid all earned compensation on or before the third business day following the last day of pupil attendance in the regular school term. If the school board that has dismissed a teacher or the governing board has any vacancies for the following school term or within one calendar year from the beginning of the following school term, the positions thereby becoming available shall be tendered to the teachers so removed or dismissed so far as they are legally qualified to hold such positions. However, if the number of honorable dismissal notices in all participating districts exceeds 15% of full-time equivalent positions filled by certified employees (excluding principals and administrative personnel) during the preceding school year in all participating districts and if the school board that has dismissed a teacher or the governing board has any vacancies for the following school term or within 2 calendar years from the beginning of the following school term, the positions so becoming available shall be tendered to the teachers who were so notified, removed, or dismissed whenever these teachers are legally qualified to hold such positions.

The provisions of subsection (h) of Section 24-11 Section 24-12 of this Code concerning teachers whose positions are transferred from one board to the control of a different board shall apply to the teachers who are transferred. The contractual continued service of any transferred teacher is not lost and the governing board is subject to this Code with respect to the teacher in the same manner as if the teacher had been the governing board's employee during the time the teacher was actually employed by the board of the district from which the position and the teacher's employment were transferred. The time spent in employment with a participating district by any teacher who has not yet entered upon contractual continued service and who is transferred to the governing board is not lost when computing the time necessary for the teacher to enter upon contractual continued service, and the governing board is subject to this Code with respect to the teacher in the same manner as if the teacher had been the governing board's employee during the time the teacher was actually
employed by the school board from which the position and the teacher's employment were transferred.

If the cooperative high school is dissolved, any teacher who was transferred from a participating district shall be transferred back to the district and subsection (h) of Section 24-11 Section 24-12 of this Code shall apply. In that case, a district is subject to this Code in the same manner as if the teacher transferred back had been continuously in the service of the receiving district.

(h) Upon formation of the cooperative high school, the school board of each participating district shall:

(1) confer and coordinate with each other and the governing board, if the governing board is then in existence, as to needs for educational support personnel for the cooperative high school;

(2) in consultation with any exclusive employee representative or bargaining agent and the governing board, if the governing board is then in existence, establish a combined list of educational support personnel in participating districts, categorized by positions, showing the length of continuing service of each full-time educational support personnel employee who is qualified to hold any such position at the cooperative high school, and then distribute this list to the exclusive employee representative or bargaining agent on or before February 1 of the school year prior to the commencement of the operation of the cooperative high school or within 30 days after the date of the referendum election if the proposition receives a majority of those voting in each district, whichever occurs first; and

(3) transfer to the governing board of the cooperative high school the employment and the positions of so many of the full-time educational support personnel employees employed by a participating district as are jointly determined by the school boards of the participating districts and the governing board, if the governing board is then in existence, to be needed at the cooperative high school, provided that the full-time educational personnel employee transfers shall be done by categories on the seniority list mentioned in subdivision (2) of this subsection (h) and done in order from greatest seniority first through lesser amounts of seniority.

If there are more full-time educational support personnel employees than there are available positions at the cooperative high school

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or in the participating district, a school board shall first remove or dismiss those educational support personnel employees with the shorter length of continuing service in any of the participating districts, within the respective category of position. The governing board is subject to this Code with respect to the educational support personnel employee as if the educational support personnel employee had been the governing board's employee during the time the educational support personnel employee was actually employed by the school board of the district from which the employment and position were transferred. Any educational support personnel employee dismissed as a result of such a decrease shall be paid all earned compensation on or before the third business day following his or her last day of employment. If the school board that has dismissed the educational support personnel employee or the governing board has any vacancies for the following school term or within one calendar year from the beginning of the following school term, the positions thereby becoming available within a specific category of position shall be tendered to the employees so removed or dismissed from that category of position so far as they are legally qualified to hold such positions. If the cooperative high school is dissolved, any educational support personnel employee who was transferred from a participating district shall be transferred back to the district and Section 10-23.5 of this Code shall apply. In that case, a district is subject to this Code in the same manner as if the educational support personnel employee transferred back had been continuously in the service of the receiving district.

(i) Two or more school districts not contiguous to each other, each of which has an enrollment in grades 9 through 12 of less than 600 students, may jointly operate one or more cooperative high schools if the following requirements are met and documented within 2 calendar years prior to the proposition filing date, pursuant to subsection (a) of this Section:

(1) the distance between each district administrative office is documented as no more than 30 miles;

(2) every district contiguous to the district wishing to operate one or more cooperative high schools under the provisions of this Section determines that it is not interested in participating in such joint operation, through a vote of its school board, and documents that non-interest in a letter to the districts wishing to form the cooperative high school containing approved minutes that record the school board vote;

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(3) documentation of meeting these requirements is attached to the board resolution required under subsection (a) of this Section; and
(4) all other provisions of this Section are followed.

(Source: P.A. 98-125, eff. 8-2-13.)

(105 ILCS 5/10-22.22d)
Sec. 10-22.22d. Pilot cooperative elementary school and pilot cooperative high school.

(a) Subject to the provisions of this Section, 2 contiguous school districts that are (i) located all or in part in Vermilion County; (ii) have an enrollment in grades 6-8 of less than 150 during the 2008-2009 school year and in grades 9-12 of less than 400 during the 2008-2009 school year; and (iii) have a Junior High School serving grades 6, 7, and 8 in one of the districts may, when in their judgment the interest of the districts and of the students will be best served, jointly pilot a cooperative elementary school or cooperative high school, or both.

The board of each district contemplating a joint operation shall, by proper resolution, cause the proposition to enter into such joint operation for a period not to exceed 3 years.

The school boards of the participating districts may, if they agree on terms, execute a contract for such joint operation subject to the provisions of this Section.

(b) The agreement for joint operation of any such cooperative elementary school or cooperative high school, or both, shall include, but not be limited to, provisions for administration, staff, programs, financing, facilities, and transportation. Agreements may be modified, by approval of each of the participating districts, provided that a district may withdraw from the agreement only if the district is reorganizing with one or more districts under other provisions of this Code.

(c) A governing board, which shall govern the operation of any such cooperative elementary school or cooperative high school, or both, shall be apportioned to reflect the number of students in each respective district who attend the cooperative elementary school or cooperative high school, or both. The membership of the governing board shall be 5 members. The school board of each participating district shall select, from its membership, its representatives on the governing board. The governing board shall prepare and adopt a budget for the cooperative elementary school or cooperative high school, or both. The governing board shall administer the cooperative elementary school or cooperative high school,
or both, in accordance with the agreement of the districts and shall have the power to hire, supervise, and terminate staff; to enter into contracts; to adopt policies for the school or schools; and to take all other actions necessary and proper for the operation of the school or schools. The governing board may not levy taxes or incur any indebtedness except within the annual budget approved by the participating districts.

(d) Each participating district shall pay its per capita cost of educating the students residing in its district and attending any cooperative elementary school or cooperative high school into the budget for the maintenance and operation of the cooperative elementary school or cooperative high school, or both.

The manner of determining per capita cost shall be set forth in the agreement. Each district shall pay the amount owed the governing board under the terms of the agreement from the fund that the district would have used if the district had incurred the costs directly and may levy taxes and issue bonds as otherwise authorized for these purposes in order to make payments to the governing board.

(e) Upon formation of the cooperative elementary school or cooperative high school, or both, the school board of each participating district shall:

(1) confer and coordinate with each other and the governing board, if the governing board is then in existence, as to staffing needs for the cooperative elementary school or cooperative high school, or both;

(2) in consultation with any exclusive employee representatives and the governing board, if the governing board is then in existence, establish a combined list of teachers in all participating districts, categorized by positions, showing the length of service and the contractual continued service status, if any, of each teacher in each participating district who is qualified to hold any positions at the cooperative elementary school or cooperative high school, or both, and then distribute this list to the exclusive employee representatives on or before February 1 of the school year prior to the commencement of the operation of the cooperative elementary school or cooperative high school, or both, or within 30 days after the date of the board resolutions, whichever occurs first; this list is in addition to and not a substitute for the list mandated by Section 24-12 of this Code; and

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(3) transfer to the governing board of the cooperative elementary school or cooperative high school, or both, the employment and the position of so many of the full-time or part-time school teachers employed by a participating district as are jointly determined by the school boards of the participating districts and the governing board, if the governing board is then in existence, to be needed at the cooperative school or schools, provided that these teacher transfers shall be done:

(A) by categories listed on the seniority list mentioned in item (2) of this subsection (e);

(B) in each category, by having teachers in contractual continued service being transferred before any teachers who are not in contractual continued service; and

(C) in order from greatest seniority first through lesser amounts of seniority.

A teacher who is not in contractual continued service shall not be transferred if there is a teacher in contractual continued service in the same category who is qualified to hold the position that is to be filled.

If there are more teachers who have entered upon contractual continued service than there are available positions at the cooperative elementary school or cooperative high school, or both or within other assignments in the district, a school board shall first remove or dismiss all teachers who have not entered upon contractual continued service before removing or dismissing any teacher who has entered upon contractual continued service and who is legally qualified (i) to hold a position at the cooperative elementary school or cooperative high school, or both planned to be held by a teacher who has not entered upon contractual continued service or (ii) to hold another position in the participating district. As between teachers who have entered upon contractual continued service, the teacher or teachers with the shorter length of continuing service in any of the participating districts shall be dismissed first. Any teacher dismissed as a result of such a decrease shall be paid all earned compensation on or before the third business day following the last day of pupil attendance in the regular school term. If the school board that has dismissed a teacher or the governing board has any vacancies for the following school term or within one calendar year from the beginning of the following school term, then the positions thereby becoming available shall be tendered to the teachers so removed or dismissed so far as they are legally qualified to hold such positions. If the number of honorable dismissal notices in all

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participating districts exceeds 15% of full-time equivalent positions filled by certified employees (excluding principals and administrative personnel) during the preceding school year in all participating districts and if the school board that has dismissed a teacher or the governing board has any vacancies for the following school term or within 2 calendar years from the beginning of the following school term, the positions so becoming available shall be tendered to the teachers who were so notified, removed, or dismissed whenever these teachers are legally qualified to hold those positions.

The provisions of subsection (h) of Section 24-11 Section 24-12 of this Code concerning teachers whose positions are transferred from one board to the control of a different board shall apply to the teachers who are transferred. The contractual continued service of any transferred teacher is not lost and the governing board is subject to this Code with respect to the teacher in the same manner as if the teacher had been the governing board's employee during the time the teacher was actually employed by the board of the district from which the position and the teacher's employment were transferred. The time spent in employment with a participating district by any teacher who has not yet entered upon contractual continued service and who is transferred to the governing board is not lost when computing the time necessary for the teacher to enter upon contractual continued service, and the governing board is subject to this Code with respect to the teacher in the same manner as if the teacher had been the governing board's employee during the time the teacher was actually employed by the school board from which the position and the teacher's employment were transferred.

At the conclusion of the pilot program, any teacher who was transferred from a participating district shall be transferred back to the district and subsection (h) of Section 24-11 Section 24-12 of this Code shall apply. In that case, a district is subject to this Code in the same manner as if the teacher transferred back had been continuously in the service of the receiving district.

(f) Upon formation of the cooperative elementary school or cooperative high school, or both, the school board of each participating district shall:

(1) confer and coordinate with each other and the governing board, if the governing board is then in existence, as to needs for educational support personnel for the cooperative elementary school or cooperative high school, or both;

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(2) in consultation with any exclusive employee representative or bargaining agent and the governing board, if the governing board is then in existence, establish a combined list of educational support personnel in participating districts, categorized by positions, showing the length of continuing service of each full-time educational support personnel employee who is qualified to hold any such position at the cooperative elementary school or cooperative high school, or both, and then distribute this list to the exclusive employee representative or bargaining agent on or before February 1 of the school year prior to the commencement of the operation of the cooperative elementary school or cooperative high school, or both or within 30 days after the date of the board resolutions, whichever occurs first; and

(3) transfer to the governing board of the cooperative elementary school or cooperative high school, or both the employment and the positions of so many of the full-time educational support personnel employees employed by a participating district as are jointly determined by the school boards of the participating districts and the governing board, if the governing board is then in existence, to be needed at the cooperative elementary school or cooperative high school, or both, provided that the full-time educational personnel employee transfers shall be done by categories on the seniority list mentioned in item (2) of this subsection (f) and done in order from greatest seniority first through lesser amounts of seniority.

If there are more full-time educational support personnel employees than there are available positions at the cooperative elementary school or cooperative high school, or both or in the participating district, then a school board shall first remove or dismiss those educational support personnel employees with the shorter length of continuing service in any of the participating districts, within the respective category of position. The governing board is subject to this Code with respect to the educational support personnel employee as if the educational support personnel employee had been the governing board's employee during the time the educational support personnel employee was actually employed by the school board of the district from which the employment and position were transferred. Any educational support personnel employee dismissed as a result of such a decrease shall be paid all earned compensation on or before the third business day following his or her last day of employment.

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If the school board that has dismissed the educational support personnel employee or the governing board has any vacancies for the following school term or within one calendar year from the beginning of the following school term, then the positions thereby becoming available within a specific category of position shall be tendered to the employees so removed or dismissed from that category of position so far as they are legally qualified to hold such positions. At the conclusion of the pilot, any educational support personnel employee who was transferred from a participating district shall be transferred back to the district and Section 10-23.5 of this Code shall apply. In that case, a district is subject to this Code in the same manner as if the educational support personnel employee transferred back had been continuously in the service of the receiving district.

(g) This Section repeals 3 years after the beginning date of operation of a pilot cooperative elementary school or a pilot cooperative high school.

(Source: P.A. 96-1328, eff. 7-27-10.)

Sec. 11E-110. Teachers in contractual continued service; educational support personnel employees.

(a) When a school district conversion or multi-unit conversion becomes effective for purposes of administration and attendance, as determined pursuant to Section 11E-70 of this Code, the provisions of subsection (h) of Section 24-11 of this Code relative to the contractual continued service status of teachers having contractual continued service whose positions are transferred from one school board to the control of a new or different school board shall apply, and the positions held by teachers, as that term is defined in subsection (a) of Section 24-11 of this Code, having contractual continued service with the unit district at the time of its dissolution shall be transferred on the following basis:

(1) positions of teachers in contractual continued service that, during the 5 school years immediately preceding the effective date of the change, as determined under Section 11E-70 of this Code, were full-time positions in which all of the time required of the position was spent in one or more of grades 9 through 12 shall be transferred to the control of the school board of the new high school district or combined high school - unit district, as the case may be;

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(2) positions of teachers in contractual continued service that, during the 5 school years immediately preceding the effective date of the change, as determined under Section 11E-70 of this Code, were full-time positions in which all of the time required of the position was spent in one or more of grades kindergarten through 8 shall be transferred to the control of the school board of the newly created successor elementary district; and

(3) positions of teachers in contractual continued service that were full-time positions not required to be transferred to the control of the school board of the new high school district or combined high school - unit district, as the case may be, or the school board of the newly created successor elementary district under the provisions of subdivision (1) or (2) of this subsection (a) shall be transferred to the control of whichever of the boards the teacher shall request.

With respect to each position to be transferred under the provisions of this subsection (a), the amount of time required of each position to be spent in one or more of grades kindergarten through 8 and 9 through 12 shall be determined with reference to the applicable records of the unit district being dissolved pursuant to stipulation of the school board of the unit district prior to the effective date of its dissolution or thereafter of the school board of the newly created districts and with the approval in either case of the regional superintendent of schools of the educational service region in which the territory described in the petition filed under this Article or the greater percentage of equalized assessed evaluation of the territory is situated; however, if no such stipulation can be agreed upon, the regional superintendent of schools, after hearing any additional relevant and material evidence that any school board desires to submit, shall make the determination.

(a-5) When a school district conversion or multi-unit conversion becomes effective for purposes of administration and attendance, as determined pursuant to Section 11E-70 of this Code, the provisions of subsection (b) of Section 10-23.5 of this Code relative to the transfer of educational support personnel employees shall apply, and the positions held by educational support personnel employees shall be transferred on the following basis:

(1) positions of educational support personnel employees that, during the 5 school years immediately preceding the effective date of the change, as determined under Section 11E-70 of this Code,
Code, were full-time positions in which all of the time required of
the position was spent in one or more of grades 9 through 12 shall
be transferred to the control of the school board of the new high
school district or combined high school - unit district, as the case
may be;

(2) positions of educational support personnel employees
that, during the 5 school years immediately preceding the effective
date of the change, as determined under Section 11E-70 of this
Code, were full-time positions in which all of the time required of
the position was spent in one or more of grades kindergarten
through 8 shall be transferred to the control of the school board of
the newly created successor elementary district; and

(3) positions of educational support personnel employees
that were full-time positions not required to be transferred to the
control of the school board of the new high school district or
combined high school - unit district, as the case may be, or the
school board of the newly created successor elementary district
under subdivision (1) or (2) of this subsection (a-5) shall be
transferred to the control of whichever of the boards the
educational support personnel employee requests.

With respect to each position to be transferred under this
subsection (a-5), the amount of time required of each position to be spent
in one or more of grades kindergarten through 8 and 9 through 12 shall be
determined with reference to the applicable records of the unit district
being dissolved pursuant to stipulation of the school board of the unit
district prior to the effective date of its dissolution or thereafter of the
school board of the newly created districts and with the approval in either
case of the regional superintendent of schools of the educational service
region in which the territory described in the petition filed under this
Article or the greater percentage of equalized assessed evaluation of the
territory is situated; however, if no such stipulation can be agreed upon,
the regional superintendent of schools, after hearing any additional
relevant and material evidence that any school board desires to submit,
shall make the determination.

(b) When the creation of a unit district or a combined school
district becomes effective for purposes of administration and attendance,
as determined pursuant to Section 11E-70 of this Code, the positions of
teachers in contractual continued service in the districts involved in the
creation of the new district are transferred to the newly created district

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pursuant to the provisions of subsection (h) of Section 24-11 of this Code relative to teachers having contractual continued service status whose positions are transferred from one board to the control of a different board, and those provisions of subsection (h) of Section 24-11 of this Code shall apply to these transferred teachers. The contractual continued service status of any teacher thereby transferred to the newly created district is not lost and the new school board is subject to this Code with respect to the transferred teacher in the same manner as if the teacher was that district's employee and had been its employee during the time the teacher was actually employed by the school board of the district from which the position was transferred.

(c) When the creation of a unit district or a combined school district becomes effective for purposes of administration and attendance, as determined pursuant to Section 11E-70 of this Code, the positions of educational support personnel employees in the districts involved in the creation of the new district shall be transferred to the newly created district pursuant to subsection (b) of Section 10-23.5 of this Code. The length of continuing service of any educational support personnel employee thereby transferred to the newly created district is not lost and the new school board is subject to this Code with respect to the transferred educational support personnel employee in the same manner as if the educational support personnel employee had been that district's employee during the time the educational support personnel employee was actually employed by the school board of the district from which the position was transferred.

(Source: P.A. 94-1019, eff. 7-10-06; 95-148, eff. 8-14-07; 95-331, eff. 8-21-07.)

(105 ILCS 5/18-12) (from Ch. 122, par. 18-12)

Sec. 18-12. Dates for filing State aid claims. The school board of each school district, a regional office of education, a laboratory school, or a State-authorized charter school shall require teachers, principals, or superintendents to furnish from records kept by them such data as it needs in preparing and certifying to the State Superintendent of Education its school district report of claims provided in Section 18-8.05 of this Code through 18-9 as required by the State Superintendent of Education. The district claim shall be based on the latest available equalized assessed valuation and tax rates, as provided in Section 18-8.05, and shall use the average daily attendance as determined by the method outlined in Section 18-8.05, and shall be certified and filed with the State Superintendent of Education by the regional superintendent.
June 21 for districts and State-authorized charter schools with an official school calendar end date before June 15 or within 2 weeks following the official school calendar end date for districts, regional offices of education, laboratory schools, or State-authorized charter schools with a school year end date of June 15 or later. The regional superintendent shall certify and file with the State Superintendent of Education district State aid claims by July 1 for districts with an official school calendar end date before June 15 or no later than July 15 for districts with an official school calendar end date of June 15 or later. Failure to so file by these deadlines constitutes a forfeiture of the right to receive payment by the State until such claim is filed and vouchered for payment. The regional superintendent of schools shall certify the county report of claims by July 15; and the State Superintendent of Education shall voucher for payment those claims to the State Comptroller as provided in Section 18-11.

Except as otherwise provided in this Section, if any school district fails to provide the minimum school term specified in Section 10-19, the State aid claim for that year shall be reduced by the State Superintendent of Education in an amount equivalent to 1/176 or .56818% for each day less than the number of days required by this Code.

If the State Superintendent of Education determines that the failure to provide the minimum school term was occasioned by an act or acts of God, or was occasioned by conditions beyond the control of the school district which posed a hazardous threat to the health and safety of pupils, the State aid claim need not be reduced.

If a school district is precluded from providing the minimum hours of instruction required for a full day of attendance due to an adverse weather condition or a condition beyond the control of the school district that poses a hazardous threat to the health and safety of students, then the partial day of attendance may be counted if (i) the school district has provided at least one hour of instruction prior to the closure of the school district, (ii) a school building has provided at least one hour of instruction prior to the closure of the school building, or (iii) the normal start time of the school district is delayed.

If, prior to providing any instruction, a school district must close one or more but not all school buildings after consultation with a local emergency response agency or due to a condition beyond the control of the school district, then the school district may claim attendance for up to 2 school days based on the average attendance of the 3 school days immediately preceding the closure of the affected school building or, if
approved by the State Board of Education, utilize the provisions of an e-learning program for the affected school building as prescribed in Section 10-20.56 of this Code. The partial or no day of attendance described in this Section and the reasons therefore shall be certified within a month of the closing or delayed start by the school district superintendent to the regional superintendent of schools for forwarding to the State Superintendent of Education for approval.

Other than the utilization of any e-learning days as prescribed in Section 10-20.56 of this Code, no exception to the requirement of providing a minimum school term may be approved by the State Superintendent of Education pursuant to this Section unless a school district has first used all emergency days provided for in its regular calendar.

If the State Superintendent of Education declares that an energy shortage exists during any part of the school year for the State or a designated portion of the State, a district may operate the school attendance centers within the district 4 days of the week during the time of the shortage by extending each existing school day by one clock hour of school work, and the State aid claim shall not be reduced, nor shall the employees of that district suffer any reduction in salary or benefits as a result thereof. A district may operate all attendance centers on this revised schedule, or may apply the schedule to selected attendance centers, taking into consideration such factors as pupil transportation schedules and patterns and sources of energy for individual attendance centers.

Electronically submitted State aid claims shall be submitted by duly authorized district or regional individuals over a secure network that is password protected. The electronic submission of a State aid claim must be accompanied with an affirmation that all of the provisions of Sections 18-8.05 through 18-9, 10-22.5, and 24-4 of this Code are met in all respects.

(Source: P.A. 99-194, eff. 7-30-15.)

(105 ILCS 5/21B-30)

Sec. 21B-30. Educator testing.

(a) This Section applies beginning on July 1, 2012.

(b) The State Board of Education, in consultation with the State Educator Preparation and Licensure Board, shall design and implement a system of examinations, which shall be required prior to the issuance of educator licenses. These examinations and indicators must be based on national and State professional teaching standards, as determined by the

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State Board of Education, in consultation with the State Educator Preparation and Licensure Board. The State Board of Education may adopt such rules as may be necessary to implement and administer this Section. No score on a test required under this Section, other than a test of basic skills, shall be more than 10 years old at the time that an individual makes application for an educator license or endorsement.

(c) Applicants seeking a Professional Educator License or an Educator License with Stipulations shall be required to pass a test of basic skills before the license is issued, unless the endorsement the individual is seeking does not require passage of the test. All applicants completing Illinois-approved, teacher education or school service personnel preparation programs shall be required to pass the State Board of Education's recognized test of basic skills prior to starting their student teaching or starting the final semester of their internship, unless required earlier at the discretion of the recognized, Illinois institution in which they are completing their approved program. An individual who passes a test of basic skills does not need to do so again for subsequent endorsements or other educator licenses.

(d) All applicants seeking a State license shall be required to pass a test of content area knowledge for each area of endorsement for which there is an applicable test. There shall be no exception to this requirement. No candidate shall be allowed to student teach or serve as the teacher of record until he or she has passed the applicable content area test.

(e) All applicants seeking a State license endorsed in a teaching field and completing their student teaching experience no later than August 31, 2015 shall pass the assessment of professional teaching (APT). Prior to September 1, 2015, passage of the APT is required for completion of an approved Illinois educator preparation program. The APT shall be available through August 31, 2020.

(f) Beginning on September 1, 2015, all candidates completing teacher preparation programs in this State and all candidates subject to Section 21B-35 of this Code are required to pass an evidence-based assessment of teacher effectiveness approved by the State Board of Education, in consultation with the State Educator Preparation and Licensure Board. All recognized institutions offering approved teacher preparation programs must begin phasing in the approved teacher performance assessment no later than July 1, 2013.

(g) Tests of basic skills and content area knowledge and the assessment of professional teaching shall be the tests that from time to
time are designated by the State Board of Education, in consultation with the State Educator Preparation and Licensure Board, and may be tests prepared by an educational testing organization or tests designed by the State Board of Education, in consultation with the State Educator Preparation and Licensure Board. The areas to be covered by a test of basic skills shall include reading, language arts, and mathematics. The test of content area knowledge shall assess content knowledge in a specific subject field. The tests must be designed to be racially neutral to ensure that no person taking the tests is discriminated against on the basis of race, color, national origin, or other factors unrelated to the person's ability to perform as a licensed employee. The score required to pass the tests shall be fixed by the State Board of Education, in consultation with the State Educator Preparation and Licensure Board. The tests shall be administered not fewer than 3 times a year at such time and place as may be designated by the State Board of Education, in consultation with the State Educator Preparation and Licensure Board.

The State Board shall implement a test or tests to assess the speaking, reading, writing, and grammar skills of applicants for an endorsement or a license issued under subdivision (G) of paragraph (2) of Section 21B-20 of this Code in the English language and in the language of the transitional bilingual education program requested by the applicant.

(h) Except as provided in Section 34-6 of this Code, the provisions of this Section shall apply equally in any school district subject to Article 34 of this Code.

(i) The rules developed to implement and enforce the testing requirements under this Section shall include without limitation provisions governing test selection, test validation and determination of a passing score, administration of the tests, frequency of administration, applicant fees, frequency of applicants taking the tests, the years for which a score is valid, and appropriate special accommodations. The State Board of Education shall develop such rules as may be needed to ensure uniformity from year to year in the level of difficulty for each form of an assessment.

(Source: P.A. 98-361, eff. 1-1-14; 98-581, eff. 8-27-13; 98-756, eff. 7-16-14; 99-58, eff. 7-16-15.)

Section 10. The School Breakfast and Lunch Program Act is amended by changing Section 9 as follows:

(105 ILCS 125/9) (from Ch. 122, par. 712.9)

Sec. 9. Certification and payment of claims. The State Board of Education shall prepare and certify to the State Comptroller at least

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quarterly monthly the amount due each board and welfare center, whereupon the Comptroller shall draw his warrants on the State Treasurer for the amounts certified for the various school boards and welfare centers. (Source: P.A. 91-843, eff. 6-22-00.)

Section 99. Effective date. This Act takes effect July 1, 2016, except that this Section and the changes to Section 2-3.25a of the School Code take effect upon becoming law.

Passed in the General Assembly May 29, 2016.
Approved July 28, 2016.
Effective July 28, 2016.

PUBLIC ACT 99-0658
(House Bill No. 6084)

AN ACT concerning animals.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Animal Control Act is amended by changing Sections 8 and 13 as follows:

(510 ILCS 5/8) (from Ch. 8, par. 358)
Sec. 8. Rabies inoculation. Every owner of a dog 4 months or more of age shall have each dog inoculated against rabies by a licensed veterinarian. Every dog shall have a second rabies vaccination within one year of the first. Terms of subsequent vaccine administration and duration of immunity must be in compliance with USDA licenses of vaccines used. A veterinarian immunizing a dog, cat, or ferret against rabies shall provide the Administrator of the county in which the dog, cat, or ferret resides with a certificate of immunization. Evidence of such rabies inoculation shall be entered on a certificate the form of which shall be approved by the Board and which shall contain the microchip number of the dog, cat, or ferret animal if it has one and which shall be signed by the licensed veterinarian administering the vaccine. Only one dog, cat, or ferret shall be included on each certificate. Veterinarians who inoculate a dog shall procure from the County Animal Control in the county where their office is located serially numbered tags, one to be issued with each inoculation certificate. Only one dog shall be included on each certificate. The veterinarian immunizing or microchipping an animal shall provide the Administrator of the county in which the animal resides with a certificate of immunization and microchip number. The Board shall cause a rabies

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inoculation tag to be issued, at a fee established by the Board for each dog
inoculated against rabies.

Rabies vaccine for use on animals shall be sold or distributed only
to and used only by licensed veterinarians. Such rabies vaccine shall be
licensed by the United States Department of Agriculture.

If a licensed veterinarian determines in writing that a rabies
inoculation would compromise an animal's health, then the animal shall be
exempt from the rabies inoculation shot requirement, however, but the
owner must still be responsible for the tag fees.

If a bite occurs from an exempt animal, the exempt animal shall be
treated as an unvaccinated animal. If the animal is exempt, the animal
shall be re-examined by a licensed veterinarian on no less than an annual
basis and be vaccinated against rabies as soon as the animal's health
permits.

(Source: P.A. 93-548, eff. 8-19-03; 94-639, eff. 8-22-05.)

Sec. 13. Dog or other animal bites; observation of animal.

(a) Except as otherwise provided in subsections subsection (b) and
(c) of this Section, when the Administrator or, if the Administrator is not a
veterinarian, the Deputy Administrator receives information that any
person has been bitten by an animal, the Administrator or, if the
Administrator is not a veterinarian, the Deputy Administrator, or his or her
authorized representative, shall have such dog or other animal confined
under the observation of a licensed veterinarian for a period of 10 days.
The confinement shall be for a period of not less than 10 days from the
date the bite occurred and shall continue until the animal has been
examined and released from confinement by a licensed veterinarian. The
Administrator or, if the Administrator is not a veterinarian, the Deputy
Administrator may permit such confinement to be reduced to a period of less than 10 days.

(a-5) The owner, or if the owner is unavailable, an agent or
caretaker of an animal documented to have bitten a person shall present
the animal to a licensed veterinarian within 24 hours. A veterinarian
presented with an animal documented to have bitten a person shall make a
record of report the clinical condition of the animal immediately. with
confirmation in writing to the Administrator or, if the Administrator is not a
veterinarian, the Deputy Administrator within 24 hours after the animal
is presented for examination, giving the owner's name, address, the date of
confinement, the breed, description, age, and sex of the animal, and

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whether the animal has been spayed or neutered, on appropriate forms approved by the Department. The Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator shall notify the attending physician or responsible health agency. At the end of the confinement period, the animal shall be examined by a licensed veterinarian, inoculated against rabies, if eligible, and microchipped, if the dog or cat has not been already, at the expense of the owner. The veterinarian shall submit a written report listing the owner's name, address, dates of confinement, dates of examination, species, breed, description, age, sex, and microchip number of the animal to the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator advising him or her of the clinical condition and the final disposition of the animal on appropriate forms approved by the Department. The Administrator shall notify the person who has been bitten, and in the case of confirmed rabies in the animal, the attending physician or responsible health agency advising of the clinical condition of the animal. When evidence is presented that the animal was inoculated against rabies within the time prescribed by law, it shall be confined in a house, or in a manner which will prohibit it from biting any person for a period of 10 days, if a licensed veterinarian adjudges such confinement satisfactory. The Department may permit such confinement to be reduced to a period of less than 10 days. At the end of the confinement period, the animal shall be examined by a licensed veterinarian.

(a-10) When the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator or his or her authorized representative receives information that a person has been bitten by an animal and evidence is presented that the animal at the time the bite occurred was inoculated against rabies within the time prescribed by law, the animal may be confined in a house, or in a manner which will prohibit the animal from biting a person, if the Administrator, Deputy Administrator, or his or her authorized representative determines the confinement satisfactory. The confinement shall be for a period of not less than 10 days from the date the bite occurred and shall continue until the animal has been examined and released from confinement by a licensed veterinarian. The Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator may instruct the owner, agent, or caretaker to have the animal examined by a licensed veterinarian immediately. The Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator may permit the confinement to be
reduced to a period of less than 10 days. At the end of the confinement period, the animal shall be examined by a licensed veterinarian and microchipped, if the dog or cat is not already, at the expense of the owner. The veterinarian shall submit a written report listing the owner's name, address, dates of examination, species, breed, description, age, sex, and microchip number of the animal to the Administrator advising him or her of the clinical condition and the final disposition of the animal on appropriate forms approved by the Department. The Administrator shall notify the person who has been bitten and, in case of confirmed rabies in the animal, the attending physician or responsible health agency advising of the clinical condition of the animal.

(a-15) Any person having knowledge that any person has been bitten by an animal shall notify the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator within 24 hours promptly.

(a-20) It is unlawful for the owner of the animal to conceal the whereabouts, euthanize, sell, give away, or otherwise dispose of any animal known to have bitten a person, until it is examined and released from confinement by the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, or licensed veterinarian or his or her authorized representative. It is unlawful for the owner of the animal to refuse or fail to immediately comply with the reasonable written or printed instructions made by the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, or his or her authorized representative. If such instructions cannot be delivered in person, they shall be mailed to the owner of the animal by regular mail. Any expense incurred in the handling of an animal under this Section and Section 12 shall be borne by the owner. The owner of a biting animal must also remit to the Department of Public Health, for deposit into the Pet Population Control Fund, a $25 public safety fine within 30 days after notice.

(b) When a person has been bitten by a police dog that is currently vaccinated against rabies, the police dog may continue to perform its duties for the peace officer or law enforcement agency and any period of observation of the police dog may be under the supervision of a peace officer. The supervision shall consist of the dog being locked in a kennel, performing its official duties in a police vehicle, or remaining under the constant supervision of its police handler.

(c) When a person has been bitten by a search and rescue dog that is currently vaccinated against rabies, the search and rescue dog may continue to perform its duties for the handler or owner or agency and any

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period of observation of the dog may be under the supervision of its
handler or owner. The supervision shall consist of the dog being locked in
a kennel, performing its official duties in a vehicle, or remaining under the
constant supervision of its handler or owner.

(d) Any person convicted of violating subsection (a-20) of this
Section is guilty of a Class A misdemeanor for a first violation. A second
or subsequent violation is a Class 4 felony.

(Source: P.A. 93-548, eff. 8-19-03; 94-639, eff. 8-22-05.)

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

Approved July 28, 2016.
Effective July 28, 2016.

PUBLIC ACT 99-0659
(Senate Bill No. 2524)

AN ACT concerning State government.

Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

Section 5. The Illinois Identification Card Act is amended by
changing Sections 1A and 12 as follows:

(15 ILCS 335/1A)
Sec. 1A. Definitions. As used in this Act:
"Highly restricted personal information" means an individual's
photograph, signature, social security number, and medical or disability
information.

"Identification card making implement" means any material,
hardware, or software that is specifically designed for or primarily used in
the manufacture, assembly, issuance, or authentication of an official
identification card issued by the Secretary of State.

"Fraudulent identification card" means any identification card that
purports to be an official identification card for which a computerized
number and file have not been created by the Secretary of State, the United
States Government or any state or political subdivision thereof, or any
governmental or quasi-governmental organization. For the purpose of this
Act, any identification card that resembles an official identification card in
either size, color, photograph location, or design or uses the word
"official", "state", "Illinois", or the name of any other state or political

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subdivision thereof, or any governmental or quasi-governmental organization individually or in any combination thereof to describe or modify the term "identification card" or "I.D. card" anywhere on the card, or uses a shape in the likeness of Illinois or any other state on the photograph side of the card, is deemed to be a fraudulent identification card unless the words "This is not an official Identification Card", appear prominently upon it in black colored lettering in 12 point type on the photograph side of the card, and no such card shall be smaller in size than 3 inches by 4 inches, and the photograph shall be on the left side of the card only.

"Legal name" means the full given name and surname of an individual as recorded at birth, recorded at marriage, or deemed as the correct legal name for use in reporting income by the Social Security Administration or the name as otherwise established through legal action that appears on the associated official document presented to the Secretary of State.

"Personally identifying information" means information that identifies an individual, including his or her identification card number, name, address (but not the 5-digit zip code), and telephone number.

"Homeless person" or "homeless individual" has the same meaning as defined by the federal McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11302, or 42 U.S.C. 11434a(2).

"Youth for whom the Department of Children and Family Services is legally responsible for" or "Foster child" means a child or youth whose guardianship or custody has been accepted by the Department of Children and Family Services pursuant to the Juvenile Court Act of 1987, the Children and Family Services Act, the Abused and Neglected Child Reporting Act, and the Adoption Act. This applies to children for whom the Department of Children and Family Services has temporary protective custody, custody or guardianship via court order, or children whose parents have signed an adoptive surrender or voluntary placement agreement with the Department.

(Source: P.A. 96-183, eff. 7-1-10.)

(15 ILCS 335/12) (from Ch. 124, par. 32)

Sec. 12. Fees concerning Standard Illinois Identification Cards. The fees required under this Act for standard Illinois Identification Cards must accompany any application provided for in this Act, and the Secretary shall collect such fees as follows:

a. Original card............................... $20

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b. Renewal card................................. 20

c. Corrected card................................. 10

d. Duplicate card................................. 20

e. Certified copy with seal ..................... 5

f. Search ........................................ 2

g. Applicant 65 years of age or over ........... No Fee

h. (Blank) ....................................... No Fee

i. Individual living in Veterans Home or Hospital ....................... No Fee

j. Original card under 18 years of age......... $10

k. Renewal card under 18 years of age......... $10

l. Corrected card under 18 years of age....... $5

m. Duplicate card under 18 years of age....... $10

n. Homeless person.............................. No Fee

o. Duplicate card issued to an active-duty member of the United States Armed Forces, the member's spouse, or dependent children living with the member......................... No Fee

p. First card issued to a youth
   for whom the Department of Children and Family Services is legally responsible for or foster child upon turning the age of 16 years old until they reach the age of 21 years old......................... No Fee

All fees collected under this Act shall be paid into the Road Fund of the State treasury, except that the following amounts shall be paid into the General Revenue Fund: (i) 80% of the fee for an original, renewal, or duplicate Illinois Identification Card issued on or after January 1, 2005; and (ii) 80% of the fee for a corrected Illinois Identification Card issued on or after January 1, 2005.

An individual, who resides in a veterans home or veterans hospital operated by the state or federal government, who makes an application for an Illinois Identification Card to be issued at no fee, must submit, along with the application, an affirmation by the applicant on a form provided by the Secretary of State, that such person resides in a veterans home or veterans hospital operated by the state or federal government.

The application of a homeless individual for an Illinois Identification Card to be issued at no fee must be accompanied by an affirmation by a qualified person, as defined in Section 4C of this Act, on
a form provided by the Secretary of State, that the applicant is currently homeless as defined in Section 1A of this Act.

For the application for the first Illinois Identification Card of a youth for whom the Department of Children and Family Services is legally responsible for or foster child to be issued at no fee, the youth must submit, along with the application, an affirmation by his or her court appointed attorney or an employee of the Department of Children and Family Services on a form provided by the Secretary of State, that the person is a youth for whom the Department of Children and Family Services is legally responsible for or a foster child.

The fee for any duplicate identification card shall be waived for any person who presents the Secretary of State's Office with a police report showing that his or her identification card was stolen.

The fee for any duplicate identification card shall be waived for any person age 60 or older whose identification card has been lost or stolen.

As used in this Section, "active-duty member of the United States Armed Forces" means a member of the Armed Services or Reserve Forces of the United States or a member of the Illinois National Guard who is called to active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor.

(DataSource: P.A. 96-183, eff. 7-1-10; 96-1231, eff. 7-23-10; 97-333, eff. 8-12-11; 97-1064, eff. 1-1-13.)

Section 99. Effective date. This Act takes effect one year after becoming law.

Passed in the General Assembly May 12, 2016.
Approved July 28, 2016.
Effective July 28, 2016.

PUBLIC ACT 99-0660
(Senate Bill No. 2677)

AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Residential Real Property Disclosure Act is amended by changing Section 70 as follows:

(765 ILCS 77/70)

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Sec. 70. Predatory lending database program.

(a) As used in this Article:

"Adjustable rate mortgage" or "ARM" means a closed-end mortgage transaction that allows adjustments of the loan interest rate during the first 3 years of the loan term.

"Borrower" means a person seeking a mortgage loan.

"Broker" means a "broker" or "loan broker", as defined in subsection (p) of Section 1-4 of the Residential Mortgage License Act of 1987.

"Closing agent" means an individual assigned by a title insurance company or a broker or originator to ensure that the execution of documents related to the closing of a real estate sale or the refinancing of a real estate loan and the disbursement of closing funds are in conformity with the instructions of the entity financing the transaction.

"Counseling" means in-person counseling provided by a counselor employed by a HUD-approved counseling agency to all borrowers, or documented telephone counseling where a hardship would be imposed on one or more borrowers. A hardship shall exist in instances in which the borrower is confined to his or her home due to medical conditions, as verified in writing by a physician, or the borrower resides 50 miles or more from the nearest participating HUD-approved housing counseling agency. In instances of telephone counseling, the borrower must supply all necessary documents to the counselor at least 72 hours prior to the scheduled telephone counseling session.

"Counselor" means a counselor employed by a HUD-approved housing counseling agency.

"Credit score" means a credit risk score as defined by the Fair Isaac Corporation, or its successor, and reported under such names as "BEACON", "EMPIRICA", and "FAIR ISAAC RISK SCORE" by one or more of the following credit reporting agencies or their successors: Equifax, Inc., Experian Information Solutions, Inc., and TransUnion LLC. If the borrower's credit report contains credit scores from 2 reporting agencies, then the broker or loan originator shall report the lower score. If the borrower's credit report contains credit scores from 3 reporting agencies, then the broker or loan originator shall report the middle score.

"Department" means the Department of Financial and Professional Regulation.
"Exempt person or entity" means that term as it is defined in subsections (d)(1), (d)(1.5), and (d)(1.8) of Section 1-4 of the Residential Mortgage License Act of 1987.

"First-time homebuyer" means a borrower who has not held an ownership interest in residential property.

"HUD-approved counseling" or "counseling" means counseling given to a borrower by a counselor employed by a HUD-approved housing counseling agency.

"Interest only" means a closed-end loan that permits one or more payments of interest without any reduction of the principal balance of the loan, other than the first payment on the loan.

"Lender" means that term as it is defined in subsection (g) of Section 1-4 of the Residential Mortgage License Act of 1987.

"Licensee" means that term as it is defined in subsection (e) of Section 1-4 of the Residential Mortgage License Act of 1987.

"Mortgage loan" means that term as it is defined in subsection (f) of Section 1-4 of the Residential Mortgage License Act of 1987.

"Negative amortization" means an amortization method under which the outstanding balance may increase at any time over the course of the loan because the regular periodic payment does not cover the full amount of interest due.

"Originator" means a "loan originator" as defined in subsection (hh) of Section 1-4 of the Residential Mortgage License Act of 1987, except an exempt person, and means a "mortgage loan originator" as defined in subsection (jj) of Section 1-4 of the Residential Mortgage License Act of 1987, except an exempt person.

"Points and fees" has the meaning ascribed to that term in Section 10 of the High Risk Home Loan Act.

"Prepayment penalty" means a charge imposed by a lender under a mortgage note or rider when the loan is paid before the expiration of the term of the loan.

"Refinancing" means a loan secured by the borrower's or borrowers' primary residence where the proceeds are not used as purchase money for the residence.

"Title insurance company" means any domestic company organized under the laws of this State for the purpose of conducting the business of guaranteeing or insuring titles to real estate and any title insurance company organized under the laws of another State, the District
of Columbia, or a foreign government and authorized to transact the business of guaranteeing or insuring titles to real estate in this State.

(a-5) A predatory lending database program shall be established within Cook County. The program shall be administered in accordance with this Article. The inception date of the program shall be July 1, 2008. A predatory lending database program shall be expanded to include Kane, Peoria, and Will counties. The inception date of the expansion of the program as it applies to Kane, Peoria, and Will counties shall be July 1, 2010. Until the inception date, none of the duties, obligations, contingencies, or consequences of or from the program shall be imposed. The program shall apply to all mortgage applications that are governed by this Article and that are made or taken on or after the inception of the program.

(b) The database created under this program shall be maintained and administered by the Department. The database shall be designed to allow brokers, originators, counselors, title insurance companies, and closing agents to submit information to the database online. The database shall not be designed to allow those entities to retrieve information from the database, except as otherwise provided in this Article. Information submitted by the broker or originator to the Department may be used to populate the online form submitted by a counselor, title insurance company, or closing agent.

(c) Within 10 business days after taking a mortgage application, the broker or originator for any mortgage on residential property within the program area must submit to the predatory lending database all of the information required under Section 72 and any other information required by the Department by rule. Within 7 business days after receipt of the information, the Department shall compare that information to the housing counseling standards in Section 73 and issue to the borrower and the broker or originator a determination of whether counseling is recommended for the borrower. The borrower may not waive counseling. If at any time after submitting the information required under Section 72 the broker or originator (i) changes the terms of the loan or (ii) issues a new commitment to the borrower, then, within 5 business days thereafter, the broker or originator shall re-submit all of the information required under Section 72 and, within 4 business days after receipt of the information re-submitted by the broker or originator, the Department shall compare that information to the housing counseling standards in Section 73 and shall issue to the borrower and the broker or originator a new
determination of whether re-counseling is recommended for the borrower based on the information re-submitted by the broker or originator. The Department shall require re-counseling if the loan terms have been modified to meet another counseling standard in Section 73, or if the broker has increased the interest rate by more than 200 basis points.

(d) If the Department recommends counseling for the borrower under subsection (c), then the Department shall notify the borrower of all participating HUD-approved counseling agencies located within the State and direct the borrower to interview with a counselor associated with one of those agencies. Within 10 business days after receipt of the notice of HUD-approved counseling agencies, it is the borrower's responsibility to select one of those agencies and shall engage in an interview with a counselor associated with that agency. The selection must take place and the appointment for the interview must be set within 10 business days, although the interview may take place beyond the 10 business day period. Within 7 business days after interviewing the borrower, the counselor must submit to the predatory lending database all of the information required under Section 74 and any other information required by the Department by rule. Reasonable and customary costs not to exceed $300 associated with counseling provided under the program shall be paid by the broker or originator and shall not be charged back to, or recovered from, the borrower. The Department shall annually calculate to the nearest dollar an adjusted rate for inflation. A counselor shall not recommend or suggest that a borrower contact any specific mortgage origination company, financial institution, or entity that deals in mortgage finance to obtain a loan, another quote, or for any other reason related to the specific mortgage transaction; however, a counselor may suggest that the borrower seek an opinion or a quote from another mortgage origination company, financial institution, or entity that deals in mortgage finance. A counselor or housing counseling agency that in good faith provides counseling shall not be liable to a broker or originator or borrower for civil damages, except for willful or wanton misconduct on the part of the counselor in providing the counseling.

(e) The broker or originator and the borrower may not take any legally binding action concerning the loan transaction until the later of the following:

(1) the Department issues a determination not to recommend HUD-approved counseling for the borrower in accordance with subsection (c); or

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(2) the Department issues a determination that HUD-approved counseling is recommended for the borrower and the counselor submits all required information to the database in accordance with subsection (d).

(f) Within 10 business days after closing, the title insurance company or closing agent must submit to the predatory lending database all of the information required under Section 76 and any other information required by the Department by rule.

(g) The title insurance company or closing agent shall attach to the mortgage a certificate of compliance with the requirements of this Article, as generated by the database. If the transaction is exempt, the title insurance company or closing agent shall attach to the mortgage a certificate of exemption, as generated by the database. If the title insurance company or closing agent fails to attach the certificate of compliance or exemption, whichever is required, then the mortgage is not recordable. In addition, if any lis pendens for a residential mortgage foreclosure is recorded on the property within the program area, a certificate of service must be simultaneously recorded that affirms that a copy of the lis pendens was filed with the Department. *A lis pendens filed after July 1, 2016 shall be filed with the Department electronically.* The lis pendens may be filed with the Department either electronically or by filing a hard copy. If the certificate of service is not recorded, then the lis pendens pertaining to the residential mortgage foreclosure in question is not recordable and is of no force and effect.

(h) All information provided to the predatory lending database under the program is confidential and is not subject to disclosure under the Freedom of Information Act, except as otherwise provided in this Article. Information or documents obtained by employees of the Department in the course of maintaining and administering the predatory lending database are deemed confidential. Employees are prohibited from making disclosure of such confidential information or documents. Any request for production of information from the predatory lending database, whether by subpoena, notice, or any other source, shall be referred to the Department of Financial and Professional Regulation. Any borrower may authorize in writing the release of database information. The Department may use the information in the database without the consent of the borrower: (i) for the purposes of administering and enforcing the program; (ii) to provide relevant information to a counselor providing counseling to a borrower under the program; or (iii) to the appropriate law enforcement agency or
the applicable administrative agency if the database information demonstrates criminal, fraudulent, or otherwise illegal activity.

(i) Nothing in this Article is intended to prevent a borrower from making his or her own decision as to whether to proceed with a transaction.

(j) Any person who violates any provision of this Article commits an unlawful practice within the meaning of the Consumer Fraud and Deceptive Business Practices Act.

(j-1) A violation of any provision of this Article by a mortgage banking licensee or licensed mortgage loan originator shall constitute a violation of the Residential Mortgage License Act of 1987.

(j-2) A violation of any provision of this Article by a title insurance company, title agent, or escrow agent shall constitute a violation of the Title Insurance Act.

(j-3) A violation of any provision of this Article by a housing counselor shall be referred to the Department of Housing and Urban Development.

(k) During the existence of the program, the Department shall submit semi-annual reports to the Governor and to the General Assembly by May 1 and November 1 of each year detailing its findings regarding the program. The report shall include, by county, at least the following information for each reporting period:

1. the number of loans registered with the program;
2. the number of borrowers receiving counseling;
3. the number of loans closed;
4. the number of loans requiring counseling for each of the standards set forth in Section 73;
5. the number of loans requiring counseling where the mortgage originator changed the loan terms subsequent to counseling;
6. the number of licensed mortgage brokers and loan originators entering information into the database;
7. the number of investigations based on information obtained from the database, including the number of licensees fined, the number of licenses suspended, and the number of licenses revoked;
8. a summary of the types of non-traditional mortgage products being offered; and

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(9) a summary of how the Department is actively utilizing the program to combat mortgage fraud.
(Source: P.A. 97-891, eff. 1-1-13; 98-1081, eff. 1-1-15.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 26, 2016.
Approved July 28, 2016.
Effective July 28, 2016.

PUBLIC ACT 99-0661
(Senate Bill No. 2704)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Emergency Medical Services (EMS) Systems Act is amended by changing Sections 3.5 and 3.10 as follows:

(210 ILCS 50/3.5)
Sec. 3.5. Definitions. As used in this Act:
"Clinical observation" means the on-going observation of a patient's condition by a licensed health care professional utilizing a medical skill set while continuing assessment and care.
"Department" means the Illinois Department of Public Health.
"Director" means the Director of the Illinois Department of Public Health.
"Emergency" means a medical condition of recent onset and severity that would lead a prudent layperson, possessing an average knowledge of medicine and health, to believe that urgent or unscheduled medical care is required.
"Emergency Medical Services personnel" or "EMS personnel" means persons licensed as an Emergency Medical Responder (EMR) (First Responder), Emergency Medical Dispatcher (EMD), Emergency Medical Technician (EMT), Emergency Medical Technician-Intermediate (EMT-I), Advanced Emergency Medical Technician (A-EMT), Paramedic (EMT-P), Emergency Communications Registered Nurse (ECRN), or Pre-Hospital Registered Nurse (PHRN).
"Health care facility" means a hospital, nursing home, physician's office or other fixed location at which medical and health care services are performed. It does not include "pre-hospital emergency care settings"

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which utilize EMS personnel to render pre-hospital emergency care prior to the arrival of a transport vehicle, as defined in this Act.

"Hospital" has the meaning ascribed to that term in the Hospital Licensing Act.

"Medical monitoring" means the performance of medical tests and physical exams to evaluate an individual's on-going exposure to a factor that could negatively impact that person's health. "Medical monitoring" includes close surveillance or supervision of patients liable to suffer deterioration in physical or mental health and checks of various parameters such as pulse rate, temperature, respiration rate, the condition of the pupils, the level of consciousness and awareness, the degree of appreciation of pain, and blood gas concentrations such as oxygen and carbon dioxide.

"Trauma" means any significant injury which involves single or multiple organ systems.

(Source: P.A. 98-973, eff. 8-15-14.)

(210 ILCS 50/3.10)

Sec. 3.10. Scope of Services.

(a) "Advanced Life Support (ALS) Services" means an advanced level of pre-hospital and inter-hospital emergency care and non-emergency medical services that includes basic life support care, cardiac monitoring, cardiac defibrillation, electrocardiography, intravenous therapy, administration of medications, drugs and solutions, use of adjunctive medical devices, trauma care, and other authorized techniques and procedures, as outlined in the provisions of the National EMS Education Standards relating to Advanced Life Support and any modifications to that curriculum specified in rules adopted by the Department pursuant to this Act.

That care shall be initiated as authorized by the EMS Medical Director in a Department approved advanced life support EMS System, under the written or verbal direction of a physician licensed to practice medicine in all of its branches or under the verbal direction of an Emergency Communications Registered Nurse.

(b) "Intermediate Life Support (ILS) Services" means an intermediate level of pre-hospital and inter-hospital emergency care and non-emergency medical services that includes basic life support care plus intravenous cannulation and fluid therapy, invasive airway management, trauma care, and other authorized techniques and procedures, as outlined in the Intermediate Life Support national curriculum of the United States

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Department of Transportation and any modifications to that curriculum specified in rules adopted by the Department pursuant to this Act.

That care shall be initiated as authorized by the EMS Medical Director in a Department approved intermediate or advanced life support EMS System, under the written or verbal direction of a physician licensed to practice medicine in all of its branches or under the verbal direction of an Emergency Communications Registered Nurse.

(c) "Basic Life Support (BLS) Services" means a basic level of pre-hospital and inter-hospital emergency care and non-emergency medical services that includes medical monitoring, clinical observation, airway management, cardiopulmonary resuscitation (CPR), control of shock and bleeding and splinting of fractures, as outlined in the provisions of the National EMS Education Standards relating to Basic Life Support and any modifications to that curriculum specified in rules adopted by the Department pursuant to this Act.

That care shall be initiated, where authorized by the EMS Medical Director in a Department approved EMS System, under the written or verbal direction of a physician licensed to practice medicine in all of its branches or under the verbal direction of an Emergency Communications Registered Nurse.

(d) "Emergency Medical Responder Services" means a preliminary level of pre-hospital emergency care that includes cardiopulmonary resuscitation (CPR), monitoring vital signs and control of bleeding, as outlined in the Emergency Medical Responder (EMR) curriculum of the National EMS Education Standards and any modifications to that curriculum specified in rules adopted by the Department pursuant to this Act.

(e) "Pre-hospital care" means those medical services rendered to patients for analytic, resuscitative, stabilizing, or preventive purposes, precedent to and during transportation of such patients to health care facilities.

(f) "Inter-hospital care" means those medical services rendered to patients for analytic, resuscitative, stabilizing, or preventive purposes, during transportation of such patients from one hospital to another hospital.

(f-5) "Critical care transport" means the pre-hospital or inter-hospital transportation of a critically injured or ill patient by a vehicle service provider, including the provision of medically necessary supplies and services, at a level of service beyond the scope of the Paramedic.

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When medically indicated for a patient, as determined by a physician licensed to practice medicine in all of its branches, an advanced practice nurse, or a physician's assistant, in compliance with subsections (b) and (c) of Section 3.155 of this Act, critical care transport may be provided by:

(1) Department-approved critical care transport providers, not owned or operated by a hospital, utilizing Paramedics with additional training, nurses, or other qualified health professionals; or

(2) Hospitals, when utilizing any vehicle service provider or any hospital-owned or operated vehicle service provider. Nothing in Public Act 96-1469 requires a hospital to use, or to be, a Department-approved critical care transport provider when transporting patients, including those critically injured or ill. Nothing in this Act shall restrict or prohibit a hospital from providing, or arranging for, the medically appropriate transport of any patient, as determined by a physician licensed to practice in all of its branches, an advanced practice nurse, or a physician's assistant.

(g) "Non-emergency medical services" means medical care, clinical observation, or medical monitoring rendered to patients whose conditions do not meet this Act's definition of emergency, before or during transportation of such patients to or from health care facilities visited for the purpose of obtaining medical or health care services which are not emergency in nature, using a vehicle regulated by this Act.

(g-5) The Department shall have the authority to promulgate minimum standards for critical care transport providers through rules adopted pursuant to this Act. All critical care transport providers must function within a Department-approved EMS System. Nothing in Department rules shall restrict a hospital's ability to furnish personnel, equipment, and medical supplies to any vehicle service provider, including a critical care transport provider. Minimum critical care transport provider standards shall include, but are not limited to:

(1) Personnel staffing and licensure.
(2) Education, certification, and experience.
(3) Medical equipment and supplies.
(4) Vehicular standards.
(5) Treatment and transport protocols.
(6) Quality assurance and data collection.

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(h) The provisions of this Act shall not apply to the use of an ambulance or SEMSV, unless and until emergency or non-emergency medical services are needed during the use of the ambulance or SEMSV.
(Source: P.A. 98-973, eff. 8-15-14.)
Approved July 28, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0662
(Senate Bill No. 2805)

AN ACT concerning civil law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Uniform Real Property Electronic Recording Act is amended by changing Section 5 as follows:

(765 ILCS 33/5)
Sec. 5. Administration and standards.
(a) To adopt standards to implement this Act, there is established, within the Office of the Secretary of State, the Illinois Electronic Recording Commission consisting of 17 commissioners as follows:

(1) The Secretary of State or the Secretary's designee shall be a permanent commissioner.

(2) The Secretary of State shall appoint the following additional 16 commissioners:

(A) Three who are from the land title profession.
(B) Three who are from lending institutions.
(C) One who is an attorney.
(D) Seven who are county recorders, no more than 4 of whom are from one political party, representative of counties of varying size, geography, population, and resources.
(E) Two who are licensed real estate brokers or managing brokers under the Real Estate License Act of 2000.

(3) On the effective date of this Act, the Secretary of State or the Secretary's designee shall become the Acting Chairperson of the Commission. The Secretary shall appoint the initial commissioners within 60 days and hold the first meeting of the

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Commission within 120 days, notifying commissioners of the time and place of the first meeting with at least 14 days' notice. At its first meeting the Commission shall adopt, by a majority vote, such rules and structure that it deems necessary to govern its operations, including the title, responsibilities, and election of officers. Once adopted, the rules and structure may be altered or amended by the Commission by majority vote. Upon the election of officers and adoption of rules or bylaws, the duties of the Acting Chairperson shall cease.

(4) The Commission shall meet at least once every year within the State of Illinois. The time and place of meetings to be determined by the Chairperson and approved by a majority of the Commission.

(5) Nine commissioners shall constitute a quorum.

(6) Commissioners shall receive no compensation for their services but may be reimbursed for reasonable expenses at current rates in effect at the Office of the Secretary of State, directly related to their duties as commissioners and participation at Commission meetings or while on business or at meetings which have been authorized by the Commission.

(7) Appointed commissioners shall serve terms of 3 years, which shall expire on December 1st. Five of the initially appointed commissioners, including at least 2 county recorders, shall serve terms of one year, 5 of the initially appointed commissioners, including at least 2 county recorders, shall serve terms of 2 years, and 4 of the initially appointed commissioners shall serve terms of 3 years, to be determined by lot. Of the commissioners appointed under subparagraph (E) of paragraph (2) of this subsection, one of the initially appointed commissioners shall serve a term of 2 years and one of the initially appointed commissioners shall serve a term of 3 years, to be determined by lot. The calculation of the terms in office of the initially appointed commissioners shall begin on the first December 1st after the commissioners have served at least 6 months in office.

(8) The Chairperson shall declare a commissioner's office vacant immediately after receipt of a written resignation, death, a recorder commissioner no longer holding the public office, or under other circumstances specified within the rules adopted by the

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Commission, which shall also by rule specify how and by what deadlines a replacement is to be appointed.

(c) The Commission shall adopt and transmit to the Secretary of State standards to implement this Act and shall be the exclusive entity to set standards for counties to engage in electronic recording in the State of Illinois.

(d) To keep the standards and practices of county recorders in this State in harmony with the standards and practices of recording offices in other jurisdictions that enact substantially this Act and to keep the technology used by county recorders in this State compatible with technology used by recording offices in other jurisdictions that enact substantially this Act, the Commission, so far as is consistent with the purposes, policies, and provisions of this Act, in adopting, amending, and repealing standards shall consider:

1. standards and practices of other jurisdictions;
2. the most recent standards promulgated by national standard-setting bodies, such as the Property Records Industry Association;
3. the views of interested persons and governmental officials and entities;
4. the needs of counties of varying size, population, and resources; and
5. standards requiring adequate information security protection to ensure that electronic documents are accurate, authentic, adequately preserved, and resistant to tampering.

(e) The Commission shall review the statutes related to real property and the statutes related to recording real property documents and shall recommend to the General Assembly any changes in the statutes that the Commission deems necessary or advisable.

(f) Funding. The Secretary of State may accept for the Commission, for any of its purposes and functions, donations, gifts, grants, and appropriations of money, equipment, supplies, materials, and services from the federal government, the State or any of its departments or agencies, a county or municipality, or from any institution, person, firm, or corporation. The Commission may authorize a fee payable by counties engaged in electronic recording to fund its expenses. Any fee shall be proportional based on county population or number of documents recorded annually. On approval by a county recorder of the form and amount, a county board may authorize payment of any fee out of the special fund it

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has created to fund document storage and electronic retrieval, as authorized in Section 3-5018 of the Counties Code. Any funds received by the Office of the Secretary of State for the Commission shall be used entirely for expenses approved by and for the use of the Commission.

(g) The Secretary of State shall provide administrative support to the Commission, including the preparation of the agenda and minutes for Commission meetings, distribution of notices and proposed rules to commissioners, payment of bills and reimbursement for expenses of commissioners.

(h) Standards and rules adopted by the Commission shall be delivered to the Secretary of State. Within 60 days, the Secretary shall either promulgate by rule the standards adopted, amended, or repealed or return them to the Commission, with findings, for changes. The Commission may override the Secretary by a three-fifths vote, in which case the Secretary shall publish the Commission’s standards.

(Source: P.A. 95-472, eff. 8-27-07.)

Passed in the General Assembly May 26, 2016.

Approved July 28, 2016.

Effective January 1, 2017.

PUBLIC ACT 99-0663
(Senate Bill No. 2806)

AN ACT concerning transportation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Section 11-1201 as follows:

(625 ILCS 5/11-1201) (from Ch. 95 1/2, par. 11-1201)

Sec. 11-1201. Obedience to signal indicating approach of train or railroad track equipment.

(a) Whenever any person driving a vehicle approaches a railroad grade crossing where the driver is not always required to stop, the person must exercise due care and caution as the existence of a railroad track across a highway is a warning of danger, and under any of the circumstances stated in this Section, the driver shall stop within 50 feet but not less than 15 feet from the nearest rail of the railroad and shall not proceed until the tracks are clear and he or she can do so safely. The foregoing requirements shall apply when:

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1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train or railroad track equipment;

2. A crossing gate is lowered or a human flagman gives or continues to give a signal of the approach or passage of a railroad train or railroad track equipment;

3. A railroad train or railroad track equipment approaching a highway crossing emits a warning signal and such railroad train or railroad track equipment, by reason of its speed or nearness to such crossing, is an immediate hazard;

4. An approaching railroad train or railroad track equipment is plainly visible and is in hazardous proximity to such crossing;

5. A railroad train or railroad track equipment is approaching so closely that an immediate hazard is created.

(a-5) Whenever a person driving a vehicle approaches a railroad grade crossing where the driver is not always required to stop but must slow down, the person must exercise due care and caution as the existence of a railroad track across a highway is a warning of danger, and under any of the circumstances stated in this Section, the driver shall slow down within 50 feet but not less than 15 feet from the nearest rail of the railroad and shall not proceed until he or she checks that the tracks are clear of an approaching train or railroad track equipment.

(b) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

(c) The Department, and local authorities with the approval of the Department, are hereby authorized to designate particularly dangerous highway grade crossings of railroads and to erect stop signs thereat. When such stop signs are erected the driver of any vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of such railroad and shall proceed only upon exercising due care.

(d) At any railroad grade crossing provided with railroad crossbuck signs, without automatic, electric, or mechanical signal devices, crossing gates, or a human flagman giving a signal of the approach or passage of a train or railroad track equipment, the driver of a vehicle shall in obedience to the railroad crossbuck sign, yield the right-of-way and slow down to a speed reasonable for the existing conditions and shall stop, if required for safety, at a clearly marked stopped line, or if no stop line, within 50 feet but not less than 15 feet from the nearest rail of the railroad and shall not

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proceed until he or she can do so safely. If a driver is involved in a collision at a railroad crossing or interferes with the movement of a train or railroad track equipment after driving past the railroad crossbuck sign, the collision or interference is prima facie evidence of the driver's failure to yield right-of-way.

(d-1) No person shall, while driving a commercial motor vehicle, fail to negotiate a railroad-highway grade railroad crossing because of insufficient undercarriage clearance.

(d-5) (Blank).

(e) It is unlawful to violate any part of this Section.

(1) A violation of this Section is a petty offense for which a fine of $500 shall be imposed for a first violation, and a fine of $1,000 shall be imposed for a second or subsequent violation. The court may impose 25 hours of community service in place of the $500 fine for the first violation.

(2) For a second or subsequent violation, the Secretary of State may suspend the driving privileges of the offender for a minimum of 6 months.

(f) Corporate authorities of municipal corporations regulating operators of vehicles that fail to obey signals indicating the presence, approach, passage, or departure of a train or railroad track equipment shall impose fines as established in subsection (e) of this Section.

(Source: P.A. 95-331, eff. 8-21-07; 96-1244, eff. 1-1-11.)

Passed in the General Assembly May 19, 2016.

Approved July 28, 2016.

Effective January 1, 2017.

PUBLIC ACT 99-0664
(House Bill No. 0114)

AN ACT concerning courts.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Juvenile Court Act of 1987 is amended by changing Section 5-745 as follows:

(705 ILCS 405/5-745)

Sec. 5-745. Court review.

(1) The court may require any legal custodian or guardian of the person appointed under this Act, including the Department of Juvenile
Justice for youth committed under Section 5-750 of this Act, to report periodically to the court or may cite him or her into court and require him or her, or his or her agency, to make a full and accurate report of his or her or its doings in behalf of the minor, including efforts to secure post-release placement of the youth after release from the Department's facilities. The legal custodian or guardian, within 10 days after the citation, shall make the report, either in writing verified by affidavit or orally under oath in open court, or otherwise as the court directs. Upon the hearing of the report the court may remove the legal custodian or guardian and appoint another in his or her stead or restore the minor to the custody of his or her parents or former guardian or legal custodian.

(2) If the Department of Children and Family Services is appointed legal custodian or guardian of a minor under this Act, the Department of Children and Family Services shall file updated case plans with the court every 6 months. Every agency which has guardianship of a child shall file a supplemental petition for court review, or review by an administrative body appointed or approved by the court and further order within 18 months of the sentencing order and each 18 months thereafter. The petition shall state facts relative to the child's present condition of physical, mental and emotional health as well as facts relative to his or her present custodial or foster care. The petition shall be set for hearing and the clerk shall mail 10 days notice of the hearing by certified mail, return receipt requested, to the person or agency having the physical custody of the child, the minor and other interested parties unless a written waiver of notice is filed with the petition.

If the minor is in the custody of the Illinois Department of Children and Family Services, pursuant to an order entered under this Article, the court shall conduct permanency hearings as set out in subsections (1), (2), and (3) of Section 2-28 of Article II of this Act.

Rights of wards of the court under this Act are enforceable against any public agency by complaints for relief by mandamus filed in any proceedings brought under this Act.

(3) The minor or any person interested in the minor may apply to the court for a change in custody of the minor and the appointment of a new custodian or guardian of the person or for the restoration of the minor to the custody of his or her parents or former guardian or custodian. In the event that the minor has attained 18 years of age and the guardian or custodian petitions the court for an order terminating his or her

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guardianship or custody, guardianship or legal custody shall terminate automatically 30 days after the receipt of the petition unless the court orders otherwise. No legal custodian or guardian of the person may be removed without his or her consent until given notice and an opportunity to be heard by the court.

(4) If the minor is committed to the Department of Juvenile Justice under Section 5-750 of this Act, the Department shall notify the court in writing of the occurrence of any of the following:

(a) a critical incident involving a youth committed to the Department; as used in this paragraph (a), "critical incident" means any incident that involves a serious risk to the life, health, or well-being of the youth and includes, but is not limited to, an accident or suicide attempt resulting in serious bodily harm or hospitalization, psychiatric hospitalization, alleged or suspected abuse, or escape or attempted escape from custody, filed within 10 days of the occurrence;

(b) a youth who has been released by the Prisoner Review Board but remains in a Department facility solely because the youth does not have an approved aftercare release host site, filed within 10 days of the occurrence;

(c) a youth, except a youth who has been adjudicated a habitual or violent juvenile offender under Section 5-815 or 5-820 of this Act or committed for first degree murder, who has been held in a Department facility for over one consecutive year; or

(d) if a report has been filed under paragraph (c) of this subsection, a supplemental report shall be filed every 6 months thereafter.

The notification required by this subsection (4) shall contain a brief description of the incident or situation and a summary of the youth’s current physical, mental, and emotional health and the actions the Department took in response to the incident or to identify an aftercare release host site, as applicable. Upon receipt of the notification, the court may require the Department to make a full report under subsection (1) of this Section.

(5) With respect to any report required to be filed with the court under this Section, the Independent Juvenile Ombudsman shall provide a copy to the minor’s court appointed guardian ad litem, if the Department has received written notice of the appointment, and to the minor’s attorney, if the Department has received written notice of representation.

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from the attorney. If the Department has a record that a guardian has been appointed for the minor and a record of the last known address of the minor's court appointed guardian, the Independent Juvenile Ombudsman shall send a notice to the guardian that the report is available and will be provided by the Independent Juvenile Ombudsman upon request. If the Department has no record regarding the appointment of a guardian for the minor, and the Department's records include the last known addresses of the minor's parents, the Independent Juvenile Ombudsman shall send a notice to the parents that the report is available and will be provided by the Independent Juvenile Ombudsman upon request.

(Source: P.A. 96-178, eff. 1-1-10; 97-518, eff. 1-1-12.)

Passed in the General Assembly May 26, 2016.
Approved July 29, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0665
(House Bill No. 0750)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Regional Transportation Authority Act is amended by changing Section 3A.09 as follows:

(70 ILCS 3615/3A.09) (from Ch. 111 2/3, par. 703A.09)
Sec. 3A.09. General Powers. In addition to any powers elsewhere provided to the Suburban Bus Board, it shall have all of the powers specified in Section 2.20 of this Act except for the powers specified in Section 2.20(a)(v). The Board shall also have the power:

(a) to cooperate with the Regional Transportation Authority in the exercise by the Regional Transportation Authority of all the powers granted it by such Act;
(b) to receive funds from the Regional Transportation Authority pursuant to Sections 2.02, 4.01, 4.02, 4.09 and 4.10 of the Regional Transportation Authority Act, all as provided in the Regional Transportation Authority Act;
(c) to receive financial grants from the Regional Transportation Authority or a Service Board, as defined in the Regional Transportation Authority Act, upon such terms and conditions as shall be set forth in a grant contract between either

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the Division and the Regional Transportation Authority or the Division and another Service Board, which contract or agreement may be for such number of years or duration as the parties agree, all as provided in the Regional Transportation Authority Act;

(d) to perform all functions necessary for the provision of paratransit services under Section 2.30 of this Act; and

(e) to borrow money for the purposes of: (i) constructing a new garage in the northwestern Cook County suburbs at an estimated cost of $60,000,000, (ii) converting the South Cook garage in Markham to a Compressed Natural Gas facility at an estimated cost of $12,000,000, (iii) constructing a new paratransit garage in DuPage County at an estimated cost of $25,000,000, and (iv) expanding the North Shore garage in Evanston to accommodate additional indoor bus parking, and (v) purchasing new transit buses at an estimated cost of $3,000,000. For the purpose of evidencing the obligation of the Suburban Bus Board to repay any money borrowed as provided in this subsection, the Suburban Bus Board may issue revenue bonds from time to time pursuant to ordinance adopted by the Suburban Bus Board, subject to the approval of the Regional Transportation Authority of each such issuance by the affirmative vote of 12 of its then Directors; provided that the Suburban Bus Board may not issue bonds for the purpose of financing the acquisition, construction, or improvement of any facility other than those listed in this subsection (e). All such bonds shall be payable solely from the revenues or income or any other funds that the Suburban Bus Board may receive, provided that the Suburban Bus Board may not pledge as security for such bonds the moneys, if any, that the Suburban Bus Board receives from the Regional Transportation Authority pursuant to Section 4.03.3(f) of the Regional Transportation Authority Act. The bonds shall bear interest at a rate not to exceed the maximum rate authorized by the Bond Authorization Act and shall mature at such time or times not exceeding 25 years from their respective dates. Bonds issued pursuant to this paragraph must be issued with scheduled principal or mandatory redemption payments in equal amounts in each fiscal year over the term of the bonds, with the first principal or mandatory redemption payment scheduled within the fiscal year in which bonds are issued or within the next succeeding fiscal year. At least 25%, based on total principal

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amount, of all bonds authorized pursuant to this Section shall be sold pursuant to notice of sale and public bid. No more than 75%, based on total principal amount, of all bonds authorized pursuant to this Section shall be sold by negotiated sale. The maximum principal amount of the bonds that may be issued may not exceed $100,000,000. The bonds shall have all the qualities of negotiable instruments under the laws of this State. To secure the payment of any or all of such bonds and for the purpose of setting forth the covenants and undertakings of the Suburban Bus Board in connection with the issuance thereof and the issuance of any additional bonds payable from such revenue or income as well as the use and application of the revenue or income received by the Suburban Bus Board, the Suburban Bus Board may execute and deliver a trust agreement or agreements; provided that no lien upon any physical property of the Suburban Bus Board shall be created thereby. A remedy for any breach or default of the terms of any such trust agreement by the Suburban Bus Board may be by mandamus proceedings in any court of competent jurisdiction to compel performance and compliance therewith, but the trust agreement may prescribe by whom or on whose behalf such action may be instituted. Under no circumstances shall any bonds issued by the Suburban Bus Board or any other obligation of the Suburban Bus Board in connection with the issuance of such bonds be or become an indebtedness or obligation of the State of Illinois, the Regional Transportation Authority, or any other political subdivision of or municipality within the State, nor shall any such bonds or obligations be or become an indebtedness of the Suburban Bus Board within the purview of any constitutional limitation or provision, and it shall be plainly stated on the face of each bond that it does not constitute such an indebtedness or obligation but is payable solely from the revenues or income as aforesaid.

(Source: P.A. 97-770, eff. 1-1-13.)

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

Passed in the General Assembly May 26, 2016.
Approved July 29, 2016.
Effective July 29, 2016.
AN ACT concerning State government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Criminal Diversion Racial Impact Data Collection Act.

Section 5. Legislative intent. Racial and ethnic disparity in the criminal justice system, or the over-representation of certain minority groups compared to their representation in the general population, has been well documented, along with the harmful effects of such disproportionality. There is no single cause of the racial and ethnic disparity evident at every stage of the criminal justice system; suggested causes have included differing patterns of criminal activity, law enforcement activity, and discretionary decisions of criminal justice practitioners, along with effects of legislative policies. In order to make progress in reducing this harmful phenomenon, information on the racial composition of offenders at each stage of the criminal justice system must be systematically gathered and analyzed to lay the foundation for determining the impact of proposed remedies. Gaps of information at any stage will hamper valid analysis at subsequent stages. At the earliest stages of the criminal justice system, systematic statewide information on arrested persons, including race and ethnicity, is collected in the State Police Criminal History Record Information System. However, under the Criminal Identification Act, systematic statewide information on the racial and ethnic composition of adults diverted from arrest by law enforcement and diverted from prosecution by each county's State's Attorney's office is not available. Therefore, it is the intent of this legislation to provide a mechanism by which statewide data on the race and ethnicity of offenders diverted from the criminal justice system before the filing of a court case can be provided by the criminal justice entity involved for future racial disparity impact analyses of the criminal justice system.

Section 10. Definitions. As used in this Act:

"Arrested but released without being charged" means the taking into custody of a person by a law enforcement agency and his or her subsequent release without a formal charge filed.

"Authority" means the Illinois Criminal Justice Information Authority.
"Diversion from prosecution" means the placement of the defendant into any specialized program by the State's Attorney's office, after which formal charges are dismissed, subject to successful completion of the program.

"Law enforcement agency" means any agency of this State or a political subdivision of this State that is vested by law with the duty to maintain public order and to enforce criminal laws.

"Racial and ethnic information" means categories of socially significant groupings by which individuals identify themselves, based on physical characteristics and cultural heritage, as categorized under subsection (b) of Section 4.5 of the Criminal Identification Act.

Section 15. Reporting; publication.

(a) Under the reporting guidelines for law enforcement agencies in Sections 2.1, 4.5, and 5 of the Criminal Identification Act, the Authority shall determine and report the number of persons arrested and released without being charged, and report the racial and ethnic composition of those persons.

(b) Under the reporting guidelines for State's Attorneys in Sections 2.1, 4.5, and 5 of the Criminal Identification Act, the Authority shall determine and report the number of persons for which formal charges were dismissed, and the race and ethnicity of those persons.

(c) Under the reporting guidelines for circuit court clerks in Sections 2.1, 4.5, and 5 of the Criminal Identification Act, the Authority shall determine and report the number of persons admitted to a diversion from prosecution program, and the racial and ethnic composition of those persons, separated by each type of diversion program.

(d) The Authority shall publish the information received and an assessment of the quality of the information received, aggregated to the county level in the case of law enforcement reports, on its publicly available website for the previous calendar year, as affirmed by each reporting agency at the time of its report submission.

(e) The Authority, Department of State Police, Administrative Office of Illinois Courts, and Illinois State's Attorneys Association may collaborate on any necessary training concerning the provisions of this Act.

Section 20. Repeal. This Act is repealed on December 31, 2020.
Section 99. Effective date. This Act takes effect January 1, 2017.
Passed in the General Assembly May 26, 2016.
Approved July 29, 2016.

New matter indicated by italics - deletions by strikeout
AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

Section 5. The School Code is amended by changing Sections 10-
21.9, 21B-15, 21B-80, and 34-18.5 as follows:

(105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

Sec. 10-21.9. Criminal history records checks and checks of the
Statewide Sex Offender Database and Statewide Murderer and Violent
Offender Against Youth Database.

(a) Certified and noncertified applicants for employment with a
school district, except school bus driver applicants, are required as a
condition of employment to authorize a fingerprint-based criminal history
records check to determine if such applicants have been convicted of any
of the enumerated criminal or drug offenses in subsection (c) of this
Section or have been convicted, within 7 years of the application for
employment with the school district, of any other felony under the laws of
this State or of any offense committed or attempted in any other state or
against the laws of the United States that, if committed or attempted in this
State, would have been punishable as a felony under the laws of this State.
Authorization for the check shall be furnished by the applicant to the
school district, except that if the applicant is a substitute teacher seeking
employment in more than one school district, a teacher seeking concurrent
part-time employment positions with more than one school district (as a
reading specialist, special education teacher or otherwise), or an
educational support personnel employee seeking employment positions
with more than one district, any such district may require the applicant to
furnish authorization for the check to the regional superintendent of the
educational service region in which are located the school districts in
which the applicant is seeking employment as a substitute or concurrent
part-time teacher or concurrent educational support personnel employee.
Upon receipt of this authorization, the school district or the appropriate
regional superintendent, as the case may be, shall submit the applicant's
name, sex, race, date of birth, social security number, fingerprint images,
and other identifiers, as prescribed by the Department of State Police, to

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the Department. The regional superintendent submitting the requisite information to the Department of State Police shall promptly notify the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee that the check of the applicant has been requested. The Department of State Police and the Federal Bureau of Investigation shall furnish, pursuant to a fingerprint-based criminal history records check, records of convictions, forever and hereinafter, until expunged, to the president of the school board for the school district that requested the check, or to the regional superintendent who requested the check. The Department shall charge the school district or the appropriate regional superintendent a fee for conducting such check, which fee shall be deposited in the State Police Services Fund and shall not exceed the cost of the inquiry; and the applicant shall not be charged a fee for such check by the school district or by the regional superintendent, except that those applicants seeking employment as a substitute teacher with a school district may be charged a fee not to exceed the cost of the inquiry. Subject to appropriations for these purposes, the State Superintendent of Education shall reimburse school districts and regional superintendents for fees paid to obtain criminal history records checks under this Section.

(a-5) The school district or regional superintendent shall further perform a check of the Statewide Sex Offender Database, as authorized by the Sex Offender Community Notification Law, for each applicant.

(a-6) The school district or regional superintendent shall further perform a check of the Statewide Murderer and Violent Offender Against Youth Database, as authorized by the Murderer and Violent Offender Against Youth Community Notification Law, for each applicant.

(b) Any information concerning the record of convictions obtained by the president of the school board or the regional superintendent shall be confidential and may only be transmitted to the superintendent of the school district or his designee, the appropriate regional superintendent if the check was requested by the school district, the presidents of the appropriate school boards if the check was requested from the Department of State Police by the regional superintendent, the State Superintendent of Education, the State Teacher Certification Board, any other person necessary to the decision of hiring the applicant for employment, or for clarification purposes the Department of State Police or Statewide Sex Offender Database, or both. A copy of the record of convictions obtained from the Department of State Police shall be provided to the applicant for

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employment. Upon the check of the Statewide Sex Offender Database, the school district or regional superintendent shall notify an applicant as to whether or not the applicant has been identified in the Database as a sex offender. If a check of an applicant for employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee in more than one school district was requested by the regional superintendent, and the Department of State Police upon a check ascertains that the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this Section or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State and so notifies the regional superintendent and if the regional superintendent upon a check ascertains that the applicant has not been identified in the Sex Offender Database as a sex offender, then the regional superintendent shall issue to the applicant a certificate evidencing that as of the date specified by the Department of State Police the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this Section or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State and evidencing that as of the date that the regional superintendent conducted a check of the Statewide Sex Offender Database, the applicant has not been identified in the Database as a sex offender. The school board of any school district may rely on the certificate issued by any regional superintendent to that substitute teacher, concurrent part-time teacher, or concurrent educational support personnel employee or may initiate its own criminal history records check of the applicant through the Department of State Police and its own check of the Statewide Sex Offender Database as provided in subsection (a). Any unauthorized release of confidential information may be a violation of Section 7 of the Criminal Identification Act.

(c) No school board shall knowingly employ a person who has been convicted of any offense that would subject him or her to license suspension or revocation pursuant to Section 21B-80 of this Code. Further,
no school board shall knowingly employ a person who has been found to be the perpetrator of sexual or physical abuse of any minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987.

(d) No school board shall knowingly employ a person for whom a criminal history records check and a Statewide Sex Offender Database check has not been initiated.

(e) Upon receipt of the record of a conviction of or a finding of child abuse by a holder of any certificate issued pursuant to Article 21 or Section 34-8.1 or 34-83 of the School Code, the State Superintendent of Education may initiate certificate suspension and revocation proceedings as authorized by law.

(e-5) The superintendent of the employing school board shall, in writing, notify the State Superintendent of Education and the applicable regional superintendent of schools of any certificate holder whom he or she has reasonable cause to believe has committed an intentional act of abuse or neglect with the result of making a child an abused child or a neglected child, as defined in Section 3 of the Abused and Neglected Child Reporting Act, and that act resulted in the certificate holder's dismissal or resignation from the school district. This notification must be submitted within 30 days after the dismissal or resignation. The certificate holder must also be contemporaneously sent a copy of the notice by the superintendent. All correspondence, documentation, and other information so received by the regional superintendent of schools, the State Superintendent of Education, the State Board of Education, or the State Teacher Certification Board under this subsection (e-5) is confidential and must not be disclosed to third parties, except (i) as necessary for the State Superintendent of Education or his or her designee to investigate and prosecute pursuant to Article 21 of this Code, (ii) pursuant to a court order, (iii) for disclosure to the certificate holder or his or her representative, or (iv) as otherwise provided in this Article and provided that any such information admitted into evidence in a hearing is exempt from this confidentiality and non-disclosure requirement. Except for an act of willful or wanton misconduct, any superintendent who provides notification as required in this subsection (e-5) shall have immunity from any liability, whether civil or criminal or that otherwise might result by reason of such action.

(f) After January 1, 1990 the provisions of this Section shall apply to all employees of persons or firms holding contracts with any school
district including, but not limited to, food service workers, school bus drivers and other transportation employees, who have direct, daily contact with the pupils of any school in such district. For purposes of criminal history records checks and checks of the Statewide Sex Offender Database on employees of persons or firms holding contracts with more than one school district and assigned to more than one school district, the regional superintendent of the educational service region in which the contracting school districts are located may, at the request of any such school district, be responsible for receiving the authorization for a criminal history records check prepared by each such employee and submitting the same to the Department of State Police and for conducting a check of the Statewide Sex Offender Database for each employee. Any information concerning the record of conviction and identification as a sex offender of any such employee obtained by the regional superintendent shall be promptly reported to the president of the appropriate school board or school boards.

(f-5) Upon request of a school or school district, any information obtained by a school district pursuant to subsection (f) of this Section within the last year must be made available to the requesting school or school district.

(g) Prior to the commencement of any student teaching experience or required internship (which is referred to as student teaching in this Section) in the public schools, a student teacher is required to authorize a fingerprint-based criminal history records check. Authorization for and payment of the costs of the check must be furnished by the student teacher to the school district where the student teaching is to be completed. Upon receipt of this authorization and payment, the school district shall submit the student teacher's name, sex, race, date of birth, social security number, fingerprint images, and other identifiers, as prescribed by the Department of State Police, to the Department of State Police. The Department of State Police and the Federal Bureau of Investigation shall furnish, pursuant to a fingerprint-based criminal history records check, records of convictions, forever and hereinafter, until expunged, to the president of the school board for the school district that requested the check. The Department shall charge the school district a fee for conducting the check, which fee must not exceed the cost of the inquiry and must be deposited into the State Police Services Fund. The school district shall further perform a check of the Statewide Sex Offender Database, as authorized by the Sex Offender Community Notification Law, and of the Statewide Murderer and Violent Offender Against Youth Database, as authorized by the

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Murderer and Violent Offender Against Youth Registration Act, for each student teacher. No school board may knowingly allow a person to student teach for whom a criminal history records check, a Statewide Sex Offender Database check, and a Statewide Murderer and Violent Offender Against Youth Database check have not been completed and reviewed by the district.

A copy of the record of convictions obtained from the Department of State Police must be provided to the student teacher. Any information concerning the record of convictions obtained by the president of the school board is confidential and may only be transmitted to the superintendent of the school district or his or her designee, the State Superintendent of Education, the State Educator Preparation and Licensure Board, or, for clarification purposes, the Department of State Police or the Statewide Sex Offender Database or Statewide Murderer and Violent Offender Against Youth Database. Any unauthorized release of confidential information may be a violation of Section 7 of the Criminal Identification Act.

No school board may knowingly allow a person to student teach who has been convicted of any offense that would subject him or her to license suspension or revocation pursuant to Section 21B-80 of this Code or who has been found to be the perpetrator of sexual or physical abuse of a minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987.

(h) (Blank).

(Source: P.A. 99-21, eff. 1-1-16.)

(105 ILCS 5/21B-15)

Sec. 21B-15. Qualifications of educators.

(a) No one may be licensed to teach or supervise or be otherwise employed in the public schools of this State who is not of good character and at least 20 years of age.

In determining good character under this Section, the State Superintendent of Education shall take into consideration the disciplinary actions of other states or national entities against certificates or licenses issued by those states and held by individuals from those states. In addition, any felony conviction of the applicant may be taken into consideration; however, no one may be licensed to teach or supervise in the public schools of this State who has been convicted of (i) an offense set forth in subsection (b) of Section 21B-80 of this Code until 7 years following the end of the sentence for the criminal offense or (ii) an offense

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set forth in subsection (c) of Section 21B-80 of this Code. Unless the conviction is for an offense set forth in Section 21B-80 of this Code, an applicant must be permitted to submit character references or other written material before such a conviction or other information regarding the applicant’s character may be used by the State Superintendent of Education as a basis for denying the application.

(b) No person otherwise qualified shall be denied the right to be licensed or to receive training for the purpose of becoming an educator because of a physical disability, including, but not limited to, visual and hearing disabilities; nor shall any school district refuse to employ a teacher on such grounds, provided that the person is able to carry out the duties of the position for which he or she applies.

(c) No person may be granted or continue to hold an educator license who has knowingly altered or misrepresented his or her qualifications, in this State or any other state, in order to acquire or renew the license. Any other license issued under this Article held by the person may be suspended or revoked by the State Educator Preparation and Licensure Board, depending upon the severity of the alteration or misrepresentation.

(d) No one may teach or supervise in the public schools nor receive for teaching or supervising any part of any public school fund who does not hold an educator license granted by the State Superintendent of Education as provided in this Article. However, the provisions of this Article do not apply to a member of the armed forces who is employed as a teacher of subjects in the Reserve Officers’ Training Corps of any school, nor to an individual teaching a dual credit course as provided for in the Dual Credit Quality Act.

(e) Notwithstanding any other provision of this Code, the school board of a school district may grant to a teacher of the district a leave of absence with full pay for a period of not more than one year to permit the teacher to teach in a foreign state under the provisions of the Exchange Teacher Program established under Public Law 584, 79th Congress, and Public Law 402, 80th Congress, as amended. The school board granting the leave of absence may employ, with or without pay, a national of the foreign state wherein the teacher on the leave of absence is to teach if the national is qualified to teach in that foreign state and if that national is to teach in a grade level similar to the one that was taught in the foreign state. The State Board of Education, in consultation with the State Educator

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Preparation and Licensure Board, may adopt rules as may be necessary to implement this subsection (e).
(Source: P.A. 97-607, eff. 8-26-11.)

Sec. 21B-80. Conviction of certain offenses as grounds for disqualification for licensure or suspension or revocation of a license.

(a) As used in this Section:

"Drug Narcotics offense" means any one or more of the following offenses:

(1) Any offense defined in the Cannabis Control Act, except those defined in subdivisions (a), and (b), and (c) of Section 4 and subdivisions subdivision (a) and (b) of Section 5 of the Cannabis Control Act and any offense for which the holder of a license is placed on probation under the provisions of Section 10 of the Cannabis Control Act, provided that if the terms and conditions of probation required by the court are not fulfilled, the offense is not eligible for this exception.

(2) Any offense defined in the Illinois Controlled Substances Act, except any offense for which the holder of a license is placed on probation under the provisions of Section 410 of the Illinois Controlled Substances Act, provided that if the terms and conditions of probation required by the court are not fulfilled, the offense is not eligible for this exception.

(3) Any offense defined in the Methamphetamine Control and Community Protection Act, except any offense for which the holder of a license is placed on probation under the provision of Section 70 of that Act, provided that if the terms and conditions of probation required by the court are not fulfilled, the offense is not eligible for this exception.

(4) Any attempt to commit any of the offenses listed in items (1) through (3) of this definition.

(5) Any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as one or more of the offenses listed in items (1) through (4) of this definition.

The changes made by Public Act 96-431 to this the definition of "narcotics offense" are declaratory of existing law.

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"Sentence" includes any period of supervision or probation that was imposed either alone or in combination with a period of incarceration.

"Sex offense" means any one or more of the following offenses:

(A) Any offense defined in Sections 11-6, 11-9 through 11-9.5, inclusive, and 11-30 (if punished as a Class 4 felony); of the Criminal Code of 1961 or the Criminal Code of 2012; Sections 11-14.1 through 11-21, inclusive, of the Criminal Code of 1961 or the Criminal Code of 2012; Sections 11-23 (if punished as a Class 3 felony), 11-24, 11-25, and 11-26 of the Criminal Code of 1961 or the Criminal Code of 2012; and Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-4.9, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-32, 12-33, 12C-45, and 26-4 (if punished pursuant to subdivision (4) or (5) of subsection (d) of Section 26-4) of the Criminal Code of 1961 or the Criminal Code of 2012.

(B) Any attempt to commit any of the offenses listed in item (A) of this definition.

(C) Any offense committed or attempted in any other state that, if committed or attempted in this State, would have been punishable as one or more of the offenses listed in items (A) and (B) of this definition.

(b) Whenever the holder of any license issued pursuant to this Article or applicant for a license to be issued pursuant to this Article has been convicted of any drug sex offense or narcotics offense, other than as provided in subsection (c) of this Section, the State Superintendent of Education shall forthwith suspend the license or deny the application, whichever is applicable, until 7 years following the end of the sentence for the criminal offense. If the conviction is reversed and the holder is acquitted of the offense in a new trial or the charges against him or her are dismissed, the State Superintendent of Education shall forthwith terminate the suspension of the license. When the conviction becomes final, the State Superintendent of Education shall forthwith revoke the license.

(c) Whenever the holder of a license issued pursuant to this Article or applicant for a license to be issued pursuant to this Article has been convicted of attempting to commit, conspiring to commit, soliciting, or committing any sex offense, first degree murder, or a Class X felony or any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses, the State
Superintendent of Education shall forthwith suspend the license or deny the application, whichever is applicable. If the conviction is reversed and the holder is acquitted of that offense in a new trial or the charges that he or she committed that offense are dismissed, the State Superintendent of Education shall forthwith terminate the suspension of the license. When the conviction becomes final, the State Superintendent of Education shall forthwith revoke the license.

(Source: P.A. 99-58, eff. 7-16-15.)

(105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

Sec. 34-18.5. Criminal history records checks and checks of the Statewide Sex Offender Database and Statewide Murderer and Violent Offender Against Youth Database.

(a) Certified and noncertified applicants for employment with the school district are required as a condition of employment to authorize a fingerprint-based criminal history records check to determine if such applicants have been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this Section or have been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. Authorization for the check shall be furnished by the applicant to the school district, except that if the applicant is a substitute teacher seeking employment in more than one school district, or a teacher seeking concurrent part-time employment positions with more than one school district (as a reading specialist, special education teacher or otherwise), or an educational support personnel employee seeking employment positions with more than one district, any such district may require the applicant to furnish authorization for the check to the regional superintendent of the educational service region in which are located the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee. Upon receipt of this authorization, the school district or the appropriate regional superintendent, as the case may be, shall submit the applicant's name, sex, race, date of birth, social security number, fingerprint images, and other identifiers, as prescribed by the Department of State Police, to the Department. The regional superintendent submitting the requisite information to the Department of State Police shall promptly notify the

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school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee that the check of the applicant has been requested. The Department of State Police and the Federal Bureau of Investigation shall furnish, pursuant to a fingerprint-based criminal history records check, records of convictions, forever and hereinafter, until expunged, to the president of the school board for the school district that requested the check, or to the regional superintendent who requested the check. The Department shall charge the school district or the appropriate regional superintendent a fee for conducting such check, which fee shall be deposited in the State Police Services Fund and shall not exceed the cost of the inquiry; and the applicant shall not be charged a fee for such check by the school district or by the regional superintendent. Subject to appropriations for these purposes, the State Superintendent of Education shall reimburse the school district and regional superintendent for fees paid to obtain criminal history records checks under this Section.

(a-5) The school district or regional superintendent shall further perform a check of the Statewide Sex Offender Database, as authorized by the Sex Offender Community Notification Law, for each applicant.

(a-6) The school district or regional superintendent shall further perform a check of the Statewide Murderer and Violent Offender Against Youth Database, as authorized by the Murderer and Violent Offender Against Youth Community Notification Law, for each applicant.

(b) Any information concerning the record of convictions obtained by the president of the board of education or the regional superintendent shall be confidential and may only be transmitted to the general superintendent of the school district or his designee, the appropriate regional superintendent if the check was requested by the board of education for the school district, the presidents of the appropriate board of education or school boards if the check was requested from the Department of State Police by the regional superintendent, the State Superintendent of Education, the State Teacher Certification Board or any other person necessary to the decision of hiring the applicant for employment. A copy of the record of convictions obtained from the Department of State Police shall be provided to the applicant for employment. Upon the check of the Statewide Sex Offender Database, the school district or regional superintendent shall notify an applicant as to whether or not the applicant has been identified in the Database as a sex offender. If a check of an applicant for employment as a substitute or

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concurrent part-time teacher or concurrent educational support personnel employee in more than one school district was requested by the regional superintendent, and the Department of State Police upon a check ascertains that the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this Section or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State and so notifies the regional superintendent and if the regional superintendent upon a check ascertains that the applicant has not been identified in the Sex Offender Database as a sex offender, then the regional superintendent shall issue to the applicant a certificate evidencing that as of the date specified by the Department of State Police the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this Section or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State and evidencing that as of the date that the regional superintendent conducted a check of the Statewide Sex Offender Database, the applicant has not been identified in the Database as a sex offender. The school board of any school district may rely on the certificate issued by any regional superintendent to that substitute teacher, concurrent part-time teacher, or concurrent educational support personnel employee or may initiate its own criminal history records check of the applicant through the Department of State Police and its own check of the Statewide Sex Offender Database as provided in subsection (a). Any unauthorized release of confidential information may be a violation of Section 7 of the Criminal Identification Act.

(c) The board of education shall not knowingly employ a person who has been convicted of any offense that would subject him or her to license suspension or revocation pursuant to Section 21B-80 of this Code. Further, the board of education shall not knowingly employ a person who has been found to be the perpetrator of sexual or physical abuse of any minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987.

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(d) The board of education shall not knowingly employ a person for whom a criminal history records check and a Statewide Sex Offender Database check has not been initiated.

(e) Upon receipt of the record of a conviction of or a finding of child abuse by a holder of any certificate issued pursuant to Article 21 or Section 34-8.1 or 34-83 of the School Code, the State Superintendent of Education may initiate certificate suspension and revocation proceedings as authorized by law.

(e-5) The general superintendent of schools shall, in writing, notify the State Superintendent of Education of any certificate holder whom he or she has reasonable cause to believe has committed an intentional act of abuse or neglect with the result of making a child an abused child or a neglected child, as defined in Section 3 of the Abused and Neglected Child Reporting Act, and that act resulted in the certificate holder's dismissal or resignation from the school district. This notification must be submitted within 30 days after the dismissal or resignation. The certificate holder must also be contemporaneously sent a copy of the notice by the superintendent. All correspondence, documentation, and other information so received by the State Superintendent of Education, the State Board of Education, or the State Teacher Certification Board under this subsection (e-5) is confidential and must not be disclosed to third parties, except (i) as necessary for the State Superintendent of Education or his or her designee to investigate and prosecute pursuant to Article 21 of this Code, (ii) pursuant to a court order, (iii) for disclosure to the certificate holder or his or her representative, or (iv) as otherwise provided in this Article and provided that any such information admitted into evidence in a hearing is exempt from this confidentiality and non-disclosure requirement. Except for an act of willful or wanton misconduct, any superintendent who provides notification as required in this subsection (e-5) shall have immunity from any liability, whether civil or criminal or that otherwise might result by reason of such action.

(f) After March 19, 1990, the provisions of this Section shall apply to all employees of persons or firms holding contracts with any school district including, but not limited to, food service workers, school bus drivers and other transportation employees, who have direct, daily contact with the pupils of any school in such district. For purposes of criminal history records checks and checks of the Statewide Sex Offender Database on employees of persons or firms holding contracts with more than one school district and assigned to more than one school district, the regional
superintendent of the educational service region in which the contracting school districts are located may, at the request of any such school district, be responsible for receiving the authorization for a criminal history records check prepared by each such employee and submitting the same to the Department of State Police and for conducting a check of the Statewide Sex Offender Database for each employee. Any information concerning the record of conviction and identification as a sex offender of any such employee obtained by the regional superintendent shall be promptly reported to the president of the appropriate school board or school boards.

(f-5) Upon request of a school or school district, any information obtained by the school district pursuant to subsection (f) of this Section within the last year must be made available to the requesting school or school district.

(g) Prior to the commencement of any student teaching experience or required internship (which is referred to as student teaching in this Section) in the public schools, a student teacher is required to authorize a fingerprint-based criminal history records check. Authorization for and payment of the costs of the check must be furnished by the student teacher to the school district. Upon receipt of this authorization and payment, the school district shall submit the student teacher's name, sex, race, date of birth, social security number, fingerprint images, and other identifiers, as prescribed by the Department of State Police, to the Department of State Police. The Department of State Police and the Federal Bureau of Investigation shall furnish, pursuant to a fingerprint-based criminal history records check, records of convictions, forever and hereinafter, until expunged, to the president of the board. The Department shall charge the school district a fee for conducting the check, which fee must not exceed the cost of the inquiry and must be deposited into the State Police Services Fund. The school district shall further perform a check of the Statewide Sex Offender Database, as authorized by the Sex Offender Community Notification Law, and of the Statewide Murderer and Violent Offender Against Youth Database, as authorized by the Murderer and Violent Offender Against Youth Registration Act, for each student teacher. The board may not knowingly allow a person to student teach for whom a criminal history records check, a Statewide Sex Offender Database check, and a Statewide Murderer and Violent Offender Against Youth Database check have not been completed and reviewed by the district.

A copy of the record of convictions obtained from the Department of State Police must be provided to the student teacher. Any information

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concerning the record of convictions obtained by the president of the board is confidential and may only be transmitted to the general superintendent of schools or his or her designee, the State Superintendent of Education, the State Educator Preparation and Licensure Board, or, for clarification purposes, the Department of State Police or the Statewide Sex Offender Database or Statewide Murderer and Violent Offender Against Youth Database. Any unauthorized release of confidential information may be a violation of Section 7 of the Criminal Identification Act.

The board may not knowingly allow a person to student teach who has been convicted of any offense that would subject him or her to license suspension or revocation pursuant to Section 21B-80 of this Code or who has been found to be the perpetrator of sexual or physical abuse of a minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987.

(h) (Blank).
(Source: P.A. 99-21, eff. 1-1-16.)

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

Approved July 29, 2016.
Effective July 29, 2016.

PUBLIC ACT 99-0668
(House Bill No. 4371)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Water Authorities Act is amended by changing Section 28 as follows:
(70 ILCS 3715/28)
Sec. 28. Cessation or dissolution of authority organization.
(a) Notwithstanding any other provision of law, if a majority vote of the board of trustees is in favor of the proposition to annex the authority to another authority whose boundaries are contiguous, or consolidate the authority into a municipality with which the authority is coterminous or substantially coterminous, or consolidate the authority into the county in which the authority sits if the authority contains territory within only one county, and if the governing authorities of the governmental unit assuming

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the functions of the former authority agree by resolution to accept the functions (and jurisdiction over the territory, if applicable) of the consolidated or annexed authority, then the authority shall cease. On the effective date of the annexation or consolidation, all the rights, powers, duties, assets, property, liabilities, indebtedness, obligations, bonding authority, taxing authority, and responsibilities of the authority shall vest in and be assumed by the governmental unit assuming the functions of the former authority.

The employees of the former authority shall be transferred to the governmental unit assuming the functions of the former authority. The governmental unit assuming the functions of the former authority shall exercise the rights and responsibilities of the former authority with respect to those employees. The status and rights of the employees of the former authority under any applicable contracts or collective bargaining agreements, historical representation rights under the Illinois Public Labor Relations Act, or under any pension, retirement, or annuity plan shall not be affected by this amendatory Act.

(b) Any authority created under this Act, other than an authority servicing any part of the City of Chicago, which does not have any outstanding and unpaid revenue bonds issued under this Act may be dissolved any time after a date which is 4 years after the date of its creation as follows:

Any 500 electors residing within the area of the authority may petition the circuit court to order submitted to referendum the question whether the authority should be dissolved. Upon the filing of the petition, and the determination that it is in accordance with the general election law, the circuit court shall: designate the election at which this question is to be submitted; order notice of the referendum in the manner provided by the general election law; and certify the proposition to the proper election officials for submission in accordance with the general election law.

The proposition shall be in substantially the following form:

<table>
<thead>
<tr>
<th>&quot;Shall the (name of water authority) be dissolved?&quot;</th>
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<tbody>
<tr>
<td>YES</td>
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</tbody>
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If a majority of the votes cast on this question are in favor of dissolution of the authority under this subsection, then such organization
shall cease, the authority is dissolved, and the circuit court shall direct the
discharge of all outstanding obligations.

If the vote is in favor of dissolution of the authority under this
subsection, there shall be no further appointments or elections for
trustees. Except as otherwise provided for in this subsection, the trustees
acting at the time of this vote shall close up the business affairs of the
district and make the necessary conveyances of the title to the district
property. The terms of the trustees acting at the time of a vote in favor of
dissolution are extended until the business affairs are closed up and
conveyances of title are completed.

To the extent that the authority has entered into a multiyear lease
on a real property asset (including, but not limited to, surface water
property) that it possesses, the court, upon application of the trustees, may
order the trustees to arrange the transfer of such real property asset,
instead of liquidating the real property asset, to a unit of local government
with legal authority to operate the real property asset. Such transfer may
be made with or without compensation in the discretion of the court in
accordance with this paragraph. In determining whether compensation
shall be paid, the court shall determine if the same or substantially similar
groups of citizens will benefit from the real property asset after transfer.
To the extent that the same or substantially similar groups of citizens will
continue to benefit from the real property asset, the court is not required
to order compensation paid by the receiving unit of local government to
the authority. To the extent that a substantial change occurs to the groups
of citizens that will benefit from the real property asset after the transfer,
the court shall determine, after receiving input from the trustees and the
unit of local government, an equitable method of compensation, after
receiving input from the trustees and the unit of local government, to be
received from the unit of local government to whom the real property asset
is being transferred. The court shall liberally construe this provision to
provide for an equitable determination of relative benefit.

If the vote is against dissolution of the authority, no petition for a
referendum under this subsection may be filed within 4 years of the
previous referendum.

The dissolution of any authority under this subsection does not
affect the obligation of any bonds issued or contracts entered into by such
authority, nor invalidate the levy, extension or collection of any taxes upon
the property in the debtor authority, but all such bonds and contracts shall
be fulfilled or repaid as required under the terms of the bonds or contracts.

All money remaining after the business affairs of the authority have been closed up and all the debts and obligations of the authority have been paid under this subsection, shall be paid to the township or townships in which such authority is situated, or the county or counties of any portion of such authority that is situated outside of a township, in the proportion that the taxable value the real property in the authority situated in each township or county bears to the taxable value of all the real property in the authority.

All courts shall take judicial notice of the dissolution of such authority.

(Source: P.A. 98-1002, eff. 8-18-14.)

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

Passed in the General Assembly May 19, 2016.
Approved July 29, 2016.
Effective July 29, 2016.

PUBLIC ACT 99-0669
(House Bill No. 4492)

AN ACT concerning local government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Special Assessment Supplemental Bond and Procedures Act is amended by changing Section 10 as follows:

(50 ILCS 460/10)

Sec. 10. Definitions. As used in this Act, unless the context or usage clearly indicates otherwise:

"Governing body" means the legislative body, council, board, commission, trustees, or any other body by whatever name it is known having charge of the corporate affairs of a governmental unit.

"Governmental unit" means a county, township, municipality, municipal corporation, unit of local government, or a special district, by whatever name known, authorized by any special assessment law to make local improvements by special assessment.

"Special assessment bond" means any instrument evidencing the obligation to pay money authorized or issued by or on behalf of a

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governmental unit under a special assessment law or under this Act, being payable from assessments made under a special assessment law, and when applicable, as supplemented by this Act.


"Special assessment proceeding" means the proceeding by any governmental unit under a special assessment law to provide for the making of a specific local improvement by special assessment.

"Special assessment ordinance" means an ordinance, or when applicable a resolution, as provided for by any special assessment law by which the governing body institutes, calls for, or provides for the making of a local improvement to be paid by the imposition of a special assessment pursuant to such special assessment law.

"Supplemental Act Assessment Bonds" are those special assessment bonds issued under Section 100 of this Act.

"Voucher" means any voucher issued under a special assessment law for work done in connection with the making of a local improvement.

(Source: P.A. 90-480, eff. 8-17-97.)

Section 10. The North Shore Sanitary District Act is amended by changing Sections 0.1, 3, 4, and 11 and by adding Sections 0.5, 7.6, 7.7, 18.5, and 31 as follows:

(70 ILCS 2305/0.1) (from Ch. 42, par. 276.99)
Sec. 0.1. This Act shall be known and may be cited as the "North Shore Water Reclamation Sanitary District Act".

(Source: P.A. 77-699.)

(70 ILCS 2305/0.5 new)
Sec. 0.5. Sanitary district references. On and after the date the sanitary district renames itself under Section 4 of this Act, any references to "sanitary district" in this Act shall mean "water reclamation district".

(70 ILCS 2305/3) (from Ch. 42, par. 279)
Sec. 3. Election of trustees; terms. The corporate authority of the North Shore Water Reclamation Sanitary District shall consist of 5 trustees.

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Within 20 days after the adoption of the Act, as provided in Section 1, the county governing body shall proceed to divide the sanitary district into 5 wards for the purpose of electing trustees. One trustee shall be elected for each ward on the date of the next regular county election. In each sanitary district organized pursuant to the provisions of this Act prior to the effective date of this amendatory Act of 1975, one trustee shall be elected for each ward on the date of the regular county election in the year 1976. However, the population in no one ward shall be less than 1/6 of the population of the whole district and the territory in each of the wards shall be composed of contiguous territory in as compact form as practicable. A portion of each ward shall abut the west shore of Lake Michigan and the boundaries of the respective wards shall coincide with precinct boundaries and the boundaries of existing municipalities as nearly as practicable. In the year 1981, and every 10 years thereafter, the sanitary district board of trustees shall reapportion the district, so that the respective wards shall conform as nearly as practicable with the above requirements as to population, shape and territory.

All trustees elected from 1994 through 2011 shall assume office on the first Monday in December following the general election. All trustees elected in 2012 or thereafter shall assume office on the second Wednesday in December following the general election.

In the year 1982, and every 10 years thereafter, following each decennial Federal census, all 5 trustees shall be elected. Immediately following each decennial redistricting, the sanitary district board of trustees shall be randomly divided into 2 groups, one of which shall consist of 3 wards and the other shall consist of 2 wards. A random process shall again be used to determine which trustees from one group shall serve terms of 4 years, 4 years and 2 years; and which trustees from the other group shall serve terms of 2 years, 4 years and 4 years.

Each of the trustees, upon entering the duties of their respective offices, shall execute a bond with security, in the amount and form to be approved by the corporate authorities, payable to the district, in the penal sum of not less than $250,000.00, as directed by resolution or ordinance, conditioned upon the faithful performance of the duties of the office. Each bond shall be filed with and preserved by the board secretary.

When a vacancy exists in the office of trustees of any sanitary district organized under the provisions of this Act, the vacancy shall be filled by appointment by the president of the sanitary district board of trustees, with the advice and consent of the sanitary district board of

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trustees, until the next regular election at which trustees of the sanitary district are elected, and shall be made a matter of record in the office of the county clerk in the county in which the district is located.

A majority of the board of trustees shall constitute a quorum, but a smaller number may adjourn from day to day. No trustee or employee of the district shall be directly or indirectly interested in any contract, work or business of the district, or the sale of any article, the expense, price or consideration of which is paid by the district; nor in the purchase of any real estate or other property belonging to the district, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of the district. The trustees have the power to provide and adopt a corporate seal for the district.

(Source: P.A. 97-500, eff. 8-23-11; 98-162, eff. 8-2-13.)

(70 ILCS 2305/4) (from Ch. 42, par. 280)

Sec. 4. Board of trustees; powers; compensation. The trustees shall constitute a board of trustees for the district. The board of trustees is the corporate authority of the district, and shall exercise all the powers and manage and control all the affairs and property of the district. The board shall elect a president and vice-president from among their own number. In case of the death, resignation, absence from the state, or other disability of the president, the powers, duties and emoluments of the office of the president shall devolve upon the vice-president, until the disability is removed or until a successor to the president is appointed and chosen in the manner provided in this Act. The board may select a secretary, treasurer, executive director, and attorney, and may provide by ordinance for the employment of other employees as the board may deem necessary for the municipality. The board may appoint such other officers and hire such employees to manage and control the operations of the district as it deems necessary; provided, however, that the board shall not employ an individual as a wastewater operator whose Certificate of Technical Competency is suspended or revoked under rules adopted by the Pollution Control Board under item (4) of subsection (a) of Section 13 of the Environmental Protection Act. All employees selected by the board shall hold their respective offices during the pleasure of the board, and give such bond as may be required by the board. The board may prescribe the duties and fix the compensation of all the officers and employees of the sanitary district. However, the president of the board of trustees shall not receive more than $10,000 per year and the other members of the board shall not receive more than $7,000 per year. However, beginning with the

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commencement of the new term of each board member in 1993, the
president shall not receive more than $11,000 per year and each other
member of the board shall not receive more than $8,000 per year. Beginning with the commencement of the first new term after the effective
date of this amendatory Act of the 95th General Assembly, the president of
the board shall not receive more than $14,000 per year, and each other
member of the board shall not receive more than $11,000 per year. The
board of trustees has full power to pass all necessary ordinances, rules and
regulations for the proper management and conduct of the business of the
board and of the corporation, and for carrying into effect the objects for
which the sanitary district was formed. The ordinances may provide for a
fine for each offense of not less than $100 or more than $1,000. Each day's
continuance of a violation shall be a separate offense. Fines under this
Section are recoverable by the sanitary district in a civil action. The
sanitary district is authorized to apply to the circuit court for injunctive
relief or mandamus when, in the opinion of the chief administrative
officer, the relief is necessary to protect the sewerage system of the
sanitary district.

The board of trustees shall have the authority to change the name
of the District, by ordinance, to the North Shore Water Reclamation
District. Any such name change shall not impair the legal status of any act
by the sanitary district. If an ordinance is passed pursuant to this
paragraph, all provisions of this Act shall apply to the newly renamed
district. No rights, duties, or privilege of such sanitary district or of any
person existing before the change of name shall be affected by the change
in the name of the sanitary district. All proceedings pending in any court
relating to such sanitary district may continue to final consummation
under the name in which they were commenced.
(Source: P.A. 98-162, eff. 8-2-13.)
(70 ILCS 2305/7.6 new)

Sec. 7.6. Rates for treatment and disposal of sewage and surface or
ground water. The board of trustees shall have the authority by ordinance
to establish, revise, and maintain rates or charges for the treatment and
disposal of sewage and surface or ground water. Any user charge,
industrial waste surcharge, or industrial cost recovery charge imposed by
the sanitary district, together with all penalties, interest, and costs
imposed in connection therewith, shall be liens against the real estate
which receives the service or benefit for which the charges are being
imposed; provided, however, such liens shall not attach to such real estate

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until such charges or rates have become delinquent as provided by the ordinance of the sanitary district and provided further, that nothing in this Section shall be construed to give the sanitary district a preference over the rights of any purchaser, mortgagee, judgment creditor, or other lien holder arising prior to the filing in the office of the recorder of the county in which real estate is located of notice of the lien, which notice shall consist of a sworn statement setting out (1) a description of the real estate for which the service or the benefit was rendered sufficient to identify the real estate, (2) the amount or amounts of money due for such service or benefit, and (3) the date or dates when such amount or amounts became delinquent. The sanitary district shall have the power to foreclose such lien in the same manner and with the same effect as in the foreclosure of mortgages on real estate.

The assertion of liens against real estate by the sanitary district to secure payment of user charges, industrial waste surcharges, or industrial cost recovery charges imposed by the sanitary district as indicated in the previous paragraph shall be in addition to any other remedy or right of recovery which the sanitary district may have with respect to the collection or recovery of such charges imposed by the sanitary district. Judgment in a civil action brought by the sanitary district to recover or collect such charges shall not operate as a release and waiver of the lien upon the real estate for the amount of the judgment. Only satisfaction of the judgment or the filing of a release or satisfaction of lien shall release said lien. The lien for charges on account of services or benefits provided for in this Section and the rights created hereunder shall be in addition to the lien upon real estate created by and imposed for general real estate taxes.

(70 ILCS 2305/7.7 new)
Sec. 7.7. Discharge into sewers of the sanitary district.
(a) As used in this Section:
"Executive director" means the executive director of the sanitary district.
"Industrial wastes" means all solids, liquids, or gaseous wastes resulting from any commercial, industrial, manufacturing, agricultural, trade, or business operation or process, or from the development, recovery, or processing of natural resources.
"Other wastes" means decayed wood, sawdust, shavings, bark, lime, refuse, ashes, garbage, offal, oil, tar, chemicals, and all other substances except sewage and industrial wastes.

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"Person" means any individual, firm, association, joint venture, sole proprietorship, company, partnership, estate copartnership, corporation, joint stock company, trust, school district, unit of local government, or private corporation organized or existing under the laws of this or any other state or country.

"Sewage" means water-carried human wastes or a combination of water-carried wastes from residences, buildings, businesses, industrial establishments, institutions, or other places together with any ground, surface, storm, or other water that may be present.

(b) It shall be unlawful for any person to discharge sewage, industrial waste, or other wastes into the sewerage system of the sanitary district or into any sewer tributary therewith, except upon the terms and conditions that the sanitary district might reasonably impose by way of ordinance, permit, rule, or regulation.

The sanitary district, in addition to all other powers vested in it and in the interest of public health and safety, or as authorized by subsections (b) and (c) of Section 46 of the Environmental Protection Act, is hereby empowered to pass all ordinances, rules, or regulations necessary to implement this Section, including, but not limited to, the imposition of charges based on factors that influence the cost of treatment, including strength and volume, and including the right of access during reasonable hours to the premises of a person for enforcement of adopted ordinances, rules, or regulations.

(c) Whenever the sanitary district, acting through the executive director, determines that sewage, industrial wastes, or other wastes are being discharged into the sewerage system and when, in the opinion of the executive director, the discharge is in violation of an ordinance, rules, or regulations adopted by the board of trustees under this Section governing industrial wastes or other wastes, the executive director shall order the offending party to cease and desist. The order shall be served by certified mail or personally on the owner, officer, registered agent, or individual designated by permit.

In the event the offending party fails or refuses to discontinue the discharge within 90 days after notification of the cease and desist order, the executive director may order the offending party to show cause before the board of trustees of the sanitary district why the discharge should not be discontinued. A notice shall be served on the offending party directing him, her, or it to show cause before the board of trustees why an order should not be entered directing the discontinuance of the discharge. The
notice shall specify the time and place where a hearing will be held and
shall be served personally or by registered or certified mail at least 10
days before the hearing; and, in the case of a unit of local government or
a corporation, the service shall be upon an officer or agent thereof. After
reviewing the evidence, the board of trustees may issue an order to the
party responsible for the discharge, directing that within a specified
period of time the discharge be discontinued. The board of trustees may
also order the party responsible for the discharge to pay a civil penalty in
an amount specified by the board of trustees that is not less than $1,000
nor more than $2,000 per day for each day of discharge of effluent in
violation of this Act as provided in subsection (d). The board of trustees
may also order the party responsible for the violation to pay court
reporter costs and hearing officer fees in an amount not exceeding $3,000.
(d) The board of trustees shall establish procedures for assessing
civil penalties and issuing orders under subsection (c) as follows:

(1) In making its orders and determinations, the board of
trustees shall take into consideration all the facts and
circumstances bearing on the activities involved and the
assessment of civil penalties as shown by the record produced at
the hearing.

(2) The board of trustees shall establish a panel of one or
more independent hearing officers to conduct all hearings on the
assessment of civil penalties and issuance of orders under
subsection (c). All hearing officers shall be attorneys licensed to
practice law in this State.

(3) The board of trustees shall promulgate procedural rules
governing the proceedings, the assessment of civil penalties, and
the issuance of orders.

(4) All hearings shall be on the record, and testimony taken
must be under oath and recorded stenographically. Transcripts so
recorded must be made available to any member of the public or
any party to the hearing upon payment of the usual charges for
transcripts. At the hearing, the hearing officer may issue, in the
name of the board of trustees, notices of hearing requesting the
attendance and testimony of witnesses, the production of evidence
relevant to any matter involved in the hearing, and may examine
witnesses.

(5) The hearing officer shall conduct a full and impartial
hearing on the record, with an opportunity for the presentation of
evidence and cross-examination of the witnesses. The hearing
officer shall issue findings of fact, conclusions of law, a
recommended civil penalty, and an order based solely on the
record. The hearing officer may also recommend, as part of the
order, that the discharge of industrial waste be discontinued within
a specified time.

(6) The findings of fact, conclusions of law, recommended
civil penalty, and order shall be transmitted to the board of
trustees along with a complete record of the hearing.

(7) The board of trustees shall either approve or
disapprove the findings of fact, conclusions of law, recommended
civil penalty, and order. If the findings of fact, conclusions of law,
recommended civil penalty, or order are rejected, the board of
trustees shall remand the matter to the hearing officer for further
proceedings. If the order is accepted by the board of trustees, it
shall constitute the final order of the board of trustees.

(8) The civil penalty specified by the board of trustees shall
be paid within 35 days after the party on whom it is imposed
receives a written copy of the order of the board of trustees, unless
the person or persons to whom the order is issued seeks judicial
review.

(9) If a person seeks judicial review of the order assessing
civil penalties, the person shall, within 35 days after the date of the
final order, pay the amount of the civil penalties into an escrow
account maintained by the sanitary district for that purpose or file
a bond guaranteeing payment of the civil penalties if the civil
penalties are upheld on review.

(10) Civil penalties not paid by the times specified above
shall be delinquent and subject to a lien recorded against the
property of the person ordered to pay the penalty. The foregoing
provisions for asserting liens against real estate by the sanitary
district shall be in addition to any other remedy or right of
recovery that the sanitary district may have with respect to the
collection or recovery of penalties and charges imposed by the
sanitary district. Judgment in a civil action brought by the sanitary
district to recover or collect the charges shall not operate as a
release and waiver of the lien upon the real estate for the amount
of the judgment. Only satisfaction of the judgment or the filing of a
release or satisfaction of lien shall release the lien.

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(e) The executive director may order a person to cease the discharge of industrial waste upon a finding by the executive director that the final order of the board of trustees entered after a hearing to show cause has been violated. The executive director shall serve the person with a copy of his or her order either by certified mail or personally by serving the owner, officer, registered agent, or individual designated by permit. The order of the executive director shall also schedule an expedited hearing before a hearing officer designated by the board of trustees for the purpose of determining whether the person has violated the final order of the board of trustees. The board of trustees shall adopt rules of procedure governing expedited hearings. In no event shall the hearing be conducted less than 7 days after service of the executive director's order.

At the conclusion of the expedited hearing, the hearing officer shall prepare a report with his or her findings and recommendations and transmit it to the board of trustees. If the board of trustees, after reviewing the findings and recommendations, and the record produced at the hearing, determines that the person has violated the board of trustees' final order, the board of trustees may authorize the plugging of the sewer. The executive director shall give not less than 10 days' written notice of the board of trustees' order to the owner, officer, registered agent, or individual designated by permit, as well as the owner of record of the real estate and other parties known to be affected, that the sewer will be plugged.

The foregoing provision for plugging a sewer shall be in addition to any other remedy that the sanitary district may have to prevent violation of its ordinances and orders of its board of trustees.

(f) A violation of the final order of the board of trustees shall be considered a nuisance. If any person discharges sewage, industrial wastes, or other wastes into any waters contrary to the final order of the board of trustees, the sanitary district, acting through the executive director, has the power to commence an action or proceeding in the circuit court in and for the county in which the sanitary district is located for the purpose of having the discharge stopped either by mandamus or injunction, or to remedy the violation in any manner provided for in this Section.

The court shall specify a time, not exceeding 20 days after the service of the copy of the complaint, in which the party complained of must plead to the complaint, and in the meantime, the party may be restrained. In case of default or after pleading, the court shall immediately

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inquire into the facts and circumstances of the case and enter an appropriate judgment in respect to the matters complained of. Appeals may be taken as in other civil cases.

(g) The sanitary district, acting through the executive director, has the power to commence an action or proceeding for mandamus or injunction in the circuit court ordering a person to cease its discharge, when, in the opinion of the executive director, the person's discharge presents an imminent danger to the public health, welfare, or safety; presents or may present an endangerment to the environment; or threatens to interfere with the operation of the sewerage system or a water reclamation plant under the jurisdiction of the sanitary district. The initiation of a show cause hearing is not a prerequisite to the commencement by the sanitary district of an action or proceeding for mandamus or injunction in the circuit court. The court shall specify a time, not exceeding 20 days after the service of a copy of the petition, in which the party complained of must answer the petition, and in the meantime, the party may be restrained. In case of default in answer or after answer, the court shall immediately inquire into the facts and circumstances of the case and enter an appropriate judgment order in respect to the matters complained of. An appeal may be taken from the final judgment in the same manner and with the same effect as appeals are taken from judgment of the circuit court in other actions for mandamus or injunction.

(h) Whenever the sanitary district commences an action under subsection (f) of this Section, the court shall assess a civil penalty of not less than $1,000 nor more than $10,000 for each day the person violates the board of trustees' order. Whenever the sanitary district commences an action under subsection (g) of this Section, the court shall assess a civil penalty of not less than $1,000 nor more than $10,000 for each day the person violates the ordinance. Each day's continuance of the violation is a separate offense. The penalties provided in this Section plus interest at the rate set forth in the Interest Act on unpaid penalties, costs, and fees, imposed by the board of trustees under subsection (d); the reasonable costs to the sanitary district of removal or other remedial action caused by discharges in violation of this Act; reasonable attorney's fees; court costs; other expenses of litigation; and costs for inspection, sampling, analysis, and administration related to the enforcement action against the offending party are recoverable by the sanitary district in a civil action.

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(i) The board of trustees may establish fees for late filing of reports with the sanitary district required by an ordinance governing discharges. The sanitary district shall provide by certified mail a written notice of the fee assessment that states the person has 30 days after the receipt of the notice to request a conference with the executive director's designee to discuss or dispute the appropriateness of the assessed fee. Unless a person objects to paying the fee for filing a report late by timely requesting in writing a conference with a designee of the executive director, that person waives his or her right to a conference and the sanitary district may impose a lien recorded against the property of the person for the amount of the unpaid fee.

If a person requests a conference and the matter is not resolved at the conference, the person subject to the fee may request an administrative hearing before an impartial hearing officer appointed under subsection (d) to determine the person's liability for and the amount of the fee. If the hearing officer finds that the late filing fees are owed to the sanitary district, the sanitary district shall notify the responsible person or persons of the hearing officer's decision. If payment is not made within 30 days after the notice, the sanitary district may impose a lien on the property of the person or persons.

Any liens filed under this subsection shall apply only to the property to which the late filing fees are related. A claim for lien shall be filed in the office of the recorder of the county in which the property is located. The filing of a claim for lien by the sanitary district does not prevent the sanitary district from pursuing other means for collecting late filing fees. If a claim for lien is filed, the sanitary district shall notify the person whose property is subject to the lien, and the person may challenge the lien by filing an action in the circuit court. The action shall be filed within 90 days after the person receives the notice of the filing of the claim for lien. The court shall hear evidence concerning the underlying reasons for the lien only if an administrative hearing has not been held under this subsection.

(j) To be effective service under this Section, a demand or order sent by certified or registered mail to the last known address need not be received by the offending party. Service of the demand or order by registered or certified mail shall be deemed effective upon deposit in the United States mail with proper postage prepaid and addressed as provided in this Section.
(k) The provisions of the Administrative Review Law and all amendments and rules adopted pursuant to that Law apply to and govern all proceedings for the judicial review of final administrative decisions of the board of trustees in the enforcement of any ordinance, rule, or regulation adopted under this Act. The cost of preparing the record on appeal shall be paid by the person seeking a review of an order or action pursuant to the Administrative Review Law.

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

(70 ILCS 2305/11) (from Ch. 42, par. 287)

Sec. 11. Except as otherwise provided in this Section, all contracts for purchases or sales by the municipality, the expense of which will exceed the mandatory competitive bid threshold, shall be let to the lowest responsible bidder therefor upon not less than 14 days' public notice of the terms and conditions upon which the contract is to be let, having been given by publication in a newspaper of general circulation published in the district, and the board may reject any and all bids and readvertise. In determining the lowest responsible bidder, the board shall take into consideration the qualities and serviceability of the articles supplied, their conformity with specifications, their suitability to the requirements of the district, the availability of support services, the uniqueness of the service, materials, equipment, or supplies as it applies to network integrated computer systems, the compatibility of the service, materials, equipment or supplies with existing equipment, and the delivery terms. Contracts for services in excess of the mandatory competitive bid threshold may, subject to the provisions of this Section, be let by competitive bidding at the discretion of the district board of trustees. All contracts for purchases or sales that will not exceed the mandatory competitive bid threshold may be made in the open market without publication in a newspaper as above provided, but whenever practical shall be based on at least 3 competitive bids. For purposes of this Section, the "mandatory competitive bid threshold" is a dollar amount equal to 0.1% of the total general fixed assets of the district as reported in the most recent required audit report. In no event, however, shall the mandatory competitive bid threshold dollar amount be less than $10,000, nor more than $40,000.

Cash, a cashier's check, a certified check, or a bid bond with adequate surety approved by the board of trustees as a deposit of good faith, in a reasonable amount, but not in excess of 10% of the contract amount, may be required of each bidder by the district on all bids.

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involving amounts in excess of the mandatory competitive bid threshold and, if so required, the advertisement for bids shall so specify.

Contracts which by their nature are not adapted to award by competitive bidding, including, without limitation, contracts for the services of individuals, groups or firms possessing a high degree of professional skill where the ability or fitness of the individual or organization plays an important part, contracts for financial management services undertaken pursuant to "An Act relating to certain investments of public funds by public agencies", approved July 23, 1943, as now or hereafter amended, contracts for the purchase or sale of utilities, contracts for commodities including supply contracts for natural gas and electricity, contracts for materials economically procurable only from a single source of supply, contracts for services, supplies, materials, parts, or equipment which are available only from a single source or contracts for maintenance, repairs, OEM supplies, or OEM parts from the manufacturer or from a source authorized by the manufacturer, contracts for the use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and interconnect equipment, software, or services, contracts for duplicating machines and supplies, contracts for goods or services procured from another governmental agency, purchases of equipment previously owned by an entity other than the district itself, purchases of used equipment, purchases at auction or similar transactions which by their very nature are not suitable to competitive bids, and leases of real property where the sanitary district is the lessee shall not be subject to the competitive bidding requirements of this Section.

The District may use a design-build procurement method for any public project which shall not be subject to the competitive bidding requirements of this Section provided the Board of Trustees approves the contract for the public project by a vote of 4 of the 5 trustees. For the purposes of this Section, "design-build" means a delivery system that provides responsibility within a single contract for the furnishing of architecture, engineering, land surveying and related services as required, and the labor, materials, equipment, and other construction services for the project.

In the case of an emergency affecting the public health or safety so declared by the Board of Trustees of the municipality at a meeting thereof duly convened, which declaration shall require the affirmative vote of four of the five Trustees, and shall set forth the nature of the danger to the
public health or safety, contracts totaling not more than the emergency contract cap may be let to the extent necessary to resolve such emergency without public advertisement or competitive bidding. For purposes of this Section, the dollar amount of an emergency contract shall not be less than $40,000, nor more than $350,000. The Resolution or Ordinance in which such declaration is embodied shall fix the date upon which such emergency shall terminate which date may be extended or abridged by the Board of Trustees as in their judgment the circumstances require. A full written account of any such emergency, together with a requisition for the materials, supplies, labor or equipment required therefor shall be submitted immediately upon completion and shall be open to public inspection for a period of at least one year subsequent to the date of such emergency purchase. Within 30 days after the passage of the resolution or ordinance declaring an emergency affecting the public health or safety, the municipality shall submit to the Illinois Environmental Protection Agency the full written account of any such emergency along with a copy of the resolution or ordinance declaring the emergency, in accordance with requirements as may be provided by rule.

To address operating emergencies not affecting the public health or safety, the Board of Trustees shall authorize, in writing, officials or employees of the sanitary district to purchase in the open market and without advertisement any supplies, materials, equipment, or services for immediate delivery to meet the bona fide operating emergency, without filing a requisition or estimate therefor, in an amount not in excess of $100,000; provided that the Board of Trustees must be notified of the operating emergency. A full, written account of each operating emergency and a requisition for the materials, supplies, equipment, and services required to meet the operating emergency must be immediately submitted by the officials or employees authorized to make purchases to the Board of Trustees. The account must be available for public inspection for a period of at least one year after the date of the operating emergency purchase. The exercise of authority with respect to purchases for a bona fide operating emergency is not dependent on a declaration of an operating emergency by the Board of Trustees.

The competitive bidding requirements of this Section do not apply to contracts, including contracts for both materials and services incidental thereto, for the repair or replacement of a sanitary district's treatment plant, sewers, equipment, or facilities damaged or destroyed as the result of a sudden or unexpected occurrence, including, but not limited to, a flood,
fire, tornado, earthquake, storm, or other natural or man-made disaster, if
the board of trustees determines in writing that the awarding of those
contracts without competitive bidding is reasonably necessary for the
sanitary district to maintain compliance with a permit issued under the
National Pollution Discharge Elimination System (NPDES) or any
successor system or with any outstanding order relating to that compliance
issued by the United States Environmental Protection Agency, the Illinois
Environmental Protection Agency, or the Illinois Pollution Control Board.
The authority to issue contracts without competitive bidding pursuant to
this paragraph expires 6 months after the date of the writing determining
that the awarding of contracts without competitive bidding is reasonably
necessary.

No Trustee shall be interested, directly or indirectly, in any
contract, work or business of the municipality, or in the sale of any article,
whenever the expense, price or consideration of the contract work,
business or sale is paid either from the treasury or by any assessment
levied by any Statute or Ordinance. No Trustee shall be interested, directly
or indirectly, in the purchase of any property which (1) belongs to the
municipality, or (2) is sold for taxes or assessments of the municipality, or
(3) is sold by virtue of legal process in the suit of the municipality.

A contract for any work or other public improvement, to be paid
for in whole or in part by special assessment or special taxation, shall be
entered into and the performance thereof controlled by the provisions of
Division 2 of Article 9 of the "Illinois Municipal Code", approved May 29,
1961, as heretofore or hereafter amended, as near as may be. However,
contracts may be let for making proper and suitable connections between
the mains and outlets of the respective sanitary sewers in the district with
any conduit, conduits, main pipe or pipes that may be constructed by such
sanitary district.

(Source: P.A. 98-162, eff. 8-2-13.)
(70 ILCS 2305/18.5 new)

Sec. 18.5. Contracts. The sanitary district may enter into contracts
with municipalities or other parties outside the sanitary district that may
request service from the sanitary district at higher rates than the existing
rates for like consumers within the sanitary district to allow the sanitary
district to obtain a fair return to cover the costs of financing, constructing,
operating, and maintaining its facilities. In the event that thereafter such
rates are not agreed upon by the parties or are not otherwise provided for

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by contract, such rates shall be fixed and determined by the circuit court of Lake County after a petition has been filed with that court.

(70 ILCS 2305/31 new)

Sec. 31. Resource recovery.

(a) As used in this Section:

"Recovered resources" means any material produced by or extracted from the operation of sanitary district facilities, including, but not limited to:

1. solids, including solids from the digestion process, semi-solids, or liquid materials;
2. gases, including biogas, carbon dioxide, and methane;
3. nutrients;
4. algae;
5. treated effluent; and
6. thermal energy or hydropower.

"Renewable energy facility" shall have the same meaning as a facility defined under Section 5 of the Renewable Energy Production District Act.

"Renewable energy resources" means resources as defined under Section 1-10 of the Illinois Power Agency Act.

"Resource recovery" means the recovery of material or energy from waste as defined under Section 3.435 of the Environmental Protection Act.

(b) The General Assembly finds that:

1. technological advancements in wastewater treatment have resulted in the ability to capture recovered resources and produce renewable energy resources from material previously discarded;
2. the capture and beneficial reuse of recovered resources and the production of renewable energy resources serve a wide variety of environmental benefits including, but not limited to, improved water quality, reduction of greenhouse gases, reduction of carbon footprint, reduction of landfill usage, reduced usage of hydrocarbon-based fuels, return of nutrients to the food cycle, and reduced water consumption;
3. the sanitary district is a leader in the field of wastewater treatment and possesses the expertise and experience necessary to capture and beneficially reuse or prepare for

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beneficial reuse recovered resources, including renewable energy resources; and

(4) the sanitary district has the opportunity and ability to change the approach to wastewater treatment from that of a waste material to be disposed of to one of a collection of resources to be recovered, reused, and sold, with the opportunity to provide the sanitary district with additional sources of revenue and reduce operating costs.

(c) The sanitary district may sell or otherwise dispose of recovered resources or renewable energy resources resulting from the operation of sanitary district facilities, and may construct, maintain, finance, and operate such activities, facilities, and other works as are necessary for that purpose.

(d) The sanitary district may take in materials which are used in the generation of usable products from recovered resources, or which increase the production of renewable energy resources, including, but not limited to, food waste, organic fraction of solid waste, commercial or industrial organic wastes, fats, oils, greases, and vegetable debris.

(e) The authorizations granted to the sanitary district under this Section shall not be construed as modifying or limiting any other law or regulation. Any actions taken pursuant to the authorities granted in this Section must be in compliance with all applicable laws and regulations, including, but not limited to, the Environmental Protection Act, and rules adopted under that Act.

Section 15. The Sanitary District Act of 1917 is amended by changing Section 17.1 as follows:

(70 ILCS 2405/17.1) (from Ch. 42, par. 316.1)

Sec. 17.1. Acquiring district or municipal treatment works.

(a) After incorporation, any district organized under this Act may, in accordance with this Act and an intergovernmental agreement with the sanitary district being acquired or the municipality from whom the treatment works and lines are to be acquired, acquire the territory, treatment works, lines, appurtenances, and other property of (i) any sanitary district organized under this Act, the Sanitary District Act of 1907, the North Shore Water Reclamation Sanitary District Act, the Sanitary District Act of 1936, or the Metro-East Sanitary District Act of 1974 or (ii) any municipality whose treatment works were established under the Illinois Municipal Code or the Municipal Wastewater Disposal Zones Act, regardless of whether that district or municipality is contiguous

New matter indicated by italics - deletions by strikeout
to the acquiring sanitary district. The distance between the sanitary district being acquired or municipality and the acquiring sanitary district, however, as measured between the points on their corporate boundaries that are nearest to each other, shall not exceed 20 miles. In the case of a municipality, only that property used by the municipality for transport, treatment, and discharge of wastewater and for disposal of sewage sludge shall be transferred to the acquiring sanitary district.

(b) The board of trustees of the sanitary district being acquired, or the corporate authorities of a municipality whose treatment works is being acquired, shall, jointly with the board of trustees of the acquiring sanitary district, petition the circuit court of the county containing all or the larger portion of the sanitary district being acquired or the municipality to permit the acquisition. The petition shall show the following:

1. The reason for the acquisition.
2. That there are no debts of the sanitary district being acquired or municipality outstanding, or that there are sufficient funds on hand or available to satisfy those debts.
3. That no contract or federal or State permit or grant will be impaired by the acquisition.
4. That all assets and responsibilities of the sanitary district being acquired or municipality, as they relate to wastewater treatment, have been properly assigned to the acquiring sanitary district.
5. That the acquiring sanitary district will pay any court costs incurred in connection with the petition.
6. The boundaries of the acquired sanitary district or municipality as of the date of the petition.

(c) Upon adequate notice, including appropriate notice to the Illinois Environmental Protection Agency, the circuit court shall hold a hearing to determine whether there is good cause for the acquisition by the acquiring district and whether the allegations of the petition are true. If the court finds that there is good cause and that the allegations are true, it shall order the acquisition to proceed. If the court finds that there is not good cause for the acquisition or that the allegations of the petition are not true, the court shall dismiss the petition. In either event, the costs shall be taxed against the acquiring sanitary district. The order shall be final. Separate or joint appeals may be taken by any party affected by the order as in other civil cases.

New matter indicated by italics - deletions by strikeout
(d) If the court orders the acquisition contemplated in the petition, there shall be no further appointments of trustees if the acquired agency is a sanitary district. The trustees of the acquired sanitary district acting at the time of the order shall close up the business affairs of the sanitary district and make the necessary conveyances of title to the sanitary district property in accordance with the intergovernmental agreement between the acquiring and acquired sanitary districts. In the case of a municipality, the governing body of the municipality shall make the necessary conveyances of title to municipal property to the acquiring sanitary district in accordance with the intergovernmental agreement between the municipality and the acquiring sanitary district. The acquiring sanitary district's ordinances take effect in the acquired territory upon entry of the order.

(e) The acquisition of any sanitary district by another sanitary district or the acquisition of a treatment works from a municipality by another sanitary district shall not affect the obligation of any bonds issued or contracts entered into by the acquired sanitary district or the municipality, nor invalidate the levy, extension, or collection of any taxes or special assessments upon a property in the acquired sanitary district, but all those bonds and contracts shall be discharged. The general obligation indebtedness of the acquired sanitary district shall be paid from the proceeds of continuing taxes and special assessments as provided in this Act.

All money remaining after the business affairs of the acquired sanitary district or acquired treatment works of the municipality have been closed up and all debts and obligations of the entities paid shall be paid to the acquiring sanitary district in accordance with the intergovernmental agreement between the parties.

(f) The board of trustees of the acquiring sanitary district required to provide sewer service under this Act may levy and collect, for that purpose, a tax on the taxable property within that district. The aggregate amount of the tax shall be as provided in this Act.

(g) Any intergovernmental agreement entered into by the parties under this Section shall provide for the imposition or continuance of a user charge system in accordance with the acquiring district's ordinance, the Illinois Environmental Protection Act, and the federal Clean Water Act.

(h) All courts shall take judicial notice of the acquisition of the sanitary district being acquired or municipal treatment works by the acquiring sanitary district.

New matter indicated by italics - deletions by strikeout
Section 20. The Eminent Domain Act is amended by changing Section 15-5-15 as follows:

Sec. 15-5-15. Eminent domain powers in ILCS Chapters 70 through 75. The following provisions of law may include express grants of the power to acquire property by condemnation or eminent domain:

(70 ILCS 5/8.02 and 5/9); Airport Authorities Act; airport authorities; for public airport facilities.

(70 ILCS 5/8.05 and 5/9); Airport Authorities Act; airport authorities; for removal of airport hazards.

(70 ILCS 5/8.06 and 5/9); Airport Authorities Act; airport authorities; for reduction of the height of objects or structures.

(70 ILCS 10/4); Interstate Airport Authorities Act; interstate airport authorities; for general purposes.

(70 ILCS 15/3); Kankakee River Valley Area Airport Authority Act; Kankakee River Valley Area Airport Authority; for acquisition of land for airports.

(70 ILCS 200/2-20); Civic Center Code; civic center authorities; for grounds, centers, buildings, and parking.

(70 ILCS 200/5-35); Civic Center Code; Aledo Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/10-15); Civic Center Code; Aurora Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/15-40); Civic Center Code; Benton Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/20-15); Civic Center Code; Bloomington Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/35-35); Civic Center Code; Brownstown Park District Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/40-35); Civic Center Code; Carbondale Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/55-60); Civic Center Code; Chicago South Civic Center Authority; for grounds, centers, buildings, and parking.

New matter indicated by italics - deletions by strikeout
(70 ILCS 200/60-30); Civic Center Code; Collinsville Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/70-35); Civic Center Code; Crystal Lake Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/75-20); Civic Center Code; Decatur Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/80-15); Civic Center Code; DuPage County Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/85-35); Civic Center Code; Elgin Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/95-25); Civic Center Code; Herrin Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/110-35); Civic Center Code; Illinois Valley Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/115-35); Civic Center Code; Jasper County Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/120-25); Civic Center Code; Jefferson County Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/125-15); Civic Center Code; Jo Daviess County Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/130-30); Civic Center Code; Katherine Dunham Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/145-35); Civic Center Code; Marengo Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/150-35); Civic Center Code; Mason County Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/155-15); Civic Center Code; Matteson Metropolitan

New matter indicated by italics - deletions by strikeout
Civic Center Authority; for grounds, centers, buildings, and parking.
(70 ILCS 200/160-35); Civic Center Code; Maywood Civic Center Authority; for grounds, centers, buildings, and parking.
(70 ILCS 200/165-35); Civic Center Code; Melrose Park Metropolitan Exposition Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.
(70 ILCS 200/170-20); Civic Center Code; certain Metropolitan Exposition, Auditorium and Office Building Authorities; for general purposes.
(70 ILCS 200/180-35); Civic Center Code; Normal Civic Center Authority; for grounds, centers, buildings, and parking.
(70 ILCS 200/185-15); Civic Center Code; Oak Park Civic Center Authority; for grounds, centers, buildings, and parking.
(70 ILCS 200/195-35); Civic Center Code; Ottawa Civic Center Authority; for grounds, centers, buildings, and parking.
(70 ILCS 200/200-15); Civic Center Code; Pekin Civic Center Authority; for grounds, centers, buildings, and parking.
(70 ILCS 200/205-15); Civic Center Code; Peoria Civic Center Authority; for grounds, centers, buildings, and parking.
(70 ILCS 200/210-35); Civic Center Code; Pontiac Civic Center Authority; for grounds, centers, buildings, and parking.
(70 ILCS 200/215-15); Civic Center Code; Illinois Quad City Civic Center Authority; for grounds, centers, buildings, and parking.
(70 ILCS 200/220-30); Civic Center Code; Quincy Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.
(70 ILCS 200/225-35); Civic Center Code; Randolph County Civic Center Authority; for grounds, centers, buildings, and parking.
(70 ILCS 200/230-35); Civic Center Code; River Forest Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.
(70 ILCS 200/235-40); Civic Center Code; Riverside Civic Center Authority; for grounds, centers, buildings, and parking.
(70 ILCS 200/245-35); Civic Center Code; Salem Civic Center Authority; for grounds, centers, buildings, and parking.
(70 ILCS 200/255-20); Civic Center Code; Springfield

New matter indicated by italics - deletions by strikeout
Metropolitan Exposition and Auditorium Authority; for grounds, centers, and parking.
(70 ILCS 200/260-35); Civic Center Code; Sterling Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.
(70 ILCS 200/265-20); Civic Center Code; Vermilion County Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.
(70 ILCS 200/270-35); Civic Center Code; Waukegan Civic Center Authority; for grounds, centers, buildings, and parking.
(70 ILCS 200/275-35); Civic Center Code; West Frankfort Civic Center Authority; for grounds, centers, buildings, and parking.
(70 ILCS 200/280-20); Civic Center Code; Will County Metropolitan Exposition and Auditorium Authority; for grounds, centers, and parking.
(70 ILCS 210/5); Metropolitan Pier and Exposition Authority Act; Metropolitan Pier and Exposition Authority; for general purposes, including quick-take power.
(70 ILCS 405/22.04); Soil and Water Conservation Districts Act; soil and water conservation districts; for general purposes.
(70 ILCS 410/10 and 410/12); Conservation District Act; conservation districts; for open space, wildland, scenic roadway, pathway, outdoor recreation, or other conservation benefits.
(70 ILCS 503/25); Chanute-Rantoul National Aviation Center Redevelopment Commission Act; Chanute-Rantoul National Aviation Center Redevelopment Commission; for general purposes.
(70 ILCS 507/15); Fort Sheridan Redevelopment Commission Act; Fort Sheridan Redevelopment Commission; for general purposes or to carry out comprehensive or redevelopment plans.
(70 ILCS 520/8); Southwestern Illinois Development Authority Act; Southwestern Illinois Development Authority; for general purposes, including quick-take power.
(70 ILCS 605/4-17 and 605/5-7); Illinois Drainage Code; drainage districts; for general purposes.

New matter indicated by italics - deletions by strikeout
(70 ILCS 615/5 and 615/6); Chicago Drainage District Act; corporate authorities; for construction and maintenance of works.

(70 ILCS 705/10); Fire Protection District Act; fire protection districts; for general purposes.

(70 ILCS 750/20); Flood Prevention District Act; flood prevention districts; for general purposes.

(70 ILCS 805/6); Downstate Forest Preserve District Act; certain forest preserve districts; for general purposes.

(70 ILCS 805/18.8); Downstate Forest Preserve District Act; certain forest preserve districts; for recreational and cultural facilities.

(70 ILCS 810/8); Cook County Forest Preserve District Act; Forest Preserve District of Cook County; for general purposes.

(70 ILCS 810/38); Cook County Forest Preserve District Act; Forest Preserve District of Cook County; for recreational facilities.

(70 ILCS 910/15 and 910/16); Hospital District Law; hospital districts; for hospitals or hospital facilities.

(70 ILCS 915/3); Illinois Medical District Act; Illinois Medical District Commission; for general purposes.

(70 ILCS 915/4.5); Illinois Medical District Act; Illinois Medical District Commission; quick-take power for the Illinois State Police Forensic Science Laboratory (obsolete).

(70 ILCS 920/5); Tuberculosis Sanitarium District Act; tuberculosis sanitarium districts; for tuberculosis sanitariums.

(70 ILCS 925/20); Mid-Illinois Medical District Act; Mid-Illinois Medical District; for general purposes.

(70 ILCS 930/20); Mid-America Medical District Act; Mid-America Medical District Commission; for general purposes.

(70 ILCS 935/20); Roseland Community Medical District Act; medical district; for general purposes.

(70 ILCS 1005/7); Mosquito Abatement District Act; mosquito abatement districts; for general purposes.

(70 ILCS 1105/8); Museum District Act; museum districts; for

New matter indicated by italics - deletions by strikeout
general purposes.
(70 ILCS 1205/7-1); Park District Code; park districts; for streets and other purposes.
(70 ILCS 1205/8-1); Park District Code; park districts; for parks.
(70 ILCS 1205/9-2 and 1205/9-4); Park District Code; park districts; for airports and landing fields.
(70 ILCS 1205/11-2 and 1205/11-3); Park District Code; park districts; for State land abutting public water and certain access rights.
(70 ILCS 1205/11.1-3); Park District Code; park districts; for harbors.
(70 ILCS 1225/2); Park Commissioners Land Condemnation Act; park districts; for street widening.
(70 ILCS 1230/1 and 1230/1-a); Park Commissioners Water Control Act; park districts; for parks, boulevards, driveways, parkways, viaducts, bridges, or tunnels.
(70 ILCS 1250/2); Park Commissioners Street Control (1889) Act; park districts; for boulevards or driveways.
(70 ILCS 1290/1); Park District Aquarium and Museum Act; municipalities or park districts; for aquariums or museums.
(70 ILCS 1305/2); Park District Airport Zoning Act; park districts; for restriction of the height of structures.
(70 ILCS 1310/5); Park District Elevated Highway Act; park districts; for elevated highways.
(70 ILCS 1505/15); Chicago Park District Act; Chicago Park District; for parks and other purposes.
(70 ILCS 1505/25.1); Chicago Park District Act; Chicago Park District; for parking lots or garages.
(70 ILCS 1505/26.3); Chicago Park District Act; Chicago Park District; for harbors.
(70 ILCS 1570/5); Lincoln Park Commissioners Land Condemnation Act; Lincoln Park Commissioners; for land and interests in land, including riparian rights.
(70 ILCS 1801/30); Alexander-Cairo Port District Act; Alexander-Cairo Port District; for general purposes.
(70 ILCS 1805/8); Havana Regional Port District Act; Havana Regional Port District; for general purposes.

New matter indicated by italics - deletions by strikeout
(70 ILCS 1810/7); Illinois International Port District Act; Illinois International Port District; for general purposes.

(70 ILCS 1815/13); Illinois Valley Regional Port District Act; Illinois Valley Regional Port District; for general purposes.

(70 ILCS 1820/4); Jackson-Union Counties Regional Port District Act; Jackson-Union Counties Regional Port District; for removal of airport hazards or reduction of the height of objects or structures.

(70 ILCS 1820/5); Jackson-Union Counties Regional Port District Act; Jackson-Union Counties Regional Port District; for general purposes.

(70 ILCS 1825/4.9); Joliet Regional Port District Act; Joliet Regional Port District; for removal of airport hazards.

(70 ILCS 1825/4.10); Joliet Regional Port District Act; Joliet Regional Port District; for reduction of the height of objects or structures.

(70 ILCS 1825/4.18); Joliet Regional Port District Act; Joliet Regional Port District; for removal of hazards from ports and terminals.

(70 ILCS 1825/5); Joliet Regional Port District Act; Joliet Regional Port District; for general purposes.

(70 ILCS 1830/7.1); Kaskaskia Regional Port District Act; Kaskaskia Regional Port District; for removal of hazards from ports and terminals.

(70 ILCS 1830/14); Kaskaskia Regional Port District Act; Kaskaskia Regional Port District; for general purposes.

(70 ILCS 1831/30); Massac-Metropolis Port District Act; Massac-Metropolis Port District; for general purposes.

(70 ILCS 1835/5.10); Mt. Carmel Regional Port District Act; Mt. Carmel Regional Port District; for removal of airport hazards.

(70 ILCS 1835/5.11); Mt. Carmel Regional Port District Act; Mt. Carmel Regional Port District; for reduction of the height of objects or structures.

(70 ILCS 1835/6); Mt. Carmel Regional Port District Act; Mt. Carmel Regional Port District; for general purposes.

(70 ILCS 1837/30); Ottawa Port District Act; Ottawa Port

New matter indicated by italics - deletions by strikeout
District; for general purposes.
(70 ILCS 1845/4.9); Seneca Regional Port District Act; Seneca Regional Port District; for removal of airport hazards.
(70 ILCS 1845/4.10); Seneca Regional Port District Act; Seneca Regional Port District; for reduction of the height of objects or structures.
(70 ILCS 1845/5); Seneca Regional Port District Act; Seneca Regional Port District; for general purposes.
(70 ILCS 1850/4); Shawneetown Regional Port District Act; Shawneetown Regional Port District; for removal of airport hazards or reduction of the height of objects or structures.
(70 ILCS 1850/5); Shawneetown Regional Port District Act; Shawneetown Regional Port District; for general purposes.
(70 ILCS 1855/4); Southwest Regional Port District Act; Southwest Regional Port District; for removal of airport hazards or reduction of the height of objects or structures.
(70 ILCS 1855/5); Southwest Regional Port District Act; Southwest Regional Port District; for general purposes.
(70 ILCS 1860/4); Tri-City Regional Port District Act; Tri-City Regional Port District; for removal of airport hazards.
(70 ILCS 1860/5); Tri-City Regional Port District Act; Tri-City Regional Port District; for the development of facilities.
(70 ILCS 1863/11); Upper Mississippi River International Port District Act; Upper Mississippi River International Port District; for general purposes.
(70 ILCS 1865/4.9); Waukegan Port District Act; Waukegan Port District; for removal of airport hazards.
(70 ILCS 1865/4.10); Waukegan Port District Act; Waukegan Port District; for restricting the height of objects or structures.
(70 ILCS 1865/5); Waukegan Port District Act; Waukegan Port District; for the development of facilities.
(70 ILCS 1870/8); White County Port District Act; White County Port District; for the development of facilities.
(70 ILCS 1905/16); Railroad Terminal Authority Act; Railroad Terminal Authority (Chicago); for general purposes.
(70 ILCS 1915/25); Grand Avenue Railroad Relocation Authority

New matter indicated by italics - deletions by strikeout
Act; Grand Avenue Railroad Relocation Authority; for
general purposes, including quick-take power (now
obsolete).

(70 ILCS 1935/25); Elmwood Park Grade Separation Authority Act;
Elmwood Park Grade Separation Authority; for general
purposes.

(70 ILCS 2105/9b); River Conservancy Districts Act; river
conservancy districts; for general purposes.

(70 ILCS 2105/10a); River Conservancy Districts Act; river
conservancy districts; for corporate purposes.

(70 ILCS 2205/15); Sanitary District Act of 1907; sanitary
districts; for corporate purposes.

(70 ILCS 2205/18); Sanitary District Act of 1907; sanitary
districts; for improvements and works.

(70 ILCS 2205/19); Sanitary District Act of 1907; sanitary
districts; for access to property.

(70 ILCS 2305/8); North Shore Water Reclamation Sanitary
District Act; North Shore Water Reclamation Sanitary
District; for corporate purposes.

(70 ILCS 2305/15); North Shore Water Reclamation Sanitary
District Act; North Shore Water Reclamation Sanitary
District; for improvements.

(70 ILCS 2405/7.9); Sanitary District Act of 1917; Sanitary
District of Decatur; for carrying out agreements to sell,
convey, or disburse treated wastewater to a private entity.

(70 ILCS 2405/8); Sanitary District Act of 1917; sanitary
districts; for corporate purposes.

(70 ILCS 2405/15); Sanitary District Act of 1917; sanitary
districts; for improvements.

(70 ILCS 2405/16.9 and 2405/16.10); Sanitary District Act of
1917; sanitary districts; for waterworks.

(70 ILCS 2405/17.2); Sanitary District Act of 1917; sanitary
districts; for public sewer and water utility treatment
works.

(70 ILCS 2405/18); Sanitary District Act of 1917; sanitary
districts; for dams or other structures to regulate water
flow.

(70 ILCS 2605/8); Metropolitan Water Reclamation District Act;
Metropolitan Water Reclamation District; for corporate

New matter indicated by italics - deletions by strikeout
purposes.
(70 ILCS 2605/16); Metropolitan Water Reclamation District
Act; Metropolitan Water Reclamation District; quick-take
power for improvements.
(70 ILCS 2605/17); Metropolitan Water Reclamation District
Act; Metropolitan Water Reclamation District; for bridges.
(70 ILCS 2605/35); Metropolitan Water Reclamation District
Act; Metropolitan Water Reclamation District; for widening
and deepening a navigable stream.
(70 ILCS 2805/10); Sanitary District Act of 1936; sanitary
districts; for corporate purposes.
(70 ILCS 2805/24); Sanitary District Act of 1936; sanitary
districts; for improvements.
(70 ILCS 2805/26i and 2805/26j); Sanitary District Act of 1936;
sanitary districts; for drainage systems.
(70 ILCS 2805/27); Sanitary District Act of 1936; sanitary
districts; for dams or other structures to regulate water
flow.
(70 ILCS 2805/32k); Sanitary District Act of 1936; sanitary
districts; for water supply.
(70 ILCS 2805/32l); Sanitary District Act of 1936; sanitary
districts; for waterworks.
(70 ILCS 2905/2-7); Metro-East Sanitary District Act of 1974;
Metro-East Sanitary District; for corporate purposes.
(70 ILCS 2905/2-8); Metro-East Sanitary District Act of 1974;
Metro-East Sanitary District; for access to property.
(70 ILCS 3010/10); Sanitary District Revenue Bond Act; sanitary
districts; for sewerage systems.
(70 ILCS 3205/12); Illinois Sports Facilities Authority Act;
Illinois Sports Facilities Authority; quick-take power for
its corporate purposes (obsolete).
(70 ILCS 3405/16); Surface Water Protection District Act;
surface water protection districts; for corporate
purposes.
(70 ILCS 3605/7); Metropolitan Transit Authority Act; Chicago
Transit Authority; for transportation systems.
(70 ILCS 3605/8); Metropolitan Transit Authority Act; Chicago
Transit Authority; for general purposes.
(70 ILCS 3605/10); Metropolitan Transit Authority Act; Chicago

New matter indicated by italics - deletions by strikeout
Transit Authority; for general purposes, including railroad property.
(70 ILCS 3610/3 and 3610/5); Local Mass Transit District Act; local mass transit districts; for general purposes.
(70 ILCS 3615/2.13); Regional Transportation Authority Act; Regional Transportation Authority; for general purposes.
(70 ILCS 3705/8 and 3705/12); Public Water District Act; public water districts; for waterworks.
(70 ILCS 3705/23a); Public Water District Act; public water districts; for sewerage properties.
(70 ILCS 3705/23e); Public Water District Act; public water districts; for combined waterworks and sewerage systems.
(70 ILCS 3715/6); Water Authorities Act; water authorities; for facilities to ensure adequate water supply.
(70 ILCS 3715/27); Water Authorities Act; water authorities; for access to property.
(75 ILCS 5/4-7); Illinois Local Library Act; boards of library trustees; for library buildings.
(75 ILCS 16/30-55.80); Public Library District Act of 1991; public library districts; for general purposes.
(75 ILCS 65/1 and 65/3); Libraries in Parks Act; corporate authorities of city or park district, or board of park commissioners; for free public library buildings.
(Source: P.A. 97-333, eff. 8-12-11; 97-813, eff. 7-13-12; incorporates 98-564, eff. 8-27-13; 98-756, eff. 7-16-14.)
Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly May 26, 2016.
Approved July 29, 2016.
Effective July 29, 2016.

PUBLIC ACT 99-0670
(House Bill No. 4606)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The School Code is amended by changing Section 10-20.12b as follows:

New matter indicated by italics - deletions by strikeout
Sec. 10-20.12b. Residency; payment of tuition; hearing; criminal penalty.

(a) For purposes of this Section:

(1) The residence of a person who has legal custody of a pupil is deemed to be the residence of the pupil.

(2) "Legal custody" means one of the following:

(i) Custody exercised by a natural or adoptive parent with whom the pupil resides.

(ii) Custody granted by order of a court of competent jurisdiction to a person with whom the pupil resides for reasons other than to have access to the educational programs of the district.

(iii) Custody exercised under a statutory short-term guardianship, provided that within 60 days of the pupil's enrollment a court order is entered that establishes a permanent guardianship and grants custody to a person with whom the pupil resides for reasons other than to have access to the educational programs of the district.

(iv) Custody exercised by an adult caretaker relative who is receiving aid under the Illinois Public Aid Code for the pupil who resides with that adult caretaker relative for purposes other than to have access to the educational programs of the district.

(v) Custody exercised by an adult who demonstrates that, in fact, he or she has assumed and exercises legal responsibility for the pupil and provides the pupil with a regular fixed night-time abode for purposes other than to have access to the educational programs of the district.

(a-5) If a pupil's change of residence is due to the military service obligation of a person who has legal custody of the pupil, then, upon the written request of the person having legal custody of the pupil, the residence of the pupil is deemed for all purposes relating to enrollment (including tuition, fees, and costs), for the duration of the custodian's military service obligation, to be the same as the residence of the pupil immediately before the change of residence caused by the military service obligation. A school district is not responsible for providing transportation to or from school for a pupil whose residence is determined under this

New matter indicated by italics - deletions by strikeout
subsection (a-5). School districts shall facilitate re-enrollment when necessary to comply with this subsection (a-5).

(b) Except as otherwise provided under Section 10-22.5a, only resident pupils of a school district may attend the schools of the district without payment of the tuition required to be charged under Section 10-20.12a. However, children for whom the Guardianship Administrator of the Department of Children and Family Services has been appointed temporary custodian or guardian of the person of a child shall not be charged tuition as a nonresident pupil if the child was placed by the Department of Children and Family Services with a foster parent or placed in another type of child care facility and the foster parent or child care facility is located in a school district other than the child's former school district and it is determined by the Department of Children and Family Services to be in the child's best interest to maintain attendance at his or her former school district.

(c) The provisions of this subsection do not apply in school districts having a population of 500,000 or more. If a school board in a school district with a population of less than 500,000 determines that a pupil who is attending school in the district on a tuition free basis is a nonresident of the district for whom tuition is required to be charged under Section 10-20.12a, the board shall notify the person who enrolled the pupil of the amount of the tuition charged under Section 10-20.12a that is due to the district for the nonresident pupil's attendance in the district's schools. The notice shall detail the specific reasons why the board believes that the pupil is a nonresident of the district and shall be given by certified mail, return receipt requested. Within 10 calendar days after receipt of the notice, the person who enrolled the pupil may request a hearing to review the determination of the school board. The request shall be sent by certified mail, return receipt requested, to the district superintendent. Within 10 calendar days after receipt of the request, the board shall notify, by certified mail, return receipt requested, the person requesting the hearing of the time and place of the hearing, which shall be held not less than 10 nor more than 20 calendar days after the notice of hearing is given. At least 3 calendar days prior to the hearing, each party shall disclose to the other party all written evidence and testimony that it may submit during the hearing and a list of witnesses that it may call to testify during the hearing. The hearing notice shall notify the person requesting the hearing that any written evidence and testimony or witnesses not disclosed to the other party at least 3 calendar days prior to the hearing...
are barred at the hearing without the consent of the other party. The board or a hearing officer designated by the board shall conduct the hearing. The board and the person who enrolled the pupil may be represented at the hearing by representatives of their choice. At the hearing, the person who enrolled the pupil shall have the burden of going forward with the evidence concerning the pupil's residency. If the hearing is conducted by a hearing officer, the hearing officer, within 5 calendar days after the conclusion of the hearing, shall send a written report of his or her findings by certified mail, return receipt requested, to the school board and to the person who enrolled the pupil. The person who enrolled the pupil may, within 5 calendar days after receiving the findings, file written objections to the findings with the school board by sending the objections by certified mail, return receipt requested, addressed to the district superintendent. Whether the hearing is conducted by the school board or a hearing officer, the school board shall, within 30 calendar days after the conclusion of the hearing, decide whether or not the pupil is a resident of the district and the amount of any tuition required to be charged under Section 10-20.12a as a result of the pupil's attendance in the schools of the district. The school board shall send a copy of its decision within 5 calendar days of its decision to the person who enrolled the pupil by certified mail, return receipt requested. This decision must inform the person who enrolled the pupil that he or she may, within 5 calendar days after receipt of the decision of the board, petition the regional superintendent of schools to review the decision. The decision must also include notification that, at the request of the person who enrolled the pupil, the pupil may continue attending the schools of the district pending the regional superintendent of schools' review of the board's decision but that tuition shall continue to be assessed under Section 10-20.12a of this Code during the review period and become due upon a final determination of the regional superintendent of schools that the student is a nonresident, and the decision of the school board shall be final.

Within 5 calendar days after receipt of the decision of the board pursuant to this subsection (c) of this Section, the person who enrolled the pupil may petition the regional superintendent of schools who exercises supervision and control of the board to review the board's decision. The petition must include the basis for the request and be sent by certified mail, return receipt requested, to both the regional superintendent of schools and the district superintendent.

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Within 5 calendar days after receipt of the petition, the board must deliver to the regional superintendent of schools the written decision of the board, any written evidence and testimony that was submitted by the parties during the hearing, a list of all witnesses that testified during the hearing, and any existing written minutes or transcript of the hearing or verbatim record of the hearing in the form of an audio or video recording documenting the hearing. The board may also provide the regional superintendent of schools and the petitioner with a written response to the petition. The regional superintendent of schools' review of the board's decision is limited to the documentation submitted to the regional superintendent of schools pursuant to this Section.

Within 10 calendar days after receipt of the documentation provided by the school district pursuant to this Section, the regional superintendent of schools shall issue a written decision as to whether or not there is clear and convincing evidence that the pupil is a resident of the district pursuant to this Section and eligible to attend the district's schools on a tuition-free basis. The decision shall be transmitted to the board and the person who enrolled the pupil and shall, with specificity, detail the rationale behind the decision.

(c-5) The provisions of this subsection apply only in school districts having a population of 500,000 or more. If the board of education of a school district with a population of 500,000 or more determines that a pupil who is attending school in the district on a tuition free basis is a nonresident of the district for whom tuition is required to be charged under Section 10-20.12a, the board shall notify the person who enrolled the pupil of the amount of the tuition charged under Section 10-20.12a that is due to the district for the nonresident pupil's attendance in the district's schools. The notice shall be given by certified mail, return receipt requested. Within 10 calendar days after receipt of the notice, the person who enrolled the pupil may request a hearing to review the determination of the school board. The request shall be sent by certified mail, return receipt requested, to the district superintendent. Within 30 calendar days after receipt of the request, the board shall notify, by certified mail, return receipt requested, the person requesting the hearing of the time and place of the hearing, which shall be held not less than 10 calendar nor more than 30 calendar days after the notice of hearing is given. The board or a hearing officer designated by the board shall conduct the hearing. The board and the person who enrolled the pupil may each be represented at the hearing by a representative of their choice. At the hearing, the person

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who enrolled the pupil shall have the burden of going forward with the evidence concerning the pupil's residency. If the hearing is conducted by a hearing officer, the hearing officer, within 20 calendar days after the conclusion of the hearing, shall serve a written report of his or her findings by personal service or by certified mail, return receipt requested, to the school board and to the person who enrolled the pupil. The person who enrolled the pupil may, within 10 calendar days after receiving the findings, file written objections to the findings with the board of education by sending the objections by certified mail, return receipt requested, addressed to the general superintendent of schools. If the hearing is conducted by the board of education, the board shall, within 45 calendar days after the conclusion of the hearing, decide whether or not the pupil is a resident of the district and the amount of any tuition required to be charged under Section 10-20.12a as a result of the pupil's attendance in the schools of the district. If the hearing is conducted by a hearing officer, the board of education shall, within 45 days after the receipt of the hearing officer's findings, decide whether or not the pupil is a resident of the district and the amount of any tuition required to be charged under Section 10-20.12a as a result of the pupil's attendance in the schools of the district. The board of education shall send, by certified mail, return receipt requested, a copy of its decision to the person who enrolled the pupil, and the decision of the board shall be final.

(d) If a hearing is requested under subsection (c) of this Section or (c-5) to review the determination of the school board or board of education that a nonresident pupil is attending the schools of the district without payment of the tuition required to be charged under Section 10-20.12a, the pupil may, at the request of the person who enrolled the pupil, continue attendance at the schools of the district pending the final decision of the board or regional superintendent of schools, as applicable, and the school district's payments under Section 18-8.05 of this Code shall not be adjusted due to tuition collection under this Section of the board following the hearing. However, attendance of that pupil in the schools of the district as authorized by this subsection (d) shall not relieve any person who enrolled the pupil of the obligation to pay the tuition charged for that attendance under Section 10-20.12a if the final decision of the board or regional superintendent of schools is that the pupil is a nonresident of the district. If a pupil is determined to be a nonresident of the district for whom tuition is required to be charged pursuant to this Section, the board

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shall refuse to permit the pupil to continue attending the schools of the
district unless the required tuition is paid for the pupil.

(d-5) If a hearing is requested under subsection (c-5) of this
Section to review the determination of the board of education that a
nonresident pupil is attending the schools of the district without payment
of the tuition required to be charged under Section 10-20.12a of this Code,
the pupil may, at the request of the person who enrolled the pupil,
continue attendance at the schools of the district pending a final decision
of the board following the hearing. However, attendance of that pupil in
the schools of the district as authorized by this subsection (d-5) shall not
relieve any person who enrolled the pupil of the obligation to pay the
tuition charged for that attendance under Section 10-20.12a of this Code if
the final decision of the board is that the pupil is a nonresident of the
district. If a pupil is determined to be a nonresident of the district for
whom tuition is required to be charged pursuant to this Section, the board
shall refuse to permit the pupil to continue attending the schools of the
district unless the required tuition is paid for the pupil.

(e) Except for a pupil referred to in subsection (b) of Section 10-
22.5a, a pupil referred to in Section 10-20.12a, or a pupil referred to in
subsection (b) of this Section, a person who knowingly enrolls or attempts
to enroll in the schools of a school district on a tuition free basis a pupil
known by that person to be a nonresident of the district shall be guilty of a
Class C misdemeanor.

(f) A person who knowingly or wilfully presents to any school
district any false information regarding the residency of a pupil for the
purpose of enabling that pupil to attend any school in that district without
the payment of a nonresident tuition charge shall be guilty of a Class C
misdemeanor.

(g) The provisions of this Section are subject to the provisions of
the Education for Homeless Children Act. Nothing in this Section shall be
construed to apply to or require the payment of tuition by a parent or
guardian of a "homeless child" (as that term is defined in Section 1-5 of
the Education for Homeless Children Act) in connection with or as a result
of the homeless child's continued education or enrollment in a school that
is chosen in accordance with any of the options provided in Section 1-10
of that Act.
(Source: P.A. 94-309, eff. 7-25-05.)
Passed in the General Assembly May 24, 2016.
Approved July 29, 2016.

New matter indicated by italics - deletions by strikeout
Effective January 1, 2017.

PUBLIC ACT 99-0671
(House Bill No. 5472)

AN ACT concerning civil law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 3. The Rights of Crime Victims and Witnesses Act is amended by changing Section 3 as follows:

(725 ILCS 120/3) (from Ch. 38, par. 1403)

Sec. 3. The terms used in this Act shall have the following meanings:

(a) "Crime victim" or "victim" means: (1) any natural person determined by the prosecutor or the court to have suffered direct physical or psychological harm as a result of a violent crime perpetrated or attempted against that person or direct physical or psychological harm as a result of (i) a violation of Section 11-501 of the Illinois Vehicle Code or similar provision of a local ordinance or (ii) a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012; (2) in the case of a crime victim who is under 18 years of age or an adult victim who is incompetent or incapacitated, both parents, legal guardians, foster parents, or a single adult representative; (3) in the case of an adult deceased victim, 2 representatives who may be the spouse, parent, child or sibling of the victim, or the representative of the victim's estate; and (4) an immediate family member of a victim under clause (1) of this paragraph (a) chosen by the victim. If the victim is 18 years of age or over, the victim may choose any person to be the victim's representative. In no event shall the defendant or any person who aided and abetted in the commission of the crime be considered a victim, a crime victim, or a representative of the victim.

A board, agency, or other governmental entity making decisions regarding an offender's release, sentence reduction, or clemency can determine additional persons are victims for the purpose of its proceedings.

(a-3) "Advocate" means a person whose communications with the victim are privileged under Section 8-802.1 or 8-802.2 of the Code of Civil Procedure, or Section 227 of the Illinois Domestic Violence Act of 1986.

New matter indicated by italics - deletions by strikeout
(a-5) "Confer" means to consult together, share information, compare opinions and carry on a discussion or deliberation.

(a-7) "Sentence" includes, but is not limited to, the imposition of sentence, a request for a reduction in sentence, parole, mandatory supervised release, aftercare release, early release, clemency, or a proposal that would reduce the defendant's sentence or result in the defendant's release. "Early release" refers to a discretionary release.

(a-9) "Sentencing" includes, but is not limited to, the imposition of sentence and a request for a reduction in sentence, parole, mandatory supervised release, aftercare release, or early release.

(b) "Witness" means: any person who personally observed the commission of a crime and who will testify on behalf of the State of Illinois; or a person who will be called by the prosecution to give testimony establishing a necessary nexus between the offender and the violent crime.

(c) "Violent crime" means: (1) any felony in which force or threat of force was used against the victim; (2) any offense involving sexual exploitation, sexual conduct, or sexual penetration; (3) a violation of Section 11-20.1, 11-20.1B, 11-20.3, or 11-23.5 of the Criminal Code of 1961 or the Criminal Code of 2012; (4) domestic battery or stalking; (5) violation of an order of protection, a civil no contact order, or a stalking no contact order; (6) any misdemeanor which results in death or great bodily harm to the victim; or (7) any violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, or Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, if the violation resulted in personal injury or death. "Violent crime" includes any action committed by a juvenile that would be a violent crime if committed by an adult. For the purposes of this paragraph, "personal injury" shall include any Type A injury as indicated on the traffic accident report completed by a law enforcement officer that requires immediate professional attention in either a doctor's office or medical facility. A type A injury shall include severely bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene.

(d) (Blank).

(e) "Court proceedings" includes, but is not limited to, the preliminary hearing, any post-arraignment hearing the effect of which may be the release of the defendant from custody or to alter the conditions of bond, change of plea hearing, the trial, any pretrial or post-trial hearing, sentencing, any oral argument or hearing before an Illinois appellate court,

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any hearing under the Mental Health and Developmental Disabilities Code
after a finding that the defendant is not guilty by reason of insanity, any
hearing related to a modification of sentence, probation revocation
hearing, aftercare release or parole hearings, post-conviction relief
proceedings, habeas corpus proceedings and clemency proceedings related
to the defendant's conviction or sentence. For purposes of the victim's right
to be present, "court proceedings" does not include (1) hearings under
Section 109-1 of the Code of Criminal Procedure of 1963, (2) grand jury
proceedings, (3) status hearings, or (4) the issuance of an order or decision
of an Illinois court that dismisses a charge, reverses a conviction, reduces a
sentence, or releases an offender under a court rule.

(f) "Concerned citizen" includes relatives of the victim, friends of
the victim, witnesses to the crime, or any other person associated with the
victim or prisoner.

(g) "Victim's attorney" means an attorney retained by the victim for
the purposes of asserting the victim's constitutional and statutory rights. An
attorney retained by the victim means an attorney who is hired to
represent the victim at the victim's expense or an attorney who has agreed
to provide pro bono representation. Nothing in this statute creates a right
to counsel at public expense for a victim.

(Source: P.A. 98-558, eff. 1-1-14; 99-143, eff. 7-27-15; 99-413, eff. 8-20-
15; revised 10-19-15.)

Section 5. The Crime Victims Compensation Act is amended by
changing Section 2 as follows:

Sec. 2. Definitions. As used in this Act, unless the context
otherwise requires:

(a) "Applicant" means any person who applies for compensation
under this Act or any person the Court of Claims finds is entitled to
compensation, including the guardian of a minor or of a person under legal
disability. It includes any person who was a dependent of a deceased
victim of a crime of violence for his or her support at the time of the death
of that victim.

(b) "Court of Claims" means the Court of Claims created by the
Court of Claims Act.

(c) "Crime of violence" means and includes any offense defined in
Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1, 10-2, 10-9, 11-1.20, 11-
1.30, 11-1.40, 11-1.50, 11-1.60, 11-11, 11-19.2, 11-20.1, 11-20.1B, 11-
20.3, 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-3.3, 12-3.4, 12-4, 12-4.1, 12-4.2,

New matter indicated by italics - deletions by strikeout
(d) "Victim" means (1) a person killed or injured in this State as a result of a crime of violence perpetrated or attempted against him or her, (2) the spouse or parent of a person killed or injured in this State as a result of a crime of violence perpetrated or attempted against the person, (3) a person killed or injured in this State while attempting to assist a person against whom a crime of violence is being perpetrated or attempted, if that attempt of assistance would be expected of a reasonable person under the circumstances, (4) a person killed or injured in this State while assisting a law enforcement official apprehend a person who has perpetrated a crime of violence or prevent the perpetration of any such crime if that assistance was in response to the express request of the law enforcement official, (5) a person who personally witnessed a violent crime, (5.05) a person who will be called as a witness by the prosecution to establish a necessary nexus between the offender and the violent crime, (5.1) solely for the purpose of compensating for pecuniary loss incurred for psychological treatment of a mental or emotional condition caused or aggravated by the crime, any other person under the age of 18 who is the brother, sister, half brother, half sister, child, or stepchild of a person killed or injured in this State as a result of a crime of violence, (6) an Illinois resident who is a victim of a "crime of violence" as defined in this Act except, if the crime occurred outside this State, the resident has the same rights under this Act as if the crime had occurred in this State upon a
showing that the state, territory, country, or political subdivision of a
country in which the crime occurred does not have a compensation of
victims of crimes law for which that Illinois resident is eligible, (7) a
dead person whose body is dismembered or whose remains are
desecrated as the result of a crime of violence, or (8) solely for the purpose
of compensating for pecuniary loss incurred for psychological treatment of
a mental or emotional condition caused or aggravated by the crime, any
parent, spouse, or child under the age of 18 of a deceased person whose
body is dismembered or whose remains are desecrated as the result of a
crime of violence.

(e) "Dependent" means a relative of a deceased victim who was
wholly or partially dependent upon the victim's income at the time of his
or her death and shall include the child of a victim born after his or her
death.

(f) "Relative" means a spouse, parent, grandparent, stepfather,
stepmother, child, grandchild, brother, brother-in-law, sister, sister-in-law,
half brother, half sister, spouse's parent, nephew, niece, uncle or aunt.

(g) "Child" means an unmarried son or daughter who is under 18
years of age and includes a stepchild, an adopted child or a child born out
of wedlock.

(h) "Pecuniary loss" means, in the case of injury, appropriate
medical expenses and hospital expenses including expenses of medical
examinations, rehabilitation, medically required nursing care expenses,
appropriate psychiatric care or psychiatric counseling expenses, expenses
for care or counseling by a licensed clinical psychologist, licensed clinical
social worker, licensed professional counselor, or licensed clinical
professional counselor and expenses for treatment by Christian Science
practitioners and nursing care appropriate thereto; transportation expenses
to and from medical and counseling treatment facilities; prosthetic
appliances, eyeglasses, and hearing aids necessary or damaged as a result
of the crime; costs associated with trafficking tattoo removal by a person
authorized or licensed to perform the specific removal procedure;
replacement costs for clothing and bedding used as evidence; costs
associated with temporary lodging or relocation necessary as a result of the
crime, including, but not limited to, the first month's rent and security
deposit of the dwelling that the claimant relocated to and other reasonable
relocation expenses incurred as a result of the violent crime; locks or
windows necessary or damaged as a result of the crime; the purchase,
lease, or rental of equipment necessary to create usability of and
accessibility to the victim's real and personal property, or the real and personal property which is used by the victim, necessary as a result of the crime; the costs of appropriate crime scene clean-up; replacement services loss, to a maximum of $1,250 per month; dependents replacement services loss, to a maximum of $1,250 per month; loss of tuition paid to attend grammar school or high school when the victim had been enrolled as a student prior to the injury, or college or graduate school when the victim had been enrolled as a day or night student prior to the injury when the victim becomes unable to continue attendance at school as a result of the crime of violence perpetrated against him or her; loss of earnings, loss of future earnings because of disability resulting from the injury, and, in addition, in the case of death, expenses for funeral, burial, and travel and transport for survivors of homicide victims to secure bodies of deceased victims and to transport bodies for burial all of which may not exceed a maximum of $7,500 and loss of support of the dependents of the victim; in the case of dismemberment or desecration of a body, expenses for funeral and burial, all of which may not exceed a maximum of $7,500. Loss of future earnings shall be reduced by any income from substitute work actually performed by the victim or by income he or she would have earned in available appropriate substitute work he or she was capable of performing but unreasonably failed to undertake. Loss of earnings, loss of future earnings and loss of support shall be determined on the basis of the victim's average net monthly earnings for the 6 months immediately preceding the date of the injury or on $1,250 per month, whichever is less or, in cases where the absences commenced more than 3 years from the date of the crime, on the basis of the net monthly earnings for the 6 months immediately preceding the date of the first absence, not to exceed $1,250 per month. If a divorced or legally separated applicant is claiming loss of support for a minor child of the deceased, the amount of support for each child shall be based either on the amount of support pursuant to the judgment prior to the date of the deceased victim's injury or death, or, if the subject of pending litigation filed by or on behalf of the divorced or legally separated applicant prior to the injury or death, on the result of that litigation. Real and personal property includes, but is not limited to, vehicles, houses, apartments, town houses, or condominiums. Pecuniary loss does not include pain and suffering or property loss or damage.

(i) "Replacement services loss" means expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the
injured person would have performed, not for income, but for the benefit of himself or herself or his or her family, if he or she had not been injured.

(j) "Dependents replacement services loss" means loss reasonably incurred by dependents or private legal guardians of minor dependents after a victim's death in obtaining ordinary and necessary services in lieu of those the victim would have performed, not for income, but for their benefit, if he or she had not been fatally injured.

(k) "Survivor" means immediate family including a parent, step-father, step-mother, child, brother, sister, or spouse.

(l) "Parent" means a natural parent, adopted parent, step-parent, or permanent legal guardian of another person.

(m) "Trafficking tattoo" is a tattoo which is applied to a victim in connection with the commission of a violation of Section 10-9 of the Criminal Code of 2012.

(Source: P.A. 97-817, eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-435, eff. 1-1-14.)

Approved July 29, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0672
(House Bill No. 5576)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Insurance Code is amended by changing Section 356z.4 as follows:

(215 ILCS 5/356z.4)
Sec. 356z.4. Coverage for contraceptives.
(a)(1) The General Assembly hereby finds and declares all of the following:

(A) Illinois has a long history of expanding timely access to birth control to prevent unintended pregnancy.

(B) The federal Patient Protection and Affordable Care Act includes a contraceptive coverage guarantee as part of a broader requirement for health insurance to cover key preventive care services without out-of-pocket costs for patients.

New matter indicated by italics - deletions by strikeout
(C) The General Assembly intends to build on existing State and federal law to promote gender equity and women's health and to ensure greater contraceptive coverage equity and timely access to all federal Food and Drug Administration approved methods of birth control for all individuals covered by an individual or group health insurance policy in Illinois.

(D) Medical management techniques such as denials, step therapy, or prior authorization in public and private health care coverage can impede access to the most effective contraceptive methods.

(2) As used in this subsection (a):
"Contraceptive services" includes consultations, examinations, procedures, and medical services related to the use of contraceptive methods (including natural family planning) to prevent an unintended pregnancy.

"Medical necessity", for the purposes of this subsection (a), includes, but is not limited to, considerations such as severity of side effects, differences in permanence and reversibility of contraceptive, and ability to adhere to the appropriate use of the item or service, as determined by the attending provider.

"Therapeutic equivalent version" means drugs, devices, or products that can be expected to have the same clinical effect and safety profile when administered to patients under the conditions specified in the labeling and satisfy the following general criteria:

(i) they are approved as safe and effective;

(ii) they are pharmaceutical equivalents in that they (A) contain identical amounts of the same active drug ingredient in the same dosage form and route of administration and (B) meet compendial or other applicable standards of strength, quality, purity, and identity;

(iii) they are bioequivalent in that (A) they do not present a known or potential bioequivalence problem and they meet an acceptable in vitro standard or (B) if they do present such a known or potential problem, they are shown to meet an appropriate bioequivalence standard;

(iv) they are adequately labeled; and

(v) they are manufactured in compliance with Current Good Manufacturing Practice regulations.
(3) An individual or group policy of accident and health insurance amended, delivered, issued, or renewed in this State after the effective date of this amendatory Act of the 99th General Assembly shall provide coverage for all of the following services and contraceptive methods:

(A) All contraceptive drugs, devices, and other products approved by the United States Food and Drug Administration. This includes all over-the-counter contraceptive drugs, devices, and products approved by the United States Food and Drug Administration, excluding male condoms. The following apply:

   (i) If the United States Food and Drug Administration has approved one or more therapeutic equivalent versions of a contraceptive drug, device, or product, a policy is not required to include all such therapeutic equivalent versions in its formulary, so long as at least one is included and covered without cost-sharing and in accordance with this Section.

   (ii) If an individual's attending provider recommends a particular service or item approved by the United States Food and Drug Administration based on a determination of medical necessity with respect to that individual, the plan or issuer must cover that service or item without cost sharing. The plan or issuer must defer to the determination of the attending provider.

   (iii) If a drug, device, or product is not covered, plans and issuers must have an easily accessible, transparent, and sufficiently expedient process that is not unduly burdensome on the individual or a provider or other individual acting as a patient's authorized representative to ensure coverage without cost sharing.

   (iv) This coverage must provide for the dispensing of 12 months' worth of contraception at one time.

(B) Voluntary sterilization procedures.

(C) Contraceptive services, patient education, and counseling on contraception.

(D) Follow-up services related to the drugs, devices, products, and procedures covered under this Section, including, but not limited to, management of side effects, counseling for continued adherence, and device insertion and removal.

New matter indicated by italics - deletions by strikeout
(4) Except as otherwise provided in this subsection (a), a policy subject to this subsection (a) shall not impose a deductible, coinsurance, copayment, or any other cost-sharing requirement on the coverage provided.

(5) Except as otherwise authorized under this subsection (a), a policy shall not impose any restrictions or delays on the coverage required under this subsection (a).

(6) If, at any time, the Secretary of the United States Department of Health and Human Services, or its successor agency, promulgates rules or regulations to be published in the Federal Register or publishes a comment in the Federal Register or issues an opinion, guidance, or other action that would require the State, pursuant to any provision of the Patient Protection and Affordable Care Act (Public Law 111–148), including, but not limited to, 42 U.S.C. 18031(d)(3)(B) or any successor provision, to defray the cost of any coverage outlined in this subsection (a), then this subsection (a) is inoperative with respect to all coverage outlined in this subsection (a) other than that authorized under Section 1902 of the Social Security Act, 42 U.S.C. 1396a, and the State shall not assume any obligation for the cost of the coverage set forth in this subsection (a).

(b) This subsection (b) shall become operative if and only if subsection (a) becomes inoperative.

(a) An individual or group policy of accident and health insurance amended, delivered, issued, or renewed in this State after the date this subsection (b) becomes operative must provide coverage for outpatient services and outpatient prescription drugs or devices must provide coverage for the insured and any dependent of the insured covered by the policy for all outpatient contraceptive services and all outpatient contraceptive drugs and devices approved by the Food and Drug Administration. Coverage required under this Section may not impose any deductible, coinsurance, waiting period, or other cost-sharing or limitation that is greater than that required for any outpatient service or outpatient prescription drug or device otherwise covered by the policy.

Nothing in this subsection (b) shall be construed to require an insurance company to cover services related to permanent sterilization that requires a surgical procedure.

(b) As used in this subsection (b) Section, "outpatient contraceptive service" means consultations, examinations, procedures, and medical

New matter indicated by italics - deletions by strikeout
services, provided on an outpatient basis and related to the use of contraceptive methods (including natural family planning) to prevent an unintended pregnancy.

(c) Nothing in this Section shall be construed to require an insurance company to cover services related to an abortion as the term "abortion" is defined in the Illinois Abortion Law of 1975.

(d) If a plan or issuer utilizes a network of providers, nothing in this Section shall be construed to require coverage or to prohibit the plan or issuer from imposing cost-sharing for items or services described in this Section that are provided or delivered by an out-of-network provider, unless the plan or issuer does not have in its network a provider who is able to or is willing to provide the applicable items or services.

(d) Nothing in this Section shall be construed to require an insurance company to cover services related to permanent sterilization that requires a surgical procedure.

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


Approved July 29, 2016.

Effective January 1, 2017.

PUBLIC ACT 99-0673
(House Bill No. 5660)

AN ACT concerning finance.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Public Construction Bond Act is amended by changing Section 2 as follows:

Sec. 2. Every person furnishing material or performing labor, either as an individual or as a sub-contractor, hereinafter referred to as Claimant, for any contractor, with the State, or a political subdivision thereof where bond or letter of credit shall be executed as provided in this Act, shall have the right to sue on such bond or letter of credit in the name of the State, or the political subdivision thereof entering into such contract, as the case may be, for his use and benefit, and in such suit the plaintiff shall file a copy of such bond or letter of credit, certified by the party or parties in whose charge such bond or letter of credit shall be, which copy shall, unless execution thereof be denied under oath, be prima facie evidence of

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the execution and delivery of the original; provided, however, that this Act shall not be taken to in any way make the State, or the political subdivision thereof entering into such contract, as the case may be, liable to such sub-contractor, materialman or laborer to any greater extent than it was liable under the law as it stood before the adoption of this Act.

Provided, however, that any Claimant having a claim for labor and material furnished to the State shall have no such right of action unless it shall have filed a verified notice of said claim with the officer, board, bureau or department awarding the contract, within 180 days after the date of the last item of work or the furnishing of the last item of materials, and shall have furnished a copy of such verified notice to the contractor within 10 days of the filing of the notice with the agency awarding the contract.

When any Claimant has a claim for labor and material furnished to a political subdivision, the Claimant shall have no right of action unless it shall have filed a verified notice of that claim with the Clerk or Secretary of the political subdivision within 180 days after the date of the last item of work or furnishing of the last item of materials, and shall have filed a copy of that verified notice upon the contractor in a like manner as provided herein within 10 days after the filing of the notice with the Clerk or Secretary.

The Claimant may file said verified notice by using personal service or by depositing the verified notice in the United States Mail, postage prepaid, certified or restricted delivery return receipt requested limited to addressee only. The verified notice shall be deemed filed on the date personal service occurs or the date when the verified notice is mailed in the form and manner provided in this Section.

The claim shall be verified and shall contain (1) the name and address of the claimant; the business address of the Claimant within this State and if the Claimant shall be a foreign corporation having no place of business within the State, the notice shall state the principal place of business of said corporation and in the case of a partnership, the notice shall state the names and residences of each of the partners; (2) the name of the contractor for the government; (3) the name of the person, firm or corporation by whom the Claimant was employed or to whom he or it furnished materials; (4) a brief description of the public improvement; (5) a description of the Claimant's contract as it pertains to the public improvement, describing the work done by the Claimant and stating the total amount due and unpaid as of the date of verified notice.

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No defect in the notice herein provided for shall deprive the Claimant of his right of action under this article unless it shall affirmatively appear that such defect has prejudiced the rights of an interested party asserting the same.

Provided, further, that no action shall be brought later than one year after the date of the furnishing of the last item of work or materials by the Claimant. Such action shall be brought only in the circuit court of this State in the judicial circuit in which the contract is to be performed.

The remedy provided in this Section is in addition to and independent of any other rights and remedies provided at law or in equity. A waiver of rights under the Mechanics Lien Act shall not constitute a waiver of rights under this Section unless specifically stated in the waiver.

(Source: P.A. 97-487, eff. 1-1-12.)


Approved July 29, 2016.

Effective January 1, 2017.

PUBLIC ACT 99-0674
(House Bill No. 5729)

AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Postsecondary and Workforce Readiness Act.

Section 5. Findings; declarations. The General Assembly finds and declares the following:

(1) Approximately half of Illinois high school graduates enrolling as full-time freshmen in Illinois public community colleges require remedial education.

(2) Illinois employers report that recent high school and postsecondary institutional graduates often lack the critical skills necessary to succeed in high-demand and growing occupational areas and that they are unable to find qualified workers to meet their industry needs.

(3) Student readiness for postsecondary education and careers cannot be reduced to a single metric, but must instead be understood as a multi-faceted set of knowledge, skills, and abilities that allow students to successfully meet the challenges of

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postsecondary education and career and live healthy, productive lives.

(4) Enabling high school students to engage in career and postsecondary education development activities and incentivizing achievement in career-oriented education, particularly in high-demand industry sectors, promotes postsecondary and career readiness and facilitates better-informed postsecondary education decisions.

(5) In response, Illinois should deploy a number of strategies to prepare more students for meaningful career opportunities by supporting postsecondary and career planning, promoting and incentivizing competency-based learning programs, reducing remedial education rates, increasing alignment between K-12 and postsecondary education systems, and implementing college and career pathway systems.

(6) Aligning supports from State agencies, school districts, postsecondary education providers, employers, and other public and private organizations will lead to the development and implementation of a robust and coordinated postsecondary education and career readiness system in Illinois.

Section 10. Definitions. In this Act:

"Adaptive Competencies" means foundational skills needed for success in college, careers, and life, such as, but not limited to, work ethic, professionalism, communication, collaboration and interpersonal skills, and problem-solving.

"Career Exploration Activity" means an activity such as a job shadow, attendance at a career exposition, or employer site visit providing a student with the ability to engage directly with employers for the purpose of gaining knowledge of one or more industry sectors or occupations.

"College-level mathematics course" means a mathematics course that bears credit leading to a baccalaureate degree, a certificate, or an associate degree from a postsecondary institution.

"Community college" means a public community college organized under the Public Community College Act.

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

"Early college credit course" means a course through which a high school student can receive postsecondary institution course credit and includes dual credit courses, dual enrollment courses, International

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Baccalaureate courses, Advanced Placement courses, and courses with articulated credit with a postsecondary institution.

"Eligible School District" means a school district that has satisfied the requirements set forth in Section 80 of this Act and is eligible to award one or more College and Career Pathway Endorsements.

"Endorsement Area" means an industry sector or grouping of sectors as organized and established pursuant to Section 80 of this Act.

"GECC" means the General Education Core Curriculum developed by the IAI and adopted by IBHE and ICCB.

"IAI" means the Illinois Articulation Initiative.

"IBHE" means the Illinois Board of Higher Education.

"ICCB" means the Illinois Community College Board.

"IMACC" means the Illinois Mathematics Association of Community Colleges.

"Integrated courses" means courses that include substantial instruction focused on both academic and career-oriented competencies.

"Intensive Career Exploration Experience" means a structured, multi-day student experience, such as a career exploration camp, that provides students with the opportunity to explore various occupations relating to an Endorsement Area with hands-on training and orientation activities.

"IPIC" means the Illinois Pathways Interagency Committee formed by intergovernmental agreement among at least the following agencies: ISBE, ICCB, IBHE, ISAC, DCEO, and the Department of Employment Security.

"IPIC Agency" means a State agency participating in the IPIC.

"ISAC" means the Illinois Student Assistance Commission.

"ISBE" means the Illinois State Board of Education.

"Local Community College" means, with respect to an Eligible School District, a community college whose district territory includes all or any portion of the district territory of the Eligible School District.

"Local school district" means, with respect to a partnership agreement with a community college for transitional mathematics instruction, a school district whose district territory includes all or any portion of the district territory of the community college.

"Local Workforce Board" means the governing board of a local workforce development area established pursuant to the federal Workforce Innovation and Opportunity Act (Public Law 113-128).

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"Postsecondary institution" means a community college or public university.

"Professional Skills Assessment" means an observational assessment of a student's performance in a Supervised Career Development Experience given by an adult supervisor that addresses, at minimum, the Adaptive Competencies of work ethic, professionalism, communication, collaboration and interpersonal skills, and problem-solving. The Professional Skills Assessment is to be used as a feedback tool and student development strategy and not for a grade or credit determination.

"Public university" means a public university listed in the definition of "public institutions of higher education" under the Board of Higher Education Act.

"School district" means a public school district organized and operating pursuant to the provisions of the School Code.

"Statewide portability" means, with respect to transitional mathematics instruction, all community colleges other than the community college transcripting credit for successful completion of the instruction provide the same completion recognition for college-level mathematics course placement purposes as the transcripting community college provides.

"Supervised Career Development Experience" means an experience in which students obtain authentic and relevant work experience relating to an Endorsement Area, such as an internship, a school-based enterprise, a supervised agricultural experience, cooperative education, or a research apprenticeship, where the student either receives compensation from an employer or credit by the school district and that involves a Professional Skills Assessment.

"Team-based Challenge" means a group problem-based learning project relating to a student's Endorsement Area that involves a problem relevant to employers within that Endorsement Area, including mentoring from adults with expertise in that Endorsement Area, and requires student presentation of the outcomes of the project.

"Transitional mathematics instruction" means instruction delivered to a student during 12th grade for the purpose of enabling the student to attain the transitional mathematics competencies associated with the student's postsecondary institution mathematics pathway and demonstrate readiness for a college-level mathematics course. Transitional mathematics instruction may be delivered through a mathematics course or an

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integrated course or through a competency-based learning system that includes a set of transitional mathematics competencies.

Section 15. Postsecondary and career expectations. By no later than July 1, 2017, ISBE, ICCB, IBHE, and ISAC, in consultation with appropriate stakeholders, shall jointly adopt and publicize model postsecondary and career expectations for public school students in grades 8 through 12. The model postsecondary and career expectations shall define activities that school districts, parents, and community-based organizations should support students in completing and related knowledge students should possess by no later than the end of each grade level. The model postsecondary and career expectations must address the following categories:

(1) career exploration and development;
(2) postsecondary institution exploration, preparation, and selection; and
(3) financial aid and financial literacy.

Section 20. Competency-based, high school graduation requirements pilot program. In consultation with ICCB and IBHE, ISBE shall establish and administer a competency-based, high school graduation requirements pilot program with school districts selected pursuant to Section 25 of this Act. A school district participating in the pilot program may select which of the year and course graduation requirements set forth in Section 27-22 of the School Code the school district wishes to replace with a competency-based learning system. A school district may participate in the pilot program for some or all of its schools serving grades 9 through 12. The pilot program shall include the following components and requirements:

(1) The competency-based learning systems authorized through the pilot program shall include all of the following elements:

(A) Students shall demonstrate mastery of all required competencies to earn credit.

(B) Students must demonstrate mastery of Adaptive Competencies defined by the school district, in addition to academic competencies.

(C) Students shall advance once they have demonstrated mastery, and students shall receive more time and personalized instruction to demonstrate mastery, if needed.
(D) Students shall have the ability to attain advanced postsecondary education and career-related competencies beyond those needed for graduation.

(E) Students must be assessed using multiple measures to determine mastery, usually requiring application of knowledge.

(F) Students must be able to earn credit toward graduation requirements in ways other than traditional coursework, including learning opportunities outside the traditional classroom setting, such as Supervised Career Development Experiences.

(2) A school district participating in the pilot program shall demonstrate that the proposed competency-based learning system is a core strategy supporting the community's efforts to better prepare high school students for college, career, and life. The application must identify the community partners that will support the system's implementation.

(3) A school district participating in the pilot program must have a plan for educator administrator and educator professional development on the competency-based learning system and must demonstrate prior successful implementation of professional development systems for major district instructional initiatives.

(4) A school district participating in the pilot program that is replacing graduation requirements in the core academic areas of mathematics, English language arts, and science with a competency-based learning system shall demonstrate how the competencies can be mastered through Integrated Courses or career and technical education courses.

(5) A school district participating in the pilot program shall develop a plan for community engagement and communications.

(6) A school district participating in the pilot program shall develop a plan for assigning course grades based on mastery of competencies within the competency-based learning system.

(7) A school district participating in the pilot program shall establish a plan and system for collecting and assessing student progress on competency completion and attainment, including for learning opportunities outside of the traditional classroom setting.

(8) A school district participating in the pilot program shall establish a system for data collection and reporting and must

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provide ISBE with such reports and information as may be required for administration and evaluation of the program.

(9) A school district participating in the pilot program shall partner with a community college and a higher education institution other than a community college for consultation on the development and administration of its competency-based learning system. The plan shall address how high school graduates of a competency-based learning system will be able to provide information normally expected of postsecondary institutions for admission and financial aid.

(10) A school district participating in the pilot program shall have a plan for engaging feeder elementary schools with the participating high school or schools on the establishment and administration of the competency-based learning system.

Section 25. Competency-based, high school graduation requirements pilot program eligibility and application process.

(a) The pilot program established under Section 20 of this Act shall be administered by the State Superintendent of Education in 2 phases: (i) an initial application and selection process phase, and (ii) a subsequent phase for full development and implementation of a detailed plan for a competency-based learning system for high school graduation requirements.

(b) For the initial phase under clause (i) of subsection (a) of this Section, the State Superintendent of Education shall develop and issue a pilot program application that requires:

(1) demonstration of commitment from the school district superintendent; the president of the school board of the district; teachers within the school district who will be involved with the pilot program implementation; a community college partner; and a higher education institution other than a community college;

(2) an indication of which of the year and course graduation requirements set forth in Section 27-22 of the School Code the school district wishes to replace with a competency-based learning system;

(3) a general description of the school district's plan for implementing a competency-based learning system for high school graduation requirements, including how the plan addresses the requirements of Section 20 of this Act and this Section;

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(4) the school district's prior professional development and stakeholder engagement efforts that will support its successful development and implementation of a competency-based learning system, including, without limitation, prior implementation of professional development systems for major district instructional initiatives; and

(5) identification of any waivers or modifications of State law or rules for implementation of the proposed plan.

The demonstration of commitment from teachers as required by paragraph (1) of this subsection (b) must include a description of how teachers have been engaged throughout the application development process. If the school district has an exclusive bargaining representative of its teachers and the president of the exclusive bargaining representative does not submit a statement of commitment for the application, the school district must submit either a statement by the president of the position of the exclusive bargaining representative on the application or a description of the school district's good faith efforts to obtain such a statement.

(c) Subject to subsection (g) of this Section, the State Superintendent of Education shall select school districts meeting the requirements set forth in this Section to participate in the pilot program based on the quality of the proposed plan, the strength of the local commitments, including, without limitation, teachers within the school district who will be involved in the program's implementation and postsecondary institution partnerships, and demonstration of prior professional development and stakeholder engagement efforts that will support the proposed system's successful implementation. The State Superintendent of Education, in selecting the participating school districts, shall also consider the diversity of school district types and sizes, the diversity of geographic representation from across the State, and the diversity of plan approaches (such as approaches that involve one subject only, multiple subjects, and the types of subjects).

(d) School districts selected to participate in the pilot program shall receive technical assistance coordinated by the State Superintendent of Education to develop a full pilot program implementation plan. The State Superintendent of Education shall have discretion to remove a school district from the pilot program during this period if the school district does not submit a full pilot program implementation plan that meets the State Superintendent of Education's specifications.

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(e) School districts shall, as part of the development of their application and participation in the competency-based learning system pilot program, establish and maintain a standing planning and implementation committee that includes representation from administrators and teachers, including teachers who will be involved in the competency-based learning system's implementation. The teacher representatives shall be selected by teachers or, where applicable, the exclusive bargaining representative of its teachers, and the number of teacher representatives shall be at least equal to administrator representatives, unless otherwise agreed to by the teachers or, where applicable, the exclusive bargaining representative of its teachers. The standing planning and implementation committee shall develop reports that shall be included within the initial application, the full pilot program plan, and any subsequent annual submissions to the State Superintendent of Education as part of the assessment and evaluation of the program. The reports shall describe the members' assessment of the school district's plan or implementation, as applicable, of the school district's competency-based learning system and any recommendations for modifications or improvements to the system. If the committee does not reach consensus on the report, the administrator members shall submit the report and the teacher members may provide a position statement that must be included with the report submitted to the State Superintendent of Education.

(f) Notwithstanding any other provisions of the School Code or any other law of this State to the contrary, school districts participating in the pilot program may petition the State Superintendent of Education for a waiver or modification of the mandates of the School Code or of the administrative rules adopted by ISBE in order to support the implementation of the school district's proposed competency-based learning system. However, no waiver shall be granted under this subsection (f) relating to State assessments, accountability requirements, teacher tenure or seniority, teacher or principal evaluations, or learning standards or that removes legal protections or supports intended for the protection of children or a particular category of students, such as students with disabilities or English learners. Any waiver or modification of teacher educator licensure requirements to permit instruction by non-educators or educators without an appropriate license must ensure that an appropriately licensed teacher and the provider of instruction partner in order to verify the method for assessing competency of mastery and verify whether a student has demonstrated mastery. All requests must be jointly signed by
the school district superintendent and the president of the school board and must describe the position of teachers within the school district that will be involved in the competency-based learning system's implementation on the application. If the school district has an exclusive bargaining representative of its teachers and the president of the exclusive bargaining representative does not submit a statement of support for the application, the school district must submit either a statement by the president that describes the position of the exclusive bargaining representative on the application or a description of the school district's good faith efforts to obtain such a statement. The State Superintendent of Education shall approve a waiver or modification request meeting the requirements of this subsection (f) if the State Superintendent of Education determines the request is reasonably necessary to support the implementation of the school district's proposed competency-based learning system, and the request shall not diminish the overall support of teachers within the school district involved with the system's implementation as demonstrated in the school district's initial application to participate in the pilot program. An approved request shall take effect in accordance with the timeline set forth in the school district's application, and an approved waiver or modification shall remain in effect for so long as the school district participates in the pilot program. An approved request shall take effect in accordance with the timeline set forth in the school district's application, and an approved waiver or modification shall remain in effect for so long as the school district participates in the pilot program established by this Act. The State Superintendent of Education's approval of a school district plan for implementation of competency-based, high school graduation requirements shall serve as a waiver or modification of any conflicting requirements of Section 27-22 of the School Code. School districts participating in the pilot program may additionally pursue waivers and modifications pursuant to Section 2-3.25g of the School Code.

(g) For purposes of this subsection (g), "annual cohort" means the group of school districts selected by the State Superintendent of Education to participate in the pilot program during an annual application and selection process. The State Superintendent of Education shall limit each annual cohort of the pilot program as follows: the first 2 annual cohorts shall be limited to no more than 12 school districts, and any subsequent annual cohort shall be limited to no more than 15 school districts. A school district may submit only one application for each annual cohort of the pilot program. The application of a school district having a population exceeding 500,000 inhabitants may not include more than 6 schools. The expansion of a school district's competency-based learning system to a

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new school or new subject area identified in Section 27-22 of the School Code shall require a new application by the school district.

Section 30. Competency-based, high school graduation requirements pilot program statewide supports. Subject to the availability of public or private resources, to support school district participation in the pilot program established under Section 20 of this Act and development of competency-based graduation requirements, ISBE shall provide or support the provision of:

(1) grants to school districts participating in the pilot program to offset the costs of educator training and initial implementation;

(2) technical assistance and professional development for pilot program plan implementation, including, but not limited to, peer-to-peer coaching models;

(3) an evaluation of the pilot program, with a report of successes and challenges, objective outcome measures, qualitative measures of implementation, and recommendations for further program modification and improvement;

(4) networking opportunities for participating school districts, including opportunities for both administrators and teachers;

(5) a web-based library of pilot program implementation plans and models supporting future replication activities; and

(6) communication materials and supports for stakeholder engagement in the development and implementation of competency-based learning systems.

Section 35. Competency-based, high school graduation requirements pilot program implementation. The pilot program established under Section 20 of this Act shall be implemented as follows:

(1) By June 30, 2017, the State Superintendent of Education shall publish the application for school districts to participate in the initial cohort of the pilot program.

(2) By no later than April 1, 2018, following a review and selection process established by the State Superintendent of Education pursuant to Section 25 of this Act, school districts shall be selected for the initial cohort of the pilot program.

(3) By no later than October 1, 2018, school districts participating in the initial cohort of the pilot program shall develop
and submit the full pilot program implementation plans described in Section 25 of this Act.

(4) During the 2018-2019 school year, school districts participating in the initial cohort shall commence initial implementation activities in accordance with their full pilot program implementation plan.

(5) During the 2021-2022 school year, the State Superintendent of Education or his or her designee shall evaluate the school districts participating in the pilot program and make recommendations to ISBE and the General Assembly for elimination, modification, or expansion of the pilot program.

(6) The State Superintendent of Education may establish one or more additional cohorts of the pilot program for implementation commencing in the 2019-2020 and subsequent school years.

Section 40. Guiding principles for and purposes of transitional mathematics instruction.

(a) ISBE, ICCB, and IBHE shall jointly establish and administer requirements and supports for transitional mathematics instruction pursuant to the requirements of Sections 45 through 65 of this Act. In doing so, these agencies shall be guided by all of the following principles:

(1) Transitional mathematics instruction should be one of multiple strategies to reduce statewide remedial education rates, including better alignment of school district and postsecondary institution systems, targeted mathematics interventions throughout high school, and the use of corequisite remedial education models by postsecondary institutions.

(2) Postsecondary institution placement into college-level mathematics courses should be based on more than a standardized assessment score, and postsecondary institutions should utilize multiple measures for placement in most instances.

(3) All high school students who can demonstrate readiness for college-level mathematics courses should have access to such courses.

(4) Students should be provided mathematics instruction aligned to their individualized postsecondary education and career objectives.

(5) Mathematics instruction should be contextualized and emphasize real-world application whenever possible, and
instructional strategies integrating mathematics competencies with other academic and career competencies are encouraged for all students. 

(b) The purposes of transitional mathematics instruction are to:

(1) provide the mathematical foundation for postsecondary education and careers that high school students are lacking from their previous education;

(2) provide high school students with the mathematical knowledge and skills to meet their individualized postsecondary education and career objectives; and

(3) provide high school students with the knowledge and skills to be successful in mathematics college-level courses. 

Section 45. Statewide panel to define transitional mathematics instruction recommendations. 

(a) Subject to the availability of public or private resources for its administration, ISBE, ICCB, and IBHE shall jointly establish a statewide panel to recommend competencies and other requirements for transitional mathematics instruction that lead to various postsecondary institution mathematics pathways. ISBE, ICCB, and IBHE shall consult with the IMACC on the establishment and administration of the statewide panel. The statewide panel shall include high school educators and administrators and community college and university faculty and administrators, including broad representation from general education and career and technical education. The statewide panel shall also consult with representations of private sector employers on the definition of competencies for postsecondary institution mathematics pathways and consider mathematics utilized in pre-employment screenings for entry-level careers. Following the delivery of the statewide panel's recommendations, ISBE, ICCB, and IBHE shall, in consultation with IMACC and the statewide panel, jointly adopt competencies and requirements for transitional mathematics instruction and related postsecondary institution mathematics pathways. 

(b) The statewide panel shall define transitional mathematics competencies aligned to ISBE-adopted learning standards and requirements associated with, at minimum, the following postsecondary institution mathematics pathways:

(1) STEM Pathway. The STEM Pathway is for students with career goals involving occupations that require the application of calculus or advanced algebraic skills. In accordance with and
subject to this Act, successful attainment of transitional mathematics competencies in the STEM Pathway guarantees student placement into a community college mathematics course in a calculus-based mathematics course sequence.

(2) Technical Pathway. The Technical Pathway is for students with career goals involving occupations in technical fields that do not require the application of calculus, advanced algebraic, or advanced statistical skills. Mathematics in the Technical Pathway emphasizes the application of mathematics within career settings. In accordance with and subject to this Act, successful attainment of transitional mathematics competencies in the Technical Pathway guarantees student placement into a credit-bearing postsecondary mathematics course required for a community college career and technical education program.

(3) Quantitative Literacy and Statistics Pathway. The Quantitative Literacy and Statistics Pathway is for students focused on attaining competency in general statistics, data analysis, quantitative literacy, and problem solving. The Quantitative Literacy and Statistics Pathway is intended for students whose career goals do not involve occupations relating to either the STEM or Technical Pathway or those who have not yet selected a career goal. In accordance with and subject to this Act, successful attainment of transitional mathematics competencies in the Quantitative Literacy and Statistics Pathway guarantees student placement into a community college GECC mathematics course not in a calculus-based course sequence.

(c) The statewide panel shall make recommendations on whether separate transitional mathematics competencies should be defined for students with career goals involving occupations that require the application of advanced statistics, such as occupations in certain social science fields. The statewide panel shall also provide recommendations for methods to incorporate transitional mathematics competencies into integrated courses.

(d) The statewide panel shall recommend statewide criteria for determining the projected readiness of 11th grade students for college-level mathematics courses in each of the postsecondary education mathematics pathways for purposes of placement into transitional mathematics instruction in 12th grade. The statewide criteria shall include standardized assessment results, grade point average, and course
completions. The statewide criteria shall also define a minimal level of mathematical competency necessary for student placement into transitional mathematics instruction. Following the delivery of such recommendations, ISBE and ICCB shall jointly adopt statewide criteria for determining projected readiness for college-level mathematics courses in each of the postsecondary institution mathematics pathways for purposes of placement into transitional mathematics instruction in 12th grade.

(e) Notwithstanding anything to the contrary contained in this Act, in the event the statewide panel is not established due to the unavailability of public and private resources and ISBE, ICCB, and IBHE are therefore unable to jointly adopt competencies and requirements for transitional mathematics instruction and related postsecondary institution mathematics pathways, then no transitional mathematics instruction is required to be delivered by school districts or accepted for placement by community colleges in accordance with this Act.

(f) Subject to the availability of public or private resources for its administration, ISBE, ICCB, and IBHE shall, in consultation with the members of the statewide panel, establish and administer procedures for approving transitional mathematics instruction for statewide portability.

(g) In accordance with timelines and publication requirements established by IBHE, each public university must adopt and publicize transparent criteria adopted by the university for student placement into college-level mathematics courses. IBHE must publicly report on the adoption of such criteria and the extent to which public universities are utilizing strategies to minimize placements into non-credit-bearing remedial mathematics course sequences.

Section 50. Transitional mathematics instruction placement and delivery.

(a) A school district electing or required to deliver transitional mathematics instruction in accordance with Section 65 of this Act shall use the statewide criteria established pursuant to subsection (d) of Section 45 of this Act to determine each student's projected readiness for college-level mathematics courses upon high school graduation in that student's selected postsecondary institution mathematics pathway. The school district shall make a pre-determination of student readiness at the end of the first semester of 11th grade and may adjust readiness determinations at the end of 11th grade. The readiness of a student who has not selected a postsecondary institution mathematics pathway shall be determined in accordance with the criteria for the Quantitative Literacy and Statistics

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Pathways. Notwithstanding the readiness determinations, instructional requirements for students with disabilities shall be subject to the individualized goals set forth within the student's individualized education program required by State and federal law.

(b) Public high school graduates of school districts implementing transitional mathematics instruction in accordance with this Act may demonstrate readiness for college-level mathematics courses at applicable postsecondary institutions through any of the following methods:

(1) At the end of 11th grade, the student does not meet the statewide criteria for demonstrating projected readiness for college-level mathematics courses upon high school graduation in the student's postsecondary education mathematics pathway, but the student subsequently achieves successful completion of transitional mathematics instruction for the postsecondary education mathematics pathway. Students who achieve successful completion shall receive transcripted credit for the transitional mathematics instruction from the community college partner and, subject to subsections (c) and (d) of this Section, shall be placed by applicable postsecondary institutions recognizing the transcripted credit in accordance with this Act into an appropriate college-level mathematics course in the student's postsecondary institution mathematics pathway. Students who do not achieve successful completion shall be subject to generally applicable postsecondary institution mathematics placement processes. For the purposes of this paragraph (1), successful completion means the student successfully demonstrates attainment of transitional mathematics competencies either through an overall grade for the mathematics-related portion of a course or demonstrated mastery of all transitional mathematics competencies delivered through a competency-based learning system.

(2) At the end of 11th grade, the student meets the statewide criteria for demonstrating projected readiness for college-level mathematics courses upon high school graduation in the student's postsecondary education mathematics pathway, and the student subsequently successfully completes rigorous mathematics instruction in accordance with criteria jointly adopted by ISBE and ICCB.

(3) The student meets applicable postsecondary institution criteria for demonstrating readiness for college-level mathematics
courses in the student's postsecondary education mathematics pathway.

(c) All postsecondary institutions that have entered into a partnership agreement pursuant to Section 55 of this Act shall recognize community college transcripted credit from transitional mathematics instruction delivered by school districts participating in the partnership agreement for student placement into appropriate college-level mathematics courses. If statewide portability approval procedures have been established pursuant to subsection (f) of Section 45 of this Act, then all community colleges shall recognize community college transcripted credit from transitional mathematics instruction that has been approved in accordance with the statewide portability procedures. A public university is not required to recognize transcripted credit from transitional mathematics instruction for placement purpose unless the public university voluntarily agrees to do so through entering into a partnership agreement in accordance with Section 55 of this Act. The placement determinations described in this Section are valid for 18 months after high school graduation, provided a postsecondary institution may require a short-term, skill-based review or a corequisite remediation course for a student who does not enroll in a college-level mathematics course in the fall semester after high school graduation.

Section 55. High school and community college partnership agreements for transitional mathematics instruction.

(a) Transitional mathematics instruction shall be delivered by high school faculty with community college collaboration as defined through a partnership agreement meeting the requirements of this Section. While transitional mathematics instruction may be delivered through stand-alone mathematics courses, school districts and community colleges may use integrated courses or competency-based learning systems for the delivery of transitional mathematics instruction.

(b) School districts serving grades 9 through 12 electing or required to deliver transitional mathematics instruction in accordance with Section 65 of this Act shall enter into a partnership agreement for transitional mathematics courses with at least one community college. All partnership agreements shall address the following:

(1) The co-development by the school district and community college of transitional mathematics courses or a defined mathematics competency set or the adaptation of the State model transitional instructional units that align to the statewide
competencies for particular postsecondary institution mathematics pathways, which shall also include the design of local performance indicators and evidence associated with those indicators.

(2) The community college courses for which the successful completion of transitional mathematics instruction will guarantee placement, subject to subsection (b) of Section 50 of this Act.

(3) The availability of dual enrollment and dual credit courses for high school students demonstrating current readiness for college-level mathematics courses.

(4) Training and professional development to be provided to the high school instructors of transitional mathematics instruction.

(5) The utilization of integrated courses or competency-based learning systems for transitional mathematics instruction.

(c) A community college must enter into a partnership agreement when requested to do so by a local school district that has elected or is required to deliver transitional mathematics instruction in accordance with Section 65 of this Act, provided the community college receives an implementation grant in an amount determined by ICCB to compensate for its related instructional development and implementation activities. A community college may require standardized terms for all of its partner school districts. ISBE and ICCB shall jointly resolve any disputes between a school district and community college regarding the proposed terms of a partnership agreement.

(d) When developing partnership agreements, community colleges and school districts shall consult with a public university that has requested consultation in accordance with requirements established by ICCB and IBHE. A public university may, in its sole discretion, elect to become a party to a partnership agreement.

(e) Regional offices of education may, with the consent of participating school districts, establish multi-district partnership agreements with one or more postsecondary institutions.

Section 60. Transitional mathematics instruction statewide supports.

(a) ICCB shall permit transitional mathematics instruction that has been transcripted by a community college in accordance with the requirements of this Act to be claimed for reimbursement for community college funding purposes.
(b) Subject to the availability of public or private resources, ISBE, ICCB, and IBHE, in collaboration with IMACC, shall support at least 2 collaborative efforts among school districts and postsecondary institutions to develop model transitional mathematics instructional units. All State-supported models shall include real-world application projects that can be delivered to particular students based on career interests. At least one of the State-supported transitional mathematics models must be highly modularized for blended-learning delivery, with:

(1) a pre-assessment system to ensure that completion of modules are required only when the competencies have not been sufficiently mastered;
(2) the ability for students to complete coursework in areas of need at their own pace;
(3) the ability for transitional mathematics modules to be included within integrated courses or competency-based learning systems; and
(4) the ability for students to complete dual credit modules upon completion of the transitional mathematics modules.

(c) Provided that statewide portability procedures have been established pursuant to subsection (f) of Section 45 of this Act, ISBE and ICCB shall identify and publicize courses for transitional mathematics instruction that meet the statewide portability requirements and that can be delivered fully online or through blended-learning models without the requirement for in-person mathematics instruction at the high school.

(d) ISBE and ICCB shall jointly develop and provide a model partnership agreement for school districts and community colleges.

(e) ISBE and ICCB shall provide standardized reports to school districts and community colleges, including, but not limited to:

(1) reports that school districts and community colleges can use for determining students 11th grade projected readiness for college-level mathematics courses upon high school graduation; and
(2) reports that compare participating students' postsecondary outcomes with other students, particularly those in traditional developmental education course sequences.

Section 65. Transitional mathematics instruction implementation.
(a) Subject to the availability of public or private resources, by no later than June 30, 2018, the statewide panel established pursuant to Section 45 of this Act shall define the transitional mathematics

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competencies and statewide criteria for determining projected readiness for college-level mathematics courses, and the school district and postsecondary institution collaborative efforts established pursuant to Section 60 of this Act shall develop the model transitional mathematics instructional units.

(b) By no later than June 30, 2019, ISBE and ICCB shall jointly establish a phased implementation plan and benchmarks that lead to full statewide implementation of transitional mathematics instruction in all school districts with timeframes that account for State and local resources and capacity. The phased implementation plan shall be contingent upon all of the following:

(1) The availability of public or private resources necessary for the implementation of the statewide panel and the administration of the statewide portability procedures described in Section 45 of this Act.

(2) The availability of public or private resources for the grants to community colleges described in subsection (c) of Section 55 of this Act.

(3) The availability of at least one fully online or blended-learning course as described in subsection (c) of Section 60 of this Act that has been approved through the statewide portability procedures established pursuant to subsection (f) of Section 45 of this Act.

(4) The right of school boards to opt out of implementation in accordance with subsection (c) of this Section.

(c) Notwithstanding the foregoing implementation requirements, the school board of any school district required to implement transitional mathematics instruction pursuant to the implementation plan adopted by ISBE and ICCB may, by action of its board, opt out of implementation through a finding by its board that the school district's cost of implementation outweighs the potential benefits to students and families through improved postsecondary education mathematics outcomes. The school district must report any decision to opt out of implementation to ISBE.

(d) The implementation plan adopted by ISBE and ICCB pursuant to subsection (b) of this Section shall include an evaluation and report to be issued by no later than June 30, 2022 that analyzes results, best practices, and challenges of school districts and community colleges that have implemented transitional mathematics instruction.

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(e) By June 30, 2018, IBHE shall adopt the requirements for public universities described in subsection (g) of Section 45 of this Act and public universities shall adopt and publicize the criteria described in subsection (g) of Section 45 of this Act. By June 30, 2020, and then at least once every 2 years thereafter, IBHE shall publicly report in accordance with subsection (g) of Section 45 of this Act.

(f) Commencing in the 2019-2020 school year, the school board of any school district serving grades 9 through 12 may elect to implement transitional mathematics instruction preparing students for one or more of the postsecondary institution mathematics pathways. If a school board makes an election and a community college for that local school district receives an implementation grant in accordance with subsection (c) of Section 55 of this Act, the community college must enter into a partnership agreement and provide the necessary support for implementation within timelines established by ICCB.

Section 70. Reading and communication transitional competencies. Subject to the availability of public or private resources for its administration, ISBE, ICCB, and IBHE shall jointly establish a statewide panel to recommend competencies for reading and communication aligned to applicable learning standards adopted by ISBE that, if attained by a student, lead to student placement into appropriate community college GECC communications courses. The statewide panel shall recommend strategies to embed the reading and communications developmental competencies in appropriate high school coursework.

Section 75. College and Career Pathway Endorsements System.

(a) Public high school graduates may attain College and Career Pathway Endorsements on high school diplomas in accordance with the requirements of Section 80 of this Act. The IPIC Agencies shall establish and administer a system for awarding and supporting College and Career Pathway Endorsements in accordance with the requirements of Sections 80 and 85 of this Act and oversee its implementation in accordance with the timelines set forth in Section 90 of this Act.

(b) The College and Career Pathway Endorsements System is established for the purposes of:

(1) recognizing and incentivizing student attainment of knowledge and demonstration of skills important for success in both postsecondary education and employment;

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(2) encouraging career exploration and development to improve students' decision-making for subsequent education and career advancement;

(3) promoting greater consistency of college and career pathway program structures within particular sectors;

(4) aligning supports from the State, employers, and regional intermediary support organizations; and

(5) institutionalizing college and career pathways as a key strategy for preparing more Illinois students for postsecondary education success and rewarding career opportunities.

Section 80. College and Career Pathway Endorsements.

(a) College and Career Pathway Endorsements are established to recognize public high school graduates who complete the requirements set forth in subsection (d) of this Section.

(b) School district participation in this program is voluntary.

(c) As of the 2019-2020 school year, Eligible School Districts may award one or more College and Career Pathway Endorsements on high school diplomas in Endorsement Areas established by ISBE in consultation with the other IPIC Agencies and appropriate stakeholders, including postsecondary institutions and employers. When establishing the Endorsement Areas, the agencies shall consider the Illinois career cluster framework, prevalent models for comprehensive pathway systems in Illinois high schools that articulate to postsecondary institutions and career training programs, prevalent models for guided pathway systems at postsecondary institutions, and the postsecondary institution mathematics pathways established pursuant to this Act. The Endorsement Areas shall also provide for a multidisciplinary endorsement for students that change career pathways during high school while meeting the individualized plan, professional learning, and academic readiness requirements set forth in subsection (d) of this Section.

(d) To earn a College and Career Pathway Endorsement, a student shall satisfy all of the following requirements:

   (1) Develop and periodically update an individualized plan for postsecondary education or training, careers, and financial aid. This individualized plan shall also include student development of a resume and personal statement with student reflection on attainment of Adaptive Competencies. The Eligible School District shall certify to ISBE that its individualized planning process spans

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grades 9 through 12 and includes an annual process for updating the plan.

(2) Complete a career-focused instructional sequence, including at least 2 years of coursework or equivalent competencies within an Endorsement Area or, for students attaining a multidisciplinary endorsement, multiple Endorsement Areas. An Eligible School District must consult with its regional education for employment director on the establishment of the career-focused instructional sequence. For all areas other than for multidisciplinary endorsements, the Eligible School District and a Local Community College shall certify to ISBE and ICCB that the career-focused instructional sequence is articulated to a certificate or degree program with labor market value, with opportunities for ongoing student advancement. ISBE and ICCB may adopt requirements for certifying that the instructional sequence meets the requirements of this paragraph (2). This certification must be re-certified at least once every 5 years thereafter. Commencing in the 2022-2023 school year, students must earn at least 6 hours of credit through early college credit courses within the career-focused instructional sequence.

(3) Complete a minimum of 2 Career Exploration Activities or one Intensive Career Exploration Experience, a minimum of 2 Team-based Challenges, and at least 60 cumulative hours of participation in one or more Supervised Career Development Experiences.

(4) Demonstrate readiness for non-remedial coursework in reading and mathematics by high school graduation through criteria certified by the Eligible School District and a Local Community College to ISBE and ICCB. The criteria shall align to any local partnership agreement established pursuant to Section 55 of this Act and may allow the demonstration of readiness through various methods, including assessment scores, grade point average, course completions, or other locally adopted criteria.

(e) To become an Eligible School District and award College and Careers Pathway Endorsements, a school district shall submit information in a form determined by ISBE and ICCB that indicates the school district's intent to award College and Career Pathway Endorsements in one or more Endorsement Areas and includes the certifications described in subsection (d) of this Section. Either ISBE or ICCB may require supporting evidence.

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for any certification made by the school district in the submission. An Eligible School District must participate in any quality review process adopted by ISBE for College and Career Pathway Endorsement systems, provided that the quality review process is at no cost to the Eligible School District.

Section 85. Statewide planning and supports for College and Career Pathway Endorsement programs.

(a) By no later than June 30, 2017, the IPIC Agencies shall develop and adopt a comprehensive interagency plan for supporting the development of College and Career Pathway Endorsement programs throughout the State. Thereafter, the plan shall be re-assessed and updated at least once every 5 years. The plan shall:

(1) designate priority, State-level industry sectors consistent with those identified through federal and State workforce and economic development planning processes;

(2) articulate a strategy for supporting College and Career Pathway Endorsement programs that includes State and federal funding, business and philanthropic investments, and local investments;

(3) consider the need for school districts and postsecondary institutions to phase in endorsement programs and the elements specified in subsection (d) of Section 80 of this Act over multiple years; and

(4) address how College and Career Pathway Endorsement programs articulate to postsecondary institution degree programs.

(b) In accordance with the interagency plan developed pursuant to subsection (a) of this Section and within the limits of available public and private resources, the IPIC Agencies shall establish a public-private steering committee for each priority State-level industry sector that includes representatives from one or more business-led, sector-based partnerships. By no later than June 30, 2018, each steering committee shall recommend to the IPIC Agencies a sequence of minimum career competencies for particular occupational pathways within that sector that students should attain by high school graduation as part of a College and Career Pathway Endorsement program. The IPIC Agencies shall establish methods to recognize and incentivize College and Career Pathway Endorsement programs that:

(1) address a priority State-level industry sector;
(2) are developed jointly by school districts, community
colleges, Local Workforce Development Boards, and employers;
and

(3) align to sequences of minimum career competencies
defined pursuant to this subsection (b), with any regional
modifications appropriate for local economic development
objectives.

(c) In accordance with the interagency plan developed pursuant to
subsection (a) of this Section and within the limits of available public and
private resources, the IPIC Agencies shall provide all of the following
supports for College and Career Pathway Endorsement program:

(1) Provide guidance documents for implementation of
each of the various elements of College and Career Pathway
Endorsement programs.

(2) Provide or designate one or more web-based tools to
support College and Career Pathway Endorsement programs,
including a professional learning portfolio, Professional Skills
Assessment, and mentoring platform.

(3) Make available a statewide insurance policy for
appropriate types of Supervised Career Development Experiences.

(4) Provide or designate one or more model instructional
units that provide an orientation to all career cluster areas.

(5) Coordinate with business-led, sector-based partnerships
to:

(A) designate available curricular and instructional
resources that school districts can voluntarily select to
address requirements for College and Career Pathway
Endorsement programs;

(B) designate stackable industry-based
certifications, the completion of which demonstrates
mastery of specific career competencies and that are widely
valued by employers within a particular sector;

(C) deliver or support sector-oriented professional
development, Career Exploration Activities, Intensive
Career Exploration Experiences, Team-based Challenges,
and Supervised Career Development Experiences; and

(D) develop recognition and incentives for school
districts implementing and students attaining College and
Career Pathway Endorsements that align to the sequence of

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minimum career competencies defined pursuant to subsection (b) of this Section.

(d) To support articulation of College and Career Pathway Endorsement programs into higher education, by no later than June 30, 2018 ICCB and IBHE shall jointly adopt, in consultation with postsecondary institutions, requirements for postsecondary institutions to define first-year course schedules and degree programs with Endorsement areas to support the successful transition of Endorsement recipients into related degree programs. These requirements shall take effect in the 2020-2021 school year.

Section 90. Implementation of the College and Career Pathway Endorsement programs.

(a) By no later than June 30, 2017:
   (1) the IPIC Agencies shall define the framework for Endorsement Areas and ISBE shall define the high school course codes that relate to each area; and
   (2) the IPIC Agencies shall adopt the comprehensive plan required by subsection (a) of Section 85 of this Act.

(b) By no later than June 30, 2018:
   (1) the public-private steering committees described in subsection (b) of Section 85 of this Act shall recommend to the IPIC Agencies a sequence of minimum career competencies for particular occupational pathways within that sector that students should attain by high school graduation as part of a College and Career Pathway Endorsement program;
   (2) ICCB and IBHE shall adopt the requirements for postsecondary institutions described in subsection (d) of Section 85 of this Act; and
   (3) the IPIC Agencies shall commence the development of the statewide supports described in Section 85 of this Act.

(c) By no later than June 30, 2019, (i) Eligible School Districts shall submit the information and certifications required by ISBE and ICCB to offer Career Pathway Endorsement programs for 2020 high school graduates; and (ii) the IPIC Agencies shall initially offer the statewide supports described in Section 85 of this Act.

(d) By no later than the 2020-2021 school year, postsecondary institutions shall implement the requirements adopted by ICCB and IBHE pursuant to subsection (d) of Section 85 of this Act.

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Section 900. Administrative rules. ISBE, in consultation with the other State agencies described in this Act, as applicable, may adopt such administrative rules as may be necessary for the implementation of this Act. ICCB and IBHE may adopt such administrative rules as may be necessary to implement Sections 45 through 70 and subsection (d) of Section 85 of this Act.

Section 905. The School Code is amended by changing Section 27-22 as follows:

(105 ILCS 5/27-22) (from Ch. 122, par. 27-22)
(Text of Section before amendment by P.A. 99-434 and 99-485)
Sec. 27-22. Required high school courses.
(a) As a prerequisite to receiving a high school diploma, each pupil entering the 9th grade in the 1984-1985 school year through the 2004-2005 school year must, in addition to other course requirements, successfully complete the following courses:

(1) three years of language arts;
(2) two years of mathematics, one of which may be related to computer technology;
(3) one year of science;
(4) two years of social studies, of which at least one year must be history of the United States or a combination of history of the United States and American government; and
(5) One year chosen from (A) music, (B) art, (C) foreign language, which shall be deemed to include American Sign Language or (D) vocational education.

(b) As a prerequisite to receiving a high school diploma, each pupil entering the 9th grade in the 2005-2006 school year must, in addition to other course requirements, successfully complete all of the following courses:

(1) Three years of language arts.
(2) Three years of mathematics.
(3) One year of science.
(4) Two years of social studies, of which at least one year must be history of the United States or a combination of history of the United States and American government.
(5) One year chosen from (A) music, (B) art, (C) foreign language, which shall be deemed to include American Sign Language, or (D) vocational education.

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(c) As a prerequisite to receiving a high school diploma, each pupil entering the 9th grade in the 2006-2007 school year must, in addition to other course requirements, successfully complete all of the following courses:

(1) Three years of language arts.
(2) Two years of writing intensive courses, one of which must be English and the other of which may be English or any other subject. When applicable, writing-intensive courses may be counted towards the fulfillment of other graduation requirements.
(3) Three years of mathematics, one of which must be Algebra I and one of which must include geometry content.
(4) One year of science.
(5) Two years of social studies, of which at least one year must be history of the United States or a combination of history of the United States and American government.
(6) One year chosen from (A) music, (B) art, (C) foreign language, which shall be deemed to include American Sign Language, or (D) vocational education.

(d) As a prerequisite to receiving a high school diploma, each pupil entering the 9th grade in the 2007-2008 school year must, in addition to other course requirements, successfully complete all of the following courses:

(1) Three years of language arts.
(2) Two years of writing intensive courses, one of which must be English and the other of which may be English or any other subject. When applicable, writing-intensive courses may be counted towards the fulfillment of other graduation requirements.
(3) Three years of mathematics, one of which must be Algebra I and one of which must include geometry content.
(4) Two years of science.
(5) Two years of social studies, of which at least one year must be history of the United States or a combination of history of the United States and American government.
(6) One year chosen from (A) music, (B) art, (C) foreign language, which shall be deemed to include American Sign Language, or (D) vocational education.

(e) As a prerequisite to receiving a high school diploma, each pupil entering the 9th grade in the 2008-2009 school year or a subsequent school

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year must, in addition to other course requirements, successfully complete all of the following courses:

(1) Four years of language arts.

(2) Two years of writing intensive courses, one of which must be English and the other of which may be English or any other subject. When applicable, writing-intensive courses may be counted towards the fulfillment of other graduation requirements.

(3) Three years of mathematics, one of which must be Algebra I, one of which must include geometry content, and one of which may be an Advanced Placement computer science course if the pupil successfully completes Algebra II or an integrated mathematics course with Algebra II content.

(4) Two years of science.

(5) Two years of social studies, of which at least one year must be history of the United States or a combination of history of the United States and American government.

(6) One year chosen from (A) music, (B) art, (C) foreign language, which shall be deemed to include American Sign Language, or (D) vocational education.

(f) The State Board of Education shall develop and inform school districts of standards for writing-intensive coursework.

(f-5) If a school district offers an Advanced Placement computer science course to high school students, then the school board must designate that course as equivalent to a high school mathematics course and must denote on the student's transcript that the Advanced Placement computer science course qualifies as a mathematics-based, quantitative course for students in accordance with subdivision (3) of subsection (e) of this Section.

(g) This amendatory Act of 1983 does not apply to pupils entering the 9th grade in 1983-1984 school year and prior school years or to students with disabilities whose course of study is determined by an individualized education program.

This amendatory Act of the 94th General Assembly does not apply to pupils entering the 9th grade in the 2004-2005 school year or a prior school year or to students with disabilities whose course of study is determined by an individualized education program.

(h) The provisions of this Section are subject to the provisions of Section 27-22.05 of this Code and the Postsecondary and Workforce Readiness Act.

New matter indicated by italics - deletions by strikeout
Sec. 27-22. Required high school courses.

(a) As a prerequisite to receiving a high school diploma, each pupil entering the 9th grade in the 1984-1985 school year through the 2004-2005 school year must, in addition to other course requirements, successfully complete the following courses:

(1) three years of language arts;
(2) two years of mathematics, one of which may be related to computer technology;
(3) one year of science;
(4) two years of social studies, of which at least one year must be history of the United States or a combination of history of the United States and American government; and
(5) One year chosen from (A) music, (B) art, (C) foreign language, which shall be deemed to include American Sign Language or (D) vocational education.

(b) As a prerequisite to receiving a high school diploma, each pupil entering the 9th grade in the 2005-2006 school year must, in addition to other course requirements, successfully complete all of the following courses:

(1) Three years of language arts.
(2) Three years of mathematics.
(3) One year of science.
(4) Two years of social studies, of which at least one year must be history of the United States or a combination of history of the United States and American government.
(5) One year chosen from (A) music, (B) art, (C) foreign language, which shall be deemed to include American Sign Language, or (D) vocational education.

(c) As a prerequisite to receiving a high school diploma, each pupil entering the 9th grade in the 2006-2007 school year must, in addition to other course requirements, successfully complete all of the following courses:

(1) Three years of language arts.
(2) Two years of writing intensive courses, one of which must be English and the other of which may be English or any other subject. When applicable, writing-intensive courses may be counted towards the fulfillment of other graduation requirements.

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(3) Three years of mathematics, one of which must be Algebra I and one of which must include geometry content.

(4) One year of science.

(5) Two years of social studies, of which at least one year must be history of the United States or a combination of history of the United States and American government.

(6) One year chosen from (A) music, (B) art, (C) foreign language, which shall be deemed to include American Sign Language, or (D) vocational education.

(d) As a prerequisite to receiving a high school diploma, each pupil entering the 9th grade in the 2007-2008 school year must, in addition to other course requirements, successfully complete all of the following courses:

(1) Three years of language arts.

(2) Two years of writing intensive courses, one of which must be English and the other of which may be English or any other subject. When applicable, writing-intensive courses may be counted towards the fulfillment of other graduation requirements.

(3) Three years of mathematics, one of which must be Algebra I and one of which must include geometry content.

(4) Two years of science.

(5) Two years of social studies, of which at least one year must be history of the United States or a combination of history of the United States and American government.

(6) One year chosen from (A) music, (B) art, (C) foreign language, which shall be deemed to include American Sign Language, or (D) vocational education.

(e) As a prerequisite to receiving a high school diploma, each pupil entering the 9th grade in the 2008-2009 school year or a subsequent school year must, in addition to other course requirements, successfully complete all of the following courses:

(1) Four years of language arts.

(2) Two years of writing intensive courses, one of which must be English and the other of which may be English or any other subject. When applicable, writing-intensive courses may be counted towards the fulfillment of other graduation requirements.

(3) Three years of mathematics, one of which must be Algebra I, one of which must include geometry content, and one of which may be an Advanced Placement computer science course if
the pupil successfully completes Algebra II or an integrated mathematics course with Algebra II content.

(4) Two years of science.

(5) Two years of social studies, of which at least one year must be history of the United States or a combination of history of the United States and American government and, beginning with pupils entering the 9th grade in the 2016-2017 school year and each school year thereafter, at least one semester must be civics, which shall help young people acquire and learn to use the skills, knowledge, and attitudes that will prepare them to be competent and responsible citizens throughout their lives. Civics course content shall focus on government institutions, the discussion of current and controversial issues, service learning, and simulations of the democratic process. School districts may utilize private funding available for the purposes of offering civics education.

(6) One year chosen from (A) music, (B) art, (C) foreign language, which shall be deemed to include American Sign Language, or (D) vocational education.

(f) The State Board of Education shall develop and inform school districts of standards for writing-intensive coursework.

(f-5) If a school district offers an Advanced Placement computer science course to high school students, then the school board must designate that course as equivalent to a high school mathematics course and must denote on the student's transcript that the Advanced Placement computer science course qualifies as a mathematics-based, quantitative course for students in accordance with subdivision (3) of subsection (e) of this Section.

(g) This amendatory Act of 1983 does not apply to pupils entering the 9th grade in 1983-1984 school year and prior school years or to students with disabilities whose course of study is determined by an individualized education program.

This amendatory Act of the 94th General Assembly does not apply to pupils entering the 9th grade in the 2004-2005 school year or a prior school year or to students with disabilities whose course of study is determined by an individualized education program.

(h) The provisions of this Section are subject to the provisions of Section 27-22.05 of this Code and the Postsecondary and Workforce Readiness Act.

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Section 995. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

Section 999. Effective date. This Act takes effect upon becoming law.

Approved July 29, 2016.
Effective July 29, 2016.

PUBLIC ACT 99-0675
(House Bill No. 5775)

AN ACT concerning health.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Vital Records Act is amended by changing Section 12 as follows:

(410 ILCS 535/12)

Sec. 12. Live births; place of registration.

(1) Each live birth which occurs in this State shall be registered with the local or subregistrar of the district in which the birth occurred as provided in this Section, within 7 days after the birth. When a birth occurs on a moving conveyance, the city, village, township, or road district in which the child is first removed from the conveyance shall be considered the place of birth and a birth certificate shall be filed in the registration district in which the place is located.

(2) When a birth occurs in an institution, the person in charge of the institution or his designated representative shall obtain and record all the personal and statistical particulars relative to the parents of the child that are required to properly complete the live birth certificate; shall secure the required personal signatures on the hospital worksheet; shall prepare the certificate from this worksheet; and shall file the certificate with the local registrar. The institution shall retain the hospital worksheet

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permanently or as otherwise specified by rule. The physician in attendance shall verify or provide the date of birth and medical information required by the certificate, within 24 hours after the birth occurs.

(3) When a birth occurs outside an institution, the certificate shall be prepared and filed by one of the following in the indicated order of priority:

(a) The physician in attendance at or immediately after the birth, or in the absence of such a person,

(b) Any other person in attendance at or immediately after the birth, or in the absence of such a person,

(c) The father, the mother, or in the absence of the father and the inability of the mother, the person in charge of the premises where the birth occurred.

(4) Unless otherwise provided in this Act, if the mother was not married to the father of the child at either the time of conception or the time of birth, the name of the father shall be entered on the child's birth certificate only if the mother and the person to be named as the father have signed a voluntary acknowledgment of paternity form in accordance with subsection (5).

Unless otherwise provided in this Act, if the mother was married at the time of conception or birth and the presumed father (that is, the mother's husband) is not the biological father of the child, the name of the biological father shall be entered on the child's birth certificate only if, in accordance with subsection (5), (i) the mother and the person to be named as the father have signed a voluntary acknowledgment of paternity form and (ii) the mother and presumed father have signed a denial of paternity form.

(5) Upon the birth of a child to an unmarried woman, or upon the birth of a child to a woman who was married at the time of conception or birth and whose husband is not the biological father of the child, the institution at the time of birth and the local registrar or county clerk after the birth shall do the following:

(a) Provide (i) an opportunity for the child's mother and father to sign a voluntary acknowledgment of paternity form and (ii) if the presumed father is not the biological father, an opportunity for the mother and presumed father to sign a denial of paternity form. The signing and witnessing of the voluntary acknowledgment of paternity form or, if the presumed father of the child is not the biological father, the
voluntary acknowledgment of paternity and denial of parentage form to institutions, county clerks, and State and local registrars' offices. The forms shall include instructions to send the original signed and witnessed voluntary acknowledgment of paternity and denial of parentage forms to the Department of Healthcare and Family Services. The voluntary acknowledgment of paternity and denial of parentage forms shall also include a statement informing the mother, the alleged father, and the presumed father, if any, that they have the right to request deoxyribonucleic acid (DNA) tests regarding the issue of the child's paternity and that by signing the form, they expressly waive such tests. The voluntary acknowledgment of paternity and denial of parentage forms shall contain the data elements required by federal law. The statement shall be set forth in bold-face capital letters not less than 0.25 inches in height.

(b) Provide the following documents, furnished by the Department of Healthcare and Family Services, to the child's mother, biological father, and (if the person presumed to be the child's father is not the biological father) presumed father for their review at the time the opportunity is provided to establish a parent and child relationship:

(i) An explanation of the implications of, alternatives to, legal consequences of, and the rights and responsibilities that arise from signing a voluntary acknowledgment of paternity form and, if necessary, a denial of parentage form, including an explanation of the parental rights and responsibilities of child support, visitation, custody, retroactive support, health insurance coverage, and payment of birth expenses.

(ii) An explanation of the benefits of having a child's parentage established and the availability of
parentage establishment and child support enforcement services.

(iii) A request for an application for child support enforcement services from the Department of Healthcare and Family Services.

(iv) Instructions concerning the opportunity to speak, either by telephone or in person, with staff of the Department of Healthcare and Family Services who are trained to clarify information and answer questions about paternity establishment.

(v) Instructions for completing and signing the voluntary acknowledgment of paternity form and denial of parentage form.

(c) Provide an oral explanation of the documents and instructions set forth in subdivision (5)(b), including an explanation of the implications of, alternatives to, legal consequences of, and the rights and responsibilities that arise from signing a voluntary acknowledgment of paternity form and, if necessary, a denial of parentage form. The oral explanation may be given in person or through the use of video or audio equipment.

(6) The institution, State or local registrar, or county clerk shall provide an opportunity for the child's father or mother to sign a rescission of voluntary acknowledgment of paternity or denial of parentage form. The signing and witnessing of the rescission of voluntary acknowledgment of paternity or denial of parentage form voids the voluntary acknowledgment of paternity form and nullifies the presumption of paternity if executed and filed with the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) within the time frame contained in Section 5 of the Illinois Parentage Act of 1984 or Section 307 of the Illinois Parentage Act of 2015 on and after the effective date of that Act. The Department of Healthcare and Family Services shall furnish the rescission of voluntary acknowledgment of paternity or denial of parentage form to institutions, county clerks, and State and local registrars' offices. The form shall include instructions to send the original signed and witnessed rescission of voluntary acknowledgment of paternity or denial of parentage form to the Department of Healthcare and Family Services. The

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rescission of voluntary acknowledgment of paternity or denial of parentage form shall contain the data elements required by federal law.

(7) A voluntary acknowledgment of paternity form signed pursuant to Section 6 of the Illinois Parentage Act of 1984 or Section 302 of the Illinois Parentage Act of 2015 on and after the effective date of that Act may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the challenging party. Pending outcome of a challenge to the voluntary acknowledgment of paternity form, the legal responsibilities of the signatories shall remain in full force and effect, except upon order of the court upon a showing of good cause.

(8) When the process for acknowledgment of parentage as provided for under subsection (5) establishes the paternity of a child whose certificate of birth is on file in another state, the Department of Healthcare and Family Services shall forward a copy of the voluntary acknowledgment of paternity, denial of parentage, and acknowledgment of parentage, the denial of paternity, if applicable, rescission of voluntary acknowledgment of paternity or denial of parentage forms and the rescission of parentage, if applicable, to the birth record agency of the state where the child's certificate of birth is on file.

(9) In the event the parent-child relationship has been established in accordance with subdivision (a)(1) of Section 6 of the Parentage Act of 1984, the names of the biological mother and biological father so established shall be entered on the child's birth certificate, and the names of the surrogate mother and surrogate mother's husband, if any, shall not be on the birth certificate.

(10) In the event new data elements are included in the voluntary acknowledgment of paternity form, denial of parentage form, or rescission of voluntary acknowledgment of paternity or denial of parentage form, the Department of Healthcare and Family Services, in conjunction with the Department of Public Health, shall provide instructions that have been prescribed by the Department of Healthcare and Family Services about the new data elements to the hospital personnel responsible for assisting the child's mother, biological father, or presumed father with completing the forms.

(Source: P.A. 99-85, eff. 1-1-16.)

Approved July 29, 2016.
Effective January 1, 2017.

New matter indicated by italics - deletions by strikeout
AN ACT concerning finance.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Public Funds Investment Act is amended by adding Section 9 as follows:

(30 ILCS 235/9 new)
Sec. 9. Municipal and county investment in not-for-profit community development financial institutions. Municipalities and counties may invest up to $250,000 per year in public funds in not-for-profit community development financial institutions across all institutions. These financial institutions must have at least $5,000,000 in net assets and have earned at least an "A" rating by an investment rating organization that primarily provides services for community development financial institutions. Investments made under this Section shall be made for a term and at a rate acceptable to the municipality or county and the municipality or county may set benchmarks in order to continue investing in the not-for-profit community development financial institution.

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

Approved July 29, 2016.
Effective July 29, 2016.

AN ACT concerning business.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Co-operative Act is amended by changing Section 1 as follows:

(805 ILCS 310/1) (from Ch. 32, par. 305)
Sec. 1. Any 5 or more subscribers to the shares of the capital stock of a corporation to be organized under this Act who may be desirous of uniting as mechanics, laborers, agriculturists, or in any other capacity in any co-operative association for the purpose of purchasing of or selling to

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all shareholders and others, all sorts of groceries, provisions and any other articles of merchandise, for cash or otherwise at wholesale or retail, at such reasonable prices over the cost thereof as will enable the members of such association to obtain or dispose of such commodities at the smallest practicable rate of cost and also, if desired, to manufacture any articles of trade or merchandise such as flour, meal, boots, shoes, clothing, groceries and to sell same as above stated, or for the purpose of cultivating and raising vegetables, fruits or other products, or animals for food for said members or to sell same as above stated, or who may be desirous of engaging as shareholders in any association for the operating conducting of a general agricultural or horticultural business by such shareholders, or any combination of the 2 for the purpose of growing or producing general or special agricultural, horticultural, orchard, garden, nursery or dairy produce, or for the manufacture and sale, or the sale, or the purchasing of, or the dealing in any of the commodities mentioned in this section either at wholesale or retail, either for the use of such shareholders or for sale to other persons, or who may be desirous of becoming interested in other like associations--may become incorporated for that purpose by making a statement to that effect under their signatures and duly acknowledged before an officer authorized to take acknowledgments, setting forth: (a) the name of the corporation; (b) the address, including street and number, if any, of its initial registered office in this State, and the name of its initial registered agent at such address; (c) the period of duration, which may be perpetual; (d) the name and address, including street and number, if any, of each incorporator; (e) the purpose or purposes for which the corporation is organized; (f) the aggregate number of shares which the corporation shall have authority to issue; and if the shares are to consist of one class only, the par value of each of the shares; or, if the shares are to be divided into classes, the number of shares of each class, if any, that are to have a par value of each share of each such class, and the number of shares of each class, if any, that are to be without par value; (g) if the shares are to be divided into classes, the designation of each class and a statement of the preferences, qualifications, limitations, restrictions, and the special or relative rights in respect of the shares of each class; (h) the number and class of shares to be issued by the corporation before it commences business, and the consideration to be received by the corporation therefor, which shall be not less than $1,000. If shares of more than one class are to be issued, the consideration for shares of each class shall be separately stated; (i) the number of directors to be elected at the first meeting of
shareholders; (j) any provisions, not inconsistent with law, which the incorporators may choose to insert, for the regulation of the internal affairs of the corporation.
(Source: P.A. 84-550.)

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

Passed in the General Assembly May 29, 2016.
Approved July 29, 2016.
Effective July 29, 2016.

PUBLIC ACT 99-0678
(House Bill No. 5902)

AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Speech Rights of Student Journalists Act.

Section 5. Definitions. As used in this Act:
"School official" means a school's principal or his or her designee.
"School-sponsored media" means any material that is prepared, substantially written, published, or broadcast by a student journalist at a public school, distributed or generally made available to members of the student body, and prepared under the direction of a student media adviser. School-sponsored media does not include media intended for distribution or transmission solely in the classroom in which the media is produced.
"Student journalist" means a public high school student who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media.
"Student media adviser" means an individual employed, appointed, or designated by a school district to supervise or provide instruction relating to school-sponsored media.

Section 10. Free speech. Except as otherwise provided in Section 15 of this Act, a student journalist has the right to exercise freedom of speech and of the press in school-sponsored media, regardless of whether the media is supported financially by the school district or by use of school facilities or produced in conjunction with a class in which the student is enrolled. Subject to Section 15 of this Act, the appropriate student journalist is responsible for determining the news, opinion, feature, and

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advertising content of school-sponsored media. This Section shall not be construed to prevent a student media adviser from teaching professional standards of English and journalism to student journalists. There shall be no prior restraint of material prepared for official school publications except insofar as it violates Section 15 of this Act. School officials shall have the burden of showing justification without undue delay prior to a limitation of student expression under this Act.

Section 15. Exceptions. This Act does not authorize or protect expression by a student journalist that:

(1) is libelous, slanderous, or obscene;
(2) constitutes an unwarranted invasion of privacy;
(3) violates federal or State law; or
(4) incites students to commit an unlawful act, to violate policies of the school district, or to materially and substantially disrupt the orderly operation of the school.

Section 20. Liability. No expression made by students in the exercise of freedom of speech or freedom of the press shall be deemed to be an expression of school policy, and no school district or employee or parent, legal guardian, or official of the school district shall be held liable in any civil or criminal action for any expression made or published by students, except in cases of willful or wanton misconduct.

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

Approved July 29, 2016.
Effective July 29, 2016.

PUBLIC ACT 99-0679
(House Bill No. 5945)

AN ACT concerning business.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Consumer Fraud and Deceptive Business Practices Act is amended by changing Section 2AA as follows:

(815 ILCS 505/2AA)
Sec. 2AA. Immigration services.
(a) "Immigration matter" means any proceeding, filing, or action affecting the nonimmigrant, immigrant or citizenship status of any person

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that arises under immigration and naturalization law, executive order or presidential proclamation of the United States or any foreign country, or that arises under action of the United States Citizenship and Immigration Services, the United States Department of Labor, or the United States Department of State.

"Immigration assistance service" means any information or action provided or offered to customers or prospective customers related to immigration matters, excluding legal advice, recommending a specific course of legal action, or providing any other assistance that requires legal analysis, legal judgment, or interpretation of the law.

"Compensation" means money, property, services, promise of payment, or anything else of value.

"Employed by" means that a person is on the payroll of the employer and the employer deducts from the employee's paycheck social security and withholding taxes, or receives compensation from the employer on a commission basis or as an independent contractor.

"Reasonable costs" means actual costs or, if actual costs cannot be calculated, reasonably estimated costs of such things as photocopying, telephone calls, document requests, and filing fees for immigration forms, and other nominal costs incidental to assistance in an immigration matter.

(a-1) The General Assembly finds and declares that private individuals who assist persons with immigration matters have a significant impact on the ability of their clients to reside and work within the United States and to establish and maintain stable families and business relationships. The General Assembly further finds that that assistance and its impact also have a significant effect on the cultural, social, and economic life of the State of Illinois and thereby substantially affect the public interest. It is the intent of the General Assembly to establish rules of practice and conduct for those individuals to promote honesty and fair dealing with residents and to preserve public confidence.

(a-5) The following persons are exempt from this Section, provided they prove the exemption by a preponderance of the evidence:

(1) An attorney licensed to practice law in any state or territory of the United States, or of any foreign country when authorized by the Illinois Supreme Court, to the extent the attorney renders immigration assistance service in the course of his or her practice as an attorney.

(2) A legal intern, as described by the rules of the Illinois Supreme Court, employed by and under the direct supervision of a...
licensed attorney and rendering immigration assistance service in the course of the intern's employment.

(3) A not-for-profit organization recognized by the Board of Immigration Appeals under 8 C.F.R. 292.2(a) and employees of those organizations accredited under 8 C.F.R. 292.2(d).

(4) Any organization employing or desiring to employ a documented or undocumented immigrant or nonimmigrant alien, where the organization, its employees or its agents provide advice or assistance in immigration matters to documented or undocumented immigrant alien or nonimmigrant alien employees or potential employees without compensation from the individuals to whom such advice or assistance is provided.

Nothing in this Section shall regulate any business to the extent that such regulation is prohibited or preempted by State or federal law.

All other persons providing or offering to provide immigration assistance service shall be subject to this Section.

(b) Any person who provides or offers to provide immigration assistance service may perform only the following services:

(1) Completing a government agency form, requested by the customer and appropriate to the customer's needs, only if the completion of that form does not involve a legal judgment for that particular matter.

(2) Transcribing responses to a government agency form which is related to an immigration matter, but not advising a customer as to his or her answers on those forms.

(3) Translating information on forms to a customer and translating the customer's answers to questions posed on those forms.

(4) Securing for the customer supporting documents currently in existence, such as birth and marriage certificates, which may be needed to be submitted with government agency forms.

(5) Translating documents from a foreign language into English.

(6) Notarizing signatures on government agency forms, if the person performing the service is a notary public of the State of Illinois.

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(7) Making referrals, without fee, to attorneys who could undertake legal representation for a person in an immigration matter.

(8) Preparing or arranging for the preparation of photographs and fingerprints.

(9) Arranging for the performance of medical testing (including X-rays and AIDS tests) and the obtaining of reports of such test results.

(10) Conducting English language and civics courses.

(11) Other services that the Attorney General determines by rule may be appropriately performed by such persons in light of the purposes of this Section.

Fees for a notary public, agency, or any other person who is not an attorney or an accredited representative filling out immigration forms shall be limited to the maximum fees set forth in subsections (a) and (b) of Section 3-104 of the Notary Public Act (5 ILCS 312/3-104). The maximum fee schedule set forth in subsections (a) and (b) of Section 3-104 of the Notary Public Act shall apply to any person that provides or offers to provide immigration assistance service performing the services described therein. The Attorney General may promulgate rules establishing maximum fees that may be charged for any services not described in that subsection. The maximum fees must be reasonable in light of the costs of providing those services and the degree of professional skill required to provide the services.

No person subject to this Act shall charge fees directly or indirectly for referring an individual to an attorney or for any immigration matter not authorized by this Article, provided that a person may charge a fee for notarizing documents as permitted by the Illinois Notary Public Act.

(c) Any person performing such services shall register with the Illinois Attorney General and submit verification of malpractice insurance or of a surety bond.

(d) Except as provided otherwise in this subsection, before providing any assistance in an immigration matter a person shall provide the customer with a written contract that includes the following:

(1) An explanation of the services to be performed.

(2) Identification of all compensation and costs to be charged to the customer for the services to be performed.

(3) A statement that documents submitted in support of an application for nonimmigrant, immigrant, or naturalization status

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may not be retained by the person for any purpose, including payment of compensation or costs.

This subsection does not apply to a not-for-profit organization that provides advice or assistance in immigration matters to clients without charge beyond a reasonable fee to reimburse the organization's or clinic's reasonable costs relating to providing immigration services to that client.

(e) Any person who provides or offers immigration assistance service and is not exempted from this Section, shall post signs at his or her place of business, setting forth information in English and in every other language in which the person provides or offers to provide immigration assistance service. Each language shall be on a separate sign. Signs shall be posted in a location where the signs will be visible to customers. Each sign shall be at least 11 inches by 17 inches, and shall contain the following:

1. The statement "I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE."
2. The statement "I AM NOT ACCREDITED TO REPRESENT YOU BEFORE THE UNITED STATES IMMIGRATION AND NATURALIZATION SERVICE AND THE IMMIGRATION BOARD OF APPEALS."
3. The fee schedule.
4. The statement that "You may cancel any contract within 3 working days and get your money back for services not performed."
5. Additional information the Attorney General may require by rule.

Every person engaged in immigration assistance service who is not an attorney who advertises immigration assistance service in a language other than English, whether by radio, television, signs, pamphlets, newspapers, or other written communication, with the exception of a single desk plaque, shall include in the document, advertisement, stationery, letterhead, business card, or other comparable written material the following notice in English and the language in which the written communication appears. This notice shall be of a conspicuous size, if in writing, and shall state: "I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN ILLINOIS AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE." If such

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advertisement is by radio or television, the statement may be modified but
must include substantially the same message.

Any person who provides or offers immigration assistance service
and is not exempted from this Section shall not, in any document,
advertisement, stationery, letterhead, business card, or other comparable
written material, literally translate from English into another language
terms or titles including, but not limited to, notary public, notary, licensed,
attorney, lawyer, or any other term that implies the person is an attorney.
To illustrate, the words "notario" and "poder notarial" are prohibited under
this provision.

If not subject to penalties under subsection (a) of Section 3-103 of
the Notary Public Act (5 ILCS 312/3-103), violations of this subsection
shall result in a fine of $1,000. Violations shall not preempt or preclude
additional appropriate civil or criminal penalties.

(f) The written contract shall be in both English and in the
language of the customer.

(g) A copy of the contract shall be provided to the customer upon
the customer's execution of the contract.

(h) A customer has the right to rescind a contract within 72 hours
after his or her signing of the contract.

(i) Any documents identified in paragraph (3) of subsection (c)
shall be returned upon demand of the customer.

(j) No person engaged in providing immigration services who is
not exempted under this Section shall do any of the following:

(1) Make any statement that the person can or will obtain
special favors from or has special influence with the United States
Immigration and Naturalization Service or any other government
agency.

(2) Retain any compensation for service not performed.

(2.5) Accept payment in exchange for providing legal
advice or any other assistance that requires legal analysis, legal
judgment, or interpretation of the law.

(3) Refuse to return documents supplied by, prepared on
behalf of, or paid for by the customer upon the request of the
customer. These documents must be returned upon request even if
there is a fee dispute between the immigration assistant and the
customer.

(4) Represent or advertise, in connection with the provision
assistance in immigration matters, other titles of credentials,
including but not limited to "notary public" or "immigration consultant," that could cause a customer to believe that the person possesses special professional skills or is authorized to provide advice on an immigration matter; provided that a notary public appointed by the Illinois Secretary of State may use the term "notary public" if the use is accompanied by the statement that the person is not an attorney; the term "notary public" may not be translated to another language; for example "notario" is prohibited.

(5) Provide legal advice, recommend a specific course of legal action, or provide any other assistance that requires legal analysis, legal judgment, or interpretation of the law.

(6) Make any misrepresentation of false statement, directly or indirectly, to influence, persuade, or induce patronage.

(k) (Blank)

(l) (Blank)

(m) Any person who violates any provision of this Section, or the rules and regulations issued under this Section, shall be guilty of a Class A misdemeanor for a first offense and a Class 3 felony for a second or subsequent offense committed within 5 years of a previous conviction for the same offense.

Upon his own information or upon the complaint of any person, the Attorney General or any State's Attorney, or a municipality with a population of more than 1,000,000, may maintain an action for injunctive relief and also seek a civil penalty not exceeding $50,000 in the circuit court against any person who violates any provision of this Section. These remedies are in addition to, and not in substitution for, other available remedies.

If the Attorney General or any State's Attorney or a municipality with a population of more than 1,000,000 fails to bring an action as provided under this Section any person may file a civil action to enforce the provisions of this Article and maintain an action for injunctive relief, for compensatory damages to recover prohibited fees, or for such additional relief as may be appropriate to deter, prevent, or compensate for the violation. In order to deter violations of this Section, courts shall not require a showing of the traditional elements for equitable relief. A prevailing plaintiff may be awarded 3 times the prohibited fees or a minimum of $1,000 in punitive damages, attorney's fees, and costs of bringing an action under this Section. It is the express intention of the

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General Assembly that remedies for violation of this Section be cumulative.

(n) No unit of local government, including any home rule unit, shall have the authority to regulate immigration assistance services unless such regulations are at least as stringent as those contained in this amendatory Act of 1992. It is declared to be the law of this State, pursuant to paragraph (i) of Section 6 of Article VII of the Illinois Constitution of 1970, that this amendatory Act of 1992 is a limitation on the authority of a home rule unit to exercise powers concurrently with the State. The limitations of this Section do not apply to a home rule unit that has, prior to the effective date of this amendatory Act, adopted an ordinance regulating immigration assistance services.

(o) This Section is severable under Section 1.31 of the Statute on Statutes.

(p) The Attorney General shall issue rules not inconsistent with this Section for the implementation, administration, and enforcement of this Section. The rules may provide for the following:

1. The content, print size, and print style of the signs required under subsection (e). Print sizes and styles may vary from language to language.
2. Standard forms for use in the administration of this Section.
3. Any additional requirements deemed necessary.

Approved July 29, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0680
(House Bill No. 5948)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Dental Practice Act is amended by changing Sections 4, 17, and 18.1 as follows:
(225 ILCS 25/4) (from Ch. 111, par. 2304)
(Section scheduled to be repealed on January 1, 2026)
Sec. 4. Definitions. As used in this Act:

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"Address of record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file as maintained by the Department's licensure maintenance unit. It is the duty of the applicant or licensee to inform the Department of any change of address and those changes must be made either through the Department's website or by contacting the Department.

"Department" means the Department of Financial and Professional Regulation.

"Secretary" means the Secretary of Financial and Professional Regulation.

"Board" means the Board of Dentistry.

"Dentist" means a person who has received a general license pursuant to paragraph (a) of Section 11 of this Act and who may perform any intraoral and extraoral procedure required in the practice of dentistry and to whom is reserved the responsibilities specified in Section 17.

"Dental hygienist" means a person who holds a license under this Act to perform dental services as authorized by Section 18.

"Dental assistant" means an appropriately trained person who, under the supervision of a dentist, provides dental services as authorized by Section 17.

"Dental laboratory" means a person, firm or corporation which:

   (i) engages in making, providing, repairing or altering dental prosthetic appliances and other artificial materials and devices which are returned to a dentist for insertion into the human oral cavity or which come in contact with its adjacent structures and tissues; and

   (ii) utilizes or employs a dental technician to provide such services; and

   (iii) performs such functions only for a dentist or dentists.

"Supervision" means supervision of a dental hygienist or a dental assistant requiring that a dentist authorize the procedure, remain in the dental facility while the procedure is performed, and approve the work performed by the dental hygienist or dental assistant before dismissal of the patient, but does not mean that the dentist must be present at all times in the treatment room.

"General supervision" means supervision of a dental hygienist requiring that the patient be a patient of record, that the dentist examine the patient in accordance with Section 18 prior to treatment by the dental hygienist, and that the dentist authorize the procedures which are being
carried out by a notation in the patient's record, but not requiring that a dentist be present when the authorized procedures are being performed. The issuance of a prescription to a dental laboratory by a dentist does not constitute general supervision.

"Public member" means a person who is not a health professional. For purposes of board membership, any person with a significant financial interest in a health service or profession is not a public member.

"Dentistry" means the healing art which is concerned with the examination, diagnosis, treatment planning and care of conditions within the human oral cavity and its adjacent tissues and structures, as further specified in Section 17.

"Branches of dentistry" means the various specialties of dentistry which, for purposes of this Act, shall be limited to the following: endodontics, oral and maxillofacial surgery, orthodontics and dentofacial orthopedics, pediatric dentistry, periodontics, prosthodontics, and oral and maxillofacial radiology.

"Specialist" means a dentist who has received a specialty license pursuant to Section 11(b).

"Dental technician" means a person who owns, operates or is employed by a dental laboratory and engages in making, providing, repairing or altering dental prosthetic appliances and other artificial materials and devices which are returned to a dentist for insertion into the human oral cavity or which come in contact with its adjacent structures and tissues.

"Impaired dentist" or "impaired dental hygienist" means a dentist or dental hygienist who is unable to practice with reasonable skill and safety because of a physical or mental disability as evidenced by a written determination or written consent based on clinical evidence, including deterioration through the aging process, loss of motor skills, abuse of drugs or alcohol, or a psychiatric disorder, of sufficient degree to diminish the person's ability to deliver competent patient care.

"Nurse" means a registered professional nurse, a certified registered nurse anesthetist licensed as an advanced practice nurse, or a licensed practical nurse licensed under the Nurse Practice Act.

"Patient of record" means a patient for whom the patient's most recent dentist has obtained a relevant medical and dental history and on whom the dentist has performed an examination and evaluated the condition to be treated.

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"Dental responder" means a dentist or dental hygienist who is appropriately certified in disaster preparedness, immunizations, and dental humanitarian medical response consistent with the Society of Disaster Medicine and Public Health and training certified by the National Incident Management System or the National Disaster Life Support Foundation.

"Mobile dental van or portable dental unit" means any self-contained or portable dental unit in which dentistry is practiced that can be moved, towed, or transported from one location to another in order to establish a location where dental services can be provided.

"Public health dental hygienist" means a hygienist who holds a valid license to practice in the State, has 2 years of full-time clinical experience or an equivalent of 4,000 hours of clinical experience and has completed at least 42 clock 72 hours of additional structured courses in dental education approved by rule by the Department course work in advanced areas specific to public health dentistry, including, but not limited to, emergency procedures for medically compromised patients, pharmacology, medical recordkeeping procedures, geriatric dentistry, pediatric dentistry, and pathology, and other areas of study as determined by the Department, and works in a public health setting pursuant to a written public health supervision agreement as defined by rule by the Department with a dentist working in or contracted with a local or State government agency or institution or who is providing services as part of a certified school-based program or school-based oral health program.

"Public health setting" means a federally qualified health center; a federal, State, or local public health facility; Head Start; a special supplemental nutrition program for Women, Infants, and Children (WIC) facility; or a certified school-based health center or school-based oral health program.

"Public health supervision" means the supervision of a public health dental hygienist by a licensed dentist who has a written public health supervision agreement with that public health dental hygienist while working in an approved facility or program that allows the public health dental hygienist to treat patients, without a dentist first examining the patient and being present in the facility during treatment, (1) who are eligible for Medicaid or (2) who are uninsured and whose household income is not greater than 200% of the federal poverty level.

(Source: P.A. 99-25, eff. 1-1-16; 99-492, eff. 12-31-15.)
(225 ILCS 25/17) (from Ch. 111, par. 2317)
(Section scheduled to be repealed on January 1, 2026)

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Sec. 17. Acts constituting the practice of dentistry. A person practices dentistry, within the meaning of this Act:

(1) Who represents himself or herself as being able to diagnose or diagnoses, treats, prescribes, or operates for any disease, pain, deformity, deficiency, injury, or physical condition of the human tooth, teeth, alveolar process, gums or jaw; or

(2) Who is a manager, proprietor, operator or conductor of a business where dental operations are performed; or

(3) Who performs dental operations of any kind; or

(4) Who uses an X-Ray machine or X-Ray films for dental diagnostic purposes; or

(5) Who extracts a human tooth or teeth, or corrects or attempts to correct malpositions of the human teeth or jaws; or

(6) Who offers or undertakes, by any means or method, to diagnose, treat or remove stains, calculus, and bonding materials from human teeth or jaws; or

(7) Who uses or administers local or general anesthetics in the treatment of dental or oral diseases or in any preparation incident to a dental operation of any kind or character; or

(8) Who takes impressions of the human tooth, teeth, or jaws or performs any phase of any operation incident to the replacement of a part of a tooth, a tooth, teeth or associated tissues by means of a filling, crown, a bridge, a denture or other appliance; or

(9) Who offers to furnish, supply, construct, reproduce or repair, or who furnishes, supplies, constructs, reproduces or repairs, prosthetic dentures, bridges or other substitutes for natural teeth, to the user or prospective user thereof; or

(10) Who instructs students on clinical matters or performs any clinical operation included in the curricula of recognized dental schools and colleges; or

(11) Who takes impressions of human teeth or places his or her hands in the mouth of any person for the purpose of applying teeth whitening materials, or who takes impressions of human teeth or places his or her hands in the mouth of any person for the purpose of assisting in the application of teeth whitening materials. A person does not practice dentistry when he or she discloses to the consumer that he or she is not licensed as a dentist under this Act and (i) discusses the use of teeth whitening materials with a

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consumer purchasing these materials; (ii) provides instruction on the use of teeth whitening materials with a consumer purchasing these materials; or (iii) provides appropriate equipment on-site to the consumer for the consumer to self-apply teeth whitening materials.

The fact that any person engages in or performs, or offers to engage in or perform, any of the practices, acts, or operations set forth in this Section, shall be prima facie evidence that such person is engaged in the practice of dentistry.

The following practices, acts, and operations, however, are exempt from the operation of this Act:

(a) The rendering of dental relief in emergency cases in the practice of his or her profession by a physician or surgeon, licensed as such under the laws of this State, unless he or she undertakes to reproduce or reproduces lost parts of the human teeth in the mouth or to restore or replace lost or missing teeth in the mouth; or

(b) The practice of dentistry in the discharge of their official duties by dentists in any branch of the Armed Services of the United States, the United States Public Health Service, or the United States Veterans Administration; or

(c) The practice of dentistry by students in their course of study in dental schools or colleges approved by the Department, when acting under the direction and supervision of dentists acting as instructors; or

(d) The practice of dentistry by clinical instructors in the course of their teaching duties in dental schools or colleges approved by the Department:

   (i) when acting under the direction and supervision of dentists, provided that such clinical instructors have instructed continuously in this State since January 1, 1986; or

   (ii) when holding the rank of full professor at such approved dental school or college and possessing a current valid license or authorization to practice dentistry in another country; or

(e) The practice of dentistry by licensed dentists of other states or countries at meetings of the Illinois State Dental Society or component parts thereof, alumni meetings of dental colleges, or

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any other like dental organizations, while appearing as clinicians; or

(f) The use of X-Ray machines for exposing X-Ray films of dental or oral tissues by dental hygienists or dental assistants; or

(g) The performance of any dental service by a dental assistant, if such service is performed under the supervision and full responsibility of a dentist.

For purposes of this paragraph (g), "dental service" is defined to mean any intraoral procedure or act which shall be prescribed by rule or regulation of the Department. Dental service, however, shall not include:

(1) Any and all diagnosis of or prescription for treatment of disease, pain, deformity, deficiency, injury or physical condition of the human teeth or jaws, or adjacent structures.

(2) Removal of, or restoration of, or addition to the hard or soft tissues of the oral cavity, except for the placing, carving, and finishing of amalgam restorations by dental assistants who have had additional formal education and certification as determined by the Department. A dentist utilizing dental assistants shall not supervise more than 4 dental assistants at any one time for placing, carving, and finishing of amalgam restorations.

(3) Any and all correction of malformation of teeth or of the jaws.

(4) Administration of anesthetics, except for monitoring of nitrous oxide, conscious sedation, deep sedation, and general anesthetic as provided in Section 8.1 of this Act, that may be performed only after successful completion of a training program approved by the Department. A dentist utilizing dental assistants shall not supervise more than 4 dental assistants at any one time for the monitoring of nitrous oxide.

(5) Removal of calculus from human teeth.

(6) Taking of impressions for the fabrication of prosthetic appliances, crowns, bridges, inlays, onlays, or other restorative or replacement dentistry.

(7) The operative procedure of dental hygiene consisting of oral prophylactic procedures, except for
coronal polishing and pit and fissure sealants, which may be performed by a dental assistant who has successfully completed a training program approved by the Department. Dental assistants may perform coronal polishing under the following circumstances: (i) the coronal polishing shall be limited to polishing the clinical crown of the tooth and existing restorations, supragingivally; (ii) the dental assistant performing the coronal polishing shall be limited to the use of rotary instruments using a rubber cup or brush polishing method (air polishing is not permitted); and (iii) the supervising dentist shall not supervise more than 4 dental assistants at any one time for the task of coronal polishing or pit and fissure sealants.

In addition to coronal polishing and pit and fissure sealants as described in this item (7), a dental assistant who has at least 2,000 hours of direct clinical patient care experience and who has successfully completed a structured training program provided by (1) an educational institution such as a dental school or dental hygiene or dental assistant program, or (2) by a statewide dental or dental hygienist association, approved by the Department on or before the effective date of this amendatory Act of the 99th General Assembly, that has developed and conducted a training program for expanded functions for dental assistants or hygienists approved by rule by the Department may perform: (A) coronal scaling above the gum line, supragingivally, on the clinical crown of the tooth only on patients 12 years of age or younger who have an absence of periodontal disease and who are not medically compromised or individuals with special needs and (B) intracoronal temporization of a tooth. The training program approved by the Department must: (I) include a minimum of 16 hours of instruction in both didactic and clinical manikin or human subject instruction; all training programs shall include areas of study courses in dental anatomy, public health dentistry, medical history, dental emergencies, and managing the pediatric patient; (II) include an outcome assessment examination that demonstrates competency; (III) require the supervising dentist to observe and approve
the completion of 6 full mouth supragingival scaling procedures; and (IV) issue a certificate of completion of the training program, which must be kept on file at the dental office and be made available to the Department upon request. A dental assistant must have successfully completed an approved coronal polishing course prior to taking the coronal scaling course. A dental assistant performing these functions shall be limited to the use of hand instruments only. In addition, coronal scaling as described in this paragraph shall only be utilized on patients who are eligible for Medicaid or who are uninsured and whose household income is not greater than 200% of the federal poverty level. A dentist may not supervise more than 2 dental assistants at any one time for the task of coronal scaling. This paragraph is inoperative on and after January 1, 2021.

The limitations on the number of dental assistants a dentist may supervise contained in items (2), (4), and (7) of this paragraph (g) mean a limit of 4 total dental assistants or dental hygienists doing expanded functions covered by these Sections being supervised by one dentist.

(h) The practice of dentistry by an individual who:

(i) has applied in writing to the Department, in form and substance satisfactory to the Department, for a general dental license and has complied with all provisions of Section 9 of this Act, except for the passage of the examination specified in subsection (e) of Section 9 of this Act; or

(ii) has applied in writing to the Department, in form and substance satisfactory to the Department, for a temporary dental license and has complied with all provisions of subsection (c) of Section 11 of this Act; and

(iii) has been accepted or appointed for specialty or residency training by a hospital situated in this State; or

(iv) has been accepted or appointed for specialty training in an approved dental program situated in this State; or

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(v) has been accepted or appointed for specialty training in a dental public health agency situated in this State.

The applicant shall be permitted to practice dentistry for a period of 3 months from the starting date of the program, unless authorized in writing by the Department to continue such practice for a period specified in writing by the Department.

The applicant shall only be entitled to perform such acts as may be prescribed by and incidental to his or her program of residency or specialty training and shall not otherwise engage in the practice of dentistry in this State.

The authority to practice shall terminate immediately upon:

1. the decision of the Department that the applicant has failed the examination; or
2. denial of licensure by the Department; or
3. withdrawal of the application.

(Source: P.A. 98-147, eff. 1-1-14; 98-463, eff. 8-16-13; 98-756, eff. 7-16-14; 99-492, eff. 12-31-15.)

(225 ILCS 25/18.1)

Section scheduled to be repealed on January 1, 2021

Sec. 18.1. Public health dental supervision responsibilities.

(a) When working together in a public health supervision relationship, dentists and public health dental hygienists shall enter into a public health supervision agreement. The dentist providing public health supervision must:

1. be available to provide an appropriate level of contact, communication, collaboration, and consultation with the public health dental hygienist and must meet in-person with the public health dental hygienist at least quarterly for review and consultation;
2. have specific standing orders or policy guidelines for procedures that are to be carried out for each location or program, although the dentist need not be present when the procedures are being performed;
3. provide for the patient's additional necessary care in consultation with the public health dental hygienist;
4. file agreements and notifications as required; and
5. include procedures for creating and maintaining dental records, including protocols for transmission of all records between

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the public health dental hygienist and the dentist following each treatment, which shall include a notation regarding procedures authorized by the dentist and performed by the public health dental hygienist and the location where those records are to be kept.

Each dentist and hygienist who enters into a public health supervision agreement must document and maintain a copy of any change or termination of that agreement.

Dental records shall be owned and maintained by the supervising dentist for all patients treated under public health supervision, unless the supervising dentist is an employee of a public health clinic or federally qualified health center, in which case the public health clinic or federally qualified health center shall maintain the records.

If a dentist ceases to be employed or contracted by the facility, the dentist shall notify the facility administrator that the public health supervision agreement is no longer in effect. A new public health supervision agreement is required for the public health dental hygienist to continue treating patients under public health supervision.

A dentist entering into an agreement under this Section may supervise and enter into agreements for public health supervision with 2 public health dental hygienists. This shall be in addition to the limit of 4 dental hygienists per dentist set forth in subsection (g) of Section 18 of this Act.

(b) A public health dental hygienist providing services under public health supervision may perform only those duties within the accepted scope of practice of dental hygiene, as follows:

(1) the operative procedures of dental hygiene, consisting of oral prophylactic procedures, including prophylactic cleanings, application of fluoride, and placement of sealants;

(2) the exposure and processing of x-ray films of the teeth and surrounding structures; and

(3) such other procedures and acts as shall be prescribed by rule of the Department.

Any patient treated under this subsection (b) must be examined by a dentist before additional services can be provided by a public health dental hygienist. However, if the supervising dentist, after consultation with the public health hygienist, determines that time is needed to complete an approved treatment plan on a patient eligible under this Section, then the dentist may instruct the hygienist to complete the remaining services prior to an oral examination by the dentist. Such
(c) A public health dental hygienist providing services under public health supervision must:

(1) provide to the patient, parent, or guardian a written plan for referral or an agreement for follow-up that records all conditions observed that should be called to the attention of a dentist for proper diagnosis;

(2) have each patient sign a permission slip or consent form that informs them that the service to be received does not take the place of regular dental checkups at a dental office and is meant for people who otherwise would not have access to the service;

(3) inform each patient who may require further dental services of that need;

(4) maintain an appropriate level of contact and communication with the dentist providing public health supervision; and

(5) complete an additional 4 hours of continuing education in areas specific to public health dentistry yearly.

(d) Each public health dental hygienist who has rendered services under subsections (c), (d), and (e) of this Section must complete a summary report at the completion of a program or, in the case of an ongoing program, at least annually. The report must be completed in the manner specified by the Division of Oral Health in the Department of Public Health including information about each location where the public health dental hygienist has rendered these services. The public health dental hygienist must submit the form to the dentist providing supervision for his or her signature before sending it to the Division.

(e) Public health dental hygienists providing services under public health supervision may be compensated for their work by salary, honoraria, and other mechanisms by the employing or sponsoring entity. Nothing in this Act shall preclude the entity that employs or sponsors a public health dental hygienist from seeking payment, reimbursement, or other source of funding for the services provided.

(f) This Section is repealed on January 1, 2021.

(Source: P.A. 99-492, eff. 12-31-15.)


New matter indicated by italics - deletions by strikeout
PUBLIC ACT 99-0681
(House Bill No. 6006)

AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing
Section 11-701 and adding Section 11-907.5 as follows:
(625 ILCS 5/11-701) (from Ch. 95 1/2, par. 11-701)
Sec. 11-701. Drive on right side of roadway - Exceptions.
(a) Upon all roadways of sufficient width a vehicle shall be driven
upon the right half of the roadway, except as follows:
1. When overtaking and passing another vehicle proceeding
in the same direction under the rules governing such movements;
2. When an obstruction exists making it necessary to drive
to the left of the center of the roadway; provided, any person so
doing shall yield the right-of-way to all vehicles traveling in the
proper direction upon the unobstructed portion of the roadway
within such distance as to constitute an immediate hazard;
3. Upon a roadway divided into 3 marked lanes for traffic
under the rules applicable thereon;
4. Upon a roadway restricted to one way traffic;
5. Whenever there is a single track paved road on one side
of the public highway and 2 vehicles meet thereon, the driver on
whose right is the wider shoulder shall give the right-of-way on
such pavement to the other vehicle.
(b) Upon a 2 lane roadway, providing for 2-way movement of
traffic, a vehicle shall be driven in the right-hand lane available for traffic,
or as close as practicable to the right hand curb or edge of the roadway,
except when overtaking and passing another vehicle proceeding in the
same direction or when preparing for a left turn at an intersection or into a
private road or driveway.
(c) Upon any roadway having 4 or more lanes for moving traffic
and providing for 2-way movement of traffic, no vehicle shall be driven to
the left of the center line of the roadway, except when authorized by
official traffic-control devices designating certain lanes to the left side of

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the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under Subsection (a) 2. However, this Subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road or driveway.

(d) Upon an Interstate highway or fully access controlled freeway, a vehicle may not be driven in the left lane, except when overtaking and passing another vehicle.

(e) Subsection (d) of this Section does not apply:

(1) when no other vehicle is directly behind the vehicle in the left lane;

(2) when traffic conditions and congestion make it impractical to drive in the right lane;

(3) when snow and other inclement weather conditions make it necessary to drive in the left lane;

(4) when obstructions or hazards exist in the right lane;

(5) when a vehicle changes lanes to comply with Sections 11-907, 11-907.5, and 11-908 of this Code;

(6) when, because of highway design, a vehicle must be driven in the left lane when preparing to exit;

(7) on toll highways when necessary to use I-Pass, and on toll and other highways when driving in the left lane is required to comply with an official traffic control device; or

(8) to law enforcement vehicles, ambulances, and other emergency vehicles engaged in official duties and vehicles engaged in highway maintenance and construction operations.

(Source: P.A. 93-447, eff. 1-1-04.)

(625 ILCS 5/11-907.5 new)
Sec. 11-907.5. Approaching disabled vehicles.
(a) Upon approaching a disabled vehicle with lighted hazard lights on a highway having at least 4 lanes, of which at least 2 are proceeding in the same direction, a driver of a vehicle shall:

(1) proceeding with due caution, make a lane change into a lane not adjacent to that disabled vehicle, if possible with due regard to safety and traffic conditions; or

(2) proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

(b) A person who violates subsection (a) of this Section commits a petty offense.

New matter indicated by italics - deletions by strikeout
AN ACT concerning public employee benefits.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Pension Code is amended by changing Sections 7-154, 7-159, 15-139, 15-145, 15-154, and 16-143.2 as follows:

(40 ILCS 5/7-154) (from Ch. 108 1/2, par. 7-154)
Sec. 7-154. Surviving spouse annuities - Eligibility.
(a) A surviving spouse annuity shall be payable to the eligible surviving spouse of a participating employee, an employee annuitant, or a person who on the date of death would have been entitled to a retirement annuity, had he applied for such annuity, and who dies at any time when a surviving spouse annuity equals at least $5 per month, provided:

(1) The surviving spouse (i) was married to the participating employee for at least one year on the date of death, or (ii) was married to the annuitant or person entitled to a retirement annuity for at least one year prior to the date of termination of service, or (iii) was married to the deceased annuitant for at least one year on the date of the deceased annuitant's death, if at the time of termination of service the deceased annuitant was married for at least one year to a spouse who does not survive the deceased annuitant. (Item (iii) applies to the spouses of annuitants who die on or after the effective date of this amendatory Act of the 99th General Assembly, notwithstanding whether the annuitant was in service on or after that effective date or the effective date of Public Act 87-850.)

(2) The male deceased employee annuitant or such other person entitled to a retirement annuity had contributed to this fund for surviving spouse annuity purposes for at least 1 year or continuously since the effective date of the participating municipality or participating instrumentality.

(3) The female deceased employee annuitant or such other person entitled to a retirement annuity was in service on or after
July 27, 1972, provided that the annuity shall not be computed on the basis of any retirement annuity effective before that date.

(4) If the employee dies before termination of service, the employee did not exclude the spouse from any death benefit or surviving spouse annuity pursuant to subsection (b) of Section 7-118. A designation of beneficiary naming a spouse and children jointly or a trust pursuant to subsection (b) of Section 7-118 shall preclude payment of a surviving spouse annuity.

(b) If a person is the spouse of a retiring participating employee on the date of the initial payment of a retirement annuity and is qualified to receive a surviving spouse annuity upon the death of the employee and the surviving spouse contributions are not refunded to the employee, then a surviving spouse annuity shall be payable to that person even if the marriage to the employee is dissolved after that date.

(c) Eligibility of a surviving spouse shall be determined as of the date of death. Only one surviving spouse annuity shall be paid on account of the death of any employee.

(Source: P.A. 87-740; 87-850.)

(40 ILCS 5/7-159) (from Ch. 108 1/2, par. 7-159)
Sec. 7-159. Surviving spouse annuity - refund of survivor credits.

(a) Any employee annuitant who (1) upon the date a retirement annuity begins is not then married, or (2) is married to a person who would not qualify for surviving spouse annuity if the person died on such date, is entitled to a refund of the survivor credits including interest accumulated on the date the annuity begins, excluding survivor credits and interest thereon credited during periods of disability, and no spouse shall have a right to any surviving spouse annuity from this Fund. If the employee annuitant reenters service and upon subsequent retirement has a spouse who would qualify for a surviving spouse annuity, the employee annuitant may pay the fund the amount of the refund plus interest at the effective rate at the date of payment. The payment shall qualify the spouse for a surviving spouse annuity and the amount paid shall be considered as survivor contributions.

(b) Instead of a refund under subsection (a), the retiring employee may elect to convert the amount of the refund into an annuity, payable separately from the retirement annuity. If the annuitant dies before the guaranteed amount has been distributed, the remainder shall be paid in a lump sum to the designated beneficiary of the annuitant. The Board shall adopt any rules necessary for the implementation of this subsection.

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(c) An annuitant who retired prior to June 1, 2011 and received a refund of survivor credits under subsection (a), and who thereafter became, and remains, either:

(1) a party to a civil union or a party to a legal relationship that is recognized as a civil union or marriage under the Illinois Religious Freedom Protection and Civil Union Act on or after June 1, 2011; or

(2) a party to a marriage under the Illinois Marriage and Dissolution of Marriage Act on or after February 26, 2014; or

(3) a party to a marriage, civil union or other legal relationship that, at the time it was formed, was not legally recognized in Illinois but was subsequently recognized as a civil union or marriage under the Illinois Religious Freedom Protection and Civil Union Act on or after June 1, 2011, a marriage under the Illinois Marriage and Dissolution of Marriage Act on or after February 26, 2014, or both;

may, within a period of one year beginning 5 months after the effective date of this amendatory Act of the 99th General Assembly, make an election to re-establish rights to a surviving spouse annuity under Sections 7-154 through 7-158 (notwithstanding the eligibility requirements of paragraph (a)(1) of Section 7-154), by paying to the Fund: (1) the total amount of the refund received for survivor credits; and (2) interest thereon at the actuarially assumed rate of return from the date of the refund to the date of payment. Such election must be made prior to the date of death of the annuitant.

The Fund may allow the annuitant to repay this refund over a period of not more than 24 months. To the extent permitted by the Internal Revenue Code of 1986, as amended, for federal and State tax purposes, if a member pays in monthly installments by reducing the monthly benefit by the amount of the otherwise applicable contribution, the monthly amount by which the annuitant's benefit is reduced shall not be treated as a contribution by the annuitant but rather as a reduction of the annuitant's monthly benefit.

If an annuitant makes an election under this subsection (c) and the contributions required are not paid in full, an otherwise qualifying spouse shall be given the option to make an additional lump sum payment of the remaining contributions and qualify for a surviving spouse annuity. Otherwise, an additional refund representing contributions made

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hereunder shall be paid at the annuitant's death and there shall be no surviving spouse annuity paid.
(Source: P.A. 90-766, eff. 8-14-98.)

(40 ILCS 5/15-139) (from Ch. 108 1/2, par. 15-139)
Sec. 15-139. Retirement annuities; cancellation; suspended during employment.
(a) If an annuitant returns to employment for an employer within 60 days after the beginning of the retirement annuity payment period, the retirement annuity shall be cancelled, and the annuitant shall refund to the System the total amount of the retirement annuity payments which he or she received. If the retirement annuity is cancelled, the participant shall continue to participate in the System.
(b) If an annuitant retires prior to age 60 and receives or becomes entitled to receive during any month compensation in excess of the monthly retirement annuity (including any automatic annual increases) for services performed after the date of retirement for any employer under this System, that portion of the monthly retirement annuity provided by employer contributions shall not be payable.
If an annuitant retires at age 60 or over and receives or becomes entitled to receive during any academic year compensation in excess of the difference between his or her highest annual earnings prior to retirement and his or her annual retirement annuity computed under Rule 1, Rule 2, Rule 3, or Rule 4 of Section 15-136, or under Section 15-136.4, for services performed after the date of retirement for any employer under this System, that portion of the monthly retirement annuity provided by employer contributions shall be reduced by an amount equal to the compensation that exceeds such difference.
However, any remuneration received for serving as a member of the Illinois Educational Labor Relations Board shall be excluded from "compensation" for the purposes of this subsection (b), and serving as a member of the Illinois Educational Labor Relations Board shall not be deemed to be a return to employment for the purposes of this Section. This provision applies without regard to whether service was terminated prior to the effective date of this amendatory Act of 1991.
"Academic year", as used in this subsection (b), means the 12-month period beginning September 1.
(c) If an employer certifies that an annuitant has been reemployed on a permanent and continuous basis or in a position in which the annuitant is expected to serve for at least 9 months, the annuitant shall

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resume his or her status as a participating employee and shall be entitled to all rights applicable to participating employees upon filing with the board an election to forgo all annuity payments during the period of reemployment. Upon subsequent retirement, the retirement annuity shall consist of the annuity which was terminated by the reemployment, plus the additional retirement annuity based upon service granted during the period of reemployment, but the combined retirement annuity shall not exceed the maximum annuity applicable on the date of the last retirement.

The total service and earnings credited before and after the initial date of retirement shall be considered in determining eligibility of the employee or the employee's beneficiary to benefits under this Article, and in calculating final rate of earnings.

In determining the death benefit payable to a beneficiary of an annuitant who again becomes a participating employee under this Section, accumulated normal and additional contributions shall be considered as the sum of the accumulated normal and additional contributions at the date of initial retirement and the accumulated normal and additional contributions credited after that date, less the sum of the annuity payments received by the annuitant.

The survivors insurance benefits provided under Section 15-145 shall not be applicable to an annuitant who resumes his or her status as a participating employee, unless the annuitant, at the time of initial retirement, has a survivors insurance beneficiary who could qualify for such benefits or the annuitant repaid the survivors insurance contribution refund or additional annuity under subsection (c-5) of Section 15-154.

If the participant's employment is terminated because of circumstances other than death before 9 months from the date of reemployment, the provisions of this Section regarding resumption of status as a participating employee shall not apply. The normal and survivors insurance contributions which are deducted during this period shall be refunded to the annuitant without interest, and subsequent benefits under this Article shall be the same as those which were applicable prior to the date the annuitant resumed employment.

The amendments made to this Section by this amendatory Act of the 91st General Assembly apply without regard to whether the annuitant was in service on or after the effective date of this amendatory Act.

(Source: P.A. 97-933, eff. 8-10-12; 97-968, eff. 8-16-12; 98-92, eff. 7-16-13; 98-596, eff. 11-19-13.)

(40 ILCS 5/15-145) (from Ch. 108 1/2, par. 15-145)

New matter indicated by italics - deletions by strikeout
Sec. 15-145. Survivors insurance benefits; conditions and amounts.

(a) The survivors insurance benefits provided under this Section shall be payable to the eligible survivors of a Tier 1 member covered under the traditional benefit package upon the death of (1) a participating employee with at least 1 1/2 years of service, (2) a participant who terminated employment with at least 10 years of service, and (3) an annuitant in receipt of a retirement annuity or disability retirement annuity under this Article.

Service under the State Employees' Retirement System of Illinois, the Teachers' Retirement System of the State of Illinois and the Public School Teachers' Pension and Retirement Fund of Chicago shall be considered in determining eligibility for survivors benefits under this Section.

If by law, a function of a governmental unit, as defined by Section 20-107, is transferred in whole or in part to an employer, and an employee transfers employment from this governmental unit to such employer within 6 months after the transfer of this function, the service credits in the governmental unit's retirement system which have been validated under Section 20-109 shall be considered in determining eligibility for survivors benefits under this Section.

(b) A surviving spouse of a deceased participant, or of a deceased annuitant who did not take a refund or additional annuity consisting of accumulated survivors insurance contributions or who repaid the refund or additional annuity, shall receive a survivors annuity of 30% of the final rate of earnings. Payments shall begin on the day following the participant's or annuitant's death or the date the surviving spouse attains age 50, whichever is later, and continue until the death of the surviving spouse. The annuity shall be payable to the surviving spouse prior to attainment of age 50 if the surviving spouse has in his or her care a deceased participant's or annuitant's dependent unmarried child under age 18 (under age 22 if a full-time student) who is eligible for a survivors annuity.

Remarriage of a surviving spouse prior to attainment of age 55 that occurs before the effective date of this amendatory Act of the 91st General Assembly shall disqualify him or her for the receipt of a survivors annuity until July 6, 2000.

A surviving spouse whose survivors annuity has been terminated due to remarriage may apply for reinstatement of that annuity. The reinstated annuity shall begin to accrue on July 6, 2000, except that if, on
July 6, 2000, the annuity is payable to an eligible surviving child or parent, payment of the annuity to the surviving spouse shall not be reinstated until the annuity is no longer payable to any eligible surviving child or parent. The reinstated annuity shall include any one-time or annual increases received prior to the date of termination, as well as any increases that would otherwise have accrued from the date of termination to the date of reinstatement. An eligible surviving spouse whose expectation of receiving a survivors annuity was lost due to remarriage before attainment of age 50 shall also be entitled to reinstatement under this subsection, but the resulting survivors annuity shall not begin to accrue sooner than upon the surviving spouse's attainment of age 50.

The changes made to this subsection by this amendatory Act of the 92nd General Assembly (pertaining to remarriage prior to age 55 or 50) apply without regard to whether the deceased participant or annuitant was in service on or after the effective date of this amendatory Act.

(c) Each dependent unmarried child under age 18 (under age 22 if a full-time student) of a deceased participant, or of a deceased annuitant who did not take a refund or additional annuity consisting of accumulated survivors insurance contributions or who repaid the refund or additional annuity, shall receive a survivors annuity equal to the sum of (1) 20% of the final rate of earnings, and (2) 10% of the final rate of earnings divided by the number of children entitled to this benefit. Payments shall begin on the day following the participant's or annuitant's death and continue until the child marries, dies, or attains age 18 (age 22 if a full-time student). If the child is in the care of a surviving spouse who is eligible for survivors insurance benefits, the child's benefit shall be paid to the surviving spouse.

Each unmarried child over age 18 of a deceased participant or of a deceased annuitant who had a survivor's insurance beneficiary at the time of his or her retirement, and who was dependent upon the participant or annuitant by reason of a physical or mental disability which began prior to the date the child attained age 18 (age 22 if a full-time student), shall receive a survivor's annuity equal to the sum of (1) 20% of the final rate of earnings, and (2) 10% of the final rate of earnings divided by the number of children entitled to survivors benefits. Payments shall begin on the day following the participant's or annuitant's death and continue until the child marries, dies, or is no longer disabled. If the child is in the care of a surviving spouse who is eligible for survivors insurance benefits, the child's benefit may be paid to the surviving spouse. For the purposes of this Section, disability means inability to engage in any substantial gainful

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activity by reason of any medically determinable physical or mental impairment that can be expected to result in death or that has lasted or can be expected to last for a continuous period of at least one year.

(d) Each dependent parent of a deceased participant, or of a deceased annuitant who did not take a refund or additional annuity consisting of accumulated survivors insurance contributions or who repaid the refund or additional annuity, shall receive a survivors annuity equal to the sum of (1) 20% of final rate of earnings, and (2) 10% of final rate of earnings divided by the number of parents who qualify for the benefit. Payments shall begin when the parent reaches age 55 or the day following the participant's or annuitant's death, whichever is later, and continue until the parent dies. Remarriage of a parent prior to attainment of age 55 shall disqualify the parent for the receipt of a survivors annuity.

(e) In addition to the survivors annuity provided above, each survivors insurance beneficiary shall, upon death of the participant or annuitant, receive a lump sum payment of $1,000 divided by the number of such beneficiaries.

(f) The changes made in this Section by Public Act 81-712 pertaining to survivors annuities in cases of remarriage prior to age 55 shall apply to each survivors insurance beneficiary who remarries after June 30, 1979, regardless of the date that the participant or annuitant terminated his employment or died.

The change made to this Section by this amendatory Act of the 91st General Assembly, pertaining to remarriage prior to age 55, applies without regard to whether the deceased participant or annuitant was in service on or after the effective date of this amendatory Act of the 91st General Assembly.

(g) On January 1, 1981, any person who was receiving a survivors annuity on or before January 1, 1971 shall have the survivors annuity then being paid increased by 1% for each full year which has elapsed from the date the annuity began. On January 1, 1982, any survivor whose annuity began after January 1, 1971, but before January 1, 1981, shall have the survivor's annuity then being paid increased by 1% for each year which has elapsed from the date the survivor's annuity began. On January 1, 1987, any survivor who began receiving a survivor's annuity on or before January 1, 1977, shall have the monthly survivor's annuity increased by $1 for each full year which has elapsed since the date the survivor's annuity began.

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(h) If the sum of the lump sum and total monthly survivor benefits payable under this Section upon the death of a participant amounts to less than the sum of the death benefits payable under items (2) and (3) of Section 15-141, the difference shall be paid in a lump sum to the beneficiary of the participant who is living on the date that this additional amount becomes payable.

(i) If the sum of the lump sum and total monthly survivor benefits payable under this Section upon the death of an annuitant receiving a retirement annuity or disability retirement annuity amounts to less than the death benefit payable under Section 15-142, the difference shall be paid to the beneficiary of the annuitant who is living on the date that this additional amount becomes payable.

(j) Effective on the later of (1) January 1, 1990, or (2) the January 1 on or next after the date on which the survivor annuity begins, if the deceased member died while receiving a retirement annuity, or in all other cases the January 1 nearest the first anniversary of the date the survivor annuity payments begin, every survivors insurance beneficiary shall receive an increase in his or her monthly survivors annuity of 3%. On each January 1 after the initial increase, the monthly survivors annuity shall be increased by 3% of the total survivors annuity provided under this Article, including previous increases provided by this subsection. Such increases shall apply to the survivors insurance beneficiaries of each participant and annuitant, whether or not the employment status of the participant or annuitant terminates before the effective date of this amendatory Act of 1990. This subsection (j) also applies to persons receiving a survivor annuity under the portable benefit package.

(k) If the Internal Revenue Code of 1986, as amended, requires that the survivors benefits be payable at an age earlier than that specified in this Section the benefits shall begin at the earlier age, in which event, the survivor's beneficiary shall be entitled only to that amount which is equal to the actuarial equivalent of the benefits provided by this Section.

(l) The changes made to this Section and Section 15-131 by this amendatory Act of 1997, relating to benefits for certain unmarried children who are full-time students under age 22, apply without regard to whether the deceased member was in service on or after the effective date of this amendatory Act of 1997. These changes do not authorize the repayment of a refund or a re-election of benefits, and any benefit or increase in benefits resulting from these changes is not payable retroactively for any period before the effective date of this amendatory Act of 1997.
Sec. 15-154. Refunds.

(a) A participant whose status as an employee is terminated, regardless of cause, or who has been on lay off status for more than 120 days, and who is not on leave of absence, is entitled to a refund of contributions upon application; except that not more than one such refund application may be made during any academic year.

Except as set forth in subsections (a-1) and (a-2), the refund shall be the sum of the accumulated normal, additional, and survivors insurance contributions, plus the entire contribution made by the participant under Section 15-113.3, less the amount of interest credited on these contributions each year in excess of 4 1/2% of the amount on which interest was calculated.

(a-1) A person who elects, in accordance with the requirements of Section 15-134.5, to participate in the portable benefit package and who becomes a participating employee under that retirement program upon the conclusion of the one-year waiting period applicable to the portable benefit package election shall have his or her refund calculated in accordance with the provisions of subsection (a-2).

(a-2) The refund payable to a participant described in subsection (a-1) shall be the sum of the participant's accumulated normal and additional contributions, as defined in Sections 15-116 and 15-117, plus the entire contribution made by the participant under Section 15-113.3. If the participant terminates with 5 or more years of service for employment as defined in Section 15-113.1, he or she shall also be entitled to a distribution of employer contributions in an amount equal to the sum of the accumulated normal and additional contributions, as defined in Sections 15-116 and 15-117.

(b) Upon acceptance of a refund, the participant forfeits all accrued rights and credits in the System, and if subsequently reemployed, the participant shall be considered a new employee subject to all the qualifying conditions for participation and eligibility for benefits applicable to new employees. If such person again becomes a participating employee and continues as such for 2 years, or is employed by an employer and participates for at least 2 years in the Federal Civil Service Retirement System, all such rights, credits, and previous status as a participant shall be restored upon repayment of the amount of the refund, together with compound interest thereon from the date the refund was

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issued to the date of repayment at the rate of 6% per annum through August 31, 1982, and at the effective rates after that date. When a participant in the portable benefit package who received a refund which included a distribution of employer contributions repays a refund pursuant to this Section, one-half of the amount repaid shall be deemed the member's reinstated accumulated normal and additional contributions and the other half shall be allocated as an employer contribution to the System, except that any amount repaid for previously purchased military service credit under Section 15-113.3 shall be accounted for as such.

(c) Except as otherwise provided under subsection (c-5), if a participant covered under the traditional benefit package has made survivors insurance contributions, but has no survivors insurance beneficiary upon retirement, he or she shall be entitled to elect a refund of the accumulated survivors insurance contributions, or to elect an additional annuity the value of which is equal to the accumulated survivors insurance contributions. This election must be made prior to the date the person's retirement annuity is approved by the System.

(c-5) Notwithstanding subsection (c), an annuitant who retired prior to June 1, 2011 and made the election under subsection (c), and who thereafter became, and remains, either:

(1) a party to a civil union or a party to a legal relationship that is recognized as a civil union or marriage under the Illinois Religious Freedom Protection and Civil Union Act on or after June 1, 2011; or

(2) a party to a marriage under the Illinois Marriage and Dissolution of Marriage Act on or after February 26, 2014; or

(3) a party to a marriage, civil union or other legal relationship that, at the time it was formed, was not legally recognized in Illinois but was subsequently recognized as a civil union or marriage under the Illinois Religious Freedom Protection and Civil Union Act on or after June 1, 2011, a marriage under the Illinois Marriage and Dissolution of Marriage Act on or after February 26, 2014, or both;

may make a one-time, irrevocable election to repay the refund or additional annuity payments received under subsection (c), together with compound interest thereon at the actuarially assumed rate of return from the date the refund was issued or the date each additional annuity payment was issued to the date of repayment. The annuitant shall submit proof of party status for item (1), (2), or (3) in the form of a valid marriage

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certificate or a civil union certificate with any additional requirements the Board prescribes by rulemaking. The election must be received by the System (i) within a period of one year beginning 5 months after the effective date of this amendatory Act of the 99th General Assembly and (ii) prior to the date of death of the annuitant.

To the extent permitted under the Internal Revenue Code of 1986, as amended, the full repayment shall be made within a period beginning on the date of the election and ending on the earlier of the 24th month thereafter or the date of the annuitant's death. If an annuitant fails to make the repayment within the required period, any payments made shall be returned, without interest, to the annuitant (or to the annuitant's estate if the payments ceased due to death), and survivors insurance benefits under Section 15-145 shall not be payable upon the annuitant's death.

Upon such repayment, all forfeited survivors insurance benefit rights and credits under Section 15-145 shall be restored. This repayment right shall not alter or modify any eligibility requirement for survivors insurance beneficiaries under this Article applicable upon the annuitant's death. The repayment shall be irrevocable. No person shall have a claim or right to the repaid amounts in a manner not otherwise provided for under this Article in the event that: the marriage, civil union, or other legal relationship described in this subsection is dissolved, annulled, or declared invalid by a court of competent jurisdiction; or the other party to the marriage, civil union, or other legal relationship predeceases the annuitant or otherwise fails to qualify as a survivors insurance beneficiary upon the annuitant's death.

For purposes of this subsection (c-5), the term "annuitant" shall include an annuitant who resumed his or her status as a participating employee under Section 15-139(c).

(d) A participant, upon application, is entitled to a refund of his or her accumulated additional contributions attributable to the additional contributions described in the last sentence of subsection (c) of Section 15-157. Upon the acceptance of such a refund of accumulated additional contributions, the participant forfeits all rights and credits which may have accrued because of such contributions.

(e) A participant who terminates his or her employee status and elects to waive service credit under Section 15-154.2, is entitled to a refund of the accumulated normal, additional and survivors insurance contributions, if any, which were credited the participant for this service, or to an additional annuity the value of which is equal to the accumulated

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normal, additional and survivors insurance contributions, if any; except that not more than one such refund application may be made during any academic year. Upon acceptance of this refund, the participant forfeits all rights and credits accrued because of this service.

(f) If a police officer or firefighter receives a retirement annuity under Rule 1 or 3 of Section 15-136, he or she shall be entitled at retirement to a refund of the difference between his or her accumulated normal contributions and the normal contributions which would have accumulated had such person filed a waiver of the retirement formula provided by Rule 4 of Section 15-136.

(g) If, at the time of retirement, a participant would be entitled to a retirement annuity under Rule 1, 2, 3, 4, or 5 of Section 15-136, or under Section 15-136.4, that exceeds the maximum specified in clause (1) of subsection (c) of Section 15-136, he or she shall be entitled to a refund of the employee contributions, if any, paid under Section 15-157 after the date upon which continuance of such contributions would have otherwise caused the retirement annuity to exceed this maximum, plus compound interest at the effective rates.

(Source: P.A. 99-450, eff. 8-24-15.)

(40 ILCS 5/16-143.2) (from Ch. 108 1/2, par. 16-143.2)
Sec. 16-143.2. Refund of contributions for survivor benefits at retirement.

(a) If at the time of applying for a retirement annuity under Section 16-132, or while in receipt of such a retirement annuity, a member does not have a dependent beneficiary as defined in paragraph (3) of Section 16-140, such member may be granted, upon written request, a refund of actual contributions for survivor benefits, without interest. Members will be eligible for a refund of contributions for survivor benefits as provided in the previous sentence notwithstanding the fact that they began receiving retirement benefits prior to this amendatory Act of 1985. Acceptance of the refund will forfeit all rights to survivor benefits under Sections 16-140 through 16-143.

(b) Except as provided under subsection (c), an annuitant who reestablishes membership following acceptance of refund of contributions for survivor benefits under subsection (a) of this Section may reinstate eligibility for benefits provided under Sections 16-140 through 16-143 only through: (1) repayment of such refund together with regular interest thereon from the date of the refund to the date of repayment, and (2) completion of one year of creditable service following acceptance of such

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refund. If membership is reestablished and the above conditions (1) and (2) are not met, an additional refund, representing contributions made following the previous refund will be provided upon the member's death or retirement, whichever is applicable.

(c) Notwithstanding subsection (b), an annuitant who has received a refund under subsection (a) may, during a period of one year beginning 5 months after the effective date of this amendatory Act of the 99th General Assembly, make an election to reestablish rights to survivor benefits under Sections 16-140 through 16-143 by paying to the System:

(1) the total amount of the refund received for actual contributions; and

(2) interest on the amount of the refund at the actuarially assumed rate of return for the period starting on the date of receipt of the refund and ending when the annuitant has made an election under this subsection (c).

The System may allow an individual to repay this refund through: a tax-deferred lump sum payment in full; substantially equal monthly installments over a period of at least one but not more than 24 months by reducing the annuitant's monthly benefit over the established number of months by the amount of the otherwise applicable contribution; or a combination thereof. To the extent permitted under the Internal Revenue Code of 1986, as amended, for federal and State tax purposes, the monthly amount by which the annuitant's benefit is reduced shall not be treated as a contribution by the annuitant, but rather as a reduction of the annuitant's monthly benefit.

If a member makes an election under this subsection (c) and the contributions required in items (1) and (2) of this subsection (c) are not paid in full, an additional one-time lump sum refund representing contributions made following the previous refund shall be provided to the named beneficiary or beneficiaries on file with the System or, if none, to the member's estate, when the member dies.

(Source: P.A. 87-794.)

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

Approved July 29, 2016.
Effective July 29, 2016.
AN ACT concerning public employee benefits.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Pension Code is amended by adding Section 1-140 as follows:

(40 ILCS 5/1-140 new)
Sec. 1-140. Identification of deceased annuitants. Every pension fund or retirement system under this Code, except for a pension fund established under Article 3 or 4 of this Code, shall develop and implement, by no later than June 30, 2017, a process to identify annuitants who are deceased. The process shall require the pension fund or retirement system to check for any deceased annuitants at least once per month and shall include the use of any commonly used methods to identify persons who are deceased, which include, but are not limited to, the use of a third party entity that specializes in the identification of deceased persons, the use of data provided by the Social Security Administration, the use of data provided by the Department of Public Health's Office of Vital Records, or the use of any other method that is commonly used by other states to identify deceased persons.

Section 10. The Vital Records Act is amended by adding Section 24.5 as follows:

(410 ILCS 535/24.5 new)
Sec. 24.5. Access to records; pension funds and retirement systems. Any information contained in the vital records shall be made available at no cost to any pension fund or retirement system under the Illinois Pension Code for administrative purposes.

Section 90. The State Mandates Act is amended by adding Section 8.40 as follows:

(30 ILCS 805/8.40 new)
Sec. 8.40. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 99th General Assembly.

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


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AN ACT concerning public aid.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Public Aid Code is amended by changing Section 5-5.1 as follows:

(305 ILCS 5/5-5.1) (from Ch. 23, par. 5-5.1)
Sec. 5-5.1. Grouping of Facilities. The Department of Healthcare and Family Services shall, for purposes of payment, provide for groupings of nursing facilities. Factors to be considered in grouping facilities may include, but are not limited to, size, age, patient mix, percentage of Medicaid funded residents, or geographical area.

The groupings developed under this Section shall be considered in determining reasonable cost reimbursement formulas. However, this Section shall not preclude the Department from recognizing and evaluating the cost of capital on a facility-by-facility basis.

A resident of a nursing facility whose application for long term care benefits is awaiting final action shall be included in the calculation as a Medicaid funded resident.

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

Passed in the General Assembly May 29, 2016.

Approved July 29, 2016.

Effective January 1, 2017.
(a) In a prosecution in which United States currency was used by a law enforcement officer or agency or by a person acting under the direction of a law enforcement officer or agency in an undercover investigation of an offense that has imprisonment as an available sentence for a violation of the offense, the court shall receive, as competent evidence, a photograph, photostatic copy, or photocopy of the currency used in the undercover investigation, if the photograph, photostatic copy, or photocopy:

(1) will serve the purpose of demonstrating the nature of the currency;
(2) the individual serial numbers of the currency are clearly visible or if the amount of currency exceeds $500 the individual serial numbers of a sample of 10% of the currency are clearly visible, and any identification marks placed on the currency by law enforcement as part of the investigation are clearly visible;
(3) complies with federal law, rule, or regulation requirements on photographs, photostatic copies, or photocopies of United States currency; and
(4) is otherwise admissible into evidence under all other rules of law governing the admissibility of photographs, photostatic copies, or photocopies into evidence.

(b) The fact that it is impractical to introduce into evidence the actual currency for any reason, including its size, weight, or unavailability, need not be established for the court to find a photograph, photostatic copy, or photocopy of that currency to be competent evidence.

(c) If a photograph, photostatic copy, or photocopy is found to be competent evidence under this Section, it is admissible into evidence in place of the currency and to the same extent as the currency itself.

Passed in the General Assembly May 24, 2016.
Approved July 29, 2016.
Effective January 1, 2017.
Section 5. The Cannabis Control Act is amended by changing Section 12 as follows:

(720 ILCS 550/12) (from Ch. 56 1/2, par. 712)

Sec. 12. (a) The following are subject to forfeiture:

(1) all substances containing cannabis which have been produced, manufactured, delivered, or possessed in violation of this Act;

(2) all raw materials, products and equipment of any kind which are produced, delivered, or possessed in connection with any substance containing cannabis in violation of this Act;

(3) all conveyances, including aircraft, vehicles or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of property described in paragraph (1) or (2) that constitutes a felony violation of the Act, but:

(i) no conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this Section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this Act;

(ii) no conveyance is subject to forfeiture under this Section by reason of any act or omission which the owner proves to have been committed or omitted without his knowledge or consent;

(iii) a forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the act or omission;

(4) all money, things of value, books, records, and research products and materials including formulas, microfilm, tapes, and data which are used, or intended for use in a felony violation of this Act;

(5) everything of value furnished or intended to be furnished by any person in exchange for a substance in violation of this Act, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used, or intended to be used, to commit or in any manner to facilitate any felony violation of this Act;

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(6) all real property, including any right, title, and interest including, but not limited to, any leasehold interest or the beneficial interest to a land trust, in the whole of any lot or tract of land and any appurtenances or improvements, that is used or intended to be used to facilitate the manufacture, distribution, sale, receipt, or concealment of property described in paragraph (1) or (2) of this subsection (a) that constitutes a felony violation of more than 2,000 grams of a substance containing cannabis or that is the proceeds of any felony violation of this Act.

(b) Property subject to forfeiture under this Act may be seized by the Director or any peace officer upon process or seizure warrant issued by any court having jurisdiction over the property. Seizure by the Director or any peace officer without process may be made:

(1) if the property subject to seizure has been the subject of a prior judgment in favor of the State in a criminal proceeding or in an injunction or forfeiture proceeding based upon this Act or the Drug Asset Forfeiture Procedure Act;

(2) if there is probable cause to believe that the property is directly or indirectly dangerous to health or safety;

(3) if there is probable cause to believe that the property is subject to forfeiture under this Act and the property is seized under circumstances in which a warrantless seizure or arrest would be reasonable; or

(4) in accordance with the Code of Criminal Procedure of 1963.

(c) In the event of seizure pursuant to subsection (b), notice shall be given forthwith to all known interest holders that forfeiture proceedings, including a preliminary review, shall be instituted in accordance with the Drug Asset Forfeiture Procedure Act and such proceedings shall thereafter be instituted in accordance with that Act. Upon a showing of good cause, the notice required for a preliminary review under this Section may be postponed.

(c-1) In the event the State's Attorney is of the opinion that real property is subject to forfeiture under this Act, forfeiture proceedings shall be instituted in accordance with the Drug Asset Forfeiture Procedure Act. The exemptions from forfeiture provisions of Section 8 of the Drug Asset Forfeiture Procedure Act are applicable.

(d) Property taken or detained under this Section shall not be subject to replevin, but is deemed to be in the custody of the Director.
subject only to the order and judgments of the circuit court having jurisdiction over the forfeiture proceedings and the decisions of the State's Attorney under the Drug Asset Forfeiture Procedure Act. When property is seized under this Act, the seizing agency shall promptly conduct an inventory of the seized property, estimate the property's value, and shall forward a copy of the inventory of seized property and the estimate of the property's value to the Director. Upon receiving notice of seizure, the Director may:

(1) place the property under seal;
(2) remove the property to a place designated by him;
(3) keep the property in the possession of the seizing agency;
(4) remove the property to a storage area for safekeeping or, if the property is a negotiable instrument or money and is not needed for evidentiary purposes, deposit it in an interest bearing account;
(5) place the property under constructive seizure by posting notice of pending forfeiture on it, by giving notice of pending forfeiture to its owners and interest holders, or by filing notice of pending forfeiture in any appropriate public record relating to the property; or
(6) provide for another agency or custodian, including an owner, secured party, or lienholder, to take custody of the property upon the terms and conditions set by the Director.

(e) No disposition may be made of property under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court.

(f) When property is forfeited under this Act the Director shall sell all such property unless such property is required by law to be destroyed or is harmful to the public, and shall distribute the proceeds of the sale, together with any moneys forfeited or seized, in accordance with subsection (g). However, upon the application of the seizing agency or prosecutor who was responsible for the investigation, arrest or arrests and prosecution which lead to the forfeiture, the Director may return any item of forfeited property to the seizing agency or prosecutor for official use in the enforcement of laws relating to cannabis or controlled substances, if the agency or prosecutor can demonstrate that the item requested would be...
useful to the agency or prosecutor in their enforcement efforts. When any forfeited conveyance, including an aircraft, vehicle, or vessel, is returned to the seizing agency or prosecutor, the conveyance may be used immediately in the enforcement of the criminal laws of this State. Upon disposal, all proceeds from the sale of the conveyance must be used for drug enforcement purposes. When any real property returned to the seizing agency is sold by the agency or its unit of government, the proceeds of the sale shall be delivered to the Director and distributed in accordance with subsection (g).

(g) All monies and the sale proceeds of all other property forfeited and seized under this Act shall be distributed as follows:

(1) (i) 65% shall be distributed to the metropolitan enforcement group, local, municipal, county, or state law enforcement agency or agencies which conducted or participated in the investigation resulting in the forfeiture. The distribution shall bear a reasonable relationship to the degree of direct participation of the law enforcement agency in the effort resulting in the forfeiture, taking into account the total value of the property forfeited and the total law enforcement effort with respect to the violation of the law upon which the forfeiture is based. Amounts distributed to the agency or agencies shall be used for the enforcement of laws governing cannabis and controlled substances; for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol; or for security cameras used for the prevention or detection of violence, except that amounts distributed to the Secretary of State shall be deposited into the Secretary of State Evidence Fund to be used as provided in Section 2-115 of the Illinois Vehicle Code.

(ii) Any local, municipal, or county law enforcement agency entitled to receive a monetary distribution of forfeiture proceeds may share those forfeiture proceeds pursuant to the terms of an intergovernmental agreement with a municipality that has a population in excess of 20,000 if:

(I) the receiving agency has entered into an intergovernmental agreement with the municipality to provide police services;

(II) the intergovernmental agreement for police services provides for consideration in an amount of not less than $1,000,000 per year;

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(III) the seizure took place within the geographical limits of the municipality; and

(IV) the funds are used only for the enforcement of laws governing cannabis and controlled substances; for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol; or for security cameras used for the prevention or detection of violence or the establishment of a municipal police force, including the training of officers, construction of a police station, the purchase of law enforcement equipment, or vehicles.

(2)(i) 12.5% shall be distributed to the Office of the State's Attorney of the county in which the prosecution resulting in the forfeiture was instituted, deposited in a special fund in the county treasury and appropriated to the State's Attorney for use in the enforcement of laws governing cannabis and controlled substances; for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol; or at the discretion of the State's Attorney, in addition to other authorized purposes, to make grants to local substance abuse treatment facilities and halfway houses. In counties over 3,000,000 population, 25% will be distributed to the Office of the State's Attorney for use in the enforcement of laws governing cannabis and controlled substances; for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol; or at the discretion of the State's Attorney, in addition to other authorized purposes, to make grants to local substance abuse treatment facilities and halfway houses. If the prosecution is undertaken solely by the Attorney General, the portion provided hereunder shall be distributed to the Attorney General for use in the enforcement of laws governing cannabis and controlled substances.

(ii) 12.5% shall be distributed to the Office of the State's Attorneys Appellate Prosecutor and deposited in the Narcotics Profit Forfeiture Fund of that Office to be used for additional expenses incurred in the investigation, prosecution and appeal of cases arising under laws governing cannabis and controlled substances or for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol. The Office of the State's Attorneys Appellate Prosecutor shall not

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receive distribution from cases brought in counties with over 3,000,000 population.

(3) 10% shall be retained by the Department of State Police for expenses related to the administration and sale of seized and forfeited property.

(Source: P.A. 97-253, eff. 1-1-12; 97-544, eff. 1-1-12; 97-813, eff. 7-13-12; 97-985, eff. 1-1-13.)

Section 10. The Illinois Controlled Substances Act is amended by changing Section 505 as follows:

(720 ILCS 570/505) (from Ch. 56 1/2, par. 1505)

Sec. 505. (a) The following are subject to forfeiture:

(1) all substances which have been manufactured, distributed, dispensed, or possessed in violation of this Act;

(2) all raw materials, products and equipment of any kind which are used, or intended for use in manufacturing, distributing, dispensing, administering or possessing any substance in violation of this Act;

(3) all conveyances, including aircraft, vehicles or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of property described in paragraphs (1) and (2), but:

(i) no conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this Section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this Act;

(ii) no conveyance is subject to forfeiture under this Section by reason of any act or omission which the owner proves to have been committed or omitted without his or her knowledge or consent;

(iii) a forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he or she neither had knowledge of nor consented to the act or omission;

(4) all money, things of value, books, records, and research products and materials including formulas, microfilm, tapes, and data which are used, or intended to be used in violation of this Act;

(5) everything of value furnished, or intended to be furnished, in exchange for a substance in violation of this Act, all

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proceeds traceable to such an exchange, and all moneys, negotiable
instruments, and securities used, or intended to be used, to commit
or in any manner to facilitate any violation of this Act;
(6) all real property, including any right, title, and interest
(including, but not limited to, any leasehold interest or the
beneficial interest in a land trust) in the whole of any lot or tract of
land and any appurtenances or improvements, which is used or
intended to be used, in any manner or part, to commit, or in any
manner to facilitate the commission of, any violation or act that
constitutes a violation of Section 401 or 405 of this Act or that is
the proceeds of any violation or act that constitutes a violation of
Section 401 or 405 of this Act.
(b) Property subject to forfeiture under this Act may be seized by
the Director or any peace officer upon process or seizure warrant issued by
any court having jurisdiction over the property. Seizure by the Director or
any peace officer without process may be made:
(1) if the seizure is incident to inspection under an
administrative inspection warrant;
(2) if the property subject to seizure has been the subject of
a prior judgment in favor of the State in a criminal proceeding, or
in an injunction or forfeiture proceeding based upon this Act or the
Drug Asset Forfeiture Procedure Act;
(3) if there is probable cause to believe that the property is
directly or indirectly dangerous to health or safety;
(4) if there is probable cause to believe that the property is
subject to forfeiture under this Act and the property is seized under
circumstances in which a warrantless seizure or arrest would be
reasonable; or
(5) in accordance with the Code of Criminal Procedure of
1963.
(c) In the event of seizure pursuant to subsection (b), notice shall
be given forthwith to all known interest holders that forfeiture
proceedings, including a preliminary review, shall be instituted in
accordance with the Drug Asset Forfeiture Procedure Act and such
proceedings shall thereafter be instituted in accordance with that Act.
Upon a showing of good cause, the notice required for a preliminary
review under this Section may be postponed.
(d) Property taken or detained under this Section shall not be
subject to replevin, but is deemed to be in the custody of the Director
subject only to the order and judgments of the circuit court having jurisdiction over the forfeiture proceedings and the decisions of the State's Attorney under the Drug Asset Forfeiture Procedure Act. When property is seized under this Act, the seizing agency shall promptly conduct an inventory of the seized property and estimate the property's value, and shall forward a copy of the inventory of seized property and the estimate of the property's value to the Director. Upon receiving notice of seizure, the Director may:

(1) place the property under seal;
(2) remove the property to a place designated by the Director;
(3) keep the property in the possession of the seizing agency;
(4) remove the property to a storage area for safekeeping or, if the property is a negotiable instrument or money and is not needed for evidentiary purposes, deposit it in an interest bearing account;
(5) place the property under constructive seizure by posting notice of pending forfeiture on it, by giving notice of pending forfeiture to its owners and interest holders, or by filing notice of pending forfeiture in any appropriate public record relating to the property; or
(6) provide for another agency or custodian, including an owner, secured party, or lienholder, to take custody of the property upon the terms and conditions set by the Director.

(e) If the Department of Financial and Professional Regulation suspends or revokes a registration, all controlled substances owned or possessed by the registrant at the time of suspension or the effective date of the revocation order may be placed under seal by the Director. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a suspension or revocation order becoming final, all substances may be forfeited to the Illinois State Police.

(f) When property is forfeited under this Act the Director shall sell all such property unless such property is required by law to be destroyed or is harmful to the public, and shall distribute the proceeds of the sale, together with any moneys forfeited or seized, in accordance with

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subsection (g). However, upon the application of the seizing agency or prosecutor who was responsible for the investigation, arrest or arrests and prosecution which lead to the forfeiture, the Director may return any item of forfeited property to the seizing agency or prosecutor for official use in the enforcement of laws relating to cannabis or controlled substances, if the agency or prosecutor can demonstrate that the item requested would be useful to the agency or prosecutor in their enforcement efforts. When any forfeited conveyance, including an aircraft, vehicle, or vessel, is returned to the seizing agency or prosecutor, the conveyance may be used immediately in the enforcement of the criminal laws of this State. Upon disposal, all proceeds from the sale of the conveyance must be used for drug enforcement purposes. When any real property returned to the seizing agency is sold by the agency or its unit of government, the proceeds of the sale shall be delivered to the Director and distributed in accordance with subsection (g).

(g) All monies and the sale proceeds of all other property forfeited and seized under this Act shall be distributed as follows:

(1)(i) 65% shall be distributed to the metropolitan enforcement group, local, municipal, county, or state law enforcement agency or agencies which conducted or participated in the investigation resulting in the forfeiture. The distribution shall bear a reasonable relationship to the degree of direct participation of the law enforcement agency in the effort resulting in the forfeiture, taking into account the total value of the property forfeited and the total law enforcement effort with respect to the violation of the law upon which the forfeiture is based. Amounts distributed to the agency or agencies shall be used for the enforcement of laws governing cannabis and controlled substances; for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol; or for security cameras used for the prevention or detection of violence, except that amounts distributed to the Secretary of State shall be deposited into the Secretary of State Evidence Fund to be used as provided in Section 2-115 of the Illinois Vehicle Code.

(ii) Any local, municipal, or county law enforcement agency entitled to receive a monetary distribution of forfeiture proceeds may share those forfeiture proceeds pursuant to the terms of an intergovernmental agreement with a municipality that has a population in excess of 20,000 if:

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(I) the receiving agency has entered into an intergovernmental agreement with the municipality to provide police services;

(II) the intergovernmental agreement for police services provides for consideration in an amount of not less than $1,000,000 per year;

(III) the seizure took place within the geographical limits of the municipality; and

(IV) the funds are used only for the enforcement of laws governing cannabis and controlled substances; for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol; or for security cameras used for the prevention or detection of violence or the establishment of a municipal police force, including the training of officers, construction of a police station, the purchase of law enforcement equipment, or vehicles.

(2)(i) 12.5% shall be distributed to the Office of the State's Attorney of the county in which the prosecution resulting in the forfeiture was instituted, deposited in a special fund in the county treasury and appropriated to the State's Attorney for use in the enforcement of laws governing cannabis and controlled substances; for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol; or at the discretion of the State's Attorney, in addition to other authorized purposes, to make grants to local substance abuse treatment facilities and halfway houses. In counties over 3,000,000 population, 25% will be distributed to the Office of the State's Attorney for use in the enforcement of laws governing cannabis and controlled substances; for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol; or at the discretion of the State's Attorney, in addition to other authorized purposes, to make grants to local substance abuse treatment facilities and halfway houses. If the prosecution is undertaken solely by the Attorney General, the portion provided hereunder shall be distributed to the Attorney General for use in the enforcement of laws governing cannabis and controlled substances or for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol.

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(ii) 12.5% shall be distributed to the Office of the State's Attorneys Appellate Prosecutor and deposited in the Narcotics Profit Forfeiture Fund of that office to be used for additional expenses incurred in the investigation, prosecution and appeal of cases arising under laws governing cannabis and controlled substances or for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol. The Office of the State's Attorneys Appellate Prosecutor shall not receive distribution from cases brought in counties with over 3,000,000 population.

(3) 10% shall be retained by the Department of State Police for expenses related to the administration and sale of seized and forfeited property.

(h) Species of plants from which controlled substances in Schedules I and II may be derived which have been planted or cultivated in violation of this Act, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the State. The failure, upon demand by the Director or any peace officer, of the person in occupancy or in control of land or premises upon which the species of plants are growing or being stored, to produce registration, or proof that he or she is the holder thereof, constitutes authority for the seizure and forfeiture of the plants.

(Source: P.A. 97-253, eff. 1-1-12; 97-334, eff. 1-1-12; 97-544, eff. 1-1-12; 97-813, eff. 7-13-12; 97-985, eff. 1-1-13.)

Section 15. The Methamphetamine Control and Community Protection Act is amended by changing Section 85 as follows:

(720 ILCS 646/85)

Sec. 85. Forfeiture.

(a) The following are subject to forfeiture:

(1) all substances containing methamphetamine which have been produced, manufactured, delivered, or possessed in violation of this Act;

(2) all methamphetamine manufacturing materials which have been produced, delivered, or possessed in connection with any substance containing methamphetamine in violation of this Act;

(3) all conveyances, including aircraft, vehicles or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or

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concealment of property described in paragraph (1) or (2) that constitutes a felony violation of the Act, but:

(i) no conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this Section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this Act;

(ii) no conveyance is subject to forfeiture under this Section by reason of any act or omission which the owner proves to have been committed or omitted without his or her knowledge or consent;

(iii) a forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he or she neither had knowledge of nor consented to the act or omission;

(4) all money, things of value, books, records, and research products and materials including formulas, microfilm, tapes, and data which are used, or intended for use in a felony violation of this Act;

(5) everything of value furnished or intended to be furnished by any person in exchange for a substance in violation of this Act, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used, or intended to be used, to commit or in any manner to facilitate any felony violation of this Act.

(6) all real property, including any right, title, and interest (including, but not limited to, any leasehold interest or the beneficial interest in a land trust) in the whole of any lot or tract of land and any appurtenances or improvements, which is used, or intended to be used, in any manner or part, to commit, or in any manner to facilitate the commission of, any violation or act that constitutes a violation of this Act or that is the proceeds of any violation or act that constitutes a violation of this Act.

(b) Property subject to forfeiture under this Act may be seized by the Director or any peace officer upon process or seizure warrant issued by any court having jurisdiction over the property. Seizure by the Director or any peace officer without process may be made:

(1) if the property subject to seizure has been the subject of a prior judgment in favor of the State in a criminal proceeding or in

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an injunction or forfeiture proceeding based upon this Act or the Drug Asset Forfeiture Procedure Act;

(2) if there is probable cause to believe that the property is directly or indirectly dangerous to health or safety;

(3) if there is probable cause to believe that the property is subject to forfeiture under this Act and the property is seized under circumstances in which a warrantless seizure or arrest would be reasonable; or

(4) in accordance with the Code of Criminal Procedure of 1963.

(c) In the event of seizure pursuant to subsection (b), notice shall be given forthwith to all known interest holders that forfeiture proceedings, including a preliminary review, shall be instituted in accordance with the Drug Asset Forfeiture Procedure Act and such proceedings shall thereafter be instituted in accordance with that Act. Upon a showing of good cause, the notice required for a preliminary review under this Section may be postponed.

(d) Property taken or detained under this Section is not subject to replevin, but is deemed to be in the custody of the Director subject only to the order and judgments of the circuit court having jurisdiction over the forfeiture proceedings and the decisions of the State's Attorney under the Drug Asset Forfeiture Procedure Act. When property is seized under this Act, the seizing agency shall promptly conduct an inventory of the seized property, estimate the property's value, and forward a copy of the inventory of seized property and the estimate of the property's value to the Director. Upon receiving notice of seizure, the Director may:

(1) place the property under seal;

(2) remove the property to a place designated by him or her;

(3) keep the property in the possession of the seizing agency;

(4) remove the property to a storage area for safekeeping or, if the property is a negotiable instrument or money and is not needed for evidentiary purposes, deposit it in an interest bearing account;

(5) place the property under constructive seizure by posting notice of pending forfeiture on it, by giving notice of pending forfeiture to its owners and interest holders, or by filing notice of pending forfeiture in any appropriate public record relating to the property; or
(6) provide for another agency or custodian, including an owner, secured party, or lienholder, to take custody of the property upon the terms and conditions set by the Director.

(e) No disposition may be made of property under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court.

(f) When property is forfeited under this Act, the Director shall sell the property unless the property is required by law to be destroyed or is harmful to the public, and shall distribute the proceeds of the sale, together with any moneys forfeited or seized, in accordance with subsection (g). However, upon the application of the seizing agency or prosecutor who was responsible for the investigation, arrest or arrests and prosecution which lead to the forfeiture, the Director may return any item of forfeited property to the seizing agency or prosecutor for official use in the enforcement of laws relating to methamphetamine, cannabis, or controlled substances, if the agency or prosecutor demonstrates that the item requested would be useful to the agency or prosecutor in their enforcement efforts. When any forfeited conveyance, including an aircraft, vehicle, or vessel, is returned to the seizing agency or prosecutor, the conveyance may be used immediately in the enforcement of the criminal laws of this State. Upon disposal, all proceeds from the sale of the conveyance must be used for drug enforcement purposes. When any real property returned to the seizing agency is sold by the agency or its unit of government, the proceeds of the sale shall be delivered to the Director and distributed in accordance with subsection (g).

(g) All moneys and the sale proceeds of all other property forfeited and seized under this Act shall be distributed as follows:

(1)(i) 65% shall be distributed to the metropolitan enforcement group, local, municipal, county, or State law enforcement agency or agencies which conducted or participated in the investigation resulting in the forfeiture. The distribution shall bear a reasonable relationship to the degree of direct participation of the law enforcement agency in the effort resulting in the forfeiture, taking into account the total value of the property forfeited and the total law enforcement effort with respect to the violation of the law upon which the forfeiture is based. Amounts distributed to the agency or agencies shall be used for the

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enforcement of laws governing methamphetamine, cannabis, and controlled substances; for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol; or for security cameras used for the prevention or detection of violence, except that amounts distributed to the Secretary of State shall be deposited into the Secretary of State Evidence Fund to be used as provided in Section 2-115 of the Illinois Vehicle Code.

(ii) Any local, municipal, or county law enforcement agency entitled to receive a monetary distribution of forfeiture proceeds may share those forfeiture proceeds pursuant to the terms of an intergovernmental agreement with a municipality that has a population in excess of 20,000 if:

(I) the receiving agency has entered into an intergovernmental agreement with the municipality to provide police services;

(II) the intergovernmental agreement for police services provides for consideration in an amount of not less than $1,000,000 per year;

(III) the seizure took place within the geographical limits of the municipality; and

(IV) the funds are used only for the enforcement of laws governing cannabis and controlled substances; for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol; or for security cameras used for the prevention or detection of violence or the establishment of a municipal police force, including the training of officers, construction of a police station, the purchase of law enforcement equipment, or vehicles.

(2)(i) 12.5% shall be distributed to the Office of the State's Attorney of the county in which the prosecution resulting in the forfeiture was instituted, deposited in a special fund in the county treasury and appropriated to the State's Attorney for use in the enforcement of laws governing methamphetamine, cannabis, and controlled substances; for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol; or at the discretion of the State's Attorney, in addition to other authorized purposes, to make grants to local substance abuse

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treatment facilities and half-way houses. In counties with a population over 3,000,000, 25% shall be distributed to the Office of the State's Attorney for use in the enforcement of laws governing methamphetamine, cannabis, and controlled substances; for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol; or at the discretion of the State's Attorney, in addition to other authorized purposes, to make grants to local substance abuse treatment facilities and half-way houses. If the prosecution is undertaken solely by the Attorney General, the portion provided hereunder shall be distributed to the Attorney General for use in the enforcement of laws governing methamphetamine, cannabis, and controlled substances or for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol.

(ii) 12.5% shall be distributed to the Office of the State's Attorneys Appellate Prosecutor and deposited in the Narcotics Profit Forfeiture Fund of that Office to be used for additional expenses incurred in the investigation, prosecution and appeal of cases arising under laws governing methamphetamine, cannabis, and controlled substances or for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol. The Office of the State's Attorneys Appellate Prosecutor shall not receive distribution from cases brought in counties with a population over 3,000,000.

(3) 10% shall be retained by the Department of State Police for expenses related to the administration and sale of seized and forfeited property.

(Source: P.A. 97-253, eff. 1-1-12; 97-544, eff. 1-1-12; 97-813, eff. 7-13-12; 97-985, eff. 1-1-13.)

Section 20. The Narcotics Profit Forfeiture Act is amended by changing Section 5 as follows:

(725 ILCS 175/5) (from Ch. 56 1/2, par. 1655)

Sec. 5. (a) A person who commits the offense of narcotics racketeering shall:

(1) be guilty of a Class 1 felony; and

(2) be subject to a fine of up to $250,000.

A person who commits the offense of narcotics racketeering or who violates Section 3 of the Drug Paraphernalia Control Act shall forfeit to the State of Illinois: (A) any profits or proceeds and any property or

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property interest he has acquired or maintained in violation of this Act or Section 3 of the Drug Paraphernalia Control Act or has used to facilitate a violation of this Act that the court determines, after a forfeiture hearing, under subsection (b) of this Section to have been acquired or maintained as a result of narcotics racketeering or violating Section 3 of the Drug Paraphernalia Control Act, or used to facilitate narcotics racketeering; and

(B) any interest in, security of, claim against, or property or contractual right of any kind affording a source of influence over, any enterprise which he has established, operated, controlled, conducted, or participated in the conduct of, in violation of this Act or Section 3 of the Drug Paraphernalia Control Act, that the court determines, after a forfeiture hearing, under subsection (b) of this Section to have been acquired or maintained as a result of narcotics racketeering or violating Section 3 of the Drug Paraphernalia Control Act or used to facilitate narcotics racketeering.

(b) The court shall, upon petition by the Attorney General or State's Attorney, at any time subsequent to the filing of an information or return of an indictment, conduct a hearing to determine whether any property or property interest is subject to forfeiture under this Act. At the forfeiture hearing the people shall have the burden of establishing, by a preponderance of the evidence, that property or property interests are subject to forfeiture under this Act. There is a rebuttable presumption at such hearing that any property or property interest of a person charged by information or indictment with narcotics racketeering or who is convicted of a violation of Section 3 of the Drug Paraphernalia Control Act is subject to forfeiture under this Section if the State establishes by a preponderance of the evidence that:

(1) such property or property interest was acquired by such person during the period of the violation of this Act or Section 3 of the Drug Paraphernalia Control Act or within a reasonable time after such period; and

(2) there was no likely source for such property or property interest other than the violation of this Act or Section 3 of the Drug Paraphernalia Control Act.

(c) In an action brought by the People of the State of Illinois under this Act, wherein any restraining order, injunction or prohibition or any other action in connection with any property or property interest subject to forfeiture under this Act is sought, the circuit court which shall preside over the trial of the person or persons charged with narcotics racketeering as defined in Section 4 of this Act or violating Section 3 of the Drug Paraphernalia Control Act.
Paraphernalia Control Act shall first determine whether there is probable cause to believe that the person or persons so charged has committed the offense of narcotics racketeering as defined in Section 4 of this Act or a violation of Section 3 of the Drug Paraphernalia Control Act and whether the property or property interest is subject to forfeiture pursuant to this Act.

In order to make such a determination, prior to entering any such order, the court shall conduct a hearing without a jury, wherein the People shall establish that there is: (i) probable cause that the person or persons so charged have committed the offense of narcotics racketeering or violating Section 3 of the Drug Paraphernalia Control Act and (ii) probable cause that any property or property interest may be subject to forfeiture pursuant to this Act. Such hearing may be conducted simultaneously with a preliminary hearing, if the prosecution is commenced by information or complaint, or by motion of the People, at any stage in the proceedings. The court may accept a finding of probable cause at a preliminary hearing following the filing of an information charging the offense of narcotics racketeering as defined in Section 4 of this Act or the return of an indictment by a grand jury charging the offense of narcotics racketeering as defined in Section 4 of this Act or after a charge is filed for violating Section 3 of the Drug Paraphernalia Control Act as sufficient evidence of probable cause as provided in item (i) above.

Upon such a finding, the circuit court shall enter such restraining order, injunction or prohibition, or shall take such other action in connection with any such property or property interest subject to forfeiture under this Act, as is necessary to insure that such property is not removed from the jurisdiction of the court, concealed, destroyed or otherwise disposed of by the owner of that property or property interest prior to a forfeiture hearing under subsection (b) of this Section. The Attorney General or State's Attorney shall file a certified copy of such restraining order, injunction or other prohibition with the recorder of deeds or registrar of titles of each county where any such property of the defendant may be located. No such injunction, restraining order or other prohibition shall affect the rights of any bona fide purchaser, mortgagee, judgment creditor or other lien holder arising prior to the date of such filing.

The court may, at any time, upon verified petition by the defendant, conduct a hearing to release all or portions of any such property or interest which the court previously determined to be subject to forfeiture or subject to any restraining order, injunction, or prohibition or other action. The

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court may release such property to the defendant for good cause shown and within the sound discretion of the court.

(d) Prosecution under this Act may be commenced by the Attorney General or a State's Attorney.

(e) Upon an order of forfeiture being entered pursuant to subsection (b) of this Section, the court shall authorize the Attorney General to seize any property or property interest declared forfeited under this Act and under such terms and conditions as the court shall deem proper. Any property or property interest that has been the subject of an entered restraining order, injunction or prohibition or any other action filed under subsection (c) shall be forfeited unless the claimant can show by a preponderance of the evidence that the property or property interest has not been acquired or maintained as a result of narcotics racketeering or has not been used to facilitate narcotics racketeering.

(f) The Attorney General or his designee is authorized to sell all property forfeited and seized pursuant to this Act, unless such property is required by law to be destroyed or is harmful to the public, and, after the deduction of all requisite expenses of administration and sale, shall distribute the proceeds of such sale, along with any moneys forfeited or seized, in accordance with subsection (g) or (h), whichever is applicable.

(g) All monies and the sale proceeds of all other property forfeited and seized pursuant to this Act shall be distributed as follows:

1. An amount equal to 50% shall be distributed to the unit of local government whose officers or employees conducted the investigation into narcotics racketeering and caused the arrest or arrests and prosecution leading to the forfeiture. Amounts distributed to units of local government shall be used for enforcement of laws governing narcotics activity or for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol. In the event, however, that the investigation, arrest or arrests and prosecution leading to the forfeiture were undertaken solely by a State agency, the portion provided hereunder shall be paid into the Drug Traffic Prevention Fund in the State treasury to be used for enforcement of laws governing narcotics activity.

2. An amount equal to 12.5% shall be distributed to the county in which the prosecution resulting in the forfeiture was instituted, deposited in a special fund in the county treasury and appropriated to the State's Attorney for use in the enforcement of

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laws governing narcotics activity or for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol.

An amount equal to 12.5% shall be distributed to the Office of the State's Attorneys Appellate Prosecutor and deposited in the Narcotics Profit Forfeiture Fund, which is hereby created in the State treasury, to be used by the Office of the State's Attorneys Appellate Prosecutor for additional expenses incurred in prosecuting appeals arising under this Act. Any amounts remaining in the Fund after all additional expenses have been paid shall be used by the Office to reduce the participating county contributions to the Office on a pro-rated basis as determined by the board of governors of the Office of the State's Attorneys Appellate Prosecutor based on the populations of the participating counties.

(3) An amount equal to 25% shall be paid into the Drug Traffic Prevention Fund in the State treasury to be used by the Department of State Police for funding Metropolitan Enforcement Groups created pursuant to the Intergovernmental Drug Laws Enforcement Act. Any amounts remaining in the Fund after full funding of Metropolitan Enforcement Groups shall be used for enforcement, by the State or any unit of local government, of laws governing narcotics activity or for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol.

(h) Where the investigation or indictment for the offense of narcotics racketeering or a violation of Section 3 of the Drug Paraphernalia Control Act has occurred under the provisions of the Statewide Grand Jury Act, all monies and the sale proceeds of all other property shall be distributed as follows:

(1) 60% shall be distributed to the metropolitan enforcement group, local, municipal, county, or State law enforcement agency or agencies which conducted or participated in the investigation resulting in the forfeiture. The distribution shall bear a reasonable relationship to the degree of direct participation of the law enforcement agency in the effort resulting in the forfeiture, taking into account the total value of the property forfeited and the total law enforcement effort with respect to the violation of the law on which the forfeiture is based. Amounts distributed to the agency or agencies shall be used for the

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enforcement of laws governing cannabis and controlled substances or for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol.

(2) 25% shall be distributed by the Attorney General as grants to drug education, treatment and prevention programs licensed or approved by the Department of Human Services. In making these grants, the Attorney General shall take into account the plans and service priorities of, and the needs identified by, the Department of Human Services.

(3) 15% shall be distributed to the Attorney General and the State's Attorney, if any, participating in the prosecution resulting in the forfeiture. The distribution shall bear a reasonable relationship to the degree of direct participation in the prosecution of the offense, taking into account the total value of the property forfeited and the total amount of time spent in preparing and presenting the case, the complexity of the case and other similar factors. Amounts distributed to the Attorney General under this paragraph shall be retained in a fund held by the State Treasurer as ex-officio custodian to be designated as the Statewide Grand Jury Prosecution Fund and paid out upon the direction of the Attorney General for expenses incurred in criminal prosecutions arising under the Statewide Grand Jury Act. Amounts distributed to a State's Attorney shall be deposited in a special fund in the county treasury and appropriated to the State's Attorney for use in the enforcement of laws governing narcotics activity or for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol.

(i) All monies deposited pursuant to this Act in the Drug Traffic Prevention Fund established under Section 5-9-1.2 of the Unified Code of Corrections are appropriated, on a continuing basis, to the Department of State Police to be used for funding Metropolitan Enforcement Groups created pursuant to the Intergovernmental Drug Laws Enforcement Act or otherwise for the enforcement of laws governing narcotics activity or for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol.

(Source: P.A. 89-507, eff. 7-1-97.)

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

Passed in the General Assembly May 24, 2016.

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AN ACT concerning local government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Open Meetings Act is amended by changing Section 2 as follows:

(5 ILCS 120/2) (from Ch. 102, par. 42)

Sec. 2. Open meetings.

(a) Openness required. All meetings of public bodies shall be open to the public unless excepted in subsection (c) and closed in accordance with Section 2a.

(b) Construction of exceptions. The exceptions contained in subsection (c) are in derogation of the requirement that public bodies meet in the open, and therefore, the exceptions are to be strictly construed, extending only to subjects clearly within their scope. The exceptions authorize but do not require the holding of a closed meeting to discuss a subject included within an enumerated exception.

(c) Exceptions. A public body may hold closed meetings to consider the following subjects:

(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity.

(2) Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees.

(3) The selection of a person to fill a public office, as defined in this Act, including a vacancy in a public office, when the public body is given power to appoint under law or ordinance, or the discipline, performance or removal of the occupant of a public office, when the public body is given power to remove the occupant under law or ordinance.

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(4) Evidence or testimony presented in open hearing, or in closed hearing where specifically authorized by law, to a quasi-judicial body, as defined in this Act, provided that the body prepares and makes available for public inspection a written decision setting forth its determinative reasoning.

(5) The purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired.

(6) The setting of a price for sale or lease of property owned by the public body.

(7) The sale or purchase of securities, investments, or investment contracts. This exception shall not apply to the investment of assets or income of funds deposited into the Illinois Prepaid Tuition Trust Fund.

(8) Security procedures, school building safety and security, and the use of personnel and equipment to respond to an actual, a threatened, or a reasonably potential danger to the safety of employees, students, staff, the public, or public property.

(9) Student disciplinary cases.

(10) The placement of individual students in special education programs and other matters relating to individual students.

(11) Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting.

(12) The establishment of reserves or settlement of claims as provided in the Local Governmental and Governmental Employees Tort Immunity Act, if otherwise the disposition of a claim or potential claim might be prejudiced, or the review or discussion of claims, loss or risk management information, records, data, advice or communications from or with respect to any insurer of the public body or any intergovernmental risk management association or self insurance pool of which the public body is a member.

(13) Conciliation of complaints of discrimination in the sale or rental of housing, when closed meetings are authorized by the

New matter indicated by italics - deletions by strikeout
law or ordinance prescribing fair housing practices and creating a commission or administrative agency for their enforcement.

(14) Informant sources, the hiring or assignment of undercover personnel or equipment, or ongoing, prior or future criminal investigations, when discussed by a public body with criminal investigatory responsibilities.

(15) Professional ethics or performance when considered by an advisory body appointed to advise a licensing or regulatory agency on matters germane to the advisory body's field of competence.

(16) Self evaluation, practices and procedures or professional ethics, when meeting with a representative of a statewide association of which the public body is a member.

(17) The recruitment, credentialing, discipline or formal peer review of physicians or other health care professionals, or for the discussion of matters protected under the federal Patient Safety and Quality Improvement Act of 2005, and the regulations promulgated thereunder, including 42 C.F.R. Part 3 (73 FR 70732), or for the federal Health Insurance Portability and Accountability Act of 1996, and the regulations promulgated thereunder, including 45 C.F.R. Parts 160, 162, and 164, by a hospital, or other institution providing medical care, that is operated by the public body.

(18) Deliberations for decisions of the Prisoner Review Board.

(19) Review or discussion of applications received under the Experimental Organ Transplantation Procedures Act.

(20) The classification and discussion of matters classified as confidential or continued confidential by the State Government Suggestion Award Board.

(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06.

(22) Deliberations for decisions of the State Emergency Medical Services Disciplinary Review Board.

(23) The operation by a municipality of a municipal utility or the operation of a municipal power agency or municipal natural gas agency when the discussion involves (i) contracts relating to

New matter indicated by italics - deletions by strikeout
the purchase, sale, or delivery of electricity or natural gas or (ii) the results or conclusions of load forecast studies.

(24) Meetings of a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.

(25) Meetings of an independent team of experts under Brian's Law.

(26) Meetings of a mortality review team appointed under the Department of Juvenile Justice Mortality Review Team Act.

(27) (Blank).

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

(29) Meetings between internal or external auditors and governmental audit committees, finance committees, and their equivalents, when the discussion involves internal control weaknesses, identification of potential fraud risk areas, known or suspected frauds, and fraud interviews conducted in accordance with generally accepted auditing standards of the United States of America.

(30) Those meetings or portions of meetings of a fatality review team or the Illinois Fatality Review Team Advisory Council during which a review of the death of an eligible adult in which abuse or neglect is suspected, alleged, or substantiated is conducted pursuant to Section 15 of the Adult Protective Services Act.

(31) Meetings and deliberations for decisions of the Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act.

(32) Meetings between the Regional Transportation Authority Board and its Service Boards when the discussion involves review by the Regional Transportation Authority Board of employment contracts under Section 28d of the Metropolitan Transit Authority Act and Sections 3A.18 and 3B.26 of the Regional Transportation Authority Act.

(33) Those meetings or portions of meetings of the advisory committee and peer review subcommittee created under Section 320 of the Illinois Controlled Substances Act during which specific controlled substance prescriber, dispenser, or patient information is discussed.

New matter indicated by italics - deletions by strikeout
(d) Definitions. For purposes of this Section:

"Employee" means a person employed by a public body whose relationship with the public body constitutes an employer-employee relationship under the usual common law rules, and who is not an independent contractor.

"Public office" means a position created by or under the Constitution or laws of this State, the occupant of which is charged with the exercise of some portion of the sovereign power of this State. The term "public office" shall include members of the public body, but it shall not include organizational positions filled by members thereof, whether established by law or by a public body itself, that exist to assist the body in the conduct of its business.

"Quasi-adjudicative body" means an administrative body charged by law or ordinance with the responsibility to conduct hearings, receive evidence or testimony and make determinations based thereon, but does not include local electoral boards when such bodies are considering petition challenges.

(e) Final action. No final action may be taken at a closed meeting. Final action shall be preceded by a public recital of the nature of the matter being considered and other information that will inform the public of the business being conducted.

P.A. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756, eff. 7-16-14; 98-1027, eff. 1-1-15; 98-1039, eff. 8-25-14; 99-78, eff. 7-20-15; 99-235, eff. 1-1-16; 99-480, eff. 9-9-15; revised 10-14-15.)

Passed in the General Assembly May 26, 2016.
Approved July 29, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0688
(Senate Bill No. 0392)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Torture Inquiry and Relief Commission Act is amended by changing Sections 5, 35, and 70 as follows:

(775 ILCS 40/5)

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

New matter indicated by italics - deletions by strikeout
(1) "Claim of torture" means a claim on behalf of a living person convicted of a felony in Illinois asserting that he was tortured into confessing to the crime for which the person was convicted and the tortured confession was used to obtain the conviction and for which there is some credible evidence related to allegations of torture occurring within a county of more than 3,000,000 inhabitants committed by Commander Jon Burge or any officer under the supervision of Jon Burge.

(2) "Commission" means the Illinois Torture Inquiry and Relief Commission established by this Act.

(3) "Convicted person" means the person making a claim of torture under this Act.

(4) "Director" means the Director of the Illinois Torture Inquiry and Relief Commission.

(5) "Victim" means the victim of the crime, or if the victim of the crime is deceased, the next of kin of the victim, which shall be the parent, spouse, child, or sibling of the deceased victim.

(Source: P.A. 96-223, eff. 8-10-09.)

(775 ILCS 40/35)

Sec. 35. Duties. The Commission shall have the following duties and powers:

(1) To establish the criteria and screening process to be used to determine which cases shall be accepted for review.

(2) To conduct inquiries into claims of torture with priority to be given to those cases in which the convicted person is currently incarcerated solely for the crime to which he or she claims torture by Jon Burge or officers under his command, or both.

(3) To coordinate the investigation of cases accepted for review.

(4) To maintain records for all case investigations.

(5) To prepare written reports outlining Commission investigations and recommendations to the trial court at the completion of each inquiry.

(6) To apply for and accept any funds that may become available for the Commission's work from government grants, private gifts, donations, or bequests from any source.

(Source: P.A. 96-223, eff. 8-10-09.)

(775 ILCS 40/70)
Sec. 70. Filing of claims. This Act applies to claims of torture filed not later than 10 years after the effective date of this Act.
(Source: P.A. 96-223, eff. 8-10-09.)

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

Approved July 29, 2016.
Effective July 29, 2016.

PUBLIC ACT 99-0689
(Senate Bill No. 0629)

AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Section 12-604.1 and by adding Sections 1-218.10 and 12-604.3 as follows:

(625 ILCS 5/1-218.10 new)
Sec. 1-218.10. Video event recorder. A video recorder placed inside a vehicle that continuously records, in a digital loop, audio, video, and G-force levels.

(625 ILCS 5/12-604.1)
Sec. 12-604.1. Video devices.
(a) A person may not operate a motor vehicle if a television receiver, a video monitor, a television or video screen, or any other similar means of visually displaying a television broadcast or video signal that produces entertainment or business applications is operating and is located in the motor vehicle at any point forward of the back of the driver's seat, or is operating and visible to the driver while driving the motor vehicle.

(a-5) A person commits aggravated use of a video device when he or she violates subsection (a) and in committing the violation he or she was involved in a motor vehicle accident that results in great bodily harm, permanent disability, disfigurement, or death to another and the violation was a proximate cause of the injury or death.

(b) This Section does not apply to the following equipment, whether or not permanently installed in a vehicle:
(1) a vehicle information display;
(2) a global positioning display;

New matter indicated by italics - deletions by strikeout
(3) a mapping or navigation display;
    (4) a visual display used to enhance or supplement the
        driver's view forward, behind, or to the sides of a motor vehicle for
        the purpose of maneuvering the vehicle;
    (5) television-type receiving equipment used exclusively
        for safety or traffic engineering studies; or
    (6) a television receiver, video monitor, television or video
        screen, or any other similar means of visually displaying a
        television broadcast or video signal, if that equipment has an
        interlock device that, when the motor vehicle is driven, disables the
        equipment for all uses except as a visual display as described in
        paragraphs (1) through (5) of this subsection (b).

(c) This Section does not apply to a mobile, digital terminal
    installed in an authorized emergency vehicle, a motor vehicle providing
    emergency road service or roadside assistance, or to motor vehicles
    utilized for public transportation.

(d) This Section does not apply to a television receiver, video
    monitor, television or video screen, or any other similar means of visually
    displaying a television broadcast or video signal if: (i) the equipment is
    permanently installed in the motor vehicle; and (ii) the moving
    entertainment images that the equipment displays are not visible to the
    driver while the motor vehicle is in motion.

(d-5) This Section does not apply to a video event recorder, as
    defined in Section 1-218.10 of this Code, installed in a contract carrier
    vehicle.

(e) Except as provided in subsection (f) of this Section, a person
    convicted of violating this Section is guilty of a petty offense and shall be
    fined not more than $100 for a first offense, not more than $200 for a
    second offense within one year of a previous conviction, and not more
    than $250 for a third or subsequent offense within one year of 2 previous
    convictions.

(f) A person convicted of violating subsection (a-5) commits a
    Class A misdemeanor if the violation resulted in great bodily harm, permanent
    disability, or disfigurement to another. A person convicted of violating
    subsection (a-5) commits a Class 4 felony if the violation resulted in the death of another person.

(Source: P.A. 97-499, eff. 1-1-12; 98-507, eff. 1-1-14.)

(625 ILCS 5/12-604.3 new)
Sec. 12-604.3. Video event recorder notice. A contract carrier vehicle carrying passengers that is equipped with a video event recorder shall have a notice posted in a visible location stating that a passenger’s conversation may be recorded. Any data recorded by a video event recorder shall be the sole property of the registered owner or lessee of the contract carrier vehicle.

Approved July 29, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0690
(Senate Bill No. 1564)

AN ACT concerning civil law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Health Care Right of Conscience Act is amended by changing Sections 2, 3, 6, and 9 and by adding Sections 6.1 and 6.2 as follows:

(745 ILCS 70/2) (from Ch. 111 1/2, par. 5302)
Sec. 2. Findings and policy. The General Assembly finds and declares that people and organizations hold different beliefs about whether certain health care services are morally acceptable. It is the public policy of the State of Illinois to respect and protect the right of conscience of all persons who refuse to obtain, receive or accept, or who are engaged in, the delivery of, arrangement for, or payment of health care services and medical care whether acting individually, corporately, or in association with other persons; and to prohibit all forms of discrimination, disqualification, coercion, disability or imposition of liability upon such persons or entities by reason of their refusing to act contrary to their conscience or conscientious convictions in providing, paying for, or refusing to obtain, receive, accept, deliver, pay for, or arrange for the payment of health care services and medical care. It is also the public policy of the State of Illinois to ensure that patients receive timely access to information and medically appropriate care.
(Source: P.A. 90-246, eff. 1-1-98.)

(745 ILCS 70/3) (from Ch. 111 1/2, par. 5303)
Sec. 3. Definitions. As used in this Act, unless the context clearly otherwise requires:

New matter indicated by italics - deletions by strikeout
(a) "Health care" means any phase of patient care, including but not limited to, testing; diagnosis; prognosis; ancillary research; instructions; family planning, counselling, referrals, or any other advice in connection with the use or procurement of contraceptives and sterilization or abortion procedures; medication; or surgery or other care or treatment rendered by a physician or physicians, nurses, paraprofessionals or health care facility, intended for the physical, emotional, and mental well-being of persons;

(b) "Physician" means any person who is licensed by the State of Illinois under the Medical Practice Act of 1987;

(c) "Health care personnel" means any nurse, nurses' aide, medical school student, professional, paraprofessional or any other person who furnishes, or assists in the furnishing of, health care services;

(d) "Health care facility" means any public or private hospital, clinic, center, medical school, medical training institution, laboratory or diagnostic facility, physician's office, infirmary, dispensary, ambulatory surgical treatment center or other institution or location wherein health care services are provided to any person, including physician organizations and associations, networks, joint ventures, and all other combinations of those organizations;

(e) "Conscience" means a sincerely held set of moral convictions arising from belief in and relation to God, or which, though not so derived, arises from a place in the life of its possessor parallel to that filled by God among adherents to religious faiths; and

(f) "Health care payer" means a health maintenance organization, insurance company, management services organization, or any other entity that pays for or arranges for the payment of any health care or medical care service, procedure, or product; and:

(g) "Undue delay" means unreasonable delay that causes impairment of the patient's health.

The above definitions include not only the traditional combinations and forms of these persons and organizations but also all new and emerging forms and combinations of these persons and organizations.

(Source: P.A. 90-246, eff. 1-1-98.)

(745 ILCS 70/6) (from Ch. 111 1/2, par. 5306)

Sec. 6. Duty of physicians and other health care personnel. Nothing in this Act shall relieve a physician from any duty, which may exist under any laws concerning current standards; of normal medical practice or care practices and procedures, to inform his or her patient of the patient's condition, prognosis, legal treatment options, and risks and benefits of

New matter indicated by italics - deletions by strikeout
treatment options, provided, however, that such physician shall be under no duty to perform, assist, counsel, suggest, recommend, refer or participate in any way in any form of medical practice or health care service that is contrary to his or her conscience.

Nothing in this Act shall be construed so as to relieve a physician or other health care personnel from obligations under the law of providing emergency medical care.

(Source: P.A. 90-246, eff. 1-1-98.)

(745 ILCS 70/6.1 new)

Sec. 6.1. Access to care and information protocols. All health care facilities shall adopt written access to care and information protocols that are designed to ensure that conscience-based objections do not cause impairment of patients' health and that explain how conscience-based objections will be addressed in a timely manner to facilitate patient health care services. The protections of Sections 4, 5, 7, 8, 9, 10, and 11 of this Act only apply if conscience-based refusals occur in accordance with these protocols. These protocols must, at a minimum, address the following:

(1) The health care facility, physician, or health care personnel shall inform a patient of the patient's condition, prognosis, legal treatment options, and risks and benefits of the treatment options in a timely manner, consistent with current standards of medical practice or care.

(2) When a health care facility, physician, or health care personnel is unable to permit, perform, or participate in a health care service that is a diagnostic or treatment option requested by a patient because the health care service is contrary to the conscience of the health care facility, physician, or health care personnel, then the patient shall either be provided the requested health care service by others in the facility or be notified that the health care will not be provided and be referred, transferred, or given information in accordance with paragraph (3).

(3) If requested by the patient or the legal representative of the patient, the health care facility, physician, or health care personnel shall: (i) refer the patient to, or (ii) transfer the patient to, or (iii) provide in writing information to the patient about other health care providers who they reasonably believe may offer the health care service the health care facility, physician, or health
personnel refuses to permit, perform, or participate in because of a conscience-based objection.

(4) If requested by the patient or the legal representative of the patient, the health care facility, physician, or health care personnel shall provide copies of medical records to the patient or to another health care professional or health care facility designated by the patient in accordance with Illinois law, without undue delay.

(745 ILCS 70/6.2 new)

Sec. 6.2. Permissible acts related to access to care and information protocols. Nothing in this Act shall be construed to prevent a health care facility from requiring that physicians or health care personnel working in the facility comply with access to care and information protocols that comply with the provisions of this Act.

(745 ILCS 70/9) (from Ch. 111 1/2, par. 5309)

Sec. 9. Liability. No person, association, or corporation, which owns, operates, supervises, or manages a health care facility shall be civilly or criminally liable to any person, estate, or public or private entity by reason of refusal of the health care facility to permit or provide any particular form of health care service which violates the facility's conscience as documented in its ethical guidelines, mission statement, constitution, bylaws, articles of incorporation, regulations, or other governing documents.

Nothing in this Act shall be construed so as to relieve a physician, or other health care personnel, or a health care facility from obligations under the law of providing emergency medical care.

(Source: P.A. 90-246, eff. 1-1-98.)

Approved July 29, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0691
(Senate Bill No. 2155)

AN ACT concerning finance.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Public Community College Act is amended by changing Section 2-15 as follows:

New matter indicated by italics - deletions by strikeout
Sec. 2-15. Recognition. The State Board shall grant recognition to community colleges which maintain equipment, courses of study, standards of scholarship and other requirements set by the State Board. Application for recognition shall be made to the State Board. The State Board shall set the criteria by which the community colleges shall be judged and through the executive officer of the State Board shall arrange for an official evaluation of the community colleges and shall grant recognition of such community colleges as may meet the required standards.

Recognition shall include a review of compliance with Public Act 99-482 and other applicable State and federal laws regarding employment contracts and compensation. Annually, the State Board shall convene an advisory committee to review the findings and make recommendations for changes or additions to the laws or the review procedures.

If a community college district fails to meet the recognition standards set by the State Board, and if the district, in accordance with: (a) Government Auditing Standards issued by the Comptroller General of the United States, (b) auditing standards established by the American Institute of Certified Public Accountants, or (c) other applicable State and federal standards, is found by the district's auditor or the State Board working in cooperation with the district's auditor to have material deficiencies in the design or operation of financial control structures that could adversely affect the district's financial integrity and stability, or is found to have misused State or federal funds and jeopardized its participation in State or federal programs, the State Board may, notwithstanding any laws to the contrary, implement one or more of the following emergency powers:

1. To direct the district to develop and implement a plan that addresses the budgetary, programmatic, and other relevant factors contributing to the need to implement emergency measures. The State Board shall assist in the development and shall have final approval of the plan.

2. To direct the district to contract for educational services in accordance with Section 3-40. The State Board shall assist in the development and shall have final approval of any such contractual agreements.

3. To approve and require revisions of the district's budget.

4. To appoint a Financial Administrator to exercise oversight and control over the district's budget. The Financial Administrator shall serve

New matter indicated by italics - deletions by strikeout
at the pleasure of the State Board and may be an individual, partnership, corporation, including an accounting firm, or other entity determined by the State Board to be qualified to serve, and shall be entitled to compensation. Such compensation shall be provided through specific appropriations made to the State Board for that express purpose.

(5) To develop and implement a plan providing for the dissolution or reorganization of the district if in the judgment of the State Board the circumstances so require.

(Source: P.A. 89-147, eff. 7-14-95.)

Approved July 29, 2016
Effective January 1, 2017.

PUBLIC ACT 99-0692
(Senate Bill No. 2157)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Public Community College Act is amended by adding Section 3-8.5 as follows:

(110 ILCS 805/3-8.5 new)
Sec. 3-8.5. Community college trustee's leadership training.
(a) This Section applies to all community college districts with elected or appointed board trustees serving pursuant to this Article who have been elected or appointed after the effective date of this amendatory Act of the 99th General Assembly or appointed to fill a vacancy of at least one year's duration of an elected trustee after the effective date of this amendatory Act of the 99th General Assembly.

(b) Every voting member of a board under subsection (a) of this Section shall complete a minimum of 4 hours of professional development leadership training covering topics that shall include, but are not limited to, open meetings law, community college and labor law, freedom of information law, contract law, ethics, sexual violence on campus, financial oversight and accountability, audits, and fiduciary responsibilities of a community college trustee during the first, third, and fifth year of his or her term. The community college district shall maintain on its Internet website, if any, the names of all elected or appointed voting trustees of the board who have successfully completed the training, as well

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as the names of all elected or appointed voting trustees of the board who have not successfully completed the training, as required under this Section.

(c) The training under this Section may be provided by an association established under this Code for the purpose of training community college district board trustees or by other qualified providers approved by the State Board, in consultation with an association so established.

(d) The board member shall certify completion of the training required under this Section to the secretary of the board. If a board member does not satisfy all requirements provided in subsection (b) of this Section or the certification indicates that a board member has not completed the training, the secretary shall send a notice to all elected or appointed members serving on the board and the president or acting chief executive officer of the community college of that fact.

Passed in the General Assembly May 24, 2016.
Approved July 29, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0693
(Senate Bill No. 2158)

AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Public Community College Act is amended by changing Section 3-8 as follows:

(110 ILCS 805/3-8) (from Ch. 122, par. 103-8)

Sec. 3-8. In this Section, "reasonable emergency" means any imminent need to maintain the operations or facilities of the community college district and that such need is due to circumstances beyond the control of the board.

Following each election and canvass, the new board shall hold its organizational meeting on or before the 28th day after the election. If the election is the initial election ordered by the regional superintendent, the organizational meeting shall be convened by the regional superintendent, who shall preside over the meeting until the election for chairman, vice chairman and secretary of board is completed. At all other organizational meetings, the chairman of the board, or, in his or her absence, the
president of the community college or acting chief executive officer of the college shall convene the new board, and conduct the election for chairman, vice chairman and secretary. The board shall then proceed with its organization under the newly elected board officers, and shall fix a time and place for its regular meetings. It shall then enter upon the discharge of its duties. Public notice of the schedule of regular meetings for the next calendar year, as set at the organizational meeting, must be given at the beginning of that calendar year. The terms of board office shall be 2 years, except that the board by resolution may establish a policy for the terms of office to be one year, and provide for the election of office one year period. Terms of members are subject to Section 2A-54 of the Election Code.

Beginning 45 days prior to the Tuesday following the first Monday of April in odd-numbered years until the first organizational meeting of the new board, no addendum to modify or amend an employee agreement between a community college district and the district's president, chancellor, or chief executive officer may be agreed to or executed, nor may an employment contract be made and entered into between the board of an established community college district and a president, chancellor, or chief executive officer. If the current board must take such action at any time during the 45 days prior to the Tuesday following the first Monday of April in odd-numbered years until the first organizational meeting of the new board due to a reasonable emergency, then that action shall be terminated on the 60th day after the first organizational meeting, unless the new board, by resolution, reaffirms the agreed-upon addendum or new employment contract.

Special meetings of the board may be called by the chairman or by any 3 members of the board by giving notice thereof in writing stating the time, place and purpose of the meeting. Such notice may be served by mail 48 hours before the meeting or by personal service 24 hours before the meeting.

At each regular and special meeting which is open to the public, members of the public and employees of the community college district shall be afforded time, subject to reasonable constraints, to comment to or ask questions of the board.

(Source: P.A. 95-116, eff. 8-13-07; 95-791, eff. 8-8-08.)

Approved July 29, 2016.
Effective January 1, 2017.

New matter indicated by italics - deletions by strikeout
AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The University of Illinois Act is amended by adding
Sections 90 and 95 as follows:
(110 ILCS 305/90 new)
Sec. 90. Employment contract limitations. This Section applies to
the employment contracts of the president or all chancellors of the
University entered into, amended, renewed, or extended after the effective
date of this amendatory Act of the 99th General Assembly. This Section
does not apply to collective bargaining agreements. With respect to
employment contracts entered into with the president or all chancellors of
the University:
(1) Severance under the contract may not exceed one year
salary and applicable benefits.
(2) A contract with a determinate start and end date may
not exceed 4 years.
(3) The contract may not include any automatic rollover
clauses.
(4) Severance payments or contract buyouts may be placed
in an escrow account if there are pending criminal charges against
the president or all chancellors of the University related to their
employment.
(5) Final action on the formation, renewal, extension, or
termination of the employment contracts of the president or all
chancellors of the University must be made during an open
meeting of the Board of Trustees.
(6) Public notice, compliant with the provisions of the Open
Meetings Act, must be given prior to final action on the formation,
renewal, extension, or termination of the employment contracts of
the president or all chancellors of the University and must include
a copy of the Board item or other documentation providing, at a
minimum, a description of the proposed principal financial
components of the president's or all chancellors' appointments.
(7) Any performance-based bonus or incentive-based
compensation to the president or all chancellors of the University

New matter indicated by italics - deletions by strikeout
must be approved by the Board in an open meeting. The performance upon which the bonus is based must be made available to the public no less than 48 hours before Board approval of the performance-based bonus or incentive-based compensation.

(8) Board minutes, board packets, and annual performance reviews concerning the president or all chancellors of the University must be made available to the public on the University's Internet website.

(110 ILCS 305/95 new)

Sec. 95. Executive accountability. The Board of Trustees must complete an annual performance review of the president and any chancellors of the University. Such annual performance review must be considered when the Board contemplates a bonus, incentive-based compensation, raise, or severance agreement for the president or all chancellors of the University.

Section 10. The Southern Illinois University Management Act is amended by adding Sections 75 and 80 as follows:

(110 ILCS 520/75 new)

Sec. 75. Employment contract limitations. This Section applies to the employment contracts of the president or all chancellors of the University entered into, amended, renewed, or extended after the effective date of this amendatory Act of the 99th General Assembly. This Section does not apply to collective bargaining agreements. With respect to employment contracts entered into with the president or all chancellors of the University:

(1) Severance under the contract may not exceed one year salary and applicable benefits.

(2) A contract with a determinate start and end date may not exceed 4 years.

(3) The contract may not include any automatic rollover clauses.

(4) Severance payments or contract buyouts may be placed in an escrow account if there are pending criminal charges against the president or all chancellors of the University related to their employment.

(5) Final action on the formation, renewal, extension, or termination of the employment contracts of the president or all chancellors of the University must be approved by the Board in an open meeting. The performance upon which the bonus is based must be made available to the public no less than 48 hours before Board approval of the performance-based bonus or incentive-based compensation.

(8) Board minutes, board packets, and annual performance reviews concerning the president or all chancellors of the University must be made available to the public on the University's Internet website.

(110 ILCS 305/95 new)

Sec. 95. Executive accountability. The Board of Trustees must complete an annual performance review of the president and any chancellors of the University. Such annual performance review must be considered when the Board contemplates a bonus, incentive-based compensation, raise, or severance agreement for the president or all chancellors of the University.

Section 10. The Southern Illinois University Management Act is amended by adding Sections 75 and 80 as follows:

(110 ILCS 520/75 new)

Sec. 75. Employment contract limitations. This Section applies to the employment contracts of the president or all chancellors of the University entered into, amended, renewed, or extended after the effective date of this amendatory Act of the 99th General Assembly. This Section does not apply to collective bargaining agreements. With respect to employment contracts entered into with the president or all chancellors of the University:

(1) Severance under the contract may not exceed one year salary and applicable benefits.

(2) A contract with a determinate start and end date may not exceed 4 years.

(3) The contract may not include any automatic rollover clauses.

(4) Severance payments or contract buyouts may be placed in an escrow account if there are pending criminal charges against the president or all chancellors of the University related to their employment.

(5) Final action on the formation, renewal, extension, or termination of the employment contracts of the president or all chancellors of the University must be approved by the Board in an open meeting. The performance upon which the bonus is based must be made available to the public no less than 48 hours before Board approval of the performance-based bonus or incentive-based compensation.

(8) Board minutes, board packets, and annual performance reviews concerning the president or all chancellors of the University must be made available to the public on the University's Internet website.
chancellors of the University must be made during an open meeting of the Board.

(6) Public notice, compliant with the provisions of the Open Meetings Act, must be given prior to final action on the formation, renewal, extension, or termination of the employment contracts of the president or all chancellors of the University and must include a copy of the Board item or other documentation providing, at a minimum, a description of the proposed principal financial components of the president's or all chancellors' appointments.

(7) Any performance-based bonus or incentive-based compensation to the president or all chancellors of the University must be approved by the Board in an open meeting. The performance upon which the bonus is based must be made available to the public no less than 48 hours before Board approval of the performance-based bonus or incentive-based compensation.

(8) Board minutes, board packets, and annual performance reviews concerning the president or all chancellors of the University must be made available to the public on the University's Internet website.

(110 ILCS 520/80 new)
Sec. 80. Executive accountability. The Board must complete an annual performance review of the president and any chancellors of the University. Such annual performance review must be considered when the Board contemplates a bonus, incentive-based compensation, raise, or severance agreement for the president or all chancellors of the University.

Section 15. The Chicago State University Law is amended by adding Sections 5-185 and 5-190 as follows:

(110 ILCS 660/5-185 new)
Sec. 5-185. Employment contract limitations. This Section applies to the employment contracts of the president or all chancellors of the University entered into, amended, renewed, or extended after the effective date of this amendatory Act of the 99th General Assembly. This Section does not apply to collective bargaining agreements. With respect to employment contracts entered into with the president or all chancellors of the University:

(1) Severance under the contract may not exceed one year salary and applicable benefits.

New matter indicated by italics - deletions by strikeout
(2) A contract with a determinate start and end date may not exceed 4 years.

(3) The contract may not include any automatic rollover clauses.

(4) Severance payments or contract buyouts may be placed in an escrow account if there are pending criminal charges against the president or all chancellors of the University related to their employment.

(5) Final action on the formation, renewal, extension, or termination of the employment contracts of the president or all chancellors of the University must be made during an open meeting of the Board.

(6) Public notice, compliant with the provisions of the Open Meetings Act, must be given prior to final action on the formation, renewal, extension, or termination of the employment contracts of the president or all chancellors of the University and must include a copy of the Board item or other documentation providing, at a minimum, a description of the proposed principal financial components of the president's or all chancellors' appointments.

(7) Any performance-based bonus or incentive-based compensation to the president or all chancellors of the University must be approved by the Board in an open meeting. The performance upon which the bonus is based must be made available to the public no less than 48 hours before Board approval of the performance-based bonus or incentive-based compensation.

(8) Board minutes, board packets, and annual performance reviews concerning the president or all chancellors of the University must be made available to the public on the University's Internet website.

(110 ILCS 660/5-190 new)
Sec. 5-190. Executive accountability. The Board must complete an annual performance review of the president and any chancellors of the University. Such annual performance review must be considered when the Board contemplates a bonus, incentive-based compensation, raise, or severance agreement for the president or all chancellors of the University.

Section 20. The Eastern Illinois University Law is amended by adding Sections 10-185 and 10-190 as follows:

(110 ILCS 665/10-185 new)
Sec. 10-185. Employment contract limitations. This Section applies to the employment contracts of the president or all chancellors of the University entered into, amended, renewed, or extended after the effective date of this amendatory Act of the 99th General Assembly. This Section does not apply to collective bargaining agreements. With respect to employment contracts entered into with the president or all chancellors of the University:

(1) Severance under the contract may not exceed one year salary and applicable benefits.

(2) A contract with a determinate start and end date may not exceed 4 years.

(3) The contract may not include any automatic rollover clauses.

(4) Severance payments or contract buyouts may be placed in an escrow account if there are pending criminal charges against the president or all chancellors of the University related to their employment.

(5) Final action on the formation, renewal, extension, or termination of the employment contracts of the president or all chancellors of the University must be made during an open meeting of the Board.

(6) Public notice, compliant with the provisions of the Open Meetings Act, must be given prior to final action on the formation, renewal, extension, or termination of the employment contracts of the president or all chancellors of the University and must include a copy of the Board item or other documentation providing, at a minimum, a description of the proposed principal financial components of the president's or all chancellors' appointments.

(7) Any performance-based bonus or incentive-based compensation to the president or all chancellors of the University must be approved by the Board in an open meeting. The performance upon which the bonus is based must be made available to the public no less than 48 hours before Board approval of the performance-based bonus or incentive-based compensation.

(8) Board minutes, board packets, and annual performance reviews concerning the president or all chancellors of the University must be made available to the public on the University's Internet website.

New matter indicated by italics - deletions by strikeout
Sec. 10-190. Executive accountability. The Board must complete an annual performance review of the president and any chancellors of the University. Such annual performance review must be considered when the Board contemplates a bonus, incentive-based compensation, raise, or severance agreement for the president or all chancellors of the University.

Section 25. The Governors State University Law is amended by adding Sections 15-185 and 15-190 as follows:

Sec. 15-185. Employment contract limitations. This Section applies to the employment contracts of the president or all chancellors of the University entered into, amended, renewed, or extended after the effective date of this amendatory Act of the 99th General Assembly. This Section does not apply to collective bargaining agreements. With respect to employment contracts entered into with the president or all chancellors of the University:

(1) Severance under the contract may not exceed one year salary and applicable benefits.
(2) A contract with a determinate start and end date may not exceed 4 years.
(3) The contract may not include any automatic rollover clauses.
(4) Severance payments or contract buyouts may be placed in an escrow account if there are pending criminal charges against the president or all chancellors of the University related to their employment.
(5) Final action on the formation, renewal, extension, or termination of the employment contracts of the president or all chancellors of the University must be made during an open meeting of the Board.
(6) Public notice, compliant with the provisions of the Open Meetings Act, must be given prior to final action on the formation, renewal, extension, or termination of the employment contracts of the president or all chancellors of the University and must include a copy of the Board item or other documentation providing, at a minimum, a description of the proposed principal financial components of the president's or all chancellors' appointments.
(7) Any performance-based bonus or incentive-based compensation to the president or all chancellors of the University
must be approved by the Board in an open meeting. The performance upon which the bonus is based must be made available to the public no less than 48 hours before Board approval of the performance-based bonus or incentive-based compensation.

(8) Board minutes, board packets, and annual performance reviews concerning the president or all chancellors of the University must be made available to the public on the University's Internet website.

(110 ILCS 670/15-190 new)

Sec. 15-190. Executive accountability. The Board must complete an annual performance review of the president and any chancellors of the University. Such annual performance review must be considered when the Board contemplates a bonus, incentive-based compensation, raise, or severance agreement for the president or all chancellors of the University.

Section 30. The Illinois State University Law is amended by adding Sections 20-190 and 20-195 as follows:

(110 ILCS 675/20-190 new)

Sec. 20-190. Employment contract limitations. This Section applies to the employment contracts of the president or all chancellors of the University entered into, amended, renewed, or extended after the effective date of this amendatory Act of the 99th General Assembly. This Section does not apply to collective bargaining agreements. With respect to employment contracts entered into with the president or all chancellors of the University:

(1) Severance under the contract may not exceed one year salary and applicable benefits.

(2) A contract with a determinate start and end date may not exceed 4 years.

(3) The contract may not include any automatic rollover clauses.

(4) Severance payments or contract buyouts may be placed in an escrow account if there are pending criminal charges against the president or all chancellors of the University related to their employment.

(5) Final action on the formation, renewal, extension, or termination of the employment contracts of the president or all chancellors of the University must be made during an open meeting of the Board.

New matter indicated by italics - deletions by strikeout
(6) Public notice, compliant with the provisions of the Open Meetings Act, must be given prior to final action on the formation, renewal, extension, or termination of the employment contracts of the president or all chancellors of the University and must include a copy of the Board item or other documentation providing, at a minimum, a description of the proposed principal financial components of the president's or all chancellors' appointments.

(7) Any performance-based bonus or incentive-based compensation to the president or all chancellors of the University must be approved by the Board in an open meeting. The performance upon which the bonus is based must be made available to the public no less than 48 hours before Board approval of the performance-based bonus or incentive-based compensation.

(8) Board minutes, board packets, and annual performance reviews concerning the president or all chancellors of the University must be made available to the public on the University's Internet website.

(110 ILCS 675/20-195 new)

Sec. 20-195. Executive accountability. The Board must complete an annual performance review of the president and any chancellors of the University. Such annual performance review must be considered when the Board contemplates a bonus, incentive-based compensation, raise, or severance agreement for the president or all chancellors of the University.

Section 35. The Northeastern Illinois University Law is amended by adding Sections 25-185 and 25-190 as follows:

(110 ILCS 680/25-185 new)

Sec. 25-185. Employment contract limitations. This Section applies to the employment contracts of the president or all chancellors of the University entered into, amended, renewed, or extended after the effective date of this amendatory Act of the 99th General Assembly. This Section does not apply to collective bargaining agreements. With respect to employment contracts entered into with the president or all chancellors of the University:

(1) Severance under the contract may not exceed one year salary and applicable benefits.

(2) A contract with a determinate start and end date may not exceed 4 years.

New matter indicated by italics - deletions by strikeout
(3) The contract may not include any automatic rollover clauses.

(4) Severance payments or contract buyouts may be placed in an escrow account if there are pending criminal charges against the president or all chancellors of the University related to their employment.

(5) Final action on the formation, renewal, extension, or termination of the employment contracts of the president or all chancellors of the University must be made during an open meeting of the Board.

(6) Public notice, compliant with the provisions of the Open Meetings Act, must be given prior to final action on the formation, renewal, extension, or termination of the employment contracts of the president or all chancellors of the University and must include a copy of the Board item or other documentation providing, at a minimum, a description of the proposed principal financial components of the president's or all chancellors' appointments.

(7) Any performance-based bonus or incentive-based compensation to the president or all chancellors of the University must be approved by the Board in an open meeting. The performance upon which the bonus is based must be made available to the public no less than 48 hours before Board approval of the performance-based bonus or incentive-based compensation.

(8) Board minutes, board packets, and annual performance reviews concerning the president or all chancellors of the University must be made available to the public on the University's Internet website.

Sec. 25-190. Executive accountability. The Board must complete an annual performance review of the president and any chancellors of the University. Such annual performance review must be considered when the Board contemplates a bonus, incentive-based compensation, raise, or severance agreement for the president or all chancellors of the University.

Section 40. The Northern Illinois University Law is amended by adding Sections 30-195 and 30-200 as follows:

Sec. 30-195. Employment contract limitations. This Section applies to the employment contracts of the president or all chancellors of the University.
University entered into, amended, renewed, or extended after the effective date of this amendatory Act of the 99th General Assembly. This Section does not apply to collective bargaining agreements. With respect to employment contracts entered into with the president or all chancellors of the University:

(1) Severance under the contract may not exceed one year salary and applicable benefits.
(2) A contract with a determinate start and end date may not exceed 4 years.
(3) The contract may not include any automatic rollover clauses.
(4) Severance payments or contract buyouts may be placed in an escrow account if there are pending criminal charges against the president or all chancellors of the University related to their employment.
(5) Final action on the formation, renewal, extension, or termination of the employment contracts of the president or all chancellors of the University must be made during an open meeting of the Board.
(6) Public notice, compliant with the provisions of the Open Meetings Act, must be given prior to final action on the formation, renewal, extension, or termination of the employment contracts of the president or all chancellors of the University and must include a copy of the Board item or other documentation providing, at a minimum, a description of the proposed principal financial components of the president's or all chancellors' appointments.
(7) Any performance-based bonus or incentive-based compensation to the president or all chancellors of the University must be approved by the Board in an open meeting. The performance upon which the bonus is based must be made available to the public no less than 48 hours before Board approval of the performance-based bonus or incentive-based compensation.
(8) Board minutes, board packets, and annual performance reviews concerning the president or all chancellors of the University must be made available to the public on the University's Internet website.

(110 ILCS 685/30-200 new)

New matter indicated by italics - deletions by strikeout
Sec. 30-200. Executive accountability. The Board must complete an annual performance review of the president and any chancellors of the University. Such annual performance review must be considered when the Board contemplates a bonus, incentive-based compensation, raise, or severance agreement for the president or all chancellors of the University.

Section 45. The Western Illinois University Law is amended by adding Sections 35-190 and 35-195 as follows:

(110 ILCS 690/35-190 new)

Sec. 35-190. Employment contract limitations. This Section applies to the employment contracts of the president or all chancellors of the University entered into, amended, renewed, or extended after the effective date of this amendatory Act of the 99th General Assembly. This Section does not apply to collective bargaining agreements. With respect to employment contracts entered into with the president or all chancellors of the University:

(1) Severance under the contract may not exceed one year salary and applicable benefits.

(2) A contract with a determinate start and end date may not exceed 4 years.

(3) The contract may not include any automatic rollover clauses.

(4) Severance payments or contract buyouts may be placed in an escrow account if there are pending criminal charges against the president or all chancellors of the University related to their employment.

(5) Final action on the formation, renewal, extension, or termination of the employment contracts of the president or all chancellors of the University must be made during an open meeting of the Board.

(6) Public notice, compliant with the provisions of the Open Meetings Act, must be given prior to final action on the formation, renewal, extension, or termination of the employment contracts of the president or all chancellors of the University and must include a copy of the Board item or other documentation providing, at a minimum, a description of the proposed principal financial components of the president's or all chancellors' appointments.

(7) Any performance-based bonus or incentive-based compensation to the president or all chancellors of the University must be approved by the Board in an open meeting. The

New matter indicated by italics - deletions by strikeout
performance upon which the bonus is based must be made available to the public no less than 48 hours before Board approval of the performance-based bonus or incentive-based compensation.

(8) Board minutes, board packets, and annual performance reviews concerning the president or all chancellors of the University must be made available to the public on the University's Internet website.

(110 ILCS 690/35-195 new)
Sec. 35-195. Executive accountability. The Board must complete an annual performance review of the president and any chancellors of the University. Such annual performance review must be considered when the Board contemplates a bonus, incentive-based compensation, raise, or severance agreement for the president or all chancellors of the University.

Section 50. The Public Community College Act is amended by adding Sections 3-70 and 3-75 as follows:

(110 ILCS 805/3-70 new)
Sec. 3-70. Employment contract transparency. This Section applies to the employment contracts of the president or all chancellors of the community college entered into, amended, renewed, or extended after the effective date of this amendatory Act of the 99th General Assembly. This Section does not apply to collective bargaining agreements. With respect to employment contracts entered into with the president or all chancellors of the community college:

(1) Severance payments or contract buyouts may be placed in an escrow account if there are pending criminal charges against the president or all chancellors of the community college related to their employment.

(2) Final action on the formation, renewal, extension, or termination of the employment contracts of the president or all chancellors of the community college must be made during an open meeting of the board.

(3) Public notice, compliant with the Open Meetings Act, must be given prior to final action on the formation, renewal, extension, or termination of the employment contracts of the president or all chancellors of the community college and must include a copy of the board item or other documentation providing, at a minimum, a description of the proposed principal

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financial components of the president's or any chancellor's appointment.

(4) Any performance-based bonus or incentive-based compensation to the president or all chancellors of the community college must be approved by the board in an open meeting. The performance criteria and goals upon which the bonus or incentive-based compensation is based must be made available to the public no less than 48 hours before board approval of the performance-based bonus or incentive-based compensation.

(5) Board minutes, board packets, and annual performance criteria and goals concerning the president or any chancellors must be made available to the public on the community college district's Internet website.

Sec. 3-75. Executive accountability. Each board must complete an annual performance review of the president and all chancellors of the community college. Such annual performance reviews must be considered when the board contemplates a bonus, raise, or severance agreement for the president or chancellor.

Approved July 29, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0695
(Senate Bill No. 2174)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Board of Higher Education Act is amended by adding Section 13 as follows:

Sec. 13. Leadership training for university board members.
(a) The Board shall require every voting member of the governing board of a public university appointed for a term beginning after January 1, 2016 to complete a minimum of 4 hours of professional development leadership training covering topics that shall include, but are not limited to, public university and labor law, contract law, ethics, sexual violence on campus, financial oversight and accountability, audits, and fiduciary

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responsibilities of a member of a governing board within 2 years after
beginning service and within every 2 years of service thereafter.

(b) A public university shall maintain on its Internet website the
names of all voting members of the governing board who have successfully
completed the training.

(c) Beginning after the effective date of this amendatory Act of the
99th General Assembly, by July 31 of each year, the chairperson of each
governing board shall certify to the Board the number of hours of training
that each member received during the preceding fiscal year.

(d) If the certification indicates that a board member has not
completed the training required under this Section, the Board shall send a
notice to the Governor, the President of the Senate, the Minority Leader of
the Senate, the Speaker of the House of Representatives, and the Minority
Leader of the House of Representatives of that fact, and the governing
board shall suspend the board member from continued service, at which
point, the board member has 45 days to complete all training deemed
incomplete as provided by the certification. Failure of the board member
to complete the necessary training within this probationary period
constitutes a resignation from and creates a vacancy in the governing
board, to be filled as provided by law.

(e) The training under this Section may be provided by the Board
or by other qualified providers approved by the Board.

Passed in the General Assembly May 24, 2016.
Approved July 29, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0696
(Senate Bill No. 2213)

AN ACT concerning safety.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The Firearm Owners Identification Card Act is amended
by changing Section 8.1 as follows:
(430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)
Sec. 8.1. Notifications to the Department of State Police.
(a) The Circuit Clerk shall, in the form and manner required by the
Supreme Court, notify the Department of State Police of all final

New matter indicated by italics - deletions by strikeout
dispositions of cases for which the Department has received information reported to it under Sections 2.1 and 2.2 of the Criminal Identification Act.

(b) Upon adjudication of any individual as a person with a mental disability as defined in Section 1.1 of this Act or a finding that a person has been involuntarily admitted, the court shall direct the circuit court clerk to immediately notify the Department of State Police, Firearm Owner's Identification (FOID) department, and shall forward a copy of the court order to the Department.

(b-1) Beginning July 1, 2016, and each July 1 and December 30 of every year thereafter, the circuit court clerk shall, in the form and manner prescribed by the Department of State Police, notify the Department of State Police, Firearm Owner's Identification (FOID) department if the court has not directed the circuit court clerk to notify the Department of State Police, Firearm Owner's Identification (FOID) department under subsection (b) of this Section, within the preceding 6 months, because no person has been adjudicated as a person with a mental disability by the court as defined in Section 1.1 of this Act or if no person has been involuntarily admitted. The Supreme Court may adopt any orders or rules necessary to identify the persons who shall be reported to the Department of State Police under subsection (b), or any other orders or rules necessary to implement the requirements of this Act.

(c) The Department of Human Services shall, in the form and manner prescribed by the Department of State Police, report all information collected under subsection (b) of Section 12 of the Mental Health and Developmental Disabilities Confidentiality Act for the purpose of determining whether a person who may be or may have been a patient in a mental health facility is disqualified under State or federal law from receiving or retaining a Firearm Owner's Identification Card, or purchasing a weapon.

(d) If a person is determined to pose a clear and present danger to himself, herself, or to others:

(1) by a physician, clinical psychologist, or qualified examiner, or is determined to have a developmental disability by a physician, clinical psychologist, or qualified examiner, whether employed by the State or privately, then the physician, clinical psychologist, or qualified examiner shall, within 24 hours of making the determination, notify the Department of Human Services that the person poses a clear and present danger or has a developmental disability; or

New matter indicated by italics - deletions by strikeout
(2) by a law enforcement official or school administrator, then the law enforcement official or school administrator shall, within 24 hours of making the determination, notify the Department of State Police that the person poses a clear and present danger.

The Department of Human Services shall immediately update its records and information relating to mental health and developmental disabilities, and if appropriate, shall notify the Department of State Police in a form and manner prescribed by the Department of State Police. The Department of State Police shall determine whether to revoke the person's Firearm Owner's Identification Card under Section 8 of this Act. Any information disclosed under this subsection shall remain privileged and confidential, and shall not be redisclosed, except as required under subsection (e) of Section 3.1 of this Act, nor used for any other purpose. The method of providing this information shall guarantee that the information is not released beyond what is necessary for the purpose of this Section and shall be provided by rule by the Department of Human Services. The identity of the person reporting under this Section shall not be disclosed to the subject of the report. The physician, clinical psychologist, qualified examiner, law enforcement official, or school administrator making the determination and his or her employer shall not be held criminally, civilly, or professionally liable for making or not making the notification required under this subsection, except for willful or wanton misconduct.

(e) The Department of State Police shall adopt rules to implement this Section.

(Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13; 99-143, eff. 7-27-15.)

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

Passed in the General Assembly May 24, 2016.
Approved July 29, 2016.
Effective July 29, 2016.
AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The Criminal Identification Act is amended by changing
Section 5.2 as follows:
(20 ILCS 2630/5.2)
Sec. 5.2. Expungement and sealing.
(a) General Provisions.
(1) Definitions. In this Act, words and phrases have the
meanings set forth in this subsection, except when a particular
context clearly requires a different meaning.
(A) The following terms shall have the meanings
ascribed to them in the Unified Code of Corrections, 730
ILCS 5/5-1-2 through 5/5-1-22:
(i) Business Offense (730 ILCS 5/5-1-2),
(ii) Charge (730 ILCS 5/5-1-3),
(iii) Court (730 ILCS 5/5-1-6),
(iv) Defendant (730 ILCS 5/5-1-7),
(v) Felony (730 ILCS 5/5-1-9),
(vi) Imprisonment (730 ILCS 5/5-1-10),
(vii) Judgment (730 ILCS 5/5-1-12),
(viii) Misdemeanor (730 ILCS 5/5-1-14),
(ix) Offense (730 ILCS 5/5-1-15),
(x) Parole (730 ILCS 5/5-1-16),
(xi) Petty Offense (730 ILCS 5/5-1-17),
(xii) Probation (730 ILCS 5/5-1-18),
(xiii) Sentence (730 ILCS 5/5-1-19),
(xiv) Supervision (730 ILCS 5/5-1-21), and
(xv) Victim (730 ILCS 5/5-1-22).
(B) As used in this Section, "charge not initiated by
arrest" means a charge (as defined by 730 ILCS 5/5-1-3)
brought against a defendant where the defendant is not
arrested prior to or as a direct result of the charge.
(C) "Conviction" means a judgment of conviction or
sentence entered upon a plea of guilty or upon a verdict or
finding of guilty of an offense, rendered by a legally

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constituted jury or by a court of competent jurisdiction authorized to try the case without a jury. An order of supervision successfully completed by the petitioner is not a conviction. An order of qualified probation (as defined in subsection (a)(1)(J)) successfully completed by the petitioner is not a conviction. An order of supervision or an order of qualified probation that is terminated unsatisfactorily is a conviction, unless the unsatisfactory termination is reversed, vacated, or modified and the judgment of conviction, if any, is reversed or vacated.

(D) "Criminal offense" means a petty offense, business offense, misdemeanor, felony, or municipal ordinance violation (as defined in subsection (a)(1)(H)). As used in this Section, a minor traffic offense (as defined in subsection (a)(1)(G)) shall not be considered a criminal offense.

(E) "Expunge" means to physically destroy the records or return them to the petitioner and to obliterate the petitioner's name from any official index or public record, or both. Nothing in this Act shall require the physical destruction of the circuit court file, but such records relating to arrests or charges, or both, ordered expunged shall be impounded as required by subsections (d)(9)(A)(ii) and (d)(9)(B)(ii).

(F) As used in this Section, "last sentence" means the sentence, order of supervision, or order of qualified probation (as defined by subsection (a)(1)(J)), for a criminal offense (as defined by subsection (a)(1)(D)) that terminates last in time in any jurisdiction, regardless of whether the petitioner has included the criminal offense for which the sentence or order of supervision or qualified probation was imposed in his or her petition. If multiple sentences, orders of supervision, or orders of qualified probation terminate on the same day and are last in time, they shall be collectively considered the "last sentence" regardless of whether they were ordered to run concurrently.

(G) "Minor traffic offense" means a petty offense, business offense, or Class C misdemeanor under the Illinois
(H) "Municipal ordinance violation" means an offense defined by a municipal or local ordinance that is criminal in nature and with which the petitioner was charged or for which the petitioner was arrested and released without charging.

(I) "Petitioner" means an adult or a minor prosecuted as an adult who has applied for relief under this Section.

(J) "Qualified probation" means an order of probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 70 of the Methamphetamine Control and Community Protection Act, Section 5-6-3.3 or 5-6-3.4 of the Unified Code of Corrections, Section 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (as those provisions existed before their deletion by Public Act 89-313), Section 10-102 of the Illinois Alcoholism and Other Drug Dependency Act, Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act, or Section 10 of the Steroid Control Act. For the purpose of this Section, "successful completion" of an order of qualified probation under Section 10-102 of the Illinois Alcoholism and Other Drug Dependency Act and Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act means that the probation was terminated satisfactorily and the judgment of conviction was vacated.

(K) "Seal" means to physically and electronically maintain the records, unless the records would otherwise be destroyed due to age, but to make the records unavailable without a court order, subject to the exceptions in Sections 12 and 13 of this Act. The petitioner's name shall also be obliterated from the official index required to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act, but any index issued by the circuit court clerk before the entry of the order to seal shall not be affected.

(L) "Sexual offense committed against a minor" includes but is not limited to the offenses of indecent
solicitation of a child or criminal sexual abuse when the victim of such offense is under 18 years of age.

(M) "Terminate" as it relates to a sentence or order of supervision or qualified probation includes either satisfactory or unsatisfactory termination of the sentence, unless otherwise specified in this Section.

(2) Minor Traffic Offenses. Orders of supervision or convictions for minor traffic offenses shall not affect a petitioner's eligibility to expunge or seal records pursuant to this Section.

(2.5) Commencing 180 days after the effective date of this amendatory Act of the 99th General Assembly, the law enforcement agency issuing the citation shall automatically expunge, on or before January 1 and July 1 of each year, the law enforcement records of a person found to have committed a civil law violation of subsection (a) of Section 4 of the Cannabis Control Act or subsection (c) of Section 3.5 of the Drug Paraphernalia Control Act in the law enforcement agency's possession or control and which contains the final satisfactory disposition which pertain to the person issued a citation for that offense. The law enforcement agency shall provide by rule the process for access, review, and to confirm the automatic expungement by the law enforcement agency issuing the citation.

Commencing 180 days after the effective date of this amendatory Act of the 99th General Assembly, the clerk of the circuit court shall expunge, upon order of the court, or in the absence of a court order on or before January 1 and July 1 of each year, the court records of a person found in the circuit court to have committed a civil law violation of subsection (a) of Section 4 of the Cannabis Control Act or subsection (c) of Section 3.5 of the Drug Paraphernalia Control Act in the clerk's possession or control and which contains the final satisfactory disposition which pertain to the person issued a citation for any of those offenses.

(3) Exclusions. Except as otherwise provided in subsections (b)(5), (b)(6), (b)(8), (e), (e-5), and (e-6) of this Section, the court shall not order:

(A) the sealing or expungement of the records of arrests or charges not initiated by arrest that result in an order of supervision for or conviction of: (i) any sexual offense committed against a minor; (ii) Section 11-501 of

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the Illinois Vehicle Code or a similar provision of a local ordinance; or (iii) Section 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance, unless the arrest or charge is for a misdemeanor violation of subsection (a) of Section 11-503 or a similar provision of a local ordinance, that occurred prior to the offender reaching the age of 25 years and the offender has no other conviction for violating Section 11-501 or 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(B) the sealing or expungement of records of minor traffic offenses (as defined in subsection (a)(1)(G)), unless the petitioner was arrested and released without charging.

(C) the sealing of the records of arrests or charges not initiated by arrest which result in an order of supervision or a conviction for the following offenses:

(i) offenses included in Article 11 of the Criminal Code of 1961 or the Criminal Code of 2012 or a similar provision of a local ordinance, except Section 11-14 of the Criminal Code of 1961 or the Criminal Code of 2012, or a similar provision of a local ordinance;

(ii) Section 11-1.50, 12-3.4, 12-15, 12-30, 26-5, or 48-1 of the Criminal Code of 1961 or the Criminal Code of 2012, or a similar provision of a local ordinance;

(iii) Sections 12-3.1 or 12-3.2 of the Criminal Code of 1961 or the Criminal Code of 2012, or Section 125 of the Stalking No Contact Order Act, or Section 219 of the Civil No Contact Order Act, or a similar provision of a local ordinance;

(iv) offenses which are Class A misdemeanors under the Humane Care for Animals Act; or

(v) any offense or attempted offense that would subject a person to registration under the Sex Offender Registration Act.

(D) the sealing of the records of an arrest which results in the petitioner being charged with a felony offense

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or records of a charge not initiated by arrest for a felony offense unless:

(i) the charge is amended to a misdemeanor and is otherwise eligible to be sealed pursuant to subsection (c);

(ii) the charge is brought along with another charge as a part of one case and the charge results in acquittal, dismissal, or conviction when the conviction was reversed or vacated, and another charge brought in the same case results in a disposition for a misdemeanor offense that is eligible to be sealed pursuant to subsection (c) or a disposition listed in paragraph (i), (iii), or (iv) of this subsection;

(iii) the charge results in first offender probation as set forth in subsection (c)(2)(E);

(iv) the charge is for a felony offense listed in subsection (c)(2)(F) or the charge is amended to a felony offense listed in subsection (c)(2)(F);

(v) the charge results in acquittal, dismissal, or the petitioner's release without conviction; or

(vi) the charge results in a conviction, but the conviction was reversed or vacated.

(b) Expungement.

(1) A petitioner may petition the circuit court to expunge the records of his or her arrests and charges not initiated by arrest when:

(A) He or she has never been convicted of a criminal offense; and

(B) Each arrest or charge not initiated by arrest sought to be expunged resulted in: (i) acquittal, dismissal, or the petitioner's release without charging, unless excluded by subsection (a)(3)(B); (ii) a conviction which was vacated or reversed, unless excluded by subsection (a)(3)(B); (iii) an order of supervision and such supervision was successfully completed by the petitioner, unless excluded by subsection (a)(3)(A) or (a)(3)(B); or (iv) an order of qualified probation (as defined in subsection (a)(1)(J)) and

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such probation was successfully completed by the petitioner.

(2) Time frame for filing a petition to expunge.

(A) When the arrest or charge not initiated by arrest sought to be expunged resulted in an acquittal, dismissal, the petitioner's release without charging, or the reversal or vacation of a conviction, there is no waiting period to petition for the expungement of such records.

(B) When the arrest or charge not initiated by arrest sought to be expunged resulted in an order of supervision, successfully completed by the petitioner, the following time frames will apply:

(i) Those arrests or charges that resulted in orders of supervision under Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance, or under Section 11-1.50, 12-3.2, or 12-15 of the Criminal Code of 1961 or the Criminal Code of 2012, or a similar provision of a local ordinance, shall not be eligible for expungement until 5 years have passed following the satisfactory termination of the supervision.

(i-5) Those arrests or charges that resulted in orders of supervision for a misdemeanor violation of subsection (a) of Section 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance, that occurred prior to the offender reaching the age of 25 years and the offender has no other conviction for violating Section 11-501 or 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance shall not be eligible for expungement until the petitioner has reached the age of 25 years.

(ii) Those arrests or charges that resulted in orders of supervision for any other offenses shall not be eligible for expungement until 2 years have passed following the satisfactory termination of the supervision.

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(C) When the arrest or charge not initiated by arrest sought to be expunged resulted in an order of qualified probation, successfully completed by the petitioner, such records shall not be eligible for expungement until 5 years have passed following the satisfactory termination of the probation.

(3) Those records maintained by the Department for persons arrested prior to their 17th birthday shall be expunged as provided in Section 5-915 of the Juvenile Court Act of 1987.

(4) Whenever a person has been arrested for or convicted of any offense, in the name of a person whose identity he or she has stolen or otherwise come into possession of, the aggrieved person from whom the identity was stolen or otherwise obtained without authorization, upon learning of the person having been arrested using his or her identity, may, upon verified petition to the chief judge of the circuit wherein the arrest was made, have a court order entered nunc pro tunc by the Chief Judge to correct the arrest record, conviction record, if any, and all official records of the arresting authority, the Department, other criminal justice agencies, the prosecutor, and the trial court concerning such arrest, if any, by removing his or her name from all such records in connection with the arrest and conviction, if any, and by inserting in the records the name of the offender, if known or ascertainable, in lieu of the aggrieved's name. The records of the circuit court clerk shall be sealed until further order of the court upon good cause shown and the name of the aggrieved person obliterated on the official index required to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act, but the order shall not affect any index issued by the circuit court clerk before the entry of the order. Nothing in this Section shall limit the Department of State Police or other criminal justice agencies or prosecutors from listing under an offender's name the false names he or she has used.

(5) Whenever a person has been convicted of criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, or aggravated criminal sexual abuse, the victim of that offense may request that the State's Attorney of the county in which the conviction occurred file a verified petition with the presiding trial judge at the petitioner's trial to have a court order entered to seal

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the records of the circuit court clerk in connection with the proceedings of the trial court concerning that offense. However, the records of the arresting authority and the Department of State Police concerning the offense shall not be sealed. The court, upon good cause shown, shall make the records of the circuit court clerk in connection with the proceedings of the trial court concerning the offense available for public inspection.

(6) If a conviction has been set aside on direct review or on collateral attack and the court determines by clear and convincing evidence that the petitioner was factually innocent of the charge, the court that finds the petitioner factually innocent of the charge shall enter an expungement order for the conviction for which the petitioner has been determined to be innocent as provided in subsection (b) of Section 5-5-4 of the Unified Code of Corrections.

(7) Nothing in this Section shall prevent the Department of State Police from maintaining all records of any person who is admitted to probation upon terms and conditions and who fulfills those terms and conditions pursuant to Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 70 of the Methamphetamine Control and Community Protection Act, Section 5-6-3.3 or 5-6-3.4 of the Unified Code of Corrections, Section 12-4.3 or subdivision (b)(1) of Section 12-3.05 of the Criminal Code of 1961 or the Criminal Code of 2012, Section 10-102 of the Illinois Alcoholism and Other Drug Dependency Act, Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act, or Section 10 of the Steroid Control Act.

(8) If the petitioner has been granted a certificate of innocence under Section 2-702 of the Code of Civil Procedure, the court that grants the certificate of innocence shall also enter an order expunging the conviction for which the petitioner has been determined to be innocent as provided in subsection (h) of Section 2-702 of the Code of Civil Procedure.

(c) Sealing.

(1) Applicability. Notwithstanding any other provision of this Act to the contrary, and cumulative with any rights to expungement of criminal records, this subsection authorizes the sealing of criminal records of adults and of minors prosecuted as adults.

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(2) Eligible Records. The following records may be sealed:

(A) All arrests resulting in release without charging;

(B) Arrests or charges not initiated by arrest resulting in acquittal, dismissal, or conviction when the conviction was reversed or vacated, except as excluded by subsection (a)(3)(B);

(C) Arrests or charges not initiated by arrest resulting in orders of supervision, including orders of supervision for municipal ordinance violations, successfully completed by the petitioner, unless excluded by subsection (a)(3);

(D) Arrests or charges not initiated by arrest resulting in convictions, including convictions on municipal ordinance violations, unless excluded by subsection (a)(3);

(E) Arrests or charges not initiated by arrest resulting in orders of first offender probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 70 of the Methamphetamine Control and Community Protection Act, or Section 5-6-3.3 of the Unified Code of Corrections; and

(F) Arrests or charges not initiated by arrest resulting in felony convictions for the following offenses:

   (i) Class 4 felony convictions for:

      Prostitution under Section 11-14 of the Criminal Code of 1961 or the Criminal Code of 2012.

      Possession of cannabis under Section 4 of the Cannabis Control Act.

      Possession of a controlled substance under Section 402 of the Illinois Controlled Substances Act.

      Offenses under the Methamphetamine Precursor Control Act.

      Offenses under the Steroid Control Act.

      Theft under Section 16-1 of the Criminal Code of 1961 or the Criminal Code of 2012.

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Retail theft under Section 16A-3 or paragraph (a) of 16-25 of the Criminal Code of 1961 or the Criminal Code of 2012.
Deceptive practices under Section 17-1 of the Criminal Code of 1961 or the Criminal Code of 2012.
Forgery under Section 17-3 of the Criminal Code of 1961 or the Criminal Code of 2012.
(ii) Class 3 felony convictions for:
Theft under Section 16-1 of the Criminal Code of 1961 or the Criminal Code of 2012.
Retail theft under Section 16A-3 or paragraph (a) of 16-25 of the Criminal Code of 1961 or the Criminal Code of 2012.
Deceptive practices under Section 17-1 of the Criminal Code of 1961 or the Criminal Code of 2012.
Forgery under Section 17-3 of the Criminal Code of 1961 or the Criminal Code of 2012.
Possession with intent to manufacture or deliver a controlled substance under Section 401 of the Illinois Controlled Substances Act.

(3) When Records Are Eligible to Be Sealed. Records identified as eligible under subsection (c)(2) may be sealed as follows:

(A) Records identified as eligible under subsection (c)(2)(A) and (c)(2)(B) may be sealed at any time.

(B) Except as otherwise provided in subparagraph (E) of this paragraph (3), records identified as eligible under subsection (c)(2)(C) may be sealed 2 years after the termination of petitioner's last sentence (as defined in subsection (a)(1)(F)).

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(C) Except as otherwise provided in subparagraph (E) of this paragraph (3), records identified as eligible under subsections (c)(2)(D), (c)(2)(E), and (c)(2)(F) may be sealed 3 years after the termination of the petitioner's last sentence (as defined in subsection (a)(1)(F)).

(D) Records identified in subsection (a)(3)(A)(iii) may be sealed after the petitioner has reached the age of 25 years.

(E) Records identified as eligible under subsections (c)(2)(C), (c)(2)(D), (c)(2)(E), or (c)(2)(F) may be sealed upon termination of the petitioner's last sentence if the petitioner earned a high school diploma, associate's degree, career certificate, vocational technical certification, or bachelor's degree, or passed the high school level Test of General Educational Development, during the period of his or her sentence, aftercare release, or mandatory supervised release. This subparagraph shall apply only to a petitioner who has not completed the same educational goal prior to the period of his or her sentence, aftercare release, or mandatory supervised release. If a petition for sealing eligible records filed under this subparagraph is denied by the court, the time periods under subparagraph (B) or (C) shall apply to any subsequent petition for sealing filed by the petitioner.

(4) Subsequent felony convictions. A person may not have subsequent felony conviction records sealed as provided in this subsection (c) if he or she is convicted of any felony offense after the date of the sealing of prior felony convictions as provided in this subsection (c). The court may, upon conviction for a subsequent felony offense, order the unsealing of prior felony conviction records previously ordered sealed by the court.

(5) Notice of eligibility for sealing. Upon entry of a disposition for an eligible record under this subsection (c), the petitioner shall be informed by the court of the right to have the records sealed and the procedures for the sealing of the records.

(d) Procedure. The following procedures apply to expungement under subsections (b), (e), and (e-6) and sealing under subsections (c) and (e-5):

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(1) Filing the petition. Upon becoming eligible to petition for the expungement or sealing of records under this Section, the petitioner shall file a petition requesting the expungement or sealing of records with the clerk of the court where the arrests occurred or the charges were brought, or both. If arrests occurred or charges were brought in multiple jurisdictions, a petition must be filed in each such jurisdiction. The petitioner shall pay the applicable fee, if not waived.

(2) Contents of petition. The petition shall be verified and shall contain the petitioner's name, date of birth, current address and, for each arrest or charge not initiated by arrest sought to be sealed or expunged, the case number, the date of arrest (if any), the identity of the arresting authority, and such other information as the court may require. During the pendency of the proceeding, the petitioner shall promptly notify the circuit court clerk of any change of his or her address. If the petitioner has received a certificate of eligibility for sealing from the Prisoner Review Board under paragraph (10) of subsection (a) of Section 3-3-2 of the Unified Code of Corrections, the certificate shall be attached to the petition.

(3) Drug test. The petitioner must attach to the petition proof that the petitioner has passed a test taken within 30 days before the filing of the petition showing the absence within his or her body of all illegal substances as defined by the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, and the Cannabis Control Act if he or she is petitioning to:

(A) seal felony records under clause (c)(2)(E);
(B) seal felony records for a violation of the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or the Cannabis Control Act under clause (c)(2)(F);
(C) seal felony records under subsection (e-5); or
(D) expunge felony records of a qualified probation under clause (b)(1)(B)(iv).

(4) Service of petition. The circuit court clerk shall promptly serve a copy of the petition and documentation to support the petition under subsection (e-5) or (e-6) on the State's Attorney or prosecutor charged with the duty of prosecuting the offense, the
Department of State Police, the arresting agency and the chief legal officer of the unit of local government effecting the arrest.

(5) Objections.

(A) Any party entitled to notice of the petition may file an objection to the petition. All objections shall be in writing, shall be filed with the circuit court clerk, and shall state with specificity the basis of the objection. Whenever a person who has been convicted of an offense is granted a pardon by the Governor which specifically authorizes expungement, an objection to the petition may not be filed.

(B) Objections to a petition to expunge or seal must be filed within 60 days of the date of service of the petition.

(6) Entry of order.

(A) The Chief Judge of the circuit wherein the charge was brought, any judge of that circuit designated by the Chief Judge, or in counties of less than 3,000,000 inhabitants, the presiding trial judge at the petitioner's trial, if any, shall rule on the petition to expunge or seal as set forth in this subsection (d)(6).

(B) Unless the State's Attorney or prosecutor, the Department of State Police, the arresting agency, or the chief legal officer files an objection to the petition to expunge or seal within 60 days from the date of service of the petition, the court shall enter an order granting or denying the petition.

(7) Hearings. If an objection is filed, the court shall set a date for a hearing and notify the petitioner and all parties entitled to notice of the petition of the hearing date at least 30 days prior to the hearing. Prior to the hearing, the State's Attorney shall consult with the Department as to the appropriateness of the relief sought in the petition to expunge or seal. At the hearing, the court shall hear evidence on whether the petition should or should not be granted, and shall grant or deny the petition to expunge or seal the records based on the evidence presented at the hearing. The court may consider the following:

(A) the strength of the evidence supporting the defendant's conviction;

(B) the reasons for retention of the conviction records by the State;

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(C) the petitioner's age, criminal record history, and employment history;
(D) the period of time between the petitioner's arrest on the charge resulting in the conviction and the filing of the petition under this Section; and
(E) the specific adverse consequences the petitioner may be subject to if the petition is denied.

(8) Service of order. After entering an order to expunge or seal records, the court must provide copies of the order to the Department, in a form and manner prescribed by the Department, to the petitioner, to the State's Attorney or prosecutor charged with the duty of prosecuting the offense, to the arresting agency, to the chief legal officer of the unit of local government effecting the arrest, and to such other criminal justice agencies as may be ordered by the court.

(9) Implementation of order.
(A) Upon entry of an order to expunge records pursuant to (b)(2)(A) or (b)(2)(B)(ii), or both:
   (i) the records shall be expunged (as defined in subsection (a)(1)(E)) by the arresting agency, the Department, and any other agency as ordered by the court, within 60 days of the date of service of the order, unless a motion to vacate, modify, or reconsider the order is filed pursuant to paragraph (12) of subsection (d) of this Section;
   (ii) the records of the circuit court clerk shall be impounded until further order of the court upon good cause shown and the name of the petitioner obliterated on the official index required to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act, but the order shall not affect any index issued by the circuit court clerk before the entry of the order; and
   (iii) in response to an inquiry for expunged records, the court, the Department, or the agency receiving such inquiry, shall reply as it does in response to inquiries when no records ever existed.
(B) Upon entry of an order to expunge records pursuant to (b)(2)(B)(i) or (b)(2)(C), or both:

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(i) the records shall be expunged (as defined in subsection (a)(1)(E)) by the arresting agency and any other agency as ordered by the court, within 60 days of the date of service of the order, unless a motion to vacate, modify, or reconsider the order is filed pursuant to paragraph (12) of subsection (d) of this Section;

(ii) the records of the circuit court clerk shall be impounded until further order of the court upon good cause shown and the name of the petitioner obliterated on the official index required to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act, but the order shall not affect any index issued by the circuit court clerk before the entry of the order;

(iii) the records shall be impounded by the Department within 60 days of the date of service of the order as ordered by the court, unless a motion to vacate, modify, or reconsider the order is filed pursuant to paragraph (12) of subsection (d) of this Section;

(iv) records impounded by the Department may be disseminated by the Department only as required by law or to the arresting authority, the State's Attorney, and the court upon a later arrest for the same or a similar offense or for the purpose of sentencing for any subsequent felony, and to the Department of Corrections upon conviction for any offense; and

(v) in response to an inquiry for such records from anyone not authorized by law to access such records, the court, the Department, or the agency receiving such inquiry shall reply as it does in response to inquiries when no records ever existed.

(B-5) Upon entry of an order to expunge records under subsection (e-6):

(i) the records shall be expunged (as defined in subsection (a)(1)(E)) by the arresting agency and any other agency as ordered by the court, within 60
days of the date of service of the order, unless a motion to vacate, modify, or reconsider the order is filed under paragraph (12) of subsection (d) of this Section;

(ii) the records of the circuit court clerk shall be impounded until further order of the court upon good cause shown and the name of the petitioner obliterated on the official index required to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act, but the order shall not affect any index issued by the circuit court clerk before the entry of the order;

(iii) the records shall be impounded by the Department within 60 days of the date of service of the order as ordered by the court, unless a motion to vacate, modify, or reconsider the order is filed under paragraph (12) of subsection (d) of this Section;

(iv) records impounded by the Department may be disseminated by the Department only as required by law or to the arresting authority, the State's Attorney, and the court upon a later arrest for the same or a similar offense or for the purpose of sentencing for any subsequent felony, and to the Department of Corrections upon conviction for any offense; and

(v) in response to an inquiry for these records from anyone not authorized by law to access the records, the court, the Department, or the agency receiving the inquiry shall reply as it does in response to inquiries when no records ever existed.

(C) Upon entry of an order to seal records under subsection (c), the arresting agency, any other agency as ordered by the court, the Department, and the court shall seal the records (as defined in subsection (a)(1)(K)). In response to an inquiry for such records, from anyone not authorized by law to access such records, the court, the Department, or the agency receiving such inquiry shall reply as it does in response to inquiries when no records ever existed.

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(D) The Department shall send written notice to the petitioner of its compliance with each order to expunge or seal records within 60 days of the date of service of that order or, if a motion to vacate, modify, or reconsider is filed, within 60 days of service of the order resolving the motion, if that order requires the Department to expunge or seal records. In the event of an appeal from the circuit court order, the Department shall send written notice to the petitioner of its compliance with an Appellate Court or Supreme Court judgment to expunge or seal records within 60 days of the issuance of the court's mandate. The notice is not required while any motion to vacate, modify, or reconsider, or any appeal or petition for discretionary appellate review, is pending.

(10) Fees. The Department may charge the petitioner a fee equivalent to the cost of processing any order to expunge or seal records. Notwithstanding any provision of the Clerks of Courts Act to the contrary, the circuit court clerk may charge a fee equivalent to the cost associated with the sealing or expungement of records by the circuit court clerk. From the total filing fee collected for the petition to seal or expunge, the circuit court clerk shall deposit $10 into the Circuit Court Clerk Operation and Administrative Fund, to be used to offset the costs incurred by the circuit court clerk in performing the additional duties required to serve the petition to seal or expunge on all parties. The circuit court clerk shall collect and forward the Department of State Police portion of the fee to the Department and it shall be deposited in the State Police Services Fund.

(11) Final Order. No court order issued under the expungement or sealing provisions of this Section shall become final for purposes of appeal until 30 days after service of the order on the petitioner and all parties entitled to notice of the petition.

(12) Motion to Vacate, Modify, or Reconsider. Under Section 2-1203 of the Code of Civil Procedure, the petitioner or any party entitled to notice may file a motion to vacate, modify, or reconsider the order granting or denying the petition to expunge or seal within 60 days of service of the order. If filed more than 60 days after service of the order, a petition to vacate, modify, or reconsider shall comply with subsection (c) of Section 2-1401 of

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the Code of Civil Procedure. Upon filing of a motion to vacate, modify, or reconsider, notice of the motion shall be served upon the petitioner and all parties entitled to notice of the petition.

(13) Effect of Order. An order granting a petition under the expungement or sealing provisions of this Section shall not be considered void because it fails to comply with the provisions of this Section or because of any error asserted in a motion to vacate, modify, or reconsider. The circuit court retains jurisdiction to determine whether the order is voidable and to vacate, modify, or reconsider its terms based on a motion filed under paragraph (12) of this subsection (d).

(14) Compliance with Order Granting Petition to Seal Records. Unless a court has entered a stay of an order granting a petition to seal, all parties entitled to notice of the petition must fully comply with the terms of the order within 60 days of service of the order even if a party is seeking relief from the order through a motion filed under paragraph (12) of this subsection (d) or is appealing the order.

(15) Compliance with Order Granting Petition to Expunge Records. While a party is seeking relief from the order granting the petition to expunge through a motion filed under paragraph (12) of this subsection (d) or is appealing the order, and unless a court has entered a stay of that order, the parties entitled to notice of the petition must seal, but need not expunge, the records until there is a final order on the motion for relief or, in the case of an appeal, the issuance of that court's mandate.

(16) The changes to this subsection (d) made by Public Act 98-163 apply to all petitions pending on August 5, 2013 (the effective date of Public Act 98-163) and to all orders ruling on a petition to expunge or seal on or after August 5, 2013 (the effective date of Public Act 98-163).

(e) Whenever a person who has been convicted of an offense is granted a pardon by the Governor which specifically authorizes expungement, he or she may, upon verified petition to the Chief Judge of the circuit where the person had been convicted, any judge of the circuit designated by the Chief Judge, or in counties of less than 3,000,000 inhabitants, the presiding trial judge at the defendant's trial, have a court order entered expunging the record of arrest from the official records of the arresting authority and order that the records of the circuit court clerk

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and the Department be sealed until further order of the court upon good cause shown or as otherwise provided herein, and the name of the defendant obliterated from the official index requested to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act in connection with the arrest and conviction for the offense for which he or she had been pardoned but the order shall not affect any index issued by the circuit court clerk before the entry of the order. All records sealed by the Department may be disseminated by the Department only to the arresting authority, the State's Attorney, and the court upon a later arrest for the same or similar offense or for the purpose of sentencing for any subsequent felony. Upon conviction for any subsequent offense, the Department of Corrections shall have access to all sealed records of the Department pertaining to that individual. Upon entry of the order of expungement, the circuit court clerk shall promptly mail a copy of the order to the person who was pardoned.

(e-5) Whenever a person who has been convicted of an offense is granted a certificate of eligibility for sealing by the Prisoner Review Board which specifically authorizes sealing, he or she may, upon verified petition to the Chief Judge of the circuit where the person had been convicted, any judge of the circuit designated by the Chief Judge, or in counties of less than 3,000,000 inhabitants, the presiding trial judge at the petitioner's trial, have a court order entered sealing the record of arrest from the official records of the arresting authority and order that the records of the circuit court clerk and the Department be sealed until further order of the court upon good cause shown or as otherwise provided herein, and the name of the petitioner obliterated from the official index requested to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act in connection with the arrest and conviction for the offense for which he or she had been granted the certificate but the order shall not affect any index issued by the circuit court clerk before the entry of the order. All records sealed by the Department may be disseminated by the Department only as required by this Act or to the arresting authority, a law enforcement agency, the State's Attorney, and the court upon a later arrest for the same or similar offense or for the purpose of sentencing for any subsequent felony. Upon conviction for any subsequent offense, the Department of Corrections shall have access to all sealed records of the Department pertaining to that individual. Upon entry of the order of sealing, the circuit court clerk shall promptly mail a copy of the order to the person who was granted the certificate of eligibility for sealing.

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(e-6) Whenever a person who has been convicted of an offense is granted a certificate of eligibility for expungement by the Prisoner Review Board which specifically authorizes expungement, he or she may, upon verified petition to the Chief Judge of the circuit where the person had been convicted, any judge of the circuit designated by the Chief Judge, or in counties of less than 3,000,000 inhabitants, the presiding trial judge at the petitioner's trial, have a court order entered expunging the record of arrest from the official records of the arresting authority and order that the records of the circuit court clerk and the Department be sealed until further order of the court upon good cause shown or as otherwise provided herein, and the name of the petitioner obliterated from the official index requested to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act in connection with the arrest and conviction for the offense for which he or she had been granted the certificate but the order shall not affect any index issued by the circuit court clerk before the entry of the order. All records sealed by the Department may be disseminated by the Department only as required by this Act or to the arresting authority, a law enforcement agency, the State's Attorney, and the court upon a later arrest for the same or similar offense or for the purpose of sentencing for any subsequent felony. Upon conviction for any subsequent offense, the Department of Corrections shall have access to all expunged records of the Department pertaining to that individual. Upon entry of the order of expungement, the circuit court clerk shall promptly mail a copy of the order to the person who was granted the certificate of eligibility for expungement.

(f) Subject to available funding, the Illinois Department of Corrections shall conduct a study of the impact of sealing, especially on employment and recidivism rates, utilizing a random sample of those who apply for the sealing of their criminal records under Public Act 93-211. At the request of the Illinois Department of Corrections, records of the Illinois Department of Employment Security shall be utilized as appropriate to assist in the study. The study shall not disclose any data in a manner that would allow the identification of any particular individual or employing unit. The study shall be made available to the General Assembly no later than September 1, 2010.

(Source: P.A. 98-133, eff. 1-1-14; 98-142, eff. 1-1-14; 98-163, eff. 8-5-13; 98-164, eff. 1-1-14; 98-399, eff. 8-16-13; 98-635, eff. 1-1-15; 98-637, eff. 1-1-15; 98-756, eff. 7-16-14; 98-1009, eff. 1-1-15; 99-78, eff. 7-20-15; 99-378, eff. 1-1-16; 99-385, eff. 1-1-16; revised 10-15-15.)

New matter indicated by italics - deletions by strikeout
Section 10. The Compassionate Use of Medical Cannabis Pilot Program Act is amended by changing Section 65 as follows:

(410 ILCS 130/65)
(Section scheduled to be repealed on January 1, 2018)

Sec. 65. Denial of registry identification cards.

(a) The Department of Public Health may deny an application or renewal of a qualifying patient's registry identification card only if the applicant:

   (1) did not provide the required information and materials;
   (2) previously had a registry identification card revoked;
   (3) did not meet the requirements of this Act; or
   (4) provided false or falsified information.

(b) Except as provided in subsection (b-5) of this Section, no person who has been convicted of a felony under the Illinois Controlled Substances Act, Cannabis Control Act, or Methamphetamine Control and Community Protection Act, or similar provision in a local ordinance or other jurisdiction is eligible to receive a registry identification card.

(b-5) If a person was convicted of a felony under the Cannabis Control Act or a similar provision of a local ordinance or of a law of another jurisdiction, and the action warranting that felony is no longer considered a felony after the effective date of this amendatory Act of the 99th General Assembly, that person shall be eligible to receive a registry identification card.

(c) The Department of Public Health may deny an application or renewal for a designated caregiver chosen by a qualifying patient whose registry identification card was granted only if:

   (1) the designated caregiver does not meet the requirements of subsection (i) of Section 10;
   (2) the applicant did not provide the information required;
   (3) the prospective patient's application was denied;
   (4) the designated caregiver previously had a registry identification card revoked; or
   (5) the applicant or the designated caregiver provided false or falsified information.

(d) The Department of Public Health through the Department of State Police shall conduct a background check of the prospective qualifying patient and designated caregiver in order to carry out this Section. The Department of State Police shall charge a fee for conducting the criminal history record check, which shall be deposited in the State
Police Services Fund and shall not exceed the actual cost of the record check. Each person applying as a qualifying patient or a designated caregiver shall submit a full set of fingerprints to the Department of State Police for the purpose of obtaining a State and federal criminal records check. These fingerprints shall be checked against the fingerprint records now and hereafter, to the extent allowed by law, filed in the Department of State Police and Federal Bureau of Investigation criminal history records databases. The Department of State Police shall furnish, following positive identification, all Illinois conviction information to the Department of Public Health. The Department of Public Health may waive the submission of a qualifying patient's complete fingerprints based on (1) the severity of the patient's illness and (2) the inability of the qualifying patient to supply those fingerprints, provided that a complete criminal background check is conducted by the Department of State Police prior to the issuance of a registry identification card.

(e) The Department of Public Health shall notify the qualifying patient who has designated someone to serve as his or her designated caregiver if a registry identification card will not be issued to the designated caregiver.

(f) Denial of an application or renewal is considered a final Department action, subject to judicial review. Jurisdiction and venue for judicial review are vested in the Circuit Court.

(Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15.)

Section 15. The Illinois Aeronautics Act is amended by changing Sections 43d and 43e as follows:

(620 ILCS 5/43d) (from Ch. 15 1/2, par. 22.43d)
Sec. 43d. Intoxicated persons in or about aircraft.
(a) No person shall:

(1) Operate or attempt to operate any aircraft in this State while under the influence of intoxicating liquor or any narcotic drug or other controlled substance.

(2) Knowingly permit any individual who is under the influence of intoxicating liquor or any narcotic drug or other controlled substance to operate any aircraft owned by the person or in his custody or control.

(3) Perform any act in connection with the maintenance or operation of any aircraft when under the influence of intoxicating liquor or any narcotic drug or other controlled substance, except

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medication prescribed by a physician which will not render the person incapable of performing his duties safely.

(4)(i) Consume alcoholic liquor within 8 hours prior to operating or acting as a crew member of any aircraft within this State.

(ii) Act as a crew member of any aircraft within this State while under the influence of alcohol or when the alcohol concentration in the person's blood, other bodily substance, or breath is 0.04 or more based on the definition of blood, other bodily substance, and breath units contained in Section 11-501.2 of the Illinois Vehicle Code.

(iii) Operate any aircraft within this State when the alcohol concentration in the person's blood, other bodily substance, or breath is 0.04 or more based on the definition of blood, other bodily substance, and breath units contained in Section 11-501.2 of the Illinois Vehicle Code.

(iv) Operate or act as a crew member of any aircraft within this State when there is any amount of a drug, substance, or compound in the person's blood, other bodily substance, or urine resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act or a controlled substance as listed in the Illinois Controlled Substances Act.

(5) Knowingly consume while a crew member of any aircraft any intoxicating liquor, narcotic drug, or other controlled substance while the aircraft is in operation.

(b) Any person who violates clause (4)(i) of subsection (a) of this Section is guilty of a Class A misdemeanor. A person who violates paragraph (2), (3), or (5) or clause (4)(ii) of subsection (a) of this Section is guilty of a Class 4 felony. A person who violates paragraph (1) or clause (4)(iii) or (4)(iv) of subsection (a) of this Section is guilty of a Class 3 felony.

(Source: P.A. 98-756, eff. 7-16-14.)

(620 ILCS 5/43e) (from Ch. 15 1/2, par. 22.43e)
Sec. 43e. (a) Any person who operates, is in actual physical control or who acts as a crew member of any aircraft in this State shall be deemed to have given consent, subject to the provisions of Section 11-501.2 of the Illinois Vehicle Code, to a chemical test or tests of blood, breath, other bodily substance, or urine for the purpose of determining the alcohol, other drug, or combination thereof content of the person's blood if arrested or

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upon request by any law enforcement officer where the officer has probable cause to believe the person is in violation of Section 43d of this Act. The test or tests shall be administered at the direction of the arresting law enforcement officer and the agency employing the officer shall designate which of the tests specified in this Section shall be administered.

(b) Any person who is dead, unconscious or who is otherwise in a condition rendering the person incapable of refusal, shall be deemed not to have withdrawn the consent provided by paragraph (a) of this Section, and the test or tests may be administered, subject to the provisions of Section 11-501.2 of the Illinois Vehicle Code.

(c) If the person refuses testing or submits to a test which discloses an alcohol concentration of 0.04 or more or discloses the presence of any illegal drug the law enforcement officer shall immediately submit a sworn report containing that information to the Federal Aviation Administration, Civil Aeronautics Board or any other federal agency responsible for the licensing of pilots and crew members. The test results shall, in addition, be made available to any agency responsible for relicensing or recertifying any pilot or crew member.

(Source: P.A. 87-458.)

Section 20. The Illinois Vehicle Code is amended by changing Sections 2-118, 2-118.1, 6-106.1a, 6-208.1, 6-514, 6-517, 11-401, 11-500, 11-500.1, 11-501, 11-501.1, 11-501.2, 11-501.4, 11-501.4-1, 11-501.6, 11-501.8, and 11-507 as follows:

(625 ILCS 5/2-118) (from Ch. 95 1/2, par. 2-118)
Sec. 2-118. Hearings.

(a) Upon the suspension, revocation or denial of the issuance of a license, permit, registration or certificate of title under this Code of any person the Secretary of State shall immediately notify such person in writing and upon his written request shall, within 20 days after receipt thereof, set a date for a hearing to commence within 90 calendar days from the date of the written request for all requests related to a suspension, revocation, or the denial of the issuance of a license, permit, registration, or certificate of title occurring after July 1, 2002, in the County of Sangamon, the County of Jefferson, or the County of Cook, as such person may specify, unless both parties agree that such hearing may be held in some other county. The Secretary may require the payment of a fee of not more than $50 for the filing of any petition, motion, or request for hearing conducted pursuant to this Section. These fees must be deposited into the Secretary of State DUI Administration Fund, a special fund created in the

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State treasury, and, subject to appropriation and as directed by the Secretary of State, shall be used for operation of the Department of Administrative Hearings of the Office of the Secretary of State and for no other purpose. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees.

(b) At any time after the suspension, revocation or denial of a license, permit, registration or certificate of title of any person as hereinbefore referred to, the Secretary of State, in his or her discretion and without the necessity of a request by such person, may hold such a hearing, upon not less than 10 days' notice in writing, in the Counties of Sangamon, Jefferson, or Cook or in any other county agreed to by the parties.

(c) Upon any such hearing, the Secretary of State, or his authorized agent may administer oaths and issue subpoenas for the attendance of witnesses and the production of relevant books and records and may require an examination of such person. Upon any such hearing, the Secretary of State shall either rescind or, good cause appearing therefor, continue, change or extend the Order of Revocation or Suspension, or upon petition therefore and subject to the provisions of this Code, issue a restricted driving permit or reinstate the license or permit of such person.

(d) All hearings and hearing procedures shall comply with requirements of the Constitution, so that no person is deprived of due process of law nor denied equal protection of the laws. All hearings shall be held before the Secretary of State or before such persons as may be designated by the Secretary of State and appropriate records of such hearings shall be kept. Where a transcript of the hearing is taken, the person requesting the hearing shall have the opportunity to order a copy thereof at his own expense. The Secretary of State shall enter an order upon any hearing conducted under this Section, related to a suspension, revocation, or the denial of the issuance of a license, permit, registration, or certificate of title occurring after July 1, 2002, within 90 days of its conclusion and shall immediately notify the person in writing of his or her action.

(d-5) Any hearing over which the Secretary of State has jurisdiction because of a person's implied consent to testing of the person's blood, breath, other bodily substance, or urine for the presence of alcohol, drugs, or intoxicating compounds may be conducted upon a review of the official police reports. Either party, however, may subpoena the arresting officer and any other law enforcement officer who was involved in the petitioners arrest or processing after arrest, as well as any other person

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whose testimony may be probative to the issues at the hearing. The failure of a law enforcement officer to answer the subpoena shall be considered grounds for a continuance if, in the hearing officer's discretion, the continuance is appropriate. The failure of the arresting officer to answer a subpoena shall not, in and of itself, be considered grounds for the rescission of an implied consent suspension. Rather, the hearing shall proceed on the basis of the other evidence available, and the hearing officer shall assign this evidence whatever probative value is deemed appropriate. The decision whether to rescind shall be based upon the totality of the evidence.

(e) The action of the Secretary of State in suspending, revoking or denying any license, permit, registration, or certificate of title shall be subject to judicial review in the Circuit Court of Sangamon County, in the Circuit Court of Jefferson County, or in the Circuit Court of Cook County, and the provisions of the Administrative Review Law, and all amendments and modifications thereto, and the rules adopted pursuant thereto, are hereby adopted and shall apply to and govern every action for the judicial review of final acts or decisions of the Secretary of State hereunder.

(Source: P.A. 95-627, eff. 6-1-08; 96-184, eff. 8-10-09.)

(625 ILCS 5/2-118.1) (from Ch. 95 1/2, par. 2-118.1)

Sec. 2-118.1. Opportunity for hearing; statutory summary alcohol or other drug related suspension or revocation pursuant to Section 11-501.1.

(a) A statutory summary suspension or revocation of driving privileges under Section 11-501.1 shall not become effective until the person is notified in writing of the impending suspension or revocation and informed that he may request a hearing in the circuit court of venue under paragraph (b) of this Section and the statutory summary suspension or revocation shall become effective as provided in Section 11-501.1.

(b) Within 90 days after the notice of statutory summary suspension or revocation served under Section 11-501.1, the person may make a written request for a judicial hearing in the circuit court of venue. The request to the circuit court shall state the grounds upon which the person seeks to have the statutory summary suspension or revocation rescinded. Within 30 days after receipt of the written request or the first appearance date on the Uniform Traffic Ticket issued pursuant to a violation of Section 11-501, or a similar provision of a local ordinance, the hearing shall be conducted by the circuit court having jurisdiction. This judicial hearing, request, or process shall not stay or delay the statutory
summary suspension or revocation. The hearings shall proceed in the court in the same manner as in other civil proceedings.

The hearing may be conducted upon a review of the law enforcement officer's own official reports; provided however, that the person may subpoena the officer. Failure of the officer to answer the subpoena shall be considered grounds for a continuance if in the court's discretion the continuance is appropriate.

The scope of the hearing shall be limited to the issues of:

1. Whether the person was placed under arrest for an offense as defined in Section 11-501, or a similar provision of a local ordinance, as evidenced by the issuance of a Uniform Traffic Ticket, or issued a Uniform Traffic Ticket out of state as provided in subsection (a) of Section 11-501.1; and

2. Whether the officer had reasonable grounds to believe that the person was driving or in actual physical control of a motor vehicle upon a highway while under the influence of alcohol, other drug, or combination of both; and

3. Whether the person, after being advised by the officer that the privilege to operate a motor vehicle would be suspended or revoked if the person refused to submit to and complete the test or tests, did refuse to submit to or complete the test or tests to determine the person's blood alcohol or drug concentration; or

4. Whether the person, after being advised by the officer that the privilege to operate a motor vehicle would be suspended if the person submits to a chemical test, or tests, and the test discloses an alcohol concentration of 0.08 or more, a tetrahydrocannabinol concentration as defined in paragraph 6 of subsection (a) of Section 11-501.2 of this Code, or any amount of a drug, substance, or compound in the person's blood, other bodily substance, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound as listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, and the person did submit to and complete the test or tests that determined an alcohol concentration of 0.08 or more.

4.2. (Blank).

4.5. (Blank).

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5. If the person's driving privileges were revoked, whether the person was involved in a motor vehicle accident that caused Type A injury or death to another.

Upon the conclusion of the judicial hearing, the circuit court shall sustain or rescind the statutory summary suspension or revocation and immediately notify the Secretary of State. Reports received by the Secretary of State under this Section shall be privileged information and for use only by the courts, police officers, and Secretary of State.

(Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15.)

(625 ILCS 5/6-106.1a)

Sec. 6-106.1a. Cancellation of school bus driver permit; trace of alcohol.

(a) A person who has been issued a school bus driver permit by the Secretary of State in accordance with Section 6-106.1 of this Code and who drives or is in actual physical control of a school bus or any other vehicle owned or operated by or for a public or private school, or a school operated by a religious institution, when the vehicle is being used over a regularly scheduled route for the transportation of persons enrolled as students in grade 12 or below, in connection with any activity of the entities listed, upon the public highways of this State shall be deemed to have given consent to a chemical test or tests of blood, breath, other bodily substance, or urine for the purpose of determining the alcohol content of the person's blood if arrested, as evidenced by the issuance of a Uniform Traffic Ticket for any violation of this Code or a similar provision of a local ordinance, if a police officer has probable cause to believe that the driver has consumed any amount of an alcoholic beverage based upon evidence of the driver's physical condition or other first hand knowledge of the police officer. The test or tests shall be administered at the direction of the arresting officer. The law enforcement agency employing the officer shall designate which of the aforesaid tests shall be administered. A urine or other bodily substance test may be administered even after a blood or breath test or both has been administered.

(b) A person who is dead, unconscious, or who is otherwise in a condition rendering that person incapable of refusal, shall be deemed not to have withdrawn the consent provided by paragraph (a) of this Section and the test or tests may be administered subject to the following provisions:

(1) Chemical analysis of the person's blood, urine, breath, or other bodily substance, to be considered valid under the
provisions of this Section, shall have been performed according to standards promulgated by the Department of State Police by an individual possessing a valid permit issued by the Department of State Police for this purpose. The Director of State Police is authorized to approve satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct analyses, to issue permits that shall be subject to termination or revocation at the direction of the Department of State Police, and to certify the accuracy of breath testing equipment. The Department of State Police shall prescribe rules as necessary.

(2) When a person submits to a blood test at the request of a law enforcement officer under the provisions of this Section, only a physician authorized to practice medicine, a licensed physician assistant, a licensed advanced practice nurse, a registered nurse, or other qualified person trained in venipuncture and acting under the direction of a licensed physician may withdraw blood for the purpose of determining the alcohol content. This limitation does not apply to the taking of breath, other bodily substance, or urine specimens.

(3) The person tested may have a physician, qualified technician, chemist, registered nurse, or other qualified person of his or her own choosing administer a chemical test or tests in addition to any test or tests administered at the direction of a law enforcement officer. The test administered at the request of the person may be admissible into evidence at a hearing conducted in accordance with Section 2-118 of this Code. The failure or inability to obtain an additional test by a person shall not preclude the consideration of the previously performed chemical test.

(4) Upon a request of the person who submits to a chemical test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to the person or that person's attorney by the requesting law enforcement agency within 72 hours of receipt of the test result.

(5) Alcohol concentration means either grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

(6) If a driver is receiving medical treatment as a result of a motor vehicle accident, a physician licensed to practice medicine,
licensed physician assistant, licensed advanced practice nurse, registered nurse, or other qualified person trained in venipuncture and acting under the direction of a licensed physician shall withdraw blood for testing purposes to ascertain the presence of alcohol upon the specific request of a law enforcement officer. However, that testing shall not be performed until, in the opinion of the medical personnel on scene, the withdrawal can be made without interfering with or endangering the well-being of the patient.

(c) A person requested to submit to a test as provided in this Section shall be warned by the law enforcement officer requesting the test that a refusal to submit to the test, or submission to the test resulting in an alcohol concentration of more than 0.00, may result in the loss of that person's privilege to possess a school bus driver permit. The loss of the individual's privilege to possess a school bus driver permit shall be imposed in accordance with Section 6-106.1b of this Code. A person requested to submit to a test under this Section shall also acknowledge, in writing, receipt of the warning required under this subsection (c). If the person refuses to acknowledge receipt of the warning, the law enforcement officer shall make a written notation on the warning that the person refused to sign the warning. A person's refusal to sign the warning shall not be evidence that the person was not read the warning.

(d) If the person refuses testing or submits to a test that discloses an alcohol concentration of more than 0.00, the law enforcement officer shall immediately submit a sworn report to the Secretary of State on a form prescribed by the Secretary of State certifying that the test or tests were requested under subsection (a) and the person refused to submit to a test or tests or submitted to testing which disclosed an alcohol concentration of more than 0.00. The law enforcement officer shall submit the same sworn report when a person who has been issued a school bus driver permit and who was operating a school bus or any other vehicle owned or operated by or for a public or private school, or a school operated by a religious institution, when the vehicle is being used over a regularly scheduled route for the transportation of persons enrolled as students in grade 12 or below, in connection with any activity of the entities listed, submits to testing under Section 11-501.1 of this Code and the testing discloses an alcohol concentration of more than 0.00 and less than the alcohol concentration at which driving or being in actual physical...
control of a motor vehicle is prohibited under paragraph (1) of subsection (a) of Section 11-501.

Upon receipt of the sworn report of a law enforcement officer, the Secretary of State shall enter the school bus driver permit sanction on the individual's driving record and the sanction shall be effective on the 46th day following the date notice of the sanction was given to the person.

The law enforcement officer submitting the sworn report shall serve immediate notice of this school bus driver permit sanction on the person and the sanction shall be effective on the 46th day following the date notice was given.

In cases where the blood alcohol concentration of more than 0.00 is established by a subsequent analysis of blood, other bodily substance, or urine, the police officer or arresting agency shall give notice as provided in this Section or by deposit in the United States mail of that notice in an envelope with postage prepaid and addressed to that person at his or her last known address and the loss of the school bus driver permit shall be effective on the 46th day following the date notice was given.

Upon receipt of the sworn report of a law enforcement officer, the Secretary of State shall also give notice of the school bus driver permit sanction to the driver and the driver's current employer by mailing a notice of the effective date of the sanction to the individual. However, shall the sworn report be defective by not containing sufficient information or be completed in error, the notice of the school bus driver permit sanction may not be mailed to the person or his current employer or entered to the driving record, but rather the sworn report shall be returned to the issuing law enforcement agency.

(e) A driver may contest this school bus driver permit sanction by requesting an administrative hearing with the Secretary of State in accordance with Section 2-118 of this Code. An individual whose blood alcohol concentration is shown to be more than 0.00 is not subject to this Section if he or she consumed alcohol in the performance of a religious service or ceremony. An individual whose blood alcohol concentration is shown to be more than 0.00 shall not be subject to this Section if the individual's blood alcohol concentration resulted only from ingestion of the prescribed or recommended dosage of medicine that contained alcohol. The petition for that hearing shall not stay or delay the effective date of the impending suspension. The scope of this hearing shall be limited to the issues of:

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(1) whether the police officer had probable cause to believe that the person was driving or in actual physical control of a school bus or any other vehicle owned or operated by or for a public or private school, or a school operated by a religious institution, when the vehicle is being used over a regularly scheduled route for the transportation of persons enrolled as students in grade 12 or below, in connection with any activity of the entities listed, upon the public highways of the State and the police officer had reason to believe that the person was in violation of any provision of this Code or a similar provision of a local ordinance; and

(2) whether the person was issued a Uniform Traffic Ticket for any violation of this Code or a similar provision of a local ordinance; and

(3) whether the police officer had probable cause to believe that the driver had consumed any amount of an alcoholic beverage based upon the driver's physical actions or other first-hand knowledge of the police officer; and

(4) whether the person, after being advised by the officer that the privilege to possess a school bus driver permit would be canceled if the person refused to submit to and complete the test or tests, did refuse to submit to or complete the test or tests to determine the person's alcohol concentration; and

(5) whether the person, after being advised by the officer that the privileges to possess a school bus driver permit would be canceled if the person submits to a chemical test or tests and the test or tests disclose an alcohol concentration of more than 0.00 and the person did submit to and complete the test or tests that determined an alcohol concentration of more than 0.00; and

(6) whether the test result of an alcohol concentration of more than 0.00 was based upon the person's consumption of alcohol in the performance of a religious service or ceremony; and

(7) whether the test result of an alcohol concentration of more than 0.00 was based upon the person's consumption of alcohol through ingestion of the prescribed or recommended dosage of medicine.

The Secretary of State may adopt administrative rules setting forth circumstances under which the holder of a school bus driver permit is not required to appear in person at the hearing.

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Provided that the petitioner may subpoena the officer, the hearing may be conducted upon a review of the law enforcement officer's own official reports. Failure of the officer to answer the subpoena shall be grounds for a continuance if, in the hearing officer's discretion, the continuance is appropriate. At the conclusion of the hearing held under Section 2-118 of this Code, the Secretary of State may rescind, continue, or modify the school bus driver permit sanction.

(f) The results of any chemical testing performed in accordance with subsection (a) of this Section are not admissible in any civil or criminal proceeding, except that the results of the testing may be considered at a hearing held under Section 2-118 of this Code. However, the results of the testing may not be used to impose driver's license sanctions under Section 11-501.1 of this Code. A law enforcement officer may, however, pursue a statutory summary suspension or revocation of driving privileges under Section 11-501.1 of this Code if other physical evidence or first hand knowledge forms the basis of that suspension or revocation.

(g) This Section applies only to drivers who have been issued a school bus driver permit in accordance with Section 6-106.1 of this Code at the time of the issuance of the Uniform Traffic Ticket for a violation of this Code or a similar provision of a local ordinance, and a chemical test request is made under this Section.

(h) The action of the Secretary of State in suspending, revoking, canceling, or denying any license, permit, registration, or certificate of title shall be subject to judicial review in the Circuit Court of Sangamon County or in the Circuit Court of Cook County, and the provisions of the Administrative Review Law and its rules are hereby adopted and shall apply to and govern every action for the judicial review of final acts or decisions of the Secretary of State under this Section.

(Source: P.A. 99-467, eff. 1-1-16.)

(625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)
Sec. 6-208.1. Period of statutory summary alcohol, other drug, or intoxicating compound related suspension or revocation.

(a) Unless the statutory summary suspension has been rescinded, any person whose privilege to drive a motor vehicle on the public highways has been summarily suspended, pursuant to Section 11-501.1, shall not be eligible for restoration of the privilege until the expiration of:

1. twelve months from the effective date of the statutory summary suspension for a refusal or failure to complete a test or

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tests to determine the alcohol, other drug, or intoxicating compound concentration under Section 11-501.1, if the person was not involved in a motor vehicle accident that caused personal injury or death to another; or

2. six months from the effective date of the statutory summary suspension imposed following the person's submission to a chemical test which disclosed an alcohol concentration of 0.08 or more, the presence of cannabis as listed in the Cannabis Control Act with a tetrahydrocannabinol concentration as defined in paragraph 6 of subsection (a) of Section 11-501.2 of this Code, or any amount of a drug, substance, or intoxicating compound in such person's breath, blood, other bodily substance, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, pursuant to Section 11-501.1; or

3. three years from the effective date of the statutory summary suspension for any person other than a first offender who refuses or fails to complete a test or tests to determine the alcohol, drug, or intoxicating compound concentration pursuant to Section 11-501.1; or

4. one year from the effective date of the summary suspension imposed for any person other than a first offender following submission to a chemical test which disclosed an alcohol concentration of 0.08 or more pursuant to Section 11-501.1, the presence of cannabis as listed in the Cannabis Control Act with a tetrahydrocannabinol concentration as defined in paragraph 6 of subsection (a) of Section 11-501.2 of this Code, or any amount of a drug, substance or compound in such person's blood, other bodily substance, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act; or

5. (Blank).
(b) Following a statutory summary suspension of the privilege to drive a motor vehicle under Section 11-501.1, driving privileges shall be restored unless the person is otherwise suspended, revoked, or cancelled by this Code. If the court has reason to believe that the person's driving privilege should not be restored, the court shall notify the Secretary of State prior to the expiration of the statutory summary suspension so appropriate action may be taken pursuant to this Code.

(c) Driving privileges may not be restored until all applicable reinstatement fees, as provided by this Code, have been paid to the Secretary of State and the appropriate entry made to the driver's record.

(d) Where a driving privilege has been summarily suspended or revoked under Section 11-501.1 and the person is subsequently convicted of violating Section 11-501, or a similar provision of a local ordinance, for the same incident, any period served on statutory summary suspension or revocation shall be credited toward the minimum period of revocation of driving privileges imposed pursuant to Section 6-205.

(e) A first offender who refused chemical testing and whose driving privileges were summarily revoked pursuant to Section 11-501.1 shall not be eligible for a monitoring device driving permit, but may make application for reinstatement or for a restricted driving permit after a period of one year has elapsed from the effective date of the revocation.

(f) (Blank).

(g) (Blank).

(h) (Blank).

(Source: P.A. 98-122, eff. 1-1-14; 98-1015, eff. 8-22-14; 98-1172, eff. 1-12-15; 99-467, eff. 1-1-16.)

Sec. 6-514. Commercial driver's license (CDL); commercial learner's permit (CLP); disqualifications.

(a) A person shall be disqualified from driving a commercial motor vehicle for a period of not less than 12 months for the first violation of:

1. Refusing to submit to or failure to complete a test or tests to determine the driver's blood concentration of alcohol, other drug, or both while driving a commercial motor vehicle or, if the driver is a CLP or CDL holder, while driving a non-CMV; or

2. Operating a commercial motor vehicle while the alcohol concentration of the person's blood, breath, other bodily substance, or urine is at least 0.04, or any amount of a drug, substance, or compound in the person's blood, other bodily substance, or urine

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resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act as indicated by a police officer's sworn report or other verified evidence; or operating a non-commercial motor vehicle while the alcohol concentration of the person's blood, breath, *other bodily substance*, or urine was above the legal limit defined in Section 11-501.1 or 11-501.8 or any amount of a drug, substance, or compound in the person's blood, *other bodily substance*, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act as indicated by a police officer's sworn report or other verified evidence while holding a CLP or CDL; or

(3) Conviction for a first violation of:

(i) Driving a commercial motor vehicle or, if the driver is a CLP or CDL holder, driving a non-CMV while under the influence of alcohol, or any other drug, or combination of drugs to a degree which renders such person incapable of safely driving; or

(ii) Knowingly leaving the scene of an accident while operating a commercial motor vehicle or, if the driver is a CLP or CDL holder, while driving a non-CMV; or

(iii) Driving a commercial motor vehicle or, if the driver is a CLP or CDL holder, driving a non-CMV while committing any felony; or

(iv) Driving a commercial motor vehicle while the person's driving privileges or driver's license or permit is revoked, suspended, or cancelled or the driver is disqualified from operating a commercial motor vehicle; or

(v) Causing a fatality through the negligent operation of a commercial motor vehicle, including but not limited to the crimes of motor vehicle manslaughter, homicide by a motor vehicle, and negligent homicide.

As used in this subdivision (a)(3)(v), "motor vehicle manslaughter" means the offense of involuntary manslaughter if committed by means of a vehicle;
"homicide by a motor vehicle" means the offense of first degree murder or second degree murder, if either offense is committed by means of a vehicle; and "negligent homicide" means reckless homicide under Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 and aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof under subdivision (d)(1)(F) of Section 11-501 of this Code.

If any of the above violations or refusals occurred while transporting hazardous material(s) required to be placarded, the person shall be disqualified for a period of not less than 3 years; or (4) (Blank).

(b) A person is disqualified for life for a second conviction of any of the offenses specified in paragraph (a), or any combination of those offenses, arising from 2 or more separate incidents.

(c) A person is disqualified from driving a commercial motor vehicle for life if the person either (i) uses a commercial motor vehicle in the commission of any felony involving the manufacture, distribution, or dispensing of a controlled substance, or possession with intent to manufacture, distribute or dispense a controlled substance or (ii) if the person is a CLP or CDL holder, uses a non-CMV in the commission of a felony involving any of those activities.

(d) The Secretary of State may, when the United States Secretary of Transportation so authorizes, issue regulations in which a disqualification for life under paragraph (b) may be reduced to a period of not less than 10 years. If a reinstated driver is subsequently convicted of another disqualifying offense, as specified in subsection (a) of this Section, he or she shall be permanently disqualified for life and shall be ineligible to again apply for a reduction of the lifetime disqualification.

(e) A person is disqualified from driving a commercial motor vehicle for a period of not less than 2 months if convicted of 2 serious traffic violations, committed in a commercial motor vehicle, non-CMV while holding a CLP or CDL, or any combination thereof, arising from separate incidents, occurring within a 3 year period, provided the serious traffic violation committed in a non-CMV would result in the suspension or revocation of the CLP or CDL holder's non-CMV privileges. However, a person will be disqualified from driving a commercial motor vehicle for a period of not less than 4 months if convicted of 3 serious traffic

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violations, committed in a commercial motor vehicle, non-CMV while holding a CLP or CDL, or any combination thereof, arising from separate incidents, occurring within a 3 year period, provided the serious traffic violation committed in a non-CMV would result in the suspension or revocation of the CLP or CDL holder's non-CMV privileges. If all the convictions occurred in a non-CMV, the disqualification shall be entered only if the convictions would result in the suspension or revocation of the CLP or CDL holder's non-CMV privileges.

(e-1) (Blank).

(f) Notwithstanding any other provision of this Code, any driver disqualified from operating a commercial motor vehicle, pursuant to this UCDLA, shall not be eligible for restoration of commercial driving privileges during any such period of disqualification.

(g) After suspending, revoking, or cancelling a CLP or CDL, the Secretary of State must update the driver's records to reflect such action within 10 days. After suspending or revoking the driving privilege of any person who has been issued a CLP or CDL from another jurisdiction, the Secretary shall originate notification to such issuing jurisdiction within 10 days.

(h) The "disqualifications" referred to in this Section shall not be imposed upon any commercial motor vehicle driver, by the Secretary of State, unless the prohibited action(s) occurred after March 31, 1992.

(i) A person is disqualified from driving a commercial motor vehicle in accordance with the following:

(1) For 6 months upon a first conviction of paragraph (2) of subsection (b) or subsection (b-3) of Section 6-507 of this Code.

(2) For 2 years upon a second conviction of paragraph (2) of subsection (b) or subsection (b-3) or any combination of paragraphs (2) or (3) of subsection (b) or subsections (b-3) or (b-5) of Section 6-507 of this Code within a 10-year period if the second conviction is a violation of paragraph (2) of subsection (b) or subsection (b-3).

(3) For 3 years upon a third or subsequent conviction of paragraph (2) of subsection (b) or subsection (b-3) or any combination of paragraphs (2) or (3) of subsection (b) or subsections (b-3) or (b-5) of Section 6-507 of this Code within a 10-year period if the third or subsequent conviction is a violation of paragraph (2) of subsection (b) or subsection (b-3).

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(4) For one year upon a first conviction of paragraph (3) of subsection (b) or subsection (b-5) of Section 6-507 of this Code.

(5) For 3 years upon a second conviction of paragraph (3) of subsection (b) or subsection (b-5) or any combination of paragraphs (2) or (3) of subsection (b) or subsections (b-3) or (b-5) of Section 6-507 of this Code within a 10-year period if the second conviction is a violation of paragraph (3) of subsection (b) or (b-5).

(6) For 5 years upon a third or subsequent conviction of paragraph (3) of subsection (b) or subsection (b-5) or any combination of paragraphs (2) or (3) of subsection (b) or subsections (b-3) or (b-5) of Section 6-507 of this Code within a 10-year period if the third or subsequent conviction is a violation of paragraph (3) of subsection (b) or (b-5).

(j) Disqualification for railroad-highway grade crossing violation.

(1) General rule. A driver who is convicted of a violation of a federal, State, or local law or regulation pertaining to one of the following 6 offenses at a railroad-highway grade crossing must be disqualified from operating a commercial motor vehicle for the period of time specified in paragraph (2) of this subsection (j) if the offense was committed while operating a commercial motor vehicle:

(i) For drivers who are not required to always stop, failing to slow down and check that the tracks are clear of an approaching train or railroad track equipment, as described in subsection (a-5) of Section 11-1201 of this Code;

(ii) For drivers who are not required to always stop, failing to stop before reaching the crossing, if the tracks are not clear, as described in subsection (a) of Section 11-1201 of this Code;

(iii) For drivers who are always required to stop, failing to stop before driving onto the crossing, as described in Section 11-1202 of this Code;

(iv) For all drivers, failing to have sufficient space to drive completely through the crossing without stopping, as described in subsection (b) of Section 11-1425 of this Code;

(v) For all drivers, failing to obey a traffic control device or the directions of an enforcement official at the railroad-highway grade crossing.

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crossing, as described in subdivision (a)(2) of Section 11-1201 of this Code;

(vi) For all drivers, failing to negotiate a crossing because of insufficient undercarriage clearance, as described in subsection (d-1) of Section 11-1201 of this Code.

(2) Duration of disqualification for railroad-highway grade crossing violation.

(i) First violation. A driver must be disqualified from operating a commercial motor vehicle for not less than 60 days if the driver is convicted of a violation described in paragraph (1) of this subsection (j) and, in the three-year period preceding the conviction, the driver had no convictions for a violation described in paragraph (1) of this subsection (j).

(ii) Second violation. A driver must be disqualified from operating a commercial motor vehicle for not less than 120 days if the driver is convicted of a violation described in paragraph (1) of this subsection (j) and, in the three-year period preceding the conviction, the driver had one other conviction for a violation described in paragraph (1) of this subsection (j) that was committed in a separate incident.

(iii) Third or subsequent violation. A driver must be disqualified from operating a commercial motor vehicle for not less than one year if the driver is convicted of a violation described in paragraph (1) of this subsection (j) and, in the three-year period preceding the conviction, the driver had 2 or more other convictions for violations described in paragraph (1) of this subsection (j) that were committed in separate incidents.

(k) Upon notification of a disqualification of a driver's commercial motor vehicle privileges imposed by the U.S. Department of Transportation, Federal Motor Carrier Safety Administration, in accordance with 49 C.F.R. 383.52, the Secretary of State shall immediately record to the driving record the notice of disqualification and confirm to the driver the action that has been taken.

(l) A foreign commercial driver is subject to disqualification under this Section.

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Sec. 6-517. Commercial driver; implied consent warnings.

(a) Any person driving a commercial motor vehicle who is requested by a police officer, pursuant to Section 6-516, to submit to a chemical test or tests to determine the alcohol concentration or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act in such person's system, must be warned by the police officer requesting the test or tests that a refusal to submit to the test or tests will result in that person being immediately placed out-of-service for a period of 24 hours and being disqualified from operating a commercial motor vehicle for a period of not less than 12 months; the person shall also be warned that if such person submits to testing which discloses an alcohol concentration of greater than 0.00 but less than 0.04 or any amount of a drug, substance, or compound in such person's blood, other bodily substance, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, such person shall be placed immediately out-of-service for a period of 24 hours; if the person submits to testing which discloses an alcohol concentration of 0.04 or more or any amount of a drug, substance, or compound in such person's blood, other bodily substance, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, such person shall be placed immediately out-of-service and disqualified from driving a commercial motor vehicle for a period of at least 12 months; also the person shall be warned that if such testing discloses an alcohol concentration of greater than 0.04 in such person's blood, other bodily substance, or urine, such person shall be placed immediately out-of-service and disqualified from driving a commercial motor vehicle for a period of at least 12 months.

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concentration of 0.08, or more or any amount of a drug, substance, or compound in such person's blood, *other bodily substance*, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, in addition to the person being immediately placed out-of-service and disqualified for 12 months as provided in this UCDLA, the results of such testing shall also be admissible in prosecutions for violations of Section 11-501 of this Code, or similar violations of local ordinances, however, such results shall not be used to impose any driving sanctions pursuant to Section 11-501.1 of this Code.

The person shall also be warned that any disqualification imposed pursuant to this Section, shall be for life for any such offense or refusal, or combination thereof; including a conviction for violating Section 11-501 while driving a commercial motor vehicle, or similar provisions of local ordinances, committed a second time involving separate incidents.

A person requested to submit to a test shall also acknowledge, in writing, receipt of the warning required under this Section. If the person refuses to acknowledge receipt of the warning, the police officer shall make a written notation on the warning that the person refused to sign the warning. A person's refusal to sign the warning shall not be evidence that the person was not read the warning.

(b) If the person refuses or fails to complete testing, or submits to a test which discloses an alcohol concentration of at least 0.04, or any amount of a drug, substance, or compound in such person's blood, *other bodily substance*, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, the law enforcement officer must submit a Sworn Report to the Secretary of State, in a form prescribed by the Secretary, certifying that the test or tests was requested pursuant to paragraph (a); that the person was warned, as provided in paragraph (a) and that such person refused to submit to or failed to complete testing, or submitted to a test which disclosed an alcohol concentration of 0.04 or more, or any amount of a drug, substance, or compound in such person's blood, *other bodily substance*, or urine

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resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act.

(c) The police officer submitting the Sworn Report under this Section shall serve notice of the CDL disqualification on the person and such CDL disqualification shall be effective as provided in paragraph (d). In cases where the blood alcohol concentration of 0.04 or more, or any amount of a drug, substance, or compound in such person's blood, other bodily substance, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, is established by subsequent analysis of blood, other bodily substance, or urine collected at the time of the request, the police officer shall give notice as provided in this Section or by deposit in the United States mail of such notice as provided in this Section or by deposit in the United States mail of such notice in an envelope with postage prepaid and addressed to such person's domiciliary address as shown on the Sworn Report and the CDL disqualification shall begin as provided in paragraph (d).

(d) The CDL disqualification referred to in this Section shall take effect on the 46th day following the date the Sworn Report was given to the affected person.

(e) Upon receipt of the Sworn Report from the police officer, the Secretary of State shall disqualify the person from driving any commercial motor vehicle and shall confirm the CDL disqualification by mailing the notice of the effective date to the person. However, should the Sworn Report be defective by not containing sufficient information or be completed in error, the confirmation of the CDL disqualification shall not be mailed to the affected person or entered into the record, instead the Sworn Report shall be forwarded to the issuing agency identifying any such defect.

(Source: P.A. 99-467, eff. 1-1-16.)

(625 ILCS 5/11-401) (from Ch. 95 1/2, par. 11-401)
Sec. 11-401. Motor vehicle accidents involving death or personal injuries.

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(a) The driver of any vehicle involved in a motor vehicle accident resulting in personal injury to or death of any person shall immediately stop such vehicle at the scene of such accident, or as close thereto as possible and shall then forthwith return to, and in every event shall remain at the scene of the accident until the requirements of Section 11-403 have been fulfilled. Every such stop shall be made without obstructing traffic more than is necessary.

(b) Any person who has failed to stop or to comply with the requirements of paragraph (a) shall, as soon as possible but in no case later than one-half hour after such motor vehicle accident, or, if hospitalized and incapacitated from reporting at any time during such period, as soon as possible but in no case later than one-half hour after being discharged from the hospital, report the place of the accident, the date, the approximate time, the driver's name and address, the registration number of the vehicle driven, and the names of all other occupants of such vehicle, at a police station or sheriff's office near the place where such accident occurred. No report made as required under this paragraph shall be used, directly or indirectly, as a basis for the prosecution of any violation of paragraph (a).

(b-1) Any person arrested for violating this Section is subject to chemical testing of his or her blood, breath, other bodily substance, or urine for the presence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof, as provided in Section 11-501.1, if the testing occurs within 12 hours of the time of the occurrence of the accident that led to his or her arrest. The person's driving privileges are subject to statutory summary suspension under Section 11-501.1 if he or she fails testing or statutory summary revocation under Section 11-501.1 if he or she refuses to undergo the testing.

For purposes of this Section, personal injury shall mean any injury requiring immediate professional treatment in a medical facility or doctor's office.

(c) Any person failing to comply with paragraph (a) shall be guilty of a Class 4 felony.

(d) Any person failing to comply with paragraph (b) is guilty of a Class 2 felony if the motor vehicle accident does not result in the death of any person. Any person failing to comply with paragraph (b) when the accident results in the death of any person is guilty of a Class 1 felony.

(e) The Secretary of State shall revoke the driving privilege of any person convicted of a violation of this Section.

(Source: P.A. 95-347, eff. 1-1-08; 96-1344, eff. 7-1-11.)

New matter indicated by italics - deletions by strikeout
Sec. 11-500. Definitions. For the purposes of interpreting Sections 6-206.1 and 6-208.1 of this Code, "first offender" shall mean any person who has not had a previous conviction or court assigned supervision for violating Section 11-501, or a similar provision of a local ordinance, or a conviction in any other state for a violation of driving while under the influence or a similar offense where the cause of action is the same or substantially similar to this Code or similar offenses committed on a military installation, or any person who has not had a driver's license suspension pursuant to paragraph 6 of subsection (a) of Section 6-206 as the result of refusal of chemical testing in another state, or any person who has not had a driver's license suspension or revocation for violating Section 11-501.1 within 5 years prior to the date of the current offense, except in cases where the driver submitted to chemical testing resulting in an alcohol concentration of 0.08 or more, or any amount of a drug, substance, or compound in such person's blood, other bodily substance, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act and was subsequently found not guilty of violating Section 11-501, or a similar provision of a local ordinance.

(Source: P.A. 95-355, eff. 1-1-08; 96-607, eff. 8-24-09; 96-1344, eff. 7-1-11.)

Sec. 11-500.1. Immunity.

(a) A person authorized under this Article to withdraw blood or collect urine or other bodily substance shall not be civilly liable for damages when the person, in good faith, withdraws blood or collects urine or other bodily substance for evidentiary purposes under this Code, upon the request of a law enforcement officer, unless the act is performed in a willful and wanton manner.

(b) As used in this Section, "willful and wanton manner" means a course of action that shows an actual or deliberate intention to cause harm or which, if not intentional, shows an utter indifference to or conscious disregard for the health or safety of another.

(Source: P.A. 89-689, eff. 12-31-96.)

New matter indicated by italics - deletions by strikeout
Sec. 11-501. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.

(a) A person shall not drive or be in actual physical control of any vehicle within this State while:

(1) the alcohol concentration in the person's blood, other bodily substance, or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;

(2) under the influence of alcohol;

(3) under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;

(4) under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;

(5) under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving; or

(6) there is any amount of a drug, substance, or compound in the person's breath, blood, other bodily substance, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act; or

(7) the person has, within 2 hours of driving or being in actual physical control of a vehicle, a tetrahydrocannabinol concentration in the person's whole blood or other bodily substance as defined in paragraph 6 of subsection (a) of Section 11-501.2 of this Code. Subject to all other requirements and provisions under this Section, this paragraph (7) (6) does not apply to the lawful consumption of cannabis by a qualifying patient licensed under the Compassionate Use of Medical Cannabis Pilot Program Act who is in possession of a valid registry card issued under that Act, unless that person is impaired by the use of cannabis.

(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, cannabis under the

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Compassionate Use of Medical Cannabis Pilot Program Act, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this Section.

(c) Penalties.

(1) Except as otherwise provided in this Section, any person convicted of violating subsection (a) of this Section is guilty of a Class A misdemeanor.

(2) A person who violates subsection (a) or a similar provision a second time shall be sentenced to a mandatory minimum term of either 5 days of imprisonment or 240 hours of community service in addition to any other criminal or administrative sanction.

(3) A person who violates subsection (a) is subject to 6 months of imprisonment, an additional mandatory minimum fine of $1,000, and 25 days of community service in a program benefitting children if the person was transporting a person under the age of 16 at the time of the violation.

(4) A person who violates subsection (a) a first time, if the alcohol concentration in his or her blood, breath, other bodily substance, or urine was 0.16 or more based on the definition of blood, breath, other bodily substance, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 100 hours of community service and a mandatory minimum fine of $500.

(5) A person who violates subsection (a) a second time, if at the time of the second violation the alcohol concentration in his or her blood, breath, other bodily substance, or urine was 0.16 or more based on the definition of blood, breath, other bodily substance, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 2 days of imprisonment and a mandatory minimum fine of $1,250.

(d) Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof.

(1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the
influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

(A) the person committed a violation of subsection (a) or a similar provision for the third or subsequent time;

(B) the person committed a violation of subsection (a) while driving a school bus with one or more passengers on board;

(C) the person in committing a violation of subsection (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries;

(D) the person committed a violation of subsection (a) and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 or a similar provision of a law of another state relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted under subparagraph (C) or subparagraph (F) of this paragraph (1);

(E) the person, in committing a violation of subsection (a) while driving at any speed in a school speed zone at a time when a speed limit of 20 miles per hour was in effect under subsection (a) of Section 11-605 of this Code, was involved in a motor vehicle accident that resulted in bodily harm, other than great bodily harm or permanent disability or disfigurement, to another person, when the violation of subsection (a) was a proximate cause of the bodily harm;

(F) the person, in committing a violation of subsection (a), was involved in a motor vehicle, snowmobile, all-terrain vehicle, or watercraft accident that resulted in the death of another person, when the violation of subsection (a) was a proximate cause of the death;

(G) the person committed a violation of subsection (a) during a period in which the defendant's driving privileges are revoked or suspended, where the revocation
or suspension was for a violation of subsection (a) or a similar provision, Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012;

(H) the person committed the violation while he or she did not possess a driver's license or permit or a restricted driving permit or a judicial driving permit or a monitoring device driving permit;

(I) the person committed the violation while he or she knew or should have known that the vehicle he or she was driving was not covered by a liability insurance policy;

(J) the person in committing a violation of subsection (a) was involved in a motor vehicle accident that resulted in bodily harm, but not great bodily harm, to the child under the age of 16 being transported by the person, if the violation was the proximate cause of the injury;

(K) the person in committing a second violation of subsection (a) or a similar provision was transporting a person under the age of 16; or

(L) the person committed a violation of subsection (a) of this Section while transporting one or more passengers in a vehicle for-hire.

2(A) Except as provided otherwise, a person convicted of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is guilty of a Class 4 felony.

(B) A third violation of this Section or a similar provision is a Class 2 felony. If at the time of the third violation the alcohol concentration in his or her blood, breath, other bodily substance, or urine was 0.16 or more based on the definition of blood, breath, other bodily substance, or urine units in Section 11-501.2, a mandatory minimum of 90 days of imprisonment and a mandatory minimum fine of $2,500 shall be imposed in addition to any other criminal or administrative sanction. If at the time of the third violation, the defendant was transporting a person under the age of 16, a mandatory fine of $25,000 and 25 days of community service in a program benefiting children shall be imposed in addition to any other criminal or administrative sanction.

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(C) A fourth violation of this Section or a similar provision is a Class 2 felony, for which a sentence of probation or conditional discharge may not be imposed. If at the time of the violation, the alcohol concentration in the defendant's blood, breath, other bodily substance, or urine was 0.16 or more based on the definition of blood, breath, other bodily substance, or urine units in Section 11-501.2, a mandatory minimum fine of $5,000 shall be imposed in addition to any other criminal or administrative sanction. If at the time of the fourth violation, the defendant was transporting a person under the age of 16 a mandatory fine of $25,000 and 25 days of community service in a program benefiting children shall be imposed in addition to any other criminal or administrative sanction.

(D) A fifth violation of this Section or a similar provision is a Class 1 felony, for which a sentence of probation or conditional discharge may not be imposed. If at the time of the violation, the alcohol concentration in the defendant's blood, breath, other bodily substance, or urine was 0.16 or more based on the definition of blood, breath, other bodily substance, or urine units in Section 11-501.2, a mandatory minimum fine of $5,000 shall be imposed in addition to any other criminal or administrative sanction. If at the time of the fifth violation, the defendant was transporting a person under the age of 16, a mandatory fine of $25,000, and 25 days of community service in a program benefiting children shall be imposed in addition to any other criminal or administrative sanction.

(E) A sixth or subsequent violation of this Section or similar provision is a Class X felony. If at the time of the violation, the alcohol concentration in the defendant's blood, breath, other bodily substance, or urine was 0.16 or more based on the definition of blood, breath, other bodily substance, or urine units in Section 11-501.2, a mandatory minimum fine of $5,000 shall be imposed in addition to any other criminal or administrative sanction. If at the time of the violation, the defendant was transporting a person under the age of 16, a mandatory fine of $25,000 and 25 days of community service in a program benefiting children shall be imposed in addition to any other criminal or administrative sanction.

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(F) For a violation of subparagraph (C) of paragraph (1) of this subsection (d), the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years.

(G) A violation of subparagraph (F) of paragraph (1) of this subsection (d) is a Class 2 felony, for which the defendant, unless the court determines that extraordinary circumstances exist and require probation, shall be sentenced to: (i) a term of imprisonment of not less than 3 years and not more than 14 years if the violation resulted in the death of one person; or (ii) a term of imprisonment of not less than 6 years and not more than 28 years if the violation resulted in the deaths of 2 or more persons.

(H) For a violation of subparagraph (J) of paragraph (1) of this subsection (d), a mandatory fine of $2,500, and 25 days of community service in a program benefiting children shall be imposed in addition to any other criminal or administrative sanction.

(I) A violation of subparagraph (K) of paragraph (1) of this subsection (d), is a Class 2 felony and a mandatory fine of $2,500, and 25 days of community service in a program benefiting children shall be imposed in addition to any other criminal or administrative sanction. If the child being transported suffered bodily harm, but not great bodily harm, in a motor vehicle accident, and the violation was the proximate cause of that injury, a mandatory fine of $5,000 and 25 days of community service in a program benefiting children shall be imposed in addition to any other criminal or administrative sanction.

(J) A violation of subparagraph (D) of paragraph (1) of this subsection (d) is a Class 3 felony, for which a sentence of probation or conditional discharge may not be imposed.

(3) Any person sentenced under this subsection (d) who receives a term of probation or conditional discharge must serve a minimum term of either 480 hours of community service or 10 days of imprisonment as a condition of the probation or conditional discharge in addition to any other criminal or administrative sanction.

(e) Any reference to a prior violation of subsection (a) or a similar provision includes any violation of a provision of a local ordinance or a
provision of a law of another state or an offense committed on a military installation that is similar to a violation of subsection (a) of this Section.

(f) The imposition of a mandatory term of imprisonment or assignment of community service for a violation of this Section shall not be suspended or reduced by the court.

(g) Any penalty imposed for driving with a license that has been revoked for a previous violation of subsection (a) of this Section shall be in addition to the penalty imposed for any subsequent violation of subsection (a).

(h) For any prosecution under this Section, a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction.

(Source: P.A. 97-1150, eff. 1-25-13; 98-122, eff. 1-1-14; 98-573, eff. 8-27-13; 98-756, eff. 7-16-14.)

(625 ILCS 5/11-501.1)

Sec. 11-501.1. Suspension of drivers license; statutory summary alcohol, other drug or drugs, or intoxicating compound or compounds related suspension or revocation; implied consent.

(a) Any person who drives or is in actual physical control of a motor vehicle upon the public highways of this State shall be deemed to have given consent, subject to the provisions of Section 11-501.2, to a chemical test or tests of blood, breath, other bodily substance, or urine for the purpose of determining the content of alcohol, other drug or drugs, or intoxicating compound or compounds or any combination thereof in the person's blood if arrested, as evidenced by the issuance of a Uniform Traffic Ticket, for any offense as defined in Section 11-501 or a similar provision of a local ordinance, or if arrested for violating Section 11-401. If a law enforcement officer has probable cause to believe the person was under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof, the law enforcement officer shall request a chemical test or tests which shall be administered at the direction of the arresting officer. The law enforcement agency employing the officer shall designate which of the aforesaid tests shall be administered. Up to 2 additional tests of a urine or other bodily substance test may be administered even after a blood or breath test or both has been administered. For purposes of this Section, an Illinois law enforcement officer of this State who is investigating the person for any offense defined in Section 11-501 may travel into an adjoining state, where the person has been transported for medical care, to complete an investigation and to

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request that the person submit to the test or tests set forth in this Section. The requirements of this Section that the person be arrested are
inapplicable, but the officer shall issue the person a Uniform Traffic Ticket
for an offense as defined in Section 11-501 or a similar provision of a local
ordinance prior to requesting that the person submit to the test or tests. The
issuance of the Uniform Traffic Ticket shall not constitute an arrest, but
shall be for the purpose of notifying the person that he or she is subject to
the provisions of this Section and of the officer's belief of the existence of
probable cause to arrest. Upon returning to this State, the officer shall file
the Uniform Traffic Ticket with the Circuit Clerk of the county where the
offense was committed, and shall seek the issuance of an arrest warrant or
a summons for the person.

(a-5) (Blank).

(b) Any person who is dead, unconscious, or who is otherwise in a
condition rendering the person incapable of refusal, shall be deemed not to
have withdrawn the consent provided by paragraph (a) of this Section and
the test or tests may be administered, subject to the provisions of Section
11-501.2.

(c) A person requested to submit to a test as provided above shall
be warned by the law enforcement officer requesting the test that a refusal
to submit to the test will result in the statutory summary suspension of the
person's privilege to operate a motor vehicle, as provided in Section 6-
208.1 of this Code, and will also result in the disqualification of the
person's privilege to operate a commercial motor vehicle, as provided in
Section 6-514 of this Code, if the person is a CDL holder. The person shall
also be warned that a refusal to submit to the test, when the person was
involved in a motor vehicle accident that caused personal injury or death
to another, will result in the statutory summary revocation of the person's
privilege to operate a motor vehicle, as provided in Section 6-208.1, and
will also result in the disqualification of the person's privilege to operate a
commercial motor vehicle, as provided in Section 6-514 of this Code, if
the person is a CDL holder. The person shall also be warned by the law
enforcement officer that if the person submits to the test or tests provided
in paragraph (a) of this Section and the alcohol concentration in the
person's blood, other bodily substance, or breath is 0.08 or greater, or
testing discloses the presence of cannabis as listed in the Cannabis
Control Act with a tetrahydrocannabinol concentration as defined in
paragraph 6 of subsection (a) of Section 11-501.2 of this Code, or any
amount of a drug, substance, or compound resulting from the unlawful use

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or consumption of cannabis as covered by the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act is detected in the person's blood, other bodily substance or urine, a statutory summary suspension of the person's privilege to operate a motor vehicle, as provided in Sections 6-208.1 and 11-501.1 of this Code, will be imposed. If the person is also a CDL holder, he or she shall be warned by the law enforcement officer that if the person submits to the test or tests provided in paragraph (a) of this Section and the alcohol concentration in the person's blood, other bodily substance, or breath is 0.08 or greater, or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as covered by the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act is detected in the person's blood, other bodily substance, or urine, and a disqualification of the person's privilege to operate a commercial motor vehicle, as provided in Section 6-514 of this Code, if the person is a CDL holder, will be imposed.

A person who is under the age of 21 at the time the person is requested to submit to a test as provided above shall, in addition to the warnings provided for in this Section, be further warned by the law enforcement officer requesting the test that if the person submits to the test or tests provided in paragraph (a) of this Section and the alcohol concentration in the person's blood, other bodily substance, or breath is greater than 0.00 and less than 0.08, a suspension of the person's privilege to operate a motor vehicle, as provided under Sections 6-208.2 and 11-501.8 of this Code, will be imposed. The results of this test shall be admissible in a civil or criminal action or proceeding arising from an arrest for an offense as defined in Section 11-501 of this Code or a similar provision of a local ordinance or pursuant to Section 11-501.4 in prosecutions for reckless homicide brought under the Criminal Code of 1961 or the Criminal Code of 2012. These test results, however, shall be admissible only in actions or proceedings directly related to the incident upon which the test request was made.

A person requested to submit to a test shall also acknowledge, in writing, receipt of the warning required under this Section. If the person

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refuses to acknowledge receipt of the warning, the law enforcement officer shall make a written notation on the warning that the person refused to sign the warning. A person's refusal to sign the warning shall not be evidence that the person was not read the warning.

(d) If the person refuses testing or submits to a test that discloses an alcohol concentration of 0.08 or more, or testing discloses the presence of cannabis as listed in the Cannabis Control Act with a tetrahydrocannabinol concentration as defined in paragraph 6 of subsection (a) of Section 11-501.2 of this Code, or any amount of a drug, substance, or intoxicating compound in the person's breath, blood, other bodily substance, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, the law enforcement officer shall immediately submit a sworn report to the circuit court of venue and the Secretary of State, certifying that the test or tests was or were requested under paragraph (a) and the person refused to submit to a test, or tests, or submitted to testing that disclosed an alcohol concentration of 0.08 or more, testing discloses the presence of cannabis as listed in the Cannabis Control Act with a tetrahydrocannabinol concentration as defined in paragraph 6 of subsection (a) of Section 11-501.2 of this Code, or any amount of a drug, substance, or intoxicating compound in the person's breath, blood, other bodily substance, or urine resulting from the unlawful use or consumption of a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act. If the person is also a CDL holder and refuses testing or submits to a test that discloses an alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound in the person's breath, blood, other bodily substance, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, the law enforcement officer shall also immediately submit a sworn report to the circuit court of venue and the Secretary of State, certifying that the test or tests was or were requested

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under paragraph (a) and the person refused to submit to a test, or tests, or submitted to testing that disclosed an alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound in the person's breath, blood, other bodily substance, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act.

(e) Upon receipt of the sworn report of a law enforcement officer submitted under paragraph (d), the Secretary of State shall enter the statutory summary suspension or revocation and disqualification for the periods specified in Sections 6-208.1 and 6-514, respectively, and effective as provided in paragraph (g).

If the person is a first offender as defined in Section 11-500 of this Code, and is not convicted of a violation of Section 11-501 of this Code or a similar provision of a local ordinance, then reports received by the Secretary of State under this Section shall, except during the actual time the Statutory Summary Suspension is in effect, be privileged information and for use only by the courts, police officers, prosecuting authorities or the Secretary of State, unless the person is a CDL holder, is operating a commercial motor vehicle or vehicle required to be placarded for hazardous materials, in which case the suspension shall not be privileged. Reports received by the Secretary of State under this Section shall also be made available to the parent or guardian of a person under the age of 18 years that holds an instruction permit or a graduated driver's license, regardless of whether the statutory summary suspension is in effect. A statutory summary revocation shall not be privileged information.

(f) The law enforcement officer submitting the sworn report under paragraph (d) shall serve immediate notice of the statutory summary suspension or revocation on the person and the suspension or revocation and disqualification shall be effective as provided in paragraph (g).

(1) In cases involving a person who is not a CDL holder where the blood alcohol concentration of 0.08 or greater or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as covered by the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed

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in the Methamphetamine Control and Community Protection Act is established by a subsequent analysis of blood, other bodily substance, or urine or analysis of whole blood or other bodily substance establishes a tetrahydrocannabinol concentration as defined in paragraph 6 of subsection (a) of Section 11-501.2 of this Code, collected at the time of arrest, the arresting officer or arresting agency shall give notice as provided in this Section or by deposit in the United States mail of the notice in an envelope with postage prepaid and addressed to the person at his or her address as shown on the Uniform Traffic Ticket and the statutory summary suspension and disqualification shall begin as provided in paragraph (g).

(1.3) In cases involving a person who is a CDL holder where the blood alcohol concentration of 0.08 or greater or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as covered by the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act is established by a subsequent analysis of blood, other bodily substance, or urine collected at the time of arrest, the arresting officer or arresting agency shall give notice as provided in this Section or by deposit in the United States mail of the notice in an envelope with postage prepaid and addressed to the person at his or her address as shown on the Uniform Traffic Ticket and the statutory summary suspension and disqualification shall begin as provided in paragraph (g).

(1.5) The officer shall confiscate any Illinois driver's license or permit on the person at the time of arrest. If the person has a valid driver's license or permit, the officer shall issue the person a receipt, in a form prescribed by the Secretary of State, that will allow that person to drive during the periods provided for in paragraph (g). The officer shall immediately forward the driver's license or permit to the circuit court of venue along with the sworn report provided for in paragraph (d).

(2) (Blank).

(g) The statutory summary suspension or revocation and disqualification referred to in this Section shall take effect on the 46th day

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following the date the notice of the statutory summary suspension or revocation was given to the person.

  (h) The following procedure shall apply whenever a person is arrested for any offense as defined in Section 11-501 or a similar provision of a local ordinance:

  Upon receipt of the sworn report from the law enforcement officer, the Secretary of State shall confirm the statutory summary suspension or revocation by mailing a notice of the effective date of the suspension or revocation to the person and the court of venue. The Secretary of State shall also mail notice of the effective date of the disqualification to the person. However, should the sworn report be defective by not containing sufficient information or be completed in error, the confirmation of the statutory summary suspension or revocation shall not be mailed to the person or entered to the record; instead, the sworn report shall be forwarded to the court of venue with a copy returned to the issuing agency identifying any defect.

  (i) As used in this Section, "personal injury" includes any Type A injury as indicated on the traffic accident report completed by a law enforcement officer that requires immediate professional attention in either a doctor's office or a medical facility. A Type A injury includes severely bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene.

(Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15; 99-467, eff. 1-1-16.)

(625 ILCS 5/11-501.2) (from Ch. 95 1/2, par. 11-501.2)
Sec. 11-501.2. Chemical and other tests.

(a) Upon the trial of any civil or criminal action or proceeding arising out of an arrest for an offense as defined in Section 11-501 or a similar local ordinance or proceedings pursuant to Section 2-118.1, evidence of the concentration of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof in a person's blood or breath at the time alleged, as determined by analysis of the person's blood, urine, breath, or other bodily substance, shall be admissible. Where such test is made the following provisions shall apply:

  1. Chemical analyses of the person's blood, urine, breath, or other bodily substance to be considered valid under the provisions of this Section shall have been performed according to standards promulgated by the Department of State Police by a licensed physician, registered nurse, trained phlebotomist, licensed
paramedic, or other individual possessing a valid permit issued by that Department for this purpose. The Director of State Police is authorized to approve satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct such analyses, to issue permits which shall be subject to termination or revocation at the discretion of that Department and to certify the accuracy of breath testing equipment. The Department of State Police shall prescribe regulations as necessary to implement this Section.

2. When a person in this State shall submit to a blood test at the request of a law enforcement officer under the provisions of Section 11-501.1, only a physician authorized to practice medicine, a licensed physician assistant, a licensed advanced practice nurse, a registered nurse, a trained phlebotomist, or licensed paramedic, or other qualified person approved by the Department of State Police may withdraw blood for the purpose of determining the alcohol, drug, or alcohol and drug content therein. This limitation shall not apply to the taking of breath, other bodily substance, or urine specimens.

When a blood test of a person who has been taken to an adjoining state for medical treatment is requested by an Illinois law enforcement officer, the blood may be withdrawn only by a physician authorized to practice medicine in the adjoining state, a licensed physician assistant, a licensed advanced practice nurse, a registered nurse, a trained phlebotomist acting under the direction of the physician, or licensed paramedic. The law enforcement officer requesting the test shall take custody of the blood sample, and the blood sample shall be analyzed by a laboratory certified by the Department of State Police for that purpose.

3. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of their own choosing administer a chemical test or tests in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

4. Upon the request of the person who shall submit to a chemical test or tests at the request of a law enforcement officer,
full information concerning the test or tests shall be made available to the person or such person's attorney.

5. Alcohol concentration shall mean either grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

6. Tetrahydrocannabinol concentration means either 5 nanograms or more of delta-9-tetrahydrocannabinol per milliliter of whole blood or 10 nanograms or more of delta-9-tetrahydrocannabinol per milliliter of other bodily substance.

(a-5) Law enforcement officials may use standardized field sobriety tests approved by the National Highway Traffic Safety Administration when conducting investigations of a violation of Section 11-501 or similar local ordinance by drivers suspected of driving under the influence of cannabis. The General Assembly finds that standardized field sobriety tests approved by the National Highway Traffic Safety Administration are divided attention tasks that are intended to determine if a person is under the influence of cannabis. The purpose of these tests is to determine the effect of the use of cannabis on a person's capacity to think and act with ordinary care and therefore operate a motor vehicle safely. Therefore, the results of these standardized field sobriety tests, appropriately administered, shall be admissible in the trial of any civil or criminal action or proceeding arising out of an arrest for a cannabis-related offense as defined in Section 11-501 or a similar local ordinance or proceedings under Section 2-118.1 or 2-118.2. Where a test is made the following provisions shall apply:

1. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of their own choosing administer a chemical test or tests in addition to the standardized field sobriety test or tests administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person does not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

2. Upon the request of the person who shall submit to a standardized field sobriety test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to the person or the person's attorney.

3. At the trial of any civil or criminal action or proceeding arising out of an arrest for an offense as defined in Section 11-501
or a similar local ordinance or proceedings under Section 2-118.1
or 2-118.2 in which the results of these standardized field sobriety
tests are admitted, the cardholder may present and the trier of fact
may consider evidence that the card holder lacked the physical
capacity to perform the standardized field sobriety tests.

(b) Upon the trial of any civil or criminal action or proceeding
arising out of acts alleged to have been committed by any person while
driving or in actual physical control of a vehicle while under the influence
of alcohol, the concentration of alcohol in the person's blood or breath at
the time alleged as shown by analysis of the person's blood, urine, breath,
or other bodily substance shall give rise to the following presumptions:

1. If there was at that time an alcohol concentration of 0.05
or less, it shall be presumed that the person was not under the
influence of alcohol.

2. If there was at that time an alcohol concentration in
excess of 0.05 but less than 0.08, such facts shall not give rise to
any presumption that the person was or was not under the influence
of alcohol, but such fact may be considered with other competent
evidence in determining whether the person was under the
influence of alcohol.

3. If there was at that time an alcohol concentration of 0.08
or more, it shall be presumed that the person was under the
influence of alcohol.

4. The foregoing provisions of this Section shall not be
construed as limiting the introduction of any other relevant
evidence bearing upon the question whether the person was under
the influence of alcohol.

(b-5) Upon the trial of any civil or criminal action or proceeding
arising out of acts alleged to have been committed by any person while
driving or in actual physical control of a vehicle while under the influence
of alcohol, other drug or drugs, intoxicating compound or compounds or
any combination thereof, the concentration of cannabis in the person's
whole blood or other bodily substance at the time alleged as shown by
analysis of the person's blood or other bodily substance shall give rise to
the following presumptions:

1. If there was a tetrahydrocannabinol concentration of 5
nanograms or more in whole blood or 10 nanograms or more in an
other bodily substance as defined in this Section, it shall be
presumed that the person was under the influence of cannabis.

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2. If there was at that time a tetrahydrocannabinol concentration of less than 5 nanograms in whole blood or less than 10 nanograms in an other bodily substance, such facts shall not give rise to any presumption that the person was or was not under the influence of cannabis, but such fact may be considered with other competent evidence in determining whether the person was under the influence of cannabis.

(c) 1. If a person under arrest refuses to submit to a chemical test under the provisions of Section 11-501.1, evidence of refusal shall be admissible in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the person under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof was driving or in actual physical control of a motor vehicle.

2. Notwithstanding any ability to refuse under this Code to submit to these tests or any ability to revoke the implied consent to these tests, if a law enforcement officer has probable cause to believe that a motor vehicle driven by or in actual physical control of a person under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof has caused the death or personal injury to another, the law enforcement officer shall request, and that person shall submit, upon the request of a law enforcement officer, to a chemical test or tests of his or her blood, breath, other bodily substance, or urine for the purpose of determining the alcohol content thereof or the presence of any other drug or combination of both.

This provision does not affect the applicability of or imposition of driver's license sanctions under Section 11-501.1 of this Code.

3. For purposes of this Section, a personal injury includes any Type A injury as indicated on the traffic accident report completed by a law enforcement officer that requires immediate professional attention in either a doctor's office or a medical facility. A Type A injury includes severe bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene.

(d) If a person refuses standardized field sobriety tests under Section 11-501.9 of this Code, evidence of refusal shall be admissible in any civil or criminal action or proceeding arising out of acts committed while the person was driving or in actual physical control of a vehicle and alleged to have been impaired by the use of cannabis.

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(e) Department of State Police compliance with the changes in this amendatory Act of the 99th General Assembly concerning testing of other bodily substances and tetrahydrocannabinol concentration by Department of State Police laboratories is subject to appropriation and until the Department of State Police adopt standards and completion validation. Any laboratories that test for the presence of cannabis or other drugs under this Article, the Snowmobile Registration and Safety Act, or the Boat Registration and Safety Act must comply with ISO/IEC 17025:2005.

(Source: P.A. 97-450, eff. 8-19-11; 97-471, eff. 8-22-11; 97-813, eff. 7-13-12; 98-122, eff. 1-1-14; 98-973, eff. 8-15-14; 98-1172, eff. 1-12-15.)

(625 ILCS 5/11-501.4) (from Ch. 95 1/2, par. 11-501.4)

Sec. 11-501.4. Admissibility of chemical tests of blood, other bodily substance, or urine conducted in the regular course of providing emergency medical treatment.

(a) Notwithstanding any other provision of law, the results of blood, other bodily substance, or urine tests performed for the purpose of determining the content of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, of an individual's blood, other bodily substance, or urine conducted upon persons receiving medical treatment in a hospital emergency room are admissible in evidence as a business record exception to the hearsay rule only in prosecutions for any violation of Section 11-501 of this Code or a similar provision of a local ordinance, or in prosecutions for reckless homicide brought under the Criminal Code of 1961 or the Criminal Code of 2012, when each of the following criteria are met:

(1) the chemical tests performed upon an individual's blood, other bodily substance, or urine were ordered in the regular course of providing emergency medical treatment and not at the request of law enforcement authorities;

(2) the chemical tests performed upon an individual's blood, other bodily substance, or urine were performed by the laboratory routinely used by the hospital; and

(3) results of chemical tests performed upon an individual's blood, other bodily substance, or urine are admissible into evidence regardless of the time that the records were prepared.

(b) The confidentiality provisions of law pertaining to medical records and medical treatment shall not be applicable with regard to chemical tests performed upon an individual's blood, other bodily substance, or urine under the provisions of this Section in prosecutions as

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specified in subsection (a) of this Section. No person shall be liable for civil damages as a result of the evidentiary use of chemical testing of an individual's blood, other bodily substance, or urine test results under this Section, or as a result of that person's testimony made available under this Section.

(Source: P.A. 96-289, eff. 8-11-09; 97-1150, eff. 1-25-13.)

(625 ILCS 5/11-501.4-1)

Sec. 11-501.4-1. Reporting of test results of blood, other bodily substance, or urine conducted in the regular course of providing emergency medical treatment.

(a) Notwithstanding any other provision of law, the results of blood, other bodily substance, or urine tests performed for the purpose of determining the content of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, in an individual's blood, other bodily substance, or urine conducted upon persons receiving medical treatment in a hospital emergency room for injuries resulting from a motor vehicle accident shall be disclosed to the Department of State Police or local law enforcement agencies of jurisdiction, upon request. Such blood, other bodily substance, or urine tests are admissible in evidence as a business record exception to the hearsay rule only in prosecutions for any violation of Section 11-501 of this Code or a similar provision of a local ordinance, or in prosecutions for reckless homicide brought under the Criminal Code of 1961 or the Criminal Code of 2012.

(b) The confidentiality provisions of law pertaining to medical records and medical treatment shall not be applicable with regard to tests performed upon an individual's blood, other bodily substance, or urine under the provisions of subsection (a) of this Section. No person shall be liable for civil damages or professional discipline as a result of the disclosure or reporting of the tests or the evidentiary use of an individual's blood, other bodily substance, or urine test results under this Section or Section 11-501.4 or as a result of that person's testimony made available under this Section or Section 11-501.4, except for willful or wanton misconduct.

(Source: P.A. 97-1150, eff. 1-25-13.)

(625 ILCS 5/11-501.6) (from Ch. 95 1/2, par. 11-501.6)

Sec. 11-501.6. Driver involvement in personal injury or fatal motor vehicle accident; chemical test.

(a) Any person who drives or is in actual control of a motor vehicle upon the public highways of this State and who has been involved in a

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personal injury or fatal motor vehicle accident, shall be deemed to have
given consent to a breath test using a portable device as approved by the
Department of State Police or to a chemical test or tests of blood, breath,
other bodily substance, or urine for the purpose of determining the content
of alcohol, other drug or drugs, or intoxicating compound or compounds
of such person's blood if arrested as evidenced by the issuance of a
Uniform Traffic Ticket for any violation of the Illinois Vehicle Code or a
similar provision of a local ordinance, with the exception of equipment
violations contained in Chapter 12 of this Code, or similar provisions of
local ordinances. The test or tests shall be administered at the direction of
the arresting officer. The law enforcement agency employing the officer
shall designate which of the aforesaid tests shall be administered. Up to 2
additional tests of a urine or other bodily substance test may be
administered even after a blood or breath test or both has been
administered. Compliance with this Section does not relieve such person
from the requirements of Section 11-501.1 of this Code.

(b) Any person who is dead, unconscious or who is otherwise in a
condition rendering such person incapable of refusal shall be deemed not
to have withdrawn the consent provided by subsection (a) of this Section.
In addition, if a driver of a vehicle is receiving medical treatment as a
result of a motor vehicle accident, any physician licensed to practice
medicine, licensed physician assistant, licensed advanced practice nurse,
registered nurse or a phlebotomist acting under the direction of a licensed
physician shall withdraw blood for testing purposes to ascertain the
presence of alcohol, other drug or drugs, or intoxicating compound or
compounds, upon the specific request of a law enforcement officer.
However, no such testing shall be performed until, in the opinion of the
medical personnel on scene, the withdrawal can be made without
interfering with or endangering the well-being of the patient.

(c) A person requested to submit to a test as provided above shall
be warned by the law enforcement officer requesting the test that a refusal
to submit to the test, or submission to the test resulting in an alcohol
centration of 0.08 or more, or testing discloses the presence of cannabis as listed in the Cannabis Control Act with a
tetrahydrocannabinol concentration as defined in paragraph 6 of
subsection (a) of Section 11-501.2 of this Code, or any amount of a drug,
substance, or intoxicating compound resulting from the unlawful use or
consumption of cannabis, as covered by the Cannabis Control Act, a
controlled substance listed in the Illinois Controlled Substances Act, an

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intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act as detected in such person's blood, other bodily substance, or urine, may result in the suspension of such person's privilege to operate a motor vehicle. If the person is also a CDL holder, he or she shall be warned by the law enforcement officer requesting the test that a refusal to submit to the test, or submission to the test resulting in an alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound resulting from the unlawful use or consumption of cannabis, as covered by the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act as detected in the person's blood, other bodily substance, or urine, and may result in the disqualification of the person's privilege to operate a commercial motor vehicle, as provided in Section 6-514 of this Code, if the person is a CDL holder. The length of the suspension shall be the same as outlined in Section 6-208.1 of this Code regarding statutory summary suspensions.

A person requested to submit to a test shall also acknowledge, in writing, receipt of the warning required under this Section. If the person refuses to acknowledge receipt of the warning, the law enforcement officer shall make a written notation on the warning that the person refused to sign the warning. A person's refusal to sign the warning shall not be evidence that the person was not read the warning.

(d) If the person refuses testing or submits to a test which discloses an alcohol concentration of 0.08 or more, the presence of cannabis as listed in the Cannabis Control Act with a tetrahydrocannabinol concentration as defined in paragraph 6 of subsection (a) of Section 11-501.2 of this Code, or any amount of a drug, substance, or intoxicating compound in such person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act; a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, the law enforcement officer shall immediately submit a sworn report to the Secretary of State on a form prescribed by the Secretary, certifying that the test or tests were requested pursuant to subsection (a) and the person refused to submit to a test or tests or

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submitted to testing which disclosed an alcohol concentration of 0.08 or more, the presence of cannabis as listed in the Cannabis Control Act with a tetrahydrocannabinol concentration as defined in paragraph 6 of subsection (a) of Section 11-501.2 of this Code, or any amount of a drug, substance, or intoxicating compound in such person's blood, other bodily substance, or urine, resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act. If the person is also a CDL holder and refuses testing or submits to a test which discloses an alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound in the person's blood, other bodily substance, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, the law enforcement officer shall immediately submit a sworn report to the Secretary of State on a form prescribed by the Secretary, certifying that the test or tests were requested under subsection (a) and the person refused to submit to a test or tests or submitted to testing which disclosed an alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound in such person's blood, other bodily substance, or urine, resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act.

Upon receipt of the sworn report of a law enforcement officer, the Secretary shall enter the suspension and disqualification to the individual's driving record and the suspension and disqualification shall be effective on the 46th day following the date notice of the suspension was given to the person.

The law enforcement officer submitting the sworn report shall serve immediate notice of this suspension on the person and such suspension and disqualification shall be effective on the 46th day following the date notice was given.

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In cases involving a person who is not a CDL holder where the blood alcohol concentration of 0.08 or more, or blood testing discloses the presence of cannabis as listed in the Cannabis Control Act with a tetrahydrocannabinol concentration as defined in paragraph 6 of subsection (a) of Section 11-501.2 of this Code, or any amount of a drug, substance, or intoxicating compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, is established by a subsequent analysis of blood, other bodily substance, or urine collected at the time of arrest, the arresting officer shall give notice as provided in this Section or by deposit in the United States mail of such notice in an envelope with postage prepaid and addressed to such person at his or her address as shown on the Uniform Traffic Ticket and the suspension and disqualification shall be effective on the 46th day following the date notice was given.

In cases involving a person who is a CDL holder where the blood alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, is established by a subsequent analysis of blood, other bodily substance, or urine collected at the time of arrest, the arresting officer shall give notice as provided in this Section or by deposit in the United States mail of such notice in an envelope with postage prepaid and addressed to the person at his or her address as shown on the Uniform Traffic Ticket and the suspension and disqualification shall be effective on the 46th day following the date notice was given.

Upon receipt of the sworn report of a law enforcement officer, the Secretary shall also give notice of the suspension and disqualification to the driver by mailing a notice of the effective date of the suspension and disqualification to the individual. However, should the sworn report be defective by not containing sufficient information or be completed in error, the notice of the suspension and disqualification shall not be mailed to the person or entered to the driving record, but rather the sworn report shall be returned to the issuing law enforcement agency.

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(e) A driver may contest this suspension of his or her driving privileges and disqualification of his or her CDL privileges by requesting an administrative hearing with the Secretary in accordance with Section 2-118 of this Code. At the conclusion of a hearing held under Section 2-118 of this Code, the Secretary may rescind, continue, or modify the orders of suspension and disqualification. If the Secretary does not rescind the orders of suspension and disqualification, a restricted driving permit may be granted by the Secretary upon application being made and good cause shown. A restricted driving permit may be granted to relieve undue hardship to allow driving for employment, educational, and medical purposes as outlined in Section 6-206 of this Code. The provisions of Section 6-206 of this Code shall apply. In accordance with 49 C.F.R. 384, the Secretary of State may not issue a restricted driving permit for the operation of a commercial motor vehicle to a person holding a CDL whose driving privileges have been suspended, revoked, cancelled, or disqualified.

(f) (Blank).

(g) For the purposes of this Section, a personal injury shall include any type A injury as indicated on the traffic accident report completed by a law enforcement officer that requires immediate professional attention in either a doctor's office or a medical facility. A type A injury shall include severely bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene.

(Source: P.A. 99-467, eff. 1-1-16.)

(625 ILCS 5/11-501.8)
Sec. 11-501.8. Suspension of driver's license; persons under age 21.

(a) A person who is less than 21 years of age and who drives or is in actual physical control of a motor vehicle upon the public highways of this State shall be deemed to have given consent to a chemical test or tests of blood, breath, other bodily substance, or urine for the purpose of determining the alcohol content of the person's blood if arrested, as evidenced by the issuance of a Uniform Traffic Ticket for any violation of the Illinois Vehicle Code or a similar provision of a local ordinance, if a police officer has probable cause to believe that the driver has consumed any amount of an alcoholic beverage based upon evidence of the driver's physical condition or other first hand knowledge of the police officer. The test or tests shall be administered at the direction of the arresting officer. The law enforcement agency employing the officer shall designate which

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of the aforesaid tests shall be administered. *Up to 2 additional tests of A urine or other bodily substance test* may be administered even after a blood or breath test or both has been administered.

(b) A person who is dead, unconscious, or who is otherwise in a condition rendering that person incapable of refusal, shall be deemed not to have withdrawn the consent provided by paragraph (a) of this Section and the test or tests may be administered subject to the following provisions:

(i) Chemical analysis of the person's blood, urine, breath, or other bodily substance, to be considered valid under the provisions of this Section, shall have been performed according to standards promulgated by the Department of State Police by an individual possessing a valid permit issued by that Department for this purpose. The Director of State Police is authorized to approve satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct analyses, to issue permits that shall be subject to termination or revocation at the direction of that Department, and to certify the accuracy of breath testing equipment. The Department of State Police shall prescribe regulations as necessary.

(ii) When a person submits to a blood test at the request of a law enforcement officer under the provisions of this Section, only a physician authorized to practice medicine, a licensed physician assistant, a licensed advanced practice nurse, a registered nurse, or other qualified person trained in venipuncture and acting under the direction of a licensed physician may withdraw blood for the purpose of determining the alcohol content therein. This limitation does not apply to the taking of breath, *other bodily substance*, or urine specimens.

(iii) The person tested may have a physician, qualified technician, chemist, registered nurse, or other qualified person of his or her own choosing administer a chemical test or tests in addition to any test or tests administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the consideration of the previously performed chemical test.

(iv) Upon a request of the person who submits to a chemical test or tests at the request of a law enforcement officer,
full information concerning the test or tests shall be made available to the person or that person's attorney.

(v) Alcohol concentration means either grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

(vi) If a driver is receiving medical treatment as a result of a motor vehicle accident, a physician licensed to practice medicine, licensed physician assistant, licensed advanced practice nurse, registered nurse, or other qualified person trained in venipuncture and acting under the direction of a licensed physician shall withdraw blood for testing purposes to ascertain the presence of alcohol upon the specific request of a law enforcement officer. However, that testing shall not be performed until, in the opinion of the medical personnel on scene, the withdrawal can be made without interfering with or endangering the well-being of the patient.

(c) A person requested to submit to a test as provided above shall be warned by the law enforcement officer requesting the test that a refusal to submit to the test, or submission to the test resulting in an alcohol concentration of more than 0.00, may result in the loss of that person's privilege to operate a motor vehicle and may result in the disqualification of the person's privilege to operate a commercial motor vehicle, as provided in Section 6-514 of this Code, if the person is a CDL holder. The loss of driving privileges shall be imposed in accordance with Section 6-208.2 of this Code.

A person requested to submit to a test shall also acknowledge, in writing, receipt of the warning required under this Section. If the person refuses to acknowledge receipt of the warning, the law enforcement officer shall make a written notation on the warning that the person refused to sign the warning. A person's refusal to sign the warning shall not be evidence that the person was not read the warning.

(d) If the person refuses testing or submits to a test that discloses an alcohol concentration of more than 0.00, the law enforcement officer shall immediately submit a sworn report to the Secretary of State on a form prescribed by the Secretary of State, certifying that the test or tests were requested under subsection (a) and the person refused to submit to a test or tests or submitted to testing which disclosed an alcohol concentration of more than 0.00. The law enforcement officer shall submit the same sworn report when a person under the age of 21 submits to
testing under Section 11-501.1 of this Code and the testing discloses an alcohol concentration of more than 0.00 and less than 0.08.

Upon receipt of the sworn report of a law enforcement officer, the Secretary of State shall enter the suspension and disqualification on the individual's driving record and the suspension and disqualification shall be effective on the 46th day following the date notice of the suspension was given to the person. If this suspension is the individual's first driver's license suspension under this Section, reports received by the Secretary of State under this Section shall, except during the time the suspension is in effect, be privileged information and for use only by the courts, police officers, prosecuting authorities, the Secretary of State, or the individual personally, unless the person is a CDL holder, is operating a commercial motor vehicle or vehicle required to be placarded for hazardous materials, in which case the suspension shall not be privileged. Reports received by the Secretary of State under this Section shall also be made available to the parent or guardian of a person under the age of 18 years that holds an instruction permit or a graduated driver's license, regardless of whether the suspension is in effect.

The law enforcement officer submitting the sworn report shall serve immediate notice of this suspension on the person and the suspension and disqualification shall be effective on the 46th day following the date notice was given.

In cases where the blood alcohol concentration of more than 0.00 is established by a subsequent analysis of blood, other bodily substance, or urine, the police officer or arresting agency shall give notice as provided in this Section or by deposit in the United States mail of that notice in an envelope with postage prepaid and addressed to that person at his last known address and the loss of driving privileges shall be effective on the 46th day following the date notice was given.

Upon receipt of the sworn report of a law enforcement officer, the Secretary of State shall also give notice of the suspension and disqualification to the driver by mailing a notice of the effective date of the suspension and disqualification to the individual. However, should the sworn report be defective by not containing sufficient information or be completed in error, the notice of the suspension and disqualification shall not be mailed to the person or entered to the driving record, but rather the sworn report shall be returned to the issuing law enforcement agency.

(e) A driver may contest this suspension and disqualification by requesting an administrative hearing with the Secretary of State in

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accordance with Section 2-118 of this Code. An individual whose blood alcohol concentration is shown to be more than 0.00 is not subject to this Section if he or she consumed alcohol in the performance of a religious service or ceremony. An individual whose blood alcohol concentration is shown to be more than 0.00 shall not be subject to this Section if the individual's blood alcohol concentration resulted only from ingestion of the prescribed or recommended dosage of medicine that contained alcohol. The petition for that hearing shall not stay or delay the effective date of the impending suspension. The scope of this hearing shall be limited to the issues of:

(1) whether the police officer had probable cause to believe that the person was driving or in actual physical control of a motor vehicle upon the public highways of the State and the police officer had reason to believe that the person was in violation of any provision of the Illinois Vehicle Code or a similar provision of a local ordinance; and

(2) whether the person was issued a Uniform Traffic Ticket for any violation of the Illinois Vehicle Code or a similar provision of a local ordinance; and

(3) whether the police officer had probable cause to believe that the driver had consumed any amount of an alcoholic beverage based upon the driver's physical actions or other first-hand knowledge of the police officer; and

(4) whether the person, after being advised by the officer that the privilege to operate a motor vehicle would be suspended if the person refused to submit to and complete the test or tests, did refuse to submit to or complete the test or tests to determine the person's alcohol concentration; and

(5) whether the person, after being advised by the officer that the privileges to operate a motor vehicle would be suspended if the person submits to a chemical test or tests and the test or tests disclose an alcohol concentration of more than 0.00, did submit to and complete the test or tests that determined an alcohol concentration of more than 0.00; and

(6) whether the test result of an alcohol concentration of more than 0.00 was based upon the person's consumption of alcohol in the performance of a religious service or ceremony; and

(7) whether the test result of an alcohol concentration of more than 0.00 was based upon the person's consumption of

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alcohol through ingestion of the prescribed or recommended dosage of medicine.

At the conclusion of the hearing held under Section 2-118 of this Code, the Secretary of State may rescind, continue, or modify the suspension and disqualification. If the Secretary of State does not rescind the suspension and disqualification, a restricted driving permit may be granted by the Secretary of State upon application being made and good cause shown. A restricted driving permit may be granted to relieve undue hardship by allowing driving for employment, educational, and medical purposes as outlined in item (3) of part (c) of Section 6-206 of this Code. The provisions of item (3) of part (c) of Section 6-206 of this Code and of subsection (f) of that Section shall apply. The Secretary of State shall promulgate rules providing for participation in an alcohol education and awareness program or activity, a drug education and awareness program or activity, or both as a condition to the issuance of a restricted driving permit for suspensions imposed under this Section.

(f) The results of any chemical testing performed in accordance with subsection (a) of this Section are not admissible in any civil or criminal proceeding, except that the results of the testing may be considered at a hearing held under Section 2-118 of this Code. However, the results of the testing may not be used to impose driver's license sanctions under Section 11-501.1 of this Code. A law enforcement officer may, however, pursue a statutory summary suspension or revocation of driving privileges under Section 11-501.1 of this Code if other physical evidence or first hand knowledge forms the basis of that suspension or revocation.

(g) This Section applies only to drivers who are under age 21 at the time of the issuance of a Uniform Traffic Ticket for a violation of the Illinois Vehicle Code or a similar provision of a local ordinance, and a chemical test request is made under this Section.

(h) The action of the Secretary of State in suspending, revoking, cancelling, or disqualifying any license or permit shall be subject to judicial review in the Circuit Court of Sangamon County or in the Circuit Court of Cook County, and the provisions of the Administrative Review Law and its rules are hereby adopted and shall apply to and govern every action for the judicial review of final acts or decisions of the Secretary of State under this Section.

(Source: P.A. 99-467, eff. 1-1-16.)

(625 ILCS 5/11-507)

New matter indicated by italics - deletions by strikeout
Sec. 11-507. Supervising a minor driver while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.

(a) A person shall not accompany or provide instruction, pursuant to subsection (a) of Section 6-107.1 of this Code, to a driver who is a minor and driving a motor vehicle pursuant to an instruction permit under Section 6-107.1 of this Code, while:

(1) the alcohol concentration in the person's blood, other bodily substance, or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2 of this Code;
(2) under the influence of alcohol;
(3) under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of properly supervising or providing instruction to the minor driver;
(4) under the influence of any other drug or combination of drugs to a degree that renders the person incapable of properly supervising or providing instruction to the minor driver;
(5) under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of properly supervising or providing instruction to the minor driver; or
(6) there is any amount of a drug, substance, or compound in the person's breath, blood, other bodily substance, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act.

(b) A person found guilty of violating this Section is guilty of an offense against the regulations governing the movement of vehicles.

(Source: P.A. 96-1237, eff. 1-1-11.)

Section 25. The Snowmobile Registration and Safety Act is amended by changing Sections 5-7, 5-7.1, 5-7.2, 5-7.4, and 5-7.6 as follows:

(625 ILCS 40/5-7)

Sec. 5-7. Operating a snowmobile while under the influence of alcohol or other drug or drugs, intoxicating compound or compounds, or a
combination of them; criminal penalties; suspension of operating privileges.

(a) A person may not operate or be in actual physical control of a snowmobile within this State while:

1. The alcohol concentration in that person's blood, other bodily substance, or breath is a concentration at which driving a motor vehicle is prohibited under subdivision (1) of subsection (a) of Section 11-501 of the Illinois Vehicle Code;

2. The person is under the influence of alcohol;

3. The person is under the influence of any other drug or combination of drugs to a degree that renders that person incapable of safely operating a snowmobile;

3.1. The person is under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of safely operating a snowmobile;

4. The person is under the combined influence of alcohol and any other drug or drugs or intoxicating compound or compounds to a degree that renders that person incapable of safely operating a snowmobile; or

4.3) The person who is not a CDL holder has a tetrahydrocannabinol concentration in the person's whole blood or other bodily substance at which driving a motor vehicle is prohibited under subdivision (7) of subsection (a) of Section 11-501 of the Illinois Vehicle Code;

4.5) The person who is a CDL holder has any amount of a drug, substance, or compound in the person's breath, blood, other bodily substance, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act; or

5. There is any amount of a drug, substance, or compound in that person's breath, blood, other bodily substance, or urine resulting from the unlawful use or consumption of a cannabis listed in the Cannabis Control Act, controlled substance listed in the Illinois Controlled Substances Act, methamphetamine as listed in the Methamphetamine Control and Community Protection Act, or intoxicating compound listed in the use of Intoxicating Compounds Act.

(b) The fact that a person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, any

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intoxicating compound or compounds, or any combination of them does not constitute a defense against a charge of violating this Section.

(c) Every person convicted of violating this Section or a similar provision of a local ordinance is guilty of a Class A misdemeanor, except as otherwise provided in this Section.

(c-1) As used in this Section, "first time offender" means any person who has not had a previous conviction or been assigned supervision for violating this Section or a similar provision of a local ordinance, or any person who has not had a suspension imposed under subsection (e) of Section 5-7.1.

(c-2) For purposes of this Section, the following are equivalent to a conviction:

(1) a forfeiture of bail or collateral deposited to secure a defendant's appearance in court when forfeiture has not been vacated; or
(2) the failure of a defendant to appear for trial.

(d) Every person convicted of violating this Section is guilty of a Class 4 felony if:

1. The person has a previous conviction under this Section;
2. The offense results in personal injury where a person other than the operator suffers great bodily harm or permanent disability or disfigurement, when the violation was a proximate cause of the injuries. A person guilty of a Class 4 felony under this paragraph 2, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years; or
3. The offense occurred during a period in which the person's privileges to operate a snowmobile are revoked or suspended, and the revocation or suspension was for a violation of this Section or was imposed under Section 5-7.1.

(e) Every person convicted of violating this Section is guilty of a Class 2 felony if the offense results in the death of a person. A person guilty of a Class 2 felony under this subsection (e), if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years.

(e-1) Every person convicted of violating this Section or a similar provision of a local ordinance who had a child under the age of 16 on board the snowmobile at the time of offense shall be subject to a mandatory minimum fine of $500 and shall be subject to a mandatory minimum of 5 days of community service in a program benefiting New matter indicated by italics - deletions by strikeout
children. The assignment under this subsection shall not be subject to suspension nor shall the person be eligible for probation in order to reduce the assignment.

(e-2) Every person found guilty of violating this Section, whose operation of a snowmobile while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided in subsection (i) of Section 11-501.01 of the Illinois Vehicle Code.

(e-3) In addition to any other penalties and liabilities, a person who is found guilty of violating this Section, including any person placed on court supervision, shall be fined $100, payable to the circuit clerk, who shall distribute the money to the law enforcement agency that made the arrest. In the event that more than one agency is responsible for the arrest, the $100 shall be shared equally. Any moneys received by a law enforcement agency under this subsection (e-3) shall be used to purchase law enforcement equipment or to provide law enforcement training that will assist in the prevention of alcohol related criminal violence throughout the State. Law enforcement equipment shall include, but is not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers.

(f) In addition to any criminal penalties imposed, the Department of Natural Resources shall suspend the snowmobile operation privileges of a person convicted or found guilty of a misdemeanor under this Section for a period of one year, except that first-time offenders are exempt from this mandatory one year suspension.

(g) In addition to any criminal penalties imposed, the Department of Natural Resources shall suspend for a period of 5 years the snowmobile operation privileges of any person convicted or found guilty of a felony under this Section.

(Source: P.A. 95-149, eff. 8-14-07; 96-1000, eff. 7-2-10.)

(625 ILCS 40/5-7.1)

Sec. 5-7.1. Implied consent.

(a) A person who operates or is in actual physical control of a snowmobile in this State is deemed to have given consent to a chemical test or tests of blood, breath, *other bodily substance*, or urine for the purpose of determining the content of alcohol, other drug or drugs, intoxicating compound or compounds, or a combination of them in that person's blood or *other bodily substance*, if arrested for a violation of Section 5-7. The chemical test or tests shall be administered at the...
direction of the arresting officer. The law enforcement agency employing
the officer shall designate which tests shall be administered. Up to 2
additional tests of urine or other bodily substance may be
administered even after a blood or breath test or both has been
administered.

(a-1) For the purposes of this Section, an Illinois law enforcement
officer of this State who is investigating the person for any offense defined
in Section 5-7 may travel into an adjoining state, where the person has
been transported for medical care to complete an investigation and to
request that the person submit to the test or tests set forth in this Section.
The requirements of this Section that the person be arrested are
inapplicable, but the officer shall issue the person a uniform citation for an
offense as defined in Section 5-7 or a similar provision of a local
ordinance prior to requesting that the person submit to the test or tests. The
issuance of the uniform citation shall not constitute an arrest, but shall be
for the purpose of notifying the person that he or she is subject to the
provisions of this Section and of the officer's belief of the existence of
probable cause to arrest. Upon returning to this State, the officer shall file
the uniform citation with the circuit clerk of the county where the offense
was committed and shall seek the issuance of an arrest warrant or a
summons for the person.

(a-2) Notwithstanding any ability to refuse under this Act to submit
to these tests or any ability to revoke the implied consent to these tests, if a
law enforcement officer has probable cause to believe that a snowmobile
operated by or under actual physical control of a person under the
influence of alcohol, other drug or drugs, intoxicating compound or
compounds, or any combination of them has caused the death or personal
injury to another, that person shall submit, upon the request of a law
enforcement officer, to a chemical test or tests of his or her blood, breath,
other bodily substance, or urine for the purpose of determining the alcohol
content or the presence of any other drug or combination of both. For the
purposes of this Section, a personal injury includes severe bleeding
wounds, distorted extremities, and injuries that require the injured party to
be carried from the scene for immediate professional attention in either a
doctor's office or a medical facility.

(b) A person who is dead, unconscious, or who is otherwise in a
condition rendering that person incapable of refusal, is deemed not to have
withdrawn the consent provided in subsection (a), and the test or tests may
be administered.

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(c) A person requested to submit to a test as provided in this Section shall be verbally advised by the law enforcement officer requesting the test that a refusal to submit to the test will result in suspension of that person's privilege to operate a snowmobile for a minimum of 2 years.

(d) Following this warning, if a person under arrest refuses upon the request of a law enforcement officer to submit to a test designated by the officer, no tests may be given, but the law enforcement officer shall file with the clerk of the circuit court for the county in which the arrest was made, and with the Department of Natural Resources, a sworn statement naming the person refusing to take and complete the chemical test or tests requested under the provisions of this Section. The sworn statement shall identify the arrested person, the person's current residence address and shall specify that a refusal by that person to take the chemical test or tests was made. The sworn statement shall include a statement that the officer had reasonable cause to believe the person was operating or was in actual physical control of the snowmobile within this State while under the influence of alcohol, other drug or drugs, an intoxicating compound or compound, or a combination of them and that a chemical test or tests were requested as an incident to and following the lawful arrest for an offense as defined in Section 5-7 or a similar provision of a local ordinance, and that the person, after being arrested for an offense arising out of acts alleged to have been committed while operating a snowmobile, refused to submit to and complete a chemical test or tests as requested by the law enforcement officer.

(e) The law enforcement officer submitting the sworn statement shall serve immediate written notice upon the person refusing the chemical test or tests that the person's privilege to operate a snowmobile within this State will be suspended for a period of 2 years unless, within 28 days from the date of the notice, the person requests in writing a hearing on the suspension.

If the person desires a hearing, the person shall file a complaint in the circuit court in the county where that person was arrested within 28 days from the date of the notice. The hearing shall proceed in the court in the same manner as other civil proceedings. The hearing shall cover only the following issues: (1) whether the person was placed under arrest for an offense as defined in Section 5-7 or a similar provision of a local ordinance as evidenced by the issuance of a uniform citation; (2) whether the arresting officer had reasonable grounds to believe that the person was

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operating a snowmobile while under the influence of alcohol, other drug or
drugs, an intoxicating compound or compounds, or a combination of them;
and (3) whether that person refused to submit to and complete the
chemical test or tests upon the request of the law enforcement officer.
Whether the person was informed that the person's privilege to operate a
snowmobile would be suspended if that person refused to submit to the
chemical test or tests may not be an issue in the hearing.

If the person fails to request a hearing in writing within 28 days of
the date of the notice, or if a hearing is held and the court finds against the
person on the issues before the court, the clerk shall immediately notify the
Department of Natural Resources, and the Department shall suspend the
snowmobile operation privileges of that person for at least 2 years.

(f) (Blank).

(f-1) If the person is a CDL holder and
submits to a test that
discloses an alcohol concentration of 0.08 or more, or any amount of a
drug, substance, or intoxicating compound in the person's breath, blood,
other bodily substance, or urine resulting from the unlawful use of
cannabis listed in the Cannabis Control Act, a controlled substance listed
in the Illinois Controlled Substances Act, methamphetamine as listed in
the Methamphetamine Control and Community Protection Act, or an
intoxicating compound listed in the Use of Intoxicating Compounds Act,
the law enforcement officer shall immediately submit a sworn report to the
circuit clerk of venue and the Department of Natural Resources, certifying
that the test or tests was or were requested under subsection (a-1) of this
Section and the person submitted to testing that disclosed an alcohol
concentration of 0.08 or more, or any amount of a drug, substance, or
intoxicating compound in the person's breath, blood, other bodily
substance, or urine resulting from the unlawful use or consumption of
cannabis listed in the Cannabis Control Act, a controlled substance listed
in the Illinois Controlled Substances Act, methamphetamine as listed in
the Methamphetamine Control and Community Protection Act, or an
intoxicating compound listed in the Use of Intoxicating Compounds Act. If
the person is not a CDL holder and submits to a test that discloses an
alcohol concentration of 0.08 or more, a tetrahydrocannabinol
concentration in the person's whole blood or other bodily substance as
defined in paragraph 6 of subsection (a) of Section 11-501.2 of the Illinois
Vehicle Code, or any amount of a drug, substance, or intoxicating
compound in the person's blood, other bodily substance, or urine resulting
from the unlawful use or consumption of a controlled substance listed in

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the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, the law enforcement officer shall immediately submit a sworn report to the circuit clerk of venue and the Department of Natural Resources, certifying that the test or tests was or were requested under subsection (a-1) and the person submitted to testing that disclosed an alcohol concentration of 0.08 or more, a tetrahydrocannabinol concentration in the person's whole blood or other bodily substance as defined in paragraph 6 of subsection (a) of Section 11-501.2 of the Illinois Vehicle Code, or any amount of a drug, substance, or intoxicating compound in such person's blood, other bodily substance, or urine, resulting from the unlawful use or consumption of a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act.

In cases involving a person who is a CDL holder where the blood alcohol concentration of 0.08 or greater or any amount of drug, substance, or compound resulting from the unlawful use of cannabis, a controlled substance, methamphetamine, or an intoxicating compound is established by a subsequent analysis of blood, other bodily substance, or urine collected at the time of arrest, the arresting officer or arresting agency shall immediately submit a sworn report to the circuit clerk of venue and the Department of Natural Resources upon receipt of the test results. In cases involving a person who is not a CDL holder where the blood alcohol concentration of 0.08 or greater, a tetrahydrocannabinol concentration in the person's whole blood or other bodily substance as defined in paragraph 6 of subsection (a) of Section 11-501.2 of the Illinois Vehicle Code, or any amount of drug, substance, or compound resulting from the unlawful use of a controlled substance, methamphetamine, or an intoxicating compound is established by a subsequent analysis of blood, other bodily substance, or urine collected at the time of arrest, the arresting officer or arresting agency shall immediately submit a sworn report to the circuit clerk of venue and the Department of Natural Resources upon receipt of the test results.

(g) A person must submit to each chemical test offered by the law enforcement officer in order to comply with implied consent provisions of this Section.

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(h) The provision of Section 11-501.2 of the Illinois Vehicle Code concerning the certification and use of chemical tests applies to the use of those tests under this Section.
(Source: P.A. 93-156, eff. 1-1-04.)

(625 ILCS 40/5-7.2)
Sec. 5-7.2. Chemical and other tests.

(a) Upon the trial of a civil or criminal action or proceeding arising out of acts alleged to have been committed while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or a combination of them, the concentration of alcohol, drug, or compound in the person's blood, other bodily substance, or breath at the time alleged as shown by analysis of the person's blood, urine, breath, or other bodily substance gives rise to the presumptions specified in subdivisions 1, 2, and 3 of subsection (b) and subsection (b-5) of Section 11-501.2 of the Illinois Vehicle Code.

(b) The provisions of subsection (a) shall not be construed as limiting the introduction of any other relevant evidence bearing upon the question whether the person was under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or a combination of them.

(c) If a person under arrest refuses to submit to a chemical test under the provisions of Section 5-7.1, evidence of refusal is admissible in a civil or criminal action or proceeding arising out of acts alleged to have been committed while the person under the influence of alcohol, other drug or drugs, an intoxicating compound or compounds, or a combination of them was operating a snowmobile.
(Source: P.A. 93-156, eff. 1-1-04.)

(625 ILCS 40/5-7.4)
Sec. 5-7.4. Admissibility of chemical tests of blood, other bodily substance, or urine conducted in the regular course of providing emergency medical treatment.

(a) Notwithstanding any other provision of law, the results of blood, other bodily substance, or urine tests performed for the purpose of determining the content of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination of them in an individual's blood, other bodily substance, or urine conducted upon persons receiving medical treatment in a hospital emergency room, are admissible in evidence as a business record exception to the hearsay rule only in prosecutions for a violation of Section 5-7 of this Act or a similar
provision of a local ordinance or in prosecutions for reckless homicide brought under the Criminal Code of 1961 or the Criminal Code of 2012.

The results of the tests are admissible only when each of the following criteria are met:

1. The chemical tests performed upon an individual's blood, other bodily substance, or urine were ordered in the regular course of providing emergency treatment and not at the request of law enforcement authorities; and

2. The chemical tests performed upon an individual's blood, other bodily substance, or urine were performed by the laboratory routinely used by the hospital.

3. (Blank).

Results of chemical tests performed upon an individual's blood, other bodily substance, or urine are admissible into evidence regardless of the time that the records were prepared.

(b) The confidentiality provisions of law pertaining to medical records and medical treatment are not applicable with regard to chemical tests performed upon a person's blood, other bodily substance, or urine under the provisions of this Section in prosecutions as specified in subsection (a) of this Section. No person shall be liable for civil damages as a result of the evidentiary use of the results of chemical testing of the individual's blood, other bodily substance, or urine under this Section or as a result of that person's testimony made available under this Section.

(Source: P.A. 96-289, eff. 8-11-09; 97-1150, eff. 1-25-13.)

(625 ILCS 40/5-7.6)

Sec. 5-7.6. Reporting of test results of blood, other bodily substance, or urine conducted in the regular course of providing emergency medical treatment.

(a) Notwithstanding any other provision of law, the results of blood, other bodily substance, or urine tests performed for the purpose of determining the content of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination of them in an individual's blood, other bodily substance, or urine, conducted upon persons receiving medical treatment in a hospital emergency room for injuries resulting from a snowmobile accident, shall be disclosed to the Department of Natural Resources, or local law enforcement agencies of jurisdiction, upon request. The blood, other bodily substance, or urine tests are admissible in evidence as a business record exception to the hearsay rule only in prosecutions for violations of Section 5-7 of this Code or a similar

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provision of a local ordinance, or in prosecutions for reckless homicide brought under the Criminal Code of 1961 or the Criminal Code of 2012.

(b) The confidentiality provisions of the law pertaining to medical records and medical treatment shall not be applicable with regard to tests performed upon an individual's blood, other bodily substance, or urine under the provisions of subsection (a) of this Section. No person shall be liable for civil damages or professional discipline as a result of disclosure or reporting of the tests or the evidentiary use of an individual's blood, other bodily substance, or urine test results under this Section or Section 5-7.4 or as a result of that person's testimony made available under this Section or Section 5-7.4, except for willful or wanton misconduct.

(Source: P.A. 97-1150, eff. 1-25-13.)

Section 30. The Boat Registration and Safety Act is amended by changing Sections 5-16, 5-16a, 5-16a.1, and 5-16c as follows:

(625 ILCS 45/5-16)

Sec. 5-16. Operating a watercraft under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof.

(A) 1. A person shall not operate or be in actual physical control of any watercraft within this State while:

(a) The alcohol concentration in such person's blood, other bodily substance, or breath is a concentration at which driving a motor vehicle is prohibited under subdivision (1) of subsection (a) of Section 11-501 of the Illinois Vehicle Code;

(b) Under the influence of alcohol;

(c) Under the influence of any other drug or combination of drugs to a degree which renders such person incapable of safely operating any watercraft;

(c-1) Under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of safely operating any watercraft;

(d) Under the combined influence of alcohol and any other drug or drugs to a degree which renders such person incapable of safely operating a watercraft; or

(d-3) The person who is not a CDL holder has a tetrahydrocannabinol concentration in the person's whole blood or other bodily substance at which driving a motor
vehicle is prohibited under subdivision (7) of subsection (a) of Section 11-501 of the Illinois Vehicle Code;

(d-5) The person who is a CDL holder has any amount of a drug, substance, or compound in the person's breath, blood, other bodily substance, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act; or

(e) There is any amount of a drug, substance, or compound in the person's blood, other bodily substance, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, methamphetamine as listed in the Methamphetamine Control and Community Protection Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act.

2. The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, any intoxicating compound or compounds, or any combination of them, shall not constitute a defense against any charge of violating this Section.

3. Every person convicted of violating this Section shall be guilty of a Class A misdemeanor, except as otherwise provided in this Section.

4. Every person convicted of violating this Section shall be guilty of a Class 4 felony if:

   (a) He or she has a previous conviction under this Section;

   (b) The offense results in personal injury where a person other than the operator suffers great bodily harm or permanent disability or disfigurement, when the violation was a proximate cause of the injuries. A person guilty of a Class 4 felony under this subparagraph (b), if sentenced to a term of imprisonment, shall be sentenced to a term of not less than one year nor more than 12 years; or

   (c) The offense occurred during a period in which his or her privileges to operate a watercraft are revoked or suspended, and the revocation or suspension was for a
violation of this Section or was imposed under subsection (B).

5. Every person convicted of violating this Section shall be guilty of a Class 2 felony if the offense results in the death of a person. A person guilty of a Class 2 felony under this paragraph 5, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years.

5.1. A person convicted of violating this Section or a similar provision of a local ordinance who had a child under the age of 16 aboard the watercraft at the time of offense is subject to a mandatory minimum fine of $500 and to a mandatory minimum of 5 days of community service in a program benefiting children. The assignment under this paragraph 5.1 is not subject to suspension and the person is not eligible for probation in order to reduce the assignment.

5.2. A person found guilty of violating this Section, if his or her operation of a watercraft while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, is liable for the expense of an emergency response as provided in subsection (m) of Section 11-501 of the Illinois Vehicle Code.

5.3. In addition to any other penalties and liabilities, a person who is found guilty of violating this Section, including any person placed on court supervision, shall be fined $100, payable to the circuit clerk, who shall distribute the money to the law enforcement agency that made the arrest. In the event that more than one agency is responsible for the arrest, the $100 shall be shared equally. Any moneys received by a law enforcement agency under this paragraph 5.3 shall be used to purchase law enforcement equipment or to provide law enforcement training that will assist in the prevention of alcohol related criminal violence throughout the State. Law enforcement equipment shall include, but is not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers.

6. (a) In addition to any criminal penalties imposed, the Department of Natural Resources shall suspend the watercraft operation privileges of any person convicted or found guilty of a misdemeanor under this Section, a similar provision of a local ordinance, or Title 46 of the U.S. Code

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of Federal Regulations for a period of one year, except that a first time offender is exempt from this mandatory one year suspension.

As used in this subdivision (A)(6(a), "first time offender" means any person who has not had a previous conviction or been assigned supervision for violating this Section, a similar provision of a local ordinance or, Title 46 of the U.S. Code of Federal Regulations, or any person who has not had a suspension imposed under subdivision (B)(3.1) of Section 5-16.

(b) In addition to any criminal penalties imposed, the Department of Natural Resources shall suspend the watercraft operation privileges of any person convicted of a felony under this Section, a similar provision of a local ordinance, or Title 46 of the U.S. Code of Federal Regulations for a period of 3 years.

(B) 1. Any person who operates or is in actual physical control of any watercraft upon the waters of this State shall be deemed to have given consent to a chemical test or tests of blood, breath, other bodily substance, or urine for the purpose of determining the content of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof in the person's blood or other bodily substance if arrested for any offense of subsection (A) above. The chemical test or tests shall be administered at the direction of the arresting officer. The law enforcement agency employing the officer shall designate which of the tests shall be administered. Up to 2 additional tests of urine or other bodily substance test may be administered even after a blood or breath test or both has been administered.

1.1. For the purposes of this Section, an Illinois Law Enforcement officer of this State who is investigating the person for any offense defined in Section 5-16 may travel into an adjoining state, where the person has been transported for medical care to complete an investigation, and may request that the person submit to the test or tests set forth in this Section. The requirements of this Section that the person be arrested are inapplicable, but the officer shall issue the person a uniform citation for an offense as defined in Section 5-16 or a similar provision of a local ordinance prior to requesting that the person submit to the test or tests set forth in this Section.

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submit to the test or tests. The issuance of the uniform citation shall not constitute an arrest, but shall be for the purpose of notifying the person that he or she is subject to the provisions of this Section and of the officer's belief in the existence of probable cause to arrest. Upon returning to this State, the officer shall file the uniform citation with the circuit clerk of the county where the offense was committed and shall seek the issuance of an arrest warrant or a summons for the person.

1.2. Notwithstanding any ability to refuse under this Act to submit to these tests or any ability to revoke the implied consent to these tests, if a law enforcement officer has probable cause to believe that a watercraft operated by or under actual physical control of a person under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination of them has caused the death of or personal injury to another, that person shall submit, upon the request of a law enforcement officer, to a chemical test or tests of his or her blood, breath, other bodily substance, or urine for the purpose of determining the alcohol content or the presence of any other drug, intoxicating compound, or combination of them. For the purposes of this Section, a personal injury includes severe bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene for immediate professional attention in either a doctor's office or a medical facility.

2. Any person who is dead, unconscious or who is otherwise in a condition rendering such person incapable of refusal, shall be deemed not to have withdrawn the consent provided above, and the test may be administered.

3. A person requested to submit to a chemical test as provided above shall be verbally advised by the law enforcement officer requesting the test that a refusal to submit to the test will result in suspension of such person's privilege to operate a watercraft for a minimum of 2 years. Following this warning, if a person under arrest refuses upon the request of a law enforcement officer to submit to a test designated by the officer, no test shall be given, but the law enforcement officer shall file with the clerk of the circuit court for the county in which the arrest was made, and with the Department of Natural Resources, a sworn statement naming the person refusing to take and complete the chemical test.

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or tests requested under the provisions of this Section. Such sworn statement shall identify the arrested person, such person's current residence address and shall specify that a refusal by such person to take the chemical test or tests was made. Such sworn statement shall include a statement that the arresting officer had reasonable cause to believe the person was operating or was in actual physical control of the watercraft within this State while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof and that such chemical test or tests were made as an incident to and following the lawful arrest for an offense as defined in this Section or a similar provision of a local ordinance, and that the person after being arrested for an offense arising out of acts alleged to have been committed while so operating a watercraft refused to submit to and complete a chemical test or tests as requested by the law enforcement officer.

3.1. The law enforcement officer submitting the sworn statement as provided in paragraph 3 of this subsection (B) shall serve immediate written notice upon the person refusing the chemical test or tests that the person's privilege to operate a watercraft within this State will be suspended for a period of 2 years unless, within 28 days from the date of the notice, the person requests in writing a hearing on the suspension.

If the person desires a hearing, such person shall file a complaint in the circuit court for and in the county in which such person was arrested for such hearing. Such hearing shall proceed in the court in the same manner as other civil proceedings, shall cover only the issues of whether the person was placed under arrest for an offense as defined in this Section or a similar provision of a local ordinance as evidenced by the issuance of a uniform citation; whether the arresting officer had reasonable grounds to believe that such person was operating a watercraft while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof; and whether such person refused to submit and complete the chemical test or tests upon the request of the law enforcement officer. Whether the person was informed that such person's privilege to operate a watercraft would be suspended if such person refused to submit to the chemical test or tests shall not be an issue.

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If the person fails to request in writing a hearing within 28 days from the date of notice, or if a hearing is held and the court finds against the person on the issues before the court, the clerk shall immediately notify the Department of Natural Resources, and the Department shall suspend the watercraft operation privileges of the person for at least 2 years.

3.2. If the person is a CDL holder and submits to a test that discloses an alcohol concentration of 0.08 or more, or any amount of a drug, substance or intoxicating compound in the person's breath, blood, other bodily substance, or urine resulting from the unlawful use of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, methamphetamine as listed in the Methamphetamine Control and Community Protection Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act, the law enforcement officer shall immediately submit a sworn report to the circuit clerk of venue and the Department of Natural Resources, certifying that the test or tests were requested under paragraph 1 of this subsection (B) and the person submitted to testing that disclosed an alcohol concentration of 0.08 or more or any amount of a drug, substance or intoxicating compound in the person's breath, blood, other bodily substance, or urine resulting from the unlawful use of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, methamphetamine as listed in the Methamphetamine Control and Community Protection Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act. If the person is not a CDL holder and submits to a test that discloses an alcohol concentration of 0.08 or more, a tetrahydrocannabinol concentration in the person's whole blood or other bodily substance as defined in paragraph 6 of subsection (a) of Section 11-501.2 of the Illinois Vehicle Code, or any amount of a drug, substance or intoxicating compound in the person's breath, blood, other bodily substance, or urine resulting from the unlawful use of a controlled substance listed in the Illinois Controlled Substances Act, methamphetamine as listed in the Methamphetamine Control and Community Protection Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act, the law enforcement officer shall immediately submit a sworn report to the circuit clerk

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of venue and the Department of Natural Resources, certifying that the test or tests were requested under paragraph 1 of this subsection (B) and the person submitted to testing that disclosed an alcohol concentration of 0.08 or more, a tetrahydrocannabinol concentration in the person's whole blood or other bodily substance as defined in paragraph 6 of subsection (a) of Section 11-501.2 of the Illinois Vehicle Code, or any amount of a drug, substance or intoxicating compound in the person's breath, blood, other bodily substance, or urine resulting from the unlawful use of a controlled substance listed in the Illinois Controlled Substances Act, methamphetamine as listed in the Methamphetamine Control and Community Protection Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act.

In cases involving a person who is a CDL holder where the blood alcohol concentration of 0.08 or greater or any amount of drug, substance or compound resulting from the unlawful use of cannabis, a controlled substance, methamphetamine, or an intoxicating compound is established by a subsequent analysis of blood, other bodily substance, or urine collected at the time of arrest, the arresting officer or arresting agency shall immediately submit a sworn report to the circuit clerk of venue and the Department of Natural Resources upon receipt of the test results. In cases involving a person who is not a CDL holder where the blood alcohol concentration of 0.08 or greater, a tetrahydrocannabinol concentration in the person's whole blood or other bodily substance as defined in paragraph 6 of subsection (a) of Section 11-501.2 of the Illinois Vehicle Code, or any amount of drug, substance, or compound resulting from the unlawful use of a controlled substance, methamphetamine, or an intoxicating compound is established by a subsequent analysis of blood, other bodily substance, or urine collected at the time of arrest, the arresting officer or arresting agency shall immediately submit a sworn report to the circuit clerk of venue and the Department of Natural Resources upon receipt of the test results.

4. A person must submit to each chemical test offered by the law enforcement officer in order to comply with the implied consent provisions of this Section.

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5. The provisions of Section 11-501.2 of the Illinois Vehicle Code, as amended, concerning the certification and use of chemical tests apply to the use of such tests under this Section.

(C) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while operating a watercraft while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof, the concentration of alcohol, drug, or compound in the person's blood, other bodily substance, or breath at the time alleged as shown by analysis of a person's blood, urine, breath, or other bodily substance shall give rise to the presumptions specified in subdivisions 1, 2, and 3 of subsection (b) and subsection (b-5) of Section 11-501.2 of the Illinois Vehicle Code. The foregoing provisions of this subsection (C) shall not be construed as limiting the introduction of any other relevant evidence bearing upon the question whether the person was under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or a combination thereof.

(D) If a person under arrest refuses to submit to a chemical test under the provisions of this Section, evidence of refusal shall be admissible in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the person under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination of them was operating a watercraft.

(E) The owner of any watercraft or any person given supervisory authority over a watercraft, may not knowingly permit a watercraft to be operated by any person under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof.

(F) Whenever any person is convicted or found guilty of a violation of this Section, including any person placed on court supervision, the court shall notify the Office of Law Enforcement of the Department of Natural Resources, to provide the Department with the records essential for the performance of the Department's duties to monitor and enforce any order of suspension or revocation concerning the privilege to operate a watercraft.

(G) No person who has been arrested and charged for violating paragraph 1 of subsection (A) of this Section shall operate any watercraft within this State for a period of 24 hours after such arrest.

(Source: P.A. 94-214, eff. 1-1-06; 95-149, eff. 8-14-07.)

(625 ILCS 45/5-16a) (from Ch. 95 1/2, par. 315-11a)
Sec. 5-16a. Admissibility of chemical tests of blood, other bodily substance, or urine conducted in the regular course of providing emergency medical treatment.

(a) Notwithstanding any other provision of law, the written results of blood, other bodily substance, or urine alcohol and drug tests conducted upon persons receiving medical treatment in a hospital emergency room are admissible in evidence as a business record exception to the hearsay rule only in prosecutions for any violation of Section 5-16 of this Act or a similar provision of a local ordinance or in prosecutions for reckless homicide brought under the Criminal Code of 1961 or the Criminal Code of 2012, when:

(1) the chemical tests performed upon an individual's blood, other bodily substance, or urine were ordered in the regular course of providing emergency treatment and not at the request of law enforcement authorities; and

(2) the chemical tests performed upon an individual's blood, other bodily substance, or urine were performed by the laboratory routinely used by the hospital.

Results of chemical tests performed upon an individual's blood, other bodily substance, or urine are admissible into evidence regardless of the time that the records were prepared.

(b) The confidentiality provisions of law pertaining to medical records and medical treatment shall not be applicable with regard to chemical tests performed upon an individual's blood, other bodily substance, or urine under the provisions of this Section in prosecutions as specified in subsection (a) of this Section. No person shall be liable for civil damages as a result of the evidentiary use of the results of chemical testing of an individual's blood, other bodily substance, or urine under this Section or as a result of that person's testimony made available under this Section.

(Source: P.A. 96-289, eff. 8-11-09; 97-1150, eff. 1-25-13.)

(625 ILCS 45/5-16a.1)

Sec. 5-16a.1. Reporting of test results of blood, other bodily substance, or urine conducted in the regular course of providing emergency medical treatment.

(a) Notwithstanding any other provision of law, the results of blood, other bodily substance, or urine tests performed for the purpose of determining the content of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination of them in an individual's
blood, other bodily substance, or urine, conducted upon persons receiving medical treatment in a hospital emergency room for injuries resulting from a boating accident, shall be disclosed to the Department of Natural Resources or local law enforcement agencies of jurisdiction, upon request. The blood, other bodily substance, or urine tests are admissible in evidence as a business record exception to the hearsay rule only in prosecutions for violations of Section 5-16 of this Code or a similar provision of a local ordinance, or in prosecutions for reckless homicide brought under the Criminal Code of 1961 or the Criminal Code of 2012.

(b) The confidentiality provisions of the law pertaining to medical records and medical treatment shall not be applicable with regard to tests performed upon an individual's blood, other bodily substance, or urine under the provisions of subsection (a) of this Section. No person is liable for civil damages or professional discipline as a result of disclosure or reporting of the tests or the evidentiary use of an individual's blood, other bodily substance, or urine test results under this Section or Section 5-16a, or as a result of that person's testimony made available under this Section or Section 5-16a, except for willful or wanton misconduct.

(Source: P.A. 97-1150, eff. 1-25-13.)

(625 ILCS 45/5-16c)

Sec. 5-16c. Operator involvement in personal injury or fatal boating accident; chemical tests.

(a) Any person who operates or is in actual physical control of a motorboat within this State and who has been involved in a personal injury or fatal boating accident shall be deemed to have given consent to a breath test using a portable device as approved by the Department of State Police or to a chemical test or tests of blood, breath, other bodily substance, or urine for the purpose of determining the content of alcohol, other drug or drugs, or intoxicating compound or compounds of the person's blood if arrested as evidenced by the issuance of a uniform citation for a violation of the Boat Registration and Safety Act or a similar provision of a local ordinance, with the exception of equipment violations contained in Article IV of this Act or similar provisions of local ordinances. The test or tests shall be administered at the direction of the arresting officer. The law enforcement agency employing the officer shall designate which of the aforesaid tests shall be administered. Up to 2 additional tests of urine or other bodily substance test may be administered even after a blood or breath test or both has been administered. Compliance with this Section

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does not relieve the person from the requirements of any other Section of this Act.

(b) Any person who is dead, unconscious, or who is otherwise in a condition rendering that person incapable of refusal shall be deemed not to have withdrawn the consent provided by subsection (a) of this Section. In addition, if an operator of a motorboat is receiving medical treatment as a result of a boating accident, any physician licensed to practice medicine, licensed physician assistant, licensed advanced practice nurse, registered nurse, or a phlebotomist acting under the direction of a licensed physician shall withdraw blood for testing purposes to ascertain the presence of alcohol, other drug or drugs, or intoxicating compound or compounds, upon the specific request of a law enforcement officer. However, this testing shall not be performed until, in the opinion of the medical personnel on scene, the withdrawal can be made without interfering with or endangering the well-being of the patient.

(c) A person who is a CDL holder requested to submit to a test under subsection (a) of this Section shall be warned by the law enforcement officer requesting the test that a refusal to submit to the test, or submission to the test resulting in an alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act as detected in the person's blood, other bodily substance, or urine, may result in the suspension of the person's privilege to operate a motor vehicle and may result in the disqualification of the person's privilege to operate a commercial motor vehicle, as provided in Section 6-514 of the Illinois Vehicle Code. A person who is not a CDL holder requested to submit to a test under subsection (a) of this Section shall be warned by the law enforcement officer requesting the test that a refusal to submit to the test, or submission to the test resulting in an alcohol concentration of 0.08 or more, a tetrahydrocannabinol concentration in the person's whole blood or other bodily substance as defined in paragraph 6 of subsection (a) of Section 11-501.2 of the Illinois Vehicle Code, or any amount of a drug, substance, or intoxicating compound resulting from the unlawful use or consumption of a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating

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Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act as detected in the person's blood, other bodily substance, or urine, may result in the suspension of the person's privilege to operate a motor vehicle, if the person is a CDL holder. The length of the suspension shall be the same as outlined in Section 6-208.1 of the Illinois Vehicle Code regarding statutory summary suspensions.

(d) If the person is a CDL holder and refuses testing or submits to a test which discloses an alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound in the person's blood, other bodily substance, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, the law enforcement officer shall immediately submit a sworn report to the Secretary of State on a form prescribed by the Secretary of State, certifying that the test or tests were requested under subsection (a) of this Section and the person refused to submit to a test or tests or submitted to testing which disclosed an alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound in the person's blood, other bodily substance, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act. If the person is not a CDL holder and refuses testing or submits to a test which discloses an alcohol concentration of 0.08 or more, a tetrahydrocannabinol concentration in the person's whole blood or other bodily substance as defined in paragraph 6 of subsection (a) of Section 11-501.2 of the Illinois Vehicle Code, or any amount of a drug, substance, or intoxicating compound in the person's blood, other bodily substance, or urine resulting from the unlawful use or consumption of a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, the law enforcement officer shall immediately submit a sworn report to the Secretary of State on a form prescribed by the Secretary of State,

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certifying that the test or tests were requested under subsection (a) of this Section and the person refused to submit to a test or tests or submitted to testing which disclosed an alcohol concentration of 0.08 or more, a tetrahydrocannabinol concentration in the person's whole blood or other bodily substance as defined in paragraph 6 of subsection (a) of Section 11-501.2 of the Illinois Vehicle Code, or any amount of a drug, substance, or intoxicating compound in the person's blood or urine, resulting from the unlawful use or consumption of a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act.

Upon receipt of the sworn report of a law enforcement officer, the Secretary of State shall enter the suspension and disqualification to the person's driving record and the suspension and disqualification shall be effective on the 46th day following the date notice of the suspension was given to the person.

The law enforcement officer submitting the sworn report shall serve immediate notice of this suspension on the person and this suspension and disqualification shall be effective on the 46th day following the date notice was given.

In cases involving a person who is a CDL holder where the blood alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, is established by a subsequent analysis of blood, other bodily substance, or urine collected at the time of arrest, the arresting officer shall give notice as provided in this Section or by deposit in the United States mail of this notice in an envelope with postage prepaid and addressed to the person at his or her address as shown on the uniform citation and the suspension and disqualification shall be effective on the 46th day following the date notice was given. In cases involving a person who is not a CDL holder where the blood alcohol concentration of 0.08 or more, a tetrahydrocannabinol concentration in the person's whole blood or other bodily substance as defined in paragraph 6 of subsection (a) of Section 11-501.2 of the Illinois Vehicle Code, or any amount of a drug, substance, or intoxicating compound resulting from the unlawful use or consumption of a controlled

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substance listed in the Illinois Controlled Substances Act, an intoxicating
compound listed in the Use of Intoxicating Compounds Act, or
methamphetamine as listed in the Methamphetamine Control and
Community Protection Act, is established by a subsequent analysis of
blood, other bodily substance, or urine collected at the time of arrest, the
arresting officer shall give notice as provided in this Section or by deposit
in the United States mail of this notice in an envelope with postage
prepaid and addressed to the person at his or her address as shown on the
uniform citation and the suspension shall be effective on the 46th day
following the date notice was given.

Upon receipt of the sworn report of a law enforcement officer, the
Secretary of State shall also give notice of the suspension and
disqualification to the person by mailing a notice of the effective date of
the suspension and disqualification to the person. However, should the
sworn report be defective by not containing sufficient information or be
completed in error, the notice of the suspension and disqualification shall
not be mailed to the person or entered to the driving record, but rather the
sworn report shall be returned to the issuing law enforcement agency.

(e) A person may contest this suspension of his or her driving
privileges and disqualification of his or her CDL privileges by requesting
an administrative hearing with the Secretary of State in accordance with
Section 2-118 of the Illinois Vehicle Code. At the conclusion of a hearing
held under Section 2-118 of the Illinois Vehicle Code, the Secretary of
State may rescind, continue, or modify the orders of suspension and
disqualification. If the Secretary of State does not rescind the orders of
suspension and disqualification, a restricted driving permit may be granted
by the Secretary of State upon application being made and good cause
shown. A restricted driving permit may be granted to relieve undue
hardship to allow driving for employment, educational, and medical
purposes as outlined in Section 6-206 of the Illinois Vehicle Code. The
provisions of Section 6-206 of the Illinois Vehicle Code shall apply. In
accordance with 49 C.F.R. 384, the Secretary of State may not issue a
restricted driving permit for the operation of a commercial motor vehicle
to a person holding a CDL whose driving privileges have been suspended,
revoked, cancelled, or disqualified.

(f) For the purposes of this Section, a personal injury shall include
any type A injury as indicated on the accident report completed by a law
enforcement officer that requires immediate professional attention in a
doctor's office or a medical facility. A type A injury shall include severely

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bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene.
(Source: P.A. 98-103, eff. 1-1-14.)

Section 35. The Juvenile Court Act of 1987 is amended by changing Section 5-125 as follows:
(705 ILCS 405/5-125)

Sec. 5-125. Concurrent jurisdiction. Any minor alleged to have violated a traffic, boating, or fish and game law, or a municipal or county ordinance, may be prosecuted for the violation and if found guilty punished under any statute or ordinance relating to the violation, without reference to the procedures set out in this Article, except that:

(1) any detention, must be in compliance with this Article; and
(2) the confidentiality of records provisions in Part 9 of this Article shall apply to any law enforcement and court records relating to prosecution of a minor under 18 years of age for a municipal or county ordinance violation or a violation of subsection (a) of Section 4 of the Cannabis Control Act or subsection (c) of Section 3.5 of the Drug Paraphernalia Control Act; except that these confidentiality provisions shall not apply to or affect any proceeding to adjudicate the violation.

For the purpose of this Section, "traffic violation" shall include a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 relating to the offense of reckless homicide, Section 11-501 of the Illinois Vehicle Code, or any similar county or municipal ordinance.
(Source: P.A. 97-1150, eff. 1-25-13.)

Section 40. The Cannabis Control Act is amended by changing Section 4 and by adding Sections 5.3 and 17.5 as follows:
(720 ILCS 550/4) (from Ch. 56 1/2, par. 704)

Sec. 4. It is unlawful for any person knowingly to possess cannabis. Any person who violates this section with respect to:

(a) not more than 10 grams of any substance containing cannabis is guilty of a civil law violation punishable by a minimum fine of $100 and a maximum fine of $200. The proceeds of the fine shall be payable to the clerk of the circuit court. Within 30 days after the deposit of the fine, the clerk shall distribute the proceeds of the fine as follows:

(1) $10 of the fine to the circuit clerk and $10 of the fine to the law enforcement agency that issued the citation; the proceeds of each $10 fine distributed to the circuit clerk and each $10 fine distributed to the law enforcement

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agency that issued the citation for the violation shall be used to defer the cost of automatic expungements under paragraph (2.5) of subsection (a) of Section 5.2 of the Criminal Identification Act;

(2) $15 to the county to fund drug addiction services;

(3) $10 to the Office of the State's Attorneys Appellate Prosecutor for use in training programs;

(4) $10 to the State's Attorney; and

(5) any remainder of the fine to the law enforcement agency that issued the citation for the violation.

With respect to funds designated for the Department of State Police, the moneys shall be remitted by the circuit court clerk to the Department of State Police within one month after receipt for deposit into the State Police Operations Assistance Fund. With respect to funds designated for the Department of Natural Resources, the Department of Natural Resources shall deposit the moneys into the Conservation Police Operations Assistance Fund Class C misdemeanor;

(b) more than 10 but not more than 30 grams of any substance containing cannabis is guilty of a Class B misdemeanor;

(c) more than 30 grams but not more than 100 grams of any substance containing cannabis is guilty of a Class A misdemeanor; provided, that if any offense under this subsection (c) is a subsequent offense, the offender shall be guilty of a Class 4 felony;

(d) more than 100 grams but not more than 500 grams of any substance containing cannabis is guilty of a Class 4 felony; provided that if any offense under this subsection (d) is a subsequent offense, the offender shall be guilty of a Class 3 felony;

(e) more than 500 grams but not more than 2,000 grams of any substance containing cannabis is guilty of a Class 3 felony;

(f) more than 2,000 grams but not more than 5,000 grams of any substance containing cannabis is guilty of a Class 2 felony;

(g) more than 5,000 grams of any substance containing cannabis is guilty of a Class 1 felony.

(Source: P.A. 90-397, eff. 8-15-97.)
(720 ILCS 550/5.3 new)

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Sec. 5.3. Unlawful use of cannabis-based product manufacturing equipment.

(a) A person commits unlawful use of cannabis-based product manufacturing equipment when he or she knowingly engages in the possession, procurement, transportation, storage, or delivery of any equipment used in the manufacturing of any cannabis-based product using volatile or explosive gas, including, but not limited to, canisters of butane gas, with the intent to manufacture, compound, covert, produce, derive, process, or prepare either directly or indirectly any cannabis-based product.

(b) This Section does not apply to a cultivation center or cultivation center agent that prepares medical cannabis or cannabis-infused products in compliance with the Compassionate Use of Medical Cannabis Pilot Program Act and Department of Public Health and Department of Agriculture rules.

(c) Sentence. A person who violates this Section is guilty of a Class 2 felony.

(720 ILCS 550/17.5 new)

Sec. 17.5. Local ordinances.

The provisions of any ordinance enacted by any municipality or unit of local government which imposes a fine upon cannabis other than as defined in this Act are not invalidated or affected by this Act.

Section 45. The Drug Paraphernalia Control Act is amended by changing Section 3.5 as follows:

(720 ILCS 600/3.5)

Sec. 3.5. Possession of drug paraphernalia.

(a) A person who knowingly possesses an item of drug paraphernalia with the intent to use it in ingesting, inhaling, or otherwise introducing cannabis or a controlled substance into the human body, or in preparing cannabis or a controlled substance for that use, is guilty of a Class A misdemeanor for which the court shall impose a minimum fine of $750 in addition to any other penalty prescribed for a Class A misdemeanor. This subsection (a) does not apply to a person who is legally authorized to possess hypodermic syringes or needles under the Hypodermic Syringes and Needles Act.

(b) In determining intent under subsection (a), the trier of fact may take into consideration the proximity of the cannabis or controlled substances to drug paraphernalia or the presence of cannabis or a controlled substance on the drug paraphernalia.

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(c) If a person violates subsection (a) of Section 4 of the Cannabis Control Act, the penalty for possession of any drug paraphernalia seized during the violation for that offense shall be a civil law violation punishable by a minimum fine of $100 and a maximum fine of $200. The proceeds of the fine shall be payable to the clerk of the circuit court. Within 30 days after the deposit of the fine, the clerk shall distribute the proceeds of the fine as follows:

(1) $10 of the fine to the circuit clerk and $10 of the fine to the law enforcement agency that issued the citation; the proceeds of each $10 fine distributed to the circuit clerk and each $10 fine distributed to the law enforcement agency that issued the citation for the violation shall be used to defer the cost of automatic expungements under paragraph (2.5) of subsection (a) of Section 5.2 of the Criminal Identification Act;
(2) $15 to the county to fund drug addiction services;
(3) $10 to the Office of the State's Attorneys Appellate Prosecutor for use in training programs;
(4) $10 to the State's Attorney; and
(5) any remainder of the fine to the law enforcement agency that issued the citation for the violation.

With respect to funds designated for the Department of State Police, the moneys shall be remitted by the circuit court clerk to the Department of State Police within one month after receipt for deposit into the State Police Operations Assistance Fund. With respect to funds designated for the Department of Natural Resources, the Department of Natural Resources shall deposit the moneys into the Conservation Police Operations Assistance Fund.

(Source: P.A. 93-392, eff. 7-25-03.)

Section 50. The Code of Criminal Procedure of 1963 is amended by changing Section 115-15 and by adding Section 115-23 as follows:

(725 ILCS 5/115-15)
Sec. 115-15. Laboratory reports.
(a) In any criminal prosecution for a violation of the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act, a laboratory report from the Department of State Police, Division of Forensic Services, that is signed and sworn to by the person performing an analysis and that states (1) that the substance that is the basis of the alleged violation has been weighed and analyzed, and (2) the person's findings as to the

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contents, weight and identity of the substance, and (3) that it contains any amount of a controlled substance or cannabis is prima facie evidence of the contents, identity and weight of the substance. Attached to the report shall be a copy of a notarized statement by the signer of the report giving the name of the signer and stating (i) that he or she is an employee of the Department of State Police, Division of Forensic Services, (ii) the name and location of the laboratory where the analysis was performed, (iii) that performing the analysis is a part of his or her regular duties, and (iv) that the signer is qualified by education, training and experience to perform the analysis. The signer shall also allege that scientifically accepted tests were performed with due caution and that the evidence was handled in accordance with established and accepted procedures while in the custody of the laboratory.

(a-5) In any criminal prosecution for reckless homicide under Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, or driving under the influence of alcohol, other drug, or combination of both, in violation of Section 11-501 of the Illinois Vehicle Code or in any civil action held under a statutory summary suspension or revocation hearing under Section 2-118.1 of the Illinois Vehicle Code, a laboratory report from the Department of State Police, Division of Forensic Services, that is signed and sworn to by the person performing an analysis, and that states that the sample of blood, other bodily substance, or urine was tested for alcohol or drugs, and contains the person's findings as to the presence and amount of alcohol or drugs and type of drug is prima facie evidence of the presence, content, and amount of the alcohol or drugs analyzed in the blood, other bodily substance, or urine. Attached to the report must be a copy of a notarized statement by the signer of the report giving the name of the signer and stating (1) that he or she is an employee of the Department of State Police, Division of Forensic Services, (2) the name and location of the laboratory where the analysis was performed, (3) that performing the analysis is a part of his or her regular duties, (4) that the signer is qualified by education, training, and experience to perform the analysis, and (5) that scientifically accepted tests were performed with due caution and that the evidence was handled in accordance with established and accepted procedures while in the custody of the laboratory.

(b) The State's Attorney shall serve a copy of the report on the attorney of record for the accused, or on the accused if he or she has no attorney, before any proceeding in which the report is to be used against the accused other than at a preliminary hearing or grand jury hearing when
the report may be used without having been previously served upon the accused.

(c) The report shall not be prima facie evidence if the accused or his or her attorney demands the testimony of the person signing the report by serving the demand upon the State's Attorney within 7 days from the accused or his or her attorney's receipt of the report.

(Source: P.A. 96-1344, eff. 7-1-11; 97-1150, eff. 1-25-13.)

(725 ILCS 5/115-23 new)

Sec. 115-23. Admissibility of cannabis. In a prosecution for a violation of subsection (a) of Section 4 of the Cannabis Control Act or a municipal ordinance for possession of cannabis that is punished by only a fine, cannabis shall only be admitted into evidence based upon:

(1) a properly administered field test; or

(2) opinion testimony of a peace officer based on the officer's training and experience as qualified by the court.

Section 55. The Unified Code of Corrections is amended by changing Section 5-9-1.9 as follows:

(730 ILCS 5/5-9-1.9)

Sec. 5-9-1.9. DUI analysis fee.

(a) "Crime laboratory" means a not-for-profit laboratory substantially funded by a single unit or combination of units of local government or the State of Illinois that regularly employs at least one person engaged in the DUI analysis of blood, other bodily substance, and urine for criminal justice agencies in criminal matters and provides testimony with respect to such examinations.

"DUI analysis" means an analysis of blood, other bodily substance, or urine for purposes of determining whether a violation of Section 11-501 of the Illinois Vehicle Code has occurred.

(b) When a person has been adjudged guilty of an offense in violation of Section 11-501 of the Illinois Vehicle Code, in addition to any other disposition, penalty, or fine imposed, a crime laboratory DUI analysis fee of $150 for each offense for which the person was convicted shall be levied by the court for each case in which a laboratory analysis occurred. Upon verified petition of the person, the court may suspend payment of all or part of the fee if it finds that the person does not have the ability to pay the fee.

(c) In addition to any other disposition made under the provisions of the Juvenile Court Act of 1987, any minor adjudicated delinquent for an offense which if committed by an adult would constitute a violation of
Section 11-501 of the Illinois Vehicle Code shall be assessed a crime laboratory DUI analysis fee of $150 for each adjudication. Upon verified petition of the minor, the court may suspend payment of all or part of the fee if it finds that the minor does not have the ability to pay the fee. The parent, guardian, or legal custodian of the minor may pay some or all of the fee on the minor's behalf.

(d) All crime laboratory DUI analysis fees provided for by this Section shall be collected by the clerk of the court and forwarded to the appropriate crime laboratory DUI fund as provided in subsection (f).

(e) Crime laboratory funds shall be established as follows:

(1) A unit of local government that maintains a crime laboratory may establish a crime laboratory DUI fund within the office of the county or municipal treasurer.

(2) Any combination of units of local government that maintains a crime laboratory may establish a crime laboratory DUI fund within the office of the treasurer of the county where the crime laboratory is situated.

(3) The State Police DUI Fund is created as a special fund in the State Treasury.

(f) The analysis fee provided for in subsections (b) and (c) of this Section shall be forwarded to the office of the treasurer of the unit of local government that performed the analysis if that unit of local government has established a crime laboratory DUI fund, or to the State Treasurer for deposit into the State Police DUI Fund if the analysis was performed by a laboratory operated by the Department of State Police. If the analysis was performed by a crime laboratory funded by a combination of units of local government, the analysis fee shall be forwarded to the treasurer of the county where the crime laboratory is situated if a crime laboratory DUI fund has been established in that county. If the unit of local government or combination of units of local government has not established a crime laboratory DUI fund, then the analysis fee shall be forwarded to the State Treasurer for deposit into the State Police DUI Fund. The clerk of the circuit court may retain the amount of $10 from each collected analysis fee to offset administrative costs incurred in carrying out the clerk's responsibilities under this Section.

(g) Fees deposited into a crime laboratory DUI fund created under paragraphs (1) and (2) of subsection (e) of this Section shall be in addition to any allocations made pursuant to existing law and shall be designated
for the exclusive use of the crime laboratory. These uses may include, but are not limited to, the following:

1. Costs incurred in providing analysis for DUI investigations conducted within this State.
2. Purchase and maintenance of equipment for use in performing analyses.
3. Continuing education, training, and professional development of forensic scientists regularly employed by these laboratories.

(h) Fees deposited in the State Police DUI Fund created under paragraph (3) of subsection (e) of this Section shall be used by State crime laboratories as designated by the Director of State Police. These funds shall be in addition to any allocations made according to existing law and shall be designated for the exclusive use of State crime laboratories. These uses may include those enumerated in subsection (g) of this Section.

(Source: P.A. 91-822, eff. 6-13-00.)

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

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

Passed in the General Assembly May 18, 2016.
Approved July 29, 2016.
Effective July 29, 2016.

PUBLIC ACT 99-0698
(Senate Bill No. 2282)

AN ACT concerning criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Unified Code of Corrections is amended by changing Section 3-3-7 as follows:

(730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)
Sec. 3-3-7. Conditions of Parole, Mandatory Supervised Release, or Aftercare Release.

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(a) The conditions of parole, aftercare release, or mandatory supervised release shall be such as the Prisoner Review Board deems necessary to assist the subject in leading a law-abiding life. The conditions of every parole, aftercare release, and mandatory supervised release are that the subject:

(1) not violate any criminal statute of any jurisdiction during the parole, aftercare release, or release term;

(2) refrain from possessing a firearm or other dangerous weapon;

(3) report to an agent of the Department of Corrections or to the Department of Juvenile Justice;

(4) permit the agent or aftercare specialist to visit him or her at his or her home, employment, or elsewhere to the extent necessary for the agent or aftercare specialist to discharge his or her duties;

(5) attend or reside in a facility established for the instruction or residence of persons on parole, aftercare release, or mandatory supervised release;

(6) secure permission before visiting or writing a committed person in an Illinois Department of Corrections facility;

(7) report all arrests to an agent of the Department of Corrections or to the Department of Juvenile Justice as soon as permitted by the arresting authority but in no event later than 24 hours after release from custody and immediately report service or notification of an order of protection, a civil no contact order, or a stalking no contact order to an agent of the Department of Corrections;

(7.5) if convicted of a sex offense as defined in the Sex Offender Management Board Act, the individual shall undergo and successfully complete sex offender treatment conducted in conformance with the standards developed by the Sex Offender Management Board Act by a treatment provider approved by the Board;

(7.6) if convicted of a sex offense as defined in the Sex Offender Management Board Act, refrain from residing at the same address or in the same condominium unit or apartment unit or in the same condominium complex or apartment complex with another person he or she knows or reasonably should know is a convicted sex offender or has been placed on supervision for a sex offense.
offense; the provisions of this paragraph do not apply to a person convicted of a sex offense who is placed in a Department of Corrections licensed transitional housing facility for sex offenders, or is in any facility operated or licensed by the Department of Children and Family Services or by the Department of Human Services, or is in any licensed medical facility;

(7.7) if convicted for an offense that would qualify the accused as a sexual predator under the Sex Offender Registration Act on or after January 1, 2007 (the effective date of Public Act 94-988), wear an approved electronic monitoring device as defined in Section 5-8A-2 for the duration of the person's parole, aftercare release, mandatory supervised release term, or extended mandatory supervised release term and if convicted for an offense of criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, aggravated criminal sexual abuse, or ritualized abuse of a child committed on or after August 11, 2009 (the effective date of Public Act 96-236) when the victim was under 18 years of age at the time of the commission of the offense and the defendant used force or the threat of force in the commission of the offense wear an approved electronic monitoring device as defined in Section 5-8A-2 that has Global Positioning System (GPS) capability for the duration of the person's parole, aftercare release, mandatory supervised release term, or extended mandatory supervised release term;

(7.8) if convicted for an offense committed on or after June 1, 2008 (the effective date of Public Act 95-464) that would qualify the accused as a child sex offender as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of 1961 or the Criminal Code of 2012, refrain from communicating with or contacting, by means of the Internet, a person who is not related to the accused and whom the accused reasonably believes to be under 18 years of age; for purposes of this paragraph (7.8), "Internet" has the meaning ascribed to it in Section 16-0.1 of the Criminal Code of 2012; and a person is not related to the accused if the person is not: (i) the spouse, brother, or sister of the accused; (ii) a descendant of the accused; (iii) a first or second cousin of the accused; or (iv) a step-child or adopted child of the accused;

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(7.9) if convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or the Criminal Code of 2012, consent to search of computers, PDAs, cellular phones, and other devices under his or her control that are capable of accessing the Internet or storing electronic files, in order to confirm Internet protocol addresses reported in accordance with the Sex Offender Registration Act and compliance with conditions in this Act;

(7.10) if convicted for an offense that would qualify the accused as a sex offender or sexual predator under the Sex Offender Registration Act on or after June 1, 2008 (the effective date of Public Act 95-640), not possess prescription drugs for erectile dysfunction;

(7.11) if convicted for an offense under Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a juvenile prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or the Criminal Code of 2012, or any attempt to commit any of these offenses, committed on or after June 1, 2009 (the effective date of Public Act 95-983):

(i) not access or use a computer or any other device with Internet capability without the prior written approval of the Department;

(ii) submit to periodic unannounced examinations of the offender's computer or any other device with Internet capability by the offender's supervising agent, aftercare specialist, a law enforcement officer, or assigned computer or information technology specialist, including the retrieval and copying of all data from the computer or device and any internal or external peripherals and removal of such information, equipment, or device to conduct a more thorough inspection;

(iii) submit to the installation on the offender's computer or device with Internet capability, at the offender's expense, of one or more hardware or software systems to monitor the Internet use; and

(iv) submit to any other appropriate restrictions concerning the offender's use of or access to a computer or any other device with Internet capability imposed by the

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Board, the Department or the offender's supervising agent or aftercare specialist;

(7.12) if convicted of a sex offense as defined in the Sex Offender Registration Act committed on or after January 1, 2010 (the effective date of Public Act 96-262), refrain from accessing or using a social networking website as defined in Section 17-0.5 of the Criminal Code of 2012;

(7.13) if convicted of a sex offense as defined in Section 2 of the Sex Offender Registration Act committed on or after January 1, 2010 (the effective date of Public Act 96-362) that requires the person to register as a sex offender under that Act, may not knowingly use any computer scrub software on any computer that the sex offender uses;

(8) obtain permission of an agent of the Department of Corrections or the Department of Juvenile Justice before leaving the State of Illinois;

(9) obtain permission of an agent of the Department of Corrections or the Department of Juvenile Justice before changing his or her residence or employment;

(10) consent to a search of his or her person, property, or residence under his or her control;

(11) refrain from the use or possession of narcotics or other controlled substances in any form, or both, or any paraphernalia related to those substances and submit to a urinalysis test as instructed by a parole agent of the Department of Corrections or an aftercare specialist of the Department of Juvenile Justice;

(12) not frequent places where controlled substances are illegally sold, used, distributed, or administered;

(13) not knowingly associate with other persons on parole, aftercare release, or mandatory supervised release without prior written permission of his or her parole agent or aftercare specialist, except when the association involves activities related to community programs, worship services, volunteering, and engaging families, and not associate with persons who are members of an organized gang as that term is defined in the Illinois Streetgang Terrorism Omnibus Prevention Act;

(14) provide true and accurate information, as it relates to his or her adjustment in the community while on parole, aftercare release, or mandatory supervised release or to his or her conduct

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while incarcerated, in response to inquiries by his or her parole agent or of the Department of Corrections or by his or her aftercare specialist or of the Department of Juvenile Justice;

(15) follow any specific instructions provided by the parole agent or aftercare specialist that are consistent with furthering conditions set and approved by the Prisoner Review Board or by law, exclusive of placement on electronic detention, to achieve the goals and objectives of his or her parole, aftercare release, or mandatory supervised release or to protect the public. These instructions by the parole agent or aftercare specialist may be modified at any time, as the agent or aftercare specialist deems appropriate;

(16) if convicted of a sex offense as defined in subsection (a-5) of Section 3-1-2 of this Code, unless the offender is a parent or guardian of the person under 18 years of age present in the home and no non-familial minors are present, not participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, being employed as a department store Santa Claus, or wearing an Easter Bunny costume on or preceding Easter;

(17) if convicted of a violation of an order of protection under Section 12-3.4 or Section 12-30 of the Criminal Code of 1961 or the Criminal Code of 2012, be placed under electronic surveillance as provided in Section 5-8A-7 of this Code;

(18) comply with the terms and conditions of an order of protection issued pursuant to the Illinois Domestic Violence Act of 1986; an order of protection issued by the court of another state, tribe, or United States territory; a no contact order issued pursuant to the Civil No Contact Order Act; or a no contact order issued pursuant to the Stalking No Contact Order Act; and

(19) if convicted of a violation of the Methamphetamine Control and Community Protection Act, the Methamphetamine Precursor Control Act, or a methamphetamine related offense, be:

(A) prohibited from purchasing, possessing, or having under his or her control any product containing pseudoephedrine unless prescribed by a physician; and
(B) prohibited from purchasing, possessing, or having under his or her control any product containing ammonium nitrate.

(b) The Board may in addition to other conditions require that the subject:

(1) work or pursue a course of study or vocational training;
(2) undergo medical or psychiatric treatment, or treatment for drug addiction or alcoholism;
(3) attend or reside in a facility established for the instruction or residence of persons on probation or parole;
(4) support his or her dependents;
(5) (blank);
(6) (blank);
(7) (blank);

(7.5) if convicted for an offense committed on or after the effective date of this amendatory Act of the 95th General Assembly that would qualify the accused as a child sex offender as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of 1961 or the Criminal Code of 2012, refrain from communicating with or contacting, by means of the Internet, a person who is related to the accused and whom the accused reasonably believes to be under 18 years of age; for purposes of this paragraph (7.5), "Internet" has the meaning ascribed to it in Section 16-0.1 of the Criminal Code of 2012; and a person is related to the accused if the person is: (i) the spouse, brother, or sister of the accused; (ii) a descendant of the accused; (iii) a first or second cousin of the accused; or (iv) a step-child or adopted child of the accused;

(7.6) if convicted for an offense committed on or after June 1, 2009 (the effective date of Public Act 95-983) that would qualify as a sex offense as defined in the Sex Offender Registration Act:

(i) not access or use a computer or any other device with Internet capability without the prior written approval of the Department;
(ii) submit to periodic unannounced examinations of the offender's computer or any other device with Internet capability by the offender's supervising agent or aftercare specialist, a law enforcement officer, or assigned computer or information technology specialist, including the retrieval and copying of all data from the computer or device and

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any internal or external peripherals and removal of such information, equipment, or device to conduct a more thorough inspection;

(iii) submit to the installation on the offender's computer or device with Internet capability, at the offender's expense, of one or more hardware or software systems to monitor the Internet use; and

(iv) submit to any other appropriate restrictions concerning the offender's use of or access to a computer or any other device with Internet capability imposed by the Board, the Department or the offender's supervising agent or aftercare specialist; and

(8) in addition, if a minor:

(i) reside with his or her parents or in a foster home;
(ii) attend school;
(iii) attend a non-residential program for youth; or
(iv) contribute to his or her own support at home or in a foster home.

(b-1) In addition to the conditions set forth in subsections (a) and (b), persons required to register as sex offenders pursuant to the Sex Offender Registration Act, upon release from the custody of the Illinois Department of Corrections or Department of Juvenile Justice, may be required by the Board to comply with the following specific conditions of release:

(1) reside only at a Department approved location;
(2) comply with all requirements of the Sex Offender Registration Act;
(3) notify third parties of the risks that may be occasioned by his or her criminal record;
(4) obtain the approval of an agent of the Department of Corrections or the Department of Juvenile Justice prior to accepting employment or pursuing a course of study or vocational training and notify the Department prior to any change in employment, study, or training;
(5) not be employed or participate in any volunteer activity that involves contact with children, except under circumstances approved in advance and in writing by an agent of the Department of Corrections or the Department of Juvenile Justice;

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(6) be electronically monitored for a minimum of 12 months from the date of release as determined by the Board;
(7) refrain from entering into a designated geographic area except upon terms approved in advance by an agent of the Department of Corrections or the Department of Juvenile Justice. The terms may include consideration of the purpose of the entry, the time of day, and others accompanying the person;
(8) refrain from having any contact, including written or oral communications, directly or indirectly, personally or by telephone, letter, or through a third party with certain specified persons including, but not limited to, the victim or the victim's family without the prior written approval of an agent of the Department of Corrections or the Department of Juvenile Justice;
(9) refrain from all contact, directly or indirectly, personally, by telephone, letter, or through a third party, with minor children without prior identification and approval of an agent of the Department of Corrections or the Department of Juvenile Justice;
(10) neither possess or have under his or her control any material that is sexually oriented, sexually stimulating, or that shows male or female sex organs or any pictures depicting children under 18 years of age nude or any written or audio material describing sexual intercourse or that depicts or alludes to sexual activity, including but not limited to visual, auditory, telephonic, or electronic media, or any matter obtained through access to any computer or material linked to computer access use;
(11) not patronize any business providing sexually stimulating or sexually oriented entertainment nor utilize "900" or adult telephone numbers;
(12) not reside near, visit, or be in or about parks, schools, day care centers, swimming pools, beaches, theaters, or any other places where minor children congregate without advance approval of an agent of the Department of Corrections or the Department of Juvenile Justice and immediately report any incidental contact with minor children to the Department;
(13) not possess or have under his or her control certain specified items of contraband related to the incidence of sexually offending as determined by an agent of the Department of Corrections or the Department of Juvenile Justice;

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(14) may be required to provide a written daily log of activities if directed by an agent of the Department of Corrections or the Department of Juvenile Justice;
(15) comply with all other special conditions that the Department may impose that restrict the person from high-risk situations and limit access to potential victims;
(16) take an annual polygraph exam;
(17) maintain a log of his or her travel; or
(18) obtain prior approval of his or her parole officer or aftercare specialist before driving alone in a motor vehicle.
(c) The conditions under which the parole, aftercare release, or mandatory supervised release is to be served shall be communicated to the person in writing prior to his or her release, and he or she shall sign the same before release. A signed copy of these conditions, including a copy of an order of protection where one had been issued by the criminal court, shall be retained by the person and another copy forwarded to the officer or aftercare specialist in charge of his or her supervision.
(d) After a hearing under Section 3-3-9, the Prisoner Review Board may modify or enlarge the conditions of parole, aftercare release, or mandatory supervised release.
(e) The Department shall inform all offenders committed to the Department of the optional services available to them upon release and shall assist inmates in availing themselves of such optional services upon their release on a voluntary basis.
(f) (Blank).
(Source: P.A. 97-50, eff. 6-28-11; 97-531, eff. 1-1-12; 97-560, eff. 1-1-12; 97-597, eff. 1-1-12; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-558, eff. 1-1-14.)
Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 24, 2016.
Approved July 29, 2016.
Effective July 29, 2016.

New matter indicated by italics - deletions by strikeout
AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Child Care Act of 1969 is amended by changing Sections 2.09 and 3 as follows:

(225 ILCS 10/2.09) (from Ch. 23, par. 2212.09)

Sec. 2.09. "Day care center" means any child care facility which regularly provides day care for less than 24 hours per day for (1) more than 8 children in a family home, or (2) more than 3 children in a facility other than a family home, including senior citizen buildings. The term does not include (a) programs operated by (i) public or private elementary school systems or secondary level school units or institutions of higher learning that serve children who shall have attained the age of 3 years or (ii) private entities on the grounds of public or private elementary or secondary schools and that serve children who have attained the age of 3 years, except that this exception applies only to the facility and not to the private entities' personnel operating the program; (b) programs or that portion of the program which serves children who shall have attained the age of 3 years and which are recognized by the State Board of Education; (c) educational program or programs serving children who shall have attained the age of 3 years and which are operated by a school which is registered with the State Board of Education and which is recognized or accredited by a recognized national or multistate educational organization or association which regularly recognizes or accredits schools; (d) programs which exclusively serve or that portion of the program which serves children with disabilities who shall have attained the age of 3 years but are less than 21 years of age and which are registered and approved as meeting standards of the State Board of Education and applicable fire marshal standards; (e) facilities operated in connection with a shopping center or service, religious services, or other similar facility, where transient children are cared for temporarily while parents or custodians of the children are occupied on the premises and readily available; (f) any type of day care center that is conducted on federal government premises; (g) special activities programs, including athletics, crafts instruction and similar activities conducted on an organized and periodic basis by civic, charitable and governmental organizations; (h) part day child care

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facilities, as defined in Section 2.10 of this Act; or (i) programs or that portion of the program which (1) serves children who shall have attained the age of 3 years, (2) is operated by churches or religious institutions as described in Section 501 (c) (3) of the federal Internal Revenue Code, (3) receives no governmental aid, (4) is operated as a component of a religious, nonprofit elementary school, (5) operates primarily to provide religious education, and (6) meets appropriate State or local health and fire safety standards; or (j) programs or portions of programs that: (1) serve only school-age children and youth (defined as full-time kindergarten children, as defined in 89 Ill. Adm. Code 407.45, or older), (2) are organized to promote childhood learning, child and youth development, educational or recreational activities, or character-building, (3) operate primarily during out-of-school time or at times when school is not normally in session, (4) comply with the standards of the Illinois Department of Public Health (77 Ill. Adm. Code 750) or the local health department, the Illinois State Fire Marshal (41 Ill. Adm. Code 100), and the following additional health and safety requirements: procedures for employee and volunteer emergency preparedness and practice drills; procedures to ensure that first aid kits are maintained and ready to use; the placement of a minimum level of liability insurance as determined by the Department; procedures for the availability of a working telephone that is onsite and accessible at all times; procedures to ensure that emergency phone numbers are posted onsite; and a restriction on handgun or weapon possession onsite, except if possessed by a peace officer, (5) perform and maintain authorization and results of criminal history checks through the Illinois State Police and FBI and checks of the Illinois Sex Offender Registry, the National Sex Offender Registry, and Child Abuse and Neglect Tracking System for employees and volunteers who work directly with children, (6) make hiring decisions in accordance with the prohibitions against barrier crimes as specified in Section 4.2 of this Act or in Section 21B-80 of the School Code, (7) provide parents with written disclosure that the operations of the program are not regulated by licensing requirements, and (8) obtain and maintain records showing the first and last name and date of birth of the child, name, address, and telephone number of each parent, emergency contact information, and written authorization for medical care.

Programs or portions of programs requesting Child Care Assistance Program (CCAP) funding and otherwise meeting the requirements under (j) shall request exemption from the Department and
be determined exempt prior to receiving funding and must annually meet the eligibility requirements and be appropriate for payment under the CCAP.

Programs or portions of programs under (j) that do not receive State or federal funds must comply with staff qualification and training standards established by rule by the Department of Human Services. The Department of Human Services shall set such standards after review of Afterschool for Children and Teens Now (ACT Now) evidence-based quality standards developed for school-age out-of-school time programs, feedback from the school-age out-of-school time program professionals, and review of out-of-school time professional development frameworks and quality tools.

Out-of-school time programs for school-age youth that receive State or federal funds must comply with only those staff qualifications and training standards set for the program by the State or federal entity issuing the funds.

For purposes of (a), (b), (c), (d) and (i) of this Section, "children who shall have attained the age of 3 years" shall mean children who are 3 years of age, but less than 4 years of age, at the time of enrollment in the program.

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

(225 ILCS 10/3) (from Ch. 23, par. 2213)

Sec. 3. (a) No person, group of persons or corporation may operate or conduct any facility for child care, as defined in this Act, without a license or permit issued by the Department or without being approved by the Department as meeting the standards established for such licensing, with the exception of facilities for whom standards are established by the Department of Corrections under Section 3-15-2 of the Unified Code of Corrections and with the exception of facilities defined in Section 2.10 of this Act, and with the exception of programs or facilities licensed by the Department of Human Services under the Alcoholism and Other Drug Abuse and Dependency Act.

(b) No part day child care facility as described in Section 2.10 may operate without written notification to the Department or without complying with Section 7.1. Notification shall include a notarized statement by the facility that the facility complies with state or local health standards and state fire safety standards, and shall be filed with the department every 2 years.

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(c) The Director of the Department shall establish policies and coordinate activities relating to child care licensing, licensing of day care homes and day care centers.

(d) Any facility or agency which is exempt from licensing may apply for licensing if licensing is required for some government benefit.

(e) A provider of day care described in items (a) through (j) of Section 2.09 of this Act is exempt from licensure. The Department shall provide written verification of exemption and description of compliance with standards for the health, safety, and development of the children who receive the services upon submission by the provider of, in addition to any other documentation required by the Department, a notarized statement that the facility complies with: (1) the standards of the Department of Public Health or local health department, (2) the fire safety standards of the State Fire Marshal, and (3) if operated in a public school building, the health and safety standards of the State Board of Education.

(Source: P.A. 88-670, eff. 12-2-94; 89-507, eff. 7-1-97.)

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

Passed in the General Assembly May 26, 2016.
Approved July 29, 2016.
Effective July 29, 2016.

PUBLIC ACT 99-0700  
(Senate Bill No. 2407)

AN ACT concerning State government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Department of Human Services Act is amended by adding Section 10-47 as follows:

(20 ILCS 1305/10-47 new)

Sec. 10-47. Teen Responsibility, Education, Achievement, Caring, and Hope (Teen REACH) Grant Program.

(a) It is the purpose and intent of this Section to establish a State grant program to support local communities in providing after-school opportunities for youth 6 to 17 years of age that will improve their likelihood for future success, provide positive choices, reduce at-risk behaviors, and develop career goals.

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(b) Subject to appropriation, the Department shall award competitive grants under a Teen Responsibility, Education, Achievement, Caring, and Hope (Teen REACH) Grant Program to community-based agencies in accordance with this Section and other rules and regulations that may be adopted by the Department.

(c) Successful grantees under the Teen REACH grant program shall plan and implement activities that address outcomes associated with 6 core services:

1. the improvement of educational performance;
2. life skills education;
3. parental education;
4. recreation, sports, cultural, and artistic activities;
5. the development of positive adult mentors; and
6. service learning opportunities.

(d) Successful grantees under the Teen REACH grant program shall be in compliance with policies and procedures on program, data, and expense reporting as developed by the Department, in consultation with the Governor's Office of Management and Budget.

(e) The Department may adopt any rules necessary to implement this Section.

Passed in the General Assembly May 26, 2016.
Approved July 29, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0701
(Senate Bill No. 2468)

AN ACT concerning elections.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Election Code is amended by changing Section 24C-12 as follows:

(10 ILCS 5/24C-12)

Sec. 24C-12. Procedures for Counting and Tallying of Ballots. In an election jurisdiction where a Direct Recording Electronic Voting System is used, the following procedures for counting and tallying the ballots shall apply:

Before the opening of the polls, the judges of elections shall assemble the voting equipment and devices and turn the equipment on.

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The judges shall, if necessary, take steps to activate the voting devices and counting equipment by inserting into the equipment and voting devices appropriate data cards containing passwords and data codes that will select the proper ballot formats selected for that polling place and that will prevent inadvertent or unauthorized activation of the poll-opening function. Before voting begins and before ballots are entered into the voting devices, the judges of election shall cause to be printed a record of the following: the election's identification data, the device's unit identification, the ballot's format identification, the contents of each active candidate register by office and of each active public question register showing that they contain all zero votes, all ballot fields that can be used to invoke special voting options, and other information needed to ensure the readiness of the equipment and to accommodate administrative reporting requirements. The judges must also check to be sure that the totals are all zeros in the counting columns and in the public counter affixed to the voting devices.

After the judges have determined that a person is qualified to vote, a voting device with the proper ballot to which the voter is entitled shall be enabled to be used by the voter. The ballot may then be cast by the voter by marking by appropriate means the designated area of the ballot for the casting of a vote for any candidate or for or against any public question. The voter shall be able to vote for any and all candidates and public measures appearing on the ballot in any legal number and combination and the voter shall be able to delete, change or correct his or her selections before the ballot is cast. The voter shall be able to select candidates whose names do not appear upon the ballot for any office by entering electronically as many names of candidates as the voter is entitled to select for each office.

Upon completing his or her selection of candidates or public questions, the voter shall signify that voting has been completed by activating the appropriate button, switch or active area of the ballot screen associated with end of voting. Upon activation, the voting system shall record an image of the completed ballot, increment the proper ballot position registers, and shall signify to the voter that the ballot has been cast. Upon activation, the voting system shall also print a permanent paper record of each ballot cast as defined in Section 24C-2 of this Code. This permanent paper record shall (i) be printed in a clear, readily readable format that can be easily reviewed by the voter for completeness and accuracy and (ii) either be self-contained within the voting device or be

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deposited by the voter into a secure ballot box. No permanent paper record shall be removed from the polling place except by election officials as authorized by this Article. All permanent paper records shall be preserved and secured by election officials in the same manner as paper ballots and shall be available as an official record for any recount, redundant count, or verification or retabulation of the vote count conducted with respect to any election in which the voting system is used. The voter shall exit the voting station and the voting system shall prevent any further attempt to vote until it has been properly re-activated. If a voting device has been enabled for voting but the voter leaves the polling place without casting a ballot, 2 judges of election, one from each of the 2 major political parties, shall spoil the ballot.

Throughout the election day and before the closing of the polls, no person may check any vote totals for any candidate or public question on the voting or counting equipment. Such equipment shall be programmed so that no person may reset the equipment for reentry of ballots unless provided the proper code from an authorized representative of the election authority.

The precinct judges of election shall check the public register to determine whether the number of ballots counted by the voting equipment agrees with the number of voters voting as shown by the applications for ballot. If the same do not agree, the judges of election shall immediately contact the offices of the election authority in charge of the election for further instructions. If the number of ballots counted by the voting equipment agrees with the number of voters voting as shown by the application for ballot, the number shall be listed on the "Statement of Ballots" form provided by the election authority.

The totals for all candidates and propositions shall be tabulated. One copy of an "In-Precinct Totals Report" shall be generated by the automatic tabulating equipment for return to the election authority. One copy of an "In-Precinct Totals Report" shall be generated and posted in a conspicuous place inside the polling place, provided that any authorized poll watcher or other official authorized to be present in the polling place to observe the counting of ballots is present. The judges of election shall provide, if requested, a set for each authorized poll watcher or other official authorized to be present in the polling place to observe the counting of ballots. In addition, sufficient time shall be provided by the judges of election to the poll watchers to allow them to copy information from the copy which has been posted.

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Until December 31, 2019, in elections at which fractional cumulative votes are cast for candidates, the tabulation of those fractional cumulative votes may be made by the election authority at its central office location, and 4 copies of a "Certificate of Results" shall be printed by the automatic tabulation equipment and shall be posted in 4 conspicuous places at the central office location where those fractional cumulative votes have been tabulated.

If instructed by the election authority, the judges of election shall cause the tabulated returns to be transmitted electronically to the offices of the election authority via modem or other electronic medium.

The precinct judges of election shall select a bi-partisan team of 2 judges, who shall immediately return the ballots in a sealed container, along with all other election materials and equipment as instructed by the election authority; provided, however, that such container must first be sealed by the election judges with filament tape or other approved sealing devices provided for the purpose in a manner that the ballots cannot be removed from the container without breaking the seal or filament tape and disturbing any signatures affixed by the election judges to the container. The election authority shall keep the office of the election authority, or any receiving stations designated by the authority, open for at least 12 consecutive hours after the polls close or until the ballots and election material and equipment from all precincts within the jurisdiction of the election authority have been returned to the election authority. Ballots and election materials and equipment returned to the office of the election authority which are not signed and sealed as required by law shall not be accepted by the election authority until the judges returning the ballots make and sign the necessary corrections. Upon acceptance of the ballots and election materials and equipment by the election authority, the judges returning the ballots shall take a receipt signed by the election authority and stamped with the time and date of the return. The election judges whose duty it is to return any ballots and election materials and equipment as provided shall, in the event the ballots, materials or equipment cannot be found when needed, on proper request, produce the receipt which they are to take as above provided.

(Source: P.A. 96-1549, eff. 3-10-11; 97-766, eff. 7-6-12.)

Section 99. Effective date. This Act takes effect July 1, 2016.
Passed in the General Assembly May 26, 2016.
Approved July 29, 2016.
Effective July 29, 2016.

New matter indicated by italics - deletions by strikeout
AN ACT concerning public employee benefits.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Pension Code is amended by changing Section 17-116 as follows:

Sec. 17-116. Service retirement pension.
(a) Each teacher having 20 years of service upon attainment of age 55, or who thereafter attains age 55 shall be entitled to a service retirement pension upon or after attainment of age 55; and each teacher in service on or after July 1, 1971, with 5 or more but less than 20 years of service shall be entitled to receive a service retirement pension upon or after attainment of age 62.

(b) The service retirement pension for a teacher who retires on or after June 25, 1971, at age 60 or over, shall be calculated as follows:
   (1) For creditable service earned before July 1, 1998 that has not been augmented under Section 17-119.1: 1.67% for each of the first 10 years of service; 1.90% for each of the next 10 years of service; 2.10% for each year of service in excess of 20 but not exceeding 30; and 2.30% for each year of service in excess of 30, based upon average salary as herein defined.
   (2) For creditable service earned on or after July 1, 1998 by a member who has at least 30 years of creditable service on July 1, 1998 and who does not elect to augment service under Section 17-119.1: 2.3% of average salary for each year of creditable service earned on or after July 1, 1998.
   (3) For all other creditable service: 2.2% of average salary for each year of creditable service.

(c) When computing such service retirement pensions, the following conditions shall apply:
   1. Average salary shall consist of the average annual rate of salary for the 4 consecutive years of validated service within the last 10 years of service when such average annual rate was highest. In the determination of average salary for retirement allowance

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purposes, for members who commenced employment after August 31, 1979, that part of the salary for any year shall be excluded which exceeds the annual full-time salary rate for the preceding year by more than 20%. In the case of a member who commenced employment before August 31, 1979 and who receives salary during any year after September 1, 1983 which exceeds the annual full time salary rate for the preceding year by more than 20%, an Employer and other employers of eligible contributors as defined in Section 17-106 shall pay to the Fund an amount equal to the present value of the additional service retirement pension resulting from such excess salary. The present value of the additional service retirement pension shall be computed by the Board on the basis of actuarial tables adopted by the Board. If a member elects to receive a pension from this Fund provided by Section 20-121, his salary under the State Universities Retirement System and the Teachers' Retirement System of the State of Illinois shall be considered in determining such average salary. Amounts paid after the effective date of this amendatory Act of 1991 for unused vacation time earned after that effective date shall not under any circumstances be included in the calculation of average salary or the annual rate of salary for the purposes of this Article.

2. Proportionate credit shall be given for validated service of less than one year.

3. For retirement at age 60 or over the pension shall be payable at the full rate.

4. For separation from service below age 60 to a minimum age of 55, the pension shall be discounted at the rate of 1/2 of one per cent for each month that the age of the contributor is less than 60, but a teacher may elect to defer the effective date of pension in order to eliminate or reduce this discount. This discount shall not be applicable to any participant who has at least 34 years of service or a retirement pension of at least 74.6% of average salary on the date the retirement annuity begins.

5. No additional pension shall be granted for service exceeding 45 years. Beginning June 26, 1971 no pension shall exceed the greater of $1,500 per month or 75% of average salary as herein defined.

6. Service retirement pensions shall begin on the effective date of resignation, retirement, the day following the close of the
payroll period for which service credit was validated, or the time the person resigning or retiring attains age 55, or on a date elected by the teacher, whichever shall be latest; provided that, for a person who first becomes a member after the effective date of this amendatory Act of the 99th General Assembly, the benefit shall not commence more than one year prior to the date of the Fund's receipt of an application for the benefit.

7. A member who is eligible to receive a retirement pension of at least 74.6% of average salary and will attain age 55 on or before December 31 during the year which commences on July 1 shall be deemed to attain age 55 on the preceding June 1.

8. A member retiring after the effective date of this amendatory Act of 1998 shall receive a pension equal to 75% of average salary if the member is qualified to receive a retirement pension equal to at least 74.6% of average salary under this Article or as proportional annuities under Article 20 of this Code.

(Source: P.A. 90-566, eff. 1-2-98; 90-582, eff. 5-27-98.)

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

Approved July 29, 2016.
Effective July 29, 2016.

PUBLIC ACT 99-0703
(Senate Bill No. 2613)

AN ACT concerning employment.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Child Bereavement Leave Act.

Section 5. Definitions. In this Act:
"Child" means an employee's son or daughter who is a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis.

"Department" means the Department of Labor.

"Employee" means eligible employee, as defined by Section 101(2) of the federal Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

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"Employer" means employer, as defined by Section 101(4) of the federal Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

Section 10. Bereavement Leave.
(a) All employees shall be entitled to use a maximum of 2 weeks (10 work days) of unpaid bereavement leave to:
   (1) attend the funeral or alternative to a funeral of a child;
   (2) make arrangements necessitated by the death of the child; or
   (3) grieve the death of the child.
(b) Bereavement leave under subsection (a) of this Section must be completed within 60 days after the date on which the employee receives notice of the death of the child.
(c) An employee shall provide the employer with at least 48 hours' advance notice of the employee's intention to take bereavement leave, unless providing such notice is not reasonable and practicable.
(d) An employer may require reasonable documentation. Documentation may include a death certificate, a published obituary, or written verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or government agency.
(e) In the event of the death of more than one child in a 12-month period, an employee is entitled to up to a total of 6 weeks of bereavement leave during the 12-month period. This Act does not create a right for an employee to take unpaid leave that exceeds the unpaid leave time allowed under, or is in addition to the unpaid leave time permitted by, the federal Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

Section 15. Existing leave usable for bereavement. An employee who is entitled to take paid or unpaid leave (including family, medical, sick, annual, personal, or similar leave) from employment, pursuant to federal, State, or local law, a collective bargaining agreement, or an employment benefits program or plan may elect to substitute any period of such leave for an equivalent period of leave provided under Section 10.

Section 20. Unlawful employer practices. It is unlawful for any employer to take any adverse action against an employee because the employee (1) exercises rights or attempts to exercise rights under this Act, (2) opposes practices which such employee believes to be in violation of this Act, or (3) supports the exercise of rights of another under this Act.

Exercising rights under this Act includes filing an action or instituting or causing to be instituted any proceeding under or related to
this Act; providing or agreeing to provide any information in connection with any inquiry or proceeding relating to any right provided under this Act; or testifying to or agreeing to testify in any inquiry or proceeding relating to any right provided under this Act.

Section 25. Department responsibilities.

(a) The Department shall administer and enforce this Act and adopt rules under the Illinois Administrative Procedure Act for the purpose of this Act. The Department shall have the powers and the parties shall have the rights provided in the Illinois Administrative Procedure Act for contested cases. The Department shall have the power to conduct investigations in connection with the administration and enforcement of this Act, including the power to conduct depositions and discovery and to issue subpoenas. If the Department finds cause to believe that this Act has been violated, the Department shall notify the parties in writing and the matter shall be referred to an Administrative Law Judge to schedule a formal hearing in accordance with hearing procedures established by rule.

(b) The Department is authorized to impose civil penalties prescribed in Section 30 in administrative proceedings that comply with the Illinois Administrative Procedure Act and to supervise the payment of the unpaid wages and damages owing to the employee or employees under this Act. The Department may bring any legal action necessary to recover the amount of unpaid wages, damages, and penalties, and the employer shall be required to pay the costs. Any sums recovered by the Department on behalf of an employee under this Act shall be paid to the employee or employees affected. However, 20% of any penalty collected from the employer for a violation of this Act shall be deposited into the Child Bereavement Fund, a special fund created in the State treasury, and used for the enforcement of this Act.

(c) The Attorney General may bring an action to enforce the collection of any civil penalty imposed under this Act.

Section 30. Enforcement.

(a) An employee who believes his or her rights under this Act or any rule adopted under this Act have been violated may, within 60 days after the date of the last event constituting the alleged violation for which the action is brought, file a complaint with the Department or file a civil action.

(b) An employer that violates any provision of this Act or any rule adopted under this Act is subject to a civil penalty for each employee affected as follows:

New matter indicated by italics - deletions by strikeout
(1) first offense, a civil penalty not to exceed $500;
(2) second or subsequent offense, a civil penalty not to exceed $1,000.
(c) A civil action may be brought in the circuit court by an employee to enforce this Act. The circuit court may enjoin any act or practice that violates or may violate this Act and may order any other equitable relief that is necessary and appropriate to redress the violation or to enforce the Act.

Section 95. The State Finance Act is amended by adding Section 5.875 as follows:

(30 ILCS 105/5.875 new)
Sec. 5.875. The Child Bereavement Fund.

Passed in the General Assembly May 26, 2016.
Approved July 29, 2016.
Effective July 29, 2016.

AN ACT concerning finance.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Financial Reporting Standards Board Act is amended by changing Section 90 as follows:

(30 ILCS 30/90)
(Sec. 90. Repeal. This Act is repealed on June 30, 2016.
(Source: P.A. 97-1055, eff. 8-23-12.)
Passed in the General Assembly May 26, 2016.
Approved July 29, 2016.
Effective July 29, 2016.

New matter indicated by italics - deletions by strikeout
AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Private Business and Vocational Schools Act of 2012 is amended by changing Section 30 as follows:

Sec. 30. Exemptions. For purposes of this Act, the following shall not be considered to be a private business and vocational school:

(1) Any institution devoted entirely to the teaching of religion or theology.

(2) Any in-service program of study and subject offered by an employer, provided that no tuition is charged and the instruction is offered only to employees of the employer.

(3) Any educational institution that (A) enrolls a majority of its students in degree programs and has maintained an accredited status with a regional accrediting agency that is recognized by the U.S. Department of Education or (B) enrolls students in one or more bachelor-level programs, enrolls a majority of its students in degree programs, and is accredited by a national or regional accrediting agency that is recognized by the U.S. Department of Education or that (i) is regulated by the Board under the Private College Act or the Academic Degree Act or is exempt from such regulation under either the Private College Act or the Academic Degree Act solely for the reason that the educational institution was in operation on the effective date of either the Private College Act or the Academic Degree Act or (ii) is regulated by the State Board of Education.

(4) Any institution and the franchisees of that institution that exclusively offer a program of study in income tax theory or return preparation at a total contract price of no more than $400, provided that the total annual enrollment of the institution for all such courses of instruction exceeds 500 students and further provided that the total contract price for all instruction offered to a student in any one calendar year does not exceed $3,000.

(5) Any person or organization selling mediated instruction products through a media, such as tapes, compact discs, digital

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video discs, or similar media, so long as the instruction is not intended to result in the acquisition of training for a specific employment field, is not intended to meet a qualification for licensure or certification in an employment field, or is not intended to provide credit that can be applied toward a certificate or degree program.

(6) Schools with no physical presence in this State. Schools offering instruction or programs of study, but that have no physical presence in this State, are not required to receive Board approval. Such an institution must not be considered not to have a physical presence in this State unless it has received a written finding from the Board that it has a limited physical presence. In determining whether an institution has no physical presence, the Board shall require all of the following:

(A) Evidence of authorization to operate in at least one other state and that the school is in good standing with that state's authorizing agency.

(B) Evidence that the school has a means of receiving and addressing student complaints in compliance with any federal or state requirements.

(C) Evidence that the institution is providing no instruction in this State.

(D) Evidence that the institution is not providing core academic support services, including, but not limited to, admissions, evaluation, assessment, registration, financial aid, academic scheduling, and faculty hiring and support in this State.

(7) A school or program within a school that exclusively provides yoga instruction, yoga teacher training, or both.

(Source: P.A. 97-650, eff. 2-1-12.)

Approved July 29, 2016.
Effective January 1, 2017.

New matter indicated by italics - deletions by strikeout
AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Section 14A-30 as follows:

(105 ILCS 5/14A-30)

Sec. 14A-30. Funding of local gifted education programs. A local program for the education of gifted and talented children may be approved for funding by the State Board of Education, pursuant to a request for proposals process, if funds for that purpose are available and, beginning with the beginning of the 2010-2011 academic year, if the local program submits an application for funds that includes a comprehensive plan (i) showing that the applicant is capable of meeting a portion of the following requirements, (ii) showing the program elements currently in place and a timeline for implementation of other elements, and (iii) demonstrating to the satisfaction of the State Board of Education that the applicant is capable of implementing a program of gifted education consistent with this Article:

(1) The use of assessment instruments, such as nonverbal ability tests and tests in students' native languages, and a selection process that is equitable to and inclusive of underrepresented groups, including low-income students, minority students, students with disabilities, twice-exceptional students, and English learners.

The use of a minimum of 3 assessment measures used to identify gifted and talented children in each area in which a program for gifted and talented children is established, which may include without limitation scores on standardized achievement tests, observation checklists, portfolios, and currently-used district assessments:

(2) A priority emphasis on language arts and mathematics.

(3) The use of multiple valid assessments that assess both demonstrated achievement and potential for achievement, including cognitive ability tests and general or subject specific achievement tests, applied universally to all students, and appropriate for the content focus of the gifted services that will be provided. School districts and schools may add other local, valid

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assessments, such as portfolios. Assessments and selection processes must ensure multiple pathways into the program. An identification method that uses the definition of gifted and talented children as defined in Section 14A-20 of this Code:

(4) The use of score ranges on assessments that are appropriate for the school or district population, including the use of local norms for achievement to identify high potential students. Assessment instruments sensitive to the inclusion of underrepresented groups, including low-income students, minority students, and English language learners.

(5) A process of identification of gifted and talented children that is of equal rigor in each area of aptitude addressed by the program.

(6) The use of identification procedures that appropriately correspond with the planned programs, curricula, and services.

(7) A fair and equitable decision-making process.

(8) The availability of a fair and impartial appeal process within the school, school district, or cooperative of school districts operating a program for parents or guardians whose children are aggrieved by a decision of the school, school district, or cooperative of school districts regarding eligibility for participation in a program.

(9) Procedures for annually informing the community at-large, including parents, about the program and the methods used for the identification of gifted and talented children.

(10) Procedures for notifying parents or guardians of a child of a decision affecting that child's participation in a program.

(11) A description of how gifted and talented children will be grouped and instructed in order to maximize the educational benefits the children derive from participation in the program, including curriculum modifications and options that accelerate and add depth and complexity to the curriculum content.

(12) An explanation of how the program emphasizes higher-level skills attainment, including problem-solving, critical thinking, creative thinking, and research skills, as embedded within relevant content areas.

(13) A methodology for measuring academic growth for gifted and talented children and a procedure for communicating a
child's progress to his or her parents or guardian, including, but not limited to, a report card.

(14) The collection of data on growth in learning for children in a program for gifted and talented children and the reporting of the data to the State Board of Education.

(15) The designation of a supervisor responsible for overseeing the educational program for gifted and talented children.

(16) A showing that the certified teachers who are assigned to teach gifted and talented children understand the characteristics and educational needs of children and are able to differentiate the curriculum and apply instructional methods to meet the needs of the children.

(17) Plans for the continuation of professional development for staff assigned to the program serving gifted and talented children.

(Source: P.A. 95-331, eff. 8-21-07; 96-1152, eff. 7-21-10.)

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

Passed in the General Assembly May 23, 2016.
Approved July 29, 2016.
Effective July 29, 2016.

PUBLIC ACT 99-0707
(Senate Bill No. 2974)

AN ACT concerning transportation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Sections 3-806.3 and 3-808.1 as follows:

(625 ILCS 5/3-806.3) (from Ch. 95 1/2, par. 3-806.3)
Sec. 3-806.3. Senior Citizens. Commencing with the 2009 registration year, the registration fee paid by any vehicle owner who has been approved for benefits under the Senior Citizens and Persons with Disabilities Property Tax Relief Act or who is the spouse of such a person shall be $24 instead of the fee otherwise provided in this Code for passenger cars displaying standard multi-year registration plates issued under Section 3-414.1, motor vehicles displaying special registration

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plates issued under Section 3-609, 3-616, 3-621, 3-622, 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650, 3-651, or 3-663, motor vehicles registered at 8,000 pounds or less under Section 3-815(a), and recreational vehicles registered at 8,000 pounds or less under Section 3-815(b). Widows and widowers of claimants shall also be entitled to this reduced registration fee for the registration year in which the claimant was eligible.

Commencing with the 2009 registration year, the registration fee paid by any vehicle owner who has claimed and received a grant under the Senior Citizens and Persons with Disabilities Property Tax Relief Act or who is the spouse of such a person shall be $24 instead of the fee otherwise provided in this Code for passenger cars displaying standard multi-year registration plates issued under Section 3-414.1, motor vehicles displaying special registration plates issued under Section 3-607, 3-609, 3-616, 3-621, 3-622, 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650, 3-651, 3-663, or 3-664, motor vehicles registered at 8,000 pounds or less under Section 3-815(a), and recreational vehicles registered at 8,000 pounds or less under Section 3-815(b). Widows and widowers of claimants shall also be entitled to this reduced registration fee for the registration year in which the claimant was eligible.

Commencing with the 2017 registration year, the reduced fee under this Section shall apply to any special registration plate authorized in Article VI of Chapter 3 of this Code for which the applicant would otherwise be eligible.

Surcharges for vehicle registrations under Section 3-806 of this Code shall not be collected from any vehicle owner who has been approved for benefits under the Senior Citizens and Disabled Persons Property Tax Relief Act or a person who is the spouse of such a person.

No more than one reduced registration fee under this Section shall be allowed during any 12-month period based on the primary eligibility of any individual, whether such reduced registration fee is allowed to the individual or to the spouse, widow or widower of such individual. This Section does not apply to the fee paid in addition to the registration fee for motor vehicles displaying vanity, personalized, or special license plates.

(Source: P.A. 99-71, eff. 1-1-16; 99-143, eff. 7-27-15; revised 10-19-15.)

(625 ILCS 5/3-808.1) (from Ch. 95 1/2, par. 3-808.1)

Sec. 3-808.1. (a) Permanent vehicle registration plates shall be issued, at no charge, to the following:

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1. Vehicles, other than medical transport vehicles, owned and operated by the State of Illinois or by any State agency financed by funds appropriated by the General Assembly;

2. Special disability plates issued to vehicles owned and operated by the State of Illinois or by any State agency financed by funds appropriated by the General Assembly.

(b) Permanent vehicle registration plates shall be issued, for a one time fee of $8.00, to the following:

1. Vehicles, other than medical transport vehicles, operated by or for any county, township or municipal corporation.

2. Vehicles owned by counties, townships or municipal corporations for persons with disabilities.

3. Beginning with the 1991 registration year, county-owned vehicles operated by or for any county sheriff and designated deputy sheriffs. These registration plates shall contain the specific county code and unit number.

4. All-terrain vehicles owned by counties, townships, or municipal corporations and used for law enforcement purposes when the Manufacturer's Statement of Origin is accompanied with a letter from the original manufacturer or a manufacturer's franchised dealer stating that this all-terrain vehicle has been converted to a street worthy vehicle that meets the equipment requirements set forth in Chapter 12 of this Code.

5. Beginning with the 2001 registration year, municipally-owned vehicles operated by or for any police department. These registration plates shall contain the designation "municipal police" and shall be numbered and distributed as prescribed by the Secretary of State.

6. Beginning with the 2014 registration year, municipally owned, fire district owned, or Mutual Aid Box Alarm System (MABAS) owned vehicles operated by or for any fire department, fire protection district, or MABAS. These registration plates shall display the designation "Fire Department" and shall display the specific fire department, fire district, fire unit, or MABAS division number or letter.

7. Beginning with the 2017 registration year, vehicles that do not require a school bus driver permit under Section 6-104 to operate, and are owned by a public school district from grades K-12 or a public community college.

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8. Beginning with the 2017 registration year, vehicles of the first division or vehicles of the second division weighing not more than 8,000 pounds that are owned by a medical facility or hospital of a municipality, county, or township.

(b-5) Beginning with the 2016 registration year, permanent vehicle registration plates shall be issued for a one-time fee of $8.00 to a county, township, or municipal corporation that owns or operates vehicles used for the purpose of community workplace commuting as defined by the Secretary of State by administrative rule. The design and color of the plates shall be wholly within the discretion of the Secretary. The Secretary of State may adopt rules to implement this subsection (b-5).

(c) Beginning with the 2012 registration year, county-owned vehicles operated by or for any county sheriff and designated deputy sheriffs that have been issued registration plates under subsection (b) of this Section shall be exempt from any fee for the transfer of registration from one vehicle to another vehicle. Each county sheriff shall report to the Secretary of State any transfer of registration plates from one vehicle to another vehicle operated by or for any county sheriff and designated deputy sheriffs. The Secretary of State shall adopt rules to implement this subsection (c).

(c-5) Beginning with the 2014 registration year, municipally owned, fire district owned, or Mutual Aid Box Alarm System (MABAS) owned vehicles operated by or for any fire department, fire protection district, or MABAS that have been issued registration plates under subsection (b) of this Section shall be exempt from any fee for the transfer of registration from one vehicle to another vehicle. Each fire department, fire protection district, of MABAS shall report to the Secretary of State any transfer of registration plates from one vehicle to another vehicle operated by or for any fire department, fire protection district, or MABAS. The Secretary of State shall adopt rules to implement this subsection.

(d) Beginning with the 2013 registration year, municipally-owned vehicles operated by or for any police department that have been issued registration plates under subsection (b) of this Section shall be exempt from any fee for the transfer of registration from one vehicle to another vehicle. Each municipal police department shall report to the Secretary of State any transfer of registration plates from one vehicle to another vehicle operated by or for any municipal police department. The Secretary of State shall adopt rules to implement this subsection (d).
(e) Beginning with the 2016 registration year, any vehicle owned or operated by a county, township, or municipal corporation that has been issued registration plates under this Section is exempt from any fee for the transfer of registration from one vehicle to another vehicle. Each county, township, or municipal corporation shall report to the Secretary of State any transfer of registration plates from one vehicle to another vehicle operated by or for any county, township, or municipal corporation.
(Source: P.A. 98-436, eff. 1-1-14; 98-1074, eff. 1-1-15; 99-166, eff. 7-28-15.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 23, 2016.
Approved July 29, 2016.
Effective July 29, 2016.

PUBLIC ACT 99-0708
(Senate Bill No. 3071)

AN ACT concerning public employee benefits.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Pension Code is amended by changing Sections 22A-109, 22A-111, 22A-113.1, 22A-113.2, and 22A-113.3 as follows:

(40 ILCS 5/22A-109) (from Ch. 108 1/2, par. 22A-109)
Sec. 22A-109. Membership of board. The board shall consist of the following members:

(1) Five trustees appointed by the Governor with the advice and consent of the Senate who may not hold an elective State office.

(2) The Treasurer.

(3) The Comptroller, who shall represent the State Employees' Retirement System of Illinois.


The appointive members shall serve for terms of 4 years except that the terms of office of the original appointive members pursuant to this

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amendatory Act of the 96th General Assembly shall be as follows: One
member for a term of 1 year; 1 member for a term of 2 years; 1 member
for a term of 3 years; and 2 members for a term of 4 years. Vacancies
among the appointive members shall be filled for unexpired terms by
appointment in like manner as for original appointments, and appointive
members shall continue in office until their successors have been
appointed and have qualified.

Notwithstanding any provision of this Section to the contrary, the
term of office of each trustee of the Board appointed by the Governor who
is sitting on the Board on the effective date of this amendatory Act of the
96th General Assembly is terminated on that effective date. A trustee
sitting on the board on the effective date of this amendatory Act of the
96th General Assembly may not hold over in office for more than 60 days
after the effective date of this amendatory Act of the 96th General
Assembly. Nothing in this Section shall prevent the Governor from
making a temporary appointment or nominating a trustee holding office on
the day before the effective date of this amendatory Act of the 96th
General Assembly.

Each person appointed to membership shall qualify by taking an
oath of office before the Secretary of State stating that he will diligently
and honestly administer the affairs of the board and will not violate or
knowingly permit the violation of any provisions of this Article.

Members of the board shall receive no salary for service on the
board but shall be reimbursed for travel expenses incurred while on
business for the board according to the standards in effect for members of
the Illinois Legislative Research Unit.

A majority of the members of the board shall constitute a quorum.
The board shall elect from its membership, biennially, a Chairman, Vice
Chairman and a Recording Secretary. These officers, together with one
other member elected by the board, shall constitute the executive
committee. During the interim between regular meetings of the board, the
executive committee shall have authority to conduct all business of the
board and shall report such business conducted at the next following
meeting of the board for ratification.

No member of the board shall have any interest in any brokerage
fee, commission or other profit or gain arising out of any investment made
by the board. This paragraph does not preclude ownership by any member
of any minority interest in any common stock or any corporate obligation
in which investment is made by the board.

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The board shall contract for a blanket fidelity bond in the penal sum of not less than $1,000,000.00 to cover members of the board, the director and all other employees of the board conditioned for the faithful performance of the duties of their respective offices, the premium on which shall be paid by the board. The bond shall be filed with the State Treasurer for safekeeping.  
(Source: P.A. 96-6, eff. 4-3-09.)  
(40 ILCS 5/22A-111) (from Ch. 108 1/2, par. 22A-111)  
Sec. 22A-111. The Board shall manage the investments of any pension fund, retirement system, or education fund for the purpose of obtaining a total return on investments for the long term. It also shall perform such other functions as may be assigned or directed by the General Assembly.  
The authority of the board to manage pension fund investments and the liability shall begin when there has been a physical transfer of the pension fund investments to the board and placed in the custody of the board's custodian State Treasurer.  
The authority of the board to manage monies from the education fund for investment and the liability of the board shall begin when there has been a physical transfer of education fund investments to the board and placed in the custody of the board's custodian State Treasurer.  
The board may not delegate its management functions, but it may, but is not required to, arrange to compensate for personalized investment advisory service for any or all investments under its control with any national or state bank or trust company authorized to do a trust business and domiciled in Illinois, other financial institution organized under the laws of Illinois, or an investment advisor who is qualified under Federal Investment Advisors Act of 1940 and is registered under the Illinois Securities Law of 1953. Nothing contained herein shall prevent the Board from subscribing to general investment research services available for purchase or use by others. The Board shall also have the authority to compensate for accounting services.  
This Section shall not be construed to prohibit the Illinois State Board of Investment from directly investing pension assets in public market investments, private investments, real estate investments, or other investments authorized by this Code.  
(Source: P.A. 96-1554, eff. 3-18-11.)  
(40 ILCS 5/22A-113.1) (from Ch. 108 1/2, par. 22A-113.1)  
Sec. 22A-113.1. Investable funds.  

New matter indicated by italics - deletions by strikeout
Each retirement system under the management of the Illinois State Board of Investment shall report to the board from time to time the amounts of funds available for investment. These amounts shall be transferred immediately to the board's custodian or the custodian's State Treasurer or his authorized agent for the account of the board to be applied for investment by the board. Notice to the Illinois State Board of Investment of each such transfer shall be given by the retirement system as the transfer occurs.

(Source: P.A. 78-646.)

(40 ILCS 5/22A-113.2) (from Ch. 108 1/2, par. 22A-113.2)
Sec. 22A-113.2. Custodian State Treasurer.

The securities, funds and other assets transferred to the Illinois State Board of Investment or otherwise acquired by the board shall be placed in the custody of the board's custodian. The custodian shall serve as official custodian of the board, provide adequate safe deposit facilities therefor and hold all such securities, funds and other assets subject to the order of the board.

As soon as may be practicable, but in no event later than December 31, 2016, the board shall appoint and retain a qualified custodian. Until a custodian has been appointed by the board, the State Treasurer shall serve as official custodian of the board.

The custodian State Treasurer shall furnish a corporate surety bond of such amount as the board designates, which bond shall indemnify the board against any loss that may result from any action or failure to act by the custodian Treasurer or any of the custodian's agents. All charges incidental to the procuring and giving of such bond shall be paid by the board. The bond shall be in the custody of the board.

(Source: P.A. 77-611.)

(40 ILCS 5/22A-113.3) (from Ch. 108 1/2, par. 22A-113.3)
Sec. 22A-113.3. Investable funds of education foundation. The Illinois Bank Examiners' Education Foundation shall report to the board from time to time the amounts of monies available for investment by the board. These amounts shall be transferred promptly to the board's custodian or the custodian's State Treasurer or his authorized agent for the account of the board to be applied for investment by the board. Notice to the board of each such transfer shall be given by the Illinois Bank Examiners' Education Foundation after the transfer occurs.

(Source: P.A. 84-1127.)

New matter indicated by italics - deletions by strikeout
Section 99. Effective date. This Act takes effect upon becoming law.

Approved July 29, 2016.
Effective July 29, 2016.

PUBLIC ACT 99-0709
(House Bill No. 0229)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Counties Code is amended by changing Sections 5-44010 and 5-44020 as follows:

(55 ILCS 5/5-44010)
Sec. 5-44010. Applicability. The powers and authorities provided by this Division 5-44 apply to DuPage, Lake, and McHenry Counties only to counties with a population of more than 900,000 and less than 3,000,000 that are contiguous to a county with a population of more than 3,000,000 and units of local government within such counties.
(Source: P.A. 98-126, eff. 8-2-13.)

(55 ILCS 5/5-44020)
Sec. 5-44020. Definitions. In this Division 5-44:
"Fire protection jurisdiction" means a fire protection district, municipal fire department, or service organized under Section 5-1056.1 of the Counties Code, Sections 195 and 200 of the Township Code, Section 10-2.1 of the Illinois Municipal Code, or the Illinois Fire Protection District Act.
"Governing board" means the individual or individuals who constitute the corporate authorities of a unit of local government.
"Unit of local government" or "unit" means any unit of local government located entirely within one county, to which the county board chairman or county executive directly appoints a majority of its governing board with the advice and consent of the county board, but shall not include a fire protection district that directly employs any regular full-time employees, a conservation district organized under the Conservation District Act, or a special district organized under the Water Commission Act of 1985.
(Source: P.A. 98-126, eff. 8-2-13; 98-756, eff. 7-16-14.)

New matter indicated by italics - deletions by strikeout
AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Emergency Medical Services (EMS) Systems Act is amended by changing Section 32.5 as follows:

(210 ILCS 50/32.5)
Sec. 32.5. Freestanding Emergency Center.
(a) The Department shall issue an annual Freestanding Emergency Center (FEC) license to any facility that has received a permit from the Health Facilities and Services Review Board to establish a Freestanding Emergency Center by January 1, 2015, and:

(1) is located: (A) in a municipality with a population of 50,000 or fewer inhabitants; (B) within 50 miles of the hospital that owns or controls the FEC; and (C) within 50 miles of the Resource Hospital affiliated with the FEC as part of the EMS System;

(2) is wholly owned or controlled by an Associate or Resource Hospital, but is not a part of the hospital's physical plant;

(3) meets the standards for licensed FECs, adopted by rule of the Department, including, but not limited to:

(A) facility design, specification, operation, and maintenance standards;

(B) equipment standards; and

(C) the number and qualifications of emergency medical personnel and other staff, which must include at least one board certified emergency physician present at the FEC 24 hours per day.

(4) limits its participation in the EMS System strictly to receiving a limited number of patients by ambulance: (A) BLS runs by emergency medical vehicles according to the FEC's 24-hour
capabilities; (B) according to protocols developed by the Resource Hospital within the FEC's designated EMS System; and (C) as pre-approved by both the EMS Medical Director and the Department and approved by the Project Medical Director and the Department;

(5) provides comprehensive emergency treatment services, as defined in the rules adopted by the Department pursuant to the Hospital Licensing Act, 24 hours per day, on an outpatient basis;

(6) provides an ambulance and maintains on site ambulance services staffed with paramedics 24 hours per day;

(7) (blank);

(8) complies with all State and federal patient rights provisions, including, but not limited to, the Emergency Medical Treatment Act and the federal Emergency Medical Treatment and Active Labor Act;

(9) maintains a communications system that is fully integrated with its Resource Hospital within the FEC's designated EMS System;

(10) reports to the Department any patient transfers from the FEC to a hospital within 48 hours of the transfer plus any other data determined to be relevant by the Department;

(11) submits to the Department, on a quarterly basis, the FEC's morbidity and mortality rates for patients treated at the FEC and other data determined to be relevant by the Department;

(12) does not describe itself or hold itself out to the general public as a full service hospital or hospital emergency department in its advertising or marketing activities;

(13) complies with any other rules adopted by the Department under this Act that relate to FECs;

(14) passes the Department's site inspection for compliance with the FEC requirements of this Act;

(15) submits a copy of the permit issued by the Health Facilities and Services Review Board indicating that the facility has complied with the Illinois Health Facilities Planning Act with respect to the health services to be provided at the facility;

(16) submits an application for designation as an FEC in a manner and form prescribed by the Department by rule; and

(17) pays the annual license fee as determined by the Department by rule.

New matter indicated by italics - deletions by strikeout
(a-5) Notwithstanding any other provision of this Section, the Department may issue an annual FEC license to a facility that is located in a county that does not have a licensed general acute care hospital if the facility's application for a permit from the Illinois Health Facilities Planning Board has been deemed complete by the Department of Public Health by January 1, 2014 and if the facility complies with the requirements set forth in paragraphs (1) through (17) of subsection (a).

(a-10) Notwithstanding any other provision of this Section, the Department may issue an annual FEC license to a facility if the facility has, by January 1, 2014, filed a letter of intent to establish an FEC and if the facility complies with the requirements set forth in paragraphs (1) through (17) of subsection (a).

(a-15) Notwithstanding any other provision of this Section, the Department shall issue an annual FEC license to a facility if the facility: (i) discontinues operation as a hospital within 180 days after the effective date of this amendatory Act of the 99th General Assembly with a Health Facilities and Services Review Board project number of E-017-15; (ii) has an application for a permit to establish an FEC from the Health Facilities and Services Review Board that is deemed complete by January 1, 2017; and (iii) complies with the requirements set forth in paragraphs (1) through (17) of subsection (a) of this Section.

(b) The Department shall:

(1) annually inspect facilities of initial FEC applicants and licensed FECs, and issue annual licenses to or annually relicense FECs that satisfy the Department's licensure requirements as set forth in subsection (a);

(2) suspend, revoke, refuse to issue, or refuse to renew the license of any FEC, after notice and an opportunity for a hearing, when the Department finds that the FEC has failed to comply with the standards and requirements of the Act or rules adopted by the Department under the Act;

(3) issue an Emergency Suspension Order for any FEC when the Director or his or her designee has determined that the continued operation of the FEC poses an immediate and serious danger to the public health, safety, and welfare. An opportunity for a hearing shall be promptly initiated after an Emergency Suspension Order has been issued; and

(4) adopt rules as needed to implement this Section.

(Source: P.A. 99-490, eff. 12-4-15.)

New matter indicated by italics - deletions by strikeout
Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly May 19, 2016.
Approved August 5, 2016.
Effective August 5, 2016.

PUBLIC ACT 99-0711
(House Bill No. 4462)

AN ACT concerning public health.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Epinephrine Auto-Injector Act.

Section 5. Definitions. As used in this Act:
"Administer" means to directly apply an epinephrine auto-injector to the body of an individual.
"Authorized entity" means any entity or organization, other than a school covered under Section 22-30 of the School Code, in connection with or at which allergens capable of causing anaphylaxis may be present, including, but not limited to, independent contractors who provide student transportation to schools, recreation camps, colleges and universities, day care facilities, youth sports leagues, amusement parks, restaurants, sports arenas, and places of employment. The Department shall, by rule, determine what constitutes a day care facility under this definition.
"Department" means the Department of Public Health.
"Epinephrine auto-injector" means a single-use device used for the automatic injection of a pre-measured dose of epinephrine into the human body.
"Health care practitioner" means a physician licensed to practice medicine in all its branches under the Medical Practice Act of 1987, a physician assistant under the Physician Assistant Practice Act of 1987 with prescriptive authority, or an advanced practice nurse with prescribing authority under Article 65 of the Nurse Practice Act.
"Pharmacist" has the meaning given to that term under subsection (k-5) of Section 3 of the Pharmacy Practice Act.
"Undesignated epinephrine auto-injector" means an epinephrine auto-injector prescribed in the name of an authorized entity.

Section 10. Prescription to authorized entity; use; training.

New matter indicated by italics - deletions by strikeout
(a) A health care practitioner may prescribe epinephrine auto-injectors in the name of an authorized entity for use in accordance with this Act, and pharmacists and health care practitioners may dispense epinephrine auto-injectors pursuant to a prescription issued in the name of an authorized entity. Such prescriptions shall be valid for a period of 2 years.

(b) An authorized entity may acquire and stock a supply of undesignated epinephrine auto-injectors pursuant to a prescription issued under subsection (a) of this Section. Such undesignated epinephrine auto-injectors shall be stored in a location readily accessible in an emergency and in accordance with the instructions for use of the epinephrine auto-injectors. The Department may establish any additional requirements an authorized entity must follow under this Act.

(c) An employee or agent of an authorized entity or other individual who has completed training under subsection (d) of this Section may:

(1) provide an epinephrine auto-injector to any individual on the property of the authorized entity whom the employee, agent, or other individual believes in good faith is experiencing anaphylaxis, or to the parent, guardian, or caregiver of such individual, for immediate administration, regardless of whether the individual has a prescription for an epinephrine auto-injector or has previously been diagnosed with an allergy; or

(2) administer an epinephrine auto-injector to any individual on the property of the authorized entity whom the employee, agent, or other individual believes in good faith is experiencing anaphylaxis, regardless of whether the individual has a prescription for an epinephrine auto-injector or has previously been diagnosed with an allergy.

(d) An employee, agent, or other individual authorized must complete an anaphylaxis training program before he or she is able to provide or administer an epinephrine auto-injector under this Section. Such training shall be valid for a period of 2 years and shall be conducted by a nationally recognized organization experienced in training laypersons in emergency health treatment. The Department shall include links to training providers' websites on its website.

Training shall include, but is not limited to:

(1) how to recognize signs and symptoms of an allergic reaction, including anaphylaxis;

New matter indicated by italics - deletions by strikeout
(2) how to administer an epinephrine auto-injector; and
(3) a test demonstrating competency of the knowledge required to recognize anaphylaxis and administer an epinephrine auto-injector.

Training may also include, but is not limited to:
(A) a review of high-risk areas on the authorized entity's property and its related facilities;
(B) steps to take to prevent exposure to allergens;
(C) emergency follow-up procedures; and
(D) other criteria as determined in rules adopted pursuant to this Act.

Training may be conducted either online or in person. The Department shall approve training programs and list permitted training programs on the Department's Internet website.

Section 15. Costs. Whichever entity initiates the process of obtaining undesignated epinephrine auto-injectors and providing training to personnel for carrying and administering undesignated epinephrine auto-injectors shall pay for the costs of the undesignated epinephrine auto-injectors.

Section 20. Limitations. The use of an undesignated epinephrine auto-injector in accordance with the requirements of this Act does not constitute the practice of medicine or any other profession that requires medical licensure.

Nothing in this Act shall limit the amount of epinephrine auto-injectors that an authorized entity or individual may carry or maintain a supply of.

Section 85. Rulemaking. The Department shall adopt any rules necessary to implement and administer this Act.

Section 87. The State Police Act is amended by adding Section 40 as follows:

(20 ILCS 2610/40 new)
Sec. 40. Training; administration of epinephrine.
(a) This Section, along with Section 10.19 of the Illinois Police Training Act, may be referred to as the Annie LeGere Law.
(b) For the purposes of this Section, "epinephrine auto-injector" means a single-use device used for the automatic injection of a pre-measured dose of epinephrine into the human body prescribed in the name of the Department.

New matter indicated by italics - deletions by strikeout
(c) The Department may conduct or approve a training program for State Police officers to recognize and respond to anaphylaxis, including, but not limited to:

1. how to recognize symptoms of an allergic reaction;
2. how to respond to an emergency involving an allergic reaction;
3. how to administer an epinephrine auto-injector;
4. how to respond to an individual with a known allergy as well as an individual with a previously unknown allergy;
5. a test demonstrating competency of the knowledge required to recognize anaphylaxis and administer an epinephrine auto-injector; and
6. other criteria as determined in rules adopted by the Department.

(d) The Department may authorize a State Police officer who has completed the training program under subsection (c) to carry, administer, or assist with the administration of epinephrine auto-injectors whenever he or she is performing official duties.

(e) The Department must establish a written policy to control the acquisition, storage, transportation, administration, and disposal of epinephrine auto-injectors before it allows any State Police officer to carry and administer epinephrine auto-injectors.

(f) A physician, physician's assistant with prescriptive authority, or advanced practice registered nurse with prescriptive authority may provide a standing protocol or prescription for epinephrine auto-injectors in the name of the Department to be maintained for use when necessary.

(g) When a State Police officer administers epinephrine auto-injector in good faith, the officer and the Department, and its employees and agents, incur no liability, except for willful and wanton conduct, as a result of any injury or death arising from the use of an epinephrine auto-injector.

Section 88. The Illinois Police Training Act is amended by adding Section 10.19 as follows:

(50 ILCS 705/10.19 new)
Sec. 10.19. Training; administration of epinephrine.
(a) This Section, along with Section 40 of the State Police Act, may be referred to as the Annie LeGere Law.
(b) For purposes of this Section, "epinephrine auto-injector" means a single-use device used for the automatic injection of a pre-
measured dose of epinephrine into the human body prescribed in the name of a local governmental agency.

(c) The Board shall conduct or approve an optional advanced training program for police officers to recognize and respond to anaphylaxis, including the administration of an epinephrine auto-injector. The training must include, but is not limited to:

(1) how to recognize symptoms of an allergic reaction;
(2) how to respond to an emergency involving an allergic reaction;
(3) how to administer an epinephrine auto-injector;
(4) how to respond to an individual with a known allergy as well as an individual with a previously unknown allergy;
(5) a test demonstrating competency of the knowledge required to recognize anaphylaxis and administer an epinephrine auto-injector; and
(6) other criteria as determined in rules adopted by the Board.

(d) A local governmental agency may authorize a police officer who has completed an optional advanced training program under subsection (c) to carry, administer, or assist with the administration of epinephrine auto-injectors provided by the local governmental agency whenever he or she is performing official duties.

(e) A local governmental agency that authorizes its officers to carry and administer epinephrine auto-injectors under subsection (d) must establish a policy to control the acquisition, storage, transportation, administration, and disposal of epinephrine auto-injectors and to provide continued training in the administration of epinephrine auto-injectors.

(f) A physician, physician's assistant with prescriptive authority, or advanced practice registered nurse with prescriptive authority may provide a standing protocol or prescription for epinephrine auto-injectors in the name of a local governmental agency to be maintained for use when necessary.

(g) When a police officer administers an epinephrine auto-injector in good faith, the police officer and local governmental agency, and its employees and agents, incur no liability, except for willful and wanton conduct, as a result of any injury or death arising from the use of an epinephrine auto-injector.

Section 90. The School Code is amended by changing Section 22-30 as follows:

New matter indicated by italics - deletions by strikeout
Sec. 22-30. Self-administration and self-carry of asthma medication and epinephrine auto-injectors; administration of undesignated epinephrine auto-injectors; administration of an opioid antagonist.

(a) For the purpose of this Section only, the following terms shall have the meanings set forth below:

"Asthma inhaler" means a quick reliever asthma inhaler.

"Epinephrine auto-injector" means a single-use device used for the automatic injection of a pre-measured dose of epinephrine into the human body.

"Asthma medication" means a medicine, prescribed by (i) a physician licensed to practice medicine in all its branches, (ii) a licensed physician assistant with prescriptive authority, or (iii) a licensed advanced practice nurse with prescriptive authority for a pupil that pertains to the pupil's asthma and that has an individual prescription label.

"Opioid antagonist" means a drug that binds to opioid receptors and blocks or inhibits the effect of opioids acting on those receptors, including, but not limited to, naloxone hydrochloride or any other similarly acting drug approved by the U.S. Food and Drug Administration.

"School nurse" means a registered nurse working in a school with or without licensure endorsed in school nursing.

"Self-administration" means a pupil's discretionary use of his or her prescribed asthma medication or epinephrine auto-injector.

"Self-carry" means a pupil's ability to carry his or her prescribed asthma medication or epinephrine auto-injector.

"Standing protocol" may be issued by (i) a physician licensed to practice medicine in all its branches, (ii) a licensed physician assistant with prescriptive authority, or (iii) a licensed advanced practice nurse with prescriptive authority.

"Trained personnel" means any school employee or volunteer personnel authorized in Sections 10-22.34, 10-22.34a, and 10-22.34b of this Code who has completed training under subsection (g) of this Section to recognize and respond to anaphylaxis.

"Undesignated epinephrine auto-injector" means an epinephrine auto-injector prescribed in the name of a school district, public school, or nonpublic school.

(b) A school, whether public or nonpublic, must permit the self-administration and self-carry of asthma medication by a pupil with asthma.
or the self-administration and self-carry of an epinephrine auto-injector by a pupil, provided that:

(1) the parents or guardians of the pupil provide to the school (i) written authorization from the parents or guardians for (A) the self-administration and self-carry of asthma medication or (B) the self-carry of asthma medication or (ii) for (A) the self-administration and self-carry of an epinephrine auto-injector or (B) the self-carry of an epinephrine auto-injector, written authorization from the pupil's physician, physician assistant, or advanced practice nurse; and

(2) the parents or guardians of the pupil provide to the school (i) the prescription label, which must contain the name of the asthma medication, the prescribed dosage, and the time at which or circumstances under which the asthma medication is to be administered, or (ii) for the self-administration or self-carry of an epinephrine auto-injector, a written statement from the pupil's physician, physician assistant, or advanced practice nurse containing the following information:

   (A) the name and purpose of the epinephrine auto-injector;
   (B) the prescribed dosage; and
   (C) the time or times at which or the special circumstances under which the epinephrine auto-injector is to be administered.

The information provided shall be kept on file in the office of the school nurse or, in the absence of a school nurse, the school's administrator.

(b-5) A school district, public school, or nonpublic school may authorize the provision of a student-specific or undesignated epinephrine auto-injector to a student or any personnel authorized under a student's Individual Health Care Action Plan, Illinois Food Allergy Emergency Action Plan and Treatment Authorization Form, or plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 to administer an epinephrine auto-injector to the student, that meets the student's prescription on file.

(b-10) The school district, public school, or nonpublic school may authorize a school nurse or trained personnel to do the following: (i) provide an undesignated epinephrine auto-injector to a student for self-administration only or any personnel authorized under a student's Individual Health Care Action Plan, Illinois Food Allergy Emergency

New matter indicated by italics - deletions by strikeout
Action Plan and Treatment Authorization Form, or plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 to administer to the student, that meets the student's prescription on file; (ii) administer an undesignated epinephrine auto-injector that meets the prescription on file to any student who has an Individual Health Care Action Plan, Illinois Food Allergy Emergency Action Plan and Treatment Authorization Form, or plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 that authorizes the use of an epinephrine auto-injector; (iii) administer an undesignated epinephrine auto-injector to any person that the school nurse or trained personnel in good faith believes is having an anaphylactic reaction; and (iv) administer an opioid antagonist to any person that the school nurse or trained personnel in good faith believes is having an opioid overdose.

(c) The school district, public school, or nonpublic school must inform the parents or guardians of the pupil, in writing, that the school district, public school, or nonpublic school and its employees and agents, including a physician, physician assistant, or advanced practice nurse providing standing protocol or prescription for school epinephrine auto-injectors, are to incur no liability or professional discipline, except for willful and wanton conduct, as a result of any injury arising from the administration of asthma medication, an epinephrine auto-injector, or an opioid antagonist regardless of whether authorization was given by the pupil's parents or guardians or by the pupil's physician, physician assistant, or advanced practice nurse. The parents or guardians of the pupil must sign a statement acknowledging that the school district, public school, or nonpublic school and its employees and agents are to incur no liability, except for willful and wanton conduct, as a result of any injury arising from the administration of asthma medication, an epinephrine auto-injector, or an opioid antagonist regardless of whether authorization was given by the pupil's parents or guardians or by the pupil's physician, physician assistant, or advanced practice nurse and that the parents or guardians must indemnify and hold harmless the school district, public school, or nonpublic school and its employees and agents against any claims, except a claim based on willful and wanton conduct, arising out of the administration of asthma medication, an epinephrine auto-injector, or an opioid antagonist regardless of whether authorization was given by the pupil's parents or guardians or by the pupil's physician, physician assistant, or advanced practice nurse.

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(c-5) When a school nurse or trained personnel administers an undesignated epinephrine auto-injector to a person whom the school nurse or trained personnel in good faith believes is having an anaphylactic reaction; or administers an opioid antagonist to a person whom the school nurse or trained personnel in good faith believes is having an opioid overdose, notwithstanding the lack of notice to the parents or guardians of the pupil or the absence of the parents or guardians signed statement acknowledging no liability, except for willful and wanton conduct, the school district, public school, or nonpublic school and its employees and agents, and a physician, a physician assistant, or an advanced practice nurse providing standing protocol or prescription for undesignated epinephrine auto-injectors, are to incur no liability or professional discipline, except for willful and wanton conduct, as a result of any injury arising from the use of an undesignated epinephrine auto-injector or the use of an opioid antagonist regardless of whether authorization was given by the pupil's parents or guardians or by the pupil's physician, physician assistant, or advanced practice nurse.

(d) The permission for self-administration and self-carry of asthma medication or the self-administration and self-carry of an epinephrine auto-injector is effective for the school year for which it is granted and shall be renewed each subsequent school year upon fulfillment of the requirements of this Section.

(e) Provided that the requirements of this Section are fulfilled, a pupil with asthma may self-administer and self-carry his or her asthma medication or a pupil may self-administer and self-carry an epinephrine auto-injector (i) while in school, (ii) while at a school-sponsored activity, (iii) while under the supervision of school personnel, or (iv) before or after normal school activities, such as while in before-school or after-school care on school-operated property or while being transported on a school bus.

(e-5) Provided that the requirements of this Section are fulfilled, a school nurse or trained personnel may administer an undesignated epinephrine auto-injector to any person whom the school nurse or trained personnel in good faith believes to be having an anaphylactic reaction (i) while in school, (ii) while at a school-sponsored activity, (iii) while under the supervision of school personnel, or (iv) before or after normal school activities, such as while in before-school or after-school care on school-operated property or while being transported on a school bus. A school nurse or trained personnel may carry undesignated epinephrine auto-
injectors on his or her person while in school or at a school-sponsored activity.

(e-10) Provided that the requirements of this Section are fulfilled, a school nurse or trained personnel may administer an opioid antagonist to any person whom the school nurse or trained personnel in good faith believes to be having an opioid overdose (i) while in school, (ii) while at a school-sponsored activity, (iii) while under the supervision of school personnel, or (iv) before or after normal school activities, such as while in before-school or after-school care on school-operated property. A school nurse or trained personnel may carry an opioid antagonist on their person while in school or at a school-sponsored activity.

(f) The school district, public school, or nonpublic school may maintain a supply of undesigned epinephrine auto-injectors in any secure location that is accessible before, during, and after school where an allergic person is most at risk, including, but not limited to, classrooms and lunchrooms. A physician, a physician assistant who has been delegated prescriptive authority in accordance with Section 7.5 of the Physician Assistant Practice Act of 1987, or an advanced practice nurse who has been delegated prescriptive authority in accordance with Section 65-40 of the Nurse Practice Act may prescribe undesigned epinephrine auto-injectors in the name of the school district, public school, or nonpublic school to be maintained for use when necessary. Any supply of epinephrine auto-injectors shall be maintained in accordance with the manufacturer's instructions.

The school district, public school, or nonpublic school may maintain a supply of an opioid antagonist in any secure location where an individual may have an opioid overdose. A health care professional who has been delegated prescriptive authority for opioid antagonists in accordance with Section 5-23 of the Alcoholism and Other Drug Abuse and Dependency Act may prescribe opioid antagonists in the name of the school district, public school, or nonpublic school, to be maintained for use when necessary. Any supply of opioid antagonists shall be maintained in accordance with the manufacturer's instructions.

(f-3) Whichever entity initiates the process of obtaining undesigned epinephrine auto-injectors and providing training to personnel for carrying and administering undesigned epinephrine auto-injectors shall pay for the costs of the undesigned epinephrine auto-injectors.

New matter indicated by italics - deletions by strikeout
(f-5) Upon any administration of an epinephrine auto-injector, a school district, public school, or nonpublic school must immediately activate the EMS system and notify the student's parent, guardian, or emergency contact, if known.

Upon any administration of an opioid antagonist, a school district, public school, or nonpublic school must immediately activate the EMS system and notify the student's parent, guardian, or emergency contact, if known.

(f-10) Within 24 hours of the administration of an undesignated epinephrine auto-injector, a school district, public school, or nonpublic school must notify the physician, physician assistant, or advanced practice nurse who provided the standing protocol or prescription for the undesignated epinephrine auto-injector of its use.

Within 24 hours after the administration of an opioid antagonist, a school district, public school, or nonpublic school must notify the health care professional who provided the prescription for the opioid antagonist of its use.

(g) Prior to the administration of an undesignated epinephrine auto-injector, trained personnel must submit to their school's administration proof of completion of a training curriculum to recognize and respond to anaphylaxis that meets the requirements of subsection (h) of this Section. Training must be completed annually. Trained personnel must also submit to their school's administration proof of cardiopulmonary resuscitation and automated external defibrillator certification. The school district, public school, or nonpublic school must maintain records related to the training curriculum and trained personnel.

Prior to the administration of an opioid antagonist, trained personnel must submit to their school's administration proof of completion of a training curriculum to recognize and respond to an opioid overdose, which curriculum must meet the requirements of subsection (h-5) of this Section. Training must be completed annually. Trained personnel must also submit to the school's administration proof of cardiopulmonary resuscitation and automated external defibrillator certification. The school district, public school, or nonpublic school must maintain records relating to the training curriculum and the trained personnel.

(h) A training curriculum to recognize and respond to anaphylaxis, including the administration of an undesignated epinephrine auto-injector, may be conducted online or in person.

Training shall include, but is not limited to:

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(1) how to recognize signs and symptoms of an allergic reaction, including anaphylaxis; 
(2) how to administer an epinephrine auto-injector; and 
(3) a test demonstrating competency of the knowledge required to recognize anaphylaxis and administer an epinephrine auto-injector.

Training may also include, but is not limited to:

(A) a review of high-risk areas within a school and its related facilities; 
(B) steps to take to prevent exposure to allergens; 
(C) emergency follow-up procedures; 
(D) how to respond to a student with a known allergy, as well as a student with a previously unknown allergy; and 
(E) other criteria as determined in rules adopted pursuant to this Section.

It must include, but is not limited to:

(1) how to recognize symptoms of an allergic reaction; 
(2) a review of high-risk areas within the school and its related facilities; 
(3) steps to take to prevent exposure to allergens; 
(4) how to respond to an emergency involving an allergic reaction; 
(5) how to administer an epinephrine auto-injector; 
(6) how to respond to a student with a known allergy as well as a student with a previously unknown allergy; 
(7) a test demonstrating competency of the knowledge required to recognize anaphylaxis and administer an epinephrine auto-injector; and 
(8) other criteria as determined in rules adopted pursuant to this Section.

In consultation with statewide professional organizations representing physicians licensed to practice medicine in all of its branches, registered nurses, and school nurses, the State Board of Education shall make available resource materials consistent with criteria in this subsection (h) for educating trained personnel to recognize and respond to anaphylaxis. The State Board may take into consideration the curriculum on this subject developed by other states, as well as any other curricular materials suggested by medical experts and other groups that work on life-threatening allergy issues. The State Board is not required to create new

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resource materials. The State Board shall make these resource materials available on its Internet website.

(h-5) A training curriculum to recognize and respond to an opioid overdose, including the administration of an opioid antagonist, may be conducted online or in person. The training must comply with any training requirements under Section 5-23 of the Alcoholism and Other Drug Abuse and Dependency Act and the corresponding rules. It must include, but is not limited to:

1. how to recognize symptoms of an opioid overdose;
2. information on drug overdose prevention and recognition;
3. how to perform rescue breathing and resuscitation;
4. how to respond to an emergency involving an opioid overdose;
5. opioid antagonist dosage and administration;
6. the importance of calling 911;
7. care for the overdose victim after administration of the overdose antagonist;
8. a test demonstrating competency of the knowledge required to recognize an opioid overdose and administer a dose of an opioid antagonist; and
9. other criteria as determined in rules adopted pursuant to this Section.

(i) Within 3 days after the administration of an undesignated epinephrine auto-injector by a school nurse, trained personnel, or a student at a school or school-sponsored activity, the school must report to the State Board of Education in a form and manner prescribed by the State Board the following information:

1. age and type of person receiving epinephrine (student, staff, visitor);
2. any previously known diagnosis of a severe allergy;
3. trigger that precipitated allergic episode;
4. location where symptoms developed;
5. number of doses administered;
6. type of person administering epinephrine (school nurse, trained personnel, student); and
7. any other information required by the State Board.

If a school district, public school, or nonpublic school maintains or has an independent contractor providing transportation to students

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who maintains a supply of undesignated epinephrine auto-injectors, then the school district, public school, or nonpublic school must report that information to the State Board of Education upon adoption or change of the policy of the school district, public school, nonpublic school, or independent contractor, in a manner as prescribed by the State Board. The report must include the number of undesignated epinephrine auto-injectors in supply.

(i-5) Within 3 days after the administration of an opioid antagonist by a school nurse or trained personnel, the school must report to the State Board, in a form and manner prescribed by the State Board, the following information:

1. the age and type of person receiving the opioid antagonist (student, staff, or visitor);
2. the location where symptoms developed;
3. the type of person administering the opioid antagonist (school nurse or trained personnel); and
4. any other information required by the State Board.

(j) By October 1, 2015 and every year thereafter, the State Board of Education shall submit a report to the General Assembly identifying the frequency and circumstances of epinephrine administration during the preceding academic year. Beginning with the 2017 report, the report shall also contain information on which school districts, public schools, and nonpublic schools maintain or have independent contractors providing transportation to students who maintain a supply of undesignated epinephrine auto-injectors. This report shall be published on the State Board's Internet website on the date the report is delivered to the General Assembly.

On or before October 1, 2016 and every year thereafter, the State Board shall submit a report to the General Assembly and the Department of Public Health identifying the frequency and circumstances of opioid antagonist administration during the preceding academic year. This report shall be published on the State Board's Internet website on the date the report is delivered to the General Assembly.

(k) The State Board of Education may adopt rules necessary to implement this Section.

(l) Nothing in this Section shall limit the amount of epinephrine auto-injectors that any type of school or student may carry or maintain a supply of.
Section 95. The Illinois Food, Drug and Cosmetic Act is amended by changing Section 3.21 as follows:

Sec. 3.21. Except as authorized by this Act, the Illinois Controlled Substances Act, the Pharmacy Practice Act, the Dental Practice Act, the Medical Practice Act of 1987, the Veterinary Medicine and Surgery Practice Act of 2004, the Podiatric Medical Practice Act of 1987, or Section 22-30 of the School Code, Section 40 of the State Police Act, Section 10.19 of the Illinois Police Training Act, or the Epinephrine Auto-Injector Act, to sell or dispense a prescription drug without a prescription.

Section 100. The State Mandates Act is amended by adding Section 8.40 as follows:

Sec. 8.40. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by Section 40 of the State Police Act and Section 10.19 of the Illinois Police Training Act.

Approved August 5, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0712
(House Bill No. 5009)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Act on the Aging is amended by changing Section 4.04 as follows:

Sec. 4.04. Long Term Care Ombudsman Program. The purpose of the Long Term Care Ombudsman Program is to ensure that older persons and persons with disabilities receive quality services. This is accomplished by providing advocacy services for residents of long term care facilities and participants receiving home care and community-based care. Managed care is increasingly becoming the vehicle for delivering health and long-

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term services and supports to seniors and persons with disabilities, including dual eligible participants. The additional ombudsman authority will allow advocacy services to be provided to Illinois participants for the first time and will produce a cost savings for the State of Illinois by supporting the rebalancing efforts of the Patient Protection and Affordable Care Act.

(a) Long Term Care Ombudsman Program. The Department shall establish a Long Term Care Ombudsman Program, through the Office of State Long Term Care Ombudsman ("the Office"), in accordance with the provisions of the Older Americans Act of 1965, as now or hereafter amended. The Long Term Care Ombudsman Program is authorized, subject to sufficient appropriations, to advocate on behalf of older persons and persons with disabilities residing in their own homes or community-based settings, relating to matters which may adversely affect the health, safety, welfare, or rights of such individuals.

(b) Definitions. As used in this Section, unless the context requires otherwise:

1. "Access" means the right to:
   - Enter any long term care facility or assisted living or shared housing establishment or supportive living facility;
   - Communicate privately and without restriction with any resident, regardless of age, who consents to the communication;
   - Seek consent to communicate privately and without restriction with any participant or resident, regardless of age;
   - Inspect the clinical and other records of a participant or resident, regardless of age, with the express written consent of the participant or resident;
   - Observe all areas of the long term care facility or supportive living facilities, assisted living or shared housing establishment except the living area of any resident who protests the observation; and
   - Subject to permission of the participant or resident requesting services or his or her representative, enter a home or community-based setting.

2. "Long Term Care Facility" means (i) any facility as defined by Section 1-113 of the Nursing Home Care Act, as now or...
hereafter amended; (ii) any skilled nursing facility or a nursing facility which meets the requirements of Section 1819(a), (b), (c), and (d) or Section 1919(a), (b), (c), and (d) of the Social Security Act, as now or hereafter amended (42 U.S.C. 1395i-3(a), (b), (c), and (d) and 42 U.S.C. 1396r(a), (b), (c), and (d)); (iii) any facility as defined by Section 1-113 of the ID/DD Community Care Act, as now or hereafter amended; and (iv) any facility as defined by Section 1-113 of MC/DD Act, as now or hereafter amended; and (v) any facility licensed under Section 4-105 or 4-201 of the Specialized Mental Health Rehabilitation Act of 2013, as now or hereafter amended.

(2.5) "Assisted living establishment" and "shared housing establishment" have the meanings given those terms in Section 10 of the Assisted Living and Shared Housing Act.

(2.7) "Supportive living facility" means a facility established under Section 5-5.01a of the Illinois Public Aid Code.

(2.8) "Community-based setting" means any place of abode other than an individual's private home.

(3) "State Long Term Care Ombudsman" means any person employed by the Department to fulfill the requirements of the Office of State Long Term Care Ombudsman as required under the Older Americans Act of 1965, as now or hereafter amended, and Departmental policy.

(3.1) "Ombudsman" means any designated representative of the State Long Term Care Ombudsman Program; provided that the representative, whether he is paid for or volunteers his ombudsman services, shall be qualified and designated by the Office to perform the duties of an ombudsman as specified by the Department in rules and in accordance with the provisions of the Older Americans Act of 1965, as now or hereafter amended.

(4) "Participant" means an older person aged 60 or over or an adult with a disability aged 18 through 59 who is eligible for services under any of the following:

(i) A medical assistance waiver administered by the State.

(ii) A managed care organization providing care coordination and other services to seniors and persons with disabilities.

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(5) "Resident" means an older person aged 60 or over or an adult with a disability aged 18 through 59 who resides in a long-term care facility.

(c) Ombudsman; rules. The Office of State Long Term Care Ombudsman shall be composed of at least one full-time ombudsman and shall include a system of designated regional long term care ombudsman programs. Each regional program shall be designated by the State Long Term Care Ombudsman as a subdivision of the Office and any representative of a regional program shall be treated as a representative of the Office.

The Department, in consultation with the Office, shall promulgate administrative rules in accordance with the provisions of the Older Americans Act of 1965, as now or hereafter amended, to establish the responsibilities of the Department and the Office of State Long Term Care Ombudsman and the designated regional Ombudsman programs. The administrative rules shall include the responsibility of the Office and designated regional programs to investigate and resolve complaints made by or on behalf of residents of long term care facilities, supportive living facilities, and assisted living and shared housing establishments, and participants residing in their own homes or community-based settings, including the option to serve residents and participants under the age of 60, relating to actions, inaction, or decisions of providers, or their representatives, of such facilities and establishments, of public agencies, or of social services agencies, which may adversely affect the health, safety, welfare, or rights of such residents and participants. The Office and designated regional programs may represent all residents and participants, but are not required by this Act to represent persons under 60 years of age, except to the extent required by federal law. When necessary and appropriate, representatives of the Office shall refer complaints to the appropriate regulatory State agency. The Department, in consultation with the Office, shall cooperate with the Department of Human Services and other State agencies in providing information and training to designated regional long term care ombudsman programs about the appropriate assessment and treatment (including information about appropriate supportive services, treatment options, and assessment of rehabilitation potential) of the participants they serve.

The State Long Term Care Ombudsman and all other ombudsmen, as defined in paragraph (3.1) of subsection (b) must submit to background checks under the Health Care Worker Background Check Act and receive
training, as prescribed by the Illinois Department on Aging, before visiting facilities, private homes, or community-based settings. The training must include information specific to assisted living establishments, supportive living facilities, shared housing establishments, private homes, and community-based settings and to the rights of residents and participants guaranteed under the corresponding Acts and administrative rules.

(c-5) Consumer Choice Information Reports. The Office shall:

(1) In collaboration with the Attorney General, create a Consumer Choice Information Report form to be completed by all licensed long term care facilities to aid Illinoisans and their families in making informed choices about long term care. The Office shall create a Consumer Choice Information Report for each type of licensed long term care facility. The Office shall collaborate with the Attorney General and the Department of Human Services to create a Consumer Choice Information Report form for facilities licensed under the ID/DD Community Care Act or the MC/DD Act.

(2) Develop a database of Consumer Choice Information Reports completed by licensed long term care facilities that includes information in the following consumer categories:

(A) Medical Care, Services, and Treatment.
(B) Special Services and Amenities.
(C) Staffing.
(D) Facility Statistics and Resident Demographics.
(E) Ownership and Administration.
(F) Safety and Security.
(G) Meals and Nutrition.
(H) Rooms, Furnishings, and Equipment.

(3) Make this information accessible to the public, including on the Internet by means of a hyperlink labeled "Resident's Right to Know" on the Office's World Wide Web home page. Information about facilities licensed under the ID/DD Community Care Act or the MC/DD Act shall be made accessible to the public by the Department of Human Services, including on the Internet by means of a hyperlink labeled "Resident's and Families' Right to Know" on the Department of Human Services' "For Customers" website.

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(4) Have the authority, with the Attorney General, to verify that information provided by a facility is accurate.

(5) Request a new report from any licensed facility whenever it deems necessary.

(6) Include in the Office's Consumer Choice Information Report for each type of licensed long term care facility additional information on each licensed long term care facility in the State of Illinois, including information regarding each facility's compliance with the relevant State and federal statutes, rules, and standards; customer satisfaction surveys; and information generated from quality measures developed by the Centers for Medicare and Medicaid Services.

d) Access and visitation rights.

(1) In accordance with subparagraphs (A) and (E) of paragraph (3) of subsection (c) of Section 1819 and subparagraphs (A) and (E) of paragraph (3) of subsection (c) of Section 1919 of the Social Security Act, as now or hereafter amended (42 U.S.C. 1395i-3 (c)(3)(A) and (E) and 42 U.S.C. 1396r (c)(3)(A) and (E)), and Section 712 of the Older Americans Act of 1965, as now or hereafter amended (42 U.S.C. 3058f), a long term care facility, supportive living facility, assisted living establishment, and shared housing establishment must:

   (i) permit immediate access to any resident, regardless of age, by a designated ombudsman;

   (ii) permit representatives of the Office, with the permission of the resident's legal representative or legal guardian, to examine a resident's clinical and other records, regardless of the age of the resident, and if a resident is unable to consent to such review, and has no legal guardian, permit representatives of the Office appropriate access, as defined by the Department, in consultation with the Office, in administrative rules, to the resident's records; and

   (iii) permit a representative of the Program to communicate privately and without restriction with any participant who consents to the communication regardless of the consent of, or withholding of consent by, a legal guardian or an agent named in a power of attorney executed by the participant.

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(2) Each long term care facility, supportive living facility, assisted living establishment, and shared housing establishment shall display, in multiple, conspicuous public places within the facility accessible to both visitors and residents and in an easily readable format, the address and phone number of the Office of the Long Term Care Ombudsman, in a manner prescribed by the Office.

(e) Immunity. An ombudsman or any representative of the Office participating in the good faith performance of his or her official duties shall have immunity from any liability (civil, criminal or otherwise) in any proceedings (civil, criminal or otherwise) brought as a consequence of the performance of his official duties.

(f) Business offenses.

(1) No person shall:

   (i) Intentionally prevent, interfere with, or attempt to impede in any way any representative of the Office in the performance of his official duties under this Act and the Older Americans Act of 1965; or

   (ii) Intentionally retaliate, discriminate against, or effect reprisals against any long term care facility resident or employee for contacting or providing information to any representative of the Office.

(2) A violation of this Section is a business offense, punishable by a fine not to exceed $501.

(3) The State Long Term Care Ombudsman shall notify the State's Attorney of the county in which the long term care facility, supportive living facility, or assisted living or shared housing establishment is located, or the Attorney General, of any violations of this Section.

(g) Confidentiality of records and identities. The Department shall establish procedures for the disclosure by the State Ombudsman or the regional ombudsmen entities of files maintained by the program. The procedures shall provide that the files and records may be disclosed only at the discretion of the State Long Term Care Ombudsman or the person designated by the State Ombudsman to disclose the files and records, and the procedures shall prohibit the disclosure of the identity of any complainant, resident, participant, witness, or employee of a long term care provider unless:

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(1) the complainant, resident, participant, witness, or employee of a long term care provider or his or her legal representative consents to the disclosure and the consent is in writing;

(2) the complainant, resident, participant, witness, or employee of a long term care provider gives consent orally; and the consent is documented contemporaneously in writing in accordance with such requirements as the Department shall establish; or

(3) the disclosure is required by court order.

(h) Legal representation. The Attorney General shall provide legal representation to any representative of the Office against whom suit or other legal action is brought in connection with the performance of the representative's official duties, in accordance with the State Employee Indemnification Act.

(i) Treatment by prayer and spiritual means. Nothing in this Act shall be construed to authorize or require the medical supervision, regulation or control of remedial care or treatment of any resident in a long term care facility operated exclusively by and for members or adherents of any church or religious denomination the tenets and practices of which include reliance solely upon spiritual means through prayer for healing.

(j) The Long Term Care Ombudsman Fund is created as a special fund in the State treasury to receive moneys for the express purposes of this Section. All interest earned on moneys in the fund shall be credited to the fund. Moneys contained in the fund shall be used to support the purposes of this Section.

(k) Each Regional Ombudsman may, in accordance with rules promulgated by the Office, establish a multi-disciplinary team to act in an advisory role for the purpose of providing professional knowledge and expertise in handling complex abuse, neglect, and advocacy issues involving participants. Each multi-disciplinary team may consist of one or more volunteer representatives from any combination of at least 7 members from the following professions: banking or finance; disability care; health care; pharmacology; law; law enforcement; emergency responder; mental health care; clergy; coroner or medical examiner; substance abuse; domestic violence; sexual assault; or other related fields. To support multi-disciplinary teams in this role, law enforcement agencies and coroners or medical examiners shall supply records as may be requested in particular cases. The Regional Ombudsman, or his or her
designee, of the area in which the multi-disciplinary team is created shall be the facilitator of the multi-disciplinary team.

(Source: P.A. 98-380, eff. 8-16-13; 98-989, eff. 1-1-15; 99-180, eff. 7-29-15.)

Section 10. The Specialized Mental Health Rehabilitation Act of 2013 is amended by changing Sections 4-103, 4-105, and 4-201 as follows:

(210 ILCS 49/4-103)
Sec. 4-103. Provisional licensure emergency rules. The Department, in consultation with the Division of Mental Health of the Department of Human Services and the Department of Healthcare and Family Services, is granted the authority under this Act to establish provisional licensure and licensing procedures by emergency rule. The Department shall file emergency rules concerning provisional licensure under this Act within 120 days after the effective date of this Act. The rules to be filed for provisional licensure shall be for a period of 3 years, beginning with the adoption date of the emergency rules establishing the provisional license, and shall not be extended beyond the date of 3 years after the effective date of the emergency rules creating the provisional license and licensing process. Rules governing the provisional license and licensing process shall contain rules for the different levels of care offered by the facilities authorized under this Act and shall address each type of care hereafter enumerated:

(1) triage centers;
(2) crisis stabilization;
(3) recovery and rehabilitation supports;
(4) transitional living units; or
(5) other intensive treatment and stabilization programs designed and developed in collaboration with the Department.

(Source: P.A. 98-104, eff. 7-22-13.)

(210 ILCS 49/4-105)
Sec. 4-105. Provisional licensure duration. A provisional license shall be valid upon fulfilling the requirements established by the Department by emergency rule. The license shall remain valid as long as a facility remains in compliance with the licensure provisions established in rule. Provisional licenses issued upon initial licensure as a specialized mental health rehabilitation facility shall expire at the end of a 3-year period, which commences on the date the provisional license is issued. Issuance of a provisional license for any reason other than initial

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licensure (including, but not limited to, change of ownership, location, number of beds, or services) shall not extend the maximum 3-year period, at the end of which a facility must be licensed pursuant to Section 4-201. The provisional license shall expire when the administrative rule established by the Department for provisional licensure expires at the end of a 3-year period.
(Source: P.A. 98-104, eff. 7-22-13.)

(210 ILCS 49/4-201)

Sec. 4-201. Accreditation and licensure. At the end of the provisional licensure period established in Article 3, Part 1 of this Article 4 Act, the Department shall license a facility as a specialized mental health rehabilitation facility under this Act that successfully completes and obtains valid national accreditation in behavioral health from a recognized national accreditation entity and complies with licensure standards as established by the Department of Public Health in administrative rule. Rules governing licensure standards shall include, but not be limited to, appropriate fines and sanctions associated with violations of laws or regulations. The following shall be considered to be valid national accreditation in behavioral health from a national accreditation entity:

(1) the Joint Commission;
(2) the Commission on Accreditation of Rehabilitation Facilities;
(3) the Healthcare Facilities Accreditation Program; or
(4) any other national standards of care as approved by the Department.
(Source: P.A. 98-104, eff. 7-22-13.)

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

Approved August 5, 2016.
Effective August 5, 2016.
AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Sections 17-2.11 and 17-2A as follows:

(105 ILCS 5/17-2.11) (from Ch. 122, par. 17-2.11)

Sec. 17-2.11. School board power to levy a tax or to borrow money and issue bonds for fire prevention, safety, energy conservation, accessibility, school security, and specified repair purposes.

(a) Whenever, as a result of any lawful order of any agency, other than a school board, having authority to enforce any school building code applicable to any facility that houses students, or any law or regulation for the protection and safety of the environment, pursuant to the Environmental Protection Act, any school district having a population of less than 500,000 inhabitants is required to alter or reconstruct any school building or permanent, fixed equipment; the district may, by proper resolution, levy a tax for the purpose of making such alteration or reconstruction, based on a survey report by an architect or engineer licensed in this State, upon all of the taxable property of the district at the value as assessed by the Department of Revenue and at a rate not to exceed 0.05% per year for a period sufficient to finance such alteration or reconstruction, upon the following conditions:

(1) When there are not sufficient funds available in the operations and maintenance fund of the school district, the school facility occupation tax fund of the district, or the fire prevention and safety fund of the district, as determined by the district on the basis of rules adopted by the State Board of Education, to make such alteration or reconstruction or to purchase and install such permanent, fixed equipment so ordered or determined as necessary. Appropriate school district records must be made available to the State Superintendent of Education, upon request, to confirm this insufficiency.

(2) When a certified estimate of an architect or engineer licensed in this State stating the estimated amount necessary to make the alteration or reconstruction or to purchase and install the equipment so ordered has been secured by the school district, and

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the estimate has been approved by the regional superintendent of schools having jurisdiction over the district and the State Superintendent of Education. Approval must not be granted for any work that has already started without the prior express authorization of the State Superintendent of Education. If the estimate is not approved or is denied approval by the regional superintendent of schools within 3 months after the date on which it is submitted to him or her, the school board of the district may submit the estimate directly to the State Superintendent of Education for approval or denial.

In the case of an emergency situation, where the estimated cost to effectuate emergency repairs is less than the amount specified in Section 10-20.21 of this Code, the school district may proceed with such repairs prior to approval by the State Superintendent of Education, but shall comply with the provisions of subdivision (2) of this subsection (a) as soon thereafter as may be as well as Section 10-20.21 of this Code. If the estimated cost to effectuate emergency repairs is greater than the amount specified in Section 10-20.21 of this Code, then the school district shall proceed in conformity with Section 10-20.21 of this Code and with rules established by the State Board of Education to address such situations. The rules adopted by the State Board of Education to deal with these situations shall stipulate that emergency situations must be expedited and given priority consideration. For purposes of this paragraph, an emergency is a situation that presents an imminent and continuing threat to the health and safety of students or other occupants of a facility, requires complete or partial evacuation of a building or part of a building, or consumes one or more of the 5 emergency days built into the adopted calendar of the school or schools or would otherwise be expected to cause such school or schools to fall short of the minimum school calendar requirements.

(b) Whenever any such district determines that it is necessary for energy conservation purposes that any school building or permanent, fixed equipment should be altered or reconstructed and that such alterations or reconstruction will be made with funds not necessary for the completion of approved and recommended projects contained in any safety survey report or amendments thereto authorized by Section 2-3.12 of this Act; the district may levy a tax or issue bonds as provided in subsection (a) of this Section.

(c) Whenever any such district determines that it is necessary for accessibility purposes and to comply with the school building code that
any school building or equipment should be altered or reconstructed and
that such alterations or reconstruction will be made with funds not
necessary for the completion of approved and recommended projects
contained in any safety survey report or amendments thereto authorized
under Section 2-3.12 of this Act, the district may levy a tax or issue bonds
as provided in subsection (a) of this Section.

(d) Whenever any such district determines that it is necessary for
school security purposes and the related protection and safety of pupils and
school personnel that any school building or property should be altered or
reconstructed or that security systems and equipment (including but not
limited to intercom, early detection and warning, access control and
monitoring systems) should be purchased and installed, and that
such alterations, reconstruction or purchase and installation of equipment
will be made with funds not necessary for the completion of approved and
recommended projects contained in any safety survey report or amendment
thereto authorized by Section 2-3.12 of this Act and will deter and prevent
unauthorized entry or activities upon school property by unknown or
dangerous persons, assure early detection and advance warning of any
such actual or attempted unauthorized entry or activities and help assure
the continued safety of pupils and school staff if any such unauthorized
entry or activity is attempted or occurs; the district may levy a tax or issue
bonds as provided in subsection (a) of this Section.

(e) If a school district does not need funds for other fire prevention
and safety projects, including the completion of approved and
recommended projects contained in any safety survey report or amendments thereto authorized by Section 2-3.12 of this Act, and it is
determined after a public hearing (which is preceded by at least one
published notice (i) occurring at least 7 days prior to the hearing in a
newspaper of general circulation within the school district and (ii) setting
forth the time, date, place, and general subject matter of the hearing) that
there is a substantial, immediate, and otherwise unavoidable threat to the
health, safety, or welfare of pupils due to disrepair of school sidewalks,
playgrounds, parking lots, or school bus turnarounds and repairs must be
made; then the district may levy a tax or issue bonds as provided in
subsection (a) of this Section.

(f) For purposes of this Section a school district may replace a
school building or build additions to replace portions of a building when it
is determined that the effectuation of the recommendations for the existing
building will cost more than the replacement costs. Such determination

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shall be based on a comparison of estimated costs made by an architect or engineer licensed in the State of Illinois. The new building or addition shall be equivalent in area (square feet) and comparable in purpose and grades served and may be on the same site or another site. Such replacement may only be done upon order of the regional superintendent of schools and the approval of the State Superintendent of Education.

(g) The filing of a certified copy of the resolution levying the tax when accompanied by the certificates of the regional superintendent of schools and State Superintendent of Education shall be the authority of the county clerk to extend such tax.

(h) The county clerk of the county in which any school district levying a tax under the authority of this Section is located, in reducing raised levies, shall not consider any such tax as a part of the general levy for school purposes and shall not include the same in the limitation of any other tax rate which may be extended.

Such tax shall be levied and collected in like manner as all other taxes of school districts, subject to the provisions contained in this Section.

(i) The tax rate limit specified in this Section may be increased to .10% upon the approval of a proposition to effect such increase by a majority of the electors voting on that proposition at a regular scheduled election. Such proposition may be initiated by resolution of the school board and shall be certified by the secretary to the proper election authorities for submission in accordance with the general election law.

(j) When taxes are levied by any school district for fire prevention, safety, energy conservation, and school security purposes as specified in this Section, and the purposes for which the taxes have been levied are accomplished and paid in full, and there remain funds on hand in the Fire Prevention and Safety Fund from the proceeds of the taxes levied, including interest earnings thereon, the school board by resolution shall use such excess and other board restricted funds, excluding bond proceeds and earnings from such proceeds, as follows:

(1) for other authorized fire prevention, safety, energy conservation, and school security purposes and for required safety inspections; or

(2) for transfer to the Operations and Maintenance Fund for the purpose of abating an equal amount of operations and maintenance purposes taxes.
Notwithstanding subdivision (2) of this subsection (j) and subsection (k) of this Section, through June 30, 2019, the school board may, by proper resolution following a public hearing set by the school board or the president of the school board (that is preceded (i) by at least one published notice over the name of the clerk or secretary of the board, occurring at least 7 days and not more than 30 days prior to the hearing, in a newspaper of general circulation within the school district and (ii) by posted notice over the name of the clerk or secretary of the board, at least 48 hours before the hearing, at the principal office of the school board or at the building where the hearing is to be held if a principal office does not exist, with both notices setting forth the time, date, place, and subject matter of the hearing), transfer surplus life safety taxes and interest earnings thereon to the Operations and Maintenance Fund for building repair work.

(k) If any transfer is made to the Operation and Maintenance Fund, the secretary of the school board shall within 30 days notify the county clerk of the amount of that transfer and direct the clerk to abate the taxes to be extended for the purposes of operations and maintenance authorized under Section 17-2 of this Act by an amount equal to such transfer.

(l) If the proceeds from the tax levy authorized by this Section are insufficient to complete the work approved under this Section, the school board is authorized to sell bonds without referendum under the provisions of this Section in an amount that, when added to the proceeds of the tax levy authorized by this Section, will allow completion of the approved work.

(m) Any bonds issued pursuant to this Section shall bear interest at a rate not to exceed the maximum rate authorized by law at the time of the making of the contract, shall mature within 20 years from date, and shall be signed by the president of the school board and the treasurer of the school district.

(n) In order to authorize and issue such bonds, the school board shall adopt a resolution fixing the amount of bonds, the date thereof, the maturities thereof, rates of interest thereof, place of payment and denomination, which shall be in denominations of not less than $100 and not more than $5,000, and provide for the levy and collection of a direct annual tax upon all the taxable property in the school district sufficient to pay the principal and interest on such bonds to maturity. Upon the filing in the office of the county clerk of the county in which the school district is located of a certified copy of the resolution, it is the duty of the county clerk to extend the tax therefor in addition to and in excess of all other taxes.
taxes heretofore or hereafter authorized to be levied by such school district.

(o) After the time such bonds are issued as provided for by this Section, if additional alterations or reconstructions are required to be made because of surveys conducted by an architect or engineer licensed in the State of Illinois, the district may levy a tax at a rate not to exceed .05% per year upon all the taxable property of the district or issue additional bonds, whichever action shall be the most feasible.

(p) This Section is cumulative and constitutes complete authority for the issuance of bonds as provided in this Section notwithstanding any other statute or law to the contrary.

(q) With respect to instruments for the payment of money issued under this Section either before, on, or after the effective date of Public Act 86-004 (June 6, 1989), it is, and always has been, the intention of the General Assembly (i) that the Omnibus Bond Acts are, and always have been, supplementary grants of power to issue instruments in accordance with the Omnibus Bond Acts, regardless of any provision of this Act that may appear to be or to have been more restrictive than those Acts, (ii) that the provisions of this Section are not a limitation on the supplementary authority granted by the Omnibus Bond Acts, and (iii) that instruments issued under this Section within the supplementary authority granted by the Omnibus Bond Acts are not invalid because of any provision of this Act that may appear to be or to have been more restrictive than those Acts.

(r) When the purposes for which the bonds are issued have been accomplished and paid for in full and there remain funds on hand from the proceeds of the bond sale and interest earnings therefrom, the board shall, by resolution, use such excess funds in accordance with the provisions of Section 10-22.14 of this Act.

(s) Whenever any tax is levied or bonds issued for fire prevention, safety, energy conservation, and school security purposes, such proceeds shall be deposited and accounted for separately within the Fire Prevention and Safety Fund.

(Source: P.A. 98-26, eff. 6-21-13; 98-1066, eff. 8-26-14; 99-143, eff. 7-27-15.)

(105 ILCS 5/17-2A) (from Ch. 122, par. 17-2A)
Sec. 17-2A. Interfund Transfers.

(a) The school board of any district having a population of less than 500,000 inhabitants may, by proper resolution following a public hearing set by the school board or the president of the school board (that is
preceded (i) by at least one published notice over the name of the clerk or secretary of the board, occurring at least 7 days and not more than 30 days prior to the hearing, in a newspaper of general circulation within the school district and (ii) by posted notice over the name of the clerk or secretary of the board, at least 48 hours before the hearing, at the principal office of the school board or at the building where the hearing is to be held if a principal office does not exist, with both notices setting forth the time, date, place, and subject matter of the hearing), transfer money from (1) the Educational Fund to the Operations and Maintenance Fund or the Transportation Fund, (2) the Operations and Maintenance Fund to the Educational Fund or the Transportation Fund, or (3) the Transportation Fund to the Educational Fund or the Operations and Maintenance Fund of said district, provided that, except during the period from July 1, 2003 through June 30, 2019 2016, such transfer is made solely for the purpose of meeting one-time, non-recurring expenses. Except during the period from July 1, 2003 through June 30, 2019 2016 and except as otherwise provided in subsection (b) of this Section, any other permanent interfund transfers authorized by any provision or judicial interpretation of this Code for which the transferee fund is not precisely and specifically set forth in the provision of this Code authorizing such transfer shall be made to the fund of the school district most in need of the funds being transferred, as determined by resolution of the school board.

(b) Notwithstanding subsection (a) of this Section or any other provision of this Code to the contrary, the school board of any school district (i) that is subject to the Property Tax Extension Limitation Law, (ii) that has a population of less than 500,000 inhabitants, (iii) that is levying at its maximum tax rate, (iv) whose total equalized assessed valuation has declined 20% in the prior 2 years, (v) in which 80% or more of its students receive free or reduced-price lunch, and (vi) that had an equalized assessed valuation of less than $207 million but more than $203 million in the 2011 levy year may annually, until July 1, 2016, transfer money from any fund of the district, other than the Illinois Municipal Retirement Fund and the Bonds and Interest Fund, to the educational fund, the operations and maintenance fund, or the transportation fund of the district by proper resolution following a public hearing set by the school board or the president of the school board, with notice as provided in subsection (a) of this Section, so long as the district meets the qualifications set forth in this subsection (b) on the effective date of this Act.
amendatory Act of the 98th General Assembly even if the district does not meet those qualifications at the time a given transfer is made.  
(Source: P.A. 98-26, eff. 6-21-13; 98-131, eff. 1-1-14.)

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

Passed in the General Assembly May 24, 2016.
Approved August 5, 2016.
Effective August 5, 2016.

PUBLIC ACT 99-0714
(House Bill No. 5683)

AN ACT concerning government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Open Meetings Act is amended by changing Section 3 as follows:

(5 ILCS 120/3) (from Ch. 102, par. 43)

Sec. 3. (a) Where the provisions of this Act are not complied with, or where there is probable cause to believe that the provisions of this Act will not be complied with, any person, including the State's Attorney of the county in which such noncompliance may occur, may bring a civil action in the circuit court for the judicial circuit in which the alleged noncompliance has occurred or is about to occur, or in which the affected public body has its principal office, prior to or within 60 days of the meeting alleged to be in violation of this Act or, if facts concerning the meeting are not discovered within the 60-day period, within 60 days of the discovery of a violation by the State's Attorney or, if the person timely files a request for review under Section 3.5, within 60 days of the decision by the Attorney General to resolve a request for review by a means other than the issuance of a binding opinion under subsection (e) of Section 3.5.

Records that are obtained by a State's Attorney from a public body for purposes of reviewing whether the public body has complied with this Act may not be disclosed to the public. Those records, while in the possession of the State's Attorney, are exempt from disclosure under the Freedom of Information Act.

(b) In deciding such a case the court may examine in camera any portion of the minutes of a meeting at which a violation of the Act is
alleged to have occurred, and may take such additional evidence as it deems necessary.

(c) The court, having due regard for orderly administration and the public interest, as well as for the interests of the parties, may grant such relief as it deems appropriate, including granting a relief by mandamus requiring that a meeting be open to the public, granting an injunction against future violations of this Act, ordering the public body to make available to the public such portion of the minutes of a meeting as is not authorized to be kept confidential under this Act, or declaring null and void any final action taken at a closed meeting in violation of this Act.

(d) The court may assess against any party, except a State's Attorney, reasonable attorney's fees and other litigation costs reasonably incurred by any other party who substantially prevails in any action brought in accordance with this Section, provided that costs may be assessed against any private party or parties bringing an action pursuant to this Section only upon the court's determination that the action is malicious or frivolous in nature.

(Source: P.A. 96-542, eff. 1-1-10.)

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

Approved August 5, 2016.
Effective August 5, 2016.

PUBLIC ACT 99-0715
(House Bill No. 6041)

AN ACT concerning local government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Fire Protection District Act is amended by changing Section 16 as follows:

(70 ILCS 705/16) (from Ch. 127 1/2, par. 37)
Sec. 16. In order to facilitate circumstances in which fire protection may be materially improved by adjustment of jurisdictional boundaries of adjoining fire protection districts without impairing the overall provision of fire protection services in the adjoining districts, territory included within the limits of any fire protection district may be disconnected from the district and added to another district to

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which the territory is contiguous, in the manner hereinafter set forth; (1) if the territory would receive equal or greater benefits from the district to which it seeks to be transferred; (2) if the transfer will not cause the territory remaining in the district from which the transfer is to be made, to be noncontiguous; (3) if the transfer will not cause a serious injury to the district from which the transfer is to be made; and, (4) if the trustees of the district to which the transfer is sought to be made do not file a written refusal to accept the territory within the time hereinafter provided.

Territory disconnected pursuant to this Section shall remain liable for its proportionate share of the bonded indebtedness outstanding as of the date of disconnection, if any, of the district from which it was disconnected and shall assume a proportionate share of the bonded indebtedness, if any, of the district to which it is transferred.

One per cent or more of the legal voters residing within the limits of the territory proposed to be transferred may file a petition, in the court of the county where the district to which it seeks to be transferred is organized, setting forth: the description of the territory sought to be transferred; that the territory would receive equal or greater benefits by the transfer; that the transfer will not cause a serious injury to the district or districts from which the transfer is proposed to be made; and the amount of any outstanding bonded indebtedness against the district or districts in which the territory is then situated which has been incurred pursuant to this Act; and praying that the question whether the transfer shall be made, and whether the voters of such territory shall remain liable for a proportionate share of the bonded indebtedness outstanding as of the date of disconnection, if any, of the district from which it was disconnected and also assume a proportionate share of the bonded indebtedness, if any, of the district to which the transfer is to be made, be submitted to the voters of the entire district from which the transfer is sought to be made territory sought to be transferred.

Upon the filing of the petition, the court shall set a day for hearing, not less than 2 weeks nor more than 4 weeks from the filing thereof, and the court, or the circuit clerk or sheriff upon order of the court, (i) shall give 2 weeks notice of such hearing in one or more daily or weekly newspapers of general circulation in the county or in each county wherein the district or districts from which the territory sought to be transferred is organized and by posting at least 10 copies of the notice in conspicuous places in the district or in each of the districts from which the territory is sought to be transferred, (ii) shall cause a copy of the notice to be

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personally served upon each trustee of the district from which the transfer is sought to be made, and (iii) in addition shall cause a copy of the notice to be personally served upon each of the trustees of the district to which the transfer is sought to be made at least one week before the date set for the hearing, and in the notice, or in any accompanying notice to be served upon the Trustees at the same time, a recital shall be made stating that the Trustees may at any time prior to the date of the hearing, or within such additional time as may be granted by the court upon request in writing filed on or before such date, file a written refusal to accept the territory as a part of their district, provided, that such notification need not be given to the trustees if they file in the proceeding their written appearances or written consent to a transfer of the territory to their district. Both the fire protection district from which the territory seeks to be transferred and the fire protection district to which the territory seeks to be transferred are necessary parties in any action to disconnect under this Section.

At any time prior to the date set for the hearing, or within such additional time as may be granted by the court, the trustees of the district to which the transfer is sought to be made may file a written refusal to accept the territory as a part of their district and in case of such refusal the court shall enter an order dismissing the petition for the transfer. The trustees may withdraw their refusal at any time prior to the entry of an order dismissing the petition. In case the trustees fail to file a written refusal within the time hereinbefore authorized, they shall be deemed to have consented to a transfer of the territory to their district, and consent once given may not be withdrawn without leave of court for good cause shown. In case of such consent, the court shall proceed with the matter as herein provided but if the court finds that any of the conditions herein required for the making of a transfer do not exist it shall enter an order dismissing the petition. In taking any action upon the petition the findings of the court shall be filed of record in the case.

All property owners in the district from which the transfer is sought and all persons interested therein, may file objections, and at the hearing may appear and contest the transfer and the matters averred in the petition, and both objectors and petitioners may offer any competent evidence in regard thereto. In addition, all persons residing in or interested in any of the property situated in the territory sought to be transferred shall have an opportunity to be heard touching the location and boundary of the territory to be voted upon for such transfer, and may make suggestions regarding the same. For purposes of this Section, serious injury shall be

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found to exist in the district from which the transfer is sought when a material impairment of the ability to provide continuing fire protection and related emergency services to the territory remaining in the district after the transfer may occur. The court may consider the following, but not limited to, in its determination as to whether a serious injury may occur: the financial resources, facilities, and equipment which will remain in the district; and the financial obligations, including remaining non-bonded debt of the district, from which the transfer is sought. A loss of annual real estate tax revenues by the district from which the transfer is sought of 25 percent or more by reason of the disconnection and transfer shall constitute serious injury and require dismissal of the petition. However, the court is not precluded from finding serious injury to exist with a lesser tax revenue loss if it is shown by the preponderance of other evidence presented to the court that serious injury would result if the transfer were to occur.

If the court shall, upon hearing the petition, find that the territory described in the petition would receive equal or greater benefits by being so transferred and meet the conditions hereinbefore set forth, it shall certify to the proper election officials the question of whether the territory shall be transferred, and its order, and such officials shall submit that question at an election in the entire district from which the transfer is sought to be made in such territory in accordance with the general election law. The proposition shall be in substantially the following form:

For making the transfer from the
..... Fire Protection District to the
..... Fire Protection District, remaining liable for a proportionate share of the bonded indebtedness outstanding as of the date of disconnection, if any, of the district from which disconnection is proposed and also assuming a proportionate share of the bonded indebtedness, if any, of the district to which transfer is proposed.

Against making the transfer from the
..... Fire Protection District to the
..... Fire Protection District, remaining liable for a proportionate share of the

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bonded indebtedness outstanding as of the date of disconnection, if any, of the district from which disconnection is proposed and also assuming a proportionate share of the bonded indebtedness, if any, of the district to which transfer is proposed.

If a majority of the votes cast upon the question of making the transfer shall be in favor of the transfer, the territory shall thenceforth cease to be a part of the fire protection district or districts to which it has been attached and shall become an integral part of the fire protection district to which the transfer shall have been sought and shall be subject to all the enjoyments and responsibilities of the latter district. In each case in which a transfer is effected pursuant to the provisions hereof, the circuit clerk in whose court the transfer proceedings have been conducted, shall certify copies of all orders entered in effecting such transfer and file or send them to the proper county clerk or clerks for filing and to the Office of the State Fire Marshal.

(Source: P.A. 94-806, eff. 1-1-07.)

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

Approved August 5, 2016.
Effective August 5, 2016.

PUBLIC ACT 99-0716
(House Bill No. 6086)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The School Code is amended by changing Section 2-3.163 as follows:
(105 ILCS 5/2-3.163)
Sec. 2-3.163. Prioritization of Urgency of Need for Services database.
(a) The General Assembly makes all of the following findings:
   (1) The Department of Human Services maintains a statewide database known as the Prioritization of Urgency of Need

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for Services that records information about individuals with developmental disabilities who are potentially in need of services.

(2) The Department of Human Services uses the data on Prioritization of Urgency of Need for Services to select individuals for services as funding becomes available, to develop proposals and materials for budgeting, and to plan for future needs.

(3) Prioritization of Urgency of Need for Services is available for children and adults with a developmental disability who have an unmet service need anticipated in the next 5 years.

(4) Prioritization of Urgency of Need for Services is the first step toward getting developmental disabilities services in this State. If individuals are not on the Prioritization of Urgency of Need for Services waiting list, they are not in queue for State developmental disabilities services.

(5) Prioritization of Urgency of Need for Services may be underutilized by children and their parents or guardians due to lack of awareness or lack of information.

(b) The State Board of Education may work with school districts to inform all students with developmental disabilities and their parents or guardians about the Prioritization of Urgency of Need for Services database.

(c) Subject to appropriation, the Department of Human Services and State Board of Education shall develop and implement an online, computer-based training program for at least one designated employee in every public school in this State to educate him or her about the Prioritization of Urgency of Need for Services database and steps to be taken to ensure children and adolescents are enrolled. The training shall include instruction for at least one designated employee in every public school in contacting the appropriate developmental disabilities Independent Service Coordination agency to enroll children and adolescents in the database. At least one designated employee in every public school shall ensure the opportunity to enroll in the Prioritization of Urgency of Need for Services database is discussed during annual individualized education program (IEP) meetings for all children and adolescents believed to have a developmental disability.

(d) The State Board of Education, in consultation with the Department of Human Services, shall inform parents and guardians of students through school districts about the Prioritization of Urgency of
Need for Services waiting list, including the consideration required in subsection (e) of this Section.

(e) The Department of Human Services shall consider the length of time spent on the Prioritization of Urgency of Need for Services waiting list, in addition to other factors considered, when selecting individuals on the list for services.

(Source: P.A. 99-144, eff. 1-1-16.)

Approved August 5, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0717
(House Bill No. 6093)

AN ACT concerning transportation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Sections 1-198, 1-212, 15-107, 15-101, 15-111, 15-112, 15-301, and by adding Sections 1-105.2a, 1-105.7, 1-112.8, 1-205.02, and 1-209.1 as follows:

(625 ILCS 5/1-105.2a new)
Sec. 1-105.2a. Automobile transporter. Any vehicle combination designed and used for the transport of assembled vehicles, including truck camper units, and includes its use when transporting other cargo or general freight on a backhaul while in compliance with the weight limitations for a truck tractor and semitrailer combination.

(625 ILCS 5/1-105.7 new)
Sec. 1-105.7. Backhaul. The return trip of a vehicle transporting cargo or general freight, especially when carrying goods back over all or part of the same route.

(625 ILCS 5/1-112.8 new)
Sec. 1-112.8. Covered heavy duty tow and recovery vehicle. A vehicle transporting a disabled vehicle from the place where the vehicle became disabled to the nearest repair facility, having a gross weight that is equal to or exceeds the gross vehicle weight of the disabled vehicle being transported.

(625 ILCS 5/1-198) (from Ch. 95 1/2, par. 1-198)
Sec. 1-198. Stinger-steered semitrailer.

New matter indicated by italics - deletions by strikeout
Every semitrailer, including automobile transporters, which has its kingpin on a projection to the front of the structure of such semitrailer and is combined with the 5th wheel of the truck tractor at a point not less than two feet to the rear of the center of the rearmost axle of such tractor.

(Source: P.A. 76-1586.)

(625 ILCS 5/1-205.02 new)

Sec. 1-205.02. Towaway trailer transporter combination. A combination of vehicles consisting of a trailer transporter towing unit and two trailers or semitrailers with a total weight that does not exceed 26,000 pounds, and in which the trailers or semitrailers carry no property and constitute inventory property of a manufacturer, distributor, or dealer of such trailers or semitrailers.

(625 ILCS 5/1-209.1 new)

Sec. 1-209.1. Trailer transporter towing unit. A power unit that is not used to carry property when operating in a towaway trailer transporter combination.

(625 ILCS 5/1-212) (from Ch. 95 1/2, par. 1-212)

Sec. 1-212. Truck tractor.

Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn, or a power unit that carries as property motor vehicles when operating in combination with a semitrailer in transporting motor vehicles or any other commodity, including cargo or general freight, on a backhaul.

(Source: P.A. 76-1586.)

(625 ILCS 5/15-101) (from Ch. 95 1/2, par. 15-101)


(a) It is unlawful for any person to drive or move on, upon or across or for the owner to cause or knowingly permit to be driven or moved on, upon or across any highway any vehicle or vehicles of a size and weight exceeding the limitations stated in this Chapter or otherwise in violation of this Chapter, and the maximum size and weight of vehicles herein specified shall be lawful throughout this State, and local authorities shall have no power or authority to alter such limitations except as express authority may be granted in this Chapter.

(b) The provisions of this Chapter governing size, weight, and load do not apply to fire apparatus or equipment for snow and ice removal operations owned or operated by any governmental body, or to implements of husbandry, as defined in Chapter 1 of this Code, temporarily operated or
towed in a combination upon a highway provided such combination does not consist of more than 3 vehicles or, in the case of hauling fresh, perishable fruits or vegetables from farm to the point of first processing, not more than 3 wagons being towed by an implement of husbandry, or to a vehicle operated under the terms of a special permit issued hereunder. *The provisions of this Chapter governing size and load do not apply to fire apparatus.*

(c) The provisions of this Chapter governing size, weight, and load do not apply to any snow and ice removal equipment that is no more than 12 feet in width, if the equipment displays flags at least 18 inches square mounted on the driver's side of the snow plow.

These vehicles must be equipped with an illuminated rotating, oscillating, or flashing amber light or lights, or a flashing amber strobe light or lights, mounted on the top of the cab and of sufficient intensity to be visible at 500 feet in normal sunlight. If the load on the transport vehicle blocks the visibility of the amber lighting from the rear of the vehicle, the vehicle must also be equipped with an illuminated rotating, oscillating, or flashing amber light or lights, or a flashing amber strobe light or lights, mounted on the rear of the load and of sufficient intensity to be visible at 500 feet in normal sunlight.

(Source: P.A. 94-270, eff. 1-1-06.)

(625 ILCS 5/15-107) (from Ch. 95 1/2, par. 15-107)

Sec. 15-107. Length of vehicles.

(a) The maximum length of a single vehicle on any highway of this State may not exceed 42 feet except the following:

(1) Semitrailers.

(2) Charter or regulated route buses may be up to 45 feet in length, not including energy absorbing bumpers.

(a-1) A motor home as defined in Section 1-145.01 may be up to 45 feet in length, not including energy absorbing bumpers. The length limitations described in this subsection (a-1) shall be exclusive of energy-absorbing bumpers and rear view mirrors.

(b) On all non-State highways, the maximum length of vehicles in combinations is as follows:

(1) A truck tractor in combination with a semitrailer may not exceed 55 feet overall dimension.

(2) A truck tractor-semitrailer-trailer or truck tractor semitrailer-semitrailer may not exceed 60 feet overall dimension.

New matter indicated by italics - deletions by strikeout
(3) Combinations specially designed to transport motor vehicles or boats may not exceed 60 feet overall dimension. Vehicles operating during daylight hours when transporting poles, pipes, machinery, or other objects of a structural nature that cannot readily be dismembered are exempt from length limitations, provided that no object may exceed 80 feet in length and the overall dimension of the vehicle including the load may not exceed 100 feet. This exemption does not apply to operation on a Saturday, Sunday, or legal holiday. Legal holidays referred to in this Section are the days on which the following traditional holidays are celebrated: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day.

Vehicles and loads operated by a public utility while en route to make emergency repairs to public service facilities or properties are exempt from length limitations, provided that during night operations every vehicle and its load must be equipped with a sufficient number of clearance lamps on both sides and marker lamps on the extreme ends of any projecting load to clearly mark the dimensions of the load.

A tow truck in combination with a disabled vehicle or combination of disabled vehicles, as provided in paragraph (6) of subsection (c) of this Section, is exempt from length limitations.

All other combinations not listed in this subsection (b) may not exceed 60 feet overall dimension.

(c) Except as provided in subsections (c-1) and (c-2), combinations of vehicles may not exceed a total of 2 vehicles except the following:

(1) A truck tractor semitrailer may draw one trailer.

(2) A truck tractor semitrailer may draw one converter dolly or one semitrailer.

(3) A truck tractor semitrailer may draw one vehicle that is defined in Chapter 1 as special mobile equipment, provided the overall dimension does not exceed 60 feet.

(4) A truck in transit may draw 3 trucks in transit coupled together by the triple saddlemount method.

(5) Recreational vehicles consisting of 3 vehicles, provided the following:

(A) The total overall dimension does not exceed 60 feet.

(B) The towing vehicle is a properly registered vehicle capable of towing another vehicle using a fifth-wheel type assembly.

New matter indicated by italics - deletions by strikeout
(C) The second vehicle in the combination of vehicles is a recreational vehicle that is towed by a fifth-wheel assembly. This vehicle must be properly registered and must be equipped with brakes, regardless of weight.

(D) The third vehicle must be the lightest of the 3 vehicles and be a trailer or semitrailer designed or used for transporting a boat, all-terrain vehicle, personal watercraft, or motorcycle.

(E) The towed vehicles may be only for the use of the operator of the towing vehicle.

(F) All vehicles must be properly equipped with operating brakes and safety equipment required by this Code, except the additional brake requirement in subdivision (C) of this subparagraph (5).

(6) A tow truck in combination with a disabled vehicle or combination of disabled vehicles, provided the towing vehicle:

   (A) Is specifically designed as a tow truck having a gross vehicle weight rating of at least 18,000 pounds and equipped with air brakes, provided that air brakes are required only if the towing vehicle is towing a vehicle, semitrailer, or tractor-trailer combination that is equipped with air brakes. For the purpose of this subsection, gross vehicle weight rating, or GVWR, means the value specified by the manufacturer as the loaded weight of the tow truck.

   (B) Is equipped with flashing, rotating, or oscillating amber lights, visible for at least 500 feet in all directions.

   (C) Is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of vehicles.

   (D) Does not engage a tow exceeding 50 highway miles from the initial point of wreck or disablement to a place of repair. Any additional movement of the vehicles may occur only upon issuance of authorization for that movement under the provisions of Sections 15-301 through 15-319 of this Code.

The Department may by rule or regulation prescribe additional requirements regarding length limitations for a tow truck towing another vehicle.

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For purposes of this Section, a tow-dolly that merely serves as substitute wheels for another legally licensed vehicle is considered part of the licensed vehicle and not a separate vehicle.

(7) Commercial vehicles consisting of 3 vehicles, provided the following:

(A) The total overall dimension does not exceed 65 feet.

(B) The towing vehicle is a properly registered vehicle capable of towing another vehicle using a fifth-wheel type assembly or a goose-neck hitch ball.

(C) The third vehicle must be the lightest of the 3 vehicles and be a trailer or semitrailer.

(D) All vehicles must be properly equipped with operating brakes and safety equipment required by this Code.

(E) The combination of vehicles must be operated by a person who holds a commercial driver's license (CDL).

(F) The combination of vehicles must be en route to a location where new or used trailers are sold by an Illinois or out-of-state licensed new or used trailer dealer.

(c-1) A combination of 3 vehicles is allowed access to any State designated highway if:

(1) the length of neither towed vehicle exceeds 28.5 feet;
(2) the overall wheel base of the combination of vehicles does not exceed 62 feet; and
(3) the combination of vehicles is en route to a location where new or used trailers are sold by an Illinois or out-of-state licensed new or used trailer dealer.

(c-2) A combination of 3 vehicles is allowed access from any State designated highway onto any county, township, or municipal highway for a distance of 5 highway miles for the purpose of delivery or collection of one or both of the towed vehicles if:

(1) the length of neither towed vehicle exceeds 28.5 feet;
(2) the combination of vehicles does not exceed 40,000 pounds in gross weight and 8 feet 6 inches in width;
(3) there is no sign prohibiting that access;
(4) the route is not being used as a thoroughfare between State designated highways; and

New matter indicated by italics - deletions by strikeout
(5) the combination of vehicles is en route to a location
where new or used trailers are sold by an Illinois or out-of-state
licensed new or used trailer dealer.

(d) On Class I highways there are no overall length limitations on
motor vehicles operating in combinations provided:

(1) The length of a semitrailer, unladen or with load, in
combination with a truck tractor may not exceed 53 feet.

(2) The distance between the kingpin and the center of the
rear axle of a semitrailer longer than 48 feet, in combination with a
truck tractor, may not exceed 45 feet 6 inches. The limit contained
in this paragraph (2) shall not apply to trailers or semi-trailers used
for the transport of livestock as defined by Section 18b-101.

(3) The length of a semitrailer or trailer, unladen or with
load, operated in a truck tractor-semitrailer-trailer or truck tractor
semitrailer-semitrailer combination, may not exceed 28 feet 6
inches.

(4) Maxi-cube combinations, as defined in Chapter 1, may
not exceed 65 feet overall dimension.

(5) Combinations of vehicles specifically designed to
transport motor vehicles or boats may not exceed 65 feet overall
dimension. The length limitation is inclusive of front and rear
bumpers but exclusive of the overhang of the transported vehicles,
as provided in paragraph (i) of this Section.

(6) Stinger steered semitrailer vehicles as defined in
Chapter 1, specifically designed to transport motor vehicles or
boats and automobile transporters, as defined in Chapter 1, may
not exceed 80 feet overall dimension. The length limitation is
inclusive of front and rear bumpers but exclusive of the overhang
of the transported vehicles, as provided in paragraph (i) of this
Section.

(7) A truck in transit transporting 3 trucks coupled together
by the triple saddlemount method may not exceed 97 feet
overall dimension.

(8) A towaway trailer transporter combination may not
exceed 82 feet overall dimension.

Vehicles operating during daylight hours when transporting poles,
pipes, machinery, or other objects of a structural nature that cannot readily
be dismembered are exempt from length limitations, provided that no
object may exceed 80 feet in length and the overall dimension of the

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vehicle including the load may not exceed 100 feet. This exemption does not apply to operation on a Saturday, Sunday, or legal holiday. Legal holidays referred to in this Section are the days on which the following traditional holidays are celebrated: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day.

Vehicles and loads operated by a public utility while en route to make emergency repairs to public service facilities or properties are exempt from length limitations, provided that during night operations every vehicle and its load must be equipped with a sufficient number of clearance lamps on both sides and marker lamps on the extreme ends of any projecting load to clearly mark the dimensions of the load.

A tow truck in combination with a disabled vehicle or combination of disabled vehicles, as provided in paragraph (6) of subsection (c) of this Section, is exempt from length limitations.

The length limitations described in this paragraph (d) shall be exclusive of safety and energy conservation devices, such as bumpers, refrigeration units or air compressors and other devices, that the Department may interpret as necessary for safe and efficient operation; except that no device excluded under this paragraph shall have by its design or use the capability to carry cargo.

Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rulemaking shall not apply to the designation of highways under this paragraph (d).

(e) On Class II highways there are no overall length limitations on motor vehicles operating in combinations, provided:

(1) The length of a semitrailer, unladen or with load, in combination with a truck tractor, may not exceed 53 feet overall dimension.

(2) The distance between the kingpin and the center of the rear axle of a semitrailer longer than 48 feet, in combination with a truck tractor, may not exceed 45 feet 6 inches. The limit contained in this paragraph (2) shall not apply to trailers or semi-trailers used for the transport of livestock as defined by Section 18b-101.

(3) A truck tractor-semitrailer-trailer or truck tractor semitrailer-semitrailer combination may not exceed 65 feet in dimension from front axle to rear axle.

(4) The length of a semitrailer or trailer, unladen or with load, operated in a truck tractor-semitrailer-trailer or truck tractor

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semitrailer-semitrailer combination, may not exceed 28 feet 6 inches.

(5) Maxi-cube combinations, as defined in Chapter 1, may not exceed 65 feet overall dimension.

(6) A combination of vehicles, specifically designed to transport motor vehicles or boats, may not exceed 65 feet overall dimension. The length limitation is inclusive of front and rear bumpers but exclusive of the overhang of the transported vehicles, as provided in paragraph (i) of this Section.

(7) Stinger steered semitrailer vehicles, as defined in Chapter 1, specifically designed to transport motor vehicles or boats, may not exceed 80 75 feet overall dimension. The length limitation is inclusive of front and rear bumpers but exclusive of the overhang of the transported vehicles, as provided in paragraph (i) of this Section.

(8) A truck in transit transporting 3 trucks coupled together by the triple saddlemount method may not exceed 97 75 feet overall dimension.

(9) A towaway trailer transporter combination may not exceed 82 feet overall dimension.

Vehicles operating during daylight hours when transporting poles, pipes, machinery, or other objects of a structural nature that cannot readily be dismembered are exempt from length limitations, provided that no object may exceed 80 feet in length and the overall dimension of the vehicle including the load may not exceed 100 feet. This exemption does not apply to operation on a Saturday, Sunday, or legal holiday. Legal holidays referred to in this Section are the days on which the following traditional holidays are celebrated: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day.

Vehicles and loads operated by a public utility while en route to make emergency repairs to public service facilities or properties are exempt from length limitations, provided that during night operations every vehicle and its load must be equipped with a sufficient number of clearance lamps on both sides and marker lamps on the extreme ends of any projecting load to clearly mark the dimensions of the load.

A tow truck in combination with a disabled vehicle or combination of disabled vehicles, as provided in paragraph (6) of subsection (c) of this Section, is exempt from length limitations.

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Local authorities, with respect to streets and highways under their jurisdiction, may also by ordinance or resolution allow length limitations of this subsection (e).

The length limitations described in this paragraph (e) shall be exclusive of safety and energy conservation devices, such as bumpers, refrigeration units or air compressors and other devices, that the Department may interpret as necessary for safe and efficient operation; except that no device excluded under this paragraph shall have by its design or use the capability to carry cargo.

Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rulemaking shall not apply to the designation of highways under this paragraph (e).

(e-1) Combinations of vehicles not exceeding 65 feet overall length are allowed access as follows:

1. From any State designated highway onto any county, township, or municipal highway for a distance of 5 highway miles for the purpose of loading and unloading, provided:
   - The vehicle does not exceed 80,000 pounds in gross weight and 8 feet 6 inches in width.
   - There is no sign prohibiting that access.
   - The route is not being used as a thoroughfare between State designated highways.

2. From any State designated highway onto any county or township highway for a distance of 5 highway miles or onto any municipal highway for a distance of one highway mile for the purpose of food, fuel, repairs, and rest, provided:
   - The vehicle does not exceed 80,000 pounds in gross weight and 8 feet 6 inches in width.
   - There is no sign prohibiting that access.
   - The route is not being used as a thoroughfare between State designated highways.

(e-2) Except as provided in subsection (e-3), combinations of vehicles over 65 feet in length, with no overall length limitation except as provided in subsections (d) and (e) of this Section, are allowed access as follows:

1. From a Class I highway onto any street or highway for a distance of one highway mile for the purpose of loading, unloading, food, fuel, repairs, and rest, provided there is no sign prohibiting that access.
(2) From a Class I or Class II highway onto any State highway or any locally designated highway for a distance of 5 highway miles for the purpose of loading, unloading, food, fuel, repairs, and rest.

(e-3) Combinations of vehicles over 65 feet in length operated by household goods carriers or towaway trailer transporter combinations, with no overall length limitations except as provided in subsections (d) and (e) of this Section, have unlimited access to points of loading, and unloading, or delivery to or from a manufacturer, distributor, or dealer.

(f) On Class III and other non-designated State highways, the length limitations for vehicles in combination are as follows:

(1) Truck tractor-semitrailer combinations, must comply with either a maximum 55 feet overall wheel base or a maximum 65 feet extreme overall dimension.

(2) Semitrailers, unladen or with load, may not exceed 53 feet overall dimension.

(3) No truck tractor-semitrailer-trailer or truck tractor semitrailer-semitrailer combination may exceed 60 feet extreme overall dimension.

(4) The distance between the kingpin and the center axle of a semitrailer longer than 48 feet, in combination with a truck tractor, may not exceed 42 feet 6 inches. The limit contained in this paragraph (4) shall not apply to trailers or semi-trailers used for the transport of livestock as defined by Section 18b-101.

(g) Length limitations in the preceding subsections of this Section 15-107 do not apply to the following:

(1) Vehicles operated in the daytime, except on Saturdays, Sundays, or legal holidays, when transporting poles, pipe, machinery, or other objects of a structural nature that cannot readily be dismembered, provided the overall length of vehicle and load may not exceed 100 feet and no object exceeding 80 feet in length may be transported unless a permit has been obtained as authorized in Section 15-301.

(2) Vehicles and loads operated by a public utility while en route to make emergency repairs to public service facilities or properties, but during night operation every vehicle and its load must be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of the load.

New matter indicated by italics - deletions by strikeout
(3) A tow truck in combination with a disabled vehicle or combination of disabled vehicles, provided the towing vehicle meets the following conditions:

(A) It is specifically designed as a tow truck having a gross vehicle weight rating of at least 18,000 pounds and equipped with air brakes, provided that air brakes are required only if the towing vehicle is towing a vehicle, semitrailer, or tractor-trailer combination that is equipped with air brakes.

(B) It is equipped with flashing, rotating, or oscillating amber lights, visible for at least 500 feet in all directions.

(C) It is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of vehicles.

(D) It does not engage in a tow exceeding 50 miles from the initial point of wreck or disablement.

The Department may by rule or regulation prescribe additional requirements regarding length limitations for a tow truck towing another vehicle. The towing vehicle, however, may tow any disabled vehicle from the initial point of wreck or disablement to a point where repairs are actually to occur. This movement shall be valid only on State routes. The tower must abide by posted bridge weight limits.

For the purpose of this subsection, gross vehicle weight rating, or GVWR, shall mean the value specified by the manufacturer as the loaded weight of the tow truck. Legal holidays referred to in this Section shall be specified as the day on which the following traditional holidays are celebrated:

New Year's Day;
Memorial Day;
Independence Day;
Labor Day;
Thanksgiving Day; and
Christmas Day.

(h) The load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles, shall not extend more than 3 feet beyond the front wheels of the vehicle or the front bumper of the vehicle if it is equipped with a front bumper. The provisions of this subsection (h) shall not apply to any vehicle or combination of vehicles specifically designed for the collection and transportation of waste,

New matter indicated by italics - deletions by strikeout
garbage, or recyclable materials during the vehicle's operation in the course of collecting garbage, waste, or recyclable materials if the vehicle is traveling at a speed not in excess of 15 miles per hour during the vehicle's operation and in the course of collecting garbage, waste, or recyclable materials. However, in no instance shall the load extend more than 7 feet beyond the front wheels of the vehicle or the front bumper of the vehicle if it is equipped with a front bumper.

(i) The load upon the front vehicle of an automobile transporter or a stinger-steered vehicle a combination of vehicles specifically designed to transport motor vehicles shall not extend more than \( \frac{4}{3} \) feet beyond the foremost part of the transporting vehicle and the load upon the rear transporting vehicle shall not extend more than \( \frac{6}{4} \) feet beyond the rear of the bed or body of the vehicle. This paragraph shall only be applicable upon highways designated in paragraphs (d) and (e) of this Section.

(j) Articulated vehicles comprised of 2 sections, neither of which exceeds a length of 42 feet, designed for the carrying of more than 10 persons, may be up to 60 feet in length, not including energy absorbing bumpers, provided that the vehicles are:

1. operated by or for any public body or motor carrier authorized by law to provide public transportation services; or
2. operated in local public transportation service by any other person and the municipality in which the service is to be provided approved the operation of the vehicle.

(j-1) (Blank).

(k) Any person who is convicted of violating this Section is subject to the penalty as provided in paragraph (b) of Section 15-113.

(l) (Blank).

(Source: P.A. 96-34, eff. 1-1-10; 96-37, eff. 7-13-09; 96-1352, eff. 7-28-10; 97-200, eff. 7-27-11; 97-883, eff. 1-1-13.)

(625 ILCS 5/15-111) (from Ch. 95 1/2, par. 15-111)
Sec. 15-111. Wheel and axle loads and gross weights.

(a) No vehicle or combination of vehicles with pneumatic tires may be operated, unladen or with load, when the total weight on the road surface exceeds the following: 20,000 pounds on a single axle; 34,000 pounds on a tandem axle with no axle within the tandem exceeding 20,000 pounds; 80,000 pounds gross weight for vehicle combinations of 5 or more axles; or a total weight on a group of 2 or more consecutive axles in excess of that weight produced by the application of the following formula: 

\[ W = 500 \times \text{sum of } \left( \frac{LN}{N-1} \right) + 12N + 36, \]

New matter indicated by italics - deletions by strikeout
where "W" equals overall total weight on any group of 2 or more consecutive axles to the nearest 500 pounds, "L" equals the distance measured to the nearest foot between extremes of any group of 2 or more consecutive axles, and "N" equals the number of axles in the group under consideration.

The above formula when expressed in tabular form results in allowable loads as follows:

<table>
<thead>
<tr>
<th>Distance measured to the nearest foot between the extremes of any group of 2 or more consecutive axles</th>
<th>Maximum weight in pounds of any group of 2 or more consecutive axles</th>
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*If the distance between 2 axles is 96 inches or less, the 2 axles are tandem axles and the maximum total weight may not exceed 34,000 pounds, notwithstanding the higher limit resulting from the application of the formula.

Vehicles not in a combination having more than 4 axles may not exceed the weight in the table in this subsection (a) for 4 axles measured between the extreme axles of the vehicle.
Vehicles in a combination having more than 6 axles may not exceed the weight in the table in this subsection (a) for 6 axles measured between the extreme axles of the combination.

Local authorities, with respect to streets and highways under their jurisdiction, without additional fees, may also by ordinance or resolution allow the weight limitations of this subsection, provided the maximum gross weight on any one axle shall not exceed 20,000 pounds and the maximum total weight on any tandem axle shall not exceed 34,000 pounds, on designated highways when appropriate regulatory signs giving notice are erected upon the street or highway or portion of any street or highway affected by the ordinance or resolution.

The following are exceptions to the above formula:

(1) Vehicles for which a different limit is established and posted in accordance with Section 15-316 of this Code.

(2) Vehicles for which the Department of Transportation and local authorities issue overweight permits under authority of Section 15-301 of this Code. These vehicles are not subject to the bridge formula.

(3) Cities having a population of more than 50,000 may permit by ordinance axle loads on 2-axle motor vehicles 33 1/2% above those provided for herein, but the increase shall not become effective until the city has officially notified the Department of the passage of the ordinance and shall not apply to those vehicles when outside of the limits of the city, nor shall the gross weight of any 2-axle motor vehicle operating over any street of the city exceed 40,000 pounds.

(4) Weight limitations shall not apply to vehicles (including loads) operated by a public utility when transporting equipment required for emergency repair of public utility facilities or properties or water wells.

(4.5) A 3-axle or 4-axle vehicle (including when laden) operated or hired by a municipality within Cook, Lake, McHenry, Kane, DuPage, or Will county being operated for the purpose of performing emergency sewer repair that would be subject to a weight limitation less than 66,000 pounds under the formula in this subsection (a) shall have a weight limitation of 66,000 pounds or the vehicle's gross vehicle weight rating, whichever is less. This paragraph (4.5) does not apply to vehicles being operated on the National System of Interstate and Defense Highways, or to vehicles

New matter indicated by italics - deletions by strikeout
being operated on bridges or other elevated structures constituting a part of a highway.

(5) Two consecutive sets of tandem axles may carry a total weight of 34,000 pounds each if the overall distance between the first and last axles of the consecutive sets of tandem axles is 36 feet or more, notwithstanding the lower limit resulting from the application of the above formula.

(6) A truck, not in combination and used exclusively for the collection of rendering materials, may, when laden, transmit upon the road surface, except when on part of the National System of Interstate and Defense Highways, the following maximum weights: 22,000 pounds on a single axle; 40,000 pounds on a tandem axle.

(7) A truck not in combination, equipped with a self compactor or an industrial roll-off hoist and roll-off container, used exclusively for garbage, refuse, or recycling operations, may, when laden, transmit upon the road surface, except when on part of the National System of Interstate and Defense Highways, the following maximum weights: 22,000 pounds on a single axle; 40,000 pounds on a tandem axle; 40,000 pounds gross weight on a 2-axle vehicle; 54,000 pounds gross weight on a 3-axle vehicle. This vehicle is not subject to the bridge formula.

(7.5) A 3-axle rear discharge truck mixer registered as a Special Hauling Vehicle, used exclusively for the mixing and transportation of concrete in the plastic state, may, when laden, transmit upon the road surface, except when on part of the National System of Interstate and Defense Highways, the following maximum weights: 22,000 pounds on single axle; 40,000 pounds on a tandem axle; 54,000 pounds gross weight on a 3-axle vehicle. This vehicle is not subject to the bridge formula.

(8) Except as provided in paragraph (7.5) of this subsection (a), tandem axles on a 3-axle truck registered as a Special Hauling Vehicle, manufactured prior to or in the model year of 2024 and first registered in Illinois prior to January 1, 2025, with a distance greater than 72 inches but not more than 96 inches between any series of 2 axles, is allowed a combined weight on the series not to exceed 36,000 pounds and neither axle of the series may exceed 20,000 pounds. Any vehicle of this type manufactured after the model year of 2024 or first registered in Illinois after December 31, 2024 may not exceed a combined weight of 34,000 pounds through

New matter indicated by italics - deletions by strikeout
the series of 2 axles and neither axle of the series may exceed 20,000 pounds.

A 3-axle combination sewer cleaning jetting vacuum truck registered as a Special Hauling Vehicle, used exclusively for the transportation of non-hazardous solid waste, manufactured before or in the model year of 2014, first registered in Illinois before January 1, 2015, may, when laden, transmit upon the road surface, except when on part of the National System of Interstate and Defense Highways, the following maximum weights: 22,000 pounds on a single axle; 40,000 pounds on a tandem axle; 54,000 pounds gross weight on a 3-axle vehicle. This vehicle is not subject to the bridge formula.

(9) A 4-axle truck mixer registered as a Special Hauling Vehicle, used exclusively for the mixing and transportation of concrete in the plastic state, and not operated on a highway that is part of the National System of Interstate Highways, is allowed the following maximum weights: 20,000 pounds on any single axle; 36,000 pounds on a series of axles greater than 72 inches but not more than 96 inches; and 34,000 pounds on any series of 2 axles greater than 40 inches but not more than 72 inches. The gross weight of this vehicle may not exceed the weights allowed by the bridge formula for 4 axles. The bridge formula does not apply to any series of 3 axles while the vehicle is transporting concrete in the plastic state, but no axle or tandem axle of the series may exceed the maximum weight permitted under this paragraph (9) of subsection (a).

(10) Combinations of vehicles, registered as Special Hauling Vehicles that include a semitrailer manufactured prior to or in the model year of 2024, and registered in Illinois prior to January 1, 2025, having 5 axles with a distance of 42 feet or less between extreme axles, may not exceed the following maximum weights: 20,000 pounds on a single axle; 34,000 pounds on a tandem axle; and 72,000 pounds gross weight. This combination of vehicles is not subject to the bridge formula. For all those combinations of vehicles that include a semitrailer manufactured after the effective date of P.A. 92-0417, the overall distance between the first and last axles of the 2 sets of tandems must be 18 feet 6 inches or more. Any combination of vehicles that has had its

New matter indicated by italics - deletions by strikeout
cargo container replaced in its entirety after December 31, 2024 may not exceed the weights allowed by the bridge formula.

(11) The maximum weight allowed on a vehicle with crawler type tracks is 40,000 pounds.

(12) A combination of vehicles, including a tow truck and a disabled vehicle or disabled combination of vehicles, that exceeds the weight restriction imposed by this Code, may be operated on a public highway in this State provided that neither the disabled vehicle nor any vehicle being towed nor the tow truck itself shall exceed the weight limitations permitted under this Chapter. During the towing operation, neither the tow truck nor the vehicle combination shall exceed 24,000 pounds on a single rear axle and 44,000 pounds on a tandem rear axle, provided the towing vehicle:

(i) is specifically designed as a tow truck having a gross vehicle weight rating of at least 18,000 pounds and is equipped with air brakes, provided that air brakes are required only if the towing vehicle is towing a vehicle, semitrailer, or tractor-trailer combination that is equipped with air brakes;

(ii) is equipped with flashing, rotating, or oscillating amber lights, visible for at least 500 feet in all directions;

(iii) is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of vehicles; and

(iv) does not engage in a tow exceeding 20 miles from the initial point of wreck or disablement. Any additional movement of the vehicles may occur only upon issuance of authorization for that movement under the provisions of Sections 15-301 through 15-319 of this Code. The towing vehicle, however, may tow any disabled vehicle to a point where repairs are actually to occur. This movement shall be valid only on State routes. The tower must abide by posted bridge weight limits.

(12.5) The vehicle weight limitations in this Section do not apply to a covered heavy duty tow and recovery vehicle. The covered heavy duty tow and recovery vehicle license plate must cover the operating empty weight of the covered heavy duty tow and recovery vehicle only.

New matter indicated by italics - deletions by strikeout
(13) Upon and during a declaration of an emergency propane supply disaster by the Governor under Section 7 of the Illinois Emergency Management Agency Act:
   (i) a truck not in combination, equipped with a cargo tank, used exclusively for the transportation of propane or liquefied petroleum gas may, when laden, transmit upon the road surface, except when on part of the National System of Interstate and Defense Highways, the following maximum weights: 22,000 pounds on a single axle; 40,000 pounds on a tandem axle; 40,000 pounds gross weight on a 2-axle vehicle; 54,000 pounds gross weight on a 3-axle vehicle; and
   (ii) a truck when in combination with a trailer equipped with a cargo tank used exclusively for the transportation of propane or liquefied petroleum gas may, when laden, transmit upon the road surface, except when on part of the National System of Interstate and Defense Highways, the following maximum weights: 22,000 pounds on a single axle; 40,000 pounds on a tandem axle; 90,000 pounds gross weight on a 5-axle or 6-axle vehicle.

Vehicles operating under this paragraph (13) are not subject to the bridge formula.

(14) A vehicle or combination of vehicles that uses natural gas or propane gas as a motor fuel may exceed the above weight limitations by up to 2,000 pounds, the total allowance is calculated by an amount that is equal to the difference between the weight of the vehicle attributable to the natural gas or propane gas tank and fueling system carried by the vehicle, and the weight of a comparable diesel tank and fueling system except on interstate highways as defined by Section 1-133.1 of this Code. This paragraph (14) shall not allow a vehicle to exceed any posted weight limit on a highway or structure.

(15) An emergency vehicle that is a vehicle designed to be used under emergency conditions to transport personnel and equipment, and used to support the suppression of fires and mitigation of other hazardous situations, may not exceed 86,000 pounds gross weight, or any of the following weight allowances:
   (i) 24,000 pounds on a single steering axle;
   (ii) 33,500 pounds on a single drive axle;

New matter indicated by italics - deletions by strikeout
(iii) 62,000 pounds on a tandem axle; or
(iv) 52,000 pounds on a tandem rear drive steer axle.

(16) A bus, motor coach, or recreational vehicle may carry a total weight of 24,000 pounds on a single axle, but may not exceed other weight provisions of this Section.

Gross weight limits shall not apply to the combination of the tow truck and vehicles being towed. The tow truck license plate must cover the operating empty weight of the tow truck only. The weight of each vehicle being towed shall be covered by a valid license plate issued to the owner or operator of the vehicle being towed and displayed on that vehicle. If no valid plate issued to the owner or operator of that vehicle is displayed on that vehicle, or the plate displayed on that vehicle does not cover the weight of the vehicle, the weight of the vehicle shall be covered by the third tow truck plate issued to the owner or operator of the tow truck and temporarily affixed to the vehicle being towed. If a roll-back carrier is registered and being used as a tow truck, however, the license plate or plates for the tow truck must cover the gross vehicle weight, including any load carried on the bed of the roll-back carrier.

The Department may by rule or regulation prescribe additional requirements. However, nothing in this Code shall prohibit a tow truck under instructions of a police officer from legally clearing a disabled vehicle, that may be in violation of weight limitations of this Chapter, from the roadway to the berm or shoulder of the highway. If in the opinion of the police officer that location is unsafe, the officer is authorized to have the disabled vehicle towed to the nearest place of safety.

For the purpose of this subsection, gross vehicle weight rating, or GVWR, means the value specified by the manufacturer as the loaded weight of the tow truck.

(b) As used in this Section, "recycling haul" or "recycling operation" means the hauling of non-hazardous, non-special, non-putrescible materials, such as paper, glass, cans, or plastic, for subsequent use in the secondary materials market.

(c) No vehicle or combination of vehicles equipped with pneumatic tires shall be operated, unladen or with load, upon the highways of this State in violation of the provisions of any permit issued under the provisions of Sections 15-301 through 15-319 of this Chapter.

(d) No vehicle or combination of vehicles equipped with other than pneumatic tires may be operated, unladen or with load, upon the highways

New matter indicated by italics - deletions by strikeout
of this State when the gross weight on the road surface through any wheel exceeds 800 pounds per inch width of tire tread or when the gross weight on the road surface through any axle exceeds 16,000 pounds.

(e) No person shall operate a vehicle or combination of vehicles over a bridge or other elevated structure constituting part of a highway with a gross weight that is greater than the maximum weight permitted by the Department, when the structure is sign posted as provided in this Section.

(f) The Department upon request from any local authority shall, or upon its own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it finds that the structure cannot with safety to itself withstand the weight of vehicles otherwise permissible under this Code the Department shall determine and declare the maximum weight of vehicles that the structures can withstand, and shall cause or permit suitable signs stating maximum weight to be erected and maintained before each end of the structure. No person shall operate a vehicle or combination of vehicles over any structure with a gross weight that is greater than the posted maximum weight.

(g) Upon the trial of any person charged with a violation of subsection (e) or (f) of this Section, proof of the determination of the maximum allowable weight by the Department and the existence of the signs, constitutes conclusive evidence of the maximum weight that can be maintained with safety to the bridge or structure.

(Source: P.A. 98-409, eff. 1-1-14; 98-410, eff. 8-16-13; 98-756, eff. 7-16-14; 98-942, eff. 1-1-15; 98-956, eff. 1-1-15; 98-1029, eff. 1-1-15; 99-78, eff. 7-20-15.)

(625 ILCS 5/15-112) (from Ch. 95 1/2, par. 15-112)

Sec. 15-112. Officers to weigh vehicles and require removal of excess loads.

(a) Any police officer having reason to believe that the weight of a vehicle and load is unlawful shall require the driver to stop and submit to a weighing of the same either by means of a portable or stationary scales that have been tested and approved at a frequency prescribed by the Illinois Department of Agriculture, or for those scales operated by the State, when such tests are requested by the Department of State Police, whichever is more frequent. If such scales are not available at the place where such vehicle is stopped, the police officer shall require that such vehicle be driven to the nearest available scale that has been tested and approved pursuant to this Section by the Illinois Department of Agriculture.

New matter indicated by italics - deletions by strikeout
Notwithstanding any provisions of the Weights and Measures Act or the United States Department of Commerce NIST handbook 44, multi or single draft weighing is an acceptable method of weighing by law enforcement for determining a violation of Chapter 3 or 15 of this Code. Law enforcement is exempt from the requirements of commercial weighing established in NIST handbook 44.

Within 18 months after the effective date of this amendatory Act of the 91st General Assembly, all municipal and county officers, technicians, and employees who set up and operate portable scales for wheel load or axle load or both and issue citations based on the use of portable scales for wheel load or axle load or both and who have not successfully completed initial classroom and field training regarding the set up and operation of portable scales, shall attend and successfully complete initial classroom and field training administered by the Illinois Law Enforcement Training Standards Board.

(b) Whenever an officer, upon weighing a vehicle and the load, determines that the weight is unlawful, such officer shall require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the weight of the vehicle to the limit permitted under this Chapter, or to the limit permitted under the terms of a permit issued pursuant to Sections 15-301 through 15-318 and shall forthwith arrest the driver or owner. All material so unloaded shall be cared for by the owner or operator of the vehicle at the risk of such owner or operator; however, whenever a 3 or 4 axle vehicle with a tandem axle dimension greater than 72 inches, but less than 96 inches and registered as a Special Hauling Vehicle is transporting asphalt or concrete in the plastic state that exceeds axle weight or gross weight limits by less than 4,000 pounds, the owner or operator of the vehicle shall accept the arrest ticket or tickets for the alleged violations under this Section and proceed without shifting or reducing the load being transported or may shift or reduce the load under the provisions of subsection (d) or (e) of this Section, when applicable. Any fine imposed following an overweight violation by a vehicle registered as a Special Hauling Vehicle transporting asphalt or concrete in the plastic state shall be paid as provided in subsection 4 of paragraph (a) of Section 16-105 of this Code.

(c) The Department of Transportation may, at the request of the Department of State Police, erect appropriate regulatory signs on any State highway directing second division vehicles to a scale. The Department of

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Transportation may also, at the direction of any State Police officer, erect portable regulating signs on any highway directing second division vehicles to a portable scale. Every such vehicle, pursuant to such sign, shall stop and be weighed.

(d) Whenever any axle load of a vehicle exceeds the axle or tandem axle weight limits permitted by paragraph (a) of Section 15-111 by 2000 pounds or less, the owner or operator of the vehicle must shift or remove the excess so as to comply with paragraph (a) of Section 15-111. No overweight arrest ticket shall be issued to the owner or operator of the vehicle by any officer if the excess weight is shifted or removed as required by this paragraph.

(e) Whenever the gross weight of a vehicle with a registered gross weight of 77,000 pounds or less exceeds the weight limits of paragraph (a) of Section 15-111 of this Chapter by 2000 pounds or less, the owner or operator of the vehicle must remove the excess. Whenever the gross weight of a vehicle with a registered gross weight over 77,000 pounds or more exceeds the weight limits of paragraph (a) of Section 15-111 by 1,000 pounds or less or 2,000 pounds or less if weighed on wheel load weighers, the owner or operator of the vehicle must remove the excess. In either case no arrest ticket for any overweight violation of this Code shall be issued to the owner or operator of the vehicle by any officer if the excess weight is removed as required by this paragraph. A person who has been granted a special permit under Section 15-301 of this Code shall not be granted a tolerance on wheel load weighers.

(e-5) Auxiliary power or idle reduction unit (APU) weight.

(1) A vehicle with a fully functional APU shall be allowed an additional 550 pounds or the certified unit weight, whichever is less. The additional pounds may be allowed in gross, axles, or bridge formula weight limits above the legal weight limits except when overweight on an axle or axles of the towed unit or units in combination. This tolerance shall be given in addition to the limits in subsection (d) of this Section.

(2) An operator of a vehicle equipped with an APU shall carry written certification showing the weight of the APU, which shall be displayed upon the request of any law enforcement officer.

(3) The operator may be required to demonstrate or certify that the APU is fully functional at all times.

New matter indicated by italics - deletions by strikeout
(4) This allowance may not be granted above the weight limits specified on any loads permitted under Section 15-301 of this Code.

(f) Whenever an axle load of a vehicle exceeds axle weight limits allowed by the provisions of a permit an arrest ticket shall be issued, but the owner or operator of the vehicle may shift the load so as to comply with the provisions of the permit. Where such shifting of a load to comply with the permit is accomplished, the owner or operator of the vehicle may then proceed.

(g) Any driver of a vehicle who refuses to stop and submit his vehicle and load to weighing after being directed to do so by an officer or removes or causes the removal of the load or part of it prior to weighing is guilty of a business offense and shall be fined not less than $500 nor more than $2,000.

(Source: P.A. 96-34, eff. 1-1-10; 97-201, eff. 1-1-12.)

(625 ILCS 5/15-301) (from Ch. 95 1/2, par. 15-301)

Sec. 15-301. Permits for excess size and weight.

(a) The Department with respect to highways under its jurisdiction and local authorities with respect to highways under their jurisdiction may, in their discretion, upon application and good cause being shown therefor, issue a special permit authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this Act or otherwise not in conformity with this Act upon any highway under the jurisdiction of the party granting such permit and for the maintenance of which the party is responsible. Applications and permits other than those in written or printed form may only be accepted from and issued to the company or individual making the movement. Except for an application to move directly across a highway, it shall be the duty of the applicant to establish in the application that the load to be moved by such vehicle or combination cannot reasonably be dismantled or disassembled, the reasonableness of which shall be determined by the Secretary of the Department. For the purpose of over length movements, more than one object may be carried side by side as long as the height, width, and weight laws are not exceeded and the cause for the over length is not due to multiple objects. For the purpose of over height movements, more than one object may be carried as long as the cause for the over height is not due to multiple objects and the length, width, and weight laws are not exceeded. For the purpose of an over width movement, more than one object may be carried as long as the cause for
the over width is not due to multiple objects and length, height, and weight laws are not exceeded. Except for transporting fluid milk products, no State or local agency shall authorize the issuance of excess size or weight permits for vehicles and loads that are divisible and that can be carried, when divided, within the existing size or weight maximums specified in this Chapter. Any excess size or weight permit issued in violation of the provisions of this Section shall be void at issue and any movement made thereunder shall not be authorized under the terms of the void permit. In any prosecution for a violation of this Chapter when the authorization of an excess size or weight permit is at issue, it is the burden of the defendant to establish that the permit was valid because the load to be moved could not reasonably be dismantled or disassembled, or was otherwise nondivisible.

(b) The application for any such permit shall: (1) state whether such permit is requested for a single trip or for limited continuous operation; (2) state if the applicant is an authorized carrier under the Illinois Motor Carrier of Property Law, if so, his certificate, registration or permit number issued by the Illinois Commerce Commission; (3) specifically describe and identify the vehicle or vehicles and load to be operated or moved except that for vehicles or vehicle combinations registered by the Department as provided in Section 15-319 of this Chapter, only the Illinois Department of Transportation's (IDT) registration number or classification need be given; (4) state the routing requested including the points of origin and destination, and may identify and include a request for routing to the nearest certified scale in accordance with the Department's rules and regulations, provided the applicant has approval to travel on local roads; and (5) state if the vehicles or loads are being transported for hire. No permits for the movement of a vehicle or load for hire shall be issued to any applicant who is required under the Illinois Motor Carrier of Property Law to have a certificate, registration or permit and does not have such certificate, registration or permit.

(c) The Department or local authority when not inconsistent with traffic safety is authorized to issue or withhold such permit at its discretion; or, if such permit is issued at its discretion to prescribe the route or routes to be traveled, to limit the number of trips, to establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or otherwise to limit or prescribe conditions of operations of such vehicle or vehicles, when necessary to
assure against undue damage to the road foundations, surfaces or structures, and may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or road structure. The Department shall maintain a daily record of each permit issued along with the fee and the stipulated dimensions, weights, conditions and restrictions authorized and this record shall be presumed correct in any case of questions or dispute. The Department shall install an automatic device for recording applications received and permits issued by telephone. In making application by telephone, the Department and applicant waive all objections to the recording of the conversation.

(d) The Department shall, upon application in writing from any local authority, issue an annual permit authorizing the local authority to move oversize highway construction, transportation, utility and maintenance equipment over roads under the jurisdiction of the Department. The permit shall be applicable only to equipment and vehicles owned by or registered in the name of the local authority, and no fee shall be charged for the issuance of such permits.

(e) As an exception to paragraph (a) of this Section, the Department and local authorities, with respect to highways under their respective jurisdictions, in their discretion and upon application in writing may issue a special permit for limited continuous operation, authorizing the applicant to move loads of agricultural commodities on a 2 axle single vehicle registered by the Secretary of State with axle loads not to exceed 35%, on a 3 or 4 axle vehicle registered by the Secretary of State with axle loads not to exceed 20%, and on a 5 axle vehicle registered by the Secretary of State not to exceed 10% above those provided in Section 15-111. The total gross weight of the vehicle, however, may not exceed the maximum gross weight of the registration class of the vehicle allowed under Section 3-815 or 3-818 of this Code.

As used in this Section, "agricultural commodities" means:

(1) cultivated plants or agricultural produce grown including, but is not limited to, corn, soybeans, wheat, oats, grain sorghum, canola, and rice;

(2) livestock, including but not limited to hogs, equine, sheep, and poultry;

(3) ensilage; and

(4) fruits and vegetables.

Permits may be issued for a period not to exceed 40 days and moves may be made of a distance not to exceed 50 miles from a field, an
on-farm grain storage facility, a warehouse as defined in the Illinois Grain Code, or a livestock management facility as defined in the Livestock Management Facilities Act over any highway except the National System of Interstate and Defense Highways. The operator of the vehicle, however, must abide by posted bridge and posted highway weight limits. All implements of husbandry operating under this Section between sunset and sunrise shall be equipped as prescribed in Section 12-205.1.

(e-1) Upon a declaration by the Governor that an emergency harvest situation exists, a special permit issued by the Department under this Section shall not be required from September 1 through December 31 during harvest season emergencies, provided that the weight does not exceed 20% above the limits provided in Section 15-111. All other restrictions that apply to permits issued under this Section shall apply during the declared time period. With respect to highways under the jurisdiction of local authorities, the local authorities may, at their discretion, waive special permit requirements during harvest season emergencies. This permit exemption shall apply to all vehicles eligible to obtain permits under this Section, including commercial vehicles in use during the declared time period.

(f) The form and content of the permit shall be determined by the Department with respect to highways under its jurisdiction and by local authorities with respect to highways under their jurisdiction. Every permit shall be in written form and carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting the permit and no person shall violate any of the terms or conditions of such special permit. Violation of the terms and conditions of the permit shall not be deemed a revocation of the permit; however, any vehicle and load found to be off the route prescribed in the permit shall be held to be operating without a permit. Any off route vehicle and load shall be required to obtain a new permit or permits, as necessary, to authorize the movement back onto the original permit routing. No rule or regulation, nor anything herein shall be construed to authorize any police officer, court, or authorized agent of any authority granting the permit to remove the permit from the possession of the permittee unless the permittee is charged with a fraudulent permit violation as provided in paragraph (i). However, upon arrest for an offense of violation of permit, operating without a permit when the vehicle is off route, or any size or weight offense under this Chapter when the permittee plans to raise the issuance of the permit as a defense, the permittee, or his
agent, must produce the permit at any court hearing concerning the alleged offense.

If the permit designates and includes a routing to a certified scale, the permittee, while enroute to the designated scale, shall be deemed in compliance with the weight provisions of the permit provided the axle or gross weights do not exceed any of the permitted limits by more than the following amounts:

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<td>Single axle</td>
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<td>Tandem axle</td>
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<td>Gross</td>
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(g) The Department is authorized to adopt, amend, and to make available to interested persons a policy concerning reasonable rules, limitations and conditions or provisions of operation upon highways under its jurisdiction in addition to those contained in this Section for the movement by special permit of vehicles, combinations, or loads which cannot reasonably be dismantled or disassembled, including manufactured and modular home sections and portions thereof. All rules, limitations and conditions or provisions adopted in the policy shall have due regard for the safety of the traveling public and the protection of the highway system and shall have been promulgated in conformity with the provisions of the Illinois Administrative Procedure Act. The requirements of the policy for flagmen and escort vehicles shall be the same for all moves of comparable size and weight. When escort vehicles are required, they shall meet the following requirements:

1. All operators shall be 18 years of age or over and properly licensed to operate the vehicle.
2. Vehicles escorting oversized loads more than 12-feet wide must be equipped with a rotating or flashing amber light mounted on top as specified under Section 12-215.

The Department shall establish reasonable rules and regulations regarding liability insurance or self insurance for vehicles with oversized loads promulgated under The Illinois Administrative Procedure Act. Police vehicles may be required for escort under circumstances as required by rules and regulations of the Department.

(h) Violation of any rule, limitation or condition or provision of any permit issued in accordance with the provisions of this Section shall not render the entire permit null and void but the violator shall be deemed guilty of violation of permit and guilty of exceeding any size, weight or load limitations in excess of those authorized by the permit. The

New matter indicated by italics - deletions by strikeout
prescribed route or routes on the permit are not mere rules, limitations, conditions, or provisions of the permit, but are also the sole extent of the authorization granted by the permit. If a vehicle and load are found to be off the route or routes prescribed by any permit authorizing movement, the vehicle and load are operating without a permit. Any off route movement shall be subject to the size and weight maximums, under the applicable provisions of this Chapter, as determined by the type or class highway upon which the vehicle and load are being operated.

(i) Whenever any vehicle is operated or movement made under a fraudulent permit the permit shall be void, and the person, firm, or corporation to whom such permit was granted, the driver of such vehicle in addition to the person who issued such permit and any accessory, shall be guilty of fraud and either one or all persons may be prosecuted for such violation. Any person, firm, or corporation committing such violation shall be guilty of a Class 4 felony and the Department shall not issue permits to the person, firm or corporation convicted of such violation for a period of one year after the date of conviction. Penalties for violations of this Section shall be in addition to any penalties imposed for violation of other Sections of this Act.

(j) Whenever any vehicle is operated or movement made in violation of a permit issued in accordance with this Section, the person to whom such permit was granted, or the driver of such vehicle, is guilty of such violation and either, but not both, persons may be prosecuted for such violation as stated in this subsection (j). Any person, firm or corporation convicted of such violation shall be guilty of a petty offense and shall be fined for the first offense, not less than $50 nor more than $200 and, for the second offense by the same person, firm or corporation within a period of one year, not less than $200 nor more than $300 and, for the third offense by the same person, firm or corporation within a period of one year after the date of the first offense, not less than $300 nor more than $500 and the Department shall not issue permits to the person, firm or corporation convicted of a third offense during a period of one year after the date of conviction for such third offense.

(k) Whenever any vehicle is operated on local roads under permits for excess width or length issued by local authorities, such vehicle may be moved upon a State highway for a distance not to exceed one-half mile without a permit for the purpose of crossing the State highway.

(l) Notwithstanding any other provision of this Section, the Department, with respect to highways under its jurisdiction, and local

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authorities, with respect to highways under their jurisdiction, may at their
discretion authorize the movement of a vehicle in violation of any size or
weight requirement, or both, that would not ordinarily be eligible for a
permit, when there is a showing of extreme necessity that the vehicle and
load should be moved without unnecessary delay.

For the purpose of this subsection, showing of extreme necessity
shall be limited to the following: shipments of livestock, hazardous
materials, liquid concrete being hauled in a mobile cement mixer, or hot
asphalt.

(m) Penalties for violations of this Section shall be in addition to
any penalties imposed for violating any other Section of this Code.

(n) The Department with respect to highways under its jurisdiction
and local authorities with respect to highways under their jurisdiction, in
their discretion and upon application in writing, may issue a special permit
for continuous limited operation, authorizing the applicant to operate a
tow-truck that exceeds the weight limits provided for in subsection (a) of
Section 15-111, provided:

(1) no rear single axle of the tow-truck exceeds 26,000
pounds;
(2) no rear tandem axle of the tow-truck exceeds 50,000
pounds;
(2.1) no triple rear axle on a manufactured recovery unit
exceeds 60,000 pounds;
(3) neither the disabled vehicle nor the disabled
combination of vehicles exceed the weight restrictions imposed by
this Chapter 15, or the weight limits imposed under a permit issued
by the Department prior to hookup;
(4) the tow-truck prior to hookup does not exceed the
weight restrictions imposed by this Chapter 15;
(5) during the tow operation the tow-truck does not violate
any weight restriction sign;
(6) the tow-truck is equipped with flashing, rotating, or
oscillating amber lights, visible for at least 500 feet in all
directions;
(7) the tow-truck is specifically designed and licensed as a
tow-truck;
(8) the tow-truck has a gross vehicle weight rating of
sufficient capacity to safely handle the load;
(9) the tow-truck is equipped with air brakes;

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(10) the tow-truck is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of vehicles;

(11) the tow commences at the initial point of wreck or disablement and terminates at a point where the repairs are actually to occur;

(12) the permit issued to the tow-truck is carried in the tow-truck and exhibited on demand by a police officer; and

(13) the movement shall be valid only on state routes approved by the Department.

(o) (Blank). The Department, with respect to highways under its jurisdiction, and local authorities, with respect to highways under their jurisdiction, in their discretion and upon application in writing, may issue a special permit for continuous limited operation, authorizing the applicant to transport raw milk that exceeds the weight limits provided for in subsection (a) of Section 15-111 of this Code, provided:

(1) no single axle exceeds 20,000 pounds;

(2) no gross weight exceeds 80,000 pounds;

(3) permits issued by the State are good only for federal and State highways and are not applicable to interstate highways; and

(4) all road and bridge postings must be obeyed.

(p) In determining whether a load may be reasonably dismantled or disassembled for the purpose of paragraph (a), the Department shall consider whether there is a significant negative impact on the condition of the pavement and structures along the proposed route, whether the load or vehicle as proposed causes a safety hazard to the traveling public, whether dismantling or disassembling the load promotes or stifles economic development and whether the proposed route travels less than 5 miles. A load is not required to be dismantled or disassembled for the purposes of paragraph (a) if the Secretary of the Department determines there will be no significant negative impact to pavement or structures along the proposed route, the proposed load or vehicle causes no safety hazard to the traveling public, dismantling or disassembling the load does not promote economic development and the proposed route travels less than 5 miles. The Department may promulgate rules for the purpose of establishing the divisibility of a load pursuant to paragraph (a). Any load determined by the Secretary to be nondivisible shall otherwise comply with the existing size or weight maximums specified in this Chapter.

(Source: P.A. 97-201, eff. 1-1-12; 97-479, eff. 8-22-11; 97-813, eff. 7-13-12.)

New matter indicated by italics - deletions by strikeout
Section 10. The Illinois Vehicle Code is amended by repealing Section 15-308.3.

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

Passed in the General Assembly May 29, 2016.
Approved August 5, 2016.
Effective August 5, 2016.

PUBLIC ACT 99-0718
(House Bill No. 6109)

AN ACT concerning domestic violence.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Supreme Court Act is amended by adding Section 7.5 as follows:

(705 ILCS 5/7.5 new)

Sec. 7.5. Electronic filing pilot program. The Supreme Court may establish a pilot program for the filing of petitions for temporary orders of protection by electronic means and for the issuance of such orders by audio-visual means pursuant to the Illinois Domestic Violence Act of 1986. The administrative director shall maintain an up-to-date and publicly-available listing of the sites, if any, at which a petition for an ex parte temporary order of protection may be filed, and at which electronic appearances in support of the petition may be made, in accordance with the Illinois Domestic Violence Act of 1986. In developing the pilot program, the administrative director shall strive for a program that is regionally diverse and takes into consideration, among other things, the availability of public transportation, population density, and the availability of facilities for conducting the program.

Section 10. The Illinois Domestic Violence Act of 1986 is amended by changing Section 202 as follows:

(750 ILCS 60/202) (from Ch. 40, par. 2312-2)

Sec. 202. Commencement of action; filing fees; dismissal.
(a) How to commence action. Actions for orders of protection are commenced:
(1) Independently: By filing a petition for an order of protection in any civil court, unless specific courts are designated by local rule or order.

(2) In conjunction with another civil proceeding: By filing a petition for an order of protection under the same case number as another civil proceeding involving the parties, including but not limited to: (i) any proceeding under the Illinois Marriage and Dissolution of Marriage Act, Illinois Parentage Act of 2015, Nonsupport of Spouse and Children Act, Revised Uniform Reciprocal Enforcement of Support Act or an action for nonsupport brought under Article 10 of the Illinois Public Aid Code, provided that a petitioner and the respondent are a party to or the subject of that proceeding or (ii) a guardianship proceeding under the Probate Act of 1975, or a proceeding for involuntary commitment under the Mental Health and Developmental Disabilities Code, or any proceeding, other than a delinquency petition, under the Juvenile Court Act of 1987, provided that a petitioner or the respondent is a party to or the subject of such proceeding.

(3) In conjunction with a delinquency petition or a criminal prosecution: By filing a petition for an order of protection, under the same case number as the delinquency petition or criminal prosecution, to be granted during pre-trial release of a defendant, with any dispositional order issued under Section 5-710 of the Juvenile Court Act of 1987 or as a condition of release, supervision, conditional discharge, probation, periodic imprisonment, parole, aftercare release, or mandatory supervised release, or in conjunction with imprisonment or a bond forfeiture warrant; provided that:

   (i) the violation is alleged in an information, complaint, indictment or delinquency petition on file, and the alleged offender and victim are family or household members or persons protected by this Act; and

   (ii) the petition, which is filed by the State's Attorney, names a victim of the alleged crime as a petitioner.

(b) Filing, certification, and service fees. No fee shall be charged by the clerk for filing, amending, vacating, certifying, or photocopying petitions or orders; or for issuing alias summons; or for any related filing

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service. No fee shall be charged by the sheriff for service by the sheriff of a petition, rule, motion, or order in an action commenced under this Section.

(c) Dismissal and consolidation. Withdrawal or dismissal of any petition for an order of protection prior to adjudication where the petitioner is represented by the State shall operate as a dismissal without prejudice. No action for an order of protection shall be dismissed because the respondent is being prosecuted for a crime against the petitioner. An independent action may be consolidated with another civil proceeding, as provided by paragraph (2) of subsection (a) of this Section. For any action commenced under paragraph (2) or (3) of subsection (a) of this Section, dismissal of the conjoined case (or a finding of not guilty) shall not require dismissal of the action for the order of protection; instead, it may be treated as an independent action and, if necessary and appropriate, transferred to a different court or division. Dismissal of any conjoined case shall not affect the validity of any previously issued order of protection, and thereafter subsections (b)(1) and (b)(2) of Section 220 shall be inapplicable to such order.

(d) Pro se petitions. The court shall provide, through the office of the clerk of the court, simplified forms and clerical assistance to help with the writing and filing of a petition under this Section by any person not represented by counsel. In addition, that assistance may be provided by the state's attorney.

(e) As provided in this subsection, the administrative director of the Administrative Office of the Illinois Courts, with the approval of the administrative board of the courts, may adopt rules to establish and implement a pilot program to allow the electronic filing of petitions for temporary orders of protection and the issuance of such orders by audio-visual means to accommodate litigants for whom attendance in court to file for and obtain emergency relief would constitute an undue hardship or would constitute a risk of harm to the litigant.

(1) As used in this subsection:

(A) "Electronic means" means any method of transmission of information between computers or other machines designed for the purpose of sending or receiving electronic transmission and that allows for the recipient of information to reproduce the information received in a tangible medium of expression.

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(B) "Independent audio-visual system" means an electronic system for the transmission and receiving of audio and visual signals, including those with the means to preclude the unauthorized reception and decoding of the signals by commercially available television receivers, channel converters, or other available receiving devices.

(C) "Electronic appearance" means an appearance in which one or more of the parties are not present in the court, but in which, by means of an independent audio-visual system, all of the participants are simultaneously able to see and hear reproductions of the voices and images of the judge, counsel, parties, witnesses, and any other participants.

(2) Any pilot program under this subsection (e) shall be developed by the administrative director or his or her delegate in consultation with at least one local organization providing assistance to domestic violence victims. The program plan shall include but not be limited to:

(A) identification of agencies equipped with or that have access to an independent audio-visual system and electronic means for filing documents; and

(B) identification of one or more organizations who are trained and available to assist petitioners in preparing and filing petitions for temporary orders of protection and in their electronic appearances before the court to obtain such orders; and

(C) identification of the existing resources available in local family courts for the implementation and oversight of the pilot program; and

(D) procedures for filing petitions and documents by electronic means, swearing in the petitioners and witnesses, preparation of a transcript of testimony and evidence presented, and a prompt transmission of any orders issued to the parties; and

(E) a timeline for implementation and a plan for informing the public about the availability of the program; and

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(F) a description of the data to be collected in order to evaluate and make recommendations for improvements to the pilot program.

(3) In conjunction with an electronic appearance, any petitioner for an ex parte temporary order of protection may, using the assistance of a trained advocate if necessary, commence the proceedings by filing a petition by electronic means.

(A) A petitioner who is seeking an ex parte temporary order of protection using an electronic appearance must file a petition in advance of the appearance and may do so electronically.

(B) The petitioner must show that traveling to or appearing in court would constitute an undue hardship or create a risk of harm to the petitioner. In granting or denying any relief sought by the petitioner, the court shall state the names of all participants and whether it is granting or denying an appearance by electronic means and the basis for such a determination. A party is not required to file a petition or other document by electronic means or to testify by means of an electronic appearance.

(C) Nothing in this subsection (e) affects or changes any existing laws governing the service of process, including requirements for personal service or the sealing and confidentiality of court records in court proceedings or access to court records by the parties to the proceedings.

(4) Appearances.

(A) All electronic appearances by a petitioner seeking an ex parte temporary order of protection under this subsection (e) are strictly voluntary and the court shall obtain the consent of the petitioner on the record at the commencement of each appearance.

(B) Electronic appearances under this subsection (e) shall be recorded and preserved for transcription. Documentary evidence, if any, referred to by a party or witness or the court may be transmitted and submitted and introduced by electronic means.

(Source: P.A. 98-558, eff. 1-1-14; 99-85, eff. 1-1-16.)
Passed in the General Assembly May 29, 2016.
Approved August 5, 2016.

New matter indicated by italics - deletions by strikeout
Effective January 1, 2017.

PUBLIC ACT 99-0719
(House Bill No. 6123)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Public Aid Code is amended by changing Sections 5F-10 and 5F-32 and by adding Sections 5-30.3 and 5F-33 as follows:

(305 ILCS 5/5-30.3 new)
Sec. 5-30.3. Provider inquiry portal. The Department shall establish, no later than January 1, 2018, a web-based portal to accept inquiries and requests for assistance from managed care organizations under contract with the State and providers under contract with managed care organizations to provide direct care.

(305 ILCS 5F/10)
Sec. 5F-10. Scope. This Article applies to policies and contracts amended, delivered, issued, or renewed on or after the effective date of this amendatory Act of the 98th General Assembly for the nursing home component of the Medicare-Medicaid Alignment Initiative and the Managed Long-Term Services and Support Program. This Article does not diminish a managed care organization's duties and responsibilities under other federal or State laws or rules adopted under those laws and the 3-way Medicare-Medicaid Alignment Initiative contract and the Managed Long-Term Services and Support Program contract.
(Source: P.A. 98-651, eff. 6-16-14.)

(305 ILCS 5F/32)
Sec. 5F-32. Non-emergency prior approval and appeal.
(a) MCOs must have a method of receiving prior approval requests 24 hours a day, 7 days a week, 365 days a year from nursing home residents, physicians, or providers. If a response is not provided within 24 hours of the request and the nursing home is required by regulation to provide a service because a physician ordered it, the MCO must pay for the service if it is a covered service under the MCO's contract in the Demonstration Project, provided that the request is consistent with the policies and procedures of the MCO.

New matter indicated by italics - deletions by strikeout
In a non-emergency situation, notwithstanding any provisions in State law to the contrary, in the event a resident's physician orders a service, treatment, or test that is not approved by the MCO, the enrollee, physician, or provider may utilize an expedited appeal to the MCO.

If an enrollee, physician, or provider requests an expedited appeal pursuant to 42 CFR 438.410, the MCO shall notify the individual filing the appeal, whether it is the enrollee, physician, or provider, within 24 hours after the submission of the appeal of all information from the enrollee, physician, or provider that the MCO requires to evaluate the appeal. The MCO shall notify the individual filing the appeal of the MCO's decision on an expedited appeal within 24 hours after receipt of the required information.

(b) While the appeal is pending or if the ordered service, treatment, or test is denied after appeal, the Department of Public Health may not cite the nursing home for failure to provide the ordered service, treatment, or test. The nursing home shall not be liable or responsible for an injury in any regulatory proceeding for the following:

1. failure to follow the appealed or denied order; or
2. injury to the extent it was caused by the delay or failure to perform the appealed or denied service, treatment, or test.

Provided however, a nursing home shall continue to monitor, document, and ensure the patient's safety. Nothing in this subsection (b) is intended to otherwise change the nursing home's existing obligations under State and federal law to appropriately care for its residents.

(Source: P.A. 98-651, eff. 6-16-14.)

(305 ILCS 5/5F-33 new)

Sec. 5F-33. Payment of claims.

(a) Clean claims, as defined by the Department, submitted by a provider to a managed care organization in the form and manner requested by the managed care organization shall be reviewed and paid within 30 days of receipt.

(b) A managed care organization must provide a status update within 60 days of the submission of a claim.

(c) A claim that is rejected or denied shall clearly state the reason for the rejection or denial in sufficient detail to permit the provider to understand the justification for the action.

(d) The Department shall work with stakeholders, including, but not limited to, managed care organizations and nursing home providers,
to train them on the application of standardized codes for long-term care services.

(e) Managed care organizations shall provide a manual clearly explaining billing and claims payment procedures, including points of contact for provider services centers, within 15 days of a provider entering into a contract with a managed care organization. The manual shall include all necessary coding and documentation requirements. Providers under contract with a managed care organization on the effective date of this amendatory Act of the 99th General Assembly shall be provided with an electronic copy of these requirements within 30 days of the effective date of this amendatory Act of the 99th General Assembly. Any changes to these requirements shall be delivered electronically to all providers under contract with the managed care organization 30 days prior to the effective date of the change.

Approved August 5, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0720
(House Bill No. 6131)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Section 27-24.2 and by adding Section 27-24.2a as follows:

(105 ILCS 5/27-24.2) (from Ch. 122, par. 27-24.2)

Sec. 27-24.2. Safety education; driver education course. Instruction shall be given in safety education in each of grades one through eight, equivalent to one class period each week, and any school district which maintains grades nine through twelve shall offer a driver education course in any such school which it operates. Its curriculum shall include content dealing with Chapters 11, 12, 13, 15, and 16 of the Illinois Vehicle Code, the rules adopted pursuant to those Chapters insofar as they pertain to the operation of motor vehicles, and the portions of the Litter Control Act relating to the operation of motor vehicles. The course of instruction given in grades ten through twelve shall include an emphasis on the development of knowledge, attitudes, habits, and skills necessary for the safe operation of motor vehicles, including motorcycles insofar as they can be taught in the

New matter indicated by italics - deletions by strikeout
In addition, the course shall include instruction on special hazards existing at and required safety and driving precautions that must be observed at emergency situations, highway construction and maintenance zones, and railroad crossings and the approaches thereto. **Beginning with the 2017-2018 school year, the course shall also include instruction concerning law enforcement procedures for traffic stops, including a demonstration of the proper actions to be taken during a traffic stop and appropriate interactions with law enforcement.** The course of instruction required of each eligible student at the high school level shall consist of a minimum of 30 clock hours of classroom instruction and a minimum of 6 clock hours of individual behind-the-wheel instruction in a dual control car on public roadways taught by a driver education instructor endorsed by the State Board of Education. Both the classroom instruction part and the practice driving part of such driver education course shall be open to a resident or non-resident student attending a non-public school in the district wherein the course is offered. Each student attending any public or non-public high school in the district must receive a passing grade in at least 8 courses during the previous 2 semesters prior to enrolling in a driver education course, or the student shall not be permitted to enroll in the course; provided that the local superintendent of schools (with respect to a student attending a public high school in the district) or chief school administrator (with respect to a student attending a non-public high school in the district) may waive the requirement if the superintendent or chief school administrator, as the case may be, deems it to be in the best interest of the student. A student may be allowed to commence the classroom instruction part of such driver education course prior to reaching age 15 if such student then will be eligible to complete the entire course within 12 months after being allowed to commence such classroom instruction.

Such a course may be commenced immediately after the completion of a prior course. Teachers of such courses shall meet the certification requirements of this Act and regulations of the State Board as to qualifications.

Subject to rules of the State Board of Education, the school district may charge a reasonable fee, not to exceed $50, to students who participate in the course, unless a student is unable to pay for such a course, in which event the fee for such a student must be waived. However, the district may increase this fee to an amount not to exceed $250 by school board resolution following a public hearing on the
increase, which increased fee must be waived for students who participate in the course and are unable to pay for the course. The total amount from driver education fees and reimbursement from the State for driver education must not exceed the total cost of the driver education program in any year and must be deposited into the school district's driver education fund as a separate line item budget entry. All moneys deposited into the school district's driver education fund must be used solely for the funding of a high school driver education program approved by the State Board of Education that uses driver education instructors endorsed by the State Board of Education.

(Source: P.A. 96-734, eff. 8-25-09; 97-145, eff. 7-14-11; revised 10-21-15.)

(105 ILCS 5/27-24.2a new)

Sec. 27-24.2a. Non-public school driver education course. Beginning with the 2017-2018 school year, any non-public school's driver education course shall include instruction concerning law enforcement procedures for traffic stops, including a demonstration of the proper actions to be taken during a traffic stop and appropriate interactions with law enforcement.

Section 10. The Illinois Vehicle Code is amended by changing Section 6-419 as follows:

(625 ILCS 5/6-419) (from Ch. 95 1/2, par. 6-419)

Sec. 6-419. Rules and Regulations. The Secretary is authorized to prescribe by rule standards for the eligibility, conduct and operation of driver training schools, and instructors and to adopt other reasonable rules and regulations necessary to carry out the provisions of this Act. The Secretary may adopt rules exempting particular types of driver training schools from specific statutory provisions in Sections 6-401 through 6-424, where application of those provisions would be inconsistent with the manner of instruction offered by those schools. The Secretary, in consultation with the State Board of Education, shall adopt course content standards for driver education for those persons under the age of 18 years, which shall include the operation and equipment of motor vehicles. After June 30, 2017, the course content standards for driver education provided by a driver training school to those persons under the age of 18 years shall include instruction concerning law enforcement procedures for traffic stops, including a demonstration of the proper actions to be taken during a traffic stop and appropriate interactions with law enforcement.

New matter indicated by italics - deletions by strikeout
AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by adding Section 2-3.167 as follows:

(105 ILCS 5/2-3.167 new)

Sec. 2-3.167. Advisory Council on At-Risk Students.

(a) For purposes of this Section, "at-risk students" means students served by the Department of Human Services who receive services through Medicaid, the Supplemental Nutrition Assistance Program, the Children’s Health Insurance Program, or Temporary Assistance for Needy Families, as well as students under the legal custody of the Department of Children and Family Services. Students may not be counted more than once for receiving multiple services from the Department of Human Services or if they receive those services and are under the legal custody of the Department of Children and Family Services.

(b) The Advisory Council on At-Risk Students is created within the State Board of Education. The Advisory Council shall consist of all of the following members:

(1) One member of the House of Representatives appointed by the Speaker of the House of Representatives.

(2) One member of the House of Representatives appointed by the Minority Leader of the House of Representatives.

(3) One member of the Senate appointed by the President of the Senate.

(4) One member of the Senate appointed by the Minority Leader of the Senate.

(5) The following members appointed by the State Superintendent of Education:

New matter indicated by italics - deletions by strikeout
(A) One member who is an educator representing a statewide professional teachers' organization.

(B) One member who is an educator representing a different statewide professional teachers' organization.

(C) One member who is an educator representing a professional teachers' organization in a city having a population exceeding 500,000.

(D) One member from an organization that works for economic, educational, and social progress for African Americans and promotes strong sustainable communities through advocacy, collaboration, and innovation.

(E) One member from an organization that facilitates the involvement of Latino Americans at all levels of public decision-making.

(F) One member from an organization focused on research-based education policy to support a school system that prepares all students for college, a career, and democratic citizenship.

(G) One member from an organization dedicated to advocating for public policies to prevent homelessness.

(H) One member from the Illinois Student Assistance Commission.

(I) One member from an organization that works to ensure the health and safety of Illinois youth and families by providing capacity building services.

(J) One member from an organization that provides public high school students with opportunities to explore and develop their talents, while gaining critical skills for work, college, and beyond.

(K) One member from an organization that promotes the strengths and abilities of youth and families by providing community-based services that empower each to face life's challenges with confidence, competence, and dignity.

(L) One member from an organization that connects former members of the foster care system with current children in the foster care system.

(M) One member who has experience with research and statistics.

New matter indicated by italics - deletions by strikeout
(N) Three members who are parents of at-risk students.

(O) One member from an organization that optimizes the positive growth of at-risk youth and individuals working with at-risk youth through support services.

(P) One member from a statewide organization representing regional offices of education.

Members of the Council shall, to the extent possible, be selected on the basis of experience with or knowledge of various programs for at-risk students. The Council shall, to the extent possible, include diverse membership from a variety of socio-economic, racial, and ethnic backgrounds.

(c) Initial members of the Council shall serve terms determined by lot as follows:

1. Seven members shall serve for one year.
2. Seven members shall serve for 2 years.
3. The remaining members shall serve for 3 years.

Successors shall serve 3-year terms. Members must serve until their successors are appointed and have qualified.

(d) Members of the Council shall not receive compensation for the performance of their duties on the Council.

(e) The Council shall initially meet at the call of the State Superintendent of Education. At the initial meeting, members shall select a chairperson from among their number by majority vote; a representative from the State Board of Education may cast a deciding vote if there is a tie. The Council shall select a chairperson annually, who may be the same chairperson as the year prior. The Council shall meet at the call of the chairperson after the initial meeting.

(f) The State Board of Education and City of Chicago School District 299 shall provide administrative support to the Council.

(g) The Council shall accept and consider public comments when making its recommendations.

(h) By no later than December 15, 2017, the Council shall submit a report to the State Superintendent of Education, the Governor, and the General Assembly addressing, at a minimum, the following with respect to school districts where racial minorities comprise a majority of the student population:

New matter indicated by italics - deletions by strikeout
(1) What are the barriers to success present for at-risk students?

(2) How much does socio-economic status impact academic and career achievement?

(3) How do at-risk students perform academically?

(4) How do at-risk students perform academically compared to students from higher socio-economic statuses?

(5) What programs are shown to help at-risk students reach higher levels of academic and career achievement?

(6) What specific curriculums help the academic success of at-risk students?

(7) Of curriculums that help at-risk students, which of these need to be implemented within the Illinois Learning Standards?

(8) To what degree do school districts teach cultural history, and how can this be improved?

(9) Specific policy recommendations to improve the academic success of at-risk students.

(10) Any other information that the Council determines will assist in the understanding of the barriers to success for or increase the academic performance of at-risk students.

The Council shall submit an annual report with updated information on the barriers to academic success and the academic progress of at-risk students by no later than December 15 of each year beginning the year after the initial report is submitted.

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

Passed in the General Assembly May 29, 2016.
Approved August 5, 2016.
Effective August 5, 2016.

PUBLIC ACT 99-0722
(House Bill No. 6167)

AN ACT concerning elections.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Election Code is amended by changing Section 3-6 and by adding Sections 4-8.5, 5-8.5, and 6-35.5 as follows:

(10 ILCS 5/3-6)

New matter indicated by italics - deletions by strikeout
Sec. 3-6. Voting age. Notwithstanding any other provision of law, a person who is 17 years old on the date of a caucus, general primary election, or consolidated primary election and who is otherwise qualified to vote is qualified to vote at that caucus, general primary, or consolidated primary, including voting a vote by mail, grace period, or early voting ballot with respect to that general primary or consolidated primary, if that person will be 18 years old on the date of the immediately following general election or consolidated election for which candidates are nominated at that primary.

References in this Code and elsewhere to the requirement that a person must be 18 years old to vote shall be interpreted in accordance with this Section.

For the purposes of this Act, an individual who is 17 years of age and who will be 18 years of age on the date of the general or consolidated election shall be deemed competent to execute and attest to any voter registration forms. An individual who is 17 years of age, will be 18 years of age on the date of the immediately following general or consolidated election, and is otherwise qualified to vote shall be deemed eligible to circulate a nominating petition or a petition proposing a public question (Source: P.A. 98-51, eff. 1-1-14; 98-1171, eff. 6-1-15.)

(10 ILCS 5/4-8.5 new)

Sec. 4-8.5. Deputy registrar eligibility. Unless otherwise provided by law, an individual that is 17 years old or older who is registered to vote in this State shall be eligible to serve as a deputy registrar.

(10 ILCS 5/5-8.5 new)

Sec. 5-8.5. Deputy registrar eligibility. Unless otherwise provided by law, an individual that is 17 years old or older who is registered to vote in this State shall be eligible to serve as a deputy registrar.

(10 ILCS 5/6-35.5 new)

Sec. 6-35.5. Deputy registrar eligibility. Unless otherwise provided by law, an individual that is 17 years old or older who is registered to vote in this State shall be eligible to serve as a deputy registrar.

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

Approved August 5, 2016.
Effective August 5, 2016.

New matter indicated by italics - deletions by strikeout
AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The State Finance Act is amended by adding Section
5.875 as follows:
(30 ILCS 105/5.875 new)
Sec. 5.875. The Roadside Monarch Habitat Fund.
Section 10. The Illinois Vehicle Code is amended by changing
Section 3-699.14 as follows:
(625 ILCS 5/3-699.14)
(This Section may contain text from a Public Act with a delayed
effective date)
Sec. 3-699.14. Universal special license plates.
(a) In addition to any other special license plate, the Secretary,
on receipt of all applicable fees and applications made in the form
prescribed by the Secretary, may issue Universal special license plates to
residents of Illinois on behalf of organizations that have been authorized
by the General Assembly to issue decals for Universal special license
plates. Appropriate documentation, as determined by the Secretary, shall
accompany each application. Authorized organizations shall be designated
by amendment to this Section. When applying for a Universal special
license plate the applicant shall inform the Secretary of the name of the
authorized organization from which the applicant will obtain a decal to
place on the plate. The Secretary shall make a record of that organization
and that organization shall remain affiliated with that plate until the plate
is surrendered, revoked, or otherwise cancelled. The authorized
organization may charge a fee to offset the cost of producing and
distributing the decal, but that fee shall be retained by the authorized
organization and shall be separate and distinct from any registration fees
charged by the Secretary. No decal, sticker, or other material may be
affixed to a Universal special license plate other than a decal authorized by
the General Assembly in this Section or a registration renewal sticker. The
special plates issued under this Section shall be affixed only to passenger
vehicles of the first division, including motorcycles and autocycles, or
motor vehicles of the second division weighing not more than 8,000

New matter indicated by italics - deletions by strikeout
pounds. Plates issued under this Section shall expire according to the multi-year procedure under Section 3-414.1 of this Code.

(b) The design, color, and format of the Universal special license plate shall be wholly within the discretion of the Secretary. Universal special license plates are not required to designate "Land of Lincoln", as prescribed in subsection (b) of Section 3-412 of this Code. The design shall allow for the application of a decal to the plate. Organizations authorized by the General Assembly to issue decals for Universal special license plates shall comply with rules adopted by the Secretary governing the requirements for and approval of Universal special license plate decals. The Secretary may, in his or her discretion, allow Universal special license plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code. The Secretary of State must make a version of the special registration plates authorized under this Section in a form appropriate for motorcycles and autocycles.

(c) When authorizing a Universal special license plate, the General Assembly shall set forth whether an additional fee is to be charged for the plate and, if a fee is to be charged, the amount of the fee and how the fee is to be distributed. When necessary, the authorizing language shall create a special fund in the State treasury into which fees may be deposited for an authorized Universal special license plate. Additional fees may only be charged if the fee is to be paid over to a State agency or to a charitable entity that is in compliance with the registration and reporting requirements of the Charitable Trust Act and the Solicitation for Charity Act. Any charitable entity receiving fees for the sale of Universal special license plates shall annually provide the Secretary of State a letter of compliance issued by the Attorney General verifying that the entity is in compliance with the Charitable Trust Act and the Solicitation for Charity Act.

(d) Upon original issuance and for each registration renewal period, in addition to the appropriate registration fee, if applicable, the Secretary shall collect any additional fees, if required, for issuance of Universal special license plates. The fees shall be collected on behalf of the organization designated by the applicant when applying for the plate. All fees collected shall be transferred to the State agency on whose behalf the fees were collected, or paid into the special fund designated in the law authorizing the organization to issue decals for Universal special license plates. All money in the designated fund shall be distributed by the Secretary subject to appropriation by the General Assembly.

New matter indicated by italics - deletions by strikeout
(e) The following organizations may issue decals for Universal special license plates with the original and renewal fees and fee distribution as follows:

(1) The Illinois Department of Natural Resources.

(A) Original issuance: $25; with $10 to the Roadside Monarch Habitat Fund and $15 to the Secretary of State Special Plate Fund.

(B) Renewal: $25; with $23 to the Roadside Monarch Habitat Fund and $2 to the Secretary of State Special Plate Fund.

(f) The following funds are created as special funds in the State treasury:

(1) The Roadside Monarch Habitat Fund. All moneys to be paid as grants to the Illinois Department of Natural Resources to fund roadside monarch and other pollinator habitat development, enhancement, and restoration projects in this State.

(Source: P.A. 99-483, eff. 7-1-16.)

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

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

Passed in the General Assembly May 29, 2016.
Approved August 5, 2016.
Effective August 5, 2016.
Sec. 1. Short title. This Act may be cited as the Accelerated Resolution Program Court Act. (Source: P.A. 99-436, eff. 8-21-15.)

(730 ILCS 169/5) (Section scheduled to be repealed on June 30, 2017)

Sec. 5. Accelerated Resolution Program Court pilot program. The Accelerated Resolution Program Court pilot program is hereby created in Cook County. Under this Program Court pilot program, the Cook County Sheriff or his or her designee, acting in his or her official capacity as Director of the Cook County Department of Corrections with the approval of the Cook County State's Attorney, may refer eligible defendants to the Accelerated Resolution Program Court provided that notice is given to the prosecuting State's Attorney and the defendant's counsel of record, and the Presiding Judge of the Criminal Division of the Circuit Court of Cook County. (Source: P.A. 99-436, eff. 8-21-15.)

(730 ILCS 169/10) (Section scheduled to be repealed on June 30, 2017)

Sec. 10. Eligibility.

(a) To be eligible for the program the defendant must be:

1. in the custody of the Cook County Department of Corrections 72 hours after bond has been set;
2. unable to post bond or ineligible to be placed on electronic monitoring due to homelessness or a lack of a sufficient host site approved by the Sheriff; and
3. charged with:

   (A) retail theft of property the full retail value of which does not exceed $300 under Section 16-25 of the Criminal Code of 2012;
   (B) criminal trespass to real property under Section 21-3 of the Criminal Code of 2012; or
   (C) criminal trespass to State supported land under Section 21-5 of the Criminal Code of 2012; or
   (D) a traffic offense, except for any offense involving fleeing or attempting to elude a peace officer or aggravated fleeing or attempting to elude a peace officer under Section 11-204 or 11-204.1 of the Illinois Vehicle Code, driving under the influence under Section 11-501 of the Illinois Vehicle Code, or any offense that results in bodily harm; or

New matter indicated by italics - deletions by strikeout
(E) a Class 4 felony violation of the Illinois Controlled Substances Act.

(b) A defendant shall be excluded from the program if the defendant has been convicted of, or adjudicated delinquent for, a crime of violence in the past 10 years excluding incarceration time, including, but not limited to, first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, armed robbery, aggravated arson, arson, aggravated kidnapping, kidnapping, aggravated battery resulting in great bodily harm or permanent disability, aggravated stalking, stalking, or any offense involving the discharge of a firearm.

(Source: P.A. 99-436, eff. 8-21-15.)

(730 ILCS 169/15)
(Section scheduled to be repealed on June 30, 2017)

Sec. 15. Procedure.

(a) Once referred to the Accelerated Resolution Program Court by the Cook County Sheriff or his or her designee, written notice shall be given by the Sheriff to the prosecuting State's Attorney and the defendant's counsel of record, and the Presiding Judge of the Criminal Division of the Circuit Court of Cook County. Proof of the notice shall be filed with the Clerk of the Circuit Court of Cook County. Any referred case shall be adjudicated within 30 days of the date of assignment by the presiding judge, excluding any delay occasioned by the defendant.

(b) If a case within the Accelerated Resolution Program Court is not resolved within 30 days of the date of assignment by the presiding judge, the time period provided in subsection (a), then the defendant shall be released from custody on his or her own recognizance or released on electronic monitoring. Any person released under this Section must agree to the terms and conditions of release provided by the court.

(c) Nothing in this Act shall be construed as prohibiting a defendant from requesting a continuance. Any continuance granted on behalf of the defendant shall toll the 30-day requirement of this Act. Lack of participation by the victim or other continuances required on behalf of the State do not toll the 30-day requirement of this Act.

(d) If a person is released on his or her own recognizance, the conditions of the release shall be that he or she shall:

(1) appear to answer the charge in the court having jurisdiction on a day certain and thereafter ordered by the court until discharged or final order of the court;

New matter indicated by italics - deletions by strikeout
(2) submit himself or herself to the orders and process of the court;
(3) not depart this State without leave of the court;
(4) not violate any criminal statute of any jurisdiction;
(5) at a time and place designated by the court, surrender all firearms in his or her possession to a law enforcement officer as required under paragraph (5) of subsection (a) of Section 110-10 of the Code of Criminal Procedure of 1963; and
(6) (blank).

file written notice with the clerk of the court before which the proceeding is pending of any change in his or her address within 24 hours after the change. The address of a defendant who has been released on his or her own recognizance shall at all times remain a matter of public record with the clerk of the court.

(e) If the court finds that additional conditions are reasonably necessary to assure the defendant's appearance in court, protect the public from the defendant, or prevent the defendant's unlawful interference with the orderly administration of justice, the court may require the defendant to:

(1) refrain from going to certain described geographical areas or premises;
(2) refrain from engaging in certain activities or indulging in intoxicating liquors or in certain drugs;
(3) undergo mental health treatment or treatment for drug addiction or alcoholism;
(4) attend or reside in a facility designated by the court; or
(5) comply with other reasonable conditions as the court may impose.

(f) A failure to appear as required by the recognizance shall constitute an offense subject to the penalty provided in Section 32-10 of the Criminal Code of 2012 for violation of bail bond.

(g) The State may object to the referral of a case under Section 15 by providing written notice to the Cook County Sheriff's Office and the Office of the Public Defender.

(h) The State may object to any order permitting release by personal recognizance or electronic monitoring.

(Section scheduled to be repealed on June 30, 2017)
Sec. 20. Repeal. This Act is repealed on June 30, 2019.
(Source: P.A. 99-436, eff. 8-21-15.)
Passed in the General Assembly May 29, 2016.
Approved August 5, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0725
(House Bill No. 6213)

AN ACT concerning public aid.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The Illinois Public Aid Code is amended by changing
Section 5-30.1 and by adding Section 5-30.3 as follows:
(305 ILCS 5/5-30.1)
Sec. 5-30.1. Managed care protections.
(a) As used in this Section:
"Managed care organization" or "MCO" means any entity which
contracts with the Department to provide services where payment for
medical services is made on a capitated basis.
"Emergency services" include:
(1) emergency services, as defined by Section 10 of the
Managed Care Reform and Patient Rights Act;
(2) emergency medical screening examinations, as defined
by Section 10 of the Managed Care Reform and Patient Rights Act;
(3) post-stabilization medical services, as defined by
Section 10 of the Managed Care Reform and Patient Rights Act;
and
(4) emergency medical conditions, as defined by Section 10
of the Managed Care Reform and Patient Rights Act.
(b) As provided by Section 5-16.12, managed care organizations
are subject to the provisions of the Managed Care Reform and Patient
Rights Act.
(c) An MCO shall pay any provider of emergency services that
does not have in effect a contract with the contracted Medicaid MCO. The
default rate of reimbursement shall be the rate paid under Illinois Medicaid
fee-for-service program methodology, including all policy adjusters,
including but not limited to Medicaid High Volume Adjustments,
Medicaid Percentage Adjustments, Outpatient High Volume Adjustments,

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and all outlier add-on adjustments to the extent such adjustments are incorporated in the development of the applicable MCO capitated rates.

(d) An MCO shall pay for all post-stabilization services as a covered service in any of the following situations:

1. the MCO authorized such services;
2. such services were administered to maintain the enrollee's stabilized condition within one hour after a request to the MCO for authorization of further post-stabilization services;
3. the MCO did not respond to a request to authorize such services within one hour;
4. the MCO could not be contacted; or
5. the MCO and the treating provider, if the treating provider is a non-affiliated provider, could not reach an agreement concerning the enrollee's care and an affiliated provider was unavailable for a consultation, in which case the MCO must pay for such services rendered by the treating non-affiliated provider until an affiliated provider was reached and either concurred with the treating non-affiliated provider's plan of care or assumed responsibility for the enrollee's care. Such payment shall be made at the default rate of reimbursement paid under Illinois Medicaid fee-for-service program methodology, including all policy adjusters, including but not limited to Medicaid High Volume Adjustments, Medicaid Percentage Adjustments, Outpatient High Volume Adjustments and all outlier add-on adjustments to the extent that such adjustments are incorporated in the development of the applicable MCO capitated rates.

(e) The following requirements apply to MCOs in determining payment for all emergency services:

1. MCOs shall not impose any requirements for prior approval of emergency services.
2. The MCO shall cover emergency services provided to enrollees who are temporarily away from their residence and outside the contracting area to the extent that the enrollees would be entitled to the emergency services if they still were within the contracting area.
3. The MCO shall have no obligation to cover medical services provided on an emergency basis that are not covered services under the contract.
(4) The MCO shall not condition coverage for emergency services on the treating provider notifying the MCO of the enrollee's screening and treatment within 10 days after presentation for emergency services.

(5) The determination of the attending emergency physician, or the provider actually treating the enrollee, of whether an enrollee is sufficiently stabilized for discharge or transfer to another facility, shall be binding on the MCO. The MCO shall cover emergency services for all enrollees whether the emergency services are provided by an affiliated or non-affiliated provider.

(6) The MCO's financial responsibility for post-stabilization care services it has not pre-approved ends when:
   (A) a plan physician with privileges at the treating hospital assumes responsibility for the enrollee's care;
   (B) a plan physician assumes responsibility for the enrollee's care through transfer;
   (C) a contracting entity representative and the treating physician reach an agreement concerning the enrollee's care; or
   (D) the enrollee is discharged.

(f) Network adequacy.
   (1) The Department shall:
      (A) ensure that an adequate provider network is in place, taking into consideration health professional shortage areas and medically underserved areas;
      (B) publicly release an explanation of its process for analyzing network adequacy;
      (C) periodically ensure that an MCO continues to have an adequate network in place; and
      (D) require MCOs, including Medicaid Managed Care Entities as defined in Section 5-30.2, to meet provider directory requirements under Section 5-30.3. require MCOs to maintain an updated and public list of network providers.

(g) Timely payment of claims.
   (1) The MCO shall pay a claim within 30 days of receiving a claim that contains all the essential information needed to adjudicate the claim.
(2) The MCO shall notify the billing party of its inability to adjudicate a claim within 30 days of receiving that claim.

(3) The MCO shall pay a penalty that is at least equal to the penalty imposed under the Illinois Insurance Code for any claims not timely paid.

(4) The Department may establish a process for MCOs to expedite payments to providers based on criteria established by the Department.

(h) The Department shall not expand mandatory MCO enrollment into new counties beyond those counties already designated by the Department as of June 1, 2014 for the individuals whose eligibility for medical assistance is not the seniors or people with disabilities population until the Department provides an opportunity for accountable care entities and MCOs to participate in such newly designated counties.

(i) The requirements of this Section apply to contracts with accountable care entities and MCOs entered into, amended, or renewed after the effective date of this amendatory Act of the 98th General Assembly.

(Source: P.A. 98-651, eff. 6-16-14.)

(305 ILCS 5/5-30.3 new)

Sec. 5-30.3. Empowering meaningful patient choice in Medicaid Managed Care.

(a) Definitions. As used in this Section:

"Client enrollment services broker" means a vendor the Department contracts with to carry out activities related to Medicaid recipients' enrollment, disenrollment, and renewal with Medicaid Managed Care Entities.

"Composite domains" means the synthesized categories reflecting the standardized quality performance measures included in the consumer quality comparison tool. At a minimum, these composite domains shall display Medicaid Managed Care Entities' individual Plan performance on standardized quality, timeliness, and access measures.

"Consumer quality comparison tool" means an online and paper tool developed by the Department with input from interested stakeholders reflecting the performance of Medicaid Managed Care Entity Plans on standardized quality performance measures. This tool shall be designed in a consumer-friendly and easily understandable format.

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"Covered services" means those health care services to which a covered person is entitled under the terms of the Medicaid Managed Care Entity Plan.

"Facilities" includes, but is not limited to, federally qualified health centers, skilled nursing facilities, and rehabilitation centers.

"Hospitals" includes, but is not limited to, acute care, rehabilitation, children's, and cancer hospitals.

"Integrated provider directory" means a searchable database bringing together network data from multiple Medicaid Managed Care Entities that is available through client enrollment services.

"Medicaid eligibility redetermination" means the process by which the eligibility of a Medicaid recipient is reviewed by the Department to determine if the recipient's medical benefits will continue, be modified, or terminated.

"Medicaid Managed Care Entity" has the same meaning as defined in Section 5-30.2 of this Code.

(b) Provider directory transparency.

(1) Each Medicaid Managed Care Entity shall:

(A) Make available on the entity's website a provider directory in a machine readable file and format.

(B) Make provider directories publicly accessible without the necessity of providing a password, a username, or personally identifiable information.

(C) Comply with all federal and State statutes and regulations, including 42 CFR 438.10, pertaining to provider directories within Medicaid Managed Care.

(D) Request, at least annually, provider office hours for each of the following provider types:

(i) Health care professionals, including dental and vision providers.

(ii) Hospitals.

(iii) Facilities, other than hospitals.

(iv) Pharmacies, other than hospitals.

(v) Durable medical equipment suppliers, other than hospitals.

Medicaid Managed Care Entities shall publish the provider office hours in the provider directory upon receipt.

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(E) Confirm with the Medicaid Managed Care Entity's contracted providers who have not submitted claims within the past 6 months that the contracted providers intend to remain in the network and correct any incorrect provider directory information as necessary.

(F) Ensure that in situations in which a Medicaid Managed Care Entity Plan enrollee receives covered services from a non-participating provider due to a material misrepresentation in a Medicaid Managed Care Entity's online electronic provider directory, the Medicaid Managed Care Entity Plan enrollee shall not be held responsible for any costs resulting from that material misrepresentation.

(G) Conspicuously display an e-mail address and a toll-free telephone number to which any individual may report any inaccuracy in the provider directory. If the Medicaid Managed Care Entity receives a report from any person who specifically identifies provider directory information as inaccurate, the Medicaid Managed Care Entity shall investigate the report and correct any inaccurate information displayed in the electronic directory.

(2) The Department shall:

(A) Regularly monitor Medicaid Managed Care Entities to ensure that they are compliant with the requirements under paragraph (1) of subsection (b).

(B) Require that the client enrollment services broker use the Medicaid provider number for all providers with a Medicaid Provider number to populate the provider information in the integrated provider directory.

(C) Ensure that each Medicaid Managed Care Entity shall, at minimum, make the information in subparagraph (D) of paragraph (1) of subsection (b) available to the client enrollment services broker.

(D) Ensure that the client enrollment services broker shall, at minimum, have the information in subparagraph (D) of paragraph (1) of subsection (b) available and searchable through the integrated provider directory.
directory on its website as soon as possible but no later than January 1, 2017.

(E) Require the client enrollment services broker to conspicuously display near the integrated provider directory an email address and a toll-free telephone number provided by the Department to which any individual may report inaccuracies in the integrated provider directory. If the Department receives a report that identifies an inaccuracy in the integrated provider directory, the Department shall provide the information about the reported inaccuracy to the appropriate Medicaid Managed Care Entity within 3 business days after the reported inaccuracy is received.

(c) Formulary transparency.

(1) Medicaid Managed Care Entities shall publish on their respective websites a formulary for each Medicaid Managed Care Entity Plan offered and make the formularies easily understandable and publicly accessible without the necessity of providing a password, a username, or personally identifiable information.

(2) Medicaid Managed Care Entities shall provide printed formularies upon request.

(3) Electronic and print formularies shall display:
   (A) the medications covered (both generic and name brand);
   (B) if the medication is preferred or not preferred, and what each term means;
   (C) what tier each medication is in and the meaning of each tier;
   (D) any utilization controls including, but not limited to, step therapy, prior approval, dosage limits, gender or age restrictions, quantity limits, or other policies that affect access to medications;
   (E) any required cost-sharing;
   (F) a glossary of key terms and explanation of utilization controls and cost-sharing requirements;
   (G) a key or legend for all utilization controls visible on every page in which specific medication coverage information is displayed; and

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(H) directions explaining the process or processes a consumer may follow to obtain more information if a medication the consumer requires is not covered or listed in the formulary.

(4) Each Medicaid Managed Care Entity shall display conspicuously with each electronic and printed medication formulary an e-mail address and a toll-free telephone number to which any individual may report any inaccuracy in the formulary. If the Medicaid Managed Care Entity receives a report that the formulary information is inaccurate, the Medicaid Managed Care Entity shall investigate the report and correct any inaccurate information displayed in the electronic formulary.

(5) Each Medicaid Managed Care Entity shall include a disclosure in the electronic and requested print formularies that provides the date of publication, a statement that the formulary is up to date as of publication, and contact information for questions and requests to receive updated information.

(6) The client enrollment services broker's website shall display prominently a website URL link to each Medicaid Managed Care Entity's Plan formulary. If a Medicaid enrollee calls the client enrollment services broker with questions regarding formularies, the client enrollment services broker shall offer a brief description of what a formulary is and shall refer the Medicaid enrollee to the appropriate Medicaid Managed Care Entity regarding his or her questions about a specific entity's formulary.

(d) Grievances and appeals. The Department shall display prominently on its website consumer-oriented information describing how a Medicaid enrollee can file a complaint or grievance, request a fair hearing for any adverse action taken by the Department or a Medicaid Managed Care Entity, and access free legal assistance or other assistance made available by the State for Medicaid enrollees to pursue an action.

(e) Medicaid redetermination information. The Department shall require the client enrollment services broker to display prominently on the client enrollment services broker's website a description of where a Medicaid enrollee can access information regarding the Medicaid redetermination process.

(f) Medicaid care coordination information. The client enrollment services broker shall display prominently on its website, in an easily
understandable format, consumer-oriented information regarding the role of care coordination services within Medicaid Managed Care. Such information shall include, but shall not be limited to:

(1) a basic description of the role of care coordination services and examples of specific care coordination activities; and

(2) how a Medicaid enrollee may request care coordination services from a Medicaid Managed Care Entity.

(g) Consumer quality comparison tool.

(1) The Department shall create a consumer quality comparison tool to assist Medicaid enrollees with Medicaid Managed Care Entity Plan selection. This tool shall provide Medicaid Managed Care Entities’ individual Plan performance on a set of standardized quality performance measures. The Department shall ensure that this tool shall be accessible in both a print and online format, with the online format allowing for individuals to access additional detailed Plan performance information.

(2) At a minimum, a printed version of the consumer quality comparison tool shall be provided by the Department on an annual basis to Medicaid enrollees who are required by the Department to enroll in a Medicaid Managed Care Entity Plan during an enrollee’s open enrollment period. The consumer quality comparison tool shall also meet all of the following criteria:

(A) Display Medicaid Managed Care Entities’ individual Plan performance on at least 4 composite domains that reflect Plan quality, timeliness, and access. The composite domains shall draw from the most current available performance data sets including, but not limited to:

(i) Healthcare Effectiveness Data and Information Set (HEDIS) measures.

(ii) Core Set of Children's Health Care Quality measures as required under the Children's Health Insurance Program Reauthorization Act (CHIPRA).

(iii) Adult Core Set measures.


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(v) Additional performance measures the Department deems appropriate to populate the composite domains.

(B) Use a quality rating system developed by the Department to reflect Medicaid Managed Care Entities' individual Plan performance. The quality rating system for each composite domain shall reflect the Medicaid Managed Care Entities' individual Plan performance and, when possible, plan performance relative to national Medicaid percentiles.

(C) Be customized to reflect the specific Medicaid Managed Care Entities' Plans available to the Medicaid enrollee based on his or her geographic location and Medicaid eligibility category.

(D) Include contact information for the client enrollment services broker and contact information for Medicaid Managed Care Entities available to the Medicaid enrollee based on his or her geographic location and Medicaid eligibility category.

(E) Include guiding questions designed to assist individuals selecting a Medicaid Managed Care Entity Plan.

(3) At a minimum, the online version of the consumer quality comparison tool shall meet all of the following criteria:

(A) Display Medicaid Managed Care Entities' individual Plan performance for the same composite domains selected by the Department in the printed version of the consumer quality comparison tool. The Department may display additional composite domains in the online version of the consumer quality comparison tool as appropriate.

(B) Display Medicaid Managed Care Entities' individual Plan performance on each of the standardized performance measures that contribute to each composite domain displayed on the online version of the consumer quality comparison tool.

(C) Use a quality rating system developed by the Department to reflect Medicaid Managed Care Entities' individual Plan performance. The quality rating system for

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each composite domain shall reflect the Medicaid Managed Care Entities' individual Plan performance and, when possible, plan performance relative to national Medicaid percentiles.

(D) Include the specific Medicaid Managed Care Entity Plans available to the Medicaid enrollee based on his or her geographic location and Medicaid eligibility category.

(E) Include a sort function to view Medicaid Managed Care Entities' individual Plan performance by quality rating and by standardized quality performance measures.

(F) Include contact information for the client enrollment services broker and for each Medicaid Managed Care Entity.

(G) Include guiding questions designed to assist individuals in selecting a Medicaid Managed Care Entity Plan.

(H) Prominently display current notice of quality performance sanctions against Medicaid Managed Care Entities. Notice of the sanctions shall remain present on the online version of the consumer quality comparison tool until the sanctions are lifted.

(4) The online version of the consumer quality comparison tool shall be displayed prominently on the client enrollment services broker's website.

(5) In the development of the consumer quality comparison tool, the Department shall publicize a formal process to collect and consider written and oral feedback from consumers, advocates, and stakeholders on aspects of the consumer quality comparison tool, including, but not limited to, the following:

(A) The standardized data sets and surveys, specific performance measures, and composite domains represented in the consumer quality comparison tool.

(B) The format and presentation of the consumer quality comparison tool.

(C) The methods undertaken by the Department to notify Medicaid enrollees of the availability of the consumer quality comparison tool.

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(6) The Department shall review and update as appropriate the composite domains and performance measures represented in the print and online versions of the consumer quality comparison tool at least once every 3 years. During the Department's review process, the Department shall solicit engagement in the public feedback process described in paragraph (5).

(7) The Department shall ensure that the consumer quality comparison tool is available for consumer use as soon as possible but no later than January 1, 2018.

(h) The Department may adopt rules and take any other appropriate action necessary to implement its responsibilities under this Section.

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

Approved August 5, 2016.
Effective August 5, 2016.

PUBLIC ACT 99-0726
(House Bill No. 6225)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Employee Leasing Company Act is amended by changing Sections 25 and 30 as follows:

(215 ILCS 113/25)
Sec. 25. Record keeping and reporting requirement.
(a) A lessor shall maintain accounting and employment records relating to all employee leasing arrangements for a minimum of 4 calendar years. A lessor shall maintain the address of each office it maintains in this State, at its principal place of business.
(b) A lessor shall maintain sufficient information in a manner consistent with a licensed rating organization's data submission requirements to permit the rating organization licensed under Section 459 of the Illinois Insurance Code to calculate an experience modification factor for the lessee.

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(c) Upon written request of a lessee with an annual payroll attributed to it in excess of $200,000, the lessor shall provide the lessee's experience modification factor to the lessee within 30 days of the request.

(d) Upon request of a lessee with an annual payroll attributed to it of less than $200,000, the lessor shall provide the loss information required to be maintained by this Section to the lessee within 30 days of the request.

(e) Nothing in this Section shall preclude a licensed rating organization from calculating the experience modification factor for each lessee nor an insurer from maintaining and furnishing on behalf of the lessor, such information as required by this Section.

(f) In the event that a lessee's experience modification factor exceeds the lessor's experience modification factor by 50% at the inception of the employee leasing arrangement, the lessee's experience modification factor shall be utilized to calculate the premium or costs charged to the lessee for workers' compensation coverage for a period of 2 years. Thereafter, the premium charged by the insurer for inclusion of a lessee under a lessor's policy may be calculated on the basis of the lessor's experience modification factor.

(g) A lessor that does not provide workers' compensation insurance coverage for leased employees of a lessee under an employee leasing arrangement shall not be subject to compliance with subsections (b) through (f) of this Section.

(Source: P.A. 90-499, eff. 1-1-98; 90-794, eff. 8-14-98.)

Sec. 30. Responsibility for policy issuance and continuance.

(a) Either a lessor or lessee may provide workers' compensation insurance coverage for leased employees under an employee leasing arrangement. When a workers' compensation policy written to cover leased employees is issued to the lessor as the named insured, the lessee shall be identified thereon by the attachment of an appropriate endorsement indicating that the policy provides coverage for leased employees. The endorsement shall, at a minimum, provide for the following:

(1) Coverage under the endorsement shall be limited to the named insured's employees leased to the lessees.

(2) The experience of the employees leased to the particular lessee shall be separately maintained by the lessor as provided in Section 25.
(b) (Blank).
(c) The lessor shall notify the insurer or a licensed rating organization 30 days prior to the effective date of termination or immediately upon notification of cancellation by the lessor of an employee leasing arrangement with the lessee in order to allow sufficient time to calculate an experience modification factor for the lessee.
(d) The insurer shall provide proof of workers' compensation insurance to the lessor and to each applicable lessee within 30 days of the coverage being effected or changed.
(e) Calculation of a lessor's or lessee's premium shall be done in accordance with the insurer's rating manual filed with the Department.
(f) When the lessee provides workers' compensation coverage for leased employees under an employee leasing arrangement, the lessor shall notify the Department in a manner specified by the Department to ensure proper and timely notification of coverage to the Department.
(Source: P.A. 90-499, eff. 1-1-98; 90-794, eff. 8-14-98.)
Approved August 5, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0727
(House Bill No. 6226)

AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Highway Code is amended by adding Section 9-132 as follows:
(605 ILCS 5/9-132 new)
Sec. 9-132. Highway design. A unit of local government may consult a highway design publication outside the Department's Bureau of Local Roads and Streets Manual for the construction of any highway in ownership or control of the unit of local government, except for a highway that is part of the National System of Interstate and Defense Highways, if:
(1) the unit of local government receives federal or State funds for the construction project;
(2) the highway design publication is approved by the Federal Highway Administration;

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(3) the highway design publication is adopted by the unit of local government; and

(4) the design complies with all other applicable federal laws.

Approved August 5, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0728
(House Bill No. 6245)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Real Estate License Act of 2000 is amended by changing Section 5-70 as follows:

(225 ILCS 454/5-70)
(Section scheduled to be repealed on January 1, 2020)
Sec. 5-70. Continuing education requirement; managing broker or broker.

(a) The requirements of this Section apply to all managing brokers and brokers.

(b) Except as otherwise provided in this Section, each person who applies for renewal of his or her license as a managing broker or broker must successfully complete 6 hours of real estate continuing education courses approved by the Advisory Council for each year of the pre-renewal period. In addition, beginning with the pre-renewal period for managing broker licensees that begins after the effective date of this Act, those licensees renewing or obtaining a managing broker's license must successfully complete a 12-hour broker management continuing education course approved by the Department each pre-renewal period. The broker management continuing education course must be completed in the classroom or by other interactive delivery method between the instructor and the students. Successful completion of the course shall include achieving a passing score as provided by rule on a test developed and administered in accordance with rules adopted by the Department. No license may be renewed except upon the successful completion of the required courses or their equivalent or upon a waiver of those requirements for good cause shown as determined by the Secretary with the recommendation of the Advisory Council. The requirements of this

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Article are applicable to all managing brokers and brokers except those managing brokers and brokers who, during the pre-renewal period:

1. serve in the armed services of the United States;
2. serve as an elected State or federal official;
3. serve as a full-time employee of the Department; or
4. are admitted to practice law pursuant to Illinois Supreme Court rule.

(c) (Blank).

(d) A person receiving an initial license during the 90 days before the renewal date shall not be required to complete the continuing education courses provided for in subsection (b) of this Section as a condition of initial license renewal.

(e) The continuing education requirement for brokers and managing brokers shall consist of a core curriculum and an elective curriculum, to be established by the Advisory Council. In meeting the continuing education requirements of this Act, at least 3 hours per year or their equivalent, 6 hours for each two-year pre-renewal period, shall be required to be completed in the core curriculum. In establishing the core curriculum, the Advisory Council shall consider subjects that will educate licensees on recent changes in applicable laws and new laws and refresh the licensee on areas of the license law and the Department policy that the Advisory Council deems appropriate, and any other areas that the Advisory Council deems timely and applicable in order to prevent violations of this Act and to protect the public. In establishing the elective curriculum, the Advisory Council shall consider subjects that cover the various aspects of the practice of real estate that are covered under the scope of this Act. However, the elective curriculum shall not include any offerings referred to in Section 5-85 of this Act.

(f) The subject areas of continuing education courses approved by the Advisory Council may include without limitation the following:

1. license law and escrow;
2. antitrust;
3. fair housing;
4. agency;
5. appraisal;
6. property management;
7. residential brokerage;
8. farm property management;
9. rights and duties of sellers, buyers, and brokers;

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(10) commercial brokerage and leasing; and
(11) real estate financing.

(g) In lieu of credit for those courses listed in subsection (f) of this Section, credit may be earned for serving as a licensed instructor in an approved course of continuing education. The amount of credit earned for teaching a course shall be the amount of continuing education credit for which the course is approved for licensees taking the course.

(h) Credit hours may be earned for self-study programs approved by the Advisory Council.

(i) A managing broker or broker may earn credit for a specific continuing education course only once during the prerenewal period.

(j) No more than 6 hours of continuing education credit may be taken or earned in one calendar day.

(k) To promote the offering of a uniform and consistent course content, the Department may provide for the development of a single broker management course to be offered by all continuing education providers who choose to offer the broker management continuing education course. The Department may contract for the development of the 12-hour broker management continuing education course with an outside vendor or consultant and, if the course is developed in this manner, the Department or the outside consultant shall license the use of that course to all approved continuing education providers who wish to provide the course.

(l) Except as specifically provided in this Act, continuing education credit hours may not be earned for completion of pre or post-license courses. The approved 30-hour post-license course for broker licensees shall satisfy the continuing education requirement for the pre-renewal period in which the course is taken. The approved 45-hour brokerage administration and management course shall satisfy the 12-hour broker management continuing education requirement for the pre-renewal period in which the course is taken.

(Source: P.A. 98-531, eff. 8-23-13; 99-227, eff. 8-3-15.)

Passed in the General Assembly May 29, 2016.
Approved August 5, 2016.
Effective January 1, 2017.

New matter indicated by italics - deletions by strikeout
AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Section 10-22.31 as follows:

(105 ILCS 5/10-22.31) (from Ch. 122, par. 10-22.31)

Sec. 10-22.31. Special education.

(a) To enter into joint agreements with other school boards to provide the needed special educational facilities and to employ a director and other professional workers as defined in Section 14-1.10 and to establish facilities as defined in Section 14-1.08 for the types of children described in Sections 14-1.02 and 14-1.03a. The director (who may be employed under a contract as provided in subsection (c) of this Section) and other professional workers may be employed by one district, which shall be reimbursed on a mutually agreed basis by other districts that are parties to the joint agreement. Such agreements may provide that one district may supply professional workers for a joint program conducted in another district. Such agreement shall provide that any full-time professional worker who is employed by a joint agreement program and spends over 50% of his or her time in one school district shall not be required to work a different teaching schedule than the other professional worker in that district. Such agreement shall include, but not be limited to, provisions for administration, staff, programs, financing, housing, transportation, an advisory body, and the method or methods to be employed for disposing of property upon the withdrawal of a school district or dissolution of the joint agreement and shall specify procedures for the withdrawal of districts from the joint agreement as long as these procedures are consistent with subsection (g) of this Section. Such agreement may be amended at any time as provided in the joint agreement or, if the joint agreement does not so provide, then such agreement may be amended at any time upon the adoption of concurring resolutions by the school boards of all member districts, provided that no later than 6 months after August 28, 2009 (the effective date of Public Act 96-783), all existing agreements shall be amended to be consistent with Public Act 96-783. Such an amendment may include the removal of a school district from or the addition of a school district to the joint agreement without a
petition as otherwise required in this Section if all member districts adopt concurring resolutions to that effect. A fully executed copy of any such agreement or amendment entered into on or after January 1, 1989 shall be filed with the State Board of Education. Petitions for withdrawal shall be made to the regional board or boards of school trustees exercising oversight or governance over any of the districts in the joint agreement. Upon receipt of a petition for withdrawal, the regional board of school trustees shall publish notice of and conduct a hearing or, in instances in which more than one regional board of school trustees exercises oversight or governance over any of the districts in the joint agreement, a joint hearing, in accordance with rules adopted by the State Board of Education. In instances in which a single regional board of school trustees holds the hearing, approval of the petition must be by a two-thirds majority vote of the school trustees. In instances in which a joint hearing of 2 or more regional boards of school trustees is required, approval of the petition must be by a two-thirds majority of all those school trustees present and voting. Notwithstanding the provisions of Article 6 of this Code, in instances in which the competent regional board or boards of school trustees has been abolished, petitions for withdrawal shall be made to the school boards of those districts that fall under the oversight or governance of the abolished regional board of school trustees in accordance with rules adopted by the State Board of Education. If any petition is approved pursuant to this subsection (a), the withdrawal takes effect as provided in Section 7-9 of this Act. The changes to this Section made by Public Act 96-769 apply to all changes to special education joint agreement membership initiated after July 1, 2009.

(b) To either (1) designate an administrative district to act as fiscal and legal agent for the districts that are parties to the joint agreement, or (2) designate a governing board composed of one member of the school board of each cooperating district and designated by such boards to act in accordance with the joint agreement. No such governing board may levy taxes and no such governing board may incur any indebtedness except within an annual budget for the joint agreement approved by the governing board and by the boards of at least a majority of the cooperating school districts or a number of districts greater than a majority if required by the joint agreement. The governing board may appoint an executive board of at least 7 members to administer the joint agreement in accordance with its terms. However, if 7 or more school districts are parties to a joint agreement that does not have an administrative district: (i) at least a

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majority of the members appointed by the governing board to the executive board shall be members of the school boards of the cooperating districts; or (ii) if the governing board wishes to appoint members who are not school board members, they shall be superintendents from the cooperating districts.

(c) To employ a full-time director of special education of the joint agreement program under a one-year or multi-year contract. No such contract can be offered or accepted for less than one year. Such contract may be discontinued at any time by mutual agreement of the contracting parties, or may be extended for an additional one-year or multi-year period at the end of any year.

The contract year is July 1 through the following June 30th, unless the contract specifically provides otherwise. Notice of intent not to renew a contract when given by a controlling board or administrative district must be in writing stating the specific reason therefor. Notice of intent not to renew the contract must be given by the controlling board or the administrative district at least 90 days before the contract expires. Failure to do so will automatically extend the contract for one additional year.

By accepting the terms of the contract, the director of a special education joint agreement waives all rights granted under Sections 24-11 through 24-16 for the duration of his or her employment as a director of a special education joint agreement.

(d) To designate a district that is a party to the joint agreement as the issuer of bonds or notes for the purposes and in the manner provided in this Section. It is not necessary for such district to also be the administrative district for the joint agreement, nor is it necessary for the same district to be designated as the issuer of all series of bonds or notes issued hereunder. Any district so designated may, from time to time, borrow money and, in evidence of its obligation to repay the borrowing, issue its negotiable bonds or notes for the purpose of acquiring, constructing, altering, repairing, enlarging and equipping any building or portion thereof, together with any land or interest therein, necessary to provide special educational facilities and services as defined in Section 14-1.08. Title in and to any such facilities shall be held in accordance with the joint agreement.

Any such bonds or notes shall be authorized by a resolution of the board of education of the issuing district. The resolution may contain such covenants as may be deemed necessary or advisable by the district to

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assure the payment of the bonds or notes. The resolution shall be effective immediately upon its adoption.

Prior to the issuance of such bonds or notes, each school district that is a party to the joint agreement shall agree, whether by amendment to the joint agreement or by resolution of the board of education, to be jointly and severally liable for the payment of the bonds and notes. The bonds or notes shall be payable solely and only from the payments made pursuant to such agreement.

Neither the bonds or notes nor the obligation to pay the bonds or notes under any joint agreement shall constitute an indebtedness of any district, including the issuing district, within the meaning of any constitutional or statutory limitation.

As long as any bonds or notes are outstanding and unpaid, the agreement by a district to pay the bonds and notes shall be irrevocable notwithstanding the district's withdrawal from membership in the joint special education program.

(e) If a district whose employees are on strike was, prior to the strike, sending students with disabilities to special educational facilities and services in another district or cooperative, the district affected by the strike shall continue to send such students during the strike and shall be eligible to receive appropriate State reimbursement.

(f) With respect to those joint agreements that have a governing board composed of one member of the school board of each cooperating district and designated by those boards to act in accordance with the joint agreement, the governing board shall have, in addition to its other powers under this Section, the authority to issue bonds or notes for the purposes and in the manner provided in this subsection. The governing board of the joint agreement may from time to time borrow money and, in evidence of its obligation to repay the borrowing, issue its negotiable bonds or notes for the purpose of acquiring, constructing, altering, repairing, enlarging and equipping any building or portion thereof, together with any land or interest therein, necessary to provide special educational facilities and services as defined in Section 14-1.08 and including also facilities for activities of administration and educational support personnel employees. Title in and to any such facilities shall be held in accordance with the joint agreement.

Any such bonds or notes shall be authorized by a resolution of the governing board. The resolution may contain such covenants as may be deemed necessary or advisable by the governing board to assure the

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payment of the bonds or notes and interest accruing thereon. The resolution shall be effective immediately upon its adoption.

Each school district that is a party to the joint agreement shall be automatically liable, by virtue of its membership in the joint agreement, for its proportionate share of the principal amount of the bonds and notes plus interest accruing thereon, as provided in the resolution. Subject to the joint and several liability hereinafter provided for, the resolution may provide for different payment schedules for different districts except that the aggregate amount of scheduled payments for each district shall be equal to its proportionate share of the debt service in the bonds or notes based upon the fraction that its equalized assessed valuation bears to the total equalized assessed valuation of all the district members of the joint agreement as adjusted in the manner hereinafter provided. In computing that fraction the most recent available equalized assessed valuation at the time of the issuance of the bonds and notes shall be used, and the equalized assessed valuation of any district maintaining grades K to 12 shall be doubled in both the numerator and denominator of the fraction used for all of the districts that are members of the joint agreement. In case of default in payment by any member, each school district that is a party to the joint agreement shall automatically be jointly and severally liable for the amount of any deficiency. The bonds or notes and interest thereon shall be payable solely and only from the funds made available pursuant to the procedures set forth in this subsection. No project authorized under this subsection may require an annual contribution for bond payments from any member district in excess of 0.15% of the value of taxable property as equalized or assessed by the Department of Revenue in the case of districts maintaining grades K-8 or 9-12 and 0.30% of the value of taxable property as equalized or assessed by the Department of Revenue in the case of districts maintaining grades K-12. This limitation on taxing authority is expressly applicable to taxing authority provided under Section 17-9 and other applicable Sections of this Act. Nothing contained in this subsection shall be construed as an exception to the property tax limitations contained in Section 17-2, 17-2.2a, 17-5, or any other applicable Section of this Act.

Neither the bonds or notes nor the obligation to pay the bonds or notes under any joint agreement shall constitute an indebtedness of any district within the meaning of any constitutional or statutory limitation.

As long as any bonds or notes are outstanding and unpaid, the obligation of a district to pay its proportionate share of the principal of and interest on the bonds and notes as required in this Section shall be a

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general obligation of the district payable from any and all sources of revenue designated for that purpose by the board of education of the district and shall be irrevocable notwithstanding the district's withdrawal from membership in the joint special education program.

(g) A member district wishing to withdraw from a joint agreement may obtain from its school board a written resolution approving the withdrawal. The withdrawing district must then present a written petition for withdrawal from the joint agreement to the other member districts within such timelines designated by the joint agreement. Upon approval by school board written resolution of all of the remaining member districts, the petitioning member district shall be withdrawn from the joint agreement effective the following July 1 and shall notify the State Board of Education of the approved withdrawal in writing.

(h) The changes to this Section made by Public Act 96-783 apply to withdrawals from or dissolutions of special education joint agreements initiated after August 28, 2009 (the effective date of Public Act 96-783).

(i) Notwithstanding subsections (a), (g), and (h) of this Section or any other provision of this Code to the contrary, an elementary school district that maintains grades up to and including grade 8, that had a 2014-2015 best 3 months' average daily attendance of 5,209.57, and that had a 2014 equalized assessed valuation of at least $451,500,000, but not more than $452,000,000, may withdraw from its special education joint agreement program consisting of 6 school districts upon submission and approval of the comprehensive plan, in compliance with the applicable requirements of Section 14-4.01 of this Code, in addition to the approval by the school board of the elementary school district and notification to and the filing of an intent to withdraw statement with the governing board of the joint agreement program. Such notification and statement shall specify the effective date of the withdrawal, which in no case shall be less than 60 days after the date of the filing of the notification and statement. Upon receipt of the notification and statement, the governing board of the joint agreement program shall distribute a copy to each member district of the joint agreement and shall initiate any appropriate allocation of assets and liabilities among the remaining member districts to take effect upon the date of the withdrawal. The withdrawal shall take effect upon the date specified in the notification and statement.

(Source: P.A. 96-769, eff. 8-28-09; 96-783, eff. 8-28-09; 96-1000, eff. 7-2-10.)

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

Approved August 5, 2016.
Effective August 5, 2016.

PUBLIC ACT 99-0730
(House Bill No. 6261)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Counties Code is amended by changing Section 5-25013 as follows:

(55 ILCS 5/5-25013) (from Ch. 34, par. 5-25013)
Sec. 5-25013. Organization of board; powers and duties.
(A) The board of health of each county or multiple-county health department shall, immediately after appointment, meet and organize, by the election of one of its number as president and one as secretary, and either from its number or otherwise, a treasurer and such other officers as it may deem necessary. A board of health may make and adopt such rules for its own guidance and for the government of the health department as may be deemed necessary to protect and improve public health not inconsistent with this Division. It shall:

1. Hold a meeting prior to the end of each operating fiscal year, at which meeting officers shall be elected for the ensuing operating fiscal year.

2. Hold meetings at least quarterly.

3. Hold special meetings upon a written request signed by two members and filed with the Secretary or on request of the medical health officer or public health administrator.

4. Provide, equip and maintain suitable offices, facilities and appliances for the health department.

5. Publish annually, within 90 days after the end of the county's operating fiscal year, in pamphlet form, for free distribution, an annual report showing the condition of its trust on the last day of the most recently completed operating fiscal year, the sums of money received from all sources, giving the name of any donor, how all moneys have been expended and for what

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purpose, and such other statistics and information in regard to the work of the health department as it may deem of general interest.

6. Within its jurisdiction, and professional and technical competence, enforce and observe all State laws pertaining to the preservation of health, and all county and municipal ordinances except as otherwise provided in this Division.

7. Within its jurisdiction, and professional and technical competence, investigate the existence of any contagious or infectious disease and adopt measures, not inconsistent with the regulations of the State Department of Public Health, to arrest the progress of the same.

8. Within its jurisdiction, and professional and technical competence, make all necessary sanitary and health investigations and inspections.

9. Upon request, give professional advice and information to all city, village, incorporated town and school authorities, within its jurisdiction, in all matters pertaining to sanitation and public health.

10. Appoint a medical health officer as the executive officer for the department, who shall be a citizen of the United States and shall possess such qualifications as may be prescribed by the State Department of Public Health; or appoint a public health administrator who shall possess such qualifications as may be prescribed by the State Department of Public Health as the executive officer for the department, provided that the board of health shall make available medical supervision which is considered adequate by the Director of Public Health.

10 1/2. Appoint such professional employees as may be approved by the executive officer who meet the qualification requirements of the State Department of Public Health for their respective positions provided, that in those health departments temporarily without a medical health officer or public health administrator approval by the State Department of Public Health shall suffice.

11. Appoint such other officers and employees as may be necessary.

12. Prescribe the powers and duties of all officers and employees, fix their compensation, and authorize payment of the

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same and all other department expenses from the County Health Fund of the county or counties concerned.

13. Submit an annual budget to the county board or boards.

14. Submit an annual report to the county board or boards, explaining all of its activities and expenditures.

15. Establish and carry out programs and services in mental health, including intellectual disabilities and alcoholism and substance abuse, not inconsistent with the regulations of the Department of Human Services.

16. Consult with all other private and public health agencies in the county in the development of local plans for the most efficient delivery of health services.

(B) The board of health of each county or multiple-county health department may:

1. Initiate and carry out programs and activities of all kinds, not inconsistent with law, that may be deemed necessary or desirable in the promotion and protection of health and in the control of disease including tuberculosis.

2. Receive contributions of real and personal property.

3. Recommend to the county board or boards the adoption of such ordinances and of such rules and regulations as may be deemed necessary or desirable for the promotion and protection of health and control of disease.

4. Appoint a medical and dental advisory committee and a non-medical advisory committee to the health department.

5. Enter into contracts with the State, municipalities, other political subdivisions and non-official agencies for the purchase, sale or exchange of health services.

6. Set fees it deems reasonable and necessary (i) to provide services or perform regulatory activities, (ii) when required by State or federal grant award conditions, (iii) to support activities delegated to the board of health by the Illinois Department of Public Health, or (iv) when required by an agreement between the board of health and other private or governmental organizations, unless the fee has been established as a part of a regulatory ordinance adopted by the county board, in which case the board of health shall make recommendations to the county board concerning those fees. Revenue generated under this Section shall be deposited...
into the County Health Fund or to the account of the multiple-county health department.

7. Enter into multiple year employment contracts with the medical health officer or public health administrator as may be necessary for the recruitment and retention of personnel and the proper functioning of the health department.

8. Enter into contracts with municipal health departments, county health departments, other boards of health, private or public hospitals, and not for profit entities to provide public health services outside of a board of health's own jurisdiction in order to protect the public health in an effective manner.

(C) The board of health of a multiple-county health department may hire attorneys to represent and advise the department concerning matters that are not within the exclusive jurisdiction of the State's Attorney of one of the counties that created the department.

(Source: P.A. 97-227, eff. 1-1-12.)

Section 99. Effective date. This Act takes effect June 1, 2016.

Passed in the General Assembly May 29, 2016.

Approved August 5, 2016.

Effective August 5, 2016.

PUBLIC ACT 99-0731
(House Bill No. 6285)

AN ACT concerning civil law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Mobile Home Landlord and Tenant Rights Act is amended by changing Section 22 as follows:

(765 ILCS 745/22) (from Ch. 80, par. 222)

Sec. 22. Remedies, Park Owner. A park owner may, any time rent is overdue, notify the tenant in writing that unless payment is made within the time specified in the notice, not less than 5 days after receipt thereof, the lease will be terminated. If the tenant remains in default, the park owner may institute legal action for recovery of possession, rent due and any damages.

If the tenant breaches any provision of the lease or rules and regulations of the mobile home park, the park owner shall notify the tenant in writing of his breach. Such notice shall specify the violation and advise

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the tenant that if the violation shall continue for more than 24 hours after receipt of such notice the park owner may terminate the lease.

If the tenant breaches any provision of the lease or rules and regulations of the mobile home park, the park owner shall give the tenant written notice specifying in writing the reason for any fine that may be imposed on the tenant. As used in this Section, "fine" does not include fees that are imposed on a tenant for services or products provided by the park owner to the tenant. If a fine is imposed on a tenant, the following applies for 45 days after written notice of the fine is delivered to the tenant:

(1) non-payment of a fine shall not be grounds for refusal to accept a rent payment; and
(2) the fine shall not be deducted from a rent payment.

Acceptance of a rent payment shall not be construed as a waiver of an unpaid fine.

(Source: P.A. 81-637.)
Passed in the General Assembly May 29, 2016.
Approved August 5, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0732
(House Bill No. 6287)

AN ACT concerning health.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Egg and Egg Products Act is amended by adding Section 3.21a and by changing Sections 6 and 15 as follows:

(410 ILCS 615/3.21a new)
Sec. 3.21a. "Lot consolidation" means the removal of damaged eggs from consumer labeled cartons and replacement of the damaged eggs with eggs of the same grade, size, sell-by date, brand, lot, and source.

(410 ILCS 615/6) (from Ch. 56 1/2, par. 55-6)
Sec. 6. Candling; labeling; sales by producers; retail sales; temperature requirements. All eggs sold at retail or purchased by institutional consumers must be candled for quality and graded for size.

A producer may sell on his own premises where eggs are produced, direct to household consumers, for the consumer's personal use and that consumer's non-paying guests, nest run eggs without candling or grading those eggs.

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All eggs designated for sale off the premises where the entire flock is located, such as at farmers' markets, and at retail or for institutional use must be candled and graded and held in a place or room in which the temperature may not exceed 45 degrees Fahrenheit after processing. Nest run eggs shall be held at 60 degrees Fahrenheit or less at all times. During transportation, the egg temperature may not exceed 45 degrees Fahrenheit.

Hatcheries buying eggs for hatching purposes from producers under contract may sell their surplus eggs to a licensed packer or handler provided that the hatchery shall keep records which indicate the number of cases sold, the date of sale and the name and address of the packer or handler making the purchase.

All eggs candled or candled and graded outside the State must meet Federal standards before they can be sold or offered for sale in the State. No eggs may be offered for sale for consumer use 45 days or more after the date of candling after the original 30-day candling date.

Each container of eggs offered for sale or sold at wholesale or retail must be labeled in accordance with the standards established by the Department showing grade, size, packer identification, and candling date, and must be labeled with an expiration date, or other similar language as specified by USDA standards, that is not later than 45 days from the candling date for grade A eggs and not later than 30 days after the candling date for grade AA eggs.

The grade and size of eggs must be conspicuously marked in bold face type on all consumer-size containers.

The size and height of lettering or numbering requirement shall be set by regulation and shall conform as near as possible to those required by Federal law.

All advertising of shell eggs for sale at retail for a stated price shall contain the grade and size of the eggs. The information contained in such advertising shall not be misleading or deceptive. In cases of food-borne disease outbreaks in which eggs are identified as the source of the disease, all eggs from the flocks from which those disease-causing eggs came shall be identified with a producer identification or flock code number to control the movement of those eggs.

(Source: P.A. 96-1310, eff. 7-27-10.)

(410 ILCS 615/15) (from Ch. 56 1/2, par. 55-15)
Sec. 15. Samples; packing methods.
(a) The Department shall prescribe methods in conformity with the United States Department of Agriculture specifications for selecting

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samples of lots, cases or containers of eggs or egg products which shall be reasonably calculated to produce fair representations of the entire lots or cases and containers sampled. Any sample taken shall be prima facie evidence in any court in this State of the true condition of the entire lot, case or container of eggs or egg products in the examination of which the sample was taken.

It shall be unlawful for any handler or retailer to pack eggs into consumer-size containers other than during the original candling and grading operations unless the retailer performs a lot consolidation.

(b) A retailer that wishes to consolidate eggs shall implement and administer a training program for employees that will perform the consolidation as part of their duties. The program shall include, but not be limited to, the following:

(1) Laws governing egg lot consolidation:
   (A) same lot code;
   (B) same source;
   (C) same sell-by date;
   (D) same grade;
   (E) same size;
   (F) same brand;

(2) temperature requirements;
(3) egg is a hazardous food (FDA Guidelines);
(4) sanitation;
(5) egg quality (USDA guidelines);
(6) original packaging requirements (replacement cartons shall not be utilized); and
(7) record keeping requirements.

(c) Training shall be conducted annually and may be conducted by any means available, including, but not limited to, online, computer, classroom, live trainers, and remote trainers.

(d) A copy of the training material must be made available upon request from the Department. A copy of the training material may be kept electronically.

(e) Eggs shall be consolidated in a manner consistent with training materials required by subsection (b).

(f) Each store shall maintain a record of each egg carton consolidated. The records shall be maintained by the store at the physical location the eggs were consolidated at for a period not less than one year past the last sell-by date on the cartons consolidated. The records must be
available for inspection upon request from the Department. The records may be kept electronically.

Each lot consolidation shall be documented. The information documented shall include, but not be limited to, the following:

(1) date of consolidation;
(2) brand;
(3) egg size;
(4) distributor;
(5) USDA plant number;
(6) grade; and
(7) best-by (sell-by/use-by) date.

(g) An Illinois-based egg producer or Illinois-based egg producer-dealer may prohibit its brands from being included in an egg lot consolidation program. Any Illinois-based egg producer or Illinois-based egg producer-dealer that chooses to prohibit its brands from being included in an egg lot consolidation program shall notify a retailer in writing before entering into an agreement to distribute its eggs to the retailer. Producers or producer-dealers with agreements entered into prior to the effective date of this Act shall have 90 days after the effective date of this Act to notify retailers in writing of their choice to prohibit consolidation of their egg brands.

Upon notification from an Illinois-based producer or Illinois-based producer-dealer, a retailer shall not consolidate those brands.

(a) The loose eggs to be so transferred are in master case stamped no more than 5 days previous indicating that the size and quality have been verified.

(b) The process of transferring is done in a licensed establishment.

(e) Blank.

(d) The loose eggs to be transferred are reprocessed in the same manner as nest-run eggs and each egg is recandled for quality and regraded for size in an establishment recognized as a competent grading facility by the Director or his authorized representative.

(e) Blank.

If procedures described in paragraph (a) or (b) of this Section are executed, the mandatory labeling as it appears on the master cases with respect to name, address, grade, size and candling date must be identical to the labeling on the consumer-size containers into which the eggs are

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transferred except that the name and address may be changed, provided that the words "packed for", "packed by" or words of similar import do not appear.

(Source: P.A. 92-677, eff. 7-16-02.)

Passed in the General Assembly May 29, 2016.
Approved August 5, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0733
(Senate Bill No. 0321)

AN ACT concerning government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The River Edge Redevelopment Zone Act is amended by changing Section 10-10.1 as follows:

(65 ILCS 115/10-10.1)
(Section scheduled to be repealed on July 29, 2017)
Sec. 10-10.1. Utility facilities.
(a) It is in the public interest that costs for redevelopment in a River Edge Redevelopment Zone impacting a public utility, as defined by Section 3-105 of the Public Utilities Act, or a public utility's property, as described in subsection (b) of this Section, should not be allocated solely to the entity engaging in economic redevelopment because this economic redevelopment benefits the utility service territory as a whole and not just the particular area where the redevelopment occurs.

(b) A public utility that has facilities or land affected by the clean-up, remediation, and redevelopment of a River Edge Redevelopment Zone and that incurs costs related to the remediation or the removing or relocating of utility facilities in the River Edge Redevelopment Zone may recover these costs pursuant to subsections (c) and (d) of this Section.

(c) The reasonable and prudent costs incurred by a public utility for facility removal or relocation described in subsection (b) of this Section shall be shared equally among the public utility, the municipality in which the facility is located, and any landowner that is located within 100 feet of the utility facility and that directly benefits from the removal or relocation of the utility facility or the redevelopment of the public utility's land. In no event shall the costs incurred by each municipality or landowner for a given project exceed an equal percentage of the total direct, indirect, and

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overhead project costs, or $3,667,000 each, whichever amount is less. The reasonable and prudent costs incurred by the public utility for facility removal or relocation that are not the responsibility of the municipality or landowner under this subsection (c) shall be recovered by the public utility from all retail customers located in the municipality or municipalities in which the removal or relocation occurs through an appropriate tariff mechanism, and the public utility may record and defer such costs as a regulatory asset until they are so recovered.

(d) The Illinois Commerce Commission shall allow a public utility described in subsection (b) to fully recover from all retail customers in its service territory all reasonable and prudent costs that it incurs in conducting environmental remediation in the River Edge Redevelopment Zone related to the removal or relocation of utility facilities in the River Edge Redevelopment Zone, including, but not limited to, transmission and distribution lines, transformers, and poles. These environmental remediation costs also include, but are not limited to, direct, indirect, and overhead costs calculated by the public utility for taxes or other charges, cost adjustments made after the project has begun, and any other environmental remediation-related charges. The public utility shall record and defer such costs as a regulatory asset to be included in the public utility's total rate base and amortized in the public utility's next filing for a general increase in rates over a reasonable period that is shorter than the life of the affected facility or facilities. Such regulatory assets shall be collected from all residential and commercial ratepayers system-wide, and not only from ratepayers in the municipality's corporate limits. In the event the River Edge Redevelopment Zone is decertified, the public utility shall be permitted to recover all reasonable and prudent costs incurred as of the date of the decertification, as well as all reasonable and prudent costs incurred subsequent to decertification that are necessary to complete any projects commenced while the River Edge Redevelopment Zone was certified, consistent with this Section.

(e) This Section is repealed on August 1, 2020 7 years after the effective date of this amendatory Act of the 96th General Assembly.

(Source: P.A. 96-1404, eff. 7-29-10.)

Passed in the General Assembly May 29, 2016.
Approved August 5, 2016.
Effective January 1, 2017.
AN ACT concerning State government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The University of Illinois Trustees Act is amended by changing Section 1 as follows:

(110 ILCS 310/1) (from Ch. 144, par. 41)

Sec. 1. The Board of Trustees of the University of Illinois shall consist of the Governor and at least 12 trustees. Nine trustees shall be appointed by the Governor, by and with the advice and consent of the Senate. The other trustees shall be students, of whom one student shall be selected from each University campus.

Each student trustee shall serve a term of one year, beginning on July 1 or on the date of his or her selection, whichever is later, and expiring on the next succeeding June 30.

Each trustee shall have all of the privileges of membership, except that only one student trustee shall have the right to cast a legally binding vote. The Governor shall designate which one of the student trustees shall possess, for his or her entire term, the right to cast a legally binding vote. Each student trustee who does not possess the right to cast a legally binding vote shall have the right to cast an advisory vote and the right to make and second motions and to attend executive sessions.

Each trustee shall be governed by the same conflict of interest standards. Pursuant to those standards, it shall not be a conflict of interest for a student trustee to vote on matters pertaining to students generally, such as tuition and fees. However, it shall be a conflict of interest for a student trustee to vote on faculty member tenure or promotion. For the purposes of this Section, a student member shall not be deemed to have a direct conflict of interest in and may vote on any item involving the employment or compensation of the Chancellor at any campus or the President of the University or the election of officers. Student trustees shall be chosen by campus-wide student election, and the student trustee designated by the Governor to possess a legally binding vote shall be one of the students selected by this method. A student trustee who does not possess a legally binding vote on a measure at a meeting of the Board or any of its committees shall not be considered a trustee for the purpose of determining whether a quorum is present at the time that measure is voted
upon. To be eligible for selection as a student trustee and to be eligible to remain as a voting or nonvoting student trustee, a student trustee must be a resident of this State, must have and maintain a grade point average that is equivalent to at least 2.5 on a 4.0 scale, and must be a full time student enrolled at all times during his or her term of office except for that part of the term which follows the completion of the last full regular semester of an academic year and precedes the first full regular semester of the succeeding academic year at the University (sometimes commonly referred to as the summer session or summer school). If a voting or nonvoting student trustee fails to continue to meet or maintain the residency, minimum grade point average, or enrollment requirement established by this Section, his or her membership on the Board shall be deemed to have terminated by operation of law. The University may not use residency for tuition purposes as a factor in making the determination that a student is or is not a resident of this State. The following factors shall positively demonstrate residency in this State for the purposes of the residency requirement for student trustees and candidates for student trustee:

(1) evidence of the student's Illinois domicile for at least the previous 6 months;
(2) evidence of the student's current, valid Illinois driver's license; and
(3) evidence of the student's valid Illinois voter registration.

A positive demonstration of residency in this State for student trustees and candidates for student trustees under this Section does not apply to residency requirements for tuition purposes.

If a voting student trustee resigns or otherwise ceases to serve on the Board, the Governor shall, within 30 days, designate one of the remaining student trustees to possess the right to cast a legally binding vote for the remainder of his or her term. If a nonvoting student trustee resigns or otherwise ceases to serve on the Board, the chief executive of the student government from that campus shall, within 30 days, select a new nonvoting student trustee to serve for the remainder of the term.

No more than 5 of the 9 appointed trustees shall be affiliated with the same political party. Each trustee appointed by the Governor must be a resident of this State. A failure to meet or maintain this residency requirement constitutes a resignation from and creates a vacancy in the Board. The term of office of each appointed trustee shall be 6 years from the third Monday in January of each odd numbered year. The regular terms...
of office of the appointed trustees shall be staggered so that 3 terms expire in each odd-numbered year.

Vacancies for appointed trustees shall be filled for the unexpired term in the same manner as original appointments. If a vacancy in membership occurs at a time when the Senate is not in session, the Governor shall make temporary appointments until the next meeting of the Senate, when he shall appoint persons to fill such memberships for the remainder of their respective terms. If the Senate is not in session when appointments for a full term are made, appointments shall be made as in the case of vacancies.

No action of the board shall be invalidated by reason of any vacancies on the board, or by reason of any failure to select student trustees.

(Source: P.A. 98-778, eff. 7-21-14.)

Section 10. The Southern Illinois University Management Act is amended by changing Section 5 as follows:

(110 ILCS 520/5) (from Ch. 144, par. 655)

Sec. 5. Members of the Board shall elect annually by secret ballot from their own number a chairman who shall preside over meetings of the Board and a secretary.

Meetings of the Board shall be held at least once each quarter on a campus of Southern Illinois University. At all regular meetings of the Board, a majority of its voting members shall constitute a quorum. The student members shall have all of the privileges of membership, including the right to make and second motions and to attend executive sessions, other than the right to vote, except that the student member designated by the Governor as the voting student member shall have the right to vote on all Board matters except those involving faculty tenure, faculty promotion or any issue on which the student member has a direct conflict of interest. For the purposes of this Section, a student member shall not be deemed to have a direct conflict of interest in and may vote on any item involving the employment or compensation of the Chancellor at any campus or the President of the University or the election of officers. A student member who is not entitled to vote on a measure at a meeting of the Board or any of its committees shall not be considered a member for the purpose of determining whether a quorum is present at the time that measure is voted upon. No action of the Board shall be invalidated by reason of any vacancies on the Board, or by reason of any failure to select a student member.

New matter indicated by italics - deletions by strikeout
Special meetings of the Board may be called by the chairman of the Board or by any 3 members of the Board.

At each regular and special meeting that is open to the public, members of the public and employees of the University shall be afforded time, subject to reasonable constraints, to make comments to or ask questions of the Board.

(Source: P.A. 91-715, eff. 1-1-01; 91-778, eff. 1-1-01; 92-16, eff. 6-28-01.)

Section 15. The Chicago State University Law is amended by changing Section 5-25 as follows:

(110 ILCS 660/5-25)

Sec. 5-25. Officers; meetings. Members of the Board shall elect annually by secret ballot from their own number a chairman who shall preside over meetings of the Board and a secretary.

Meetings of the Board shall be held at least once each quarter on the campus of Chicago State University at Chicago, Illinois. At all regular meetings of the Board, a majority of its members shall constitute a quorum. The student member shall have all of the privileges of membership, including the right to make and second motions, to attend executive sessions, and to vote on all Board matters except those involving faculty tenure, faculty promotion or any issue on which the student member has a direct conflict of interest. For the purposes of this Section, a student member shall not be deemed to have a direct conflict of interest in and may vote on any item involving the employment or compensation of the President of the University or the election of officers. Unless the student member is entitled to vote on a measure at a meeting of the Board or any of its committees, he or she shall not be considered a member for the purpose of determining whether a quorum is present at the time that measure is voted upon. No action of the Board shall be invalidated by reason of any vacancies on the Board or by reason of any failure to select a student member.

Special meetings of the Board may be called by the chairman of the Board or by any 3 members of the Board.

At each regular and special meeting that is open to the public, members of the public and employees of the University shall be afforded time, subject to reasonable constraints, to make comments to or ask questions of the Board.

(Source: P.A. 91-715, eff. 1-1-01; 91-778, eff. 1-1-01; 92-16, eff. 6-28-01.)

New matter indicated by italics - deletions by strikeout
Section 20. The Eastern Illinois University Law is amended by changing Section 10-25 as follows:
(110 ILCS 665/10-25)
Sec. 10-25. Officers; meetings. Members of the Board shall elect annually by secret ballot from their own number a chairman who shall preside over meetings of the Board and a secretary.

Meetings of the Board shall be held at least once each quarter on the campus of Eastern Illinois University at Charleston, Illinois. At all regular meetings of the Board, a majority of its members shall constitute a quorum. The student member shall have all of the privileges of membership, including the right to make and second motions, to attend executive sessions, and to vote on all Board matters except those involving faculty tenure, faculty promotion or any issue on which the student member has a direct conflict of interest. For the purposes of this Section, a student member shall not be deemed to have a direct conflict of interest in and may vote on any item involving the employment or compensation of the President of the University or the election of officers. Unless the student member is entitled to vote on a measure at a meeting of the Board or any of its committees, he or she shall not be considered a member for the purpose of determining whether a quorum is present at the time that measure is voted upon. No action of the Board shall be invalidated by reason of any vacancies on the Board or by reason of any failure to select a student member.

Special meetings of the Board may be called by the chairman of the Board or by any 3 members of the Board.

At each regular and special meeting that is open to the public, members of the public and employees of the University shall be afforded time, subject to reasonable constraints, to make comments to or ask questions of the Board.
(Source: P.A. 91-715, eff. 1-1-01; 91-778, eff. 1-1-01; 92-16, eff. 6-28-01.)

Section 25. The Governors State University Law is amended by changing Section 15-25 as follows:
(110 ILCS 670/15-25)
Sec. 15-25. Officers; meetings. Members of the Board shall elect annually by secret ballot from their own number a chairman who shall preside over meetings of the Board and a secretary.

Meetings of the Board shall be held at least once each quarter on the campus of Governors State University at University Park, Illinois.

New matter indicated by italics - deletions by strikeout
all regular meetings of the Board, a majority of its members shall constitute a quorum. The student member shall have all of the privileges of membership, including the right to make and second motions, to attend executive sessions, and to vote on all Board matters except those involving faculty tenure, faculty promotion or any issue on which the student member has a direct conflict of interest. For the purposes of this Section, a student member shall not be deemed to have a direct conflict of interest in and may vote on any item involving the employment or compensation of the President of the University or the election of officers. Unless the student member is entitled to vote on a measure at a meeting of the Board or any of its committees, he or she shall not be considered a member for the purpose of determining whether a quorum is present at the time that measure is voted upon. No action of the Board shall be invalidated by reason of any vacancies on the Board or by reason of any failure to select a student member.

Special meetings of the Board may be called by the chairman of the Board or by any 3 members of the Board.

At each regular and special meeting that is open to the public, members of the public and employees of the University shall be afforded time, subject to reasonable constraints, to make comments to or ask questions of the Board.

(Source: P.A. 91-715, eff. 1-1-01; 91-778, eff. 1-1-01; 92-16, eff. 6-28-01.)

Section 30. The Illinois State University Law is amended by changing Section 20-25 as follows:

(110 ILCS 675/20-25)

Sec. 20-25. Officers; meetings. Members of the Board shall elect annually by secret ballot from their own number a chairman who shall preside over meetings of the Board and a secretary.

Meetings of the Board shall be held at least once each quarter on the campus of Illinois State University at Normal, Illinois. At all regular meetings of the Board, a majority of its members shall constitute a quorum. The student member shall have all of the privileges of membership, including the right to make and second motions, to attend executive sessions, and to vote on all Board matters except those involving faculty tenure, faculty promotion or any issue on which the student member has a direct conflict of interest. For the purposes of this Section, a student member shall not be deemed to have a direct conflict of interest in and may vote on any item involving the employment or compensation of the President of the University or the election of officers.}

New matter indicated by italics - deletions by strikeout
the President of the University or the election of officers. Unless the student member is entitled to vote on a measure at a meeting of the Board or any of its committees, he or she shall not be considered a member for the purpose of determining whether a quorum is present at the time that measure is voted upon. No action of the Board shall be invalidated by reason of any vacancies on the Board or by reason of any failure to select a student member.

Special meetings of the Board may be called by the chairman of the Board or by any 3 members of the Board.

At each regular and special meeting that is open to the public, members of the public and employees of the University shall be afforded time, subject to reasonable constraints, to make comments to or ask questions of the Board.

(Source: P.A. 91-715, eff. 1-1-01; 91-778, eff. 1-1-01; 92-16, eff. 6-28-01.)

Section 35. The Northeastern Illinois University Law is amended by changing Section 25-25 as follows:

(110 ILCS 680/25-25)

Sec. 25-25. Officers; meetings. Members of the Board appointed by the Governor shall elect by secret ballot from their own number a chairperson, who shall serve for a period of 2 years from his or her election and who shall preside over meetings of the Board, a secretary, and other officers that the Board deems necessary. The secretary and other officers shall also serve for a period of 2 years from their election.

Meetings of the Board shall be held at least once each quarter on the campus of Northeastern Illinois University at Chicago, Illinois. At all regular meetings of the Board, a majority of its members shall constitute a quorum. The student member shall have all of the privileges of membership, including the right to make and second motions, to attend executive sessions, and to vote on all Board matters except those involving faculty tenure, faculty promotion or any issue on which the student member has a direct conflict of interest. For the purposes of this Section, a student member shall not be deemed to have a direct conflict of interest in and may vote on any item involving the employment or compensation of the President of the University or the election of officers. No action of the Board shall be invalidated by reason of any vacancies on the Board or by reason of any failure to select a student member.

Special meetings of the Board may be called by the chairperson of the Board or by any 4 members of the Board.

New matter indicated by italics - deletions by strikeout
At each regular and special meeting that is open to the public, members of the public and employees of the University shall be afforded time, subject to reasonable constraints, to make comments to or ask questions of the Board.
(Source: P.A. 91-565, eff. 8-14-99; 91-715, eff. 1-1-01; 91-778, eff. 1-1-01; 92-16, eff. 6-28-01.)

Section 40. The Northern Illinois University Law is amended by changing Section 30-25 as follows:

(110 ILCS 685/30-25)

Sec. 30-25. Officers; meetings. Members of the Board shall elect annually by secret ballot from their own number a chairman who shall preside over meetings of the Board and a secretary.

Meetings of the Board shall be held at least once each quarter on the campus of Northern Illinois University at Dekalb, Illinois or on any other University-owned property located in the State. At all regular meetings of the Board, a majority of its members shall constitute a quorum. The student member shall have all of the privileges of membership, including the right to make and second motions, to attend executive sessions, and to vote on all Board matters except those involving faculty tenure, faculty promotion or any issue on which the student member has a direct conflict of interest. For the purposes of this Section, a student member shall not be deemed to have a direct conflict of interest in and may vote on any item involving the employment or compensation of the President of the University or the election of officers. Unless the student member is entitled to vote on a measure at a meeting of the Board or any of its committees, he or she shall not be considered a member for the purpose of determining whether a quorum is present at the time that measure is voted upon. No action of the Board shall be invalidated by reason of any vacancies on the Board or by reason of any failure to select a student member.

Special meetings of the Board may be called by the chairman of the Board or by any 3 members of the Board.

At each regular and special meeting that is open to the public, members of the public and employees of the University shall be afforded time, subject to reasonable constraints, to make comments to or ask questions of the Board.
(Source: P.A. 91-715, eff. 1-1-01; 91-778, eff. 1-1-01; 92-16, 6-28-01.)

Section 45. The Western Illinois University Law is amended by changing Section 35-25 as follows:

New matter indicated by italics - deletions by strikeout
Sec. 35-25. Officers; meetings. Members of the Board shall elect annually by secret ballot from their own number a chairman who shall preside over meetings of the Board and a secretary.

Meetings of the Board shall be held at least once each quarter. One of these meetings must be held on the Quad Cities campus of Western Illinois University and all other meetings must be held on the campus of Western Illinois University at Macomb, Illinois. At all regular meetings of the Board, a majority of its members shall constitute a quorum. The student member shall have all of the privileges of membership, including the right to make and second motions, to attend executive sessions, and to vote on all Board matters except those involving faculty tenure, faculty promotion or any issue on which the student member has a direct conflict of interest. For the purposes of this Section, a student member shall not be deemed to have a direct conflict of interest in and may vote on any item involving the employment or compensation of the President of the University or the election of officers. Unless the student member is entitled to vote on a measure at a meeting of the Board or any of its committees, he or she shall not be considered a member for the purpose of determining whether a quorum is present at the time that measure is voted upon. No action of the Board shall be invalidated by reason of any vacancies on the Board or by reason of any failure to select a student member.

Special meetings of the Board may be called by the chairman of the Board or by any 3 members of the Board.

At each regular and special meeting that is open to the public, members of the public and employees of the University shall be afforded time, subject to reasonable constraints, to make comments to or ask questions of the Board.

(Source: P.A. 98-999, eff. 8-18-14.)

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

Passed in the General Assembly May 24, 2016.
Approved August 5, 2016.
Effective August 5, 2016.
AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The Illinois Local Library Act is amended by adding
Section 5-2.5 as follows:
(75 ILCS 5/5-2.5 new)
Sec. 5-2.5. Bonds as indebtedness. Notwithstanding any provision
of law to the contrary:
(a) Any bonds issued under Section 5-2 of this Act shall not be
considered indebtedness under any law including, but not limited to,
Section 8-5-1 of the Illinois Municipal Code, and such bonds may be
issued, regardless of any limitations on indebtedness in law, if the
conditions of subsection (b) are met.
(b) Bonds shall not be considered indebtedness and may be issued
regardless of any limitations on indebtedness under subsection (a) if:
(1) the bond or bonds are issued after approval by voters at
a regularly scheduled election;
(2) the bond or bonds do not exceed a principal amount of
$11,000,000 in the aggregate;
(3) on or before the date of sale of the bond or bonds, the
board of trustees of the public library and the corporate
authorities determine, by ordinance or resolution, that the library
project funded by the bond or bonds is needed; and
(4) the bond or bonds are issued prior to November 1,
2020.
Section 10. The School Code is amended by changing Sections 19-
1 and 19-3 as follows:
(105 ILCS 5/19-1)
Sec. 19-1. Debt limitations of school districts.
(a) School districts shall not be subject to the provisions limiting
their indebtedness prescribed in the Local Government Debt Limitation
Act "An Act to limit the indebtedness of counties having a population of
less than 500,000 and townships, school districts and other municipal
corporations having a population of less than 300,000", approved February
15, 1928, as amended.

New matter indicated by italics - deletions by strikeout
No school districts maintaining grades K through 8 or 9 through 12 shall become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate exceeding 6.9% on the value of the taxable property therein to be ascertained by the last assessment for State and county taxes or, until January 1, 1983, if greater, the sum that is produced by multiplying the school district's 1978 equalized assessed valuation by the debt limitation percentage in effect on January 1, 1979, previous to the incurring of such indebtedness.

No school districts maintaining grades K through 12 shall become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate exceeding 13.8% on the value of the taxable property therein to be ascertained by the last assessment for State and county taxes or, until January 1, 1983, if greater, the sum that is produced by multiplying the school district's 1978 equalized assessed valuation by the debt limitation percentage in effect on January 1, 1979, previous to the incurring of such indebtedness.

No partial elementary unit district, as defined in Article 11E of this Code, shall become indebted in any manner or for any purpose in an amount, including existing indebtedness, in the aggregate exceeding 6.9% of the value of the taxable property of the entire district, to be ascertained by the last assessment for State and county taxes, plus an amount, including existing indebtedness, in the aggregate exceeding 6.9% of the value of the taxable property of that portion of the district included in the elementary and high school classification, to be ascertained by the last assessment for State and county taxes. Moreover, no partial elementary unit district, as defined in Article 11E of this Code, shall become indebted on account of bonds issued by the district for high school purposes in the aggregate exceeding 6.9% of the value of the taxable property of the entire district, to be ascertained by the last assessment for State and county taxes, nor shall the district become indebted on account of bonds issued by the district for elementary purposes in the aggregate exceeding 6.9% of the value of the taxable property for that portion of the district included in the elementary and high school classification, to be ascertained by the last assessment for State and county taxes.

Notwithstanding the provisions of any other law to the contrary, in any case in which the voters of a school district have approved a proposition for the issuance of bonds of such school district at an election held prior to January 1, 1979, and all of the bonds approved at such election have not been issued, the debt limitation applicable to such school

New matter indicated by italics - deletions by strikeout
district during the calendar year 1979 shall be computed by multiplying the value of taxable property therein, including personal property, as ascertained by the last assessment for State and county taxes, previous to the incurring of such indebtedness, by the percentage limitation applicable to such school district under the provisions of this subsection (a).

(b) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, additional indebtedness may be incurred in an amount not to exceed the estimated cost of acquiring or improving school sites or constructing and equipping additional building facilities under the following conditions:

(1) Whenever the enrollment of students for the next school year is estimated by the board of education to increase over the actual present enrollment by not less than 35% or by not less than 200 students or the actual present enrollment of students has increased over the previous school year by not less than 35% or by not less than 200 students and the board of education determines that additional school sites or building facilities are required as a result of such increase in enrollment; and

(2) When the Regional Superintendent of Schools having jurisdiction over the school district and the State Superintendent of Education concur in such enrollment projection or increase and approve the need for such additional school sites or building facilities and the estimated cost thereof; and

(3) When the voters in the school district approve a proposition for the issuance of bonds for the purpose of acquiring or improving such needed school sites or constructing and equipping such needed additional building facilities at an election called and held for that purpose. Notice of such an election shall state that the amount of indebtedness proposed to be incurred would exceed the debt limitation otherwise applicable to the school district. The ballot for such proposition shall state what percentage of the equalized assessed valuation will be outstanding in bonds if the proposed issuance of bonds is approved by the voters; or

(4) Notwithstanding the provisions of paragraphs (1) through (3) of this subsection (b), if the school board determines that additional facilities are needed to provide a quality educational program and not less than 2/3 of those voting in an election called by the school board on the question approve the issuance of bonds

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for the construction of such facilities, the school district may issue bonds for this purpose; or

(5) Notwithstanding the provisions of paragraphs (1) through (3) of this subsection (b), if (i) the school district has previously availed itself of the provisions of paragraph (4) of this subsection (b) to enable it to issue bonds, (ii) the voters of the school district have not defeated a proposition for the issuance of bonds since the referendum described in paragraph (4) of this subsection (b) was held, (iii) the school board determines that additional facilities are needed to provide a quality educational program, and (iv) a majority of those voting in an election called by the school board on the question approve the issuance of bonds for the construction of such facilities, the school district may issue bonds for this purpose.

In no event shall the indebtedness incurred pursuant to this subsection (b) and the existing indebtedness of the school district exceed 15% of the value of the taxable property therein to be ascertained by the last assessment for State and county taxes, previous to the incurring of such indebtedness or, until January 1, 1983, if greater, the sum that is produced by multiplying the school district's 1978 equalized assessed valuation by the debt limitation percentage in effect on January 1, 1979.

The indebtedness provided for by this subsection (b) shall be in addition to and in excess of any other debt limitation.

(c) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, in any case in which a public question for the issuance of bonds of a proposed school district maintaining grades kindergarten through 12 received at least 60% of the valid ballots cast on the question at an election held on or prior to November 8, 1994, and in which the bonds approved at such election have not been issued, the school district pursuant to the requirements of Section 11A-10 (now repealed) may issue the total amount of bonds approved at such election for the purpose stated in the question.

(d) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, a school district that meets all the criteria set forth in paragraphs (1) and (2) of this subsection (d) may incur an additional indebtedness in an amount not to exceed $4,500,000, even though the amount of the additional indebtedness authorized by this subsection (d), when incurred and added to the aggregate amount of indebtedness of the district existing immediately prior to the district incurring the additional

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indebtedness authorized by this subsection (d), causes the aggregate indebtedness of the district to exceed the debt limitation otherwise applicable to that district under subsection (a):

(1) The additional indebtedness authorized by this subsection (d) is incurred by the school district through the issuance of bonds under and in accordance with Section 17-2.11a for the purpose of replacing a school building which, because of mine subsidence damage, has been closed as provided in paragraph (2) of this subsection (d) or through the issuance of bonds under and in accordance with Section 19-3 for the purpose of increasing the size of, or providing for additional functions in, such replacement school buildings, or both such purposes.

(2) The bonds issued by the school district as provided in paragraph (1) above are issued for the purposes of construction by the school district of a new school building pursuant to Section 17-2.11, to replace an existing school building that, because of mine subsidence damage, is closed as of the end of the 1992-93 school year pursuant to action of the regional superintendent of schools of the educational service region in which the district is located under Section 3-14.22 or are issued for the purpose of increasing the size of, or providing for additional functions in, the new school building being constructed to replace a school building closed as the result of mine subsidence damage, or both such purposes.

(e) (Blank).

(f) Notwithstanding the provisions of subsection (a) of this Section or of any other law, bonds in not to exceed the aggregate amount of $5,500,000 and issued by a school district meeting the following criteria shall not be considered indebtedness for purposes of any statutory limitation and may be issued in an amount or amounts, including existing indebtedness, in excess of any heretofore or hereafter imposed statutory limitation as to indebtedness:

(1) At the time of the sale of such bonds, the board of education of the district shall have determined by resolution that the enrollment of students in the district is projected to increase by not less than 7% during each of the next succeeding 2 school years.

(2) The board of education shall also determine by resolution that the improvements to be financed with the proceeds of the bonds are needed because of the projected enrollment increases.

New matter indicated by italics - deletions by strikeout
(3) The board of education shall also determine by resolution that the projected increases in enrollment are the result of improvements made or expected to be made to passenger rail facilities located in the school district.

Notwithstanding the provisions of subsection (a) of this Section or of any other law, a school district that has availed itself of the provisions of this subsection (f) prior to July 22, 2004 (the effective date of Public Act 93-799) may also issue bonds approved by referendum up to an amount, including existing indebtedness, not exceeding 25% of the equalized assessed value of the taxable property in the district if all of the conditions set forth in items (1), (2), and (3) of this subsection (f) are met.

(g) Notwithstanding the provisions of subsection (a) of this Section or any other law, bonds in not to exceed an aggregate amount of 25% of the equalized assessed value of the taxable property of a school district and issued by a school district meeting the criteria in paragraphs (i) through (iv) of this subsection shall not be considered indebtedness for purposes of any statutory limitation and may be issued pursuant to resolution of the school board in an amount or amounts, including existing indebtedness, in excess of any statutory limitation of indebtedness heretofore or hereafter imposed:

(i) The bonds are issued for the purpose of constructing a new high school building to replace two adjacent existing buildings which together house a single high school, each of which is more than 65 years old, and which together are located on more than 10 acres and less than 11 acres of property.

(ii) At the time the resolution authorizing the issuance of the bonds is adopted, the cost of constructing a new school building to replace the existing school building is less than 60% of the cost of repairing the existing school building.

(iii) The sale of the bonds occurs before July 1, 1997.

(iv) The school district issuing the bonds is a unit school district located in a county of less than 70,000 and more than 50,000 inhabitants, which has an average daily attendance of less than 1,500 and an equalized assessed valuation of less than $29,000,000.

(h) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1998, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 27.6% of the

New matter indicated by italics - deletions by strikeout
equalized assessed value of the taxable property in the district, if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 1995 of less than $24,000,000;

(ii) The bonds are issued for the capital improvement, renovation, rehabilitation, or replacement of existing school buildings of the district, all of which buildings were originally constructed not less than 40 years ago;

(iii) The voters of the district approve a proposition for the issuance of the bonds at a referendum held after March 19, 1996; and

(iv) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(i) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1998, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 27% of the equalized assessed value of the taxable property in the district, if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 1995 of less than $44,600,000;

(ii) The bonds are issued for the capital improvement, renovation, rehabilitation, or replacement of existing school buildings of the district, all of which existing buildings were originally constructed not less than 80 years ago;

(iii) The voters of the district approve a proposition for the issuance of the bonds at a referendum held after December 31, 1996; and

(iv) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(j) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1999, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 27% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 1995 of less than $140,000,000 and a best 3
months average daily attendance for the 1995-96 school year of at least 2,800;

(ii) The bonds are issued to purchase a site and build and equip a new high school, and the school district's existing high school was originally constructed not less than 35 years prior to the sale of the bonds;

(iii) At the time of the sale of the bonds, the board of education determines by resolution that a new high school is needed because of projected enrollment increases;

(iv) At least 60% of those voting in an election held after December 31, 1996 approve a proposition for the issuance of the bonds; and

(v) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(k) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, a school district that meets all the criteria set forth in paragraphs (1) through (4) of this subsection (k) may issue bonds to incur an additional indebtedness in an amount not to exceed $4,000,000 even though the amount of the additional indebtedness authorized by this subsection (k), when incurred and added to the aggregate amount of indebtedness of the school district existing immediately prior to the school district incurring such additional indebtedness, causes the aggregate indebtedness of the school district to exceed or increases the amount by which the aggregate indebtedness of the district already exceeds the debt limitation otherwise applicable to that school district under subsection (a): 

(1) the school district is located in 2 counties, and a referendum to authorize the additional indebtedness was approved by a majority of the voters of the school district voting on the proposition to authorize that indebtedness;

(2) the additional indebtedness is for the purpose of financing a multi-purpose room addition to the existing high school;

(3) the additional indebtedness, together with the existing indebtedness of the school district, shall not exceed 17.4% of the value of the taxable property in the school district, to be ascertained by the last assessment for State and county taxes; and

(4) the bonds evidencing the additional indebtedness are issued, if at all, within 120 days of August 14, 1998 (the effective date of Public Act 90-757) this amendatory Act of 1998.

New matter indicated by italics - deletions by strikeout
(l) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 2000, a school district maintaining grades kindergarten through 8 may issue bonds up to an amount, including existing indebtedness, not exceeding 15% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:

   (i) the district has an equalized assessed valuation for calendar year 1996 of less than $10,000,000;
   (ii) the bonds are issued for capital improvement, renovation, rehabilitation, or replacement of one or more school buildings of the district, which buildings were originally constructed not less than 70 years ago;
   (iii) the voters of the district approve a proposition for the issuance of the bonds at a referendum held on or after March 17, 1998; and
   (iv) the bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(m) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1999, an elementary school district maintaining grades K through 8 may issue bonds up to an amount, excluding existing indebtedness, not exceeding 18% of the equalized assessed value of the taxable property in the district, if all of the following conditions are met:

   (i) The school district has an equalized assessed valuation for calendar year 1995 or less than $7,700,000;
   (ii) The school district operates 2 elementary attendance centers that until 1976 were operated as the attendance centers of 2 separate and distinct school districts;
   (iii) The bonds are issued for the construction of a new elementary school building to replace an existing multi-level elementary school building of the school district that is not accessible at all levels and parts of which were constructed more than 75 years ago;
   (iv) The voters of the school district approve a proposition for the issuance of the bonds at a referendum held after July 1, 1998; and
   (v) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

New matter indicated by italics - deletions by strikeout
(n) Notwithstanding the debt limitation prescribed in subsection (a) of this Section or any other provisions of this Section or of any other law, a school district that meets all of the criteria set forth in paragraphs (i) through (vi) of this subsection (n) may incur additional indebtedness by the issuance of bonds in an amount not exceeding the amount certified by the Capital Development Board to the school district as provided in paragraph (iii) of this subsection (n), even though the amount of the additional indebtedness so authorized, when incurred and added to the aggregate amount of indebtedness of the district existing immediately prior to the district incurring the additional indebtedness authorized by this subsection (n), causes the aggregate indebtedness of the district to exceed the debt limitation otherwise applicable by law to that district:

(i) The school district applies to the State Board of Education for a school construction project grant and submits a district facilities plan in support of its application pursuant to Section 5-20 of the School Construction Law.

(ii) The school district's application and facilities plan are approved by, and the district receives a grant entitlement for a school construction project issued by, the State Board of Education under the School Construction Law.

(iii) The school district has exhausted its bonding capacity or the unused bonding capacity of the district is less than the amount certified by the Capital Development Board to the district under Section 5-15 of the School Construction Law as the dollar amount of the school construction project's cost that the district will be required to finance with non-grant funds in order to receive a school construction project grant under the School Construction Law.

(iv) The bonds are issued for a "school construction project", as that term is defined in Section 5-5 of the School Construction Law, in an amount that does not exceed the dollar amount certified, as provided in paragraph (iii) of this subsection (n), by the Capital Development Board to the school district under Section 5-15 of the School Construction Law.

(v) The voters of the district approve a proposition for the issuance of the bonds at a referendum held after the criteria specified in paragraphs (i) and (iii) of this subsection (n) are met.

(vi) The bonds are issued pursuant to Sections 19-2 through 19-7 of the School Code.

New matter indicated by italics - deletions by strikeout
(o) Notwithstanding any other provisions of this Section or the provisions of any other law, until November 1, 2007, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 20% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:

(i) the school district has an equalized assessed valuation for calendar year 2001 of at least $737,000,000 and an enrollment for the 2002-2003 school year of at least 8,500;
(ii) the bonds are issued to purchase school sites, build and equip a new high school, build and equip a new junior high school, build and equip 5 new elementary schools, and make technology and other improvements and additions to existing schools;
(iii) at the time of the sale of the bonds, the board of education determines by resolution that the sites and new or improved facilities are needed because of projected enrollment increases;
(iv) at least 57% of those voting in a general election held prior to January 1, 2003 approved a proposition for the issuance of the bonds; and
(v) the bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(p) Notwithstanding any other provisions of this Section or the provisions of any other law, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including indebtedness, not exceeding 27% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 2001 of at least $295,741,187 and a best 3 months' average daily attendance for the 2002-2003 school year of at least 2,394.
(ii) The bonds are issued to build and equip 3 elementary school buildings; build and equip one middle school building; and alter, repair, improve, and equip all existing school buildings in the district.
(iii) At the time of the sale of the bonds, the board of education determines by resolution that the project is needed because of expanding growth in the school district and a projected enrollment increase.
(iv) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(p-5) Notwithstanding any other provisions of this Section or the provisions of any other law, bonds issued by a community unit school district maintaining grades K through 12 shall not be considered indebtedness for purposes of any statutory limitation and may be issued in an amount or amounts, including existing indebtedness, in excess of any heretofore or hereafter imposed statutory limitation as to indebtedness, if all of the following conditions are met:

(i) For each of the 4 most recent years, residential property comprises more than 80% of the equalized assessed valuation of the district.

(ii) At least 2 school buildings that were constructed 40 or more years prior to the issuance of the bonds will be demolished and will be replaced by new buildings or additions to one or more existing buildings.

(iii) Voters of the district approve a proposition for the issuance of the bonds at a regularly scheduled election.

(iv) At the time of the sale of the bonds, the school board determines by resolution that the new buildings or building additions are needed because of an increase in enrollment projected by the school board.

(v) The principal amount of the bonds, including existing indebtedness, does not exceed 25% of the equalized assessed value of the taxable property in the district.

(vi) The bonds are issued prior to January 1, 2007, pursuant to Sections 19-2 through 19-7 of this Code.

(p-10) Notwithstanding any other provisions of this Section or the provisions of any other law, bonds issued by a community consolidated school district maintaining grades K through 8 shall not be considered indebtedness for purposes of any statutory limitation and may be issued in an amount or amounts, including existing indebtedness, in excess of any heretofore or hereafter imposed statutory limitation as to indebtedness, if all of the following conditions are met:

(i) For each of the 4 most recent years, residential and farm property comprises more than 80% of the equalized assessed valuation of the district.

(ii) The bond proceeds are to be used to acquire and improve school sites and build and equip a school building.

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(iii) Voters of the district approve a proposition for the issuance of the bonds at a regularly scheduled election.

(iv) At the time of the sale of the bonds, the school board determines by resolution that the school sites and building additions are needed because of an increase in enrollment projected by the school board.

(v) The principal amount of the bonds, including existing indebtedness, does not exceed 20% of the equalized assessed value of the taxable property in the district.

(vi) The bonds are issued prior to January 1, 2007, pursuant to Sections 19-2 through 19-7 of this Code.

(p-15) In addition to all other authority to issue bonds, the Oswego Community Unit School District Number 308 may issue bonds with an aggregate principal amount not to exceed $450,000,000, but only if all of the following conditions are met:

(i) The voters of the district have approved a proposition for the bond issue at the general election held on November 7, 2006.

(ii) At the time of the sale of the bonds, the school board determines, by resolution, that: (A) the building and equipping of the new high school building, new junior high school buildings, new elementary school buildings, early childhood building, maintenance building, transportation facility, and additions to existing school buildings, the altering, repairing, equipping, and provision of technology improvements to existing school buildings, and the acquisition and improvement of school sites, as the case may be, are required as a result of a projected increase in the enrollment of students in the district; and (B) the sale of bonds for these purposes is authorized by legislation that exempts the debt incurred on the bonds from the district's statutory debt limitation.

(iii) The bonds are issued, in one or more bond issues, on or before November 7, 2011, but the aggregate principal amount issued in all such bond issues combined must not exceed $450,000,000.

(iv) The bonds are issued in accordance with this Article 19.

New matter indicated by italics - deletions by strikeout
(v) The proceeds of the bonds are used only to accomplish those projects approved by the voters at the general election held on November 7, 2006. The debt incurred on any bonds issued under this subsection (p-15) shall not be considered indebtedness for purposes of any statutory debt limitation.

(p-20) In addition to all other authority to issue bonds, the Lincoln-Way Community High School District Number 210 may issue bonds with an aggregate principal amount not to exceed $225,000,000, but only if all of the following conditions are met:

(i) The voters of the district have approved a proposition for the bond issue at the general primary election held on March 21, 2006.

(ii) At the time of the sale of the bonds, the school board determines, by resolution, that: (A) the building and equipping of the new high school buildings, the altering, repairing, and equipping of existing school buildings, and the improvement of school sites, as the case may be, are required as a result of a projected increase in the enrollment of students in the district; and (B) the sale of bonds for these purposes is authorized by legislation that exempts the debt incurred on the bonds from the district's statutory debt limitation.

(iii) The bonds are issued, in one or more bond issues, on or before March 21, 2011, but the aggregate principal amount issued in all such bond issues combined must not exceed $225,000,000.

(iv) The bonds are issued in accordance with this Article 19.

(v) The proceeds of the bonds are used only to accomplish those projects approved by the voters at the primary election held on March 21, 2006. The debt incurred on any bonds issued under this subsection (p-20) shall not be considered indebtedness for purposes of any statutory debt limitation.

(p-25) In addition to all other authority to issue bonds, Rochester Community Unit School District 3A may issue bonds with an aggregate principal amount not to exceed $18,500,000, but only if all of the following conditions are met:

(i) The voters of the district approve a proposition for the bond issuance at the general primary election held in 2008.

New matter indicated by italics - deletions by strikeout
(ii) At the time of the sale of the bonds, the school board determines, by resolution, that: (A) the building and equipping of a new high school building; the addition of classrooms and support facilities at the high school, middle school, and elementary school; the altering, repairing, and equipping of existing school buildings; and the improvement of school sites, as the case may be, are required as a result of a projected increase in the enrollment of students in the district; and (B) the sale of bonds for these purposes is authorized by a law that exempts the debt incurred on the bonds from the district's statutory debt limitation.

(iii) The bonds are issued, in one or more bond issues, on or before December 31, 2012, but the aggregate principal amount issued in all such bond issues combined must not exceed $18,500,000.

(iv) The bonds are issued in accordance with this Article 19.

(v) The proceeds of the bonds are used to accomplish only those projects approved by the voters at the primary election held in 2008.

The debt incurred on any bonds issued under this subsection (p-25) shall not be considered indebtedness for purposes of any statutory debt limitation.

(p-30) In addition to all other authority to issue bonds, Prairie Grove Consolidated School District 46 may issue bonds with an aggregate principal amount not to exceed $30,000,000, but only if all of the following conditions are met:

(i) The voters of the district approve a proposition for the bond issuance at an election held in 2008.

(ii) At the time of the sale of the bonds, the school board determines, by resolution, that (A) the building and equipping of a new school building and additions to existing school buildings are required as a result of a projected increase in the enrollment of students in the district and (B) the altering, repairing, and equipping of existing school buildings are required because of the age of the existing school buildings.

(iii) The bonds are issued, in one or more bond issuances, on or before December 31, 2012; however, the aggregate principal amount issued in all such bond issuances combined must not exceed $30,000,000.
(iv) The bonds are issued in accordance with this Article.
(v) The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held in 2008.

The debt incurred on any bonds issued under this subsection (p-30) shall not be considered indebtedness for purposes of any statutory debt limitation.

(p-35) In addition to all other authority to issue bonds, Prairie Hill Community Consolidated School District 133 may issue bonds with an aggregate principal amount not to exceed $13,900,000, but only if all of the following conditions are met:

(i) The voters of the district approved a proposition for the bond issuance at an election held on April 17, 2007.
(ii) At the time of the sale of the bonds, the school board determines, by resolution, that (A) the improvement of the site of and the building and equipping of a school building are required as a result of a projected increase in the enrollment of students in the district and (B) the repairing and equipping of the Prairie Hill Elementary School building is required because of the age of that school building.
(iii) The bonds are issued, in one or more bond issuances, on or before December 31, 2011, but the aggregate principal amount issued in all such bond issuances combined must not exceed $13,900,000.
(iv) The bonds are issued in accordance with this Article.
(v) The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held on April 17, 2007.

The debt incurred on any bonds issued under this subsection (p-35) shall not be considered indebtedness for purposes of any statutory debt limitation.

(p-40) In addition to all other authority to issue bonds, Mascoutah Community Unit District 19 may issue bonds with an aggregate principal amount not to exceed $55,000,000, but only if all of the following conditions are met:

(1) The voters of the district approve a proposition for the bond issuance at a regular election held on or after November 4, 2008.
(2) At the time of the sale of the bonds, the school board determines, by resolution, that (i) the building and equipping of a

New matter indicated by italics - deletions by strikeout
new high school building is required as a result of a projected increase in the enrollment of students in the district and the age and condition of the existing high school building, (ii) the existing high school building will be demolished, and (iii) the sale of bonds is authorized by statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.

(3) The bonds are issued, in one or more bond issuances, on or before December 31, 2011, but the aggregate principal amount issued in all such bond issuances combined must not exceed $55,000,000.

(4) The bonds are issued in accordance with this Article.

(5) The proceeds of the bonds are used to accomplish only those projects approved by the voters at a regular election held on or after November 4, 2008.

The debt incurred on any bonds issued under this subsection (p-40) shall not be considered indebtedness for purposes of any statutory debt limitation.

(p-45) Notwithstanding the provisions of subsection (a) of this Section or of any other law, bonds issued pursuant to Section 19-3.5 of this Code shall not be considered indebtedness for purposes of any statutory limitation if the bonds are issued in an amount or amounts, including existing indebtedness of the school district, not in excess of 18.5% of the value of the taxable property in the district to be ascertained by the last assessment for State and county taxes.

(p-50) Notwithstanding the provisions of subsection (a) of this Section or of any other law, bonds issued pursuant to Section 19-3.10 of this Code shall not be considered indebtedness for purposes of any statutory limitation if the bonds are issued in an amount or amounts, including existing indebtedness of the school district, not in excess of 43% of the value of the taxable property in the district to be ascertained by the last assessment for State and county taxes.

(p-55) In addition to all other authority to issue bonds, Belle Valley School District 119 may issue bonds with an aggregate principal amount not to exceed $47,500,000, but only if all of the following conditions are met:

(1) The voters of the district approve a proposition for the bond issuance at an election held on or after April 7, 2009.

(2) Prior to the issuance of the bonds, the school board determines, by resolution, that (i) the building and equipping of a

New matter indicated by italics - deletions by strikeout
new school building is required as a result of mine subsidence in
an existing school building and because of the age and condition of
another existing school building and (ii) the issuance of bonds is
authorized by statute that exempts the debt incurred on the bonds
from the district's statutory debt limitation.

(3) The bonds are issued, in one or more bond issuances, on
or before March 31, 2014, but the aggregate principal amount
issued in all such bond issuances combined must not exceed
$47,500,000.

(4) The bonds are issued in accordance with this Article.

(5) The proceeds of the bonds are used to accomplish only
those projects approved by the voters at an election held on or after
April 7, 2009.

The debt incurred on any bonds issued under this subsection (p-55)
shall not be considered indebtedness for purposes of any statutory debt
limitation. Bonds issued under this subsection (p-55) must mature within
not to exceed 30 years from their date, notwithstanding any other law to
the contrary.

(p-60) In addition to all other authority to issue bonds, Wilmington
Community Unit School District Number 209-U may issue bonds with an
aggregate principal amount not to exceed $2,285,000, but only if all of the
following conditions are met:

(1) The proceeds of the bonds are used to accomplish only
those projects approved by the voters at the general primary
election held on March 21, 2006.

(2) Prior to the issuance of the bonds, the school board
determines, by resolution, that (i) the projects approved by the
voters were and are required because of the age and condition of
the school district's prior and existing school buildings and (ii) the
issuance of the bonds is authorized by legislation that exempts the
debt incurred on the bonds from the district's statutory debt
limitation.

(3) The bonds are issued in one or more bond issuances on
or before March 1, 2011, but the aggregate principal amount issued
in all those bond issuances combined must not exceed $2,285,000.

(4) The bonds are issued in accordance with this Article.

The debt incurred on any bonds issued under this subsection (p-60)
shall not be considered indebtedness for purposes of any statutory debt
limitation.

New matter indicated by italics - deletions by strikeout
(p-65) In addition to all other authority to issue bonds, West Washington County Community Unit School District 10 may issue bonds with an aggregate principal amount not to exceed $32,200,000 and maturing over a period not exceeding 25 years, but only if all of the following conditions are met:

(1) The voters of the district approve a proposition for the bond issuance at an election held on or after February 2, 2010.

(2) Prior to the issuance of the bonds, the school board determines, by resolution, that (A) all or a portion of the existing Okawville Junior/Senior High School Building will be demolished; (B) the building and equipping of a new school building to be attached to and the alteration, repair, and equipping of the remaining portion of the Okawville Junior/Senior High School Building is required because of the age and current condition of that school building; and (C) the issuance of bonds is authorized by a statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.

(3) The bonds are issued, in one or more bond issuances, on or before March 31, 2014, but the aggregate principal amount issued in all such bond issuances combined must not exceed $32,200,000.

(4) The bonds are issued in accordance with this Article.

(5) The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held on or after February 2, 2010.

The debt incurred on any bonds issued under this subsection (p-65) shall not be considered indebtedness for purposes of any statutory debt limitation.

(p-70) In addition to all other authority to issue bonds, Cahokia Community Unit School District 187 may issue bonds with an aggregate principal amount not to exceed $50,000,000, but only if all the following conditions are met:

(1) The voters of the district approve a proposition for the bond issuance at an election held on or after November 2, 2010.

(2) Prior to the issuance of the bonds, the school board determines, by resolution, that (i) the building and equipping of a new school building is required as a result of the age and condition of an existing school building and (ii) the issuance of bonds is

New matter indicated by italics - deletions by strikeout
authorized by a statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.

(3) The bonds are issued, in one or more issuances, on or before July 1, 2016, but the aggregate principal amount issued in all such bond issuances combined must not exceed $50,000,000.

(4) The bonds are issued in accordance with this Article.

(5) The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held on or after November 2, 2010.

The debt incurred on any bonds issued under this subsection (p-70) shall not be considered indebtedness for purposes of any statutory debt limitation. Bonds issued under this subsection (p-70) must mature within not to exceed 25 years from their date, notwithstanding any other law, including Section 19-3 of this Code, to the contrary.

(p-75) Notwithstanding the debt limitation prescribed in subsection (a) of this Section or any other provisions of this Section or of any other law, the execution of leases on or after January 1, 2007 and before July 1, 2011 by the Board of Education of Peoria School District 150 with a public building commission for leases entered into pursuant to the Public Building Commission Act shall not be considered indebtedness for purposes of any statutory debt limitation.

This subsection (p-75) applies only if the State Board of Education or the Capital Development Board makes one or more grants to Peoria School District 150 pursuant to the School Construction Law. The amount exempted from the debt limitation as prescribed in this subsection (p-75) shall be no greater than the amount of one or more grants awarded to Peoria School District 150 by the State Board of Education or the Capital Development Board.

(p-80) In addition to all other authority to issue bonds, Ridgeland School District 122 may issue bonds with an aggregate principal amount not to exceed $50,000,000 for the purpose of refunding or continuing to refund bonds originally issued pursuant to voter approval at the general election held on November 7, 2000, and the debt incurred on any bonds issued under this subsection (p-80) shall not be considered indebtedness for purposes of any statutory debt limitation. Bonds issued under this subsection (p-80) may be issued in one or more issuances and must mature within not to exceed 25 years from their date, notwithstanding any other law, including Section 19-3 of this Code, to the contrary.

New matter indicated by italics - deletions by strikeout
(p-85) In addition to all other authority to issue bonds, Hall High School District 502 may issue bonds with an aggregate principal amount not to exceed $32,000,000, but only if all the following conditions are met:

1. The voters of the district approve a proposition for the bond issuance at an election held on or after April 9, 2013.
2. Prior to the issuance of the bonds, the school board determines, by resolution, that (i) the building and equipping of a new school building is required as a result of the age and condition of an existing school building, (ii) the existing school building should be demolished in its entirety or the existing school building should be demolished except for the 1914 west wing of the building, and (iii) the issuance of bonds is authorized by a statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.
3. The bonds are issued, in one or more issuances, not later than 5 years after the date of the referendum approving the issuance of the bonds, but the aggregate principal amount issued in all such bond issuances combined must not exceed $32,000,000.
4. The bonds are issued in accordance with this Article.
5. The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held on or after April 9, 2013.

The debt incurred on any bonds issued under this subsection (p-85) shall not be considered indebtedness for purposes of any statutory debt limitation. Bonds issued under this subsection (p-85) must mature within not to exceed 30 years from their date, notwithstanding any other law, including Section 19-3 of this Code, to the contrary.

(p-90) In addition to all other authority to issue bonds, Lebanon Community Unit School District 9 may issue bonds with an aggregate principal amount not to exceed $7,500,000, but only if all of the following conditions are met:

1. The voters of the district approved a proposition for the bond issuance at the general primary election on February 2, 2010.
2. At or prior to the time of the sale of the bonds, the school board determines, by resolution, that (i) the building and equipping of a new elementary school building is required as a result of a projected increase in the enrollment of students in the district and the age and condition of the existing Lebanon Elementary School building, (ii) a portion of the existing Lebanon

New matter indicated by italics - deletions by strikeout
Elementary School building will be demolished and the remaining portion will be altered, repaired, and equipped, and (iii) the sale of bonds is authorized by a statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.

(3) The bonds are issued, in one or more bond issuances, on or before April 1, 2014, but the aggregate principal amount issued in all such bond issuances combined must not exceed $7,500,000.

(4) The bonds are issued in accordance with this Article.

(5) The proceeds of the bonds are used to accomplish only those projects approved by the voters at the general primary election held on February 2, 2010.

The debt incurred on any bonds issued under this subsection (p-90) shall not be considered indebtedness for purposes of any statutory debt limitation.

(p-95) In addition to all other authority to issue bonds, Monticello Community Unit School District 25 may issue bonds with an aggregate principal amount not to exceed $35,000,000, but only if all of the following conditions are met:

(1) The voters of the district approve a proposition for the bond issuance at an election held on or after November 4, 2014.

(2) Prior to the issuance of the bonds, the school board determines, by resolution, that (i) the building and equipping of a new school building is required as a result of the age and condition of an existing school building and (ii) the issuance of bonds is authorized by a statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.

(3) The bonds are issued, in one or more issuances, on or before July 1, 2020, but the aggregate principal amount issued in all such bond issuances combined must not exceed $35,000,000.

(4) The bonds are issued in accordance with this Article.

(5) The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held on or after November 4, 2014.

The debt incurred on any bonds issued under this subsection (p-95) shall not be considered indebtedness for purposes of any statutory debt limitation. Bonds issued under this subsection (p-95) must mature within not to exceed 25 years from their date, notwithstanding any other law, including Section 19-3 of this Code, to the contrary.

New matter indicated by italics - deletions by strikeout
(p-100) In addition to all other authority to issue bonds, the community unit school district created in the territory comprising Milford Community Consolidated School District 280 and Milford Township High School District 233, as approved at the general primary election held on March 18, 2014, may issue bonds with an aggregate principal amount not to exceed $17,500,000, but only if all the following conditions are met:

1. The voters of the district approve a proposition for the bond issuance at an election held on or after November 4, 2014.
2. Prior to the issuance of the bonds, the school board determines, by resolution, that (i) the building and equipping of a new school building is required as a result of the age and condition of an existing school building and (ii) the issuance of bonds is authorized by a statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.
3. The bonds are issued, in one or more issuances, on or before July 1, 2020, but the aggregate principal amount issued in all such bond issuances combined must not exceed $17,500,000.
4. The bonds are issued in accordance with this Article.
5. The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held on or after November 4, 2014.

The debt incurred on any bonds issued under this subsection (p-100) shall not be considered indebtedness for purposes of any statutory debt limitation. Bonds issued under this subsection (p-100) must mature within not to exceed 25 years from their date, notwithstanding any other law, including Section 19-3 of this Code, to the contrary.

(p-105) In addition to all other authority to issue bonds, North Shore School District 112 may issue bonds with an aggregate principal amount not to exceed $150,000,000, but only if all of the following conditions are met:

1. The voters of the district approve a proposition for the bond issuance at an election held on or after March 15, 2016.
2. Prior to the issuance of the bonds, the school board determines, by resolution, that (i) the building and equipping of new buildings and improving the sites thereof and the building and equipping of additions to, altering, repairing, equipping, and renovating existing buildings and improving the sites thereof are required as a result of the age and condition of the district's existing buildings and (ii) the issuance of bonds is authorized by a
(3) The bonds are issued, in one or more issuances, not later than 5 years after the date of the referendum approving the issuance of the bonds, but the aggregate principal amount issued in all such bond issuances combined must not exceed $150,000,000.

(4) The bonds are issued in accordance with this Article.

(5) The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held on or after March 15, 2016.

The debt incurred on any bonds issued under this subsection (p-105) and on any bonds issued to refund or continue to refund such bonds shall not be considered indebtedness for purposes of any statutory debt limitation. Bonds issued under this subsection (p-105) and any bonds issued to refund or continue to refund such bonds must mature within not to exceed 30 years from their date, notwithstanding any other law, including Section 19-3 of this Code, to the contrary.

(p-110) In addition to all other authority to issue bonds, Sandoval Community Unit School District 501 may issue bonds with an aggregate principal amount not to exceed $2,000,000, but only if all of the following conditions are met:

(1) The voters of the district approved a proposition for the bond issuance at an election held on March 20, 2012.

(2) Prior to the issuance of the bonds, the school board determines, by resolution, that (i) the building and equipping of a new school building is required because of the age and current condition of the Sandoval Elementary School building and (ii) the issuance of bonds is authorized by a statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.

(3) The bonds are issued, in one or more bond issuances, on or before March 19, 2017, but the aggregate principal amount issued in all such bond issuances combined must not exceed $2,000,000.

(4) The bonds are issued in accordance with this Article.

(5) The proceeds of the bonds are used to accomplish only those projects approved by the voters at the election held on March 20, 2012.
The debt incurred on any bonds issued under this subsection (p-110) shall not be considered indebtedness for purposes of any statutory debt limitation.

(p-115) In addition to all other authority to issue bonds, Bureau Valley Community Unit School District 340 may issue bonds with an aggregate principal amount not to exceed $25,000,000, but only if all of the following conditions are met:

(1) The voters of the district approve a proposition for the bond issuance at an election held on or after March 15, 2016.

(2) Prior to the issuances of the bonds, the school board determines, by resolution, that (i) the renovating and equipping of some existing school buildings, the building and equipping of new school buildings, and the demolishing of some existing school buildings are required as a result of the age and condition of existing school buildings and (ii) the issuance of bonds is authorized by a statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.

(3) The bonds are issued, in one or more issuances, on or before July 1, 2021, but the aggregate principal amount issued in all such bond issuances combined must not exceed $25,000,000.

(4) The bonds are issued in accordance with this Article.

(5) The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held on or after March 15, 2016.

The debt incurred on any bonds issued under this subsection (p-115) shall not be considered indebtedness for purposes of any statutory debt limitation. Bonds issued under this subsection (p-115) must mature within not to exceed 30 years from their date, notwithstanding any other law, including Section 19-3 of this Code, to the contrary.

(p-120) In addition to all other authority to issue bonds, Paxton-Buckley-Loda Community Unit School District 10 may issue bonds with an aggregate principal amount not to exceed $28,500,000, but only if all the following conditions are met:

(1) The voters of the district approve a proposition for the bond issuance at an election held on or after November 8, 2016.

(2) Prior to the issuance of the bonds, the school board determines, by resolution, that (i) the projects as described in said proposition, relating to the building and equipping of one or more school buildings or additions to existing school buildings, are
required as a result of the age and condition of the District’s existing buildings and (ii) the issuance of bonds is authorized by a statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.

(3) The bonds are issued, in one or more issuances, not later than 5 years after the date of the referendum approving the issuance of the bonds, but the aggregate principal amount issued in all such bond issuances combined must not exceed $28,500,000.

(4) The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held on or after November 8, 2016.

The debt incurred on any bonds issued under this subsection (p-120) and on any bonds issued to refund or continue to refund such bonds shall not be considered indebtedness for purposes of any statutory debt limitation. Bonds issued under this subsection (p-120) and any bonds issued to refund or continue to refund such bonds must mature within not to exceed 25 years from their date, notwithstanding any other law, including Section 19-3 of this Code, to the contrary.

(p-125) In addition to all other authority to issue bonds, Hillsboro Community Unit School District 3 may issue bonds with an aggregate principal amount not to exceed $34,500,000, but only if all the following conditions are met:

(1) The voters of the district approve a proposition for the bond issuance at an election held on or after March 15, 2016.

(2) Prior to the issuance of the bonds, the school board determines, by resolution, that (i) altering, repairing, and equipping the high school agricultural/vocational building, demolishing the high school main, cafeteria, and gym buildings, building and equipping a school building, and improving sites are required as a result of the age and condition of the district’s existing buildings and (ii) the issuance of bonds is authorized by a statute that exempts the debt incurred on the bonds from the district’s statutory debt limitation.

(3) The bonds are issued, in one or more issuances, not later than 5 years after the date of the referendum approving the issuance of the bonds, but the aggregate principal amount issued in all such bond issuances combined must not exceed $34,500,000.

(4) The bonds are issued in accordance with this Article.

New matter indicated by italics - deletions by strikeout
(5) The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held on or after March 15, 2016.

The debt incurred on any bonds issued under this subsection (p-125) and on any bonds issued to refund or continue to refund such bonds shall not be considered indebtedness for purposes of any statutory debt limitation. Bonds issued under this subsection (p-125) and any bonds issued to refund or continue to refund such bonds must mature within not to exceed 25 years from their date, notwithstanding any other law, including Section 19-3 of this Code, to the contrary.

(q) A school district must notify the State Board of Education prior to issuing any form of long-term or short-term debt that will result in outstanding debt that exceeds 75% of the debt limit specified in this Section or any other provision of law.

(Source: P.A. 98-617, eff. 1-7-14; 98-912, eff. 8-15-14; 98-916, eff. 8-15-14; 99-78, eff. 7-20-15; 99-143, eff. 7-27-15; 99-390, eff. 8-18-15; revised 10-13-15.)

(105 ILCS 5/19-3) (from Ch. 122, par. 19-3)

Sec. 19-3. Boards of education. Any school district governed by a board of education and having a population of not more than 500,000 inhabitants, and not governed by a special Act may borrow money for the purpose of building, equipping, altering or repairing school buildings or purchasing or improving school sites, or acquiring and equipping playgrounds, recreation grounds, athletic fields, and other buildings or land used or useful for school purposes or for the purpose of purchasing a site, with or without a building or buildings thereon, or for the building of a house or houses on such site, or for the building of a house or houses on the school site of the school district, for residential purposes of the superintendent, principal, or teachers of the school district, and issue its negotiable coupon bonds therefor signed by the president and secretary of the board, in denominations of not less than $100 nor more than $5,000, payable at such place and at such time or times, not exceeding 20 years, with the exception of Lockport High School and bonds issued by any school district as qualified school construction bonds in accordance with applicable federal tax law not exceeding 25 years, from date of issuance, as the board of education may prescribe, and bearing interest at a rate not to exceed the maximum rate authorized by the Bond Authorization Act, as amended at the time of the making of the contract, payable annually, semiannually or quarterly, but no such bonds shall be issued unless the
proposition to issue them is submitted to the voters of the district at a referendum held at a regularly scheduled election after the board has certified the proposition to the proper election authorities in accordance with the general election law, a majority of all the votes cast on the proposition is in favor of the proposition, and notice of such bond referendum has been given either (i) in accordance with the second paragraph of Section 12-1 of the Election Code irrespective of whether such notice included any reference to the public question as it appeared on the ballot, or (ii) for an election held on or after November 1, 1998, in accordance with Section 12-5 of the Election Code, or (iii) by publication of a true and legible copy of the specimen ballot label containing the proposition in the form in which it appeared or will appear on the official ballot label on the day of the election at least 5 days before the day of the election in at least one newspaper published in and having a general circulation in the district, irrespective of any other requirements of Article 12 or Section 24A-18 of the Election Code, nor shall any residential site be acquired unless such proposition to acquire a site is submitted to the voters of the district at a referendum held at a regularly scheduled election after the board has certified the proposition to the proper election authorities in accordance with the general election law and a majority of all the votes cast on the proposition is in favor of the proposition. Nothing in this Act or in any other law shall be construed to require the notice of the bond referendum to be published over the name or title of the election authority or the listing of maturity dates of any bonds either in the notice of bond election or ballot used in the bond election. The provisions of this Section concerning notice of the bond referendum apply only to (i) consolidated primary elections held prior to January 1, 2002 and the consolidated election held on April 17, 2007 at which not less than 60% of the voters voting on the bond proposition voted in favor of the bond proposition, and (ii) other elections held before July 1, 1999; otherwise, notices required in connection with the submission of public questions shall be as set forth in Section 12-5 of the Election Code. Such proposition may be initiated by resolution of the school board.

With respect to instruments for the payment of money issued under this Section either before, on, or after the effective date of this amendatory Act of 1989, it is and always has been the intention of the General Assembly (i) that the Omnibus Bond Acts are and always have been supplementary grants of power to issue instruments in accordance with the Omnibus Bond Acts, regardless of any provision of this Act that may

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appear to be or to have been more restrictive than those Acts, (ii) that the provisions of this Section are not a limitation on the supplementary authority granted by the Omnibus Bond Acts, and (iii) that instruments issued under this Section within the supplementary authority granted by the Omnibus Bond Acts are not invalid because of any provision of this Act that may appear to be or to have been more restrictive than those Acts.

The proceeds of any bonds issued under authority of this Section shall be deposited and accounted for separately within the Site and Construction/Capital Improvements Fund.

(Source: P.A. 95-30, eff. 8-7-07; 96-787, eff. 8-28-09.)

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

Approved August 5, 2016.
Effective August 5, 2016.

PUBLIC ACT 99-0736
(Senate Bill No. 2533)

AN ACT concerning local government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Metropolitan Water Reclamation District Act is amended by changing Sections 4 and 4.13 as follows:

(70 ILCS 2605/4) (from Ch. 42, par. 323)

Sec. 4. The commissioners elected under this Act constitute a board of commissioners for the district by which they are elected, which board of commissioners is the corporate authority of the sanitary district, and, in addition to all other powers specified in this Act, shall establish the policies and goals of the sanitary district. The executive director, in addition to all other powers specified in this Act, shall manage and control all the affairs and property of the sanitary district and shall regularly report to the Board of Commissioners on the activities of the sanitary district in executing the policies and goals established by the board. At the regularly scheduled meeting of odd numbered years following the induction of new commissioners the board of commissioners shall elect from its own number a president and a vice-president to serve in the absence of the president, and the chairman of the committee on finance. The board shall provide by rule when a vacancy occurs in the office of the president, vice-
president, or the chairman of the committee on finance and the manner of filling such vacancy.

The board shall appoint from outside its own number the executive director and treasurer for the district.

The executive director must be a resident of the sanitary district and a citizen of the United States. He must be selected solely upon his administrative and technical qualifications and without regard to his political affiliations.

In the event of illness or other prolonged absence, death or resignation creating a vacancy in the office of the executive director, or treasurer, the board of commissioners may appoint an acting officer from outside its own number, to perform the duties and responsibilities of the office during the term of the absence or vacancy.

The executive director, with the advice and consent of the board of commissioners, shall appoint the director of engineering, director of maintenance and operations, director of human resources, director of procurement and materials management, clerk, general counsel, director of monitoring and research, and director of information technology. These constitute the heads of the Department of Engineering, Maintenance and Operations, Human Resources, Procurement and Materials Management, Finance, Law, Monitoring and Research, and Information Technology, respectively. No other departments or heads of departments may be created without subsequent amendment to this Act. All such department heads are under the direct supervision of the executive director.

The executive director, with the advice and consent of the board of commissioners, shall appoint a public and intergovernmental affairs officer and an administrative services officer. The public and intergovernmental affairs officer and administrative services officer shall serve under the direct supervision of the executive director.

The director of human resources must be qualified under Section 4.2a of this Act.

The director of procurement and materials management must be selected in accordance with Section 11.16 of this Act.

In the event of illness or other prolonged absence, death or resignation creating a vacancy in the office of director of engineering, director of maintenance and operations, director of human resources, director of procurement and materials management, clerk, general counsel, director of monitoring and research, public and intergovernmental affairs officer, administrative services officer, or director of information technology.
technology, the executive director shall appoint an acting officer to perform the duties and responsibilities of the office during the term of the absence or vacancy. Any such officers appointed in an acting capacity are under the direct supervision of the executive director.

All appointive officers and acting officers shall give bond as may be required by the board.

The executive director, treasurer, acting executive director, and acting treasurer hold their offices at the pleasure of the board of commissioners.

The acting director of engineering, acting director of maintenance and operations, acting director of human resources, acting director of procurement and materials management, acting clerk, acting general counsel, acting director of monitoring and research, acting public and intergovernmental affairs officer, acting administrative services officer, and acting director of information technology hold their offices at the pleasure of the executive director.

The director of engineering, director of maintenance and operations, director of human resources, director of procurement and materials management, clerk, general counsel, director of monitoring and research, public and intergovernmental affairs officer, administrative services officer, and director of information technology may be removed from office for cause by the executive director. Prior to removal, such officers are entitled to a public hearing before the executive director at which hearing they may be represented by counsel. Before the hearing, the executive director shall notify the board of commissioners of the date, time, place and nature of the hearing.

In addition to the general counsel appointed by the executive director, the board of commissioners may appoint from outside its own number an attorney, or retain counsel, to advise the board of commissioners with respect to its powers and duties and with respect to legal questions and matters of policy for which the board of commissioners is responsible.

The executive director is the chief administrative officer of the district, has supervision over and is responsible for all administrative and operational matters of the sanitary district including the duties of all employees which are not otherwise designated by law, and is the appointing authority as specified in Section 4.11 of this Act.

The board, through the budget process, shall set the compensation of all the officers and employees of the sanitary district. Any incumbent of

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the office of president may appoint an administrative aide which appointment remains in force during his incumbency unless revoked by the president.

Effective upon the election in January, 1985 of the president and vice-president of the board of commissioners and the chairman of the committee on finance, the annual salary of the president shall be $37,500 and shall be increased to $39,500 in January, 1987, $41,500 in January, 1989, $50,000 in January, 1991, and $60,000 in January, 2001; the annual salary of the vice-president shall be $35,000 and shall be increased to $37,000 in January, 1987, $39,000 in January, 1989, $45,000 in January, 1991, and $55,000 in January, 2001; the annual salary of the chairman of the committee on finance shall be $32,500 and shall be increased to $34,500 in January, 1987, $36,500 in January, 1989, $45,000 in January, 1991, and $55,000 in January, 2001.

The annual salaries of the other members of the Board shall be as follows:

For the three members elected in November, 1980, $26,500 per annum for the first two years of the term; $28,000 per annum for the next two years of the term and $30,000 per annum for the last two years.

For the three members elected in November, 1982, $28,000 per annum for the first two years of the term and $30,000 per annum thereafter.

For members elected in November, 1984, $30,000 per annum.

For the three members elected in November, 1986, $32,000 for each of the first two years of the term, $34,000 for each of the next two years and $36,000 for the last two years;

For three members elected in November, 1988, $34,000 for each of the first two years of the term and $36,000 for each year thereafter.


For members elected in November, 2000 and thereafter, $50,000.

Notwithstanding the other provisions of this Section, the board, prior to January 1, 2007 and with a two-thirds vote, may increase the annual rate of compensation at a separate flat amount for each of the following: the president, the vice-president, the chairman of the committee on finance, and the other members; the increased annual rate of compensation shall apply to all such officers and members whose terms as members of the board commence after the increase in compensation is adopted by the board.

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The board of commissioners has full power to pass all necessary ordinances, orders, rules, resolutions and regulations for the proper management and conduct of the business of the board of commissioners and the corporation and for carrying into effect the object for which the sanitary district is formed. All ordinances, orders, rules, resolutions and regulations passed by the board of commissioners must, before they take effect, be approved by the president of the board of commissioners. If he approves thereof, he shall sign them, and such as he does not approve he shall return to the board of commissioners with his objections in writing at the next regular meeting of the board of commissioners occurring after the passage thereof. Such veto may extend to any one or more items or appropriations contained in any ordinance making an appropriation, or to the entire ordinance. If the veto extends to a part of such ordinance, the residue takes effect. If the president of such board of commissioners fails to return any ordinance, order, rule, resolution or regulation with his objections thereto in the time required, he is deemed to have approved it, and it takes effect accordingly. Upon the return of any ordinance, order, rule, resolution, or regulation by the president, the vote by which it was passed must be reconsidered by the board of commissioners, and if upon such reconsideration two-thirds of all the members agree by yeas and nays to pass it, it takes effect notwithstanding the president's refusal to approve thereof.

It is the policy of this State that all powers granted, either expressly or by necessary implication, by this Act or any other Illinois statute to the District may be exercised by the District notwithstanding effects on competition. It is the intention of the General Assembly that the "State action exemption" to the application of federal antitrust statutes be fully available to the District to the extent its activities are authorized by law as stated herein.

(Source: P.A. 97-893, eff. 8-3-12; 98-463, eff. 8-16-13.)

(70 ILCS 2605/4.13) (from Ch. 42, par. 323.13)

Sec. 4.13. The following offices and places of employment, insofar as there are or may be such in the sanitary district, shall not be included within the classified civil service: All elective officers, the director of human resources, the clerk, treasurer, director of engineering, general counsel, executive director, director of maintenance and operations, director of procurement and materials management, director of monitoring and research, director of information technology, public and intergovernmental affairs officer, administrative services officer, and

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secretary and administrative aide to the president of the board of trustees, members of the civil service board and special examiners appointed by the civil service board and the secretaries to the officers and individual trustees, and those employed for periods not exceeding 5 years under any apprentice program, training or intern programs funded wholly or in part by grants from the State of Illinois or the United States of America. Further, apprentices in a sanitary district apprenticeship program for the trades shall not be included within the classified civil service. Entry into a sanitary district apprenticeship program for the trades shall be by lottery. Graduates of a sanitary district apprenticeship program for the trades shall be given additional points, in an amount to be determined by the Director of Human Resources, on examinations for civil service journeymen positions in the trades at the sanitary district.

(Source: P.A. 97-893, eff. 8-3-12.)

Section 99. Effective date. This Act takes effect on January 1, 2017.

Passed in the General Assembly May 27, 2016.
Approved August 5, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0737
(Senate Bill No. 2567)

AN ACT concerning transportation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Section 7-604 as follows:

(625 ILCS 5/7-604) (from Ch. 95 1/2, par. 7-604)
(Section scheduled to be repealed on December 31, 2016)
Sec. 7-604. Verification of liability insurance policy.
(a) The Secretary of State may select random samples of registrations of motor vehicles subject to Section 7-601 of this Code, or owners thereof, for the purpose of verifying whether or not the motor vehicles are insured.

In addition to such general random samples of motor vehicle registrations, the Secretary may select for verification other random samples, including, but not limited to registrations of motor vehicles owned by persons:

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(1) whose motor vehicle registrations during the preceding 4 years have been suspended pursuant to Section 7-606 or 7-607 of this Code;

(2) who during the preceding 4 years have been convicted of violating Section 3-707, 3-708 or 3-710 of this Code while operating vehicles owned by other persons;

(3) whose driving privileges have been suspended during the preceding 4 years;

(4) who during the preceding 4 years acquired ownership of motor vehicles while the registrations of such vehicles under the previous owners were suspended pursuant to Section 7-606 or 7-607 of this Code; or

(5) who during the preceding 4 years have received a disposition of supervision under subsection (c) of Section 5-6-1 of the Unified Code of Corrections for a violation of Section 3-707, 3-708, or 3-710 of this Code.

(b) Upon receiving certification from the Department of Transportation under Section 7-201.2 of this Code of the name of an owner or operator of any motor vehicle involved in an accident, the Secretary may verify whether or not at the time of the accident such motor vehicle was covered by a liability insurance policy in accordance with Section 7-601 of this Code.

(c) In preparation for selection of random samples and their verification, the Secretary may send to owners of randomly selected motor vehicles, or to randomly selected motor vehicle owners, requests for information about their motor vehicles and liability insurance coverage. The request shall require the owner to state whether or not the motor vehicle was insured on the verification date stated in the Secretary's request and the request may require, but is not limited to, a statement by the owner of the names and addresses of insurers, policy numbers, and expiration dates of insurance coverage.

(d) Within 30 days after the Secretary mails a request, the owner to whom it is sent shall furnish the requested information to the Secretary above the owner's signed affirmation that such information is true and correct. Proof of insurance in effect on the verification date, as prescribed by the Secretary, may be considered by the Secretary to be a satisfactory response to the request for information.

Any owner whose response indicates that his or her vehicle was not covered by a liability insurance policy in accordance with Section 7-601 of
this Code shall be deemed to have registered or maintained registration of a motor vehicle in violation of that Section. Any owner who fails to respond to such a request shall be deemed to have registered or maintained registration of a motor vehicle in violation of Section 7-601 of this Code.

(e) If the owner responds to the request for information by asserting that his or her vehicle was covered by a liability insurance policy on the verification date stated in the Secretary's request, the Secretary may conduct a verification of the response by furnishing necessary information to the insurer named in the response. The insurer shall within 45 days inform the Secretary whether or not on the verification date stated the motor vehicle was insured by the insurer in accordance with Section 7-601 of this Code. The Secretary may by rule and regulation prescribe the procedures for verification.

(f) No random sample selected under this Section shall be categorized on the basis of race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental disability, economic status or geography.

(g) (Blank). This Section is repealed on December 31, 2016.

(35 ILCS 200/10-365)

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Sec. 10-380. For the taxable years 2006 through 2015, the chief county assessment officer in the county in which property subject to a PPV Lease is located shall apply the provisions of Sections 10-370(b)(i) and 10-375(c)(i) of this Division 14 in assessing and determining the value of any PPV Lease for purposes of the property tax laws of this State.

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

Passed in the General Assembly May 19, 2016.
Approved August 5, 2016.
Effective August 5, 2016.

PUBLIC ACT 99-0739
(Senate Bill No. 2833)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Counties Code is amended by changing Section 5-43035 as follows:

Sec. 5-43035. Enforcement of judgment.
(a) Any fine, other sanction, or costs imposed, or part of any fine, other sanction, or costs imposed, remaining unpaid after the exhaustion of or the failure to exhaust judicial review procedures under the Illinois Administrative Review Law are a debt due and owing the county and may be collected in accordance with applicable law.
(b) After expiration of the period in which judicial review under the Illinois Administrative Review Law may be sought for a final determination of a code violation, unless stayed by a court of competent jurisdiction, the findings, decision, and order of the hearing officer may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.
(c) In any case in which a defendant has failed to comply with a judgment ordering a defendant to correct a code violation or imposing any fine or other sanction as a result of a code violation, any expenses incurred...
by a county to enforce the judgment, including, but not limited to, attorney's fees, court costs, and costs related to property demolition or foreclosure, after they are fixed by a court of competent jurisdiction or a hearing officer, shall be a debt due and owing the county and the findings, decision, and order of the hearing officer may be enforced in the same manner as a judgment entered by a court may be collected in accordance with applicable law. Prior to any expenses being fixed by a hearing officer pursuant to this subsection (c), the county shall provide notice to the defendant that states that the defendant shall appear at a hearing before the administrative hearing officer to determine whether the defendant has failed to comply with the judgment. The notice shall set the date for the hearing, which shall not be less than 7 days after the date that notice is served. If notice is served by mail, the 7-day period shall begin to run on the date that the notice was deposited in the mail.

(c-5) A default in the payment of a fine or penalty or any installment of a fine or penalty may be collected by any means authorized for the collection of monetary judgments. The state's attorney of the county in which the fine or penalty was imposed may retain attorneys and private collection agents for the purpose of collecting any default in payment of any fine or penalty or installment of that fine or penalty. Any fees or costs incurred by the county with respect to attorneys or private collection agents retained by the state's attorney under this Section shall be charged to the offender.

(d) Upon being recorded in the manner required by Article XII of the Code of Civil Procedure or by the Uniform Commercial Code, a lien shall be imposed on the real estate or personal estate, or both, of the defendant in the amount of any debt due and owing the county under this Section. The lien may be enforced in the same manner as a judgment lien pursuant to a judgment of a court of competent jurisdiction.

(e) A hearing officer may set aside any judgment entered by default and set a new hearing date, upon a petition filed within 21 days after the issuance of the order of default, if the hearing officer determines that the petitioner's failure to appear at the hearing was for good cause or at any time if the petitioner establishes that the county did not provide proper service of process. If any judgment is set aside pursuant to this subsection (e), the hearing officer shall have authority to enter an order extinguishing any lien that has been recorded for any debt due and owing the county as a result of the vacated default judgment.

(Source: P.A. 99-18, eff. 1-1-16.)
AN ACT concerning transportation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Section 11-1414 as follows:

(625 ILCS 5/11-1414) (from Ch. 95 1/2, par. 11-1414)
Sec. 11-1414. Approaching, overtaking, and passing school bus.
(a) The driver of a vehicle shall stop such vehicle before meeting or overtaking, from either direction, any school bus stopped on a highway, roadway, private road, parking lot, school property, or at any other location, including, without limitation, a location that is not a highway or roadway for the purpose of receiving or discharging pupils. Such stop is required before reaching the school bus when there is in operation on the school bus the visual signals as specified in Sections 12-803 and 12-805 of this Code. The driver of the vehicle shall not proceed until the school bus resumes motion or the driver of the vehicle is signaled by the school bus driver to proceed or the visual signals are no longer actuated.
(b) The stop signal arm required by Section 12-803 of this Code shall be extended after the school bus has come to a complete stop for the purpose of loading or discharging pupils and shall be closed before the school bus is placed in motion again. The stop signal arm shall not be extended at any other time.
(c) The alternately flashing red signal lamps of an 8-lamp flashing signal system required by Section 12-805 of this Code shall be actuated after the school bus has come to a complete stop for the purpose of loading or discharging pupils and shall be turned off before the school bus is placed in motion again. The red signal lamps shall not be actuated at any other time except as provided in paragraph (d) of this Section.
(d) The alternately flashing amber signal lamps of an 8-lamp flashing signal system required by Section 12-805 of this Code shall be actuated continuously during not less than the last 100 feet traveled by the school bus before stopping for the purpose of loading or discharging pupils.
pupils within an urban area and during not less than the last 200 feet traveled by the school bus outside an urban area. The amber signal lamps shall remain actuated until the school bus is stopped. The amber signal lamps shall not be actuated at any other time.

(d-5) The alternately flashing head lamps permitted by Section 12-805 of this Code may be operated while the alternately flashing red or amber signal lamps required by that Section are actuated.

(e) The driver of a vehicle upon a highway having 4 or more lanes which permits at least 2 lanes of traffic to travel in opposite directions need not stop such vehicle upon meeting a school bus which is stopped in the opposing roadway; and need not stop such vehicle when driving upon a controlled access highway when passing a school bus traveling in either direction that is stopped in a loading zone adjacent to the surfaced or improved part of the controlled access highway where pedestrians are not permitted to cross.

(f) Beginning with the effective date of this amendatory Act of 1985, the Secretary of State shall suspend for a period of 3 months the driving privileges of any person convicted of a violation of subsection (a) of this Section or a similar provision of a local ordinance; the Secretary shall suspend for a period of one year the driving privileges of any person convicted of a second or subsequent violation of subsection (a) of this Section or a similar provision of a local ordinance if the second or subsequent violation occurs within 5 years of a prior conviction for the same offense. In addition to the suspensions authorized by this Section, any person convicted of violating this Section or a similar provision of a local ordinance shall be subject to a mandatory fine of $150 or, upon a second or subsequent violation, $500. The Secretary may also grant, for the duration of any suspension issued under this subsection, a restricted driving permit granting the privilege of driving a motor vehicle between the driver's residence and place of employment or within other proper limits that the Secretary of State shall find necessary to avoid any undue hardship. A restricted driving permit issued hereunder shall be subject to cancellation, revocation and suspension by the Secretary of State in like manner and for like cause as a driver's license may be cancelled, revoked or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension or cancellation of the restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate

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in a designated driver remedial or rehabilitative program. Any conviction for a violation of this subsection shall be included as an offense for the purposes of determining suspension action under any other provision of this Code, provided however, that the penalties provided under this subsection shall be imposed unless those penalties imposed under other applicable provisions are greater.

The owner of any vehicle alleged to have violated paragraph (a) of this Section shall, upon appropriate demand by the State's Attorney or other designated person acting in response to a signed complaint, provide a written statement or deposition identifying the operator of the vehicle if such operator was not the owner at the time of the alleged violation. Failure to supply such information shall result in the suspension of the vehicle registration of the vehicle for a period of 3 months. In the event the owner has assigned control for the use of the vehicle to another, the person to whom control was assigned shall comply with the provisions of this paragraph and be subject to the same penalties as herein provided.

(Source: P.A. 95-105, eff. 1-1-08; 95-331, eff. 8-21-07.)

Passed in the General Assembly May 27, 2016.
Approved August 5, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0741
(Senate Bill No. 2839)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Preventing Sexual Violence in Higher Education Act is amended by changing Section 10 as follows:

(110 ILCS 155/10)

Sec. 10. Comprehensive policy. On or before August 1, 2016, all higher education institutions shall adopt a comprehensive policy concerning sexual violence, domestic violence, dating violence, and stalking consistent with governing federal and State law. The higher education institution's comprehensive policy shall include, at a minimum, all of the following components:

(1) A definition of consent that, at a minimum, recognizes that (i) consent is a freely given agreement to sexual activity, (ii) a person's lack of verbal or physical resistance or submission

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resulting from the use or threat of force does not constitute consent, (iii) a person's manner of dress does not constitute consent, (iv) a person's consent to past sexual activity does not constitute consent to future sexual activity, (v) a person's consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another, (vi) a person can withdraw consent at any time, and (vii) a person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent due to circumstances, including without limitation the following:

(A) the person is incapacitated due to the use or influence of alcohol or drugs;
(B) the person is asleep or unconscious;
(C) the person is under age; or
(D) the person is incapacitated due to a mental disability.

Nothing in this Section prevents a higher education institution from defining consent in a more demanding manner.

(2) Procedures that students of the higher education institution may follow if they choose to report an alleged violation of the comprehensive policy, regardless of where the incident of sexual violence, domestic violence, dating violence, or stalking occurred, including all of the following:

(A) Name and contact information for the Title IX coordinator, campus law enforcement or security, local law enforcement, and the community-based sexual assault crisis center.

(B) The name, title, and contact information for confidential advisors and other confidential resources and a description of what confidential reporting means.

(C) Information regarding the various individuals, departments, or organizations to whom a student may report a violation of the comprehensive policy, specifying for each individual and entity (i) the extent of the individual's or entity's reporting obligation, (ii) the extent of the individual's or entity's ability to protect the student's privacy, and (iii) the extent of the individual's or entity's ability to have confidential communications with the student.
(D) An option for students to electronically report.
(E) An option for students to anonymously report.
(F) An option for students to confidentially report.
(G) An option for reports by third parties and bystanders.

(3) The higher education institution's procedure for responding to a report of an alleged incident of sexual violence, domestic violence, dating violence, or stalking, including without limitation (i) assisting and interviewing the survivor, (ii) identifying and locating witnesses, (iii) contacting and interviewing the respondent, (iv) contacting and cooperating with law enforcement, when applicable, and (v) providing information regarding the importance of preserving physical evidence of the sexual violence and the availability of a medical forensic examination at no charge to the survivor.

(4) A statement of the higher education institution's obligation to provide survivors with concise information, written in plain language, concerning the survivor's rights and options, upon receiving a report of an alleged violation of the comprehensive policy, as described in Section 15 of this Act.

(5) The name, address, and telephone number of the medical facility nearest to each campus of the higher education institution where a survivor may have a medical forensic examination completed at no cost to the survivor, pursuant to the Sexual Assault Survivors Emergency Treatment Act.

(6) The name, telephone number, address, and website URL, if available, of community-based, State, and national sexual assault crisis centers.

(7) A statement notifying survivors of the interim protective measures and accommodations reasonably available from the higher education institution that a survivor may request in response to an alleged violation of the comprehensive policy, including without limitation changes to academic, living, dining, transportation, and working situations, obtaining and enforcing campus no contact orders, and honoring an order of protection or no contact order entered by a State civil or criminal court.

(8) The higher education institution's complaint resolution procedures if a student alleges violation of the comprehensive

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violence policy, including, at a minimum, the guidelines set forth in Section 25 of this Act.

(9) A statement of the range of sanctions the higher education institution may impose following the implementation of its complaint resolution procedures in response to an alleged violation of the comprehensive policy. Sanctions may include, but are not limited to, suspension, expulsion, or removal of the student found, after complaint resolution procedures, to be in violation of the comprehensive policy of the higher education institution.

(10) A statement of the higher education institution's obligation to include an amnesty provision that provides immunity to any student who reports, in good faith, an alleged violation of the higher education institution's comprehensive policy to a responsible employee, as defined by federal law, so that the reporting student will not receive a disciplinary sanction by the institution for a student conduct violation, such as underage drinking, that is revealed in the course of such a report, unless the institution determines that the violation was egregious, including without limitation an action that places the health or safety of any other person at risk.

(11) A statement of the higher education institution's prohibition on retaliation against those who, in good faith, report or disclose an alleged violation of the comprehensive policy, file a complaint, or otherwise participate in the complaint resolution procedure and available sanctions for individuals who engage in retaliatory conduct.

(Source: P.A. 99-426, eff. 8-21-15.)

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

Passed in the General Assembly May 27, 2016.
Approved August 5, 2016.
Effective August 5, 2016.

PUBLIC ACT 99-0742
(Senate Bill No. 2840)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout
Section 5. The School Code is amended by changing Section 3-15.12 as follows:

(105 ILCS 5/3-15.12) (from Ch. 122, par. 3-15.12)

Sec. 3-15.12. High school equivalency testing program. The regional superintendent of schools shall make available for qualified individuals residing within the region a High School Equivalency Testing Program. For that purpose the regional superintendent alone or with other regional superintendents may establish and supervise a testing center or centers to administer the secure forms for high school equivalency testing to qualified persons. Such centers shall be under the supervision of the regional superintendent in whose region such centers are located, subject to the approval of the Executive Director of the Illinois Community College Board.

An individual is eligible to apply to the regional superintendent of schools for the region in which he or she resides if he or she is: (a) a person who is 17 years of age or older, has maintained residence in the State of Illinois, and is not a high school graduate; (b) a person who is successfully completing an alternative education program under Section 2-3.81, Article 13A, or Article 13B; or (c) a person who is enrolled in a youth education program sponsored by the Illinois National Guard. For purposes of this Section, residence is that abode which the applicant considers his or her home. Applicants may provide as sufficient proof of such residence and as an acceptable form of identification a driver's license, valid passport, military ID, or other form of government-issued national or foreign identification that shows the applicant's name, address, date of birth, signature, and photograph or other acceptable identification as may be allowed by law or as regulated by the Illinois Community College Board. Such regional superintendent shall determine if the applicant meets statutory and regulatory state standards. If qualified the applicant shall at the time of such application pay a fee established by the Illinois Community College Board, which fee shall be paid into a special fund under the control and supervision of the regional superintendent. Such moneys received by the regional superintendent shall be used, first, for the expenses incurred in administering and scoring the examination, and next for other educational programs that are developed and designed by the regional superintendent of schools to assist those who successfully complete high school equivalency testing in furthering their academic development or their ability to secure and retain gainful employment, including programs for the competitive award based on test scores of

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college or adult education scholarship grants or similar educational incentives. Any excess moneys shall be paid into the institute fund.

Any applicant who has achieved the minimum passing standards as established by the Illinois Community College Board shall be notified in writing by the regional superintendent and shall be issued a high school equivalency certificate on the forms provided by the Illinois Community College Board. The regional superintendent shall then certify to the Illinois Community College Board the score of the applicant and such other and additional information that may be required by the Illinois Community College Board. The moneys received therefrom shall be used in the same manner as provided for in this Section.

Any applicant who has attained the age of 17 years and maintained residence in the State of Illinois and is not a high school graduate, any person who has enrolled in a youth education program sponsored by the Illinois National Guard, or any person who has successfully completed an alternative education program under Section 2-3.81, Article 13A, or Article 13B is eligible to apply for a high school equivalency certificate (if he or she meets the requirements prescribed by the Illinois Community College Board) upon showing evidence that he or she has completed, successfully, high school equivalency testing, administered by the United States Armed Forces Institute, official high school equivalency testing centers established in other states, Veterans' Administration Hospitals, or the office of the State Superintendent of Education for the Illinois State Penitentiary System and the Department of Corrections. Such applicant shall apply to the regional superintendent of the region wherein he or she has maintained residence, and, upon payment of a fee established by the Illinois Community College Board, the regional superintendent shall issue a high school equivalency certificate and immediately thereafter certify to the Illinois Community College Board the score of the applicant and such other and additional information as may be required by the Illinois Community College Board.

Notwithstanding the provisions of this Section, any applicant who has been out of school for at least one year may request the regional superintendent of schools to administer restricted high school equivalency testing upon written request of: the director of a program who certifies to the Chief Examiner of an official high school equivalency testing center that the applicant has completed a program of instruction provided by such agencies as the Job Corps, the Postal Service Academy, or an apprenticeship training program; an employer or program director for

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purposes of entry into apprenticeship programs; another state's department of education in order to meet regulations established by that department of education; or a post high school educational institution for purposes of admission, the Department of Financial and Professional Regulation for licensing purposes, or the Armed Forces for induction purposes. The regional superintendent shall administer such testing, and the applicant shall be notified in writing that he or she is eligible to receive a high school equivalency certificate upon reaching age 17, provided he or she meets the standards established by the Illinois Community College Board.

Any test administered under this Section to an applicant who does not speak and understand English may at the discretion of the administering agency be given and answered in any language in which the test is printed. The regional superintendent of schools may waive any fees required by this Section in case of hardship. The regional superintendent of schools and the Illinois Community College Board shall waive any fees required by this Section for an applicant who meets all of the following criteria:

(1) The applicant qualifies as a homeless person, child, or youth as defined in the Education for Homeless Children Act.

(2) The applicant has not attained 25 years of age as of the date of the scheduled test.

(3) The applicant can verify his or her status as a homeless person, child, or youth. A homeless services provider that is qualified to verify an individual's housing status, as determined by the Illinois Community College Board, and that has knowledge of the applicant's housing status may verify the applicant's status for purposes of this subdivision (3).

(4) The applicant has completed a high school equivalency preparation course through an Illinois Community College Board-approved provider.

(5) The applicant is taking the test at a testing center operated by a regional superintendent of schools or the Cook County High School Equivalency Office.

In counties of over 3,000,000 population, a high school equivalency certificate shall contain the signatures of the Executive Director of the Illinois Community College Board and the superintendent, president, or other chief executive officer of the institution where high school equivalency testing instruction occurred and any other signatures authorized by the Illinois Community College Board.

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The regional superintendent of schools shall furnish the Illinois Community College Board with any information that the Illinois Community College Board requests with regard to testing and certificates under this Section.
(Source: P.A. 98-718, eff. 1-1-15; 98-719, eff. 1-1-15; 99-78, eff. 7-20-15.)

Passed in the General Assembly May 27, 2016.
Approved August 5, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0743
(Senate Bill No. 2842)

AN ACT concerning civil law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Trusts and Trustees Act is amended by adding Section 6.5 as follows:
(760 ILCS 5/6.5 new)
Sec. 6.5. Transfer of property to trust.
(a) The transfer of real property to a trust requires a transfer of legal title to the trustee evidenced by a written instrument of conveyance and acceptance by the trustee.
(b) If the transferor is a trustee of the trust, an interest in real property does not become trust property unless the instrument of conveyance is recorded in the office of the recorder of the county in which the property is located.

Passed in the General Assembly May 27, 2016.
Approved August 5, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0744
(Senate Bill No. 2845)

AN ACT concerning civil law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout
Section 5. The Code of Civil Procedure is amended by changing Sections 2-1602, 4-107, and 12-183 and by adding Section 5-127 as follows:

(735 ILCS 5/2-1602)
Sec. 2-1602. Revival of judgment.
(a) A judgment may be revived by filing a petition to revive the judgment in the seventh year after its entry, or in the seventh year after its last revival, or in the twentieth year after its entry, or at any other time within 20 years after its entry if the judgment becomes dormant and by serving the petition and entering a court order for revival as provided in the following subsections. The provisions of this amendatory Act of the 96th General Assembly are declarative of existing law.

(b) A petition to revive a judgment shall be filed in the original case in which the judgment was entered. The petition shall include a statement as to the original date and amount of the judgment, court costs expended, accrued interest, and credits to the judgment, if any.

(c) Service of notice of the petition to revive a judgment shall be made in accordance with Supreme Court Rule 106.

(d) An order reviving a judgment shall be for the original amount of the judgment. The plaintiff may recover interest and court costs from the date of the original judgment. Credits to the judgment shall be reflected by the plaintiff in supplemental proceedings or execution.

(e) If a judgment debtor has filed for protection under the United States Bankruptcy Code and failed to successfully adjudicate and remove a lien filed by a judgment creditor, then the judgment may be revived only as to the property to which a lien attached before the filing of the bankruptcy action.

(f) A judgment may be revived as to fewer than all judgment debtors, and such order for revival of judgment shall be final, appealable, and enforceable.

(g) This Section does not apply to a child support judgment or to a judgment recovered in an action for damages for an injury described in Section 13-214.1, which need not be revived as provided in this Section and which may be enforced at any time as provided in Section 12-108.

(h) If a judgment becomes dormant during the pendency of an enforcement proceeding against wages under Part 14 of this Article or under Article XII, the enforcement may continue to conclusion without revival of the underlying judgment so long as the enforcement is done under court supervision and includes a wage deduction order or turn over

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order and is against an employer, garnishee, or other third party respondent.
(Source: P.A. 97-350, eff. 1-1-12; 98-557, eff. 1-1-14.)

Sec. 4-107. Bond. After Before the entry of an order for attachment, as hereinabove stated, the court shall take bond and sufficient security, payable to the People of the State of Illinois, for the use of the person or persons interested in the property attached, in double the sum sworn to be due, conditioned for satisfying all costs which may be awarded to such defendant, or to any others interested in the proceedings, and all damages and costs which shall be recovered against the plaintiff, for wrongfully obtaining the attachment order, which bond, with affidavit of the party complaining, or his, her or its agent or attorney, shall be filed in the court entering the order for attachment. Every order for attachment entered without a bond and affidavit taken, is hereby declared illegal and void, and shall be dismissed. Nothing herein contained shall be construed to require the State of Illinois, or any Department of Government thereof, or any State officer, to file a bond as plaintiff in any proceeding instituted under Part 1 of Article IV of this Act.
(Source: P.A. 83-707.)

Sec. 5-127. Charges relating to electronic filing. All charges relating to the electronic filing of cases and pleadings, imposed by the court, clerk of the court, county, or a person with whom the court, clerk, or county may contract, are taxable as court costs.

Sec. 12-183. Release of judgment.
(a) Every judgment creditor, his or her assignee of record or other legal representative having received full satisfaction or payment of all such sums of money as are really due to him or her from the judgment debtor on any judgment rendered in a court shall, at the request of the judgment debtor or his or her legal representative, execute and deliver to the judgment debtor or his or her legal representative an instrument in writing releasing such judgment.
(b) If the judgment creditor, his or her assigns of record or other legal representative to whom tender has been made of all sums of money due him or her from the judgment debtor including interest, on any judgment entered by a court, wilfully fails or refuses, at the request of the judgment debtor or his or her legal representative to execute and deliver to

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the judgment debtor or his or her legal representative an instrument in writing releasing such judgment, the judgment debtor may petition the court in which such judgment is of record, making tender therewith to the court of all sums due in principal and interest on such judgment, for the use of the judgment creditor, his or her executors, administrators or assigns, whereupon the court shall enter an order satisfying the judgment and releasing all liens based on such judgment.

(c) For the recording of assignment of any judgment the clerk of the court in which such judgment is of record is allowed a fee of $2.

(d) A satisfaction of a judgment may be delivered to the judgment debtor, his or her attorney or to the clerk of the court in which such judgment is of record.

(e) The clerk shall not be allowed any fee for recording the satisfaction of judgment. The clerk of the court shall make appropriate notation on the judgment docket of the book and page where any release or assignment of any judgment is recorded.

(f) No judgment shall be released of record except by an instrument in writing recorded in the court in which such judgment is of record. However, nothing contained in this Section affects in any manner the validity of any release of judgment made, prior to January 1, 1952, in judgment and execution dockets by the judgment creditor, his or her attorney, assignee or other legal representative.

(g) The writ of audita querela is abolished and all relief heretofore obtainable and grounds for such relief heretofore available, whether by the writ of audita querela or otherwise, shall be available in every case by petition hereunder, regardless of the nature of the order or judgment from which relief is sought or of the proceeding in which it was entered. There shall be no distinction between actions and other proceedings, statutory or otherwise, as to availability of relief, grounds for relief or relief obtainable. The petition shall be filed in the same proceeding in which the order or judgment was entered and shall be supported by affidavit or other appropriate showing as to matters not of record. All parties to the petition shall be notified as provided by rule.

(h) Upon the filing of a release or satisfaction in full satisfaction of judgment, signed by the party in whose favor the judgment was entered or his or her attorney, the court may vacate the judgment, and dismiss the action.

(i) Any judgment arising out of an order for support shall not be a judgment to the extent of payments made as evidenced by the records of

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the Clerk of the Circuit Court or State agency receiving payments pursuant to the order. In the event payments made pursuant to that order are not paid to the Clerk of the Circuit Court or a State agency, then any judgment arising out of each order for support may be released in the following manner:

(1) A Notice of Filing and an affidavit stating that all installments of child support required to be paid pursuant to the order under which the judgment or judgments were entered have been paid shall be filed with the office of the court or agency entering said order for support, together with proof of service of such notice and affidavit upon the recipient of such payments.

(2) Service of such affidavit shall be by any means authorized under Sections 2-203 and 2-208 of the Code of Civil Procedure or under Supreme Court Rules 11 or 105(b).

(3) The Notice of Filing shall set forth the name and address of the judgment debtor and the judgment creditor, the court file number of the order giving rise to the judgment and, in capital letters, the following statement:

YOU ARE HEREBY NOTIFIED THAT ON (insert date) THE ATTACHED AFFIDAVIT WAS FILED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF .... COUNTY, ILLINOIS, WHOSE ADDRESS IS ........, ILLINOIS. IF, WITHIN 28 DAYS OF THE DATE OF THIS NOTICE, YOU FAIL TO FILE AN AFFIDAVIT OBJECTING TO THE SATISFACTION OF THE STATED JUDGMENT OR JUDGMENTS IN THE ABOVE OFFICE, THE SAID JUDGMENTS WILL BE DEEMED TO BE SATISFIED AND NOT ENFORCEABLE. THE SATISFACTION WILL NOT PREVENT YOU FROM ENFORCING THE ORDER FOR SUPPORT THROUGH THE COURT.

(4) If no affidavit objecting to the satisfaction of the judgment or judgments is filed within 28 days of the Notice described in paragraph (3) of this subsection (i), such judgment or judgments shall be deemed to be satisfied and not enforceable.

(Source: P.A. 91-357, eff. 7-29-99.)

(735 ILCS 5/12-170 rep.)
(735 ILCS 5/12-171 rep.)
(735 ILCS 5/12-172 rep.)
(735 ILCS 5/12-173 rep.)

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Section 10. The Code of Civil Procedure is amended by repealing Sections 12-170, 12-171, 12-172, 12-173, 12-174, and 12-175.

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

Passed in the General Assembly May 27, 2016.
Approved August 5, 2016.
Effective August 5, 2016.

PUBLIC ACT 99-0745
(Senate Bill No. 2896)

AN ACT concerning public employee benefits.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Pension Code is amended by changing Sections 7-144 and 7-172 as follows:

(40 ILCS 5/7-144) (from Ch. 108 1/2, par. 7-144)
Sec. 7-144. Retirement annuities - Suspended during employment.
(a) If any person receiving any annuity again becomes an employee and receives earnings from employment in a position requiring him, or entitling him to elect, to become a participating employee, then the annuity payable to such employee shall be suspended as of the 1st day of the month coincidental with or next following the date upon which such person becomes such an employee, unless the person is authorized under subsection (b) of Section 7-137.1 of this Code to continue receiving a retirement annuity during that period. Upon proper qualification of the participating employee payment of such annuity may be resumed on the 1st day of the month following such qualification and upon proper application therefor. The participating employee in such case shall be entitled to a supplemental annuity arising from service and credits earned subsequent to such re-entry as a participating employee.

Notwithstanding any other provision of this Article, an annuitant shall be considered a participating employee if he or she returns to work as an employee with a participating employer and works more than 599 hours annually (or 999 hours annually with a participating employer that has adopted a resolution pursuant to subsection (e) of Section 7-137 of this Code). Each of these annual periods shall commence on the month and day

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upon which the annuitant is first employed with the participating employer following the effective date of the annuity.

(a-5) If any annuitant under this Article must be considered a participating employee per the provisions of subsection (a) of this Section, and the participating municipality or participating instrumentality that employs or re-employs that annuitant knowingly fails to notify the Board to suspend the annuity, the participating municipality or participating instrumentality may be required to reimburse the Fund for an amount up to one-half of the total of any annuity payments made to the annuitant after the date the annuity should have been suspended, as determined by the Board. In no case shall the total amount repaid by the annuitant plus any amount reimbursed by the employer to the Fund be more than the total of all annuity payments made to the annuitant after the date the annuity should have been suspended. This subsection shall not apply if the annuitant returned to work for the employer for less than 12 months.

The Fund shall notify all annuitants that they must notify the Fund immediately if they return to work for any participating employer. The notification by the Fund shall occur upon retirement and no less than annually thereafter in a format determined by the Fund. The Fund shall also develop and maintain a system to track annuitants who have returned to work and notify the participating employer and annuitant at least annually of the limitations on returning to work under this Section.

(b) Supplemental annuities to persons who return to service for less than 48 months shall be computed under the provisions of Sections 7-141, 7-142 and 7-143. In determining whether an employee is eligible for an annuity which requires a minimum period of service, his entire period of service shall be taken into consideration but the supplemental annuity shall be based on earnings and service in the supplemental period only. The effective date of the suspended and supplemental annuity for the purpose of increases after retirement shall be considered to be the effective date of the suspended annuity.

(c) Supplemental annuities to persons who return to service for 48 months or more shall be a monthly amount determined as follows:

(1) An amount shall be computed under subparagraph b of paragraph (1) of subsection (a) of Section 7-142, considering all of the service credits of the employee;

(2) The actuarial value in monthly payments for life of the annuity payments made before suspension shall be determined and subtracted from the amount determined in (1) above;

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(3) The monthly amount of the suspended annuity, with any applicable increases after retirement computed from the effective date to the date of reinstatement, shall be subtracted from the amount determined in (2) above and the remainder shall be the amount of the supplemental annuity provided that this amount shall not be less than the amount computed under subsection (b) of this Section.

(4) The suspended annuity shall be reinstated at an amount including any increases after retirement from the effective date to date of reinstatement.

(5) The effective date of the combined suspended and supplemental annuities for the purposes of increases after retirement shall be considered to be the effective date of the supplemental annuity.

(Source: P.A. 97-328, eff. 8-12-11; 97-609, eff. 1-1-12; 98-389, eff. 8-16-13.)

(40 ILCS 5/7-172) (from Ch. 108 1/2, par. 7-172)
Sec. 7-172. Contributions by participating municipalities and participating instrumentalities.
(a) Each participating municipality and each participating instrumentality shall make payment to the fund as follows:
   1. municipality contributions in an amount determined by applying the municipality contribution rate to each payment of earnings paid to each of its participating employees;
   2. an amount equal to the employee contributions provided by paragraph (a) of Section 7-173, whether or not the employee contributions are withheld as permitted by that Section;
   3. all accounts receivable, together with interest charged thereon, as provided in Section 7-209, and any amounts due under subsection (a-5) of Section 7-144;
   4. if it has no participating employees with current earnings, an amount payable which, over a closed period of 20 years for participating municipalities and 10 years for participating instrumentalities, will amortize, at the effective rate for that year, any unfunded obligation. The unfunded obligation shall be computed as provided in paragraph 2 of subsection (b);
   5. if it has fewer than 7 participating employees or a negative balance in its municipality reserve, the greater of (A) an amount payable that, over a period of 20 years, will amortize at the

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effective rate for that year any unfunded obligation, computed as provided in paragraph 2 of subsection (b) or (B) the amount required by paragraph 1 of this subsection (a).

(b) A separate municipality contribution rate shall be determined for each calendar year for all participating municipalities together with all instrumentalities thereof. The municipality contribution rate shall be determined for participating instrumentalities as if they were participating municipalities. The municipality contribution rate shall be the sum of the following percentages:

1. The percentage of earnings of all the participating employees of all participating municipalities and participating instrumentalities which, if paid over the entire period of their service, will be sufficient when combined with all employee contributions available for the payment of benefits, to provide all annuities for participating employees, and the $3,000 death benefit payable under Sections 7-158 and 7-164, such percentage to be known as the normal cost rate.

2. The percentage of earnings of the participating employees of each participating municipality and participating instrumentalities necessary to adjust for the difference between the present value of all benefits, excluding temporary and total and permanent disability and death benefits, to be provided for its participating employees and the sum of its accumulated municipality contributions and the accumulated employee contributions and the present value of expected future employee and municipality contributions pursuant to subparagraph 1 of this paragraph (b). This adjustment shall be spread over a period determined by the Board, not to exceed 30 years for participating municipalities or 10 years for participating instrumentalities.

3. The percentage of earnings of the participating employees of all municipalities and participating instrumentalities necessary to provide the present value of all temporary and total and permanent disability benefits granted during the most recent year for which information is available.

4. The percentage of earnings of the participating employees of all participating municipalities and participating instrumentalities necessary to provide the present value of the net single sum death benefits expected to become payable from the

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reserve established under Section 7-206 during the year for which this rate is fixed.

5. The percentage of earnings necessary to meet any deficiency arising in the Terminated Municipality Reserve.

(c) A separate municipality contribution rate shall be computed for each participating municipality or participating instrumentality for its sheriff's law enforcement employees.

A separate municipality contribution rate shall be computed for the sheriff's law enforcement employees of each forest preserve district that elects to have such employees. For the period from January 1, 1986 to December 31, 1986, such rate shall be the forest preserve district's regular rate plus 2%.

In the event that the Board determines that there is an actuarial deficiency in the account of any municipality with respect to a person who has elected to participate in the Fund under Section 3-109.1 of this Code, the Board may adjust the municipality's contribution rate so as to make up that deficiency over such reasonable period of time as the Board may determine.

(d) The Board may establish a separate municipality contribution rate for all employees who are program participants employed under the federal Comprehensive Employment Training Act by all of the participating municipalities and instrumentalities. The Board may also provide that, in lieu of a separate municipality rate for these employees, a portion of the municipality contributions for such program participants shall be refunded or an extra charge assessed so that the amount of municipality contributions retained or received by the fund for all CETA program participants shall be an amount equal to that which would be provided by the separate municipality contribution rate for all such program participants. Refunds shall be made to prime sponsors of programs upon submission of a claim therefor and extra charges shall be assessed to participating municipalities and instrumentalities. In establishing the municipality contribution rate as provided in paragraph (b) of this Section, the use of a separate municipality contribution rate for program participants or the refund of a portion of the municipality contributions, as the case may be, may be considered.

(e) Computations of municipality contribution rates for the following calendar year shall be made prior to the beginning of each year, from the information available at the time the computations are made, and on the assumption that the employees in each participating municipality or

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participating instrumentality at such time will continue in service until the end of such calendar year at their respective rates of earnings at such time.

(f) Any municipality which is the recipient of State allocations representing that municipality's contributions for retirement annuity purposes on behalf of its employees as provided in Section 12-21.16 of the Illinois Public Aid Code shall pay the allocations so received to the Board for such purpose. Estimates of State allocations to be received during any taxable year shall be considered in the determination of the municipality's tax rate for that year under Section 7-171. If a special tax is levied under Section 7-171, none of the proceeds may be used to reimburse the municipality for the amount of State allocations received and paid to the Board. Any multiple-county or consolidated health department which receives contributions from a county under Section 11.2 of "An Act in relation to establishment and maintenance of county and multiple-county health departments", approved July 9, 1943, as amended, or distributions under Section 3 of the Department of Public Health Act, shall use these only for municipality contributions by the health department.

(g) Municipality contributions for the several purposes specified shall, for township treasurers and employees in the offices of the township treasurers who meet the qualifying conditions for coverage hereunder, be allocated among the several school districts and parts of school districts serviced by such treasurers and employees in the proportion which the amount of school funds of each district or part of a district handled by the treasurer bears to the total amount of all school funds handled by the treasurer.

From the funds subject to allocation among districts and parts of districts pursuant to the School Code, the trustees shall withhold the proportionate share of the liability for municipality contributions imposed upon such districts by this Section, in respect to such township treasurers and employees and remit the same to the Board.

The municipality contribution rate for an educational service center shall initially be the same rate for each year as the regional office of education or school district which serves as its administrative agent. When actuarial data become available, a separate rate shall be established as provided in subparagraph (i) of this Section.

The municipality contribution rate for a public agency, other than a vocational education cooperative, formed under the Intergovernmental Cooperation Act shall initially be the average rate for the municipalities which are parties to the intergovernmental agreement. When actuarial data

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become available, a separate rate shall be established as provided in subparagraph (i) of this Section.

(h) Each participating municipality and participating instrumentality shall make the contributions in the amounts provided in this Section in the manner prescribed from time to time by the Board and all such contributions shall be obligations of the respective participating municipalities and participating instrumentalities to this fund. The failure to deduct any employee contributions shall not relieve the participating municipality or participating instrumentality of its obligation to this fund. Delinquent payments of contributions due under this Section may, with interest, be recovered by civil action against the participating municipalities or participating instrumentalities. Municipality contributions, other than the amount necessary for employee contributions, for periods of service by employees from whose earnings no deductions were made for employee contributions to the fund, may be charged to the municipality reserve for the municipality or participating instrumentality.

(i) Contributions by participating instrumentalities shall be determined as provided herein except that the percentage derived under subparagraph 2 of paragraph (b) of this Section, and the amount payable under subparagraph 4 of paragraph (a) of this Section, shall be based on an amortization period of 10 years.

(j) Notwithstanding the other provisions of this Section, the additional unfunded liability accruing as a result of this amendatory Act of the 94th General Assembly shall be amortized over a period of 30 years beginning on January 1 of the second calendar year following the calendar year in which this amendatory Act takes effect, except that the employer may provide for a longer amortization period by adopting a resolution or ordinance specifying a 35-year or 40-year period and submitting a certified copy of the ordinance or resolution to the fund no later than June 1 of the calendar year following the calendar year in which this amendatory Act takes effect.

(k) If the amount of a participating employee's reported earnings for any of the 12-month periods used to determine the final rate of earnings exceeds the employee's 12 month reported earnings with the same employer for the previous year by the greater of 6% or 1.5 times the annual increase in the Consumer Price Index-U, as established by the United States Department of Labor for the preceding September, the participating municipality or participating instrumentality that paid those earnings shall pay to the Fund, in addition to any other contributions required under this Section:

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Article, the present value of the increase in the pension resulting from the portion of the increase in salary that is in excess of the greater of 6% or 1.5 times the annual increase in the Consumer Price Index-U, as determined by the Fund. This present value shall be computed on the basis of the actuarial assumptions and tables used in the most recent actuarial valuation of the Fund that is available at the time of the computation.

Whenever it determines that a payment is or may be required under this subsection (k), the fund shall calculate the amount of the payment and bill the participating municipality or participating instrumentality for that amount. The bill shall specify the calculations used to determine the amount due. If the participating municipality or participating instrumentality disputes the amount of the bill, it may, within 30 days after receipt of the bill, apply to the fund in writing for a recalculation. The application must specify in detail the grounds of the dispute. Upon receiving a timely application for recalculation, the fund shall review the application and, if appropriate, recalculate the amount due. The participating municipality and participating instrumentality contributions required under this subsection (k) may be paid in the form of a lump sum within 90 days after receipt of the bill. If the participating municipality and participating instrumentality contributions are not paid within 90 days after receipt of the bill, then interest will be charged at a rate equal to the fund's annual actuarially assumed rate of return on investment compounded annually from the 91st day after receipt of the bill. Payments must be concluded within 3 years after receipt of the bill by the participating municipality or participating instrumentality.

When assessing payment for any amount due under this subsection (k), the fund shall exclude earnings increases resulting from overload or overtime earnings.

When assessing payment for any amount due under this subsection (k), the fund shall also exclude earnings increases attributable to standard employment promotions resulting in increased responsibility and workload.

This subsection (k) does not apply to earnings increases paid to individuals under contracts or collective bargaining agreements entered into, amended, or renewed before January 1, 2012 (the effective date of Public Act 97-609), earnings increases paid to members who are 10 years or more from retirement eligibility, or earnings increases resulting from an increase in the number of hours required to be worked.
When assessing payment for any amount due under this subsection (k), the fund shall also exclude earnings attributable to personnel policies adopted before January 1, 2012 (the effective date of Public Act 97-609) as long as those policies are not applicable to employees who begin service on or after January 1, 2012 (the effective date of Public Act 97-609).

(Source: P.A. 97-333, eff. 8-12-11; 97-609, eff. 1-1-12; 97-933, eff. 8-10-12; 98-218, eff. 8-9-13.)

Section 90. The State Mandates Act is amended by adding Section 8.40 as follows:

(30 ILCS 805/8.40 new)

Sec. 8.40. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 99th General Assembly.

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

Passed in the General Assembly May 29, 2016.
Approved August 5, 2016.
Effective August 5, 2016.

PUBLIC ACT 99-0746
(Senate Bill No. 2906)

AN ACT concerning public aid.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Public Aid Code is amended by changing Section 9A-8 as follows:

(305 ILCS 5/9A-8) (from Ch. 23, par. 9A-8)
Sec. 9A-8. Operation of Program.
(a) At the time of application or redetermination of eligibility under Article IV, as determined by rule, the Illinois Department shall provide information in writing and orally regarding the education, training and employment program to all applicants and recipients. The information required shall be established by rule and shall include, but need not be limited to:

(1) education (including literacy training), employment and training opportunities available, the criteria for approval of those
opportunities, and the right to request changes in the personal responsibility and services plan to include those opportunities;

(1.1) a complete list of all activities that are approvable activities, and the circumstances under which they are approvable, including work activities, substance abuse or mental health treatment, activities to escape and prevent domestic violence, caring for a medically impaired family member, and any other approvable activities, together with the right to and procedures for amending the responsibility and services plan to include these activities;

(1.2) the rules concerning the lifetime limit on eligibility, including the current status of the applicant or recipient in terms of the months of remaining eligibility, the criteria under which a month will not count towards the lifetime limit, and the criteria under which a recipient may receive benefits beyond the end of the lifetime limit;

(2) supportive services including child care and the rules regarding eligibility for and access to the child care assistance program, transportation, initial expenses of employment, job retention, books and fees, and any other supportive services;

(3) the obligation of the Department to provide supportive services;

(4) the rights and responsibilities of participants, including exemption, sanction, reconciliation, and good cause criteria and procedures, termination for non-cooperation and reinstatement rules and procedures, and appeal and grievance procedures; and

(5) the types and locations of child care services.

(b) The Illinois Department shall notify the recipient in writing of the opportunity to volunteer to participate in the program.

(c) (Blank).

(d) As part of the personal plan for achieving employment and self-sufficiency, the Department shall conduct an individualized assessment of the participant's employability. No participant may be assigned to any component of the education, training and employment activity prior to such assessment. The plan shall include collection of information on the individual's background, proficiencies, skills deficiencies, education level, work history, employment goals, interests, aptitudes, and employment preferences, as well as factors affecting employability or ability to meet participation requirements (e.g., health, physical or mental limitations,
child care, family circumstances, domestic violence, sexual violence, substance abuse, and special needs of any child of the individual). As part of the plan, individuals and Department staff shall work together to identify any supportive service needs required to enable the client to participate and meet the objectives of his or her employability plan. The assessment may be conducted through various methods such as interviews, testing, counseling, and self-assessment instruments. In the assessment process, the Department shall offer to include standard literacy testing and a determination of English language proficiency and shall provide it for those who accept the offer. Based on the assessment, the individual will be assigned to the appropriate activity. The decision will be based on a determination of the individual's level of preparation for employment as defined by rule.

(e) Recipients determined to be exempt may volunteer to participate pursuant to Section 9A-4 and must be assessed.

(f) As part of the personal plan for achieving employment and self-sufficiency under Section 4-1, an employability plan for recipients shall be developed in consultation with the participant. The Department shall have final responsibility for approving the employability plan. The employability plan shall:

(1) contain an employment goal of the participant;
(2) describe the services to be provided by the Department, including child care and other support services;
(3) describe the activities, such as component assignment, that will be undertaken by the participant to achieve the employment goal. The Department shall treat participation in high school and high school equivalency programs as a core activity and count participation in high school and high school equivalency programs toward the first 20 hours per week of participation. The Department shall approve participation in high school or high school equivalency programs upon written or oral request of the participant if he or she has not already earned a high school diploma or a high school equivalency certificate. However, participation in high school or high school equivalency programs may be delayed as part of an applicant's or recipient's personal plan for achieving employment and self-sufficiency if it is determined that the benefit from participating in another activity, such as, but not limited to, treatment for substance abuse or an English proficiency program, would be greater to the applicant or

New matter indicated by italics - deletions by strikeout
recipient than participation in high school or a high school equivalency program. The availability of high school and high school equivalency programs may also delay enrollment in those programs. The Department shall treat such activities as a core activity as long as satisfactory progress is made, as determined by the high school or high school equivalency program. Proof of satisfactory progress shall be provided by the participant or the school at the end of each academic term; and

(4) describe any other needs of the family that might be met by the Department.

(g) The employability plan shall take into account:

(1) available program resources;
(2) the participant's support service needs;
(3) the participant's skills level and aptitudes;
(4) local employment opportunities; and
(5) the preferences of the participant.

(h) A reassessment shall be conducted to assess a participant's progress and to review the employability plan on the following occasions:

(1) upon completion of an activity and before assignment to an activity;
(2) upon the request of the participant;
(3) if the individual is not cooperating with the requirements of the program; and
(4) if the individual has failed to make satisfactory progress in an education or training program.

Based on the reassessment, the Department may revise the employability plan of the participant.

(Source: P.A. 96-866, eff. 7-1-10.)

Passed in the General Assembly May 27, 2016.
Approved August 5, 2016.
Effective January 1, 2016.

PUBLIC ACT 99-0747
(Senate Bill No. 2972)

AN ACT concerning public employee benefits.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout
Section 5. The Illinois Pension Code is amended by changing Section 7-166 as follows:

Sec. 7-166. Separation benefits - Eligibility. Separation benefits shall be payable as hereinafter set forth:

1. Upon separation from the service of all participating municipalities and instrumentalities thereof and participating instrumentalities, any participating employee who, on the date of application for such benefit, is not entitled to a retirement annuity shall be entitled to a separation benefit.

2. Upon separation from the service of all participating municipalities and instrumentalities thereof and participating instrumentalities, any participating employee who, on the date of application for such benefit, is entitled to a retirement annuity of less than $100 per month for life may elect to take a separation benefit in lieu of the retirement annuity.

3. Upon separation from the service of all participating municipalities and instrumentalities thereof and participating instrumentalities, any participating employee who, on the date of application for such benefit, is entitled to a retirement annuity, but wishes instead to use the amounts to his or her credit in the Fund to purchase credit in another retirement plan, may elect to take a separation benefit in lieu of the retirement annuity.

(Source: P.A. 91-887, eff. 7-6-00; 92-424, eff. 8-17-01.)

Section 99. Effective date. This Act takes effect January 1, 2017.
Passed in the General Assembly May 27, 2016.
Approved August 5, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0748
(Senate Bill No. 3018)

AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Sections 1-118, 3-107, and 3-406 and by adding Section 1-123.8 as follows:

New matter indicated by italics - deletions by strikeout
Sec. 1-118. Essential Parts. All integral and body parts of a vehicle of a type required to be registered hereunder, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type or mode of operation. "Essential parts" includes the following: vehicle hulks, shells, chassis, frames, front end assemblies (which may consist of headlight, grill, fenders and hood), front clip (front end assembly with cowl attached), rear clip (which may consist of quarter panels, fenders, floor and top), doors, hatchbacks, fenders, cabs, cab clips, cowls, hoods, trunk lids, deck lids, T-tops, sunroofs, moon roofs, astro roofs, transmissions of vehicles of the second division, seats, aluminum wheels, engines and similar parts. Essential parts shall also include stereo radios, cassette radios, compact disc radios, cassette/compact disc radios and compact disc changers which are either installed in dash or trunk-mounted.

An essential part which does not have affixed to it an identification number as defined in Section 1-129 adopts the identification number of the vehicle to which such part is affixed, installed or mounted.

An "essential part" does not include an engine, transmission, or a rear axle that is used in a glider kit.

(Source: P.A. 86-1179; 86-1209; 87-435.)

(625 ILCS 5/1-123.8 new)

Sec. 1-123.8. Glider kit. A motor vehicle of the second division that includes a chassis, cab, front axle, and other essential parts, except for an engine, transmission, or rear axle.

(625 ILCS 5/3-107) (from Ch. 95 1/2, par. 3-107)

Sec. 3-107. Contents and effect.

(a) Each certificate of title issued by the Secretary of State shall contain:

1. the date issued;
2. the name and address of the owner;
3. the names and addresses of any lienholders, in the order of priority as shown on the application or, if the application is based on a certificate of title, as shown on the certificate;
4. the title number assigned to the vehicle;
5. a description of the vehicle including, so far as the following data exists: its make, year-model, identifying number, type of body, whether new or used, as to house trailers as defined in Section 1-128 of this Code, and as to manufactured homes as defined in Section 1-144.03 of this Code, the square footage of the

New matter indicated by italics - deletions by strikeout
vehicle based upon the outside dimensions excluding the length of the tongue and hitch, and, if a new vehicle, the date of the first sale of the vehicle for use;

6. an odometer certification as provided for in this Code;

and

7. any other data the Secretary of State prescribes.

(a-5) In the event the applicant seeks to have the vehicle titled as a custom vehicle or street rod, that fact must be stated in the application. The custom vehicle or street rod must be inspected as required by Section 3-406 of this Code prior to issuance of the title. Upon successful completion of the inspection, the vehicle may be titled in the following manner. The make of the vehicle shall be listed as the make of the actual vehicle or the make it is designed to resemble (e.g., Ford or Chevrolet); the model of the vehicle shall be listed as custom vehicle or street rod; and the year of the vehicle shall be listed as the year the actual vehicle was manufactured or the year it is designed to resemble. A vehicle previously titled as other than a custom vehicle or street rod may be issued a corrected title reflecting the custom vehicle or street rod model if it otherwise meets the requirements for the designation.

(a-10) In the event the applicant seeks to have the vehicle titled as a glider kit, that fact must be stated in the application. The glider kit must be inspected under Section 3-406 of this Code prior to issuance of the title. Upon successful completion of the inspection, the vehicle shall be titled in the following manner: (1) the make of the vehicle shall be listed as the make of the chassis or the make it is designed to resemble; (2) the model of the vehicle shall be listed as glider kit; and (3) the year of the vehicle shall be listed as the year presented on the manufacturer's certificate of origin for the chassis, unless no year is presented, then it shall be listed as the year the application was received. The vehicle identification number of the chassis shall be assigned to the engine, transmission, and rear axle if the engine, transmission, and rear axle were not previously assigned a vehicle identification number after an inspection under Section 3-406.

(b) The certificate of title shall contain forms for assignment and warranty of title by the owner, and for assignment and warranty of title by a dealer, and may contain forms for applications for a certificate of title by a transferee, the naming of a lienholder and the assignment or release of the security interest of a lienholder.
(b-5) The Secretary of State shall designate on a certificate of title a space where the owner of a vehicle may designate a beneficiary, to whom ownership of the vehicle shall pass in the event of the owner's death.

(c) A certificate of title issued by the Secretary of State is prima facie evidence of the facts appearing on it.

(d) A certificate of title for a vehicle is not subject to garnishment, attachment, execution or other judicial process, but this subsection does not prevent a lawful levy upon the vehicle.

(e) Any certificate of title issued by the Secretary of State is subject to a lien in favor of the State of Illinois for any fees or taxes required to be paid under this Act and as have not been paid, as provided for in this Code.

(f) Notwithstanding any other provision of law, a certificate of title issued by the Secretary of State to a manufactured home is prima facie evidence of the facts appearing on it, notwithstanding the fact that such manufactured home, at any time, shall have become affixed in any manner to real property.

(Source: P.A. 98-749, eff. 7-16-14.)

(625 ILCS 5/3-406) (from Ch. 95 1/2, par. 3-406)

Sec. 3-406. Application for specially constructed, reconstructed, custom, street rod, or foreign vehicles, or glider kits.

(a) In the event the vehicle to be registered is a specially constructed, reconstructed or foreign vehicle, such fact shall be stated in the application and with reference to every foreign vehicle which has been registered heretofore outside of this State the owner shall surrender to the Secretary of State all registration plates, registration cards or other evidence of such foreign registration as may be in his possession or under his control except as provided in subdivision (b) hereof.

(b) Where in the course of interstate operation of a vehicle registered in another State, it is desirable to retain registration of said vehicle in such other State, such applicant need not surrender but shall submit for inspection said evidences of such foreign registration and the Secretary of State upon a proper showing shall register said vehicle in this State but shall not issue a certificate of title for such vehicle.

(c) In the event the applicant seeks to have the vehicle registered as a custom vehicle or street rod, that fact must be stated in the application. Prior to registration, custom vehicles or street rods must be inspected by the Secretary of State Department of Police. Upon successful completion of the inspection, the vehicle may be registered in the following manner.

New matter indicated by italics - deletions by strikeout
The make of the vehicle shall be listed as the make of the actual vehicle or the make it is designed to resemble (e.g., Ford or Chevrolet); the model of the vehicle shall be listed as custom vehicle or street rod; and the year of the vehicle shall be listed as the year the actual vehicle was manufactured or the year it is designed to resemble.

(d) In the event the applicant seeks to have the vehicle registered as a glider kit, that fact must be stated in the application. Each glider kit sought to be registered shall be inspected by the Secretary of State Department of Police who shall verify the chassis, cab, front axle, and other essential parts as acceptable. Upon successful completion of the inspection, the vehicle may be registered in the following manner: (1) the make of the vehicle shall be listed as the make of the chassis of the actual manufacturer; (2) the model of the vehicle shall be listed as glider kit; and (3) the year of the vehicle shall be listed as the year presented on the manufacturer's certificate of origin for the chassis, unless no year is presented, then it shall be listed as the year the application is received.

(Source: P.A. 96-487, eff. 1-1-10.)

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

Passed in the General Assembly May 27, 2016.
Approved August 5, 2016.
Effective August 5, 2016.

PUBLIC ACT 99-0749
(Senate Bill No. 3063)

AN ACT concerning land.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. Upon the payment of the sum of $24,000 to the State of Illinois, and subject to the condition set forth in Section 15 of this Act, the Secretary of Transportation is authorized to convey by quitclaim deed to the City of Morris all right, title and interest in and to the following described land in Grundy County:
Parcel No. 3EX0060:
A part of Lots 1 and 2 in Chapin's addition to the City of Morris, located in the Southeast Quarter of Section 4, Township 33 North, Range 7 East, of the Third Principal Meridian, per plat recorded in

New matter indicated by italics - deletions by strikeout
Plat Book A, Pages 1 & 2, in the Grundy County Recorder's Office, described as follows:
Beginning at the northwest corner of the east half of said Lot 2, at a point 83.00 feet left of Station 12+62.87 on the centerline of FA 64 (Illinois Route 47), Section (111CS)R, W&RS as shown on right of way plan sheet recorded as Document Number 236967, Road Plat Book Page Number 154, in the Grundy County Recorder's Office; thence North 89 degrees 28 minutes 44 seconds East, 38.00 feet along the north line of said Lots 1 and 2 to a point 45.00 feet left of Station 12+62.42 on said centerline; thence South 01 degree 11 minutes 16 seconds East, 82.42 feet to a point 45.00 feet left of Station 11+80.00 on said centerline; thence South 43 degrees 20 minutes 17 seconds West 54.19 feet to the southwest corner of the east half of said Lot 2; thence North 01 degree 11 minutes 16 seconds West, 121.50 feet to the Point of Beginning, containing 3,875 square feet, more or less, situated in the City of Morris, Illinois.

Section 10. Upon the payment of the sum $95,834 to the State of Illinois, and subject to the condition set forth in Section 15 of this Act, the Secretary of Transportation is authorized to convey by quitclaim deed to Edwardsville Town Center, LLC. all right, title, and interest in and to the following described land in Madison County:

Parcel No. 800XD38:
A tract of land being part of the Southeast Quarter of Section 15, and part of Lot 53 of the Edwardsville Southern Illinois Commonage III, a subdivision in the East Half of Section 15, according to the plat recorded in the Recorder's Office of Madison County, Illinois, in Plat Book 39, on Page 82, all in Township 4 North, Range 8 West of the Third Principal Meridian, Madison County, Illinois, described as follows:
Commencing at the northwest corner of said Southeast Quarter; thence on an assumed bearing of South 00 degrees 06 minutes 45 seconds West on the west line of said Southeast Quarter, 844.90 feet to the northeast corner of a tract of land described in the Quit Claim Deed to Madison Mutual Insurance Company and recorded on January 22, 2009 as Document Number 2009R03106 in said Recorder's Office, and being the Point of Beginning.
From said Point of Beginning; thence southeasterly 527.36 feet on a non-tangential curve to the right, having a radius of 1,680.00 feet,
the chord of said curve bears South 47 degrees 19 minutes 44
seconds East, 525.20 feet; thence South 38 degrees 20 minutes 11
seconds East, 139.89 feet to the northwesterly line of the Madison
County Mass Transit District (formerly Illinois Terminal Railroad),
being 100 feet in width; thence South 62 degrees 36 minutes 59
seconds West on said northwesterly railroad line, 42.96 feet to the
southwesterly right of way line of FAP Route 787 as described in
the Trustee's Deed to the People of the State of Illinois, Department
of Transportation and recorded on October 14, 1982 in Book 3231,
on Page 444 in said Recorder's Office; thence North 47 degrees 12
minutes 56 seconds West on said southwesterly right of way line,
458.74 feet; thence northwesterly 115.10 feet on said southwesterly
right of way line being a non-tangential curve to the left, having a
radius of 676.00 feet, the chord of said curve bears North 58
degrees 47 minutes 34 seconds West, 114.96 feet to the southeast
corner of the aforesaid Madison Mutual Insurance Company tract
of land and being on the west line of said Southeast Quarter; thence
North 00 degrees 06 minutes 45 seconds East on the east line of
said Madison Mutual Insurance Company tract of land and the
west line of said Southeast Quarter, 114.30 feet to the Point of
Beginning.
Said Parcel 800XD38 contains 45,959 square feet, or 1.0551 acres,
more or less
Subject to any and easements and the rights existing to any and all
facilities for said easements on the real estate herein above
described.
Access Control
All existing, future or potential easements or right of access,
crossing, light, air or view, from Parcel 800XD38, herein
described, to or from the public highway identified as F.A.P. Route
787 now known as F.A.U. Route 8902 (Governor's Parkway) shall
not be allowed.
Section 15. The Secretary of Transportation shall obtain a certified
copy of the portion of this Act containing the title, the enacting clause, the
effective date, and the appropriate Section containing the land description
of the property to be transferred or otherwise affected under this Act
within 60 days after its effective date and, upon receipt of payment
required by the Section, shall record the certified document in the
Recorder's Office in the county in which the land is located.

New matter indicated by italics - deletions by strikeout
Section 20. Upon the payment of the sum of $1 to the Department of Natural Resources, and subject to the condition set forth in Sections 30 and 35 of this Act, the Director of the Department of Natural Resources is authorized to convey by quitclaim deed to the Village of Bureau Junction all right, title and interest in and to the following described land in Bureau County:

A tract conveyed to the State of Illinois, Department of Conservation (now Department of Natural Resources (Book 647, Page 241) described as Lots 1, 2, 3, 4, 5 and 6 in the Bureau Valley Junction plat (Mortgage Book G, Page 24) now in the Village of Bureau Junction, in the County of Bureau and State of Illinois.

Also, a tract conveyed to the State of Illinois, Department of Conservation (now Department of Natural Resources (Book 647, Page 244) described as part of the East Half of the Northwest Quarter and West Half of the Northeast Quarter of Section 17, Township 15 North, Range 10 East of the Fourth Principal Meridian, more particularly described as follows: Beginning at the Northeast corner of Lot 1 in Bureau Valley Junction plat (Mortgage Book G, Page 24); thence Westerly a distance of 429 feet, more or less, along the Northerly line of Lots 1, 2, 3, 4, 5 and 6 Bureau Valley Junction plat (Mortgage Book G, Page 24) and the Westerly prolongation thereof, to a point in the centerline of Nebraska Street; thence Northerly along the centerline of Nebraska Street a distance of 50 feet; thence Easterly along a line parallel with and 50 feet Northerly of Lots 1, 2, 3, 4, 5 and 6 Bureau Valley Junction plat (Mortgage Book G, Page 24) and Westerly prolongation thereof to a point in the Westerly line of Bureau Street; thence Southerly along the Westerly line of Bureau Street to the Point of Beginning.

Also, Part of the vacated parts of Bureau Street and Peoria Street of Bureau Valley Junction plat (Mortgage Book G, Page 24) now in the Village of Bureau Junction, County of Bureau and State of Illinois also located in the East Half of the Northwest Quarter and West Half of the Northeast Quarter of Section 17, Township 15 North, Range 10 East of the Fourth Principal Meridian, All of the above being more particularly described as follows: Beginning at an iron pin marking the Westerly corner of Lot 6 in Bureau Valley Junction plat (Mortgage Book G, Page 24); thence South 52 degrees 22 minutes 40 second West along the

New matter indicated by italics - deletions by strikeout
prolongation of the Northwesterly line of said Lots 1, 2, 3, 4, 5 and 6, 33.00 feet to a mag nail marking the centerline of Nebraska Street and the Southerly corner of a tract described in Book 647, Page 244; thence North 37 degrees 37 minutes 20 seconds West along the centerline of Nebraska Street and said tract (Book 647, Page 244) 50.00 feet to a mag nail marking the Westerly corner of said tract (Book 647, Page 241); thence North 52 degrees 22 minutes 40 seconds East along the Northwesterly line of said tract (Book 647, Page 241), 409.00 feet to an iron pin marking the Southwesterly line of Bureau Street Vacated (Book 420, Page 457); thence continuing North 52 degrees 22 minutes 40 seconds East along a railroad right of way line 66.00 feet; thence South 37 degrees 37 minutes 20 seconds East along the Northeasterly line of Bureau Street Vacated (Book 420, Page 457), 217.00 feet; thence South 52 degrees 22 minutes 40 seconds West, 442.00 feet to a point on the Northeasterly line of Nebraska Street; thence North 37 degrees 37 minutes 20 seconds West, 27.00 feet to an iron pin marking the Southerly corner of said Lot 6; thence continuing North 37 degrees 37 minutes 20 seconds West, 140.00 feet to the Point of Beginning, containing 2.24 acres, more or less.

The State of Illinois, Department of Natural Resources reserves the right to use and access the water well located on the above described parcel or by mutual agreement access to the Village of Bureau Junction public water supply.

Section 25. Upon the payment of the sum of $1 to the Department of Natural Resources, and subject to the condition set forth in Sections 30 and 35 of this Act, the Director of the Department of Natural Resources is authorized to convey by quitclaim deed to the Village of Orangeville all right, title and interest in and to the following described land in Stephenson County:

A part of the South Half of the Southwest Quarter of Section 36, Township 29 North, Range 7 East of the Fourth Principal Meridian, Stephenson County, State of Illinois, described as follows:

Commencing at a 5/8" iron pin at the southwest corner of the Southwest Quarter of said Section 36; thence North 88 degrees 03 minutes 32 seconds East, 1,538.51 feet (Bearings and grid distances are referenced to the Illinois State Plane Coordinate System West Zone Datum of 1983(2009)) on the south line of said

New matter indicated by italics - deletions by strikeout
Southwest Quarter, to the westerly right-of-way line of the Illinois Central Gulf Railroad; thence North 11 degrees 42 minutes 34 seconds West, 417.72 feet on said westerly railroad right-of-way line, to the northeasterly right-of-way line of a public highway designated FA Route 38 (IL 26) and the Point of Beginning. From the Point of Beginning thence North 71 degrees 50 minutes 04 seconds West, 58.03 feet on said northeasterly right-of-way line; thence North 48 degrees 35 minutes 36 seconds West, 498.71 feet on said northeasterly right-of-way line; thence North 38 degrees 04 minutes 30 seconds West, 564.35 feet on said northeasterly right-of-way line, to a 5/8" rebar; thence North 20 degrees 59 minutes 02 seconds West, 88.33 feet on said northeasterly right-of-way line, to the south line of the premises conveyed to Herman R. Busjahn and Florence E. Busjahn recorded in Book P-28 on Page 455 in the Recorder's Office of Stephenson County; thence North 88 degrees 00 minutes 46 seconds East, 623.46 feet on the south line of said premises so conveyed, to said westerly railroad right-of-way line; thence South 11 degrees 42 minutes 34 seconds East, 915.34 feet on said westerly railroad right-of-way line, to the Point of Beginning, containing 7.834 acres, more or less.

Section 30. The conveyances of real property authorized by Sections 20 and 25 shall be made subject to: (1) existing public utilities, existing public roads, and any and all reservations, easements, encumbrances, covenants and restrictions of record; and (2) the express condition that if the real property ceases to be used for public purposes, it shall revert to the State of Illinois, Department of Natural Resources.

Section 35. The Director of Natural Resources shall obtain a certified copy of the portions of this Act containing the title, the enacting clause, the effective date, and the appropriate Section or Sections containing the land descriptions of the property to be conveyed within 60 days after its effective date and, upon receipt of the payment required by the Section or Sections, shall record the certified document in the Recorder's Office in the County in which the land is located.

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

Passed in the General Assembly May 27, 2016.
Approved August 5, 2016.
Effective August 5, 2016.
AN ACT concerning safety.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Manufactured Home Quality Assurance Act is amended by changing Sections 10, 15, 25, 60, and 65 as follows:

(430 ILCS 117/10)

Sec. 10. Definitions. In this Act:

"Department" means the Illinois Department of Public Health.

"Licensed installer" means a person who has successfully completed a manufactured home installation course approved by the Department and paid the required fees.

"Manufactured home" and "mobile home" mean a "manufactured home", as defined in subdivision (53) of Section 9-102 of the Uniform Commercial Code. "Mobile home" means a factory-assembled, completely integrated structure, constructed on or before June 30, 1976, designed for permanent habitation, with a permanent chassis, and so constructed as to permit its transport, on wheels temporarily or permanently attached to its frame, that is a movable or portable unit that is constructed to be towed on its own chassis (comprised of frame and wheels) from the place of its construction to the location, or subsequent locations, at which it is connected to utilities for year-round occupancy for use as a permanent habitation, and designed to be used as a dwelling with or without a permanent foundation and situated so as to permit its occupancy as a dwelling place for one or more persons. The terms "manufactured home" and "mobile home" shall include units otherwise meeting their respective definitions containing parts that may be folded, collapsed, or telescoped when being towed and that may be expected to provide additional cubic capacity, and that are designed to be joined into one integral unit capable of being separated again into the components for repeated towing. The terms "manufactured home" and "mobile home" exclude campers and recreational vehicles.

"Manufacturer" means a manufacturer of a manufactured home, whether the manufacturer is located within or outside of the State of Illinois.

"Mobile home" or "manufactured home" does not include a modular home.

New matter indicated by italics - deletions by strikeout
"Mobile home park" means a tract of land or 2 contiguous tracts of land that contain sites with the necessary utilities for 5 or more mobile homes or manufactured homes. A mobile home park may be operated either free of charge or for revenue purposes.

(Source: P.A. 98-749, eff. 7-16-14.)

(430 ILCS 117/15)

Sec. 15. Enforcement of setup standards. The Department is responsible for enforcing setup standards mandated by the United States Department of Housing and Urban Development as set forth in manufacturers' specifications pursuant to Section 3285.2(a) of Title 24 of the Code of Federal Regulations, 24 C.F.R. 3285.2(a). In the absence of manufacturer's specifications, the Department must provide installation standards.

(Source: P.A. 92-410, eff. 1-1-02.)

(430 ILCS 117/25)

Sec. 25. Installation of home; installer's license; fees; display of license. All manufactured homes installed after December 31, 2001 shall be installed under the immediate onsite supervision of a licensed manufactured home installer. The fee for the issuance and renewal of an installer's license is $150 per year. In addition, a fee of $50 must be paid by the licensed installer responsible for the installation for each manufactured home installed as evidenced by the installers affixing of a Department-issued seal to the home and filing of an installation certificate with the Department. A licensed installer shall provide proof of licensing at the installation site at all times during the installation. The licensed installer responsible for the installation shall disclose the place of manufactured home delivery and the name of the buyer to the Department. When the Department is required to inspect the installation of a manufactured home, a fee of $395 shall be paid to the Department by the installer for each inspection made. When a Department-approved third party inspects the installation of a manufactured home, the installer shall pay an inspection fee not to exceed $395 to the person performing the inspection. A report of the installation inspection shall be made in a manner prescribed by the Department. The Department shall by rule establish the qualifications and manner in which third parties may be approved to inspect manufactured housing inspections.

(Source: P.A. 92-410, eff. 1-1-02.)

(430 ILCS 117/60)
Sec. 60. Exclusive State power or function. It is declared to be the public policy of this State, pursuant to paragraph (h) of Section 6 of Article VII of the Illinois Constitution of 1970, that any power or function set forth in this Act to be exercised by the State is an exclusive State power or function. Such power or function shall not be exercised concurrently, either directly or indirectly, by any unit of local government to which this Act applies, including home rule units, except as otherwise provided in this Act.

The Department may adopt all rules necessary to implement this Act. Such rules shall provide for the Department to inspect manufactured home installations, require correction of violations, and perform other duties mandated by the United States Department of Housing and Urban Development pursuant to Section 3286.803 of Title 24 of the Code of Federal Regulations, 24 C.F.R. 3286.803. The Department may require and approve non-governmental inspectors or inspection agencies, provided the Department shall at all times exercise supervisory control over such inspectors or agencies to insure effective and uniform enforcement consistent with the rules adopted by the Department.

(Source: P.A. 92-410, eff. 1-1-02.)

(430 ILCS 117/65)

Sec. 65. Applicability. This Act does not apply to home rule municipalities with a population in excess of 1,000,000 so long as exempt municipalities adopt rules to inspect manufactured home installations, require correction of violations, and perform other duties mandated by the United States Department of Housing and Urban Development pursuant to Section 3286.803 of Title 24 of the Code of Federal Regulations, 24 C.F.R. 3286.803. Exempt municipalities may require and approve non-governmental inspectors or inspection agencies, provided the exempt municipalities shall at all times exercise supervisory control over such inspectors or agencies to insure effective and uniform enforcement consistent with the rules adopted by the exempt municipalities.

(Source: P.A. 92-410, eff. 1-1-02.)

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

Passed in the General Assembly May 27, 2016.
Approved August 5, 2016.
Effective August 5, 2016.

New matter indicated by italics - deletions by strikeout
AN ACT concerning public aid.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Public Aid Code is amended by changing Section 5-30.1 as follows:

(305 ILCS 5/5-30.1)

Sec. 5-30.1. Managed care protections.

(a) As used in this Section:

"Managed care organization" or "MCO" means any entity which contracts with the Department to provide services where payment for medical services is made on a capitated basis.

"Emergency services" include:

(1) emergency services, as defined by Section 10 of the Managed Care Reform and Patient Rights Act;

(2) emergency medical screening examinations, as defined by Section 10 of the Managed Care Reform and Patient Rights Act;

(3) post-stabilization medical services, as defined by Section 10 of the Managed Care Reform and Patient Rights Act; and

(4) emergency medical conditions, as defined by Section 10 of the Managed Care Reform and Patient Rights Act.

(b) As provided by Section 5-16.12, managed care organizations are subject to the provisions of the Managed Care Reform and Patient Rights Act.

(c) An MCO shall pay any provider of emergency services that does not have in effect a contract with the contracted Medicaid MCO. The default rate of reimbursement shall be the rate paid under Illinois Medicaid fee-for-service program methodology, including all policy adjusters, including but not limited to Medicaid High Volume Adjustments, Medicaid Percentage Adjustments, Outpatient High Volume Adjustments, and all outlier add-on adjustments to the extent such adjustments are incorporated in the development of the applicable MCO capitated rates.

(d) An MCO shall pay for all post-stabilization services as a covered service in any of the following situations:

(1) the MCO authorized such services;
(2) such services were administered to maintain the enrollee's stabilized condition within one hour after a request to the MCO for authorization of further post-stabilization services;
(3) the MCO did not respond to a request to authorize such services within one hour;
(4) the MCO could not be contacted; or
(5) the MCO and the treating provider, if the treating provider is a non-affiliated provider, could not reach an agreement concerning the enrollee's care and an affiliated provider was unavailable for a consultation, in which case the MCO must pay for such services rendered by the treating non-affiliated provider until an affiliated provider was reached and either concurred with the treating non-affiliated provider's plan of care or assumed responsibility for the enrollee's care. Such payment shall be made at the default rate of reimbursement paid under Illinois Medicaid fee-for-service program methodology, including all policy adjusters, including but not limited to Medicaid High Volume Adjustments, Medicaid Percentage Adjustments, Outpatient High Volume Adjustments and all outlier add-on adjustments to the extent that such adjustments are incorporated in the development of the applicable MCO capitated rates.

(e) The following requirements apply to MCOs in determining payment for all emergency services:

(1) MCOs shall not impose any requirements for prior approval of emergency services.
(2) The MCO shall cover emergency services provided to enrollees who are temporarily away from their residence and outside the contracting area to the extent that the enrollees would be entitled to the emergency services if they still were within the contracting area.
(3) The MCO shall have no obligation to cover medical services provided on an emergency basis that are not covered services under the contract.
(4) The MCO shall not condition coverage for emergency services on the treating provider notifying the MCO of the enrollee's screening and treatment within 10 days after presentation for emergency services.
(5) The determination of the attending emergency physician, or the provider actually treating the enrollee, of whether

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an enrollee is sufficiently stabilized for discharge or transfer to another facility, shall be binding on the MCO. The MCO shall cover emergency services for all enrollees whether the emergency services are provided by an affiliated or non-affiliated provider.

(6) The MCO's financial responsibility for post-stabilization care services it has not pre-approved ends when:
   (A) a plan physician with privileges at the treating hospital assumes responsibility for the enrollee's care;
   (B) a plan physician assumes responsibility for the enrollee's care through transfer;
   (C) a contracting entity representative and the treating physician reach an agreement concerning the enrollee's care; or
   (D) the enrollee is discharged.

(f) Network adequacy and transparency.
   (1) The Department shall:
      (A) ensure that an adequate provider network is in place, taking into consideration health professional shortage areas and medically underserved areas;
      (B) publicly release an explanation of its process for analyzing network adequacy;
      (C) periodically ensure that an MCO continues to have an adequate network in place; and
      (D) require MCOs to maintain an updated and public list of network providers.

   (2) Each MCO shall confirm its receipt of information submitted specific to physician additions or physician deletions from the MCO's provider network within 3 days after receiving all required information from contracted physicians, and electronic physician directories must be updated consistent with current rules as published by the Centers for Medicare and Medicaid Services or its successor agency.

(g) Timely payment of claims.
   (1) The MCO shall pay a claim within 30 days of receiving a claim that contains all the essential information needed to adjudicate the claim.
   (2) The MCO shall notify the billing party of its inability to adjudicate a claim within 30 days of receiving that claim.
(3) The MCO shall pay a penalty that is at least equal to the 
penalty imposed under the Illinois Insurance Code for any claims 
not timely paid.

(4) The Department may establish a process for MCOs to 
expedite payments to providers based on criteria established by the 
Department.

(g-5) Recognizing that the rapid transformation of the Illinois 
Medicaid program may have unintended operational challenges for both 
payers and providers:

(1) in no instance shall a medically necessary covered 
service rendered in good faith, based upon eligibility information 
documented by the provider, be denied coverage or diminished in 
payment amount if the eligibility or coverage information available 
at the time the service was rendered is later found to be 
inaccurate; and

(2) the Department shall, by December 31, 2016, adopt 
rules establishing policies that shall be included in the Medicaid 
managed care policy and procedures manual addressing payment 
resolutions in situations in which a provider renders services 
based upon information obtained after verifying a patient's 
coverage plan through either the Department's current enrollment system or a system operated by the coverage plan identified by the patient presenting for services:

(A) such medically necessary covered services shall 
be considered rendered in good faith;

(B) such policies and procedures shall be developed 
in consultation with industry representatives of the 
Medicaid managed care health plans and representatives of 
provider associations representing the majority of 
providers within the identified provider industry; and

(C) such rules shall be published for a review and 
comment period of no less than 30 days on the 
Department's website with final rules remaining available 
on the Department's website.

(3) The rules on payment resolutions shall include, but not 
be limited to:

(A) the extension of the timely filing period;

(B) retroactive prior authorizations; and

New matter indicated by italics - deletions by strikeout
(C) guaranteed minimum payment rate of no less than the current, as of the date of service, fee-for-service rate, plus all applicable add-ons, when the resulting service relationship is out of network.

(4) The rules shall be applicable for both MCO coverage and fee-for-service coverage.

(g-6) MCO Performance Metrics Report.

(1) The Department shall publish, on at least a quarterly basis, each MCO's operational performance, including, but not limited to, the following categories of metrics:

(A) claims payment, including timeliness and accuracy;
(B) prior authorizations;
(C) grievance and appeals;
(D) utilization statistics;
(E) provider disputes;
(F) provider credentialing; and
(G) member and provider customer service.

(2) The Department shall ensure that the metrics report is accessible to providers online by January 1, 2017.

(3) The metrics shall be developed in consultation with industry representatives of the Medicaid managed care health plans and representatives of associations representing the majority of providers within the identified industry.

(4) Metrics shall be defined and incorporated into the applicable Managed Care Policy Manual issued by the Department.

(h) The Department shall not expand mandatory MCO enrollment into new counties beyond those counties already designated by the Department as of June 1, 2014 for the individuals whose eligibility for medical assistance is not the seniors or people with disabilities population until the Department provides an opportunity for accountable care entities and MCOs to participate in such newly designated counties.

(i) The requirements of this Section apply to contracts with accountable care entities and MCOs entered into, amended, or renewed after the effective date of this amendatory Act of the 98th General Assembly.

(Source: P.A. 98-651, eff. 6-16-14.)
Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly May 27, 2016.
Approved August 5, 2016.
Effective August 5, 2016.

PUBLIC ACT 99-0752
(Senate Bill No. 3106)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Code of Criminal Procedure of 1963 is amended by changing Section 115-10 as follows:
(725 ILCS 5/115-10) (from Ch. 38, par. 115-10)
Sec. 115-10. Certain hearsay exceptions.
(a) In a prosecution for a physical or sexual act perpetrated upon or against a child under the age of 13, or a person with an intellectual disability, a person with a cognitive impairment, or a person with a developmental disability, who was a person with a moderate, severe, or profound intellectual disability as defined in this Code and in Section 2-10.1 of the Criminal Code of 1961 or the Criminal Code of 2012 at the time the act was committed, including, but not limited, to prosecutions for violations of Sections 11-1.20 through 11-1.60 or 12-13 through 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012 and prosecutions for violations of Sections 10-1 (kidnapping), 10-2 (aggravated kidnapping), 10-3 (unlawful restraint), 10-3.1 (aggravated unlawful restraint), 10-4 (forcible detention), 10-5 (child abduction), 10-6 (harboring a runaway), 10-7 (aiding or abetting child abduction), 11-9 (public indecency), 11-11 (sexual relations within families), 11-21 (harmful material), 12-1 (assault), 12-2 (aggravated assault), 12-3 (battery), 12-3.2 (domestic battery), 12-3.3 (aggravated domestic battery), 12-3.05 or 12-4 (aggravated battery), 12-4.1 (heinous battery), 12-4.2 (aggravated battery with a firearm), 12-4.3 (aggravated battery of a child), 12-4.7 (drug induced infliction of great bodily harm), 12-5 (reckless conduct), 12-6 (intimidation), 12-6.1 or 12-6.5 (compelling organization membership of persons), 12-7.1 (hate crime), 12-7.3 (stalking), 12-7.4 (aggravated stalking), 12-10 or 12C-35 (tattooing the body of a minor), 12-11 or 19-6 (home invasion), 12-21.5 or 12C-10 (child abandonment), 12-

New matter indicated by italics - deletions by strikeout
21.6 or 12C-5 (endangering the life or health of a child) or 12-32 (ritual mutilation) of the Criminal Code of 1961 or the Criminal Code of 2012 or any sex offense as defined in subsection (B) of Section 2 of the Sex Offender Registration Act, the following evidence shall be admitted as an exception to the hearsay rule:

(1) testimony by the victim of an out of court statement made by the victim that he or she complained of such act to another; and

(2) testimony of an out of court statement made by the victim describing any complaint of such act or matter or detail pertaining to any act which is an element of an offense which is the subject of a prosecution for a sexual or physical act against that victim.

(b) Such testimony shall only be admitted if:

(1) The court finds in a hearing conducted outside the presence of the jury that the time, content, and circumstances of the statement provide sufficient safeguards of reliability; and

(2) The child or person with an intellectual disability, a cognitive impairment, or developmental disability is either:

(A) testifies at the proceeding; or

(B) is unavailable as a witness and there is corroborative evidence of the act which is the subject of the statement; and

(3) In a case involving an offense perpetrated against a child under the age of 13, the out of court statement was made before the victim attained 13 years of age or within 3 months after the commission of the offense, whichever occurs later, but the statement may be admitted regardless of the age of the victim at the time of the proceeding.

(c) If a statement is admitted pursuant to this Section, the court shall instruct the jury that it is for the jury to determine the weight and credibility to be given the statement and that, in making the determination, it shall consider the age and maturity of the child, or the intellectual capabilities of the person with an intellectual disability, a cognitive impairment, or developmental disability, the nature of the statement, the circumstances under which the statement was made, and any other relevant factor.

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(d) The proponent of the statement shall give the adverse party reasonable notice of his intention to offer the statement and the particulars of the statement.

(e) Statements described in paragraphs (1) and (2) of subsection (a) shall not be excluded on the basis that they were obtained as a result of interviews conducted pursuant to a protocol adopted by a Child Advocacy Advisory Board as set forth in subsections (c), (d), and (e) of Section 3 of the Children's Advocacy Center Act or that an interviewer or witness to the interview was or is an employee, agent, or investigator of a State's Attorney's office.

(f) For the purposes of this Section:
"Person with a cognitive impairment" means a person with a significant impairment of cognition or memory that represents a marked deterioration from a previous level of function. Cognitive impairment includes, but is not limited to, dementia, amnesia, delirium, or a traumatic brain injury.

"Person with a developmental disability" means a person with a disability that is attributable to (1) an intellectual disability, cerebral palsy, epilepsy, or autism, or (2) any other condition that results in an impairment similar to that caused by an intellectual disability and requires services similar to those required by a person with an intellectual disability.

"Person with an intellectual disability" means a person with significantly subaverage general intellectual functioning which exists concurrently with an impairment in adaptive behavior.

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

Passed in the General Assembly May 27, 2016.
Approved August 5, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0753
(Senate Bill No. 3166)

AN ACT concerning civil law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Code of Civil Procedure is amended by changing Section 9-117 as follows:

(735 ILCS 5/9-117) (from Ch. 110, par. 9-117)

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Sec. 9-117. Expiration of Judgment. No judgment for possession obtained in an action brought under this Article may be enforced more than 120 days after judgment is entered, unless upon motion by the plaintiff the court grants an extension of the period of enforcement of the judgment. Plaintiff's notice of motion shall contain the following notice directed to the defendant:

"The plaintiff in this case Your landlord, (insert name), obtained an eviction judgment against you on (insert date), but the sheriff did not evict you within the 120 days that the plaintiff landlord has to evict after a judgment in court. On the date stated in this notice, the plaintiff your landlord will be asking the court to allow the sheriff to evict you based on that judgment. You must attend the court hearing if you want the court to stop the plaintiff landlord from having you evicted. To prevent the eviction, you must be able to prove that (1) the plaintiff landlord and you made an agreement after the judgment (for instance, to pay up back rent or to comply with the lease) and you have lived up to the agreement; or (2) the reason the plaintiff landlord brought the original eviction case has been resolved or forgiven, and the eviction the plaintiff landlord now wants the court to grant is based on a new or different reason; or (3) that you have another legal or equitable reason why the court should not grant the plaintiff's landlord's request for your eviction."

The court shall grant the motion for the extension of the judgment of possession unless the defendant establishes that the tenancy has been reinstated, that the breach upon which the judgment was issued has been cured or waived, that the plaintiff and defendant entered into a post-judgment agreement whose terms the defendant has performed, or that other legal or equitable grounds exist that bar enforcement of the judgment. This Section does not apply to any action based upon a breach of a contract entered into on or after July 1, 1962, for the purchase of premises in which the court has entered a stay under Section 9-110; nor shall this Section apply to any action to which the provisions of Section 9-111 apply; nor shall this Section affect the rights of Boards of Managers under Section 9-104.2.

(Source: P.A. 96-60, eff. 7-23-09.)

Passed in the General Assembly May 27, 2016.
Approved August 5, 2016.
Effective January 1, 2017.

New matter indicated by italics - deletions by strikeout
AN ACT concerning local government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Counties Code is amended by changing Sections 5-43010, 5-43015, 5-43020, 5-43025, 5-43035, 5-43040, and 5-43045 as follows:

(55 ILCS 5/5-43010)

Sec. 5-43010. Administrative adjudication of county code and ordinance violations; definitions.

(a) Any county may provide by ordinance for a system of administrative adjudication of county code violations to the extent permitted by the Illinois Constitution.

(b) Any county may provide by ordinance for a system of administrative adjudication of violations of ordinances enacted by a participating unit of local government only where: (i) the unit of local government is engaging in governmental activities or providing services within the boundaries of the county; (ii) the unit of local government has no system of administrative adjudication; and (iii) the violation occurred within the boundaries of the county.

(c) As used in this Division:

"Participating unit of local government" means a unit of local government which has entered into an intergovernmental agreement or contract with a county for the administrative adjudication of violations of its ordinances by the county pursuant to this Division.

"System A system of administrative adjudication" means the adjudication of any violation of a county ordinance or of a participating unit of local government's ordinance, except for (i) proceedings not within the statutory or the home rule authority of counties or a participating unit of local government; and (ii) any offense under the Illinois Vehicle Code (or a similar offense that is a traffic regulation governing the movement of vehicles and except for any reportable offense under Section 6-204 of the Illinois Vehicle Code).

"Unit of local government" has the meaning as defined in the Illinois Constitution of 1970 and also includes a not-for-profit corporation organized for the purpose of conducting public business including, but not
limited to, the Northeast Illinois Regional Commuter Railroad Corporation.
(Source: P.A. 96-1386, eff. 7-29-10.)
(55 ILCS 5/5-43015)
Sec. 5-43015. Administrative adjudication procedures not exclusive. The adoption by a county of a system of administrative adjudication does not preclude the county from using other methods to enforce county ordinances. An intergovernmental agreement or contract entered into between a county and participating unit of local government under this Division does not preclude a participating unit of local government from using other methods to enforce its ordinances.
(Source: P.A. 96-1386, eff. 7-29-10.)
(55 ILCS 5/5-43020)
Sec. 5-43020. Code hearing units; powers of hearing officers.
(a) An ordinance establishing a system of administrative adjudication, pursuant to this Division, shall provide for a code hearing unit within an existing agency or as a separate agency in the county government. The ordinance shall establish the jurisdiction of a code hearing unit that is consistent with this Division. The "jurisdiction" of a code hearing unit refers to the particular code violations that it may adjudicate.

(b) Adjudicatory hearings shall be presided over by hearing officers. The powers and duties of a hearing officer shall include:
   (1) hearing testimony and accepting evidence that is relevant to the existence of the code violation;
   (2) issuing subpoenas directing witnesses to appear and give relevant testimony at the hearing, upon the request of the parties or their representatives;
   (3) preserving and authenticating the record of the hearing and all exhibits and evidence introduced at the hearing;
   (4) issuing a determination, based on the evidence presented at the hearing, of whether a code violation exists, which shall be in writing and shall include a written finding of fact, decision, and order including the fine, penalty, or action with which the defendant must comply; and
   (5) imposing penalties consistent with applicable code provisions and assessing costs upon finding a party liable for the charged violation, except, however, that in no event shall the hearing officer have authority to: (i) impose a penalty of

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incarceration; or (ii) impose a fine in excess of $50,000, or at the option of the county for a fine imposed for a violation of a county ordinance or at the option of a participating unit of local government for a fine imposed for violation of an ordinance of the participating unit of local government, such other amount not to exceed the maximum amount established by the Mandatory Arbitration System as prescribed by the Rules of the Illinois Supreme Court from time to time for the judicial circuit in which the county is located. The maximum monetary fine under this item (5), shall be exclusive of costs of enforcement or costs imposed to secure compliance with the county's ordinances or participating unit of local government's ordinances and shall not be applicable to cases to enforce the collection of any tax imposed and collected by the county or participating unit of local government.

(c) Prior to conducting administrative adjudication proceedings, administrative hearing officers shall have successfully completed a formal training program that includes the following:

   (1) instruction on the rules of procedure of the administrative hearings that they will conduct;
   (2) orientation to each subject area of the code violations that they will adjudicate;
   (3) observation of administrative hearings; and
   (4) participation in hypothetical cases, including ruling on evidence and issuing final orders.

In addition, every administrative hearing officer must be an attorney licensed to practice law in the State of Illinois for at least 3 years.

(d) A proceeding before a code hearing unit shall be instituted upon the filing of a written pleading by an authorized official of the county or participating unit of local government.

(Source: P.A. 96-1386, eff. 7-29-10.)

(55 ILCS 5/5-43025)
Sec. 5-43025. Administrative hearing proceedings.

(a) Any ordinance establishing a system of administrative adjudication, pursuant to this Division, shall afford parties due process of law, including notice and opportunity for hearing. Parties shall be served with process in a manner reasonably calculated to give them actual notice, including, as appropriate, personal service of process upon a party or its employees or agents; service by mail at a party's address; or notice that is posted upon the property where the violation is found when the party is the

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owner or manager of the property. In counties with a population under 3,000,000, if the notice requires the respondent to answer within a certain amount of time, the county or participating unit of local government must reply to the answer within the same amount of time afforded to the respondent.

(b) Parties shall be given notice of an adjudicatory hearing that includes the type and nature of the code violation to be adjudicated, the date and location of the adjudicatory hearing, the legal authority and jurisdiction under which the hearing is to be held, and the penalties for failure to appear at the hearing.

(c) Parties shall be provided with an opportunity for a hearing during which they may be represented by counsel, present witnesses, and cross-examine opposing witnesses. Parties may request the hearing officer to issue subpoenas to direct the attendance and testimony of relevant witnesses and the production of relevant documents. Hearings shall be scheduled with reasonable promptness, except that for hearings scheduled in all non-emergency situations, if requested by the defendant, the defendant shall have at least 15 days after service of process to prepare for a hearing. For purposes of this subsection (c), "non-emergency situation" means any situation that does not reasonably constitute a threat to the public interest, safety, or welfare. If service is provided by mail, the 15-day period shall begin to run on the day that the notice is deposited in the mail.

(Source: P.A. 96-1386, eff. 7-29-10.)

(55 ILCS 5/5-43035)

Sec. 5-43035. Enforcement of judgment.

(a) Any fine, other sanction, or costs imposed, or part of any fine, other sanction, or costs imposed, remaining unpaid after the exhaustion of or the failure to exhaust judicial review procedures under the Illinois Administrative Review Law are a debt due and owing the county for a violation of a county ordinance, or the participating unit of local government for a violation of a participating unit of local government's ordinance, and may be collected in accordance with applicable law.

(b) After expiration of the period in which judicial review under the Illinois Administrative Review Law may be sought for a final determination of a code violation, unless stayed by a court of competent jurisdiction, the findings, decision, and order of the hearing officer may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

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(c) In any case in which a defendant has failed to comply with a judgment ordering a defendant to correct a code violation or imposing any fine or other sanction as a result of a code violation, any expenses incurred by a county for a violation of a county ordinance, or the participating unit of local government for a violation of a participating unit of local government's ordinance, to enforce the judgment, including, but not limited to, attorney's fees, court costs, and costs related to property demolition or foreclosure, after they are fixed by a court of competent jurisdiction or a hearing officer, shall be a debt due and owing the county for a violation of a county ordinance, or the participating unit of local government for a violation of a participating unit of local government's ordinance, and may be collected in accordance with applicable law. Prior to any expenses being fixed by a hearing officer pursuant to this subsection (c), the county for a violation of a county ordinance, or the participating unit of local government for a violation of a participating unit of local government's ordinance, shall provide notice to the defendant that states that the defendant shall appear at a hearing before the administrative hearing officer to determine whether the defendant has failed to comply with the judgment. The notice shall set the date for the hearing, which shall not be less than 7 days after the date that notice is served. If notice is served by mail, the 7-day period shall begin to run on the date that the notice was deposited in the mail.

(c-5) A default in the payment of a fine or penalty or any installment of a fine or penalty may be collected by any means authorized for the collection of monetary judgments. The state's attorney of the county in which the fine or penalty was imposed may retain attorneys and private collection agents for the purpose of collecting any default in payment of any fine or penalty or installment of that fine or penalty. Any fees or costs incurred by the county or participating unit of local government with respect to attorneys or private collection agents retained by the state's attorney under this Section shall be charged to the offender.

(d) Upon being recorded in the manner required by Article XII of the Code of Civil Procedure or by the Uniform Commercial Code, a lien shall be imposed on the real estate or personal estate, or both, of the defendant in the amount of any debt due and owing the county for a violation of a county ordinance, or the participating unit of local government for a violation of a participating unit of local government's ordinance, under this Section. The lien may be enforced in the same

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manner as a judgment lien pursuant to a judgment of a court of competent jurisdiction.

(e) A hearing officer may set aside any judgment entered by default and set a new hearing date, upon a petition filed within 21 days after the issuance of the order of default, if the hearing officer determines that the petitioner's failure to appear at the hearing was for good cause or at any time if the petitioner establishes that the county for a violation of a county ordinance, or the participating unit of local government for a violation of a participating unit of local government's ordinance, did not provide proper service of process. If any judgment is set aside pursuant to this subsection (e), the hearing officer shall have authority to enter an order extinguishing any lien that has been recorded for any debt due and owing the county for a violation of a county ordinance, or the participating unit of local government for a violation of a participating unit of local government's ordinance, as a result of the vacated default judgment.

(Source: P.A. 99-18, eff. 1-1-16.)

(55 ILCS 5/5-43040)

Sec. 5-43040. Impact on existing administrative adjudication systems. This Division does not affect the validity of systems of administrative adjudication that were authorized by State law, including home rule authority, and in existence before July 29, 2010 (the effective date of Public Act 96-1386) this amendatory Act of the 96th General Assembly.

(Source: P.A. 96-1386, eff. 7-29-10.)

(55 ILCS 5/5-43045)

Sec. 5-43045. Impact on home rule authority. This Division does not preempt counties or participating units of local government from adopting other systems of administrative adjudication pursuant to their home rule powers.

(Source: P.A. 96-1386, eff. 7-29-10.)

Passed in the General Assembly May 29, 2016.
Approved August 5, 2016.
Effective January 1, 2017.

New matter indicated by italics - deletions by strikeout
AN ACT concerning criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Arsonist Registration Act is amended by changing Section 10 as follows:

(730 ILCS 148/10)
Sec. 10. Duty to register.

(a) An arsonist shall, within the time period prescribed in subsections (b) and (c), register in person and provide accurate information as required by the Department of State Police. Such information shall include current address, current place of employment, and school attended. The arsonist shall register:

(1) with the chief of police in each of the municipalities in which he or she attends school, is employed, resides or is temporarily domiciled for a period of time of 10 or more days, unless the municipality is the City of Chicago, in which case he or she shall register at a fixed location designated by the Superintendent of the Chicago Police Department; or

(2) with the sheriff in each of the counties in which he or she attends school, is employed, resides or is temporarily domiciled in an unincorporated area or, if incorporated, no police chief exists. For purposes of this Act, the place of residence or temporary domicile is defined as any and all places where the arsonist resides for an aggregate period of time of 10 or more days during any calendar year. The arsonist shall provide accurate information as required by the Department of State Police. That information shall include the arsonist's current place of employment.

(a-5) An out-of-state student or out-of-state employee shall, within 10 days after beginning school or employment in this State, register in person and provide accurate information as required by the Department of State Police. Such information must include current place of employment, school attended, and address in state of residence:

(1) with the chief of police in each of the municipalities in which he or she attends school or is employed for a period of time of 10 or more days or for an aggregate period of time of more than 

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30 days during any calendar year, unless the municipality is the City of Chicago, in which case he or she shall register at a fixed location designated by the Superintendent of the Chicago Police Department; or

(2) with the sheriff in each of the counties in which he or she attends school or is employed for a period of time of 10 or more days or for an aggregate period of time of more than 30 days during any calendar year in an unincorporated area or, if incorporated, no police chief exists. The out-of-state student or out-of-state employee shall provide accurate information as required by the Department of State Police. That information shall include the out-of-state student's current place of school attendance or the out-of-state employee's current place of employment.

(b) An arsonist as defined in Section 5 of this Act, regardless of any initial, prior, or other registration, shall, within 10 days of beginning school, or establishing a residence, place of employment, or temporary domicile in any county, register in person as set forth in subsection (a) or (a-5).

(c) The registration for any person required to register under this Act shall be as follows:

(1) Except as provided in paragraph (3) of this subsection (c), any person who has not been notified of his or her responsibility to register shall be notified by a criminal justice entity of his or her responsibility to register. Upon notification the person must then register within 10 days of notification of his or her requirement to register. If notification is not made within the offender's 10 year registration requirement, and the Department of State Police determines no evidence exists or indicates the offender attempted to avoid registration, the offender will no longer be required to register under this Act.

(2) Except as provided in paragraph (3) of this subsection (c), any person convicted on or after the effective date of this Act shall register in person within 10 days after the entry of the sentencing order based upon his or her conviction.

(3) Any person unable to comply with the registration requirements of this Act because he or she is confined, institutionalized, or imprisoned in Illinois on or after the effective date of this Act shall register in person within 10 days of discharge, parole or release.
(4) The person shall provide positive identification and documentation that substantiates proof of residence at the registering address.

(5) The person shall pay a $10 initial registration fee and a $5 annual renewal fee. The fees shall be used by the registering agency for official purposes. The agency shall establish procedures to document receipt and use of the funds. The law enforcement agency having jurisdiction may waive the registration fee if it determines that the person is indigent and unable to pay the registration fee.

(d) Within 10 days after obtaining or changing employment, a person required to register under this Section must report, in person or in writing to the law enforcement agency having jurisdiction, the business name and address where he or she is employed. If the person has multiple businesses or work locations, every business and work location must be reported to the law enforcement agency having jurisdiction.

(Source: P.A. 93-949, eff. 1-1-05.)

Section 10. The Sex Offender Registration Act is amended by changing Section 3 as follows:

(730 ILCS 150/3)

Sec. 3. Duty to register.

(a) A sex offender, as defined in Section 2 of this Act, or sexual predator shall, within the time period prescribed in subsections (b) and (c), register in person and provide accurate information as required by the Department of State Police. Such information shall include a current photograph, current address, current place of employment, the sex offender's or sexual predator's telephone number, including cellular telephone number, the employer's telephone number, school attended, all e-mail addresses, instant messaging identities, chat room identities, and other Internet communications identities that the sex offender uses or plans to use, all Uniform Resource Locators (URLs) registered or used by the sex offender, all blogs and other Internet sites maintained by the sex offender or to which the sex offender has uploaded any content or posted any messages or information, extensions of the time period for registering as provided in this Article and, if an extension was granted, the reason why the extension was granted and the date the sex offender was notified of the extension. The information shall also include a copy of the terms and conditions of parole or release signed by the sex offender and given to the sex offender by his or her supervising officer or aftercare specialist, the

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county of conviction, license plate numbers for every vehicle registered in
the name of the sex offender, the age of the sex offender at the time of the
commission of the offense, the age of the victim at the time of the
commission of the offense, and any distinguishing marks located on the
body of the sex offender. A sex offender convicted under Section 11-6, 11-
20.1, 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or the
Criminal Code of 2012 shall provide all Internet protocol (IP) addresses in
his or her residence, registered in his or her name, accessible at his or her
place of employment, or otherwise under his or her control or custody. If
the sex offender is a child sex offender as defined in Section 11-9.3 or 11-
9.4 of the Criminal Code of 1961 or the Criminal Code of 2012, the sex
offender shall report to the registering agency whether he or she is living
in a household with a child under 18 years of age who is not his or her own
child, provided that his or her own child is not the victim of the sex
offense. The sex offender or sexual predator shall register:

(1) with the chief of police in the municipality in which he
or she resides or is temporarily domiciled for a period of time of 3
or more days, unless the municipality is the City of Chicago, in
which case he or she shall register at a fixed location designated by
the Superintendent of the Chicago Police Department the Chicago
Police Department Headquarters; or

(2) with the sheriff in the county in which he or she resides
or is temporarily domiciled for a period of time of 3 or more days
in an unincorporated area or, if incorporated, no police chief exists.
If the sex offender or sexual predator is employed at or attends an
institution of higher education, he or she shall also register:

(i) with:

(A) the chief of police in the municipality in which
he or she is employed at or attends an institution of higher
education, unless the municipality is the City of Chicago, in
which case he or she shall register at a fixed location designated by the Superintendent of the Chicago Police
Department the Chicago Police Department Headquarters; or

(B) the sheriff in the county in which he or she is
employed or attends an institution of higher education
located in an unincorporated area, or if incorporated, no
police chief exists; and

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(ii) with the public safety or security director of the institution of higher education which he or she is employed at or attends.

The registration fees shall only apply to the municipality or county of primary registration, and not to campus registration.

For purposes of this Article, the place of residence or temporary domicile is defined as any and all places where the sex offender resides for an aggregate period of time of 3 or more days during any calendar year. Any person required to register under this Article who lacks a fixed address or temporary domicile must notify, in person, the agency of jurisdiction of his or her last known address within 3 days after ceasing to have a fixed residence.

A sex offender or sexual predator who is temporarily absent from his or her current address of registration for 3 or more days shall notify the law enforcement agency having jurisdiction of his or her current registration, including the itinerary for travel, in the manner provided in Section 6 of this Act for notification to the law enforcement agency having jurisdiction of change of address.

Any person who lacks a fixed residence must report weekly, in person, with the sheriff's office of the county in which he or she is located in an unincorporated area, or with the chief of police in the municipality in which he or she is located. The agency of jurisdiction will document each weekly registration to include all the locations where the person has stayed during the past 7 days.

The sex offender or sexual predator shall provide accurate information as required by the Department of State Police. That information shall include the sex offender's or sexual predator's current place of employment.

(a-5) An out-of-state student or out-of-state employee shall, within 3 days after beginning school or employment in this State, register in person and provide accurate information as required by the Department of State Police. Such information will include current place of employment, school attended, and address in state of residence. A sex offender convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or the Criminal Code of 2012 shall provide all Internet protocol (IP) addresses in his or her residence, registered in his or her name, accessible at his or her place of employment, or otherwise under his or her control or custody. The out-of-state student or out-of-state employee shall register:

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(1) with:
   (A) the chief of police in the municipality in which he or she attends school or is employed for a period of time of 5 or more days or for an aggregate period of time of more than 30 days during any calendar year, unless the municipality is the City of Chicago, in which case he or she shall register at a fixed location designated by the Superintendent of the Chicago Police Department the Chicago Police Department Headquarters; or
   (B) the sheriff in the county in which he or she attends school or is employed for a period of time of 5 or more days or for an aggregate period of time of more than 30 days during any calendar year in an unincorporated area or, if incorporated, no police chief exists; and

(2) with the public safety or security director of the institution of higher education he or she is employed at or attends for a period of time of 5 or more days or for an aggregate period of time of more than 30 days during a calendar year.

The registration fees shall only apply to the municipality or county of primary registration, and not to campus registration.

The out-of-state student or out-of-state employee shall provide accurate information as required by the Department of State Police. That information shall include the out-of-state student's current place of school attendance or the out-of-state employee's current place of employment.

(a-10) Any law enforcement agency registering sex offenders or sexual predators in accordance with subsections (a) or (a-5) of this Section shall forward to the Attorney General a copy of sex offender registration forms from persons convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or the Criminal Code of 2012, including periodic and annual registrations under Section 6 of this Act.

(b) Any sex offender, as defined in Section 2 of this Act, or sexual predator, regardless of any initial, prior, or other registration, shall, within 3 days of beginning school, or establishing a residence, place of employment, or temporary domicile in any county, register in person as set forth in subsection (a) or (a-5).

(c) The registration for any person required to register under this Article shall be as follows:

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(1) Any person registered under the Habitual Child Sex Offender Registration Act or the Child Sex Offender Registration Act prior to January 1, 1996, shall be deemed initially registered as of January 1, 1996; however, this shall not be construed to extend the duration of registration set forth in Section 7.

(2) Except as provided in subsection (c)(2.1) or (c)(4), any person convicted or adjudicated prior to January 1, 1996, whose liability for registration under Section 7 has not expired, shall register in person prior to January 31, 1996.

(2.1) A sex offender or sexual predator, who has never previously been required to register under this Act, has a duty to register if the person has been convicted of any felony offense after July 1, 2011. A person who previously was required to register under this Act for a period of 10 years and successfully completed that registration period has a duty to register if: (i) the person has been convicted of any felony offense after July 1, 2011, and (ii) the offense for which the 10 year registration was served currently requires a registration period of more than 10 years. Notification of an offender's duty to register under this subsection shall be pursuant to Section 5-7 of this Act.

(2.5) Except as provided in subsection (c)(4), any person who has not been notified of his or her responsibility to register shall be notified by a criminal justice entity of his or her responsibility to register. Upon notification the person must then register within 3 days of notification of his or her requirement to register. Except as provided in subsection (c)(2.1), if notification is not made within the offender's 10 year registration requirement, and the Department of State Police determines no evidence exists or indicates the offender attempted to avoid registration, the offender will no longer be required to register under this Act.

(3) Except as provided in subsection (c)(4), any person convicted on or after January 1, 1996, shall register in person within 3 days after the entry of the sentencing order based upon his or her conviction.

(4) Any person unable to comply with the registration requirements of this Article because he or she is confined, institutionalized, or imprisoned in Illinois on or after January 1, 1996, shall register in person within 3 days of discharge, parole or release.

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(5) The person shall provide positive identification and documentation that substantiates proof of residence at the registering address.

(6) The person shall pay a $100 initial registration fee and a $100 annual renewal fee to the registering law enforcement agency having jurisdiction. The registering agency may waive the registration fee if it determines that the person is indigent and unable to pay the registration fee. Thirty-five dollars for the initial registration fee and $35 of the annual renewal fee shall be retained and used by the registering agency for official purposes. Having retained $35 of the initial registration fee and $35 of the annual renewal fee, the registering agency shall remit the remainder of the fee to State agencies within 30 days of receipt for deposit into the State funds as follows:

(A) Five dollars of the initial registration fee and $5 of the annual fee shall be remitted to the State Treasurer who shall deposit the moneys into the Sex Offender Management Board Fund under Section 19 of the Sex Offender Management Board Act. Money deposited into the Sex Offender Management Board Fund shall be administered by the Sex Offender Management Board and shall be used by the Board to comply with the provisions of the Sex Offender Management Board Act.

(B) Thirty dollars of the initial registration fee and $30 of the annual renewal fee shall be remitted to the Department of State Police which shall deposit the moneys into the Sex Offender Registration Fund and shall be used by the Department of State Police to maintain and update the Illinois State Police Sex Offender Registry.

(C) Thirty dollars of the initial registration fee and $30 of the annual renewal fee shall be remitted to the Attorney General who shall deposit the moneys into the Attorney General Sex Offender Awareness, Training, and Education Fund. Moneys deposited into the Fund shall be used by the Attorney General to administer the I-SORT program and to alert and educate the public, victims, and witnesses of their rights under various victim notification laws and for training law enforcement agencies, State's Attorneys, and medical providers of their legal duties.

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concerning the prosecution and investigation of sex offenses.

The registering agency shall establish procedures to document the receipt and remittance of the $100 initial registration fee and $100 annual renewal fee.

d) Within 3 days after obtaining or changing employment and, if employed on January 1, 2000, within 5 days after that date, a person required to register under this Section must report, in person to the law enforcement agency having jurisdiction, the business name and address where he or she is employed. If the person has multiple businesses or work locations, every business and work location must be reported to the law enforcement agency having jurisdiction.

(Source: P.A. 97-155, eff 1-1-12; 97-333, eff. 8-12-11; 97-578, eff. 1-1-12; 97-1098, eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-558, eff. 1-1-14; 98-612, eff. 12-27-13.)

Section 15. The Murderer and Violent Offender Against Youth Registration Act is amended by changing Section 10 as follows:

(730 ILCS 154/10)

Sec. 10. Duty to register.

(a) A violent offender against youth shall, within the time period prescribed in subsections (b) and (c), register in person and provide accurate information as required by the Department of State Police. Such information shall include a current photograph, current address, current place of employment, the employer's telephone number, school attended, extensions of the time period for registering as provided in this Act and, if an extension was granted, the reason why the extension was granted and the date the violent offender against youth was notified of the extension. A person who has been adjudicated a juvenile delinquent for an act which, if committed by an adult, would be a violent offense against youth shall register as an adult violent offender against youth within 10 days after attaining 17 years of age. The violent offender against youth shall register:

(1) with the chief of police in the municipality in which he or she resides or is temporarily domiciled for a period of time of 5 or more days, unless the municipality is the City of Chicago, in which case he or she shall register at a fixed location designated by the Superintendent of the Chicago Police Department or the Chicago Police Department Headquarters; or

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(2) with the sheriff in the county in which he or she resides or is temporarily domiciled for a period of time of 5 or more days in an unincorporated area or, if incorporated, no police chief exists. If the violent offender against youth is employed at or attends an institution of higher education, he or she shall register:

(i) with the chief of police in the municipality in which he or she is employed at or attends an institution of higher education, unless the municipality is the City of Chicago, in which case he or she shall register at a fixed location designated by the Superintendent of the Chicago Police Department the Chicago Police Department Headquarters; or

(ii) with the sheriff in the county in which he or she is employed or attends an institution of higher education located in an unincorporated area, or if incorporated, no police chief exists.

For purposes of this Act, the place of residence or temporary domicile is defined as any and all places where the violent offender against youth resides for an aggregate period of time of 5 or more days during any calendar year. Any person required to register under this Act who lacks a fixed address or temporary domicile must notify, in person, the agency of jurisdiction of his or her last known address within 5 days after ceasing to have a fixed residence.

Any person who lacks a fixed residence must report weekly, in person, with the sheriff's office of the county in which he or she is located in an unincorporated area, or with the chief of police in the municipality in which he or she is located. The agency of jurisdiction will document each weekly registration to include all the locations where the person has stayed during the past 7 days.

The violent offender against youth shall provide accurate information as required by the Department of State Police. That information shall include the current place of employment of the violent offender against youth.

(a-5) An out-of-state student or out-of-state employee shall, within 5 days after beginning school or employment in this State, register in person and provide accurate information as required by the Department of State Police. Such information will include current place of employment, school attended, and address in state of residence. The out-of-state student or out-of-state employee shall register:

(1) with the chief of police in the municipality in which he or she attends school or is employed for a period of time of 5 or
more days or for an aggregate period of time of more than 30 days during any calendar year, unless the municipality is the City of Chicago, in which case he or she shall register at a fixed location designated by the Superintendent of the Chicago Police Department the Chicago Police Department Headquarters; or

(2) with the sheriff in the county in which he or she attends school or is employed for a period of time of 5 or more days or for an aggregate period of time of more than 30 days during any calendar year in an unincorporated area or, if incorporated, no police chief exists.

The out-of-state student or out-of-state employee shall provide accurate information as required by the Department of State Police. That information shall include the out-of-state student's current place of school attendance or the out-of-state employee's current place of employment.

(b) Any violent offender against youth regardless of any initial, prior, or other registration, shall, within 5 days of beginning school, or establishing a residence, place of employment, or temporary domicile in any county, register in person as set forth in subsection (a) or (a-5).

(c) The registration for any person required to register under this Act shall be as follows:

(1) Except as provided in paragraph (3) of this subsection (c), any person who has not been notified of his or her responsibility to register shall be notified by a criminal justice entity of his or her responsibility to register. Upon notification the person must then register within 5 days of notification of his or her requirement to register. If notification is not made within the offender's 10 year registration requirement, and the Department of State Police determines no evidence exists or indicates the offender attempted to avoid registration, the offender will no longer be required to register under this Act.

(2) Except as provided in paragraph (3) of this subsection (c), any person convicted on or after the effective date of this Act shall register in person within 5 days after the entry of the sentencing order based upon his or her conviction.

(3) Any person unable to comply with the registration requirements of this Act because he or she is confined, institutionalized, or imprisoned in Illinois on or after the effective date of this Act shall register in person within 5 days of discharge, parole or release.

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(4) The person shall provide positive identification and documentation that substantiates proof of residence at the registering address.

(5) The person shall pay a $20 initial registration fee and a $10 annual renewal fee. The fees shall be deposited into the Murderer and Violent Offender Against Youth Registration Fund. The fees shall be used by the registering agency for official purposes. The agency shall establish procedures to document receipt and use of the funds. The law enforcement agency having jurisdiction may waive the registration fee if it determines that the person is indigent and unable to pay the registration fee.

(d) Within 5 days after obtaining or changing employment, a person required to register under this Section must report, in person to the law enforcement agency having jurisdiction, the business name and address where he or she is employed. If the person has multiple businesses or work locations, every business and work location must be reported to the law enforcement agency having jurisdiction.

(Source: P.A. 97-154, eff. 1-1-12.)

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

Passed in the General Assembly May 27, 2016.
Approved August 5, 2016.
Effective August 5, 2016.

PUBLIC ACT 99-0756
( House Bill No. 0335 )

AN ACT concerning gaming.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Horse Racing Act of 1975 is amended by changing Sections 26, 26.8, 26.9, 27, and 31 as follows:
(230 ILCS 5/26) (from Ch. 8, par. 37-26)
Sec. 26. Wagering.
(a) Any licensee may conduct and supervise the pari-mutuel system of wagering, as defined in Section 3.12 of this Act, on horse races conducted by an Illinois organization licensee or conducted at a racetrack located in another state or country and televised in Illinois in accordance with subsection (g) of Section 26 of this Act. Subject to the prior consent

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of the Board, licensees may supplement any pari-mutuel pool in order to guarantee a minimum distribution. Such pari-mutuel method of wagering shall not, under any circumstances if conducted under the provisions of this Act, be held or construed to be unlawful, other statutes of this State to the contrary notwithstanding. Subject to rules for advance wagering promulgated by the Board, any licensee may accept wagers in advance of the day of the race wagered upon occurs.

(b) No other method of betting, pool making, wagering or gambling shall be used or permitted by the licensee. Each licensee may retain, subject to the payment of all applicable taxes and purses, an amount not to exceed 17% of all money wagered under subsection (a) of this Section, except as may otherwise be permitted under this Act.

(b-5) An individual may place a wager under the pari-mutuel system from any licensed location authorized under this Act provided that wager is electronically recorded in the manner described in Section 3.12 of this Act. Any wager made electronically by an individual while physically on the premises of a licensee shall be deemed to have been made at the premises of that licensee.

(c) Until January 1, 2000, the sum held by any licensee for payment of outstanding pari-mutuel tickets, if unclaimed prior to December 31 of the next year, shall be retained by the licensee for payment of such tickets until that date. Within 10 days thereafter, the balance of such sum remaining unclaimed, less any uncashed supplements contributed by such licensee for the purpose of guaranteeing minimum distributions of any pari-mutuel pool, shall be paid to the Illinois Veterans' Rehabilitation Fund of the State treasury, except as provided in subsection (g) of Section 27 of this Act.

(c-5) Beginning January 1, 2000, the sum held by any licensee for payment of outstanding pari-mutuel tickets, if unclaimed prior to December 31 of the next year, shall be retained by the licensee for payment of such tickets until that date. Within 10 days thereafter, the balance of such sum remaining unclaimed, less any uncashed supplements contributed by such licensee for the purpose of guaranteeing minimum distributions of any pari-mutuel pool, shall be evenly distributed to the purse account of the organization licensee and the organization licensee.

(d) A pari-mutuel ticket shall be honored until December 31 of the next calendar year, and the licensee shall pay the same and may charge the amount thereof against unpaid money similarly accumulated on account of pari-mutuel tickets not presented for payment.

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(e) No licensee shall knowingly permit any minor, other than an employee of such licensee or an owner, trainer, jockey, driver, or employee thereof, to be admitted during a racing program unless accompanied by a parent or guardian, or any minor to be a patron of the pari-mutuel system of wagering conducted or supervised by it. The admission of any unaccompanied minor, other than an employee of the licensee or an owner, trainer, jockey, driver, or employee thereof at a race track is a Class C misdemeanor.

(f) Notwithstanding the other provisions of this Act, an organization licensee may contract with an entity in another state or country to permit any legal wagering entity in another state or country to accept wagers solely within such other state or country on races conducted by the organization licensee in this State. Beginning January 1, 2000, these wagers shall not be subject to State taxation. Until January 1, 2000, when the out-of-State entity conducts a pari-mutuel pool separate from the organization licensee, a privilege tax equal to 7 1/2% of all monies received by the organization licensee from entities in other states or countries pursuant to such contracts is imposed on the organization licensee, and such privilege tax shall be remitted to the Department of Revenue within 48 hours of receipt of the moneys from the simulcast. When the out-of-State entity conducts a combined pari-mutuel pool with the organization licensee, the tax shall be 10% of all monies received by the organization licensee with 25% of the receipts from this 10% tax to be distributed to the county in which the race was conducted.

An organization licensee may permit one or more of its races to be utilized for pari-mutuel wagering at one or more locations in other states and may transmit audio and visual signals of races the organization licensee conducts to one or more locations outside the State or country and may also permit pari-mutuel pools in other states or countries to be combined with its gross or net wagering pools or with wagering pools established by other states.

(g) A host track may accept interstate simulcast wagers on horse races conducted in other states or countries and shall control the number of signals and types of breeds of racing in its simulcast program, subject to the disapproval of the Board. The Board may prohibit a simulcast program only if it finds that the simulcast program is clearly adverse to the integrity of racing. The host track simulcast program shall include the signal of live racing of all organization licensees. All non-host licensees and advance deposit wagering licensees shall carry the signal of and accept wagers on
live racing of all organization licensees. Advance deposit wagering licensees shall not be permitted to accept out-of-state wagers on any Illinois signal provided pursuant to this Section without the approval and consent of the organization licensee providing the signal. For one year after the effective date of this amendatory Act of the 98th General Assembly, non-host licensees may carry the host track simulcast program and shall accept wagers on all races included as part of the simulcast program of horse races conducted at race tracks located within North America upon which wagering is permitted. For a period of one year after the effective date of this amendatory Act of the 98th General Assembly, on horse races conducted at race tracks located outside of North America, non-host licensees may accept wagers on all races included as part of the simulcast program upon which wagering is permitted. Beginning one year after the effective date of this amendatory Act of the 98th General Assembly, non-host licensees may carry the host track simulcast program and shall accept wagers on all races included as part of the simulcast program upon which wagering is permitted. All organization licensees shall provide their live signal to all advance deposit wagering licensees for a simulcast commission fee not to exceed 6% of the advance deposit wagering licensee's Illinois handle on the organization licensee's signal without prior approval by the Board. The Board may adopt rules under which it may permit simulcast commission fees in excess of 6%. The Board shall adopt rules limiting the interstate commission fees charged to an advance deposit wagering licensee. The Board shall adopt rules regarding advance deposit wagering on interstate simulcast races that shall reflect, among other things, the General Assembly's desire to maximize revenues to the State, horsemen purses, and organizational licensees. However, organization licensees providing live signals pursuant to the requirements of this subsection (g) may petition the Board to withhold their live signals from an advance deposit wagering licensee if the organization licensee discovers and the Board finds reputable or credible information that the advance deposit wagering licensee is under investigation by another state or federal governmental agency, the advance deposit wagering licensee's license has been suspended in another state, or the advance deposit wagering licensee's license is in revocation proceedings in another state. The organization licensee's provision of their live signal to an advance deposit wagering licensee under this subsection (g) pertains to wagers placed from within Illinois. Advance deposit wagering licensees may place advance deposit wagering terminals at

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wagering facilities as a convenience to customers. The advance deposit wagering licensee shall not charge or collect any fee from purses for the placement of the advance deposit wagering terminals. The costs and expenses of the host track and non-host licensees associated with interstate simulcast wagering, other than the interstate commission fee, shall be borne by the host track and all non-host licensees incurring these costs. The interstate commission fee shall not exceed 5% of Illinois handle on the interstate simulcast race or races without prior approval of the Board. The Board shall promulgate rules under which it may permit interstate commission fees in excess of 5%. The interstate commission fee and other fees charged by the sending racetrack, including, but not limited to, satellite decoder fees, shall be uniformly applied to the host track and all non-host licensees.

Notwithstanding any other provision of this Act, through December 31, 2018 until February 1, 2017, an organization licensee, with the consent of the horsemen association representing the largest number of owners, trainers, jockeys, or standardbred drivers who race horses at that organization licensee's racing meeting, may maintain a system whereby advance deposit wagering may take place or an organization licensee, with the consent of the horsemen association representing the largest number of owners, trainers, jockeys, or standardbred drivers who race horses at that organization licensee's racing meeting, may contract with another person to carry out a system of advance deposit wagering. Such consent may not be unreasonably withheld. Only with respect to an appeal to the Board that consent for an organization licensee that maintains its own advance deposit wagering system is being unreasonably withheld, the Board shall issue a final order within 30 days after initiation of the appeal, and the organization licensee's advance deposit wagering system may remain operational during that 30-day period. The actions of any organization licensee who conducts advance deposit wagering or any person who has a contract with an organization licensee to conduct advance deposit wagering who conducts advance deposit wagering on or after January 1, 2013 and prior to the effective date of this amendatory Act of the 98th General Assembly taken in reliance on the changes made to this subsection (g) by this amendatory Act of the 98th General Assembly are hereby validated, provided payment of all applicable pari-mutuel taxes are remitted to the Board. All advance deposit wagers placed from within Illinois must be placed through a Board-approved advance deposit wagering licensee; no other entity may accept an advance deposit wager

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from a person within Illinois. All advance deposit wagering is subject to any rules adopted by the Board. The Board may adopt rules necessary to regulate advance deposit wagering through the use of emergency rulemaking in accordance with Section 5-45 of the Illinois Administrative Procedure Act. The General Assembly finds that the adoption of rules to regulate advance deposit wagering is deemed an emergency and necessary for the public interest, safety, and welfare. An advance deposit wagering licensee may retain all moneys as agreed to by contract with an organization licensee. Any moneys retained by the organization licensee from advance deposit wagering, not including moneys retained by the advance deposit wagering licensee, shall be paid 50% to the organization licensee's purse account and 50% to the organization licensee. With the exception of any organization licensee that is owned by a publicly traded company that is incorporated in a state other than Illinois and advance deposit wagering licensees under contract with such organization licensees, organization licensees that maintain advance deposit wagering systems and advance deposit wagering licensees that contract with organization licensees shall provide sufficiently detailed monthly accountings to the horsemen association representing the largest number of owners, trainers, jockeys, or standardbred drivers who race horses at that organization licensee's racing meeting so that the horsemen association, as an interested party, can confirm the accuracy of the amounts paid to the purse account at the horsemen association's affiliated organization licensee from advance deposit wagering. If more than one breed races at the same race track facility, then the 50% of the moneys to be paid to an organization licensee's purse account shall be allocated among all organization licensees' purse accounts operating at that race track facility proportionately based on the actual number of host days that the Board grants to that breed at that race track facility in the current calendar year. To the extent any fees from advance deposit wagering conducted in Illinois for wagers in Illinois or other states have been placed in escrow or otherwise withheld from wagers pending a determination of the legality of advance deposit wagering, no action shall be brought to declare such wagers or the disbursement of any fees previously escrowed illegal.

(1) Between the hours of 6:30 a.m. and 6:30 p.m. an intertrack wagering licensee other than the host track may supplement the host track simulcast program with additional simulcast races or race programs, provided that between January 1 and the third Friday in February of any year, inclusive, if no live

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thoroughbred racing is occurring in Illinois during this period, only thoroughbred races may be used for supplemental interstate simulcast purposes. The Board shall withhold approval for a supplemental interstate simulcast only if it finds that the simulcast is clearly adverse to the integrity of racing. A supplemental interstate simulcast may be transmitted from an intertrack wagering licensee to its affiliated non-host licensees. The interstate commission fee for a supplemental interstate simulcast shall be paid by the non-host licensee and its affiliated non-host licensees receiving the simulcast.

(2) Between the hours of 6:30 p.m. and 6:30 a.m. an intertrack wagering licensee other than the host track may receive supplemental interstate simulcasts only with the consent of the host track, except when the Board finds that the simulcast is clearly adverse to the integrity of racing. Consent granted under this paragraph (2) to any intertrack wagering licensee shall be deemed consent to all non-host licensees. The interstate commission fee for the supplemental interstate simulcast shall be paid by all participating non-host licensees.

(3) Each licensee conducting interstate simulcast wagering may retain, subject to the payment of all applicable taxes and the purses, an amount not to exceed 17% of all money wagered. If any licensee conducts the pari-mutuel system wagering on races conducted at racetracks in another state or country, each such race or race program shall be considered a separate racing day for the purpose of determining the daily handle and computing the privilege tax of that daily handle as provided in subsection (a) of Section 27. Until January 1, 2000, from the sums permitted to be retained pursuant to this subsection, each intertrack wagering location licensee shall pay 1% of the pari-mutuel handle wagered on simulcast wagering to the Horse Racing Tax Allocation Fund, subject to the provisions of subparagraph (B) of paragraph (11) of subsection (h) of Section 26 of this Act.

(4) A licensee who receives an interstate simulcast may combine its gross or net pools with pools at the sending racetracks pursuant to rules established by the Board. All licensees combining their gross pools at a sending racetrack shall adopt the take-out percentages of the sending racetrack. A licensee may also establish a separate pool and takeout structure for wagering purposes on

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races conducted at race tracks outside of the State of Illinois. The licensee may permit pari-mutuel wagers placed in other states or countries to be combined with its gross or net wagering pools or other wagering pools.

(5) After the payment of the interstate commission fee (except for the interstate commission fee on a supplemental interstate simulcast, which shall be paid by the host track and by each non-host licensee through the host-track) and all applicable State and local taxes, except as provided in subsection (g) of Section 27 of this Act, the remainder of moneys retained from simulcast wagering pursuant to this subsection (g), and Section 26.2 shall be divided as follows:

(A) For interstate simulcast wagers made at a host track, 50% to the host track and 50% to purses at the host track.

(B) For wagers placed on interstate simulcast races, supplemental simulcasts as defined in subparagraphs (1) and (2), and separately pooled races conducted outside of the State of Illinois made at a non-host licensee, 25% to the host track, 25% to the non-host licensee, and 50% to the purses at the host track.

(6) Notwithstanding any provision in this Act to the contrary, non-host licensees who derive their licenses from a track located in a county with a population in excess of 230,000 and that borders the Mississippi River may receive supplemental interstate simulcast races at all times subject to Board approval, which shall be withheld only upon a finding that a supplemental interstate simulcast is clearly adverse to the integrity of racing.

(7) Notwithstanding any provision of this Act to the contrary, after payment of all applicable State and local taxes and interstate commission fees, non-host licensees who derive their licenses from a track located in a county with a population in excess of 230,000 and that borders the Mississippi River shall retain 50% of the retention from interstate simulcast wagers and shall pay 50% to purses at the track from which the non-host licensee derives its license as follows:

(A) Between January 1 and the third Friday in February, inclusive, if no live thoroughbred racing is occurring in Illinois during this period, when the interstate
simulcast is a standardbred race, the purse share to its standardbred purse account;

(B) Between January 1 and the third Friday in February, inclusive, if no live thoroughbred racing is occurring in Illinois during this period, and the interstate simulcast is a thoroughbred race, the purse share to its interstate simulcast purse pool to be distributed under paragraph (10) of this subsection (g);

(C) Between January 1 and the third Friday in February, inclusive, if live thoroughbred racing is occurring in Illinois, between 6:30 a.m. and 6:30 p.m. the purse share from wagers made during this time period to its thoroughbred purse account and between 6:30 p.m. and 6:30 a.m. the purse share from wagers made during this time period to its standardbred purse accounts;

(D) Between the third Saturday in February and December 31, when the interstate simulcast occurs between the hours of 6:30 a.m. and 6:30 p.m., the purse share to its thoroughbred purse account;

(E) Between the third Saturday in February and December 31, when the interstate simulcast occurs between the hours of 6:30 p.m. and 6:30 a.m., the purse share to its standardbred purse account.

(7.1) Notwithstanding any other provision of this Act to the contrary, if no standardbred racing is conducted at a racetrack located in Madison County during any calendar year beginning on or after January 1, 2002, all moneys derived by that racetrack from simulcast wagering and inter-track wagering that (1) are to be used for purses and (2) are generated between the hours of 6:30 p.m. and 6:30 a.m. during that calendar year shall be paid as follows:

(A) If the licensee that conducts horse racing at that racetrack requests from the Board at least as many racing dates as were conducted in calendar year 2000, 80% shall be paid to its thoroughbred purse account; and

(B) Twenty percent shall be deposited into the Illinois Colt Stakes Purse Distribution Fund and shall be paid to purses for standardbred races for Illinois conceived and foaled horses conducted at any county fairgrounds. The moneys deposited into the Fund pursuant to this

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subparagraph (B) shall be deposited within 2 weeks after the day they were generated, shall be in addition to and not in lieu of any other moneys paid to standardbred purses under this Act, and shall not be commingled with other moneys paid into that Fund. The moneys deposited pursuant to this subparagraph (B) shall be allocated as provided by the Department of Agriculture, with the advice and assistance of the Illinois Standardbred Breeders Fund Advisory Board.

(7.2) Notwithstanding any other provision of this Act to the contrary, if no thoroughbred racing is conducted at a racetrack located in Madison County during any calendar year beginning on or after January 1, 2002, all moneys derived by that racetrack from simulcast wagering and inter-track wagering that (1) are to be used for purses and (2) are generated between the hours of 6:30 a.m. and 6:30 p.m. during that calendar year shall be deposited as follows:

(A) If the licensee that conducts horse racing at that racetrack requests from the Board at least as many racing dates as were conducted in calendar year 2000, 80% shall be deposited into its standardbred purse account; and

(B) Twenty percent shall be deposited into the Illinois Colt Stakes Purse Distribution Fund. Moneys deposited into the Illinois Colt Stakes Purse Distribution Fund pursuant to this subparagraph (B) shall be paid to Illinois conceived and foaled thoroughbred breeders' programs and to thoroughbred purses for races conducted at any county fairgrounds for Illinois conceived and foaled horses at the discretion of the Department of Agriculture, with the advice and assistance of the Illinois Thoroughbred Breeders Fund Advisory Board. The moneys deposited into the Illinois Colt Stakes Purse Distribution Fund pursuant to this subparagraph (B) shall be deposited within 2 weeks after the day they were generated, shall be in addition to and not in lieu of any other moneys paid to thoroughbred purses under this Act, and shall not be commingled with other moneys deposited into that Fund.

(7.3) If no live standardbred racing is conducted at a racetrack located in Madison County in calendar year 2000 or 2001, an organization licensee who is licensed to conduct horse

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racing at that racetrack shall, before January 1, 2002, pay all moneys derived from simulcast wagering and inter-track wagering in calendar years 2000 and 2001 and paid into the licensee's standardbred purse account as follows:

(A) Eighty percent to that licensee's thoroughbred purse account to be used for thoroughbred purses; and

(B) Twenty percent to the Illinois Colt Stakes Purse Distribution Fund.

Failure to make the payment to the Illinois Colt Stakes Purse Distribution Fund before January 1, 2002 shall result in the immediate revocation of the licensee's organization license, inter-track wagering license, and inter-track wagering location license.

Moneys paid into the Illinois Colt Stakes Purse Distribution Fund pursuant to this paragraph (7.3) shall be paid to purses for standardbred races for Illinois conceived and foaled horses conducted at any county fairgrounds. Moneys paid into the Illinois Colt Stakes Purse Distribution Fund pursuant to this paragraph (7.3) shall be used as determined by the Department of Agriculture, with the advice and assistance of the Illinois Standardbred Breeders Fund Advisory Board, shall be in addition to and not in lieu of any other moneys paid to standardbred purses under this Act, and shall not be commingled with any other moneys paid into that Fund.

(7.4) If live standardbred racing is conducted at a racetrack located in Madison County at any time in calendar year 2001 before the payment required under paragraph (7.3) has been made, the organization licensee who is licensed to conduct racing at that racetrack shall pay all moneys derived by that racetrack from simulcast wagering and inter-track wagering during calendar years 2000 and 2001 that (1) are to be used for purses and (2) are generated between the hours of 6:30 p.m. and 6:30 a.m. during 2000 or 2001 to the standardbred purse account at that racetrack to be used for standardbred purses.

(8) Notwithstanding any provision in this Act to the contrary, an organization licensee from a track located in a county with a population in excess of 230,000 and that borders the Mississippi River and its affiliated non-host licensees shall not be entitled to share in any retention generated on racing, inter-track wagering, or simulcast wagering at any other Illinois wagering facility.

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(8.1) Notwithstanding any provisions in this Act to the contrary, if 2 organization licensees are conducting standardbred race meetings concurrently between the hours of 6:30 p.m. and 6:30 a.m., after payment of all applicable State and local taxes and interstate commission fees, the remainder of the amount retained from simulcast wagering otherwise attributable to the host track and to host track purses shall be split daily between the 2 organization licensees and the purses at the tracks of the 2 organization licensees, respectively, based on each organization licensee's share of the total live handle for that day, provided that this provision shall not apply to any non-host licensee that derives its license from a track located in a county with a population in excess of 230,000 and that borders the Mississippi River.

(9) (Blank).
(10) (Blank).
(11) (Blank).
(12) The Board shall have authority to compel all host tracks to receive the simulcast of any or all races conducted at the Springfield or DuQuoin State fairgrounds and include all such races as part of their simulcast programs.
(13) Notwithstanding any other provision of this Act, in the event that the total Illinois pari-mutuel handle on Illinois horse races at all wagering facilities in any calendar year is less than 75% of the total Illinois pari-mutuel handle on Illinois horse races at all such wagering facilities for calendar year 1994, then each wagering facility that has an annual total Illinois pari-mutuel handle on Illinois horse races that is less than 75% of the total Illinois pari-mutuel handle on Illinois horse races at such wagering facility for calendar year 1994, shall be permitted to receive, from any amount otherwise payable to the purse account at the race track with which the wagering facility is affiliated in the succeeding calendar year, an amount equal to 2% of the differential in total Illinois pari-mutuel handle on Illinois horse races at the wagering facility between that calendar year in question and 1994 provided, however, that a wagering facility shall not be entitled to any such payment until the Board certifies in writing to the wagering facility the amount to which the wagering facility is entitled and a schedule for payment of the amount to the wagering facility, based on: (i) the racing dates awarded to the race track affiliated with

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wagering facility during the succeeding year; (ii) the sums available or anticipated to be available in the purse account of the race track affiliated with the wagering facility for purses during the succeeding year; and (iii) the need to ensure reasonable purse levels during the payment period. The Board's certification shall be provided no later than January 31 of the succeeding year. In the event a wagering facility entitled to a payment under this paragraph (13) is affiliated with a race track that maintains purse accounts for both standardbred and thoroughbred racing, the amount to be paid to the wagering facility shall be divided between each purse account pro rata, based on the amount of Illinois handle on Illinois standardbred and thoroughbred racing respectively at the wagering facility during the previous calendar year. Annually, the General Assembly shall appropriate sufficient funds from the General Revenue Fund to the Department of Agriculture for payment into the thoroughbred and standardbred horse racing purse accounts at Illinois pari-mutuel tracks. The amount paid to each purse account shall be the amount certified by the Illinois Racing Board in January to be transferred from each account to each eligible racing facility in accordance with the provisions of this Section.

(h) The Board may approve and license the conduct of inter-track wagering and simulcast wagering by inter-track wagering licensees and inter-track wagering location licensees subject to the following terms and conditions:

(1) Any person licensed to conduct a race meeting (i) at a track where 60 or more days of racing were conducted during the immediately preceding calendar year or where over the 5 immediately preceding calendar years an average of 30 or more days of racing were conducted annually may be issued an inter-track wagering license; (ii) at a track located in a county that is bounded by the Mississippi River, which has a population of less than 150,000 according to the 1990 decennial census, and an average of at least 60 days of racing per year between 1985 and 1993 may be issued an inter-track wagering license; or (iii) at a track located in Madison County that conducted at least 100 days of live racing during the immediately preceding calendar year may be issued an inter-track wagering license, unless a lesser schedule of live racing is the result of (A) weather, unsafe track conditions, or other acts of God; (B) an agreement between the organization

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licensee and the associations representing the largest number of owners, trainers, jockeys, or standardbred drivers who race horses at that organization licensee's racing meeting; or (C) a finding by the Board of extraordinary circumstances and that it was in the best interest of the public and the sport to conduct fewer than 100 days of live racing. Any such person having operating control of the racing facility may also receive up to 6 inter-track wagering location licenses. In no event shall more than 6 inter-track wagering locations be established for each eligible race track, except that an eligible race track located in a county that has a population of more than 230,000 and that is bounded by the Mississippi River may establish up to 7 inter-track wagering locations and an eligible race track located in Cook County may establish up to 8 inter-track wagering locations. An application for said license shall be filed with the Board prior to such dates as may be fixed by the Board. With an application for an inter-track wagering location license there shall be delivered to the Board a certified check or bank draft payable to the order of the Board for an amount equal to $500. The application shall be on forms prescribed and furnished by the Board. The application shall comply with all other rules, regulations and conditions imposed by the Board in connection therewith.

(2) The Board shall examine the applications with respect to their conformity with this Act and the rules and regulations imposed by the Board. If found to be in compliance with the Act and rules and regulations of the Board, the Board may then issue a license to conduct inter-track wagering and simulcast wagering to such applicant. All such applications shall be acted upon by the Board at a meeting to be held on such date as may be fixed by the Board.

(3) In granting licenses to conduct inter-track wagering and simulcast wagering, the Board shall give due consideration to the best interests of the public, of horse racing, and of maximizing revenue to the State.

(4) Prior to the issuance of a license to conduct inter-track wagering and simulcast wagering, the applicant shall file with the Board a bond payable to the State of Illinois in the sum of $50,000, executed by the applicant and a surety company or companies authorized to do business in this State, and conditioned upon (i) the

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payment by the licensee of all taxes due under Section 27 or 27.1 and any other monies due and payable under this Act, and (ii) distribution by the licensee, upon presentation of the winning ticket or tickets, of all sums payable to the patrons of pari-mutuel pools.

(5) Each license to conduct inter-track wagering and simulcast wagering shall specify the person to whom it is issued, the dates on which such wagering is permitted, and the track or location where the wagering is to be conducted.

(6) All wagering under such license is subject to this Act and to the rules and regulations from time to time prescribed by the Board, and every such license issued by the Board shall contain a recital to that effect.

(7) An inter-track wagering licensee or inter-track wagering location licensee may accept wagers at the track or location where it is licensed, or as otherwise provided under this Act.

(8) Inter-track wagering or simulcast wagering shall not be conducted at any track less than 5 miles from a track at which a racing meeting is in progress.

(8.1) Inter-track wagering location licensees who derive their licenses from a particular organization licensee shall conduct inter-track wagering and simulcast wagering only at locations that are within 140 miles of that race track where the particular organization licensee is licensed to conduct racing. However, inter-track wagering and simulcast wagering shall not be conducted by those licensees at any location within 5 miles of any race track at which a horse race meeting has been licensed in the current year, unless the person having operating control of such race track has given its written consent to such inter-track wagering location licensees, which consent must be filed with the Board at or prior to the time application is made. In the case of any inter-track wagering location licensee initially licensed after December 31, 2013, inter-track wagering and simulcast wagering shall not be conducted by those inter-track wagering location licensees that are located outside the City of Chicago at any location within 8 miles of any race track at which a horse race meeting has been licensed in the current year, unless the person having operating control of such race track has given its written consent to such inter-track wagering location licensees, which consent must be filed with the Board at or prior to the time application is made.

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(8.2) Inter-track wagering or simulcast wagering shall not be conducted by an inter-track wagering location licensee at any location within 500 feet of an existing church or existing school, nor within 500 feet of the residences of more than 50 registered voters without receiving written permission from a majority of the registered voters at such residences. Such written permission statements shall be filed with the Board. The distance of 500 feet shall be measured to the nearest part of any building used for worship services, education programs, residential purposes, or conducting inter-track wagering by an inter-track wagering location licensee, and not to property boundaries. However, inter-track wagering or simulcast wagering may be conducted at a site within 500 feet of a church, school or residences of 50 or more registered voters if such church, school or residences have been erected or established, or such voters have been registered, after the Board issues the original inter-track wagering location license at the site in question. Inter-track wagering location licensees may conduct inter-track wagering and simulcast wagering only in areas that are zoned for commercial or manufacturing purposes or in areas for which a special use has been approved by the local zoning authority. However, no license to conduct inter-track wagering and simulcast wagering shall be granted by the Board with respect to any inter-track wagering location within the jurisdiction of any local zoning authority which has, by ordinance or by resolution, prohibited the establishment of an inter-track wagering location within its jurisdiction. However, inter-track wagering and simulcast wagering may be conducted at a site if such ordinance or resolution is enacted after the Board licenses the original inter-track wagering location licensee for the site in question.

(9) (Blank).

(10) An inter-track wagering licensee or an inter-track wagering location licensee may retain, subject to the payment of the privilege taxes and the purses, an amount not to exceed 17% of all money wagered. Each program of racing conducted by each inter-track wagering licensee or inter-track wagering location licensee shall be considered a separate racing day for the purpose of determining the daily handle and computing the privilege tax or pari-mutuel tax on such daily handle as provided in Section 27.

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(10.1) Except as provided in subsection (g) of Section 27 of this Act, inter-track wagering location licensees shall pay 1% of the pari-mutuel handle at each location to the municipality in which such location is situated and 1% of the pari-mutuel handle at each location to the county in which such location is situated. In the event that an inter-track wagering location licensee is situated in an unincorporated area of a county, such licensee shall pay 2% of the pari-mutuel handle from such location to such county.

(10.2) Notwithstanding any other provision of this Act, with respect to intertrack wagering at a race track located in a county that has a population of more than 230,000 and that is bounded by the Mississippi River ("the first race track"), or at a facility operated by an inter-track wagering licensee or inter-track wagering location licensee that derives its license from the organization licensee that operates the first race track, on races conducted at the first race track or on races conducted at another Illinois race track and simultaneously televised to the first race track or to a facility operated by an inter-track wagering licensee or inter-track wagering location licensee that derives its license from the organization licensee that operates the first race track, those moneys shall be allocated as follows:

(A) That portion of all moneys wagered on standardbred racing that is required under this Act to be paid to purses shall be paid to purses for standardbred races.

(B) That portion of all moneys wagered on thoroughbred racing that is required under this Act to be paid to purses shall be paid to purses for thoroughbred races.

(11) (A) After payment of the privilege or pari-mutuel tax, any other applicable taxes, and the costs and expenses in connection with the gathering, transmission, and dissemination of all data necessary to the conduct of inter-track wagering, the remainder of the monies retained under either Section 26 or Section 26.2 of this Act by the inter-track wagering licensee on inter-track wagering shall be allocated with 50% to be split between the 2 participating licensees and 50% to purses, except that an intertrack wagering licensee that derives its license from a track located in a county with a population in excess of 230,000

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and that borders the Mississippi River shall not divide any remaining retention with the Illinois organization licensee that provides the race or races, and an intertrack wagering licensee that accepts wagers on races conducted by an organization licensee that conducts a race meet in a county with a population in excess of 230,000 and that borders the Mississippi River shall not divide any remaining retention with that organization licensee.

(B) From the sums permitted to be retained pursuant to this Act each inter-track wagering location licensee shall pay (i) the privilege or pari-mutuel tax to the State; (ii) 4.75% of the pari-mutuel handle on intertrack wagering at such location on races as purses, except that an intertrack wagering location licensee that derives its license from a track located in a county with a population in excess of 230,000 and that borders the Mississippi River shall retain all purse moneys for its own purse account consistent with distribution set forth in this subsection (h), and intertrack wagering location licensees that accept wagers on races conducted by an organization licensee located in a county with a population in excess of 230,000 and that borders the Mississippi River shall distribute all purse moneys to purses at the operating host track; (iii) until January 1, 2000, except as provided in subsection (g) of Section 27 of this Act, 1% of the pari-mutuel handle wagered on inter-track wagering and simulcast wagering at each inter-track wagering location licensee facility to the Horse Racing Tax Allocation Fund, provided that, to the extent the total amount collected and distributed to the Horse Racing Tax Allocation Fund under this subsection (h) during any calendar year exceeds the amount collected and distributed to the Horse Racing Tax Allocation Fund during calendar year 1994, that excess amount shall be redistributed (I) to all inter-track wagering location licensees, based on each licensee's pro-rata share of the total handle from inter-track wagering and simulcast wagering for all inter-track wagering location licensees during the calendar year in which this provision is applicable; then (II) the amounts redistributed to each inter-track wagering location licensee as described in subpart (I) shall be further redistributed as provided in subparagraph (B) of paragraph (5) of subsection (g) of this Section 26 provided first, that the shares of those amounts, which are to be redistributed to the host track or to purses at the host track under subparagraph (B)
of paragraph (5) of subsection (g) of this Section 26 shall be redistributed based on each host track's pro rata share of the total inter-track wagering and simulcast wagering handle at all host tracks during the calendar year in question, and second, that any amounts redistributed as described in part (I) to an inter-track wagering location licensee that accepts wagers on races conducted by an organization licensee that conducts a race meet in a county with a population in excess of 230,000 and that borders the Mississippi River shall be further redistributed as provided in subparagraphs (D) and (E) of paragraph (7) of subsection (g) of this Section 26, with the portion of that further redistribution allocated to purses at that organization licensee to be divided between standardbred purses and thoroughbred purses based on the amounts otherwise allocated to purses at that organization licensee during the calendar year in question; and (iv) 8% of the pari-mutuel handle on inter-track wagering wagered at such location to satisfy all costs and expenses of conducting its wagering. The remainder of the monies retained by the inter-track wagering location licensee shall be allocated 40% to the location licensee and 60% to the organization licensee which provides the Illinois races to the location, except that an intertrack wagering location licensee that derives its license from a track located in a county with a population in excess of 230,000 and that borders the Mississippi River shall not divide any remaining retention with the organization licensee that provides the race or races and an intertrack wagering location licensee that accepts wagers on races conducted by an organization licensee that conducts a race meet in a county with a population in excess of 230,000 and that borders the Mississippi River shall not divide any remaining retention with the organization licensee. Notwithstanding the provisions of clauses (ii) and (iv) of this paragraph, in the case of the additional inter-track wagering location licenses authorized under paragraph (1) of this subsection (h) by this amendatory Act of 1991, those licensees shall pay the following amounts as purses: during the first 12 months the licensee is in operation, 5.25% of the pari-mutuel handle wagered at the location on races; during the second 12 months, 5.25%; during the third 12 months, 5.75%; during the fourth 12 months, 6.25%; and during the fifth 12 months and thereafter, 6.75%. The following amounts shall be retained by the

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licensee to satisfy all costs and expenses of conducting its wagering: during the first 12 months the licensee is in operation, 8.25% of the pari-mutuel handle wagered at the location; during the second 12 months, 8.25%; during the third 12 months, 7.75%; during the fourth 12 months, 7.25%; and during the fifth 12 months and thereafter, 6.75%. For additional intertrack wagering location licensees authorized under this amendatory Act of 1995, purses for the first 12 months the licensee is in operation shall be 5.75% of the pari-mutuel wagered at the location, purses for the second 12 months the licensee is in operation shall be 6.25%, and purses thereafter shall be 6.75%. For additional intertrack location licensees authorized under this amendatory Act of 1995, the licensee shall be allowed to retain to satisfy all costs and expenses: 7.75% of the pari-mutuel handle wagered at the location during its first 12 months of operation, 7.25% during its second 12 months of operation, and 6.75% thereafter.

(C) There is hereby created the Horse Racing Tax Allocation Fund which shall remain in existence until December 31, 1999. Moneys remaining in the Fund after December 31, 1999 shall be paid into the General Revenue Fund. Until January 1, 2000, all monies paid into the Horse Racing Tax Allocation Fund pursuant to this paragraph (11) by inter-track wagering location licensees located in park districts of 500,000 population or less, or in a municipality that is not included within any park district but is included within a conservation district and is the county seat of a county that (i) is contiguous to the state of Indiana and (ii) has a 1990 population of 88,257 according to the United States Bureau of the Census, and operating on May 1, 1994 shall be allocated by appropriation as follows:

Two-sevenths to the Department of Agriculture. Fifty percent of this two-sevenths shall be used to promote the Illinois horse racing and breeding industry, and shall be distributed by the Department of Agriculture upon the advice of a 9-member committee appointed by the Governor consisting of the following members: the Director of Agriculture, who shall serve as chairman; 2 representatives of organization licensees conducting thoroughbred race meetings in this State, recommended by those licensees; 2 representatives of organization licensees

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conducting standardbred race meetings in this State, recommended by those licensees; a representative of the Illinois Thoroughbred Breeders and Owners Foundation, recommended by that Foundation; a representative of the Illinois Standardbred Owners and Breeders Association, recommended by that Association; a representative of the Horsemens Benevolent and Protective Association or any successor organization thereto established in Illinois comprised of the largest number of owners and trainers, recommended by that Association or that successor organization; and a representative of the Illinois Harness Horsemen's Association, recommended by that Association. Committee members shall serve for terms of 2 years, commencing January 1 of each even-numbered year. If a representative of any of the above-named entities has not been recommended by January 1 of any even-numbered year, the Governor shall appoint a committee member to fill that position. Committee members shall receive no compensation for their services as members but shall be reimbursed for all actual and necessary expenses and disbursements incurred in the performance of their official duties. The remaining 50% of this two-sevenths shall be distributed to county fairs for premiums and rehabilitation as set forth in the Agricultural Fair Act;

Four-sevenths to park districts or municipalities that do not have a park district of 500,000 population or less for museum purposes (if an inter-track wagering location licensee is located in such a park district) or to conservation districts for museum purposes (if an inter-track wagering location licensee is located in a municipality that is not included within any park district but is included within a conservation district and is the county seat of a county that (i) is contiguous to the state of Indiana and (ii) has a 1990 population of 88,257 according to the United States Bureau of the Census, except that if the conservation district does not maintain a museum, the monies shall be allocated equally between the county and the municipality in which the inter-track wagering location licensee is located for general purposes) or to a municipal recreation board for

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park purposes (if an inter-track wagering location licensee is located in a municipality that is not included within any park district and park maintenance is the function of the municipal recreation board and the municipality has a 1990 population of 9,302 according to the United States Bureau of the Census); provided that the monies are distributed to each park district or conservation district or municipality that does not have a park district in an amount equal to four-sevenths of the amount collected by each inter-track wagering location licensee within the park district or conservation district or municipality for the Fund.

Monies that were paid into the Horse Racing Tax Allocation Fund before the effective date of this amendatory Act of 1991 by an inter-track wagering location licensee located in a municipality that is not included within any park district but is included within a conservation district as provided in this paragraph shall, as soon as practicable after the effective date of this amendatory Act of 1991, be allocated and paid to that conservation district as provided in this paragraph.

Any park district or municipality not maintaining a museum may deposit the monies in the corporate fund of the park district or municipality where the inter-track wagering location is located, to be used for general purposes; and

One-seventh to the Agricultural Premium Fund to be used for distribution to agricultural home economics extension councils in accordance with "An Act in relation to additional support and finances for the Agricultural and Home Economic Extension Councils in the several counties of this State and making an appropriation therefor", approved July 24, 1967.

Until January 1, 2000, all other monies paid into the Horse Racing Tax Allocation Fund pursuant to this paragraph (11) shall be allocated by appropriation as follows:

Two-sevenths to the Department of Agriculture. Fifty percent of this two-sevenths shall be used to promote the Illinois horse racing and breeding industry, and shall be distributed by the Department of Agriculture upon the advice of a 9-member committee appointed by the Governor consisting of the following members: the
Director of Agriculture, who shall serve as chairman; 2 representatives of organization licensees conducting thoroughbred race meetings in this State, recommended by those licensees; 2 representatives of organization licensees conducting standardbred race meetings in this State, recommended by those licensees; a representative of the Illinois Thoroughbred Breeders and Owners Foundation, recommended by that Foundation; a representative of the Illinois Standardbred Owners and Breeders Association, recommended by that Association; a representative of the Horsemen's Benevolent and Protective Association or any successor organization thereto established in Illinois comprised of the largest number of owners and trainers, recommended by that Association or that successor organization; and a representative of the Illinois Harness Horsemen's Association, recommended by that Association. Committee members shall serve for terms of 2 years, commencing January 1 of each even-numbered year. If a representative of any of the above-named entities has not been recommended by January 1 of any even-numbered year, the Governor shall appoint a committee member to fill that position. Committee members shall receive no compensation for their services as members but shall be reimbursed for all actual and necessary expenses and disbursements incurred in the performance of their official duties. The remaining 50% of this two-sevenths shall be distributed to county fairs for premiums and rehabilitation as set forth in the Agricultural Fair Act;

Four-sevenths to museums and aquariums located in park districts of over 500,000 population; provided that the monies are distributed in accordance with the previous year's distribution of the maintenance tax for such museums and aquariums as provided in Section 2 of the Park District Aquarium and Museum Act; and

One-seventh to the Agricultural Premium Fund to be used for distribution to agricultural home economics extension councils in accordance with "An Act in relation to additional support and finances for the Agricultural and Home Economic Extension Councils in the several counties

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of this State and making an appropriation therefor", approved July 24, 1967. This subparagraph (C) shall be inoperative and of no force and effect on and after January 1, 2000.

(D) Except as provided in paragraph (11) of this subsection (h), with respect to purse allocation from intertrack wagering, the monies so retained shall be divided as follows:

(i) If the inter-track wagering licensee, except an intertrack wagering licensee that derives its license from an organization licensee located in a county with a population in excess of 230,000 and bounded by the Mississippi River, is not conducting its own race meeting during the same dates, then the entire purse allocation shall be to purses at the track where the races wagered on are being conducted.

(ii) If the inter-track wagering licensee, except an intertrack wagering licensee that derives its license from an organization licensee located in a county with a population in excess of 230,000 and bounded by the Mississippi River, is also conducting its own race meeting during the same dates, then the purse allocation shall be as follows: 50% to purses at the track where the races wagered on are being conducted; 50% to purses at the track where the inter-track wagering licensee is accepting such wagers.

(iii) If the inter-track wagering is being conducted by an inter-track wagering location licensee, except an intertrack wagering location licensee that derives its license from an organization licensee located in a county with a population in excess of 230,000 and bounded by the Mississippi River, the entire purse allocation for Illinois races shall be to purses at the track where the race meeting being wagered on is being held.

(12) The Board shall have all powers necessary and proper to fully supervise and control the conduct of inter-track wagering and simulcast wagering by inter-track wagering licensees and inter-

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track wagering location licensees, including, but not limited to the following:

(A) The Board is vested with power to promulgate reasonable rules and regulations for the purpose of administering the conduct of this wagering and to prescribe reasonable rules, regulations and conditions under which such wagering shall be held and conducted. Such rules and regulations are to provide for the prevention of practices detrimental to the public interest and for the best interests of said wagering and to impose penalties for violations thereof.

(B) The Board, and any person or persons to whom it delegates this power, is vested with the power to enter the facilities of any licensee to determine whether there has been compliance with the provisions of this Act and the rules and regulations relating to the conduct of such wagering.

(C) The Board, and any person or persons to whom it delegates this power, may eject or exclude from any licensee's facilities, any person whose conduct or reputation is such that his presence on such premises may, in the opinion of the Board, call into the question the honesty and integrity of, or interfere with the orderly conduct of such wagering; provided, however, that no person shall be excluded or ejected from such premises solely on the grounds of race, color, creed, national origin, ancestry, or sex.

(D) (Blank).

(E) The Board is vested with the power to appoint delegates to execute any of the powers granted to it under this Section for the purpose of administering this wagering and any rules and regulations promulgated in accordance with this Act.

(F) The Board shall name and appoint a State director of this wagering who shall be a representative of the Board and whose duty it shall be to supervise the conduct of inter-track wagering as may be provided for by the rules and regulations of the Board; such rules and

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regulation shall specify the method of appointment and the Director's powers, authority and duties.

(G) The Board is vested with the power to impose civil penalties of up to $5,000 against individuals and up to $10,000 against licensees for each violation of any provision of this Act relating to the conduct of this wagering, any rules adopted by the Board, any order of the Board or any other action which in the Board's discretion, is a detriment or impediment to such wagering.

(13) The Department of Agriculture may enter into agreements with licensees authorizing such licensees to conduct inter-track wagering on races to be held at the licensed race meetings conducted by the Department of Agriculture. Such agreement shall specify the races of the Department of Agriculture's licensed race meeting upon which the licensees will conduct wagering. In the event that a licensee conducts inter-track pari-mutuel wagering on races from the Illinois State Fair or DuQuoin State Fair which are in addition to the licensee's previously approved racing program, those races shall be considered a separate racing day for the purpose of determining the daily handle and computing the privilege or pari-mutuel tax on that daily handle as provided in Sections 27 and 27.1. Such agreements shall be approved by the Board before such wagering may be conducted. In determining whether to grant approval, the Board shall give due consideration to the best interests of the public and of horse racing. The provisions of paragraphs (1), (8), (8.1), and (8.2) of subsection (h) of this Section which are not specified in this paragraph (13) shall not apply to licensed race meetings conducted by the Department of Agriculture at the Illinois State Fair in Sangamon County or the DuQuoin State Fair in Perry County, or to any wagering conducted on those race meetings.

(i) Notwithstanding the other provisions of this Act, the conduct of wagering at wagering facilities is authorized on all days, except as limited by subsection (b) of Section 19 of this Act.

(Source: P.A. 97-1060, eff. 8-24-12; 98-18, eff. 6-7-13; 98-624, eff. 1-29-14; 98-968, eff. 8-15-14.)

(230 ILCS 5/26.8)

Sec. 26.8. Beginning on February 1, 2014 and through December 31, 2018 until January 31, 2017, each wagering licensee may impose a

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surcharge of up to 0.5% on winning wagers and winnings from wagers. The surcharge shall be deducted from winnings prior to payout. All amounts collected from the imposition of this surcharge shall be evenly distributed to the organization licensee and the purse account of the organization licensee with which the licensee is affiliated. The amounts distributed under this Section shall be in addition to the amounts paid pursuant to paragraph (10) of subsection (h) of Section 26, Section 26.3, Section 26.4, Section 26.5, and Section 26.7.

(Source: P.A. 98-624, eff. 1-29-14.)

(230 ILCS 5/26.9)

Sec. 26.9. Beginning on February 1, 2014 and through December 31, 2018 until January 31, 2017, in addition to the surcharge imposed in Sections 26.3, 26.4, 26.5, 26.7, and 26.8 of this Act, each licensee shall impose a surcharge of 0.2% on winning wagers and winnings from wagers. The surcharge shall be deducted from winnings prior to payout. All amounts collected from the surcharges imposed under this Section shall be remitted to the Board. From amounts collected under this Section, the Board shall deposit an amount not to exceed $100,000 annually into the Quarter Horse Purse Fund and all remaining amounts into the Horse Racing Fund.

(Source: P.A. 98-624, eff. 1-29-14.)

(230 ILCS 5/27) (from Ch. 8, par. 37-27)

Sec. 27. (a) In addition to the organization license fee provided by this Act, until January 1, 2000, a graduated privilege tax is hereby imposed for conducting the pari-mutuel system of wagering permitted under this Act. Until January 1, 2000, except as provided in subsection (g) of Section 27 of this Act, all of the breakage of each racing day held by any licensee in the State shall be paid to the State. Until January 1, 2000, such daily graduated privilege tax shall be paid by the licensee from the amount permitted to be retained under this Act. Until January 1, 2000, each day's graduated privilege tax, breakage, and Horse Racing Tax Allocation funds shall be remitted to the Department of Revenue within 48 hours after the close of the racing day upon which it is assessed or within such other time as the Board prescribes. The privilege tax hereby imposed, until January 1, 2000, shall be a flat tax at the rate of 2% of the daily pari-mutuel handle except as provided in Section 27.1.

In addition, every organization licensee, except as provided in Section 27.1 of this Act, which conducts multiple wagering shall pay, until January 1, 2000, as a privilege tax on multiple wagers an amount equal to
1.25% of all moneys wagered each day on such multiple wagers, plus an additional amount equal to 3.5% of the amount wagered each day on any other multiple wager which involves a single betting interest on 3 or more horses. The licensee shall remit the amount of such taxes to the Department of Revenue within 48 hours after the close of the racing day on which it is assessed or within such other time as the Board prescribes.

This subsection (a) shall be inoperative and of no force and effect on and after January 1, 2000.

(a-5) Beginning on January 1, 2000, a flat pari-mutuel tax at the rate of 1.5% of the daily pari-mutuel handle is imposed at all pari-mutuel wagering facilities and on advance deposit wagering from a location other than a wagering facility, except as otherwise provided for in this subsection (a-5). In addition to the pari-mutuel tax imposed on advance deposit wagering pursuant to this subsection (a-5), beginning on August 24, 2012 (the effective date of Public Act 97-1060) and through December 31, 2018 until February 1, 2017, an additional pari-mutuel tax at the rate of 0.25% shall be imposed on advance deposit wagering. Until August 25, 2012, the additional 0.25% pari-mutuel tax imposed on advance deposit wagering by Public Act 96-972 shall be deposited into the Quarter Horse Purse Fund, which shall be created as a non-appropriated trust fund administered by the Board for grants to thoroughbred organization licensees for payment of purses for quarter horse races conducted by the organization licensee. Beginning on August 26, 2012, the additional 0.25% pari-mutuel tax imposed on advance deposit wagering shall be deposited into the Standardbred Purse Fund, which shall be created as a non-appropriated trust fund administered by the Board, for grants to the standardbred organization licensees for payment of purses for standardbred horse races conducted by the organization licensee. Thoroughbred organization licensees may petition the Board to conduct quarter horse racing and receive purse grants from the Quarter Horse Purse Fund. The Board shall have complete discretion in distributing the Quarter Horse Purse Fund to the petitioning organization licensees. Beginning on July 26, 2010 (the effective date of Public Act 96-1287), a pari-mutuel tax at the rate of 0.75% of the daily pari-mutuel handle is imposed at a pari-mutuel facility whose license is derived from a track located in a county that borders the Mississippi River and conducted live racing in the previous year. The pari-mutuel tax imposed by this subsection (a-5) shall be remitted to the Department of Revenue within 48 hours after the close of
the racing day upon which it is assessed or within such other time as the Board prescribes.

(b) On or before December 31, 1999, in the event that any organization licensee conducts 2 separate programs of races on any day, each such program shall be considered a separate racing day for purposes of determining the daily handle and computing the privilege tax on such daily handle as provided in subsection (a) of this Section.

(c) Licensees shall at all times keep accurate books and records of all monies wagered on each day of a race meeting and of the taxes paid to the Department of Revenue under the provisions of this Section. The Board or its duly authorized representative or representatives shall at all reasonable times have access to such records for the purpose of examining and checking the same and ascertaining whether the proper amount of taxes is being paid as provided. The Board shall require verified reports and a statement of the total of all monies wagered daily at each wagering facility upon which the taxes are assessed and may prescribe forms upon which such reports and statement shall be made.

(d) Any licensee failing or refusing to pay the amount of any tax due under this Section shall be guilty of a business offense and upon conviction shall be fined not more than $5,000 in addition to the amount found due as tax under this Section. Each day's violation shall constitute a separate offense. All fines paid into Court by a licensee hereunder shall be transmitted and paid over by the Clerk of the Court to the Board.

(e) No other license fee, privilege tax, excise tax, or racing fee, except as provided in this Act, shall be assessed or collected from any such licensee by the State.

(f) No other license fee, privilege tax, excise tax or racing fee shall be assessed or collected from any such licensee by units of local government except as provided in paragraph 10.1 of subsection (h) and subsection (f) of Section 26 of this Act. However, any municipality that has a Board licensed horse race meeting at a race track wholly within its corporate boundaries or a township that has a Board licensed horse race meeting at a race track wholly within the unincorporated area of the township may charge a local amusement tax not to exceed 10¢ per admission to such horse race meeting by the enactment of an ordinance. However, any municipality or county that has a Board licensed inter-track wagering location facility wholly within its corporate boundaries may each impose an admission fee not to exceed $1.00 per admission to such inter-track wagering location facility, so that a total of not more than $2.00 per

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admission may be imposed. Except as provided in subparagraph (g) of Section 27 of this Act, the inter-track wagering location licensee shall collect any and all such fees and within 48 hours remit the fees to the Board, which shall, pursuant to rule, cause the fees to be distributed to the county or municipality.

(g) Notwithstanding any provision in this Act to the contrary, if in any calendar year the total taxes and fees required to be collected from licensees and distributed under this Act to all State and local governmental authorities exceeds the amount of such taxes and fees distributed to each State and local governmental authority to which each State and local governmental authority was entitled under this Act for calendar year 1994, then the first $11 million of that excess amount shall be allocated at the earliest possible date for distribution as purse money for the succeeding calendar year. Upon reaching the 1994 level, and until the excess amount of taxes and fees exceeds $11 million, the Board shall direct all licensees to cease paying the subject taxes and fees and the Board shall direct all licensees to allocate any such excess amount for purses as follows:

(i) the excess amount shall be initially divided between thoroughbred and standardbred purses based on the thoroughbred's and standardbred's respective percentages of total Illinois live wagering in calendar year 1994;

(ii) each thoroughbred and standardbred organization licensee issued an organization licensee in that succeeding allocation year shall be allocated an amount equal to the product of its percentage of total Illinois live thoroughbred or standardbred wagering in calendar year 1994 (the total to be determined based on the sum of 1994 on-track wagering for all organization licensees issued organization licenses in both the allocation year and the preceding year) multiplied by the total amount allocated for standardbred or thoroughbred purses, provided that the first $1,500,000 of the amount allocated to standardbred purses under item (i) shall be allocated to the Department of Agriculture to be expended with the assistance and advice of the Illinois Standardbred Breeders Funds Advisory Board for the purposes listed in subsection (g) of Section 31 of this Act, before the amount allocated to standardbred purses under item (i) is allocated to standardbred organization licensees in the succeeding allocation year.
To the extent the excess amount of taxes and fees to be collected and distributed to State and local governmental authorities exceeds $11 million, that excess amount shall be collected and distributed to State and local authorities as provided for under this Act.
(Source: P.A. 97-1060, eff. 8-24-12; 98-18, eff. 6-7-13; 98-624, eff. 1-29-14.)

(230 ILCS 5/31) (from Ch. 8, par. 37-31)

Sec. 31. (a) The General Assembly declares that it is the policy of this State to encourage the breeding of standardbred horses in this State and the ownership of such horses by residents of this State in order to provide for: sufficient numbers of high quality standardbred horses to participate in harness racing meetings in this State, and to establish and preserve the agricultural and commercial benefits of such breeding and racing industries to the State of Illinois. It is the intent of the General Assembly to further this policy by the provisions of this Section of this Act.

(b) Each organization licensee conducting a harness racing meeting pursuant to this Act shall provide for at least two races each race program limited to Illinois conceived and foaled horses. A minimum of 6 races shall be conducted each week limited to Illinois conceived and foaled horses. No horses shall be permitted to start in such races unless duly registered under the rules of the Department of Agriculture.

(c) Conditions of races under subsection (b) shall be commensurate with past performance, quality and class of Illinois conceived and foaled horses available. If, however, sufficient competition cannot be had among horses of that class on any day, the races may, with consent of the Board, be eliminated for that day and substitute races provided.

(d) There is hereby created a special fund of the State Treasury to be known as the Illinois Standardbred Breeders Fund.

During the calendar year 1981, and each year thereafter, except as provided in subsection (g) of Section 27 of this Act, eight and one-half percent of all the monies received by the State as privilege taxes on harness racing meetings shall be paid into the Illinois Standardbred Breeders Fund.

(e) The Illinois Standardbred Breeders Fund shall be administered by the Department of Agriculture with the assistance and advice of the Advisory Board created in subsection (f) of this Section.

(f) The Illinois Standardbred Breeders Fund Advisory Board is hereby created. The Advisory Board shall consist of the Director of the Department of Agriculture, who shall serve as Chairman; the
Superintendent of the Illinois State Fair; a member of the Illinois Racing Board, designated by it; a representative of the largest association of Illinois standardbred owners and breeders, Illinois Standardbred Owners and Breeders Association, recommended by it; a representative of a statewide association representing agricultural fairs in Illinois, the Illinois Association of Agricultural Fairs, recommended by it, such representative to be from a fair at which Illinois conceived and foaled racing is conducted; a representative of the organization licensees conducting harness racing meetings, recommended by them; a representative of the Breeder's Committee of the association representing the largest number of standardbred owners, breeders, trainers, caretakers, and drivers, recommended by it; and a representative of the association representing the largest number of standardbred owners, breeders, trainers, caretakers, and drivers, the Illinois Harness Horsemen's Association, recommended by it. Advisory Board members shall serve for 2 years commencing January 1 of each odd numbered year. If representatives of the largest association of Illinois standardbred owners and breeders, a statewide association of agricultural fairs in Illinois, the association representing the largest number of standardbred owners, breeders, trainers, caretakers, and drivers, a member of the Breeder's Committee of the association representing the largest number of standardbred owners, breeders, trainers, caretakers, and drivers, Illinois Standardbred Owners and Breeders Associations, the Illinois Association of Agricultural Fairs, the Illinois Harness Horsemen's Association, and the organization licensees conducting harness racing meetings have not been recommended by January 1 of each odd numbered year, the Director of the Department of Agriculture shall make an appointment for the organization failing to so recommend a member of the Advisory Board. Advisory Board members shall receive no compensation for their services as members but shall be reimbursed for all actual and necessary expenses and disbursements incurred in the execution of their official duties.

(g) No monies shall be expended from the Illinois Standardbred Breeders Fund except as appropriated by the General Assembly. Monies appropriated from the Illinois Standardbred Breeders Fund shall be expended by the Department of Agriculture, with the assistance and advice of the Illinois Standardbred Breeders Fund Advisory Board for the following purposes only:

1. To provide purses for races limited to Illinois conceived and foaled horses at the State Fair.

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2. To provide purses for races limited to Illinois conceived and foaled horses at county fairs.

3. To provide purse supplements for races limited to Illinois conceived and foaled horses conducted by associations conducting harness racing meetings.

4. No less than 75% of all monies in the Illinois Standardbred Breeders Fund shall be expended for purses in 1, 2 and 3 as shown above.

5. In the discretion of the Department of Agriculture to provide awards to harness breeders of Illinois conceived and foaled horses which win races conducted by organization licensees conducting harness racing meetings. A breeder is the owner of a mare at the time of conception. No more than 10% of all monies appropriated from the Illinois Standardbred Breeders Fund shall be expended for such harness breeders awards. No more than 25% of the amount expended for harness breeders awards shall be expended for expenses incurred in the administration of such harness breeders awards.

6. To pay for the improvement of racing facilities located at the State Fair and County fairs.

7. To pay the expenses incurred in the administration of the Illinois Standardbred Breeders Fund.

8. To promote the sport of harness racing.

(h) Whenever the Governor finds that the amount in the Illinois Standardbred Breeders Fund is more than the total of the outstanding appropriations from such fund, the Governor shall notify the State Comptroller and the State Treasurer of such fact. The Comptroller and the State Treasurer, upon receipt of such notification, shall transfer such excess amount from the Illinois Standardbred Breeders Fund to the General Revenue Fund.

(i) A sum equal to 12 1/2% of the first prize money of every purse won by an Illinois conceived and foaled horse shall be paid by the organization licensee conducting the horse race meeting to the breeder of such winning horse from the organization licensee's share of the money wagered. Such payment shall not reduce any award to the owner of the horse or reduce the taxes payable under this Act. Such payment shall be delivered by the organization licensee at the end of each race meeting.

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(j) The Department of Agriculture shall, by rule, with the assistance and advice of the Illinois Standardbred Breeders Fund Advisory Board:

1. Qualify stallions for Illinois Standardbred Breeders Fund breeding; such stallion shall be owned by a resident of the State of Illinois or by an Illinois corporation all of whose shareholders, directors, officers and incorporators are residents of the State of Illinois. Such stallion shall stand for service at and within the State of Illinois at the time of a foal's conception, and such stallion must not stand for service at any place, nor may semen from such stallion be transported, outside the State of Illinois during that calendar year in which the foal is conceived and that the owner of the stallion was for the 12 months prior, a resident of Illinois. The articles of agreement of any partnership, joint venture, limited partnership, syndicate, association or corporation and any bylaws and stock certificates must contain a restriction that provides that the ownership or transfer of interest by any one of the persons a party to the agreement can only be made to a person who qualifies as an Illinois resident.

2. Provide for the registration of Illinois conceived and foaled horses and no such horse shall compete in the races limited to Illinois conceived and foaled horses unless registered with the Department of Agriculture. The Department of Agriculture may prescribe such forms as may be necessary to determine the eligibility of such horses. No person shall knowingly prepare or cause preparation of an application for registration of such foals containing false information. A mare (dam) must be in the state at least 30 days prior to foaling or remain in the State at least 30 days at the time of foaling. Beginning with the 1996 breeding season and for foals of 1997 and thereafter, a foal conceived by transported fresh semen may be eligible for Illinois conceived and foaled registration provided all breeding and foaling requirements are met. The stallion must be qualified for Illinois Standardbred Breeders Fund breeding at the time of conception and the mare must be inseminated within the State of Illinois. The foal must be dropped in Illinois and properly registered with the Department of Agriculture in accordance with this Act.

3. Provide that at least a 5 day racing program shall be conducted at the State Fair each year, which program shall include at least the following races limited to Illinois conceived and foaled horses: (a) a two year old Trot and Pace, and Filly Division of each; (b) a three year old Trot and Pace, and Filly Division of each; (c) an aged Trot and Pace, and Mare Division of each.

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4. Provide for the payment of nominating, sustaining and starting fees for races promoting the sport of harness racing and for the races to be conducted at the State Fair as provided in subsection (j) 3 of this Section provided that the nominating, sustaining and starting payment required from an entrant shall not exceed 2% of the purse of such race. All nominating, sustaining and starting payments shall be held for the benefit of entrants and shall be paid out as part of the respective purses for such races. Nominating, sustaining and starting fees shall be held in trust accounts for the purposes as set forth in this Act and in accordance with Section 205-15 of the Department of Agriculture Law (20 ILCS 205/205-15).

5. Provide for the registration with the Department of Agriculture of Colt Associations or county fairs desiring to sponsor races at county fairs.

(k) The Department of Agriculture, with the advice and assistance of the Illinois Standardbred Breeders Fund Advisory Board, may allocate monies for purse supplements for such races. In determining whether to allocate money and the amount, the Department of Agriculture shall consider factors, including but not limited to, the amount of money appropriated for the Illinois Standardbred Breeders Fund program, the number of races that may occur, and an organizational licensee's purse structure. The organizational licensee shall notify the Department of Agriculture of the conditions and minimum purses for races limited to Illinois conceived and foaled horses to be conducted by each organizational licensee conducting a harness racing meeting for which purse supplements have been negotiated.

(l) All races held at county fairs and the State Fair which receive funds from the Illinois Standardbred Breeders Fund shall be conducted in accordance with the rules of the United States Trotting Association unless otherwise modified by the Department of Agriculture.

(m) At all standardbred race meetings held or conducted under authority of a license granted by the Board, and at all standardbred races held at county fairs which are approved by the Department of Agriculture or at the Illinois or DuQuoin State Fairs, no one shall jog, train, warm up or drive a standardbred horse unless he or she is wearing a protective safety helmet, with the chin strap fastened and in place, which meets the standards and requirements as set forth in the 1984 Standard for Protective Headgear for Use in Harness Racing and Other Equestrian Sports published by the Snell Memorial Foundation, or any standards and

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requirements for headgear the Illinois Racing Board may approve. Any other standards and requirements so approved by the Board shall equal or exceed those published by the Snell Memorial Foundation. Any equestrian helmet bearing the Snell label shall be deemed to have met those standards and requirements.
(Source: P.A. 91-239, eff. 1-1-00.)

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

Passed in the General Assembly May 26, 2016.
Approved August 12, 2016.
Effective August 12, 2016.

PUBLIC ACT 99-0757
(House Bill No. 0940)

AN ACT concerning gaming.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 3. The Illinois Horse Racing Act of 1975 is amended by changing Section 26 as follows:

(230 ILCS 5/26) (from Ch. 8, par. 37-26)
Sec. 26. Wagering.
(a) Any licensee may conduct and supervise the pari-mutuel system of wagering, as defined in Section 3.12 of this Act, on horse races conducted by an Illinois organization licensee or conducted at a racetrack located in another state or country and televised in Illinois in accordance with subsection (g) of Section 26 of this Act. Subject to the prior consent of the Board, licensees may supplement any pari-mutuel pool in order to guarantee a minimum distribution. Such pari-mutuel method of wagering shall not, under any circumstances if conducted under the provisions of this Act, be held or construed to be unlawful, other statutes of this State to the contrary notwithstanding. Subject to rules for advance wagering promulgated by the Board, any licensee may accept wagers in advance of the day of the race wagered upon occurs.
(b) No other method of betting, pool making, wagering or gambling shall be used or permitted by the licensee. Each licensee may retain, subject to the payment of all applicable taxes and purses, an amount not to exceed 17% of all money wagered under subsection (a) of this Section, except as may otherwise be permitted under this Act.

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(b-5) An individual may place a wager under the pari-mutuel system from any licensed location authorized under this Act provided that wager is electronically recorded in the manner described in Section 3.12 of this Act. Any wager made electronically by an individual while physically on the premises of a licensee shall be deemed to have been made at the premises of that licensee.

(c) Until January 1, 2000, the sum held by any licensee for payment of outstanding pari-mutuel tickets, if unclaimed prior to December 31 of the next year, shall be retained by the licensee for payment of such tickets until that date. Within 10 days thereafter, the balance of such sum remaining unclaimed, less any uncashed supplements contributed by such licensee for the purpose of guaranteeing minimum distributions of any pari-mutuel pool, shall be paid to the Illinois Veterans' Rehabilitation Fund of the State treasury, except as provided in subsection (g) of Section 27 of this Act.

(c-5) Beginning January 1, 2000, the sum held by any licensee for payment of outstanding pari-mutuel tickets, if unclaimed prior to December 31 of the next year, shall be retained by the licensee for payment of such tickets until that date. Within 10 days thereafter, the balance of such sum remaining unclaimed, less any uncashed supplements contributed by such licensee for the purpose of guaranteeing minimum distributions of any pari-mutuel pool, shall be evenly distributed to the purse account of the organization licensee and the organization licensee.

(d) A pari-mutuel ticket shall be honored until December 31 of the next calendar year, and the licensee shall pay the same and may charge the amount thereof against unpaid money similarly accumulated on account of pari-mutuel tickets not presented for payment.

(e) No licensee shall knowingly permit any minor, other than an employee of such licensee or an owner, trainer, jockey, driver, or employee thereof, to be admitted during a racing program unless accompanied by a parent or guardian, or any minor to be a patron of the pari-mutuel system of wagering conducted or supervised by it. The admission of any unaccompanied minor, other than an employee of the licensee or an owner, trainer, jockey, driver, or employee thereof at a race track is a Class C misdemeanor.

(f) Notwithstanding the other provisions of this Act, an organization licensee may contract with an entity in another state or country to permit any legal wagering entity in another state or country to accept wagers solely within such other state or country on races conducted

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by the organization licensee in this State. Beginning January 1, 2000, these wagers shall not be subject to State taxation. Until January 1, 2000, when the out-of-State entity conducts a pari-mutuel pool separate from the organization licensee, a privilege tax equal to 7 1/2% of all monies received by the organization licensee from entities in other states or countries pursuant to such contracts is imposed on the organization licensee, and such privilege tax shall be remitted to the Department of Revenue within 48 hours of receipt of the moneys from the simulcast. When the out-of-State entity conducts a combined pari-mutuel pool with the organization licensee, the tax shall be 10% of all monies received by the organization licensee with 25% of the receipts from this 10% tax to be distributed to the county in which the race was conducted.

An organization licensee may permit one or more of its races to be utilized for pari-mutuel wagering at one or more locations in other states and may transmit audio and visual signals of races the organization licensee conducts to one or more locations outside the State or country and may also permit pari-mutuel pools in other states or countries to be combined with its gross or net wagering pools or with wagering pools established by other states.

(g) A host track may accept interstate simulcast wagers on horse races conducted in other states or countries and shall control the number of signals and types of breeds of racing in its simulcast program, subject to the disapproval of the Board. The Board may prohibit a simulcast program only if it finds that the simulcast program is clearly adverse to the integrity of racing. The host track simulcast program shall include the signal of live racing of all organization licensees. All non-host licensees and advance deposit wagering licensees shall carry the signal of and accept wagers on live racing of all organization licensees. Advance deposit wagering licensees shall not be permitted to accept out-of-state wagers on any Illinois signal provided pursuant to this Section without the approval and consent of the organization licensee providing the signal. For one year after the effective date of this amendatory Act of the 98th General Assembly, non-host licensees may carry the host track simulcast program and shall accept wagers on all races included as part of the simulcast program of horse races conducted at race tracks located within North America upon which wagering is permitted. For a period of one year after the effective date of this amendatory Act of the 98th General Assembly, on horse races conducted at race tracks located outside of North America, non-host licensees may accept wagers on all races included as part of the

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simulcast program upon which wagering is permitted. Beginning one year after the effective date of this amendatory Act of the 98th General Assembly, non-host licensees may carry the host track simulcast program and shall accept wagers on all races included as part of the simulcast program upon which wagering is permitted. All organization licensees shall provide their live signal to all advance deposit wagering licensees for a simulcast commission fee not to exceed 6% of the advance deposit wagering licensee's Illinois handle on the organization licensee's signal without prior approval by the Board. The Board may adopt rules under which it may permit simulcast commission fees in excess of 6%. The Board shall adopt rules limiting the interstate commission fees charged to an advance deposit wagering licensee. The Board shall adopt rules regarding advance deposit wagering on interstate simulcast races that shall reflect, among other things, the General Assembly's desire to maximize revenues to the State, horsemen purses, and organizational licensees. However, organization licensees providing live signals pursuant to the requirements of this subsection (g) may petition the Board to withhold their live signals from an advance deposit wagering licensee if the organization licensee discovers and the Board finds reputable or credible information that the advance deposit wagering licensee is under investigation by another state or federal governmental agency, the advance deposit wagering licensee's license has been suspended in another state, or the advance deposit wagering licensee's license is in revocation proceedings in another state. The organization licensee's provision of their live signal to an advance deposit wagering licensee under this subsection (g) pertains to wagers placed from within Illinois. Advance deposit wagering licensees may place advance deposit wagering terminals at wagering facilities as a convenience to customers. The advance deposit wagering licensee shall not charge or collect any fee from purses for the placement of the advance deposit wagering terminals. The costs and expenses of the host track and non-host licensees associated with interstate simulcast wagering, other than the interstate commission fee, shall be borne by the host track and all non-host licensees incurring these costs. The interstate commission fee shall not exceed 5% of Illinois handle on the interstate simulcast race or races without prior approval of the Board. The Board shall promulgate rules under which it may permit interstate commission fees in excess of 5%. The interstate commission fee and other fees charged by the sending racetrack, including, but not limited to,

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satellite decoder fees, shall be uniformly applied to the host track and all non-host licensees.

Notwithstanding any other provision of this Act, until February 1, 2017, an organization licensee, with the consent of the horsemen association representing the largest number of owners, trainers, jockeys, or standardbred drivers who race horses at that organization licensee's racing meeting, may maintain a system whereby advance deposit wagering may take place or an organization licensee, with the consent of the horsemen association representing the largest number of owners, trainers, jockeys, or standardbred drivers who race horses at that organization licensee's racing meeting, may contract with another person to carry out a system of advance deposit wagering. Such consent may not be unreasonably withheld. Only with respect to an appeal to the Board that consent for an organization licensee that maintains its own advance deposit wagering system is being unreasonably withheld, the Board shall issue a final order within 30 days after initiation of the appeal, and the organization licensee's advance deposit wagering system may remain operational during that 30-day period. The actions of any organization licensee who conducts advance deposit wagering or any person who has a contract with an organization licensee to conduct advance deposit wagering who conducts advance deposit wagering on or after January 1, 2013 and prior to the effective date of this amendatory Act of the 98th General Assembly taken in reliance on the changes made to this subsection (g) by this amendatory Act of the 98th General Assembly are hereby validated, provided payment of all applicable pari-mutuel taxes are remitted to the Board. All advance deposit wagers placed from within Illinois must be placed through a Board-approved advance deposit wagering licensee; no other entity may accept an advance deposit wager from a person within Illinois. All advance deposit wagering is subject to any rules adopted by the Board. The Board may adopt rules necessary to regulate advance deposit wagering through the use of emergency rulemaking in accordance with Section 5-45 of the Illinois Administrative Procedure Act. The General Assembly finds that the adoption of rules to regulate advance deposit wagering is deemed an emergency and necessary for the public interest, safety, and welfare. An advance deposit wagering licensee may retain all moneys as agreed to by contract with an organization licensee. Any moneys retained by the organization licensee from advance deposit wagering, not including moneys retained by the advance deposit wagering licensee, shall be paid 50% to the organization licensee's purse account and 50% to the
organization licensee. With the exception of any organization licensee that is owned by a publicly traded company that is incorporated in a state other than Illinois and advance deposit wagering licensees under contract with such organization licensees, organization licensees that maintain advance deposit wagering systems and advance deposit wagering licensees that contract with organization licensees shall provide sufficiently detailed monthly accountings to the horsemen association representing the largest number of owners, trainers, jockeys, or standardbred drivers who race horses at that organization licensee's racing meeting so that the horsemen association, as an interested party, can confirm the accuracy of the amounts paid to the purse account at the horsemen association's affiliated organization licensee from advance deposit wagering. If more than one breed races at the same race track facility, then the 50% of the moneys to be paid to an organization licensee's purse account shall be allocated among all organization licensees' purse accounts operating at that race track facility proportionately based on the actual number of host days that the Board grants to that breed at that race track facility in the current calendar year. To the extent any fees from advance deposit wagering conducted in Illinois for wagers in Illinois or other states have been placed in escrow or otherwise withheld from wagers pending a determination of the legality of advance deposit wagering, no action shall be brought to declare such wagers or the disbursement of any fees previously escrowed illegal.

(1) Between the hours of 6:30 a.m. and 6:30 p.m. an intertrack wagering licensee other than the host track may supplement the host track simulcast program with additional simulcast races or race programs, provided that between January 1 and the third Friday in February of any year, inclusive, if no live thoroughbred racing is occurring in Illinois during this period, only thoroughbred races may be used for supplemental interstate simulcast purposes. The Board shall withhold approval for a supplemental interstate simulcast only if it finds that the simulcast is clearly adverse to the integrity of racing. A supplemental interstate simulcast may be transmitted from an intertrack wagering licensee to its affiliated non-host licensees. The interstate commission fee for a supplemental interstate simulcast shall be paid by the non-host licensee and its affiliated non-host licensees receiving the simulcast.

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(2) Between the hours of 6:30 p.m. and 6:30 a.m. an intertrack wagering licensee other than the host track may receive supplemental interstate simulcasts only with the consent of the host track, except when the Board finds that the simulcast is clearly adverse to the integrity of racing. Consent granted under this paragraph (2) to any intertrack wagering licensee shall be deemed consent to all non-host licensees. The interstate commission fee for the supplemental interstate simulcast shall be paid by all participating non-host licensees.

(3) Each licensee conducting interstate simulcast wagering may retain, subject to the payment of all applicable taxes and the purses, an amount not to exceed 17% of all money wagered. If any licensee conducts the pari-mutuel system wagering on races conducted at racetracks in another state or country, each such race or race program shall be considered a separate racing day for the purpose of determining the daily handle and computing the privilege tax of that daily handle as provided in subsection (a) of Section 27. Until January 1, 2000, from the sums permitted to be retained pursuant to this subsection, each intertrack wagering location licensee shall pay 1% of the pari-mutuel handle wagered on simulcast wagering to the Horse Racing Tax Allocation Fund, subject to the provisions of subparagraph (B) of paragraph (11) of subsection (h) of Section 26 of this Act.

(4) A licensee who receives an interstate simulcast may combine its gross or net pools with pools at the sending racetracks pursuant to rules established by the Board. All licensees combining their gross pools at a sending racetrack shall adopt the take-out percentages of the sending racetrack. A licensee may also establish a separate pool and takeout structure for wagering purposes on races conducted at race tracks outside of the State of Illinois. The licensee may permit pari-mutuel wagers placed in other states or countries to be combined with its gross or net wagering pools or other wagering pools.

(5) After the payment of the interstate commission fee (except for the interstate commission fee on a supplemental interstate simulcast, which shall be paid by the host track and by each non-host licensee through the host-track) and all applicable State and local taxes, except as provided in subsection (g) of Section 27 of this Act, the remainder of moneys retained from
simulcast wagering pursuant to this subsection (g), and Section 26.2 shall be divided as follows:

(A) For interstate simulcast wagers made at a host track, 50% to the host track and 50% to purses at the host track.

(B) For wagers placed on interstate simulcast races, supplemental simulcasts as defined in subparagraphs (1) and (2), and separately pooled races conducted outside of the State of Illinois made at a non-host licensee, 25% to the host track, 25% to the non-host licensee, and 50% to the purses at the host track.

(6) Notwithstanding any provision in this Act to the contrary, non-host licensees who derive their licenses from a track located in a county with a population in excess of 230,000 and that borders the Mississippi River may receive supplemental interstate simulcast races at all times subject to Board approval, which shall be withheld only upon a finding that a supplemental interstate simulcast is clearly adverse to the integrity of racing.

(7) Notwithstanding any provision of this Act to the contrary, after payment of all applicable State and local taxes and interstate commission fees, non-host licensees who derive their licenses from a track located in a county with a population in excess of 230,000 and that borders the Mississippi River shall retain 50% of the retention from interstate simulcast wagers and shall pay 50% to purses at the track from which the non-host licensee derives its license as follows:

(A) Between January 1 and the third Friday in February, inclusive, if no live thoroughbred racing is occurring in Illinois during this period, when the interstate simulcast is a standardbred race, the purse share to its standardbred purse account;

(B) Between January 1 and the third Friday in February, inclusive, if no live thoroughbred racing is occurring in Illinois during this period, and the interstate simulcast is a thoroughbred race, the purse share to its interstate simulcast purse pool to be distributed under paragraph (10) of this subsection (g);

(C) Between January 1 and the third Friday in February, inclusive, if live thoroughbred racing is occurring
in Illinois, between 6:30 a.m. and 6:30 p.m. the purse share from wagers made during this time period to its thoroughbred purse account and between 6:30 p.m. and 6:30 a.m. the purse share from wagers made during this time period to its standardbred purse accounts;

(D) Between the third Saturday in February and December 31, when the interstate simulcast occurs between the hours of 6:30 a.m. and 6:30 p.m., the purse share to its thoroughbred purse account;

(E) Between the third Saturday in February and December 31, when the interstate simulcast occurs between the hours of 6:30 p.m. and 6:30 a.m., the purse share to its standardbred purse account.

(7.1) Notwithstanding any other provision of this Act to the contrary, if no standardbred racing is conducted at a racetrack located in Madison County during any calendar year beginning on or after January 1, 2002, all moneys derived by that racetrack from simulcast wagering and inter-track wagering that (1) are to be used for purses and (2) are generated between the hours of 6:30 p.m. and 6:30 a.m. during that calendar year shall be paid as follows:

(A) If the licensee that conducts horse racing at that racetrack requests from the Board at least as many racing dates as were conducted in calendar year 2000, 80% shall be paid to its thoroughbred purse account; and

(B) Twenty percent shall be deposited into the Illinois Colt Stakes Purse Distribution Fund and shall be paid to purses for standardbred races for Illinois conceived and foaled horses conducted at any county fairgrounds. The moneys deposited into the Fund pursuant to this subparagraph (B) shall be deposited within 2 weeks after the day they were generated, shall be in addition to and not in lieu of any other moneys paid to standardbred purses under this Act, and shall not be commingled with other moneys paid into that Fund. The moneys deposited pursuant to this subparagraph (B) shall be allocated as provided by the Department of Agriculture, with the advice and assistance of the Illinois Standardbred Breeders Fund Advisory Board.

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(7.2) Notwithstanding any other provision of this Act to the contrary, if no thoroughbred racing is conducted at a racetrack located in Madison County during any calendar year beginning on or after January 1, 2002, all moneys derived by that racetrack from simulcast wagering and inter-track wagering that (1) are to be used for purses and (2) are generated between the hours of 6:30 a.m. and 6:30 p.m. during that calendar year shall be deposited as follows:

(A) If the licensee that conducts horse racing at that racetrack requests from the Board at least as many racing dates as were conducted in calendar year 2000, 80% shall be deposited into its standardbred purse account; and

(B) Twenty percent shall be deposited into the Illinois Colt Stakes Purse Distribution Fund. Moneys deposited into the Illinois Colt Stakes Purse Distribution Fund pursuant to this subparagraph (B) shall be paid to Illinois conceived and foaled thoroughbred breeders' programs and to thoroughbred purses for races conducted at any county fairgrounds for Illinois conceived and foaled horses at the discretion of the Department of Agriculture, with the advice and assistance of the Illinois Thoroughbred Breeders Fund Advisory Board. The moneys deposited into the Illinois Colt Stakes Purse Distribution Fund pursuant to this subparagraph (B) shall be deposited within 2 weeks after the day they were generated, shall be in addition to and not in lieu of any other moneys paid to thoroughbred purses under this Act, and shall not be commingled with other moneys deposited into that Fund.

(7.3) If no live standardbred racing is conducted at a racetrack located in Madison County in calendar year 2000 or 2001, an organization licensee who is licensed to conduct horse racing at that racetrack shall, before January 1, 2002, pay all moneys derived from simulcast wagering and inter-track wagering in calendar years 2000 and 2001 and paid into the licensee's standardbred purse account as follows:

(A) Eighty percent to that licensee's thoroughbred purse account to be used for thoroughbred purses; and

(B) Twenty percent to the Illinois Colt Stakes Purse Distribution Fund.

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Failure to make the payment to the Illinois Colt Stakes Purse Distribution Fund before January 1, 2002 shall result in the immediate revocation of the licensee's organization license, inter-track wagering license, and inter-track wagering location license.

Moneys paid into the Illinois Colt Stakes Purse Distribution Fund pursuant to this paragraph (7.3) shall be paid to purses for standardbred races for Illinois conceived and foaled horses conducted at any county fairgrounds. Moneys paid into the Illinois Colt Stakes Purse Distribution Fund pursuant to this paragraph (7.3) shall be used as determined by the Department of Agriculture, with the advice and assistance of the Illinois Standardbred Breeders Fund Advisory Board, shall be in addition to and not in lieu of any other moneys paid to standardbred purses under this Act, and shall not be commingled with any other moneys paid into that Fund.

(7.4) If live standardbred racing is conducted at a racetrack located in Madison County at any time in calendar year 2001 before the payment required under paragraph (7.3) has been made, the organization licensee who is licensed to conduct racing at that racetrack shall pay all moneys derived by that racetrack from simulcast wagering and inter-track wagering during calendar years 2000 and 2001 that (1) are to be used for purses and (2) are generated between the hours of 6:30 p.m. and 6:30 a.m. during 2000 or 2001 to the standardbred purse account at that racetrack to be used for standardbred purses.

(8) Notwithstanding any provision in this Act to the contrary, an organization licensee from a track located in a county with a population in excess of 230,000 and that borders the Mississippi River and its affiliated non-host licensees shall not be entitled to share in any retention generated on racing, inter-track wagering, or simulcast wagering at any other Illinois wagering facility.

(8.1) Notwithstanding any provisions in this Act to the contrary, if 2 organization licensees are conducting standardbred race meetings concurrently between the hours of 6:30 p.m. and 6:30 a.m., after payment of all applicable State and local taxes and interstate commission fees, the remainder of the amount retained from simulcast wagering otherwise attributable to the host track and to host track purses shall be split daily between the 2 organization licensees and the purses at the tracks of the 2

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organization licensees, respectively, based on each organization licensee's share of the total live handle for that day, provided that this provision shall not apply to any non-host licensee that derives its license from a track located in a county with a population in excess of 230,000 and that borders the Mississippi River.

(9) (Blank).
(10) (Blank).
(11) (Blank).

(12) The Board shall have authority to compel all host tracks to receive the simulcast of any or all races conducted at the Springfield or DuQuoin State fairgrounds and include all such races as part of their simulcast programs.

(13) Notwithstanding any other provision of this Act, in the event that the total Illinois pari-mutuel handle on Illinois horse races at all wagering facilities in any calendar year is less than 75% of the total Illinois pari-mutuel handle on Illinois horse races at all such wagering facilities for calendar year 1994, then each wagering facility that has an annual total Illinois pari-mutuel handle on Illinois horse races that is less than 75% of the total Illinois pari-mutuel handle on Illinois horse races at such wagering facility for calendar year 1994, shall be permitted to receive, from any amount otherwise payable to the purse account at the race track with which the wagering facility is affiliated in the succeeding calendar year, an amount equal to 2% of the differential in total Illinois pari-mutuel handle on Illinois horse races at the wagering facility between that calendar year in question and 1994 provided, however, that a wagering facility shall not be entitled to any such payment until the Board certifies in writing to the wagering facility the amount to which the wagering facility is entitled and a schedule for payment of the amount to the wagering facility, based on: (i) the racing dates awarded to the race track affiliated with the wagering facility during the succeeding year; (ii) the sums available or anticipated to be available in the purse account of the race track affiliated with the wagering facility for purses during the succeeding year; and (iii) the need to ensure reasonable purse levels during the payment period. The Board's certification shall be provided no later than January 31 of the succeeding year. In the event a wagering facility entitled to a payment under this paragraph (13) is affiliated with a race track that maintains purse accounts for

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both standardbred and thoroughbred racing, the amount to be paid to the wagering facility shall be divided between each purse account pro rata, based on the amount of Illinois handle on Illinois standardbred and thoroughbred racing respectively at the wagering facility during the previous calendar year. Annually, the General Assembly shall appropriate sufficient funds from the General Revenue Fund to the Department of Agriculture for payment into the thoroughbred and standardbred horse racing purse accounts at Illinois pari-mutuel tracks. The amount paid to each purse account shall be the amount certified by the Illinois Racing Board in January to be transferred from each account to each eligible racing facility in accordance with the provisions of this Section.

(h) The Board may approve and license the conduct of inter-track wagering and simulcast wagering by inter-track wagering licensees and inter-track wagering location licensees subject to the following terms and conditions:

(1) Any person licensed to conduct a race meeting (i) at a track where 60 or more days of racing were conducted during the immediately preceding calendar year or where over the 5 immediately preceding calendar years an average of 30 or more days of racing were conducted annually may be issued an inter-track wagering license; (ii) at a track located in a county that is bounded by the Mississippi River, which has a population of less than 150,000 according to the 1990 decennial census, and an average of at least 60 days of racing per year between 1985 and 1993 may be issued an inter-track wagering license; or (iii) at a track located in Madison County that conducted at least 100 days of live racing during the immediately preceding calendar year may be issued an inter-track wagering license, unless a lesser schedule of live racing is the result of (A) weather, unsafe track conditions, or other acts of God; (B) an agreement between the organization licensee and the associations representing the largest number of owners, trainers, jockeys, or standardbred drivers who race horses at that organization licensee's racing meeting; or (C) a finding by the Board of extraordinary circumstances and that it was in the best interest of the public and the sport to conduct fewer than 100 days of live racing. Any such person having operating control of the racing facility may also receive up to 6 inter-track wagering location licenses. An in no event shall more than 6 inter-track

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wagering locations be established for each eligible race track, except that an eligible race track located in a county that has a population of more than 230,000 and that is bounded by the Mississippi River may establish up to 9 inter-track wagering locations and an eligible race track located in Stickney Township in Cook County may establish up to 16 inter-track wagering locations and an eligible race track located in Palatine Township in Cook County may establish up to 18 inter-track wagering locations. An application for said license shall be filed with the Board prior to such dates as may be fixed by the Board. With an application for an inter-track wagering location license there shall be delivered to the Board a certified check or bank draft payable to the order of the Board for an amount equal to $500. The application shall be on forms prescribed and furnished by the Board. The application shall comply with all other rules, regulations and conditions imposed by the Board in connection therewith.

(2) The Board shall examine the applications with respect to their conformity with this Act and the rules and regulations imposed by the Board. If found to be in compliance with the Act and rules and regulations of the Board, the Board may then issue a license to conduct inter-track wagering and simulcast wagering to such applicant. All such applications shall be acted upon by the Board at a meeting to be held on such date as may be fixed by the Board.

(3) In granting licenses to conduct inter-track wagering and simulcast wagering, the Board shall give due consideration to the best interests of the public, of horse racing, and of maximizing revenue to the State.

(4) Prior to the issuance of a license to conduct inter-track wagering and simulcast wagering, the applicant shall file with the Board a bond payable to the State of Illinois in the sum of $50,000, executed by the applicant and a surety company or companies authorized to do business in this State, and conditioned upon (i) the payment by the licensee of all taxes due under Section 27 or 27.1 and any other monies due and payable under this Act, and (ii) distribution by the licensee, upon presentation of the winning ticket or tickets, of all sums payable to the patrons of pari-mutuel pools.

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(5) Each license to conduct inter-track wagering and simulcast wagering shall specify the person to whom it is issued, the dates on which such wagering is permitted, and the track or location where the wagering is to be conducted.

(6) All wagering under such license is subject to this Act and to the rules and regulations from time to time prescribed by the Board, and every such license issued by the Board shall contain a recital to that effect.

(7) An inter-track wagering licensee or inter-track wagering location licensee may accept wagers at the track or location where it is licensed, or as otherwise provided under this Act.

(8) Inter-track wagering or simulcast wagering shall not be conducted at any track less than 5 miles from a track at which a racing meeting is in progress.

(8.1) Inter-track wagering location licensees who derive their licenses from a particular organization licensee shall conduct inter-track wagering and simulcast wagering only at locations that are within 160 miles of the race track where the particular organization licensee is licensed to conduct racing. However, inter-track wagering and simulcast wagering shall not be conducted by those licensees at any location within 5 miles of any race track at which a horse race meeting has been licensed in the current year, unless the person having operating control of such race track has given its written consent to such inter-track wagering location licensees, which consent must be filed with the Board at or prior to the time application is made. In the case of any inter-track wagering location licensee initially licensed after December 31, 2013, inter-track wagering and simulcast wagering shall not be conducted by those inter-track wagering location licensees that are located outside the City of Chicago at any location within 8 miles of any race track at which a horse race meeting has been licensed in the current year, unless the person having operating control of such race track has given its written consent to such inter-track wagering location licensees, which consent must be filed with the Board at or prior to the time application is made.

(8.2) Inter-track wagering or simulcast wagering shall not be conducted by an inter-track wagering location licensee at any location within 500 feet of an existing church or existing school, nor within 500 feet of the residences of more than 50 registered

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voters without receiving written permission from a majority of the registered voters at such residences. Such written permission statements shall be filed with the Board. The distance of 500 feet shall be measured to the nearest part of any building used for worship services, education programs, residential purposes, or conducting inter-track wagering by an inter-track wagering location licensee, and not to property boundaries. However, inter-track wagering or simulcast wagering may be conducted at a site within 500 feet of a church, school or residences of 50 or more registered voters if such church, school or residences have been erected or established, or such voters have been registered, after the Board issues the original inter-track wagering location license at the site in question. Inter-track wagering location licensees may conduct inter-track wagering and simulcast wagering only in areas that are zoned for commercial or manufacturing purposes or in areas for which a special use has been approved by the local zoning authority. However, no license to conduct inter-track wagering and simulcast wagering shall be granted by the Board with respect to any inter-track wagering location within the jurisdiction of any local zoning authority which has, by ordinance or by resolution, prohibited the establishment of an inter-track wagering location within its jurisdiction. However, inter-track wagering and simulcast wagering may be conducted at a site if such ordinance or resolution is enacted after the Board licenses the original inter-track wagering location licensee for the site in question.

(9) (Blank).

(10) An inter-track wagering licensee or an inter-track wagering location licensee may retain, subject to the payment of the privilege taxes and the purses, an amount not to exceed 17% of all money wagered. Each program of racing conducted by each inter-track wagering licensee or inter-track wagering location licensee shall be considered a separate racing day for the purpose of determining the daily handle and computing the privilege tax or pari-mutuel tax on such daily handle as provided in Section 27.

(10.1) Except as provided in subsection (g) of Section 27 of this Act, inter-track wagering location licensees shall pay 1% of the pari-mutuel handle at each location to the municipality in which such location is situated and 1% of the pari-mutuel handle at each location to the county in which such location is situated. In the

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event that an inter-track wagering location licensee is situated in an
unincorporated area of a county, such licensee shall pay 2% of the
pari-mutuel handle from such location to such county.

(10.2) Notwithstanding any other provision of this Act,
with respect to intertrack wagering at a race track located in a
county that has a population of more than 230,000 and that is
bounded by the Mississippi River ("the first race track"), or at a
facility operated by an inter-track wagering licensee or inter-track
wagering location licensee that derives its license from the
organization licensee that operates the first race track, on races
conducted at the first race track or on races conducted at another
Illinois race track and simultaneously televised to the first race
track or to a facility operated by an inter-track wagering licensee or
inter-track wagering location licensee that derives its license from
the organization licensee that operates the first race track, those
moneys shall be allocated as follows:

(A) That portion of all moneys wagered on
standardbred racing that is required under this Act to be
paid to purses shall be paid to purses for standardbred
races.

(B) That portion of all moneys wagered on
thoroughbred racing that is required under this Act to be
paid to purses shall be paid to purses for thoroughbred
races.

(11) (A) After payment of the privilege or pari-mutuel tax,
any other applicable taxes, and the costs and expenses in
connection with the gathering, transmission, and dissemination of
all data necessary to the conduct of inter-track wagering, the
remainder of the monies retained under either Section 26 or
Section 26.2 of this Act by the inter-track wagering licensee on
inter-track wagering shall be allocated with 50% to be split
between the 2 participating licensees and 50% to purses, except
that an intertrack wagering licensee that derives its license from a
track located in a county with a population in excess of 230,000
and that borders the Mississippi River shall not divide any
remaining retention with the Illinois organization licensee that
provides the race or races, and an intertrack wagering licensee that
accepts wagers on races conducted by an organization licensee that
conducts a race meet in a county with a population in excess of

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230,000 and that borders the Mississippi River shall not divide any remaining retention with that organization licensee.

(B) From the sums permitted to be retained pursuant to this Act each inter-track wagering location licensee shall pay (i) the privilege or pari-mutuel tax to the State; (ii) 4.75% of the pari-mutuel handle on intertrack wagering at such location on races as purses, except that an intertrack wagering location licensee that derives its license from a track located in a county with a population in excess of 230,000 and that borders the Mississippi River shall retain all purse moneys for its own purse account consistent with distribution set forth in this subsection (h), and intertrack wagering location licensees that accept wagers on races conducted by an organization licensee located in a county with a population in excess of 230,000 and that borders the Mississippi River shall distribute all purse moneys to purses at the operating host track; (iii) until January 1, 2000, except as provided in subsection (g) of Section 27 of this Act, 1% of the pari-mutuel handle wagered on inter-track wagering and simulcast wagering at each inter-track wagering location licensee facility to the Horse Racing Tax Allocation Fund, provided that, to the extent the total amount collected and distributed to the Horse Racing Tax Allocation Fund under this subsection (h) during any calendar year exceeds the amount collected and distributed to the Horse Racing Tax Allocation Fund during calendar year 1994, that excess amount shall be redistributed (I) to all inter-track wagering location licensees, based on each licensee's pro-rata share of the total handle from inter-track wagering and simulcast wagering for all inter-track wagering location licensees during the calendar year in which this provision is applicable; then (II) the amounts redistributed to each inter-track wagering location licensee as described in subpart (I) shall be further redistributed as provided in subparagraph (B) of paragraph (5) of subsection (g) of this Section 26 provided first, that the shares of those amounts, which are to be redistributed to the host track or to purses at the host track under subparagraph (B) of paragraph (5) of subsection (g) of this Section 26 shall be redistributed based on each host track's pro rata share of the total inter-track wagering and simulcast wagering handle at all host tracks during the calendar year in question, and second, that any amounts redistributed as described in part (I) to an inter-track
wagering location licensee that accepts wagers on races conducted by an organization licensee that conducts a race meet in a county with a population in excess of 230,000 and that borders the Mississippi River shall be further redistributed as provided in subparagraphs (D) and (E) of paragraph (7) of subsection (g) of this Section 26, with the portion of that further redistribution allocated to purses at that organization licensee to be divided between standardbred purses and thoroughbred purses based on the amounts otherwise allocated to purses at that organization licensee during the calendar year in question; and (iv) 8% of the pari-mutuel handle on inter-track wagering wagered at such location to satisfy all costs and expenses of conducting its wagering. The remainder of the monies retained by the inter-track wagering location licensee shall be allocated 40% to the location licensee and 60% to the organization licensee which provides the Illinois races to the location, except that an intertrack wagering location licensee that derives its license from a track located in a county with a population in excess of 230,000 and that borders the Mississippi River shall not divide any remaining retention with the organization licensee that provides the race or races and an intertrack wagering location licensee that accepts wagers on races conducted by an organization licensee that conducts a race meet in a county with a population in excess of 230,000 and that borders the Mississippi River shall not divide any remaining retention with the organization licensee. Notwithstanding the provisions of clauses (ii) and (iv) of this paragraph, in the case of the additional inter-track wagering location licenses authorized under paragraph (1) of this subsection (h) by this amendatory Act of 1991, those licensees shall pay the following amounts as purses: during the first 12 months the licensee is in operation, 5.25% of the pari-mutuel handle wagered at the location on races; during the second 12 months, 5.25%; during the third 12 months, 5.75%; during the fourth 12 months, 6.25%; and during the fifth 12 months and thereafter, 6.75%. The following amounts shall be retained by the licensee to satisfy all costs and expenses of conducting its wagering: during the first 12 months the licensee is in operation, 8.25% of the pari-mutuel handle wagered at the location on races; during the second 12 months, 8.25%; during the third 12 months, 7.75%; during the fourth 12 months, 7.25%; and during the fifth 12 months

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and thereafter, 6.75%. For additional intertrack wagering location licensees authorized under this amendatory Act of 1995, purses for the first 12 months the licensee is in operation shall be 5.75% of the pari-mutuel wagered at the location, purses for the second 12 months the licensee is in operation shall be 6.25%, and purses thereafter shall be 6.75%. For additional intertrack location licensees authorized under this amendatory Act of 1995, the licensee shall be allowed to retain to satisfy all costs and expenses: 7.75% of the pari-mutuel handle wagered at the location during its first 12 months of operation, 7.25% during its second 12 months of operation, and 6.75% thereafter.

(C) There is hereby created the Horse Racing Tax Allocation Fund which shall remain in existence until December 31, 1999. Moneys remaining in the Fund after December 31, 1999 shall be paid into the General Revenue Fund. Until January 1, 2000, all monies paid into the Horse Racing Tax Allocation Fund pursuant to this paragraph (11) by inter-track wagering location licensees located in park districts of 500,000 population or less, or in a municipality that is not included within any park district but is included within a conservation district and is the county seat of a county that (i) is contiguous to the state of Indiana and (ii) has a 1990 population of 88,257 according to the United States Bureau of the Census, and operating on May 1, 1994 shall be allocated by appropriation as follows:

Two-sevenths to the Department of Agriculture. Fifty percent of this two-sevenths shall be used to promote the Illinois horse racing and breeding industry, and shall be distributed by the Department of Agriculture upon the advice of a 9-member committee appointed by the Governor consisting of the following members: the Director of Agriculture, who shall serve as chairman; 2 representatives of organization licensees conducting thoroughbred race meetings in this State, recommended by those licensees; 2 representatives of organization licensees conducting standardbred race meetings in this State, recommended by those licensees; a representative of the Illinois Thoroughbred Breeders and Owners Foundation, recommended by that Foundation; a representative of the Illinois Standardbred Owners and Breeders Association,
recommended by that Association; a representative of the Horsemen's Benevolent and Protective Association or any successor organization thereto established in Illinois comprised of the largest number of owners and trainers, recommended by that Association or that successor organization; and a representative of the Illinois Harness Horsemen's Association, recommended by that Association. Committee members shall serve for terms of 2 years, commencing January 1 of each even-numbered year. If a representative of any of the above-named entities has not been recommended by January 1 of any even-numbered year, the Governor shall appoint a committee member to fill that position. Committee members shall receive no compensation for their services as members but shall be reimbursed for all actual and necessary expenses and disbursements incurred in the performance of their official duties. The remaining 50% of this two-sevenths shall be distributed to county fairs for premiums and rehabilitation as set forth in the Agricultural Fair Act;

Four-sevenths to park districts or municipalities that do not have a park district of 500,000 population or less for museum purposes (if an inter-track wagering location licensee is located in such a park district) or to conservation districts for museum purposes (if an inter-track wagering location licensee is located in a municipality that is not included within any park district but is included within a conservation district and is the county seat of a county that (i) is contiguous to the state of Indiana and (ii) has a 1990 population of 88,257 according to the United States Bureau of the Census, except that if the conservation district does not maintain a museum, the monies shall be allocated equally between the county and the municipality in which the inter-track wagering location licensee is located for general purposes) or to a municipal recreation board for park purposes (if an inter-track wagering location licensee is located in a municipality that is not included within any park district and park maintenance is the function of the municipal recreation board and the municipality has a 1990 population of 9,302 according to the United States Bureau of the Census, except that if the municipal recreation board does not maintain a museum, the monies shall be allocated equally between the county and the municipality in which the inter-track wagering location licensee is located for general purposes).

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of the Census); provided that the monies are distributed to each park district or conservation district or municipality that does not have a park district in an amount equal to four-sevenths of the amount collected by each inter-track wagering location licensee within the park district or conservation district or municipality for the Fund. Monies that were paid into the Horse Racing Tax Allocation Fund before the effective date of this amendatory Act of 1991 by an inter-track wagering location licensee located in a municipality that is not included within any park district but is included within a conservation district as provided in this paragraph shall, as soon as practicable after the effective date of this amendatory Act of 1991, be allocated and paid to that conservation district as provided in this paragraph. Any park district or municipality not maintaining a museum may deposit the monies in the corporate fund of the park district or municipality where the inter-track wagering location is located, to be used for general purposes; and

One-seventh to the Agricultural Premium Fund to be used for distribution to agricultural home economics extension councils in accordance with "An Act in relation to additional support and finances for the Agricultural and Home Economic Extension Councils in the several counties of this State and making an appropriation therefor", approved July 24, 1967.

Until January 1, 2000, all other monies paid into the Horse Racing Tax Allocation Fund pursuant to this paragraph (11) shall be allocated by appropriation as follows:

Two-sevenths to the Department of Agriculture. Fifty percent of this two-sevenths shall be used to promote the Illinois horse racing and breeding industry, and shall be distributed by the Department of Agriculture upon the advice of a 9-member committee appointed by the Governor consisting of the following members: the Director of Agriculture, who shall serve as chairman; 2 representatives of organization licensees conducting thoroughbred race meetings in this State, recommended by those licensees; 2 representatives of organization licensees conducting standardbred race meetings in this State,

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recommended by those licensees; a representative of the Illinois Thoroughbred Breeders and Owners Foundation, recommended by that Foundation; a representative of the Illinois Standardbred Owners and Breeders Association, recommended by that Association; a representative of the Horsemen's Benevolent and Protective Association or any successor organization thereto established in Illinois comprised of the largest number of owners and trainers, recommended by that Association or that successor organization; and a representative of the Illinois Harness Horsemen's Association, recommended by that Association. Committee members shall serve for terms of 2 years, commencing January 1 of each even-numbered year. If a representative of any of the above-named entities has not been recommended by January 1 of any even-numbered year, the Governor shall appoint a committee member to fill that position. Committee members shall receive no compensation for their services as members but shall be reimbursed for all actual and necessary expenses and disbursements incurred in the performance of their official duties. The remaining 50% of this two-sevenths shall be distributed to county fairs for premiums and rehabilitation as set forth in the Agricultural Fair Act;

Four-sevenths to museums and aquariums located in park districts of over 500,000 population; provided that the monies are distributed in accordance with the previous year's distribution of the maintenance tax for such museums and aquariums as provided in Section 2 of the Park District Aquarium and Museum Act; and

One-seventh to the Agricultural Premium Fund to be used for distribution to agricultural home economics extension councils in accordance with "An Act in relation to additional support and finances for the Agricultural and Home Economic Extension Councils in the several counties of this State and making an appropriation therefor", approved July 24, 1967. This subparagraph (C) shall be inoperative and of no force and effect on and after January 1, 2000.

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(D) Except as provided in paragraph (11) of this subsection (h), with respect to purse allocation from intertrack wagering, the monies so retained shall be divided as follows:

(i) If the inter-track wagering licensee, except an intertrack wagering licensee that derives its license from an organization licensee located in a county with a population in excess of 230,000 and bounded by the Mississippi River, is not conducting its own race meeting during the same dates, then the entire purse allocation shall be to purses at the track where the races wagered on are being conducted.

(ii) If the inter-track wagering licensee, except an intertrack wagering licensee that derives its license from an organization licensee located in a county with a population in excess of 230,000 and bounded by the Mississippi River, is also conducting its own race meeting during the same dates, then the purse allocation shall be as follows: 50% to purses at the track where the races wagered on are being conducted; 50% to purses at the track where the inter-track wagering licensee is accepting such wagers.

(iii) If the inter-track wagering is being conducted by an inter-track wagering location licensee, except an intertrack wagering location licensee that derives its license from an organization licensee located in a county with a population in excess of 230,000 and bounded by the Mississippi River, the entire purse allocation for Illinois races shall be to purses at the track where the race meeting being wagered on is being held.

(12) The Board shall have all powers necessary and proper to fully supervise and control the conduct of inter-track wagering and simulcast wagering by inter-track wagering licensees and inter-track wagering location licensees, including, but not limited to the following:

(A) The Board is vested with power to promulgate reasonable rules and regulations for the purpose of...
administering the conduct of this wagering and to prescribe reasonable rules, regulations and conditions under which such wagering shall be held and conducted. Such rules and regulations are to provide for the prevention of practices detrimental to the public interest and for the best interests of said wagering and to impose penalties for violations thereof.

(B) The Board, and any person or persons to whom it delegates this power, is vested with the power to enter the facilities of any licensee to determine whether there has been compliance with the provisions of this Act and the rules and regulations relating to the conduct of such wagering.

(C) The Board, and any person or persons to whom it delegates this power, may eject or exclude from any licensee's facilities, any person whose conduct or reputation is such that his presence on such premises may, in the opinion of the Board, call into the question the honesty and integrity of, or interfere with the orderly conduct of such wagering; provided, however, that no person shall be excluded or ejected from such premises solely on the grounds of race, color, creed, national origin, ancestry, or sex.

(D) (Blank).

(E) The Board is vested with the power to appoint delegates to execute any of the powers granted to it under this Section for the purpose of administering this wagering and any rules and regulations promulgated in accordance with this Act.

(F) The Board shall name and appoint a State director of this wagering who shall be a representative of the Board and whose duty it shall be to supervise the conduct of inter-track wagering as may be provided for by the rules and regulations of the Board; such rules and regulation shall specify the method of appointment and the Director's powers, authority and duties.

(G) The Board is vested with the power to impose civil penalties of up to $5,000 against individuals and up to $10,000 against licensees for each violation of any
provision of this Act relating to the conduct of this wagering, any rules adopted by the Board, any order of the Board or any other action which in the Board's discretion, is a detriment or impediment to such wagering.

(13) The Department of Agriculture may enter into agreements with licensees authorizing such licensees to conduct inter-track wagering on races to be held at the licensed race meetings conducted by the Department of Agriculture. Such agreement shall specify the races of the Department of Agriculture's licensed race meeting upon which the licensees will conduct wagering. In the event that a licensee conducts inter-track pari-mutuel wagering on races from the Illinois State Fair or DuQuoin State Fair which are in addition to the licensee's previously approved racing program, those races shall be considered a separate racing day for the purpose of determining the daily handle and computing the privilege or pari-mutuel tax on that daily handle as provided in Sections 27 and 27.1. Such agreements shall be approved by the Board before such wagering may be conducted. In determining whether to grant approval, the Board shall give due consideration to the best interests of the public and of horse racing. The provisions of paragraphs (1), (8), (8.1), and (8.2) of subsection (h) of this Section which are not specified in this paragraph (13) shall not apply to licensed race meetings conducted by the Department of Agriculture at the Illinois State Fair in Sangamon County or the DuQuoin State Fair in Perry County, or to any wagering conducted on those race meetings.

(14) An inter-track wagering location license authorized by the Board in 2016 that is owned and operated by a race track in Rock Island County shall be transferred to a commonly owned race track in Cook County on the effective date of this amendatory Act of the 99th General Assembly. The licensee shall retain its status in relation to purse distribution under paragraph (11) of this subsection (h) following the transfer to the new entity. The pari-mutuel tax credit under Section 32.1 shall not be applied toward any pari-mutuel tax obligation of the inter-track wagering location licensee of the license that is transferred under this paragraph (14).

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(i) Notwithstanding the other provisions of this Act, the conduct of wagering at wagering facilities is authorized on all days, except as limited by subsection (b) of Section 19 of this Act.
(Source: P.A. 97-1060, eff. 8-24-12; 98-18, eff. 6-7-13; 98-624, eff. 1-29-14; 98-968, eff. 8-15-14.)

Section 5. The Raffles and Poker Runs Act is amended by changing Section 2 and by adding Section 9 as follows:

(230 ILCS 15/2) (from Ch. 85, par. 2302)
Sec. 2. Licensing.
(a) The governing body of any county or municipality within this State may establish a system for the licensing of organizations to operate raffles. The governing bodies of a county and one or more municipalities may, pursuant to a written contract, jointly establish a system for the licensing of organizations to operate raffles within any area of contiguous territory not contained within the corporate limits of a municipality which is not a party to such contract. The governing bodies of two or more adjacent counties or two or more adjacent municipalities located within a county may, pursuant to a written contract, jointly establish a system for the licensing of organizations to operate raffles within the corporate limits of such counties or municipalities. The licensing authority may establish special categories of licenses and promulgate rules relating to the various categories. The licensing system shall provide for limitations upon (1) the aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle, (2) the maximum retail value of each prize awarded by a licensee in a single raffle, (3) the maximum price which may be charged for each raffle chance issued or sold and (4) the maximum number of days during which chances may be issued or sold. The licensing system may include a fee for each license in an amount to be determined by the local governing body. Licenses issued pursuant to this Act shall be valid for one raffle or for a specified number of raffles to be conducted during a specified period not to exceed one year and may be suspended or revoked for any violation of this Act. A local governing body shall act on a license application within 30 days from the date of application. Nothing in this Act shall be construed to prohibit a county or municipality from adopting rules or ordinances for the operation of raffles that are more restrictive than provided for in this Act. Except for raffles organized by law enforcement agencies and statewide associations that represent law enforcement officials as provided in Section 9 of this Act, the governing body of a municipality may authorize the sale of raffle chances

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only within the borders of the municipality. Except for raffles organized by law enforcement agencies and statewide associations that represent law enforcement officials as provided in Section 9, the governing body of the county may authorize the sale of raffle chances only in those areas which are both within the borders of the county and outside the borders of any municipality.

(a-5) The governing body of any county within this State may establish a system for the licensing of organizations to operate poker runs. The governing bodies of 2 or more adjacent counties may, pursuant to a written contract, jointly establish a system for the licensing of organizations to operate poker runs within the corporate limits of such counties. The licensing authority may establish special categories of licenses and adopt rules relating to the various categories. The licensing system may include a fee not to exceed $25 for each license. Licenses issued pursuant to this Act shall be valid for one poker run or for a specified number of poker runs to be conducted during a specified period not to exceed one year and may be suspended or revoked for any violation of this Act. A local governing body shall act on a license application within 30 days after the date of application.

(b) Licenses shall be issued only to bona fide religious, charitable, labor, business, fraternal, educational or veterans' organizations that operate without profit to their members and which have been in existence for a period of 5 years immediately before making application for a license and which have had during that entire 5 year period a bona fide membership engaged in carrying out their objects, or to a non-profit fundraising organization that the licensing authority determines is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident or disaster, as well as law enforcement agencies and statewide associations that represent law enforcement officials as provided for in Section 9 of this Act. A licensing authority may waive the 5-year requirement under this subsection (b) for a bona fide religious, charitable, labor, business, fraternal, educational, or veterans' organization that applies for a license to conduct a poker run if the organization is a local organization that is affiliated with and chartered by a national or State organization that meets the 5-year requirement.

For purposes of this Act, the following definitions apply. Non-profit: An organization or institution organized and conducted on a not-
for-profit basis with no personal profit inuring to any one as a result of the operation. Charitable: An organization or institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefit on the public. Educational: An organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax-supported schools. Religious: Any church, congregation, society, or organization founded for the purpose of religious worship. Fraternal: An organization of persons having a common interest, the primary interest of which is to both promote the welfare of its members and to provide assistance to the general public in such a way as to lessen the burdens of government by caring for those that otherwise would be cared for by the government. Veterans: An organization or association comprised of members of which substantially all are individuals who are veterans or spouses, widows, or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit. Labor: An organization composed of workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations. Business: A voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial and civic interests of a community.

(c) Poker runs shall be licensed by the governing body with jurisdiction over the key location. The license granted by the key location shall cover the entire poker run, including locations other than the key location. Each license issued shall include the name and address of each predetermined location.

(Source: P.A. 98-644, eff. 6-10-14.)

(230 ILCS 15/9 new)

Sec. 9. Raffles by law enforcement agencies and statewide associations that represent law enforcement officials.

(a) As used in this Section:
"Key location" means the location where the raffle organized by a law enforcement agency or a statewide association that represents law enforcement officials is conducted and the prize or prizes are awarded.

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"Law enforcement agency" means an agency of this State or unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances.

(b) Notwithstanding the other provisions of this Act, law enforcement agencies and statewide associations that represent law enforcement officials may organize raffles under this Act. Raffles organized by a law enforcement agency or a statewide association that represents law enforcement officials must only be licensed by the governing body of the county or municipality in which the key location for that raffle is located, even if raffle tickets are sold beyond the borders of that governing body of the county or municipality. A raffle organized by a law enforcement agency or a statewide association that represents law enforcement officials must abide by any restrictions established pursuant to subsection (a) of Section 2 of this Act by the governing body of the county or municipality in which the key location is located.

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

Approved August 12, 2016.
Effective August 12, 2016.

PUBLIC ACT 99-0758

(House Bill No. 1288)

AN ACT concerning employment.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Domestic Workers' Bill of Rights Act.

Section 5. Purpose and findings. Domestic workers play a critical role in Illinois' economy, working to ensure the health and prosperity of Illinois families and freeing others to participate in the workforce. Despite the value of their work, domestic workers have historically been excluded from the protections under State law extended to workers in other industries. Domestic workers are predominantly women who labor to support families and children of their own and who receive low pay and minimal or no benefits. Without clear standards governing their workplaces, and working alone and behind closed doors, domestic workers are among the most isolated and vulnerable workforce in the State.

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Workforce projections are one of growth for domestic workers, but the lack of decent pay and other workplace protections undermines the likelihood of building and maintaining a reliable and experienced workforce that is able to meet the needs of Illinois families. Therefore, the General Assembly finds that because domestic workers care for the most important elements of Illinoisans' lives, our families and our homes, it is in the interest of employees, employers, and the people of Illinois to ensure that the rights of domestic workers are respected, protected, and enforced and that this Act shall be interpreted liberally to aid this purpose.

Section 10. Definitions. As used in this Act:

"Domestic work" means:

1. housekeeping;
2. house cleaning;
3. home management;
4. nanny services including childcare and child monitoring;
5. caregiving, personal care or home health services for elderly persons or persons with an illness, injury, or disability who require assistance in caring for themselves;
6. laundering;
7. cooking;
8. companion services;
9. chauffeuring; or
10. other household services for members of households or their guests in or about a private home or residence or any other location where the domestic work is performed.

"Domestic worker" means a person employed to perform domestic work. "Domestic worker" does not include: (i) a person performing domestic work who is the employer's parent, spouse, child, or other member of his or her immediate family, exclusive of individuals whose primary work duties are caregiving, companion services, personal care or home health services for elderly persons or persons with an illness, injury, or disability who require assistance in caring for themselves; (ii) child and day care home providers participating in the child care assistance program under Section 9A-11 of the Illinois Public Aid Code; (iii) a person who is employed by one or more employers in or about a private home or residence or any other location where the domestic work is performed for 8 hours or less in the aggregate in any workweek on a regular basis, exclusive of individuals whose primary work duties are caregiving,

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companion services, personal care or home health services for elderly persons or persons with an illness, injury, or disability who require assistance in caring for themselves; or (iv) a person who the employer establishes: (A) has been and will continue to be free from control and direction over the performance of his or her work, both under a contract of service and in fact; (B) is engaged in an independently established trade, occupation, profession or business; or (C) is deemed a legitimate sole proprietor or partnership. A sole proprietor or partnership shall be deemed to be legitimate if the employer establishes that:

(1) the sole proprietor or partnership is performing the service free from the direction or control over the means and manner of providing the service, subject only to the right of the employer for whom the service is provided to specify the desired result;

(2) the sole proprietor or partnership is not subject to cancellation or destruction upon severance of the relationship with the employer;

(3) the sole proprietor or partnership has a substantial investment of capital in the sole proprietorship or partnership beyond ordinary tools and equipment and a personal vehicle;

(4) the sole proprietor or partnership owns the capital goods and gains the profits and bears the losses of the sole proprietorship or partnership;

(5) the sole proprietor or partnership makes its services available to the general public on a continuing basis;

(6) the sole proprietor or partnership includes services rendered on a Federal Income Tax Schedule as an independent business or profession;

(7) the sole proprietor or partnership performs services for the contractor under the sole proprietorship's or partnership's name;

(8) when the services being provided require a license or permit, the sole proprietor or partnership obtains and pays for the license or permit in the sole proprietorship's or partnership's name;

(9) the sole proprietor or partnership furnishes the tools and equipment necessary to provide the service;

(10) if necessary, the sole proprietor or partnership hires its own employees without approval of the employer, pays the employees without reimbursement from the employer and reports the employees' income to the Internal Revenue Service;

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(11) the employer does not represent the sole proprietorship or partnership as an employee of the employer to the public; and
(12) the sole proprietor or partnership has the right to perform similar services for others on whatever basis and whenever it chooses.
"Employ" includes to suffer or permit to work.
"Employee" means a domestic worker.
"Employer" means: any individual; partnership; association; corporation; limited liability company; business trust; employment and labor placement agency where wages are made directly or indirectly by the agency or business for work undertaken by employees under hire to a third party pursuant to a contract between the business or agency with the third party; the State of Illinois and local governments, or any political subdivision of the State or local government, or State or local government agency; for which one or more persons is gainfully employed, express or implied, whether lawfully or unlawfully employed, who employs a domestic worker or who exercises control over the domestic worker's wage, remuneration, or other compensation, hours of employment, place of employment, or working conditions, or whose agent or any other person or group of persons acting directly or indirectly in the interest of an employer in relation to the employee exercises control over the domestic worker's wage, remuneration or other compensation, hours of employment, place of employment, or working conditions.

Section 90. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 92. The Illinois Human Rights Act is amended by changing Section 2-101 as follows:

Sec. 2-101. Definitions. The following definitions are applicable strictly in the context of this Article.

(A) Employee.
(1) "Employee" includes:
   (a) Any individual performing services for remuneration within this State for an employer;
   (b) An apprentice;
   (c) An applicant for any apprenticeship.
For purposes of subsection (D) of Section 2-102 of this Act, "employee" also includes an unpaid intern. An unpaid intern is a

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person who performs work for an employer under the following circumstances:

(i) the employer is not committed to hiring the person performing the work at the conclusion of the intern's tenure;

(ii) the employer and the person performing the work agree that the person is not entitled to wages for the work performed; and

(iii) the work performed:

(I) supplements training given in an educational environment that may enhance the employability of the intern;

(II) provides experience for the benefit of the person performing the work;

(III) does not displace regular employees;

(IV) is performed under the close supervision of existing staff; and

(V) provides no immediate advantage to the employer providing the training and may occasionally impede the operations of the employer.

(2) "Employee" does not include:

(a) (Blank); Domestic servants in private homes;

(b) Individuals employed by persons who are not "employers" as defined by this Act;

(c) Elected public officials or the members of their immediate personal staffs;

(d) Principal administrative officers of the State or of any political subdivision, municipal corporation or other governmental unit or agency;

(e) A person in a vocational rehabilitation facility certified under federal law who has been designated an evaluee, trainee, or work activity client.

(B) Employer.

(1) "Employer" includes:

(a) Any person employing 15 or more employees within Illinois during 20 or more calendar weeks within the calendar year of or preceding the alleged violation;

(b) Any person employing one or more employees when a complainant alleges civil rights violation due to
unlawful discrimination based upon his or her physical or mental disability unrelated to ability, pregnancy, or sexual harassment;

(c) The State and any political subdivision, municipal corporation or other governmental unit or agency, without regard to the number of employees;

(d) Any party to a public contract without regard to the number of employees;

(e) A joint apprenticeship or training committee without regard to the number of employees.

(2) "Employer" does not include any religious corporation, association, educational institution, society, or non-profit nursing institution conducted by and for those who rely upon treatment by prayer through spiritual means in accordance with the tenets of a recognized church or religious denomination with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, society or non-profit nursing institution of its activities.

(C) Employment Agency. "Employment Agency" includes both public and private employment agencies and any person, labor organization, or labor union having a hiring hall or hiring office regularly undertaking, with or without compensation, to procure opportunities to work, or to procure, recruit, refer or place employees.

(D) Labor Organization. "Labor Organization" includes any organization, labor union, craft union, or any voluntary unincorporated association designed to further the cause of the rights of union labor which is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or apprenticeships or applications for apprenticeships, or of other mutual aid or protection in connection with employment, including apprenticeships or applications for apprenticeships.

(E) Sexual Harassment. "Sexual harassment" means any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of substantially interfering with an

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individual's work performance or creating an intimidating, hostile or offensive working environment.

(F) Religion. "Religion" with respect to employers includes all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business.

(G) Public Employer. "Public employer" means the State, an agency or department thereof, unit of local government, school district, instrumentality or political subdivision.

(H) Public Employee. "Public employee" means an employee of the State, agency or department thereof, unit of local government, school district, instrumentality or political subdivision. "Public employee" does not include public officers or employees of the General Assembly or agencies thereof.

(I) Public Officer. "Public officer" means a person who is elected to office pursuant to the Constitution or a statute or ordinance, or who is appointed to an office which is established, and the qualifications and duties of which are prescribed, by the Constitution or a statute or ordinance, to discharge a public duty for the State, agency or department thereof, unit of local government, school district, instrumentality or political subdivision.

(J) Eligible Bidder. "Eligible bidder" means a person who, prior to a bid opening, has filed with the Department a properly completed, sworn and currently valid employer report form, pursuant to the Department's regulations. The provisions of this Article relating to eligible bidders apply only to bids on contracts with the State and its departments, agencies, boards, and commissions, and the provisions do not apply to bids on contracts with units of local government or school districts.

(K) Citizenship Status. "Citizenship status" means the status of being:

(1) a born U.S. citizen;
(2) a naturalized U.S. citizen;
(3) a U.S. national; or
(4) a person born outside the United States and not a U.S. citizen who is not an unauthorized alien and who is protected from discrimination under the provisions of Section 1324b of Title 8 of the United States Code, as now or hereafter amended.

New matter indicated by italics - deletions by strikeout
Section 93. The Minimum Wage Law is amended by changing Section 3 as follows:

Sec. 3. As used in this Act:
(a) "Director" means the Director of the Department of Labor, and "Department" means the Department of Labor.
(b) "Wages" means compensation due to an employee by reason of his employment, including allowances determined by the Director in accordance with the provisions of this Act for gratuities and, when furnished by the employer, for meals and lodging actually used by the employee.
(c) "Employer" includes any individual, partnership, association, corporation, limited liability company, business trust, governmental or quasi-governmental body, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee, for which one or more persons are gainfully employed on some day within a calendar year. An employer is subject to this Act in a calendar year on and after the first day in such calendar year in which he employs one or more persons, and for the following calendar year.
(d) "Employee" includes any individual permitted to work by an employer in an occupation, and includes, notwithstanding subdivision (1) of this subsection (d), one or more domestic workers as defined in Section 10 of the Domestic Workers' Bill of Rights Act, but does not include any individual permitted to work:
(1) For an employer employing fewer than 4 employees exclusive of the employer's parent, spouse or child or other members of his immediate family.
(2) As an employee employed in agriculture or aquaculture (A) if such employee is employed by an employer who did not, during any calendar quarter during the preceding calendar year, use more than 500 man-days of agricultural or aquacultural labor, (B) if such employee is the parent, spouse or child, or other member of the employer's immediate family, (C) if such employee (i) is employed as a hand harvest laborer and is paid on a piece rate basis in an operation which has been, and is customarily and generally recognized as having been, paid on a piece rate basis in the region of employment, (ii) commutes daily from his permanent residence
to the farm on which he is so employed, and (iii) has been employed in agriculture less than 13 weeks during the preceding calendar year, (D) if such employee (other than an employee described in clause (C) of this subparagraph): (i) is 16 years of age or under and is employed as a hand harvest laborer, is paid on a piece rate basis in an operation which has been, and is customarily and generally recognized as having been, paid on a piece rate basis in the region of employment, (ii) is employed on the same farm as his parent or person standing in the place of his parent, and (iii) is paid at the same piece rate as employees over 16 are paid on the same farm.

(3) (Blank).

(4) As an outside salesman.

(5) As a member of a religious corporation or organization.

(6) At an accredited Illinois college or university employed by the college or university at which he is a student who is covered under the provisions of the Fair Labor Standards Act of 1938, as heretofore or hereafter amended.

(7) For a motor carrier and with respect to whom the U.S. Secretary of Transportation has the power to establish qualifications and maximum hours of service under the provisions of Title 49 U.S.C. or the State of Illinois under Section 18b-105 (Title 92 of the Illinois Administrative Code, Part 395 - Hours of Service of Drivers) of the Illinois Vehicle Code.

The above exclusions from the term "employee" may be further defined by regulations of the Director.

(e) "Occupation" means an industry, trade, business or class of work in which employees are gainfully employed.

(f) "Gratuities" means voluntary monetary contributions to an employee from a guest, patron or customer in connection with services rendered.

(g) "Outside salesman" means an employee regularly engaged in making sales or obtaining orders or contracts for services where a major portion of such duties are performed away from his employer's place of business.

(h) "Day camp" means a seasonal recreation program in operation for no more than 16 weeks intermittently throughout the calendar year, accommodating for profit or under philanthropic or charitable auspices, 5 or more children under 18 years of age, not including overnight programs.

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The term "day camp" does not include a "day care agency", "child care facility" or "foster family home" as licensed by the Illinois Department of Children and Family Services.
(Source: P.A. 94-1025, eff. 7-14-06; 95-945, eff. 1-1-09.)

Section 94. The Wages of Women and Minors Act is amended by changing Section 1 as follows:

(820 ILCS 125/1) (from Ch. 48, par. 198.1)
Sec. 1. As used in this Act:
"Department" means the Department of Labor.
"Director" means the Director of the Department of Labor.
"Wage Board" means a board created as provided in this Act.
"Woman" means a female of 18 years or over.
"Minor" means a person under the age of 18 years.
"Occupation" means an industry, trade or business or branch thereof or class of work therein in which women or minors are gainfully employed, but does not include domestic service in the home of the employer or labor on a farm.
"An oppressive and unreasonable wage" means a wage which is both less than the fair and reasonable value of the services rendered and less than sufficient to meet the minimum cost of living necessary for health.

"A fair wage" means a wage fairly and reasonably commensurate with the value of the services or class of service rendered. In establishing a minimum fair wage for any service or class of service under this Act the Department and the wage board without being bound by any technical rules of evidence or procedure (1) may take into account all relevant circumstances affecting the value of the service or class of service rendered, and (2) may be guided by like considerations as would guide a court in a suit for the reasonable value of services rendered where services are rendered at the request of an employer without contract as to the amount of the wage to be paid, and (3) may consider the wages paid in the State for work of like or comparable character by employers who voluntarily maintain minimum fair wage standards.

"A directory order" means an order the nonobservance of which may be published as provided in Section 9 of this Act.

"A mandatory order" means an order the violation of which is subject to the penalties prescribed in paragraph 2 of Section 15 of this Act.
(Source: P.A. 91-357, eff. 7-29-99.)
Section 95. The One Day Rest In Seven Act is amended by changing Section 2 as follows:

(820 ILCS 140/2) (from Ch. 48, par. 8b)

Sec. 2. Hours and days of rest in every calendar week.

(a) Every employer shall allow every employee except those specified in this Section at least twenty-four consecutive hours of rest in every calendar week in addition to the regular period of rest allowed at the close of each working day.

A person employed as a domestic worker, as defined in Section 10 of the Domestic Workers' Bill of Rights Act, shall be allowed at least 24 consecutive hours of rest in every calendar week. This subsection (a) does not prohibit a domestic worker from voluntarily agreeing to work on such day of rest required by this subsection (a) if the worker is compensated at the overtime rate for all hours worked on such day of rest. The day of rest authorized under this subsection (a) should, whenever possible, coincide with the traditional day reserved by the domestic worker for religious worship.

(b) Subsection (a) This Section does not apply to the following:

1. Part-time employees whose total work hours for one employer during a calendar week do not exceed 20; and
2. Employees needed in case of breakdown of machinery or equipment or other emergency requiring the immediate services of experienced and competent labor to prevent injury to person, damage to property, or suspension of necessary operation; and
3. Employees employed in agriculture or coal mining; and
4. Employees engaged in the occupation of canning and processing perishable agricultural products, if such employees are employed by an employer in such occupation on a seasonal basis and for not more than 20 weeks during any calendar year or 12 month period; and
5. Employees employed as watchmen or security guards; and
6. Employees who are employed in a bonafide executive, administrative, or professional capacity or in the capacity of an outside salesman, as defined in Section 12 (a) (1) of the federal Fair Labor Standards Act, as amended, and those employed as supervisors as defined in Section 2 (11) of the National Labor Relations Act, as amended; and

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(7) Employees who are employed as crew members of any uninspected towing vessel, as defined by Section 2101(40) of Title 46 of the United States Code, operating in any navigable waters in or along the boundaries of the State of Illinois.

(Source: P.A. 92-623, eff. 7-11-02.)

Section 99. Effective date. This Act takes effect January 1, 2017.
Passed in the General Assembly May 29, 2016.
Approved August 12, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0759
(House Bill No. 2642)

AN ACT concerning civil law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Labor and Storage Lien Act is amended by adding Section 1.5 as follows:

(770 ILCS 45/1.5 new)

Sec. 1.5. Storage fees; notice to lienholder of record. Any person, firm, or private corporation seeking to impose fees in connection with the furnishing of storage for a vehicle in the person's, firm's, or corporation's possession must provide written notice, by certified mail, to the lienholder of record prior to the assessment and accrual of such fees. The notice shall include the rate at which fees will be incurred, and shall provide the lienholder with an opportunity to inspect the vehicle on the premises where the vehicle is stored. Payment of the storage fees by the lienholder may be made in cash or by cashier's check, certified check, or wire transfer, at the option of the lienholder.

Section 10. The Labor and Storage Lien (Small Amount) Act is amended by adding Section 1.5 as follows:

(770 ILCS 50/1.5 new)

Sec. 1.5. Storage fees; notice to lienholder of record. Any person, firm, or private corporation seeking to impose fees in connection with the furnishing of storage for a vehicle in the person's, firm's, or corporation's possession must provide written notice, by certified mail, to the lienholder of record prior to the assessment and accrual of such fees. The notice shall include the rate at which fees will be incurred, and shall provide the lienholder with an opportunity to inspect the vehicle on the premises where the vehicle is stored. Payment of the storage fees by the lienholder may be made in cash or by cashier's check, certified check, or wire transfer, at the option of the lienholder.

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where the vehicle is stored. Payment of the storage fees by the lienholder may be made in cash or by cashier's check, certified check, or wire transfer, at the option of the lienholder.

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

Approved August 12, 2016.
Effective August 12, 2016.

PUBLIC ACT 99-0760
(House Bill No. 3363)

AN ACT concerning business.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Recyclable Metal Purchase Registration Law is amended by changing Section 6.5 as follows:
(815 ILCS 325/6.5)
Sec. 6.5. Recyclable Metal Theft Task Force.
(a) The Recyclable Metal Theft Task Force is created within the Office of the Secretary of State. The Office of the Secretary of State shall provide administrative support for the Task Force. The Task Force shall consist of the members designated in subsections (b) and (c).
(b) Members of the Task Force representing the State shall be appointed as follows:
   (1) Two members of the Senate appointed one each by the President of the Senate and by the Minority Leader of the Senate;
   (2) Two members of the House of Representatives appointed one each by the Speaker of the House of Representatives and by the Minority Leader of the House of Representatives;
   (3) One member representing the Office of the Secretary of State appointed by the Secretary of State; and
   (4) Two members representing the Department of State Police appointed by the Director of State Police, one of whom must represent the State Police Academy.
(c) The members appointed under subsection (b) shall select from their membership a chairperson. The chairperson shall appoint the public members of the Task Force as follows:

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(1) One member representing municipalities in this State with consideration given to persons recommended by an organization representing municipalities in this State;

(2) Five chiefs of police from various geographical areas of the State with consideration given to persons recommended by an organization representing chiefs of police in this State;

(3) One representative of a public utility headquartered in Illinois;

(4) One representative of recyclable metal dealers in Illinois;

(5) One representative of scrap metal suppliers in Illinois;

(6) One representative of insurance companies offering homeowners insurance in this State; and

(7) One representative of rural electric cooperatives in Illinois; and:

(8) One representative of a local exchange carrier doing business in Illinois.

(d) The Task Force shall endeavor to establish a collaborative effort to combat recyclable metal theft throughout the State and assist in developing regional task forces, as determined necessary, to combat recyclable metal theft. The Task Force shall consider and develop long-term solutions, both legislative and enforcement-driven, for the rising problem of recyclable metal thefts in this State.

(e) Each year, the Task Force shall review the effectiveness of its efforts in deterring and investigating the problem of recyclable metal theft and in assisting in the prosecution of persons engaged in recyclable metal theft. The Task Force shall by October 31 of each year report its findings and recommendations to the General Assembly and the Governor.

(Source: P.A. 99-52, eff. 1-1-16.)

Approved August 12, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0761
(House Bill No. 3549)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout
Section 5. The Health Maintenance Organization Act is amended by changing Section 5-3 as follows:

(215 ILCS 125/5-3) (from Ch. 111 1/2, par. 1411.2)
Sec. 5-3. Insurance Code provisions.

(a) Health Maintenance Organizations shall be subject to the provisions of Sections 133, 134, 136, 137, 139, 140, 141.1, 141.2, 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5, 154.6, 154.7, 154.8, 155.04, 155.22a, 355.2, 355.3, 355b, 356g.5-1, 356m, 356v, 356w, 356x, 356y, 356z.2, 356z.4, 356z.5, 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.17, 356z.18, 356z.19, 356z.21, 356z.22, 364, 364.01, 367.2, 367.2-5, 367i, 368a, 368b, 368c, 368d, 368e, 370c, 370c.1, 401, 401.1, 402, 403, 403A, 408, 408.2, 409, 412, 444, and 444.1, paragraph (c) of subsection (2) of Section 367, and Articles IIA, VIII 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV, and XXVI of the Illinois Insurance Code.

(b) For purposes of the Illinois Insurance Code, except for Sections 444 and 444.1 and Articles XIII and XIII 1/2, Health Maintenance Organizations in the following categories are deemed to be "domestic companies":

(1) a corporation authorized under the Dental Service Plan Act or the Voluntary Health Services Plans Act;
(2) a corporation organized under the laws of this State; or
(3) a corporation organized under the laws of another state, 30% or more of the enrollees of which are residents of this State, except a corporation subject to substantially the same requirements in its state of organization as is a "domestic company" under Article VIII 1/2 of the Illinois Insurance Code.

(c) In considering the merger, consolidation, or other acquisition of control of a Health Maintenance Organization pursuant to Article VIII 1/2 of the Illinois Insurance Code,

(1) the Director shall give primary consideration to the continuation of benefits to enrollees and the financial conditions of the acquired Health Maintenance Organization after the merger, consolidation, or other acquisition of control takes effect;
(2)(i) the criteria specified in subsection (1)(b) of Section 131.8 of the Illinois Insurance Code shall not apply and (ii) the Director, in making his determination with respect to the merger, consolidation, or other acquisition of control, need not take into

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account the effect on competition of the merger, consolidation, or other acquisition of control;

(3) the Director shall have the power to require the following information:

(A) certification by an independent actuary of the adequacy of the reserves of the Health Maintenance Organization sought to be acquired;

(B) pro forma financial statements reflecting the combined balance sheets of the acquiring company and the Health Maintenance Organization sought to be acquired as of the end of the preceding year and as of a date 90 days prior to the acquisition, as well as pro forma financial statements reflecting projected combined operation for a period of 2 years;

(C) a pro forma business plan detailing an acquiring party's plans with respect to the operation of the Health Maintenance Organization sought to be acquired for a period of not less than 3 years; and

(D) such other information as the Director shall require.

(d) The provisions of Article VIII 1/2 of the Illinois Insurance Code and this Section 5-3 shall apply to the sale by any health maintenance organization of greater than 10% of its enrollee population (including without limitation the health maintenance organization's right, title, and interest in and to its health care certificates).

(e) In considering any management contract or service agreement subject to Section 141.1 of the Illinois Insurance Code, the Director (i) shall, in addition to the criteria specified in Section 141.2 of the Illinois Insurance Code, take into account the effect of the management contract or service agreement on the continuation of benefits to enrollees and the financial condition of the health maintenance organization to be managed or serviced, and (ii) need not take into account the effect of the management contract or service agreement on competition.

(f) Except for small employer groups as defined in the Small Employer Rating, Renewability and Portability Health Insurance Act and except for medicare supplement policies as defined in Section 363 of the Illinois Insurance Code, a Health Maintenance Organization may by contract agree with a group or other enrollment unit to effect refunds or charge additional premiums under the following terms and conditions:

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(i) the amount of, and other terms and conditions with respect to, the refund or additional premium are set forth in the group or enrollment unit contract agreed in advance of the period for which a refund is to be paid or additional premium is to be charged (which period shall not be less than one year); and

(ii) the amount of the refund or additional premium shall not exceed 20% of the Health Maintenance Organization's profitable or unprofitable experience with respect to the group or other enrollment unit for the period (and, for purposes of a refund or additional premium, the profitable or unprofitable experience shall be calculated taking into account a pro rata share of the Health Maintenance Organization's administrative and marketing expenses, but shall not include any refund to be made or additional premium to be paid pursuant to this subsection (f)). The Health Maintenance Organization and the group or enrollment unit may agree that the profitable or unprofitable experience may be calculated taking into account the refund period and the immediately preceding 2 plan years.

The Health Maintenance Organization shall include a statement in the evidence of coverage issued to each enrollee describing the possibility of a refund or additional premium, and upon request of any group or enrollment unit, provide to the group or enrollment unit a description of the method used to calculate (1) the Health Maintenance Organization's profitable experience with respect to the group or enrollment unit and the resulting refund to the group or enrollment unit or (2) the Health Maintenance Organization's unprofitable experience with respect to the group or enrollment unit and the resulting additional premium to be paid by the group or enrollment unit.

In no event shall the Illinois Health Maintenance Organization Guaranty Association be liable to pay any contractual obligation of an insolvent organization to pay any refund authorized under this Section.

(g) Rulemaking authority to implement Public Act 95-1045, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

(Source: P.A. 97-282, eff. 8-9-11; 97-343, eff. 1-1-12; 97-437, eff. 8-18-11; 97-486, eff. 1-1-12; 97-592, eff. 1-1-12; 97-805, eff. 1-1-13; 97-813, eff. 7-13-12; 98-189, eff. 1-1-14; 98-1091, eff. 1-1-15.)

New matter indicated by italics - deletions by strikeout
Section 10. The Managed Care Reform and Patient Rights Act is amended by changing Section 45.1 as follows:

(215 ILCS 134/45.1)
Sec. 45.1. Medical exceptions procedures required.

(a) Notwithstanding any other provision of law, on or after the effective date of this amendatory Act of the 99th General Assembly, every insurer licensed in this State to sell a policy of group or individual accident and health insurance or a health benefits plan shall Every health carrier that offers a qualified health plan, as defined in the federal Patient Protection and Affordable Care Act of 2010 (Public Law 111-148), as amended by the federal Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), and any amendments thereto, or regulations or guidance issued under those Acts (collectively, "the Federal Act"), directly to consumers in this State shall establish and maintain a medical exceptions process that allows covered persons or their authorized representatives to request any clinically appropriate prescription drug when (1) the drug is not covered based on the health benefit plan's formulary; (2) the health benefit plan is discontinuing coverage of the drug on the plan's formulary for reasons other than safety or other than because the prescription drug has been withdrawn from the market by the drug's manufacturer; (3) the prescription drug alternatives required to be used in accordance with a step therapy requirement (A) has been ineffective in the treatment of the enrollee's disease or medical condition or, based on both sound clinical evidence and medical and scientific evidence, the known relevant physical or mental characteristics of the enrollee, and the known characteristics of the drug regimen, is likely to be ineffective or adversely affect the drug's effectiveness or patient compliance or (B) has caused or, based on sound medical evidence, is likely to cause an adverse reaction or harm to the enrollee; or (4) the number of doses available under a dose restriction for the prescription drug (A) has been ineffective in the treatment of the enrollee's disease or medical condition or (B) based on both sound clinical evidence and medical and scientific evidence, the known relevant physical and mental characteristics of the enrollee, and known characteristics of the drug regimen, is likely to be ineffective or adversely affect the drug's effective or patient compliance.

(b) The health carrier's established medical exceptions procedures must require, at a minimum, the following:

(1) Any request for approval of coverage made verbally or in writing (regardless of whether made using a paper or electronic

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form or some other writing) at any time shall be reviewed by appropriate health care professionals.

(2) The health carrier must, within 72 hours after receipt of a request made under subsection (a) of this Section, either approve or deny the request. In the case of a denial, the health carrier shall provide the covered person or the covered person's authorized representative and the covered person's prescribing provider with the reason for the denial, an alternative covered medication, if applicable, and information regarding the procedure for submitting an appeal to the denial.

(3) In the case of an expedited coverage determination, the health carrier must either approve or deny the request within 24 hours after receipt of the request. In the case of a denial, the health carrier shall provide the covered person or the covered person's authorized representative and the covered person's prescribing provider with the reason for the denial, an alternative covered medication, if applicable, and information regarding the procedure for submitting an appeal to the denial.

(c) A step therapy requirement exception request shall be approved if:

(1) the required prescription drug is contraindicated;
(2) the patient has tried the required prescription drug while under the patient's current or previous health insurance or health benefit plan and the prescribing provider submits evidence of failure or intolerance; or
(3) the patient is stable on a prescription drug selected by his or her health care provider for the medical condition under consideration while on a current or previous health insurance or health benefit plan.

(d) Upon the granting of an exception request, the insurer, health plan, utilization review organization, or other entity shall authorize the coverage for the drug prescribed by the enrollee's treating health care provider, to the extent the prescribed drug is a covered drug under the policy or contract up to the quantity covered.

(e) Any approval of a medical exception request made pursuant to this Section shall be honored for 12 months following the date of the approval or until renewal of the plan.

(f) Notwithstanding any other provision of this Section, nothing in this Section shall be interpreted or implemented in a manner not
consistent with the federal Patient Protection and Affordable Care Act of 2010 (Public Law 111-148), as amended by the federal Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), and any amendments thereto, or regulations or guidance issued under those Acts Federal Act.

(g) Nothing in this Section shall require or authorize the State agency responsible for the administration of the medical assistance program established under the Illinois Public Aid Code to approve, supply, or cover prescription drugs pursuant to the procedure established in this Section.

(Source: P.A. 98-1035, eff. 8-25-14.)

Section 99. Effective date. This Act takes effect January 1, 2018.
Approved August 12, 2016.
Effective January 1, 2018.

PUBLIC ACT 99-0762
(House Bill No. 3554)

AN ACT concerning employment.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Wage Payment and Collection Act is amended by adding Section 11.5 as follows:

(820 ILCS 115/11.5 new)

Sec. 11.5. Departmental wage recovery; remittance to aggrieved employee.

(a) Upon the recovery of unpaid wages, wage supplements, or final compensation from an employer that has violated this Act, the Department shall conduct a good faith search to find the aggrieved employee. If, after conducting a good faith search for the aggrieved employee, the Department is unable to find the aggrieved employee, the Department shall deposit the amount recovered into the Department of Labor Special State Trust Fund.

(b) An aggrieved employee may make a request to the Department in order to recover unpaid wages, wage supplements, or final compensation that has been deposited into the Department of Labor Special State Trust Fund. The Department shall not require the employee to present a Social Security number or proof of United States citizenship.

New matter indicated by italics - deletions by strikeout
For the purpose of paying claims under this Section from the Department of Labor Special State Trust Fund to aggrieved employees, the Comptroller shall assign a vendor payment number to the Department. When an aggrieved employee makes a valid request for payment to the Department, the Department shall use the vendor payment number to process payment on behalf of the aggrieved employee.

(c) The Department shall adopt rules for the administration of this Section.

Approved August 12, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0763
(House Bill No. 3898)

AN ACT concerning civil law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Marriage and Dissolution of Marriage Act is amended by changing Sections 452, 501, 501.1, 502, 503, 504, 505, 508, 513, 600, 602.9, 602.10, 602.11, 604.10, 606.5, 607.5, and 610.5 and by adding Section 607.6 as follows:

(750 ILCS 5/452)
Sec. 452. Petition. The parties to a dissolution proceeding may file a joint petition for simplified dissolution if they certify that all of the following conditions exist when the proceeding is commenced:

(a) Neither party is dependent on the other party for support or each party is willing to waive the right to support; and the parties understand that consultation with attorneys may help them determine eligibility for spousal support.

(b) Either party has met the residency or military presence requirement of Section 401 of this Act.

(c) The requirements of Section 401 regarding residence or military presence and proof of irreconcilable differences have been met.

(d) No children were born of the relationship of the parties or adopted by the parties during the marriage, and the wife, to her knowledge, is not pregnant by the husband.

(e) The duration of the marriage does not exceed 8 years.

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(f) Neither party has any interest in real property or retirement benefits unless the retirement benefits are exclusively held in individual retirement accounts and the combined value of the accounts is less than $10,000.

(g) The parties waive any rights to maintenance.

(h) The total fair market value of all marital property, after deducting all encumbrances, is less than $50,000, the combined gross annualized income from all sources is less than $60,000, and neither party has a gross annualized income from all sources in excess of $30,000.

(i) The parties have disclosed to each other all assets and liabilities and their tax returns for all years of the marriage.

(j) The parties have executed a written agreement dividing all assets in excess of $100 in value and allocating responsibility for debts and liabilities between the parties.

(Source: P.A. 99-90, eff. 1-1-16.)

(750 ILCS 5/501) (from Ch. 40, par. 501)
Sec. 501. Temporary Relief. In all proceedings under this Act, temporary relief shall be as follows:

(a) Either party may petition or move for:

(1) temporary maintenance or temporary support of a child of the marriage entitled to support, accompanied by an affidavit as to the factual basis for the relief requested. One form of financial affidavit, as determined by the Supreme Court, shall be used statewide. The financial affidavit shall be supported by documentary evidence including, but not limited to, income tax returns, pay stubs, and banking statements. Unless the court otherwise directs, any affidavit or supporting documentary evidence submitted pursuant to this paragraph shall not be made part of the public record of the proceedings but shall be available to the court or an appellate court in which the proceedings are subject to review, to the parties, their attorneys, and such other persons as the court may direct. Upon motion of a party, a court may hold a hearing to determine whether and why there is a disparity between a party's sworn affidavit and the supporting documentation. If a party intentionally or recklessly files an inaccurate or misleading financial affidavit, the court shall impose significant penalties and sanctions including, but not limited to, costs and attorney's fees;

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(2) a temporary restraining order or preliminary injunction, accompanied by affidavit showing a factual basis for any of the following relief:

   (i) restraining any person from transferring, encumbering, concealing or otherwise disposing of any property except in the usual course of business or for the necessities of life, and, if so restrained, requiring him to notify the moving party and his attorney of any proposed extraordinary expenditures made after the order is issued; however, an order need not include an exception for transferring, encumbering, or otherwise disposing of property in the usual course of business or for the necessities of life if the court enters appropriate orders that enable the parties to pay their necessary personal and business expenses including, but not limited to, appropriate professionals to assist the court pursuant to subsection (l) of Section 503 to administer the payment and accounting of such living and business expenses;

   (ii) enjoining a party from removing a child from the jurisdiction of the court for more than 14 days;

   (iii) enjoining a party from striking or interfering with the personal liberty of the other party or of any child; or

   (iv) providing other injunctive relief proper in the circumstances; or

(3) other appropriate temporary relief including, in the discretion of the court, ordering the purchase or sale of assets and requiring that a party or parties borrow funds in the appropriate circumstances.

Issues concerning temporary maintenance or temporary support of a child entitled to support shall be dealt with on a summary basis based on allocated parenting time, financial affidavits, tax returns, pay stubs, banking statements, and other relevant documentation, except an evidentiary hearing may be held upon a showing of good cause. If a party intentionally or recklessly files an inaccurate or misleading financial affidavit, the court shall impose significant penalties and sanctions including, but not limited to, costs and attorney's fees resulting from the improper representation.

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(b) The court may issue a temporary restraining order without requiring notice to the other party only if it finds, on the basis of the moving affidavit or other evidence, that irreparable injury will result to the moving party if no order is issued until the time for responding has elapsed.

(c) A response hereunder may be filed within 21 days after service of notice of motion or at the time specified in the temporary restraining order.

(c-1) As used in this subsection (c-1), "interim attorney's fees and costs" means attorney's fees and costs assessed from time to time while a case is pending, in favor of the petitioning party's current counsel, for reasonable fees and costs either already incurred or to be incurred, and "interim award" means an award of interim attorney's fees and costs. Interim awards shall be governed by the following:

(1) Except for good cause shown, a proceeding for (or relating to) interim attorney's fees and costs in a pre-judgment dissolution proceeding shall be nonevidentiary and summary in nature. All hearings for or relating to interim attorney's fees and costs under this subsection shall be scheduled expeditiously by the court. When a party files a petition for interim attorney's fees and costs supported by one or more affidavits that delineate relevant factors, the court (or a hearing officer) shall assess an interim award after affording the opposing party a reasonable opportunity to file a responsive pleading. A responsive pleading shall set out the amount of each retainer or other payment or payments, or both, previously paid to the responding party's counsel by or on behalf of the responding party. A responsive pleading shall include costs incurred, and shall indicate whether the costs are paid or unpaid. In assessing an interim award, the court shall consider all relevant factors, as presented, that appear reasonable and necessary, including to the extent applicable:

(A) the income and property of each party, including alleged marital property within the sole control of one party and alleged non-marital property within access to a party;

(B) the needs of each party;

(C) the realistic earning capacity of each party;

New matter indicated by italics - deletions by strikeout
(D) any impairment to present earning capacity of either party, including age and physical and emotional health;

(E) the standard of living established during the marriage;

(F) the degree of complexity of the issues, including allocation of parental responsibility, valuation or division (or both) of closely held businesses, and tax planning, as well as reasonable needs for expert investigations or expert witnesses, or both;

(G) each party's access to relevant information;

(H) the amount of the payment or payments made or reasonably expected to be made to the attorney for the other party; and

(I) any other factor that the court expressly finds to be just and equitable.

(2) Any assessment of an interim award (including one pursuant to an agreed order) shall be without prejudice to any final allocation and without prejudice as to any claim or right of either party or any counsel of record at the time of the award. Any such claim or right may be presented by the appropriate party or counsel at a hearing on contribution under subsection (j) of Section 503 or a hearing on counsel's fees under subsection (c) of Section 508. Unless otherwise ordered by the court at the final hearing between the parties or in a hearing under subsection (j) of Section 503 or subsection (c) of Section 508, interim awards, as well as the aggregate of all other payments by each party to counsel and related payments to third parties, shall be deemed to have been advances from the parties' marital estate. Any portion of any interim award constituting an overpayment shall be remitted back to the appropriate party or parties, or, alternatively, to successor counsel, as the court determines and directs, after notice in a form designated by the Supreme Court. An order for the award of interim attorney's fees shall be a standardized form order and labeled "Interim Fee Award Order".

(3) In any proceeding under this subsection (c-1), the court (or hearing officer) shall assess an interim award against an opposing party in an amount necessary to enable the petitioning party to participate adequately in the litigation, upon findings that

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the party from whom attorney's fees and costs are sought has the financial ability to pay reasonable amounts and that the party seeking attorney's fees and costs lacks sufficient access to assets or income to pay reasonable amounts. In determining an award, the court shall consider whether adequate participation in the litigation requires expenditure of more fees and costs for a party that is not in control of assets or relevant information. Except for good cause shown, an interim award shall not be less than payments made or reasonably expected to be made to the counsel for the other party. If the court finds that both parties lack financial ability or access to assets or income for reasonable attorney's fees and costs, the court (or hearing officer) shall enter an order that allocates available funds for each party's counsel, including retainers or interim payments, or both, previously paid, in a manner that achieves substantial parity between the parties.

(4) The changes to this Section 501 made by this amendatory Act of 1996 apply to cases pending on or after June 1, 1997, except as otherwise provided in Section 508.

(c-2) Allocation of use of marital residence. Where there is on file a verified complaint or verified petition seeking temporary eviction from the marital residence, the court may, during the pendency of the proceeding, only in cases where the physical or mental well-being of either spouse or his or her children is jeopardized by occupancy of the marital residence by both spouses, and only upon due notice and full hearing, unless waived by the court on good cause shown, enter orders granting the exclusive possession of the marital residence to either spouse, by eviction from, or restoration of, the marital residence, until the final determination of the cause pursuant to the factors listed in Section 602.7 of this Act. No such order shall in any manner affect any estate in homestead property of either party. In entering orders under this subsection (c-2), the court shall balance hardships to the parties.

(d) A temporary order entered under this Section:

(1) does not prejudice the rights of the parties or the child which are to be adjudicated at subsequent hearings in the proceeding;

(2) may be revoked or modified before final judgment, on a showing by affidavit and upon hearing; and

New matter indicated by italics - deletions by strikeout
(3) terminates when the final judgment is entered or when the petition for dissolution of marriage or legal separation or declaration of invalidity of marriage is dismissed.

(e) The fees or costs of mediation shall be borne by the parties and may be assessed by the court as it deems equitable without prejudice and are subject to reallocation at the conclusion of the case.

(Source: P.A. 99-90, eff. 1-1-16.)

(750 ILCS 5/501.1) (from Ch. 40, par. 501.1)
Sec. 501.1. Dissolution action stay.

(a) Upon service of a summons and petition or praecipe filed under the Illinois Marriage and Dissolution of Marriage Act or upon the filing of the respondent's appearance in the proceeding, whichever first occurs, a dissolution action stay shall be in effect against both parties, without bond or further notice, until a final judgement is entered, the proceeding is dismissed, or until further order of the court:

(1) restraining both parties from physically abusing, harassing, intimidating, striking, or interfering with the personal liberty of the other party or the minor children of either party; and

(2) restraining both parties from concealing a minor child of either party from the child's other parent or removing any minor child of either party from the State of Illinois or from concealing any such child from the other party, without the consent of the other party or an order of the court.

The restraint provided in this subsection (a) does not operate to make unavailable any of the remedies provided in the Illinois Domestic Violence Act of 1986.

(b) (Blank).

(c) (Blank).

(d) (Blank).

(e) In a proceeding filed under this Act, the summons shall provide notice of the entry of the automatic dissolution action stay in a form as required by applicable rules.

(Source: P.A. 99-90, eff. 1-1-16.)

(750 ILCS 5/502) (from Ch. 40, par. 502)
Sec. 502. Agreement.

(a) To promote amicable settlement of disputes between parties to a marriage attendant upon the dissolution of their marriage, the parties may enter into an agreement containing provisions for disposition of any property owned by either of them, maintenance of either of them, support,
parental responsibility allocation of their children, and support of their children as provided in Sections Section 513 and 513.5 after the children attain majority. Any agreement pursuant to this Section must be in writing, except for good cause shown with the approval of the court, before proceeding to an oral prove up.

(b) The terms of the agreement, except those providing for the support and parental responsibility allocation of children, are binding upon the court unless it finds, after considering the economic circumstances of the parties and any other relevant evidence produced by the parties, on their own motion or on request of the court, that the agreement is unconscionable. The terms of the agreement incorporated into the judgment are binding if there is any conflict between the terms of the agreement and any testimony made at an uncontested prove-up hearing on the grounds or the substance of the agreement.

(c) If the court finds the agreement unconscionable, it may request the parties to submit a revised agreement or upon hearing, may make orders for the disposition of property, maintenance, child support and other matters.

(d) Unless the agreement provides to the contrary, its terms shall be set forth in the judgment, and the parties shall be ordered to perform under such terms, or if the agreement provides that its terms shall not be set forth in the judgment, the judgment shall identify the agreement and state that the court has approved its terms.

(e) Terms of the agreement set forth in the judgment are enforceable by all remedies available for enforcement of a judgment, including contempt, and are enforceable as contract terms.

(f) Child support, support of children as provided in Sections Section 513 and 513.5 after the children attain majority, and parental responsibility allocation of children may be modified upon a showing of a substantial change in circumstances. The parties may provide that maintenance is non-modifiable in amount, duration, or both. If the parties do not provide that maintenance is non-modifiable in amount, duration, or both, then those terms are modifiable upon a substantial change of circumstances. Property provisions of an agreement are never modifiable. The judgment may expressly preclude or limit modification of other terms set forth in the judgment if the agreement so provides. Otherwise, terms of an agreement set forth in the judgment are automatically modified by modification of the judgment.

(Source: P.A. 99-90, eff. 1-1-16.)

New matter indicated by italics - deletions by strikeout
Sec. 503. Disposition of property and debts.
(a) For purposes of this Act, "marital property" means all property, including debts and other obligations, acquired by either spouse subsequent to the marriage, except the following, which is known as "non-marital property":

(1) property acquired by gift, legacy or descent or property acquired in exchange for such property;
(2) property acquired in exchange for property acquired before the marriage;
(3) property acquired by a spouse after a judgment of legal separation;
(4) property excluded by valid agreement of the parties, including a premarital agreement or a postnuptial agreement;
(5) any judgment or property obtained by judgment awarded to a spouse from the other spouse except, however, when a spouse is required to sue the other spouse in order to obtain insurance coverage or otherwise recover from a third party and the recovery is directly related to amounts advanced by the marital estate, the judgment shall be considered marital property;
(6) property acquired before the marriage, except as it relates to retirement plans that may have both marital and non-marital characteristics;
(6.5) all property acquired by a spouse by the sole use of non-marital property as collateral for a loan that then is used to acquire property during the marriage; to the extent that the marital estate repays any portion of the loan, it shall be considered a contribution from the marital estate to the non-marital estate subject to reimbursement;
(7) the increase in value of non-marital property, irrespective of whether the increase results from a contribution of marital property, non-marital property, the personal effort of a spouse, or otherwise, subject to the right of reimbursement provided in subsection (c) of this Section; and
(8) income from property acquired by a method listed in paragraphs (1) through (7) of this subsection if the income is not attributable to the personal effort of a spouse.

New matter indicated by italics - deletions by strikeout
Property acquired prior to a marriage that would otherwise be non-marital property shall not be deemed to be marital property solely because the property was acquired in contemplation of marriage.

The court shall make specific factual findings as to its classification of assets as marital or non-marital property, values, and other factual findings supporting its property award.

(b)(1) For purposes of distribution of property, all property acquired by either spouse after the marriage and before a judgment of dissolution of marriage or declaration of invalidity of marriage is presumed marital property. This presumption includes non-marital property transferred into some form of co-ownership between the spouses, regardless of whether title is held individually or by the spouses in some form of co-ownership such as joint tenancy, tenancy in common, tenancy by the entirety, or community property. The spouse may overcome the presumption of marital property is overcome by showing through clear and convincing evidence that the property was acquired by a method listed in subsection (a) of this Section or was done for estate or tax planning purposes or for other reasons that establish that a transfer between spouses the transfer was not intended to be a gift.

(2) For purposes of distribution of property pursuant to this Section, all pension benefits (including pension benefits under the Illinois Pension Code, defined benefit plans, defined contribution plans and accounts, individual retirement accounts, and non-qualified plans) acquired by or participated in by either spouse after the marriage and before a judgment of dissolution of marriage or legal separation or declaration of invalidity of the marriage are presumed to be marital property. A spouse may overcome the presumption that these pension benefits are marital property by showing through clear and convincing evidence that the pension benefits were acquired by a method listed in subsection (a) of this Section. The right to a division of pension benefits in just proportions under this Section is enforceable under Section 1-119 of the Illinois Pension Code.

The value of pension benefits in a retirement system subject to the Illinois Pension Code shall be determined in accordance with the valuation procedures established by the retirement system.

The recognition of pension benefits as marital property and the division of those benefits pursuant to a Qualified Illinois Domestic Relations Order shall not be deemed to be a diminishment, alienation, or impairment of those benefits. The division of pension benefits is an

New matter indicated by italics - deletions by strikeout
allocation of property in which each spouse has a species of common ownership.

(3) For purposes of distribution of property under this Section, all stock options and restricted stock or similar form of benefit granted to either spouse after the marriage and before a judgment of dissolution of marriage or legal separation or declaration of invalidity of marriage, whether vested or non-vested or whether their value is ascertainable, are presumed to be marital property. This presumption of marital property is overcome by a showing that the stock options or restricted stock or similar form of benefit were acquired by a method listed in subsection (a) of this Section. The court shall allocate stock options and restricted stock or similar form of benefit between the parties at the time of the judgment of dissolution of marriage or declaration of invalidity of marriage recognizing that the value of the stock options and restricted stock or similar form of benefit may not be then determinable and that the actual division of the options may not occur until a future date. In making the allocation between the parties, the court shall consider, in addition to the factors set forth in subsection (d) of this Section, the following:

(i) All circumstances underlying the grant of the stock option and restricted stock or similar form of benefit including but not limited to the vesting schedule, whether the grant was for past, present, or future efforts, whether the grant is designed to promote future performance or employment, or any combination thereof.

(ii) The length of time from the grant of the option to the time the option is exercisable.

(b-5) As to any existing policy of life insurance insuring the life of either spouse, or any interest in such policy, that constitutes marital property, whether whole life, term life, group term life, universal life, or other form of life insurance policy, and whether or not the value is ascertainable, the court shall allocate ownership, death benefits or the right to assign death benefits, and the obligation for premium payments, if any, equitably between the parties at the time of the judgment for dissolution or declaration of invalidity of marriage.

(c) Commingled marital and non-marital property shall be treated in the following manner, unless otherwise agreed by the spouses:

(1)(A) If marital and non-marital property are commingled by one estate being contributed into the other, the following shall apply:
(i) If the contributed property loses its identity, the contributed property transmutes to the estate receiving the property, subject to the provisions of paragraph (2) of this subsection (c).

(ii) If the contributed property retains its identity, it does not transmute and remains property of the contributing estate.

(B) If marital and non-marital property are commingled into newly acquired property resulting in a loss of identity of the contributing estates, the commingled property shall be deemed transmuted to marital property, subject to the provisions of paragraph (2) of this subsection (c).

(2)(A) When one estate of property makes a contribution to another estate of property, the contributing estate shall be reimbursed from the estate receiving the contribution notwithstanding any transmutation. No such reimbursement shall be made with respect to a contribution that is not traceable by clear and convincing evidence or that was a gift. The court may provide for reimbursement out of the marital property to be divided or by imposing a lien against the non-marital property that received the contribution.

(B) When a spouse contributes personal effort to non-marital property, it shall be deemed a contribution from the marital estate, which shall receive reimbursement for the efforts if the efforts are significant and result in substantial appreciation to the non-marital property except that if the marital estate reasonably has been compensated for his or her efforts, it shall not be deemed a contribution to the marital estate and there shall be no reimbursement to the marital estate. The court may provide for reimbursement out of the marital property to be divided or by imposing a lien against the non-marital property which received the contribution.

(d) In a proceeding for dissolution of marriage or declaration of invalidity of marriage, or in a proceeding for disposition of property following dissolution of marriage by a court that lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of the property, the court shall assign each spouse's non-marital property to that spouse. It also shall divide the marital property without regard to marital misconduct in just proportions considering all relevant factors, including:

New matter indicated by italics - deletions by strikeout
(1) each party's contribution to the acquisition, preservation, or increase or decrease in value of the marital or non-marital property, including (i) any decrease attributable to an advance from the parties' marital estate under subsection (c-1)(2) of Section 501; (ii) the contribution of a spouse as a homemaker or to the family unit; and (iii) whether the contribution is after the commencement of a proceeding for dissolution of marriage or declaration of invalidity of marriage;

(2) the dissipation by each party of the marital property, provided that a party's claim of dissipation is subject to the following conditions:

(i) a notice of intent to claim dissipation shall be given no later than 60 days before trial or 30 days after discovery closes, whichever is later;

(ii) the notice of intent to claim dissipation shall contain, at a minimum, a date or period of time during which the marriage began undergoing an irretrievable breakdown, an identification of the property dissipated, and a date or period of time during which the dissipation occurred;

(iii) a certificate or service of the notice of intent to claim dissipation shall be filed with the clerk of the court and be served pursuant to applicable rules;

(iv) no dissipation shall be deemed to have occurred prior to 3 years after the party claiming dissipation knew or should have known of the dissipation, but in no event prior to 5 years before the filing of the petition for dissolution of marriage;

(3) the value of the property assigned to each spouse;

(4) the duration of the marriage;

(5) the relevant economic circumstances of each spouse when the division of property is to become effective, including the desirability of awarding the family home, or the right to live therein for reasonable periods, to the spouse having the primary residence of the children;

(6) any obligations and rights arising from a prior marriage of either party;

(7) any prenuptial or postnuptial agreement of the parties;

New matter indicated by italics - deletions by strikeout
(8) the age, health, station, occupation, amount and sources of income, vocational skills, employability, estate, liabilities, and needs of each of the parties;
(9) the custodial provisions for any children;
(10) whether the apportionment is in lieu of or in addition to maintenance;
(11) the reasonable opportunity of each spouse for future acquisition of capital assets and income; and
(12) the tax consequences of the property division upon the respective economic circumstances of the parties.

(e) Each spouse has a species of common ownership in the marital property which vests at the time dissolution proceedings are commenced and continues only during the pendency of the action. Any such interest in marital property shall not encumber that property so as to restrict its transfer, assignment or conveyance by the title holder unless such title holder is specifically enjoined from making such transfer, assignment or conveyance.

(f) In a proceeding for dissolution of marriage or declaration of invalidity of marriage or in a proceeding for disposition of property following dissolution of marriage by a court that lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of the property, the court, in determining the value of the marital and non-marital property for purposes of dividing the property, has the discretion to use the date of the trial or such other date as agreed upon by the parties, or ordered by the court within its discretion, for purposes of determining the value of assets or property.

(g) The court if necessary to protect and promote the best interests of the children may set aside a portion of the jointly or separately held estates of the parties in a separate fund or trust for the support, maintenance, education, physical and mental health, and general welfare of any minor, dependent, or incompetent child of the parties. In making a determination under this subsection, the court may consider, among other things, the conviction of a party of any of the offenses set forth in Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-13, 12-14, 12-14.1, 12-15, or 12-16, or Section 12-3.05 except for subdivision (a)(4) or (g)(1), of the Criminal Code of 1961 or the Criminal Code of 2012 if the victim is a child of one or both of the parties, and there is a need for, and cost of, care, healing and counseling for the child who is the victim of the crime.

New matter indicated by italics - deletions by strikeout
(h) Unless specifically directed by a reviewing court, or upon good cause shown, the court shall not on remand consider any increase or decrease in the value of any "marital" or "non-marital" property occurring since the assessment of such property at the original trial or hearing, but shall use only that assessment made at the original trial or hearing.

(i) The court may make such judgments affecting the marital property as may be just and may enforce such judgments by ordering a sale of marital property, with proceeds therefrom to be applied as determined by the court.

(j) After proofs have closed in the final hearing on all other issues between the parties (or in conjunction with the final hearing, if all parties so stipulate) and before judgment is entered, a party's petition for contribution to fees and costs incurred in the proceeding shall be heard and decided, in accordance with the following provisions:

(1) A petition for contribution, if not filed before the final hearing on other issues between the parties, shall be filed no later than 14 days after the closing of proofs in the final hearing or within such other period as the court orders.

(2) Any award of contribution to one party from the other party shall be based on the criteria for division of marital property under this Section 503 and, if maintenance has been awarded, on the criteria for an award of maintenance under Section 504.

(3) The filing of a petition for contribution shall not be deemed to constitute a waiver of the attorney-client privilege between the petitioning party and current or former counsel; and such a waiver shall not constitute a prerequisite to a hearing for contribution. If either party's presentation on contribution, however, includes evidence within the scope of the attorney-client privilege, the disclosure or disclosures shall be narrowly construed and shall not be deemed by the court to constitute a general waiver of the privilege as to matters beyond the scope of the presentation.

(4) No finding on which a contribution award is based or denied shall be asserted against counsel or former counsel for purposes of any hearing under subsection (c) or (e) of Section 508.

(5) A contribution award (payable to either the petitioning party or the party's counsel, or jointly, as the court determines) may be in the form of either a set dollar amount or a percentage of fees and costs (or a portion of fees and costs) to be subsequently agreed upon by the petitioning party and counsel or, alternatively,
thereafter determined in a hearing pursuant to subsection (c) of Section 508 or previously or thereafter determined in an independent proceeding under subsection (e) of Section 508.

(6) The changes to this Section 503 made by this amendatory Act of 1996 apply to cases pending on or after June 1, 1997, except as otherwise provided in Section 508.

(k) In determining the value of assets or property under this Section, the court shall employ a fair market value standard. The date of valuation for the purposes of division of assets shall be the date of trial or such other date as agreed by the parties or ordered by the court, within its discretion. If the court grants a petition brought under Section 2-1401 of the Code of Civil Procedure, then the court has the discretion to use the date of the trial or such other date as agreed upon by the parties, or ordered by the court within its discretion, for purposes of determining the value of assets or property.

(l) The court may seek the advice of financial experts or other professionals, whether or not employed by the court on a regular basis. The advice given shall be in writing and made available by the court to counsel. Counsel may examine as a witness any professional consulted by the court designated as the court's witness. Professional personnel consulted by the court are subject to subpoena for the purposes of discovery, trial, or both. The court shall allocate the costs and fees of those professional personnel between the parties based upon the financial ability of each party and any other criteria the court considers appropriate, and the allocation is subject to reallocation under subsection (a) of Section 508. Upon the request of any party or upon the court's own motion, the court may conduct a hearing as to the reasonableness of those fees and costs.

(m) The changes made to this Section by Public Act 97-941 apply only to petitions for dissolution of marriage filed on or after January 1, 2013 (the effective date of Public Act 97-941).

(Source: P.A. 99-78, eff. 7-20-15; 99-90, eff. 1-1-16.)

(750 ILCS 5/504) (from Ch. 40, par. 504)

Sec. 504. Maintenance.

(a) Entitlement to maintenance. In a proceeding for dissolution of marriage or legal separation or declaration of invalidity of marriage, or a proceeding for maintenance following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse, the court may grant a maintenance award for either spouse in amounts and for periods of time as the court deems just, without regard to marital

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misconduct, and the maintenance may be paid from the income or property of the other spouse. The court shall first determine whether a maintenance award is appropriate, after consideration of all relevant factors, including:

(1) the income and property of each party, including marital property apportioned and non-marital property assigned to the party seeking maintenance as well as all financial obligations imposed on the parties as a result of the dissolution of marriage;

(2) the needs of each party;

(3) the realistic present and future earning capacity of each party;

(4) any impairment of the present and future earning capacity of the party seeking maintenance due to that party devoting time to domestic duties or having forgone or delayed education, training, employment, or career opportunities due to the marriage;

(5) any impairment of the realistic present or future earning capacity of the party against whom maintenance is sought;

(6) the time necessary to enable the party seeking maintenance to acquire appropriate education, training, and employment, and whether that party is able to support himself or herself through appropriate employment or any parental responsibility arrangements and its effect on the party seeking employment;

(7) the standard of living established during the marriage;

(8) the duration of the marriage;

(9) the age, health, station, occupation, amount and sources of income, vocational skills, employability, estate, liabilities, and the needs of each of the parties;

(10) all sources of public and private income including, without limitation, disability and retirement income;

(11) the tax consequences of the property division upon the respective economic circumstances of the parties;

(12) contributions and services by the party seeking maintenance to the education, training, career or career potential, or license of the other spouse;

(13) any valid agreement of the parties; and

(14) any other factor that the court expressly finds to be just and equitable.

(b) (Blank).

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(b-1) Amount and duration of maintenance. If the court determines that a maintenance award is appropriate, the court shall order maintenance in accordance with either paragraph (1) or (2) of this subsection (b-1):

(1) Maintenance award in accordance with guidelines. In situations when the combined gross income of the parties is less than $250,000 and the payor has no obligation to pay child support or maintenance or both from a prior relationship, maintenance payable after the date the parties' marriage is dissolved shall be in accordance with subparagraphs (A) and (B) of this paragraph (1), unless the court makes a finding that the application of the guidelines would be inappropriate.

(A) The amount of maintenance under this paragraph (1) shall be calculated by taking 30% of the payor's gross income minus 20% of the payee's gross income. The amount calculated as maintenance, however, when added to the gross income of the payee, may not result in the payee receiving an amount that is in excess of 40% of the combined gross income of the parties.

(B) The duration of an award under this paragraph (1) shall be calculated by multiplying the length of the marriage at the time the action was commenced by whichever of the following factors applies: 5 years or less (.20); more than 5 years but less than 10 years (.40); 10 years or more but less than 15 years (.60); or 15 years or more but less than 20 years (.80). For a marriage of 20 or more years, the court, in its discretion, shall order either permanent maintenance or maintenance for a period equal to the length of the marriage.

(2) Maintenance award not in accordance with guidelines. Any non-guidelines award of maintenance shall be made after the court's consideration of all relevant factors set forth in subsection (a) of this Section.

(b-2) Findings. In each case involving the issue of maintenance, the court shall make specific findings of fact, as follows:

(1) the court shall state its reasoning for awarding or not awarding maintenance and shall include references to each relevant factor set forth in subsection (a) of this Section; and

(2) if the court deviates from otherwise applicable guidelines under paragraph (1) of subsection (b-1), it shall state in
its findings the amount of maintenance (if determinable) or duration that would have been required under the guidelines and the reasoning for any variance from the guidelines.

(b-3) Gross income. For purposes of this Section, the term "gross income" means all income from all sources, within the scope of that phrase in Section 505 of this Act.

(b-4) Unallocated maintenance. Unless the parties otherwise agree, the court may not order unallocated maintenance and child support in any dissolution judgment or in any post-dissolution order. In its discretion, the court may order unallocated maintenance and child support in any pre-dissolution temporary order.

(b-4.5) Fixed-term maintenance in marriages of less than 10 years. If a court grants maintenance for a fixed period under subsection (a) of this Section at the conclusion of a case commenced before the tenth anniversary of the marriage, the court may also designate the termination of the period during which this maintenance is to be paid as a "permanent termination". The effect of this designation is that maintenance is barred after the ending date of the period during which maintenance is to be paid.

(b-5) Interest on maintenance. Any maintenance obligation including any unallocated maintenance and child support obligation, or any portion of any support obligation, that becomes due and remains unpaid shall accrue simple interest as set forth in Section 505 of this Act.

(b-7) Maintenance judgments. Any new or existing maintenance order including any unallocated maintenance and child support order entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support thereunder. Each such judgment to be in the amount of each payment or installment of support and each such judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order, except no judgment shall arise as to any installment coming due after the termination of maintenance as provided by Section 510 of the Illinois Marriage and Dissolution of Marriage Act or the provisions of any order for maintenance. Each such judgment shall have the full force, effect and attributes of any other judgment of this State, including the ability to be enforced. Notwithstanding any other State or local law to the contrary, a lien arises by operation of law against the real and personal property of the obligor for each installment of overdue support owed by the obligor.

(b-8) Upon review of any previously ordered maintenance award, the court may extend maintenance for further review, extend maintenance

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for a fixed non-modifiable term, extend maintenance for an indefinite term, or permanently terminate maintenance in accordance with subdivision (b-1)(1)(A) of this Section.

(c) Maintenance during an appeal. The court may grant and enforce the payment of maintenance during the pendency of an appeal as the court shall deem reasonable and proper.

(d) Maintenance during imprisonment. No maintenance shall accrue during the period in which a party is imprisoned for failure to comply with the court's order for the payment of such maintenance.

(e) Fees when maintenance is paid through the clerk. When maintenance is to be paid through the clerk of the court in a county of 1,000,000 inhabitants or less, the order shall direct the obligor to pay to the clerk, in addition to the maintenance payments, all fees imposed by the county board under paragraph (3) of subsection (u) of Section 27.1 of the Clerks of Courts Act. Unless paid in cash or pursuant to an order for withholding, the payment of the fee shall be by a separate instrument from the support payment and shall be made to the order of the Clerk.

(f) Maintenance secured by life insurance. An award ordered by a court upon entry of a dissolution judgment or upon entry of an award of maintenance following a reservation of maintenance in a dissolution judgment may be reasonably secured, in whole or in part, by life insurance on the payor's life on terms as to which the parties agree, or, if they do not agree, on such terms determined by the court, subject to the following:

(1) With respect to existing life insurance, provided the court is apprised through evidence, stipulation, or otherwise as to level of death benefits, premium, and other relevant data and makes findings relative thereto, the court may allocate death benefits, the right to assign death benefits, or the obligation for future premium payments between the parties as it deems just.

(2) To the extent the court determines that its award should be secured, in whole or in part, by new life insurance on the payor's life, the court may only order:

(i) that the payor cooperate on all appropriate steps for the payee to obtain such new life insurance; and

(ii) that the payee, at his or her sole option and expense, may obtain such new life insurance on the payor's life up to a maximum level of death benefit coverage, or descending death benefit coverage, as is set by the court, such level not to exceed a reasonable amount in light of the

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court's award, with the payee or the payee's designee being the beneficiary of such life insurance. In determining the maximum level of death benefit coverage, the court shall take into account all relevant facts and circumstances, including the impact on access to life insurance by the maintenance payor. If in resolving any issues under paragraph (2) of this subsection (f) a court reviews any submitted or proposed application for new insurance on the life of a maintenance payor, the review shall be in camera.

(3) A judgment shall expressly set forth that all death benefits paid under life insurance on a payor's life maintained or obtained pursuant to this subsection to secure maintenance are designated as excludable from the gross income of the maintenance payee under Section 71(b)(1)(B) of the Internal Revenue Code, unless an agreement or stipulation of the parties otherwise provides.

(Source: P.A. 98-961, eff. 1-1-15; 99-90, eff. 1-1-16.)

(750 ILCS 5/505) (from Ch. 40, par. 505)
Sec. 505. Child support; contempt; penalties.
(a) In a proceeding for dissolution of marriage, legal separation, declaration of invalidity of marriage, a proceeding for child support following dissolution of the marriage by a court that lacked personal jurisdiction over the absent spouse, a proceeding for modification of a previous order for child support under Section 510 of this Act, or any proceeding authorized under Section 501 or 601 of this Act, the court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable and necessary for the support of the child, without regard to marital misconduct. The duty of support owed to a child includes the obligation to provide for the reasonable and necessary educational, physical, mental and emotional health needs of the child. For purposes of this Section, the term "child" shall include any child under age 18 and any child under age 19 who is still attending high school. For purposes of this Section, the term "supporting parent" means the parent obligated to pay support to the other parent.

(1) The Court shall determine the minimum amount of support by using the following guidelines:

<table>
<thead>
<tr>
<th>Number of Children</th>
<th>Percent of Supporting Party's Net Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>20%</td>
</tr>
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(2) The above guidelines shall be applied in each case unless the court finds that a deviation from the guidelines is appropriate after considering the best interest of the child in light of the evidence, including, but not limited to, one or more of the following relevant factors:

(a) the financial resources and needs of the child;
(b) the financial resources and needs of the parents;
(c) the standard of living the child would have enjoyed had the marriage not been dissolved;
(d) the physical, mental, and emotional needs of the child; and
(d-5) the educational needs of the child.

If the court deviates from the guidelines, the court's finding shall state the amount of support that would have been required under the guidelines, if determinable. The court shall include the reason or reasons for the variance from the guidelines.

(2.5) The court, in its discretion, in addition to setting child support pursuant to the guidelines and factors, may order either or both parents owing a duty of support to a child of the marriage to contribute to the following expenses, if determined by the court to be reasonable:

(a) health needs not covered by insurance;
(b) child care;
(c) education; and
(d) extracurricular activities.

(3) "Net income" is defined as the total of all income from all sources, minus the following deductions:

(a) Federal income tax (properly calculated withholding or estimated payments);
(b) State income tax (properly calculated withholding or estimated payments);
(c) Social Security (FICA payments);
(d) Mandatory retirement contributions required by law or as a condition of employment;

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(e) Union dues;
(f) Dependent and individual health/hospitalization insurance premiums and premiums for life insurance ordered by the court to reasonably secure payment of ordered child support;
(g) Prior obligations of support or maintenance actually paid pursuant to a court order;
(g-5) Obligations pursuant to a court order for maintenance in the pending proceeding actually paid or payable under Section 504 to the same party to whom child support is to be payable;
(h) Expenditures for repayment of debts that represent reasonable and necessary expenses for the production of income including, but not limited to, student loans, medical expenditures necessary to preserve life or health, reasonable expenditures for the benefit of the child and the other parent, exclusive of gifts. The court shall reduce net income in determining the minimum amount of support to be ordered only for the period that such payments are due and shall enter an order containing provisions for its self-executing modification upon termination of such payment period;
(i) Foster care payments paid by the Department of Children and Family Services for providing licensed foster care to a foster child.

(4) In cases where the court order provides for health/hospitalization insurance coverage pursuant to Section 505.2 of this Act, the premiums for that insurance, or that portion of the premiums for which the supporting party is responsible in the case of insurance provided through an employer's health insurance plan where the employer pays a portion of the premiums, shall be subtracted from net income in determining the minimum amount of support to be ordered.

(4.5) In a proceeding for child support following dissolution of the marriage by a court that lacked personal jurisdiction over the absent spouse, and in which the court is requiring payment of support for the period before the date an order for current support is entered, there is a rebuttable presumption that the supporting party's net income for the prior
period was the same as his or her net income at the time the order for current support is entered.

(5) If the net income cannot be determined because of default or any other reason, the court shall order support in an amount considered reasonable in the particular case. The final order in all cases shall state the support level in dollar amounts. However, if the court finds that the child support amount cannot be expressed exclusively as a dollar amount because all or a portion of the supporting parent's net income is uncertain as to source, time of payment, or amount, the court may order a percentage amount of support in addition to a specific dollar amount and enter such other orders as may be necessary to determine and enforce, on a timely basis, the applicable support ordered.

(6) If (i) the supporting parent was properly served with a request for discovery of financial information relating to the supporting parent's ability to provide child support, (ii) the supporting parent failed to comply with the request, despite having been ordered to do so by the court, and (iii) the supporting parent is not present at the hearing to determine support despite having received proper notice, then any relevant financial information concerning the supporting parent's ability to provide child support that was obtained pursuant to subpoena and proper notice shall be admitted into evidence without the need to establish any further foundation for its admission.

(a-5) In an action to enforce an order for support based on the respondent's failure of the supporting parent to make support payments as required by the order, notice of proceedings to hold the supporting parent respondent in contempt for that failure may be served on the supporting parent respondent by personal service or by regular mail addressed to the respondent's last known address of the supporting parent. The respondent's last known address of the supporting parent may be determined from records of the clerk of the court, from the Federal Case Registry of Child Support Orders, or by any other reasonable means.

(b) Failure of either parent to comply with an order to pay support shall be punishable as in other cases of contempt. In addition to other penalties provided by law the Court may, after finding the parent guilty of contempt, order that the parent be:

(1) placed on probation with such conditions of probation as the Court deems advisable;

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(2) sentenced to periodic imprisonment for a period not to exceed 6 months; provided, however, that the Court may permit the parent to be released for periods of time during the day or night to:
   (A) work; or
   (B) conduct a business or other self-employed occupation.

The Court may further order any part or all of the earnings of a parent during a sentence of periodic imprisonment paid to the Clerk of the Circuit Court or to the parent receiving the support or to the guardian receiving the support of the children of the sentenced parent for the support of said children until further order of the Court.

If a parent who is found guilty of contempt for failure to comply with an order to pay support is a person who conducts a business or who is self-employed, the court in addition to other penalties provided by law may order that the parent do one or more of the following: (i) provide to the court monthly financial statements showing income and expenses from the business or the self-employment; (ii) seek employment and report periodically to the court with a diary, listing, or other memorandum of his or her employment search efforts; or (iii) report to the Department of Employment Security for job search services to find employment that will be subject to withholding for child support.

If there is a unity of interest and ownership sufficient to render no financial separation between a supporting parent and another person or persons or business entity, the court may pierce the ownership veil of the person, persons, or business entity to discover assets of the supporting parent held in the name of that person, those persons, or that business entity. The following circumstances are sufficient to authorize a court to order discovery of the assets of a person, persons, or business entity and to compel the application of any discovered assets toward payment on the judgment for support:

   (1) the supporting parent and the person, persons, or business entity maintain records together.

   (2) the supporting parent and the person, persons, or business entity fail to maintain an arm's length relationship between themselves with regard to any assets.

   (3) the supporting parent transfers assets to the person, persons, or business entity with the intent to perpetrate a fraud on the parent receiving the support.

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With respect to assets which are real property, no order entered under this paragraph shall affect the rights of bona fide purchasers, mortgagees, judgment creditors, or other lien holders who acquire their interests in the property prior to the time a notice of lis pendens pursuant to the Code of Civil Procedure or a copy of the order is placed of record in the office of the recorder of deeds for the county in which the real property is located.

The court may also order in cases where the parent is 90 days or more delinquent in payment of support or has been adjudicated in arrears in an amount equal to 90 days obligation or more, that the parent's Illinois driving privileges be suspended until the court determines that the parent is in compliance with the order of support. The court may also order that the parent be issued a family financial responsibility driving permit that would allow limited driving privileges for employment and medical purposes in accordance with Section 7-702.1 of the Illinois Vehicle Code. The clerk of the circuit court shall certify the order suspending the driving privileges of the parent or granting the issuance of a family financial responsibility driving permit to the Secretary of State on forms prescribed by the Secretary. Upon receipt of the authenticated documents, the Secretary of State shall suspend the parent's driving privileges until further order of the court and shall, if ordered by the court, subject to the provisions of Section 7-702.1 of the Illinois Vehicle Code, issue a family financial responsibility driving permit to the parent.

In addition to the penalties or punishment that may be imposed under this Section, any person whose conduct constitutes a violation of Section 15 of the Non-Support Punishment Act may be prosecuted under that Act, and a person convicted under that Act may be sentenced in accordance with that Act. The sentence may include but need not be limited to a requirement that the person perform community service under Section 50 of that Act or participate in a work alternative program under Section 50 of that Act. A person may not be required to participate in a work alternative program under Section 50 of that Act if the person is currently participating in a work program pursuant to Section 505.1 of this Act.

A support obligation, or any portion of a support obligation, which becomes due and remains unpaid as of the end of each month, excluding the child support that was due for that month to the extent that it was not paid in that month, shall accrue simple interest as set forth in Section 12-109 of the Code of Civil Procedure. An order for support entered or
modified on or after January 1, 2006 shall contain a statement that a support obligation required under the order, or any portion of a support obligation required under the order, that becomes due and remains unpaid as of the end of each month, excluding the child support that was due for that month to the extent that it was not paid in that month, shall accrue simple interest as set forth in Section 12-109 of the Code of Civil Procedure. Failure to include the statement in the order for support does not affect the validity of the order or the accrual of interest as provided in this Section.

(c) A one-time charge of 20% is imposable upon the amount of past-due child support owed on July 1, 1988 which has accrued under a support order entered by the court. The charge shall be imposed in accordance with the provisions of Section 10-21 of the Illinois Public Aid Code and shall be enforced by the court upon petition.

(d) Any new or existing support order entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support thereunder, each such judgment to be in the amount of each payment or installment of support and each such judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each such judgment shall have the full force, effect and attributes of any other judgment of this State, including the ability to be enforced. Notwithstanding any other State or local law to the contrary, a lien arises by operation of law against the real and personal property of the supporting parent for each installment of overdue support owed by the supporting parent.

(e) When child support is to be paid through the clerk of the court in a county of 1,000,000 inhabitants or less, the order shall direct the supporting parent to pay to the clerk, in addition to the child support payments, all fees imposed by the county board under paragraph (3) of subsection (u) of Section 27.1 of the Clerks of Courts Act. Unless paid in cash or pursuant to an order for withholding, the payment of the fee shall be by a separate instrument from the support payment and shall be made to the order of the Clerk.

(f) All orders for support, when entered or modified, shall include a provision requiring the supporting parent to notify the court and, in cases in which a party is receiving child and spouse services under Article X of the Illinois Public Aid Code, the Department of Healthcare and Family Services, within 7 days, (i) of the name and address of any new employer

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of the obligor, (ii) whether the supporting parent has access to health
insurance coverage through the employer or other group coverage and, if
so, the policy name and number and the names of persons covered under
the policy, except only the initials of any covered minors shall be included,
and (iii) of any new residential or mailing address or telephone number of
the supporting parent. In any subsequent action to enforce a support order,
upon a sufficient showing that a diligent effort has been made to ascertain
the location of the supporting parent, service of process or provision of
notice necessary in the case may be made at the last known address of the
supporting parent in any manner expressly provided by the Code of Civil
Procedure or this Act, which service shall be sufficient for purposes of due
process.

(g) An order for support shall include a date on which the current
support obligation terminates. The termination date shall be no earlier than
the date on which the child covered by the order will attain the age of 18.
However, if the child will not graduate from high school until after
attaining the age of 18, then the termination date shall be no earlier than
the earlier of the date on which the child's high school graduation will
occur or the date on which the child will attain the age of 19. The order for
support shall state that the termination date does not apply to any arrearage
that may remain unpaid on that date. Nothing in this subsection shall be
construed to prevent the court from modifying the order or terminating the
order in the event the child is otherwise emancipated.

(g-5) If there is an unpaid arrearage or delinquency (as those terms
are defined in the Income Withholding for Support Act) equal to at least
one month's support obligation on the termination date stated in the order
for support or, if there is no termination date stated in the order, on the
date the child attains the age of majority or is otherwise emancipated, the
periodic amount required to be paid for current support of that child
immediately prior to that date shall automatically continue to be an
obligation, not as current support but as periodic payment toward
satisfaction of the unpaid arrearage or delinquency. That periodic payment
shall be in addition to any periodic payment previously required for
satisfaction of the arrearage or delinquency. The total periodic amount to
be paid toward satisfaction of the arrearage or delinquency may be
enforced and collected by any method provided by law for enforcement
and collection of child support, including but not limited to income
withholding under the Income Withholding for Support Act. Each order
for support entered or modified on or after the effective date of this

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amendatory Act of the 93rd General Assembly must contain a statement notifying the parties of the requirements of this subsection. Failure to include the statement in the order for support does not affect the validity of the order or the operation of the provisions of this subsection with regard to the order. This subsection shall not be construed to prevent or affect the establishment or modification of an order for support of a minor child or the establishment or modification of an order for support of a non-minor child or educational expenses under Section 513 of this Act.

(h) An order entered under this Section shall include a provision requiring either parent to report to the other parent and to the clerk of court within 10 days each time either parent obtains new employment, and each time either parent's employment is terminated for any reason. The report shall be in writing and shall, in the case of new employment, include the name and address of the new employer. Failure to report new employment or the termination of current employment, if coupled with nonpayment of support for a period in excess of 60 days, is indirect criminal contempt. For either parent arrested for failure to report new employment bond shall be set in the amount of the child support that should have been paid during the period of unreported employment. An order entered under this Section shall also include a provision requiring either parent to advise the other of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or that of a child, or both, would be seriously endangered by disclosure of the party's address.

(i) The court does not lose the powers of contempt, driver's license suspension, or other child support enforcement mechanisms, including, but not limited to, criminal prosecution as set forth in this Act, upon the emancipation of the minor child or children.

(Source: P.A. 98-463, eff. 8-16-13; 98-961, eff. 1-1-15; 99-90, eff. 1-1-16.)

(750 ILCS 5/508) (from Ch. 40, par. 508)

Sec. 508. Attorney's Fees; Client's Rights and Responsibilities Respecting Fees and Costs.

(a) The court from time to time, after due notice and hearing, and after considering the financial resources of the parties, may order any party to pay a reasonable amount for his own or the other party's costs and attorney's fees. Interim attorney's fees and costs may be awarded from the opposing party, in a pre-judgment dissolution proceeding in accordance with subsection (c-1) of Section 501 and in any other proceeding under...
this subsection. At the conclusion of any pre-judgment dissolution proceeding under this subsection, contribution to attorney's fees and costs may be awarded from the opposing party in accordance with subsection (j) of Section 503 and in any other proceeding under this subsection. Fees and costs may be awarded in any proceeding to counsel from a former client in accordance with subsection (c) of this Section. Awards may be made in connection with the following:

(1) The maintenance or defense of any proceeding under this Act.

(2) The enforcement or modification of any order or judgment under this Act.

(3) The defense of an appeal of any order or judgment under this Act, including the defense of appeals of post-judgment orders.

(3.1) The prosecution of any claim on appeal (if the prosecuting party has substantially prevailed).

(4) The maintenance or defense of a petition brought under Section 2-1401 of the Code of Civil Procedure seeking relief from a final order or judgment under this Act. Fees incurred with respect to motions under Section 2-1401 of the Code of Civil Procedure may be granted only to the party who substantially prevails.

(5) The costs and legal services of an attorney rendered in preparation of the commencement of the proceeding brought under this Act.

(6) Ancillary litigation incident to, or reasonably connected with, a proceeding under this Act.


All petitions for or relating to interim fees and costs under this subsection shall be accompanied by an affidavit as to the factual basis for the relief requested and all hearings relative to any such petition shall be scheduled expeditiously by the court. All provisions for contribution under this subsection shall also be subject to paragraphs (3), (4), and (5) of subsection (j) of Section 503.

The court may order that the award of attorney's fees and costs (including an interim or contribution award) shall be paid directly to the attorney, who may enforce the order in his or her name, or that it shall be paid to the appropriate party. Judgment may be entered and enforcement

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had accordingly. Except as otherwise provided in subdivision (e)(1) of this Section, subsection (c) of this Section is exclusive as to the right of any counsel (or former counsel) of record to petition a court for an award and judgment for final fees and costs during the pendency of a proceeding under this Act.

(a-5) A petition for temporary attorney's fees in a post-judgment case may be heard on a non-evidentiary, summary basis.

(b) In every proceeding for the enforcement of an order or judgment when the court finds that the failure to comply with the order or judgment was without compelling cause or justification, the court shall order the party against whom the proceeding is brought to pay promptly the costs and reasonable attorney's fees of the prevailing party. If non-compliance is with respect to a discovery order, the non-compliance is presumptively without compelling cause or justification, and the presumption may only be rebutted by clear and convincing evidence. If at any time a court finds that a hearing under this Act was precipitated or conducted for any improper purpose, the court shall allocate fees and costs of all parties for the hearing to the party or counsel found to have acted improperly. Improper purposes include, but are not limited to, harassment, unnecessary delay, or other acts needlessly increasing the cost of litigation.

(c) Final hearings for attorney's fees and costs against an attorney's own client, pursuant to a Petition for Setting Final Fees and Costs of either a counsel or a client, shall be governed by the following:

1) No petition of a counsel of record may be filed against a client unless the filing counsel previously has been granted leave to withdraw as counsel of record or has filed a motion for leave to withdraw as counsel. On receipt of a petition of a client under this subsection (c), the counsel of record shall promptly file a motion for leave to withdraw as counsel. If the client and the counsel of record agree, however, a hearing on the motion for leave to withdraw as counsel filed pursuant to this subdivision (c)(1) may be deferred until completion of any alternative dispute resolution procedure under subdivision (c)(4). As to any Petition for Setting Final Fees and Costs against a client or counsel over whom the court has not obtained jurisdiction, a separate summons shall issue. Whenever a separate summons is not required, original notice as to a Petition for Setting Final Fees and Costs may be given, and documents served, in accordance with Illinois Supreme Court Rules 11 and 12.

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(2) No final hearing under this subsection (c) is permitted unless: (i) the counsel and the client had entered into a written engagement agreement at the time the client retained the counsel (or reasonably soon thereafter) and the agreement meets the requirements of subsection (f); (ii) the written engagement agreement is attached to an affidavit of counsel that is filed with the petition or with the counsel's response to a client's petition; (iii) judgment in any contribution hearing on behalf of the client has been entered or the right to a contribution hearing under subsection (j) of Section 503 has been waived; (iv) the counsel has withdrawn as counsel of record; and (v) the petition seeks adjudication of all unresolved claims for fees and costs between the counsel and the client. Irrespective of a Petition for Setting Final Fees and Costs being heard in conjunction with an original proceeding under this Act, the relief requested under a Petition for Setting Final Fees and Costs constitutes a distinct cause of action. A pending but undetermined Petition for Setting Final Fees and Costs shall not affect appealability or enforceability of any judgment or other adjudication in the original proceeding.

(3) The determination of reasonable attorney's fees and costs either under this subsection (c), whether initiated by a counsel or a client, or in an independent proceeding for services within the scope of subdivisions (1) through (5) of subsection (a), is within the sound discretion of the trial court. The court shall first consider the written engagement agreement and, if the court finds that the former client and the filing counsel, pursuant to their written engagement agreement, entered into a contract which meets applicable requirements of court rules and addresses all material terms, then the contract shall be enforceable in accordance with its terms, subject to the further requirements of this subdivision (c)(3). Before ordering enforcement, however, the court shall consider the performance pursuant to the contract. Any amount awarded by the court must be found to be fair compensation for the services, pursuant to the contract, that the court finds were reasonable and necessary. Quantum meruit principles shall govern any award for legal services performed that is not based on the terms of the written engagement agreement (except that, if a court expressly finds in a particular case that aggregate billings to a client were unconscionably excessive, the court in its discretion may reduce

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the award otherwise determined appropriate or deny fees altogether).

(4) No final hearing under this subsection (c) is permitted unless any controversy over fees and costs (that is not otherwise subject to some form of alternative dispute resolution) has first been submitted to mediation, arbitration, or any other court approved alternative dispute resolution procedure, except as follows:

(A) In any circuit court for a single county with a population in excess of 1,000,000, the requirement of the controversy being submitted to an alternative dispute resolution procedure is mandatory unless the client and the counsel both affirmatively opt out of such procedures; or

(B) In any other circuit court, the requirement of the controversy being submitted to an alternative dispute resolution procedure is mandatory only if neither the client nor the counsel affirmatively opts out of such procedures.

After completion of any such procedure (or after one or both sides has opted out of such procedures), if the dispute is unresolved, any pending motion for leave to withdraw as counsel shall be promptly granted and a final hearing under this subsection (c) shall be expeditiously set and completed.

(5) A petition (or a praecipe for fee hearing without the petition) shall be filed no later than the end of the period in which it is permissible to file a motion pursuant to Section 2-1203 of the Code of Civil Procedure. A praecipe for fee hearing shall be dismissed if a Petition for Setting Final Fees and Costs is not filed within 60 days after the filing of the praecipe. A counsel who becomes a party by filing a Petition for Setting Final Fees and Costs, or as a result of the client filing a Petition for Setting Final Fees and Costs, shall not be entitled to exercise the right to a substitution of a judge without cause under subdivision (a)(2) of Section 2-1001 of the Code of Civil Procedure. Each of the foregoing deadlines for the filing of a praecipe or a petition shall be:

(A) tolled if a motion is filed under Section 2-1203 of the Code of Civil Procedure, in which instance a petition (or a praecipe) shall be filed no later than 30 days following disposition of all Section 2-1203 motions; or

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(B) tolled if a notice of appeal is filed, in which instance a petition (or praecipe) shall be filed no later than 30 days following the date jurisdiction on the issue appealed is returned to the trial court.

If a praecipe has been timely filed, then by timely filed written stipulation between counsel and client (or former client), the deadline for the filing of a petition may be extended for a period of up to one year.

(d) A consent judgment, in favor of a current counsel of record against his or her own client for a specific amount in a marital settlement agreement, dissolution judgment, or any other instrument involving the other litigant, is prohibited. A consent judgment between client and counsel, however, is permissible if it is entered pursuant to a verified petition for entry of consent judgment, supported by an affidavit of the counsel of record that includes the counsel's representation that the client has been provided an itemization of the billing or billings to the client, detailing hourly costs, time spent, and tasks performed, and by an affidavit of the client acknowledging receipt of that documentation, awareness of the right to a hearing, the right to be represented by counsel (other than counsel to whom the consent judgment is in favor), and the right to be present at the time of presentation of the petition, and agreement to the terms of the judgment. The petition may be filed at any time during which it is permissible for counsel of record to file a petition (or a praecipe) for a final fee hearing, except that no such petition for entry of consent judgment may be filed before adjudication (or waiver) of the client's right to contribution under subsection (j) of Section 503 or filed after the filing of a petition (or a praecipe) by counsel of record for a fee hearing under subsection (c) if the petition (or praecipe) remains pending. No consent security arrangement between a client and a counsel of record, pursuant to which assets of a client are collateralized to secure payment of legal fees or costs, is permissible unless approved in advance by the court as being reasonable under the circumstances.

(e) Counsel may pursue an award and judgment against a former client for legal fees and costs in an independent proceeding in the following circumstances:

(1) While a case under this Act is still pending, a former counsel may pursue such an award and judgment at any time subsequent to 90 days after the entry of an order granting counsel leave to withdraw; and

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(2) After the close of the period during which a petition (or praecipe) may be filed under subdivision (c)(5), if no such petition (or praecipe) for the counsel remains pending, any counsel or former counsel may pursue such an award and judgment in an independent proceeding.

In an independent proceeding, the prior applicability of this Section shall in no way be deemed to have diminished any other right of any counsel (or former counsel) to pursue an award and judgment for legal fees and costs on the basis of remedies that may otherwise exist under applicable law; and the limitations period for breach of contract shall apply. In an independent proceeding under subdivision (e)(1) in which the former counsel had represented a former client in a dissolution case that is still pending, the former client may bring in his or her spouse as a third-party defendant, provided on or before the final date for filing a petition (or praecipe) under subsection (c), the party files an appropriate third-party complaint under Section 2-406 of the Code of Civil Procedure. In any such case, any judgment later obtained by the former counsel shall be against both spouses or ex-spouses, jointly and severally (except that, if a hearing under subsection (j) of Section 503 has already been concluded and the court hearing the contribution issue has imposed a percentage allocation between the parties as to fees and costs otherwise being adjudicated in the independent proceeding, the allocation shall be applied without deviation by the court in the independent proceeding and a separate judgment shall be entered against each spouse for the appropriate amount). After the period for the commencement of a proceeding under subsection (c), the provisions of this Section (other than the standard set forth in subdivision (c)(3) and the terms respecting consent security arrangements in subsection (d) of this Section 508) shall be inapplicable.

The changes made by this amendatory Act of the 94th General Assembly are declarative of existing law.

(f) Unless the Supreme Court by rule addresses the matters set out in this subsection (f), a written engagement agreement within the scope of subdivision (c)(2) shall have appended to it verbatim the following Statement:

"STATEMENT OF CLIENT'S RIGHTS AND RESPONSIBILITIES

(1) WRITTEN ENGAGEMENT AGREEMENT. The written engagement agreement, prepared by the counsel, shall clearly address the objectives of representation and detail the fee arrangement, including all material terms. If fees are to be based on criteria apart from, or in addition

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to, hourly rates, such criteria (e.g., unique time demands and/or utilization of unique expertise) shall be delineated. The client shall receive a copy of the written engagement agreement and any additional clarification requested and is advised not to sign any such agreement which the client finds to be unsatisfactory or does not understand.

(2) REPRESENTATION. Representation will commence upon the signing of the written engagement agreement. The counsel will provide competent representation, which requires legal knowledge, skill, thoroughness and preparation to handle those matters set forth in the written engagement agreement. Once employed, the counsel will act with reasonable diligence and promptness, as well as use his best efforts on behalf of the client, but he cannot guarantee results. The counsel will abide by the client's decision concerning the objectives of representation, including whether or not to accept an offer of settlement, and will endeavor to explain any matter to the extent reasonably necessary to permit the client to make informed decisions regarding representation. During the course of representation and afterwards, the counsel may not use or reveal a client's confidence or secrets, except as required or permitted by law.

(3) COMMUNICATION. The counsel will keep the client reasonably informed about the status of representation and will promptly respond to reasonable requests for information, including any reasonable request for an estimate respecting future costs of the representation or an appropriate portion of it. The client shall be truthful in all discussions with the counsel and provide all information or documentation required to enable the counsel to provide competent representation. During representation, the client is entitled to receive all pleadings and substantive documents prepared on behalf of the client and every document received from any other counsel of record. At the end of the representation and on written request from the client, the counsel will return to the client all original documents and exhibits. In the event that the counsel withdraws from representation, or is discharged by the client, the counsel will turn over to the substituting counsel (or, if no substitutions, to the client) all original documents and exhibits together with complete copies of all pleadings and discovery within thirty (30) days of the counsel's withdrawal or discharge.

(4) ETHICAL CONDUCT. The counsel cannot be required to engage in conduct which is illegal, unethical, or fraudulent. In matters involving minor children, the counsel may refuse to engage in conduct
which, in the counsel's professional judgment, would be contrary to the best interest of the client's minor child or children. A counsel who cannot ethically abide by his client's directions shall be allowed to withdraw from representation.

(5) FEES. The counsel's fee for services may not be contingent upon the securing of a dissolution of marriage or upon being allocated parental responsibility or be based upon the amount of maintenance, child support, or property settlement received, except as specifically permitted under Supreme Court rules. The counsel may not require a non-refundable retainer fee, but must remit back any overpayment at the end of the representation. The counsel may enter into a consensual security arrangement with the client whereby assets of the client are pledged to secure payment of legal fees or costs, but only if the counsel first obtains approval of the Court. The counsel will prepare and provide the client with an itemized billing statement detailing hourly rates (and/or other criteria), time spent, tasks performed, and costs incurred on a regular basis, at least quarterly. The client should review each billing statement promptly and address any objection or error in a timely manner. The client will not be billed for time spent to explain or correct a billing statement. If an appropriately detailed written estimate is submitted to a client as to future costs for a counsel's representation or a portion of the contemplated services (i.e., relative to specific steps recommended by the counsel in the estimate) and, without objection from the client, the counsel then performs the contemplated services, all such services are presumptively reasonable and necessary, as well as to be deemed pursuant to the client's direction. In an appropriate case, the client may pursue contribution to his or her fees and costs from the other party.

(6) DISPUTES. The counsel-client relationship is regulated by the Illinois Rules of Professional Conduct (Article VIII of the Illinois Supreme Court Rules), and any dispute shall be reviewed under the terms of such Rules."

(g) The changes to this Section 508 made by this amendatory Act of 1996 apply to cases pending on or after June 1, 1997, except as follows:

(1) Subdivisions (c)(1) and (c)(2) of this Section 508, as well as provisions of subdivision (c)(3) of this Section 508 pertaining to written engagement agreements, apply only to cases filed on or after June 1, 1997.

(2) The following do not apply in the case of a hearing under this Section that began before June 1, 1997:

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(A) Subsection (c-1) of Section 501.
(B) Subsection (j) of Section 503.
(C) The changes to this Section 508 made by this amendatory Act of 1996 pertaining to the final setting of fees.
(Source: P.A. 99-90, eff. 1-1-16.)

(750 ILCS 5/513) (from Ch. 40, par. 513)
Sec. 513. Educational Expenses for a Non-minor Child.
(a) The court may award sums of money out of the property and income of either or both parties or the estate of a deceased parent, as equity may require, for the educational expenses of any child of the parties. Unless otherwise agreed to by the parties, all educational expenses which are the subject of a petition brought pursuant to this Section shall be incurred no later than the student's 23rd birthday, except for good cause shown, but in no event later than the child's 25th birthday.

(b) Regardless of whether an award has been made under subsection (a), the court may require both parties and the child to complete the Free Application for Federal Student Aid (FAFSA) and other financial aid forms and to submit any form of that type prior to the designated submission deadline for the form. The court may require either or both parties to provide funds for the child so as to pay for the cost of up to 5 college applications, the cost of 2 standardized college entrance examinations, and the cost of one standardized college entrance examination preparatory course.

(c) The authority under this Section to make provision for educational expenses extends not only to periods of college education or vocational or professional or other training after graduation from high school, but also to any period during which the child of the parties is still attending high school, even though he or she attained the age of 19.

(d) Educational expenses may include, but shall not be limited to, the following:

(1) except for good cause shown, the actual cost of the child's post-secondary expenses, including tuition and fees, provided that the cost for tuition and fees does not exceed the amount of in-state tuition and fees paid by a student at the University of Illinois at Urbana-Champaign for the same academic year;

(2) except for good cause shown, the actual costs of the child's housing expenses, whether on-campus or off-campus,
provided that the housing expenses do not exceed the cost for the same academic year of a double-occupancy student room, with a standard meal plan, in a residence hall operated by the University of Illinois at Urbana-Champaign;

(3) the actual costs of the child's medical expenses, including medical insurance, and dental expenses;

(4) the reasonable living expenses of the child during the academic year and periods of recess:
   (A) if the child is a resident student attending a post-secondary educational program; or
   (B) if the child is living with one party at that party's home and attending a post-secondary educational program as a non-resident student, in which case the living expenses include an amount that pays for the reasonable cost of the child's food, utilities, and transportation; and

(5) the cost of books and other supplies necessary to attend college.

(e) Sums may be ordered payable to the child, to either party, or to the educational institution, directly or through a special account or trust created for that purpose, as the court sees fit.

(f) If educational expenses are ordered payable, each party and the child shall sign any consent necessary for the educational institution to provide a supporting party with access to the child's academic transcripts, records, and grade reports. The consent shall not apply to any non-academic records. Failure to execute the required consent may be a basis for a modification or termination of any order entered under this Section. Unless the court specifically finds that the child's safety would be jeopardized, each party is entitled to know the name of the educational institution the child attends.

(g) The authority under this Section to make provision for educational expenses terminates when the child either: fails to maintain a cumulative "C" grade point average, except in the event of illness or other good cause shown; attains the age of 23; receives a baccalaureate degree; or marries. A child's enlisting in the armed forces, being incarcerated, or becoming pregnant does not terminate the court's authority to make provisions for the educational expenses for the child under this Section.

(h) An account established prior to the dissolution that is to be used for the child's post-secondary education, that is an account in a state tuition program under Section 529 of the Internal Revenue Code, or that is some

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other college savings plan, is to be considered by the court to be a resource of the child, provided that any post-judgment contribution made by a party to such an account is to be considered a contribution from that party.

(i) The child is not a third party beneficiary to the settlement agreement or judgment between the parties after trial and is not entitled to file a petition for contribution. If the parties' settlement agreement describes the manner in which a child's educational expenses will be paid, or if the court makes an award pursuant to this Section, then the parties are responsible pursuant to that agreement or award for the child's educational expenses, but in no event shall the court consider the child a third party beneficiary of that provision. In the event of the death or legal disability of a party who would have had the right to file a petition for contribution, the child of the party may file a petition for contribution.

(j) In making awards under this Section, or pursuant to a petition or motion to decrease, modify, or terminate any such award, the court shall consider all relevant factors that appear reasonable and necessary, including:

(1) The present and future financial resources of both parties to meet their needs, including, but not limited to, savings for retirement.
(2) The standard of living the child would have enjoyed had the marriage not been dissolved.
(3) The financial resources of the child.
(4) The child's academic performance.

(k) The establishment of an obligation to pay under this Section is retroactive only to the date of filing a petition. The right to enforce a prior obligation to pay may be enforced either before or after the obligation is incurred.

(Source: P.A. 99-90, eff. 1-1-16; 99-143, eff. 7-27-15; revised 10-22-15.)

(750 ILCS 5/600)
Sec. 600. Definitions. For purposes of this Part VI:
(a) "Abuse" has the meaning ascribed to that term in Section 103 of the Illinois Domestic Violence Act of 1986.
(b) "Allocation judgment" means a judgment allocating parental responsibilities.
(c) "Caretaking functions" means tasks that involve interaction with a child or that direct, arrange, and supervise the interaction with and care of a child provided by others, or for obtaining the resources allowing
for the provision of these functions. The term includes, but is not limited
to, the following:

(1) satisfying a child's nutritional needs; managing a child's
bedtime and wake-up routines; caring for a child when the child is
sick or injured; being attentive to a child's personal hygiene needs,
including washing, grooming, and dressing; playing with a child
and ensuring the child attends scheduled extracurricular activities;
protecting a child's physical safety; and providing transportation for
a child;

(2) directing a child's various developmental needs,
including the acquisition of motor and language skills, toilet
training, self-confidence, and maturation;

(3) providing discipline, giving instruction in manners,
assigning and supervising chores, and performing other tasks that
attend to a child's needs for behavioral control and self-restraint;

(4) ensuring the child attends school, including remedial
and special services appropriate to the child's needs and interests,
communicating with teachers and counselors, and supervising
homework;

(5) helping a child develop and maintain appropriate
interpersonal relationships with peers, siblings, and other family
members;

(6) ensuring the child attends medical appointments and is
available for medical follow-up and meeting the medical needs of
the child in the home;

(7) providing moral and ethical guidance for a child; and

(8) arranging alternative care for a child by a family
member, babysitter, or other child care provider or facility,
including investigating such alternatives, communicating with
providers, and supervising such care.

(d) "Parental responsibilities" means both parenting time and
significant decision-making responsibilities with respect to a child.

(e) "Parenting time" means the time during which a parent is
responsible for exercising caretaking functions and non-significant
decision-making responsibilities with respect to the child.

(f) "Parenting plan" means a written agreement that allocates
significant decision-making responsibilities, parenting time, or both.

(g) "Relocation" means:

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(1) a change of residence from the child's current primary residence located in the county of Cook, DuPage, Kane, Lake, McHenry, or Will to a new residence within this State that is more than 25 miles from the child's current residence, as measured by an Internet mapping service;

(2) a change of residence from the child's current primary residence located in a county not listed in paragraph (1) to a new residence within this State that is more than 50 miles from the child's current primary residence, as measured by an Internet mapping service; or

(3) a change of residence from the child's current primary residence to a residence outside the borders of this State that is more than 25 miles from the current primary residence, as measured by an Internet mapping service.

(h) "Religious upbringing" means the choice of religion or denomination of a religion, religious schooling, religious training, or participation in religious customs or practices.

(i) "Restriction of parenting time" means any limitation or condition placed on parenting time, including supervision.

(j) "Right of first refusal" has the meaning provided in subsection (b) of Section 602.3 of this Act.

(k) "Significant decision-making" means deciding issues of long-term importance in the life of a child.

(l) "Step-parent" means a person married to a child's parent, including a person married to the child's parent immediately prior to the parent's death.

(m) "Supervision" means the presence of a third party during a parent's exercise of parenting time.

(Source: P.A. 99-90, eff. 1-1-16.)

(750 ILCS 5/602.9)

Sec. 602.9. Visitation by certain non-parents.

(a) As used in this Section:

(1) "electronic communication" means time that a grandparent, great-grandparent, sibling, or step-parent spends with a child during which the child is not in the person's actual physical custody, but which is facilitated by the use of communication tools such as the telephone, electronic mail, instant messaging, video conferencing or other wired or wireless technologies via the Internet, or another medium of communication;

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(2) "sibling" means a brother or sister either of the whole blood or the half blood, stepbrother, or stepsister of the minor child;

(3) "step-parent" means a person married to a child's parent, including a person married to the child's parent immediately prior to the parent's death; and

(4) "visitation" means in-person time spent between a child and the child's grandparent, great-grandparent, sibling, step-parent, or any person designated under subsection (d) of Section 602.7. In appropriate circumstances, visitation may include electronic communication under conditions and at times determined by the court.

(b) General provisions.

(1) An appropriate person, as identified in subsection (c) of this Section, may bring an action in circuit court by petition, or by filing a petition in a pending dissolution proceeding or any other proceeding that involves parental responsibilities or visitation issues regarding the child, requesting visitation with the child pursuant to this Section. If there is not a pending proceeding involving parental responsibilities or visitation with the child, the petition for visitation with the child must be filed in the county in which the child resides. Notice of the petition shall be given as provided in subsection (c) of Section 601.2 of this Act.

(2) This Section does not apply to a child:

(A) in whose interests a petition is pending under Section 2-13 of the Juvenile Court Act of 1987; or

(B) in whose interests a petition to adopt by an unrelated person is pending under the Adoption Act; or

(C) who has been voluntarily surrendered by the parent or parents, except for a surrender to the Department of Children and Family Services or a foster care facility; or

(D) who has been previously adopted by an individual or individuals who are not related to the biological parents of the child or who is the subject of a pending adoption petition by an individual or individuals who are not related to the biological parents of the child; or

(E) who has been relinquished pursuant to the Abandoned Newborn Infant Protection Act.
(3) A petition for visitation may be filed under this Section only if there has been an unreasonable denial of visitation by a parent and the denial has caused the child undue mental, physical, or emotional harm.

(4) There is a rebuttable presumption that a fit parent's actions and decisions regarding grandparent, great-grandparent, sibling, or step-parent visitation are not harmful to the child's mental, physical, or emotional health. The burden is on the party filing a petition under this Section to prove that the parent's actions and decisions regarding visitation will cause undue harm to the child's mental, physical, or emotional health.

(5) In determining whether to grant visitation, the court shall consider the following:

(A) the wishes of the child, taking into account the child's maturity and ability to express reasoned and independent preferences as to visitation;

(B) the mental and physical health of the child;

(C) the mental and physical health of the grandparent, great-grandparent, sibling, or step-parent;

(D) the length and quality of the prior relationship between the child and the grandparent, great-grandparent, sibling, or step-parent;

(E) the good faith of the party in filing the petition;

(F) the good faith of the person denying visitation;

(G) the quantity of the visitation time requested and the potential adverse impact that visitation would have on the child's customary activities;

(H) any other fact that establishes that the loss of the relationship between the petitioner and the child is likely to unduly harm the child's mental, physical, or emotional health; and

(I) whether visitation can be structured in a way to minimize the child's exposure to conflicts between the adults.

(6) Any visitation rights granted under this Section before the filing of a petition for adoption of the child shall automatically terminate by operation of law upon the entry of an order terminating parental rights or granting the adoption of the child, whichever is earlier. If the person or persons who adopted the child

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are related to the child, as defined by Section 1 of the Adoption Act, any person who was related to the child as grandparent, great-grandparent, or sibling prior to the adoption shall have standing to bring an action under this Section requesting visitation with the child.

(7) The court may order visitation rights for the grandparent, great-grandparent, sibling, or step-parent that include reasonable access without requiring overnight or possessory visitation.

(c) Visitation by grandparents, great-grandparents, step-parents, and siblings.

(1) Grandparents, great-grandparents, step-parents, and siblings of a minor child who is one year old or older may bring a petition for visitation and electronic communication under this Section if there is an unreasonable denial of visitation by a parent that causes undue mental, physical, or emotional harm to the child and if at least one of the following conditions exists:

(A) the child's other parent is deceased or has been missing for at least 90 days. For the purposes of this subsection a parent is considered to be missing if the parent's location has not been determined and the parent has been reported as missing to a law enforcement agency; or

(B) a parent of the child is incompetent as a matter of law; or

(C) a parent has been incarcerated in jail or prison for a period in excess of 90 days immediately prior to the filing of the petition; or

(D) the child's parents have been granted a dissolution of marriage or have been legally separated from each other or there is pending a dissolution proceeding involving a parent of the child or another court proceeding involving parental responsibilities or visitation of the child (other than an adoption proceeding of an unrelated child, a proceeding under Article II of the Juvenile Court Act of 1987, or an action for an order of protection under the Illinois Domestic Violence Act of 1986 or Article 112A of the Code of Criminal Procedure of 1963) and at least one parent does not object to the grandparent, great-grandparent, step-parent, or sibling having visitation with

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the child. The visitation of the grandparent, great-grandparent, step-parent, or sibling must not diminish the parenting time of the parent who is not related to the grandparent, great-grandparent, step-parent, or sibling seeking visitation; or

(E) the child is born to parents who are not married to each other, the parents are not living together, and the petitioner is a grandparent, great-grandparent, step-parent, or sibling of the child, and parentage has been established by a court of competent jurisdiction.

(2) In addition to the factors set forth in subdivision (b)(5) of this Section, the court should consider:

(A) whether the child resided with the petitioner for at least 6 consecutive months with or without a parent present;

(B) whether the child had frequent and regular contact or visitation with the petitioner for at least 12 consecutive months; and

(C) whether the grandparent, great-grandparent, sibling, or step-parent was a primary caretaker of the child for a period of not less than 6 consecutive months within the 24-month period immediately preceding the commencement of the proceeding.

(3) An order granting visitation privileges under this Section is subject to subsections (c) and (d) of Section 603.10.

(4) A petition for visitation privileges may not be filed pursuant to this subsection (c) by the parents or grandparents of a parent of the child if parentage between the child and the related parent has not been legally established.

(d) Modification of visitation orders.

(1) Unless by stipulation of the parties, no motion to modify a grandparent, great-grandparent, sibling, or step-parent visitation order may be made earlier than 2 years after the date the order was filed, unless the court permits it to be made on the basis of affidavits that there is reason to believe the child's present environment may endanger seriously the child's mental, physical, or emotional health.

(2) The court shall not modify an order that grants visitation to a grandparent, great-grandparent, sibling, or step-parent unless it

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finds by clear and convincing evidence, upon the basis of facts that have arisen since the prior visitation order or that were unknown to the court at the time of entry of the prior visitation order, that a change has occurred in the circumstances of the child or his or her parent, and that the modification is necessary to protect the mental, physical, or emotional health of the child. The court shall state in its decision specific findings of fact in support of its modification or termination of the grandparent, great-grandparent, sibling, or step-parent visitation. A child's parent may always petition to modify visitation upon changed circumstances when necessary to promote the child's best interests.

(3) Notice of a motion requesting modification of a visitation order shall be provided as set forth in subsection (c) of Section 601.2 of this Act.

(4) Attorney's fees and costs shall be assessed against a party seeking modification of the visitation order if the court finds that the modification action is vexatious and constitutes harassment.

(e) No child's grandparent, great-grandparent, sibling, or step-parent, or any person to whom the court is considering granting visitation privileges pursuant to subsection (d) of Section 602.7, who was convicted of any offense involving an illegal sex act perpetrated upon a victim less than 18 years of age including, but not limited to, offenses for violations of Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-1.70, or Article 12 of the Criminal Code of 1961 or the Criminal Code of 2012, is entitled to visitation while incarcerated or while on parole, probation, conditional discharge, periodic imprisonment, or mandatory supervised release for that offense, and upon discharge from incarceration for a misdemeanor offense or upon discharge from parole, probation, conditional discharge, periodic imprisonment, or mandatory supervised release for a felony offense. Visitation shall be denied until the person successfully completes a treatment program approved by the court. Upon completion of treatment, the court may deny visitation based on the factors listed in subdivision (b)(5) of this Section 607 of this Act.

(f) No child's grandparent, great-grandparent, sibling, or step-parent, or any person to whom the court is considering granting visitation privileges pursuant to subsection (d) of Section 602.7, may be granted visitation if he or she has been convicted of first degree murder of a parent, grandparent, great-grandparent, or sibling of the child who is the subject of

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the visitation request. Pursuant to a motion to modify visitation, the court shall revoke visitation rights previously granted to any person who would otherwise be entitled to petition for visitation rights under this Section or granted visitation under subsection (d) of Section 602.7, if the person has been convicted of first degree murder of a parent, grandparent, great-grandparent, or sibling of the child who is the subject of the visitation order. Until an order is entered pursuant to this subsection, no person may visit, with the child present, a person who has been convicted of first degree murder of the parent, grandparent, great-grandparent, or sibling of the child without the consent of the child's parent, other than a parent convicted of first degree murder as set forth herein, or legal guardian.

(Source: P.A. 99-90, eff. 1-1-16.)
(750 ILCS 5/602.10)
Sec. 602.10. Parenting plan.

(a) Filing of parenting plan. All parents, within 120 days after service or filing of any petition for allocation of parental responsibilities, must file with the court, either jointly or separately, a proposed parenting plan. The time period for filing a parenting plan may be extended by the court for good cause shown. If no appearance has been filed by the respondent, no parenting plan is required unless ordered by the court.

(b) No parenting plan filed. In the absence of filing of one or more parenting plans, the court must conduct an evidentiary hearing to allocate parental responsibilities.

(c) Mediation. The court shall order mediation to assist the parents in formulating or modifying a parenting plan or in implementing a parenting plan unless the court determines that impediments to mediation exist. Costs under this subsection shall be allocated between the parties pursuant to the applicable statute or Supreme Court Rule.

(d) Parents' agreement on parenting plan. The parenting plan must be in writing and signed by both parents. The parents must submit the parenting plan to the court for approval within 120 days after service of a petition for allocation of parental responsibilities or the filing of an appearance, except for good cause shown. Notwithstanding the provisions above, the parents may agree upon and submit a parenting plan at any time after the commencement of a proceeding until prior to the entry of a judgment of dissolution of marriage. The agreement is binding upon the court unless it finds, after considering the circumstances of the parties and any other relevant evidence produced by the parties, that the agreement is not in the best interests of the child unconscionable. If the court does not

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approve the parenting plan, the court shall make express findings of the reason or reasons for its refusal to approve the plan. The court, on its own motion, may conduct an evidentiary hearing to determine whether the parenting plan is in the child's best interests.

(e) Parents cannot agree on parenting plan. When parents fail to submit an agreed parenting plan, each parent must file and submit a written, signed parenting plan to the court within 120 days after the filing of an appearance, except for good cause shown. The court's determination of parenting time should be based on the child's best interests. The filing of the plan may be excused by the court if:

(1) the parties have commenced mediation for the purpose of formulating a parenting plan; or
(2) the parents have agreed in writing to extend the time for filing a proposed plan and the court has approved such an extension; or
(3) the court orders otherwise for good cause shown.

(f) Parenting plan contents. At a minimum, a parenting plan must set forth the following:

(1) an allocation of significant decision-making responsibilities;

(2) provisions for the child's living arrangements and for each parent's parenting time, including either:
   (A) a schedule that designates in which parent's home the minor child will reside on given days; or
   (B) a formula or method for determining such a schedule in sufficient detail to be enforced in a subsequent proceeding;

(3) a mediation provision addressing any proposed reallocation of parenting time or regarding the terms of allocation of parental responsibilities, except that this provision is not required if one parent is allocated all significant decision-making responsibilities;

(4) each parent's right of access to medical, dental, and psychological records (subject to the Mental Health and Developmental Disabilities Confidentiality Act), child care records, and school and extracurricular records, reports, and schedules, unless expressly denied by a court order or denied under Section 602.11 subsection (g) of Section 602.5;

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(5) a designation of the parent who will be denominated as the parent with the majority of parenting time for purposes of Section 606.10;

(6) the child's residential address for school enrollment purposes only;

(7) each parent's residence address and phone number, and each parent's place of employment and employment address and phone number;

(8) a requirement that a parent changing his or her residence provide at least 60 days prior written notice of the change to any other parent under the parenting plan or allocation judgment, unless such notice is impracticable or unless otherwise ordered by the court. If such notice is impracticable, written notice shall be given at the earliest date practicable. At a minimum, the notice shall set forth the following:

(A) the intended date of the change of residence;

and

(B) the address of the new residence;

(9) provisions requiring each parent to notify the other of emergencies, health care, travel plans, or other significant child-related issues;

(10) transportation arrangements between the parents;

(11) provisions for communications, including electronic communications, with the child during the other parent's parenting time;

(12) provisions for resolving issues arising from a parent's future relocation, if applicable;

(13) provisions for future modifications of the parenting plan, if specified events occur;

(14) provisions for the exercise of the right of first refusal, if so desired, that are consistent with the best interests of the minor child; provisions in the plan for the exercise of the right of first refusal must include:

(i) the length and kind of child-care requirements invoking the right of first refusal;

(ii) notification to the other parent and for his or her response;

(iii) transportation requirements; and

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(iv) any other provision related to the exercise of the right of first refusal necessary to protect and promote the best interests of the minor child; and
(15) any other provision that addresses the child's best interests or that will otherwise facilitate cooperation between the parents.

The personal information under items (6), (7), and (8) of this subsection is not required if there is evidence of or the parenting plan states that there is a history of domestic violence or abuse, or it is shown that the release of the information is not in the child's or parent's best interests.

(g) The court shall conduct a trial or hearing to determine a plan which maximizes the child's relationship and access to both parents and shall ensure that the access and the overall plan are in the best interests of the child. The court shall take the parenting plans into consideration when determining parenting time and responsibilities at trial or hearing.

(h) The court may consider, consistent with the best interests of the child as defined in Section 602.7 of this Act, whether to award to one or both of the parties the right of first refusal in accordance with Section 602.3 of this Act.

(Source: P.A. 99-90, eff. 1-1-16.)

(750 ILCS 5/602.11)

Sec. 602.11. Access to health care, child care, and school records by parents.

(a) Notwithstanding any other provision of law, access to records and information pertaining to a child including, but not limited to, medical, dental, child care, and school records shall not be denied to a parent for the reason that such parent has not been allocated parental responsibility; however, no parent shall have access to the school records of a child if the parent is prohibited by an order of protection from inspecting or obtaining such records pursuant to the Domestic Violence Act of 1986 or the Code of Criminal Procedure of 1963. A parent who is not allocated parenting time (not denied parental responsibility) is not entitled to access to the child's school or health care records unless a court finds that it is in the child's best interests to provide those records to the parent.

(b) Health care professionals and health care providers shall grant access to health care records and information pertaining to a child to both parents, unless the health care professional or health care provider receives

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a court order or judgment that denies access to a specific individual. Except as may be provided by court order, no parent who is a named respondent in an order of protection issued pursuant to the Illinois Domestic Violence Act of 1986 or the Code of Criminal Procedure of 1963 shall have access to the health care records of a child who is a protected person under the order of protection provided the health care professional or health care provider has received a copy of the order of protection. Access to health care records is denied under this Section for as long as the order of protection remains in effect as specified in the order of protection or as otherwise determined by court order.
(Source: P.A. 99-90, eff. 1-1-16.)

(750 ILCS 5/604.10)
Sec. 604.10. Interviews; evaluations; investigation.
(a) Court's interview of child. The court may interview the child in chambers to ascertain the child's wishes as to the allocation of parental responsibilities. Counsel shall be present at the interview unless otherwise agreed upon by the parties. The entire interview shall be recorded by a court reporter. The transcript of the interview shall be filed under seal and released only upon order of the court. The cost of the court reporter and transcript shall be paid by the court.
(b) Court's professional. The court may seek the advice of any professional, whether or not regularly employed by the court, to assist the court in determining the child's best interests. The advice to the court shall be in writing and sent by the professional to counsel for the parties and to the court not later than 60 days before the date on which the trial court reasonably anticipates the hearing on the allocation of parental responsibilities will commence. The court may review the writing upon receipt, under seal. The writing may be admitted into evidence without testimony from its author, unless a party objects. A professional consulted by the court shall testify as the court's witness and be subject to cross-examination. The court shall order all costs and fees of the professional to be paid by one or more of the parties, subject to reallocation in accordance with subsection (a) of Section 508.

The professional's report must, at a minimum, set forth the following:
(1) a description of the procedures employed during the evaluation;
(2) a report of the data collected;
(3) all test results;

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(4) any conclusions of the professional relating to the allocation of parental responsibilities under Sections 602.5 and 602.7;

(5) any recommendations of the professional concerning the allocation of parental responsibilities or the child's relocation; and

(6) an explanation of any limitations in the evaluation or any reservations of the professional regarding the resulting recommendations.

The professional shall send his or her report to all attorneys of record, and to any party not represented, at least 60 days before the hearing on the allocation of parental responsibilities. The court shall examine and consider the professional's report only after it has been admitted into evidence or after the parties have waived their right to cross-examine the professional.

(c) Evaluation by a party's retained professional. In a proceeding to allocate parental responsibilities or to relocate a child, upon notice and motion made by a parent or any party to the litigation within a reasonable time before trial, the court shall order an evaluation to assist the court in determining the child's best interests unless the court finds that an evaluation under this Section is untimely or not in the best interests of the child. The evaluation may be in place of or in addition to any advice given to the court by a professional under subsection (b). A motion for an evaluation under this subsection must, at a minimum, identify the proposed evaluator and the evaluator's specialty or discipline. An order for an evaluation under this subsection must set forth the evaluator's name, address, and telephone number and the time, place, conditions, and scope of the evaluation. No person shall be required to travel an unreasonable distance for the evaluation. The party requesting the evaluation shall pay the evaluator's fees and costs unless otherwise ordered by the court.

The evaluator's report must, at a minimum, set forth the following:

(1) a description of the procedures employed during the evaluation;

(2) a report of the data collected;

(3) all test results;

(4) any conclusions of the evaluator relating to the allocation of parental responsibilities under Sections 602.5 and 602.7;

(5) any recommendations of the evaluator concerning the allocation of parental responsibilities or the child's relocation; and

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an explanation of any limitations in the evaluation or any reservations of the evaluator regarding the resulting recommendations.

A party who retains a professional to conduct an evaluation under this subsection shall cause the evaluator's written report to be sent to the attorneys of record no less than 60 days before the hearing on the allocation of parental responsibilities, unless otherwise ordered by the court; if a party fails to comply with this provision, the court may not admit the evaluator's report into evidence and may not allow the evaluator to testify.

The party calling an evaluator to testify at trial shall disclose the evaluator as a controlled expert witness in accordance with the Supreme Court Rules.

Any party to the litigation may call the evaluator as a witness. That party shall pay the evaluator's fees and costs for testifying, unless otherwise ordered by the court.

(d) Investigation. Upon notice and a motion by a parent or any party to the litigation, or upon the court's own motion, the court may order an investigation and report to assist the court in allocating parental responsibilities. The investigation may be made by any agency, private entity, or individual deemed appropriate by the court. The agency, private entity, or individual appointed by the court must have expertise in the area of allocation of parental responsibilities. The court shall specify the purpose and scope of the investigation.

The investigator's report must, at a minimum, set forth the following:

1. a description of the procedures employed during the investigation;
2. a report of the data collected;
3. all test results;
4. any conclusions of the investigator relating to the allocation of parental responsibilities under Sections 602.5 and 602.7;
5. any recommendations of the investigator concerning the allocation of parental responsibilities or the child's relocation; and
6. an explanation of any limitations in the investigation or any reservations of the investigator regarding the resulting recommendations.
The investigator shall send his or her report to all attorneys of record, and to any party not represented, at least 60 days before the hearing on the allocation of parental responsibilities. The court shall examine and consider the investigator's report only after it has been admitted into evidence or after the parties have waived their right to cross-examine the investigator.

The investigator shall make available to all attorneys of record, and to any party not represented, the investigator's file, and the names and addresses of all persons whom the investigator has consulted, except that if such disclosure would risk abuse to the party or any member of the party's immediate family or household or reveal the confidential address of a shelter for domestic violence victims, that address may be omitted from the report. Any party to the proceeding may call the investigator, or any person consulted by the investigator as a court's witness, for cross-examination. No fees shall be paid for any investigation by a governmental agency. The fees incurred by any other investigator shall be allocated in accordance with Section 508.

(Source: P.A. 99-90, eff. 1-1-16.)

(750 ILCS 5/606.5)
Sec. 606.5. Hearings.

(a) Proceedings to allocate parental responsibilities shall receive priority in being set for hearing.

(a-5) The court may tax as costs the payment of necessary travel and other expenses incurred by any person whose presence at the hearing the court deems necessary to determine the best interest of the child.

(b) The court, without a jury, shall determine questions of law and fact.

(c) Previous statements made by the child relating to any allegations that the child is an abused or neglected child within the meaning of the Abused and Neglected Child Reporting Act, or an abused or neglected minor within the meaning of the Juvenile Court Act of 1987, shall be admissible in evidence in a hearing concerning allocation of parental responsibilities in accordance with Section 11.1 of the Abused and Neglected Child Reporting Act. No such statement, however, if uncorroborated and not subject to cross-examination, shall be sufficient in itself to support a finding of abuse or neglect.

(d) If the court finds that a public hearing may be detrimental to the child's best interests, the court shall exclude the public from the hearing, but the court may admit any person having:

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(1) a direct and legitimate interest in the case; or
(2) a legitimate educational or research interest in the work of the court, but only with the permission of both parties and subject to court approval.

(e) The court may make an appropriate order sealing the records of any interview, report, investigation, or testimony.

(Source: P.A. 99-90, eff. 1-1-16.)

(750 ILCS 5/607.5)

Sec. 607.5. Abuse of allocated parenting time.

(a) The court shall provide an expedited procedure for the enforcement of allocated parenting time.

(b) An action for the enforcement of allocated parenting time may be commenced by a parent or a person appointed under Section 506 by filing a petition setting forth: (i) the petitioner's name and residence address or mailing address, except that if the petition states that disclosure of petitioner's address would risk abuse of petitioner or any member of petitioner's family or household or reveal the confidential address of a shelter for domestic violence victims, that address may be omitted from the petition; (ii) the respondent's name and place of residence, place of employment, or mailing address; (iii) the terms of the parenting plan or allocation judgment then in effect; (iv) the nature of the violation of the allocation of parenting time, giving dates and other relevant information; and (v) that a reasonable attempt was made to resolve the dispute.

(c) If the court finds by a preponderance of the evidence that a parent has not complied with allocated parenting time according to an approved parenting plan or a court order, the court, in the child's best interests, shall issue an order that may include one or more of the following:

(1) an imposition of additional terms and conditions consistent with the court's previous allocation of parenting time or other order;
(2) a requirement that either or both of the parties attend a parental education program at the expense of the non-complying parent;
(3) upon consideration of all relevant factors, particularly a history or possibility of domestic violence, a requirement that the parties participate in family or individual counseling, the expense of which shall be allocated by the court; if counseling is ordered, all counseling sessions shall be confidential, and the

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communications in counseling shall not be used in any manner in litigation nor relied upon by an expert appointed by the court or retained by any party;

(4) a requirement that the non-complying parent post a cash bond or other security to ensure future compliance, including a provision that the bond or other security may be forfeited to the other parent for payment of expenses on behalf of the child as the court shall direct;

(5) a requirement that makeup parenting time be provided for the aggrieved parent or child under the following conditions:
   (A) that the parenting time is of the same type and duration as the parenting time that was denied, including but not limited to parenting time during weekends, on holidays, and on weekdays and during times when the child is not in school;
   (B) that the parenting time is made up within 6 months after the noncompliance occurs, unless the period of time or holiday cannot be made up within 6 months, in which case the parenting time shall be made up within one year after the noncompliance occurs;

(6) a finding that the non-complying parent is in contempt of court;

(7) an imposition on the non-complying parent of an appropriate civil fine per incident of denied parenting time;

(8) a requirement that the non-complying parent reimburse the other parent for all reasonable expenses incurred as a result of the violation of the parenting plan or court order; and

(9) any other provision that may promote the child's best interests.

(d) In addition to any other order entered under subsection (c), except for good cause shown, the court shall order a parent who has failed to provide allocated parenting time or to exercise allocated parenting time to pay the aggrieved party his or her reasonable attorney's fees, court costs, and expenses associated with an action brought under this Section. If the court finds that the respondent in an action brought under this Section has not violated the allocated parenting time, the court may order the petitioner to pay the respondent's reasonable attorney's fees, court costs, and expenses incurred in the action.

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(e) Nothing in this Section precludes a party from maintaining any other action as provided by law.

(f) When the court issues an order holding a party in contempt for violation of a parenting time order and finds that the party engaged in parenting time abuse, the court may order one or more of the following:

1. Suspension of a party's Illinois driving privileges pursuant to Section 7-703 of the Illinois Vehicle Code until the court determines that the party is in compliance with the parenting time order. The court may also order that a party be issued a family financial responsibility driving permit that would allow limited driving privileges for employment, for medical purposes, and to transport a child to or from scheduled parenting time in order to comply with a parenting time order in accordance with subsection (a-1) of Section 7-702.1 of the Illinois Vehicle Code.

2. Placement of a party on probation with such conditions of probation as the court deems advisable.

3. Sentencing of a party to periodic imprisonment for a period not to exceed 6 months; provided, that the court may permit the party to be released for periods of time during the day or night to:

   A. work; or
   B. conduct a business or other self-employed occupation.

4. Find that a party in engaging in parenting time abuse is guilty of a petty offense and should be fined an amount of no more than $500 for each finding of parenting time abuse.

(g) When the court issues an order holding a party in contempt of court for violation of a parenting order, the clerk shall transmit a copy of the contempt order to the sheriff of the county. The sheriff shall furnish a copy of each contempt order to the Department of State Police on a daily basis in the form and manner required by the Department. The Department shall maintain a complete record and index of the contempt orders and make this data available to all local law enforcement agencies.

(h) Nothing contained in this Section shall be construed to limit the court's contempt power.

(Source: P.A. 99-90, eff. 1-1-16.)

(750 ILCS 5/607.6 new)

Sec. 607.6. Counseling.

New matter indicated by italics - deletions by strikeout
(a) The court may order individual counseling for the child, family counseling for one or more of the parties and the child, or parental education for one or more of the parties, if it finds one or more of the following:

(1) both parents or all parties agree to the order;
(2) the child's physical health is endangered or that the child's emotional development is impaired;
(3) abuse of allocated parenting time under Section 607.5 has occurred; or
(4) one or both of the parties have violated the allocation judgment with regard to conduct affecting or in the presence of the child.

(b) The court may apportion the costs of counseling between the parties as appropriate.

(c) The remedies provided in this Section are in addition to, and do not diminish or abridge in any way, the court's power to exercise its authority through contempt or other proceedings.

(d) All counseling sessions shall be confidential. The communications in counseling shall not be used in any manner in litigation nor relied upon by any expert appointed by the court or retained by any party.

(750 ILCS 5/610.5)
Sec. 610.5. Modification.
(a) Unless by stipulation of the parties or except as provided in subsection (b) of this Section or Section 603.10 of this Act, no motion to modify an order allocating parental decision-making responsibilities, not including parenting time, may be made earlier than 2 years after its date, unless the court permits it to be made on the basis of affidavits that there is reason to believe the child's present environment may endanger seriously his or her mental, moral, or physical health or significantly impair the child's emotional development. Parenting time may be modified at any time, without a showing of serious endangerment, upon a showing of changed circumstances that necessitates modification to serve the best interests of the child.

(b) (Blank). A motion to modify an order allocating parental responsibilities may be made at any time by a party who has been informed of the existence of facts requiring notice to be given under Section 609.5 of this Act.

New matter indicated by italics - deletions by strikeout
(c) Except in a case concerning the modification of any restriction of parental responsibilities under Section 603.10, the court shall modify a parenting plan or allocation judgment when necessary to serve the child's best interests if the court finds, by a preponderance of the evidence, that on the basis of facts that have arisen since the entry of the existing parenting plan or allocation judgment or were not anticipated therein, a substantial change has occurred in the circumstances of the child or of either parent and that a modification is necessary to serve the child's best interests.

(d) The court shall modify a parenting plan or allocation judgment in accordance with a parental agreement, unless it finds that the modification is not in the child's best interests.

(e) The court may modify a parenting plan or allocation judgment without a showing of changed circumstances if (i) the modification is in the child's best interests; and (ii) any of the following are proven as to the modification:

1. The modification reflects the actual arrangement under which the child has been receiving care, without parental objection, for the 6 months preceding the filing of the petition for modification, provided that the arrangement is not the result of a parent's acquiescence resulting from circumstances that negated the parent's ability to give meaningful consent;
2. The modification constitutes a minor modification in the parenting plan or allocation judgment;
3. The modification is necessary to modify an agreed parenting plan or allocation judgment that the court would not have ordered or approved under Section 602.5 or 602.7 had the court been aware of the circumstances at the time of the order or approval; or
4. The parties agree to the modification.

(f) Attorney's fees and costs shall be assessed against a party seeking modification if the court finds that the modification action is vexatious or constitutes harassment. If the court finds that a parent has repeatedly filed frivolous motions for modification, the court may bar the parent from filing a motion for modification for a period of time.

(Source: P.A. 99-90, eff. 1-1-16.)

Section 10. The Illinois Parentage Act of 2015 is amended by changing Section 103 and the heading of Article 7 and by adding Sections 701, 702, 703, 704, 705, 706, 707, 708, 709, and 710 as follows:

(750 ILCS 46/103)

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Sec. 103. Definitions. In this Act:

(a) "Acknowledged father" means a man who has established a father-child relationship under Article 3.

(b) "Adjudicated father" means a man who has been adjudicated by a court of competent jurisdiction, or as authorized under Article X of the Illinois Public Aid Code, to be the father of a child.

(c) "Alleged father" means a man who alleges himself to be, or is alleged to be, the biological father or a possible biological father of a child, but whose paternity has not been established. The term does not include:

   (1) a presumed parent or acknowledged father; or
   (2) a man whose parental rights have been terminated or declared not to exist.

(d) "Assisted reproduction" means a method of achieving a pregnancy through an artificial insemination or an embryo transfer and includes gamete and embryo donation. "Assisted reproduction" does not include any pregnancy achieved through sexual intercourse (Reserved).

(e) "Child" means an individual of any age whose parentage may be established under this Act.

(f) "Combined paternity index" means the likelihood of paternity calculated by computing the ratio between:

   (1) the likelihood that the tested man is the father, based on the genetic markers of the tested man, mother, and child, conditioned on the hypothesis that the tested man is the father of the child; and
   (2) the likelihood that the tested man is not the father, based on the genetic markers of the tested man, mother, and child, conditioned on the hypothesis that the tested man is not the father of the child and that the father is of the same ethnic or racial group as the tested man.

(g) "Commence" means to file the initial pleading seeking an adjudication of parentage in the circuit court of this State.

(h) "Determination of parentage" means the establishment of the parent-child relationship by the signing of a voluntary acknowledgment under Article 3 of this Act or adjudication by the court or as authorized under Article X of the Illinois Public Aid Code.

(i) "Donor" means an individual who participates in an assisted reproductive technology arrangement by providing gametes and relinquishes all rights and responsibilities to the gametes so that another individual or individuals may become the legal parent or parents of any

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resulting child. "Donor" does not include a spouse in any assisted reproductive technology arrangement in which his or her spouse will parent any resulting child (Reserved).

(j) "Ethnic or racial group" means, for purposes of genetic testing, a recognized group that an individual identifies as all or part of the individual's ancestry or that is so identified by other information.

(k) "Gamete" means either a sperm or an egg.

(l) "Genetic testing" means an analysis of genetic markers to exclude or identify a man as the father or a woman as the mother of a child as provided in Article 4 of this Act.

(m) "Gestational mother" means an adult woman who gives birth to a child pursuant to the terms of a valid gestational surrogacy contract.

(n) "Parent" means an individual who has established a parent-child relationship under Section 201 of this Act.

(o) "Parent-child relationship" means the legal relationship between a child and a parent of the child.

(p) "Presumed parent" means an individual who, by operation of law under Section 204 of this Act, is recognized as the parent of a child until that status is rebutted or confirmed in a judicial or administrative proceeding.

(q) "Probability of paternity" means the measure, for the ethnic or racial group to which the alleged father belongs, of the probability that the man in question is the father of the child, compared with a random, unrelated man of the same ethnic or racial group, expressed as a percentage incorporating the combined paternity index and a prior probability.

(r) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(s) "Signatory" means an individual who authenticates a record and is bound by its terms.

(t) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(u) "Substantially similar legal relationship" means a relationship recognized in this State under Section 60 of the Illinois Religious Freedom Protection and Civil Union Act.

(v) "Support-enforcement agency" means a public official or agency authorized to seek:

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(1) enforcement of support orders or laws relating to the duty of support;
(2) establishment or modification of child support;
(3) determination of parentage; or
(4) location of child-support obligors and their income and assets.
(Source: P.A. 99-85, eff. 1-1-16.)

ARTICLE 7. CHILD OF ASSISTED REPRODUCTION
(RESERVED)

(750 ILCS 46/Art. 7 heading)

Sec. 701. Scope of Article. Except as described in this Article, this Article does not apply to the birth of a child conceived by means of sexual intercourse or a child born as a result of a valid gestational surrogacy arrangement meeting the requirements of the Gestational Surrogacy Act.
(Source: P.A. 99-85, eff. 1-1-16.)

Sec. 702. Parental status of donor. Except as provided in this Act, a donor is not a parent of a child conceived by means of assisted reproduction.

Sec. 703. Parentage of child of assisted reproduction.
(a) Any individual who is an intended parent as defined by this Act is the legal parent of any resulting child. If the donor and the intended parent have been represented by independent counsel and entered into a written legal agreement in which the donor relinquishes all rights and responsibilities to any resulting child, the intended parent is the parent of the child. An agreement under this subsection shall be entered into prior to any insemination or embryo transfer.

(b) If a person makes an anonymous gamete donation without a designated intended parent at the time of the gamete donation, the intended parent is the parent of any resulting child if the anonymous donor relinquished his or her parental rights in writing at the time of donation. The written relinquishment shall be directed to the entity to which the donor donated his or her gametes.

(c) An intended parent may seek a court order confirming the existence of a parent-child relationship prior to or after the birth of a child based on compliance with subsection (a) or (b) of this Section.

(d) If the requirements of subsection (a) of this Section are not met, or subsection (b) of this Section is found by a court to be inapplicable, a
court of competent jurisdiction shall determine parentage based on evidence of the parties' intent at the time of donation.

(750 ILCS 46/704 new)

Sec. 704. Withdrawal of consent of intended parent or donor. An intended parent or donor may withdraw consent to use his or her gametes in a writing or legal pleading with notice to the other participants. An intended parent who withdraws consent under this Section prior to the insemination or embryo transfer is not a parent of any resulting child. If a donor withdraws consent to his or her donation prior to the insemination or the combination of gametes, the intended parent is not the parent of any resulting child.

(750 ILCS 46/705 new)

Sec. 705. Parental status of deceased individual. If an individual consents in a writing to be a parent of any child born of his or her gametes posthumously, and dies before the insemination of the individual's gametes or embryo transfer, the deceased individual is a parent of any resulting child born within 36 months of the death of the deceased individual.

(750 ILCS 46/706 new)

Sec. 706. Inheritance rights of posthumous child. Notwithstanding Section 705, the rights of a posthumous child to an inheritance or to property under an instrument shall be governed by the provisions of the Probate Act of 1975.

(750 ILCS 46/707 new)

Sec. 707. Burden of proof. Parentage established under Section 703, a withdrawal of consent under Section 704, or a proceeding to declare the non-existence of the parent-child relationship under Section 708 of this Act must be proven by clear and convincing evidence.

(750 ILCS 46/708 new)

Sec. 708. Limitation on proceedings to declare the non-existence of the parent-child relationship. An action to declare the non-existence of the parent-child relationship under this Article shall be barred if brought more than 2 years following the birth of the child.

(750 ILCS 46/709 new)

Sec. 709. Establishment of parentage; requirements of Gestational Surrogacy Act.

(a) In the event of gestational surrogacy, in addition to the requirements of the Gestational Surrogacy Act, a parent-child relationship is established between a person and a child if all of the following conditions are met prior to the birth of the child:

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(1) The gestational surrogate certifies that she did not provide a gamete for the child, and that she is carrying the child for the intended parents.

(2) The spouse, if any, of the gestational surrogate certifies that he or she did not provide a gamete for the child.

(3) Each intended parent certifies that the child being carried by the gestational surrogate was conceived using at least one of the intended parents' gametes.

(4) A physician certifies that the child being carried by the gestational surrogate was conceived using the gamete or gametes of at least one of the intended parents, and that neither the gestational surrogate nor the gestational surrogate's spouse, if any, provided gametes for the child being carried by the gestational surrogate.

(5) The attorneys for the intended parents and the gestational surrogate each certify that the parties entered into a gestational surrogacy agreement intended to satisfy the requirements of the Gestational Surrogacy Act.

(b) All certifications under this Section shall be in writing and witnessed by 2 competent adults who are not the gestational surrogate, gestational surrogate's spouse, if any, or an intended parent. Certifications shall be on forms prescribed by the Illinois Department of Public Health and shall be executed prior to the birth of the child. All certifications shall be provided, prior to the birth of the child, to both the hospital where the gestational surrogate anticipates the delivery will occur and to the Illinois Department of Public Health.

(c) Parentage established in accordance with this Section has the full force and effect of a judgment entered under this Act.

(d) The Illinois Department of Public Health shall adopt rules to implement this Section.

(750 ILCS 46/710 new)
Sec. 710. Applicability. This Article applies only to assisted reproductive arrangements or gestational surrogacy contracts entered into after the effective date of this amendatory Act of the 99th General Assembly.

Section 12. The Gestational Surrogacy Act is amended by changing Sections 20 and 70 as follows:

(750 ILCS 47/20)
Sec. 20. Eligibility.

New matter indicated by italics - deletions by strikeout
(a) A gestational surrogate shall be deemed to have satisfied the requirements of this Act if she has met the following requirements at the time the gestational surrogacy contract is executed:

(1) she is at least 21 years of age;
(2) she has given birth to at least one child;
(3) she has completed a medical evaluation;
(4) she has completed a mental health evaluation;
(5) she has undergone legal consultation with independent legal counsel regarding the terms of the gestational surrogacy contract and the potential legal consequences of the gestational surrogacy; and
(6) she has obtained a health insurance policy that covers major medical treatments and hospitalization and the health insurance policy has a term that extends throughout the duration of the expected pregnancy and for 8 weeks after the birth of the child; provided, however, that the policy may be procured by the intended parents on behalf of the gestational surrogate pursuant to the gestational surrogacy contract.

(b) The intended parent or parents shall be deemed to have satisfied the requirements of this Act if he, she, or they have met the following requirements at the time the gestational surrogacy contract is executed:

(1) he, she, or they contribute at least one of the gametes resulting in a pre-embryo that the gestational surrogate will attempt to carry to term;
(2) he, she, or they have a medical need for the gestational surrogacy as evidenced by a qualified physician's affidavit attached to the gestational surrogacy contract and as required by the Illinois Parentage Act of 2015 1984;
(3) he, she, or they have completed a mental health evaluation; and
(4) he, she, or they have undergone legal consultation with independent legal counsel regarding the terms of the gestational surrogacy contract and the potential legal consequences of the gestational surrogacy.

(Source: P.A. 93-921, eff. 1-1-05.)

(750 ILCS 47/70)

Sec. 70. Irrevocability. No action to invalidate a gestational surrogacy meeting the requirements of subsection (d) of Section 15 of this
Act or to challenge the rights of parentage established pursuant to Section 15 of this Act and the Illinois Parentage Act of 1984 shall be commenced after 12 months from the date of birth of the child.
(Source: P.A. 93-921, eff. 1-1-05.)

(750 ILCS 40/Act rep.)
Section 15. The Illinois Parentage Act is repealed.
Approved August 12, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0764
(House Bill No. 3982)

AN ACT concerning civil law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Marriage and Dissolution of Marriage Act is amended by changing Sections 505 and 510 as follows:
(750 ILCS 5/505) (from Ch. 40, par. 505)
Sec. 505. Child support; contempt; penalties.
(a) In a proceeding for dissolution of marriage, legal separation, declaration of invalidity of marriage, dissolution of a civil union, a proceeding for child support following dissolution of the marriage or civil union by a court that lacked personal jurisdiction over the absent spouse, a proceeding for modification of a previous order for child support under Section 510 of this Act, or any proceeding authorized under Section 501 or 601 of this Act, the court may order either or both parents owing a duty of support to a child of the marriage or civil union to pay an amount reasonable and necessary for the support of the child, without regard to marital misconduct. The duty of support owed to a child includes the obligation to provide for the reasonable and necessary educational, physical, mental and emotional health needs of the child. For purposes of this Section, the term "child" shall include any child under age 18 and any child under age 19 or younger who is still attending high school.

(1) Child support guidelines. The Department of Healthcare and Family Services shall adopt rules establishing child support guidelines which include worksheets to aid in the calculation of the child support award and a table that reflects the percentage of combined net income that parents living in the same

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household in this State ordinarily spend on their children. The child support guidelines have the following purposes:

(A) to establish as State policy an adequate standard of support for children, subject to the ability of parents to pay;

(B) to make awards more equitable by ensuring more consistent treatment of persons in similar circumstances;

(C) to improve the efficiency of the court process by promoting settlements and giving courts and the parties guidance in establishing levels of awards;

(D) to calculate child support based upon the parents' combined adjusted net income estimated to have been allocated to the child if the parents and children were living in an intact household;

(E) to adjust the child support based upon the needs of the children; and

(F) to allocate the amount of child support to be paid by each parent based upon the child support and the child's physical care arrangements.

(2) Duty of support. The court shall award child support in each case by applying the child support guidelines unless the court makes a finding that application of the guidelines would be inappropriate, after considering the best interest of the child in light of evidence which shows relevant factors including, but not limited to, one or more of the following:

(A) the financial resources and needs of the child;

(B) the financial resources and needs of the custodial parent;

(C) the standard of living the child would have enjoyed had the marriage or civil union not been dissolved;

(D) the physical and emotional condition of the child and his or her educational needs; and

(E) the financial resources and needs of the noncustodial parent.

(3) Income.

(A) As used in this Section, "gross income" means the total of all income from all sources, except "gross income" does not include (i) benefits received by the parent

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from means-tested public assistance programs, including, but not limited to, Temporary Assistance to Needy Families, Supplemental Security Income, and the Supplemental Nutrition Assistance Program or (ii) benefits and income received by the parent for other children in the household, including, but not limited to, child support, survivor benefits, and foster care payments. Social security disability and retirement benefits paid for the benefit of the subject child must be included in the disabled or retired parent's gross income for purposes of calculating the parent's child support obligation, but the parent is entitled to a child support credit for the amount of benefits paid to the other parent for the child. Spousal support or spousal maintenance received pursuant to a court order in the pending proceedings or any other proceedings must be included in the recipient's gross income for purposes of calculating the parent's child support obligation.

(B) As used in this Section, "net income" means gross income minus either the standardized tax amount calculated pursuant to subparagraph (C) of this paragraph (3) or the individualized tax amount calculated pursuant to subparagraph (D) of this paragraph (3), and minus any adjustments pursuant to subparagraph (F) of this paragraph (3). The standardized tax amount shall be used unless the requirements for an individualized tax amount set forth in subparagraph (F) of this paragraph (3) are met.

(C) As used in this Section, "standardized tax amount" means the total of federal and state income taxes for a single person claiming the standard tax deduction, one personal exemption, and the applicable number of dependency exemptions for the minor child or children of the parties, and Social Security tax and Medicaid tax calculated at the Federal Insurance Contributions Act rate.

(I) Unless a court has previously determined otherwise or the parties otherwise agree, the custodial parent shall be deemed entitled to claim the dependency exemption for the parties' minor child or children.

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(II) The Department of Healthcare and Family Services shall promulgate a chart that computes net income by deducting the standardized tax amount from gross income.

(D) As used in this Section, "individualized tax amount" means the aggregate of the following taxes:

(I) federal income tax (properly calculated withholding or estimated payments);

(II) State income tax (properly calculated withholding or estimated payments); and

(III) Social Security (or, if none, mandatory retirement contributions required by law or as a condition of employment) and Medicare tax calculated at the Federal Insurance Contributions Act rate.

(E) In lieu of a standardized tax amount, a determination of an individualized tax amount may be made under items (I), (II), or (III) below. If an individualized tax amount determination is made under this subparagraph (E), all relevant tax attributes (including filing status, allocation of dependency exemptions, and whether a party is to claim the standard deduction or itemized deductions for federal income tax purposes) shall be as the parties agree or as the court determines. To determine a party's reported income, the court may order the party to complete an Internal Revenue Service Form 4506-T, Request for Tax Transcript.

(I) Agreement. Irrespective of whether the parties agree on any other issue before the court, if they jointly stipulate for the record their concurrence on a computation method for the individualized tax amount that is different from the method set forth under subparagraph (D), the stipulated method shall be used by the court unless the court rejects the proposed stipulated method for good cause.

(II) Summary hearing. If the court determines child support in a summary hearing under Section 501 and an eligible party opts in to

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the computation method under this item (II), the individualized tax amount shall be determined by the court on the basis of information contained in one or both parties' financial disclosure statement, financial affidavit, or similar instrument and relevant supporting documents under applicable court rules. No party, however, is eligible to opt in unless the party, under applicable rules, has served the other party with the required statement, affidavit, or other instrument and has also substantially turned over supporting documents to the extent required by the applicable rule at the time of service of the statement, affidavit, or other instrument.

(III) Evidentiary hearing. If the court determines child support in an evidentiary hearing, whether for purposes of a temporary order or at the conclusion of a proceeding, item (II) of this subparagraph (E) does not apply. In each such case (unless item (I) governs), the individualized tax amount shall be as determined by the court on the basis of the record established.

(F) Adjustments to gross income.

(I) If a parent also is legally responsible for support of children not shared with the other parent and not subject to the present proceeding, there shall be an adjustment to gross income as follows:

(i) The amount of child support actually paid by the parent pursuant to a support order shall be deducted from the parent's gross income.

(ii) The amount of financial support actually paid by the parent for children living in or outside of that parent's household or 75% of the support the parent would pay under the child support guidelines, whichever is less, shall be deducted from that parent's gross income.

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(II) Obligations pursuant to a court order for maintenance in the pending proceeding actually paid or payable under Section 504 to the same party to whom child support is to be payable shall be deducted from the parent's gross income.

(3.1) Business income. For purposes of calculating child support, net business income from the operation of a business means gross receipts minus ordinary and necessary expenses required to carry on the trade or business. As used in this paragraph, "business" includes, but is not limited to, sole proprietorships, closely held corporations, partnerships, other flow-through business entities, and self-employment. The court shall apply the following:

(A) The accelerated component of depreciation and any business expenses determined either judicially or administratively to be inappropriate or excessive shall be excluded from the total of ordinary and necessary business expenses to be deducted in the determination of net business income from gross business income.

(B) Any item of reimbursement or in-kind payment received by a parent from the business, including, but not limited to, a company car, free housing or a housing allowance, or reimbursed meals, shall be counted as income if not otherwise included in the recipient's gross income, if the item is significant in amount and reduces personal expenses.

(3.2) Unemployment or underemployment. If a parent is voluntarily unemployed or underemployed, child support shall be calculated based on a determination of potential income. A determination of potential income shall be made by determining employment potential and probable earnings level based on the obligor's work history, occupational qualifications, prevailing job opportunities, the ownership by a parent of a substantial non-income producing asset, and earnings levels in the community. If there is insufficient work history to determine employment potential and probable earnings level, there shall be a rebuttable presumption that the parent's potential income is 75% of the most recent United States Department of Health and Human Services Federal Poverty Guidelines for a family of one person.

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(3.3) Minimum orders. There is a rebuttable presumption in any judicial or administrative proceeding for child support that the amount of the award which would result from the application of the child support guidelines is the correct amount of child support to be awarded.

There is a rebuttable presumption that a minimum child support obligation of $40 per month, per child, will be entered for a payor parent who has actual or imputed income at or less than 75% of the most recent United States Department of Health and Human Services Federal Poverty Guidelines for a family of one person, with a maximum total child support obligation for that payor of $120 per month to be divided equally among all of the payor parent's children.

For parents with no gross income, including those who receive only means-tested assistance or who cannot work due to a medically proven disability, incarceration, or institutionalization, there is a rebuttable presumption that the $40 per month minimum support order is inappropriate and a zero dollar order shall be entered.

(3.4) Deviation factors. In any action to establish or modify child support, whether temporary or permanent, the child support guidelines shall be used as a rebuttable presumption for the establishment or modification of the amount of child support. The court may deviate from the child support guidelines if the application would be inequitable, unjust, or inappropriate. Any deviation shall be accompanied by written findings by the court specifying the reasons for the deviation and the presumed amount under the child support guidelines without a deviation. These reasons may include:

(A) extraordinary medical expenditures necessary to preserve the life or health of a party or a child of either or both of the parties;
(B) additional expenses incurred for a child subject to the child support order who has special medical, physical, or developmental needs; and
(C) any other factor the court determines should be applied upon a finding that the application of the child support guidelines would be inappropriate, after considering the best interest of the child.

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(3.5) Income in excess of table. A court may use discretion to determine child support if the combined adjusted gross income exceeds the uppermost levels of the schedule of basic child support obligations, except that the presumptive basic child support obligation shall not be less than it would be based on the highest level of adjusted gross income set forth in the schedule of basic child support obligations.

(3.6) Extracurricular activities and school expenses. The court, in its discretion, in addition to the basic child support obligation, may order either or both parents owing a duty of support to the child to contribute to the reasonable school and extracurricular activity expenses incurred which are intended to enhance the educational, athletic, social, or cultural development of the child.

(3.7) Child care expenses. The court, in its discretion, in addition to the basic child support obligation, may order either or both parents owing a duty of support to the child to contribute to the reasonable child care expenses of the child. The child care expenses shall be made payable directly to a party or directly to the child care provider at the time of services.

(A) As used in this paragraph (3.7), "child care expenses" means actual annualized monthly child care expenses reasonably necessary to enable a parent or non-parent custodian to be employed, attend education and training activities, or job search, and includes after-school care and all work-related child care expenses incurred while receiving education or training to improve employment opportunities. "Child care expenses" includes deposits for the retention of securing placement in child care programs. "Child care expenses" may include camps when school is not in session. Parties may agree on additional day camps. Child care expenses due to a child's special needs shall be a consideration in determining reasonable child care expenses for a child with special needs.

(B) Child care expenses shall be calculated as set forth in this paragraph. Child care expenses shall be prorated in proportion to each parent's percentage share of combined parental net income, and added to the basic child support obligation.

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support obligation. The obligor's portion of actual child care expenses shall appear in the support order. The obligee's share of child care expenses shall be paid by the obligee directly to the child care provider.

(C) The amount of child care expenses shall be adequate to obtain reasonable and necessary child care. The family's actual child care expenses shall be used to calculate the child care expense contributions, if available. When actual child care expenses vary, the actual child care expenses shall be averaged over the most recent 12-month period. When the parent is temporarily unemployed or temporarily not attending school, then child care expenses shall be based upon prospective expenses to be incurred upon return to employment.

(D) An order for child care expenses may be modified upon a showing of a substantial change in circumstances. Persons incurring child care expenses shall notify the obligor within 14 days of any change in the amount of child care expenses that would affect the annualized child care amount as determined in the support order.

(3.8) Shared parenting. If each parent exercises 146 or more overnights per year with the child, the basic child support obligation is multiplied by 1.5 to calculate the shared care child support obligation. The child support obligation is then computed for each parent by multiplying that parent's portion of the shared care support obligation by the percentage of time the child spends with the other parent. The respective child support obligations are then offset, with the parent owing more child support paying the difference between the 2 amounts. Child support for cases with shared physical care are calculated using a child support worksheet promulgated by the Department of Healthcare and Family Services. An adjustment for shared physical care is made only when each parent has the child for 146 or more overnights per year.

(3.9) Split care. Split care refers to a situation in which there is more than one child and each parent has physical care of at least one but not all of the children. In a split care situation, the support is calculated by using 2 child support worksheets to
determine the support each parent owes the other. The resulting obligations are then offset, with one parent owing the other the difference as a child support order. The support shall be calculated as follows:

(A) compute the support the first parent would owe to other parent as if the child in his or her care was the only child of the parties; then

(B) compute the support the other parent would owe to the first parent as if the child in his or her care were the only child of the parties; then

(C) subtract the lesser support obligation from the greater.

The parent who owes the greater obligation shall be ordered to pay the difference in support to the other parent, unless the court determines, pursuant to other provisions of this Section, that it should deviate from the guidelines.

(4) Health care.

(A) A portion of the basic child support obligation is intended to cover basic ordinary out-of-pocket medical expenses. The court, in its discretion, in addition to the basic child support obligation, shall also provide for the child's current and future medical needs by ordering either or both parents to initiate health or medical coverage for the child through currently effective health or medical insurance policies held by the parent or parents, purchase either or all of health or medical, dental, or vision insurance policies for the child, or provide for the child's current and future medical needs through some other manner.

(B) The court, in its discretion, may also order either or both parents to contribute to the reasonable health care needs of the child not covered by insurance, including, but not limited to, unreimbursed medical, dental, orthodontic, or vision expenses and any prescription medication for the child not covered under the child's health or medical insurance.

(C) If neither parent has access to appropriate private health care coverage, the court may order:

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(I) one or both parents to provide health care coverage at any time it becomes available at a reasonable cost; or
(II) the parent with primary physical responsibility for the child to apply for public health care coverage for the child and the other parent to pay a reasonable amount of the cost for medical support.

If cash medical support is ordered, the order may also provide that any time private health care coverage is available at a reasonable cost to that party it will be provided instead of cash medical support. As used in this Section, "cash medical support" means an amount ordered to be paid toward the cost of health insurance provided by a public entity or by another person through employment or otherwise or for other medical costs not covered by insurance.

(D) The amount to be added to the basic child support obligation shall be the actual amount of the total insurance premium that is attributable to the child who is the subject of the order. If this amount is not available or cannot be verified, the total cost of the premium shall be divided by the total number of persons covered by the policy. The cost per person derived from this calculation shall be multiplied by the number of children who are the subject of the order and who are covered under the policy. This amount shall be added to the basic child support obligation and shall be divided between the parents in proportion to their adjusted gross incomes.

(E) After the health insurance premium for the child is added to the basic child support obligation and divided between the parents in proportion to their respective incomes for child support purposes, if the obligor is paying the premium, the amount calculated for the obligee's share of the health insurance premium for the child shall be deducted from the obligor's share of the total child support obligation. If the obligee is paying the premium, no further adjustment is necessary.
(F) Prior to allowing the health insurance adjustment, the parent requesting the adjustment must submit proof that the child has been enrolled in a health insurance plan and must submit proof of the cost of the premium. The court shall require the parent receiving the adjustment to annually submit proof of continued coverage of the child to the child support enforcement unit and to the other parent.

(G) A reasonable cost for providing health care coverage for the child or children may not exceed 5% of the providing parent's gross income. Parents with a net income below 133% of the most recent United States Department of Health and Human Services Federal Poverty Guidelines or whose child is covered by Medicaid based on that parent's income may not be ordered to contribute toward or provide private coverage, unless private coverage is obtainable without any financial contribution by that parent.

(H) If dental or vision insurance is included as part of the employer's medical plan, the coverage shall be maintained for the child. If not included in the employer's medical plan, adding the dental or vision insurance for the child is at the discretion of the court.

(I) If a parent has been directed to provide health insurance pursuant to this paragraph and that parent's spouse or legally recognized partner provides the insurance for the benefit of the child either directly or through employment, a credit on the child support worksheet shall be given to that parent in the same manner as if the premium were paid by that parent.

(1) The Court shall determine the minimum amount of support by using the following guidelines:

<table>
<thead>
<tr>
<th>Number of Children</th>
<th>Percent of Supporting Party's Net Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>20%</td>
</tr>
<tr>
<td>2</td>
<td>28%</td>
</tr>
<tr>
<td>3</td>
<td>32%</td>
</tr>
<tr>
<td>4</td>
<td>40%</td>
</tr>
<tr>
<td>5</td>
<td>45%</td>
</tr>
</tbody>
</table>

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(2) The above guidelines shall be applied in each case unless the court finds that a deviation from the guidelines is appropriate after considering the best interest of the child in light of the evidence, including, but not limited to, one or more of the following relevant factors:

(a) the financial resources and needs of the child;
(b) the financial resources and needs of the custodial parent;
(c) the standard of living the child would have enjoyed had the marriage not been dissolved;
(d) the physical, mental, and emotional needs of the child;
(d-5) the educational needs of the child; and
(e) the financial resources and needs of the non-custodial parent.

If the court deviates from the guidelines, the court's finding shall state the amount of support that would have been required under the guidelines, if determinable. The court shall include the reason or reasons for the variance from the guidelines.

(2.5) The court, in its discretion, in addition to setting child support pursuant to the guidelines and factors, may order either or both parents owing a duty of support to a child of the marriage to contribute to the following expenses, if determined by the court to be reasonable:

(a) health needs not covered by insurance;
(b) child care;
(c) education; and
(d) extracurricular activities.

(3) "Net income" is defined as the total of all income from all sources, minus the following deductions:

(a) Federal income tax (properly calculated withholding or estimated payments);
(b) State income tax (properly calculated withholding or estimated payments);
(c) Social Security (FICA payments);
(d) Mandatory retirement contributions required by law or as a condition of employment;
(e) Union dues;

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(f) Dependent and individual health/hospitalization insurance premiums and premiums for life insurance ordered by the court to reasonably secure payment of ordered child support;

(g) Prior obligations of support or maintenance actually paid pursuant to a court order;

(g-5) Obligations pursuant to a court order for maintenance in the pending proceeding actually paid or payable under Section 504 to the same party to whom child support is to be payable;

(h) Expenditures for repayment of debts that represent reasonable and necessary expenses for the production of income, medical expenditures necessary to preserve life or health, reasonable expenditures for the benefit of the child and the other parent; exclusive of gifts. The court shall reduce net income in determining the minimum amount of support to be ordered only for the period that such payments are due and shall enter an order containing provisions for its self-executing modification upon termination of such payment period;

(i) Foster care payments paid by the Department of Children and Family Services for providing licensed foster care to a foster child.

(4) In cases where the court order provides for health/hospitalization insurance coverage pursuant to Section 505.2 of this Act, the premiums for that insurance, or that portion of the premiums for which the supporting party is responsible in the case of insurance provided through an employer's health insurance plan where the employer pays a portion of the premiums, shall be subtracted from net income in determining the minimum amount of support to be ordered.

(4.5) In a proceeding for child support following dissolution of the marriage or civil union by a court that lacked personal jurisdiction over the absent spouse, and in which the court is requiring payment of support for the period before the date an order for current support is entered, there is a rebuttable presumption that the supporting party's net income for the prior period was the same as his or her net income at the time the order for current support is entered.

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(5) If the net income cannot be determined because of default or any other reason, the court shall order support in an amount considered reasonable in the particular case. The final order in all cases shall state the support level in dollar amounts. However, if the court finds that the child support amount cannot be expressed exclusively as a dollar amount because all or a portion of the payor's net income is uncertain as to source, time of payment, or amount, the court may order a percentage amount of support in addition to a specific dollar amount and enter such other orders as may be necessary to determine and enforce, on a timely basis, the applicable support ordered.

(6) If (i) the non-custodial parent was properly served with a request for discovery of financial information relating to the non-custodial parent's ability to provide child support, (ii) the non-custodial parent failed to comply with the request, despite having been ordered to do so by the court, and (iii) the non-custodial parent is not present at the hearing to determine support despite having received proper notice, then any relevant financial information concerning the non-custodial parent's ability to provide child support that was obtained pursuant to subpoena and proper notice shall be admitted into evidence without the need to establish any further foundation for its admission.

(a-5) In an action to enforce an order for support based on the respondent's failure to make support payments as required by the order, notice of proceedings to hold the respondent in contempt for that failure may be served on the respondent by personal service or by regular mail addressed to the respondent's last known address. The respondent's last known address may be determined from records of the clerk of the court, from the Federal Case Registry of Child Support Orders, or by any other reasonable means.

(b) Failure of either parent to comply with an order to pay support shall be punishable as in other cases of contempt. In addition to other penalties provided by law the court may, after finding the parent guilty of contempt, order that the parent be:

(1) placed on probation with such conditions of probation as the court deems advisable;

(2) sentenced to periodic imprisonment for a period not to exceed 6 months; provided, however, that the court may

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permit the parent to be released for periods of time during the day or night to:

(A) work; or

(B) conduct a business or other self-employed occupation.

The court may further order any part or all of the earnings of a parent during a sentence of periodic imprisonment paid to the Clerk of the Circuit Court or to the parent having custody or to the guardian having custody of the children of the sentenced parent for the support of said children until further order of the court.

If a parent who is found guilty of contempt for failure to comply with an order to pay support is a person who conducts a business or who is self-employed, the court in addition to other penalties provided by law may order that the parent do one or more of the following: (i) provide to the court monthly financial statements showing income and expenses from the business or the self-employment; (ii) seek employment and report periodically to the court with a diary, listing, or other memorandum of his or her employment search efforts; or (iii) report to the Department of Employment Security for job search services to find employment that will be subject to withholding for child support.

If there is a unity of interest and ownership sufficient to render no financial separation between a non-custodial parent and another person or persons or business entity, the court may pierce the ownership veil of the person, persons, or business entity to discover assets of the non-custodial parent held in the name of that person, those persons, or that business entity. The following circumstances are sufficient to authorize a court to order discovery of the assets of a person, persons, or business entity and to compel the application of any discovered assets toward payment on the judgment for support:

(1) the non-custodial parent and the person, persons, or business entity maintain records together.

(2) the non-custodial parent and the person, persons, or business entity fail to maintain an arm's length relationship between themselves with regard to any assets.

(3) the non-custodial parent transfers assets to the person, persons, or business entity with the intent to perpetrate a fraud on the custodial parent.

With respect to assets which are real property, no order entered under this paragraph shall affect the rights of bona fide purchasers,
mortgagees, judgment creditors, or other lien holders who acquire their interests in the property prior to the time a notice of lis pendens pursuant to the Code of Civil Procedure or a copy of the order is placed of record in the office of the recorder of deeds for the county in which the real property is located.

The court may also order in cases where the parent is 90 days or more delinquent in payment of support or has been adjudicated in arrears in an amount equal to 90 days obligation or more, that the parent's Illinois driving privileges be suspended until the court determines that the parent is in compliance with the order of support. The court may also order that the parent be issued a family financial responsibility driving permit that would allow limited driving privileges for employment and medical purposes in accordance with Section 7-702.1 of the Illinois Vehicle Code. The Clerk of the Circuit Court shall certify the order suspending the driving privileges of the parent or granting the issuance of a family financial responsibility driving permit to the Secretary of State on forms prescribed by the Secretary. Upon receipt of the authenticated documents, the Secretary of State shall suspend the parent's driving privileges until further order of the court and shall, if ordered by the court, subject to the provisions of Section 7-702.1 of the Illinois Vehicle Code, issue a family financial responsibility driving permit to the parent.

In addition to the penalties or punishment that may be imposed under this Section, any person whose conduct constitutes a violation of Section 15 of the Non-Support Punishment Act may be prosecuted under that Act, and a person convicted under that Act may be sentenced in accordance with that Act. The sentence may include but need not be limited to a requirement that the person perform community service under Section 50 of that Act or participate in a work alternative program under Section 50 of that Act. A person may not be required to participate in a work alternative program under Section 50 of that Act if the person is currently participating in a work program pursuant to Section 505.1 of this Act.

A support obligation, or any portion of a support obligation, which becomes due and remains unpaid as of the end of each month, excluding the child support that was due for that month to the extent that it was not paid in that month, shall accrue simple interest as set forth in Section 12-109 of the Code of Civil Procedure. An order for support entered or modified on or after January 1, 2006 shall contain a statement that a

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support obligation required under the order, or any portion of a support obligation required under the order, that becomes due and remains unpaid as of the end of each month, excluding the child support that was due for that month to the extent that it was not paid in that month, shall accrue simple interest as set forth in Section 12-109 of the Code of Civil Procedure. Failure to include the statement in the order for support does not affect the validity of the order or the accrual of interest as provided in this Section.

(c) A one-time charge of 20% is imposable upon the amount of past-due child support owed on July 1, 1988 which has accrued under a support order entered by the court. The charge shall be imposed in accordance with the provisions of Section 10-21 of the Illinois Public Aid Code and shall be enforced by the court upon petition.

(d) Any new or existing support order entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support thereunder, each such judgment to be in the amount of each payment or installment of support and each such judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each such judgment shall have the full force, effect and attributes of any other judgment of this State, including the ability to be enforced. Notwithstanding any other State or local law to the contrary, a lien arises by operation of law against the real and personal property of the noncustodial parent for each installment of overdue support owed by the noncustodial parent.

(e) When child support is to be paid through the Clerk of the Court clerk of the court in a county of 1,000,000 inhabitants or less, the order shall direct the obligor to pay to the Clerk clerk, in addition to the child support payments, all fees imposed by the county board under paragraph (3) of subsection (u) of Section 27.1 of the Clerks of Courts Act. Unless paid in cash or pursuant to an order for withholding, the payment of the fee shall be by a separate instrument from the support payment and shall be made to the order of the Clerk.

(f) All orders for support, when entered or modified, shall include a provision requiring the obligor to notify the court and, in cases in which a party is receiving child and spouse services under Article X of the Illinois Public Aid Code, the Department of Healthcare and Family Services, within 7 days, (i) of the name and address of any new employer of the obligor, (ii) whether the obligor has access to health insurance coverage...
through the employer or other group coverage and, if so, the policy name and number and the names of persons covered under the policy, and (iii) of any new residential or mailing address or telephone number of the non-custodial parent. In any subsequent action to enforce a support order, upon a sufficient showing that a diligent effort has been made to ascertain the location of the non-custodial parent, service of process or provision of notice necessary in the case may be made at the last known address of the non-custodial parent in any manner expressly provided by the Code of Civil Procedure or this Act, which service shall be sufficient for purposes of due process.

(g) An order for support shall include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of 18. However, if the child will not graduate from high school until after attaining the age of 18, then the termination date shall be no earlier than the earlier of the date on which the child's high school graduation will occur or the date on which the child will attain the age of 19. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this subsection shall be construed to prevent the court from modifying the order or terminating the order in the event the child is otherwise emancipated.

(g-5) If there is an unpaid arrearage or delinquency (as those terms are defined in the Income Withholding for Support Act) equal to at least one month's support obligation on the termination date stated in the order for support or, if there is no termination date stated in the order, on the date the child attains the age of majority or is otherwise emancipated, the periodic amount required to be paid for current support of that child immediately prior to that date shall automatically continue to be an obligation, not as current support but as periodic payment toward satisfaction of the unpaid arrearage or delinquency. That periodic payment shall be in addition to any periodic payment previously required for satisfaction of the arrearage or delinquency. The total periodic amount to be paid toward satisfaction of the arrearage or delinquency may be enforced and collected by any method provided by law for enforcement and collection of child support, including but not limited to income withholding under the Income Withholding for Support Act. Each order for support entered or modified on or after the effective date of this amendatory Act of the 93rd General Assembly must contain a statement notifying the parties of the requirements of this subsection. Failure to

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include the statement in the order for support does not affect the validity of the order or the operation of the provisions of this subsection with regard to the order. This subsection shall not be construed to prevent or affect the establishment or modification of an order for support of a minor child or the establishment or modification of an order for support of a non-minor child or educational expenses under Section 513 of this Act.

(h) An order entered under this Section shall include a provision requiring the obligor to report to the obligee and to the Clerk of Court within 10 days each time the obligor obtains new employment, and each time the obligor's employment is terminated for any reason. The report shall be in writing and shall, in the case of new employment, include the name and address of the new employer. Failure to report new employment or the termination of current employment, if coupled with nonpayment of support for a period in excess of 60 days, is indirect criminal contempt. For any obligor arrested for failure to report new employment bond shall be set in the amount of the child support that should have been paid during the period of unreported employment. An order entered under this Section shall also include a provision requiring the obligor and obligee parents to advise each other of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or that of a child, or both, would be seriously endangered by disclosure of the party's address.

(i) The court does not lose the powers of contempt, driver's license suspension, or other child support enforcement mechanisms, including, but not limited to, criminal prosecution as set forth in this Act, upon the emancipation of the minor child or children.

(Source: P.A. 97-186, eff. 7-22-11; 97-608, eff. 1-1-12; 97-813, eff. 7-13-12; 97-878, eff. 8-2-12; 97-941, eff. 1-1-13; 97-1029, eff. 1-1-13; 98-463, eff. 8-16-13; 98-961, eff. 1-1-15.)

(750 ILCS 5/510) (from Ch. 40, par. 510)

Sec. 510. Modification and termination of provisions for maintenance, support, educational expenses, and property disposition.

(a) Except as otherwise provided in paragraph (f) of Section 502 and in subsection (b), clause (3) of Section 505.2, the provisions of any judgment respecting maintenance or support may be modified only as to installments accruing subsequent to due notice by the moving party of the filing of the motion for modification. An order for child support may be modified as follows:

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(1) upon a showing of a substantial change in circumstances; and
(2) without the necessity of showing a substantial change in circumstances, as follows:

(A) upon a showing of an inconsistency of at least 20%, but no less than $10 per month, between the amount of the existing order and the amount of child support that results from application of the guidelines specified in Section 505 of this Act unless the inconsistency is due to the fact that the amount of the existing order resulted from a deviation from the guideline amount and there has not been a change in the circumstances that resulted in that deviation; or

(B) upon a showing of a need to provide for the health care needs of the child under the order through health insurance or other means. In no event shall the eligibility for or receipt of medical assistance be considered to meet the need to provide for the child's health care needs.

The provisions of subparagraph (a)(2)(A) shall apply only in cases in which a party is receiving child support enforcement services from the Department of Healthcare and Family Services under Article X of the Illinois Public Aid Code, and only when at least 36 months have elapsed since the order for child support was entered or last modified.

The court may grant a petition for modification that seeks to apply the changes made to subsection (a) of Section 505 by this amendatory Act of the 99th General Assembly to an order entered before the effective date of this amendatory Act of the 99th General Assembly only upon a finding of a substantial change in circumstances that warrants application of the changes. The enactment of this amendatory Act of the 99th General Assembly itself does not constitute a substantial change in circumstances warranting a modification.

(a-5) An order for maintenance may be modified or terminated only upon a showing of a substantial change in circumstances. In all such proceedings, as well as in proceedings in which maintenance is being reviewed, the court shall consider the applicable factors set forth in subsection (a) of Section 504 and the following factors:

(1) any change in the employment status of either party and whether the change has been made in good faith;

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(2) the efforts, if any, made by the party receiving maintenance to become self-supporting, and the reasonableness of the efforts where they are appropriate;

(3) any impairment of the present and future earning capacity of either party;

(4) the tax consequences of the maintenance payments upon the respective economic circumstances of the parties;

(5) the duration of the maintenance payments previously paid (and remaining to be paid) relative to the length of the marriage;

(6) the property, including retirement benefits, awarded to each party under the judgment of dissolution of marriage, judgment of legal separation, or judgment of declaration of invalidity of marriage and the present status of the property;

(7) the increase or decrease in each party's income since the prior judgment or order from which a review, modification, or termination is being sought;

(8) the property acquired and currently owned by each party after the entry of the judgment of dissolution of marriage, judgment of legal separation, or judgment of declaration of invalidity of marriage; and

(9) any other factor that the court expressly finds to be just and equitable.

(b) The provisions as to property disposition may not be revoked or modified, unless the court finds the existence of conditions that justify the reopening of a judgment under the laws of this State.

(c) Unless otherwise agreed by the parties in a written agreement set forth in the judgment or otherwise approved by the court, the obligation to pay future maintenance is terminated upon the death of either party, or the remarriage of the party receiving maintenance, or if the party receiving maintenance cohabits with another person on a resident, continuing conjugal basis. Any obligation of a payor party for premium payments respecting insurance on such party's life imposed under subsection (f) of Section 504 is also terminated on the occurrence of any of the foregoing events, unless otherwise agreed by the parties. Any termination of an obligation for maintenance as a result of the death of the payor party, however, shall be inapplicable to any right of the other party or such other party's designee to receive a death benefit under such insurance on the payor party's life.

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(d) Unless otherwise provided in this Act, or as agreed in writing or expressly provided in the judgment, provisions for the support of a child are terminated by emancipation of the child, or if the child has attained the age of 18 and is still attending high school, provisions for the support of the child are terminated upon the date that the child graduates from high school or the date the child attains the age of 19, whichever is earlier, but not by the death of a parent obligated to support or educate the child. An existing obligation to pay for support or educational expenses, or both, is not terminated by the death of a parent. When a parent obligated to pay support or educational expenses, or both, dies, the amount of support or educational expenses, or both, may be enforced, modified, revoked or commuted to a lump sum payment, as equity may require, and that determination may be provided for at the time of the dissolution of the marriage or thereafter.

(e) The right to petition for support or educational expenses, or both, under Sections 505 and 513 is not extinguished by the death of a parent. Upon a petition filed before or after a parent's death, the court may award sums of money out of the decedent's estate for the child's support or educational expenses, or both, as equity may require. The time within which a claim may be filed against the estate of a decedent under Sections 505 and 513 and subsection (d) and this subsection shall be governed by the provisions of the Probate Act of 1975, as a barrable, noncontingent claim.

(f) A petition to modify or terminate child support, custody, or visitation shall not delay any child support enforcement litigation or supplementary proceeding on behalf of the obligee, including, but not limited to, a petition for a rule to show cause, for non-wage garnishment, or for a restraining order.

(Source: P.A. 97-608, eff. 1-1-12.)

Section 99. Effective date. This Act takes effect July 1, 2017.
Approved August 12, 2016.
Effective July 1, 2017.
AN ACT concerning employment.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Victims' Economic Security and Safety Act is amended by changing Sections 10 and 20 as follows:

(820 ILCS 180/10)

Sec. 10. Definitions. In this Act, except as otherwise expressly provided:

(1) "Commerce" includes trade, traffic, commerce, transportation, or communication; and "industry or activity affecting commerce" means any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce, and includes "commerce" and any "industry affecting commerce".

(2) "Course of conduct" means a course of repeatedly maintaining a visual or physical proximity to a person or conveying oral or written threats, including threats conveyed through electronic communications, or threats implied by conduct.

(3) "Department" means the Department of Labor.

(4) "Director" means the Director of Labor.

(5) "Domestic or sexual violence" means domestic violence, sexual assault, or stalking.

(6) "Domestic violence" means abuse, as defined in Section 103 of the Illinois Domestic Violence Act of 1986, by a family or household member, as defined in Section 103 of the Illinois Domestic Violence Act of 1986.

(7) "Electronic communications" includes communications via telephone, mobile phone, computer, e-mail, video recorder, fax machine, telex, or pager, or any other electronic communication, as defined in Section 12-7.5 of the Criminal Code of 2012.

(8) "Employ" includes to suffer or permit to work.

(9) Employee.

(A) In general. "Employee" means any person employed by an employer.

(B) Basis. "Employee" includes a person employed as described in subparagraph (A) on a full or part-time

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basis, or as a participant in a work assignment as a condition of receipt of federal or State income-based public assistance.

(10) "Employer" means any of the following: (A) the State or any agency of the State; (B) any unit of local government or school district; or (C) any person that employs at least one employee. 

(11) "Employment benefits" means all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, pensions, and profit-sharing, regardless of whether such benefits are provided by a practice or written policy of an employer or through an "employee benefit plan". "Employee benefit plan" or "plan" means an employee welfare benefit plan or an employee pension benefit plan or a plan which is both an employee welfare benefit plan and an employee pension benefit plan.

(12) "Family or household member", for employees with a family or household member who is a victim of domestic or sexual violence, means a spouse, parent, son, daughter, other person related by blood or by present or prior marriage, other person who shares a relationship through a son or daughter, and persons jointly residing in the same household.

(13) "Parent" means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter. "Son or daughter" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under 18 years of age, or is 18 years of age or older and incapable of self-care because of a mental or physical disability.

(14) "Perpetrator" means an individual who commits or is alleged to have committed any act or threat of domestic or sexual violence.

(15) "Person" means an individual, partnership, association, corporation, business trust, legal representative, or any organized group of persons.

(16) "Public agency" means the Government of the State or political subdivision thereof; any agency of the State, or of a political subdivision of the State; or any governmental agency.

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(17) "Public assistance" includes cash, food stamps, medical assistance, housing assistance, and other benefits provided on the basis of income by a public agency or public employer.

(18) "Reduced work schedule" means a work schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

(19) "Repeatedly" means on 2 or more occasions.

(20) "Sexual assault" means any conduct proscribed by the Criminal Code of 1961 or the Criminal Code of 2012 in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, and 12-16.


(22) "Victim" or "survivor" means an individual who has been subjected to domestic or sexual violence.

(23) "Victim services organization" means a nonprofit, nongovernmental organization that provides assistance to victims of domestic or sexual violence or to advocates for such victims, including a rape crisis center, an organization carrying out a domestic violence program, an organization operating a shelter or providing counseling services, or a legal services organization or other organization providing assistance through the legal process.

(Source: P.A. 96-635, eff. 8-24-09; 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

(820 ILCS 180/20)
Sec. 20. Entitlement to leave due to domestic or sexual violence.
(a) Leave requirement.

(1) Basis. An employee who is a victim of domestic or sexual violence or an employee who has a family or household member who is a victim of domestic or sexual violence whose interests are not adverse to the employee as it relates to the domestic or sexual violence may take unpaid leave from work if the employee or employee's family or household member is experiencing an incident of domestic or sexual violence or to address domestic or sexual violence by:

(A) seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic
or sexual violence to the employee or the employee's family or household member;

(B) obtaining services from a victim services organization for the employee or the employee's family or household member;

(C) obtaining psychological or other counseling for the employee or the employee's family or household member;

(D) participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee's family or household member from future domestic or sexual violence or ensure economic security; or

(E) seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic or sexual violence.

(2) Period. Subject to subsection (c), an employee working for an employer that employs at least 50 employees shall be entitled to a total of 12 workweeks of leave during any 12-month period. Subject to subsection (c), an employee working for an employer that employs at least 15 but not more than 49 employees shall be entitled to a total of 8 workweeks of leave during any 12-month period. Subject to subsection (c), an employee working for an employer that employs at least one but not more than 14 employees shall be entitled to a total of 4 workweeks of leave during any 12-month period. The total number of workweeks to which an employee is entitled shall not decrease during the relevant 12-month period. This Act does not create a right for an employee to take unpaid leave that exceeds the unpaid leave time allowed under, or is in addition to the unpaid leave time permitted by, the federal Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

(3) Schedule. Leave described in paragraph (1) may be taken intermittently or on a reduced work schedule.

(b) Notice. The employee shall provide the employer with at least 48 hours' advance notice of the employee's intention to take the leave, unless providing such notice is not practicable. When an unscheduled
absence occurs, the employer may not take any action against the employee if the employee, upon request of the employer and within a reasonable period after the absence, provides certification under subsection (c).

(c) Certification.

(1) In general. The employer may require the employee to provide certification to the employer that:

(A) the employee or the employee's family or household member is a victim of domestic or sexual violence; and

(B) the leave is for one of the purposes enumerated in paragraph (a)(1).

The employee shall provide such certification to the employer within a reasonable period after the employer requests certification.

(2) Contents. An employee may satisfy the certification requirement of paragraph (1) by providing to the employer a sworn statement of the employee, and upon obtaining such documents the employee shall provide:

(A) documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee or the employee's family or household member has sought assistance in addressing domestic or sexual violence and the effects of the violence;

(B) a police or court record; or

(C) other corroborating evidence.

(d) Confidentiality. All information provided to the employer pursuant to subsection (b) or (c), including a statement of the employee or any other documentation, record, or corroborating evidence, and the fact that the employee has requested or obtained leave pursuant to this Section, shall be retained in the strictest confidence by the employer, except to the extent that disclosure is:

(1) requested or consented to in writing by the employee; or

(2) otherwise required by applicable federal or State law.

(e) Employment and benefits.

(1) Restoration to position.
(A) In general. Any employee who takes leave under this Section for the intended purpose of the leave shall be entitled, on return from such leave:
   (i) to be restored by the employer to the position of employment held by the employee when the leave commenced; or
   (ii) to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.
(B) Loss of benefits. The taking of leave under this Section shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.
(C) Limitations. Nothing in this subsection shall be construed to entitle any restored employee to:
   (i) the accrual of any seniority or employment benefits during any period of leave; or
   (ii) any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.
(D) Construction. Nothing in this paragraph shall be construed to prohibit an employer from requiring an employee on leave under this Section to report periodically to the employer on the status and intention of the employee to return to work.

(2) Maintenance of health benefits.
   (A) Coverage. Except as provided in subparagraph (B), during any period that an employee takes leave under this Section, the employer shall maintain coverage for the employee and any family or household member under any group health plan for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of such leave.
   (B) Failure to return from leave. The employer may recover the premium that the employer paid for maintaining coverage for the employee and the employee's family or
household member under such group health plan during any period of leave under this Section if:

(i) the employee fails to return from leave under this Section after the period of leave to which the employee is entitled has expired; and

(ii) the employee fails to return to work for a reason other than:

(I) the continuation, recurrence, or onset of domestic or sexual violence that entitles the employee to leave pursuant to this Section; or

(II) other circumstances beyond the control of the employee.

(C) Certification.

(i) Issuance. An employer may require an employee who claims that the employee is unable to return to work because of a reason described in subclause (I) or (II) of subparagraph (B)(ii) to provide, within a reasonable period after making the claim, certification to the employer that the employee is unable to return to work because of that reason.

(ii) Contents. An employee may satisfy the certification requirement of clause (i) by providing to the employer:

(I) a sworn statement of the employee;

(II) documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee has sought assistance in addressing domestic or sexual violence and the effects of that violence;

(III) a police or court record; or

(IV) other corroborating evidence.

(D) Confidentiality. All information provided to the employer pursuant to subparagraph (C), including a
statement of the employee or any other documentation, record, or corroborating evidence, and the fact that the employee is not returning to work because of a reason described in subclause (I) or (II) of subparagraph (B)(ii) shall be retained in the strictest confidence by the employer, except to the extent that disclosure is:

(i) requested or consented to in writing by the employee; or
(ii) otherwise required by applicable federal or State law.

(f) Prohibited acts.

(1) Interference with rights.

(A) Exercise of rights. It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise any right provided under this Section.

(B) Employer discrimination. It shall be unlawful for any employer to discharge or harass any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment of the individual (including retaliation in any form or manner) because the individual:

(i) exercised any right provided under this Section; or
(ii) opposed any practice made unlawful by this Section.

(C) Public agency sanctions. It shall be unlawful for any public agency to deny, reduce, or terminate the benefits of, otherwise sanction, or harass any individual, or otherwise discriminate against any individual with respect to the amount, terms, or conditions of public assistance of the individual (including retaliation in any form or manner) because the individual:

(i) exercised any right provided under this Section; or
(ii) opposed any practice made unlawful by this Section.

(2) Interference with proceedings or inquiries. It shall be unlawful for any person to discharge or in any other manner

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discriminate (as described in subparagraph (B) or (C) of paragraph (1)) against any individual because such individual:

(A) has filed any charge, or has instituted or caused to be instituted any proceeding, under or related to this Section;

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

(C) has testified, or is about to testify, in any inquiry or proceeding relating to any right provided under this Section.

(Source: P.A. 96-635, eff. 8-24-09.)

Section 99. Effective date. This Act takes effect January 1, 2017.


Approved August 12, 2016.

Effective January 1, 2017.

PUBLIC ACT 99-0766
(House Bill No. 4264)

AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985 is amended by adding Section 1-13 and by changing Sections 3-7, 3A-6, 3C-8, and 3E-5 as follows:

(225 ILCS 410/1-13 new)

Sec. 1-13. Liability; domestic violence and sexual assault. A person licensed under this Act who completes domestic violence and sexual assault awareness education as a part of his or her continuing education, or his or her employer, shall not be civilly or criminally liable for acting in good faith or failing to act on information obtained during the course of employment concerning potential domestic violence or sexual assault.

(225 ILCS 410/3-7) (from Ch. 111, par. 1703-7)

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

Sec. 3-7. Licensure; renewal; continuing education. The holder of a license issued under this Article III may renew that license during the month preceding the expiration date thereof by paying the required fee,

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giving such evidence as the Department may prescribe of completing not less than 14 hours of continuing education for a cosmetologist, and 24 hours of continuing education for a cosmetology teacher or cosmetology clinic teacher, within the 2 years prior to renewal. The training shall be in subjects approved by the Department as prescribed by rule upon recommendation of the Board and may include online instruction.

For the initial renewal of a cosmetologist's license which requires continuing education, as prescribed by rule, one hour of the continuing education shall include domestic violence and sexual assault awareness education as prescribed by rule of the Department. For every subsequent renewal of a cosmetologist's license, one hour of the continuing education may include domestic violence and sexual assault awareness education as prescribed by rule of the Department. The one-hour domestic violence and sexual assault awareness continuing education course shall be provided by a continuing education provider approved by the Department, except that completion from March 12, 2016 to March 15, 2016 of a one-hour domestic violence and sexual assault awareness course from a domestic violence and sexual assault awareness organization shall satisfy this requirement.

The Department may prescribe rules regarding the requirements for domestic violence and sexual assault awareness continuing education courses and teachers.

The Department shall establish by rule a means for the verification of completion of the continuing education required by this Section. This verification may be accomplished through audits of records maintained by registrants, by requiring the filing of continuing education certificates with the Department, or by other means established by the Department.

The Department, in its discretion, may waive enforcement of the continuing education requirement in this Section, including the domestic violence and sexual assault awareness education requirement, and shall adopt rules defining the standards and criteria for that waiver under the following circumstances:

(a) the licensee resides in a locality where it is demonstrated that the absence of opportunities for such education would interfere with the ability of the licensee to provide service to the public;

(b) that to comply with the continuing education requirements would cause a substantial financial hardship on the licensee;

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(c) that the licensee is serving in the United States Armed Forces; or
(d) that the licensee is incapacitated due to illness.
(Source: P.A. 98-911, eff. 1-1-15; 99-427, eff. 8-21-15.)
(225 ILCS 410/3A-6) (from Ch. 111, par. 1703A-6)
(Section scheduled to be repealed on January 1, 2026)
Sec. 3A-6. Licensure; renewal; continuing education; examination; military service. The holder of a license issued under this Article may renew such license during the month preceding the expiration date thereof by paying the required fee, giving evidence the Department may prescribe of completing not less than 10 hours for estheticians, and not less than 20 hours of continuing education for esthetics teachers, within the 2 years prior to renewal. The training shall be in subjects, approved by the Department as prescribed by rule upon recommendation of the Board.

For the initial renewal of an esthetician's license which requires continuing education, as prescribed by rule, one hour of the continuing education shall include domestic violence and sexual assault awareness education as prescribed by rule of the Department. For every subsequent renewal of an esthetician's license, one hour of the continuing education may include domestic violence and sexual assault awareness education as prescribed by rule of the Department. The one-hour domestic violence and sexual assault awareness continuing education course shall be provided by a continuing education provider approved by the Department, except that completion from March 12, 2016 to March 15, 2016 of a one-hour domestic violence and sexual assault awareness course from a domestic violence and sexual assault awareness organization shall satisfy this requirement.

The Department may prescribe rules regarding the requirements for domestic violence and sexual assault awareness continuing education courses and teachers.

The Department, in its discretion, may waive enforcement of the continuing education requirement in this Section, including the domestic violence and sexual assault awareness education requirement, and shall adopt rules defining the standards and criteria for such waiver, under the following circumstances:

(1) the licensee resides in a locality where it is demonstrated that the absence of opportunities for such education would interfere with the ability of the licensee to provide service to the public;

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(2) the licensee's compliance with the continuing education requirements would cause a substantial financial hardship on the licensee;

(3) the licensee is serving in the United States Armed Forces; or

(4) the licensee is incapacitated due to illness.

(Source: P.A. 98-911, eff. 1-1-15; 99-427, eff. 8-21-15.)

(225 ILCS 410/3C-8) (from Ch. 111, par. 1703C-8)

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

Sec. 3C-8. License renewal; expiration; continuing education; persons in military service. The holder of a license issued under this Article may renew that license during the month preceding the expiration date of the license by paying the required fee and giving evidence, as the Department may prescribe, of completing not less than 10 hours of continuing education for a nail technician and 20 hours of continuing education for a nail technology teacher, within the 2 years prior to renewal. The continuing education shall be in subjects approved by the Department upon recommendation of the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Board relating to the practice of nail technology, including, but not limited to, review of sanitary procedures, review of chemical service procedures, review of this Act, and review of the Workers' Compensation Act. However, at least 10 of the hours of continuing education required for a nail technology teacher shall be in subjects relating to teaching methodology, educational psychology, and classroom management or in other subjects related to teaching.

For the initial renewal of a nail technician's license which requires continuing education, as prescribed by rule, one hour of the continuing education shall include domestic violence and sexual assault awareness education as prescribed by rule of the Department. For every subsequent renewal of a nail technician's license, one hour of the continuing education may include domestic violence and sexual assault awareness education as prescribed by rule of the Department. The one-hour domestic violence and sexual assault awareness continuing education course shall be provided by a continuing education provider approved by the Department, except that completion from March 12, 2016 to March 15, 2016 of a one-hour domestic violence and sexual assault awareness course from a domestic violence and sexual assault awareness organization shall satisfy this requirement.
The Department may prescribe rules regarding the requirements for domestic violence and sexual assault awareness continuing education courses and teachers.

The Department, in its discretion, may waive enforcement of the continuing education requirement in this Section, including the domestic violence and sexual assault awareness education requirement, and shall adopt rules defining the standards and criteria for such waiver, under the following circumstances:

(a) the licensee resides in a locality where it is demonstrated that the absence of opportunities for such education would interfere with the ability of the licensee to provide service to the public;

(b) the licensee's compliance with the continuing education requirements would cause a substantial financial hardship on the licensee;

(c) the licensee is serving in the United States Armed Forces; or

(d) the licensee is incapacitated due to illness.

(Source: P.A. 98-911, eff. 1-1-15; 99-427, eff. 8-21-15.)

(225 ILCS 410/3E-5)

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

Sec. 3E-5. License renewal. To renew a license issued under this Article, an individual must produce proof of successful completion of 10 hours of continuing education for a hair braider license and 20 hours of continuing education for a hair braiding teacher license.

For the initial renewal of a hair braider's license which requires continuing education, as prescribed by rule, one hour of the continuing education shall include domestic violence and sexual assault awareness education as prescribed by rule of the Department. For every subsequent renewal of a hair braider's license, one hour of the continuing education may include domestic violence and sexual assault awareness education as prescribed by rule of the Department. The one-hour domestic violence and sexual assault awareness continuing education course shall be provided by a continuing education provider approved by the Department, except that completion from March 12, 2016 to March 15, 2016 of a one-hour domestic violence and sexual assault awareness course from a domestic violence and sexual assault awareness organization shall satisfy this requirement.

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The Department may prescribe rules regarding the requirements for domestic violence and sexual assault awareness continuing education courses and teachers.
(Source: P.A. 99-427, eff. 8-21-15.)

Approved August 12, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0767
(House Bill No. 4370)

AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:
(20 ILCS 2310/2310-685 rep.)

Section 5. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by repealing Section 2310-685 (as added by Public Act 99-315).
Section 10. The Illinois Health Facilities Planning Act is amended by changing Section 5.3 as follows:
(20 ILCS 3960/5.3)
(Section scheduled to be repealed on December 31, 2019)
Sec. 5.3. Annual report of capital expenditures.
(a) In addition to the State Board's authority to require reports, the State Board shall require each health care facility to submit an annual report of all capital expenditures in excess of $200,000 (which shall be annually adjusted to reflect the increase in construction costs due to inflation) made by the health care facility during the most recent year. This annual report shall consist of a brief description of the capital expenditure, the amount and method of financing the capital expenditure, the certificate of need project number if the project was reviewed, and the total amount of capital expenditures obligated for the year. Data collected from health care facilities pursuant to this Section shall not duplicate or overlap other data collected by the Department and must be collected as part of the State Board's Annual Questionnaires or supplements for health care facilities that report these data.

(b)(1) For the purposes of this subsection (b), "capital expenditures" means only expenditures required under subsection (a) for

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the erection, building, alteration, reconstruction, modernization, improvement, extension, or demolition of or by a hospital.

(2) If a hospital under the University of Illinois Hospital Act or Hospital Licensing Act that has more than 100 beds reports capital expenditures at or above the amount required under subsection (a), then the hospital shall also meet the reporting requirements under this subsection (b) for female-owned, minority-owned, veteran-owned, and small business enterprises with respect to those reported capital expenditures.

(3) Each hospital shall include the following information in its annual report:

(A) The hospital's capital expenditure spending goals for female-owned, minority-owned, veteran-owned, and small business enterprises. These goals shall be expressed as a percentage of total capital expenditures reported by the hospital submitting the report.

(B) The hospital's actual capital expenditure spending for female-owned, minority-owned, veteran-owned, and small business enterprises. These actual expenditures shall be expressed as a percentage of total capital expenditures reported by the hospital submitting the report. The report may include actual spending on female-owned, minority-owned, veteran-owned, and small business enterprises that is less than the capital expenditure threshold required to be reported under subsection (a) of this Section.

(C) The type or types of capital expenditure for which the hospital shall be actively seeking supplier diversity in the next year.

(D) An outline of the plan developed to alert and encourage female-owned, minority-owned, veteran-owned, and small business enterprises providing the type or types of services identified in subparagraph (C) to seek business from the hospital.

(E) An explanation of the challenges faced in finding quality vendors and any suggestions for what the Health Facilities and Services Review Board could do to be helpful to identify those vendors.

(F) A list of the certifications the hospital recognizes.

(G) The point of contact for any potential vendor who wishes to do business with the hospital and an explanation of the process for a vendor to enroll with the hospital as a female-owned, minority-owned, veteran-owned, or small business enterprise.

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(H) Any particular success stories to encourage other hospitals to emulate best practices.

(4) A health care system may develop a system-wide annual report that includes all hospitals in order to comply with the requirements of this subsection (b). Each annual report shall include as much State-specific data as possible. If the submitting entity does not submit State-specific data, then the hospital shall include any national data it does have and explain why it could not submit State-specific data and how it intends to do so in future reports, if possible.

(5) Subject to appropriation, the Department of Central Management Services shall hold an annual workshop open to the public in 2017 and every year thereafter on the state of supplier diversity to collaboratively seek solutions to structural impediments to achieving stated goals, including testimony from subject matter experts.

(6) The Health Facilities and Services Review Board shall publish a database on its website of the point of contact for each hospital for supplier diversity, along with a list of certifications each hospital recognizes from the information submitted in each annual report. The Health Facilities and Services Review Board shall publish each annual report on its website and shall maintain each annual report for at least 5 years.

(7) Notwithstanding any other provision of law, the Health Facilities and Services Review Board shall not inquire about, review, obtain, or in any other way consider the information provided in this Section when reviewing an application for a permit or exemption or in taking any other action under this Act.

(8) The annual report required under this subsection (b) shall be submitted by each hospital for its fiscal years that begin at least 6 months after the effective date of this amendatory Act of the 99th General Assembly.

(Source: P.A. 98-1086, eff. 8-26-14.)

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

Passed in the General Assembly May 29, 2016.
Approved August 12, 2016.
Effective August 12, 2016.
AN ACT concerning business.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Consumer Fraud and Deceptive Business Practices Act is amended by changing Section 2L as follows:

(815 ILCS 505/2L) (from Ch. 121 1/2, par. 262L)

Sec. 2L. Used motor vehicles; modification or disclaimer of implied warranty of merchantability limited.

(a) Any retail sale of a used motor vehicle made after the effective date of this amendatory Act of the 99th General Assembly January 1, 1968 to a consumer by a licensed vehicle dealer new motor vehicle dealer or used motor vehicle dealer within the meaning of Chapter 5 of the Illinois Vehicle Code or by an auction company at an auction that is open to the general public is made subject to this Section.

(b) This Section does not apply to vehicles with more than 150,000 miles at the time of sale. In addition, this Section does not apply to vehicles with titles that have been branded "rebuilt" or "flood".

(c) Any sale of a used motor vehicle as described in subsection (a) may not exclude, modify, or disclaim the implied warranty of merchantability prescribed in Section 2-314 of the Uniform Commercial Code or limit the remedies for a breach of the warranty before midnight of the 15th calendar day after delivery of a used motor vehicle or until a used motor vehicle is driven 500 miles after delivery, whichever is earlier. In calculating time under this Section, a day on which the warranty is breached and all subsequent days in which the used motor vehicle fails to conform with the implied warranty of merchantability are excluded. In calculating distance under this Section, the miles driven to obtain or in connection with the repair, servicing, or testing of a used motor vehicle that fails to conform with the implied warranty of merchantability are excluded. An attempt to exclude, modify, or disclaim the implied warranty of merchantability or to limit the remedies for a breach of the warranty in violation of this Section renders a purchase agreement voidable at the option of the purchaser.

(d) An implied warranty of merchantability is met if a used motor vehicle functions free of a defect in a power train component. As used in this Section, "power train component" means the engine block, head, all

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internal engine parts, oil pan and gaskets, water pump, intake manifold, transmission, and all internal transmission parts, torque converter, drive shaft, universal joints, rear axle and all rear axle internal parts, and rear wheel bearings.

(e) The implied warranty of merchantability expires at midnight of the 15th calendar day after delivery of a used motor vehicle or when a used motor vehicle is driven 500 miles after delivery, whichever is earlier. In calculating time, a day on which the implied warranty of merchantability is breached is excluded and all subsequent days in which the used motor vehicle fails to conform with the warranty are also excluded. In calculating distance, the miles driven to or by the seller to obtain or in connection with the repair, servicing, or testing of a used motor vehicle that fails to conform with the implied warranty of merchantability are excluded. An implied warranty of merchantability does not extend to damage that occurs after the sale of the used motor vehicle that results from:

(1) off-road use;
(2) racing;
(3) towing;
(4) abuse;
(5) misuse;
(6) neglect;
(7) failure to perform regular maintenance; and
(8) failure to maintain adequate oil, coolant, and other required fluids or lubricants.

(f) If the implied warranty of merchantability described in this Section is breached, the consumer shall give reasonable notice to the seller no later than 2 business days after the end of the statutory warranty period. Before the consumer exercises another remedy pursuant to Article 2 of the Uniform Commercial Code, the seller shall have a reasonable opportunity to repair the used motor vehicle. The consumer shall pay one-half of the cost of the first 2 repairs necessary to bring the used motor vehicle into compliance with the warranty. The payments by the consumer are limited to a maximum payment of $100 for each repair; however, the consumer shall only be responsible for a maximum payment of $100 if the consumer brings in the vehicle for a second repair for the same defect. Reasonable notice as defined in this Section shall include, but not be limited to:

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(1) text, provided the seller has provided the consumer with a cell phone number;

(2) phone call or message to the seller's business phone number provided on the seller's bill of sale for the purchase of the motor vehicle;

(3) in writing to the seller's address provided on the seller's bill of sale for the purchase of the motor vehicle;

(4) in person at the seller's address provided on the seller's bill of sale for the purchase of the motor vehicle.

(g) The maximum liability of a seller for repairs pursuant to this Section is limited to the purchase price paid for the used motor vehicle, to be refunded to the consumer or lender, as applicable, in exchange for return of the vehicle.

(h) An agreement for the sale of a used motor vehicle subject to this Section is voidable at the option of the consumer, unless it contains on its face the following conspicuous statement printed in boldface 10-point or larger type set off from the body of the agreement:

"Illinois law requires that this vehicle will be free of a defect in a power train component for 15 days or 500 miles after delivery, whichever is earlier, except with regard to particular defects disclosed on the first page of this agreement. "Power train component" means the engine block, head, all internal engine parts, oil pan and gaskets, water pump, intake manifold, transmission, and all internal transmission parts, torque converter, drive shaft, universal joints, rear axle and all rear axle internal parts, and rear wheel bearings. You (the consumer) will have to pay up to $100 for each of the first 2 repairs if the warranty is violated."

(i) The inclusion in the agreement of the statement prescribed in subsection (h) of this Section does not create an express warranty.

(j) A consumer of a used motor vehicle may waive the implied warranty of merchantability only for a particular defect in the vehicle including, but not limited to, a rebuilt or flood-branded title and only if all of the following conditions are satisfied:

(1) the seller subject to this Section fully and accurately discloses to the consumer that because of circumstances unusual to the business, the used motor vehicle has a particular defect;

(2) the consumer agrees to buy the used motor vehicle after disclosure of the defect; and

(3) before the sale, the consumer indicates agreement to the waiver by signing and dating the following conspicuous statement

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that is printed on the first page of the sales agreement or on a separate document in boldface 10-point or larger type and that is written in the language in which the presentation was made:

"Attention consumer: sign here only if the seller has told you that this vehicle has the following problem or problems and you agree to buy the vehicle on those terms:
1.........................................................
2.........................................................
3.......................................................".

(k) It shall be an affirmative defense to any claim under this Section that:

(1) an alleged nonconformity does not substantially impair the use and market value of the motor vehicle;
(2) a nonconformity is the result of abuse, neglect, or unauthorized modifications or alterations of the motor vehicle;
(3) a claim by a consumer was not filed in good faith; or
(4) any other affirmative defense allowed by law.

(l) Other than the 15-day, 500-mile implied warranty of merchantability identified herein, a seller subject to this Section is not required to provide any further express or implied warranties to a purchasing consumer unless:

(1) the seller is required by federal or State law to provide a further express or implied warranty; or
(2) the seller fails to fully inform and disclose to the consumer that the vehicle is being sold without any further express or implied warranties, other than the 15-day, 500-mile implied warranty of merchantability identified in this Section.

(m) This Section does not apply to the sale of antique vehicles, as defined in the Illinois Vehicle Code, or to collector motor vehicles.

(a) The dealer is liable to the purchasing consumer for the following share of the cost of the repair of Power Train components for a period of 30 days from date of delivery, unless the repairs have become necessary by abuse, negligence, or collision. The burden of establishing that a claim for repairs is not within this Section shall be on the selling dealer. The dealer's share of such repair costs is:

(1) in the case of a motor vehicle which is not more than 2 years old, 50%;
(2) in the case of a motor vehicle which is 2 or more, but less than 3 years old, 25%;
(3) in the case of a motor vehicle which is 3 or more, but less than 4 years old, 10%; and
(4) in the case of a motor vehicle which is 4 or more years old, none:

(b) Notwithstanding the foregoing, such a dealer and a purchasing consumer may negotiate a sale and purchase that is not subject to this Section if there is stamped on any purchase order, contract, agreement, or other instrument to be signed by the consumer as a part of that transaction, in at least 10-point bold type immediately above the signature line, the following:

"THIS VEHICLE IS SOLD AS IS WITH NO WARRANTY AS TO MECHANICAL CONDITION"

(c) As used in this Section, "Power Train components" means the engine block, head, all internal engine parts, oil pan and gaskets, water pump, intake manifold, transmission, and all internal transmission parts, torque converter, drive shaft, universal joints, rear axle and all rear axle internal parts, and rear wheel bearings.

(d) The repair liability means that the dealer will make necessary Power Train component repairs in his shop, or in the shop of his service affiliate, on the basis of his regular list price charge for parts and labor, where the flat rate list price does not exceed 50% of the selling price of the vehicle at the time repairs are requested:

(e) The age of the vehicle shall be measured according to the manufacturer's model year designation as shown on the Certificate of Title or Registration Certificate. Vehicles shall be designated as current year models, one year old, 2 year old, and so forth according to the time that has elapsed since January 1 of the appropriate model year so designated:

(f) This Section does not preclude the issuance of a warranty or guarantee by a motor vehicle dealer or motor car manufacturer that meets or exceeds the basic provisions of paragraph (a):

(g) After the effective date of this amendatory Act of 1989, executives' and officials' cars when so advertised shall have been used exclusively by executives of the parent motor car manufacturer's personnel or by an executive of an authorized dealer in the same make of car. These cars, so advertised, shall not have been sold to a member of the public prior to the appearance of the advertisement.

Any person who violates this Section commits an unlawful practice within the meaning of this Act.
(Source: P.A. 86-351; 87-1140.)

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Section 99. Effective date. This Act takes effect July 1, 2017.
Approved August 12, 2016.
Effective July 1, 2017.

PUBLIC ACT 99-0769
(House Bill No. 4447)

AN ACT concerning civil law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Parentage Act of 2015 is amended by changing Sections 103, 201, 204, 205, 301, 302, 303, 304, 305, 307, 308, 309, 310, 311, 312, 313, 501, 502, 602, 604, 610, 611, 622, 802, 803, 805, 808, 809, 903, and 904 as follows:

(750 ILCS 46/103)
Sec. 103. Definitions. In this Act:
(a) "Acknowledged father" means a man who has established a father-child relationship under Article 3.
(b) "Adjudicated father" means a man who has been adjudicated by a court of competent jurisdiction, or as authorized under Article X of the Illinois Public Aid Code, to be the father of a child.
(c) "Alleged father" means a man who alleges himself to be, or is alleged to be, the biological father or a possible biological father of a child, but whose paternity has not been established. The term does not include:
(1) a presumed parent or acknowledged father; or
(2) a man whose parental rights have been terminated or declared not to exist.
(d) (Reserved).
(e) "Child" means an individual of any age whose parentage may be established under this Act.
(f) "Combined paternity index" means the likelihood of paternity calculated by computing the ratio between:
(1) the likelihood that the tested man is the father, based on the genetic markers of the tested man, mother, and child, conditioned on the hypothesis that the tested man is the father of the child; and
(2) the likelihood that the tested man is not the father, based on the genetic markers of the tested man, mother, and child,

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conditioned on the hypothesis that the tested man is not the father of the child and that the father is of the same ethnic or racial group as the tested man.

(g) "Commence" means to file the initial pleading seeking an adjudication of parentage in the circuit court of this State.

(h) "Determination of parentage" means the establishment of the parent-child relationship by the signing of a voluntary acknowledgment under Article 3 of this Act or adjudication by the court or as authorized under Article X of the Illinois Public Aid Code.

(i) (Reserved).

(j) "Ethnic or racial group" means, for purposes of genetic testing, a recognized group that an individual identifies as all or part of the individual's ancestry or that is so identified by other information.

(k) "Gamete" means either a sperm or an egg.

(l) "Genetic testing" means an analysis of genetic markers to exclude or identify a man as the father or a woman as the mother of a child as provided in Article 4 of this Act.

(l-5) "Gestational surrogacy" means the process by which a woman attempts to carry and give birth to a child created through in vitro fertilization in which the gestational surrogate has made no genetic contribution to any resulting child.

(m) "Gestational surrogate mother" means an adult woman who is not an intended parent and agrees to engage in a gestational surrogate arrangement gives birth to a child pursuant to the terms of a valid gestational surrogate arrangement under the Gestational Surrogacy Act contract.

(m-5) "Intended parent" means a person who enters into an assisted reproductive technology arrangement, including a gestational surrogacy arrangement, under which he or she will be the legal parent of the resulting child.

(n) "Parent" means an individual who has established a parent-child relationship under Section 201 of this Act.

(o) "Parent-child relationship" means the legal relationship between a child and a parent of the child.

(p) "Presumed parent" means an individual who, by operation of law under Section 204 of this Act, is recognized as the parent of a child until that status is rebutted or confirmed in a judicial or administrative proceeding.
(q) "Probability of paternity" means the measure, for the ethnic or racial group to which the alleged father belongs, of the probability that the man in question is the father of the child, compared with a random, unrelated man of the same ethnic or racial group, expressed as a percentage incorporating the combined paternity index and a prior probability.

(r) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(s) "Signatory" means an individual who authenticates a record and is bound by its terms.

(t) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(u) "Substantially similar legal relationship" means a relationship recognized in this State under Section 60 of the Illinois Religious Freedom Protection and Civil Union Act.

(v) "Support-enforcement agency" means a public official or agency authorized to seek:

(1) enforcement of support orders or laws relating to the duty of support;
(2) establishment or modification of child support;
(3) determination of parentage; or
(4) location of child-support obligors and their income and assets.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/201)
Sec. 201. Establishment of parent-child relationship.
(a) The parent-child relationship is established between a woman and a child by:

(1) the woman having given birth to the child, except as otherwise provided in the Gestational Surrogacy Act a valid gestational surrogacy contract;
(2) an adjudication of the woman's parentage;
(3) adoption of the child by the woman;
(4) a valid gestational surrogacy arrangement that complies with the contract under the Gestational Surrogacy Act or other law; or

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(5) an unrebutted presumption of the woman's parentage of the child under Section 204 of this Act.

(b) The parent-child relationship is established between a man and a child by:

(1) an unrebutted presumption of the man's parentage of the child under Section 204 of this Act;

(2) an effective voluntary acknowledgment of paternity by the man under Article 3 of this Act, unless the acknowledgment has been rescinded or successfully challenged;

(3) an adjudication of the man's parentage;

(4) adoption of the child by the man; or

(5) a valid gestational surrogacy arrangement that complies with the contract under the Gestational Surrogacy Act or other law.

(c) Insofar as practicable, the provisions of this Act applicable to parent-child relationships shall apply equally to men and women as parents, including, but not limited to, the obligation to support.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/204)
Sec. 204. Presumption of parentage.
(a) A person is presumed to be the parent of a child if:

(1) the person and the mother of the child have entered into a marriage, civil union, or substantially similar legal relationship, and the child is born to the mother during the marriage, civil union, or substantially similar legal relationship, except as provided in the Gestational Surrogacy Act by a valid gestational surrogacy contract, or other law;

(2) the person and the mother of the child were in a marriage, civil union, or substantially similar legal relationship and the child is born to the mother within 300 days after the marriage, civil union, or substantially similar legal relationship is terminated by death, declaration of invalidity of marriage, judgment for dissolution of marriage, civil union, or substantially similar legal relationship, or after a judgment for legal separation, except as provided in the Gestational Surrogacy Act by a valid gestational surrogacy contract, or other law;

(3) before the birth of the child, the person and the mother of the child entered into a marriage, civil union, or substantially similar legal relationship in apparent compliance with law, even if the attempted marriage, civil union, or substantially similar legal

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relationship is or could be declared invalid, and the child is born
during the invalid marriage, civil union, or substantially similar
legal relationship or within 300 days after its termination by death,
declaration of invalidity of marriage, judgment for dissolution of
marriage, civil union, or substantially similar legal relationship, or
after a judgment for legal separation, except as provided in the
*Gestational Surrogacy Act* by a valid gestational surrogacy
contract, or other law; or

(4) after the child's birth, the person and the child's mother
have entered into a marriage, civil union, or substantially similar
legal relationship, even if the marriage, civil union, or substantially
similar legal relationship is or could be declared invalid, and the
person is named, with the person's written consent, as the child's
parent on the child's birth certificate.

(b) If 2 or more conflicting presumptions arise under this Section,
the presumption which on the facts is founded on the weightier
considerations of policy and logic, especially the policy of promoting the
child's best interests, controls.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/205)

Sec. 205. Proceedings to declare the non-existence of the parent-
child relationship.

(a) An action to declare the non-existence of the parent-child
relationship may be brought by the child, the birth mother, or a person
presumed to be a parent under Section 204 of this Act. Actions brought by
the child, the birth mother, or a presumed parent shall be brought by
verified complaint, which shall be designated a petition. After a
presumption under Section 204 of this Act has been rebutted, parentage of
the child by another man or woman may be established in the same action,
if he or she has been made a party.

(b) An action to declare the non-existence of the parent-child
relationship brought under subsection (a) of this Section shall be barred if
brought later than 2 years after the petitioner knew or should have known
of the relevant facts. The 2-year period for bringing an action to declare
the non-existence of the parent-child relationship shall not extend beyond
the date on which the child reaches the age of 18 years. Failure to bring an
action within 2 years shall not bar any party from asserting a defense in
any action to declare the existence of the parent-child relationship.
(c) An action to declare the non-existence of the parent-child relationship may be brought subsequent to an adjudication of parentage in any judgment by the man adjudicated to be the parent pursuant to a presumption in paragraphs (a)(1) through (a)(4) of Section 204 if, as a result of deoxyribonucleic acid (DNA) testing, it is discovered that the man adjudicated to be the parent is not the father of the child. Actions brought by the adjudicated father shall be brought by verified petition. If, as a result of the deoxyribonucleic acid (DNA) testing that is admissible under Section 614 of this Act, the petitioner is determined not to be the father of the child, the adjudication of paternity and any orders regarding the allocation of parental responsibilities custody, parenting time, and future payments of support may be vacated.

(d) An action to declare the non-existence of the parent-child relationship brought under subsection (c) of this Section shall be barred if brought more than 2 years after the petitioner obtains actual knowledge of relevant facts. The 2-year period shall not apply to periods of time where the birth mother or the child refuses to submit to deoxyribonucleic acid (DNA) testing. The 2-year period for bringing an action to declare the non-existence of the parent-child relationship shall not extend beyond the date on which the child reaches the age of 18 years.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/301)

Sec. 301. Voluntary acknowledgment. A parent-child relationship may be established voluntarily by the signing and witnessing of a voluntary acknowledgment in accordance with Section 12 of the Vital Records Act and Section 10-17.7 of the Illinois Public Aid Code. The voluntary acknowledgment shall contain the last four digits of the social security numbers or tax identification numbers of the persons signing the voluntary acknowledgment; however, failure to include the social security numbers of the persons signing a voluntary acknowledgment does not invalidate the voluntary acknowledgment.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/302)

Sec. 302. Execution of voluntary acknowledgment.

(a) A voluntary acknowledgment described in Section 301 of this Act must:

(1) be in a record;
(2) be signed, or otherwise authenticated, under penalty of perjury by the mother and by the man seeking to establish his parentage;
(3) state that the child whose parentage is being acknowledged:
   (A) does not have a presumed parent, or has a presumed parent whose full name is stated; and
   (B) does not have another acknowledged or adjudicated parent;
(4) be witnessed; and
(5) state that the signatories understand that the voluntary acknowledgment is the equivalent of a judicial adjudication of parentage of the child and that: (i) a challenge by a signatory to the voluntary acknowledgment may be permitted only upon a showing of fraud, duress, or material mistake of fact; and (ii) a challenge to the voluntary acknowledgment is barred after 2 years unless that period is tolled pursuant to the law a challenge to the acknowledgment is permitted only under limited circumstances and is barred after 2 years.

(b) An acknowledgment is void if it:
   (1) states that another person is a presumed parent, unless a denial signed or otherwise authenticated by the presumed parent is filed with the Department of Healthcare and Family Services, as provided by law;
   (2) states that another person is an acknowledged or adjudicated parent; or
   (3) falsely denies the existence of a presumed, acknowledged, or adjudicated parent of the child.

(c) A presumed father may sign or otherwise authenticate a voluntary acknowledgment.

(750 ILCS 46/303)
Sec. 303. Denial of parentage. A presumed parent may sign a denial of parentage. The denial is valid only if:
(a) a voluntary acknowledgment described in Section 301 of this Act signed, or otherwise authenticated, by a man is filed pursuant to Section 305 of this Act;
(b) the denial is in a record, and is signed, or otherwise authenticated, under penalty of perjury; and

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(c) the presumed parent has not previously:

(1) acknowledged his parentage, unless the previous voluntary acknowledgment has been rescinded under Section 307 of this Act or successfully challenged under Section 308 of this Act; or

(2) been adjudicated to be the parent of the child.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/304)

Sec. 304. Rules for voluntary acknowledgment and denial of parentage.

(a) A voluntary acknowledgment as described in Section 301 of this Act and a denial of parentage may be contained in a single document or may be signed in counterparts, and may be filed separately or simultaneously. If the voluntary acknowledgment and denial are both necessary, neither is valid until both are filed.

(b) A voluntary acknowledgment or a denial may be signed before the birth of the child.

(c) Subject to subsection (a), an acknowledgment or denial takes effect on the birth of the child or the filing of the document with the Department of Healthcare and Family Services, as provided by law; whichever occurs later.

(d) A voluntary acknowledgment or denial signed by a minor is valid if it is otherwise in compliance with this Act.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/305)

Sec. 305. Effect of voluntary acknowledgment or denial of parentage.

(a) Except as otherwise provided in Sections 307 and 308 of this Act, a valid voluntary acknowledgment filed with the Department of Healthcare and Family Services, as provided by law, is equivalent to an adjudication of the parentage of a child and confers upon the acknowledged father all of the rights and duties of a parent.

(b) Notwithstanding any other provision of this Act, parentage established in accordance with Section 301 of this Act has the full force and effect of a judgment entered under this Act and serves as a basis for seeking a child support order without any further proceedings to establish parentage.

(c) Except as otherwise provided in Sections 307 and 308 of this Act, a valid denial by a presumed parent filed with the Department of

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Healthcare and Family Services, as provided by law, in conjunction with a voluntary acknowledgment, is equivalent to an adjudication of the nonparentage of the presumed parent and discharges the presumed parent from all rights and duties of a parent.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/307)
Sec. 307. Proceeding for rescission. A signatory may rescind a voluntary acknowledgment or denial by filing a signed and witnessed rescission with the Department of Healthcare and Family Services as provided in Section 12 of the Vital Records Act, before the earlier of:
(a) 60 days after the effective date of the voluntary acknowledgment or denial, as provided in Section 304 of this Act; or
(b) the date of a judicial or administrative proceeding relating to the child (including a proceeding to establish a support order) in which the signatory is a party.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/308)
Sec. 308. Challenge after expiration of period for rescission. After the period for rescission under Section 307 of this Act has expired, a signatory of a voluntary acknowledgment or denial may commence a proceeding to challenge the voluntary acknowledgment or denial only as provided in Section 309 of this Act.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/309)
Sec. 309. Procedure for challenge.
(a) A voluntary acknowledgment and any related denial may be challenged only on the basis of fraud, duress, or material mistake of fact by filing a verified petition under this Section within 2 years after the effective date of the voluntary acknowledgment or denial, as provided in Section 304 of this Act. Time during which the person challenging the voluntary acknowledgment or denial is under legal disability or duress or the ground for relief is fraudulently concealed shall be excluded in computing the period of 2 years.
(b) The verified complaint, which shall be designated a petition, shall be filed in the county where a proceeding relating to the child was brought, such as a support proceeding or, if none exists, in the county where the child resides. Every signatory to the voluntary acknowledgment and any related denial must be made a party to a proceeding to challenge

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the voluntary acknowledgment or denial. The party challenging the voluntary acknowledgment or denial shall have the burden of proof. The burden of proof to challenge a voluntary acknowledgment is clear and convincing evidence.

(c) For the purpose of a challenge to a voluntary acknowledgment or denial, a signatory submits to personal jurisdiction of this State by signing the voluntary acknowledgment and any related denial, effective upon the filing of the voluntary acknowledgment and any related denial with the Department of Healthcare and Family Services, as provided in Section 12 of the Vital Records Act.

(d) Except for good cause shown, during the pendency of a proceeding to challenge a voluntary acknowledgment or denial, the court may not suspend the legal responsibilities of a signatory arising from the voluntary acknowledgment, including the duty to pay child support.

(e) At the conclusion of a proceeding to challenge a voluntary acknowledgment or denial, the court shall order the Department of Public Health to amend the birth record of the child, if appropriate. A copy of an order entered at the conclusion of a proceeding to challenge shall be provided to the Department of Healthcare and Family Services.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/310)

Sec. 310. Ratification barred. A court or administrative agency conducting a judicial or administrative proceeding is not required or permitted to ratify an unchallenged voluntary acknowledgment described in Section 301 of this Act.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/311)

Sec. 311. Full faith and credit. A court of this State shall give full faith and credit to a valid voluntary acknowledgment or denial of parentage effective in another state if the voluntary acknowledgment or denial has been signed and is otherwise in compliance with the law of the other state.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/312)

Sec. 312. Forms for voluntary acknowledgment and denial of parentage.

(a) To facilitate compliance with this Article, the Department of Healthcare and Family Services shall prescribe forms for the voluntary acknowledgment and the denial of parentage and for the rescission of the voluntary acknowledgment or denial.
voluntary acknowledgment or denial of parentage consistent with Section 307 of this Act.

(b) A voluntary acknowledgment, or denial, or rescission of voluntary acknowledgment or denial of parentage, regardless of which version of the prescribed form is used, is not affected by a later modification of the prescribed form.

(c) Any voluntary acknowledgment, denial, or rescission of voluntary acknowledgment or denial of parentage that was completed before January 1, 2016 is valid if it met all criteria for validity at the time it was signed.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/313)

Sec. 313. Release of information. The Department of Healthcare and Family Services may release information relating to the voluntary acknowledgment described in Section 301 of this Act, or the related denial, to a signatory of the voluntary acknowledgment or denial; to the child's guardian, the emancipated child, or the legal representatives of those individuals; to appropriate federal agencies; and to courts and appropriate agencies of this State or another state.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/501)

Sec. 501. Temporary orders.

(a) On a motion by a party and a showing of clear and convincing evidence of parentage, the court shall issue a temporary order for support of a child, including a non-minor child with a disability, if the order is appropriate and the individual ordered to pay support is:

1. a presumed parent of the child;
2. petitioning to have parentage adjudicated;
3. identified as the father through genetic testing under Article 4 of this Act;
4. an alleged father who has declined to submit to genetic testing;
5. shown by clear and convincing evidence to be the child's father;
6. the mother of the child; or
7. anyone else determined to be the child's parent.

In determining the amount of a temporary child support award, the court shall use the guidelines and standards set forth in Sections 505, and 505.2, and 513.5 of the Illinois Marriage and Dissolution of Marriage Act.

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(b) A temporary order may include provisions for the allocation of parental responsibilities custody and parenting time as provided by the Illinois Marriage and Dissolution of Marriage Act. A temporary order may, in accordance with the provisions of subsection (a) of Section 508 of the Illinois Marriage and Dissolution of Marriage Act that relate to proceedings other than pre-judgment dissolution proceedings, include an award for interim attorney’s fees and costs.

(c) Temporary orders issued under this Section shall not have prejudicial effect with respect to final child support, the allocation of parental responsibilities custody, or parenting time orders.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/502)
Sec. 502. Injunctive relief.
(a) In any action brought under this Act for the initial determination of parentage, the allocation of parental responsibilities custody or parenting time of a child, or for modification of a prior allocation order or judgment custody or parenting time order, the court, upon application of a party, may enjoin a party having physical possession or an allocation order or judgment custody of a child from temporarily relocating removing the child from this State pending the adjudication of the issues of parentage, the allocation of parental responsibilities custody, and parenting time. When deciding whether to enjoin relocation removal of a child, or to order a party to return the child to this State, the court shall consider factors including, but not limited to:

(1) the extent of previous involvement with the child by the party seeking to enjoin relocation removal or to have the absent party return the child to this State;

(2) the likelihood that parentage will be established; and

(3) the impact on the financial, physical, and emotional health of the party being enjoined from relocating removing the child or the party being ordered to return the child to this State.

(b) A temporary restraining order or preliminary injunction under this Act shall be governed by the relevant provisions of Part 1 of Article XI of the Code of Civil Procedure.

(c) Notwithstanding the provisions of subsection (a) of this Section, the court may decline to enjoin a domestic violence victim having physical possession or an allocation order or judgment custody of a child from temporarily or permanently relocating removing the child from this State pending an allocation of parental responsibilities the adjudication of

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issues of custody or an adjudication of parenting time. In determining whether a person is a domestic violence victim, the court shall consider the following factors:

(1) a sworn statement by the person that the person has good reason to believe that he or she is the victim of domestic violence or stalking;
(2) a sworn statement that the person fears for his or her safety or the safety of his or her children;
(3) evidence from police, court, or other government agency records or files;
(4) documentation from a domestic violence program if the person is alleged to be a victim of domestic violence;
(5) documentation from a legal, clerical, medical, or other professional from whom the person has sought assistance in dealing with the alleged domestic violence; and
(6) any other evidence that supports the sworn statements, such as a statement from any other individual with knowledge of the circumstances that provides the basis for the claim, or physical evidence of the domestic violence.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/602)
Sec. 602. Standing. A complaint to adjudicate parentage shall be verified, shall be designated a petition, and shall name the person or persons alleged to be the parent of the child. Subject to Article 3 and Sections 607, 608, and 609 of this Act, a proceeding to adjudicate parentage may be maintained by:

(a) the child;
(b) the mother of the child;
(c) a pregnant woman;
(d) a man presumed or alleging himself to be the parent of the child;
(e) a woman presumed or alleging herself to be the parent of the child;
(f) the support-enforcement agency or other governmental agency authorized by other law;
(g) any person or public agency that has physical possession of or has custody of or has been allocated parental responsibilities for the child.

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(h) the Department of Healthcare and Family Services if it is providing, or has provided, financial support to the child or if it is assisting with child support collections services;

(i) an authorized adoption agency or licensed child-placing agency;

(j) a representative authorized by law to act for an individual who would otherwise be entitled to maintain a proceeding but who is deceased, incapacitated, or a minor; or

(k) an intended parent pursuant to the terms of a valid gestational surrogacy contract.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/604)
Sec. 604. Venue.

(a) Venue for a proceeding to adjudicate parentage is any county of this State in which a party resides, or if the presumed or alleged father is deceased, in which a proceeding for probate or administration of the presumed or alleged father's estate has been commenced, or could be commenced.

(b) A child custody proceeding for the allocation of parental responsibilities is commenced in the county where the child resides.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/610)
Sec. 610. Authority to deny motion for genetic testing.

(a) In a proceeding in which to adjudicate the parentage of a child having a presumed, acknowledged, or adjudicated parent is at issue, the court may deny a motion by a parent, presumed parent, acknowledged parent, adjudicated parent, or alleged parent, or the child seeking an order for genetic testing of the parents and child if the court determines that:

(1) the conduct of the parent, acknowledged parent, adjudicated parent, or the presumed parent estops that party from denying parentage;

(2) it would be inequitable to disprove the parent-child relationship between the child and the presumed, acknowledged, or adjudicated parent; and

(3) it is in the child's best interests to deny genetic testing, taking into account the following factors:

(A) the length of time between the current proceeding to adjudicate parentage and the time that the

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presumed, acknowledged, or adjudicated parent was placed on notice that he or she might not be the biological parent;

(B) the length of time during which the presumed, acknowledged, or adjudicated parent has assumed the role of parent of the child;

(C) the facts surrounding the presumed, acknowledged, or adjudicated parent's discovery of his or her possible nonparenthood;

(D) the nature of the relationship between the child and the presumed, acknowledged, or adjudicated parent;

(E) the age of the child;

(F) the harm that may result to the child if the presumed, acknowledged, or adjudicated parentage is successfully disproved;

(G) the nature of the relationship between the child and any alleged parent;

(H) the extent to which the passage of time reduces the chances of establishing the parentage of another person and a child support obligation in favor of the child;

(I) other factors that may affect the equities arising from the disruption of the parent-child relationship between the child and the presumed, acknowledged, or adjudicated parent or the chance of other harm to the child; and

(J) any other factors the court determines to be equitable.

(b) In a proceeding involving the application of this Section, a minor or incapacitated child must be represented by a guardian ad litem, child's representative, or attorney for the child. It shall be presumed to be equitable and in the best interests of the child to grant a motion by the child seeking an order for genetic testing. The presumption may be overcome by clear and convincing evidence that extraordinary circumstances exist making the genetic testing contrary to the child's best interests. The court's order denying a child's request for genetic testing must state the basis upon which the presumption was overcome. The court's order granting a child's request for genetic testing must specify the ways in which the testing results may be used for purposes of protecting the child's best interests.
(c) If the court denies a motion seeking an order for genetic testing, it shall issue an order adjudicating the presumed parent to be the parent of the child.
(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/611)
Sec. 611. Joinder of proceedings.
(a) Except as otherwise provided in subsection (b), a proceeding to adjudicate parentage may be joined with a proceeding for adoption, termination of parental rights, the allocation of parental responsibilities or parenting time, child support, dissolution of marriage or civil union, declaration of invalidity of marriage or civil union, legal separation, probate or administration of an estate, or other appropriate proceeding.

(b) A respondent may not join a proceeding described in subsection (a) with a proceeding to adjudicate parentage brought under the Uniform Interstate Family Support Act.
(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/622)
Sec. 622. Allocation of parental responsibilities or parenting time
Custody or visitation prohibited to men who father through sexual assault or sexual abuse.

(a) This Section applies to a person who has been found to be the father of a child under this Act and who:

(1) has been convicted of or who has pled guilty or nolo contendere to a violation of Section 11-1.20 (criminal sexual assault), Section 11-1.30 (aggravated criminal sexual assault), Section 11-1.40 (predatory criminal sexual assault of a child), Section 11-1.50 (criminal sexual abuse), Section 11-1.60 (aggravated criminal sexual abuse), Section 11-11 (sexual relations within families), Section 12-13 (criminal sexual assault), Section 12-14 (aggravated criminal sexual assault), Section 12-14.1 (predatory criminal sexual assault of a child), Section 12-15 (criminal sexual abuse), or Section 12-16 (aggravated criminal sexual abuse) of the Criminal Code of 1961 or the Criminal Code of 2012, or a similar statute in another jurisdiction, for his conduct in fathering that child; or

(2) at a fact-finding hearing, is found by clear and convincing evidence to have committed an act of non-consensual sexual penetration for his conduct in fathering that child.

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(b) A person described in subsection (a) shall not be entitled to an allocation of any parental responsibilities custody or parenting time visitation with that child without the consent of the child's mother or guardian. If the person described in subsection (a) is also the guardian of the child, he does not have the authority to consent to parenting time visitation or the allocation of parental responsibilities custody under this Section. If the mother of the child is a minor, and the person described in subsection (a) is also the father or guardian of the mother, then he does not have the authority to consent to the allocation of parental responsibilities or parenting time custody or visits.

(c) Notwithstanding any other provision of this Act, nothing in this Section shall be construed to relieve the father described in subsection (a) of any support and maintenance obligations to the child under this Act. The child's mother or guardian may decline support and maintenance obligations from the father.

(d) Notwithstanding any other provision of law, the father described in subsection (a) of this Section is not entitled to any inheritance or other rights from the child without the consent of the child's mother or guardian.

(e) Notwithstanding any provision of the Illinois Marriage and Dissolution of Marriage Act, the parent, grandparent, great-grandparent, or sibling of the person described in subsection (a) of this Section does not have standing to bring an action requesting the allocation of parental responsibilities custody or parenting time visitation with the child without the consent of the child's mother or guardian.

(f) A petition under this Section may be filed by the child's mother or guardian either as an affirmative petition in circuit court or as an affirmative defense in any proceeding filed by the person described in subsection (a) of this Section regarding the child.

(750 ILCS 46/802)
Sec. 802. Judgment.

(a) The court shall issue an order adjudicating whether a person alleged or claiming to be the parent is the parent of the child. An order adjudicating parentage must identify the child by name initials and date year of birth.

The court may assess filing fees, reasonable attorney's fees, fees for genetic testing, other costs, necessary travel expenses, and other reasonable expenses incurred in a proceeding under this Act. The court
may award attorney's fees, which may be paid directly to the attorney, who may enforce the order in the attorney's own name. The court may not assess fees, costs, or expenses against the support-enforcement agency of this State or another state, except as provided by other law.

The judgment shall contain or explicitly reserve provisions concerning any duty and amount of child support and may contain provisions concerning the allocation of parental responsibilities or custody and guardianship of the child, parenting time privileges with the child, and the furnishing of bond or other security for the payment of the judgment, which the court shall determine in accordance with the relevant factors set forth in the Illinois Marriage and Dissolution of Marriage Act and any other applicable law of this State, to guide the court in a finding in the best interests of the child. In determining the allocation of parental responsibilities, relocation custody, joint custody, removal, parenting time, parenting time interference, support for a non-minor disabled child, educational expenses for a non-minor child, and related post-judgment issues, the court shall apply the relevant standards of the Illinois Marriage and Dissolution of Marriage Act. Specifically, in determining the amount of a child support award, the court shall use the guidelines and standards set forth in subsection (a) of Section 505 and in Section 505.2 of the Illinois Marriage and Dissolution of Marriage Act. The court shall order all child support payments, determined in accordance with such guidelines, to commence with the date summons is served. The level of current periodic support payments shall not be reduced because of payments set for the period prior to the date of entry of the support order.

(b) In an action brought within 2 years after a child's birth, the judgment or order may direct either parent to pay the reasonable expenses incurred by either parent or the Department of Healthcare and Family Services related to the mother's pregnancy and the delivery of the child.

(c) In the absence of an explicit order or judgment for the allocation of parental responsibilities, if a judgment of parentage contains no explicit award of custody, the establishment of a child support obligation or the allocation of parenting time to rights in one parent shall be construed as an order or judgment allocating all parental responsibilities considered a judgment granting custody to the other parent. If the parentage order or judgment contains no such provisions, all parental responsibilities custody shall be presumed to be allocated to with the mother; however, the presumption shall not apply if the child has resided primarily with the other parent father has had physical custody for

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at least 6 months prior to the date that the mother seeks to enforce the order or judgment of parentage of the child seeking custodial rights.

(d) The court, if necessary to protect and promote the best interests of the child, may set aside a portion of the separately held estates of the parties in a separate fund or trust for the support, education, physical and mental health, and general welfare of a minor or mentally or physically disabled child of the parties.

(e) The court may order child support payments to be made for a period prior to the commencement of the action. In determining whether and to what extent the payments shall be made for the prior period, the court shall consider all relevant facts, including but not limited to:

1. The factors for determining the amount of support specified in the Illinois Marriage and Dissolution of Marriage Act.
2. The father's prior knowledge of the person obligated to pay support of the fact and circumstances of the child's birth.
3. The father's prior willingness or refusal to help raise or support the child.
4. The extent to which the mother or the public agency bringing the action previously informed the person obligated to pay support father of the child's needs or attempted to seek or require the help of the person obligated to pay support in raising or supporting the child.
5. The reasons the mother or the public agency did not file the action earlier.
6. The extent to which the person obligated to pay support father would be prejudiced by the delay in bringing the action.

For purposes of determining the amount of child support to be paid for the period before the date the order for current child support is entered, there is a rebuttable presumption that the father's net income of the person obligated to pay support for the prior period was the same as the his net income of the person obligated to pay support at the time the order for current child support is entered.

If (i) the person obligated to pay support non-custodial parent was properly served with a request for discovery of financial information relating to the non-custodial parent's ability to provide child support of the person obligated to pay support; (ii) the person obligated to pay support non-custodial parent failed to comply with the request, despite having been ordered to do so by the court; and (iii) the person obligated to pay support non-custodial parent is not present at the hearing to determine support

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despite having received proper notice, then any relevant financial information concerning the non-custodial parent's ability to provide child support of the person obligated to pay support that was obtained pursuant to subpoena and proper notice shall be admitted into evidence without the need to establish any further foundation for its admission.

(f) A new or existing support order entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support thereunder, each judgment to be in the amount of each payment or installment of support and each judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each judgment shall have the full force, effect, and attributes of any other judgment of this State, including the ability to be enforced. A judgment under this Section is subject to modification or termination only in accordance with Section 510 of the Illinois Marriage and Dissolution of Marriage Act. Notwithstanding any State or local law to the contrary, a lien arises by operation of law against the real and personal property of the noncustodial parent for each installment of overdue support owed by the noncustodial parent.

(g) If the judgment or order of the court is at variance with the child's birth certificate, the court shall order that a new birth certificate be issued under the Vital Records Act.

(h) On the request of both parents, the court shall order a change in the child's name.

(i) After hearing evidence, the court may stay payment of support during the period of the father's minority or period of disability.

(j) If, upon a showing of proper service, the father fails to appear in court or otherwise appear as provided by law, the court may proceed to hear the cause upon testimony of the mother or other parties taken in open court and shall enter a judgment by default. The court may reserve any order as to the amount of child support until the father has received notice, by regular mail, of a hearing on the matter.

(k) An order for support, when entered or modified, shall include a provision requiring the non-custodial parent to notify the court and, in cases in which a party is receiving child support enforcement services under Article X of the Illinois Public Aid Code, the Department of Healthcare and Family Services, within 7 days: (i) of the name and address of any new employer of the non-custodial parent; (ii) whether the non-custodial parent has access to health insurance coverage through the employer or other group coverage and, if so, of the policy name and

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number and the names of adults and initials of minors covered under the policy; and (iii) of any new residential or mailing address or telephone number of the non-custodial parent. In a subsequent action to enforce a support order, upon a sufficient showing that a diligent effort has been made to ascertain the location of the non-custodial parent, service of process or provision of notice necessary in the case may be made at the last known address of the non-custodial parent in any manner expressly provided by this Act or the Code of Civil Procedure, and shall be sufficient for purposes of due process.

(l) An order for support shall include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of 18. However, if the child will not graduate from high school until after attaining the age of 18, then the termination date shall be no earlier than the earlier of the date on which the child's high school graduation will occur or the date on which the child will attain the age of 19. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this subsection shall be construed to prevent the court from modifying the order or terminating the order in the event the child is otherwise emancipated.

(m) If there is an unpaid arrearage or delinquency (as those terms are defined in the Income Withholding for Support Act) equal to at least one month's support obligation on the termination date stated in the order for support or, if there is no termination date stated in the order, on the date the child attains the age of majority or is otherwise emancipated, the periodic amount required to be paid for current support of that child immediately prior to that date shall automatically continue to be an obligation, not as current support but as periodic payment toward satisfaction of the unpaid arrearage or delinquency. The periodic payment shall be in addition to any periodic payment previously required for satisfaction of the arrearage or delinquency. The total periodic amount to be paid toward satisfaction of the arrearage or delinquency may be enforced and collected by any method provided by law for enforcement and collection of child support, including but not limited to income withholding under the Income Withholding for Support Act. Each order for support entered or modified must contain a statement notifying the parties of the requirements of this subsection. Failure to include the statement in the order for support does not affect the validity of the order or the operation of the provisions of this subsection with regard to the

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order. This subsection shall not be construed to prevent or affect the establishment or modification of an order for support of a minor child or the establishment or modification of an order for support of a non-minor child or educational expenses under Section 513 of the Illinois Marriage and Dissolution of Marriage Act.

(n) An order entered under this Section shall include a provision requiring the obligor to report to the obligee and to the clerk of court within 7 days each time the obligor obtains new employment, and each time the obligor's employment is terminated for any reason. The report shall be in writing and shall, in the case of new employment, include the name and address of the new employer. Failure to report new employment or the termination of current employment, if coupled with nonpayment of support for a period in excess of 60 days, is indirect criminal contempt. For an obligor arrested for failure to report new employment, bond shall be set in the amount of the child support that should have been paid during the period of unreported employment. An order entered under this Section shall also include a provision requiring the obligor and obligee parents to advise each other of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or that of a minor child, or both, would be seriously endangered by disclosure of the party's address.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/803)
Sec. 803. Information to State Case Registry.
(a) In this Section:
"Order for support", "obligor", "obligee", and "business day" are defined as set forth in the Income Withholding for Support Act.
"State Case Registry" means the State Case Registry established under Section 10-27 of the Illinois Public Aid Code.
(b) Each order for support entered or modified by the circuit court under this Act shall require that the obligor and obligee file with the clerk of the circuit court (i) the information required by this Section (and any other information required under Title IV, Part D of the Social Security Act or by the federal Department of Health and Human Services) at the time of entry or modification of the order for support; and (ii) updated information within 5 business days of any change. Failure of the obligor or obligee to file or update the required information shall be punishable as in cases of contempt. The failure shall not prevent the court from entering or modifying the order for support, however.

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(c) The obligor shall file the following information: the obligor's name, \textit{date of birth}, mailing address, and the \textit{last 4 digits} of the obligor's social security number or tax identification number. If either the obligor or the obligee receives child support enforcement services from the Department of Healthcare and Family Services under Article X of the Illinois Public Aid Code, the obligor shall also file the following information: the obligor's telephone number, the \textit{last 4 digits} of the obligor's driver's license number, residential address (if different from the obligor's mailing address), and the name, address, and telephone number of the obligor's employer or employers.

(d) The obligee shall file the following information:
   
   (1) The name of the obligee and the \textit{name initials} of the child or children covered by the order for support.
   
   (2) The \textit{dates years} of birth of the obligee and the child or children covered by the order for support.
   
   (3) The \textit{last 4 digits} of the social security numbers or tax identification numbers of the obligee and the child or children covered by the order for support.
   
   (4) The obligee's mailing address.

(e) In cases in which the obligee receives child support enforcement services from the Department of Healthcare and Family Services under Article X of the Illinois Public Aid Code, the order for support shall (i) require that the obligee file the information required under subsection (d) with the Department of Healthcare and Family Services for inclusion in the State Case Registry, rather than file the information with the clerk, and (ii) require that the obligee include the following additional information:

   (1) The obligee's telephone and the \textit{last 4 digits} of the obligee's driver's license number.
   
   (2) The obligee's residential address, if different from the obligee's mailing address.
   
   (3) The name, address, and telephone number of the obligee's employer or employers.

   The order for support shall also require that the obligee update the information filed with the Department of Healthcare and Family Services within 5 business days of any change.

(f) The clerk of the circuit court shall provide the information filed under this Section, together with the court docket number and county in

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which the order for support was entered, to the State Case Registry within 5 business days after receipt of the information.

(g) In a case in which a party is receiving child support enforcement services under Article X of the Illinois Public Aid Code, the clerk of the circuit court shall provide the following additional information to the State Case Registry within 5 business days after entry or modification of an order for support or request from the Department of Healthcare and Family Services:

1. the amount of monthly or other periodic support owed under the order for support and other amounts, including arrearage, interest, or late payment penalties and fees, due or overdue under the order; and
2. any amounts that have been received by the clerk, and the distribution of those amounts by the clerk.

(h) Information filed by the obligor and obligee under this Section that is not specifically required to be included in the body of an order for support under other laws is not a public record and shall be treated as confidential and subject to disclosure only in accordance with the provisions of this Section, Section 10-27 of the Illinois Public Aid Code, and Title IV, Part D of the Social Security Act.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/805)
Sec. 805. Enforcement of judgment or order.
(a) If the existence of the parent-child relationship is declared, or if parentage or a duty of support has been established under this Act or under prior law or under the law of any other jurisdiction, the judgment rendered thereunder may be enforced in the same or in other proceedings by any party or any person or agency that has furnished or may furnish financial assistance or services to the child. The Income Withholding for Support Act and Sections 802 and 808 of this Act shall also be applicable with respect to the entry, modification, and enforcement of a support judgment entered under the Paternity Act, approved July 5, 1957 and repealed July 1, 1985.

(b) Failure to comply with an order of the court shall be punishable as contempt as in other cases of failure to comply under the Illinois Marriage and Dissolution of Marriage Act. In addition to other penalties provided by law, the court may, after finding the party guilty of contempt, take the following action:

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(1) Order that the party be placed on probation with such conditions of probation as the court deems advisable.

(2) Order that the party be sentenced to periodic imprisonment for a period not to exceed 6 months. However, the court may permit the party to be released for periods of time during the day or night to work, conduct business, or engage in other self-employed occupation. The court may further order any part of all the earnings of a party during a sentence of periodic imprisonment to be paid to the clerk of the circuit court or to the person or parent having custody of or having been allocated parental responsibilities for custody of the minor child for the support of the child until further order of the court.

(3) Pierce the ownership veil of a person, persons, or business entity to discover assets of a non-custodial parent held in the name of that person, those persons, or that business entity, if there is a unity of interest and ownership sufficient to render no financial separation between the non-custodial parent and that person, those persons, or the business entity. The following circumstances are sufficient for a court to order discovery of the assets of a person, persons, or business entity and to compel the application of any discovered assets toward payment of the judgment for support:

(A) the non-custodial parent and the person, persons, or business entity maintain records together.

(B) the non-custodial parent and the person, persons, or business entity fail to maintain an arm's-length relationship between themselves with regard to any assets.

(C) the non-custodial parent transfers assets to the person, persons, or business entity with the intent to perpetrate a fraud on the custodial parent. With respect to assets which are real property, no order entered under this subdivision (3) shall affect the rights of bona fide purchasers, mortgagees, judgment creditors, or other lien holders who acquire their interests in the property prior to the time a notice of lis pendens under the Code of Civil Procedure or a copy of the order is placed of record in the office of the recorder of deeds for the county in which the real property is located.

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(4) Order that, in cases where the party is 90 days or more delinquent in payment of support or has been adjudicated in arrears in an amount equal to 90 days obligation or more, the party's Illinois driving privileges be suspended until the court determines that the party is in compliance with the judgment or duty of support. The court may also order that the parent be issued a family financial responsibility driving permit that would allow limited driving privileges for employment and medical purposes in accordance with Section 7-702.1 of the Illinois Vehicle Code. The clerk of the circuit court shall certify the order suspending the driving privileges of the parent or granting the issuance of a family financial responsibility driving permit to the Secretary of State on forms prescribed by the Secretary. Upon receipt of the authenticated documents, the Secretary of State shall suspend the party's driving privileges until further order of the court and shall, if ordered by the court and subject to the provisions of Section 7-702.1 of the Illinois Vehicle Code, issue a family financial responsibility driving permit to the parent.

In addition to the penalties or punishment that may be imposed under this Section, a person whose conduct constitutes a violation of Section 15 of the Non-Support Punishment Act may be prosecuted under that Act, and a person convicted under that Act may be sentenced in accordance with that Act. The sentence may include, but need not be limited to, a requirement that the person perform community service under Section 50 of that Act or participate in a work alternative program under Section 50 of that Act. A person may not be required to participate in a work alternative program under Section 50 of the Non-Support Punishment Act if the person is currently participating in a work program under Section 806 of this Act.

(c) In a post-judgment proceeding to enforce or modify the judgment, the parties shall continue to be designated as in the original proceeding.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/808)

Sec. 808. Modification of judgment. The court has continuing jurisdiction to modify an order for child support, allocation of parental responsibilities custody, parenting time, or relocation removal included in a judgment entered under this Act. Any allocation of parental responsibilities custody, parenting time, or relocation removal judgment...
modification shall be in accordance with the relevant factors specified in the Illinois Marriage and Dissolution of Marriage Act. Any support judgment is subject to modification or termination only in accordance with Section 510 of the Illinois Marriage and Dissolution of Marriage Act.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/809)
Sec. 809. Right to counsel.

(a) Any party may be represented by counsel at all proceedings under this Act. Except as otherwise provided in this Act, the court may order, in accordance with the relevant factors specified in Section 508 of the Illinois Marriage and Dissolution of Marriage Act, reasonable fees of counsel, experts, and other costs of the action, pre-trial proceedings, post-judgment proceedings to enforce or modify the judgment, and the appeal or the defense of an appeal of the judgment to be paid by the parties. The court may not order payment by the Department of Healthcare and Family Services in cases in which the Department is providing child support enforcement services under Article X of the Illinois Public Aid Code.

(b) In any proceedings involving the support, allocation of parental responsibilities, custody, parenting time, education, parentage, property interest, relocation, or general welfare of a minor or dependent child, the court may, on its own motion or that of any party, appoint an attorney to serve in one of the capacities specified in Section 506 of the Illinois Marriage and Dissolution of Marriage Act.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/903)
Sec. 903. Transitional provision. A proceeding to adjudicate parentage which was commenced before the effective date of this Act is governed by the law in effect at the time the proceeding was commenced, except that this Act applies to all pending actions and proceedings commenced before January 1, 2016 with respect to issues on which a judgment has not been entered.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/904)
Sec. 904. Savings provision. The repeal of the Illinois Parentage Act of 1984 and the Illinois Parentage Act shall not affect rights or liabilities under that Act or those Acts which have been determined, settled, or adjudicated prior to the effective date of this Act or which are the subject of proceedings pending on the effective date of this Act. This Act shall not be construed to bar an action which would have been barred...
because the action had not been filed within a time limitation under the Illinois Parentage Act of 1984 and the Illinois Parentage Act, or which could not have been maintained under that Act, as long as the action is not barred by a limitations period set forth in this Act.
(Source: P.A. 99-85, eff. 1-1-16.)

Passed in the General Assembly May 29, 2016.
Approved August 12, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0770
(House Bill No. 4522)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Municipal Code is amended by adding Section 11-6-10 as follows:

(65 ILCS 5/11-6-10 new)
Sec. 11-6-10. Reimbursement of volunteer fire protection assistance.

(a) Municipalities may fix, charge, and collect fees not exceeding the reasonable cost of the service for all services rendered by a volunteer municipal fire department or a volunteer firefighter of any municipal fire department for persons, businesses, and other entities who are not residents of the municipality.

(b) The charge for any fees under subsection (a) shall be computed at a rate not to exceed $250 per hour and not to exceed $70 per hour per firefighter responding to a call for assistance. An additional charge may be levied to reimburse the district for extraordinary expenses of materials used in rendering such services. No charge shall be made for services for which the total amount would be less than $50.

(c) All revenue from the fees assessed pursuant to this Section shall be deposited to the general fund of the municipality.

(d) Nothing in this Section shall allow a fee to be fixed, charged, or collected that is not allowed under any contract that a fire department has entered into with another entity, including, but not limited to, a fire protection district.

Section 10. The Fire Protection District Act is amended by changing Section 11f as follows:

New matter indicated by italics - deletions by strikeout
Sec. 11f. Charge against non-residents.
(a) The board of trustees of a fire protection district may fix, charge, and collect fees not exceeding the reasonable cost of the service for all services rendered by the district against persons, businesses and other entities who are not residents of the fire protection district.
(b) Such charge may not be assessed against residents of the fire protection district or persons who request fire protection coverage for an unprotected area and who pay to the fire protection district an amount equal to the district's Fire Protection Tax pursuant to Section 4 of the Fire Protection of Unprotected Area Act.
(c) The charge for such services shall be computed at a rate not to exceed $250 per hour per vehicle and not to exceed $70 per hour per firefighter responding to a call for assistance. An additional charge may be levied to reimburse the district for extraordinary expenses of materials used in rendering such services. No charge shall be made for services for which the total charge would be less than $50.
(d) All revenue from the charges assessed pursuant to this Section shall be deposited to the general fund of the fire protection district.
(Source: P.A. 96-370, eff. 8-13-09.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 12, 2016.
Effective August 12, 2016.
years in the case of an elected board, or the fiscal year in which elected in
the case of an appointed board, and until their successors are selected and
qualify. Three trustees shall constitute a quorum of the board for the
transaction of business if the district has 5 trustees. If the district has 7
trustees, 4 trustees shall constitute a quorum of the board for the
transaction of business. The board shall hold regular monthly meetings.
Special meetings may be called by the president and shall be called on the
request of a majority of members, as may be required.

The board shall provide for the proper and safe keeping of its
permanent records and for the recording of the corporate action of the
district. It shall keep a proper system of accounts showing a true and
accurate record of its receipts and disbursements, and it shall cause an
annual audit to be made of its books, records, and accounts.

The records of the district shall be subject to public inspection at
all reasonable hours and under regulations as the board may prescribe.

The district shall annually make a full and complete report to the
county board of each county within the district and to the Department of
Natural Resources of its transactions and operations for the preceding year.
The report shall contain a full statement of its receipts, disbursements, and
the program of work for the period covered, and may include
recommendations as may be deemed advisable.

Executive or ministerial duties may be delegated to one or more
trustees or to an authorized officer, employee, agent, attorney, or other
representative of the district.

All officers and employees authorized to receive or retain the
custody of money or to sign vouchers, checks, warrants, or evidences of
indebtedness binding upon the district shall furnish surety bond for the
faithful performance of their duties and the faithful accounting for all
moneys that may come into their hands in an amount to be fixed and in a
form to be approved by the board.

All contracts for supplies, material, or work involving an
expenditure in excess of $25,000, or a lower amount if required by board
policy, $20,000 shall be let to the lowest responsible bidder, after due
advertisement, excepting work requiring personal confidence or necessary
supplies under the control of monopolies, where competitive bidding is
impossible. All contracts for supplies, material, or work shall be signed by
the president of the board and by any other officer as the board in its
discretion may designate.

(Source: P.A. 94-454, eff. 8-4-05; 95-54, eff. 8-10-07.)

New matter indicated by italics - deletions by strikeout
Section 10. The Downstate Forest Preserve District Act is amended by changing Section 8 as follows:

(70 ILCS 805/8) (from Ch. 96 1/2, par. 6315)
Sec. 8. Powers and duties of corporate authority and officers; contracts; salaries.

(a) The board shall be the corporate authority of such forest preserve district and shall have power to pass and enforce all necessary ordinances, rules and regulations for the management of the property and conduct of the business of such district. The president of such board shall have power to appoint such employees as may be necessary. In counties with population of less than 3,000,000, within 60 days after their selection the commissioners appointed under the provisions of Section 3a of this Act shall organize by selecting from their members a president, secretary, treasurer and such other officers as are deemed necessary who shall hold office for the fiscal year in which elected and until their successors are selected and qualify. In the one district in existence on July 1, 1977, that is managed by an appointed board of commissioners, the incumbent president and the other officers appointed in the manner as originally prescribed in this Act shall hold such offices until the completion of their respective terms or in the case of the officers other than president until their successors are appointed by said president, but in all cases not to extend beyond January 1, 1980 and until their successors are selected and qualify. Thereafter, the officers shall be selected in the manner as prescribed in this Section except that their first term of office shall not expire until June 30, 1981 and until their successors are selected and qualify.

(b) In any county, city, village, incorporated town or sanitary district where the corporate authorities act as the governing body of a forest preserve district, the person exercising the powers of the president of the board shall have power to appoint a secretary and an assistant secretary and treasurer and an assistant treasurer and such other officers and such employees as may be necessary. The assistant secretary and assistant treasurer shall perform the duties of the secretary and treasurer, respectively in case of death of such officers or when such officers are unable to perform the duties of their respective offices. All contracts for supplies, material or work involving an expenditure in excess of $25,000, or a lower amount if required by board policy, $20,000 shall be let to the lowest responsible bidder, after advertising at least once in one or more newspapers of general circulation within the district, excepting work

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requiring personal confidence or necessary supplies under the control of monopolies, where competitive bidding is impossible. Contracts for supplies, material or work involving an expenditure of $25,000, or a lower amount if required by board policy, $20,000 or less may be let without advertising for bids, but whenever practicable, at least 3 competitive bids shall be obtained before letting such contract. All contracts for supplies, material or work shall be signed by the president of the board of commissioners or by any such other officer as the board in its discretion may designate.

(c) The president of any board of commissioners appointed under the provisions of Section 3a of this Act shall receive a salary not to exceed the sum of $2500 per annum and the salary of other members of the board so appointed shall not exceed $1500 per annum. Salaries of the commissioners, officers and employees shall be fixed by ordinance.

(d) Whenever a forest preserve district owns any personal property that, in the opinion of three-fifths of the members of the board of commissioners, is no longer necessary, useful to, or for the best interests of the forest preserve district, then three-fifths of the members of the board, at any regular meeting or any special meeting called for that purpose by an ordinance or resolution that includes a general description of the personal property, may authorize the conveyance or sale of that personal property in any manner that they may designate, with or without advertising the sale. (Source: P.A. 97-851, eff. 7-26-12; 98-463, eff. 8-16-13.)

Section 15. The Park District Code is amended by changing Section 8-1 as follows:

(70 ILCS 1205/8-1) (from Ch. 105, par. 8-1)
Sec. 8-1. General corporate powers. Every park district shall, from the time of its organization, be a body corporate and politic by the name set forth in the petition for its organization, the specific name set forth in this Code, or the name it may adopt under Section 8-9 and shall have and exercise the following powers:

(a) To adopt a corporate seal and alter the same at pleasure; to sue and be sued; and to contract in furtherance of any of its corporate purposes.

(b) (1) To acquire by gift, legacy, grant or purchase, or by condemnation in the manner provided for the exercise of the power of eminent domain under the Eminent Domain Act, any and all real estate, or rights therein necessary for building, laying out, extending, adorning and maintaining any such parks, boulevards and driveways, or for effecting any
of the powers or purposes granted under this Code as its board may deem proper, whether such lands be located within or without such district; but no park district, except as provided in paragraph (2) of this subsection, shall have any power of condemnation in the manner provided for the exercise of the power of eminent domain under the Eminent Domain Act or otherwise as to any real estate, lands, riparian rights or estate, or other property situated outside of such district, but shall only have power to acquire the same by gift, legacy, grant or purchase, and such district shall have the same control of and power over lands so acquired without the district as over parks, boulevards and driveways within such district.

(2) In addition to the powers granted in paragraph (1) of subsection (b), a park district located in more than one county, the majority of its territory located in a county over 450,000 in population and none of its territory located in a county over 1,000,000 in population, shall have condemnation power in the manner provided for the exercise of the power of eminent domain under the Eminent Domain Act or as otherwise granted by law as to any and all real estate situated up to one mile outside of such district which is not within the boundaries of another park district.

(c) To acquire by gift, legacy or purchase any personal property necessary for its corporate purposes provided that all contracts for supplies, materials or work involving an expenditure in excess of $25,000, or a lower amount if required by board policy, $20,000 shall be let to the lowest responsible bidder after due advertisement. No district shall be required to accept a bid that does not meet the district's established specifications, terms of delivery, quality, and serviceability requirements. Contracts which, by their nature, are not adapted to award by competitive bidding, such as contracts for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part, contracts for the printing of finance committee reports and departmental reports, contracts for the printing or engraving of bonds, tax warrants and other evidences of indebtedness, contracts for utility services such as water, light, heat, telephone or telegraph, contracts for the use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and interconnect equipment, software, or services, contracts for duplicating machines and supplies, contracts for goods or services procured from another governmental agency, purchases of equipment previously owned by some entity other than the district itself, and contracts for the purchase of magazines, books, periodicals, pamphlets and reports are not subject to

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competitive bidding. Contracts for emergency expenditures are also exempt from competitive bidding when the emergency expenditure is approved by 3/4 of the members of the board.

All competitive bids for contracts involving an expenditure in excess of $25,000, or a lower amount if required by board policy, must be sealed by the bidder and must be opened by a member or employee of the park board at a public bid opening at which the contents of the bids must be announced. Each bidder must receive at least 3 days notice of the time and place of the bid opening.

For purposes of this subsection, "due advertisement" includes, but is not limited to, at least one public notice at least 10 days before the bid date in a newspaper published in the district or, if no newspaper is published in the district, in a newspaper of general circulation in the area of the district.

(d) To pass all necessary ordinances, rules and regulations for the proper management and conduct of the business of the board and district and to establish by ordinance all needful rules and regulations for the government and protection of parks, boulevards and driveways and other property under its jurisdiction, and to effect the objects for which such districts are formed.

(e) To prescribe such fines and penalties for the violation of ordinances as it shall deem proper not exceeding $1,000 for any one offense, which fines and penalties may be recovered by an action in the name of such district in the circuit court for the county in which such violation occurred. The park district may also seek in the action, in addition to or instead of fines and penalties, an order that the offender be required to make restitution for damage resulting from violations, and the court shall grant such relief where appropriate. The procedure in such actions shall be the same as that provided by law for like actions for the violation of ordinances in cities organized under the general laws of this State, and offenders may be imprisoned for non-payment of fines and costs in the same manner as in such cities. All fines when collected shall be paid into the treasury of such district.

(f) To manage and control all officers and property of such districts and to provide for joint ownership with one or more cities, villages or incorporated towns of real and personal property used for park purposes by one or more park districts. In case of joint ownership, the terms of the agreement shall be fair, just and equitable to all parties and shall be set.

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forth in a written agreement entered into by the corporate authorities of each participating district, city, village, or incorporated town.

(g) To secure grants and loans, or either, from the United States Government, or any agency or agencies thereof, for financing the acquisition or purchase of any and all real estate, or rights therein, or for effecting any of the powers or purposes granted under this Code as its Board may deem proper.

(h) To establish fees for the use of facilities and recreational programs of the districts and to derive revenue from non-resident fees from their operations. Fees charged non-residents of such district need not be the same as fees charged to residents of the district. Charging fees or deriving revenue from the facilities and recreational programs shall not affect the right to assert or utilize any defense or immunity, common law or statutory, available to the districts or their employees.

(i) To make contracts for a term exceeding one year, but not to exceed 3 years, notwithstanding any provision of this Code to the contrary, relating to: (1) the employment of a park director, superintendent, administrator, engineer, health officer, land planner, finance director, attorney, police chief, or other officer who requires technical training or knowledge; (2) the employment of outside professional consultants such as engineers, doctors, land planners, auditors, attorneys, or other professional consultants who require technical training or knowledge; (3) the provision of data processing equipment and services; and (4) the purchase of energy from a utility or an alternative retail electric supplier. With respect to any contract made under this subsection (i), the corporate authorities shall include in the annual appropriation ordinance for each fiscal year an appropriation of a sum of money sufficient to pay the amount which, by the terms of the contract, is to become due and payable during that fiscal year.

(j) To enter into licensing or management agreements with not-for-profit corporations organized under the laws of this State to operate park district facilities if the corporation covenants to use the facilities to provide public park or recreational programs for youth.

(Source: P.A. 98-325, eff. 8-12-13; 98-772, eff. 7-16-14.)

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

Approved August 12, 2016.
Effective August 12, 2016.
AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Public Aid Code is amended by changing Section 5-5 as follows:

(305 ILCS 5/5-5) (from Ch. 23, par. 5-5)
(Text of Section before amendment by P.A. 99-407)

Sec. 5-5. Medical services. The Illinois Department, by rule, shall determine the quantity and quality of and the rate of reimbursement for the medical assistance for which payment will be authorized, and the medical services to be provided, which may include all or part of the following: (1) inpatient hospital services; (2) outpatient hospital services; (3) other laboratory and X-ray services; (4) skilled nursing home services; (5) physicians' services whether furnished in the office, the patient's home, a hospital, a skilled nursing home, or elsewhere; (6) medical care, or any other type of remedial care furnished by licensed practitioners; (7) home health care services; (8) private duty nursing service; (9) clinic services; (10) dental services, including prevention and treatment of periodontal disease and dental caries disease for pregnant women, provided by an individual licensed to practice dentistry or dental surgery; for purposes of this item (10), "dental services" means diagnostic, preventive, or corrective procedures provided by or under the supervision of a dentist in the practice of his or her profession; (11) physical therapy and related services; (12) prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in the diseases of the eye, or by an optometrist, whichever the person may select; (13) other diagnostic, screening, preventive, and rehabilitative services, including to ensure that the individual's need for intervention or treatment of mental disorders or substance use disorders or co-occurring mental health and substance use disorders is determined using a uniform screening, assessment, and evaluation process inclusive of criteria, for children and adults; for purposes of this item (13), a uniform screening, assessment, and evaluation process refers to a process that includes an appropriate evaluation and, as warranted, a referral; "uniform" does not mean the use of a singular instrument, tool, or process that all must utilize; (14) transportation and such other expenses as may be necessary; (15) medical

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treatment of sexual assault survivors, as defined in Section 1a of the Sexual Assault Survivors Emergency Treatment Act, for injuries sustained as a result of the sexual assault, including examinations and laboratory tests to discover evidence which may be used in criminal proceedings arising from the sexual assault; (16) the diagnosis and treatment of sickle cell anemia; and (17) any other medical care, and any other type of remedial care recognized under the laws of this State, but not including abortions, or induced miscarriages or premature births, unless, in the opinion of a physician, such procedures are necessary for the preservation of the life of the woman seeking such treatment, or except an induced premature birth intended to produce a live viable child and such procedure is necessary for the health of the mother or her unborn child. The Illinois Department, by rule, shall prohibit any physician from providing medical assistance to anyone eligible therefor under this Code where such physician has been found guilty of performing an abortion procedure in a wilful and wanton manner upon a woman who was not pregnant at the time such abortion procedure was performed. The term "any other type of remedial care" shall include nursing care and nursing home service for persons who rely on treatment by spiritual means alone through prayer for healing.

Notwithstanding any other provision of this Section, a comprehensive tobacco use cessation program that includes purchasing prescription drugs or prescription medical devices approved by the Food and Drug Administration shall be covered under the medical assistance program under this Article for persons who are otherwise eligible for assistance under this Article.

Notwithstanding any other provision of this Code, the Illinois Department may not require, as a condition of payment for any laboratory test authorized under this Article, that a physician's handwritten signature appear on the laboratory test order form. The Illinois Department may, however, impose other appropriate requirements regarding laboratory test order documentation.

Upon receipt of federal approval of an amendment to the Illinois Title XIX State Plan for this purpose, the Department shall authorize the Chicago Public Schools (CPS) to procure a vendor or vendors to manufacture eyeglasses for individuals enrolled in a school within the CPS system. CPS shall ensure that its vendor or vendors are enrolled as providers in the medical assistance program and in any capitated Medicaid managed care entity (MCE) serving individuals enrolled in a school within

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the CPS system. Under any contract procured under this provision, the
vendor or vendors must serve only individuals enrolled in a school within
the CPS system. Claims for services provided by CPS's vendor or vendors
to recipients of benefits in the medical assistance program under this Code,
the Children's Health Insurance Program, or the Covering ALL KIDS
Health Insurance Program shall be submitted to the Department or the
MCE in which the individual is enrolled for payment and shall be
reimbursed at the Department's or the MCE's established rates or rate
methodologies for eyeglasses.

On and after July 1, 2012, the Department of Healthcare and
Family Services may provide the following services to persons eligible for
assistance under this Article who are participating in education, training or
employment programs operated by the Department of Human Services as
successor to the Department of Public Aid:

(1) dental services provided by or under the supervision of
a dentist; and

(2) eyeglasses prescribed by a physician skilled in the
diseases of the eye, or by an optometrist, whichever the person may
select.

Notwithstanding any other provision of this Code and subject to
federal approval, the Department may adopt rules to allow a dentist who is
volunteering his or her service at no cost to render dental services through
an enrolled not-for-profit health clinic without the dentist personally
enrolling as a participating provider in the medical assistance program. A
not-for-profit health clinic shall include a public health clinic or Federally
Qualified Health Center or other enrolled provider, as determined by the
Department, through which dental services covered under this Section are
performed. The Department shall establish a process for payment of claims
for reimbursement for covered dental services rendered under this
provision.

The Illinois Department, by rule, may distinguish and classify the
medical services to be provided only in accordance with the classes of
persons designated in Section 5-2.

The Department of Healthcare and Family Services must provide
coverage and reimbursement for amino acid-based elemental formulas,
regardless of delivery method, for the diagnosis and treatment of (i)
eosinophilic disorders and (ii) short bowel syndrome when the prescribing
physician has issued a written order stating that the amino acid-based
elemental formula is medically necessary.

New matter indicated by italics - deletions by strikeout
The Illinois Department shall authorize the provision of, and shall authorize payment for, screening by low-dose mammography for the presence of occult breast cancer for women 35 years of age or older who are eligible for medical assistance under this Article, as follows:

(A) A baseline mammogram for women 35 to 39 years of age.

(B) An annual mammogram for women 40 years of age or older.

(C) A mammogram at the age and intervals considered medically necessary by the woman's health care provider for women under 40 years of age and having a family history of breast cancer, prior personal history of breast cancer, positive genetic testing, or other risk factors.

(D) A comprehensive ultrasound screening of an entire breast or breasts if a mammogram demonstrates heterogeneous or dense breast tissue, when medically necessary as determined by a physician licensed to practice medicine in all of its branches.

(E) A screening MRI when medically necessary, as determined by a physician licensed to practice medicine in all of its branches.

All screenings shall include a physical breast exam, instruction on self-examination and information regarding the frequency of self-examination and its value as a preventative tool. For purposes of this Section, "low-dose mammography" means the x-ray examination of the breast using equipment dedicated specifically for mammography, including the x-ray tube, filter, compression device, and image receptor, with an average radiation exposure delivery of less than one rad per breast for 2 views of an average size breast. The term also includes digital mammography.

On and after January 1, 2016, the Department shall ensure that all networks of care for adult clients of the Department include access to at least one breast imaging Center of Imaging Excellence as certified by the American College of Radiology.

On and after January 1, 2012, providers participating in a quality improvement program approved by the Department shall be reimbursed for screening and diagnostic mammography at the same rate as the Medicare program's rates, including the increased reimbursement for digital mammography.

New matter indicated by italics - deletions by strikeout
The Department shall convene an expert panel including representatives of hospitals, free-standing mammography facilities, and doctors, including radiologists, to establish quality standards for mammography.

On and after January 1, 2017, providers participating in a breast cancer treatment quality improvement program approved by the Department shall be reimbursed for breast cancer treatment at a rate that is no lower than 95% of the Medicare program's rates for the data elements included in the breast cancer treatment quality program.

The Department shall convene an expert panel, including representatives of hospitals, free standing breast cancer treatment centers, breast cancer quality organizations, and doctors, including breast surgeons, reconstructive breast surgeons, oncologists, and primary care providers to establish quality standards for breast cancer treatment.

Subject to federal approval, the Department shall establish a rate methodology for mammography at federally qualified health centers and other encounter-rate clinics. These clinics or centers may also collaborate with other hospital-based mammography facilities. By January 1, 2016, the Department shall report to the General Assembly on the status of the provision set forth in this paragraph.

The Department shall establish a methodology to remind women who are age-appropriate for screening mammography, but who have not received a mammogram within the previous 18 months, of the importance and benefit of screening mammography. The Department shall work with experts in breast cancer outreach and patient navigation to optimize these reminders and shall establish a methodology for evaluating their effectiveness and modifying the methodology based on the evaluation.

The Department shall establish a performance goal for primary care providers with respect to their female patients over age 40 receiving an annual mammogram. This performance goal shall be used to provide additional reimbursement in the form of a quality performance bonus to primary care providers who meet that goal.

The Department shall devise a means of case-managing or patient navigation for beneficiaries diagnosed with breast cancer. This program shall initially operate as a pilot program in areas of the State with the highest incidence of mortality related to breast cancer. At least one pilot program site shall be in the metropolitan Chicago area and at least one site shall be outside the metropolitan Chicago area. On or after July 1, 2016, the pilot program shall be expanded to include one site in western Illinois,

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one site in southern Illinois, one site in central Illinois, and 4 sites within metropolitan Chicago. An evaluation of the pilot program shall be carried out measuring health outcomes and cost of care for those served by the pilot program compared to similarly situated patients who are not served by the pilot program.

The Department shall require all networks of care to develop a means either internally or by contract with experts in navigation and community outreach to navigate cancer patients to comprehensive care in a timely fashion. The Department shall require all networks of care to include access for patients diagnosed with cancer to at least one academic commission on cancer-accredited cancer program as an in-network covered benefit.

Any medical or health care provider shall immediately recommend, to any pregnant woman who is being provided prenatal services and is suspected of drug abuse or is addicted as defined in the Alcoholism and Other Drug Abuse and Dependency Act, referral to a local substance abuse treatment provider licensed by the Department of Human Services or to a licensed hospital which provides substance abuse treatment services. The Department of Healthcare and Family Services shall assure coverage for the cost of treatment of the drug abuse or addiction for pregnant recipients in accordance with the Illinois Medicaid Program in conjunction with the Department of Human Services.

All medical providers providing medical assistance to pregnant women under this Code shall receive information from the Department on the availability of services under the Drug Free Families with a Future or any comparable program providing case management services for addicted women, including information on appropriate referrals for other social services that may be needed by addicted women in addition to treatment for addiction.

The Illinois Department, in cooperation with the Departments of Human Services (as successor to the Department of Alcoholism and Substance Abuse) and Public Health, through a public awareness campaign, may provide information concerning treatment for alcoholism and drug abuse and addiction, prenatal health care, and other pertinent programs directed at reducing the number of drug-affected infants born to recipients of medical assistance.

Neither the Department of Healthcare and Family Services nor the Department of Human Services shall sanction the recipient solely on the basis of her substance abuse.

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The Illinois Department shall establish such regulations governing the dispensing of health services under this Article as it shall deem appropriate. The Department should seek the advice of formal professional advisory committees appointed by the Director of the Illinois Department for the purpose of providing regular advice on policy and administrative matters, information dissemination and educational activities for medical and health care providers, and consistency in procedures to the Illinois Department.

The Illinois Department may develop and contract with Partnerships of medical providers to arrange medical services for persons eligible under Section 5-2 of this Code. Implementation of this Section may be by demonstration projects in certain geographic areas. The Partnership shall be represented by a sponsor organization. The Department, by rule, shall develop qualifications for sponsors of Partnerships. Nothing in this Section shall be construed to require that the sponsor organization be a medical organization.

The sponsor must negotiate formal written contracts with medical providers for physician services, inpatient and outpatient hospital care, home health services, treatment for alcoholism and substance abuse, and other services determined necessary by the Illinois Department by rule for delivery by Partnerships. Physician services must include prenatal and obstetrical care. The Illinois Department shall reimburse medical services delivered by Partnership providers to clients in target areas according to provisions of this Article and the Illinois Health Finance Reform Act, except that:

1. Physicians participating in a Partnership and providing certain services, which shall be determined by the Illinois Department, to persons in areas covered by the Partnership may receive an additional surcharge for such services.
2. The Department may elect to consider and negotiate financial incentives to encourage the development of Partnerships and the efficient delivery of medical care.
3. Persons receiving medical services through Partnerships may receive medical and case management services above the level usually offered through the medical assistance program.

Medical providers shall be required to meet certain qualifications to participate in Partnerships to ensure the delivery of high quality medical services. These qualifications shall be determined by rule of the Illinois Department and may be higher than qualifications for participation in the

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medical assistance program. Partnership sponsors may prescribe reasonable additional qualifications for participation by medical providers, only with the prior written approval of the Illinois Department.

Nothing in this Section shall limit the free choice of practitioners, hospitals, and other providers of medical services by clients. In order to ensure patient freedom of choice, the Illinois Department shall immediately promulgate all rules and take all other necessary actions so that provided services may be accessed from therapeutically certified optometrists to the full extent of the Illinois Optometric Practice Act of 1987 without discriminating between service providers.

The Department shall apply for a waiver from the United States Health Care Financing Administration to allow for the implementation of Partnerships under this Section.

The Illinois Department shall require health care providers to maintain records that document the medical care and services provided to recipients of Medical Assistance under this Article. Such records must be retained for a period of not less than 6 years from the date of service or as provided by applicable State law, whichever period is longer, except that if an audit is initiated within the required retention period then the records must be retained until the audit is completed and every exception is resolved. The Illinois Department shall require health care providers to make available, when authorized by the patient, in writing, the medical records in a timely fashion to other health care providers who are treating or serving persons eligible for Medical Assistance under this Article. All dispensers of medical services shall be required to maintain and retain business and professional records sufficient to fully and accurately document the nature, scope, details and receipt of the health care provided to persons eligible for medical assistance under this Code, in accordance with regulations promulgated by the Illinois Department. The rules and regulations shall require that proof of the receipt of prescription drugs, dentures, prosthetic devices and eyeglasses by eligible persons under this Section accompany each claim for reimbursement submitted by the dispenser of such medical services. No such claims for reimbursement shall be approved for payment by the Illinois Department without such proof of receipt, unless the Illinois Department shall have put into effect and shall be operating a system of post-payment audit and review which shall, on a sampling basis, be deemed adequate by the Illinois Department to assure that such drugs, dentures, prosthetic devices and eyeglasses for which payment is being made are actually being received by eligible

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recipients. Within 90 days after September 16, 1984 (the effective date of Public Act 83-1439) this amendatory Act of 1984, the Illinois Department shall establish a current list of acquisition costs for all prosthetic devices and any other items recognized as medical equipment and supplies reimbursable under this Article and shall update such list on a quarterly basis, except that the acquisition costs of all prescription drugs shall be updated no less frequently than every 30 days as required by Section 5-5.12.

The rules and regulations of the Illinois Department shall require that a written statement including the required opinion of a physician shall accompany any claim for reimbursement for abortions, or induced miscarriages or premature births. This statement shall indicate what procedures were used in providing such medical services.

Notwithstanding any other law to the contrary, the Illinois Department shall, within 365 days after July 22, 2013 (the effective date of Public Act 98-104), establish procedures to permit skilled care facilities licensed under the Nursing Home Care Act to submit monthly billing claims for reimbursement purposes. Following development of these procedures, the Department shall, by July 1, 2016, test the viability of the new system and implement any necessary operational or structural changes to its information technology platforms in order to allow for the direct acceptance and payment of nursing home claims.

Notwithstanding any other law to the contrary, the Illinois Department shall, within 365 days after August 15, 2014 (the effective date of Public Act 98-963), establish procedures to permit ID/DD facilities licensed under the ID/DD Community Care Act and MC/DD facilities licensed under the MC/DD Act to submit monthly billing claims for reimbursement purposes. Following development of these procedures, the Department shall have an additional 365 days to test the viability of the new system and to ensure that any necessary operational or structural changes to its information technology platforms are implemented.

The Illinois Department shall require all dispensers of medical services, other than an individual practitioner or group of practitioners, desiring to participate in the Medical Assistance program established under this Article to disclose all financial, beneficial, ownership, equity, surety or other interests in any and all firms, corporations, partnerships, associations, business enterprises, joint ventures, agencies, institutions or other legal entities providing any form of health care services in this State under this Article.

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The Illinois Department may require that all dispensers of medical services desiring to participate in the medical assistance program established under this Article disclose, under such terms and conditions as the Illinois Department may by rule establish, all inquiries from clients and attorneys regarding medical bills paid by the Illinois Department, which inquiries could indicate potential existence of claims or liens for the Illinois Department.

Enrollment of a vendor shall be subject to a provisional period and shall be conditional for one year. During the period of conditional enrollment, the Department may terminate the vendor's eligibility to participate in, or may disenroll the vendor from, the medical assistance program without cause. Unless otherwise specified, such termination of eligibility or disenrollment is not subject to the Department's hearing process. However, a disenrolled vendor may reapply without penalty.

The Department has the discretion to limit the conditional enrollment period for vendors based upon category of risk of the vendor.

Prior to enrollment and during the conditional enrollment period in the medical assistance program, all vendors shall be subject to enhanced oversight, screening, and review based on the risk of fraud, waste, and abuse that is posed by the category of risk of the vendor. The Illinois Department shall establish the procedures for oversight, screening, and review, which may include, but need not be limited to: criminal and financial background checks; fingerprinting; license, certification, and authorization verifications; unscheduled or unannounced site visits; database checks; prepayment audit reviews; audits; payment caps; payment suspensions; and other screening as required by federal or State law.

The Department shall define or specify the following: (i) by provider notice, the "category of risk of the vendor" for each type of vendor, which shall take into account the level of screening applicable to a particular category of vendor under federal law and regulations; (ii) by rule or provider notice, the maximum length of the conditional enrollment period for each category of risk of the vendor; and (iii) by rule, the hearing rights, if any, afforded to a vendor in each category of risk of the vendor that is terminated or disenrolled during the conditional enrollment period.

To be eligible for payment consideration, a vendor's payment claim or bill, either as an initial claim or as a resubmitted claim following prior rejection, must be received by the Illinois Department, or its fiscal intermediary, no later than 180 days after the latest date on the claim on
which medical goods or services were provided, with the following exceptions:

(1) In the case of a provider whose enrollment is in process by the Illinois Department, the 180-day period shall not begin until the date on the written notice from the Illinois Department that the provider enrollment is complete.

(2) In the case of errors attributable to the Illinois Department or any of its claims processing intermediaries which result in an inability to receive, process, or adjudicate a claim, the 180-day period shall not begin until the provider has been notified of the error.

(3) In the case of a provider for whom the Illinois Department initiates the monthly billing process.

(4) In the case of a provider operated by a unit of local government with a population exceeding 3,000,000 when local government funds finance federal participation for claims payments.

For claims for services rendered during a period for which a recipient received retroactive eligibility, claims must be filed within 180 days after the Department determines the applicant is eligible. For claims for which the Illinois Department is not the primary payer, claims must be submitted to the Illinois Department within 180 days after the final adjudication by the primary payer.

In the case of long term care facilities, within 5 days of receipt by the facility of required prescreening information, data for new admissions shall be entered into the Medical Electronic Data Interchange (MEDI) or the Recipient Eligibility Verification (REV) System or successor system, and within 15 days of receipt by the facility of required prescreening information, admission documents shall be submitted through MEDI or REV or shall be submitted directly to the Department of Human Services using required admission forms. Effective September 1, 2014, admission documents, including all prescreening information, must be submitted through MEDI or REV. Confirmation numbers assigned to an accepted transaction shall be retained by a facility to verify timely submittal. Once an admission transaction has been completed, all resubmitted claims following prior rejection are subject to receipt no later than 180 days after the admission transaction has been completed.

Claims that are not submitted and received in compliance with the foregoing requirements shall not be eligible for payment under the medical
assistance program, and the State shall have no liability for payment of those claims.

To the extent consistent with applicable information and privacy, security, and disclosure laws, State and federal agencies and departments shall provide the Illinois Department access to confidential and other information and data necessary to perform eligibility and payment verifications and other Illinois Department functions. This includes, but is not limited to: information pertaining to licensure; certification; earnings; immigration status; citizenship; wage reporting; unearned and earned income; pension income; employment; supplemental security income; social security numbers; National Provider Identifier (NPI) numbers; the National Practitioner Data Bank (NPDB); program and agency exclusions; taxpayer identification numbers; tax delinquency; corporate information; and death records.

The Illinois Department shall enter into agreements with State agencies and departments, and is authorized to enter into agreements with federal agencies and departments, under which such agencies and departments shall share data necessary for medical assistance program integrity functions and oversight. The Illinois Department shall develop, in cooperation with other State departments and agencies, and in compliance with applicable federal laws and regulations, appropriate and effective methods to share such data. At a minimum, and to the extent necessary to provide data sharing, the Illinois Department shall enter into agreements with State agencies and departments, and is authorized to enter into agreements with federal agencies and departments, including but not limited to: the Secretary of State; the Department of Revenue; the Department of Public Health; the Department of Human Services; and the Department of Financial and Professional Regulation.

Beginning in fiscal year 2013, the Illinois Department shall set forth a request for information to identify the benefits of a pre-payment, post-adjudication, and post-edit claims system with the goals of streamlining claims processing and provider reimbursement, reducing the number of pending or rejected claims, and helping to ensure a more transparent adjudication process through the utilization of: (i) provider data verification and provider screening technology; and (ii) clinical code editing; and (iii) pre-pay, pre- or post-adjudicated predictive modeling with an integrated case management system with link analysis. Such a request for information shall not be considered as a request for proposal or

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as an obligation on the part of the Illinois Department to take any action or acquire any products or services.

The Illinois Department shall establish policies, procedures, standards and criteria by rule for the acquisition, repair and replacement of orthotic and prosthetic devices and durable medical equipment. Such rules shall provide, but not be limited to, the following services: (1) immediate repair or replacement of such devices by recipients; and (2) rental, lease, purchase or lease-purchase of durable medical equipment in a cost-effective manner, taking into consideration the recipient's medical prognosis, the extent of the recipient's needs, and the requirements and costs for maintaining such equipment. Subject to prior approval, such rules shall enable a recipient to temporarily acquire and use alternative or substitute devices or equipment pending repairs or replacements of any device or equipment previously authorized for such recipient by the Department.

The Department shall execute, relative to the nursing home prescreening project, written inter-agency agreements with the Department of Human Services and the Department on Aging, to effect the following: (i) intake procedures and common eligibility criteria for those persons who are receiving non-institutional services; and (ii) the establishment and development of non-institutional services in areas of the State where they are not currently available or are undeveloped; and (iii) notwithstanding any other provision of law, subject to federal approval, on and after July 1, 2012, an increase in the determination of need (DON) scores from 29 to 37 for applicants for institutional and home and community-based long term care; if and only if federal approval is not granted, the Department may, in conjunction with other affected agencies, implement utilization controls or changes in benefit packages to effectuate a similar savings amount for this population; and (iv) no later than July 1, 2013, minimum level of care eligibility criteria for institutional and home and community-based long term care; and (v) no later than October 1, 2013, establish procedures to permit long term care providers access to eligibility scores for individuals with an admission date who are seeking or receiving services from the long term care provider. In order to select the minimum level of care eligibility criteria, the Governor shall establish a workgroup that includes affected agency representatives and stakeholders representing the institutional and home and community-based long term care interests. This Section shall not restrict the Department from implementing lower level of

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care eligibility criteria for community-based services in circumstances where federal approval has been granted.

The Illinois Department shall develop and operate, in cooperation with other State Departments and agencies and in compliance with applicable federal laws and regulations, appropriate and effective systems of health care evaluation and programs for monitoring of utilization of health care services and facilities, as it affects persons eligible for medical assistance under this Code.

The Illinois Department shall report annually to the General Assembly, no later than the second Friday in April of 1979 and each year thereafter, in regard to:

(a) actual statistics and trends in utilization of medical services by public aid recipients;
(b) actual statistics and trends in the provision of the various medical services by medical vendors;
(c) current rate structures and proposed changes in those rate structures for the various medical vendors; and
(d) efforts at utilization review and control by the Illinois Department.

The period covered by each report shall be the 3 years ending on the June 30 prior to the report. The report shall include suggested legislation for consideration by the General Assembly. The filing of one copy of the report with the Speaker, one copy with the Minority Leader and one copy with the Clerk of the House of Representatives, one copy with the President, one copy with the Minority Leader and one copy with the Secretary of the Senate, one copy with the Legislative Research Unit, and such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (i) of Section 7 of the State Library Act shall be deemed sufficient to comply with this Section.

Rulemaking authority to implement Public Act 95-1045, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

On and after July 1, 2012, the Department shall reduce any rate of reimbursement for services or other payments or alter any methodologies authorized by this Code to reduce any rate of reimbursement for services or other payments in accordance with Section 5-5e.

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Because kidney transplantation can be an appropriate, cost effective alternative to renal dialysis when medically necessary and notwithstanding the provisions of Section 1-11 of this Code, beginning October 1, 2014, the Department shall cover kidney transplantation for noncitizens with end-stage renal disease who are not eligible for comprehensive medical benefits, who meet the residency requirements of Section 5-3 of this Code, and who would otherwise meet the financial requirements of the appropriate class of eligible persons under Section 5-2 of this Code. To qualify for coverage of kidney transplantation, such person must be receiving emergency renal dialysis services covered by the Department. Providers under this Section shall be prior approved and certified by the Department to perform kidney transplantation and the services under this Section shall be limited to services associated with kidney transplantation.

Notwithstanding any other provision of this Code to the contrary, on or after July 1, 2015, all FDA approved forms of medication assisted treatment prescribed for the treatment of alcohol dependence or treatment of opioid dependence shall be covered under both fee for service and managed care medical assistance programs for persons who are otherwise eligible for medical assistance under this Article and shall not be subject to any (1) utilization control, other than those established under the American Society of Addiction Medicine patient placement criteria, (2) prior authorization mandate, or (3) lifetime restriction limit mandate.

On or after July 1, 2015, opioid antagonists prescribed for the treatment of an opioid overdose, including the medication product, administration devices, and any pharmacy fees related to the dispensing and administration of the opioid antagonist, shall be covered under the medical assistance program for persons who are otherwise eligible for medical assistance under this Article. As used in this Section, "opioid antagonist" means a drug that binds to opioid receptors and blocks or inhibits the effect of opioids acting on those receptors, including, but not limited to, naloxone hydrochloride or any other similarly acting drug approved by the U.S. Food and Drug Administration.

Upon federal approval, the Department shall provide coverage and reimbursement for all drugs that are approved for marketing by the federal Food and Drug Administration and that are recommended by the federal Public Health Service or the United States Centers for Disease Control and Prevention for pre-exposure prophylaxis and related pre-exposure prophylaxis services, including, but not limited to, HIV and

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sexually transmitted infection screening, treatment for sexually transmitted infections, medical monitoring, assorted labs, and counseling to reduce the likelihood of HIV infection among individuals who are not infected with HIV but who are at high risk of HIV infection.

(Source: P.A. 98-104, Article 9, Section 9-5, eff. 7-22-13; 98-104, Article 12, Section 12-20, eff. 7-22-13; 98-303, eff. 8-9-13; 98-463, eff. 8-16-13; 98-651, eff. 6-16-14; 98-756, eff. 7-16-14; 98-963, eff. 8-15-14; 99-78, eff. 7-20-15; 99-180, eff. 7-29-15; 99-236, eff. 8-3-15; 99-433, eff. 8-21-15; 99-480, eff. 9-9-15; revised 10-13-15.)

(Text of Section after amendment by P.A. 99-407)

Sec. 5-5. Medical services. The Illinois Department, by rule, shall determine the quantity and quality of and the rate of reimbursement for the medical assistance for which payment will be authorized, and the medical services to be provided, which may include all or part of the following: (1) inpatient hospital services; (2) outpatient hospital services; (3) other laboratory and X-ray services; (4) skilled nursing home services; (5) physicians' services whether furnished in the office, the patient's home, a hospital, a skilled nursing home, or elsewhere; (6) medical care, or any other type of remedial care furnished by licensed practitioners; (7) home health care services; (8) private duty nursing service; (9) clinic services; (10) dental services, including prevention and treatment of periodontal disease and dental caries disease for pregnant women, provided by an individual licensed to practice dentistry or dental surgery; for purposes of this item (10), "dental services" means diagnostic, preventive, or corrective procedures provided by or under the supervision of a dentist in the practice of his or her profession; (11) physical therapy and related services; (12) prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in the diseases of the eye, or by an optometrist, whichever the person may select; (13) other diagnostic, screening, preventive, and rehabilitative services, including to ensure that the individual's need for intervention or treatment of mental disorders or substance use disorders or co-occurring mental health and substance use disorders is determined using a uniform screening, assessment, and evaluation process inclusive of criteria, for children and adults; for purposes of this item (13), a uniform screening, assessment, and evaluation process refers to a process that includes an appropriate evaluation and, as warranted, a referral; "uniform" does not mean the use of a singular instrument, tool, or process that all must utilize; (14) transportation and such other expenses as may be necessary; (15) medical

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treatment of sexual assault survivors, as defined in Section 1a of the Sexual Assault Survivors Emergency Treatment Act, for injuries sustained as a result of the sexual assault, including examinations and laboratory tests to discover evidence which may be used in criminal proceedings arising from the sexual assault; (16) the diagnosis and treatment of sickle cell anemia; and (17) any other medical care, and any other type of remedial care recognized under the laws of this State, but not including abortions, or induced miscarriages or premature births, unless, in the opinion of a physician, such procedures are necessary for the preservation of the life of the woman seeking such treatment, or except an induced premature birth intended to produce a live viable child and such procedure is necessary for the health of the mother or her unborn child. The Illinois Department, by rule, shall prohibit any physician from providing medical assistance to anyone eligible therefor under this Code where such physician has been found guilty of performing an abortion procedure in a wilful and wanton manner upon a woman who was not pregnant at the time such abortion procedure was performed. The term "any other type of remedial care" shall include nursing care and nursing home service for persons who rely on treatment by spiritual means alone through prayer for healing.

Notwithstanding any other provision of this Section, a comprehensive tobacco use cessation program that includes purchasing prescription drugs or prescription medical devices approved by the Food and Drug Administration shall be covered under the medical assistance program under this Article for persons who are otherwise eligible for assistance under this Article.

Notwithstanding any other provision of this Code, the Illinois Department may not require, as a condition of payment for any laboratory test authorized under this Article, that a physician's handwritten signature appear on the laboratory test order form. The Illinois Department may, however, impose other appropriate requirements regarding laboratory test order documentation.

Upon receipt of federal approval of an amendment to the Illinois Title XIX State Plan for this purpose, the Department shall authorize the Chicago Public Schools (CPS) to procure a vendor or vendors to manufacture eyeglasses for individuals enrolled in a school within the CPS system. CPS shall ensure that its vendor or vendors are enrolled as providers in the medical assistance program and in any capitated Medicaid managed care entity (MCE) serving individuals enrolled in a school within
the CPS system. Under any contract procured under this provision, the vendor or vendors must serve only individuals enrolled in a school within the CPS system. Claims for services provided by CPS's vendor or vendors to recipients of benefits in the medical assistance program under this Code, the Children's Health Insurance Program, or the Covering ALL KIDS Health Insurance Program shall be submitted to the Department or the MCE in which the individual is enrolled for payment and shall be reimbursed at the Department's or the MCE's established rates or rate methodologies for eyeglasses.

On and after July 1, 2012, the Department of Healthcare and Family Services may provide the following services to persons eligible for assistance under this Article who are participating in education, training or employment programs operated by the Department of Human Services as successor to the Department of Public Aid:

(1) dental services provided by or under the supervision of a dentist; and

(2) eyeglasses prescribed by a physician skilled in the diseases of the eye, or by an optometrist, whichever the person may select.

Notwithstanding any other provision of this Code and subject to federal approval, the Department may adopt rules to allow a dentist who is volunteering his or her service at no cost to render dental services through an enrolled not-for-profit health clinic without the dentist personally enrolling as a participating provider in the medical assistance program. A not-for-profit health clinic shall include a public health clinic or Federally Qualified Health Center or other enrolled provider, as determined by the Department, through which dental services covered under this Section are performed. The Department shall establish a process for payment of claims for reimbursement for covered dental services rendered under this provision.

The Illinois Department, by rule, may distinguish and classify the medical services to be provided only in accordance with the classes of persons designated in Section 5-2.

The Department of Healthcare and Family Services must provide coverage and reimbursement for amino acid-based elemental formulas, regardless of delivery method, for the diagnosis and treatment of (i) eosinophilic disorders and (ii) short bowel syndrome when the prescribing physician has issued a written order stating that the amino acid-based elemental formula is medically necessary.

New matter indicated by italics - deletions by strikeout
The Illinois Department shall authorize the provision of, and shall authorize payment for, screening by low-dose mammography for the presence of occult breast cancer for women 35 years of age or older who are eligible for medical assistance under this Article, as follows:

(A) A baseline mammogram for women 35 to 39 years of age.

(B) An annual mammogram for women 40 years of age or older.

(C) A mammogram at the age and intervals considered medically necessary by the woman's health care provider for women under 40 years of age and having a family history of breast cancer, prior personal history of breast cancer, positive genetic testing, or other risk factors.

(D) A comprehensive ultrasound screening of an entire breast or breasts if a mammogram demonstrates heterogeneous or dense breast tissue, when medically necessary as determined by a physician licensed to practice medicine in all of its branches.

(E) A screening MRI when medically necessary, as determined by a physician licensed to practice medicine in all of its branches.

All screenings shall include a physical breast exam, instruction on self-examination and information regarding the frequency of self-examination and its value as a preventative tool. For purposes of this Section, "low-dose mammography" means the x-ray examination of the breast using equipment dedicated specifically for mammography, including the x-ray tube, filter, compression device, and image receptor, with an average radiation exposure delivery of less than one rad per breast for 2 views of an average size breast. The term also includes digital mammography and includes breast tomosynthesis. As used in this Section, the term "breast tomosynthesis" means a radiologic procedure that involves the acquisition of projection images over the stationary breast to produce cross-sectional digital three-dimensional images of the breast.

On and after January 1, 2016, the Department shall ensure that all networks of care for adult clients of the Department include access to at least one breast imaging Center of Imaging Excellence as certified by the American College of Radiology.

On and after January 1, 2012, providers participating in a quality improvement program approved by the Department shall be reimbursed for screening and diagnostic mammography at the same rate as the

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Medicare program's rates, including the increased reimbursement for digital mammography.

The Department shall convene an expert panel including representatives of hospitals, free-standing mammography facilities, and doctors, including radiologists, to establish quality standards for mammography.

On and after January 1, 2017, providers participating in a breast cancer treatment quality improvement program approved by the Department shall be reimbursed for breast cancer treatment at a rate that is no lower than 95% of the Medicare program's rates for the data elements included in the breast cancer treatment quality program.

The Department shall convene an expert panel, including representatives of hospitals, free standing breast cancer treatment centers, breast cancer quality organizations, and doctors, including breast surgeons, reconstructive breast surgeons, oncologists, and primary care providers to establish quality standards for breast cancer treatment.

Subject to federal approval, the Department shall establish a rate methodology for mammography at federally qualified health centers and other encounter-rate clinics. These clinics or centers may also collaborate with other hospital-based mammography facilities. By January 1, 2016, the Department shall report to the General Assembly on the status of the provision set forth in this paragraph.

The Department shall establish a methodology to remind women who are age-appropriate for screening mammography, but who have not received a mammogram within the previous 18 months, of the importance and benefit of screening mammography. The Department shall work with experts in breast cancer outreach and patient navigation to optimize these reminders and shall establish a methodology for evaluating their effectiveness and modifying the methodology based on the evaluation.

The Department shall establish a performance goal for primary care providers with respect to their female patients over age 40 receiving an annual mammogram. This performance goal shall be used to provide additional reimbursement in the form of a quality performance bonus to primary care providers who meet that goal.

The Department shall devise a means of case-managing or patient navigation for beneficiaries diagnosed with breast cancer. This program shall initially operate as a pilot program in areas of the State with the highest incidence of mortality related to breast cancer. At least one pilot program site shall be in the metropolitan Chicago area and at least one site

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shall be outside the metropolitan Chicago area. On or after July 1, 2016, the pilot program shall be expanded to include one site in western Illinois, one site in southern Illinois, one site in central Illinois, and 4 sites within metropolitan Chicago. An evaluation of the pilot program shall be carried out measuring health outcomes and cost of care for those served by the pilot program compared to similarly situated patients who are not served by the pilot program.

The Department shall require all networks of care to develop a means either internally or by contract with experts in navigation and community outreach to navigate cancer patients to comprehensive care in a timely fashion. The Department shall require all networks of care to include access for patients diagnosed with cancer to at least one academic commission on cancer-accredited cancer program as an in-network covered benefit.

Any medical or health care provider shall immediately recommend, to any pregnant woman who is being provided prenatal services and is suspected of drug abuse or is addicted as defined in the Alcoholism and Other Drug Abuse and Dependency Act, referral to a local substance abuse treatment provider licensed by the Department of Human Services or to a licensed hospital which provides substance abuse treatment services. The Department of Healthcare and Family Services shall assure coverage for the cost of treatment of the drug abuse or addiction for pregnant recipients in accordance with the Illinois Medicaid Program in conjunction with the Department of Human Services.

All medical providers providing medical assistance to pregnant women under this Code shall receive information from the Department on the availability of services under the Drug Free Families with a Future or any comparable program providing case management services for addicted women, including information on appropriate referrals for other social services that may be needed by addicted women in addition to treatment for addiction.

The Illinois Department, in cooperation with the Departments of Human Services (as successor to the Department of Alcoholism and Substance Abuse) and Public Health, through a public awareness campaign, may provide information concerning treatment for alcoholism and drug abuse and addiction, prenatal health care, and other pertinent programs directed at reducing the number of drug-affected infants born to recipients of medical assistance.

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Neither the Department of Healthcare and Family Services nor the Department of Human Services shall sanction the recipient solely on the basis of her substance abuse.

The Illinois Department shall establish such regulations governing the dispensing of health services under this Article as it shall deem appropriate. The Department should seek the advice of formal professional advisory committees appointed by the Director of the Illinois Department for the purpose of providing regular advice on policy and administrative matters, information dissemination and educational activities for medical and health care providers, and consistency in procedures to the Illinois Department.

The Illinois Department may develop and contract with Partnerships of medical providers to arrange medical services for persons eligible under Section 5-2 of this Code. Implementation of this Section may be by demonstration projects in certain geographic areas. The Partnership shall be represented by a sponsor organization. The Department, by rule, shall develop qualifications for sponsors of Partnerships. Nothing in this Section shall be construed to require that the sponsor organization be a medical organization.

The sponsor must negotiate formal written contracts with medical providers for physician services, inpatient and outpatient hospital care, home health services, treatment for alcoholism and substance abuse, and other services determined necessary by the Illinois Department by rule for delivery by Partnerships. Physician services must include prenatal and obstetrical care. The Illinois Department shall reimburse medical services delivered by Partnership providers to clients in target areas according to provisions of this Article and the Illinois Health Finance Reform Act, except that:

(1) Physicians participating in a Partnership and providing certain services, which shall be determined by the Illinois Department, to persons in areas covered by the Partnership may receive an additional surcharge for such services.

(2) The Department may elect to consider and negotiate financial incentives to encourage the development of Partnerships and the efficient delivery of medical care.

(3) Persons receiving medical services through Partnerships may receive medical and case management services above the level usually offered through the medical assistance program.

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Medical providers shall be required to meet certain qualifications to participate in Partnerships to ensure the delivery of high quality medical services. These qualifications shall be determined by rule of the Illinois Department and may be higher than qualifications for participation in the medical assistance program. Partnership sponsors may prescribe reasonable additional qualifications for participation by medical providers, only with the prior written approval of the Illinois Department.

Nothing in this Section shall limit the free choice of practitioners, hospitals, and other providers of medical services by clients. In order to ensure patient freedom of choice, the Illinois Department shall immediately promulgate all rules and take all other necessary actions so that provided services may be accessed from therapeutically certified optometrists to the full extent of the Illinois Optometric Practice Act of 1987 without discriminating between service providers.

The Department shall apply for a waiver from the United States Health Care Financing Administration to allow for the implementation of Partnerships under this Section.

The Illinois Department shall require health care providers to maintain records that document the medical care and services provided to recipients of Medical Assistance under this Article. Such records must be retained for a period of not less than 6 years from the date of service or as provided by applicable State law, whichever period is longer, except that if an audit is initiated within the required retention period then the records must be retained until the audit is completed and every exception is resolved. The Illinois Department shall require health care providers to make available, when authorized by the patient, in writing, the medical records in a timely fashion to other health care providers who are treating or serving persons eligible for Medical Assistance under this Article. All dispensers of medical services shall be required to maintain and retain business and professional records sufficient to fully and accurately document the nature, scope, details and receipt of the health care provided to persons eligible for medical assistance under this Code, in accordance with regulations promulgated by the Illinois Department. The rules and regulations shall require that proof of the receipt of prescription drugs, dentures, prosthetic devices and eyeglasses by eligible persons under this Section accompany each claim for reimbursement submitted by the dispenser of such medical services. No such claims for reimbursement shall be approved for payment by the Illinois Department without such proof of receipt, unless the Illinois Department shall have put into effect

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and shall be operating a system of post-payment audit and review which shall, on a sampling basis, be deemed adequate by the Illinois Department to assure that such drugs, dentures, prosthetic devices and eyeglasses for which payment is being made are actually being received by eligible recipients. Within 90 days after September 16, 1984 (the effective date of Public Act 83-1439), the Illinois Department shall establish a current list of acquisition costs for all prosthetic devices and any other items recognized as medical equipment and supplies reimbursable under this Article and shall update such list on a quarterly basis, except that the acquisition costs of all prescription drugs shall be updated no less frequently than every 30 days as required by Section 5-5.12.

The rules and regulations of the Illinois Department shall require that a written statement including the required opinion of a physician shall accompany any claim for reimbursement for abortions, or induced miscarriages or premature births. This statement shall indicate what procedures were used in providing such medical services.

Notwithstanding any other law to the contrary, the Illinois Department shall, within 365 days after July 22, 2013 (the effective date of Public Act 98-104), establish procedures to permit skilled care facilities licensed under the Nursing Home Care Act to submit monthly billing claims for reimbursement purposes. Following development of these procedures, the Department shall, by July 1, 2016, test the viability of the new system and implement any necessary operational or structural changes to its information technology platforms in order to allow for the direct acceptance and payment of nursing home claims.

Notwithstanding any other law to the contrary, the Illinois Department shall, within 365 days after August 15, 2014 (the effective date of Public Act 98-963), establish procedures to permit ID/DD facilities licensed under the ID/DD Community Care Act and MC/DD facilities licensed under the MC/DD Act to submit monthly billing claims for reimbursement purposes. Following development of these procedures, the Department shall have an additional 365 days to test the viability of the new system and to ensure that any necessary operational or structural changes to its information technology platforms are implemented.

The Illinois Department shall require all dispensers of medical services, other than an individual practitioner or group of practitioners, desiring to participate in the Medical Assistance program established under this Article to disclose all financial, beneficial, ownership, equity,
surety or other interests in any and all firms, corporations, partnerships, associations, business enterprises, joint ventures, agencies, institutions or other legal entities providing any form of health care services in this State under this Article.

The Illinois Department may require that all dispensers of medical services desiring to participate in the medical assistance program established under this Article disclose, under such terms and conditions as the Illinois Department may by rule establish, all inquiries from clients and attorneys regarding medical bills paid by the Illinois Department, which inquiries could indicate potential existence of claims or liens for the Illinois Department.

Enrollment of a vendor shall be subject to a provisional period and shall be conditional for one year. During the period of conditional enrollment, the Department may terminate the vendor's eligibility to participate in, or may disenroll the vendor from, the medical assistance program without cause. Unless otherwise specified, such termination of eligibility or disenrollment is not subject to the Department's hearing process. However, a disenrolled vendor may reapply without penalty.

The Department has the discretion to limit the conditional enrollment period for vendors based upon category of risk of the vendor.

Prior to enrollment and during the conditional enrollment period in the medical assistance program, all vendors shall be subject to enhanced oversight, screening, and review based on the risk of fraud, waste, and abuse that is posed by the category of risk of the vendor. The Illinois Department shall establish the procedures for oversight, screening, and review, which may include, but need not be limited to: criminal and financial background checks; fingerprinting; license, certification, and authorization verifications; unscheduled or unannounced site visits; database checks; prepayment audit reviews; audits; payment caps; payment suspensions; and other screening as required by federal or State law.

The Department shall define or specify the following: (i) by provider notice, the "category of risk of the vendor" for each type of vendor, which shall take into account the level of screening applicable to a particular category of vendor under federal law and regulations; (ii) by rule or provider notice, the maximum length of the conditional enrollment period for each category of risk of the vendor; and (iii) by rule, the hearing rights, if any, afforded to a vendor in each category of risk of the vendor that is terminated or disenrolled during the conditional enrollment period.

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To be eligible for payment consideration, a vendor's payment claim or bill, either as an initial claim or as a resubmitted claim following prior rejection, must be received by the Illinois Department, or its fiscal intermediary, no later than 180 days after the latest date on the claim on which medical goods or services were provided, with the following exceptions:

(1) In the case of a provider whose enrollment is in process by the Illinois Department, the 180-day period shall not begin until the date on the written notice from the Illinois Department that the provider enrollment is complete.

(2) In the case of errors attributable to the Illinois Department or any of its claims processing intermediaries which result in an inability to receive, process, or adjudicate a claim, the 180-day period shall not begin until the provider has been notified of the error.

(3) In the case of a provider for whom the Illinois Department initiates the monthly billing process.

(4) In the case of a provider operated by a unit of local government with a population exceeding 3,000,000 when local government funds finance federal participation for claims payments.

For claims for services rendered during a period for which a recipient received retroactive eligibility, claims must be filed within 180 days after the Department determines the applicant is eligible. For claims for which the Illinois Department is not the primary payer, claims must be submitted to the Illinois Department within 180 days after the final adjudication by the primary payer.

In the case of long term care facilities, within 5 days of receipt by the facility of required prescreening information, data for new admissions shall be entered into the Medical Electronic Data Interchange (MEDI) or the Recipient Eligibility Verification (REV) System or successor system, and within 15 days of receipt by the facility of required prescreening information, admission documents shall be submitted through MEDI or REV or shall be submitted directly to the Department of Human Services using required admission forms. Effective September 1, 2014, admission documents, including all prescreening information, must be submitted through MEDI or REV. Confirmation numbers assigned to an accepted transaction shall be retained by a facility to verify timely submittal. Once an admission transaction has been completed, all resubmitted claims

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following prior rejection are subject to receipt no later than 180 days after the admission transaction has been completed.

Claims that are not submitted and received in compliance with the foregoing requirements shall not be eligible for payment under the medical assistance program, and the State shall have no liability for payment of those claims.

To the extent consistent with applicable information and privacy, security, and disclosure laws, State and federal agencies and departments shall provide the Illinois Department access to confidential and other information and data necessary to perform eligibility and payment verifications and other Illinois Department functions. This includes, but is not limited to: information pertaining to licensure; certification; earnings; immigration status; citizenship; wage reporting; unearned and earned income; pension income; employment; supplemental security income; social security numbers; National Provider Identifier (NPI) numbers; the National Practitioner Data Bank (NPDB); program and agency exclusions; taxpayer identification numbers; tax delinquency; corporate information; and death records.

The Illinois Department shall enter into agreements with State agencies and departments, and is authorized to enter into agreements with federal agencies and departments, under which such agencies and departments shall share data necessary for medical assistance program integrity functions and oversight. The Illinois Department shall develop, in cooperation with other State departments and agencies, and in compliance with applicable federal laws and regulations, appropriate and effective methods to share such data. At a minimum, and to the extent necessary to provide data sharing, the Illinois Department shall enter into agreements with State agencies and departments, and is authorized to enter into agreements with federal agencies and departments, including but not limited to: the Secretary of State; the Department of Revenue; the Department of Public Health; the Department of Human Services; and the Department of Financial and Professional Regulation.

Beginning in fiscal year 2013, the Illinois Department shall set forth a request for information to identify the benefits of a pre-payment, post-adjudication, and post-edit claims system with the goals of streamlining claims processing and provider reimbursement, reducing the number of pending or rejected claims, and helping to ensure a more transparent adjudication process through the utilization of: (i) provider data verification and provider screening technology; and (ii) clinical code

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editing; and (iii) pre-pay, pre- or post-adjudicated predictive modeling with an integrated case management system with link analysis. Such a request for information shall not be considered as a request for proposal or as an obligation on the part of the Illinois Department to take any action or acquire any products or services.

The Illinois Department shall establish policies, procedures, standards and criteria by rule for the acquisition, repair and replacement of orthotic and prosthetic devices and durable medical equipment. Such rules shall provide, but not be limited to, the following services: (1) immediate repair or replacement of such devices by recipients; and (2) rental, lease, purchase or lease-purchase of durable medical equipment in a cost-effective manner, taking into consideration the recipient's medical prognosis, the extent of the recipient's needs, and the requirements and costs for maintaining such equipment. Subject to prior approval, such rules shall enable a recipient to temporarily acquire and use alternative or substitute devices or equipment pending repairs or replacements of any device or equipment previously authorized for such recipient by the Department.

The Department shall execute, relative to the nursing home prescreening project, written inter-agency agreements with the Department of Human Services and the Department on Aging, to effect the following: (i) intake procedures and common eligibility criteria for those persons who are receiving non-institutional services; and (ii) the establishment and development of non-institutional services in areas of the State where they are not currently available or are undeveloped; and (iii) notwithstanding any other provision of law, subject to federal approval, on and after July 1, 2012, an increase in the determination of need (DON) scores from 29 to 37 for applicants for institutional and home and community-based long term care; if and only if federal approval is not granted, the Department may, in conjunction with other affected agencies, implement utilization controls or changes in benefit packages to effectuate a similar savings amount for this population; and (iv) no later than July 1, 2013, minimum level of care eligibility criteria for institutional and home and community-based long term care; and (v) no later than October 1, 2013, establish procedures to permit long term care providers access to eligibility scores for individuals with an admission date who are seeking or receiving services from the long term care provider. In order to select the minimum level of care eligibility criteria, the Governor shall establish a workgroup that includes affected agency representatives and stakeholders representing the

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institutional and home and community-based long term care interests. This
Section shall not restrict the Department from implementing lower level of
care eligibility criteria for community-based services in circumstances
where federal approval has been granted.

The Illinois Department shall develop and operate, in cooperation
with other State Departments and agencies and in compliance with
applicable federal laws and regulations, appropriate and effective systems
of health care evaluation and programs for monitoring of utilization of
health care services and facilities, as it affects persons eligible for medical
assistance under this Code.

The Illinois Department shall report annually to the General
Assembly, no later than the second Friday in April of 1979 and each year
thereafter, in regard to:

(a) actual statistics and trends in utilization of medical
services by public aid recipients;
(b) actual statistics and trends in the provision of the
various medical services by medical vendors;
(c) current rate structures and proposed changes in those
rate structures for the various medical vendors; and
(d) efforts at utilization review and control by the Illinois
Department.

The period covered by each report shall be the 3 years ending on
the June 30 prior to the report. The report shall include suggested
legislation for consideration by the General Assembly. The filing of one
copy of the report with the Speaker, one copy with the Minority Leader
and one copy with the Clerk of the House of Representatives, one copy
with the President, one copy with the Minority Leader and one copy with
the Secretary of the Senate, one copy with the Legislative Research Unit,
and such additional copies with the State Government Report Distribution
Center for the General Assembly as is required under paragraph (t) of
Section 7 of the State Library Act shall be deemed sufficient to comply
with this Section.

Rulemaking authority to implement Public Act 95-1045, if any, is
conditioned on the rules being adopted in accordance with all provisions
of the Illinois Administrative Procedure Act and all rules and procedures
of the Joint Committee on Administrative Rules; any purported rule not so
adopted, for whatever reason, is unauthorized.

On and after July 1, 2012, the Department shall reduce any rate of
reimbursement for services or other payments or alter any methodologies

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authorized by this Code to reduce any rate of reimbursement for services or other payments in accordance with Section 5-5e.

Because kidney transplantation can be an appropriate, cost effective alternative to renal dialysis when medically necessary and notwithstanding the provisions of Section 1-11 of this Code, beginning October 1, 2014, the Department shall cover kidney transplantation for noncitizens with end-stage renal disease who are not eligible for comprehensive medical benefits, who meet the residency requirements of Section 5-3 of this Code, and who would otherwise meet the financial requirements of the appropriate class of eligible persons under Section 5-2 of this Code. To qualify for coverage of kidney transplantation, such person must be receiving emergency renal dialysis services covered by the Department. Providers under this Section shall be prior approved and certified by the Department to perform kidney transplantation and the services under this Section shall be limited to services associated with kidney transplantation.

Notwithstanding any other provision of this Code to the contrary, on or after July 1, 2015, all FDA approved forms of medication assisted treatment prescribed for the treatment of alcohol dependence or treatment of opioid dependence shall be covered under both fee for service and managed care medical assistance programs for persons who are otherwise eligible for medical assistance under this Article and shall not be subject to any (1) utilization control, other than those established under the American Society of Addiction Medicine patient placement criteria, (2) prior authorization mandate, or (3) lifetime restriction limit mandate.

On or after July 1, 2015, opioid antagonists prescribed for the treatment of an opioid overdose, including the medication product, administration devices, and any pharmacy fees related to the dispensing and administration of the opioid antagonist, shall be covered under the medical assistance program for persons who are otherwise eligible for medical assistance under this Article. As used in this Section, "opioid antagonist" means a drug that binds to opioid receptors and blocks or inhibits the effect of opioids acting on those receptors, including, but not limited to, naloxone hydrochloride or any other similarly acting drug approved by the U.S. Food and Drug Administration.

Upon federal approval, the Department shall provide coverage and reimbursement for all drugs that are approved for marketing by the federal Food and Drug Administration and that are recommended by the federal Public Health Service or the United States Centers for Disease Control and Prevention.
Control and Prevention for pre-exposure prophylaxis and related pre-exposure prophylaxis services, including, but not limited to, HIV and sexually transmitted infection screening, treatment for sexually transmitted infections, medical monitoring, assorted labs, and counseling to reduce the likelihood of HIV infection among individuals who are not infected with HIV but who are at high risk of HIV infection.

(Source: P.A. 98-104, Article 9, Section 9-5, eff. 7-22-13; 98-104, Article 12, Section 12-20, eff. 7-22-13; 98-303, eff. 8-9-13; 98-463, eff. 8-16-13; 98-651, eff. 6-16-14; 98-756, eff. 7-16-14; 98-963, eff. 8-15-14; 99-78, eff. 7-20-15; 99-180, eff. 7-29-15; 99-236, eff. 8-3-15; 99-407 (see Section 99 of P.A. 99-407 for its effective date); 99-433, eff. 8-21-15; 99-480, eff. 9-9-15; revised 10-13-15.)

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

Section 99. Effective date. This Act takes effect January 1, 2017.
Passed in the General Assembly May 29, 2016.
Approved August 12, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0773
(House Bill No. 4576)

AN ACT concerning health.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 1. Short title. This Act may be cited as the Rare Disease Commission Act.
Section 5. Definitions. As used in this Act, unless the context requires otherwise:
"Chairperson" means the Chairperson of the Rare Disease Commission.
"Commission" means the Rare Disease Commission.
"Rare disease" means a disease that affects less than 200,000 people in the United States.

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"Relative" means a spouse, parent, parent-in-law, sibling, sibling-in-law, child, child-in-law, grandparent, aunt, or uncle.

"Vice-Chairperson" means the Vice-Chairperson of the Rare Disease Commission.

Section 10. Commission created; membership.

(a) There is created the Rare Disease Commission to advise the State on issues pertaining to the care and treatment of individuals with rare diseases.

(b) The Commission shall be composed of 15 members:

1. Eleven members shall be appointed by the Governor from residents of the State whose position, knowledge, or experience enables them to reasonably represent the concerns, needs, and recommendations of those with rare diseases, including physicians or health care providers who treat patients with rare diseases. At a minimum, 5 members of the Commission shall be persons who either have a rare disease or are a family member of a person living with a rare disease. In making the appointments under this paragraph (1), the Governor shall consider nominations made by advocacy groups for rare diseases and community-based organizations.

2. One member of the Senate appointed by the President of the Senate.

3. One member of the Senate appointed by the Minority Leader of the Senate.

4. One member of the House of Representatives appointed by the Speaker of the House of Representatives.

5. One member of the House of Representatives appointed by the Minority Leader of the House of Representatives.

(c) The Chairperson of the Commission shall be elected from the Commission's membership by a simple majority vote of the total membership of the Commission. The Vice-Chairperson of the Commission shall be elected from the Commission's membership by a simple majority vote of the total membership of the Commission.

(d) The Governor, President of the Senate, Minority Leader of the Senate, Speaker of the House of Representatives, and Minority Leader of the House of Representatives shall make their initial appointments to the Commission by February 1, 2017.

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(e) All members shall be appointed for terms of 3 years. No member shall serve more than 2 consecutive terms. A member shall serve until his or her successor is appointed and qualified.

(f) Vacancies in Commission membership shall be filled in the same manner as initial appointments. Appointments to fill vacancies occurring before the expiration of a term shall be for the remainder of the unexpired term.

(g) Total membership of the Commission consists of the number of members serving on the Commission not including any vacant positions. A quorum shall consist of a simple majority of total membership and shall be sufficient to conduct the transaction of business of the Commission, unless stipulated otherwise in the by-laws of the Commission.

(h) The Commission shall meet at least quarterly.

Section 15. Study; recommendations. The Commission shall make recommendations to the General Assembly, in the form of an annual report through 2020, regarding:

(1) the use of prescription drugs and innovative therapies for children and adults with rare diseases, and specific subpopulations of children or adults with rare diseases, as appropriate, together with recommendations on the ways in which this information should be used in specific State programs that (A) provide assistance or health care coverage to individuals with rare diseases or broader populations that include individuals with rare diseases, or (B) have responsibilities associated with promoting the quality of care for individuals with rare diseases or broader populations that include individuals with rare diseases;

(2) legislation that could improve the care and treatment of adults or children with rare diseases;

(3) in coordination with the Genetic and Metabolic Diseases Advisory Committee, the screening of newborn children for the presence of genetic disorders; and

(4) any other issues the Commission considers appropriate.

The Commission shall submit its annual report to the General Assembly no later than December 31 of each year.

Section 20. Administrative support. The Department of Public Health shall provide administrative and other support to the Commission.

Section 90. Repeal. This Act is repealed on January 1, 2020.

Section 99. Effective date. This Act takes effect January 1, 2017.

AN ACT concerning local government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Counties Code is amended by changing Sections 2-1005 and 3-4010 as follows:

(55 ILCS 5/2-1005) (from Ch. 34, par. 2-1005)

Sec. 2-1005. Quorum; approval of ordinances. A majority of the members of any county board shall constitute a quorum for the transaction of business; and all questions, ordinances, resolutions, or motions which shall arise at meetings shall be determined by the votes of the majority of the members present, except in such cases as is otherwise provided.

A county board in a county where the chairman is elected at large may upon passage, adoption or enactment of a specific ordinance, resolution, or motion apply the following provisions: Any ordinance, resolution, or motion passed, adopted or otherwise enacted by the board in a county where the chairman is elected at large shall be presented to the chairman before it becomes effective. If the chairman approves such ordinance, resolution or motion, he shall sign it and it shall become law on the date prescribed; if not, he shall return it to the board within 10 business days with his objections and the board shall proceed to reconsider the matter at its next meeting, to be held within 30 business days of the board's receipt of the chairman's objections. If after such reconsideration a majority of the members of the board pass such ordinance, resolution, or motion, it shall become effective on the date prescribed but not earlier than the date of passage following reconsideration. If any ordinance, resolution, or motion is not returned by the chairman to the board within 10 business days after it has been presented to him, it shall become effective at the end of the 10th day.

The county board at any properly noticed public meeting may by unanimous consent take a single vote by yeas and nays on the several questions of the passage of any 2 or more of the designated ordinances, orders, resolutions, or motions placed together for voting purposes in a single group. The single vote shall be entered separately in the minutes.
under the designation "omnibus vote", and in that event the clerk may enter the words "omnibus vote" or "consent agenda" in the minutes in each case instead of entering the names of the members of the county board voting "yea" and those voting "nay" on the passage of each of the designated ordinances, orders, resolutions, and motions included in the omnibus group or consent agenda. The taking of a single or omnibus vote and the entries of the words "omnibus vote" or "consent agenda" in the minutes shall be a sufficient compliance with the requirements of this Section to all intents and purposes and with like effect as if the vote in each case had been taken separately by yeas and nays on the question of the passage of each ordinance, order, resolution, and motion included in the omnibus group and separately recorded in the minutes. Likewise, the yeas and nays shall be taken upon the question of the passage of any other ordinance, resolution, or motion at the request of any county board member and shall be recorded in the minutes. The changes to this Section made by this amendatory Act of the 99th General Assembly are declarative of existing law and do not change the substantive operation of this Section.

(Source: P.A. 86-926.)

(55 ILCS 5/3-4010) (from Ch. 34, par. 3-4010)

Sec. 3-4010. Records; reports in counties under 1,000,000. The Public Defender in counties with a population under 1,000,000 shall keep a record of the services rendered by him or her and prepare and file quarterly or monthly, as determined by the County Board, with the County Board a written report of such services transmitting a copy of such report to the clerk of the Circuit Court for the judges thereof. In cases where 2 or more adjoining counties have joined to form a common office of Public Defender, the Public Defender so appointed shall file his or her quarterly or monthly report with each of the several county boards involved.

(Source: P.A. 86-962; 87-111.)

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

Approved August 12, 2016.
Effective August 12, 2016.
AN ACT concerning digital assets.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Revised Uniform Fiduciary Access to Digital Assets Act (2015).

Section 2. Definitions. In this Act:

(1) "Account" means an arrangement under a terms-of-service agreement in which a custodian carries, maintains, processes, receives, or stores a digital asset of the user or provides goods or services to the user.

(2) "Agent" means an attorney-in-fact granted authority under a durable or nondurable power of attorney.

(3) "Carries" means engages in the transmission of an electronic communication.

(4) "Catalogue of electronic communications" means information that identifies each person with which a user has had an electronic communication, the time and date of the communication, and the electronic address of the person.

(5) "Guardian" means a person appointed by a court to manage the estate of a living individual. The term includes a standby or temporary guardian.

(6) "Content of an electronic communication" means information concerning the substance or meaning of the communication which:

   (A) has been sent or received by a user;

   (B) is in electronic storage by a custodian providing an electronic-communication service to the public or is carried or maintained by a custodian providing a remote-computing service to the public; and

   (C) is not readily accessible to the public.

(7) "Court" means a court of competent jurisdiction.

(8) "Custodian" means a person that carries, maintains, processes, receives, or stores a digital asset of a user.

(9) "Designated recipient" means a person chosen by a user using an online tool to administer digital assets of the user.

(10) "Digital asset" means an electronic record in which an individual has a right or interest. The term does not include an underlying asset or liability unless the asset or liability is itself an electronic record.

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(11) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(12) "Electronic communication" has the meaning set forth in 18 U.S.C. Section 2510(12), as amended.

(13) "Electronic communication service" means a custodian that provides to a user the ability to send or receive an electronic communication.

(14) "Fiduciary" means an original, additional, or successor personal representative, guardian, agent, or trustee.

(15) "Information" means data, text, images, videos, sounds, codes, computer programs, software, databases, or the like.

(16) "Online tool" means an electronic service provided by a custodian that allows a user in an agreement distinct from the terms-of-service agreement between the custodian and user, to provide directions for disclosure or nondisclosure of digital assets to a third person.

(17) "Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

(18) "Personal representative" means an executor, administrator, special administrator, or person that performs substantially the same function under law of this state other than this Act.

(19) "Power of attorney" means a record that grants an agent authority to act in the place of a principal.

(20) "Principal" means an individual who grants authority to an agent in a power of attorney.

(21) "Person with a disability" means an individual for whom a guardian has been appointed. The term includes an individual for whom an application for the appointment of a guardian is pending.

(22) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(23) "Remote-computing service" means a custodian that provides to a user computer-processing services or the storage of digital assets by means of an electronic communications system, as defined in 18 U.S.C. Section 2510(14), as amended.

(24) "Terms-of-service agreement" means an agreement that controls the relationship between a user and a custodian.

New matter indicated by italics - deletions by strikeout
(25) "Trustee" means a fiduciary with legal title to property under an agreement or declaration that creates a beneficial interest in another. The term includes a successor trustee.

(26) "User" means a person that has an account with a custodian.

(27) "Will" includes a codicil, testamentary instrument that only appoints an executor, and instrument that revokes or revises a testamentary instrument.

Section 3. Applicability.
(a) This Act applies to:
  (1) a fiduciary acting under a will or power of attorney executed before, on, or after the effective date of this Act;
  (2) a personal representative acting for a decedent who died before, on, or after the effective date of this Act;
  (3) a guardianship proceeding commenced before, on, or after the effective date of this Act; and
  (4) a trustee acting under a trust created before, on, or after the effective date of this Act.
(b) This Act applies to a custodian if the user resides in this state or resided in this state at the time of the user's death.
(c) This Act does not apply to a digital asset of an employer used by an employee in the ordinary course of the employer's business.

Section 4. User direction for disclosure of digital assets.
(a) A user may use an online tool to direct the custodian to disclose to a designated recipient or not to disclose some or all of the user's digital assets, including the content of electronic communications. If the online tool allows the user to modify or delete a direction at all times, a direction regarding disclosure using an online tool overrides a contrary direction by the user in a will, trust, power of attorney, or other record.
(b) If a user has not used an online tool to give direction under subsection (a) or if the custodian has not provided an online tool, the user may allow or prohibit in a will, trust, power of attorney, or other record, disclosure to a fiduciary of some or all of the user's digital assets, including the content of electronic communications sent or received by the user.
(c) A user's direction under subsection (a) or (b) overrides a contrary provision in a terms-of-service agreement that does not require the user to act affirmatively and distinctly from the user's assent to the terms of service.

Section 5. Terms-of-service agreement.

New matter indicated by italics - deletions by strikeout
(a) This Act does not change or impair a right of a custodian or a user under a terms-of-service agreement to access and use digital assets of the user.

(b) This Act does not give a fiduciary or designated recipient any new or expanded rights other than those held by the user for whom, or for whose estate, the fiduciary or designated recipient acts or represents.

(c) A fiduciary's or designated recipient's access to digital assets may be modified or eliminated by a user, by federal law, or by a terms-of-service agreement if the user has not provided direction under Section 4.

Section 6. Procedure for disclosing digital assets.

(a) When disclosing digital assets of a user under this Act, the custodian may at its sole discretion:

1. grant a fiduciary or designated recipient full access to the user's account;
2. grant a fiduciary or designated recipient partial access to the user's account sufficient to perform the tasks with which the fiduciary or designated recipient is charged; or
3. provide a fiduciary or designated recipient a copy in a record of any digital asset that, on the date the custodian received the request for disclosure, the user could have accessed if the user were alive and had full capacity and access to the account.

(b) A custodian may assess a reasonable administrative charge for the cost of disclosing digital assets under this Act.

(c) A custodian need not disclose under this Act a digital asset deleted by a user.

(d) If a user directs or a fiduciary requests a custodian to disclose under this Act some, but not all, of the user's digital assets, the custodian need not disclose the assets if segregation of the assets would impose an undue burden on the custodian. If the custodian believes the direction or request imposes an undue burden, the custodian or fiduciary may seek an order from the court to disclose:

1. a subset limited by date of the user's digital assets;
2. all of the user's digital assets to the fiduciary or designated recipient;
3. none of the user's digital assets; or
4. all of the user's digital assets to the court for review in camera.

Section 7. Disclosure of content of electronic communications of deceased user. If a deceased user consented or a court directs disclosure of
the contents of electronic communications of the user, the custodian shall disclose to the personal representative of the estate of the user the content of an electronic communication sent or received by the user if the representative gives the custodian:

(1) a written request for disclosure in physical or electronic form;

(2) a certified copy of the death certificate of the user;

(3) a certified copy of the letter of appointment of the representative or a court order;

(4) unless the user provided direction using an online tool, a copy of the user's will, trust, power of attorney, or other record evidencing the user's consent to disclosure of the content of electronic communications; and

(5) if requested by the custodian:

(A) a number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the user's account;

(B) evidence linking the account to the user; or

(C) a finding by the court that:

(i) the user had a specific account with the custodian, identifiable by the information specified in subparagraph (A);

(ii) disclosure of the content of electronic communications of the user would not violate 18 U.S.C. Section 2701 et seq., as amended, 47 U.S.C. Section 222, as amended, or other applicable law;

(iii) unless the user provided direction using an online tool, the user consented to disclosure of the content of electronic communications; or

(iv) disclosure of the content of electronic communications of the user is permitted under this Act and reasonably necessary for administration of the estate.

Section 8. Disclosure of other digital assets of deceased user. Unless the user prohibited disclosure of digital assets or the court directs otherwise, a custodian shall disclose to the personal representative of the estate of a deceased user a catalogue of electronic communications sent or received by the user and digital assets, other than the content of electronic communications, of the user, if the representative gives the custodian:

New matter indicated by italics - deletions by strikeout
(1) a written request for disclosure in physical or electronic form;
(2) a certified copy of the death certificate of the user;
(3) a certified copy of the letter of appointment of the representative or a court order; and
(4) if requested by the custodian:
   (A) a number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the user's account;
   (B) evidence linking the account to the user;
   (C) an affidavit stating that disclosure of the user's digital assets is reasonably necessary for administration of the estate; or
   (D) a finding by the court that:
      (i) the user had a specific account with the custodian, identifiable by the information specified in subparagraph (A); or
      (ii) disclosure of the user's digital assets is permitted under this Act and reasonably necessary for administration of the estate.

Section 9. Disclosure of content of electronic communications of principal. To the extent a power of attorney expressly grants an agent authority over the content of electronic communications sent or received by the principal and unless directed otherwise by the principal or the court, a custodian shall disclose to the agent the content if the agent gives the custodian:

(1) a written request for disclosure in physical or electronic form;
(2) an original or copy of the power of attorney expressly granting the agent authority over the content of electronic communications of the principal;
(3) a certification by the agent, under penalty of perjury, that the power of attorney is in effect; and
(4) if requested by the custodian:
   (A) a number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the principal's account; or
   (B) evidence linking the account to the principal.

New matter indicated by italics - deletions by strikeout
Section 10. Disclosure of other digital assets of principal. Unless otherwise ordered by the court, directed by the principal, or provided by a power of attorney, a custodian shall disclose to an agent with specific authority over digital assets or general authority to act on behalf of a principal a catalogue of electronic communications sent or received by the principal and digital assets, other than the content of electronic communications, of the principal if the agent gives the custodian:

(1) a written request for disclosure in physical or electronic form;

(2) an original or a copy of the power of attorney that gives the agent specific authority over digital assets or general authority to act on behalf of the principal;

(3) a certification by the agent, under penalty of perjury, that the power of attorney is in effect; and

(4) if requested by the custodian:

(A) a number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the principal's account; or

(B) evidence linking the account to the principal.

Section 11. Disclosure of digital assets held in trust when trustee is original user. Unless otherwise ordered by the court or provided in a trust, a custodian shall disclose to a trustee that is an original user of an account any digital asset of the account held in trust, including a catalogue of electronic communications of the trustee and the content of electronic communications.

Section 12. Disclosure of contents of electronic communications held in trust when trustee not original user. Unless otherwise ordered by the court, directed by the user, or provided in a trust, a custodian shall disclose to a trustee that is not an original user of an account the content of an electronic communication sent or received by an original or successor user and carried, maintained, processed, received, or stored by the custodian in the account of the trust if the trustee gives the custodian:

(1) a written request for disclosure in physical or electronic form;

(2) a certified copy of the trust instrument that includes consent to disclosure of the content of electronic communications to the trustee;

New matter indicated by italics - deletions by strikeout
(3) a certification by the trustee, under penalty of perjury, that the trust exists and the trustee is a currently acting trustee of the trust; and

(4) if requested by the custodian:

(A) a number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the trust's account; or

(B) evidence linking the account to the trust.

Section 13. Disclosure of other digital assets held in trust when trustee not original user. Unless otherwise ordered by the court, directed by the user, or provided in a trust, a custodian shall disclose, to a trustee that is not an original user of an account, a catalogue of electronic communications sent or received by an original or successor user and stored, carried, or maintained by the custodian in an account of the trust and any digital assets, other than the content of electronic communications, in which the trust has a right or interest if the trustee gives the custodian:

(1) a written request for disclosure in physical or electronic form;

(2) a certified copy of the trust instrument;

(3) a certification by the trustee, under penalty of perjury, that the trust exists and the trustee is a currently acting trustee of the trust; and

(4) if requested by the custodian:

(A) a number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the trust's account; or

(B) evidence linking the account to the trust.

Section 14. Disclosure of contents of electronic communications and digital assets to guardian of person with a disability. (a) After an opportunity for a hearing under Article XIa of the Probate Act of 1975, the court may direct the disclosure of the digital assets of a person with a disability to his or her guardian.

(b) Unless otherwise ordered by the court or directed by the user, a custodian shall disclose to a guardian the catalogue of electronic communications sent or received by a person with a disability and any digital assets, other than the content of electronic communications, in which the person with a disability has a right or interest if the guardian gives the custodian:

New matter indicated by italics - deletions by strikeout
(1) a written request for disclosure in physical or electronic form;
(2) a certified copy of the court order that gives the guardian authority over the digital assets of the person with a disability; and
(3) if requested by the custodian:
   (A) a number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the account of the person with a disability; or
   (B) evidence linking the account to the person with a disability.

(c) A guardian with general authority to manage the assets of a person with a disability may request a custodian of the digital assets of the person with a disability to suspend or terminate an account of the person with a disability for good cause. A request made under this Section must be accompanied by a certified copy of the court order giving the guardian authority over the protected person's property.

Section 15. Fiduciary duty and authority.
(a) (Blank).
(b) A fiduciary's or designated recipient's authority with respect to a digital asset of a user:
   (1) except as otherwise provided in Section 4, is subject to the applicable terms of service;
   (2) is subject to other applicable law, including copyright law;
   (3) in the case of a fiduciary, is limited by the scope of the fiduciary's duties under Illinois law; and
   (4) may not be used to impersonate the user.
(c) A fiduciary with authority over the property of a decedent, person with a disability, principal, or settlor has the right to access any digital asset in which the decedent, person with a disability, principal, or settlor had a right or interest and that is not held by a custodian or subject to a terms-of-service agreement.
(d) A fiduciary acting within the scope of the fiduciary's duties is an authorized user of the property of the decedent, person with a disability, principal, or settlor for the purpose of applicable computer-fraud and unauthorized-computer-access laws, including Subdivision 30 of Article 17 of the Criminal Code of 2012, and may challenge the validity of an

New matter indicated by italics - deletions by strikeout
online tool in court when requesting an order directing compliance with this Act.

(e) A fiduciary with authority over the tangible, personal property of a decedent, person with a disability, principal, or settlor:

(1) has the right to access the property and any digital asset stored in it; and

(2) is an authorized user for the purpose of computer-fraud and unauthorized-computer-access laws, including Subdivision 30 of Article 17 of the Criminal Code of 2012.

(f) A custodian may disclose information in an account to a fiduciary of the user when the information is required to terminate an account used to access digital assets licensed to the user.

(g) A fiduciary of a user may request a custodian to terminate the user's account. A request for termination must be in writing, in either physical or electronic form, and accompanied by:

(1) if the user is deceased, a certified copy of the death certificate of the user;

(2) a certified copy of the letter of appointment of the representative or a small-estate affidavit or court order, court order, power of attorney, or trust giving the fiduciary authority over the account; and

(3) if requested by the custodian:

(A) a number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the user's account;

(B) evidence linking the account to the user; or

(C) a finding by the court that the user had a specific account with the custodian, identifiable by the information specified in subparagraph (A).

Section 16. Custodian compliance and immunity.

(a) Not later than 60 days after receipt of the information required under Sections 7 through 15, a custodian shall comply with a request under this Act from a fiduciary or designated recipient to disclose digital assets or terminate an account. If the custodian fails to comply, the fiduciary or designated recipient may apply to the court for an order directing compliance.

(b) An order under subsection (a) directing compliance must contain a finding that compliance is not in violation of 18 U.S.C. Section 2702, as amended.

New matter indicated by italics - deletions by strikeout
(c) A custodian may notify the user that a request for disclosure or to terminate an account was made under this Act.

(d) A custodian may deny a request under this Act from a fiduciary or designated recipient for disclosure of digital assets or to terminate an account if the custodian is aware of any lawful access to the account following the receipt of the fiduciary's request.

(e) This Act does not limit a custodian's ability to obtain or require a fiduciary or designated recipient requesting disclosure or termination under this Act to obtain a court order which:

(1) specifies that an account belongs to the person with a disability or principal;
(2) specifies that there is sufficient consent from the person with a disability or principal to support the requested disclosure; and
(3) contains a finding required by law other than this Act.

(f) A custodian and its officers, employees, and agents are immune from liability for an act or omission done in good faith, except for willful and wanton misconduct, in compliance with this Act.

Section 17. (Blank).

Section 18. Relation to Electronic Signatures in Global and National Commerce Act. This Act modifies, limits, or supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 et seq., but does not modify, limit, or supersedes Section 101(c) of that Act, 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that Act, 15 U.S.C. Section 7003(b).

Section 19. Severability. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Section 20. The Criminal Code of 2012 is amended by changing Sections 17-51 and 17-54 as follows:

(720 ILCS 5/17-51) (was 720 ILCS 5/16D-3)
Sec. 17-51. Computer tampering.
(a) A person commits computer tampering when he or she knowingly and without the authorization of a computer's owner or in excess of the authority granted to him or her:

New matter indicated by italics - deletions by strikeout
(1) Accesses or causes to be accessed a computer or any part thereof, a computer network, or a program or data;

(2) Accesses or causes to be accessed a computer or any part thereof, a computer network, or a program or data, and obtains data or services;

(3) Accesses or causes to be accessed a computer or any part thereof, a computer network, or a program or data, and damages or destroys the computer or alters, deletes, or removes a computer program or data;

(4) Inserts or attempts to insert a program into a computer or computer program knowing or having reason to know that such program contains information or commands that will or may:

(A) damage or destroy that computer, or any other computer subsequently accessing or being accessed by that computer;

(B) alter, delete, or remove a computer program or data from that computer, or any other computer program or data in a computer subsequently accessing or being accessed by that computer; or

(C) cause loss to the users of that computer or the users of a computer which accesses or which is accessed by such program; or

(5) Falsifies or forges electronic mail transmission information or other routing information in any manner in connection with the transmission of unsolicited bulk electronic mail through or into the computer network of an electronic mail service provider or its subscribers.

(a-5) Distributing software to falsify routing information. It is unlawful for any person knowingly to sell, give, or otherwise distribute or possess with the intent to sell, give, or distribute software which:

(1) is primarily designed or produced for the purpose of facilitating or enabling the falsification of electronic mail transmission information or other routing information;

(2) has only a limited commercially significant purpose or use other than to facilitate or enable the falsification of electronic mail transmission information or other routing information; or

(3) is marketed by that person or another acting in concert with that person with that person’s knowledge for use in facilitating

New matter indicated by italics - deletions by strikeout
or enabling the falsification of electronic mail transmission information or other routing information.

(a-10) For purposes of subsection (a), accessing a computer network is deemed to be with the authorization of a computer's owner if:

(1) the owner authorizes patrons, customers, or guests to access the computer network and the person accessing the computer network is an authorized patron, customer, or guest and complies with all terms or conditions for use of the computer network that are imposed by the owner;
or

(2) the owner authorizes the public to access the computer network and the person accessing the computer network complies with all terms or conditions for use of the computer network that are imposed by the owner; or


(b) Sentence.

(1) A person who commits computer tampering as set forth in subdivision (a)(1) or (a)(5) or subsection (a-5) of this Section is guilty of a Class B misdemeanor.

(2) A person who commits computer tampering as set forth in subdivision (a)(2) of this Section is guilty of a Class A misdemeanor and a Class 4 felony for the second or subsequent offense.

(3) A person who commits computer tampering as set forth in subdivision (a)(3) or (a)(4) of this Section is guilty of a Class 4 felony and a Class 3 felony for the second or subsequent offense.

(4) If an injury arises from the transmission of unsolicited bulk electronic mail, the injured person, other than an electronic mail service provider, may also recover attorney's fees and costs, and may elect, in lieu of actual damages, to recover the lesser of $10 for each unsolicited bulk electronic mail message transmitted in violation of this Section, or $25,000 per day. The injured person shall not have a cause of action against the electronic mail service provider that merely transmits the unsolicited bulk electronic mail over its computer network.

(5) If an injury arises from the transmission of unsolicited bulk electronic mail, an injured electronic mail service provider may also recover attorney's fees and costs, and may elect, in lieu of

New matter indicated by italics - deletions by strikeout
actual damages, to recover the greater of $10 for each unsolicited electronic mail advertisement transmitted in violation of this Section, or $25,000 per day.

(6) The provisions of this Section shall not be construed to limit any person's right to pursue any additional civil remedy otherwise allowed by law.

(c) Whoever suffers loss by reason of a violation of subdivision (a)(4) of this Section may, in a civil action against the violator, obtain appropriate relief. In a civil action under this Section, the court may award to the prevailing party reasonable attorney's fees and other litigation expenses.

(Source: P.A. 95-326, eff. 1-1-08; 96-1000, eff. 7-2-10; 96-1551, eff. 7-1-11.)

(720 ILCS 5/17-54) (was 720 ILCS 5/16D-7)
Sec. 17-54. Evidence of lack of authority. For the purposes of Sections 17-50 through 17-52, the trier of fact may infer that a person accessed a computer without the authorization of its owner or in excess of the authority granted if the person accesses or causes to be accessed a computer, which access requires a confidential or proprietary code which has not been issued to or authorized for use by that person. This Section does not apply to a person who acquires access in compliance with the Revised Uniform Fiduciary Access to Digital Assets Act (2015).

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

Section 21. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly May 29, 2016.
Approved August 12, 2016.
Effective August 12, 2016.

PUBLIC ACT 99-0776
(House Bill No. 4658)

AN ACT concerning civil law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Freedom of Information Act is amended by changing Section 7.5 as follows:

(5 ILCS 140/7.5)

New matter indicated by italics - deletions by strikeout
Sec. 7.5. Statutory exemptions. To the extent provided for by the statutes referenced below, the following shall be exempt from inspection and copying:

(a) All information determined to be confidential under Section 4002 of the Technology Advancement and Development Act.

(b) Library circulation and order records identifying library users with specific materials under the Library Records Confidentiality Act.

(c) Applications, related documents, and medical records received by the Experimental Organ Transplantation Procedures Board and any and all documents or other records prepared by the Experimental Organ Transplantation Procedures Board or its staff relating to applications it has received.

(d) Information and records held by the Department of Public Health and its authorized representatives relating to known or suspected cases of sexually transmissible disease or any information the disclosure of which is restricted under the Illinois Sexually Transmissible Disease Control Act.

(e) Information the disclosure of which is exempted under Section 30 of the Radon Industry Licensing Act.


(g) Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid Tuition Act.

(h) Information the disclosure of which is exempted under the State Officials and Employees Ethics Act, and records of any lawfully created State or local inspector general's office that would be exempt if created or obtained by an Executive Inspector General's office under that Act.

(i) Information contained in a local emergency energy plan submitted to a municipality in accordance with a local emergency energy plan ordinance that is adopted under Section 11-21.5-5 of the Illinois Municipal Code.

(j) Information and data concerning the distribution of surcharge moneys collected and remitted by wireless carriers under the Wireless Emergency Telephone Safety Act.

New matter indicated by italics - deletions by strikeout
(k) Law enforcement officer identification information or driver identification information compiled by a law enforcement agency or the Department of Transportation under Section 11-212 of the Illinois Vehicle Code.

(l) Records and information provided to a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.

(m) Information provided to the predatory lending database created pursuant to Article 3 of the Residential Real Property Disclosure Act, except to the extent authorized under that Article.

(n) Defense budgets and petitions for certification of compensation and expenses for court appointed trial counsel as provided under Sections 10 and 15 of the Capital Crimes Litigation Act. This subsection (n) shall apply until the conclusion of the trial of the case, even if the prosecution chooses not to pursue the death penalty prior to trial or sentencing.

(o) Information that is prohibited from being disclosed under Section 4 of the Illinois Health and Hazardous Substances Registry Act.

(p) Security portions of system safety program plans, investigation reports, surveys, schedules, lists, data, or information compiled, collected, or prepared by or for the Regional Transportation Authority under Section 2.11 of the Regional Transportation Authority Act or the St. Clair County Transit District under the Bi-State Transit Safety Act.

(q) Information prohibited from being disclosed by the Personnel Records Review Act.

(r) Information prohibited from being disclosed by the Illinois School Student Records Act.

(s) Information the disclosure of which is restricted under Section 5-108 of the Public Utilities Act.

(t) All identified or deidentified health information in the form of health data or medical records contained in, stored in, submitted to, transferred by, or released from the Illinois Health Information Exchange, and identified or deidentified health information in the form of health data and medical records of the Illinois Health Information Exchange in the possession of the Illinois Health Information Exchange Authority due to its administration of the Illinois Health Information Exchange. The
terms "identified" and "deidentified" shall be given the same meaning as in the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, or any subsequent amendments thereto, and any regulations promulgated thereunder.

(u) Records and information provided to an independent team of experts under Brian's Law.

(v) Names and information of people who have applied for or received Firearm Owner's Identification Cards under the Firearm Owners Identification Card Act or applied for or received a concealed carry license under the Firearm Concealed Carry Act, unless otherwise authorized by the Firearm Concealed Carry Act; and databases under the Firearm Concealed Carry Act, records of the Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act, and law enforcement agency objections under the Firearm Concealed Carry Act.

(w) Personally identifiable information which is exempted from disclosure under subsection (g) of Section 19.1 of the Toll Highway Act.

(x) Information which is exempted from disclosure under Section 5-1014.3 of the Counties Code or Section 8-11-21 of the Illinois Municipal Code.

(y) Confidential information under the Adult Protective Services Act and its predecessor enabling statute, the Elder Abuse and Neglect Act, including information about the identity and administrative finding against any caregiver of a verified and substantiated decision of abuse, neglect, or financial exploitation of an eligible adult maintained in the Registry established under Section 7.5 of the Adult Protective Services Act.

(z) Records and information provided to a fatality review team or the Illinois Fatality Review Team Advisory Council under Section 15 of the Adult Protective Services Act.

(aa) Information which is exempted from disclosure under Section 2.37 of the Wildlife Code.

(bb) Information which is or was prohibited from disclosure by the Juvenile Court Act of 1987.

(cc) Recordings made under the Law Enforcement Officer-Worn Body Camera Act, except to the extent authorized under that Act.

New matter indicated by italics - deletions by strikeout
(dd) Information that is prohibited from being disclosed under Section 45 of the Condominium and Common Interest Community Ombudsperson Act.

(Source: P.A. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756, eff. 7-16-14; 98-1039, eff. 8-25-14; 98-1045, eff. 8-25-14; 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352, eff. 1-1-16; revised 10-14-15.)

Section 10. The Common Interest Community Association Act is amended by changing Section 1-90 as follows:

(765 ILCS 160/1-90)

Sec. 1-90. Compliance with the Condominium and Common Interest Community Ombudsperson Act. Every common interest community association, except for those exempt from this Act under Section 1-75, must comply with the Condominium and Community Interest Community Ombudsperson Act and is subject to all provisions of the Condominium and Community Interest Community Ombudsperson Act. This Section is repealed July 1, 2022.

(Source: P.A. 98-1135, eff. 7-1-16.)

Section 15. The Condominium Property Act is amended by changing Section 35 as follows:

(765 ILCS 605/35)

Sec. 35. Compliance with the Condominium and Common Interest Community Ombudsperson Act. Every unit owners' association must comply with the Condominium and Common Interest Community Ombudsperson Act and is subject to all provisions of the Condominium and Common Interest Community Ombudsperson Act. This Section is repealed July 1, 2022.

(Source: P.A. 98-1135, eff. 7-1-16.)

Section 20. The Condominium and Common Interest Community Ombudsperson Act is amended by changing the title of the Act and Sections 15, 20, 25, 30, 35, 40, 45, 50, 60, 70, and 999 as follows:

(765 ILCS 615/Act title)

An Act concerning condominium and common interest community property.

New matter indicated by italics - deletions by strikeout
Sec. 15. Definitions. As used in this Act:

"Association" means a condominium association or common interest community association as defined in this Act.

"Board of managers" or "board of directors" means:

(1) a common interest community association's board of managers or board of directors, whichever is applicable; or

(2) a condominium association's board of managers or board of directors, whichever is applicable.

"Common interest community" means a property governed by the Common Interest Community Association Act.

"Common interest community association" has the meaning ascribed to it in Section 1-5 of the Common Interest Community Association Act.

"Condominium" means a property governed by the Condominium Property Act.

"Condominium association" means an association in which membership is a condition of ownership or shareholder interest of a unit in a condominium, cooperative, townhouse, villa, or other residential unit which is part of a residential development plan and that is authorized to impose an assessment, rents, or other costs that may become a lien on the unit or lot, and includes a unit owners' association as defined in subsection (o) of Section 2 of the Condominium Property Act or and a master association as defined in subsection (u) of Section 2 of the Condominium Property Act.

"Declaration" has the meaning ascribed to it in:

(1) Section 1-5 of the Common Interest Community Association Act; or

(2) Section 2 of the Condominium Property Act.

"Department" means the Department of Financial and Professional Regulation.

"Director" means the Director of the Division of Real Estate Professional Regulation.

"Division" means the Division of Real Estate Professional Regulation within the Department of Financial and Professional Regulation.

New matter indicated by italics - deletions by strikeout
"Office" means the Office of the Condominium and Common Interest Community Ombudsperson established under Section 20 of this Act.

"Ombudsperson" means the Condominium and Common Interest Community Ombudsperson named employed under Section 20 of this Act.

"Person" includes a natural person, firm, association, organization, partnership, business trust, corporation, limited liability company, or public entity.

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

"Unit" means a part of the condominium property or common interest community property designed and intended for any type of independent use.

"Unit owner" has the meaning ascribed to it in:

(1) subsection (g) of Section 2 of the Condominium Property Act; or

(2) Section 1-5 of the Common Interest Community Association Act.

(Source: P.A. 98-1135, eff. 7-1-16.)

(765 ILCS 615/20)

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

(Section scheduled to be repealed on July 1, 2021)

Sec. 20. Office of the Condominium and Common Interest Community Ombudsperson.

(a) There is created in the Division of Real Estate Professional Regulation within the Department of Financial and Professional Regulation, under the supervision and control of the Secretary, the Office of the Condominium and Common Interest Community Ombudsperson.

(b) The Department shall name employ an Ombudsperson and other persons as necessary to discharge the requirements of this Act. The Ombudsperson shall have the powers delegated to him or her by the Department, in addition to the powers set forth in this Act.

(c) Neither the Ombudsperson nor the Department shall have any authority to consider matters that may constitute grounds for charges or complaints under the Illinois Human Rights Act or that are properly brought before the Department of Human Rights or the Illinois Human Rights Commission, before a comparable department or body established by a county, municipality, or township pursuant to an ordinance.
prohibiting discrimination and established for the purpose of investigating and adjudicating charges or complaints of discrimination under the ordinance, or before a federal agency or commission that administers and enforces federal anti-discrimination laws and investigates and adjudicates charges or complaints of discrimination under such laws.

(d) Information and advice provided by the Ombudsperson has no binding legal effect and is not subject to the rulemaking provisions of the Illinois Administrative Procedure Act.

(Source: P.A. 98-1135, eff. 7-1-16.)

(765 ILCS 615/25)

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

(Section scheduled to be repealed on July 1, 2021)

Sec. 25. Training and education. On or before July 1, 2017

the Ombudsperson shall offer training, outreach, and educational materials, and may arrange for the offering of courses to unit owners, associations, boards of managers, and boards of directors in subjects relevant to: (i) the operation and management of condominiums and common interest communities; and (ii) the Condominium Property Act and the Common Interest Community Association Act.

(Source: P.A. 98-1135, eff. 7-1-16.)

(765 ILCS 615/30)

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

(Section scheduled to be repealed on July 1, 2021)

Sec. 30. Website; toll-free number.

(a) The Office shall maintain on the Department's website the following information:

(1) the text of this Act, the Condominium Property Act, the Common Community Interest Community Association Act, and any other statute, administrative rule, or regulation that the Ombudsperson determines is relevant to the operation and management of a condominium association or common interest community association;

(2) information concerning non-judicial resolution of disputes that may arise within a condominium or common interest community, including, but not limited to, alternative dispute resolution programs and contacts for locally-available dispute resolution programs;

New matter indicated by italics - deletions by strikeout
(3) a description of the services provided by the Ombudsperson and information on how to contact the Ombudsperson for assistance; and
(4) any other information that the Ombudsperson determines is useful to unit owners, associations, boards of managers, and boards of directors.

(b) The Office may make available during regular business hours a statewide toll-free telephone number to provide information and resources on matters relating to condominium property and common interest community property. The Office shall make the information described in subsection (a) of this Section available in printed form.

(Source: P.A. 98-1135, eff. 7-1-16.)

(765 ILCS 615/35)

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

Sec. 35. Written policy for resolving complaints.
(a) Each association, except for those outlined in subsection (b) of this Section, shall adopt a written policy for resolving complaints made by unit owners. The association shall make the policy available to all unit owners upon request. The policy must include:
(1) a sample form on which a unit owner may make a complaint to the association;
(2) a description of the process by which complaints shall be delivered to the association;
(3) the association's timeline and manner of making final determinations in response to a unit owner's complaint; and
(4) a requirement that the final determination made by the association in response to a unit owner's complaint be:
   (i) made in writing;
   (ii) made within 180 days a reasonable time after the association received the unit owner's original complaint; and
   (iii) marked clearly and conspicuously as "final".
(b) Common interest community associations exempt from the Common Interest Community Association Act are not required to have a written policy for resolving complaints.
(c) No later than January 1, 2019 180 days after the effective date of this Act, associations existing on the effective date of this Act, except

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for those identified in subsection (b) of this Section, must establish and adopt the policy required under this Section.

(d) Associations first created after January 1, 2019, except for those identified in subsection (b) of this Section, must establish and adopt the policy required under this Section within 180 days following creation of the association at the time of initial registration as required by Section 65 of this Act.

(e) A unit owner may not bring a request for assistance under Section 40 of this Act for an association's lack of or inadequacy of a written policy to resolve complaints, but may notify the Department in writing of the association's lack of or inadequacy of a written policy. An association that fails to comply with this Section is subject to subsection (g) of Section 65 of this Act.

(Source: P.A. 98-1135, eff. 7-1-16.)

(765 ILCS 615/40)

(Section scheduled to be repealed on July 1, 2021)

Sec. 40. Dispute resolution Requests for assistance.

(a) Beginning on July 1, 2020, and subject to appropriation 2019, unit owners meeting the requirements of this Section may make a written request, as outlined in subsection (f) of this Section, to the Ombudsperson for assistance in resolving a dispute between a unit owner and an association that involves a violation of the Condominium Property Act or the Common Interest Community Association Property Act.

(b) The Ombudsperson shall not accept requests for resolutions of disputes with community association managers, supervising community association managers, or community association management firms, as defined in the Community Association Manager Licensing and Disciplinary Act.

(c) The Ombudsperson shall not accept requests for resolutions of disputes for which there is a pending complaint filed in any court or administrative tribunal in any jurisdiction or for which arbitration or alternative dispute resolution is scheduled to occur or has previously occurred.

(d) The assistance described in subsection (a) of this Section is available only to unit owners. In order for a unit owner to receive the assistance from the Ombudsperson described in subsection (a) of this Section, the unit owner must:

New matter indicated by italics - deletions by strikeout
(1) owe no outstanding assessments, fees, or funds to the association, unless the assessments, fees, or funds are central to the dispute;

(2) allege a dispute that was initiated, or initially occurred, within the past 2 calendar years preceding of the date of the request;

(3) have made a written complaint pursuant to the unit owner's association's complaint policy, as outlined in Section 35, which alleged alleges violations of the Condominium Property Act or the Common Interest Community Association Act;

(4) have received a final and adverse decision from the association and attach a copy of the association's final adverse decision marked "final" to the request to the Ombudsperson; and

(5) have filed the request within 30 days after the receipt of the association's final adverse decision.

(e) A unit owner who has not received a response, marked "final", to his or her complaint from the association within a reasonable time may request assistance from the Ombudsperson pursuant to subsection (a) of this Section if the unit owner meets the requirements of items (1), (2), and (3) of subsection (d) of this Section. A unit owner may not request assistance from the Ombudsperson until at least 90 days after the initial written complaint was submitted to the association. The Ombudsperson may decline a unit owner's request for assistance on the basis that a reasonable time has not yet passed.

(f) The request for assistance shall be in writing, on forms provided electronically by the Office, and include the following:

(1) the name, address, and contact information of the unit owner;

(2) the name, address, and contact information of the association;

(3) the applicable association governing documents unless the absence of governing documents is central to the dispute;

(4) the date of the final adverse decision by the association;

(5) a copy of the association's written complaint policy required under Section 35 of this Act;

(6) a copy of the unit owner's complaint to the association with a specific reference to the alleged violations of the Condominium Property Act or the Common Interest Community Association Act;

New matter indicated by italics - deletions by strikeout
(7) documentation verifying the unit owner's ownership of a unit, such as a copy of a recorded deed or other document conferring title; and
(8) a copy of the association's adverse decision marked "final", if applicable.

(g) On receipt of a unit owner's request for assistance that the Department determines meets the requirements of this Section, the Ombudsperson shall, within the limits of the available resources, confer with the interested parties and assist in efforts to resolve the dispute by mutual agreement of the parties.

(h) The Ombudsperson shall assist only opposing parties who mutually agree to participate in dispute resolution.

(i) A unit owner is limited to one request for assistance per dispute. The meaning of dispute is to be broadly interpreted by the Department.

(j) The Department has the authority to determine whether or not a final decision is adverse under paragraph (4) of subsection (d) of this Section.

(k) The Department shall, on or before July 1, 2020, establish rules describing the time limit, method, and manner for dispute resolution.

(l) (Blank) A request under the Freedom of Information Act for information does not constitute a request for assistance under this Section.

(Source: P.A. 98-1135, eff. 7-1-16.)

(765 ILCS 615/45)
(This Section may contain text from a Public Act with a delayed effective date)

(Section scheduled to be repealed on July 1, 2021)

Sec. 45. Confidentiality.

(a) All information collected by the Department in the course of addressing a request for assistance or for any other purpose pursuant to this Act Section 40 shall be maintained for the confidential use of the Department and shall not be disclosed. The Department shall not disclose the information to anyone other than law enforcement officials or regulatory agencies that have an appropriate regulatory interest as determined by the Secretary. Information and documents disclosed to a federal, State, county, or local law enforcement agency shall not be disclosed by that agency for any purpose to any other agency or person.

(b) A request for information made to the Department, or the Ombudsperson, under this Act does not constitute a request under the Freedom of Information Act.

New matter indicated by italics - deletions by strikeout
(c) The confidentiality provisions of this Section do not extend to educational, training, and outreach material, statistical data, or operational information maintained by the Department in administering this Act.

(Source: P.A. 98-1135, eff. 7-1-16.)

(765 ILCS 615/50)

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

Sec. 50. Reports.

(a) The Department shall submit an annual written report on the activities of the Office to the General Assembly. The Department shall submit the first report no later than July 1, 2018. Beginning in 2019, the Department shall submit the report no later than October 1 of each year; with the initial report being due October 1, 2020. The report shall include all of the following:

(1) annual workload and performance data, including (i) the number of requests for information; (ii) training, education, or other information provided; (iii) assistance received, the manner in which education and training was conducted; requests were or were not resolved and (iv) the staff time required to provide the training, education, or other information resolve the requests. For each category of data, the report shall provide subtotals based on the type of question or dispute involved in the request; and

(2) where relevant information is available, analysis of the most common and serious types of concerns disputes within condominiums and common interest communities, along with any recommendations for statutory reform to reduce the frequency or severity of those disputes.

(Source: P.A. 98-1135, eff. 7-1-16.)

(765 ILCS 615/60)

(Section scheduled to be repealed on July 1, 2021)

Sec. 60. Rules. The Department may, from time to time, adopt such rules as are necessary for the administration and enforcement of any provision of this Act. Any rule adopted under this Act is subject to the rulemaking provisions of the Illinois Administrative Procedure Act.

(Source: P.A. 98-1135, eff. 7-1-16.)

New matter indicated by italics - deletions by strikeout
(765 ILCS 615/70)
(This Section may contain text from a Public Act with a delayed effective date)
(Section scheduled to be repealed on July 1, 2021)
Sec. 70. Repeal. This Act is repealed on July 1, 2022.
(Source: P.A. 98-1135, eff. 7-1-16.)
(765 ILCS 615/999)
(This Section may contain text from a Public Act with a delayed effective date)
(Section scheduled to be repealed on July 1, 2021)
Sec. 999. Effective date. This Act takes effect January 1, 2017.
(Source: P.A. 98-1135, eff. 7-1-16.)
(765 ILCS 615/55 rep.)
Section 25. The Condominium and Common Interest Community Ombudsperson Act is amended by repealing Section 55.
Section 99. Effective date. This Act takes effect upon becoming law.

Approved August 12, 2016.
Effective August 12, 2016.

PUBLIC ACT 99-0777
(House Bill No. 4675)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Public Community College Act is amended by changing Sections 2-16.06 and 2-16.07 as follows:
(110 ILCS 805/2-16.06)
Sec. 2-16.06. ICCB Adult Education Fund. The ICCB Adult Education Fund is created as a federal special fund in the State treasury. All money in the ICCB Adult Education Fund may be used, subject to appropriation, by the State Board for operational expenses associated with the administration of adult education and literacy activities and for the payment of costs associated with education and educational-related services to local eligible providers for adult education and literacy as provided by the United States Department of Education.

New matter indicated by italics - deletions by strikeout
Sec. 2-16.07. Career and Technical Education Fund. The Career and Technical Education Fund is created as a federal special fund in the State treasury. The Comptroller shall order transferred and the State Treasurer shall transfer from the Federal Department of Education Fund into the Career and Technical Education Fund such amounts as may be directed in writing by the State Board of Education. All moneys so deposited into the Career and Technical Education Fund may be used, subject to appropriation, by the State Board for operational expenses associated with the administration of Career and Technical Education, for payment of Career and Technical Education grants to colleges, and for payment of costs relating to State leadership activities, as provided by the United States Department of Education.

Sections 99. Effective date. This Act takes effect upon becoming law.

Approved August 12, 2016.
Effective August 12, 2016.

PUBLIC ACT 99-0778
(House Bill No. 4683)

AN ACT concerning criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Code of Criminal Procedure of 1963 is amended by adding Section 115-4.5, the heading of Article 121A, and Sections 121A-1 and 121A-2 as follows:

(725 ILCS 5/115-4.5 new)
Sec. 115-4.5. Death of defendant.
Whenever the prosecuting attorney learns of the death of the defendant prior to the entry of a final and appealable judgment in a criminal case, he or she shall promptly notify the other party and file a certificate of notice of the defendant's death with the circuit court before which the case is pending. Upon filing of the certificate, the court shall enter an order abating the proceedings ab initio.

(725 ILCS 5/Art. 121A heading new)

New matter indicated by italics - deletions by strikeout
ARTICLE 121A. PENDING DIRECT APPEAL AFTER DEFENDANT'S DEATH

(725 ILCS 5/121A-1 new)
Sec. 121A-1. Application of Article.
Unless otherwise provided by Rules of the Supreme Court, this Article shall govern pending direct appeal in all criminal cases after the death of the defendant.

(725 ILCS 5/121A-2 new)
Sec. 121A-2. Pending direct appeal after the defendant's death.
(a) Whenever the prosecuting attorney learns of the death of the defendant following the entry of a final and appealable judgment but prior to the conclusion of the defendant's direct appeal from the conviction, he or she shall promptly notify the other party and file a certificate of notice of the defendant's death with the reviewing court before which the direct appeal is pending.

(b) Unless the executor or administrator of the defendant's estate or other successor in interest files a verified motion to intervene in the direct appeal within 30 days of the filing of the certificate under subsection (a) of this Section, the reviewing court shall dismiss the direct appeal without disturbing the judgment of the circuit court.

(c) If the court receives a timely petition for leave to intervene by an authorized party, the reviewing court shall permit the petitioning party to intervene in the direct appeal in place of the defendant and the direct appeal shall proceed in the same manner as if the defendant were still alive. The authority to intervene shall terminate automatically upon completion of the proceedings in the direct appeal.

(d) Nothing in this Section shall be construed to authorize the filing or continued litigation of a post-conviction petition or other collateral attack on a conviction or sentence on behalf of a deceased defendant.

Approved August 12, 2016.
Effective January 1, 2017.
AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Children and Family Services Act is amended by changing Section 35.1 as follows:

(20 ILCS 505/35.1) (from Ch. 23, par. 5035.1)

Sec. 35.1. The case and clinical records of patients in Department supervised facilities, wards of the Department, children receiving or applying for child welfare services, persons receiving or applying for other services of the Department, and Department reports of injury or abuse to children shall not be open to the general public. Such case and clinical records and reports or the information contained therein shall be disclosed by the Director of the Department to juvenile authorities when necessary for the discharge of their official duties who request information concerning the minor and who certify in writing that the information will not be disclosed to any other party except as provided under law or order of court. For purposes of this Section, "juvenile authorities" means: (i) a judge of the circuit court and members of the staff of the court designated by the judge; (ii) parties to the proceedings under the Juvenile Court Act of 1987 and their attorneys; (iii) probation officers and court appointed advocates for the juvenile authorized by the judge hearing the case; (iv) any individual, public or private agency having custody of the child pursuant to court order or pursuant to placement of the child by the Department; (v) any individual, public or private agency providing education, medical or mental health service to the child when the requested information is needed to determine the appropriate service or treatment for the minor; (vi) any potential placement provider when such release is authorized by the court for the limited purpose of determining the appropriateness of the potential placement; (vii) law enforcement officers and prosecutors; (viii) adult and juvenile prisoner review boards; (ix) authorized military personnel; (x) individuals authorized by court; (xi) the Illinois General Assembly or any committee or commission thereof. This Section does not apply to the Department's fiscal records, other records of a purely administrative nature, or any forms, documents or other records required of facilities subject to licensure by the Department except as may otherwise be provided under the Child Care Act of 1969.

New matter indicated by italics - deletions by strikeout
Notwithstanding any other provision of this Section, upon request, a guardian ad litem or attorney appointed to represent a child who is the subject of an action pursuant to Article II of the Juvenile Court Act of 1987 may obtain a copy of foster home licensing records, including all information related to licensing complaints and investigations, regarding a home in which the child is placed or regarding a home in which the Department plans to place the child. Any information contained in foster home licensing records that is protected from disclosure by federal or State law may be obtained only in compliance with that law. Nothing in this Section restricts the authority of a court to order release of licensing records for purposes of discovery or as otherwise authorized by law.

Nothing contained in this Act prevents the sharing or disclosure of information or records relating or pertaining to juveniles subject to the provisions of the Serious Habitual Offender Comprehensive Action Program when that information is used to assist in the early identification and treatment of habitual juvenile offenders.

Nothing contained in this Act prevents the sharing or disclosure of information or records relating or pertaining to the death of a minor under the care of or receiving services from the Department and under the jurisdiction of the juvenile court with the juvenile court, the State's Attorney, and the minor's attorney.

Nothing contained in this Section prohibits or prevents any individual dealing with or providing services to a minor from sharing information with another individual dealing with or providing services to a minor for the purpose of coordinating efforts on behalf of the minor. The sharing of such information is only for the purpose stated herein and is to be consistent with the intent and purpose of the confidentiality provisions of the Juvenile Court Act of 1987. This provision does not abrogate any recognized privilege. Sharing information does not include copying of records, reports or case files unless authorized herein.

Nothing in this Section prohibits or prevents the re-disclosure of records, reports, or other information that reveals malfeasance or nonfeasance on the part of the Department, its employees, or its agents.

Nothing in this Section prohibits or prevents the Department or a party in a proceeding under the Juvenile Court Act of 1987 from copying records, reports, or case files for the purpose of sharing those documents with other parties to the litigation.

(Source: P.A. 94-1010, eff. 10-1-06.)

New matter indicated by italics - deletions by strikeout
Section 10. The Child Care Act of 1969 is amended by changing Sections 4, 6, and 7 and by adding Section 2.22a as follows:

(225 ILCS 10/2.22a new)

Sec. 2.22a. Quality of care concerns applicant. "Quality of care concerns applicant" means an applicant for a foster care license or renewal of a foster care license where the applicant or any person living in the applicant's household:

(1) has had a license issued under this Act revoked;
(2) has surrendered a license issued under this Act for cause;
(3) has had a license issued under this Act expire or has surrendered a license, while either an abuse or neglect investigation or licensing investigation was pending or an involuntary placement hold was placed on the home;
(4) has been the subject of allegations of abuse or neglect;
(5) has an indicated report of abuse or neglect; or
(6) has been the subject of certain types of involuntary placement holds or has been involved in certain types of substantiated licensing complaints, as specified and defined by Department rule.

(225 ILCS 10/4) (from Ch. 23, par. 2214)

Sec. 4. License requirement; application; notice.

(a) Any person, group of persons or corporation who or which receives children or arranges for care or placement of one or more children unrelated to the operator must apply for a license to operate one of the types of facilities defined in Sections 2.05 through 2.19 and in Section 2.22 of this Act. Any relative, as defined in Section 2.17 of this Act, who receives a child or children for placement by the Department on a full-time basis may apply for a license to operate a foster family home as defined in Section 2.17 of this Act.

(a-5) Any agency, person, group of persons, association, organization, corporation, institution, center, or group providing adoption services must be licensed by the Department as a child welfare agency as defined in Section 2.08 of this Act. "Providing adoption services" as used in this Act, includes facilitating or engaging in adoption services.

(b) Application for a license to operate a child care facility must be made to the Department in the manner and on forms prescribed by it. An application to operate a foster family home shall include, at a minimum: a completed written form; written authorization by the applicant and all

New matter indicated by italics - deletions by strikeout
adult members of the applicant's household to conduct a criminal background investigation; medical evidence in the form of a medical report, on forms prescribed by the Department, that the applicant and all members of the household are free from communicable diseases or physical and mental conditions that affect their ability to provide care for the child or children; the names and addresses of at least 3 persons not related to the applicant who can attest to the applicant's moral character; and fingerprints submitted by the applicant and all adult members of the applicant's household.

(b-5) Prior to submitting an application for a foster family home license, a quality of care concerns applicant as defined in Section 2.22a of this Act must submit a preliminary application to the Department in the manner and on forms prescribed by it. The Department shall explain to the quality of care concerns applicant the grounds for requiring a preliminary application. The preliminary application shall include a list of (i) all children placed in the home by the Department who were removed by the Department for reasons other than returning to a parent and the circumstances under which they were removed and (ii) all children placed by the Department who were subsequently adopted by or placed in the private guardianship of the quality of care concerns applicant who are currently under 18 and who no longer reside in the home and the reasons why they no longer reside in the home. The preliminary application shall also include, if the quality of care concerns applicant chooses to submit, (1) a response to the quality of care concerns, including any reason the concerns are invalid, have been addressed or ameliorated, or no longer apply and (2) affirmative documentation demonstrating that the quality of care concerns applicant's home does not pose a risk to children and that the family will be able to meet the physical and emotional needs of children. The Department shall verify the information in the preliminary application and review (i) information regarding any prior licensing complaints, (ii) information regarding any prior child abuse or neglect investigations, and (iii) information regarding any involuntary foster home holds placed on the home by the Department. Foster home applicants with quality of care concerns are presumed unsuitable for future licensure.

Notwithstanding the provisions of this subsection (b-5), the Department may make an exception and issue a foster family license to a quality of care concerns applicant if the Department is satisfied that the foster family home does not pose a risk to children and that the foster
family will be able to meet the physical and emotional needs of children. In making this determination, the Department must obtain and carefully review all relevant documents and shall obtain consultation from its Clinical Division as appropriate and as prescribed by Department rule and procedure. The Department has the authority to deny a preliminary application based on the record of quality of care concerns of the foster family home. In the alternative, the Department may (i) approve the preliminary application, (ii) approve the preliminary application subject to obtaining additional information or assessments, or (iii) approve the preliminary application for purposes of placing a particular child or children only in the foster family home. If the Department approves a preliminary application, the Department may (i) approve the preliminary application, (ii) approve the preliminary application subject to obtaining additional information or assessments, or (iii) approve the preliminary application for purposes of placing a particular child or children only in the foster family home. If the Department approves a preliminary application, the Department may (i) approve the preliminary application, (ii) approve the preliminary application subject to obtaining additional information or assessments, or (iii) approve the preliminary application for purposes of placing a particular child or children only in the foster family home. If the Department approves a preliminary application, the Department shall notify the quality of care concerns applicant of its decision and the basis for its decision in writing.

(c) The Department shall notify the public when a child care institution, maternity center, or group home licensed by the Department undergoes a change in (i) the range of care or services offered at the facility, (ii) the age or type of children served, or (iii) the area within the facility used by children. The Department shall notify the public of the change in a newspaper of general circulation in the county or municipality in which the applicant's facility is or is proposed to be located.

(d) If, upon examination of the facility and investigation of persons responsible for care of children and, in the case of a foster home, taking into account information obtained for purposes of evaluating a preliminary application, if applicable, the Department is satisfied that the facility and responsible persons reasonably meet standards prescribed for the type of facility for which application is made, it shall issue a license in proper form, designating on that license the type of child care facility and, except for a child welfare agency, the number of children to be served at any one time.

(e) The Department shall not issue or renew the license of any child welfare agency providing adoption services, unless the agency (i) is officially recognized by the United States Internal Revenue Service as a tax-exempt organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 (or any successor provision of federal tax law) and (ii) is in compliance with all of the standards necessary to maintain its status as an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 (or any successor provision of federal tax law).
Department shall grant a grace period of 24 months from the effective date of this amendatory Act of the 94th General Assembly for existing child welfare agencies providing adoption services to obtain 501(c)(3) status. The Department shall permit an existing child welfare agency that converts from its current structure in order to be recognized as a 501(c)(3) organization as required by this Section to either retain its current license or transfer its current license to a newly formed entity, if the creation of a new entity is required in order to comply with this Section, provided that the child welfare agency demonstrates that it continues to meet all other licensing requirements and that the principal officers and directors and programs of the converted child welfare agency or newly organized child welfare agency are substantially the same as the original. The Department shall have the sole discretion to grant a one year extension to any agency unable to obtain 501(c)(3) status within the timeframe specified in this subsection (e), provided that such agency has filed an application for 501(c)(3) status with the Internal Revenue Service within the 2-year timeframe specified in this subsection (e).

(Source: P.A. 98-804, eff. 1-1-15.)

(225 ILCS 10/6) (from Ch. 23, par. 2216)

Sec. 6. (a) A licensed facility operating as a "child care institution", "maternity center", "child welfare agency", "day care agency" or "day care center" must apply for renewal of its license held, the application to be made to the Department on forms prescribed by it.

(b) The Department, a duly licensed child welfare agency or a suitable agency or person designated by the Department as its agent to do so, must re-examine every child care facility for renewal of license, including in that process the examination of the premises and records of the facility as the Department considers necessary to determine that minimum standards for licensing continue to be met, and random surveys of parents or legal guardians who are consumers of such facilities' services to assess the quality of care at such facilities. In the case of foster family homes, or day care homes under the supervision of or otherwise required to be licensed by the Department, or under supervision of a licensed child welfare agency or day care agency, the examination shall be made by the Department, or agency supervising such homes. If the Department is satisfied that the facility continues to maintain minimum standards which it prescribes and publishes, it shall renew the license to operate the facility.

(b-5) In the case of a quality of care concerns applicant as defined in Section 2.22a of this Act, in addition to the examination required in

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subsection (b) of this Section, the Department shall not renew the license of a quality of care concerns applicant unless the Department is satisfied that the foster family home does not pose a risk to children and that the foster family home will be able to meet the physical and emotional needs of children. In making this determination, the Department must obtain and carefully review all relevant documents and shall obtain consultation from its Clinical Division as appropriate and as prescribed by Department rule and procedure. The Department has the authority to deny an application for renewal based on a record of quality of care concerns. In the alternative, the Department may (i) approve the application for renewal subject to obtaining additional information or assessments, (ii) approve the application for renewal for purposes of placing or maintaining only a particular child or children only in the foster home, or (iii) approve the application for renewal. The Department shall notify the quality of care concerns applicant of its decision and the basis for its decision in writing.

(c) If a child care facility's license, other than a license for a foster family home, is revoked, or if the Department refuses to renew a facility's license, the facility may not reapply for a license before the expiration of 12 months following the Department's action; provided, however, that the denial of a reapplication for a license pursuant to this subsection must be supported by evidence that the prior revocation renders the applicant unqualified or incapable of satisfying the standards and rules promulgated by the Department pursuant to this Act or maintaining a facility which adheres to such standards and rules.

(d) If a foster family home license (i) is revoked, (ii) is surrendered for cause, or (iii) expires or is surrendered with either certain types of involuntary placement holds in place or while a licensing or child abuse or neglect investigation is pending, or if the Department refuses to renew a foster home license, the foster home may not reapply for a license before the expiration of 5 years following the Department's action or following the expiration or surrender of the license.

(Source: P.A. 86-554.)

(225 ILCS 10/7) (from Ch. 23, par. 2217)

Sec. 7. (a) The Department must prescribe and publish minimum standards for licensing that apply to the various types of facilities for child care defined in this Act and that are equally applicable to like institutions under the control of the Department and to foster family homes used by and under the direct supervision of the Department. The Department shall seek the advice and assistance of persons representative of the various

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types of child care facilities in establishing such standards. The standards prescribed and published under this Act take effect as provided in the Illinois Administrative Procedure Act, and are restricted to regulations pertaining to the following matters and to any rules and regulations required or permitted by any other Section of this Act:

1. The operation and conduct of the facility and responsibility it assumes for child care;

2. The character, suitability and qualifications of the applicant and other persons directly responsible for the care and welfare of children served. All child day care center licensees and employees who are required to report child abuse or neglect under the Abused and Neglected Child Reporting Act shall be required to attend training on recognizing child abuse and neglect, as prescribed by Department rules;

3. The general financial ability and competence of the applicant to provide necessary care for children and to maintain prescribed standards;

4. The number of individuals or staff required to insure adequate supervision and care of the children received. The standards shall provide that each child care institution, maternity center, day care center, group home, day care home, and group day care home shall have on its premises during its hours of operation at least one staff member certified in first aid, in the Heimlich maneuver and in cardiopulmonary resuscitation by the American Red Cross or other organization approved by rule of the Department. Child welfare agencies shall not be subject to such a staffing requirement. The Department may offer, or arrange for the offering, on a periodic basis in each community in this State in cooperation with the American Red Cross, the American Heart Association or other appropriate organization, voluntary programs to train operators of foster family homes and day care homes in first aid and cardiopulmonary resuscitation;

5. The appropriateness, safety, cleanliness and general adequacy of the premises, including maintenance of adequate fire prevention and health standards conforming to State laws and municipal codes to provide for the physical comfort, care and well-being of children received;

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(6) Provisions for food, clothing, educational opportunities, program, equipment and individual supplies to assure the healthy physical, mental and spiritual development of children served;

(7) Provisions to safeguard the legal rights of children served;

(8) Maintenance of records pertaining to the admission, progress, health and discharge of children, including, for day care centers and day care homes, records indicating each child has been immunized as required by State regulations. The Department shall require proof that children enrolled in a facility have been immunized against Haemophilus Influenzae B (HIB);

(9) Filing of reports with the Department;

(10) Discipline of children;

(11) Protection and fostering of the particular religious faith of the children served;

(12) Provisions prohibiting firearms on day care center premises except in the possession of peace officers;

(13) Provisions prohibiting handguns on day care home premises except in the possession of peace officers or other adults who must possess a handgun as a condition of employment and who reside on the premises of a day care home;

(14) Provisions requiring that any firearm permitted on day care home premises, except handguns in the possession of peace officers, shall be kept in a disassembled state, without ammunition, in locked storage, inaccessible to children and that ammunition permitted on day care home premises shall be kept in locked storage separate from that of disassembled firearms, inaccessible to children;

(15) Provisions requiring notification of parents or guardians enrolling children at a day care home of the presence in the day care home of any firearms and ammunition and of the arrangements for the separate, locked storage of such firearms and ammunition; and

(16) Provisions requiring all licensed child care facility employees who care for newborns and infants to complete training every 3 years on the nature of sudden unexpected infant death (SUID), sudden infant death syndrome (SIDS), and the safe sleep recommendations of the American Academy of Pediatrics.

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(17) With respect to foster family homes, provisions requiring the Department to review quality of care concerns and to consider those concerns in determining whether a foster family home is qualified to care for children.

(b) If, in a facility for general child care, there are children diagnosed as mentally ill or children diagnosed as having an intellectual or physical disability, who are determined to be in need of special mental treatment or of nursing care, or both mental treatment and nursing care, the Department shall seek the advice and recommendation of the Department of Human Services, the Department of Public Health, or both Departments regarding the residential treatment and nursing care provided by the institution.

(c) The Department shall investigate any person applying to be licensed as a foster parent to determine whether there is any evidence of current drug or alcohol abuse in the prospective foster family. The Department shall not license a person as a foster parent if drug or alcohol abuse has been identified in the foster family or if a reasonable suspicion of such abuse exists, except that the Department may grant a foster parent license to an applicant identified with an alcohol or drug problem if the applicant has successfully participated in an alcohol or drug treatment program, self-help group, or other suitable activities and if the Department determines that the foster family home can provide a safe, appropriate environment and meet the physical and emotional needs of children.

(d) The Department, in applying standards prescribed and published, as herein provided, shall offer consultation through employed staff or other qualified persons to assist applicants and licensees in meeting and maintaining minimum requirements for a license and to help them otherwise to achieve programs of excellence related to the care of children served. Such consultation shall include providing information concerning education and training in early childhood development to providers of day care home services. The Department may provide or arrange for such education and training for those providers who request such assistance.

(e) The Department shall distribute copies of licensing standards to all licensees and applicants for a license. Each licensee or holder of a permit shall distribute copies of the appropriate licensing standards and any other information required by the Department to child care facilities under its supervision. Each licensee or holder of a permit shall maintain appropriate documentation of the distribution of the standards. Such
documentation shall be part of the records of the facility and subject to inspection by authorized representatives of the Department.

(f) The Department shall prepare summaries of day care licensing standards. Each licensee or holder of a permit for a day care facility shall distribute a copy of the appropriate summary and any other information required by the Department, to the legal guardian of each child cared for in that facility at the time when the child is enrolled or initially placed in the facility. The licensee or holder of a permit for a day care facility shall secure appropriate documentation of the distribution of the summary and brochure. Such documentation shall be a part of the records of the facility and subject to inspection by an authorized representative of the Department.

(g) The Department shall distribute to each licensee and holder of a permit copies of the licensing or permit standards applicable to such person's facility. Each licensee or holder of a permit shall make available by posting at all times in a common or otherwise accessible area a complete and current set of licensing standards in order that all employees of the facility may have unrestricted access to such standards. All employees of the facility shall have reviewed the standards and any subsequent changes. Each licensee or holder of a permit shall maintain appropriate documentation of the current review of licensing standards by all employees. Such records shall be part of the records of the facility and subject to inspection by authorized representatives of the Department.

(h) Any standards involving physical examinations, immunization, or medical treatment shall include appropriate exemptions for children whose parents object thereto on the grounds that they conflict with the tenets and practices of a recognized church or religious organization, of which the parent is an adherent or member, and for children who should not be subjected to immunization for clinical reasons.

(i) The Department, in cooperation with the Department of Public Health, shall work to increase immunization awareness and participation among parents of children enrolled in day care centers and day care homes by publishing on the Department's website information about the benefits of immunization against vaccine preventable diseases, including influenza and pertussis. The information for vaccine preventable diseases shall include the incidence and severity of the diseases, the availability of vaccines, and the importance of immunizing children and persons who frequently have close contact with children. The website content shall be reviewed annually in collaboration with the Department of Public Health.

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to reflect the most current recommendations of the Advisory Committee on Immunization Practices (ACIP). The Department shall work with day care centers and day care homes licensed under this Act to ensure that the information is annually distributed to parents in August or September.

(j) Any standard adopted by the Department that requires an applicant for a license to operate a day care home to include a copy of a high school diploma or equivalent certificate with his or her application shall be deemed to be satisfied if the applicant includes a copy of a high school diploma or equivalent certificate or a copy of a degree from an accredited institution of higher education or vocational institution or equivalent certificate.

(Source: P.A. 98-817, eff. 1-1-15; 99-143, eff. 7-27-15.)

Section 99. Effective date. This Act takes effect January 1, 2017.
Approved August 12, 2016.
Effective January 1, 2017.

**PUBLIC ACT 99-0780**
(House Bill No. 4983)

AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by adding Section 2-3.167 as follows:

(105 ILCS 5/2-3.167 new)

Sec. 2-3.167. State Global Scholar Certification.

(a) The State Global Scholar Certification Program is established to recognize public high school graduates who have attained global competence. State Global Scholar Certification shall be awarded beginning with the 2017-2018 school year. School district participation in this certification is voluntary.

(b) The purposes of State Global Scholar Certification are as follows:

(1) To recognize the value of a global education.
(2) To certify attainment of global competence.
(3) To provide employers with a method of identifying globally competent employees.

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(4) To provide colleges and universities with an additional method to recognize applicants seeking admission.
(5) To prepare students with 21st century skills.
(6) To encourage the development of a globally ready workforce in the STEM (science, technology, engineering, and mathematics), manufacturing, agriculture, and service sectors.

(c) State Global Scholar Certification confirms attainment of global competence, sufficient for meaningful use in college and a career, by a graduating public high school student.

(d) The State Board of Education shall adopt such rules as may be necessary to establish the criteria that students must achieve to earn State Global Scholar Certification, which shall minimally include attainment of units of credit in globally focused courses, service learning experiences, global collaboration and dialogue, and passage of a capstone project demonstrating global competency, as approved by the participating school district for this purpose.

(e) The State Board of Education shall do both of the following:

(1) Prepare and deliver to participating school districts an appropriate mechanism for designating State Global Scholar Certification on the diploma and transcript of a student indicating that the student has been awarded State Global Scholar Certification by the State Board of Education.

(2) Provide other information the State Board of Education deems necessary for school districts to successfully participate in the certification.

(f) A school district that participates in certification under this Section shall do both of the following:

(1) Maintain appropriate records in order to identify students who have earned State Global Scholar Certification.

(2) Make the appropriate designation on the diploma and transcript of each student who earns State Global Scholar Certification.

(g) No fee may be charged to a student to receive the designation pursuant to the Section. Notwithstanding this prohibition, costs may be incurred by the student in demonstrating proficiency.

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

Passed in the General Assembly May 26, 2016.
Approved August 12, 2016.

New matter indicated by italics - deletions by strikeout
Effective August 12, 2016.

PUBLIC ACT 99-0781
(House Bill No. 4996)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The School Code is amended by adding Sections 10-20.58 and 34-18.50 as follows:
(105 ILCS 5/10-20.58 new)
Sec. 10-20.58. DCFS liaison.
(a) Each school board may appoint at least one employee to act as a liaison to facilitate the enrollment and transfer of records of students in the legal custody of the Department of Children and Family Services when enrolling in or changing schools. The school board may appoint any employee of the school district who is licensed under Article 21B of this Code to act as a liaison; however, employees who meet any of the following criteria must be prioritized for appointment:
(1) Employees who have worked with mobile student populations or students in foster care.
(2) Employees who are familiar with enrollment, record transfers, existing community services, and student support services.
(3) Employees who serve as a high-level administrator.
(4) Employees who are counselors or have experience with student counseling.
(5) Employees who are knowledgeable on child welfare policies.
(6) Employees who serve as a school social worker.
(b) Liaisons under this Section are encouraged to build capacity and infrastructure within their school district to support students in the legal custody of the Department of Children and Family Services. Liaison responsibilities may include the following:
(1) streamlining the enrollment processes for students in foster care;
(2) implementing student data tracking and monitoring mechanisms;

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(3) ensuring that students in the legal custody of the Department of Children and Family Services receive all school nutrition and meal programs available;

(4) coordinating student withdrawal from a school, record transfers, and credit recovery;

(5) becoming experts on the foster care system and State laws and policies in place that support children under the legal custody of the Department of Children and Family Services;

(6) coordinating with child welfare partners;

(7) providing foster care-related information and training to the school district;

(8) working with the Department of Children and Family Services to help students maintain their school placement, if appropriate;

(9) reviewing student schedules to ensure that students are on track to graduate;

(10) encouraging a successful transition into adulthood and post-secondary opportunities;

(11) encouraging involvement in extracurricular activities; and

(12) knowing what support is available within the school district and community for students in the legal custody of the Department of Children and Family Services.

(c) A school district is encouraged to designate a liaison by the beginning of the 2017-2018 school year.

(d) Individuals licensed under Article 21B of this Code acting as a liaison under this Section shall perform the duties of a liaison in addition to existing contractual obligations.

(105 ILCS 5/34-18.50 new)

Sec. 34-18.50. DCFS liaison.

(a) The board may appoint at least one employee to act as a liaison to facilitate the enrollment and transfer of records of students in the legal custody of the Department of Children and Family Services when enrolling in or changing schools. The board may appoint any employee of the school district who is licensed under Article 21B of this Code to act as a liaison; however, employees who meet any of the following criteria must be prioritized for appointment:

(1) Employees who have worked with mobile student populations or students in foster care.
(2) Employees who are familiar with enrollment, record transfers, existing community services, and student support services.

(3) Employees who serve as a high-level administrator.

(4) Employees who are counselors or have experience with student counseling.

(5) Employees who are knowledgeable on child welfare policies.

(6) Employees who serve as a school social worker.

(b) Liaisons under this Section are encouraged to build capacity and infrastructure within the school district to support students in the legal custody of the Department of Children and Family Services. Liaison responsibilities may include the following:

(1) streamlining the enrollment processes for students in foster care;

(2) implementing student data tracking and monitoring mechanisms;

(3) ensuring that students in the legal custody of the Department of Children and Family Services receive all school nutrition and meal programs available;

(4) coordinating student withdrawal from a school, record transfers, and credit recovery;

(5) becoming experts on the foster care system and State laws and policies in place that support children under the legal custody of the Department of Children and Family Services;

(6) coordinating with child welfare partners;

(7) providing foster care-related information and training to the school district;

(8) working with the Department of Children and Family Services to help students maintain their school placement, if appropriate;

(9) reviewing student schedules to ensure that students are on track to graduate;

(10) encouraging a successful transition into adulthood and post-secondary opportunities;

(11) encouraging involvement in extracurricular activities; and

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(12) knowing what support is available within the school district and community for students in the legal custody of the Department of Children and Family Services.

(c) The school district is encouraged to designate a liaison by the beginning of the 2017-2018 school year.

(d) Individuals licensed under Article 21B of this Code acting as a liaison under this Section shall perform the duties of a liaison in addition to existing contractual obligations.

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

Passed in the General Assembly May 26, 2016.
Approved August 12, 2016.
Effective August 12, 2016.

PUBLIC ACT 99-0782
(House Bill No. 5010)

AN ACT concerning animals.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Humane Care for Animals Act is amended by changing Section 3.01 as follows:

Sec. 3.01. Cruel treatment.

(a) No person or owner may beat, cruelly treat, torment, starve, overwork or otherwise abuse any animal.

(b) No owner may abandon any animal where it may become a public charge or may suffer injury, hunger or exposure.

(c) No owner of a dog or cat that is a companion animal may expose the dog or cat in a manner that places the dog or cat in a life-threatening situation for a prolonged period of time in extreme heat or cold conditions that:

(1) results in injury to or death of the animal; or

(2) results in hypothermia, hyperthermia, frostbite, or similar condition as diagnosed by a doctor of veterinary medicine.

(c-5) Nothing in this Section shall prohibit an animal from being impounded in an emergency situation under subsection (b) of Section 12 of this Act.

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(d) A person convicted of violating this Section is guilty of a Class A misdemeanor. A second or subsequent conviction for a violation of this Section is a Class 4 felony. In addition to any other penalty provided by law, a person who is convicted of violating subsection (a) upon a companion animal in the presence of a child, as defined in Section 12-0.1 of the Criminal Code of 2012, shall be subject to a fine of $250 and ordered to perform community service for not less than 100 hours. In addition to any other penalty provided by law, upon conviction for violating this Section, the court may order the convicted person to undergo a psychological or psychiatric evaluation and to undergo any treatment at the convicted person's expense that the court determines to be appropriate after due consideration of the evidence. If the convicted person is a juvenile or a companion animal hoarder, the court must order the convicted person to undergo a psychological or psychiatric evaluation and to undergo treatment that the court determines to be appropriate after due consideration of the evaluation.

(Source: P.A. 99-311, eff. 1-1-16; 99-357, eff. 1-1-16; revised 10-20-15.)

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

Approved August 12, 2016.
Effective August 12, 2016.

PUBLIC ACT 99-0783
(House Bill No. 5584)

AN ACT concerning local government.

Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

Section 5. The Sanitary District Act of 1917 is amended by changing Section 27 as follows:

(70 ILCS 2405/27) (from Ch. 42, par. 317i)

Sec. 27. (a) Any sanitary district created under this Act which does not have any outstanding and unpaid revenue bonds issued under the provisions of this Act and which has a population not in excess of 5000 persons and where that sanitary district has entered into an intergovernmental agreement with a municipality for the mutual expenditure of funds in joint work and for the transfer of assets under the

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Municipality and Sanitary District Mutual Expenditure Act may be dissolved as follows:

The board of trustees of a sanitary district may petition the circuit court to dissolve the district. Such petition must show: (1) the reasons for dissolving the district; (2) that there are no debts of the district outstanding or that there are sufficient funds on hand or available to satisfy such debts; (3) that no contract or federal or state permit or grant will be impaired by the dissolution of the sanitary district; (4) that all assets and responsibilities of the sanitary district have been properly assigned to the successor municipality; and (5) that the sanitary district will pay any court costs incurred in connection with the petition.

Upon adequate notice, including appropriate notice to the Illinois Environmental Protection Agency, the circuit court shall hold a hearing to determine whether there is good reason for dissolving the district and whether the allegations of the petition are true. If the court finds for the petitioners it shall order the district dissolved but if the court finds against the petitioners the petition shall be dismissed. In either event, the costs shall be taxed against the sanitary district. The order shall be final. Separate or joint appeals may be taken by any of the parties affected thereby or by the trustees of the sanitary district, as in other civil cases.

(b) The Village of Rockton has the power to dissolve and acquire all of the assets and responsibilities of a sanitary district (i) that is located wholly within Winnebago County and (ii) that has 90% of its service area within the corporate limits of the Village of Rockton. The corporate authorities of the Village of Rockton, after providing at least 60 days' prior written notice to the sanitary district, may vote to dissolve and acquire the existing sanitary district formed pursuant to this Act upon showing: (1) the reasons for dissolving the district; (2) that there are no outstanding debts of the district or that the Village of Rockton has sufficient funds on hand or available to satisfy any such debts; (3) that no federal or state permit or grant will be impaired by dissolution of the existing sanitary district; (4) that the Village of Rockton agrees to assume all assets and responsibilities of the sanitary district; and (5) that adequate notice has been given to the Illinois Environmental Protection Agency regarding the dissolution of the sanitary district. Any costs associated with the dissolution of the existing sanitary district may be taxed against the sanitary district once the Village of Rockton has acquired all the assets and responsibilities of the district. The sanitary district may file an appeal with the circuit court, which shall hold a hearing, to determine whether the requirements of this section has
been met. If the court finds that the requirements of this section have been met, it shall uphold the action of the Village of Rockton to dissolve the district. If the court finds that said requirements have not been met, it shall order that the sanitary district not be dissolved.

(c) The Round Lake Sanitary District may dissolve itself upon entering into an agreement with the County of Lake for the County to acquire all of the assets and responsibilities of the Round Lake Sanitary District. Upon dissolution of the District, the statutory powers of the former District shall be exercised by the county board of Lake County. Within 60 days after the effective date of such dissolution and agreement, the County of Lake shall notify the Illinois Environmental Protection Agency regarding the dissolution of the Round Lake Sanitary District and the dissolution agreement. (Source: P.A. 93-567, eff. 8-20-03.)

Section 10. The Sanitary District Act of 1936 is amended by changing Section 33 as follows:

Sec. 33. Any sanitary district created under this Act which does not have outstanding and unpaid any revenue bonds issued under the provisions of this Act may be dissolved as follows:

(a) Any 50 electors residing within the area of any sanitary district may file with the circuit clerk of the county in which the area is situated, a petition addressed to the circuit court to cause submission of the question whether the sanitary district shall be dissolved. Upon the filing of the petition with the clerk, the court shall certify the question to the proper election officials who shall submit the question at an election in accordance with the general election law, and give notice of the election in the manner provided by the general election law.

The question shall be in substantially the following form:

-------------------------------------------------------------
"Shall the sanitary YES
district of,... be NO
dissolved"?
-------------------------------------------------------------

If a majority of the votes cast on this question are in favor of dissolution of the sanitary district, then such organization shall cease, and the sanitary district is dissolved, and the court shall direct the sanitary district to discharge all outstanding obligations.

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(b) The County of Lake may dissolve the Fox Lake Hills Sanitary District, thereby acquiring all of the District's assets and responsibilities, upon adopting a resolution stating: (1) the reasons for dissolving the District; (2) that there are no outstanding debts of the District or that the County has sufficient funds on hand or available to satisfy such debts; (3) that no federal or State permit or grant will be impaired by dissolution of the District; and (4) that the County assumes all assets and responsibilities of the District. Upon dissolution of the District, the statutory powers of the former District shall be exercised by the county board of the Lake County. Within 60 days after the effective date of such resolution, the County of Lake shall notify the Illinois Environmental Protection Agency regarding the dissolution of the Fox Hills Sanitary District.

(Source: P.A. 81-1489.)

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

Passed in the General Assembly May 29, 2016.
Approved August 12, 2016.
Effective August 12, 2016.

PUBLIC ACT 99-0784
(House Bill No. 5603)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Authorized Electronic Monitoring in Long-Term Care Facilities Act is amended by changing Sections 5, 15, 25, 27, and 65 as follows:

(210 ILCS 32/5)

Sec. 5. Definitions. As used in this Act:
"Authorized electronic monitoring" means the placement and use of an electronic monitoring device by a resident in his or her room in accordance with this Act.
"Department" means the Department of Public Health.
"Electronic monitoring device" means a surveillance instrument with a fixed position video camera or an audio recording device, or a combination thereof, that is installed in a resident's room under the

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provisions of this Act and broadcasts or records activity or sounds occurring in the room.

"Facility" means an intermediate care facility for the developmentally disabled licensed under the ID/DD Community Care Act that has 30 beds or more, a facility licensed under the MC/DD Act, a long-term care for under age 22 facility licensed under the ID/DD Community Care Act, or a long-term care facility licensed under the Nursing Home Care Act.

"Resident" means a person residing in a facility.

"Resident's representative" has the meaning given to that term in (1) Section 1-123 of the Nursing Home Care Act if the resident resides in a facility licensed under the Nursing Home Care Act, or (2) Section 1-123 of the ID/DD Community Care Act if the resident resides in a facility licensed under the ID/DD Community Care Act, or (3) Section 1-123 of the MC/DD Act if the resident resides in a facility licensed under the MC/DD Act.

(Source: P.A. 99-430, eff. 1-1-16.)

(210 ILCS 32/15)
Sec. 15. Consent.

(a) Except as otherwise provided in this subsection, a resident, a resident's plenary guardian of the person, or the parent of a resident under the age of 18 must consent in writing on a notification and consent form prescribed by the Department to the authorized electronic monitoring in the resident's room. If the resident has not affirmatively objected to the authorized electronic monitoring and the resident's physician determines that the resident lacks the ability to understand and appreciate the nature and consequences of electronic monitoring, the following individuals may consent on behalf of the resident, in order of priority:

(1) a health care agent named under the Illinois Power of Attorney Act;
(2) a resident's representative, as defined in Section 5 of this Act;
(3) the resident's spouse;
(4) the resident's parent;
(5) the resident's adult child who has the written consent of the other adult children of the resident to act as the sole decision maker regarding authorized electronic monitoring; or

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(6) the resident's adult brother or sister who has the written consent of the other adult siblings of the resident to act as the sole decision maker regarding authorized electronic monitoring.

(a-5) Prior to another person, other than a resident's plenary guardian of the person, consenting on behalf of a resident 18 years of age or older in accordance with this Section, the resident must be asked by that person, in the presence of a facility employee, if he or she wants authorized electronic monitoring to be conducted. The person must explain to the resident:

(1) the type of electronic monitoring device to be used;
(2) the standard conditions that may be placed on the electronic monitoring device's use, including those listed in paragraph (7) of subsection (b) of Section 20;
(3) with whom the recording may be shared according to Section 45; and
(4) the resident's ability to decline all recording.

For the purposes of this subsection, a resident affirmatively objects when he or she orally, visually, or through the use of auxiliary aids or services declines authorized electronic monitoring. The resident's response must be documented on the notification and consent form.

(b) A resident or roommate may consent to authorized electronic monitoring with any conditions of the resident's choosing, including, but not limited to, the list of standard conditions provided in paragraph (7) of subsection (b) of Section 20. A resident or roommate may request that the electronic monitoring device be turned off or the visual recording component of the electronic monitoring device be blocked at any time.

(c) Prior to the authorized electronic monitoring, a resident must obtain the written consent of any other resident residing in the room on the notification and consent form prescribed by the Department. Except as otherwise provided in this subsection, a roommate, a roommate's plenary guardian of the person, or the parent of a roommate under the age of 18 must consent in writing to the authorized electronic monitoring in the resident's room. If the roommate has not affirmatively objected to the authorized electronic monitoring in accordance with subsection (a-5) and the roommate's physician determines that the roommate lacks the ability to understand and appreciate the nature and consequences of electronic monitoring, the following individuals may consent on behalf of the roommate, in order of priority:

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(1) a health care agent named under the Illinois Power of Attorney Act;
(2) a roommate's resident's representative, as defined in Section 5 of this Act;
(3) the roommate's spouse;
(4) the roommate's parent;
(5) the roommate's adult child who has the written consent of the other adult children of the resident to act as the sole decision maker regarding authorized electronic monitoring; or
(6) the roommate's adult brother or sister who has the written consent of the other adult siblings of the resident to act as the sole decision maker regarding authorized electronic monitoring.

(c-5) Consent by a roommate under subsection (c) authorizes the resident's use of any recording obtained under this Act, as provided in Section 45 of this Act.

(c-7) Any resident previously conducting authorized electronic monitoring must obtain consent from any new roommate before the resident may resume authorized electronic monitoring. If a new roommate does not consent to authorized electronic monitoring and the resident conducting the authorized electronic monitoring does not remove or disable the electronic monitoring device, the facility shall turn off the device.

(d) Consent may be withdrawn by the resident or roommate at any time, and the withdrawal of consent shall be documented in the resident's clinical record. If a roommate withdraws consent and the resident conducting the authorized electronic monitoring does not remove or disable the electronic monitoring device, the facility may turn off the electronic monitoring device.

(e) If a resident who is residing in a shared room wants to conduct authorized electronic monitoring and another resident living in or moving into the same shared room refuses to consent to the use of an electronic monitoring device, the facility shall make a reasonable attempt to accommodate the resident who wants to conduct authorized electronic monitoring. A facility has met the requirement to make a reasonable attempt to accommodate a resident who wants to conduct authorized electronic monitoring when upon notification that a roommate has not consented to the use of an electronic monitoring device in his or her room, the facility offers to move either resident to another shared room that is
available at the time of the request. If a resident chooses to reside in a private room in order to accommodate the use of an electronic monitoring device, the resident must pay the private room rate. If a facility is unable to accommodate a resident due to lack of space, the facility must reevaluate the request every 2 weeks until the request is fulfilled.

(Source: P.A. 99-430, eff. 1-1-16.)

(210 ILCS 32/25)

Sec. 25. Cost and installation.

(a) A resident choosing to conduct authorized electronic monitoring must do so at his or her own expense, including paying purchase, installation, maintenance, and removal costs.

(b) If a resident chooses to install an electronic monitoring device that uses Internet technology for visual or audio monitoring, that resident is responsible for contracting with an Internet service provider.

(c) The facility shall make a reasonable attempt to accommodate the resident's installation needs, including, but not limited to, allowing access to the facility's telecommunications or equipment room. A facility has the burden of proving that a requested accommodation is not reasonable.

(d) The electronic monitoring device must be placed in a conspicuously visible location in the room.

(e) A facility may not charge the resident a fee for the cost of electricity used by an electronic monitoring device.


(Source: P.A. 99-430, eff. 1-1-16.)

(210 ILCS 32/27)

Sec. 27. Assistance program.

(a) Subject to appropriation, the Department shall establish a program to assist residents receiving medical assistance under Article V of the Illinois Public Aid Code in accessing authorized electronic monitoring.

(b) Subject to appropriation, the Department shall distribute up to $50,000 in funds on an annual basis to residents receiving medical assistance under Article V of the Illinois Public Aid Code to provide for authorized electronic monitoring.

(c) Applications for funds and disbursement of funds must be made in a manner prescribed by the Department.  
(Source: P.A. 99-430, eff. 1-1-16.)

Section 10. The MC/DD Act is amended by adding Section 2-116 and by changing Section 3-318 as follows:

(210 ILCS 46/2-116 new)

Sec. 2-116. Authorized electronic monitoring of a resident's room.  A resident shall be permitted to conduct authorized electronic monitoring of the resident's room through the use of electronic monitoring devices placed in the room pursuant to the Authorized Electronic Monitoring in Long-Term Care Facilities Act.

(210 ILCS 46/3-318)

Sec. 3-318. Business offenses.

(a) No person shall:

   (1) Intentionally fail to correct or interfere with the correction of a Type "AA", Type "A", or Type "B" violation within the time specified on the notice or approved plan of correction under this Act as the maximum period given for correction, unless an extension is granted and the corrections are made before expiration of extension;

   (2) Intentionally prevent, interfere with, or attempt to impede in any way any duly authorized investigation and enforcement of this Act;

   (3) Intentionally prevent or attempt to prevent any examination of any relevant books or records pertinent to investigations and enforcement of this Act;

   (4) Intentionally prevent or interfere with the preservation of evidence pertaining to any violation of this Act or the rules promulgated under this Act;

   (5) Intentionally retaliate or discriminate against any resident or employee for contacting or providing information to any state official, or for initiating, participating in, or testifying in an action for any remedy authorized under this Act;

   (6) Willfully file any false, incomplete or intentionally misleading information required to be filed under this Act, or willfully fail or refuse to file any required information; or

   (7) Open or operate a facility without a license; or:

New matter indicated by italics - deletions by strikeout
(8) Intentionally retaliate or discriminate against any resident for consenting to authorized electronic monitoring under the Authorized Electronic Monitoring in Long-Term Care Facilities Act.

(9) Prevent the installation or use of an electronic monitoring device by a resident who has provided the facility with notice and consent as required in Section 20 of the Authorized Electronic Monitoring in Long-Term Care Facilities Act.

(b) A violation of this Section is a business offense, punishable by a fine not to exceed $10,000, except as otherwise provided in subsection (2) of Section 3-103 as to submission of false or misleading information in a license application.

(c) The State's Attorney of the county in which the facility is located, or the Attorney General, shall be notified by the Director of any violations of this Section.

(Source: P.A. 99-180, eff. 7-29-15.)

(210 ILCS 32/65)

Sec. 65. Rules. The Department shall adopt rules necessary to administer and enforce any Section of this Act. Rulemaking shall not delay the full implementation of this Act.

(Source: P.A. 99-430, eff. 1-1-16.)

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Statutes amended in order of appearance

210 ILCS 32/5
210 ILCS 32/15
210 ILCS 32/25
210 ILCS 32/27
210 ILCS 46/2-116 new
210 ILCS 46/3-318

Passed in the General Assembly May 29, 2016.
Approved August 12, 2016.
Effective January 1, 2017.

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 99-0785
(House Bill No. 5912)

AN ACT concerning transportation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Section 11-1502 as follows:

Sec. 11-1502. Traffic laws apply to persons riding bicycles. Every person riding a bicycle upon a highway shall be granted all of the rights, including, but not limited to, rights under Article IX of this Chapter, and shall be subject to all of the duties applicable to the driver of a vehicle by this Code, except as to special regulations in this Article XV and except as to those provisions of this Code which by their nature can have no application.

(Source: P.A. 82-132.)

Approved August 12, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0786
(House Bill No. 6298)

AN ACT concerning public employee benefits.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Pension Code is amended by changing Sections 17-143.5 and 17-149 as follows:

Sec. 17-143.5. Testimony and the production of records. The Board shall have the power to issue subpoenas to compel the attendance of witnesses and the production of documents and records in conjunction with the determination of employer payments required under subsection (c) of Section 17-116, a disability claim, an administrative review proceeding, an attempt to obtain information to assist in the collection of sums due to the Fund, or a felony forfeiture investigation. The fees of witnesses for attendance and travel shall be the same as the fees of witnesses before the circuit courts of this State and shall be paid by the

New matter indicated by italics - deletions by strikeout
party seeking the subpoena. The Board may apply to any circuit court in the State for an order requiring compliance with a subpoena issued under this Section. Subpoenas issued under this Section shall be subject to applicable provisions of the Code of Civil Procedure.

(40 ILCS 5/17-149) (from Ch. 108 1/2, par. 17-149)
Sec. 17-149. Cancellation of pensions.
(a) If any person receiving a disability retirement pension from the Fund is re-employed as a teacher by an Employer, the pension shall be cancelled on the date the re-employment begins, or on the first day of a payroll period for which service credit was validated, whichever is earlier.
(b) If any person receiving a service retirement pension from the Fund is re-employed as a teacher on a permanent or annual basis by an Employer, the pension shall be cancelled on the date the re-employment begins, or on the first day of a payroll period for which service credit was validated, whichever is earlier. However, subject to the limitations and requirements of subsection (c-5), the pension shall not be cancelled in the case of a service retirement pensioner who is re-employed on a temporary and non-annual basis or on an hourly basis.
(c) If the date of re-employment on a permanent or annual basis occurs within 5 school months after the date of previous retirement, exclusive of any vacation period, the member shall be deemed to have been out of service only temporarily and not permanently retired. Such person shall be entitled to pension payments for the time he could have been employed as a teacher and received salary, but shall not be entitled to pension for or during the summer vacation prior to his return to service.

When the member again retires on pension, the time of service and the money contributed by him during re-employment shall be added to the time and money previously credited. Such person must acquire 3 consecutive years of additional contributing service before he may retire again on a pension at a rate and under conditions other than those in force or attained at the time of his previous retirement.
(c-5) The service retirement pension shall not be cancelled in the case of a service retirement pensioner who is re-employed as a teacher on a temporary and non-annual basis or on an hourly basis, so long as the person (1) does not work as a teacher for compensation on more than 100 days in a school year or (2) does not accept gross compensation for the re-employment in a school year in excess of (i) $30,000 or (ii) in the case of a person who retires with at least 5 years of service as a principal, an amount that is equal to the daily rate normally paid to retired principals multiplied

New matter indicated by italics - deletions by strikeout
by 100. These limitations apply only to school years that begin on or after August 8, 2012 (the effective date of Public Act 97-912) this amendatory Act of the 97th General Assembly. Such re-employment does not require contributions, result in service credit, or constitute active membership in the Fund.

Notwithstanding the 100-day limit set forth in item (1) of this subsection (c-5), the service retirement pension shall not be cancelled in the case of a service retirement pensioner who teaches only driver education courses after regular school hours and does not teach any other subject area, so long as the person does not work as a teacher for compensation for more than 900 hours in a school year. The $30,000 limit set forth in subitem (i) of item (2) of this subsection (c-5) shall apply to a service retirement pensioner who teaches only driver education courses after regular school hours and does not teach any other subject area.

To be eligible for such re-employment without cancellation of pension, the pensioner must notify the Fund and the Board of Education of his or her intention to accept re-employment under this subsection (c-5) before beginning that re-employment (or if the re-employment began before the effective date of this amendatory Act, then within 30 days after that effective date).

An Employer must certify to the Fund the temporary and non-annual or hourly status and the compensation of each pensioner re-employed under this subsection at least quarterly, and when the pensioner is approaching the earnings limitation under this subsection.

If the pensioner works more than 100 days or accepts excess gross compensation for such re-employment in any school year that begins on or after August 8, 2012 (the effective date of Public Act 97-912) this amendatory Act of the 97th General Assembly, the service retirement pension shall thereupon be cancelled.

If the pensioner who only teaches drivers education courses after regular school hours works more than 900 hours or accepts excess gross compensation for such re-employment in any school year that begins on or after the effective date of this amendatory Act of the 99th General Assembly, the service retirement pension shall thereupon be cancelled.

The Board of the Fund shall adopt rules for the implementation and administration of this subsection.

(d) Notwithstanding Sections 1-103.1 and 17-157, the changes to this Section made by Public Act 90-32 apply without regard to whether

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termination of service occurred before the effective date of that Act and apply retroactively to August 23, 1989.

Notwithstanding Sections 1-103.1 and 17-157, the changes to this Section and Section 17-106 made by Public Act 92-599 apply without regard to whether termination of service occurred before the effective date of that Act.

Notwithstanding Sections 1-103.1 and 17-157, the changes to this Section made by this amendatory Act of the 97th General Assembly apply without regard to whether termination of service occurred before the effective date of this amendatory Act.

(Source: P.A. 99-176, eff. 7-29-15.)

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

Approved August 12, 2016.
Effective August 12, 2016.

PUBLIC ACT 99-0787  
(House Bill No. 6331)

AN ACT concerning safety.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Firearm Owners Identification Card Act is amended by changing Section 3.1 as follows:

(430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)
Sec. 3.1. Dial up system.

(a) The Department of State Police shall provide a dial up telephone system or utilize other existing technology which shall be used by any federally licensed firearm dealer, gun show promoter, or gun show vendor who is to transfer a firearm, stun gun, or taser under the provisions of this Act. The Department of State Police may utilize existing technology which allows the caller to be charged a fee not to exceed $2. Fees collected by the Department of State Police shall be deposited in the State Police Services Fund and used to provide the service.

(b) Upon receiving a request from a federally licensed firearm dealer, gun show promoter, or gun show vendor, the Department of State Police shall immediately approve, or within the time period established by Section 24-3 of the Criminal Code of 2012 regarding the delivery of

New matter indicated by italics - deletions by strikeout
firearms, stun guns, and tasers notify the inquiring dealer, gun show promoter, or gun show vendor of any objection that would disqualify the transferee from acquiring or possessing a firearm, stun gun, or taser. In conducting the inquiry, the Department of State Police shall initiate and complete an automated search of its criminal history record information files and those of the Federal Bureau of Investigation, including the National Instant Criminal Background Check System, and of the files of the Department of Human Services relating to mental health and developmental disabilities to obtain any felony conviction or patient hospitalization information which would disqualify a person from obtaining or require revocation of a currently valid Firearm Owner's Identification Card.

(c) If receipt of a firearm would not violate Section 24-3 of the Criminal Code of 2012, federal law, or this Act the Department of State Police shall:

(1) assign a unique identification number to the transfer; and

(2) provide the licensee, gun show promoter, or gun show vendor with the number.

(d) Approvals issued by the Department of State Police for the purchase of a firearm are valid for 30 days from the date of issue.

(e) (1) The Department of State Police must act as the Illinois Point of Contact for the National Instant Criminal Background Check System.

(2) The Department of State Police and the Department of Human Services shall, in accordance with State and federal law regarding confidentiality, enter into a memorandum of understanding with the Federal Bureau of Investigation for the purpose of implementing the National Instant Criminal Background Check System in the State. The Department of State Police shall report the name, date of birth, and physical description of any person prohibited from possessing a firearm pursuant to the Firearm Owners Identification Card Act or 18 U.S.C. 922(g) and (n) to the National Instant Criminal Background Check System Index, Denied Persons Files.

(3) The Department of State Police shall provide notice of the disqualification of a person under subsection (b) of this Section or the revocation of a person's Firearm Owner's Identification Card under Section 8 or Section 8.2 of this Act, and the reason for the disqualification or revocation, to all law enforcement agencies with jurisdiction to assist with the seizure of the person's Firearm Owner's Identification Card.

New matter indicated by italics - deletions by strikeout
The Department of State Police shall adopt rules not inconsistent with this Section to implement this system.

(Source: P.A. 97-1150, eff. 1-25-13; 98-63, eff. 7-9-13.)

Approved August 12, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0788
(Senate Bill No. 0345)

AN ACT concerning health.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Autism and Co-Occurring Medical Conditions Awareness Act.

Section 5. Findings. The General Assembly finds the following:

(1) The medical consensus is that autism is an idiopathic disorder that has complex and multiple etiologies. The development of autism appears to be a complex interaction of multiple genetic and environmental factors. Both the prevalence and incidence of autism has risen in recent decades.

(2) The Centers for Disease Control estimates that one in 68 children born in 2002 and one in 42 boys have been identified as living with autism.

(3) A 2012 survey conducted by the Centers for Disease Control of U.S. households estimated one in 50 children ages 6 to 17 has an autism spectrum disorder.

(4) Autism spectrum disorders occur among all racial, ethnic, and socioeconomic groups.

(5) Autism spectrum disorders are almost 5 times more common among boys than among girls.

(6) According to the Centers for Disease Control, autism rates increased 78% between 2002 and 2008. The most recent estimate is roughly 30% higher than the estimate for 2008 (one in 88), 60% higher than the estimate for 2006 (one in 110), and 120% higher than the estimates for 2000 and 2002 (one in 150).

(7) While autism spectrum disorders have primarily been diagnosed in measuring deficits in the areas of communication, socialization, and behavior, recent clinical and scientific
investigations have determined that co-occurring pathophysiological conditions may occur more commonly in persons also diagnosed with autism. These pathologies include, but are not limited to, allergies, autoimmune conditions, gastrointestinal diseases, immune dysregulation, metabolic disturbances, mitochondrial abnormalities, oxidative stress, neuroinflammation, and seizure disorders.

(8) Scientific inquiry is providing evidence of biological markers, including, but not limited to, single nucleotide polymorphisms, indications of cellular inflammation, increased cellular oxidation and damage, and abnormal DNA methylation, that may be clinically significant in the provision of appropriate medical care for persons also diagnosed with an autism spectrum disorder.

Therefore, it is the intention of the General Assembly to promote a greater awareness and the detection, diagnosis, and treatment of underlying and co-occurring medical conditions that occur more commonly in persons with autism to further awareness, scientific understanding, and health outcomes for persons living with autism.

Section 10. Definitions. In this Act:

"Autism spectrum disorder" means a neurobiological disorder, including autism, regressive autism, Asperger Syndrome, and pervasive developmental disorders not otherwise specified.

"Clinical symptomatology" means any indication of disorder or disease when experienced by an individual as a change from normal function, sensation, or appearance.

"Co-occurring or otherwise diagnosed medical condition" means a simultaneous illness, condition, injury, disease, pathology, or disability that is not primarily diagnosed as an autism spectrum disorder.

"Department" means the Department of Financial and Professional Regulation.

"Pathophysiologial" means the functional alterations in the body related to a disease or syndrome.

"Provider" means any provider of healthcare services in this State.

Section 15. Study and education. Public partnerships and private partnerships supporting the discovery of biomarkers and their implications in pathophysiological conditions shall be encouraged and information derived from such discoveries shall be disseminated to providers and made available to the general public through research initiatives that may be
promoted by universities, medical clinics, health care providers, consortiums, State agencies, private organizations, public organizations, and any party that may contribute to the scientific understanding of medical conditions associated or occurring more often in persons also diagnosed with an autism spectrum disorder than in the general population.

Universities, private organizations, public organizations, and associations are encouraged to develop for providers who treat persons with autism spectrum disorders continuing education courses which address training in evaluation, diagnosis, and treatments for co-occurring and otherwise diagnosed pathophysiological conditions in autism spectrum disorders to promote and align standard of care practices to reflect emerging clinical findings and promising practices derived from improved patient outcomes.

Section 20. Treatment or service of persons with an autism spectrum disorder. Providers are strongly encouraged to evaluate persons diagnosed with an autism spectrum disorder for co-occurring or otherwise diagnosed medical conditions when clinical symptomatology is present or suspected and prescribe appropriate treatments or services in alignment with care practices for the condition, illness, injury, disease, or disability. Providers may consider, without limitation, whether or not a medication or any ingredient, allergen, potential toxicant, or artificial agent may exacerbate clinical symptomatology of autism spectrum disorder or a related or co-occurring or otherwise diagnosed medical condition and, if so, may consider adopting measures that would result in the reduction or elimination of risk to the patient.

Section 25. Complaints. Any person with an autism spectrum disorder, or the person's parent or legal guardian on his or her behalf, who believes they have not received an appropriate medical assessment, evaluation, diagnosis, service or treatment from a provider because he or she is also diagnosed with an autism spectrum disorder may report the incident to the Department.

Section 30. Right to seek new care. A person with an autism spectrum disorder, or the person's parent or legal guardian on his or her behalf, retains the right to seek further medical opinions or care from other providers.

A parent or legal guardian shall not be threatened with loss of parental or legal guardianship rights for a person with autism spectrum disorder for pursuing additional medical expertise, especially in the case of

New matter indicated by italics - deletions by strikeout
trying to ascertain appropriate identification and diagnosis of underlying or co-occurring medical conditions that may or may not be exacerbating symptoms primarily associated with an autism spectrum disorder. This Section does not abrogate or restrict any responsibilities set forth under the Abused and Neglected Child Reporting Act.

Any person diagnosed as having an autism spectrum disorder or his or her parent or legal guardian shall not be denied the right to pursue appropriate and available medical interventions or treatments that may help to ameliorate or improve the symptoms primarily associated with an autism spectrum disorder or co-occurring or otherwise diagnosed medical condition.

Any person diagnosed as having an autism spectrum disorder or his or her parent or legal guardian shall not be denied the right to decline a medical treatment or intervention.

Section 35. Repeal. In order to consider the most innovative medical study and research involving autism and co-occurring medical conditions, this Act is repealed 5 years after the effective date of this Act.

Section 90. The Illinois Insurance Code is amended by changing Section 356z.14 and by adding Section 356z.24 as follows:

(a) A group or individual policy of accident and health insurance or managed care plan amended, delivered, issued, or renewed after the effective date of this amendatory Act of the 95th General Assembly must provide individuals under 21 years of age coverage for the diagnosis of autism spectrum disorders and for the treatment of autism spectrum disorders to the extent that the diagnosis and treatment of autism spectrum disorders are not already covered by the policy of accident and health insurance or managed care plan.

(b) Coverage provided under this Section shall be subject to a maximum benefit of $36,000 per year, but shall not be subject to any limits on the number of visits to a service provider. After December 30, 2009, the Director of the Division of Insurance shall, on an annual basis, adjust the maximum benefit for inflation using the Medical Care Component of the United States Department of Labor Consumer Price Index for All Urban Consumers. Payments made by an insurer on behalf of a covered individual for any care, treatment, intervention, service, or item, the provision of which was for the treatment of a health condition not
diagnosed as an autism spectrum disorder, shall not be applied toward any maximum benefit established under this subsection.

(c) Coverage under this Section shall be subject to copayment, deductible, and coinsurance provisions of a policy of accident and health insurance or managed care plan to the extent that other medical services covered by the policy of accident and health insurance or managed care plan are subject to these provisions.

(d) This Section shall not be construed as limiting benefits that are otherwise available to an individual under a policy of accident and health insurance or managed care plan and benefits provided under this Section may not be subject to dollar limits, deductibles, copayments, or coinsurance provisions that are less favorable to the insured than the dollar limits, deductibles, or coinsurance provisions that apply to physical illness generally.

(e) An insurer may not deny or refuse to provide otherwise covered services, or refuse to renew, refuse to reissue, or otherwise terminate or restrict coverage under an individual contract to provide services to an individual because the individual or their dependent is diagnosed with an autism spectrum disorder or due to the individual utilizing benefits in this Section.

(f) Upon request of the reimbursing insurer, a provider of treatment for autism spectrum disorders shall furnish medical records, clinical notes, or other necessary data that substantiate that initial or continued medical treatment is medically necessary and is resulting in improved clinical status. When treatment is anticipated to require continued services to achieve demonstrable progress, the insurer may request a treatment plan consisting of diagnosis, proposed treatment by type, frequency, anticipated duration of treatment, the anticipated outcomes stated as goals, and the frequency by which the treatment plan will be updated.

(g) When making a determination of medical necessity for a treatment modality for autism spectrum disorders, an insurer must make the determination in a manner that is consistent with the manner used to make that determination with respect to other diseases or illnesses covered under the policy, including an appeals process. During the appeals process, any challenge to medical necessity must be viewed as reasonable only if the review includes a physician with expertise in the most current and effective treatment modalities for autism spectrum disorders.
(h) Coverage for medically necessary early intervention services must be delivered by certified early intervention specialists, as defined in 89 Ill. Admin. Code 500 and any subsequent amendments thereto.

(h-5) If an individual has been diagnosed as having an autism spectrum disorder, meeting the diagnostic criteria in place at the time of diagnosis, and treatment is determined medically necessary, then that individual shall remain eligible for coverage under this Section even if subsequent changes to the diagnostic criteria are adopted by the American Psychiatric Association. If no changes to the diagnostic criteria are adopted after April 1, 2012, and before December 31, 2014, then this subsection (h-5) shall be of no further force and effect.

(h-10) An insurer may not deny or refuse to provide covered services, or refuse to renew, refuse to reissue, or otherwise terminate or restrict coverage under an individual contract, for a person diagnosed with an autism spectrum disorder on the basis that the individual declined an alternative medication or covered service when the individual's health care provider has determined that such medication or covered service may exacerbate clinical symptomatology and is medically contraindicated for the individual and the individual has requested and received a medical exception as provided for under Section 45.1 of the Managed Care Reform and Patient Rights Act. For the purposes of this subsection (h-10), "clinical symptomatology" means any indication of disorder or disease when experienced by an individual as a change from normal function, sensation, or appearance.

(h-15) If, at any time, the Secretary of the United States Department of Health and Human Services, or its successor agency, promulgates rules or regulations to be published in the Federal Register or publishes a comment in the Federal Register or issues an opinion, guidance, or other action that would require the State, pursuant to any provision of the Patient Protection and Affordable Care Act (Public Law 111–148), including, but not limited to, 42 U.S.C. 18031(d)(3)(B) or any successor provision, to defray the cost of any coverage outlined in subsection (h-10), then subsection (h-10) is inoperative with respect to all coverage outlined in subsection (h-10) other than that authorized under Section 1902 of the Social Security Act, 42 U.S.C. 1396a, and the State shall not assume any obligation for the cost of the coverage set forth in subsection (h-10).

(i) As used in this Section:

New matter indicated by italics - deletions by strikeout
"Autism spectrum disorders" means pervasive developmental disorders as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, including autism, Asperger's disorder, and pervasive developmental disorder not otherwise specified.

"Diagnosis of autism spectrum disorders" means one or more tests, evaluations, or assessments to diagnose whether an individual has autism spectrum disorder that is prescribed, performed, or ordered by (A) a physician licensed to practice medicine in all its branches or (B) a licensed clinical psychologist with expertise in diagnosing autism spectrum disorders.

"Medically necessary" means any care, treatment, intervention, service or item which will or is reasonably expected to do any of the following: (i) prevent the onset of an illness, condition, injury, disease or disability; (ii) reduce or ameliorate the physical, mental or developmental effects of an illness, condition, injury, disease or disability; or (iii) assist to achieve or maintain maximum functional activity in performing daily activities.

"Treatment for autism spectrum disorders" shall include the following care prescribed, provided, or ordered for an individual diagnosed with an autism spectrum disorder by (A) a physician licensed to practice medicine in all its branches or (B) a certified, registered, or licensed health care professional with expertise in treating effects of autism spectrum disorders when the care is determined to be medically necessary and ordered by a physician licensed to practice medicine in all its branches:

(1) Psychiatric care, meaning direct, consultative, or diagnostic services provided by a licensed psychiatrist.

(2) Psychological care, meaning direct or consultative services provided by a licensed psychologist.

(3) Habilitative or rehabilitative care, meaning professional, counseling, and guidance services and treatment programs, including applied behavior analysis, that are intended to develop, maintain, and restore the functioning of an individual. As used in this subsection (i), "applied behavior analysis" means the design, implementation, and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relations between environment and behavior.

New matter indicated by italics - deletions by strikeout
(4) Therapeutic care, including behavioral, speech, occupational, and physical therapies that provide treatment in the following areas: (i) self care and feeding, (ii) pragmatic, receptive, and expressive language, (iii) cognitive functioning, (iv) applied behavior analysis, intervention, and modification, (v) motor planning, and (vi) sensory processing.

(j) Rulemaking authority to implement this amendatory Act of the 95th General Assembly, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

(Source: P.A. 96-1000, eff. 7-2-10; 97-972, eff. 1-1-13.)

(215 ILCS 5/356z.24 new)

Sec. 356z.24. Immune gamma globulin therapy.

(a) A group or individual policy of accident and health insurance or managed care plan amended, delivered, issued, or renewed after the effective date of this amendatory Act of the 99th General Assembly may not allow for the delay, discontinuation, or interruption of immune gamma globulin therapy for persons who are diagnosed with a primary immunodeficiency when prescribed as medically necessary by a physician licensed to practice medicine in all of its branches and if provided as a covered benefit under the plan. Nothing in this Section shall prevent an insurer from applying appropriate utilization review standards to the ongoing coverage of immune gamma globulin therapy for persons diagnosed with a primary immunodeficiency by a physician licensed to practice medicine in all of its branches.

(b) Upon diagnosis of primary immunodeficiency by the prescribing physician, determination of an initial authorization for immune gamma globulin therapy shall be no less than 3 months. Reauthorization for immune gamma globulin therapy for patients with a primary immunodeficiency diagnosis may occur every 6 months thereafter. For patients with a diagnosis of primary immunodeficiency who have been receiving immune gamma globulin therapy for at least 2 years with sustained beneficial response based on the treatment notes or clinical narrative detailing progress to date, reauthorization shall be no less than 12 months unless a more frequent duration has been indicated by the prescribing physician.

New matter indicated by italics - deletions by strikeout
(c) If, at any time, the Secretary of the United States Department of Health and Human Services, or its successor agency, promulgates rules or regulations to be published in the Federal Register or publishes a comment in the Federal Register or issues an opinion, guidance, or other action that would require the State, pursuant to any provision of the Patient Protection and Affordable Care Act (Public Law 111–148), including, but not limited to, 42 U.S.C. 18031(d)(3)(B) or any successor provision, to defray the cost of any coverage outlined in subsections (a) and (b), then subsections (a) and (b) are inoperative with respect to all coverage outlined in subsections (a) and (b) other than that authorized under Section 1902 of the Social Security Act, 42 U.S.C. 1396a, and the State shall not assume any obligation for the cost of the coverage set forth in subsections (a) and (b).

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

Approved August 12, 2016.
Effective August 12, 2016.

PUBLIC ACT 99-0789
(Senate Bill No. 2227)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The State Mandates Act is amended by changing Section 7 as follows:

(30 ILCS 805/7) (from Ch. 85, par. 2207)
Sec. 7. Review of Existing Mandates.
(a) Beginning with the 2019 catalog and every other year thereafter, concurrently with, or within 3 months subsequent to the publication of a catalog of State mandates as prescribed in subsection (b) of Section 4 the Department shall submit to the Governor and the General Assembly a review and report on mandates enacted in the previous 2 years prior to the effective date of this Act and remaining in effect at the time of submittal of the report. The Department may fulfill its responsibilities for compiling the report by entering into a contract for service.

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Beginning with the 2017 catalog and every 10 years thereafter, concurrently with, or within 3 months subsequent to the publication of a catalog of State mandates as prescribed in subsection (b) of Section 4, the Department shall submit to the Governor and the General Assembly a review and report on all effective mandates at the time of submittal of the reports.

(b) The report shall include for each mandate the following: (1) the factual information specified in subsection (b) of Section 4 for the catalog; (2) the extent to which the enactment of the mandate was requested, supported, encouraged or opposed by local governments or their respective organization; (3) whether the mandate continues to meet a Statewide policy objective or has achieved the initial policy intent in whole or in part; (4) amendments if any are required to make the mandate more effective; (5) whether the mandate should be retained or rescinded; (6) whether state financial participation in helping meet the identifiable increased local costs arising from the mandate should be initiated, and if so, recommended ratios and phasing-in schedules; and (7) any other information or recommendations which the Department considers pertinent; and (7) any comments about the mandate submitted by affected units of government.

(c) The appropriate committee of each house of the General Assembly shall review the report and shall initiate such legislation or other action as it deems necessary.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President, the Minority Leader, the Secretary of the Senate, the members of the committees required to review the report under subsection (c) and the Legislative Research Unit, as required by Section 3.1 of "An Act to revise the law in relation to the General Assembly", approved February 25, 1874, as amended, and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.

(Source: P.A. 84-1438.)

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

Approved August 12, 2016.
Effective August 12, 2016.

New matter indicated by italics - deletions by strikeout
AN ACT concerning health.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Lead Poisoning Prevention Act is amended by changing Section 9.1 as follows:

(410 ILCS 45/9.1) (from Ch. 111 1/2, par. 1309.1)

Sec. 9.1. Owner's obligation to give notice. An owner of a regulated facility who has received a mitigation notice under Section 9 of this Act shall, before the renewal of an existing lease agreement or before entering into a new lease agreement or sales contract for the dwelling unit for which the mitigation notice was issued:

(1) provide the current lessee or lessees, if the lease is to be renewed, and prospective lessee or purchasers of that unit with written notice that a lead hazard has previously been identified in the dwelling unit, unless the owner has obtained a certificate of compliance for the unit under Section 9. An owner shall may satisfy this notice requirement by providing the prospective lessee or purchaser with a copy of the mitigation notice and inspection report prepared pursuant to Section 9; and:

(2) provide the Department with written notice of the sale of the dwelling unit for which the mitigation notice was issued, including the date of the sale, and the name, address, telephone number, and email address of the prospective purchaser of the unit.

An owner of a regulated facility who has received a mitigation notice under Section 9 of this Act or an owner of a regulated facility who has purchased the facility from an owner who has received a mitigation notice under Section 9 of this Act and who also receives notice as provided in paragraph (1) of this Section shall, before entering into a new lease agreement for the dwelling unit for which the mitigation notice was issued, mitigate the lead hazard previously identified in the regulated facility and obtain a certificate of compliance under Section 9. For purposes of determining compliance with this Act, the date of the mitigation notice for an owner of a regulated facility who has purchased the facility from an owner subject to this Section and who also receives

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notice as provided for in paragraph (1) of this Section shall be deemed to be the date of the sale as provided for in paragraph (2) of this Section.

Before entering into a residential lease agreement or sales contract, all owners of regulated facilities containing dwelling units built before 1978 shall give prospective lessees or purchasers information on the potential health hazards posed by lead in regulated facilities by providing prospective lessees or purchasers with a copy of an informational brochure prepared by the Department and shall be consistent with the requirements set forth in 40 CFR Part 745, Subpart F.

(Source: P.A. 98-690, eff. 1-1-15.)

Section 99. Effective date. This Act takes effect January 1, 2017.
Approved August 12, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0791
(Senate Bill No. 2397)

AN ACT concerning the lottery.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Lottery Law is amended by changing Section 21.8 as follows:
(20 ILCS 1605/21.8)
Sec. 21.8. Quality of Life scratch-off game.
(a) The Department shall offer a special instant scratch-off game with the title of "Quality of Life". The game shall commence on July 1, 2007 or as soon thereafter, in the discretion of the Director, as is reasonably practical, and shall be discontinued on December 31, 2025. The operation of the game is governed by this Act and by any rules adopted by the Department. The Department must consult with the Quality of Life Board, which is established under Section 2310-348 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois, regarding the design and promotion of the game. If any provision of this Section is inconsistent with any other provision of this Act, then this Section governs.
(b) The Quality of Life Endowment Fund is created as a special fund in the State treasury. The net revenue from the Quality of Life special instant scratch-off game must be deposited into the Fund for appropriation.

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by the General Assembly solely to the Department of Public Health for the purpose of HIV/AIDS-prevention education and for making grants to public or private entities in Illinois for the purpose of funding organizations that serve the highest at-risk categories for contracting HIV or developing AIDS. Grants shall be targeted to serve at-risk populations in proportion to the distribution of recent reported Illinois HIV/AIDS cases among risk groups as reported by the Illinois Department of Public Health. The recipient organizations must be engaged in HIV/AIDS-prevention education and HIV/AIDS healthcare treatment. The Department must, before grants are awarded, provide copies of all grant applications to the Quality of Life Board, receive and review the Board's recommendations and comments, and consult with the Board regarding the grants. Organizational size will determine an organization's competitive slot in the "Request for Proposal" process. Organizations with an annual budget of $300,000 or less will compete with like size organizations for 50% of the Quality of Life annual fund. Organizations with an annual budget of $300,001 to $700,000 will compete with like organizations for 25% of the Quality of Life annual fund, and organizations with an annual budget of $700,001 and upward will compete with like organizations for 25% of the Quality of Life annual fund. The lottery may designate a percentage of proceeds for marketing purpose. The grant funds may not be used for institutional, organizational, or community-based overhead costs, indirect costs, or levies.

Grants awarded from the Fund are intended to augment the current and future State funding for the prevention and treatment of HIV/AIDS and are not intended to replace that funding.

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

For purposes of this subsection, "net revenue" means the total amount for which tickets have been sold less the sum of the amount paid out in prizes and the actual administrative expenses of the Department solely related to the Quality of Life game.

(c) During the time that tickets are sold for the Quality of Life game, the Department shall not unreasonably diminish the efforts devoted to marketing any other instant scratch-off lottery game.

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(d) The Department may adopt any rules necessary to implement and administer the provisions of this Section in consultation with the Quality of Life Board.
(Source: P.A. 97-464, eff. 10-15-11; 97-1117, eff. 8-27-12; 98-499, eff. 8-16-13.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 12, 2016.
Effective August 12, 2016.

PUBLIC ACT 99-0792
(Senate Bill No. 2562)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Municipal Code is amended by changing Sections 11-74.4-3, 11-74.4-3.5, 11-74.4-4, 11-74.4-6, 11-74.4-8, and 11-74.6-22 and by adding Section 11-74.4-3.3 as follows:

Sec. 11-74.4-3. Definitions. The following terms, wherever used or referred to in this Division 74.4 shall have the following respective meanings, unless in any case a different meaning clearly appears from the context.

(a) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "blighted area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "blighted area" means any improved or vacant area within the boundaries of a redevelopment project area located within the territorial limits of the municipality where:

(1) If improved, industrial, commercial, and residential buildings or improvements are detrimental to the public safety, health, or welfare because of a combination of 5 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of
the Act and (ii) reasonably distributed throughout the improved part of the redevelopment project area:

(A) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(B) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(C) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(D) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(E) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(F) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(G) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other

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noxious airborne materials. Inadequate natural light and ventilation means the absence of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(H) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(I) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: (i) the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and (ii) the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(J) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.
(K) Environmental clean-up. The proposed redevelopment project area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(L) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(M) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(2) If vacant, the sound growth of the redevelopment project area is impaired by a combination of 2 or more of the following factors, each of which is (i) present, with that presence

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documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) Obsolete platting of vacant land that results in parcels of limited or narrow size or configurations of parcels of irregular size or shape that would be difficult to develop on a planned basis and in a manner compatible with contemporary standards and requirements, or platting that failed to create rights-of-ways for streets or alleys or that created inadequate right-of-way widths for streets, alleys, or other public rights-of-way or that omitted easements for public utilities.

(B) Diversity of ownership of parcels of vacant land sufficient in number to retard or impede the ability to assemble the land for development.

(C) Tax and special assessment delinquencies exist or the property has been the subject of tax sales under the Property Tax Code within the last 5 years.

(D) Deterioration of structures or site improvements in neighboring areas adjacent to the vacant land.

(E) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(F) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate

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that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(3) If vacant, the sound growth of the redevelopment project area is impaired by one of the following factors that (i) is present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) is reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) The area consists of one or more unused quarries, mines, or strip mine ponds.

(B) The area consists of unused rail yards, rail tracks, or railroad rights-of-way.

(C) The area, prior to its designation, is subject to (i) chronic flooding that adversely impacts on real property in the area as certified by a registered professional engineer or appropriate regulatory agency or (ii) surface water that discharges from all or a part of the area and contributes to flooding within the same watershed, but only if the redevelopment project provides for facilities or improvements to contribute to the alleviation of all or part of the flooding.

(D) The area consists of an unused or illegal disposal site containing earth, stone, building debris, or similar materials that were removed from construction, demolition, excavation, or dredge sites.

(E) Prior to November 1, 1999, the area is not less than 50 nor more than 100 acres and 75% of which is vacant (notwithstanding that the area has been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area), and the area meets at least one of the factors itemized in paragraph (1) of this subsection, the area has been designated as a town or village center by ordinance or comprehensive plan adopted prior to January 1, 1982, and the area has not been developed for that designated purpose.

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(F) The area qualified as a blighted improved area immediately prior to becoming vacant, unless there has been substantial private investment in the immediately surrounding area.

(b) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "conservation area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "conservation area" means any improved area within the boundaries of a redevelopment project area located within the territorial limits of the municipality in which 50% or more of the structures in the area have an age of 35 years or more. Such an area is not yet a blighted area but because of a combination of 3 or more of the following factors is detrimental to the public safety, health, morals or welfare and such an area may become a blighted area:

(1) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(2) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(3) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(4) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(5) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of

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those applicable to the presence of structures below minimum code standards.

(6) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(7) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence or inadequacy of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(8) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(9) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

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(10) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(11) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(12) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(13) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years for which information is available.

(c) "Industrial park" means an area in a blighted or conservation area suitable for use by any manufacturing, industrial, research or transportation enterprise, of facilities to include but not be limited to factories, mills, processing plants, assembly plants, packing plants, fabricating plants, industrial distribution centers, warehouses, repair

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overhaul or service facilities, freight terminals, research facilities, test facilities or railroad facilities.

(d) "Industrial park conservation area" means an area within the boundaries of a redevelopment project area located within the territorial limits of a municipality that is a labor surplus municipality or within 1 1/2 miles of the territorial limits of a municipality that is a labor surplus municipality if the area is annexed to the municipality; which area is zoned as industrial no later than at the time the municipality by ordinance designates the redevelopment project area, and which area includes both vacant land suitable for use as an industrial park and a blighted area or conservation area contiguous to such vacant land.

(e) "Labor surplus municipality" means a municipality in which, at any time during the 6 months before the municipality by ordinance designates an industrial park conservation area, the unemployment rate was over 6% and was also 100% or more of the national average unemployment rate for that same time as published in the United States Department of Labor Bureau of Labor Statistics publication entitled "The Employment Situation" or its successor publication. For the purpose of this subsection, if unemployment rate statistics for the municipality are not available, the unemployment rate in the municipality shall be deemed to be the same as the unemployment rate in the principal county in which the municipality is located.

(f) "Municipality" shall mean a city, village, incorporated town, or a township that is located in the unincorporated portion of a county with 3 million or more inhabitants, if the county adopted an ordinance that approved the township's redevelopment plan.

(g) "Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located in a State Sales Tax Boundary during the calendar year 1985.

(g-1) "Revised Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located within the State Sales Tax Boundary revised pursuant to Section 11-74.4-8a(9) of this Act.
(h) "Municipal Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid to a municipality from the Local Government Tax Fund arising from sales by retailers and servicemen within the redevelopment project area or State Sales Tax Boundary, as the case may be, for as long as the redevelopment project area or State Sales Tax Boundary, as the case may be, exist over and above the aggregate amount of taxes as certified by the Illinois Department of Revenue and paid under the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act by retailers and servicemen, on transactions at places of business located in the redevelopment project area or State Sales Tax Boundary, as the case may be, during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall determine the Initial Sales Tax Amounts for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amounts". For purposes of determining the Municipal Sales Tax Increment, the Department of Revenue shall for each period subtract from the amount paid to the municipality from the Local Government Tax Fund arising from sales by retailers and servicemen on transactions located in the redevelopment project area or the State Sales Tax Boundary, as the case may be, the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act. For the State Fiscal Year 1989, this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, to June 30, 1989, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, to June 30, 1989, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal
Retailers' Occupation Tax and the Municipal Service Occupation Tax Act which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending June 30 to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts, as the case may be.

(i) "Net State Sales Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; and (c) 40% of all amounts in excess of $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary. If, however, a municipality established a tax increment financing district in a county with a population in excess of 3,000,000 before January 1, 1986, and the municipality entered into a contract or issued bonds after January 1, 1986, but before December 31, 1986, to finance redevelopment project costs within a State Sales Tax Boundary, then the Net State Sales Tax Increment means, for the fiscal years beginning July 1, 1990, and July 1, 1991, 100% of the State Sales Tax Increment annually generated within a State Sales Tax Boundary; and notwithstanding any other provision of this Act, for those fiscal years the Department of Revenue shall distribute to those municipalities 100% of their Net State Sales Tax Increment before any distribution to any other municipality and regardless of whether or not those other municipalities will receive 100% of their Net State Sales Tax Increment. For Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a State Sales Tax Boundary, the Net State Sales Tax Increment shall be calculated as follows: By multiplying the Net State Sales Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter.

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Municipalities that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991, or that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988, shall continue to receive their proportional share of the Illinois Tax Increment Fund distribution until the date on which the redevelopment project is completed or terminated. If, however, a municipality that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991 retires the bonds prior to June 30, 2007 or a municipality that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988 completes the contracts prior to June 30, 2007, then so long as the redevelopment project is not completed or is not terminated, the Net State Sales Tax Increment shall be calculated, beginning on the date on which the bonds are retired or the contracts are completed, as follows: By multiplying the Net State Sales Tax Increment by 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter. Refunding of any bonds issued prior to July 29, 1991, shall not alter the Net State Sales Tax Increment.

(j) "State Utility Tax Increment Amount" means an amount equal to the aggregate increase in State electric and gas tax charges imposed on owners and tenants, other than residential customers, of properties located within the redevelopment project area under Section 9-222 of the Public Utilities Act, over and above the aggregate of such charges as certified by the Department of Revenue and paid by owners and tenants, other than residential customers, of properties within the redevelopment project area during the base year, which shall be the calendar year immediately prior to the year of the adoption of the ordinance authorizing tax increment allocation financing.

(k) "Net State Utility Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Utility Tax Increment annually generated by a redevelopment project area; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of the State Utility Tax Increment annually generated by a redevelopment project area; and (c) 40% of all amounts in excess of $500,000 of State Utility Tax Increment annually generated by a redevelopment project area. For the

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State Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a redevelopment project area, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for the State Fiscal Year 2008 and thereafter.

Municipalities that issue bonds in connection with the redevelopment project during the period from June 1, 1988 until 3 years after the effective date of this Amendatory Act of 1988 shall receive the Net State Utility Tax Increment, subject to appropriation, for 15 State Fiscal Years after the issuance of such bonds. For the 16th through the 20th State Fiscal Years after issuance of the bonds, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in year 16; 80% in year 17; 70% in year 18; 60% in year 19; and 50% in year 20. Refunding of any bonds issued prior to June 1, 1988, shall not alter the revised Net State Utility Tax Increment payments set forth above.

(l) "Obligations" mean bonds, loans, debentures, notes, special certificates or other evidence of indebtedness issued by the municipality to carry out a redevelopment project or to refund outstanding obligations.

(m) "Payment in lieu of taxes" means those estimated tax revenues from real property in a redevelopment project area derived from real property that has been acquired by a municipality which according to the redevelopment project or plan is to be used for a private use which taxing districts would have received had a municipality not acquired the real property and adopted tax increment allocation financing and which would result from levies made after the time of the adoption of tax increment allocation financing to the time the current equalized value of real property in the redevelopment project area exceeds the total initial equalized value of real property in said area.

(n) "Redevelopment plan" means the comprehensive program of the municipality for development or redevelopment intended by the payment of redevelopment project costs to reduce or eliminate those conditions the existence of which qualified the redevelopment project area

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as a "blighted area" or "conservation area" or combination thereof or
"industrial park conservation area," and thereby to enhance the tax bases of
the taxing districts which extend into the redevelopment project area,
provided that, with respect to redevelopment project areas described in
subsections (p-1) and (p-2), "redevelopment plan" means the
comprehensive program of the affected municipality for the development
of qualifying transit facilities. On and after November 1, 1999 (the
effective date of Public Act 91-478), no redevelopment plan may be
approved or amended that includes the development of vacant land (i) with
a golf course and related clubhouse and other facilities or (ii) designated
by federal, State, county, or municipal government as public land for
outdoor recreational activities or for nature preserves and used for that
purpose within 5 years prior to the adoption of the redevelopment plan.
For the purpose of this subsection, "recreational activities" is limited to
mean camping and hunting. Each redevelopment plan shall set forth in
writing the program to be undertaken to accomplish the objectives and
shall include but not be limited to:

(A) an itemized list of estimated redevelopment project
costs;

(B) evidence indicating that the redevelopment project area
on the whole has not been subject to growth and development
through investment by private enterprise, provided that such
evidence shall not be required for any redevelopment project area
located within a transit facility improvement area established
pursuant to Section 11-74.4-3.3;

(C) an assessment of any financial impact of the
redevelopment project area on or any increased demand for
services from any taxing district affected by the plan and any
program to address such financial impact or increased demand;

(D) the sources of funds to pay costs;

(E) the nature and term of the obligations to be issued;

(F) the most recent equalized assessed valuation of the
redevelopment project area;

(G) an estimate as to the equalized assessed valuation after
redevelopment and the general land uses to apply in the
redevelopment project area;

(H) a commitment to fair employment practices and an
affirmative action plan;

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(I) if it concerns an industrial park conservation area, the plan shall also include a general description of any proposed developer, user and tenant of any property, a description of the type, structure and general character of the facilities to be developed, a description of the type, class and number of new employees to be employed in the operation of the facilities to be developed; and

(J) if property is to be annexed to the municipality, the plan shall include the terms of the annexation agreement.

The provisions of items (B) and (C) of this subsection (n) shall not apply to a municipality that before March 14, 1994 (the effective date of Public Act 88-537) had fixed, either by its corporate authorities or by a commission designated under subsection (k) of Section 11-74.4-4, a time and place for a public hearing as required by subsection (a) of Section 11-74.4-5. No redevelopment plan shall be adopted unless a municipality complies with all of the following requirements:

(1) The municipality finds that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of the redevelopment plan, provided, however, that such a finding shall not be required with respect to any redevelopment project area located within a transit facility improvement area established pursuant to Section 11-74.4-3.3.

(2) The municipality finds that the redevelopment plan and project conform to the comprehensive plan for the development of the municipality as a whole, or, for municipalities with a population of 100,000 or more, regardless of when the redevelopment plan and project was adopted, the redevelopment plan and project either: (i) conforms to the strategic economic development or redevelopment plan issued by the designated planning authority of the municipality, or (ii) includes land uses that have been approved by the planning commission of the municipality.

(3) The redevelopment plan establishes the estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs. Those dates may not be later than the dates set forth under Section 11-74.4-3.5.

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A municipality may by municipal ordinance amend an existing redevelopment plan to conform to this paragraph (3) as amended by Public Act 91-478, which municipal ordinance may be adopted without further hearing or notice and without complying with the procedures provided in this Act pertaining to an amendment to or the initial approval of a redevelopment plan and project and designation of a redevelopment project area.

(3.5) The municipality finds, in the case of an industrial park conservation area, also that the municipality is a labor surplus municipality and that the implementation of the redevelopment plan will reduce unemployment, create new jobs and by the provision of new facilities enhance the tax base of the taxing districts that extend into the redevelopment project area.

(4) If any incremental revenues are being utilized under Section 8(a)(1) or 8(a)(2) of this Act in redevelopment project areas approved by ordinance after January 1, 1986, the municipality finds: (a) that the redevelopment project area would not reasonably be developed without the use of such incremental revenues, and (b) that such incremental revenues will be exclusively utilized for the development of the redevelopment project area.

(5) If: (a) the redevelopment plan will not result in displacement of residents from 10 or more inhabited residential units, and the municipality certifies in the plan that such displacement will not result from the plan; or (b) the redevelopment plan is for a redevelopment project area located within a transit facility improvement area established pursuant to Section 11-74.4-3.3, and the applicable project is subject to the process for evaluation of environmental effects under the National Environmental Policy Act of 1969, 42 U.S.C. § 4321 et seq., then a housing impact study need not be performed. If, however, the redevelopment plan would result in the displacement of residents from 10 or more inhabited residential units, or if the redevelopment project area contains 75 or more inhabited residential units and no certification is made, then the municipality shall prepare, as part of the separate feasibility report required by subsection (a) of Section 11-74.4-5, a housing impact study.

Part I of the housing impact study shall include (i) data as to whether the residential units are single family or multi-family...
units, (ii) the number and type of rooms within the units, if that information is available, (iii) whether the units are inhabited or uninhabited, as determined not less than 45 days before the date that the ordinance or resolution required by subsection (a) of Section 11-74.4-5 is passed, and (iv) data as to the racial and ethnic composition of the residents in the inhabited residential units. The data requirement as to the racial and ethnic composition of the residents in the inhabited residential units shall be deemed to be fully satisfied by data from the most recent federal census.

Part II of the housing impact study shall identify the inhabited residential units in the proposed redevelopment project area that are to be or may be removed. If inhabited residential units are to be removed, then the housing impact study shall identify (i) the number and location of those units that will or may be removed, (ii) the municipality's plans for relocation assistance for those residents in the proposed redevelopment project area whose residences are to be removed, (iii) the availability of replacement housing for those residents whose residences are to be removed, and shall identify the type, location, and cost of the housing, and (iv) the type and extent of relocation assistance to be provided.

(6) On and after November 1, 1999, the housing impact study required by paragraph (5) shall be incorporated in the redevelopment plan for the redevelopment project area.

(7) On and after November 1, 1999, no redevelopment plan shall be adopted, nor an existing plan amended, nor shall residential housing that is occupied by households of low-income and very low-income persons in currently existing redevelopment project areas be removed after November 1, 1999 unless the redevelopment plan provides, with respect to inhabited housing units that are to be removed for households of low-income and very low-income persons, affordable housing and relocation assistance not less than that which would be provided under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the regulations under that Act, including the eligibility criteria. Affordable housing may be either existing or newly constructed housing. For purposes of this paragraph (7), "low-income households", "very low-income households", and "affordable housing" have the meanings set forth in the Illinois Affordable Housing Act. The municipality shall

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make a good faith effort to ensure that this affordable housing is located in or near the redevelopment project area within the municipality.

(8) On and after November 1, 1999, if, after the adoption of the redevelopment plan for the redevelopment project area, any municipality desires to amend its redevelopment plan to remove more inhabited residential units than specified in its original redevelopment plan, that change shall be made in accordance with the procedures in subsection (c) of Section 11-74.4-5.

(9) For redevelopment project areas designated prior to November 1, 1999, the redevelopment plan may be amended without further joint review board meeting or hearing, provided that the municipality shall give notice of any such changes by mail to each affected taxing district and registrant on the interested party registry, to authorize the municipality to expend tax increment revenues for redevelopment project costs defined by paragraphs (5) and (7.5), subparagraphs (E) and (F) of paragraph (11), and paragraph (11.5) of subsection (q) of Section 11-74.4-3, so long as the changes do not increase the total estimated redevelopment project costs set out in the redevelopment plan by more than 5% after adjustment for inflation from the date the plan was adopted.

(o) "Redevelopment project" means any public and private development project in furtherance of the objectives of a redevelopment plan. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting.

(p) "Redevelopment project area" means an area designated by the municipality, which is not less in the aggregate than 1 1/2 acres and in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as an industrial park conservation area or a blighted area or a conservation area, or a combination of both blighted areas and conservation areas.

(p-1) Notwithstanding any provision of this Act to the contrary, on and after August 25, 2009 (the effective date of Public Act 96-680), a
redevelopment project area may include areas within a one-half mile radius of an existing or proposed Regional Transportation Authority Suburban Transit Access Route (STAR Line) station without a finding that the area is classified as an industrial park conservation area, a blighted area, a conservation area, or a combination thereof, but only if the municipality receives unanimous consent from the joint review board created to review the proposed redevelopment project area.

(p-2) Notwithstanding any provision of this Act to the contrary, on and after the effective date of this amendatory Act of the 99th General Assembly, a redevelopment project area may include areas within a transit facility improvement area that has been established pursuant to Section 11-74.4-3.3 without a finding that the area is classified as an industrial park conservation area, a blighted area, a conservation area, or any combination thereof.

(q) "Redevelopment project costs", except for redevelopment project areas created pursuant to subsections (p-1) or (p-2), means and includes the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan and a redevelopment project. Such costs include, without limitation, the following:

(1) Costs of studies, surveys, development of plans, and specifications, implementation and administration of the redevelopment plan including but not limited to staff and professional service costs for architectural, engineering, legal, financial, planning or other services, provided however that no charges for professional services may be based on a percentage of the tax increment collected; except that on and after November 1, 1999 (the effective date of Public Act 91-478), no contracts for professional services, excluding architectural and engineering services, may be entered into if the terms of the contract extend beyond a period of 3 years. In addition, "redevelopment project costs" shall not include lobbying expenses. After consultation with the municipality, each tax increment consultant or advisor to a municipality that plans to designate or has designated a redevelopment project area shall inform the municipality in writing of any contracts that the consultant or advisor has entered into with entities or individuals that have received, or are receiving, payments financed by tax increment revenues produced by the redevelopment project area with respect to which the consultant or

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advisor has performed, or will be performing, service for the municipality. This requirement shall be satisfied by the consultant or advisor before the commencement of services for the municipality and thereafter whenever any other contracts with those individuals or entities are executed by the consultant or advisor;

(1.5) After July 1, 1999, annual administrative costs shall not include general overhead or administrative costs of the municipality that would still have been incurred by the municipality if the municipality had not designated a redevelopment project area or approved a redevelopment plan;

(1.6) The cost of marketing sites within the redevelopment project area to prospective businesses, developers, and investors;

(2) Property assembly costs, including but not limited to acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, site preparation, site improvements that serve as an engineered barrier addressing ground level or below ground environmental contamination, including, but not limited to parking lots and other concrete or asphalt barriers, and the clearing and grading of land;

(3) Costs of rehabilitation, reconstruction or repair or remodeling of existing public or private buildings, fixtures, and leasehold improvements; and the cost of replacing an existing public building if pursuant to the implementation of a redevelopment project the existing public building is to be demolished to use the site for private investment or devoted to a different use requiring private investment; including any direct or indirect costs relating to Green Globes or LEED certified construction elements or construction elements with an equivalent certification;

(4) Costs of the construction of public works or improvements, including any direct or indirect costs relating to Green Globes or LEED certified construction elements or construction elements with an equivalent certification, except that on and after November 1, 1999, redevelopment project costs shall not include the cost of constructing a new municipal public building principally used to provide offices, storage space, or conference facilities or vehicle storage, maintenance, or repair for administrative, public safety, or public works personnel and that is

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not intended to replace an existing public building as provided under paragraph (3) of subsection (q) of Section 11-74.4-3 unless either (i) the construction of the new municipal building implements a redevelopment project that was included in a redevelopment plan that was adopted by the municipality prior to November 1, 1999, or (ii) the municipality makes a reasonable determination in the redevelopment plan, supported by information that provides the basis for that determination, that the new municipal building is required to meet an increase in the need for public safety purposes anticipated to result from the implementation of the redevelopment plan, or (iii) the new municipal public building is for the storage, maintenance, or repair of transit vehicles and is located in a transit facility improvement area that has been established pursuant to Section 11-74.4-3.3;

(5) Costs of job training and retraining projects, including the cost of "welfare to work" programs implemented by businesses located within the redevelopment project area;

(6) Financing costs, including but not limited to all necessary and incidental expenses related to the issuance of obligations and which may include payment of interest on any obligations issued hereunder including interest accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not exceeding 36 months thereafter and including reasonable reserves related thereto;

(7) To the extent the municipality by written agreement accepts and approves the same, all or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred within a taxing district in furtherance of the objectives of the redevelopment plan and project.

(7.5) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after November 1, 1999, an elementary, secondary, or unit school district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the
boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act, and which costs shall be paid by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units and shall be calculated annually as follows:

(A) for foundation districts, excluding any school district in a municipality with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general State aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

   (i) for unit school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 25% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;
   (ii) for elementary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 17% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and
   (iii) for secondary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 8% of the total amount of property tax increment revenue produced

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by those housing units that have received tax increment finance assistance under this Act.

(B) For alternate method districts, flat grant districts, and foundation districts with a district average 1995-96 Per Capita Tuition Charge equal to or more than $5,900, excluding any school district with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general state aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts, no more than 40% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts, no more than 27% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts, no more than 13% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(C) For any school district in a municipality with a population in excess of 1,000,000, the following

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restrictions shall apply to the reimbursement of increased costs under this paragraph (7.5):

(i) no increased costs shall be reimbursed unless the school district certifies that each of the schools affected by the assisted housing project is at or over its student capacity;

(ii) the amount reimbursable shall be reduced by the value of any land donated to the school district by the municipality or developer, and by the value of any physical improvements made to the schools by the municipality or developer; and

(iii) the amount reimbursed may not affect amounts otherwise obligated by the terms of any bonds, notes, or other funding instruments, or the terms of any redevelopment agreement.

Any school district seeking payment under this paragraph (7.5) shall, after July 1 and before September 30 of each year, provide the municipality with reasonable evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the school district. If the school district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. School districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.5). By acceptance of this reimbursement the school district waives the right to directly or indirectly set aside, modify, or contest in any manner the establishment of the redevelopment project area or projects;

(7.7) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after January 1, 2005 (the effective date of Public Act 93-961), a public library district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites

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necessary for the completion of that housing as authorized by this Act shall be paid to the library district by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units. This paragraph (7.7) applies only if (i) the library district is located in a county that is subject to the Property Tax Extension Limitation Law or (ii) the library district is not located in a county that is subject to the Property Tax Extension Limitation Law but the district is prohibited by any other law from increasing its tax levy rate without a prior voter referendum.

The amount paid to a library district under this paragraph (7.7) shall be calculated by multiplying (i) the net increase in the number of persons eligible to obtain a library card in that district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by (ii) the per-patron cost of providing library services so long as it does not exceed $120. The per-patron cost shall be the Total Operating Expenditures Per Capita for the library in the previous fiscal year. The municipality may deduct from the amount that it must pay to a library district under this paragraph any amount that it has voluntarily paid to the library district from the tax increment revenue. The amount paid to a library district under this paragraph (7.7) shall be no more than 2% of the amount produced by the assisted housing units and deposited into the Special Tax Allocation Fund.

A library district is not eligible for any payment under this paragraph (7.7) unless the library district has experienced an increase in the number of patrons from the municipality that created the tax-increment-financing district since the designation of the redevelopment project area.

Any library district seeking payment under this paragraph (7.7) shall, after July 1 and before September 30 of each year, provide the municipality with convincing evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the library district. If the library

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district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. Library districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.7). By acceptance of such reimbursement, the library district shall forfeit any right to directly or indirectly set aside, modify, or contest in any manner whatsoever the establishment of the redevelopment project area or projects;

(8) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or is required to make payment of relocation costs by federal or State law or in order to satisfy subparagraph (7) of subsection (n);

(9) Payment in lieu of taxes;

(10) Costs of job training, retraining, advanced vocational education or career education, including but not limited to courses in occupational, semi-technical or technical fields leading directly to employment, incurred by one or more taxing districts, provided that such costs (i) are related to the establishment and maintenance of additional job training, advanced vocational education or career education programs for persons employed or to be employed by employers located in a redevelopment project area; and (ii) when incurred by a taxing district or taxing districts other than the municipality, are set forth in a written agreement by or among the municipality and the taxing district or taxing districts, which agreement describes the program to be undertaken, including but not limited to the number of employees to be trained, a description of the training and services to be provided, the number and type of positions available or to be available, itemized costs of the program and sources of funds to pay for the same, and the term of the agreement. Such costs include, specifically, the payment by community college districts of costs pursuant to Sections 3-37, 3-38, 3-40 and 3-40.1 of the Public Community College Act and by school districts of costs pursuant to Sections 10-22.20a and 10-23.3a of The School Code;

(11) Interest cost incurred by a redeveloper related to the construction, renovation or rehabilitation of a redevelopment project provided that:

(A) such costs are to be paid directly from the special tax allocation fund established pursuant to this Act;

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(B) such payments in any one year may not exceed 30% of the annual interest costs incurred by the redeveloper with regard to the redevelopment project during that year;  
(C) if there are not sufficient funds available in the special tax allocation fund to make the payment pursuant to this paragraph (11) then the amounts so due shall accrue and be payable when sufficient funds are available in the special tax allocation fund;  
(D) the total of such interest payments paid pursuant to this Act may not exceed 30% of the total (i) cost paid or incurred by the redeveloper for the redevelopment project plus (ii) redevelopment project costs excluding any property assembly costs and any relocation costs incurred by a municipality pursuant to this Act; and  
(E) the cost limits set forth in subparagraphs (B) and (D) of paragraph (11) shall be modified for the financing of rehabilitated or new housing units for low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act. The percentage of 75% shall be substituted for 30% in subparagraphs (B) and (D) of paragraph (11).  
(F) Instead of the eligible costs provided by subparagraphs (B) and (D) of paragraph (11), as modified by this subparagraph, and notwithstanding any other provisions of this Act to the contrary, the municipality may pay from tax increment revenues up to 50% of the cost of construction of new housing units to be occupied by low-income households and very low-income households as defined in Section 3 of the Illinois Affordable Housing Act. The cost of construction of those units may be derived from the proceeds of bonds issued by the municipality under this Act or other constitutional or statutory authority or from other sources of municipal revenue that may be reimbursed from tax increment revenues or the proceeds of bonds issued to finance the construction of that housing.  
The eligible costs provided under this subparagraph (F) of paragraph (11) shall be an eligible cost for the construction, renovation, and rehabilitation of all low and very low-income housing units, as defined in Section 3 of
the Illinois Affordable Housing Act, within the redevelopment project area. If the low and very low-income units are part of a residential redevelopment project that includes units not affordable to low and very low-income households, only the low and very low-income units shall be eligible for benefits under subparagraph (F) of paragraph (11). The standards for maintaining the occupancy by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, of those units constructed with eligible costs made available under the provisions of this subparagraph (F) of paragraph (11) shall be established by guidelines adopted by the municipality. The responsibility for annually documenting the initial occupancy of the units by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, shall be that of the then current owner of the property. For ownership units, the guidelines will provide, at a minimum, for a reasonable recapture of funds, or other appropriate methods designed to preserve the original affordability of the ownership units. For rental units, the guidelines will provide, at a minimum, for the affordability of rent to low and very low-income households. As units become available, they shall be rented to income-eligible tenants. The municipality may modify these guidelines from time to time; the guidelines, however, shall be in effect for as long as tax increment revenue is being used to pay for costs associated with the units or for the retirement of bonds issued to finance the units or for the life of the redevelopment project area, whichever is later.

(11.5) If the redevelopment project area is located within a municipality with a population of more than 100,000, the cost of day care services for children of employees from low-income families working for businesses located within the redevelopment project area and all or a portion of the cost of operation of day care centers established by redevelopment project area businesses to serve employees from low-income families working in businesses located in the redevelopment project area. For the purposes of this paragraph, "low-income families" means families whose annual

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income does not exceed 80% of the municipal, county, or regional median income, adjusted for family size, as the annual income and municipal, county, or regional median income are determined from time to time by the United States Department of Housing and Urban Development.

(12) Unless explicitly stated herein the cost of construction of new privately-owned buildings shall not be an eligible redevelopment project cost.

(13) After November 1, 1999 (the effective date of Public Act 91-478), none of the redevelopment project costs enumerated in this subsection shall be eligible redevelopment project costs if those costs would provide direct financial support to a retail entity initiating operations in the redevelopment project area while terminating operations at another Illinois location within 10 miles of the redevelopment project area but outside the boundaries of the redevelopment project area municipality. For purposes of this paragraph, termination means a closing of a retail operation that is directly related to the opening of the same operation or like retail entity owned or operated by more than 50% of the original ownership in a redevelopment project area, but it does not mean closing an operation for reasons beyond the control of the retail entity, as documented by the retail entity, subject to a reasonable finding by the municipality that the current location contained inadequate space, had become economically obsolete, or was no longer a viable location for the retailer or serviceman.

(14) No cost shall be a redevelopment project cost in a redevelopment project area if used to demolish, remove, or substantially modify a historic resource, after August 26, 2008 (the effective date of Public Act 95-934), unless no prudent and feasible alternative exists. "Historic resource" for the purpose of this item (14) means (i) a place or structure that is included or eligible for inclusion on the National Register of Historic Places or (ii) a contributing structure in a district on the National Register of Historic Places. This item (14) does not apply to a place or structure for which demolition, removal, or modification is subject to review by the preservation agency of a Certified Local Government designated as such by the National Park Service of the United States Department of the Interior.

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If a special service area has been established pursuant to the Special Service Area Tax Act or Special Service Area Tax Law, then any tax increment revenues derived from the tax imposed pursuant to the Special Service Area Tax Act or Special Service Area Tax Law may be used within the redevelopment project area for the purposes permitted by that Act or Law as well as the purposes permitted by this Act.

(q-1) For redevelopment project areas created pursuant to subsection (p-1), redevelopment project costs are limited to those costs in paragraph (q) that are related to the existing or proposed Regional Transportation Authority Suburban Transit Access Route (STAR Line) station.

(q-2) For a redevelopment project area located within a transit facility improvement area established pursuant to Section 11-74.4-3.3, redevelopment project costs means those costs described in subsection (q) that are related to the construction, reconstruction, rehabilitation, remodeling, or repair of any existing or proposed transit facility.

(r) "State Sales Tax Boundary" means the redevelopment project area or the amended redevelopment project area boundaries which are determined pursuant to subsection (9) of Section 11-74.4-8a of this Act. The Department of Revenue shall certify pursuant to subsection (9) of Section 11-74.4-8a the appropriate boundaries eligible for the determination of State Sales Tax Increment.

(s) "State Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid by retailers and servicemen, other than retailers and servicemen subject to the Public Utilities Act, on transactions at places of business located within a State Sales Tax Boundary pursuant to the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act, except such portion of such increase that is paid into the State and Local Sales Tax Reform Fund, the Local Government Distributive Fund, the Local Government Tax Fund and the County and Mass Transit District Fund, for as long as State participation exists, over and above the Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for such taxes as certified by the Department of Revenue and paid under those Acts by retailers and servicemen on transactions at places of business located within the State Sales Tax Boundary during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing, less 3.0% of such amounts generated under the Retailers' Occupation Tax Act,
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Use Tax Act and Service Use Tax Act and the Service Occupation Tax Act, which sum shall be appropriated to the Department of Revenue to cover its costs of administering and enforcing this Section. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall compute the Initial Sales Tax Amount for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amount". For purposes of determining the State Sales Tax Increment the Department of Revenue shall for each period subtract from the tax amounts received from retailers and servicemen on transactions located in the State Sales Tax Boundary, the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax Amounts for the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act and the Service Occupation Tax Act. For the State Fiscal Year 1989 this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, until June 30, 1989, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial State Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending on June 30, to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts. Municipalities intending to receive a distribution of State Sales Tax Increment must report a list of retailers to the Department of Revenue by October 31, 1988 and by July 31, of each year thereafter.

(t) "Taxing districts" means counties, townships, cities and incorporated towns and villages, school, road, park, sanitary, mosquito abatement, forest preserve, public health, fire protection, river

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conservancy, tuberculosis sanitarium and any other municipal corporations or districts with the power to levy taxes.

(u) "Taxing districts' capital costs" means those costs of taxing districts for capital improvements that are found by the municipal corporate authorities to be necessary and directly result from the redevelopment project.

(v) As used in subsection (a) of Section 11-74.4-3 of this Act, "vacant land" means any parcel or combination of parcels of real property without industrial, commercial, and residential buildings which has not been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area, unless the parcel is included in an industrial park conservation area or the parcel has been subdivided; provided that if the parcel was part of a larger tract that has been divided into 3 or more smaller tracts that were accepted for recording during the period from 1950 to 1990, then the parcel shall be deemed to have been subdivided, and all proceedings and actions of the municipality taken in that connection with respect to any previously approved or designated redevelopment project area or amended redevelopment project area are hereby validated and hereby declared to be legally sufficient for all purposes of this Act. For purposes of this Section and only for land subject to the subdivision requirements of the Plat Act, land is subdivided when the original plat of the proposed Redevelopment Project Area or relevant portion thereof has been properly certified, acknowledged, approved, and recorded or filed in accordance with the Plat Act and a preliminary plat, if any, for any subsequent phases of the proposed Redevelopment Project Area or relevant portion thereof has been properly approved and filed in accordance with the applicable ordinance of the municipality.

(w) "Annual Total Increment" means the sum of each municipality's annual Net Sales Tax Increment and each municipality's annual Net Utility Tax Increment. The ratio of the Annual Total Increment of each municipality to the Annual Total Increment for all municipalities, as most recently calculated by the Department, shall determine the proportional shares of the Illinois Tax Increment Fund to be distributed to each municipality.

(x) "LEED certified" means any certification level of construction elements by a qualified Leadership in Energy and Environmental Design Accredited Professional as determined by the U.S. Green Building Council.
(y) "Green Globes certified" means any certification level of construction elements by a qualified Green Globes Professional as determined by the Green Building Initiative.
(Source: P.A. 96-328, eff. 8-11-09; 96-630, eff. 1-1-10; 96-680, eff. 8-25-09; 96-1000, eff. 7-2-10; 97-101, eff. 1-1-12.)
(65 ILCS 5/11-74.4-3.3 new)
Sec. 11-74.4-3.3. Redevelopment project area within a transit facility improvement area.
(a) As used in this Section:
"Redevelopment project area" means the area identified in: the Chicago Union Station Master Plan; the Chicago Transit Authority's Red and Purple Modernization Program; the Chicago Transit Authority's Red Line Extension Program; and the Chicago Transit Authority's Blue Line Modernization and Extension Program, each as may be amended from time to time after the effective date of this amendatory Act of the 99th General Assembly.
"Transit" means any one or more of the following transportation services provided to passengers: inter-city passenger rail service; commuter rail service; and urban mass transit rail service, whether elevated, underground, or running at grade, and whether provided through rolling stock generally referred to as heavy rail or light rail.
"Transit facility" means an existing or proposed transit passenger station, an existing or proposed transit maintenance, storage or service facility, or an existing or proposed right of way for use in providing transit services.
"Transit facility improvement area" means an area whose boundaries are no more than one-half mile in any direction from the location of a transit passenger station, or the existing or proposed right of way of transit facility, as applicable; provided that the length of any existing or proposed right of way or a transit passenger station included in any transit facility improvement area shall not exceed: 9 miles for the Chicago Transit Authority's Blue Line Modernization and Extension Program; 17 miles for the Chicago Transit Authority's Red and Purple Modernization Program (running from Madison Street North to Linden Avenue); and 20 miles for the Chicago Transit Authority's Red Line Extension Program (running from Madison Street South to 130th Street).
(b) Notwithstanding any other provision of law to the contrary, if the corporate authorities of a municipality designate an area within the territorial limits of the municipality as a transit facility improvement area,
then that municipality may establish one or more redevelopment project areas within that transit facility improvement area for the purpose of developing new transit facilities, expanding or rehabilitating existing transit facilities, or both. With respect to a transit facility whose right of way is located in more than one municipality, each municipality may designate an area within its territorial limits as a transit facility improvement area and may establish a redevelopment project area for each of the qualifying projects identified in subsection (a) of this Section.

(65 ILCS 5/11-74.4-3.5)

Sec. 11-74.4-3.5. Completion dates for redevelopment projects.

(a) Unless otherwise stated in this Section, the estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs (including refunding bonds under Section 11-74.4-7) may not be later than December 31 of the year in which the payment to the municipal treasurer, as provided in subsection (b) of Section 11-74.4-8 of this Act, is to be made with respect to ad valorem taxes levied in the 23rd calendar year after the year in which the ordinance approving the redevelopment project area was adopted if the ordinance was adopted on or after January 15, 1981.

(a-5) If the redevelopment project area is located within a transit facility improvement area established pursuant to Section 11-74.4-3, the estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs (including refunding bonds under Section 11-74.4-7) may not be later than December 31 of the year in which the payment to the municipal treasurer, as provided in subsection (b) of Section 11-74.4-8 of this amendatory Act of the 99th General Assembly, is to be made with respect to ad valorem taxes levied in the 35th calendar year after the year in which the ordinance approving the redevelopment project area was adopted.

(a-7) A municipality may adopt tax increment financing for a redevelopment project area located in a transit facility improvement area that also includes real property located within an existing redevelopment project area established prior to the effective date of this amendatory Act of 99th General Assembly. In such case: (i) the provisions of this Division shall apply with respect to the previously established redevelopment project area until the municipality adopts, as required in accordance with applicable provisions of this Division, an ordinance dissolving the special tax allocation fund for such redevelopment project area and terminating the designation of such redevelopment project area as a redevelopment

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project area; and (ii) after the effective date of the ordinance described in 
(i), the provisions of this Division shall apply with respect to the 
subsequently established redevelopment project area located in a transit 
facility improvement area.

(b) The estimated dates of completion of the redevelopment project 
and retirement of obligations issued to finance redevelopment project costs 
(including refunding bonds under Section 11-74.4-7) may not be later than 
December 31 of the year in which the payment to the municipal treasurer 
as provided in subsection (b) of Section 11-74.4-8 of this Act is to be 
made with respect to ad valorem taxes levied in the 32nd calendar year 
after the year in which the ordinance approving the redevelopment project 
area was adopted if the ordinance was adopted on September 9, 1999 by 
the Village of Downs.

The estimated dates of completion of the redevelopment project 
and retirement of obligations issued to finance redevelopment project costs 
(including refunding bonds under Section 11-74.4-7) may not be later than 
December 31 of the year in which the payment to the municipal treasurer 
as provided in subsection (b) of Section 11-74.4-8 of this Act is to be 
made with respect to ad valorem taxes levied in the 33rd calendar year 
after the year in which the ordinance approving the redevelopment project 
area was adopted if the ordinance was adopted on May 20, 1985 by the 
Village of Wheeling.

The estimated dates of completion of the redevelopment project 
and retirement of obligations issued to finance redevelopment project costs 
(including refunding bonds under Section 11-74.4-7) may not be later than 
December 31 of the year in which the payment to the municipal treasurer 
as provided in subsection (b) of Section 11-74.4-8 of this Act is to be 
made with respect to ad valorem taxes levied in the 28th calendar year 
after the year in which the ordinance approving the redevelopment project 
area was adopted if the ordinance was adopted on October 12, 1989 by the 
City of Lawrenceville.

(c) The estimated dates of completion of the redevelopment project 
and retirement of obligations issued to finance redevelopment project costs 
(including refunding bonds under Section 11-74.4-7) may not be later than 
December 31 of the year in which the payment to the municipal treasurer 
as provided in subsection (b) of Section 11-74.4-8 of this Act is to be 
made with respect to ad valorem taxes levied in the 35th calendar year 
after the year in which the ordinance approving the redevelopment project 
area was adopted:

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(1) If the ordinance was adopted before January 15, 1981.
(2) If the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989.
(3) If the ordinance was adopted in December 1987 and the redevelopment project is located within one mile of Midway Airport.
(4) If the ordinance was adopted before January 1, 1987 by a municipality in Mason County.
(5) If the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law.
(6) If the ordinance was adopted in December 1984 by the Village of Rosemont.
(7) If the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997.
(8) If the ordinance was adopted on October 5, 1982 by the City of Kankakee, or if the ordinance was adopted on December 29, 1986 by East St. Louis.
(9) If the ordinance was adopted on November 12, 1991 by the Village of Sauget.
(10) If the ordinance was adopted on February 11, 1985 by the City of Rock Island.
(11) If the ordinance was adopted before December 18, 1986 by the City of Moline.
(12) If the ordinance was adopted in September 1988 by Sauk Village.
(13) If the ordinance was adopted in October 1993 by Sauk Village.
(14) If the ordinance was adopted on December 29, 1986 by the City of Galva.
(15) If the ordinance was adopted in March 1991 by the City of Centreville.
(16) If the ordinance was adopted on January 23, 1991 by the City of East St. Louis.
(17) If the ordinance was adopted on December 22, 1986 by the City of Aledo.
(18) If the ordinance was adopted on February 5, 1990 by the City of Clinton.
(19) If the ordinance was adopted on September 6, 1994 by the City of Freeport.
(20) If the ordinance was adopted on December 22, 1986 by the City of Tuscola.
(21) If the ordinance was adopted on December 23, 1986 by the City of Sparta.
(22) If the ordinance was adopted on December 23, 1986 by the City of Beardstown.
(23) If the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville.
(24) If the ordinance was adopted on December 29, 1986 by the City of Collinsville.
(25) If the ordinance was adopted on September 14, 1994 by the City of Alton.
(26) If the ordinance was adopted on November 11, 1996 by the City of Lexington.
(27) If the ordinance was adopted on November 5, 1984 by the City of LeRoy.
(28) If the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham.
(29) If the ordinance was adopted on November 11, 1986 by the City of Pekin.
(30) If the ordinance was adopted on December 15, 1981 by the City of Champaign.
(31) If the ordinance was adopted on December 15, 1986 by the City of Urbana.
(32) If the ordinance was adopted on December 15, 1986 by the Village of Heyworth.
(33) If the ordinance was adopted on February 24, 1992 by the Village of Heyworth.
(34) If the ordinance was adopted on March 16, 1995 by the Village of Heyworth.

New matter indicated by italics - deletions by strikeout
(35) If the ordinance was adopted on December 23, 1986 by the Town of Cicero.
(36) If the ordinance was adopted on December 30, 1986 by the City of Effingham.
(37) If the ordinance was adopted on May 9, 1991 by the Village of Tilton.
(38) If the ordinance was adopted on October 20, 1986 by the City of Elmhurst.
(39) If the ordinance was adopted on January 19, 1988 by the City of Waukegan.
(40) If the ordinance was adopted on September 21, 1998 by the City of Waukegan.
(41) If the ordinance was adopted on December 31, 1986 by the City of Sullivan.
(42) If the ordinance was adopted on December 23, 1991 by the City of Sullivan.
(43) If the ordinance was adopted on December 31, 1986 by the City of Oglesby.
(44) If the ordinance was adopted on July 28, 1987 by the City of Marion.
(45) If the ordinance was adopted on April 23, 1990 by the City of Marion.
(46) If the ordinance was adopted on August 20, 1985 by the Village of Mount Prospect.
(47) If the ordinance was adopted on February 2, 1998 by the Village of Woodhull.
(48) If the ordinance was adopted on April 20, 1993 by the Village of Princeville.
(49) If the ordinance was adopted on July 1, 1986 by the City of Granite City.
(50) If the ordinance was adopted on February 2, 1989 by the Village of Lombard.
(51) If the ordinance was adopted on December 29, 1986 by the Village of Gardner.
(52) If the ordinance was adopted on July 14, 1999 by the Village of Paw Paw.
(53) If the ordinance was adopted on November 17, 1986 by the Village of Franklin Park.

New matter indicated by italics - deletions by strikeout
(54) If the ordinance was adopted on November 20, 1989 by the Village of South Holland.
(55) If the ordinance was adopted on July 14, 1992 by the Village of Riverdale.
(56) If the ordinance was adopted on December 29, 1986 by the City of Galesburg.
(57) If the ordinance was adopted on April 1, 1985 by the City of Galesburg.
(58) If the ordinance was adopted on May 21, 1990 by the City of West Chicago.
(59) If the ordinance was adopted on December 16, 1986 by the City of Oak Forest.
(60) If the ordinance was adopted in 1999 by the City of Villa Grove.
(61) If the ordinance was adopted on January 13, 1987 by the Village of Mt. Zion.
(62) If the ordinance was adopted on December 30, 1986 by the Village of Manteno.
(63) If the ordinance was adopted on April 3, 1989 by the City of Chicago Heights.
(64) If the ordinance was adopted on January 6, 1999 by the Village of Rosemont.
(65) If the ordinance was adopted on December 19, 2000 by the Village of Stone Park.
(66) If the ordinance was adopted on December 22, 1986 by the City of DeKalb.
(67) If the ordinance was adopted on December 2, 1986 by the City of Aurora.
(68) If the ordinance was adopted on December 31, 1986 by the Village of Milan.
(69) If the ordinance was adopted on September 8, 1994 by the City of West Frankfort.
(70) If the ordinance was adopted on December 23, 1986 by the Village of Libertyville.
(71) If the ordinance was adopted on December 22, 1986 by the Village of Hoffman Estates.
(72) If the ordinance was adopted on September 17, 1986 by the Village of Sherman.

New matter indicated by italics - deletions by strikeout
(73) If the ordinance was adopted on December 16, 1986 by the City of Macomb.

(74) If the ordinance was adopted on June 11, 2002 by the City of East Peoria to create the West Washington Street TIF.

(75) If the ordinance was adopted on June 11, 2002 by the City of East Peoria to create the Camp Street TIF.

(76) If the ordinance was adopted on August 7, 2000 by the City of Des Plaines.

(77) If the ordinance was adopted on December 22, 1986 by the City of Washington to create the Washington Square TIF #2.

(78) If the ordinance was adopted on December 29, 1986 by the City of Morris.

(79) If the ordinance was adopted on July 6, 1998 by the Village of Steeleville.

(80) If the ordinance was adopted on December 29, 1986 by the City of Pontiac to create TIF I (the Main St TIF).

(81) If the ordinance was adopted on December 29, 1986 by the City of Pontiac to create TIF II (the Interstate TIF).

(82) If the ordinance was adopted on November 6, 2002 by the City of Chicago to create the Madden/Wells TIF District.

(83) If the ordinance was adopted on November 4, 1998 by the City of Chicago to create the Roosevelt/Racine TIF District.

(84) If the ordinance was adopted on June 10, 1998 by the City of Chicago to create the Stony Island Commercial/Burnside Industrial Corridors TIF District.

(85) If the ordinance was adopted on November 29, 1989 by the City of Chicago to create the Englewood Mall TIF District.

(86) If the ordinance was adopted on December 27, 1986 by the City of Mendota.

(87) If the ordinance was adopted on December 31, 1986 by the Village of Cahokia.

(88) If the ordinance was adopted on September 20, 1999 by the City of Belleville.

(89) If the ordinance was adopted on December 30, 1986 by the Village of Bellevue to create the Bellevue TIF District 1.

(90) If the ordinance was adopted on December 13, 1993 by the Village of Crete.

(91) If the ordinance was adopted on February 12, 2001 by the Village of Crete.

New matter indicated by italics - deletions by strikeout
(92) If the ordinance was adopted on April 23, 2001 by the Village of Crete.
(93) If the ordinance was adopted on December 16, 1986 by the City of Champaign.
(94) If the ordinance was adopted on December 20, 1986 by the City of Charleston.
(95) If the ordinance was adopted on June 6, 1989 by the Village of Romeoville.
(96) If the ordinance was adopted on October 14, 1993 and amended on August 2, 2010 by the City of Venice.
(97) If the ordinance was adopted on June 1, 1994 by the City of Markham.
(98) If the ordinance was adopted on May 19, 1998 by the Village of Bensenville.
(99) If the ordinance was adopted on November 12, 1987 by the City of Dixon.
(100) If the ordinance was adopted on December 20, 1988 by the Village of Lansing.
(101) If the ordinance was adopted on October 27, 1998 by the City of Moline.
(102) If the ordinance was adopted on May 21, 1991 by the Village of Glenwood.
(103) If the ordinance was adopted on January 28, 1992 by the City of East Peoria.
(104) If the ordinance was adopted on December 14, 1998 by the City of Carlyle.
(105) If the ordinance was adopted on May 17, 2000, as subsequently amended, by the City of Chicago to create the Midwest Redevelopment TIF District.
(106) If the ordinance was adopted on September 13, 1989 by the City of Chicago to create the Michigan/Cermak Area TIF District.
(107) If the ordinance was adopted on March 30, 1992 by the Village of Ohio.
(108) If the ordinance was adopted on July 6, 1998 by the Village of Orangeville.
(109) If the ordinance was adopted on December 16, 1997 by the Village of Germantown.

New matter indicated by italics - deletions by strikeout
If the ordinance was adopted on April 28, 2003 by Gibson City.

If the ordinance was adopted on December 18, 1990 by the Village of Washington Park, but only after the Village of Washington Park becomes compliant with the reporting requirements under subsection (d) of Section 11-74.4-5, and after the State Comptroller's certification of such compliance.

If the ordinance was adopted on February 28, 2000 by the City of Harvey.

If the ordinance was adopted on January 11, 1991 by the City of Chicago to create the Read/Dunning TIF District.

If the ordinance was adopted on July 24, 1991 by the City of Chicago to create the Sanitary and Ship Canal TIF District.

If the ordinance was adopted on December 4, 2007 by the City of Naperville.

If the ordinance was adopted on July 1, 2002 by the Village of Arlington Heights.

If the ordinance was adopted on February 11, 1991 by the Village of Machesney Park.

If the ordinance was adopted on December 29, 1993 by the City of Ottawa.

If the ordinance was adopted on June 4, 1991 by the Village of Lansing.

If the ordinance was adopted on February 10, 2004 by the Village of Fox Lake.

If the ordinance was adopted on December 22, 1992 by the City of Fairfield.

If the ordinance was adopted on February 10, 1992 by the City of Mt. Sterling.

If the ordinance was adopted on March 15, 2004 by the City of Batavia.

If the ordinance was adopted on March 18, 2002 by the Village of Lake Zurich.

If the ordinance was adopted on September 23, 1997 by the City of Granite City.

If the ordinance was adopted on May 8, 2013 by the Village of Rosemont to create the Higgins Road/River Road TIF District No. 6.

New matter indicated by italics - deletions by strikeout
(127) If the ordinance was adopted on November 22, 1993 by the City of Arcola.
(128) If the ordinance was adopted on September 7, 2004 by the City of Arcola.
(129) If the ordinance was adopted on November 29, 1999 by the City of Paris.
(130) If the ordinance was adopted on September 20, 1994 by the City of Ottawa to create the U.S. Route 6 East Ottawa TIF.
(131) If the ordinance was adopted on May 2, 2002 by the Village of Crestwood.
(132) If the ordinance was adopted on October 27, 1992 by the City of Blue Island.
(133) If the ordinance was adopted on December 23, 1993 by the City of Lacon.
(134) If the ordinance was adopted on May 4, 1998 by the Village of Bradford.
(135) If the ordinance was adopted on June 11, 2002 by the City of Oak Forest.
(136) If the ordinance was adopted on November 16, 1992 by the City of Pinckneyville.
(137) If the ordinance was adopted on March 1, 2001 by the Village of South Jacksonville.
(138) If the ordinance was adopted on February 26, 1992 by the City of Chicago to create the Stockyards Southeast Quadrant TIF District.
(139) If the ordinance was adopted on January 25, 1993 by the City of LaSalle.
(140) If the ordinance was adopted on December 23, 1997 by the Village of Dieterich.
(141) If the ordinance was adopted on February 10, 2016 by the Village of Rosemont to create the Balmoral/Pearl TIF No. 8 Tax Increment Financing Redevelopment Project Area.

(d) For redevelopment project areas for which bonds were issued before July 29, 1991, or for which contracts were entered into before June 1, 1988, in connection with a redevelopment project in the area within the State Sales Tax Boundary, the estimated dates of completion of the redevelopment project and retirement of obligations to finance redevelopment project costs (including refunding bonds under Section 11-74.4-7) may be extended by municipal ordinance to December 31, 2013.

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The termination procedures of subsection (b) of Section 11-74.4-8 are not required for these redevelopment project areas in 2009 but are required in 2013. The extension allowed by Public Act 87-1272 shall not apply to real property tax increment allocation financing under Section 11-74.4-8.

(e) Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were adopted on or after December 16, 1986 and for which at least $8 million worth of municipal bonds were authorized on or after December 19, 1989 but before January 1, 1990; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

(f) Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were established on or after December 1, 1981 but before January 1, 1982 and for which at least $1,500,000 worth of tax increment revenue bonds were authorized on or after September 30, 1990 but before July 1, 1991; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

(f-5) Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 47 years for redevelopment project areas that were established on December 29, 1981 by the City of Springfield; provided that (i) the city of Springfield adopts an ordinance extending the life of the redevelopment project area to 47 years and (ii) the City of Springfield provides notice to the taxing bodies that would otherwise constitute the joint review board for the redevelopment project area not more than 30 and not less than 14 days prior to the adoption of that ordinance.

(g) In consolidating the material relating to completion dates from Sections 11-74.4-3 and 11-74.4-7 into this Section, it is not the intent of the General Assembly to make any substantive change in the law, except for the extension of the completion dates for the City of Aurora, the Village of Milan, the City of West Frankfort, the Village of Libertyville,

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and the Village of Hoffman Estates set forth under items (67), (68), (69), (70), and (71) of subsection (c) of this Section.
(Source: P.A. 98-109, eff. 7-25-13; 98-135, eff. 8-2-13; 98-230, eff. 8-9-13; 98-463, eff. 8-16-13; 98-614, eff. 12-27-13; 98-667, eff. 6-25-14; 98-889, eff. 8-15-14; 98-893, eff. 8-15-14; 98-1064, eff. 8-26-14; 98-1136, eff. 12-29-14; 98-1153, eff. 1-9-15; 98-1157, eff. 1-9-15; 98-1159, eff. 1-9-15; 99-78, eff. 7-20-15; 99-136, eff. 7-24-15; 99-263, eff. 8-4-15; 99-361, eff. 1-1-16; 99-394, eff. 8-18-15; 99-495, eff. 12-17-15.)
(65 ILCS 5/11-74.4-4) (from Ch. 24, par. 11-74.4-4)

Sec. 11-74.4-4. Municipal powers and duties; redevelopment project areas. The changes made by this amendatory Act of the 91st General Assembly do not apply to a municipality that, (i) before the effective date of this amendatory Act of the 91st General Assembly, has adopted an ordinance or resolution fixing a time and place for a public hearing under Section 11-74.4-5 or (ii) before July 1, 1999, has adopted an ordinance or resolution providing for a feasibility study under Section 11-74.4-4.1, but has not yet adopted an ordinance approving redevelopment plans and redevelopment projects or designating redevelopment project areas under this Section, until after that municipality adopts an ordinance approving redevelopment plans and redevelopment projects or designating redevelopment project areas under this Section; thereafter the changes made by this amendatory Act of the 91st General Assembly apply to the same extent that they apply to redevelopment plans and redevelopment projects that were approved and redevelopment projects that were designated before the effective date of this amendatory Act of the 91st General Assembly.

A municipality may:
(a) By ordinance introduced in the governing body of the municipality within 14 to 90 days from the completion of the hearing specified in Section 11-74.4-5 approve redevelopment plans and redevelopment projects, and designate redevelopment project areas pursuant to notice and hearing required by this Act. No redevelopment project area shall be designated unless a plan and project are approved prior to the designation of such area and such area shall include only those contiguous parcels of real property and improvements thereon substantially benefited by the proposed redevelopment project improvements. Upon adoption of the ordinances, the municipality shall forthwith transmit to the county clerk of the county or counties within which the redevelopment project area is located a certified copy of the

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ordinances, a legal description of the redevelopment project area, a map of
the redevelopment project area, identification of the year that the county
clerk shall use for determining the total initial equalized assessed value of
the redevelopment project area consistent with subsection (a) of Section
11-74.4-9, and a list of the parcel or tax identification number of each
parcel of property included in the redevelopment project area.

(b) Make and enter into all contracts with property owners,
developers, tenants, overlapping taxing bodies, and others necessary or
incidental to the implementation and furtherance of its redevelopment plan
and project. Contract provisions concerning loan repayment obligations in
contracts entered into on or after the effective date of this amendatory Act
of the 93rd General Assembly shall terminate no later than the last to occur
of the estimated dates of completion of the redevelopment project and
retirement of the obligations issued to finance redevelopment project costs
as required by item (3) of subsection (n) of Section 11-74.4-3. Payments
received under contracts entered into by the municipality prior to the
effective date of this amendatory Act of the 93rd General Assembly that
are received after the redevelopment project area has been terminated by
municipal ordinance shall be deposited into a special fund of the
municipality to be used for other community redevelopment needs within
the redevelopment project area.

(c) Within a redevelopment project area, acquire by purchase,
donation, lease or eminent domain; own, convey, lease, mortgage or
dispose of land and other property, real or personal, or rights or interests
therein, and grant or acquire licenses, easements and options with respect
thereto, all in the manner and at such price the municipality determines is
reasonably necessary to achieve the objectives of the redevelopment plan
and project. No conveyance, lease, mortgage, disposition of land or other
property owned by a municipality, or agreement relating to the
development of such municipal property shall be made except upon the
adoption of an ordinance by the corporate authorities of the municipality.
Furthermore, no conveyance, lease, mortgage, or other disposition of land
owned by a municipality or agreement relating to the development of such
municipal property shall be made without making public disclosure of the
terms of the disposition and all bids and proposals made in response to the
municipality's request. The procedures for obtaining such bids and
proposals shall provide reasonable opportunity for any person to submit
alternative proposals or bids.

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(d) Within a redevelopment project area, clear any area by demolition or removal of any existing buildings and structures.

(e) Within a redevelopment project area, renovate or rehabilitate or construct any structure or building, as permitted under this Act.

(f) Install, repair, construct, reconstruct or relocate streets, utilities and site improvements essential to the preparation of the redevelopment area for use in accordance with a redevelopment plan.

(g) Within a redevelopment project area, fix, charge and collect fees, rents and charges for the use of any building or property owned or leased by it or any part thereof, or facility therein.

(h) Accept grants, guarantees and donations of property, labor, or other things of value from a public or private source for use within a project redevelopment area.

(i) Acquire and construct public facilities within a redevelopment project area, as permitted under this Act.

(j) Incur project redevelopment costs and reimburse developers who incur redevelopment project costs authorized by a redevelopment agreement; provided, however, that on and after the effective date of this amendatory Act of the 91st General Assembly, no municipality shall incur redevelopment project costs (except for planning costs and any other eligible costs authorized by municipal ordinance or resolution that are subsequently included in the redevelopment plan for the area and are incurred by the municipality after the ordinance or resolution is adopted) that are not consistent with the program for accomplishing the objectives of the redevelopment plan as included in that plan and approved by the municipality until the municipality has amended the redevelopment plan as provided elsewhere in this Act.

(k) Create a commission of not less than 5 or more than 15 persons to be appointed by the mayor or president of the municipality with the consent of the majority of the governing board of the municipality. Members of a commission appointed after the effective date of this amendatory Act of 1987 shall be appointed for initial terms of 1, 2, 3, 4 and 5 years, respectively, in such numbers as to provide that the terms of not more than 1/3 of all such members shall expire in any one year. Their successors shall be appointed for a term of 5 years. The commission, subject to approval of the corporate authorities may exercise the powers enumerated in this Section. The commission shall also have the power to hold the public hearings required by this division and make recommendations to the corporate authorities concerning the adoption of

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redevelopment plans, redevelopment projects and designation of redevelopment project areas.

(l) Make payment in lieu of taxes or a portion thereof to taxing districts. If payments in lieu of taxes or a portion thereof are made to taxing districts, those payments shall be made to all districts within a project redevelopment area on a basis which is proportional to the current collections of revenue which each taxing district receives from real property in the redevelopment project area.

(m) Exercise any and all other powers necessary to effectuate the purposes of this Act.

(n) If any member of the corporate authority, a member of a commission established pursuant to Section 11-74.4-4(k) of this Act, or an employee or consultant of the municipality involved in the planning and preparation of a redevelopment plan, or project for a redevelopment project area or proposed redevelopment project area, as defined in Sections 11-74.4-3(i) through (k) of this Act, owns or controls an interest, direct or indirect, in any property included in any redevelopment area, or proposed redevelopment area, he or she shall disclose the same in writing to the clerk of the municipality, and shall also so disclose the dates and terms and conditions of any disposition of any such interest, which disclosures shall be acknowledged by the corporate authorities and entered upon the minute books of the corporate authorities. If an individual holds such an interest then that individual shall refrain from any further official involvement in regard to such redevelopment plan, project or area, from voting on any matter pertaining to such redevelopment plan, project or area, or communicating with other members concerning corporate authorities, commission or employees concerning any matter pertaining to said redevelopment plan, project or area. Furthermore, no such member or employee shall acquire of any interest direct, or indirect, in any property in a redevelopment area or proposed redevelopment area after either (a) such individual obtains knowledge of such plan, project or area or (b) first public notice of such plan, project or area pursuant to Section 11-74.4-6 of this Division, whichever occurs first. For the purposes of this subsection, a property interest acquired in a single parcel of property by a member of the corporate authority, which property is used exclusively as the member's primary residence, shall not be deemed to constitute an interest in any property included in a redevelopment area or proposed redevelopment area that was established before December 31, 1989, but the member must disclose the acquisition to the municipal clerk under the provisions of this

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subsection. A single property interest acquired within one year after the effective date of this amendatory Act of the 94th General Assembly or 2 years after the effective date of this amendatory Act of the 95th General Assembly by a member of the corporate authority does not constitute an interest in any property included in any redevelopment area or proposed redevelopment area, regardless of when the redevelopment area was established, if (i) the property is used exclusively as the member's primary residence, (ii) the member discloses the acquisition to the municipal clerk under the provisions of this subsection, (iii) the acquisition is for fair market value, (iv) the member acquires the property as a result of the property being publicly advertised for sale, and (v) the member refrains from voting on, and communicating with other members concerning, any matter when the benefits to the redevelopment project or area would be significantly greater than the benefits to the municipality as a whole. For the purposes of this subsection, a month-to-month leasehold interest in a single parcel of property by a member of the corporate authority shall not be deemed to constitute an interest in any property included in any redevelopment area or proposed redevelopment area, but the member must disclose the interest to the municipal clerk under the provisions of this subsection.

(o) Create a Tax Increment Economic Development Advisory Committee to be appointed by the Mayor or President of the municipality with the consent of the majority of the governing board of the municipality, the members of which Committee shall be appointed for initial terms of 1, 2, 3, 4 and 5 years respectively, in such numbers as to provide that the terms of not more than 1/3 of all such members shall expire in any one year. Their successors shall be appointed for a term of 5 years. The Committee shall have none of the powers enumerated in this Section. The Committee shall serve in an advisory capacity only. The Committee may advise the governing Board of the municipality and other municipal officials regarding development issues and opportunities within the redevelopment project area or the area within the State Sales Tax Boundary. The Committee may also promote and publicize development opportunities in the redevelopment project area or the area within the State Sales Tax Boundary.

(p) Municipalities may jointly undertake and perform redevelopment plans and projects and utilize the provisions of the Act wherever they have contiguous redevelopment project areas or they determine to adopt tax increment financing with respect to a

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redevelopment project area which includes contiguous real property within the boundaries of the municipalities, and in doing so, they may, by agreement between municipalities, issue obligations, separately or jointly, and expend revenues received under the Act for eligible expenses anywhere within contiguous redevelopment project areas or as otherwise permitted in the Act. With respect to redevelopment project areas that are established within a transit facility improvement area, the provisions of this subsection apply only with respect to such redevelopment project areas that are contiguous to each other.

(q) Utilize revenues, other than State sales tax increment revenues, received under this Act from one redevelopment project area for eligible costs in another redevelopment project area that is:

(i) contiguous to the redevelopment project area from which the revenues are received;

(ii) separated only by a public right of way from the redevelopment project area from which the revenues are received; or

(iii) separated only by forest preserve property from the redevelopment project area from which the revenues are received if the closest boundaries of the redevelopment project areas that are separated by the forest preserve property are less than one mile apart.

Utilize tax increment revenues for eligible costs that are received from a redevelopment project area created under the Industrial Jobs Recovery Law that is either contiguous to, or is separated only by a public right of way from, the redevelopment project area created under this Act which initially receives these revenues. Utilize revenues, other than State sales tax increment revenues, by transferring or loaning such revenues to a redevelopment project area created under the Industrial Jobs Recovery Law that is either contiguous to, or separated only by a public right of way from the redevelopment project area that initially produced and received those revenues; and, if the redevelopment project area (i) was established before the effective date of this amendatory Act of the 91st General Assembly and (ii) is located within a municipality with a population of more than 100,000, utilize revenues or proceeds of obligations authorized by Section 11-74.4-7 of this Act, other than use or occupation tax revenues, to pay for any redevelopment project costs as defined by subsection (q) of Section 11-74.4-3 to the extent that the redevelopment project costs involve public property that is either contiguous to, or...

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separated only by a public right of way from, a redevelopment project area whether or not redevelopment project costs or the source of payment for the costs are specifically set forth in the redevelopment plan for the redevelopment project area.

(r) If no redevelopment project has been initiated in a redevelopment project area within 7 years after the area was designated by ordinance under subsection (a), the municipality shall adopt an ordinance repealing the area's designation as a redevelopment project area; provided, however, that if an area received its designation more than 3 years before the effective date of this amendatory Act of 1994 and no redevelopment project has been initiated within 4 years after the effective date of this amendatory Act of 1994, the municipality shall adopt an ordinance repealing its designation as a redevelopment project area. Initiation of a redevelopment project shall be evidenced by either a signed redevelopment agreement or expenditures on eligible redevelopment project costs associated with a redevelopment project.

Notwithstanding any other provision of this Section to the contrary, with respect to a redevelopment project area designated by an ordinance that was adopted on July 29, 1998 by the City of Chicago, the City of Chicago shall adopt an ordinance repealing the area's designation as a redevelopment project area if no redevelopment project has been initiated in the redevelopment project area within 15 years after the designation of the area. The City of Chicago may retroactively repeal any ordinance adopted by the City of Chicago, pursuant to this subsection (r), that repealed the designation of a redevelopment project area designated by an ordinance that was adopted by the City of Chicago on July 29, 1998. The City of Chicago has 90 days after the effective date of this amendatory Act to repeal the ordinance. The changes to this Section made by this amendatory Act of the 96th General Assembly apply retroactively to July 27, 2005.

(Source: P.A. 96-1555, eff. 3-18-11; 97-333, eff. 8-12-11.)

(65 ILCS 5/11-74.4-6) (from Ch. 24, par. 11-74.4-6)

Sec. 11-74.4-6. (a) Except as provided herein, notice of the public hearing shall be given by publication and mailing; provided, however, that no notice by mailing shall be required under this subsection (a) with respect to any redevelopment project area located within a transit facility improvement area established pursuant to Section 11-74.4-3.3. Notice by publication shall be given by publication at least twice, the first publication to be not more than 30 nor less than 10 days prior to the

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hearing in a newspaper of general circulation within the taxing districts having property in the proposed redevelopment project area. Notice by mailing shall be given by depositing such notice in the United States mails by certified mail addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract, or parcel of land lying within the project redevelopment area. Said notice shall be mailed not less than 10 days prior to the date set for the public hearing. In the event taxes for the last preceding year were not paid, the notice shall also be sent to the persons last listed on the tax rolls within the preceding 3 years as the owners of such property. For redevelopment project areas with redevelopment plans or proposed redevelopment plans that would require removal of 10 or more inhabited residential units or that contain 75 or more inhabited residential units, the municipality shall make a good faith effort to notify by mail all residents of the redevelopment project area. At a minimum, the municipality shall mail a notice to each residential address located within the redevelopment project area. The municipality shall endeavor to ensure that all such notices are effectively communicated and shall include (in addition to notice in English) notice in the predominant language other than English when appropriate.

(b) The notices issued pursuant to this Section shall include the following:

1. The time and place of public hearing.
2. The boundaries of the proposed redevelopment project area by legal description and by street location where possible.
3. A notification that all interested persons will be given an opportunity to be heard at the public hearing.
4. A description of the redevelopment plan or redevelopment project for the proposed redevelopment project area if a plan or project is the subject matter of the hearing.
5. Such other matters as the municipality may deem appropriate.

(c) Not less than 45 days prior to the date set for hearing, the municipality shall give notice by mail as provided in subsection (a) to all taxing districts of which taxable property is included in the redevelopment project area, project or plan and to the Department of Commerce and Economic Opportunity, and in addition to the other requirements under subsection (b) the notice shall include an invitation to the Department of Commerce and Economic Opportunity and each taxing district to submit

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(d) In the event that any municipality has by ordinance adopted tax increment financing prior to 1987, and has complied with the notice requirements of this Section, except that the notice has not included the requirements of subsection (b), paragraphs (2), (3) and (4), and within 90 days of the effective date of this amendatory Act of 1991, that municipality passes an ordinance which contains findings that: (1) all taxing districts prior to the time of the hearing required by Section 11-74.4-5 were furnished with copies of a map incorporated into the redevelopment plan and project substantially showing the legal boundaries of the redevelopment project area; (2) the redevelopment plan and project, or a draft thereof, contained a map substantially showing the legal boundaries of the redevelopment project area and was available to the public at the time of the hearing; and (3) since the adoption of any form of tax increment financing authorized by this Act, and prior to June 1, 1991, no objection or challenge has been made in writing to the municipality in respect to the notices required by this Section, then the municipality shall be deemed to have met the notice requirements of this Act and all actions of the municipality taken in connection with such notices as were given are hereby validated and hereby declared to be legally sufficient for all purposes of this Act.

(e) If a municipality desires to propose a redevelopment plan for a redevelopment project area that would result in the displacement of residents from 10 or more inhabited residential units or for a redevelopment project area that contains 75 or more inhabited residential units, the municipality shall hold a public meeting before the mailing of the notices of public hearing as provided in subsection (c) of this Section. However, such a meeting shall be required for any redevelopment plan for a redevelopment project area located within a transit facility improvement area established pursuant to Section 11-74.4-3.3 if the applicable project is subject to the process for evaluation of environmental effects under the National Environmental Policy Act of 1969, 42 U.S.C. § 4321 et seq. The meeting shall be for the purpose of enabling the municipality to advise the public, taxing districts having real property in the redevelopment project area, taxpayers who own property in the proposed redevelopment project area, and residents in the area as to the municipality's possible intent to prepare a redevelopment plan and designate a redevelopment project area and to receive public comment. The time and place for the meeting shall
be set by the head of the municipality's Department of Planning or other department official designated by the mayor or city or village manager without the necessity of a resolution or ordinance of the municipality and may be held by a member of the staff of the Department of Planning of the municipality or by any other person, body, or commission designated by the corporate authorities. The meeting shall be held at least 14 business days before the mailing of the notice of public hearing provided for in subsection (c) of this Section.

Notice of the public meeting shall be given by mail. Notice by mail shall be not less than 15 days before the date of the meeting and shall be sent by certified mail to all taxing districts having real property in the proposed redevelopment project area and to all entities requesting that information that have registered with a person and department designated by the municipality in accordance with registration guidelines established by the municipality pursuant to Section 11-74.4-4.2. The municipality shall make a good faith effort to notify all residents and the last known persons who paid property taxes on real estate in a redevelopment project area. This requirement shall be deemed to be satisfied if the municipality mails, by regular mail, a notice to each residential address and the person or persons in whose name property taxes were paid on real property for the last preceding year located within the redevelopment project area. Notice shall be in languages other than English when appropriate. The notices issued under this subsection shall include the following:

1. The time and place of the meeting.
2. The boundaries of the area to be studied for possible designation as a redevelopment project area by street and location.
3. The purpose or purposes of establishing a redevelopment project area.
5. The name, telephone number, and address of the person who can be contacted for additional information about the proposed redevelopment project area and who should receive all comments and suggestions regarding the development of the area to be studied.
6. Notification that all interested persons will be given an opportunity to be heard at the public meeting.
7. Such other matters as the municipality deems appropriate.

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At the public meeting, any interested person or representative of an affected taxing district may be heard orally and may file, with the person conducting the meeting, statements that pertain to the subject matter of the meeting.

(Source: P.A. 94-793, eff. 5-19-06; 95-331, eff. 8-21-07.)

(65 ILCS 5/11-74.4-8) (from Ch. 24, par. 11-74.4-8)

Sec. 11-74.4-8. Tax increment allocation financing. A municipality may not adopt tax increment financing in a redevelopment project area after the effective date of this amendatory Act of 1997 that will encompass an area that is currently included in an enterprise zone created under the Illinois Enterprise Zone Act unless that municipality, pursuant to Section 5.4 of the Illinois Enterprise Zone Act, amends the enterprise zone designating ordinance to limit the eligibility for tax abatements as provided in Section 5.4.1 of the Illinois Enterprise Zone Act. A municipality, at the time a redevelopment project area is designated, may adopt tax increment allocation financing by passing an ordinance providing that the ad valorem taxes, if any, arising from the levies upon taxable real property in such redevelopment project area by taxing districts and tax rates determined in the manner provided in paragraph (c) of Section 11-74.4-9 each year after the effective date of the ordinance until redevelopment project costs and all municipal obligations financing redevelopment project costs incurred under this Division have been paid shall be divided as follows, provided, however, that with respect to any redevelopment project area located within a transit facility improvement area established pursuant to Section 11-74.4-3.3 in a municipality with a population of 1,000,000 or more, ad valorem taxes, if any, arising from the levies upon taxable real property in such redevelopment project area shall be allocated as specifically provided in this Section:

(a) That portion of taxes levied upon each taxable lot, block, tract or parcel of real property which is attributable to the lower of the current equalized assessed value or the initial equalized assessed value of each such taxable lot, block, tract or parcel of real property in the redevelopment project area shall be allocated to and when collected shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing.

(b) Except from a tax levied by a township to retire bonds issued to satisfy court-ordered damages, that portion, if any, of such taxes which is attributable to the increase in the current equalized assessed valuation of

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each taxable lot, block, tract or parcel of real property in the redevelopment project area over and above the initial equalized assessed value of each property in the project area shall be allocated to and when collected shall be paid to the municipal treasurer who shall deposit said taxes into a special fund called the special tax allocation fund of the municipality for the purpose of paying redevelopment project costs and obligations incurred in the payment thereof. In any county with a population of 3,000,000 or more that has adopted a procedure for collecting taxes that provides for one or more of the installments of the taxes to be billed and collected on an estimated basis, the municipal treasurer shall be paid for deposit in the special tax allocation fund of the municipality, from the taxes collected from estimated bills issued for property in the redevelopment project area, the difference between the amount actually collected from each taxable lot, block, tract, or parcel of real property within the redevelopment project area and an amount determined by multiplying the rate at which taxes were last extended against the taxable lot, block, track, or parcel of real property in the manner provided in subsection (c) of Section 11-74.4-9 by the initial equalized assessed value of the property divided by the number of installments in which real estate taxes are billed and collected within the county; provided that the payments on or before December 31, 1999 to a municipal treasurer shall be made only if each of the following conditions are met:

(1) The total equalized assessed value of the redevelopment project area as last determined was not less than 175% of the total initial equalized assessed value.

(2) Not more than 50% of the total equalized assessed value of the redevelopment project area as last determined is attributable to a piece of property assigned a single real estate index number.

(3) The municipal clerk has certified to the county clerk that the municipality has issued its obligations to which there has been pledged the incremental property taxes of the redevelopment project area or taxes levied and collected on any or all property in the municipality or the full faith and credit of the municipality to pay or secure payment for all or a portion of the redevelopment project costs. The certification shall be filed annually no later than September 1 for the estimated taxes to be distributed in the following year; however, for the year 1992 the certification shall be made at any time on or before March 31, 1992.

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(4) The municipality has not requested that the total initial equalized assessed value of real property be adjusted as provided in subsection (b) of Section 11-74.4-9.

The conditions of paragraphs (1) through (4) do not apply after December 31, 1999 to payments to a municipal treasurer made by a county with 3,000,000 or more inhabitants that has adopted an estimated billing procedure for collecting taxes. If a county that has adopted the estimated billing procedure makes an erroneous overpayment of tax revenue to the municipal treasurer, then the county may seek a refund of that overpayment. The county shall send the municipal treasurer a notice of liability for the overpayment on or before the mailing date of the next real estate tax bill within the county. The refund shall be limited to the amount of the overpayment.

It is the intent of this Division that after the effective date of this amendatory Act of 1988 a municipality's own ad valorem tax arising from levies on taxable real property be included in the determination of incremental revenue in the manner provided in paragraph (c) of Section 11-74.4-9. If the municipality does not extend such a tax, it shall annually deposit in the municipality's Special Tax Increment Fund an amount equal to 10% of the total contributions to the fund from all other taxing districts in that year. The annual 10% deposit required by this paragraph shall be limited to the actual amount of municipally produced incremental tax revenues available to the municipality from taxpayers located in the redevelopment project area in that year: (a) the plan for the area restricts the use of the property primarily to industrial purposes, (b) the municipality establishing the redevelopment project area is a home-rule community with a 1990 population of between 25,000 and 50,000, (c) the municipality is wholly located within a county with a 1990 population of over 750,000 and (d) the redevelopment project area was established by the municipality prior to June 1, 1990. This payment shall be in lieu of a contribution of ad valorem taxes on real property. If no such payment is made, any redevelopment project area of the municipality shall be dissolved.

If a municipality has adopted tax increment allocation financing by ordinance and the County Clerk thereafter certifies the "total initial equalized assessed value as adjusted" of the taxable real property within such redevelopment project area in the manner provided in paragraph (b) of Section 11-74.4-9, each year after the date of the certification of the total initial equalized assessed value as adjusted until redevelopment
project costs and all municipal obligations financing redevelopment project costs have been paid the ad valorem taxes, if any, arising from the levies upon the taxable real property in such redevelopment project area by taxing districts and tax rates determined in the manner provided in paragraph (c) of Section 11-74.4-9 shall be divided as follows, provided, however, that with respect to any redevelopment project area located within a transit facility improvement area established pursuant to Section 11-74.4-3.3 in a municipality with a population of 1,000,000 or more, ad valorem taxes, if any, arising from the levies upon the taxable real property in such redevelopment project area shall be allocated as specifically provided in this Section:

(1) That portion of the taxes levied upon each taxable lot, block, tract or parcel of real property which is attributable to the lower of the current equalized assessed value or "current equalized assessed value as adjusted" or the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property existing at the time tax increment financing was adopted, minus the total current homestead exemptions under Article 15 of the Property Tax Code in the redevelopment project area shall be allocated to and when collected shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing.

(2) That portion, if any, of such taxes which is attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the redevelopment project area, over and above the initial equalized assessed value of each property existing at the time tax increment financing was adopted, minus the total current homestead exemptions pertaining to each piece of property provided by Article 15 of the Property Tax Code in the redevelopment project area, shall be allocated to and when collected shall be paid to the municipal Treasurer, who shall deposit said taxes into a special fund called the special tax allocation fund of the municipality for the purpose of paying redevelopment project costs and obligations incurred in the payment thereof.

The municipality may pledge in the ordinance the funds in and to be deposited in the special tax allocation fund for the payment of such costs and obligations. No part of the current equalized assessed valuation

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of each property in the redevelopment project area attributable to any increase above the total initial equalized assessed value, or the total initial equalized assessed value as adjusted, of such properties shall be used in calculating the general State school aid formula, provided for in Section 18-8 of the School Code, until such time as all redevelopment project costs have been paid as provided for in this Section.

Whenever a municipality issues bonds for the purpose of financing redevelopment project costs, such municipality may provide by ordinance for the appointment of a trustee, which may be any trust company within the State, and for the establishment of such funds or accounts to be maintained by such trustee as the municipality shall deem necessary to provide for the security and payment of the bonds. If such municipality provides for the appointment of a trustee, such trustee shall be considered the assignee of any payments assigned by the municipality pursuant to such ordinance and this Section. Any amounts paid to such trustee as assignee shall be deposited in the funds or accounts established pursuant to such trust agreement, and shall be held by such trustee in trust for the benefit of the holders of the bonds, and such holders shall have a lien on and a security interest in such funds or accounts so long as the bonds remain outstanding and unpaid. Upon retirement of the bonds, the trustee shall pay over any excess amounts held to the municipality for deposit in the special tax allocation fund.

When such redevelopment projects costs, including without limitation all municipal obligations financing redevelopment project costs incurred under this Division, have been paid, all surplus funds then remaining in the special tax allocation fund shall be distributed by being paid by the municipal treasurer to the Department of Revenue, the municipality and the county collector; first to the Department of Revenue and the municipality in direct proportion to the tax incremental revenue received from the State and the municipality, but not to exceed the total incremental revenue received from the State or the municipality less any annual surplus distribution of incremental revenue previously made; with any remaining funds to be paid to the County Collector who shall immediately thereafter pay said funds to the taxing districts in the redevelopment project area in the same manner and proportion as the most recent distribution by the county collector to the affected districts of real property taxes from real property in the redevelopment project area.

Upon the payment of all redevelopment project costs, the retirement of obligations, the distribution of any excess monies pursuant to

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this Section, and final closing of the books and records of the redevelopment project area, the municipality shall adopt an ordinance dissolving the special tax allocation fund for the redevelopment project area and terminating the designation of the redevelopment project area as a redevelopment project area. Title to real or personal property and public improvements acquired by or for the municipality as a result of the redevelopment project and plan shall vest in the municipality when acquired and shall continue to be held by the municipality after the redevelopment project area has been terminated. Municipalities shall notify affected taxing districts prior to November 1 if the redevelopment project area is to be terminated by December 31 of that same year. If a municipality extends estimated dates of completion of a redevelopment project and retirement of obligations to finance a redevelopment project, as allowed by this amendatory Act of 1993, that extension shall not extend the property tax increment allocation financing authorized by this Section. Thereafter the rates of the taxing districts shall be extended and taxes levied, collected and distributed in the manner applicable in the absence of the adoption of tax increment allocation financing.

If a municipality with a population of 1,000,000 or more has adopted by ordinance tax increment allocation financing for a redevelopment project area located in a transit facility improvement area established pursuant to Section 11-74.4-3.3, for each year after the effective date of the ordinance until redevelopment project costs and all municipal obligations financing redevelopment project costs have been paid, the ad valorem taxes, if any, arising from the levies upon the taxable real property in that redevelopment project area by taxing districts and tax rates determined in the manner provided in paragraph (c) of Section 11-74.4-9 shall be divided as follows:

(1) That portion of the taxes levied upon each taxable lot, block, tract or parcel of real property which is attributable to the lower of (i) the current equalized assessed value or "current equalized assessed value as adjusted" or (ii) the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property existing at the time tax increment financing was adopted, minus the total current homestead exemptions under Article 15 of the Property Tax Code in the redevelopment project area shall be allocated to and when collected shall be paid by the county collector to the respective affected taxing districts in the
manner required by law in the absence of the adoption of tax increment allocation financing.

(2) That portion, if any, of such taxes which is attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the redevelopment project area, over and above the initial equalized assessed value of each property existing at the time tax increment financing was adopted, minus the total current homestead exemptions pertaining to each piece of property provided by Article 15 of the Property Tax Code in the redevelopment project area, shall be allocated to and when collected shall be paid by the county collector as follows:

(A) First, that portion which would be payable to a school district whose boundaries are coterminous with such municipality in the absence of the adoption of tax increment allocation financing, shall be paid to such school district in the manner required by law in the absence of the adoption of tax increment allocation financing; then

(B) 80% of the remaining portion shall be paid to the municipal Treasurer, who shall deposit said taxes into a special fund called the special tax allocation fund of the municipality for the purpose of paying redevelopment project costs and obligations incurred in the payment thereof; and then

(C) 20% of the remaining portion shall be paid to the respective affected taxing districts, other than the school district described in clause (a) above, in the manner required by law in the absence of the adoption of tax increment allocation financing.

Nothing in this Section shall be construed as relieving property in such redevelopment project areas from being assessed as provided in the Property Tax Code or as relieving owners of such property from paying a uniform rate of taxes, as required by Section 4 of Article IX of the Illinois Constitution.

(Source: P.A. 98-463, eff. 8-16-13.)
(65 ILCS 5/11-74.6-22)
Sec. 11-74.6-22. Adoption of ordinance; requirements; changes.
(a) Before adoption of an ordinance proposing the designation of a redevelopment planning area or a redevelopment project area, or both, or
approving a redevelopment plan or redevelopment project, the
municipality or commission designated pursuant to subsection (l) of
Section 11-74.6-15 shall fix by ordinance or resolution a time and place
for public hearing. Prior to the adoption of the ordinance or resolution
establishing the time and place for the public hearing, the municipality
shall make available for public inspection a redevelopment plan or a report
that provides in sufficient detail, the basis for the eligibility of the
redevelopment project area. The report along with the name of a person to
contact for further information shall be sent to the affected taxing district
by certified mail within a reasonable time following the adoption of the
ordinance or resolution establishing the time and place for the public

At the public hearing any interested person or affected taxing
district may file with the municipal clerk written objections to the
ordinance and may be heard orally on any issues that are the subject of the
hearing. The municipality shall hear and determine all alternate proposals
or bids for any proposed conveyance, lease, mortgage or other disposition
of land and all protests and objections at the hearing and the hearing may
be adjourned to another date without further notice other than a motion to
be entered upon the minutes fixing the time and place of the later hearing.
At the public hearing or at any time prior to the adoption by the
municipality of an ordinance approving a redevelopment plan, the
municipality may make changes in the redevelopment plan. Changes
which (1) add additional parcels of property to the proposed
redevelopment project area, (2) substantially affect the general land uses
proposed in the redevelopment plan, or (3) substantially change the nature
of or extend the life of the redevelopment project shall be made only after
the municipality gives notice, convenes a joint review board, and conducts
a public hearing pursuant to the procedures set forth in this Section and in
Section 11-74.6-25. Changes which do not (1) add additional parcels of
property to the proposed redevelopment project area, (2) substantially
affect the general land uses proposed in the redevelopment plan, or (3)
substantially change the nature of or extend the life of the redevelopment
project may be made without further hearing, provided that the
municipality shall give notice of any such changes by mail to each affected
taxing district and by publication once in a newspaper of general
circulation within the affected taxing district. Such notice by mail and by
publication shall each occur not later than 10 days following the adoption
by ordinance of such changes.

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(b) Before adoption of an ordinance proposing the designation of a redevelopment planning area or a redevelopment project area, or both, or amending the boundaries of an existing redevelopment project area or redevelopment planning area, or both, the municipality shall convene a joint review board to consider the proposal. The board shall consist of a representative selected by each taxing district that has authority to levy real property taxes on the property within the proposed redevelopment project area and that has at least 5% of its total equalized assessed value located within the proposed redevelopment project area, a representative selected by the municipality and a public member. The public member and the board's chairperson shall be selected by a majority of other board members.

All board members shall be appointed and the first board meeting held within 14 days following the notice by the municipality to all the taxing districts as required by subsection (c) of Section 11-74.6-25. The notice shall also advise the taxing bodies represented on the joint review board of the time and place of the first meeting of the board. Additional meetings of the board shall be held upon the call of any 2 members. The municipality seeking designation of the redevelopment project area may provide administrative support to the board.

The board shall review the public record, planning documents and proposed ordinances approving the redevelopment plan and project to be adopted by the municipality. As part of its deliberations, the board may hold additional hearings on the proposal. A board's recommendation, if any, shall be a written recommendation adopted by a majority vote of the board and submitted to the municipality within 30 days after the board convenes. A board's recommendation shall be binding upon the municipality. Failure of the board to submit its recommendation on a timely basis shall not be cause to delay the public hearing or the process of establishing or amending the redevelopment project area. The board's recommendation on the proposal shall be based upon the area satisfying the applicable eligibility criteria defined in Section 11-74.6-10 and whether there is a basis for the municipal findings set forth in the redevelopment plan as required by this Act. If the board does not file a recommendation it shall be presumed that the board has found that the redevelopment project area satisfies the eligibility criteria.

(c) After a municipality has by ordinance approved a redevelopment plan and designated a redevelopment planning area or a redevelopment project area, or both, the plan may be amended and

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additional properties may be added to the redevelopment project area only as herein provided. Amendments which (1) add additional parcels of property to the proposed redevelopment project area, (2) substantially affect the general land uses proposed in the redevelopment plan, (3) substantially change the nature of the redevelopment project, (4) increase the total estimated redevelopment project costs set out in the redevelopment plan by more than 5% after adjustment for inflation from the date the plan was adopted, or (5) add additional redevelopment project costs to the itemized list of redevelopment project costs set out in the redevelopment plan shall be made only after the municipality gives notice, convenes a joint review board, and conducts a public hearing pursuant to the procedures set forth in this Section and in Section 11-74.6-25. Changes which do not (1) add additional parcels of property to the proposed redevelopment project area, (2) substantially affect the general land uses proposed in the redevelopment plan, (3) substantially change the nature of the redevelopment project, (4) increase the total estimated redevelopment project cost set out in the redevelopment plan by more than 5% after adjustment for inflation from the date the plan was adopted, or (5) add additional redevelopment project costs to the itemized list of redevelopment project costs set out in the redevelopment plan may be made without further hearing, provided that the municipality shall give notice of any such changes by mail to each affected taxing district and by publication once in a newspaper of general circulation within the affected taxing district. Such notice by mail and by publication shall each occur not later than 10 days following the adoption by ordinance of such changes.

Notwithstanding Section 11-74.6-50, the redevelopment project area established by an ordinance adopted in its final form on December 19, 2011 by the City of Loves Park may be expanded by the adoption of an ordinance to that effect without further hearing or notice to include land that (i) is at least in part contiguous to the existing redevelopment project area, (ii) does not exceed approximately 16.56 acres, (iii) at the time of the establishment of the redevelopment project area would have been otherwise eligible for inclusion in the redevelopment project area, and (iv) is zoned so as to comply with this Act prior to its inclusion in the redevelopment project area.

(d) After the effective date of this amendatory Act of the 91st General Assembly, a municipality shall submit the following information for each redevelopment project area (i) to the State Comptroller under Section 8-8-3.5 of the Illinois Municipal Code, subject to any extensions
or exemptions provided at the Comptroller's discretion under that Section, and (ii) to all taxing districts overlapping the redevelopment project area no later than 180 days after the close of each municipal fiscal year or as soon thereafter as the audited financial statements become available and, in any case, shall be submitted before the annual meeting of the joint review board to each of the taxing districts that overlap the redevelopment project area:

(1) Any amendments to the redevelopment plan, or the redevelopment project area.

(1.5) A list of the redevelopment project areas administered by the municipality and, if applicable, the date each redevelopment project area was designated or terminated by the municipality.

(2) Audited financial statements of the special tax allocation fund once a cumulative total of $100,000 of tax increment revenues has been deposited in the fund.

(3) Certification of the Chief Executive Officer of the municipality that the municipality has complied with all of the requirements of this Act during the preceding fiscal year.

(4) An opinion of legal counsel that the municipality is in compliance with this Act.

(5) An analysis of the special tax allocation fund which sets forth:

(A) the balance in the special tax allocation fund at the beginning of the fiscal year;

(B) all amounts deposited in the special tax allocation fund by source;

(C) an itemized list of all expenditures from the special tax allocation fund by category of permissible redevelopment project cost; and

(D) the balance in the special tax allocation fund at the end of the fiscal year including a breakdown of that balance by source and a breakdown of that balance identifying any portion of the balance that is required, pledged, earmarked, or otherwise designated for payment of or securing of obligations and anticipated redevelopment project costs. Any portion of such ending balance that has not been identified or is not identified as being required, pledged, earmarked, or otherwise designated for payment of or securing of obligations or anticipated redevelopment project costs. Any portion of such ending balance that has not been identified or is not identified as being required, pledged, earmarked, or otherwise designated for payment of or securing of obligations or anticipated redevelopment project costs.

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project costs shall be designated as surplus as set forth in Section 11-74.6-30 hereof.

(6) A description of all property purchased by the municipality within the redevelopment project area including:
   (A) Street address.
   (B) Approximate size or description of property.
   (C) Purchase price.
   (D) Seller of property.

(7) A statement setting forth all activities undertaken in furtherance of the objectives of the redevelopment plan, including:
   (A) Any project implemented in the preceding fiscal year.
   (B) A description of the redevelopment activities undertaken.
   (C) A description of any agreements entered into by the municipality with regard to the disposition or redevelopment of any property within the redevelopment project area.
   (D) Additional information on the use of all funds received under this Division and steps taken by the municipality to achieve the objectives of the redevelopment plan.
   (E) Information regarding contracts that the municipality's tax increment advisors or consultants have entered into with entities or persons that have received, or are receiving, payments financed by tax increment revenues produced by the same redevelopment project area.
   (F) Any reports submitted to the municipality by the joint review board.
   (G) A review of public and, to the extent possible, private investment actually undertaken to date after the effective date of this amendatory Act of the 91st General Assembly and estimated to be undertaken during the following year. This review shall, on a project-by-project basis, set forth the estimated amounts of public and private investment incurred after the effective date of this amendatory Act of the 91st General Assembly and provide the ratio of private investment to public investment to the

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date of the report and as estimated to the completion of the redevelopment project.

(8) With regard to any obligations issued by the municipality:

(A) copies of any official statements; and
(B) an analysis prepared by financial advisor or underwriter setting forth: (i) nature and term of obligation; and (ii) projected debt service including required reserves and debt coverage.

(9) For special tax allocation funds that have received cumulative deposits of incremental tax revenues of $100,000 or more, a certified audit report reviewing compliance with this Act performed by an independent public accountant certified and licensed by the authority of the State of Illinois. The financial portion of the audit must be conducted in accordance with Standards for Audits of Governmental Organizations, Programs, Activities, and Functions adopted by the Comptroller General of the United States (1981), as amended, or the standards specified by Section 8-8-5 of the Illinois Municipal Auditing Law of the Illinois Municipal Code. The audit report shall contain a letter from the independent certified public accountant indicating compliance or noncompliance with the requirements of subsection (o) of Section 11-74.6-10.

(e) The joint review board shall meet annually 180 days after the close of the municipal fiscal year or as soon as the redevelopment project audit for that fiscal year becomes available to review the effectiveness and status of the redevelopment project area up to that date.

(Source: P.A. 97-146, eff. 1-1-12; 98-922, eff. 8-15-14.)

Section 10. The Eminent Domain Act is amended by changing Section 10-5-65 as follows:

(735 ILCS 30/10-5-65) (was 735 ILCS 5/7-122)
Sec. 10-5-65. Reimbursement; inverse condemnation.
(a) Except as provided in subsection (b), when the condemning authority is required by a court to initiate condemnation proceedings for the actual physical taking of real property, the court rendering judgment for the property owner and awarding just compensation for the taking shall determine and award or allow to the property owner, as part of that judgment or award, further sums as will, in the opinion of the court, reimburse the property owner for the owner's

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reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees actually incurred by the property owner in those proceedings.

(b) When the condemning authority is required to initiate condemnation proceedings of property impacted directly or indirectly by the Chicago Transit Authority Red-Purple Modernization Project, the court rendering judgment for the property owner and awarding just compensation for the taking shall determine and award or allow to the property owner, as part of that judgment or award, further sums as will, in the opinion of the court, reimburse the property owner for the owner's reasonable costs, disbursements, diminution, and expenses, including reasonable attorney, appraisal, and engineering fees actually incurred by the property owner in those proceedings.

(Source: P.A. 94-1055, eff. 1-1-07.)

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

Passed in the General Assembly June 30, 2016.
Approved August 12, 2016.
Effective August 12, 2016.

PUBLIC ACT 99-0793
(Senate Bill No. 2820)

AN ACT concerning public employee benefits.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Pension Code is amended by changing Section 6-179 and by adding Sections 6-183.1 and 6-191.1 as follows:

(40 ILCS 5/6-179) (from Ch. 108 1/2, par. 6-179)

Sec. 6-179. Board's powers and duties. The board shall have the powers and duties stated in Section 6-180 to 6-191.1, inclusive, in addition to the other powers and duties provided in this Article.

(Source: Laws 1963, p. 161.)

(40 ILCS 5/6-183.1 new)

Sec. 6-183.1. To lend securities. The board may lend securities owned by the Fund to a borrower upon such terms and conditions as may be mutually agreed in writing. Such agreement shall provide that during the period of such loan the Fund shall retain the right to receive, or collect from the borrower, all dividends, interest rights, or any

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distributions to which the Fund would have otherwise been entitled. The borrower shall deposit with the Fund, as collateral for such loan, cash equal to the market value of the securities at the time the loan is made and shall increase the amount of collateral if and when the Fund requests an additional amount because of subsequent increased market value of the securities.

The period for which the securities may be loaned shall not exceed one year, and the loan agreement may specify earlier termination by either party upon mutually agreed conditions.

(40 ILCS 5/6-191.1 new)

Sec. 6-191.1. To reproduce records. To have any records kept by the board photographed, microfilmed, or digitally or electronically reproduced in accordance with the Local Records Act. The photographs, microfilm, and digital and electronic reproductions shall be deemed original records and documents for all purposes, including introduction in evidence before all courts and administrative agencies.

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

Approved August 12, 2016.
Effective August 12, 2016.

PUBLIC ACT 99-0794
(Senate Bill No. 2823)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Section 5-22 as follows:

(105 ILCS 5/5-22) (from Ch. 122, par. 5-22)

Sec. 5-22. Sales of school sites, buildings or other real estate. When, in the opinion of the school board, a school site, or portion thereof, building, or site with building thereon; or any other real estate of the district; has become unnecessary, or unsuitable, or inconvenient for a school; or unnecessary for the uses of the district, the school board, by a resolution adopted by at least two-thirds of the board members, may sell or direct that the property be sold in the manner provided in the Local Government Property Transfer Act; or in the manner herein provided or, in

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the case of residential property constructed or renovated by students as part of a curricular program, may engage the services of a licensed real estate broker to sell the property for a commission not to exceed 7%, contingent on the public listing of the property on a multiple listing service for a minimum of 14 calendar days and the sale of the property within 120 days.

Unless legal title to the land is held by the school board, the school board shall forthwith notify the trustees of schools or other school officials having legal title to such land of the terms upon which they desire the property to be sold. If the property is to be sold to another unit of local government or school district, the school board, trustees of schools, or other school officials having legal title to the land shall proceed in the manner provided in the Local Government Property Transfer Act. In all other cases, except if the property is to be sold to a tenant that has leased the property for 10 or more years and that tenant is a non-profit agency, the school board, trustees of schools, or other school officials having legal title to the land shall, within 60 days after adoption of the resolution (if the school board holds legal title to the land), or within 60 days after the trustees of school or other school officials having legal title receive the notice (if the school board does not hold legal title to the land), sell the property at public sale, by auction or sealed bids, after first giving notice of the time, place, and terms thereof by notice published once each week for 3 successive weeks prior to the date of the sale if sale is by auction, or prior to the final date of acceptance of bids if sale is by sealed bids, in a newspaper published in the district or, if no such newspaper is published in the district, then in a newspaper published in the county and having a general circulation in the district; however, if territory containing a school site, building, or site with building thereon, is detached from the school district of which it is a part after proceedings have been commenced under this Section for the sale of that school site, building, or site with building thereon, but before the sale is held, then the school board, trustees of schools, or other school officials having legal title shall not advertise or sell that school site, building, or site with building thereon, pursuant to those proceedings. The notices may be in the following form:

NOTICE OF SALE

Notice is hereby given that on (insert date), the (here insert title of the school board, trustees of school, or other school officials holding legal title) of (county) (Township No. ...., Range No. .... P.M. ....) will sell at public sale (use applicable alternative) (at ........ (state location of sale

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which shall be within the district), at .... ..M.,) (by taking sealed bids which shall be accepted until .... ..M., on (insert date), at (here insert location where bids will be accepted which shall be within the district) which bids will be opened at .... ..M. on (insert date) at (here insert location where bids will be opened which shall be within the district)) the following described property: (here describe the property), which sale will be made on the following terms to-wit: (here insert terms of sale)

    ....

    ....

    (Here insert title of school officials holding legal title)

For purposes of determining "terms of sale" under this Section, the General Assembly declares by this clarifying and amendatory Act of 1983 that "terms of sale" are not limited to sales for cash only but include contracts for deed, mortgages, and such other seller financed terms as may be specified by the school board.

If a school board specifies a reasonable minimum selling price and that price is not met or if no bids are received, the school board may adopt a resolution determining or directing that the services of a licensed real estate broker be engaged to sell the property for a commission not to exceed 7%, contingent on the sale of the property within 120 days. If legal title to the property is not held by the school board, the trustees of schools or other school officials having legal title shall, upon receipt of the resolution, engage the services of a licensed real estate broker as directed in the resolution. The board may accept a written offer equal to or greater than the established minimum selling price for the described property. The services of a licensed real estate broker may be utilized to seek a buyer. If the board lowers the minimum selling price on the described property, the public sale procedures set forth in this Section must be followed. The board may raise the minimum selling price without repeating the public sale procedures.

In the case of a sale of property to a tenant that has leased the property for 10 or more years and that is a non-profit agency, an appraisal is required prior to the sale. If the non-profit agency purchases the property for less than the appraised value and subsequently sells the property, the agency may retain only a percentage of the profits that is proportional to the percentage of the appraisal, plus any improvements made by the agency while the agency was the owner, that the agency paid in the initial
sale. The remaining portion of the profits made by the non-profit agency shall revert to the school district.

The deed of conveyance shall be executed by the president and clerk or secretary of the school board, trustees of schools, or other school officials having legal title to the land, and the proceeds paid to the school treasurer for the benefit of the district; provided, that the proceeds of any such sale on the island of Kaskaskia shall be paid to the State Treasurer for the use of the district and shall be disbursed by him in the same manner as income from the Kaskaskia Commons permanent school fund. The school board shall use the proceeds from the sale first to pay the principal and interest on any outstanding bonds on the property being sold, and after all such bonds have been retired, the remaining proceeds from the sale next shall be used by the school board to meet any urgent district needs as determined under Sections 2-3.12 and 17-2.11 and then for any other authorized purpose and for deposit into any district fund. But whenever the school board of any school district determines that any schoolhouse site with or without a building thereon is of no further use to the district, and agrees with the school board of any other school district within the boundaries of which the site is situated, upon the sale thereof to that district, and agrees upon the price to be paid therefor, and the site is selected by the purchasing district in the manner required by law, then after the payment of the compensation the school board, township trustees, or other school officials having legal title to the land of the schools shall, by proper instrument in writing, convey the legal title of the site to the school board of the purchasing district, or to the trustees of schools for the use of the purchasing district, in accordance with law. The provisions of this Section shall not apply to any sale made pursuant to Section 5-23 or Section 5-24 or Section 32-4.

(Source: P.A. 91-357, eff. 7-29-99; 92-365, eff. 8-15-01.)
Approved August 12, 2016.
Effective January 1, 2017.

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AN ACT concerning liquor.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Liquor Control Act of 1934 is amended by changing Sections 6-15 and 6-20 as follows:

(235 ILCS 5/6-15) (from Ch. 43, par. 130)

Sec. 6-15. No alcoholic liquors shall be sold or delivered in any building belonging to or under the control of the State or any political subdivision thereof except as provided in this Act. The corporate authorities of any city, village, incorporated town, township, or county may provide by ordinance, however, that alcoholic liquor may be sold or delivered in any specifically designated building belonging to or under the control of the municipality, township, or county, or in any building located on land under the control of the municipality, township, or county; provided that such township or county complies with all applicable local ordinances in any incorporated area of the township or county. Alcoholic liquor may be delivered to and sold under the authority of a special use permit on any property owned by a conservation district organized under the Conservation District Act, provided that (i) the alcoholic liquor is sold only at an event authorized by the governing board of the conservation district, (ii) the issuance of the special use permit is authorized by the local liquor control commissioner of the territory in which the property is located, and (iii) the special use permit authorizes the sale of alcoholic liquor for one day or less. Alcoholic liquors may be delivered to and sold at any airport belonging to or under the control of a municipality of more than 25,000 inhabitants, or in any building or on any golf course owned by a park district organized under the Park District Code, subject to the approval of the governing board of the district, or in any building or on any golf course owned by a forest preserve district organized under the Downstate Forest Preserve District Act, subject to the approval of the governing board of the district, or on the grounds within 500 feet of any building owned by a forest preserve district organized under the Downstate Forest Preserve District Act during times when food is dispensed for consumption within 500 feet of the building from which the food is dispensed, subject to the approval of the governing board of the district, or in a building owned by a Local Mass Transit District organized

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under the Local Mass Transit District Act, subject to the approval of the
governing Board of the District, or in Bicentennial Park, or on the
premises of the City of Mendota Lake Park located adjacent to Route 51 in
Mendota, Illinois, or on the premises of Camden Park in Milan, Illinois, or
in the community center owned by the City of Loves Park that is located at
1000 River Park Drive in Loves Park, Illinois, or, in connection with the
operation of an established food serving facility during times when food is
dispensed for consumption on the premises, and at the following aquarium
and museums located in public parks: Art Institute of Chicago, Chicago
Academy of Sciences, Chicago Historical Society, Field Museum of
Natural History, Museum of Science and Industry, DuSable Museum of
African American History, John G. Shedd Aquarium and Adler
Planetarium, or at Lakeview Museum of Arts and Sciences in Peoria, or in
connection with the operation of the facilities of the Chicago Zoological
Society or the Chicago Horticultural Society on land owned by the Forest
Preserve District of Cook County, or on any land used for a golf course or
for recreational purposes owned by the Forest Preserve District of Cook
County, subject to the control of the Forest Preserve District Board of
Commissioners and applicable local law, provided that dram shop liability
insurance is provided at maximum coverage limits so as to hold the
District harmless from all financial loss, damage, and harm, or in any
building located on land owned by the Chicago Park District if approved
by the Park District Commissioners, or on any land used for a golf course
or for recreational purposes and owned by the Illinois International Port
District if approved by the District's governing board, or at any airport,
golf course, faculty center, or facility in which conference and convention
type activities take place belonging to or under control of any State
university or public community college district, provided that with respect
to a facility for conference and convention type activities alcoholic liquors
shall be limited to the use of the convention or conference participants or
participants in cultural, political or educational activities held in such
facilities, and provided further that the faculty or staff of the State
university or a public community college district, or members of an
organization of students, alumni, faculty or staff of the State university or
a public community college district are active participants in the
conference or convention, or in Memorial Stadium on the campus of the
University of Illinois at Urbana-Champaign during games in which the
Chicago Bears professional football team is playing in that stadium during
the renovation of Soldier Field, not more than one and a half hours before

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the start of the game and not after the end of the third quarter of the game, or in the Pavilion Facility on the campus of the University of Illinois at Chicago during games in which the Chicago Storm professional soccer team is playing in that facility, not more than one and a half hours before the start of the game and not after the end of the third quarter of the game, or in the Pavilion Facility on the campus of the University of Illinois at Chicago during games in which the WNBA professional women's basketball team is playing in that facility, not more than one and a half hours before the start of the game and not after the 10-minute mark of the second half of the game, or by a catering establishment which has rented facilities from a board of trustees of a public community college district, or in a restaurant that is operated by a commercial tenant in the North Campus Parking Deck building that (1) is located at 1201 West University Avenue, Urbana, Illinois and (2) is owned by the Board of Trustees of the University of Illinois, or, if approved by the District board, on land owned by the Metropolitan Sanitary District of Greater Chicago and leased to others for a term of at least 20 years. Nothing in this Section precludes the sale or delivery of alcoholic liquor in the form of original packaged goods in premises located at 500 S. Racine in Chicago belonging to the University of Illinois and used primarily as a grocery store by a commercial tenant during the term of a lease that predates the University's acquisition of the premises; but the University shall have no power or authority to renew, transfer, or extend the lease with terms allowing the sale of alcoholic liquor; and the sale of alcoholic liquor shall be subject to all local laws and regulations. After the acquisition by Winnebago County of the property located at 404 Elm Street in Rockford, a commercial tenant who sold alcoholic liquor at retail on a portion of the property under a valid license at the time of the acquisition may continue to do so for so long as the tenant and the County may agree under existing or future leases, subject to all local laws and regulations regarding the sale of alcoholic liquor. Alcoholic liquors may be delivered to and sold at Memorial Hall, located at 211 North Main Street, Rockford, under conditions approved by Winnebago County and subject to all local laws and regulations regarding the sale of alcoholic liquor. Each facility shall provide dram shop liability in maximum insurance coverage limits so as to save harmless the State, municipality, State university, airport, golf course, faculty center, facility in which conference and convention type activities take place, park district, Forest Preserve District, public community college district, aquarium, museum, or sanitary district from all financial New matter indicated by italics - deletions by strikeout
loss, damage or harm. Alcoholic liquors may be sold at retail in buildings of golf courses owned by municipalities or Illinois State University in connection with the operation of an established food serving facility during times when food is dispensed for consumption upon the premises. Alcoholic liquors may be delivered to and sold at retail in any building owned by a fire protection district organized under the Fire Protection District Act, provided that such delivery and sale is approved by the board of trustees of the district, and provided further that such delivery and sale is limited to fundraising events and to a maximum of 6 events per year. However, the limitation to fundraising events and to a maximum of 6 events per year does not apply to the delivery, sale, or manufacture of alcoholic liquors at the building located at 59 Main Street in Oswego, Illinois, owned by the Oswego Fire Protection District if the alcoholic liquor is sold or dispensed as approved by the Oswego Fire Protection District and the property is no longer being utilized for fire protection purposes.

Alcoholic liquors may be served or sold in buildings under the control of the Board of Trustees of the University of Illinois for events that the Board may determine are public events and not related student activities. The Board of Trustees shall issue a written policy within 6 months of the effective date of this amendatory Act of the 95th General Assembly concerning the types of events that would be eligible for an exemption. Thereafter, the Board of Trustees may issue revised, updated, new, or amended policies as it deems necessary and appropriate. In preparing its written policy, the Board of Trustees shall, among other factors it considers relevant and important, give consideration to the following: (i) whether the event is a student activity or student related activity; (ii) whether the physical setting of the event is conducive to control of liquor sales and distribution; (iii) the ability of the event operator to ensure that the sale or serving of alcoholic liquors and the demeanor of the participants are in accordance with State law and University policies; (iv) regarding the anticipated attendees at the event, the relative proportion of individuals under the age of 21 to individuals age 21 or older; (v) the ability of the venue operator to prevent the sale or distribution of alcoholic liquors to individuals under the age of 21; (vi) whether the event prohibits participants from removing alcoholic beverages from the venue; and (vii) whether the event prohibits participants from providing their own alcoholic liquors to the venue. In addition, any policy submitted by the Board of Trustees to the Illinois

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Liquor Control Commission must require that any event at which alcoholic liquors are served or sold in buildings under the control of the Board of Trustees shall require the prior written approval of the Office of the Chancellor for the University campus where the event is located. The Board of Trustees shall submit its policy, and any subsequently revised, updated, new, or amended policies, to the Illinois Liquor Control Commission, and any University event, or location for an event, exempted under such policies shall apply for a license under the applicable Sections of this Act.

Alcoholic liquors may be served or sold in buildings under the control of the Board of Trustees of Northern Illinois University for events that the Board may determine are public events and not student-related activities. The Board of Trustees shall issue a written policy within 6 months after June 28, 2011 (the effective date of Public Act 97-45) concerning the types of events that would be eligible for an exemption. Thereafter, the Board of Trustees may issue revised, updated, new, or amended policies as it deems necessary and appropriate. In preparing its written policy, the Board of Trustees shall, in addition to other factors it considers relevant and important, give consideration to the following: (i) whether the event is a student activity or student-related activity; (ii) whether the physical setting of the event is conducive to control of liquor sales and distribution; (iii) the ability of the event operator to ensure that the sale or serving of alcoholic liquors and the demeanor of the participants are in accordance with State law and University policies; (iv) the anticipated attendees at the event and the relative proportion of individuals under the age of 21 to individuals age 21 or older; (v) the ability of the venue operator to prevent the sale or distribution of alcoholic liquors to individuals under the age of 21; (vi) whether the event prohibits participants from removing alcoholic beverages from the venue; and (vii) whether the event prohibits participants from providing their own alcoholic liquors to the venue.

Alcoholic liquors may be served or sold in buildings under the control of the Board of Trustees of Chicago State University for events that the Board may determine are public events and not student-related activities. The Board of Trustees shall issue a written policy within 6 months after August 2, 2013 (the effective date of Public Act 98-132) concerning the types of events that would be eligible for an exemption. Thereafter, the Board of Trustees may issue revised, updated, new, or amended policies as it deems necessary and appropriate. In preparing its

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written policy, the Board of Trustees shall, in addition to other factors it considers relevant and important, give consideration to the following: (i) whether the event is a student activity or student-related activity; (ii) whether the physical setting of the event is conducive to control of liquor sales and distribution; (iii) the ability of the event operator to ensure that the sale or serving of alcoholic liquors and the demeanor of the participants are in accordance with State law and University policies; (iv) the anticipated attendees at the event and the relative proportion of individuals under the age of 21 to individuals age 21 or older; (v) the ability of the venue operator to prevent the sale or distribution of alcoholic liquors to individuals under the age of 21; (vi) whether the event prohibits participants from removing alcoholic beverages from the venue; and (vii) whether the event prohibits participants from providing their own alcoholic liquors to the venue.

Alcoholic liquors may be served or sold in buildings under the control of the Board of Trustees of Illinois State University for events that the Board may determine are public events and not student-related activities. The Board of Trustees shall issue a written policy within 6 months after the effective date of this amendatory Act of the 97th General Assembly concerning the types of events that would be eligible for an exemption. Thereafter, the Board of Trustees may issue revised, updated, new, or amended policies as it deems necessary and appropriate. In preparing its written policy, the Board of Trustees shall, in addition to other factors it considers relevant and important, give consideration to the following: (i) whether the event is a student activity or student-related activity; (ii) whether the physical setting of the event is conducive to control of liquor sales and distribution; (iii) the ability of the event operator to ensure that the sale or serving of alcoholic liquors and the demeanor of the participants are in accordance with State law and University policies; (iv) the anticipated attendees at the event and the relative proportion of individuals under the age of 21 to individuals age 21 or older; (v) the ability of the venue operator to prevent the sale or distribution of alcoholic liquors to individuals under the age of 21; (vi) whether the event prohibits participants from removing alcoholic beverages from the venue; and (vii) whether the event prohibits participants from providing their own alcoholic liquors to the venue.

Alcoholic liquors may be served or sold in buildings under the control of the Board of Trustees of Southern Illinois University for events that the Board may determine are public events and not student-related activities.

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activities. The Board of Trustees shall issue a written policy within 6 months after the effective date of this amendatory Act of the 99th General Assembly concerning the types of events that would be eligible for an exemption. Thereafter, the Board of Trustees may issue revised, updated, new, or amended policies as it deems necessary and appropriate. In preparing its written policy, the Board of Trustees shall, in addition to other factors it considers relevant and important, give consideration to the following: (i) whether the event is a student activity or student-related activity; (ii) whether the physical setting of the event is conducive to control of liquor sales and distribution; (iii) the ability of the event operator to ensure that the sale or serving of alcoholic liquors and the demeanor of the participants are in accordance with State law and University policies; (iv) the anticipated attendees at the event and the relative proportion of individuals under the age of 21 to individuals age 21 or older; (v) the ability of the venue operator to prevent the sale or distribution of alcoholic liquors to individuals under the age of 21; (vi) whether the event prohibits participants from removing alcoholic beverages from the venue; and (vii) whether the event prohibits participants from providing their own alcoholic liquors to the venue.

Alcoholic liquor may be delivered to and sold at retail in the Dorchester Senior Business Center owned by the Village of Dolton if the alcoholic liquor is sold or dispensed only in connection with organized functions for which the planned attendance is 20 or more persons, and if the person or facility selling or dispensing the alcoholic liquor has provided dram shop liability insurance in maximum limits so as to hold harmless the Village of Dolton and the State from all financial loss, damage and harm.

Alcoholic liquors may be delivered to and sold at retail in any building used as an Illinois State Armory provided:

(i) the Adjutant General's written consent to the issuance of a license to sell alcoholic liquor in such building is filed with the Commission;

(ii) the alcoholic liquor is sold or dispensed only in connection with organized functions held on special occasions;

(iii) the organized function is one for which the planned attendance is 25 or more persons; and

(iv) the facility selling or dispensing the alcoholic liquors has provided dram shop liability insurance in maximum limits so

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as to save harmless the facility and the State from all financial loss, damage or harm.

Alcoholic liquors may be delivered to and sold at retail in the Chicago Civic Center, provided that:

(i) the written consent of the Public Building Commission which administers the Chicago Civic Center is filed with the Commission;

(ii) the alcoholic liquor is sold or dispensed only in connection with organized functions held on special occasions;

(iii) the organized function is one for which the planned attendance is 25 or more persons;

(iv) the facility selling or dispensing the alcoholic liquors has provided dram shop liability insurance in maximum limits so as to hold harmless the Civic Center, the City of Chicago and the State from all financial loss, damage or harm; and

(v) all applicable local ordinances are complied with.

Alcoholic liquors may be delivered or sold in any building belonging to or under the control of any city, village or incorporated town where more than 75% of the physical properties of the building is used for commercial or recreational purposes, and the building is located upon a pier extending into or over the waters of a navigable lake or stream or on the shore of a navigable lake or stream. In accordance with a license issued under this Act, alcoholic liquor may be sold, served, or delivered in buildings and facilities under the control of the Department of Natural Resources during events or activities lasting no more than 7 continuous days upon the written approval of the Director of Natural Resources acting as the controlling government authority. The Director of Natural Resources may specify conditions on that approval, including but not limited to requirements for insurance and hours of operation. Notwithstanding any other provision of this Act, alcoholic liquor sold by a United States Army Corps of Engineers or Department of Natural Resources concessionaire who was operating on June 1, 1991 for on-premises consumption only is not subject to the provisions of Articles IV and IX. Beer and wine may be sold on the premises of the Joliet Park District Stadium owned by the Joliet Park District when written consent to the issuance of a license to sell beer and wine in such premises is filed with the local liquor commissioner by the Joliet Park District. Beer and wine may be sold in buildings on the grounds of State veterans' homes when written consent to the issuance of a license to sell beer and wine in

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such buildings is filed with the Commission by the Department of Veterans' Affairs, and the facility shall provide dram shop liability in maximum insurance coverage limits so as to save the facility harmless from all financial loss, damage or harm. Such liquors may be delivered to and sold at any property owned or held under lease by a Metropolitan Pier and Exposition Authority or Metropolitan Exposition and Auditorium Authority.

Beer and wine may be sold and dispensed at professional sporting events and at professional concerts and other entertainment events conducted on premises owned by the Forest Preserve District of Kane County, subject to the control of the District Commissioners and applicable local law, provided that dram shop liability insurance is provided at maximum coverage limits so as to hold the District harmless from all financial loss, damage and harm.

Nothing in this Section shall preclude the sale or delivery of beer and wine at a State or county fair or the sale or delivery of beer or wine at a city fair in any otherwise lawful manner.

Alcoholic liquors may be sold at retail in buildings in State parks under the control of the Department of Natural Resources, provided:

a. the State park has overnight lodging facilities with some restaurant facilities or, not having overnight lodging facilities, has restaurant facilities which serve complete luncheon and dinner or supper meals,

b. (blank), and

c. the alcoholic liquors are sold by the State park lodge or restaurant concessionaire only during the hours from 11 o'clock a.m. until 12 o'clock midnight. Notwithstanding any other provision of this Act, alcoholic liquor sold by the State park or restaurant concessionaire is not subject to the provisions of Articles IV and IX.

Alcoholic liquors may be sold at retail in buildings on properties under the control of the Historic Sites and Preservation Division of the Historic Preservation Agency or the Abraham Lincoln Presidential Library and Museum provided:

a. the property has overnight lodging facilities with some restaurant facilities or, not having overnight lodging facilities, has restaurant facilities which serve complete luncheon and dinner or supper meals,

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b. consent to the issuance of a license to sell alcoholic liquors in the buildings has been filed with the commission by the Historic Sites and Preservation Division of the Historic Preservation Agency or the Abraham Lincoln Presidential Library and Museum, and
c. the alcoholic liquors are sold by the lodge or restaurant concessionaire only during the hours from 11 o'clock a.m. until 12 o'clock midnight.

The sale of alcoholic liquors pursuant to this Section does not authorize the establishment and operation of facilities commonly called taverns, saloons, bars, cocktail lounges, and the like except as a part of lodge and restaurant facilities in State parks or golf courses owned by Forest Preserve Districts with a population of less than 3,000,000 or municipalities or park districts.

Alcoholic liquors may be sold at retail in the Springfield Administration Building of the Department of Transportation and the Illinois State Armory in Springfield; provided, that the controlling government authority may consent to such sales only if
   a. the request is from a not-for-profit organization;
   b. such sales would not impede normal operations of the departments involved;
   c. the not-for-profit organization provides dram shop liability in maximum insurance coverage limits and agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm;
   d. no such sale shall be made during normal working hours of the State of Illinois; and
   e. the consent is in writing.

Alcoholic liquors may be sold at retail in buildings in recreational areas of river conservancy districts under the control of, or leased from, the river conservancy districts. Such sales are subject to reasonable local regulations as provided in Article IV; however, no such regulations may prohibit or substantially impair the sale of alcoholic liquors on Sundays or Holidays.

Alcoholic liquors may be provided in long term care facilities owned or operated by a county under Division 5-21 or 5-22 of the Counties Code, when approved by the facility operator and not in conflict with the regulations of the Illinois Department of Public Health, to residents of the facility who have had their consumption of the alcoholic

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liquors provided approved in writing by a physician licensed to practice medicine in all its branches.

Alcoholic liquors may be delivered to and dispensed in State housing assigned to employees of the Department of Corrections. No person shall furnish or allow to be furnished any alcoholic liquors to any prisoner confined in any jail, reformatory, prison or house of correction except upon a physician's prescription for medicinal purposes.

Alcoholic liquors may be sold at retail or dispensed at the Willard Ice Building in Springfield, at the State Library in Springfield, and at Illinois State Museum facilities by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the controlling government authority, or by (2) a not-for-profit organization, provided that such organization:

a. Obtains written consent from the controlling government authority;

b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;

c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;

d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at authorized functions.

The controlling government authority for the Willard Ice Building in Springfield shall be the Director of the Department of Revenue. The controlling government authority for Illinois State Museum facilities shall be the Director of the Illinois State Museum. The controlling government authority for the State Library in Springfield shall be the Secretary of State.

Alcoholic liquors may be delivered to and sold at retail or dispensed at any facility, property or building under the jurisdiction of the Historic Sites and Preservation Division of the Historic Preservation

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Agency or the Abraham Lincoln Presidential Library and Museum where the delivery, sale or dispensing is by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from a controlling government authority, or by (2) an individual or organization provided that such individual or organization:

a. Obtains written consent from the controlling government authority;
   b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal workings of State offices or operations located at the facility, property or building;
   c. Sells or dispenses alcoholic liquors only in connection with an official activity of the individual or organization in the facility, property or building;
   d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

The controlling government authority for the Historic Sites and Preservation Division of the Historic Preservation Agency shall be the Director of the Historic Sites and Preservation, and the controlling government authority for the Abraham Lincoln Presidential Library and Museum shall be the Director of the Abraham Lincoln Presidential Library and Museum.

Alcoholic liquors may be delivered to and sold at retail or dispensed for consumption at the Michael Bilandic Building at 160 North LaSalle Street, Chicago IL 60601, after the normal business hours of any day care or child care facility located in the building, by (1) a commercial tenant or subtenant conducting business on the premises under a lease made pursuant to Section 405-315 of the Department of Central Management Services Law (20 ILCS 405/405-315), provided that such tenant or subtenant who accepts delivery of, sells, or dispenses alcoholic liquors shall procure and maintain dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, indemnify, and save harmless the State of Illinois from all financial loss, damage, or harm arising out of the delivery, sale, or dispensing of alcoholic liquors, or by (2) an agency of the State, whether legislative, judicial, or executive, provided that such agency first obtains written

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permission to accept delivery of and sell or dispense alcoholic liquors from the Director of Central Management Services, or by (3) a not-for-profit organization, provided that such organization:

a. obtains written consent from the Department of Central Management Services;
b. accepts delivery of and sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;
c. accepts delivery of and sells or dispenses alcoholic liquors only in connection with an official activity in the building; and
d. provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless, and indemnify the State of Illinois from all financial loss, damage, or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at functions authorized by the Director of Central Management Services.

Alcoholic liquors may be sold at retail or dispensed at the James R. Thompson Center in Chicago, subject to the provisions of Section 7.4 of the State Property Control Act, and 222 South College Street in Springfield, Illinois by (1) a commercial tenant or subtenant conducting business on the premises under a lease or sublease made pursuant to Section 405-315 of the Department of Central Management Services Law (20 ILCS 405/405-315), provided that such tenant or subtenant who sells or dispenses alcoholic liquors shall procure and maintain dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, indemnify and save harmless the State of Illinois from all financial loss, damage or harm arising out of the sale or dispensing of alcoholic liquors, or by (2) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the Director of Central Management Services, or by (3) a not-for-profit organization, provided that such organization:

a. Obtains written consent from the Department of Central Management Services;
b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;

c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;

d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at functions authorized by the Director of Central Management Services.

Alcoholic liquors may be sold or delivered at any facility owned by the Illinois Sports Facilities Authority provided that dram shop liability insurance has been made available in a form, with such coverage and in such amounts as the Authority reasonably determines is necessary.

Alcoholic liquors may be sold at retail or dispensed at the Rockford State Office Building by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the Department of Central Management Services, or by (2) a not-for-profit organization, provided that such organization:

a. Obtains written consent from the Department of Central Management Services;

b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;

c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;

d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at functions authorized by the Director of Central Management Services.
establishment for the selling or dispensing of alcoholic liquors at functions authorized by the Department of Central Management Services.

Alcoholic liquors may be sold or delivered in a building that is owned by McLean County, situated on land owned by the county in the City of Bloomington, and used by the McLean County Historical Society if the sale or delivery is approved by an ordinance adopted by the county board, and the municipality in which the building is located may not prohibit that sale or delivery, notwithstanding any other provision of this Section. The regulation of the sale and delivery of alcoholic liquor in a building that is owned by McLean County, situated on land owned by the county, and used by the McLean County Historical Society as provided in this paragraph is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution of the power of a home rule municipality to regulate that sale and delivery.

Alcoholic liquors may be sold or delivered in any building situated on land held in trust for any school district organized under Article 34 of the School Code, if the building is not used for school purposes and if the sale or delivery is approved by the board of education.

Alcoholic liquors may be delivered to and sold at retail in any building owned by the Six Mile Regional Library District, provided that the delivery and sale is approved by the board of trustees of the Six Mile Regional Library District and the delivery and sale is limited to a maximum of 6 library district events per year. The Six Mile Regional Library District shall provide dram shop liability in maximum insurance coverage limits so as to save harmless the library district from all financial loss, damage, or harm.

Alcoholic liquors may be sold or delivered in buildings owned by the Community Building Complex Committee of Boone County, Illinois if the person or facility selling or dispensing the alcoholic liquor has provided dram shop liability insurance with coverage and in amounts that the Committee reasonably determines are necessary.

Alcoholic liquors may be sold or delivered in the building located at 1200 Centerville Avenue in Belleville, Illinois and occupied by either the Belleville Area Special Education District or the Belleville Area Special Services Cooperative.

Alcoholic liquors may be delivered to and sold at the Louis Joliet Renaissance Center, City Center Campus, located at 214 N. Ottawa Street, Joliet, and the Food Services/Culinary Arts Department facilities, Main
Campus, located at 1215 Houbolt Road, Joliet, owned by or under the control of Joliet Junior College, Illinois Community College District No. 525.

Alcoholic liquors may be delivered to and sold at Triton College, Illinois Community College District No. 504.

Alcoholic liquors may be delivered to and sold at the College of DuPage, Illinois Community College District No. 502.

Alcoholic liquors may be delivered to and sold on any property owned, operated, or controlled by Lewis and Clark Community College, Illinois Community College District No. 536.

Alcoholic liquors may be delivered to and sold at the building located at 446 East Hickory Avenue in Apple River, Illinois, owned by the Apple River Fire Protection District, and occupied by the Apple River Community Association if the alcoholic liquor is sold or dispensed only in connection with organized functions approved by the Apple River Community Association for which the planned attendance is 20 or more persons and if the person or facility selling or dispensing the alcoholic liquor has provided dram shop liability insurance in maximum limits so as to hold harmless the Apple River Fire Protection District, the Village of Apple River, and the Apple River Community Association from all financial loss, damage, and harm.

Alcoholic liquors may be delivered to and sold at the Sikia Restaurant, Kennedy King College Campus, located at 740 West 63rd Street, Chicago, and at the Food Services in the Great Hall/Washburne Culinary Institute Department facility, Kennedy King College Campus, located at 740 West 63rd Street, Chicago, owned by or under the control of City Colleges of Chicago, Illinois Community College District No. 508.

(Source: P.A. 98-132, eff. 8-2-13; 98-201, eff. 8-9-13; 98-692, eff. 7-1-14; 98-756, eff. 7-16-14; 98-1092, eff. 8-26-14; 99-78, eff. 7-20-15; 99-484, eff. 10-30-15.)

(235 ILCS 5/6-20) (from Ch. 43, par. 134a)

Sec. 6-20. Transfer, possession, and consumption of alcoholic liquor; restrictions.

(a) Any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age shall not purchase, or accept a gift of such alcoholic liquor or have such alcoholic liquor in his possession.

(b) If a licensee or his or her agents or employees believes or has reason to believe that a sale or delivery of any alcoholic liquor is...
prohibited because of the non-age of the prospective recipient, he or she shall, before making such sale or delivery demand presentation of some form of positive identification, containing proof of age, issued by a public officer in the performance of his or her official duties.

(c) No person shall transfer, alter, or deface such an identification card; use the identification card of another; carry or use a false or forged identification card; or obtain an identification card by means of false information.

(d) No person shall purchase, accept delivery or have possession of alcoholic liquor in violation of this Section.

(e) The consumption of alcoholic liquor by any person under 21 years of age is forbidden.

(f) Whoever violates any provisions of this Section shall be guilty of a Class A misdemeanor.

(g) The possession and dispensing, or consumption by a person under 21 years of age of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by a person under 21 years of age under the direct supervision and approval of the parents or parent or those persons standing in loco parentis of such person under 21 years of age in the privacy of a home, is not prohibited by this Act.

(h) The provisions of this Act prohibiting the possession of alcoholic liquor by a person under 21 years of age and dispensing of alcoholic liquor to a person under 21 years of age do not apply in the case of a student under 21 years of age, but 18 years of age or older, who:

(1) tastes, but does not imbibe, alcoholic liquor only during times of a regularly scheduled course while under the direct supervision of an instructor who is at least 21 years of age and employed by an educational institution described in subdivision (2);

(2) is enrolled as a student in a college, university, or post-secondary educational institution that is accredited or certified by an agency recognized by the United States Department of Education or a nationally recognized accrediting agency or association, or that has a permit of approval issued by the Board of Higher Education pursuant to the Private Business and Vocational Schools Act of 2012;

(3) is participating in a culinary arts, fermentation science, food service, or restaurant management degree program of which a portion of the program includes instruction on responsible
alcoholic beverage serving methods modeled after the Beverage 
Alcohol Sellers and Server Education and Training (BASSET) 
curriculum; and

(4) tastes, but does not imbibe, alcoholic liquor for 
instructional purposes up to, but not exceeding, 6 times per class as 
a part of a required course in which the student temporarily 
possesses alcoholic liquor for tasting, not imbibing, purposes only 
in a class setting on the campus and, thereafter, the alcoholic liquor 
is possessed and remains under the control of the instructor.
(Source: P.A. 97-1058, eff. 8-24-12.)

(Text of Section after amendment by P.A. 99-447)

Sec. 6-20. Transfer, possession, and consumption of alcoholic 
liquor; restrictions.

(a) Any person to whom the sale, gift or delivery of any alcoholic 
liquor is prohibited because of age shall not purchase, or accept a gift of 
such alcoholic liquor or have such alcoholic liquor in his possession.

(b) If a licensee or his or her agents or employees believes or has 
reason to believe that a sale or delivery of any alcoholic liquor is 
prohibited because of the non-age of the prospective recipient, he or she 
shall, before making such sale or delivery demand presentation of some 
form of positive identification, containing proof of age, issued by a public 
officer in the performance of his or her official duties.

(c) No person shall transfer, alter, or deface such an identification 
card; use the identification card of another; carry or use a false or forged 
identification card; or obtain an identification card by means of false 
information.

(d) No person shall purchase, accept delivery or have possession of 
alcoholic liquor in violation of this Section.

(e) The consumption of alcoholic liquor by any person under 21 
years of age is forbidden.

(f) Whoever violates any provisions of this Section shall be guilty 
of a Class A misdemeanor.

(g) The possession and dispensing, or consumption by a person 
under 21 years of age of alcoholic liquor in the performance of a religious 
service or ceremony, or the consumption by a person under 21 years of age 
under the direct supervision and approval of the parents or parent or those 
persons standing in loco parentis of such person under 21 years of age in 
the privacy of a home, is not prohibited by this Act.

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(h) The provisions of this Act prohibiting the possession of alcoholic liquor by a person under 21 years of age and dispensing of alcoholic liquor to a person under 21 years of age do not apply in the case of a student under 21 years of age, but 18 years of age or older, who:

(1) tastes, but does not imbibe, alcoholic liquor only during times of a regularly scheduled course while under the direct supervision of an instructor who is at least 21 years of age and employed by an educational institution described in subdivision (2);

(2) is enrolled as a student in a college, university, or post-secondary educational institution that is accredited or certified by an agency recognized by the United States Department of Education or a nationally recognized accrediting agency or association, or that has a permit of approval issued by the Board of Higher Education pursuant to the Private Business and Vocational Schools Act of 2012;

(3) is participating in a culinary arts, fermentation science, food service, or restaurant management degree program of which a portion of the program includes instruction on responsible alcoholic beverage serving methods modeled after the Beverage Alcohol Sellers and Server Education and Training (BASSET) curriculum; and

(4) tastes, but does not imbibe, alcoholic liquor for instructional purposes up to, but not exceeding, 6 times per class as a part of a required course in which the student temporarily possesses alcoholic liquor for tasting, not imbibing, purposes only in a class setting on the campus and, thereafter, the alcoholic liquor is possessed and remains under the control of the instructor.

(i) A law enforcement officer may not charge or otherwise take a person into custody based solely on the commission of an offense that involves alcohol and violates subsection (d) or (e) of this Section if the law enforcement officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that all of the following apply:

(1) The law enforcement officer has contact with the person because that person either:

(A) requested emergency medical assistance for an individual who reasonably appeared to be in need of medical assistance due to alcohol consumption; or

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(B) acted in concert with another person who requested emergency medical assistance for an individual who reasonably appeared to be in need of medical assistance due to alcohol consumption; however, the provisions of this subparagraph (B) shall not apply to more than 3 persons acting in concert for any one occurrence.

(2) The person described in subparagraph (A) or (B) of paragraph (1) of this subsection (i):

(A) provided his or her full name and any other relevant information requested by the law enforcement officer;

(B) remained at the scene with the individual who reasonably appeared to be in need of medical assistance due to alcohol consumption until emergency medical assistance personnel arrived; and

(C) cooperated with emergency medical assistance personnel and law enforcement officers at the scene.

(j) A person who meets the criteria of paragraphs (1) and (2) of subsection (i) of this Section shall be immune from criminal liability for an offense under subsection (d) or (e) of this Section.

(k) A person may not initiate an action against a law enforcement officer based on the officer's compliance or failure to comply with subsection (i) of this Section, except for willful or wanton misconduct.

(Source: P.A. 99-447, eff. 6-1-16.)

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

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

Approved August 12, 2016.
Effective August 12, 2016.
AN ACT concerning military justice.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 0.01. Short title. This Act may be cited as the Illinois Code of Military Justice.

Section 0.02. Purpose. This Code is an exercise of the General Assembly's authority in the Constitution of the State of Illinois to provide for "discipline of the militia in conformity with the laws governing the armed forces of the United States" (Illinois Constitution, Article XII, Section 3). This Code is in conformity with the Uniform Code of Military Justice, at 10 U.S.C. Chapter 47, and the military justice provisions of Title 32 of the United States Code, as modified based on the American Bar Association-drafted "Model State Code for Military Justice" for National Guard forces not subject to the Uniform Code of Military Justice, adopted February 14, 2011 with appropriate further modifications specifically tailored for the Illinois National Guard. The purpose of this Act is to permit discipline of the Illinois National Guard by providing a military justice system that includes court-martial authorities meeting current legal standards of due process.

Section 0.03. References. Sections 1 through 149 of this Code are also designated as Articles to conform to the federal Uniform Code of Military Justice to the extent possible.

PART I. GENERAL PROVISIONS

Section 1. Article 1. Definitions; gender neutrality.

(a) In this Code, unless the context otherwise requires:

(1) "Accuser" means a person who signs and swears to charges, any person who directs that charges nominally be signed and sworn to by another, and any other person who has an interest other than an official interest in the prosecution of the accused.

(2) "Cadet" or "candidate" means a person who is enrolled in or attending a State military academy, a regional training institute, or any other formal education program for the purpose of becoming a commissioned officer in the State military forces.

(3) "Classified information" means:

(A) any information or material that has been determined by an official of the United States or any state

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pursuant to law, an Executive order, or regulation to require
protection against unauthorized disclosure for reasons of
national or state security, and
(B) any restricted data, as defined in Section 11(y)
of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).
(4) "Code" means this Code.
(5) "Commanding officer" includes only commissioned or
warrant officers of the State military forces and shall include
officers in charge only when administering nonjudicial punishment
under Article 15 of this Code. The term "commander" has the same
meaning as "commanding officer" unless the context otherwise
requires.
(6) "Convening authority" includes, in addition to the
person who convened the court, a commissioned officer
commanding for the time being or a successor in command to the
convening authority.
(7) "Day" for all purposes means calendar day beginning at
0000 hours (12:00 a.m.) and ending at 2359 hours, 59 seconds
(12:59, 59 seconds p.m.), and is not synonymous with the term
"unit training assembly". Any punishment authorized by this
Article which is measured in terms of days shall, when served in a
status other than annual field training, be construed to mean
succeeding duty days.
(8) "Duty status other than State active duty" means any
other type of military duty or training pursuant to a written order
issued by authority of law under Title 32 of the United States Code
or traditional Inactive Duty Training periods pursuant to 32 U.S.C.
502(a).
(9) "Enlisted member" means a person in an enlisted grade.
(10) "Judge advocate" means a commissioned officer of the
organized State military forces who is a member in good standing
of the bar of the highest court of a state, and is:
(A) certified or designated as a judge advocate in
the Judge Advocate General's Corps of the Army, Air
Force, Navy, or the Marine Corps or designated as a law
specialist as an officer of the Coast Guard, or a reserve or
National Guard component of one of these; or
(B) certified as a non-federally recognized judge
advocate, under regulations adopted pursuant to this

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paragraph, by the senior judge advocate of the commander of the force in the State military forces of which the accused is a member, as competent to perform such military justice duties required by this Code. If there is no such judge advocate available, then such certification may be made by such senior judge advocate of the commander of another force in the State military forces, as the convening authority directs.

(11) "May" is used in a permissive sense. The phrase "no person may . . ." means that no person is required, authorized, or permitted to do the act prescribed.

(12) "Military court" means a court-martial or a court of inquiry.

(13) "Military judge" means an official of a general or special court-martial detailed in accordance with Article 26 of this Code.

(14) "Military offenses" means those offenses proscribed under Articles 77 (Principals), 78 (Accessory after the fact), 80 (Attempts), 81 (Conspiracy), 82 (Solicitation), 83 (Fraudulent enlistment, appointment, or separation), 84 (Unlawful enlistment, appointment, or separation), 85 (Desertion), 86 (Absence without leave), 87 (Missing movement), 88 (Contempt toward officials), 89 (Disrespect towards superior commissioned officer), 90 (Assaulting or willfully disobeying superior commissioned officer), 91 (Insubordinate conduct toward warrant officer, noncommissioned officer, or petty officer), 92 (Failure to obey order or regulation), 93 (Cruelty and maltreatment), 94 (Mutiny or sedition), 95 (Resistance, flight, breach of arrest, and escape), 96 (Releasing prisoner without proper authority), 97 (Unlawful detention), 98 (Noncompliance with procedural rules), 99 (Misbehavior before the enemy), 100 (Subordinate compelling surrender), 101 (Improper use of countersign), 102 (Forcing a safeguard), 103 (Captured or abandoned property), 104 (Aiding the enemy), 105 (Misconduct as prisoner), 107 (False official statements), 108 (Military property: loss, damage, destruction, or wrongful disposition), 109 (Property other than military property: waste, spoilage, or destruction), 110 (Improper hazarding of vessel), 112 (Drunk on duty), 112a (Wrongful use, possession, etc., of controlled substances), 113 (Misbehavior of sentinel), 114

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(Dueling), 115 (Malingering), 116 (Riot or breach of peace), 117 (Provoking speeches or gestures), 132 (Frauds against the government), 133 (Conduct unbecoming an officer and a gentleman), and 134 (General Article) of this Code.

(15) "National security" means the national defense and foreign relations of the United States.

(16) "Officer" means a commissioned or warrant officer.

(17) "Officer in charge" means a member of the Navy, the Marine Corps, or the Coast Guard designated as such by appropriate authority.

(18) "Record", when used in connection with the proceedings of a court-martial, means:

(A) an official written transcript, written summary, or other writing relating to the proceedings; or

(B) an official audiotape, videotape, digital image or file, or similar material from which sound, or sound and visual images, depicting the proceedings may be reproduced.

(19) "Shall" is used in an imperative sense.

(20) "State" means one of the several states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, or the U.S. Virgin Islands.

(21) "State active duty" means active duty in the State military forces under an order of the Governor or the Adjutant General, or otherwise issued by authority of State law, and paid by State funds.

(22) "Senior force judge advocate" means the senior judge advocate of the commander of the same force of the State military forces as the accused and who is that commander's chief legal advisor.

(23) "State military forces" means the Illinois National Guard, as defined in Title 32, United States Code and the Military Code of Illinois and any other military force organized under the Constitution and laws of this State, to include the Illinois State Guard when organized by the Governor as Commander-in-Chief under the Military Code of Illinois and the Illinois State Guard Act, and when not in a status subjecting them to exclusive jurisdiction under Chapter 47 of Title 10, United States Code, and travel to and from such duty.

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(24) "Superior commissioned officer" means a commissioned officer superior in rank or command.

(25) "Senior force commander" means the commander of the same force of the State military forces as the accused.

(b) The use of the masculine gender throughout this Code also includes the feminine gender.

Section 2. Article 2. Persons subject to this Code; jurisdiction.

(a) This Code applies to all members of the State military forces during any day or portion of a day when in State active duty or in a duty status other than State active duty and at no other times.

(b) Subject matter jurisdiction is established if personal jurisdiction is established in subsection (a). However, courts-martial have primary jurisdiction of military offenses as defined in paragraph (14) of subsection (a) of Article 1 of this Code. A proper civilian court has primary jurisdiction of a non-military offense. When an act or omission violates both this Code and a state or local criminal law, foreign or domestic, a court-martial may be initiated only after the civilian authority has declined to prosecute or dismissed the charge, provided jeopardy has not attached. Jurisdiction over attempted crimes, conspiracy crimes, solicitation, and accessory crimes must be determined by the underlying offense.

Section 3. Article 3. Jurisdiction to try certain personnel.

(a) Each person discharged from the State military forces who is later charged with having fraudulently obtained a discharge is, subject to Article 43 of this Code, subject to trial by court-martial on that charge and is, after apprehension, subject to this Code while in custody under the direction of the State military forces for that trial. Upon conviction of that charge that person is subject to trial by court-martial for all offenses under this Code committed before the fraudulent discharge.

(b) No person who has deserted from the State military forces may be relieved from amenability to the jurisdiction of this Code by virtue of a separation from any later period of service.

Section 4. Article 4. (Reserved).

Section 5. Article 5. Territorial applicability of this Code.

(a) This Code has applicability at all times and in all places, provided that there is jurisdiction over the person pursuant to subsection (a) of Article 2; however, this grant of military jurisdiction shall neither preclude nor limit civilian jurisdiction over an offense, which is limited only by subsection (b) of Article 2 and the prohibition of double jeopardy.

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(b) Courts-martial and courts of inquiry may be convened and held in units of the State military forces while those units are serving outside this State with the same jurisdiction and powers as to persons subject to this Code as if the proceedings were held inside this State, and offenses committed outside this State may be tried and punished either inside or outside this State.

(a) The senior force judge advocates in each of the State's military forces or that judge advocate's delegates shall make frequent inspections in the field in supervision of the administration of military justice in that force.

(b) Convening authorities shall at all times communicate directly with their judge advocates in matters relating to the administration of military justice. The judge advocate of any command is entitled to communicate directly with the judge advocate of a superior or subordinate command, or with the State Judge Advocate.

(c) No person who has acted as member, military judge, trial counsel, defense counsel, or investigating officer, or who has been a witness, in any case may later act as a judge advocate to any reviewing authority upon the same case.

Section 6a. Article 6a. Military judges. The Governor or the Adjutant General shall appoint at least one judge advocate officer from the active rolls of the Illinois National Guard who has been previously certified and qualified for duty as a military judge by the Judge Advocate General of the judge advocate officer's respective armed force under Article 26(b) of the federal Uniform Code of Military Justice to serve as a military judge under this Code. The military judge shall hold the rank of Major or above.

PART II. APPREHENSION AND RESTRAINT

(a) Apprehension is the taking of a person into custody.

(b) Any person authorized by this Code or by Chapter 47 of Title 10, United States Code, or by regulations issued under either, to apprehend persons subject to this Code, any marshal of a court-martial appointed pursuant to the provisions of this Code, and any peace officer or civil officer having authority to apprehend offenders under the laws of the United States or of a state, may do so upon probable cause that an offense has been committed and that the person apprehended committed it.

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(c) Commissioned officers, warrant officers, petty officers, and noncommissioned officers have authority to quell quarrels, frays, and disorders among persons subject to this Code and to apprehend persons subject to this Code who take part therein.

(d) If an offender is apprehended outside this State, the offender's return to the area must be in accordance with normal extradition procedures or by reciprocal agreement.

(e) No person authorized by this Article to apprehend persons subject to this Code or the place where such offender is confined, restrained, held, or otherwise housed may require payment of any fee or charge for so receiving, apprehending, confining, restraining, holding, or otherwise housing a person except as otherwise provided by law.

Section 8. Article 8. (Reserved).

Section 9. Article 9. Imposition of restraint.

(a) Arrest is the restraint of a person by an order, not imposed as a punishment for an offense, directing him to remain within certain specified limits. Confinement is the physical restraint of a person.

(b) An enlisted member may be ordered into arrest or confinement by any commissioned officer by an order, oral or written, delivered in person or through other persons subject to this Code. A commanding officer may authorize warrant officers, petty officers, or noncommissioned officers to order enlisted members of the commanding officer's command or subject to the commanding officer's authority into arrest or confinement.

(c) A commissioned officer, a warrant officer, or a civilian subject to this Code or to trial thereunder may be ordered into arrest or confinement only by a commanding officer to whose authority the person is subject, by an order, oral or written, delivered in person or by another commissioned officer. The authority to order such persons into arrest or confinement may not be delegated.

(d) No person subject to this Code may be ordered into arrest or confinement except for probable cause after coordination with a judge advocate officer unless impractical or not possible.

(e) This Article does not limit the authority of persons authorized to apprehend offenders to secure the custody of an alleged offender until proper authority may be notified.

Section 10. Article 10. Restraint of persons charged with offenses. Any person subject to this Code charged with an offense under this Code may be ordered into arrest or confinement, as circumstances may require. When any person subject to this Code is placed in arrest or confinement

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prior to trial, immediate steps shall be taken to inform the person of the specific wrong of which the person is accused and diligent steps shall be taken to try the person or to dismiss the charges and release the person.

Section 11. Article 11. Place of confinement; reports and receiving of prisoners.

(a) If a person subject to this Code is confined before, during, or after trial, confinement shall be in a civilian county jail, a Department of Corrections facility, or a military confinement facility.

(b) No person, Sheriff, or individual in a Department of Corrections facility authorized to receive prisoners pursuant to subsection (a) may refuse to receive or keep any prisoner committed to the person's charge by a commissioned officer of the State military forces, when the committing officer furnishes a statement, signed by such officer, of the offense charged or conviction obtained against the prisoner, unless otherwise authorized by law.

(c) Every person authorized to receive prisoners pursuant to subsection (a) to whose charge a prisoner is committed shall, within 24 hours after that commitment or as soon as the person is relieved from guard, report to the commanding officer of the prisoner the name of the prisoner, the offense charged against the prisoner, and the name of the person who ordered or authorized the commitment.

Section 12. Article 12. Confinement with enemy prisoners prohibited. No member of the State military forces may be placed in confinement in immediate association with enemy prisoners or other foreign nationals not members of the armed forces.

Section 13. Article 13. Punishment prohibited before trial. No person, while being held for trial or awaiting a verdict, may be subjected to punishment or penalty other than arrest or confinement upon the charges pending against the person, nor shall the arrest or confinement imposed upon such person be any more rigorous than the circumstances required to ensure the person's presence, but the person may be subjected to minor punishment during that period for infractions of discipline.


(a) A person subject to this Code accused of an offense against civil authority may be delivered, upon request, to the civil authority for trial or confinement.

(b) When delivery under this Article is made to any civil authority of a person undergoing sentence of a court-martial, the delivery, if followed by conviction in a civil tribunal, interrupts the execution of the
sentence of the court-martial, and the offender after having answered to
the civil authorities for the offense shall, upon the request of competent
military authority, be returned to the place of original custody for the
completion of the person's sentence.

PART III. NON-JUDICIAL PUNISHMENT
Section 15. Article 15. Non-judicial punishment proceedings. The
Adjutant General may adopt rules to effectuate non-judicial punishment
proceedings in accordance with the Illinois Administrative Procedure Act
which may impose disciplinary punishments for minor offenses without
the intervention of a court-martial pursuant to this Article.

PART IV. COURT-MARTIAL JURISDICTION
Section 16. Article 16. Courts-martial classified. The 3 kinds of
courts-martial in the State military forces are:
(1) general courts-martial, consisting of:
   (A) a military judge and not less than 5 members; or
   (B) only a military judge, if before the court is
       assembled the accused, knowing the identity of the military
       judge and after consultation with defense counsel, requests
       orally on the record or in writing a court composed only of
       a military judge and the military judge approves;
(2) special courts-martial, consisting of:
   (A) a military judge and not less than 3 members; or
   (B) only a military judge, if one has been detailed to
       the court, and the accused under the same conditions as
       those prescribed in subparagraph (B) of paragraph (1) so
       requests; and
(3) summary courts-martial consisting of one
commissioned officer.

Section 17. Article 17. Jurisdiction of courts-martial in general.
Each component of the State military forces has court-martial jurisdiction
over all members of the particular component who are subject to this
Code. Additionally, the Army and Air National Guard State military forces
have court-martial jurisdiction over all members subject to this Code.

Subject to Article 17 of this Code, general courts-martial have jurisdiction
to try persons subject to this Code for any offense made punishable by this
Code, and may, under such limitations as the Governor may prescribe,
adjudge any punishment not forbidden by this Code.

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Section 19. Article 19. Jurisdiction of special courts-martial. Subject to Article 17, special courts-martial have jurisdiction to try persons subject to this Code for any offense made punishable by this Code, and may, under such limitations as the Governor may prescribe, adjudge any punishment not forbidden by this Code except dishonorable discharge, dismissal, confinement for more than one year, forfeiture of pay exceeding two-thirds pay per month, or forfeiture of pay for more than one year.

(a) Subject to Article 17 of this Code, summary courts-martial have jurisdiction to try persons subject to this Code, except officers, cadets, and candidates for any offense made punishable by this Code under such limitations as the Governor may prescribe.
(b) No person with respect to whom summary courts-martial have jurisdiction may be brought to trial before a summary court-martial if that person objects thereto. If objection to trial by summary court-martial is made by an accused, trial by special or general court-martial may be ordered, as may be appropriate. Summary courts-martial may, under such limitations as the Governor may prescribe, adjudge any punishment not forbidden by this Code except dismissal, dishonorable or bad-conduct discharge, confinement for more than one month, restriction to specified limits for more than 2 months, or forfeiture of more than two-thirds of one month's pay.


PART V. APPOINTMENT AND COMPOSITION OF COURTS-MARTIAL

Section 22. Article 22. Who may convene general courts-martial.
(a) General courts-martial may be convened by:
(1) the Governor, or;
(2) the Adjutant General.
(b) (Reserved).

Section 23. Article 23. Who may convene special courts-martial.
(a) Special courts-martial may be convened by:
(1) any person who may convene a general court-martial;
(2) the Commander of the Illinois Army National of members of the Illinois Army National Guard when empowered by the Adjutant General; or
(3) the Commander of the Illinois Air National Guard of members of the Illinois Air National Guard when empowered by the Adjutant General.

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(b) If any such officer is an accuser, the court shall be convened by superior competent authority and may in any case be convened by such superior authority if considered desirable by such authority.


(a) Summary courts-martial may be convened by:

(1) any person who may convene a general or special court-martial;

(2) the commanding officer or officer in charge of any other command when empowered by the Adjutant General.

(b) When only one commissioned officer is present with a command or detachment that officer shall be the summary court-martial of that command or detachment and shall hear and determine all summary court-martial cases. Summary courts-martial may, however, be convened in any case by superior competent authority if considered desirable by such authority.

Section 25. Article 25. Who may serve on courts-martial.

(a) Any commissioned officer of the State military forces is eligible to serve on all courts-martial for the trial of any person subject to this Code.

(b) Any warrant officer of the State military forces is eligible to serve on general and special courts-martial for the trial of any person subject to this Code, other than a commissioned officer.

(c) Any enlisted member of the State military forces who is not a member of the same unit as the accused is eligible to serve on general and special courts-martial for the trial of any enlisted member subject to this Code, but that member shall serve as a member of a court only if, before the conclusion of a session called by the military judge under subsection (a) of Article 39 of this Code prior to trial or, in the absence of such a session, before the court is assembled for the trial of the accused, the accused personally has requested orally on the record or in writing that enlisted members serve on it. After such a request, the accused may not be tried by a general or special court-martial the membership of which does not include enlisted members in a number comprising at least one-third of the total membership of the court, unless eligible enlisted members cannot be obtained on account of physical conditions or military exigencies. If such members cannot be obtained, the court may be assembled and the trial held without them, but the convening authority shall make a detailed written statement, to be appended to the record, stating why they could not be obtained. In this Article, "unit" means any regularly organized body of

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the State military forces not larger than a company, a squadron, a division of the naval militia, or a body corresponding to one of them.

(d) When it can be avoided, no person subject to this Code may be tried by a court-martial any member of which is junior to the accused in rank or grade.

(e) When convening a court-martial, the convening authority shall detail as members thereof such members of the State military forces as, in the convening authority's opinion, are best qualified for the duty by reason of age, education, training, experience, length of service, and judicial temperament. No member of the State military forces is eligible to serve as a member of a general or special court-martial when that member is the accuser, a witness, or has acted as investigating officer or as counsel in the same case.

(f) Before a court-martial is assembled for the trial of a case, the convening authority may excuse a member of the court from participating in the case. The convening authority may delegate the authority under this subsection to a judge advocate or to any other principal assistant.

Section 25a. Article 25a. (Reserved).

Section 26. Article 26. Military judge of a general or special court-martial.

(a) A military judge shall be detailed to each general and special court-martial. The military judge shall preside over each open session of the court-martial to which the military judge has been detailed.

(b) In addition to the requirements noted in Article 6a, a military judge shall be:

(1) an active commissioned officer of an organized state military force;

(2) a member in good standing of the bar of the highest court of a state or a member of the bar of a federal court for at least 5 years; and

(3) certified as qualified for duty as a military judge by the senior force judge advocate which is the same force as the accused.

(c) In the instance when a military judge is not a member of the bar of the highest court of this State, the military judge shall be deemed admitted pro hac vice, subject to filing a certificate with the senior force judge advocate which is the same force as the accused setting forth such qualifications provided in subsection (b).

(d) The military judge of a general or special court-martial shall be designated by the senior force judge advocate which is the same force as

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the accused, or a designee, for detail by the convening authority. Neither
the convening authority nor any staff member of the convening authority
shall prepare or review any report concerning the effectiveness, fitness, or
efficiency of the military judge so detailed, which relates to performance
of duty as a military judge.

(e) No person is eligible to act as military judge in a case if that
person is the accuser or a witness, or has acted as investigating officer or a
counsel in the same case.

(f) The military judge of a court-martial may not consult with the
members of the court except in the presence of the accused, trial counsel,
and defense counsel nor vote with the members of the court.

Section 27. Article 27. Detail of trial counsel and defense counsel.

(a) (1) For each general and special court-martial the authority
convening the court shall detail trial counsel, defense counsel, and such
assistants as are appropriate.

(2) No person who has acted as investigating officer, military
judge, witness, or court member in any case may act later as trial counsel,
assistant trial counsel, or, unless expressly requested by the accused, as
defense counsel or assistant or associate defense counsel in the same case.
No person who has acted for the prosecution may act later in the same case
for the defense nor may any person who has acted for the defense act later
in the same case for the prosecution.

(b) Except as provided in subsection (c), trial counsel or defense
counsel detailed for a general or special court-martial must be:

(1) a judge advocate as defined in paragraph (10) of Article
1 of this Code; and

(2) in the case of trial counsel, a member in good standing
of the bar of the highest court of the state where the court-martial is
held.

(c) In the instance when a defense counsel is not a member of the
bar of the highest court of this State, the defense counsel shall be deemed
admitted pro hac vice, subject to filing a certificate with the military judge
setting forth the qualifications that counsel is:

(1) a commissioned officer of the armed forces of the
United States or a component thereof; and

(2) a member in good standing of the bar of the highest
court of a state; and

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(3) certified as a judge advocate in the Judge Advocate General's Corps of the Army, Air Force, Navy, or the Marine Corps; or
(4) a judge advocate as defined in paragraph (10) of Article 1 of this Code.

Section 28. Article 28. Detail or employment of reporters and interpreters. Under such regulations as may be prescribed, the convening authority of a general or special court-martial or court of inquiry shall detail or employ qualified court reporters, who shall record the proceedings of and testimony taken before that court and may detail or employ interpreters who shall interpret for the court.

Section 29. Article 29. Absent and additional members.
(a) No member of a general or special court-martial may be absent or excused after the court has been assembled for the trial of the accused unless excused as a result of a challenge, excused by the military judge for physical disability or other good cause, or excused by order of the convening authority for good cause.

(b) Whenever a general court-martial, other than a general court-martial composed of a military judge only, is reduced below 5 members, the trial may not proceed unless the convening authority details new members sufficient in number to provide not less than the applicable minimum number of 5 members. The trial may proceed with the new members present after the recorded evidence previously introduced before the members of the court has been read to the court in the presence of the military judge, the accused, and counsel for both sides.

(c) Whenever a special court-martial, other than a special court-martial composed of a military judge only, is reduced below 3 members, the trial shall proceed with the new members present as if no evidence had been introduced previously at the trial, unless a verbatim record of the evidence previously introduced before the members of the court or a stipulation thereof is read to the court in the presence of the military judge, the accused, and counsel for both sides.

(d) If the military judge of a court-martial composed of a military judge only is unable to proceed with the trial because of physical disability, as a result of a challenge, or for other good cause, the trial shall proceed, subject to any applicable conditions of subparagraph (B) of paragraph (1) of Article 16 or subparagraph (B) of paragraph (2) of Article

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16 of this Code, after the detail of a new military judge as if no evidence had previously been introduced, unless a verbatim record of the evidence previously introduced or a stipulation thereof is read in court in the presence of the new military judge, the accused, and counsel for both sides.

PART VI. PRE-TRIAL PROCEDURE
Section 30. Article 30. Charges and specifications.
(a) Charges and specifications shall be signed by a person subject to this Code under oath before a commissioned officer authorized by subsection (a) of Article 136 of this Code to administer oaths and shall state:

(1) that the signer has personal knowledge of, or has investigated, the matters set forth therein; and
(2) that they are true in fact to the best of the signer's knowledge and belief.
(b) Upon the preferring of charges, the proper authority shall take immediate steps to determine what disposition should be made thereof in the interest of justice and discipline, and the person accused shall be informed of the charges as soon as practicable.

(a) No person subject to this Code may compel any person to incriminate himself or to answer any question the answer to which may tend to incriminate him.
(b) No person subject to this Code may interrogate or request any statement from an accused or a person suspected of an offense without first informing that person of the nature of the accusation and advising that person that the person does not have to make any statement regarding the offense of which the person is accused or suspected and that any statement made by the person may be used as evidence against the person in a trial by court-martial.
(c) No person subject to this Code may compel any person to make a statement or produce evidence before any military court if the statement or evidence is not material to the issue and may tend to degrade the person.
(d) No statement obtained from any person in violation of this Article or through the use of coercion, unlawful influence, or unlawful inducement may be received in evidence against the person in a trial by court-martial.

Section 32. Article 32. Investigation.

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(a) No charge or specification may be referred to a general or special court-martial for trial until a thorough and impartial investigation of all the matters set forth therein has been made. This investigation shall include inquiry as to the truth of the matter set forth in the charges, consideration of the form of charges, and a recommendation as to the disposition which should be made of the case in the interest of justice and discipline.

(b) The accused shall be advised of the charges against the accused and of the right to be represented at that investigation by counsel. The accused has the right to be represented at that investigation as provided in Article 38 of this Code and in regulations prescribed under that Article. At that investigation, full opportunity shall be given to the accused to cross-examine witnesses against the accused, if they are available, and to present anything the accused may desire in the accused's own behalf, either in defense or mitigation, and the investigating officer shall examine available witnesses requested by the accused. If the charges are forwarded after the investigation, they shall be accompanied by a statement of the substance of the testimony taken on both sides and a copy thereof shall be given to the accused.

(c) If an investigation of the subject matter of an offense has been conducted before the accused is charged with the offense, and if the accused was present at the investigation and afforded the opportunities for representation, cross-examination, and presentation prescribed in subsection (b), no further investigation of that charge is necessary under this Article unless it is demanded by the accused after the accused is informed of the charge. A demand for further investigation entitles the accused to recall witnesses for further cross-examination and to offer any new evidence in the accused's own behalf.

(d) If evidence adduced in an investigation under this Article indicates that the accused committed an uncharged offense, the investigating officer may investigate the subject matter of that offense without the accused having first been charged with the offense if the accused:

(1) is present at the investigation;
(2) is informed of the nature of each uncharged offense investigated; and
(3) is afforded the opportunities for representation, cross-examination, and presentation prescribed in subsection (b).
(e) The requirements of this Article are binding on all persons administering this Code but failure to follow them does not constitute jurisdictional error.

Section 33. Article 33. Forwarding of charges. When a person is held for trial by general court-martial, the commanding officer shall within 15 days after the accused is ordered into arrest or confinement, if practicable, forward the charges, together with the investigation and allied papers, to the person exercising general court-martial jurisdiction. If that is not practicable, the commanding officer shall report in writing to that person the reasons for delay.

Section 34. Article 34. Advice of judge advocate and reference for trial.

(a) Before directing the trial of any charge by general or special court-martial, the convening authority shall refer it to a judge advocate for consideration and advice. The convening authority may not refer a specification under a charge to a general or special court-martial for trial unless the convening authority has been advised in writing by a judge advocate that:

(1) the specification alleges an offense under this Code;
(2) the specification is warranted by the evidence indicated in the report of investigation under Article 32 of this Code, if there is such a report; and
(3) a court-martial would have jurisdiction over the accused and the offense.

(b) The advice of the judge advocate under subsection (a) with respect to a specification under a charge shall include a written and signed statement by the judge advocate:

(1) expressing conclusions with respect to each matter set forth in subsection (a); and
(2) recommending action that the convening authority take regarding the specification.

If the specification is referred for trial, the recommendation of the judge advocate shall accompany the specification.

(c) If the charges or specifications are not correct formally or do not conform to the substance of the evidence contained in the report of the investigating officer, formal corrections, and such changes in the charges and specifications as are needed to make them conform to the evidence, may be made.

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Section 35. Article 35. Service of charges. The trial counsel shall serve or caused to be served upon the accused a copy of the charges. No person may, against the person's objection, be brought to trial before a general court-martial case within a period of 60 days after the service of charges upon the accused, or in a special court-martial, within a period of 45 days after the service of charges upon the accused.

PART VII. TRIAL PROCEDURE

Section 36. Article 36. Trial procedure. The Adjutant General may adopt rules in accordance with the Illinois Administrative Procedure Act which establish pretrial, trial, and post-trial procedures, including modes of proof, for courts-martial cases arising under this Code and for courts of inquiry, and which shall apply the principles of law and the rules of evidence generally recognized in military criminal cases in the courts of the Armed Forces of the United States but which may not be contrary to or inconsistent with this Code. The Governor or the Adjutant General may prescribe courts of inquiry by regulations, or as otherwise provided by law, which shall apply the principles of law and the rules of evidence generally recognized in military cases.

Section 37. Article 37. Unlawfully influencing action of court.

(a) No authority convening a general, special, or summary court-martial, nor any other commanding officer, or officer serving on the staff thereof, may censure, reprimand, or admonish the court or any member, the military judge, or counsel thereof, with respect to the findings or sentence adjudged by the court or with respect to any other exercise of its or their functions in the conduct of the proceedings. No person subject to this Code may attempt to coerce or, by any unauthorized means, influence the action of a court-martial or court of inquiry or any member thereof, in reaching the findings or sentence in any case, or the action of any convening, approving, or reviewing authority with respect to their judicial acts. The foregoing provisions of this subsection shall not apply with respect to (1) general instructional or informational courses in military justice if such courses are designed solely for the purpose of instructing members of a command in the substantive and procedural aspects of courts-martial or (2) statements and instructions given in open court by the military judge, summary court-martial officer, or counsel.

(b) In the preparation of an effectiveness, fitness, or efficiency report, or any other report or document used in whole or in part for the purpose of determining whether a member of the State military forces is qualified to be advanced in grade, or in determining the assignment or

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transfer of a member of the State military forces, or in determining whether a member of the State military forces should be retained on active status, no person subject to this Code may, in preparing any such report, (1) consider or evaluate the performance of duty of any such member as a member of a court-martial or witness therein or (2) give a less favorable rating or evaluation of any counsel of the accused because of zealous representation before a court-martial.

Section 38. Article 38. Duties of trial counsel and defense counsel.

(a) The trial counsel of a general or special court-martial shall be a member in good standing of the State bar and shall prosecute in the name of the State of Illinois, and shall, under the direction of the court, prepare the record of the proceedings.

(b) (1) The accused has the right to be represented in defense before a general or special court-martial or at an investigation under Article 32 of this Code as provided in this subsection.

(2) The accused may be represented by civilian counsel at the provision and expense of the accused.

(3) The accused may be represented:

(A) by military counsel detailed under Article 27 of this Code; or

(B) by military counsel of the accused's own selection if that counsel is reasonably available as determined under paragraph (7).

(4) If the accused is represented by civilian counsel, military counsel detailed or selected under paragraph (3) shall act as associate counsel unless excused at the request of the accused.

(5) Except as provided under paragraph (6), if the accused is represented by military counsel of his own selection under subparagraph (B) of paragraph (3), any military counsel detailed under subparagraph (A) of paragraph (3) shall be excused.

(6) The accused is not entitled to be represented by more than one military counsel. However, the person authorized under regulations prescribed under Article 27 of this Code to detail counsel, in that person's sole discretion:

(A) may detail additional military counsel as assistant defense counsel; and

(B) if the accused is represented by military counsel of the accused's own selection under subparagraph (B) of paragraph (3), may approve a request from the accused that military counsel

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detailed under subparagraph (A) of paragraph (3) act as associate
defense counsel.

(7) The senior State Judge Advocate of the same state of which the
accused is a member shall determine whether the military counsel selected
by an accused is reasonably available.

(c) In any court-martial proceeding resulting in a conviction, the
defense counsel:

(1) may forward for attachment to the record of proceedings
a brief of such matters as counsel determines should be considered
in behalf of the accused on review, including any objection to the
contents of the record which counsel considers appropriate;

(2) may assist the accused in the submission of any matter
under Article 60 of this Code; and

(3) may take other action authorized by this Code.


(a) At any time after the service of charges which have been
referred for trial to a court-martial composed of a military judge and
members, the military judge may, subject to Article 35 of this Code, call
the court into session without the presence of the members for the purpose
of:

(1) hearing and determining motions raising defenses or
objections which are capable of determination without trial of the
issues raised by a plea of not guilty;

(2) hearing and ruling upon any matter which may be ruled
upon by the military judge under this Code, whether or not the
matter is appropriate for later consideration or decision by the
members of the court;

(3) holding the arraignment and receiving the pleas of the
accused; and

(4) performing any other procedural function which does
not require the presence of the members of the court under this
Code.

These proceedings shall be conducted in the presence of the accused, the
defense counsel, and the trial counsel and shall be made a part of the
record. These proceedings may be conducted notwithstanding the number
of court members and without regard to Article 29.

(b) When the members of a court-martial deliberate or vote, only
the members may be present. All other proceedings, including any other
consultation of the members of the court with counsel or the military

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judge, shall be made a part of the record and shall be in the presence of the accused, the defense counsel, the trial counsel, and the military judge.

Section 40. Article 40. Continuances. The military judge of a court-martial may, for reasonable cause, grant a continuance to any party for such time, and as often, as may appear to be just.

Section 41. Article 41. Challenges.
(a)(1) The military judge and members of a general or special court-martial may be challenged by the accused or the trial counsel for cause stated to the court. The military judge or the court shall determine the relevancy and validity of challenges for cause and may not receive a challenge to more than one person at a time. Challenges by the trial counsel shall ordinarily be presented and decided before those by the accused are offered.
(2) If exercise of a challenge for cause reduces the court below the minimum number of members required by Article 16 of this Code, all parties shall, notwithstanding Article 29 of this Code, either exercise or waive any challenge for cause then apparent against the remaining members of the court before additional members are detailed to the court. However, peremptory challenges shall not be exercised at that time.
(b)(1) Each accused and the trial counsel are entitled initially to one peremptory challenge of members of the court. The military judge may not be challenged except for cause.
(2) If exercise of a peremptory challenge reduces the court below the minimum number of members required by Article 16 of this Code, the parties shall, notwithstanding Article 29 of this Code, either exercise or waive any remaining peremptory challenge, not previously waived, against the remaining members of the court before additional members are detailed to the court.
(3) Whenever additional members are detailed to the court, and after any challenges for cause against such additional members are presented and decided, each accused and the trial counsel are entitled to one peremptory challenge against members not previously subject to peremptory challenge.

Section 42. Article 42. Oaths or affirmations.
(a) Before performing their respective duties, military judges, general and special courts-martial members, trial counsel, defense counsel, reporters, and interpreters shall take an oath or affirmation in the presence of the accused to perform their duties faithfully. The form of the oath or affirmation, the time and place of the taking thereof, the manner of

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recording the same, and whether the oath or affirmation shall be taken for all cases in which these duties are to be performed or for a particular case, shall be as prescribed in regulation or as provided by law. These regulations may provide that an oath or affirmation to perform faithfully the duties as a military judge, trial counsel, or defense counsel may be taken at any time by any judge advocate or other person certified or designated to be qualified or competent for the duty, and if such an oath or affirmation is taken, it need not again be taken at the time the judge advocate or other person is detailed to that duty.

(b) Each witness before a court-martial shall be examined under oath or affirmation.

Section 43. Article 43. Statute of limitations.

(a) Except as otherwise provided in this Article, a person charged with any offense is not liable to be tried by court-martial or punished under Article 15 of this Code if the offense was committed more than 3 years before the receipt of sworn charges and specifications by an officer exercising court-martial jurisdiction over the command or before the imposition of punishment under Article 15 of this Code.

(b) Periods in which the accused is absent without authority or fleeing from justice shall be excluded in computing the period of limitation prescribed in this Article.

(c) Periods in which the accused was absent from territory in which this State has the authority to apprehend him, or in the custody of civil authorities, or in the hands of the enemy, shall be excluded in computing the period of limitation prescribed in this Article.

(d) When the United States is at war or armed conflict authorized by law, the running of any statute of limitations applicable to any offense under this Code:

(1) involving fraud or attempted fraud against the United States, any state, or any agency of either in any manner, whether by conspiracy or not;

(2) committed in connection with the acquisition, care, handling, custody, control, or disposition of any real or personal property of the United States or any state; or

(3) committed in connection with the negotiation, procurement, award, performance, payment, interim financing, cancellation, or other termination or settlement, of any contract, subcontract, or purchase order which is connected with or related to the prosecution of the war, or with any disposition of

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termination inventory by any war contractor or Government agency;
is suspended until 2 years after the termination of hostilities or armed conflict as proclaimed by the President or by a joint resolution of Congress.

(e)(1) If charges or specifications are dismissed as defective or insufficient for any cause and the period prescribed by the applicable statute of limitations:
   (A) has expired; or
   (B) will expire within 180 days after the date of dismissal of the charges and specifications;
trial and punishment under new charges and specifications are not barred by the statute of limitations if the conditions specified in paragraph (2) are met.

(2) The conditions referred to in paragraph (1) are that the new charges and specifications must:
   (A) be received by an officer exercising special court-martial jurisdiction over the command within 180 days after the dismissal of the charges or specifications; and
   (B) allege the same acts or omissions that were alleged in the dismissed charges or specifications (or allege acts or omissions that were included in the dismissed charges or specifications).

Section 44. Article 44. Former jeopardy.
(a) No person may, without his consent, be tried a second time for the same offense.
(b) No proceeding in which an accused has been found guilty by a court-martial upon any charge or specification is a trial in the sense of this Article until the finding of guilty has become final after review of the case has been fully completed.
(c) A proceeding which, after the introduction of evidence but before a finding, is dismissed or terminated by the convening authority or on motion of the prosecution for failure of available evidence or witnesses without any fault of the accused is a trial in the sense of this Article.

Section 45. Article 45. Pleas of the accused.
(a) If an accused after arraignment makes an irregular pleading, or after a plea of guilty sets up matter inconsistent with the plea, or if it appears that the accused has entered the plea of guilty improvidently or through lack of understanding of its meaning and effect, or if the accused

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fails or refuses to plead, a plea of not guilty shall be entered in the record, and the court shall proceed as though the accused had pleaded not guilty.

(b) With respect to any charge or specification to which a plea of guilty has been made by the accused and accepted by the military judge or by a court-martial without a military judge, a finding of guilty of the charge or specification may be entered immediately without vote. This finding shall constitute the finding of the court unless the plea of guilty is withdrawn prior to announcement of the sentence, in which event, the proceedings shall continue as though the accused had pleaded not guilty.

Section 46. Article 46. Opportunity to obtain witnesses and other evidence. The trial counsel, the defense counsel, and the court-martial shall have equal opportunity to obtain witnesses and other evidence as prescribed by regulations and provided by law. Process issued in court-martial cases to compel witnesses to appear and testify and to compel the production of other evidence shall apply the principles of law and the rules of courts-martial generally recognized in military criminal cases in the courts of the armed forces of the United States, but which may not be contrary to or inconsistent with this Code. Process shall run to any part of the United States, or the Territories, Commonwealths, and possessions, and may be executed by civil officers as prescribed by the laws of the place where the witness or evidence is located or of the United States.

Section 47. Article 47. Refusal to appear or testify.
(a) Any person not subject to this Code who:

   (1) has been duly subpoenaed to appear as a witness or to produce books and records before a court-martial or court of inquiry, or before any military or civil officer designated to take a deposition to be read in evidence before such a court;

   (2) has been duly paid or tendered the fees and mileage of a witness at the rates allowed to witnesses attending a criminal court of this State; and

   (3) willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify or to produce any evidence which that person may have been legally subpoenaed to produce; may be punished by the military court in the same manner as a criminal court of this State.

(b) The fees and mileage of witnesses shall be advanced or paid out of the appropriations for the compensation of witnesses.

Section 48. Article 48. Contempts. A military judge may punish for contempt any person who refuses a court order, is disrespectful to the

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court, or who uses any menacing word, sign, or gesture in its presence, or who disturbs its proceedings by any riot or disorder.

     (a) A person subject to this Code may be punished for contempt by confinement not to exceed 30 days or a fine up to $500, or both.

     (b) A person not subject to this Code may be punished for contempt by a military court in the same manner as a criminal court of this State.

Section 49. Article 49. Depositions.
(a) At any time after charges have been signed as provided in Article 30 of this Code, any party may take oral or written depositions unless the military judge hearing the case or, if the case is not being heard, an authority competent to convene a court-martial for the trial of those charges forbids it for good cause.

(b) The party at whose instance a deposition is to be taken shall give to every other party reasonable written notice of the time and place for taking the deposition.

(c) Depositions may be taken before and authenticated by any military or civil officer authorized by the laws of this State or by the laws of the place where the deposition is taken to administer oaths.

(d) A duly authenticated deposition taken upon reasonable notice to the other parties, so far as otherwise admissible under the rules of evidence, may be read in evidence or, in the case of audiotape, videotape, digital image or file, or similar material, may be played in evidence before any military court, if it appears:

     (1) that the witness resides or is beyond the state in which the court is ordered to sit, or beyond 100 miles from the place of trial or hearing;

     (2) that the witness by reason of death, age, sickness, bodily infirmity, imprisonment, military necessity, non-amenability to process, or other reasonable cause, is unable or refuses to appear and testify in person at the place of trial or hearing; or

     (3) that the present whereabouts of the witness is unknown.

Section 50. Article 50. Admissibility of records of courts of inquiry.
(a) In any case not extending to the dismissal of a commissioned officer, the sworn testimony, contained in the duly authenticated record of proceedings of a court of inquiry, of a person whose oral testimony cannot be obtained, may, if otherwise admissible under the rules of evidence, be read in evidence by any party before a court-martial if the accused was a
party before the court of inquiry and if the same issue was involved or if
the accused consents to the introduction of such evidence.

(b) Such testimony may be read in evidence only by the defense in
cases extending to the dismissal of a commissioned officer.

(c) Such testimony may also be read in evidence before a court of
inquiry.

Section 50a. Article 50a. Defense of lack of mental responsibility.

(a) It is an affirmative defense in a trial by court-martial that, at the
time of the commission of the acts constituting the offense, the accused, as
a result of a severe mental disease or defect, was unable to appreciate the
nature and quality or the wrongfulness of the acts. Mental disease or defect
does not otherwise constitute a defense.

(b) The accused has the burden of proving the defense of lack of
mental responsibility by clear and convincing evidence.

(c) Whenever lack of mental responsibility of the accused with
respect to an offense is properly at issue, the military judge shall instruct
the members of the court as to the defense of lack of mental responsibility
under this Article and charge them to find the accused:

(1) guilty;
(2) not guilty; or
(3) not guilty only by reason of lack of mental
responsibility.

(d) Subsection (c) does not apply to a court-martial composed of a
military judge only. In the case of a court-martial composed of a military
judge only, whenever lack of mental responsibility of the accused with
respect to an offense is properly at issue, the military judge shall find the
accused:

(1) guilty;
(2) not guilty; or
(3) not guilty only by reason of lack of mental
responsibility.

(e) Notwithstanding the provisions of Article 52 of this Code, the
accused shall be found not guilty only by reason of lack of mental
responsibility if:

(1) a majority of the members of the court-martial present
at the time the vote is taken determines that the defense of lack of
mental responsibility has been established; or
(2) in the case of a court-martial composed of a military judge only, the military judge determines that the defense of lack of mental responsibility has been established.

Section 51. Article 51. Voting and rulings.

(a) Voting by members of a general or special court-martial on the findings and on the sentence shall be by secret written ballot. The junior member of the court shall count the votes. The count shall be checked by the president, who shall forthwith announce the result of the ballot to the members of the court.

(b) The military judge shall rule upon all questions of law and all interlocutory questions arising during the proceedings. Any such ruling made by the military judge upon any question of law or any interlocutory question other than the factual issue of mental responsibility of the accused is final and constitutes the ruling of the court. However, the military judge may change the ruling at any time during the trial. Unless the ruling is final, if any member objects thereto, the court shall be cleared and closed and the question decided by a voice vote as provided in Article 52 of this Code, beginning with the junior in rank.

(c) Before a vote is taken on the findings, the military judge shall, in the presence of the accused and counsel, instruct the members of the court as to the elements of the offense and charge them:

1. that the accused must be presumed to be innocent until his guilt is established by legal and competent evidence beyond reasonable doubt;
2. that in the case being considered, if there is a reasonable doubt as to the guilt of the accused, the doubt must be resolved in favor of the accused and the accused must be acquitted;
3. that, if there is a reasonable doubt as to the degree of guilt, the finding must be in a lower degree as to which there is no reasonable doubt; and
4. that the burden of proof to establish the guilt of the accused beyond reasonable doubt is upon the State.

(d) Subsections (a), (b), and (c) do not apply to a court-martial composed of a military judge only. The military judge of such a court-martial shall determine all questions of law and fact arising during the proceedings and, if the accused is convicted, adjudge an appropriate sentence. The military judge of such a court-martial shall make a general finding and shall in addition, on request, find the facts specially. If an
opinion or memorandum of decision is filed, it will be sufficient if the findings of fact appear therein.

Section 52. Article 52. Number of votes required.
(a) No person may be convicted of an offense except as provided in subsection (b) of Article 45 of this Code or by the concurrence of two-thirds of the members present at the time the vote is taken.
(b) All other questions to be decided by the members of a general or special court-martial shall be determined by a majority vote, but a determination to reconsider a finding of guilty or to reconsider a sentence, with a view toward decreasing it, may be made by any lesser vote which indicates that the reconsideration is not opposed by the number of votes required for that finding or sentence. A tie vote on a challenge disqualifies the member challenged. A tie vote on a motion relating to the question of the accused's sanity is a determination against the accused. A tie vote on any other question is a determination in favor of the accused.

Section 53. Article 53. Court to announce action. A court-martial shall announce its findings and sentence to the parties as soon as determined.

Section 54. Article 54. Record of trial.
(a) Each general and special court-martial shall keep a separate record of the proceedings in each case brought before it, and the record shall be authenticated by the signature of the military judge. If the record cannot be authenticated by the military judge by reason of his death, disability, or absence, it shall be authenticated by the signature of the trial counsel or by that of a member, if the trial counsel is unable to authenticate it by reason of his death, disability, or absence. In a court-martial consisting of only a military judge, the record shall be authenticated by the court reporter under the same conditions which would impose such a duty on a member under this subsection.
(b)(1) A complete verbatim record of the proceedings and testimony shall be prepared in each general and special court-martial case resulting in a conviction.
(2) In all other court-martial cases, the record shall contain such matters as may be prescribed by regulations.
(c) A copy of the record of the proceedings of each general and special court-martial shall be given to the accused as soon as it is authenticated.

PART VIII. SENTENCES

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Section 55. Article 55. Cruel and unusual punishments prohibited. Punishment by flogging, or by branding, marking, or tattooing on the body, or any other cruel or unusual punishment may not be adjudged by a court-martial or inflicted upon any person subject to this Code. The use of irons, single or double, except for the purpose of safe custody, is prohibited.

Section 56. Article 56. Maximum limits.
(a) The punishment which a court-martial may direct for an offense may not exceed such limits as prescribed by this Code, but in no instance may a sentence exceed more than 10 years for a military offense, nor shall a sentence of death be adjudged. A conviction by general court-martial of any military offense for which an accused may receive a sentence of confinement for more than one year is a felony offense. All other military offenses are misdemeanors.
(b) The limits of punishment for violations of the punitive Articles prescribed herein shall be equal to or lesser of the sentences prescribed by the Manual for Courts-Martial of the United States in effect on the effective date of this Code, and in no instance shall any punishment exceed that authorized by this Code.

Section 56a. Article 56a. (Reserved).

Section 57. Article 57. Effective date of sentences.
(a) Whenever a sentence of a court-martial as lawfully adjudged and approved includes a forfeiture of pay or allowances in addition to confinement not suspended, the forfeiture may apply to pay or allowances becoming due on or after the date the sentence is approved by the convening authority. No forfeiture may extend to any pay or allowances accrued before that date.
(b) Any period of confinement included in a sentence of a court-martial begins to run from the date the sentence is adjudged by the court-martial, but periods during which the sentence to confinement is suspended or deferred shall be excluded in computing the service of the term of confinement.
(c) All other sentences of courts-martial are effective on the date ordered executed.

Section 57a. Article 57a. Deferment of sentences.
(a) On application by an accused who is under sentence to confinement that has not been ordered executed, the convening authority or, if the accused is no longer under that person's jurisdiction, the person exercising general court-martial jurisdiction over the command to which
the accused is currently assigned, may in that person's sole discretion defer service of the sentence to confinement. The deferment shall terminate when the sentence is ordered executed. The deferment may be rescinded at any time by the person who granted it or, if the accused is no longer under that person's jurisdiction, by the person exercising general court-martial jurisdiction over the command to which the accused is currently assigned.

(b)(1) In any case in which a court-martial sentences an accused referred to in paragraph (2) to confinement, the convening authority may defer the service of the sentence to confinement, without the consent of the accused, until after the accused has been permanently released to the State military forces by a state, the United States, or a foreign country referred to in that paragraph.

(2) Paragraph (1) applies to a person subject to this Code who:

(A) while in the custody of a state, the United States, or a foreign country is temporarily returned by that state, the United States, or a foreign country to the State military forces for trial by court-martial; and

(B) after the court-martial, is returned to that state, the United States, or a foreign country under the authority of a mutual agreement or treaty, as the case may be.

(3) In this subsection, the term "state" includes the District of Columbia and any Commonwealth, Territory, or possession of the United States.

(c) In any case in which a court-martial sentences an accused to confinement and the sentence to confinement has been ordered executed, but in which review of the case under Article 67a of this Code is pending, the Adjutant General may defer further service of the sentence to confinement while that review is pending.

Section 58. Article 58. Execution of confinement.

(a) A sentence of confinement adjudged by a court-martial, whether or not the sentence includes discharge or dismissal, and whether or not the discharge or dismissal has been executed, may be carried into execution by confinement in any place authorized by this Code. Persons so confined are subject to the same discipline and treatment as persons regularly confined or committed to that place of confinement.

(b) The omission of hard labor as a sentence authorized under this Code does not deprive the State confinement facility from employing it, if it otherwise is within the authority of that facility to do so.
(c) No place of confinement may require payment of any fee or charge for so receiving or confining a person except as otherwise provided by law.

Section 58a. Article 58a. Sentences: reduction in enlisted grade upon approval.

(a) A court-martial sentence of an enlisted member in a pay grade above E-1, as approved by the convening authority, that includes:

(1) a dishonorable or bad-conduct discharge; or
(2) confinement;

reduces that member to pay grade E-1, effective on the date of that approval.

(b) If the sentence of a member who is reduced in pay grade under subsection (a) is set aside or disapproved, or, as finally approved, does not include any punishment named in paragraphs (1) or (2) of subsection (a), the rights and privileges of which the person was deprived because of that reduction shall be restored, including pay and allowances.

Section 58b. Article 58b. Sentences: forfeiture of pay and allowances during confinement.

(a) (1) A court-martial sentence described in paragraph (2) shall result in the forfeiture of pay, or of pay and allowances, due that member during any period of confinement or parole. The forfeiture pursuant to this Article shall take effect on the date determined under subsection (a) of Article 57 of this Code and may be deferred as provided by that Article. The pay and allowances forfeited, in the case of a general court-martial, shall be all pay and allowances due that member during such period and, in the case of a special court-martial, shall be two-thirds of all pay due that member during such period.

(2) A sentence covered by this Article is any sentence that includes:

(A) confinement for more than 6 months; or
(B) confinement for 6 months or less and a dishonorable or bad-conduct discharge or dismissal.

(b) In a case involving an accused who has dependents, the convening authority or other person acting under Article 60 of this Code may waive any or all of the forfeitures of pay and allowances required by subsection (a) for a period not to exceed 6 months. Any amount of pay or allowances that, except for a waiver under this subsection, would be forfeited shall be paid, as the convening authority or other person taking action directs, to the dependents of the accused.
(c) If the sentence of a member who forfeits pay and allowances under subsection (a) is set aside or disapproved or, as finally approved, does not provide for a punishment referred to in paragraph (2) of subsection (a), the member shall be paid the pay and allowances which the member would have been paid, except for the forfeiture, for the period during which the forfeiture was in effect.

PART IX. POST-TRIAL PROCEDURE AND REVIEW OF COURTS-MARTIAL

Section 59. Article 59. Error of law; lesser included offense.

(a) A finding or sentence of a court-martial may not be held incorrect on the ground of an error of law unless the error materially prejudices the substantial rights of the accused.

(b) Any reviewing authority with the power to approve or affirm a finding of guilty may approve or affirm, instead, so much of the finding as includes a lesser included offense.

Section 60. Article 60. Action by the convening authority.

(a) The findings and sentence of a court-martial shall be reported promptly to the convening authority after the announcement of the sentence.

(b)(1) The accused may submit to the convening authority matters for consideration by the convening authority with respect to the findings and the sentence. Any such submission shall be in writing. Such a submission shall be made within 30 days after the accused has been given an authenticated record of trial and, if applicable, the recommendation of a judge advocate under subsection (d).

(2) If the accused shows that additional time is required for the accused to submit such matters, the convening authority or other person taking action under this Article, for good cause, may extend the applicable period under paragraph (1) for not more than an additional 20 days.

(3) The accused may waive the right to make a submission to the convening authority under paragraph (1). Such a waiver must be made in writing and may not be revoked. For the purposes of paragraph (2) of subsection (c), the time within which the accused may make a submission under this subsection (b) shall be deemed to have expired upon the submission of such a waiver to the convening authority.

(c)(1) The authority under this Article to modify the findings and sentence of a court-martial is a matter of command prerogative involving the sole discretion of the convening authority. If it is impractical for the convening authority to act, the convening authority shall forward the case.
to a person exercising general court-martial jurisdiction who may take
action under this Article.

(2) Action on the sentence of a court-martial shall be taken by the
convening authority or by another person authorized to act under this
Article. Such action may be taken only after consideration of any matters
submitted by the accused under subsection (b) or after the time for
submitting such matters expires, whichever is earlier. The convening
authority or other person taking such action, in that person's sole discretion
may approve, disapprove, commute, or suspend the sentence in whole or
in part.

(3) Action on the findings of a court-martial by the convening
authority or other person acting on the sentence is not required. However,
such person, in the person's sole discretion may:

(A) dismiss any charge or specification by setting aside a
finding of guilty thereto; or

(B) change a finding of guilty to a charge or specification to
a finding of guilty to an offense that is a lesser included offense of
the offense stated in the charge or specification.

(d) Before acting under this Article on any general or special court-
martial case in which there is a finding of guilt, the convening authority or
other person taking action under this Article must obtain the written
concurrence of the State Judge Advocate by means of legal review. The
convening authority or other person taking action under this Article shall
refer the record of trial to the judge advocate, and the judge advocate shall
use such record in the preparation of the review. The review of the judge
advocate shall include such matters as may be prescribed by regulation and
shall be served on the accused, who may submit any matter in response
under subsection (b). Failure to object in the response to the legal review
or to any matter attached to the recommendation waives the right to object
thereto.

(e)(1) The convening authority or other person taking action under
this Article, in the person's sole discretion, may order a proceeding in
revision or a rehearing.

(2) A proceeding in revision may be ordered if there is an apparent
error or omission in the record or if the record shows improper or
inconsistent action by a court-martial with respect to the findings or
sentence that can be rectified without material prejudice to the substantial
rights of the accused. In no case, however, may a proceeding in revision:

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(A) reconsider a finding of not guilty of any specification or a ruling which amounts to a finding of not guilty;
(B) reconsider a finding of not guilty of any charge, unless there has been a finding of guilty under a specification laid under that charge, which sufficiently alleges a violation of some Article of this Code; or
(C) increase the severity of the sentence.

(3) A rehearing may be ordered by the convening authority or other person taking action under this Article if that person disapproves the findings and sentence and states the reasons for disapproval of the findings. If such person disapproves the findings and sentence and does not order a rehearing, that person shall dismiss the charges. A rehearing as to the findings may not be ordered where there is a lack of sufficient evidence in the record to support the findings. A rehearing as to the sentence may be ordered if the convening authority or other person taking action under this subsection disapproves the sentence.

Section 61. Article 61. Withdrawal of appeal.

(a) In each case subject to appellate review under this Code, the accused may file with the convening authority a statement expressly withdrawing the right of the accused to such appeal. Such a withdrawal shall be signed by both the accused and his defense counsel and must be filed in accordance with appellate procedures as provided by law.

(b) The accused may withdraw an appeal at any time in accordance with appellate procedures as provided by law.

Section 62. Article 62. Appeal by the State.

(a) In a trial by court-martial in which a punitive discharge may be adjudged, the State may appeal the following, other than a finding of not guilty with respect to the charge or specification by the members of the court-martial, or by a judge in a bench trial so long as it is not made in reconsideration:

(A) An order or ruling of the military judge which terminates the proceedings with respect to a charge or specification.

(B) An order or ruling which excludes evidence that is substantial proof of a fact material in the proceeding.

(C) An order or ruling which directs the disclosure of classified information.

(D) An order or ruling which imposes sanctions for nondisclosure of classified information.

New matter indicated by italics - deletions by strikeout
(E) A refusal of the military judge to issue a protective order sought by the State to prevent the disclosure of classified information.

(F) A refusal by the military judge to enforce an order described in subparagraph (E) that has previously been issued by appropriate authority.

(2) An appeal of an order or ruling may not be taken unless the trial counsel provides the military judge with written notice of appeal from the order or ruling within 72 hours of the order or ruling. Such notice shall include a certification by the trial counsel that the appeal is not taken for the purpose of delay and, if the order or ruling appealed is one which excludes evidence, that the evidence excluded is substantial proof of a fact material in the proceeding.

(3) An appeal under this Article shall be diligently prosecuted as provided by law.

(b) An appeal under this Article shall be forwarded to the court prescribed in Article 67a of this Code. In ruling on an appeal under this Article, that court may act only with respect to matters of law.

(c) Any period of delay resulting from an appeal under this Article shall be excluded in deciding any issue regarding denial of a speedy trial unless an appropriate authority determines that the appeal was filed solely for the purpose of delay with the knowledge that it was totally frivolous and without merit.

Section 63. Article 63. Rehearings. Each rehearing under this Code shall take place before a court-martial composed of members not members of the court-martial which first heard the case. Upon a rehearing the accused may not be tried for any offense of which he was found not guilty by the first court-martial, and no sentence in excess of or more severe than the original sentence may be approved, unless the sentence is based upon a finding of guilty of an offense not considered upon the merits in the original proceedings, or unless the sentence prescribed for the offense is mandatory. If the sentence approved after the first court-martial was in accordance with a pretrial agreement and the accused at the rehearing changes a plea with respect to the charges or specifications upon which the pretrial agreement was based, or otherwise does not comply with the pretrial agreement, the approved sentence as to those charges or specifications may include any punishment not in excess of that lawfully adjudged at the first court-martial.

Section 64. Article 64. Review by the senior force judge advocate.

New matter indicated by italics - deletions by strikeout
(a) Each general and special court-martial case in which there has been a finding of guilty shall be reviewed by the senior force judge advocate, or a designee. The senior force judge advocate, or designee, may not review a case under this subsection if that person has acted in the same case as an accuser, investigating officer, member of the court, military judge, or counsel or has otherwise acted on behalf of the prosecution or defense. The senior force judge advocate's review shall be in writing and shall contain the following:

(1) Conclusions as to whether:
   (A) the court had jurisdiction over the accused and the offense;
   (B) the charge and specification stated an offense; and
   (C) the sentence was within the limits prescribed as a matter of law.

(2) A response to each allegation of error made in writing by the accused.

(3) If the case is sent for action under subsection (b), a recommendation as to whether corrective action is required as a matter of law.

(b) The record of trial and related documents in each case reviewed under subsection (a) shall be sent for action to the Adjutant General if:

(1) the judge advocate who reviewed the case recommends corrective action;

(2) the sentence approved under subsection (c) of Article 60 of this Code extends to dismissal, a bad-conduct or dishonorable discharge, or confinement for more than 6 months; or

(3) such action is otherwise required by regulations of the Adjutant General.

(c)(1) The Adjutant General may:

   (A) disapprove or approve the findings or sentence, in whole or in part;
   (B) remit, commute, or suspend the sentence in whole or in part;
   (C) except where the evidence was insufficient at the trial to support the findings, order a rehearing on the findings, on the sentence, or on both; or
   (D) dismiss the charges.

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(2) If a rehearing is ordered but the convening authority finds a rehearing impracticable, the convening authority shall dismiss the charges.

(3) If the opinion of the senior force judge advocate, or designee, in the senior force judge advocate's review under subsection (a) is that corrective action is required as a matter of law and if the Adjutant General does not take action that is at least as favorable to the accused as that recommended by the judge advocate, the record of trial and action thereon shall be sent to the Governor for review and action as deemed appropriate.

(d) The senior force judge advocate, or a designee, may review any case in which there has been a finding of not guilty of all charges and specifications. The senior force judge advocate, or designee, may not review a case under this subsection if that person has acted in the same case as an accuser, investigating officer, member of the court, military judge, or counsel or has otherwise acted on behalf of the prosecution or defense. The senior force judge advocate's review shall be limited to questions of subject matter jurisdiction.

(e) The record of trial and related documents in each case reviewed under subsection (d) shall be sent for action to the Adjutant General. The Adjutant General may:

(1) when subject matter jurisdiction is found to be lacking, void the court-martial ab initio, with or without prejudice to the Government, as the Adjutant General deems appropriate; or

(2) return the record of trial and related documents to the senior force judge advocate for appeal by the Government as provided by law.

Section 65. Article 65. Disposition of records after review by the convening authority. Except as otherwise required by this Code, all records of trial and related documents shall be transmitted and disposed of as prescribed by regulation and provided by law.

Section 66. Article 66. (Reserved).

Section 67. Article 67. (Reserved).

Section 67a. Article 67a. Review by State Appellate Authority. Decisions of a court-martial are from a court with jurisdiction to issue misdemeanor and felony convictions. All appeals from final decisions of a court-martial shall be to the Illinois Appellate Court in the same manner as are final decisions of a circuit court in accordance with the Appellate Court Act. All such appeals shall be to the Illinois Appellate Court for the Fourth District. No appeal from a judgment entered upon a plea of guilty shall be taken except in accordance with applicable law and Supreme

New matter indicated by italics - deletions by strikeout
Court Rules. Unless waived, an accused may appeal as a matter of right a finding of guilt resulting in an approved sentence of one-year confinement or more, or in a dismissal for a commissioned officer or warrant officer, a dishonorable discharge, or a bad-conduct discharge. The appellate rights and procedures to be followed shall be those provided by applicable law and Supreme Court Rules for criminal appeals.

Section 68. Article 68. (Reserved).
Section 69. Article 69. (Reserved).
Section 70. Article 70. Appellate counsel.

(a) The Attorney General shall act as appellate government counsel to represent the State in the review or appeal of cases specified in Article 67a of this Code and before any federal court. The Attorney General may appoint a judge advocate nominated by the senior force judge advocate as a Special Assistant Attorney General to act as appellate government counsel to represent the State. Such appointment as a Special Assistant Attorney General shall be at the discretion of the Attorney General.

(b) Upon an appeal by this State, an accused has the right to be represented by detailed military counsel before any reviewing authority and before any appellate court.

(c) Upon the appeal by an accused, the accused has the right to be represented by military counsel before any reviewing authority.

(d) Upon the request of an accused entitled to be so represented, the senior force judge advocate shall appoint a judge advocate to represent the accused in the review or appeal of cases specified in subsections (b) and (c) of this Article.

(e) An accused may be represented by civilian appellate counsel at no expense to this State.

Section 71. Article 71. Execution of sentence; suspension of sentence.

(a) If the sentence of the court-martial extends to dismissal or a dishonorable or bad-conduct discharge and if the right of the accused to appellate review is not waived, and an appeal is not withdrawn under Article 61 of this Code, that part of the sentence extending to dismissal or a dishonorable or bad-conduct discharge may not be executed until there is a final judgment as to the legality of the proceedings. A judgment as to the legality of the proceedings is final in such cases when review is completed by the Illinois Appellate Court for the Fourth District as prescribed in Article 67a of this Code, and is deemed final by the law of this State.

New matter indicated by italics - deletions by strikeout
(b) If the sentence of the court-martial extends to dismissal or a dishonorable or bad conduct discharge and if the right of the accused to appellate review is waived, or an appeal is withdrawn under Article 61 of this Code, that part of the sentence extending to dismissal or a dishonorable or bad-conduct discharge may not be executed until review of the case by the senior force judge advocate and any action on that review under Article 64 of this Code is completed. Any other part of a court-martial sentence may be ordered executed by the convening authority or other person acting on the case under Article 60 of this Code when so approved under that Article.

Section 72. Article 72. Vacation of suspension.

(a) Before the vacation of the suspension of a special court-martial sentence, which as approved includes a bad-conduct discharge, or of any general court-martial sentence, the officer having special court-martial jurisdiction over the probationer shall hold a hearing on an alleged violation of probation. The probationer shall be represented at the hearing by military counsel if the probationer so desires.

(b) The record of the hearing and the recommendation of the officer having special court-martial jurisdiction shall be sent for action to the officer exercising general court-martial jurisdiction over the probationer. If the officer vacates the suspension, any unexecuted part of the sentence, except a dismissal, shall be executed, subject to applicable restrictions in this Code.

(c) The suspension of any other sentence may be vacated by any authority competent to convene, for the command in which the accused is serving or assigned, a court of the kind that imposed the sentence.

Section 73. Article 73. Petition for a new trial. At any time within 2 years after approval by the convening authority of a court-martial sentence the accused may petition the Adjutant General for a new trial on the grounds of newly discovered evidence or fraud on the court-martial.

Section 74. Article 74. Remission and suspension.

(a) Any authority competent to convene, for the command in which the accused is serving or assigned, a court of the kind that imposed the sentence may remit or suspend any part or amount of the unexecuted part of any sentence, including all uncollected forfeitures other than a sentence approved by the Governor.

(b) The Governor may, for good cause, substitute an administrative form of discharge for a discharge or dismissal executed in accordance with the sentence of a court-martial.

New matter indicated by italics - deletions by strikeout
Section 75. Article 75. Restoration.

(a) Under such regulations as may be prescribed, all rights, privileges, and property affected by an executed part of a court-martial sentence which has been set aside or disapproved, except an executed dismissal or discharge, shall be restored unless a new trial or rehearing is ordered and such executed part is included in a sentence imposed upon the new trial or rehearing.

(b) If a previously executed sentence of dishonorable or bad-conduct discharge is not imposed on a new trial, the Governor may substitute therefor a form of discharge authorized for administrative issuance unless the accused is to serve out the remainder of the accused's enlistment.

(c) If a previously executed sentence of dismissal is not imposed on a new trial, the Governor may substitute therefor a form of discharge authorized for administrative issue, and the commissioned officer dismissed by that sentence may be reappointed by the Governor alone to such commissioned grade and with such rank as in the opinion of the Governor that former officer would have attained had he not been dismissed. The reappointment of such a former officer shall be without regard to the existence of a vacancy and shall affect the promotion status of other officers only insofar as the Governor may direct. All time between the dismissal and the reappointment shall be considered as actual service for all purposes, including the right to pay and allowances, as permitted by applicable financial management regulations.

Section 76. Article 76. Finality of proceedings, findings, and sentences. The appellate review of records of trial provided by this Code, the proceedings, findings, and sentences of courts-martial as approved, reviewed, or affirmed as required by this Code, and all dismissals and discharges carried into execution under sentences by courts-martial following approval, review, or affirmation as required by this Code, are final and conclusive. Orders publishing the proceedings of courts-martial and all action taken pursuant to those proceedings are binding upon all departments, courts, agencies, and officers of the United States and the several states, subject only to action upon a petition for a new trial as provided in Article 73 of this Code and to action under Article 74 of this Code.

Section 76a. Article 76a. Leave required to be taken pending review of certain court-martial convictions. Under regulations prescribed, an accused who has been sentenced by a court-martial may be required to
take leave pending completion of action under this Article if the sentence, as approved under Article 60 of this Code, includes an unsuspended dismissal or an unsuspended dishonorable or bad-conduct discharge. The accused may be required to begin such leave on the date on which the sentence is approved under Article 60 of this Code or at any time after such date, and such leave may be continued until the date on which action under this Article is completed or may be terminated at any earlier time.

PART X. PUNITIVE ARTICLES

Section 77. Article 77. Principals. Any person subject to this Code who:

(1) commits an offense punishable by this Code, or aids, abets, counsels, commands, or procures its commission; or
(2) causes an act to be done which if directly performed by him would be punishable by this Code;

is a principal.

Section 78. Article 78. Accessory after the fact. Any person subject to this Code who, knowing that an offense punishable by this Code has been committed, receives, comforts, or assists the offender in order to hinder or prevent his apprehension, trial, or punishment shall be punished as a court-martial may direct.

Section 79. Article 79. Conviction of lesser included offense. An accused may be found guilty of an offense necessarily included in the offense charged or of an attempt to commit either the offense charged or an offense necessarily included therein.

Section 80. Article 80. Attempts.

(a) An act, done with specific intent to commit an offense under this Code, amounting to more than mere preparation and tending, even though failing, to effect its commission, is an attempt to commit that offense.

(b) Any person subject to this Code who attempts to commit any offense punishable by this Code shall be punished as a court-martial may direct, unless otherwise specifically prescribed.

(c) Any person subject to this Code may be convicted of an attempt to commit an offense although it appears on the trial that the offense was consummated.

Section 81. Article 81. Conspiracy. Any person subject to this Code who conspires with any other person to commit an offense under this Code shall, if one or more of the conspirators does an act to effect the object of the conspiracy, be punished as a court-martial may direct.

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Section 82. Article 82. Solicitation.
(a) Any person subject to this Code who solicits or advises another or others to desert in violation of Article 85 of this Code or mutiny in violation of Article 94 of this Code shall, if the offense solicited or advised is attempted or committed, be punished with the punishment provided for the commission of the offense, but, if the offense solicited or advised is not committed or attempted, the person shall be punished as a court-martial may direct.
(b) Any person subject to this Code who solicits or advises another or others to commit an act of misbehavior before the enemy in violation of Article 99 of this Code or sedition in violation of Article 94 of this Code shall, if the offense solicited or advised is committed, be punished with the punishment provided for the commission of the offense, but, if the offense solicited or advised is not committed, the person shall be punished as a court-martial may direct.

Section 83. Article 83. Fraudulent enlistment, appointment, or separation. Any person who:
(1) procures his own enlistment or appointment in the State military forces by knowingly false representation or deliberate concealment as to his qualifications for that enlistment or appointment and receives pay or allowances thereunder; or
(2) procures his own separation from the State military forces by knowingly false representation or deliberate concealment as to his eligibility for that separation;
shall be punished as a court-martial may direct.

Section 84. Article 84. Unlawful enlistment, appointment, or separation. Any person subject to this Code who effects an enlistment or appointment in or a separation from the State military forces of any person who is known to him to be ineligible for that enlistment, appointment, or separation because it is prohibited by law, regulation, or order shall be punished as a court-martial may direct.

Section 85. Article 85. Desertion.
(a) Any member of the State military forces who:
(1) without authority goes or remains absent from his unit, organization, or place of duty with intent to remain away therefrom permanently;
(2) quits his unit, organization, or place of duty with intent to avoid hazardous duty or to shirk important service; or

New matter indicated by italics - deletions by strikeout
(3) without being regularly separated from one of the State military forces enlists or accepts an appointment in the same or another one of the State military forces, or in one of the armed forces of the United States, without fully disclosing the fact that he has not been regularly separated, or enters any foreign armed service except when authorized by the United States; is guilty of desertion.

(b) Any commissioned officer of the State military forces who, after tender of his resignation and before notice of its acceptance, quits his post or proper duties without leave and with intent to remain away therefrom permanently is guilty of desertion.

(c) Any person found guilty of desertion or attempt to desert shall be punished, if the offense is committed in time of war, by confinement of not more than 10 years or such other punishment as a court-martial may direct, but if the desertion or attempt to desert occurs at any other time, by such punishment as a court-martial may direct.

Section 86. Article 86. Absence without leave. Any person subject to this Code who, without authority:

(1) fails to go to his appointed place of duty at the time prescribed;
(2) goes from that place; or
(3) absents himself or remains absent from his unit, organization, or place of duty at which he is required to be at the time prescribed;

shall be punished as a court-martial may direct.

Section 87. Article 87. Missing movement. Any person subject to this Code who through neglect or design misses the movement of a ship, aircraft, or unit with which he is required in the course of duty to move shall be punished as a court-martial may direct.

Section 88. Article 88. Contempt toward officials. Any commissioned officer who uses contemptuous words against the President, the Vice President, Congress, the Secretary of Defense, the Secretary of a military department, the Secretary of Homeland Security, or the Governor or General Assembly shall be punished as a court-martial may direct.

Section 89. Article 89. Disrespect toward superior commissioned officer. Any person subject to this Code who behaves with disrespect toward his superior commissioned officer shall be punished as a court-martial may direct.

New matter indicated by italics - deletions by strikeout
Section 90. Article 90. Assaulting or willfully disobeying superior commissioned officer. Any person subject to this Code who:

(1) strikes his superior commissioned officer or draws or lifts up any weapon or offers any violence against him while he is in the execution of his office; or

(2) willfully disobeys a lawful command of his superior commissioned officer;

shall be punished, if the offense is committed in time of war, by confinement of not more than 10 years or such other punishment as a court-martial may direct, and if the offense is committed at any other time, by such punishment as a court-martial may direct.

Section 91. Article 91. Insubordinate conduct toward warrant officer, noncommissioned officer, or petty officer. Any warrant officer or enlisted member who:

(1) strikes or assautls a warrant officer, noncommissioned officer, or petty officer, while that officer is in the execution of his office;

(2) willfully disobeys the lawful order of a warrant officer, noncommissioned officer, or petty officer; or

(3) treats with contempt or is disrespectful in language or deportment toward a warrant officer, noncommissioned officer, or petty officer, while that officer is in the execution of his office;

shall be punished as a court-martial may direct.

Section 92. Article 92. Failure to obey order or regulation. Any person subject to this Code who:

(1) violates or fails to obey any lawful general order or regulation;

(2) having knowledge of any other lawful order issued by a member of the State military forces, which it is his duty to obey, fails to obey the order; or

(3) is derelict in the performance of his duties;

shall be punished as a court-martial may direct.

Section 93. Article 93. Cruelty and maltreatment. Any person subject to this Code who is guilty of cruelty toward, or oppression or maltreatment of, any person subject to his orders shall be punished as a court-martial may direct.

Section 94. Article 94. Mutiny or sedition.

(a) Any person subject to this Code who:
(1) with intent to usurp or override lawful military authority, refuses, in concert with any other person, to obey orders or otherwise do his duty or creates any violence or disturbance is guilty of mutiny;

(2) with intent to cause the overthrow or destruction of lawful civil authority, creates, in concert with any other person, revolt, violence, or other disturbance against that authority is guilty of sedition; or

(3) fails to do his utmost to prevent and suppress a mutiny or sedition being committed in his presence, or fails to take all reasonable means to inform his superior commissioned officer or commanding officer of a mutiny or sedition which he knows or has reason to believe is taking place, is guilty of a failure to suppress or report a mutiny or sedition.

(b) A person who is found guilty of attempted mutiny, mutiny, sedition, or failure to suppress or report a mutiny or sedition shall be punished as a court-martial may direct.

Section 95. Article 95. Resistance, flight, breach of arrest, and escape. Any person subject to this Code who:

(1) resists apprehension;
(2) flees from apprehension;
(3) breaks arrest; or
(4) escapes from custody or confinement;

shall be punished as a court-martial may direct.

Section 96. Article 96. Releasing prisoner without proper authority. Any person subject to this Code who, without proper authority, releases any prisoner committed to his charge, or who through neglect or design suffers any such prisoner to escape, shall be punished as a court-martial may direct, whether or not the prisoner was committed in strict compliance with law.

Section 97. Article 97. Unlawful detention. Any person subject to this Code who, except as provided by law or regulation, apprehends, arrests, or confines any person shall be punished as a court-martial may direct.

Section 98. Article 98. Noncompliance with procedural rules. Any person subject to this Code who:

(1) is responsible for unnecessary delay in the disposition of any case of a person accused of an offense under this Code; or

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(2) knowingly and intentionally fails to enforce or comply with any provision of this Code regulating the proceedings before, during, or after trial of an accused; shall be punished as a court-martial may direct.

Section 99. Article 99. Misbehavior before the enemy. Any person subject to this Code who before or in the presence of the enemy:

(1) runs away;
(2) shamefully abandons, surrenders, or delivers up any command, unit, place, or military property which it is his duty to defend;
(3) through disobedience, neglect, or intentional misconduct endangers the safety of any such command, unit, place, or military property;
(4) casts away his arms or ammunition;
(5) is guilty of cowardly conduct;
(6) quits his place of duty to plunder or pillage;
(7) causes false alarms in any command, unit, or place under control of the armed forces of the United States or the State military forces;
(8) willfully fails to do his utmost to encounter, engage, capture, or destroy any enemy troops, combatants, vessels, aircraft, or any other thing, which it is his duty so to encounter, engage, capture, or destroy; or
(9) does not afford all practicable relief and assistance to any troops, combatants, vessels, or aircraft of the armed forces belonging to the United States or their allies, to the State, or to any other state, when engaged in battle;

shall be punished as a court-martial may direct.

Section 100. Article 100. Subordinate compelling surrender. Any person subject to this Code who compels or attempts to compel the commander of any of the State military forces of this State, or of any other state, place, vessel, aircraft, or other military property, or of any body of members of the armed forces, to give it up to an enemy or to abandon it, or who strikes the colors or flag to an enemy without proper authority, shall be punished as a court-martial may direct.

Section 101. Article 101. Improper use of countersign. Any person subject to this Code who in time of war discloses the parole or countersign to any person not entitled to receive it or who gives to another, who is entitled to receive and use the parole or countersign, a different parole or

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countersign from that which, to his knowledge, he was authorized and required to give, shall be punished as a court-martial may direct.

Section 102. Article 102. Forcing a safeguard. Any person subject to this Code who forces a safeguard shall be punished as a court-martial may direct.

Section 103. Article 103. Captured or abandoned property.
(a) All persons subject to this Code shall secure all public property taken for the service of the United States or this State, and shall give notice and turn over to the proper authority without delay all captured or abandoned property in their possession, custody, or control.
(b) Any person subject to this Code who:
   (1) fails to carry out the duties prescribed in subsection (a);
   (2) buys, sells, trades, or in any way deals in or disposes of taken, captured, or abandoned property, whereby he receives or expects any profit, benefit, or advantage to himself or another directly or indirectly connected with himself; or
   (3) engages in looting or pillaging;
shall be punished as a court-martial may direct.

Section 104. Article 104. Aiding the enemy. Any person subject to this Code who:
   (1) aids, or attempts to aid, the enemy with arms, ammunition, supplies, money, or other things; or
   (2) without proper authority, knowingly harbors or protects or gives intelligence to, or communicates or corresponds with or holds any intercourse with the enemy, either directly or indirectly;
shall be punished as a court-martial may direct.

Section 105. Article 105. Misconduct as prisoner. Any person subject to this Code who, while in the hands of the enemy in time of war:
   (1) for the purpose of securing favorable treatment by his captors acts without proper authority in a manner contrary to law, custom, or regulation, to the detriment of others of whatever nationality held by the enemy as civilian or military prisoners; or
   (2) while in a position of authority over such persons maltreats them without justifiable cause;
shall be punished as a court-martial may direct.

Section 106. Article 106. (Reserved).

Section 106a. Article 106a. (Reserved).

Section 107. Article 107. False official statements. Any person subject to this Code who, with intent to deceive, signs any false record,
return, regulation, order, or other official document made in the line of duty, knowing it to be false, or makes any other false official statement made in the line of duty, knowing it to be false, shall be punished as a court-martial may direct.

Section 108. Article 108. Military property: loss, damage, destruction, or wrongful disposition. Any person subject to this Code who, without proper authority:

(1) sells or otherwise disposes of;
(2) willfully or through neglect damages, destroys, or loses;

or

(3) willfully or through neglect suffers to be lost, damaged, destroyed, sold, or wrongfully disposed of;

any military property of the United States or of any state, shall be punished as a court-martial may direct.

Section 109. Article 109. Property other than military property: waste, spoilage, or destruction. Any person subject to this Code who willfully or recklessly wastes, spoils, or otherwise willfully and wrongfully destroys or damages any property other than military property of the United States or of any state shall be punished as a court-martial may direct.

Section 110. Article 110. Improper hazarding of vessel.

(a) Any person subject to this Code who willfully and wrongfully hazards or suffers to be hazarded any vessel of the armed forces of the United States or any state military forces shall suffer such punishment as a court-martial may direct.

(b) Any person subject to this Code who negligently hazards or suffers to be hazarded any vessel of the armed forces of the United States or any state military forces shall be punished as a court-martial may direct.

Section 111. Article 111. (Reserved).

Section 112. Article 112. Drunk on duty. Any person subject to this Code other than a sentinel or look-out, who is found drunk on duty, shall be punished as a court-martial may direct.

Section 112a. Article 112a. Wrongful use, possession, etc., of controlled substances.

(a) Any person subject to this Code who wrongfully uses, possesses, manufactures, distributes, imports into the customs territory of the United States, exports from the United States, or introduces into an installation, vessel, vehicle, or aircraft used by or under the control of the armed forces of the United States or of any state military forces a

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substance described in subsection (b) shall be punished as a court-martial may direct.

(b) The substances referred to in subsection (a) are the following:

1. Opium, heroin, cocaine, amphetamine, lysergic acid diethylamide, methamphetamine, phencyclidine, barbituric acid, and marijuana and any compound or derivative of any such substance.

2. Any substance not specified in paragraph (1) that is listed on a schedule of controlled substances prescribed by the President for the purposes of the Uniform Code of Military Justice of the armed forces of the United States (10 U.S.C. 801 et seq.).

3. Any other substance not specified in paragraph (1) or contained on a list prescribed by the President under paragraph (2) that is listed in schedules I through V of Article 202 of the Controlled Substances Act (21 U.S.C. 812).

Section 113. Article 113. Misbehavior of sentinel. Any sentinel or look-out who is found drunk or sleeping upon his post or leaves it before being regularly relieved shall be punished, if the offense is committed in time of war, by confinement of not more than 10 years or other punishment as a court-martial may direct, but if the offense is committed at any other time, by such punishment as a court-martial may direct.

Section 114. Article 114. Dueling. Any person subject to this Code who fights or promotes, or is concerned in or connives at fighting a duel, or who, having knowledge of a challenge sent or about to be sent, fails to report the fact promptly to the proper authority, shall be punished as a court-martial may direct.

Section 115. Article 115. Malingering. Any person subject to this Code who for the purpose of avoiding work, duty, or service:

1. feigns illness, physical disablement, mental lapse, or derangement; or

2. intentionally inflicts self-injury;

shall be punished as a court-martial may direct.

Section 116. Article 116. Riot or breach of peace. Any person subject to this Code who causes or participates in any riot or breach of the peace shall be punished as a court-martial may direct.

Section 117. Article 117. Provoking speeches or gestures. Any person subject to this Code who uses provoking or reproachful words or gestures towards any other person subject to this Code shall be punished as a court-martial may direct.

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Section 118. Article 118. (Reserved).
Section 119. Article 119. (Reserved).
Section 120. Article 120. (Reserved).
Section 121. Article 121. (Reserved).
Section 122. Article 122. (Reserved).
Section 123. Article 123. (Reserved).
Section 123a. Article 123a. (Reserved).
Section 124. Article 124. (Reserved).
Section 125. Article 125. (Reserved).
Section 126. Article 126. (Reserved).
Section 127. Article 127. (Reserved).
Section 128. Article 128. (Reserved).
Section 129. Article 129. (Reserved).
Section 130. Article 130. (Reserved).
Section 131. Article 131. (Reserved).
Section 132. Article 132. Frauds against the government. Any person subject to this Code:

(1) who, knowing it to be false or fraudulent:
   (A) makes any claim against the United States, this State, or any officer thereof; or
   (B) presents to any person in the civil or military service thereof, for approval or payment, any claim against the United States, this State, or any officer thereof;
(2) who, for the purpose of obtaining the approval, allowance, or payment of any claim against the United States, this State, or any officer thereof:
   (A) makes or uses any writing or other paper knowing it to contain any false or fraudulent statements;
   (B) makes any oath, affirmation, or certification to any fact or to any writing or other paper knowing the oath, affirmation, or certification to be false; or
   (C) forges or counterfeits any signature upon any writing or other paper, or uses any such signature knowing it to be forged or counterfeited;
(3) who, having charge, possession, custody, or control of any money, or other property of the United States or this State, furnished or intended for the armed forces of the United States or the State military forces, knowingly delivers to any person having

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authority to receive it, any amount thereof less than that for which he receives a certificate or receipt; or

(4) who, being authorized to make or deliver any paper certifying the receipt of any property of the United States or this State, furnished or intended for the armed forces of the United States or the State military forces, makes or delivers to any person such writing without having full knowledge of the truth of the statements therein contained and with intent to defraud the United States or this State;

shall, upon conviction, be punished as a court-martial may direct.

Section 133. Article 133. Conduct unbecoming an officer and a gentleman. Any commissioned officer, cadet, candidate, or midshipman who is convicted of conduct unbecoming an officer and a gentleman shall be punished as a court-martial may direct.

Section 134. Article 134. General Article. Though not specifically mentioned in this Code, all disorders and neglects to the prejudice of good order and discipline in the State military forces and all conduct of a nature to bring discredit upon the State military forces shall be taken cognizance of by a court-martial and punished at the discretion of a military court. However, where a crime constitutes an offense that violates both this Code and the criminal laws of the state where the offense occurs or criminal laws of the United States, jurisdiction of the military court must be determined in accordance with subsection (b) of Article 2 of this Code.

PART XI. MISCELLANEOUS


(a) Courts of inquiry to investigate any matter of concern to the State military forces may be convened by any person authorized to convene a general court-martial, whether or not the persons involved have requested such an inquiry.

(b) A court of inquiry consists of 3 or more commissioned officers. For each court of inquiry, the convening authority shall also appoint counsel for the court.

(c) Any person subject to this Code whose conduct is subject to inquiry shall be designated as a party. Any person subject to this Code who has a direct interest in the subject of inquiry has the right to be designated as a party upon request to the court. Any person designated as a party shall be given due notice and has the right to be present, to be represented by counsel, to cross-examine witnesses, and to introduce evidence.

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(d) Members of a court of inquiry may be challenged by a party, but only for cause stated to the court.

(e) The members, counsel, the reporter, and interpreters of courts of inquiry shall take an oath to faithfully perform their duties.

(f) Witnesses may be summoned to appear and testify and be examined before courts of inquiry, as provided for courts-martial.

(g) Courts of inquiry shall make findings of fact but may not express opinions or make recommendations unless required to do so by the convening authority.

(h) Each court of inquiry shall keep a record of its proceedings, which shall be authenticated by the signatures of the president and counsel for the court and forwarded to the convening authority. If the record cannot be authenticated by the president, it shall be signed by a member in lieu of the president. If the record cannot be authenticated by the counsel for the court, it shall be signed by a member in lieu of the counsel.

Section 136. Article 136. Authority to administer oaths and to act as notary.

(a) The following persons may administer oaths for the purposes of military administration, including military justice:

(1) All judge advocates.
(2) All summary courts-martial.
(3) All adjutants, assistant adjutants, acting adjutants, and personnel adjutants.
(4) All commanding officers of the naval militia.
(5) All other persons designated by regulations of the armed forces of the United States or by State statute.

(b) The following persons may administer oaths necessary in the performance of their duties:

(1) The president, military judge, and trial counsel for all general and special courts-martial.
(2) The president and the counsel for the court of any court of inquiry.
(3) All officers designated to take a deposition.
(4) All persons detailed to conduct an investigation.
(5) All recruiting officers.
(6) All other persons designated by regulations of the armed forces of the United States or by State statute.

(c) The signature without seal of any such person, together with the title of his office, is prima facie evidence of the person's authority.

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Section 137. Article 137. Articles to be explained.
(a)(1) The Articles of this Code specified in paragraph (3) shall be carefully explained to each enlisted member at the time of, or within 30 days after, the member's initial entrance into a duty status with the State military forces.
(2) Such Articles shall be explained again:
   (A) after the member has completed basic or recruit training; and
   (B) at the time when the member reenlists.
(3) This subsection applies with respect to Articles 2, 3, 7 through 15, 25, 27, 31, 37, 38, 55, 77 through 134, and 137 through 139 of this Code.
(b) The text of this Code and of the regulations or orders prescribed under this Code shall be made available to a member of the State military forces, upon request by the member, for the member's personal examination, but this Code is effective and binding upon the State military forces upon the effective date noted in Article 999, and said regulations or orders are effective upon proper publishing of same, pursuant to other law or regulation.

Section 138. Article 138. Complaints of wrongs. Any member of the State military forces who believes himself wronged by a commanding officer, and who, upon due application to that commanding officer, is refused redress, may complain to any superior commissioned officer, who shall forward the complaint to the officer exercising general court-martial jurisdiction over the officer against whom it is made. The officer exercising general court-martial jurisdiction shall examine into the complaint and take proper measures for redressing the wrong complained of; and shall, as soon as possible, send to the Adjutant General a true statement of that complaint, with the proceedings had thereon.

Section 139. Article 139. Redress of injuries to property.
(a) Whenever complaint is made to any commanding officer that willful damage has been done to the property of any person or that the person's property has been wrongfully taken by members of the State military forces, that person may, under such regulations prescribed, convene a board to investigate the complaint. The board shall consist of from one to 3 commissioned officers and, for the purpose of that investigation, it has power to summon witnesses and examine them upon oath, to receive depositions or other documentary evidence, and to assess the damages sustained against the responsible parties. The assessment of

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damages made by the board is subject to the approval of the commanding officer, and in the amount approved by that officer shall be charged against the pay of the offenders. The order of the commanding officer directing charges herein authorized is conclusive on any disbursing officer for payment to the injured parties of the damages so assessed and approved.

(b) If the offenders cannot be ascertained, but the organization or detachment to which they belong is known, charges totaling the amount of damages assessed and approved may be made in such proportion as may be considered just upon the individual members thereof who are shown to have been present at the scene at the time the damages complained of were inflicted, as determined by the approved findings of the board.

Section 140. Article 140. Delegation by the Governor. The Governor may delegate any authority vested in the Governor under this Code, and provide for the subdelegation of any such authority, except the power given the Governor by Article 22 of this Code.

Section 141. Article 141. Payment of fees, costs, and expenses.

(a) The fees and authorized travel expenses of all witnesses, experts, victims, court reporters, and interpreters, fees for the service of process, the costs of collection, apprehension, detention and confinement, and all other necessary expenses of prosecution and the administration of military justice, not otherwise payable by any other source, shall be paid out of the State Military Justice Fund.

(b) For the foregoing purposes, the State Military Justice Fund is created as a special fund in the State treasury. The Fund shall be administered by the Adjutant General, from which expenses of military justice shall be paid in the amounts and manner as prescribed by law. The General Assembly may appropriate and have deposited into the Fund such moneys as it deems necessary to carry out the purposes of this Code.

Section 142. Article 142. Payment of fines and disposition thereof.

(a) Fines imposed by a military court or through imposition of non-judicial punishment may be paid to this State and delivered to the court or imposing officer, or to a person executing their process. Fines may be collected in the following manner:

(1) by cash or money order;
(2) by retention of any pay or allowances due or to become due the person fined from any state or the United States; or
(3) by garnishment or levy, together with costs, on the wages, goods, and chattels of a person delinquent in paying a fine, as provided by law.

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(b) Any sum so received or retained shall be deposited into the State Military Justice Fund or to whomever the court so directs.

Section 143. Article 143. Uniformity of interpretation. This Code shall be so construed as to effectuate its general purpose to make it in conformity, so far as practical, with the Uniform Code of Military Justice, Chapter 47 of Title 10, United States Code.

Section 144. Article 144. Immunity for action of military courts. All persons acting under the provisions of this Code, whether as a member of the military or as a civilian, shall be immune from any personal liability for any of the acts or omissions which they did or failed to do as part of their duties under this Code.

Section 145. Article 145. Severability. The provisions of this Code are hereby declared to be severable and if any provision of this Code or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this Code.

Section 146. Article 146. (Reserved).

Section 147. Article 147. Time of taking effect. (See Section 999 for effective date.)

Section 148. Article 148. Supersedes existing State military justice codes. On the effective date of this Code, this law supersedes all existing statutes, ordinances, directives, rules, regulations, orders and other laws in this State covered by the subject matter of this Code.

Section 149. Article 149. Civilian crimes assimilated. Any person subject to this Code who commits an offense not enumerated in this Code, but which is an offense under the laws of the United States, the laws of this State, or the laws of another state, U.S. Commonwealth, Territory, Possession, or District, while said person is subject to the jurisdiction of this Code under Article 2, is guilty of any act or omission which, although not made punishable by any enactment of this State, is punishable if committed or omitted within the jurisdiction of the laws of the United States, the laws of this State, or the laws of another state, Territory, Possession, or District, and said offense may be charged as an offense under Article 134 of this Code pursuant to the substantive law of the jurisdiction where the offense was committed, in force at the time of said offense, and shall be punished pursuant to said other law, subject only to the maximum punishment prescribed by this Code.

Section 150. The Illinois Administrative Procedure Act is amended by changing Section 5-45 as follows:

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Sec. 5-45. Emergency rulemaking.

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

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

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

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

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

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

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

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subsection (f) shall be deemed to be necessary for the public interest, safety, and welfare.

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

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

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

(j) In order to provide for the expeditious and timely implementation of the provisions of the State's fiscal year 2005 budget as provided under the Fiscal Year 2005 Budget Implementation (Human Services) Act, emergency rules to implement any provision of the Fiscal

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

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

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

(m) In order to provide for the expeditious and timely implementation of the provisions of the State's fiscal year 2008 budget, the

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

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

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

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

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

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

(s) In order to provide for the expeditious and timely implementation of the provisions of Sections 5-5b.1 and 5A-2 of the Illinois Public Aid Code, emergency rules to implement any provision of Section 5-5b.1 or Section 5A-2 of the Illinois Public Aid Code may be adopted in accordance with this subsection (s) by the Department of Healthcare and Family Services. The rulemaking authority granted in this subsection (s) shall apply only to those rules adopted prior to July 1, 2015. Notwithstanding any other provision of this Section, any emergency rule adopted under this subsection (s) shall only apply to payments made for State fiscal year 2015. The adoption of emergency rules authorized by this subsection (s) is deemed to be necessary for the public interest, safety, and welfare.

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

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

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

(Source: P.A. 98-104, eff. 7-22-13; 98-463, eff. 8-16-13; 98-651, eff. 6-16-14; 99-2, eff. 3-26-15; 99-6, eff. 1-1-16; 99-143, eff. 7-27-15; 99-455, eff. 1-1-16; revised 10-15-15.)

Section 153. The Military Code of Illinois is amended by changing Section 90 and by adding Section 34.1 as follows:

(20 ILCS 1805/34.1 new)

Sec. 34.1. Separation; discharge; Illinois National Guard.

(a) Members of the Illinois National Guard shall be separated from the active service in accordance with federal laws and regulations as made applicable to the National Guard, except as otherwise provided herein or in the Illinois Code of Military Justice.

(b) Members of the Illinois National Guard who are discharged from the Illinois National Guard, in the case of officers with a dismissal or in the case of enlisted personnel with a dishonorable discharge, shall be ineligible to hold any elective or appointive office, position, or

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employment in the service of this State, any county, or any municipality thereof, for a period of 5 years unless such disability shall be removed by the Governor.

(20 ILCS 1805/90) (from Ch. 129, par. 220.90)

Sec. 90. (a) If any member of the Illinois National Guard is criminally prosecuted by civil authorities of the United States or any state, commonwealth, or territory of the United States, or criminal action for any act or omission determined by the Attorney General to have been within the scope of the member's military duties, performed or committed by such member, or for any act or omission caused, ordered, or directed by such member to be done or performed within the scope of military duty, the member shall be entitled to defense representation by the Attorney General or, if the Attorney General determines it appropriate, by a qualified private defense attorney of the member's choice subject to the approval of the Attorney General at State expense. In that case all costs in furtherance of and while in the performance of military duty, all the expense of the defense, of such action or actions civil or criminal, including attorney's fees, witnesses' fees for the defense, defendant's court costs and all costs for transcripts of records and abstracts thereof on appeal by the defense, shall be paid by the State; provided, that the Attorney General of the State shall be first consulted in regard to, and approve of, the selection of the attorney for the defense. And, provided, further, that the Attorney General of the State may, if he see fit, assume the responsibility for the defense of such member and conduct the same personally or by any one or more of his assistants.

(b) Representation and indemnification of Illinois National Guard members in civil cases arising out of their military training or duty shall be in accordance with the State Employee Indemnification Act. The fees and expenses in criminal cases, as provided for in this Section, shall be paid by the Adjutant General out of appropriated funds, upon vouchers and bills approved by the Attorney General.

(Source: P.A. 85-1241.)

(20 ILCS 1805/34 rep.)
(20 ILCS 1805/47 rep.)
(20 ILCS 1805/Art. XIV rep.)
(20 ILCS 1805/Art. XV rep.)
(20 ILCS 1805/89 rep.)

Section 155. The Military Code of Illinois is amended by repealing Sections 34, 47, and 89 and Articles XIV and XV.

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Section 156. The State Finance Act is amended by adding Section 5.875 as follows:

(30 ILCS 105/5.875 new)

Sec. 5.875. The State Military Justice Fund.

Section 999. Effective date. This Act takes effect January 1, 2017.
Approved August 12, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0797
(Senate Bill No. 2870)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Code of Criminal Procedure of 1963 is amended by changing Section 110-10 as follows:

(725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

Sec. 110-10. Conditions of bail bond.
(a) If a person is released prior to conviction, either upon payment of bail security or on his or her own recognizance, the conditions of the bail bond shall be that he or she will:

(1) Appear to answer the charge in the court having jurisdiction on a day certain and thereafter as ordered by the court until discharged or final order of the court;
(2) Submit himself or herself to the orders and process of the court;
(3) Not depart this State without leave of the court;
(4) Not violate any criminal statute of any jurisdiction;
(5) At a time and place designated by the court, surrender all firearms in his or her possession to a law enforcement officer designated by the court to take custody of and impound the firearms and physically surrender his or her Firearm Owner's Identification Card to the clerk of the circuit court when the offense the person has been charged with is a forcible felony, stalking, aggravated stalking, domestic battery, any violation of the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or the Cannabis Control Act that is classified as a Class 2 or greater felony, or any felony violation of

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Article 24 of the Criminal Code of 1961 or the Criminal Code of 2012; the court may, however, forgo the imposition of this condition when the circumstances of the case clearly do not warrant it or when its imposition would be impractical; if the Firearm Owner's Identification Card is confiscated, the clerk of the circuit court shall mail the confiscated card to the Illinois State Police; all legally possessed firearms shall be returned to the person upon the charges being dismissed, or if the person is found not guilty, unless the finding of not guilty is by reason of insanity; and

(6) At a time and place designated by the court, submit to a psychological evaluation when the person has been charged with a violation of item (4) of subsection (a) of Section 24-1 of the Criminal Code of 1961 or the Criminal Code of 2012 and that violation occurred in a school or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity, or on any public way within 1,000 feet of real property comprising any school.

Psychological evaluations ordered pursuant to this Section shall be completed promptly and made available to the State, the defendant, and the court. As a further condition of bail under these circumstances, the court shall order the defendant to refrain from entering upon the property of the school, including any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity, or on any public way within 1,000 feet of real property comprising any school. Upon receipt of the psychological evaluation, either the State or the defendant may request a change in the conditions of bail, pursuant to Section 110-6 of this Code. The court may change the conditions of bail to include a requirement that the defendant follow the recommendations of the psychological evaluation, including undergoing psychiatric treatment. The conclusions of the psychological evaluation and any statements elicited from the defendant during its administration are not admissible as evidence of guilt during the course of any trial on the charged offense, unless the defendant places his or her mental competency in issue.

(b) The court may impose other conditions, such as the following, if the court finds that such conditions are reasonably necessary to assure the defendant's appearance in court, protect the public from the defendant, or prevent the defendant's unlawful interference with the orderly administration of justice:

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(1) Report to or appear in person before such person or agency as the court may direct;
(2) Refrain from possessing a firearm or other dangerous weapon;
(3) Refrain from approaching or communicating with particular persons or classes of persons;
(4) Refrain from going to certain described geographical areas or premises;
(5) Refrain from engaging in certain activities or indulging in intoxicating liquors or in certain drugs;
(6) Undergo treatment for drug addiction or alcoholism;
(7) Undergo medical or psychiatric treatment;
(8) Work or pursue a course of study or vocational training;
(9) Attend or reside in a facility designated by the court;
(10) Support his or her dependents;
(11) If a minor resides with his or her parents or in a foster home, attend school, attend a non-residential program for youths, and contribute to his or her own support at home or in a foster home;
(12) Observe any curfew ordered by the court;
(13) Remain in the custody of such designated person or organization agreeing to supervise his release. Such third party custodian shall be responsible for notifying the court if the defendant fails to observe the conditions of release which the custodian has agreed to monitor, and shall be subject to contempt of court for failure so to notify the court;
(14) Be placed under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial bond home supervision capacity with or without the use of an approved electronic monitoring device subject to Article 8A of Chapter V of the Unified Code of Corrections;
(14.1) The court shall impose upon a defendant who is charged with any alcohol, cannabis, methamphetamine, or controlled substance violation and is placed under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial bond home supervision capacity with the use of an approved monitoring device, as a condition of such bail bond, a fee that represents costs incidental to

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the electronic monitoring for each day of such bail supervision ordered by the court, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. The fee shall be collected by the clerk of the circuit court, except as provided in an administrative order of the Chief Judge of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the substance abuse services fund under Section 5-1086.1 of the Counties Code, except as provided in an administrative order of the Chief Judge of the circuit court.

The Chief Judge of the circuit court of the county may by administrative order establish a program for electronic monitoring of offenders with regard to drug-related and alcohol-related offenses, in which a vendor supplies and monitors the operation of the electronic monitoring device, and collects the fees on behalf of the county. The program shall include provisions for indigent offenders and the collection of unpaid fees. The program shall not unduly burden the offender and shall be subject to review by the Chief Judge.

The Chief Judge of the circuit court may suspend any additional charges or fees for late payment, interest, or damage to any device;

(14.2) The court shall impose upon all defendants, including those defendants subject to paragraph (14.1) above, placed under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial bond home supervision capacity with the use of an approved monitoring device, as a condition of such bail bond, a fee which shall represent costs incidental to such electronic monitoring for each day of such bail supervision ordered by the court, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. The fee shall be collected by the clerk of the circuit court, except as provided in an administrative order of the Chief Judge of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer who shall use the monies collected to defray the costs of corrections. The county treasurer shall deposit the fee collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may
be, except as provided in an administrative order of the Chief Judge of the circuit court.

The Chief Judge of the circuit court of the county may by administrative order establish a program for electronic monitoring of offenders with regard to drug-related and alcohol-related offenses, in which a vendor supplies and monitors the operation of the electronic monitoring device, and collects the fees on behalf of the county. The program shall include provisions for indigent offenders and the collection of unpaid fees. The program shall not unduly burden the offender and shall be subject to review by the Chief Judge.

The Chief Judge of the circuit court may suspend any additional charges or fees for late payment, interest, or damage to any device;

(14.3) The Chief Judge of the Judicial Circuit may establish reasonable fees to be paid by a person receiving pretrial services while under supervision of a pretrial services agency, probation department, or court services department. Reasonable fees may be charged for pretrial services including, but not limited to, pretrial supervision, diversion programs, electronic monitoring, victim impact services, drug and alcohol testing, DNA testing, GPS electronic monitoring, assessments and evaluations related to domestic violence and other victims, and victim mediation services. The person receiving pretrial services may be ordered to pay all costs incidental to pretrial services in accordance with his or her ability to pay those costs;

(14.4) For persons charged with violating Section 11-501 of the Illinois Vehicle Code, refrain from operating a motor vehicle not equipped with an ignition interlock device, as defined in Section 1-129.1 of the Illinois Vehicle Code, pursuant to the rules promulgated by the Secretary of State for the installation of ignition interlock devices. Under this condition the court may allow a defendant who is not self-employed to operate a vehicle owned by the defendant's employer that is not equipped with an ignition interlock device in the course and scope of the defendant's employment;

(15) Comply with the terms and conditions of an order of protection issued by the court under the Illinois Domestic Violence

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Act of 1986 or an order of protection issued by the court of another state, tribe, or United States territory;

(16) Under Section 110-6.5 comply with the conditions of the drug testing program; and

(17) Such other reasonable conditions as the court may impose.

(c) When a person is charged with an offense under Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012, involving a victim who is a minor under 18 years of age living in the same household with the defendant at the time of the offense, in granting bail or releasing the defendant on his own recognizance, the judge shall impose conditions to restrict the defendant's access to the victim which may include, but are not limited to conditions that he will:

1. Vacate the Household.
2. Make payment of temporary support to his dependents.
3. Refrain from contact or communication with the child victim, except as ordered by the court.

(d) When a person is charged with a criminal offense and the victim is a family or household member as defined in Article 112A, conditions shall be imposed at the time of the defendant's release on bond that restrict the defendant's access to the victim. Unless provided otherwise by the court, the restrictions shall include requirements that the defendant do the following:

(1) refrain from contact or communication with the victim for a minimum period of 72 hours following the defendant's release; and

(2) refrain from entering or remaining at the victim's residence for a minimum period of 72 hours following the defendant's release.

(e) Local law enforcement agencies shall develop standardized bond forms for use in cases involving family or household members as defined in Article 112A, including specific conditions of bond as provided in subsection (d). Failure of any law enforcement department to develop or use those forms shall in no way limit the applicability and enforcement of subsections (d) and (f).

(f) If the defendant is admitted to bail after conviction the conditions of the bail bond shall be that he will, in addition to the conditions set forth in subsections (a) and (b) hereof:

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(1) Duly prosecute his appeal;
(2) Appear at such time and place as the court may direct;
(3) Not depart this State without leave of the court;
(4) Comply with such other reasonable conditions as the court may impose; and
(5) If the judgment is affirmed or the cause reversed and remanded for a new trial, forthwith surrender to the officer from whose custody he was bailed.

(g) Upon a finding of guilty for any felony offense, the defendant shall physically surrender, at a time and place designated by the court, any and all firearms in his or her possession and his or her Firearm Owner's Identification Card as a condition of remaining on bond pending sentencing.

(Source: P.A. 96-340, eff. 8-11-09; 96-1551, eff. 7-1-11; 97-401, eff. 1-1-12; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)

Section 10. The Unified Code of Corrections is amended by changing the heading of Article 8A of Chapter V and Sections 5-6-3, 5-6-3.1, 5-7-1, 5-8A-1, 5-8A-2, 5-8A-3, 5-8A-4, 5-8A-4.1, 5-8A-5, 5-8A-5.1, 5-8A-6, 5-8A-7, and 5-8A-8 and by adding Section 5-8A-9 as follows:

Sec. 5-6-3. Conditions of Probation and of Conditional Discharge.
(a) The conditions of probation and of conditional discharge shall be that the person:

(1) not violate any criminal statute of any jurisdiction;
(2) report to or appear in person before such person or agency as directed by the court;
(3) refrain from possessing a firearm or other dangerous weapon where the offense is a felony or, if a misdemeanor, the offense involved the intentional or knowing infliction of bodily harm or threat of bodily harm;
(4) not leave the State without the consent of the court or, in circumstances in which the reason for the absence is of such an emergency nature that prior consent by the court is not possible, without the prior notification and approval of the person's probation officer. Transfer of a person's probation or conditional discharge supervision to another state is subject to acceptance by the other state pursuant to the Interstate Compact for Adult Offender Supervision;

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(5) permit the probation officer to visit him at his home or elsewhere to the extent necessary to discharge his duties;

(6) perform no less than 30 hours of community service and not more than 120 hours of community service, if community service is available in the jurisdiction and is funded and approved by the county board where the offense was committed, where the offense was related to or in furtherance of the criminal activities of an organized gang and was motivated by the offender's membership in or allegiance to an organized gang. The community service shall include, but not be limited to, the cleanup and repair of any damage caused by a violation of Section 21-1.3 of the Criminal Code of 1961 or the Criminal Code of 2012 and similar damage to property located within the municipality or county in which the violation occurred. When possible and reasonable, the community service should be performed in the offender's neighborhood. For purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act;

(7) if he or she is at least 17 years of age and has been sentenced to probation or conditional discharge for a misdemeanor or felony in a county of 3,000,000 or more inhabitants and has not been previously convicted of a misdemeanor or felony, may be required by the sentencing court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing high school equivalency testing or to work toward completing a vocational training program approved by the court. The person on probation or conditional discharge must attend a public institution of education to obtain the educational or vocational training required by this clause (7). The court shall revoke the probation or conditional discharge of a person who wilfully fails to comply with this clause (7). The person on probation or conditional discharge shall be required to pay for the cost of the educational courses or high school equivalency testing if a fee is charged for those courses or testing. The court shall resentence the offender whose probation or conditional discharge has been revoked as provided in Section 5-6-4. This clause (7) does not apply to a person who has a high school diploma or has successfully passed high school equivalency testing. This clause (7) does not apply to a person who is

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determined by the court to be a person with a developmental disability or otherwise mentally incapable of completing the educational or vocational program;

(8) if convicted of possession of a substance prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act after a previous conviction or disposition of supervision for possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act or after a sentence of probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act and upon a finding by the court that the person is addicted, undergo treatment at a substance abuse program approved by the court;

(8.5) if convicted of a felony sex offense as defined in the Sex Offender Management Board Act, the person shall undergo and successfully complete sex offender treatment by a treatment provider approved by the Board and conducted in conformance with the standards developed under the Sex Offender Management Board Act;

(8.6) if convicted of a sex offense as defined in the Sex Offender Management Board Act, refrain from residing at the same address or in the same condominium unit or apartment unit or in the same condominium complex or apartment complex with another person he or she knows or reasonably should know is a convicted sex offender or has been placed on supervision for a sex offense; the provisions of this paragraph do not apply to a person convicted of a sex offense who is placed in a Department of Corrections licensed transitional housing facility for sex offenders;

(8.7) if convicted for an offense committed on or after June 1, 2008 (the effective date of Public Act 95-464) that would qualify the accused as a child sex offender as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of 1961 or the Criminal Code of 2012, refrain from communicating with or contacting, by means of the Internet, a person who is not related to the accused and whom the accused reasonably believes to be under 18 years of age; for purposes of this paragraph (8.7), "Internet" has the meaning ascribed to it in Section 16-0.1 of the Criminal Code of 2012; and a person is not related to the accused if the person is not: (i) the

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spouse, brother, or sister of the accused; (ii) a descendant of the accused; (iii) a first or second cousin of the accused; or (iv) a step-child or adopted child of the accused;

(8.8) if convicted for an offense under Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a juvenile prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or the Criminal Code of 2012, or any attempt to commit any of these offenses, committed on or after June 1, 2009 (the effective date of Public Act 95-983):

(i) not access or use a computer or any other device with Internet capability without the prior written approval of the offender's probation officer, except in connection with the offender's employment or search for employment with the prior approval of the offender's probation officer;

(ii) submit to periodic unannounced examinations of the offender's computer or any other device with Internet capability by the offender's probation officer, a law enforcement officer, or assigned computer or information technology specialist, including the retrieval and copying of all data from the computer or device and any internal or external peripherals and removal of such information, equipment, or device to conduct a more thorough inspection;

(iii) submit to the installation on the offender's computer or device with Internet capability, at the offender's expense, of one or more hardware or software systems to monitor the Internet use; and

(iv) submit to any other appropriate restrictions concerning the offender's use of or access to a computer or any other device with Internet capability imposed by the offender's probation officer;

(8.9) if convicted of a sex offense as defined in the Sex Offender Registration Act committed on or after January 1, 2010 (the effective date of Public Act 96-262), refrain from accessing or using a social networking website as defined in Section 17-0.5 of the Criminal Code of 2012;

(9) if convicted of a felony or of any misdemeanor violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or 12-3.5 of the Criminal Code of 1961 or the Criminal Code of 2012 that was

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determined, pursuant to Section 112A-11.1 of the Code of 
Criminal Procedure of 1963, to trigger the prohibitions of 18 
U.S.C. 922(g)(9), physically surrender at a time and place 
designated by the court, his or her Firearm Owner's Identification 
Card and any and all firearms in his or her possession. The Court 
shall return to the Department of State Police Firearm Owner's 
Identification Card Office the person's Firearm Owner's 
Identification Card;

(10) if convicted of a sex offense as defined in subsection 
(a-5) of Section 3-1-2 of this Code, unless the offender is a parent 
or guardian of the person under 18 years of age present in the home 
and no non-familial minors are present, not participate in a holiday 
event involving children under 18 years of age, such as distributing 
candy or other items to children on Halloween, wearing a Santa 
Claus costume on or preceding Christmas, being employed as a 
department store Santa Claus, or wearing an Easter Bunny costume 
on or preceding Easter;

(11) if convicted of a sex offense as defined in Section 2 of 
the Sex Offender Registration Act committed on or after January 1, 
2010 (the effective date of Public Act 96-362) that requires the 
person to register as a sex offender under that Act, may not 
knowingly use any computer scrub software on any computer that 
the sex offender uses; and

(12) if convicted of a violation of the Methamphetamine 
Control and Community Protection Act, the Methamphetamine 
Precursor Control Act, or a methamphetamine related offense:

(A) prohibited from purchasing, possessing, or 
having under his or her control any product containing 
pseudoephedrine unless prescribed by a physician; and

(B) prohibited from purchasing, possessing, or 
having under his or her control any product containing 
ammonium nitrate.

(b) The Court may in addition to other reasonable conditions 
relating to the nature of the offense or the rehabilitation of the defendant as 
determined for each defendant in the proper discretion of the Court require 
that the person:

(1) serve a term of periodic imprisonment under Article 7 
for a period not to exceed that specified in paragraph (d) of Section 
5-7-1;

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(2) pay a fine and costs;
(3) work or pursue a course of study or vocational training;
(4) undergo medical, psychological or psychiatric treatment; or treatment for drug addiction or alcoholism;
(5) attend or reside in a facility established for the instruction or residence of defendants on probation;
(6) support his dependents;
(7) and in addition, if a minor:
   (i) reside with his parents or in a foster home;
   (ii) attend school;
   (iii) attend a non-residential program for youth;
   (iv) contribute to his own support at home or in a foster home;
   (v) with the consent of the superintendent of the facility, attend an educational program at a facility other than the school in which the offense was committed if he or she is convicted of a crime of violence as defined in Section 2 of the Crime Victims Compensation Act committed in a school, on the real property comprising a school, or within 1,000 feet of the real property comprising a school;
(8) make restitution as provided in Section 5-5-6 of this Code;
(9) perform some reasonable public or community service;
(10) serve a term of home confinement. In addition to any other applicable condition of probation or conditional discharge, the conditions of home confinement shall be that the offender:
   (i) remain within the interior premises of the place designated for his confinement during the hours designated by the court;
   (ii) admit any person or agent designated by the court into the offender's place of confinement at any time for purposes of verifying the offender's compliance with the conditions of his confinement; and
   (iii) if further deemed necessary by the court or the Probation or Court Services Department, be placed on an approved electronic monitoring device, subject to Article 8A of Chapter V;
   (iv) for persons convicted of any alcohol, cannabis or controlled substance violation who are placed on an

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approved monitoring device as a condition of probation or conditional discharge, the court shall impose a reasonable fee for each day of the use of the device, as established by the county board in subsection (g) of this Section, unless after determining the inability of the offender to pay the fee, the court assesses a lesser fee or no fee as the case may be. This fee shall be imposed in addition to the fees imposed under subsections (g) and (i) of this Section. The fee shall be collected by the clerk of the circuit court, except as provided in an administrative order of the Chief Judge of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the substance abuse services fund under Section 5-1086.1 of the Counties Code, except as provided in an administrative order of the Chief Judge of the circuit court.

The Chief Judge of the circuit court of the county may by administrative order establish a program for electronic monitoring of offenders, in which a vendor supplies and monitors the operation of the electronic monitoring device, and collects the fees on behalf of the county. The program shall include provisions for indigent offenders and the collection of unpaid fees. The program shall not unduly burden the offender and shall be subject to review by the Chief Judge.

The Chief Judge of the circuit court may suspend any additional charges or fees for late payment, interest, or damage to any device; and

(v) for persons convicted of offenses other than those referenced in clause (iv) above and who are placed on an approved monitoring device as a condition of probation or conditional discharge, the court shall impose a reasonable fee for each day of the use of the device, as established by the county board in subsection (g) of this Section, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. This fee shall be imposed in addition to the fees imposed under subsections (g) and (i) of this Section. The fee shall be collected by the clerk of the circuit court, except as provided in an administrative order

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of the Chief Judge of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer who shall use the monies collected to defray the costs of corrections. The county treasurer shall deposit the fee collected in the probation and court services fund. The Chief Judge of the circuit court of the county may by administrative order establish a program for electronic monitoring of offenders, in which a vendor supplies and monitors the operation of the electronic monitoring device, and collects the fees on behalf of the county. The program shall include provisions for indigent offenders and the collection of unpaid fees. The program shall not unduly burden the offender and shall be subject to review by the Chief Judge.

The Chief Judge of the circuit court may suspend any additional charges or fees for late payment, interest, or damage to any device.

(11) comply with the terms and conditions of an order of protection issued by the court pursuant to the Illinois Domestic Violence Act of 1986, as now or hereafter amended, or an order of protection issued by the court of another state, tribe, or United States territory. A copy of the order of protection shall be transmitted to the probation officer or agency having responsibility for the case;

(12) reimburse any "local anti-crime program" as defined in Section 7 of the Anti-Crime Advisory Council Act for any reasonable expenses incurred by the program on the offender's case, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced;

(13) contribute a reasonable sum of money, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced, (i) to a "local anti-crime program", as defined in Section 7 of the Anti-Crime Advisory Council Act, or (ii) for offenses under the jurisdiction of the Department of Natural Resources, to the fund established by the Department of Natural Resources for the purchase of evidence for investigation purposes and to conduct investigations as outlined in Section 805-105 of the Department of Natural Resources (Conservation) Law;

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(14) refrain from entering into a designated geographic area except upon such terms as the court finds appropriate. Such terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the defendant, and advance approval by a probation officer, if the defendant has been placed on probation or advance approval by the court, if the defendant was placed on conditional discharge;

(15) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of persons, including but not limited to members of street gangs and drug users or dealers;

(16) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug;

(17) if convicted for an offense committed on or after June 1, 2008 (the effective date of Public Act 95-464) that would qualify the accused as a child sex offender as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of 1961 or the Criminal Code of 2012, refrain from communicating with or contacting, by means of the Internet, a person who is related to the accused and whom the accused reasonably believes to be under 18 years of age; for purposes of this paragraph (17), "Internet" has the meaning ascribed to it in Section 16-0.1 of the Criminal Code of 2012; and a person is related to the accused if the person is: (i) the spouse, brother, or sister of the accused; (ii) a descendant of the accused; (iii) a first or second cousin of the accused; or (iv) a step-child or adopted child of the accused;

(18) if convicted for an offense committed on or after June 1, 2009 (the effective date of Public Act 95-983) that would qualify as a sex offense as defined in the Sex Offender Registration Act:

(i) not access or use a computer or any other device with Internet capability without the prior written approval of the offender's probation officer, except in connection with the offender's employment or search for employment with the prior approval of the offender's probation officer;

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(ii) submit to periodic unannounced examinations of the offender's computer or any other device with Internet capability by the offender's probation officer, a law enforcement officer, or assigned computer or information technology specialist, including the retrieval and copying of all data from the computer or device and any internal or external peripherals and removal of such information, equipment, or device to conduct a more thorough inspection;

(iii) submit to the installation on the offender's computer or device with Internet capability, at the subject's expense, of one or more hardware or software systems to monitor the Internet use; and

(iv) submit to any other appropriate restrictions concerning the offender's use of or access to a computer or any other device with Internet capability imposed by the offender's probation officer; and

(19) refrain from possessing a firearm or other dangerous weapon where the offense is a misdemeanor that did not involve the intentional or knowing infliction of bodily harm or threat of bodily harm.

(c) The court may as a condition of probation or of conditional discharge require that a person under 18 years of age found guilty of any alcohol, cannabis or controlled substance violation, refrain from acquiring a driver's license during the period of probation or conditional discharge. If such person is in possession of a permit or license, the court may require that the minor refrain from driving or operating any motor vehicle during the period of probation or conditional discharge, except as may be necessary in the course of the minor's lawful employment.

(d) An offender sentenced to probation or to conditional discharge shall be given a certificate setting forth the conditions thereof.

(e) Except where the offender has committed a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code, the court shall not require as a condition of the sentence of probation or conditional discharge that the offender be committed to a period of imprisonment in excess of 6 months. This 6 month limit shall not include periods of confinement given pursuant to a sentence of county impact incarceration under Section 5-8-1.2.
Persons committed to imprisonment as a condition of probation or conditional discharge shall not be committed to the Department of Corrections.

(f) The court may combine a sentence of periodic imprisonment under Article 7 or a sentence to a county impact incarceration program under Article 8 with a sentence of probation or conditional discharge.

(g) An offender sentenced to probation or to conditional discharge and who during the term of either undergoes mandatory drug or alcohol testing, or both, or is assigned to be placed on an approved electronic monitoring device, shall be ordered to pay all costs incidental to such mandatory drug or alcohol testing, or both, and all costs incidental to such approved electronic monitoring in accordance with the defendant's ability to pay those costs. The county board with the concurrence of the Chief Judge of the judicial circuit in which the county is located shall establish reasonable fees for the cost of maintenance, testing, and incidental expenses related to the mandatory drug or alcohol testing, or both, and all costs incidental to approved electronic monitoring, involved in a successful probation program for the county. The concurrence of the Chief Judge shall be in the form of an administrative order. The fees shall be collected by the clerk of the circuit court, except as provided in an administrative order of the Chief Judge of the circuit court. The clerk of the circuit court shall pay all moneys collected from these fees to the county treasurer who shall use the moneys collected to defray the costs of drug testing, alcohol testing, and electronic monitoring. The county treasurer shall deposit the fees collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be. The Chief Judge of the circuit court of the county may by administrative order establish a program for electronic monitoring of offenders, in which a vendor supplies and monitors the operation of the electronic monitoring device, and collects the fees on behalf of the county. The program shall include provisions for indigent offenders and the collection of unpaid fees. The program shall not unduly burden the offender and shall be subject to review by the Chief Judge.

The Chief Judge of the circuit court may suspend any additional charges or fees for late payment, interest, or damage to any device.

(h) Jurisdiction over an offender may be transferred from the sentencing court to the court of another circuit with the concurrence of both courts. Further transfers or retransfers of jurisdiction are also authorized in the same manner. The court to which jurisdiction has been

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transferred shall have the same powers as the sentencing court. The probation department within the circuit to which jurisdiction has been transferred, or which has agreed to provide supervision, may impose probation fees upon receiving the transferred offender, as provided in subsection (i). For all transfer cases, as defined in Section 9b of the Probation and Probation Officers Act, the probation department from the original sentencing court shall retain all probation fees collected prior to the transfer. After the transfer all probation fees shall be paid to the probation department within the circuit to which jurisdiction has been transferred.

(i) The court shall impose upon an offender sentenced to probation after January 1, 1989 or to conditional discharge after January 1, 1992 or to community service under the supervision of a probation or court services department after January 1, 2004, as a condition of such probation or conditional discharge or supervised community service, a fee of $50 for each month of probation or conditional discharge supervision or supervised community service ordered by the court, unless after determining the inability of the person sentenced to probation or conditional discharge or supervised community service to pay the fee, the court assesses a lesser fee. The court may not impose the fee on a minor who is made a ward of the State under the Juvenile Court Act of 1987 while the minor is in placement. The fee shall be imposed only upon an offender who is actively supervised by the probation and court services department. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the probation and court services fund under Section 15.1 of the Probation and Probation Officers Act.

A circuit court may not impose a probation fee under this subsection (i) in excess of $25 per month unless the circuit court has adopted, by administrative order issued by the chief judge, a standard probation fee guide determining an offender's ability to pay. Of the amount collected as a probation fee, up to $5 of that fee collected per month may be used to provide services to crime victims and their families.

The Court may only waive probation fees based on an offender's ability to pay. The probation department may re-evaluate an offender's ability to pay every 6 months, and, with the approval of the Director of Court Services or the Chief Probation Officer, adjust the monthly fee amount. An offender may elect to pay probation fees due in a lump sum. Any offender that has been assigned to the supervision of a probation department within the circuit to which jurisdiction has been transferred.

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department, or has been transferred either under subsection (h) of this Section or under any interstate compact, shall be required to pay probation fees to the department supervising the offender, based on the offender's ability to pay.

This amendatory Act of the 93rd General Assembly deletes the $10 increase in the fee under this subsection that was imposed by Public Act 93-616. This deletion is intended to control over any other Act of the 93rd General Assembly that retains or incorporates that fee increase.

(i-5) In addition to the fees imposed under subsection (i) of this Section, in the case of an offender convicted of a felony sex offense (as defined in the Sex Offender Management Board Act) or an offense that the court or probation department has determined to be sexually motivated (as defined in the Sex Offender Management Board Act), the court or the probation department shall assess additional fees to pay for all costs of treatment, assessment, evaluation for risk and treatment, and monitoring the offender, based on that offender's ability to pay those costs either as they occur or under a payment plan.

(j) All fines and costs imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(k) Any offender who is sentenced to probation or conditional discharge for a felony sex offense as defined in the Sex Offender Management Board Act or any offense that the court or probation department has determined to be sexually motivated as defined in the Sex Offender Management Board Act shall be required to refrain from any contact, directly or indirectly, with any persons specified by the court and shall be available for all evaluations and treatment programs required by the court or the probation department.

(l) The court may order an offender who is sentenced to probation or conditional discharge for a violation of an order of protection be placed under electronic surveillance as provided in Section 5-8A-7 of this Code. (Source: P.A. 98-575, eff. 1-1-14; 98-718, eff. 1-1-15; 99-143, eff. 7-27-15.)

(730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)
Sec. 5-6-3.1. Incidents and Conditions of Supervision.

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(a) When a defendant is placed on supervision, the court shall enter an order for supervision specifying the period of such supervision, and shall defer further proceedings in the case until the conclusion of the period.

(b) The period of supervision shall be reasonable under all of the circumstances of the case, but may not be longer than 2 years, unless the defendant has failed to pay the assessment required by Section 10.3 of the Cannabis Control Act, Section 411.2 of the Illinois Controlled Substances Act, or Section 80 of the Methamphetamine Control and Community Protection Act, in which case the court may extend supervision beyond 2 years. Additionally, the court shall order the defendant to perform no less than 30 hours of community service and not more than 120 hours of community service, if community service is available in the jurisdiction and is funded and approved by the county board where the offense was committed, when the offense (1) was related to or in furtherance of the criminal activities of an organized gang or was motivated by the defendant's membership in or allegiance to an organized gang; or (2) is a violation of any Section of Article 24 of the Criminal Code of 1961 or the Criminal Code of 2012 where a disposition of supervision is not prohibited by Section 5-6-1 of this Code. The community service shall include, but not be limited to, the cleanup and repair of any damage caused by violation of Section 21-1.3 of the Criminal Code of 1961 or the Criminal Code of 2012 and similar damages to property located within the municipality or county in which the violation occurred. Where possible and reasonable, the community service should be performed in the offender's neighborhood.

For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(c) The court may in addition to other reasonable conditions relating to the nature of the offense or the rehabilitation of the defendant as determined for each defendant in the proper discretion of the court require that the person:

(1) make a report to and appear in person before or participate with the court or such courts, person, or social service agency as directed by the court in the order of supervision;
(2) pay a fine and costs;
(3) work or pursue a course of study or vocational training;

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(4) undergo medical, psychological or psychiatric
treatment; or treatment for drug addiction or alcoholism;
(5) attend or reside in a facility established for the
instruction or residence of defendants on probation;
(6) support his dependents;
(7) refrain from possessing a firearm or other dangerous
weapon;
(8) and in addition, if a minor:
  (i) reside with his parents or in a foster home;
  (ii) attend school;
  (iii) attend a non-residential program for youth;
  (iv) contribute to his own support at home or in a
foster home; or
  (v) with the consent of the superintendent of the
facility, attend an educational program at a facility other
than the school in which the offense was committed if he or
she is placed on supervision for a crime of violence as
defined in Section 2 of the Crime Victims Compensation
Act committed in a school, on the real property comprising
a school, or within 1,000 feet of the real property
comprising a school;
(9) make restitution or reparation in an amount not to
exceed actual loss or damage to property and pecuniary loss or
make restitution under Section 5-5-6 to a domestic violence
shelter. The court shall determine the amount and conditions of
payment;
(10) perform some reasonable public or community service;
(11) comply with the terms and conditions of an order of
protection issued by the court pursuant to the Illinois Domestic
Violence Act of 1986 or an order of protection issued by the court
of another state, tribe, or United States territory. If the court has
ordered the defendant to make a report and appear in person under
paragraph (1) of this subsection, a copy of the order of protection
shall be transmitted to the person or agency so designated by the
court;
(12) reimburse any "local anti-crime program" as defined in
Section 7 of the Anti-Crime Advisory Council Act for any
reasonable expenses incurred by the program on the offender's

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case, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced;

(13) contribute a reasonable sum of money, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced, (i) to a "local anti-crime program", as defined in Section 7 of the Anti-Crime Advisory Council Act, or (ii) for offenses under the jurisdiction of the Department of Natural Resources, to the fund established by the Department of Natural Resources for the purchase of evidence for investigation purposes and to conduct investigations as outlined in Section 805-105 of the Department of Natural Resources (Conservation) Law;

(14) refrain from entering into a designated geographic area except upon such terms as the court finds appropriate. Such terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the defendant, and advance approval by a probation officer;

(15) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of person, including but not limited to members of street gangs and drug users or dealers;

(16) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug;

(17) refrain from operating any motor vehicle not equipped with an ignition interlock device as defined in Section 1-129.1 of the Illinois Vehicle Code; under this condition the court may allow a defendant who is not self-employed to operate a vehicle owned by the defendant's employer that is not equipped with an ignition interlock device in the course and scope of the defendant's employment; and

(18) if placed on supervision for a sex offense as defined in subsection (a-5) of Section 3-1-2 of this Code, unless the offender is a parent or guardian of the person under 18 years of age present in the home and no non-familial minors are present, not participate in a holiday event involving children under 18 years of age, such as

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distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, being employed as a department store Santa Claus, or wearing an Easter Bunny costume on or preceding Easter.

(c-5) If payment of restitution as ordered has not been made, the victim shall file a petition notifying the sentencing court, any other person to whom restitution is owed, and the State's Attorney of the status of the ordered restitution payments unpaid at least 90 days before the supervision expiration date. If payment as ordered has not been made, the court shall hold a review hearing prior to the expiration date, unless the hearing is voluntarily waived by the defendant with the knowledge that waiver may result in an extension of the supervision period or in a revocation of supervision. If the court does not extend supervision, it shall issue a judgment for the unpaid restitution and direct the clerk of the circuit court to file and enter the judgment in the judgment and lien docket, without fee, unless it finds that the victim has recovered a judgment against the defendant for the amount covered by the restitution order. If the court issues a judgment for the unpaid restitution, the court shall send to the defendant at his or her last known address written notification that a civil judgment has been issued for the unpaid restitution.

(d) The court shall defer entering any judgment on the charges until the conclusion of the supervision.

(e) At the conclusion of the period of supervision, if the court determines that the defendant has successfully complied with all of the conditions of supervision, the court shall discharge the defendant and enter a judgment dismissing the charges.

(f) Discharge and dismissal upon a successful conclusion of a disposition of supervision shall be deemed without adjudication of guilt and shall not be termed a conviction for purposes of disqualification or disabilities imposed by law upon conviction of a crime. Two years after the discharge and dismissal under this Section, unless the disposition of supervision was for a violation of Sections 3-707, 3-708, 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance, or for a violation of Sections 12-3.2, 16-25, or 16A-3 of the Criminal Code of 1961 or the Criminal Code of 2012, in which case it shall be 5 years after discharge and dismissal, a person may have his record of arrest sealed or expunged as may be provided by law. However, any defendant placed on supervision before January 1, 1980, may move for sealing or expungement of his arrest record, as provided by law, at any

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time after discharge and dismissal under this Section. A person placed on supervision for a sexual offense committed against a minor as defined in clause (a)(1)(L) of Section 5.2 of the Criminal Identification Act or for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance shall not have his or her record of arrest sealed or expunged.

(g) A defendant placed on supervision and who during the period of supervision undergoes mandatory drug or alcohol testing, or both, or is assigned to be placed on an approved electronic monitoring device, shall be ordered to pay the costs incidental to such mandatory drug or alcohol testing, or both, and costs incidental to such approved electronic monitoring in accordance with the defendant's ability to pay those costs. The county board with the concurrence of the Chief Judge of the judicial circuit in which the county is located shall establish reasonable fees for the cost of maintenance, testing, and incidental expenses related to the mandatory drug or alcohol testing, or both, and all costs incidental to approved electronic monitoring, of all defendants placed on supervision. The concurrence of the Chief Judge shall be in the form of an administrative order. The fees shall be collected by the clerk of the circuit court, except as provided in an administrative order of the Chief Judge of the circuit court. The clerk of the circuit court shall pay all moneys collected from these fees to the county treasurer who shall use the moneys collected to defray the costs of drug testing, alcohol testing, and electronic monitoring. The county treasurer shall deposit the fees collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

The Chief Judge of the circuit court of the county may by administrative order establish a program for electronic monitoring of offenders, in which a vendor supplies and monitors the operation of the electronic monitoring device, and collects the fees on behalf of the county. The program shall include provisions for indigent offenders and the collection of unpaid fees. The program shall not unduly burden the offender and shall be subject to review by the Chief Judge.

The Chief Judge of the circuit court may suspend any additional charges or fees for late payment, interest, or damage to any device.

(h) A disposition of supervision is a final order for the purposes of appeal.

(i) The court shall impose upon a defendant placed on supervision after January 1, 1992 or to community service under the supervision of a
probation or court services department after January 1, 2004, as a condition of supervision or supervised community service, a fee of $50 for each month of supervision or supervised community service ordered by the court, unless after determining the inability of the person placed on supervision or supervised community service to pay the fee, the court assesses a lesser fee. The court may not impose the fee on a minor who is made a ward of the State under the Juvenile Court Act of 1987 while the minor is in placement. The fee shall be imposed only upon a defendant who is actively supervised by the probation and court services department. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the probation and court services fund pursuant to Section 15.1 of the Probation and Probation Officers Act.

A circuit court may not impose a probation fee in excess of $25 per month unless the circuit court has adopted, by administrative order issued by the chief judge, a standard probation fee guide determining an offender's ability to pay. Of the amount collected as a probation fee, not to exceed $5 of that fee collected per month may be used to provide services to crime victims and their families.

The Court may only waive probation fees based on an offender's ability to pay. The probation department may re-evaluate an offender's ability to pay every 6 months, and, with the approval of the Director of Court Services or the Chief Probation Officer, adjust the monthly fee amount. An offender may elect to pay probation fees due in a lump sum. Any offender that has been assigned to the supervision of a probation department, or has been transferred either under subsection (h) of this Section or under any interstate compact, shall be required to pay probation fees to the department supervising the offender, based on the offender's ability to pay.

(j) All fines and costs imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(k) A defendant at least 17 years of age who is placed on supervision for a misdemeanor in a county of 3,000,000 or more inhabitants and who has not been previously convicted of a misdemeanor or felony may as a condition of his or her supervision be required by the
court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing high school equivalency testing or to work toward completing a vocational training program approved by the court. The defendant placed on supervision must attend a public institution of education to obtain the educational or vocational training required by this subsection (k). The defendant placed on supervision shall be required to pay for the cost of the educational courses or high school equivalency testing if a fee is charged for those courses or testing. The court shall revoke the supervision of a person who wilfully fails to comply with this subsection (k). The court shall resentence the defendant upon revocation of supervision as provided in Section 5-6-4. This subsection (k) does not apply to a defendant who has a high school diploma or has successfully passed high school equivalency testing. This subsection (k) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(l) The court shall require a defendant placed on supervision for possession of a substance prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act after a previous conviction or disposition of supervision for possession of a substance prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act or a sentence of probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act and after a finding by the court that the person is addicted, to undergo treatment at a substance abuse program approved by the court.

(m) The Secretary of State shall require anyone placed on court supervision for a violation of Section 3-707 of the Illinois Vehicle Code or a similar provision of a local ordinance to give proof of his or her financial responsibility as defined in Section 7-315 of the Illinois Vehicle Code. The proof shall be maintained by the individual in a manner satisfactory to the Secretary of State for a minimum period of 3 years after the date the proof is first filed. The proof shall be limited to a single action per arrest and may not be affected by any post-sentence disposition. The Secretary of State shall suspend the driver's license of any person determined by the Secretary to be in violation of this subsection.

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(n) Any offender placed on supervision for any offense that the court or probation department has determined to be sexually motivated as defined in the Sex Offender Management Board Act shall be required to refrain from any contact, directly or indirectly, with any persons specified by the court and shall be available for all evaluations and treatment programs required by the court or the probation department.

(o) An offender placed on supervision for a sex offense as defined in the Sex Offender Management Board Act shall refrain from residing at the same address or in the same condominium unit or apartment unit or in the same condominium complex or apartment complex with another person he or she knows or reasonably should know is a convicted sex offender or has been placed on supervision for a sex offense. The provisions of this subsection (o) do not apply to a person convicted of a sex offense who is placed in a Department of Corrections licensed transitional housing facility for sex offenders.

(p) An offender placed on supervision for an offense committed on or after June 1, 2008 (the effective date of Public Act 95-464) that would qualify the accused as a child sex offender as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of 1961 or the Criminal Code of 2012 shall refrain from communicating with or contacting, by means of the Internet, a person who is not related to the accused and whom the accused reasonably believes to be under 18 years of age. For purposes of this subsection (p), "Internet" has the meaning ascribed to it in Section 16-0.1 of the Criminal Code of 2012; and a person is not related to the accused if the person is not: (i) the spouse, brother, or sister of the accused; (ii) a descendant of the accused; (iii) a first or second cousin of the accused; or (iv) a step-child or adopted child of the accused.

(q) An offender placed on supervision for an offense committed on or after June 1, 2008 (the effective date of Public Act 95-464) that would qualify the accused as a child sex offender as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of 1961 or the Criminal Code of 2012 shall, if so ordered by the court, refrain from communicating with or contacting, by means of the Internet, a person who is related to the accused and whom the accused reasonably believes to be under 18 years of age. For purposes of this subsection (q), "Internet" has the meaning ascribed to it in Section 16-0.1 of the Criminal Code of 2012; and a person is related to the accused if the person is: (i) the spouse, brother, or sister of the accused; (ii) a descendant of the accused; (iii) a first or second cousin of the accused; or (iv) a step-child or adopted child of the accused.

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(r) An offender placed on supervision for an offense under Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a juvenile prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or the Criminal Code of 2012, or any attempt to commit any of these offenses, committed on or after the effective date of this amendatory Act of the 95th General Assembly shall:

(i) not access or use a computer or any other device with Internet capability without the prior written approval of the court, except in connection with the offender's employment or search for employment with the prior approval of the court;

(ii) submit to periodic unannounced examinations of the offender's computer or any other device with Internet capability by the offender's probation officer, a law enforcement officer, or assigned computer or information technology specialist, including the retrieval and copying of all data from the computer or device and any internal or external peripherals and removal of such information, equipment, or device to conduct a more thorough inspection;

(iii) submit to the installation on the offender's computer or device with Internet capability, at the offender's expense, of one or more hardware or software systems to monitor the Internet use; and

(iv) submit to any other appropriate restrictions concerning the offender's use of or access to a computer or any other device with Internet capability imposed by the court.

(s) An offender placed on supervision for an offense that is a sex offense as defined in Section 2 of the Sex Offender Registration Act that is committed on or after January 1, 2010 (the effective date of Public Act 96-362) that requires the person to register as a sex offender under that Act, may not knowingly use any computer scrub software on any computer that the sex offender uses.

(t) An offender placed on supervision for a sex offense as defined in the Sex Offender Registration Act committed on or after January 1, 2010 (the effective date of Public Act 96-262) shall refrain from accessing or using a social networking website as defined in Section 17-0.5 of the Criminal Code of 2012.

(u) Jurisdiction over an offender may be transferred from the sentencing court to the court of another circuit with the concurrence of both courts. Further transfers or retransfers of jurisdiction are also authorized in the same manner. The court to which jurisdiction has been
transferred shall have the same powers as the sentencing court. The probation department within the circuit to which jurisdiction has been transferred may impose probation fees upon receiving the transferred offender, as provided in subsection (i). The probation department from the original sentencing court shall retain all probation fees collected prior to the transfer.

(Source: P.A. 97-454, eff. 1-1-12; 97-597, eff. 1-1-12; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-718, eff. 1-1-15; 98-940, eff. 1-1-15; revised 10-1-14.)

(730 ILCS 5/5-7-1) (from Ch. 38, par. 1005-7-1)

Sec. 5-7-1. Sentence of Periodic Imprisonment.

(a) A sentence of periodic imprisonment is a sentence of imprisonment during which the committed person may be released for periods of time during the day or night or for periods of days, or both, or if convicted of a felony, other than first degree murder, a Class X or Class 1 felony, committed to any county, municipal, or regional correctional or detention institution or facility in this State for such periods of time as the court may direct. Unless the court orders otherwise, the particular times and conditions of release shall be determined by the Department of Corrections, the sheriff, or the Superintendent of the house of corrections, who is administering the program.

(b) A sentence of periodic imprisonment may be imposed to permit the defendant to:

(1) seek employment;
(2) work;
(3) conduct a business or other self-employed occupation including housekeeping;
(4) attend to family needs;
(5) attend an educational institution, including vocational education;
(6) obtain medical or psychological treatment;
(7) perform work duties at a county, municipal, or regional correctional or detention institution or facility;
(8) continue to reside at home with or without supervision involving the use of an approved electronic monitoring device, subject to Article 8A of Chapter V; or
(9) for any other purpose determined by the court.

(c) Except where prohibited by other provisions of this Code, the court may impose a sentence of periodic imprisonment for a felony or

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misdemeanor on a person who is 17 years of age or older. The court shall not impose a sentence of periodic imprisonment if it imposes a sentence of imprisonment upon the defendant in excess of 90 days.

(d) A sentence of periodic imprisonment shall be for a definite term of from 3 to 4 years for a Class 1 felony, 18 to 30 months for a Class 2 felony, and up to 18 months, or the longest sentence of imprisonment that could be imposed for the offense, whichever is less, for all other offenses; however, no person shall be sentenced to a term of periodic imprisonment longer than one year if he is committed to a county correctional institution or facility, and in conjunction with that sentence participate in a county work release program comparable to the work and day release program provided for in Article 13 of the Unified Code of Corrections in State facilities. The term of the sentence shall be calculated upon the basis of the duration of its term rather than upon the basis of the actual days spent in confinement. No sentence of periodic imprisonment shall be subject to the good time credit provisions of Section 3-6-3 of this Code.

(e) When the court imposes a sentence of periodic imprisonment, it shall state:

(1) the term of such sentence;

(2) the days or parts of days which the defendant is to be confined;

(3) the conditions.

(f) The court may issue an order of protection pursuant to the Illinois Domestic Violence Act of 1986 as a condition of a sentence of periodic imprisonment. The Illinois Domestic Violence Act of 1986 shall govern the issuance, enforcement and recording of orders of protection issued under this Section. A copy of the order of protection shall be transmitted to the person or agency having responsibility for the case.

(f-5) An offender sentenced to a term of periodic imprisonment for a felony sex offense as defined in the Sex Offender Management Board Act shall be required to undergo and successfully complete sex offender treatment by a treatment provider approved by the Board and conducted in conformance with the standards developed under the Sex Offender Management Board Act.

(g) An offender sentenced to periodic imprisonment who undergoes mandatory drug or alcohol testing, or both, or is assigned to be placed on an approved electronic monitoring device, shall be ordered to pay the costs incidental to such mandatory drug or alcohol testing, or both,

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and costs incidental to such approved electronic monitoring in accordance with the defendant's ability to pay those costs. The county board with the concurrence of the Chief Judge of the judicial circuit in which the county is located shall establish reasonable fees for the cost of maintenance, testing, and incidental expenses related to the mandatory drug or alcohol testing, or both, and all costs incidental to approved electronic monitoring, of all offenders with a sentence of periodic imprisonment. The concurrence of the Chief Judge shall be in the form of an administrative order. The fees shall be collected by the clerk of the circuit court, except as provided in an administrative order of the Chief Judge of the circuit court. The clerk of the circuit court shall pay all moneys collected from these fees to the county treasurer who shall use the moneys collected to defray the costs of drug testing, alcohol testing, and electronic monitoring. The county treasurer shall deposit the fees collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

(h) All fees and costs imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

The Chief Judge of the circuit court of the county may by administrative order establish a program for electronic monitoring of offenders, in which a vendor supplies and monitors the operation of the electronic monitoring device, and collects the fees on behalf of the county. The program shall include provisions for indigent offenders and the collection of unpaid fees. The program shall not unduly burden the offender and shall be subject to review by the Chief Judge.

The Chief Judge of the circuit court may suspend any additional charges or fees for late payment, interest, or damage to any device.

(i) A defendant at least 17 years of age who is convicted of a misdemeanor or felony in a county of 3,000,000 or more inhabitants and who has not been previously convicted of a misdemeanor or a felony and who is sentenced to a term of periodic imprisonment may as a condition of his or her sentence be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward receiving a high school diploma or to work toward passing high school equivalency testing or to work toward completing a vocational

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training program approved by the court. The defendant sentenced to
periodic imprisonment must attend a public institution of education to
obtain the educational or vocational training required by this subsection
(i). The defendant sentenced to a term of periodic imprisonment shall be
required to pay for the cost of the educational courses or high school
equivalency testing if a fee is charged for those courses or testing. The
court shall revoke the sentence of periodic imprisonment of the defendant
who wilfully fails to comply with this subsection (i). The court shall
resentence the defendant whose sentence of periodic imprisonment has
been revoked as provided in Section 5-7-2. This subsection (i) does not
apply to a defendant who has a high school diploma or has successfully
passed high school equivalency testing. This subsection (i) does not apply
to a defendant who is determined by the court to be a person with a
developmental disability or otherwise mentally incapable of completing
the educational or vocational program.
(Source: P.A. 98-718, eff. 1-1-15; 99-143, eff. 7-27-15.)

(730 ILCS 5/Ch. V Art. 8A heading)

ARTICLE 8A. ELECTRONIC MONITORING AND HOME
DETENTION

(730 ILCS 5/5-8A-1) (from Ch. 38, par. 1005-8A-1)
Sec. 5-8A-1. Title. This Article shall be known and may be cited as
the Electronic Monitoring and Home Detention Law.
(Source: P.A. 86-1281.)

(730 ILCS 5/5-8A-2) (from Ch. 38, par. 1005-8A-2)
Sec. 5-8A-2. Definitions. As used in this Article:
(A) "Approved electronic monitoring device" means a device
approved by the supervising authority which is primarily intended to
record or transmit information as to the defendant's presence or
nonpresence in the home, consumption of alcohol, consumption of drugs,
location as determined through GPS, cellular triangulation, Wi-Fi, or
other electronic means.

An approved electronic monitoring device may record or transmit:
oral or wire communications or an auditory sound; visual images; or
information regarding the offender's activities while inside the offender's
home. These devices are subject to the required consent as set forth in
Section 5-8A-5 of this Article.

An approved electronic monitoring device may be used to record a
conversation between the participant and the monitoring device, or the
participant and the person supervising the participant solely for the

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purpose of identification and not for the purpose of eavesdropping or conducting any other illegally intrusive monitoring.

(A-10) "Department" means the Department of Corrections or the Department of Juvenile Justice.

(A-20) "Electronic monitoring" means the monitoring of an inmate, person, or offender with an electronic device both within and outside of their home under the terms and conditions established by the supervising authority.

(B) "Excluded offenses" means first degree murder, escape, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated battery with a firearm as described in Section 12-4.2 or subdivision (e)(1), (e)(2), (e)(3), or (e)(4) of Section 12-3.05, bringing or possessing a firearm, ammunition or explosive in a penal institution, any "Super-X" drug offense or calculated criminal drug conspiracy or streetgang criminal drug conspiracy, or any predecessor or successor offenses with the same or substantially the same elements, or any inchoate offenses relating to the foregoing offenses.

(B-10) "GPS" means a device or system which utilizes the Global Positioning Satellite system for determining the location of a person, inmate or offender.

(C) "Home detention" means the confinement of a person convicted or charged with an offense to his or her place of residence under the terms and conditions established by the supervising authority.

(D) "Participant" means an inmate or offender placed into an electronic monitoring program.

(E) "Supervising authority" means the Department of Corrections, the Department of Juvenile Justice, probation department supervisory authority, sheriff, superintendent of municipal house of corrections or any other officer or agency charged with authorizing and supervising electronic monitoring and home detention.

(F) "Super-X drug offense" means a violation of Section 401(a)(1)(B), (C), or (D); Section 401(a)(2)(B), (C), or (D); Section 401(a)(3)(B), (C), or (D); or Section 401(a)(7)(B), (C), or (D) of the Illinois Controlled Substances Act.

(G) "Wi-Fi" or "WiFi" means a device or system which utilizes a wireless local area network for determining the location of a person, inmate or offender.

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

(730 ILCS 5/5-8A-3) (from Ch. 38, par. 1005-8A-3)

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Sec. 5-8A-3. Application.

(a) Except as provided in subsection (d), a person charged with or convicted of an excluded offense may not be placed in an electronic monitoring or home detention program, except for bond pending trial or appeal or while on parole, aftercare release, or mandatory supervised release.

(b) A person serving a sentence for a conviction of a Class 1 felony, other than an excluded offense, may be placed in an electronic monitoring or home detention program for a period not to exceed the last 90 days of incarceration.

(c) A person serving a sentence for a conviction of a Class X felony, other than an excluded offense, may be placed in an electronic monitoring or home detention program for a period not to exceed the last 90 days of incarceration, provided that the person was sentenced on or after the effective date of this amendatory Act of 1993 and provided that the court has not prohibited the program for the person in the sentencing order.

(d) A person serving a sentence for conviction of an offense other than for predatory criminal sexual assault of a child, aggravated criminal sexual assault, aggravated criminal sexual abuse, or felony criminal sexual abuse, may be placed in an electronic monitoring or home detention program for a period not to exceed the last 12 months of incarceration, provided that (i) the person is 55 years of age or older; (ii) the person is serving a determinate sentence; (iii) the person has served at least 25% of the sentenced prison term; and (iv) placement in an electronic home monitoring or detention program is approved by the Prisoner Review Board.

(e) A person serving a sentence for conviction of a Class 2, 3 or 4 felony offense which is not an excluded offense may be placed in an electronic monitoring or home detention program pursuant to Department administrative directives.

(f) Applications for electronic monitoring or home detention may include the following:

(1) pretrial or pre-adjudicatory detention;
(2) probation;
(3) conditional discharge;
(4) periodic imprisonment;
(5) parole, aftercare release, or mandatory supervised release;

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(6) work release;
(7) furlough; or
(8) post-trial incarceration.

(g) A person convicted of an offense described in clause (4) or (5)
of subsection (d) of Section 5-8-1 of this Code shall be placed in an
electronic monitoring or home detention program for at least the first 2
years of the person's mandatory supervised release term.

(Source: P.A. 98-558, eff. 1-1-14; 98-756, eff. 7-16-14.)

(730 ILCS 5/5-8A-4) (from Ch. 38, par. 1005-8A-4)

Sec. 5-8A-4. Program description. The supervising authority may
promulgate rules that prescribe reasonable guidelines under which an
electronic monitoring and home detention program shall operate. When
using electronic monitoring for home detention these
rules shall include but not be limited to the following:

(A) The participant shall remain within the interior premises or
within the property boundaries of his or her residence at all times during
the hours designated by the supervising authority. Such instances of
approved absences from the home may include but are not limited to the
following:

(1) working or employment approved by the court or
traveling to or from approved employment;
(2) unemployed and seeking employment approved for the
participant by the court;
(3) undergoing medical, psychiatric, mental health
treatment, counseling, or other treatment programs approved for
the participant by the court;
(4) attending an educational institution or a program
approved for the participant by the court;
(5) attending a regularly scheduled religious service at a
place of worship;
(6) participating in community work release or community
service programs approved for the participant by the supervising
authority; or
(7) for another compelling reason consistent with the public
interest, as approved by the supervising authority.

(B) The participant shall admit any person or agent designated by
the supervising authority into his or her residence at any time for purposes
of verifying the participant's compliance with the conditions of his or her
detention.

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(C) The participant shall make the necessary arrangements to allow for any person or agent designated by the supervising authority to visit the participant's place of education or employment at any time, based upon the approval of the educational institution employer or both, for the purpose of verifying the participant's compliance with the conditions of his or her detention.

(D) The participant shall acknowledge and participate with the approved electronic monitoring device as designated by the supervising authority at any time for the purpose of verifying the participant's compliance with the conditions of his or her detention.

(E) The participant shall maintain the following:
   (1) a working telephone in the participant's home;
   (2) a monitoring device in the participant's home, or on the participant's person, or both; and
   (3) a monitoring device in the participant's home and on the participant's person in the absence of a telephone.

(F) The participant shall obtain approval from the supervising authority before the participant changes residence or the schedule described in subsection (A) of this Section.

(G) The participant shall not commit another crime during the period of home detention ordered by the Court.

(H) Notice to the participant that violation of the order for home detention may subject the participant to prosecution for the crime of escape as described in Section 5-8A-4.1.

(I) The participant shall abide by other conditions as set by the supervising authority.

(Source: P.A. 91-357, eff. 7-29-99.)

(730 ILCS 5/5-8A-4.1)

Sec. 5-8A-4.1. Escape; failure to comply with a condition of the electronic home monitoring or home detention program.

(a) A person charged with or convicted of a felony, or charged with or adjudicated delinquent for an act which, if committed by an adult, would constitute a felony, conditionally released from the supervising authority through an electronic home monitoring or home detention program, who knowingly violates a condition of the electronic home monitoring detention program is guilty of a Class 3 felony.

(b) A person charged with or convicted of a misdemeanor, or charged with or adjudicated delinquent for an act which, if committed by an adult, would constitute a misdemeanor, conditionally released from the
supervising authority through an electronic home monitoring or home detention program, who knowingly violates a condition of the electronic home monitoring or home detention program is guilty of a Class B misdemeanor.

(c) A person who violates this Section while armed with a dangerous weapon is guilty of a Class 1 felony.

(Source: P.A. 95-921, eff. 1-1-09.)

(730 ILCS 5/5-8A-5) (from Ch. 38, par. 1005-8A-5)

Sec. 5-8A-5. Consent of the participant. Before entering an order for commitment for electronic monitoring or home detention, the supervising authority shall inform the participant and other persons residing in the home of the nature and extent of the approved electronic monitoring devices by doing the following:

(A) Securing the written consent of the participant in the program to comply with the rules and regulations of the program as stipulated in subsections (A) through (I) of Section 5-8A-4.

(B) Where possible, securing the written consent of other persons residing in the home of the participant, including the person in whose name the telephone is registered, at the time of the order or commitment for electronic home detention is entered and acknowledge the nature and extent of approved electronic monitoring devices.

(C) Insure that the approved electronic devices be minimally intrusive upon the privacy of the participant and other persons residing in the home while remaining in compliance with subsections (B) through (D) of Section 5-8A-4.

(D) This Section does not apply to persons subject to Electronic Home Monitoring or home detention as a term or condition of parole, aftercare release, or mandatory supervised release under subsection (d) of Section 5-8-1 of this Code.

(Source: P.A. 98-558, eff. 1-1-14.)

(730 ILCS 5/5-8A-5.1)

Sec. 5-8A-5.1. Public notice of release on electronic home monitoring or home detention. The Department of Corrections must make identification information and a recent photo of an inmate being placed on electronic home monitoring or home detention under the provisions of this Article accessible on the Internet by means of a hyperlink labeled "Community Notification of Inmate Early Release" on the Department's World Wide Web homepage. The identification information shall include the inmate's: name, any known alias, date of birth, physical characteristics,
residence address, commitment offense and county where conviction was imposed. The identification information shall be placed on the website within 3 days of the inmate's release on electronic home monitoring or home detention, and the information may not be removed until either: completion of the first year of mandatory supervised release or return of the inmate to custody of the Department.
(Source: P.A. 96-1110, eff. 7-19-10.)

(730 ILCS 5/5-8A-6)
Sec. 5-8A-6. Electronic monitoring of certain sex offenders. For a sexual predator subject to electronic home monitoring under paragraph (7.7) of subsection (a) of Section 3-3-7, the Department of Corrections must use a system that actively monitors and identifies the offender's current location and timely reports or records the offender's presence and that alerts the Department of the offender's presence within a prohibited area described in Section 11-9.3 of the Criminal Code of 2012, in a court order, or as a condition of the offender's parole, mandatory supervised release, or extended mandatory supervised release and the offender's departure from specified geographic limitations. To the extent that he or she is able to do so, which the Department of Corrections by rule shall determine, the offender must pay for the cost of the electronic home monitoring.
(Source: P.A. 97-1150, eff. 1-25-13.)

(730 ILCS 5/5-8A-7)
Sec. 5-8A-7. Domestic violence surveillance program. If the Prisoner Review Board, Department of Corrections, or court (the supervising authority) orders electronic surveillance as a condition of parole, aftercare release, mandatory supervised release, early release, probation, or conditional discharge for a violation of an order of protection or as a condition of bail for a person charged with a violation of an order of protection, the supervising authority shall use the best available global positioning technology to track domestic violence offenders. Best available technology must have real-time and interactive capabilities that facilitate the following objectives: (1) immediate notification to the supervising authority of a breach of a court ordered exclusion zone; (2) notification of the breach to the offender; and (3) communication between the supervising authority, law enforcement, and the victim, regarding the breach. The supervising authority may also require that the electronic surveillance ordered under this Section monitor the consumption of alcohol or drugs.

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Sec. 5-8A-8. Service of a minimum term of imprisonment. When an offender is sentenced under a provision of law that requires the sentence to include a minimum term of imprisonment and the offender is committed to the custody of the sheriff to serve the sentence, the sheriff may place the offender in an electronic monitoring or home detention program for service of that minimum term of imprisonment unless (i) the offender was convicted of an excluded offense or (ii) the court's sentencing order specifies that the minimum term of imprisonment shall be served in a county correctional facility.

Sec. 5-8A-9. Electronic monitoring by probation departments. If the supervising authority is a probation department, the Chief Judge of the circuit court may by administrative order establish a program for electronic monitoring of offenders, in which a vendor supplies and monitors the operation of the electronic monitoring device, and collects the fees on behalf of the county. The program shall include provisions for indigent offenders and the collection of unpaid fees and shall not unduly burden the offender and shall be subject to review by the Chief Judge of the circuit court.

The Chief Judge of the circuit court may suspend any additional charges or fees for late payment, interest, or damage to any device.

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

Passed in the General Assembly May 27, 2016.
Approved August 12, 2016.
Effective August 12, 2016.
Sec. 10. Court authorization. Except as provided in Section 15, a law enforcement agency shall not obtain current or future location information pertaining to a person or his or her effects without first obtaining a court order under Section 108-4 of the Code of Criminal Procedure of 1963 based on probable cause to believe that the person whose location information is sought has committed, is committing, or is about to commit a crime or the effect is evidence of a crime, or if the location information is authorized under an arrest warrant issued under Section 107-9 of the Code of Criminal Procedure of 1963 to aid in the apprehension or the arrest of the person named in the arrest warrant. An order issued under a finding of probable cause under this Section must be limited to a period of 60 days, renewable by the judge upon a showing of good cause for subsequent periods of 60 days. A court may grant a law enforcement entity's request to obtain current or future location information under this Section through testimony made by electronic means using a simultaneous video and audio transmission between the requestor and a judge, based on sworn testimony communicated in the transmission. The entity making the request, and the court authorizing the request shall follow the procedure under subsection (c) of Section 108-4 of the Code of Criminal Procedure of 1963 which authorizes the electronic issuance of search warrants.

(Source: P.A. 98-1104, eff. 8-26-14.)

(725 ILCS 168/15)

Sec. 15. Exceptions. This Act does not prohibit a law enforcement agency from seeking to obtain current or future location information:

(1) to respond to a call for emergency services concerning the user or possessor of an electronic device;

(2) with the lawful consent of the owner of the electronic device or person in actual or constructive possession of the item being tracked by the electronic device;

(3) to lawfully obtain location information broadly available to the general public without a court order when the location information is posted on a social networking website, or is metadata attached to images and video, or to determine the location of an Internet Protocol (IP) address through a publicly available service;

(4) to obtain location information generated by an electronic device used as a condition of release from a penal institution, as a condition of pre-trial release, probation, conditional

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discharge, parole, mandatory supervised release, or other sentencing order, or to monitor an individual released under the Sexually Violent Persons Commitment Act or the Sexually Dangerous Persons Act;

(5) to aid in the location of a missing person;

(6) in emergencies as follows:

(A) Notwithstanding any other provisions of this Act, any investigative or law enforcement officer may seek to obtain location information in an emergency situation as defined in this paragraph (6). This paragraph (6) applies only when there was no previous notice of the emergency to the investigative or law enforcement officer sufficient to obtain prior judicial approval, and the officer reasonably believes that an order permitting the obtaining of location information would issue were there prior judicial review.

An emergency situation exists when:

(i) the use of the electronic device is necessary for the protection of the investigative or law enforcement officer or a person acting at the direction of law enforcement; or

(ii) the situation involves:

(aa) a clear and present danger of imminent death or great bodily harm to persons resulting from:

(I) the use of force or the threat of the imminent use of force,

(II) a kidnapping or the holding of a hostage by force or the threat of the imminent use of force,

(III) the occupation by force or the threat of the imminent use of force of any premises, place, vehicle, vessel, or aircraft;

(bb) an abduction investigation;

(cc) conspiratorial activities characteristic of organized crime;

(dd) an immediate threat to national security interest; or

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(ee) an ongoing attack on a computer comprising a felony; or:

(ff) escape under Section 31-6 of the Criminal Code of 2012.

(B) In all emergency cases, an application for an order approving the previous or continuing obtaining of location information must be made within 72 hours of its commencement. In the absence of the order, or upon its denial, any continuing obtaining of location information gathering shall immediately terminate. In order to approve obtaining location information, the judge must make a determination (i) that he or she would have granted an order had the information been before the court prior to the obtaining of the location information and (ii) there was an emergency situation as defined in this paragraph (6).

(C) In the event that an application for approval under this paragraph (6) is denied, the location information obtained under this exception shall be inadmissible in accordance with Section 20 of this Act; or

(7) to obtain location information relating to an electronic device used to track a vehicle or an effect which is owned or leased by that law enforcement agency.

(Source: P.A. 98-1104, eff. 8-26-14.)

Passed in the General Assembly May 27, 2016.

Approved August 12, 2016.

Effective January 1, 2017.

PUBLIC ACT 99-0799
(Senate Bill No. 2882)

AN ACT concerning transportation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Section 8-101 as follows:

(625 ILCS 5/8-101) (from Ch. 95 1/2, par. 8-101)


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(a) It is unlawful for any person, firm or corporation to operate any motor vehicle along or upon any public street or highway in any incorporated city, town or village in this State for the carriage of passengers for hire, accepting and discharging all such persons as may offer themselves for transportation unless such person, firm or corporation has given, and there is in full force and effect and on file with the Secretary of State of Illinois, proof of financial responsibility provided in this Act.

(b) In addition this Section shall also apply to persons, firms or corporations who are in the business of providing transportation services for minors to or from educational or recreational facilities, except that this Section shall not apply to public utilities subject to regulation under "An Act concerning public utilities," approved June 29, 1921, as amended, or to school buses which are operated by public or parochial schools and are engaged solely in the transportation of the pupils who attend such schools.

(c) This Section also applies to a contract carrier transporting employees in the course of their employment on a highway of this State in a vehicle designed to carry 15 or fewer passengers. As part of proof of financial responsibility, a contract carrier transporting employees, including but not limited to railroad employees, in the course of their employment is required to verify hit and run and uninsured motor vehicle coverage, as provided in Section 143a of the Illinois Insurance Code, and underinsured motor vehicle coverage, as provided in Section 143a-2 of the Illinois Insurance Code, in a total amount of not less than $250,000 per passenger, except that beginning on January 1, 2017 the total amount shall be not less than $500,000 per passenger.

(d) This Section shall not apply to any person participating in a ridesharing arrangement or operating a commuter van, but only during the performance of activities authorized by the Ridesharing Arrangements Act.

(e) If the person operating such motor vehicle is not the owner, then proof of financial responsibility filed hereunder must provide that the owner is primarily liable.

(Source: P.A. 94-319, eff. 1-1-06.)

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

Approved August 12, 2016.
Effective August 12, 2016.

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AN ACT concerning liquor.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Liquor Control Act of 1934 is amended by changing Section 5-1 as follows:

(235 ILCS 5/5-1) (from Ch. 43, par. 115)

Sec. 5-1. Licenses issued by the Illinois Liquor Control Commission shall be of the following classes:


(b) Distributor's license,

(c) Importing Distributor's license,

(d) Retailer's license,

(e) Special Event Retailer's license (not-for-profit),

(f) Railroad license,

(g) Boat license,

(h) Non-Beverage User's license,

(i) Wine-maker's premises license,

(j) Airplane license,

(k) Foreign importer's license,

(l) Broker's license,

(m) Non-resident dealer's license,

(n) Brew Pub license,

(o) Auction liquor license,

(p) Caterer retailer license,

(q) Special use permit license,

(r) Winery shipper's license.

No person, firm, partnership, corporation, or other legal business entity that is engaged in the manufacturing of wine may concurrently obtain and hold a wine-maker's license and a wine manufacturer's license.

(a) A manufacturer's license shall allow the manufacture, importation in bulk, storage, distribution and sale of alcoholic liquor to

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persons without the State, as may be permitted by law and to licensees in this State as follows:

Class 1. A Distiller may make sales and deliveries of alcoholic liquor to distillers, rectifiers, importing distributors, distributors and non-beverage users and to no other licensees.

Class 2. A Rectifier, who is not a distiller, as defined herein, may make sales and deliveries of alcoholic liquor to rectifiers, importing distributors, distributors, retailers and non-beverage users and to no other licensees.

Class 3. A Brewer may make sales and deliveries of beer to importing distributors and distributors and may make sales as authorized under subsection (e) of Section 6-4 of this Act.

Class 4. A first class wine-manufacturer may make sales and deliveries of up to 50,000 gallons of wine to manufacturers, importing distributors and distributors, and to no other licensees.

Class 5. A second class Wine manufacturer may make sales and deliveries of more than 50,000 gallons of wine to manufacturers, importing distributors and distributors and to no other licensees.

Class 6. A first-class wine-maker's license shall allow the manufacture of up to 50,000 gallons of wine per year, and the storage and sale of such wine to distributors in the State and to persons without the State, as may be permitted by law. A person who, prior to June 1, 2008 (the effective date of Public Act 95-634) this amendatory Act of the 95th General Assembly, is a holder of a first-class wine-maker's license and annually produces more than 25,000 gallons of its own wine and who distributes its wine to licensed retailers shall cease this practice on or before July 1, 2008 in compliance with Public Act 95-634 this amendatory Act of the 95th General Assembly.

Class 7. A second-class wine-maker's license shall allow the manufacture of between 50,000 and 150,000 gallons of wine per year, and the storage and sale of such wine to distributors in this State and to persons without the State, as may be permitted by law. A person who, prior to June 1, 2008 (the effective date of Public Act 95-634) this amendatory Act of the 95th General Assembly, is a holder of a second-class wine-maker's license and annually produces more than 25,000 gallons of its own wine and who distributes its wine to licensed retailers shall cease this practice on or before July 1, 2008 in compliance with Public Act 95-634 this amendatory Act of the 95th General Assembly.
Class 8. A limited wine-manufacturer may make sales and deliveries not to exceed 40,000 gallons of wine per year to distributors, and to non-licensees in accordance with the provisions of this Act.

Class 9. A craft distiller license shall allow the manufacture of up to 30,000 gallons of spirits by distillation for one year after March 1, 2013 (the effective date of Public Act 97-1166) this amendatory Act of the 97th General Assembly and up to 35,000 gallons of spirits by distillation per year thereafter and the storage of such spirits. If a craft distiller licensee is not affiliated with any other manufacturer, then the craft distiller licensee may sell such spirits to distributors in this State and up to 2,500 gallons of such spirits to non-licensees to the extent permitted by any exemption approved by the Commission pursuant to Section 6-4 of this Act.

Any craft distiller licensed under this Act who on July 28, 2010 (the effective date of Public Act 96-1367) this amendatory Act of the 96th General Assembly was licensed as a distiller and manufactured no more spirits than permitted by this Section shall not be required to pay the initial licensing fee.

Class 10. A class 1 brewer license, which may only be issued to a licensed brewer or licensed non-resident dealer, shall allow the manufacture of up to 930,000 gallons of beer per year provided that the class 1 brewer licensee does not manufacture more than a combined 930,000 gallons of beer per year and is not a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 930,000 gallons of beer per year or any other alcoholic liquor. A class 1 brewer licensee may make sales and deliveries to importing distributors and distributors and to retail licensees in accordance with the conditions set forth in paragraph (18) of subsection (a) of Section 3-12 of this Act.

Class 11. A class 2 brewer license, which may only be issued to a licensed brewer or licensed non-resident dealer, shall allow the manufacture of up to 3,720,000 gallons of beer per year provided that the class 2 brewer licensee does not manufacture more than a combined 3,720,000 gallons of beer per year and is not a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 3,720,000 gallons of beer per year or any other alcoholic liquor. A class 2 brewer licensee may make sales and deliveries to importing distributors and distributors, but shall not make sales or deliveries to any other licensee. If the State Commission provides prior approval, a class 2 brewer licensee may annually transfer up to 3,720,000 gallons of beer

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manufactured by that class 2 brewer licensee to the premises of a licensed class 2 brewer wholly owned and operated by the same licensee.

(a-1) A manufacturer which is licensed in this State to make sales or deliveries of alcoholic liquor to licensed distributors or importing distributors and which enlists agents, representatives, or individuals acting on its behalf who contact licensed retailers on a regular and continual basis in this State must register those agents, representatives, or persons acting on its behalf with the State Commission.

Registration of agents, representatives, or persons acting on behalf of a manufacturer is fulfilled by submitting a form to the Commission. The form shall be developed by the Commission and shall include the name and address of the applicant, the name and address of the manufacturer he or she represents, the territory or areas assigned to sell to or discuss pricing terms of alcoholic liquor, and any other questions deemed appropriate and necessary. All statements in the forms required to be made by law or by rule shall be deemed material, and any person who knowingly misstates any material fact under oath in an application is guilty of a Class B misdemeanor. Fraud, misrepresentation, false statements, misleading statements, evasions, or suppression of material facts in the securing of a registration are grounds for suspension or revocation of the registration. The State Commission shall post a list of registered agents on the Commission's website.

(b) A distributor's license shall allow the wholesale purchase and storage of alcoholic liquors and sale of alcoholic liquors to licensees in this State and to persons without the State, as may be permitted by law. No person licensed as a distributor shall be granted a non-resident dealer's license.

(c) An importing distributor's license may be issued to and held by those only who are duly licensed distributors, upon the filing of an application by a duly licensed distributor, with the Commission and the Commission shall, without the payment of any fee, immediately issue such importing distributor's license to the applicant, which shall allow the importation of alcoholic liquor by the licensee into this State from any point in the United States outside this State, and the purchase of alcoholic liquor in barrels, casks or other bulk containers and the bottling of such alcoholic liquors before resale thereof, but all bottles or containers so filled shall be sealed, labeled, stamped and otherwise made to comply with all provisions, rules and regulations governing manufacturers in the preparation and bottling of alcoholic liquors. The importing distributor's

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license shall permit such licensee to purchase alcoholic liquor from Illinois licensed non-resident dealers and foreign importers only. No person licensed as an importing distributor shall be granted a non-resident dealer's license.

(d) A retailer's license shall allow the licensee to sell and offer for sale at retail, only in the premises specified in the license, alcoholic liquor for use or consumption, but not for resale in any form. Nothing in Public Act 95-634 this amendatory Act of the 95th General Assembly shall deny, limit, remove, or restrict the ability of a holder of a retail license to transfer, deliver, or ship alcoholic liquor to the purchaser for use or consumption subject to any applicable local law or ordinance. Any retail license issued to a manufacturer shall only permit the manufacturer to sell beer at retail on the premises actually occupied by the manufacturer. For the purpose of further describing the type of business conducted at a retail licensed premises, a retailer's licensee may be designated by the State Commission as (i) an on premise consumption retailer, (ii) an off premise sale retailer, or (iii) a combined on premise consumption and off premise sale retailer.

Notwithstanding any other provision of this subsection (d), a retail licensee may sell alcoholic liquors to a special event retailer licensee for resale to the extent permitted under subsection (e).

(e) A special event retailer's license (not-for-profit) shall permit the licensee to purchase alcoholic liquors from an Illinois licensed distributor (unless the licensee purchases less than $500 of alcoholic liquors for the special event, in which case the licensee may purchase the alcoholic liquors from a licensed retailer) and shall allow the licensee to sell and offer for sale, at retail, alcoholic liquors for use or consumption, but not for resale in any form and only at the location and on the specific dates designated for the special event in the license. An applicant for a special event retailer license must (i) furnish with the application: (A) a resale number issued under Section 2c of the Retailers' Occupation Tax Act or evidence that the applicant is registered under Section 2a of the Retailers' Occupation Tax Act, (B) a current, valid exemption identification number issued under Section 1g of the Retailers' Occupation Tax Act, and a certification to the Commission that the purchase of alcoholic liquors will be a tax-exempt purchase, or (C) a statement that the applicant is not registered under Section 2a of the Retailers' Occupation Tax Act, does not hold a resale number under Section 2c of the Retailers' Occupation Tax Act, and does not hold an exemption number under Section 1g of the

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Retailers' Occupation Tax Act, in which event the Commission shall set forth on the special event retailer's license a statement to that effect; (ii) submit with the application proof satisfactory to the State Commission that the applicant will provide dram shop liability insurance in the maximum limits; and (iii) show proof satisfactory to the State Commission that the applicant has obtained local authority approval.

(f) A railroad license shall permit the licensee to import alcoholic liquors into this State from any point in the United States outside this State and to store such alcoholic liquors in this State; to make wholesale purchases of alcoholic liquors directly from manufacturers, foreign importers, distributors and importing distributors from within or outside this State; and to store such alcoholic liquors in this State; provided that the above powers may be exercised only in connection with the importation, purchase or storage of alcoholic liquors to be sold or dispensed on a club, buffet, lounge or dining car operated on an electric, gas or steam railway in this State; and provided further, that railroad licensees exercising the above powers shall be subject to all provisions of Article VIII of this Act as applied to importing distributors. A railroad license shall also permit the licensee to sell or dispense alcoholic liquors on any club, buffet, lounge or dining car operated on an electric, gas or steam railway regularly operated by a common carrier in this State, but shall not permit the sale for resale of any alcoholic liquors to any licensee within this State. A license shall be obtained for each car in which such sales are made.

(g) A boat license shall allow the sale of alcoholic liquor in individual drinks, on any passenger boat regularly operated as a common carrier on navigable waters in this State or on any riverboat operated under the Riverboat Gambling Act, which boat or riverboat maintains a public dining room or restaurant thereon.

(h) A non-beverage user's license shall allow the licensee to purchase alcoholic liquor from a licensed manufacturer or importing distributor, without the imposition of any tax upon the business of such licensed manufacturer or importing distributor as to such alcoholic liquor to be used by such licensee solely for the non-beverage purposes set forth in subsection (a) of Section 8-1 of this Act, and such licenses shall be divided and classified and shall permit the purchase, possession and use of limited and stated quantities of alcoholic liquor as follows:

| Class 1, not to exceed | 500 gallons |
| Class 2, not to exceed | 1,000 gallons |

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Class 3, not to exceed ....................... 5,000 gallons
Class 4, not to exceed ...................... 10,000 gallons
Class 5, not to exceed ....................... 50,000 gallons

(i) A wine-maker's premises license shall allow a licensee that concurrently holds a first-class wine-maker's license to sell and offer for sale at retail in the premises specified in such license not more than 50,000 gallons of the first-class wine-maker's wine that is made at the first-class wine-maker's licensed premises per year for use or consumption, but not for resale in any form. A wine-maker's premises license shall allow a licensee who concurrently holds a second-class wine-maker's license to sell and offer for sale at retail in the premises specified in such license up to 100,000 gallons of the second-class wine-maker's wine that is made at the second-class wine-maker's licensed premises per year for use or consumption but not for resale in any form. A wine-maker's premises license shall allow a licensee that concurrently holds a first-class wine-maker's license or a second-class wine-maker's license to sell and offer for sale at retail at the premises specified in the wine-maker's premises license, for use or consumption but not for resale in any form, any beer, wine, and spirits purchased from a licensed distributor. Upon approval from the State Commission, a wine-maker's premises license shall allow the licensee to sell and offer for sale at (i) the wine-maker's licensed premises and (ii) at up to 2 additional locations for use and consumption and not for resale. Each location shall require additional licensing per location as specified in Section 5-3 of this Act. A wine-maker's premises licensee shall secure liquor liability insurance coverage in an amount at least equal to the maximum liability amounts set forth in subsection (a) of Section 6-21 of this Act.

(j) An airplane license shall permit the licensee to import alcoholic liquors into this State from any point in the United States outside this State and to store such alcoholic liquors in this State; to make wholesale purchases of alcoholic liquors directly from manufacturers, foreign importers, distributors and importing distributors from within or outside this State; and to store such alcoholic liquors in this State; provided that the above powers may be exercised only in connection with the importation, purchase or storage of alcoholic liquors to be sold or dispensed on an airplane; and provided further, that airplane licensees exercising the above powers shall be subject to all provisions of Article VIII of this Act as applied to importing distributors. An airplane licensee shall also permit the sale or dispensing of alcoholic liquors on any

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passenger airplane regularly operated by a common carrier in this State,
but shall not permit the sale for resale of any alcoholic liquors to any
licensee within this State. A single airplane license shall be required of an
airline company if liquor service is provided on board aircraft in this State.
The annual fee for such license shall be as determined in Section 5-3.

(k) A foreign importer's license shall permit such licensee to
purchase alcoholic liquor from Illinois licensed non-resident dealers only,
and to import alcoholic liquor other than in bulk from any point outside
the United States and to sell such alcoholic liquor to Illinois licensed
importing distributors and to no one else in Illinois; provided that (i) the
foreign importer registers with the State Commission every brand of
alcoholic liquor that it proposes to sell to Illinois licensees during the
license period, (ii) the foreign importer complies with all of the provisions
of Section 6-9 of this Act with respect to registration of such Illinois
licensees as may be granted the right to sell such brands at wholesale, and
(iii) the foreign importer complies with the provisions of Sections 6-5 and
6-6 of this Act to the same extent that these provisions apply to
manufacturers.

(l) (i) A broker's license shall be required of all persons who solicit
orders for, offer to sell or offer to supply alcoholic liquor to retailers in the
State of Illinois, or who offer to retailers to ship or cause to be shipped or
to make contact with distillers, rectifiers, brewers or manufacturers or any
other party within or without the State of Illinois in order that alcoholic
liquors be shipped to a distributor, importing distributor or foreign
importer, whether such solicitation or offer is consummated within or
without the State of Illinois.

No holder of a retailer's license issued by the Illinois Liquor
Control Commission shall purchase or receive any alcoholic liquor, the
order for which was solicited or offered for sale to such retailer by a broker
unless the broker is the holder of a valid broker's license.

The broker shall, upon the acceptance by a retailer of the broker's
solicitation of an order or offer to sell or supply or deliver or have
delivered alcoholic liquors, promptly forward to the Illinois Liquor
Control Commission a notification of said transaction in such form as the
Commission may by regulations prescribe.

(ii) A broker's license shall be required of a person within this
State, other than a retail licensee, who, for a fee or commission, promotes,
solicits, or accepts orders for alcoholic liquor, for use or consumption and
not for resale, to be shipped from this State and delivered to residents

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outside of this State by an express company, common carrier, or contract carrier. This Section does not apply to any person who promotes, solicits, or accepts orders for wine as specifically authorized in Section 6-29 of this Act.

A broker's license under this subsection (i) shall not entitle the holder to buy or sell any alcoholic liquors for his own account or to take or deliver title to such alcoholic liquors.

This subsection (i) shall not apply to distributors, employees of distributors, or employees of a manufacturer who has registered the trademark, brand or name of the alcoholic liquor pursuant to Section 6-9 of this Act, and who regularly sells such alcoholic liquor in the State of Illinois only to its registrants thereunder.

Any agent, representative, or person subject to registration pursuant to subsection (a-1) of this Section shall not be eligible to receive a broker's license.

(m) A non-resident dealer's license shall permit such licensee to ship into and warehouse alcoholic liquor into this State from any point outside of this State, and to sell such alcoholic liquor to Illinois licensed foreign importers and importing distributors and to no one else in this State; provided that (i) said non-resident dealer shall register with the Illinois Liquor Control Commission each and every brand of alcoholic liquor which it proposes to sell to Illinois licensees during the license period, (ii) it shall comply with all of the provisions of Section 6-9 hereof with respect to registration of such Illinois licensees as may be granted the right to sell such brands at wholesale, and (iii) the non-resident dealer shall comply with the provisions of Sections 6-5 and 6-6 of this Act to the same extent that these provisions apply to manufacturers. No person licensed as a non-resident dealer shall be granted a distributor's or importing distributor's license.

(n) A brew pub license shall allow the licensee to only (i) manufacture up to 155,000 gallons of beer per year only on the premises specified in the license, (ii) make sales of the beer manufactured on the premises or, with the approval of the Commission, beer manufactured on another brew pub licensed premises that is wholly owned and operated by the same licensee to importing distributors, distributors, and to non-licensees for use and consumption, (iii) store the beer upon the premises, (iv) sell and offer for sale at retail from the licensed premises for off-premises consumption no more than 155,000 gallons per year so long as such sales are only made in-person, (v) sell and offer for sale at retail for
use and consumption on the premises specified in the license any form of alcoholic liquor purchased from a licensed distributor or importing distributor, and (vi) with the prior approval of the Commission, annually transfer no more than 155,000 gallons of beer manufactured on the premises to a licensed brew pub wholly owned and operated by the same licensee.

A brew pub licensee shall not under any circumstance sell or offer for sale beer manufactured by the brew pub licensee to retail licensees.

A person who holds a class 2 brewer license may simultaneously hold a brew pub license if the class 2 brewer (i) does not, under any circumstance, sell or offer for sale beer manufactured by the class 2 brewer to retail licensees; (ii) does not hold more than 3 brew pub licenses in this State; (iii) does not manufacture more than a combined 3,720,000 gallons of beer per year, including the beer manufactured at the brew pub; and (iv) is not a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 3,720,000 gallons of beer per year or any other alcoholic liquor.

Notwithstanding any other provision of this Act, a licensed brewer, class 2 brewer, or non-resident dealer who before July 1, 2015 manufactured less than 3,720,000 gallons of beer per year and held a brew pub license on or before July 1, 2015 may (i) continue to qualify for and hold that brew pub license for the licensed premises and (ii) manufacture more than 3,720,000 gallons of beer per year and continue to qualify for and hold that brew pub license if that brewer, class 2 brewer, or non-resident dealer does not simultaneously hold a class 1 brewer license and is not a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 3,720,000 gallons of beer per year or that produces any other alcoholic liquor.

(o) A caterer retailer license shall allow the holder to serve alcoholic liquors as an incidental part of a food service that serves prepared meals which excludes the serving of snacks as the primary meal, either on or off-site whether licensed or unlicensed.

(p) An auction liquor license shall allow the licensee to sell and offer for sale at auction wine and spirits for use or consumption, or for resale by an Illinois liquor licensee in accordance with provisions of this Act. An auction liquor license will be issued to a person and it will permit the auction liquor licensee to hold the auction anywhere in the State. An auction liquor license must be obtained for each auction at least 14 days in advance of the auction date.

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(q) A special use permit license shall allow an Illinois licensed retailer to transfer a portion of its alcoholic liquor inventory from its retail licensed premises to the premises specified in the license hereby created, and to sell or offer for sale at retail, only in the premises specified in the license hereby created, the transferred alcoholic liquor for use or consumption, but not for resale in any form. A special use permit license may be granted for the following time periods: one day or less; 2 or more days to a maximum of 15 days per location in any 12 month period. An applicant for the special use permit license must also submit with the application proof satisfactory to the State Commission that the applicant will provide dram shop liability insurance to the maximum limits and have local authority approval.

(r) A winery shipper's license shall allow a person with a first-class or second-class wine manufacturer's license, a first-class or second-class wine-maker's license, or a limited wine manufacturer's license or who is licensed to make wine under the laws of another state to ship wine made by that licensee directly to a resident of this State who is 21 years of age or older for that resident's personal use and not for resale. Prior to receiving a winery shipper's license, an applicant for the license must provide the Commission with a true copy of its current license in any state in which it is licensed as a manufacturer of wine. An applicant for a winery shipper's license must also complete an application form that provides any other information the Commission deems necessary. The application form shall include an acknowledgement consenting to the jurisdiction of the Commission, the Illinois Department of Revenue, and the courts of this State concerning the enforcement of this Act and any related laws, rules, and regulations, including authorizing the Department of Revenue and the Commission to conduct audits for the purpose of ensuring compliance with Public Act 95-634.

A winery shipper licensee must pay to the Department of Revenue the State liquor gallonage tax under Section 8-1 for all wine that is sold by the licensee and shipped to a person in this State. For the purposes of Section 8-1, a winery shipper licensee shall be taxed in the same manner as a manufacturer of wine. A licensee who is not otherwise required to register under the Retailers' Occupation Tax Act must register under the Use Tax Act to collect and remit use tax to the Department of Revenue for all gallons of wine that are sold by the licensee and shipped to persons in this State. If a licensee fails to remit the tax imposed under this Act in accordance with the provisions of Article VIII of this Act, the winery

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shipper's license shall be revoked in accordance with the provisions of Article VII of this Act. If a licensee fails to properly register and remit tax under the Use Tax Act or the Retailers' Occupation Tax Act for all wine that is sold by the winery shipper and shipped to persons in this State, the winery shipper's license shall be revoked in accordance with the provisions of Article VII of this Act.

A winery shipper licensee must collect, maintain, and submit to the Commission on a semi-annual basis the total number of cases per resident of wine shipped to residents of this State. A winery shipper licensed under this subsection (r) must comply with the requirements of Section 6-29 of this amendatory Act.

Pursuant to paragraph (5.1) or (5.3) of subsection (a) of Section 3-12, the State Commission may receive, respond to, and investigate any complaint and impose any of the remedies specified in paragraph (1) of subsection (a) of Section 3-12.

(Source: P.A. 98-394, eff. 8-16-13; 98-401, eff. 8-16-13; 98-756, eff. 7-16-14; 99-448, eff. 8-24-15; revised 10-27-15.)

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

Approved August 12, 2016.
Effective August 12, 2016.

PUBLIC ACT 99-0801
(Senate Bill No. 3096)

AN ACT concerning criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Sexual Assault Incident Procedure Act.

Section 5. Legislative findings. The General Assembly finds:

(1) Sexual assault and sexual abuse are personal and violent crimes that disproportionately impact women, children, lesbian, gay, bisexual, and transgender individuals in Illinois, yet only a small percentage of these crimes are reported, less than one in five, and even fewer result in a conviction.

(2) The trauma of sexual assault and sexual abuse often leads to severe mental, physical, and economic consequences for the victim.

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(3) The diminished ability of victims to recover from their sexual assault or sexual abuse has been directly linked to the response of others to their trauma.

(4) The response of law enforcement can directly impact a victim's ability to heal as well as his or her willingness to actively participate in the investigation by law enforcement.

(5) Research has shown that a traumatic event impacts memory consolidation and encoding. Allowing a victim to complete at least 2 full sleep cycles before an in-depth interview can improve the victim's ability to provide a history of the sexual assault or sexual abuse.

(6) Victim participation is critical to the successful identification and prosecution of sexual predators. To facilitate victim participation, law enforcement should inform victims of the testing of physical evidence and the results of such testing.

(7) Identification and successful prosecution of sexual predators prevents new victimization. For this reason, improving the response of the criminal justice system to victims of sexual assault and sexual abuse is critical to protecting public safety.

Section 10. Definitions. In this Act:
"Board" means the Illinois Law Enforcement Training Standards Board.

"Evidence-based, trauma-informed, victim-centered" means policies, procedures, programs, and practices that have been demonstrated to minimize retraumatization associated with the criminal justice process by recognizing the presence of trauma symptoms and acknowledging the role that trauma has played in a sexual assault or sexual abuse victim's life and focusing on the needs and concerns of a victim that ensures compassionate and sensitive delivery of services in a nonjudgmental manner.

"Law enforcement agency having jurisdiction" means the law enforcement agency in the jurisdiction where an alleged sexual assault or sexual abuse occurred.

"Sexual assault evidence" means evidence collected in connection with a sexual assault or sexual abuse investigation, including, but not limited to, evidence collected using the Illinois State Police Sexual Assault Evidence Collection Kit as defined in Section 1a of the Sexual Assault Survivors Emergency Treatment Act.

"Sexual assault or sexual abuse" means an act of nonconsensual sexual conduct or sexual penetration, as defined in Section 12-12 of the

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Criminal Code of 1961 or Section 11-0.1 of the Criminal Code of 2012, including, without limitation, acts prohibited under Sections 12-13 through 12-16 of the Criminal Code of 1961 or Sections 11-1.20 through 11-1.60 of the Criminal Code of 2012.

Section 15. Sexual assault incident policies.
(a) On or before January 1, 2018, every law enforcement agency shall develop, adopt, and implement written policies regarding procedures for incidents of sexual assault or sexual abuse consistent with the guidelines developed under subsection (b) of this Section. In developing these policies, each law enforcement agency is encouraged to consult with other law enforcement agencies, sexual assault advocates, and sexual assault nurse examiners with expertise in recognizing and handling sexual assault and sexual abuse incidents. These policies must include mandatory sexual assault and sexual abuse response training as required in Section 10.19 of the Illinois Police Training Act and Sections 2605-53 and 2605-98 of the Department of State Police Law of the Civil Administrative Code of Illinois.

(b) On or before July 1, 2017, the Office of the Attorney General, in consultation with the Illinois Law Enforcement Training Standards Board and the Department of State Police, shall develop and make available to each law enforcement agency, comprehensive guidelines for creation of a law enforcement agency policy on evidence-based, trauma-informed, victim-centered sexual assault and sexual abuse response and investigation.

These guidelines shall include, but not be limited to the following:
(1) dispatcher or call taker response;
(2) responding officer duties;
(3) duties of officers investigating sexual assaults and sexual abuse;
(4) supervisor duties;
(5) report writing;
(6) reporting methods;
(7) victim interviews;
(8) evidence collection;
(9) sexual assault medical forensic examinations;
(10) suspect interviews;
(11) suspect forensic exams;
(12) witness interviews;

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(13) sexual assault response and resource teams, if applicable;
(14) working with victim advocates;
(15) working with prosecutors;
(16) victims' rights;
(17) victim notification; and
(18) consideration for specific populations or communities.

Section 20. Reports by law enforcement officers.
(a) A law enforcement officer shall complete a written police report upon receiving the following, regardless of where the incident occurred:

(1) an allegation by a person that the person has been sexually assaulted or sexually abused regardless of jurisdiction;
(2) information from hospital or medical personnel provided under Section 3.2 of the Criminal Identification Act; or
(3) information from a witness who personally observed what appeared to be a sexual assault or sexual abuse or attempted sexual assault or sexual abuse.

(b) The written report shall include the following, if known:

(1) the victim's name or other identifier;
(2) the victim's contact information;
(3) time, date, and location of offense;
(4) information provided by the victim;
(5) the suspect's description and name, if known;
(6) names of persons with information relevant to the time before, during, or after the sexual assault or sexual abuse, and their contact information;

(7) names of medical professionals who provided a medical forensic examination of the victim and any information they provided about the sexual assault or sexual abuse;

(8) whether an Illinois State Police Sexual Assault Evidence Collection Kit was completed, the name and contact information for the hospital, and whether the victim consented to testing of the Evidence Collection Kit by law enforcement;

(9) whether a urine or blood sample was collected and whether the victim consented to testing of a toxicology screen by law enforcement;

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(10) information the victim related to medical professionals during a medical forensic examination which the victim consented to disclosure to law enforcement; and

(11) other relevant information.

(c) If the sexual assault or sexual abuse occurred in another jurisdiction, the law enforcement officer taking the report must submit the report to the law enforcement agency having jurisdiction in person or via fax or email within 24 hours of receiving information about the sexual assault or sexual abuse.

(d) Within 24 hours of receiving a report from a law enforcement agency in another jurisdiction in accordance with subsection (c), the law enforcement agency having jurisdiction shall submit a written confirmation to the law enforcement agency that wrote the report. The written confirmation shall contain the name and identifier of the person and confirming receipt of the report and a name and contact phone number that will be given to the victim. The written confirmation shall be delivered in person or via fax or email.

(e) No law enforcement officer shall require a victim of sexual assault or sexual abuse to submit to an interview.

(f) No law enforcement agency may refuse to complete a written report as required by this Section on any ground.

(g) All law enforcement agencies shall ensure that all officers responding to or investigating a complaint of sexual assault or sexual abuse have successfully completed training under Section 10.19 of the Illinois Police Training Act and Section 2605-98 of the Department of State Police Law of the Civil Administrative Code of Illinois.

Section 22. Third-party reports. A victim of sexual assault or sexual abuse may give a person consent to provide information about the sexual assault or sexual abuse to a law enforcement officer, and the officer shall complete a written report unless:

(1) the person contacting law enforcement fails to provide the person's name and contact information; or

(2) the person contacting law enforcement fails to affirm that the person has the consent of the victim of the sexual assault or sexual abuse.

Section 25. Report; victim notice.

(a) At the time of first contact with the victim, law enforcement shall:

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(1) Advise the victim about the following by providing a form, the contents of which shall be prepared by the Office of the Attorney General and posted on its website, written in a language appropriate for the victim or in Braille, or communicating in appropriate sign language that includes, but is not limited to:

(A) information about seeking medical attention and preserving evidence, including specifically, collection of evidence during a medical forensic examination at a hospital and photographs of injury and clothing;

(B) notice that the victim will not be charged for hospital emergency and medical forensic services;

(C) information advising the victim that evidence can be collected at the hospital up to 7 days after the sexual assault or sexual abuse but that the longer the victim waits the likelihood of obtaining evidence decreases;

(D) the location of nearby hospitals that provide emergency medical and forensic services and, if known, whether the hospitals employ any sexual assault nurse examiners;

(E) a summary of the procedures and relief available to victims of sexual assault or sexual abuse under the Civil No Contact Order Act or the Illinois Domestic Violence Act of 1986;

(F) the law enforcement officer's name and badge number;

(G) at least one referral to an accessible service agency and information advising the victim that rape crisis centers can assist with obtaining civil no contact orders and orders of protection; and

(H) if the sexual assault or sexual abuse occurred in another jurisdiction, provide in writing the address and phone number of a specific contact at the law enforcement agency having jurisdiction.

(2) Offer to provide or arrange accessible transportation for the victim to a hospital for emergency and forensic services, including contacting emergency medical services.

(3) Offer to provide or arrange accessible transportation for the victim to the nearest available circuit judge or associate judge so the victim may file a petition for an emergency civil no contact order.

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order under the Civil No Contact Order Act or an order of protection under the Illinois Domestic Violence Act of 1986 after the close of court business hours, if a judge is available.

(b) At the time of the initial contact with a person making a third-party report under Section 22 of this Act, a law enforcement officer shall provide the written information prescribed under paragraph (1) of subsection (a) of this Section to the person making the report and request the person provide the written information to the victim of the sexual assault or sexual abuse.

(c) If the first contact with the victim occurs at a hospital, a law enforcement officer may request the hospital provide interpretive services.

Section 30. Release and storage of sexual assault evidence.

(a) A law enforcement agency having jurisdiction that is notified by a hospital or another law enforcement agency that a victim of a sexual assault or sexual abuse has received a medical forensic examination and has completed an Illinois State Police Sexual Assault Evidence Collection Kit shall take custody of the sexual assault evidence as soon as practicable, but in no event more than 5 days after the completion of the medical forensic examination.

(a-5) A State's Attorney who is notified under subsection (d) of Section 6.6 of the Sexual Assault Survivors Emergency Treatment Act that a hospital is in possession of sexual assault evidence shall, within 72 hours, contact the appropriate law enforcement agency to request that the law enforcement agency take immediate physical custody of the sexual assault evidence.

(b) The written report prepared under Section 20 of this Act shall include the date and time the sexual assault evidence was picked up from the hospital and the date and time the sexual assault evidence was sent to the laboratory in accordance with the Sexual Assault Evidence Submission Act.

(c) If the victim of a sexual assault or sexual abuse or a person authorized under Section 6.5 of the Sexual Assault Survivors Emergency Treatment Act has consented to allow law enforcement to test the sexual assault evidence, the law enforcement agency having jurisdiction shall submit the sexual assault evidence for testing in accordance with the Sexual Assault Evidence Submission Act. No law enforcement agency having jurisdiction may refuse or fail to send sexual assault evidence for testing that the victim has released for testing.

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(d) A victim shall have 5 years from the completion of an Illinois State Police Sexual Assault Evidence Collection Kit, or 5 years from the age of 18 years, whichever is longer, to sign a written consent to release the sexual assault evidence to law enforcement for testing. If the victim or a person authorized under Section 6.5 of the Sexual Assault Survivors Emergency Treatment Act does not sign the written consent at the completion of the medical forensic examination, the victim or person authorized by Section 6.5 of the Sexual Assault Survivors Emergency Treatment Act may sign the written release at the law enforcement agency having jurisdiction, or in the presence of a sexual assault advocate who may deliver the written release to the law enforcement agency having jurisdiction. The victim may also provide verbal consent to the law enforcement agency having jurisdiction and shall verify the verbal consent via email or fax. Upon receipt of written or verbal consent, the law enforcement agency having jurisdiction shall submit the sexual assault evidence for testing in accordance with the Sexual Assault Evidence Submission Act. No law enforcement agency having jurisdiction may refuse or fail to send the sexual assault evidence for testing that the victim has released for testing.

(e) The law enforcement agency having jurisdiction who speaks to a victim who does not sign a written consent to release the sexual assault evidence prior to discharge from the hospital shall provide a written notice to the victim that contains the following information:

1. where the sexual assault evidence will be stored for 5 years;
2. notice that the victim may sign a written release to test the sexual assault evidence at any time during the 5-year period by contacting the law enforcement agency having jurisdiction or working with a sexual assault advocate;
3. the name, phone number, and email address of the law enforcement agency having jurisdiction; and
4. the name and phone number of a local rape crisis center.

Each law enforcement agency shall develop a protocol for providing this information to victims as part of the written policies required in subsection (a) of Section 15 of this Act.

(f) A law enforcement agency must develop a protocol for responding to victims who want to sign a written consent to release the sexual assault evidence and to ensure that victims who want to be notified
or have a designee notified prior to the end of the 5-year period are provided notice.

(g) Nothing in this Section shall be construed as limiting the storage period to 5 years. A law enforcement agency having jurisdiction may adopt a storage policy that provides for a period of time exceeding 5 years. If a longer period of time is adopted, the law enforcement agency having jurisdiction shall notify the victim or designee in writing of the longer storage period.

Section 35. Release of information.

(a) Upon the request of the victim who has consented to the release of sexual assault evidence for testing, the law enforcement agency having jurisdiction shall provide the following information in writing:

(1) the date the sexual assault evidence was sent to a Department of State Police forensic laboratory or designated laboratory;

(2) test results provided to the law enforcement agency by a Department of State Police forensic laboratory or designated laboratory, including, but not limited to:

(A) whether a DNA profile was obtained from the testing of the sexual assault evidence from the victim's case;

(B) whether the DNA profile developed from the sexual assault evidence has been searched against the DNA Index System or any state or federal DNA database;

(C) whether an association was made to an individual whose DNA profile is consistent with the sexual assault evidence DNA profile, provided that disclosure would not impede or compromise an ongoing investigation; and

(D) whether any drugs were detected in a urine or blood sample analyzed for drug facilitated sexual assault and information about any drugs detected.

(b) The information listed in paragraph (1) of subsection (a) of this Section shall be provided to the victim within 7 days of the transfer of the evidence to the laboratory. The information listed in paragraph (2) of subsection (a) of this Section shall be provided to the victim within 7 days of the receipt of the information by the law enforcement agency having jurisdiction.

New matter indicated by italics - deletions by strikeout
(c) At the time the sexual assault evidence is released for testing, the victim shall be provided written information by the law enforcement agency having jurisdiction or the hospital providing emergency services and forensic services to the victim informing him or her of the right to request information under subsection (a) of this Section. A victim may designate another person or agency to receive this information.

(d) The victim or the victim's designee shall keep the law enforcement agency having jurisdiction informed of the name, address, telephone number, and email address of the person to whom the information should be provided, and any changes of the name, address, telephone number, and email address, if an email address is available.

Section 105. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by changing Sections 2605-40 and 2605-300 and by adding Sections 2605-53 and 2605-98 as follows:

(20 ILCS 2605/2605-40) (was 20 ILCS 2605/55a-4)
Sec. 2605-40. Division of Forensic Services. The Division of Forensic Services shall exercise the following functions:

(1) Exercise the rights, powers, and duties vested by law in the Department by the Criminal Identification Act.
(2) Exercise the rights, powers, and duties vested by law in the Department by Section 2605-300 of this Law.
(3) Provide assistance to local law enforcement agencies through training, management, and consultant services.
(4) (Blank).
(5) Exercise other duties that may be assigned by the Director in order to fulfill the responsibilities and achieve the purposes of the Department.
(6) Establish and operate a forensic science laboratory system, including a forensic toxicological laboratory service, for the purpose of testing specimens submitted by coroners and other law enforcement officers in their efforts to determine whether alcohol, drugs, or poisonous or other toxic substances have been involved in deaths, accidents, or illness. Forensic toxicological laboratories shall be established in Springfield, Chicago, and elsewhere in the State as needed.

(6.5) Establish administrative rules in order to set forth standardized requirements for the disclosure of toxicology results and other relevant documents related to a toxicological analysis. These administrative rules are to be adopted to produce uniform

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and sufficient information to allow a proper, well-informed determination of the admissibility of toxicology evidence and to ensure that this evidence is presented competently. These administrative rules are designed to provide a minimum standard for compliance of toxicology evidence and is not intended to limit the production and discovery of material information. These administrative rules shall be submitted by the Department of State Police into the rulemaking process under the Illinois Administrative Procedure Act on or before June 30, 2017.

(7) Subject to specific appropriations made for these purposes, establish and coordinate a system for providing accurate and expedited forensic science and other investigative and laboratory services to local law enforcement agencies and local State's Attorneys in aid of the investigation and trial of capital cases.

(Source: P.A. 90-130, eff. 1-1-98; 91-239, eff. 1-1-00; 91-589, eff. 1-1-00; 91-760, eff. 1-1-01.)

(20 ILCS 2605/2605-53 new)
Sec. 2605-53. 9-1-1 system; sexual assault and sexual abuse.
(a) The Office of the Statewide 9-1-1 Administrator, in consultation with the Office of the Attorney General and the Illinois Law Enforcement Training Standards Board, shall:

(1) develop comprehensive guidelines for evidence-based, trauma-informed, victim-centered handling of sexual assault or sexual abuse calls by Public Safety Answering Point tele-communicators; and

(2) adopt rules and minimum standards for an evidence-based, trauma-informed, victim-centered training curriculum for handling of sexual assault or sexual abuse calls for Public Safety Answering Point tele-communicators ("PSAP").

(b) Training requirements:

(1) Newly hired PSAP tele-communicators must complete the sexual assault and sexual abuse training curriculum established in subsection (a) of this Section prior to handling emergency calls.

(2) All existing PSAP tele-communicators shall complete the sexual assault and sexual abuse training curriculum established in subsection (a) of this Section within 2 years of the effective date of this amendatory Act of the 99th General Assembly.

New matter indicated by italics - deletions by strikeout
Sec. 2605-98. Training; sexual assault and sexual abuse.

(a) The Department of State Police shall conduct or approve training programs in trauma-informed responses and investigations of sexual assault and sexual abuse, which include, but is not limited to, the following:

(1) recognizing the symptoms of trauma;
(2) understanding the role trauma has played in a victim's life;
(3) responding to the needs and concerns of a victim;
(4) delivering services in a compassionate, sensitive, and nonjudgmental manner;
(5) interviewing techniques in accordance with the curriculum standards in subsection (f) of this Section;
(6) understanding cultural perceptions and common myths of sexual assault and sexual abuse; and
(7) report writing techniques in accordance with the curriculum standards in subsection (f) of this Section.

(b) This training must be presented in all full and part-time basic law enforcement academies on or before July 1, 2018.

(c) The Department must present this training to all State police officers within 3 years after the effective date of this amendatory Act of the 99th General Assembly and must present in-service training on sexual assault and sexual abuse response and report writing training requirements every 3 years.

(d) The Department must provide to all State police officers who conduct sexual assault and sexual abuse investigations, specialized training on sexual assault and sexual abuse investigations within 2 years after the effective date of this amendatory Act of the 99th General Assembly and must present in-service training on sexual assault and sexual abuse investigations to these officers every 3 years.

(e) Instructors providing this training shall have successfully completed training on evidence-based, trauma-informed, victim-centered responses to cases of sexual assault and sexual abuse and have experience responding to sexual assault and sexual abuse cases.

(f) The Department shall adopt rules, in consultation with the Office of the Illinois Attorney General and the Illinois Law Enforcement Training Standards Board, to determine the specific training requirements for these courses, including, but not limited to, the following:

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(1) evidence-based curriculum standards for report writing and immediate response to sexual assault and sexual abuse, including trauma-informed, victim-centered interview techniques, which have been demonstrated to minimize retraumatization, for all State police officers; and

(2) evidence-based curriculum standards for trauma-informed, victim-centered investigation and interviewing techniques, which have been demonstrated to minimize retraumatization, for cases of sexual assault and sexual abuse for all State Police officers who conduct sexual assault and sexual abuse investigations.

(20 ILCS 2605/2605-300) (was 20 ILCS 2605/55a in part)

Sec. 2605-300. Records; crime laboratories; personnel. To do the following:

(1) Be a central repository and custodian of criminal statistics for the State.

(2) Be a central repository for criminal history record information.

(3) Procure and file for record information that is necessary and helpful to plan programs of crime prevention, law enforcement, and criminal justice.

(4) Procure and file for record copies of fingerprints that may be required by law.

(5) Establish general and field crime laboratories.

(6) Register and file for record information that may be required by law for the issuance of firearm owner's identification cards under the Firearm Owners Identification Card Act and concealed carry licenses under the Firearm Concealed Carry Act.

(7) Employ polygraph operators, laboratory technicians, and other specially qualified persons to aid in the identification of criminal activity, and may employ polygraph operators.

(8) Undertake other identification, information, laboratory, statistical, or registration activities that may be required by law.

(Source: P.A. 98-63, eff. 7-9-13.)

Section 107. The Illinois Procurement Code is amended by changing Section 1-10 as follows:

(30 ILCS 500/1-10)

Sec. 1-10. Application.

New matter indicated by italics - deletions by strikeout
(a) This Code applies only to procurements for which bidders, offerors, potential contractors, or contractors were first solicited on or after July 1, 1998. This Code shall not be construed to affect or impair any contract, or any provision of a contract, entered into based on a solicitation prior to the implementation date of this Code as described in Article 99, including but not limited to any covenant entered into with respect to any revenue bonds or similar instruments. All procurements for which contracts are solicited between the effective date of Articles 50 and 99 and July 1, 1998 shall be substantially in accordance with this Code and its intent.

(b) This Code shall apply regardless of the source of the funds with which the contracts are paid, including federal assistance moneys. This Code shall not apply to:

(1) Contracts between the State and its political subdivisions or other governments, or between State governmental bodies except as specifically provided in this Code.
(2) Grants, except for the filing requirements of Section 20-80.
(3) Purchase of care.
(4) Hiring of an individual as employee and not as an independent contractor, whether pursuant to an employment code or policy or by contract directly with that individual.
(5) Collective bargaining contracts.
(6) Purchase of real estate, except that notice of this type of contract with a value of more than $25,000 must be published in the Procurement Bulletin within 10 calendar days after the deed is recorded in the county of jurisdiction. The notice shall identify the real estate purchased, the names of all parties to the contract, the value of the contract, and the effective date of the contract.
(7) Contracts necessary to prepare for anticipated litigation, enforcement actions, or investigations, provided that the chief legal counsel to the Governor shall give his or her prior approval when the procuring agency is one subject to the jurisdiction of the Governor, and provided that the chief legal counsel of any other procuring entity subject to this Code shall give his or her prior approval when the procuring entity is not one subject to the jurisdiction of the Governor.
(8) Contracts for services to Northern Illinois University by a person, acting as an independent contractor, who is qualified by
education, experience, and technical ability and is selected by negotiation for the purpose of providing non-credit educational service activities or products by means of specialized programs offered by the university.

(9) Procurement expenditures by the Illinois Conservation Foundation when only private funds are used.

(10) Procurement expenditures by the Illinois Health Information Exchange Authority involving private funds from the Health Information Exchange Fund. "Private funds" means gifts, donations, and private grants.

(11) Public-private agreements entered into according to the procurement requirements of Section 20 of the Public-Private Partnerships for Transportation Act and design-build agreements entered into according to the procurement requirements of Section 25 of the Public-Private Partnerships for Transportation Act.

(12) Contracts for legal, financial, and other professional and artistic services entered into on or before December 31, 2018 by the Illinois Finance Authority in which the State of Illinois is not obligated. Such contracts shall be awarded through a competitive process authorized by the Board of the Illinois Finance Authority and are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code, as well as the final approval by the Board of the Illinois Finance Authority of the terms of the contract.

(13) **The provisions of this paragraph (13), other than this sentence, are inoperative on and after January 1, 2019 or 2 years after the effective date of this amendatory Act of the 99th General Assembly, whichever is later. Contracts for services, commodities, and equipment to support the delivery of timely forensic science services in consultation with and subject to the approval of the Chief Procurement Officer as provided in subsection (d) of Section 5-4-3a of the Unified Code of Corrections, except for the requirements of Sections 20-60, 20-65, 20-70, and 20-160 and Article 50 of this Code; however, the Chief Procurement Officer may, in writing with justification, waive any certification required under Article 50 of this Code. For any contracts for services which are currently provided by members of a collective bargaining agreement, the applicable terms of the collective bargaining agreement concerning subcontracting shall be followed.**

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Notwithstanding any other provision of law, contracts entered into under item (12) of this subsection (b) shall be published in the Procurement Bulletin within 14 calendar days after contract execution. The chief procurement officer shall prescribe the form and content of the notice. The Illinois Finance Authority shall provide the chief procurement officer, on a monthly basis, in the form and content prescribed by the chief procurement officer, a report of contracts that are related to the procurement of goods and services identified in item (12) of this subsection (b). At a minimum, this report shall include the name of the contractor, a description of the supply or service provided, the total amount of the contract, the term of the contract, and the exception to the Code utilized. A copy of each of these contracts shall be made available to the chief procurement officer immediately upon request. The chief procurement officer shall submit a report to the Governor and General Assembly no later than November 1 of each year that shall include, at a minimum, an annual summary of the monthly information reported to the chief procurement officer.

(c) This Code does not apply to the electric power procurement process provided for under Section 1-75 of the Illinois Power Agency Act and Section 16-111.5 of the Public Utilities Act.

(d) Except for Section 20-160 and Article 50 of this Code, and as expressly required by Section 9.1 of the Illinois Lottery Law, the provisions of this Code do not apply to the procurement process provided for under Section 9.1 of the Illinois Lottery Law.

(e) This Code does not apply to the process used by the Capital Development Board to retain a person or entity to assist the Capital Development Board with its duties related to the determination of costs of a clean coal SNG brownfield facility, as defined by Section 1-10 of the Illinois Power Agency Act, as required in subsection (h-3) of Section 9-220 of the Public Utilities Act, including calculating the range of capital costs, the range of operating and maintenance costs, or the sequestration costs or monitoring the construction of clean coal SNG brownfield facility for the full duration of construction.

(f) This Code does not apply to the process used by the Illinois Power Agency to retain a mediator to mediate sourcing agreement disputes between gas utilities and the clean coal SNG brownfield facility, as defined in Section 1-10 of the Illinois Power Agency Act, as required under subsection (h-1) of Section 9-220 of the Public Utilities Act.
(g) This Code does not apply to the processes used by the Illinois Power Agency to retain a mediator to mediate contract disputes between gas utilities and the clean coal SNG facility and to retain an expert to assist in the review of contracts under subsection (h) of Section 9-220 of the Public Utilities Act. This Code does not apply to the process used by the Illinois Commerce Commission to retain an expert to assist in determining the actual incurred costs of the clean coal SNG facility and the reasonableness of those costs as required under subsection (h) of Section 9-220 of the Public Utilities Act.

(h) This Code does not apply to the process to procure or contracts entered into in accordance with Sections 11-5.2 and 11-5.3 of the Illinois Public Aid Code.

(i) Each chief procurement officer may access records necessary to review whether a contract, purchase, or other expenditure is or is not subject to the provisions of this Code, unless such records would be subject to attorney-client privilege.

(j) This Code does not apply to the process used by the Capital Development Board to retain an artist or work or works of art as required in Section 14 of the Capital Development Board Act.

(k) This Code does not apply to the process to procure contracts, or contracts entered into, by the State Board of Elections or the State Electoral Board for hearing officers appointed pursuant to the Election Code.

(Source: P.A. 97-96, eff. 7-13-11; 97-239, eff. 8-2-11; 97-502, eff. 8-23-11; 97-689, eff. 6-14-12; 97-813, eff. 7-13-12; 97-895, eff. 8-3-12; 98-90, eff. 7-15-13; 98-463, eff. 8-16-13; 98-572, eff. 1-1-14; 98-756, eff. 7-16-14; 98-1076, eff. 1-1-15.)

Section 110. The Illinois Police Training Act is amended by changing Section 7 and adding Section 10.19 as follows:

(50 ILCS 705/7) (from Ch. 85, par. 507)

Sec. 7. Rules and standards for schools. The Board shall adopt rules and minimum standards for such schools which shall include but not be limited to the following:

a. The curriculum for probationary police officers which shall be offered by all certified schools shall include but not be limited to courses of procedural justice, arrest and use and control tactics, search and seizure, including temporary questioning, civil rights, human rights, human relations, cultural competency, including implicit bias and racial and ethnic sensitivity, criminal law, law of criminal procedure, constitutional

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and proper use of law enforcement authority, vehicle and traffic law including uniform and non-discriminatory enforcement of the Illinois Vehicle Code, traffic control and accident investigation, techniques of obtaining physical evidence, court testimonies, statements, reports, firearms training, training in the use of electronic control devices, including the psychological and physiological effects of the use of those devices on humans, first-aid (including cardiopulmonary resuscitation), training in the administration of opioid antagonists as defined in paragraph (1) of subsection (e) of Section 5-23 of the Alcoholism and Other Drug Abuse and Dependency Act, handling of juvenile offenders, recognition of mental conditions, including, but not limited to, the disease of addiction, which require immediate assistance and methods to safeguard and provide assistance to a person in need of mental treatment, recognition of abuse, neglect, financial exploitation, and self-neglect of adults with disabilities and older adults, as defined in Section 2 of the Adult Protective Services Act, crimes against the elderly, law of evidence, the hazards of high-speed police vehicle chases with an emphasis on alternatives to the high-speed chase, and physical training. The curriculum shall include specific training in techniques for immediate response to and investigation of cases of domestic violence and of sexual assault of adults and children, including cultural perceptions and common myths of sexual assault and sexual abuse as well as interview techniques that are trauma informed, victim centered, and victim sensitive. The curriculum shall include training in techniques designed to promote effective communication at the initial contact with crime victims and ways to comprehensively explain to victims and witnesses their rights under the Rights of Crime Victims and Witnesses Act and the Crime Victims Compensation Act. The curriculum shall also include a block of instruction aimed at identifying and interacting with persons with autism and other developmental or physical disabilities, reducing barriers to reporting crimes against persons with autism, and addressing the unique challenges presented by cases involving victims or witnesses with autism and other developmental disabilities. The curriculum for permanent police officers shall include but not be limited to (1) refresher and in-service training in any of the courses listed above in this subparagraph, (2) advanced courses in any of the subjects listed above in this subparagraph, (3) training for supervisory personnel, and (4) specialized training in subjects and fields to be selected by the board. The training in the use of electronic control devices shall be conducted for probationary police officers, including University police officers.

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b. Minimum courses of study, attendance requirements and equipment requirements.

c. Minimum requirements for instructors.

d. Minimum basic training requirements, which a probationary police officer must satisfactorily complete before being eligible for permanent employment as a local law enforcement officer for a participating local governmental agency. Those requirements shall include training in first aid (including cardiopulmonary resuscitation).

e. Minimum basic training requirements, which a probationary county corrections officer must satisfactorily complete before being eligible for permanent employment as a county corrections officer for a participating local governmental agency.

f. Minimum basic training requirements which a probationary court security officer must satisfactorily complete before being eligible for permanent employment as a court security officer for a participating local governmental agency. The Board shall establish those training requirements which it considers appropriate for court security officers and shall certify schools to conduct that training.

A person hired to serve as a court security officer must obtain from the Board a certificate (i) attesting to his or her successful completion of the training course; (ii) attesting to his or her satisfactory completion of a training program of similar content and number of hours that has been found acceptable by the Board under the provisions of this Act; or (iii) attesting to the Board's determination that the training course is unnecessary because of the person's extensive prior law enforcement experience.

Individuals who currently serve as court security officers shall be deemed qualified to continue to serve in that capacity so long as they are certified as provided by this Act within 24 months of June 1, 1997 (the effective date of Public Act 89-685) this amendatory Act of 1996. Failure to be so certified, absent a waiver from the Board, shall cause the officer to forfeit his or her position.

All individuals hired as court security officers on or after the effective date of this amendatory Act of 1996 shall be certified within 12 months of the date of their hire, unless a waiver has been obtained by the Board, or they shall forfeit their positions.

The Sheriff's Merit Commission, if one exists, or the Sheriff's Office if there is no Sheriff's Merit Commission, shall maintain a list of all individuals who have filed applications to become court security officers

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and who meet the eligibility requirements established under this Act. Either the Sheriff's Merit Commission, or the Sheriff's Office if no Sheriff's Merit Commission exists, shall establish a schedule of reasonable intervals for verification of the applicants' qualifications under this Act and as established by the Board.

(50 ILCS 705/10.19 new)
Sec. 10.19. Training: sexual assault and sexual abuse.
(a) The Illinois Law Enforcement Training Standards Board shall conduct or approve training programs in trauma-informed responses and investigations of sexual assault and sexual abuse, which include, but is not limited to, the following:

(1) recognizing the symptoms of trauma;
(2) understanding the role trauma has played in a victim's life;
(3) responding to the needs and concerns of a victim;
(4) delivering services in a compassionate, sensitive, and nonjudgmental manner;
(5) interviewing techniques in accordance with the curriculum standards in subsection (f) of this Section;
(6) understanding cultural perceptions and common myths of sexual assault and sexual abuse; and
(7) report writing techniques in accordance with the curriculum standards in subsection (f) of this Section.
(b) This training must be presented in all full and part-time basic law enforcement academies on or before July 1, 2018.
(c) Agencies employing law enforcement officers must present this training to all law enforcement officers within 3 years after the effective date of this amendatory Act of the 99th General Assembly and must
present in-service training on sexual assault and sexual abuse response and report writing training requirements every 3 years.

(d) Agencies employing law enforcement officers who conduct sexual assault and sexual abuse investigations must provide specialized training to these officers on sexual assault and sexual abuse investigations within 2 years after the effective date of this amendatory Act of the 99th General Assembly and must present in-service training on sexual assault and sexual abuse investigations to these officers every 3 years.

(e) Instructors providing this training shall have successfully completed training on evidence-based, trauma-informed, victim-centered response to cases of sexual assault and sexual abuse and have experience responding to sexual assault and sexual abuse cases.

(f) The Board shall adopt rules, in consultation with the Office of the Illinois Attorney General and the Department of State Police, to determine the specific training requirements for these courses, including, but not limited to, the following:

(1) evidence-based curriculum standards for report writing and immediate response to sexual assault and sexual abuse, including trauma-informed, victim-centered interview techniques, which have been demonstrated to minimize retraumatization, for probationary police officers and all law enforcement officers; and

(2) evidence-based curriculum standards for trauma-informed, victim-centered investigation and interviewing techniques, which have been demonstrated to minimize retraumatization, for cases of sexual assault and sexual abuse for law enforcement officers who conduct sexual assault and sexual abuse investigations.

Section 115. The Sexual Assault Survivors Emergency Treatment Act is amended by changing Sections 1a and 6.4 and by adding Sections 6.5 and 6.6 as follows:

(410 ILCS 70/1a) (from Ch. 111 1/2, par. 87-1a)
Sec. 1a. Definitions. In this Act:
"Ambulance provider" means an individual or entity that owns and operates a business or service using ambulances or emergency medical services vehicles to transport emergency patients.

"Areawide sexual assault treatment plan" means a plan, developed by the hospitals in the community or area to be served, which provides for hospital emergency services to sexual assault survivors that shall be made available by each of the participating hospitals.

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"Department" means the Department of Public Health.
"Emergency contraception" means medication as approved by the federal Food and Drug Administration (FDA) that can significantly reduce the risk of pregnancy if taken within 72 hours after sexual assault.
"Follow-up healthcare" means healthcare services related to a sexual assault, including laboratory services and pharmacy services, rendered within 90 days of the initial visit for hospital emergency services.
"Forensic services" means the collection of evidence pursuant to a statewide sexual assault evidence collection program administered by the Department of State Police, using the Illinois State Police Sexual Assault Evidence Collection Kit.
"Health care professional" means a physician, a physician assistant, or an advanced practice nurse.
"Hospital" has the meaning given to that term in the Hospital Licensing Act.
"Hospital emergency services" means healthcare delivered to outpatients within or under the care and supervision of personnel working in a designated emergency department of a hospital, including, but not limited to, care ordered by such personnel for a sexual assault survivor in the emergency department.
"Illinois State Police Sexual Assault Evidence Collection Kit" means a prepackaged set of materials and forms to be used for the collection of evidence relating to sexual assault. The standardized evidence collection kit for the State of Illinois shall be the Illinois State Police Sexual Assault Evidence Collection Kit.
"Law enforcement agency having jurisdiction" means the law enforcement agency in the jurisdiction where an alleged sexual assault or sexual abuse occurred.
"Nurse" means a nurse licensed under the Nurse Practice Act.
"Physician" means a person licensed to practice medicine in all its branches.
"Sexual assault" means an act of nonconsensual sexual conduct or sexual penetration, as defined in Section 11-0.1 of the Criminal Code of 2012, including, without limitation, acts prohibited under Sections 11-1.20 through 11-1.60 of the Criminal Code of 2012.
"Sexual assault survivor" means a person who presents for hospital emergency services in relation to injuries or trauma resulting from a sexual assault.

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"Sexual assault transfer plan" means a written plan developed by a hospital and approved by the Department, which describes the hospital's procedures for transferring sexual assault survivors to another hospital in order to receive emergency treatment.

"Sexual assault treatment plan" means a written plan developed by a hospital that describes the hospital's procedures and protocols for providing hospital emergency services and forensic services to sexual assault survivors who present themselves for such services, either directly or through transfer from another hospital.

"Transfer services" means the appropriate medical screening examination and necessary stabilizing treatment prior to the transfer of a sexual assault survivor to a hospital that provides hospital emergency services and forensic services to sexual assault survivors pursuant to a sexual assault treatment plan or areawide sexual assault treatment plan.

"Voucher" means a document generated by a hospital at the time the sexual assault survivor receives hospital emergency and forensic services that a sexual assault survivor may present to providers for follow-up healthcare.

(Source: P.A. 99-454, eff. 1-1-16.)

(410 ILCS 70/6.4) (from Ch. 111 1/2, par. 87-6.4)

Sec. 6.4. Sexual assault evidence collection program.

(a) There is created a statewide sexual assault evidence collection program to facilitate the prosecution of persons accused of sexual assault. This program shall be administered by the Illinois State Police. The program shall consist of the following: (1) distribution of sexual assault evidence collection kits which have been approved by the Illinois State Police to hospitals that request them, or arranging for such distribution by the manufacturer of the kits, (2) collection of the kits from hospitals after the kits have been used to collect evidence, (3) analysis of the collected evidence and conducting of laboratory tests, (4) maintaining the chain of custody and safekeeping of the evidence for use in a legal proceeding, and (5) the comparison of the collected evidence with the genetic marker grouping analysis information maintained by the Department of State Police under Section 5-4-3 of the Unified Code of Corrections and with the information contained in the Federal Bureau of Investigation's National DNA database; provided the amount and quality of genetic marker grouping results obtained from the evidence in the sexual assault case meets the requirements of both the Department of State Police and the Federal Bureau of Investigation's Combined DNA Index System (CODIS)

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policies. The standardized evidence collection kit for the State of Illinois shall be the Illinois State Police Sexual Assault Evidence Kit and shall include a written consent form authorizing law enforcement to test the sexual assault evidence and to provide law enforcement with details of the sexual assault. A sexual assault evidence collection kit may not be released by a hospital without the written consent of the sexual assault survivor. In the case of a survivor who is a minor 13 years of age or older, evidence and information concerning the sexual assault may be released at the written request of the minor. If the survivor is a minor who is under 13 years of age, evidence and information concerning the alleged sexual assault may be released at the written request of the parent, guardian, investigating law enforcement officer, or Department of Children and Family Services. If the survivor is an adult who has a guardian of the person, a health care surrogate, or an agent acting under a health care power of attorney, then consent of the guardian, surrogate, or agent is not required to release evidence and information concerning the sexual assault. If the adult is unable to provide consent for the release of evidence and information and a guardian, surrogate, or agent under a health care power of attorney is unavailable or unwilling to release the information, then an investigating law enforcement officer may authorize the release. Any health care professional, including any physician, advanced practice nurse, physician assistant, or nurse, sexual assault nurse examiner, and any health care institution, including any hospital, who provides evidence or information to a law enforcement officer pursuant to a written request as specified in this Section is immune from any civil or professional liability that might arise from those actions, with the exception of willful or wanton misconduct. The immunity provision applies only if all of the requirements of this Section are met:

(a-5) (Blank).

(b) The Illinois State Police shall administer a program to train hospitals and hospital personnel participating in the sexual assault evidence collection program, in the correct use and application of the sexual assault evidence collection kits. A sexual assault nurse examiner may conduct examinations using the sexual assault evidence collection kits, without the presence or participation of a physician. The Department shall cooperate with the Illinois State Police in this program as it pertains to medical aspects of the evidence collection.

(c) In this Section, "sexual assault nurse examiner" means a registered nurse who has completed a sexual assault nurse examiner
(SANE) training program that meets the Forensic Sexual Assault Nurse Examiner Education Guidelines established by the International Association of Forensic Nurses.
(Source: P.A. 95-331, eff. 8-21-07; 95-432, eff. 1-1-08; 96-318, eff. 1-1-10; 96-1011, eff. 9-1-10.)

(410 ILCS 70/6.5 new)

Sec. 6.5. Written consent to the release of sexual assault evidence for testing.

(a) Upon the completion of hospital emergency services and forensic services, the health care professional providing the forensic services shall provide the patient the opportunity to sign a written consent to allow law enforcement to submit the sexual assault evidence for testing. The written consent shall be on a form included in the sexual assault evidence collection kit and shall include whether the survivor consents to the release of information about the sexual assault to law enforcement.

(1) A survivor 13 years of age or older may sign the written consent to release the evidence for testing.

(2) If the survivor is a minor who is under 13 years of age, the written consent to release the sexual assault evidence for testing may be signed by the parent, guardian, investigating law enforcement officer, or Department of Children and Family Services.

(3) If the survivor is an adult who has a guardian of the person, a health care surrogate, or an agent acting under a health care power of attorney, the consent of the guardian, surrogate, or agent is not required to release evidence and information concerning the sexual assault or sexual abuse. If the adult is unable to provide consent for the release of evidence and information and a guardian, surrogate, or agent under a health care power of attorney is unavailable or unwilling to release the information, then an investigating law enforcement officer may authorize the release.

(4) Any health care professional, including any physician, advanced practice nurse, physician assistant, or nurse, sexual assault nurse examiner, and any health care institution, including any hospital, who provides evidence or information to a law enforcement officer under a written consent as specified in this Section is immune from any civil or professional liability that might arise from those actions, with the exception of willful or

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wanton misconduct. The immunity provision applies only if all of the requirements of this Section are met.

(b) The hospital shall keep a copy of a signed or unsigned written consent form in the patient's medical record.

(c) If a written consent to allow law enforcement to test the sexual assault evidence is not signed at the completion of hospital emergency services and forensic services, the hospital shall include the following information in its discharge instructions:

   (1) the sexual assault evidence will be stored for 5 years from the completion of an Illinois State Police Sexual Assault Evidence Collection Kit, or 5 years from the age of 18 years, whichever is longer;

   (2) a person authorized to consent to the testing of the sexual assault evidence may sign a written consent to allow law enforcement to test the sexual assault evidence at any time during that 5-year period for an adult victim, or until a minor victim turns 23 years of age by (A) contacting the law enforcement agency having jurisdiction, or if unknown, the law enforcement agency contacted by the hospital under Section 3.2 of the Criminal Identification Act; or (B) by working with an advocate at a rape crisis center;

   (3) the name, address, and phone number of the law enforcement agency having jurisdiction, or if unknown the name, address, and phone number of the law enforcement agency contacted by the hospital under Section 3.2 of the Criminal Identification Act; and

   (4) the name and phone number of a local rape crisis center.

(410 ILCS 70/6.6 new)
Sec. 6.6. Submission of sexual assault evidence.

(a) As soon as practicable, but in no event more than 4 hours after the completion of hospital emergency services and forensic services, the hospital shall make reasonable efforts to determine the law enforcement agency having jurisdiction where the sexual assault occurred. The hospital may obtain the name of the law enforcement agency with jurisdiction from the local law enforcement agency.

(b) Within 4 hours after the completion of hospital emergency services and forensic services, the hospital shall notify the law enforcement agency having jurisdiction that the hospital is in possession

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of sexual assault evidence and the date and time the collection of evidence was completed. The hospital shall document the notification in the patient's medical records and shall include the agency notified, the date and time of the notification and the name of the person who received the notification. This notification to the law enforcement agency having jurisdiction satisfies the hospital's requirement to contact its local law enforcement agency under Section 3.2 of the Criminal Identification Act.

(c) If the law enforcement agency having jurisdiction has not taken physical custody of sexual assault evidence within 5 days of the first contact by the hospital, the hospital shall re-notify the law enforcement agency having jurisdiction that the hospital is in possession of sexual assault evidence and the date the sexual assault evidence was collected. The hospital shall document the re-notification in the patient's medical records and shall include the agency notified, the date and time of the notification and the name of the person who received the notification.

(d) If the law enforcement agency having jurisdiction has not taken physical custody of the sexual assault evidence within 10 days of the first contact by the hospital and the hospital has provided renotification under subsection (c) of this Section, the hospital shall contact the State's Attorney of the county where the law enforcement agency having jurisdiction is located. The hospital shall inform the State's Attorney that the hospital is in possession of sexual assault evidence, the date the sexual assault evidence was collected, the law enforcement agency having jurisdiction, the dates, times and names of persons notified under subsections (b) and (c) of this Section. The notification shall be made within 14 days of the collection of the sexual assault evidence.

Section 120. The Sexual Assault Evidence Submission Act is amended by changing Section 10 as follows:

(725 ILCS 202/10)

Sec. 10. Submission of evidence. Law enforcement agencies that receive sexual assault evidence that the victim of a sexual assault or sexual abuse or a person authorized under Section 6.5 of the Sexual Assault Survivors Emergency Treatment Act has consented to allow law enforcement to test in connection with the investigation of a criminal case on or after the effective date of this Act must submit evidence from the case within 10 business days of receipt of the consent to test to a Department of State Police forensic laboratory or a laboratory approved and designated by the Director of State Police. The written report required under Section 20 of the Sexual Assault Incident Procedure Act shall

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include the date and time the sexual assault evidence was picked up from the hospital, the date consent to test the sexual assault evidence was given, and the date and time the sexual assault evidence was sent to the laboratory. Sexual assault evidence received by a law enforcement agency within 30 days prior to the effective date of this Act shall be submitted pursuant to this Section.

(Source: P.A. 96-1011, eff. 9-1-10.)

Section 125. The Unified Code of Corrections is amended by changing Section 5-4-3a as follows:

(730 ILCS 5/5-4-3a)

Sec. 5-4-3a. DNA testing backlog accountability.

(a) On or before August 1 of each year, the Department of State Police shall report to the Governor and both houses of the General Assembly the following information:

(1) the extent of the backlog of cases awaiting testing or awaiting DNA analysis by that Department, including but not limited to those tests conducted under Section 5-4-3, as of June 30 of the previous fiscal year, with the backlog being defined as all cases awaiting forensic testing whether in the physical custody of the State Police or in the physical custody of local law enforcement, provided that the State Police have written notice of any evidence in the physical custody of local law enforcement prior to June 1 of that year; and

(2) what measures have been and are being taken to reduce that backlog and the estimated costs or expenditures in doing so.

(b) The information reported under this Section shall be made available to the public, at the time it is reported, on the official web site of the Department of State Police.

(c) Beginning January 1, 2016, the Department of State Police shall quarterly report on the status of the processing of forensic biology and DNA evidence submitted to the Department of State Police Laboratory for analysis. The report shall be submitted to the Governor and the General Assembly, and shall be posted on the Department of State Police website. The report shall include the following for each State Police Laboratory location and any laboratory to which the Department of State Police has outsourced evidence for testing:

(1) For forensic biology submissions, report both total case and sexual assault or abuse case (as defined by the Sexual Assault Evidence Submission Act) figures for:

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(A) The number of cases received in the preceding quarter.

(B) The number of cases completed in the preceding quarter.

(C) The number of cases waiting analysis.

(D) The number of cases sent for outsourcing.

(E) The number of cases waiting analysis that were received within the past 30 days.

(F) The number of cases waiting analysis that were received 31 to 90 days prior.

(G) The number of cases waiting analysis that were received 91 to 180 days prior.

(H) The number of cases waiting analysis that were received 181 to 365 days prior.

(I) The number of cases waiting analysis that were received more than 365 days prior.

(J) The number of cases forwarded for DNA analyses.

(2) For DNA submissions, report both total case and sexual assault or abuse case (as defined by the Sexual Assault Evidence Submission Act) figures for:

(A) The number of cases received in the preceding quarter.

(B) The number of cases completed in the preceding quarter.

(C) The number of cases waiting analysis.

(D) The number of cases sent for outsourcing.

(E) The number of cases waiting analysis that were received within the past 30 days.

(F) The number of cases waiting analysis that were received 31 to 90 days prior.

(G) The number of cases waiting analysis that were received 91 to 180 days prior.

(H) The number of cases waiting analysis that were received 181 to 365 days prior.

(I) The number of cases waiting analysis that were received more than 365 days prior.
(3) For all other categories of testing (e.g., drug chemistry, firearms/toolmark, footwear/tire track, latent prints, toxicology, and trace chemistry analysis):
   (A) The number of cases received in the preceding quarter.
   (B) The number of cases completed in the preceding quarter.
   (C) The number of cases waiting analysis.

(4) For the Combined DNA Index System (CODIS), report both total case and sexual assault or abuse case (as defined by the Sexual Assault Evidence Submission Act) figures for subparagraphs (D), (E), and (F) of this paragraph (4):
   (A) The number of new offender samples received in the preceding quarter.
   (B) The number of offender samples uploaded to CODIS in the preceding quarter.
   (C) The number of offender samples awaiting analysis.
   (D) The number of unknown DNA case profiles uploaded to CODIS in the preceding quarter.
   (E) The number of CODIS hits in the preceding quarter.
   (F) The number of forensic evidence submissions submitted to confirm a previously reported CODIS hit.

(5) For each category of testing, report the number of trained forensic scientists and the number of forensic scientists in training.

As used in this subsection (c), "completed" means completion of both the analysis of the evidence and the provision of the results to the submitting law enforcement agency.

(d) The provisions of this subsection (d), other than this sentence, are inoperative on and after January 1, 2019 or 2 years after the effective date of this amendatory Act of the 99th General Assembly, whichever is later. In consultation with and subject to the approval of the Chief Procurement Officer, the Department of State Police may obtain contracts for services, commodities, and equipment to assist in the timely completion of forensic biology, DNA, drug chemistry, firearms/toolmark, footwear/tire track, latent prints, toxicology, microscopy, trace chemistry, and Combined DNA Index System (CODIS) analysis. Contracts to support
the delivery of timely forensic science services are not subject to the provisions of the Illinois Procurement Code, except for Sections 20-60, 20-65, 20-70, and 20-160 and Article 50 of that Code, provided that the Chief Procurement Officer may, in writing with justification, waive any certification required under Article 50 of the Illinois Procurement Code. For any contracts for services which are currently provided by members of a collective bargaining agreement, the applicable terms of the collective bargaining agreement concerning subcontracting shall be followed.

(Source: P.A. 99-352, eff. 1-1-16.)

Approved August 12, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0802
(House Bill No. 4344)

AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 1. Short title. This Act may be cited as the Heroes Way Designation Program Act.
Section 5. Purpose. This Act establishes a designation program, to be known as the "Heroes Way Designation Program", to honor the fallen Illinois heroes who have been killed in action while performing active military duty with the United States Armed Forces.
Section 10. Definitions. As used in this Act:
"Department" means the Illinois Department of Transportation.
"Secretary" means the Secretary of the Illinois Department of Transportation.
"United States Armed Forces" means any branch of the United States Military, including National Guard and military reserve components.
Section 15. Heroes Way Designation Program.
(a) Any person who is related by marriage, adoption, or consanguinity within the second degree to a member of the United States Armed Forces who was killed in action while performing active military duty with the Armed Forces, and who was a resident of this State at the time he or she was killed in action, may apply for a designation allowing

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the placement of an honorary sign alongside roads designated under the provisions of this Act.

(b) The honorary signs may be placed upon interstate or state-numbered highway interchanges or upon bridges or segments of highway under the jurisdiction of the Department according to the provisions of this Section, and any applicable federal and State limitations or conditions on highway signage, including location and spacing.

(c) Any person described under subsection (a) of this Section who desires to have an interstate or state-numbered highway interchange or bridge or segment of highway under the jurisdiction of the Department designated after his or her family member shall petition the Department by submitting an application in a form prescribed by the Secretary. The form shall include the amount of the fee under subsection (d) of this Section. The application must meet the following requirements:

(1) describe the interstate or state-numbered highway interchange or bridge or segment of highway under the jurisdiction of the Department for which the designation is sought and the proposed name of the interchange, bridge, or relevant segment of highway. The application shall include the name of at least one current member of the General Assembly who will sponsor the designation. The application may contain written testimony for support of the designation;

(2) a signed form, prescribed by the Secretary, certifying that the applicant is related by marriage, adoption, or consanguinity within the second degree to the member of the United States Armed Forces who was killed in action; and

(3) the name of the member of the United States Armed Forces for whom the designation is sought must be listed on the National Gold Star Family Registry.

(d) After determining that the petitioner meets all of the application requirements of subsection (c), the Department shall submit a recommendation containing the proposed designations to the sponsor in the General Assembly named in the application. The Department shall be notified upon the approval or denial of a proposed designation. Upon the approval of a proposed designation, the petitioner shall submit a fee to be determined by the Secretary to cover the costs of constructing and maintaining the proposed signs on the interchange, bridge, or segment of highway. The fee shall not exceed the cost of constructing and maintaining each sign.

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(e) The Department shall give notice of any proposed designation under this Section on the Department's official public website.

(f) Two signs shall be erected for each interchange, bridge, or segment of highway designation processed under this Section.

(g) No interchange, bridge, or segment of highway may be named or designated under this Section if it carries an existing designation. A designated member of the United States Armed Forces shall not be eligible for more than one interchange, bridge, or segment of highway designation under this Section.

(h) All moneys received by the Department for the construction and maintenance of interchange, bridge, or segment of highway signs shall be deposited in the "Road Fund" of the State treasury.

(i) The documents and fees required under this Section shall be submitted to the Department.

Passed in the General Assembly May 26, 2016.
Approved August 15, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0803
(House Bill No. 4389)

AN ACT concerning government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The State Commemorative Dates Act is amended by changing Section 50 as follows:
(5 ILCS 490/50) (from Ch. 1, par. 3051-50)
Sec. 50. Gold Star Mothers' Day.

(a) The Governor shall annually designate by official proclamation the last Sunday in September as Gold Star Mothers' Day to be observed throughout the State as a day to honor and commemorate the mothers of men and women who gave their lives while serving with the armed forces of the United States in time of war or during a period of hostilities.

(b) The Governor shall annually designate by official proclamation the day after Gold Star Mothers' Day as Gold Star Family Day to be observed throughout the State as a day to honor and commemorate the families of men and women who gave their lives while serving with the armed forces of the United States in time of war or during a period of hostilities.

New matter indicated by italics - deletions by strikeout
AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Section 26-1 as follows:

Sec. 26-1. Compulsory school age-Exemptions. Whoever has custody or control of any child (i) between the ages of 7 and 17 years (unless the child has already graduated from high school) for school years before the 2014-2015 school year or (ii) between the ages of 6 (on or before September 1) and 17 years (unless the child has already graduated from high school) beginning with the 2014-2015 school year shall cause such child to attend some public school in the district wherein the child resides the entire time it is in session during the regular school term, except as provided in Section 10-19.1, and during a required summer school program established under Section 10-22.33B; provided, that the following children shall not be required to attend the public schools:

1. Any child attending a private or a parochial school where children are taught the branches of education taught to children of corresponding age and grade in the public schools, and where the instruction of the child in the branches of education is in the English language;

2. Any child who is physically or mentally unable to attend school, such disability being certified to the county or district truant officer by a competent physician licensed in Illinois to practice medicine and surgery in all its branches, a chiropractic physician licensed under the Medical Practice Act of 1987, a licensed advanced practice nurse, a licensed physician assistant, or a Christian Science practitioner residing in this State and listed in...
the Christian Science Journal; or who is excused for temporary absence for cause by the principal or teacher of the school which the child attends; the exemptions in this paragraph (2) do not apply to any female who is pregnant or the mother of one or more children, except where a female is unable to attend school due to a complication arising from her pregnancy and the existence of such complication is certified to the county or district truant officer by a competent physician;

3. Any child necessarily and lawfully employed according to the provisions of the law regulating child labor may be excused from attendance at school by the county superintendent of schools or the superintendent of the public school which the child should be attending, on certification of the facts by and the recommendation of the school board of the public school district in which the child resides. In districts having part time continuation schools, children so excused shall attend such schools at least 8 hours each week;

4. Any child over 12 and under 14 years of age while in attendance at confirmation classes;

5. Any child absent from a public school on a particular day or days or at a particular time of day for the reason that he is unable to attend classes or to participate in any examination, study or work requirements on a particular day or days or at a particular time of day, because the tenets of his religion forbid secular activity on a particular day or days or at a particular time of day. Each school board shall prescribe rules and regulations relative to absences for religious holidays including, but not limited to, a list of religious holidays on which it shall be mandatory to excuse a child; but nothing in this paragraph 5 shall be construed to limit the right of any school board, at its discretion, to excuse an absence on any other day by reason of the observance of a religious holiday. A school board may require the parent or guardian of a child who is to be excused from attending school due to the observance of a religious holiday to give notice, not exceeding 5 days, of the child's absence to the school principal or other school personnel. Any child excused from attending school under this paragraph 5 shall not be required to submit a written excuse for such absence after returning to school; and

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6. Any child 16 years of age or older who (i) submits to a school district evidence of necessary and lawful employment pursuant to paragraph 3 of this Section and (ii) is enrolled in a graduation incentives program pursuant to Section 26-16 of this Code or an alternative learning opportunities program established pursuant to Article 13B of this Code; and:

7. A child in any of grades 6 through 12 absent from a public school on a particular day or days or at a particular time of day for the purpose of sounding "Taps" at a military honors funeral held in this State for a deceased veteran. In order to be excused under this paragraph 7, the student shall notify the school's administration at least 2 days prior to the date of the absence and shall provide the school's administration with the date, time, and location of the military honors funeral. The school's administration may waive this 2-day notification requirement if the student did not receive at least 2 days advance notice, but the student shall notify the school's administration as soon as possible of the absence. A student whose absence is excused under this paragraph 7 shall be counted as if the student attended school for purposes of calculating the average daily attendance of students in the school district. A student whose absence is excused under this paragraph 7 must be allowed a reasonable time to make up school work missed during the absence. If the student satisfactorily completes the school work, the day of absence shall be counted as a day of compulsory attendance and he or she may not be penalized for that absence.

(Source: P.A. 98-544, eff. 7-1-14; 99-173, eff. 7-29-15.)

Passed in the General Assembly May 19, 2016.
Approved August 15, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0805
(House Bill No. 4433)

AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by adding Section 3-506 as follows:

New matter indicated by italics - deletions by strikeout
(625 ILCS 5/3-506 new)

Sec. 3-506. Transfer of plates to spouses of military service members. Upon the death of a military service member who has been issued special plates under Section 3-609.1, 3-620, 3-621, 3-622, 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650, 3-651, 3-666, 3-667, 3-668, 3-669, 3-676, 3-677, 3-680, 3-681, 3-683, 3-686, 3-688, 3-693, 3-698, or 3-699.12 of this Code, the surviving spouse of that service member may retain the plate so long as that spouse is a resident of Illinois and transfers the registration to his or her name within 180 days of the death of the service member.

For the purposes of this Section, "service member" means any individual who is serving or has served in any branch of the United States Armed Forces, including the National Guard or other reserve components of the Armed Forces, and has been issued a special plate listed in this Section.

Passed in the General Assembly May 26, 2016.
Approved August 15, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0806
(House Bill No. 4627)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The University of Illinois Act is amended by changing Section 8 as follows:

(110 ILCS 305/8) (from Ch. 144, par. 29)
Sec. 8. Admissions.
(a) (Blank).
(b) In addition, commencing in the fall of 1993, no new student shall then or thereafter be admitted to instruction in any of the departments or colleges of the University unless such student also has satisfactorily completed:

(1) at least 15 units of high school coursework from the following 5 categories:

(A) 4 years of English (emphasizing written and oral communications and literature), of which up to 2 years may be collegiate level instruction;

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(B) 3 years of social studies (emphasizing history and government);
(C) 3 years of mathematics (introductory through advanced algebra, geometry, trigonometry, or fundamentals of computer programming);
(D) 3 years of science (laboratory sciences); and
(E) 2 years of electives in foreign language (which may be deemed to include American Sign Language), music, vocational education or art;

(2) except that institutions may admit individual applicants if the institution determines through assessment or through evaluation based on learning outcomes of the coursework taken, including vocational education courses and courses taken in a charter school established under Article 27A of the School Code, that the applicant demonstrates knowledge and skills substantially equivalent to the knowledge and skills expected to be acquired in the high school courses required for admission. The Board of Trustees of the University of Illinois shall not discriminate in the University's admissions process against an applicant for admission because of the applicant's enrollment in a charter school established under Article 27A of the School Code. Institutions may also admit 1) applicants who did not have an opportunity to complete the minimum college preparatory curriculum in high school, and 2) educationally disadvantaged applicants who are admitted to the formal organized special assistance programs that are tailored to the needs of such students, providing that in either case, the institution incorporates in the applicant's baccalaureate curriculum courses or other academic activities that compensate for course deficiencies; and

(3) except that up to 3 of the 15 units of coursework required by paragraph (1) of this subsection may be distributed by deducting no more than one unit each from the categories of social studies, mathematics, sciences and electives and completing those 3 units in any of the 5 categories of coursework described in paragraph (1).

(c) When allocating funds, local boards of education shall recognize their obligation to their students to offer the coursework required by subsection (b).

New matter indicated by italics - deletions by strikeout
(d) A student who has graduated from high school and has scored within the University's accepted range on the ACT or SAT shall not be required to take a high school equivalency test as a prerequisite to admission.

(e) The Board of Trustees shall establish an admissions process in which honorably discharged veterans are permitted to submit an application for admission to the University as a freshman student enrolling in the spring semester if the veteran was on active duty during the fall semester. The University may request that the Department of Veterans' Affairs confirm the status of an applicant as an honorably discharged veteran who was on active duty during the fall semester.

(Source: P.A. 98-718, eff. 1-1-15.)

Section 10. The Southern Illinois University Management Act is amended by changing Section 8e as follows:

(110 ILCS 520/8e) (from Ch. 144, par. 658e)

Sec. 8e. Admissions.

(a) Commencing in the fall of 1993, no new student shall then or thereafter be admitted to instruction in any of the departments or colleges of the University unless such student also has satisfactorily completed:

(1) at least 15 units of high school coursework from the following 5 categories:

(A) 4 years of English (emphasizing written and oral communications and literature), of which up to 2 years may be collegiate level instruction;

(B) 3 years of social studies (emphasizing history and government);

(C) 3 years of mathematics (introductory through advanced algebra, geometry, trigonometry, or fundamentals of computer programming);

(D) 3 years of science (laboratory sciences); and

(E) 2 years of electives in foreign language (which may be deemed to include American Sign Language), music, vocational education or art;

(2) except that institutions may admit individual applicants if the institution determines through assessment or through evaluation based on learning outcomes of the coursework taken, including vocational education courses and courses taken in a charter school established under Article 27A of the School Code, that the applicant demonstrates knowledge and skills substantially

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equivalent to the knowledge and skills expected to be acquired in the high school courses required for admission. The Board of Trustees of Southern Illinois University shall not discriminate in the University's admissions process against an applicant for admission because of the applicant's enrollment in a charter school established under Article 27A of the School Code. Institutions may also admit 1) applicants who did not have an opportunity to complete the minimum college preparatory curriculum in high school, and 2) educationally disadvantaged applicants who are admitted to the formal organized special assistance programs that are tailored to the needs of such students, providing that in either case, the institution incorporates in the applicant's baccalaureate curriculum courses or other academic activities that compensate for course deficiencies; and

(3) except that up to 3 of 15 units of coursework required by paragraph (1) of this subsection may be distributed by deducting no more than one unit each from the categories of social studies, mathematics, sciences and electives and completing those 3 units in any of the 5 categories of coursework described in paragraph (1).

(b) When allocating funds, local boards of education shall recognize their obligation to their students to offer the coursework required by subsection (a).

(c) A student who has graduated from high school and has scored within the University's accepted range on the ACT or SAT shall not be required to take a high school equivalency test as a prerequisite to admission.

(d) The Board shall establish an admissions process in which honorably discharged veterans are permitted to submit an application for admission to the University as a freshman student enrolling in the spring semester if the veteran was on active duty during the fall semester. The University may request that the Department of Veterans' Affairs confirm the status of an applicant as an honorably discharged veteran who was on active duty during the fall semester.

(110 ILCS 660/5-85)

Sec. 5-85. Admissions admission requirements.

New matter indicated by italics - deletions by strikeout
(a) No new student shall be admitted to instruction in any of the departments or colleges of the Chicago State University unless such student also has satisfactorily completed:

(1) at least 15 units of high school coursework from the following 5 categories:
   
   (A) 4 years of English (emphasizing written and oral communications and literature), of which up to 2 years may be collegiate level instruction;
   
   (B) 3 years of social studies (emphasizing history and government);
   
   (C) 3 years of mathematics (introductory through advanced algebra, geometry, trigonometry, or fundamentals of computer programming);
   
   (D) 3 years of science (laboratory sciences); and
   
   (E) 2 years of electives in foreign language (which may be deemed to include American Sign Language), music, vocational education or art;

(2) except that Chicago State University may admit individual applicants if it determines through assessment or through evaluation based on learning outcomes of the coursework taken, including vocational education courses and courses taken in a charter school established under Article 27A of the School Code, that the applicant demonstrates knowledge and skills substantially equivalent to the knowledge and skills expected to be acquired in the high school courses required for admission. The Board of Trustees of Chicago State University shall not discriminate in the University's admissions process against an applicant for admission because of the applicant's enrollment in a charter school established under Article 27A of the School Code. Chicago State University may also admit (i) applicants who did not have an opportunity to complete the minimum college preparatory curriculum in high school, and (ii) educationally disadvantaged applicants who are admitted to the formal organized special assistance programs that are tailored to the needs of such students, providing that in either case, the institution incorporates in the applicant's baccalaureate curriculum courses or other academic activities that compensate for course deficiencies; and

(3) except that up to 3 of 15 units of coursework required by paragraph (1) of this subsection may be distributed by deducting
no more than one unit each from the categories of social studies, mathematics, sciences and electives and completing those 3 units in any of the 5 categories of coursework described in paragraph (1).

(b) When allocating funds, local boards of education shall recognize their obligation to their students to offer the coursework required by subsection (a).

(c) A student who has graduated from high school and has scored within the University's accepted range on the ACT or SAT shall not be required to take a high school equivalency test as a prerequisite to admission.

(d) The Board shall establish an admissions process in which honorably discharged veterans are permitted to submit an application for admission to the University as a freshman student enrolling in the spring semester if the veteran was on active duty during the fall semester. The University may request that the Department of Veterans' Affairs confirm the status of an applicant as an honorably discharged veteran who was on active duty during the fall semester.

(Source: P.A. 98-718, eff. 1-1-15.)

Section 20. The Eastern Illinois University Law is amended by changing Section 10-85 as follows:

(110 ILCS 665/10-85)

Sec. 10-85. Admission requirements.

(a) No new student shall be admitted to instruction in any of the departments or colleges of the Eastern Illinois University unless such student also has satisfactorily completed:

(1) at least 15 units of high school coursework from the following 5 categories:

(A) 4 years of English (emphasizing written and oral communications and literature), of which up to 2 years may be collegiate level instruction;

(B) 3 years of social studies (emphasizing history and government);

(C) 3 years of mathematics (introductory through advanced algebra, geometry, trigonometry, or fundamentals of computer programming);

(D) 3 years of science (laboratory sciences); and

(E) 2 years of electives in foreign language (which may be deemed to include American Sign Language), music, vocational education or art;

New matter indicated by italics - deletions by strikeout
(2) except that Eastern Illinois University may admit individual applicants if it determines through assessment or through evaluation based on learning outcomes of the coursework taken, including vocational education courses and courses taken in a charter school established under Article 27A of the School Code, that the applicant demonstrates knowledge and skills substantially equivalent to the knowledge and skills expected to be acquired in the high school courses required for admission. The Board of Trustees of Eastern Illinois University shall not discriminate in the University's admissions process against an applicant for admission because of the applicant's enrollment in a charter school established under Article 27A of the School Code. Eastern Illinois University may also admit (i) applicants who did not have an opportunity to complete the minimum college preparatory curriculum in high school, and (ii) educationally disadvantaged applicants who are admitted to the formal organized special assistance programs that are tailored to the needs of such students, providing that in either case, the institution incorporates in the applicant's baccalaureate curriculum courses or other academic activities that compensate for course deficiencies; and

(3) except that up to 3 of 15 units of coursework required by paragraph (1) of this subsection may be distributed by deducting no more than one unit each from the categories of social studies, mathematics, sciences and electives and completing those 3 units in any of the 5 categories of coursework described in paragraph (1).

(b) When allocating funds, local boards of education shall recognize their obligation to their students to offer the coursework required by subsection (a).

(c) A student who has graduated from high school and has scored within the University's accepted range on the ACT or SAT shall not be required to take a high school equivalency test as a prerequisite to admission.

(d) The Board shall establish an admissions process in which honorably discharged veterans are permitted to submit an application for admission to the University as a freshman student enrolling in the spring semester if the veteran was on active duty during the fall semester. The University may request that the Department of Veterans' Affairs confirm the status of an applicant as an honorably discharged veteran who was on active duty during the fall semester.

New matter indicated by italics - deletions by strikeout
Section 25. The Governors State University Law is amended by changing Section 15-85 as follows:

Sec. 15-85. **Admission requirements.**

(a) No new student shall be admitted to instruction in any of the departments or colleges of the Governors State University unless such student also has satisfactorily completed:

1. at least 15 units of high school coursework from the following 5 categories:
   
   A. 4 years of English (emphasizing written and oral communications and literature), of which up to 2 years may be collegiate level instruction;
   
   B. 3 years of social studies (emphasizing history and government);
   
   C. 3 years of mathematics (introductory through advanced algebra, geometry, trigonometry, or fundamentals of computer programming);
   
   D. 3 years of science (laboratory sciences); and
   
   E. 2 years of electives in foreign language (which may be deemed to include American Sign Language), music, vocational education or art;

2. except that Governors State University may admit individual applicants if it determines through assessment or through evaluation based on learning outcomes of the coursework taken, including vocational education courses and courses taken in a charter school established under Article 27A of the School Code, that the applicant demonstrates knowledge and skills substantially equivalent to the knowledge and skills expected to be acquired in the high school courses required for admission. The Board of Trustees of Governors State University shall not discriminate in the University's admissions process against an applicant for admission because of the applicant's enrollment in a charter school established under Article 27A of the School Code. Governors State University may also admit (i) applicants who did not have an opportunity to complete the minimum college preparatory curriculum in high school, and (ii) educationally disadvantaged applicants who are admitted to the formal organized special assistance programs that are tailored to the needs of such students,
providing that in either case, the institution incorporates in the applicant's baccalaureate curriculum courses or other academic activities that compensate for course deficiencies; and

(3) except that up to 3 of 15 units of coursework required by paragraph (1) of this subsection may be distributed by deducting no more than one unit each from the categories of social studies, mathematics, sciences and electives and completing those 3 units in any of the 5 categories of coursework described in paragraph (1).

(b) When allocating funds, local boards of education shall recognize their obligation to their students to offer the coursework required by subsection (a).

(c) A student who has graduated from high school and has scored within the University's accepted range on the ACT or SAT shall not be required to take a high school equivalency test as a prerequisite to admission.

(d) The Board shall establish an admissions process in which honorably discharged veterans are permitted to submit an application for admission to the University as a freshman student enrolling in the spring semester if the veteran was on active duty during the fall semester. The University may request that the Department of Veterans' Affairs confirm the status of an applicant as an honorably discharged veteran who was on active duty during the fall semester.

(Source: P.A. 98-718, eff. 1-1-15.)

Section 30. The Illinois State University Law is amended by changing Section 20-85 as follows:

(110 ILCS 675/20-85)

Sec. 20-85. Admission requirements.

(a) No new student shall be admitted to instruction in any of the departments or colleges of the Illinois State University unless such student also has satisfactorily completed:

(1) at least 15 units of high school coursework from the following 5 categories:

(A) 4 years of English (emphasizing written and oral communications and literature), of which up to 2 years may be collegiate level instruction;

(B) 3 years of social studies (emphasizing history and government);

New matter indicated by italics - deletions by strikeout
(C) 3 years of mathematics (introductory through advanced algebra, geometry, trigonometry, or fundamentals of computer programming);

(D) 3 years of science (laboratory sciences); and

(E) 2 years of electives in foreign language (which may be deemed to include American Sign Language), music, vocational education or art;

(2) except that Illinois State University may admit individual applicants if it determines through assessment or through evaluation based on learning outcomes of the coursework taken, including vocational education courses and courses taken in a charter school established under Article 27A of the School Code, that the applicant demonstrates knowledge and skills substantially equivalent to the knowledge and skills expected to be acquired in the high school courses required for admission. The Board of Trustees of Illinois State University shall not discriminate in the University's admissions process against an applicant for admission because of the applicant's enrollment in a charter school established under Article 27A of the School Code. Illinois State University may also admit (i) applicants who did not have an opportunity to complete the minimum college preparatory curriculum in high school, and (ii) educationally disadvantaged applicants who are admitted to the formal organized special assistance programs that are tailored to the needs of such students, providing that in either case, the institution incorporates in the applicant's baccalaureate curriculum courses or other academic activities that compensate for course deficiencies; and

(3) except that up to 3 of 15 units of coursework required by paragraph (1) of this subsection may be distributed by deducting no more than one unit each from the categories of social studies, mathematics, sciences and electives and completing those 3 units in any of the 5 categories of coursework described in paragraph (1).

(b) When allocating funds, local boards of education shall recognize their obligation to their students to offer the coursework required by subsection (a).

(c) A student who has graduated from high school and has scored within the University's accepted range on the ACT or SAT shall not be required to take a high school equivalency test as a prerequisite to admission.
(d) The Board shall establish an admissions process in which honorably discharged veterans are permitted to submit an application for admission to the University as a freshman student enrolling in the spring semester if the veteran was on active duty during the fall semester. The University may request that the Department of Veterans' Affairs confirm the status of an applicant as an honorably discharged veteran who was on active duty during the fall semester.

(Source: P.A. 98-718, eff. 1-1-15.)

Section 35. The Northeastern Illinois University Law is amended by changing Section 25-85 as follows:

(110 ILCS 680/25-85)

Sec. 25-85. Admissions Admission requirements.

(a) No new student shall be admitted to instruction in any of the departments or colleges of the Northeastern Illinois University unless such student also has satisfactorily completed:

(1) at least 15 units of high school coursework from the following 5 categories:
   (A) 4 years of English (emphasizing written and oral communications and literature), of which up to 2 years may be collegiate level instruction;
   (B) 3 years of social studies (emphasizing history and government);
   (C) 3 years of mathematics (introductory through advanced algebra, geometry, trigonometry, or fundamentals of computer programming);
   (D) 3 years of science (laboratory sciences); and
   (E) 2 years of electives in foreign language (which may be deemed to include American Sign Language), music, vocational education or art;

(2) except that Northeastern Illinois University may admit individual applicants if it determines through assessment or through evaluation based on learning outcomes of the coursework taken, including vocational education courses and courses taken in a charter school established under Article 27A of the School Code, that the applicant demonstrates knowledge and skills substantially equivalent to the knowledge and skills expected to be acquired in the high school courses required for admission. The Board of Trustees of Northeastern Illinois University shall not discriminate in the University's admissions process against an applicant for

New matter indicated by italics - deletions by strikeout
admission because of the applicant's enrollment in a charter school established under Article 27A of the School Code. Northeastern Illinois University may also admit (i) applicants who did not have an opportunity to complete the minimum college preparatory curriculum in high school, and (ii) educationally disadvantaged applicants who are admitted to the formal organized special assistance programs that are tailored to the needs of such students, providing that in either case, the institution incorporates in the applicant's baccalaureate curriculum courses or other academic activities that compensate for course deficiencies; and

(3) except that up to 3 of 15 units of coursework required by paragraph (1) of this subsection may be distributed by deducting no more than one unit each from the categories of social studies, mathematics, sciences and electives and completing those 3 units in any of the 5 categories of coursework described in paragraph (1).

(b) When allocating funds, local boards of education shall recognize their obligation to their students to offer the coursework required by subsection (a).

(c) A student who has graduated from high school and has scored within the University's accepted range on the ACT or SAT shall not be required to take a high school equivalency test as a prerequisite to admission.

(d) The Board shall establish an admissions process in which honorably discharged veterans are permitted to submit an application for admission to the University as a freshman student enrolling in the spring semester if the veteran was on active duty during the fall semester. The University may request that the Department of Veterans' Affairs confirm the status of an applicant as an honorably discharged veteran who was on active duty during the fall semester.

(Source: P.A. 98-718, eff. 1-1-15.)

Section 40. The Northern Illinois University Law is amended by changing Section 30-85 as follows:

(110 ILCS 685/30-85)

Sec. 30-85. Admissions Admission requirements.

(a) No new student shall be admitted to instruction in any of the departments or colleges of the Northern Illinois University unless such student also has satisfactorily completed:

(1) at least 15 units of high school coursework from the following 5 categories:

New matter indicated by italics - deletions by strikeout
(A) 4 years of English (emphasizing written and oral communications and literature), of which up to 2 years may be collegiate level instruction;

(B) 3 years of social studies (emphasizing history and government);

(C) 3 years of mathematics (introductory through advanced algebra, geometry, trigonometry, or fundamentals of computer programming);

(D) 3 years of science (laboratory sciences); and

(E) 2 years of electives in foreign language (which may be deemed to include American Sign Language), music, vocational education or art;

(2) except that Northern Illinois University may admit individual applicants if it determines through assessment or through evaluation based on learning outcomes of the coursework taken, including vocational education courses and courses taken in a charter school established under Article 27A of the School Code, that the applicant demonstrates knowledge and skills substantially equivalent to the knowledge and skills expected to be acquired in the high school courses required for admission. The Board of Trustees of Northern Illinois University shall not discriminate in the University's admissions process against an applicant for admission because of the applicant's enrollment in a charter school established under Article 27A of the School Code. Northern Illinois University may also admit (i) applicants who did not have an opportunity to complete the minimum college preparatory curriculum in high school, and (ii) educationally disadvantaged applicants who are admitted to the formal organized special assistance programs that are tailored to the needs of such students, providing that in either case, the institution incorporates in the applicant's baccalaureate curriculum courses or other academic activities that compensate for course deficiencies; and

(3) except that up to 3 of 15 units of coursework required by paragraph (1) of this subsection may be distributed by deducting no more than one unit each from the categories of social studies, mathematics, sciences and electives and completing those 3 units in any of the 5 categories of coursework described in paragraph (1).

New matter indicated by italics - deletions by strikeout
(b) When allocating funds, local boards of education shall recognize their obligation to their students to offer the coursework required by subsection (a).

(c) A student who has graduated from high school and has scored within the University's accepted range on the ACT or SAT shall not be required to take a high school equivalency test as a prerequisite to admission.

(d) The Board shall establish an admissions process in which honorably discharged veterans are permitted to submit an application for admission to the University as a freshman student enrolling in the spring semester if the veteran was on active duty during the fall semester. The University may request that the Department of Veterans' Affairs confirm the status of an applicant as an honorably discharged veteran who was on active duty during the fall semester.

(Source: P.A. 98-718, eff. 1-1-15.)

Section 45. The Western Illinois University Law is amended by changing Section 35-85 as follows:

(110 ILCS 690/35-85)

Sec. 35-85. Admissions requirements.

(a) No new student shall be admitted to instruction in any of the departments or colleges of the Western Illinois University unless such student also has satisfactorily completed:

(1) at least 15 units of high school coursework from the following 5 categories:

(A) 4 years of English (emphasizing written and oral communications and literature), of which up to 2 years may be collegiate level instruction;

(B) 3 years of social studies (emphasizing history and government);

(C) 3 years of mathematics (introductory through advanced algebra, geometry, trigonometry, or fundamentals of computer programming);

(D) 3 years of science (laboratory sciences); and

(E) 2 years of electives in foreign language (which may be deemed to include American Sign Language), music, vocational education or art;

(2) except that Western Illinois University may admit individual applicants if it determines through assessment or through evaluation based on learning outcomes of the coursework

New matter indicated by italics - deletions by strikeout
taken, including vocational education courses and courses taken in a charter school established under Article 27A of the School Code, that the applicant demonstrates knowledge and skills substantially equivalent to the knowledge and skills expected to be acquired in the high school courses required for admission. The Board of Trustees of Western Illinois University shall not discriminate in the University's admissions process against an applicant for admission because of the applicant's enrollment in a charter school established under Article 27A of the School Code. Western Illinois University may also admit (i) applicants who did not have an opportunity to complete the minimum college preparatory curriculum in high school, and (ii) educationally disadvantaged applicants who are admitted to the formal organized special assistance programs that are tailored to the needs of such students, providing that in either case, the institution incorporates in the applicant's baccalaureate curriculum courses or other academic activities that compensate for course deficiencies; and

(3) except that up to 3 of 15 units of coursework required by paragraph (1) of this subsection may be distributed by deducting no more than one unit each from the categories of social studies, mathematics, sciences and electives and completing those 3 units in any of the 5 categories of coursework described in paragraph (1).

(b) When allocating funds, local boards of education shall recognize their obligation to their students to offer the coursework required by subsection (a).

(c) A student who has graduated from high school and has scored within the University's accepted range on the ACT or SAT shall not be required to take a high school equivalency test as a prerequisite to admission.

(d) The Board shall establish an admissions process in which honorably discharged veterans are permitted to submit an application for admission to the University as a freshman student enrolling in the spring semester if the veteran was on active duty during the fall semester. The University may request that the Department of Veterans' Affairs confirm the status of an applicant as an honorably discharged veteran who was on active duty during the fall semester.

(Source: P.A. 98-718, eff. 1-1-15.)

Section 99. Effective date. This Act takes effect upon becoming law.
AN ACT concerning criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Veterans and Servicemembers Court Treatment Act is amended by changing Section 15 as follows:

(730 ILCS 167/15)

Sec. 15. Authorization. The Chief Judge of each judicial circuit "shall" may establish a Veterans and Servicemembers Court program including a format under which it operates under this Act. The Veterans and Servicemembers Court may, at the discretion of the Chief Judge, be a separate court or a program of a problem-solving court, including but not limited to a drug court or mental health court. At the discretion of the Chief Judge, the Veterans and Servicemembers Court program may be operated in one county in the Circuit, and allow veteran and servicemember defendants from all counties within the Circuit to participate.

(Source: P.A. 96-924, eff. 6-14-10; 97-946, eff. 8-13-12.)

Section 99. Effective date. This Act takes effect January 1, 2018.

Passed in the General Assembly May 26, 2016.
Approved August 15, 2016.
Effective January 1, 2018.

AN ACT concerning State government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The State Commemorative Dates Act is amended by adding Section 190 as follows:

(5 ILCS 490/190 new)

New matter indicated by italics - deletions by strikeout
Sec. 190. National Public Safety Telecommunicators' Week. The second full week of April of each year is designated as National Public Safety Telecommunicators' Week, to be observed throughout the State as a week to honor the dedicated men and women who answer calls for help at 911 centers across the country. These call takers and dispatchers provide the first critical contact for those in need of emergency services. Telecommunicators access, monitor, and disseminate information of critical importance to the safety of public officials and success of public safety goals.

Passed in the General Assembly May 26, 2016.
Approved August 15, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0809
(House Bill No. 5402)

AN ACT concerning transportation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Section 3-802 as follows:

(625 ILCS 5/3-802) (from Ch. 95 1/2, par. 3-802)
Sec. 3-802. Reclassifications and upgrades.
(a) Definitions. For the purposes of this Section, the following words shall have the meanings ascribed to them as follows:
"Reclassification" means changing the registration of a vehicle from one plate category to another.
"Upgrade" means increasing the registered weight of a vehicle within the same plate category.
(b) When reclassing the registration of a vehicle from one plate category to another, the owner shall receive credit for the unused portion of the present plate and be charged the current portion fees for the new plate. In addition, the appropriate replacement plate and replacement sticker fees shall be assessed.

(b-5) Beginning with the 2018 registration year, any individual who has a registration issued under either Section 3-405 or 3-405.1 that qualifies for a special license plate under Sections 3-609, 3-609.1, 3-620, 3-623, 3-624, 3-625, 3-626, 3-638, 3-645, 3-647, 3-650, 3-667, 3-668, 3-669, 3-676, 3-677, 3-680, 3-683, 3-686, or 3-693 may reclass his or her

New matter indicated by italics - deletions by strikeout
registration upon acquiring a special license plate listed in this subsection (b-5) without a replacement plate fee or registration sticker cost.

(c) When upgrading the weight of a registration within the same plate category, the owner shall pay the difference in current period fees between the two plates. In addition, the appropriate replacement plate and replacement sticker fees shall be assessed. In the event new plates are not required, the corrected registration card fee shall be assessed.

(d) In the event the owner of the vehicle desires to change the registered weight and change the plate category, the owner shall receive credit for the unused portion of the registration fee of the current plate and pay the current portion of the registration fee for the new plate, and in addition, pay the appropriate replacement plate and replacement sticker fees.

(e) Reclassing from one plate category to another plate category can be done only once within any registration period.

(f) No refunds shall be made in any of the circumstances found in subsection (b), subsection (c), or subsection (d); however, when reclassing from a flat weight plate to an apportioned plate, a refund may be issued if the credit amounts to an overpayment.

(g) In the event the registration of a vehicle registered under the mileage tax option is revoked, the owner shall be required to pay the annual registration fee in the new plate category and shall not receive any credit for the mileage plate fees.

(h) Certain special interest plates may be displayed on first division vehicles, second division vehicles weighing 8,000 pounds or less, and recreational vehicles. Those plates can be transferred within those vehicle groups.

(i) Plates displayed on second division vehicles weighing 8,000 pounds or less and passenger vehicle plates may be reclassed from one division to the other.

(j) Other than in subsection (i), reclassing from one division to the other division is prohibited. In addition, a reclass from a motor vehicle to a trailer or a trailer to a motor vehicle is prohibited.

(Source: P.A. 93-365, eff. 7-24-03; 94-239, eff. 1-1-06.)

Passed in the General Assembly May 24, 2016.
Approved August 15, 2016.
Effective January 1, 2017.

New matter indicated by italics - deletions by strikeout
AN ACT concerning domestic violence.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Code of Criminal Procedure of 1963 is amended by changing Section 112A-27 as follows:

(725 ILCS 5/112A-27) (from Ch. 38, par. 112A-27)

Sec. 112A-27. Law enforcement policies.

(a) Every law enforcement agency shall develop, adopt, and implement written policies regarding arrest procedures for domestic violence incidents consistent with the provisions of this Article. In developing these policies, each law enforcement agency is encouraged to consult with community organizations and other law enforcement agencies with expertise in recognizing and handling domestic violence incidents.

(b) In the initial training of new recruits and every 5 years in the continuing education of law enforcement officers, every law enforcement agency shall provide training to aid in understanding the actions of domestic violence victims and abusers and to prevent further victimization of those who have been abused, focusing specifically on looking beyond the physical evidence to the psychology of domestic violence situations, such as the dynamics of the aggressor-victim relationship, separately evaluating claims where both parties claim to be the victim, and long-term effects.

The Law Enforcement Training Standards Board shall formulate and administer the training under this subsection (b) as part of the current programs for both new recruits and active law enforcement officers. The Board shall formulate the training by July 1, 2017, and implement the training statewide by July 1, 2018. In formulating the training, the Board shall work with community organizations with expertise in domestic violence to determine which topics to include. The Law Enforcement Training Standards Board shall oversee the implementation and continual administration of the training.

(Source: P.A. 87-1186.)

Section 10. The Illinois Domestic Violence Act of 1986 is amended by changing Section 301.1 as follows:

(750 ILCS 60/301.1) (from Ch. 40, par. 2313-1.1)

New matter indicated by italics - deletions by strikeout
Sec. 301.1. Law enforcement policies.

(a) Every law enforcement agency shall develop, adopt, and implement written policies regarding arrest procedures for domestic violence incidents consistent with the provisions of this Act. In developing these policies, each law enforcement agency shall be encouraged to consult with community organizations and other law enforcement agencies with expertise in recognizing and handling domestic violence incidents.

(b) In the initial training of new recruits and every 5 years in the continuing education of law enforcement officers, every law enforcement agency shall provide training to aid in understanding the actions of domestic violence victims and abusers and to prevent further victimization of those who have been abused, focusing specifically on looking beyond the physical evidence to the psychology of domestic violence situations, such as the dynamics of the aggressor-victim relationship, separately evaluating claims where both parties claim to be the victim, and long-term effects.

The Law Enforcement Training Standards Board shall formulate and administer the training under this subsection (b) as part of the current programs for both new recruits and active law enforcement officers. The Board shall formulate the training by July 1, 2017, and implement the training statewide by July 1, 2018. In formulating the training, the Board shall work with community organizations with expertise in domestic violence to determine which topics to include. The Law Enforcement Training Standards Board shall oversee the implementation and continual administration of the training.

(Source: P.A. 87-1186.)

Approved August 15, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0811
(House Bill No. 5611)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Fire Protection District Act is amended by adding Section 11l as follows:

(70 ILCS 705/11l new)

New matter indicated by italics - deletions by strikeout
Sec. 11l. Enforcement of the Fire Investigation Act.

(a) The fire chief has the authority to enforce the provisions of any rules adopted by the State Fire Marshal under the provisions of the Fire Investigation Act or to carry out the duties imposed on local officers under Section 9 of the Fire Investigation Act as provided in this Section.

(b) In the event that a fire chief determines that a dangerous condition or fire hazard is found to exist contrary to the rules referred to in Section 9 of the Fire Investigation Act, or if a dangerous condition or fire hazard is found to exist as specified in the first paragraph of Section 9 of the Fire Investigation Act, the fire chief shall order the dangerous condition or fire hazard removed or remedied and shall so notify the owner, occupant, or other interested person in the premises. Service of the notice upon the owner, occupant, or other interested person may be made in person or by registered or certified mail. If the owner, occupant, or other interested person cannot be located by the fire chief, the fire chief may post the order upon the premises where the dangerous condition or fire hazard exists.

(c) In the event that a fire chief determines that the dangerous condition or fire hazard which has been found to exist places persons occupying or present in the premises at risk of imminent bodily injury or serious harm, the fire chief may, as part of the order issued under subsection (b), order that the premises where such condition or fire hazard exists be immediately vacated and not be occupied until the fire chief inspect the premises and issues a notice that the dangerous condition or fire hazard is no longer present and that the premises may be occupied. An order under this subsection (c) shall be effective immediately and notice of the order may be given by the fire chief by posting the order at premises where the dangerous condition or fire hazard exists.

(d) In the event an owner, occupant, or other interested person fails to comply with an order issued by a fire chief under subsections (b) or (c), the fire chief may refer the order to the State's Attorney. The State's Attorney may apply to the circuit court for enforcement of the order of the fire chief, as issued by the fire chief or as modified by the circuit court, under the provisions of Article XI of the Code of Civil Procedure by temporary restraining order, preliminary injunction or permanent injunction, provided, however, that no bond shall be required by the court under Section 11-103 of the Code of Civil Procedure and no damages may be assessed by the court under Section 11-110 of the Code of Civil Procedure.

New matter indicated by italics - deletions by strikeout
(e) The provisions of this Section are supplementary to the provisions of the Fire Investigation Act and do not limit the authority of any fire chief or other local officers charged with the responsibility of investigating fires under Section 9 of the Fire Investigation Act or any other law or limit the authority of the State Fire Marshal under the Fire Investigation Act or any other law.

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

Approved August 15, 2016.
Effective August 15, 2016.

PUBLIC ACT 99-0812
(House Bill No. 5649)

AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing Section 3-634 as follows:
(625 ILCS 5/3-634)
Sec. 3-634. Illinois Fire Fighters' License Plate.
(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary of State, may issue special registration plates designated to be Illinois Fire Fighters' Memorial license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles having an engine over 150cc, motorcycles having an engine over 150cc, motor vehicles of the second division weighing not more than 8,000 pounds, or recreational vehicles as defined in Section 1-169 of this Code, and subject to the staggered registration system. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.
(b) The design and color of the plates shall be wholly within the discretion of the Secretary of State. The Secretary of State may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land of Lincoln", as prescribed in subsection (b) of Section 3-412 of this Code. The Secretary of State shall prescribe stickers or decals as provided under Section 3-412.

New matter indicated by italics - deletions by strikeout
(c) An applicant shall be charged a $27 fee for original issuance in addition to the applicable registration fee. Of this additional fee, $15 shall be deposited into the Secretary of State Special License Plate Fund and $12 shall be deposited into the Illinois Fire Fighters' Memorial Fund. For each registration renewal period, a $17 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, $2 shall be deposited into the Secretary of State Special License Plate Fund and $15 shall be deposited into the Illinois Fire Fighters' Memorial Fund.

(d) In addition to the purpose specified in Section 2-119(n), moneys in the Illinois Fire Fighters' Memorial Fund shall, except as otherwise provided in subsection (e) and subject to appropriation by the General Assembly and distribution by the Secretary, be used exclusively for the following purposes:

1. maintaining the Illinois Fire Fighters' Memorial;
2. holding an annual memorial commemoration and Medal of Honor ceremony and related activities; and
3. providing scholarships, for graduate study, undergraduate study, or both, to children and spouses of fire fighters killed in the line of duty.

(e) No more than 10% of the annual proceeds of the Illinois Fire Fighters' Memorial Fund may, subject to appropriation by the General Assembly and distribution by the Secretary, be used for exhibits for and the maintenance of the Illinois Fire Fighter Museum, except that the 10% limit may be exceeded to pay for emergency repairs related to the structural stability of the Illinois Fire Fighter Museum. Prior to exceeding the 10% limit, the Office of the State Fire Marshal shall obtain the approval of a majority of the members of the Illinois Fire Fighters Memorial Foundation.

(Source: P.A. 97-409, eff. 1-1-12; 97-755, eff. 1-1-13.)

Passed in the General Assembly May 29, 2016.
Approved August 15, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0813
(House Bill No. 5938)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout
Section 5. The Veterans' Home Medical Providers' Loan Repayment Act is amended by changing Sections 1, 5, and 20 as follows:

(110 ILCS 972/1)

Sec. 1. Short title. This Act may be cited as the Veterans' Home Medical Providers' Nurses' Loan Repayment Act.

(Source: P.A. 95-576, eff. 8-31-07.)

(110 ILCS 972/5)

Sec. 5. Medical Providers Nurse Loan Repayment Program. There is created, beginning July 1, 2007, the Medical Providers Nurse Loan Repayment Program to be administered by the Illinois Student Assistance Commission in consultation with the Department of Veterans' Affairs. The program shall provide assistance, subject to appropriation, to eligible physicians and nurses.

(Source: P.A. 95-576, eff. 8-31-07.)

(110 ILCS 972/20)

Sec. 20. Eligibility.

(a) The Commission shall, on an annual basis, receive and consider applications for grant assistance under the program. An applicant is eligible for a grant under the program if the Commission finds that the applicant:

(1) is a United States citizen or permanent resident;
(2) is a resident of Illinois;
(3) is working as a physician, certified nurse practitioner, registered professional nurse, certified nursing assistant, or licensed practical nurse in a State veterans' home;
(4) is a borrower with an outstanding balance due on an educational loan; and
(5) has not defaulted on an educational loan.

(b) Preference may be given to previous recipients of a grant under the program, provided that the recipient continues to meet the eligibility requirements set forth in this Section.

(c) For each year during which an individual receives a grant under this program, he or she must fulfill a separate 12-month period as a physician, certified nurse practitioner, registered professional nurse, certified nursing assistant, or licensed practical nurse in a State veterans' home.

(Source: P.A. 95-576, eff. 8-31-07.)

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

New matter indicated by italics - deletions by strikeout
AN ACT concerning transportation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Section 3-699.14 as follows:

(625 ILCS 5/3-699.14)

Sec. 3-699.14. Universal special license plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue Universal special license plates to residents of Illinois on behalf of organizations that have been authorized by the General Assembly to issue decals for Universal special license plates. Appropriate documentation, as determined by the Secretary, shall accompany each application. Authorized organizations shall be designated by amendment to this Section. When applying for a Universal special license plate the applicant shall inform the Secretary of the name of the authorized organization from which the applicant will obtain a decal to place on the plate. The Secretary shall make a record of that organization and that organization shall remain affiliated with that plate until the plate is surrendered, revoked, or otherwise cancelled. The authorized organization may charge a fee to offset the cost of producing and distributing the decal, but that fee shall be retained by the authorized organization and shall be separate and distinct from any registration fees charged by the Secretary. No decal, sticker, or other material may be affixed to a Universal special license plate other than a decal authorized by the General Assembly in this Section or a registration renewal sticker. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, including motorcycles and autocycles, or motor vehicles of the second division weighing not more than 8,000 pounds.

New matter indicated by italics - deletions by strikeout
pounds. Plates issued under this Section shall expire according to the multi-year procedure under Section 3-414.1 of this Code.

(b) The design, color, and format of the Universal special license plate shall be wholly within the discretion of the Secretary. Universal special license plates are not required to designate "Land of Lincoln", as prescribed in subsection (b) of Section 3-412 of this Code. The design shall allow for the application of a decal to the plate. Organizations authorized by the General Assembly to issue decals for Universal special license plates shall comply with rules adopted by the Secretary governing the requirements for and approval of Universal special license plate decals. The Secretary may, in his or her discretion, allow Universal special license plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code. The Secretary of State must make a version of the special registration plates authorized under this Section in a form appropriate for motorcycles and autocycles.

(c) When authorizing a Universal special license plate, the General Assembly shall set forth whether an additional fee is to be charged for the plate and, if a fee is to be charged, the amount of the fee and how the fee is to be distributed. When necessary, the authorizing language shall create a special fund in the State treasury into which fees may be deposited for an authorized Universal special license plate. Additional fees may only be charged if the fee is to be paid over to a State agency or to a charitable entity that is in compliance with the registration and reporting requirements of the Charitable Trust Act and the Solicitation for Charity Act. Any charitable entity receiving fees for the sale of Universal special license plates shall annually provide the Secretary of State a letter of compliance issued by the Attorney General verifying that the entity is in compliance with the Charitable Trust Act and the Solicitation for Charity Act.

(d) Upon original issuance and for each registration renewal period, in addition to the appropriate registration fee, if applicable, the Secretary shall collect any additional fees, if required, for issuance of Universal special license plates. The fees shall be collected on behalf of the organization designated by the applicant when applying for the plate. All fees collected shall be transferred to the State agency on whose behalf the fees were collected, or paid into the special fund designated in the law authorizing the organization to issue decals for Universal special license plates. All money in the designated fund shall be distributed by the Secretary subject to appropriation by the General Assembly.

New matter indicated by italics - deletions by strikeout
(e) The following organizations may issue decals for Universal special license plates with the original and renewal fees and fee distribution as follows:

(1) Illinois Veterans' Homes.
   (A) Original issuance: $26, which shall be deposited into the Illinois Veterans' Homes Fund.
   (B) Renewal: $26, which shall be deposited into the Illinois Veterans' Homes Fund.

(Source: P.A. 99-483, eff. 7-1-16.)

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

Passed in the General Assembly May 29, 2016.
Approved August 15, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0815
(Senate Bill No. 2431)

AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing Section 3-697 as follows:

(625 ILCS 5/3-697)
Sec. 3-697. Chicago Police Memorial Foundation license plates.
(a) The Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue special registration plates designated as Chicago Police Memorial Foundation license plates to active or retired law enforcement officers and their family members, surviving family members of deceased law enforcement officers, and members of or donors to the Chicago Police Memorial Foundation.

The special plates issued under this Section shall be affixed only to passenger vehicles of the first division or motor vehicles of the second division weighing not more than 8,000 pounds.

New matter indicated by italics - deletions by strikeout
Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates is wholly within the discretion of the Secretary. The Secretary may allow the plates to be issued as vanity plates or personalized under Section 3-405.1 of the Code. Appropriate documentation, as determined by the Secretary, shall accompany each application. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code. *The Secretary must make a version of the special registration plates authorized under this Section in a form appropriate for motorcycles.*

(c) An applicant for the special plate shall be charged a $25 fee for original issuance in addition to the appropriate registration fee. Of this fee, $10 shall be deposited into the Chicago Police Memorial Foundation Fund and $15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs.

For each registration renewal period, a $25 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, $23 shall be deposited into the Chicago Police Memorial Foundation Fund and $2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Chicago Police Memorial Foundation Fund is created as a special fund in the State treasury. All moneys in the Chicago Police Memorial Foundation Fund shall be paid, subject to appropriation by the General Assembly and approval by the Secretary, as grants to the Chicago Police Memorial Foundation for maintenance of a memorial and park, holding an annual memorial commemoration, giving scholarships to children of police officers killed or catastrophically injured in the line of duty, providing financial assistance to police officers and their families when a police officer is killed or injured in the line of duty, and paying the insurance premiums for police officers who are terminally ill.

(Source: P.A. 96-1547, eff. 3-10-11; 97-813, eff. 7-13-12.)

Approved August 15, 2016.
Effective January 1, 2017.

New matter indicated by italics - deletions by strikeout
AN ACT concerning criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 2012 is amended by changing Sections 12-0.1, 12-2, 12-3.05, 24-1.2, and 24-1.2-5 as follows:

(720 ILCS 5/12-0.1)
Sec. 12-0.1. Definitions. In this Article, unless the context clearly requires otherwise:

"Bona fide labor dispute" means any controversy concerning wages, salaries, hours, working conditions, or benefits, including health and welfare, sick leave, insurance, and pension or retirement provisions, the making or maintaining of collective bargaining agreements, and the terms to be included in those agreements.

"Coach" means a person recognized as a coach by the sanctioning authority that conducts an athletic contest.

"Correctional institution employee" means a person employed by a penal institution.

"Emergency medical services personnel technician" has the meaning specified in Section 3.5 of the Emergency Medical Services (EMS) Systems Act and shall include all ambulance crew members, including drivers or pilots, and other medical assistance worker.

"Family or household members" include spouses, former spouses, parents, children, stepchildren, and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly have a child in common, persons who share or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, persons with disabilities and their personal assistants, and caregivers as defined in Section 12-4.4a of this Code. For purposes of this Article, neither a casual acquaintance nor ordinary fraternization between 2 individuals in business or social contexts shall be deemed to constitute a dating relationship.

"In the presence of a child" means in the physical presence of a child or knowing or having reason to know that a child is present and may see or hear an act constituting an offense.

New matter indicated by italics - deletions by strikeout
"Park district employee" means a supervisor, director, instructor, or other person employed by a park district.

"Person with a physical disability" means a person who suffers from a permanent and disabling physical characteristic, resulting from disease, injury, functional disorder, or congenital condition.


"Probation officer" means a person as defined in the Probation and Probation Officers Act.

"Sports official" means a person at an athletic contest who enforces the rules of the contest, such as an umpire or referee.

"Sports venue" means a publicly or privately owned sports or entertainment arena, stadium, community or convention hall, special event center, or amusement facility, or a special event center in a public park, during the 12 hours before or after the sanctioned sporting event.

"Streetgang", "streetgang member", and "criminal street gang" have the meanings ascribed to those terms in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

"Transit employee" means a driver, operator, or employee of any transportation facility or system engaged in the business of transporting the public for hire.

"Transit passenger" means a passenger of any transportation facility or system engaged in the business of transporting the public for hire, including a passenger using any area designated by a transportation facility or system as a vehicle boarding, departure, or transfer location.

"Utility worker" means any of the following:

(1) A person employed by a public utility as defined in Section 3-105 of the Public Utilities Act.

(2) An employee of a municipally owned utility.

(3) An employee of a cable television company.

(4) An employee of an electric cooperative as defined in Section 3-119 of the Public Utilities Act.

(5) An independent contractor or an employee of an independent contractor working on behalf of a cable television company, public utility, municipally owned utility, or electric cooperative.

(6) An employee of a telecommunications carrier as defined in Section 13-202 of the Public Utilities Act, or an independent

New matter indicated by italics - deletions by strikeout
contractor or an employee of an independent contractor working on behalf of a telecommunications carrier.

(7) An employee of a telephone or telecommunications cooperative as defined in Section 13-212 of the Public Utilities Act, or an independent contractor or an employee of an independent contractor working on behalf of a telephone or telecommunications cooperative.

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

(720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

Sec. 12-2. Aggravated assault.

(a) Offense based on location of conduct. A person commits aggravated assault when he or she commits an assault against an individual who is on or about a public way, public property, a public place of accommodation or amusement, or a sports venue.

(b) Offense based on status of victim. A person commits aggravated assault when, in committing an assault, he or she knows the individual assaulted to be any of the following:

(1) A person with a physical disability or a person 60 years of age or older and the assault is without legal justification.

(2) A teacher or school employee upon school grounds or grounds adjacent to a school or in any part of a building used for school purposes.

(3) A park district employee upon park grounds or grounds adjacent to a park or in any part of a building used for park purposes.

(4) A community policing volunteer, private security officer, or utility worker:

(i) performing his or her official duties;

(ii) assaulted to prevent performance of his or her official duties; or

(iii) assaulted in retaliation for performing his or her official duties.

(4.1) A peace officer, fireman, emergency management worker, or emergency medical services personnel technician:

(i) performing his or her official duties;

(ii) assaulted to prevent performance of his or her official duties; or

(iii) assaulted in retaliation for performing his or her official duties.

New matter indicated by italics - deletions by strikeout
(5) A correctional officer or probation officer:
   (i) performing his or her official duties;
   (ii) assaulted to prevent performance of his or her official duties; or
   (iii) assaulted in retaliation for performing his or her official duties.

(6) A correctional institution employee, a county juvenile detention center employee who provides direct and continuous supervision of residents of a juvenile detention center, including a county juvenile detention center employee who supervises recreational activity for residents of a juvenile detention center, or a Department of Human Services employee, Department of Human Services officer, or employee of a subcontractor of the Department of Human Services supervising or controlling sexually dangerous persons or sexually violent persons:
   (i) performing his or her official duties;
   (ii) assaulted to prevent performance of his or her official duties; or
   (iii) assaulted in retaliation for performing his or her official duties.

(7) An employee of the State of Illinois, a municipal corporation therein, or a political subdivision thereof, performing his or her official duties.

(8) A transit employee performing his or her official duties, or a transit passenger.

(9) A sports official or coach actively participating in any level of athletic competition within a sports venue, on an indoor playing field or outdoor playing field, or within the immediate vicinity of such a facility or field.

(10) A person authorized to serve process under Section 2-202 of the Code of Civil Procedure or a special process server appointed by the circuit court, while that individual is in the performance of his or her duties as a process server.

(c) Offense based on use of firearm, device, or motor vehicle. A person commits aggravated assault when, in committing an assault, he or she does any of the following:

   (1) Uses a deadly weapon, an air rifle as defined in Section 24.8-0.1 of this Act, or any device manufactured and designed to
be substantially similar in appearance to a firearm, other than by discharging a firearm.

(2) Discharges a firearm, other than from a motor vehicle.

(3) Discharges a firearm from a motor vehicle.

(4) Wears a hood, robe, or mask to conceal his or her identity.

(5) Knowingly and without lawful justification shines or flashes a laser gun sight or other laser device attached to a firearm, or used in concert with a firearm, so that the laser beam strikes near or in the immediate vicinity of any person.

(6) Uses a firearm, other than by discharging the firearm, against a peace officer, community policing volunteer, fireman, private security officer, emergency management worker, emergency medical \textit{services personnel technician}, employee of a police department, employee of a sheriff's department, or traffic control municipal employee:

(i) performing his or her official duties;

(ii) assaulted to prevent performance of his or her official duties; or

(iii) assaulted in retaliation for performing his or her official duties.

(7) Without justification operates a motor vehicle in a manner which places a person, other than a person listed in subdivision (b)(4), in reasonable apprehension of being struck by the moving motor vehicle.

(8) Without justification operates a motor vehicle in a manner which places a person listed in subdivision (b)(4), in reasonable apprehension of being struck by the moving motor vehicle.

(9) Knowingly video or audio records the offense with the intent to disseminate the recording.

(d) Sentence. Aggravated assault as defined in subdivision (a), (b)(1), (b)(2), (b)(3), (b)(4), (b)(7), (b)(8), (b)(9), (c)(1), (c)(4), or (c)(9) is a Class A misdemeanor, except that aggravated assault as defined in subdivision (b)(4) and (b)(7) is a Class 4 felony if a Category I, Category II, or Category III weapon is used in the commission of the assault. Aggravated assault as defined in subdivision (b)(4.1), (b)(5), (b)(6), (b)(10), (c)(2), (c)(5), (c)(6), or (c)(7) is a Class 4 felony. Aggravated assault as defined in subdivision (c)(3) or (c)(8) is a Class 3 felony.

New matter indicated by italics - deletions by strikeout
(e) For the purposes of this Section, "Category I weapon", "Category II weapon, and "Category III weapon" have the meanings ascribed to those terms in Section 33A-1 of this Code.

(Source: P.A. 98-385, eff. 1-1-14; 99-78, eff. 7-20-15; 99-143, eff. 7-27-15; 99-256, eff. 1-1-16; revised 10-19-15.)

(720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

Sec. 12-3.05. Aggravated battery.

(a) Offense based on injury. A person commits aggravated battery when, in committing a battery, other than by the discharge of a firearm, he or she knowingly does any of the following:

1. Causes great bodily harm or permanent disability or disfigurement.

2. Causes severe and permanent disability, great bodily harm, or disfigurement by means of a caustic or flammable substance, a poisonous gas, a deadly biological or chemical contaminant or agent, a radioactive substance, or a bomb or explosive compound.

3. Causes great bodily harm or permanent disability or disfigurement to an individual whom the person knows to be a peace officer, community policing volunteer, fireman, private security officer, correctional institution employee, or Department of Human Services employee supervising or controlling sexually dangerous persons or sexually violent persons:
   (i) performing his or her official duties;
   (ii) battered to prevent performance of his or her official duties; or
   (iii) battered in retaliation for performing his or her official duties.

4. Causes great bodily harm or permanent disability or disfigurement to an individual 60 years of age or older.

5. Strangles another individual.

(b) Offense based on injury to a child or person with an intellectual disability. A person who is at least 18 years of age commits aggravated battery when, in committing a battery, he or she knowingly and without legal justification by any means:

1. Causes great bodily harm or permanent disability or disfigurement to any child under the age of 13 years, or to any person with a severe or profound intellectual disability; or
(2) causes bodily harm or disability or disfigurement to any child under the age of 13 years or to any person with a severe or profound intellectual disability.

(c) Offense based on location of conduct. A person commits aggravated battery when, in committing a battery, other than by the discharge of a firearm, he or she is or the person battered is on or about a public way, public property, a public place of accommodation or amusement, a sports venue, or a domestic violence shelter.

(d) Offense based on status of victim. A person commits aggravated battery when, in committing a battery, other than by discharge of a firearm, he or she knows the individual battered to be any of the following:

(1) A person 60 years of age or older.
(2) A person who is pregnant or has a physical disability.
(3) A teacher or school employee upon school grounds or grounds adjacent to a school or in any part of a building used for school purposes.

(4) A peace officer, community policing volunteer, fireman, private security officer, correctional institution employee, or Department of Human Services employee supervising or controlling sexually dangerous persons or sexually violent persons:
   (i) performing his or her official duties;
   (ii) battered to prevent performance of his or her official duties; or
   (iii) battered in retaliation for performing his or her official duties.

(5) A judge, emergency management worker, emergency medical services personnel technician, or utility worker:
   (i) performing his or her official duties;
   (ii) battered to prevent performance of his or her official duties; or
   (iii) battered in retaliation for performing his or her official duties.

(6) An officer or employee of the State of Illinois, a unit of local government, or a school district, while performing his or her official duties.

(7) A transit employee performing his or her official duties, or a transit passenger.

(8) A taxi driver on duty.

New matter indicated by italics - deletions by strikeout
(9) A merchant who detains the person for an alleged commission of retail theft under Section 16-26 of this Code and the person without legal justification by any means causes bodily harm to the merchant.

(10) A person authorized to serve process under Section 2-202 of the Code of Civil Procedure or a special process server appointed by the circuit court while that individual is in the performance of his or her duties as a process server.

(11) A nurse while in the performance of his or her duties as a nurse.

(e) Offense based on use of a firearm. A person commits aggravated battery when, in committing a battery, he or she knowingly does any of the following:

(1) Discharges a firearm, other than a machine gun or a firearm equipped with a silencer, and causes any injury to another person.

(2) Discharges a firearm, other than a machine gun or a firearm equipped with a silencer, and causes any injury to a person he or she knows to be a peace officer, community policing volunteer, person summoned by a police officer, fireman, private security officer, correctional institution employee, or emergency management worker:
   (i) performing his or her official duties;
   (ii) battered to prevent performance of his or her official duties; or
   (iii) battered in retaliation for performing his or her official duties.

(3) Discharges a firearm, other than a machine gun or a firearm equipped with a silencer, and causes any injury to a person he or she knows to be an emergency medical services personnel technician employed by a municipality or other governmental unit:
   (i) performing his or her official duties;
   (ii) battered to prevent performance of his or her official duties; or
   (iii) battered in retaliation for performing his or her official duties.

(4) Discharges a firearm and causes any injury to a person he or she knows to be a teacher, a student in a school, or a school employee, and the teacher, student, or employee is upon school

New matter indicated by italics - deletions by strikeout
grounds or grounds adjacent to a school or in any part of a building used for school purposes.

(5) Discharges a machine gun or a firearm equipped with a silencer, and causes any injury to another person.

(6) Discharges a machine gun or a firearm equipped with a silencer, and causes any injury to a person he or she knows to be a peace officer, community policing volunteer, person summoned by a police officer, fireman, private security officer, correctional institution employee or emergency management worker:
   (i) performing his or her official duties;
   (ii) battered to prevent performance of his or her official duties; or
   (iii) battered in retaliation for performing his or her official duties.

(7) Discharges a machine gun or a firearm equipped with a silencer, and causes any injury to a person he or she knows to be an emergency medical personnel technician employed by a municipality or other governmental unit:
   (i) performing his or her official duties;
   (ii) battered to prevent performance of his or her official duties; or
   (iii) battered in retaliation for performing his or her official duties.

(8) Discharges a machine gun or a firearm equipped with a silencer, and causes any injury to a person he or she knows to be a teacher, or a student in a school, or a school employee, and the teacher, student, or employee is upon school grounds or grounds adjacent to a school or in any part of a building used for school purposes.

(f) Offense based on use of a weapon or device. A person commits aggravated battery when, in committing a battery, he or she does any of the following:

(1) Uses a deadly weapon other than by discharge of a firearm, or uses an air rifle as defined in Section 24.8-0.1 of this Code.

(2) Wears a hood, robe, or mask to conceal his or her identity.

(3) Knowingly and without lawful justification shines or flashes a laser gunsight or other laser device attached to a firearm,

New matter indicated by italics - deletions by strikeout
or used in concert with a firearm, so that the laser beam strikes upon or against the person of another.

(4) Knowingly video or audio records the offense with the intent to disseminate the recording.

(g) Offense based on certain conduct. A person commits aggravated battery when, other than by discharge of a firearm, he or she does any of the following:

(1) Violates Section 401 of the Illinois Controlled Substances Act by unlawfully delivering a controlled substance to another and any user experiences great bodily harm or permanent disability as a result of the injection, inhalation, or ingestion of any amount of the controlled substance.

(2) Knowingly administers to an individual or causes him or her to take, without his or her consent or by threat or deception, and for other than medical purposes, any intoxicating, poisonous, stupefying, narcotic, anesthetic, or controlled substance, or gives to another person any food containing any substance or object intended to cause physical injury if eaten.

(3) Knowingly causes or attempts to cause a correctional institution employee or Department of Human Services employee to come into contact with blood, seminal fluid, urine, or feces by throwing, tossing, or expelling the fluid or material, and the person is an inmate of a penal institution or is a sexually dangerous person or sexually violent person in the custody of the Department of Human Services.

(h) Sentence. Unless otherwise provided, aggravated battery is a Class 3 felony.

Aggravated battery as defined in subdivision (a)(4), (d)(4), or (g)(3) is a Class 2 felony.

Aggravated battery as defined in subdivision (a)(3) or (g)(1) is a Class 1 felony.

Aggravated battery as defined in subdivision (a)(1) is a Class 1 felony when the aggravated battery was intentional and involved the infliction of torture, as defined in paragraph (14) of subsection (b) of Section 9-1 of this Code, as the infliction of or subjecting to extreme physical pain, motivated by an intent to increase or prolong the pain, suffering, or agony of the victim.

Aggravated battery under subdivision (a)(5) is a Class 1 felony if:

New matter indicated by italics - deletions by strikeout
(A) the person used or attempted to use a dangerous instrument while committing the offense; or
(B) the person caused great bodily harm or permanent disability or disfigurement to the other person while committing the offense; or
(C) the person has been previously convicted of a violation of subdivision (a)(5) under the laws of this State or laws similar to subdivision (a)(5) of any other state.

Aggravated battery as defined in subdivision (e)(1) is a Class X felony.

Aggravated battery as defined in subdivision (a)(2) is a Class X felony for which a person shall be sentenced to a term of imprisonment of a minimum of 6 years and a maximum of 45 years.

Aggravated battery as defined in subdivision (e)(5) is a Class X felony for which a person shall be sentenced to a term of imprisonment of a minimum of 12 years and a maximum of 45 years.

Aggravated battery as defined in subdivision (e)(2), (e)(3), or (e)(4) is a Class X felony for which a person shall be sentenced to a term of imprisonment of a minimum of 15 years and a maximum of 60 years.

Aggravated battery as defined in subdivision (e)(6), (e)(7), or (e)(8) is a Class X felony for which a person shall be sentenced to a term of imprisonment of a minimum of 20 years and a maximum of 60 years.

Aggravated battery as defined in subdivision (b)(1) is a Class X felony, except that:

(1) if the person committed the offense while armed with a firearm, 15 years shall be added to the term of imprisonment imposed by the court;
(2) if, during the commission of the offense, the person personally discharged a firearm, 20 years shall be added to the term of imprisonment imposed by the court;
(3) if, during the commission of the offense, the person personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to another person, 25 years or up to a term of natural life shall be added to the term of imprisonment imposed by the court.

(i) Definitions. For the purposes of this Section:
"Building or other structure used to provide shelter" has the meaning ascribed to "shelter" in Section 1 of the Domestic Violence Shelters Act.

New matter indicated by italics - deletions by strikeout
"Domestic violence" has the meaning ascribed to it in Section 103 of the Illinois Domestic Violence Act of 1986.

"Domestic violence shelter" means any building or other structure used to provide shelter or other services to victims or to the dependent children of victims of domestic violence pursuant to the Illinois Domestic Violence Act of 1986 or the Domestic Violence Shelters Act, or any place within 500 feet of such a building or other structure in the case of a person who is going to or from such a building or other structure.

"Firearm" has the meaning provided under Section 1.1 of the Firearm Owners Identification Card Act, and does not include an air rifle as defined by Section 24.8-0.1 of this Code.

"Machine gun" has the meaning ascribed to it in Section 24-1 of this Code.

"Merchant" has the meaning ascribed to it in Section 16-0.1 of this Code.

"Strangle" means intentionally impeding the normal breathing or circulation of the blood of an individual by applying pressure on the throat or neck of that individual or by blocking the nose or mouth of that individual.

(Source: P.A. 98-369, eff. 1-1-14; 98-385, eff. 1-1-14; 98-756, eff. 7-16-14; 99-143, eff. 7-27-15.)

(720 ILCS 5/24-1.2) (from Ch. 38, par. 24-1.2)

Sec. 24-1.2. Aggravated discharge of a firearm.

(a) A person commits aggravated discharge of a firearm when he or she knowingly or intentionally:

(1) Discharges a firearm at or into a building he or she knows or reasonably should know to be occupied and the firearm is discharged from a place or position outside that building;

(2) Discharges a firearm in the direction of another person or in the direction of a vehicle he or she knows or reasonably should know to be occupied by a person;

(3) Discharges a firearm in the direction of a person he or she knows to be a peace officer, a community policing volunteer, a correctional institution employee, or a fireman while the officer, volunteer, employee or fireman is engaged in the execution of any of his or her official duties, or to prevent the officer, volunteer, employee or fireman from performing his or her official duties, or in retaliation for the officer, volunteer, employee or fireman performing his or her official duties;

New matter indicated by italics - deletions by strikeout
(4) Discharges a firearm in the direction of a vehicle he or she knows to be occupied by a peace officer, a person summoned or directed by a peace officer, a correctional institution employee or a fireman while the officer, employee or fireman is engaged in the execution of any of his or her official duties, or to prevent the officer, employee or fireman from performing his or her official duties, or in retaliation for the officer, employee or fireman performing his or her official duties;

(5) Discharges a firearm in the direction of a person he or she knows to be an emergency medical services personnel who is an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel, employed by a municipality or other governmental unit, while the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel is engaged in the execution of any of his or her official duties, or to prevent the emergency medical services personnel from performing his or her official duties, or in retaliation for the emergency medical services personnel performing his or her official duties;

(6) Discharges a firearm in the direction of a vehicle he or she knows to be occupied by an emergency medical services personnel technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel, employed by a municipality or other governmental unit, while the emergency medical services personnel is technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel is engaged in the execution of any of his or her official duties, or to prevent the

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emergency medical services personnel technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel from performing his or her official duties, or in retaliation for the emergency medical services personnel technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel performing his or her official duties;

(7) Discharges a firearm in the direction of a person he or she knows to be a teacher or other person employed in any school and the teacher or other employee is upon the grounds of a school or grounds adjacent to a school, or is in any part of a building used for school purposes;

(8) Discharges a firearm in the direction of a person he or she knows to be an emergency management worker while the emergency management worker is engaged in the execution of any of his or her official duties, or to prevent the emergency management worker from performing his or her official duties, or in retaliation for the emergency management worker performing his or her official duties; or

(9) Discharges a firearm in the direction of a vehicle he or she knows to be occupied by an emergency management worker while the emergency management worker is engaged in the execution of any of his or her official duties, or to prevent the emergency management worker from performing his or her official duties, or in retaliation for the emergency management worker performing his or her official duties.

(b) A violation of subsection (a)(1) or subsection (a)(2) of this Section is a Class 1 felony. A violation of subsection (a)(1) or (a)(2) of this Section committed in a school, on the real property comprising a school, within 1,000 feet of the real property comprising a school, at a school related activity or on or within 1,000 feet of any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity, regardless of the time of day or time of year that the offense was committed is a Class X felony. A violation of subsection (a)(3), (a)(4), (a)(5), (a)(6), (a)(7), (a)(8), or (a)(9) of this Section is a Class X felony for which the sentence shall be a term of imprisonment of no less than 10 years and not more than 45 years.

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(c) For purposes of this Section:

"Emergency medical services personnel" has the meaning specified in Section 3.5 of the Emergency Medical Services (EMS) Systems Act and shall include all ambulance crew members, including drivers or pilots.

"School" means a public or private elementary or secondary school, community college, college, or university.

"School related activity" means any sporting, social, academic, or other activity for which students' attendance or participation is sponsored, organized, or funded in whole or in part by a school or school district.

(Source: P.A. 94-243, eff. 1-1-06.)

(720 ILCS 5/24-1.2-5)

Sec. 24-1.2-5. Aggravated discharge of a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm.

(a) A person commits aggravated discharge of a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm when he or she knowingly or intentionally:

(1) Discharges a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm at or into a building he or she knows to be occupied and the machine gun or the firearm equipped with a device designed or used for silencing the report of a firearm is discharged from a place or position outside that building;

(2) Discharges a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm in the direction of another person or in the direction of a vehicle he or she knows to be occupied;

(3) Discharges a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm in the direction of a person he or she knows to be a peace officer, a person summoned or directed by a peace officer, a correctional institution employee, or a fireman while the officer, employee or fireman is engaged in the execution of any of his or her official duties, or to prevent the officer, employee or fireman from performing his or her official duties, or in retaliation for the officer, employee or fireman performing his or her official duties;

(4) Discharges a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm in the direction of a vehicle he or she knows to be occupied by a peace
officer, a person summoned or directed by a peace officer, a correctional institution employee or a fireman while the officer, employee or fireman is engaged in the execution of any of his or her official duties, or to prevent the officer, employee or fireman from performing his or her official duties, or in retaliation for the officer, employee or fireman performing his or her official duties;

(5) Discharges a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm in the direction of a person he or she knows to be an emergency medical services personnel technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel, employed by a municipality or other governmental unit, while the emergency medical services personnel is technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel is engaged in the execution of any of his or her official duties, or to prevent the emergency medical services personnel technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel from performing his or her official duties, or in retaliation for the emergency medical services personnel technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel performing his or her official duties;

(6) Discharges a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm in the direction of a vehicle he or she knows to be occupied by an emergency medical services personnel technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel, employed by a municipality or other governmental unit, while the emergency medical services personnel technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel is engaged in the execution of any of his or her official duties, or to

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prevent the emergency medical services personnel technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel from performing his or her official duties, or in retaliation for the emergency medical services personnel technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel performing his or her official duties;

(7) Discharges a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm in the direction of a person he or she knows to be an emergency management worker while the emergency management worker is engaged in the execution of any of his or her official duties, or to prevent the emergency management worker from performing his or her official duties, or in retaliation for the emergency management worker performing his or her official duties; or

(8) Discharges a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm in the direction of a vehicle he or she knows to be occupied by an emergency management worker while the emergency management worker is engaged in the execution of any of his or her official duties, or to prevent the emergency management worker from performing his or her official duties, or in retaliation for the emergency management worker performing his or her official duties.

(b) A violation of subsection (a) (1) or subsection (a) (2) of this Section is a Class X felony. A violation of subsection (a) (3), (a) (4), (a) (5), (a) (6), (a) (7), or (a) (8) of this Section is a Class X felony for which the sentence shall be a term of imprisonment of no less than 12 years and no more than 50 years.

(c) For the purpose of this Section:

"Emergency medical services personnel" has the meaning specified in Section 3.5 of the Emergency Medical Services (EMS) Systems Act and shall include all ambulance crew members, including drivers or pilots. ;

"Machine gun" has the meaning ascribed to it in clause (i) of paragraph (7) of subsection (a) of Section 24-1 of this Code.

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(d) This Section does not apply to a peace officer while serving as a member of a tactical response team or special operations team. A peace officer may not personally own or apply for ownership of a device or attachment of any kind designed, used, or intended for use in silencing the report of any firearm. These devices shall be owned and maintained by lawfully recognized units of government whose duties include the investigation of criminal acts.
(Source: P.A. 97-676, eff. 6-1-12.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 23, 2016.
Approved August 15, 2016.
Effective August 15, 2016.

PUBLIC ACT 99-0817
(Senate Bill No. 3129)

AN ACT concerning law enforcement.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 1. Short title. This Act may be cited as the Police Dog Retirement Act.
Section 5. Police dog retirement. Notwithstanding any provisions in the State Property Control Act to the contrary, a police dog, including a search and rescue dog, service dog, accelerant detection canine, or other dog that is in use by a county, municipal, or State law enforcement agency, which is deemed no longer fit for public service, shall be offered by the law enforcement agency to the officer or employee who had custody and control of the animal during its service. If the officer or employee does not wish to keep the dog, this dog may be offered to another officer or employee in the agency, or to a non-profit organization or a no-kill animal shelter that may facilitate an appropriate adoption of the dog.
Passed in the General Assembly May 23, 2016.
Approved August 15, 2016.
Effective January 1, 2017.
PUBLIC ACT 99-0818
(Senate Bill No. 3149)

AN ACT concerning revenue.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Property Tax Code is amended by adding Section 10-385 as follows:

(35 ILCS 200/10-385 new)

Sec. 10-385. PPV leases; tax settlement agreements. A taxable PPV lease under Section 10-375 of this Act that (i) encumbers exempt real property located within a county of less than 600,000 inhabitants and (ii) is related to taxable real property used for military housing purposes may be assessed and valued pursuant to the terms of a real property tax assessment settlement agreement executed between the local county assessment officials and the taxpayer, provided that appeals challenging the valuation and taxation of the PPV lease were pending as of January 1, 2006 or thereafter. Appropriate authorities, including other county and State officials, may be parties to those settlement agreements. Those agreements may provide for the settlement of issues related to the assessed valuation of the PPV lease or the property and may provide for related payments, refunds, claims, and credits against property taxes and liabilities in current and future years. Those agreements may provide for a total assessment or maximum annual tax payment for all contested tax years and future tax years for up to a 20-year term. Those agreements may also provide for annual adjustments to the extent that taxes levied against the PPV lease or property exceed the amounts due, as expressed in the agreement. The adjustments may be made as credits to be applied to current tax bills applicable to the PPV lease, the property, or both. No referendum approval shall be required for such agreements, and they shall not constitute indebtedness of any taxing district for the purposes of any statutory limitation.

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

Passed in the General Assembly May 29, 2016.
Approved August 15, 2016.
Effective August 15, 2016.

New matter indicated by italics - deletions by strikeout
AN ACT concerning criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Veterans and Servicemembers Court Treatment Act is amended by changing Sections 10, 25, and 30 as follows:

(730 ILCS 167/10)

Sec. 10. Definitions. In this Act:

"Combination Veterans and Servicemembers Court program" means a court program that includes a pre-adjudicatory and a post-adjudicatory Veterans and Servicemembers court program.

"Court" means Veterans and Servicemembers Court.

"IDVA" means the Illinois Department of Veterans' Affairs.

"Peer recovery coach" means a volunteer veteran mentor assigned to a veteran or servicemember during participation in a veteran treatment court program who has been trained and certified by the court to guide and mentor the participant to successfully complete the assigned requirements.

"Post-adjudicatory Veterans and Servicemembers Court Program" means a program in which the defendant has admitted guilt or has been found guilty and agrees, along with the prosecution, to enter a Veterans and Servicemembers Court program as part of the defendant's sentence.

"Pre-adjudicatory Veterans and Servicemembers Court Program" means a program that allows the defendant with the consent of the prosecution, to expedite the defendant's criminal case before conviction or before filing of a criminal case and requires successful completion of the Veterans and Servicemembers Court programs as part of the agreement.

"Servicemember" means a person who is currently serving in the Army, Air Force, Marines, Navy, or Coast Guard on active duty, reserve status or in the National Guard.

"VA" means the United States Department of Veterans' Affairs.

"VAC" means a veterans assistance commission.

"Veteran" means a person who served in the active military, naval, or air service and who was discharged or released therefrom under conditions other than dishonorable.

"Veterans and Servicemembers Court professional" means a member of the Veterans and Servicemembers Court team, including but

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not limited to a judge, prosecutor, defense attorney, probation officer, coordinator, treatment provider, or peer recovery coach.

"Veterans and Servicemembers Court" means a court or program with an immediate and highly structured judicial intervention process for substance abuse treatment, mental health, or other assessed treatment needs of eligible veteran and servicemember defendants that brings together substance abuse professionals, mental health professionals, VA professionals, local social programs and intensive judicial monitoring in accordance with the nationally recommended 10 key components of drug courts.

(Source: P.A. 99-314, eff. 8-7-15.)

(730 ILCS 167/25)

Sec. 25. Procedure.

(a) The Court shall order the defendant to submit to an eligibility screening and an assessment through the VA, VAC, and/or the IDVA to provide information on the defendant's veteran or servicemember status.

(b) The Court shall order the defendant to submit to an eligibility screening and mental health and drug/alcohol screening and assessment of the defendant by the VA, VAC, or by the IDVA to provide assessment services for Illinois Courts. The assessment shall include a risks assessment and be based, in part, upon the known availability of treatment resources available to the Veterans and Servicemembers Court. The assessment shall also include recommendations for treatment of the conditions which are indicating a need for treatment under the monitoring of the Court and be reflective of a level of risk assessed for the individual seeking admission. An assessment need not be ordered if the Court finds a valid screening and/or assessment related to the present charge pending against the defendant has been completed within the previous 60 days.

(c) The judge shall inform the defendant that if the defendant fails to meet the conditions of the Veterans and Servicemembers Court program, eligibility to participate in the program may be revoked and the defendant may be sentenced or the prosecution continued as provided in the Unified Code of Corrections for the crime charged.

(d) The defendant shall execute a written agreement with the Court as to his or her participation in the program and shall agree to all of the terms and conditions of the program, including but not limited to the possibility of sanctions or incarceration for failing to abide or comply with the terms of the program.

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(e) In addition to any conditions authorized under the Pretrial Services Act and Section 5-6-3 of the Unified Code of Corrections, the Court may order the defendant to complete substance abuse treatment in an outpatient, inpatient, residential, or jail-based custodial treatment program, order the defendant to complete mental health counseling in an inpatient or outpatient basis, comply with physicians' recommendation regarding medications and all follow up treatment. This treatment may include but is not limited to post-traumatic stress disorder, traumatic brain injury and depression.

(f) The Court may establish a mentorship program that provides access and support to program participants by peer recovery coaches. Courts shall be responsible to administer the mentorship program with the support of volunteer veterans and local veteran service organizations, including a VAC. Peer recovery coaches shall be trained and certified by the Court prior to being assigned to participants in the program.

(Source: P.A. 99-314, eff. 8-7-15.)

(730 ILCS 167/30)

Sec. 30. Mental health and substance abuse treatment.

(a) The Veterans and Servicemembers Court program may maintain a network of substance abuse treatment programs representing a continuum of graduated substance abuse treatment options commensurate with the needs of defendants; these shall include programs with the VA, IDVA, a VAC, the State of Illinois and community-based programs supported and sanctioned by either or both.

(b) Any substance abuse treatment program to which defendants are referred must meet all of the rules and governing programs in Parts 2030 and 2060 of Title 77 of the Illinois Administrative Code.

(c) The Veterans and Servicemembers Court program may, in its discretion, employ additional services or interventions, as it deems necessary on a case by case basis.

(d) The Veterans and Servicemembers Court program may maintain or collaborate with a network of mental health treatment programs and, if it is a co-occurring mental health and substance abuse court program, a network of substance abuse treatment programs representing a continuum of treatment options commensurate with the needs of the defendant and available resources including programs with the VA, the IDVA, a VAC, and the State of Illinois.

(Source: P.A. 96-924, eff. 6-14-10.)

New matter indicated by italics - deletions by strikeout
Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly May 23, 2016.
Approved August 15, 2016.
Effective August 15, 2016.

PUBLIC ACT 99-0820
(House Bill No. 5805)

AN ACT concerning criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 2012 is amended by changing Sections 3-5 and 3-6 as follows:

(720 ILCS 5/3-5) (from Ch. 38, par. 3-5)
Sec. 3-5. General Limitations.
(a) A prosecution for: (1) first degree murder, attempt to commit first degree murder, second degree murder, involuntary manslaughter, reckless homicide, leaving the scene of a motor vehicle accident involving death or personal injuries under Section 11-401 of the Illinois Vehicle Code, failing to give information and render aid under Section 11-403 of the Illinois Vehicle Code, concealment of homicidal death, treason, arson, residential arson, aggravated arson, forgery, child pornography under paragraph (1) of subsection (a) of Section 11-20.1, aggravated child pornography under paragraph (1) of subsection (a) of Section 11-20.1B, or (2) any offense involving sexual conduct or sexual penetration, as defined by Section 11-0.1 of this Code in which the DNA profile of the offender is obtained and entered into a DNA database within 10 years after the commission of the offense, may be commenced at any time. Clause (2) of this subsection (a) applies if either: (i) the victim reported the offense to law enforcement authorities within 3 years after the commission of the offense unless a longer period for reporting the offense to law enforcement authorities is provided in Section 3-6 or (ii) the victim is murdered during the course of the offense or within 2 years after the commission of the offense.

(a-5) A prosecution for theft of property exceeding $100,000 in value under Section 16-1, identity theft under subsection (a) of Section 16-30, aggravated identity theft under subsection (b) of Section 16-30, financial exploitation of an elderly person or a person with a disability

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under Section 17-56; or any offense set forth in Article 16H or Section 17-10.6 may be commenced within 7 years of the last act committed in furtherance of the crime.

(b) Unless the statute describing the offense provides otherwise, or the period of limitation is extended by Section 3-6, a prosecution for any offense not designated in subsection Subsection (a) or (a-5) must be commenced within 3 years after the commission of the offense if it is a felony, or within one year and 6 months after its commission if it is a misdemeanor.

(Source: P.A. 98-265, eff. 1-1-14.)

(720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

Sec. 3-6. Extended limitations. The period within which a prosecution must be commenced under the provisions of Section 3-5 or other applicable statute is extended under the following conditions:

(a) A prosecution for theft involving a breach of a fiduciary obligation to the aggrieved person may be commenced as follows:

   (1) If the aggrieved person is a minor or a person under legal disability, then during the minority or legal disability or within one year after the termination thereof.

   (2) In any other instance, within one year after the discovery of the offense by an aggrieved person, or by a person who has legal capacity to represent an aggrieved person or has a legal duty to report the offense, and is not himself or herself a party to the offense; or in the absence of such discovery, within one year after the proper prosecuting officer becomes aware of the offense. However, in no such case is the period of limitation so extended more than 3 years beyond the expiration of the period otherwise applicable.

(b) A prosecution for any offense based upon misconduct in office by a public officer or employee may be commenced within one year after discovery of the offense by a person having a legal duty to report such offense, or in the absence of such discovery, within one year after the proper prosecuting officer becomes aware of the offense. However, in no such case is the period of limitation so extended more than 3 years beyond the expiration of the period otherwise applicable.

(b-5) When the victim is under 18 years of age at the time of the offense, a prosecution for involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons and related offenses under Section 10-9 of this Code may be commenced within one year of the

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victim attaining the age of 18 years. However, in no such case shall the time period for prosecution expire sooner than 3 years after the commission of the offense.

(c) (Blank).

(d) A prosecution for child pornography, aggravated child pornography, indecent solicitation of a child, soliciting for a juvenile prostitute, juvenile pimping, exploitation of a child, or promoting juvenile prostitution except for keeping a place of juvenile prostitution may be commenced within one year of the victim attaining the age of 18 years. However, in no such case shall the time period for prosecution expire sooner than 3 years after the commission of the offense. When the victim is under 18 years of age, a prosecution for criminal sexual abuse may be commenced within one year of the victim attaining the age of 18 years. However, in no such case shall the time period for prosecution expire sooner than 3 years after the commission of the offense.

(e) Except as otherwise provided in subdivision (j), a prosecution for any offense involving sexual conduct or sexual penetration, as defined in Section 11-0.1 of this Code, where the defendant was within a professional or fiduciary relationship or a purported professional or fiduciary relationship with the victim at the time of the commission of the offense may be commenced within one year after the discovery of the offense by the victim.

(f) A prosecution for any offense set forth in Section 44 of the "Environmental Protection Act", approved June 29, 1970, as amended, may be commenced within 5 years after the discovery of such an offense by a person or agency having the legal duty to report the offense or in the absence of such discovery, within 5 years after the proper prosecuting officer becomes aware of the offense.

(f-5) A prosecution for any offense set forth in Section 16-30 of this Code may be commenced within 5 years after the discovery of the offense by the victim of that offense.

(g) (Blank).

(h) (Blank).

(i) Except as otherwise provided in subdivision (j), a prosecution for criminal sexual assault, aggravated criminal sexual assault, or aggravated criminal sexual abuse may be commenced within 10 years of the commission of the offense if the victim reported the offense to law enforcement authorities within 3 years after the commission of the offense.

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Nothing in this subdivision (i) shall be construed to shorten a period within which a prosecution must be commenced under any other provision of this Section.

(i-5) A prosecution for armed robbery, home invasion, kidnapping, or aggravated kidnaping may be commenced within 10 years of the commission of the offense if it arises out of the same course of conduct and meets the criteria under one of the offenses in subsection (i) of this Section.

(j) (1) When the victim is under 18 years of age at the time of the offense, a prosecution for criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual abuse, or felony criminal sexual abuse may be commenced at any time when corroborating physical evidence is available or an individual who is required to report an alleged or suspected commission of any of these offenses under the Abused and Neglected Child Reporting Act fails to do so.

(2) In circumstances other than as described in paragraph (1) of this subsection (j), when the victim is under 18 years of age at the time of the offense, a prosecution for criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual abuse, or felony criminal sexual abuse, or a prosecution for failure of a person who is required to report an alleged or suspected commission of any of these offenses under the Abused and Neglected Child Reporting Act may be commenced within 20 years after the child victim attains 18 years of age.

(3) When the victim is under 18 years of age at the time of the offense, a prosecution for misdemeanor criminal sexual abuse may be commenced within 10 years after the child victim attains 18 years of age.

(4) Nothing in this subdivision (j) shall be construed to shorten a period within which a prosecution must be commenced under any other provision of this Section.

(j-5) A prosecution for armed robbery, home invasion, kidnapping, or aggravated kidnaping may be commenced at any time if it arises out of the same course of conduct and meets the criteria under one of the offenses in subsection (j) of this Section.

(k) (Blank). A prosecution for theft involving real property exceeding $100,000 in value under Section 16-1, identity theft under subsection (a) of Section 16-30, aggravated identity theft under subsection (b) of Section 16-30, or any offense set forth in Article 16H or Section 17-
10.6 may be commenced within 7 years of the last act committed in furtherance of the crime.

(l) A prosecution for any offense set forth in Section 26-4 of this Code may be commenced within one year after the discovery of the offense by the victim of that offense.

(Source: P.A. 98-293, eff. 1-1-14; 98-379, eff. 1-1-14; 98-756, eff. 7-16-14; 99-234, eff. 8-3-15.)

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

Approved August 15, 2016.
Effective August 15, 2016.

PUBLIC ACT 99-0821
(House Bill No. 5924)

AN ACT concerning civil law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Probate Act of 1975 is amended by changing Section 11a-17 as follows:

(755 ILCS 5/11a-17) (from Ch. 110 1/2, par. 11a-17)
Sec. 11a-17. Duties of personal guardian.
(a) To the extent ordered by the court and under the direction of the court, the guardian of the person shall have custody of the ward and the ward's minor and adult dependent children and shall procure for them and shall make provision for their support, care, comfort, health, education and maintenance, and professional services as are appropriate, but the ward's spouse may not be deprived of the custody and education of the ward's minor and adult dependent children, without the consent of the spouse, unless the court finds that the spouse is not a fit and competent person to have that custody and education. The guardian shall assist the ward in the development of maximum self-reliance and independence. The guardian of the person may petition the court for an order directing the guardian of the estate to pay an amount periodically for the provision of the services specified by the court order. If the ward's estate is insufficient to provide for education and the guardian of the ward's person fails to provide education, the court may award the custody of the ward to some other person for the purpose of providing education. If a person makes a

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settlement upon or provision for the support or education of a ward, the court may make an order for the visitation of the ward by the person making the settlement or provision as the court deems proper. A guardian of the person may not admit a ward to a mental health facility except at the ward's request as provided in Article IV of the Mental Health and Developmental Disabilities Code and unless the ward has the capacity to consent to such admission as provided in Article IV of the Mental Health and Developmental Disabilities Code.

(a-5) If the ward filed a petition for dissolution of marriage under the Illinois Marriage and Dissolution of Marriage Act before the ward was adjudicated a person with a disability under this Article, the guardian of the ward's person and estate may maintain that action for dissolution of marriage on behalf of the ward. Upon petition by the guardian of the ward's person or estate, the court may authorize and direct a guardian of the ward's person or estate to file a petition for dissolution of marriage or to file a petition for legal separation or declaration of invalidity of marriage under the Illinois Marriage and Dissolution of Marriage Act on behalf of the ward if the court finds by clear and convincing evidence that the relief sought is in the ward's best interests. In making its determination, the court shall consider the standards set forth in subsection (e) of this Section.

(a-10) Upon petition by the guardian of the ward's person or estate, the court may authorize and direct a guardian of the ward's person or estate to consent, on behalf of the ward, to the ward's marriage pursuant to Part II of the Illinois Marriage and Dissolution of Marriage Act if the court finds by clear and convincing evidence that the marriage is in the ward's best interests. In making its determination, the court shall consider the standards set forth in subsection (e) of this Section. Upon presentation of a court order authorizing and directing a guardian of the ward's person and estate to consent to the ward's marriage, the county clerk shall accept the guardian's application, appearance, and signature on behalf of the ward for purposes of issuing a license to marry under Section 203 of the Illinois Marriage and Dissolution of Marriage Act.

(b) If the court directs, the guardian of the person shall file with the court at intervals indicated by the court, a report that shall state briefly: (1) the current mental, physical, and social condition of the ward and the ward's minor and adult dependent children; (2) their present living arrangement, and a description and the address of every residence where they lived during the reporting period and the length of stay at each place;
(3) a summary of the medical, educational, vocational, and other professional services given to them; (4) a resume of the guardian's visits with and activities on behalf of the ward and the ward's minor and adult dependent children; (5) a recommendation as to the need for continued guardianship; (6) any other information requested by the court or useful in the opinion of the guardian. The Office of the State Guardian shall assist the guardian in filing the report when requested by the guardian. The court may take such action as it deems appropriate pursuant to the report.

(c) Absent court order pursuant to the Illinois Power of Attorney Act directing a guardian to exercise powers of the principal under an agency that survives disability, the guardian has no power, duty, or liability with respect to any personal or health care matters covered by the agency. This subsection (c) applies to all agencies, whenever and wherever executed.

(d) A guardian acting as a surrogate decision maker under the Health Care Surrogate Act shall have all the rights of a surrogate under that Act without court order including the right to make medical treatment decisions such as decisions to forgo or withdraw life-sustaining treatment. Any decisions by the guardian to forgo or withdraw life-sustaining treatment that are not authorized under the Health Care Surrogate Act shall require a court order. Nothing in this Section shall prevent an agent acting under a power of attorney for health care from exercising his or her authority under the Illinois Power of Attorney Act without further court order, unless a court has acted under Section 2-10 of the Illinois Power of Attorney Act. If a guardian is also a health care agent for the ward under a valid power of attorney for health care, the guardian acting as agent may execute his or her authority under that act without further court order.

(e) Decisions made by a guardian on behalf of a ward shall be made in accordance with the following standards for decision making. Decisions made by a guardian on behalf of a ward may be made by conforming as closely as possible to what the ward, if competent, would have done or intended under the circumstances, taking into account evidence that includes, but is not limited to, the ward's personal, philosophical, religious and moral beliefs, and ethical values relative to the decision to be made by the guardian. Where possible, the guardian shall determine how the ward would have made a decision based on the ward's previously expressed preferences, and make decisions in accordance with the preferences of the ward. If the ward's wishes are unknown and remain unknown after reasonable efforts to discern them, the decision shall be

New matter indicated by italics - deletions by strikeout
made on the basis of the ward's best interests as determined by the guardian. In determining the ward's best interests, the guardian shall weigh the reason for and nature of the proposed action, the benefit or necessity of the action, the possible risks and other consequences of the proposed action, and any available alternatives and their risks, consequences and benefits, and shall take into account any other information, including the views of family and friends, that the guardian believes the ward would have considered if able to act for herself or himself.

(f) Upon petition by any interested person (including the standby or short-term guardian), with such notice to interested persons as the court directs and a finding by the court that it is in the best interest of the person with a disability, the court may terminate or limit the authority of a standby or short-term guardian or may enter such other orders as the court deems necessary to provide for the best interest of the person with a disability. The petition for termination or limitation of the authority of a standby or short-term guardian may, but need not, be combined with a petition to have another guardian appointed for the person with a disability.

(g)(1) Unless there is a court order to the contrary, the guardian, consistent with the standards set forth in subsection (e) of this Section, shall use reasonable efforts to notify the ward's known adult children, who have requested notification and provided contact information, of the ward's admission to a hospital or hospice program, the ward's death, and the arrangements for the disposition of the ward's remains.

(2) If a guardian unreasonably prevents an adult child of the ward from visiting the ward, the court, upon a verified petition by an adult child, may order the guardian to permit visitation between the ward and the adult child if the court finds that the visitation is in the ward's best interests. In making its determination, the court shall consider the standards set forth in subsection (e) of this Section. This subsection (g) does not apply to duly appointed public guardians or the Office of State Guardian.

(Source: P.A. 98-1107, eff. 8-26-14; 99-143, eff. 7-27-15.)

Passed in the General Assembly May 29, 2016.
Approved August 15, 2016.
Effective January 1, 2017.

New matter indicated by italics - deletions by strikeout
AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Alzheimer's Disease and Related Dementias Services Act.

Section 5. Purpose. The General Assembly finds that oversight of Alzheimer's disease and related dementias services is in the best interests of individuals diagnosed with Alzheimer's disease or a dementia-related disease and their families and friends struggling to find appropriate services and care. As such, it is the intent of the General Assembly that all Alzheimer's disease and related dementias services shall comply with rules adopted by the Department in compliance with this Act.

Section 10. Definitions. In this Act:
"Department" means the Department of Public Health.
"Director" means the Director of Public Health.
"Alzheimer's disease and related dementias services" means services offered to individuals diagnosed with Alzheimer's disease or a dementia-related disease for the purpose of managing the individual's disease.

Section 15. Applicability. Programs covered by this Act include, but are not limited to, health care facilities licensed or certified by the Assisted Living and Shared Housing Act; Life Care Facilities Act; Nursing Home Care Act; Specialized Mental Health Rehabilitation Act of 2013; Home Health, Home Services, and Home Nursing Agency Licensing Act; Hospice Program Licensing Act; and End Stage Renal Disease Facility Act. This Act does not apply to physicians licensed to practice medicine in all its branches.

(a) The Department shall no later than September 1, 2017 publish proposed rules to implement this Act.

(b) The Department shall be granted authority to initiate discussions with all affected provider groups, advocate organizations, and other individuals and groups identified by the Director to be critical to the development of applicable rules upon this Act becoming law.

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Section 25. Covered services, disclosures, prohibition, preemption. Upon the adoption of rules implementing this Act:

(1) Any and all Alzheimer's disease or related dementias services shall comply with the Alzheimer's disease and related dementias services guidelines, except as provided in subsection (d).

(2) Materials defining the philosophy of the services, specific services offered, and behavior management tactics and drug therapies employed shall be provided upon admission or enrollment, or earlier upon request, including a disclaimer that the services are not certified under the Alzheimer's Disease and Related Dementias Special Care Disclosure Act.

(3) Advertising or verbally offering to provide Alzheimer's disease and related dementias services that are not in compliance with the requirements set forth in this Act is prohibited.

(4) If a conflict occurs between this Act and the Assisted Living and Shared Housing Act, the Nursing Home Care Act, or the Alzheimer's Disease and Related Dementias Special Care Disclosure Act, then the Assisted Living and Shared Housing Act, the Nursing Home Care Act, or the Alzheimer's Disease and Related Dementias Special Care Disclosure Act shall prevail.

Section 30. Staff training.

(a) Staff with direct access to clients with Alzheimer's disease or a related dementia hired prior to the adoption of rules implementing this Act shall receive a minimum of 6 hours of initial training within 90 days after the effective date of this Act using Alzheimer's disease and related dementias services certified by the Department, except as provided in subsection (c).

(b) Staff with direct access to clients with Alzheimer's disease or a related dementia hired after the adoption of rules implementing this Act shall complete a minimum of 6 hours of initial training in the first 60 days of employment using an Alzheimer's disease and related dementias services curriculum certified by the Department, except as provided in subsection (c).

(c) Subsections (a) and (b) shall not apply to the following:

(1) staff who received at least 6 hours of comparable training in compliance with licensure or certified training requirements; and

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(2) staff temporarily hired or temporarily detailed by a facility licensed under the Nursing Home Care Act to permit the facility to meet statutory staffing requirements.

(d) An Alzheimer's disease and related dementias services curriculum certified by the Department must include at a minimum the following topics: understanding dementia, effectively communicating with individuals with dementia, assisting individuals with dementia in performing activities of daily living, problem solving with individuals with dementia who exhibit challenging behavior, fundamentals of dementia care, safe environments, and managing the activities of individuals with dementia.

(e) An individual who received training consistent with the requirements of this Section while employed by another program or through an educational institution or an individual with 3 or more years of experience working with Alzheimer's disease and related dementias services may petition the Department for a waiver of the initial training requirements set forth in this Section. The Department shall evaluate each request on a case by case basis.

(f) Upon the adoption of rules implementing this Act, staff with direct access to clients with dementia shall receive 3 hours of advanced training on caring for individuals with Alzheimer's disease and related dementias each year.

(g) Upon the adoption of rules implementing this Act, Alzheimer's disease and related dementias services program employers shall maintain training records and make them available to the Department on request.

Section 35. Program director. Upon the adoption of rules implementing this Act, in addition to the training required under Section 30 of this Act, the director of an Alzheimer's disease and related dementias services program shall complete an Alzheimer's disease and related dementias services curriculum from a list compiled by the Department or have 5 years of experience as a director of an Alzheimer's disease and related dementias services program.

Section 40. Penalties.

(a) Any entity licensed, certified, or regulated by the State that knowingly holds itself out as a provider of Alzheimer's disease and related dementias services and fails to comply with this Act is deemed to have violated the statute or statutes governing the licensure, certification, or regulation of the entity and any contract or agreement the entity has with the State.

New matter indicated by italics - deletions by strikeout
(b) Any entity not operated by the federal government or any agency thereof or individual not covered by subsection (a) that knowingly holds himself, herself, or itself out as a provider of Alzheimer's disease and related dementias services and fails to comply with this Act is guilty of a business offense punishable by a fine of at least $1,001.

Section 45. Assessment. Twenty-four months after the adoption of rules implementing this Act, the Department shall convene a work group made up of experts in Alzheimer's disease and related dementias services programming, providers, families and caregivers, and other interested parties to assess the understanding of and compliance with the Act and rules. The work group shall provide the Director and General Assembly with recommendations related to this Act and rules. Once the recommendations are submitted, the work group shall be disbanded.

Section 90. Repealer.

(a) This Act is repealed as provided in subsection (b) of this Section unless the General Assembly authorizes an extension of the Act for an additional period of 36 months.

(b) Upon the adoption of rules implementing this Act, the Department shall file with the Index Department of the Office of the Secretary of State a declaration to that effect, and shall notify the Clerk of the House of Representatives, the Secretary of the Senate, and the Legislative Reference Bureau of the filing of the declaration. This Act is repealed 36 months after the date specified in the declaration.

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

Approved August 15, 2016.
Effective August 15, 2016.

PUBLIC ACT 99-0823
(House Bill No. 4318)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Department of Agriculture Law of the Civil Administrative Code of Illinois is amended by changing Section 205-15 as follows:

(20 ILCS 205/205-15) (was 20 ILCS 205/40.7 and 205/40.8)

New matter indicated by italics - deletions by strikeout
Sec. 205-15. Promotional activities.

(a) The Department has the power to encourage and promote, in every practicable manner, the interests of agriculture, including horticulture, the livestock industry, dairying, cheese making, poultry, beekeeping, forestry, the production of wool, and all other allied industries. In furtherance of the duties set forth in this Section subsection (a), the Department may establish trust funds and bank accounts in adequately protected financial institutions to receive and disburse monies in connection with the conduct of food shows, food expositions, trade shows, and other promotional activities and to sell at cost, to qualified applicants, signs designating farms that have been owned for 100 years or more or 150 years or more by lineal or collateral descendants of the same family as "Centennial Farms" or "Sesquicentennial Farms", respectively. The Department shall provide applications for the signs, which shall be submitted with the required fee. "Centennial Farms" and "Sesquicentennial Farms" signs shall not contain within their design the name, picture, or other likeness of any elected public official or any appointed public official.

(b) The Department has the power to promote improved methods of conducting the several industries described in subsection (a) with a view to increasing the production and facilitating the distribution thereof at the least cost.

(c) The Department may sell at cost, to qualified applicants, signs designating an agribusiness that has been operated for 100 years or more or more than 150 years or more as the same agribusiness. As used in this subsection (c), "agribusiness" means a business or businesses under the same name or ownership that are collectively associated with the production, processing, and distribution of agricultural products. The Department shall provide applications for the signs, which shall be submitted with the required fee.

(Source: P.A. 90-598, eff. 1-1-99; 91-239, eff. 1-1-00; 91-717, eff. 6-2-00.)

Approved August 16, 2016.
Effective January 1, 2017.

New matter indicated by italics - deletions by strikeout
AN ACT concerning State government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Department of Agriculture Law of the Civil Administrative Code of Illinois is amended by changing Section 205-15 as follows:

(20 ILCS 205/205-15) (was 20 ILCS 205/40.7 and 205/40.8)
Sec. 205-15. Promotional activities.

(a) The Department has the power to encourage and promote, in every practicable manner, the interests of agriculture, including horticulture, the livestock industry, dairying, cheese making, poultry, bee keeping, forestry, the production of wool, and all other allied industries. In furtherance of the duties set forth in this subsection (a), the Department may establish trust funds and bank accounts in adequately protected financial institutions to receive and disburse monies in connection with the conduct of food shows, food expositions, trade shows, and other promotional activities and to sell at cost, to qualified applicants, signs designating farms that have been owned for 100 years or more, or 150 years or more, or 200 years or more by lineal or collateral descendants of the same family as "Centennial Farms", or "Sesquicentennial Farms", or "Bicentennial Farms" respectively. The Department shall provide applications for the signs, which shall be submitted with the required fee. "Centennial Farms", and "Sesquicentennial Farms", and "Bicentennial Farms" signs shall not contain within their design the name, picture, or other likeness of any elected public official or any appointed public official.

(b) The Department has the power to promote improved methods of conducting the several industries described in subsection (a) with a view to increasing the production and facilitating the distribution thereof at the least cost.

(Source: P.A. 90-598, eff. 1-1-99; 91-239, eff. 1-1-00; 91-717, eff. 6-2-00.)

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

Approved August 16, 2016.

New matter indicated by italics - deletions by strikeout
Effective August 16, 2016.

PUBLIC ACT 99-0825
(Senate Bill No. 2612)

AN ACT concerning revenue.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Property Tax Code is amended by changing Section 10-610 as follows:

(35 ILCS 200/10-610)
Sec. 10-610. Applicability.
(a) The provisions of this Division apply for assessment years 2007 through 2016.
(b) The provisions of this Division do not apply to wind energy devices that are owned by any person or entity that is otherwise exempt from taxation under the Property Tax Code.
(Source: P.A. 95-644, eff. 10-12-07; 96-1036, eff. 1-1-11.)

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

Passed in the General Assembly May 26, 2016.
Approved August 16, 2016.
Effective August 16, 2016.

PUBLIC ACT 99-0826
(Senate Bill No. 2975)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by adding Section 2-3.80b as follows:

(105 ILCS 5/2-3.80b new)
Sec. 2-3.80b. Agriculture education teacher grant program.
(a) As used in this Section:
"New agriculture education program" means an agriculture education program approved by the State Board of Education in a school district that has not had an agriculture education program for a period of

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10 years or more prior to the date of application for a grant under this Section.

"Personal services cost" means the cost of a teacher providing 60 additional days, which shall mean 400 additional hours, outside the teacher's regularly scheduled teaching duties for the benefit of agriculture education. The 400 additional hours shall be any activity that is to the benefit of agriculture education, as defined by the State Board of Education by rule, regardless of the time of year the activity occurs.

(b) Subject to appropriation to the State Board of Education, there is created an agriculture education teacher grant program to fund personal services costs for agriculture education teachers in school districts. The grants shall be for the purpose of assisting school districts with paying for personal services costs of agriculture education teachers.

(c) A school district may apply for a grant to fund an amount not to exceed 50% of the personal services cost for an agriculture education teacher under this Section. However, a school district that is creating a new agriculture education program may apply for a grant to fund an amount not to exceed 100% of an agriculture teacher's personal services cost in the first and second year of the new agriculture education program and an amount not to exceed 80% of an agriculture teacher's personal services cost in the third and fourth years of the new agriculture education program. A school district may apply for a grant for more than one teacher under this Section.

(d) A school district that applies for a grant under this Section or offers any extended contract for agriculture education shall base its personal services costs on the reasonably expected personal services cost for the teacher based on the cost of the teacher's regularly scheduled teaching duties.

(e) The State Board of Education shall create a statewide system for an agriculture education teacher to track his or her additional hours completed pursuant to a grant under this Section.

(f) The State Board of Education shall adopt rules as necessary to implement this Section.

Section 10. The Higher Education Student Assistance Act is amended by changing Section 65.25 as follows:

(110 ILCS 947/65.25)
Sec. 65.25. Teacher shortage scholarships.
(a) The Commission may annually award a number of scholarships to persons preparing to teach in areas of identified staff shortages. Such

New matter indicated by italics - deletions by strikeout
scholarships shall be issued to individuals who make application to the Commission and who agree to take courses at qualified institutions of higher learning which will prepare them to teach in areas of identified staff shortages.

(b) Scholarships awarded under this Section shall be issued pursuant to regulations promulgated by the Commission; provided that no rule or regulation promulgated by the State Board of Education prior to the effective date of this amendatory Act of 1993 pursuant to the exercise of any right, power, duty, responsibility or matter of pending business transferred from the State Board of Education to the Commission under this Section shall be affected thereby, and all such rules and regulations shall become the rules and regulations of the Commission until modified or changed by the Commission in accordance with law. The Commission shall allocate the scholarships awarded between persons initially preparing to teach, persons holding valid teaching certificates issued under Articles 21 and 34 of the School Code, and persons holding a bachelor's degree from any accredited college or university who have been employed for a minimum of 10 years in a field other than teaching.

(c) Each scholarship shall be utilized by its holder for the payment of tuition and non-revenue bond fees at any qualified institution of higher learning. Such tuition and fees shall be available only for courses that will enable the individual to be certified to teach in areas of identified staff shortages. The Commission shall determine which courses are eligible for tuition payments under this Section.

(d) The Commission may make tuition payments directly to the qualified institution of higher learning which the individual attends for the courses prescribed or may make payments to the teacher. Any teacher who received payments and who fails to enroll in the courses prescribed shall refund the payments to the Commission.

(e) Following the completion of the program of study, persons who held valid teaching certificates and persons holding a bachelor's degree from any accredited college or university who have been employed for a minimum of 10 years in a field other than teaching prior to receiving a teacher shortage scholarship must accept employment within 2 years in a school in Illinois within 60 miles of the person's residence to teach in an area of identified staff shortage for a period of at least 3 years; provided, however that any such person instead may elect to accept employment within such 2 year period to teach in an area of identified staff shortage for a period of at least 3 years in a school in Illinois which is more than 60

New matter indicated by italics - deletions by strikeout
miles from such person's residence. Persons initially preparing to teach prior to receiving a teacher shortage scholarship must accept employment within 2 years in a school in Illinois to teach in an area of identified staff shortage for a period of at least 3 years. Individuals who fail to comply with this provision shall refund all of the scholarships awarded to the Commission, whether payments were made directly to the institutions of higher learning or to the individuals, and this condition shall be agreed to in writing by all scholarship recipients at the time the scholarship is awarded. No individual shall be required to refund tuition payments if his or her failure to obtain employment as a teacher in a school is the result of financial conditions within school districts. The rules and regulations promulgated as provided in this Section shall contain provisions regarding the waiving and deferral of such payments.

(f) The Commission, with the cooperation of the State Board of Education, shall assist individuals who have participated in the scholarship program established by this Section in finding employment in areas of identified staff shortages.

(g) Beginning in September, 1994 and annually thereafter, the Commission, using data annually supplied by the State Board of Education under procedures developed by it to measure the level of shortage of qualified bilingual personnel serving students with disabilities, shall annually publish (i) the level of shortage of qualified bilingual personnel serving students with disabilities, and (ii) allocations of scholarships for personnel preparation training programs in the areas of bilingual special education teacher training and bilingual school service personnel.

(h) Appropriations for the scholarships outlined in this Section shall be made to the Commission from funds appropriated by the General Assembly.

(i) This Section is substantially the same as Section 30-4c of the School Code, which Section is repealed by this amendatory Act of 1993, and shall be construed as a continuation of the teacher shortage scholarship program established under that prior law, and not as a new or different teacher shortage scholarship program. The State Board of Education shall transfer to the Commission, as the successor to the State Board of Education for all purposes of administering and implementing the provisions of this Section, all books, accounts, records, papers, documents, contracts, agreements, and pending business in any way relating to the teacher shortage scholarship program continued under this Section; and all scholarships at any time awarded under that program by,
and all applications for any such scholarships at any time made to, the State Board of Education shall be unaffected by the transfer to the Commission of all responsibility for the administration and implementation of the teacher shortage scholarship program continued under this Section. The State Board of Education shall furnish to the Commission such other information as the Commission may request to assist it in administering this Section.

(j) For the purposes of this Section:
"Qualified institution of higher learning" means the University of Illinois, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northern Illinois University, Northern Illinois University, Western Illinois University, the public community colleges subject to the Public Community College Act and any Illinois privately operated college, community college or university offering degrees and instructional programs above the high school level either in residence or by correspondence. The Board of Higher Education and the Commission, in consultation with the State Board of Education, shall identify qualified institutions to supply the demand for bilingual special education teachers and bilingual school service personnel.

"Areas of identified staff shortages" means courses of study, including, but not limited to, agricultural education, in which the number of teachers is insufficient to meet student or school district demand for such instruction as determined by the State Board of Education.

(Source: P.A. 88-228; 89-4, eff. 1-1-96.)

Passed in the General Assembly May 23, 2016.
Approved August 16, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0827
(Senate Bill No. 3130)

AN ACT concerning agriculture.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Seed Law is amended by adding Sections 2.121-5, 2.132-5 and 2.133-5 and by changing Section 7 as follows:

(505 ILCS 110/2.121-5 new)

New matter indicated by italics - deletions by strikeout
Sec. 2.121-5. Non-commercial seed sharing. "Non-commercial seed sharing" means seed sharing for which no monetary consideration or compensation is transferred in return for receiving seeds. "Non-commercial seed sharing" does not include seed sharing in which the person participating in the seed sharing expects or creates the expectation that seeds must be returned in exchange for receiving seeds or when the distribution of seed is given as compensation for work or services rendered.

(505 ILCS 110/2.132-5 new)

Sec. 2.132-5. Seed library. "Seed library" means a nonprofit, governmental, or cooperative organization, association, or activity for the purpose of facilitating the donation, exchange, preservation, and dissemination of seeds of open pollinated, public domain plant varieties by or among its members or members of the public when the use, exchange, transfer, or possession of seeds acquired by or from the seed library is free of charge or consideration.

(505 ILCS 110/2.133-5 new)

Sec. 2.133-5. Seed swap event. "Seed swap event" means an organized and publicly promoted event at which non-commercial seed sharing takes place.

(505 ILCS 110/7) (from Ch. 5, par. 407)

Sec. 7. Exemptions.

(a) The provisions of Sections 4 through 4.5 and Sections 5 and 5.1 do not apply:

(1) To seed or grain not intended for sowing purposes.

(2) To seed in storage in, or being transported or consigned to a cleaning or conditioning establishment for cleaning or conditioning, provided, that the invoice or labeling accompanying any shipment of said seed bears the statement "seed for conditioning"; and provided that any labeling or other representation which may be made with respect to the uncleared or unconditioned seed shall be subject to this Act.

(3) To any carrier in respect to any seed transported or delivered for transportation in the ordinary course of its business as a carrier; provided, that such carrier is not engaged in producing, processing, or marketing agricultural, vegetable or other seeds designated by the Department of Agriculture subject to the provisions of this Act.

New matter indicated by italics - deletions by strikeout
(b) The provisions of Sections 4, 4.4, 4.5, 6, and 10, and of paragraphs (1), (2), (3), (4), (5), (8), and (11) of Section 5, do not apply to unpatented, untreated seed that is free of noxious and exotic weed seeds and that is distributed within this State by means of interpersonal non-commercial seed sharing activities, including, but not limited to, seed libraries and seed swap events. A seed library or seed swap event organizer shall adopt labeling or record-keeping standards to identify the year, species or common name, and source of any non-commercially packaged seed received by the seed library or offered at a seed swap event, and shall make this information available to the Department upon request in the course of an investigation of an alleged violation of the provisions in this Act. Information maintained by seed libraries shall be provided to the Department to the extent permissible under the Library Records Confidentiality Act.
(Source: P.A. 85-717.)

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

Approved August 16, 2016.
Effective August 16, 2016.

PUBLIC ACT 99-0828
(Senate Bill No. 2403)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. This Act may be referred to as Gabby's Law.
Section 5. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by adding Section 2310-314 as follows:

(20 ILCS 2310/2310-314 new)

Sec. 2310-314. Sepsis screening protocols. The Department shall adopt rules to implement Section 6.23a of the Hospital Licensing Act.

Section 10. The Hospital Licensing Act is amended by adding Section 6.23a as follows:

(210 ILCS 85/6.23a new)

Sec. 6.23a. Sepsis screening protocols.

New matter indicated by italics - deletions by strikeout
(a) Each hospital shall adopt, implement, and periodically update evidence-based protocols for the early recognition and treatment of patients with sepsis, severe sepsis, or septic shock (sepsis protocols) that are based on generally accepted standards of care. Sepsis protocols must include components specific to the identification, care, and treatment of adults and of children, and must clearly identify where and when components will differ for adults and for children seeking treatment in the emergency department or as an inpatient. These protocols must also include the following components:

(1) a process for the screening and early recognition of patients with sepsis, severe sepsis, or septic shock;

(2) a process to identify and document individuals appropriate for treatment through sepsis protocols, including explicit criteria defining those patients who should be excluded from the protocols, such as patients with certain clinical conditions or who have elected palliative care;

(3) guidelines for hemodynamic support with explicit physiologic and treatment goals, methodology for invasive or non-invasive hemodynamic monitoring, and timeframe goals;

(4) for infants and children, guidelines for fluid resuscitation consistent with current, evidence-based guidelines for severe sepsis and septic shock with defined therapeutic goals for children;

(5) identification of the infectious source and delivery of early broad spectrum antibiotics with timely re-evaluation to adjust to narrow spectrum antibiotics targeted to identified infectious sources; and

(6) criteria for use, based on accepted evidence of vasoactive agents.

(b) Each hospital shall ensure that professional staff with direct patient care responsibilities and, as appropriate, staff with indirect patient care responsibilities, including, but not limited to, laboratory and pharmacy staff, are periodically trained to implement the sepsis protocols required under subsection (a). The hospital shall ensure updated training of staff if the hospital initiates substantive changes to the sepsis protocols.

(c) Each hospital shall be responsible for the collection and utilization of quality measures related to the recognition and treatment of severe sepsis for purposes of internal quality improvement.
(d) The evidence-based protocols adopted under this Section shall be provided to the Department upon the Department's request.

(e) Hospitals submitting sepsis data as required by the Centers for Medicare and Medicaid Services Hospital Inpatient Quality Reporting program as of fiscal year 2016 are presumed to meet the sepsis protocol requirements outlined in this Section.

(f) Subject to appropriation, the Department shall:

(1) recommend evidence-based sepsis definitions and metrics that incorporate evidence-based findings, including appropriate antibiotic stewardship, and that align with the National Quality Forum, the Centers for Medicare and Medicaid Services, the Agency for Healthcare Research and Quality, and the Joint Commission;

(2) establish and use a methodology for collecting, analyzing, and disclosing the information collected under this Section, including collection methods, formatting, and methods and means for aggregate data release and dissemination;

(3) complete a digest of efforts and recommendations no later than 12 months after the effective date of this amendatory Act of the 99th General Assembly; the digest may include Illinois-specific data, trends, conditions, or other clinical factors; a summary shall be provided to the Governor and General Assembly and shall be publicly available on the Department's website; and

(4) consult and seek input and feedback prior to the proposal, publication, or issuance of any guidance, methodologies, metrics, rulemaking, or any other information authorized under this Section from statewide organizations representing hospitals, physicians, advanced practice nurses, pharmacists, and long-term care facilities. Public and private hospitals, epidemiologists, infection prevention professionals, health care informatics and health care data professionals, and academic researchers may be consulted.

If the Department receives an appropriation and carries out the requirements of paragraphs (1), (2), (3), and (4), then the Department may adopt rules concerning the collection of data from hospitals regarding sepsis and requiring that each hospital shall be responsible for reporting to the Department.
Any publicly released hospital-specific information under this Section is subject to data provisions specified in Section 25 of the Hospital Report Card Act.

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

Passed in the General Assembly May 24, 2016.
Approved August 18, 2016.
Effective August 18, 2016.

PUBLIC ACT 99-0829
(House Bill No. 4257)

AN ACT concerning State government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Legislative findings and intent. The General Assembly finds that individuals with developmental or mental disabilities may sometimes have a difficult time communicating. This can be especially true in high stress situations, such as, but not limited to, interacting with criminal justice professionals. It is the intent of the General Assembly to provide a solution to de-escalate these situations by providing a way for individuals with disabilities to help inform or notify criminal justice professionals of the individual's disability.

Section 5. The Illinois Identification Card Act is amended by adding Section 4A-1 as follows:

(15 ILCS 335/4A-1 new)
Sec. 4A-1. Person with a disability wallet card.
(a) Upon approval of an applicant's Illinois Person with a Disability Identification Card, the Secretary of State shall inform the applicant of the availability of a Person with a Disability Wallet Card that specifies that the cardholder has been medically diagnosed with a disability, and shall provide that Wallet Card upon the applicant's request. This Wallet Card may only be available to applicants with a Type Two or Type Five Disability as defined in Section 4A of this Act.

(b) The Department of Human Services shall design the Wallet Card in consultation with the Secretary of State, after which, the Department of Human Services shall produce and distribute the cards to the Secretary of State.
(c) The Secretary of State shall work with the Department of Human Services to adopt rules in the administration of the Wallet Card.

Approved August 19, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0830
(House Bill No. 4259)

AN ACT concerning public employee benefits.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Pension Code is amended by changing Sections 7-109, 15-106, 15-107, and 16-106 as follows:

(40 ILCS 5/7-109) (from Ch. 108 1/2, par. 7-109)
(Text of Section WITHOUT the changes made by P.A. 98-599, which has been held unconstitutional)

Sec. 7-109. Employee.
(1) "Employee" means any person who:

(a) 1. Receives earnings as payment for the performance of personal services or official duties out of the general fund of a municipality, or out of any special fund or funds controlled by a municipality, or by an instrumentality thereof, or a participating instrumentality, including, in counties, the fees or earnings of any county fee office; and

2. Under the usual common law rules applicable in determining the employer-employee relationship, has the status of an employee with a municipality, or any instrumentality thereof, or a participating instrumentality, including aldermen, county supervisors and other persons (excepting those employed as independent contractors) who are paid compensation, fees, allowances or other emolument for official duties, and, in counties, the several county fee offices.

(b) Serves as a township treasurer appointed under the School Code, as heretofore or hereafter amended, and who receives for such services regular compensation as distinguished from per diem compensation, and any regular employee in the office of any township treasurer whether or not his earnings are paid from the

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income of the permanent township fund or from funds subject to
distribution to the several school districts and parts of school
districts as provided in the School Code, or from both such
sources; or is the chief executive officer, chief educational officer,
chief fiscal officer, or other employee of a Financial Oversight
Panel established pursuant to Article 1H of the School Code, other
than a superintendent or certified school business official, except
that such person shall not be treated as an employee under this
Section if that person has negotiated with the Financial Oversight
Panel, in conjunction with the school district, a contractual
agreement for exclusion from this Section.

(c) Holds an elective office in a municipality,
instrumentality thereof or participating instrumentality.

(2) "Employee" does not include persons who:

(a) Are eligible for inclusion under any of the following
laws:

1. "An Act in relation to an Illinois State Teachers'
Pension and Retirement Fund", approved May 27, 1915, as
amended;

2. Articles 15 and 16 of this Code.

However, such persons shall be included as employees to
the extent of earnings that are not eligible for inclusion under the
foregoing laws for services not of an instructional nature of any
kind.

However, any member of the armed forces who is
employed as a teacher of subjects in the Reserve Officers Training
Corps of any school and who is not certified under the law
governing the certification of teachers shall be included as an
employee.

(b) Are designated by the governing body of a municipality
in which a pension fund is required by law to be established for
policemen or firemen, respectively, as performing police or fire
protection duties, except that when such persons are the heads of
the police or fire department and are not eligible to be included
within any such pension fund, they shall be included within this
Article; provided, that such persons shall not be excluded to the
extent of concurrent service and earnings not designated as being
for police or fire protection duties. However, (i) any head of a
police department who was a participant under this Article

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immediately before October 1, 1977 and did not elect, under Section 3-109 of this Act, to participate in a police pension fund shall be an "employee", and (ii) any chief of police who elects to participate in this Fund under Section 3-109.1 of this Code, regardless of whether such person continues to be employed as chief of police or is employed in some other rank or capacity within the police department, shall be an employee under this Article for so long as such person is employed to perform police duties by a participating municipality and has not lawfully rescinded that election.

(c) Are contributors to or eligible to contribute to a Taft-Hartley pension plan to which the participating municipality is required to contribute as the person's employer based on earnings from the municipality. Nothing in this paragraph shall affect service credit or creditable service for any period of service prior to the effective date of this amendatory Act of the 98th General Assembly, and this paragraph shall not apply to individuals who are participating in the Fund prior to the effective date of this amendatory Act of the 98th General Assembly.

(d) Become an employee of any of the following participating instrumentalities on or after the effective date of this amendatory Act of the 99th General Assembly: the Illinois Municipal League; the Illinois Association of Park Districts; the Illinois Supervisors, County Commissioners and Superintendents of Highways Association; an association, or not-for-profit corporation, membership in which is authorized under Section 85-15 of the Township Code; the United Counties Council; or the Will County Governmental League.

(3) All persons, including, without limitation, public defenders and probation officers, who receive earnings from general or special funds of a county for performance of personal services or official duties within the territorial limits of the county, are employees of the county (unless excluded by subsection (2) of this Section) notwithstanding that they may be appointed by and are subject to the direction of a person or persons other than a county board or a county officer. It is hereby established that an employer-employee relationship under the usual common law rules exists between such employees and the county paying their salaries by reason of the fact that the county boards fix their rates of compensation, appropriate funds for payment of their earnings and otherwise exercise

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control over them. This finding and this amendatory Act shall apply to all such employees from the date of appointment whether such date is prior to or after the effective date of this amendatory Act and is intended to clarify existing law pertaining to their status as participating employees in the Fund.

(Source: P.A. 97-429, eff. 8-16-11; 97-609, eff. 8-26-11; 97-813, eff. 7-13-12; 98-712, eff. 7-16-14.)

(40 ILCS 5/15-106) (from Ch. 108 1/2, par. 15-106)

(Text of Section WITHOUT the changes made by P.A. 98-599, which has been held unconstitutional)

Sec. 15-106. Employer. "Employer": The University of Illinois, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northern Illinois University, Western Illinois University, the State Board of Higher Education, the Illinois Mathematics and Science Academy, the University Civil Service Merit Board, the Board of Trustees of the State Universities Retirement System, the Illinois Community College Board, community college boards, any association of community college boards organized under Section 3-55 of the Public Community College Act, the Board of Examiners established under the Illinois Public Accounting Act, and, only during the period for which employer contributions required under Section 15-155 are paid, the following organizations: the alumni associations, the foundations and the athletic associations which are affiliated with the universities and colleges included in this Section as employers. An individual who begins employment on or after the effective date of this amendatory Act of the 99th General Assembly with any association of community college boards organized under Section 3-55 of the Public Community College Act, the Association of Illinois Middle-Grade Schools, the Illinois Association of School Administrators, the Illinois Association for Supervision and Curriculum Development, the Illinois Principals Association, the Illinois Association of School Business Officials, the Illinois Special Olympics, or an entity not defined as an employer in this Section shall not be deemed an employee for the purposes of this Article with respect to that employment and shall not be eligible to participate in the System with respect to that employment; provided, however, that those individuals who are both employed by such an entity and are participating in the System with respect to that employment on the effective date of this amendatory Act of

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the 99th General Assembly shall be allowed to continue as participants in the System for the duration of that employment.

A department as defined in Section 14-103.04 is an employer for any person appointed by the Governor under the Civil Administrative Code of Illinois who is a participating employee as defined in Section 15-109. The Department of Central Management Services is an employer with respect to persons employed by the State Board of Higher Education in positions with the Illinois Century Network as of June 30, 2004 who remain continuously employed after that date by the Department of Central Management Services in positions with the Illinois Century Network, the Bureau of Communication and Computer Services, or, if applicable, any successor bureau.

The cities of Champaign and Urbana shall be considered employers, but only during the period for which contributions are required to be made under subsection (b-1) of Section 15-155 and only with respect to individuals described in subsection (h) of Section 15-107.

(Source: P.A. 95-369, eff. 8-23-07; 95-728, eff. 7-1-08 - See Sec. 999.)

(40 ILCS 5/15-107) (from Ch. 108 1/2, par. 15-107)

(Text of Section WITHOUT the changes made by P.A. 98-599, which has been held unconstitutional)

Sec. 15-107. Employee.

(a) "Employee" means any member of the educational, administrative, secretarial, clerical, mechanical, labor or other staff of an employer whose employment is permanent and continuous or who is employed in a position in which services are expected to be rendered on a continuous basis for at least 4 months or one academic term, whichever is less, who (A) receives payment for personal services on a warrant issued pursuant to a payroll voucher certified by an employer and drawn by the State Comptroller upon the State Treasurer or by an employer upon trust, federal or other funds, or (B) is on a leave of absence without pay. Employment which is irregular, intermittent or temporary shall not be considered continuous for purposes of this paragraph.

However, a person is not an "employee" if he or she:

(1) is a student enrolled in and regularly attending classes in a college or university which is an employer, and is employed on a temporary basis at less than full time;

(2) is currently receiving a retirement annuity or a disability retirement annuity under Section 15-153.2 from this System;

(3) is on a military leave of absence;

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(4) is eligible to participate in the Federal Civil Service Retirement System and is currently making contributions to that system based upon earnings paid by an employer;

(5) is on leave of absence without pay for more than 60 days immediately following termination of disability benefits under this Article;

(6) is hired after June 30, 1979 as a public service employment program participant under the Federal Comprehensive Employment and Training Act and receives earnings in whole or in part from funds provided under that Act; or

(7) is employed on or after July 1, 1991 to perform services that are excluded by subdivision (a)(7)(f) or (a)(19) of Section 210 of the federal Social Security Act from the definition of employment given in that Section (42 U.S.C. 410).

(b) Any employer may, by filing a written notice with the board, exclude from the definition of "employee" all persons employed pursuant to a federally funded contract entered into after July 1, 1982 with a federal military department in a program providing training in military courses to federal military personnel on a military site owned by the United States Government, if this exclusion is not prohibited by the federally funded contract or federal laws or rules governing the administration of the contract.

(c) Any person appointed by the Governor under the Civil Administrative Code of the State is an employee, if he or she is a participant in this system on the effective date of the appointment.

(d) A participant on lay-off status under civil service rules is considered an employee for not more than 120 days from the date of the lay-off.

(e) A participant is considered an employee during (1) the first 60 days of disability leave, (2) the period, not to exceed one year, in which his or her eligibility for disability benefits is being considered by the board or reviewed by the courts, and (3) the period he or she receives disability benefits under the provisions of Section 15-152, workers' compensation or occupational disease benefits, or disability income under an insurance contract financed wholly or partially by the employer.

(f) Absences without pay, other than formal leaves of absence, of less than 30 calendar days, are not considered as an interruption of a person's status as an employee. If such absences during any period of 12
months exceed 30 work days, the employee status of the person is considered as interrupted as of the 31st work day.

(g) A staff member whose employment contract requires services during an academic term is to be considered an employee during the summer and other vacation periods, unless he or she declines an employment contract for the succeeding academic term or his or her employment status is otherwise terminated, and he or she receives no earnings during these periods.

(h) An individual who was a participating employee employed in the fire department of the University of Illinois's Champaign-Urbana campus immediately prior to the elimination of that fire department and who immediately after the elimination of that fire department became employed by the fire department of the City of Urbana or the City of Champaign shall continue to be considered as an employee for purposes of this Article for so long as the individual remains employed as a firefighter by the City of Urbana or the City of Champaign. The individual shall cease to be considered an employee under this subsection (h) upon the first termination of the individual's employment as a firefighter by the City of Urbana or the City of Champaign.

(i) An individual who is employed on a full-time basis as an officer or employee of a statewide teacher organization that serves System participants or an officer of a national teacher organization that serves System participants may participate in the System and shall be deemed an employee, provided that (1) the individual has previously earned creditable service under this Article, (2) the individual files with the System an irrevocable election to become a participant before the effective date of this amendatory Act of the 97th General Assembly, (3) the individual does not receive credit for that employment under any other Article of this Code, and (4) the individual first became a full-time employee of the teacher organization and becomes a participant before the effective date of this amendatory Act of the 97th General Assembly. An employee under this subsection (i) is responsible for paying to the System both (A) employee contributions based on the actual compensation received for service with the teacher organization and (B) employer contributions equal to the normal costs (as defined in Section 15-155) resulting from that service; all or any part of these contributions may be paid on the employee's behalf or picked up for tax purposes (if authorized under federal law) by the teacher organization.

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A person who is an employee as defined in this subsection (i) may establish service credit for similar employment prior to becoming an employee under this subsection by paying to the System for that employment the contributions specified in this subsection, plus interest at the effective rate from the date of service to the date of payment. However, credit shall not be granted under this subsection for any such prior employment for which the applicant received credit under any other provision of this Code, or during which the applicant was on a leave of absence under Section 15-113.2.

(j) A person employed by the State Board of Higher Education in a position with the Illinois Century Network as of June 30, 2004 shall be considered to be an employee for so long as he or she remains continuously employed after that date by the Department of Central Management Services in a position with the Illinois Century Network, the Bureau of Communication and Computer Services, or, if applicable, any successor bureau and meets the requirements of subsection (a).

(k) In the case of doubt as to whether any person is an employee within the meaning of this Section or any rule adopted by the Board, the decision of the Board shall be final.

(Source: P.A. 97-651, eff. 1-5-12.)

(40 ILCS 5/16-106) (from Ch. 108 1/2, par. 16-106)

(Text of Section WITHOUT the changes made by P.A. 98-599, which has been held unconstitutional)

Sec. 16-106. Teacher. "Teacher": The following individuals, provided that, for employment prior to July 1, 1990, they are employed on a full-time basis, or if not full-time, on a permanent and continuous basis in a position in which services are expected to be rendered for at least one school term:

1. Any educational, administrative, professional or other staff employed in the public common schools included within this system in a position requiring certification under the law governing the certification of teachers;

2. Any educational, administrative, professional or other staff employed in any facility of the Department of Children and Family Services or the Department of Human Services, in a position requiring certification under the law governing the certification of teachers, and any person who (i) works in such a position for the Department of Corrections, (ii) was a member of this System on May 31, 1987, and (iii) did not elect to become a
member of the State Employees' Retirement System pursuant to Section 14-108.2 of this Code; except that "teacher" does not include any person who (A) becomes a security employee of the Department of Human Services, as defined in Section 14-110, after June 28, 2001 (the effective date of Public Act 92-14), or (B) becomes a member of the State Employees' Retirement System pursuant to Section 14-108.2c of this Code;

(3) Any regional superintendent of schools, assistant regional superintendent of schools, State Superintendent of Education; any person employed by the State Board of Education as an executive; any executive of the boards engaged in the service of public common school education in school districts covered under this system of which the State Superintendent of Education is an ex-officio member;

(4) Any employee of a school board association operating in compliance with Article 23 of the School Code who is certificated under the law governing the certification of teachers, provided that he or she becomes such an employee before the effective date of this amendatory Act of the 99th General Assembly;

(5) Any person employed by the retirement system who:
   (i) was an employee of and a participant in the system on August 17, 2001 (the effective date of Public Act 92-416), or
   (ii) becomes an employee of the system on or after August 17, 2001;

(6) Any educational, administrative, professional or other staff employed by and under the supervision and control of a regional superintendent of schools, provided such employment position requires the person to be certificated under the law governing the certification of teachers and is in an educational program serving 2 or more districts in accordance with a joint agreement authorized by the School Code or by federal legislation;

(7) Any educational, administrative, professional or other staff employed in an educational program serving 2 or more school districts in accordance with a joint agreement authorized by the School Code or by federal legislation and in a position requiring certification under the laws governing the certification of teachers;

(8) Any officer or employee of a statewide teacher organization or officer of a national teacher organization who is

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certified under the law governing certification of teachers, provided: (i) the individual had previously established creditable service under this Article, (ii) the individual files with the system an irrevocable election to become a member before the effective date of this amendatory Act of the 97th General Assembly, (iii) the individual does not receive credit for such service under any other Article of this Code, and (iv) the individual first became an officer or employee of the teacher organization and becomes a member before the effective date of this amendatory Act of the 97th General Assembly;

(9) Any educational, administrative, professional, or other staff employed in a charter school operating in compliance with the Charter Schools Law who is certificated under the law governing the certification of teachers;

(10) Any person employed, on the effective date of this amendatory Act of the 94th General Assembly, by the Macon-Piatt Regional Office of Education in a birth-through-age-three pilot program receiving funds under Section 2-389 of the School Code who is required by the Macon-Piatt Regional Office of Education to hold a teaching certificate, provided that the Macon-Piatt Regional Office of Education makes an election, within 6 months after the effective date of this amendatory Act of the 94th General Assembly, to have the person participate in the system. Any service established prior to the effective date of this amendatory Act of the 94th General Assembly for service as an employee of the Macon-Piatt Regional Office of Education in a birth-through-age-three pilot program receiving funds under Section 2-389 of the School Code shall be considered service as a teacher if employee and employer contributions have been received by the system and the system has not refunded those contributions.

An annuitant receiving a retirement annuity under this Article or under Article 17 of this Code who is employed by a board of education or other employer as permitted under Section 16-118 or 16-150.1 is not a "teacher" for purposes of this Article. A person who has received a single-sum retirement benefit under Section 16-136.4 of this Article is not a "teacher" for purposes of this Article.

(Source: P.A. 97-651, eff. 1-5-12; 98-463, eff. 8-16-13.)

Approved August 19, 2016.

New matter indicated by italics - deletions by strikeout
AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Interscholastic Athletic Organization Act is amended by adding Section 1.20 as follows:

(105 ILCS 25/1.20 new)

Sec. 1.20. Concussion reporting.

(a) Beginning with the 2016-2017 school year, an association or other entity that has, as one of its purposes, promoting, sponsoring, regulating, or in any manner providing for interscholastic athletics or any form of athletic competition among high schools and high school students within this State shall require all member schools that have certified athletic trainers to complete a monthly report on student-athletes at the member school who have sustained a concussion during a school-sponsored activity overseen by the athletic trainer or when the athletic director is made aware of a concussion sustained by a student during a school-sponsored event. All reporting must be anonymous as it relates to student names.

(b) Beginning with the 2017-2018 school year, the association or entity to which this Section applies shall compile the data reported under subsection (a) of this Section during the previous school year into an annual report and submit copies of this report to the General Assembly, as provided in Section 3.1 of the General Assembly Organization Act.

(c) With respect to reporting under this Section, an association or entity to which this Section applies and any member school shall have immunity from any liability, whether civil or criminal or that otherwise might result by reason of such action, except for willful or wanton misconduct. The association or entity has the authority to take action against a member school if the member school fails to complete the required reporting.

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

Passed in the General Assembly May 29, 2016.

Approved August 19, 2016.
An Act concerning civil law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Adoption Act is amended by changing Section 18.4 as follows:

(750 ILCS 50/18.4) (from Ch. 40, par. 1522.4)

Sec. 18.4. (a) The agency, Department of Children and Family Services, Court Supportive Services, Juvenile Division of the Circuit Court, or the Probation Officers of the Circuit Court involved in the adoption proceedings shall give in writing the following non-identifying information, if known, to the adoptive parents not later than the date of placement with the petitioning adoptive parents: (i) age of biological parents; (ii) their race, religion and ethnic background; (iii) general physical appearance of biological parents; (iv) their education, occupation, hobbies, interests and talents; (v) existence of any other children born to the biological parents; (vi) information about biological grandparents; reason for emigrating into the United States, if applicable, and country of origin; (vii) relationship between biological parents; (viii) detailed medical and mental health histories of the child, the biological parents, and their immediate relatives; and (ix) the actual date and place of birth of the adopted person; and (x) the reason or reasons the birth parent or parents stated for placing the child for adoption, how and why the adoptive parent or parents were selected and who selected the adoptive parent or parents, and whether the birth parent or parents requested or agreed to post-adoption contact with the child at the time of placement, and, if so, the frequency and type of contact. However, no information provided under this subsection shall disclose the name or last known address of the biological parents, grandparents, the siblings of the biological parents, the adopted person, or any other relative of the adopted person.

(b) Any adoptee 18 years of age or over shall be given the information in subsection (a) upon request.

(c) The Illinois Adoption Registry shall release any non-identifying information listed in (a) of this Section that appears on the certified copy of the original birth certificate or the Certificate of Adoption to an adopted person.

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person, adoptive parent, or legal guardian who is a registrant of the Illinois Adoption Registry.

(d) The Illinois Adoption Registry shall release the actual date and place of birth of an adopted person who is 21 years of age or over to the birth parent if the birth parent is a registrant of the Illinois Adoption Registry and has completed a Medical Information Exchange Authorization.

(e) The Illinois Adoption Registry shall release information regarding the date the adoption was finalized and the county in which the adoption was finalized to a certified confidential intermediary upon submission of a court order.

(f) In cases where the Illinois Adoption Registry possesses information indicating that an adopted person who is 21 years of age or over was adopted in a state other than Illinois or a country other than the United States, the Illinois Adoption Registry shall release the name of the state or country where the adoption was finalized and, if available, the agency involved in the adoption to a registrant of the Illinois Adoption Registry, provided the registrant is not the subject of a Denial of Information Exchange and the registrant has completed a Medical Information Exchange Authorization.

(g) Any of the above available information for any adoption proceedings completed before the effective date of this Act shall be supplied to the adoptive parents or an adoptee 18 years of age or over upon request.

(h) The agency, Department of Children and Family Services, Court Supportive Services, Juvenile Division of the Circuit Court, the Probation Officers of the Circuit Court and any other governmental bodies having any of the above information shall retain the file until the adoptee would have reached the age of 99 years.

(Source: P.A. 93-189, eff. 1-1-04.)

Passed in the General Assembly May 24, 2016.
Approved August 19, 2016.
Effective January 1, 2017.

New matter indicated by italics - deletions by strikeout
AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Child Care Act of 1969 is amended by changing Sections 2.08, 2.17, 2.23, 2.25, 7.4, and 7.6 and by adding Sections 3.2 and 3.3 as follows:

(225 ILCS 10/2.08) (from Ch. 23, par. 2212.08)

Sec. 2.08. "Child welfare agency" means a public or private child care facility, receiving any child or children for the purpose of placing or arranging for the placement or free care of the child or children in foster family homes, unlicensed pre-adoptive and adoptive homes, adoption-only homes, or other facilities for child care, apart from the custody of the child's or children's parents. The term "child welfare agency" includes all agencies established and maintained by a municipality or other political subdivision of the State of Illinois to protect, guard, train or care for children outside their own homes and all agencies, persons, groups of persons, associations, organizations, corporations, institutions, centers, or groups providing adoption services, but does not include any circuit court or duly appointed juvenile probation officer or youth counselor of the court who receives and places children under an order of the court.

(Source: P.A. 94-586, eff. 8-15-05.)

(225 ILCS 10/2.17) (from Ch. 23, par. 2212.17)

Sec. 2.17. "Foster family home" means a facility for child care in residences of families who receive no more than 8 children unrelated to them, unless all the children are of common parentage, or residences of relatives who receive no more than 8 related children placed by the Department, unless the children are of common parentage, for the purpose of providing family care and training for the children on a full-time basis, except the Director of Children and Family Services, pursuant to Department regulations, may waive the limit of 8 children unrelated to an adoptive family for good cause and only to facilitate an adoptive placement. The family's or relative's own children, under 18 years of age, shall be included in determining the maximum number of children served. For purposes of this Section, a "relative" includes any person, 21 years of age or over, other than the parent, who (i) is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling,
great-grandparent, uncle, aunt, nephew, niece, first cousin, great-uncle, or
great-aunt; or (ii) is the spouse of such a relative; or (iii) is a child's step-
father, step-mother, or adult step-brother or step-sister; or (iv) is a fictive
kin; "relative" also includes a person related in any of the foregoing ways
to a sibling of a child, even though the person is not related to the child,
when the child and its sibling are placed together with that person. For
purposes of placement of children pursuant to Section 7 of the Children
and Family Services Act and for purposes of licensing requirements set
forth in Section 4 of this Act, for children under the custody or
guardianship of the Department pursuant to the Juvenile Court Act of
1987, after a parent signs a consent, surrender, or waiver or after a parent's
rights are otherwise terminated, and while the child remains in the custody
or guardianship of the Department, the child is considered to be related to
those to whom the child was related under this Section prior to the signing
of the consent, surrender, or waiver or the order of termination of parental
rights. The term "foster family home" includes homes receiving children
from any State-operated institution for child care; or from any agency
established by a municipality or other political subdivision of the State of
Illinois authorized to provide care for children outside their own homes.
The term "foster family home" does not include an "adoption-only home"
as defined in Section 2.23 of this Act. The types of foster family homes are
defined as follows:

(a) "Boarding home" means a foster family home which
receives payment for regular full-time care of a child or children.

(b) "Free home" means a foster family home other than an
adoptive home which does not receive payments for the care of a
child or children.

(c) "Adoptive home" means a foster family home which
receives a child or children for the purpose of adopting the child or
children, but does not include an adoption-only home.

(d) "Work-wage home" means a foster family home which
receives a child or children who pay part or all of their board by
rendering some services to the family not prohibited by the Child
Labor Law or by standards or regulations of the Department
prescribed under this Act. The child or children may receive a
wage in connection with the services rendered the foster family.

(e) "Agency-supervised home" means a foster family home
under the direct and regular supervision of a licensed child welfare
agency, of the Department of Children and Family Services, of a
circuit court, or of any other State agency which has authority to place children in child care facilities, and which receives no more than 8 children, unless of common parentage, who are placed and are regularly supervised by one of the specified agencies.

(f) "Independent home" means a foster family home, other than an adoptive home, which receives no more than 4 children, unless of common parentage, directly from parents, or other legally responsible persons, by independent arrangement and which is not subject to direct and regular supervision of a specified agency except as such supervision pertains to licensing by the Department.

(Source: P.A. 98-804, eff. 1-1-15; 98-846, eff. 1-1-15; 99-78, eff. 7-20-15.)

(225 ILCS 10/2.23)
Sec. 2.23. "Adoption-only home" means a home that receives a child placed by an Illinois licensed child welfare agency providing adoption services for the sole purpose of adoption. The child shall not be under the custody or guardianship of the Department pursuant to the Juvenile Court Act of 1987. Such adoption-only home shall not be required to be licensed as a child care facility under this Act, but shall be required to meet the requirements set forth in Section 3.2 of this Act.

family home that receives only children whose parents' parental rights have been terminated or surrendered for the purpose of adoption only.

(Source: P.A. 92-318, eff. 1-1-02.)

(225 ILCS 10/2.25)
Sec. 2.25. "Unlicensed pre-adoptive and adoptive home" means any home that is not licensed by the Department as a foster family home and that receives a child or children for the purpose of adopting the child or children, but does not include an adoption-only home.

(Source: P.A. 94-586, eff. 8-15-05.)

(225 ILCS 10/3.2 new)
Sec. 3.2. Requirements for adoption-only homes. In addition to the other requirements contained in this Act, in order to approve an adoption-only home, a licensed child welfare agency shall:

(1) conduct a home study, which shall consist of a thorough assessment of any prospective adoptive parent's physical, mental, financial, and emotional ability to successfully parent a child through adoption;

(2) obtain a criminal background check of all adult residents in the home pursuant to Section 3.3 of this Act;

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(3) obtain child abuse background checks of all residents in the home who are 13 years of age or over;
(4) assess the health of all prospective adoptive parents and family members living in the home, as well as any residents of the home;
(5) assess the finances of the prospective adoptive parent or parents;
(6) obtain character references for the prospective adoptive parent or parents;
(7) assess the safety of the adoptive home;
(8) provide adoption education and training to the prospective adoptive parent or parents; and
(9) conduct a pre-placement home visit and post-placement supervision.

The licensed child welfare agency may impose any other reasonable requirements that the agency deems appropriate in approving an adoption-only home. The Department shall adopt procedures necessary for the implementation of this Section no later than 30 days after the effective date of this amendatory Act of the 99th General Assembly.

(225 ILCS 10/3.3 new)
Sec. 3.3. Requirements for criminal background checks for adoption-only homes. In approving an adoption-only home pursuant to Section 3.2 of this Act, if an adult resident has an arrest or conviction record, the licensed child welfare agency:

(1) shall thoroughly investigate and evaluate the criminal history of the resident and, in so doing, include an assessment of the applicant's character and, in the case of the prospective adoptive parent, the impact that the criminal history has on his or her ability to parent the child; the investigation should consider the type of crime, the number of crimes, the nature of the offense, the age at time of crime, the length of time that has elapsed since the last conviction, the relationship of the crime to the ability to care for children, and any evidence of rehabilitation;
(2) shall not approve the home if the record reveals a felony conviction for crimes against a child, including, but not limited to, child abuse or neglect, child pornography, rape, sexual assault, or homicide;
(3) shall not approve the home if the record reveals a felony conviction within the last 5 years, including, but not limited

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to, for physical assault, battery, drug-related offenses, or spousal abuse; and

(4) shall not approve the home if the record reveals a felony conviction for homicide, rape, or sexual assault.

(225 ILCS 10/7.4)
Sec. 7.4. Disclosures.
(a) Every licensed child welfare agency providing adoption services and licensed by the Department shall provide to all prospective clients and to the public written disclosures with respect to its adoption services, policies, and practices, including general eligibility criteria, fees, and the mutual rights and responsibilities of clients, including biological parents and adoptive parents. The written disclosure shall be posted on any website maintained by the child welfare agency that relates to adoption services. The Department shall adopt rules relating to the contents of the written disclosures. Eligible agencies may be deemed compliant with this subsection (a).

(b) Every licensed child welfare agency providing adoption services shall provide to all applicants, prior to application, a written schedule of estimated fees, expenses, and refund policies. Every child welfare agency providing adoption services shall have a written policy that shall be part of its standard adoption contract and state that it will not charge additional fees and expenses beyond those disclosed in the adoption contract unless additional fees are reasonably required by the circumstances and are disclosed to the adoptive parents or parent before they are incurred. The Department shall adopt rules relating to the contents of the written schedule and policy. Eligible agencies may be deemed compliant with this subsection (b).

(c) Every licensed child welfare agency providing adoption services must make full and fair disclosure to its clients, including biological parents and adoptive parents, of all circumstances material to the placement of a child for adoption. The Department shall adopt rules necessary for the implementation and regulation of the requirements of this subsection (c).

(c-5) Whenever a licensed child welfare agency places a child in a licensed foster family home or an adoption-only home, the agency shall provide the following to the caretaker or prospective adoptive parent:

1. Available detailed information concerning the child's educational and health history, copies of immunization records

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(including insurance and medical card information), a history of the child's previous placements, if any, and reasons for placement changes, excluding any information that identifies or reveals the location of any previous caretaker.

(2) A copy of the child's portion of the client service plan, including any visitation arrangement, and all amendments or revisions to it as related to the child.

(3) Information containing details of the child's individualized educational plan when the child is receiving special education services.

(4) Any known social or behavioral information (including, but not limited to, criminal background, fire setting, perpetration of sexual abuse, destructive behavior, and substance abuse) necessary to care for and safeguard the child.

The agency may prepare a written summary of the information required by this subsection, which may be provided to the foster or prospective adoptive parent in advance of a placement. The foster or prospective adoptive parent may review the supporting documents in the child's file in the presence of casework staff. In the case of an emergency placement, casework staff shall at least provide information verbally, if necessary, and must subsequently provide the information in writing as required by this subsection. In the case of emergency placements when time does not allow prior review, preparation, and collection of written information, the agency shall provide such information as it becomes available.

The Department shall adopt rules necessary for the implementation and regulation of the requirements of this subsection (c-5).

(d) Every licensed child welfare agency providing adoption services shall meet minimum standards set forth by the Department concerning the taking or acknowledging of a consent prior to taking or acknowledging a consent from a prospective biological parent. The Department shall adopt rules concerning the minimum standards required by agencies under this Section.

(Source: P.A. 94-586, eff. 8-15-05; 94-1010, eff. 10-1-06.)

(225 ILCS 10/7.6)

Sec. 7.6. Annual report. Every licensed child welfare agency providing adoption services shall file an annual report with the Department and with the Attorney General on forms and on a date prescribed by the Department. The annual reports for the preceding 2 years must be made

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available, upon request, to the public by the Department and every licensed agency and must be included on the website of the Department. Each licensed agency that maintains a website shall provide the reports on its website. The annual report shall include all of the following matters and all other matters required by the Department:

(1) a balance sheet and a statement of income and expenses for the year, certified by an independent public accountant; for purposes of this item (1), the audit report filed by an agency with the Department may be included in the annual report and, if so, shall be sufficient to comply with the requirement of this item (1);

(2) non-identifying information concerning the placements made by the agency during the year, consisting of the number of adoptive families in the process of obtaining approval for an adoption-only home, the number of adoptive families that are approved and awaiting placement, the number of biological parents that the agency is actively working with, the number of placements, and the number of adoptions initiated during the year and the status of each matter at the end of the year;

(3) any instance during the year in which the agency lost the right to provide adoption services in any State or country, had its license suspended for cause, or was the subject of other sanctions by any court, governmental agency, or governmental regulatory body relating to the provision of adoption services;

(4) any actions related to licensure that were initiated against the agency during the year by a licensing or accrediting body;

(5) any pending investigations by federal or State authorities;

(6) any criminal charges, child abuse charges, malpractice complaints, or lawsuits against the agency or any of its employees, officers, or directors related to the provision of adoption services and the basis or disposition of the actions;

(7) any instance in the year where the agency was found guilty of, or pled guilty to, any criminal or civil or administrative violation under federal, State, or foreign law that relates to the provision of adoption services;

(8) any instance in the year where any employee, officer, or director of the agency was found guilty of any crime or was

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determined to have violated a civil law or administrative rule under federal, State, or foreign law relating to the provision of adoption services; and

(9) any civil or administrative proceeding instituted by the agency during the year and relating to adoption services, excluding uncontested adoption proceedings and proceedings filed pursuant to Section 12a of the Adoption Act.

Failure to disclose information required under this Section may result in the suspension of the agency's license for a period of 90 days. Subsequent violations may result in revocation of the license.

Information disclosed in accordance with this Section shall be subject to the applicable confidentiality requirements of this Act and the Adoption Act.

(Source: P.A. 94-586, eff. 8-15-05.)

Section 10. The Adoption Act is amended by changing Section 10 and by adding Sections 12.2 and 12.3 as follows:

(750 ILCS 50/10) (from Ch. 40, par. 1512)

Sec. 10. Forms of consent and surrender; execution and acknowledgment thereof.

A. The form of consent required for the adoption of a born child shall be substantially as follows:

FINAL AND IRREVOCABLE CONSENT TO ADOPTION

I, ...., (relationship, e.g., mother, father, relative, guardian) of ...., a .... male child, state:

That such child was born on .... at ....
That I reside at ...., County of .... and State of ....
That I am of the age of .... years.
That I hereby enter my appearance in this proceeding and waive service of summons on me.

That I hereby acknowledge that I have been provided with a copy of the Birth Parent Rights and Responsibilities-Private Form before signing this Consent and that I have had time to read, or have had read to me, this Form. I understand that if I do not receive any of the rights as described in this Form, it shall not constitute a basis to revoke this Final and Irrevocable Consent.

That I do hereby consent and agree to the adoption of such child.

That I wish to and understand that by signing this consent I do irrevocably and permanently give up all custody and other parental rights I have to such child.

New matter indicated by italics - deletions by strikeout
That I understand such child will be placed for adoption and that I cannot under any circumstances, after signing this document, change my mind and revoke or cancel this consent or obtain or recover custody or any other rights over such child. That I have read and understand the above and I am signing it as my free and voluntary act.
Dated (insert date).

If under Section 8 the consent of more than one person is required, then each such person shall execute a separate consent.

A-1. (1) The form of the Final and Irrevocable Consent to Adoption by a Specified Person or Persons: Non-DCFS Case set forth in this subsection A-1 is to be used by legal parents only. This form is not to be used in cases in which there is a pending petition under Section 2-13 of the Juvenile Court Act of 1987.
(2) The form of the Final and Irrevocable Consent to Adoption by a Specified Person or Persons in a non-DCFS case shall have the caption of the proceeding in which it is to be filed and shall be substantially as follows:

FINAL AND IRREVOCABLE CONSENT TO ADOPTION BY A SPECIFIED PERSON OR PERSONS; NON-DCFS CASE
I, ...., (relationship, e.g., mother, father) of ...., a ..male child, state:
1. That such child was born on ...., at ......, City of .... and State of ....
2. That I reside at ...., County of .... and State of ....
3. That I am of the age of .... years.
4. That I hereby enter my appearance in this proceeding and waive service of summons on me.
5. That I hereby acknowledge that I have been provided a copy of the Birth Parent Rights and Responsibilities-Private Form before signing this Consent and that I have had time to read, or have had read to me, this Form and that I understand the Rights and Responsibilities described in this Form. I understand that if I do not receive any of my rights as described in said Form, it shall not constitute a basis to revoke this Final and Irrevocable Consent to Adoption by a Specified Person.
6. That I do hereby consent and agree to the adoption of such child by .... (specified persons) only.
7. That I wish to and understand that upon signing this consent I do irrevocably and permanently give up all custody and other parental rights I have to such child if such child is adopted by .... (specified person or

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persons). I hereby transfer all of my rights to the custody, care and control of such child to ...................... (specified person or persons).

8. That I understand such child will be adopted by .................... (specified person or persons) and that I cannot under any circumstances, after signing this document, change my mind and revoke or cancel this consent or obtain or recover custody or any other rights over such child if ...................... (specified person or persons) adopt(s) such child; PROVIDED that each specified person has filed or shall file, within 60 days from the date hereof, a petition for the adoption of such child.

9. That if the specified person or persons designated herein do not file a petition for adoption within the time-frame specified above, or, if said petition for adoption is filed within the time-frame specified above but the adoption petition is dismissed with prejudice or the adoption proceeding is otherwise concluded without an order declaring the child to be the adopted child of the specified person or persons, then I understand that I will receive written notice of such circumstances within 10 business days of their occurrence. I understand that the notice will be directed to me using the contact information I have provided in this consent. I understand that I will have 10 business days from the date that the written notice is sent to me to respond, within which time I may request the Court to declare this consent voidable and return the child to me. I further understand that the Court will make the final decision of whether or not the child will be returned to me. If I do not make such request within 10 business days of the date of the notice, then I expressly waive any other notice or service of process in any legal proceeding for the adoption of the child.

10. That I expressly acknowledge that nothing in this Consent impairs the validity and absolute finality of this Consent under any circumstance other than those described in paragraph 9 of this Consent.

11. That I understand that I have a remaining duty and obligation to keep ................ (insert name and address of the attorney for the specified person or persons) informed of my current address or other preferred contact information until this adoption has been finalized. My failure to do so may result in the termination of my parental rights and the child being placed for adoption in another home.

12. That I do expressly waive any other notice or service of process in any of the legal proceedings for the adoption of the child as long as the adoption proceeding by the specified person or persons is pending.

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13. That I have read and understand the above and I am signing it as my free and voluntary act.

14. That I acknowledge that this consent is valid even if the specified person or persons separate or divorce or one of the specified persons dies prior to the entry of the final judgment for adoption.

Dated (insert date).

.............................................
Signature of parent.

.............................................
Address of parent.

.............................................
Phone number(s) of parent.

.............................................
Personal email(s) of parent.

(3) The form of the certificate of acknowledgement for a Final and Irrevocable Consent for Adoption by a Specified Person or Persons: Non-DCFS Case shall be substantially as follows:

STATE OF ..............) 
) SS.
COUNTY OF .............)

I, .................... (Name of Judge or other person), .................... (official title, name, and address), certify that ............., personally known to me to be the same person whose name is subscribed to the foregoing Final and Irrevocable Consent for Adoption by a Specified Person or Persons; non-DCFS case, appeared before me this day in person and acknowledged that (she)(he) signed and delivered the consent as (her)(his) free and voluntary act, for the specified purpose. I am further satisfied that, before signing this Consent, ........ has read, or has had read to him or her, the Birth Parent Rights and Responsibilities-Private Form.

A-2. Birth Parent Rights and Responsibilities-Private Form. The Birth Parent Rights and Responsibilities-Private Form must be read by, or have been read to, any person executing a Final and Irrevocable Consent to Adoption under subsection A, a Final and Irrevocable Consent to Adoption by a Specified Person or Persons: Non-DCFS Case under subsection A-1, or a Consent to Adoption of Unborn Child under subsection B prior to the execution of said Consent. The form of the Birth Parent Rights and Responsibilities-Private Form shall be substantially as follows:

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Birth Parent Rights and Responsibilities-Private Form

_THIS FORM DOES NOT CONSTITUTE LEGAL ADVICE. LEGAL ADVICE IS DEPENDENT ON THE SPECIFIC CIRCUMSTANCES OF EACH SITUATION AND JURISDICTION. THE INFORMATION IN THIS FORM CANNOT REPLACE THE ADVICE OF AN ATTORNEY LICENSED IN YOUR STATE._

As a birth parent in the State of Illinois, you have the right:

1. To have your own attorney represent you. The prospective adoptive parents may agree to pay for the cost of your attorney in a manner consistent with Illinois law, but they are not required to do so.

2. To be treated with dignity and respect at all times and to make decisions free from coercion and pressure.

3. To _request to_ receive counseling before and after signing a Final and Irrevocable Consent to Adoption ("Consent"), a Final and Irrevocable Consent to Adoption by a Specified Person or Persons: Non-DCFS Case ("Specified Consent"), or a Consent to Adoption of Unborn Child ("Unborn Consent"). The prospective adoptive parents may agree to pay for the cost of counseling in a manner consistent with Illinois law, but they are not required to do so.

4. To ask to be involved in choosing your child's prospective adoptive parents and to ask to meet them.

5. To ask your child's prospective adoptive parents any questions that pertain to your decision to place your child with them.

6. To see your child before signing a Consent or Specified Consent _if you are the custodial parent, and to request to see your child if you are not the custodial parent._

7. To request contact with your child and/or the child's prospective adoptive parents, with the understanding that any promises regarding contact with your child or receipt of information about the child after signing a Consent, Specified Consent, or Unborn Consent cannot be enforced under Illinois law.

8. To receive copies of all documents that you sign and have those documents provided to you in your preferred language.

9. To request that your identifying information remain confidential, unless required otherwise by Illinois law or court order, and to _voluntarily share your medical, background, and identifying information, including information on the original birth certificate of your child. This can be done through the Illinois Adoption Registry and Medical Information Exchange or through completing the Birth Parent Preference Form._

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Please visit http://dph.illinois.gov or www.newillinoisadoptionlaw.com register with the Illinois Adoption Registry and Medical Information Exchange.

10. To access the Confidential Intermediary Program which provides a way for a court appointed person to connect and/or exchange information between adoptees, adoptive parents and birth parents, and other biological family members, provided in most cases that mutual consent is given. Please visit www.ci-illinois.org or call (800) 526-9022(x29).

11. To work with an adoption agency or attorney of your choice, or change said agency or attorney, provided you promptly inform all of the parties currently involved.

12. To receive, upon request, a written list of any promised support, financial or otherwise, from your attorney or the attorney for your child's prospective adoptive parents.

13. To delay signing a Consent, Specified Consent, or Unborn Consent if you are not ready to do so.

14. To decline to sign a Consent, Specified Consent, or Unborn Consent even if you have received financial support from the prospective adoptive parents.

If you do not receive any of the rights described in this Form, it shall not be a basis to revoke a Consent, Specified Consent, or Unborn Consent.

As a Birth Parent in the State of Illinois, you have the responsibility:

1. To carefully consider your reasons for choosing adoption.

2. To voluntarily provide all known medical, background, and family information about yourself and your immediate family to your child's prospective adoptive parents or their attorney. For the health of your child, you are strongly encouraged, but not required, to provide all known medical, background, and family history information about yourself and your family to your child's prospective adoptive parents or their attorney.

2. (Birth mothers only) To accurately complete an Affidavit of Identification, which identifies the father of the child when known, with the understanding that a birth mother has a right to decline to identify the birth father.

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3. To provide the necessary documentation regarding financial need to make an appropriate determination of reasonable pregnancy-related expenses.

4. To not accept financial support or reimbursement of pregnancy related expenses simultaneously from more than one source or if you are not pregnant, as doing so is a crime.

5. To voluntarily provide all known medical, background, and family information about yourself and your immediate family to your child's prospective adoptive parents or their attorney. For the health of your child, you are strongly encouraged, but not required, to do so as set forth on the following form:

   **Birth Parent Medical Information**

   The purpose of this form is to gather your health history, genetic history, and social background information to share with the adoptive parents. It is important the adoptive family provide this information to the child's physician. It will become a part of the child's medical and family history. This form, in its entirety, will be given to the adoptive parent(s).

   The following information is true and complete to the best of my knowledge and belief:

   Birth parent name:

   .............................................................

   Signature:

   .............................................................

   Date:....................................................

   YES or NO (circle one) I agree to release my full name on this form to the adoptive family. If NO is circled then the birth parent's name shall be redacted on this form.

   **MOTHER'S PHYSICAL CHARACTERISTICS:**

   Eyes: ... Hair: .... Complexion: .... Height: ....


   Eye glasses or contact lenses? Yes /.../ No /.../

   Right /.../ Left /.../ handed

   Age: .... or Date of birth: ..... Religion: .............

   Please list your highest education level, occupation, hobbies, interests, and talents:

   .............................................................

   Existence of any disabilities? Yes /.../ No /.../

   If yes, explain:............................................

   New matter indicated by italics - deletions by strikeout
If you have other children, list them below. Include any children previously placed for adoption.

Describe your relationship with the birth father: .......

FATHER'S PHYSICAL CHARACTERISTICS:
Eyes: .... Hair: .... Complexion: .... Height: ....
Weight: .... Body build: .... Race: ....
Nationality/Descent: .... Blood type: .... Rh factor: ....
Eye glasses or contact lenses? Yes /.../ No /.../
Right /.../ Left /.../ handed
Age: .... or Date of birth: .... Religion: ..............

Please list your highest education level, occupation, hobbies, interests, and talents:

Existence of any disabilities? Yes /.../ No /.../
If yes, explain:............................................

If you have other children, list them below. Include any children previously placed for adoption.

PREGNANCY HISTORY INVOLVING THIS CHILD
Month prenatal care began during this pregnancy:........
Complications during pregnancy: Yes... No ... If yes, explain:

MEDICATION AND OTHER SUBSTANCES USED DURING PREGNANCY OR YEAR PRIOR TO PREGNANCY

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In addition to this form, a birth parent shall also be provided the forms for the Illinois Adoption Registry and Medical Information Exchange.

B. The form of consent required for the adoption of an unborn child shall be substantially as follows:

CONSENT TO ADOPTION OF UNBORN CHILD

I, ...., state:

That I am the father of a child expected to be born on or about .... to .... (name of mother).

That I reside at .... County of ...., and State of ..... 

That I am of the age of .... years.

That I hereby enter my appearance in such adoption proceeding and waive service of summons on me.

That I hereby acknowledge that I have been provided with a copy of the Birth Parent Rights and Responsibilities-Private Form before signing this Consent, and that I have had time to read, or have had read to me, this Form. I understand that if I do not receive any of the rights as described in this Form, it shall not constitute a basis to revoke this Consent to Adoption of Unborn Child.

That I do hereby consent and agree to the adoption of such child, and that I have not previously executed a consent or surrender with respect to such child.

That I wish to and do understand that by signing this consent I do irrevocably and permanently give up all custody and other parental rights I have to such child, except that I have the right to revoke this consent by giving written notice of my revocation not later than 72 hours after the birth of the child.

That I understand such child will be placed for adoption and that, except as hereinabove provided, I cannot under any circumstances, after signing this document, change my mind and revoke or cancel this consent or obtain or recover custody or any other rights over such child.

New matter indicated by italics - deletions by strikeout
B-5. (1) The parent of a child may execute a consent to standby adoption by a specified person or persons. A consent under this subsection B-5 shall be acknowledged by a parent pursuant to subsection H and subsection K of this Section. The form of consent required for the standby adoption of a born child effective at a future date when the consenting parent of the child dies or requests that a final judgment of adoption be entered shall be substantially as follows:

FINAL AND IRREVOCABLE CONSENT
TO STANDBY ADOPTION

I, ..., (relationship, e.g. mother or father) of ...., a ..male child, state:
That the child was born on .... at ....
That I reside at ...., County of ..... and State of ..... 
That I am of the age of .... years.
That I hereby enter my appearance in this proceeding and waive service of summons on me in this action only.

That I do hereby consent and agree to the standby adoption of the child, and that I have not previously executed a consent or surrender with respect to the child.

That I wish to and understand that by signing this consent I do irrevocably and permanently give up all custody and other parental rights I have to the child, effective upon (my death) (the child's other parent's death) or upon (my) (the other parent's) request for the entry of a final judgment for adoption if ..... (specified person or persons) adopt my child.

That I understand that until (I die) (the child's other parent dies), I retain all legal rights and obligations concerning the child, but at that time, I irrevocably give all custody and other parental rights to .... (specified person or persons).

I understand my child will be adopted by ....... (specified person or persons) only and that I cannot, under any circumstances, after signing this document, change my mind and revoke or cancel this consent or obtain or recover custody or any other rights over my child if ..... (specified person or persons) adopt my child.

I understand that this consent to standby adoption is valid only if the petition for standby adoption is filed and that if ...... (specified person or persons), for any reason, cannot or will not file a petition for standby

New matter indicated by italics - deletions by strikeout
adoption or if his, her, or their petition for standby adoption is denied, then this consent is void. I have the right to notice of any other proceeding that could affect my parental rights.

That I have read and understand the above and I am signing it as my free and voluntary act.
Dated (insert date).

....................

If under Section 8 the consent of more than one person is required, then each such person shall execute a separate consent. A separate consent shall be executed for each child.

(2) If the parent consents to a standby adoption by 2 specified persons, then the form shall contain 2 additional paragraphs in substantially the following form:

If .... (specified persons) obtain a judgment of dissolution of marriage before the judgment for adoption is entered, then ..... (specified person) shall adopt my child. I understand that I cannot change my mind and revoke this consent or obtain or recover custody of my child if ..... (specified persons) obtain a judgment of dissolution of marriage and ..... (specified person) adopts my child. I understand that I cannot change my mind and revoke this consent if ..... (specified persons) obtain a judgment of dissolution of marriage before the adoption is final. I understand that this consent to adoption has no effect on who will get custody of my child if ..... (specified persons) obtain a judgment of dissolution of marriage after the adoption is final. I understand that if either ..... (specified persons) dies before the petition to adopt my child is granted, then the surviving person may adopt my child. I understand that I cannot change my mind and revoke this consent or obtain or recover custody of my child if the surviving person adopts my child.

A consent to standby adoption by specified persons on this form shall have no effect on a court's determination of custody or visitation under the Illinois Marriage and Dissolution of Marriage Act if the marriage of the specified persons is dissolved before the adoption is final.

(3) The form of the certificate of acknowledgement for a Final and Irrevocable Consent for Standby Adoption shall be substantially as follows:

STATE OF .....)
    ) SS.
COUNTY OF .....)

New matter indicated by italics - deletions by strikeout
I, .... (name of Judge or other person) ..... (official title, name, and address), certify that ......., personally known to me to be the same person whose name is subscribed to the foregoing Final and Irrevocable Consent to Standby Adoption, appeared before me this day in person and acknowledged that (she) (he) signed and delivered the consent as (her) (his) free and voluntary act, for the specified purpose.

I have fully explained that this consent to adoption is valid only if the petition to adopt is filed, and that if the specified person or persons, for any reason, cannot or will not adopt the child or if the adoption petition is denied, then this consent will be void. I have fully explained that if the specified person or persons adopt the child, by signing this consent (she) (he) is irrevocably and permanently relinquishing all parental rights to the child, and (she) (he) has stated that such is (her) (his) intention and desire.

Dated (insert date).

Signature ..............................

(4) If a consent to standby adoption is executed in this form, the consent shall be valid only if the specified person or persons adopt the child. The consent shall be void if:

(a) the specified person or persons do not file a petition for standby adoption of the child; or

(b) a court denies the standby adoption petition.

The parent shall not need to take further action to revoke the consent if the standby adoption by the specified person or persons does not occur, notwithstanding the provisions of Section 11 of this Act.

C. The form of surrender to any agency given by a parent of a born child who is to be subsequently placed for adoption shall be substantially as follows and shall contain such other facts and statements as the particular agency shall require.

FINAL AND IRREVOCABLE SURRENDER
FOR PURPOSES OF ADOPTION

I, .... (relationship, e.g., mother, father, relative, guardian) of ...., a ..male child, state:

That such child was born on ...., at ..... 
That I reside at ...., County of ...., and State of ..... 
That I am of the age of .... years.

That I do hereby surrender and entrust the entire custody and control of such child to the .... (the "Agency"), a (public) (licensed) child welfare agency with its principal office in the City of ....., County of .... and State of ...., for the purpose of enabling it to care for and supervise the care

New matter indicated by italics - deletions by strikeout
of such child, to place such child for adoption and to consent to the legal adoption of such child.

That I hereby grant to the Agency full power and authority to place such child with any person or persons it may in its sole discretion select to become the adopting parent or parents and to consent to the legal adoption of such child by such person or persons; and to take any and all measures which, in the judgment of the Agency, may be for the best interests of such child, including authorizing medical, surgical and dental care and treatment including inoculation and anaesthesia for such child.

That I wish to and understand that by signing this surrender I do irrevocably and permanently give up all custody and other parental rights I have to such child.

That I understand I cannot under any circumstances, after signing this surrender, change my mind and revoke or cancel this surrender or obtain or recover custody or any other rights over such child.

That I have read and understand the above and I am signing it as my free and voluntary act.

Dated (insert date).

......................

C-5. The form of a Final and Irrevocable Designated Surrender for Purposes of Adoption to any agency given by a parent of a born child who is to be subsequently placed for adoption is to be used by legal parents only. The form shall be substantially as follows and shall contain such other facts and statements as the particular agency shall require:

FINAL AND IRREVOCABLE DESIGNATED SURRENDER
FOR PURPOSES OF ADOPTION

I, .... (relationship, e.g., mother, father, relative, guardian) of ...., a male child, state:

1. That such child was born on ...., at .....  
2. That I reside at ...., County of ...., and State of .....  
3. That I am of the age of .... years.  
4. That I do hereby surrender and entrust the entire custody and control of such child to the .... (the "Agency"), a (public) (licensed) child welfare agency with its principal office in the City of ...., County of .... and State of ...., for the purpose of enabling it to care for and supervise the care of such child, to place such child for adoption with .......................... (specified person or persons) and to consent to the legal adoption of such child and to take any and all measures which, in the judgment of the Agency, may be for the best interests of such child, including authorizing
medical, surgical and dental care and treatment including inoculation and anesthesia for such child.

5. That I wish to and understand that by signing this surrender I do irrevocably and permanently give up all custody and other parental rights I have to such child.

6. That if the petition for adoption is not filed by the specified person or persons designated herein or, if the petition for adoption is filed but the adoption petition is dismissed with prejudice or the adoption proceeding is otherwise concluded without an order declaring the child to be the adopted child of each specified person, then I understand that the Agency will provide notice to me within 10 business days and that such notice will be directed to me using the contact information I have provided to the Agency. I understand that I will have 10 business days from the date that the Agency sends me its notice to respond, within which time I may choose to designate other adoptive parent(s). However, I acknowledge that the Agency has full power and authority to place the child for adoption with any person or persons it may in its sole discretion select to become the adopting parent or parents and to consent to the legal adoption of the child by such person or persons.

7. That I acknowledge that this surrender is valid even if the specified persons separate or divorce or one of the specified persons dies prior to the entry of the final judgment for adoption.

8. That I expressly acknowledge that the above paragraphs 6 and 7 do not impair the validity and absolute finality of this surrender under any circumstance.

9. That I understand that I have a remaining obligation to keep the Agency informed of my current contact information until the adoption of the child has been finalized if I wish to be notified in the event the adoption by the specified person(s) cannot proceed.

10. That I understand I cannot under any circumstances, after signing this surrender, change my mind and revoke or cancel this surrender or obtain or recover custody or any other rights over such child.

11. That I have read and understand the above and I am signing it as my free and voluntary act.

Dated (insert date).

..............................

D. The form of surrender to an agency given by a parent of an unborn child who is to be subsequently placed for adoption shall be
substantially as follows and shall contain such other facts and statements as the particular agency shall require.

SURRENDER OF UNBORN CHILD FOR PURPOSES OF ADOPTION

I, .... (father), state:

That I am the father of a child expected to be born on or about .... to .... (name of mother).

That I reside at ...., County of ...., and State of ..... 

That I am of the age of .... years.

That I do hereby surrender and entrust the entire custody and control of such child to the .... (the "Agency"), a (public) (licensed) child welfare agency with its principal office in the City of ...., County of .... and State of ...., for the purpose of enabling it to care for and supervise the care of such child, to place such child for adoption and to consent to the legal adoption of such child, and that I have not previously executed a consent or surrender with respect to such child.

That I hereby grant to the Agency full power and authority to place such child with any person or persons it may in its sole discretion select to become the adopting parent or parents and to consent to the legal adoption of such child by such person or persons; and to take any and all measures which, in the judgment of the Agency, may be for the best interests of such child, including authorizing medical, surgical and dental care and treatment, including inoculation and anaesthesia for such child.

That I wish to and understand that by signing this surrender I do irrevocably and permanently give up all custody and other parental rights I have to such child.

That I understand I cannot under any circumstances, after signing this surrender, change my mind and revoke or cancel this surrender or obtain or recover custody or any other rights over such child, except that I have the right to revoke this surrender by giving written notice of my revocation not later than 72 hours after the birth of such child.

That I have read and understand the above and I am signing it as my free and voluntary act.

Dated (insert date).

......................

E. The form of consent required from the parents for the adoption of an adult, when such adult elects to obtain such consent, shall be substantially as follows:

CONSENT

New matter indicated by italics - deletions by strikeout
I, ...., (father) (mother) of ...., an adult, state:
That I reside at ...., County of .... and State of .....  
That I do hereby consent and agree to the adoption of such adult by .... and .....  
Dated (insert date).

F. The form of consent required for the adoption of a child of the age of 14 years or over, or of an adult, to be given by such person, shall be substantially as follows:

CONSENT

I, ...., state:
That I reside at ...., County of .... and State of .....  
That I am of the age of .... years. That I hereby enter my appearance in this proceeding and waive service of summons on me. That I consent and agree to my adoption by .... and .....  
Dated (insert date).

G. The form of consent given by an agency to the adoption by specified persons of a child previously surrendered to it shall set forth that the agency has the authority to execute such consent. The form of consent given by a guardian of the person of a child sought to be adopted, appointed by a court of competent jurisdiction, shall set forth the facts of such appointment and the authority of the guardian to execute such consent.

H. A consent (other than that given by an agency, or guardian of the person of the child sought to be adopted who was appointed by a court of competent jurisdiction) shall be acknowledged by a parent before a judge of a court of competent jurisdiction or, except as otherwise provided in this Act, before a representative of an agency, or before a person, other than the attorney for the prospective adoptive parent or parents, designated by a court of competent jurisdiction.

I. A surrender, or any other document equivalent to a surrender, by which a child is surrendered to an agency shall be acknowledged by the person signing such surrender, or other document, before a judge of a court of competent jurisdiction, or, except as otherwise provided in this Act, before a representative of an agency, or before a person designated by a court of competent jurisdiction.

New matter indicated by italics - deletions by strikeout
J. The form of the certificate of acknowledgment for a consent, a surrender, or any other document equivalent to a surrender, shall be substantially as follows:

STATE OF ....)
) SS.
COUNTY OF ....)

I, .... (Name of judge or other person), .... (official title, name and location of court or status or position of other person), certify that ...., personally known to me to be the same person whose name is subscribed to the foregoing (consent) (surrender), appeared before me this day in person and acknowledged that (she) (he) signed and delivered such (consent) (surrender) as (her) (his) free and voluntary act, for the specified purpose.

I have fully explained that by signing such (consent) (surrender) (she) (he) is irrevocably relinquishing all parental rights to such child or adult and (she) (he) has stated that such is (her) (his) intention and desire. (Add if Consent only) I am further satisfied that, before signing this Consent, ....... has read, or has had read to him or her, the Birth Parent Rights and Responsibilities-Private Form.

Dated (insert date).
Signature ............

K. When the execution of a consent or a surrender is acknowledged before someone other than a judge, such other person shall have his or her signature on the certificate acknowledged before a notary public, in form substantially as follows:

STATE OF ....)
) SS.
COUNTY OF ....)

I, a Notary Public, in and for the County of ......., in the State of ......., certify that ......., personally known to me to be the same person whose name is subscribed to the foregoing certificate of acknowledgment, appeared before me in person and acknowledged that (she) (he) signed such certificate as (her) (his) free and voluntary act and that the statements made in the certificate are true.

Dated (insert date).
Signature ...................... Notary Public
(official seal)

New matter indicated by italics - deletions by strikeout
There shall be attached a certificate of magistracy, or other comparable proof of office of the notary public satisfactory to the court, to a consent signed and acknowledged in another state.

L. A surrender or consent executed and acknowledged outside of this State, either in accordance with the law of this State or in accordance with the law of the place where executed, is valid.

M. Where a consent or a surrender is signed in a foreign country, the execution of such consent shall be acknowledged or affirmed in a manner conformable to the law and procedure of such country.

N. If the person signing a consent or surrender is in the military service of the United States, the execution of such consent or surrender may be acknowledged before a commissioned officer and the signature of such officer on such certificate shall be verified or acknowledged before a notary public or by such other procedure as is then in effect for such division or branch of the armed forces.

O. (1) The parent or parents of a child in whose interests a petition under Section 2-13 of the Juvenile Court Act of 1987 is pending may, with the approval of the designated representative of the Department of Children and Family Services ("Department" or "DCFS"), execute a consent to adoption by a specified person or persons:
   (a) in whose physical custody the child has resided for at least 6 months; or
   (b) in whose physical custody at least one sibling of the child who is the subject of this consent has resided for at least 6 months, and the child who is the subject of this consent is currently residing in this foster home; or
   (c) in whose physical custody a child under one year of age has resided for at least 3 months.
   The court may waive the time frames in subdivisions (a), (b), and (c) for good cause shown if the court finds it to be in the child's best interests.
   A consent under this subsection O shall be acknowledged by a parent pursuant to subsection H and subsection K of this Section.

(2) The final and irrevocable consent to adoption by a specified person or persons in a Department of Children and Family Services (DCFS) case shall be substantially as follows:

   FINAL AND IRREVOCABLE CONSENT TO ADOPTION BY A SPECIFIED PERSON OR PERSONS: DCFS CASE

   New matter indicated by italics - deletions by strikeout
I, ......................................, the ................ (mother or father) of a
male child, state:

1. My child ............................ (name of child) was born on
(insert date) at .................... Hospital in the municipality of ........,
in ............... County, State of ...........

2. I reside at .................., County of ........... and State of

Mail may also be sent to me at this address
....................... , in care of ............

My home telephone number is......................
My cell telephone number is......................
My e-mail address is.............................

3. I, ........................., am .... years old.

4. I enter my appearance in this action for my child to be
adopted by the person or persons specified herein by me and waive
service of summons on me in this action only.

5. I hereby acknowledge that I have been provided a copy
of the Birth Parent Rights and Responsibilities for DCFS Cases
before signing this Consent and that I have had time to read this
form or have it read to me and that I understand the rights and
responsibilities described in this form. I understand that if I do not
receive any of my rights as described in the form, it shall not
constitute a basis to revoke this Final and Irrevocable Consent to
Adoption by a Specified Person or Persons.

6. I do hereby consent and agree to the adoption of such
child by .......... (specified person or persons) only.

7. I wish to sign this consent and I understand that by
signing this consent I irrevocably and permanently give up all my
parental rights I have to my child.

8. I understand that this consent allows my child to be
adopted by .......... only and that I cannot under any circumstances
after signing this document change my mind and revoke or cancel
this consent.

9. I understand that this consent will be void if:
(a) the Department places my child with someone
other than the specified person or persons; or
(b) a court denies the adoption petition for the
specified person or persons to adopt my child; or

New matter indicated by italics - deletions by strikeout
(c) the DCFS Guardianship Administrator refuses to consent to my child's adoption by the specified person or persons on the basis that the adoption is not in my child's best interests.

I understand that if this consent is void I have parental rights to my child, subject to any applicable court orders including those entered under Article II of the Juvenile Court Act of 1987, unless and until I sign a new consent or surrender or my parental rights are involuntarily terminated. I understand that if this consent is void, my child may be adopted by someone other than the specified person or persons only if I sign a new consent or surrender, or my parental rights are involuntarily terminated. I understand that if this consent is void, the Department will notify me within 30 days using the addresses and telephone numbers I provided in paragraph 2 of this form. I understand that if I receive such a notice, it is very important that I contact the Department immediately, and preferably within 30 days, to have input into the plan for my child's future.

10. I understand that if a petition for adoption of my child is filed by someone other than the specified person or persons, the Department will notify me within 14 days after the Department becomes aware of the petition. The fact that someone other than the specified person or persons files a petition to adopt my child does not make this consent void.

11. If a person other than the specified person or persons files a petition to adopt my child or if the consent is void under paragraph 9, the Department will send written notice to me using the mailing address and email address provided by me in paragraph 2 of this form. The Department will also contact me using the telephone numbers I provided in paragraph 2 of this form. It is very important that I let the Department know if any of my contact information changes. If I do not let the Department know if any of my contact information changes, I understand that I may not receive notification from the Department if this consent is void or if someone other than the specified person or persons files a petition to adopt my child. If any of my contact information changes, I should immediately notify:

Caseworker's name and telephone number:

............................................................;

New matter indicated by italics - deletions by strikeout
Agency name, address, zip code, and telephone number:
................................................................................;
Supervisor's name and telephone number:
................................................................................;
DCFS Advocacy Office for Children and Families:
800-232-3798.

12. I expressly acknowledge that paragraph 9 (and paragraphs 8a and 8b, if applicable) do not impair the validity and finality of this consent under any circumstances.

13. I have read and understand the above and I am signing it as my free and voluntary act.

Dated (insert date).

.........................................................
Signature of parent

(3) If the parent consents to an adoption by 2 specified persons, then the form shall contain 2 additional paragraphs in substantially the following form:

8a. If ............... (specified persons) get a divorce or are granted a dissolution of a civil union before the petition to adopt my child is granted, this consent is valid for ........... (specified person) to adopt my child. I understand that I cannot change my mind or revoke this consent or recover custody of my child on the basis that the specified persons divorce or are granted a dissolution of a civil union.

8b. I understand that if either ............... (specified persons) dies before the petition to adopt my child is granted, this consent remains valid for the surviving person to adopt my child. I understand that I cannot change my mind or revoke this consent or recover custody of my child on the basis that one of the specified persons dies.

(4) The form of the certificate of acknowledgement for a Final and Irrevocable Consent for Adoption by a Specified Person or Persons: DCFS Case shall be substantially as follows:

STATE OF ..............

) SS.
COUNTY OF .............

I, ............... (Name of Judge or other person), ................. (official title, name, and address), certify that ............., personally known to me to be the same person whose name is subscribed to the foregoing

New matter indicated by italics - deletions by strikeout
Final and Irrevocable Consent for Adoption by a Specified Person or Persons: DCFS Case, appeared before me this day in person and acknowledged that (she)(he) signed and delivered the consent as (her)(his) free and voluntary act, for the specified purpose.

I have fully explained that by signing this consent this parent is irrevocably and permanently relinquishing all parental rights to the child so that the child may be adopted by a specified person or persons, and this parent has stated that such is (her)(his) intention and desire. I have fully explained that this consent is void only if:

(a) the placement is disrupted and the child is moved to a different placement; or
(b) a court denies the petition for adoption; or
(c) the Department of Children and Family Services Guardianship Administrator refuses to consent to the child's adoption by a specified person or persons on the basis that the adoption is not in the child's best interests.

Dated (insert date).

...............................
Signature

(5) If a consent to adoption by a specified person or persons is executed in this form, the following provisions shall apply. The consent shall be valid only for the specified person or persons to adopt the child. The consent shall be void if:

(a) the placement disrupts and the child is moved to another placement; or
(b) a court denies the petition for adoption; or
(c) the Department of Children and Family Services Guardianship Administrator refuses to consent to the child's adoption by the specified person or persons on the basis that the adoption is not in the child's best interests.

If the consent is void under this Section, the parent shall not need to take further action to revoke the consent. No proceeding for termination of parental rights shall be brought unless the parent who executed the consent to adoption by a specified person or persons has been notified of the proceedings pursuant to Section 7 of this Act or subsection (4) of Section 2-13 of the Juvenile Court Act of 1987.

(6) The Department of Children and Family Services is authorized to promulgate rules necessary to implement this subsection O.

(7) (Blank).

New matter indicated by italics - deletions by strikeout
(8) The Department of Children and Family Services shall promulgate a rule and procedures regarding Consents to Adoption by a Specified Person or Persons in DCFS cases. The rule and procedures shall provide for the development of the Birth Parent Rights and Responsibilities Form for DCFS Cases.

(9) A consent to adoption by specified persons on this consent form shall have no effect on a court's determination of custody or visitation under the Illinois Marriage and Dissolution of Marriage Act or the Illinois Religious Freedom Protection and Civil Union Act if the marriage or civil union of the specified persons is dissolved after the adoption is final.

P. If the person signing a consent is incarcerated or detained in a correctional facility, prison, jail, detention center, or other comparable institution, either in this State or any other jurisdiction, the execution of such consent may be acknowledged before social service personnel of such institution, or before a person designated by a court of competent jurisdiction.

Q. A consent may be acknowledged telephonically, via audiovisual connection, or other electronic means, provided that a court of competent jurisdiction has entered an order approving the execution of the consent in such manner and has designated an individual to be physically present with the parent executing such consent in order to verify the identity of the parent.

R. An agency whose representative is acknowledging a consent pursuant to this Section shall be a public child welfare agency, or a child welfare agency, or a child placing agency that is authorized or licensed in the State or jurisdiction in which the consent is signed.

S. The form of waiver by a putative or legal father of a born or unborn child shall be substantially as follows:

FINAL AND IRREVOCABLE
WAIVER OF PARENTAL RIGHTS OF PUTATIVE OR LEGAL FATHER

I, .................... , state under oath or affirm as follows:

1. That the biological mother ............... has named me as a possible biological or legal father of her minor child who was born, or is expected to be born on ..........., ......, in the City/Town of ..........., State of ............

2. That I understand that the biological mother ............... intends to or has placed the child for adoption.

New matter indicated by italics - deletions by strikeout
3. That I reside at ................, in the City/Town of...........,
   State of ................
4. That I am ................. years of age and my date of birth is
   ................., .............
5. That I (select one):
   ..... am married to the biological mother.
   ..... am not married to the biological mother and
   have not been married to the biological mother within 300
   days before the child's birth or expected date of child's
   birth.
   ..... am not currently married to the biological
   mother, but was married to the biological mother, within
   300 days before the child's birth or expected date of child's
   birth.
6. That I (select one):
   ..... neither admit nor deny that I am the biological
   father of the child.
   ..... deny that I am the biological father of the child.
7. That I hereby agree to the termination of my parental
   rights, if any, without further notice to me of any proceeding for
   the adoption of the minor child, even if I have taken any action to
   establish parental rights or take any such action in the future
   including registering with any putative father registry.
8. That I understand that by signing this Waiver I do
   irrevocably and permanently give up all custody and other parental
   rights I may have to such child.
9. That I understand that this Waiver is FINAL AND
   IRREVOCABLE and that I am permanently barred from contesting
   any proceeding for the adoption of the child after I sign this
   Waiver.
10. That I waive any further service of summons or other
    pleadings in any proceeding to terminate parental rights, if any to
    this child, or any proceeding for adoption of this child.
11. That I understand that if a final judgment or order of
    adoption for this child is not entered, then any parental rights or
    responsibilities that I may have remain intact.
12. That I have read and understand the above and that I am
    signing it as my free and voluntary act.
Dated: ................., .............

New matter indicated by italics - deletions by strikeout
I have been duly sworn and I state under oath that I have read and understood this Final and Irrevocable Waiver of Parental Rights of Putative or Legal Father. The facts contained in it are true and correct to the best of my knowledge. I have signed this document as my free and voluntary act in order to facilitate the adoption of the child.

Signature

OATH

Signed and Sworn before me on this .......... day of .........., 20....

Notary Public

(750 ILCS 50/12.2 new)

Sec. 12.2. Adoptive parent rights and responsibilities. Prior to finalization of an adoption pursuant to this Act, any prospective adoptive parent in a private adoption who is not being provided with adoption services by a licensed child welfare agency pursuant to the Child Care Act of 1969, who is not adopting a related child, and who is not adopting a child who is a ward of the Department of Children and Family Services shall be provided with the following form:

Adoptive Parents Rights and Responsibilities-Private Form

THIS FORM DOES NOT CONSTITUTE LEGAL ADVICE. LEGAL ADVICE IS DEPENDENT ON THE SPECIFIC CIRCUMSTANCES OF EACH SITUATION AND JURISDICTION. THE INFORMATION IN THIS FORM CANNOT REPLACE THE ADVICE OF AN ATTORNEY LICENSED IN YOUR STATE.

As an adoptive parent in the State of Illinois, you have the right:

1. To be treated with dignity and respect.
2. To make decisions free from pressure or coercion, including your decision to accept or reject the placement of a particular child.
3. To be informed of the rights of birth parents.
4. To know that the birth parent shall have the right to request to receive counseling before and after signing a Final and Irrevocable Consent to Adoption ("Consent"), a Final and Irrevocable Consent to

New matter indicated by italics - deletions by strikeout
Adoption by a Specified Person or Persons: Non-DCFS Case ("Specified Consent"), or a Consent to Adoption of Unborn Child ("Unborn Consent"). You may agree to pay for the cost of counseling in a manner consistent with Illinois law, but you are not required to do so.

5. To receive a written schedule of fees and refund policies from the entity who will handle the investigation of your adoption for the Court.

6. To explore the possibility of a subsidy for a child with special needs who is not a ward of the Illinois Department of Children and Family Services. The Department may provide a subsidy if the child meets certain criteria. If you adopt a child who is eligible for supplemental security income (SSI), or who meets other special needs criteria, your child may be subsidy eligible. You should discuss eligibility for a subsidy with your attorney before the adoption is finalized, as this option is only available before the entry of a Judgment Order for Adoption.

7. To share information and connect in the future with the birth parent(s) of your child. The birth parent(s), you, and the adopted person have the right to voluntarily share medical, background, and identifying information, including information on the original birth certificate. This can be done through the Illinois Adoption Registry and Medical Information Exchange or through the birth parent completing a Birth Parent Preference Form. Please visit http://www.dph.illinois.gov and search for adoption or www.newillinoisadoptionlaw.com.

8. To access the Confidential Intermediary program, which provides a way for a court appointed person to connect and/or exchange information between adopted persons, adoptive parents and birth parents, and other biological family members, provided in most cases that mutual consent is given. Please visit www.ci-illinois.org or call (800) 526-9022(x29).

As an adoptive parent in the State of Illinois, it is your responsibility:

1. To work cooperatively and honestly with the person or entity handling your investigation and appointed by the court, including disclosing information requested by that person or entity.

2. To pay the agreed-upon fees to the investigating person or entity promptly.

3. To keep the person or entity handling your investigation informed of any new pertinent information about your family.

4. To cooperate with post-placement monitoring and support.

New matter indicated by italics - deletions by strikeout
5. To consult with your attorney prior to offering any financial assistance to the birth parent or parents.

6. To obtain training in parenting an adopted child, which may include on-line and in-person training on adoption related topics.

(750 ILCS 50/12.3 new)

Sec. 12.3. Additional requirements in private adoptions. In cases of adoptions in which an Illinois licensed child welfare agency is not providing adoption services and the child who is the subject of the adoption is not a related child of the prospective adoptive parent and not under the custody or guardianship of the Department of Children and Family Services under the Juvenile Court Act of 1987, the following requirements shall apply in addition to any other applicable requirements set forth in Section 6 or other provisions of this Act:

(1) Within 10 days of filing a petition for adoption pursuant to Section 5 of this Act, the prospective adoptive parents and anyone 18 years of age or older who resides in the adoptive home must initiate requests for background checks from the following: the State police and child abuse registry from every state of residence for the 5 years preceding the filing date of the petition, the FBI, the National Sex Offender Registry, and, if Illinois residents, from the Illinois State Police and Child Abuse and Neglect Tracking System. The background checks must be fingerprint-based, if available. The Child Abuse and Neglect Tracking System background check must also be requested for each person 13 to 17 years of age living in the adoptive home.

(2) Within 30 days of filing a petition for adoption, the results of the background checks set forth in paragraph (1) of this Section shall be provided to the guardian ad litem of the child appointed by the court or, should there not be a guardian ad litem, to the investigator appointed by the court pursuant to subsection A of Section 6 of this Act.

(3) An initial assessment, including a home visit, must be made by the guardian ad litem or the investigator appointed by the court pursuant to subsection A of Section 6 of this Act no later than 30 days of said appointment;

(4) As part of the investigation, the guardian ad litem or the investigator appointed by the court pursuant to subsection A of Section 6 of this Act must provide the prospective adoptive parents with the Adoptive Parent Rights and Responsibilities-Private Form

New matter indicated by italics - deletions by strikeout
set forth in Section 12.2 of this Act. The prospective adoptive parent or parents must sign the form acknowledging receipt of the form, and the original form must be filed with the court at the time of the issuance of the interim order, and a copy must be provided to the prospective parent or parents;

(5) The attorney for the prospective adoptive parent or parents or the birth parent or parents shall provide the prospective adoptive parent or parents with the Birth Parent Medical form or forms if completed by the birth parent or parents as set forth in subsection A-2 of Section 10 of this Act, as soon as practicable but no later than the time of entry of the interim order;

(6) The guardian ad litem, or the court-appointed investigator appointed pursuant to subsection A of Section 6 of this Act, shall provide a report of investigation to the Court within 6 months after appointment, or earlier if so ordered by the court.

(7) The birth parent shall have the right to request to receive counseling before and after signing a Final and Irrevocable Consent to Adoption form, a Final and Irrevocable Consent to Adoption by a Specified Person or Persons: Non-DCFS Case form, or a Consent to Adoption of Unborn Child form. The prospective adoptive parent or parents may agree to pay for the cost of counseling in a manner consistent with Illinois law, but the prospective adoptive parent or parents are not required to do so.

INDEX

Statutes amended in order of appearance
225 ILCS 10/2.08 from Ch. 23, par. 2212.08
225 ILCS 10/2.17 from Ch. 23, par. 2212.17
225 ILCS 10/2.23
225 ILCS 10/2.25
225 ILCS 10/3.2 new
225 ILCS 10/3.3 new
225 ILCS 10/7.4
225 ILCS 10/7.6
750 ILCS 50/10 from Ch. 40, par. 1512
750 ILCS 50/12.2 new
750 ILCS 50/12.3 new
Passed in the General Assembly May 26, 2016.
Approved August 19, 2016.
Effective January 1, 2017.

New matter indicated by italics - deletions by strikeout
AN ACT concerning health.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Hearing Screening for Newborns Act is amended by changing Sections 1, 5, 10, 15, and 30 and adding Sections 2 and 23 as follows:

(410 ILCS 213/1)
Sec. 1. Short title. This Act may be cited as the Early Hearing Detection and Intervention Act Hearing Screening for Newborns Act.
(Source: P.A. 91-67, eff. 7-9-99.)

(410 ILCS 213/2 new)
Sec. 2. Definitions. As used in this Act:
"Department" means the Department of Public Health.
"Medical care facility" means a hospital, birthing center, and any other licensed facility that provides obstetrical and newborn nursery services.

(410 ILCS 213/5)
Sec. 5. Mandatory hearing screening.

(a) Each medical care facility shall conduct bilateral hearing screening of each newborn infant of all newborn infants prior to discharge unless medically contraindicated or the infant is transferred to another hospital before the hearing screening can be completed. If the infant is transferred to another hospital prior to completion of the hearing screening, the hospital to which the infant is transferred shall complete the hearing screening prior to discharge. All medical care facilities shall make provisions for an outpatient screening for infants born outside a medical care facility.

(b) The facility performing the hearing screening shall report the results of the hearing screening to the Department within 7 days of screening.

If there is no hearing screening result or an infant does not pass the hearing screening in both ears at the same time, the medical care facility shall refer the infant's parents or guardians to a health care practitioner for follow-up, and document and report the referral, including the name of the health care practitioner, to the Department in a format determined by the Department.

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For infants born outside a medical care facility, the newborn’s primary care provider shall refer the patient to a medical care facility for the hearing screening to be done in compliance with this Section within 30 days after birth, unless a different time period is medically indicated.

(c) Follow-up to hearing screening includes:

(1) for newborns, infants, and children with confirmed hearing loss, making the audiological, medical, language and communication, aural habilitation, parent-to-parent support, and intervention referrals and documenting the referrals and outcomes to the Department or in the State’s designated data system; and

(2) for newborns, infants, and children with a confirmed hearing loss, audiologists, early intervention programs and providers, parent-to-parent support programs, the Department of Human Services, and the University of Illinois at Chicago Division of Specialized Care for Children reporting screening, diagnosis, amplification, and intervention outcomes to the Department.

(Source: P.A. 91-67, eff. 7-9-99.)

(410 ILCS 213/10)

Sec. 10. Reports to Department of Public Health. Physicians, advanced practice nurses, physician assistants, otolaryngologists, audiologists, ancillary health care providers, early intervention programs and providers, parent-to-parent support programs, the Department of Human Services, and the University of Illinois at Chicago Division of Specialized Care for Children shall report all hearing testing, medical treatment, and intervention outcomes related to newborn hearing screening or newly identified hearing loss for children birth through 6 years of age to the Department. Reporting shall be done within 7 days after the date of service or after an inquiry from the Department. Reports shall be in a format determined by the Department. Hospitals shall report information about each child with a positive hearing screening result to the Illinois Department of Public Health.

(Source: P.A. 91-67, eff. 7-9-99.)

(410 ILCS 213/15)

Sec. 15. Department of Public Health to maintain registry of cases. The Illinois Department of Public Health shall maintain a registry documenting screening, diagnosis, and intervention of cases of positive hearing screening results, including information needed for the purpose of follow-up services.

(Source: P.A. 91-67, eff. 7-9-99.)

New matter indicated by italics - deletions by strikeout
Sec. 23. Information sharing.

(a) For the purposes of documentation and coordination of medical care or intervention services, the Department may share newborn hearing screening information with medical care facilities, health care providers, early intervention programs and providers, local health departments, the Department of Human Services, and the University of Illinois at Chicago Division of Specialized Care for Children.

(b) For the purposes of documentation and coordination of medical care or intervention services, medical care facilities, health care providers, early intervention programs and providers, local health departments, the Department of Human Services, and the University of Illinois at Chicago Division of Specialized Care for Children shall submit information or reports about newborn, infant, and child hearing screening and diagnostic testing, follow-up services, intervention, and parent support services to the Department. Documentation is only required to be provided for those services provided. Reporting shall be done within 7 days of the date of service or an inquiry from the Department. Reports shall be in a format determined by the Department. Reports by medical care facilities shall be in accordance with only subsections (a) and (b) of Section 5.

(c) Except in cases of willful or wanton misconduct, no health care provider, hospital, or medical facility acting in compliance with this Section shall be civilly or criminally liable for any act performed in compliance with this Section, including furnishing information required according to this Section.

Sec. 30. Rules. The Department of Human Services shall adopt rules necessary to implement this Act.

Sec. 10. The Hearing Screening for Newborns Act is amended by repealing Section 20.

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

Passed in the General Assembly May 24, 2016.
Approved August 19, 2016.
Effective August 19, 2016.
AN ACT concerning courts.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Juvenile Court Act of 1987 is amended by changing Section 5-915 as follows:

(705 ILCS 405/5-915)

Sec. 5-915. Expungement of juvenile law enforcement and court records.

(0.05) For purposes of this Section and Section 5-622:

"Expunge" means to physically destroy the records and to obliterate the minor's name from any official index or public record, or both. Nothing in this Act shall require the physical destruction of the internal office records, files, or databases maintained by a State's Attorney's Office or other prosecutor.

"Law enforcement record" includes but is not limited to records of arrest, station adjustments, fingerprints, probation adjustments, the issuance of a notice to appear, or any other records maintained by a law enforcement agency relating to a minor suspected of committing an offense.

(1) Whenever a person has been arrested, charged, or adjudicated delinquent for an incident occurring before his or her 18th birthday that if committed by an adult would be an offense, the person may petition the court at any time for expungement of law enforcement records and juvenile court records relating to the incident and upon termination of any person has attained the age of 18 or whenever all juvenile court proceedings relating to that incident, the court shall order the expungement of all records in the possession of the Department of State Police, the clerk of the circuit court, and law enforcement agencies relating to the incident, that person have been terminated, whichever is later, the person may petition the court to expunge law enforcement records relating to incidents occurring before his or her 18th birthday or his or her juvenile court records, or both, but only in any of the following circumstances:

(a) the minor was arrested and no petition for delinquency was filed with the clerk of the circuit court; or

New matter indicated by italics - deletions by strikeout
(a-5) the minor was charged with an offense and the petition or petitions were dismissed without a finding of delinquency;

(b) the minor was charged with an offense and was found not delinquent of that offense; or

(c) the minor was placed under supervision pursuant to Section 5-615, and the order of supervision has since been successfully terminated; or

(d) the minor was adjudicated for an offense which would be a Class B misdemeanor, Class C misdemeanor, or a petty or business offense if committed by an adult.

(1.5) Commencing 180 days after the effective date of this amendatory Act of the 98th General Assembly, the Department of State Police shall automatically expunge, on or before January 1 of each year, a person's law enforcement records which are not subject to subsection (1) relating to incidents occurring before his or her 18th birthday in the Department's possession or control and which contains the final disposition which pertain to the person when arrested as a minor if:

(a) the minor was arrested for an eligible offense and no petition for delinquency was filed with the clerk of the circuit court; and

(b) the person attained the age of 18 years during the last calendar year; and

(c) since the date of the minor's most recent arrest, at least 6 months have elapsed without an additional arrest, filing of a petition for delinquency whether related or not to a previous arrest, or filing of charges not initiated by arrest.

The Department of State Police shall allow a person to use the Access and Review process, established in the Department of State Police, for verifying that his or her law enforcement records relating to incidents occurring before his or her 18th birthday eligible under this subsection have been expunged as provided in this subsection.

The Department of State Police shall provide by rule the process for access, review, and automatic expungement.

(1.6) Commencing on the effective date of this amendatory Act of the 98th General Assembly, a person whose law enforcement records are not subject to subsection (1) or (1.5) of this Section and who has attained the age of 18 years may use the Access and Review process, established in the Department of State Police, for verifying his or her law enforcement

New matter indicated by italics - deletions by strikeout
records relating to incidents occurring before his or her 18th birthday in the Department's possession or control which pertain to the person when arrested as a minor, if the incident occurred no earlier than 30 years before the effective date of this amendatory Act of the 98th General Assembly. If the person identifies a law enforcement record of an eligible offense that meets the requirements of this subsection, paragraphs (a) and (c) of subsection (1.5) of this Section, and all juvenile court proceedings related to the person have been terminated, the person may file a Request for Expungement of Juvenile Law Enforcement Records, in the form and manner prescribed by the Department of State Police, with the Department and the Department shall consider expungement of the record as otherwise provided for automatic expungement under subsection (1.5) of this Section. The person shall provide notice and a copy of the Request for Expungement of Juvenile Law Enforcement Records to the arresting agency, prosecutor charged with the prosecution of the minor, or the State's Attorney of the county that prosecuted the minor. The Department of State Police shall provide by rule the process for access, review, and Request for Expungement of Juvenile Law Enforcement Records.

(1.7) Nothing in subsections (1.5) and (1.6) of this Section precludes a person from filing a petition under subsection (1) for expungement of records subject to automatic expungement under that subsection (1) or subsection (1.5) or (1.6) of this Section.

(1.8) For the purposes of subsections (1.5) and (1.6) of this Section, "eligible offense" means records relating to an arrest or incident occurring before the person's 18th birthday that if committed by an adult is not an offense classified as a Class 2 felony or higher offense, an offense under Article 11 of the Criminal Code of 1961 or the Criminal Code of 2012, or an offense under Section 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961.

(2) Any person may petition the court to expunge all law enforcement records relating to any incidents occurring before his or her 18th birthday which did not result in proceedings in criminal court and all juvenile court records with respect to any adjudications except those based upon first degree murder and sex offenses which would be felonies if committed by an adult, if the person for whom expungement is sought has had no convictions for any crime since his or her 18th birthday and:

(a) has attained the age of 21 years; or

(b) 5 years have elapsed since all juvenile court proceedings relating to him or her have been terminated or his or her
commitment to the Department of Juvenile Justice pursuant to this Act has been terminated; whichever is later of (a) or (b). Nothing in this Section 5-915 precludes a minor from obtaining expungement under Section 5-622.

(2.5) If a minor is arrested and no petition for delinquency is filed with the clerk of the circuit court as provided in paragraph (a) of subsection (1) at the time the minor is released from custody, the youth officer, if applicable, or other designated person from the arresting agency, shall notify verbally and in writing to the minor or the minor's parents or guardians that if the State's Attorney does not file a petition for delinquency, the minor has a right to petition to have his or her arrest record expunged when the minor attains the age of 18 or when all juvenile court proceedings relating to that minor have been terminated and that unless a petition to expunge is filed, the minor shall have an arrest record and shall provide the minor and the minor's parents or guardians with an expungement information packet, including a petition to expunge juvenile records obtained from the clerk of the circuit court.

(2.6) If a minor is charged with an offense and is found not delinquent of that offense; or if a minor is placed under supervision under Section 5-615, and the order of supervision is successfully terminated; or if a minor is adjudicated for an offense that would be a Class B misdemeanor, a Class C misdemeanor, or a business or petty offense if committed by an adult; or if a minor has incidents occurring before his or her 18th birthday that have not resulted in proceedings in criminal court, or resulted in proceedings in juvenile court, and the adjudications were not based upon first degree murder or sex offenses that would be felonies if committed by an adult; then at the time of sentencing or dismissal of the case, the judge shall inform the delinquent minor of his or her right to petition for expungement as provided by law, and the clerk of the circuit court shall provide an expungement information packet to the delinquent minor, written in plain language, including a petition for expungement, a sample of a completed petition, expungement instructions that shall include information informing the minor that (i) once the case is expunged, it shall be treated as if it never occurred, (ii) he or she may apply to have petition fees waived, (iii) once he or she obtains an expungement, he or she may not be required to disclose that he or she had a juvenile record, and (iv) he or she may file the petition on his or her own or with the assistance of an attorney. The failure of the judge to inform the delinquent minor of his or her right to petition for expungement as
provided by law does not create a substantive right, nor is that failure grounds for: (i) a reversal of an adjudication of delinquency, (ii) a new trial; or (iii) an appeal.

(2.7) For counties with a population over 3,000,000, the clerk of the circuit court shall send a "Notification of a Possible Right to Expungement" post card to the minor at the address last received by the clerk of the circuit court on the date that the minor attains the age of 18 based on the birthdate provided to the court by the minor or his or her guardian in cases under paragraphs (b), (c), and (d) of subsection (1); and when the minor attains the age of 21 based on the birthdate provided to the court by the minor or his or her guardian in cases under subsection (2).

(2.8) The petition for expungement for subsection (1) may include multiple offenses on the same petition and shall be substantially in the following form:

IN THE CIRCUIT COURT OF ......, ILLINOIS
 .......... JUDICIAL CIRCUIT

IN THE INTEREST OF ) NO.
 )
 )
---------------------
(Name of Petitioner)

PETITION TO EXPUNGE JUVENILE RECORDS
(705 ILCS 405/5-915 (SUBSECTION 1))

Now comes ............., petitioner, and respectfully requests that this Honorable Court enter an order expunging all juvenile law enforcement and court records of petitioner and in support thereof states that: Petitioner has attained the age of .... 18, his/her birth date being ......, or all Juvenile Court proceedings terminated as of ......, whichever occurred later. Petitioner was arrested on ..... by the ....... Police Department for the offense or offenses of ......., and:

(Check All That Apply:)
( ) a. no petition or petitions were filed with the Clerk of the Circuit Court.
( ) b. was charged with ...... and was found not delinquent of the offense or offenses.
( ) c. a petition or petitions were filed and the petition or petitions were dismissed without a finding of delinquency on ..... 
( ) d. on ...... placed under supervision pursuant to Section 5-615 of the Juvenile Court Act of 1987 and such order of supervision successfully terminated on .......

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(e) was adjudicated for the offense or offenses, which would have been a Class B misdemeanor, a Class C misdemeanor, or a petty offense or business offense if committed by an adult. Petitioner has not been arrested on charges in this or any county other than the charges listed above. If petitioner has been arrested on additional charges, please list the charges below:

Charge(s): ....
Arresting Agency or Agencies: ........
Disposition/Result: (choose from a. through e., above): ..... WHEREFORE, the petitioner respectfully requests this Honorable Court to (1) order all law enforcement agencies to expunge all records of petitioner to this incident or incidents, and (2) to order the Clerk of the Court to expunge all records concerning the petitioner regarding this incident or incidents.

.................

Petitioner's Street Address
.................

City, State, Zip Code
.................

Petitioner's Telephone Number

Pursuant to the penalties of perjury under the Code of Civil Procedure, 735 ILCS 5/1-109, I hereby certify that the statements in this petition are true and correct, or on information and belief I believe the same to be true.

.................

Petitioner (Signature)

The Petition for Expungement for subsection (2) shall be substantially in the following form:

IN THE CIRCUIT COURT OF ......., ILLINOIS
....... JUDICIAL CIRCUIT

IN THE INTEREST OF ) NO.
)
)

.................

(Name of Petitioner)

PETITION TO EXPUNGE JUVENILE RECORDS
(705 ILCS 405/5-915 (SUBSECTION 2))
(Please prepare a separate petition for each offense)

New matter indicated by italics - deletions by strikeout
Now comes ..........., petitioner, and respectfully requests that this Honorable Court enter an order expunging all Juvenile Law Enforcement and Court records of petitioner and in support thereof states that:
The incident for which the Petitioner seeks expungement occurred before the Petitioner's 18th birthday and did not result in proceedings in criminal court and the Petitioner has not had any convictions for any crime since his/her 18th birthday; and
The incident for which the Petitioner seeks expungement occurred before the Petitioner's 18th birthday and the adjudication was not based upon first-degree murder or sex offenses which would be felonies if committed by an adult, and the Petitioner has not had any convictions for any crime since his/her 18th birthday.
Petitioner was arrested on ...... by the ...... Police Department for the offense of .........., and:
(Check whichever one occurred the latest:)
( ) a. The Petitioner has attained the age of 21 years, his/her birthday being ........; or
( ) b. 5 years have elapsed since all juvenile court proceedings relating to the Petitioner have been terminated; or the Petitioner's commitment to the Department of Juvenile Justice pursuant to the expungement of juvenile law enforcement and court records provisions of the Juvenile Court Act of 1987 has been terminated. Petitioner ...has ...has not been arrested on charges in this or any other county other than the charge listed above. If petitioner has been arrested on additional charges, please list the charges below:
Charge(s): ..........
Arresting Agency or Agencies: .......
Disposition/Result: (choose from a or b, above): ..........
WHEREFORE, the petitioner respectfully requests this Honorable Court to (1) order all law enforcement agencies to expunge all records of petitioner related to this incident, and (2) to order the Clerk of the Court to expunge all records concerning the petitioner regarding this incident.

........................
Petitioner (Signature)

........................
Petitioner's Street Address

........................
City, State, Zip Code

New matter indicated by italics - deletions by strikeout
Petitioner's Telephone Number

Pursuant to the penalties of perjury under the Code of Civil Procedure, 735 ILCS 5/1-109, I hereby certify that the statements in this petition are true and correct, or on information and belief I believe the same to be true.

..........................  
Petitioner (Signature)

(3) The chief judge of the circuit in which an arrest was made or a charge was brought or any judge of that circuit designated by the chief judge may, upon verified petition of a person who is the subject of an arrest or a juvenile court proceeding under subsection (1) or (2) of this Section, order the law enforcement records or official court file, or both, to be expunged from the official records of the arresting authority, the clerk of the circuit court and the Department of State Police. The person whose records are to be expunged shall petition the court using the appropriate form containing his or her current address and shall promptly notify the clerk of the circuit court of any change of address. Notice of the petition shall be served upon the State's Attorney or prosecutor charged with the duty of prosecuting the offense, the Department of State Police, and the arresting agency or agencies by the clerk of the circuit court. If an objection is filed within 45 days of the notice of the petition, the clerk of the circuit court shall set a date for hearing after the 45 day objection period. At the hearing the court shall hear evidence on whether the expungement should or should not be granted. Unless the State's Attorney or prosecutor, the Department of State Police, or an arresting agency objects to the expungement within 45 days of the notice, the court may enter an order granting expungement. The person whose records are to be expunged shall pay the clerk of the circuit court a fee equivalent to the cost associated with expungement of records by the clerk and the Department of State Police. The clerk shall forward a certified copy of the order to the Department of State Police, the appropriate portion of the fee to the Department of State Police for processing, and deliver a certified copy of the order to the arresting agency.

(3.1) The Notice of Expungement shall be in substantially the following form:

IN THE CIRCUIT COURT OF ...., ILLINOIS
.... JUDICIAL CIRCUIT
IN THE INTEREST OF ) NO.
)
)

New matter indicated by italics - deletions by strikeout
TO: State's Attorney
TO: Arresting Agency

TO: Illinois State Police

ATTENTION: Expungement
You are hereby notified that on ......, at ......, in courtroom ..., located at ..., before the Honorable ..., Judge, or any judge sitting in his/her stead, I shall then and there present a Petition to Expunge Juvenile records in the above-entitled matter, at which time and place you may appear.

Petitioner's Signature

Petitioner's Street Address

City, State, Zip Code

Petitioner's Telephone Number

PROOF OF SERVICE
On the ...... day of ......, 20..., I on oath state that I served this notice and true and correct copies of the above-checked documents by:
(Check One:)
delivering copies personally to each entity to whom they are directed;
or
by mailing copies to each entity to whom they are directed by depositing the same in the U.S. Mail, proper postage fully prepaid, before the hour of 5:00 p.m., at the United States Postal Depository located at .............

Signature

Clerk of the Circuit Court or Deputy Clerk

Printed Name of Delinquent Minor/Petitioner: ....
Address: ........................................

New matter indicated by italics - deletions by strikeout
Telephone Number: ............................

(3.2) The Order of Expungement shall be in substantially the following form:

IN THE CIRCUIT COURT OF ..... ILLINOIS
.... JUDICIAL CIRCUIT

IN THE INTEREST OF ) NO.
)
)

............................
(Name of Petitioner)

DOB .............

Arresting Agency/Agencies ......

ORDER OF EXPUNGEMENT
(705 ILCS 405/5-915 (SUBSECTION 3))

This matter having been heard on the petitioner's motion and the court being fully advised in the premises does find that the petitioner is indigent or has presented reasonable cause to waive all costs in this matter, IT IS HEREBY ORDERED that:

( ) 1. Clerk of Court and Department of State Police costs are hereby waived in this matter.

( ) 2. The Illinois State Police Bureau of Identification and the following law enforcement agencies expunge all records of petitioner relating to an arrest dated ...... for the offense of ......

Law Enforcement Agencies:

..........................
..........................

( ) 3. IT IS FURTHER ORDERED that the Clerk of the Circuit Court expunge all records regarding the above-captioned case.

ENTER: ......................

JUDGE
DATED: ......

Name:

Attorney for:
Address: City/State/Zip:

Attorney Number:

(3.3) The Notice of Objection shall be in substantially the following form:

IN THE CIRCUIT COURT OF ..... ILLINOIS
................................ JUDICIAL CIRCUIT

New matter indicated by italics - deletions by strikeout
IN THE INTEREST OF ) NO.
)
)
)
)
)

(Name of Petitioner) NOTICE OF OBJECTION

TO:(Attorney, Public Defender, Minor)
)

TO:(Illinois State Police)
)

TO:(Clerk of the Court)
)

TO:(Judge)
)

TO:(Arresting Agency/Agencies)
)

ATTENTION: You are hereby notified that an objection has been filed by
the following entity regarding the above-named minor's petition for
expungement of juvenile records:
( ) State's Attorney's Office;
( ) Prosecutor (other than State's Attorney's Office) charged with the duty
duty of prosecuting the offense sought to be expunged;
( ) Department of Illinois State Police; or
( ) Arresting Agency or Agencies.
The agency checked above respectfully requests that this case be continued
and set for hearing on whether the expungement should or should not be
granted.
DATED: ......
Name:
Attorney For:
Address:
City/State/Zip:
Telephone:
Attorney No.:

New matter indicated by italics - deletions by strikeout
FOR USE BY CLERK OF THE COURT PERSONNEL ONLY

This matter has been set for hearing on the foregoing objection, on ...... in room ...., located at ......, before the Honorable ......, Judge, or any judge sitting in his/her stead.
(Only one hearing shall be set, regardless of the number of Notices of Objection received on the same case).

A copy of this completed Notice of Objection containing the court date, time, and location, has been sent via regular U.S. Mail to the following entities. (If more than one Notice of Objection is received on the same case, each one must be completed with the court date, time and location and mailed to the following entities):

( ) Attorney, Public Defender or Minor;
( ) State's Attorney's Office;
( ) Prosecutor (other than State's Attorney's Office) charged with the duty of prosecuting the offense sought to be expunged;
( ) Department of Illinois State Police; and
( ) Arresting agency or agencies.

Date: ........

Initials of Clerk completing this section: ........

(4) Upon entry of an order expunging records or files, the offense, which the records or files concern shall be treated as if it never occurred. Law enforcement officers and other public offices and agencies shall properly reply on inquiry that no record or file exists with respect to the person.

(5) Records which have not been expunged are sealed, and may be obtained only under the provisions of Sections 5-901, 5-905 and 5-915.

(6) Nothing in this Section shall be construed to prohibit the maintenance of information relating to an offense after records or files concerning the offense have been expunged if the information is kept in a manner that does not enable identification of the offender. This information may only be used for statistical and bona fide research purposes.

(6.5) The Department of State Police or any employee of the Department shall be immune from civil or criminal liability for failure to expunge any records of arrest that are subject to expungement under subsection (1.5) or (1.6) of this Section because of inability to verify a record. Nothing in subsection (1.5) or (1.6) of this Section shall create Department of State Police liability or responsibility for the expungement of law enforcement records it does not possess.

New matter indicated by italics - deletions by strikeout
(7)(a) The State Appellate Defender shall establish, maintain, and carry out, by December 31, 2004, a juvenile expungement program to provide information and assistance to minors eligible to have their juvenile records expunged.

(b) The State Appellate Defender shall develop brochures, pamphlets, and other materials in printed form and through the agency's World Wide Web site. The pamphlets and other materials shall include at a minimum the following information:

(i) An explanation of the State's juvenile expungement process;
(ii) The circumstances under which juvenile expungement may occur;
(iii) The juvenile offenses that may be expunged;
(iv) The steps necessary to initiate and complete the juvenile expungement process; and
(v) Directions on how to contact the State Appellate Defender.

(c) The State Appellate Defender shall establish and maintain a statewide toll-free telephone number that a person may use to receive information or assistance concerning the expungement of juvenile records. The State Appellate Defender shall advertise the toll-free telephone number statewide. The State Appellate Defender shall develop an expungement information packet that may be sent to eligible persons seeking expungement of their juvenile records, which may include, but is not limited to, a pre-printed expungement petition with instructions on how to complete the petition and a pamphlet containing information that would assist individuals through the juvenile expungement process.

(d) The State Appellate Defender shall compile a statewide list of volunteer attorneys willing to assist eligible individuals through the juvenile expungement process.

(e) This Section shall be implemented from funds appropriated by the General Assembly to the State Appellate Defender for this purpose. The State Appellate Defender shall employ the necessary staff and adopt the necessary rules for implementation of this Section.

(8)(a) Except with respect to law enforcement agencies, the Department of Corrections, State's Attorneys, or other prosecutors, an expunged juvenile record may not be considered by any private or public entity in employment matters, certification, licensing, revocation of certification or licensure, or registration. Applications for employment

New matter indicated by italics - deletions by strikeout
must contain specific language that states that the applicant is not obligated to disclose expunged juvenile records of conviction or arrest. Employers may not ask if an applicant has had a juvenile record expunged. Effective January 1, 2005, the Department of Labor shall develop a link on the Department's website to inform employers that employers may not ask if an applicant had a juvenile record expunged and that application for employment must contain specific language that states that the applicant is not obligated to disclose expunged juvenile records of arrest or conviction.

(b) A person whose juvenile records have been expunged is not entitled to remission of any fines, costs, or other money paid as a consequence of expungement. This amendatory Act of the 93rd General Assembly does not affect the right of the victim of a crime to prosecute or defend a civil action for damages.

(c) The expungement of juvenile records under Section 5-622 shall be funded by the additional fine imposed under Section 5-9-1.17 of the Unified Code of Corrections and additional appropriations made by the General Assembly for such purpose.

(9) The changes made to this Section by Public Act 98-61 apply to law enforcement records of a minor who has been arrested or taken into custody on or after January 1, 2014 (the effective date of Public Act 98-61).

(10) The changes made in subsection (1.5) of this Section by this amendatory Act of the 98th General Assembly apply to law enforcement records of a minor who has been arrested or taken into custody on or after January 1, 2015. The changes made in subsection (1.6) of this Section by this amendatory Act of the 98th General Assembly apply to law enforcement records of a minor who has been arrested or taken into custody before January 1, 2015.

(Source: P.A. 98-61, eff. 1-1-14; 98-637, eff. 1-1-15; 98-756, eff. 7-16-14.)

Passed in the General Assembly May 24, 2016.
Approved August 19, 2016.
Effective January 1, 2017.
AN ACT concerning State government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Children and Family Services Act is amended by changing Sections 6a and 7 as follows:

(20 ILCS 505/6a) (from Ch. 23, par. 5006a)
Sec. 6a. Case Plan.
(a) With respect to each Department client for whom the Department is providing placement service, the Department shall develop a case plan designed to stabilize the family situation and prevent placement of a child outside the home of the family when the child can be cared for at home without endangering the child's health or safety, reunify the family if temporary placement is necessary when safe and appropriate, or move the child toward the most permanent living arrangement and permanent legal status. Such case plan shall provide for the utilization of family preservation services as defined in Section 8.2 of the Abused and Neglected Child Reporting Act. Such case plan shall be reviewed and updated every 6 months. The Department shall ensure that incarcerated parents are able to participate in case plan reviews via teleconference or videoconference. Where appropriate, the case plan shall include recommendations concerning alcohol or drug abuse evaluation.

If the parent is incarcerated, the case plan must address the tasks that must be completed by the parent and how the parent will participate in the administrative case review and permanency planning hearings and, wherever possible, must include treatment that reflects the resources available at the facility where the parent is confined. The case plan must provide for visitation opportunities, unless visitation is not in the best interests of the child.

(b) The Department may enter into written agreements with child welfare agencies to establish and implement case plan demonstration projects. The demonstration projects shall require that service providers develop, implement, review and update client case plans. The Department shall examine the effectiveness of the demonstration projects in promoting the family reunification or the permanent placement of each client and shall report its findings to the General Assembly no later than 90 days after
the end of the fiscal year in which any such demonstration project is implemented.
(Source: P.A. 89-704, eff. 8-16-97 (changed from 1-1-98 by P.A. 90-443); 90-28, eff. 1-1-98; 90-443, eff. 8-16-97.)
(20 ILCS 505/7) (from Ch. 23, par. 5007)
Sec. 7. Placement of children; considerations.
(a) In placing any child under this Act, the Department shall place the child, as far as possible, in the care and custody of some individual holding the same religious belief as the parents of the child, or with some child care facility which is operated by persons of like religious faith as the parents of such child.
(a-5) In placing a child under this Act, the Department shall place the child with the child's sibling or siblings under Section 7.4 of this Act unless the placement is not in each child's best interest, or is otherwise not possible under the Department's rules. If the child is not placed with a sibling under the Department's rules, the Department shall consider placements that are likely to develop, preserve, nurture, and support sibling relationships, where doing so is in each child's best interest.
(b) In placing a child under this Act, the Department may place a child with a relative if the Department determines that the relative will be able to adequately provide for the child's safety and welfare based on the factors set forth in the Department's rules governing relative placements, and that the placement is consistent with the child's best interests, taking into consideration the factors set out in subsection (4.05) of Section 1-3 of the Juvenile Court Act of 1987.
When the Department first assumes custody of a child, in placing that child under this Act, the Department shall make reasonable efforts to identify, locate, and provide notice to all adult grandparents and other adult relatives of the child who are ready, willing, and able to care for the child. At a minimum, these efforts shall be renewed each time the child requires a placement change and it is appropriate for the child to be cared for in a home environment. The Department must document its efforts to identify, locate, and provide notice to such potential relative placements and maintain the documentation in the child's case file.
If the Department determines that a placement with any identified relative is not in the child's best interests or that the relative does not meet the requirements to be a relative caregiver, as set forth in Department rules or by statute, the Department must document the basis for that decision and maintain the documentation in the child's case file.

New matter indicated by italics - deletions by strikeout
If, pursuant to the Department's rules, any person files an administrative appeal of the Department's decision not to place a child with a relative, it is the Department's burden to prove that the decision is consistent with the child's best interests.

When the Department determines that the child requires placement in an environment, other than a home environment, the Department shall continue to make reasonable efforts to identify and locate relatives to serve as visitation resources for the child and potential future placement resources, except when the Department determines that those efforts would be futile or inconsistent with the child's best interests.

If the Department determines that efforts to identify and locate relatives would be futile or inconsistent with the child's best interests, the Department shall document the basis of its determination and maintain the documentation in the child's case file.

If the Department determines that an individual or a group of relatives are inappropriate to serve as visitation resources or possible placement resources, the Department shall document the basis of its determination and maintain the documentation in the child's case file.

When the Department determines that an individual or a group of relatives are appropriate to serve as visitation resources or possible future placement resources, the Department shall document the basis of its determination, maintain the documentation in the child's case file, create a visitation or transition plan, or both, and incorporate the visitation or transition plan, or both, into the child's case plan. For the purpose of this subsection, any determination as to the child's best interests shall include consideration of the factors set out in subsection (4.05) of Section 1-3 of the Juvenile Court Act of 1987.

The Department may not place a child with a relative, with the exception of certain circumstances which may be waived as defined by the Department in rules, if the results of a check of the Law Enforcement Agencies Data System (LEADS) identifies a prior criminal conviction of the relative or any adult member of the relative's household for any of the following offenses under the Criminal Code of 1961 or the Criminal Code of 2012:

(1) murder;
(1.1) solicitation of murder;
(1.2) solicitation of murder for hire;
(1.3) intentional homicide of an unborn child;
(1.4) voluntary manslaughter of an unborn child;

New matter indicated by italics - deletions by strikeout
(1.5) involuntary manslaughter;
(1.6) reckless homicide;
(1.7) concealment of a homicidal death;
(1.8) involuntary manslaughter of an unborn child;
(1.9) reckless homicide of an unborn child;
(1.10) drug-induced homicide;
(2) a sex offense under Article 11, except offenses described in Sections 11-7, 11-8, 11-12, 11-13, 11-35, 11-40, and 11-45;
(3) kidnapping;
(3.1) aggravated unlawful restraint;
(3.2) forcible detention;
(3.3) aiding and abetting child abduction;
(4) aggravated kidnapping;
(5) child abduction;
(6) aggravated battery of a child as described in Section 12-4.3 or subdivision (b)(1) of Section 12-3.05;
(7) criminal sexual assault;
(8) aggravated criminal sexual assault;
(8.1) predatory criminal sexual assault of a child;
(9) criminal sexual abuse;
(10) aggravated sexual abuse;
(11) heinous battery as described in Section 12-4.1 or subdivision (a)(2) of Section 12-3.05;
(12) aggravated battery with a firearm as described in Section 12-4.2 or subdivision (e)(1), (e)(2), (e)(3), or (e)(4) of Section 12-3.05;
(13) tampering with food, drugs, or cosmetics;
(14) drug-induced infliction of great bodily harm as described in Section 12-4.7 or subdivision (g)(1) of Section 12-3.05;
(15) aggravated stalking;
(16) home invasion;
(17) vehicular invasion;
(18) criminal transmission of HIV;
(19) criminal abuse or neglect of an elderly person or person with a disability as described in Section 12-21 or subsection (b) of Section 12-4.4a;
(20) child abandonment;

New matter indicated by italics - deletions by strikeout
(21) endangering the life or health of a child;
(22) ritual mutilation;
(23) ritualized abuse of a child;
(24) an offense in any other state the elements of which are similar and bear a substantial relationship to any of the foregoing offenses.

For the purpose of this subsection, "relative" shall include any person, 21 years of age or over, other than the parent, who (i) is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, second cousin, godparent, great-uncle, or great-aunt; or (ii) is the spouse of such a relative; or (iii) is the child's step-father, step-mother, or adult step-brother or step-sister; or (iv) is a fictive kin; "relative" also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. For children who have been in the guardianship of the Department, have been adopted, and are subsequently returned to the temporary custody or guardianship of the Department, a "relative" may also include any person who would have qualified as a relative under this paragraph prior to the adoption, but only if the Department determines, and documents, that it would be in the child's best interests to consider this person a relative, based upon the factors for determining best interests set forth in subsection (4.05) of Section 1-3 of the Juvenile Court Act of 1987. A relative with whom a child is placed pursuant to this subsection may, but is not required to, apply for licensure as a foster family home pursuant to the Child Care Act of 1969; provided, however, that as of July 1, 1995, foster care payments shall be made only to licensed foster family homes pursuant to the terms of Section 5 of this Act.

Notwithstanding any other provision under this subsection to the contrary, a fictive kin with whom a child is placed pursuant to this subsection shall apply for licensure as a foster family home pursuant to the Child Care Act of 1969 within 6 months of the child's placement with the fictive kin. The Department shall not remove a child from the home of a fictive kin on the basis that the fictive kin fails to apply for licensure within 6 months of the child's placement with the fictive kin, or fails to meet the standard for licensure. All other requirements established under the rules and procedures of the Department concerning the placement of a child, for whom the Department is legally responsible, with a relative shall

New matter indicated by italics - deletions by strikeout
By June 1, 2015, the Department shall promulgate rules establishing criteria and standards for placement, identification, and licensure of fictive kin.

For purposes of this subsection, "fictive kin" means any individual, unrelated by birth or marriage, who:

(i) is shown to have close personal or emotional ties with the child or the child's family prior to the child's placement with the individual; or

(ii) is the current foster parent of a child in the custody or guardianship of the Department pursuant to this Act and the Juvenile Court Act of 1987, if the child has been placed in the home for at least one year and has established a significant and family-like relationship with the foster parent, and the foster parent has been identified by the Department as the child's permanent connection, as defined by Department rule.

The provisions added to this subsection (b) by Public Act 98-846 this amendatory Act of the 98th General Assembly shall become operative on and after June 1, 2015.

(c) In placing a child under this Act, the Department shall ensure that the child's health, safety, and best interests are met. In rejecting placement of a child with an identified relative, the Department shall ensure that the child's health, safety, and best interests are met. In evaluating the best interests of the child, the Department shall take into consideration the factors set forth in subsection (4.05) of Section 1-3 of the Juvenile Court Act of 1987.

The Department shall consider the individual needs of the child and the capacity of the prospective foster or adoptive parents to meet the needs of the child. When a child must be placed outside his or her home and cannot be immediately returned to his or her parents or guardian, a comprehensive, individualized assessment shall be performed of that child at which time the needs of the child shall be determined. Only if race, color, or national origin is identified as a legitimate factor in advancing the child's best interests shall it be considered. Race, color, or national origin shall not be routinely considered in making a placement decision. The Department shall make special efforts for the diligent recruitment of potential foster and adoptive families that reflect the ethnic and racial diversity of the children for whom foster and adoptive homes are needed. "Special efforts" shall include contacting and working with community organizations and religious organizations and may include contracting

New matter indicated by italics - deletions by strikeout
with those organizations, utilizing local media and other local resources, and conducting outreach activities.

(c-1) At the time of placement, the Department shall consider concurrent planning, as described in subsection (l-1) of Section 5, so that permanency may occur at the earliest opportunity. Consideration should be given so that if reunification fails or is delayed, the placement made is the best available placement to provide permanency for the child. To the extent that doing so is in the child's best interests as set forth in subsection (4.05) of Section 1-3 of the Juvenile Court Act of 1987, the Department should consider placements that will permit the child to maintain a meaningful relationship with his or her parents.

(d) The Department may accept gifts, grants, offers of services, and other contributions to use in making special recruitment efforts.

(e) The Department in placing children in adoptive or foster care homes may not, in any policy or practice relating to the placement of children for adoption or foster care, discriminate against any child or prospective adoptive or foster parent on the basis of race.

(Source: P.A. 98-846, eff. 1-1-15; 99-143, eff. 7-27-15; 99-340, eff. 1-1-16; revised 10-19-15.)

Section 10. The Juvenile Court Act of 1987 is amended by changing Section 2-13 as follows:

(705 ILCS 405/2-13) (from Ch. 37, par. 802-13)

Sec. 2-13. Petition.

(1) Any adult person, any agency or association by its representative may file, or the court on its own motion, consistent with the health, safety and best interests of the minor may direct the filing through the State's Attorney of a petition in respect of a minor under this Act. The petition and all subsequent court documents shall be entitled "In the interest of ...., a minor".

(2) The petition shall be verified but the statements may be made upon information and belief. It shall allege that the minor is abused, neglected, or dependent, with citations to the appropriate provisions of this Act, and set forth (a) facts sufficient to bring the minor under Section 2-3 or 2-4 and to inform respondents of the cause of action, including, but not limited to, a plain and concise statement of the factual allegations that form the basis for the filing of the petition; (b) the name, age and residence of the minor; (c) the names and residences of his parents; (d) the name and residence of his legal guardian or the person or persons having custody or control of the minor, or of the nearest known relative if no parent or
guardian can be found; and (e) if the minor upon whose behalf the petition is brought is sheltered in custody, the date on which such temporary custody was ordered by the court or the date set for a temporary custody hearing. If any of the facts herein required are not known by the petitioner, the petition shall so state.

(3) The petition must allege that it is in the best interests of the minor and of the public that he be adjudged a ward of the court and may pray generally for relief available under this Act. The petition need not specify any proposed disposition following adjudication of wardship. The petition may request that the minor remain in the custody of the parent, guardian, or custodian under an Order of Protection.

(4) If termination of parental rights and appointment of a guardian of the person with power to consent to adoption of the minor under Section 2-29 is sought, the petition shall so state. If the petition includes this request, the prayer for relief shall clearly and obviously state that the parents could permanently lose their rights as a parent at this hearing.

In addition to the foregoing, the petitioner, by motion, may request the termination of parental rights and appointment of a guardian of the person with power to consent to adoption of the minor under Section 2-29 at any time after the entry of a dispositional order under Section 2-22.

(4.5) (a) Unless good cause exists that filing a petition to terminate parental rights is contrary to the child's best interests, with respect to any minors committed to its care pursuant to this Act, the Department of Children and Family Services shall request the State's Attorney to file a petition or motion for termination of parental rights and appointment of guardian of the person with power to consent to adoption of the minor under Section 2-29 if:

(i) a minor has been in foster care, as described in subsection (b), for 15 months of the most recent 22 months; or

(ii) a minor under the age of 2 years has been previously determined to be abandoned at an adjudicatory hearing; or

(iii) the parent is criminally convicted of (A) first degree murder or second degree murder of any child, (B) attempt or conspiracy to commit first degree murder or second degree murder of any child, (C) solicitation to commit murder of any child, solicitation to commit murder for hire of any child, or solicitation to commit second degree murder of any child, (D) aggravated battery, aggravated battery of a child, or felony domestic battery, any of which has resulted in serious injury to the minor or a sibling.
of the minor, (E) aggravated criminal sexual assault in violation of subdivision (a)(1) of Section 11-1.40 or subdivision (a)(1) of Section 12-14.1 of the Criminal Code of 1961 or the Criminal Code of 2012, or (F) an offense in any other state the elements of which are similar and bear a substantial relationship to any of the foregoing offenses.

unless:

(a-1) For purposes of this subsection (4.5), good cause exists in the following circumstances:

(i) the child is being cared for by a relative,

(ii) the Department has documented in the case plan a compelling reason for determining that filing such petition would not be in the best interests of the child,

(iii) the court has found within the preceding 12 months that the Department has failed to make reasonable efforts to reunify the child and family, or

(iv) the parent is incarcerated, or the parent's prior incarceration is a significant factor in why the child has been in foster care for 15 months out of any 22-month period, the parent maintains a meaningful role in the child's life, and the Department has not documented another reason why it would otherwise be appropriate to file a petition to terminate parental rights pursuant to this Section and the Adoption Act. The assessment of whether an incarcerated parent maintains a meaningful role in the child's life may include consideration of the following: paragraph (c) of this subsection (4.5) provides otherwise:

(A) the child's best interest;

(B) the parent's expressions or acts of manifesting concern for the child, such as letters, telephone calls, visits, and other forms of communication with the child and the impact of the communication on the child;

(C) the parent's efforts to communicate with and work with the Department for the purpose of complying with the service plan and repairing, maintaining, or building the parent-child relationship; or

(D) limitations in the parent's access to family support programs, therapeutic services, visiting opportunities, telephone and mail services, and meaningful participation in court proceedings.

New matter indicated by italics - deletions by strikeout
(b) For purposes of this subsection, the date of entering foster care is defined as the earlier of:

(1) The date of a judicial finding at an adjudicatory hearing that the child is an abused, neglected, or dependent minor; or

(2) 60 days after the date on which the child is removed from his or her parent, guardian, or legal custodian.

(c) (Blank). With respect to paragraph (a)(i), the following transition rules shall apply:

(1) If the child entered foster care after November 19, 1997 and this amendatory Act of 1998 takes effect before the child has been in foster care for 15 months of the preceding 22 months, then the Department shall comply with the requirements of paragraph (a) of this subsection (4.5) for that child as soon as the child has been in foster care for 15 of the preceding 22 months.

(2) If the child entered foster care after November 19, 1997 and this amendatory Act of 1998 takes effect after the child has been in foster care for 15 of the preceding 22 months, then the Department shall comply with the requirements of paragraph (a) of this subsection (4.5) for that child within 3 months after the end of the next regular session of the General Assembly.

(3) If the child entered foster care prior to November 19, 1997, then the Department shall comply with the requirements of paragraph (a) of this subsection (4.5) for that child in accordance with Department policy or rule.

(d) (Blank). If the State's Attorney determines that the Department's request for filing of a petition or motion conforms to the requirements set forth in subdivisions (a), (b), and (c) of this subsection (4.5), then the State's Attorney shall file the petition or motion as requested.

(5) The court shall liberally allow the petitioner to amend the petition to set forth a cause of action or to add, amend, or supplement factual allegations that form the basis for a cause of action up until 14 days before the adjudicatory hearing. The petitioner may amend the petition after that date and prior to the adjudicatory hearing if the court grants leave to amend upon a showing of good cause. The court may allow amendment of the petition to conform with the evidence at any time prior to ruling. In all cases in which the court has granted leave to amend based on new evidence or new allegations, the court shall permit the respondent an adequate opportunity to prepare a defense to the amended petition.

New matter indicated by italics - deletions by strikeout
(6) At any time before dismissal of the petition or before final closing and discharge under Section 2-31, one or more motions in the best interests of the minor may be filed. The motion shall specify sufficient facts in support of the relief requested.
(Source: P.A. 97-1150, eff. 1-25-13.)

Section 15. The Adoption Act is amended by changing Section 1 as follows:

(750 ILCS 50/1) (from Ch. 40, par. 1501)
Sec. 1. Definitions. When used in this Act, unless the context otherwise requires:
A. "Child" means a person under legal age subject to adoption under this Act.
B. "Related child" means a child subject to adoption where either or both of the adopting parents stands in any of the following relationships to the child by blood, marriage, adoption, or civil union: parent, grandparent, great-grandparent, brother, sister, step-parent, step-grandparent, step-brother, step-sister, uncle, aunt, great-uncle, great-aunt, first cousin, or second cousin. A person is related to the child as a first cousin or second cousin if they are both related to the same ancestor as either grandchild or great-grandchild. A child whose parent has executed a consent to adoption, a surrender, or a waiver pursuant to Section 10 of this Act or whose parent has signed a denial of paternity pursuant to Section 12 of the Vital Records Act or Section 12a of this Act, or whose parent has had his or her parental rights terminated, is not a related child to that person, unless (1) the consent is determined to be void or is void pursuant to subsection O of Section 10 of this Act; or (2) the parent of the child executed a consent to adoption by a specified person or persons pursuant to subsection A-1 of Section 10 of this Act and a court of competent jurisdiction finds that such consent is void; or (3) the order terminating the parental rights of the parent is vacated by a court of competent jurisdiction.
C. "Agency" for the purpose of this Act means a public child welfare agency or a licensed child welfare agency.
D. "Unfit person" means any person whom the court shall find to be unfit to have a child, without regard to the likelihood that the child will be placed for adoption. The grounds of unfitness are any one or more of the following, except that a person shall not be considered an unfit person for the sole reason that the person has relinquished a child in accordance with the Abandoned Newborn Infant Protection Act:
   (a) Abandonment of the child.

New matter indicated by italics - deletions by strikeout
(a-1) Abandonment of a newborn infant in a hospital.
(a-2) Abandonment of a newborn infant in any setting
where the evidence suggests that the parent intended to relinquish
his or her parental rights.
(b) Failure to maintain a reasonable degree of interest,
concern or responsibility as to the child's welfare.
(c) Desertion of the child for more than 3 months next
preceding the commencement of the Adoption proceeding.
(d) Substantial neglect of the child if continuous or
repeated.
(d-1) Substantial neglect, if continuous or repeated, of any
child residing in the household which resulted in the death of that
child.
(e) Extreme or repeated cruelty to the child.
(f) There is a rebuttable presumption, which can be
overcome only by clear and convincing evidence, that a parent is
unfit if:

(1) Two or more findings of physical abuse have
been entered regarding any children under Section 2-21 of
the Juvenile Court Act of 1987, the most recent of which
was determined by the juvenile court hearing the matter to
be supported by clear and convincing evidence; or
(2) The parent has been convicted or found not
guilty by reason of insanity and the conviction or finding
resulted from the death of any child by physical abuse; or
(3) There is a finding of physical child abuse
resulting from the death of any child under Section 2-21 of
the Juvenile Court Act of 1987.

No conviction or finding of delinquency pursuant to
Article V of the Juvenile Court Act of 1987 shall be
considered a criminal conviction for the purpose of
applying any presumption under this item (f).
(g) Failure to protect the child from conditions within his
environment injurious to the child's welfare.
(h) Other neglect of, or misconduct toward the child;
provided that in making a finding of unfitness the court hearing the
adoption proceeding shall not be bound by any previous finding,
order or judgment affecting or determining the rights of the parents
toward the child sought to be adopted in any other proceeding

New matter indicated by italics - deletions by strikeout
except such proceedings terminating parental rights as shall be had under either this Act, the Juvenile Court Act or the Juvenile Court Act of 1987.

   (i) Depravity. Conviction of any one of the following crimes shall create a presumption that a parent is depraved which can be overcome only by clear and convincing evidence: (1) first degree murder in violation of paragraph 1 or 2 of subsection (a) of Section 9-1 of the Criminal Code of 1961 or the Criminal Code of 2012 or conviction of second degree murder in violation of subsection (a) of Section 9-2 of the Criminal Code of 1961 or the Criminal Code of 2012 of a parent of the child to be adopted; (2) first degree murder or second degree murder of any child in violation of the Criminal Code of 1961 or the Criminal Code of 2012; (3) attempt or conspiracy to commit first degree murder or second degree murder of any child in violation of the Criminal Code of 1961 or the Criminal Code of 2012; (4) solicitation to commit murder of any child, solicitation to commit murder of any child for hire, or solicitation to commit second degree murder of any child in violation of the Criminal Code of 1961 or the Criminal Code of 2012; (5) predatory criminal sexual assault of a child in violation of Section 11-1.40 or 12-14.1 of the Criminal Code of 1961 or the Criminal Code of 2012; (6) heinous battery of any child in violation of the Criminal Code of 1961; or (7) aggravated battery of any child in violation of the Criminal Code of 1961 or the Criminal Code of 2012.

   There is a rebuttable presumption that a parent is depraved if the parent has been criminally convicted of at least 3 felonies under the laws of this State or any other state, or under federal law, or the criminal laws of any United States territory; and at least one of these convictions took place within 5 years of the filing of the petition or motion seeking termination of parental rights.

   There is a rebuttable presumption that a parent is depraved if that parent has been criminally convicted of either first or second degree murder of any person as defined in the Criminal Code of 1961 or the Criminal Code of 2012 within 10 years of the filing date of the petition or motion to terminate parental rights.

   No conviction or finding of delinquency pursuant to Article 5 of the Juvenile Court Act of 1987 shall be considered a criminal
conviction for the purpose of applying any presumption under this item (i).

(j) Open and notorious adultery or fornication.

(j-1) (Blank).

(k) Habitual drunkenness or addiction to drugs, other than those prescribed by a physician, for at least one year immediately prior to the commencement of the unfitness proceeding.

There is a rebuttable presumption that a parent is unfit under this subsection with respect to any child to which that parent gives birth where there is a confirmed test result that at birth the child's blood, urine, or meconium contained any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act or metabolites of such substances, the presence of which in the newborn infant was not the result of medical treatment administered to the mother or the newborn infant; and the biological mother of this child is the biological mother of at least one other child who was adjudicated a neglected minor under subsection (c) of Section 2-3 of the Juvenile Court Act of 1987.

(l) Failure to demonstrate a reasonable degree of interest, concern or responsibility as to the welfare of a new born child during the first 30 days after its birth.

(m) Failure by a parent (i) to make reasonable efforts to correct the conditions that were the basis for the removal of the child from the parent during any 9-month period following the adjudication of neglected or abused minor under Section 2-3 of the Juvenile Court Act of 1987 or dependent minor under Section 2-4 of that Act, or (ii) to make reasonable progress toward the return of the child to the parent during any 9-month period following the adjudication of neglected or abused minor under Section 2-3 of the Juvenile Court Act of 1987 or dependent minor under Section 2-4 of that Act. If a service plan has been established as required under Section 8.2 of the Abused and Neglected Child Reporting Act to correct the conditions that were the basis for the removal of the child from the parent and if those services were available, then, for purposes of this Act, "failure to make reasonable progress toward the return of the child to the parent" includes the parent's failure to substantially fulfill his or her obligations under the service plan and correct the conditions that brought the child into care during any 9-
month period following the adjudication under Section 2-3 or 2-4 of the Juvenile Court Act of 1987. Notwithstanding any other provision, when a petition or motion seeks to terminate parental rights on the basis of item (ii) of this subsection (m), the petitioner shall file with the court and serve on the parties a pleading that specifies the 9-month period or periods relied on. The pleading shall be filed and served on the parties no later than 3 weeks before the date set by the court for closure of discovery, and the allegations in the pleading shall be treated as incorporated into the petition or motion. Failure of a respondent to file a written denial of the allegations in the pleading shall not be treated as an admission that the allegations are true.

(m-1) (Blank). Pursuant to the Juvenile Court Act of 1987, a child has been in foster care for 15 months out of any 22-month period which begins on or after the effective date of this amendatory Act of 1998 unless the child's parent can prove by a preponderance of the evidence that it is more likely than not that it will be in the best interests of the child to be returned to the parent within 6 months of the date on which a petition for termination of parental rights is filed under the Juvenile Court Act of 1987. The 15-month time limit is tolled during any period for which there is a court finding that the appointed custodian or guardian failed to make reasonable efforts to reunify the child with his or her family, provided that (i) the finding of no reasonable efforts is made within 60 days of the period when reasonable efforts were not made or (ii) the parent filed a motion requesting a finding of no reasonable efforts within 60 days of the period when reasonable efforts were not made. For purposes of this subdivision (m-1), the date of entering foster care is the earlier of: (i) the date of a judicial finding at an adjudicatory hearing that the child is an abused, neglected, or dependent minor; or (ii) 60 days after the date on which the child is removed from his or her parent, guardian, or legal custodian.

(n) Evidence of intent to forgo his or her parental rights, whether or not the child is a ward of the court, (1) as manifested by his or her failure for a period of 12 months: (i) to visit the child, (ii) to communicate with the child or agency, although able to do so and not prevented from doing so by an agency or by court order, or (iii) to maintain contact with or plan for the future of the child, although physically able to do so, or (2) as manifested by the
father's failure, where he and the mother of the child were unmarried to each other at the time of the child's birth, (i) to commence legal proceedings to establish his paternity under the Illinois Parentage Act of 1984, the Illinois Parentage Act of 2015, or the law of the jurisdiction of the child's birth within 30 days of being informed, pursuant to Section 12a of this Act, that he is the father or the likely father of the child or, after being so informed where the child is not yet born, within 30 days of the child's birth, or (ii) to make a good faith effort to pay a reasonable amount of the expenses related to the birth of the child and to provide a reasonable amount for the financial support of the child, the court to consider in its determination all relevant circumstances, including the financial condition of both parents; provided that the ground for termination provided in this subparagraph (n)(2)(ii) shall only be available where the petition is brought by the mother or the husband of the mother.

Contact or communication by a parent with his or her child that does not demonstrate affection and concern does not constitute reasonable contact and planning under subdivision (n). In the absence of evidence to the contrary, the ability to visit, communicate, maintain contact, pay expenses and plan for the future shall be presumed. The subjective intent of the parent, whether expressed or otherwise, unsupported by evidence of the foregoing parental acts manifesting that intent, shall not preclude a determination that the parent has intended to forgo his or her parental rights. In making this determination, the court may consider but shall not require a showing of diligent efforts by an authorized agency to encourage the parent to perform the acts specified in subdivision (n).

It shall be an affirmative defense to any allegation under paragraph (2) of this subsection that the father's failure was due to circumstances beyond his control or to impediments created by the mother or any other person having legal custody. Proof of that fact need only be by a preponderance of the evidence.

(o) Repeated or continuous failure by the parents, although physically and financially able, to provide the child with adequate food, clothing, or shelter.

(p) Inability to discharge parental responsibilities supported by competent evidence from a psychiatrist, licensed clinical social

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worker, or clinical psychologist of mental impairment, mental illness or an intellectual disability as defined in Section 1-116 of the Mental Health and Developmental Disabilities Code, or developmental disability as defined in Section 1-106 of that Code, and there is sufficient justification to believe that the inability to discharge parental responsibilities shall extend beyond a reasonable time period. However, this subdivision (p) shall not be construed so as to permit a licensed clinical social worker to conduct any medical diagnosis to determine mental illness or mental impairment.

(q) (Blank).

(r) The child is in the temporary custody or guardianship of the Department of Children and Family Services, the parent is incarcerated as a result of criminal conviction at the time the petition or motion for termination of parental rights is filed, prior to incarceration the parent had little or no contact with the child or provided little or no support for the child, and the parent's incarceration will prevent the parent from discharging his or her parental responsibilities for the child for a period in excess of 2 years after the filing of the petition or motion for termination of parental rights.

(s) The child is in the temporary custody or guardianship of the Department of Children and Family Services, the parent is incarcerated at the time the petition or motion for termination of parental rights is filed, the parent has been repeatedly incarcerated as a result of criminal convictions, and the parent's repeated incarceration has prevented the parent from discharging his or her parental responsibilities for the child.

(t) A finding that at birth the child's blood, urine, or meconium contained any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act, or a metabolite of a controlled substance, with the exception of controlled substances or metabolites of such substances, the presence of which in the newborn infant was the result of medical treatment administered to the mother or the newborn infant, and that the biological mother of this child is the biological mother of at least one other child who was adjudicated a neglected minor under subsection (c) of Section 2-3 of the Juvenile Court Act of 1987, after which the biological mother had the

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opportunity to enroll in and participate in a clinically appropriate 
substance abuse counseling, treatment, and rehabilitation program.

E. "Parent" means a person who is the legal mother or legal father 
of the child as defined in subsection X or Y of this Section. For the 
purpose of this Act, a parent who has executed a consent to adoption, a 
surrender, or a waiver pursuant to Section 10 of this Act, who has signed a 
Denial of Paternity pursuant to Section 12 of the Vital Records Act or 
Section 12a of this Act, or whose parental rights have been terminated by a 
court, is not a parent of the child who was the subject of the consent, 
surrender, waiver, or denial unless (1) the consent is void pursuant to 
subsection O of Section 10 of this Act; or (2) the person executed a 
consent to adoption by a specified person or persons pursuant to 
subsection A-1 of Section 10 of this Act and a court of competent 
jurisdiction finds that the consent is void; or (3) the order terminating the 
parental rights of the person is vacated by a court of competent 
jurisdiction.

F. A person is available for adoption when the person is:
   (a) a child who has been surrendered for adoption to an 
       agency and to whose adoption the agency has thereafter consented;
   (b) a child to whose adoption a person authorized by law, 
       other than his parents, has consented, or to whose adoption no 
       consent is required pursuant to Section 8 of this Act;
   (c) a child who is in the custody of persons who intend to 
       adopt him through placement made by his parents;
   (c-1) a child for whom a parent has signed a specific 
       consent pursuant to subsection O of Section 10;
   (d) an adult who meets the conditions set forth in Section 3 
       of this Act; or
   (e) a child who has been relinquished as defined in Section 
       10 of the Abandoned Newborn Infant Protection Act.

A person who would otherwise be available for adoption shall not 
be deemed unavailable for adoption solely by reason of his or her death.

G. The singular includes the plural and the plural includes the 
singular and the "male" includes the "female", as the context of this Act 
may require.

H. (Blank).

I. "Habitual residence" has the meaning ascribed to it in the federal 
Intercountry Adoption Act of 2000 and regulations promulgated 
thereunder.

New matter indicated by italics - deletions by strikeout
J. "Immediate relatives" means the biological parents, the parents of the biological parents and siblings of the biological parents.

K. "Intercountry adoption" is a process by which a child from a country other than the United States is adopted by persons who are habitual residents of the United States, or the child is a habitual resident of the United States who is adopted by persons who are habitual residents of a country other than the United States.

L. (Blank).

M. "Interstate Compact on the Placement of Children" is a law enacted by all states and certain territories for the purpose of establishing uniform procedures for handling the interstate placement of children in foster homes, adoptive homes, or other child care facilities.

N. (Blank).

O. "Preadoption requirements" means any conditions or standards established by the laws or administrative rules of this State that must be met by a prospective adoptive parent prior to the placement of a child in an adoptive home.

P. "Abused child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:

(a) inflicts, causes to be inflicted, or allows to be inflicted upon the child physical injury, by other than accidental means, that causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

(b) creates a substantial risk of physical injury to the child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

(c) commits or allows to be committed any sex offense against the child, as sex offenses are defined in the Criminal Code of 2012 and extending those definitions of sex offenses to include children under 18 years of age;

(d) commits or allows to be committed an act or acts of torture upon the child; or

(e) inflicts excessive corporal punishment.

Q. "Neglected child" means any child whose parent or other person responsible for the child's welfare withholds or denies nourishment or medically indicated treatment including food or care denied solely on the
basis of the present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise does not provide the proper or necessary support, education as required by law, or medical or other remedial care recognized under State law as necessary for a child's well-being, or other care necessary for his or her well-being, including adequate food, clothing and shelter; or who is abandoned by his or her parents or other person responsible for the child's welfare.

A child shall not be considered neglected or abused for the sole reason that the child's parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care as provided under Section 4 of the Abused and Neglected Child Reporting Act. A child shall not be considered neglected or abused for the sole reason that the child's parent or other person responsible for the child's welfare failed to vaccinate, delayed vaccination, or refused vaccination for the child due to a waiver on religious or medical grounds as permitted by law.

R. "Putative father" means a man who may be a child's father, but who (1) is not married to the child's mother on or before the date that the child was or is to be born and (2) has not established paternity of the child in a court proceeding before the filing of a petition for the adoption of the child. The term includes a male who is less than 18 years of age. "Putative father" does not mean a man who is the child's father as a result of criminal sexual abuse or assault as defined under Article 11 of the Criminal Code of 2012.

S. "Standby adoption" means an adoption in which a parent consents to custody and termination of parental rights to become effective upon the occurrence of a future event, which is either the death of the parent or the request of the parent for the entry of a final judgment of adoption.

T. (Blank).

T-5. "Biological parent", "birth parent", or "natural parent" of a child are interchangeable terms that mean a person who is biologically or genetically related to that child as a parent.

U. "Interstate adoption" means the placement of a minor child with a prospective adoptive parent for the purpose of pursuing an adoption for that child that is subject to the provisions of the Interstate Compact on Placement of Children.

V. (Blank).

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W. (Blank).

X. "Legal father" of a child means a man who is recognized as or presumed to be that child's father:

(1) because of his marriage to or civil union with the child's parent at the time of the child's birth or within 300 days prior to that child's birth, unless he signed a denial of paternity pursuant to Section 12 of the Vital Records Act or a waiver pursuant to Section 10 of this Act; or

(2) because his paternity of the child has been established pursuant to the Illinois Parentage Act, the Illinois Parentage Act of 1984, or the Gestational Surrogacy Act; or

(3) because he is listed as the child's father or parent on the child's birth certificate, unless he is otherwise determined by an administrative or judicial proceeding not to be the parent of the child or unless he rescinds his acknowledgment of paternity pursuant to the Illinois Parentage Act of 1984; or

(4) because his paternity or adoption of the child has been established by a court of competent jurisdiction.

The definition in this subsection X shall not be construed to provide greater or lesser rights as to the number of parents who can be named on a final judgment order of adoption or Illinois birth certificate that otherwise exist under Illinois law.

Y. "Legal mother" of a child means a woman who is recognized as or presumed to be that child's mother:

(1) because she gave birth to the child except as provided in the Gestational Surrogacy Act; or

(2) because her maternity of the child has been established pursuant to the Illinois Parentage Act of 1984 or the Gestational Surrogacy Act; or

(3) because her maternity or adoption of the child has been established by a court of competent jurisdiction; or

(4) because of her marriage to or civil union with the child's other parent at the time of the child's birth or within 300 days prior to the time of birth; or

(5) because she is listed as the child's mother or parent on the child's birth certificate unless she is otherwise determined by an administrative or judicial proceeding not to be the parent of the child.
The definition in this subsection Y shall not be construed to provide greater or lesser rights as to the number of parents who can be named on a final judgment order of adoption or Illinois birth certificate that otherwise exist under Illinois law.

Z. "Department" means the Illinois Department of Children and Family Services.

AA. "Placement disruption" means a circumstance where the child is removed from an adoptive placement before the adoption is finalized.

BB. "Secondary placement" means a placement, including but not limited to the placement of a ward of the Department, that occurs after a placement disruption or an adoption dissolution. "Secondary placement" does not mean secondary placements arising due to the death of the adoptive parent of the child.

CC. "Adoption dissolution" means a circumstance where the child is removed from an adoptive placement after the adoption is finalized.

DD. "Unregulated placement" means the secondary placement of a child that occurs without the oversight of the courts, the Department, or a licensed child welfare agency.

EE. "Post-placement and post-adoption support services" means support services for placed or adopted children and families that include, but are not limited to, counseling for emotional, behavioral, or developmental needs.

(Source: P.A. 98-455, eff. 1-1-14; 98-532, eff. 1-1-14; 98-804, eff. 1-1-15; 99-49, eff. 7-15-15; 99-85, eff. 1-1-16; revised 8-4-15.)

Passed in the General Assembly May 26, 2016.
Approved August 19, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0837
(House Bill No. 5610)

AN ACT concerning local government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Fire Protection District Act is amended by changing Section 11b as follows:

(70 ILCS 705/11b) (from Ch. 127 1/2, par. 31b)

Sec. 11b. (a) In case any fire protection district organized hereunder is coterminous with or includes within its corporate limits in

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whole or in part any city, village or incorporated town authorized to provide protection from fire and to regulate the prevention and control of fire within such city, village or incorporated town and to levy taxes for any such purposes, then such city, village or incorporated town shall not exercise any such powers as necessarily conflict with the powers to be exercised by such district in respect to such fire protection and regulation within the fire protection district from and after the date that it receives written notice from the State Fire Marshal to cease or refrain from the operation of any fire protection facilities and the exercise of such powers, which notice shall be given only after the State Fire Marshal has ascertained that the Fire Protection District has placed its fire protection facilities in operation. Such city, village or incorporated town shall not thereafter own, operate, maintain, manage, control or have an interest in any fire protection facilities located within the corporate limits of the fire protection district, except water mains and hydrants and except as otherwise provided in this Act. Where any city, village, or incorporated town with 500 or more residents is in fact owning, operating, and maintaining a fire department or fire departments located in whole or in part within or adjacent to the corporate limits of a fire protection district organized under this Act, such city, village, or incorporated town shall not cease operating and maintaining the fire department or departments unless such proposed cessation of services is first submitted by referendum to voters, as provided by Section 15b of this Act. In addition, where any city, village, or incorporated town is in fact owning, operating, and maintaining a fire department or fire departments located within the corporate limits of a fire protection district organized under this Act, such city, village, or incorporated town shall be paid and reimbursed for its actual expenditures and for all existing obligations incurred, including all pension and annuity plans applicable to the maintenance of fire protection facilities theretofore made in establishing such facilities and in acquiring, constructing, improving or developing any such existing facilities in the manner provided for by this Act. The terms of payment shall provide for reimbursement in full within not less than 20 years from the date of such agreement.

(b) Notwithstanding subsection (a) of this Section, no fire protection district adjacent to any city, village, or incorporated town will be required to assume responsibility for fire protection or other emergency services to such city, village, or incorporated town which discontinues its municipal fire department under Section 15b of this Act

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unless the Board of Trustees of the adjacent fire protection district has by resolution, ordinance, or intergovernmental agreement, agreed to provide such services.
(Source: P.A. 98-666, eff. 1-1-15; 99-78, eff. 7-20-15.)

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

Approved August 19, 2016.
Effective August 19, 2016.

PUBLIC ACT 99-0838
(House Bill No. 5656)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Children and Family Services Act is amended by changing Section 35.8 and by adding Section 35.9 as follows:

(20 ILCS 505/35.8)
Sec. 35.8. Grandparent and great-grandparent visitation rules; review. Not later than 6 months after the effective date of this amendatory Act of the 99th General Assembly, and every 5 years thereafter, the Department shall review the rules on granting visitation privileges to a non-custodial grandparent or great-grandparent of a child who is in the care and custody of the Department.
(Source: P.A. 99-341, eff. 8-11-15.)
(20 ILCS 505/35.9 new)
Sec. 35.9. Visitation privileges; grandparents and great-grandparents.
(a) The Department shall make reasonable efforts and accommodations to provide for visitation privileges to a non-custodial grandparent or great-grandparent of a child who is in the care and custody of the Department. Any visitation privileges provided under this Section shall be separate and apart from any visitation privileges provided to a parent of the child. The Department shall provide visitation privileges only if doing so is in the child's best interest, taking into consideration the factors set out in subsection (4.05) of Section 1-3 of the Juvenile Court Act of 1987 and the following additional factors:

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(1) the mental and physical health of the grandparent or great-grandparent;
(2) the quantity of the visitation time requested and the potential adverse impact that visitation would have on the child's customary activities;
(3) any other fact that establishes that the loss of the relationship between the child and the grandparent or great-grandparent is likely to unduly harm the child's mental, physical, or emotional health; and
(4) whether visitation can be structured in a way to minimize the child's exposure to conflicts between adult family members.

(b) Any visitation privileges provided under this Section shall automatically terminate upon the child leaving the care or custody of the Department.

(c) The Department may deny a request for visitation after considering the criteria provided under subsection (a) in addition to any other criteria the Department deems necessary. If the Department determines that a grandparent or great-grandparent is inappropriate to serve as a visitation resource and denies visitation, the Department shall:
(i) document the basis of its determination and maintain the documentation in the child's case file and (ii) inform the grandparent or great-grandparent of his or her right to a clinical review in accordance with Department rules and procedures. The Department may adopt any rules necessary to implement this Section.

Approved August 19, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0839
(House Bill No. 5665)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Children and Family Services Act is amended by adding Section 7.3a as follows:
(20 ILCS 505/7.3a new)
Sec. 7.3a. Normalcy parenting for children in foster care; participation in childhood activities.

(a) Legislative findings.

(1) Every day parents make important decisions about their child's participation in extracurricular activities. Caregivers for children in out-of-home care are faced with making the same decisions.

(2) When a caregiver makes decisions, he or she must consider applicable laws, rules, and regulations to safeguard the health, safety, and best interests of a child in out-of-home care.

(3) Participation in extracurricular activities is important to a child's well-being, not only emotionally, but also in developing valuable life skills.

(4) The General Assembly recognizes the importance of making every effort to normalize the lives of children in out-of-home care and to empower a caregiver to approve or not approve a child's participation in appropriate extracurricular activities based on the caregiver's own assessment using the reasonable and prudent parent standard, without prior approval of the Department, the caseworker, or the court.

(5) Nothing in this Section shall be presumed to discourage or diminish the engagement of families and guardians in the child's life activities.

(b) Definitions. As used in this Section:

"Appropriate activities" means activities or items that are generally accepted as suitable for children of the same chronological age or developmental level of maturity. Appropriateness is based on the development of cognitive, emotional, physical, and behavioral capacity that is typical for an age or age group, taking into account the individual child's cognitive, emotional, physical, and behavioral development.

"Caregiver" means a person with whom the child is placed in out-of-home care or a designated official for child care facilities licensed by the Department as defined in the Child Care Act of 1969.

"Reasonable and prudent parent standard" means the standard characterized by careful and sensible parental decisions that maintain the child's health, safety, and best interests while at the same time supporting the child's emotional and developmental growth that a caregiver shall use when determining whether to allow a child in out-of-home care to participate in extracurricular, enrichment, cultural, and social activities.

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(c) Requirements for decision-making.

(1) Each child who comes into the care and custody of the Department is fully entitled to participate in appropriate extracurricular, enrichment, cultural, and social activities in a manner that allows that child to participate in his or her community to the fullest extent possible.

(2) Caregivers must use the reasonable and prudent parent standard in determining whether to give permission for a child in out-of-home care to participate in appropriate extracurricular, enrichment, cultural, and social activities. Caregivers are expected to promote and support a child's participation in such activities. When using the reasonable and prudent parent standard, the caregiver shall consider:

(A) the child's age, maturity, and developmental level to promote the overall health, safety, and best interests of the child;

(B) the best interest of the child based on information known by the caregiver;

(C) the importance and fundamental value of encouraging the child's emotional and developmental growth gained through participation in activities in his or her community;

(D) the importance and fundamental value of providing the child with the most family-like living experience possible; and

(E) the behavioral history of the child and the child's ability to safely participate in the proposed activity.

(3) A caregiver is not liable for harm caused to a child in out-of-home care who participates in an activity approved by the caregiver, provided that the caregiver has acted as a reasonable and prudent parent in permitting the child to engage in the activity.

(d) Rulemaking. The Department shall adopt, by rule, procedures no later than June 1, 2017 that promote and protect the ability of children to participate in appropriate extracurricular, enrichment, cultural, and social activities.

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

Approved August 19, 2016.

New matter indicated by italics - deletions by strikeout
Effective August 19, 2016.

PUBLIC ACT 99-0840
(House Bill No. 5918)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Sections 27A-9 and 27A-11.5 as follows:

(105 ILCS 5/27A-9)
Sec. 27A-9. Term of charter; renewal.
(a) For charters granted before the effective date of this amendatory Act of the 99th General Assembly, a charter may be granted for a period not less than 5 and not more than 10 school years. For charters granted on or after the effective date of this amendatory Act of the 99th General Assembly, a charter shall be granted for a period of 5 school years. For charters renewed before the effective date of this amendatory Act of the 99th General Assembly, a charter may be renewed in incremental periods not to exceed 5 school years. For charters renewed on or after the effective date of this amendatory Act of the 99th General Assembly, a charter may be renewed in incremental periods not to exceed 10 school years; however, the Commission may renew a charter only in incremental periods not to exceed 5 years. Authorizers shall ensure that every charter granted on or after the effective date of this amendatory Act of the 99th General Assembly includes standards and goals for academic, organizational, and financial performance. A charter must meet all standards and goals for academic, organizational, and financial performance set forth by the authorizer in order to be renewed for a term in excess of 5 years but not more than 10 years. If an authorizer fails to establish standards and goals, a charter shall not be renewed for a term in excess of 5 years. Nothing contained in this Section shall require an authorizer to grant a full 10-year renewal term to any particular charter school, but an authorizer may award a full 10-year renewal term to charter schools that have a demonstrated track record of improving student performance.
(b) A charter school renewal proposal submitted to the local school board or the Commission, as the chartering entity, shall contain:

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(1) A report on the progress of the charter school in achieving the goals, objectives, pupil performance standards, content standards, and other terms of the initial approved charter proposal; and

(2) A financial statement that discloses the costs of administration, instruction, and other spending categories for the charter school that is understandable to the general public and that will allow comparison of those costs to other schools or other comparable organizations, in a format required by the State Board.

(c) A charter may be revoked or not renewed if the local school board or the Commission, as the chartering entity, clearly demonstrates that the charter school did any of the following, or otherwise failed to comply with the requirements of this law:

(1) Committed a material violation of any of the conditions, standards, or procedures set forth in the charter.

(2) Failed to meet or make reasonable progress toward achievement of the content standards or pupil performance standards identified in the charter.

(3) Failed to meet generally accepted standards of fiscal management.

(4) Violated any provision of law from which the charter school was not exempted.

In the case of revocation, the local school board or the Commission, as the chartering entity, shall notify the charter school in writing of the reason why the charter is subject to revocation. The charter school shall submit a written plan to the local school board or the Commission, whichever is applicable, to rectify the problem. The plan shall include a timeline for implementation, which shall not exceed 2 years or the date of the charter's expiration, whichever is earlier. If the local school board or the Commission, as the chartering entity, finds that the charter school has failed to implement the plan of remediation and adhere to the timeline, then the chartering entity shall revoke the charter. Except in situations of an emergency where the health, safety, or education of the charter school's students is at risk, the revocation shall take place at the end of a school year. Nothing in this amendatory Act of the 96th General Assembly shall be construed to prohibit an implementation timetable that is less than 2 years in duration.

(d) (Blank).
(e) Notice of a local school board's decision to deny, revoke or not to renew a charter shall be provided to the Commission and the State Board. The Commission may reverse a local board's decision if the Commission finds that the charter school or charter school proposal (i) is in compliance with this Article, and (ii) is in the best interests of the students it is designed to serve. The Commission may condition the granting of an appeal on the acceptance by the charter school of funding in an amount less than that requested in the proposal submitted to the local school board. Final decisions of the Commission shall be subject to judicial review under the Administrative Review Law.

(f) Notwithstanding other provisions of this Article, if the Commission on appeal reverses a local board's decision or if a charter school is approved by referendum, the Commission shall act as the authorized chartering entity for the charter school. The Commission shall approve the charter and shall perform all functions under this Article otherwise performed by the local school board. The State Board shall determine whether the charter proposal approved by the Commission is consistent with the provisions of this Article and, if the approved proposal complies, certify the proposal pursuant to this Article. The State Board shall report the aggregate number of charter school pupils resident in a school district to that district and shall notify the district of the amount of funding to be paid by the State Board to the charter school enrolling such students. The Commission shall require the charter school to maintain accurate records of daily attendance that shall be deemed sufficient to file claims under Section 18-8.05 notwithstanding any other requirements of that Section regarding hours of instruction and teacher certification. The State Board shall withhold from funds otherwise due the district the funds authorized by this Article to be paid to the charter school and shall pay such amounts to the charter school.

(g) For charter schools authorized by the Commission, the Commission shall quarterly certify to the State Board the student enrollment for each of its charter schools.

(h) For charter schools authorized by the Commission, the State Board shall pay directly to a charter school any federal or State aid attributable to a student with a disability attending the school.

(Source: P.A. 97-152, eff. 7-20-11; 98-739, eff. 7-16-14.)

(105 ILCS 5/27A-11.5)

Sec. 27A-11.5. State financing. The State Board of Education shall make the following funds available to school districts and charter schools:

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(1) From a separate appropriation made to the State Board for purposes of this subdivision (1), the State Board shall make transition impact aid available to school districts that approve a new charter school or that have funds withheld by the State Board to fund a new charter school that is chartered by the Commission. The amount of the aid shall equal 90% of the per capita funding paid to the charter school during the first year of its initial charter term, 65% of the per capita funding paid to the charter school during the second year of its initial term, and 35% of the per capita funding paid to the charter school during the third year of its initial term. This transition impact aid shall be paid to the local school board in equal quarterly installments, with the payment of the installment for the first quarter being made by August 1st immediately preceding the first, second, and third years of the initial term. The district shall file an application for this aid with the State Board in a format designated by the State Board. If the appropriation is insufficient in any year to pay all approved claims, the impact aid shall be prorated. However, for fiscal year 2004, the State Board of Education shall pay approved claims only for charter schools with a valid charter granted prior to June 1, 2003. If any funds remain after these claims have been paid, then the State Board of Education may pay all other approved claims on a pro rata basis. Transition impact aid shall be paid beginning in the 1999-2000 school year for charter schools that are in the first, second, or third year of their initial term. Transition impact aid shall not be paid for any charter school that is proposed and created by one or more boards of education, as authorized under the provisions of Public Act 91-405.

(2) From a separate appropriation made for the purpose of this subdivision (2), the State Board shall make grants to charter schools to pay their start-up costs of acquiring educational materials and supplies, textbooks, electronic textbooks and the technological equipment necessary to gain access to and use electronic textbooks, furniture, and other equipment or materials needed during their initial term. The State Board shall annually establish the time and manner of application for these grants, which shall not exceed $250 per student enrolled in the charter school.

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(3) The Charter Schools Revolving Loan Fund is created as a special fund in the State treasury. Federal funds, such other funds as may be made available for costs associated with the establishment of charter schools in Illinois, and amounts repaid by charter schools that have received a loan from the Charter Schools Revolving Loan Fund shall be deposited into the Charter Schools Revolving Loan Fund, and the moneys in the Charter Schools Revolving Loan Fund shall be appropriated to the State Board and used to provide interest-free loans to charter schools. These funds shall be used to pay start-up costs of acquiring educational materials and supplies, textbooks, electronic textbooks and the technological equipment necessary to gain access to and use electronic textbooks, furniture, and other equipment or materials needed in the initial term of the charter school and for acquiring and remodeling a suitable physical plant, within the initial term of the charter school. Loans shall be limited to one loan per charter school and shall not exceed $750 $250 per student enrolled in the charter school. A loan shall be repaid by the end of the initial term of the charter school. The State Board may deduct amounts necessary to repay the loan from funds due to the charter school or may require that the local school board that authorized the charter school deduct such amounts from funds due the charter school and remit these amounts to the State Board, provided that the local school board shall not be responsible for repayment of the loan. The State Board may use up to 3% of the appropriation to contract with a non-profit entity to administer the loan program.

(4) A charter school may apply for and receive, subject to the same restrictions applicable to school districts, any grant administered by the State Board that is available for school districts.

(Source: P.A. 98-739, eff. 7-16-14.)
Passed in the General Assembly May 29, 2016.
Approved August 19, 2016.
Effective January 1, 2017.

New matter indicated by italics - deletions by strikeout
AN ACT concerning employment.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Employee Sick Leave Act.

Section 5. Definitions. In this Act:
"Department" means the Department of Labor.
"Personal sick leave benefits" means time accrued and available to an employee to be used as a result of absence from work due to personal illness, injury, or medical appointment, but does not include absences from work for which compensation is provided through an employer's plan.

Section 10. Use of leave; limitations.
(a) An employee may use personal sick leave benefits provided by the employer for absences due to an illness, injury, or medical appointment of the employee's child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent, for reasonable periods of time as the employee's attendance may be necessary, on the same terms upon which the employee is able to use sick leave benefits for the employee's own illness or injury.

(b) An employer may limit the use of personal sick leave benefits provided by the employer for absences due to an illness, injury, or medical appointment of the employee's child, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent to an amount not less than the personal sick leave that would be accrued during 6 months at the employee's then current rate of entitlement.

(c) An employer who has a paid time off policy that would otherwise provide benefits as required under subsections (a) and (b) shall not be required to modify such policy.

Section 15. Rights and remedies. The rights and remedies specified in this Act are in addition to any other rights or remedies afforded by contract or under other provisions of law. This Act does not prevent an employer from providing greater sick leave benefits than are provided for under this Act. This Act does not extend the maximum period of leave to which an employee is entitled under the federal Family and Medical Leave Act of 1993, regardless of whether the employee receives sick leave compensation during that leave.

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Section 20. Retaliation prohibited. An employer shall not deny an employee the right to use personal sick leave benefits in accordance with this Act or discharge, threaten to discharge, demote, suspend, or in any manner discriminate against an employee for using personal sick leave benefits, attempting to exercise the right to use personal sick leave benefits, filing a complaint with the Illinois Department of Labor or alleging a violation of this Act, cooperating in an investigation or prosecution of an alleged violation of this Act, or opposing any policy or practice or act that is prohibited by this Act.

Section 25. Rules. The Department is prohibited from adopting any rules in contravention of this Act.

Section 99. Effective date. This Act takes effect on January 1, 2017.

Approved August 19, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0842
(House Bill No. 6302)

AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Prepaid Tuition Act is amended by changing Section 10 as follows:

(110 ILCS 979/10)

Sec. 10. Definitions. In this Act:
"Illinois public university" means the University of Illinois, Illinois State University, Chicago State University, Governors State University, Southern Illinois University, Northern Illinois University, Eastern Illinois University, Western Illinois University, or Northeastern Illinois University.

"Illinois community college" means a public community college as defined in Section 1-2 of the Public Community College Act.

"Eligible institution" means an eligible educational institution as defined in Section 529 of the federal Internal Revenue Code of 1986 and any regulations thereunder, institution of higher learning, as defined in Section 10 of the Higher Education Student Assistance Act, whose students are eligible to receive benefits under Section 529(a) of the
Internal Revenue Code of 1986, as specified by the federal Small Business Act of 1996 and subsequent amendments to this federal law.

"Illinois prepaid tuition contract" or "contract" means a contract entered into between the State and a Purchaser under Section 45 to provide for the higher education of a qualified beneficiary.

"Illinois prepaid tuition program" or "program" means the program created in Section 15.

"Purchaser" means a person who makes or has contracted to make payments under an Illinois prepaid tuition contract.

"Public institution of higher education" means an Illinois public university or Illinois community college.

"Nonpublic institution of higher education" means any eligible institution, other than a public institution of higher education.

"Qualified beneficiary" means (i) anyone who has been a resident of this State for at least 12 months prior to the date of the contract, or (ii) a nonresident, so long as the purchaser has been a resident of the State for at least 12 months prior to the date of the contract, or (iii) any person less than one year of age whose parent or legal guardian has been a resident of this State for at least 12 months prior to the date of the contract.

"Tuition" means the quarter or semester charges imposed on a qualified beneficiary to attend an eligible institution.

"Mandatory Fees" means those quarter or semester fees imposed upon all students enrolled at an eligible institution.

"Registration Fees" means the charges derived by combining tuition and mandatory fees.

"Contract Unit" means 15 credit hours of instruction at an eligible institution.

"Panel" means the investment advisory panel created under Section 20.

"Commission" means the Illinois Student Assistance Commission.

(Source: P.A. 96-1282, eff. 7-26-10.)

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

Passed in the General Assembly May 29, 2016.
Approved August 19, 2016.
Effective August 19, 2016.
AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Section 22-30 as follows:

(105 ILCS 5/22-30)

Sec. 22-30. Self-administration and self-carry of asthma medication and epinephrine auto-injectors; administration of undesigned epinephrine auto-injectors; administration of an opioid antagonist; asthma episode emergency response protocol.

(a) For the purpose of this Section only, the following terms shall have the meanings set forth below:

"Asthma action plan" means a written plan developed with a pupil's medical provider to help control the pupil's asthma. The goal of an asthma action plan is to reduce or prevent flare-ups and emergency department visits through day-to-day management and to serve as a student-specific document to be referenced in the event of an asthma episode.

"Asthma episode emergency response protocol" means a procedure to provide assistance to a pupil experiencing symptoms of wheezing, coughing, shortness of breath, chest tightness, or breathing difficulty.

"Asthma inhaler" means a quick reliever asthma inhaler.

"Epinephrine auto-injector" means a single-use device used for the automatic injection of a pre-measured dose of epinephrine into the human body.

"Asthma medication" means a medicine, prescribed by (i) a physician licensed to practice medicine in all its branches, (ii) a licensed physician assistant with prescriptive authority, or (iii) a licensed advanced practice nurse with prescriptive authority for a pupil that pertains to the pupil's asthma and that has an individual prescription label.

"Opioid antagonist" means a drug that binds to opioid receptors and blocks or inhibits the effect of opioids acting on those receptors, including, but not limited to, naloxone hydrochloride or any other similarly acting drug approved by the U.S. Food and Drug Administration.

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"School nurse" means a registered nurse working in a school with or without licensure endorsed in school nursing.

"Self-administration" means a pupil's discretionary use of his or her prescribed asthma medication or epinephrine auto-injector.

"Self-carry" means a pupil's ability to carry his or her prescribed asthma medication or epinephrine auto-injector.

"Standing protocol" may be issued by (i) a physician licensed to practice medicine in all its branches, (ii) a licensed physician assistant with prescriptive authority, or (iii) a licensed advanced practice nurse with prescriptive authority.

"Trained personnel" means any school employee or volunteer personnel authorized in Sections 10-22.34, 10-22.34a, and 10-22.34b of this Code who has completed training under subsection (g) of this Section to recognize and respond to anaphylaxis.

"Undesignated epinephrine auto-injector" means an epinephrine auto-injector prescribed in the name of a school district, public school, or nonpublic school.

(b) A school, whether public or nonpublic, must permit the self-administration and self-carry of asthma medication by a pupil with asthma or the self-administration and self-carry of an epinephrine auto-injector by a pupil, provided that:

(1) the parents or guardians of the pupil provide to the school (i) written authorization from the parents or guardians for (A) the self-administration and self-carry of asthma medication or (B) the self-carry of asthma medication or (ii) for (A) the self-administration and self-carry of an epinephrine auto-injector or (B) the self-carry of an epinephrine auto-injector, written authorization from the pupil's physician, physician assistant, or advanced practice nurse; and

(2) the parents or guardians of the pupil provide to the school (i) the prescription label, which must contain the name of the asthma medication, the prescribed dosage, and the time at which or circumstances under which the asthma medication is to be administered, or (ii) for the self-administration or self-carry of an epinephrine auto-injector, a written statement from the pupil's physician, physician assistant, or advanced practice nurse containing the following information:

(A) the name and purpose of the epinephrine auto-injector;

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(B) the prescribed dosage; and
(C) the time or times at which or the special circumstances under which the epinephrine auto-injector is to be administered.

The information provided shall be kept on file in the office of the school nurse or, in the absence of a school nurse, the school's administrator.

(b-5) A school district, public school, or nonpublic school may authorize the provision of a student-specific or undesignated epinephrine auto-injector to a student or any personnel authorized under a student's Individual Health Care Action Plan, Illinois Food Allergy Emergency Action Plan and Treatment Authorization Form, or plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 to administer an epinephrine auto-injector to the student, that meets the student's prescription on file.

(b-10) The school district, public school, or nonpublic school may authorize a school nurse or trained personnel to do the following: (i) provide an undesignated epinephrine auto-injector to a student for self-administration only or any personnel authorized under a student's Individual Health Care Action Plan, Illinois Food Allergy Emergency Action Plan and Treatment Authorization Form, or plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 to administer to the student, that meets the student's prescription on file; (ii) administer an undesignated epinephrine auto-injector that meets the prescription on file to any student who has an Individual Health Care Action Plan, Illinois Food Allergy Emergency Action Plan and Treatment Authorization Form, or plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 that authorizes the use of an epinephrine auto-injector; (iii) administer an undesignated epinephrine auto-injector to any person that the school nurse or trained personnel in good faith believes is having an anaphylactic reaction; and (iv) administer an opioid antagonist to any person that the school nurse or trained personnel in good faith believes is having an opioid overdose.

(c) The school district, public school, or nonpublic school must inform the parents or guardians of the pupil, in writing, that the school district, public school, or nonpublic school and its employees and agents, including a physician, physician assistant, or advanced practice nurse providing standing protocol or prescription for school epinephrine auto-injectors, are to incur no liability or professional discipline, except for willful and wanton conduct, as a result of any injury arising from the

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administration of asthma medication, an epinephrine auto-injector, or an opioid antagonist regardless of whether authorization was given by the pupil's parents or guardians or by the pupil's physician, physician assistant, or advanced practice nurse. The parents or guardians of the pupil must sign a statement acknowledging that the school district, public school, or nonpublic school and its employees and agents are to incur no liability, except for willful and wanton conduct, as a result of any injury arising from the administration of asthma medication, an epinephrine auto-injector, or an opioid antagonist regardless of whether authorization was given by the pupil's parents or guardians or by the pupil's physician, physician assistant, or advanced practice nurse and that the parents or guardians must indemnify and hold harmless the school district, public school, or nonpublic school and its employees and agents against any claims, except a claim based on willful and wanton conduct, arising out of the administration of asthma medication, an epinephrine auto-injector, or an opioid antagonist regardless of whether authorization was given by the pupil's parents or guardians or by the pupil's physician, physician assistant, or advanced practice nurse.

(c-5) When a school nurse or trained personnel administers an undesignated epinephrine auto-injector to a person whom the school nurse or trained personnel in good faith believes is having an anaphylactic reaction; or administers an opioid antagonist to a person whom the school nurse or trained personnel in good faith believes is having an opioid overdose, notwithstanding the lack of notice to the parents or guardians of the pupil or the absence of the parents or guardians signed statement acknowledging no liability, except for willful and wanton conduct, the school district, public school, or nonpublic school and its employees and agents, and a physician, a physician assistant, or an advanced practice nurse providing standing protocol or prescription for undesignated epinephrine auto-injectors, are to incur no liability or professional discipline, except for willful and wanton conduct, as a result of any injury arising from the use of an undesignated epinephrine auto-injector or the use of an opioid antagonist regardless of whether authorization was given by the pupil's parents or guardians or by the pupil's physician, physician assistant, or advanced practice nurse.

(d) The permission for self-administration and self-carry of asthma medication or the self-administration and self-carry of an epinephrine auto-injector is effective for the school year for which it is granted and

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shall be renewed each subsequent school year upon fulfillment of the requirements of this Section.

(e) Provided that the requirements of this Section are fulfilled, a pupil with asthma may self-administer and self-carry his or her asthma medication or a pupil may self-administer and self-carry an epinephrine auto-injector (i) while in school, (ii) while at a school-sponsored activity, (iii) while under the supervision of school personnel, or (iv) before or after normal school activities, such as while in before-school or after-school care on school-operated property.

(e-5) Provided that the requirements of this Section are fulfilled, a school nurse or trained personnel may administer an undesignated epinephrine auto-injector to any person whom the school nurse or trained personnel in good faith believes to be having an anaphylactic reaction (i) while in school, (ii) while at a school-sponsored activity, (iii) while under the supervision of school personnel, or (iv) before or after normal school activities, such as while in before-school or after-school care on school-operated property. A school nurse or trained personnel may carry undesignated epinephrine auto-injectors on his or her person while in school or at a school-sponsored activity.

(e-10) Provided that the requirements of this Section are fulfilled, a school nurse or trained personnel may administer an opioid antagonist to any person whom the school nurse or trained personnel in good faith believes to be having an opioid overdose (i) while in school, (ii) while at a school-sponsored activity, (iii) while under the supervision of school personnel, or (iv) before or after normal school activities, such as while in before-school or after-school care on school-operated property. A school nurse or trained personnel may carry an opioid antagonist on their person while in school or at a school-sponsored activity.

(f) The school district, public school, or nonpublic school may maintain a supply of undesignated epinephrine auto-injectors in any secure location where an allergic person is most at risk, including, but not limited to, classrooms and lunchrooms. A physician, a physician assistant who has been delegated prescriptive authority in accordance with Section 7.5 of the Physician Assistant Practice Act of 1987, or an advanced practice nurse who has been delegated prescriptive authority in accordance with Section 65-40 of the Nurse Practice Act may prescribe undesignated epinephrine auto-injectors in the name of the school district, public school, or nonpublic school to be maintained for use when necessary. Any supply of

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epinephrine auto-injectors shall be maintained in accordance with the manufacturer's instructions.

The school district, public school, or nonpublic school may maintain a supply of an opioid antagonist in any secure location where an individual may have an opioid overdose. A health care professional who has been delegated prescriptive authority for opioid antagonists in accordance with Section 5-23 of the Alcoholism and Other Drug Abuse and Dependency Act may prescribe opioid antagonists in the name of the school district, public school, or nonpublic school, to be maintained for use when necessary. Any supply of opioid antagonists shall be maintained in accordance with the manufacturer's instructions.

(f-5) Upon any administration of an epinephrine auto-injector, a school district, public school, or nonpublic school must immediately activate the EMS system and notify the student's parent, guardian, or emergency contact, if known.

Upon any administration of an opioid antagonist, a school district, public school, or nonpublic school must immediately activate the EMS system and notify the student's parent, guardian, or emergency contact, if known.

(f-10) Within 24 hours of the administration of an undesignated epinephrine auto-injector, a school district, public school, or nonpublic school must notify the physician, physician assistant, or advanced practice nurse who provided the standing protocol or prescription for the undesignated epinephrine auto-injector of its use.

Within 24 hours after the administration of an opioid antagonist, a school district, public school, or nonpublic school must notify the health care professional who provided the prescription for the opioid antagonist of its use.

(g) Prior to the administration of an undesignated epinephrine auto-injector, trained personnel must submit to their school's administration proof of completion of a training curriculum to recognize and respond to anaphylaxis that meets the requirements of subsection (h) of this Section. Training must be completed annually. Trained personnel must also submit to their school's administration proof of cardiopulmonary resuscitation and automated external defibrillator certification. The school district, public school, or nonpublic school must maintain records related to the training curriculum and trained personnel.

Prior to the administration of an opioid antagonist, trained personnel must submit to their school's administration proof of completion

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of a training curriculum to recognize and respond to an opioid overdose, which curriculum must meet the requirements of subsection (h-5) of this Section. Training must be completed annually. Trained personnel must also submit to the school's administration proof of cardiopulmonary resuscitation and automated external defibrillator certification. The school district, public school, or nonpublic school must maintain records relating to the training curriculum and the trained personnel.

(h) A training curriculum to recognize and respond to anaphylaxis, including the administration of an undesignated epinephrine auto-injector, may be conducted online or in person. It must include, but is not limited to:

1. how to recognize symptoms of an allergic reaction;
2. a review of high-risk areas within the school and its related facilities;
3. steps to take to prevent exposure to allergens;
4. how to respond to an emergency involving an allergic reaction;
5. how to administer an epinephrine auto-injector;
6. how to respond to a student with a known allergy as well as a student with a previously unknown allergy;
7. a test demonstrating competency of the knowledge required to recognize anaphylaxis and administer an epinephrine auto-injector; and
8. other criteria as determined in rules adopted pursuant to this Section.

In consultation with statewide professional organizations representing physicians licensed to practice medicine in all of its branches, registered nurses, and school nurses, the State Board of Education shall make available resource materials consistent with criteria in this subsection (h) for educating trained personnel to recognize and respond to anaphylaxis. The State Board may take into consideration the curriculum on this subject developed by other states, as well as any other curricular materials suggested by medical experts and other groups that work on life-threatening allergy issues. The State Board is not required to create new resource materials. The State Board shall make these resource materials available on its Internet website.

(h-5) A training curriculum to recognize and respond to an opioid overdose, including the administration of an opioid antagonist, may be conducted online or in person. The training must comply with any training

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requirements under Section 5-23 of the Alcoholism and Other Drug Abuse and Dependency Act and the corresponding rules. It must include, but is not limited to:

(1) how to recognize symptoms of an opioid overdose;
(2) information on drug overdose prevention and recognition;
(3) how to perform rescue breathing and resuscitation;
(4) how to respond to an emergency involving an opioid overdose;
(5) opioid antagonist dosage and administration;
(6) the importance of calling 911;
(7) care for the overdose victim after administration of the overdose antagonist;
(8) a test demonstrating competency of the knowledge required to recognize an opioid overdose and administer a dose of an opioid antagonist; and
(9) other criteria as determined in rules adopted pursuant to this Section.

(i) Within 3 days after the administration of an undesignated epinephrine auto-injector by a school nurse, trained personnel, or a student at a school or school-sponsored activity, the school must report to the State Board in a form and manner prescribed by the State Board the following information:

(1) age and type of person receiving epinephrine (student, staff, visitor);
(2) any previously known diagnosis of a severe allergy;
(3) trigger that precipitated allergic episode;
(4) location where symptoms developed;
(5) number of doses administered;
(6) type of person administering epinephrine (school nurse, trained personnel, student); and
(7) any other information required by the State Board.

(i-5) Within 3 days after the administration of an opioid antagonist by a school nurse or trained personnel, the school must report to the State Board, in a form and manner prescribed by the State Board, the following information:

(1) the age and type of person receiving the opioid antagonist (student, staff, or visitor);
(2) the location where symptoms developed;

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(3) the type of person administering the opioid antagonist 
(school nurse or trained personnel); and 

(4) any other information required by the State Board. 

(j) By October 1, 2015 and every year thereafter, the State Board 
shall submit a report to the General Assembly identifying the frequency 
and circumstances of epinephrine administration during the preceding 
academic year. This report shall be published on the State Board's Internet 
website on the date the report is delivered to the General Assembly. 

(j-5) Annually, each school district, public school, charter school, 
or nonpublic school shall request an asthma action plan from the parents 
or guardians of a pupil with asthma. If provided, the asthma action plan 
must be kept on file in the office of the school nurse or, in the absence of a 
school nurse, the school administrator. Copies of the asthma action plan 
may be distributed to appropriate school staff who interact with the pupil 
on a regular basis, and, if applicable, may be attached to the pupil's 
federal Section 504 plan or individualized education program plan. 

(j-10) To assist schools with emergency response procedures for 
asthma, the State Board of Education, in consultation with statewide 
professional organizations with expertise in asthma management and a 
statewide organization representing school administrators, shall develop 
a model asthma episode emergency response protocol before September 1, 
2016. Each school district, charter school, and nonpublic school shall 
adopt an asthma episode emergency response protocol before January 1, 
2017 that includes all of the components of the State Board's model 
protocol. 

(j-15) Every 2 years, school personnel who work with pupils shall 
complete an in-person or online training program on the management of 
asthma, the prevention of asthma symptoms, and emergency response in 
the school setting. In consultation with statewide professional 
oranizations with expertise in asthma management, the State Board of 
Education shall make available resource materials for educating school 
personnel about asthma and emergency response in the school setting. 

On or before October 1, 2016 and every year thereafter, the State 
Board shall submit a report to the General Assembly and the Department 
of Public Health identifying the frequency and circumstances of opioid 
antagonist administration during the preceding academic year. This report 
shall be published on the State Board's Internet website on the date the 
report is delivered to the General Assembly.
(k) The State Board may adopt rules necessary to implement this Section.  
(Source: P.A. 98-795, eff. 8-1-14; 99-173, eff. 7-29-15; 99-480, eff. 9-9-15; revised 10-13-15.)

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

Approved August 19, 2016.
Effective August 19, 2016.

PUBLIC ACT 99-0844
(Senate Bill No. 0140)

AN ACT concerning business.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Motor Vehicle Franchise Act is amended by changing Section 4 as follows:

Sec. 4. Unfair competition and practices.
(a) The unfair methods of competition and unfair and deceptive acts or practices listed in this Section are hereby declared to be unlawful. In construing the provisions of this Section, the courts may be guided by the interpretations of the Federal Trade Commission Act (15 U.S.C. 45 et seq.), as from time to time amended.
(b) It shall be deemed a violation for any manufacturer, factory branch, factory representative, distributor or wholesaler, distributor branch, distributor representative or motor vehicle dealer to engage in any action with respect to a franchise which is arbitrary, in bad faith or unconscionable and which causes damage to any of the parties or to the public.
(c) It shall be deemed a violation for a manufacturer, a distributor, a wholesaler, a distributor branch or division, a factory branch or division, or a wholesale branch or division, or officer, agent or other representative thereof, to coerce, or attempt to coerce, any motor vehicle dealer:

(1) to accept, buy or order any motor vehicle or vehicles, appliances, equipment, parts or accessories therefor, or any other commodity or commodities or service or services which such motor vehicle dealer has not voluntarily ordered or requested

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except items required by applicable local, state or federal law; or to require a motor vehicle dealer to accept, buy, order or purchase such items in order to obtain any motor vehicle or vehicles or any other commodity or commodities which have been ordered or requested by such motor vehicle dealer;

(2) to order or accept delivery of any motor vehicle with special features, appliances, accessories or equipment not included in the list price of the motor vehicles as publicly advertised by the manufacturer thereof, except items required by applicable law; or

(3) to order for anyone any parts, accessories, equipment, machinery, tools, appliances or any commodity whatsoever, except items required by applicable law.

(d) It shall be deemed a violation for a manufacturer, a distributor, a wholesaler, a distributor branch or division, or officer, agent or other representative thereof:

(1) to adopt, change, establish or implement a plan or system for the allocation and distribution of new motor vehicles to motor vehicle dealers which is arbitrary or capricious or to modify an existing plan so as to cause the same to be arbitrary or capricious;

(2) to fail or refuse to advise or disclose to any motor vehicle dealer having a franchise or selling agreement, upon written request therefor, the basis upon which new motor vehicles of the same line make are allocated or distributed to motor vehicle dealers in the State and the basis upon which the current allocation or distribution is being made or will be made to such motor vehicle dealer;

(3) to refuse to deliver in reasonable quantities and within a reasonable time after receipt of dealer's order, to any motor vehicle dealer having a franchise or selling agreement for the retail sale of new motor vehicles sold or distributed by such manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division or wholesale branch or division, any such motor vehicles as are covered by such franchise or selling agreement specifically publicly advertised in the State by such manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesale branch or division to be available for immediate delivery. However, the failure to deliver any motor vehicle shall not be considered a violation of this Act if such

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failure is due to an act of God, a work stoppage or delay due to a strike or labor difficulty, a shortage of materials, a lack of manufacturing capacity, a freight embargo or other cause over which the manufacturer, distributor, or wholesaler, or any agent thereof has no control;

(4) to coerce, or attempt to coerce, any motor vehicle dealer to enter into any agreement with such manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesale branch or division, or officer, agent or other representative thereof, or to do any other act prejudicial to the dealer by threatening to reduce his allocation of motor vehicles or cancel any franchise or any selling agreement existing between such manufacturer, distributor, wholesaler, distributor branch or division, or factory branch or division, or wholesale branch or division, and the dealer. However, notice in good faith to any motor vehicle dealer of the dealer's violation of any terms or provisions of such franchise or selling agreement or of any law or regulation applicable to the conduct of a motor vehicle dealer shall not constitute a violation of this Act;

(5) to require a franchisee to participate in an advertising campaign or contest or any promotional campaign, or to purchase or lease any promotional materials, training materials, show room or other display decorations or materials at the expense of the franchisee;

(6) to cancel or terminate the franchise or selling agreement of a motor vehicle dealer without good cause and without giving notice as hereinafter provided; to fail or refuse to extend the franchise or selling agreement of a motor vehicle dealer upon its expiration without good cause and without giving notice as hereinafter provided; or, to offer a renewal, replacement or succeeding franchise or selling agreement containing terms and provisions the effect of which is to substantially change or modify the sales and service obligations or capital requirements of the motor vehicle dealer arbitrarily and without good cause and without giving notice as hereinafter provided notwithstanding any term or provision of a franchise or selling agreement.

(A) If a manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division or wholesale branch or division intends to cancel or terminate

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a franchise or selling agreement or intends not to extend or renew a franchise or selling agreement on its expiration, it shall send a letter by certified mail, return receipt requested, to the affected franchisee at least 60 days before the effective date of the proposed action, or not later than 10 days before the proposed action when the reason for the action is based upon either of the following:

(i) the business operations of the franchisee have been abandoned or the franchisee has failed to conduct customary sales and service operations during customary business hours for at least 7 consecutive business days unless such closing is due to an act of God, strike or labor difficulty or other cause over which the franchisee has no control; or

(ii) the conviction of or plea of nolo contendere by the motor vehicle dealer or any operator thereof in a court of competent jurisdiction to an offense punishable by imprisonment for more than two years.

Each notice of proposed action shall include a detailed statement setting forth the specific grounds for the proposed cancellation, termination, or refusal to extend or renew and shall state that the dealer has only 30 days from receipt of the notice to file with the Motor Vehicle Review Board a written protest against the proposed action.

(B) If a manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division or wholesale branch or division intends to change substantially or modify the sales and service obligations or capital requirements of a motor vehicle dealer as a condition to extending or renewing the existing franchise or selling agreement of such motor vehicle dealer, it shall send a letter by certified mail, return receipt requested, to the affected franchisee at least 60 days before the date of expiration of the franchise or selling agreement. Each notice of proposed action shall include a detailed statement setting forth the specific grounds for the proposed action and shall state that the dealer has only 30 days from receipt
of the notice to file with the Motor Vehicle Review Board a written protest against the proposed action.

(C) Within 30 days from receipt of the notice under subparagraphs (A) and (B), the franchisee may file with the Board a written protest against the proposed action.

When the protest has been timely filed, the Board shall enter an order, fixing a date (within 60 days of the date of the order), time, and place of a hearing on the protest required under Sections 12 and 29 of this Act, and send by certified mail, return receipt requested, a copy of the order to the manufacturer that filed the notice of intention of the proposed action and to the protesting dealer or franchisee.

The manufacturer shall have the burden of proof to establish that good cause exists to cancel or terminate, or fail to extend or renew the franchise or selling agreement of a motor vehicle dealer or franchisee, and to change substantially or modify the sales and service obligations or capital requirements of a motor vehicle dealer as a condition to extending or renewing the existing franchise or selling agreement. The determination whether good cause exists to cancel, terminate, or refuse to renew or extend the franchise or selling agreement, or to change or modify the obligations of the dealer as a condition to offer renewal, replacement, or succession shall be made by the Board under subsection (d) of Section 12 of this Act.

(D) Notwithstanding the terms, conditions, or provisions of a franchise or selling agreement, the following shall not constitute good cause for cancelling or terminating or failing to extend or renew the franchise or selling agreement: (i) the change of ownership or executive management of the franchisee's dealership; or (ii) the fact that the franchisee or owner of an interest in the franchise owns, has an investment in, participates in the management of, or holds a license for the sale of the same or any other line make of new motor vehicles.

(E) The manufacturer may not cancel or terminate, or fail to extend or renew a franchise or selling agreement or change or modify the obligations of the franchisee as a
condition to offering a renewal, replacement, or succeeding franchise or selling agreement before the hearing process is concluded as prescribed by this Act, and thereafter, if the Board determines that the manufacturer has failed to meet its burden of proof and that good cause does not exist to allow the proposed action;

(7) notwithstanding the terms of any franchise agreement, to fail to indemnify and hold harmless its franchised dealers against any judgment or settlement for damages, including, but not limited to, court costs, expert witness fees, reasonable attorneys' fees of the new motor vehicle dealer, and other expenses incurred in the litigation, so long as such fees and costs are reasonable, arising out of complaints, claims or lawsuits including, but not limited to, strict liability, negligence, misrepresentation, warranty (express or implied), or rescission of the sale as defined in Section 2-608 of the Uniform Commercial Code, to the extent that the judgment or settlement relates to the alleged defective or negligent manufacture, assembly or design of new motor vehicles, parts or accessories or other functions by the manufacturer, beyond the control of the dealer; provided that, in order to provide an adequate defense, the manufacturer receives notice of the filing of a complaint, claim, or lawsuit within 60 days after the filing;

(8) to require or otherwise coerce a motor vehicle dealer to underutilize the motor vehicle dealer's facilities by requiring or otherwise coercing the motor vehicle dealer to exclude or remove from the motor vehicle dealer's facilities operations for selling or servicing of any vehicles for which the motor vehicle dealer has a franchise agreement with another manufacturer, distributor, wholesaler, distribution branch or division, or officer, agent, or other representative thereof; provided, however, that, in light of all existing circumstances, (i) the motor vehicle dealer maintains a reasonable line of credit for each make or line of new motor vehicle, (ii) the new motor vehicle dealer remains in compliance with any reasonable facilities requirements of the manufacturer, (iii) no change is made in the principal management of the new motor vehicle dealer, and (iv) the addition of the make or line of new motor vehicles would be reasonable. The reasonable facilities requirement set forth in item (ii) of subsection (d)(8) shall not include any requirement that a franchisee establish or maintain

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exclusive facilities, personnel, or display space. Any decision by a motor vehicle dealer to sell additional makes or lines at the motor vehicle dealer's facility shall be presumed to be reasonable, and the manufacturer shall have the burden to overcome that presumption. A motor vehicle dealer must provide a written notification of its intent to add a make or line of new motor vehicles to the manufacturer. If the manufacturer does not respond to the motor vehicle dealer, in writing, objecting to the addition of the make or line within 60 days after the date that the motor vehicle dealer sends the written notification, then the manufacturer shall be deemed to have approved the addition of the make or line; or

(9) to use or consider the performance of a motor vehicle dealer relating to the sale of the manufacturer's, distributor's, or wholesaler's vehicles or the motor vehicle dealer's ability to satisfy any minimum sales or market share quota or responsibility relating to the sale of the manufacturer's, distributor's, or wholesaler's new vehicles in determining:

(A) the motor vehicle dealer's eligibility to purchase program, certified, or other used motor vehicles from the manufacturer, distributor, or wholesaler;

(B) the volume, type, or model of program, certified, or other used motor vehicles that a motor vehicle dealer is eligible to purchase from the manufacturer, distributor, or wholesaler;

(C) the price of any program, certified, or other used motor vehicle that the dealer is eligible to purchase from the manufacturer, distributor, or wholesaler; or

(D) the availability or amount of any discount, credit, rebate, or sales incentive that the dealer is eligible to receive from the manufacturer, distributor, or wholesaler for the purchase of any program, certified, or other used motor vehicle offered for sale by the manufacturer, distributor, or wholesaler.

(e) It shall be deemed a violation for a manufacturer, a distributor, a wholesaler, a distributor branch or division or officer, agent or other representative thereof:

(1) to resort to or use any false or misleading advertisement in connection with his business as such manufacturer, distributor,
wholesaler, distributor branch or division or officer, agent or other representative thereof;

(2) to offer to sell or lease, or to sell or lease, any new motor vehicle to any motor vehicle dealer at a lower actual price therefor than the actual price offered to any other motor vehicle dealer for the same model vehicle similarly equipped or to utilize any device including, but not limited to, sales promotion plans or programs which result in such lesser actual price or fail to make available to any motor vehicle dealer any preferential pricing, incentive, rebate, finance rate, or low interest loan program offered to competing motor vehicle dealers in other contiguous states. However, the provisions of this paragraph shall not apply to sales to a motor vehicle dealer for resale to any unit of the United States Government, the State or any of its political subdivisions;

(3) to offer to sell or lease, or to sell or lease, any new motor vehicle to any person, except a wholesaler, distributor or manufacturer's employees at a lower actual price therefor than the actual price offered and charged to a motor vehicle dealer for the same model vehicle similarly equipped or to utilize any device which results in such lesser actual price. However, the provisions of this paragraph shall not apply to sales to a motor vehicle dealer for resale to any unit of the United States Government, the State or any of its political subdivisions;

(4) to prevent or attempt to prevent by contract or otherwise any motor vehicle dealer or franchisee from changing the executive management control of the motor vehicle dealer or franchisee unless the franchiser, having the burden of proof, proves that such change of executive management will result in executive management control by a person or persons who are not of good moral character or who do not meet the franchiser's existing and, with consideration given to the volume of sales and service of the dealership, uniformly applied minimum business experience standards in the market area. However where the manufacturer rejects a proposed change in executive management control, the manufacturer shall give written notice of his reasons to the dealer within 60 days of notice to the manufacturer by the dealer of the proposed change. If the manufacturer does not send a letter to the franchisee by certified mail, return receipt requested, within 60 days from receipt by the manufacturer of the proposed change, then

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the change of the executive management control of the franchisee shall be deemed accepted as proposed by the franchisee, and the manufacturer shall give immediate effect to such change;

(5) to prevent or attempt to prevent by contract or otherwise any motor vehicle dealer from establishing or changing the capital structure of his dealership or the means by or through which he finances the operation thereof; provided the dealer meets any reasonable capital standards agreed to between the dealer and the manufacturer, distributor or wholesaler, who may require that the sources, method and manner by which the dealer finances or intends to finance its operation, equipment or facilities be fully disclosed;

(6) to refuse to give effect to or prevent or attempt to prevent by contract or otherwise any motor vehicle dealer or any officer, partner or stockholder of any motor vehicle dealer from selling or transferring any part of the interest of any of them to any other person or persons or party or parties unless such sale or transfer is to a transferee who would not otherwise qualify for a new motor vehicle dealers license under "The Illinois Vehicle Code" or unless the franchiser, having the burden of proof, proves that such sale or transfer is to a person or party who is not of good moral character or does not meet the franchiser's existing and reasonable capital standards and, with consideration given to the volume of sales and service of the dealership, uniformly applied minimum business experience standards in the market area. However, nothing herein shall be construed to prevent a franchiser from implementing affirmative action programs providing business opportunities for minorities or from complying with applicable federal, State or local law:

(A) If the manufacturer intends to refuse to approve the sale or transfer of all or a part of the interest, then it shall, within 60 days from receipt of the completed application forms generally utilized by a manufacturer to conduct its review and a copy of all agreements regarding the proposed transfer, send a letter by certified mail, return receipt requested, advising the franchisee of any refusal to approve the sale or transfer of all or part of the interest and shall state that the dealer only has 30 days from the receipt of the notice to file with the Motor Vehicle Review Board a

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written protest against the proposed action. The notice shall set forth specific criteria used to evaluate the prospective transferee and the grounds for refusing to approve the sale or transfer to that transferee. Within 30 days from the franchisee's receipt of the manufacturer's notice, the franchisee may file with the Board a written protest against the proposed action.

When a protest has been timely filed, the Board shall enter an order, fixing the date (within 60 days of the date of such order), time, and place of a hearing on the protest, required under Sections 12 and 29 of this Act, and send by certified mail, return receipt requested, a copy of the order to the manufacturer that filed notice of intention of the proposed action and to the protesting franchisee.

The manufacturer shall have the burden of proof to establish that good cause exists to refuse to approve the sale or transfer to the transferee. The determination whether good cause exists to refuse to approve the sale or transfer shall be made by the Board under subdivisions (6)(B). The manufacturer shall not refuse to approve the sale or transfer by a dealer or an officer, partner, or stockholder of a franchise or any part of the interest to any person or persons before the hearing process is concluded as prescribed by this Act, and thereafter if the Board determines that the manufacturer has failed to meet its burden of proof and that good cause does not exist to refuse to approve the sale or transfer to the transferee.

(B) Good cause to refuse to approve such sale or transfer under this Section is established when such sale or transfer is to a transferee who would not otherwise qualify for a new motor vehicle dealers license under "The Illinois Vehicle Code" or such sale or transfer is to a person or party who is not of good moral character or does not meet the franchiser's existing and reasonable capital standards and, with consideration given to the volume of sales and service of the dealership, uniformly applied minimum business experience standards in the market area.

(7) to obtain money, goods, services, anything of value, or any other benefit from any other person with whom the motor
vehicle dealer does business, on account of or in relation to the transactions between the dealer and the other person as compensation, except for services actually rendered, unless such benefit is promptly accounted for and transmitted to the motor vehicle dealer;

(8) to grant an additional franchise in the relevant market area of an existing franchise of the same line make or to relocate an existing motor vehicle dealership within or into a relevant market area of an existing franchise of the same line make. However, if the manufacturer wishes to grant such an additional franchise to an independent person in a bona fide relationship in which such person is prepared to make a significant investment subject to loss in such a dealership, or if the manufacturer wishes to relocate an existing motor vehicle dealership, then the manufacturer shall send a letter by certified mail, return receipt requested, to each existing dealer or dealers of the same line make whose relevant market area includes the proposed location of the additional or relocated franchise at least 60 days before the manufacturer grants an additional franchise or relocates an existing franchise of the same line make within or into the relevant market area of an existing franchisee of the same line make. Each notice shall set forth the specific grounds for the proposed grant of an additional or relocation of an existing franchise and shall state that the dealer has only 30 days from the date of receipt of the notice to file with the Motor Vehicle Review Board a written protest against the proposed action. Unless the parties agree upon the grant or establishment of the additional or relocated franchise within 30 days from the date the notice was received by the existing franchisee of the same line make or any person entitled to receive such notice, the franchisee or other person may file with the Board a written protest against the grant or establishment of the proposed additional or relocated franchise.

When a protest has been timely filed, the Board shall enter an order fixing a date (within 60 days of the date of the order), time, and place of a hearing on the protest, required under Sections 12 and 29 of this Act, and send by certified or registered mail, return receipt requested, a copy of the order to the manufacturer that filed the notice of intention to grant or establish the proposed additional or relocated franchise and to the protesting dealer or

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dealers of the same line make whose relevant market area includes the proposed location of the additional or relocated franchise.

When more than one protest is filed against the grant or establishment of the additional or relocated franchise of the same line make, the Board may consolidate the hearings to expedite disposition of the matter. The manufacturer shall have the burden of proof to establish that good cause exists to allow the grant or establishment of the additional or relocated franchise. The manufacturer may not grant or establish the additional franchise or relocate the existing franchise before the hearing process is concluded as prescribed by this Act, and thereafter if the Board determines that the manufacturer has failed to meet its burden of proof and that good cause does not exist to allow the grant or establishment of the additional franchise or relocation of the existing franchise.

The determination whether good cause exists for allowing the grant or establishment of an additional franchise or relocated existing franchise, shall be made by the Board under subsection (c) of Section 12 of this Act. If the manufacturer seeks to enter into a contract, agreement or other arrangement with any person, establishing any additional motor vehicle dealership or other facility, limited to the sale of factory repurchase vehicles or late model vehicles, then the manufacturer shall follow the notice procedures set forth in this Section and the determination whether good cause exists for allowing the proposed agreement shall be made by the Board under subsection (c) of Section 12, with the manufacturer having the burden of proof.

A. (Blank).

B. For the purposes of this Section, appointment of a successor motor vehicle dealer at the same location as its predecessor, or within 2 miles of such location, or the relocation of an existing dealer or franchise within 2 miles of the relocating dealer's or franchisee's existing location, shall not be construed as a grant, establishment or the entering into of an additional franchise or selling agreement, or a relocation of an existing franchise. The reopening of a motor vehicle dealership that has not been in operation for 18 months or more shall be deemed the grant of an additional franchise or selling agreement.

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C. This Section does not apply to the relocation of an existing dealership or franchise in a county having a population of more than 300,000 persons when the new location is within the dealer's current relevant market area, provided the new location is more than 7 miles from the nearest dealer of the same line make. This Section does not apply to the relocation of an existing dealership or franchise in a county having a population of less than 300,000 persons when the new location is within the dealer's current relevant market area, provided the new location is more than 12 miles from the nearest dealer of the same line make. A dealer that would be farther away from the new location of an existing dealership or franchise of the same line make after a relocation may not file a written protest against the relocation with the Motor Vehicle Review Board.

D. Nothing in this Section shall be construed to prevent a franchiser from implementing affirmative action programs providing business opportunities for minorities or from complying with applicable federal, State or local law;
(9) to require a motor vehicle dealer to assent to a release, assignment, novation, waiver or estoppel which would relieve any person from liability imposed by this Act;
(10) to prevent or refuse to give effect to the succession to the ownership or management control of a dealership by any legatee under the will of a dealer or to an heir under the laws of descent and distribution of this State unless the franchisee has designated a successor to the ownership or management control under the succession provisions of the franchise. Unless the franchiser, having the burden of proof, proves that the successor is a person who is not of good moral character or does not meet the franchiser's existing and reasonable capital standards and, with consideration given to the volume of sales and service of the dealership, uniformly applied minimum business experience standards in the market area, any designated successor of a dealer or franchisee may succeed to the ownership or management control of a dealership under the existing franchise if:
(i) The designated successor gives the franchiser written notice by certified mail, return
receipt requested, of his or her intention to succeed to the ownership of the dealer within 60 days of the dealer's death or incapacity; and

(ii) The designated successor agrees to be bound by all the terms and conditions of the existing franchise.

Notwithstanding the foregoing, in the event the motor vehicle dealer or franchisee and manufacturer have duly executed an agreement concerning succession rights prior to the dealer's death or incapacitation, the agreement shall be observed.

(A) If the franchiser intends to refuse to honor the successor to the ownership of a deceased or incapacitated dealer or franchisee under an existing franchise agreement, the franchiser shall send a letter by certified mail, return receipt requested, to the designated successor within 60 days from receipt of a proposal advising of its intent to refuse to honor the succession and to discontinue the existing franchise agreement and shall state that the designated successor only has 30 days from the receipt of the notice to file with the Motor Vehicle Review Board a written protest against the proposed action. The notice shall set forth the specific grounds for the refusal to honor the succession and discontinue the existing franchise agreement.

If notice of refusal is not timely served upon the designated successor, the franchise agreement shall continue in effect subject to termination only as otherwise permitted by paragraph (6) of subsection (d) of Section 4 of this Act.

Within 30 days from the date the notice was received by the designated successor or any other person entitled to notice, the designee or other person may file with the Board a written protest against the proposed action.

When a protest has been timely filed, the Board shall enter an order, fixing a date (within 60 days of the date of the order), time, and place of a hearing on the protest, required under Sections 12 and 29 of this Act, and send by certified mail, return receipt requested, a copy of
the order to the franchiser that filed the notice of intention of the proposed action and to the protesting designee or such other person.

The manufacturer shall have the burden of proof to establish that good cause exists to refuse to honor the succession and discontinue the existing franchise agreement. The determination whether good cause exists to refuse to honor the succession shall be made by the Board under subdivision (B) of this paragraph (10). The manufacturer shall not refuse to honor the succession or discontinue the existing franchise agreement before the hearing process is concluded as prescribed by this Act, and thereafter if the Board determines that it has failed to meet its burden of proof and that good cause does not exist to refuse to honor the succession and discontinue the existing franchise agreement.

(B) No manufacturer shall impose any conditions upon honoring the succession and continuing the existing franchise agreement with the designated successor other than that the franchisee has designated a successor to the ownership or management control under the succession provisions of the franchise, or that the designated successor is of good moral character or meets the reasonable capital standards and, with consideration given to the volume of sales and service of the dealership, uniformly applied minimum business experience standards in the market area; (11) to prevent or refuse to approve a proposal to establish a successor franchise at a location previously approved by the franchiser when submitted with the voluntary termination by the existing franchisee unless the successor franchisee would not otherwise qualify for a new motor vehicle dealer's license under the Illinois Vehicle Code or unless the franchiser, having the burden of proof, proves that such proposed successor is not of good moral character or does not meet the franchiser's existing and reasonable capital standards and, with consideration given to the volume of sales and service of the dealership, uniformly applied minimum business experience standards in the market area. However, when such a rejection of a proposal is made, the manufacturer shall give written notice of its reasons to the franchisee within 60 days of

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receipt by the manufacturer of the proposal. However, nothing herein shall be construed to prevent a franchiser from implementing affirmative action programs providing business opportunities for minorities, or from complying with applicable federal, State or local law;

(12) to prevent or refuse to grant a franchise to a person because such person owns, has investment in or participates in the management of or holds a franchise for the sale of another make or line of motor vehicles within 7 miles of the proposed franchise location in a county having a population of more than 300,000 persons, or within 12 miles of the proposed franchise location in a county having a population of less than 300,000 persons; or

(13) to prevent or attempt to prevent any new motor vehicle dealer from establishing any additional motor vehicle dealership or other facility limited to the sale of factory repurchase vehicles or late model vehicles or otherwise offering for sale factory repurchase vehicles of the same line make at an existing franchise by failing to make available any contract, agreement or other arrangement which is made available or otherwise offered to any person.

(f) It is deemed a violation for a manufacturer, a distributor, a wholesale, a distributor branch or division, a factory branch or division, or a wholesale branch or division, or officer, agent, broker, shareholder, except a shareholder of 1% or less of the outstanding shares of any class of securities of a manufacturer, distributor, or wholesaler which is a publicly traded corporation, or other representative, directly or indirectly, to own or operate a place of business as a motor vehicle franchisee or motor vehicle financing affiliate, except that, this subsection shall not prohibit:

(1) the ownership or operation of a place of business by a manufacturer, distributor, or wholesaler for a period, not to exceed 18 months, during the transition from one motor vehicle franchisee to another; or

(2) the investment in a motor vehicle franchisee by a manufacturer, distributor, or wholesaler if the investment is for the sole purpose of enabling a partner or shareholder in that motor vehicle franchisee to acquire an interest in that motor vehicle franchisee and that partner or shareholder is not otherwise employed by or associated with the manufacturer, distributor, or

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who wholesaler and would not otherwise have the requisite capital investment funds to invest in the motor vehicle franchisee, and has the right to purchase the entire equity interest of the manufacturer, distributor, or wholesaler in the motor vehicle franchisee within a reasonable period of time not to exceed 5 years; or:

(3) the ownership or operation of a place of business by a manufacturer that manufactures only diesel engines for installation in trucks having a gross vehicle weight rating of more than 16,000 pounds that are required to be registered under the Illinois Vehicle Code, provided that:

(A) the manufacturer does not otherwise manufacture, distribute, or sell motor vehicles as defined under Section 1-217 of the Illinois Vehicle Code;
(B) the manufacturer owned a place of business and it was in operation as of January 1, 2016;
(C) the manufacturer complies with all obligations owed to dealers that are not owned, operated, or controlled by the manufacturer, including, but not limited to those obligations arising pursuant to Section 6;
(D) to further avoid any acts or practices, the effect of which may be to lessen or eliminate competition, the manufacturer provides to dealers on substantially equal terms access to all support for completing repairs, including, but not limited to, parts and assemblies, training, and technical service bulletins, and other information concerning repairs that the manufacturer provides to facilities that are owned, operated, or controlled by the manufacturer; and

(E) the manufacturer does not require that warranty repair work be performed by a manufacturer-owned repair facility and the manufacturer provides any dealer that has an agreement with the manufacturer to sell and perform warranty repairs on the manufacturer's engines the opportunity to perform warranty repairs on those engines, regardless of whether the dealer sold the truck into which the engine was installed.

(g) Notwithstanding the terms, provisions, or conditions of any agreement or waiver, it shall be deemed a violation for a manufacturer, a distributor, a wholesaler, a distributor branch or division, a factory branch

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or division, or a wholesale branch or division, or officer, agent or other representative thereof, to directly or indirectly condition the awarding of a franchise to a prospective new motor vehicle dealer, the addition of a line make or franchise to an existing dealer, the renewal of a franchise of an existing dealer, the approval of the relocation of an existing dealer's facility, or the approval of the sale or transfer of the ownership of a franchise on the willingness of a dealer, proposed new dealer, or owner of an interest in the dealership facility to enter into a site control agreement or exclusive use agreement unless separate and reasonable consideration was offered and accepted for that agreement.

For purposes of this subsection (g), the terms "site control agreement" and "exclusive use agreement" include any agreement that has the effect of either (i) requiring that the dealer establish or maintain exclusive dealership facilities; or (ii) restricting the ability of the dealer, or the ability of the dealer's lessor in the event the dealership facility is being leased, to transfer, sell, lease, or change the use of the dealership premises, whether by sublease, lease, collateral pledge of lease, or other similar agreement. "Site control agreement" and "exclusive use agreement" also include a manufacturer restricting the ability of a dealer to transfer, sell, or lease the dealership premises by right of first refusal to purchase or lease, option to purchase, or option to lease if the transfer, sale, or lease of the dealership premises is to a person who is an immediate family member of the dealer. For the purposes of this subsection (g), "immediate family member" means a spouse, parent, son, daughter, son-in-law, daughter-in-law, brother, and sister.

If a manufacturer exercises any right of first refusal to purchase or lease or option to purchase or lease with regard to a transfer, sale, or lease of the dealership premises to a person who is not an immediate family member of the dealer, then (1) within 60 days from the receipt of the completed application forms generally utilized by a manufacturer to conduct its review and a copy of all agreements regarding the proposed transfer, the manufacturer must notify the dealer of its intent to exercise the right of first refusal to purchase or lease or option to purchase or lease and (2) the exercise of the right of first refusal to purchase or lease or option to purchase or lease must result in the dealer receiving consideration, terms, and conditions that either are the same as or greater than that which they have contracted to receive in connection with the proposed transfer, sale, or lease of the dealership premises.
Any provision contained in any agreement entered into on or after the effective date of this amendatory Act of the 96th General Assembly that is inconsistent with the provisions of this subsection (g) shall be voidable at the election of the affected dealer, prospective dealer, or owner of an interest in the dealership facility.

(h) For purposes of this subsection:
"Successor manufacturer" means any motor vehicle manufacturer that, on or after January 1, 2009, acquires, succeeds to, or assumes any part of the business of another manufacturer, referred to as the "predecessor manufacturer", as the result of any of the following:

(i) A change in ownership, operation, or control of the predecessor manufacturer by sale or transfer of assets, corporate stock or other equity interest, assignment, merger, consolidation, combination, joint venture, redemption, court-approved sale, operation of law or otherwise.

(ii) The termination, suspension, or cessation of a part or all of the business operations of the predecessor manufacturer.

(iii) The discontinuance of the sale of the product line.

(iv) A change in distribution system by the predecessor manufacturer, whether through a change in distributor or the predecessor manufacturer's decision to cease conducting business through a distributor altogether.

"Former Franchisee" means a new motor vehicle dealer that has entered into a franchise with a predecessor manufacturer and that has either:

(i) entered into a termination agreement or deferred termination agreement with a predecessor or successor manufacturer related to such franchise; or

(ii) has had such franchise canceled, terminated, nonrenewed, noncontinued, rejected, nonassumed, or otherwise ended.

For a period of 3 years from: (i) the date that a successor manufacturer acquires, succeeds to, or assumes any part of the business of a predecessor manufacturer; (ii) the last day that a former franchisee is authorized to remain in business as a franchised dealer with respect to a particular franchise under a termination agreement or deferred termination agreement with a predecessor or successor manufacturer; (iii) the last day that a former franchisee that was cancelled, terminated, nonrenewed, noncontinued, rejected, nonassumed, or otherwise ended by a predecessor

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or successor manufacturer is authorized to remain in business as a franchised dealer with respect to a particular franchise; or (iv) the effective date of this amendatory Act of the 96th General Assembly, whichever is latest, it shall be unlawful for such successor manufacturer to enter into a same line make franchise with any person or to permit the relocation of any existing same line make franchise, for a line make of the predecessor manufacturer that would be located or relocated within the relevant market area of a former franchisee who owned or leased a dealership facility in that relevant market area without first offering the additional or relocated franchise to the former franchisee, or the designated successor of such former franchisee in the event the former franchisee is deceased or a person with a disability, at no cost and without any requirements or restrictions other than those imposed generally on the manufacturer's other franchisees at that time, unless one of the following applies:

(1) As a result of the former franchisee's cancellation, termination, noncontinuance, or nonrenewal of the franchise, the predecessor manufacturer had consolidated the line make with another of its line makes for which the predecessor manufacturer had a franchisee with a then-existing dealership facility located within that relevant market area.

(2) The successor manufacturer has paid the former franchisee, or the designated successor of such former franchisee in the event the former franchisee is deceased or a person with a disability, the fair market value of the former franchisee's franchise on (i) the date the franchisor announces the action which results in the termination, cancellation, or nonrenewal; or (ii) the date the action which results in termination, cancellation, or nonrenewal first became general knowledge; or (iii) the day 12 months prior to the date on which the notice of termination, cancellation, or nonrenewal is issued, whichever amount is higher. Payment is due within 90 days of the effective date of the termination, cancellation, or nonrenewal. If the termination, cancellation, or nonrenewal is due to a manufacturer's change in distributors, the manufacturer may avoid paying fair market value to the dealer if the new distributor or the manufacturer offers the dealer a franchise agreement with terms acceptable to the dealer.

(3) The successor manufacturer proves that it would have had good cause to terminate the franchise agreement of the former franchisee, or the successor of the former franchisee under item

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(e)(10) in the event that the former franchisee is deceased or a person with a disability. The determination of whether the successor manufacturer would have had good cause to terminate the franchise agreement of the former franchisee, or the successor of the former franchisee, shall be made by the Board under subsection (d) of Section 12. A successor manufacturer that seeks to assert that it would have had good cause to terminate a former franchisee, or the successor of the former franchisee, must file a petition seeking a hearing on this issue before the Board and shall have the burden of proving that it would have had good cause to terminate the former franchisee or the successor of the former franchisee. No successor dealer, other than the former franchisee, may be appointed or franchised by the successor manufacturer within the relevant market area of the former franchisee until the Board has held a hearing and rendered a determination on the issue of whether the successor manufacturer would have had good cause to terminate the former franchisee.

In the event that a successor manufacturer attempts to enter into a same line make franchise with any person or to permit the relocation of any existing line make franchise under this subsection (h) at a location that is within the relevant market area of 2 or more former franchisees, then the successor manufacturer may not offer it to any person other than one of those former franchisees unless the successor manufacturer can prove that at least one of the 3 exceptions in items (1), (2), and (3) of this subsection (h) applies to each of those former franchisees.

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

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

Approved August 19, 2016.
Effective August 19, 2016.
AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Public Community College Act is amended by changing Section 2-16.02 as follows:

(110 ILCS 805/2-16.02) (from Ch. 122, par. 102-16.02)

Sec. 2-16.02. Grants. Any community college district that maintains a community college recognized by the State Board shall receive, when eligible, grants enumerated in this Section. Funded semester credit hours or other measures or both as specified by the State Board shall be used to distribute grants to community colleges. Funded semester credit hours shall be defined, for purposes of this Section, as the greater of (1) the number of semester credit hours, or equivalent, in all funded instructional categories of students who have been certified as being in attendance at midterm during the respective terms of the base fiscal year or (2) the average of semester credit hours, or equivalent, in all funded instructional categories of students who have been certified as being in attendance at midterm during the respective terms of the base fiscal year and the 2 prior fiscal years. For purposes of this Section, "base fiscal year" means the fiscal year 2 years prior to the fiscal year for which the grants are appropriated. Such students shall have been residents of Illinois and shall have been enrolled in courses that are part of instructional program categories approved by the State Board and that are applicable toward an associate degree or certificate. Courses that are eligible for reimbursement are those courses for which the district pays 50% or more of the program costs from unrestricted revenue sources, with the exception of courses offered by contract with the Department of Corrections in correctional institutions. For the purposes of this Section, "unrestricted revenue sources" means those revenues in which the provider of the revenue imposes no financial limitations upon the district as it relates to the expenditure of the funds. Except for Fiscal Year 2012, base operating grants shall be paid based on rates per funded semester credit hour or equivalent calculated by the State Board for funded instructional categories using cost of instruction, enrollment, inflation, and other relevant factors. For Fiscal Year 2012, the allocations for base operating grants to community college districts shall be the same as they were in
Fiscal Year 2011, reduced or increased proportionately according to the appropriation for base operating grants for Fiscal Year 2012.

Equalization grants shall be calculated by the State Board by determining a local revenue factor for each district by: (A) adding (1) each district's Corporate Personal Property Replacement Fund allocations from the base fiscal year or the average of the base fiscal year and prior year, whichever is less, divided by the applicable statewide average tax rate to (2) the district's most recently audited year's equalized assessed valuation or the average of the most recently audited year and prior year, whichever is less, (B) then dividing by the district's audited full-time equivalent resident students for the base fiscal year or the average for the base fiscal year and the 2 prior fiscal years, whichever is greater, and (C) then multiplying by the applicable statewide average tax rate. The State Board shall calculate a statewide weighted average threshold by applying the same methodology to the totals of all districts' Corporate Personal Property Tax Replacement Fund allocations, equalized assessed valuations, and audited full-time equivalent district resident students and multiplying by the applicable statewide average tax rate. The difference between the statewide weighted average threshold and the local revenue factor, multiplied by the number of full-time equivalent resident students, shall determine the amount of equalization funding that each district is eligible to receive. A percentage factor, as determined by the State Board, may be applied to the statewide threshold as a method for allocating equalization funding. A minimum equalization grant of an amount per district as determined by the State Board shall be established for any community college district which qualifies for an equalization grant based upon the preceding criteria, but becomes ineligible for equalization funding, or would have received a grant of less than the minimum equalization grant, due to threshold prorations applied to reduce equalization funding. As of July 1, 2013, a community college district eligible to receive an equalization grant based upon the preceding criteria must maintain a minimum required combined in-district tuition and universal fee rate per semester credit hour equal to 70% of the State-average combined rate, as determined by the State Board, or the total revenue received by the community college district from combined in-district tuition and universal fees must be at least 30% of the total revenue received by the community college district, as determined by the State Board, for equalization funding. As of July 1, 2004, a community college district must maintain a minimum required operating tax rate equal to at least 95% of its maximum

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authorized tax rate to qualify for equalization funding. This 95% minimum tax rate requirement shall be based upon the maximum operating tax rate as limited by the Property Tax Extension Limitation Law.

The State Board shall distribute such other grants as may be authorized or appropriated by the General Assembly.

Each community college district entitled to State grants under this Section must submit a report of its enrollment to the State Board not later than 30 days following the end of each semester, quarter, or term in a format prescribed by the State Board. These semester credit hours, or equivalent, shall be certified by each district on forms provided by the State Board. Each district's certified semester credit hours, or equivalent, are subject to audit pursuant to Section 3-22.1.

The State Board shall certify, prepare, and submit monthly vouchers to the State Comptroller setting forth an amount equal to one-twelfth of the grants approved by the State Board for base operating grants and equalization grants. The State Board shall prepare and submit to the State Comptroller vouchers for payments of other grants as appropriated by the General Assembly. If the amount appropriated for grants is different from the amount provided for such grants under this Act, the grants shall be proportionately reduced or increased accordingly.

For the purposes of this Section, "resident student" means a student in a community college district who maintains residency in that district or meets other residency definitions established by the State Board, and who was enrolled either in one of the approved instructional program categories in that district, or in another community college district to which the resident's district is paying tuition under Section 6-2 or with which the resident's district has entered into a cooperative agreement in lieu of such tuition. Students shall be classified as residents of the community college district without meeting the 30-day residency requirement of the district if they are currently residing in the district and are youth (i) who are currently under the legal guardianship of the Illinois Department of Children and Family Services or have recently been emancipated from the Department and (ii) who had previously met the 30-day residency requirement of the district but who had a placement change into a new community college district. The student, a caseworker or other personnel of the Department, or the student's attorney or guardian ad litem appointed under the Juvenile Court Act of 1987 shall provide the district with proof of current in-district residency.

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For the purposes of this Section, a "full-time equivalent" student is equal to 30 semester credit hours.

The Illinois Community College Board Contracts and Grants Fund is hereby created in the State Treasury. Items of income to this fund shall include any grants, awards, endowments, or like proceeds, and where appropriate, other funds made available through contracts with governmental, public, and private agencies or persons. The General Assembly shall from time to time make appropriations payable from such fund for the support, improvement, and expenses of the State Board and Illinois community college districts.

(Source: P.A. 97-72, eff. 7-1-11; 97-1160, eff. 2-1-13; 98-46, eff. 6-28-13; 98-756, eff. 7-16-14.)

Passed in the General Assembly May 24, 2016.
Approved August 19, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0846  
(Senate Bill No. 0242)

AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Sections 10-21.4 and 10-23.8 as follows:

(105 ILCS 5/10-21.4) (from Ch. 122, par. 10-21.4)

Sec. 10-21.4. Superintendent - Duties. Except in districts in which there is only one school with fewer than 4 teachers, to employ a superintendent, who shall have charge of the administration of the schools under the direction of the board of education. However, in any school district that has boundaries that lie in 3 counties, one county of which has a population exceeding 1,000,000 inhabitants, that has an enrollment of more than 35,000 students, and that has on staff properly licensed assistant superintendents or directors in the areas of instruction, finance, special education, assessments, and career and technology education, the school board may instead, by a vote of a majority of its full membership, appoint a chief executive officer to serve as its superintendent, who shall be a person of recognized administrative ability and management experience, hold a master's degree, have been employed with the school district for a minimum of 5 years in an administrative capacity, be

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responsible for the management of the district, and have all other powers and duties of a superintendent as set forth in this Code, but who shall be exempt from the provisions and requirements of Section 21B-15 of this Code for a period of 5 years.

In addition to the administrative duties, the superintendent shall make recommendations to the board concerning the budget, building plans, the locations of sites, the selection, retention and dismissal of teachers and all other employees, the selection of textbooks, instructional material and courses of study. However, in districts under a Financial Oversight Panel pursuant to Section 1A-8 for violating a financial plan, the duties and responsibilities of the superintendent in relation to the financial and business operations of the district shall be approved by the Panel. In the event the Board refuses or fails to follow a directive or comply with an information request of the Panel, the performance of those duties shall be subject to the direction of the Panel. The superintendent shall also notify the State Board of Education, the board and the chief administrative official, other than the alleged perpetrator himself, in the school where the alleged perpetrator serves, that any person who is employed in a school or otherwise comes into frequent contact with children in the school has been named as a perpetrator in an indicated report filed pursuant to the Abused and Neglected Child Reporting Act, approved June 26, 1975, as amended. The superintendent shall keep or cause to be kept the records and accounts as directed and required by the board, aid in making reports required by the board, and perform such other duties as the board may delegate to him.

In addition, each year at a time designated by the State Superintendent of Education, each superintendent shall report to the State Board of Education the number of high school students in the district who are enrolled in accredited courses (for which high school credit will be awarded upon successful completion of the courses) at any community college, together with the name and number of the course or courses which each such student is taking.

The provisions of this Section section shall also apply to board of director districts.

Notice of intent not to renew a contract must be given in writing stating the specific reason therefor by April 1 of the contract year unless the contract specifically provides otherwise. Failure to do so will automatically extend the contract for an additional year. Within 10 days after receipt of notice of intent not to renew a contract, the superintendent may request a closed session hearing on the dismissal. At the hearing the

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superintendent has the privilege of presenting evidence, witnesses and defenses on the grounds for dismissal. The provisions of this paragraph shall not apply to a district under a Financial Oversight Panel pursuant to Section 1A-8 for violating a financial plan.

(Source: P.A. 97-256, eff. 1-1-12.)

(105 ILCS 5/10-23.8) (from Ch. 122, par. 10-23.8)

Sec. 10-23.8. Superintendent contracts. After the effective date of this amendatory Act of 1997 and the expiration of contracts in effect on the effective date of this amendatory Act, school districts may only employ a superintendent or, if authorized by law, a chief executive officer under either a contract for a period not exceeding one year or a performance-based contract for a period not exceeding 5 years.

Performance-based contracts shall be linked to student performance and academic improvement within the schools of the districts. No performance-based contract shall be extended or rolled-over prior to its scheduled expiration unless all the performance and improvement goals contained in the contract have been met. Each performance-based contract shall include the goals and indicators of student performance and academic improvement determined and used by the local school board to measure the performance and effectiveness of the superintendent and such other information as the local school board may determine.

By accepting the terms of a multi-year contract, the superintendent or chief executive officer waives all rights granted him or her under Sections 24-11 through 24-16 of this Act only for the term of the multi-year contract. Upon acceptance of a multi-year contract, the superintendent or chief executive officer shall not lose any previously acquired tenure credit with the district.

(Source: P.A. 90-548, eff. 1-1-98; 91-314, eff. 1-1-00.)

Passed in the General Assembly June 30, 2016.
Approved August 19, 2016.
Effective June 1, 2017.
Section 5. The Public Utilities Act is amended by changing Section 13-703 as follows:

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

(Section scheduled to be repealed on July 1, 2017)

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

(b) The Commission shall design and implement a program, whereby each telecommunications carrier providing local exchange service shall provide a telecommunications relay system, using third party intervention to connect those persons having a hearing or speech disability with persons of normal hearing by way of intercommunications devices and the telephone system, making available reasonable access to all phases of public telephone service to persons who have a hearing or speech disability. In order to design a telecommunications relay system which will meet the requirements of those persons with a hearing or speech disability available at a reasonable cost, the Commission shall initiate an investigation and conduct public hearings to determine the most cost-effective method of providing telecommunications relay service to those persons who have a hearing or speech disability when using telecommunications devices and therein solicit the advice, counsel, and physical assistance of Statewide nonprofit consumer organizations that serve persons with hearing or speech disabilities in such hearings and during the development and implementation of the system. The Commission shall phase in this program, on a geographical basis, as soon as is practicable, but no later than June 30, 1990.

(c) The Commission shall establish a competitively neutral rate recovery mechanism that establishes charges in an amount to be determined by the Commission for each line of a subscriber to allow telecommunications carriers providing local exchange service to recover

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

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

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

(e) As used in this Section:
"Prepaid wireless telecommunications service" has the meaning given to that term under Section 10 of the Prepaid Wireless 9-1-1 Surcharge Act.
"Retail transaction" has the meaning given to that term under Section 10 of the Prepaid Wireless 9-1-1 Surcharge Act.
"Seller" has the meaning given to that term under Section 10 of the Prepaid Wireless 9-1-1 Surcharge Act.
"Telecommunications carrier providing local exchange service" includes, without otherwise limiting the meaning of the term,
telecommunications carriers which are purely mutual concerns, having no rates or charges for services, but paying the operating expenses by assessment upon the members of such a company and no other person.

"Wireless carrier" has the meaning given to that term under Section 10 of the Wireless Emergency Telephone Safety Act.

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

Sellers of prepaid wireless telecommunications service shall remit the assessments to the Department of Revenue on the same form and in the same manner which they remit the fee collected under the Prepaid Wireless 9-1-1 Surcharge Act. For the purposes of display on the consumers' receipts, the rates of the fee collected under the Prepaid Wireless 9-1-1 Surcharge Act and the assessment under this Section may be combined. In administration and enforcement of this Section, the provisions of Sections 15 and 20 of the Prepaid Wireless 9-1-1 Surcharge Act (except subsections (a), (a-5), (b-5), (e), and (e-5) of Section 15 and subsections (c) and (e) of Section 20 of the Prepaid Wireless 9-1-1 Surcharge Act and, from June 29, 2015 (the effective date of Public Act 99-6) this amendatory Act of the 99th General Assembly, the seller shall be permitted to deduct and retain 3% of the assessments that are collected by the seller from consumers and that are remitted and timely filed with the Department) that are not inconsistent with this Section, shall apply, as far as practicable, to the subject matter of this Section to the same extent as if those provisions were included in this Section. The Department shall deposit all assessments and penalties collected under this Section into the Illinois Telecommunications Access Corporation Fund, a special fund created in the State treasury. On or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the amount available to the Commission for distribution out of the Illinois

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Telecommunications Access Corporation Fund. The amount certified shall be the amount (not including credit memoranda) collected during the second preceding calendar month by the Department, plus an amount the Department determines is necessary to offset any amounts which were erroneously paid to a different taxing body or fund. The amount paid to the Illinois Telecommunications Access Corporation Fund shall not include any amount equal to the amount of refunds made during the second preceding calendar month by the Department to retailers under this Section or any amount that the Department determines is necessary to offset any amounts which were payable to a different taxing body or fund but were erroneously paid to the Illinois Telecommunications Access Corporation Fund. The Commission shall distribute all the funds to the Illinois Telecommunications Access Corporation and the funds may only be used in accordance with the provisions of this Section. The Department shall deduct 2% of all amounts deposited in the Illinois Telecommunications Access Corporation Fund during every year of remitted assessments. Of the 2% deducted by the Department, one-half shall be transferred into the Tax Compliance and Administration Fund to reimburse the Department for its direct costs of administering the collection and remittance of the assessment. The remaining one-half shall be transferred into the Public Utilities Fund to reimburse the Commission for its costs of distributing to the Illinois Telecommunications Access Corporation the amount certified by the Department for distribution. The amount to be charged or assessed under subsections (c) and (f) is not imposed on a provider or the consumer for wireless Lifeline service where the consumer does not pay the provider for the service. Where the consumer purchases from the provider optional minutes, texts, or other services in addition to the federally funded Lifeline benefit, a consumer must pay the charge or assessment, and it must be collected by the seller according to subsection (f).

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

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

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

(Source: P.A. 99-6, eff. 6-29-15; 99-143, eff. 7-27-15; revised 10-21-15.)
Section 10. The Hearing Instrument Consumer Protection Act is amended by changing Section 8 as follows:
(225 ILCS 50/8) (from Ch. 111, par. 7408)
(Section scheduled to be repealed on January 1, 2026)
Sec. 8. Applicant qualifications; examination.
(a) In order to protect persons who are deaf or hard of hearing, the Department shall authorize or shall conduct an appropriate examination, which may be the International Hearing Society's licensure examination, for persons who dispense, test, select, recommend, fit, or service hearing instruments. The frequency of holding these examinations shall be determined by the Department by rule. Those who successfully pass such an examination shall be issued a license as a hearing instrument dispenser, which shall be effective for a 2-year period.
(b) Applicants shall be:
   (1) at least 18 years of age;
   (2) of good moral character;
   (3) the holder of an associate's degree or the equivalent;
   (4) free of contagious or infectious disease; and
   (5) a citizen or person who has the status as a legal alien.

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

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

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

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

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license by examination or endorsement within the preceding renewal period.

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

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

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

Approved August 19, 2016.
Effective August 19, 2016.
(b) Within 60 days after the effective date of this Act, the members of the Commission shall be appointed with the following members:

1. one member of the General Assembly, appointed by the President of the Senate;
2. one member of the General Assembly, appointed by the Minority Leader of the Senate;
3. one member of the General Assembly, appointed by the Speaker of the House of Representatives;
4. one member of the General Assembly, appointed by the Minority Leader of the House of Representatives;
5. the Mayor of the City of Chicago, or his or her designee;
6. the Secretary of Transportation, or his or her designee;
7. the Director of State Police, or his or her designee;
8. two members of the public who represent the towing industry, appointed by the President of the Professional Towing and Recovery Operators of Illinois;
9. two members of the public who represent the property casualty insurance industry, appointed by the Executive Director of the Illinois Insurance Association;
10. the President of the Illinois Municipal League, or his or her designee;
11. the President of the Illinois Sheriffs' Association, or his or her designee;
12. the Cook County State's Attorney, or his or her designee;
13. the Chairman of the Illinois Commerce Commission, or his or her designee; and
14. the President of the Northwest Municipal Conference, or his or her designee.

(c) The members of the Commission shall receive no compensation for serving as members of the Commission.

(d) The Illinois Commerce Commission shall provide administrative and other support to the Commission.

Section 10. Meetings.
(a) Each member of the Commission shall have voting rights and all actions and recommendations shall be approved by a simple majority vote of the members.
(b) The Commission shall meet no less than 3 times before the end of the calendar year in which this Act of the 99th General Assembly becomes effective.

(c) At the initial meeting, the Commission shall elect one member as a Chairperson, through a simple majority vote, who shall thereafter call any subsequent meetings.

Section 15. Reporting.

(a) No later than July 1, 2017, the Commission shall submit a report to the Governor and to the General Assembly, which shall include, but is not limited to:

(1) an evaluation of the current towing laws in this State;
(2) a recommendation for an appropriate towing program for this State;
(3) a review of all potential litigation costs for an owner of an impounded vehicle, a towing company, and a county or municipality; and
(3) any other matters the Commission deems necessary.

Section 20. Repealer. This Act is repealed on January 1, 2018.

Section 105. The Illinois Vehicle Code is amended by changing Sections 11-208.7 and 11-1431 as follows:

(625 ILCS 5/11-208.7)
Sec. 11-208.7. Administrative fees and procedures for impounding vehicles for specified violations.

(a) Any county or municipality may, consistent with this Section, provide by ordinance procedures for the release of properly impounded vehicles and for the imposition of a reasonable administrative fee related to its administrative and processing costs associated with the investigation, arrest, and detention of an offender, or the removal, impoundment, storage, and release of the vehicle. The administrative fee imposed by the county or municipality may be in addition to any fees charged for the towing and storage of an impounded vehicle. The administrative fee shall be waived by the county or municipality upon verifiable proof that the vehicle was stolen at the time the vehicle was impounded.

(b) An ordinance establishing procedures for the release of properly impounded vehicles under this Section may impose fees only for the following violations:

(1) operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense for which a motor
vehicle may be seized and forfeited pursuant to Section 36-1 of the Criminal Code of 2012; or

(2) driving under the influence of alcohol, another drug or drugs, an intoxicating compound or compounds, or any combination thereof, in violation of Section 11-501 of this Code; or

(3) operation or use of a motor vehicle in the commission of, or in the attempt to commit, a felony or in violation of the Cannabis Control Act; or

(4) operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of the Illinois Controlled Substances Act; or

(5) operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of Section 24-1, 24-1.5, or 24-3.1 of the Criminal Code of 1961 or the Criminal Code of 2012; or

(6) driving while a driver's license, permit, or privilege to operate a motor vehicle is suspended or revoked pursuant to Section 6-303 of this Code; except that vehicles shall not be subjected to seizure or impoundment if the suspension is for an unpaid citation (parking or moving) or due to failure to comply with emission testing; or

(7) operation or use of a motor vehicle while soliciting, possessing, or attempting to solicit or possess cannabis or a controlled substance, as defined by the Cannabis Control Act or the Illinois Controlled Substances Act; or

(8) operation or use of a motor vehicle with an expired driver's license, in violation of Section 6-101 of this Code, if the period of expiration is greater than one year; or

(9) operation or use of a motor vehicle without ever having been issued a driver's license or permit, in violation of Section 6-101 of this Code, or operating a motor vehicle without ever having been issued a driver's license or permit due to a person's age; or

(10) operation or use of a motor vehicle by a person against whom a warrant has been issued by a circuit clerk in Illinois for failing to answer charges that the driver violated Section 6-101, 6-303, or 11-501 of this Code; or

(11) operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of Article

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16 or 16A of the Criminal Code of 1961 or the Criminal Code of 2012; or

(12) operation or use of a motor vehicle in the commission of, or in the attempt to commit, any other misdemeanor or felony offense in violation of the Criminal Code of 1961 or the Criminal Code of 2012, when so provided by local ordinance; or

(13) operation or use of a motor vehicle in violation of Section 11-503 of this Code:

(A) while the vehicle is part of a funeral procession; or

(B) in a manner that interferes with a funeral procession.

(c) The following shall apply to any fees imposed for administrative and processing costs pursuant to subsection (b):

(1) All administrative fees and towing and storage charges shall be imposed on the registered owner of the motor vehicle or the agents of that owner.

(2) The fees shall be in addition to (i) any other penalties that may be assessed by a court of law for the underlying violations; and (ii) any towing or storage fees, or both, charged by the towing company.

(3) The fees shall be uniform for all similarly situated vehicles.

(4) The fees shall be collected by and paid to the county or municipality imposing the fees.

(5) The towing or storage fees, or both, shall be collected by and paid to the person, firm, or entity that tows and stores the impounded vehicle.

(d) Any ordinance establishing procedures for the release of properly impounded vehicles under this Section shall provide for an opportunity for a hearing, as provided in subdivision (b)(4) of Section 11-208.3 of this Code, and for the release of the vehicle to the owner of record, lessee, or a lienholder of record upon payment of all administrative fees and towing and storage fees.

(e) Any ordinance establishing procedures for the impoundment and release of vehicles under this Section shall include the following provisions concerning notice of impoundment:

(1) Whenever a police officer has cause to believe that a motor vehicle is subject to impoundment, the officer shall provide

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for the towing of the vehicle to a facility authorized by the county or municipality.

(2) At the time the vehicle is towed, the county or municipality shall notify or make a reasonable attempt to notify the owner, lessee, or person identifying himself or herself as the owner or lessee of the vehicle, or any person who is found to be in control of the vehicle at the time of the alleged offense, of the fact of the seizure, and of the vehicle owner's or lessee's right to an administrative hearing.

(3) The county or municipality shall also provide notice that the motor vehicle will remain impounded pending the completion of an administrative hearing, unless the owner or lessee of the vehicle or a lienholder posts with the county or municipality a bond equal to the administrative fee as provided by ordinance and pays for all towing and storage charges.

(f) Any ordinance establishing procedures for the impoundment and release of vehicles under this Section shall include a provision providing that the registered owner or lessee of the vehicle and any lienholder of record shall be provided with a notice of hearing. The notice shall:

(1) be served upon the owner, lessee, and any lienholder of record either by personal service or by first class mail to the interested party's address as registered with the Secretary of State;

(2) be served upon interested parties within 10 days after a vehicle is impounded by the municipality; and

(3) contain the date, time, and location of the administrative hearing. An initial hearing shall be scheduled and convened no later than 45 days after the date of the mailing of the notice of hearing.

(g) In addition to the requirements contained in subdivision (b)(4) of Section 11-208.3 of this Code relating to administrative hearings, any ordinance providing for the impoundment and release of vehicles under this Section shall include the following requirements concerning administrative hearings:

(1) administrative hearings shall be conducted by a hearing officer who is an attorney licensed to practice law in this State for a minimum of 3 years;

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(2) at the conclusion of the administrative hearing, the hearing officer shall issue a written decision either sustaining or overruling the vehicle impoundment;

(3) if the basis for the vehicle impoundment is sustained by the administrative hearing officer, any administrative fee posted to secure the release of the vehicle shall be forfeited to the county or municipality;

(4) all final decisions of the administrative hearing officer shall be subject to review under the provisions of the Administrative Review Law, unless the county or municipality allows in the enabling ordinance for direct appeal to the circuit court having jurisdiction over the county or municipality; and

(5) unless the administrative hearing officer overturns the basis for the vehicle impoundment, no vehicle shall be released to the owner, lessee, or lienholder of record until all administrative fees and towing and storage charges are paid; and:

(6) if the administrative hearing officer finds that a county or municipality that impounds a vehicle exceeded its authority under this Code, the county or municipality shall be liable to the registered owner or lessee of the vehicle for the cost of storage fees and reasonable attorney's fees.

(h) Vehicles not retrieved from the towing facility or storage facility within 35 days after the administrative hearing officer issues a written decision shall be deemed abandoned and disposed of in accordance with the provisions of Article II of Chapter 4 of this Code.

(i) Unless stayed by a court of competent jurisdiction, any fine, penalty, or administrative fee imposed under this Section which remains unpaid in whole or in part after the expiration of the deadline for seeking judicial review under the Administrative Review Law may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

(j) The fee limits in subsection (b), the exceptions in paragraph (6) of subsection (b), and all of paragraph (6) of subsection (g) of this Section shall not apply to a home rule unit that tows a vehicle on a public way if a circumstance requires the towing of the vehicle or if the vehicle is towed due to a violation of a statute or local ordinance, and the home rule unit:

(1) owns and operates a towing facility within its boundaries for the storage of towed vehicles; and

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owns and operates tow trucks or enters into a contract with a third party vendor to operate tow trucks.
(Source: P.A. 97-109, eff. 1-1-12; 97-1150, eff. 1-25-13; 98-518, eff. 8-22-13; 98-734, eff. 1-1-15; 98-756, eff. 7-16-14.)
(625 ILCS 5/11-1431)
Sec. 11-1431. Solicitations at accident or disablement scene prohibited.
(a) A tower, as defined by Section 1-205.2 of this Code, or an employee or agent of a tower may not: (i) stop at the scene of a motor vehicle accident or at or near a damaged or disabled vehicle for the purpose of soliciting the owner or operator of the damaged or disabled vehicle to enter into a towing service transaction; or (ii) stop at the scene of an accident or at or near a damaged or disabled vehicle unless called to the location by a law enforcement officer, the Illinois Department of Transportation, the Illinois State Toll Highway Authority, a local agency having jurisdiction over the highway, or the owner or operator of the damaged or disabled vehicle, or the owner or operator's authorized agent, including his or her insurer or motor club of which the owner or operator is a member. This Section shall not apply to employees of the Department, the Illinois State Toll Highway Authority, or local agencies when engaged in their official duties. Nothing in this Section shall prevent a tower from stopping at the scene of a motor vehicle accident or at or near a damaged or disabled vehicle if the owner or operator signals the tower for assistance from the location of the motor vehicle accident or damaged or disabled vehicle.
(b) A person or company who violates this Section is guilty of a Class 4 felony business offense and shall be required to pay a fine of more than $500, but not more than $1,000. A person convicted of violating this Section shall also have his or her driver's license, permit, or privileges suspended for 3 months. After the expiration of the 3 month suspension, the person's driver's license, permit, or privileges shall not be reinstated until he or she has paid a reinstatement fee of $100. If a person violates this Section while his or her driver's license, permit, or privileges are suspended under this subsection (b), his or her driver's license, permit, or privileges shall be suspended for an additional 6 months, and shall not be reinstated after the expiration of the 6 month suspension until he or she pays a reinstatement fee of $100. A vehicle owner, or his or her authorized agent or automobile insurer, may bring a claim against a company or person who willfully and materially violates this Section. A court may

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award the prevailing party reasonable attorney's fees, costs, and expenses relating to that action.
(Source: P.A. 99-438, eff. 1-1-16.)

Section 999. Effective date. This Act takes effect upon becoming law.

Approved August 19, 2016.
Effective August 19, 2016.

PUBLIC ACT 99-0849
(Senate Bill No. 2359)

AN ACT concerning civil law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Condominium Property Act is amended by changing Section 18.4 as follows:

Sec. 18.4. Powers and duties of board of managers. The board of managers shall exercise for the association all powers, duties and authority vested in the association by law or the condominium instruments except for such powers, duties and authority reserved by law to the members of the association. The powers and duties of the board of managers shall include, but shall not be limited to, the following:

(a) To provide for the operation, care, upkeep, maintenance, replacement and improvement of the common elements. Nothing in this subsection (a) shall be deemed to invalidate any provision in a condominium instrument placing limits on expenditures for the common elements, provided, that such limits shall not be applicable to expenditures for repair, replacement, or restoration of existing portions of the common elements. The term "repair, replacement or restoration" means expenditures to deteriorated or damaged portions of the property related to the existing decorating, facilities, or structural or mechanical components, interior or exterior surfaces, or energy systems and equipment with the functional equivalent of the original portions of such areas. Replacement of the common elements may result in an improvement over the original quality of such elements or facilities; provided that, unless the improvement is mandated by

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law or is an emergency as defined in item (iv) of subparagraph (8) of paragraph (a) of Section 18, if the improvement results in a proposed expenditure exceeding 5% of the annual budget, the board of managers, upon written petition by unit owners with 20% of the votes of the association delivered to the board within 14 days of the board action to approve the expenditure, shall call a meeting of the unit owners within 30 days of the date of delivery of the petition to consider the expenditure. Unless a majority of the total votes of the unit owners are cast at the meeting to reject the expenditure, it is ratified.

(b) To prepare, adopt and distribute the annual budget for the property.

(c) To levy and expend assessments.

(d) To collect assessments from unit owners.

(e) To provide for the employment and dismissal of the personnel necessary or advisable for the maintenance and operation of the common elements.

(f) To obtain adequate and appropriate kinds of insurance.

(g) To own, convey, encumber, lease, and otherwise deal with units conveyed to or purchased by it.

(h) To adopt and amend rules and regulations covering the details of the operation and use of the property, after a meeting of the unit owners called for the specific purpose of discussing the proposed rules and regulations. Notice of the meeting shall contain the full text of the proposed rules and regulations, and the meeting shall conform to the requirements of Section 18(b) of this Act, except that no quorum is required at the meeting of the unit owners unless the declaration, bylaws or other condominium instrument expressly provides to the contrary. However, no rule or regulation may impair any rights guaranteed by the First Amendment to the Constitution of the United States or Section 4 of Article I of the Illinois Constitution including, but not limited to, the free exercise of religion, nor may any rules or regulations conflict with the provisions of this Act or the condominium instruments. No rule or regulation shall prohibit any reasonable accommodation for religious practices, including the attachment of religiously mandated objects to the front-door area of a condominium unit.

(i) To keep detailed, accurate records of the receipts and expenditures affecting the use and operation of the property.

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(j) To have access to each unit from time to time as may be necessary for the maintenance, repair or replacement of any common elements or for making emergency repairs necessary to prevent damage to the common elements or to other units.

(k) To pay real property taxes, special assessments, and any other special taxes or charges of the State of Illinois or of any political subdivision thereof, or other lawful taxing or assessing body, which are authorized by law to be assessed and levied upon the real property of the condominium.

(l) To impose charges for late payment of a unit owner's proportionate share of the common expenses, or any other expenses lawfully agreed upon, and after notice and an opportunity to be heard, to levy reasonable fines for violation of the declaration, by-laws, and rules and regulations of the association.

(m) By Unless the condominium instruments expressly provide to the contrary, by a majority vote of the entire board of managers, to assign the right of the association to future income from common expenses or other sources, and to mortgage or pledge substantially all of the remaining assets of the association.

(n) To record the dedication of a portion of the common elements to a public body for use as, or in connection with, a street or utility where authorized by the unit owners under the provisions of Section 14.2.

(o) To record the granting of an easement for the laying of cable television or high speed Internet cable where authorized by the unit owners under the provisions of Section 14.3; to obtain, if available and determined by the board to be in the best interests of the association, cable television or bulk high speed Internet service for all of the units of the condominium on a bulk identical service and equal cost per unit basis; and to assess and recover the expense as a common expense and, if so determined by the board, to assess each and every unit on the same equal cost per unit basis.

(p) To seek relief on behalf of all unit owners when authorized pursuant to subsection (c) of Section 10 from or in connection with the assessment or levying of real property taxes, special assessments, and any other special taxes or charges of the State of Illinois or of any political subdivision thereof or of any lawful taxing or assessing body.

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(q) To reasonably accommodate the needs of a unit owner who is a person with a disability as required by the federal Civil Rights Act of 1968, the Human Rights Act and any applicable local ordinances in the exercise of its powers with respect to the use of common elements or approval of modifications in an individual unit.

(r) To accept service of a notice of claim for purposes of the Mechanics Lien Act on behalf of each respective member of the Unit Owners' Association with respect to improvements performed pursuant to any contract entered into by the Board of Managers or any contract entered into prior to the recording of the condominium declaration pursuant to this Act, for a property containing more than 8 units, and to distribute the notice to the unit owners within 7 days of the acceptance of the service by the Board of Managers. The service shall be effective as if each individual unit owner had been served individually with notice.

(s) To adopt and amend rules and regulations (1) authorizing electronic delivery of notices and other communications required or contemplated by this Act to each unit owner who provides the association with written authorization for electronic delivery and an electronic address to which such communications are to be electronically transmitted; and (2) authorizing each unit owner to designate an electronic address or a U.S. Postal Service address, or both, as the unit owner's address on any list of members or unit owners which an association is required to provide upon request pursuant to any provision of this Act or any condominium instrument.

In the performance of their duties, the officers and members of the board, whether appointed by the developer or elected by the unit owners, shall exercise the care required of a fiduciary of the unit owners.

The collection of assessments from unit owners by an association, board of managers or their duly authorized agents shall not be considered acts constituting a collection agency for purposes of the Collection Agency Act.

The provisions of this Section are applicable to all condominium instruments recorded under this Act. Any portion of a condominium instrument which contains provisions contrary to these provisions shall be void as against public policy and ineffective. Any such instrument that

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fails to contain the provisions required by this Section shall be deemed to incorporate such provisions by operation of law.
(Source: P.A. 98-735, eff. 1-1-15; 99-143, eff. 7-27-15.)
Approved August 19, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0850
(Senate Bill No. 2393)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Childhood Hunger Relief Act is amended by adding Section 16 as follows:
(105 ILCS 126/16 new)
Sec. 16. Breakfast after the bell program.
(a) For the purposes of this Section, "breakfast after the bell" means breakfast is provided to children after the instructional day has officially begun. This term does not prohibit schools from also providing breakfast before the instructional day begins.
(b) The board of education of each school district in this State shall implement and operate a breakfast after the bell program by the first school day of the next academic year after the effective date of this amendatory Act of the 99th General Assembly, if a breakfast after the bell program does not currently exist, in each school building within its district (1) in which at least 70% or more of the students are eligible for free or reduced-price lunches based upon the previous year's October claim (for those schools that participate in the National School Lunch Program); (2) in which at least 70% or more of the students are classified as low-income according to the Fall Housing Data from the previous year (for those schools that do not participate in the National School Lunch Program); or (3) that has an individual site percentage for free or reduced-price meals of 70% or more (for those schools using Provision 2 under Section 11(a)(1) of the federal Richard B. Russell National School Lunch Act or the Community Eligibility Provision under Section 104(a) of the federal Healthy, Hunger-Free Kids Act of 2010 to provide universal meals). If a school falls below the applicable 70% threshold for 2

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consecutive years, it has the option to continue participating in the program, but is not required to do so.

(c) Each school under this Section may determine the breakfast after the bell service model that best suits its students. Service models include, but are not limited to, breakfast in the classroom, grab and go breakfast, and second-chance breakfast.

(d) School districts required to implement a breakfast after the bell program provided for under this Section that demonstrate that (i) they are delivering school breakfast effectively, as defined by 70% or more of free or reduced-price eligible students participating in the School Breakfast Program, or (ii) due to circumstances specific to that school district, the expense reimbursement would not fully cover the costs of implementing and operating a breakfast after the bell program may be relieved of the delivery model requirement provided for in this Section after a cost analysis is submitted to the board of education of the district, the board of education holds a public hearing, and the board of education passes a resolution that the district cannot afford to operate a breakfast after the bell program. The district shall post information that sets forth the time, date, place, and general subject matter of the public hearing on its website and notify the State Board of Education at least 14 days prior to the hearing.

(e) Before the beginning of the next academic year after the effective date of this amendatory Act of the 99th General Assembly, the State Board of Education shall develop and distribute guidelines for the implementation of this Section, which must be in compliance with federal regulations governing the school breakfast program.

(f) The State Board of Education shall annually collect information about breakfast after the bell delivery models implemented at each school and make the information publicly available. Final resolutions approving a breakfast after the bell exemption must be submitted by the board of education of the district to the State Board of Education upon passage.

(g) In fulfilling its responsibilities under this Section, the State Board of Education shall collaborate with school districts and nonprofit organizations knowledgeable about equity, the opportunity gap, hunger and food security issues, and best practices for improving student access to school breakfast. The State Board of Education shall collaborate with nonprofit organizations knowledgeable about food security issues and best practices for improving access to school breakfast to create and post a list
of opportunities for philanthropic support of school breakfast programs on its website. This information must also be shared with school districts.

Section 99. Effective date. This Act takes effect January 1, 2017.
Approved August 19, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0851
(Senate Bill No. 2427)

AN ACT concerning revenue.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Property Tax Code is amended by changing Sections 9-275 and 15-175 as follows:
(35 ILCS 200/9-275)
Sec. 9-275. Erroneous homestead exemptions.
(a) For purposes of this Section:
"Erroneous homestead exemption" means a homestead exemption that was granted for real property in a taxable year if the property was not eligible for that exemption in that taxable year. If the taxpayer receives an erroneous homestead exemption under a single Section of this Code for the same property in multiple years, that exemption is considered a single erroneous homestead exemption for purposes of this Section. However, if the taxpayer receives erroneous homestead exemptions under multiple Sections of this Code for the same property, or if the taxpayer receives erroneous homestead exemptions under the same Section of this Code for multiple properties, then each of those exemptions is considered a separate erroneous homestead exemption for purposes of this Section.
"Erroneous exemption principal amount" means the total difference between the property taxes actually billed to a property index number and the amount of property taxes that would have been billed but for the erroneous exemption or exemptions.

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"Taxpayer" means the property owner or leasehold owner that erroneously received a homestead exemption upon property.

(b) Notwithstanding any other provision of law, in counties with 3,000,000 or more inhabitants, the chief county assessment officer shall include the following information with each assessment notice sent in a general assessment year: (1) a list of each homestead exemption available under Article 15 of this Code and a description of the eligibility criteria for that exemption; (2) a list of each homestead exemption applied to the property in the current assessment year; (3) information regarding penalties and interest that may be incurred under this Section if the taxpayer received an erroneous homestead exemption in a previous taxable year; and (4) notice of the 60-day grace period available under this subsection. If, within 60 days after receiving his or her assessment notice, the taxpayer notifies the chief county assessment officer that he or she received an erroneous homestead exemption in a previous taxable year, and if the taxpayer pays the erroneous exemption principal amount, plus interest as provided in subsection (f), then the taxpayer shall not be liable for the penalties provided in subsection (f) with respect to that exemption.

(c) In counties with 3,000,000 or more inhabitants, when the chief county assessment officer determines that one or more erroneous homestead exemptions was applied to the property, the erroneous exemption principal amount, together with all applicable interest and penalties as provided in subsections (f) and (j), shall constitute a lien in the name of the People of Cook County on the property receiving the erroneous homestead exemption. Upon becoming aware of the existence of one or more erroneous homestead exemptions, the chief county assessment officer shall cause to be served, by both regular mail and certified mail, a notice of discovery as set forth in subsection (c-5). The chief county assessment officer in a county with 3,000,000 or more inhabitants may cause a lien to be recorded against property that (1) is located in the county and (2) received one or more erroneous homestead exemptions if, upon determination of the chief county assessment officer, the taxpayer received: (A) one or 2 erroneous homestead exemptions for real property, including at least one erroneous homestead exemption granted for the property against which the lien is sought, during any of the 3 collection years immediately prior to the current collection year in which the notice of discovery is served; or (B) 3 or more erroneous homestead exemptions for real property, including at least one erroneous homestead exemption granted for the property against which the lien is sought, during
any of the 6 collection years immediately prior to the current collection year in which the notice of discovery is served. Prior to recording the lien against the property, the chief county assessment officer shall cause to be served, by both regular mail and certified mail, return receipt requested, on the person to whom the most recent tax bill was mailed and the owner of record, a notice of intent to record a lien against the property. The chief county assessment officer shall cause the notice of intent to record a lien to be served within 3 years from the date on which the notice of discovery was served.

(c-5) The notice of discovery described in subsection (c) shall: (1) identify, by property index number, the property for which the chief county assessment officer has knowledge indicating the existence of an erroneous homestead exemption; (2) set forth the taxpayer's liability for principal, interest, penalties, and administrative costs including, but not limited to, recording fees described in subsection (f); (3) inform the taxpayer that he or she will be served with a notice of intent to record a lien within 3 years from the date of service of the notice of discovery; and (4) inform the taxpayer that he or she may pay the outstanding amount, plus interest, penalties, and administrative costs at any time prior to being served with the notice of intent to record a lien or within 30 days after the notice of intent to record a lien is served; and (5) inform the taxpayer that, if the taxpayer provided notice to the chief county assessment officer as provided in subsection (d-1) of Section 15-175 of this Code, upon submission by the taxpayer of evidence of timely notice and receipt thereof by the chief county assessment officer, the chief county assessment officer will withdraw the notice of discovery and reissue a notice of discovery in compliance with this Section in which the taxpayer is not liable for interest and penalties for the current tax year in which the notice was received.

For the purposes of this subsection (c-5):
"Collection year" means the year in which the first and second installment of the current tax year is billed.
"Current tax year" means the year prior to the collection year.

(d) The notice of intent to record a lien described in subsection (c) shall: (1) identify, by property index number, the property against which the lien is being sought; (2) identify each specific homestead exemption that was erroneously granted and the year or years in which each exemption was granted; (3) set forth the erroneous exemption principal amount due and the interest amount and any penalty and administrative costs included; (4) inform the taxpayer that he or she may pay the outstanding amount, plus interest, penalties, and administrative costs at any time prior to being served with the notice of intent to record a lien or within 30 days after the notice of intent to record a lien is served; and (5) inform the taxpayer that, if the taxpayer provided notice to the chief county assessment officer as provided in subsection (d-1) of Section 15-175 of this Code, upon submission by the taxpayer of evidence of timely notice and receipt thereof by the chief county assessment officer, the chief county assessment officer will withdraw the notice of discovery and reissue a notice of discovery in compliance with this Section in which the taxpayer is not liable for interest and penalties for the current tax year in which the notice was received.
(e) The notice of intent to record a lien shall also include a form that the taxpayer may return to the chief county assessment officer to request a hearing. The taxpayer may request a hearing by returning the form within 30 days after service. The hearing shall be held within 90 days after the taxpayer is served. The chief county assessment officer shall promulgate rules of service and procedure for the hearing. The chief county assessment officer must generally follow rules of evidence and practices that prevail in the county circuit courts, but, because of the nature of these proceedings, the chief county assessment officer is not bound by those rules in all particulars. The chief county assessment officer shall appoint a hearing officer to oversee the hearing. The taxpayer shall be allowed to present evidence to the hearing officer at the hearing. After taking into consideration all the relevant testimony and evidence, the hearing officer shall make an administrative decision on whether the taxpayer was erroneously granted a homestead exemption for the taxable year in question. The taxpayer may appeal the hearing officer's ruling to the circuit court of the county where the property is located as a final administrative decision under the Administrative Review Law.

(f) A lien against the property imposed under this Section shall be filed with the county recorder of deeds, but may not be filed sooner than 60 days after the notice of intent to record a lien was delivered to the taxpayer if the taxpayer does not request a hearing, or until the conclusion of the hearing and all appeals if the taxpayer does request a hearing. If a lien is filed pursuant to this Section and the taxpayer received one or 2 erroneous homestead exemptions during any of the 3 collection years immediately prior to the current collection year in which the notice of discovery is served, then the erroneous exemption principal amount, plus 10% interest per annum or portion thereof from the date the erroneous exemption principal amount, plus interest and penalties, within 30 days after service; and (6) inform the taxpayer that, if the lien is recorded against the property, the amount of the lien will be adjusted to include the applicable recording fee and that fees for recording a release of the lien shall be incurred by the taxpayer. A lien shall not be filed pursuant to this Section if the taxpayer pays the erroneous exemption principal amount, plus penalties and interest, within 30 days of service of the notice of intent to record a lien.

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exemption principal amount would have become due if properly included in the tax bill, shall be charged against the property by the chief county assessment officer. However, if a lien is filed pursuant to this Section and the taxpayer received 3 or more erroneous homestead exemptions during any of the 6 collection years immediately prior to the current collection year in which the notice of discovery is served, the erroneous exemption principal amount, plus a penalty of 50% of the total amount of the erroneous exemption principal amount for that property and 10% interest per annum or portion thereof from the date the erroneous exemption principal amount would have become due if properly included in the tax bill, shall be charged against the property by the chief county assessment officer. If a lien is filed pursuant to this Section, the taxpayer shall not be liable for interest that accrues between the date the notice of discovery is served and the date the lien is filed. Before recording the lien with the county recorder of deeds, the chief county assessment officer shall adjust the amount of the lien to add administrative costs, including but not limited to the applicable recording fee, to the total lien amount.

(g) If a person received an erroneous homestead exemption under Section 15-170 and: (1) the person was the spouse, child, grandchild, brother, sister, niece, or nephew of the previous taxpayer; and (2) the person received the property by bequest or inheritance; then the person is not liable for the penalties imposed under this Section for any year or years during which the chief county assessment officer did not require an annual application for the exemption. However, that person is responsible for any interest owed under subsection (f).

(h) If the erroneous homestead exemption was granted as a result of a clerical error or omission on the part of the chief county assessment officer, and if the taxpayer has paid the tax bills as received for the year in which the error occurred, then the interest and penalties authorized by this Section with respect to that homestead exemption shall not be chargeable to the taxpayer. However, nothing in this Section shall prevent the collection of the erroneous exemption principal amount due and owing.

(i) A lien under this Section is not valid as to (1) any bona fide purchaser for value without notice of the erroneous homestead exemption whose rights in and to the underlying parcel arose after the erroneous homestead exemption was granted but before the filing of the notice of lien; or (2) any mortgagee, judgment creditor, or other lienor whose rights in and to the underlying parcel arose before the filing of the notice of lien. A title insurance policy for the property that is issued by a title company

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licensed to do business in the State showing that the property is free and clear of any liens imposed under this Section shall be prima facie evidence that the taxpayer is without notice of the erroneous homestead exemption. Nothing in this Section shall be deemed to impair the rights of subsequent creditors and subsequent purchasers under Section 30 of the Conveyances Act.

(j) When a lien is filed against the property pursuant to this Section, the chief county assessment officer shall mail a copy of the lien to the person to whom the most recent tax bill was mailed and to the owner of record, and the outstanding liability created by such a lien is due and payable within 30 days after the mailing of the lien by the chief county assessment officer. This liability is deemed delinquent and shall bear interest beginning on the day after the due date at a rate of 1.5% per month or portion thereof. Payment shall be made to the county treasurer. Upon receipt of the full amount due, as determined by the chief county assessment officer, the county treasurer shall distribute the amount paid as provided in subsection (k). Upon presentment by the taxpayer to the chief county assessment officer of proof of payment of the total liability, the chief county assessment officer shall provide in reasonable form a release of the lien. The release of the lien provided shall clearly inform the taxpayer that it is the responsibility of the taxpayer to record the lien release form with the county recorder of deeds and to pay any applicable recording fees.

(k) The county treasurer shall pay collected erroneous exemption principal amounts, pro rata, to the taxing districts, or their legal successors, that levied upon the subject property in the taxable year or years for which the erroneous homestead exemptions were granted, except as set forth in this Section. The county treasurer shall deposit collected penalties and interest into a special fund established by the county treasurer to offset the costs of administration of the provisions of this Section by the chief county assessment officer's office, as appropriated by the county board. If the costs of administration of this Section exceed the amount of interest and penalties collected in the special fund, the chief county assessor shall be reimbursed by each taxing district or their legal successors for those costs. Such costs shall be paid out of the funds collected by the county treasurer on behalf of each taxing district pursuant to this Section.

(l) The chief county assessment officer in a county with 3,000,000 or more inhabitants shall establish an amnesty period for all taxpayers owing any tax due to an erroneous homestead exemption granted in a tax

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year prior to the 2013 tax year. The amnesty period shall begin on the effective date of this amendatory Act of the 98th General Assembly and shall run through December 31, 2013. If, during the amnesty period, the taxpayer pays the entire arrearage of taxes due for tax years prior to 2013, the county clerk shall abate and not seek to collect any interest or penalties that may be applicable and shall not seek civil or criminal prosecution for any taxpayer for tax years prior to 2013. Failure to pay all such taxes due during the amnesty period established under this Section shall invalidate the amnesty period for that taxpayer.

The chief county assessment officer in a county with 3,000,000 or more inhabitants shall (i) mail notice of the amnesty period with the tax bills for the second installment of taxes for the 2012 assessment year and (ii) as soon as possible after the effective date of this amendatory Act of the 98th General Assembly, publish notice of the amnesty period in a newspaper of general circulation in the county. Notices shall include information on the amnesty period, its purpose, and the method by which to make payment.

Taxpayers who are a party to any criminal investigation or to any civil or criminal litigation that is pending in any circuit court or appellate court, or in the Supreme Court of this State, for nonpayment, delinquency, or fraud in relation to any property tax imposed by any taxing district located in the State on the effective date of this amendatory Act of the 98th General Assembly may not take advantage of the amnesty period.

A taxpayer who has claimed 3 or more homestead exemptions in error shall not be eligible for the amnesty period established under this subsection.

(Source: P.A. 98-93, eff. 7-16-13; 98-756, eff. 7-16-14; 98-811, eff. 1-1-15; 98-1143, eff. 1-1-15; 99-143, eff. 7-27-15.)

(35 ILCS 200/15-175)
Sec. 15-175. General homestead exemption.
(a) Except as provided in Sections 15-176 and 15-177, homestead property is entitled to an annual homestead exemption limited, except as described here with relation to cooperatives, to a reduction in the equalized assessed value of homestead property equal to the increase in equalized assessed value for the current assessment year above the equalized assessed value of the property for 1977, up to the maximum reduction set forth below. If however, the 1977 equalized assessed value upon which taxes were paid is subsequently determined by local assessing officials, the Property Tax Appeal Board, or a court to have been excessive, the
equalized assessed value which should have been placed on the property for 1977 shall be used to determine the amount of the exemption.

(b) Except as provided in Section 15-176, the maximum reduction before taxable year 2004 shall be $4,500 in counties with 3,000,000 or more inhabitants and $3,500 in all other counties. Except as provided in Sections 15-176 and 15-177, for taxable years 2004 through 2007, the maximum reduction shall be $5,000, for taxable year 2008, the maximum reduction is $5,500, and, for taxable years 2009 through 2011, the maximum reduction is $6,000 in all counties. For taxable years 2012 and thereafter, the maximum reduction is $7,000 in counties with 3,000,000 or more inhabitants and $6,000 in all other counties. If a county has elected to subject itself to the provisions of Section 15-176 as provided in subsection (k) of that Section, then, for the first taxable year only after the provisions of Section 15-176 no longer apply, for owners who, for the taxable year, have not been granted a senior citizens assessment freeze homestead exemption under Section 15-172 or a long-time occupant homestead exemption under Section 15-177, there shall be an additional exemption of $5,000 for owners with a household income of $30,000 or less.

(c) In counties with fewer than 3,000,000 inhabitants, if, based on the most recent assessment, the equalized assessed value of the homestead property for the current assessment year is greater than the equalized assessed value of the property for 1977, the owner of the property shall automatically receive the exemption granted under this Section in an amount equal to the increase over the 1977 assessment up to the maximum reduction set forth in this Section.

(d) If in any assessment year beginning with the 2000 assessment year, homestead property has a pro-rata valuation under Section 9-180 resulting in an increase in the assessed valuation, a reduction in equalized assessed valuation equal to the increase in equalized assessed value of the property for the year of the pro-rata valuation above the equalized assessed value of the property for 1977 shall be applied to the property on a proportionate basis for the period the property qualified as homestead property during the assessment year. The maximum proportionate homestead exemption shall not exceed the maximum homestead exemption allowed in the county under this Section divided by 365 and multiplied by the number of days the property qualified as homestead property.

(d-1) In counties with 3,000,000 or more inhabitants, where the chief county assessment officer provides a notice of discovery, if a
property is not occupied by its owner as a principal residence as of January 1 of the current tax year, then the property owner shall notify the chief county assessment officer of that fact on a form prescribed by the chief county assessment officer. That notice must be received by the chief county assessment officer on or before March 1 of the collection year. If mailed, the form shall be sent by certified mail, return receipt requested. If the form is provided in person, the chief county assessment officer shall provide a date stamped copy of the notice. Failure to provide timely notice pursuant to this subsection (d-1) shall result in the exemption being treated as an erroneous exemption. Upon timely receipt of the notice for the current tax year, no exemption shall be applied to the property for the current tax year. If the exemption is not removed upon timely receipt of the notice by the chief assessment officer, then the error is considered granted as a result of a clerical error or omission on the part of the chief county assessment officer as described in subsection (h) of Section 9-275, and the property owner shall not be liable for the payment of interest and penalties due to the erroneous exemption for the current tax year for which the notice was filed after the date that notice was timely received pursuant to this subsection. Notice provided under this subsection shall not constitute a defense or amnesty for prior year erroneous exemptions.

For the purposes of this subsection (d-1):
"Collection year" means the year in which the first and second installment of the current tax year is billed.
"Current tax year" means the year prior to the collection year.

(e) The chief county assessment officer may, when considering whether to grant a leasehold exemption under this Section, require the following conditions to be met:

(1) that a notarized application for the exemption, signed by both the owner and the lessee of the property, must be submitted each year during the application period in effect for the county in which the property is located;

(2) that a copy of the lease must be filed with the chief county assessment officer by the owner of the property at the time the notarized application is submitted;

(3) that the lease must expressly state that the lessee is liable for the payment of property taxes; and

(4) that the lease must include the following language in substantially the following form:

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"Lessee shall be liable for the payment of real estate taxes with respect to the residence in accordance with the terms and conditions of Section 15-175 of the Property Tax Code (35 ILCS 200/15-175). The permanent real estate index number for the premises is (insert number), and, according to the most recent property tax bill, the current amount of real estate taxes associated with the premises is (insert amount) per year. The parties agree that the monthly rent set forth above shall be increased or decreased pro rata (effective January 1 of each calendar year) to reflect any increase or decrease in real estate taxes. Lessee shall be deemed to be satisfying Lessee's liability for the above mentioned real estate taxes with the monthly rent payments as set forth above (or increased or decreased as set forth herein)."

In addition, if there is a change in lessee, or if the lessee vacates the property, then the chief county assessment officer may require the owner of the property to notify the chief county assessment officer of that change. This subsection (e) does not apply to leasehold interests in property owned by a municipality.

(f) "Homestead property" under this Section includes residential property that is occupied by its owner or owners as his or their principal dwelling place, or that is a leasehold interest on which a single family residence is situated, which is occupied as a residence by a person who has an ownership interest therein, legal or equitable or as a lessee, and on which the person is liable for the payment of property taxes. For land improved with an apartment building owned and operated as a cooperative or a building which is a life care facility as defined in Section 15-170 and considered to be a cooperative under Section 15-170, the maximum reduction from the equalized assessed value shall be limited to the increase in the value above the equalized assessed value of the property for 1977, up to the maximum reduction set forth above, multiplied by the number of apartments or units occupied by a person or persons who is liable, by contract with the owner or owners of record, for paying property taxes on the property and is an owner of record of a legal or equitable interest in the cooperative apartment building, other than a leasehold interest. For purposes of this Section, the term "life care facility" has the meaning stated in Section 15-170.
"Household", as used in this Section, means the owner, the spouse of the owner, and all persons using the residence of the owner as their principal place of residence.

"Household income", as used in this Section, means the combined income of the members of a household for the calendar year preceding the taxable year.

"Income", as used in this Section, has the same meaning as provided in Section 3.07 of the Senior Citizens and Persons with Disabilities Property Tax Relief Act, except that "income" does not include veteran's benefits.

(g) In a cooperative where a homestead exemption has been granted, the cooperative association or its management firm shall credit the savings resulting from that exemption only to the apportioned tax liability of the owner who qualified for the exemption. Any person who willfully refuses to so credit the savings shall be guilty of a Class B misdemeanor.

(h) Where married persons maintain and reside in separate residences qualifying as homestead property, each residence shall receive 50% of the total reduction in equalized assessed valuation provided by this Section.

(i) In all counties, the assessor or chief county assessment officer may determine the eligibility of residential property to receive the homestead exemption and the amount of the exemption by application, visual inspection, questionnaire or other reasonable methods. The determination shall be made in accordance with guidelines established by the Department, provided that the taxpayer applying for an additional general exemption under this Section shall submit to the chief county assessment officer an application with an affidavit of the applicant's total household income, age, marital status (and, if married, the name and address of the applicant's spouse, if known), and principal dwelling place of members of the household on January 1 of the taxable year. The Department shall issue guidelines establishing a method for verifying the accuracy of the affidavits filed by applicants under this paragraph. The applications shall be clearly marked as applications for the Additional General Homestead Exemption.

(i-5) This subsection (i-5) applies to counties with 3,000,000 or more inhabitants. In the event of a sale of homestead property, the homestead exemption shall remain in effect for the remainder of the assessment year of the sale. Upon receipt of a transfer declaration
transmitted by the recorder pursuant to Section 31-30 of the Real Estate Transfer Tax Law for property receiving an exemption under this Section, the assessor shall mail a notice and forms to the new owner of the property providing information pertaining to the rules and applicable filing periods for applying or reapplying for homestead exemptions under this Code for which the property may be eligible. If the new owner fails to apply or reapply for a homestead exemption during the applicable filing period or the property no longer qualifies for an existing homestead exemption, the assessor shall cancel such exemption for any ensuing assessment year.

(j) In counties with fewer than 3,000,000 inhabitants, in the event of a sale of homestead property the homestead exemption shall remain in effect for the remainder of the assessment year of the sale. The assessor or chief county assessment officer may require the new owner of the property to apply for the homestead exemption for the following assessment year.

(k) Notwithstanding Sections 6 and 8 of the State Mandates Act, no reimbursement by the State is required for the implementation of any mandate created by this Section.

(Source: P.A. 98-7, eff. 4-23-13; 98-463, eff. 8-16-13; 99-143, eff. 7-27-15; 99-164, eff. 7-28-15; revised 8-25-15.)

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

Approved August 19, 2016.
Effective August 19, 2016.

PUBLIC ACT 99-0852
(Senate Bill No. 2450)

AN ACT concerning civil law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Mechanics Lien Act is amended by changing Section 6 as follows:

(770 ILCS 60/6) (from Ch. 82, par. 6)

Sec. 6. In no event shall it be necessary to fix or stipulate in any contract a time for the completion or a time for payment in order to obtain a lien under this act, provided, that the work is done or material furnished within three years from the commencement of said work or the commencement of furnishing said material in the case of work done or

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material furnished as to residential property; and within 5 years from the
commencement of said work or the commencement of furnishing said
material in the case of work done or material furnished as to any other type
of property. The changes made by Public Act 97-966 are operative from
January 1, 2013 through December 31, 2020. The changes made by this
amendatory Act of the 97th General Assembly become inoperative 3 years
after the effective date of this amendatory Act of the 97th General
Assembly.
(Source: P.A. 97-966, eff. 1-1-13.)

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

Approved August 19, 2016.
Effective August 19, 2016.

PUBLIC ACT 99-0853
(Senate Bill No. 2532)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

Section 5. The Military Veterans Assistance Act is amended by
changing Section 9 as follows:
(330 ILCS 45/9) (from Ch. 23, par. 3089)
Sec. 9. Veterans Assistance Commission.
(a) In counties having 2 or more posts, camps, units, and
chapters or detachments of military veterans organizations as may be recognized by
law, a central assistance committee may be organized to be known as the
Veterans Assistance Commission of such county, composed of delegates
one delegate and alternates one alternate from a majority each of such
posts, units, and chapters or ships selected annually as determined
by each post, ship, camp, or chapter. When so organized a commission
shall be clothed with all the powers and charged with all the duties
theretofore devolving upon the different posts and chapters as provided in
Section 2.

(1) Beginning on January 1, 2017, and every January 1
thereafter, all Veterans Assistance Commissions shall publish a
notice to each post, camp, unit, chapter, ship, or detachment of a
military veterans organization within their respective county

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calling on them to select delegates and alternates for that county’s Veterans Assistance Commission by the methods provided in this subsection. The Veterans Assistance Commissions shall allow each post, camp, unit, chapter, ship, or detachment of a military veterans organization 60 days to respond.  

(2) Except as provided in paragraph (3), posts, camps, units, chapters, ships, or detachments of a military veterans organization shall be permitted to select one delegate and one alternate.  

(3) In counties with 5 or more posts, camps, units, chapters, ships, or detachments of the same military veterans organization, all the constituent posts, camps, units, chapters, ships, or detachments of such military organizations shall be permitted to select a single delegate and single alternate to represent that military veterans organization instead of each constituent post, camp, unit, chapter, ship, or detachment selecting one delegate and one alternate. For the purposes of meeting the majority requirement of this subsection, when the constituent groups of a military veterans organization choose to select a single delegate and single alternate, the single delegate and single alternate shall represent the aggregate percentage of the constituent groups.  

(b) The Commission superintendent and the president or chairman of the county board, or some other county officer appointed by him, shall have general oversight of the distribution of all moneys and supplies appropriated by the county for the benefit of military veterans and their families, subject to such rules, regulations, administrative procedures or audit reviews as are necessary as approved by the county board to carry out the spirit and intent of this Act. No warrant authorized under this Act may be issued for the payment of money without the presentation of an itemized statement or claim, approved by the superintendent of the Commission.  

If general assistance funds are allocated to a county for assistance to military veterans and their families as provided in the Illinois Public Aid Code, the administration of such funds and of county tax funds levied for such purpose as provided in Section 5-2006 of the Counties Code shall be subject to the supervision of the Department of Human Services in accordance with the provisions of the Illinois Public Aid Code. The superintendent of the Veterans Assistance Commission must comply with the procedures and regulations adopted by the Veterans Assistance Commission.
Commission and the regulations of the Department of Human Services. To further the intent of this Act of assisting military veterans, this Act is to be construed so that the Veterans Assistance Commission shall provide needed services to eligible veterans.

(Source: P.A. 89-507, eff. 7-1-97.)

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

Approved August 19, 2016.
Effective August 19, 2016.

PUBLIC ACT 99-0854
(Senate Bill No. 2585)

AN ACT concerning State government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Governor's Office of Management and Budget Act is amended by changing Section 7.3 as follows:

(20 ILCS 3005/7.3)

Sec. 7.3. Annual economic and fiscal policy report. No later than November 15 the 3rd business day in January of each year, the Governor's Office of Management and Budget shall submit an economic and fiscal policy report to the General Assembly. The report must outline the long-term economic and fiscal policy objectives of the State, the economic and fiscal policy intentions for the upcoming fiscal year, and the economic and fiscal policy intentions for the following 4 years. The report must highlight the total level of revenue, expenditure, deficit or surplus, and debt with respect to each of the reporting categories. The report must include any assumptions concerning tax rates and fees used to determine revenue and expenditures for future fiscal years. The report must include a comparison of the enacted current fiscal year budget to the current fiscal year outlook, and, if applicable, must outline any budgetary shortfalls and fiscal and policy options that the Office will pursue to remedy those budgetary shortfalls. If the projected expenditures for any of the following 4 fiscal years exceeds the corresponding fiscal year projected revenues, then the report must outline fiscal and policy options that the Office will pursue to remedy the budgetary shortfall. The report must include an agency categorization key for the reporting categories. The report must be

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posted on the Office's Internet website and allow members of the public to post comments concerning the report.
(Source: P.A. 98-692, eff. 7-1-14.)

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

Approved August 19, 2016.
Effective August 19, 2016.

PUBLIC ACT 99-0855
(Senate Bill No. 2746)

AN ACT concerning revenue.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

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

(35 ILCS 105/3-5)
Sec. 3-5. Exemptions. Use of the following tangible personal property is exempt from the tax imposed by this Act:

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

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

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

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entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(4) Personal property purchased by a governmental body, by a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, or by a not-for-profit corporation, society, association, foundation, institution, or organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes. On and after July 1, 1987, however, no entity otherwise eligible for this exemption shall make tax-free purchases unless it has an active exemption identification number issued by the Department.

(5) Until July 1, 2003, a passenger car that is a replacement vehicle to the extent that the purchase price of the car is subject to the Replacement Vehicle Tax.

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

(7) Farm chemicals.

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

(9) Personal property purchased from a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(10) A motor vehicle that is used for automobile renting, as defined in the Automobile Renting Occupation and Use Tax Act.

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

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programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (11). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

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

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (11) is exempt from the provisions of Section 3-90.

(12) Until June 30, 2013, fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

Beginning July 1, 2013, fuel and petroleum products sold to or used by an air carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight that (i) is engaged in foreign trade or is engaged in trade between the United States and any of its possessions and (ii) transports at least one individual or package for hire from the city of origination to the
city of final destination on the same aircraft, without regard to a change in
the flight number of that aircraft.

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

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

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

(16) Coal and aggregate exploration, mining, off-highway hauling,
processing, maintenance, and reclamation equipment, including
replacement parts and equipment, and including equipment purchased for
lease, but excluding motor vehicles required to be registered under the
Illinois Vehicle Code. The changes made to this Section by Public Act 97-
767 apply on and after July 1, 2003, but no claim for credit or refund is
allowed on or after August 16, 2013 (the effective date of Public Act 98-
456) for such taxes paid during the period beginning July 1, 2003 and
ending on August 16, 2013 (the effective date of Public Act 98-456).

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

(18) Manufacturing and assembling machinery and equipment used
primarily in the process of manufacturing or assembling tangible personal
property for wholesale or retail sale or lease, whether that sale or lease is

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made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether that sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges, or other similar items of no commercial value on special order for a particular purchaser. The exemption provided by this paragraph (18) does not include machinery and equipment used in (i) the generation of electricity for wholesale or retail sale; (ii) the generation or treatment of natural or artificial gas for wholesale or retail sale that is delivered to customers through pipes, pipelines, or mains; or (iii) the treatment of water for wholesale or retail sale that is delivered to customers through pipes, pipelines, or mains. The provisions of Public Act 98-583 are declaratory of existing law as to the meaning and scope of this exemption.

(19) Personal property delivered to a purchaser or purchaser's donee inside Illinois when the purchase order for that personal property was received by a florist located outside Illinois who has a florist located inside Illinois deliver the personal property.

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

(21) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes. This item (21) is exempt from the provisions of Section 3-90, and the exemption provided for under this item (21) applies for all periods beginning May 30, 1995, but no claim for credit or refund is allowed on or after January 1, 2008 for such taxes paid during the period beginning May 30, 2000 and ending on January 1, 2008.

(22) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as
the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(23) Personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active sales tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

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

(25) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and

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sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(26) Beginning July 1, 1999, game or game birds purchased at a "game breeding and hunting preserve area" as that term is used in the Wildlife Code. This paragraph is exempt from the provisions of Section 3-90.

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

(28) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-90.

(29) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement

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parts for these machines. Beginning January 1, 2002 and through June 30, 2003, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 3-90.

(30) Beginning January 1, 2001 and through June 30, 2016, food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article V of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act, or in a licensed facility as defined in the ID/DD Community Care Act, the MC/DD Act, or the Specialized Mental Health Rehabilitation Act of 2013.

(31) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-90.
(32) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active sales tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-90.

(33) On and after July 1, 2003 and through June 30, 2004, the use in this State of motor vehicles of the second division with a gross vehicle weight in excess of 8,000 pounds and that are subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code. Beginning on July 1, 2004 and through June 30, 2005, the use in this State of motor vehicles of the second division: (i) with a gross vehicle weight rating in excess of 8,000 pounds; (ii) that are subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code; and (iii) that are primarily used for commercial purposes. Through June 30, 2005, this exemption applies to repair and replacement parts added after the initial purchase of such a motor vehicle if that motor vehicle is used in a manner that would qualify for the rolling stock exemption otherwise provided for in this Act. For purposes of this paragraph, the term "used for commercial purposes" means the transportation of persons or property in furtherance of any commercial or industrial enterprise, whether for-hire or not.

(34) Beginning January 1, 2008, tangible personal property used in the construction or maintenance of a community water supply, as defined under Section 3.145 of the Environmental Protection Act, that is operated by a not-for-profit corporation that holds a valid water supply permit.
issued under Title IV of the Environmental Protection Act. This paragraph is exempt from the provisions of Section 3-90.

(35) Beginning January 1, 2010, materials, parts, equipment, components, and furnishings incorporated into or upon an aircraft as part of the modification, refurbishment, completion, replacement, repair, or maintenance of the aircraft. This exemption includes consumable supplies used in the modification, refurbishment, completion, replacement, repair, and maintenance of aircraft, but excludes any materials, parts, equipment, components, and consumable supplies used in the modification, replacement, repair, and maintenance of aircraft engines or power plants, whether such engines or power plants are installed or uninstalled upon any such aircraft. "Consumable supplies" include, but are not limited to, adhesive, tape, sandpaper, general purpose lubricants, cleaning solution, latex gloves, and protective films. This exemption applies only to the use of qualifying tangible personal property by persons who modify, refurbish, complete, repair, replace, or maintain aircraft and who (i) hold an Air Agency Certificate and are empowered to operate an approved repair station by the Federal Aviation Administration, (ii) have a Class IV Rating, and (iii) conduct operations in accordance with Part 145 of the Federal Aviation Regulations. The exemption does not include aircraft operated by a commercial air carrier providing scheduled passenger air service pursuant to authority issued under Part 121 or Part 129 of the Federal Aviation Regulations. The changes made to this paragraph (35) by Public Act 98-534 are declarative of existing law.

(36) Tangible personal property purchased by a public-facilities corporation, as described in Section 11-65-10 of the Illinois Municipal Code, for purposes of constructing or furnishing a municipal convention hall, but only if the legal title to the municipal convention hall is transferred to the municipality without any further consideration by or on behalf of the municipality at the time of the completion of the municipal convention hall or upon the retirement or redemption of any bonds or other debt instruments issued by the public-facilities corporation in connection with the development of the municipal convention hall. This exemption includes existing public-facilities corporations as provided in Section 11-65-25 of the Illinois Municipal Code. This paragraph is exempt from the provisions of Section 3-90.

(37) Beginning January 1, 2017, menstrual pads, tampons, and menstrual cups.

New matter indicated by italics - deletions by strikeout
(Source: P.A. 98-104, eff. 7-22-13; 98-422, eff. 8-16-13; 98-456, eff. 8-16-13; 98-534, eff. 8-23-13; 98-574, eff. 1-1-14; 98-583, eff. 1-1-14; 98-756, eff. 7-16-14; 99-180, eff. 7-29-15.)

Section 10. The Service Use Tax Act is amended by changing Section 3-5 as follows:

(35 ILCS 110/3-5)

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

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

(2) Personal property purchased by a non-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

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

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

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

New matter indicated by italics - deletions by strikeout
chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

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

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

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

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 3-75.

(8) Until June 30, 2013, fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or

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locations outside the United States without regard to previous or subsequent domestic stopovers.

Beginning July 1, 2013, fuel and petroleum products sold to or used by an air carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight that (i) is engaged in foreign trade or is engaged in trade between the United States and any of its possessions and (ii) transports at least one individual or package for hire from the city of origination to the city of final destination on the same aircraft, without regard to a change in the flight number of that aircraft.

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

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

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

(12) Coal and aggregate exploration, mining, off-highway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code. The changes made to this Section by Public Act 97-767 apply on and after July 1, 2003, but no claim for credit or refund is allowed on or after August 16, 2013 (the effective date of Public Act 98-456) for such taxes paid during the period beginning July 1, 2003 and ending on August 16, 2013 (the effective date of Public Act 98-456).

New matter indicated by italics - deletions by strikeout
(13) Semen used for artificial insemination of livestock for direct agricultural production.

(14) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes. This item (14) is exempt from the provisions of Section 3-75, and the exemption provided for under this item (14) applies for all periods beginning May 30, 1995, but no claim for credit or refund is allowed on or after the effective date of this amendatory Act of the 95th General Assembly for such taxes paid during the period beginning May 30, 2000 and ending on the effective date of this amendatory Act of the 95th General Assembly.

(15) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessee would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(16) Personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessee would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the

New matter indicated by italics - deletions by strikeout
lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

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

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

(19) Beginning July 1, 1999, game or game birds purchased at a "game breeding and hunting preserve area" as that term is used in the Wildlife Code. This paragraph is exempt from the provisions of Section 3-75.

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

(21) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-75.

(22) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002 and through June 30, 2003, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 3-75.

(23) Beginning August 23, 2001 and through June 30, 2016, food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article V of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act, or in a...
licensed facility as defined in the ID/DD Community Care Act, the MC/DD Act, or the Specialized Mental Health Rehabilitation Act of 2013.

(24) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-75.

(25) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or is used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-75.
that amount is not refunded to the lessee for any reason, the lessor is liable to
pay that amount to the Department. This paragraph is exempt from the
provisions of Section 3-75.

(26) Beginning January 1, 2008, tangible personal property used in
the construction or maintenance of a community water supply, as defined
under Section 3.145 of the Environmental Protection Act, that is operated
by a not-for-profit corporation that holds a valid water supply permit
issued under Title IV of the Environmental Protection Act. This paragraph
is exempt from the provisions of Section 3-75.

(27) Beginning January 1, 2010, materials, parts, equipment,
components, and furnishings incorporated into or upon an aircraft as part
of the modification, refurbishment, completion, replacement, repair, or
maintenance of the aircraft. This exemption includes consumable supplies
used in the modification, refurbishment, completion, replacement, repair,
and maintenance of aircraft, but excludes any materials, parts, equipment,
components, and consumable supplies used in the modification,
replacement, repair, and maintenance of aircraft engines or power plants,
whether such engines or power plants are installed or uninstalled upon any
such aircraft. "Consumable supplies" include, but are not limited to,
adhesive, tape, sandpaper, general purpose lubricants, cleaning solution,
latex gloves, and protective films. This exemption applies only to the use
of qualifying tangible personal property transferred incident to the
modification, refurbishment, completion, replacement, repair, or
maintenance of aircraft by persons who (i) hold an Air Agency Certificate
and are empowered to operate an approved repair station by the Federal
Aviation Administration, (ii) have a Class IV Rating, and (iii) conduct
operations in accordance with Part 145 of the Federal Aviation
Regulations. The exemption does not include aircraft operated by a
commercial air carrier providing scheduled passenger air service pursuant
to authority issued under Part 121 or Part 129 of the Federal Aviation
Regulations. The changes made to this paragraph (27) by Public Act 98-
534 are declarative of existing law.

(28) Tangible personal property purchased by a public-facilities
corporation, as described in Section 11-65-10 of the Illinois Municipal
Code, for purposes of constructing or furnishing a municipal convention
hall, but only if the legal title to the municipal convention hall is
transferred to the municipality without any further consideration by or on
behalf of the municipality at the time of the completion of the municipal
convention hall or upon the retirement or redemption of any bonds or other

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debt instruments issued by the public-facilities corporation in connection with the development of the municipal convention hall. This exemption includes existing public-facilities corporations as provided in Section 11-65-25 of the Illinois Municipal Code. This paragraph is exempt from the provisions of Section 3-75.

(29) Beginning January 1, 2017, menstrual pads, tampons, and menstrual cups.

(Source: P.A. 98-104, eff. 7-22-13; 98-422, eff. 8-16-13; 98-456, eff. 8-16-13; 98-534, eff. 8-23-13; 98-756, eff. 7-16-14; 99-180, eff. 7-29-15.)

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

(35 ILCS 115/3-5)

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

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

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

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

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

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

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

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

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

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

(8) Until June 30, 2013, fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

Beginning July 1, 2013, fuel and petroleum products sold to or used by an air carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight that (i) is engaged in foreign trade or is engaged in trade between the United States and any of its possessions and (ii) transports at least one individual or package for hire from the city of origination to the city of final destination on the same aircraft, without regard to a change in the flight number of that aircraft.

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

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

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

(12) Coal and aggregate exploration, mining, off-highway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the

New matter indicated by italics - deletions by strikeout
Illinois Vehicle Code. The changes made to this Section by Public Act 97-767 apply on and after July 1, 2003, but no claim for credit or refund is allowed on or after August 16, 2013 (the effective date of Public Act 98-456) for such taxes paid during the period beginning July 1, 2003 and ending on August 16, 2013 (the effective date of Public Act 98-456).

(13) Beginning January 1, 1992 and through June 30, 2016, food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article V of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act, or in a licensed facility as defined in the ID/DD Community Care Act, the MC/DD Act, or the Specialized Mental Health Rehabilitation Act of 2013.

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

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

(16) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act.

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

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

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

(20) Beginning July 1, 1999, game or game birds sold at a "game breeding and hunting preserve area" as that term is used in the Wildlife Code. This paragraph is exempt from the provisions of Section 3-55.

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

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

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

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

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

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

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

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

(29) Beginning January 1, 2010, materials, parts, equipment, components, and furnishings incorporated into or upon an aircraft as part of the modification, refurbishment, completion, replacement, repair, or maintenance of the aircraft. This exemption includes consumable supplies

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used in the modification, refurbishment, completion, replacement, repair, and maintenance of aircraft, but excludes any materials, parts, equipment, components, and consumable supplies used in the modification, replacement, repair, and maintenance of aircraft engines or power plants, whether such engines or power plants are installed or uninstalled upon any such aircraft. "Consumable supplies" include, but are not limited to, adhesive, tape, sandpaper, general purpose lubricants, cleaning solution, latex gloves, and protective films. This exemption applies only to the transfer of qualifying tangible personal property incident to the modification, refurbishment, completion, replacement, repair, or maintenance of an aircraft by persons who (i) hold an Air Agency Certificate and are empowered to operate an approved repair station by the Federal Aviation Administration, (ii) have a Class IV Rating, and (iii) conduct operations in accordance with Part 145 of the Federal Aviation Regulations. The exemption does not include aircraft operated by a commercial air carrier providing scheduled passenger air service pursuant to authority issued under Part 121 or Part 129 of the Federal Aviation Regulations. The changes made to this paragraph (29) by Public Act 98-534 are declarative of existing law.

(30) Beginning January 1, 2017, menstrual pads, tampons, and menstrual cups.
(Source: P.A. 98-104, eff. 7-22-13; 98-422, eff. 8-16-13; 98-456, eff. 8-16-13; 98-534, eff. 8-23-13; 98-756, eff. 7-16-14; 99-180, eff. 7-29-15.)

Section 20. The Retailers' Occupation Tax Act is amended by changing Section 2-5 as follows:
(35 ILCS 120/2-5)
Sec. 2-5. Exemptions. Gross receipts from proceeds from the sale of the following tangible personal property are exempt from the tax imposed by this Act:
(1) Farm chemicals.
(2) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required

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to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (2). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed, if the selling price of the tender is separately stated.

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

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

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

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

(5) A motor vehicle that is used for automobile renting, as defined in the Automobile Renting Occupation and Use Tax Act. This paragraph is exempt from the provisions of Section 2-70.

(6) Personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.
(7) Until July 1, 2003, proceeds of that portion of the selling price of a passenger car the sale of which is subject to the Replacement Vehicle Tax.

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

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

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

(11) Personal property sold to a governmental body, to a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, or to a not-for-profit corporation, society, association, foundation, institution, or organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes. On and after July 1, 1987, however, no entity otherwise eligible for this exemption shall make tax-free purchases unless it has an active identification number issued by the Department.

(12) Tangible personal property sold to interstate carriers for hire for use as rolling stock moving in interstate commerce or to lessors under leases of one year or longer executed or in effect at the time of purchase by

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interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(12-5) On and after July 1, 2003 and through June 30, 2004, motor vehicles of the second division with a gross vehicle weight in excess of 8,000 pounds that are subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code. Beginning on July 1, 2004 and through June 30, 2005, the use in this State of motor vehicles of the second division: (i) with a gross vehicle weight rating in excess of 8,000 pounds; (ii) that are subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code; and (iii) that are primarily used for commercial purposes. Through June 30, 2005, this exemption applies to repair and replacement parts added after the initial purchase of such a motor vehicle if that motor vehicle is used in a manner that would qualify for the rolling stock exemption otherwise provided for in this Act. For purposes of this paragraph, "used for commercial purposes" means the transportation of persons or property in furtherance of any commercial or industrial enterprise whether for-hire or not.

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

(14) Machinery and equipment that will be used by the purchaser, or a lessee of the purchaser, primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease, whether the sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether the sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges, or other similar items of no commercial value on special order for a particular purchaser. The exemption provided by this paragraph (14) does not include machinery and equipment used in (i) the generation of electricity for wholesale or retail sale; (ii) the generation or treatment of natural or artificial gas for wholesale or retail sale that is delivered to customers.
through pipes, pipelines, or mains; or (iii) the treatment of water for wholesale or retail sale that is delivered to customers through pipes, pipelines, or mains. The provisions of Public Act 98-583 are declaratory of existing law as to the meaning and scope of this exemption.

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

(16) Petroleum products sold to a purchaser if the seller is prohibited by federal law from charging tax to the purchaser.

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

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

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

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

(21) Coal and aggregate exploration, mining, off-highway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code. The changes made to this Section by Public Act 97-

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(22) Until June 30, 2013, fuel and petroleum products sold to or used by an air carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

Beginning July 1, 2013, fuel and petroleum products sold to or used by an air carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight that (i) is engaged in foreign trade or is engaged in trade between the United States and any of its possessions and (ii) transports at least one individual or package for hire from the city of origination to the city of final destination on the same aircraft, without regard to a change in the flight number of that aircraft.

(23) A transaction in which the purchase order is received by a florist who is located outside Illinois, but who has a florist located in Illinois deliver the property to the purchaser or the purchaser's donee in Illinois.

(24) Fuel consumed or used in the operation of ships, barges, or vessels that are used primarily in or for the transportation of property or the conveyance of persons for hire on rivers bordering on this State if the fuel is delivered by the seller to the purchaser's barge, ship, or vessel while it is afloat upon that bordering river.

(25) Except as provided in item (25-5) of this Section, a motor vehicle sold in this State to a nonresident even though the motor vehicle is delivered to the nonresident in this State, if the motor vehicle is not to be titled in this State, and if a drive-away permit is issued to the motor vehicle as provided in Section 3-603 of the Illinois Vehicle Code or if the nonresident purchaser has vehicle registration plates to transfer to the motor vehicle upon returning to his or her home state. The issuance of the drive-away permit or having the out-of-state registration plates to be transferred is prima facie evidence that the motor vehicle will not be titled in this State.

(25-5) The exemption under item (25) does not apply if the state in which the motor vehicle will be titled does not allow a reciprocal
exemption for a motor vehicle sold and delivered in that state to an Illinois resident but titled in Illinois. The tax collected under this Act on the sale of a motor vehicle in this State to a resident of another state that does not allow a reciprocal exemption shall be imposed at a rate equal to the state's rate of tax on taxable property in the state in which the purchaser is a resident, except that the tax shall not exceed the tax that would otherwise be imposed under this Act. At the time of the sale, the purchaser shall execute a statement, signed under penalty of perjury, of his or her intent to title the vehicle in the state in which the purchaser is a resident within 30 days after the sale and of the fact of the payment to the State of Illinois of tax in an amount equivalent to the state's rate of tax on taxable property in his or her state of residence and shall submit the statement to the appropriate tax collection agency in his or her state of residence. In addition, the retailer must retain a signed copy of the statement in his or her records. Nothing in this item shall be construed to require the removal of the vehicle from this state following the filing of an intent to title the vehicle in the purchaser's state of residence if the purchaser titles the vehicle in his or her state of residence within 30 days after the date of sale. The tax collected under this Act in accordance with this item (25-5) shall be proportionately distributed as if the tax were collected at the 6.25% general rate imposed under this Act.

(25-7) Beginning on July 1, 2007, no tax is imposed under this Act on the sale of an aircraft, as defined in Section 3 of the Illinois Aeronautics Act, if all of the following conditions are met:

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

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

(3) the seller retains in his or her books and records and provides to the Department a signed and dated certification from the purchaser, on a form prescribed by the Department, certifying that the requirements of this item (25-7) are met. The certificate must also include the name and address of the purchaser, the address of the location where the aircraft is to be titled or registered, the address of the primary physical location of the

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aircraft, and other information that the Department may reasonably require.

For purposes of this item (25-7):

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

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

This paragraph (25-7) is exempt from the provisions of Section 2-70.

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

(27) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes. This item (27) is exempt from the provisions of Section 2-70, and the exemption provided for under this item (27) applies for all periods beginning May 30, 1995, but no claim for credit or refund is allowed on or after January 1, 2008 (the effective date of Public Act 95-88) for such taxes paid during the period beginning May 30, 2000 and ending on January 1, 2008 (the effective date of Public Act 95-88).

(28) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of this Act.

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

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

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

(32) Beginning July 1, 1999, game or game birds sold at a "game breeding and hunting preserve area" as that term is used in the Wildlife Code. This paragraph is exempt from the provisions of Section 2-70.

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

(34) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents

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and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 2-70.

(35) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002 and through June 30, 2003, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 2-70.

(35-5) Beginning August 23, 2001 and through June 30, 2016, food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article V of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act, or a licensed facility as defined in the ID/DD Community Care Act, the MC/DD Act, or the Specialized Mental Health Rehabilitation Act of 2013.

(36) Beginning August 2, 2001, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of this Act. This paragraph is exempt from the provisions of Section 2-70.

(37) Beginning August 2, 2001, personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department

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under Section 1g of this Act. This paragraph is exempt from the provisions of Section 2-70.

(38) Beginning on January 1, 2002 and through June 30, 2016, tangible personal property purchased from an Illinois retailer by a taxpayer engaged in centralized purchasing activities in Illinois who will, upon receipt of the property in Illinois, temporarily store the property in Illinois (i) for the purpose of subsequently transporting it outside this State for use or consumption thereafter solely outside this State or (ii) for the purpose of being processed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property to be transported outside this State and thereafter used or consumed solely outside this State. The Director of Revenue shall, pursuant to rules adopted in accordance with the Illinois Administrative Procedure Act, issue a permit to any taxpayer in good standing with the Department who is eligible for the exemption under this paragraph (38). The permit issued under this paragraph (38) shall authorize the holder, to the extent and in the manner specified in the rules adopted under this Act, to purchase tangible personal property from a retailer exempt from the taxes imposed by this Act. Taxpayers shall maintain all necessary books and records to substantiate the use and consumption of all such tangible personal property outside of the State of Illinois.

(39) Beginning January 1, 2008, tangible personal property used in the construction or maintenance of a community water supply, as defined under Section 3.145 of the Environmental Protection Act, that is operated by a not-for-profit corporation that holds a valid water supply permit issued under Title IV of the Environmental Protection Act. This paragraph is exempt from the provisions of Section 2-70.

(40) Beginning January 1, 2010, materials, parts, equipment, components, and furnishings incorporated into or upon an aircraft as part of the modification, refurbishment, completion, replacement, repair, or maintenance of the aircraft. This exemption includes consumable supplies used in the modification, refurbishment, completion, replacement, repair, and maintenance of aircraft, but excludes any materials, parts, equipment, components, and consumable supplies used in the modification, replacement, repair, and maintenance of aircraft engines or power plants, whether such engines or power plants are installed or uninstalled upon any such aircraft. "Consumable supplies" include, but are not limited to, adhesive, tape, sandpaper, general purpose lubricants, cleaning solution, latex gloves, and protective films. This exemption applies only to the sale

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of qualifying tangible personal property to persons who modify, refurbish, complete, replace, or maintain an aircraft and who (i) hold an Air Agency Certificate and are empowered to operate an approved repair station by the Federal Aviation Administration, (ii) have a Class IV Rating, and (iii) conduct operations in accordance with Part 145 of the Federal Aviation Regulations. The exemption does not include aircraft operated by a commercial air carrier providing scheduled passenger air service pursuant to authority issued under Part 121 or Part 129 of the Federal Aviation Regulations. The changes made to this paragraph (40) by Public Act 98-534 are declarative of existing law.

(41) Tangible personal property sold to a public-facilities corporation, as described in Section 11-65-10 of the Illinois Municipal Code, for purposes of constructing or furnishing a municipal convention hall, but only if the legal title to the municipal convention hall is transferred to the municipality without any further consideration by or on behalf of the municipality at the time of the completion of the municipal convention hall or upon the retirement or redemption of any bonds or other debt instruments issued by the public-facilities corporation in connection with the development of the municipal convention hall. This exemption includes existing public-facilities corporations as provided in Section 11-65-25 of the Illinois Municipal Code. This paragraph is exempt from the provisions of Section 2-70.

(42) Beginning January 1, 2017, menstrual pads, tampons, and menstrual cups.

(Source: P.A. 98-104, eff. 7-22-13; 98-422, eff. 8-16-13; 98-456, eff. 8-16-13; 98-534, eff. 8-23-13; 98-574, eff. 1-1-14; 98-583, eff. 1-1-14; 98-756, eff. 7-16-14; 99-180, eff. 7-29-15.)

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

Approved August 19, 2016.
Effective August 19, 2016.
AN ACT concerning State government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The State Treasurer Act is amended by changing Section 17 as follows:

(15 ILCS 505/17) (from Ch. 130, par. 17)

Sec. 17. The State Treasurer may establish and administer both a Public Treasurers' Investment Pool and an E-Pay program to supplement and enhance both the investment opportunities and the secure electronic payment options otherwise available to other custodians of public funds for public agencies in this State.

The Treasurer, in administering the Public Treasurers' Investment Pool, may receive public funds paid into the pool by any other custodian of such funds and may serve as the fiscal agent of that custodian of public funds for the purpose of holding and investing those funds.

The Treasurer may invest the public funds constituting the Public Treasurers' Investment Pool in the same manner, in the same types of investments and subject to the same limitations provided for the investment of funds in the State Treasury. The Treasurer shall develop, publish, and implement an investment policy covering the management of funds in the Public Treasurers' Investment Pool. The policy shall be published each year as part of the audit of the Public Treasurers' Investment Pool by the Auditor General, which shall be distributed to all participants. The Treasurer shall notify all Public Treasurers' Investment Pool participants in writing, and the Treasurer shall publish in at least one newspaper of general circulation in both Springfield and Chicago any changes to a previously published investment policy at least 30 calendar days before implementing the policy. Any such investment policy adopted by the Treasurer shall be reviewed, and updated if necessary, within 90 days following the installation of a new Treasurer.

The Treasurer shall promulgate such rules and regulations as he deems necessary for the efficient administration of the Public Treasurers' Investment Pool and the E-Pay program, including specification of minimum amounts which may be deposited in the Pool and minimum periods of time for which deposits shall be retained in the Pool. The rules shall provide for the administration expenses of the Pool to be paid from

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its earnings and for the interest earnings in excess of such expenses to be credited or paid monthly to the several custodians of public funds participating in the Pool in a manner which equitably reflects the differing amounts of their respective investments in the Pool and the differing periods of time for which such amounts were in the custody of the Pool.

Upon creating a Public Treasurers' Investment Pool the State Treasurer shall give bond with 2 or more sufficient sureties, payable to custodians of public funds who participate in the Pool for the benefit of the public agencies whose funds are paid into the Pool for investment, in the penal sum of $150,000, conditioned for the faithful discharge of his duties in relation to the Public Treasurers' Investment Pool.

"Public funds" and "public agency", as used in this Section have the meanings ascribed to them in Section 1 of "An Act relating to certain investments of public funds by public agencies", approved July 23, 1943, as amended.

This amendatory Act of 1975 is not a limit on any home rule unit.

*After the effective date of this amendatory Act of the 99th General Assembly, participation in the Public Treasurers' Investment Pool shall not be a prerequisite for participation in the Treasurer's E-Pay program.*

(Source: P.A. 97-537, eff. 8-23-11.)

Section 10. The Deposit of State Moneys Act is amended by changing Sections 18 and 22.5 as follows:

(15 ILCS 520/18) (from Ch. 130, par. 37)

Sec. 18. The State Treasurer shall make a monthly report to the Governor giving a detailed statement of the balances on deposit in the several banks or savings and loan associations, and the amount paid by each such bank or savings and loan association as interest on moneys so deposited. Such statement shall contain the name of each bank or savings and loan association, and the amount in such bank or savings and loan association subject to draft at the close of business on the last day of the month for which the report is made, and on the last day of the month next preceding. A copy of such report shall be retained by the Treasurer and shall be made available for inspection by the public at any reasonable time. *The Treasurer may satisfy the requirements of this Section by posting the monthly report on the Treasurer's official Internet website.*

(Source: P.A. 83-541.)

(15 ILCS 520/22.5) (from Ch. 130, par. 41a)

(For force and effect of certain provisions, see Section 90 of P.A. 94-79)

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Sec. 22.5. Permitted investments. The State Treasurer may, with the approval of the Governor, invest and reinvest any State money in the treasury which is not needed for current expenditures due or about to become due, in obligations of the United States government or its agencies or of National Mortgage Associations established by or under the National Housing Act, 1201 U.S.C. 1701 et seq., or in mortgage participation certificates representing undivided interests in specified, first-lien conventional residential Illinois mortgages that are underwritten, insured, guaranteed, or purchased by the Federal Home Loan Mortgage Corporation or in Affordable Housing Program Trust Fund Bonds or Notes as defined in and issued pursuant to the Illinois Housing Development Act. All such obligations shall be considered as cash and may be delivered over as cash by a State Treasurer to his successor.

The State Treasurer may, with the approval of the Governor, purchase any state bonds with any money in the State Treasury that has been set aside and held for the payment of the principal of and interest on the bonds. The bonds shall be considered as cash and may be delivered over as cash by the State Treasurer to his successor.

The State Treasurer may, with the approval of the Governor, invest or reinvest any State money in the treasury that is not needed for current expenditure due or about to become due, or any money in the State Treasury that has been set aside and held for the payment of the principal of and interest on any State bonds, in shares, withdrawable accounts, and investment certificates of savings and building and loan associations, incorporated under the laws of this State or any other state or under the laws of the United States; provided, however, that investments may be made only in those savings and loan or building and loan associations the shares and withdrawable accounts or other forms of investment securities of which are insured by the Federal Deposit Insurance Corporation.

The State Treasurer may not invest State money in any savings and loan or building and loan association unless a commitment by the savings and loan (or building and loan) association, executed by the president or chief executive officer of that association, is submitted in the following form:

The ................. Savings and Loan (or Building and Loan) Association pledges not to reject arbitrarily mortgage loans for residential properties within any specific part of the community served by the savings and loan (or building and loan) association because of the location of the property. The savings and loan (or

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building and loan) association also pledges to make loans available on low and moderate income residential property throughout the community within the limits of its legal restrictions and prudent financial practices.

The State Treasurer may, with the approval of the Governor, invest or reinvest, at a price not to exceed par, any State money in the treasury that is not needed for current expenditures due or about to become due, or any money in the State Treasury that has been set aside and held for the payment of the principal of and interest on any State bonds, in bonds issued by counties or municipal corporations of the State of Illinois.

The State Treasurer may, with the approval of the Governor, invest or reinvest any State money in the Treasury which is not needed for current expenditure, due or about to become due, or any money in the State Treasury which has been set aside and held for the payment of the principal of and the interest on any State bonds, in participations in loans, the principal of which participation is fully guaranteed by an agency or instrumentality of the United States government; provided, however, that such loan participations are represented by certificates issued only by banks which are incorporated under the laws of this State or any other state or under the laws of the United States, and such banks, but not the loan participation certificates, are insured by the Federal Deposit Insurance Corporation.

The State Treasurer may, with the approval of the Governor, invest or reinvest any State money in the Treasury that is not needed for current expenditure, due or about to become due, or any money in the State Treasury that has been set aside and held for the payment of the principal of and the interest on any State bonds, in any of the following:

(1) Bonds, notes, certificates of indebtedness, Treasury bills, or other securities now or hereafter issued that are guaranteed by the full faith and credit of the United States of America as to principal and interest.

(2) Bonds, notes, debentures, or other similar obligations of the United States of America, its agencies, and instrumentalities.

(2.5) Bonds, notes, debentures, or other similar obligations of a foreign government, other than the Republic of the Sudan, that are guaranteed by the full faith and credit of that government as to principal and interest, but only if the foreign government has not defaulted and has met its payment obligations in a timely manner.

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on all similar obligations for a period of at least 25 years immediately before the time of acquiring those obligations.

(3) Interest-bearing savings accounts, interest-bearing certificates of deposit, interest-bearing time deposits, or any other investments constituting direct obligations of any bank as defined by the Illinois Banking Act.

(4) Interest-bearing accounts, certificates of deposit, or any other investments constituting direct obligations of any savings and loan associations incorporated under the laws of this State or any other state or under the laws of the United States.

(5) Dividend-bearing share accounts, share certificate accounts, or class of share accounts of a credit union chartered under the laws of this State or the laws of the United States; provided, however, the principal office of the credit union must be located within the State of Illinois.

(6) Bankers' acceptances of banks whose senior obligations are rated in the top 2 rating categories by 2 national rating agencies and maintain that rating during the term of the investment.

(7) Short-term obligations of either corporations or limited liability companies organized in the United States with assets exceeding $500,000,000 if (i) the obligations are rated at the time of purchase at one of the 3 highest classifications established by at least 2 standard rating services and mature not later than 270 days from the date of purchase, (ii) the purchases do not exceed 10% of the corporation's or the limited liability company's outstanding obligations, (iii) no more than one-third of the public agency's funds are invested in short-term obligations of either corporations or limited liability companies, and (iv) the corporation or the limited liability company has not been placed on the list of restricted companies by the Illinois Investment Policy Board under Section 1-110.16 identified as a forbidden entity, as that term is defined in Section 1-110.6 of the Illinois Pension Code, by an independent researching firm that specializes in global security risk that has been engaged by the State Treasurer.

(7.5) Obligations of either corporations or limited liability companies organized in the United States, that have a significant presence in this State, with assets exceeding $500,000,000 if: (i) the obligations are rated at the time of purchase at one of the 3 highest classifications established by at least 2 standard rating

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services and mature more than 270 days, but less than 5 years, from the date of purchase; (ii) the purchases do not exceed 10% of the corporation's or the limited liability company's outstanding obligations; (iii) no more than 5% of the public agency's funds are invested in such obligations of corporations or limited liability companies; and (iv) the corporation or the limited liability company has not been placed on the list of restricted companies by the Illinois Investment Policy Board under Section 1-110.16 of the Illinois Pension Code. The authorization of the Treasurer to invest in new obligations under this paragraph shall expire on June 30, 2019.

(8) Money market mutual funds registered under the Investment Company Act of 1940, provided that the portfolio of the money market mutual fund is limited to obligations described in this Section and to agreements to repurchase such obligations.

(9) The Public Treasurers' Investment Pool created under Section 17 of the State Treasurer Act or in a fund managed, operated, and administered by a bank.

(10) Repurchase agreements of government securities having the meaning set out in the Government Securities Act of 1986, as now or hereafter amended or succeeded, subject to the provisions of that Act and the regulations issued thereunder.

(11) Investments made in accordance with the Technology Development Act.

For purposes of this Section, "agencies" of the United States Government includes:

(i) the federal land banks, federal intermediate credit banks, banks for cooperatives, federal farm credit banks, or any other entity authorized to issue debt obligations under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) and Acts amendatory thereto;

(ii) the federal home loan banks and the federal home loan mortgage corporation;

(iii) the Commodity Credit Corporation; and

(iv) any other agency created by Act of Congress.

The Treasurer may, with the approval of the Governor, lend any securities acquired under this Act. However, securities may be lent under this Section only in accordance with Federal Financial Institution Examination Council guidelines and only if the securities are collateralized at a level sufficient to assure the safety of the securities,
taking into account market value fluctuation. The securities may be collateralized by cash or collateral acceptable under Sections 11 and 11.1. (Source: P.A. 96-469, eff. 8-14-09; 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793 for the effective date of changes made by P.A. 96-795); 96-870, eff. 1-21-10; 97-277, eff. 8-8-11.)

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

Approved August 19, 2016.
Effective August 19, 2016.

PUBLIC ACT 99-0857
(Senate Bill No. 2929)

AN ACT concerning public aid.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Hospital Licensing Act is amended by changing Section 6.09 as follows:

(210 ILCS 85/6.09) (from Ch. 111 1/2, par. 147.09)
Sec. 6.09. (a) In order to facilitate the orderly transition of aged patients and patients with disabilities from hospitals to post-hospital care, whenever a patient who qualifies for the federal Medicare program is hospitalized, the patient shall be notified of discharge at least 24 hours prior to discharge from the hospital. With regard to pending discharges to a skilled nursing facility, the hospital must notify the case coordination unit, as defined in 89 Ill. Adm. Code 240.260, at least 24 hours prior to discharge. When the assessment is completed in the hospital, the case coordination unit shall provide the discharge planner with a copy of the required assessment documentation directly to the nursing home to which the patient is being discharged prior to discharge. The Department on Aging shall provide notice of this requirement to case coordination units. When a case coordination unit is unable to complete an assessment in a hospital prior to the discharge of a patient, 60 years of age or older, to a nursing home, the case coordination unit shall notify the Department on Aging which shall notify the Department of Healthcare and Family Services. The Department of Healthcare and Family Services and the Department on Aging shall adopt rules to address these instances to ensure that the patient is able to access nursing home care, the nursing

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home is not penalized for accepting the admission, and the patient's timely discharge from the hospital is not delayed, to the extent permitted under federal law or regulation. Nothing in this subsection shall preclude federal requirements for a pre-admission screening/mental health (PAS/MH) as required under Section 2-201.5 of the Nursing Home Care Act or State or federal law or regulation. Nothing in this subsection shall preclude federal requirements for a pre-admission screening/mental health (PAS/MH) as required under Section 2-201.5 of the Nursing Home Care Act or State or federal law or regulation. Nothing in this subsection shall preclude federal requirements for a pre-admission screening/mental health (PAS/MH) as required under Section 2-201.5 of the Nursing Home Care Act or State or federal law or regulation.

(b) Every hospital shall develop procedures for a physician with medical staff privileges at the hospital or any appropriate medical staff member to provide the discharge notice prescribed in subsection (a) of this Section. The procedures must include prohibitions against discharging or referring a patient to any of the following if unlicensed, uncertified, or unregistered: (i) a board and care facility, as defined in the Board and Care Home Act; (ii) an assisted living and shared housing establishment, as defined in the Assisted Living and Shared Housing Act; (iii) a facility licensed under the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act of 2013, the ID/DD Community Care Act, or the MC/DD Act; (iv) a supportive living facility, as defined in Section 5-5.01a of the Illinois Public Aid Code; or (v) a free-standing hospice facility licensed under the Hospice Program Licensing Act if licensure, certification, or registration is required. The Department of Public Health shall annually provide hospitals with a list of licensed, certified, or registered board and care facilities, assisted living and shared housing establishments, nursing homes, supportive living facilities, facilities licensed under the ID/DD Community Care Act, the MC/DD Act, or the Specialized Mental Health Rehabilitation Act of 2013, and hospice facilities. Reliance upon this list by a hospital shall satisfy compliance with this requirement. The procedure may also include a waiver for any case in which a discharge notice is not feasible due to a short length of stay in the hospital by the patient, or for any case in which the patient voluntarily desires to leave the hospital before the expiration of the 24 hour period.

(c) At least 24 hours prior to discharge from the hospital, the patient shall receive written information on the patient's right to appeal the
discharge pursuant to the federal Medicare program, including the steps to follow to appeal the discharge and the appropriate telephone number to call in case the patient intends to appeal the discharge.

(d) Before transfer of a patient to a long term care facility licensed under the Nursing Home Care Act where elderly persons reside, a hospital shall as soon as practicable initiate a name-based criminal history background check by electronic submission to the Department of State Police for all persons between the ages of 18 and 70 years; provided, however, that a hospital shall be required to initiate such a background check only with respect to patients who:

1. are transferring to a long term care facility for the first time;
2. have been in the hospital more than 5 days;
3. are reasonably expected to remain at the long term care facility for more than 30 days;
4. have a known history of serious mental illness or substance abuse; and
5. are independently ambulatory or mobile for more than a temporary period of time.

A hospital may also request a criminal history background check for a patient who does not meet any of the criteria set forth in items (1) through (5).

A hospital shall notify a long term care facility if the hospital has initiated a criminal history background check on a patient being discharged to that facility. In all circumstances in which the hospital is required by this subsection to initiate the criminal history background check, the transfer to the long term care facility may proceed regardless of the availability of criminal history results. Upon receipt of the results, the hospital shall promptly forward the results to the appropriate long term care facility. If the results of the background check are inconclusive, the hospital shall have no additional duty or obligation to seek additional information from, or about, the patient.

(Source: P.A. 98-104, eff. 7-22-13; 98-651, eff. 6-16-14; 99-143, eff. 7-27-15; 99-180, eff. 7-29-15; revised 10-14-15.)

Approved August 19, 2016.
Effective January 1, 2017.

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AN ACT concerning revenue.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Use Tax Act is amended by changing Sections 3-10 and 9 as follows:

(35 ILCS 105/3-10)
Sec. 3-10. Rate of tax. Unless otherwise provided in this Section, the tax imposed by this Act is at the rate of 6.25% of either the selling price or the fair market value, if any, of the tangible personal property. In all cases where property functionally used or consumed is the same as the property that was purchased at retail, then the tax is imposed on the selling price of the property. In all cases where property functionally used or consumed is a by-product or waste product that has been refined, manufactured, or produced from property purchased at retail, then the tax is imposed on the lower of the fair market value, if any, of the specific property so used in this State or on the selling price of the property purchased at retail. For purposes of this Section "fair market value" means the price at which property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or sell and both having reasonable knowledge of the relevant facts. The fair market value shall be established by Illinois sales by the taxpayer of the same property as that functionally used or consumed, or if there are no such sales by the taxpayer, then comparable sales or purchases of property of like kind and character in Illinois.

Beginning on July 1, 2000 and through December 31, 2000, with respect to motor fuel, as defined in Section 1.1 of the Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of the Use Tax Act, the tax is imposed at the rate of 1.25%.

Beginning on August 6, 2010 through August 15, 2010, with respect to sales tax holiday items as defined in Section 3-6 of this Act, the tax is imposed at the rate of 1.25%.

With respect to gasohol, the tax imposed by this Act applies to (i) 70% of the proceeds of sales made on or after January 1, 1990, and before July 1, 2003, (ii) 80% of the proceeds of sales made on or after July 1, 2003 and on or before December 31, 2018, and (iii) 100% of the proceeds of sales made thereafter. If, at any time, however, the tax under this Act on

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sales of gasohol is imposed at the rate of 1.25%, then the tax imposed by this Act applies to 100% of the proceeds of sales of gasohol made during that time.

With respect to majority blended ethanol fuel, the tax imposed by this Act does not apply to the proceeds of sales made on or after July 1, 2003 and on or before December 31, 2018 but applies to 100% of the proceeds of sales made thereafter.

With respect to biodiesel blends with no less than 1% and no more than 10% biodiesel, the tax imposed by this Act applies to (i) 80% of the proceeds of sales made on or after July 1, 2003 and on or before December 31, 2018 and (ii) 100% of the proceeds of sales made thereafter. If, at any time, however, the tax under this Act on sales of biodiesel blends with no less than 1% and no more than 10% biodiesel is imposed at the rate of 1.25%, then the tax imposed by this Act applies to 100% of the proceeds of sales of biodiesel blends with no less than 1% and no more than 10% biodiesel made during that time.

With respect to 100% biodiesel and biodiesel blends with more than 10% but no more than 99% biodiesel, the tax imposed by this Act does not apply to the proceeds of sales made on or after July 1, 2003 and on or before December 31, 2018 but applies to 100% of the proceeds of sales made thereafter.

With respect to food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, products classified as Class III medical devices by the United States Food and Drug Administration that are used for cancer treatment pursuant to a prescription, as well as any accessories and components related to those devices, modifications to a motor vehicle for the purpose of rendering it usable by a person with a disability, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, the tax is imposed at the rate of 1%. For the purposes of this Section, until September 1, 2009: the term "soft drinks" means any complete, finished, ready-to-use, non-alcoholic drink, whether carbonated or not, including but not limited to soda water, cola, fruit juice, vegetable juice, carbonated water, and all other preparations commonly known as soft drinks of whatever kind or description that are contained in any closed or sealed bottle, can, carton, or container, regardless of size; but "soft drinks" does not include coffee, tea, non-carbonated water, infant formula.

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milk or milk products as defined in the Grade A Pasteurized Milk and Milk Products Act, or drinks containing 50% or more natural fruit or vegetable juice.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "soft drinks" means non-alcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" do not include beverages that contain milk or milk products, soy, rice or similar milk substitutes, or greater than 50% of vegetable or fruit juice by volume.

Until August 1, 2009, and notwithstanding any other provisions of this Act, "food for human consumption that is to be consumed off the premises where it is sold" includes all food sold through a vending machine, except soft drinks and food products that are dispensed hot from a vending machine, regardless of the location of the vending machine. Beginning August 1, 2009, and notwithstanding any other provisions of this Act, "food for human consumption that is to be consumed off the premises where it is sold" includes all food sold through a vending machine, except soft drinks, candy, and food products that are dispensed hot from a vending machine, regardless of the location of the vending machine.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "food for human consumption that is to be consumed off the premises where it is sold" does not include candy. For purposes of this Section, "candy" means a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts or other ingredients or flavorings in the form of bars, drops, or pieces. "Candy" does not include any preparation that contains flour or requires refrigeration.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "nonprescription medicines and drugs" does not include grooming and hygiene products. For purposes of this Section, "grooming and hygiene products" includes, but is not limited to, soaps and cleaning solutions, shampoo, toothpaste, mouthwash, antiperspirants, and sun tan lotions and screens, unless those products are available by prescription only, regardless of whether the products meet the definition of "over-the-counter-drugs". For the purposes of this paragraph, "over-the-counter-drug" means a drug for human use that contains a label that identifies the product as a drug as required by 21 C.F.R. § 201.66. The "over-the-counter-drug" label includes:

(A) A "Drug Facts" panel; or

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(B) A statement of the "active ingredient(s)" with a list of those ingredients contained in the compound, substance or preparation.

Beginning on the effective date of this amendatory Act of the 98th General Assembly, "prescription and nonprescription medicines and drugs" includes medical cannabis purchased from a registered dispensing organization under the Compassionate Use of Medical Cannabis Pilot Program Act.

If the property that is purchased at retail from a retailer is acquired outside Illinois and used outside Illinois before being brought to Illinois for use here and is taxable under this Act, the "selling price" on which the tax is computed shall be reduced by an amount that represents a reasonable allowance for depreciation for the period of prior out-of-state use.

(Source: P.A. 98-122, eff. 1-1-14; 99-143, eff. 7-27-15.)

(35 ILCS 105/9) (from Ch. 120, par. 439.9)

Sec. 9. Except as to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, each retailer required or authorized to collect the tax imposed by this Act shall pay to the Department the amount of such tax (except as otherwise provided) at the time when he is required to file his return for the period during which such tax was collected, less a discount of 2.1% prior to January 1, 1990, and 1.75% on and after January 1, 1990, or $5 per calendar year, whichever is greater, which is allowed to reimburse the retailer for expenses incurred in collecting the tax, keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request. In the case of retailers who report and pay the tax on a transaction by transaction basis, as provided in this Section, such discount shall be taken with each such tax remittance instead of when such retailer files his periodic return. The Department may disallow the discount for retailers whose certificate of registration is revoked at the time the return is filed, but only if the Department's decision to revoke the certificate of registration has become final. A retailer need not remit that part of any tax collected by him to the extent that he is required to remit and does remit the tax imposed by the Retailers' Occupation Tax Act, with respect to the sale of the same property.

Where such tangible personal property is sold under a conditional sales contract, or under any other form of sale wherein the payment of the principal sum, or a part thereof, is extended beyond the close of the period for which the return is filed, the retailer, in collecting the tax (except as to

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motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State), may collect for each tax return period, only the tax applicable to that part of the selling price actually received during such tax return period.

Except as provided in this Section, on or before the twentieth day of each calendar month, such retailer shall file a return for the preceding calendar month. Such return shall be filed on forms prescribed by the Department and shall furnish such information as the Department may reasonably require.

The Department may require returns to be filed on a quarterly basis. If so required, a return for each calendar quarter shall be filed on or before the twentieth day of the calendar month following the end of such calendar quarter. The taxpayer shall also file a return with the Department for each of the first two months of each calendar quarter, on or before the twentieth day of the following calendar month, stating:

1. The name of the seller;
2. The address of the principal place of business from which he engages in the business of selling tangible personal property at retail in this State;
3. The total amount of taxable receipts received by him during the preceding calendar month from sales of tangible personal property by him during such preceding calendar month, including receipts from charge and time sales, but less all deductions allowed by law;
4. The amount of credit provided in Section 2d of this Act;
5. The amount of tax due;
5-5. The signature of the taxpayer; and
6. Such other reasonable information as the Department may require.

If a taxpayer fails to sign a return within 30 days after the proper notice and demand for signature by the Department, the return shall be considered valid and any amount shown to be due on the return shall be deemed assessed.

Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of $150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of $100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a
taxpayer who has an average monthly tax liability of $50,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 2000, a taxpayer who has an annual tax liability of $200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. The term "average monthly tax liability" means the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year divided by 12. Beginning on October 1, 2002, a taxpayer who has a tax liability in the amount set forth in subsection (b) of Section 2505-210 of the Department of Revenue Law shall make all payments required by rules of the Department by electronic funds transfer.

Before August 1 of each year beginning in 1993, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1.

Any taxpayer not required to make payments by electronic funds transfer may make payments by electronic funds transfer with the permission of the Department.

All taxpayers required to make payment by electronic funds transfer and any taxpayers authorized to voluntarily make payments by electronic funds transfer shall make those payments in the manner authorized by the Department.

The Department shall adopt such rules as are necessary to effectuate a program of electronic funds transfer and the requirements of this Section.

Before October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act, the Service Use Tax Act was $10,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. On and after October 1, 2000, if the taxpayer's average monthly tax liability to the Department.
the Department under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act was $20,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payment to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to January 1, 1985, each payment shall be in an amount equal to 1/4 of the taxpayer's actual liability for the month or an amount set by the Department not to exceed 1/4 of the average monthly liability of the taxpayer to the Department for the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability in such 4 quarter period). If the month during which such tax liability is incurred begins on or after January 1, 1985, and prior to January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 27.5% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1987, and prior to January 1, 1988, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1988, and prior to January 1, 1989, or begins on or after January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1989, and prior to January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year or 100% of the taxpayer's actual liability for the quarter monthly reporting period. The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month. Before October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $9,000, or until such taxpayer's average monthly

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liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $10,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $10,000 threshold stated above, then such taxpayer may petition the Department for change in such taxpayer's reporting status. On and after October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $19,000 or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $20,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $20,000 threshold stated above, then such taxpayer may petition the Department for a change in such taxpayer's reporting status. The Department shall change such taxpayer's reporting status unless it finds that such change is seasonal in nature and not likely to be long term. If any such quarter monthly payment is not paid at the time or in the amount required by this Section, then the taxpayer shall be liable for penalties and interest on the difference between the minimum amount due and the amount of such quarter monthly payment actually and timely paid, except insofar as the taxpayer has previously made payments for that month to the Department in excess of the minimum payments previously due as provided in this Section. The Department shall make reasonable rules and regulations to govern the quarter monthly payment amount and quarter monthly payment dates for taxpayers who file on other than a calendar monthly basis.

If any such payment provided for in this Section exceeds the taxpayer's liabilities under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act and the Service Use Tax Act, as shown by an original monthly return, the Department shall issue to the taxpayer a credit memorandum no later than 30 days after the date of payment, which memorandum may be submitted by the taxpayer to the Department in payment of tax liability subsequently to be remitted by the taxpayer to the
Department or be assigned by the taxpayer to a similar taxpayer under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations to be prescribed by the Department, except that if such excess payment is shown on an original monthly return and is made after December 31, 1986, no credit memorandum shall be issued, unless requested by the taxpayer. If no such request is made, the taxpayer may credit such excess payment against tax liability subsequently to be remitted by the taxpayer to the Department under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations prescribed by the Department. If the Department subsequently determines that all or any part of the credit taken was not actually due to the taxpayer, the taxpayer's 2.1% or 1.75% vendor's discount shall be reduced by 2.1% or 1.75% of the difference between the credit taken and that actually due, and the taxpayer shall be liable for penalties and interest on such difference.

If the retailer is otherwise required to file a monthly return and if the retailer's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February, and March of a given year being due by April 20 of such year; with the return for April, May and June of a given year being due by July 20 of such year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.

If the retailer is otherwise required to file a monthly or quarterly return and if the retailer's average monthly tax liability to the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year.

Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which a retailer may file his return, in the case of any retailer who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such retailer shall file a final return under this Act with the Department not more than one month after discontinuing such business.

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In addition, with respect to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, every retailer selling this kind of tangible personal property shall file, with the Department, upon a form to be prescribed and supplied by the Department, a separate return for each such item of tangible personal property which the retailer sells, except that if, in the same transaction, (i) a retailer of aircraft, watercraft, motor vehicles or trailers transfers more than one aircraft, watercraft, motor vehicle or trailer to another aircraft, watercraft, motor vehicle or trailer retailer for the purpose of resale or (ii) a retailer of aircraft, watercraft, motor vehicles, or trailers transfers more than one aircraft, watercraft, motor vehicle, or trailer to a purchaser for use as a qualifying rolling stock as provided in Section 3-55 of this Act, then that seller may report the transfer of all the aircraft, watercraft, motor vehicles or trailers involved in that transaction to the Department on the same uniform invoice-transaction reporting return form. For purposes of this Section, "watercraft" means a Class 2, Class 3, or Class 4 watercraft as defined in Section 3-2 of the Boat Registration and Safety Act, a personal watercraft, or any boat equipped with an inboard motor.

The transaction reporting return in the case of motor vehicles or trailers that are required to be registered with an agency of this State, shall be the same document as the Uniform Invoice referred to in Section 5-402 of the Illinois Vehicle Code and must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 2 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale; a sufficient identification of the property sold; such other information as is required in Section 5-402 of the Illinois Vehicle Code, and such other information as the Department may reasonably require.

The transaction reporting return in the case of watercraft and aircraft must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount

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allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 2 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale, a sufficient identification of the property sold, and such other information as the Department may reasonably require.

Such transaction reporting return shall be filed not later than 20 days after the date of delivery of the item that is being sold, but may be filed by the retailer at any time sooner than that if he chooses to do so. The transaction reporting return and tax remittance or proof of exemption from the tax that is imposed by this Act may be transmitted to the Department by way of the State agency with which, or State officer with whom, the tangible personal property must be titled or registered (if titling or registration is required) if the Department and such agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

With each such transaction reporting return, the retailer shall remit the proper amount of tax due (or shall submit satisfactory evidence that the sale is not taxable if that is the case), to the Department or its agents, whereupon the Department shall issue, in the purchaser's name, a tax receipt (or a certificate of exemption if the Department is satisfied that the particular sale is tax exempt) which such purchaser may submit to the agency with which, or State officer with whom, he must title or register the tangible personal property that is involved (if titling or registration is required) in support of such purchaser's application for an Illinois certificate or other evidence of title or registration to such tangible personal property.

No retailer's failure or refusal to remit tax under this Act precludes a user, who has paid the proper tax to the retailer, from obtaining his certificate of title or other evidence of title or registration (if titling or registration is required) upon satisfying the Department that such user has paid the proper tax (if tax is due) to the retailer. The Department shall adopt appropriate rules to carry out the mandate of this paragraph.

If the user who would otherwise pay tax to the retailer wants the transaction reporting return filed and the payment of tax or proof of
exemption made to the Department before the retailer is willing to take
these actions and such user has not paid the tax to the retailer, such user
may certify to the fact of such delay by the retailer, and may (upon the
Department being satisfied of the truth of such certification) transmit the
information required by the transaction reporting return and the remittance
for tax or proof of exemption directly to the Department and obtain his tax
receipt or exemption determination, in which event the transaction
reporting return and tax remittance (if a tax payment was required) shall be
credited by the Department to the proper retailer's account with the
Department, but without the 2.1% or 1.75% discount provided for in this
Section being allowed. When the user pays the tax directly to the
Department, he shall pay the tax in the same amount and in the same form
in which it would be remitted if the tax had been remitted to the
Department by the retailer.

Where a retailer collects the tax with respect to the selling price of
tangible personal property which he sells and the purchaser thereafter
returns such tangible personal property and the retailer refunds the selling
price thereof to the purchaser, such retailer shall also refund, to the
purchaser, the tax so collected from the purchaser. When filing his return
for the period in which he refunds such tax to the purchaser, the retailer
may deduct the amount of the tax so refunded by him to the purchaser
from any other use tax which such retailer may be required to pay or remit
to the Department, as shown by such return, if the amount of the tax to be
deducted was previously remitted to the Department by such retailer. If the
retailer has not previously remitted the amount of such tax to the
Department, he is entitled to no deduction under this Act upon refunding
such tax to the purchaser.

Any retailer filing a return under this Section shall also include (for
the purpose of paying tax thereon) the total tax covered by such return
upon the selling price of tangible personal property purchased by him at
retail from a retailer, but as to which the tax imposed by this Act was not
collected from the retailer filing such return, and such retailer shall remit
the amount of such tax to the Department when filing such return.

If experience indicates such action to be practicable, the
Department may prescribe and furnish a combination or joint return which
will enable retailers, who are required to file returns hereunder and also
under the Retailers' Occupation Tax Act, to furnish all the return
information required by both Acts on the one form.
Where the retailer has more than one business registered with the Department under separate registration under this Act, such retailer may not file each return that is due as a single return covering all such registered businesses, but shall file separate returns for each such registered business.

Beginning January 1, 1990, each month the Department shall pay into the State and Local Sales Tax Reform Fund, a special fund in the State Treasury which is hereby created, the net revenue realized for the preceding month from the 1% tax on sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, products classified as Class III medical devices by the United States Food and Drug Administration that are used for cancer treatment pursuant to a prescription, as well as any accessories and components related to those devices, and insulin, urine testing materials, syringes and needles used by diabetics.

Beginning January 1, 1990, each month the Department shall pay into the County and Mass Transit District Fund 4% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by an agency of this State's government.

Beginning January 1, 1990, each month the Department shall pay into the State and Local Sales Tax Reform Fund, a special fund in the State Treasury, 20% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property, other than tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by an agency of this State's government.

Beginning August 1, 2000, each month the Department shall pay into the State and Local Sales Tax Reform Fund 100% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol. Beginning September 1, 2010, each month the Department shall pay into the State and Local Sales Tax Reform Fund 100% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of sales tax holiday items.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund 16% of the net revenue realized for
the preceding month from the 6.25% general rate on the selling price of tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by an agency of this State's government.

Beginning October 1, 2009, each month the Department shall pay into the Capital Projects Fund an amount that is equal to an amount estimated by the Department to represent 80% of the net revenue realized for the preceding month from the sale of candy, grooming and hygiene products, and soft drinks that had been taxed at a rate of 1% prior to September 1, 2009 but that are now taxed at 6.25%.

Beginning July 1, 2011, each month the Department shall pay into the Clean Air Act (CAA) Permit Fund 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of sorbents used in Illinois in the process of sorbent injection as used to comply with the Environmental Protection Act or the federal Clean Air Act, but the total payment into the Clean Air Act (CAA) Permit Fund under this Act and the Retailers' Occupation Tax Act shall not exceed $2,000,000 in any fiscal year.

Beginning July 1, 2013, each month the Department shall pay into the Underground Storage Tank Fund from the proceeds collected under this Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act an amount equal to the average monthly deficit in the Underground Storage Tank Fund during the prior year, as certified annually by the Illinois Environmental Protection Agency, but the total payment into the Underground Storage Tank Fund under this Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act shall not exceed $18,000,000 in any State fiscal year. As used in this paragraph, the "average monthly deficit" shall be equal to the difference between the average monthly claims for payment by the fund and the average monthly revenues deposited into the fund, excluding payments made pursuant to this paragraph.

Beginning July 1, 2015, of the remainder of the moneys received by the Department under this Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act, each month the Department shall deposit $500,000 into the State Crime Laboratory Fund.

Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75% thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after July 1, 1989,
3.8% thereof shall be paid into the Build Illinois Fund; provided, however, that if in any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received by the Department and required to be paid into the Build Illinois Fund pursuant to Section 3 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, and Section 9 of the Service Occupation Tax Act, such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case may be, of moneys being hereinafter called the "Tax Act Amount", and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall be less than the Annual Specified Amount (as defined in Section 3 of the Retailers' Occupation Tax Act), an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and further provided, that if on the last business day of any month the sum of (1) the Tax Act Amount required to be deposited into the Build Illinois Bond Account in the Build Illinois Fund during such month and (2) the amount transferred during such month to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall have been less than 1/12 of the Annual Specified Amount, an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and, further provided, that in no event shall the payments required under the preceding proviso result in aggregate payments into the Build Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii) the Annual Specified Amount for such fiscal year; and, further provided, that the amounts payable into the Build Illinois Fund under this clause (b) shall be payable only until such time as the aggregate amount on deposit under each trust indenture securing Bonds issued and outstanding pursuant to the Build Illinois Bond Act is sufficient, taking into account any future investment income, to fully provide, in accordance with such indenture, for the defeasance of or the payment of the principal of, premium, if any, and interest on the Bonds secured by such indenture and on any Bonds expected to be issued thereafter and all fees and costs payable with respect thereto, all as certified by the Director of the Bureau of the Budget (now Governor's Office of Management and Budget). If on the last business day of any month in which Bonds are outstanding pursuant to the Build Illinois Bond Act, the aggregate of the moneys deposited in the Build Illinois Bond Account in the Build Illinois Fund in such month shall be less than

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the amount required to be transferred in such month from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund pursuant to Section 13 of the Build Illinois Bond Act, an amount equal to such deficiency shall be immediately paid from other moneys received by the Department pursuant to the Tax Acts to the Build Illinois Fund; provided, however, that any amounts paid to the Build Illinois Fund in any fiscal year pursuant to this sentence shall be deemed to constitute payments pursuant to clause (b) of the preceding sentence and shall reduce the amount otherwise payable for such fiscal year pursuant to clause (b) of the preceding sentence. The moneys received by the Department pursuant to this Act and required to be deposited into the Build Illinois Fund are subject to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act.

Subject to payment of amounts into the Build Illinois Fund as provided in the preceding paragraph or in any amendment thereto hereafter enacted, the following specified monthly installment of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority provided under Section 8.25f of the State Finance Act, but not in excess of the sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.

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and

each fiscal year
thereafter that bonds
are outstanding under
Section 13.2 of the
Metropolitan Pier and
Exposition Authority Act,
but not after fiscal year 2060.

Beginning July 20, 1993 and in each month of each fiscal year thereafter, one-eighth of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority for that fiscal year, less the amount deposited into the McCormick Place Expansion Project Fund by the State Treasurer in the respective month under

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subsection (g) of Section 13 of the Metropolitan Pier and Exposition Authority Act, plus cumulative deficiencies in the deposits required under this Section for previous months and years, shall be deposited into the McCormick Place Expansion Project Fund, until the full amount requested for the fiscal year, but not in excess of the amount specified above as "Total Deposit", has been deposited.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning July 1, 1993 and ending on September 30, 2013, the Department shall each month pay into the Illinois Tax Increment Fund 0.27% of 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning with the receipt of the first report of taxes paid by an eligible business and continuing for a 25-year period, the Department shall each month pay into the Energy Infrastructure Fund 80% of the net revenue realized from the 6.25% general rate on the selling price of Illinois-mined coal that was sold to an eligible business. For purposes of this paragraph, the term "eligible business" means a new electric generating facility certified pursuant to Section 605-332 of the Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois.

Subject to payment of amounts into the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, and the Energy Infrastructure Fund pursuant to the preceding paragraphs or in any amendments to this Section hereafter enacted, beginning on the first day of the first calendar month to occur on or after the effective date of this amendatory Act of the 98th General Assembly, each month, from the collections made under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act, the Department shall pay into the Tax Compliance and Administration Fund, to be used, subject to appropriation, to fund additional auditors and compliance personnel at the Department of Revenue, an amount equal to 1/12 of 5% of 80% of the cash receipts collected during the preceding fiscal year by the Audit Bureau of the Department under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, the Retailers'
Occupation Tax Act, and associated local occupation and use taxes administered by the Department.

Of the remainder of the moneys received by the Department pursuant to this Act, 75% thereof shall be paid into the State Treasury and 25% shall be reserved in a special account and used only for the transfer to the Common School Fund as part of the monthly transfer from the General Revenue Fund in accordance with Section 8a of the State Finance Act.

As soon as possible after the first day of each month, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Motor Fuel Tax Fund an amount equal to 1.7% of 80% of the net revenue realized under this Act for the second preceding month. Beginning April 1, 2000, this transfer is no longer required and shall not be made.

Net revenue realized for a month shall be the revenue collected by the State pursuant to this Act, less the amount paid out during that month as refunds to taxpayers for overpayment of liability.

For greater simplicity of administration, manufacturers, importers and wholesalers whose products are sold at retail in Illinois by numerous retailers, and who wish to do so, may assume the responsibility for accounting and paying to the Department all tax accruing under this Act with respect to such sales, if the retailers who are affected do not make written objection to the Department to this arrangement.

(Source: P.A. 98-24, eff. 6-19-13; 98-109, eff. 7-25-13; 98-496, eff. 1-1-14; 98-756, eff. 7-16-14; 98-1098, eff. 8-26-14; 99-352, eff. 8-12-15.)

Section 10. The Service Use Tax Act is amended by changing Sections 3-10 and 9 as follows:

(35 ILCS 110/3-10) (from Ch. 120, par. 439.33-10)

Sec. 3-10. Rate of tax. Unless otherwise provided in this Section, the tax imposed by this Act is at the rate of 6.25% of the selling price of tangible personal property transferred as an incident to the sale of service, but, for the purpose of computing this tax, in no event shall the selling price be less than the cost price of the property to the serviceman.

Beginning on July 1, 2000 and through December 31, 2000, with respect to motor fuel, as defined in Section 1.1 of the Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of the Use Tax Act, the tax is imposed at the rate of 1.25%.

With respect to gasohol, as defined in the Use Tax Act, the tax imposed by this Act applies to (i) 70% of the selling price of property

New matter indicated by italics - deletions by strikeout
transferred as an incident to the sale of service on or after January 1, 1990, and before July 1, 2003, (ii) 80% of the selling price of property transferred as an incident to the sale of service on or after July 1, 2003 and on or before December 31, 2018, and (iii) 100% of the selling price thereafter. If, at any time, however, the tax under this Act on sales of gasohol, as defined in the Use Tax Act, is imposed at the rate of 1.25%, then the tax imposed by this Act applies to 100% of the proceeds of sales of gasohol made during that time.

With respect to majority blended ethanol fuel, as defined in the Use Tax Act, the tax imposed by this Act does not apply to the selling price of property transferred as an incident to the sale of service on or after July 1, 2003 and on or before December 31, 2018 but applies to 100% of the selling price thereafter.

With respect to biodiesel blends, as defined in the Use Tax Act, with no less than 1% and no more than 10% biodiesel, the tax imposed by this Act applies to (i) 80% of the selling price of property transferred as an incident to the sale of service on or after July 1, 2003 and on or before December 31, 2018 and (ii) 100% of the proceeds of the selling price thereafter. If, at any time, however, the tax under this Act on sales of biodiesel blends, as defined in the Use Tax Act, with no less than 1% and no more than 10% biodiesel is imposed at the rate of 1.25%, then the tax imposed by this Act applies to 100% of the proceeds of sales of biodiesel blends with no less than 1% and no more than 10% biodiesel made during that time.

With respect to 100% biodiesel, as defined in the Use Tax Act, and biodiesel blends, as defined in the Use Tax Act, with more than 10% but no more than 99% biodiesel, the tax imposed by this Act does not apply to the proceeds of the selling price of property transferred as an incident to the sale of service on or after July 1, 2003 and on or before December 31, 2018 but applies to 100% of the selling price thereafter.

At the election of any registered serviceman made for each fiscal year, sales of service in which the aggregate annual cost price of tangible personal property transferred as an incident to the sales of service is less than 35%, or 75% in the case of servicemen transferring prescription drugs or servicemen engaged in graphic arts production, of the aggregate annual total gross receipts from all sales of service, the tax imposed by this Act shall be based on the serviceman's cost price of the tangible personal property transferred as an incident to the sale of those services.

New matter indicated by italics - deletions by strikeout
The tax shall be imposed at the rate of 1% on food prepared for immediate consumption and transferred incident to a sale of service subject to this Act or the Service Occupation Tax Act by an entity licensed under the Hospital Licensing Act, the Nursing Home Care Act, the ID/DD Community Care Act, the MC/DD Act, the Specialized Mental Health Rehabilitation Act of 2013, or the Child Care Act of 1969. The tax shall also be imposed at the rate of 1% on food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption and is not otherwise included in this paragraph) and prescription and nonprescription medicines, drugs, medical appliances, products classified as Class III medical devices by the United States Food and Drug Administration that are used for cancer treatment pursuant to a prescription, as well as any accessories and components related to those devices, modifications to a motor vehicle for the purpose of rendering it usable by a person with a disability, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use. For the purposes of this Section, until September 1, 2009: the term "soft drinks" means any complete, finished, ready-to-use, non-alcoholic drink, whether carbonated or not, including but not limited to soda water, cola, fruit juice, vegetable juice, carbonated water, and all other preparations commonly known as soft drinks of whatever kind or description that are contained in any closed or sealed bottle, can, carton, or container, regardless of size; but "soft drinks" does not include coffee, tea, non-carbonated water, infant formula, milk or milk products as defined in the Grade A Pasteurized Milk and Milk Products Act, or drinks containing 50% or more natural fruit or vegetable juice.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "soft drinks" means non-alcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" do not include beverages that contain milk or milk products, soy, rice or similar milk substitutes, or greater than 50% of vegetable or fruit juice by volume.

Until August 1, 2009, and notwithstanding any other provisions of this Act, "food for human consumption that is to be consumed off the premises where it is sold" includes all food sold through a vending machine, except soft drinks and food products that are dispensed hot from a vending machine, regardless of the location of the vending machine. Beginning August 1, 2009, and notwithstanding any other provisions of this Act, "food for human consumption that is to be consumed off the

New matter indicated by italics - deletions by strikeout
premises where it is sold" includes all food sold through a vending machine, except soft drinks, candy, and food products that are dispensed hot from a vending machine, regardless of the location of the vending machine.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "food for human consumption that is to be consumed off the premises where it is sold" does not include candy. For purposes of this Section, "candy" means a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts or other ingredients or flavorings in the form of bars, drops, or pieces. "Candy" does not include any preparation that contains flour or requires refrigeration.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "nonprescription medicines and drugs" does not include grooming and hygiene products. For purposes of this Section, "grooming and hygiene products" includes, but is not limited to, soaps and cleaning solutions, shampoo, toothpaste, mouthwash, antiperspirants, and sun tan lotions and screens, unless those products are available by prescription only, regardless of whether the products meet the definition of "over-the-counter-drugs". For the purposes of this paragraph, "over-the-counter-drug" means a drug for human use that contains a label that identifies the product as a drug as required by 21 C.F.R. § 201.66. The "over-the-counter-drug" label includes:

(A) A "Drug Facts" panel; or
(B) A statement of the "active ingredient(s)" with a list of those ingredients contained in the compound, substance or preparation.

Beginning on January 1, 2014 (the effective date of Public Act 98-122), "prescription and nonprescription medicines and drugs" includes medical cannabis purchased from a registered dispensing organization under the Compassionate Use of Medical Cannabis Pilot Program Act.

If the property that is acquired from a serviceman is acquired outside Illinois and used outside Illinois before being brought to Illinois for use here and is taxable under this Act, the "selling price" on which the tax is computed shall be reduced by an amount that represents a reasonable allowance for depreciation for the period of prior out-of-state use.

(35 ILCS 110/9) (from Ch. 120, par. 439.39)
Sec. 9. Each serviceman required or authorized to collect the tax herein imposed shall pay to the Department the amount of such tax (except as otherwise provided) at the time when he is required to file his return for the period during which such tax was collected, less a discount of 2.1% prior to January 1, 1990 and 1.75% on and after January 1, 1990, or $5 per calendar year, whichever is greater, which is allowed to reimburse the serviceman for expenses incurred in collecting the tax, keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request. The Department may disallow the discount for servicemen whose certificate of registration is revoked at the time the return is filed, but only if the Department's decision to revoke the certificate of registration has become final. A serviceman need not remit that part of any tax collected by him to the extent that he is required to pay and does pay the tax imposed by the Service Occupation Tax Act with respect to his sale of service involving the incidental transfer by him of the same property.

Except as provided hereinafter in this Section, on or before the twentieth day of each calendar month, such serviceman shall file a return for the preceding calendar month in accordance with reasonable Rules and Regulations to be promulgated by the Department. Such return shall be filed on a form prescribed by the Department and shall contain such information as the Department may reasonably require.

The Department may require returns to be filed on a quarterly basis. If so required, a return for each calendar quarter shall be filed on or before the twentieth day of the calendar month following the end of such calendar quarter. The taxpayer shall also file a return with the Department for each of the first two months of each calendar quarter, on or before the twentieth day of the following calendar month, stating:

1. The name of the seller;
2. The address of the principal place of business from which he engages in business as a serviceman in this State;
3. The total amount of taxable receipts received by him during the preceding calendar month, including receipts from charge and time sales, but less all deductions allowed by law;
4. The amount of credit provided in Section 2d of this Act;
5. The amount of tax due;
5-5. The signature of the taxpayer; and
6. Such other reasonable information as the Department may require.

New matter indicated by italics - deletions by strikeout
If a taxpayer fails to sign a return within 30 days after the proper notice and demand for signature by the Department, the return shall be considered valid and any amount shown to be due on the return shall be deemed assessed.

Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of $150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of $100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average monthly tax liability of $50,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 2000, a taxpayer who has an annual tax liability of $200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. The term "average monthly tax liability" means the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year divided by 12. Beginning on October 1, 2002, a taxpayer who has a tax liability in the amount set forth in subsection (b) of Section 2505-210 of the Department of Revenue Law shall make all payments required by rules of the Department by electronic funds transfer.

Before August 1 of each year beginning in 1993, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1.

Any taxpayer not required to make payments by electronic funds transfer may make payments by electronic funds transfer with the permission of the Department.

All taxpayers required to make payment by electronic funds transfer and any taxpayers authorized to voluntarily make payments by electronic funds transfer shall make those payments in the manner authorized by the Department.
The Department shall adopt such rules as are necessary to
effectuate a program of electronic funds transfer and the requirements of
this Section.

If the serviceman is otherwise required to file a monthly return and
if the serviceman's average monthly tax liability to the Department does
not exceed $200, the Department may authorize his returns to be filed on a
quarter annual basis, with the return for January, February and March of a
given year being due by April 20 of such year; with the return for April,
May and June of a given year being due by July 20 of such year; with the
return for July, August and September of a given year being due by
October 20 of such year, and with the return for October, November and
December of a given year being due by January 20 of the following year.

If the serviceman is otherwise required to file a monthly or
quarterly return and if the serviceman's average monthly tax liability to the
Department does not exceed $50, the Department may authorize his
returns to be filed on an annual basis, with the return for a given year being
due by January 20 of the following year.

Such quarter annual and annual returns, as to form and substance,
shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the
time within which a serviceman may file his return, in the case of any
serviceman who ceases to engage in a kind of business which makes him
responsible for filing returns under this Act, such serviceman shall file a
final return under this Act with the Department not more than 1 month
after discontinuing such business.

Where a serviceman collects the tax with respect to the selling
price of property which he sells and the purchaser thereafter returns such
property and the serviceman refunds the selling price thereof to the
purchaser, such serviceman shall also refund, to the purchaser, the tax so
collected from the purchaser. When filing his return for the period in
which he refunds such tax to the purchaser, the serviceman may deduct the
amount of the tax so refunded by him to the purchaser from any other
Service Use Tax, Service Occupation Tax, retailers' occupation tax or use
tax which such serviceman may be required to pay or remit to the
Department, as shown by such return, provided that the amount of the tax
to be deducted shall previously have been remitted to the Department by
such serviceman. If the serviceman shall not previously have remitted the
amount of such tax to the Department, he shall be entitled to no deduction
hereunder upon refunding such tax to the purchaser.

New matter indicated by italics - deletions by strikeout
Any serviceman filing a return hereunder shall also include the total tax upon the selling price of tangible personal property purchased for use by him as an incident to a sale of service, and such serviceman shall remit the amount of such tax to the Department when filing such return.

If experience indicates such action to be practicable, the Department may prescribe and furnish a combination or joint return which will enable servicemen, who are required to file returns hereunder and also under the Service Occupation Tax Act, to furnish all the return information required by both Acts on the one form.

Where the serviceman has more than one business registered with the Department under separate registration hereunder, such serviceman shall not file each return that is due as a single return covering all such registered businesses, but shall file separate returns for each such registered business.

Beginning January 1, 1990, each month the Department shall pay into the State and Local Tax Reform Fund, a special fund in the State Treasury, the net revenue realized for the preceding month from the 1% tax on sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, products classified as Class III medical devices, by the United States Food and Drug Administration that are used for cancer treatment pursuant to a prescription, as well as any accessories and components related to those devices, and insulin, urine testing materials, syringes and needles used by diabetics.

Beginning January 1, 1990, each month the Department shall pay into the State and Local Sales Tax Reform Fund 20% of the net revenue realized for the preceding month from the 6.25% general rate on transfers of tangible personal property, other than tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by an agency of this State's government.

Beginning August 1, 2000, each month the Department shall pay into the State and Local Sales Tax Reform Fund 100% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Beginning October 1, 2009, each month the Department shall pay into the Capital Projects Fund an amount that is equal to an amount estimated by the Department to represent 80% of the net revenue realized
for the preceding month from the sale of candy, grooming and hygiene products, and soft drinks that had been taxed at a rate of 1% prior to September 1, 2009 but that are now taxed at 6.25%.

Beginning July 1, 2013, each month the Department shall pay into the Underground Storage Tank Fund from the proceeds collected under this Act, the Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act an amount equal to the average monthly deficit in the Underground Storage Tank Fund during the prior year, as certified annually by the Illinois Environmental Protection Agency, but the total payment into the Underground Storage Tank Fund under this Act, the Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act shall not exceed $18,000,000 in any State fiscal year. As used in this paragraph, the "average monthly deficit" shall be equal to the difference between the average monthly claims for payment by the fund and the average monthly revenues deposited into the fund, excluding payments made pursuant to this paragraph.

Beginning July 1, 2015, of the remainder of the moneys received by the Department under the Use Tax Act, this Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act, each month the Department shall deposit $500,000 into the State Crime Laboratory Fund.

Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75% thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after July 1, 1989, 3.8% thereof shall be paid into the Build Illinois Fund; provided, however, that if in any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received by the Department and required to be paid into the Build Illinois Fund pursuant to Section 3 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, and Section 9 of the Service Occupation Tax Act, such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case may be, of moneys being hereinafter called the "Tax Act Amount", and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall be less than the Annual Specified Amount (as defined in Section 3 of the Retailers' Occupation Tax Act), an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and further provided, that if on the last business day of any month the sum of (1) the Tax Act Amount
required to be deposited into the Build Illinois Bond Account in the Build Illinois Fund during such month and (2) the amount transferred during such month to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall have been less than 1/12 of the Annual Specified Amount, an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and, further provided, that in no event shall the payments required under the preceding proviso result in aggregate payments into the Build Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii) the Annual Specified Amount for such fiscal year; and, further provided, that the amounts payable into the Build Illinois Fund under this clause (b) shall be payable only until such time as the aggregate amount on deposit under each trust indenture securing Bonds issued and outstanding pursuant to the Build Illinois Bond Act is sufficient, taking into account any future investment income, to fully provide, in accordance with such indenture, for the defeasance of or the payment of the principal of, premium, if any, and interest on the Bonds secured by such indenture and on any Bonds expected to be issued thereafter and all fees and costs payable with respect thereto, all as certified by the Director of the Bureau of the Budget (now Governor's Office of Management and Budget). If on the last business day of any month in which Bonds are outstanding pursuant to the Build Illinois Bond Act, the aggregate of the moneys deposited in the Build Illinois Bond Account in the Build Illinois Fund in such month shall be less than the amount required to be transferred in such month from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund pursuant to Section 13 of the Build Illinois Bond Act, an amount equal to such deficiency shall be immediately paid from other moneys received by the Department pursuant to the Tax Acts to the Build Illinois Fund; provided, however, that any amounts paid to the Build Illinois Fund in any fiscal year pursuant to this sentence shall be deemed to constitute payments pursuant to clause (b) of the preceding sentence and shall reduce the amount otherwise payable for such fiscal year pursuant to clause (b) of the preceding sentence. The moneys received by the Department pursuant to this Act and required to be deposited into the Build Illinois Fund are subject to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act.

Subject to payment of amounts into the Build Illinois Fund as provided in the preceding paragraph or in any amendment thereto hereafter

New matter indicated by italics - deletions by strikeout
enacted, the following specified monthly installment of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority provided under Section 8.25f of the State Finance Act, but not in excess of the sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.

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New matter indicated by italics - deletions by strikeout
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and

each fiscal year
thereafter that bonds
are outstanding under
Section 13.2 of the
Metropolitan Pier and
Exposition Authority Act,
but not after fiscal year 2060.

Beginning July 20, 1993 and in each month of each fiscal year thereafter, one-eighth of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority for that fiscal year, less the amount deposited into the McCormick Place Expansion Project Fund by the State Treasurer in the respective month under subsection (g) of Section 13 of the Metropolitan Pier and Exposition Authority Act, plus cumulative deficiencies in the deposits required under this Section for previous months and years, shall be deposited into the McCormick Place Expansion Project Fund, until the full amount requested for the fiscal year, but not in excess of the amount specified above as "Total Deposit", has been deposited.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning July 1, 1993 and ending on September 30, 2013, the Department shall each month pay into the Illinois Tax Increment Fund 0.27% of 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

New matter indicated by italics - deletions by strikeout
Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning with the receipt of the first report of taxes paid by an eligible business and continuing for a 25-year period, the Department shall each month pay into the Energy Infrastructure Fund 80% of the net revenue realized from the 6.25% general rate on the selling price of Illinois-mined coal that was sold to an eligible business. For purposes of this paragraph, the term "eligible business" means a new electric generating facility certified pursuant to Section 605-332 of the Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois.

Subject to payment of amounts into the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, and the Energy Infrastructure Fund pursuant to the preceding paragraphs or in any amendments to this Section hereafter enacted, beginning on the first day of the first calendar month to occur on or after the effective date of this amendatory Act of the 98th General Assembly, each month, from the collections made under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act, the Department shall pay into the Tax Compliance and Administration Fund, to be used, subject to appropriation, to fund additional auditors and compliance personnel at the Department of Revenue, an amount equal to 1/12 of 5% of 80% of the cash receipts collected during the preceding fiscal year by the Audit Bureau of the Department under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, the Retailers' Occupation Tax Act, and associated local occupation and use taxes administered by the Department.

Of the remainder of the moneys received by the Department pursuant to this Act, 75% thereof shall be paid into the General Revenue Fund of the State Treasury and 25% shall be reserved in a special account and used only for the transfer to the Common School Fund as part of the monthly transfer from the General Revenue Fund in accordance with Section 8a of the State Finance Act.

As soon as possible after the first day of each month, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Motor Fuel Tax Fund an amount equal to 1.7% of 80% of the net revenue realized under this Act for the second preceding month.

New matter indicated by italics - deletions by strikeout
Beginning April 1, 2000, this transfer is no longer required and shall not be made.

Net revenue realized for a month shall be the revenue collected by the State pursuant to this Act, less the amount paid out during that month as refunds to taxpayers for overpayment of liability.

(Source: P.A. 98-24, eff. 6-19-13; 98-109, eff. 7-25-13; 98-298, eff. 8-9-13; 98-496, eff. 1-1-14; 98-756, eff. 7-16-14; 98-1098, eff. 8-26-14; 99-352, eff. 8-12-15.)

Section 15. The Service Occupation Tax Act is amended by changing Sections 3-10 and 9 as follows:

(35 ILCS 115/3-10) (from Ch. 120, par. 439.103-10)

Sec. 3-10. Rate of tax. Unless otherwise provided in this Section, the tax imposed by this Act is at the rate of 6.25% of the "selling price", as defined in Section 2 of the Service Use Tax Act, of the tangible personal property. For the purpose of computing this tax, in no event shall the "selling price" be less than the cost price to the serviceman of the tangible personal property transferred. The selling price of each item of tangible personal property transferred as an incident of a sale of service may be shown as a distinct and separate item on the serviceman's billing to the service customer. If the selling price is not so shown, the selling price of the tangible personal property is deemed to be 50% of the serviceman's entire billing to the service customer. When, however, a serviceman contracts to design, develop, and produce special order machinery or equipment, the tax imposed by this Act shall be based on the serviceman's cost price of the tangible personal property transferred incident to the completion of the contract.

Beginning on July 1, 2000 and through December 31, 2000, with respect to motor fuel, as defined in Section 1.1 of the Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of the Use Tax Act, the tax is imposed at the rate of 1.25%.

With respect to gasohol, as defined in the Use Tax Act, the tax imposed by this Act shall apply to (i) 70% of the cost price of property transferred as an incident to the sale of service on or before January 1, 1990, and before July 1, 2003, (ii) 80% of the selling price of property transferred as an incident to the sale of service on or after July 1, 2003 and on or before December 31, 2018, and (iii) 100% of the cost price thereafter. If, at any time, however, the tax under this Act on sales of gasohol, as defined in the Use Tax Act, is imposed at the rate of 1.25%,
then the tax imposed by this Act applies to 100% of the proceeds of sales of gasohol made during that time.

With respect to majority blended ethanol fuel, as defined in the Use Tax Act, the tax imposed by this Act does not apply to the selling price of property transferred as an incident to the sale of service on or after July 1, 2003 and on or before December 31, 2018 but applies to 100% of the selling price thereafter.

With respect to biodiesel blends, as defined in the Use Tax Act, with no less than 1% and no more than 10% biodiesel, the tax imposed by this Act applies to (i) 80% of the selling price of property transferred as an incident to the sale of service on or after July 1, 2003 and on or before December 31, 2018 and (ii) 100% of the proceeds of the selling price thereafter. If, at any time, however, the tax under this Act on sales of biodiesel blends, as defined in the Use Tax Act, with no less than 1% and no more than 10% biodiesel is imposed at the rate of 1.25%, then the tax imposed by this Act applies to 100% of the proceeds of sales of biodiesel blends with no less than 1% and no more than 10% biodiesel made during that time.

With respect to 100% biodiesel, as defined in the Use Tax Act, and biodiesel blends, as defined in the Use Tax Act, with more than 10% but no more than 99% biodiesel material, the tax imposed by this Act does not apply to the proceeds of the selling price of property transferred as an incident to the sale of service on or after July 1, 2003 and on or before December 31, 2018 but applies to 100% of the selling price thereafter.

At the election of any registered serviceman made for each fiscal year, sales of service in which the aggregate annual cost price of tangible personal property transferred as an incident to the sales of service is less than 35%, or 75% in the case of servicemen transferring prescription drugs or servicemen engaged in graphic arts production, of the aggregate annual total gross receipts from all sales of service, the tax imposed by this Act shall be based on the serviceman's cost price of the tangible personal property transferred incident to the sale of those services.

The tax shall be imposed at the rate of 1% on food prepared for immediate consumption and transferred incident to a sale of service subject to this Act or the Service Occupation Tax Act by an entity licensed under the Hospital Licensing Act, the Nursing Home Care Act, the ID/DD Community Care Act, the MC/DD Act, the Specialized Mental Health Rehabilitation Act of 2013, or the Child Care Act of 1969. The tax shall also be imposed at the rate of 1% on food for human consumption that is

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to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption and is not otherwise included in this paragraph) and prescription and nonprescription medicines, drugs, medical appliances, *products classified as Class III medical devices by the United States Food and Drug Administration that are used for cancer treatment pursuant to a prescription, as well as any accessories and components related to those devices*, modifications to a motor vehicle for the purpose of rendering it usable by a person with a disability, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use. For the purposes of this Section, until September 1, 2009: the term "soft drinks" means any complete, finished, ready-to-use, non-alcoholic drink, whether carbonated or not, including but not limited to soda water, cola, fruit juice, vegetable juice, carbonated water, and all other preparations commonly known as soft drinks of whatever kind or description that are contained in any closed or sealed can, carton, or container, regardless of size; but "soft drinks" does not include coffee, tea, non-carbonated water, infant formula, milk or milk products as defined in the Grade A Pasteurized Milk and Milk Products Act, or drinks containing 50% or more natural fruit or vegetable juice.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "soft drinks" means non-alcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" do not include beverages that contain milk or milk products, soy, rice or similar milk substitutes, or greater than 50% of vegetable or fruit juice by volume.

Until August 1, 2009, and notwithstanding any other provisions of this Act, "food for human consumption that is to be consumed off the premises where it is sold" includes all food sold through a vending machine, except soft drinks and food products that are dispensed hot from a vending machine, regardless of the location of the vending machine. Beginning August 1, 2009, and notwithstanding any other provisions of this Act, "food for human consumption that is to be consumed off the premises where it is sold" includes all food sold through a vending machine, except soft drinks, candy, and food products that are dispensed hot from a vending machine, regardless of the location of the vending machine.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "food for human consumption that is to be consumed off the premises where it is sold" does not include candy. For purposes of

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this Section, "candy" means a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts or other ingredients or flavorings in the form of bars, drops, or pieces. "Candy" does not include any preparation that contains flour or requires refrigeration.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "nonprescription medicines and drugs" does not include grooming and hygiene products. For purposes of this Section, "grooming and hygiene products" includes, but is not limited to, soaps and cleaning solutions, shampoo, toothpaste, mouthwash, antiperspirants, and sun tan lotions and screens, unless those products are available by prescription only, regardless of whether the products meet the definition of "over-the-counter-drugs". For the purposes of this paragraph, "over-the-counter-drug" means a drug for human use that contains a label that identifies the product as a drug as required by 21 C.F.R. § 201.66. The "over-the-counter-drug" label includes:

(A) A "Drug Facts" panel; or
(B) A statement of the "active ingredient(s)" with a list of those ingredients contained in the compound, substance or preparation.

Beginning on January 1, 2014 (the effective date of Public Act 98-122), "prescription and nonprescription medicines and drugs" includes medical cannabis purchased from a registered dispensing organization under the Compassionate Use of Medical Cannabis Pilot Program Act. (Source: P.A. 98-104, eff. 7-22-13; 98-122, eff. 1-1-14; 98-756, eff. 7-16-14; 99-143, eff. 7-27-15; 99-180, eff. 7-29-15; revised 10-16-15.)

(35 ILCS 115/9) (from Ch. 120, par. 439.109)

Sec. 9. Each serviceman required or authorized to collect the tax herein imposed shall pay to the Department the amount of such tax at the time when he is required to file his return for the period during which such tax was collectible, less a discount of 2.1% prior to January 1, 1990, and 1.75% on and after January 1, 1990, or $5 per calendar year, whichever is greater, which is allowed to reimburse the serviceman for expenses incurred in collecting the tax, keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request. The Department may disallow the discount for servicemen whose certificate of registration is revoked at the time the return is filed, but only if the Department's decision to revoke the certificate of registration has become final.

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Where such tangible personal property is sold under a conditional sales contract, or under any other form of sale wherein the payment of the principal sum, or a part thereof, is extended beyond the close of the period for which the return is filed, the serviceman, in collecting the tax may collect, for each tax return period, only the tax applicable to the part of the selling price actually received during such tax return period.

Except as provided hereinafter in this Section, on or before the twentieth day of each calendar month, such serviceman shall file a return for the preceding calendar month in accordance with reasonable rules and regulations to be promulgated by the Department of Revenue. Such return shall be filed on a form prescribed by the Department and shall contain such information as the Department may reasonably require.

The Department may require returns to be filed on a quarterly basis. If so required, a return for each calendar quarter shall be filed on or before the twentieth day of the calendar month following the end of such calendar quarter. The taxpayer shall also file a return with the Department for each of the first two months of each calendar quarter, on or before the twentieth day of the following calendar month, stating:

1. The name of the seller;
2. The address of the principal place of business from which he engages in business as a serviceman in this State;
3. The total amount of taxable receipts received by him during the preceding calendar month, including receipts from charge and time sales, but less all deductions allowed by law;
4. The amount of credit provided in Section 2d of this Act;
5. The amount of tax due;
5-5. The signature of the taxpayer; and
6. Such other reasonable information as the Department may require.

If a taxpayer fails to sign a return within 30 days after the proper notice and demand for signature by the Department, the return shall be considered valid and any amount shown to be due on the return shall be deemed assessed.

Prior to October 1, 2003, and on and after September 1, 2004 a serviceman may accept a Manufacturer's Purchase Credit certification from a purchaser in satisfaction of Service Use Tax as provided in Section 3-70 of the Service Use Tax Act if the purchaser provides the appropriate documentation as required by Section 3-70 of the Service Use Tax Act. A Manufacturer's Purchase Credit certification, accepted prior to October 1,
2003 or on or after September 1, 2004 by a serviceman as provided in Section 3-70 of the Service Use Tax Act, may be used by that serviceman to satisfy Service Occupation Tax liability in the amount claimed in the certification, not to exceed 6.25% of the receipts subject to tax from a qualifying purchase. A Manufacturer's Purchase Credit reported on any original or amended return filed under this Act after October 20, 2003 for reporting periods prior to September 1, 2004 shall be disallowed. Manufacturer's Purchase Credit reported on annual returns due on or after January 1, 2005 will be disallowed for periods prior to September 1, 2004. No Manufacturer's Purchase Credit may be used after September 30, 2003 through August 31, 2004 to satisfy any tax liability imposed under this Act, including any audit liability.

If the serviceman's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February and March of a given year being due by April 20 of such year; with the return for April, May and June of a given year being due by July 20 of such year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.

If the serviceman's average monthly tax liability to the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year.

Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which a serviceman may file his return, in the case of any serviceman who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such serviceman shall file a final return under this Act with the Department not more than 1 month after discontinuing such business.

Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of $150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of $100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a
taxpayer who has an average monthly tax liability of $50,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 2000, a taxpayer who has an annual tax liability of $200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. The term "average monthly tax liability" means the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year divided by 12. Beginning on October 1, 2002, a taxpayer who has a tax liability in the amount set forth in subsection (b) of Section 2505-210 of the Department of Revenue Law shall make all payments required by rules of the Department by electronic funds transfer.

Before August 1 of each year beginning in 1993, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1.

Any taxpayer not required to make payments by electronic funds transfer may make payments by electronic funds transfer with the permission of the Department.

All taxpayers required to make payment by electronic funds transfer and any taxpayers authorized to voluntarily make payments by electronic funds transfer shall make those payments in the manner authorized by the Department.

The Department shall adopt such rules as are necessary to effectuate a program of electronic funds transfer and the requirements of this Section.

Where a serviceman collects the tax with respect to the selling price of tangible personal property which he sells and the purchaser thereafter returns such tangible personal property and the serviceman refunds the selling price thereof to the purchaser, such serviceman shall also refund, to the purchaser, the tax so collected from the purchaser. When filing his return for the period in which he refunds such tax to the purchaser, the serviceman may deduct the amount of the tax so refunded by him to the purchaser from any other Service Occupation Tax, Service Use Tax, Retailers' Occupation Tax or Use Tax which such serviceman

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may be required to pay or remit to the Department, as shown by such return, provided that the amount of the tax to be deducted shall previously have been remitted to the Department by such serviceman. If the serviceman shall not previously have remitted the amount of such tax to the Department, he shall be entitled to no deduction hereunder upon refunding such tax to the purchaser.

If experience indicates such action to be practicable, the Department may prescribe and furnish a combination or joint return which will enable servicemen, who are required to file returns hereunder and also under the Retailers' Occupation Tax Act, the Use Tax Act or the Service Use Tax Act, to furnish all the return information required by all said Acts on the one form.

Where the serviceman has more than one business registered with the Department under separate registrations hereunder, such serviceman shall file separate returns for each registered business.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund the revenue realized for the preceding month from the 1% tax on sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, products classified as Class III medical devices by the United States Food and Drug Administration that are used for cancer treatment pursuant to a prescription, as well as any accessories and components related to those devices, and insulin, urine testing materials, syringes and needles used by diabetics.

Beginning August 1, 2000, each month the Department shall pay into the County and Mass Transit District Fund 4% of the revenue realized for the preceding month from the 6.25% general rate.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund 16% of the revenue realized for the preceding month from the 6.25% general rate on transfers of tangible personal property.

Beginning August 1, 2000, each month the Department shall pay into the Local Government Tax Fund 80% of the net revenue realized for

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the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Beginning October 1, 2009, each month the Department shall pay into the Capital Projects Fund an amount that is equal to an amount estimated by the Department to represent 80% of the net revenue realized for the preceding month from the sale of candy, grooming and hygiene products, and soft drinks that had been taxed at a rate of 1% prior to September 1, 2009 but that are now taxed at 6.25%.

Beginning July 1, 2013, each month the Department shall pay into the Underground Storage Tank Fund from the proceeds collected under this Act, the Use Tax Act, the Service Use Tax Act, and the Retailers' Occupation Tax Act an amount equal to the average monthly deficit in the Underground Storage Tank Fund during the prior year, as certified annually by the Illinois Environmental Protection Agency, but the total payment into the Underground Storage Tank Fund under this Act, the Use Tax Act, the Service Use Tax Act, and the Retailers' Occupation Tax Act shall not exceed $18,000,000 in any State fiscal year. As used in this paragraph, the "average monthly deficit" shall be equal to the difference between the average monthly claims for payment by the fund and the average monthly revenues deposited into the fund, excluding payments made pursuant to this paragraph.

Beginning July 1, 2015, of the remainder of the moneys received by the Department under the Use Tax Act, the Service Use Tax Act, this Act, and the Retailers' Occupation Tax Act, each month the Department shall deposit $500,000 into the State Crime Laboratory Fund.

Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75% thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after July 1, 1989, 3.8% thereof shall be paid into the Build Illinois Fund; provided, however, that if in any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received by the Department and required to be paid into the Build Illinois Fund pursuant to Section 3 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, and Section 9 of the Service Occupation Tax Act, such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case may be, of moneys being hereinafter called the "Tax Act Amount", and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall be less than the Annual Specified Amount (as defined in Section 3 of the Retailers'
Occupation Tax Act), an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and further provided, that if on the last business day of any month the sum of (1) the Tax Act Amount required to be deposited into the Build Illinois Account in the Build Illinois Fund during such month and (2) the amount transferred during such month to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall have been less than 1/12 of the Annual Specified Amount, an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and, further provided, that in no event shall the payments required under the preceding proviso result in aggregate payments into the Build Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii) the Annual Specified Amount for such fiscal year; and, further provided, that the amounts payable into the Build Illinois Fund under this clause (b) shall be payable only until such time as the aggregate amount on deposit under each trust indenture securing Bonds issued and outstanding pursuant to the Build Illinois Bond Act is sufficient, taking into account any future investment income, to fully provide, in accordance with such indenture, for the defeasance of or the payment of the principal of, premium, if any, and interest on the Bonds secured by such indenture and on any Bonds expected to be issued thereafter and all fees and costs payable with respect thereto, all as certified by the Director of the Bureau of the Budget (now Governor's Office of Management and Budget). If on the last business day of any month in which Bonds are outstanding pursuant to the Build Illinois Bond Act, the aggregate of the moneys deposited in the Build Illinois Bond Account in the Build Illinois Fund in such month shall be less than the amount required to be transferred in such month from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund pursuant to Section 13 of the Build Illinois Bond Act, an amount equal to such deficiency shall be immediately paid from other moneys received by the Department pursuant to the Tax Acts to the Build Illinois Fund; provided, however, that any amounts paid to the Build Illinois Fund in any fiscal year pursuant to this sentence shall be deemed to constitute payments pursuant to clause (b) of the preceding sentence and shall reduce the amount otherwise payable for such fiscal year pursuant to clause (b) of the preceding sentence. The moneys received by the Department pursuant to this Act and required to be deposited into the Build Illinois Fund are

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subject to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act.

Subject to payment of amounts into the Build Illinois Fund as provided in the preceding paragraph or in any amendment thereto hereafter enacted, the following specified monthly installment of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority provided under Section 8.25f of the State Finance Act, but not in excess of the sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.

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and each fiscal year thereafter that bonds are outstanding under Section 13.2 of the Metropolitan Pier and Exposition Authority Act, but not after fiscal year 2060.

Beginning July 20, 1993 and in each month of each fiscal year thereafter, one-eighth of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority for that fiscal year, less the amount deposited into the McCormick Place Expansion Project Fund by the State Treasurer in the respective month under subsection (g) of Section 13 of the Metropolitan Pier and Exposition Authority Act, plus cumulative deficiencies in the deposits required under this Section for previous months and years, shall be deposited into the McCormick Place Expansion Project Fund, until the full amount requested for the fiscal year, but not in excess of the amount specified above as "Total Deposit", has been deposited.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning July 1, 1993 and ending on September 30, 2013, the Department shall each

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month pay into the Illinois Tax Increment Fund 0.27% of 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning with the receipt of the first report of taxes paid by an eligible business and continuing for a 25-year period, the Department shall each month pay into the Energy Infrastructure Fund 80% of the net revenue realized from the 6.25% general rate on the selling price of Illinois-mined coal that was sold to an eligible business. For purposes of this paragraph, the term "eligible business" means a new electric generating facility certified pursuant to Section 605-332 of the Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois.

Subject to payment of amounts into the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, and the Energy Infrastructure Fund pursuant to the preceding paragraphs or in any amendments to this Section hereafter enacted, beginning on the first day of the first calendar month to occur on or after the effective date of this amendatory Act of the 98th General Assembly, each month, from the collections made under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act, the Department shall pay into the Tax Compliance and Administration Fund, to be used, subject to appropriation, to fund additional auditors and compliance personnel at the Department of Revenue, an amount equal to 1/12 of 5% of 80% of the cash receipts collected during the preceding fiscal year by the Audit Bureau of the Department under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, the Retailers' Occupation Tax Act, and associated local occupation and use taxes administered by the Department.

Of the remainder of the moneys received by the Department pursuant to this Act, 75% shall be paid into the General Revenue Fund of the State Treasury and 25% shall be reserved in a special account and used only for the transfer to the Common School Fund as part of the monthly transfer from the General Revenue Fund in accordance with Section 8a of the State Finance Act.

The Department may, upon separate written notice to a taxpayer, require the taxpayer to prepare and file with the Department on a form
prescribed by the Department within not less than 60 days after receipt of the notice an annual information return for the tax year specified in the notice. Such annual return to the Department shall include a statement of gross receipts as shown by the taxpayer's last Federal income tax return. If the total receipts of the business as reported in the Federal income tax return do not agree with the gross receipts reported to the Department of Revenue for the same period, the taxpayer shall attach to his annual return a schedule showing a reconciliation of the 2 amounts and the reasons for the difference. The taxpayer's annual return to the Department shall also disclose the cost of goods sold by the taxpayer during the year covered by such return, opening and closing inventories of such goods for such year, cost of goods used from stock or taken from stock and given away by the taxpayer during such year, pay roll information of the taxpayer's business during such year and any additional reasonable information which the Department deems would be helpful in determining the accuracy of the monthly, quarterly or annual returns filed by such taxpayer as hereinbefore provided for in this Section.

If the annual information return required by this Section is not filed when and as required, the taxpayer shall be liable as follows:

(i) Until January 1, 1994, the taxpayer shall be liable for a penalty equal to 1/6 of 1% of the tax due from such taxpayer under this Act during the period to be covered by the annual return for each month or fraction of a month until such return is filed as required, the penalty to be assessed and collected in the same manner as any other penalty provided for in this Act.

(ii) On and after January 1, 1994, the taxpayer shall be liable for a penalty as described in Section 3-4 of the Uniform Penalty and Interest Act.

The chief executive officer, proprietor, owner or highest ranking manager shall sign the annual return to certify the accuracy of the information contained therein. Any person who willfully signs the annual return containing false or inaccurate information shall be guilty of perjury and punished accordingly. The annual return form prescribed by the Department shall include a warning that the person signing the return may be liable for perjury.

The foregoing portion of this Section concerning the filing of an annual information return shall not apply to a serviceman who is not required to file an income tax return with the United States Government.

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As soon as possible after the first day of each month, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Motor Fuel Tax Fund an amount equal to 1.7% of 80% of the net revenue realized under this Act for the second preceding month. Beginning April 1, 2000, this transfer is no longer required and shall not be made.

Net revenue realized for a month shall be the revenue collected by the State pursuant to this Act, less the amount paid out during that month as refunds to taxpayers for overpayment of liability.

For greater simplicity of administration, it shall be permissible for manufacturers, importers and wholesalers whose products are sold by numerous servicemen in Illinois, and who wish to do so, to assume the responsibility for accounting and paying to the Department all tax accruing under this Act with respect to such sales, if the servicemen who are affected do not make written objection to the Department to this arrangement.

(Source: P.A. 98-24, eff. 6-19-13; 98-109, eff. 7-25-13; 98-298, eff. 8-9-13; 98-496, eff. 1-1-14; 98-756, eff. 7-16-14; 98-1098, eff. 8-26-14; 99-352, eff. 8-12-15.)

Section 20. The Retailers' Occupation Tax Act is amended by changing Sections 2-10 and 3 as follows:

(35 ILCS 120/2-10)

Sec. 2-10. Rate of tax. Unless otherwise provided in this Section, the tax imposed by this Act is at the rate of 6.25% of gross receipts from sales of tangible personal property made in the course of business.

Beginning on July 1, 2000 and through December 31, 2000, with respect to motor fuel, as defined in Section 1.1 of the Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of the Use Tax Act, the tax is imposed at the rate of 1.25%.

Beginning on August 6, 2010 through August 15, 2010, with respect to sales tax holiday items as defined in Section 2-8 of this Act, the tax is imposed at the rate of 1.25%.

Within 14 days after the effective date of this amendatory Act of the 91st General Assembly, each retailer of motor fuel and gasohol shall cause the following notice to be posted in a prominently visible place on each retail dispensing device that is used to dispense motor fuel or gasohol in the State of Illinois: "As of July 1, 2000, the State of Illinois has eliminated the State's share of sales tax on motor fuel and gasohol through

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December 31, 2000. The price on this pump should reflect the elimination of the tax." The notice shall be printed in bold print on a sign that is no smaller than 4 inches by 8 inches. The sign shall be clearly visible to customers. Any retailer who fails to post or maintain a required sign through December 31, 2000 is guilty of a petty offense for which the fine shall be $500 per day per each retail premises where a violation occurs.

With respect to gasohol, as defined in the Use Tax Act, the tax imposed by this Act applies to (i) 70% of the proceeds of sales made on or after January 1, 1990, and before July 1, 2003, (ii) 80% of the proceeds of sales made on or after July 1, 2003 and on or before December 31, 2018, and (iii) 100% of the proceeds of sales made thereafter. If, at any time, however, the tax under this Act on sales of gasohol, as defined in the Use Tax Act, is imposed at the rate of 1.25%, then the tax imposed by this Act applies to 100% of the proceeds of sales of gasohol made during that time.

With respect to majority blended ethanol fuel, as defined in the Use Tax Act, the tax imposed by this Act does not apply to the proceeds of sales made on or after July 1, 2003 and on or before December 31, 2018 but applies to 100% of the proceeds of sales made thereafter.

With respect to biodiesel blends, as defined in the Use Tax Act, with no less than 1% and no more than 10% biodiesel, the tax imposed by this Act applies to (i) 80% of the proceeds of sales made on or after July 1, 2003 and on or before December 31, 2018 and (ii) 100% of the proceeds of sales made thereafter. If, at any time, however, the tax under this Act on sales of biodiesel blends, as defined in the Use Tax Act, with no less than 1% and no more than 10% biodiesel is imposed at the rate of 1.25%, then the tax imposed by this Act applies to 100% of the proceeds of sales of biodiesel blends with no less than 1% and no more than 10% biodiesel made during that time.

With respect to 100% biodiesel, as defined in the Use Tax Act, and biodiesel blends, as defined in the Use Tax Act, with more than 10% but no more than 99% biodiesel, the tax imposed by this Act does not apply to the proceeds of sales made on or after July 1, 2003 and on or before December 31, 2018 but applies to 100% of the proceeds of sales made thereafter.

With respect to food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, products classified as Class III medical devices by the

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United States Food and Drug Administration that are used for cancer treatment pursuant to a prescription, as well as any accessories and components related to those devices, modifications to a motor vehicle for the purpose of rendering it usable by a person with a disability, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, the tax is imposed at the rate of 1%. For the purposes of this Section, until September 1, 2009: the term "soft drinks" means any complete, finished, ready-to-use, non-alcoholic drink, whether carbonated or not, including but not limited to soda water, cola, fruit juice, vegetable juice, carbonated water, and all other preparations commonly known as soft drinks of whatever kind or description that are contained in any closed or sealed bottle, can, carton, or container, regardless of size; but "soft drinks" does not include coffee, tea, non-carbonated water, infant formula, milk or milk products as defined in the Grade A Pasteurized Milk and Milk Products Act, or drinks containing 50% or more natural fruit or vegetable juice.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "soft drinks" means non-alcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" do not include beverages that contain milk or milk products, soy, rice or similar milk substitutes, or greater than 50% of vegetable or fruit juice by volume.

Until August 1, 2009, and notwithstanding any other provisions of this Act, "food for human consumption that is to be consumed off the premises where it is sold" includes all food sold through a vending machine, except soft drinks and food products that are dispensed hot from a vending machine, regardless of the location of the vending machine. Beginning August 1, 2009, and notwithstanding any other provisions of this Act, "food for human consumption that is to be consumed off the premises where it is sold" includes all food sold through a vending machine, except soft drinks, candy, and food products that are dispensed hot from a vending machine, regardless of the location of the vending machine.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "food for human consumption that is to be consumed off the premises where it is sold" does not include candy. For purposes of this Section, "candy" means a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts or other ingredients or flavorings in the form of bars, drops, or pieces. "Candy"
does not include any preparation that contains flour or requires refrigeration.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "nonprescription medicines and drugs" does not include grooming and hygiene products. For purposes of this Section, "grooming and hygiene products" includes, but is not limited to, soaps and cleaning solutions, shampoo, toothpaste, mouthwash, antiperspirants, and sun tan lotions and screens, unless those products are available by prescription only, regardless of whether the products meet the definition of "over-the-counter-drugs". For the purposes of this paragraph, "over-the-counter-drug" means a drug for human use that contains a label that identifies the product as a drug as required by 21 C.F.R. § 201.66. The "over-the-counter-drug" label includes:

(A) A "Drug Facts" panel; or
(B) A statement of the "active ingredient(s)" with a list of those ingredients contained in the compound, substance or preparation.

Beginning on the effective date of this amendatory Act of the 98th General Assembly, "prescription and nonprescription medicines and drugs" includes medical cannabis purchased from a registered dispensing organization under the Compassionate Use of Medical Cannabis Pilot Program Act.

(Source: P.A. 98-122, eff. 1-1-14; 99-143, eff. 7-27-15.)

(35 ILCS 120/3) (from Ch. 120, par. 442)

Sec. 3. Except as provided in this Section, on or before the twentieth day of each calendar month, every person engaged in the business of selling tangible personal property at retail in this State during the preceding calendar month shall file a return with the Department, stating:

1. The name of the seller;
2. His residence address and the address of his principal place of business and the address of the principal place of business (if that is a different address) from which he engages in the business of selling tangible personal property at retail in this State;
3. Total amount of receipts received by him during the preceding calendar month or quarter, as the case may be, from sales of tangible personal property, and from services furnished, by him during such preceding calendar month or quarter;

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4. Total amount received by him during the preceding calendar month or quarter on charge and time sales of tangible personal property, and from services furnished, by him prior to the month or quarter for which the return is filed;
5. Deductions allowed by law;
6. Gross receipts which were received by him during the preceding calendar month or quarter and upon the basis of which the tax is imposed;
7. The amount of credit provided in Section 2d of this Act;
8. The amount of tax due;
9. The signature of the taxpayer; and
10. Such other reasonable information as the Department may require.

If a taxpayer fails to sign a return within 30 days after the proper notice and demand for signature by the Department, the return shall be considered valid and any amount shown to be due on the return shall be deemed assessed.

Each return shall be accompanied by the statement of prepaid tax issued pursuant to Section 2e for which credit is claimed.

Prior to October 1, 2003, and on and after September 1, 2004 a retailer may accept a Manufacturer's Purchase Credit certification from a purchaser in satisfaction of Use Tax as provided in Section 3-85 of the Use Tax Act if the purchaser provides the appropriate documentation as required by Section 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit certification, accepted by a retailer prior to October 1, 2003 and on and after September 1, 2004 as provided in Section 3-85 of the Use Tax Act, may be used by that retailer to satisfy Retailers' Occupation Tax liability in the amount claimed in the certification, not to exceed 6.25% of the receipts subject to tax from a qualifying purchase. A Manufacturer's Purchase Credit reported on any original or amended return filed under this Act after October 20, 2003 for reporting periods prior to September 1, 2004 shall be disallowed. Manufacturer's Purchaser Credit reported on annual returns due on or after January 1, 2005 will be disallowed for periods prior to September 1, 2004. No Manufacturer's Purchase Credit may be used after September 30, 2003 through August 31, 2004 to satisfy any tax liability imposed under this Act, including any audit liability.

The Department may require returns to be filed on a quarterly basis. If so required, a return for each calendar quarter shall be filed on or before the twentieth day of the calendar month following the end of such

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calendar quarter. The taxpayer shall also file a return with the Department for each of the first two months of each calendar quarter, on or before the twentieth day of the following calendar month, stating:

1. The name of the seller;
2. The address of the principal place of business from which he engages in the business of selling tangible personal property at retail in this State;
3. The total amount of taxable receipts received by him during the preceding calendar month from sales of tangible personal property by him during such preceding calendar month, including receipts from charge and time sales, but less all deductions allowed by law;
4. The amount of credit provided in Section 2d of this Act;
5. The amount of tax due; and
6. Such other reasonable information as the Department may require.

Beginning on October 1, 2003, any person who is not a licensed distributor, importing distributor, or manufacturer, as defined in the Liquor Control Act of 1934, but is engaged in the business of selling, at retail, alcoholic liquor shall file a statement with the Department of Revenue, in a format and at a time prescribed by the Department, showing the total amount paid for alcoholic liquor purchased during the preceding month and such other information as is reasonably required by the Department. The Department may adopt rules to require that this statement be filed in an electronic or telephonic format. Such rules may provide for exceptions from the filing requirements of this paragraph. For the purposes of this paragraph, the term "alcoholic liquor" shall have the meaning prescribed in the Liquor Control Act of 1934.

Beginning on October 1, 2003, every distributor, importing distributor, and manufacturer of alcoholic liquor as defined in the Liquor Control Act of 1934, shall file a statement with the Department of Revenue, no later than the 10th day of the month for the preceding month during which transactions occurred, by electronic means, showing the total amount of gross receipts from the sale of alcoholic liquor sold or distributed during the preceding month to purchasers; identifying the purchaser to whom it was sold or distributed; the purchaser's tax registration number; and such other information reasonably required by the Department. A distributor, importing distributor, or manufacturer of alcoholic liquor must personally deliver, mail, or provide by electronic

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means to each retailer listed on the monthly statement a report containing a cumulative total of that distributor's, importing distributor's, or manufacturer's total sales of alcoholic liquor to that retailer no later than the 10th day of the month for the preceding month during which the transaction occurred. The distributor, importing distributor, or manufacturer shall notify the retailer as to the method by which the distributor, importing distributor, or manufacturer will provide the sales information. If the retailer is unable to receive the sales information by electronic means, the distributor, importing distributor, or manufacturer shall furnish the sales information by personal delivery or by mail. For purposes of this paragraph, the term "electronic means" includes, but is not limited to, the use of a secure Internet website, e-mail, or facsimile.

If a total amount of less than $1 is payable, refundable or creditable, such amount shall be disregarded if it is less than 50 cents and shall be increased to $1 if it is 50 cents or more.

Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of $150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of $100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average monthly tax liability of $50,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 2000, a taxpayer who has an annual tax liability of $200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. The term "average monthly tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year divided by 12. Beginning on October 1, 2002, a taxpayer who has a tax liability in the amount set forth in subsection (b) of Section 2505-210 of the Department of Revenue Law shall make all payments required by rules of the Department by electronic funds transfer.

Before August 1 of each year beginning in 1993, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds

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transfer shall make those payments for a minimum of one year beginning on October 1.

Any taxpayer not required to make payments by electronic funds transfer may make payments by electronic funds transfer with the permission of the Department.

All taxpayers required to make payment by electronic funds transfer and any taxpayers authorized to voluntarily make payments by electronic funds transfer shall make those payments in the manner authorized by the Department.

The Department shall adopt such rules as are necessary to effectuate a program of electronic funds transfer and the requirements of this Section.

Any amount which is required to be shown or reported on any return or other document under this Act shall, if such amount is not a whole-dollar amount, be increased to the nearest whole-dollar amount in any case where the fractional part of a dollar is 50 cents or more, and decreased to the nearest whole-dollar amount where the fractional part of a dollar is less than 50 cents.

If the retailer is otherwise required to file a monthly return and if the retailer's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February and March of a given year being due by April 20 of such year; with the return for April, May and June of a given year being due by July 20 of such year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.

If the retailer is otherwise required to file a monthly or quarterly return and if the retailer's average monthly tax liability with the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year.

Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which a retailer may file his return, in the case of any retailer who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such retailer shall file a final return under
this Act with the Department not more than one month after discontinuing such business.

Where the same person has more than one business registered with the Department under separate registrations under this Act, such person may not file each return that is due as a single return covering all such registered businesses, but shall file separate returns for each such registered business.

In addition, with respect to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, every retailer selling this kind of tangible personal property shall file, with the Department, upon a form to be prescribed and supplied by the Department, a separate return for each such item of tangible personal property which the retailer sells, except that if, in the same transaction, (i) a retailer of aircraft, watercraft, motor vehicles or trailers transfers more than one aircraft, watercraft, motor vehicle or trailer to another aircraft, watercraft, motor vehicle retailer or trailer retailer for the purpose of resale or (ii) a retailer of aircraft, watercraft, motor vehicles, or trailers transfers more than one aircraft, watercraft, motor vehicle, or trailer to a purchaser for use as a qualifying rolling stock as provided in Section 2-5 of this Act, then that seller may report the transfer of all aircraft, watercraft, motor vehicles or trailers involved in that transaction to the Department on the same uniform invoice-transaction reporting return form. For purposes of this Section, "watercraft" means a Class 2, Class 3, or Class 4 watercraft as defined in Section 3-2 of the Boat Registration and Safety Act, a personal watercraft, or any boat equipped with an inboard motor.

Any retailer who sells only motor vehicles, watercraft, aircraft, or trailers that are required to be registered with an agency of this State, so that all retailers' occupation tax liability is required to be reported, and is reported, on such transaction reporting returns and who is not otherwise required to file monthly or quarterly returns, need not file monthly or quarterly returns. However, those retailers shall be required to file returns on an annual basis.

The transaction reporting return, in the case of motor vehicles or trailers that are required to be registered with an agency of this State, shall be the same document as the Uniform Invoice referred to in Section 5-402 of The Illinois Vehicle Code and must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal

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property, if any, to the extent to which Section 1 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale; a sufficient identification of the property sold; such other information as is required in Section 5-402 of The Illinois Vehicle Code, and such other information as the Department may reasonably require.

The transaction reporting return in the case of watercraft or aircraft must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 1 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale, a sufficient identification of the property sold, and such other information as the Department may reasonably require.

Such transaction reporting return shall be filed not later than 20 days after the day of delivery of the item that is being sold, but may be filed by the retailer at any time sooner than that if he chooses to do so. The transaction reporting return and tax remittance or proof of exemption from the Illinois use tax may be transmitted to the Department by way of the State agency with which, or State officer with whom the tangible personal property must be titled or registered (if titling or registration is required) if the Department and such agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

With each such transaction reporting return, the retailer shall remit the proper amount of tax due (or shall submit satisfactory evidence that the sale is not taxable if that is the case), to the Department or its agents, whereupon the Department shall issue, in the purchaser's name, a use tax receipt (or a certificate of exemption if the Department is satisfied that the particular sale is tax exempt) which such purchaser may submit to the

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agency with which, or State officer with whom, he must title or register the tangible personal property that is involved (if titling or registration is required) in support of such purchaser's application for an Illinois certificate or other evidence of title or registration to such tangible personal property.

No retailer's failure or refusal to remit tax under this Act precludes a user, who has paid the proper tax to the retailer, from obtaining his certificate of title or other evidence of title or registration (if titling or registration is required) upon satisfying the Department that such user has paid the proper tax (if tax is due) to the retailer. The Department shall adopt appropriate rules to carry out the mandate of this paragraph.

If the user who would otherwise pay tax to the retailer wants the transaction reporting return filed and the payment of the tax or proof of exemption made to the Department before the retailer is willing to take these actions and such user has not paid the tax to the retailer, such user may certify to the fact of such delay by the retailer and may (upon the Department being satisfied of the truth of such certification) transmit the information required by the transaction reporting return and the remittance for tax or proof of exemption directly to the Department and obtain his tax receipt or exemption determination, in which event the transaction reporting return and tax remittance (if a tax payment was required) shall be credited by the Department to the proper retailer's account with the Department, but without the 2.1% or 1.75% discount provided for in this Section being allowed. When the user pays the tax directly to the Department, he shall pay the tax in the same amount and in the same form in which it would be remitted if the tax had been remitted to the Department by the retailer.

Refunds made by the seller during the preceding return period to purchasers, on account of tangible personal property returned to the seller, shall be allowed as a deduction under subdivision 5 of his monthly or quarterly return, as the case may be, in case the seller had theretofore included the receipts from the sale of such tangible personal property in a return filed by him and had paid the tax imposed by this Act with respect to such receipts.

Where the seller is a corporation, the return filed on behalf of such corporation shall be signed by the president, vice-president, secretary or treasurer or by the properly accredited agent of such corporation.

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Where the seller is a limited liability company, the return filed on behalf of the limited liability company shall be signed by a manager, member, or properly accredited agent of the limited liability company.

Except as provided in this Section, the retailer filing the return under this Section shall, at the time of filing such return, pay to the Department the amount of tax imposed by this Act less a discount of 2.1% prior to January 1, 1990 and 1.75% on and after January 1, 1990, or $5 per calendar year, whichever is greater, which is allowed to reimburse the retailer for the expenses incurred in keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request. Any prepayment made pursuant to Section 2d of this Act shall be included in the amount on which such 2.1% or 1.75% discount is computed. In the case of retailers who report and pay the tax on a transaction by transaction basis, as provided in this Section, such discount shall be taken with each such tax remittance instead of when such retailer files his periodic return. The Department may disallow the discount for retailers whose certificate of registration is revoked at the time the return is filed, but only if the Department's decision to revoke the certificate of registration has become final.

Before October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act, excluding any liability for prepaid sales tax to be remitted in accordance with Section 2d of this Act, was $10,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. On and after October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act, excluding any liability for prepaid sales tax to be remitted in accordance with Section 2d of this Act, was $20,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payment to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to January 1, 1985, each payment shall be in an amount equal to 1/4

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of the taxpayer's actual liability for the month or an amount set by the Department not to exceed 1/4 of the average monthly liability of the taxpayer to the Department for the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability in such 4 quarter period). If the month during which such tax liability is incurred begins on or after January 1, 1985 and prior to January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 27.5% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1987 and prior to January 1, 1988, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1988, and prior to January 1, 1989, or begins on or after January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1989, and prior to January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year or 100% of the taxpayer's actual liability for the quarter monthly reporting period. The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month. Before October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department by taxpayers having an average monthly tax liability of $10,000 or more as determined in the manner provided above shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $9,000, or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $10,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $10,000 threshold stated above, then such taxpayer may petition the Department for a change in such taxpayer's reporting status.

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On and after October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department by taxpayers having an average monthly tax liability of $20,000 or more as determined in the manner provided above shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $19,000 or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $20,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $20,000 threshold stated above, then such taxpayer may petition the Department for a change in such taxpayer's reporting status. The Department shall change such taxpayer's reporting status unless it finds that such change is seasonal in nature and not likely to be long term. If any such quarter monthly payment is not paid at the time or in the amount required by this Section, then the taxpayer shall be liable for penalties and interest on the difference between the minimum amount due as a payment and the amount of such quarter monthly payment actually and timely paid, except insofar as the taxpayer has previously made payments for that month to the Department in excess of the minimum payments previously due as provided in this Section. The Department shall make reasonable rules and regulations to govern the quarter monthly payment amount and quarter monthly payment dates for taxpayers who file on other than a calendar monthly basis.

The provisions of this paragraph apply before October 1, 2001. Without regard to whether a taxpayer is required to make quarter monthly payments as specified above, any taxpayer who is required by Section 2d of this Act to collect and remit prepaid taxes and has collected prepaid taxes which average in excess of $25,000 per month during the preceding 2 complete calendar quarters, shall file a return with the Department as required by Section 2f and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to the effective date of this amendatory Act of 1985, each payment shall be in an amount not less than 22.5% of the taxpayer's actual liability under Section 2d. If the month during which such tax liability is incurred begins on or after January 1, 1986, each payment shall be in an

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amount equal to 22.5% of the taxpayer's actual liability for the month or 27.5% of the taxpayer's liability for the same calendar month of the preceding calendar year. If the month during which such tax liability is incurred begins on or after January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year. The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month filed under this Section or Section 2f, as the case may be. Once applicable, the requirement of the making of quarter monthly payments to the Department pursuant to this paragraph shall continue until such taxpayer's average monthly prepaid tax collections during the preceding 2 complete calendar quarters is $25,000 or less. If any such quarter monthly payment is not paid at the time or in the amount required, the taxpayer shall be liable for penalties and interest on such difference, except insofar as the taxpayer has previously made payments for that month in excess of the minimum payments previously due.

The provisions of this paragraph apply on and after October 1, 2001. Without regard to whether a taxpayer is required to make quarter monthly payments as specified above, any taxpayer who is required by Section 2d of this Act to collect and remit prepaid taxes and has collected prepaid taxes that average in excess of $20,000 per month during the preceding 4 complete calendar quarters shall file a return with the Department as required by Section 2f and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which the liability is incurred. Each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. The amount of the quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month filed under this Section or Section 2f, as the case may be. Once applicable, the requirement of the making of quarter monthly payments to the Department pursuant to this paragraph shall continue until the taxpayer's average monthly prepaid tax collections during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $19,000 or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarters is less than $20,000. If any such quarter monthly payment is not paid at the time or in the amount required,

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the taxpayer shall be liable for penalties and interest on such difference, except insofar as the taxpayer has previously made payments for that month in excess of the minimum payments previously due.

If any payment provided for in this Section exceeds the taxpayer's liabilities under this Act, the Use Tax Act, the Service Occupation Tax Act and the Service Use Tax Act, as shown on an original monthly return, the Department shall, if requested by the taxpayer, issue to the taxpayer a credit memorandum no later than 30 days after the date of payment. The credit evidenced by such credit memorandum may be assigned by the taxpayer to a similar taxpayer under this Act, the Use Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations to be prescribed by the Department. If no such request is made, the taxpayer may credit such excess payment against tax liability subsequently to be remitted to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations prescribed by the Department. If the Department subsequently determined that all or any part of the credit taken was not actually due to the taxpayer, the taxpayer's 2.1% and 1.75% vendor's discount shall be reduced by 2.1% or 1.75% of the difference between the credit taken and that actually due, and that taxpayer shall be liable for penalties and interest on such difference.

If a retailer of motor fuel is entitled to a credit under Section 2d of this Act which exceeds the taxpayer's liability to the Department under this Act for the month which the taxpayer is filing a return, the Department shall issue the taxpayer a credit memorandum for the excess.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund, a special fund in the State treasury which is hereby created, the net revenue realized for the preceding month from the 1% tax on sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, products classified as Class III medical devices by the United States Food and Drug Administration that are used for cancer treatment pursuant to a prescription, as well as any accessories and components related to those devices, and insulin, urine testing materials, syringes and needles used by diabetics.

Beginning January 1, 1990, each month the Department shall pay into the County and Mass Transit District Fund, a special fund in the State
treasury which is hereby created, 4% of the net revenue realized for the preceding month from the 6.25% general rate.

Beginning August 1, 2000, each month the Department shall pay into the County and Mass Transit District Fund 20% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol. Beginning September 1, 2010, each month the Department shall pay into the County and Mass Transit District Fund 20% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of sales tax holiday items.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund 16% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Beginning August 1, 2000, each month the Department shall pay into the Local Government Tax Fund 80% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol. Beginning September 1, 2010, each month the Department shall pay into the Local Government Tax Fund 80% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of sales tax holiday items.

Beginning October 1, 2009, each month the Department shall pay into the Capital Projects Fund an amount that is equal to an amount estimated by the Department to represent 80% of the net revenue realized for the preceding month from the sale of candy, grooming and hygiene products, and soft drinks that had been taxed at a rate of 1% prior to September 1, 2009 but that are now taxed at 6.25%.

Beginning July 1, 2011, each month the Department shall pay into the Clean Air Act (CAA) Permit Fund 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of sorbents used in Illinois in the process of sorbent injection as used to comply with the Environmental Protection Act or the federal Clean Air Act, but the total payment into the Clean Air Act (CAA) Permit Fund under this Act and the Use Tax Act shall not exceed $2,000,000 in any fiscal year.

Beginning July 1, 2013, each month the Department shall pay into the Underground Storage Tank Fund from the proceeds collected under this Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act an amount equal to the average monthly deficit in the Underground Storage Tank Fund during the prior year, as certified

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annually by the Illinois Environmental Protection Agency, but the total payment into the Underground Storage Tank Fund under this Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act shall not exceed $18,000,000 in any State fiscal year. As used in this paragraph, the "average monthly deficit" shall be equal to the difference between the average monthly claims for payment by the fund and the average monthly revenues deposited into the fund, excluding payments made pursuant to this paragraph.

Beginning July 1, 2015, of the remainder of the moneys received by the Department under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and this Act, each month the Department shall deposit $500,000 into the State Crime Laboratory Fund.

Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75% thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after July 1, 1989, 3.8% thereof shall be paid into the Build Illinois Fund; provided, however, that if in any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received by the Department and required to be paid into the Build Illinois Fund pursuant to this Act, Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, and Section 9 of the Service Occupation Tax Act, such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case may be, of moneys being hereinafter called the "Tax Act Amount", and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall be less than the Annual Specified Amount (as hereinafter defined), an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; the "Annual Specified Amount" means the amounts specified below for fiscal years 1986 through 1993:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Annual Specified Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1986</td>
<td>$54,800,000</td>
</tr>
<tr>
<td>1987</td>
<td>$76,650,000</td>
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<tr>
<td>1988</td>
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<td>1991</td>
<td>$145,470,000</td>
</tr>
<tr>
<td>1992</td>
<td>$182,730,000</td>
</tr>
<tr>
<td>1993</td>
<td>$206,520,000</td>
</tr>
</tbody>
</table>

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and means the Certified Annual Debt Service Requirement (as defined in Section 13 of the Build Illinois Bond Act) or the Tax Act Amount, whichever is greater, for fiscal year 1994 and each fiscal year thereafter; and further provided, that if on the last business day of any month the sum of (1) the Tax Act Amount required to be deposited into the Build Illinois Bond Account in the Build Illinois Fund during such month and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall have been less than 1/12 of the Annual Specified Amount, an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and, further provided, that in no event shall the payments required under the preceding proviso result in aggregate payments into the Build Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii) the Annual Specified Amount for such fiscal year. The amounts payable into the Build Illinois Fund under clause (b) of the first sentence in this paragraph shall be payable only until such time as the aggregate amount on deposit under each trust indenture securing Bonds issued and outstanding pursuant to the Build Illinois Bond Act is sufficient, taking into account any future investment income, to fully provide, in accordance with such indenture, for the defeasance of or the payment of the principal of, premium, if any, and interest on the Bonds secured by such indenture and on any Bonds expected to be issued thereafter and all fees and costs payable with respect thereto, all as certified by the Director of the Bureau of the Budget (now Governor's Office of Management and Budget). If on the last business day of any month in which Bonds are outstanding pursuant to the Build Illinois Bond Act, the aggregate of moneys deposited in the Build Illinois Bond Account in the Build Illinois Fund in such month shall be less than the amount required to be transferred in such month from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund pursuant to Section 13 of the Build Illinois Bond Act, an amount equal to such deficiency shall be immediately paid from other moneys received by the Department pursuant to the Tax Acts to the Build Illinois Fund; provided, however, that any amounts paid to the Build Illinois Fund in any fiscal year pursuant to this sentence shall be deemed to constitute payments pursuant to clause (b) of the first sentence of this paragraph and shall reduce the amount otherwise payable for such fiscal year pursuant to that clause (b). The moneys received by the Department pursuant to this Act and required to be deposited into the

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Build Illinois Fund are subject to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act.

Subject to payment of amounts into the Build Illinois Fund as provided in the preceding paragraph or in any amendment thereto hereafter enacted, the following specified monthly installment of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority provided under Section 8.25f of the State Finance Act, but not in excess of sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Total Deposit</th>
</tr>
</thead>
<tbody>
<tr>
<td>1993</td>
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<tr>
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<tr>
<td>2006</td>
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<td>2007</td>
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</tr>
<tr>
<td>2008</td>
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<td>2009</td>
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<tr>
<td>2010</td>
<td>139,000,000</td>
</tr>
<tr>
<td>2011</td>
<td>146,000,000</td>
</tr>
<tr>
<td>2012</td>
<td>153,000,000</td>
</tr>
<tr>
<td>2013</td>
<td>161,000,000</td>
</tr>
<tr>
<td>2014</td>
<td>170,000,000</td>
</tr>
<tr>
<td>2015</td>
<td>179,000,000</td>
</tr>
<tr>
<td>2016</td>
<td>189,000,000</td>
</tr>
</tbody>
</table>

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and each fiscal year thereafter that bonds are outstanding under Section 13.2 of the Metropolitan Pier and Exposition Authority Act, but not after fiscal year 2060.

Beginning July 20, 1993 and in each month of each fiscal year thereafter, one-eighth of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority for that fiscal year, less the amount deposited into the McCormick Place Expansion Project Fund by the State Treasurer in the respective month under subsection (g) of Section 13 of the Metropolitan Pier and Exposition Authority Act, plus cumulative deficiencies in the deposits required under this Section for previous months and years, shall be deposited into the McCormick Place Expansion Project Fund, until the full amount requested for the fiscal year, but not in excess of the amount specified above as "Total Deposit", has been deposited.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning July 1, 1993 and ending on September 30, 2013, the Department shall each
month pay into the Illinois Tax Increment Fund 0.27% of 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning with the receipt of the first report of taxes paid by an eligible business and continuing for a 25-year period, the Department shall each month pay into the Energy Infrastructure Fund 80% of the net revenue realized from the 6.25% general rate on the selling price of Illinois-mined coal that was sold to an eligible business. For purposes of this paragraph, the term "eligible business" means a new electric generating facility certified pursuant to Section 605-332 of the Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois.

Subject to payment of amounts into the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, and the Energy Infrastructure Fund pursuant to the preceding paragraphs or in any amendments to this Section hereafter enacted, beginning on the first day of the first calendar month to occur on or after the effective date of this amendatory Act of the 98th General Assembly, each month, from the collections made under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act, the Department shall pay into the Tax Compliance and Administration Fund, to be used, subject to appropriation, to fund additional auditors and compliance personnel at the Department of Revenue, an amount equal to 1/12 of 5% of 80% of the cash receipts collected during the preceding fiscal year by the Audit Bureau of the Department under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, the Retailers' Occupation Tax Act, and associated local occupation and use taxes administered by the Department.

Of the remainder of the moneys received by the Department pursuant to this Act, 75% thereof shall be paid into the State Treasury and 25% shall be reserved in a special account and used only for the transfer to the Common School Fund as part of the monthly transfer from the General Revenue Fund in accordance with Section 8a of the State Finance Act.

The Department may, upon separate written notice to a taxpayer, require the taxpayer to prepare and file with the Department on a form prescribed by the Department within not less than 60 days after receipt of
the notice an annual information return for the tax year specified in the notice. Such annual return to the Department shall include a statement of gross receipts as shown by the retailer's last Federal income tax return. If the total receipts of the business as reported in the Federal income tax return do not agree with the gross receipts reported to the Department of Revenue for the same period, the retailer shall attach to his annual return a schedule showing a reconciliation of the 2 amounts and the reasons for the difference. The retailer's annual return to the Department shall also disclose the cost of goods sold by the retailer during the year covered by such return, opening and closing inventories of such goods for such year, costs of goods used from stock or taken from stock and given away by the retailer during such year, payroll information of the retailer's business during such year and any additional reasonable information which the Department deems would be helpful in determining the accuracy of the monthly, quarterly or annual returns filed by such retailer as provided for in this Section.

If the annual information return required by this Section is not filed when and as required, the taxpayer shall be liable as follows:

(i) Until January 1, 1994, the taxpayer shall be liable for a penalty equal to 1/6 of 1% of the tax due from such taxpayer under this Act during the period to be covered by the annual return for each month or fraction of a month until such return is filed as required, the penalty to be assessed and collected in the same manner as any other penalty provided for in this Act.

(ii) On and after January 1, 1994, the taxpayer shall be liable for a penalty as described in Section 3-4 of the Uniform Penalty and Interest Act.

The chief executive officer, proprietor, owner or highest ranking manager shall sign the annual return to certify the accuracy of the information contained therein. Any person who willfully signs the annual return containing false or inaccurate information shall be guilty of perjury and punished accordingly. The annual return form prescribed by the Department shall include a warning that the person signing the return may be liable for perjury.

The provisions of this Section concerning the filing of an annual information return do not apply to a retailer who is not required to file an income tax return with the United States Government.

As soon as possible after the first day of each month, upon certification of the Department of Revenue, the Comptroller shall order

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transferred and the Treasurer shall transfer from the General Revenue Fund to the Motor Fuel Tax Fund an amount equal to 1.7% of 80% of the net revenue realized under this Act for the second preceding month. Beginning April 1, 2000, this transfer is no longer required and shall not be made.

Net revenue realized for a month shall be the revenue collected by the State pursuant to this Act, less the amount paid out during that month as refunds to taxpayers for overpayment of liability.

For greater simplicity of administration, manufacturers, importers and wholesalers whose products are sold at retail in Illinois by numerous retailers, and who wish to do so, may assume the responsibility for accounting and paying to the Department all tax accruing under this Act with respect to such sales, if the retailers who are affected do not make written objection to the Department to this arrangement.

Any person who promotes, organizes, provides retail selling space for concessionaires or other types of sellers at the Illinois State Fair, DuQuoin State Fair, county fairs, local fairs, art shows, flea markets and similar exhibitions or events, including any transient merchant as defined by Section 2 of the Transient Merchant Act of 1987, is required to file a report with the Department providing the name of the merchant's business, the name of the person or persons engaged in merchant's business, the permanent address and Illinois Retailers Occupation Tax Registration Number of the merchant, the dates and location of the event and other reasonable information that the Department may require. The report must be filed not later than the 20th day of the month next following the month during which the event with retail sales was held. Any person who fails to file a report required by this Section commits a business offense and is subject to a fine not to exceed $250.

Any person engaged in the business of selling tangible personal property at retail as a concessionaire or other type of seller at the Illinois State Fair, county fairs, art shows, flea markets and similar exhibitions or events, or any transient merchants, as defined by Section 2 of the Transient Merchant Act of 1987, may be required to make a daily report of the amount of such sales to the Department and to make a daily payment of the full amount of tax due. The Department shall impose this requirement when it finds that there is a significant risk of loss of revenue to the State at such an exhibition or event. Such a finding shall be based on evidence that a substantial number of concessionaires or other sellers who are not residents of Illinois will be engaging in the business of selling tangible

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personal property at retail at the exhibition or event, or other evidence of a significant risk of loss of revenue to the State. The Department shall notify concessionaires and other sellers affected by the imposition of this requirement. In the absence of notification by the Department, the concessionaires and other sellers shall file their returns as otherwise required in this Section.

(Source: P.A. 98-24, eff. 6-19-13; 98-109, eff. 7-25-13; 98-496, eff. 1-1-14; 98-756, eff. 7-16-14; 98-1098, eff. 8-26-14; 99-352, eff. 8-12-15.)

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

Approved August 19, 2016.
Effective August 19, 2016.

PUBLIC ACT 99-0859
(Senate Bill No. 3162)

AN ACT concerning courts.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 3. The Counties Code is amended by changing Section 5-39001 as follows:

(55 ILCS 5/5-39001) (from Ch. 34, par. 5-39001)

Sec. 5-39001. Establishment and use; fee. The county board of any county may establish and maintain a county law library, to be located in any county building or privately or publicly owned building at the county seat of government. The term "county building" includes premises leased by the county from a public building commission created under the Public Building Commission Act. After August 2, 1976, the county board of any county may establish and maintain a county law library at the county seat of government and, in addition, branch law libraries in other locations within that county as the county board deems necessary.

The facilities of those libraries shall be freely available to all licensed Illinois attorneys, judges, other public officers of the county, and all members of the public, whenever the court house is open, and may include self-help centers and other legal assistance programs for the public as part of the services it provides on-site and online.

The expense of establishing and maintaining those libraries shall be borne by the county. To defray that expense, including the expense of

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any attendant self-help centers and legal assistance programs, in any county having established a county law library or libraries, the clerk of all trial courts located at the county seat of government shall charge and collect a county law library fee of $2, and the county board may authorize a county law library fee of not to exceed $21 through December 31, 2021 and $20 on and after January 1, 2022 (i) $18 in 2009, (ii) $19 in 2010, and (iii) $21 in 2011 and thereafter, to be charged and collected by the clerks of all trial courts located in the county. The fee shall be paid at the time of filing the first pleading, paper, or other appearance filed by each party in all civil cases, but no additional fee shall be required if more than one party is represented in a single pleading, paper, or other appearance.

Each clerk shall commence those charges and collections upon receipt of written notice from the chairman of the county board that the board has acted under this Division to establish and maintain a law library.

The fees shall be in addition to all other fees and charges of the clerks, assessable as costs, remitted by the clerks monthly to the county treasurer, and retained by the county treasurer in a special fund designated as the County Law Library Fund. Except as otherwise provided in this paragraph, disbursements from the fund shall be by the county treasurer, on order of a majority of the resident circuit judges of the circuit court of the county. In any county with more than 2,000,000 inhabitants, the county board shall order disbursements from the fund and the presiding officer of the county board, with the advice and consent of the county board, may appoint a library committee of not less than 9 members, who, by majority vote, may recommend to the county board as to disbursements of the fund and the operation of the library. In single county circuits with 2,000,000 or fewer inhabitants, disbursements from the County Law Library Fund shall be made by the county treasurer on the order of the chief judge of the circuit court of the county. In those single county circuits, the number of personnel necessary to operate and maintain the county law library shall be set by and those personnel shall be appointed by the chief judge. The county law library personnel shall serve at the pleasure of the appointing authority. The salaries of those personnel shall be fixed by the county board of the county. Orders shall be pre-audited, funds shall be audited by the county auditor, and a report of the orders and funds shall be rendered to the county board and to the judges.

Fees shall not be charged in any criminal or quasi-criminal case, in any matter coming to the clerk on change of venue, or in any proceeding to review the decision of any administrative officer, agency, or body.

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No moneys distributed from the County Law Library Fund may be directly or indirectly used for lobbying activities, as defined in Section 2 of the Lobbyist Registration Act or as defined in any ordinance or resolution of a municipality, county, or other unit of local government in Illinois.

(Source: P.A. 98-351, eff. 8-15-13.)

Section 5. The Clerks of Courts Act is amended by changing Sections 27.1a, 27.2, 27.2a, 27.3a, 27.7, and 28 as follows:

(705 ILCS 105/27.1a) (from Ch. 25, par. 27.1a)

Sec. 27.1a. The fees of the clerks of the circuit court in all counties having a population of not more than 500,000 inhabitants in the instances described in this Section shall be as provided in this Section. In those instances where a minimum and maximum fee is stated, the clerk of the circuit court must charge the minimum fee listed and may charge up to the maximum fee if the county board has by resolution increased the fee. The fees shall be paid in advance and shall be as follows:

(a) Civil Cases.

*With the following exceptions, the* fee for filing a complaint, petition, or other pleading initiating a civil action, *with the following exceptions,* shall be a minimum of $40 and shall be a maximum of $160 through December 31, 2021 and a maximum of $154 on and after January 1, 2022.

(A) When the amount of money or damages or the value of personal property claimed does not exceed $250, $10.

(B) When that amount exceeds $250 but does not exceed $500, a minimum of $10 and a maximum of $20.

(C) When that amount exceeds $500 but does not exceed $2500, a minimum of $25 and a maximum of $40.

(D) When that amount exceeds $2500 but does not exceed $15,000, a minimum of $25 and a maximum of $75.

(E) For the exercise of eminent domain, a minimum of $45 and a maximum of $150. For each additional lot or tract of land or right or interest therein subject to be condemned, the damages in respect to which shall require separate assessment by a jury, a minimum of $45 and a maximum of $150.

(a-1) Family.

For filing a petition under the Juvenile Court Act of 1987, $25.
For filing a petition for a marriage license, $10.
For performing a marriage in court, $10.
For filing a petition under the Illinois Parentage Act of 2015, $40.

(b) Forcible Entry and Detainer.
In each forcible entry and detainer case when the plaintiff seeks possession only or unites with his or her claim for possession of the property a claim for rent or damages or both in the amount of $15,000 or less, a minimum of $10 and a maximum of $50. When the plaintiff unites his or her claim for possession with a claim for rent or damages or both exceeding $15,000, a minimum of $40 and a maximum of $160.

(c) Counterclaim or Joining Third Party Defendant.
When any defendant files a counterclaim as part of his or her answer or otherwise or joins another party as a third party defendant, or both, the defendant shall pay a fee for each counterclaim or third party action in an amount equal to the fee he or she would have had to pay had he or she brought a separate action for the relief sought in the counterclaim or against the third party defendant, less the amount of the appearance fee, if that has been paid.

(d) Confession of Judgment.
In a confession of judgment when the amount does not exceed $1500, a minimum of $20 and a maximum of $50. When the amount exceeds $1500, but does not exceed $15,000, a minimum of $40 and a maximum of $115. When the amount exceeds $15,000, a minimum of $40 and a maximum of $200.

(e) Appearance.
The fee for filing an appearance in each civil case shall be a minimum of $15 and a maximum of $60, except as follows:
   (A) When the plaintiff in a forcible entry and detainer case seeks possession only, a minimum of $10 and a maximum of $50.
   (B) When the amount in the case does not exceed $1500, a minimum of $10 and a maximum of $30.
   (C) When that amount exceeds $1500 but does not exceed $15,000, a minimum of $15 and a maximum of $60.

(f) Garnishment, Wage Deduction, and Citation.

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In garnishment affidavit, wage deduction affidavit, and citation petition when the amount does not exceed $1,000, a minimum of $5 and a maximum of $15; when the amount exceeds $1,000 but does not exceed $5,000, a minimum of $5 and a maximum of $30; and when the amount exceeds $5,000, a minimum of $5 and a maximum of $50.

(g) Petition to Vacate or Modify.

(1) Petition to vacate or modify any final judgment or order of court, except in forcible entry and detainer cases and small claims cases or a petition to reopen an estate, to modify, terminate, or enforce a judgment or order for child or spousal support, or to modify, suspend, or terminate an order for withholding, if filed before 30 days after the entry of the judgment or order, a minimum of $20 and a maximum of $50.

(2) Petition to vacate or modify any final judgment or order of court, except a petition to modify, terminate, or enforce a judgment or order for child or spousal support or to modify, suspend, or terminate an order for withholding, if filed later than 30 days after the entry of the judgment or order, a minimum of $20 and a maximum of $75.

(3) Petition to vacate order of bond forfeiture, a minimum of $10 and a maximum of $40.

(h) Mailing.

When the clerk is required to mail, the fee will be a minimum of $2 and a maximum of $10, plus the cost of postage.

(i) Certified Copies.

Each certified copy of a judgment after the first, except in small claims and forcible entry and detainer cases, a minimum of $2 and a maximum of $10.

(j) Habeas Corpus.

For filing a petition for relief by habeas corpus, a minimum of $60 and a maximum of $100.

(k) Certification, Authentication, and Reproduction.

(1) Each certification or authentication for taking the acknowledgment of a deed or other instrument in writing with the seal of office, a minimum of $2 and a maximum of $6.

(2) Court appeals when original documents are forwarded, under 100 pages, plus delivery and costs, a minimum of $20 and a maximum of $60.
(3) Court appeals when original documents are forwarded, over 100 pages, plus delivery and costs, a minimum of $50 and a maximum of $150.

(4) Court appeals when original documents are forwarded, over 200 pages, an additional fee of a minimum of 20 cents and a maximum of 25 cents per page.

(5) For reproduction of any document contained in the clerk's files:
   (A) First page, a minimum of $1 and a maximum of $2.
   (B) Next 19 pages, 50 cents per page.
   (C) All remaining pages, 25 cents per page.

(l) Remands.

In any cases remanded to the Circuit Court from the Supreme Court or the Appellate Court for a new trial, the clerk shall file the remanding order and reinstate the case with either its original number or a new number. The Clerk shall not charge any new or additional fee for the reinstatement. Upon reinstatement the Clerk shall advise the parties of the reinstatement. A party shall have the same right to a jury trial on remand and reinstatement as he or she had before the appeal, and no additional or new fee or charge shall be made for a jury trial after remand.

(m) Record Search.

For each record search, within a division or municipal district, the clerk shall be entitled to a search fee of a minimum of $4 and a maximum of $6 for each year searched.

(n) Hard Copy.

For each page of hard copy print output, when case records are maintained on an automated medium, the clerk shall be entitled to a fee of a minimum of $4 and a maximum of $6.

(o) Index Inquiry and Other Records.

No fee shall be charged for a single plaintiff/defendant index inquiry or single case record inquiry when this request is made in person and the records are maintained in a current automated medium, and when no hard copy print output is requested. The fees to be charged for management records, multiple case records, and multiple journal records may be specified by the Chief Judge pursuant to the guidelines for access and dissemination of information approved by the Supreme Court.

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(p) (Blank).

(q) Alias Summons.

For each alias summons or citation issued by the clerk, a minimum of $2 and a maximum of $5.

(r) Other Fees.

Any fees not covered in this Section shall be set by rule or administrative order of the Circuit Court with the approval of the Administrative Office of the Illinois Courts.

The clerk of the circuit court may provide additional services for which there is no fee specified by statute in connection with the operation of the clerk's office as may be requested by the public and agreed to by the clerk and approved by the chief judge of the circuit court. Any charges for additional services shall be as agreed to between the clerk and the party making the request and approved by the chief judge of the circuit court. Nothing in this subsection shall be construed to require any clerk to provide any service not otherwise required by law.

(s) Jury Services.

The clerk shall be entitled to receive, in addition to other fees allowed by law, the sum of a minimum of $62.50 and a maximum of $212.50, as a fee for the services of a jury in every civil action not quasi-criminal in its nature and not a proceeding for the exercise of the right of eminent domain and in every other action wherein the right of trial by jury is or may be given by law. The jury fee shall be paid by the party demanding a jury at the time of filing the jury demand. If the fee is not paid by either party, no jury shall be called in the action or proceeding, and the same shall be tried by the court without a jury.

(t) Voluntary Assignment.

For filing each deed of voluntary assignment, a minimum of $10 and a maximum of $20; for recording the same, a minimum of 25 cents and a maximum of 50 cents for each 100 words. Exceptions filed to claims presented to an assignee of a debtor who has made a voluntary assignment for the benefit of creditors shall be considered and treated, for the purpose of taxing costs therein, as actions in which the party or parties filing the exceptions shall be considered as party or parties plaintiff, and the claimant or claimants as party or parties defendant, and those parties
respectively shall pay to the clerk the same fees as provided by this Section to be paid in other actions.

(u) Expungement Petition.

The clerk shall be entitled to receive a fee of a minimum of $15 and a maximum of $60 for each expungement petition filed and an additional fee of a minimum of $2 and a maximum of $4 for each certified copy of an order to expunge arrest records.

(v) Probate.

The clerk is entitled to receive the fees specified in this subsection (v), which shall be paid in advance, except that, for good cause shown, the court may suspend, reduce, or release the costs payable under this subsection:

(1) For administration of the estate of a decedent (whether testate or intestate) or of a missing person, a minimum of $50 and a maximum of $150, plus the fees specified in subsection (v)(3), except:

   (A) When the value of the real and personal property does not exceed $15,000, the fee shall be a minimum of $25 and a maximum of $40.

   (B) When (i) proof of heirship alone is made, (ii) a domestic or foreign will is admitted to probate without administration (including proof of heirship), or (iii) letters of office are issued for a particular purpose without administration of the estate, the fee shall be a minimum of $10 and a maximum of $40.

   (C) For filing a petition to sell Real Estate, $50.

(2) For administration of the estate of a ward, a minimum of $50 and a maximum of $75, plus the fees specified in subsection (v)(3), except:

   (A) When the value of the real and personal property does not exceed $15,000, the fee shall be a minimum of $25 and a maximum of $40.

   (B) When (i) letters of office are issued to a guardian of the person or persons, but not of the estate or (ii) letters of office are issued in the estate of a ward without administration of the estate, including filing or joining in the filing of a tax return or releasing a mortgage or consenting to the marriage of the ward, the fee shall be a minimum of $10 and a maximum of $20.

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(C) For filing a Petition to sell Real Estate, $50.

(3) In addition to the fees payable under subsection (v)(1) or (v)(2) of this Section, the following fees are payable:

(A) For each account (other than one final account) filed in the estate of a decedent, or ward, a minimum of $10 and a maximum of $25.

(B) For filing a claim in an estate when the amount claimed is $150 or more but less than $500, a minimum of $10 and a maximum of $25; when the amount claimed is $500 or more but less than $10,000, a minimum of $10 and a maximum of $40; when the amount claimed is $10,000 or more, a minimum of $10 and a maximum of $60; provided that the court in allowing a claim may add to the amount allowed the filing fee paid by the claimant.

(C) For filing in an estate a claim, petition, or supplemental proceeding based upon an action seeking equitable relief including the construction or contest of a will, enforcement of a contract to make a will, and proceedings involving testamentary trusts or the appointment of testamentary trustees, a minimum of $40 and a maximum of $60.

(D) For filing in an estate (i) the appearance of any person for the purpose of consent or (ii) the appearance of an executor, administrator, administrator to collect, guardian, guardian ad litem, or special administrator, no fee.

(E) Except as provided in subsection (v)(3)(D), for filing the appearance of any person or persons, a minimum of $10 and a maximum of $30.

(F) For each jury demand, a minimum of $62.50 and a maximum of $137.50.

(G) For disposition of the collection of a judgment or settlement of an action or claim for wrongful death of a decedent or of any cause of action of a ward, when there is no other administration of the estate, a minimum of $30 and a maximum of $50, less any amount paid under subsection (v)(1)(B) or (v)(2)(B) except that if the amount involved does not exceed $5,000, the fee, including any
amount paid under subsection (v)(1)(B) or (v)(2)(B), shall be a minimum of $10 and a maximum of $20.

(H) For each certified copy of letters of office, of court order or other certification, a minimum of $1 and a maximum of $2, plus a minimum of 50 cents and a maximum of $1 per page in excess of 3 pages for the document certified.

(I) For each exemplification, a minimum of $1 and a maximum of $2, plus the fee for certification.

(4) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay the cost of publication by the clerk directly to the newspaper.

(5) The person on whose behalf a charge is incurred for witness, court reporter, appraiser, or other miscellaneous fee shall pay the same directly to the person entitled thereto.

(6) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay to the clerk all postage charges incurred by the clerk in mailing petitions, orders, notices, or other documents pursuant to the provisions of the Probate Act of 1975.

(w) Criminal and Quasi-Criminal Costs and Fees.

(1) The clerk shall be entitled to costs in all criminal and quasi-criminal cases from each person convicted or sentenced to supervision therein as follows:

(A) Felony complaints, a minimum of $40 and a maximum of $100.

(B) Misdemeanor complaints, a minimum of $25 and a maximum of $75.

(C) Business offense complaints, a minimum of $25 and a maximum of $75.

(D) Petty offense complaints, a minimum of $25 and a maximum of $75.

(E) Minor traffic or ordinance violations, $10.

(F) When court appearance required, $15.

(G) Motions to vacate or amend final orders, a minimum of $20 and a maximum of $40.

(H) Motions to vacate bond forfeiture orders, a minimum of $20 and a maximum of $40.

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(I) Motions to vacate ex parte judgments, whenever filed, a minimum of $20 and a maximum of $40.

(J) Motions to vacate judgment on forfeitures, whenever filed, a minimum of $20 and a maximum of $40.

(K) Motions to vacate "failure to appear" or "failure to comply" notices sent to the Secretary of State, a minimum of $20 and a maximum of $40.

(2) In counties having a population of not more than 500,000 inhabitants, when the violation complaint is issued by a municipal police department, the clerk shall be entitled to costs from each person convicted therein as follows:

(A) Minor traffic or ordinance violations, $10.

(B) When court appearance required, $15.

(3) In ordinance violation cases punishable by fine only, the clerk of the circuit court shall be entitled to receive, unless the fee is excused upon a finding by the court that the defendant is indigent, in addition to other fees or costs allowed or imposed by law, the sum of a minimum of $62.50 and a maximum of $137.50 as a fee for the services of a jury. The jury fee shall be paid by the defendant at the time of filing his or her jury demand. If the fee is not so paid by the defendant, no jury shall be called, and the case shall be tried by the court without a jury.

(x) Transcripts of Judgment.

For the filing of a transcript of judgment, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

(y) Change of Venue.

(1) For the filing of a change of case on a change of venue, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

(2) The fee for the preparation and certification of a record on a change of venue to another jurisdiction, when original documents are forwarded, a minimum of $10 and a maximum of $40.

(z) Tax objection complaints.

For each tax objection complaint containing one or more tax objections, regardless of the number of parcels involved or the number of taxpayers joining on the complaint, a minimum of $10 and a maximum of $50.
(aa) Tax Deeds.

(1) Petition for tax deed, if only one parcel is involved, a minimum of $45 and a maximum of $200.

(2) For each additional parcel, add a fee of a minimum of $10 and a maximum of $60.

(bb) Collections.

(1) For all collections made of others, except the State and county and except in maintenance or child support cases, a sum equal to a minimum of 2% and a maximum of 2.5% of the amount collected and turned over.

(2) Interest earned on any funds held by the clerk shall be turned over to the county general fund as an earning of the office.

(3) For any check, draft, or other bank instrument returned to the clerk for non-sufficient funds, account closed, or payment stopped, $25.

(4) In child support and maintenance cases, the clerk, if authorized by an ordinance of the county board, may collect an annual fee of up to $36 from the person making payment for maintaining child support records and the processing of support orders to the State of Illinois KIDS system and the recording of payments issued by the State Disbursement Unit for the official record of the Court. This fee shall be in addition to and separate from amounts ordered to be paid as maintenance or child support and shall be deposited into a Separate Maintenance and Child Support Collection Fund, of which the clerk shall be the custodian, ex-officio, to be used by the clerk to maintain child support orders and record all payments issued by the State Disbursement Unit for the official record of the Court. The clerk may recover from the person making the maintenance or child support payment any additional cost incurred in the collection of this annual fee.

The clerk shall also be entitled to a fee of $5 for certifications made to the Secretary of State as provided in Section 7-703 of the Family Financial Responsibility Law and these fees shall also be deposited into the Separate Maintenance and Child Support Collection Fund.

(cc) Corrections of Numbers.

For correction of the case number, case title, or attorney computer identification number, if required by rule of court, on any document filed in the clerk’s office, to be charged against the party

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that filed the document, a minimum of $10 and a maximum of $25.

(dd) Exceptions.

(1) The fee requirements of this Section shall not apply to police departments or other law enforcement agencies. In this Section, "law enforcement agency" means an agency of the State or a unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances. "Law enforcement agency" also means the Attorney General or any state's attorney.

(2) No fee provided herein shall be charged to any unit of local government or school district.

(3) The fee requirements of this Section shall not apply to any action instituted under subsection (b) of Section 11-31-1 of the Illinois Municipal Code by a private owner or tenant of real property within 1200 feet of a dangerous or unsafe building seeking an order compelling the owner or owners of the building to take any of the actions authorized under that subsection.

(4) The fee requirements of this Section shall not apply to the filing of any commitment petition or petition for an order authorizing the administration of psychotropic medication or electroconvulsive therapy under the Mental Health and Developmental Disabilities Code.

(ee) Adoptions.

(1) For an adoption............................... $65

(2) Upon good cause shown, the court may waive the adoption filing fee in a special needs adoption. The term "special needs adoption" shall have the meaning ascribed to it by the Illinois Department of Children and Family Services.

(ff) Adoption exemptions.

No fee other than that set forth in subsection (ee) shall be charged to any person in connection with an adoption proceeding nor may any fee be charged for proceedings for the appointment of a confidential intermediary under the Adoption Act.

(Source: P.A. 99-85, eff. 1-1-16.)

(705 ILCS 105/27.2) (from Ch. 25, par. 27.2)
Sec. 27.2. The fees of the clerks of the circuit court in all counties having a population in excess of 500,000 inhabitants but less than 3,000,000 inhabitants in the instances described in this Section shall be as
provided in this Section. In those instances where a minimum and maximum fee is stated, counties with more than 500,000 inhabitants but less than 3,000,000 inhabitants must charge the minimum fee listed in this Section and may charge up to the maximum fee if the county board has by resolution increased the fee. In addition, the minimum fees authorized in this Section shall apply to all units of local government and school districts in counties with more than 3,000,000 inhabitants. The fees shall be paid in advance and shall be as follows:

(a) Civil Cases.

With the following exceptions, the fee for filing a complaint, petition, or other pleading initiating a civil action, with the following exceptions, shall be a minimum of $150 and shall be a maximum of $190 through December 31, 2021 and a maximum of $184 on and after January 1, 2022.

(A) When the amount of money or damages or the value of personal property claimed does not exceed $250, a minimum of $10 and a maximum of $15.

(B) When that amount exceeds $250 but does not exceed $1,000, a minimum of $20 and a maximum of $40.

(C) When that amount exceeds $1,000 but does not exceed $2500, a minimum of $30 and a maximum of $50.

(D) When that amount exceeds $2500 but does not exceed $5,000, a minimum of $75 and a maximum of $100.

(D-5) When the amount exceeds $5,000 but does not exceed $15,000, a minimum of $75 and a maximum of $150.

(E) For the exercise of eminent domain, $150. For each additional lot or tract of land or right or interest therein subject to be condemned, the damages in respect to which shall require separate assessment by a jury, $150.

(F) No fees shall be charged by the clerk to a petitioner in any order of protection including, but not limited to, filing, modifying, withdrawing, certifying, or photocopying petitions for orders of protection, or for issuing alias summons, or for any related filing service, certifying, modifying, vacating, or photocopying any orders of protection.

(b) Forcible Entry and Detainer.
In each forcible entry and detainer case when the plaintiff seeks possession only or unites with his or her claim for possession of the property a claim for rent or damages or both in the amount of $15,000 or less, a minimum of $40 and a maximum of $75. When the plaintiff unites his or her claim for possession with a claim for rent or damages or both exceeding $15,000, a minimum of $150 and a maximum of $225.

(c) Counterclaim or Joining Third Party Defendant.

When any defendant files a counterclaim as part of his or her answer or otherwise or joins another party as a third party defendant, or both, the defendant shall pay a fee for each counterclaim or third party action in an amount equal to the fee he or she would have had to pay had he or she brought a separate action for the relief sought in the counterclaim or against the third party defendant, less the amount of the appearance fee, if that has been paid.

(d) Confession of Judgment.

In a confession of judgment when the amount does not exceed $1500, a minimum of $50 and a maximum of $60. When the amount exceeds $1500, but does not exceed $5,000, $75. When the amount exceeds $5,000, but does not exceed $15,000, $175. When the amount exceeds $15,000, a minimum of $200 and a maximum of $250.

(e) Appearance.

The fee for filing an appearance in each civil case shall be a minimum of $50 and a maximum of $75, except as follows:

(A) When the plaintiff in a forcible entry and detainer case seeks possession only, a minimum of $20 and a maximum of $40.

(B) When the amount in the case does not exceed $1500, a minimum of $20 and a maximum of $40.

(C) When the amount in the case exceeds $1500 but does not exceed $15,000, a minimum of $40 and a maximum of $60.

(f) Garnishment, Wage Deduction, and Citation.

In garnishment affidavit, wage deduction affidavit, and citation petition when the amount does not exceed $1,000, a minimum of $10 and a maximum of $15; when the amount exceeds $1,000 but does not exceed $5,000, a minimum of $20 and

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a maximum of $30; and when the amount exceeds $5,000, a minimum of $30 and a maximum of $50.

(g) Petition to Vacate or Modify.
   (1) Petition to vacate or modify any final judgment or order of court, except in forcible entry and detainer cases and small claims cases or a petition to reopen an estate, to modify, terminate, or enforce a judgment or order for child or spousal support, or to modify, suspend, or terminate an order for withholding, if filed before 30 days after the entry of the judgment or order, a minimum of $40 and a maximum of $50.
   (2) Petition to vacate or modify any final judgment or order of court, except a petition to modify, terminate, or enforce a judgment or order for child or spousal support or to modify, suspend, or terminate an order for withholding, if filed later than 30 days after the entry of the judgment or order, a minimum of $60 and a maximum of $75.
   (3) Petition to vacate order of bond forfeiture, a minimum of $20 and a maximum of $40.

(h) Mailing.
   When the clerk is required to mail, the fee will be a minimum of $6 and a maximum of $10, plus the cost of postage.

(i) Certified Copies.
   Each certified copy of a judgment after the first, except in small claims and forcible entry and detainer cases, a minimum of $10 and a maximum of $15.

(j) Habeas Corpus.
   For filing a petition for relief by habeas corpus, a minimum of $80 and a maximum of $125.

(k) Certification, Authentication, and Reproduction.
   (1) Each certification or authentication for taking the acknowledgment of a deed or other instrument in writing with the seal of office, a minimum of $4 and a maximum of $6.
   (2) Court appeals when original documents are forwarded, under 100 pages, plus delivery and costs, a minimum of $50 and a maximum of $75.
   (3) Court appeals when original documents are forwarded, over 100 pages, plus delivery and costs, a minimum of $120 and a maximum of $150.

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(4) Court appeals when original documents are forwarded, over 200 pages, an additional fee of a minimum of 20 and a maximum of 25 cents per page.

(5) For reproduction of any document contained in the clerk's files:
   (A) First page, $2.
   (B) Next 19 pages, 50 cents per page.
   (C) All remaining pages, 25 cents per page.

(l) Remands.

In any cases remanded to the Circuit Court from the Supreme Court or the Appellate Court for a new trial, the clerk shall file the remanding order and reinstate the case with either its original number or a new number. The Clerk shall not charge any new or additional fee for the reinstatement. Upon reinstatement the Clerk shall advise the parties of the reinstatement. A party shall have the same right to a jury trial on remand and reinstatement as he or she had before the appeal, and no additional or new fee or charge shall be made for a jury trial after remand.

(m) Record Search.

For each record search, within a division or municipal district, the clerk shall be entitled to a search fee of a minimum of $4 and a maximum of $6 for each year searched.

(n) Hard Copy.

For each page of hard copy print output, when case records are maintained on an automated medium, the clerk shall be entitled to a fee of a minimum of $4 and a maximum of $6.

(o) Index Inquiry and Other Records.

No fee shall be charged for a single plaintiff/defendant index inquiry or single case record inquiry when this request is made in person and the records are maintained in a current automated medium, and when no hard copy print output is requested. The fees to be charged for management records, multiple case records, and multiple journal records may be specified by the Chief Judge pursuant to the guidelines for access and dissemination of information approved by the Supreme Court.

(p) (Blank).

(q) Alias Summons.

For each alias summons or citation issued by the clerk, a minimum of $4 and a maximum of $5.
(r) Other Fees.

Any fees not covered in this Section shall be set by rule or administrative order of the Circuit Court with the approval of the Administrative Office of the Illinois Courts.

The clerk of the circuit court may provide additional services for which there is no fee specified by statute in connection with the operation of the clerk's office as may be requested by the public and agreed to by the clerk and approved by the chief judge of the circuit court. Any charges for additional services shall be as agreed to between the clerk and the party making the request and approved by the chief judge of the circuit court. Nothing in this subsection shall be construed to require any clerk to provide any service not otherwise required by law.

(s) Jury Services.

The clerk shall be entitled to receive, in addition to other fees allowed by law, the sum of a minimum of $192.50 and a maximum of $212.50, as a fee for the services of a jury in every civil action not quasi-criminal in its nature and not a proceeding for the exercise of the right of eminent domain and in every other action wherein the right of trial by jury is or may be given by law. The jury fee shall be paid by the party demanding a jury at the time of filing the jury demand. If the fee is not paid by either party, no jury shall be called in the action or proceeding, and the same shall be tried by the court without a jury.

(t) Voluntary Assignment.

For filing each deed of voluntary assignment, a minimum of $10 and a maximum of $20; for recording the same, a minimum of 25¢ and a maximum of 50¢ for each 100 words. Exceptions filed to claims presented to an assignee of a debtor who has made a voluntary assignment for the benefit of creditors shall be considered and treated, for the purpose of taxing costs therein, as actions in which the party or parties filing the exceptions shall be considered as party or parties plaintiff, and the claimant or claimants as party or parties defendant, and those parties respectively shall pay to the clerk the same fees as provided by this Section to be paid in other actions.

(u) Expungement Petition.

The clerk shall be entitled to receive a fee of a minimum of $30 and a maximum of $60 for each expungement petition filed

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and an additional fee of a minimum of $2 and a maximum of $4 for each certified copy of an order to expunge arrest records.

(v) Probate.

The clerk is entitled to receive the fees specified in this subsection (v), which shall be paid in advance, except that, for good cause shown, the court may suspend, reduce, or release the costs payable under this subsection:

(1) For administration of the estate of a decedent (whether testate or intestate) or of a missing person, a minimum of $100 and a maximum of $150, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed $15,000, the fee shall be a minimum of $25 and a maximum of $40.

(B) When (i) proof of heirship alone is made, (ii) a domestic or foreign will is admitted to probate without administration (including proof of heirship), or (iii) letters of office are issued for a particular purpose without administration of the estate, the fee shall be a minimum of $25 and a maximum of $40.

(2) For administration of the estate of a ward, a minimum of $50 and a maximum of $75, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed $15,000, the fee shall be a minimum of $25 and a maximum of $40.

(B) When (i) letters of office are issued to a guardian of the person or persons, but not of the estate or (ii) letters of office are issued in the estate of a ward without administration of the estate, including filing or joining in the filing of a tax return or releasing a mortgage or consenting to the marriage of the ward, the fee shall be a minimum of $10 and a maximum of $20.

(3) In addition to the fees payable under subsection (v)(1) or (v)(2) of this Section, the following fees are payable:

(A) For each account (other than one final account) filed in the estate of a decedent, or ward, a minimum of $15 and a maximum of $25.
(B) For filing a claim in an estate when the amount claimed is $150 or more but less than $500, a minimum of $10 and a maximum of $20; when the amount claimed is $500 or more but less than $10,000, a minimum of $25 and a maximum of $40; when the amount claimed is $10,000 or more, a minimum of $40 and a maximum of $60; provided that the court in allowing a claim may add to the amount allowed the filing fee paid by the claimant.

(C) For filing in an estate a claim, petition, or supplemental proceeding based upon an action seeking equitable relief including the construction or contest of a will, enforcement of a contract to make a will, and proceedings involving testamentary trusts or the appointment of testamentary trustees, a minimum of $40 and a maximum of $60.

(D) For filing in an estate (i) the appearance of any person for the purpose of consent or (ii) the appearance of an executor, administrator, administrator to collect, guardian, guardian ad litem, or special administrator, no fee.

(E) Except as provided in subsection (v)(3)(D), for filing the appearance of any person or persons, a minimum of $10 and a maximum of $30.

(F) For each jury demand, a minimum of $102.50 and a maximum of $137.50.

(G) For disposition of the collection of a judgment or settlement of an action or claim for wrongful death of a decedent or of any cause of action of a ward, when there is no other administration of the estate, a minimum of $30 and a maximum of $50, less any amount paid under subsection (v)(1)(B) or (v)(2)(B) except that if the amount involved does not exceed $5,000, the fee, including any amount paid under subsection (v)(1)(B) or (v)(2)(B), shall be a minimum of $10 and a maximum of $20.

(H) For each certified copy of letters of office, of court order or other certification, a minimum of $1 and a maximum of $2, plus a minimum of 50¢ and a maximum of $1 per page in excess of 3 pages for the document certified.

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(I) For each exemplification, a minimum of $1 and a maximum of $2, plus the fee for certification.

(4) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay the cost of publication by the clerk directly to the newspaper.

(5) The person on whose behalf a charge is incurred for witness, court reporter, appraiser, or other miscellaneous fee shall pay the same directly to the person entitled thereto.

(6) The executor, administrator, guardian, petitioner, or other interested person or his attorney shall pay to the clerk all postage charges incurred by the clerk in mailing petitions, orders, notices, or other documents pursuant to the provisions of the Probate Act of 1975.

(w) Criminal and Quasi-Criminal Costs and Fees.

(1) The clerk shall be entitled to costs in all criminal and quasi-criminal cases from each person convicted or sentenced to supervision therein as follows:

(A) Felony complaints, a minimum of $80 and a maximum of $125.
(B) Misdemeanor complaints, a minimum of $50 and a maximum of $75.
(C) Business offense complaints, a minimum of $50 and a maximum of $75.
(D) Petty offense complaints, a minimum of $50 and a maximum of $75.
(E) Minor traffic or ordinance violations, $20.
(F) When court appearance required, $30.
(G) Motions to vacate or amend final orders, a minimum of $20 and a maximum of $40.
(H) Motions to vacate bond forfeiture orders, a minimum of $20 and a maximum of $30.
(I) Motions to vacate ex parte judgments, whenever filed, a minimum of $20 and a maximum of $30.
(J) Motions to vacate judgment on forfeitures, whenever filed, a minimum of $20 and a maximum of $25.
(K) Motions to vacate "failure to appear" or "failure to comply" notices sent to the Secretary of State, a minimum of $20 and a maximum of $40.

New matter indicated by italics - deletions by strikeout
(2) In counties having a population of more than 500,000 but fewer than 3,000,000 inhabitants, when the violation complaint is issued by a municipal police department, the clerk shall be entitled to costs from each person convicted therein as follows:

   (A) Minor traffic or ordinance violations, $10.
   (B) When court appearance required, $15.

(3) In ordinance violation cases punishable by fine only, the clerk of the circuit court shall be entitled to receive, unless the fee is excused upon a finding by the court that the defendant is indigent, in addition to other fees or costs allowed or imposed by law, the sum of a minimum of $50 and a maximum of $112.50 as a fee for the services of a jury. The jury fee shall be paid by the defendant at the time of filing his or her jury demand. If the fee is not so paid by the defendant, no jury shall be called, and the case shall be tried by the court without a jury.

(x) Transcripts of Judgment.
   For the filing of a transcript of judgment, the clerk shall be entitled to the same fee as if it were the commencement of new suit.

(y) Change of Venue.
   (1) For the filing of a change of case on a change of venue, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.
   (2) The fee for the preparation and certification of a record on a change of venue to another jurisdiction, when original documents are forwarded, a minimum of $25 and a maximum of $40.

(z) Tax objection complaints.
   For each tax objection complaint containing one or more tax objections, regardless of the number of parcels involved or the number of taxpayers joining in the complaint, a minimum of $25 and a maximum of $50.

(aa) Tax Deeds.
   (1) Petition for tax deed, if only one parcel is involved, a minimum of $150 and a maximum of $250.
   (2) For each additional parcel, add a fee of a minimum of $50 and a maximum of $100.

(bb) Collections.

New matter indicated by italics - deletions by strikeout
(1) For all collections made of others, except the State and county and except in maintenance or child support cases, a sum equal to a minimum of 2.5% and a maximum of 3.0% of the amount collected and turned over.

(2) Interest earned on any funds held by the clerk shall be turned over to the county general fund as an earning of the office.

(3) For any check, draft, or other bank instrument returned to the clerk for non-sufficient funds, account closed, or payment stopped, $25.

(4) In child support and maintenance cases, the clerk, if authorized by an ordinance of the county board, may collect an annual fee of up to $36 from the person making payment for maintaining child support records and the processing of support orders to the State of Illinois KIDS system and the recording of payments issued by the State Disbursement Unit for the official record of the Court. This fee shall be in addition to and separate from amounts ordered to be paid as maintenance or child support and shall be deposited into a Separate Maintenance and Child Support Collection Fund, of which the clerk shall be the custodian, ex-officio, to be used by the clerk to maintain child support orders and record all payments issued by the State Disbursement Unit for the official record of the Court. The clerk may recover from the person making the maintenance or child support payment any additional cost incurred in the collection of this annual fee.

The clerk shall also be entitled to a fee of $5 for certifications made to the Secretary of State as provided in Section 7-703 of the Family Financial Responsibility Law and these fees shall also be deposited into the Separate Maintenance and Child Support Collection Fund.

(cc) Corrections of Numbers.

For correction of the case number, case title, or attorney computer identification number, if required by rule of court, on any document filed in the clerk's office, to be charged against the party that filed the document, a minimum of $15 and a maximum of $25.

(dd) Exceptions.

The fee requirements of this Section shall not apply to police departments or other law enforcement agencies. In this Section, "law enforcement agency" means an agency of the State or a unit of local government which is vested by law or ordinance

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with the duty to maintain public order and to enforce criminal laws or ordinances. "Law enforcement agency" also means the Attorney General or any state's attorney. The fee requirements of this Section shall not apply to any action instituted under subsection (b) of Section 11-31-1 of the Illinois Municipal Code by a private owner or tenant of real property within 1200 feet of a dangerous or unsafe building seeking an order compelling the owner or owners of the building to take any of the actions authorized under that subsection.

The fee requirements of this Section shall not apply to the filing of any commitment petition or petition for an order authorizing the administration of psychotropic medication or electroconvulsive therapy under the Mental Health and Developmental Disabilities Code.

(ee) Adoptions.

1) For an adoption....................... $65

2) Upon good cause shown, the court may waive the adoption filing fee in a special needs adoption. The term "special needs adoption" shall have the meaning ascribed to it by the Illinois Department of Children and Family Services.

(ff) Adoption exemptions.

No fee other than that set forth in subsection (ee) shall be charged to any person in connection with an adoption proceeding nor may any fee be charged for proceedings for the appointment of a confidential intermediary under the Adoption Act.

(gg) Unpaid fees.

Unless a court ordered payment schedule is implemented or the fee requirements of this Section are waived pursuant to court order, the clerk of the court may add to any unpaid fees and costs under this Section a delinquency amount equal to 5% of the unpaid fees that remain unpaid after 30 days, 10% of the unpaid fees that remain unpaid after 60 days, and 15% of the unpaid fees that remain unpaid after 90 days. Notice to those parties may be made by signage posting or publication. The additional delinquency amounts collected under this Section shall be used to defray additional administrative costs incurred by the clerk of the circuit court in collecting unpaid fees and costs.

(Source: P.A. 95-172, eff. 8-14-07.)

(705 ILCS 105/27.2a) (from Ch. 25, par. 27.2a)

New matter indicated by italics - deletions by strikeout
Sec. 27.2a. The fees of the clerks of the circuit court in all counties having a population of 3,000,000 or more inhabitants in the instances described in this Section shall be as provided in this Section. In those instances where a minimum and maximum fee is stated, the clerk of the circuit court must charge the minimum fee listed and may charge up to the maximum fee if the county board has by resolution increased the fee. The fees shall be paid in advance and shall be as follows:

(a) Civil Cases.

With the following exceptions, the fee for filing a complaint, petition, or other pleading initiating a civil action, shall be a minimum of $190 and shall be a maximum of $240 through December 31, 2021 and a maximum of $234 on and after January 1, 2022.

(A) When the amount of money or damages or the value of personal property claimed does not exceed $250, a minimum of $15 and a maximum of $22.

(B) When that amount exceeds $250 but does not exceed $1000, a minimum of $40 and a maximum of $75.

(C) When that amount exceeds $1000 but does not exceed $2500, a minimum of $50 and a maximum of $80.

(D) When that amount exceeds $2500 but does not exceed $5000, a minimum of $100 and a maximum of $130.

(E) When that amount exceeds $5000 but does not exceed $15,000, $150.

(F) For the exercise of eminent domain, $150. For each additional lot or tract of land or right or interest therein subject to be condemned, the damages in respect to which shall require separate assessment by a jury, $150.

(G) For the final determination of parking, standing, and compliance violations and final administrative decisions issued after hearings regarding vehicle immobilization and impoundment made pursuant to Sections 3-704.1, 6-306.5, and 11-208.3 of the Illinois Vehicle Code, $25.

(H) No fees shall be charged by the clerk to a petitioner in any order of protection including, but not limited to, filing, modifying, withdrawing, certifying, or photocopying petitions for orders of protection, or for

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issuing alias summons, or for any related filing service, certifying, modifying, vacating, or photocopying any orders of protection.

(b) Forcible Entry and Detainer.

In each forcible entry and detainer case when the plaintiff seeks possession only or unites with his or her claim for possession of the property a claim for rent or damages or both in the amount of $15,000 or less, a minimum of $75 and a maximum of $140. When the plaintiff unites his or her claim for possession with a claim for rent or damages or both exceeding $15,000, a minimum of $225 and a maximum of $335.

(c) Counterclaim or Joining Third Party Defendant.

When any defendant files a counterclaim as part of his or her answer or otherwise or joins another party as a third party defendant, or both, the defendant shall pay a fee for each counterclaim or third party action in an amount equal to the fee he or she would have had to pay had he or she brought a separate action for the relief sought in the counterclaim or against the third party defendant, less the amount of the appearance fee, if that has been paid.

(d) Confession of Judgment.

In a confession of judgment when the amount does not exceed $1500, a minimum of $60 and a maximum of $70. When the amount exceeds $1500, but does not exceed $5000, a minimum of $75 and a maximum of $150. When the amount exceeds $5000, but does not exceed $15,000, a minimum of $175 and a maximum of $260. When the amount exceeds $15,000, a minimum of $250 and a maximum of $310.

(e) Appearance.

The fee for filing an appearance in each civil case shall be a minimum of $75 and a maximum of $110, except as follows:

(A) When the plaintiff in a forcible entry and detainer case seeks possession only, a minimum of $40 and a maximum of $80.

(B) When the amount in the case does not exceed $1500, a minimum of $40 and a maximum of $80.

(C) When that amount exceeds $1500 but does not exceed $15,000, a minimum of $60 and a maximum of $90.

(f) Garnishment, Wage Deduction, and Citation.

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In garnishment affidavit, wage deduction affidavit, and citation petition when the amount does not exceed $1,000, a minimum of $15 and a maximum of $25; when the amount exceeds $1,000 but does not exceed $5,000, a minimum of $30 and a maximum of $45; and when the amount exceeds $5,000, a minimum of $50 and a maximum of $80.

(g) Petition to Vacate or Modify.

(1) Petition to vacate or modify any final judgment or order of court, except in forcible entry and detainer cases and small claims cases or a petition to reopen an estate, to modify, terminate, or enforce a judgment or order for child or spousal support, or to modify, suspend, or terminate an order for withholding, if filed before 30 days after the entry of the judgment or order, a minimum of $50 and a maximum of $60.

(2) Petition to vacate or modify any final judgment or order of court, except a petition to modify, terminate, or enforce a judgment or order for child or spousal support or to modify, suspend, or terminate an order for withholding, if filed later than 30 days after the entry of the judgment or order, a minimum of $75 and a maximum of $90.

(3) Petition to vacate order of bond forfeiture, a minimum of $40 and a maximum of $80.

(h) Mailing.

When the clerk is required to mail, the fee will be a minimum of $10 and a maximum of $15, plus the cost of postage.

(i) Certified Copies.

Each certified copy of a judgment after the first, except in small claims and forcible entry and detainer cases, a minimum of $15 and a maximum of $20.

(j) Habeas Corpus.

For filing a petition for relief by habeas corpus, a minimum of $125 and a maximum of $190.

(k) Certification, Authentication, and Reproduction.

(1) Each certification or authentication for taking the acknowledgment of a deed or other instrument in writing with the seal of office, a minimum of $6 and a maximum of $9.

(2) Court appeals when original documents are forwarded, under 100 pages, plus delivery and costs, a minimum of $75 and a maximum of $110.
(3) Court appeals when original documents are forwarded, over 100 pages, plus delivery and costs, a minimum of $150 and a maximum of $185.

(4) Court appeals when original documents are forwarded, over 200 pages, an additional fee of a minimum of 25 and a maximum of 30 cents per page.

(5) For reproduction of any document contained in the clerk's files:
   (A) First page, $2.
   (B) Next 19 pages, 50 cents per page.
   (C) All remaining pages, 25 cents per page.

(l) Remands.

In any cases remanded to the Circuit Court from the Supreme Court or the Appellate Court for a new trial, the clerk shall file the remanding order and reinstate the case with either its original number or a new number. The Clerk shall not charge any new or additional fee for the reinstatement. Upon reinstatement the Clerk shall advise the parties of the reinstatement. A party shall have the same right to a jury trial on remand and reinstatement as he or she had before the appeal, and no additional or new fee or charge shall be made for a jury trial after remand.

(m) Record Search.

For each record search, within a division or municipal district, the clerk shall be entitled to a search fee of a minimum of $6 and a maximum of $9 for each year searched.

(n) Hard Copy.

For each page of hard copy print output, when case records are maintained on an automated medium, the clerk shall be entitled to a fee of a minimum of $6 and a maximum of $9.

(o) Index Inquiry and Other Records.

No fee shall be charged for a single plaintiff/defendant index inquiry or single case record inquiry when this request is made in person and the records are maintained in a current automated medium, and when no hard copy print output is requested. The fees to be charged for management records, multiple case records, and multiple journal records may be specified by the Chief Judge pursuant to the guidelines for access and dissemination of information approved by the Supreme Court.

(p) (Blank).

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(q) Alias Summons.

For each alias summons or citation issued by the clerk, a minimum of $5 and a maximum of $6.

(r) Other Fees.

Any fees not covered in this Section shall be set by rule or administrative order of the Circuit Court with the approval of the Administrative Office of the Illinois Courts.

The clerk of the circuit court may provide additional services for which there is no fee specified by statute in connection with the operation of the clerk's office as may be requested by the public and agreed to by the clerk and approved by the chief judge of the circuit court. Any charges for additional services shall be as agreed to between the clerk and the party making the request and approved by the chief judge of the circuit court. Nothing in this subsection shall be construed to require any clerk to provide any service not otherwise required by law.

(s) Jury Services.

The clerk shall be entitled to receive, in addition to other fees allowed by law, the sum of a minimum of $212.50 and maximum of $230, as a fee for the services of a jury in every civil action not quasi-criminal in its nature and not a proceeding for the exercise of the right of eminent domain and in every other action wherein the right of trial by jury is or may be given by law. The jury fee shall be paid by the party demanding a jury at the time of filing the jury demand. If the fee is not paid by either party, no jury shall be called in the action or proceeding, and the same shall be tried by the court without a jury.

(t) Voluntary Assignment.

For filing each deed of voluntary assignment, a minimum of $20 and a maximum of $40; for recording the same, a minimum of 50¢ and a maximum of $0.80 for each 100 words. Exceptions filed to claims presented to an assignee of a debtor who has made a voluntary assignment for the benefit of creditors shall be considered and treated, for the purpose of taxing costs therein, as actions in which the party or parties filing the exceptions shall be considered as party or parties plaintiff, and the claimant or claimants as party or parties defendant, and those parties respectively shall pay to the clerk the same fees as provided by this Section to be paid in other actions.

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(u) Expungement Petition.

The clerk shall be entitled to receive a fee of a minimum of $60 and a maximum of $120 for each expungement petition filed and an additional fee of a minimum of $4 and a maximum of $8 for each certified copy of an order to expunge arrest records.

(v) Probate.

The clerk is entitled to receive the fees specified in this subsection (v), which shall be paid in advance, except that, for good cause shown, the court may suspend, reduce, or release the costs payable under this subsection:

(1) For administration of the estate of a decedent (whether testate or intestate) or of a missing person, a minimum of $150 and a maximum of $225, plus the fees specified in subsection (v)(3), except:

   (A) When the value of the real and personal property does not exceed $15,000, the fee shall be a minimum of $40 and a maximum of $65.

   (B) When (i) proof of heirship alone is made, (ii) a domestic or foreign will is admitted to probate without administration (including proof of heirship), or (iii) letters of office are issued for a particular purpose without administration of the estate, the fee shall be a minimum of $40 and a maximum of $65.

(2) For administration of the estate of a ward, a minimum of $75 and a maximum of $110, plus the fees specified in subsection (v)(3), except:

   (A) When the value of the real and personal property does not exceed $15,000, the fee shall be a minimum of $40 and a maximum of $65.

   (B) When (i) letters of office are issued to a guardian of the person or persons, but not of the estate or (ii) letters of office are issued in the estate of a ward without administration of the estate, including filing or joining in the filing of a tax return or releasing a mortgage or consenting to the marriage of the ward, the fee shall be a minimum of $20 and a maximum of $40.

(3) In addition to the fees payable under subsection (v)(1) or (v)(2) of this Section, the following fees are payable:

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(A) For each account (other than one final account) filed in the estate of a decedent, or ward, a minimum of $25 and a maximum of $40.

(B) For filing a claim in an estate when the amount claimed is $150 or more but less than $500, a minimum of $20 and a maximum of $40; when the amount claimed is $500 or more but less than $10,000, a minimum of $40 and a maximum of $65; when the amount claimed is $10,000 or more, a minimum of $60 and a maximum of $90; provided that the court in allowing a claim may add to the amount allowed the filing fee paid by the claimant.

(C) For filing in an estate a claim, petition, or supplemental proceeding based upon an action seeking equitable relief including the construction or contest of a will, enforcement of a contract to make a will, and proceedings involving testamentary trusts or the appointment of testamentary trustees, a minimum of $60 and a maximum of $90.

(D) For filing in an estate (i) the appearance of any person for the purpose of consent or (ii) the appearance of an executor, administrator, administrator to collect, guardian, guardian ad litem, or special administrator, no fee.

(E) Except as provided in subsection (v)(3)(D), for filing the appearance of any person or persons, a minimum of $30 and a maximum of $90.

(F) For each jury demand, a minimum of $137.50 and a maximum of $180.

(G) For disposition of the collection of a judgment or settlement of an action or claim for wrongful death of a decedent or of any cause of action of a ward, when there is no other administration of the estate, a minimum of $50 and a maximum of $80, less any amount paid under subsection (v)(1)(B) or (v)(2)(B) except that if the amount involved does not exceed $5,000, the fee, including any amount paid under subsection (v)(1)(B) or (v)(2)(B), shall be a minimum of $20 and a maximum of $40.

(H) For each certified copy of letters of office, of court order or other certification, a minimum of $2 and a

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maximum of $4, plus $1 per page in excess of 3 pages for the document certified.

(I) For each exemplification, $2, plus the fee for certification.

(4) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay the cost of publication by the clerk directly to the newspaper.

(5) The person on whose behalf a charge is incurred for witness, court reporter, appraiser, or other miscellaneous fee shall pay the same directly to the person entitled thereto.

(6) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay to the clerk all postage charges incurred by the clerk in mailing petitions, orders, notices, or other documents pursuant to the provisions of the Probate Act of 1975.

(w) Criminal and Quasi-Criminal Costs and Fees.

(1) The clerk shall be entitled to costs in all criminal and quasi-criminal cases from each person convicted or sentenced to supervision therein as follows:

(A) Felony complaints, a minimum of $125 and a maximum of $190.

(B) Misdemeanor complaints, a minimum of $75 and a maximum of $110.

(C) Business offense complaints, a minimum of $75 and a maximum of $110.

(D) Petty offense complaints, a minimum of $75 and a maximum of $110.

(E) Minor traffic or ordinance violations, $30.

(F) When court appearance required, $50.

(G) Motions to vacate or amend final orders, a minimum of $40 and a maximum of $80.

(H) Motions to vacate bond forfeiture orders, a minimum of $30 and a maximum of $45.

(I) Motions to vacate ex parte judgments, whenever filed, a minimum of $30 and a maximum of $45.

(J) Motions to vacate judgment on forfeitures, whenever filed, a minimum of $25 and a maximum of $30.

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(K) Motions to vacate "failure to appear" or "failure to comply" notices sent to the Secretary of State, a minimum of $40 and a maximum of $50.

(2) In counties having a population of 3,000,000 or more, when the violation complaint is issued by a municipal police department, the clerk shall be entitled to costs from each person convicted therein as follows:

(A) Minor traffic or ordinance violations, $30.
(B) When court appearance required, $50.

(3) In ordinance violation cases punishable by fine only, the clerk of the circuit court shall be entitled to receive, unless the fee is excused upon a finding by the court that the defendant is indigent, in addition to other fees or costs allowed or imposed by law, the sum of a minimum of $112.50 and a maximum of $250 as a fee for the services of a jury. The jury fee shall be paid by the defendant at the time of filing his or her jury demand. If the fee is not so paid by the defendant, no jury shall be called, and the case shall be tried by the court without a jury.

(x) Transcripts of Judgment.
For the filing of a transcript of judgment, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

(y) Change of Venue.

(1) For the filing of a change of case on a change of venue, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

(2) The fee for the preparation and certification of a record on a change of venue to another jurisdiction, when original documents are forwarded, a minimum of $40 and a maximum of $65.

(z) Tax objection complaints.

For each tax objection complaint containing one or more tax objections, regardless of the number of parcels involved or the number of taxpayers joining in the complaint, a minimum of $50 and a maximum of $100.

(aa) Tax Deeds.

(1) Petition for tax deed, if only one parcel is involved, a minimum of $250 and a maximum of $400.

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(2) For each additional parcel, add a fee of a minimum of $100 and a maximum of $200.

(bb) Collections.

1) For all collections made of others, except the State and county and except in maintenance or child support cases, a sum equal to 3.0% of the amount collected and turned over.

2) Interest earned on any funds held by the clerk shall be turned over to the county general fund as an earning of the office.

3) For any check, draft, or other bank instrument returned to the clerk for non-sufficient funds, account closed, or payment stopped, $25.

4) In child support and maintenance cases, the clerk, if authorized by an ordinance of the county board, may collect an annual fee of up to $36 from the person making payment for maintaining child support records and the processing of support orders to the State of Illinois KIDS system and the recording of payments issued by the State Disbursement Unit for the official record of the Court. This fee shall be in addition to and separate from amounts ordered to be paid as maintenance or child support and shall be deposited into a Separate Maintenance and Child Support Collection Fund, of which the clerk shall be the custodian, ex-officio, to be used by the clerk to maintain child support orders and record all payments issued by the State Disbursement Unit for the official record of the Court. The clerk may recover from the person making the maintenance or child support payment any additional cost incurred in the collection of this annual fee.

The clerk shall also be entitled to a fee of $5 for certifications made to the Secretary of State as provided in Section 7-703 of the Family Financial Responsibility Law and these fees shall also be deposited into the Separate Maintenance and Child Support Collection Fund.

(cc) Corrections of Numbers.

For correction of the case number, case title, or attorney computer identification number, if required by rule of court, on any document filed in the clerk's office, to be charged against the party that filed the document, a minimum of $25 and a maximum of $40.

(dd) Exceptions.

1) The fee requirements of this Section shall not apply to police departments or other law enforcement agencies. In this

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Section, "law enforcement agency" means an agency of the State or a unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances. "Law enforcement agency" also means the Attorney General or any state's attorney.

(2) No fee provided herein shall be charged to any unit of local government or school district. The fee requirements of this Section shall not apply to any action instituted under subsection (b) of Section 11-31-1 of the Illinois Municipal Code by a private owner or tenant of real property within 1200 feet of a dangerous or unsafe building seeking an order compelling the owner or owners of the building to take any of the actions authorized under that subsection.

(3) The fee requirements of this Section shall not apply to the filing of any commitment petition or petition for an order authorizing the administration of psychotropic medication or electroconvulsive therapy under the Mental Health and Developmental Disabilities Code.

(ee) Adoption.

(1) For an adoption............................... $65

(2) Upon good cause shown, the court may waive the adoption filing fee in a special needs adoption. The term "special needs adoption" shall have the meaning ascribed to it by the Illinois Department of Children and Family Services.

(ff) Adoption exemptions.

No fee other than that set forth in subsection (ee) shall be charged to any person in connection with an adoption proceeding nor may any fee be charged for proceedings for the appointment of a confidential intermediary under the Adoption Act.

(gg) Unpaid fees.

Unless a court ordered payment schedule is implemented or the fee requirements of this Section are waived pursuant to court order, the clerk of the court may add to any unpaid fees and costs under this Section a delinquency amount equal to 5% of the unpaid fees that remain unpaid after 30 days, 10% of the unpaid fees that remain unpaid after 60 days, and 15% of the unpaid fees that remain unpaid after 90 days. Notice to those parties may be made by signage posting or publication. The additional delinquency amounts collected under this Section shall be used to defray
additional administrative costs incurred by the clerk of the circuit court in collecting unpaid fees and costs.
(Source: P.A. 95-172, eff. 8-14-07.)
(705 ILCS 105/27.3a)
Sec. 27.3a. Fees for automated record keeping, probation and court services operations, and State and Conservation Police operations, and e-business programs.
1. The expense of establishing and maintaining automated record keeping systems in the offices of the clerks of the circuit court shall be borne by the county. To defray such expense in any county having established such an automated system or which elects to establish such a system, the county board may require the clerk of the circuit court in their county to charge and collect a court automation fee of not less than $1 nor more than $25 to be charged and collected by the clerk of the court. Such fee shall be paid at the time of filing the first pleading, paper or other appearance filed by each party in all civil cases or by the defendant in any felony, traffic, misdemeanor, municipal ordinance, or conservation case upon a judgment of guilty or grant of supervision, provided that the record keeping system which processes the case category for which the fee is charged is automated or has been approved for automation by the county board, and provided further that no additional fee shall be required if more than one party is presented in a single pleading, paper or other appearance. Such fee shall be collected in the manner in which all other fees or costs are collected.
1.1. Starting on July 6, 2012 (the effective date of Public Act 97-761) and pursuant to an administrative order from the chief judge of the circuit or the presiding judge of the county authorizing such collection, a clerk of the circuit court in any county that imposes a fee pursuant to subsection 1 of this Section shall also charge and collect an additional $10 operations fee for probation and court services department operations. This additional fee shall be paid by the defendant in any felony, traffic, misdemeanor, local ordinance, or conservation case upon a judgment of guilty or grant of supervision, except such $10 operations fee shall not be charged and collected in cases governed by Supreme Court Rule 529 in which the bail amount is $120 or less.
1.2. With respect to the fee imposed and collected under subsection 1.1 of this Section, each clerk shall transfer all fees monthly to the county treasurer for deposit into the probation and court services fund created under Section 15.1 of the Probation and Probation Officers Act, and such

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monies shall be disbursed from the fund only at the direction of the chief judge of the circuit or another judge designated by the Chief Circuit Judge in accordance with the policies and guidelines approved by the Supreme Court.

1.5. Starting on June 1, 2014, a clerk of the circuit court in any county that imposes a fee pursuant to subsection 1 of this Section, shall charge and collect an additional fee in an amount equal to the amount of the fee imposed pursuant to subsection 1 of this Section, except the fee imposed under this subsection may not be more than $15. This additional fee shall be paid by the defendant in any felony, traffic, misdemeanor, or local ordinance case upon a judgment of guilty or grant of supervision. This fee shall not be paid by the defendant for any violation listed in subsection 1.6 of this Section.

1.6. Starting on June 1, 2014, a clerk of the circuit court in any county that imposes a fee pursuant to subsection 1 of this Section shall charge and collect an additional fee in an amount equal to the amount of the fee imposed pursuant to subsection 1 of this Section, except the fee imposed under this subsection may not be more than $15. This additional fee shall be paid by the defendant upon a judgment of guilty or grant of supervision for a violation under the State Parks Act, the Recreational Trails of Illinois Act, the Illinois Explosives Act, the Timber Buyers Licensing Act, the Forest Products Transportation Act, the Firearm Owners Identification Card Act, the Environmental Protection Act, the Fish and Aquatic Life Code, the Wildlife Code, the Cave Protection Act, the Illinois Exotic Weed Act, the Illinois Forestry Development Act, the Ginseng Harvesting Act, the Illinois Lake Management Program Act, the Illinois Natural Areas Preservation Act, the Illinois Open Land Trust Act, the Open Space Lands Acquisition and Development Act, the Illinois Prescribed Burning Act, the State Forest Act, the Water Use Act of 1983, the Illinois Veteran, Youth, and Young Adult Conservation Jobs Act, the Snowmobile Registration and Safety Act, the Boat Registration and Safety Act, the Illinois Dangerous Animals Act, the Hunter and Fishermen Interference Prohibition Act, the Wrongful Tree Cutting Act, or Section 11-1426.1, 11-1426.2, 11-1427, 11-1427.1, 11-1427.2, 11-1427.3, 11-1427.4, or 11-1427.5 of the Illinois Vehicle Code, or Section 48-3 or 48-10 of the Criminal Code of 2012.

1.7. Starting on the 30th day after the effective date of this amendatory Act of the 99th General Assembly, a clerk of the circuit court in any county that imposes a fee pursuant to subsection 1 of this Section

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shall also charge and collect an additional $9 e-business fee. The fee shall be paid at the time of filing the first pleading, paper, or other appearance filed by each party in all civil cases, except no additional fee shall be required if more than one party is presented in a single pleading, paper, or other appearance. The fee shall be collected in the manner in which all other fees or costs are collected. The fee shall be in addition to all other fees and charges of the clerk, and assessable as costs, and may be waived only if the judge specifically provides for the waiver of the e-business fee. The fee shall not be charged in any matter coming to the clerk on a change of venue, nor in any proceeding to review the decision of any administrative officer, agency, or body.

2. With respect to the fee imposed under subsection 1 of this Section, each clerk shall commence such charges and collections upon receipt of written notice from the chairman of the county board together with a certified copy of the board's resolution, which the clerk shall file of record in his office.

3. With respect to the fee imposed under subsection 1 of this Section, such fees shall be in addition to all other fees and charges of such clerks, and assessable as costs, and may be waived only if the judge specifically provides for the waiver of the court automation fee. The fees shall be remitted monthly by such clerk to the county treasurer, to be retained by him in a special fund designated as the court automation fund. The fund shall be audited by the county auditor, and the board shall make expenditure from the fund in payment of any cost related to the automation of court records, including hardware, software, research and development costs and personnel related thereto, provided that the expenditure is approved by the clerk of the court and by the chief judge of the circuit court or his designate.

4. With respect to the fee imposed under subsection 1 of this Section, such fees shall not be charged in any matter coming to any such clerk on change of venue, nor in any proceeding to review the decision of any administrative officer, agency or body.

5. With respect to the additional fee imposed under subsection 1.5 of this Section, the fee shall be remitted by the circuit clerk to the State Treasurer within one month after receipt for deposit into the State Police Operations Assistance Fund.

6. With respect to the additional fees imposed under subsection 1.5 of this Section, the Director of State Police may direct the use of these fees for homeland security purposes by transferring these fees on a quarterly
basis from the State Police Operations Assistance Fund into the Illinois Law Enforcement Alarm Systems (ILEAS) Fund for homeland security initiatives programs. The transferred fees shall be allocated, subject to the approval of the ILEAS Executive Board, as follows: (i) 66.6% shall be used for homeland security initiatives and (ii) 33.3% shall be used for airborne operations. The ILEAS Executive Board shall annually supply the Director of State Police with a report of the use of these fees.

7. With respect to the additional fee imposed under subsection 1.6 of this Section, the fee shall be remitted by the circuit clerk to the State Treasurer within one month after receipt for deposit into the Conservation Police Operations Assistance Fund.

8. With respect to the fee imposed under subsection 1.7 of this Section, the clerk shall remit the fee to the State Treasurer within one month after receipt for deposit into the Supreme Court Special Purposes Fund. Unless otherwise authorized by this Act, the moneys deposited into the Supreme Court Special Purposes Fund under this subsection are not subject to administrative charges or chargebacks under Section 20 of the State Treasurer Act.

(Source: P.A. 97-46, eff. 7-1-12; 97-453, eff. 8-19-11; 97-738, eff. 7-5-12; 97-761, eff. 7-6-12; 97-813, eff. 7-13-12; 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-375, eff. 8-16-13; 98-606, eff. 6-1-14; 98-1016, eff. 8-22-14.)

(705 ILCS 105/27.7)

Sec. 27.7. Children's waiting room. The expense of establishing and maintaining a children's waiting room for children whose parents or guardians are attending a court hearing as a litigant, witness, or for other court purposes as determined by the court may be borne by the county. To defray that expense in any county having established a children's waiting room or that elects to establish such a system, the county board may require the clerk of the circuit court in the county to charge and collect a children's waiting room fee of not more than $10 through December 31, 2021 and not more than $8 on and after January 1, 2022. The fee shall be paid at the time of filing the first pleading, paper, or other appearance filed by each party in all civil cases. No additional fee shall be required if more than one party is presented in a single pleading, paper, or other appearance. The fee shall be collected in the manner in which all other fees or costs are collected.

Each clerk shall commence the charges and collection upon receipt of written notice from the chairman of the county board together with a

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certified copy of the board's resolution. The clerk shall file the resolution of record in his or her office.

The fees shall be in addition to all other fees and charges of the clerks, shall be assessable as costs, and may be waived only if the judge specifically provides for the waiver of the children's waiting room fee. The fees shall be remitted monthly by the clerk to the county treasurer, to be retained by the treasurer in a special fund designated as the children's waiting room fund. The fund shall be audited by the county auditor, and the county board shall make expenditure from the fund in payment of any cost related to the establishment and maintenance of the children's waiting room, including personnel, heat, light, telephone, security, rental of space, or any other item in connection with the operation of a children's waiting room.

The fees shall not be charged in any matter coming to the clerk on a change of venue, nor in any proceeding to review the decision of any administrative officer, agency, or body.

(Source: P.A. 95-980, eff. 9-22-08.)

(705 ILCS 105/28)
Sec. 28. Supreme Court Clerk; fees. At the time of filing a petition or record, the petitioner or appellant shall pay to the Clerk of the Supreme Court the sum of $25. That sum shall be in full payment of all services of the clerk on behalf of the petitioner or appellant, except the making of a complete record, or copies of records, papers, or orders. The respondent or appellee, before entering an appearance or filing any paper, shall pay to the Clerk of the Supreme Court the sum of $15, which sum shall be in full payment of all services of the clerk on behalf of the respondent or appellee, except the making of a complete record, or copies of records, papers, or orders.

The fee for each official certificate and seal is $1.

The fee for making a complete record, copy of a record, or other papers in this office is a reasonable fee per page as established by the Supreme Court, except that the clerk shall furnish without cost, to parties in interest or their attorneys of record, copies of opinions or orders. In furtherance of the public interest, the clerk may furnish copies of opinions or orders without cost to other individuals or entities.

The fee for preparing a law license, certifying it with the seal, administering the oath, and transcribing the name on the roll of attorneys is $5.
After the effective date of this amendatory Act of the 98th General Assembly, the amount of any fee collected under this Section may be set by Supreme Court rule, except that the amount of the fees collected under this Section shall remain as set by statute until the Supreme Court adopts rules specifying a higher or lower fee amount.

There is created the Supreme Court Special Purposes Fund, a special fund in the State treasury. Moneys collected under this Section shall be deposited into the Supreme Court Special Purposes Fund. Moneys in the Supreme Court Special Purposes Fund shall be used by the Supreme Court for:

(1) costs associated with electronic filing and other e-business programs and case management systems in the circuit and reviewing courts; and

(2) the operation of committees and commissions established by the Supreme Court.

(Source: P.A. 98-324, eff. 10-1-13.)

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

Approved August 19, 2016.
Effective August 19, 2016.

PUBLIC ACT 99-0860
(Senate Bill No. 3163)

AN ACT concerning employment.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 1. Short title. This Act may be cited as the Illinois Freedom to Work Act.
Section 5. Definitions. In this Act:
"Covenant not to compete" means an agreement:
(1) between an employer and a low-wage employee that restricts such low-wage employee from performing:
   (A) any work for another employer for a specified period of time;
   (B) any work in a specified geographical area; or

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(C) work for another employer that is similar to such low-wage employee's work for the employer included as a party to the agreement; and
(2) that is entered into after the effective date of this Act.

"Employer" has the meaning given to such term in subsection (c) of Section 3 of the Minimum Wage Law. "Employer" does not include governmental or quasi-governmental bodies.

"Low-wage employee" means an employee who earns the greater of (1) the hourly rate equal to the minimum wage required by the applicable federal, State, or local minimum wage law or (2) $13.00 per hour.

Section 10. Prohibiting covenants not to compete for low-wage employees.
(a) No employer shall enter into a covenant not to compete with any low-wage employee of the employer.
(b) A covenant not to compete entered into between an employer and a low-wage employee is illegal and void.

Approved August 19, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0861
(Senate Bill No. 3164)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Unified Code of Corrections is amended by changing Sections 5-4-1 and 5-8-8 as follows:
(730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)
Sec. 5-4-1. Sentencing Hearing.
(a) Except when the death penalty is sought under hearing procedures otherwise specified, after a determination of guilt, a hearing shall be held to impose the sentence. However, prior to the imposition of sentence on an individual being sentenced for an offense based upon a charge for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance, the individual must undergo a professional evaluation to determine if an alcohol or other drug abuse problem exists and the extent of such a problem. Programs conducting

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these evaluations shall be licensed by the Department of Human Services. However, if the individual is not a resident of Illinois, the court may, in its discretion, accept an evaluation from a program in the state of such individual's residence. The court may in its sentencing order approve an eligible defendant for placement in a Department of Corrections impact incarceration program as provided in Section 5-8-1.1 or 5-8-1.3. The court may in its sentencing order recommend a defendant for placement in a Department of Corrections substance abuse treatment program as provided in paragraph (a) of subsection (1) of Section 3-2-2 conditioned upon the defendant being accepted in a program by the Department of Corrections. At the hearing the court shall:

1. consider the evidence, if any, received upon the trial;
2. consider any presentence reports;
3. consider the financial impact of incarceration based on the financial impact statement filed with the clerk of the court by the Department of Corrections;
4. consider evidence and information offered by the parties in aggravation and mitigation;
4.5 consider substance abuse treatment, eligibility screening, and an assessment, if any, of the defendant by an agent designated by the State of Illinois to provide assessment services for the Illinois courts;
5. hear arguments as to sentencing alternatives;
6. afford the defendant the opportunity to make a statement in his own behalf;
7. afford the victim of a violent crime or a violation of Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, or a qualified individual affected by: (i) a violation of Section 405, 405.1, 405.2, or 407 of the Illinois Controlled Substances Act or a violation of Section 55 or Section 65 of the Methamphetamine Control and Community Protection Act, or (ii) a Class 4 felony violation of Section 11-14, 11-14.3 except as described in subdivisions (a)(2)(A) and (a)(2)(B), 11-15, 11-17, 11-18, 11-18.1, or 11-19 of the Criminal Code of 1961 or the Criminal Code of 2012, committed by the defendant the opportunity to make a statement concerning the impact on the victim and to offer evidence in aggravation or mitigation; provided that the statement and evidence offered in aggravation or mitigation must first be prepared in writing in conjunction with the

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State's Attorney before it may be presented orally at the hearing. Any sworn testimony offered by the victim is subject to the defendant's right to cross-examine. All statements and evidence offered under this paragraph (7) shall become part of the record of the court. For the purpose of this paragraph (7), "qualified individual" means any person who (i) lived or worked within the territorial jurisdiction where the offense took place when the offense took place; and (ii) is familiar with various public places within the territorial jurisdiction where the offense took place when the offense took place. For the purposes of this paragraph (7), "qualified individual" includes any peace officer, or any member of any duly organized State, county, or municipal peace unit assigned to the territorial jurisdiction where the offense took place when the offense took place;

(8) in cases of reckless homicide afford the victim's spouse, guardians, parents or other immediate family members an opportunity to make oral statements;

(9) in cases involving a felony sex offense as defined under the Sex Offender Management Board Act, consider the results of the sex offender evaluation conducted pursuant to Section 5-3-2 of this Act; and

(10) make a finding of whether a motor vehicle was used in the commission of the offense for which the defendant is being sentenced.

(b) All sentences shall be imposed by the judge based upon his independent assessment of the elements specified above and any agreement as to sentence reached by the parties. The judge who presided at the trial or the judge who accepted the plea of guilty shall impose the sentence unless he is no longer sitting as a judge in that court. Where the judge does not impose sentence at the same time on all defendants who are convicted as a result of being involved in the same offense, the defendant or the State's Attorney may advise the sentencing court of the disposition of any other defendants who have been sentenced.

(b-1) In imposing a sentence of imprisonment or periodic imprisonment for a Class 3 or Class 4 felony for which a sentence of probation or conditional discharge is an available sentence, if the defendant has no prior sentence of probation or conditional discharge and no prior conviction for a violent crime, the defendant shall not be sentenced to imprisonment before review and consideration of a
presentence report and determination and explanation of why the particular evidence, information, factor in aggravation, factual finding, or other reasons support a sentencing determination that one or more of the factors under subsection (a) of Section 5-6-1 of this Code apply and that probation or conditional discharge is not an appropriate sentence.

(c) In imposing a sentence for a violent crime or for an offense of operating or being in physical control of a vehicle while under the influence of alcohol, any other drug or any combination thereof, or a similar provision of a local ordinance, when such offense resulted in the personal injury to someone other than the defendant, the trial judge shall specify on the record the particular evidence, information, factors in mitigation and aggravation or other reasons that led to his sentencing determination. The full verbatim record of the sentencing hearing shall be filed with the clerk of the court and shall be a public record.

(c-1) In imposing a sentence for the offense of aggravated kidnapping for ransom, home invasion, armed robbery, aggravated vehicular hijacking, aggravated discharge of a firearm, or armed violence with a category I weapon or category II weapon, the trial judge shall make a finding as to whether the conduct leading to conviction for the offense resulted in great bodily harm to a victim, and shall enter that finding and the basis for that finding in the record.

(c-2) If the defendant is sentenced to prison, other than when a sentence of natural life imprisonment or a sentence of death is imposed, at the time the sentence is imposed the judge shall state on the record in open court the approximate period of time the defendant will serve in custody according to the then current statutory rules and regulations for sentence credit found in Section 3-6-3 and other related provisions of this Code. This statement is intended solely to inform the public, has no legal effect on the defendant's actual release, and may not be relied on by the defendant on appeal.

The judge's statement, to be given after pronouncing the sentence, other than when the sentence is imposed for one of the offenses enumerated in paragraph (a)(3) of Section 3-6-3, shall include the following:

"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. In this case, assuming
the defendant receives all of his or her sentence credit, the period of estimated actual custody is ... years and ... months, less up to 180 days additional sentence credit for good conduct. If the defendant, because of his or her own misconduct or failure to comply with the institutional regulations, does not receive those credits, the actual time served in prison will be longer. The defendant may also receive an additional one-half day sentence credit for each day of participation in vocational, industry, substance abuse, and educational programs as provided for by Illinois statute.

When the sentence is imposed for one of the offenses enumerated in paragraph (a)(3) of Section 3-6-3, other than when the sentence is imposed for one of the offenses enumerated in paragraph (a)(2) of Section 3-6-3 committed on or after June 19, 1998, and other than when the sentence is imposed for reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 if the offense was committed on or after January 1, 1999, and other than when the sentence is imposed for aggravated arson if the offense was committed on or after July 27, 2001 (the effective date of Public Act 92-176), and other than when the sentence is imposed for aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (C) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code committed on or after January 1, 2011 (the effective date of Public Act 96-1230), the judge's statement, to be given after pronouncing the sentence, shall include the following:

"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. In this case, assuming the defendant receives all of his or her sentence credit, the period of estimated actual custody is ... years and ... months, less up to 90 days additional sentence credit for good conduct. If the defendant, because of his or her own misconduct or failure to comply with the institutional regulations, does not receive those credits, the actual time served in prison will be longer. The defendant may also receive an additional one-half day sentence credit for each day of participation in vocational, industry, substance abuse, and educational programs as provided for by Illinois statute."

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When the sentence is imposed for one of the offenses enumerated in paragraph (a)(2) of Section 3-6-3, other than first degree murder, and the offense was committed on or after June 19, 1998, and when the sentence is imposed for reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 if the offense was committed on or after January 1, 1999, and when the sentence is imposed for aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, and when the sentence is imposed for aggravated arson if the offense was committed on or after July 27, 2001 (the effective date of Public Act 92-176), and when the sentence is imposed for aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (C) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code committed on or after January 1, 2011 (the effective date of Public Act 96-1230), the judge's statement, to be given after pronouncing the sentence, shall include the following:

"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. In this case, the defendant is entitled to no more than 4 1/2 days of sentence credit for each month of his or her sentence of imprisonment. Therefore, this defendant will serve at least 85% of his or her sentence. Assuming the defendant receives 4 1/2 days credit for each month of his or her sentence, the period of estimated actual custody is ... years and ... months. If the defendant, because of his or her own misconduct or failure to comply with the institutional regulations receives lesser credit, the actual time served in prison will be longer."

When a sentence of imprisonment is imposed for first degree murder and the offense was committed on or after June 19, 1998, the judge's statement, to be given after pronouncing the sentence, shall include the following:

"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of prison time served is determined by the
statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. In this case, the defendant is not entitled to sentence credit. Therefore, this defendant will serve 100% of his or her sentence."

When the sentencing order recommends placement in a substance abuse program for any offense that results in incarceration in a Department of Corrections facility and the crime was committed on or after September 1, 2003 (the effective date of Public Act 93-354), the judge's statement, in addition to any other judge's statement required under this Section, to be given after pronouncing the sentence, shall include the following:

"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. In this case, the defendant shall receive no sentence credit for good conduct under clause (3) of subsection (a) of Section 3-6-3 until he or she participates in and completes a substance abuse treatment program or receives a waiver from the Director of Corrections pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

(c-4) Before the sentencing hearing and as part of the presentence investigation under Section 5-3-1, the court shall inquire of the defendant whether the defendant is currently serving in or is a veteran of the Armed Forces of the United States. If the defendant is currently serving in the Armed Forces of the United States or is a veteran of the Armed Forces of the United States and has been diagnosed as having a mental illness by a qualified psychiatrist or clinical psychologist or physician, the court may:

(1) order that the officer preparing the presentence report consult with the United States Department of Veterans Affairs, Illinois Department of Veterans' Affairs, or another agency or person with suitable knowledge or experience for the purpose of providing the court with information regarding treatment options available to the defendant, including federal, State, and local programming; and

(2) consider the treatment recommendations of any diagnosing or treating mental health professionals together with the treatment options available to the defendant in imposing sentence. For the purposes of this subsection (c-4), "qualified psychiatrist" means a reputable physician licensed in Illinois to practice medicine in all

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its branches, who has specialized in the diagnosis and treatment of mental
and nervous disorders for a period of not less than 5 years.

(c-6) In imposing a sentence, the trial judge shall specify, on the
record, the particular evidence and other reasons which led to his or her
determination that a motor vehicle was used in the commission of the
offense.

(d) When the defendant is committed to the Department of
Corrections, the State's Attorney shall and counsel for the defendant may
file a statement with the clerk of the court to be transmitted to the
department, agency or institution to which the defendant is committed to
furnish such department, agency or institution with the facts and
circumstances of the offense for which the person was committed together
with all other factual information accessible to them in regard to the
person prior to his commitment relative to his habits, associates,
disposition and reputation and any other facts and circumstances which
may aid such department, agency or institution during its custody of such
person. The clerk shall within 10 days after receiving any such statements
transmit a copy to such department, agency or institution and a copy to the
other party, provided, however, that this shall not be cause for delay in
conveying the person to the department, agency or institution to which he
has been committed.

(e) The clerk of the court shall transmit to the department, agency
or institution, if any, to which the defendant is committed, the following:

(1) the sentence imposed;
(2) any statement by the court of the basis for imposing the
sentence;
(3) any presentence reports;
(3.5) any sex offender evaluations;
(3.6) any substance abuse treatment eligibility screening
and assessment of the defendant by an agent designated by the
State of Illinois to provide assessment services for the Illinois
courts;
(4) the number of days, if any, which the defendant has
been in custody and for which he is entitled to credit against the
sentence, which information shall be provided to the clerk by the
sheriff;
(4.1) any finding of great bodily harm made by the court
with respect to an offense enumerated in subsection (c-1);
(5) all statements filed under subsection (d) of this Section;

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(6) any medical or mental health records or summaries of the defendant;

(7) the municipality where the arrest of the offender or the commission of the offense has occurred, where such municipality has a population of more than 25,000 persons;

(8) all statements made and evidence offered under paragraph (7) of subsection (a) of this Section; and

(9) all additional matters which the court directs the clerk to transmit.

(f) In cases in which the court finds that a motor vehicle was used in the commission of the offense for which the defendant is being sentenced, the clerk of the court shall, within 5 days thereafter, forward a report of such conviction to the Secretary of State.

(Source: P.A. 96-86, eff. 1-1-10; 96-1180, eff. 1-1-11; 96-1230, eff. 1-1-11; 96-1551, eff. 7-1-11; 97-333, eff. 8-12-11; 97-697, eff. 6-22-12; 97-1150, eff. 1-25-13.)

(730 ILCS 5/5-8-8)

(Section scheduled to be repealed on December 31, 2020)

Sec. 5-8-8. Illinois Sentencing Policy Advisory Council.

(a) Creation. There is created under the jurisdiction of the Governor the Illinois Sentencing Policy Advisory Council, hereinafter referred to as the Council.

(b) Purposes and goals. The purpose of the Council is to review sentencing policies and practices and examine how these policies and practices impact the criminal justice system as a whole in the State of Illinois. In carrying out its duties, the Council shall be mindful of and aim to achieve the purposes of sentencing in Illinois, which are set out in Section 1-1-2 of this Code:

(1) prescribe sanctions proportionate to the seriousness of the offenses and permit the recognition of differences in rehabilitation possibilities among individual offenders;

(2) forbid and prevent the commission of offenses;

(3) prevent arbitrary or oppressive treatment of persons adjudicated offenders or delinquents; and

(4) restore offenders to useful citizenship.

(c) Council composition.

(1) The Council shall consist of the following members:

(A) the President of the Senate, or his or her designee;

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(B) the Minority Leader of the Senate, or his or her designee;
(C) the Speaker of the House, or his or her designee;
(D) the Minority Leader of the House, or his or her designee;
(E) the Governor, or his or her designee;
(F) the Attorney General, or his or her designee;
(G) two retired judges, who may have been circuit, appellate, or supreme court judges; retired judges appointed prior to the effective date of this amendatory Act of the 98th General Assembly shall be selected by the members of the Council designated in clauses (c)(1)(A) through (L), and retired judges appointed on or after the effective date of this amendatory Act of the 98th General Assembly shall be appointed by the Chief Justice of the Illinois Supreme Court;
(G-5) two sitting judges, who may be circuit, appellate, or supreme court judges, appointed by the Chief Justice of the Supreme Court; one member appointed under this paragraph (G-5) shall be selected from the Circuit Court of Cook County or the First Judicial District, and one member appointed under this paragraph (G-5) shall be selected from a judicial circuit or district other than the Circuit Court of Cook County or the First Judicial District;
(H) the Cook County State's Attorney, or his or her designee;
(I) the Cook County Public Defender, or his or her designee;
(J) a State's Attorney not from Cook County, appointed by the State's Attorney's Appellate Prosecutor;
(K) the State Appellate Defender, or his or her designee;
(L) the Director of the Administrative Office of the Illinois Courts, or his or her designee;
(M) a victim of a violent felony or a representative of a crime victims' organization, selected by the members of the Council designated in clauses (c)(1)(A) through (L);

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(N) a representative of a community-based organization, selected by the members of the Council designated in clauses (c)(1)(A) through (L);

(O) a criminal justice academic researcher, to be selected by the members of the Council designated in clauses (c)(1)(A) through (L);

(P) a representative of law enforcement from a unit of local government to be selected by the members of the Council designated in clauses (c)(1)(A) through (L);

(Q) a sheriff selected by the members of the Council designated in clauses (c)(1)(A) through (L); and

(R) ex-officio members shall include:

(i) the Director of Corrections, or his or her designee;

(ii) the Chair of the Prisoner Review Board, or his or her designee;

(iii) the Director of the Illinois State Police, or his or her designee; and

(iv) the Director of the Illinois Criminal Justice Information Authority, or his or her designee.

(1.5) The Chair and Vice Chair shall be elected from among its members by a majority of the members of the Council.

(2) Members of the Council who serve because of their public office or position, or those who are designated as members by such officials, shall serve only as long as they hold such office or position.

(3) Council members shall serve without compensation but shall be reimbursed for travel and per diem expenses incurred in their work for the Council.

(4) The Council may exercise any power, perform any function, take any action, or do anything in furtherance of its purposes and goals upon the appointment of a quorum of its members. The term of office of each member of the Council ends on the date of repeal of this amendatory Act of the 96th General Assembly.

(d) Duties. The Council shall perform, as resources permit, duties including:

New matter indicated by italics - deletions by strikeout
(1) Collect and analyze information including sentencing data, crime trends, and existing correctional resources to support legislative and executive action affecting the use of correctional resources on the State and local levels.

(2) Prepare criminal justice population projections annually, including correctional and community-based supervision populations.

(3) Analyze data relevant to proposed sentencing legislation and its effect on current policies or practices, and provide information to support evidence-based sentencing.

(4) Ensure that adequate resources and facilities are available for carrying out sentences imposed on offenders and that rational priorities are established for the use of those resources. To do so, the Council shall prepare criminal justice resource statements, identifying the fiscal and practical effects of proposed criminal sentencing legislation, including, but not limited to, the correctional population, court processes, and county or local government resources.

(5) Perform such other studies or tasks pertaining to sentencing policies as may be requested by the Governor or the Illinois General Assembly.

(6) Perform such other functions as may be required by law or as are necessary to carry out the purposes and goals of the Council prescribed in subsection (b).

(7) Publish a report on the trends in sentencing for offenders described in subsection (b-1) of Section 5-4-1 of this Code, the impact of the trends on the prison and probation populations, and any changes in the racial composition of the prison and probation populations that can be attributed to the changes made by adding subsection (b-1) of Section 5-4-1 to this Code by this amendatory Act of the 99th General Assembly.

(e) Authority.

(1) The Council shall have the power to perform the functions necessary to carry out its duties, purposes and goals under this Act. In so doing, the Council shall utilize information and analysis developed by the Illinois Criminal Justice Information Authority, the Administrative Office of the Illinois Courts, and the Illinois Department of Corrections.

New matter indicated by italics - deletions by strikeout
(2) Upon request from the Council, each executive agency and department of State and local government shall provide information and records to the Council in the execution of its duties.

(f) Report. The Council shall report in writing annually to the General Assembly, the Illinois Supreme Court, and the Governor.

(g) This Section is repealed on December 31, 2020.

(Source: P.A. 98-65, eff. 7-15-13; 99-101, eff. 7-22-15.)

Passed in the General Assembly May 23, 2016.
Approved August 19, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0862
(Senate Bill No. 3335)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Emergency Medical Services (EMS) Systems Act is amended by changing Section 3.55 as follows:

(210 ILCS 50/3.55)
Sec. 3.55. Scope of practice.
(a) Any person currently licensed as an EMR, EMT, EMT-I, A-EMT, or Paramedic may perform emergency and non-emergency medical services as defined in this Act, in accordance with his or her level of education, training and licensure, the standards of performance and conduct prescribed by the Department in rules adopted pursuant to this Act, and the requirements of the EMS System in which he or she practices, as contained in the approved Program Plan for that System. The Director may, by written order, temporarily modify individual scopes of practice in response to public health emergencies for periods not exceeding 180 days.

(a-5) EMS personnel who have successfully completed a Department approved course in automated defibrillator operation and who are functioning within a Department approved EMS System may utilize such automated defibrillator according to the standards of performance and conduct prescribed by the Department in rules adopted pursuant to this Act and the requirements of the EMS System in which they practice, as contained in the approved Program Plan for that System.

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(a-7) An EMT, EMT-I, A-EMT, or Paramedic who has successfully completed a Department approved course in the administration of epinephrine shall be required to carry epinephrine with him or her as part of the EMS personnel medical supplies whenever he or she is performing official duties as determined by the EMS System. The epinephrine may be administered from a glass vial, auto-injector, ampule, or pre-filled syringe.

(b) An EMR, EMT, EMT-I, A-EMT, or Paramedic may practice as an EMR, EMT, EMT-I, A-EMT, or Paramedic or utilize his or her EMR, EMT, EMT-I, A-EMT, or Paramedic license in pre-hospital or inter-hospital emergency care settings or non-emergency medical transport situations, under the written or verbal direction of the EMS Medical Director. For purposes of this Section, a "pre-hospital emergency care setting" may include a location, that is not a health care facility, which utilizes EMS personnel to render pre-hospital emergency care prior to the arrival of a transport vehicle. The location shall include communication equipment and all of the portable equipment and drugs appropriate for the EMR, EMT, EMT-I, A-EMT, or Paramedic's level of care, as required by this Act, rules adopted by the Department pursuant to this Act, and the protocols of the EMS Systems, and shall operate only with the approval and under the direction of the EMS Medical Director.

This Section shall not prohibit an EMR, EMT, EMT-I, A-EMT, or Paramedic from practicing within an emergency department or other health care setting for the purpose of receiving continuing education or training approved by the EMS Medical Director. This Section shall also not prohibit an EMT, EMT-I, A-EMT, or Paramedic from seeking credentials other than his or her EMT, EMT-I, A-EMT, or Paramedic license and utilizing such credentials to work in emergency departments or other health care settings under the jurisdiction of that employer.

(c) An EMT, EMT-I, A-EMT, or Paramedic may honor Do Not Resuscitate (DNR) orders and powers of attorney for health care only in accordance with rules adopted by the Department pursuant to this Act and protocols of the EMS System in which he or she practices.

(d) A student enrolled in a Department approved EMS personnel program, while fulfilling the clinical training and in-field supervised experience requirements mandated for licensure or approval by the System and the Department, may perform prescribed procedures under the direct supervision of a physician licensed to practice medicine in all of its

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branches, a qualified registered professional nurse, or qualified EMS personnel, only when authorized by the EMS Medical Director.  
(Source: P.A. 98-973, eff. 8-15-14.)
Approved August 19, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0863
(Senate Bill No. 3336)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Freedom of Information Act is amended by changing Section 7.5 as follows:
(5 ILCS 140/7.5)
Sec. 7.5. Statutory exemptions. To the extent provided for by the statutes referenced below, the following shall be exempt from inspection and copying:

(a) All information determined to be confidential under Section 4002 of the Technology Advancement and Development Act.

(b) Library circulation and order records identifying library users with specific materials under the Library Records Confidentiality Act.

(c) Applications, related documents, and medical records received by the Experimental Organ Transplantation Procedures Board and any and all documents or other records prepared by the Experimental Organ Transplantation Procedures Board or its staff relating to applications it has received.

(d) Information and records held by the Department of Public Health and its authorized representatives relating to known or suspected cases of sexually transmissible disease or any information the disclosure of which is restricted under the Illinois Sexually Transmissible Disease Control Act.

(e) Information the disclosure of which is exempted under Section 30 of the Radon Industry Licensing Act.

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(g) Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid Tuition Act.

(h) Information the disclosure of which is exempted under the State Officials and Employees Ethics Act, and records of any lawfully created State or local inspector general's office that would be exempt if created or obtained by an Executive Inspector General's office under that Act.

(i) Information contained in a local emergency energy plan submitted to a municipality in accordance with a local emergency energy plan ordinance that is adopted under Section 11-21.5-5 of the Illinois Municipal Code.

(j) Information and data concerning the distribution of surcharge moneys collected and remitted by wireless carriers under the Wireless Emergency Telephone Safety Act.

(k) Law enforcement officer identification information or driver identification information compiled by a law enforcement agency or the Department of Transportation under Section 11-212 of the Illinois Vehicle Code.

(l) Records and information provided to a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.

(m) Information provided to the predatory lending database created pursuant to Article 3 of the Residential Real Property Disclosure Act, except to the extent authorized under that Article.

(n) Defense budgets and petitions for certification of compensation and expenses for court appointed trial counsel as provided under Sections 10 and 15 of the Capital Crimes Litigation Act. This subsection (n) shall apply until the conclusion of the trial of the case, even if the prosecution chooses not to pursue the death penalty prior to trial or sentencing.

(o) Information that is prohibited from being disclosed under Section 4 of the Illinois Health and Hazardous Substances Registry Act.

(p) Security portions of system safety program plans, investigation reports, surveys, schedules, lists, data, or information compiled, collected, or prepared by or for the Regional

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Transportation Authority under Section 2.11 of the Regional Transportation Authority Act or the St. Clair County Transit District under the Bi-State Transit Safety Act.

(q) Information prohibited from being disclosed by the Personnel Records Review Act.

(r) Information prohibited from being disclosed by the Illinois School Student Records Act.

(s) Information the disclosure of which is restricted under Section 5-108 of the Public Utilities Act.

(t) All identified or deidentified health information in the form of health data or medical records contained in, stored in, submitted to, transferred by, or released from the Illinois Health Information Exchange, and identified or deidentified health information in the form of health data and medical records of the Illinois Health Information Exchange in the possession of the Illinois Health Information Exchange Authority due to its administration of the Illinois Health Information Exchange. The terms "identified" and "deidentified" shall be given the same meaning as in the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, or any subsequent amendments thereto, and any regulations promulgated thereunder.

(u) Records and information provided to an independent team of experts under Brian's Law.

(v) Names and information of people who have applied for or received Firearm Owner's Identification Cards under the Firearm Owners Identification Card Act or applied for or received a concealed carry license under the Firearm Concealed Carry Act, unless otherwise authorized by the Firearm Concealed Carry Act; and databases under the Firearm Concealed Carry Act, records of the Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act, and law enforcement agency objections under the Firearm Concealed Carry Act.

(w) Personally identifiable information which is exempted from disclosure under subsection (g) of Section 19.1 of the Toll Highway Act.

(x) Information which is exempted from disclosure under Section 5-1014.3 of the Counties Code or Section 8-11-21 of the Illinois Municipal Code.

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(y) Confidential information under the Adult Protective Services Act and its predecessor enabling statute, the Elder Abuse and Neglect Act, including information about the identity and administrative finding against any caregiver of a verified and substantiated decision of abuse, neglect, or financial exploitation of an eligible adult maintained in the Registry established under Section 7.5 of the Adult Protective Services Act.

(z) Records and information provided to a fatality review team or the Illinois Fatality Review Team Advisory Council under Section 15 of the Adult Protective Services Act.

(aa) Information which is exempted from disclosure under Section 2.37 of the Wildlife Code.

(bb) Information which is or was prohibited from disclosure by the Juvenile Court Act of 1987.

(cc) (bb) Recordings made under the Law Enforcement Officer-Worn Body Camera Act, except to the extent authorized under that Act.

(dd) Information that is exempted from disclosure under Section 30.1 of the Pharmacy Practice Act.

(Source: P.A. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756, eff. 7-16-14; 98-1039, eff. 8-25-14; 98-1045, eff. 8-25-14; 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352, eff. 1-1-16; revised 10-14-15.)

Section 10. The Pharmacy Practice Act is amended by adding Section 30.1 as follows:

(225 ILCS 85/30.1 new)

Sec. 30.1. Reporting.

(a) When a pharmacist, registered certified pharmacy technician, or a registered pharmacy technician licensed by the Department is terminated for actions which may have threatened patient safety, the pharmacy or pharmacist-in-charge, pursuant to the policies and procedures of the pharmacy at which he or she is employed, shall report the termination to the chief pharmacy coordinator. Such reports shall be strictly confidential and may be reviewed and considered only by the members of the Board or by authorized Department staff. Such reports, and any records associated with such reports, are exempt from public disclosure and the Freedom of Information Act. Although the reports are exempt from disclosure, any formal complaint filed against a licensee or registrant by the Department or any order issued by the Department

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against a licensee, registrant, or applicant shall be a public record, except as otherwise prohibited by law.

(b) The report shall be submitted to the chief pharmacy coordinator in a timely fashion. Unless otherwise provided in this Section, the reports shall be filed in writing, on forms provided by the Department, within 60 days after a pharmacy's determination that a report is required under this Act. All reports shall contain only the following information:

1. The name, address, and telephone number of the person making the report.
2. The name, license number, and last known address and telephone number of the person who is the subject of the report.
3. A brief description of the facts which gave rise to the issuance of the report, including dates of occurrence.

(c) The contents of any report and any records associated with such report shall be strictly confidential and may only be reviewed by:

1. members of the Board of Pharmacy;
2. the Board of Pharmacy's designated attorney;
3. administrative personnel assigned to open mail containing reports, to process and distribute reports to authorized persons, and to communicate with senders of reports;
4. Department investigators and Department prosecutors;
5. attorneys from the Office of the Illinois Attorney General representing the Department in litigation in response to specific disciplinary action the Department has taken or initiated against a specific individual pursuant to this Section.

(d) Whenever a pharmacy or pharmacist-in-charge makes a report and provides any records associated with that report to the Department, acts in good faith, and not in a willful and wanton manner, the person or entity making the report and the pharmacy or health care institution employing him or her shall not, as a result of such actions, be subject to criminal prosecution or civil damages.

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

Approved August 19, 2016.
Effective August 19, 2016.
AN ACT concerning human trafficking.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Human Trafficking Task Force Act.

Section 5. Human Trafficking Task Force created. There is created the Human Trafficking Task Force to address the growing problem of human trafficking across this State. The Human Trafficking Task Force shall consist of the following persons:

(1) three members of the House of Representatives, appointed by the Speaker of the House of Representatives;
(2) three members of the House of Representatives, appointed by the Minority Leader of the House of Representatives;
(3) three members of the Senate, appointed by the President of the Senate;
(4) three members of the Senate, appointed by the Minority Leader of the Senate;
(5) one representative of the Chicago Regional Human Trafficking Task Force, appointed by the Governor; and
(6) the Director of the Department of State Police, or his or her designee.

Members of the Human Trafficking Task Force shall serve without compensation.

Section 10. Administrative support. The Department of Children and Family Services shall provide administrative and other support to the Human Trafficking Task Force.

Section 15. Duties of Human Trafficking Task Force. The Human Trafficking Task Force shall conduct a study on the human trafficking problem in this State and shall hold hearings in furtherance of:

(1) developing a State plan to address human trafficking;
(2) implementing a system for the sharing of human trafficking data between government agencies in a manner that ensures that the privacy of victims of human trafficking is protected and that data collection respects the privacy of victims of human trafficking;

New matter indicated by italics - deletions by strikeout
(3) establishing policies to enable State government to work with nongovernmental organizations and other elements of the private sector to prevent human trafficking and provide assistance to victims of human trafficking who are United States citizens or foreign nationals;

(4) evaluating various approaches used by state and local governments to increase public awareness of human trafficking, including trafficking of United States citizens and foreign national victims;

(5) developing methods for protecting the rights of victims of human trafficking, taking into account the need to consider the human rights and special needs of women and minors;

(6) evaluating the necessity of treating victims of human trafficking as crime victims rather than criminals; and

(7) developing methods for promoting the safety of victims of human trafficking.

Section 20. Report. On or before June 30, 2017, the Human Trafficking Task Force shall report its findings and recommendations to the General Assembly, by filing copies of its report as provided in Section 3.1 of the General Assembly Organization Act, and to the Governor.

Section 25. Task force abolished; Act repealed. The Human Trafficking Task Force is abolished and this Act is repealed on July 1, 2017.

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

Approved August 22, 2016.
Effective August 22, 2016.

PUBLIC ACT 99-0865
(House Bill No. 4315)

AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Section 3-661 as follows:

(625 ILCS 5/3-661)
Sec. 3-661. Illinois Route 66 license plates.

New matter indicated by italics - deletions by strikeout
(a) The Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue special registration plates designated as Illinois Route 66 license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles having an engine over 150cc, or motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the special plates shall be wholly within the discretion of the Secretary. The Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land of Lincoln", as prescribed in subsection (b) of Section 3-412 of this Code. The Secretary, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) An applicant for the special plate shall be charged a $40 fee for original issuance in addition to the appropriate registration fee. Of this fee, $25 shall be deposited into the Illinois Route 66 Heritage Project Fund and $15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs.

For each registration renewal period, a $27 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, $25 shall be deposited into the Illinois Route 66 Heritage Project Fund and $2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Illinois Route 66 Heritage Project Fund is created as a special fund in the State treasury. Subject to appropriation by the General Assembly and distribution by the Secretary, Illinois Route 66 Heritage Project, Inc. shall use all moneys in the Illinois Route 66 Heritage Project Fund for the development of tourism, through education and interpretation, preservation, and promotion of the former U.S. Route 66 in Illinois.

(Source: P.A. 97-409, eff. 1-1-12.)
Passed in the General Assembly May 29, 2016.
Approved August 22, 2016.
Effective January 1, 2017.

New matter indicated by italics - deletions by strikeout
AN ACT concerning wildlife.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Wildlife Code is amended by changing Section 1.13 as follows:

(520 ILCS 5/1.13) (from Ch. 61, par. 1.13)

Sec. 1.13. The Department is authorized to issue a "Public Hunting Grounds for Waterfowl" daily usage stamp at a fee not to exceed $10 for duck hunting areas, and not to exceed $15 for Canada goose hunting areas; and assess a daily "Public Hunting Grounds for Game Birds Pheasants" fee not to exceed $25 ($35 for non-residents) in 2008 and increasing by $5 every third year until the maximum fee is $50 ($60 for non-residents). Each person shall obtain such a stamp from the Department to be attached to the permit assigned to a person, or pay the daily fee to hunt game birds pheasants, under the provisions of the rules and regulations made by the Department for the operation of State Public Hunting Grounds. Rulemaking authority to implement this amendatory Act of the 95th General Assembly, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

The Department is authorized to permit hunters to harvest both male and female hand reared pheasants, bobwhite quail, chukar partridge, and gray partridge released on such public hunting grounds. The Department may permit hunters to harvest hand-reared game birds on State Public Hunting Grounds during a season set by administrative rule between the dates of September 1st and March 31st, both inclusive.

The Department shall cause an administrative rule, setting forth the rules and regulations for the operation of Public Hunting Areas on lands and waters owned or leased by this State.

(Source: P.A. 95-1037, eff. 2-17-09.)

Passed in the General Assembly May 26, 2016.
Approved August 22, 2016.
Effective January 1, 2017.
AN ACT concerning fish.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Fish and Aquatic Life Code is amended by changing Section 10-110 as follows:
(515 ILCS 5/10-110) (from Ch. 56, par. 10-110)
Sec. 10-110. Taking carp, catfish, buffalo, suckers, gar, bowfin, shad, and drum. Carp, catfish, buffalo, suckers, gar, bowfin, shad, and drum may be taken by means of a pitchfork, underwater spear gun, bow and arrow or bow and arrow device, including a sling shot bow, spear, or gig. Each person taking fish by these means shall possess a valid sport fishing license. Fish taken by these means shall not be sold or bartered except as authorized by the Department. The daily take, harvest limits, or additional species are subject to and set forth in administrative rule. No other fish may be taken in this State by these means.
(Source: P.A. 98-182, eff. 8-5-13.)
Approved August 22, 2016.
Effective January 1, 2017.

AN ACT concerning wildlife.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Wildlife Code is amended by changing Sections 3.1-9 and 3.3 as follows:
(520 ILCS 5/3.1-9)
Sec. 3.1-9. Youth Hunting and Trapping Licenses License.
(a) Any resident youth age 18 and under may apply to the Department for a Youth Hunting License, which extends limited hunting privileges. The Youth Hunting License shall be a renewable license that shall expire on the March 31 following the date of issuance.
For youth age 18 and under, the Youth Hunting License shall entitle the licensee to hunt while supervised by a parent, grandparent, or
guardian who is 21 years of age or older and has a valid Illinois hunting license. Possession of a Youth Hunting License shall serve in lieu of a valid hunting license, but does not exempt the licensee from compliance with the requirements of this Code and any rules adopted under this Code.

A youth licensed under this subsection (a) Section shall not hunt or carry a hunting device, including, but not limited to, a firearm, bow and arrow, or crossbow unless the youth is accompanied by and under the close personal supervision of a parent, grandparent, or guardian who is 21 years of age or older and has a valid Illinois hunting license.

At age 19 years or when the youth chooses to hunt by himself or herself, he or she is required to successfully complete a hunter safety course approved by the Department prior to being able to obtain a full hunting license and subsequently hunt by himself or herself.

In order to be approved for the Youth Hunting License, the applicant must request a Youth Hunting License from the Department and submit a $7 fee, which shall be separate from and additional to any other stamp, permit, tag, or license fee that may be required for hunting under this Code. The Department shall adopt rules for the administration of the program, but shall not require any certificate of competency or other hunting education as a condition of the Youth Hunting License.

(b) Any resident youth age 18 and under may apply to the Department for a Youth Trapping License, which extends limited trapping privileges. The Youth Trapping License shall be a renewable license that shall expire on the March 31 following the date of issuance.

For youth age 18 and under, the Youth Trapping License shall entitle the licensee to trap while supervised by a parent, grandparent, or guardian who is 21 years of age or older and has a valid Illinois trapping license. Possession of a Youth Trapping License shall serve in lieu of a valid trapping license, but does not exempt the licensee from compliance with the requirements of this Code and any rules adopted under this Code.

A youth licensed under this subsection (b) shall not trap or carry a hunting device, including, but not limited to, a firearm, bow and arrow, or crossbow unless the youth is accompanied by and under the close personal supervision of a parent, grandparent, or guardian who is 21 years of age or older and has a valid Illinois trapping license.

At age 19 years or when the youth chooses to trap by himself or herself, he or she is required to successfully complete a trapper safety course approved by the Department prior to being able to obtain a full trapping license and subsequently trap by himself or herself.

New matter indicated by italics - deletions by strikeout
In order to be approved for the Youth Trapping License, the applicant must request a Youth Trapping License from the Department and submit a $7 fee, which shall be separate from and additional to any other stamp, permit, tag, or license fee that may be required for trapping under this Code. The Department shall adopt rules for the administration of the program, but shall not require any certificate of competency or other trapping education as a condition of the Youth Trapping License.

(Source: P.A. 98-620, eff. 1-7-14; 99-78, eff. 7-20-15; 99-307, eff. 1-1-16.)

(520 ILCS 5/3.3) (from Ch. 61, par. 3.3)

Sec. 3.3. Trapping license required. Before any person shall trap any of the mammals protected by this Act, for which an open trapping season has been established, he shall first procure a trapping license from the Department to do so. No traps shall be placed in the field, set or unset, prior to the opening day of the trapping season.

Traps used in the taking of such mammals shall be marked or tagged with metal tags or inscribed in lettering giving the name and address of the owner, and absence of such mark or tag shall be prima facie evidence that such trap or traps are illegally used and the trap or traps shall be confiscated and disposed of as directed by the Department.

Before any person 16 years of age or older shall trap, attempt to trap, or sell the green hides of any mammal of the species defined as fur-bearing mammals by Section 2.2 for which an open season is established under this Act, he shall first have procured a State Habitat Stamp.

Before a trapping license shall be issued to any person under the age of sixteen years, such person shall obtain the written consent of his father, mother or legally constituted guardian to obtain such license.

Beginning January 1, 2016, no trapping license shall be issued to any person born on or after January 1, 1998 or who has not previously held a valid trapping license issued by this State or another state within the 3 years immediately preceding the application unless he or she presents to the authorized issuer of the license evidence that he or she has a certificate of competency provided for in this Section.

The Department of Natural Resources shall authorize personnel of the Department, or volunteer instructors, found by the Department to be competent, to provide instruction in courses on trapping techniques and ethical trapping behavior as needed throughout the State, which courses shall be at least 8 hours in length. Persons so authorized shall provide instruction in such courses to individuals at no charge, and shall issue to
individuals successfully completing such courses certificates of competency in basic trapping techniques. The Department shall cooperate in establishing such courses with any reputable association or organization which has as one of its objectives the promotion of the ethical use of legal fur harvesting devices and techniques. The Department shall furnish information on the requirements of the trapper education program to be distributed free of charge to applicants for trapping licenses by the persons appointed and authorized to issue licenses.

The owners residing on, or bona fide tenants of farm lands, and their children actually residing on such lands, shall have the right to trap mammals protected by this Act, for which an open trapping season has been established, upon such lands, without procuring licenses, provided that such mammals are taken during the periods of time and with such devices as are permitted by this Act.

(Source: P.A. 98-913, eff. 1-1-15.)

Approved August 22, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0869
(Senate Bill No. 3003)

AN ACT concerning wildlife.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Wildlife Code is amended by changing Sections 2.10, 2.11, and 2.26 and by adding Section 3.1-6 as follows:

(520 ILCS 5/2.10) (from Ch. 61, par. 2.10)
Sec. 2.10. The Department may, on an annual basis, establish a spring wild turkey open season within the period beginning on March 1 and running through May 31, and a fall wild turkey season within the period beginning on October 1 and running through January 31. The Department may, on an annual basis, establish a youth-only spring wild turkey season which shall include 2 consecutive weekends. It shall be unlawful for any person to take wild turkey without possessing a valid "Wild Turkey Hunting Permit". Persons holding a spring permit may take female wild turkeys with visible beards or male wild turkeys during the spring open season. Persons holding a fall permit may take turkeys of either sex during the fall open season. The Department shall cause notice

New matter indicated by italics - deletions by strikeout
Sec. 2.11. Before any person may lawfully hunt wild turkey, he shall first obtain a "Wild Turkey Hunting Permit" in accordance with the prescribed regulations set forth in an administrative rule of the Department. The fee for a Resident Wild Turkey Hunting Permit shall not exceed $15.

Upon submitting suitable evidence of legal residence in any other state, non-residents shall be charged a fee not to exceed $125 for wild turkey hunting permits, except as provided below for non-resident land owners.

Permits shall be issued without charge to:

(a) Illinois landowners residing in Illinois who own at least 40 acres of Illinois land and wish to hunt on their land only;

(b) resident tenants of at least 40 acres of commercial agricultural land, and

(c) bona fide equity shareholders of a corporation, bona fide equity members of a limited liability company, or bona fide equity partners of a general or limited partnership which owns at least 40 acres of land in a county in Illinois who wish to hunt on the corporation's, company's, or partnership's land only. One permit shall be issued without charge to one bona fide equity shareholder, one bona fide equity member, or one bona fide equity partner for each 40 acres of land owned by the corporation, company, or partnership in a county; however, the number of permits issued without charge to bona fide equity shareholders of any corporation or bona fide equity members of a limited liability company in any county shall not exceed 15, and shall not exceed 3 in the case of bona fide equity partners of a partnership.

The turkey hunting permit issued without fee shall be valid on all lands upon which the person to whom it is issued owns, leases or rents, except that in the case of a permit issued without charge to a shareholder of a corporation, the permit shall be valid on all lands owned by the corporation in the county.

The Department may by administrative rule allocate and issue non-resident Wild Turkey Permits and establish fees for such permits.

New matter indicated by italics - deletions by strikeout
It shall be unlawful to take wild turkey except by use of a bow and arrow or a shotgun of not larger than 10 nor smaller than 20 gauge with shot size not larger than No. 4, and no person while attempting to so take wild turkey may have in his possession any other gun.

It shall be unlawful to take, or attempt to take wild turkey except during the time from 1/2 hour before sunrise to 1/2 hour after sunset or during such lesser period of time as may be specified by administrative rule, during those days for which an open season is established.

It shall be unlawful for any person to take, or attempt to take, wild turkey by use of dogs, horses, automobiles, aircraft or other vehicles, or conveyances, or by the use or aid of bait or baiting of any kind. For the purposes of this Section, "bait" means any material, whether liquid or solid, including food, salt, minerals, and other products, except pure water, that can be ingested, placed, or scattered in such a manner as to attract or lure wild turkeys. "Baiting" means the placement or scattering of bait to attract wild turkeys. An area is considered as baited during the presence of and for 10 consecutive days following the removal of the bait.

It is unlawful for any person to take in Illinois or have in his possession more than one wild turkey per valid permit.

For purposes of this Section, "bona fide equity shareholder", "bona fide equity member", and "bona fide equity partner" shall have the same meaning as provided in Section 2.26 of this Act.

For the purposes of calculating acreage under this Section, the Department shall, after determining the total acreage of the applicable tract or tracts of land, round remaining fractional portions of an acre greater than or equal to half of an acre up to the next whole acre.

For the purposes of taking wild turkey, nothing in this Section shall be construed to prevent the manipulation, including mowing or cutting, of standing crops as a normal agricultural or soil stabilization practice, food plots, or normal agricultural practices, including planting, harvesting, and maintenance such as cultivating. Such manipulation for the purpose of taking wild turkey may be further modified by administrative rule.

(Source: P.A. 97-564, eff. 8-25-11; 98-180, eff. 8-5-13.)

(520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

Sec. 2.26. Deer hunting permits. In this Section, "bona fide equity shareholder" means an individual who (1) purchased, for market price, publicly sold stock shares in a corporation, purchased shares of a privately-held corporation for a value equal to the percentage of the appraised value of the corporate assets represented by the ownership in the corporation, or

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is a member of a closely-held family-owned corporation and has purchased or been gifted with shares of stock in the corporation accurately reflecting his or her percentage of ownership and (2) intends to retain the ownership of the shares of stock for at least 5 years.

In this Section, "bona fide equity member" means an individual who (1) (i) became a member upon the formation of the limited liability company or (ii) has purchased a distributional interest in a limited liability company for a value equal to the percentage of the appraised value of the LLC assets represented by the distributional interest in the LLC and subsequently becomes a member of the company pursuant to Article 30 of the Limited Liability Company Act and who (2) intends to retain the membership for at least 5 years.

In this Section, "bona fide equity partner" means an individual who (1) (i) became a partner, either general or limited, upon the formation of a partnership or limited partnership, or (ii) has purchased, acquired, or been gifted a partnership interest accurately representing his or her percentage distributional interest in the profits, losses, and assets of a partnership or limited partnership, (2) intends to retain ownership of the partnership interest for at least 5 years, and (3) is a resident of Illinois.

Any person attempting to take deer shall first obtain a "Deer Hunting Permit" issued by the Department in accordance with its administrative rules. Those rules must provide for the issuance of the following types of resident deer archery permits: (i) a combination permit, consisting of one either-sex permit and one antlerless-only permit, (ii) a single antlerless-only permit, and (iii) a single either-sex permit. The fee for a Deer Hunting Permit to take deer with either bow and arrow or gun shall not exceed $25.00 for residents of the State. The Department may by administrative rule provide for non-resident deer hunting permits for which the fee will not exceed $300 in 2005, $350 in 2006, and $400 in 2007 and thereafter except as provided below for non-resident landowners and non-resident archery hunters. The Department may by administrative rule provide for a non-resident archery deer permit consisting of not more than 2 harvest tags at a total cost not to exceed $325 in 2005, $375 in 2006, and $425 in 2007 and thereafter. Permits shall be issued without charge to:

(a) Illinois landowners residing in Illinois who own at least 40 acres of Illinois land and wish to hunt their land only;
(b) resident tenants of at least 40 acres of commercial agricultural land where they will hunt, and

New matter indicated by italics - deletions by strikeout
(e) Bona fide equity shareholders of a corporation, bona fide equity members of a limited liability company, or bona fide equity partners of a general or limited partnership which owns at least 40 acres of land in a county in Illinois who wish to hunt on the corporation's, company's, or partnership’s land only. One permit shall be issued without charge to one bona fide equity shareholder, one bona fide equity member, or one bona fide equity partner for each 40 acres of land owned by the corporation, company, or partnership in a county; however, the number of permits issued without charge to bona fide equity shareholders of any corporation or bona fide equity members of a limited liability company in any county shall not exceed 15, and shall not exceed 3 in the case of bona fide equity partners of a partnership.

Bona fide landowners or tenants who do not wish to hunt only on the land they own, rent, or lease or bona fide equity shareholders, bona fide equity members, or bona fide equity partners who do not wish to hunt only on the land owned by the corporation, limited liability company, or partnership shall be charged the same fee as the applicant who is not a landowner, tenant, bona fide equity shareholder, bona fide equity member, or bona fide equity partner. Nonresidents of Illinois who own at least 40 acres of land and wish to hunt on their land only shall be charged a fee set by administrative rule. The method for obtaining these permits shall be prescribed by administrative rule.

The deer hunting permit issued without fee shall be valid on all farm lands which the person to whom it is issued owns, leases or rents, except that in the case of a permit issued to a bona fide equity shareholder, bona fide equity member, or bona fide equity partner, the permit shall be valid on all lands owned by the corporation, limited liability company, or partnership in the county.

The standards and specifications for use of guns and bow and arrow for deer hunting shall be established by administrative rule.

No person may have in his possession any firearm not authorized by administrative rule for a specific hunting season when taking deer.

Persons having a firearm deer hunting permit shall be permitted to take deer only during the period from 1/2 hour before sunrise to 1/2 hour after sunset, and only during those days for which an open season is established for the taking of deer by use of shotgun, handgun, or muzzle loading rifle.

New matter indicated by italics - deletions by strikeout
Persons having an archery deer hunting permit shall be permitted to take deer only during the period from 1/2 hour before sunrise to 1/2 hour after sunset, and only during those days for which an open season is established for the taking of deer by use of bow and arrow.

It shall be unlawful for any person to take deer by use of dogs, horses, automobiles, aircraft or other vehicles, or by the use or aid of bait or baiting of any kind. For the purposes of this Section, "bait" means any material, whether liquid or solid, including food, salt, minerals, and other products, except pure water, that can be ingested, placed, or scattered in such a manner as to attract or lure white-tailed deer. "Baiting" means the placement or scattering of bait to attract deer. An area is considered as baited during the presence of and for 10 consecutive days following the removal of bait. Nothing in this Section shall prohibit the use of a dog to track wounded deer. Any person using a dog for tracking wounded deer must maintain physical control of the dog at all times by means of a maximum 50 foot lead attached to the dog's collar or harness. Tracking wounded deer is permissible at night, but at no time outside of legal deer hunting hours or seasons shall any person handling or accompanying a dog being used for tracking wounded deer be in possession of any firearm or archery device. Persons tracking wounded deer with a dog during the firearm deer seasons shall wear blaze orange as required. Dog handlers tracking wounded deer with a dog are exempt from hunting license and deer permit requirements so long as they are accompanied by the licensed deer hunter who wounded the deer.

It shall be unlawful to possess or transport any wild deer which has been injured or killed in any manner upon a public highway or public right-of-way of this State unless exempted by administrative rule.

Persons hunting deer must have gun unloaded and no bow and arrow device shall be carried with the arrow in the nocked position during hours when deer hunting is unlawful.

It shall be unlawful for any person, having taken the legal limit of deer by gun, to further participate with gun in any deer hunting party.

It shall be unlawful for any person, having taken the legal limit of deer by bow and arrow, to further participate with bow and arrow in any deer hunting party.

The Department may prohibit upland game hunting during the gun deer season by administrative rule.

The Department shall not limit the number of non-resident, either-sex or either-sex archery deer hunting permits to less than 20,000.

New matter indicated by italics - deletions by strikeout
Any person who violates any of the provisions of this Section, including administrative rules, shall be guilty of a Class B misdemeanor.

For the purposes of calculating acreage under this Section, the Department shall, after determining the total acreage of the applicable tract or tracts of land, round remaining fractional portions of an acre greater than or equal to half of an acre up to the next whole acre.

For the purposes of taking white-tailed deer, nothing in this Section shall be construed to prevent the manipulation, including mowing or cutting, of standing crops as a normal agricultural or soil stabilization practice, food plots, or normal agricultural practices, including planting, harvesting, and maintenance such as cultivating or the use of products designed for scent only and not capable of ingestion, solid or liquid, placed or scattered, in such a manner as to attract or lure deer. Such manipulation for the purpose of taking white-tailed deer may be further modified by administrative rule.

(Source: P.A. 97-564, eff. 8-25-11; 97-907, eff. 8-7-12; 98-180, eff. 8-5-13; revised 10-20-15.)

(520 ILCS 5/3.1-6 new)
Sec. 3.1-6. Special deer, turkey, and combination hunting licenses.
(a) For the purpose of this Section:
"Bona fide equity member" means an individual who:
(1) (i) became a member upon the formation of the limited liability company or (ii) has purchased a distributional interest in a limited liability company for a value equal to the percentage of the appraised value of the LLC assets represented by the distributional interest in the LLC and subsequently becomes a member of the company under Article 30 of the Limited Liability Company Act; and
(2) intends to retain the membership for at least 5 years.
"Bona fide equity partner" means an individual who:
(1) (i) became a partner, either general or limited, upon the formation of a partnership or limited partnership, or (ii) has purchased, acquired, or been gifted a partnership interest accurately representing his or her percentage distributional interest in the profits, losses, and assets of a partnership or limited partnership;
(2) intends to retain ownership of the partnership interest for at least 5 years; and
(3) is a resident of this State.

New matter indicated by italics - deletions by strikeout
"Bona fide equity shareholder" means an individual who:

(1) purchased, for market price, publicly sold stock shares in a corporation, purchased shares of a privately-held corporation for a value equal to the percentage of the appraised value of the corporate assets represented by the ownership in the corporation, or is a member of a closely-held family-owned corporation and has purchased or been gifted with shares of stock in the corporation accurately reflecting his or her percentage of ownership; and

(2) intends to retain the ownership of the shares of stock for at least 5 years.

(b) Landowner Deer, Turkey, and combination permits shall be issued without charge to:

(1) Illinois landowners residing in this State who own at least 40 acres of Illinois land and wish to hunt upon their land only;

(2) resident tenants of at least 40 acres of commercial agricultural land where they will hunt; and

(3) bona fide equity shareholders of a corporation, bona fide equity members of a limited liability company, or bona fide equity partners of a general or limited partnership which owns at least 40 acres of land in a county in this State who wish to hunt on the corporation's, company's, or partnership's land only. One permit shall be issued without charge to one bona fide equity shareholder, one bona fide equity member, or one bona fide equity partner for each 40 acres of land owned by the corporation, company, or partnership in a county; however, the number of permits issued without charge to bona fide equity shareholders of any corporation or bona fide equity members of a limited liability company in any county shall not exceed 15, and shall not exceed 3 in the case of bona fide equity partners of a partnership. Bona fide landowners or tenants who do not wish to hunt only on the land they own, rent, or lease or bona fide equity shareholders, bona fide equity members, or bona fide equity partners who do not wish to hunt only on the land owned by the corporation, limited liability company, or partnership shall be charged the same fee as the applicant who is not a landowner, tenant, bona fide equity shareholder, bona fide equity member, or bona fide equity partner. Nonresidents of this State who own at least 40 acres of land and wish to hunt on their land only shall be charged a fee set by
administrative rule. The method for obtaining these permits shall be prescribed by administrative rule.
(c) The deer, turkey, or combination hunting permit issued without fee shall be valid on all farm lands which the person to whom it is issued owns, leases or rents, except that in the case of a permit issued to a bona fide equity shareholder, bona fide equity member, or bona fide equity partner, the permit shall be valid on all lands owned by the corporation, limited liability company, or partnership in the county.

Approved August 22, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0870
(Senate Bill No. 3007)

AN ACT concerning public aid.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. This Act may be referred to as the Survivor Support and Trafficking Prevention Act.

Section 5. The Illinois Public Aid Code is amended by changing Sections 1-11 and 5-2 and by adding Section 2-19 and Article XVI as follows:

(305 ILCS 5/1-11)
Sec. 1-11. Citizenship. To the extent not otherwise provided in this Code or federal law, all clients who receive cash or medical assistance under Article III, IV, V, or VI of this Code must meet the citizenship requirements as established in this Section. To be eligible for assistance an individual, who is otherwise eligible, must be either a United States citizen or included in one of the following categories of non-citizens:

(1) United States veterans honorably discharged and persons on active military duty, and the spouse and unmarried dependent children of these persons;
(2) Refugees under Section 207 of the Immigration and Nationality Act;
(3) Asylees under Section 208 of the Immigration and Nationality Act;
(4) Persons for whom deportation has been withheld under Section 243(h) of the Immigration and Nationality Act;

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(5) Persons granted conditional entry under Section 203(a)(7) of the Immigration and Nationality Act as in effect prior to April 1, 1980;

(6) Persons lawfully admitted for permanent residence under the Immigration and Nationality Act;

(7) Parolees, for at least one year, under Section 212(d)(5) of the Immigration and Nationality Act;

(8) Nationals of Cuba or Haiti admitted on or after April 21, 1980;

(9) Amerasians from Vietnam, and their close family members, admitted through the Orderly Departure Program beginning on March 20, 1988;

(10) Persons identified by the federal Office of Refugee Resettlement (ORR) as victims of trafficking;

(11) Persons legally residing in the United States who were members of a Hmong or Highland Laotian tribe when the tribe helped United States personnel by taking part in a military or rescue operation during the Vietnam era (between August 5, 1965 and May 7, 1975); this also includes the person's spouse, a widow or widower who has not remarried, and unmarried dependent children;

(12) American Indians born in Canada under Section 289 of the Immigration and Nationality Act and members of an Indian tribe as defined in Section 4e of the Indian Self-Determination and Education Assistance Act; and

(13) Persons who are a spouse, widow, or child of a U.S. citizen or a spouse or child of a legal permanent resident (LPR) who have been battered or subjected to extreme cruelty by the U.S. citizen or LPR or a member of that relative's family who lived with them, who no longer live with the abuser or plan to live separately within one month of receipt of assistance and whose need for assistance is due, at least in part, to the abuse; and

(14) Persons who are foreign-born victims of trafficking, torture, or other serious crimes as defined in Section 2-19 of this Code.

Those persons who are in the categories set forth in subdivisions 6 and 7 of this Section, who enter the United States on or after August 22, 1996, shall not be eligible for 5 years beginning on the date the person entered the United States.

New matter indicated by italics - deletions by strikeout
The Illinois Department may, by rule, cover prenatal care or emergency medical care for non-citizens who are not otherwise eligible under this Section. Local governmental units which do not receive State funds may impose their own citizenship requirements and are authorized to provide any benefits and impose any citizenship requirements as are allowed under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193).

(Source: P.A. 93-342, eff. 7-24-03.)

(305 ILCS 5/2-19 new)

Sec. 2-19. Foreign-born victims of trafficking, torture, or other serious crimes. "Foreign-born victim of trafficking, torture, or other serious crimes" means a person who is:

(1) a non-citizen victim of a severe form of trafficking in persons who has been subjected to an act or practice described in Section 7102 of Title 22 of the United States Code or Section 10-9 of the Criminal Code of 2012;

(2) a non-citizen victim of an act or practice described in Section 1101(a)(15)(U)(iii) of Title 8 of the United States Code; or

(3) a non-citizen who has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion as set forth in Section 1101(a)(42)(A) of Title 8 of the United States Code.

(305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

Sec. 5-2. Classes of Persons Eligible.

Medical assistance under this Article shall be available to any of the following classes of persons in respect to whom a plan for coverage has been submitted to the Governor by the Illinois Department and approved by him. If changes made in this Section 5-2 require federal approval, they shall not take effect until such approval has been received:

1. Recipients of basic maintenance grants under Articles III and IV.

2. Beginning January 1, 2014, persons otherwise eligible for basic maintenance under Article III, excluding any eligibility requirements that are inconsistent with any federal law or federal regulation, as interpreted by the U.S. Department of Health and Human Services, but who fail to qualify thereunder on the basis of need, and who have insufficient income and resources to meet the costs of necessary medical care, including but not limited to the following:

New matter indicated by italics - deletions by strikeout
(a) All persons otherwise eligible for basic maintenance under Article III but who fail to qualify under that Article on the basis of need and who meet either of the following requirements:

(i) their income, as determined by the Illinois Department in accordance with any federal requirements, is equal to or less than 100% of the federal poverty level; or

(ii) their income, after the deduction of costs incurred for medical care and for other types of remedial care, is equal to or less than 100% of the federal poverty level.

(b) (Blank).

3. (Blank).

4. Persons not eligible under any of the preceding paragraphs who fall sick, are injured, or die, not having sufficient money, property or other resources to meet the costs of necessary medical care or funeral and burial expenses.

5. (a) Women during pregnancy and during the 60-day period beginning on the last day of the pregnancy, together with their infants, whose income is at or below 200% of the federal poverty level. Until September 30, 2019, or sooner if the maintenance of effort requirements under the Patient Protection and Affordable Care Act are eliminated or may be waived before then, women during pregnancy and during the 60-day period beginning on the last day of the pregnancy, whose countable monthly income, after the deduction of costs incurred for medical care and for other types of remedial care as specified in administrative rule, is equal to or less than the Medical Assistance-No Grant(C) (MANG(C)) Income Standard in effect on April 1, 2013 as set forth in administrative rule.

(b) The plan for coverage shall provide ambulatory prenatal care to pregnant women during a presumptive eligibility period and establish an income eligibility standard that is equal to 200% of the federal poverty level, provided that costs incurred for medical care are not taken into account in determining such income eligibility.

(c) The Illinois Department may conduct a demonstration in at least one county that will provide medical assistance to pregnant women, together with their infants and children up to one year of age,

New matter indicated by italics - deletions by strikeout
age, where the income eligibility standard is set up to 185% of the nonfarm income official poverty line, as defined by the federal Office of Management and Budget. The Illinois Department shall seek and obtain necessary authorization provided under federal law to implement such a demonstration. Such demonstration may establish resource standards that are not more restrictive than those established under Article IV of this Code.

6. (a) Children younger than age 19 when countable income is at or below 133% of the federal poverty level. Until September 30, 2019, or sooner if the maintenance of effort requirements under the Patient Protection and Affordable Care Act are eliminated or may be waived before then, children younger than age 19 whose countable monthly income, after the deduction of costs incurred for medical care and for other types of remedial care as specified in administrative rule, is equal to or less than the Medical Assistance-No Grant(C) (MANG(C)) Income Standard in effect on April 1, 2013 as set forth in administrative rule.

(b) Children and youth who are under temporary custody or guardianship of the Department of Children and Family Services or who receive financial assistance in support of an adoption or guardianship placement from the Department of Children and Family Services.

7. (Blank).

8. As required under federal law, persons who are eligible for Transitional Medical Assistance as a result of an increase in earnings or child or spousal support received. The plan for coverage for this class of persons shall:

(a) extend the medical assistance coverage to the extent required by federal law; and

(b) offer persons who have initially received 6 months of the coverage provided in paragraph (a) above, the option of receiving an additional 6 months of coverage, subject to the following:

(i) such coverage shall be pursuant to provisions of the federal Social Security Act;
(ii) such coverage shall include all services covered under Illinois' State Medicaid Plan;
(iii) no premium shall be charged for such coverage; and

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(iv) such coverage shall be suspended in the event of a person's failure without good cause to file in a timely fashion reports required for this coverage under the Social Security Act and coverage shall be reinstated upon the filing of such reports if the person remains otherwise eligible.

9. Persons with acquired immunodeficiency syndrome (AIDS) or with AIDS-related conditions with respect to whom there has been a determination that but for home or community-based services such individuals would require the level of care provided in an inpatient hospital, skilled nursing facility or intermediate care facility the cost of which is reimbursed under this Article. Assistance shall be provided to such persons to the maximum extent permitted under Title XIX of the Federal Social Security Act.

10. Participants in the long-term care insurance partnership program established under the Illinois Long-Term Care Partnership Program Act who meet the qualifications for protection of resources described in Section 15 of that Act.

11. Persons with disabilities who are employed and eligible for Medicaid, pursuant to Section 1902(a)(10)(A)(ii)(xv) of the Social Security Act, and, subject to federal approval, persons with a medically improved disability who are employed and eligible for Medicaid pursuant to Section 1902(a)(10)(A)(ii)(xvi) of the Social Security Act, as provided by the Illinois Department by rule. In establishing eligibility standards under this paragraph 11, the Department shall, subject to federal approval:

   (a) set the income eligibility standard at not lower than 350% of the federal poverty level;
   (b) exempt retirement accounts that the person cannot access without penalty before the age of 59 1/2, and medical savings accounts established pursuant to 26 U.S.C. 220;
   (c) allow non-exempt assets up to $25,000 as to those assets accumulated during periods of eligibility under this paragraph 11; and
   (d) continue to apply subparagraphs (b) and (c) in determining the eligibility of the person under this Article even if the person loses eligibility under this paragraph 11.

New matter indicated by italics - deletions by strikeout
12. Subject to federal approval, persons who are eligible for medical assistance coverage under applicable provisions of the federal Social Security Act and the federal Breast and Cervical Cancer Prevention and Treatment Act of 2000. Those eligible persons are defined to include, but not be limited to, the following persons:

(1) persons who have been screened for breast or cervical cancer under the U.S. Centers for Disease Control and Prevention Breast and Cervical Cancer Program established under Title XV of the federal Public Health Services Act in accordance with the requirements of Section 1504 of that Act as administered by the Illinois Department of Public Health; and

(2) persons whose screenings under the above program were funded in whole or in part by funds appropriated to the Illinois Department of Public Health for breast or cervical cancer screening.

"Medical assistance" under this paragraph 12 shall be identical to the benefits provided under the State's approved plan under Title XIX of the Social Security Act. The Department must request federal approval of the coverage under this paragraph 12 within 30 days after the effective date of this amendatory Act of the 92nd General Assembly.

In addition to the persons who are eligible for medical assistance pursuant to subparagraphs (1) and (2) of this paragraph 12, and to be paid from funds appropriated to the Department for its medical programs, any uninsured person as defined by the Department in rules residing in Illinois who is younger than 65 years of age, who has been screened for breast and cervical cancer in accordance with standards and procedures adopted by the Department of Public Health for screening, and who is referred to the Department by the Department of Public Health as being in need of treatment for breast or cervical cancer is eligible for medical assistance benefits that are consistent with the benefits provided to those persons described in subparagraphs (1) and (2). Medical assistance coverage for the persons who are eligible under the preceding sentence is not dependent on federal approval, but federal moneys may be used to pay for services provided under that coverage upon federal approval.

New matter indicated by italics - deletions by strikeout
13. Subject to appropriation and to federal approval, persons living with HIV/AIDS who are not otherwise eligible under this Article and who qualify for services covered under Section 5-5.04 as provided by the Illinois Department by rule.

14. Subject to the availability of funds for this purpose, the Department may provide coverage under this Article to persons who reside in Illinois who are not eligible under any of the preceding paragraphs and who meet the income guidelines of paragraph 2(a) of this Section and (i) have an application for asylum pending before the federal Department of Homeland Security or on appeal before a court of competent jurisdiction and are represented either by counsel or by an advocate accredited by the federal Department of Homeland Security and employed by a not-for-profit organization in regard to that application or appeal, or (ii) are receiving services through a federally funded torture treatment center. Medical coverage under this paragraph 14 may be provided for up to 24 continuous months from the initial eligibility date so long as an individual continues to satisfy the criteria of this paragraph 14. If an individual has an appeal pending regarding an application for asylum before the Department of Homeland Security, eligibility under this paragraph 14 may be extended until a final decision is rendered on the appeal. The Department may adopt rules governing the implementation of this paragraph 14.

15. Family Care Eligibility.

(a) On and after July 1, 2012, a parent or other caretaker relative who is 19 years of age or older whose countable income is at or below 133% of the federal poverty level. A person may not spend down to become eligible under this paragraph 15.

(b) Eligibility shall be reviewed annually.

(c) (Blank).

(d) (Blank).

(e) (Blank).

(f) (Blank).

(g) (Blank).

(h) (Blank).

(i) Following termination of an individual's coverage under this paragraph 15, the individual must be determined eligible before the person can be re-enrolled.

New matter indicated by italics - deletions by strikeout
16. Subject to appropriation, uninsured persons who are not otherwise eligible under this Section who have been certified and referred by the Department of Public Health as having been screened and found to need diagnostic evaluation or treatment, or both diagnostic evaluation and treatment, for prostate or testicular cancer. For the purposes of this paragraph 16, uninsured persons are those who do not have creditable coverage, as defined under the Health Insurance Portability and Accountability Act, or have otherwise exhausted any insurance benefits they may have had, for prostate or testicular cancer diagnostic evaluation or treatment, or both diagnostic evaluation and treatment. To be eligible, a person must furnish a Social Security number. A person's assets are exempt from consideration in determining eligibility under this paragraph 16. Such persons shall be eligible for medical assistance under this paragraph 16 for so long as they need treatment for the cancer. A person shall be considered to need treatment if, in the opinion of the person's treating physician, the person requires therapy directed toward cure or palliation of prostate or testicular cancer, including recurrent metastatic cancer that is a known or presumed complication of prostate or testicular cancer and complications resulting from the treatment modalities themselves. Persons who require only routine monitoring services are not considered to need treatment. "Medical assistance" under this paragraph 16 shall be identical to the benefits provided under the State's approved plan under Title XIX of the Social Security Act. Notwithstanding any other provision of law, the Department (i) does not have a claim against the estate of a deceased recipient of services under this paragraph 16 and (ii) does not have a lien against any homestead property or other legal or equitable real property interest owned by a recipient of services under this paragraph 16.

17. Persons who, pursuant to a waiver approved by the Secretary of the U.S. Department of Health and Human Services, are eligible for medical assistance under Title XIX or XXI of the federal Social Security Act. Notwithstanding any other provision of this Code and consistent with the terms of the approved waiver, the Illinois Department, may by rule:

(a) Limit the geographic areas in which the waiver program operates.

New matter indicated by italics - deletions by strikeout
(b) Determine the scope, quantity, duration, and quality, and the rate and method of reimbursement, of the medical services to be provided, which may differ from those for other classes of persons eligible for assistance under this Article.

(c) Restrict the persons' freedom in choice of providers.

18. Beginning January 1, 2014, persons aged 19 or older, but younger than 65, who are not otherwise eligible for medical assistance under this Section 5-2, who qualify for medical assistance pursuant to 42 U.S.C. 1396a(a)(10)(A)(i)(VIII) and applicable federal regulations, and who have income at or below 133% of the federal poverty level plus 5% for the applicable family size as determined pursuant to 42 U.S.C. 1396a(e)(14) and applicable federal regulations. Persons eligible for medical assistance under this paragraph 18 shall receive coverage for the Health Benefits Service Package as that term is defined in subsection (m) of Section 5-1.1 of this Code. If Illinois' federal medical assistance percentage (FMAP) is reduced below 90% for persons eligible for medical assistance under this paragraph 18, eligibility under this paragraph 18 shall cease no later than the end of the third month following the month in which the reduction in FMAP takes effect.

19. Beginning January 1, 2014, as required under 42 U.S.C. 1396a(a)(10)(A)(i)(IX), persons older than age 18 and younger than age 26 who are not otherwise eligible for medical assistance under paragraphs (1) through (17) of this Section who (i) were in foster care under the responsibility of the State on the date of attaining age 18 or on the date of attaining age 21 when a court has continued wardship for good cause as provided in Section 2-31 of the Juvenile Court Act of 1987 and (ii) received medical assistance under the Illinois Title XIX State Plan or waiver of such plan while in foster care.

20. Beginning January 1, 2018, persons who are foreign-born victims of human trafficking, torture, or other serious crimes as defined in Section 2-19 of this Code and their derivative family members if such persons: (i) reside in Illinois; (ii) are not eligible under any of the preceding paragraphs; (iii) meet the income guidelines of subparagraph (a) of paragraph 2; and (iv) meet the
nonfinancial eligibility requirements of Sections 16-2, 16-3, and 16-5 of this Code. The Department may extend medical assistance for persons who are foreign-born victims of human trafficking, torture, or other serious crimes whose medical assistance would be terminated pursuant to subsection (b) of Section 16-5 if the Department determines that the person, during the year of initial eligibility (1) experienced a health crisis, (2) has been unable, after reasonable attempts, to obtain necessary information from a third party, or (3) has other extenuating circumstances that prevented the person from completing his or her application for status. The Department may adopt any rules necessary to implement the provisions of this paragraph.

In implementing the provisions of Public Act 96-20, the Department is authorized to adopt only those rules necessary, including emergency rules. Nothing in Public Act 96-20 permits the Department to adopt rules or issue a decision that expands eligibility for the FamilyCare Program to a person whose income exceeds 185% of the Federal Poverty Level as determined from time to time by the U.S. Department of Health and Human Services, unless the Department is provided with express statutory authority.

The eligibility of any such person for medical assistance under this Article is not affected by the payment of any grant under the Senior Citizens and Persons with Disabilities Property Tax Relief Act or any distributions or items of income described under subparagraph (X) of paragraph (2) of subsection (a) of Section 203 of the Illinois Income Tax Act.

The Department shall by rule establish the amounts of assets to be disregarded in determining eligibility for medical assistance, which shall at a minimum equal the amounts to be disregarded under the Federal Supplemental Security Income Program. The amount of assets of a single person to be disregarded shall not be less than $2,000, and the amount of assets of a married couple to be disregarded shall not be less than $3,000.

To the extent permitted under federal law, any person found guilty of a second violation of Article VIIIA shall be ineligible for medical assistance under this Article, as provided in Section 8A-8.

The eligibility of any person for medical assistance under this Article shall not be affected by the receipt by the person of donations or benefits from fundraisers held for the person in cases of serious illness, as long as neither the person nor members of the person's family have actual
control over the donations or benefits or the disbursement of the donations or benefits.

Notwithstanding any other provision of this Code, if the United States Supreme Court holds Title II, Subtitle A, Section 2001(a) of Public Law 111-148 to be unconstitutional, or if a holding of Public Law 111-148 makes Medicaid eligibility allowed under Section 2001(a) inoperable, the State or a unit of local government shall be prohibited from enrolling individuals in the Medical Assistance Program as the result of federal approval of a State Medicaid waiver on or after the effective date of this amendatory Act of the 97th General Assembly, and any individuals enrolled in the Medical Assistance Program pursuant to eligibility permitted as a result of such a State Medicaid waiver shall become immediately ineligible.

Notwithstanding any other provision of this Code, if an Act of Congress that becomes a Public Law eliminates Section 2001(a) of Public Law 111-148, the State or a unit of local government shall be prohibited from enrolling individuals in the Medical Assistance Program as the result of federal approval of a State Medicaid waiver on or after the effective date of this amendatory Act of the 97th General Assembly, and any individuals enrolled in the Medical Assistance Program pursuant to eligibility permitted as a result of such a State Medicaid waiver shall become immediately ineligible.

Effective October 1, 2013, the determination of eligibility of persons who qualify under paragraphs 5, 6, 8, 15, 17, and 18 of this Section shall comply with the requirements of 42 U.S.C. 1396a(e)(14) and applicable federal regulations.

The Department of Healthcare and Family Services, the Department of Human Services, and the Illinois health insurance marketplace shall work cooperatively to assist persons who would otherwise lose health benefits as a result of changes made under this amendatory Act of the 98th General Assembly to transition to other health insurance coverage.

(Source: P.A. 98-104, eff. 7-22-13; 98-463, eff. 8-16-13; 99-143, eff. 7-27-15.)

(305 ILCS 5/Art. XVI heading new)

ARTICLE XVI. SURVIVOR SUPPORT AND TRAFFICKING PREVENTION

(305 ILCS 5/16-1 new)

New matter indicated by italics - deletions by strikeout
Sec. 16-1. Benefits for foreign-born victims of trafficking, torture, or other serious crimes. In order to protect persons who are foreign-born victims of trafficking, torture, or other serious crimes and to reduce the risk of further harm, exploitation, and re-trafficking, beginning January 1, 2018, cash assistance provided under the Temporary Assistance for Needy Families program established under Article IV of this Code and benefits provided under the federal Supplemental Nutrition Assistance Program (SNAP) shall be provided to such persons and their derivative family members to the same extent cash assistance and SNAP benefits are provided to individuals who are admitted to the United States as refugees under Section 1157 of Title 8 of the United States Code. To the extent that federal funding is not available, any cash assistance or SNAP benefits provided under this Article shall be paid from State funds. If changes made in this Section require federal approval, they shall not take effect until such approval has been received.

(305 ILCS 5/16-2 new)

Sec. 16-2. Eligibility. A foreign-born victim of trafficking, torture, or other serious crimes and his or her derivative family members are eligible for cash assistance or SNAP benefits under this Article if:

(a) he or she:

(1) has filed or is preparing to file an application for T Nonimmigrant status with the appropriate federal agency pursuant to Section 1101(a)(15)(T) of Title 8 of the United States Code, or is otherwise taking steps to meet the conditions for federal benefits eligibility under Section 7105 of Title 22 of the United States Code;

(2) has filed or is preparing to file a formal application with the appropriate federal agency for status pursuant to Section 1101(a)(15)(U) of Title 8 of the United States Code; or

(3) has filed or is preparing to file a formal application with the appropriate federal agency for status under Section 1158 of Title 8 of the United States Code; and

(b) is otherwise eligible for cash assistance or SNAP benefits, as applicable.

(305 ILCS 5/16-3 new)

Sec. 16-3. Determination of eligibility.

New matter indicated by italics - deletions by strikeout
(a) The Department shall determine that an applicant for cash assistance or SNAP benefits provided under this Article is eligible for such benefits if the applicant meets the income guidelines and is otherwise eligible and either:

(1) the applicant has filed:
   (A) an application for T Nonimmigrant status with the appropriate federal agency pursuant to Section 1101(a)(15)(T) of Title 8 of the United States Code, or is otherwise taking steps to meet the conditions for federal benefits eligibility under Section 7105 of Title 22 of the United States Code;
   (B) a formal application with the appropriate federal agency for status pursuant to Section 1101(a)(15)(U) of Title 8 of the United States Code; or
   (C) a formal application with the appropriate federal agency for status under Section 1158 of Title 8 of the United States Code; or
(2) the applicant, or a representative of the applicant if the applicant is not competent, has provided to the Department:
   (A) a sworn statement that he or she is a foreign-born victim of trafficking, torture, or other serious crimes; and
   (B) at least one item of additional credible evidence, including, but not limited to, any of the following:
      (i) police, government agency, or court records or files;
      (ii) news articles;
      (iii) documentation from a social services, trafficking, domestic violence program or rape crisis center, or a legal, clinical, medical, or other professional from whom the applicant or recipient has sought assistance in dealing with the crime;
      (iv) a statement from any other individual with knowledge of the circumstances that provided the basis for the claim;
      (v) physical evidence;
      (vi) a copy of a completed visa application;

New matter indicated by italics - deletions by strikeout
(vii) written notice from the federal agency of receipt of the visa application.

(b) The Department may, in its discretion, provide cash assistance or SNAP benefits pursuant to this Article to an applicant who cannot provide additional evidence as set forth in subparagraph (B) of paragraph (2) of subsection (a) if:

(1) the applicant, or a representative of the applicant if the applicant is not competent, has provided a sworn statement that he or she is a foreign-born victim of trafficking, torture, or other serious crimes; and

(2) the Department determines that the applicant is credible.

(305 ILCS 5/16-4 new)

Sec. 16-4. Work requirements and exemptions.

(a) Persons who are foreign-born victims of trafficking, torture, or other serious crimes and who are receiving cash assistance or SNAP benefits under this Article shall be subject to the same work requirements and work requirement exemptions as other recipients of cash assistance or SNAP benefits, provided that compliance with these requirements is authorized by law.

(b) A person who is a foreign-born victim of trafficking, torture, or other serious crimes shall be exempted from any work requirements if physical or psychological trauma related to or arising from the trafficking, torture, or other serious crimes impedes his or her ability to comply.

(305 ILCS 5/16-5 new)

Sec. 16-5. Termination of benefits.

(a) Any cash assistance or SNAP benefits provided under this Article to a person who is a foreign-born victim of trafficking, torture, or other serious crimes and his or her derivative family members shall be terminated if there is a final denial of that person's visa or asylum application under Sections 1101(a)(15)(T), 1101(a)(15)(U), or 1158 of Title 8 of the United States Code.

(b) A person who is a foreign-born victim of trafficking, torture, or other serious crimes and his or her derivative family members shall be ineligible for continued State-funded cash assistance or SNAP benefits provided under this Article if that person has not filed a formal application for status pursuant to Sections 1101(a)(15)(T), 1101(a)(15)(U), or 1158 of Title 8 of the United States Code within one
year after the date of his or her application for cash assistance or SNAP benefits provided under this Article. The Department of Human Services may extend the person's and his or her derivative family members' eligibility for medical assistance, cash assistance, or SNAP benefits beyond one year if the Department determines that the person, during the year of initial eligibility (i) experienced a health crisis, (ii) has been unable, after reasonable attempts, to obtain necessary information from a third party, or (iii) has other extenuating circumstances that prevented the person from completing his or her application for status.

(305 ILCS 5/16-6 new)
Sec. 16-6. Rulemaking authority. The Department of Human Services shall adopt any rules necessary to implement the provisions of this Article on or before January 1, 2018.

(305 ILCS 5/16-7 new)
Sec. 16-7. Program termination. The provisions of this Article are inoperative on and after June 30, 2019.
Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly May 27, 2016.
Approved August 22, 2016.
Effective August 22, 2016.

PUBLIC ACT 99-0871
(House Bill No. 2569)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Code of Criminal Procedure of 1963 is amended by changing Section 113-4 as follows:

(725 ILCS 5/113-4) (from Ch. 38, par. 113-4)
Sec. 113-4. Plea. (a) When called upon to plead at arraignment the defendant shall be furnished with a copy of the charge and shall plead guilty, guilty but mentally ill, or not guilty.
(b) If the defendant stands mute a plea of not guilty shall be entered for him and the trial shall proceed on such plea.
(c) If the defendant pleads guilty such plea shall not be accepted until the court shall have fully explained to the defendant the following:

New matter indicated by italics - deletions by strikeout
(1) consequences of such plea and the maximum and minimum penalty provided by law for the offense which may be imposed by the court;

(2) as a consequence of a conviction or a plea of guilty, the sentence for any future conviction may be increased or there may be a higher possibility of the imposition of consecutive sentences;

(3) as a consequence of a conviction or a plea of guilty, there may be registration requirements that restrict where the defendant may work, live, or be present; and

(4) as a consequence of a conviction or a plea of guilty, there may be an impact upon the defendant's ability to, among others:

(A) retain or obtain housing in the public or private market;

(B) retain or obtain employment; and

(C) retain or obtain a firearm, an occupational license, or a driver's license.

After such explanation if the defendant understandingly persists in his plea it shall be accepted by the court and recorded.

(d) If the defendant pleads guilty but mentally ill, the court shall not accept such a plea until the defendant has undergone examination by a clinical psychologist or psychiatrist and the judge has examined the psychiatric or psychological report or reports, held a hearing on the issue of the defendant's mental condition and is satisfied that there is a factual basis that the defendant was mentally ill at the time of the offense to which the plea is entered.

(e) If a defendant pleads not guilty, the court shall advise him at that time or at any later court date on which he is present that if he escapes from custody or is released on bond and fails to appear in court when required by the court that his failure to appear would constitute a waiver of his right to confront the witnesses against him and trial could proceed in his absence.

(Source: P.A. 82-553.)

Approved August 22, 2016.
Effective January 1, 2017.
AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Nursing Home Care Act is amended by changing Section 3-206.01 as follows:

Sec. 3-206.01. Health care worker registry.

(a) The Department shall establish and maintain a Health Care Worker Registry accessible by health care employers, as defined in the Health Care Worker Background Check Act, that includes background check and training information registry of all individuals who (i) have satisfactorily completed the training required by Section 3-206, (ii) have begun a current course of training as set forth in Section 3-206, or (iii) are otherwise acting as a nursing assistant, habilitation aide, home health aide, psychiatric services rehabilitation aide, or child care aide. The registry shall include the individual's name, his or her current address, Social Security number, and the date and location of the training course completed by the individual, and whether the individual has any of the disqualifying convictions listed in Section 25 of the Health Care Worker Background Check Act from the date of the individual's last criminal records check. Any individual placed on the registry is required to inform the Department of any change of address within 30 days. A facility shall not employ an individual as a nursing assistant, habilitation aide, home health aide, psychiatric services rehabilitation aide, or child care aide, or newly hired as an individual who may have access to a resident, a resident's living quarters, or a resident's personal, financial, or medical records, unless the facility has inquired of the Department's health care worker registry as to information in the registry concerning the individual. The facility shall not employ an individual as a nursing assistant, habilitation aide, or child care aide if that individual is not on the registry unless the individual is enrolled in a training program under paragraph (5) of subsection (a) of Section 3-206 of this Act. The Department may also maintain a publicly accessible registry.

(a-5) The registry maintained by the Department exclusive to health care employers, as defined in the Health Care Worker Background Check Act.
Check Act, shall clearly indicate whether an applicant or employee is eligible for employment and shall include the following:

(1) information about the individual, including the individual’s name, his or her current address, Social Security number, the date and location of the training course completed by the individual, whether the individual has any of the disqualifying convictions listed in Section 25 of the Health Care Worker Background Check Act from the date of the individual’s last criminal record check, whether the individual has a waiver pending under Section 40 of the Health Care Worker Background Check Act, and whether the individual has received a waiver under Section 40 of that Act;

(2) the following language:

"A waiver granted by the Department of Public Health is a determination that the applicant or employee is eligible to work in a health care facility. The Equal Employment Opportunity Commission provides guidance about federal law regarding hiring of individuals with criminal records."

(3) a link to Equal Employment Opportunity Commission guidance regarding hiring of individuals with criminal records.

(a-10) After January 1, 2017, the publicly accessible registry maintained by the Department shall report that an individual is ineligible to work if he or she has a disqualifying offense under Section 25 of the Health Care Worker Background Check Act and has not received a waiver under Section 40 of that Act. If an applicant or employee has received a waiver for one or more disqualifying offenses under Section 40 of the Health Care Worker Background Check Act and he or she is otherwise eligible to work, the Department of Public Health shall report on the public registry that the applicant or employee is eligible to work. The Department, however, shall not report information regarding the waiver on the public registry.

(a-15) If the Department finds that a nursing assistant, habilitation aide, home health aide, psychiatric services rehabilitation aide, or child care aide, or an unlicensed individual, has abused or neglected a resident or an individual under his or her care or misappropriated property of a resident or an individual under his or her care, the Department shall notify the individual of this finding by certified mail sent to the address contained in the registry. The notice shall give the individual an opportunity to
contest the finding in a hearing before the Department or to submit a written response to the findings in lieu of requesting a hearing. If, after a hearing or if the individual does not request a hearing, the Department finds that the individual abused a resident, neglected a resident, or misappropriated resident property in a facility, the finding shall be included as part of the registry as well as a clear and accurate summary from the individual, if he or she chooses to make such a statement. The Department shall make the following information in the registry available to the public: an individual's full name; the date an individual successfully completed a nurse aide training or competency evaluation; and whether the Department has made a finding that an individual has been guilty of abuse or neglect of a resident or misappropriation of resident property. In the case of inquiries to the registry concerning an individual listed in the registry, any information disclosed concerning such a finding shall also include disclosure of the individual's statement in the registry relating to the finding or a clear and accurate summary of the statement.

(b) The Department shall add to the health care worker registry records of findings as reported by the Inspector General or remove from the health care worker registry records of findings as reported by the Department of Human Services, under subsection (s) of Section 1-17 of the Department of Human Services Act.

(Source: P.A. 99-78, eff. 7-20-15.)

Section 10. The Health Care Worker Background Check Act is amended by changing Sections 25, 33, and 40 and by adding Section 40.1 as follows:

(225 ILCS 46/25)

Sec. 25. Hiring of people with criminal records Persons ineligible to be hired by health care employers and long-term care facilities.

(a) A health care employer or long-term care facility may hire, employ, or retain any individual in a position involving direct care for clients, patients, or residents, or access to the living quarters or the financial, medical, or personal records of clients, patients, or residents who has been convicted of committing or attempting to commit one or more of the following offenses only with a waiver described in Section 40 in the discretion of the Director of Public Health, as soon after January 1, 1996, January 1, 1997, January 1, 2006, or October 1, 2007, as applicable, and as is reasonably practical; no health care employer shall knowingly hire, employ, or retain any individual in a position with duties involving direct care for clients, patients, or residents, and no long-term care facility

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shall knowingly hire, employ, or retain any individual in a position with duties that involve or may involve contact with residents or access to the living quarters or the financial, medical, or personal records of residents; who has been convicted of committing or attempting to commit one or more of the following offenses: those defined in Sections 8-1(b), 8-1.1, 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, 9-3.3, 9-3.4, 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-7, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-9.1, 11-9.5, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-1, 12-2, 12-3.05, 12-3.1, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-7.4, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-19, 12-21, 12-21.6, 12-32, 12-33, 12C-5, 16-1, 16-1.3, 16-25, 16A-3, 17-3, 17-56, 18-1, 18-2, 18-3, 18-4, 18-5, 19-1, 19-3, 19-4, 19-6, 20-1, 20-1.1, 24-1, 24-1.2, 24-1.5, or 33A-2, or subdivision (a)(4) of Section 11-14.4, or in subsection (a) of Section 12-3 or subsection (a) or (b) of Section 12-4.4a, of the Criminal Code of 1961 or the Criminal Code of 2012; those provided in Section 4 of the Wrongs to Children Act; those provided in Section 53 of the Criminal Jurisprudence Act; those defined in subsection (c), (d), (e), (f), or (g) of Section 5 or Section ; 5.1, 5.2, 7, or 9 of the Cannabis Control Act; those defined in the Methamphetamine Control and Community Protection Act; or those defined in Sections 401, 401.1, 404, 405, 405.1, 407, or 407.1 of the Illinois Controlled Substances Act, unless the applicant or employee obtains a waiver pursuant to Section 40.

(a-1) A health care employer or long-term care facility may hire, employ, or retain any individual in a position involving direct care for clients, patients, or residents, or access to the living quarters or the financial, medical, or personal records of clients, patients, or residents who has been convicted of committing or attempting to commit one or more of the following offenses only with a waiver described in Section 40: those in the discretion of the Director of Public Health, as soon after January 1, 2004 or October 1, 2007, as applicable, and as is reasonably practical, no health care employer shall knowingly hire any individual in a position with duties involving direct care for clients, patients, or residents; and no long-term care facility shall knowingly hire any individual in a position with duties that involve or may involve contact with residents or access to the living quarters or the financial, medical, or personal records of residents, who has (i) been convicted of committing or attempting to commit one or more of the offenses defined in Section 12-3.3, 12-4.2-5, 16-2, 16-30, 16G-15, 16G-20, 17-33, 17-34, 17-36, 17-44, 18-5, 20-1.2, 24-1.1, 24-1.2-5, 24-1.6, 24-3.2, or 24-3.3, or subsection (b) of Section 17-

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32, subsection (b) of Section 18-1, or subsection (b) of Section 20-1, of the Criminal Code of 1961 or the Criminal Code of 2012; Section 4, 5, 6, 8, or 17.02 of the Illinois Credit Card and Debit Card Act; or Section 11-9.1A of the Criminal Code of 1961 or the Criminal Code of 2012 or Section 5.1 of the Wrongs to Children Act; or (ii) violated Section 50-50 of the Nurse Practice Act; unless the applicant or employee obtains a waiver pursuant to Section 40 of this Act.

A health care employer is not required to retain an individual in a position with duties involving direct care for clients, patients, or residents, and no long-term care facility is required to retain an individual in a position with duties that involve or may involve contact with residents or access to the living quarters or the financial, medical, or personal records of residents, who has been convicted of committing or attempting to commit one or more of the offenses enumerated in this subsection.

(b) A health care employer shall not hire, employ, or retain any individual in a position with duties involving direct care of clients, patients, or residents, and no long-term care facility shall knowingly hire, employ, or retain any individual in a position with duties that involve or may involve contact with residents or access to the living quarters or the financial, medical, or personal records of residents, if the health care employer becomes aware that the individual has been convicted in another state of committing or attempting to commit an offense that has the same or similar elements as an offense listed in subsection (a) or (a-1), as verified by court records, records from a state agency, or an FBI criminal history record check, unless the applicant or employee obtains a waiver pursuant to Section 40 of this Act. This shall not be construed to mean that a health care employer has an obligation to conduct a criminal history records check in other states in which an employee has resided.

(Source: P.A. 96-710, eff. 1-1-10; 96-1551, Article 1, Section 930, eff. 7-1-11; 96-1551, Article 2, Section 995, eff. 7-1-11; 96-1551, Article 10, Section 10-40, eff. 7-1-11; 97-597, eff. 1-1-12; 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)

(225 ILCS 46/33)
Sec. 33. Fingerprint-based criminal history records check.
(a) A fingerprint-based criminal history records check is not required for health care employees who have been continuously employed by a health care employer since October 1, 2007, have met the requirements for criminal history background checks prior to October 1, 2007, and have no disqualifying convictions or requested and received a

New matter indicated by italics - deletions by strikeout
waiver of those disqualifying convictions. These employees shall be retained on the Health Care Worker Registry as long as they remain active. Nothing in this subsection (a) shall be construed to prohibit a health care employer from initiating a criminal history records check for these employees. Should these employees seek a new position with a different health care employer, then a fingerprint-based criminal history records check shall be required.

(b) On October 1, 2007 or as soon thereafter as is reasonably practical, in the discretion of the Director of Public Health, and thereafter, any student, applicant, or employee who desires to be included on the Department of Public Health's Health Care Worker Registry must authorize the Department of Public Health or its designee to request a fingerprint-based criminal history records check to determine if the individual has a conviction for a disqualifying offense. This authorization shall allow the Department of Public Health to request and receive information and assistance from any State or local governmental agency. Each individual shall submit his or her fingerprints to the Department of State Police in an electronic format that complies with the form and manner for requesting and furnishing criminal history record information prescribed by the Department of State Police. The fingerprints submitted under this Section shall be checked against the fingerprint records now and hereafter filed in the Department of State Police criminal history record databases. The Department of State Police shall charge a fee for conducting the criminal history records check, which shall not exceed the actual cost of the records check. The livescan vendor may act as the designee for individuals, educational entities, or health care employers in the collection of Department of State Police fees and deposit those fees into the State Police Services Fund. The Department of State Police shall provide information concerning any criminal convictions, now or hereafter filed, against the individual.

(c) On October 1, 2007 or as soon thereafter as is reasonably practical, in the discretion of the Director of Public Health, and thereafter, an educational entity, other than a secondary school, conducting a nurse aide training program must initiate a fingerprint-based criminal history records check requested by the Department of Public Health prior to entry of an individual into the training program.

(d) On October 1, 2007 or as soon thereafter as is reasonably practical, in the discretion of the Director of Public Health, and thereafter, a health care employer who makes a conditional offer of employment to an individual indicated by italics - deletions by strikeout
applicant for a position as an employee must initiate a fingerprint-based criminal history record check, requested by the Department of Public Health, on the applicant, if such a background check has not been previously conducted.

(e) When initiating a background check requested by the Department of Public Health, an educational entity or health care employer shall electronically submit to the Department of Public Health the student's, applicant's, or employee's social security number, demographics, disclosure, and authorization information in a format prescribed by the Department of Public Health within 2 working days after the authorization is secured. The student, applicant, or employee must have his or her fingerprints collected electronically and transmitted to the Department of State Police within 10 working days. The educational entity or health care employer must transmit all necessary information and fees to the livescan vendor and Department of State Police within 10 working days after receipt of the authorization. This information and the results of the criminal history record checks shall be maintained by the Department of Public Health's Health Care Worker Registry.

(f) A direct care employer may initiate a fingerprint-based background check requested by the Department of Public Health for any of its employees, but may not use this process to initiate background checks for residents. The results of any fingerprint-based background check that is initiated with the Department as the requestor shall be entered in the Health Care Worker Registry.

(g) As long as the employee has had a fingerprint-based criminal history record check requested by the Department of Public Health and stays active on the Health Care Worker Registry, no further criminal history record checks shall be deemed necessary, as the Department of State Police shall notify the Department of Public Health of any additional convictions associated with the fingerprints previously submitted. Health care employers are required to check the Health Care Worker Registry before hiring an employee to determine that the individual has had a fingerprint-based record check requested by the Department of Public Health and has no disqualifying convictions or has been granted a waiver pursuant to Section 40 of this Act. If the individual has not had such a background check or is not active on the Health Care Worker Registry, then the health care employer must initiate a fingerprint-based record check requested by the Department of Public Health. If an individual is inactive on the Health Care Worker Registry, that individual is prohibited

New matter indicated by italics - deletions by strikeout
from being hired to work as a certified nurse aide if, since the individual's most recent completion of a competency test, there has been a period of 24 consecutive months during which the individual has not provided nursing or nursing-related services for pay. If the individual can provide proof of having retained his or her certification by not having a 24 consecutive month break in service for pay, he or she may be hired as a certified nurse aide and that employment information shall be entered into the Health Care Worker Registry.

(h) On October 1, 2007 or as soon thereafter as is reasonably practical, in the discretion of the Director of Public Health, and thereafter, if the Department of State Police notifies the Department of Public Health that an employee has a new conviction of a disqualifying offense, based upon the fingerprints that were previously submitted, then (i) the Health Care Worker Registry shall notify the employee's last known employer of the offense, (ii) a record of the employee's disqualifying offense shall be entered on the Health Care Worker Registry, and (iii) the individual shall no longer be eligible to work as an employee unless he or she obtains a waiver pursuant to Section 40 of this Act.

(i) On October 1, 2007, or as soon thereafter, in the discretion of the Director of Public Health, as is reasonably practical, and thereafter, each direct care employer or its designee must provide an employment verification for each employee no less than annually. The direct care employer or its designee must log into the Health Care Worker Registry through a secure login. The health care employer or its designee must indicate employment and termination dates within 30 days after hiring or terminating an employee, as well as the employment category and type. Failure to comply with this subsection (i) constitutes a licensing violation. For health care employers that are not licensed or certified, a fine of up to $500 may be imposed for failure to maintain these records. This information shall be used by the Department of Public Health to notify the last known employer of any disqualifying offenses that are reported by the Department of State Police.

(j) The Department of Public Health shall notify each health care employer or long-term care facility inquiring as to the information on the Health Care Worker Registry if the applicant or employee listed on the registry has a disqualifying offense and is therefore ineligible to work. In the event that an applicant or employee has a waiver for one or more disqualifying offenses pursuant to Section 40 of this Act and he or she is otherwise eligible to work, the Department of Public Health shall report
that the applicant or employee is eligible to work and that additional information is available on the Health Care Worker Registry. The Department may report that the applicant or employee has received a waiver or has a waiver pursuant to Section 40 of this Act.

(k) The student, applicant, or employee must be notified of each of the following whenever a fingerprint-based criminal history records check is required:

(1) That the educational entity, health care employer, or long-term care facility shall initiate a fingerprint-based criminal history record check requested by the Department of Public Health of the student, applicant, or employee pursuant to this Act.

(2) That the student, applicant, or employee has a right to obtain a copy of the criminal records report that indicates a conviction for a disqualifying offense and challenge the accuracy and completeness of the report through an established Department of State Police procedure of Access and Review.

(3) That the applicant, if hired conditionally, may be terminated if the criminal records report indicates that the applicant has a record of a conviction of any of the criminal offenses enumerated in Section 25, unless the applicant obtains a waiver pursuant to Section 40 of this Act.

(4) That the applicant, if not hired conditionally, shall not be hired if the criminal records report indicates that the applicant has a record of a conviction of any of the criminal offenses enumerated in Section 25, unless the applicant obtains a waiver pursuant to Section 40 of this Act.

(5) That the employee shall be terminated if the criminal records report indicates that the employee has a record of a conviction of any of the criminal offenses enumerated in Section 25.

(6) If, after the employee has originally been determined not to have disqualifying offenses, the employer is notified that the employee has a new conviction(s) of any of the criminal offenses enumerated in Section 25, then the employee shall be terminated.

(l) A health care employer or long-term care facility may conditionally employ an applicant for up to 3 months pending the results of a fingerprint-based criminal history record check requested by the Department of Public Health.
(m) The Department of Public Health or an entity responsible for inspecting, licensing, certifying, or registering the health care employer or long-term care facility shall be immune from liability for notices given based on the results of a fingerprint-based criminal history record check.

(Source: P.A. 95-120, eff. 8-13-07.)

(225 ILCS 46/40)
Sec. 40. Waiver.
(a) Any student, applicant, or employee listed on the Health Care Worker Registry may request a waiver of the prohibition against employment by:

(1) completing a waiver application on a form prescribed by the Department of Public Health;

(2) providing a written explanation of each conviction to include (i) what happened, (ii) how many years have passed since the offense, (iii) the individuals involved, (iv) the age of the applicant at the time of the offense, and (v) any other circumstances surrounding the offense; and

(3) providing official documentation showing that all fines have been paid, if applicable and except for in the instance of payment of court-imposed fines or restitution in which the applicant is adhering to a payment schedule, and the date probation or parole was satisfactorily completed, if applicable.

(b) The applicant may, but is not required to, submit employment and character references and any other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents, patients, or clients.

(c) The Department of Public Health may, at the discretion of the Director of Public Health, grant a waiver to an applicant, student, or employee listed on the registry. The Department of Public Health shall must inform health care employers if a waiver is being sought by entering a record on the Health Care Worker Registry that a waiver is pending and must act upon the waiver request within 30 days of receipt of all necessary information, as defined by rule. The Department of Public Health shall send an applicant, student, or employee written notification of its decision whether to grant a waiver, including listing the specific disqualifying offenses for which the waiver is being granted or denied. The Department shall issue additional copies of this written notification upon the applicant's, student's, or employee's request. Except in cases where a

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rehabilitation waiver is granted, a letter shall be sent to the applicant notifying the applicant that he or she has received an automatic waiver.

(d) An individual shall not be employed from the time that the employer receives a notification from the Department of Public Health based upon the results of a fingerprint-based criminal history records check containing disqualifying conditions until the time that the individual receives a waiver.

(e) The entity responsible for inspecting, licensing, certifying, or registering the health care employer and the Department of Public Health shall be immune from liability for any waivers granted under this Section.

(f) A health care employer is not obligated to employ or offer permanent employment to an applicant, or to retain an employee who is granted a waiver under this Section.

(Source: P.A. 95-120, eff. 8-13-07; 95-545, eff. 8-28-07; 95-876, eff. 8-21-08; 96-565, eff. 8-18-09.)

(225 ILCS 46/40.1 new)

Sec. 40.1. Health Care Worker Registry working group.

(a) The Office of the Governor shall establish a working group regarding the activities under this Act, with the following goals:

(1) to evaluate and monitor the success of health care waivers under Section 40 in creating job opportunity for people with criminal records; and

(2) to identify and recommend changes to the waiver application and implementation process to reduce barriers for applicants or employees.

In order to ensure that the working group is fully informed, the Department of Public Health and the Governor's Office shall provide the working group with any relevant aggregate data currently available that is related to the waiver process and its effectiveness. The working group shall identify any gaps in information currently collected that would inform the working group's efforts and make recommendations to the Governor's Office and the General Assembly about what additional data should be collected to evaluate and monitor the success of the waiver process by July 1, 2017.

(b) The working group shall be comprised of representatives from advocacy and community-based organizations, individuals directly impacted by the waiver process, industry representatives, members of the General Assembly, and representatives from the Department of Public

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Health and the Office of the Governor. The working group shall meet at least 2 times each year.

Section 99. Effective date. This Act takes effect January 1, 2017.
Passed in the General Assembly June 29, 2016.
Approved August 22, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0873
(House Bill No. 5572)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Criminal Justice Information Act is amended by adding Section 15 as follows:

(20 ILCS 3930/15 new)

Sec. 15. Sex Offenses and Sex Offender Registration Task Force.
(a) The General Assembly acknowledges that numerous criminal offenses that are categorized as sex offenses are serious crimes that affect some of the most vulnerable victims.

(1) The Sex Offender Database was created as a statewide database for the purpose of making information regarding sex offenders publicly available so that victims may be aware of released offenders and law enforcement may have a tool to identify potential perpetrators of current offenses. In addition to the Registry, sex offenders may be subject to specific conditions and prohibitions for a period after the person's release from imprisonment that restricts where the person may reside, travel, and work.

(2) The General Assembly recognizes that the current Sex Offender Database and sex offender restrictions do not assess or differentiate based upon the specific risks of each offender, potential threat to public safety, or an offender's likelihood of re-offending.

(3) The General Assembly believes that a Task Force should be created to ensure that law enforcement and communities are able to identify high-risk sex offenders and focus on monitoring those offenders to protect victims, improve public safety, and maintain the seriousness of each offense.

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(b) The Sex Offenses and Sex Offender Registration Task Force is hereby created.

(1) The Task Force shall examine current offenses that require offenders to register as sex offenders, the current data and research regarding evidence based practices, the conditions, restrictions, and outcomes for registered sex offenders, and the registration process.

(2) The Task Force shall hold public hearings at the call of the co-chairpersons to receive testimony from the public and make recommendations to the General Assembly regarding legislative changes to more effectively classify sex offenders based on their level of risk of re-offending, better direct resources to monitor the most violent and high risk offenders, and to ensure public safety.

(3) The Task Force shall be an independent Task Force under the Illinois Criminal Justice Information Authority for administrative purposes, and shall consist of the following members:

(A) the Executive Director of the Illinois Criminal Justice Information Authority;
(B) the Director of Corrections, or his or her designee;
(B-5) the Director of Juvenile Justice, or his or her designee;
(C) 2 members of the House of Representatives appointed by the Speaker of the House of Representatives, one of whom shall serve as co-chairperson;
(D) 2 members of the Senate appointed by the President of the Senate, one of whom shall serve as a co-chairperson;
(E) a member of the Senate appointed by the Minority Leader of the Senate;
(F) a member of the House of Representatives appointed by the Minority Leader of the House of Representatives;
(G) the Director of State Police, or his or her designee;
(H) the Superintendent of the Chicago Police Department, or his or her designee;

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(I) the Chairperson of the Juvenile Justice Commission, or his or her designee;

(J) a representative of a statewide organization against sexual assault, appointed by the Executive Director of the Authority;

(K) 2 academics or researchers who have studied issues related to adult sex offending, appointed by the Executive Director of the Authority;

(L) a representative of a legal organization that works with adult sex offenders who focus on the collateral consequences of conviction and registration, appointed by the Executive Director of the Authority;

(M) a representative of a statewide organization representing probation and court services agencies in this State, appointed by the Executive Director of the Authority;

(N) a representative of a statewide organization representing Illinois sheriffs, appointed by the Executive Director of the Authority;

(O) a representative of a statewide organization representing Illinois police chiefs, appointed by the Executive Director of the Authority;

(P) 2 State's Attorneys to be appointed by the Executive Director of the Authority;

(Q) 2 treatment providers who specialize in adult treatment appointed by the Executive Director of the Authority;

(R) a treatment provider who specializes in working with victims of sex offenses, appointed by the Executive Director of the Authority;

(S) 2 representatives from community-based organizations that work with adults convicted of sex offenses on re-entry appointed by the Executive Director of the Authority;

(T) a representative of a statewide organization that represents or coordinates services for victims of sex offenses, appointed by the Executive Director of the Authority;

(U) a representative of a statewide organization that represents or is comprised of individuals convicted as

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adults of a sex offense who are currently on a registry, appointed by the Executive Director of the Authority; 
   (V) a public defender to be appointed by the Executive Director of the Authority; and 
   (W) an appellate defender to be appointed by the Executive Director of the Authority.

(c) The Illinois Criminal Justice Information Authority may consult, contract, work in conjunction with, and obtain any information from any individual, agency, association, or research institution deemed appropriate by the Authority.

(d) The Task Force shall submit a written report of its findings and recommendations to the General Assembly on or before January 1, 2018.

(e) This Section is repealed on January 1, 2019.

Passed in the General Assembly May 26, 2016.
Approved August 22, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0874
(House Bill No. 5613)

AN ACT concerning the Law Enforcement Information Task Force Act.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Law Enforcement Information Task Force Act.

Section 5. Task Force; purpose. There shall be created a Law Enforcement Information Task Force to study and make recommendations regarding criminal discovery and law enforcement information sharing.

Section 10. Members.

(a) The Task Force shall consist of the following members who will not be compensated:

   (1) the Director of the Administrative Office of the Illinois Courts, or his or her designee;
   (2) the Attorney General, or his or her designee;
   (3) the Director of State Police, or his or her designee;
   (3.5) the Secretary of the Department of Innovation and Technology, or his or her designee;

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(4) a State's Attorney from a county with more than 3,000,000 residents, or his or her designee;
(5) a public defender from a county with more than 3,000,000 residents, or his or her designee;
(6) a representative of the Office of the State's Attorneys Appellate Prosecutor;
(7) a representative of the Office of the State Appellate Defender;
(8) a representative of the Illinois State's Attorneys Association, appointed by the Governor;
(9) a representative of the Illinois Public Defender Association, appointed by the Governor;
(10) a representative from the Illinois Judges Association, appointed by the Speaker of the House of Representatives;
(11) a representative from the Illinois State Bar Association, appointed by the Minority Leader of the House of Representatives;
(12) a representative of the Chicago Bar Association, appointed by the Senate President;
(13) a representative from the Illinois Sheriffs' Association, appointed by the Senate Minority Leader;
(14) a representative from the Illinois Association of Chiefs of Police, appointed by the Governor;
(15) the chief of police from a municipality with more than 1,000,000 residents, or his or her designee;
(16) the sheriff from a county with more than 3,000,000 residents, or his or her designee; and
(17) the Director of the Illinois Criminal Justice Information Authority, or his or her designee.

(b) The Law Enforcement Information Task Force shall be established within the Illinois Criminal Justice Information Authority and the Illinois Criminal Justice Information Authority shall serve as the technology and policy advisor to assist the Task Force. The Illinois Criminal Justice Information Authority shall work with State and local criminal justice agencies to promote information sharing systems through its access to technical expertise and its grant-making powers for technology information projects. The Illinois Criminal Justice Information Authority shall provide staff to serve as a liaison between the Law Enforcement Information Task Force and its stakeholders to provide

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guidance in criminal justice information sharing, best practices and strategies, and to effectuate the mission of the Task Force.

(c) The members of the Task Force shall elect a chair of the Task Force. The chair of the Task Force shall convene the first meeting of the Task Force on or before August 31, 2016. The Task Force shall meet at least twice a month thereafter until it completes its duties under this Act, or until December 31, 2016, whichever is earlier.

Section 15. Duties of the Task Force.

(a) The Task Force may consult with experts to provide assistance as necessary.

(b) The Task Force shall:

   (1) analyze the criminal discovery process in this State to determine the actual costs, including, but not limited to, labor, materials, time, and other tangible costs of the current criminal discovery process to determine how technology can improve the process for all participants;

   (2) analyze the process for information sharing, including, but not limited to, an analysis of record management systems, computer aided dispatch systems, and other technology used to process information between law enforcement agencies in this State to determine the actual costs of the current process;

   (3) analyze the current information sharing process between law enforcement agencies to determine how technology can improve the process for all participants;

   (4) determine which prosecutors' offices obtain all law enforcement discoverable evidence in an electronic format, which prosecutors' offices will soon be able to obtain all law enforcement discoverable evidence in an electronic format, and which prosecutors' offices will not have that ability at any point in the future without assistance;

   (5) determine the barriers for those prosecutors' offices that will not be able to obtain law enforcement discoverable evidence in an electronic format without assistance;

   (6) determine which law enforcement agencies obtain and utilize data entirely, or partially, in an electronic format, which law enforcement agencies will soon be able to obtain and utilize data entirely in an electronic format, and which law enforcement agencies will not be able to obtain and utilize data entirely in an electronic format at any point in the future without assistance;

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(7) study how a single statewide criminal information sharing system or other technology may improve electronic discovery or electronic redaction;

(8) study how a statewide standardized law enforcement reporting form that can be easily redacted may improve the criminal discovery process;

(9) study the short-term needs for law enforcement agencies and State's Attorneys to facilitate greater use of electronic discovery and information sharing;

(10) study whether a single standardized statewide case record management system or other law enforcement technology would provide better and additional access to information for law enforcement;

(11) determine whether a single standardized statewide case record management system or other electronic discovery technology would provide for a better and more efficient criminal discovery process and offer any cost savings;

(12) determine whether a single standardized statewide case record management system or other information sharing technology would provide for a better and more efficient law enforcement information sharing process and offer any cost savings;

(13) suggest an alternative funding process to the State's current method to pay for criminal discovery costs;

(14) suggest an alternative funding process to the State's current method to pay for law enforcement information sharing costs;

(15) determine which executive branch agency, judicial branch agency, or quasi-governmental organization is best suited to serve as a conduit and coordinator for a statewide criminal electronic discovery system; and

(16) determine which executive branch agency, judicial branch agency, or quasi-governmental organization is best suited to serve as a conduit and coordinator for a statewide criminal information sharing system.

Section 20. Preliminary and final report.

(a) The Task Force shall provide a preliminary report to the Governor and General Assembly on or before December 15, 2016, if the final report is not completed by then.

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(b) The Task Force shall issue a final report to the Governor and General Assembly on or before January 15, 2017. The report shall include recommendations for legislation, use of technology, and other non-legislative processes that would improve the criminal discovery process and law enforcement information sharing.

Section 25. Repeal. This Act is repealed on February 1, 2017.
Section 99. Effective date. This Act takes effect upon becoming law.

Approved August 22, 2016.
Effective August 22, 2016.

PUBLIC ACT 99-0875
(House Bill No. 5771)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Unified Code of Corrections is amended by changing Sections 5-4.5-105 and 5-8-1 as follows:
(730 ILCS 5/5-4.5-105)
Sec. 5-4.5-105. SENTENCING OF INDIVIDUALS UNDER THE AGE OF 18 AT THE TIME OF THE COMMISSION OF AN OFFENSE.
(a) On or after the effective date of this amendatory Act of the 99th General Assembly, when a person commits an offense and the person is under 18 years of age at the time of the commission of the offense, the court, at the sentencing hearing conducted under Section 5-4-1, shall consider the following additional factors in mitigation in determining the appropriate sentence:
(1) the person's age, impetuosity, and level of maturity at the time of the offense, including the ability to consider risks and consequences of behavior, and the presence of cognitive or developmental disability, or both, if any;
(2) whether the person was subjected to outside pressure, including peer pressure, familial pressure, or negative influences;
(3) the person's family, home environment, educational and social background, including any history of parental neglect, physical abuse, or other childhood trauma;

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(4) the person's potential for rehabilitation or evidence of rehabilitation, or both;
(5) the circumstances of the offense;
(6) the person's degree of participation and specific role in the offense, including the level of planning by the defendant before the offense;
(7) whether the person was able to meaningfully participate in his or her defense;
(8) the person's prior juvenile or criminal history; and
(9) any other information the court finds relevant and reliable, including an expression of remorse, if appropriate. However, if the person, on advice of counsel chooses not to make a statement, the court shall not consider a lack of an expression of remorse as an aggravating factor.

(b) Except as provided in subsection (c), the court may sentence the defendant to any disposition authorized for the class of the offense of which he or she was found guilty as described in Article 4.5 of this Code, and may, in its discretion, decline to impose any otherwise applicable sentencing enhancement based upon firearm possession, possession with personal discharge, or possession with personal discharge that proximately causes great bodily harm, permanent disability, permanent disfigurement, or death to another person.

(c) Notwithstanding any other provision of law, if the defendant is convicted of first degree murder and would otherwise be subject to sentencing under clause (iii), (iv), (v), or (vii) of subparagraph (c) of paragraph (1) of subsection (a) (1) of Section 5-8-1 of this Code based on the category of persons identified therein, the court shall impose a sentence of not less than 40 years of imprisonment. In addition, the court may, in its discretion, decline to impose the sentencing enhancements based upon the possession or use of a firearm during the commission of the offense included in subsection (d) of Section 5-8-1.

(Source: P.A. 99-69, eff. 1-1-16; 99-258, eff. 1-1-16.)

(730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

Sec. 5-8-1. Natural life imprisonment; enhancements for use of a firearm; mandatory supervised release terms.

(a) Except as otherwise provided in the statute defining the offense or in Article 4.5 of Chapter V, a sentence of imprisonment for a felony shall be a determinate sentence set by the court under this Section, according to the following limitations:

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(1) for first degree murder,
   (a) (blank),
   (b) if a trier of fact finds beyond a reasonable doubt that the murder was accompanied by exceptionally brutal or heinous behavior indicative of wanton cruelty or, except as set forth in subsection (a)(1)(c) of this Section, that any of the aggravating factors listed in subsection (b) or (b-5) of Section 9-1 of the Criminal Code of 1961 or the Criminal Code of 2012 are present, the court may sentence the defendant, subject to Section 5-4.5-105, to a term of natural life imprisonment, or
   (c) the court shall sentence the defendant to a term of natural life imprisonment if the defendant, at the time of the commission of the murder, had attained the age of 18, and
       (i) has previously been convicted of first degree murder under any state or federal law, or
       (ii) is found guilty of murdering more than one victim, or
       (iii) is found guilty of murdering a peace officer, fireman, or emergency management worker when the peace officer, fireman, or emergency management worker was killed in the course of performing his official duties, or to prevent the peace officer or fireman from performing his official duties, or in retaliation for the peace officer, fireman, or emergency management worker from performing his official duties, and the defendant knew or should have known that the murdered individual was a peace officer, fireman, or emergency management worker, or
       (iv) is found guilty of murdering an employee of an institution or facility of the Department of Corrections, or any similar local correctional agency, when the employee was killed in the course of performing his official duties, or to prevent the employee from performing his official duties, or in retaliation for the employee performing his official duties, or

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(v) is found guilty of murdering an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver or other medical assistance or first aid person while employed by a municipality or other governmental unit when the person was killed in the course of performing official duties or to prevent the person from performing official duties or in retaliation for performing official duties and the defendant knew or should have known that the murdered individual was an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistant or first aid personnel, or

(vi) (blank), or

(vii) is found guilty of first degree murder and the murder was committed by reason of any person's activity as a community policing volunteer or to prevent any person from engaging in activity as a community policing volunteer. For the purpose of this Section, "community policing volunteer" has the meaning ascribed to it in Section 2-3.5 of the Criminal Code of 2012.

For purposes of clause (v), "emergency medical technician - ambulance", "emergency medical technician - intermediate", "emergency medical technician - paramedic", have the meanings ascribed to them in the Emergency Medical Services (EMS) Systems Act.

(d) (i) if the person committed the offense while armed with a firearm, 15 years shall be added to the term of imprisonment imposed by the court;

(ii) if, during the commission of the offense, the person personally discharged a firearm, 20 years shall be added to the term of imprisonment imposed by the court;

(iii) if, during the commission of the offense, the person personally discharged a firearm that
proximately caused great bodily harm, permanent
disability, permanent disfigurement, or death to
another person, 25 years or up to a term of natural
life shall be added to the term of imprisonment
imposed by the court.

(2) (blank);

(2.5) for a person who has attained the age of 18 years at
the time of the commission of the offense and who is convicted
under the circumstances described in subdivision (b)(1)(B) of
Section 11-1.20 or paragraph (3) of subsection (b) of Section 12-
13, subdivision (d)(2) of Section 11-1.30 or paragraph (2) of
subsection (d) of Section 12-14, subdivision (b)(1.2) of Section 11-
1.40 or paragraph (1.2) of subsection (b) of Section 12-14.1,
subdivision (b)(2) of Section 11-1.40 or paragraph (2) of
subsection (b) of Section 12-14.1 of the Criminal Code of 1961 or
the Criminal Code of 2012, the sentence shall be a term of natural
life imprisonment.

(b) (Blank).

(c) (Blank).

(d) Subject to earlier termination under Section 3-3-8, the parole or
mandatory supervised release term shall be written as part of the
sentencing order and shall be as follows:

(1) for first degree murder or a Class X felony except for
the offenses of predatory criminal sexual assault of a child,
aggravated criminal sexual assault, and criminal sexual assault if
committed on or after the effective date of this amendatory Act of
the 94th General Assembly and except for the offense of
aggravated child pornography under Section 11-20.1B, 11-20.3, or
11-20.1 with sentencing under subsection (c-5) of Section 11-20.1
of the Criminal Code of 1961 or the Criminal Code of 2012, if
committed on or after January 1, 2009, 3 years;

(2) for a Class 1 felony or a Class 2 felony except for the
offense of criminal sexual assault if committed on or after the
effective date of this amendatory Act of the 94th General Assembly
and except for the offenses of manufacture and dissemination of
child pornography under clauses (a)(1) and (a)(2) of Section 11-
20.1 of the Criminal Code of 1961 or the Criminal Code of 2012, if
committed on or after January 1, 2009, 2 years;

(3) for a Class 3 felony or a Class 4 felony, 1 year;

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(4) for defendants who commit the offense of predatory criminal sexual assault of a child, aggravated criminal sexual assault, or criminal sexual assault, on or after the effective date of this amendatory Act of the 94th General Assembly, or who commit the offense of aggravated child pornography under Section 11-20.1B, 11-20.3, or 11-20.1 with sentencing under subsection (c-5) of Section 11-20.1 of the Criminal Code of 1961 or the Criminal Code of 2012, manufacture of child pornography, or dissemination of child pornography after January 1, 2009, the term of mandatory supervised release shall range from a minimum of 3 years to a maximum of the natural life of the defendant;

(5) if the victim is under 18 years of age, for a second or subsequent offense of aggravated criminal sexual abuse or felony criminal sexual abuse, 4 years, at least the first 2 years of which the defendant shall serve in an electronic home detention program under Article 8A of Chapter V of this Code;

(6) for a felony domestic battery, aggravated domestic battery, stalking, aggravated stalking, and a felony violation of an order of protection, 4 years.

(e) (Blank).

(f) (Blank).

(Blank).

(Blank).

(Blank).

Approved August 22, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0876
(House Bill No. 5973)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Funeral Directors and Embalmers Licensing Code is amended by changing Section 15-75 and by adding Section 15-72 as follows:

(225 ILCS 41/15-72 new)
Sec. 15-72. Applicant convictions.
(a) When reviewing a conviction by plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or by

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sentencing of an initial applicant, the Department may only deny a license based upon consideration of mitigating factors provided in subsection (c) of this Section for a felony directly related to the practice of funeral directing and embalming.

(b) The following crimes or similar offenses in any other jurisdiction are hereby deemed directly related to the practice of funeral directing and embalming:

(1) first degree murder;
(2) second degree murder;
(3) drug induced homicide;
(4) unlawful restraint;
(5) aggravated unlawful restraint;
(6) forcible detention;
(7) involuntary servitude;
(8) involuntary sexual servitude of a minor;
(9) predatory criminal sexual assault of a child;
(10) aggravated criminal sexual assault;
(11) criminal sexual assault;
(12) criminal sexual abuse;
(13) aggravated kidnaping;
(14) aggravated robbery;
(15) armed robbery;
(16) kidnapping;
(17) aggravated battery;
(18) aggravated vehicular hijacking;
(19) terrorism;
(20) causing a catastrophe;
(21) possession of a deadly substance;
(22) making a terrorist threat;
(23) material support for terrorism;
(24) hindering prosecution of terrorism;
(25) armed violence;
(26) any felony based on consumer fraud or deceptive business practices under the Consumer Fraud and Deceptive Business Practices Act;
(27) any felony requiring registration as a sex offender under the Sex Offender Registration Act;
(28) attempt of any the offenses set forth in paragraphs (1) through (27) of this subsection (b); and

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(29) convictions set forth in Section 15-75 of this Code.

(c) The Department shall consider any mitigating factors contained in the record, when determining the appropriate disciplinary sanction, if any, to be imposed. In addition to those set forth in Section 2105-130 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois, mitigating factors shall include the following:

(1) the bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his or her fitness or ability to perform one or more such duties and responsibilities;

(2) the time that has elapsed since the criminal conviction; and

(3) the age of the person at the time of the criminal conviction.

(d) The Department shall issue an annual report by January 31, 2018 and by January 31 each year thereafter, indicating the following:

(1) the number of initial applicants for a license under this Code within the preceding calendar year;

(2) the number of initial applicants for a license under this Code within the previous calendar year who had a conviction;

(3) the number of applicants with a conviction who were granted a license under this Code within the previous year;

(4) the number of applicants denied a license under this Code within the preceding calendar year; and

(5) the number of applicants denied a license under this Code solely on the basis of a conviction within the preceding calendar year.

(e) Nothing in this Section shall prevent the Department taking disciplinary or non-disciplinary action against a license as set forth in paragraph (2) of subsection (b) of Section 15-175 of this Code.

(225 ILCS 41/15-75)

(Section scheduled to be repealed on January 1, 2023)

Sec. 15-75. Violations; grounds for discipline; penalties.

(a) Each of the following acts is a Class A misdemeanor for the first offense, and a Class 4 felony for each subsequent offense. These penalties shall also apply to unlicensed owners of funeral homes.

(1) Practicing the profession of funeral directing and embalming or funeral directing, or attempting to practice the

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profession of funeral directing and embalming or funeral directing without a license as a funeral director and embalmer or funeral director.

(2) Serving or attempting to serve as an intern under a licensed funeral director and embalmer without a license as a licensed funeral director and embalmer intern.

(3) Obtaining or attempting to obtain a license, practice or business, or any other thing of value, by fraud or misrepresentation.

(4) Permitting any person in one's employ, under one's control or in or under one's service to serve as a funeral director and embalmer, funeral director, or funeral director and embalmer intern when the person does not have the appropriate license.

(5) Failing to display a license as required by this Code.

(6) Giving false information or making a false oath or affidavit required by this Code.

(b) The Department may refuse to issue or renew, revoke, suspend, place on probation or administrative supervision, reprimand, or take other disciplinary or non-disciplinary action as the Department may deem appropriate, including imposing fines not to exceed $10,000 for each violation, with regard to any license under the Code for any one or combination of the following:

(1) Fraud or any misrepresentation in applying for or procuring a license under this Code or in connection with applying for renewal of a license under this Code.

(2) For licenses, conviction of plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or by sentencing of any crime, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge, or first offender probation, under the laws of any jurisdiction of the United States: (i) that is a felony or (ii) that is a misdemeanor, an essential element of which is dishonesty, or that is directly related to the practice of the profession and, for initial applicants, convictions set forth in Section 15-72 of this Act.

(3) Violation of the laws of this State relating to the funeral, burial or disposition of deceased human bodies or of the rules and regulations of the Department, or the Department of Public Health.

(4) Directly or indirectly paying or causing to be paid any sum of money or other valuable consideration for the securing of
business or for obtaining authority to dispose of any deceased human body.

(5) Professional incompetence, gross negligence, malpractice, or untrustworthiness in the practice of funeral directing and embalming or funeral directing.

(6) (Blank).

(7) Engaging in, promoting, selling, or issuing burial contracts, burial certificates, or burial insurance policies in connection with the profession as a funeral director and embalmer, funeral director, or funeral director and embalmer intern in violation of any laws of the State of Illinois.

(8) Refusing, without cause, to surrender the custody of a deceased human body upon the proper request of the person or persons lawfully entitled to the custody of the body.

(9) Taking undue advantage of a client or clients as to amount to the perpetration of fraud.

(10) Engaging in funeral directing and embalming or funeral directing without a license.

(11) Encouraging, requesting, or suggesting by a licensee or some person working on his behalf and with his consent for compensation that a person utilize the services of a certain funeral director and embalmer, funeral director, or funeral establishment unless that information has been expressly requested by the person. This does not prohibit general advertising or pre-need solicitation.

(12) Making or causing to be made any false or misleading statements about the laws concerning the disposition of human remains, including, but not limited to, the need to embalm, the need for a casket for cremation or the need for an outer burial container.

(13) (Blank).

(14) Embalming or attempting to embalm a deceased human body without express prior authorization of the person responsible for making the funeral arrangements for the body. This does not apply to cases where embalming is directed by local authorities who have jurisdiction or when embalming is required by State or local law. A licensee may embalm without express prior authorization if a good faith effort has been made to contact family members and has been unsuccessful and the licensee has no reason to believe the family opposes embalming.

New matter indicated by italics - deletions by strikeout
(15) Making a false statement on a Certificate of Death where the person making the statement knew or should have known that the statement was false.

(16) Soliciting human bodies after death or while death is imminent.

(17) Performing any act or practice that is a violation of this Code, the rules for the administration of this Code, or any federal, State or local laws, rules, or regulations governing the practice of funeral directing or embalming.

(18) Performing any act or practice that is a violation of Section 2 of the Consumer Fraud and Deceptive Business Practices Act.

(19) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud or harm the public.

(20) Taking possession of a dead human body without having first obtained express permission from the person holding the right to control the disposition in accordance with Section 5 of the Disposition of Remains Act or a public agency legally authorized to direct, control or permit the removal of deceased human bodies.

(21) Advertising in a false or misleading manner or advertising using the name of an unlicensed person in connection with any service being rendered in the practice of funeral directing or funeral directing and embalming. The use of any name of an unlicensed or unregistered person in an advertisement so as to imply that the person will perform services is considered misleading advertising. Nothing in this paragraph shall prevent including the name of any owner, officer or corporate director of a funeral home, who is not a licensee, in any advertisement used by a funeral home with which the individual is affiliated, if the advertisement specifies the individual's affiliation with the funeral home.

(22) Charging for professional services not rendered, including filing false statements for the collection of fees for which services are not rendered.

(23) Failing to account for or remit any monies, documents, or personal property that belongs to others that comes into a licensee's possession.

New matter indicated by italics - deletions by strikeout
(24) Treating any person differently to his detriment because of race, color, creed, gender, religion, or national origin.

(25) Knowingly making any false statements, oral or otherwise, of a character likely to influence, persuade or induce others in the course of performing professional services or activities.

(26) Willfully making or filing false records or reports in the practice of funeral directing and embalming, including, but not limited to, false records filed with State agencies or departments.

(27) Failing to acquire continuing education required under this Code.

(28) (Blank).

(29) Aiding or assisting another person in violating any provision of this Code or rules adopted pursuant to this Code.

(30) Failing within 10 days, to provide information in response to a written request made by the Department.

(31) Discipline by another state, District of Columbia, territory, foreign nation, or governmental agency, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section.

(32) (Blank).

(33) Mental illness or disability which results in the inability to practice the profession with reasonable judgment, skill, or safety.

(34) Gross, willful, or continued overcharging for professional services, including filing false statements for collection of fees for which services are not rendered.

(35) Physical illness, including, but not limited to, deterioration through the aging process or loss of motor skill which results in a licensee's inability to practice under this Code with reasonable judgment, skill, or safety.

(36) Failing to comply with any of the following required activities:

(A) When reasonably possible, a funeral director licensee or funeral director and embalmer licensee or anyone acting on his or her behalf shall obtain the express authorization of the person or persons responsible for making the funeral arrangements for a deceased human body prior to removing a body from the place of death or

New matter indicated by italics - deletions by strikeout
any place it may be or embalming or attempting to embalm a deceased human body, unless required by State or local law. This requirement is waived whenever removal or embalming is directed by local authorities who have jurisdiction. If the responsibility for the handling of the remains lawfully falls under the jurisdiction of a public agency, then the regulations of the public agency shall prevail.

(B) A licensee shall clearly mark the price of any casket offered for sale or the price of any service using the casket on or in the casket if the casket is displayed at the funeral establishment. If the casket is displayed at any other location, regardless of whether the licensee is in control of that location, the casket shall be clearly marked and the registrant shall use books, catalogues, brochures, or other printed display aids to show the price of each casket or service.

(C) At the time funeral arrangements are made and prior to rendering the funeral services, a licensee shall furnish a written statement of services to be retained by the person or persons making the funeral arrangements, signed by both parties, that shall contain: (i) the name, address and telephone number of the funeral establishment and the date on which the arrangements were made; (ii) the price of the service selected and the services and merchandise included for that price; (iii) a clear disclosure that the person or persons making the arrangement may decline and receive credit for any service or merchandise not desired and not required by law or the funeral director or the funeral director and embalmer; (iv) the supplemental items of service and merchandise requested and the price of each item; (v) the terms or method of payment agreed upon; and (vi) a statement as to any monetary advances made by the registrant on behalf of the family. The licensee shall maintain a copy of the written statement of services in its permanent records. All written statements of services are subject to inspection by the Department.

(D) In all instances where the place of final disposition of a deceased human body or the cremated
remains of a deceased human body is a cemetery, the licensed funeral director and embalmer, or licensed funeral director, who has been engaged to provide funeral or embalming services shall remain at the cemetery and personally witness the placement of the human remains in their designated grave or the sealing of the above ground depository, crypt, or urn. The licensed funeral director or licensed funeral director and embalmer may designate a licensed funeral director and embalmer intern or representative of the funeral home to be his or her witness to the placement of the remains. If the cemetery authority, cemetery manager, or any other agent of the cemetery takes any action that prevents compliance with this paragraph (D), then the funeral director and embalmer or funeral director shall provide written notice to the Department within 5 business days after failing to comply. If the Department receives this notice, then the Department shall not take any disciplinary action against the funeral director and embalmer or funeral director for a violation of this paragraph (D) unless the Department finds that the cemetery authority, manager, or any other agent of the cemetery did not prevent the funeral director and embalmer or funeral director from complying with this paragraph (D) as claimed in the written notice.

(E) A funeral director or funeral director and embalmer shall fully complete the portion of the Certificate of Death under the responsibility of the funeral director or funeral director and embalmer and provide all required information. In the event that any reported information subsequently changes or proves incorrect, a funeral director or funeral director and embalmer shall immediately upon learning the correct information correct the Certificate of Death.

(37) A finding by the Department that the license, after having his or her license placed on probationary status or subjected to conditions or restrictions, violated the terms of the probation or failed to comply with such terms or conditions.

(38) (Blank).

New matter indicated by italics - deletions by strikeout
(39) Being named as a perpetrator in an indicated report by the Department of Children and Family Services pursuant to the Abused and Neglected Child Reporting Act and, upon proof by clear and convincing evidence, being found to have caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act.

(40) Habitual or excessive use or abuse of drugs defined in law as controlled substances, alcohol, or any other substance which results in the inability to practice with reasonable judgment, skill, or safety.

(41) Practicing under a false or, except as provided by law, an assumed name.

(42) Cheating on or attempting to subvert the licensing examination administered under this Code.

(c) The Department may refuse to issue or renew or may suspend without a hearing, as provided for in the Department of Professional Regulation Law of the Civil Administrative Code of Illinois, the license of any person who fails to file a return, to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest as required by any tax Act administered by the Illinois Department of Revenue, until the time as the requirements of the tax Act are satisfied in accordance with subsection (g) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(d) No action may be taken under this Code against a person licensed under this Code unless the action is commenced within 5 years after the occurrence of the alleged violations. A continuing violation shall be deemed to have occurred on the date when the circumstances last existed that give rise to the alleged violation.

(e) Nothing in this Section shall be construed or enforced to give a funeral director and embalmer, or his or her designees, authority over the operation of a cemetery or over cemetery employees. Nothing in this Section shall be construed or enforced to impose duties or penalties on cemeteries with respect to the timing of the placement of human remains in their designated grave or the sealing of the above ground depository, crypt, or urn due to patron safety, the allocation of cemetery staffing, liability insurance, a collective bargaining agreement, or other such reasons.

(f) All fines imposed under this Section shall be paid 60 days after the effective date of the order imposing the fine.

New matter indicated by italics - deletions by strikeout
(g) The Department shall deny a license or renewal authorized by this Code to a person who has defaulted on an educational loan or scholarship provided or guaranteed by the Illinois Student Assistance Commission or any governmental agency of this State in accordance with item (5) of subsection (a) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(h) In cases where the Department of Healthcare and Family Services has previously determined a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the Department, the Department may refuse to issue or renew or may revoke or suspend that person's license or may take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Healthcare and Family Services in accordance with item (5) of subsection (a) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(i) A person not licensed under this Code who is an owner of a funeral establishment or funeral business shall not aid, abet, assist, procure, advise, employ, or contract with any unlicensed person to offer funeral services or aid, abet, assist, or direct any licensed person contrary to or in violation of any rules or provisions of this Code. A person violating this subsection shall be treated as a licensee for the purposes of disciplinary action under this Section and shall be subject to cease and desist orders as provided in this Code, the imposition of a fine up to $10,000 for each violation and any other penalty provided by law.

(j) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code, as amended, operates as an automatic suspension. The suspension may end only upon a finding by a court that the licensee is no longer subject to the involuntary admission or judicial admission and issues an order so finding and discharging the licensee, and upon the recommendation of the Board to the Secretary that the licensee be allowed to resume his or her practice.

(k) In enforcing this Code, the Department, upon a showing of a possible violation, may compel an individual licensed to practice under this Code, or who has applied for licensure under this Code, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The Department may order the examining physician to present testimony concerning the mental or physical examination of the
licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physician shall be specifically designated by the Department. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of this examination. The examination shall be performed by a physician licensed to practice medicine in all its branches. Failure of an individual to submit to a mental or physical examination, when directed, shall result in an automatic suspension without hearing.

A person holding a license under this Code or who has applied for a license under this Code who, because of a physical or mental illness or disability, including, but not limited to, deterioration through the aging process or loss of motor skill, is unable to practice the profession with reasonable judgment, skill, or safety, may be required by the Department to submit to care, counseling, or treatment by physicians approved or designated by the Department as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice. Submission to care, counseling, or treatment as required by the Department shall not be considered discipline of a license. If the licensee refuses to enter into a care, counseling, or treatment agreement or fails to abide by the terms of the agreement, the Department may file a complaint to revoke, suspend, or otherwise discipline the license of the individual. The Secretary may order the license suspended immediately, pending a hearing by the Department. Fines shall not be assessed in disciplinary actions involving physical or mental illness or impairment.

In instances in which the Secretary immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department shall have the authority to review the subject individual's record of treatment and counseling regarding the impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

An individual licensed under this Code and affected under this Section shall be afforded an opportunity to demonstrate to the Department that he or she can resume practice in compliance with acceptable and prevailing standards under the provisions of his or her license.

(Source: P.A. 97-1130, eff. 8-28-12; 98-756, eff. 7-16-14.)

New matter indicated by italics - deletions by strikeout
Section 10. The Illinois Roofing Industry Licensing Act is amended by changing Section 9.1 and by adding Section 7.1 as follows:

(225 ILCS 335/7.1 new)

Sec. 7.1. Applicant convictions.

(a) When reviewing a conviction by plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or by sentencing of an initial applicant, the Department may only deny a license based upon consideration of mitigating factors provided in subsection (c) of this Section for a felony directly related to the practice of roofing contracting.

(b) The following crimes or similar offenses in any other jurisdiction are hereby deemed directly related to the practice of roofing contracting:

(1) first degree murder;
(2) second degree murder;
(3) drug induced homicide;
(4) unlawful restraint;
(5) aggravated unlawful restraint;
(6) forcible detention;
(7) involuntary servitude;
(8) involuntary sexual servitude of a minor;
(9) predatory criminal sexual assault of a child;
(10) aggravated criminal sexual assault;
(11) criminal sexual assault;
(12) criminal sexual abuse;
(13) aggravated kidnaping;
(14) aggravated robbery;
(15) armed robbery;
(16) kidnapping;
(17) aggravated battery;
(18) aggravated vehicular hijacking;
(19) home invasion;
(20) terrorism;
(21) causing a catastrophe;
(22) possession of a deadly substance;
(23) making a terrorist threat;
(24) material support for terrorism;
(25) hindering prosecution of terrorism;
(26) armed violence;

New matter indicated by italics - deletions by strikeout
(27) any felony based on consumer fraud or deceptive business practices under the Consumer Fraud and Deceptive Business Practices Act;
(28) any felony requiring registration as a sex offender under the Sex Offender Registration Act;
(29) attempt of any the offenses set forth in paragraphs (1) through (28) of this subsection (b); and
(30) convictions set forth in subsection (e) of Section 5 or Section 9.8 of this Act.

(c) The Department shall consider any mitigating factors contained in the record, when determining the appropriate disciplinary sanction, if any, to be imposed. In addition to those set forth in Section 2105-130 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois, mitigating factors shall include the following:

(1) the bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his or her fitness or ability to perform one or more such duties and responsibilities;
(2) the time that has elapsed since the criminal conviction; and
(3) the age of the person at the time of the criminal conviction.

(d) The Department shall issue an annual report by January 31, 2018 and by January 31 each year thereafter, indicating the following:

(1) the number of initial applicants for a license under this Act within the preceding calendar year;
(2) the number of initial applicants for a license under this Act within the previous calendar year who had a conviction;
(3) the number of applicants with a conviction who were granted a license under this Act within the previous year;
(4) the number of applicants denied a license under this Act within the preceding calendar year; and
(5) the number of applicants denied a license under this Act solely on the basis of a conviction within the preceding calendar year.

(e) Nothing in this Section shall prevent the Department taking disciplinary or non-disciplinary action against a license as set forth in Section 9.1 of this Act.

New matter indicated by italics - deletions by strikeout
Sec. 9.1. Grounds for disciplinary action.

(1) The Department may refuse to issue or to renew, or may revoke, suspend, place on probation, reprimand or take other disciplinary or non-disciplinary action as the Department may deem proper, including fines not to exceed $10,000 for each violation, with regard to any license for any one or combination of the following:

(a) violation of this Act or its rules;

(b) *for licensees*, conviction or plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or sentencing of any crime, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge, or first offender probation, under the laws of any jurisdiction of the United States that is (i) a felony or (ii) a misdemeanor, an essential element of which is dishonesty or that is directly related to the practice of the profession and, for initial applicants, convictions set forth in Section 7.1 of this Act;

(c) fraud or any misrepresentation in applying for or procuring a license under this Act, or in connection with applying for renewal of a license under this Act;

(d) professional incompetence or gross negligence in the practice of roofing contracting, prima facie evidence of which may be a conviction or judgment in any court of competent jurisdiction against an applicant or licensee relating to the practice of roofing contracting or the construction of a roof or repair thereof that results in leakage within 90 days after the completion of such work;

(e) (blank);

(f) aiding or assisting another person in violating any provision of this Act or rules;

(g) failing, within 60 days, to provide information in response to a written request made by the Department;

(h) engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public;

(i) habitual or excessive use or abuse of controlled substances, as defined by the Illinois Controlled Substances Act,
alcohol, or any other substance that results in the inability to practice with reasonable judgment, skill, or safety;

(j) discipline by another state, unit of government, or government agency, the District of Columbia, a territory, or a foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section;

(k) directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any professional services not actually or personally rendered;

(l) a finding by the Department that the licensee, after having his or her license disciplined, has violated the terms of the discipline;

(m) a finding by any court of competent jurisdiction, either within or without this State, of any violation of any law governing the practice of roofing contracting, if the Department determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust;

(n) willfully making or filing false records or reports in the practice of roofing contracting, including, but not limited to, false records filed with the State agencies or departments;

(o) practicing, attempting to practice, or advertising under a name other than the full name as shown on the license or any other legally authorized name;

(p) gross and willful overcharging for professional services including filing false statements for collection of fees or monies for which services are not rendered;

(q) (blank);

(r) (blank);

(s) failure to continue to meet the requirements of this Act shall be deemed a violation;

(t) physical or mental disability, including deterioration through the aging process or loss of abilities and skills that result in an inability to practice the profession with reasonable judgment, skill, or safety;

(u) material misstatement in furnishing information to the Department or to any other State agency;

(v) (blank);
(w) advertising in any manner that is false, misleading, or deceptive;
(x) taking undue advantage of a customer, which results in the perpetration of a fraud;
(y) performing any act or practice that is a violation of the Consumer Fraud and Deceptive Business Practices Act;
(z) engaging in the practice of roofing contracting, as defined in this Act, with a suspended, revoked, or cancelled license;
(aa) treating any person differently to the person's detriment because of race, color, creed, gender, age, religion, or national origin;
(bb) knowingly making any false statement, oral, written, or otherwise, of a character likely to influence, persuade, or induce others in the course of obtaining or performing roofing contracting services;
(cc) violation of any final administrative action of the Secretary;
(dd) allowing the use of his or her roofing license by an unlicensed roofing contractor for the purposes of providing roofing or waterproofing services; or
(ee) (blank);
(ff) cheating or attempting to subvert a licensing examination administered under this Act; or
(gg) use of a license to permit or enable an unlicensed person to provide roofing contractor services.

(2) The determination by a circuit court that a license holder is subject to involuntary admission or judicial admission, as provided in the Mental Health and Developmental Disabilities Code, operates as an automatic suspension. Such suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission, an order by the court so finding and discharging the patient, and the recommendation of the Board to the Director that the license holder be allowed to resume his or her practice.

(3) The Department may refuse to issue or take disciplinary action concerning the license of any person who fails to file a return, to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest as required by any tax Act administered by the Department of Revenue, until such time as the

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requirements of any such tax Act are satisfied as determined by the Department of Revenue.

(4) In enforcing this Section, the Department, upon a showing of a possible violation, may compel any individual who is licensed under this Act or any individual who has applied for licensure to submit to a mental or physical examination or evaluation, or both, which may include a substance abuse or sexual offender evaluation, at the expense of the Department. The Department shall specifically designate the examining physician licensed to practice medicine in all of its branches or, if applicable, the multidisciplinary team involved in providing the mental or physical examination and evaluation. The multidisciplinary team shall be led by a physician licensed to practice medicine in all of its branches and may consist of one or more or a combination of physicians licensed to practice medicine in all of its branches, licensed chiropractic physicians, licensed clinical psychologists, licensed clinical social workers, licensed clinical professional counselors, and other professional and administrative staff. Any examining physician or member of the multidisciplinary team may require any person ordered to submit to an examination and evaluation pursuant to this Section to submit to any additional supplemental testing deemed necessary to complete any examination or evaluation process, including, but not limited to, blood testing, urinalysis, psychological testing, or neuropsychological testing.

(5) The Department may order the examining physician or any member of the multidisciplinary team to provide to the Department any and all records, including business records, that relate to the examination and evaluation, including any supplemental testing performed. The Department may order the examining physician or any member of the multidisciplinary team to present testimony concerning this examination and evaluation of the licensee or applicant, including testimony concerning any supplemental testing or documents relating to the examination and evaluation. No information, report, record, or other documents in any way related to the examination and evaluation shall be excluded by reason of any common law or statutory privilege relating to communication between the licensee or applicant and the examining physician or any member of the multidisciplinary team. No authorization is necessary from the licensee or applicant ordered to undergo an evaluation and examination for the examining physician or any member of the multidisciplinary team to provide information, reports, records, or other documents or to provide any testimony regarding the examination and evaluation. The individual to be

New matter indicated by italics - deletions by strikeout
examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination.

(6) Failure of any individual to submit to mental or physical examination or evaluation, or both, when directed, shall result in an automatic suspension without hearing until such time as the individual submits to the examination. If the Department finds a licensee unable to practice because of the reasons set forth in this Section, the Department shall require the licensee to submit to care, counseling, or treatment by physicians approved or designated by the Department as a condition for continued, reinstated, or renewed licensure.

(7) When the Secretary immediately suspends a license under this Section, a hearing upon such person's license must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department shall have the authority to review the licensee's record of treatment and counseling regarding the impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

(8) Licensees affected under this Section shall be afforded an opportunity to demonstrate to the Department that they can resume practice in compliance with acceptable and prevailing standards under the provisions of their license.

(9) The Department shall deny a license or renewal authorized by this Act to a person who has defaulted on an educational loan or scholarship provided or guaranteed by the Illinois Student Assistance Commission or any governmental agency of this State in accordance with paragraph (5) of subsection (a) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(10) In cases where the Department of Healthcare and Family Services has previously determined a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the Department, the Department may refuse to issue or renew or may revoke or suspend that person's license or may take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Healthcare and Family Services in accordance with paragraph (5) of subsection (a) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.
The changes to this Act made by this amendatory Act of 1997 apply only to disciplinary actions relating to events occurring after the effective date of this amendatory Act of 1997.
(Source: P.A. 99-469, eff. 8-26-15.)

Section 15. The Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985 is amended by changing Section 4-7 and by adding Section 4-6.1 as follows:

(225 ILCS 410/4-6.1 new)

Sec. 4-6.1. Applicant convictions.

(a) When reviewing a conviction by plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or by sentencing of an initial applicant, the Department may only deny a license based upon consideration of mitigating factors provided in subsection (c) of this Section for a felony directly related to the practice of cosmetology, esthetics, hair braiding, nail technology, and barbering.

(b) The following crimes or similar offenses in any other jurisdiction are hereby deemed directly related to the practice of cosmetology, esthetics, hair braiding, nail technology, and barbering:

(1) first degree murder;
(2) second degree murder;
(3) drug induced homicide;
(4) unlawful restraint;
(5) aggravated unlawful restraint;
(6) forcible detention;
(7) involuntary servitude;
(8) involuntary sexual servitude of a minor;
(9) predatory criminal sexual assault of a child;
(10) aggravated criminal sexual assault;
(11) criminal sexual assault;
(12) criminal sexual abuse;
(13) aggravated kidnaping;
(14) aggravated robbery;
(15) armed robbery;
(16) kidnapping;
(17) aggravated battery;
(18) aggravated vehicular hijacking;
(19) terrorism;
(20) causing a catastrophe;
(21) possession of a deadly substance;

New matter indicated by italics - deletions by strikeout
(22) making a terrorist threat;
(23) material support for terrorism;
(24) hindering prosecution of terrorism;
(25) armed violence;
(26) any felony based on consumer fraud or deceptive business practices under the Consumer Fraud and Deceptive Business Practices Act;
(27) any felony requiring registration as a sex offender under the Sex Offender Registration Act;
(28) attempt of any the offenses set forth in paragraphs (1) through (27) of this subsection (b); and
(29) convictions set forth in Section 4-20 of this Act.

(c) The Department shall consider any mitigating factors contained in the record, when determining the appropriate disciplinary sanction, if any, to be imposed. In addition to those set forth in Section 2105-130 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois, mitigating factors shall include the following:

(1) the bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his or her fitness or ability to perform one or more such duties and responsibilities;
(2) the time that has elapsed since the criminal conviction; and
(3) the age of the person at the time of the criminal conviction.

(d) The Department shall issue an annual report by January 31, 2018 and by January 31 each year thereafter, indicating the following:

(1) the number of initial applicants for a license under this Act within the preceding calendar year;
(2) the number of initial applicants for a license under this Act within the previous calendar year who had a conviction;
(3) the number of applicants with a conviction who were granted a license under this Act within the previous year;
(4) the number of applicants denied a license under this Act within the preceding calendar year; and
(5) the number of applicants denied a license under this Act solely on the basis of a conviction within the preceding calendar year.

New matter indicated by italics - deletions by strikeout
(e) Nothing in this Section shall prevent the Department taking disciplinary or non-disciplinary action against a license as set forth in paragraph (2) of subsection (1) of Section 4-7 of this Act.

(225 ILCS 410/4-7) (from Ch. 111, par. 1704-7)

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

Sec. 4-7. Refusal, suspension and revocation of licenses; causes; disciplinary action.

(1) The Department may refuse to issue or renew, and may suspend, revoke, place on probation, reprimand or take any other disciplinary or non-disciplinary action as the Department may deem proper, including civil penalties not to exceed $500 for each violation, with regard to any license for any one, or any combination, of the following causes:

   a. For licensees, conviction *Conviction* of any crime under the laws of the United States or any state or territory thereof that is (i) a felony, (ii) a misdemeanor, an essential element of which is dishonesty, or (iii) a crime which is related to the practice of the profession and, for initial applicants, convictions set forth in Section 4-6.1 of this Act.

   b. Conviction of any of the violations listed in Section 4-20.

   c. Material misstatement in furnishing information to the Department.

   d. Making any misrepresentation for the purpose of obtaining a license or violating any provision of this Act or its rules.

   e. Aiding or assisting another person in violating any provision of this Act or its rules.

   f. Failing, within 60 days, to provide information in response to a written request made by the Department.

   g. Discipline by another state, territory, or country if at least one of the grounds for the discipline is the same as or substantially equivalent to those set forth in this Act.

   h. Practice in the barber, nail technology, esthetics, hair braiding, or cosmetology profession, or an attempt to practice in those professions, by fraudulent misrepresentation.

   i. Gross malpractice or gross incompetency.

   j. Continued practice by a person knowingly having an infectious or contagious disease.

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k. Solicitation of professional services by using false or misleading advertising.

l. A finding by the Department that the licensee, after having his or her license placed on probationary status, has violated the terms of probation.

m. Directly or indirectly giving to or receiving from any person, firm, corporation, partnership or association any fee, commission, rebate, or other form of compensation for any professional services not actually or personally rendered.

n. Violating any of the provisions of this Act or rules adopted pursuant to this Act.

o. Willfully making or filing false records or reports relating to a licensee's practice, including but not limited to, false records filed with State agencies or departments.

p. Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in the inability to practice with reasonable judgment, skill or safety.

q. Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud, or harm the public as may be defined by rules of the Department, or violating the rules of professional conduct which may be adopted by the Department.

r. Permitting any person to use for any unlawful or fraudulent purpose one's diploma or license or certificate of registration as a cosmetologist, nail technician, esthetician, hair braider, or barber or cosmetology, nail technology, esthetics, hair braiding, or barber teacher or salon or shop or cosmetology clinic teacher.

s. Being named as a perpetrator in an indicated report by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act.

t. Operating a salon or shop without a valid registration.

u. Failure to complete required continuing education hours.

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(2) In rendering an order, the Secretary shall take into consideration the facts and circumstances involving the type of acts or omissions in paragraph (1) of this Section including, but not limited to:
   (a) the extent to which public confidence in the cosmetology, nail technology, esthetics, hair braiding, or barbering profession was, might have been, or may be, injured;
   (b) the degree of trust and dependence among the involved parties;
   (c) the character and degree of harm which did result or might have resulted;
   (d) the intent or mental state of the licensee at the time of the acts or omissions.
(3) The Department may reissue the license or registration upon certification by the Board that the disciplined licensee or registrant has complied with all of the terms and conditions set forth in the final order or has been sufficiently rehabilitated to warrant the public trust.
(4) The Department shall refuse to issue or renew or suspend without hearing the license or certificate of registration of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied as determined by the Department of Revenue.
(5) The Department shall deny without hearing any application for a license or renewal of a license under this Act by a person who has defaulted on an educational loan guaranteed by the Illinois Student Assistance Commission; however, the Department may issue or renew a license if the person in default has established a satisfactory repayment record as determined by the Illinois Student Assistance Commission.
(6) All fines imposed under this Section shall be paid within 60 days after the effective date of the order imposing the fine or in accordance with the terms set forth in the order imposing the fine.
(Source: P.A. 98-911, eff. 1-1-15; 99-427, eff. 8-21-15.)
Section 99. Effective date. This Act takes effect January 1, 2017.
Approved August 22, 2016.
Effective January 1, 2017.
AN ACT concerning criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Unified Code of Corrections is amended by changing Section 5-5-3.1 as follows:

(730 ILCS 5/5-5-3.1) (from Ch. 38, par. 1005-5-3.1)

Sec. 5-5-3.1. Factors in Mitigation.

(a) The following grounds shall be accorded weight in favor of withholding or minimizing a sentence of imprisonment:

1. The defendant's criminal conduct neither caused nor threatened serious physical harm to another.
2. The defendant did not contemplate that his criminal conduct would cause or threaten serious physical harm to another.
3. The defendant acted under a strong provocation.
4. There were substantial grounds tending to excuse or justify the defendant's criminal conduct, though failing to establish a defense.
5. The defendant's criminal conduct was induced or facilitated by someone other than the defendant.
6. The defendant has compensated or will compensate the victim of his criminal conduct for the damage or injury that he sustained.
7. The defendant has no history of prior delinquency or criminal activity or has led a law-abiding life for a substantial period of time before the commission of the present crime.
8. The defendant's criminal conduct was the result of circumstances unlikely to recur.
9. The character and attitudes of the defendant indicate that he is unlikely to commit another crime.
10. The defendant is particularly likely to comply with the terms of a period of probation.
11. The imprisonment of the defendant would entail excessive hardship to his dependents.
12. The imprisonment of the defendant would endanger his or her medical condition.

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(13) The defendant was a person with an intellectual disability as defined in Section 5-1-13 of this Code.

(14) The defendant sought or obtained emergency medical assistance for an overdose and was convicted of a Class 3 felony or higher possession, manufacture, or delivery of a controlled, counterfeit, or look-alike substance or a controlled substance analog under the Illinois Controlled Substances Act or a Class 2 felony or higher possession, manufacture or delivery of methamphetamine under the Methamphetamine Control and Community Protection Act.

(15) At the time of the offense, the defendant is or had been the victim of domestic violence and the effects of the domestic violence tended to excuse or justify the defendant's criminal conduct. As used in this paragraph (15), "domestic violence" means abuse as defined in Section 103 of the Illinois Domestic Violence Act of 1986.

(16) At the time of the offense, the defendant was suffering from a serious mental illness which, though insufficient to establish the defense of insanity, substantially affected his or her ability to understand the nature of his or her acts or to conform his or her conduct to the requirements of the law.

(b) If the court, having due regard for the character of the offender, the nature and circumstances of the offense and the public interest finds that a sentence of imprisonment is the most appropriate disposition of the offender, or where other provisions of this Code mandate the imprisonment of the offender, the grounds listed in paragraph (a) of this subsection shall be considered as factors in mitigation of the term imposed.

(Source: P.A. 98-463, eff. 8-16-13; 99-143, eff. 7-27-15; 99-384, eff. 1-1-16; revised 10-16-15.)

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

Approved August 22, 2016.
Effective August 22, 2016.
AN ACT concerning criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Legislative findings and intent. The General Assembly finds that the ability of an individual incarcerated to maintain contact with the community and family is critical to a successful re-entry after release from prison. In addition, many incarcerated people are parents. Communication has been proven essential to the healthy development of their children. Many people are incarcerated far away from where their family and friends reside, which in some cases may be a country outside the United States. Telephone calls are frequently the only method available to maintain vital contact with loved ones. The purpose of this legislation is to ensure that people incarcerated can maintain contact with their loved ones without creating an undue burden on the person incarcerated or the recipient of phone calls. The General Assembly intends that when determining the best value of a telephone service, the lowest possible cost to the telephone user shall be emphasized.

Section 5. The Unified Code of Corrections is amended by changing Section 3-4-1 as follows:

Sec. 3-4-1. Gifts and Grants; Special Trusts Funds; Department of Corrections Reimbursement and Education Fund.

(a) The Department may accept, receive and use, for and in behalf of the State, any moneys, goods or services given for general purposes of this Code by the federal government or from any other source, public or private, including collections from inmates, reimbursement of payments under the Workers' Compensation Act, and commissions from inmate collect call telephone systems under an agreement with the Department of Central Management Services. For these purposes the Department may comply with such conditions and enter into such agreements upon such covenants, terms, and conditions as the Department may deem necessary or desirable, if the agreement is not in conflict with State law.

(a-5) Beginning January 1, 2018, the Department of Central Management Services shall contract with the qualified vendor who proposes the lowest per minute rate not exceeding 7 cents per minute for debit, prepaid, collect calls and who does not bill to any party any tax,
service charge, or additional fee exceeding the per minute rate, including, but not limited to, any per call surcharge, account set up fee, bill statement fee, monthly account maintenance charge, or refund fee as established by the Federal Communications Commission Order for state prisons in the Matter of Rates for Interstate Inmate Calling Services, Second Report and Order, WC Docket 12-375, FCC 15-136 (adopted Oct. 22, 2015). Telephone services made available through a prepaid or collect call system shall include international calls; those calls shall be made available at reasonable rates subject to Federal Communications Commission rules and regulations, but not to exceed 23 cents per minute. This amendatory Act of the 99th General Assembly applies to any new or renewal contract for inmate calling services.

(b) On July 1, 1998, the Department of Corrections Reimbursement Fund and the Department of Corrections Education Fund shall be combined into a single fund to be known as the Department of Corrections Reimbursement and Education Fund, which is hereby created as a special fund in the State Treasury. The moneys deposited into the Department of Corrections Reimbursement and Education Fund shall be appropriated to the Department of Corrections for the expenses of the Department.

The following shall be deposited into the Department of Corrections Reimbursement and Education Fund:

(i) Moneys received or recovered by the Department of Corrections as reimbursement for expenses incurred for the incarceration of committed persons.

(ii) Moneys received or recovered by the Department as reimbursement of payments made under the Workers' Compensation Act.

(iii) Moneys received by the Department as commissions from inmate collect call telephone systems.

(iv) Moneys received or recovered by the Department as reimbursement for expenses incurred by the employment of persons referred to the Department as participants in the federal Job Training Partnership Act programs.

(v) Federal moneys, including reimbursement and advances for services rendered or to be rendered and moneys for other than educational purposes, under grant or contract.

(vi) Moneys identified for deposit into the Fund under Section 13-44.4 of the School Code.

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(vii) Moneys in the Department of Corrections Reimbursement Fund and the Department of Corrections Education Fund at the close of business on June 30, 1998.
(Source: P.A. 90-9, eff. 7-1-97; 90-587, eff. 7-1-98.)
Section 99. Effective date. This Act takes effect January 1, 2017.
Approved August 22, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0879
(House Bill No. 6291)

AN ACT concerning courts.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The Juvenile Court Act of 1987 is amended by changing
Sections 5-710 and 5-715 as follows:
(705 ILCS 405/5-710)
Sec. 5-710. Kinds of sentencing orders.
(1) The following kinds of sentencing orders may be made in
respect of wards of the court:
(a) Except as provided in Sections 5-805, 5-810, 5-815, a
minor who is found guilty under Section 5-620 may be:
(i) put on probation or conditional discharge and
released to his or her parents, guardian or legal custodian,
provided, however, that any such minor who is not
committed to the Department of Juvenile Justice under this
subsection and who is found to be a delinquent for an
offense which is first degree murder, a Class X felony, or a
forcible felony shall be placed on probation;
(ii) placed in accordance with Section 5-740, with
or without also being put on probation or conditional
discharge;
(iii) required to undergo a substance abuse
assessment conducted by a licensed provider and participate
in the indicated clinical level of care;
(iv) on and after the effective date of this
amendatory Act of the 98th General Assembly and before
January 1, 2017, placed in the guardianship of the

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Department of Children and Family Services, but only if the delinquent minor is under 16 years of age or, pursuant to Article II of this Act, a minor for whom an independent basis of abuse, neglect, or dependency exists. On and after January 1, 2017, placed in the guardianship of the Department of Children and Family Services, but only if the delinquent minor is under 15 years of age or, pursuant to Article II of this Act, a minor for whom an independent basis of abuse, neglect, or dependency exists. An independent basis exists when the allegations or adjudication of abuse, neglect, or dependency do not arise from the same facts, incident, or circumstances which give rise to a charge or adjudication of delinquency;

(v) placed in detention for a period not to exceed 30 days, either as the exclusive order of disposition or, where appropriate, in conjunction with any other order of disposition issued under this paragraph, provided that any such detention shall be in a juvenile detention home and the minor so detained shall be 10 years of age or older. However, the 30-day limitation may be extended by further order of the court for a minor under age 15 committed to the Department of Children and Family Services if the court finds that the minor is a danger to himself or others. The minor shall be given credit on the sentencing order of detention for time spent in detention under Sections 5-501, 5-601, 5-710, or 5-720 of this Article as a result of the offense for which the sentencing order was imposed. The court may grant credit on a sentencing order of detention entered under a violation of probation or violation of conditional discharge under Section 5-720 of this Article for time spent in detention before the filing of the petition alleging the violation. A minor shall not be deprived of credit for time spent in detention before the filing of a violation of probation or conditional discharge alleging the same or related act or acts. The limitation that the minor shall only be placed in a juvenile detention home does not apply as follows:

Persons 18 years of age and older who have a petition of delinquency filed against them may be confined
in an adult detention facility. In making a determination whether to confine a person 18 years of age or older who has a petition of delinquency filed against the person, these factors, among other matters, shall be considered:

(A) the age of the person;

(B) any previous delinquent or criminal history of the person;

(C) any previous abuse or neglect history of the person;

(D) any mental health history of the person; and

(E) any educational history of the person;

(vi) ordered partially or completely emancipated in accordance with the provisions of the Emancipation of Minors Act;

(vii) subject to having his or her driver's license or driving privileges suspended for such time as determined by the court but only until he or she attains 18 years of age;

(viii) put on probation or conditional discharge and placed in detention under Section 3-6039 of the Counties Code for a period not to exceed the period of incarceration permitted by law for adults found guilty of the same offense or offenses for which the minor was adjudicated delinquent, and in any event no longer than upon attainment of age 21; this subdivision (viii) notwithstanding any contrary provision of the law;

(ix) ordered to undergo a medical or other procedure to have a tattoo symbolizing allegiance to a street gang removed from his or her body; or

(x) placed in electronic home detention under Part 7A of this Article.

(b) A minor found to be guilty may be committed to the Department of Juvenile Justice under Section 5-750 if the minor is at least 13 years and under 20 years of age, provided that the commitment to the Department of Juvenile Justice shall be made only if a term of imprisonment in the penitentiary system of the Department of Corrections is permitted by law for adults found guilty of the offense for which the minor was adjudicated delinquent. The court shall include in the sentencing order any pre-
custody credits the minor is entitled to under Section 5-4.5-100 of the Unified Code of Corrections. The time during which a minor is in custody before being released upon the request of a parent, guardian or legal custodian shall also be considered as time spent in custody.

(c) When a minor is found to be guilty for an offense which is a violation of the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act and made a ward of the court, the court may enter a disposition order requiring the minor to undergo assessment, counseling or treatment in a substance abuse program approved by the Department of Human Services.

(2) Any sentencing order other than commitment to the Department of Juvenile Justice may provide for protective supervision under Section 5-725 and may include an order of protection under Section 5-730.

(3) Unless the sentencing order expressly so provides, it does not operate to close proceedings on the pending petition, but is subject to modification until final closing and discharge of the proceedings under Section 5-750.

(4) In addition to any other sentence, the court may order any minor found to be delinquent to make restitution, in monetary or non-monetary form, under the terms and conditions of Section 5-5-6 of the Unified Code of Corrections, except that the "presentencing hearing" referred to in that Section shall be the sentencing hearing for purposes of this Section. The parent, guardian or legal custodian of the minor may be ordered by the court to pay some or all of the restitution on the minor's behalf, pursuant to the Parental Responsibility Law. The State's Attorney is authorized to act on behalf of any victim in seeking restitution in proceedings under this Section, up to the maximum amount allowed in Section 5 of the Parental Responsibility Law.

(5) Any sentencing order where the minor is committed or placed in accordance with Section 5-740 shall provide for the parents or guardian of the estate of the minor to pay to the legal custodian or guardian of the person of the minor such sums as are determined by the custodian or guardian of the person of the minor as necessary for the minor's needs. The payments may not exceed the maximum amounts provided for by Section 9.1 of the Children and Family Services Act.

(6) Whenever the sentencing order requires the minor to attend school or participate in a program of training, the truant officer or

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designated school official shall regularly report to the court if the minor is a chronic or habitual truant under Section 26-2a of the School Code. Notwithstanding any other provision of this Act, in instances in which educational services are to be provided to a minor in a residential facility where the minor has been placed by the court, costs incurred in the provision of those educational services must be allocated based on the requirements of the School Code.

(7) In no event shall a guilty minor be committed to the Department of Juvenile Justice for a period of time in excess of that period for which an adult could be committed for the same act. The court shall include in the sentencing order a limitation on the period of confinement not to exceed the maximum period of imprisonment the court could impose under Article V of the Unified Code of Corrections.

(7.5) In no event shall a guilty minor be committed to the Department of Juvenile Justice or placed in detention when the act for which the minor was adjudicated delinquent would not be illegal if committed by an adult.

(7.75) In no event shall a guilty minor be committed to the Department of Juvenile Justice for an offense that is a Class 3 or Class 4 felony violation of the Illinois Controlled Substances Act unless the commitment occurs upon a third or subsequent judicial finding of a violation of probation for substantial noncompliance with court ordered treatment or programming.

(8) A minor found to be guilty for reasons that include a violation of Section 21-1.3 of the Criminal Code of 1961 or the Criminal Code of 2012 shall be ordered to perform community service for not less than 30 and not more than 120 hours, if community service is available in the jurisdiction. The community service shall include, but need not be limited to, the cleanup and repair of the damage that was caused by the violation or similar damage to property located in the municipality or county in which the violation occurred. The order may be in addition to any other order authorized by this Section.

(8.5) A minor found to be guilty for reasons that include a violation of Section 3.02 or Section 3.03 of the Humane Care for Animals Act or paragraph (d) of subsection (1) of Section 21-1 of the Criminal Code of 1961 or paragraph (4) of subsection (a) of Section 21-1 of the Criminal Code of 2012 shall be ordered to undergo medical or psychiatric treatment rendered by a psychiatrist or psychological treatment rendered by a clinical
(9) In addition to any other sentencing order, the court shall order any minor found to be guilty for an act which would constitute, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated criminal sexual abuse, or criminal sexual abuse if committed by an adult to undergo medical testing to determine whether the defendant has any sexually transmissible disease including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agency of acquired immunodeficiency syndrome (AIDS). Any medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the minor's person. Except as otherwise provided by law, the results of the test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the sentencing order was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom the results of the testing may be revealed. The court shall notify the minor of the results of the test for infection with the human immunodeficiency virus (HIV). The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or the legal guardian, of the results of the test for infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at the Department of Public Health facilities to all parties to whom the results of the testing are revealed. The court shall order that the cost of any test shall be paid by the county and may be taxed as costs against the minor.

(10) When a court finds a minor to be guilty the court shall, before entering a sentencing order under this Section, make a finding whether the offense committed either: (a) was related to or in furtherance of the criminal activities of an organized gang or was motivated by the minor's membership in or allegiance to an organized gang, or (b) involved a violation of subsection (a) of Section 12-7.1 of the Criminal Code of 1961 or the Criminal Code of 2012, a violation of any Section of Article 24 of the Criminal Code of 1961 or the Criminal Code of 2012, or a violation of any statute that involved the wrongful use of a firearm. If the court

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determines the question in the affirmative, and the court does not commit
the minor to the Department of Juvenile Justice, the court shall order the
minor to perform community service for not less than 30 hours nor more
than 120 hours, provided that community service is available in the
jurisdiction and is funded and approved by the county board of the county
where the offense was committed. The community service shall include,
but need not be limited to, the cleanup and repair of any damage caused by
a violation of Section 21-1.3 of the Criminal Code of 1961 or the Criminal
Code of 2012 and similar damage to property located in the municipality
or county in which the violation occurred. When possible and reasonable,
the community service shall be performed in the minor's neighborhood.
This order shall be in addition to any other order authorized by this Section
except for an order to place the minor in the custody of the Department of
Juvenile Justice. For the purposes of this Section, "organized gang" has the
meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism
Omnibus Prevention Act.

(11) If the court determines that the offense was committed in
furtherance of the criminal activities of an organized gang, as provided in
subsection (10), and that the offense involved the operation or use of a
motor vehicle or the use of a driver's license or permit, the court shall
notify the Secretary of State of that determination and of the period for
which the minor shall be denied driving privileges. If, at the time of the
determination, the minor does not hold a driver's license or permit, the
court shall provide that the minor shall not be issued a driver's license or
permit until his or her 18th birthday. If the minor holds a driver's license or
permit at the time of the determination, the court shall provide that the
minor's driver's license or permit shall be revoked until his or her 21st
birthday, or until a later date or occurrence determined by the court. If the
minor holds a driver's license at the time of the determination, the court
may direct the Secretary of State to issue the minor a judicial driving
permit, also known as a JDP. The JDP shall be subject to the same terms
as a JDP issued under Section 6-206.1 of the Illinois Vehicle Code, except
that the court may direct that the JDP be effective immediately.

(12) If a minor is found to be guilty of a violation of subsection (a-7)
of Section 1 of the Prevention of Tobacco Use by Minors Act, the court
may, in its discretion, and upon recommendation by the State's Attorney,
order that minor and his or her parents or legal guardian to attend a
smoker's education or youth diversion program as defined in that Act if
that program is available in the jurisdiction where the offender resides.

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Attendance at a smoker's education or youth diversion program shall be time-credited against any community service time imposed for any first violation of subsection (a-7) of Section 1 of that Act. In addition to any other penalty that the court may impose for a violation of subsection (a-7) of Section 1 of that Act, the court, upon request by the State's Attorney, may in its discretion require the offender to remit a fee for his or her attendance at a smoker's education or youth diversion program.

For purposes of this Section, "smoker's education program" or "youth diversion program" includes, but is not limited to, a seminar designed to educate a person on the physical and psychological effects of smoking tobacco products and the health consequences of smoking tobacco products that can be conducted with a locality's youth diversion program.

In addition to any other penalty that the court may impose under this subsection (12):

(a) If a minor violates subsection (a-7) of Section 1 of the Prevention of Tobacco Use by Minors Act, the court may impose a sentence of 15 hours of community service or a fine of $25 for a first violation.

(b) A second violation by a minor of subsection (a-7) of Section 1 of that Act that occurs within 12 months after the first violation is punishable by a fine of $50 and 25 hours of community service.

(c) A third or subsequent violation by a minor of subsection (a-7) of Section 1 of that Act that occurs within 12 months after the first violation is punishable by a $100 fine and 30 hours of community service.

(d) Any second or subsequent violation not within the 12-month time period after the first violation is punishable as provided for a first violation.

(Source: P.A. 98-536, eff. 8-23-13; 98-803, eff. 1-1-15; 99-268, eff. 1-1-16.)

(705 ILCS 405/5-715)
Sec. 5-715. Probation.
(1) The period of probation or conditional discharge shall not exceed 5 years or until the minor has attained the age of 21 years, whichever is less, except as provided in this Section for a minor who is found to be guilty for an offense which is first degree murder, a Class X felony or a forcible felony. The juvenile court may terminate probation or

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conditional discharge and discharge the minor at any time if warranted by the conduct of the minor and the ends of justice; provided, however, that the period of probation for a minor who is found to be guilty for an offense which is first degree murder, a Class X felony, or a forcible felony shall be at least 5 years.

(1.5) The period of probation for a minor who is found guilty of aggravated criminal sexual assault, criminal sexual assault, or aggravated battery with a firearm shall be at least 36 months. The period of probation for a minor who is found to be guilty of any other Class X felony shall be at least 24 months. The period of probation for a Class 1 or Class 2 forcible felony shall be at least 18 months. Regardless of the length of probation ordered by the court, for all offenses under this paragraph (1.5), the court shall schedule hearings to determine whether it is in the best interest of the minor and public safety to terminate probation after the minimum period of probation has been served. In such a hearing, there shall be a rebuttable presumption that it is in the best interest of the minor and public safety to terminate probation.

(2) The court may as a condition of probation or of conditional discharge require that the minor:

(a) not violate any criminal statute of any jurisdiction;
(b) make a report to and appear in person before any person or agency as directed by the court;
(c) work or pursue a course of study or vocational training;
(d) undergo medical or psychiatric treatment, rendered by a psychiatrist or psychological treatment rendered by a clinical psychologist or social work services rendered by a clinical social worker, or treatment for drug addiction or alcoholism;
(e) attend or reside in a facility established for the instruction or residence of persons on probation;
(f) support his or her dependents, if any;
(g) refrain from possessing a firearm or other dangerous weapon, or an automobile;
(h) permit the probation officer to visit him or her at his or her home or elsewhere;
(i) reside with his or her parents or in a foster home;
(j) attend school;
(j-5) with the consent of the superintendent of the facility, attend an educational program at a facility other than the school in which the offense was committed if he or she committed a crime of

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violence as defined in Section 2 of the Crime Victims Compensation Act in a school, on the real property comprising a school, or within 1,000 feet of the real property comprising a school;

(k) attend a non-residential program for youth;
(l) make restitution under the terms of subsection (4) of Section 5-710;
(m) contribute to his or her own support at home or in a foster home;
(n) perform some reasonable public or community service;
(o) participate with community corrections programs including unified delinquency intervention services administered by the Department of Human Services subject to Section 5 of the Children and Family Services Act;
(p) pay costs;
(q) serve a term of home confinement. In addition to any other applicable condition of probation or conditional discharge, the conditions of home confinement shall be that the minor:

(i) remain within the interior premises of the place designated for his or her confinement during the hours designated by the court;

(ii) admit any person or agent designated by the court into the minor's place of confinement at any time for purposes of verifying the minor's compliance with the conditions of his or her confinement; and

(iii) use an approved electronic monitoring device if ordered by the court subject to Article 8A of Chapter V of the Unified Code of Corrections;

(r) refrain from entering into a designated geographic area except upon terms as the court finds appropriate. The terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the minor, and advance approval by a probation officer, if the minor has been placed on probation, or advance approval by the court, if the minor has been placed on conditional discharge;

(s) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of persons, including but not limited to members of street gangs and drug users or dealers;

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(s-5) undergo a medical or other procedure to have a tattoo symbolizing allegiance to a street gang removed from his or her body;
(t) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act, unless prescribed by a physician, and shall submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug; or
(u) comply with other conditions as may be ordered by the court.
(3) The court may as a condition of probation or of conditional discharge require that a minor found guilty on any alcohol, cannabis, methamphetamine, or controlled substance violation, refrain from acquiring a driver's license during the period of probation or conditional discharge. If the minor is in possession of a permit or license, the court may require that the minor refrain from driving or operating any motor vehicle during the period of probation or conditional discharge, except as may be necessary in the course of the minor's lawful employment.
(3.5) The court shall, as a condition of probation or of conditional discharge, require that a minor found to be guilty and placed on probation for reasons that include a violation of Section 3.02 or Section 3.03 of the Humane Care for Animals Act or paragraph (4) of subsection (a) of Section 21-1 of the Criminal Code of 2012 undergo medical or psychiatric treatment rendered by a psychiatrist or psychological treatment rendered by a clinical psychologist. The condition may be in addition to any other condition.
(3.10) The court shall order that a minor placed on probation or conditional discharge for a sex offense as defined in the Sex Offender Management Board Act undergo and successfully complete sex offender treatment. The treatment shall be in conformance with the standards developed under the Sex Offender Management Board Act and conducted by a treatment provider approved by the Board. The treatment shall be at the expense of the person evaluated based upon that person's ability to pay for the treatment.
(4) A minor on probation or conditional discharge shall be given a certificate setting forth the conditions upon which he or she is being released.
(5) The court shall impose upon a minor placed on probation or conditional discharge, as a condition of the probation or conditional discharge, a fee of $50 for each month of probation or conditional discharge supervision ordered by the court, unless after determining the inability of the minor placed on probation or conditional discharge to pay the fee, the court assesses a lesser amount. The court may not impose the fee on a minor who is made a ward of the State under this Act while the minor is in placement. The fee shall be imposed only upon a minor who is actively supervised by the probation and court services department. The court may order the parent, guardian, or legal custodian of the minor to pay some or all of the fee on the minor's behalf.

(5.5) Jurisdiction over an offender may be transferred from the sentencing court to the court of another circuit with the concurrence of both courts. Further transfers or retransfers of jurisdiction are also authorized in the same manner. The court to which jurisdiction has been transferred shall have the same powers as the sentencing court. The probation department within the circuit to which jurisdiction has been transferred, or which has agreed to provide supervision, may impose probation fees upon receiving the transferred offender, as provided in subsection (i) of Section 5-6-3 of the Unified Code of Corrections. For all transfer cases, as defined in Section 9b of the Probation and Probation Officers Act, the probation department from the original sentencing court shall retain all probation fees collected prior to the transfer. After the transfer, all probation fees shall be paid to the probation department within the circuit to which jurisdiction has been transferred.

If the transfer case originated in another state and has been transferred under the Interstate Compact for Juveniles to the jurisdiction of an Illinois circuit court for supervision by an Illinois probation department, probation fees may be imposed only if permitted by the Interstate Commission for Juveniles.

(6) The General Assembly finds that in order to protect the public, the juvenile justice system must compel compliance with the conditions of probation by responding to violations with swift, certain, and fair punishments and intermediate sanctions. The Chief Judge of each circuit shall adopt a system of structured, intermediate sanctions for violations of the terms and conditions of a sentence of supervision, probation or conditional discharge, under this Act.

The court shall provide as a condition of a disposition of probation, conditional discharge, or supervision, that the probation agency may
invoke any sanction from the list of intermediate sanctions adopted by the chief judge of the circuit court for violations of the terms and conditions of the sentence of probation, conditional discharge, or supervision, subject to the provisions of Section 5-720 of this Act.

(Source: P.A. 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-575, eff. 1-1-14.)

Section 99. Effective date. This Act take shall take effect on January 1, 2017.

Approved August 22, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0880
(House Bill No. 6324)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Uniform Conviction Information Act is amended by changing Section 3 as follows:

(20 ILCS 2635/3) (from Ch. 38, par. 1603)

Sec. 3. Definitions. Whenever used in this Act, and for the purposes of this Act, unless the context clearly indicates otherwise:

(A) "Accurate" means factually correct, containing no mistake or error of a material nature.

(B) The phrase "administer the criminal laws" includes any of the following activities: intelligence gathering, surveillance, criminal investigation, crime detection and prevention (including research), apprehension, detention, pretrial or post-trial release, prosecution, the correctional supervision or rehabilitation of accused persons or criminal offenders, criminal identification activities, data analysis and research done by the sentencing commission, or the collection, maintenance or dissemination of criminal history record information.

(C) "The Authority" means the Illinois Criminal Justice Information Authority.

(D) "Automated" means the utilization of computers, telecommunication lines, or other automatic data processing equipment for data collection or storage, analysis, processing, preservation, maintenance,
dissemination, or display and is distinguished from a system in which such activities are performed manually.

(E) "Complete" means accurately reflecting all the criminal history record information about an individual that is required to be reported to the Department pursuant to Section 2.1 of the Criminal Identification Act.

(F) "Conviction information" means data reflecting a judgment of guilt or nolo contendere. The term includes all prior and subsequent criminal history events directly relating to such judgments, such as, but not limited to: (1) the notation of arrest; (2) the notation of charges filed; (3) the sentence imposed; (4) the fine imposed; and (5) all related probation, parole, and release information. Information ceases to be "conviction information" when a judgment of guilt is reversed or vacated.

For purposes of this Act, continuances to a date certain in furtherance of an order of supervision granted under Section 5-6-1 of the Unified Code of Corrections or an order of probation granted under either Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 70 of the Methamphetamine Control and Community Protection Act, Section 12-4.3 or subdivision (b)(1) of Section 12-3.05 of the Criminal Code of 1961 or the Criminal Code of 2012, Section 10-102 of the Illinois Alcoholism and Other Drug Dependency Act, Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act, or Section 10 of the Steroid Control Act shall not be deemed "conviction information".

(G) "Criminal history record information" means data identifiable to an individual, including information collected under Section 4.5 of the Criminal Identification Act, and consisting of descriptions or notations of arrests, detentions, indictments, informations, pretrial proceedings, trials, or other formal events in the criminal justice system or descriptions or notations of criminal charges (including criminal violations of local municipal ordinances) and the nature of any disposition arising therefrom, including sentencing, court or correctional supervision, rehabilitation and release. The term does not apply to statistical records and reports in which individual are not identified and from which their identities are not ascertainable, or to information that is for criminal investigative or intelligence purposes.

(H) "Criminal justice agency" means (1) a government agency or any subunit thereof which is authorized to administer the criminal laws and which allocates a substantial part of its annual budget for that purpose, or (2) an agency supported by public funds which is authorized as its
principal function to administer the criminal laws and which is officially
designated by the Department as a criminal justice agency for purposes of
this Act.

(I) "The Department" means the Illinois Department of State
Police.

(J) "Director" means the Director of the Illinois Department of
State Police.

(K) "Disseminate" means to disclose or transmit conviction
information in any form, oral, written, or otherwise.

(L) "Exigency" means pending danger or the threat of pending
danger to an individual or property.

(M) "Non-criminal justice agency" means a State agency, Federal
agency, or unit of local government that is not a criminal justice agency.
The term does not refer to private individuals, corporations, or non-
governmental agencies or organizations.

(M-5) "Request" means the submission to the Department, in the
form and manner required, the necessary data elements or fingerprints, or
both, to allow the Department to initiate a search of its criminal history
record information files.

(N) "Requester" means any private individual, corporation,
organization, employer, employment agency, labor organization, or non-
criminal justice agency that has made a request pursuant to this Act to
obtain conviction information maintained in the files of the Department of
State Police regarding a particular individual.

(O) "Statistical information" means data from which the identity of
an individual cannot be ascertained, reconstructed, or verified and to
which the identity of an individual cannot be linked by the recipient of the
information.

(P) "Sentencing commission" means the Sentencing Policy
Advisory Council.
(Source: P.A. 97-1150, eff. 1-25-13; 98-528, eff. 1-1-15.)

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

Passed in the General Assembly May 29, 2016.
Approved August 22, 2016.
Effective August 22, 2016.

New matter indicated by italics - deletions by strikeout
AN ACT concerning State government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Identification Act is amended by changing Section 5.2 as follows:

(20 ILCS 2630/5.2)
Sec. 5.2. Expungement and sealing.
(a) General Provisions.
   (1) Definitions. In this Act, words and phrases have the meanings set forth in this subsection, except when a particular context clearly requires a different meaning.
      (A) The following terms shall have the meanings ascribed to them in the Unified Code of Corrections, 730 ILCS 5/5-1-2 through 5/5-1-22:
         (i) Business Offense (730 ILCS 5/5-1-2),
         (ii) Charge (730 ILCS 5/5-1-3),
         (iii) Court (730 ILCS 5/5-1-6),
         (iv) Defendant (730 ILCS 5/5-1-7),
         (v) Felony (730 ILCS 5/5-1-9),
         (vi) Imprisonment (730 ILCS 5/5-1-10),
         (vii) Judgment (730 ILCS 5/5-1-12),
         (viii) Misdemeanor (730 ILCS 5/5-1-14),
         (ix) Offense (730 ILCS 5/5-1-15),
         (x) Parole (730 ILCS 5/5-1-16),
         (xi) Petty Offense (730 ILCS 5/5-1-17),
         (xii) Probation (730 ILCS 5/5-1-18),
         (xiii) Sentence (730 ILCS 5/5-1-19),
         (xiv) Supervision (730 ILCS 5/5-1-21), and
         (xv) Victim (730 ILCS 5/5-1-22).
      (B) As used in this Section, "charge not initiated by arrest" means a charge (as defined by 730 ILCS 5/5-1-3) brought against a defendant where the defendant is not arrested prior to or as a direct result of the charge.
      (C) "Conviction" means a judgment of conviction or sentence entered upon a plea of guilty or upon a verdict or finding of guilty of an offense, rendered by a legally
constituted jury or by a court of competent jurisdiction authorized to try the case without a jury. An order of supervision successfully completed by the petitioner is not a conviction. An order of qualified probation (as defined in subsection (a)(1)(J)) successfully completed by the petitioner is not a conviction. An order of supervision or an order of qualified probation that is terminated unsatisfactorily is a conviction, unless the unsatisfactory termination is reversed, vacated, or modified and the judgment of conviction, if any, is reversed or vacated.

(D) "Criminal offense" means a petty offense, business offense, misdemeanor, felony, or municipal ordinance violation (as defined in subsection (a)(1)(H)). As used in this Section, a minor traffic offense (as defined in subsection (a)(1)(G)) shall not be considered a criminal offense.

(E) "Expunge" means to physically destroy the records or return them to the petitioner and to obliterate the petitioner's name from any official index or public record, or both. Nothing in this Act shall require the physical destruction of the circuit court file, but such records relating to arrests or charges, or both, ordered expunged shall be impounded as required by subsections (d)(9)(A)(ii) and (d)(9)(B)(ii).

(F) As used in this Section, "last sentence" means the sentence, order of supervision, or order of qualified probation (as defined by subsection (a)(1)(J)), for a criminal offense (as defined by subsection (a)(1)(D)) that terminates last in time in any jurisdiction, regardless of whether the petitioner has included the criminal offense for which the sentence or order of supervision or qualified probation was imposed in his or her petition. If multiple sentences, orders of supervision, or orders of qualified probation terminate on the same day and are last in time, they shall be collectively considered the "last sentence" regardless of whether they were ordered to run concurrently.

(G) "Minor traffic offense" means a petty offense, business offense, or Class C misdemeanor under the Illinois

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Vehicle Code or a similar provision of a municipal or local ordinance.

(H) "Municipal ordinance violation" means an offense defined by a municipal or local ordinance that is criminal in nature and with which the petitioner was charged or for which the petitioner was arrested and released without charging.

(I) "Petitioner" means an adult or a minor prosecuted as an adult who has applied for relief under this Section.

(J) "Qualified probation" means an order of probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 70 of the Methamphetamine Control and Community Protection Act, Section 5-6-3.3 or 5-6-3.4 of the Unified Code of Corrections, Section 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (as those provisions existed before their deletion by Public Act 89-313), Section 10-102 of the Illinois Alcoholism and Other Drug Dependency Act, Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act, or Section 10 of the Steroid Control Act. For the purpose of this Section, "successful completion" of an order of qualified probation under Section 10-102 of the Illinois Alcoholism and Other Drug Dependency Act and Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act means that the probation was terminated satisfactorily and the judgment of conviction was vacated.

(K) "Seal" means to physically and electronically maintain the records, unless the records would otherwise be destroyed due to age, but to make the records unavailable without a court order, subject to the exceptions in Sections 12 and 13 of this Act. The petitioner's name shall also be obliterated from the official index required to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act, but any index issued by the circuit court clerk before the entry of the order to seal shall not be affected.

(L) "Sexual offense committed against a minor" includes but is not limited to the offenses of indecent
solicitation of a child or criminal sexual abuse when the victim of such offense is under 18 years of age.

(M) "Terminate" as it relates to a sentence or order of supervision or qualified probation includes either satisfactory or unsatisfactory termination of the sentence, unless otherwise specified in this Section.

(2) Minor Traffic Offenses. Orders of supervision or convictions for minor traffic offenses shall not affect a petitioner's eligibility to expunge or seal records pursuant to this Section.

(3) Exclusions. Except as otherwise provided in subsections (b)(5), (b)(6), (b)(8), (e), (e-5), and (e-6) of this Section, the court shall not order:

(A) the sealing or expungement of the records of arrests or charges not initiated by arrest that result in an order of supervision for or conviction of: (i) any sexual offense committed against a minor; (ii) Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance; or (iii) Section 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance, unless the arrest or charge is for a misdemeanor violation of subsection (a) of Section 11-503 or a similar provision of a local ordinance, that occurred prior to the offender reaching the age of 25 years and the offender has no other conviction for violating Section 11-501 or 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(B) the sealing or expungement of records of minor traffic offenses (as defined in subsection (a)(1)(G)), unless the petitioner was arrested and released without charging.

(C) the sealing of the records of arrests or charges not initiated by arrest which result in an order of supervision or a conviction for the following offenses:

(i) offenses included in Article 11 of the Criminal Code of 1961 or the Criminal Code of 2012 or a similar provision of a local ordinance, except Section 11-14 of the Criminal Code of 1961 or the Criminal Code of 2012, or a similar provision of a local ordinance;

(ii) Section 11-1.50, 12-3.4, 12-15, 12-30, 26-5, or 48-1 of the Criminal Code of 1961 or the
(iii) Sections 12-3.1 or 12-3.2 of the Criminal Code of 1961 or the Criminal Code of 2012, or Section 125 of the Stalking No Contact Order Act, or Section 219 of the Civil No Contact Order Act, or a similar provision of a local ordinance;

(iv) offenses which are Class A misdemeanors under the Humane Care for Animals Act; or

(v) any offense or attempted offense that would subject a person to registration under the Sex Offender Registration Act.

(D) the sealing of the records of an arrest which results in the petitioner being charged with a felony offense or records of a charge not initiated by arrest for a felony offense unless:

(i) the charge is amended to a misdemeanor and is otherwise eligible to be sealed pursuant to subsection (c);

(ii) the charge is brought along with another charge as a part of one case and the charge results in acquittal, dismissal, or conviction when the conviction was reversed or vacated, and another charge brought in the same case results in a disposition for a misdemeanor offense that is eligible to be sealed pursuant to subsection (c) or a disposition listed in paragraph (i), (iii), or (iv) of this subsection;

(iii) the charge results in first offender probation as set forth in subsection (c)(2)(E);

(iv) the charge is for a felony offense listed in subsection (c)(2)(F) or the charge is amended to a felony offense listed in subsection (c)(2)(F);

(v) the charge results in acquittal, dismissal, or the petitioner's release without conviction; or

(vi) the charge results in a conviction, but the conviction was reversed or vacated.

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(b) Expungement.

(1) A petitioner may petition the circuit court to expunge the records of his or her arrests and charges not initiated by arrest when each:

    (A) He or she has never been convicted of a criminal offense; and

    (B) Each arrest or charge not initiated by arrest sought to be expunged resulted in: (i) acquittal, dismissal, or the petitioner's release without charging, unless excluded by subsection (a)(3)(B); (ii) a conviction which was vacated or reversed, unless excluded by subsection (a)(3)(B); (iii) an order of supervision and such supervision was successfully completed by the petitioner, unless excluded by subsection (a)(3)(A) or (a)(3)(B); or (iv) an order of qualified probation (as defined in subsection (a)(1)(J)) and such probation was successfully completed by the petitioner.

(1.5) When a petitioner seeks to have a record of arrest expunged under this Section, and the offender has been convicted of a criminal offense, the State's Attorney may object to the expungement on the grounds that the records contain specific relevant information aside from the mere fact of the arrest.

(2) Time frame for filing a petition to expunge.

    (A) When the arrest or charge not initiated by arrest sought to be expunged resulted in an acquittal, dismissal, the petitioner's release without charging, or the reversal or vacation of a conviction, there is no waiting period to petition for the expungement of such records.

    (B) When the arrest or charge not initiated by arrest sought to be expunged resulted in an order of supervision, successfully completed by the petitioner, the following time frames will apply:

        (i) Those arrests or charges that resulted in orders of supervision under Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance, or under Section 11-1.50, 12-3.2, or 12-15 of the Criminal Code of 1961 or the Criminal Code of 2012, or a similar provision of a local ordinance, shall not be
eligible for expungement until 5 years have passed following the satisfactory termination of the supervision.

(i-5) Those arrests or charges that resulted in orders of supervision for a misdemeanor violation of subsection (a) of Section 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance, that occurred prior to the offender reaching the age of 25 years and the offender has no other conviction for violating Section 11-501 or 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance shall not be eligible for expungement until the petitioner has reached the age of 25 years.

(ii) Those arrests or charges that resulted in orders of supervision for any other offenses shall not be eligible for expungement until 2 years have passed following the satisfactory termination of the supervision.

(C) When the arrest or charge not initiated by arrest sought to be expunged resulted in an order of qualified probation, successfully completed by the petitioner, such records shall not be eligible for expungement until 5 years have passed following the satisfactory termination of the probation.

(3) Those records maintained by the Department for persons arrested prior to their 17th birthday shall be expunged as provided in Section 5-915 of the Juvenile Court Act of 1987.

(4) Whenever a person has been arrested for or convicted of any offense, in the name of a person whose identity he or she has stolen or otherwise come into possession of, the aggrieved person from whom the identity was stolen or otherwise obtained without authorization, upon learning of the person having been arrested using his or her identity, may, upon verified petition to the chief judge of the circuit wherein the arrest was made, have a court order entered nunc pro tunc by the Chief Judge to correct the arrest record, conviction record, if any, and all official records of the arresting authority, the Department, other criminal justice agencies, the prosecutor, and the trial court concerning such arrest, if any, by

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removing his or her name from all such records in connection with
the arrest and conviction, if any, and by inserting in the records the
name of the offender, if known or ascertainable, in lieu of the
aggrieved's name. The records of the circuit court clerk shall be
sealed until further order of the court upon good cause shown and
the name of the aggrieved person obliterated on the official index
required to be kept by the circuit court clerk under Section 16 of
the Clerks of Courts Act, but the order shall not affect any index
issued by the circuit court clerk before the entry of the order.
Nothing in this Section shall limit the Department of State Police
or other criminal justice agencies or prosecutors from listing under
an offender's name the false names he or she has used.

(5) Whenever a person has been convicted of criminal
sexual assault, aggravated criminal sexual assault, predatory
criminal sexual assault of a child, criminal sexual abuse, or
aggravated criminal sexual abuse, the victim of that offense may
request that the State's Attorney of the county in which the
conviction occurred file a verified petition with the presiding trial
judge at the petitioner's trial to have a court order entered to seal
the records of the circuit court clerk in connection with the
proceedings of the trial court concerning that offense. However, the
records of the arresting authority and the Department of State
Police concerning the offense shall not be sealed. The court, upon
good cause shown, shall make the records of the circuit court clerk
in connection with the proceedings of the trial court concerning the
offense available for public inspection.

(6) If a conviction has been set aside on direct review or on
collateral attack and the court determines by clear and convincing
evidence that the petitioner was factually innocent of the charge,
the court that finds the petitioner factually innocent of the charge
shall enter an expungement order for the conviction for which the
petitioner has been determined to be innocent as provided in
subsection (b) of Section 5-5-4 of the Unified Code of Corrections.

(7) Nothing in this Section shall prevent the Department of
State Police from maintaining all records of any person who is
admitted to probation upon terms and conditions and who fulfills
those terms and conditions pursuant to Section 10 of the Cannabis
Control Act, Section 410 of the Illinois Controlled Substances Act,
Section 70 of the Methamphetamine Control and Community

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Protection Act, Section 5-6-3.3 or 5-6-3.4 of the Unified Code of Corrections, Section 12-4.3 or subdivision (b)(1) of Section 12-3.05 of the Criminal Code of 1961 or the Criminal Code of 2012, Section 10-102 of the Illinois Alcoholism and Other Drug Dependency Act, Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act, or Section 10 of the Steroid Control Act.

(8) If the petitioner has been granted a certificate of innocence under Section 2-702 of the Code of Civil Procedure, the court that grants the certificate of innocence shall also enter an order expunging the conviction for which the petitioner has been determined to be innocent as provided in subsection (h) of Section 2-702 of the Code of Civil Procedure.

(c) Sealing.

(1) Applicability. Notwithstanding any other provision of this Act to the contrary, and cumulative with any rights to expungement of criminal records, this subsection authorizes the sealing of criminal records of adults and of minors prosecuted as adults.

(2) Eligible Records. The following records may be sealed:

(A) All arrests resulting in release without charging;

(B) Arrests or charges not initiated by arrest resulting in acquittal, dismissal, or conviction when the conviction was reversed or vacated, except as excluded by subsection (a)(3)(B);

(C) Arrests or charges not initiated by arrest resulting in orders of supervision, including orders of supervision for municipal ordinance violations, successfully completed by the petitioner, unless excluded by subsection (a)(3);

(D) Arrests or charges not initiated by arrest resulting in convictions, including convictions on municipal ordinance violations, unless excluded by subsection (a)(3);

(E) Arrests or charges not initiated by arrest resulting in orders of first offender probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 70 of the...
Methamphetamine Control and Community Protection Act, or Section 5-6-3.3 of the Unified Code of Corrections; and 

(F) Arrests or charges not initiated by arrest resulting in felony convictions for the following offenses: 

(i) Class 4 felony convictions for:
   Prostitution under Section 11-14 of the Criminal Code of 1961 or the Criminal Code of 2012.
   Possession of cannabis under Section 4 of the Cannabis Control Act.
   Possession of a controlled substance under Section 402 of the Illinois Controlled Substances Act.
   Offenses under the Methamphetamine Precursor Control Act.
   Theft under Section 16-1 of the Criminal Code of 1961 or the Criminal Code of 2012.
   Retail theft under Section 16A-3 or paragraph (a) of 16-25 of the Criminal Code of 1961 or the Criminal Code of 2012.
   Deceptive practices under Section 17-1 of the Criminal Code of 1961 or the Criminal Code of 2012.
   Forgery under Section 17-3 of the Criminal Code of 1961 or the Criminal Code of 2012.

(ii) Class 3 felony convictions for:
   Theft under Section 16-1 of the Criminal Code of 1961 or the Criminal Code of 2012.
   Retail theft under Section 16A-3 or paragraph (a) of 16-25 of the Criminal Code of 1961 or the Criminal Code of 2012.

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Deceptive practices under Section 17-1 of the Criminal Code of 1961 or the Criminal Code of 2012.

 Forgery under Section 17-3 of the Criminal Code of 1961 or the Criminal Code of 2012.

 Possession with intent to manufacture or deliver a controlled substance under Section 401 of the Illinois Controlled Substances Act.

(3) When Records Are Eligible to Be Sealed. Records identified as eligible under subsection (c)(2) may be sealed as follows:

(A) Records identified as eligible under subsection (c)(2)(A) and (c)(2)(B) may be sealed at any time.

(B) Except as otherwise provided in subparagraph (E) of this paragraph (3), records identified as eligible under subsection (c)(2)(C) may be sealed 2 years after the termination of petitioner's last sentence (as defined in subsection (a)(1)(F)).

(C) Except as otherwise provided in subparagraph (E) of this paragraph (3), records identified as eligible under subsections (c)(2)(D), (c)(2)(E), and (c)(2)(F) may be sealed 3 years after the termination of the petitioner's last sentence (as defined in subsection (a)(1)(F)).

(D) Records identified in subsection (a)(3)(A)(iii) may be sealed after the petitioner has reached the age of 25 years.

(E) Records identified as eligible under subsections (c)(2)(C), (c)(2)(D), (c)(2)(E), or (c)(2)(F) may be sealed upon termination of the petitioner's last sentence if the petitioner earned a high school diploma, associate's degree, career certificate, vocational technical certification, or bachelor's degree, or passed the high school level Test of General Educational Development, during the period of his or her sentence, aftercare release, or mandatory supervised release. This subparagraph shall apply only to a petitioner who has not completed the same educational goal prior to the period of his or her sentence, aftercare release, or mandatory supervised release.
mandatory supervised release. If a petition for sealing eligible records filed under this subparagraph is denied by the court, the time periods under subparagraph (B) or (C) shall apply to any subsequent petition for sealing filed by the petitioner.

(4) Subsequent felony convictions. A person may not have subsequent felony conviction records sealed as provided in this subsection (c) if he or she is convicted of any felony offense after the date of the sealing of prior felony convictions as provided in this subsection (c). The court may, upon conviction for a subsequent felony offense, order the unsealing of prior felony conviction records previously ordered sealed by the court.

(5) Notice of eligibility for sealing. Upon entry of a disposition for an eligible record under this subsection (c), the petitioner shall be informed by the court of the right to have the records sealed and the procedures for the sealing of the records.

(d) Procedure. The following procedures apply to expungement under subsections (b), (e), and (e-6) and sealing under subsections (c) and (e-5):

(1) Filing the petition. Upon becoming eligible to petition for the expungement or sealing of records under this Section, the petitioner shall file a petition requesting the expungement or sealing of records with the clerk of the court where the arrests occurred or the charges were brought, or both. If arrests occurred or charges were brought in multiple jurisdictions, a petition must be filed in each such jurisdiction. The petitioner shall pay the applicable fee, except no fee shall be required if the petitioner has obtained a court order waiving fees under Supreme Court Rule 298 or it is otherwise waived if not waived.

(1.5) County fee waiver pilot program. In a county of 3,000,000 or more inhabitants, no fee shall be required to be paid by a petitioner if the records sought to be expunged or sealed were arrests resulting in release without charging or arrests or charges not initiated by arrest resulting in acquittal, dismissal, or conviction when the conviction was reversed or vacated, unless excluded by subsection (a)(3)(B). The provisions of this paragraph (1.5), other than this sentence, are inoperative on and after January 1, 2018 or one year after the effective date of this amendatory Act of the 99th General Assembly, whichever is later.

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(2) Contents of petition. The petition shall be verified and shall contain the petitioner's name, date of birth, current address and, for each arrest or charge not initiated by arrest sought to be sealed or expunged, the case number, the date of arrest (if any), the identity of the arresting authority, and such other information as the court may require. During the pendency of the proceeding, the petitioner shall promptly notify the circuit court clerk of any change of his or her address. If the petitioner has received a certificate of eligibility for sealing from the Prisoner Review Board under paragraph (10) of subsection (a) of Section 3-3-2 of the Unified Code of Corrections, the certificate shall be attached to the petition.

(3) Drug test. The petitioner must attach to the petition proof that the petitioner has passed a test taken within 30 days before the filing of the petition showing the absence within his or her body of all illegal substances as defined by the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, and the Cannabis Control Act if he or she is petitioning to:

(A) seal felony records under clause (c)(2)(E);
(B) seal felony records for a violation of the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or the Cannabis Control Act under clause (c)(2)(F);
(C) seal felony records under subsection (e-5); or
(D) expunge felony records of a qualified probation under clause (b)(1)(B)(iv).

(4) Service of petition. The circuit court clerk shall promptly serve a copy of the petition and documentation to support the petition under subsection (e-5) or (e-6) on the State's Attorney or prosecutor charged with the duty of prosecuting the offense, the Department of State Police, the arresting agency and the chief legal officer of the unit of local government effecting the arrest.

(5) Objections.

(A) Any party entitled to notice of the petition may file an objection to the petition. All objections shall be in writing, shall be filed with the circuit court clerk, and shall state with specificity the basis of the objection. Whenever a person who has been convicted of an offense is granted a
pardón by the Governor which specifically authorizes expungement, an objection to the petition may not be filed.

(B) Objections to a petition to expunge or seal must be filed within 60 days of the date of service of the petition.

(6) Entry of order.

(A) The Chief Judge of the circuit wherein the charge was brought, any judge of that circuit designated by the Chief Judge, or in counties of less than 3,000,000 inhabitants, the presiding trial judge at the petitioner's trial, if any, shall rule on the petition to expunge or seal as set forth in this subsection (d)(6).

(B) Unless the State's Attorney or prosecutor, the Department of State Police, the arresting agency, or the chief legal officer files an objection to the petition to expunge or seal within 60 days from the date of service of the petition, the court shall enter an order granting or denying the petition.

(7) Hearings. If an objection is filed, the court shall set a date for a hearing and notify the petitioner and all parties entitled to notice of the petition of the hearing date at least 30 days prior to the hearing. Prior to the hearing, the State's Attorney shall consult with the Department as to the appropriateness of the relief sought in the petition to expunge or seal. At the hearing, the court shall hear evidence on whether the petition should or should not be granted, and shall grant or deny the petition to expunge or seal the records based on the evidence presented at the hearing. The court may consider the following:

(A) the strength of the evidence supporting the defendant's conviction;

(B) the reasons for retention of the conviction records by the State;

(C) the petitioner's age, criminal record history, and employment history;

(D) the period of time between the petitioner's arrest on the charge resulting in the conviction and the filing of the petition under this Section; and

(E) the specific adverse consequences the petitioner may be subject to if the petition is denied.

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(8) Service of order. After entering an order to expunge or seal records, the court must provide copies of the order to the Department, in a form and manner prescribed by the Department, to the petitioner, to the State's Attorney or prosecutor charged with the duty of prosecuting the offense, to the arresting agency, to the chief legal officer of the unit of local government effecting the arrest, and to such other criminal justice agencies as may be ordered by the court.

(9) Implementation of order.

(A) Upon entry of an order to expunge records pursuant to (b)(2)(A) or (b)(2)(B)(ii), or both:

(i) the records shall be expunged (as defined in subsection (a)(1)(E)) by the arresting agency, the Department, and any other agency as ordered by the court, within 60 days of the date of service of the order, unless a motion to vacate, modify, or reconsider the order is filed pursuant to paragraph (12) of subsection (d) of this Section;

(ii) the records of the circuit court clerk shall be impounded until further order of the court upon good cause shown and the name of the petitioner obliterated on the official index required to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act, but the order shall not affect any index issued by the circuit court clerk before the entry of the order; and

(iii) in response to an inquiry for expunged records, the court, the Department, or the agency receiving such inquiry, shall reply as it does in response to inquiries when no records ever existed.

(B) Upon entry of an order to expunge records pursuant to (b)(2)(B)(i) or (b)(2)(C), or both:

(i) the records shall be expunged (as defined in subsection (a)(1)(E)) by the arresting agency and any other agency as ordered by the court, within 60 days of the date of service of the order, unless a motion to vacate, modify, or reconsider the order is filed pursuant to paragraph (12) of subsection (d) of this Section;

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(ii) the records of the circuit court clerk shall be impounded until further order of the court upon good cause shown and the name of the petitioner obliterated on the official index required to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act, but the order shall not affect any index issued by the circuit court clerk before the entry of the order;

(iii) the records shall be impounded by the Department within 60 days of the date of service of the order as ordered by the court, unless a motion to vacate, modify, or reconsider the order is filed pursuant to paragraph (12) of subsection (d) of this Section;

(iv) records impounded by the Department may be disseminated by the Department only as required by law or to the arresting authority, the State's Attorney, and the court upon a later arrest for the same or a similar offense or for the purpose of sentencing for any subsequent felony, and to the Department of Corrections upon conviction for any offense; and

(v) in response to an inquiry for such records from anyone not authorized by law to access such records, the court, the Department, or the agency receiving such inquiry shall reply as it does in response to inquiries when no records ever existed.

(B-5) Upon entry of an order to expunge records under subsection (e-6):

(i) the records shall be expunged (as defined in subsection (a)(1)(E)) by the arresting agency and any other agency as ordered by the court, within 60 days of the date of service of the order, unless a motion to vacate, modify, or reconsider the order is filed under paragraph (12) of subsection (d) of this Section;

(ii) the records of the circuit court clerk shall be impounded until further order of the court upon good cause shown and the name of the petitioner

New matter indicated by italics - deletions by strikeout
obliterated on the official index required to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act, but the order shall not affect any index issued by the circuit court clerk before the entry of the order;

(iii) the records shall be impounded by the Department within 60 days of the date of service of the order as ordered by the court, unless a motion to vacate, modify, or reconsider the order is filed under paragraph (12) of subsection (d) of this Section;

(iv) records impounded by the Department may be disseminated by the Department only as required by law or to the arresting authority, the State's Attorney, and the court upon a later arrest for the same or a similar offense or for the purpose of sentencing for any subsequent felony, and to the Department of Corrections upon conviction for any offense; and

(v) in response to an inquiry for these records from anyone not authorized by law to access the records, the court, the Department, or the agency receiving the inquiry shall reply as it does in response to inquiries when no records ever existed.

(C) Upon entry of an order to seal records under subsection (c), the arresting agency, any other agency as ordered by the court, the Department, and the court shall seal the records (as defined in subsection (a)(1)(K)). In response to an inquiry for such records, from anyone not authorized by law to access such records, the court, the Department, or the agency receiving such inquiry shall reply as it does in response to inquiries when no records ever existed.

(D) The Department shall send written notice to the petitioner of its compliance with each order to expunge or seal records within 60 days of the date of service of that order or, if a motion to vacate, modify, or reconsider is filed, within 60 days of service of the order resolving the motion, if that order requires the Department to expunge or seal records. In the event of an appeal from the circuit court

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order, the Department shall send written notice to the petitioner of its compliance with an Appellate Court or Supreme Court judgment to expunge or seal records within 60 days of the issuance of the court's mandate. The notice is not required while any motion to vacate, modify, or reconsider, or any appeal or petition for discretionary appellate review, is pending.

(10) Fees. The Department may charge the petitioner a fee equivalent to the cost of processing any order to expunge or seal records. Notwithstanding any provision of the Clerks of Courts Act to the contrary, the circuit court clerk may charge a fee equivalent to the cost associated with the sealing or expungement of records by the circuit court clerk. From the total filing fee collected for the petition to seal or expunge, the circuit court clerk shall deposit $10 into the Circuit Court Clerk Operation and Administrative Fund, to be used to offset the costs incurred by the circuit court clerk in performing the additional duties required to serve the petition to seal or expunge on all parties. The circuit court clerk shall collect and forward the Department of State Police portion of the fee to the Department and it shall be deposited in the State Police Services Fund.

(11) Final Order. No court order issued under the expungement or sealing provisions of this Section shall become final for purposes of appeal until 30 days after service of the order on the petitioner and all parties entitled to notice of the petition.

(12) Motion to Vacate, Modify, or Reconsider. Under Section 2-1203 of the Code of Civil Procedure, the petitioner or any party entitled to notice may file a motion to vacate, modify, or reconsider the order granting or denying the petition to expunge or seal within 60 days of service of the order. If filed more than 60 days after service of the order, a petition to vacate, modify, or reconsider shall comply with subsection (c) of Section 2-1401 of the Code of Civil Procedure. Upon filing of a motion to vacate, modify, or reconsider, notice of the motion shall be served upon the petitioner and all parties entitled to notice of the petition.

(13) Effect of Order. An order granting a petition under the expungement or sealing provisions of this Section shall not be considered void because it fails to comply with the provisions of this Section or because of any error asserted in a motion to vacate,
modify, or reconsider. The circuit court retains jurisdiction to determine whether the order is voidable and to vacate, modify, or reconsider its terms based on a motion filed under paragraph (12) of this subsection (d).

(14) Compliance with Order Granting Petition to Seal Records. Unless a court has entered a stay of an order granting a petition to seal, all parties entitled to notice of the petition must fully comply with the terms of the order within 60 days of service of the order even if a party is seeking relief from the order through a motion filed under paragraph (12) of this subsection (d) or is appealing the order.

(15) Compliance with Order Granting Petition to Expunge Records. While a party is seeking relief from the order granting the petition to expunge through a motion filed under paragraph (12) of this subsection (d) or is appealing the order, and unless a court has entered a stay of that order, the parties entitled to notice of the petition must seal, but need not expunge, the records until there is a final order on the motion for relief or, in the case of an appeal, the issuance of that court's mandate.

(16) The changes to this subsection (d) made by Public Act 98-163 apply to all petitions pending on August 5, 2013 (the effective date of Public Act 98-163) and to all orders ruling on a petition to expunge or seal on or after August 5, 2013 (the effective date of Public Act 98-163).

(e) Whenever a person who has been convicted of an offense is granted a pardon by the Governor which specifically authorizes expungement, he or she may, upon verified petition to the Chief Judge of the circuit where the person had been convicted, any judge of the circuit designated by the Chief Judge, or in counties of less than 3,000,000 inhabitants, the presiding trial judge at the defendant's trial, have a court order entered expunging the record of arrest from the official records of the arresting authority and order that the records of the circuit court clerk and the Department be sealed until further order of the court upon good cause shown or as otherwise provided herein, and the name of the defendant obliterated from the official index requested to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act in connection with the arrest and conviction for the offense for which he or she had been pardoned but the order shall not affect any index issued by the circuit court clerk before the entry of the order. All records sealed by

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the Department may be disseminated by the Department only to the
arresting authority, the State's Attorney, and the court upon a later arrest
for the same or similar offense or for the purpose of sentencing for any
subsequent felony. Upon conviction for any subsequent offense, the
Department of Corrections shall have access to all sealed records of the
Department pertaining to that individual. Upon entry of the order of
expungement, the circuit court clerk shall promptly mail a copy of the
order to the person who was pardoned.

(e-5) Whenever a person who has been convicted of an offense is
granted a certificate of eligibility for sealing by the Prisoner Review Board
which specifically authorizes sealing, he or she may, upon verified petition
to the Chief Judge of the circuit where the person had been convicted, any
judge of the circuit designated by the Chief Judge, or in counties of less
than 3,000,000 inhabitants, the presiding trial judge at the petitioner's trial,
have a court order entered sealing the record of arrest from the official
records of the arresting authority and order that the records of the circuit
court clerk and the Department be sealed until further order of the court
upon good cause shown or as otherwise provided herein, and the name of
the petitioner obliterated from the official index requested to be kept by
the circuit court clerk under Section 16 of the Clerks of Courts Act in
connection with the arrest and conviction for the offense for which he or
she had been granted the certificate but the order shall not affect any index
issued by the circuit court clerk before the entry of the order. All records
sealed by the Department may be disseminated by the Department only as
required by this Act or to the arresting authority, a law enforcement
agency, the State's Attorney, and the court upon a later arrest for the same
or similar offense or for the purpose of sentencing for any subsequent
felony. Upon conviction for any subsequent offense, the Department of
Corrections shall have access to all sealed records of the Department
pertaining to that individual. Upon entry of the order of sealing, the circuit
court clerk shall promptly mail a copy of the order to the person who was
granted the certificate of eligibility for sealing.

(e-6) Whenever a person who has been convicted of an offense is
granted a certificate of eligibility for expungement by the Prisoner Review
Board which specifically authorizes expungement, he or she may, upon
verified petition to the Chief Judge of the circuit where the person had
been convicted, any judge of the circuit designated by the Chief Judge, or
in counties of less than 3,000,000 inhabitants, the presiding trial judge at
the petitioner's trial, have a court order entered expunging the record of

New matter indicated by italics - deletions by strikeout
arrest from the official records of the arresting authority and order that the records of the circuit court clerk and the Department be sealed until further order of the court upon good cause shown or as otherwise provided herein, and the name of the petitioner obliterated from the official index requested to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act in connection with the arrest and conviction for the offense for which he or she had been granted the certificate but the order shall not affect any index issued by the circuit court clerk before the entry of the order. All records sealed by the Department may be disseminated by the Department only as required by this Act or to the arresting authority, a law enforcement agency, the State's Attorney, and the court upon a later arrest for the same or similar offense or for the purpose of sentencing for any subsequent felony. Upon conviction for any subsequent offense, the Department of Corrections shall have access to all expunged records of the Department pertaining to that individual. Upon entry of the order of expungement, the circuit court clerk shall promptly mail a copy of the order to the person who was granted the certificate of eligibility for expungement.

(f) Subject to available funding, the Illinois Department of Corrections shall conduct a study of the impact of sealing, especially on employment and recidivism rates, utilizing a random sample of those who apply for the sealing of their criminal records under Public Act 93-211. At the request of the Illinois Department of Corrections, records of the Illinois Department of Employment Security shall be utilized as appropriate to assist in the study. The study shall not disclose any data in a manner that would allow the identification of any particular individual or employing unit. The study shall be made available to the General Assembly no later than September 1, 2010.

(0.05) New matter indicated by italics - deletions by strikeout

Section 10. The Juvenile Court Act of 1987 is amended by changing Section 5-915 as follows:

(705 ILCS 405/5-915)

Sec. 5-915. Expungement of juvenile law enforcement and court records.

(0.05) For purposes of this Section and Section 5-622:
"Expunge" means to physically destroy the records and to obliterate the minor's name from any official index or public record, or both. Nothing in this Act shall require the physical destruction of the internal office records, files, or databases maintained by a State's Attorney's Office or other prosecutor.

"Law enforcement record" includes but is not limited to records of arrest, station adjustments, fingerprints, probation adjustments, the issuance of a notice to appear, or any other records maintained by a law enforcement agency relating to a minor suspected of committing an offense.

(1) Whenever any person has attained the age of 18 or whenever all juvenile court proceedings relating to that person have been terminated, whichever is later, the person may petition the court to expunge law enforcement records relating to incidents occurring before his or her 18th birthday or his or her juvenile court records, or both, but only in the following circumstances:

(a) the minor was arrested and no petition for delinquency was filed with the clerk of the circuit court; or

(b) the minor was charged with an offense and was found not delinquent of that offense; or

(c) the minor was placed under supervision pursuant to Section 5-615, and the order of supervision has since been successfully terminated; or

(d) the minor was adjudicated for an offense which would be a Class B misdemeanor, Class C misdemeanor, or a petty or business offense if committed by an adult.

(1.5) Commencing 180 days after the effective date of this amendatory Act of the 98th General Assembly, the Department of State Police shall automatically expunge, on or before January 1 of each year, a person's law enforcement records relating to incidents occurring before his or her 18th birthday in the Department's possession or control and which contains the final disposition which pertain to the person when arrested as a minor if:

(a) the minor was arrested for an eligible offense and no petition for delinquency was filed with the clerk of the circuit court; and

(b) the person attained the age of 18 years during the last calendar year; and

New matter indicated by italics - deletions by strikeout
(c) since the date of the minor's most recent arrest, at least 6 months have elapsed without an additional arrest, filing of a petition for delinquency whether related or not to a previous arrest, or filing of charges not initiated by arrest.

The Department of State Police shall allow a person to use the Access and Review process, established in the Department of State Police, for verifying that his or her law enforcement records relating to incidents occurring before his or her 18th birthday eligible under this subsection have been expunged as provided in this subsection.

The Department of State Police shall provide by rule the process for access, review, and automatic expungement.

(1.6) Commencing on the effective date of this amendatory Act of the 98th General Assembly, a person whose law enforcement records are not subject to subsection (1.5) of this Section and who has attained the age of 18 years may use the Access and Review process, established in the Department of State Police, for verifying his or her law enforcement records relating to incidents occurring before his or her 18th birthday in the Department's possession or control which pertain to the person when arrested as a minor, if the incident occurred no earlier than 30 years before the effective date of this amendatory Act of the 98th General Assembly. If the person identifies a law enforcement record of an eligible offense that meets the requirements of this subsection, paragraphs (a) and (c) of subsection (1.5) of this Section, and all juvenile court proceedings related to the person have been terminated, the person may file a Request for Expungement of Juvenile Law Enforcement Records, in the form and manner prescribed by the Department of State Police, with the Department and the Department shall consider expungement of the record as otherwise provided for automatic expungement under subsection (1.5) of this Section. The person shall provide notice and a copy of the Request for Expungement of Juvenile Law Enforcement Records to the arresting agency, prosecutor charged with the prosecution of the minor, or the State's Attorney of the county that prosecuted the minor. The Department of State Police shall provide by rule the process for access, review, and Request for Expungement of Juvenile Law Enforcement Records.

(1.7) Nothing in subsections (1.5) and (1.6) of this Section precludes a person from filing a petition under subsection (1) for expungement of records subject to automatic expungement under subsection (1.5) or (1.6) of this Section.

New matter indicated by italics - deletions by strikeout
For the purposes of subsections (1.5) and (1.6) of this Section, "eligible offense" means records relating to an arrest or incident occurring before the person's 18th birthday that if committed by an adult is not an offense classified as a Class 2 felony or higher offense, an offense under Article 11 of the Criminal Code of 1961 or the Criminal Code of 2012, or an offense under Section 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961.

Any person may petition the court to expunge all law enforcement records relating to any incidents occurring before his or her 18th birthday which did not result in proceedings in criminal court and all juvenile court records with respect to any adjudications except those based upon first degree murder and sex offenses which would be felonies if committed by an adult, if the person for whom expungement is sought has had no convictions for any crime since his or her 18th birthday and:

(a) has attained the age of 21 years; or
(b) 5 years have elapsed since all juvenile court proceedings relating to him or her have been terminated or his or her commitment to the Department of Juvenile Justice pursuant to this Act has been terminated;

whichever is later of (a) or (b). Nothing in this Section 5-915 precludes a minor from obtaining expungement under Section 5-622.

If a minor is arrested and no petition for delinquency is filed with the clerk of the circuit court as provided in paragraph (a) of subsection (1) at the time the minor is released from custody, the youth officer, if applicable, or other designated person from the arresting agency, shall notify verbally and in writing to the minor or the minor's parents or guardians that if the State's Attorney does not file a petition for delinquency, the minor has a right to petition to have his or her arrest record expunged when the minor attains the age of 18 or when all juvenile court proceedings relating to that minor have been terminated and that unless a petition to expunge is filed, the minor shall have an arrest record and shall provide the minor and the minor's parents or guardians with an expungement information packet, including a petition to expunge juvenile records obtained from the clerk of the circuit court.

If a minor is charged with an offense and is found not delinquent of that offense; or if a minor is placed under supervision under Section 5-615, the order of supervision is successfully terminated; or if a minor is adjudicated for an offense that would be a Class B misdemeanor, a Class C misdemeanor, or a business or petty offense if
committed by an adult; or if a minor has incidents occurring before his or her 18th birthday that have not resulted in proceedings in criminal court, or resulted in proceedings in juvenile court, and the adjudications were not based upon first degree murder or sex offenses that would be felonies if committed by an adult; then at the time of sentencing or dismissal of the case, the judge shall inform the delinquent minor of his or her right to petition for expungement as provided by law, and the clerk of the circuit court shall provide an expungement information packet to the delinquent minor, written in plain language, including a petition for expungement, a sample of a completed petition, expungement instructions that shall include information informing the minor that (i) once the case is expunged, it shall be treated as if it never occurred, (ii) he or she may apply to have petition fees waived, (iii) once he or she obtains an expungement, he or she may not be required to disclose that he or she had a juvenile record, and (iv) he or she may file the petition on his or her own or with the assistance of an attorney. The failure of the judge to inform the delinquent minor of his or her right to petition for expungement as provided by law does not create a substantive right, nor is that failure grounds for: (i) a reversal of an adjudication of delinquency, (ii) a new trial; or (iii) an appeal.

(2.7) For counties with a population over 3,000,000, the clerk of the circuit court shall send a "Notification of a Possible Right to Expungement" post card to the minor at the address last received by the clerk of the circuit court on the date that the minor attains the age of 18 based on the birthdate provided to the court by the minor or his or her guardian in cases under paragraphs (b), (c), and (d) of subsection (1); and when the minor attains the age of 21 based on the birthdate provided to the court by the minor or his or her guardian in cases under subsection (2).

(2.8) The petition for expungement for subsection (1) may include multiple offenses on the same petition and shall be substantially in the following form:

IN THE CIRCUIT COURT OF ......, ILLINOIS

.......... JUDICIAL CIRCUIT

IN THE INTEREST OF ) NO.

)

)

....................

( Name of Petitioner)

PETITION TO EXPUNGE JUVENILE RECORDS

New matter indicated by italics - deletions by strikeout
Now comes ............., petitioner, and respectfully requests that this Honorable Court enter an order expunging all juvenile law enforcement and court records of petitioner and in support thereof states that: Petitioner has attained the age of 18, his/her birth date being ......, or all Juvenile Court proceedings terminated as of ......, whichever occurred later. Petitioner was arrested on ..... by the ....... Police Department for the offense or offenses of ......., and:

(Check All That Apply:)

( ) a. no petition or petitions were filed with the Clerk of the Circuit Court.
( ) b. was charged with ...... and was found not delinquent of the offense or offenses.
( ) c. a petition or petitions were filed and the petition or petitions were dismissed without a finding of delinquency on

.....

( ) d. on ...... placed under supervision pursuant to Section 5-615 of the Juvenile Court Act of 1987 and such order of supervision successfully terminated on .......

( ) e. was adjudicated for the offense or offenses, which would have been a Class B misdemeanor, a Class C misdemeanor, or a petty offense or business offense if committed by an adult. Petitioner .... has .... has not been arrested on charges in this or any county other than the charges listed above. If petitioner has been arrested on additional charges, please list the charges below:

Charge(s): ......

Arresting Agency or Agencies: ............

Disposition/Result: (choose from a. through e., above): ..... 

WHEREFORE, the petitioner respectfully requests this Honorable Court to (1) order all law enforcement agencies to expunge all records of petitioner to this incident or incidents, and (2) to order the Clerk of the Court to expunge all records concerning the petitioner regarding this incident or incidents.

.................................

Petitioner (Signature)

.................................

Petitioner's Street Address

.................................

City, State, Zip Code

.................................

New matter indicated by italics - deletions by strikeout
Petitioner's Telephone Number

Pursuant to the penalties of perjury under the Code of Civil Procedure, 735 ILCS 5/1-109, I hereby certify that the statements in this petition are true and correct, or on information and belief I believe the same to be true.

...........................
Petitioner (Signature)

The Petition for Expungement for subsection (2) shall be substantially in the following form:

IN THE CIRCUIT COURT OF ........, ILLINOIS

........ JUDICIAL CIRCUIT

IN THE INTEREST OF ) NO.

........................)

........................)

(Name of Petitioner)

PETITION TO EXPUNGE JUVENILE RECORDS

(705 ILCS 405/5-915 (SUBSECTION 2))

(Please prepare a separate petition for each offense)

Now comes .............., petitioner, and respectfully requests that this Honorable Court enter an order expunging all Juvenile Law Enforcement and Court records of petitioner and in support thereof states that:

The incident for which the Petitioner seeks expungement occurred before the Petitioner's 18th birthday and did not result in proceedings in criminal court and the Petitioner has not had any convictions for any crime since his/her 18th birthday; and

The incident for which the Petitioner seeks expungement occurred before the Petitioner's 18th birthday and the adjudication was not based upon first-degree murder or sex offenses which would be felonies if committed by an adult, and the Petitioner has not had any convictions for any crime since his/her 18th birthday.

Petitioner was arrested on ...... by the ...... Police Department for the offense of ........., and:

( Check whichever one occurred the latest: )

( ) a. The Petitioner has attained the age of 21 years, his/her birthday being ........; or

( ) b. 5 years have elapsed since all juvenile court proceedings relating to the Petitioner have been terminated; or the Petitioner's commitment to the Department of Juvenile Justice pursuant to the expungement of juvenile law enforcement and court records provisions of the Juvenile Court Act of

New matter indicated by italics - deletions by strikeout
1987 has been terminated. Petitioner ...has ...has not been arrested on charges in this or any other county other than the charge listed above. If petitioner has been arrested on additional charges, please list the charges below:
Charge(s): ........
Arresting Agency or Agencies: .......
Disposition/Result: (choose from a or b, above): ........
WHEREFORE, the petitioner respectfully requests this Honorable Court to (1) order all law enforcement agencies to expunge all records of petitioner related to this incident, and (2) to order the Clerk of the Court to expunge all records concerning the petitioner regarding this incident.

Petitioner (Signature)

Petitioner's Street Address

City, State, Zip Code

Petitioner's Telephone Number

Pursuant to the penalties of perjury under the Code of Civil Procedure, 735 ILCS 5/1-109, I hereby certify that the statements in this petition are true and correct, or on information and belief I believe the same to be true.

Petitioner (Signature)

(3) The chief judge of the circuit in which an arrest was made or a charge was brought or any judge of that circuit designated by the chief judge may, upon verified petition of a person who is the subject of an arrest or a juvenile court proceeding under subsection (1) or (2) of this Section, order the law enforcement records or official court file, or both, to be expunged from the official records of the arresting authority, the clerk of the circuit court and the Department of State Police. The person whose records are to be expunged shall petition the court using the appropriate form containing his or her current address and shall promptly notify the clerk of the circuit court of any change of address. Notice of the petition shall be served upon the State's Attorney or prosecutor charged with the duty of prosecuting the offense, the Department of State Police, and the arresting agency or agencies by the clerk of the circuit court. If an objection is filed within 45 days of the notice of the petition, the clerk of the circuit court shall set a date for hearing after the 45 day objection.
period. At the hearing the court shall hear evidence on whether the expungement should or should not be granted. Unless the State's Attorney or prosecutor, the Department of State Police, or an arresting agency objects to the expungement within 45 days of the notice, the court may enter an order granting expungement. The person whose records are to be expunged shall pay the clerk of the circuit court a fee equivalent to the cost associated with expungement of records by the clerk and the Department of State Police. The clerk shall forward a certified copy of the order to the Department of State Police, the appropriate portion of the fee to the Department of State Police for processing, and deliver a certified copy of the order to the arresting agency.

(3.1) The Notice of Expungement shall be in substantially the following form:

IN THE CIRCUIT COURT OF ......, ILLINOIS
 .... JUDICIAL CIRCUIT
IN THE INTEREST OF ) NO.
 )
 )
 ..................)
(“Name of Petitioner)

NOTICE

TO: State's Attorney
TO: Arresting Agency
 ..................
 ..................
 ..................
 ..................

TO: Illinois State Police
 ..................

 ..................

ATTENTION: Expungement
You are hereby notified that on ......, at ......, in courtroom ...., located at ...., before the Honorable ...., Judge, or any judge sitting in his/her stead, I shall then and there present a Petition to Expunge Juvenile records in the above-entitled matter, at which time and place you may appear.

 ....................
 Petitioner's Signature
 ....................
 Petitioner's Street Address

New matter indicated by italics - deletions by strikeout
PROOF OF SERVICE
On the ....... day of ......, 20..., I on oath state that I served this notice and true and correct copies of the above-checked documents by:
(Check One:)
delivering copies personally to each entity to whom they are directed; or
by mailing copies to each entity to whom they are directed by depositing the same in the U.S. Mail, proper postage fully prepaid, before the hour of 5:00 p.m., at the United States Postal Depository located at .................

............................... ........................................

Signature
Clerk of the Circuit Court or Deputy Clerk

Printed Name of Delinquent Minor/Petitioner: ....
Address: ........................................
Telephone Number: ...............................

(3.2) The Order of Expungement shall be in substantially the following form:

IN THE CIRCUIT COURT OF ......, ILLINOIS
.... JUDICIAL CIRCUIT

IN THE INTEREST OF ) NO.
)
)

....................)
(Name of Petitioner)
DOB .................

Arresting Agency/Agencies ......

ORDER OF EXPUNGEMENT
(705 ILCS 405/5-915 (SUBSECTION 3))

This matter having been heard on the petitioner's motion and the court being fully advised in the premises does find that the petitioner is indigent or has presented reasonable cause to waive all costs in this matter, IT IS HEREBY ORDERED that:

( ) 1. Clerk of Court and Department of State Police costs are hereby waived in this matter.
( ) 2. The Illinois State Police Bureau of Identification and the
following law enforcement agencies expunge all records of petitioner
relating to an arrest dated ...... for the offense of ......
Law Enforcement Agencies:

( ) 3. IT IS FURTHER ORDERED that the Clerk of the Circuit
Court expunge all records regarding the above-captioned case.

ENTER: ......................

JUDGE
DATED: .......
Name:
Attorney for:
Address: City/State/Zip:
Attorney Number:

(3.3) The Notice of Objection shall be in substantially the
following form:

IN THE CIRCUIT COURT OF ..... ILLINOIS
.......................... JUDICIAL CIRCUIT
IN THE INTEREST OF ) NO.
 )
 )
 )
 )
 )

(Name of Petitioner)

NOTICE OF OBJECTION
TO:(Attorney, Public Defender, Minor)
.................................
.................................
TO:(Illinois State Police)
.................................
.................................
TO:(Clerk of the Court)
.................................
.................................
TO:(Judge)
.................................
.................................
TO:(Arresting Agency/Agencies)
.................................

New matter indicated by italics - deletions by strikeout
ATTENTION: You are hereby notified that an objection has been filed by the following entity regarding the above-named minor's petition for expungement of juvenile records:

( ) State's Attorney's Office;
( ) Prosecutor (other than State's Attorney's Office) charged with the duty of prosecuting the offense sought to be expunged;
( ) Department of Illinois State Police; or
( ) Arresting Agency or Agencies. The agency checked above respectfully requests that this case be continued and set for hearing on whether the expungement should or should not be granted.

DATED: .......

Name:
Attorney For:
Address:
City/State/Zip:
Telephone:
Attorney No.:

FOR USE BY CLERK OF THE COURT PERSONNEL ONLY

This matter has been set for hearing on the foregoing objection, on ...... in room ...., located at ......, before the Honorable ......, Judge, or any judge sitting in his/her stead. (Only one hearing shall be set, regardless of the number of Notices of Objection received on the same case).

A copy of this completed Notice of Objection containing the court date, time, and location, has been sent via regular U.S. Mail to the following entities. (If more than one Notice of Objection is received on the same case, each one must be completed with the court date, time and location and mailed to the following entities):

( ) Attorney, Public Defender or Minor;
( ) State's Attorney's Office;
( ) Prosecutor (other than State's Attorney's Office) charged with the duty of prosecuting the offense sought to be expunged;
( ) Department of Illinois State Police; and
( ) Arresting agency or agencies.

Date: .......

Initials of Clerk completing this section: ..... 

(4) Upon entry of an order expunging records or files, the offense, which the records or files concern shall be treated as if it never occurred. Law enforcement officers and other public offices and agencies shall

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properly reply on inquiry that no record or file exists with respect to the person.

(5) Records which have not been expunged are sealed, and may be obtained only under the provisions of Sections 5-901, 5-905 and 5-915.

(6) Nothing in this Section shall be construed to prohibit the maintenance of information relating to an offense after records or files concerning the offense have been expunged if the information is kept in a manner that does not enable identification of the offender. This information may only be used for statistical and bona fide research purposes.

(6.5) The Department of State Police or any employee of the Department shall be immune from civil or criminal liability for failure to expunge any records of arrest that are subject to expungement under subsection (1.5) or (1.6) of this Section because of inability to verify a record. Nothing in subsection (1.5) or (1.6) of this Section shall create Department of State Police liability or responsibility for the expungement of law enforcement records it does not possess.

(7)(a) The State Appellate Defender shall establish, maintain, and carry out, by December 31, 2004, a juvenile expungement program to provide information and assistance to minors eligible to have their juvenile records expunged.

(b) The State Appellate Defender shall develop brochures, pamphlets, and other materials in printed form and through the agency's World Wide Web site. The pamphlets and other materials shall include at a minimum the following information:

(i) An explanation of the State's juvenile expungement process;

(ii) The circumstances under which juvenile expungement may occur;

(iii) The juvenile offenses that may be expunged;

(iv) The steps necessary to initiate and complete the juvenile expungement process; and

(v) Directions on how to contact the State Appellate Defender.

(c) The State Appellate Defender shall establish and maintain a statewide toll-free telephone number that a person may use to receive information or assistance concerning the expungement of juvenile records. The State Appellate Defender shall advertise the toll-free telephone number statewide. The State Appellate Defender shall develop an

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expungement information packet that may be sent to eligible persons seeking expungement of their juvenile records, which may include, but is not limited to, a pre-printed expungement petition with instructions on how to complete the petition and a pamphlet containing information that would assist individuals through the juvenile expungement process.

(d) The State Appellate Defender shall compile a statewide list of volunteer attorneys willing to assist eligible individuals through the juvenile expungement process.

(e) This Section shall be implemented from funds appropriated by the General Assembly to the State Appellate Defender for this purpose. The State Appellate Defender shall employ the necessary staff and adopt the necessary rules for implementation of this Section.

(8)(a) Except with respect to law enforcement agencies, the Department of Corrections, State's Attorneys, or other prosecutors, an expunged juvenile record may not be considered by any private or public entity in employment matters, certification, licensing, revocation of certification or licensure, or registration. Applications for employment must contain specific language that states that the applicant is not obligated to disclose expunged juvenile records of conviction or arrest. Employers may not ask if an applicant has had a juvenile record expunged. Effective January 1, 2005, the Department of Labor shall develop a link on the Department's website to inform employers that employers may not ask if an applicant had a juvenile record expunged and that application for employment must contain specific language that states that the applicant is not obligated to disclose expunged juvenile records of arrest or conviction.

(b) A person whose juvenile records have been expunged is not entitled to remission of any fines, costs, or other money paid as a consequence of expungement. This amendatory Act of the 93rd General Assembly does not affect the right of the victim of a crime to prosecute or defend a civil action for damages.

(c) The expungement of juvenile records under Section 5-622 shall be funded by the additional fine imposed under Section 5-9-1.17 of the Unified Code of Corrections and additional appropriations made by the General Assembly for such purpose.

(9) The changes made to this Section by Public Act 98-61 apply to law enforcement records of a minor who has been arrested or taken into custody on or after January 1, 2014 (the effective date of Public Act 98-61).
(10) The changes made in subsection (1.5) of this Section by this amendatory Act of the 98th General Assembly apply to law enforcement records of a minor who has been arrested or taken into custody on or after January 1, 2015. The changes made in subsection (1.6) of this Section by this amendatory Act of the 98th General Assembly apply to law enforcement records of a minor who has been arrested or taken into custody before January 1, 2015.

(Source: P.A. 98-61, eff. 1-1-14; 98-637, eff. 1-1-15; 98-756, eff. 7-16-14.)

Approved August 22, 2016.
Effective January 1, 2016.

PUBLIC ACT 99-0882
(Senate Bill No. 2370)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Counties Code is amended by changing Section 3-4006 as follows:

(55 ILCS 5/3-4006) (from Ch. 34, par. 3-4006)
Sec. 3-4006. Duties of public defender. The Public Defender, as directed by the court, shall act as attorney, without fee, before any court within any county for all persons who are held in custody or who are charged with the commission of any criminal offense, and who the court finds are unable to employ counsel.

The Public Defender shall be the attorney, without fee, when so appointed by the court under Section 1-20 of the Juvenile Court Act or Section 1-5 of the Juvenile Court Act of 1987 or by any court under Section 5(b) of the Parental Notice of Abortion Act of 1983 for any party who the court finds is financially unable to employ counsel.

In cases subject to Section 5-170 of the Juvenile Court Act of 1987 involving a minor who was under 15 years of age at the time of the commission of the offense, that occurs in a county with a full-time public defender office, a public defender, without fee or appointment, may represent and have access to a minor during a custodial interrogation. In cases subject to Section 5-170 of the Juvenile Court Act of 1987 involving a minor who was under 15 years of age at the time of the commission of

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the offense, that occurs in a county without a full-time public defender, the
law enforcement agency conducting the custodial interrogation shall
ensure that the minor is able to consult with an attorney who is under
contract with the county to provide public defender services. Representation by the public defender shall terminate at the first court
appearance if the court determines that the minor is not indigent.

Every court shall, with the consent of the defendant and where the
court finds that the rights of the defendant would be prejudiced by the
appointment of the public defender, appoint counsel other than the public
defender, except as otherwise provided in Section 113-3 of the "Code of
Criminal Procedure of 1963". That counsel shall be compensated as is
provided by law. He shall also, in the case of the conviction of any such
person, prosecute any proceeding in review which in his judgment the
interests of justice require.
(Source: P.A. 86-962.)

Section 10. The Juvenile Court Act of 1987 is amended by
changing Sections 5-170 and 5-401.5 as follows:

(705 ILCS 405/5-170)
Sec. 5-170. Representation by counsel.
(a) In a proceeding under this Article, a minor who was under 15
years of age at the time of the commission of an act that if committed
by an adult would be a violation of Section 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-
3.2, 9-3.3, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-
14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal Code
of 2012 must be represented by counsel throughout during the entire
custodial interrogation of the minor.
(b) In a judicial proceeding under this Article, a minor may not
waive the right to the assistance of counsel in his or her defense.
(Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

(705 ILCS 405/5-401.5)
Sec. 5-401.5. When statements by minor may be used.
(a) In this Section, "custodial interrogation" means any
interrogation (i) during which a reasonable person in the subject's position
would consider himself or herself to be in custody and (ii) during which a
question is asked that is reasonably likely to elicit an incriminating
response.
In this Section, "electronic recording" includes motion picture,
audiotape, videotape, or digital recording.

New matter indicated by italics - deletions by strikeout
In this Section, "place of detention" means a building or a police station that is a place of operation for a municipal police department or county sheriff department or other law enforcement agency at which persons are or may be held in detention in connection with criminal charges against those persons or allegations that those persons are delinquent minors.

(a-5) An oral, written, or sign language statement of a minor, who at the time of the commission of the offense was under 18 years of age, is presumed to be inadmissible when the statement is obtained from the minor while the minor is subject to custodial interrogation by a law enforcement officer, State's Attorney, juvenile officer, or other public official or employee prior to the officer, State's Attorney, public official, or employee:

(1) continuously reads to the minor, in its entirety and without stopping for purposes of a response from the minor or verifying comprehension, the following statement: "You have the right to remain silent. That means you do not have to say anything. Anything you do say can be used against you in court. You have the right to get help from a lawyer. If you cannot pay for a lawyer, the court will get you one for free. You can ask for a lawyer at any time. You have the right to stop this interview at any time."; and

(2) after reading the statement required by paragraph (1) of this subsection (a-5), the public official or employee shall ask the minor the following questions and wait for the minor's response to each question:

(A) "Do you want to have a lawyer?"
(B) "Do you want to talk to me?"

(b) An oral, written, or sign language statement of a minor who, at the time of the commission of the offense was under the age of 18 years, made as a result of a custodial interrogation conducted at a police station or other place of detention on or after the effective date of this amendatory Act of the 99th 93rd General Assembly shall be presumed to be inadmissible as evidence against the minor in any criminal proceeding or juvenile court proceeding, for an act that if committed by an adult would be a misdemeanor offense under Article 11 of the Criminal Code of 2012 or any felony offense brought under Section 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, or 9-3.3, of the Criminal Code of 1961 or the Criminal Code of 2012, or under clause (d)(1)(F) of Section 11-501 of the Illinois Vehicle Code unless:

New matter indicated by italics - deletions by strikeout
(1) an electronic recording is made of the custodial interrogation; and
(2) the recording is substantially accurate and not intentionally altered.

(b-5) (Blank). Under the following circumstances, an oral, written; or sign language statement of a minor who, at the time of the commission of the offense was under the age of 17 years, made as a result of a custodial interrogation conducted at a police station or other place of detention shall be presumed to be inadmissible as evidence against the minor, unless an electronic recording is made of the custodial interrogation and the recording is substantially accurate and not intentionally altered:

(1) in any criminal proceeding or juvenile court proceeding, for an act that if committed by an adult would be brought under Section 11-1.40 or 20-1.1 of the Criminal Code of 1961 or the Criminal Code of 2012, if the custodial interrogation was conducted on or after June 1, 2014;
(2) in any criminal proceeding or juvenile court proceeding, for an act that if committed by an adult would be brought under Section 10-2, 18-4, or 19-6 of the Criminal Code of 1961 or the Criminal Code of 2012, if the custodial interrogation was conducted on or after June 1, 2015; and
(3) in any criminal proceeding or juvenile court proceeding, for an act that if committed by an adult would be brought under Section 11-1.30 or 18-2 or subsection (e) of Section 12-3.05 of the Criminal Code of 1961 or the Criminal Code of 2012, if the custodial interrogation was conducted on or after June 1, 2016.

(b-10) If, during the course of an electronically recorded custodial interrogation conducted under this Section of a minor who, at the time of the commission of the offense was under the age of 18 years, the minor makes a statement that creates a reasonable suspicion to believe the minor has committed an act that if committed by an adult would be an offense other than an offense required to be recorded under subsection (b) or (b-5), the interrogators may, without the minor's consent, continue to record the interrogation as it relates to the other offense notwithstanding any provision of law to the contrary. Any oral, written, or sign language statement of a minor made as a result of an interrogation under this subsection shall be presumed to be inadmissible as evidence against the minor in any criminal proceeding or juvenile court proceeding, unless the recording is substantially accurate and not intentionally altered.

New matter indicated by italics - deletions by strikeout
(c) Every electronic recording made under this Section must be preserved until such time as the minor's adjudication for any offense relating to the statement is final and all direct and habeas corpus appeals are exhausted, or the prosecution of such offenses is barred by law.

(d) If the court finds, by a preponderance of the evidence, that the minor was subjected to a custodial interrogation in violation of this Section, then any statements made by the minor during or following that non-recorded custodial interrogation, even if otherwise in compliance with this Section, are presumed to be inadmissible in any criminal proceeding or juvenile court proceeding against the minor except for the purposes of impeachment.

(e) Nothing in this Section precludes the admission (i) of a statement made by the minor in open court in any criminal proceeding or juvenile court proceeding, before a grand jury, or at a preliminary hearing, (ii) of a statement made during a custodial interrogation that was not recorded as required by this Section because electronic recording was not feasible, (iii) of a voluntary statement, whether or not the result of a custodial interrogation, that has a bearing on the credibility of the accused as a witness, (iv) of a spontaneous statement that is not made in response to a question, (v) of a statement made after questioning that is routinely asked during the processing of the arrest of the suspect, (vi) of a statement made during a custodial interrogation by a suspect who requests, prior to making the statement, to respond to the interrogator's questions only if an electronic recording is not made of the statement, provided that an electronic recording is made of the statement of agreeing to respond to the interrogator's question, only if a recording is not made of the statement, (vii) of a statement made during a custodial interrogation that is conducted out-of-state, (viii) of a statement given in violation of subsection (b) at a time when the interrogators are unaware that a death has in fact occurred, (ix) (blank) of a statement given in violation of subsection (b-5) at a time when the interrogators are unaware of facts and circumstances that would create probable cause to believe that the minor committed an act that if committed by an adult would be an offense required to be recorded under subsection (b-5), or (x) of any other statement that may be admissible under law. The State shall bear the burden of proving, by a preponderance of the evidence, that one of the exceptions described in this subsection (e) is applicable. Nothing in this Section precludes the admission of a statement, otherwise inadmissible under this Section, that is used only for impeachment and not as substantive evidence.

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(f) The presumption of inadmissibility of a statement made by a suspect at a custodial interrogation at a police station or other place of detention may be overcome by a preponderance of the evidence that the statement was voluntarily given and is reliable, based on the totality of the circumstances.

(g) Any electronic recording of any statement made by a minor during a custodial interrogation that is compiled by any law enforcement agency as required by this Section for the purposes of fulfilling the requirements of this Section shall be confidential and exempt from public inspection and copying, as provided under Section 7 of the Freedom of Information Act, and the information shall not be transmitted to anyone except as needed to comply with this Section.

(h) A statement, admission, confession, or incriminating information made by or obtained from a minor related to the instant offense, as part of any behavioral health screening, assessment, evaluation, or treatment, whether or not court-ordered, shall not be admissible as evidence against the minor on the issue of guilt only in the instant juvenile court proceeding. The provisions of this subsection (h) are in addition to and do not override any existing statutory and constitutional prohibition on the admission into evidence in delinquency proceedings of information obtained during screening, assessment, or treatment.

(i) The changes made to this Section by Public Act 98-61 apply to statements of a minor made on or after January 1, 2014 (the effective date of Public Act 98-61).

(Source: P.A. 97-1150, eff. 1-25-13; 98-61, eff. 1-1-14; 98-547, eff. 1-1-14; 98-756, eff. 7-16-14.)

Section 15. The Code of Criminal Procedure of 1963 is amended by changing Section 103-2.1 as follows:

(725 ILCS 5/103-2.1)
Sec. 103-2.1. When statements by accused may be used.
(a) In this Section, "custodial interrogation" means any interrogation during which (i) a reasonable person in the subject's position would consider himself or herself to be in custody and (ii) during which a question is asked that is reasonably likely to elicit an incriminating response.

In this Section, "place of detention" means a building or a police station that is a place of operation for a municipal police department or county sheriff department or other law enforcement agency, not a courthouse, that is owned or operated by a law enforcement agency at

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which persons are or may be held in detention in connection with criminal charges against those persons.

In this Section, "electronic recording" includes motion picture, audiotape, or videotape, or digital recording.

(a-5) An oral, written, or sign language statement of a minor, who at the time of the commission of the offense was under 18 years of age, is presumed to be inadmissible when the statement is obtained from the minor while the minor is subject to custodial interrogation by a law enforcement officer, State's Attorney, juvenile officer, or other public official or employee prior to the officer, State's Attorney, public official, or employee:

(1) continuously reads to the minor, in its entirety and without stopping for purposes of a response from the minor or verifying comprehension, the following statement: "You have the right to remain silent. That means you do not have to say anything. Anything you do say can be used against you in court. You have the right to get help from a lawyer. If you cannot pay for a lawyer, the court will get you one for free. You can ask for a lawyer at any time. You have the right to stop this interview at any time."; and

(2) after reading the statement required by paragraph (1) of this subsection (a-5), the public official or employee shall ask the minor the following questions and wait for the minor's response to each question:

(A) "Do you want to have a lawyer?"

(B) "Do you want to talk to me?"

(a-10) An oral, written, or sign language statement of a minor, who at the time of the commission of the offense was under 18 years of age, made as a result of a custodial interrogation conducted at a police station or other place of detention on or after the effective date of this amendatory Act of the 99th General Assembly shall be presumed to be inadmissible as evidence in a criminal proceeding or a juvenile court proceeding for an act that if committed by an adult would be a misdemeanor offense under Article 11 of the Criminal Code of 2012 or a felony offense under the Criminal Code of 2012 unless:

(1) an electronic recording is made of the custodial interrogation; and

(2) the recording is substantially accurate and not intentionally altered.

New matter indicated by italics - deletions by strikeout
(b) An oral, written, or sign language statement of an accused made as a result of a custodial interrogation conducted at a police station or other place of detention shall be presumed to be inadmissible as evidence against the accused in any criminal proceeding brought under Section 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, or 9-3.3 of the Criminal Code of 1961 or the Criminal Code of 2012 or under clause (d)(1)(F) of Section 11-501 of the Illinois Vehicle Code unless:

(1) an electronic recording is made of the custodial interrogation; and
(2) the recording is substantially accurate and not intentionally altered.

(b-5) Under the following circumstances, an oral, written, or sign language statement of an accused made as a result of a custodial interrogation conducted at a police station or other place of detention shall be presumed to be inadmissible as evidence against the accused, unless an electronic recording is made of the custodial interrogation and the recording is substantially accurate and not intentionally altered:

(1) in any criminal proceeding brought under Section 11-1.40 or 20-1.1 of the Criminal Code of 1961 or the Criminal Code of 2012, if the custodial interrogation was conducted on or after June 1, 2014;
(2) in any criminal proceeding brought under Section 10-2, 18-4, or 19-6 of the Criminal Code of 1961 or the Criminal Code of 2012, if the custodial interrogation was conducted on or after June 1, 2015; and
(3) in any criminal proceeding brought under Section 11-1.30 or 18-2 or subsection (e) of Section 12-3.05 of the Criminal Code of 1961 or the Criminal Code of 2012, if the custodial interrogation was conducted on or after June 1, 2016.

(b-10) If, during the course of an electronically recorded custodial interrogation conducted under this Section, the accused makes a statement that creates a reasonable suspicion to believe the accused has committed an offense other than an offense required to be recorded under subsection (b) or (b-5), the interrogators may, without the accused's consent, continue to record the interrogation as it relates to the other offense notwithstanding any provision of law to the contrary. Any oral, written, or sign language statement of an accused made as a result of an interrogation under this subsection shall be presumed to be inadmissible as evidence against the
accused in any criminal proceeding, unless the recording is substantially accurate and not intentionally altered.

(c) Every electronic recording made under this Section must be preserved until such time as the defendant's conviction for any offense relating to the statement is final and all direct and habeas corpus appeals are exhausted, or the prosecution of such offenses is barred by law.

(d) If the court finds, by a preponderance of the evidence, that the defendant was subjected to a custodial interrogation in violation of this Section, then any statements made by the defendant during or following that non-recorded custodial interrogation, even if otherwise in compliance with this Section, are presumed to be inadmissible in any criminal proceeding against the defendant except for the purposes of impeachment.

(e) Nothing in this Section precludes the admission (i) of a statement made by the accused in open court at his or her trial, before a grand jury, or at a preliminary hearing, (ii) of a statement made during a custodial interrogation that was not recorded as required by this Section, because electronic recording was not feasible, (iii) of a voluntary statement, whether or not the result of a custodial interrogation, that has a bearing on the credibility of the accused as a witness, (iv) of a spontaneous statement that is not made in response to a question, (v) of a statement made after questioning that is routinely asked during the processing of the arrest of the suspect, (vi) of a statement made during a custodial interrogation by a suspect who requests, prior to making the statement, to respond to the interrogator's questions only if an electronic recording is not made of the statement, provided that an electronic recording is made of the statement of agreeing to respond to the interrogator's question, only if a recording is not made of the statement, (vii) of a statement made during a custodial interrogation that is conducted out-of-state, (viii) of a statement given in violation of subsection (b) at a time when the interrogators are unaware that a death has in fact occurred, (ix) of a statement given in violation of subsection (b-5) at a time when the interrogators are unaware of facts and circumstances that would create probable cause to believe that the accused committed an offense required to be recorded under subsection (b-5), or (x) of any other statement that may be admissible under law. The State shall bear the burden of proving, by a preponderance of the evidence, that one of the exceptions described in this subsection (e) is applicable. Nothing in this Section precludes the admission of a statement, otherwise inadmissible under this Section, that is used only for impeachment and not as substantive evidence.
(f) The presumption of inadmissibility of a statement made by a suspect at a custodial interrogation at a police station or other place of detention may be overcome by a preponderance of the evidence that the statement was voluntarily given and is reliable, based on the totality of the circumstances.

(g) Any electronic recording of any statement made by an accused during a custodial interrogation that is compiled by any law enforcement agency as required by this Section for the purposes of fulfilling the requirements of this Section shall be confidential and exempt from public inspection and copying, as provided under Section 7 of the Freedom of Information Act, and the information shall not be transmitted to anyone except as needed to comply with this Section.

(Source: P.A. 97-1150, eff. 1-25-13; 98-547, eff. 1-1-14.)

Passed in the General Assembly May 26, 2016.

Approved August 22, 2016.

Effective January 1, 2017.

PUBLIC ACT 99-0883
(Senate Bill No. 2885)

AN ACT concerning criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Code of Criminal Procedure of 1963 is amended by changing Section 124A-15 as follows:

(725 ILCS 5/124A-15)

Sec. 124A-15. Reversal of conviction; refund of fines, fees, and costs.

(a) A defendant convicted in a criminal prosecution whose conviction is reversed by a finding of factual innocence in a collateral proceeding such as habeas corpus or post-conviction relief under Article 122 of this Code is not liable for any costs or fees of the court or circuit clerk's office, or for any charge of subsistence while detained in custody. If the defendant has paid any costs, fine, or fees, in the case, a refund of those costs shall be determined by the judge and paid by the clerk of the court. The timing of the refund payment shall be determined by the clerk of the court based upon the availability of funds in the subject fund account the clerk or judge shall give him or her a certificate of the payment of

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those costs, fine, or fees with the items of those expenses, which, when audited and approved according to law, shall be refunded to the defendant.

(b) To receive a refund under this Section, a defendant must submit a request for the refund to the clerk of the court on a form and in a manner prescribed by the clerk. The defendant must attach to the form an order from the court demonstrating the defendant's right to the refund and the amount of the refund.

(Source: P.A. 98-943, eff. 1-1-15.)

Passed in the General Assembly May 27, 2016.
Approved August 22, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0884
(Senate Bill No. 3005)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Park District Code is amended by changing Section 8-23 as follows:

(70 ILCS 1205/8-23)
Sec. 8-23. Criminal background investigations.
(a) An applicant for employment with a park district is required as a condition of employment to authorize an investigation to determine if the applicant has been convicted of any of the enumerated criminal or drug offenses in subsection (c) or (d) of this Section, or adjudicated a delinquent minor for; any of the enumerated criminal or drug offenses in subsection (c) or (d) of this Section, or has been convicted, within 7 years of the application for employment with the park district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. Authorization for the investigation shall be furnished by the applicant to the park district. Upon receipt of this authorization, the park district shall submit the applicant's name, sex, race, date of birth, and social security number to the Department of State Police on forms prescribed by the Department of State Police. The Department of State Police shall conduct a search of the Illinois criminal history records database to ascertain if the applicant being considered for employment has

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been convicted of any of the enumerated criminal or drug offenses in subsection (c) or (d) of this Section, or adjudicated a delinquent minor for; committing or attempting to commit any of the enumerated criminal or drug offenses in subsection (c) or (d) of this Section, or has been convicted of committing or attempting to commit, within 7 years of the application for employment with the park district, any other felony under the laws of this State. The Department of State Police shall charge the park district a fee for conducting the investigation, which fee shall be deposited in the State Police Services Fund and shall not exceed the cost of the inquiry. The applicant shall not be charged a fee by the park district for the investigation.

(b) If the search of the Illinois criminal history record database indicates that the applicant has been convicted of any of the enumerated criminal or drug offenses in subsection (c) or (d), or adjudicated a delinquent minor for; committing or attempting to commit any of the enumerated criminal or drug offenses in subsection (c) or (d), or has been convicted of committing or attempting to commit, within 7 years of the application for employment with the park district, any other felony under the laws of this State, the Department of State Police and the Federal Bureau of Investigation shall furnish, pursuant to a fingerprint based background check, records of convictions or adjudications as a delinquent minor, until expunged, to the president of the park district. Any information concerning the record of convictions or adjudications as a delinquent minor obtained by the president shall be confidential and may only be transmitted to those persons who are necessary to the decision on whether to hire the applicant for employment. A copy of the record of convictions or adjudications as a delinquent minor obtained from the Department of State Police shall be provided to the applicant for employment. Any person who releases any confidential information concerning any criminal convictions or adjudications as a delinquent minor of an applicant for employment shall be guilty of a Class A misdemeanor, unless the release of such information is authorized by this Section.

(c) No park district shall knowingly employ a person who has been convicted, or adjudicated a delinquent minor, for committing attempted first degree murder or for committing or attempting to commit first degree murder, a Class X felony, or any one or more of the following criminal offenses: (i) those defined in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-9, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16,
17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.1B, 11-20.3, 11-21, 11-30 (if convicted of a Class 4 felony), 12-7.3, 12-7.4, 12-7.5, 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012; (ii) (blank); those defined in the Cannabis Control Act, except those defined in Sections 4(a), 4(b), and 5(a) of that Act; (iii) (blank); those defined in the Illinois Controlled Substances Act; (iv) (blank); those defined in the Methamphetamine Control and Community Protection Act; and (v) any offense committed or attempted in any other state or against the laws of the United States, which, if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses. Further, no park district shall knowingly employ a person who has been found to be the perpetrator of sexual or physical abuse of any minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987. No park district shall knowingly employ a person for whom a criminal background investigation has not been initiated.

(d) No park district shall knowingly employ a person who has been convicted of the following drug offenses, other than an offense set forth in subsection (c), until 7 years following the end of the sentence imposed for any of the following offenses: (i) those defined in the Cannabis Control Act, except those defined in Sections 4(a), 4(b), 4(c), 5(a), and 5(b) of that Act; (ii) those defined in the Illinois Controlled Substances Act; (iii) those defined in the Methamphetamine Control and Community Protection Act; and (iv) any offense committed or attempted in any other state or against the laws of the United States, which, if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses. For purposes of this paragraph, "sentence" includes any period of supervision or probation that was imposed either alone or in combination with a period of incarceration.

(e) Notwithstanding the provisions of subsections (c) and (d), a park district may, in its discretion, employ a person who has been granted a certificate of good conduct under Section 5-5.5-25 of the Unified Code of Corrections by the circuit court.

(70 ILCS 1505/16a-5)
Sec. 16a-5. Criminal background investigations.
(a) An applicant for employment with the Chicago Park District is required as a condition of employment to authorize an investigation to determine if the applicant has been convicted of any of the enumerated criminal or drug offenses in subsection (c) or (d) of this Section, or adjudicated a delinquent minor for; any of the enumerated criminal or drug offenses in subsection (c) or (d) of this Section, or has been convicted, within 7 years of the application for employment with the Chicago Park District, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. Authorization for the investigation shall be furnished by the applicant to the Chicago Park District. Upon receipt of this authorization, the Chicago Park District shall submit the applicant's name, sex, race, date of birth, and social security number to the Department of State Police on forms prescribed by the Department of State Police. The Department of State Police shall conduct a search of the Illinois criminal history record information database to ascertain if the applicant being considered for employment has been convicted of any of the enumerated criminal or drug offenses in subsection (c) or (d) of this Section, or adjudicated a delinquent minor for; committing or attempting to commit any of the enumerated criminal or drug offenses in subsection (c) or (d) of this Section, or has been convicted of committing or attempting to commit, within 7 years of the application for employment with the Chicago Park District, any other felony under the laws of this State. The Department of State Police shall charge the Chicago Park District a fee for conducting the investigation, which fee shall be deposited in the State Police Services Fund and shall not exceed the cost of the inquiry. The applicant shall not be charged a fee by the Chicago Park District for the investigation.

(b) If the search of the Illinois criminal history record database indicates that the applicant has been convicted of any of the enumerated criminal or drug offenses in subsection (c) or (d), or adjudicated a delinquent minor for; committing or attempting to commit any of the enumerated criminal or drug offenses in subsection (c) or (d), or has been convicted of committing or attempting to commit, within 7 years of the application for employment with the Chicago Park District, any other felony under the laws of this State, the Department of State Police and the Federal Bureau of Investigation shall furnish, pursuant to a fingerprint based background check, records of convictions or adjudications as a
delinquent minor, until expunged, to the General Superintendent and Chief Executive Officer of the Chicago Park District. Any information concerning the record of convictions or adjudications as a delinquent minor obtained by the General Superintendent and Chief Executive Officer shall be confidential and may only be transmitted to those persons who are necessary to the decision on whether to hire the applicant for employment. A copy of the record of convictions or adjudications as a delinquent minor obtained from the Department of State Police shall be provided to the applicant for employment. Any person who releases any confidential information concerning any criminal convictions or adjudications as a delinquent minor of an applicant for employment shall be guilty of a Class A misdemeanor, unless the release of such information is authorized by this Section.

(c) The Chicago Park District may not knowingly employ a person who has been convicted, or adjudicated a delinquent minor, for committing attempted first degree murder or for committing or attempting to commit first degree murder, a Class X felony, or any one or more of the following criminal offenses: (i) those defined in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-9, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.1B, 11-20.3, 11-21, 11-30 (if convicted of a Class 4 felony), 12-7.3, 12-7.4, 12-7.5, 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012; (ii) (blank); those defined in the Cannabis Control Act, except those defined in Sections 4(a), 4(b), and 5(a) of that Act; (iii) (blank); those defined in the Illinois Controlled Substances Act; (iv) (blank); those defined in the Methamphetamine Control and Community Protection Act; and (v) any offense committed or attempted in any other state or against the laws of the United States, which, if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses. Further, the Chicago Park District may not knowingly employ a person who has been found to be the perpetrator of sexual or physical abuse of any minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987. The Chicago Park District may not knowingly employ a person for whom a criminal background investigation has not been initiated.

(d) The Chicago Park District shall not knowingly employ a person who has been convicted of the following drug offenses, other than an offense set forth in subsection (c), until 7 years following the end of the sentence imposed for any of the following offenses: (i) those defined in the

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Cannabis Control Act, except those defined in Sections 4(a), 4(b), 4(c), 5(a), and 5(b) of that Act; (ii) those defined in the Illinois Controlled Substances Act; (iii) those defined in the Methamphetamine Control and Community Protection Act; and (iv) any offense committed or attempted in any other state or against the laws of the United States, which, if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses. For purposes of this paragraph, "sentence" includes any period of supervision or probation that was imposed either alone or in combination with a period of incarceration.

(e) Notwithstanding the provisions of subsection (c) or (d), the Chicago Park District may, in its discretion, employ a person who has been granted a certificate of good conduct under Section 5-5.5-25 of the Unified Code of Corrections by the Circuit Court.

(Source: P.A. 96-1551, eff. 7-1-11; 97-700, eff. 6-22-12; 97-1150, eff. 1-25-13.)

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

Approved August 22, 2016.
Effective August 22, 2016.

PUBLIC ACT 99-0885
(House Bill No. 6303)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 2012 is amended by adding Section 24-3B as follows:

(720 ILCS 5/24-3B new)
Sec. 24-3B. Firearms trafficking.
(a) A person commits firearms trafficking when he or she has not been issued a currently valid Firearm Owner's Identification Card and knowingly:

(1) brings, or causes to be brought, into this State, a firearm or firearm ammunition for the purpose of sale, delivery, or transfer to any other person or with the intent to sell, deliver, or transfer the firearm or firearm ammunition to any other person; or

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(2) brings, or causes to be brought, into this State, a firearm and firearm ammunition for the purpose of sale, delivery, or transfer to any other person or with the intent to sell, deliver, or transfer the firearm and firearm ammunition to any other person. 

(a-5) This Section does not apply to:

(1) a person exempt under Section 2 of the Firearm Owners Identification Card Act from the requirement of having possession of a Firearm Owner's Identification Card previously issued in his or her name by the Department of State Police in order to acquire or possess a firearm or firearm ammunition;

(2) a common carrier under subsection (i) of Section 24-2 of this Code; or

(3) a non-resident who may lawfully possess a firearm in his or her resident state.

(b) Sentence.

(1) Firearms trafficking is a Class 1 felony for which the person, if sentenced to a term of imprisonment, shall be sentenced to not less than 4 years and not more than 20 years.

(2) Firearms trafficking by a person who has been previously convicted of firearms trafficking, gunrunning, or a felony offense for the unlawful sale, delivery, or transfer of a firearm or firearm ammunition in this State or another jurisdiction is a Class X felony.

Section 10. The Unified Code of Corrections is amended by changing Section 5-5-3 as follows:

(730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

Sec. 5-5-3. Disposition.

(a) (Blank).

(b) (Blank).

(c) (1) (Blank).

(2) A period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for the following offenses. The court shall sentence the offender to not less than the minimum term of imprisonment set forth in this Code for the following offenses, and may order a fine or restitution or both in conjunction with such term of imprisonment:

(A) First degree murder where the death penalty is not imposed.

(B) Attempted first degree murder.

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(C) A Class X felony.

(D) A violation of Section 401.1 or 407 of the Illinois Controlled Substances Act, or a violation of subdivision (c)(1.5) or (c)(2) of Section 401 of that Act which relates to more than 5 grams of a substance containing cocaine, fentanyl, or an analog thereof.

(D-5) A violation of subdivision (c)(1) of Section 401 of the Illinois Controlled Substances Act which relates to 3 or more grams of a substance containing heroin or an analog thereof.

(E) A violation of Section 5.1 or 9 of the Cannabis Control Act.

(F) A Class 2 or greater felony if the offender had been convicted of a Class 2 or greater felony, including any state or federal conviction for an offense that contained, at the time it was committed, the same elements as an offense now (the date of the offense committed after the prior Class 2 or greater felony) classified as a Class 2 or greater felony, within 10 years of the date on which the offender committed the offense for which he or she is being sentenced, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(F-5) A violation of Section 24-1, 24-1.1, or 24-1.6 of the Criminal Code of 1961 or the Criminal Code of 2012 for which imprisonment is prescribed in those Sections.

(G) Residential burglary, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(H) Criminal sexual assault.

(I) Aggravated battery of a senior citizen as described in Section 12-4.6 or subdivision (a)(4) of Section 12-3.05 of the Criminal Code of 1961 or the Criminal Code of 2012.

(J) A forcible felony if the offense was related to the activities of an organized gang.

Before July 1, 1994, for the purposes of this paragraph, "organized gang" means an association of 5 or more persons, with an established hierarchy, that encourages members of the association to perpetrate crimes or provides support to the members of the association who do commit crimes.

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Beginning July 1, 1994, for the purposes of this paragraph, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(K) Vehicular hijacking.

(L) A second or subsequent conviction for the offense of hate crime when the underlying offense upon which the hate crime is based is felony aggravated assault or felony mob action.

(M) A second or subsequent conviction for the offense of institutional vandalism if the damage to the property exceeds $300.

(N) A Class 3 felony violation of paragraph (1) of subsection (a) of Section 2 of the Firearm Owners Identification Card Act.

(O) A violation of Section 12-6.1 or 12-6.5 of the Criminal Code of 1961 or the Criminal Code of 2012.

(P) A violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1 of the Criminal Code of 1961 or the Criminal Code of 2012.

(Q) A violation of subsection (b) or (b-5) of Section 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal Code of 1961 or the Criminal Code of 2012.

(R) A violation of Section 24-3A of the Criminal Code of 1961 or the Criminal Code of 2012.

(S) (Blank).

(T) A second or subsequent violation of the Methamphetamine Control and Community Protection Act.

(U) A second or subsequent violation of Section 6-303 of the Illinois Vehicle Code committed while his or her driver's license, permit, or privilege was revoked because of a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a similar provision of a law of another state.

(V) A violation of paragraph (4) of subsection (c) of Section 11-20.1B or paragraph (4) of subsection (c) of Section 11-20.3 of the Criminal Code of 1961, or paragraph (6) of subsection (a) of Section 11-20.1 of the Criminal Code of 2012 when the victim is under 13 years of age and the defendant has previously been convicted under the laws of this State or any other state of the offense of child pornography, aggravated child pornography, aggravated criminal sexual abuse, aggravated criminal sexual

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assault, predatory criminal sexual assault of a child, or any of the offenses formerly known as rape, deviate sexual assault, indecent liberties with a child, or aggravated indecent liberties with a child where the victim was under the age of 18 years or an offense that is substantially equivalent to those offenses.

(W) A violation of Section 24-3.5 of the Criminal Code of 1961 or the Criminal Code of 2012.

(X) A violation of subsection (a) of Section 31-1a of the Criminal Code of 1961 or the Criminal Code of 2012.

(Y) A conviction for unlawful possession of a firearm by a street gang member when the firearm was loaded or contained firearm ammunition.

(Z) A Class 1 felony committed while he or she was serving a term of probation or conditional discharge for a felony.

(AA) Theft of property exceeding $500,000 and not exceeding $1,000,000 in value.

(BB) Laundering of criminally derived property of a value exceeding $500,000.

(CC) Knowingly selling, offering for sale, holding for sale, or using 2,000 or more counterfeit items or counterfeit items having a retail value in the aggregate of $500,000 or more.

(DD) A conviction for aggravated assault under paragraph (6) of subsection (c) of Section 12-2 of the Criminal Code of 1961 or the Criminal Code of 2012 if the firearm is aimed toward the person against whom the firearm is being used.

(EE) A conviction for a violation of paragraph (2) of subsection (a) of Section 24-3B of the Criminal Code of 2012.

4 (Blank).

4.1 (Blank).

4.2 Except as provided in paragraphs (4.3) and (4.8) of this subsection (c), a minimum of 100 hours of community service shall be imposed for a second violation of Section 6-303 of the Illinois Vehicle Code.

4.3 A minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a

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second violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.4) Except as provided in paragraphs (4.5), (4.6), and (4.9) of this subsection (c), a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a third or subsequent violation of Section 6-303 of the Illinois Vehicle Code.

(4.5) A minimum term of imprisonment of 30 days shall be imposed for a third violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.6) Except as provided in paragraph (4.10) of this subsection (c), a minimum term of imprisonment of 180 days shall be imposed for a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.7) A minimum term of imprisonment of not less than 30 consecutive days, or 300 hours of community service, shall be imposed for a violation of subsection (a-5) of Section 6-303 of the Illinois Vehicle Code, as provided in subsection (b-5) of that Section.

(4.8) A mandatory prison sentence shall be imposed for a second violation of subsection (a-5) of Section 6-303 of the Illinois Vehicle Code, as provided in subsection (c-5) of that Section. The person's driving privileges shall be revoked for a period of not less than 5 years from the date of his or her release from prison.

(4.9) A mandatory prison sentence of not less than 4 and not more than 15 years shall be imposed for a third violation of subsection (a-5) of Section 6-303 of the Illinois Vehicle Code, as provided in subsection (d-2.5) of that Section. The person's driving privileges shall be revoked for the remainder of his or her life.

(4.10) A mandatory prison sentence for a Class 1 felony shall be imposed, and the person shall be eligible for an extended term sentence, for a fourth or subsequent violation of subsection (a-5) of Section 6-303 of the Illinois Vehicle Code, as provided in subsection (d-3.5) of that Section. The person's driving privileges shall be revoked for the remainder of his or her life.

(5) The court may sentence a corporation or unincorporated association convicted of any offense to:

(A) a period of conditional discharge;
(B) a fine;
(C) make restitution to the victim under Section 5-5-6 of this Code.

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(5.1) In addition to any other penalties imposed, and except as provided in paragraph (5.2) or (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 90 days but not more than one year, if the violation resulted in damage to the property of another person.

(5.2) In addition to any other penalties imposed, and except as provided in paragraph (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 180 days but not more than 2 years, if the violation resulted in injury to another person.

(5.3) In addition to any other penalties imposed, a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for 2 years, if the violation resulted in the death of another person.

(5.4) In addition to any other penalties imposed, a person convicted of violating Section 3-707 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for 3 months and until he or she has paid a reinstatement fee of $100.

(5.5) In addition to any other penalties imposed, a person convicted of violating Section 3-707 of the Illinois Vehicle Code during a period in which his or her driver's license, permit, or privileges were suspended for a previous violation of that Section shall have his or her driver's license, permit, or privileges suspended for an additional 6 months after the expiration of the original 3-month suspension and until he or she has paid a reinstatement fee of $100.

(6) (Blank).

(7) (Blank).

(8) (Blank).

(9) A defendant convicted of a second or subsequent offense of ritualized abuse of a child may be sentenced to a term of natural life imprisonment.

(10) (Blank).

(11) The court shall impose a minimum fine of $1,000 for a first offense and $2,000 for a second or subsequent offense upon a person convicted of or placed on supervision for battery when the individual harmed was a sports official or coach at any level of competition and the act causing harm to the sports official or coach occurred within an athletic facility or within the immediate vicinity of the athletic facility at which the

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sports official or coach was an active participant of the athletic contest held at the athletic facility. For the purposes of this paragraph (11), "sports official" means a person at an athletic contest who enforces the rules of the contest, such as an umpire or referee; "athletic facility" means an indoor or outdoor playing field or recreational area where sports activities are conducted; and "coach" means a person recognized as a coach by the sanctioning authority that conducted the sporting event.

(12) A person may not receive a disposition of court supervision for a violation of Section 5-16 of the Boat Registration and Safety Act if that person has previously received a disposition of court supervision for a violation of that Section.

(13) A person convicted of or placed on court supervision for an assault or aggravated assault when the victim and the offender are family or household members as defined in Section 103 of the Illinois Domestic Violence Act of 1986 or convicted of domestic battery or aggravated domestic battery may be required to attend a Partner Abuse Intervention Program under protocols set forth by the Illinois Department of Human Services under such terms and conditions imposed by the court. The costs of such classes shall be paid by the offender.

(d) In any case in which a sentence originally imposed is vacated, the case shall be remanded to the trial court. The trial court shall hold a hearing under Section 5-4-1 of the Unified Code of Corrections which may include evidence of the defendant's life, moral character and occupation during the time since the original sentence was passed. The trial court shall then impose sentence upon the defendant. The trial court may impose any sentence which could have been imposed at the original trial subject to Section 5-5-4 of the Unified Code of Corrections. If a sentence is vacated on appeal or on collateral attack due to the failure of the trier of fact at trial to determine beyond a reasonable doubt the existence of a fact (other than a prior conviction) necessary to increase the punishment for the offense beyond the statutory maximum otherwise applicable, either the defendant may be re-sentenced to a term within the range otherwise provided or, if the State files notice of its intention to again seek the extended sentence, the defendant shall be afforded a new trial.

(e) In cases where prosecution for aggravated criminal sexual abuse under Section 11-1.60 or 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012 results in conviction of a defendant who was a family member of the victim at the time of the commission of the offense,
the court shall consider the safety and welfare of the victim and may impose a sentence of probation only where:

(1) the court finds (A) or (B) or both are appropriate:

(A) the defendant is willing to undergo a court approved counseling program for a minimum duration of 2 years; or
(B) the defendant is willing to participate in a court approved plan including but not limited to the defendant's:
   (i) removal from the household;
   (ii) restricted contact with the victim;
   (iii) continued financial support of the family;
   (iv) restitution for harm done to the victim; and
   (v) compliance with any other measures that the court may deem appropriate; and

(2) the court orders the defendant to pay for the victim's counseling services, to the extent that the court finds, after considering the defendant's income and assets, that the defendant is financially capable of paying for such services, if the victim was under 18 years of age at the time the offense was committed and requires counseling as a result of the offense.

Probation may be revoked or modified pursuant to Section 5-6-4; except where the court determines at the hearing that the defendant violated a condition of his or her probation restricting contact with the victim or other family members or commits another offense with the victim or other family members, the court shall revoke the defendant's probation and impose a term of imprisonment.

For the purposes of this Section, "family member" and "victim" shall have the meanings ascribed to them in Section 11-0.1 of the Criminal Code of 2012.

(f) (Blank).

(g) Whenever a defendant is convicted of an offense under Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14, 11-14.3, 11-14.4 except for an offense that involves keeping a place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012, the defendant shall undergo medical testing to determine whether the defendant has any sexually transmissible
disease, including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Any such medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the defendant's person. Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of the test results. The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or legal guardian of the test results. The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-5.01 or 12-16.2 of the Criminal Code of 1961 or the Criminal Code of 2012 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(g-5) When an inmate is tested for an airborne communicable disease, as determined by the Illinois Department of Public Health including but not limited to tuberculosis, the results of the test shall be personally delivered by the warden or his or her designee in a sealed envelope to the judge of the court in which the inmate must appear for the judge's inspection in camera if requested by the judge. Acting in accordance with the best interests of those in the courtroom, the judge shall have the discretion to determine what if any precautions need to be taken to prevent transmission of the disease in the courtroom.

(h) Whenever a defendant is convicted of an offense under Section 1 or 2 of the Hypodermic Syringes and Needles Act, the defendant shall undergo medical testing to determine whether the defendant has been
exposed to human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of a positive test showing an infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-5.01 or 12-16.2 of the Criminal Code of 1961 or the Criminal Code of 2012 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(i) All fines and penalties imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

determine whether the defendant is employed by a facility or center as
defined under the Child Care Act of 1969, a public or private elementary
or secondary school, or otherwise works with children under 18 years of
age on a daily basis. When a defendant is so employed, the court shall
order the Clerk of the Court to send a copy of the judgment of conviction
or order of supervision or probation to the defendant's employer by
certified mail. If the employer of the defendant is a school, the Clerk of the
Court shall direct the mailing of a copy of the judgment of conviction or
order of supervision or probation to the appropriate regional
superintendent of schools. The regional superintendent of schools shall
notify the State Board of Education of any notification under this
subsection.

(j-5) A defendant at least 17 years of age who is convicted of a
felony and who has not been previously convicted of a misdemeanor or
felony and who is sentenced to a term of imprisonment in the Illinois
Department of Corrections shall as a condition of his or her sentence be
required by the court to attend educational courses designed to prepare the
defendant for a high school diploma and to work toward a high school
diploma or to work toward passing high school equivalency testing or to
work toward completing a vocational training program offered by the
Department of Corrections. If a defendant fails to complete the educational
training required by his or her sentence during the term of incarceration,
the Prisoner Review Board shall, as a condition of mandatory supervised
release, require the defendant, at his or her own expense, to pursue a
course of study toward a high school diploma or passage of high school
equivalency testing. The Prisoner Review Board shall revoke the
mandatory supervised release of a defendant who wilfully fails to comply
with this subsection (j-5) upon his or her release from confinement in a
penal institution while serving a mandatory supervised release term;
however, the inability of the defendant after making a good faith effort to
obtain financial aid or pay for the educational training shall not be deemed
a wilful failure to comply. The Prisoner Review Board shall recommitt the
defendant whose mandatory supervised release term has been revoked
under this subsection (j-5) as provided in Section 3-3-9. This subsection (j-
5) does not apply to a defendant who has a high school diploma or has
successfully passed high school equivalency testing. This subsection (j-5)
does not apply to a defendant who is determined by the court to be a
person with a developmental disability or otherwise mentally incapable of
completing the educational or vocational program.

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(k) (Blank).

(l) (A) Except as provided in paragraph (C) of subsection (l), whenever a defendant, who is an alien as defined by the Immigration and Nationality Act, is convicted of any felony or misdemeanor offense, the court after sentencing the defendant may, upon motion of the State's Attorney, hold sentence in abeyance and remand the defendant to the custody of the Attorney General of the United States or his or her designated agent to be deported when:

   (1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

   (2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

Otherwise, the defendant shall be sentenced as provided in this Chapter V.

(B) If the defendant has already been sentenced for a felony or misdemeanor offense, or has been placed on probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act, the court may, upon motion of the State's Attorney to suspend the sentence imposed, commit the defendant to the custody of the Attorney General of the United States or his or her designated agent when:

   (1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

   (2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

(C) This subsection (l) does not apply to offenders who are subject to the provisions of paragraph (2) of subsection (a) of Section 3-6-3.

(D) Upon motion of the State's Attorney, if a defendant sentenced under this Section returns to the jurisdiction of the United States, the defendant shall be recommitted to the custody of the county from which he or she was sentenced. Thereafter, the defendant shall be brought before the sentencing court, which may impose any sentence that was available under Section 5-5-3 at the time of initial sentencing. In addition, the defendant

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shall not be eligible for additional sentence credit for good conduct as provided under Section 3-6-3.

(m) A person convicted of criminal defacement of property under Section 21-1.3 of the Criminal Code of 1961 or the Criminal Code of 2012, in which the property damage exceeds $300 and the property damaged is a school building, shall be ordered to perform community service that may include cleanup, removal, or painting over the defacement.

(n) The court may sentence a person convicted of a violation of Section 12-19, 12-21, 16-1.3, or 17-56, or subsection (a) or (b) of Section 12-4.4a, of the Criminal Code of 1961 or the Criminal Code of 2012 (i) to an impact incarceration program if the person is otherwise eligible for that program under Section 5-8-1.1, (ii) to community service, or (iii) if the person is an addict or alcoholic, as defined in the Alcoholism and Other Drug Abuse and Dependency Act, to a substance or alcohol abuse program licensed under that Act.

(o) Whenever a person is convicted of a sex offense as defined in Section 2 of the Sex Offender Registration Act, the defendant's driver's license or permit shall be subject to renewal on an annual basis in accordance with the provisions of license renewal established by the Secretary of State.

(Source: P.A. 98-718, eff. 1-1-15; 98-756, eff. 7-16-14; 99-143, eff. 7-27-15.)

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

Approved August 23, 2016.
Effective August 23, 2016.

PUBLIC ACT 99-0886
(Senate Bill No. 0042)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Department of Professional Regulation Law of the Civil Administrative Code of Illinois is amended by changing Section 2105-165 as follows:

(20 ILCS 2105/2105-165)

New matter indicated by italics - deletions by strikeout
Sec. 2105-165. Health care worker licensure actions; sex crimes.

(a) When a licensed health care worker, as defined in the Health Care Worker Self-Referral Act, (1) has been convicted of a criminal act that requires registration under the Sex Offender Registration Act; (1.5) has been convicted of involuntary sexual servitude of a minor under subsection (c) of Section 10-9 or subsection (b) of Section 10A-10 of the Criminal Code of 1961 or the Criminal Code of 2012; (2) has been convicted of a criminal battery against any patient in the course of patient care or treatment, including any offense based on sexual conduct or sexual penetration; (3) has been convicted of a forcible felony; or (4) is required as a part of a criminal sentence to register under the Sex Offender Registration Act, then, notwithstanding any other provision of law to the contrary, except as provided in this Section, the license of the health care worker shall by operation of law be permanently revoked without a hearing.

(a-1) If a licensed health care worker has been convicted of a forcible felony, other than a forcible felony requiring registration under the Sex Offender Registration Act or involuntary sexual servitude of a minor that is a forcible felony, and the health care worker has had his or her license revoked, the health care worker may petition the Department to restore his or her license if more than 5 years have passed since the conviction or more than 3 years have passed since the health care worker's release from confinement for that conviction, whichever is later. In determining whether a license shall be restored, the Department shall consider, but is not limited to, the following factors:

(1) the seriousness of the offense;
(2) the presence of multiple offenses;
(3) prior disciplinary history, including, but not limited to, actions taken by other agencies in this State or by other states or jurisdictions, hospitals, health care facilities, residency programs, employers, insurance providers, or any of the armed forces of the United States or any state;
(4) the impact of the offense on any injured party;
(5) the vulnerability of any injured party, including, but not limited to, consideration of the injured party's age, disability, or mental illness;
(6) the motive for the offense;
(7) the lack of contrition for the offense;

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(8) the lack of cooperation with the Department or other investigative authorities;

(9) the lack of prior disciplinary action, including, but not limited to, action by the Department or by other agencies in this State or by other states or jurisdictions, hospitals, health care facilities, residency programs, employers, insurance providers, or any of the armed forces of the United States or any state;

(10) contrition for the offense;

(11) cooperation with the Department or other investigative authorities;

(12) restitution to injured parties;

(13) whether the misconduct was self-reported;

(14) any voluntary remedial actions taken or other evidence of rehabilitation; and

(15) the date of conviction.

(b) No person who has been convicted of any offense listed in subsection (a) or required to register as a sex offender may receive a license as a health care worker in Illinois. The process for petition and review by the Department provided in subsection (a-1) shall also apply to a person whose application for licensure is denied under this Section for a conviction of a forcible felony, other than a forcible felony requiring registration under the Sex Offender Registration Act or involuntary sexual servitude of a minor that is a forcible felony.

(c) Immediately after a licensed health care worker, as defined in the Health Care Worker Self-Referral Act, has been charged with any offense for which the sentence includes registration as a sex offender; involuntary sexual servitude of a minor; a criminal battery against a patient, including any offense based on sexual conduct or sexual penetration, in the course of patient care or treatment; or a forcible felony; then the prosecuting attorney shall provide notice to the Department of the health care worker's name, address, practice address, and license number and the patient's name and a copy of the criminal charges filed. Within 5 business days after receiving notice from the prosecuting attorney of the filing of criminal charges against the health care worker, the Secretary shall issue an administrative order that the health care worker shall immediately practice only with a chaperone during all patient encounters pending the outcome of the criminal proceedings. The chaperone must be a licensed health care worker. The chaperone shall provide written notice to all of the health care worker's patients explaining the Department's order

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to use a chaperone. Each patient shall sign an acknowledgement that they received the notice. The notice to the patient of criminal charges shall include, in 14-point font, the following statement: "The health care worker is presumed innocent until proven guilty of the charges.". The licensed health care worker shall provide a written plan of compliance with the administrative order that is acceptable to the Department within 5 days after receipt of the administrative order. Failure to comply with the administrative order, failure to file a compliance plan, or failure to follow the compliance plan shall subject the health care worker to temporary suspension of his or her professional license until the completion of the criminal proceedings.

(d) Nothing contained in this Section shall act in any way to waive or modify the confidentiality of information provided by the prosecuting attorney to the extent provided by law. Any information reported or disclosed shall be kept for the confidential use of the Secretary, Department attorneys, the investigative staff, and authorized clerical staff and shall be afforded the same status as is provided information under Part 21 of Article VIII of the Code of Civil Procedure, except that the Department may disclose information and documents to (1) a federal, State, or local law enforcement agency pursuant to a subpoena in an ongoing criminal investigation or (2) an appropriate licensing authority of another state or jurisdiction pursuant to an official request made by that authority. Any information or documents disclosed to a federal, State, or local law enforcement agency may be used by that agency only for the investigation and prosecution of a criminal offense. Any information or documents disclosed by the Department to a professional licensing authority of another state or jurisdiction may only be used by that authority for investigations and disciplinary proceedings with regards to a professional license.

(e) Any licensee whose license was revoked or who received an administrative order under this Section shall have the revocation or administrative order vacated and completely removed from the licensee's records and public view and the revocation or administrative order shall be afforded the same status as is provided information under Part 21 of Article VIII of the Code of Civil Procedure if (1) the charges upon which the revocation or administrative order is based are dropped; (2) the licensee is not convicted of the charges upon which the revocation or administrative order is based; or (3) any conviction for charges upon

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which the revocation or administrative order was based have been vacated, overturned, or reversed.

(f) Nothing contained in this Section shall prohibit the Department from initiating or maintaining a disciplinary action against a licensee independent from any criminal charges, conviction, or sex offender registration.

(g) The Department may adopt rules necessary to implement this Section.

(Source: P.A. 97-156, eff. 8-20-11; 97-484, eff. 9-21-11; 97-873, eff. 7-31-12.)

Effective January 1, 2017.

PUBLIC ACT 99-0887
(House Bill No. 4334)

AN ACT concerning transportation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Section 3-821.2 as follows:

(625 ILCS 5/3-821.2)

Sec. 3-821.2. Delinquent registration renewal fee.

(a) For registration renewal periods beginning on or after January 1, 2005, the Secretary of State may impose a delinquent registration renewal fee of $20 for the registration renewal of all passenger vehicles of the first division and motor vehicles of the second division weighing not more than 8,000 pounds if the application for registration renewal is received by the Secretary more than one month after the expiration of the most recent period during which the vehicle was registered. If a delinquent registration renewal fee is imposed, the Secretary shall not renew the registration of such a vehicle until the delinquent registration renewal fee has been paid, in addition to any other registration fees owed for the vehicle. Active duty military personnel stationed outside of Illinois shall not be required to pay the delinquent registration renewal fee. If a delinquent registration renewal fee is imposed, the Secretary shall adopt rules for the implementation of this Section. All fees collected under this Section shall be deposited into the General Revenue Fund.

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(b) Notwithstanding the provisions of subsection (a), the Secretary of State shall not impose a delinquent registration renewal fee for the registration renewal of passenger vehicles of the first division and motor vehicles of the second division weighing not more than 8,000 pounds if a vehicle's registration expires during a period of time in which the Secretary is not sending registration renewal notices to owners of all of those vehicles with registration expiring at the same time as the applicable vehicle. It shall be an affirmative defense to a citation for an expired registration issued by any local, county, municipal, or State law enforcement agency within one month after the expiration of vehicle registration, that the expiration occurred during a period of time in which the Secretary was not sending registration renewal notices to owners of all passenger vehicles of the first division and motor vehicles of the second division weighing not more than 8,000 pounds with registration expiring at the same time as the applicable vehicle. A computer print-out of a page from the Secretary of State's official website setting forth the calendar months in which registration renewal notices were not sent to all owners of passenger vehicles of the first division and motor vehicles of the second division weighing not more than 8,000 pounds shall be admissible as evidence to establish the affirmative defense. The computer print-out shall be prima facie evidence of the correctness of the information contained in it. The changes made by this amendatory Act of the 99th General Assembly apply only to vehicle registrations that expire on or after the effective date of this amendatory Act of the 99th General Assembly.

The provisions of this subsection (b), other than this sentence, are inoperative on and after June 30, 2017.

(Source: P.A. 99-127, eff. 1-1-16.)

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

Passed in the General Assembly June 30, 2016.

PUBLIC ACT 99-0888
(Senate Bill No. 1582)

AN ACT concerning transportation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout
Section 5. The Illinois Vehicle Code is amended by changing Section 11-1414.1 as follows:

(625 ILCS 5/11-1414.1) (from Ch. 95 1/2, par. 11-1414.1)
Sec. 11-1414.1. School transportation of students.

(a) Every student enrolled in grade 12 or below in any entity listed in subsection (a) of Section 1-182 of this Code must be transported in a school bus or a vehicle described in subdivision (1) or (2) of subsection (b) of Section 1-182 of this Code for any curriculum-related school activity, except a student in any of grades K through 12 or a student in any of grades K through 12 with an Individualized Education Plan (IEP) with a staff to student ratio of 1 to 5, and attending Acacia Academy, Alexander Leigh, Marklund, Helping Hands Center, Connections Organization, or New Horizon Academy may be transported in a multi-function school activity bus (MFSAB) as defined in Section 1-148.3a-5 of this Code for any curriculum-related activity except for transportation on regular bus routes from home to school or from school to home, subject to the following conditions:

(i) A MFSAB may not be used to transport students under this Section unless the driver holds a valid school bus driver permit.

(ii) The use of a MFSAB under this Section is subject to the requirements of Sections 6-106.11, 6-106.12, 12-707.01, 13-101, and 13-109 of this Code.

"Curriculum-related school activity" as used in this subsection (a) includes transportation from home to school or from school to home, tripper or shuttle service between school attendance centers, transportation to a vocational or career center or other trade-skill development site or a regional safe school or other school-sponsored alternative learning program, or a trip that is directly related to the regular curriculum of a student for which he or she earns credit.

(b) Every student enrolled in grade 12 or below in any entity listed in subsection (a) of Section 1-182 of this Code who is transported in a vehicle that is being operated by or for a public or private primary or secondary school, including any primary or secondary school operated by a religious institution, for an interscholastic, interscholastic-athletic, or school-sponsored, noncurriculum-related activity that (i) does not require student participation as part of the educational services of the entity and (ii) is not associated with the students' regular class-for-credit schedule shall transport students only in a school bus or vehicle described in

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subsection (b) of Section 1-182 of this Code. This subsection (b) does not apply to any second division vehicle used by an entity listed in subsection (a) of Section 1-182 of this Code for a parade, homecoming, or a similar noncurriculum-related school activity.

(Source: P.A. 96-410, eff. 7-1-10; 97-896, eff. 8-3-12.)

Effective January 1, 2017.

PUBLIC ACT 99-0889
(Senate Bill No. 2138)

AN ACT concerning civil law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 1. Short title. This Act may be cited as the Snow Removal Service Liability Limitation Act.
Section 5. Definitions. In this Act:
"Service provider" means a person providing services under a snow removal and ice control services contract.
"Service receiver" means a person receiving services under a snow removal and ice control services contract.
"Snow removal and ice control services contract" means a contract or agreement for the performance of any of the following:
(1) plowing, shoveling, or other removal of snow or other mixed precipitation from a surface;
(2) de-icing services; or
(3) a service incidental to an activity described in item (1) or (2), including operating or otherwise moving snow removal or de-icing equipment or materials.
Section 10. Certain indemnity agreements void. A provision, clause, covenant, or agreement that is part of or in connection with a snow removal and ice control services contract is against public policy and void if it does any of the following:
(1) Requires, or has the effect of requiring, a service provider to indemnify a service receiver for damages resulting from the acts or omissions of the service receiver or the service receiver's agents or employees.

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(2) Requires, or has the effect of requiring, a service receiver to indemnify a service provider for damages resulting from the acts or omissions of the service provider or the service provider's agents or employees.

(3) Requires, or has the effect of requiring, a service provider to hold a service receiver harmless from any tort liability for damages resulting from the acts or omissions of the service receiver or the service receiver's agents or employees.

(4) Requires, or has the effect of requiring, a service receiver to hold a service provider harmless from any tort liability for damages resulting from the acts or omissions of the service provider or the service provider's agents or employees.

(5) Requires, or has the effect of requiring, a service provider to defend a service receiver against any tort liability for damages resulting from the acts or omissions of the service receiver or the service receiver's agents or employees.

(6) Requires, or has the effect of requiring, a service receiver to defend a service provider against any tort liability for damages resulting from the acts or omissions of the service provider or the service provider's agents or employees.

Section 15. Applicability.

(a) This Act applies to snow removal and ice control services contracts entered into on and after the effective date of this Act.

(b) This Act does not apply to contracts for snow removal or ice control services on public roads or with public bodies.

(c) This Act does not apply to contracts for snow removal or ice control services with a public utility. As used in this Section, "public utility" has the meaning provided in Section 3-105 of the Public Utilities Act.

(d) This Act does not apply to an insurance policy, a surety bond, or workers' compensation.

(e) This Act does not affect any liabilities, immunities, or affirmative defenses arising under other law.

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


AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Counties Code is amended by adding Section 5-12021 as follows:

(55 ILCS 5/5-12021 new)
Sec. 5-12021. Special provisions relating to public schools.
(a) In exercising the powers under this Division with respect to public school districts, a county shall act in a reasonable manner that neither regulates educational activities, such as school curricula, administration, and staffing, nor frustrates a school district's statutory duties. This subsection (a) is declarative of existing law and does not change the substantive operation of this Division.
(b) In processing zoning applications from public school districts, a county shall make reasonable efforts to streamline the zoning application and review process for the school board and minimize the administrative burdens involved in the zoning review process, including, but not limited to, reducing application fees and other costs associated with the project of a school board to the greatest extent practicable and reflective of actual cost but in no event more than the lowest fees customarily imposed by the county for similar applications, limiting the number of times the school district must amend its site plans, reducing the number of copies of site plans and any other documents required to be submitted by the county, and expediting the zoning review process for the purpose of rendering a decision on any application from a school district within 90 days after a completed application is submitted to the county.

Section 10. The Township Code is amended by changing Section 110-70 as follows:

(60 ILCS 1/110-70)
Sec. 110-70. School district affected.
(a) In any hearing before a zoning commission or board of appeals, any school district within which the property in issue, or any part of that property, is located may appear and present evidence.
(b) In exercising the powers under this Article with respect to public school districts, a township shall act in a reasonable manner that neither regulates educational activities, such as school curricula,
administration, and staffing, nor frustrates a school district's statutory duties. This subsection (b) is declarative of existing law and does not change the substantive operation of this Article.

(c) In processing zoning applications from public school districts, a township shall make reasonable efforts to streamline the zoning application and review process for the school board and minimize the administrative burdens involved in the zoning review process, including, but not limited to, reducing application fees and other costs associated with the project of a school board to the greatest extent practicable and reflective of actual cost but in no event more than the lowest fees customarily imposed by the township for similar applications, limiting the number of times the school district must amend its site plans, reducing the number of copies of site plans and any other documents required to be submitted by the township, and expediting the zoning review process for the purpose of rendering a decision on any application from a school district within 90 days after a completed application is submitted to the township.

(Source: Laws 1967, p. 3481; P.A. 88-62.)

Section 15. The Illinois Municipal Code is amended by adding Section 11-13-27 as follows:

(65 ILCS 5/11-13-27 new)

Sec. 11-13-27. Special provisions relating to public schools.

(a) In exercising the powers under this Division with respect to public school districts, a municipality shall act in a reasonable manner that neither regulates educational activities, such as school curricula, administration, and staffing, nor frustrates a school district's statutory duties. This subsection (a) is declarative of existing law and does not change the substantive operation of this Division.

(b) In processing zoning applications from public school districts, a municipality shall make reasonable efforts to streamline the zoning application and review process for the school board and minimize the administrative burdens involved in the zoning review process, including, but not limited to, reducing application fees and other costs associated with the project of a school board to the greatest extent practicable and reflective of actual cost but in no event more than the lowest fees customarily imposed by the municipality for similar applications, limiting the number of times the school district must amend its site plans, reducing the number of copies of site plans and any other documents required to be submitted by the municipality, and expediting the zoning review process for the purpose of rendering a decision on any application from a school district within 90 days after a completed application is submitted to the municipality.

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for the purpose of rendering a decision on any application from a school district within 90 days after a completed application is submitted to the municipality.

Section 20. The School Code is amended by changing Section 10-22.13a as follows:

(105 ILCS 5/10-22.13a)
Sec. 10-22.13a. Zoning changes, variations, and special uses for school district property; zoning compliance. To seek zoning changes, variations, or special uses for property held or controlled by the school district.

A school district is subject to and its school board must comply with any valid local government zoning ordinance or resolution that applies where the pertinent part of the building, structure, or site owned by the school district is located. The changes to this Section made by this amendatory Act of the 99th General Assembly are declarative of existing law and do not change the substantive operation of this Section.
(Source: P.A. 90-566, eff. 1-2-98.)

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


PUBLIC ACT 99-0891
(Senate Bill No. 2357)

AN ACT concerning gaming.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Horse Racing Act of 1975 is amended by changing Section 12.2 as follows:

(230 ILCS 5/12.2)
Sec. 12.2. Business enterprise program.
(a) For the purposes of this Section, the terms "minority", "minority owned business", "female", "female owned business", "person with a disability", and "business owned by a person with a disability" have the meanings ascribed to them in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act.

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(b) The Board shall, by rule, establish goals for the award of contracts by each organization licensee or inter-track wagering licensee to businesses owned by minorities, females, and persons with disabilities, expressed as percentages of an organization licensee's or inter-track wagering licensee's total dollar amount of contracts awarded during each calendar year. Each organization licensee or inter-track wagering licensee must make every effort to meet the goals established by the Board pursuant to this Section. When setting the goals for the award of contracts, the Board shall not include contracts where: (1) licensees are purchasing goods or services from vendors or suppliers or in markets where there are no or a limited number of minority owned businesses, women owned businesses, or businesses owned by persons with disabilities that would be sufficient to satisfy the goal; (2) there are no or a limited number of suppliers licensed by the Board; (3) the licensee or its parent company owns a company that provides the goods or services; or (4) the goods or services are provided to the licensee by a publicly traded company.

(c) Each organization licensee or inter-track wagering licensee shall file with the Board an annual report of its utilization of minority owned businesses, female owned businesses, and businesses owned by persons with disabilities during the preceding calendar year. The report shall include a self-evaluation of the efforts of the organization licensee or inter-track wagering licensee to meet its goals under this Section.

(d) The organization licensee or inter-track wagering licensee shall have the right to request a waiver from the requirements of this Section. The Board shall grant the waiver where the organization licensee or inter-track wagering licensee demonstrates that there has been made a good faith effort to comply with the goals for participation by minority owned businesses, female owned businesses, and businesses owned by persons with disabilities.

(e) If the Board determines that its goals and policies are not being met by any organization licensee or inter-track wagering licensee, then the Board may:

1. adopt remedies for such violations; and
2. recommend that the organization licensee or inter-track wagering licensee provide additional opportunities for participation by minority owned businesses, female owned businesses, and businesses owned by persons with disabilities; such recommendations may include, but shall not be limited to:

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(A) assurances of stronger and better focused solicitation efforts to obtain more minority owned businesses, female owned businesses, and businesses owned by persons with disabilities as potential sources of supply;

(B) division of job or project requirements, when economically feasible, into tasks or quantities to permit participation of minority owned businesses, female owned businesses, and businesses owned by persons with disabilities;

(C) elimination of extended experience or capitalization requirements, when programmatically feasible, to permit participation of minority owned businesses, female owned businesses, and businesses owned by persons with disabilities;

(D) identification of specific proposed contracts as particularly attractive or appropriate for participation by minority owned businesses, female owned businesses, and businesses owned by persons with disabilities, such identification to result from and be coupled with the efforts of items (A) through (C); and

(E) implementation of regulations established for the use of the sheltered market process.

(f) The Board shall file, no later than March 1 of each year, an annual report that shall detail the level of achievement toward the goals specified in this Section over the 3 most recent fiscal years. The annual report shall include, but need not be limited to:

(1) a summary detailing expenditures subject to the goals, the actual goals specified, and the goals attained by each organization licensee or inter-track wagering licensee;

(2) a summary of the number of contracts awarded and the average contract amount by each organization licensee or inter-track wagering licensee;

(3) an analysis of the level of overall goal achievement concerning purchases from minority owned businesses, female owned businesses, and businesses owned by persons with disabilities;

(4) an analysis of the number of minority owned businesses, female owned businesses, and businesses owned by

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persons with disabilities that are certified under the program as well as the number of those businesses that received State procurement contracts; and

(5) (blank) a summary of the number of contracts awarded to businesses with annual gross sales of less than $1,000,000; of $1,000,000 or more, but less than $5,000,000; of $5,000,000 or more, but less than $10,000,000; and of $10,000,000 or more.

(Source: P.A. 98-490, eff. 8-16-13; 99-78, eff. 7-20-15.)

Effective January 1, 2017.

PUBLIC ACT 99-0892
(Senate Bill No. 2610)

AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Continuum of Care Services for the Developmentally Disabled Act.

Section 5. Purpose. The purpose of this Act is to authorize a new type of license for organizations providing services to individuals with developmental disabilities to be known as a continuum of care license; to define the requirements for a continuum of care facility to receive and maintain such a license; to establish a process for the development of an alternative budget-neutral reimbursement mechanism for such a facility; and to authorize a request to the federal government for a waiver pursuant to the federal Social Security Act.

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

"Applicable requirements of law" means State and federal statutes, rules, regulations, and guidance, as such may from time to time be amended or revised, governing the rights, protections, and services, including reimbursement for such services, afforded to individuals with developmental disabilities.

"Campus group home" means a residential facility meeting the requirements of Section 30 of this Act and operated as part of a continuum of care facility licensed under this Act.

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"Continuum of care facility" means a legally incorporated entity that provides a comprehensive range of programs, services, and supports for adults with developmental disabilities, positioned at a central geographic campus facility, and including all of the following:

1. Community-integrated living arrangements provided within reasonable geographic proximity of the campus and in accordance with applicable requirements of law;

2. Employment opportunities, including both on-campus compensated work opportunities and off-campus supported employment opportunities provided in accordance with applicable requirements of law;

3. Developmental training programs and services provided in accordance with applicable requirements of law;

4. On-campus community living facility opportunities provided on-campus and in accordance with applicable requirements of law;

5. Campus group home opportunities as authorized and defined in this Act and provided in accordance with applicable requirements of law; and

6. Medically complex for the developmentally disabled facility opportunities provided on-campus and in accordance with applicable requirements of law.

"Continuum of care license" means a license issued to a continuum of care facility in accordance with the terms of this Act.

"Continuum of care plan" means a formal, written plan meeting the requirements of Section 25 of this Act.

"Facility constituent elements" means the particular, discrete programs, services, and supports delineated in the definition of "continuum of care facility" and provided collectively by the facility.

Section 15. Powers and duties. The Secretary of Human Services, acting in consultation and coordination as necessary with the Director of Public Health and the Director of Healthcare and Family Services, shall, within 12 months after the effective date of this Act, establish a system of licensure for continuum of care facilities, in accordance with this Act, for the following purposes:

1. Protecting the welfare, safety, and rights of individuals with developmental disabilities;

2. Providing additional options for care and services for individuals with developmental disabilities; and
(3) providing a model of care that can transition individuals with developmental disabilities in a seamless and timely manner across the continuum of residential care settings and supportive services, training, education, and employment opportunities in a manner that maximizes beneficiary choice and satisfaction.

Section 20. Licensing standards. The Secretary of Human Services shall, within 12 months after the effective date of this Act, file rules establishing standards for licensing of continuum of care facilities under a single license. These rules shall ensure that an applicant for licensure:

(1) meets the definition of "continuum of care facility" and provides all of the programs, services, and supports required by that definition;

(2) develops, submits, and maintains adherence to a continuum of care plan that meets the requirements of Section 25 of this Act;

(3) meets the regulatory requirements set forth in Section 30 of this Act;

(4) meets such requirements as the Secretary of Human Services may determine appropriate for renewal of licensure or for amendment of licensure to account for changes in the composition of facility constituent elements providing programs or services under the license; and

(5) meets such other requirements as the Secretary of Human Services may determine appropriate for the effective implementation of this Act.

Section 25. Continuum of care plan. An applicant for a continuum of care license shall submit to the Secretary of Human Services, in such form and manner as the Secretary of Human Services shall require, a continuum of care plan that demonstrates how the applicant will:

(1) undertake a comprehensive approach to facilitating the movement of individuals to the most appropriate site and level of care and services provided based on that individual's preference and needs;

(2) provide for the seamless integrated transition of individuals between and among the required care settings and services in a manner that addresses the individual's location on the spectrum of disability and progression along the age spectrum;

(3) maximize employment and training opportunities consistent with the individual's preferences and capabilities;

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(4) provide programs, services, and supports geared to addressing the demand for services for a growing population of aging individuals and individuals who need the services offered by a medically complex for the developmentally disabled facility; and

(5) demonstrate a commitment to providing informed, free, and meaningful choice regarding the type of community in which the individual prefers to live and the type of employment opportunities or developmental training the individual prefers to receive; beneficiary engagement; annual care planning and ongoing treatment focused on the needs and preferences of the individual and adherence to other applicable requirements of law relevant to protecting the rights and welfare of individuals with developmental disabilities; and

(6) use an evidence-based assessment tool, approved by the Department of Human Services and the Department of Healthcare and Family Services, to periodically reassess and confirm that individuals receiving more intense or restrictive services continue to require, or to choose if applicable, that level of support and services.

Section 30. Applicable requirements. The Secretary of Human Services, acting as appropriate through or in coordination with the Director of Public Health, shall in licensing a continuum of care facility ensure the following:

(1) community-integrated living arrangements provided by such licensee meet all otherwise applicable requirements of law pertaining to such arrangements, including those set forth in the Community-Integrated Living Arrangements Licensure and Certification Act, except that a continuum of care facility may, consistent with all applicable requirements of law, prioritize the movement of individuals into or out of community-integrated living arrangements from or into other residential facility constituent elements;

(2) on-campus and off-campus employment opportunities provided by the licensee meet all otherwise applicable requirements of law pertaining to such opportunities;

(3) developmental training programs and services provided by the licensee meet all otherwise applicable requirements of law pertaining to such programs and services;

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(4) community living facility opportunities provided by the licensee meet all otherwise applicable requirements of law pertaining to such opportunities;

(5) campus group homes provided by the licensee meet all otherwise applicable requirements of law pertaining to an ID/DD facility under the ID/DD Community Care Act;

(6) medically complex for the developmentally disabled facility opportunities provided by the licensee meet all otherwise applicable requirements of law pertaining to such opportunities; and

(7) the applicant complies with such other requirements as the Secretary of Human Services may consider necessary and appropriate to carry out the purposes of this Act and other applicable requirements of law.

A continuum of care license may be issued to a continuum of care facility upon the adoption of the rules provided for in Section 20 of this Act.

Section 35. Existing and future programs and services.

(a) To the extent necessary to carry out the purposes of this Act and to maintain eligibility for reimbursement for services under applicable State and federal programs, including Title XIX of the federal Social Security Act, facility constituent elements of an entity licensed as a continuum of care facility may be considered to be licensed pursuant to the otherwise applicable requirements of law as set forth in Section 30 of this Act.

(b) In the event that a continuum of care facility ceases to retain licensure as a continuum of care facility, facility constituent elements that meet all otherwise applicable requirements of law with respect to such element as set forth in Section 30 of this Act shall be deemed to be licensed pursuant to such requirements.

(c) Residents of campus group homes and community-integrated living arrangements that are facility constituent elements shall continue to be beneficiaries of and have the rights and protections provided to residents of ID/DD facilities and community-integrated living arrangements, respectively, under the consent decree entered by the United States District Court for the Northern District of Illinois in the matter of Ligas v. Hamos, No. 1:05-CV-4331 on June 15, 2011 (Ligas). While the consent decree in Ligas remains in effect, members of the class in Ligas residing in ID/DD facilities on June 15, 2011 may move to community-
integrated living arrangements as they choose to do so; members of the class in Ligas admitted to ID/DD facilities after June 15, 2011 must enroll on the Prioritization of Urgency of Need for Services waiting list and be selected for community-integrated living arrangements services prior to moving.

(d) A continuum of care licensee shall be permitted to add new facility constituent elements under its license provided that it demonstrates a need for the new facility constituent elements and that the facility constituent elements meet all applicable requirements of law.

Section 40. Reimbursement rules. The Secretary of Human Services and the Director of Healthcare and Family Services shall:

(1) ensure that reimbursement utilizing federal and State resources for services provided to eligible beneficiaries through a continuum of care facility comports with the following requirements:

(A) such services shall be reimbursed in a budget-neutral manner such that reimbursement for services provided by the facility constituent elements of a continuum of care licensee shall be neither greater nor lesser than the reimbursement received for such services provided by that facility constituent element prior to the licensing of the continuum of care facility, adjusted to take into account any subsequent changes in reimbursement for such similar services, or, if the facility constituent element is a new facility reimbursement for the services provided by the new facility shall be no less than the reimbursement received for such services by a comparable facility constituent element of that continuum of care facility; and

(B) a continuum of care licensee shall enter into a single provider agreement with the Director of Healthcare and Family Services or the Secretary of Human Services; changes that may occur from time to time in the facility constituent elements under the continuum of care license shall be addressed as may be required by applicable requirements of law through amendments to the provider agreement; the Director of Healthcare and Family Services shall make all reasonable efforts to ensure that all facility constituent elements that are approved parts of a continuum of care license remain qualified for reimbursement under

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relevant State and federal programs including Title XIX of the federal Social Security Act; and
(2) in cooperation with interested stakeholders, develop an alternative payment methodology for a continuum of care facility; the initial methodology shall produce payments that are budget neutral as compared to the services provided by the licensee prior to the implementation of the continuum of care license; the effectiveness of the methodology and corresponding rate levels shall be evaluated 18 months following the implementation of the methodology and every 12 months thereafter and shall be adjusted as necessary, subject to appropriation.

Section 45. The Department of Healthcare and Family Services Law of the Civil Administrative Code of Illinois is amended by adding Section 2205-13 as follows:

(20 ILCS 2205/2205-13 new)
Sec. 2205-13. Authorization to secure a federal waiver pursuant to the federal Social Security Act or a State plan amendment.

(a) The Director of Healthcare and Family Services, in collaboration and coordination with the Secretary of Human Services, shall develop and submit to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services, Center for Medicaid and State Operations, a request for a waiver pursuant to the federal Social Security Act or a State plan amendment consistent with the purpose of subsection (b) of this Section and requirements of subsection (c) of this Section.

(b) The purpose of the waiver or a State plan amendment authorized by subsection (a) of this Section is to obtain approval for the use of funds under Title XIX of the federal Social Security Act to provide for an alternative model of licensure, reimbursement, and quality assurance for services to individuals with developmental disabilities consistent with the Continuum of Care Services for the Developmentally Disabled Act.

(c) A waiver or a State plan amendment requested pursuant to this authorization must involve the licensure of a continuum of care facility pursuant to and consistent with all requirements of the Continuum of Care Services for the Developmentally Disabled Act and a proposal for a reimbursement methodology developed under paragraph (2) of Section 40 of the Continuum of Care Services for the Developmentally Disabled Act.


New matter indicated by italics - deletions by strikeout
Effective January 1, 2017. 

PUBLIC ACT 99-0893  
(House Bill No. 4633) 

AN ACT concerning business.  
Be it enacted by the People of the State of Illinois, represented in the General Assembly:  
Section 1. Short title. This Act may be cited as the Unclaimed Life Insurance Benefits Act.  
Section 5. Purpose. This Act shall require recognition of the Uniform Disposition of Unclaimed Property Act and require the complete and proper disclosure, transparency, and accountability relating to any method of payment for life insurance, annuity, or retained asset agreement death benefits.  
Section 10. Definitions. As used in this Act:  
"Annuity contract" does not include an annuity contract used to fund an employment-based retirement plan or program where (1) the insurer does not perform the record keeping services or (2) the insurer is not committed by the terms of the annuity contract to pay death benefits to the beneficiaries of specific plan participants.  
"Date of death" means the date on which an insured, annuity owner, or retained asset account holder died.  
"Date of death notice" means the date the insurer first has notice of the date of death of an insured, annuity owner, or retained asset account holder. "Date of death notice" includes, but is not limited to, the date the insurer received information or gained knowledge of a Death Master File match or any other source or record maintained or located in insurer records of the death of an insured, annuity owner, or retained asset account holder.  
"Death Master File" means the United States Social Security Administration's Death Master File or any other database or service that is at least as comprehensive as the United States Social Security Administration's Death Master File for determining that a person has reportedly died.  
"Death Master File match" means a match of the social security number or the name and date of birth of an insured, annuity owner, or
retained asset account holder resulting from a search of the Death Master File.

"Department" means the Department of Insurance.

"Lost policy finder" means a service made available by the Department on its website or otherwise developed by the Department to assist consumers with locating unclaimed life insurance benefits.

"Policy" means any policy or certificate of life insurance that provides a death benefit. "Policy" does not include any policy or certificate of credit life or accidental death insurance or health coverages, including, but not limited to, disability and long-term care arising from the reported death of a person insured under the coverage, or any policy issued to a group master policyholder for which the insurer does not provide record keeping services.

"Record keeping services" means services provided under circumstances in which the insurer has agreed with a group policy or annuity contract customer to be responsible for obtaining, maintaining, and administering its own or its agents' systems information about each individual insured under an insured's group insurance contract, or a line of coverage thereunder, including, but not limited to, the following: (1) social security number or name and date of birth, (2) beneficiary designation information, (3) coverage eligibility, (4) benefit amount, and (5) premium payment status.

"Retained asset account" means any mechanism whereby the settlement of proceeds payable under a policy or annuity contract is accomplished by the insurer or an entity acting on behalf of the insurer depositing the proceeds into an account with check or draft writing privileges, where those proceeds are retained by the insurer or its agent pursuant to a supplementary contract not involving annuity benefits other than death benefits.

Section 15. Insurer conduct.

(a) An insurer shall initially perform a comparison of its insureds', annuitants', and retained asset account holders' in-force policies, annuity contracts, and retained asset accounts by using the full Death Master File. The initial comparison shall be completed on or before December 31, 2017, unless extended by the Department pursuant to administrative rule. Thereafter, an insurer shall perform a comparison on at least a semi-annual basis using the Death Master File update files for comparisons to identify potential matches of its insureds, annuitants, and retained asset account holders. In the event that one of the insurer's lines of business conducts a

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search for matches of its insureds, annuitants, and retained asset account holders against the Death Master File at intervals more frequently than semi-annually, then all lines of the insurer's business shall conduct searches for matches against the Death Master File with the same frequency.

An insured, an annuitant, or a retained asset account holder is presumed dead if the date of his or her death is indicated by the comparison required in this subsection (a), unless the insurer has competent and substantial evidence that the person is living, including, but not limited to, a contact made by the insurer with the person or his or her legal representative.

For those potential matches identified as a result of a Death Master File match, the insurer shall within 120 days after the date of death notice, if the insurer has not been contacted by a beneficiary, determine whether benefits are due in accordance with the applicable policy or contract and, if benefits are due in accordance with the applicable policy or contract:

(1) use good faith efforts, which shall be documented by the insurer, to locate the beneficiary or beneficiaries; the Department shall establish by administrative rule minimum standards for what constitutes good faith efforts to locate a beneficiary, which shall include: (A) searching insurer records; (B) the appropriate use of First Class United States mail, e-mail addresses, and telephone calls; and (C) reasonable efforts by insurers to obtain updated contact information for the beneficiary or beneficiaries; good faith efforts shall not include additional attempts to contact the beneficiary at an address already confirmed not to be current; and

(2) provide the appropriate claims forms or instructions to the beneficiary or beneficiaries to make a claim, including the need to provide an official death certificate if applicable under the policy or annuity contract.

(b) Insurers shall implement procedures to account for the following when conducting searches of the Death Master File:

(1) common nicknames, initials used in lieu of a first or middle name, use of a middle name, compound first and middle names, and interchanged first and middle names;

(2) compound last names, maiden or married names, and hyphens, blank spaces, or apostrophes in last names;

(3) transposition of the "month" and "date" portions of the date of birth; and

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(4) incomplete social security numbers.

(c) To the extent permitted by law, an insurer may disclose the minimum necessary personal information about the insured, annuity owner, retained asset account holder, or beneficiary to a person whom the insurer reasonably believes may be able to assist the insurer with locating the beneficiary or a person otherwise entitled to payment of the claims proceeds.

(d) An insurer or its service provider shall not charge any beneficiary or other authorized representative for any fees or costs associated with a Death Master File search or verification of a Death Master File match conducted pursuant to this Act.

(e) The benefits from a policy, annuity contract, or a retained asset account, plus any applicable accrued interest, shall first be payable to the designated beneficiaries or owners and, in the event the beneficiaries or owners cannot be found, shall be reported and delivered to the State Treasurer pursuant to the Uniform Disposition of Unclaimed Property Act. Nothing in this subsection (e) is intended to alter the amounts reportable under the existing provisions of the Uniform Disposition of Unclaimed Property Act or to allow the imposition of additional statutory interest under Article XIV of the Illinois Insurance Code.

(f) Failure to meet any requirement of this Section with such frequency as to constitute a general business practice is a violation of Section 424 of the Illinois Insurance Code. Nothing in this Section shall be construed to create or imply a private cause of action for a violation of this Section.

Section 20. Uniform Disposition of Unclaimed Property Act. Nothing in this Act shall be construed to amend, modify, or supersede the Uniform Disposition of Unclaimed Property Act, including the authority of the State Treasurer to examine the records of any person if the State Treasurer has reason to believe that such person has failed to report property that should have been reported pursuant to the Uniform Disposition of Unclaimed Property Act.

Section 25. Lost policy finder.

(a) The Department shall develop and implement a lost policy finder to assist requesters with locating unclaimed life insurance benefits. The lost policy finder shall be available online and via other means. The Department shall assist a requester with using the lost policy finder, including informing the requester of the information that an insurer may need to facilitate responding to the request.

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(b) As soon as practicable, but no later than 30 days after receiving a request from a requester via the lost policy finder, the Department shall:

(1) forward the request to all insurers deemed necessary by the Department in order to successfully respond to the request; and

(2) inform the requester that the Department received the request and forwarded the request to all insurers deemed necessary by the Department in order to successfully respond to the request.

(c) Upon receiving a request forwarded by the Department through a lost policy finder, an insurer shall search for policies and any accounts subject to this Act that insure the life of or are owned by an individual named as the decedent in the request forwarded by the Department.

(d) Within 30 days after receiving the request referenced in subsection (b) of this Section, or within 45 days after receiving the request where the insurer contracts with another entity to maintain the insurer's records, the insurer shall:

(1) report to the Department through the lost policy finder the findings of the search conducted pursuant to subsection (c) of this Section;

(2) for each identified policy and account insuring the life of, or owned by, the individual named as the decedent in the request, provide to a requester who is:

(A) also the beneficiary of record on the identified policy or account, the information necessary to make a claim pursuant to the terms of the policy or account; and

(B) not the beneficiary of record on the identified policy or account, the requested information to the extent permissible to be disclosed in accordance with any applicable law, rule, or regulation and take such other steps necessary to facilitate the payment of any benefit that may be due under the identified policy or account.

(e) The Department shall, within 30 days after receiving from all insurers the information required in item (1) of subsection (d) of this Section, inform the requester of the results of the search.

(f) When a beneficiary identified in subsection (d) of this Section submits a claim or claims to an insurer, the insurer shall process such claim or claims and make prompt payments and distributions in accordance with all applicable laws, rules, and regulations.
(g) Within 30 days after the final disposition of the request, an insurer shall report to the Department through the lost policy finder any benefits paid and any other information requested by the Department.

Section 30. Administrative rules.
(a) The Department shall adopt rules to administer and implement this Act.
(b) The Department may limit an insurer's Death Master File comparisons required under Section 15 of this Act to the insurer's electronic searchable files or approve a plan and timeline for conversion of the insurer's files to searchable electronic files upon a demonstration of hardship by the insurer.

Section 35. Application. The provisions of this Act apply to policies, annuity contracts, and retained asset accounts in force on or after the effective date of this Act.

Section 40. The Illinois Insurance Code is amended by changing Section 424 as follows:

Sec. 424. Unfair methods of competition and unfair or deceptive acts or practices defined. The following are hereby defined as unfair methods of competition and unfair and deceptive acts or practices in the business of insurance:

(1) The commission by any person of any one or more of the acts defined or prohibited by Sections 134, 143.24c, 147, 148, 149, 151, 155.22, 155.22a, 155.42, 236, 237, 364, and 469 of this Code.

(2) Entering into any agreement to commit, or by any concerted action committing, any act of boycott, coercion or intimidation resulting in or tending to result in unreasonable restraint of, or monopoly in, the business of insurance.

(3) Making or permitting, in the case of insurance of the types enumerated in Classes 1, 2, and 3 of Section 4, any unfair discrimination between individuals or risks of the same class or of essentially the same hazard and expense element because of the race, color, religion, or national origin of such insurance risks or applicants. The application of this Article to the types of insurance enumerated in Class 1 of Section 4 shall in no way limit, reduce, or impair the protections and remedies already provided for by Sections 236 and 364 of this Code or any other provision of this Code.

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(4) Engaging in any of the acts or practices defined in or prohibited by Sections 154.5 through 154.8 of this Code.

(5) Making or charging any rate for insurance against losses arising from the use or ownership of a motor vehicle which requires a higher premium of any person by reason of his physical disability, race, color, religion, or national origin.

(6) Failing to meet any requirement of the Unclaimed Life Insurance Benefits Act with such frequency as to constitute a general business practice.

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


Approved August 26, 2016.

Effective January 1, 2017.

PUBLIC ACT 99-0894
(Senate Bill No. 0320)

AN ACT concerning government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Mental Health Opportunities for Youth Diversion Task Force Act.

Section 5. Findings. The General Assembly finds that:

(1) an estimated 70% of youth who are arrested in the United States have a mental health disorder;

(2) in many cases, this may contribute to the cause of their arrest or may remain undiagnosed as they progress through the juvenile justice system;

(3) in Cook County, at least one study found that 60% of boys and 66% of girls detained in the Juvenile Temporary Detention Center met the diagnostic criteria for one or more psychiatric disorders;

(4) an appropriate system of care would be one in which youth with identified mental health needs receive care through the health care system in the community rather than in the juvenile justice system;

(5) while some youth are diverted to hospitals while they are in mental health crisis, often these youth do not require hospitalization but are funneled through these hospitals unnecessarily because of the lack of less intensive options available to receive intermediate care;

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(6) youth in these situations often need a quick assessment and intermediate care, such as crisis intervention, counseling, or case management;

(7) in contrast, a hospital assessment and a referral for later community treatment are unnecessarily costly and specialized;

(8) youth with undiagnosed mental health issues may be arrested and processed through the juvenile justice system and only receive treatment once they are deep in the juvenile justice system;

(9) opportunities exist in several areas to eliminate barriers to community-based treatment for youth and increase diversion programming that allows youth to receive treatment and avoid further involvement with law enforcement or the juvenile justice system; and

(10) establishing a Mental Health Opportunities for Youth Diversion Task Force to review best practices and guarantee cross-collaboration among government entities and community partners is essential to eliminating these barriers and ensuring that youth in this State with mental health needs do not end up unnecessarily tangled in the juvenile justice system.

Section 10. Mental Health Opportunities for Youth Diversion Task Force.

(a) There is created the Mental Health Opportunities for Youth Diversion Task Force within the Department of Human Services. The Task Force shall be composed of no more than 21 voting members including:

(1) Two members of the House of Representatives, one appointed by the Speaker of the House of Representatives and one appointed by the Minority Leader of the House of Representatives.

(2) Two members of the Senate, one appointed by the President of the Senate and one appointed by the Minority Leader of the Senate.

(3) One representative of the Office of the Governor appointed by the Governor.

(4) Twelve members of the public:

(A) one representative from a health and hospital system, appointed by the Speaker of the House of Representatives;

(B) one representative from a community-based mental health provider that serve youth, appointed by the President of the Senate;

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(C) one representative from a statewide youth juvenile justice advocacy organization, appointed by the Speaker of the House of Representatives;

(D) one representative of an organization that advocates for families and youth with mental illness, appointed by the President of the Senate;

(E) one representative from an organization with expertise in Medicaid, health care, and juvenile justice, appointed by the President of the Senate;

(F) one representative from law enforcement, appointed by the Minority Leader of the Senate;

(G) one representative from law enforcement from the Crises Intervention Team Training Unit, appointed by the Minority Leader of the House of Representatives;

(H) one representative from the juvenile division of a State's Attorney's office, appointed by the Minority Leader of the Senate;

(I) one representative from the juvenile division of a Public Defender's office, appointed by the Minority Leader of the House of Representatives;

(J) one representative from a clinical unit of juvenile community corrections, appointed by the Speaker of the House of Representatives;

(K) one representative from an organization that is a comprehensive community-based youth service provider appointed by the House Minority Leader; and

(L) one representative from a service provider with the Juvenile Redeploy Illinois Program appointed by the Senate Minority Leader.

(5) The following 4 officials shall serve as ex-officio members:

(A) one representative from the Department of Human Services Mental Health and Juvenile Justice Program, appointed by the Secretary of Human Services;

(B) one representative from the Department of Human Services Comprehensive Community-Based Youth Services Program, appointed by the Secretary of Human Services;

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(C) the Director of Healthcare and Family Services, or his or her designee; and

(D) one representative from the Administrative Office of the Illinois Courts, appointed by the Director of the Administrative Office of the Illinois Courts.

(b) Members shall serve without compensation and are responsible for the cost of all reasonable and necessary travel expenses connected to Task Force business. The Task Force members shall not be reimbursed by the State for these costs. Task Force members shall be appointed within 60 days after the effective date of this Act. The Task Force shall hold its initial meetings within 60 days after at least 50% of the members have been appointed. The representatives of the organization that advocates for families and youth with mental illness and one of the representatives from an organization with an expertise in Medicaid, health care, and juvenile justice shall serve as co-chairs of the Task Force. At the first meeting of the Task Force, the members shall select a 5 person Steering Committee that includes the co-chairs. The Task Force may establish committees that address specific issues or populations and may appoint individuals with relevant expertise who are not appointed members of the Task Force to serve on committees as needed.

(c) The Task Force shall:

(1) develop an action plan for State and local law enforcement and other agencies to divert youth in contact with law enforcement agencies that require mental health treatment into the appropriate health care setting rather than initial or further involvement in the juvenile justice system;

(2) review existing evidence based models and best practices around diversion opportunities for youth with mental health needs from the point of police contact and initial contact with the juvenile justice system;

(3) identify existing diversion programs across this State and highlight implemented programs demonstrating positive evidence based outcomes;

(4) identify all funding sources which can be used towards improving diversion outcomes for youth with mental health needs, including funds controlled by the State, funds controlled by counties, and funding within the health care system;

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(5) identify barriers to the implementation of evidence based diversion models and develop sustainable policies and programs to address these barriers;

(6) recommend an action plan required by paragraph (1) of this subsection (c) that includes pilot programs and policy changes based on the research required by paragraphs (3), (4), and (5) of this subsection (c) for increasing the number of youth diverted into community-based mental health treatment rather than further engagement with the juvenile justice system; and

(7) complete and deliver the action plan required by paragraph (1) of this subsection (c) with recommendations to the Governor and General Assembly within one year of the first meeting of the Task Force.

(d) Upon the completion and delivery of the action plan to the Governor and General Assembly, the Task Force shall be dissolved.

Section 15. Repeal. This Act is repealed on December 31, 2018.


Approved August 26, 2016.

Effective January 1, 2017.

PUBLIC ACT 99-0895

(Senate Bill No. 0420)

AN ACT concerning public aid.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Public Aid Code is amended by changing Section 5-5 as follows:

(305 ILCS 5/5-5) (from Ch. 23, par. 5-5)

Sec. 5-5. Medical services. The Illinois Department, by rule, shall determine the quantity and quality of and the rate of reimbursement for the medical assistance for which payment will be authorized, and the medical services to be provided, which may include all or part of the following: (1) inpatient hospital services; (2) outpatient hospital services; (3) other laboratory and X-ray services; (4) skilled nursing home services; (5) physicians' services whether furnished in the office, the patient's home, a hospital, a skilled nursing home, or elsewhere; (6) medical care, or any other type of remedial care furnished by licensed practitioners; (7) home

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health care services; (8) private duty nursing service; (9) clinic services; (10) dental services, including prevention and treatment of periodontal disease and dental caries disease for pregnant women, provided by an individual licensed to practice dentistry or dental surgery; for purposes of this item (10), "dental services" means diagnostic, preventive, or corrective procedures provided by or under the supervision of a dentist in the practice of his or her profession; (11) physical therapy and related services; (12) prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in the diseases of the eye, or by an optometrist, whichever the person may select; (13) other diagnostic, screening, preventive, and rehabilitative services, including to ensure that the individual's need for intervention or treatment of mental disorders or substance use disorders or co-occurring mental health and substance use disorders is determined using a uniform screening, assessment, and evaluation process inclusive of criteria, for children and adults; for purposes of this item (13), a uniform screening, assessment, and evaluation process refers to a process that includes an appropriate evaluation and, as warranted, a referral; "uniform" does not mean the use of a singular instrument, tool, or process that all must utilize; (14) transportation and such other expenses as may be necessary; (15) medical treatment of sexual assault survivors, as defined in Section 1a of the Sexual Assault Survivors Emergency Treatment Act, for injuries sustained as a result of the sexual assault, including examinations and laboratory tests to discover evidence which may be used in criminal proceedings arising from the sexual assault; (16) the diagnosis and treatment of sickle cell anemia; and (17) any other medical care, and any other type of remedial care recognized under the laws of this State, but not including abortions, or induced miscarriages or premature births, unless, in the opinion of a physician, such procedures are necessary for the preservation of the life of the woman seeking such treatment, or except an induced premature birth intended to produce a live viable child and such procedure is necessary for the health of the mother or her unborn child. The Illinois Department, by rule, shall prohibit any physician from providing medical assistance to anyone eligible therefor under this Code where such physician has been found guilty of performing an abortion procedure in a wilful and wanton manner upon a woman who was not pregnant at the time such abortion procedure was performed. The term "any other type of remedial care" shall include nursing care and nursing home service for
persons who rely on treatment by spiritual means alone through prayer for healing.

Notwithstanding any other provision of this Section, a comprehensive tobacco use cessation program that includes purchasing prescription drugs or prescription medical devices approved by the Food and Drug Administration shall be covered under the medical assistance program under this Article for persons who are otherwise eligible for assistance under this Article.

Notwithstanding any other provision of this Code, the Illinois Department may not require, as a condition of payment for any laboratory test authorized under this Article, that a physician's handwritten signature appear on the laboratory test order form. The Illinois Department may, however, impose other appropriate requirements regarding laboratory test order documentation.

Upon receipt of federal approval of an amendment to the Illinois Title XIX State Plan for this purpose, the Department shall authorize the Chicago Public Schools (CPS) to procure a vendor or vendors to manufacture eyeglasses for individuals enrolled in a school within the CPS system. CPS shall ensure that its vendor or vendors are enrolled as providers in the medical assistance program and in any capitated Medicaid managed care entity (MCE) serving individuals enrolled in a school within the CPS system. Under any contract procured under this provision, the vendor or vendors must serve only individuals enrolled in a school within the CPS system. Claims for services provided by CPS's vendor or vendors to recipients of benefits in the medical assistance program under this Code, the Children's Health Insurance Program, or the Covering ALL KIDS Health Insurance Program shall be submitted to the Department or the MCE in which the individual is enrolled for payment and shall be reimbursed at the Department's or the MCE's established rates or rate methodologies for eyeglasses.

On and after July 1, 2012, the Department of Healthcare and Family Services may provide the following services to persons eligible for assistance under this Article who are participating in education, training or employment programs operated by the Department of Human Services as successor to the Department of Public Aid:

(1) dental services provided by or under the supervision of a dentist; and

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(2) eyeglasses prescribed by a physician skilled in the diseases of the eye, or by an optometrist, whichever the person may select.

Notwithstanding any other provision of this Code and subject to federal approval, the Department may adopt rules to allow a dentist who is volunteering his or her service at no cost to render dental services through an enrolled not-for-profit health clinic without the dentist personally enrolling as a participating provider in the medical assistance program. A not-for-profit health clinic shall include a public health clinic or Federally Qualified Health Center or other enrolled provider, as determined by the Department, through which dental services covered under this Section are performed. The Department shall establish a process for payment of claims for reimbursement for covered dental services rendered under this provision.

The Illinois Department, by rule, may distinguish and classify the medical services to be provided only in accordance with the classes of persons designated in Section 5-2.

The Department of Healthcare and Family Services must provide coverage and reimbursement for amino acid-based elemental formulas, regardless of delivery method, for the diagnosis and treatment of (i) eosinophilic disorders and (ii) short bowel syndrome when the prescribing physician has issued a written order stating that the amino acid-based elemental formula is medically necessary.

The Illinois Department shall authorize the provision of, and shall authorize payment for, screening by low-dose mammography for the presence of occult breast cancer for women 35 years of age or older who are eligible for medical assistance under this Article, as follows:

(A) A baseline mammogram for women 35 to 39 years of age.

(B) An annual mammogram for women 40 years of age or older.

(C) A mammogram at the age and intervals considered medically necessary by the woman's health care provider for women under 40 years of age and having a family history of breast cancer, prior personal history of breast cancer, positive genetic testing, or other risk factors.

(D) A comprehensive ultrasound screening of an entire breast or breasts if a mammogram demonstrates heterogeneous or
dense breast tissue, when medically necessary as determined by a physician licensed to practice medicine in all of its branches.

(E) A screening MRI when medically necessary, as determined by a physician licensed to practice medicine in all of its branches.

All screenings shall include a physical breast exam, instruction on self-examination and information regarding the frequency of self-examination and its value as a preventative tool. For purposes of this Section, "low-dose mammography" means the x-ray examination of the breast using equipment dedicated specifically for mammography, including the x-ray tube, filter, compression device, and image receptor, with an average radiation exposure delivery of less than one rad per breast for 2 views of an average size breast. The term also includes digital mammography.

On and after January 1, 2016, the Department shall ensure that all networks of care for adult clients of the Department include access to at least one breast imaging Center of Imaging Excellence as certified by the American College of Radiology.

On and after January 1, 2012, providers participating in a quality improvement program approved by the Department shall be reimbursed for screening and diagnostic mammography at the same rate as the Medicare program's rates, including the increased reimbursement for digital mammography.

The Department shall convene an expert panel including representatives of hospitals, free-standing mammography facilities, and doctors, including radiologists, to establish quality standards for mammography.

On and after January 1, 2017, providers participating in a breast cancer treatment quality improvement program approved by the Department shall be reimbursed for breast cancer treatment at a rate that is no lower than 95% of the Medicare program's rates for the data elements included in the breast cancer treatment quality program.

The Department shall convene an expert panel, including representatives of hospitals, free standing breast cancer treatment centers, breast cancer quality organizations, and doctors, including breast surgeons, reconstructive breast surgeons, oncologists, and primary care providers to establish quality standards for breast cancer treatment.

Subject to federal approval, the Department shall establish a rate methodology for mammography at federally qualified health centers and

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other encounter-rate clinics. These clinics or centers may also collaborate with other hospital-based mammography facilities. By January 1, 2016, the Department shall report to the General Assembly on the status of the provision set forth in this paragraph.

The Department shall establish a methodology to remind women who are age-appropriate for screening mammography, but who have not received a mammogram within the previous 18 months, of the importance and benefit of screening mammography. The Department shall work with experts in breast cancer outreach and patient navigation to optimize these reminders and shall establish a methodology for evaluating their effectiveness and modifying the methodology based on the evaluation.

The Department shall establish a performance goal for primary care providers with respect to their female patients over age 40 receiving an annual mammogram. This performance goal shall be used to provide additional reimbursement in the form of a quality performance bonus to primary care providers who meet that goal.

The Department shall devise a means of case-managing or patient navigation for beneficiaries diagnosed with breast cancer. This program shall initially operate as a pilot program in areas of the State with the highest incidence of mortality related to breast cancer. At least one pilot program site shall be in the metropolitan Chicago area and at least one site shall be outside the metropolitan Chicago area. On or after July 1, 2016, the pilot program shall be expanded to include one site in western Illinois, one site in southern Illinois, one site in central Illinois, and 4 sites within metropolitan Chicago. An evaluation of the pilot program shall be carried out measuring health outcomes and cost of care for those served by the pilot program compared to similarly situated patients who are not served by the pilot program.

The Department shall require all networks of care to develop a means either internally or by contract with experts in navigation and community outreach to navigate cancer patients to comprehensive care in a timely fashion. The Department shall require all networks of care to include access for patients diagnosed with cancer to at least one academic commission on cancer-accredited cancer program as an in-network covered benefit.

Any medical or health care provider shall immediately recommend, to any pregnant woman who is being provided prenatal services and is suspected of drug abuse or is addicted as defined in the Alcoholism and Other Drug Abuse and Dependency Act, referral to a local substance abuse
treatment provider licensed by the Department of Human Services or to a licensed hospital which provides substance abuse treatment services. The Department of Healthcare and Family Services shall assure coverage for the cost of treatment of the drug abuse or addiction for pregnant recipients in accordance with the Illinois Medicaid Program in conjunction with the Department of Human Services.

All medical providers providing medical assistance to pregnant women under this Code shall receive information from the Department on the availability of services under the Drug Free Families with a Future or any comparable program providing case management services for addicted women, including information on appropriate referrals for other social services that may be needed by addicted women in addition to treatment for addiction.

The Illinois Department, in cooperation with the Departments of Human Services (as successor to the Department of Alcoholism and Substance Abuse) and Public Health, through a public awareness campaign, may provide information concerning treatment for alcoholism and drug abuse and addiction, prenatal health care, and other pertinent programs directed at reducing the number of drug-affected infants born to recipients of medical assistance.

Neither the Department of Healthcare and Family Services nor the Department of Human Services shall sanction the recipient solely on the basis of her substance abuse.

The Illinois Department shall establish such regulations governing the dispensing of health services under this Article as it shall deem appropriate. The Department should seek the advice of formal professional advisory committees appointed by the Director of the Illinois Department for the purpose of providing regular advice on policy and administrative matters, information dissemination and educational activities for medical and health care providers, and consistency in procedures to the Illinois Department.

The Illinois Department may develop and contract with Partnerships of medical providers to arrange medical services for persons eligible under Section 5-2 of this Code. Implementation of this Section may be by demonstration projects in certain geographic areas. The Partnership shall be represented by a sponsor organization. The Department, by rule, shall develop qualifications for sponsors of Partnerships. Nothing in this Section shall be construed to require that the sponsor organization be a medical organization.

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The sponsor must negotiate formal written contracts with medical providers for physician services, inpatient and outpatient hospital care, home health services, treatment for alcoholism and substance abuse, and other services determined necessary by the Illinois Department by rule for delivery by Partnerships. Physician services must include prenatal and obstetrical care. The Illinois Department shall reimburse medical services delivered by Partnership providers to clients in target areas according to provisions of this Article and the Illinois Health Finance Reform Act, except that:

(1) Physicians participating in a Partnership and providing certain services, which shall be determined by the Illinois Department, to persons in areas covered by the Partnership may receive an additional surcharge for such services.

(2) The Department may elect to consider and negotiate financial incentives to encourage the development of Partnerships and the efficient delivery of medical care.

(3) Persons receiving medical services through Partnerships may receive medical and case management services above the level usually offered through the medical assistance program.

Medical providers shall be required to meet certain qualifications to participate in Partnerships to ensure the delivery of high quality medical services. These qualifications shall be determined by rule of the Illinois Department and may be higher than qualifications for participation in the medical assistance program. Partnership sponsors may prescribe reasonable additional qualifications for participation by medical providers, only with the prior written approval of the Illinois Department.

Nothing in this Section shall limit the free choice of practitioners, hospitals, and other providers of medical services by clients. In order to ensure patient freedom of choice, the Illinois Department shall immediately promulgate all rules and take all other necessary actions so that provided services may be accessed from therapeutically certified optometrists to the full extent of the Illinois Optometric Practice Act of 1987 without discriminating between service providers.

The Department shall apply for a waiver from the United States Health Care Financing Administration to allow for the implementation of Partnerships under this Section.

The Illinois Department shall require health care providers to maintain records that document the medical care and services provided to recipients of Medical Assistance under this Article. Such records must be

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retained for a period of not less than 6 years from the date of service or as provided by applicable State law, whichever period is longer, except that if an audit is initiated within the required retention period then the records must be retained until the audit is completed and every exception is resolved. The Illinois Department shall require health care providers to make available, when authorized by the patient, in writing, the medical records in a timely fashion to other health care providers who are treating or serving persons eligible for Medical Assistance under this Article. All dispensers of medical services shall be required to maintain and retain business and professional records sufficient to fully and accurately document the nature, scope, details and receipt of the health care provided to persons eligible for medical assistance under this Code, in accordance with regulations promulgated by the Illinois Department. The rules and regulations shall require that proof of the receipt of prescription drugs, dentures, prosthetic devices and eyeglasses by eligible persons under this Section accompany each claim for reimbursement submitted by the dispenser of such medical services. No such claims for reimbursement shall be approved for payment by the Illinois Department without such proof of receipt, unless the Illinois Department shall have put into effect and shall be operating a system of post-payment audit and review which shall, on a sampling basis, be deemed adequate by the Illinois Department to assure that such drugs, dentures, prosthetic devices and eyeglasses for which payment is being made are actually being received by eligible recipients. Within 90 days after September 16, 1984 (the effective date of Public Act 83-1439) this amendatory Act of 1984, the Illinois Department shall establish a current list of acquisition costs for all prosthetic devices and any other items recognized as medical equipment and supplies reimbursable under this Article and shall update such list on a quarterly basis, except that the acquisition costs of all prescription drugs shall be updated no less frequently than every 30 days as required by Section 5-5.12.

The rules and regulations of the Illinois Department shall require that a written statement including the required opinion of a physician shall accompany any claim for reimbursement for abortions, or induced miscarriages or premature births. This statement shall indicate what procedures were used in providing such medical services.

Notwithstanding any other law to the contrary, the Illinois Department shall, within 365 days after July 22, 2013 (the effective date of Public Act 98-104), establish procedures to permit skilled care facilities

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licensed under the Nursing Home Care Act to submit monthly billing claims for reimbursement purposes. Following development of these procedures, the Department shall, by July 1, 2016, test the viability of the new system and implement any necessary operational or structural changes to its information technology platforms in order to allow for the direct acceptance and payment of nursing home claims.

Notwithstanding any other law to the contrary, the Illinois Department shall, within 365 days after August 15, 2014 (the effective date of Public Act 98-963), establish procedures to permit ID/DD facilities licensed under the ID/DD Community Care Act and MC/DD facilities licensed under the MC/DD Act to submit monthly billing claims for reimbursement purposes. Following development of these procedures, the Department shall have an additional 365 days to test the viability of the new system and to ensure that any necessary operational or structural changes to its information technology platforms are implemented.

The Illinois Department shall require all dispensers of medical services, other than an individual practitioner or group of practitioners, desiring to participate in the Medical Assistance program established under this Article to disclose all financial, beneficial, ownership, equity, surety or other interests in any and all firms, corporations, partnerships, associations, business enterprises, joint ventures, agencies, institutions or other legal entities providing any form of health care services in this State under this Article.

The Illinois Department may require that all dispensers of medical services desiring to participate in the medical assistance program established under this Article disclose, under such terms and conditions as the Illinois Department may by rule establish, all inquiries from clients and attorneys regarding medical bills paid by the Illinois Department, which inquiries could indicate potential existence of claims or liens for the Illinois Department.

Enrollment of a vendor shall be subject to a provisional period and shall be conditional for one year. During the period of conditional enrollment, the Department may terminate the vendor's eligibility to participate in, or may disenroll the vendor from, the medical assistance program without cause. Unless otherwise specified, such termination of eligibility or disenrollment is not subject to the Department's hearing process. However, a disenrolled vendor may reapply without penalty.

The Department has the discretion to limit the conditional enrollment period for vendors based upon category of risk of the vendor.

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Prior to enrollment and during the conditional enrollment period in the medical assistance program, all vendors shall be subject to enhanced oversight, screening, and review based on the risk of fraud, waste, and abuse that is posed by the category of risk of the vendor. The Illinois Department shall establish the procedures for oversight, screening, and review, which may include, but need not be limited to: criminal and financial background checks; fingerprinting; license, certification, and authorization verifications; unscheduled or unannounced site visits; database checks; prepayment audit reviews; audits; payment caps; payment suspensions; and other screening as required by federal or State law.

The Department shall define or specify the following: (i) by provider notice, the "category of risk of the vendor" for each type of vendor, which shall take into account the level of screening applicable to a particular category of vendor under federal law and regulations; (ii) by rule or provider notice, the maximum length of the conditional enrollment period for each category of risk of the vendor; and (iii) by rule, the hearing rights, if any, afforded to a vendor in each category of risk of the vendor that is terminated or disenrolled during the conditional enrollment period.

To be eligible for payment consideration, a vendor's payment claim or bill, either as an initial claim or as a resubmitted claim following prior rejection, must be received by the Illinois Department, or its fiscal intermediary, no later than 180 days after the latest date on the claim on which medical goods or services were provided, with the following exceptions:

(1) In the case of a provider whose enrollment is in process by the Illinois Department, the 180-day period shall not begin until the date on the written notice from the Illinois Department that the provider enrollment is complete.

(2) In the case of errors attributable to the Illinois Department or any of its claims processing intermediaries which result in an inability to receive, process, or adjudicate a claim, the 180-day period shall not begin until the provider has been notified of the error.

(3) In the case of a provider for whom the Illinois Department initiates the monthly billing process.

(4) In the case of a provider operated by a unit of local government with a population exceeding 3,000,000 when local
government funds finance federal participation for claims payments.

For claims for services rendered during a period for which a recipient received retroactive eligibility, claims must be filed within 180 days after the Department determines the applicant is eligible. For claims for which the Illinois Department is not the primary payer, claims must be submitted to the Illinois Department within 180 days after the final adjudication by the primary payer.

In the case of long term care facilities, within 5 days of receipt by the facility of required prescreening information, data for new admissions shall be entered into the Medical Electronic Data Interchange (MEDI) or the Recipient Eligibility Verification (REV) System or successor system, and within 15 days of receipt by the facility of required prescreening information, admission documents shall be submitted through MEDI or REV or shall be submitted directly to the Department of Human Services using required admission forms. Effective September 1, 2014, admission documents, including all prescreening information, must be submitted through MEDI or REV. Confirmation numbers assigned to an accepted transaction shall be retained by a facility to verify timely submittal. Once an admission transaction has been completed, all resubmitted claims following prior rejection are subject to receipt no later than 180 days after the admission transaction has been completed.

Claims that are not submitted and received in compliance with the foregoing requirements shall not be eligible for payment under the medical assistance program, and the State shall have no liability for payment of those claims.

To the extent consistent with applicable information and privacy, security, and disclosure laws, State and federal agencies and departments shall provide the Illinois Department access to confidential and other information and data necessary to perform eligibility and payment verifications and other Illinois Department functions. This includes, but is not limited to: information pertaining to licensure; certification; earnings; immigration status; citizenship; wage reporting; unearned and earned income; pension income; employment; supplemental security income; social security numbers; National Provider Identifier (NPI) numbers; the National Practitioner Data Bank (NPDB); program and agency exclusions; taxpayer identification numbers; tax delinquency; corporate information; and death records.

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The Illinois Department shall enter into agreements with State agencies and departments, and is authorized to enter into agreements with federal agencies and departments, under which such agencies and departments shall share data necessary for medical assistance program integrity functions and oversight. The Illinois Department shall develop, in cooperation with other State departments and agencies, and in compliance with applicable federal laws and regulations, appropriate and effective methods to share such data. At a minimum, and to the extent necessary to provide data sharing, the Illinois Department shall enter into agreements with State agencies and departments, and is authorized to enter into agreements with federal agencies and departments, including but not limited to: the Secretary of State; the Department of Revenue; the Department of Public Health; the Department of Human Services; and the Department of Financial and Professional Regulation.

Beginning in fiscal year 2013, the Illinois Department shall set forth a request for information to identify the benefits of a pre-payment, post-adjudication, and post-edit claims system with the goals of streamlining claims processing and provider reimbursement, reducing the number of pending or rejected claims, and helping to ensure a more transparent adjudication process through the utilization of: (i) provider data verification and provider screening technology; and (ii) clinical code editing; and (iii) pre-pay, pre- or post-adjudicated predictive modeling with an integrated case management system with link analysis. Such a request for information shall not be considered as a request for proposal or as an obligation on the part of the Illinois Department to take any action or acquire any products or services.

The Illinois Department shall establish policies, procedures, standards and criteria by rule for the acquisition, repair and replacement of orthotic and prosthetic devices and durable medical equipment. Such rules shall provide, but not be limited to, the following services: (1) immediate repair or replacement of such devices by recipients; and (2) rental, lease, purchase or lease-purchase of durable medical equipment in a cost-effective manner, taking into consideration the recipient's medical prognosis, the extent of the recipient's needs, and the requirements and costs for maintaining such equipment. Subject to prior approval, such rules shall enable a recipient to temporarily acquire and use alternative or substitute devices or equipment pending repairs or replacements of any device or equipment previously authorized for such recipient by the Department. Notwithstanding any provision of Section 5-5f to the

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contrary, the Department may, by rule, exempt certain replacement wheelchair parts from prior approval and, for wheelchairs, wheelchair parts, wheelchair accessories, and related seating and positioning items, determine the wholesale price by methods other than actual acquisition costs.

The Department shall require, by rule, all providers of durable medical equipment to be accredited by an accreditation organization approved by the federal Centers for Medicare and Medicaid Services and recognized by the Department in order to bill the Department for providing durable medical equipment to recipients. No later than 15 months after the effective date of the rule adopted pursuant to this paragraph, all providers must meet the accreditation requirement.

The Department shall execute, relative to the nursing home prescreening project, written inter-agency agreements with the Department of Human Services and the Department on Aging, to effect the following: (i) intake procedures and common eligibility criteria for those persons who are receiving non-institutional services; and (ii) the establishment and development of non-institutional services in areas of the State where they are not currently available or are undeveloped; and (iii) notwithstanding any other provision of law, subject to federal approval, on and after July 1, 2012, an increase in the determination of need (DON) scores from 29 to 37 for applicants for institutional and home and community-based long term care; if and only if federal approval is not granted, the Department may, in conjunction with other affected agencies, implement utilization controls or changes in benefit packages to effectuate a similar savings amount for this population; and (iv) no later than July 1, 2013, minimum level of care eligibility criteria for institutional and home and community-based long term care; and (v) no later than October 1, 2013, establish procedures to permit long term care providers access to eligibility scores for individuals with an admission date who are seeking or receiving services from the long term care provider. In order to select the minimum level of care eligibility criteria, the Governor shall establish a workgroup that includes affected agency representatives and stakeholders representing the institutional and home and community-based long term care interests. This Section shall not restrict the Department from implementing lower level of care eligibility criteria for community-based services in circumstances where federal approval has been granted.

The Illinois Department shall develop and operate, in cooperation with other State Departments and agencies and in compliance with

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applicable federal laws and regulations, appropriate and effective systems of health care evaluation and programs for monitoring of utilization of health care services and facilities, as it affects persons eligible for medical assistance under this Code.

The Illinois Department shall report annually to the General Assembly, no later than the second Friday in April of 1979 and each year thereafter, in regard to:

(a) actual statistics and trends in utilization of medical services by public aid recipients;
(b) actual statistics and trends in the provision of the various medical services by medical vendors;
(c) current rate structures and proposed changes in those rate structures for the various medical vendors; and
(d) efforts at utilization review and control by the Illinois Department.

The period covered by each report shall be the 3 years ending on the June 30 prior to the report. The report shall include suggested legislation for consideration by the General Assembly. The filing of one copy of the report with the Speaker, one copy with the Minority Leader and one copy with the Clerk of the House of Representatives, one copy with the President, one copy with the Minority Leader and one copy with the Secretary of the Senate, one copy with the Legislative Research Unit, and such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act shall be deemed sufficient to comply with this Section.

Rulemaking authority to implement Public Act 95-1045, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

On and after July 1, 2012, the Department shall reduce any rate of reimbursement for services or other payments or alter any methodologies authorized by this Code to reduce any rate of reimbursement for services or other payments in accordance with Section 5-5e.

Because kidney transplantation can be an appropriate, cost effective alternative to renal dialysis when medically necessary and notwithstanding the provisions of Section 1-11 of this Code, beginning October 1, 2014, the Department shall cover kidney transplantation for

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noncitizens with end-stage renal disease who are not eligible for comprehensive medical benefits, who meet the residency requirements of Section 5-3 of this Code, and who would otherwise meet the financial requirements of the appropriate class of eligible persons under Section 5-2 of this Code. To qualify for coverage of kidney transplantation, such person must be receiving emergency renal dialysis services covered by the Department. Providers under this Section shall be prior approved and certified by the Department to perform kidney transplantation and the services under this Section shall be limited to services associated with kidney transplantation.

Notwithstanding any other provision of this Code to the contrary, on or after July 1, 2015, all FDA approved forms of medication assisted treatment prescribed for the treatment of alcohol dependence or treatment of opioid dependence shall be covered under both fee for service and managed care medical assistance programs for persons who are otherwise eligible for medical assistance under this Article and shall not be subject to any (1) utilization control, other than those established under the American Society of Addiction Medicine patient placement criteria, (2) prior authorization mandate, or (3) lifetime restriction limit mandate.

On or after July 1, 2015, opioid antagonists prescribed for the treatment of an opioid overdose, including the medication product, administration devices, and any pharmacy fees related to the dispensing and administration of the opioid antagonist, shall be covered under the medical assistance program for persons who are otherwise eligible for medical assistance under this Article. As used in this Section, "opioid antagonist" means a drug that binds to opioid receptors and blocks or inhibits the effect of opioids acting on those receptors, including, but not limited to, naloxone hydrochloride or any other similarly acting drug approved by the U.S. Food and Drug Administration.

(Source: P.A. 98-104, Article 9, Section 9-5, eff. 7-22-13; 98-104, Article 12, Section 12-20, eff. 7-22-13; 98-303, eff. 8-9-13; 98-463, eff. 8-16-13; 98-651, eff. 6-16-14; 98-756, eff. 7-16-14; 98-963, eff. 8-15-14; 99-78, eff. 7-20-15; 99-180, eff. 7-29-15; 99-236, eff. 8-3-15; 99-433, eff. 8-21-15; 99-480, eff. 9-9-15; revised 10-13-15.)

(Text of Section after amendment by P.A. 99-407)

Sec. 5-5. Medical services. The Illinois Department, by rule, shall determine the quantity and quality of and the rate of reimbursement for the medical assistance for which payment will be authorized, and the medical services to be provided, which may include all or part of the following: (1)
inpatient hospital services; (2) outpatient hospital services; (3) other laboratory and X-ray services; (4) skilled nursing home services; (5) physicians' services whether furnished in the office, the patient's home, a hospital, a skilled nursing home, or elsewhere; (6) medical care, or any other type of remedial care furnished by licensed practitioners; (7) home health care services; (8) private duty nursing service; (9) clinic services; (10) dental services, including prevention and treatment of periodontal disease and dental caries disease for pregnant women, provided by an individual licensed to practice dentistry or dental surgery; for purposes of this item (10), "dental services" means diagnostic, preventive, or corrective procedures provided by or under the supervision of a dentist in the practice of his or her profession; (11) physical therapy and related services; (12) prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in the diseases of the eye, or by an optometrist, whichever the person may select; (13) other diagnostic, screening, preventive, and rehabilitative services, including to ensure that the individual's need for intervention or treatment of mental disorders or substance use disorders or co-occurring mental health and substance use disorders is determined using a uniform screening, assessment, and evaluation process inclusive of criteria, for children and adults; for purposes of this item (13), a uniform screening, assessment, and evaluation process refers to a process that includes an appropriate evaluation and, as warranted, a referral; "uniform" does not mean the use of a singular instrument, tool, or process that all must utilize; (14) transportation and such other expenses as may be necessary; (15) medical treatment of sexual assault survivors, as defined in Section 1a of the Sexual Assault Survivors Emergency Treatment Act, for injuries sustained as a result of the sexual assault, including examinations and laboratory tests to discover evidence which may be used in criminal proceedings arising from the sexual assault; (16) the diagnosis and treatment of sickle cell anemia; and (17) any other medical care, and any other type of remedial care recognized under the laws of this State, but not including abortions, or induced miscarriages or premature births, unless, in the opinion of a physician, such procedures are necessary for the preservation of the life of the woman seeking such treatment, or except an induced premature birth intended to produce a live viable child and such procedure is necessary for the health of the mother or her unborn child. The Illinois Department, by rule, shall prohibit any physician from providing medical assistance to anyone eligible therefor under this Code where such

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physician has been found guilty of performing an abortion procedure in a wilful and wanton manner upon a woman who was not pregnant at the time such abortion procedure was performed. The term "any other type of remedial care" shall include nursing care and nursing home service for persons who rely on treatment by spiritual means alone through prayer for healing.

Notwithstanding any other provision of this Section, a comprehensive tobacco use cessation program that includes purchasing prescription drugs or prescription medical devices approved by the Food and Drug Administration shall be covered under the medical assistance program under this Article for persons who are otherwise eligible for assistance under this Article.

Notwithstanding any other provision of this Code, the Illinois Department may not require, as a condition of payment for any laboratory test authorized under this Article, that a physician's handwritten signature appear on the laboratory test order form. The Illinois Department may, however, impose other appropriate requirements regarding laboratory test order documentation.

Upon receipt of federal approval of an amendment to the Illinois Title XIX State Plan for this purpose, the Department shall authorize the Chicago Public Schools (CPS) to procure a vendor or vendors to manufacture eyeglasses for individuals enrolled in a school within the CPS system. CPS shall ensure that its vendor or vendors are enrolled as providers in the medical assistance program and in any capitated Medicaid managed care entity (MCE) serving individuals enrolled in a school within the CPS system. Under any contract procured under this provision, the vendor or vendors must serve only individuals enrolled in a school within the CPS system. Claims for services provided by CPS's vendor or vendors to recipients of benefits in the medical assistance program under this Code, the Children's Health Insurance Program, or the Covering ALL KIDS Health Insurance Program shall be submitted to the Department or the MCE in which the individual is enrolled for payment and shall be reimbursed at the Department's or the MCE's established rates or rate methodologies for eyeglasses.

On and after July 1, 2012, the Department of Healthcare and Family Services may provide the following services to persons eligible for assistance under this Article who are participating in education, training or employment programs operated by the Department of Human Services as successor to the Department of Public Aid:

New matter indicated by italics - deletions by strikeout
(1) dental services provided by or under the supervision of a dentist; and
(2) eyeglasses prescribed by a physician skilled in the diseases of the eye, or by an optometrist, whichever the person may select.

Notwithstanding any other provision of this Code and subject to federal approval, the Department may adopt rules to allow a dentist who is volunteering his or her service at no cost to render dental services through an enrolled not-for-profit health clinic without the dentist personally enrolling as a participating provider in the medical assistance program. A not-for-profit health clinic shall include a public health clinic or Federally Qualified Health Center or other enrolled provider, as determined by the Department, through which dental services covered under this Section are performed. The Department shall establish a process for payment of claims for reimbursement for covered dental services rendered under this provision.

The Illinois Department, by rule, may distinguish and classify the medical services to be provided only in accordance with the classes of persons designated in Section 5-2.

The Department of Healthcare and Family Services must provide coverage and reimbursement for amino acid-based elemental formulas, regardless of delivery method, for the diagnosis and treatment of (i) eosinophilic disorders and (ii) short bowel syndrome when the prescribing physician has issued a written order stating that the amino acid-based elemental formula is medically necessary.

The Illinois Department shall authorize the provision of, and shall authorize payment for, screening by low-dose mammography for the presence of occult breast cancer for women 35 years of age or older who are eligible for medical assistance under this Article, as follows:

(A) A baseline mammogram for women 35 to 39 years of age.
(B) An annual mammogram for women 40 years of age or older.
(C) A mammogram at the age and intervals considered medically necessary by the woman’s health care provider for women under 40 years of age and having a family history of breast cancer, prior personal history of breast cancer, positive genetic testing, or other risk factors.

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(D) A comprehensive ultrasound screening of an entire breast or breasts if a mammogram demonstrates heterogeneous or dense breast tissue, when medically necessary as determined by a physician licensed to practice medicine in all of its branches.

(E) A screening MRI when medically necessary, as determined by a physician licensed to practice medicine in all of its branches.

All screenings shall include a physical breast exam, instruction on self-examination and information regarding the frequency of self-examination and its value as a preventative tool. For purposes of this Section, "low-dose mammography" means the x-ray examination of the breast using equipment dedicated specifically for mammography, including the x-ray tube, filter, compression device, and image receptor, with an average radiation exposure delivery of less than one rad per breast for 2 views of an average size breast. The term also includes digital mammography and includes breast tomosynthesis. As used in this Section, the term "breast tomosynthesis" means a radiologic procedure that involves the acquisition of projection images over the stationary breast to produce cross-sectional digital three-dimensional images of the breast.

On and after January 1, 2016, the Department shall ensure that all networks of care for adult clients of the Department include access to at least one breast imaging Center of Imaging Excellence as certified by the American College of Radiology.

On and after January 1, 2012, providers participating in a quality improvement program approved by the Department shall be reimbursed for screening and diagnostic mammography at the same rate as the Medicare program's rates, including the increased reimbursement for digital mammography.

The Department shall convene an expert panel including representatives of hospitals, free-standing mammography facilities, and doctors, including radiologists, to establish quality standards for mammography.

On and after January 1, 2017, providers participating in a breast cancer treatment quality improvement program approved by the Department shall be reimbursed for breast cancer treatment at a rate that is no lower than 95% of the Medicare program's rates for the data elements included in the breast cancer treatment quality program.

The Department shall convene an expert panel, including representatives of hospitals, free standing breast cancer treatment centers,
breast cancer quality organizations, and doctors, including breast surgeons, reconstructive breast surgeons, oncologists, and primary care providers to establish quality standards for breast cancer treatment.

Subject to federal approval, the Department shall establish a rate methodology for mammography at federally qualified health centers and other encounter-rate clinics. These clinics or centers may also collaborate with other hospital-based mammography facilities. By January 1, 2016, the Department shall report to the General Assembly on the status of the provision set forth in this paragraph.

The Department shall establish a methodology to remind women who are age-appropriate for screening mammography, but who have not received a mammogram within the previous 18 months, of the importance and benefit of screening mammography. The Department shall work with experts in breast cancer outreach and patient navigation to optimize these reminders and shall establish a methodology for evaluating their effectiveness and modifying the methodology based on the evaluation.

The Department shall establish a performance goal for primary care providers with respect to their female patients over age 40 receiving an annual mammogram. This performance goal shall be used to provide additional reimbursement in the form of a quality performance bonus to primary care providers who meet that goal.

The Department shall devise a means of case-managing or patient navigation for beneficiaries diagnosed with breast cancer. This program shall initially operate as a pilot program in areas of the State with the highest incidence of mortality related to breast cancer. At least one pilot program site shall be in the metropolitan Chicago area and at least one site shall be outside the metropolitan Chicago area. On or after July 1, 2016, the pilot program shall be expanded to include one site in western Illinois, one site in southern Illinois, one site in central Illinois, and 4 sites within metropolitan Chicago. An evaluation of the pilot program shall be carried out measuring health outcomes and cost of care for those served by the pilot program compared to similarly situated patients who are not served by the pilot program.

The Department shall require all networks of care to develop a means either internally or by contract with experts in navigation and community outreach to navigate cancer patients to comprehensive care in a timely fashion. The Department shall require all networks of care to include access for patients diagnosed with cancer to at least one academic

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commission on cancer-accredited cancer program as an in-network covered benefit.

Any medical or health care provider shall immediately recommend, to any pregnant woman who is being provided prenatal services and is suspected of drug abuse or is addicted as defined in the Alcoholism and Other Drug Abuse and Dependency Act, referral to a local substance abuse treatment provider licensed by the Department of Human Services or to a licensed hospital which provides substance abuse treatment services. The Department of Healthcare and Family Services shall assure coverage for the cost of treatment of the drug abuse or addiction for pregnant recipients in accordance with the Illinois Medicaid Program in conjunction with the Department of Human Services.

All medical providers providing medical assistance to pregnant women under this Code shall receive information from the Department on the availability of services under the Drug Free Families with a Future or any comparable program providing case management services for addicted women, including information on appropriate referrals for other social services that may be needed by addicted women in addition to treatment for addiction.

The Illinois Department, in cooperation with the Departments of Human Services (as successor to the Department of Alcoholism and Substance Abuse) and Public Health, through a public awareness campaign, may provide information concerning treatment for alcoholism and drug abuse and addiction, prenatal health care, and other pertinent programs directed at reducing the number of drug-affected infants born to recipients of medical assistance.

Neither the Department of Healthcare and Family Services nor the Department of Human Services shall sanction the recipient solely on the basis of her substance abuse.

The Illinois Department shall establish such regulations governing the dispensing of health services under this Article as it shall deem appropriate. The Department should seek the advice of formal professional advisory committees appointed by the Director of the Illinois Department for the purpose of providing regular advice on policy and administrative matters, information dissemination and educational activities for medical and health care providers, and consistency in procedures to the Illinois Department.

The Illinois Department may develop and contract with Partnerships of medical providers to arrange medical services for persons

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eligible under Section 5-2 of this Code. Implementation of this Section may be by demonstration projects in certain geographic areas. The Partnership shall be represented by a sponsor organization. The Department, by rule, shall develop qualifications for sponsors of Partnerships. Nothing in this Section shall be construed to require that the sponsor organization be a medical organization.

The sponsor must negotiate formal written contracts with medical providers for physician services, inpatient and outpatient hospital care, home health services, treatment for alcoholism and substance abuse, and other services determined necessary by the Illinois Department by rule for delivery by Partnerships. Physician services must include prenatal and obstetrical care. The Illinois Department shall reimburse medical services delivered by Partnership providers to clients in target areas according to provisions of this Article and the Illinois Health Finance Reform Act, except that:

1. Physicians participating in a Partnership and providing certain services, which shall be determined by the Illinois Department, to persons in areas covered by the Partnership may receive an additional surcharge for such services.

2. The Department may elect to consider and negotiate financial incentives to encourage the development of Partnerships and the efficient delivery of medical care.

3. Persons receiving medical services through Partnerships may receive medical and case management services above the level usually offered through the medical assistance program.

Medical providers shall be required to meet certain qualifications to participate in Partnerships to ensure the delivery of high quality medical services. These qualifications shall be determined by rule of the Illinois Department and may be higher than qualifications for participation in the medical assistance program. Partnership sponsors may prescribe reasonable additional qualifications for participation by medical providers, only with the prior written approval of the Illinois Department.

Nothing in this Section shall limit the free choice of practitioners, hospitals, and other providers of medical services by clients. In order to ensure patient freedom of choice, the Illinois Department shall immediately promulgate all rules and take all other necessary actions so that provided services may be accessed from therapeutically certified optometrists to the full extent of the Illinois Optometric Practice Act of 1987 without discriminating between service providers.
The Department shall apply for a waiver from the United States Health Care Financing Administration to allow for the implementation of Partnerships under this Section.

The Illinois Department shall require health care providers to maintain records that document the medical care and services provided to recipients of Medical Assistance under this Article. Such records must be retained for a period of not less than 6 years from the date of service or as provided by applicable State law, whichever period is longer, except that if an audit is initiated within the required retention period then the records must be retained until the audit is completed and every exception is resolved. The Illinois Department shall require health care providers to make available, when authorized by the patient, in writing, the medical records in a timely fashion to other health care providers who are treating or serving persons eligible for Medical Assistance under this Article. All dispensers of medical services shall be required to maintain and retain business and professional records sufficient to fully and accurately document the nature, scope, details and receipt of the health care provided to persons eligible for medical assistance under this Code, in accordance with regulations promulgated by the Illinois Department. The rules and regulations shall require that proof of the receipt of prescription drugs, dentures, prosthetic devices and eyeglasses by eligible persons under this Section accompany each claim for reimbursement submitted by the dispenser of such medical services. No such claims for reimbursement shall be approved for payment by the Illinois Department without such proof of receipt, unless the Illinois Department shall have put into effect and shall be operating a system of post-payment audit and review which shall, on a sampling basis, be deemed adequate by the Illinois Department to assure that such drugs, dentures, prosthetic devices and eyeglasses for which payment is being made are actually being received by eligible recipients. Within 90 days after September 16, 1984 (the effective date of Public Act 83-1439) this amendatory Act of 1984, the Illinois Department shall establish a current list of acquisition costs for all prosthetic devices and any other items recognized as medical equipment and supplies reimbursable under this Article and shall update such list on a quarterly basis, except that the acquisition costs of all prescription drugs shall be updated no less frequently than every 30 days as required by Section 5-5.12.

The rules and regulations of the Illinois Department shall require that a written statement including the required opinion of a physician shall
accompany any claim for reimbursement for abortions, or induced miscarriages or premature births. This statement shall indicate what procedures were used in providing such medical services.

Notwithstanding any other law to the contrary, the Illinois Department shall, within 365 days after July 22, 2013 (the effective date of Public Act 98-104), establish procedures to permit skilled care facilities licensed under the Nursing Home Care Act to submit monthly billing claims for reimbursement purposes. Following development of these procedures, the Department shall, by July 1, 2016, test the viability of the new system and implement any necessary operational or structural changes to its information technology platforms in order to allow for the direct acceptance and payment of nursing home claims.

Notwithstanding any other law to the contrary, the Illinois Department shall, within 365 days after August 15, 2014 (the effective date of Public Act 98-963), establish procedures to permit ID/DD facilities licensed under the ID/DD Community Care Act and MC/DD facilities licensed under the MC/DD Act to submit monthly billing claims for reimbursement purposes. Following development of these procedures, the Department shall have an additional 365 days to test the viability of the new system and to ensure that any necessary operational or structural changes to its information technology platforms are implemented.

The Illinois Department shall require all dispensers of medical services, other than an individual practitioner or group of practitioners, desiring to participate in the Medical Assistance program established under this Article to disclose all financial, beneficial, ownership, equity, surety or other interests in any and all firms, corporations, partnerships, associations, business enterprises, joint ventures, agencies, institutions or other legal entities providing any form of health care services in this State under this Article.

The Illinois Department may require that all dispensers of medical services desiring to participate in the medical assistance program established under this Article disclose, under such terms and conditions as the Illinois Department may by rule establish, all inquiries from clients and attorneys regarding medical bills paid by the Illinois Department, which inquiries could indicate potential existence of claims or liens for the Illinois Department.

Enrollment of a vendor shall be subject to a provisional period and shall be conditional for one year. During the period of conditional enrollment, the Department may terminate the vendor's eligibility to
participate in, or may disenroll the vendor from, the medical assistance program without cause. Unless otherwise specified, such termination of eligibility or disenrollment is not subject to the Department's hearing process. However, a disenrolled vendor may reapply without penalty.

The Department has the discretion to limit the conditional enrollment period for vendors based upon category of risk of the vendor.

Prior to enrollment and during the conditional enrollment period in the medical assistance program, all vendors shall be subject to enhanced oversight, screening, and review based on the risk of fraud, waste, and abuse that is posed by the category of risk of the vendor. The Illinois Department shall establish the procedures for oversight, screening, and review, which may include, but need not be limited to: criminal and financial background checks; fingerprinting; license, certification, and authorization verifications; unscheduled or unannounced site visits; database checks; prepayment audit reviews; audits; payment caps; payment suspensions; and other screening as required by federal or State law.

The Department shall define or specify the following: (i) by provider notice, the "category of risk of the vendor" for each type of vendor, which shall take into account the level of screening applicable to a particular category of vendor under federal law and regulations; (ii) by rule or provider notice, the maximum length of the conditional enrollment period for each category of risk of the vendor; and (iii) by rule, the hearing rights, if any, afforded to a vendor in each category of risk of the vendor that is terminated or disenrolled during the conditional enrollment period.

To be eligible for payment consideration, a vendor's payment claim or bill, either as an initial claim or as a resubmitted claim following prior rejection, must be received by the Illinois Department, or its fiscal intermediary, no later than 180 days after the latest date on the claim on which medical goods or services were provided, with the following exceptions:

(1) In the case of a provider whose enrollment is in process by the Illinois Department, the 180-day period shall not begin until the date on the written notice from the Illinois Department that the provider enrollment is complete.

(2) In the case of errors attributable to the Illinois Department or any of its claims processing intermediaries which result in an inability to receive, process, or adjudicate a claim, the
180-day period shall not begin until the provider has been notified of the error.

(3) In the case of a provider for whom the Illinois Department initiates the monthly billing process.

(4) In the case of a provider operated by a unit of local government with a population exceeding 3,000,000 when local government funds finance federal participation for claims payments.

For claims for services rendered during a period for which a recipient received retroactive eligibility, claims must be filed within 180 days after the Department determines the applicant is eligible. For claims for which the Illinois Department is not the primary payer, claims must be submitted to the Illinois Department within 180 days after the final adjudication by the primary payer.

In the case of long term care facilities, within 5 days of receipt by the facility of required prescreening information, data for new admissions shall be entered into the Medical Electronic Data Interchange (MEDI) or the Recipient Eligibility Verification (REV) System or successor system, and within 15 days of receipt by the facility of required prescreening information, admission documents shall be submitted through MEDI or REV or shall be submitted directly to the Department of Human Services using required admission forms. Effective September 1, 2014, admission documents, including all prescreening information, must be submitted through MEDI or REV. Confirmation numbers assigned to an accepted transaction shall be retained by a facility to verify timely submittal. Once an admission transaction has been completed, all resubmitted claims following prior rejection are subject to receipt no later than 180 days after the admission transaction has been completed.

Claims that are not submitted and received in compliance with the foregoing requirements shall not be eligible for payment under the medical assistance program, and the State shall have no liability for payment of those claims.

To the extent consistent with applicable information and privacy, security, and disclosure laws, State and federal agencies and departments shall provide the Illinois Department access to confidential and other information and data necessary to perform eligibility and payment verifications and other Illinois Department functions. This includes, but is not limited to: information pertaining to licensure; certification; earnings; immigration status; citizenship; wage reporting; unearned and earned

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income; pension income; employment; supplemental security income; social security numbers; National Provider Identifier (NPI) numbers; the National Practitioner Data Bank (NPDB); program and agency exclusions; taxpayer identification numbers; tax delinquency; corporate information; and death records.

The Illinois Department shall enter into agreements with State agencies and departments, and is authorized to enter into agreements with federal agencies and departments, under which such agencies and departments shall share data necessary for medical assistance program integrity functions and oversight. The Illinois Department shall develop, in cooperation with other State departments and agencies, and in compliance with applicable federal laws and regulations, appropriate and effective methods to share such data. At a minimum, and to the extent necessary to provide data sharing, the Illinois Department shall enter into agreements with State agencies and departments, and is authorized to enter into agreements with federal agencies and departments, including but not limited to: the Secretary of State; the Department of Revenue; the Department of Public Health; the Department of Human Services; and the Department of Financial and Professional Regulation.

Beginning in fiscal year 2013, the Illinois Department shall set forth a request for information to identify the benefits of a pre-payment, post-adjudication, and post-edit claims system with the goals of streamlining claims processing and provider reimbursement, reducing the number of pending or rejected claims, and helping to ensure a more transparent adjudication process through the utilization of: (i) provider data verification and provider screening technology; and (ii) clinical code editing; and (iii) pre-pay, pre- or post-adjudicated predictive modeling with an integrated case management system with link analysis. Such a request for information shall not be considered as a request for proposal or as an obligation on the part of the Illinois Department to take any action or acquire any products or services.

The Illinois Department shall establish policies, procedures, standards and criteria by rule for the acquisition, repair and replacement of orthotic and prosthetic devices and durable medical equipment. Such rules shall provide, but not be limited to, the following services: (1) immediate repair or replacement of such devices by recipients; and (2) rental, lease, purchase or lease-purchase of durable medical equipment in a cost-effective manner, taking into consideration the recipient's medical prognosis, the extent of the recipient's needs, and the requirements and

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costs for maintaining such equipment. Subject to prior approval, such rules shall enable a recipient to temporarily acquire and use alternative or substitute devices or equipment pending repairs or replacements of any device or equipment previously authorized for such recipient by the Department. Notwithstanding any provision of Section 5-5f to the contrary, the Department may, by rule, exempt certain replacement wheelchair parts from prior approval and, for wheelchairs, wheelchair parts, wheelchair accessories, and related seating and positioning items, determine the wholesale price by methods other than actual acquisition costs.

The Department shall require, by rule, all providers of durable medical equipment to be accredited by an accreditation organization approved by the federal Centers for Medicare and Medicaid Services and recognized by the Department in order to bill the Department for providing durable medical equipment to recipients. No later than 15 months after the effective date of the rule adopted pursuant to this paragraph, all providers must meet the accreditation requirement.

The Department shall execute, relative to the nursing home prescreening project, written inter-agency agreements with the Department of Human Services and the Department on Aging, to effect the following: (i) intake procedures and common eligibility criteria for those persons who are receiving non-institutional services; and (ii) the establishment and development of non-institutional services in areas of the State where they are not currently available or are undeveloped; and (iii) notwithstanding any other provision of law, subject to federal approval, on and after July 1, 2012, an increase in the determination of need (DON) scores from 29 to 37 for applicants for institutional and home and community-based long term care; if and only if federal approval is not granted, the Department may, in conjunction with other affected agencies, implement utilization controls or changes in benefit packages to effectuate a similar savings amount for this population; and (iv) no later than July 1, 2013, minimum level of care eligibility criteria for institutional and home and community-based long term care; and (v) no later than October 1, 2013, establish procedures to permit long term care providers access to eligibility scores for individuals with an admission date who are seeking or receiving services from the long term care provider. In order to select the minimum level of care eligibility criteria, the Governor shall establish a workgroup that includes affected agency representatives and stakeholders representing the institutional and home and community-based long term care interests. This

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Section shall not restrict the Department from implementing lower level of care eligibility criteria for community-based services in circumstances where federal approval has been granted.

The Illinois Department shall develop and operate, in cooperation with other State Departments and agencies and in compliance with applicable federal laws and regulations, appropriate and effective systems of health care evaluation and programs for monitoring of utilization of health care services and facilities, as it affects persons eligible for medical assistance under this Code.

The Illinois Department shall report annually to the General Assembly, no later than the second Friday in April of 1979 and each year thereafter, in regard to:

(a) actual statistics and trends in utilization of medical services by public aid recipients;
(b) actual statistics and trends in the provision of the various medical services by medical vendors;
(c) current rate structures and proposed changes in those rate structures for the various medical vendors; and
(d) efforts at utilization review and control by the Illinois Department.

The period covered by each report shall be the 3 years ending on the June 30 prior to the report. The report shall include suggested legislation for consideration by the General Assembly. The filing of one copy of the report with the Speaker, one copy with the Minority Leader and one copy with the Clerk of the House of Representatives, one copy with the President, one copy with the Minority Leader and one copy with the Secretary of the Senate, one copy with the Legislative Research Unit, and such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act shall be deemed sufficient to comply with this Section.

Rulemaking authority to implement Public Act 95-1045, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

On and after July 1, 2012, the Department shall reduce any rate of reimbursement for services or other payments or alter any methodologies.
authorized by this Code to reduce any rate of reimbursement for services or other payments in accordance with Section 5-5e.

Because kidney transplantation can be an appropriate, cost effective alternative to renal dialysis when medically necessary and notwithstanding the provisions of Section 1-11 of this Code, beginning October 1, 2014, the Department shall cover kidney transplantation for noncitizens with end-stage renal disease who are not eligible for comprehensive medical benefits, who meet the residency requirements of Section 5-3 of this Code, and who would otherwise meet the financial requirements of the appropriate class of eligible persons under Section 5-2 of this Code. To qualify for coverage of kidney transplantation, such person must be receiving emergency renal dialysis services covered by the Department. Providers under this Section shall be prior approved and certified by the Department to perform kidney transplantation and the services under this Section shall be limited to services associated with kidney transplantation.

Notwithstanding any other provision of this Code to the contrary, on or after July 1, 2015, all FDA approved forms of medication assisted treatment prescribed for the treatment of alcohol dependence or treatment of opioid dependence shall be covered under both fee for service and managed care medical assistance programs for persons who are otherwise eligible for medical assistance under this Article and shall not be subject to any (1) utilization control, other than those established under the American Society of Addiction Medicine patient placement criteria, (2) prior authorization mandate, or (3) lifetime restriction limit mandate.

On or after July 1, 2015, opioid antagonists prescribed for the treatment of an opioid overdose, including the medication product, administration devices, and any pharmacy fees related to the dispensing and administration of the opioid antagonist, shall be covered under the medical assistance program for persons who are otherwise eligible for medical assistance under this Article. As used in this Section, "opioid antagonist" means a drug that binds to opioid receptors and blocks or inhibits the effect of opioids acting on those receptors, including, but not limited to, naloxone hydrochloride or any other similarly acting drug approved by the U.S. Food and Drug Administration.

(Source: P.A. 98-104, Article 9, Section 9-5, eff. 7-22-13; 98-104, Article 12, Section 12-20, eff. 7-22-13; 98-303, eff. 8-9-13; 98-463, eff. 8-16-13; 98-651, eff. 6-16-14; 98-756, eff. 7-16-14; 98-963, eff. 8-15-14; 99-78, eff. 7-20-15; 99-180, eff. 7-29-15; 99-236, eff. 8-3-15; 99-407 (see Section...
Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

Approved August 26, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0896
(Senate Bill No. 0805)

AN ACT concerning transportation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Section 2-115 as follows:

Sec. 2-115. Investigators.

(a) The Secretary of State, for the purpose of more effectively carrying out the provisions of the laws in relation to motor vehicles, shall have power to appoint such number of investigators as he may deem necessary. It shall be the duty of such investigators to investigate and enforce violations of the provisions of this Act administered by the Secretary of State and provisions of Chapters 11, 12, 13, 14 and 15 and to investigate and report any violation by any person who operates as a motor carrier of property as defined in Section 18-100 of this Act and does not hold a valid certificate or permit. Such investigators shall have and may exercise throughout the State all of the powers of peace officers.

No person may be retained in service as an investigator under this Section after he or she has reached 60 years of age, except for a person employed in the title of Capitol Police Investigator and who began employment on or after January 1, 2011, in which case, they may not be retained in service after that person has reached 65 years of age.

The Secretary of State must authorize to each investigator employed under this Section and to any other employee of the Office of

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the Secretary of State exercising the powers of a peace officer a distinct badge that, on its face, (i) clearly states that the badge is authorized by the Office of the Secretary of State and (ii) contains a unique identifying number. No other badge shall be authorized by the Office of the Secretary of State.

(b) The Secretary may expend such sums as he deems necessary from Contractual Services appropriations for the Department of Police for the purchase of evidence, for the employment of persons to obtain evidence, and for the payment for any goods or services related to obtaining evidence. Such sums shall be advanced to investigators authorized by the Secretary to expend funds, on vouchers signed by the Secretary. In addition, the Secretary of State is authorized to maintain one or more commercial checking accounts with any State banking corporation or corporations organized under or subject to the Illinois Banking Act for the deposit and withdrawal of moneys to be used solely for the purchase of evidence and for the employment of persons to obtain evidence, or for the payment for any goods or services related to obtaining evidence; provided that no check may be written on nor any withdrawal made from any such account except on the written signatures of 2 persons designated by the Secretary to write such checks and make such withdrawals, and provided further that the balance of moneys on deposit in any such account shall not exceed $5,000 at any time, nor shall any one check written on or single withdrawal made from any such account exceed $5,000.

All fines or moneys collected or received by the Department of Police under any State or federal forfeiture statute; including, but not limited to moneys forfeited under Section 12 of the Cannabis Control Act, moneys forfeited under Section 85 of the Methamphetamine Control and Community Protection Act, and moneys distributed under Section 413 of the Illinois Controlled Substances Act, shall be deposited into the Secretary of State Evidence Fund.

In all convictions for offenses in violation of this Act, the Court may order restitution to the Secretary of any or all sums expended for the purchase of evidence, for the employment of persons to obtain evidence, and for the payment for any goods or services related to obtaining evidence. All such restitution received by the Secretary shall be deposited into the Secretary of State Evidence Fund. Moneys deposited into the fund shall, subject to appropriation, be used by the Secretary of State for the purposes provided for under the provisions of this Section.

(Source: P.A. 94-556, eff. 9-11-05.)

New matter indicated by italics - deletions by strikeout
Approved August 26, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0897
(Senate Bill No. 2156)

AN ACT concerning public employee benefits.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:


(40 ILCS 5/15-106) (from Ch. 108 1/2, par. 15-106)
(Text of Section WITHOUT the changes made by P.A. 98-599, which has been held unconstitutional)

Sec. 15-106. Employer. "Employer": The University of Illinois, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Western Illinois University, the State Board of Higher Education, the Illinois Mathematics and Science Academy, the University Civil Service Merit Board, the Board of Trustees of the State Universities Retirement System, the Illinois Community College Board, community college boards, any association of community college boards organized under Section 3-55 of the Public Community College Act, the Board of Examiners established under the Illinois Public Accounting Act, and, only during the period for which employer contributions required under Section 15-155 are paid, the following organizations: the alumni associations, the foundations and the athletic associations which are affiliated with the universities and colleges included in this Section as employers. An individual who begins employment on or after the effective date of this amendatory Act of the 99th General Assembly with any association of community college boards organized under Section 3-55 of the Public Community College Act, the Association of Illinois Middle-Grade Schools, the Illinois Association of School Administrators, the Illinois Association for Supervision and Curriculum Development, the Illinois Principals Association, the Illinois Association of School Business Officials, the Illinois Special Olympics, or

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an entity not defined as an employer in this Section shall not be deemed an
employee for the purposes of this Article with respect to that employment
and shall not be eligible to participate in the System with respect to that
employment; provided, however, that those individuals who are both
employed by such an entity and are participating in the System with
respect to that employment on the effective date of this amendatory Act of
the 99th General Assembly shall be allowed to continue as participants in
the System for the duration of that employment.

A department as defined in Section 14-103.04 is an employer for
any person appointed by the Governor under the Civil Administrative
Code of Illinois who is a participating employee as defined in Section 15-
109. The Department of Central Management Services is an employer with
respect to persons employed by the State Board of Higher Education in
positions with the Illinois Century Network as of June 30, 2004 who
remain continuously employed after that date by the Department of Central
Management Services in positions with the Illinois Century Network, the
Bureau of Communication and Computer Services, or, if applicable, any
successor bureau.

The cities of Champaign and Urbana shall be considered
employers, but only during the period for which contributions are required
to be made under subsection (b-1) of Section 15-155 and only with respect
to individuals described in subsection (h) of Section 15-107.
(Source: P.A. 95-369, eff. 8-23-07; 95-728, eff. 7-1-08 - See Sec. 999.)
(40 ILCS 5/15-107) (from Ch. 108 1/2, par. 15-107)
(Text of Section WITHOUT the changes made by P.A. 98-599,
which has been held unconstitutional)
Sec. 15-107. Employee.
(a) "Employee" means any member of the educational,
administrative, secretarial, clerical, mechanical, labor or other staff of an
employer whose employment is permanent and continuous or who is
employed in a position in which services are expected to be rendered on a
continuous basis for at least 4 months or one academic term, whichever is
less, who (A) receives payment for personal services on a warrant issued
pursuant to a payroll voucher certified by an employer and drawn by the
State Comptroller upon the State Treasurer or by an employer upon trust,
federal or other funds, or (B) is on a leave of absence without pay.
Employment which is irregular, intermittent or temporary shall not be
considered continuous for purposes of this paragraph.

However, a person is not an "employee" if he or she:

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(1) is a student enrolled in and regularly attending classes in a college or university which is an employer, and is employed on a temporary basis at less than full time;

(2) is currently receiving a retirement annuity or a disability retirement annuity under Section 15-153.2 from this System;

(3) is on a military leave of absence;

(4) is eligible to participate in the Federal Civil Service Retirement System and is currently making contributions to that system based upon earnings paid by an employer;

(5) is on leave of absence without pay for more than 60 days immediately following termination of disability benefits under this Article;

(6) is hired after June 30, 1979 as a public service employment program participant under the Federal Comprehensive Employment and Training Act and receives earnings in whole or in part from funds provided under that Act; or

(7) is employed on or after July 1, 1991 to perform services that are excluded by subdivision (a)(7)(f) or (a)(19) of Section 210 of the federal Social Security Act from the definition of employment given in that Section (42 U.S.C. 410).

(b) Any employer may, by filing a written notice with the board, exclude from the definition of "employee" all persons employed pursuant to a federally funded contract entered into after July 1, 1982 with a federal military department in a program providing training in military courses to federal military personnel on a military site owned by the United States Government, if this exclusion is not prohibited by the federally funded contract or federal laws or rules governing the administration of the contract.

(c) Any person appointed by the Governor under the Civil Administrative Code of the State is an employee, if he or she is a participant in this system on the effective date of the appointment.

(d) A participant on lay-off status under civil service rules is considered an employee for not more than 120 days from the date of the lay-off.

(e) A participant is considered an employee during (1) the first 60 days of disability leave, (2) the period, not to exceed one year, in which his or her eligibility for disability benefits is being considered by the board or reviewed by the courts, and (3) the period he or she receives disability benefits under the provisions of Section 15-152, workers' compensation or

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occupational disease benefits, or disability income under an insurance contract financed wholly or partially by the employer.

(f) Absences without pay, other than formal leaves of absence, of less than 30 calendar days, are not considered as an interruption of a person's status as an employee. If such absences during any period of 12 months exceed 30 work days, the employee status of the person is considered as interrupted as of the 31st work day.

(g) A staff member whose employment contract requires services during an academic term is to be considered an employee during the summer and other vacation periods, unless he or she declines an employment contract for the succeeding academic term or his or her employment status is otherwise terminated, and he or she receives no earnings during these periods.

(h) An individual who was a participating employee employed in the fire department of the University of Illinois's Champaign-Urbana campus immediately prior to the elimination of that fire department and who immediately after the elimination of that fire department became employed by the fire department of the City of Urbana or the City of Champaign shall continue to be considered as an employee for purposes of this Article for so long as the individual remains employed as a firefighter by the City of Urbana or the City of Champaign. The individual shall cease to be considered an employee under this subsection (h) upon the first termination of the individual's employment as a firefighter by the City of Urbana or the City of Champaign.

(i) An individual who is employed on a full-time basis as an officer or employee of a statewide teacher organization that serves System participants or an officer of a national teacher organization that serves System participants may participate in the System and shall be deemed an employee, provided that (1) the individual has previously earned creditable service under this Article, (2) the individual files with the System an irrevocable election to become a participant before the effective date of this amendatory Act of the 97th General Assembly, (3) the individual does not receive credit for that employment under any other Article of this Code, and (4) the individual first became a full-time employee of the teacher organization and becomes a participant before the effective date of this amendatory Act of the 97th General Assembly. An employee under this subsection (i) is responsible for paying to the System both (A) employee contributions based on the actual compensation received for service with the teacher organization and (B) employer contributions equal
to the normal costs (as defined in Section 15-155) resulting from that service; all or any part of these contributions may be paid on the employee's behalf or picked up for tax purposes (if authorized under federal law) by the teacher organization.

A person who is an employee as defined in this subsection (i) may establish service credit for similar employment prior to becoming an employee under this subsection by paying to the System for that employment the contributions specified in this subsection, plus interest at the effective rate from the date of service to the date of payment. However, credit shall not be granted under this subsection for any such prior employment for which the applicant received credit under any other provision of this Code, or during which the applicant was on a leave of absence under Section 15-113.2.

(j) A person employed by the State Board of Higher Education in a position with the Illinois Century Network as of June 30, 2004 shall be considered to be an employee for so long as he or she remains continuously employed after that date by the Department of Central Management Services in a position with the Illinois Century Network, the Bureau of Communication and Computer Services, or, if applicable, any successor bureau and meets the requirements of subsection (a).

(k) The Board shall promulgate rules with respect to determining whether any person is an employee within the meaning of this Section. In the case of doubt as to whether any person is an employee within the meaning of this Section or any rule adopted by the Board, the decision of the Board shall be final.

(Source: P.A. 97-651, eff. 1-5-12.)

(40 ILCS 5/15-110) (from Ch. 108 1/2, par. 15-110)

Sec. 15-110. Basic compensation. "Basic compensation": Subject to Section 15-111.5, the gross basic rate of salary or wages payable by an employer, including:

(1) the value of maintenance, board, living quarters, personal laundry, or other allowances furnished in lieu of salary which are considered gross income under the Federal Internal Revenue Code of 1986, as amended;

(2) the employee contributions required under Section 15-157;

(3) the amount paid by any employer to a custodial account for investment in regulated investment company stocks for the benefit of the employee pursuant to the University Employees New matter indicated by italics - deletions by strikeout
Custodial Accounts Act: "An Act in relation to payments to custodial accounts for the benefit of employees of public institutions of higher education", approved September 9, 1983, and

(4) the amount of the premium payable by any employer to an insurance company or companies on an annuity contract, pursuant to the employee's election to accept a reduction in earnings or forego an increase in earnings under Section 30c of the State Finance Act "An Act in relation to State Finance," approved June 10, 1919, as amended, or a tax-sheltered annuity plan approved by any employer; and

(5) the amount of any elective deferral to a deferred compensation plan established under Article 24 of this Code pursuant to Section 457(b) of the federal Internal Revenue Code of 1986, as amended.

Basic compensation does not include (1) salary or wages for overtime or other extra service; (2) prospective salary or wages under a summer teaching contract not yet entered upon; and (3) overseas differential allowances, quarters allowances, post allowances, educational allowances and transportation allowances paid by an employer under a contract with the federal government or its agencies for services rendered in other countries. If an employee elects to receive in lieu of cash salary or wages, fringe benefits which are not taxable under the federal Internal Revenue Code of 1986, as amended, the amount of the cash salary or wages which is waived shall be included in determining basic compensation.

(Source: P.A. 84-1308.)

(40 ILCS 5/15-111) (from Ch. 108 1/2, par. 15-111)

(Text of Section WITHOUT the changes made by P.A. 98-599, which has been held unconstitutional)

Sec. 15-111. Earnings.

(a) "Earnings": Subject to Section 15-111.5, an amount paid for personal services equal to the sum of the basic compensation plus extra compensation for summer teaching, overtime or other extra service. For periods for which an employee receives service credit under subsection (c) of Section 15-113.1 or Section 15-113.2, earnings are equal to the basic compensation on which contributions are paid by the employee during such periods. Compensation for employment which is irregular, intermittent and temporary shall not be considered earnings, unless the
participant is also receiving earnings from the employer as an employee under Section 15-107.

With respect to transition pay paid by the University of Illinois to a person who was a participating employee employed in the fire department of the University of Illinois's Champaign-Urbana campus immediately prior to the elimination of that fire department:

(1) "Earnings" includes transition pay paid to the employee on or after the effective date of this amendatory Act of the 91st General Assembly.

(2) "Earnings" includes transition pay paid to the employee before the effective date of this amendatory Act of the 91st General Assembly only if (i) employee contributions under Section 15-157 have been withheld from that transition pay or (ii) the employee pays to the System before January 1, 2001 an amount representing employee contributions under Section 15-157 on that transition pay. Employee contributions under item (ii) may be paid in a lump sum, by withholding from additional transition pay accruing before January 1, 2001, or in any other manner approved by the System. Upon payment of the employee contributions on transition pay, the corresponding employer contributions become an obligation of the State.

(b) For a Tier 2 member, the annual earnings shall not exceed $106,800; however, that amount shall annually thereafter be increased by the lesser of (i) 3% of that amount, including all previous adjustments, or (ii) one half the annual unadjusted percentage increase (but not less than zero) in the consumer price index-u for the 12 months ending with the September preceding each November 1, including all previous adjustments.

For the purposes of this Section, "consumer price index u" means the index published by the Bureau of Labor Statistics of the United States Department of Labor that measures the average change in prices of goods and services purchased by all urban consumers, United States city average, all items, 1982-84 = 100. The new amount resulting from each annual adjustment shall be determined by the Public Pension Division of the Department of Insurance and made available to the boards of the retirement systems and pension funds by November 1 of each year.

(c) With each submission of payroll information in the manner prescribed by the System, the employer shall certify that the payroll

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information is correct and complies with all applicable State and federal laws.
(Source: P.A. 98-92, eff. 7-16-13.)

(40 ILCS 5/15-111.5 new)

Sec. 15-111.5. Basic compensation and earnings restrictions. For an employee who first becomes a participant on or after the effective date of this amendatory Act of the 99th General Assembly, basic compensation under Section 15-110 and earnings under Section 15-111 shall not include bonuses, housing allowances, vehicle allowances, social club dues, or athletic club dues.

(40 ILCS 5/15-113.11)

Sec. 15-113.11. Service for periods of voluntary or involuntary furlough.

(a) A participant may establish creditable service and earnings credit for periods of furlough beginning on or after July 1, 2009 and ending on or before June 30, 2011. To receive this credit, the participant must (i) apply in writing to the System before December 31, 2011; (ii) not receive compensation from an employer for any furlough period; and (iii) make, on an after-tax basis, employee contributions required under Section 15-157 based on the rate of basic compensation during the periods of furlough, plus an amount determined by the Board to be equal to the employer's normal cost of the benefit, plus compounded interest at the actuarially assumed rate from the date of voluntary or involuntary furlough to the date of payment. The participant shall provide, at the time of application, written certification from the employer providing the total number of furlough days a participant has been required to take.

(b) A participant may establish creditable service and earnings credit for periods of furlough beginning on or after July 1, 2015 and ending on or before June 30, 2017. To receive this credit, the participant must (i) apply in writing to the System before December 31, 2018; (ii) not receive compensation from an employer for any furlough period; and (iii) make, on an after-tax basis, employee contributions required under Section 15-157 based on the rate of basic compensation during the periods of furlough, plus an amount determined by the Board to be equal to the employer's normal cost of the benefit, plus compounded interest at the actuarially assumed rate from the date of voluntary or involuntary furlough to the date of payment. The participant shall provide, at the time of application, written certification from the employer providing the total number of furlough days a participant has been required to take.

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Sec. 15-113.12. Earnings for periods of voluntary pay reduction taken in lieu of furlough. A participant may establish earnings credit for periods of voluntary pay reduction, taken in lieu of furlough, beginning on or after July 1, 2015 and ending on or before June 30, 2017. To receive this credit, the participant must: (1) apply in writing to the System before December 31, 2018; and (2) make, on an after-tax basis, employee contributions required under Section 15-157 based on the voluntary reduction in pay, plus an amount determined by the Board to be equal to the employer's normal cost of the benefit, plus compounded interest at the actuarially assumed rate from the date of voluntary reduction in pay to the date of payment. The participant shall provide, at the time of application, (i) written certification from the employer providing the total voluntary reduction in pay per pay period for each pay period with a voluntary reduction in pay and (ii) written certification from the employer stating that the voluntary reduction in pay was taken in lieu of furlough.

Sec. 15-155. Employer contributions.

(a) The State of Illinois shall make contributions by appropriations of amounts which, together with the other employer contributions from trust, federal, and other funds, employee contributions, income from investments, and other income of this System, will be sufficient to meet the cost of maintaining and administering the System on a 90% funded basis in accordance with actuarial recommendations.

The Board shall determine the amount of State contributions required for each fiscal year on the basis of the actuarial tables and other assumptions adopted by the Board and the recommendations of the actuary, using the formula in subsection (a-1).

(a-1) For State fiscal years 2012 through 2045, the minimum contribution to the System to be made by the State for each fiscal year shall be an amount determined by the System to be sufficient to bring the total assets of the System up to 90% of the total actuarial liabilities of the System by the end of State fiscal year 2045. In making these determinations, the required State contribution shall be calculated each year as a level percentage of payroll over the years remaining to and

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including fiscal year 2045 and shall be determined under the projected unit credit actuarial cost method.

For State fiscal years 1996 through 2005, the State contribution to the System, as a percentage of the applicable employee payroll, shall be increased in equal annual increments so that by State fiscal year 2011, the State is contributing at the rate required under this Section.

Notwithstanding any other provision of this Article, the total required State contribution for State fiscal year 2006 is $166,641,900.

Notwithstanding any other provision of this Article, the total required State contribution for State fiscal year 2007 is $252,064,100.

For each of State fiscal years 2008 through 2009, the State contribution to the System, as a percentage of the applicable employee payroll, shall be increased in equal annual increments from the required State contribution for State fiscal year 2007, so that by State fiscal year 2011, the State is contributing at the rate otherwise required under this Section.

Notwithstanding any other provision of this Article, the total required State contribution for State fiscal year 2010 is $702,514,000 and shall be made from the State Pensions Fund and proceeds of bonds sold in fiscal year 2010 pursuant to Section 7.2 of the General Obligation Bond Act, less (i) the pro rata share of bond sale expenses determined by the System's share of total bond proceeds, (ii) any amounts received from the General Revenue Fund in fiscal year 2010, (iii) any reduction in bond proceeds due to the issuance of discounted bonds, if applicable.

Notwithstanding any other provision of this Article, the total required State contribution for State fiscal year 2011 is the amount recertified by the System on or before April 1, 2011 pursuant to Section 15-165 and shall be made from the State Pensions Fund and proceeds of bonds sold in fiscal year 2011 pursuant to Section 7.2 of the General Obligation Bond Act, less (i) the pro rata share of bond sale expenses determined by the System's share of total bond proceeds, (ii) any amounts received from the General Revenue Fund in fiscal year 2011, and (iii) any reduction in bond proceeds due to the issuance of discounted bonds, if applicable.

Beginning in State fiscal year 2046, the minimum State contribution for each fiscal year shall be the amount needed to maintain the total assets of the System at 90% of the total actuarial liabilities of the System.

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Amounts received by the System pursuant to Section 25 of the Budget Stabilization Act or Section 8.12 of the State Finance Act in any fiscal year do not reduce and do not constitute payment of any portion of the minimum State contribution required under this Article in that fiscal year. Such amounts shall not reduce, and shall not be included in the calculation of, the required State contributions under this Article in any future year until the System has reached a funding ratio of at least 90%. A reference in this Article to the "required State contribution" or any substantially similar term does not include or apply to any amounts payable to the System under Section 25 of the Budget Stabilization Act.

Notwithstanding any other provision of this Section, the required State contribution for State fiscal year 2005 and for fiscal year 2008 and each fiscal year thereafter, as calculated under this Section and certified under Section 15-165, shall not exceed an amount equal to (i) the amount of the required State contribution that would have been calculated under this Section for that fiscal year if the System had not received any payments under subsection (d) of Section 7.2 of the General Obligation Bond Act, minus (ii) the portion of the State's total debt service payments for that fiscal year on the bonds issued in fiscal year 2003 for the purposes of that Section 7.2, as determined and certified by the Comptroller, that is the same as the System's portion of the total moneys distributed under subsection (d) of Section 7.2 of the General Obligation Bond Act. In determining this maximum for State fiscal years 2008 through 2010, however, the amount referred to in item (i) shall be increased, as a percentage of the applicable employee payroll, in equal increments calculated from the sum of the required State contribution for State fiscal year 2007 plus the applicable portion of the State's total debt service payments for fiscal year 2007 on the bonds issued in fiscal year 2003 for the purposes of Section 7.2 of the General Obligation Bond Act, so that, by State fiscal year 2011, the State is contributing at the rate otherwise required under this Section.

(b) If an employee is paid from trust or federal funds, the employer shall pay to the Board contributions from those funds which are sufficient to cover the accruing normal costs on behalf of the employee. However, universities having employees who are compensated out of local auxiliary funds, income funds, or service enterprise funds are not required to pay such contributions on behalf of those employees. The local auxiliary funds, income funds, and service enterprise funds of universities shall not be considered trust funds for the purpose of this Article, but funds of

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alumni associations, foundations, and athletic associations which are
affiliated with the universities included as employers under this Article
and other employers which do not receive State appropriations are
considered to be trust funds for the purpose of this Article.

(b-1) The City of Urbana and the City of Champaign shall each
make employer contributions to this System for their respective firefighter
employees who participate in this System pursuant to subsection (h) of
Section 15-107. The rate of contributions to be made by those
municipalities shall be determined annually by the Board on the basis of
the actuarial assumptions adopted by the Board and the recommendations
of the actuary, and shall be expressed as a percentage of salary for each
such employee. The Board shall certify the rate to the affected
municipalities as soon as may be practical. The employer contributions
required under this subsection shall be remitted by the municipality to the
System at the same time and in the same manner as employee
contributions.

(c) Through State fiscal year 1995: The total employer contribution
shall be apportioned among the various funds of the State and other
employers, whether trust, federal, or other funds, in accordance with
actuarial procedures approved by the Board. State of Illinois contributions
for employers receiving State appropriations for personal services shall be
payable from appropriations made to the employers or to the System. The
contributions for Class I community colleges covering earnings other than
those paid from trust and federal funds, shall be payable solely from
appropriations to the Illinois Community College Board or the System for
employer contributions.

(d) Beginning in State fiscal year 1996, the required State
contributions to the System shall be appropriated directly to the System
and shall be payable through vouchers issued in accordance with
subsection (c) of Section 15-165, except as provided in subsection (g).

(e) The State Comptroller shall draw warrants payable to the
System upon proper certification by the System or by the employer in
accordance with the appropriation laws and this Code.

(f) Normal costs under this Section means liability for pensions and
other benefits which accrues to the System because of the credits earned
for service rendered by the participants during the fiscal year and expenses
of administering the System, but shall not include the principal of or any
redemption premium or interest on any bonds issued by the Board or any
expenses incurred or deposits required in connection therewith.

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(g) If the amount of a participant's earnings for any academic year used to determine the final rate of earnings, determined on a full-time equivalent basis, exceeds the amount of his or her earnings with the same employer for the previous academic year, determined on a full-time equivalent basis, by more than 6%, the participant's employer shall pay to the System, in addition to all other payments required under this Section and in accordance with guidelines established by the System, the present value of the increase in benefits resulting from the portion of the increase in earnings that is in excess of 6%. This present value shall be computed by the System on the basis of the actuarial assumptions and tables used in the most recent actuarial valuation of the System that is available at the time of the computation. The System may require the employer to provide any pertinent information or documentation.

Whenever it determines that a payment is or may be required under this subsection (g), the System shall calculate the amount of the payment and bill the employer for that amount. The bill shall specify the calculations used to determine the amount due. If the employer disputes the amount of the bill, it may, within 30 days after receipt of the bill, apply to the System in writing for a recalculation. The application must specify in detail the grounds of the dispute and, if the employer asserts that the calculation is subject to subsection (h) or (i) of this Section, must include an affidavit setting forth and attesting to all facts within the employer's knowledge that are pertinent to the applicability of subsection (h) or (i). Upon receiving a timely application for recalculation, the System shall review the application and, if appropriate, recalculate the amount due.

The employer contributions required under this subsection (g) may be paid in the form of a lump sum within 90 days after receipt of the bill. If the employer contributions are not paid within 90 days after receipt of the bill, then interest will be charged at a rate equal to the System's annual actuarially assumed rate of return on investment compounded annually from the 91st day after receipt of the bill. Payments must be concluded within 3 years after the employer's receipt of the bill.

When assessing payment for any amount due under this subsection (g), the System shall include earnings, to the extent not established by a participant under Section 15-113.11 or 15-113.12, that would have been paid to the participant had the participant not taken (i) periods of voluntary or involuntary furlough occurring on or after July 1, 2015 and on or before June 30, 2017 or (ii) periods of voluntary pay reduction in lieu of furlough occurring on or after July 1, 2015 and on or before June

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30, 2017. Determining earnings that would have been paid to a participant had the participant not taken periods of voluntary or involuntary furlough or periods of voluntary pay reduction shall be the responsibility of the employer, and shall be reported in a manner prescribed by the System.

(h) This subsection (h) applies only to payments made or salary increases given on or after June 1, 2005 but before July 1, 2011. The changes made by Public Act 94-1057 shall not require the System to refund any payments received before July 31, 2006 (the effective date of Public Act 94-1057).

When assessing payment for any amount due under subsection (g), the System shall exclude earnings increases paid to participants under contracts or collective bargaining agreements entered into, amended, or renewed before June 1, 2005.

When assessing payment for any amount due under subsection (g), the System shall exclude earnings increases paid to a participant at a time when the participant is 10 or more years from retirement eligibility under Section 15-135.

When assessing payment for any amount due under subsection (g), the System shall exclude earnings increases resulting from overload work, including a contract for summer teaching, or overtime when the employer has certified to the System, and the System has approved the certification, that: (i) in the case of overloads (A) the overload work is for the sole purpose of academic instruction in excess of the standard number of instruction hours for a full-time employee occurring during the academic year that the overload is paid and (B) the earnings increases are equal to or less than the rate of pay for academic instruction computed using the participant's current salary rate and work schedule; and (ii) in the case of overtime, the overtime was necessary for the educational mission.

When assessing payment for any amount due under subsection (g), the System shall exclude any earnings increase resulting from (i) a promotion for which the employee moves from one classification to a higher classification under the State Universities Civil Service System, (ii) a promotion in academic rank for a tenured or tenure-track faculty position, or (iii) a promotion that the Illinois Community College Board has recommended in accordance with subsection (k) of this Section. These earnings increases shall be excluded only if the promotion is to a position that has existed and been filled by a member for no less than one complete academic year and the earnings increase as a result of the promotion is an

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increase that results in an amount no greater than the average salary paid for other similar positions.

(i) When assessing payment for any amount due under subsection (g), the System shall exclude any salary increase described in subsection (h) of this Section given on or after July 1, 2011 but before July 1, 2014 under a contract or collective bargaining agreement entered into, amended, or renewed on or after June 1, 2005 but before July 1, 2011. Notwithstanding any other provision of this Section, any payments made or salary increases given after June 30, 2014 shall be used in assessing payment for any amount due under subsection (g) of this Section.

(j) The System shall prepare a report and file copies of the report with the Governor and the General Assembly by January 1, 2007 that contains all of the following information:

1. The number of recalculations required by the changes made to this Section by Public Act 94-1057 for each employer.
2. The dollar amount by which each employer's contribution to the System was changed due to recalculations required by Public Act 94-1057.
3. The total amount the System received from each employer as a result of the changes made to this Section by Public Act 94-4.
4. The increase in the required State contribution resulting from the changes made to this Section by Public Act 94-1057.

(k) The Illinois Community College Board shall adopt rules for recommending lists of promotional positions submitted to the Board by community colleges and for reviewing the promotional lists on an annual basis. When recommending promotional lists, the Board shall consider the similarity of the positions submitted to those positions recognized for State universities by the State Universities Civil Service System. The Illinois Community College Board shall file a copy of its findings with the System. The System shall consider the findings of the Illinois Community College Board when making determinations under this Section. The System shall not exclude any earnings increases resulting from a promotion when the promotion was not submitted by a community college. Nothing in this subsection (k) shall require any community college to submit any information to the Community College Board.

(l) For purposes of determining the required State contribution to the System, the value of the System's assets shall be equal to the actuarial value of the System's assets, which shall be calculated as follows:

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As of June 30, 2008, the actuarial value of the System's assets shall be equal to the market value of the assets as of that date. In determining the actuarial value of the System's assets for fiscal years after June 30, 2008, any actuarial gains or losses from investment return incurred in a fiscal year shall be recognized in equal annual amounts over the 5-year period following that fiscal year.

(m) For purposes of determining the required State contribution to the system for a particular year, the actuarial value of assets shall be assumed to earn a rate of return equal to the system's actuarially assumed rate of return.

(Source: P.A. 97-813, eff. 7-13-12; 98-92, eff. 7-16-13; 98-463, eff. 8-16-13.)

(40 ILCS 5/15-158.2)

Sec. 15-158.2. Self-managed plan.

(a) Purpose. The General Assembly finds that it is important for colleges and universities to be able to attract and retain the most qualified employees and that in order to attract and retain these employees, colleges and universities should have the flexibility to provide a defined contribution plan as an alternative for eligible employees who elect not to participate in a defined benefit retirement program provided under this Article. Accordingly, the State Universities Retirement System is hereby authorized to establish and administer a self-managed plan, which shall offer participating employees the opportunity to accumulate assets for retirement through a combination of employee and employer contributions that may be invested in mutual funds, collective investment funds, or other investment products and used to purchase annuity contracts, either fixed or variable or a combination thereof. The plan must be qualified under the Internal Revenue Code of 1986.

(b) Adoption by employers. Each employer subject to this Article may elect to adopt the self-managed plan established under this Section; this election is irrevocable. An employer's election to adopt the self-managed plan makes available to the eligible employees of that employer the elections described in Section 15-134.5.

The State Universities Retirement System shall be the plan sponsor for the self-managed plan and shall prepare a plan document and prescribe such rules and procedures as are considered necessary or desirable for the administration of the self-managed plan. Consistent with its fiduciary duty to the participants and beneficiaries of the self-managed plan, the Board of Trustees of the System may delegate aspects of plan administration as it

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sees fit to companies authorized to do business in this State, to the employers, or to a combination of both.

(c) Selection of service providers and funding vehicles. The System, in consultation with the employers, shall solicit proposals to provide administrative services and funding vehicles for the self-managed plan from insurance and annuity companies and mutual fund companies, banks, trust companies, or other financial institutions authorized to do business in this State. In reviewing the proposals received and approving and contracting with no fewer than 2 and no more than 7 companies, the Board of Trustees of the System shall consider, among other things, the following criteria:

1. the nature and extent of the benefits that would be provided to the participants;
2. the reasonableness of the benefits in relation to the premium charged;
3. the suitability of the benefits to the needs and interests of the participating employees and the employer;
4. the ability of the company to provide benefits under the contract and the financial stability of the company; and
5. the efficacy of the contract in the recruitment and retention of employees.

The System, in consultation with the employers, shall periodically review each approved company. A company may continue to provide administrative services and funding vehicles for the self-managed plan only so long as it continues to be an approved company under contract with the Board.

(d) Employee Direction. Employees who are participating in the program must be allowed to direct the transfer of their account balances among the various investment options offered, subject to applicable contractual provisions. The participant shall not be deemed a fiduciary by reason of providing such investment direction. A person who is a fiduciary shall not be liable for any loss resulting from such investment direction and shall not be deemed to have breached any fiduciary duty by acting in accordance with that direction. The System shall provide advance notice to the participant of the participant's obligation to direct the investment of employee and employer contributions into one or more investment funds selected by the System at the time he or she makes his or her initial retirement plan selection. If a participant fails to direct the investment of employee and employer contributions into the various investment options

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offered to the participant when making his or her initial retirement election choice, that failure shall require the System to invest the employee and employer contributions in a default investment fund on behalf of the participant, and the investment shall be deemed to have been made at the participant's investment direction. The participant has the right to transfer account balances out of the default investment fund during time periods designated by the System. Neither the System nor the employer guarantees any of the investments in the employee's account balances.

(e) Participation. An employee eligible to participate in the self-managed plan must make a written election in accordance with the provisions of Section 15-134.5 and the procedures established by the System. Participation in the self-managed plan by an electing employee shall begin on the first day of the first pay period following the later of the date the employee's election is filed with the System or the effective date as of which the employee's employer begins to offer participation in the self-managed plan. Employers may not make the self-managed plan available earlier than January 1, 1998. An employee's participation in any other retirement program administered by the System under this Article shall terminate on the date that participation in the self-managed plan begins.

An employee who has elected to participate in the self-managed plan under this Section must continue participation while employed in an eligible position, and may not participate in any other retirement program administered by the System under this Article while employed by that employer or any other employer that has adopted the self-managed plan, unless the self-managed plan is terminated in accordance with subsection (i).

Notwithstanding any other provision of this Article, a Tier 2 member shall have the option to enroll in the self-managed plan. Participation in the self-managed plan under this Section shall constitute membership in the State Universities Retirement System. A participant under this Section shall be entitled to the benefits of Article 20 of this Code.

(f) Establishment of Initial Account Balance. If at the time an employee elects to participate in the self-managed plan he or she has rights and credits in the System due to previous participation in the traditional benefit package, the System shall establish for the employee an opening account balance in the self-managed plan, equal to the amount of contribution refund that the employee would be eligible to receive under

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Section 15-154 if the employee terminated employment on that date and elected a refund of contributions, except that this hypothetical refund shall include interest at the effective rate for the respective years. The System shall transfer assets from the defined benefit retirement program to the self-managed plan, as a tax free transfer in accordance with Internal Revenue Service guidelines, for purposes of funding the employee's opening account balance.

(g) No Duplication of Service Credit. Notwithstanding any other provision of this Article, an employee may not purchase or receive service or service credit applicable to any other retirement program administered by the System under this Article for any period during which the employee was a participant in the self-managed plan established under this Section.

(h) Contributions. The self-managed plan shall be funded by contributions from employees participating in the self-managed plan and employer contributions as provided in this Section.

The contribution rate for employees participating in the self-managed plan under this Section shall be equal to the employee contribution rate for other participants in the System, as provided in Section 15-157. This required contribution shall be made as an "employer pick-up" under Section 414(h) of the Internal Revenue Code of 1986 or any successor Section thereof. Any employee participating in the System's traditional benefit package prior to his or her election to participate in the self-managed plan shall continue to have the employer pick up the contributions required under Section 15-157. However, the amounts picked up after the election of the self-managed plan shall be remitted to and treated as assets of the self-managed plan. In no event shall an employee have an option of receiving these amounts in cash. Employees may make additional contributions to the self-managed plan in accordance with procedures prescribed by the System, to the extent permitted under rules prescribed by the System.

The program shall provide for employer contributions to be credited to each self-managed plan participant at a rate of 7.6% of the participating employee's salary, less the amount used by the System to provide disability benefits for the employee. The amounts so credited shall be paid into the participant's self-managed plan accounts in a manner to be prescribed by the System.

An amount of employer contribution, not exceeding 1% of the participating employee's salary, shall be used for the purpose of providing the disability benefits of the System to the employee. Prior to the

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beginning of each plan year under the self-managed plan, the Board of Trustees shall determine, as a percentage of salary, the amount of employer contributions to be allocated during that plan year for providing disability benefits for employees in the self-managed plan.

The State of Illinois shall make contributions by appropriations to the System of the employer contributions required for employees who participate in the self-managed plan under this Section. The amount required shall be certified by the Board of Trustees of the System and paid by the State in accordance with Section 15-165. The System shall not be obligated to remit the required employer contributions to any of the insurance and annuity companies, mutual fund companies, banks, trust companies, financial institutions, or other sponsors of any of the funding vehicles offered under the self-managed plan until it has received the required employer contributions from the State. In the event of a deficiency in the amount of State contributions, the System shall implement those procedures described in subsection (c) of Section 15-165 to obtain the required funding from the General Revenue Fund.

(i) Termination. The self-managed plan authorized under this Section may be terminated by the System, subject to the terms of any relevant contracts, and the System shall have no obligation to reestablish the self-managed plan under this Section. This Section does not create a right to continued participation in any self-managed plan set up by the System under this Section. If the self-managed plan is terminated, the participants shall have the right to participate in one of the other retirement programs offered by the System and receive service credit in such other retirement program for any years of employment following the termination.

(j) Vesting; Withdrawal; Return to Service. A participant in the self-managed plan becomes vested in the employer contributions credited to his or her accounts in the self-managed plan on the earliest to occur of the following: (1) completion of 5 years of service with an employer described in Section 15-106; (2) the death of the participating employee while employed by an employer described in Section 15-106, if the participant has completed at least 1 1/2 years of service; or (3) the participant's election to retire and apply the reciprocal provisions of Article 20 of this Code.

A participant in the self-managed plan who receives a distribution of his or her vested amounts from the self-managed plan while not yet eligible for retirement under this Article (and Article 20, if applicable)

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shall forfeit all service credit and accrued rights in the System; if subsequently re-employed, the participant shall be considered a new employee. If a former participant again becomes a participating employee (or becomes employed by a participating system under Article 20 of this Code) and continues as such for at least 2 years, all such rights, service credits, and previous status as a participant shall be restored upon repayment of the amount of the distribution, without interest.

(k) Benefit amounts. If an employee who is vested in employer contributions terminates employment, the employee shall be entitled to a benefit which is based on the account values attributable to both employer and employee contributions and any investment return thereon.

If an employee who is not vested in employer contributions terminates employment, the employee shall be entitled to a benefit based solely on the account values attributable to the employee's contributions and any investment return thereon, and the employer contributions and any investment return thereon shall be forfeited. Any employer contributions which are forfeited shall be held in escrow by the company investing those contributions and shall be used as directed by the System for future allocations of employer contributions or for the restoration of amounts previously forfeited by former participants who again become participating employees.

(Source: P.A. 98-92, eff. 7-16-13.)

(40 ILCS 5/15-168) (from Ch. 108 1/2, par. 15-168)

Sec. 15-168. To require information.

(a) To require such information as shall be necessary for the proper operation of the system from any participant or beneficiary or annuitant benefit recipient or from any current or former employer of a participant or annuitant. Such information may include, but is not limited to, employment contracts or from any current or former participant.

(b) When the System submits a request for information under subsection (a) of this Section, the employer shall respond within 90 calendar days of the System's request. Beginning on the 91st calendar day after the System's request, the System may assess a penalty of $250 per calendar day until receipt of the information by the System, with a maximum penalty of $25,000. All payments must be received within one calendar year after receipt of the information by the System or one calendar year of reaching the maximum penalty of $25,000, whichever occurs earlier. If the employer fails to make complete payment within the applicable timeframe, then the System may, after giving notice to the

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employer, certify the delinquent amount to the State Comptroller, and the Comptroller shall thereupon deduct the certified delinquent amount from State funds payable to the employer and pay them instead to the System.

(c) If a participant, beneficiary, or annuitant fails to provide any information that is necessary for the calculation, payment, or finalization of any benefit under this Article within 90 calendar days of the date of the System's request under subsection (a) of this Section, then the System may immediately cease processing the benefit and may not pay any additional benefit payment to the participant, beneficiary, or annuitant until the requested information is provided.

(Source: P.A. 98-92, eff. 7-16-13; 99-450, eff. 8-24-15.)

(40 ILCS 5/15-168.2)

Sec. 15-168.2. Audit of employers.

(a) Beginning August 1, 2013, the System may audit the employment records and payroll records of all employers. When the System audits an employer, it shall specify the exact information it requires, which may include but need not be limited to the names, titles, and earnings history of every individual receiving compensation from the employer. If an employer is audited by the System, then the employer must provide to the System all necessary documents and records within 60 calendar days after receiving notification from the System. When the System audits an employer, it shall send related correspondence by certified mail.

(b) When the System submits a request for information under subsection (a) of this Section, the employer shall respond within 60 calendar days of the System's request. Beginning on the 61st calendar day after the System's request, the System may assess a penalty of $250 per calendar day until receipt of the information by the System, with a maximum penalty of $25,000. All payments must be received by the System within one calendar year after receipt of the information by the System or one calendar year after reaching the maximum penalty of $25,000, whichever occurs earlier. If the employer fails to make complete payment within the applicable timeframe, then the System may, after giving notice to the employer, certify the delinquent amount to the State Comptroller, and the Comptroller shall thereupon deduct the certified delinquent amount from State funds payable to the employer and pay them instead to the System.

(Source: P.A. 97-968, eff. 8-16-12.)


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AN ACT concerning public aid.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Public Aid Code is amended by adding Section 5-30.3 as follows:

(305 ILCS 5/5-30.3 new)

Sec. 5-30.3. Managed care; automatic assignment. The Department shall, within a reasonable period of time after relevant data from managed care entities has been collected and analyzed, but no earlier than January 1, 2017, seek input from the managed care entities and other stakeholders and develop and implement within each enrollment region an algorithm preserving existing provider-beneficiary relationships that takes into account quality scores and other operational proficiency criteria developed, defined, and adopted by the Department, to automatically assign Medicaid enrollees served under the Family Health Plan and the Integrated Care Program and those Medicaid enrollees eligible for medical assistance pursuant to the Patient Protection and Affordable Care Act (Public Law 111-148) into managed care entities, including Accountable Care Entities, Managed Care Community Networks, and Managed Care Organizations. The quality metrics used shall be measurable for all entities. The algorithm shall not use the quality and proficiency metrics to reassign enrollees out of any plan in which they are enrolled at the time and shall only be used if the client has not voluntarily selected a primary care physician and a managed care entity or care coordination entity. Clients shall have one opportunity within 90 calendar days after auto-assignment by algorithm to select a different managed care entity. The algorithm developed and implemented shall favor assignment into managed care entities with the highest quality scores and levels of compliance with the operational proficiency criteria established, taking into consideration existing provider-beneficiary relationship as defined by 42 CFR 438.50(f)(3) if one exists.

Approved August 26, 2016.

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Effective January 1, 2017.

PUBLIC ACT 99-0899
(Senate Bill No. 2340)

AN ACT concerning public aid.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Public Aid Code is amended by changing Section 4-1.6 as follows:

Sec. 4-1.6. Need. Income available to the family as defined by the Illinois Department by rule, or to the child in the case of a child removed from his or her home, when added to contributions in money, substance or services from other sources, including income available from parents absent from the home or from a stepparent, contributions made for the benefit of the parent or other persons necessary to provide care and supervision to the child, and contributions from legally responsible relatives, must be equal to or less than the grant amount established by Department regulation for such a person. For purposes of eligibility for aid under this Article, the Department shall (a) disregard all earned income between the grant amount and 50% of the Federal Poverty Level and (b) disregard the value of all assets held by the family.

In considering income to be taken into account, consideration shall be given to any expenses reasonably attributable to the earning of such income. Three-fourths of the earned income of a household eligible for aid under this Article shall be disregarded when determining the level of assistance for which a household is eligible. The first $100 of child support collected on behalf of a family in a month for one child and the first $200 of child support collected on behalf of a family in a month for 2 or more children shall be passed through to the family and disregarded in determining the amount of the assistance grant provided to the family under this Article. Any amount of child support that would be disregarded in determining the amount of the assistance grant shall be disregarded in determining eligibility for cash assistance provided under this Article. The Illinois Department may also permit all or any portion of earned or other income to be set aside for the future identifiable needs of a child. The Illinois Department may provide by rule and regulation for the exemptions thus permitted or required. The eligibility of any applicant for or recipient

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of public aid under this Article is not affected by the payment of any grant under the "Senior Citizens and Persons with Disabilities Property Tax Relief Act" or any distributions or items of income described under subparagraph (X) of paragraph (2) of subsection (a) of Section 203 of the Illinois Income Tax Act.

The Illinois Department may, by rule, set forth criteria under which an assistance unit is ineligible for cash assistance under this Article for a specified number of months due to the receipt of a lump sum payment.

(Source: P.A. 98-114, eff. 7-29-13; 99-143, eff. 7-27-15.)

Section 99. Effective date. This Act takes effect January 1, 2017.
Approved August 26, 2016.
Effective January 1, 2017.

PUBLIC ACT 99-0900
(Senate Bill No. 2701)

AN ACT concerning public employee benefits.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 10. The Illinois Pension Code is amended by changing Section 7-137 and by adding Section 7-137.2 as follows:

(40 ILCS 5/7-137) (from Ch. 108 1/2, par. 7-137)

Sec. 7-137. Participating and covered employees.
(a) The persons described in this paragraph (a) shall be included within and be subject to this Article and eligible to benefits from this fund, beginning upon the dates hereinafter specified:

1. Except as to the employees specifically excluded under the provisions of this Article, all persons who are employees of any municipality (or instrumentality thereof) or participating instrumentality on the effective date of participation of the municipality or participating instrumentality beginning upon such effective date.

2. Except as to the employees specifically excluded under the provisions of this Article, all persons, who became employees of any participating municipality (or instrumentality thereof) or participating instrumentality after the effective date of participation of such municipality or participating instrumentality, beginning upon the date such person becomes an employee.

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3. All persons who file notice with the board as provided in paragraph (b) 2 and 3 of this Section, beginning upon the date of filing such notice.

(b) The following described persons shall not be considered participating employees eligible for benefits from this fund, but shall be included within and be subject to this Article (each of the descriptions is not exclusive but is cumulative):

1. Any person who occupies an office or is employed in a position normally requiring performance of duty during less than 600 hours a year for a municipality (including all instrumentalities thereof) or a participating instrumentality. If a school treasurer performs services for more than one school district, the total number of hours of service normally required for the several school districts shall be considered to determine whether he qualifies under this paragraph;

2. Except as provided in items 2.5 and 2.6, any person who holds elective office unless he has elected while in that office in a written notice on file with the board to become a participating employee;

2.5. Except as provided in item 2.6, any person who holds elective office as a member of a county board, unless:

   (i) the person was first elected as a member of a county board before the effective date of this amendatory Act of the 99th General Assembly;

   (ii) the person has elected while in that office, in a written notice on file with the board, to become a participating employee;

   (iii) the county board has filed the resolution required by subsection (a) of Section 7-137.2 of this Article; and

   (iv) the person has submitted the required time sheets evidencing that the person has met the hourly standard as required by subsection (b) of Section 7-137.2 of this Article;

2.6. Any person who is an elected member of a county board and is first so elected on or after the effective date of this amendatory Act of the 99th General Assembly;

3. Any person working for a city hospital unless any such person, while in active employment, has elected in a written notice

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on file with the board to become a participating employee and
notification thereof is received by the board;

4. Any person who becomes an employee after June 30,
1979 as a public service employment program participant under the
federal Comprehensive Employment and Training Act and whose
wages or fringe benefits are paid in whole or in part by funds
provided under such Act;

5. Any person who is actively employed by a municipality
on its effective date of participation in the Fund if that municipality
(i) has at least 35 employees on its effective date of participation;
(ii) is located in a county with at least 2,000,000 inhabitants; and
(iii) maintains an independent defined benefit pension plan for the
benefit of its eligible employees, unless the person files with the
board within 90 days after the municipality's effective date of
participation an irrevocable election to participate.

(c) Any person electing to be a participating employee, pursuant to
paragraph (b) of this Section may not change such election, except as
provided in Section 7-137.1.

(d) Any employee who occupied the position of school nurse in
any participating municipality on August 8, 1961 and continuously
thereafter until the effective date of the exercise of the option authorized
by this subparagraph, who on August 7, 1961 was a member of the
Teachers' Retirement System of Illinois, by virtue of certification by the
Department of Registration and Education as a public health nurse, may
elect to terminate participation in this Fund in order to re-establish
membership in such System. The election may be exercised by filing
written notice thereof with the Board or with the Board of Trustees of said
Teachers' Retirement System, not later than September 30, 1963, and shall
be effective on the first day of the calendar month next following the
month in which the notice was filed. If the written notice is filed with such
Teachers' Retirement System, that System shall immediately notify this
Fund, but neither failure nor delay in notification shall affect the validity
of the employee's election. If the option is exercised, the Fund shall notify
such Teachers' Retirement System of such fact and transfer to that system
the amounts contributed by the employee to this Fund, including interest at
3% per annum, but excluding contributions applicable to social security
coverage during the period beginning August 8, 1961 to the effective date
of the employee's election. Participation in this Fund as to any credits on

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or after August 8, 1961 and up to the effective date of the employee's election shall terminate on such effective date.

(e) Any participating municipality or participating instrumentality, other than a school district or special education joint agreement created under Section 10-22.31 of the School Code, may, by a resolution or ordinance duly adopted by its governing body, elect to exclude from participation and eligibility for benefits all persons who are employed after the effective date of such resolution or ordinance and who occupy an office or are employed in a position normally requiring performance of duty for less than 1000 hours per year for the participating municipality (including all instrumentalities thereof) or participating instrumentality except for persons employed in a position normally requiring performance of duty for 600 hours or more per year (i) by such participating municipality or participating instrumentality prior to the effective date of the resolution or ordinance and (ii) by a participating municipality or participating instrumentality, which had not adopted such a resolution when the person was employed, and the function served by the employee's position is assumed by another participating municipality or participating instrumentality. Notwithstanding the foregoing, a participating municipality or participating instrumentality which is formed solely to succeed to the functions of a participating municipality or participating instrumentality shall be considered to have adopted any such resolution or ordinance which may have been applicable to the employees performing such functions. The election made by the resolution or ordinance shall take effect at the time specified in the resolution or ordinance, and once effective shall be irrevocable.

(Source: P.A. 96-1140, eff. 7-21-10; 97-328, eff. 8-12-11; 97-609, eff. 1-1-12.)

(40 ILCS 5/7-137.2 new)
Sec. 7-137.2. Participation by elected members of county boards.
(a) An elected member of a county board is not eligible to participate in the Fund with respect to that position unless the county board has adopted a resolution, after public debate and in a form acceptable to the Fund, certifying that persons in the position of elected member of the county board are expected to work at least 600 hours annually (or 1000 hours annually in a county that has adopted a resolution pursuant to subsection (e) of Section 7-137 of this Code). The resolution must be adopted and filed with the Fund no more than 90 days

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after each general election in which a member of the county board is elected.

(b) An elected member of a county board that participates in the Fund with respect to that position shall monthly submit, to the county fiscal officer, time sheets documenting the time spent on official government business as an elected member of the county board. The time sheets shall be (1) submitted on paper or electronically, or both, and (2) maintained by the county board for 5 years. An elected member of a county board who fails to submit time sheets or fails to conduct official government business with respect to that position for either 600 hours or 1000 hours (whichever is applicable) annually shall not be permitted to continue participation in the Fund as an elected member of a county board. The Fund may request that the governing body certify that an elected member of a county board is permitted to continue participation with respect to that position.

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

Approved August 26, 2016.
Effective August 26, 2016.

PUBLIC ACT 99-0901
(Senate Bill No. 2734)

AN ACT concerning health.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Advisory Board for the Maternal and Child Health Block Grant Programs Act.

Section 5. Legislative findings and purpose. The General Assembly finds the following:

(1) The people of Illinois continue to experience and bear the consequences of unacceptable rates of low birth weight, infant mortality, maternal mortality, child and adolescent health problems, including obesity and teen pregnancy, and disparities among racial and ethnic groups with regard to maternal and child health.

(2) The resolution of these challenges requires an approach that considers the health of the entire population and directs
resources to high-risk groups based on epidemiological analysis in order to prevent disability, disease, death, or other adverse circumstance, or what may be termed a public health approach.

(3) The General Assembly began the transfer of maternal and child health programs from the Department of Human Services to the Department of Public Health through the budget for State fiscal year 2014.

Therefore, it is the purpose of the new and amendatory provisions of this Act to complete the transfer of programs and responsibility for direction of Illinois' Maternal and Child Health Block Grant to the Department of Public Health and to complete the transfer of certain statutory authority and regulations from the Department of Human Services to the Department of Public Health, which has already begun through the budget for State fiscal year 2016.

Section 10. Definitions. As used in this Act:
"Board" means the Advisory Board for the Maternal and Child Health Block Grant Programs.
"Department" means the Department of Public Health.
"Director" means the Director of Public Health.

Section 15. Advisory Board for the Maternal and Child Health Block Grant Programs.

(a) The Advisory Board for the Maternal and Child Health Block Grant Programs is created within the Department to advise the Department on programs and activities related to maternal and child health in the State of Illinois.

The Board shall consist of the Director's designee responsible for maternal and child health programs, who shall serve as the Chair of the Board; the Department's Title V administrator, if the Director's designee is not serving in the capacity of Title V Director at the Department; one representative each from the Department of Children and Family Services, the Department of Human Services, and the Department of Healthcare and Family Services, appointed by the Director or Secretary of each Department; the Director of the University of Illinois at Chicago's Division of Specialized Care for Children; 4 members of the General Assembly, one each appointed by the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives; and 20 additional members appointed by the Director.

Of the members appointed by the Director:

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(1) Two shall be physicians licensed to practice medicine in all of its branches who currently serve patients enrolled in maternal and child health programs funded by the State of Illinois, one of whom shall be an individual with a specialty in obstetrics and gynecology and one of whom shall be an individual with a specialty in pediatric medicine;

(2) Sixteen shall be persons with expertise in one or more of the following areas, with no more than 3 persons from each listed area of expertise and with preference given to the areas of need identified by the most recent State needs assessment: the health of women, infants, young children, school-aged children, adolescents, and children with special health care needs; public health; epidemiology; behavioral health; nursing; social work; substance abuse prevention; juvenile justice; oral health; child development; chronic disease prevention; health promotion; and education; 5 of the 16 members shall represent organizations that provide maternal and child health services with funds from the Department; and

(3) either 2 consumers who have received services through a Department-funded maternal and child health program, 2 representatives from advocacy groups that advocate on behalf of such consumers, or one such consumer and one such representative of an advocacy group.

Members appointed by the Director shall be selected to represent the racial, ethnic, and geographic diversity of the State's population and shall include representatives of local health departments, other direct service providers, and faculty of the University of Illinois at Chicago School of Public Health Center of Excellence in Maternal and Child Health.

Legislative members shall serve during their term of office in the General Assembly. Members appointed by the Director shall serve a term of 4 years or until their successors are appointed.

Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term. Members of the Board shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties.

(b) The Board shall advise the Director on improving the well-being of mothers, fathers, infants, children, families, and adults,
considering both physical and social determinants of health, and using a life-span approach to health promotion and disease prevention in the State of Illinois. In addition, the Board shall review and make recommendations to the Department and the Governor in regard to the system for maternal and child health programs, collaboration, and interrelation between and delivery of programs, both within the Department and with related programs in other departments. In performing its duties, the Board may hold hearings throughout the State and advise and receive advice from any local advisory bodies created to address maternal and child health.

(c) The Board may offer recommendations and feedback regarding the development of the State's annual Maternal and Child Health Services Block Grant application and report as well as the periodic needs assessment.

Section 90. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by adding Section 2310-450 as follows:

(20 ILCS 2310/2310-450 new)
Sec. 2310-450. Office for maternal and child health.
(a) The Department shall be responsible for administration of the Maternal and Child Health Services Block Grant authorized by Title V of the federal Social Security Act. The Department shall be responsible for the Maternal and Child Health Block Grant and for preparation and submission of the annual application, annual report, and periodic needs assessment required for the receipt of these funds.

(b) The Department shall be responsible for the administration of the Family Planning Program award to the State of Illinois from Title X of the federal Public Health Service Act (42 U.S.C. 300).

(c) All of the rights, powers, duties, and functions vested by law or that otherwise pertain to the programs and services transferred to the Department by this amendatory Act of the 99th General Assembly are transferred to the Department by July 1, 2016.

(d) The Department may adopt rules necessary to implement this Section. This Section does not affect the legality of any rules that are in force on the effective date of this Section that have been duly adopted by the Department of Human Services in its administration of the Maternal and Child Health Services Block Grant. Those rules shall transfer to the Department and continue in effect until amended or repealed, except that references to a predecessor department shall, in appropriate contexts, be
deemed to refer to the successor department under this Section. Any rules proposed prior to the effective date shall also transfer to the Department.

(e) The rights of State employees, the State, and its agencies under the Personnel Code and applicable collective bargaining agreements and retirement plans are not affected by this Section.

(f) The Department of Central Management Services shall establish a sufficient number of full-time positions at the Department, based on input from the Department of Human Services in order to provide for effective administration of these programs.

(g) All books, records, documents, and pending business pertaining to the rights, powers, duties, and functions transferred to the Department under this Section shall be transferred and delivered to the Department by July 1, 2016.

(h) In the case of books, records, or documents that pertain both to a function transferred to the Department under this Section and to a function retained by a predecessor agency or office, the Director and the Secretary of Human Services shall determine whether the books, records, or documents shall be transferred, copied, or left with the predecessor agency or office; until this determination has been made, the transfer of these materials shall not take effect.

(i) In the case of administrative functions performed by other units within the Department of Human Services and for the allocation of State or federal funds that benefited the programs transferred by this amendatory Act of the 99th General Assembly as well as other divisions within the Department of Human Services, the Director of Public Health and the Secretary of Human Services shall establish interagency agreements to continue these services, as well as cooperation for purposes of federal match and maintenance of effort and distribution of funds after July 1, 2016.

(410 ILCS 212/20 rep.)
(410 ILCS 212/25 rep.)

Section 95. The Illinois Family Case Management Act is amended by repealing Sections 20 and 25.

Section 100. The Prenatal and Newborn Care Act is amended by changing Section 7 as follows:

(410 ILCS 225/7) (from Ch. 111 1/2, par. 7027)
Sec. 7. Advisory board consultation. The Department shall consult with the Maternal and Child Health Advisory Board created under the Advisory Board for the Maternal and Child Health Block Grant Programs.

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Act Illinois Family Case Management Act regarding the implementation of this program. In addition, the Board shall advise the Department on the coordination of services provided under this program with services provided under the Illinois Family Case Management Act and the Problem Pregnancy Health Services and Care Act. (Source: P.A. 94-407, eff. 8-2-05.)

Section 110. The Developmental Disability Prevention Act is amended by changing Section 8 as follows:

(410 ILCS 250/8) (from Ch. 111 1/2, par. 2108)

Sec. 8. The Department of Public Health, in cooperation with the Department of Human Services, shall establish guidelines for the development of areawide or local programs designed to prevent high risk pregnancies through early identification, screening, management, and followup of the childbearing age high risk female. Such programs shall be based on the local assessment typically by schools, health departments, hospitals, perinatal centers, and local medical societies of need and with emphasis on the coordination of existing resources private and public and in conjunction with local health planning agencies. Funding needs for demonstration and continuing programs shall be determined by the Department of Human Services and Department of Public Health under their respective programs and reported to the General Assembly along with the guidelines for such programs. (Source: P.A. 89-507, eff. 7-1-97.)

Section 999. Effective date. This Act takes effect upon becoming law.

Approved August 26, 2016.
Effective August 26, 2016.

PUBLIC ACT 99-0902
(Senate Bill No. 2797)

AN ACT concerning liquor.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Liquor Control Act of 1934 is amended by changing Sections 5-1, 5-3, 6-4, and 6-31 as follows:

(235 ILCS 5/5-1) (from Ch. 43, par. 115)

New matter indicated by italics - deletions by strikeout
Sec. 5-1. Licenses issued by the Illinois Liquor Control Commission shall be of the following classes:


(b) Distributor's license,

(c) Importing Distributor's license,

(d) Retailer's license,

(e) Special Event Retailer's license (not-for-profit),

(f) Railroad license,

(g) Boat license,

(h) Non-Beverage User's license,

(i) Wine-maker's premises license,

(j) Airplane license,

(k) Foreign importer's license,

(l) Broker's license,

(m) Non-resident dealer's license,

(n) Brew Pub license,

(o) Auction liquor license,

(p) Caterer retailer license,

(q) Special use permit license,

(r) Winery shipper's license,

(s) Craft distiller tasting permit.

No person, firm, partnership, corporation, or other legal business entity that is engaged in the manufacturing of wine may concurrently obtain and hold a wine-maker's license and a wine manufacturer's license.

(a) A manufacturer's license shall allow the manufacture, importation in bulk, storage, distribution and sale of alcoholic liquor to persons without the State, as may be permitted by law and to licensees in this State as follows:

Class 1. A Distiller may make sales and deliveries of alcoholic liquor to distillers, rectifiers, importing distributors, distributors and non-beverage users and to no other licensees.

Class 2. A Rectifier, who is not a distiller, as defined herein, may make sales and deliveries of alcoholic liquor to rectifiers, importing distributors, distributors, retailers and non-beverage users and to no other licensees.

New matter indicated by italics - deletions by strikeout
Class 3. A Brewer may make sales and deliveries of beer to importing distributors and distributors and may make sales as authorized under subsection (e) of Section 6-4 of this Act.

Class 4. A first class wine-manufacturer may make sales and deliveries of up to 50,000 gallons of wine to manufacturers, importing distributors and distributors, and to no other licensees.

Class 5. A second class Wine manufacturer may make sales and deliveries of more than 50,000 gallons of wine to manufacturers, importing distributors and distributors and to no other licensees.

Class 6. A first-class wine-maker's license shall allow the manufacture of up to 50,000 gallons of wine per year, and the storage and sale of such wine to distributors in the State and to persons without the State, as may be permitted by law. A person who, prior to June 1, 2008 (the effective date of Public Act 95-634) this amendatory Act of the 95th General Assembly, is a holder of a first-class wine-maker's license and annually produces more than 25,000 gallons of its own wine and who distributes its wine to licensed retailers shall cease this practice on or before July 1, 2008 in compliance with Public Act 95-634 this amendatory Act of the 95th General Assembly.

Class 7. A second-class wine-maker's license shall allow the manufacture of between 50,000 and 150,000 gallons of wine per year, and the storage and sale of such wine to distributors in this State and to persons without the State, as may be permitted by law. A person who, prior to June 1, 2008 (the effective date of Public Act 95-634) this amendatory Act of the 95th General Assembly, is a holder of a second-class wine-maker's license and annually produces more than 25,000 gallons of its own wine and who distributes its wine to licensed retailers shall cease this practice on or before July 1, 2008 in compliance with Public Act 95-634 this amendatory Act of the 95th General Assembly.

Class 8. A limited wine-manufacturer may make sales and deliveries not to exceed 40,000 gallons of wine per year to distributors, and to non-licensees in accordance with the provisions of this Act.

Class 9. A craft distiller license shall allow the manufacture of up to 100,000 30,000 gallons of spirits by distillation for one year after the effective date of this amendatory Act of the 97th General Assembly and up to 35,000 gallons of spirits by distillation per year thereafter and the storage of such spirits. If a craft distiller licensee, including a craft distiller licensee who holds more than one craft distiller license, is not affiliated with any other manufacturer of spirits, then the craft distiller licensee may

New matter indicated by italics - deletions by strikeout
sell such spirits to distributors in this State and up to 2,500 gallons of such spirits to non-licensees to the extent permitted by any exemption approved by the Commission pursuant to Section 6-4 of this Act. A craft distiller license holder may store such spirits at a non-contiguous licensed location, but at no time shall a craft distiller license holder directly or indirectly produce in the aggregate more than 100,000 gallons of spirits per year. A craft distiller licensee may hold more than one craft distiller's license. However, a craft distiller that holds more than one craft distiller license shall not manufacture, in the aggregate, more than 100,000 gallons of spirits by distillation per year and shall not sell, in the aggregate, more than 2,500 gallons of such spirits to non-licensees in accordance with an exemption approved by the State Commission pursuant to Section 6-4 of this Act. Any craft distiller licensed under this Act who on July 28, 2010 (the effective date of Public Act 96-1367) this amendatory Act of the 96th General Assembly was licensed as a distiller and manufactured no more spirits than permitted by this Section shall not be required to pay the initial licensing fee. Class 10. A class 1 brewer license, which may only be issued to a licensed brewer or licensed non-resident dealer, shall allow the manufacture of up to 930,000 gallons of beer per year provided that the class 1 brewer licensee does not manufacture more than a combined 930,000 gallons of beer per year and is not a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 930,000 gallons of beer per year or any other alcoholic liquor. A class 1 brewer licensee may make sales and deliveries to importing distributors and distributors and to retail licensees in accordance with the conditions set forth in paragraph (18) of subsection (a) of Section 3-12 of this Act. Class 11. A class 2 brewer license, which may only be issued to a licensed brewer or licensed non-resident dealer, shall allow the manufacture of up to 3,720,000 gallons of beer per year provided that the class 2 brewer licensee does not manufacture more than a combined 3,720,000 gallons of beer per year and is not a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 3,720,000 gallons of beer per year or any other alcoholic liquor. A class 2 brewer licensee may make sales and deliveries to importing distributors and distributors, but shall not make sales or deliveries to any other licensee. If the State Commission provides prior approval, a class 2 brewer
licensee may annually transfer up to 3,720,000 gallons of beer manufactured by that class 2 brewer licensee to the premises of a licensed class 2 brewer wholly owned and operated by the same licensee.

(a-1) A manufacturer which is licensed in this State to make sales or deliveries of alcoholic liquor to licensed distributors or importing distributors and which enlists agents, representatives, or individuals acting on its behalf who contact licensed retailers on a regular and continual basis in this State must register those agents, representatives, or persons acting on its behalf with the State Commission.

Registration of agents, representatives, or persons acting on behalf of a manufacturer is fulfilled by submitting a form to the Commission. The form shall be developed by the Commission and shall include the name and address of the applicant, the name and address of the manufacturer he or she represents, the territory or areas assigned to sell to or discuss pricing terms of alcoholic liquor, and any other questions deemed appropriate and necessary. All statements in the forms required to be made by law or by rule shall be deemed material, and any person who knowingly misstates any material fact under oath in an application is guilty of a Class B misdemeanor. Fraud, misrepresentation, false statements, misleading statements, evasions, or suppression of material facts in the securing of a registration are grounds for suspension or revocation of the registration. The State Commission shall post a list of registered agents on the Commission's website.

(b) A distributor's license shall allow the wholesale purchase and storage of alcoholic liquors and sale of alcoholic liquors to licensees in this State and to persons without the State, as may be permitted by law.

(c) An importing distributor's license may be issued to and held by those only who are duly licensed distributors, upon the filing of an application by a duly licensed distributor, with the Commission and the Commission shall, without the payment of any fee, immediately issue such importing distributor's license to the applicant, which shall allow the importation of alcoholic liquor by the licensee into this State from any point in the United States outside this State, and the purchase of alcoholic liquor in barrels, casks or other bulk containers and the bottling of such alcoholic liquors before resale thereof, but all bottles or containers so filled shall be sealed, labeled, stamped and otherwise made to comply with all provisions, rules and regulations governing manufacturers in the preparation and bottling of alcoholic liquors. The importing distributor's
license shall permit such licensee to purchase alcoholic liquor from Illinois licensed non-resident dealers and foreign importers only.

(d) A retailer's license shall allow the licensee to sell and offer for sale at retail, only in the premises specified in the license, alcoholic liquor for use or consumption, but not for resale in any form. Nothing in Public Act 95-634 this amendatory Act of the 95th General Assembly shall deny, limit, remove, or restrict the ability of a holder of a retailer's license to transfer, deliver, or ship alcoholic liquor to the purchaser for use or consumption subject to any applicable local law or ordinance. Any retail license issued to a manufacturer shall only permit the manufacturer to sell beer at retail on the premises actually occupied by the manufacturer. For the purpose of further describing the type of business conducted at a retail licensed premises, a retailer's licensee may be designated by the State Commission as (i) an on premise consumption retailer, (ii) an off premise sale retailer, or (iii) a combined on premise consumption and off premise sale retailer.

Notwithstanding any other provision of this subsection (d), a retail licensee may sell alcoholic liquors to a special event retailer licensee for resale to the extent permitted under subsection (e).

(e) A special event retailer's license (not-for-profit) shall permit the licensee to purchase alcoholic liquors from an Illinois licensed distributor (unless the licensee purchases less than $500 of alcoholic liquors for the special event, in which case the licensee may purchase the alcoholic liquors from a licensed retailer) and shall allow the licensee to sell and offer for sale, at retail, alcoholic liquors for use or consumption, but not for resale in any form and only at the location and on the specific dates designated for the special event in the license. An applicant for a special event retailer license must (i) furnish with the application: (A) a resale number issued under Section 2c of the Retailers' Occupation Tax Act or evidence that the applicant is registered under Section 2a of the Retailers' Occupation Tax Act, (B) a current, valid exemption identification number issued under Section 1g of the Retailers' Occupation Tax Act, and a certification to the Commission that the purchase of alcoholic liquors will be a tax-exempt purchase, or (C) a statement that the applicant is not registered under Section 2a of the Retailers' Occupation Tax Act, does not hold a resale number under Section 2c of the Retailers' Occupation Tax Act, and does not hold an exemption number under Section 1g of the Retailers' Occupation Tax Act, in which event the Commission shall set forth on the special event retailer's license a statement to that effect; (ii)
submit with the application proof satisfactory to the State Commission that
the applicant will provide dram shop liability insurance in the maximum
limits; and (iii) show proof satisfactory to the State Commission that the
applicant has obtained local authority approval.

(f) A railroad license shall permit the licensee to import alcoholic
liquors into this State from any point in the United States outside this State
and to store such alcoholic liquors in this State; to make wholesale
purchases of alcoholic liquors directly from manufacturers, foreign
importers, distributors and importing distributors from within or outside
this State; and to store such alcoholic liquors in this State; provided that
the above powers may be exercised only in connection with the
importation, purchase or storage of alcoholic liquors to be sold or
dispensed on a club, buffet, lounge or dining car operated on an electric,
gas or steam railway in this State; and provided further, that railroad
licensees exercising the above powers shall be subject to all provisions of
Article VIII of this Act as applied to importing distributors. A railroad
license shall also permit the licensee to sell or dispense alcoholic liquors
on any club, buffet, lounge or dining car operated on an electric, gas or
steam railway regularly operated by a common carrier in this State, but
shall not permit the sale for resale of any alcoholic liquors to any licensee
within this State. A license shall be obtained for each car in which such
sales are made.

(g) A boat license shall allow the sale of alcoholic liquor in
individual drinks, on any passenger boat regularly operated as a common
carrier on navigable waters in this State or on any riverboat operated under
the Riverboat Gambling Act, which boat or riverboat maintains a public
dining room or restaurant thereon.

(h) A non-beverage user's license shall allow the licensee to
purchase alcoholic liquor from a licensed manufacturer or importing
distributor, without the imposition of any tax upon the business of such
licensed manufacturer or importing distributor as to such alcoholic liquor
to be used by such licensee solely for the non-beverage purposes set forth
in subsection (a) of Section 8-1 of this Act, and such licenses shall be
divided and classified and shall permit the purchase, possession and use of
limited and stated quantities of alcoholic liquor as follows:

<table>
<thead>
<tr>
<th>Class</th>
<th>Not to Exceed</th>
<th>Gallons</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class 1</td>
<td></td>
<td>500</td>
</tr>
<tr>
<td>Class 2</td>
<td></td>
<td>1,000</td>
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<tr>
<td>Class 3</td>
<td></td>
<td>5,000</td>
</tr>
<tr>
<td>Class 4</td>
<td></td>
<td>10,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Class 5, not to exceed ........................ 50,000 gallons

(i) A wine-maker's premises license shall allow a licensee that concurrently holds a first-class wine-maker's license to sell and offer for sale at retail in the premises specified in such license not more than 50,000 gallons of the first-class wine-maker's wine that is made at the first-class wine-maker's licensed premises per year for use or consumption, but not for resale in any form. A wine-maker's premises license shall allow a licensee who concurrently holds a second-class wine-maker's license to sell and offer for sale at retail in the premises specified in such license up to 100,000 gallons of the second-class wine-maker's wine that is made at the second-class wine-maker's licensed premises per year for use or consumption but not for resale in any form. A wine-maker's premises license shall allow a licensee that concurrently holds a first-class wine-maker's license or a second-class wine-maker's license to sell and offer for sale at retail at the premises specified in the wine-maker's premises license, for use or consumption but not for resale in any form, any beer, wine, and spirits purchased from a licensed distributor. Upon approval from the State Commission, a wine-maker's premises license shall allow the licensee to sell and offer for sale at (i) the wine-maker's licensed premises and (ii) at up to 2 additional locations for use and consumption and not for resale. Each location shall require additional licensing per location as specified in Section 5-3 of this Act. A wine-maker's premises licensee shall secure liquor liability insurance coverage in an amount at least equal to the maximum liability amounts set forth in subsection (a) of Section 6-21 of this Act.

(j) An airplane license shall permit the licensee to import alcoholic liquors into this State from any point in the United States outside this State and to store such alcoholic liquors in this State; to make wholesale purchases of alcoholic liquors directly from manufacturers, foreign importers, distributors and importing distributors from within or outside this State; and to store such alcoholic liquors in this State; provided that the above powers may be exercised only in connection with the importation, purchase or storage of alcoholic liquors to be sold or dispensed on an airplane; and provided further, that airplane licensees exercising the above powers shall be subject to all provisions of Article VIII of this Act as applied to importing distributors. An airplane licensee shall also permit the sale or dispensing of alcoholic liquors on any passenger airplane regularly operated by a common carrier in this State, but shall not permit the sale for resale of any alcoholic liquors to any

New matter indicated by italics - deletions by strikeout
licensee within this State. A single airplane license shall be required of an airline company if liquor service is provided on board aircraft in this State. The annual fee for such license shall be as determined in Section 5-3.

(k) A foreign importer's license shall permit such licensee to purchase alcoholic liquor from Illinois licensed non-resident dealers only, and to import alcoholic liquor other than in bulk from any point outside the United States and to sell such alcoholic liquor to Illinois licensed importing distributors and to no one else in Illinois; provided that (i) the foreign importer registers with the State Commission every brand of alcoholic liquor that it proposes to sell to Illinois licensees during the license period, (ii) the foreign importer complies with all of the provisions of Section 6-9 of this Act with respect to registration of such Illinois licensees as may be granted the right to sell such brands at wholesale, and (iii) the foreign importer complies with the provisions of Sections 6-5 and 6-6 of this Act to the same extent that these provisions apply to manufacturers.

(l) (i) A broker's license shall be required of all persons who solicit orders for, offer to sell or offer to supply alcoholic liquor to retailers in the State of Illinois, or who offer to retailers to ship or cause to be shipped or to make contact with distillers, rectifiers, brewers or manufacturers or any other party within or without the State of Illinois in order that alcoholic liquors be shipped to a distributor, importing distributor or foreign importer, whether such solicitation or offer is consummated within or without the State of Illinois.

No holder of a retailer's license issued by the Illinois Liquor Control Commission shall purchase or receive any alcoholic liquor, the order for which was solicited or offered for sale to such retailer by a broker unless the broker is the holder of a valid broker's license.

The broker shall, upon the acceptance by a retailer of the broker's solicitation of an order or offer to sell or supply or deliver or have delivered alcoholic liquors, promptly forward to the Illinois Liquor Control Commission a notification of said transaction in such form as the Commission may by regulations prescribe.

(ii) A broker's license shall be required of a person within this State, other than a retail licensee, who, for a fee or commission, promotes, solicits, or accepts orders for alcoholic liquor, for use or consumption and not for resale, to be shipped from this State and delivered to residents outside of this State by an express company, common carrier, or contract carrier. This Section does not apply to any person who promotes, solicits,
or accepts orders for wine as specifically authorized in Section 6-29 of this Act.

A broker's license under this subsection (l) shall not entitle the holder to buy or sell any alcoholic liquors for his own account or to take or deliver title to such alcoholic liquors.

This subsection (l) shall not apply to distributors, employees of distributors, or employees of a manufacturer who has registered the trademark, brand or name of the alcoholic liquor pursuant to Section 6-9 of this Act, and who regularly sells such alcoholic liquor in the State of Illinois only to its registrants thereunder.

Any agent, representative, or person subject to registration pursuant to subsection (a-1) of this Section shall not be eligible to receive a broker's license.

(m) A non-resident dealer's license shall permit such licensee to ship into and warehouse alcoholic liquor into this State from any point outside of this State, and to sell such alcoholic liquor to Illinois licensed foreign importers and importing distributors and to no one else in this State; provided that (i) said non-resident dealer shall register with the Illinois Liquor Control Commission each and every brand of alcoholic liquor which it proposes to sell to Illinois licensees during the license period, (ii) it shall comply with all of the provisions of Section 6-9 hereof with respect to registration of such Illinois licensees as may be granted the right to sell such brands at wholesale, and (iii) the non-resident dealer shall comply with the provisions of Sections 6-5 and 6-6 of this Act to the same extent that these provisions apply to manufacturers.

(n) A brew pub license shall allow the licensee to only (i) manufacture up to 155,000 gallons of beer per year only on the premises specified in the license, (ii) make sales of the beer manufactured on the premises or, with the approval of the Commission, beer manufactured on another brew pub licensed premises that is wholly owned and operated by the same licensee to importing distributors, distributors, and to non-licensees for use and consumption, (iii) store the beer upon the premises, (iv) sell and offer for sale at retail from the licensed premises for off-premises consumption no more than 155,000 gallons per year so long as such sales are only made in-person, (v) sell and offer for sale at retail for use and consumption on the premises specified in the license any form of alcoholic liquor purchased from a licensed distributor or importing distributor, and (vi) with the prior approval of the Commission, annually transfer no more than 155,000 gallons of beer manufactured on the
premises to a licensed brew pub wholly owned and operated by the same licensee.

A brew pub licensee shall not under any circumstance sell or offer for sale beer manufactured by the brew pub licensee to retail licensees.

A person who holds a class 2 brewer license may simultaneously hold a brew pub license if the class 2 brewer (i) does not, under any circumstance, sell or offer for sale beer manufactured by the class 2 brewer to retail licensees; (ii) does not hold more than 3 brew pub licenses in this State; (iii) does not manufacture more than a combined 3,720,000 gallons of beer per year, including the beer manufactured at the brew pub; and (iv) is not a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 3,720,000 gallons of beer per year or any other alcoholic liquor.

Notwithstanding any other provision of this Act, a licensed brewer, class 2 brewer, or non-resident dealer who before July 1, 2015 manufactured less than 3,720,000 gallons of beer per year and held a brew pub license on or before July 1, 2015 may (i) continue to qualify for and hold that brew pub license for the licensed premises and (ii) manufacture more than 3,720,000 gallons of beer per year and continue to qualify for and hold that brew pub license if that brewer, class 2 brewer, or non-resident dealer does not simultaneously hold a class 1 brewer license and is not a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 3,720,000 gallons of beer per year or that produces any other alcoholic liquor.

(o) A caterer retailer license shall allow the holder to serve alcoholic liquors as an incidental part of a food service that serves prepared meals which excludes the serving of snacks as the primary meal, either on or off-site whether licensed or unlicensed.

(p) An auction liquor license shall allow the licensee to sell and offer for sale at auction wine and spirits for use or consumption, or for resale by an Illinois liquor licensee in accordance with provisions of this Act. An auction liquor license will be issued to a person and it will permit the auction liquor licensee to hold the auction anywhere in the State. An auction liquor license must be obtained for each auction at least 14 days in advance of the auction date.

(q) A special use permit license shall allow an Illinois licensed retailer to transfer a portion of its alcoholic liquor inventory from its retail licensed premises to the premises specified in the license hereby created, and to sell or offer for sale at retail, only in the premises specified in the
license hereby created, the transferred alcoholic liquor for use or consumption, but not for resale in any form. A special use permit license may be granted for the following time periods: one day or less; 2 or more days to a maximum of 15 days per location in any 12 month period. An applicant for the special use permit license must also submit with the application proof satisfactory to the State Commission that the applicant will provide dram shop liability insurance to the maximum limits and have local authority approval.

(r) A winery shipper's license shall allow a person with a first-class or second-class wine manufacturer's license, a first-class or second-class wine-maker's license, or a limited wine manufacturer's license or who is licensed to make wine under the laws of another state to ship wine made by that licensee directly to a resident of this State who is 21 years of age or older for that resident's personal use and not for resale. Prior to receiving a winery shipper's license, an applicant for the license must provide the Commission with a true copy of its current license in any state in which it is licensed as a manufacturer of wine. An applicant for a winery shipper's license must also complete an application form that provides any other information the Commission deems necessary. The application form shall include an acknowledgement consenting to the jurisdiction of the Commission, the Illinois Department of Revenue, and the courts of this State concerning the enforcement of this Act and any related laws, rules, and regulations, including authorizing the Department of Revenue and the Commission to conduct audits for the purpose of ensuring compliance with Public Act 95-634 this amendatory Act.

A winery shipper licensee must pay to the Department of Revenue the State liquor gallonage tax under Section 8-1 for all wine that is sold by the licensee and shipped to a person in this State. For the purposes of Section 8-1, a winery shipper licensee shall be taxed in the same manner as a manufacturer of wine. A licensee who is not otherwise required to register under the Retailers' Occupation Tax Act must register under the Use Tax Act to collect and remit use tax to the Department of Revenue for all gallons of wine that are sold by the licensee and shipped to persons in this State. If a licensee fails to remit the tax imposed under this Act in accordance with the provisions of Article VIII of this Act, the winery shipper's license shall be revoked in accordance with the provisions of Article VII of this Act. If a licensee fails to properly register and remit tax under the Use Tax Act or the Retailers' Occupation Tax Act for all wine that is sold by the winery shipper and shipped to persons in this State, the

New matter indicated by italics - deletions by strikeout
A winery shipper's license shall be revoked in accordance with the provisions of Article VII of this Act.

A winery shipper licensee must collect, maintain, and submit to the Commission on a semi-annual basis the total number of cases per resident of wine shipped to residents of this State. A winery shipper licensed under this subsection (r) must comply with the requirements of Section 6-29 of this amendatory Act.

Pursuant to paragraph (5.1) or (5.3) of subsection (a) of Section 3-12, the State Commission may receive, respond to, and investigate any complaint and impose any of the remedies specified in paragraph (1) of subsection (a) of Section 3-12.

(s) A craft distiller tasting permit license shall allow an Illinois licensed craft distiller to transfer a portion of its alcoholic liquor inventory from its craft distiller licensed premises to the premises specified in the license hereby created and to conduct a sampling, only in the premises specified in the license hereby created, of the transferred alcoholic liquor in accordance with subsection (c) of Section 6-31 of this Act. The transferred alcoholic liquor may not be sold or resold in any form. An applicant for the craft distiller tasting permit license must also submit with the application proof satisfactory to the State Commission that the applicant will provide dram shop liability insurance to the maximum limits and have local authority approval.

(Source: P.A. 98-394, eff. 8-16-13; 98-401, eff. 8-16-13; 98-756, eff. 7-16-14; 99-448, eff. 8-24-15; revised 10-27-15.)

(235 ILCS 5/5-3) (from Ch. 43, par. 118)

Sec. 5-3. License fees. Except as otherwise provided herein, at the time application is made to the State Commission for a license of any class, the applicant shall pay to the State Commission the fee hereinafter provided for the kind of license applied for.

The fee for licenses issued by the State Commission shall be as follows:

For a manufacturer's license:
Class 1. Distiller .............................  $3,600
Class 2. Rectifier .............................  3,600
Class 3. Brewer ...............................  900
Class 4. First-class Wine Manufacturer .......  600
Class 5. Second-class
      Wine Manufacturer ..........................  1,200
Class 6. First-class wine-maker ..............  600

New matter indicated by italics - deletions by strikeout
Class 7. Second-class wine-maker ..........  1200
Class 8. Limited Wine Manufacturer..........  120
Class 9. Craft Distiller.......................  1,800
Class 10. Class 1 Brewer.......................  25
Class 11. Class 2 Brewer.......................  25
For a Brew Pub License .......................  1,050
For a caterer retailer's license..............  200
For a foreign importer's license ..........  25
For an importing distributor's license ......  25
For a distributor's license ..................  270
For a non-resident dealer's license
(500,000 gallons or over) .....................  270
For a non-resident dealer's license
(under 500,000 gallons) ....................  90
For a wine-maker's premises license ........  100
For a winery shipper's license
(under 250,000 gallons).....................  150
For a winery shipper's license
(250,000 or over, but under 500,000 gallons).  500
For a winery shipper's license
(500,000 gallons or over) ...................  1,000
For a wine-maker's premises license,
second location ..............................  350
For a wine-maker's premises license,
third location ..............................  350
For a retailer's license .......................  500
For a special event retailer's license,
(not-for-profit) ..............................  25
For a special use permit license,
one day only .................................  50
2 days or more ..............................  100
For a railroad license .........................  60
For a boat license ................-----------  180
For an airplane license, times the
licensee's maximum number of aircraft
in flight, serving liquor over the
State at any given time, which either
originate, terminate, or make
an intermediate stop in the State ..........  60

New matter indicated by italics - deletions by strikeout
For a non-beverage user's license:

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<thead>
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<th>Class</th>
<th>Fee</th>
</tr>
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<tbody>
<tr>
<td>Class 1</td>
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<tr>
<td>Class 2</td>
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<tr>
<td>Class 3</td>
<td>120</td>
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<tr>
<td>Class 4</td>
<td>240</td>
</tr>
<tr>
<td>Class 5</td>
<td>600</td>
</tr>
</tbody>
</table>

For a broker's license .................................. 600
For an auction liquor license ......................... 50
For a homebrewer special event permit............... 25
*For a craft distiller tasting permit*.............. 25

Fees collected under this Section shall be paid into the Dram Shop Fund. On and after July 1, 2003, of the funds received for a retailer's license, in addition to the first $175, an additional $75 shall be paid into the Dram Shop Fund, and $250 shall be paid into the General Revenue Fund. Beginning June 30, 1990 and on June 30 of each subsequent year through June 29, 2003, any balance over $5,000,000 remaining in the Dram Shop Fund shall be credited to State liquor licensees and applied against their fees for State liquor licenses for the following year. The amount credited to each licensee shall be a proportion of the balance in the Dram Fund that is the same as the proportion of the license fee paid by the licensee under this Section for the period in which the balance was accumulated to the aggregate fees paid by all licensees during that period.

No fee shall be paid for licenses issued by the State Commission to the following non-beverage users:

(a) Hospitals, sanitariums, or clinics when their use of alcoholic liquor is exclusively medicinal, mechanical or scientific.

(b) Universities, colleges of learning or schools when their use of alcoholic liquor is exclusively medicinal, mechanical or scientific.

(c) Laboratories when their use is exclusively for the purpose of scientific research.

(Source: P.A. 98-55, eff. 7-5-13; 99-448, eff. 8-24-15.)

(235 ILCS 5/6-4) (from Ch. 43, par. 121)

Sec. 6-4. (a) No person licensed by any licensing authority as a distiller, or a wine manufacturer, or any subsidiary or affiliate thereof, or any officer, associate, member, partner, representative, employee, agent or shareholder owning more than 5% of the outstanding shares of such person shall be issued an importing distributor's or distributor's license, nor shall any person licensed by any licensing authority as an importing

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distributor, distributor or retailer, or any subsidiary or affiliate thereof, or any officer or associate, member, partner, representative, employee, agent or shareholder owning more than 5% of the outstanding shares of such person be issued a distiller's license, craft distiller's license, or a wine manufacturer's license; and no person or persons licensed as a distiller or craft distiller by any licensing authority shall have any interest, directly or indirectly, with such distributor or importing distributor.

However, an importing distributor or distributor, which on January 1, 1985 is owned by a brewer, or any subsidiary or affiliate thereof or any officer, associate, member, partner, representative, employee, agent or shareholder owning more than 5% of the outstanding shares of the importing distributor or distributor referred to in this paragraph, may own or acquire an ownership interest of more than 5% of the outstanding shares of a wine manufacturer and be issued a wine manufacturer's license by any licensing authority.

(b) The foregoing provisions shall not apply to any person licensed by any licensing authority as a distiller or wine manufacturer, or to any subsidiary or affiliate of any distiller or wine manufacturer who shall have been heretofore licensed by the State Commission as either an importing distributor or distributor during the annual licensing period expiring June 30, 1947, and shall actually have made sales regularly to retailers.

(c) Provided, however, that in such instances where a distributor's or importing distributor's license has been issued to any distiller or wine manufacturer or to any subsidiary or affiliate of any distiller or wine manufacturer who has, during the licensing period ending June 30, 1947, sold or distributed as such licensed distributor or importing distributor alcoholic liquors and wines to retailers, such distiller or wine manufacturer or any subsidiary or affiliate of any distiller or wine manufacturer holding such distributor's or importing distributor's license may continue to sell or distribute to retailers such alcoholic liquors and wines which are manufactured, distilled, processed or marketed by distillers and wine manufacturers whose products it sold or distributed to retailers during the whole or any part of its licensing periods; and such additional brands and additional products may be added to the line of such distributor or importing distributor, provided, that such brands and such products were not sold or distributed by any distributor or importing distributor licensed by the State Commission during the licensing period ending June 30, 1947, but can not sell or distribute to retailers any other alcoholic liquors or wines.

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(d) It shall be unlawful for any distiller licensed anywhere to have any stock ownership or interest in any distributor's or importing distributor's license wherein any other person has an interest therein who is not a distiller and does not own more than 5% of any stock in any distillery. Nothing herein contained shall apply to such distillers or their subsidiaries or affiliates, who had a distributor's or importing distributor's license during the licensing period ending June 30, 1947, which license was owned in whole by such distiller, or subsidiaries or affiliates of such distiller.

(e) Any person licensed as a brewer, class 1 brewer, or class 2 brewer shall be permitted to sell on the licensed premises to non-licensees for on or off-premises consumption for the premises in which he or she actually conducts such business beer manufactured by the brewer, class 1 brewer, or class 2 brewer. Such sales shall be limited to on-premises, in-person sales only, for lawful consumption on or off premises. Such authorization shall be considered a privilege granted by the brewer license and, other than a manufacturer of beer as stated above, no manufacturer or distributor or importing distributor, excluding airplane licensees exercising powers provided in paragraph (i) of Section 5-1 of this Act, or any subsidiary or affiliate thereof, or any officer, associate, member, partner, representative, employee or agent, or shareholder shall be issued a retailer's license, nor shall any person having a retailer's license, excluding airplane licensees exercising powers provided in paragraph (i) of Section 5-1 of this Act, or any subsidiary or affiliate thereof, or any officer, associate, member, partner, representative or agent, or shareholder be issued a manufacturer's license or importing distributor's license.

A person who holds a class 1 or class 2 brewer license and is authorized by this Section to sell beer to non-licensees shall not sell beer to non-licensees from more than 3 total brewer or commonly owned brew pub licensed locations in this State. The class 1 or class 2 brewer shall designate to the State Commission the brewer or brew pub locations from which it will sell beer to non-licensees.

A person licensed as a craft distiller, including a person who holds more than one craft distiller license, not affiliated with any other person manufacturing spirits may be authorized by the Commission to sell up to 2,500 gallons of spirits produced by the person to non-licensees for on or off-premises consumption for the premises in which he or she actually conducts business permitting only the retail sale of spirits manufactured at such premises. Such sales shall be limited to on-premises, in-person sales.
only, for lawful consumption on or off premises, and such authorization shall be considered a privilege granted by the craft distiller license. A craft distiller licensed for retail sale shall secure liquor liability insurance coverage in an amount at least equal to the maximum liability amounts set forth in subsection (a) of Section 6-21 of this Act.

A craft distiller license holder shall not deliver any alcoholic liquor to any non-licensee off the licensed premises. A craft distiller shall affirm in its annual craft distiller's license application that it does not produce more than 100,000 gallons of distilled spirits annually and that the craft distiller does not sell more than 2,500 gallons of spirits to non-licensees for on or off-premises consumption. In the application, which shall be sworn under penalty of perjury, the craft distiller shall state the volume of production and sales for each year since the craft distiller's establishment.

(f) (Blank).

(g) Notwithstanding any of the foregoing prohibitions, a limited wine manufacturer may sell at retail at its manufacturing site for on or off premises consumption and may sell to distributors. A limited wine manufacturer licensee shall secure liquor liability insurance coverage in an amount at least equal to the maximum liability amounts set forth in subsection (a) of Section 6-21 of this Act.

(h) The changes made to this Section by Public Act 99-47 this amendatory Act of the 99th General Assembly shall not diminish or impair the rights of any person, whether a distiller, wine manufacturer, agent, or affiliate thereof, who requested in writing and submitted documentation to the State Commission on or before February 18, 2015 to be approved for a retail license pursuant to what has heretofore been subsection (f); provided that, on or before that date, the State Commission considered the intent of that person to apply for the retail license under that subsection and, by recorded vote, the State Commission approved a resolution indicating that such a license application could be lawfully approved upon that person duly filing a formal application for a retail license and if that person, within 90 days of the State Commission appearance and recorded vote, first filed an application with the appropriate local commission, which application was subsequently approved by the appropriate local commission prior to consideration by the State Commission of that person's application for a retail license. It is further provided that the State Commission may approve the person's application for a retail license or renewals of such license if such person continues to diligently adhere to all

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representations made in writing to the State Commission on or before February 18, 2015, or thereafter, or in the affidavit filed by that person with the State Commission to support the issuance of a retail license and to abide by all applicable laws and duly adopted rules.

(Source: P.A. 99-47, eff. 7-15-15; 99-448, eff. 8-24-15; revised 10-30-15.)

(235 ILCS 5/6-31)

Sec. 6-31. Product sampling.

(a) Retailer, distributor, importing distributor, manufacturer and nonresident dealer licensees may conduct product sampling for consumption at a licensed retail location. Up to 3 samples, consisting of no more than (i) 1/4 ounce of distilled spirits, (ii) one ounce of wine, or (iii) 2 ounces of beer may be served to a consumer in one day.

(b) Notwithstanding the provisions of subsection (a), an on-premises retail licensee may offer for sale and serve more than one drink per person for sampling purposes. In any event, all provisions of Section 6-28 shall apply to an on-premises retail licensee that conducts product sampling.

(c) A craft distiller tasting permit licensee may conduct product sampling of distilled spirits for consumption at the location specified in the craft distiller tasting permit license. Up to 3 samples, consisting of no more than 1/4 ounce of distilled spirits, may be served to a consumer in one day.

(Source: P.A. 99-46, eff. 7-15-15.)

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

Approved August 26, 2016.
Effective August 26, 2016.

PUBLIC ACT 99-0903
(Senate Bill No. 2804)

AN ACT concerning civil law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Wage Assignment Act is amended by changing Sections 2, 2.1, 2.2, 4.1, and 4.2 as follows:

(740 ILCS 170/2) (from Ch. 48, par. 39.2)

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Sec. 2. Demand on an employer for the wages of wage-earner by virtue of a wage assignment may not be served on the employer unless:

(1) There has been a default of more than 40 days in payment of the indebtedness secured by the assignment and the default has continued to the date of the demand;

(2) The demand contains a correct statement as to the amount the wage-earner is in default and the original or a photocopy of the assignment is exhibited to the employer; and

(3) Not less than 20 days before serving the demand, notice required under Section 2.2 a notice of intention to make the demand has been served upon the employee, and an advice copy sent to the employer, by 2 methods: (i) first class mail; and (ii) registered or certified mail.

Service of any demand without complying with this Section has no legal effect. Proof of certified mail is prima facie evidence of service.

A demand under this Section applies only to wages due at the time of service of the demand and upon subsequent wages until the total amount due under the assignment is paid, or, if the wage assignment is revocable under federal law, until the employee revokes it or until the expiration of the employer's payroll period ending immediately prior to 84 days after service of such demand, whichever first occurs.

(Source: P.A. 88-395.)

(740 ILCS 170/2.1) (from Ch. 48, par. 39.2a)

Sec. 2.1. A demand shall be in the following form:

"Demand is hereby made upon an assignment of salary, wages, commissions or other compensation for services, executed by .... and delivered to .... on (insert date), to secure a debt contracted on (insert date).

The total amount of the debt is $..... Payments in the amount of $.... have been made. The duration of the contract is .... months. There is now due and owing without acceleration the sum of $...., the last payment having been made on (insert date).

The employee herein named has been in default in his payments in the amount of $...., of which $.... has been due and owing for more than 40 days.

Unless you have received a written notice from the employee herein named revoking the wage assignment within the past 20 days, or do receive within 5 days after the service hereof, a notice of defense from the employee herein named, you are required by law to make payment in
accordance with such assignment. ...., first being duly sworn, deposes and says that the facts stated in the demand above are true and correct; and further deposes and says that he (or his principal, if he is an agent for the assignee) has not received notice from the debtor that he or she is revoking the wage assignment or notice of any defenses of the debtor.

Payments must be made until the total amount due under the assignment is paid or until the employee revokes the wage assignment.

Subscribed and sworn to before me on (insert date).

Notary Public".

(Source: P.A. 91-357, eff. 7-29-99.)

(740 ILCS 170/2.2) (from Ch. 48, par. 39.2b)

Sec. 2.2. Forms; notice of intent to assign wages; revocation.

(a) The notice to an employee required by Section 2 shall be in the following form:

"NOTICE OF INTENT TO ASSIGN WAGES

This notice is required by the Illinois Wage Assignment Act. The notice has been sent to tell you that a creditor (name and address listed below) plans to have your wages assigned. A wage assignment is a document you signed at the time you signed the contract for your debt. It authorizes your creditor to receive a portion of your wages directly from your employer, in order to pay your debt. This notice contains important information about the debt and what your options are. You should read the entire notice carefully.

WHY THE CREDITOR WANTS TO ASSIGN YOUR WAGES

You signed a wage assignment on ....... (date) ....... The wage assignment was signed as security if you failed to make payment on the contract you signed on ......... (date) ........... A copy of the wage assignment is attached. The creditor's records show that you have not made a payment since ......... (date) ...... and that you now owe $........ on the contract. The creditor will send a demand for wages to your employer 20 days from the date you receive this.

WHAT YOU CAN DO TO PREVENT YOUR WAGES FROM BEING ASSIGNED

If you have a legal defense to the wage assignment you can stop the wage assignment by filling out the enclosed Notice of Defense Form and (1) sending it to the creditor by registered or certified mail and (2) giving a copy to your employer. You must do those 2 things within 20 days of

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receiving this notice. You have the right to contact an attorney concerning
the wage assignment. In the event a false defense is made, you will be
subject to payment of attorneys’ fees, court costs and other expenses.
The creditor’s name, and address, and phone number are:

.................................
.................................
.................................

(Signed by)"

(b) If the wage assignment is revocable under federal law, the
notice required under subsection (a) shall also include the following:

UNDERSTANDING YOUR CHOICES UNDER THE ILLINOIS WAGE
ASSIGNMENT ACT

There are options available to you in this process. You should
consider your options and determine the one that is best for you. You have
the right to contact an attorney at any point concerning the wage
assignment, or to help you determine your best option.

Your options include:

(1) You can stop the wage assignment at any time, which
will stop your wages from being deducted. It will not eliminate
your debt, and interest may continue to accrue. You may contact
your creditor for more information about the interest rate on your
contract, and to determine how much interest might accrue if you
stop the wage assignment.

Your creditor will still be able to pursue other means of
collecting any debt you may owe, including filing a lawsuit against
you for the full amount owed under the contract and any interest
that might accrue. A lawsuit might result in you owing legal fees
and other costs.

You can stop the wage assignment by filling out the
enclosed Revocation Notice Form, or by writing a letter stating
that you are revoking the wage assignment. Send the Revocation
Notice Form or letter by registered or certified mail to the
creditor, at the address listed above. It is highly recommended that
you give a copy of the Revocation Notice Form or letter to your
employer so your employer can stop any pending payments.

If you choose to write a letter, it should be addressed to the
creditor, and should include:

(i) your name;

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(ii) the account number; and

(iii) a statement that you are revoking the wage assignment, such as, "I am revoking the wage assignment."

Even if the wage assignment has already begun, you can still stop it now or at any point in the future.

(2) You can do nothing, and allow the wage assignment process to proceed. Starting in 20 days, part of your wages will be sent directly to the creditor to pay off your debt. This will reduce your take-home pay every pay period until the total amount of the debt is repaid.

Up to 15% of your wages will be sent to the creditor every pay period. Once the total amount is repaid, the creditor will send a notice to you and to your employer that includes the creditor's name, your name, and the account number, stating that the wage assignment is closed and no further wages should be assigned.

(3) You can contact your creditor to repay the debt, or to explore other options, including a repayment plan or refinancing, if available. You can contact your creditor at the address and phone number listed above.

If you agree on another repayment option with your creditor, the creditor will send a notice to your employer stating that your wages should not be assigned.

(c) If the wage assignment is revocable under federal law, the notice required under subsection (b) shall be accompanied by the following Revocation Notice Form, with the relevant information inserted by the creditor:

"REVOCATION NOTICE
The employee's name and address are:


The creditor's name and address are:


Re: (insert account number)

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I, (insert name), hereby revoke the wage assignment I signed on (insert date the wage assignment was signed). You no longer have my permission to use this wage assignment.

Signed by
(Date)

(Signed by) (Date)"

(Source: P.A. 83-867.)

(740 ILCS 170/4.1) (from Ch. 48, par. 39.4a)

Sec. 4.1. Revocation of wage assignment. If the wage assignment is revocable under federal law, the employee may revoke the wage assignment at any time by submitting the Revocation Notice Form as provided in subsection (c) of Section 2.2 of this Act or otherwise providing written notice of revocation to the creditor. Revocation is effective regardless of how the creditor receives it. Failure to use the sample language provided in the notice described in Section 2.2 does not affect the validity of the written notice of revocation. The employee may submit a copy of the notice to his or her employer. If the written notice of revocation is served upon the creditor prior to the creditor's service of demand upon the employer, the demand shall not be served. Within 20 days after receiving the notice required by Section 2 or within 5 days after service of the demand, the employee may notify his employer, in writing, of any defense he may have to the wage assignment. A copy of such notice shall be served upon the creditor by registered or certified mail. If served upon the creditor prior to the creditor's service of demand upon the employer, such demand shall not be served by the creditor. The notice shall be by affidavit and shall be in substantially the following form:

"I, ..., hereby (swear) (affirm) that I have a bona fide defense to the claim of ..., which claim is based on a debt contracted on (insert date), and for security on which debt a wage assignment was executed:

........................................
Address for service of summons

........................................
Employee

Subscribed and sworn to before me on (insert date):

........................................"

Notary Public

(Source: P.A. 91-357, eff. 7-29-99.)

(740 ILCS 170/4.2) (from Ch. 48, par. 39.4b)

Sec. 4.2.

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If the employee has not served a Revocation Notice Form as provided in Section 4.1 of this Act or has not otherwise served the creditor with a written notice of revocation (if the wage assignment is revocable under federal law) given notice of defense as provided in this Act within 20 days after receiving the notice of intention to make a demand, the creditor may proceed with his demand, and the employer shall commence payment to the creditor not sooner than 5 business days after service of such demand, if no revocation notice has been received by the employer unless a notice of defense is received within that 5-day period. If the employee cures the default stated in the demand or revokes the wage assignment, the creditor shall notify the employer and release the demand. No employer shall be liable for payments made in compliance with this Section.

If a Revocation Notice Form as set forth in Section 4.1 of this Act or other written notice of revocation from the employee is received by an employer, if a notice of defense is received by an employer within the period specified in Section 4.1, no wages are subject to a demand served by the creditor for that wage assignment and the employer shall cease any deduction of wages currently taking place for that wage assignment, described in that notice of defense; unless the employer receives a copy of a subsequent written agreement between the creditor and employee authorizing such payments. If such an agreement is not reached, the creditor may not institute further proceedings on the wage assignment. If a notice of defense has been given, service of summons in any subsequent proceeding on the debt for which the wage assignment was given as security may be made by registered or certified mail.

(Source: Laws 1967, p. 2049.)


PUBLIC ACT 99-0904
(Senate Bill No. 2989)

AN ACT concerning liquor.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

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Section 5. The Liquor Control Act of 1934 is amended by changing Sections 5-1, 5-3, 6-29.1, and 10-1 as follows:

(235 ILCS 5/5-1) (from Ch. 43, par. 115)

Sec. 5-1. Licenses issued by the Illinois Liquor Control Commission shall be of the following classes:


(b) Distributor's license,

(c) Importing Distributor's license,

(d) Retailer's license,

(e) Special Event Retailer's license (not-for-profit),

(f) Railroad license,

(g) Boat license,

(h) Non-Beverage User's license,

(i) Wine-maker's premises license,

(j) Airplane license,

(k) Foreign importer's license,

(l) Broker's license,

(m) Non-resident dealer's license,

(n) Brew Pub license,

(o) Auction liquor license,

(p) Caterer retailer license,

(q) Special use permit license,

(r) Winery shipper's license.

No person, firm, partnership, corporation, or other legal business entity that is engaged in the manufacturing of wine may concurrently obtain and hold a wine-maker's license and a wine manufacturer's license.

(a) A manufacturer's license shall allow the manufacture, importation in bulk, storage, distribution and sale of alcoholic liquor to persons without the State, as may be permitted by law and to licensees in this State as follows:

Class 1. A Distiller may make sales and deliveries of alcoholic liquor to distillers, rectifiers, importing distributors, distributors and non-beverage users and to no other licensees.

Class 2. A Rectifier, who is not a distiller, as defined herein, may make sales and deliveries of alcoholic liquor to rectifiers, importing

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distributors, distributors, retailers and non-beverage users and to no other licensees.

Class 3. A Brewer may make sales and deliveries of beer to importing distributors and distributors and may make sales as authorized under subsection (e) of Section 6-4 of this Act.

Class 4. A first class wine-manufacturer may make sales and deliveries of up to 50,000 gallons of wine to manufacturers, importing distributors and distributors, and to no other licensees.

Class 5. A second class Wine manufacturer may make sales and deliveries of more than 50,000 gallons of wine to manufacturers, importing distributors and distributors and to no other licensees.

Class 6. A first-class wine-maker's license shall allow the manufacture of up to 50,000 gallons of wine per year, and the storage and sale of such wine to distributors in the State and to persons without the State, as may be permitted by law. A person who, prior to June 1, 2008 (the effective date of Public Act 95-634) this amendatory Act of the 95th General Assembly, is a holder of a first-class wine-maker's license and annually produces more than 25,000 gallons of its own wine and who distributes its wine to licensed retailers shall cease this practice on or before July 1, 2008 in compliance with Public Act 95-634 this amendatory Act of the 95th General Assembly.

Class 7. A second-class wine-maker's license shall allow the manufacture of between 50,000 and 150,000 gallons of wine per year, and the storage and sale of such wine to distributors in this State and to persons without the State, as may be permitted by law. A person who, prior to June 1, 2008 (the effective date of Public Act 95-634) this amendatory Act of the 95th General Assembly, is a holder of a second-class wine-maker's license and annually produces more than 25,000 gallons of its own wine and who distributes its wine to licensed retailers shall cease this practice on or before July 1, 2008 in compliance with Public Act 95-634 this amendatory Act of the 95th General Assembly.

Class 8. A limited wine-manufacturer may make sales and deliveries not to exceed 40,000 gallons of wine per year to distributors, and to non-licensees in accordance with the provisions of this Act.

Class 9. A craft distiller license shall allow the manufacture of up to 30,000 gallons of spirits by distillation for one year after March 1, 2013 (the effective date of Public Act 97-1166) this amendatory Act of the 97th General Assembly and up to 35,000 gallons of spirits by distillation per year thereafter and the storage of such spirits. If a craft distiller licensee is

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not affiliated with any other manufacturer, then the craft distiller licensee
may sell such spirits to distributors in this State and up to 2,500 gallons of
such spirits to non-licensees to the extent permitted by any exemption
approved by the Commission pursuant to Section 6-4 of this Act.

Any craft distiller licensed under this Act who on July 28, 2010
(the effective date of Public Act 96-1367) was licensed as a distiller and manufactured no more
spirits than permitted by this Section shall not be required to pay the initial
licensing fee.

Class 10. A class 1 brewer license, which may only be issued to a
licensed brewer or licensed non-resident dealer, shall allow the
manufacture of up to 930,000 gallons of beer per year provided that the
class 1 brewer licensee does not manufacture more than a combined
930,000 gallons of beer per year and is not a member of or affiliated with,
directly or indirectly, a manufacturer that produces more than 930,000
gallons of beer per year or any other alcoholic liquor. A class 1 brewer
licensee may make sales and deliveries to importing distributors and
distributors and to retail licensees in accordance with the conditions set
forth in paragraph (18) of subsection (a) of Section 3-12 of this Act.

Class 11. A class 2 brewer license, which may only be issued to a
licensed brewer or licensed non-resident dealer, shall allow the
manufacture of up to 3,720,000 gallons of beer per year provided that the
class 2 brewer licensee does not manufacture more than a combined
3,720,000 gallons of beer per year and is not a member of or affiliated
with, directly or indirectly, a manufacturer that produces more than
3,720,000 gallons of beer per year or any other alcoholic liquor. A class 2
brewer licensee may make sales and deliveries to importing distributors
and distributors, but shall not make sales or deliveries to any other
licensee. If the State Commission provides prior approval, a class 2 brewer
licensee may annually transfer up to 3,720,000 gallons of beer
manufactured by that class 2 brewer licensee to the premises of a licensed
class 2 brewer wholly owned and operated by the same licensee.

(a-1) A manufacturer which is licensed in this State to make sales
or deliveries of alcoholic liquor to licensed distributors or importing
distributors and which enlists agents, representatives, or individuals acting
on its behalf who contact licensed retailers on a regular and continual basis
in this State must register those agents, representatives, or persons acting
on its behalf with the State Commission.
Registration of agents, representatives, or persons acting on behalf of a manufacturer is fulfilled by submitting a form to the Commission. The form shall be developed by the Commission and shall include the name and address of the applicant, the name and address of the manufacturer he or she represents, the territory or areas assigned to sell to or discuss pricing terms of alcoholic liquor, and any other questions deemed appropriate and necessary. All statements in the forms required to be made by law or by rule shall be deemed material, and any person who knowingly misstates any material fact under oath in an application is guilty of a Class B misdemeanor. Fraud, misrepresentation, false statements, misleading statements, evasions, or suppression of material facts in the securing of a registration are grounds for suspension or revocation of the registration. The State Commission shall post a list of registered agents on the Commission's website.

(b) A distributor's license shall allow the wholesale purchase and storage of alcoholic liquors and sale of alcoholic liquors to licensees in this State and to persons without the State, as may be permitted by law.

(c) An importing distributor's license may be issued to and held by those only who are duly licensed distributors, upon the filing of an application by a duly licensed distributor, with the Commission and the Commission shall, without the payment of any fee, immediately issue such importing distributor's license to the applicant, which shall allow the importation of alcoholic liquor by the licensee into this State from any point in the United States outside this State, and the purchase of alcoholic liquor in barrels, casks or other bulk containers and the bottling of such alcoholic liquors before resale thereof, but all bottles or containers so filled shall be sealed, labeled, stamped and otherwise made to comply with all provisions, rules and regulations governing manufacturers in the preparation and bottling of alcoholic liquors. The importing distributor's license shall permit such licensee to purchase alcoholic liquor from Illinois licensed non-resident dealers and foreign importers only.

(d) A retailer's license shall allow the licensee to sell and offer for sale at retail, only in the premises specified in the license, alcoholic liquor for use or consumption, but not for resale in any form. Nothing in Public Act 95-634 this amendatory Act of the 95th General Assembly shall deny, limit, remove, or restrict the ability of a holder of a retailer's license to transfer, deliver, or ship alcoholic liquor to the purchaser for use or consumption subject to any applicable local law or ordinance. Any retail license issued to a manufacturer shall only permit the manufacturer to sell

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beer at retail on the premises actually occupied by the manufacturer. For
the purpose of further describing the type of business conducted at a retail
licensed premises, a retailer's licensee may be designated by the State
Commission as (i) an on premise consumption retailer, (ii) an off premise
sale retailer, or (iii) a combined on premise consumption and off premise
sale retailer.

Notwithstanding any other provision of this subsection (d), a retail
licensee may sell alcoholic liquors to a special event retailer licensee for
resale to the extent permitted under subsection (e).

(e) A special event retailer's license (not-for-profit) shall permit the
licensee to purchase alcoholic liquors from an Illinois licensed distributor
(unless the licensee purchases less than $500 of alcoholic liquors for the
special event, in which case the licensee may purchase the alcoholic
liquors from a licensed retailer) and shall allow the licensee to sell and
offer for sale, at retail, alcoholic liquors for use or consumption, but not
for resale in any form and only at the location and on the specific dates
designated for the special event in the license. An applicant for a special
event retailer license must (i) furnish with the application: (A) a resale
number issued under Section 2c of the Retailers' Occupation Tax Act or
evidence that the applicant is registered under Section 2a of the Retailers'
Occupation Tax Act, (B) a current, valid exemption identification number
issued under Section 1g of the Retailers' Occupation Tax Act, and a
certification to the Commission that the purchase of alcoholic liquors will
be a tax-exempt purchase, or (C) a statement that the applicant is not
registered under Section 2a of the Retailers' Occupation Tax Act, does not
hold a resale number under Section 2c of the Retailers' Occupation Tax
Act, and does not hold an exemption number under Section 1g of the
Retailers' Occupation Tax Act, in which event the Commission shall set
forth on the special event retailer's license a statement to that effect; (ii)
submit with the application proof satisfactory to the State Commission that
the applicant will provide dram shop liability insurance in the maximum
limits; and (iii) show proof satisfactory to the State Commission that the
applicant has obtained local authority approval.

(f) A railroad license shall permit the licensee to import alcoholic
liquors into this State from any point in the United States outside this State
and to store such alcoholic liquors in this State; to make wholesale
purchases of alcoholic liquors directly from manufacturers, foreign
importers, distributors and importing distributors from within or outside
this State; and to store such alcoholic liquors in this State; provided that

New matter indicated by italics - deletions by strikeout
the above powers may be exercised only in connection with the importation, purchase or storage of alcoholic liquors to be sold or dispensed on a club, buffet, lounge or dining car operated on an electric, gas or steam railway in this State; and provided further, that railroad licensees exercising the above powers shall be subject to all provisions of Article VIII of this Act as applied to importing distributors. A railroad license shall also permit the licensee to sell or dispense alcoholic liquors on any club, buffet, lounge or dining car operated on an electric, gas or steam railway regularly operated by a common carrier in this State, but shall not permit the sale for resale of any alcoholic liquors to any licensee within this State. A license shall be obtained for each car in which such sales are made.

(g) A boat license shall allow the sale of alcoholic liquor in individual drinks, on any passenger boat regularly operated as a common carrier on navigable waters in this State or on any riverboat operated under the Riverboat Gambling Act, which boat or riverboat maintains a public dining room or restaurant thereon.

(h) A non-beverage user's license shall allow the licensee to purchase alcoholic liquor from a licensed manufacturer or importing distributor, without the imposition of any tax upon the business of such licensed manufacturer or importing distributor as to such alcoholic liquor to be used by such licensee solely for the non-beverage purposes set forth in subsection (a) of Section 8-1 of this Act, and such licenses shall be divided and classified and shall permit the purchase, possession and use of limited and stated quantities of alcoholic liquor as follows:

- Class 1, not to exceed ....................... 500 gallons
- Class 2, not to exceed ....................... 1,000 gallons
- Class 3, not to exceed ....................... 5,000 gallons
- Class 4, not to exceed ....................... 10,000 gallons
- Class 5, not to exceed ....................... 50,000 gallons

(i) A wine-maker's premises license shall allow a licensee that concurrently holds a first-class wine-maker's license to sell and offer for sale at retail in the premises specified in such license not more than 50,000 gallons of the first-class wine-maker's wine that is made at the first-class wine-maker's licensed premises per year for use or consumption, but not for resale in any form. A wine-maker's premises license shall allow a licensee who concurrently holds a second-class wine-maker's license to sell and offer for sale at retail in the premises specified in such license up to 100,000 gallons of the second-class wine-maker's wine that is made at

New matter indicated by italics - deletions by strikeout
the second-class wine-maker's licensed premises per year for use or consumption but not for resale in any form. A wine-maker's premises license shall allow a licensee that concurrently holds a first-class wine-maker's license or a second-class wine-maker's license to sell and offer for sale at retail at the premises specified in the wine-maker's premises license, for use or consumption but not for resale in any form, any beer, wine, and spirits purchased from a licensed distributor. Upon approval from the State Commission, a wine-maker's premises license shall allow the licensee to sell and offer for sale at (i) the wine-maker's licensed premises and (ii) at up to 2 additional locations for use and consumption and not for resale. Each location shall require additional licensing per location as specified in Section 5-3 of this Act. A wine-maker's premises licensee shall secure liquor liability insurance coverage in an amount at least equal to the maximum liability amounts set forth in subsection (a) of Section 6-21 of this Act.

(j) An airplane license shall permit the licensee to import alcoholic liquors into this State from any point in the United States outside this State and to store such alcoholic liquors in this State; to make wholesale purchases of alcoholic liquors directly from manufacturers, foreign importers, distributors and importing distributors from within or outside this State; and to store such alcoholic liquors in this State; provided that the above powers may be exercised only in connection with the importation, purchase or storage of alcoholic liquors to be sold or dispensed on an airplane; and provided further, that airplane licensees exercising the above powers shall be subject to all provisions of Article VIII of this Act as applied to importing distributors. An airplane licensee shall also permit the sale or dispensing of alcoholic liquors on any passenger airplane regularly operated by a common carrier in this State, but shall not permit the sale for resale of any alcoholic liquors to any licensee within this State. A single airplane license shall be required of an airline company if liquor service is provided on board aircraft in this State. The annual fee for such license shall be as determined in Section 5-3.

(k) A foreign importer's license shall permit such licensee to purchase alcoholic liquor from Illinois licensed non-resident dealers only, and to import alcoholic liquor other than in bulk from any point outside the United States and to sell such alcoholic liquor to Illinois licensed importing distributors and to no one else in Illinois; provided that (i) the foreign importer registers with the State Commission every brand of alcoholic liquor that it proposes to sell to Illinois licensees during the
license period, (ii) the foreign importer complies with all of the provisions of Section 6-9 of this Act with respect to registration of such Illinois licensees as may be granted the right to sell such brands at wholesale, and (iii) the foreign importer complies with the provisions of Sections 6-5 and 6-6 of this Act to the same extent that these provisions apply to manufacturers.

(1) (i) A broker's license shall be required of all persons who solicit orders for, offer to sell or offer to supply alcoholic liquor to retailers in the State of Illinois, or who offer to retailers to ship or cause to be shipped or to make contact with distillers, rectifiers, brewers or manufacturers or any other party within or without the State of Illinois in order that alcoholic liquors be shipped to a distributor, importing distributor or foreign importer, whether such solicitation or offer is consummated within or without the State of Illinois.

No holder of a retailer's license issued by the Illinois Liquor Control Commission shall purchase or receive any alcoholic liquor, the order for which was solicited or offered for sale to such retailer by a broker unless the broker is the holder of a valid broker's license.

The broker shall, upon the acceptance by a retailer of the broker's solicitation of an order or offer to sell or supply or deliver or have delivered alcoholic liquors, promptly forward to the Illinois Liquor Control Commission a notification of said transaction in such form as the Commission may by regulations prescribe.

(ii) A broker's license shall be required of a person within this State, other than a retail licensee, who, for a fee or commission, promotes, solicits, or accepts orders for alcoholic liquor, for use or consumption and not for resale, to be shipped from this State and delivered to residents outside of this State by an express company, common carrier, or contract carrier. This Section does not apply to any person who promotes, solicits, or accepts orders for wine as specifically authorized in Section 6-29 of this Act.

A broker's license under this subsection (l) shall not entitle the holder to buy or sell any alcoholic liquors for his own account or to take or deliver title to such alcoholic liquors.

This subsection (l) shall not apply to distributors, employees of distributors, or employees of a manufacturer who has registered the trademark, brand or name of the alcoholic liquor pursuant to Section 6-9 of this Act, and who regularly sells such alcoholic liquor in the State of Illinois only to its registrants thereunder.

New matter indicated by italics - deletions by strikeout
Any agent, representative, or person subject to registration pursuant to subsection (a-1) of this Section shall not be eligible to receive a broker's license.

(m) A non-resident dealer's license shall permit such licensee to ship into and warehouse alcoholic liquor into this State from any point outside of this State, and to sell such alcoholic liquor to Illinois licensed foreign importers and importing distributors and to no one else in this State; provided that (i) said non-resident dealer shall register with the Illinois Liquor Control Commission each and every brand of alcoholic liquor which it proposes to sell to Illinois licensees during the license period, (ii) it shall comply with all of the provisions of Section 6-9 hereof with respect to registration of such Illinois licensees as may be granted the right to sell such brands at wholesale, and (iii) the non-resident dealer shall comply with the provisions of Sections 6-5 and 6-6 of this Act to the same extent that these provisions apply to manufacturers.

(n) A brew pub license shall allow the licensee to only (i) manufacture up to 155,000 gallons of beer per year only on the premises specified in the license, (ii) make sales of the beer manufactured on the premises or, with the approval of the Commission, beer manufactured on another brew pub licensed premises that is wholly owned and operated by the same licensee to importing distributors, distributors, and to non-licensees for use and consumption, (iii) store the beer upon the premises, (iv) sell and offer for sale at retail from the licensed premises for off-premises consumption no more than 155,000 gallons per year so long as such sales are only made in-person, (v) sell and offer for sale at retail for use and consumption on the premises specified in the license any form of alcoholic liquor purchased from a licensed distributor or importing distributor, and (vi) with the prior approval of the Commission, annually transfer no more than 155,000 gallons of beer manufactured on the premises to a licensed brew pub wholly owned and operated by the same licensee.

A brew pub licensee shall not under any circumstance sell or offer for sale beer manufactured by the brew pub licensee to retail licensees.

A person who holds a class 2 brewer license may simultaneously hold a brew pub license if the class 2 brewer (i) does not, under any circumstance, sell or offer for sale beer manufactured by the class 2 brewer to retail licensees; (ii) does not hold more than 3 brew pub licenses in this State; (iii) does not manufacture more than a combined 3,720,000 gallons of beer per year, including the beer manufactured at the brew pub; and (iv)

New matter indicated by italics - deletions by strikeout
is not a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 3,720,000 gallons of beer per year or any other alcoholic liquor.

Notwithstanding any other provision of this Act, a licensed brewer, class 2 brewer, or non-resident dealer who before July 1, 2015 manufactured less than 3,720,000 gallons of beer per year and held a brew pub license on or before July 1, 2015 may (i) continue to qualify for and hold that brew pub license for the licensed premises and (ii) manufacture more than 3,720,000 gallons of beer per year and continue to qualify for and hold that brew pub license if that brewer, class 2 brewer, or non-resident dealer does not simultaneously hold a class 1 brewer license and is not a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 3,720,000 gallons of beer per year or that produces any other alcoholic liquor.

(o) A caterer retailer license shall allow the holder to serve alcoholic liquors as an incidental part of a food service that serves prepared meals which excludes the serving of snacks as the primary meal, either on or off-site whether licensed or unlicensed.

(p) An auction liquor license shall allow the licensee to sell and offer for sale at auction wine and spirits for use or consumption, or for resale by an Illinois liquor licensee in accordance with provisions of this Act. An auction liquor license will be issued to a person and it will permit the auction liquor licensee to hold the auction anywhere in the State. An auction liquor license must be obtained for each auction at least 14 days in advance of the auction date.

(q) A special use permit license shall allow an Illinois licensed retailer to transfer a portion of its alcoholic liquor inventory from its retail licensed premises to the premises specified in the license hereby created, and to sell or offer for sale at retail, only in the premises specified in the license hereby created, the transferred alcoholic liquor for use or consumption, but not for resale in any form. A special use permit license may be granted for the following time periods: one day or less; 2 or more days to a maximum of 15 days per location in any 12 month period. An applicant for the special use permit license must also submit with the application proof satisfactory to the State Commission that the applicant will provide dram shop liability insurance to the maximum limits and have local authority approval.

(r) A winery shipper's license shall allow a person with a first-class or second-class wine manufacturer's license, a first-class or second-class

New matter indicated by italics - deletions by strikeout
wine-maker's license, or a limited wine manufacturer's license or who is licensed to make wine under the laws of another state to ship wine made by that licensee directly to a resident of this State who is 21 years of age or older for that resident's personal use and not for resale. Prior to receiving a winery shipper's license, an applicant for the license must provide the Commission with a true copy of its current license in any state in which it is licensed as a manufacturer of wine. An applicant for a winery shipper's license must also complete an application form that provides any other information the Commission deems necessary. The application form shall include all addresses from which the applicant for a winery shipper's license intends to ship wine, including the name and address of any third party, except for a common carrier, authorized to ship wine on behalf of the manufacturer. The application form shall include an acknowledgement consenting to the jurisdiction of the Commission, the Illinois Department of Revenue, and the courts of this State concerning the enforcement of this Act and any related laws, rules, and regulations, including authorizing the Department of Revenue and the Commission to conduct audits for the purpose of ensuring compliance with this amendatory Act, and an acknowledgement that the wine manufacturer is in compliance with Section 6-2 of this Act. Any third party, except for a common carrier, authorized to ship wine on behalf of a first-class or second-class wine manufacturer's licensee, a first-class or second-class wine-maker's licensee, a limited wine manufacturer's licensee, or a person who is licensed to make wine under the laws of another state shall also be disclosed by the winery shipper's licensee, and a copy of the written appointment of the third-party wine provider, except for a common carrier, to the wine manufacturer shall be filed with the State Commission as a supplement to the winery shipper's license application or any renewal thereof. The winery shipper's license holder shall affirm under penalty of perjury, as part of the winery shipper's license application or renewal, that he or she only ships wine, either directly or indirectly through a third-party provider, from the licensee's own production.

Except for a common carrier, a third-party provider shipping wine on behalf of a winery shipper's license holder is the agent of the winery shipper's license holder and, as such, a winery shipper's license holder is responsible for the acts and omissions of the third-party provider acting on behalf of the license holder. A third-party provider, except for a common carrier, that engages in shipping wine into Illinois on behalf of a winery shipper's license holder shall consent to the jurisdiction of the

New matter indicated by italics - deletions by strikeout
State Commission and the State. Any third-party, except for a common carrier, holding such an appointment shall, by February 1 of each calendar year, file with the State Commission a statement detailing each shipment made to an Illinois resident. The State Commission shall adopt rules as soon as practicable to implement the requirements of this amendatory Act of the 99th General Assembly and shall adopt rules prohibiting any such third-party appointment of a third-party provider, except for a common carrier, that has been deemed by the State Commission to have violated the provisions of this Act with regard to any winery shipper licensee.

A winery shipper licensee must pay to the Department of Revenue the State liquor gallonage tax under Section 8-1 for all wine that is sold by the licensee and shipped to a person in this State. For the purposes of Section 8-1, a winery shipper licensee shall be taxed in the same manner as a manufacturer of wine. A licensee who is not otherwise required to register under the Retailers' Occupation Tax Act must register under the Use Tax Act to collect and remit use tax to the Department of Revenue for all gallons of wine that are sold by the licensee and shipped to persons in this State. If a licensee fails to remit the tax imposed under this Act in accordance with the provisions of Article VIII of this Act, the winery shipper's license shall be revoked in accordance with the provisions of Article VII of this Act. If a licensee fails to properly register and remit tax under the Use Tax Act or the Retailers' Occupation Tax Act for all wine that is sold by the winery shipper and shipped to persons in this State, the winery shipper's license shall be revoked in accordance with the provisions of Article VII of this Act.

A winery shipper licensee must collect, maintain, and submit to the Commission on a semi-annual basis the total number of cases per resident of wine shipped to residents of this State. A winery shipper licensed under this subsection (r) must comply with the requirements of Section 6-29 of this amendatory Act.

Pursuant to paragraph (5.1) or (5.3) of subsection (a) of Section 3-12, the State Commission may receive, respond to, and investigate any complaint and impose any of the remedies specified in paragraph (1) of subsection (a) of Section 3-12.

(Source: P.A. 98-394, eff. 8-16-13; 98-401, eff. 8-16-13; 98-756, eff. 7-16-14; 99-448, eff. 8-24-15; revised 10-27-15.)

(235 ILCS 5/5-3) (from Ch. 43, par. 118)

New matter indicated by italics - deletions by strikeout
Sec. 5-3. License fees. Except as otherwise provided herein, at the time application is made to the State Commission for a license of any class, the applicant shall pay to the State Commission the fee hereinafter provided for the kind of license applied for.

The fee for licenses issued by the State Commission shall be as follows:

For a manufacturer's license:

<table>
<thead>
<tr>
<th>Class</th>
<th>Initial license or non-online renewal</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Online renewal</td>
</tr>
<tr>
<td>Class 1. Distiller</td>
<td>$4,000</td>
</tr>
<tr>
<td>Class 2. Rectifier</td>
<td>$4,000</td>
</tr>
<tr>
<td>Class 3. Brewer</td>
<td>$1,200</td>
</tr>
<tr>
<td>Class 4. First-class Wine Manufacturer</td>
<td>$750</td>
</tr>
<tr>
<td>Class 5. Second-class Wine Manufacturer</td>
<td>$1,500</td>
</tr>
<tr>
<td>Class 6. First-class wine-maker</td>
<td>$750</td>
</tr>
<tr>
<td>Class 7. Second-class wine-maker</td>
<td>$1,500</td>
</tr>
<tr>
<td>Class 8. Limited Wine Manufacturer</td>
<td>$250</td>
</tr>
<tr>
<td>Class 9. Craft Distiller</td>
<td>$2,000</td>
</tr>
<tr>
<td>Class 10. Class 1 Brewer</td>
<td>$50</td>
</tr>
<tr>
<td>Class 11. Class 2 Brewer</td>
<td>$75</td>
</tr>
<tr>
<td>For a Brew Pub License</td>
<td>$1,200</td>
</tr>
<tr>
<td>For a caterer retailer's license</td>
<td>$350</td>
</tr>
<tr>
<td>For a foreign importer's license</td>
<td>$25</td>
</tr>
<tr>
<td>For an importing distributor's license</td>
<td>$25</td>
</tr>
<tr>
<td>For a distributor's license (11,250,000 gallons or over)</td>
<td>$1,450</td>
</tr>
<tr>
<td>For a distributor's license (over 4,500,000 gallons, but under 11,250,000 gallons)</td>
<td>$950</td>
</tr>
<tr>
<td>For a distributor's license (4,500,000 gallons or under)</td>
<td>$300</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>License Type</th>
<th>Fee 1</th>
<th>Fee 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>For a distributor's license</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For a non-resident dealer's license</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(500,000 gallons or over)</td>
<td>1,200</td>
<td>1,500</td>
</tr>
<tr>
<td>For a non-resident dealer's license</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(under 500,000 gallons)</td>
<td>250</td>
<td>350</td>
</tr>
<tr>
<td>For a wine-maker's premises license</td>
<td>250</td>
<td>500</td>
</tr>
<tr>
<td>For a winery shipper's license</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(under 250,000 gallons)</td>
<td>200</td>
<td>350</td>
</tr>
<tr>
<td>For a winery shipper's license</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(250,000 or over, but under 500,000 gallons)</td>
<td>750</td>
<td>1,000</td>
</tr>
<tr>
<td>For a wine-maker's premises license,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>second location</td>
<td>500</td>
<td>1,000</td>
</tr>
<tr>
<td>For a wine-maker's premises license,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>third location</td>
<td>500</td>
<td>1,000</td>
</tr>
<tr>
<td>For a retailer's license</td>
<td>600</td>
<td>750</td>
</tr>
<tr>
<td>For a special event retailer's license</td>
<td>25</td>
<td>25</td>
</tr>
<tr>
<td>For a special use permit license,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>one day only</td>
<td>100</td>
<td>150</td>
</tr>
<tr>
<td>2 days or more</td>
<td>150</td>
<td>250</td>
</tr>
<tr>
<td>For a railroad license</td>
<td>100</td>
<td>150</td>
</tr>
<tr>
<td>For a boat license</td>
<td>500</td>
<td>1,000</td>
</tr>
<tr>
<td>For an airplane license, times the</td>
<td></td>
<td></td>
</tr>
<tr>
<td>licensee's maximum number of aircraft in flight,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>serving liquor over the State at any</td>
<td></td>
<td></td>
</tr>
<tr>
<td>given time, which either originate, terminate,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>or make an intermediate stop in the State</td>
<td>100</td>
<td>150</td>
</tr>
<tr>
<td>For a non-beverage user's license:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Class 1</td>
<td>24</td>
<td>24</td>
</tr>
<tr>
<td>Class 2</td>
<td>60</td>
<td>60</td>
</tr>
<tr>
<td>Class 3</td>
<td>120</td>
<td>120</td>
</tr>
<tr>
<td>Class 4</td>
<td>240</td>
<td>240</td>
</tr>
<tr>
<td>Class 5</td>
<td>600</td>
<td>600</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For a broker's license ............ 750 1,000
For an auction liquor license ...... 100 150
For a homebrewer special event permit.................. 25 25
For a BASSET trainer license....... 300 350
For a tasting representative license........................................ 200 300

Fees collected under this Section shall be paid into the Dram Shop Fund. On and after July 1, 2003 and until June 30, 2016, of the funds received for a retailer's license, in addition to the first $175, an additional $75 shall be paid into the Dram Shop Fund, and $250 shall be paid into the General Revenue Fund. On and after June 30, 2016, one-half of the funds received for a retailer's license shall be paid into the Dram Shop Fund and one-half of the funds received for a retailer's license shall be paid into the General Revenue Fund. Beginning June 30, 1990 and on June 30 of each subsequent year through June 29, 2003, any balance over $5,000,000 remaining in the Dram Shop Fund shall be credited to State liquor licensees and applied against their fees for State liquor licenses for the following year. The amount credited to each licensee shall be a proportion of the balance in the Dram Fund that is the same as the proportion of the license fee paid by the licensee under this Section for the period in which the balance was accumulated to the aggregate fees paid by all licensees during that period.

No fee shall be paid for licenses issued by the State Commission to the following non-beverage users:

(a) Hospitals, sanitariums, or clinics when their use of alcoholic liquor is exclusively medicinal, mechanical or scientific.
(b) Universities, colleges of learning or schools when their use of alcoholic liquor is exclusively medicinal, mechanical or scientific.
(c) Laboratories when their use is exclusively for the purpose of scientific research.

(Source: P.A. 98-55, eff. 7-5-13; 99-448, eff. 8-24-15.)
(235 ILCS 5/6-29.1)
Sec. 6-29.1. Direct shipments of alcoholic liquor.
(a) The General Assembly makes the following findings:
(1) The General Assembly of Illinois, having reviewed this Act in light of the United States Supreme Court's 2005 decision in Granholm v. Heald, has determined to conform that law to the
constitutional principles enunciated by the Court in a manner that best preserves the temperance, revenue, and orderly distribution values of this Act.

(2) Minimizing automobile accidents and fatalities, domestic violence, health problems, loss of productivity, unemployment, and other social problems associated with dependency and improvident use of alcoholic beverages remains the policy of Illinois.

(3) To the maximum extent constitutionally feasible, Illinois desires to collect sufficient revenue from excise and use taxes on alcoholic beverages for the purpose of responding to such social problems.

(4) Combined with family education and individual discipline, retail validation of age, and assessment of the capacity of the consumer remains the best pre-sale social protection against the problems associated with the abuse of alcoholic liquor.

(5) Therefore, the paramount purpose of this amendatory Act is to continue to carefully limit direct shipment sales of wine produced by makers of wine and to continue to prohibit such direct shipment sales for spirits and beer.

For these reasons, the Commission shall establish a system to notify the out-of-state trade of this prohibition and to detect violations. The Commission shall request the Attorney General to extradite any offender.

(b) Pursuant to the Twenty-First Amendment of the United States Constitution allowing states to regulate the distribution and sale of alcoholic liquor and pursuant to the federal Webb-Kenyon Act declaring that alcoholic liquor shipped in interstate commerce must comply with state laws, the General Assembly hereby finds and declares that selling alcoholic liquor from a point outside this State through various direct marketing means, such as catalogs, newspapers, mailers, and the Internet, directly to residents of this State poses a serious threat to the State's efforts to prevent youths from accessing alcoholic liquor; to State revenue collections; and to the economy of this State.

Any person manufacturing, distributing, or selling alcoholic liquor who knowingly ships or transports or causes the shipping or transportation of any alcoholic liquor from a point outside this State to a person in this State who does not hold a manufacturer's, distributor's, importing distributor's, or non-resident dealer's license issued by the Liquor Control Commission, other than a shipment of sacramental wine to a bona fide

New matter indicated by italics - deletions by strikeout
religious organization, a shipment authorized by Section 6-29, subparagraph (17) of Section 3-12, or any other shipment authorized by this Act, is in violation of this Act.

The Commission, upon determining, after investigation, that a person has violated this Section, shall give notice to the person by certified mail to cease and desist all shipments of alcoholic liquor into this State and to withdraw from this State within 5 working days after receipt of the notice all shipments of alcoholic liquor then in transit. *A person who violates the cease and desist notice is subject to the applicable penalties in subsection (a) of Section 10-1 of this Act.*

Whenever the Commission has reason to believe that a person has failed to comply with the Commission notice under this Section, it shall notify the Department of Revenue and file a complaint with the State's Attorney of the county where the alcoholic liquor was delivered or with appropriate law enforcement officials:

Failure to comply with the notice issued by the Commission under this Section constitutes a business offense for which the person shall be fined not more than $1,000 for a first offense, not more than $5,000 for a second offense, and not more than $10,000 for a third or subsequent offense. Each shipment of alcoholic liquor delivered in violation of the cease and desist notice shall constitute a separate offense.

(235 ILCS 5/10-1) (from Ch. 43, par. 183)

Sec. 10-1. Violations; penalties. Whereas a substantial threat to the sound and careful control, regulation, and taxation of the manufacture, sale, and distribution of alcoholic liquors exists by virtue of individuals who manufacture, import, distribute, or sell alcoholic liquors within the State without having first obtained a valid license to do so, and whereas such threat is especially serious along the borders of this State, and whereas such threat requires immediate correction by this Act, by active investigation and prosecution by law enforcement officials and prosecutors, and by prompt and strict enforcement through the courts of this State to punish violators and to deter such conduct in the future:

(a) Any person who manufactures, imports for distribution or use, transports from outside this State into this State, or distributes or sells 108 liters (28.53 gallons) or more of wine, 45 liters (11.88 gallons) or more of distilled spirits, or 118 liters (31.17 gallons) or more of beer alcoholic liquor at any place within the State without having first obtained a valid license to do so under the provisions of this Act shall be guilty of a

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business offense and fined not more than $1,000 for the first such offense and shall be guilty of a Class 4 felony for each subsequent offense. However, any person who was duly licensed under this Act and whose license expired within 30 days prior to a violation shall be guilty of a business offense and fined not more than $1,000 for the first such offense and shall be guilty of a Class 4 felony for each subsequent offense.

Any person who manufactures, imports for distribution, transports from outside this State into this State for sale or resale in this State, or distributes or sells less than 108 liters (28.53 gallons) of wine, less than 45 liters (11.88 gallons) of distilled spirits, or less than 118 liters (31.17 gallons) of beer at any place within the State without having first obtained a valid license to do so under the provisions of this Act shall be guilty of a business offense and fined not more than $1,000 for the first such offense and shall be guilty of a Class 4 felony for each subsequent offense. This subsection does not apply to a motor carrier or freight forwarder, as defined in Section 13102 of Title 49 of the United States Code, an air carrier, as defined in Section 40102 of Title 49 of the United States Code, or a rail carrier, as defined in Section 10102 of Title 49 of the United States Code.

Any person who both has been issued an initial cease and desist notice from the State Commission and for compensation ships alcoholic liquor into this State without a license authorized by Section 5-1 issued by the State Commission or in violation of that license is guilty of a Class 4 felony for each offense.

(b) (1) Any retailer, licensed in this State, who knowingly causes to furnish, give, sell, or otherwise being within the State, any alcoholic liquor destined to be used, distributed, consumed or sold in another state, unless such alcoholic liquor was received in this State by a duly licensed distributor, or importing distributors shall have his license suspended for 7 days for the first offense and for the second offense, shall have his license revoked by the Commission.

(2) In the event the Commission receives a certified copy of a final order from a foreign jurisdiction that an Illinois retail licensee has been found to have violated that foreign jurisdiction's laws, rules, or regulations concerning the importation of alcoholic liquor into that foreign jurisdiction, the violation may be grounds for the Commission to revoke, suspend, or refuse to issue or renew a license, to impose a fine, or to take any additional action provided by this Act with respect to the Illinois retail

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license or licensee. Any such action on the part of the Commission shall be in accordance with this Act and implementing rules.

For the purposes of paragraph (2): (i) "foreign jurisdiction" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico, and (ii) "final order" means an order or judgment of a court or administrative body that determines the rights of the parties respecting the subject matter of the proceeding, that remains in full force and effect, and from which no appeal can be taken.

(c) Any person who shall make any false statement or otherwise violates any of the provisions of this Act in obtaining any license hereunder, or who having obtained a license hereunder shall violate any of the provisions of this Act with respect to the manufacture, possession, distribution or sale of alcoholic liquor, or with respect to the maintenance of the licensed premises, or shall violate any other provision of this Act, shall for a first offense be guilty of a petty offense and fined not more than $500, and for a second or subsequent offense shall be guilty of a Class B misdemeanor.

(c-5) Any owner of an establishment that serves alcohol on its premises, if more than 50% of the establishment's gross receipts within the prior 3 months is from the sale of alcohol, who knowingly fails to prohibit concealed firearms on its premises or who knowingly makes a false statement or record to avoid the prohibition of concealed firearms on its premises under the Firearm Concealed Carry Act shall be guilty of a business offense with a fine up to $5,000.

(d) Each day any person engages in business as a manufacturer, foreign importer, importing distributor, distributor or retailer in violation of the provisions of this Act shall constitute a separate offense.

(e) Any person, under the age of 21 years who, for the purpose of buying, accepting or receiving alcoholic liquor from a licensee, represents that he is 21 years of age or over shall be guilty of a Class A misdemeanor.

(f) In addition to the penalties herein provided, any person licensed as a wine-maker in either class who manufactures more wine than authorized by his license shall be guilty of a business offense and shall be fined $1 for each gallon so manufactured.

(g) A person shall be exempt from prosecution for a violation of this Act if he is a peace officer in the enforcement of the criminal laws and such activity is approved in writing by one of the following:

(1) In all counties, the respective State's Attorney;

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(3) In cities over 1,000,000, the Superintendent of Police.

(Source: P.A. 98-63, eff. 7-9-13.)

Section 99. Effective date. This Act takes effect January 1, 2017, except that the changes to Section 5-3 of the Liquor Control Act of 1934 take effect upon becoming law.

Approved August 26, 2016.
Effective August 26, 2016 and January 1, 2017.

PUBLIC ACT 99-0905
(Senate Bill No. 0440)

AN ACT concerning public employee benefits.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Pension Code is amended by changing Sections 5-153, 5-155, 5-163, 5-167.1, 5-167.4, 5-169, 5-170, 5-238, 6-128.4, 6-150, 6-158, 6-164, 6-166, 6-167, and 6-229 as follows:

(40 ILCS 5/5-153) (from Ch. 108 1/2, par. 5-153)
Sec. 5-153. Death benefit.

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(a) Effective January 1, 1962, an ordinary death benefit is payable on account of any policeman in service and in receipt of salary on or after such date, which benefit is in addition to all other annuities and benefits herein provided. This benefit is payable upon death of a policeman:

1. occurring in active service while in receipt of salary;
2. on an authorized and approved leave of absence, without salary, beginning on or after January 1, 1962, if the death occurs within 60 days from the date the employee was in receipt of salary; or otherwise in the service and not separated by resignation or discharge beginning January 1, 1962 if death occurs before his resignation or discharge from the service;
3. receiving duty disability or ordinary disability benefit;
4. occurring within 60 days from the date of termination of duty disability or ordinary disability benefit payments if re-entry into service had not occurred; or
5. occurring on retirement and while in receipt of an age and service annuity, Tier 2 monthly retirement annuity, or prior service annuity; provided (a) retirement on such annuity occurred on or after January 1, 1962, and (b) such separation from service was effective on or after the policeman's attainment of age 50, and (c) application for such annuity was made within 60 days after separation from service.

(b) The ordinary death benefit is payable to such beneficiary or beneficiaries as the policeman has nominated by written direction duly signed and acknowledged before an officer authorized to take acknowledgments, and filed with the board. If no such written direction has been filed or if the designated beneficiaries do not survive the policeman, payment of the benefit shall be made to his estate.

(c) Until December 31, 1977, if death occurs prior to retirement on annuity and before the policeman's attainment of age 50, the amount of the benefit payable is $6,000. If death occurs prior to retirement, at age 50 or over, the benefit of $6,000 shall be reduced $400 for each year (commencing on the policeman's attainment of age 50, and thereafter on each succeeding birthdate) that the policeman's age, at date of death, is more than age 50, but in no event below the amount of $2,000. However, if death results from injury incurred in the performance of an act or acts of duty, prior to retirement on annuity, the amount of the benefit payable is $6,000 notwithstanding the age attained.
Until December 31, 1977, if the policeman's death occurs while he is in receipt of an annuity, the benefit is $2,000 if retirement was effective upon attainment of age 55 or greater. If the policeman retired at age 50 or over and before age 55, the benefit of $2,000 shall be reduced $100 for each year or fraction of a year that the policeman's age at retirement was less than age 55 to a minimum payment of $1,500.

After December 31, 1977, and on or before January 1, 1986, if death occurs prior to retirement on annuity and before the policeman's attainment of age 50, the amount of the benefit payable is $7,000. If death occurs prior to retirement, at age 50 or over, the benefit of $7,000 shall be reduced $400 for each year (commencing on the policeman's attainment of age 50, and thereafter on each succeeding birthdate) that the policeman's age, at date of death, is more than age 50, but in no event below the amount of $3,000. However, if death results from injury incurred in the performance of an act or acts of duty, prior to retirement on annuity, the amount of the benefit payable is $7,000 notwithstanding the age attained.

After December 31, 1977, and on or before January 1, 1986, if the policeman's death occurs while he is in receipt of an annuity, the benefit is $2,250 if retirement was effective upon attainment of age 55 or greater. If the policeman retired at age 50 or over and before age 55, the benefit of $2,250 shall be reduced $100 for each year or fraction of a year that the policeman's age at retirement was less than age 55 to a minimum payment of $1,750.

After January 1, 1986, if death occurs prior to retirement on annuity and before the policeman's attainment of age 50, the amount of benefit payable is $12,000. If death occurs prior to retirement, at age 50 or over, the benefit of $12,000 shall be reduced $400 for each year (commencing on the policeman's attainment of age 50, and thereafter on each succeeding birthdate) that the policeman's age, at date of death, is more than age 50, but in no event below the amount of $6,000. However, if death results from injury in the performance of an act or acts of duty, prior to retirement on annuity, the amount of benefit payable is $12,000 notwithstanding the age attained.

After January 1, 1986, if the policeman's death occurs while he is in receipt of an annuity, the benefit is $6,000.

(Source: P.A. 84-1104.)

(40 ILCS 5/5-155) (from Ch. 108 1/2, par. 5-155)

Sec. 5-155. Ordinary disability benefit. A policeman less than age 63 who becomes disabled after the effective date as the result of any cause

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other than injury incurred in the performance of an act of duty, shall receive ordinary disability benefit during any period or periods of disability exceeding 30 days, for which he does not have a right to receive any part of his salary. Payment of such benefit shall not exceed, in the aggregate, throughout the total service of the policeman, a period equal to one-fourth of the service rendered to the city prior to the time he became disabled, nor more than 5 years. In computing such period of service, the time that the policeman received ordinary disability benefit shall not be included.

When a disabled policeman becomes age 63 or would have been retired by operation of law, whichever is later, the disability benefit shall cease. The policeman, if still disabled, shall thereafter receive such annuity as is provided in accordance with other provisions of this Article.

Ordinary disability benefit shall be 50% of the policeman's salary, as salary is defined in this Article (including the limitation in Section 5-238 if applicable), at the time disability occurs. Until September 1, 1969, before any payment, an amount equal to the sum ordinarily deducted from the policeman's salary for all annuity purposes for the period for which payment of ordinary disability benefit is made shall be deducted from such payment and credited as a deduction from salary for such period. Beginning September 1, 1969, the city shall also contribute all amounts ordinarily contributed by it for annuity purposes for the policeman as if he were in active discharge of his duties. Such sums so credited shall be regarded, for annuity and refund purposes, as sums contributed by the policeman.

(Source: P.A. 86-272.)

(40 ILCS 5/5-163) (from Ch. 108 1/2, par. 5-163)

Sec. 5-163. Refund - General. (a) A policeman, without regard to his period of service, who withdraws before age 50, and a policeman with less than 10 years of service who withdraws before age 57, is entitled to a refund of the amount deducted from his salary for age and service annuity or Tier 2 monthly retirement annuity, for automatic annual increase in annuity as provided in Section 5-167.1, and for widow's annuity or Tier 2 surviving spouse's annuity, together with interest at 1-1/2% per year on each deduction from the date of each deduction until the date of his withdrawal from the service.

(b) A policeman may receive a refund until the annuity to which he is entitled has been fixed. Thereafter, he shall have no such right of refund.

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(c) A policeman who withdraws the amount credited to him surrenders and forfeits all rights to any annuity or other benefit from the fund, for himself and for any other person or persons who might otherwise have benefited through him. The rights so forfeited shall be restored to him, his wife or widow and his children upon full repayment as provided in Section 5-164.

If the policeman subsequently re-enters service before age 57, and has not so repaid in full the amounts refunded the rights forfeited shall not be restored, but the policeman shall retain the right (which is also secured to the widow) to have the period of service represented by the refunds counted in the compensation of length of service, except as otherwise provided in Section 5-164.

(d) A policeman who has served less than 10 years who has not received a refund shall have all amounts to his credit for purposes on the date of his withdrawal improved by interest while he is out of service until he attains age 57, if he subsequently re-enters the service and attains a right to annuity.

(e) If a policeman elects to make additional contribution for past service as provided in Section 5-174 and fails to pay such contributions in full within the time specified in said section, a refund of the amount so paid, with interest at 1-1/2% per year, compounded annually, shall be refunded as provided in said section.

(f) If a policeman makes contributions in accordance with the provisions of Section 5-174(b) and subsequently returns to the position he holds by certification and appointment as the result of competitive civil service examination, he shall receive a refund of such contributions, upon application therefor, together with interest at 1-1/2% per year on each such deduction from the date it was made to the date of refund. Application for refund must be made before the annuity to which he has a right has been fixed.

(Source: P.A. 81-1536.)

(40 ILCS 5/5-167.1) (from Ch. 108 1/2, par. 5-167.1)

Sec. 5-167.1. Automatic increase in annuity; retirement from service after September 1, 1967.

(a) A policeman who retires from service after September 1, 1967 with at least 20 years of service credit shall, upon either the first of the month following the first anniversary of his date of retirement if he is age 60 (age 55 if born before January 1, 1966) or over on that anniversary date, or upon the first of the month following his attainment of 20 years of service credit, be entitled to an increased annuity.
age 60 (age 55 if born before January 1, 1966) if it occurs after the first anniversary of his retirement date, have his then fixed and payable monthly annuity increased by 1 1/2% and such first fixed annuity as granted at retirement increased by an additional 1 1/2% in January of each year thereafter up to a maximum increase of 30%. Beginning January 1, 1983 for policemen born before January 1, 1930, and beginning January 1, 1988 for policemen born on or after January 1, 1930 but before January 1, 1940, and beginning January 1, 1996 for policemen born on or after January 1, 1945, and beginning January 1, 2000 for policemen born on or after January 1, 1950 but before January 1, 1955, and beginning January 1, 2005 for policemen born on or after January 1, 1955 but before January 1, 1966, and beginning January 1, 2017 for policemen born on or after January 1, 1955 but before January 1, 1966, such increases shall be 3% and such policemen shall not be subject to the 30% maximum increase.

Any policeman born before January 1, 1945 who qualifies for a minimum annuity and retires after September 1, 1967 but has not received the initial increase under this subsection before January 1, 1996 is entitled to receive the initial increase under this subsection on (1) January 1, 1996, (2) the first anniversary of the date of retirement, or (3) attainment of age 55, whichever occurs last. The changes to this Section made by Public Act 89-12 apply beginning January 1, 1996 and without regard to whether the policeman or annuitant terminated service before the effective date of that Act.

Any policeman born before January 1, 1950 who qualifies for a minimum annuity and retires after September 1, 1967 but has not received the initial increase under this subsection before January 1, 2000 is entitled to receive the initial increase under this subsection on (1) January 1, 2000, (2) the first anniversary of the date of retirement, or (3) attainment of age 55, whichever occurs last. The changes to this Section made by this amendatory Act of the 92nd General Assembly apply without regard to whether the policeman or annuitant terminated service before the effective date of this amendatory Act.

Any policeman born before January 1, 1955 who qualifies for a minimum annuity and retires after September 1, 1967 but has not received the initial increase under this subsection before January 1, 2005 is entitled to receive the initial increase under this subsection on (1) January 1, 2005, (2) the first anniversary of the date of retirement, or (3) attainment of age 55, whichever occurs last. The changes to this Section made by this

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amendatory Act of the 94th General Assembly apply without regard to whether the policeman or annuitant terminated service before the effective date of this amendatory Act.

Any policeman born before January 1, 1966 who qualifies for a minimum annuity and retires after September 1, 1967 but has not received the initial increase under this subsection before January 1, 2017 is entitled to receive an initial increase under this subsection on (1) January 1, 2017, (2) the first anniversary of the date of retirement, or (3) attainment of age 55, whichever occurs last, in an amount equal to 3% for each complete year following the date of retirement or attainment of age 55, whichever occurs later. The changes to this subsection made by this amendatory Act of the 99th General Assembly apply without regard to whether the policeman or annuitant terminated service before the effective date of this amendatory Act.

(b) Subsection (a) of this Section is not applicable to an employee receiving a term annuity.

(c) To help defray the cost of such increases in annuity, there shall be deducted, beginning September 1, 1967, from each payment of salary to a policeman, 1/2 of 1% of each salary payment concurrently with and in addition to the salary deductions otherwise made for annuity purposes.

The city, in addition to the contributions otherwise made by it for annuity purposes under other provisions of this Article, shall make matching contributions concurrently with such salary deductions.

Each such 1/2 of 1% deduction from salary and each such contribution by the city of 1/2 of 1% of salary shall be credited to the Automatic Increase Reserve, to be used to defray the cost of the 1 1/2% annuity increase provided by this Section. Any balance in such reserve as of the beginning of each calendar year shall be credited with interest at the rate of 3% per annum.

Such deductions from salary and city contributions shall continue while the policeman is in service.

The salary deductions provided in this Section are not subject to refund, except to the policeman himself, in any case in which: (i) the policeman withdraws prior to qualification for minimum annuity or Tier 2 monthly retirement annuity and applies for refund, (ii) the policeman applies for an annuity of a type that is not subject to annual increases under this Section, or (iii) and also where a term annuity becomes payable. In such cases, the total of such salary deductions shall be

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refunded to the policeman, without interest, and charged to the Automatic Increase Reserve.

(d) Notwithstanding any other provision of this Article, the Tier 2 monthly retirement annuity of a person who first becomes a policeman under this Article on or after the effective date of this amendatory Act of the 97th General Assembly shall be increased on the January 1 occurring either on or after (i) the attainment of age 60 or (ii) the first anniversary of the annuity start date, whichever is later. Each annual increase shall be calculated at 3% or one-half the annual unadjusted percentage increase (but not less than zero) in the consumer price index-u for the 12 months ending with the September preceding each November 1, whichever is less, of the originally granted retirement annuity. If the annual unadjusted percentage change in the consumer price index-u for a 12-month period ending in September is zero or, when compared with the preceding period, decreases, then the annuity shall not be increased.

For the purposes of this subsection (d), "consumer price index-u" means the index published by the Bureau of Labor Statistics of the United States Department of Labor that measures the average change in prices of goods and services purchased by all urban consumers, United States city average, all items, 1982-84 = 100. The new amount resulting from each annual adjustment shall be determined by the Public Pension Division of the Department of Insurance and made available to the boards of the pension funds by November 1 of each year.

(Source: P.A. 96-1495, eff. 1-1-11; 97-344, eff. 8-12-11.)

(40 ILCS 5/5-167.4) (from Ch. 108 1/2, par. 5-167.4)

Sec. 5-167.4. Widow annuitant minimum annuity.

(a) Notwithstanding any other provision of this Article, beginning January 1, 1996, the minimum amount of widow's annuity payable to any person who is entitled to receive a widow's annuity under this Article is $700 per month, without regard to whether the deceased policeman is in service on or after the effective date of this amendatory Act of 1995.

Notwithstanding any other provision of this Article, beginning January 1, 1999, the minimum amount of widow's annuity payable to any person who is entitled to receive a widow's annuity under this Article is $800 per month, without regard to whether the deceased policeman is in service on or after the effective date of this amendatory Act of 1998.

Notwithstanding any other provision of this Article, beginning January 1, 2004, the minimum amount of widow's annuity payable to any person who is entitled to receive a widow's annuity under this Article is

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$900 per month, without regard to whether the deceased policeman is in service on or after the effective date of this amendatory Act of the 93rd General Assembly.

Notwithstanding any other provision of this Article, beginning January 1, 2005, the minimum amount of widow's annuity payable to any person who is entitled to receive a widow's annuity under this Article is $1,000 per month, without regard to whether the deceased policeman is in service on or after the effective date of this amendatory Act of the 93rd General Assembly.

(b) Effective January 1, 1994, the minimum amount of widow's annuity shall be $700 per month for the following classes of widows, without regard to whether the deceased policeman is in service on or after the effective date of this amendatory Act of 1993: (1) the widow of a policeman who dies in service with at least 10 years of service credit, or who dies in service after June 30, 1981; and (2) the widow of a policeman who withdraws from service with 20 or more years of service credit and does not withdraw a refund, provided that the widow is married to the policeman before he withdraws from service.

(b-5) Notwithstanding any other provision of this Article, beginning January 1, 2017, the minimum widow's annuity under this Article shall be no less than 125% of the Federal Poverty Level for all persons receiving widow's annuities on or after that date, without regard to whether the deceased policeman is in service on or after the effective date of this amendatory Act of the 99th General Assembly. For purposes of this Section, "Federal Poverty Level" means the poverty guidelines applicable to an individual in a single-person household located in Illinois, as updated periodically in the Federal Register by the United States Department of Health and Human Services under the authority of 42 U.S.C. 9902(2).

(c) The city, in addition to the contributions otherwise made by it under the other provisions of this Article, shall make such contributions as are necessary for the minimum widow's annuities provided under this Section in the manner prescribed in Section 5-175.
1954 for a future entrant, 4%) and beginning January 1, 1954 and before August 1, 1957, 6%, and beginning August 1, 1957, 7% of each payment of the salary of each present employee and future entrant shall be deducted and contributed to the fund for age and service annuity or Tier 2 monthly retirement annuity. The deductions shall be made from each payment of salary and shall continue while the employee is in service.

Any policeman whose employment has been transferred to the police service of the city as a result of "An Act in relation to or exchange of certain functions, property and personnel among cities, and park districts having co-extensive geographic areas and populations in excess of 500,000", approved July 5, 1957, as now and hereafter amended, shall also contribute a sum equal to 2% of the total salary received by him in his employment between August 1, 1957 to July 17, 1959, with the park district from which he has been transferred together with interest on the unpaid contributions of 4% per annum from July 17, 1959 to the date such payments are made. Such additional sum may be paid at any time before the time such policeman enters into age and service annuity.

Concurrently with each such deduction, beginning on the effective date and prior to January 1, 1954, 8 1/2% (except for a future entrant beginning on July 1, 1939, 9 5/7%) and beginning January 1, 1954, 9 5/7% of each payment of salary shall be contributed by the city, but in the case of a future entrant who attains age 63 prior to January 1, 1988 while still in service, no contributions shall be made for the period between the date the employee attains age 63 and January 1, 1988.

(b) Each deduction from salary made prior to the date the age and service annuity for the employee is fixed, and each contribution by the city, shall be credited to the employee and be improved by interest for a present employee during the time he is in service until age and service annuity is fixed, and, for a future entrant, during the time he is in service. The sum accumulated shall be used to provide age and service annuity for the employee.

Beginning September 1, 1967, the deductions from salary provided in Section 5-167.1 shall also be made.

(Source: P.A. 86-272.)

(40 ILCS 5/5-170) (from Ch. 108 1/2, par. 5-170)

Sec. 5-170. Contributions for widow's annuities and Tier 2 surviving spouse's annuity for present employees and future entrants.

Beginning on the effective date 1%, and beginning January 1, 1976, 1-1/2% of the salary of each male present employee and future entrant shall

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be deducted and contributed to the fund for widow's annuity or Tier 2 surviving spouse's annuity; however, in the case of a future entrant who attains age 63 prior to January 1, 1988 while still in service, no deductions shall be made for the period between the date the employee attains age 63 and January 1, 1988. The deductions shall be made from each payment of salary and shall continue during the employee's service.

An employee in the service and over age 57 on the effective date of this amendatory Act of 1969 shall have the option of contributing 1% of salary together with the effective rate of interest for service rendered by him subsequent to his attainment of age 57 and prior to such effective date. If such retroactive contributions are made the wife or widow shall be entitled to the widow's annuity provided in Section 5-136.

Concurrently with each such deduction, the city shall contribute 2% of each such payment of salary.

Each deduction from salary and contribution by the city shall be allocated to the account of and credited to the employee. The amount so credited shall be improved at the applicable rate of interest; except that in the case of an employee who attains age 63 prior to January 1, 1988 while still in service, no interest shall be credited between the date the employee attains age 63 and January 1, 1988.

(Source: P.A. 86-272.)

(40 ILCS 5/5-238)

Sec. 5-238. Provisions applicable to new hires; Tier 2.

(a) Notwithstanding any other provision of this Article, the provisions of this Section apply to a person who first becomes a policeman under this Article on or after January 1, 2011, and to certain qualified survivors of such a policeman. Such persons, and the benefits and restrictions that apply specifically to them under this Article, may be referred to as "Tier 2".

(b) A policeman who has withdrawn from service, has attained age 50 or more, and who has 10 or more years of service in that capacity shall be entitled, upon proper application being received by the Fund, at his option to receive a Tier 2 monthly retirement annuity for his service as a police officer. The Tier 2 monthly retirement annuity shall be computed by multiplying 2.5% for each year of such service by his or her final average salary, subject to an annuity reduction factor of . The retirement annuity of a policeman who is retiring after attaining age 50 with 10 or more years of creditable service shall be reduced by one-half of 1% for each month that the police officer's age at retirement is under age 55. The

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Tier 2 monthly retirement annuity is in lieu of any age and service annuity or other form of retirement annuity under this Article.

The maximum retirement annuity under this subsection (b) shall be 75% of final average salary.

For the purposes of this subsection (b), "final average salary" means the average monthly salary obtained by dividing the total salary of the policeman during the 96 consecutive months of service within the last 120 months of service in which the total salary was the highest by the number of months of service in that period.

Beginning on January 1, 2011, for all purposes under this Code (including without limitation the calculation of benefits and employee contributions), the annual salary based on the plan year of a member or participant to whom this Section applies shall not exceed $106,800; however, that amount shall annually thereafter be increased by the lesser of (i) 3% of that amount, including all previous adjustments, or (ii) one-half the annual unadjusted percentage increase (but not less than zero) in the consumer price index-u for the 12 months ending with the September preceding each November 1, including all previous adjustments.

(c) Notwithstanding any other provision of this Article, for a person who first becomes a policeman under this Article on or after January 1, 2011, eligibility for and the amount of the annuity to which the qualified surviving spouse, children, and or parents are entitled under this subsection (c) shall be determined as follows:

(1) The surviving spouse of a deceased policeman to whom this Section applies shall be deemed qualified to receive a Tier 2 surviving spouse's annuity under this paragraph (1) if: (i) the deceased policeman meets the requirements specified under subdivision (A), (B), (C), or (D) of this paragraph (1); and (ii) the surviving spouse would not otherwise be excluded from receiving a widow's annuity under the eligibility requirements for a widow's annuity set forth in Section 5-146. The Tier 2 surviving spouse's annuity is in lieu of the widow's annuity determined under any other Section of this Article and is subject to the requirements of Section 5-147.1.

As used in this subsection (c), "earned annuity" means a Tier 2 monthly retirement annuity determined under subsection (b) of this Section, including any increases the policeman had received pursuant to Section 5-167.1.
(A) If the deceased policeman was receiving an earned annuity at the date of his or her death, the Tier 2 surviving spouse's annuity under this paragraph (1) shall be in the amount of 66 2/3% of the policeman's earned annuity at the date of death.

(B) If the deceased policeman was not receiving an earned annuity but had at least 10 years of service at the time of death, the Tier 2 surviving spouse's annuity under this paragraph (1) shall be the greater of: (i) 30% of the annual maximum salary attached to the classified civil service position of a first class patrolman at the time of his death; or (ii) 66 2/3% of the Tier 2 monthly retirement annuity that the deceased policeman would have been eligible to receive under subsection (b) of this Section, based upon the actual service accrued through the day before the policeman's death, but determined as though the policeman was at least age 55 on the day before his or her death and retired on that day.

(C) If the deceased policeman was an active policeman with at least 1 1/2 but less than 10 years of service at the time of death, the Tier 2 surviving spouse's annuity under this paragraph (1) shall be in the amount of 30% of the annual maximum salary attached to the classified civil service position of a first class patrolman at the time of his death.

(D) If the performance of an act or acts of duty results directly in the death of a policeman subject to this Section, or prevents him from subsequently resuming active service in the police department, and if the policeman's Tier 2 surviving spouse would otherwise meet the eligibility requirements for a compensation annuity or supplemental annuity granted under Section 5-144, then in addition to the Tier 2 surviving spouse's annuity provided under subdivision (A), (B), or (C) of this paragraph (1), whichever applies, the Tier 2 surviving spouse shall be qualified to receive compensation annuity or supplemental annuity, as would be provided under Section 5-144, in order to bring the total benefit up to the applicable 75% salary limitation provided in that Section, but subject to the

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Tier 2 salary cap provided under subsection (b) of this Section; except that no such annuity shall be paid to the surviving spouse of a policeman who dies while in receipt of disability benefits when the policeman's death was caused by an intervening illness or injury unrelated to the illness or injury that had prevented him from subsequently resuming active service in the police department.

(E) Notwithstanding any other provision of this Article, the monthly Tier 2 surviving spouse's annuity under subdivision (A) or (B) of this paragraph (1) of a survivor of a person who first becomes a policeman under this Article on or after January 1, 2011 shall be increased on the January 1 next occurring after (i) attainment of age 60 by the recipient of the Tier 2 surviving spouse's annuity or (ii) the first anniversary of the Tier 2 surviving spouse's annuity start date, whichever is later, survivor's annuity and on each January 1 thereafter, by 3% or one-half the annual unadjusted percentage increase (but not less than zero) in the consumer price index-u for the 12 months ending with the September preceding each November 1, whichever is less, of the originally granted Tier 2 surviving spouse's survivor's annuity. If the unadjusted percentage change in the consumer price index-u for a 12-month period ending in September is zero or, when compared with the preceding period, decreases, then the annuity shall not be increased.

For the purposes of this Section, "consumer price index-u" means the index published by the Bureau of Labor Statistics of the United States Department of Labor that measures the average change in prices of goods and services purchased by all urban consumers, United States city average, all items, 1982-84 = 100. The new amount resulting from each annual adjustment shall be determined by the Public Pension Division of the Department of Insurance and made available to the boards of the pension funds.

(F) Notwithstanding the other provisions of this paragraph (1), for a qualified surviving spouse who is entitled to a Tier 2 surviving spouse's annuity under

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subdivision (A), (B), (C), or (D) of this paragraph (1), that Tier 2 surviving spouse's annuity shall not be less than the amount of the minimum widow's annuity established from time to time under Section 5-167.4.

(2) Surviving children of a deceased policeman subject to this Section who would otherwise meet the eligibility requirements for a child's annuity set forth in Sections 5-151 and 5-152 shall be deemed qualified to receive a Tier 2 child's annuity under this subsection (c), which shall be in lieu of, but in the same amount and paid in the same manner as, the child's annuity provided under those Sections; except that any salary used for computing a Tier 2 child's annuity shall be subject to the Tier 2 salary cap provided under subsection (b) of this Section. For purposes of determining any pro rata reduction in child's annuities under this subsection (c), references in Section 5-152 to the combined annuities of the family shall be deemed to refer to the combined Tier 2 surviving spouse's annuity, if any, and the Tier 2 child's annuities payable under this subsection (c).

(3) Surviving parents of a deceased policeman subject to this Section who would otherwise meet the eligibility requirements for a parent's annuity set forth in Section 5-152 shall be deemed qualified to receive a Tier 2 parent's annuity under this subsection (c), which shall be in lieu of, but in the same amount and paid in the same manner as, the parent's annuity provided under Section 5-152.1; except that any salary used for computing a Tier 2 parent's annuity shall be subject to the Tier 2 salary cap provided under subsection (b) of this Section. For the purposes of this Section, a reference to "annuity" in Section 5-152.1 includes: (i) in the context of a widow, a Tier 2 surviving spouse's annuity and (ii) in the context of a child, a Tier 2 child's annuity.

(d) The General Assembly finds and declares that the provisions of this Section, as enacted by Public Act 96-1495, require clarification relating to necessary eligibility standards and the manner of determining and paying the intended Tier 2 benefits and contributions in order to enable the Fund to unambiguously implement and administer benefits for Tier 2 members. The changes to this Section and the conforming changes to Sections 5-153, 5-155, 5-163, 5-167.1 (except for the changes to subsection (a) of that Section), 5-169, and 5-170 made by this amendatory Act of the 99th General Assembly are enacted to clarify the provisions of

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this Section as enacted by Public Act 96-1495, and are hereby declared to represent and be consistent with the original and continuing intent of this Section and Public Act 96-1495.

(e) The changes to Sections 5-153, 5-155, 5-163, 5-167.1 (except for the changes to subsection (a) of that Section), 5-169, and 5-170 made by this amendatory Act of the 99th General Assembly are intended to be retroactive to January 1, 2011 (the effective date of Public Act 96-1495) and, for the purposes of Section 1-103.1 of this Code, they apply without regard to whether the relevant policeman was in service on or after the effective date of this amendatory Act of the 99th General Assembly.

(Source: P.A. 96-1495, eff. 1-1-11.)

(40 ILCS 5/6-128.4) (from Ch. 108 1/2, par. 6-128.4)

Sec. 6-128.4. Minimum widow's annuities.

(a) Notwithstanding any other provision of this Article, beginning January 1, 1996, the minimum amount of widow's annuity payable to any person who is entitled to receive a widow's annuity under this Article is $700 per month, without regard to whether the deceased fireman is in service on or after the effective date of this amendatory Act of 1995.

(b) Notwithstanding Section 6-128.3, beginning January 1, 1994, the minimum widow's annuity under this Article shall be $700 per month for (1) all persons receiving widow's annuities on that date who are survivors of employees who retired at age 50 or over with at least 20 years of service, and (2) persons who become eligible for widow's annuities and are survivors of employees who retired at age 50 or over with at least 20 years of service.

(c) Notwithstanding Section 6-128.3, beginning January 1, 1999, the minimum widow's annuity under this Article shall be $800 per month for (1) all persons receiving widow's annuities on that date who are survivors of employees who retired at age 50 or over with at least 20 years of service, and (2) persons who become eligible for widow's annuities and are survivors of employees who retired at age 50 or over with at least 20 years of service.

(d) Notwithstanding Section 6-128.3, beginning January 1, 2004, the minimum widow's annuity under this Article shall be $900 per month for all persons receiving widow's annuities on or after that date, without regard to whether the deceased fireman is in service on or after the effective date of this amendatory Act of the 93rd General Assembly.

(e) Notwithstanding Section 6-128.3, beginning January 1, 2005, the minimum widow's annuity under this Article shall be $1,000 per month.

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month for all persons receiving widow's annuities on or after that date, without regard to whether the deceased fireman is in service on or after the effective date of this amendatory Act of the 93rd General Assembly.

(f) Notwithstanding Section 6-128.3, beginning January 1, 2017, the minimum widow's annuity under this Article shall be no less than 125% of the Federal Poverty Level for all persons receiving widow's annuities on or after that date, without regard to whether the deceased fireman is in service on or after the effective date of this amendatory Act of the 99th General Assembly. For purposes of this Section, "Federal Poverty Level" means the poverty guidelines applicable to an individual in a single-person household located in Illinois, as updated periodically in the Federal Register by the United States Department of Health and Human Services under the authority of 42 U.S.C. 9902(2).

(Source: P.A. 93-654, eff. 1-16-04.)

(40 ILCS 5/6-150) (from Ch. 108 1/2, par. 6-150)
Sec. 6-150. Death benefit.

(a) Effective January 1, 1962, an ordinary death benefit shall be payable on account of any fireman in service and in receipt of salary on or after such date, which benefit shall be in addition to all other annuities and benefits herein provided. This benefit shall be payable upon death of a fireman:

(1) occurring in active service while in receipt of salary;
(2) on an authorized and approved leave of absence, without salary, beginning on or after January 1, 1962, if the death occurs within 60 days from the date the fireman was in receipt of salary;
(3) receiving duty, occupational disease, or ordinary disability benefit;
(4) occurring within 60 days from the date of termination of duty disability, occupational disease disability or ordinary disability benefit payments if re-entry into service had not occurred; or
(5) occurring on retirement and while in receipt of an age and service annuity, prior service annuity, Tier 2 monthly retirement annuity, or minimum annuity; provided (a) retirement on such annuity occurred on or after January 1, 1962, and (b) such separation from service was effective on or after the fireman's attainment of age 50, and (c) application for such annuity was made within 60 days after separation from service.

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(b) The ordinary death benefit shall be payable to such beneficiary or beneficiaries as the fireman has nominated by written direction duly signed and acknowledged before an officer authorized to take acknowledgments, and filed with the board. If no such written direction has been filed or if the designated beneficiaries do not survive the fireman, payment of the benefit shall be made to his estate.

(c) Beginning July 1, 1983, if death occurs prior to retirement on annuity and before the fireman's attainment of age 50, the amount of the benefit payable shall be $12,000. Beginning July 1, 1983, if death occurs prior to retirement, at age 50 or over, the benefit of $12,000 shall be reduced $400 for each year (commencing on the fireman's attainment of age 50 and thereafter on each succeeding birth date) that the fireman's age, at date of death, is more than age 49, but in no event below the amount of $6,000.

Beginning July 1, 1983, if the fireman's death occurs while he is in receipt of an annuity, the benefit shall be $6,000.

(Source: P.A. 83-152.)

(40 ILCS 5/6-158) (from Ch. 108 1/2, par. 6-158)

Sec. 6-158. Refund - General.

(a) A fireman who withdraws before age 50 and a fireman with less than 10 years of service who withdraws before age 57, or any fireman who withdraws and enters the service of another department of the city, has a right to a refund of the entire amount to his credit as of the date of withdrawal for age and service annuity or Tier 2 monthly retirement annuity, for automatic annual increase in annuity as provided in Section 6-164, and for widow's annuity or Tier 2 surviving spouse's annuity, from deductions from salary.

(b) Any such fireman shall be entitled to refund until he re-enters service or until his annuity is fixed.

(c) A fireman who receives a refund forfeits all rights to any annuity or benefit from the fund, for himself and for any other person who might benefit through him because of his service, provided he shall retain the right to credit for any such service, for the purpose of computing his total service if he re-enters service before age 57, becomes a beneficiary of the fund and makes repayment of the refund with interest.

(d) A fireman completing 10 years of service who does not receive a refund, may receive an annuity as provided in this Article.

(e) A fireman completing less than 10 years who does not receive a refund has a right to have all amounts to his credit for annuity purposes on

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the date of withdrawal improved by interest while he is out of service until age 57 only, for his benefit and the benefit of any person who may have any right to annuity through him, if he subsequently reenters service and attains a right to annuity.

(Source: Laws 1965, p. 2464.)

(40 ILCS 5/6-164) (from Ch. 108 1/2, par. 6-164)

Sec. 6-164. Automatic annual increase; retirement after September 1, 1959.

(a) A fireman qualifying for a minimum annuity who retires from service after September 1, 1959 shall, upon either the first of the month following the first anniversary of his date of retirement if he is age 60 (age 55 if born before January 1, 1966) or over on that anniversary date, or upon the first of the month following his attainment of age 60 (age 55 if born before January 1, 1966) if that occurs after the first anniversary of his retirement date, have his then fixed and payable monthly annuity increased by 1 1/2%, and such first fixed annuity as granted at retirement increased by an additional 1 1/2% in January of each year thereafter up to a maximum increase of 30%. Beginning July 1, 1982 for firemen born before January 1, 1930, and beginning January 1, 1990 for firemen born after December 31, 1929 and before January 1, 1940, and beginning January 1, 1996 for firemen born after December 31, 1939 but before January 1, 1945, and beginning January 1, 1996, and beginning January 1, 2017, for firemen born after December 31, 1954 but before January 1, 1966, such increases shall be 3% and such firemen shall not be subject to the 30% maximum increase.

Any fireman born before January 1, 1945 who qualifies for a minimum annuity and retires after September 1, 1967 but has not received the initial increase under this subsection before January 1, 1996 is entitled to receive the initial increase under this subsection on (1) January 1, 1996, (2) the first anniversary of the date of retirement, or (3) attainment of age 55, whichever occurs last. The changes to this Section made by this amendatory Act of 1995 apply beginning January 1, 1996 and apply without regard to whether the fireman or annuitant terminated service before the effective date of this amendatory Act of 1995.

Any fireman born before January 1, 1955 who qualifies for a minimum annuity and retires after September 1, 1967 but has not received the initial increase under this subsection before January 1, 2004 is entitled to receive the initial increase under this subsection on (1) January 1, 2004,
(2) the first anniversary of the date of retirement, or (3) attainment of age 55, whichever occurs last. The changes to this Section made by this amendatory Act of the 93rd General Assembly apply without regard to whether the fireman or annuitant terminated service before the effective date of this amendatory Act.

Any fireman born before January 1, 1966 who qualifies for a minimum annuity and retires after September 1, 1967 but has not received the initial increase under this subsection before January 1, 2017 is entitled to receive an initial increase under this subsection on (1) January 1, 2017, (2) the first anniversary of the date of retirement, or (3) attainment of age 55, whichever occurs last, in an amount equal to 3% for each complete year following the date of retirement or attainment of age 55, whichever occurs later. The changes to this subsection made by this amendatory Act of the 99th General Assembly apply without regard to whether the fireman or annuitant terminated service before the effective date of this amendatory Act.

(b) Subsection (a) of this Section is not applicable to an employee receiving a term annuity.

c) To help defray the cost of such increases in annuity, there shall be deducted, beginning September 1, 1959, from each payment of salary to a fireman, 1/8 of 1% of each such salary payment and an additional 1/8 of 1% beginning on September 1, 1961, and September 1, 1963, respectively, concurrently with and in addition to the salary deductions otherwise made for annuity purposes.

Each such additional 1/8 of 1% deduction from salary which shall, on September 1, 1963, result in a total increase of 3/8 of 1% of salary, shall be credited to the Automatic Increase Reserve, to be used, together with city contributions as provided in this Article, to defray the cost of the 1 1/2% annuity increments herein specified in this Section. Any balance in such reserve as of the beginning of each calendar year shall be credited with interest at the rate of 3% per annum.

The salary deductions provided in this Section are not subject to refund, except to the fireman himself; in any case in which: (i) the fireman withdraws prior to qualification for minimum annuity or Tier 2 monthly retirement annuity and applies for refund, (ii) the fireman applies for an annuity of a type that is not subject to annual increases under this Section, or (iii) a term annuity becomes payable. In such cases, the total of such salary deductions shall be

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refunded to the fireman, without interest, and charged to the aforementioned reserve.

(d) Notwithstanding any other provision of this Article, the Tier 2 monthly retirement annuity of a person who first becomes a fireman under this Article on or after January 1, 2011 shall be increased on the January 1 occurring either on or after (i) the attainment of age 60 or (ii) the first anniversary of the annuity start date, whichever is later. Each annual increase shall be calculated at 3% or one-half the annual unadjusted percentage increase (but not less than zero) in the consumer price index-u for the 12 months ending with the September preceding each November 1, whichever is less, of the originally granted retirement annuity. If the annual unadjusted percentage change in the consumer price index-u for a 12-month period ending in September is zero or, when compared with the preceding period, decreases, then the annuity shall not be increased.

For the purposes of this subsection (d), "consumer price index-u" means the index published by the Bureau of Labor Statistics of the United States Department of Labor that measures the average change in prices of goods and services purchased by all urban consumers, United States city average, all items, 1982-84 = 100. The new amount resulting from each annual adjustment shall be determined by the Public Pension Division of the Department of Insurance and made available to the boards of the pension funds by November 1 of each year.

(Source: P.A. 96-1495, eff. 1-1-11.)

(40 ILCS 5/6-166) (from Ch. 108 1/2, par. 6-166)

Sec. 6-166. Contributions for age and service annuities or Tier 2 monthly retirement annuities for present employees and future entrants.

(a) After the effective date and prior to July 1, 1953, 3 1/2%, and after June 30, 1953, and prior to September 1, 1959, 6%, and beginning September 1, 1959, 7 1/8% of each payment of the salary of each present employee and future entrant shall be deducted and contributed to the fund for age and service annuity or Tier 2 monthly retirement annuity. The deductions shall be made at the time payments of salary are payable and shall continue while the employee is in service.

Concurrently with each such contribution, the city shall contribute 8 1/2% of each payment of salary, but the city contributions shall cease for all employees upon their attainment of age 63.

(b) Each contribution by the employee and the city shall be allocated to the account of and credited to the employee, and shall be improved by interest at the applicable rate during the time he is in service.
until the age and service annuity is fixed. Any accretion, by way of interest or otherwise, upon such sum or any deduction from salary made after the annuity is fixed for a present employee or after attainment of age 63 by a future entrant who first becomes a fireman under this Article before January 1, 2011 shall not be credited to the employee for age and service annuity.

(Source: P.A. 76-1668.)

(40 ILCS 5/6-167) (from Ch. 108 1/2, par. 6-167)

Sec. 6-167. Contributions for widow's annuity and Tier 2 surviving spouse's annuity. Beginning on the effective date and prior to September 1, 1957, 1% of each payment of salary of not more than $3,000 of each employee and beginning September 1, 1957, 1% of each payment of salary of not more than $6,000 of each present employee and future entrant shall be deducted and contributed to the fund for widow's annuity. After September 1, 1967 and prior to January 1, 1976, 1%, and beginning January 1, 1976, 1 1/2% of salary without limitation shall be deducted from the pay of each present employee and future entrant and contributed to the fund for widow's annuity or Tier 2 surviving spouse's annuity. The deduction shall be made at the time the payments of salary are payable and shall continue during the service of the employee.

Concurrently with each contribution, the city shall contribute 2% of each payment of salary.

Each contribution by the employee and the city shall be allocated to the accounts of and credited to the employee for widow's annuity or Tier 2 surviving spouse's annuity.

(Source: P.A. 79-633.)

(40 ILCS 5/6-229)

Sec. 6-229. Provisions applicable to new hires; Tier 2.

(a) Notwithstanding any other provision of this Article, the provisions of this Section apply to a person who first becomes a fireman under this Article on or after January 1, 2011, and to certain qualified survivors of such a fireman. Such persons, and the benefits and restrictions that apply specifically to them under this Article, may be referred to as “Tier 2”.

(b) A fireman who has withdrawn from service, has attained age 50 or more, and who has 10 or more years of service in that capacity shall be entitled, upon proper application being received by the Fund, at his option to receive a Tier 2 monthly retirement annuity for his service as a fireman. The Tier 2 monthly retirement annuity shall be computed by

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multiplying 2.5% for each year of such service by his or her final average salary, subject to an annuity reduction factor of The retirement annuity of a fireman who is retiring after attaining age 50 with 10 or more years of creditable service shall be reduced by one-half of 1% for each month that the fireman's age at retirement is under age 55. The Tier 2 monthly retirement annuity is in lieu of any age and service annuity or other form of retirement annuity under this Article.

The maximum retirement annuity under this subsection (b) shall be 75% of final average salary.

For the purposes of this subsection (b), "final average salary" means the average monthly salary obtained by dividing the total salary of the fireman during the 96 consecutive months of service within the last 120 months of service in which the total salary was the highest by the number of months of service in that period.

Beginning on January 1, 2011, for all purposes under this Code (including without limitation the calculation of benefits and employee contributions), the annual salary based on the plan year of a member or participant to whom this Section applies shall not exceed $106,800; however, that amount shall annually thereafter be increased by the lesser of (i) 3% of that amount, including all previous adjustments, or (ii) one-half the annual unadjusted percentage increase (but not less than zero) in the consumer price index-u for the 12 months ending with the September preceding each November 1, including all previous adjustments.

(b-5) For the purposes of this Section, "consumer price index-u" means the index published by the Bureau of Labor Statistics of the United States Department of Labor that measures the average change in prices of goods and services purchased by all urban consumers, United States city average, all items, 1982-84 = 100. The new amount resulting from each annual adjustment shall be determined by the Public Pension Division of the Department of Insurance and made available to the boards of the retirement systems and pension funds by November 1 of each year.

(c) Notwithstanding any other provision of this Article, for a person who first becomes a fireman under this Article on or after January 1, 2011, eligibility for and the amount of the annuity to which the qualified surviving spouse, children, and or parents of the fireman are entitled under this subsection (c) shall be determined as follows:

(1) The surviving spouse of a deceased fireman to whom this Section applies shall be deemed qualified to receive a Tier 2 surviving spouse's annuity under this paragraph (1) if: (i) the
deceased fireman meets the requirements specified under subdivision (A), (B), (C), or (D) of this paragraph (1); and (ii) the surviving spouse would not otherwise be excluded from receiving a widow's annuity under the eligibility requirements for a widow's annuity set forth in Section 6-142. The Tier 2 surviving spouse's annuity is in lieu of the widow's annuity determined under any other Section of this Article and is subject to the requirements of Section 6-143.2.

As used in this subsection (c), "earned pension" means a Tier 2 monthly retirement annuity determined under subsection (b) of this Section, including any increases the fireman had received pursuant to Section 6-164.

(A) If the deceased fireman was receiving an earned pension at the date of his or her death, the Tier 2 surviving spouse's annuity under this paragraph (1) shall be in the amount of 66 2/3% of the fireman's earned pension at the date of death.

(B) If the deceased fireman was not receiving an earned pension but had at least 10 years of service at the time of death, the Tier 2 surviving spouse's annuity under this paragraph (1) shall be the greater of: (i) 30% of the salary attached to the rank of first class firefighter in the classified career service at the time of the fireman's death; or (ii) 66 2/3% of the Tier 2 monthly retirement annuity that the deceased fireman would have been eligible to receive under subsection (b) of this Section, based upon the actual service accrued through the day before the fireman's death, but determined as though the fireman was at least age 55 on the day before his or her death and retired on that day.

(C) If the deceased fireman was an active fireman with at least 1 1/2 but less than 10 years of service at the time of death, the Tier 2 surviving spouse's annuity under this paragraph (1) shall be in the amount of 30% of the salary attached to the rank of first class firefighter in the classified career service at the time of the fireman's death.

(D) Notwithstanding subdivisions (A), (B), and (C) of this paragraph (1), if the performance of an act or acts of duty results directly in the death of a fireman subject to

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this Section, or prevents him from subsequently resuming active service in the fire department, then a surviving spouse who would otherwise meet the eligibility requirements for a death in the line of duty widow's annuity granted under Section 6-140 shall be deemed to be qualified for a Tier 2 surviving spouse's annuity under this subdivision (D); except that no such annuity shall be paid to the surviving spouse of a fireman who dies while in receipt of disability benefits when the fireman's death was caused by an intervening illness or injury unrelated to the illness or injury that had prevented him from subsequently resuming active service in the fire department. The Tier 2 surviving spouse's annuity calculated under this subdivision (D) shall be in lieu of, but in the same amount and paid in the same manner as, the widow's annuity provided under Section 6-140; except that the salary used for computing a Tier 2 surviving spouse's annuity under this subdivision (D) shall be subject to the Tier 2 salary cap provided under subsection (b) of this Section.

(E) Notwithstanding any other provision of this Article, the monthly Tier 2 surviving spouse's annuity under subdivision (A) or (B) of this paragraph (1) of a survivor of a person who first becomes a fireman under this Article on or after January 1, 2011 shall be increased on the January 1 next occurring after (i) attainment of age 60 by the recipient of the Tier 2 surviving spouse's annuity or (ii) the first anniversary of the Tier 2 surviving spouse's annuity start date, whichever is later, survivor's pension and on each January 1 thereafter, by 3% or one-half the annual unadjusted percentage increase in the consumer price index-u for the 12 months ending with September preceding each November 1, whichever is less, of the originally granted Tier 2 surviving spouse's survivor's annuity. If the annual unadjusted percentage change in the consumer price index-u for a 12-month period ending in September is zero or, when compared with the preceding period, decreases, then the annuity shall not be increased.

(F) Notwithstanding the other provisions of this paragraph (1), for a qualified surviving spouse who is

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entitled to a Tier 2 surviving spouse's annuity under subdivision (A), (B), (C), or (D) of this paragraph (1), that Tier 2 surviving spouse's annuity shall not be less than the amount of the minimum widow's annuity established from time to time under Section 6-128.4.

(2) Surviving children of a deceased fireman subject to this Section who would otherwise meet the eligibility requirements for a child's annuity set forth in Sections 6-147 and 6-148 shall be deemed qualified to receive a Tier 2 child's annuity under this subsection (c), which shall be in lieu of, but in the same amount and paid in the same manner as, the child's annuity provided under those Sections; except that any salary used for computing a Tier 2 child's annuity shall be subject to the Tier 2 salary cap provided under subsection (b) of this Section. For purposes of determining any pro rata reduction in child's annuities under this subsection (c), references in Section 6-148 to the combined annuities of the family shall be deemed to refer to the combined Tier 2 surviving spouse's annuity, if any, and the Tier 2 child's annuities payable under this subsection (c).

(3) Surviving parents of a deceased fireman subject to this Section who would otherwise meet the eligibility requirements for a parent's annuity set forth in Section 6-149 shall be deemed qualified to receive a Tier 2 parent's annuity under this subsection (c), which shall be in lieu of, but in the same amount and paid in the same manner as, the parent's annuity provided under Section 6-149; except that any salary used for computing a Tier 2 parent's annuity shall be subject to the Tier 2 salary cap provided under subsection (b) of this Section. For the purposes of this Section, a reference to "annuity" in Section 6-149 includes: (i) in the context of a widow, a Tier 2 surviving spouse's annuity and (ii) in the context of a child, a Tier 2 child's annuity.

(d) The General Assembly finds and declares that the provisions of this Section, as enacted by Public Act 96-1495, require clarification relating to necessary eligibility standards and the manner of determining and paying the intended Tier 2 benefits and contributions in order to enable the Fund to unambiguously implement and administer benefits for Tier 2 members. The changes to this Section and the conforming changes to Sections 6-150, 6-158, 6-164 (except for the changes to subsection (a) of that Section), 6-166, and 6-167 made by this amendatory Act of the 99th New matter indicated by italics - deletions by strikeout
General Assembly are enacted to clarify the provisions of this Section as enacted by Public Act 96-1495, and are hereby declared to represent and be consistent with the original and continuing intent of this Section and Public Act 96-1495.

(e) The changes to Sections 6-150, 6-158, 6-164 (except for the changes to subsection (a) of that Section), 6-166, and 6-167 made by this amendatory Act of the 99th General Assembly are intended to be retroactive to January 1, 2011 (the effective date of Public Act 96-1495) and, for the purposes of Section 1-103.1 of this Code, they apply without regard to whether the relevant fireman was in service on or after the effective date of this amendatory Act of the 99th General Assembly.

(Source: P.A. 96-1495, eff. 1-1-11.)

Section 90. The State Mandates Act is amended by adding Section 8.40 as follows:

(30 ILCS 805/8.40 new)

Sec. 8.40. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 99th General Assembly.

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

Passed in the General Assembly June, 6, 2016.

Governor Returns Bill with Recommendation For Change (Amendatory Veto of August 26, 2016) August 26, 2016.


Effective November 30, 2016.

PUBLIC ACT 99-0906
(Senate Bill No. 2814)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Findings.
(a) In 2011, the General Assembly encouraged and enabled the State's largest electric utilities to undertake substantial investment to refurbish, rebuild, modernize, and expand Illinois' century-old electric grid. Among those investments were the deployment of a smart grid and

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advanced metering infrastructure platform that would be accessible to all retail customers through new, digital smart meters. This investment, now well underway, not only allows utilities to continue to provide safe, reliable, and affordable service to the State's current and future utility customers, but also empowers the citizens of this State to directly access and participate in the rapidly emerging clean energy economy while also presenting them with unprecedented choices in their source of energy supply and pricing.

To ensure that the State and its citizens, including low-income citizens, are equipped to enjoy the opportunities and benefits of the smart grid and evolving clean energy marketplace, the General Assembly finds and declares that Illinois should continue in its efforts to build the grid of the future using the smart grid and advanced metering infrastructure platform, as well as maximize the impact of the State's existing energy efficiency and renewable energy portfolio standards. Specifically, the General Assembly finds that:

1. the State should encourage the adoption and deployment of cost-effective distributed energy resource technologies and devices, such as photovoltaics, which can encourage private investment in renewable energy resources, stimulate economic growth, enhance the continued diversification of Illinois' energy resource mix, and protect the Illinois environment; investment in renewable energy resources, including, but not limited to, photovoltaic distributed generation, which should benefit all citizens of the State, including low-income households; and

2. the State's existing energy efficiency standard should be updated to ensure that customers continue to realize increased value, to incorporate and optimize measures enabled by the smart grid, including voltage optimization measures, and to provide incentives for electric utilities to achieve the energy savings goals. (b) The General Assembly finds that low-income customers should be included within the State's efforts to expand the use of distributed generation technologies and devices.

Section 1.5. Zero emission standard legislative findings. The General Assembly finds and declares:

1. Reducing emissions of carbon dioxide and other air pollutants, such as sulfur oxides, nitrogen oxides, and particulate
matters, is critical to improving air quality in Illinois for Illinois residents.

(2) Sulfur oxides, nitrogen oxides, and particulate emissions have significant adverse health effects on persons exposed to them, and carbon dioxide emissions result in climate change trends that could significantly adversely impact Illinois.

(3) The existing renewable portfolio standard has been successful in promoting the growth of renewable energy generation to reduce air pollution in Illinois. However, to achieve its environmental goals, Illinois must expand its commitment to zero emission energy generation and value the environmental attributes of zero emission generation that currently falls outside the scope of the existing renewable portfolio standard, including, but not limited to, nuclear power.

(4) Preserving existing zero emission energy generation and promoting new zero emission energy generation is vital to placing the State on a glide path to achieving its environmental goals and ensuring that air quality in Illinois continues to improve.

(5) The Illinois Commerce Commission, the Illinois Power Agency, the Illinois Environmental Protection Agency, and the Department of Commerce and Economic Opportunity issued a report dated January 5, 2015 titled "Potential Nuclear Power Plant Closings in Illinois" (the Report), which addressed the issues identified by Illinois House Resolution 1146 of the 98th General Assembly, which, among other things, urged the Illinois Environmental Protection Agency to prepare a report showing how the premature closure of existing nuclear power plants in Illinois will affect the societal cost of increased greenhouse gas emissions based upon the Environmental Protection Agency's published societal cost of greenhouse gases.

(6) The Report also included analysis from PJM Interconnection, LLC, which identified significant adverse consequences for electric reliability, including significant voltage and thermal violations in the interstate transmission network, in the event that Illinois' existing nuclear facilities close prematurely. The Report also found that nuclear power plants are among the most reliable sources of energy, which means that electricity from nuclear power plants is available on the electric grid all hours of
the day and when needed, thereby always reducing carbon emissions.

(7) Illinois House Resolution 1146 further urged that the Report make findings concerning potential market-based solutions that will ensure that the premature closure of these nuclear power plants does not occur and that the associated dire consequences to the environment, electric reliability, and the regional economy are averted.

(8) The Report identified potential market-based solutions that will ensure that the premature closure of these nuclear power plants does not occur and that the associated dire consequences to the environment, electric reliability, and the regional economy are averted.

The General Assembly further finds that the Social Cost of Carbon is an appropriate valuation of the environmental benefits provided by zero emission facilities, provided that the valuation is subject to a price adjustment that can reduce the price for zero emission credits below the Social Cost of Carbon. This will ensure that the procurement of zero emission credits remains affordable for retail customers even if energy and capacity prices are projected to rise above 2016 levels reflected in the baseline market price index.

The General Assembly therefore finds that it is necessary to establish and implement a zero emission standard, which will increase the State's reliance on zero emission energy through the procurement of zero emission credits from zero emission facilities, in order to achieve the State's environmental objectives and reduce the adverse impact of emitted air pollutants on the health and welfare of the State's citizens.

Section 3. The Illinois Administrative Procedure Act is amended by changing Section 5-45 as follows:

(5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)
Sec. 5-45. Emergency rulemaking.
(a) "Emergency" means the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare.

(b) If any agency finds that an emergency exists that requires adoption of a rule upon fewer days than is required by Section 5-40 and states in writing its reasons for that finding, the agency may adopt an emergency rule without prior notice or hearing upon filing a notice of emergency rulemaking with the Secretary of State under Section 5-70. The

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notice shall include the text of the emergency rule and shall be published in the Illinois Register. Consent orders or other court orders adopting settlements negotiated by an agency may be adopted under this Section. Subject to applicable constitutional or statutory provisions, an emergency rule becomes effective immediately upon filing under Section 5-65 or at a stated date less than 10 days thereafter. The agency's finding and a statement of the specific reasons for the finding shall be filed with the rule. The agency shall take reasonable and appropriate measures to make emergency rules known to the persons who may be affected by them.

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

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

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

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

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

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

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

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

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

(k) In order to provide for the expeditious and timely implementation of the provisions of the State's fiscal year 2006 budget, emergency rules to implement any provision of Public Act 94-48 or any other budget initiative for fiscal year 2006 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (k). The Department of

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Healthcare and Family Services may also adopt rules under this subsection (k) necessary to administer the Illinois Public Aid Code, the Senior Citizens and Persons with Disabilities Property Tax Relief Act, the Senior Citizens and Disabled Persons Prescription Drug Discount Program Act (now the Illinois Prescription Drug Discount Program Act), and the Children's Health Insurance Program Act. The adoption of emergency rules authorized by this subsection (k) shall be deemed to be necessary for the public interest, safety, and welfare.

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

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

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

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

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

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

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

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authorized by this subsection (r) is deemed to be necessary for the public interest, safety, and welfare.

(s) In order to provide for the expeditious and timely implementation of the provisions of Sections 5-5b.1 and 5A-2 of the Illinois Public Aid Code, emergency rules to implement any provision of Section 5-5b.1 or Section 5A-2 of the Illinois Public Aid Code may be adopted in accordance with this subsection (s) by the Department of Healthcare and Family Services. The rulemaking authority granted in this subsection (s) shall apply only to those rules adopted prior to July 1, 2015. Notwithstanding any other provision of this Section, any emergency rule adopted under this subsection (s) shall only apply to payments made for State fiscal year 2015. The adoption of emergency rules authorized by this subsection (s) is deemed to be necessary for the public interest, safety, and welfare.

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

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

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

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

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

(Source: P.A. 98-104, eff. 7-22-13; 98-463, eff. 8-16-13; 98-651, eff. 6-16-14; 99-2, eff. 3-26-15; 99-6, eff. 1-1-16; 99-143, eff. 7-27-15; 99-455, eff. 1-1-16; 99-516, eff. 6-30-16; 99-642, eff. 7-28-16; 99-796, eff. 1-1-17; revised 9-21-16.)

Section 5. The Illinois Power Agency Act is amended by changing Sections 1-5, 1-10, 1-20, 1-25, 1-56, and 1-75 as follows:

(20 ILCS 3855/1-5)

Sec. 1-5. Legislative declarations and findings. The General Assembly finds and declares:

(1) The health, welfare, and prosperity of all Illinois citizens require the provision of adequate, reliable, affordable, efficient, and environmentally sustainable electric service at the lowest total cost over time, taking into account any benefits of price stability.

(2) (Blank). The transition to retail competition is not complete. Some customers, especially residential and small

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commercial customers, have failed to benefit from lower electricity costs from retail and wholesale competition:

(3) Escalating prices for electricity in Illinois pose a serious threat to the economic well-being, health, and safety of the residents of and the commerce and industry of the State.

(4) It is necessary to improve the process of procuring electricity to serve Illinois residents, to promote investment in energy efficiency and demand-response measures, and to maintain support development of clean coal technologies, generation resources that operate at all hours of the day and under all weather conditions, zero emission facilities, and renewable resources.

(5) Procuring a diverse electricity supply portfolio will ensure the lowest total cost over time for adequate, reliable, efficient, and environmentally sustainable electric service.

(6) Including cost-effective renewable resources and zero emission credits from zero emission facilities in that portfolio will reduce long-term direct and indirect costs to consumers by decreasing environmental impacts and by avoiding or delaying the need for new generation, transmission, and distribution infrastructure. Developing new renewable energy resources in Illinois, including brownfield solar projects and community solar projects, will help to diversify Illinois electricity supply, avoid and reduce pollution, reduce peak demand, and enhance public health and well-being of Illinois residents.

(7) Developing community solar projects in Illinois will help to expand access to renewable energy resources to more Illinois residents.

(8) Developing brownfield solar projects in Illinois will help return blighted or contaminated land to productive use while enhancing public health and the well-being of Illinois residents.

(9) Energy efficiency, demand-response measures, zero emission energy, and renewable energy are resources currently underused in Illinois. These resources should be used, when cost effective, to reduce costs to consumers, improve reliability, and improve environmental quality and public health.

(10) The State should encourage the use of advanced clean coal technologies that capture and sequester carbon dioxide.

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emissions to advance environmental protection goals and to
demonstrate the viability of coal and coal-derived fuels in a
carbon-constrained economy.

(11) The General Assembly enacted Public Act 96-0795
to reform the State's purchasing processes, recognizing that
government procurement is susceptible to abuse if structural and
procedural safeguards are not in place to ensure independence,
insulation, oversight, and transparency.

(12) The principles that underlie the procurement
reform legislation apply also in the context of power purchasing.
The General Assembly therefore finds that it is necessary to create
the Illinois Power Agency and that the goals and objectives of that Agency
are to accomplish each of the following:

(A) Develop electricity procurement plans to ensure
adequate, reliable, affordable, efficient, and environmentally
sustainable electric service at the lowest total cost over time, taking
into account any benefits of price stability, for electric utilities that
on December 31, 2005 provided electric service to at least 100,000
customers in Illinois and for small multi-jurisdictional electric
utilities that (i) on December 31, 2005 served less than 100,000
customers in Illinois and (ii) request a procurement plan for their
Illinois jurisdictional load. The procurement plan shall be updated
on an annual basis and shall include renewable energy resources
and, beginning with the delivery year commencing June 1, 2017,
zero emission credits from zero emission facilities
sufficient to achieve the standards specified in this Act.

(B) Conduct the competitive procurement processes
identified in this Act to procure the supply resources identified in
the procurement plan.

(C) Develop electric generation and co-generation facilities
that use indigenous coal or renewable resources, or both, financed
with bonds issued by the Illinois Finance Authority.

(D) Supply electricity from the Agency's facilities at cost to
one or more of the following: municipal electric systems,
governmental aggregators, or rural electric cooperatives in Illinois.

(E) Ensure that the process of power procurement is
conducted in an ethical and transparent fashion, immune from
improper influence.

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(F) Continue to review its policies and practices to determine how best to meet its mission of providing the lowest cost power to the greatest number of people, at any given point in time, in accordance with applicable law.

(G) Operate in a structurally insulated, independent, and transparent fashion so that nothing impedes the Agency's mission to secure power at the best prices the market will bear, provided that the Agency meets all applicable legal requirements.

(H) Implement renewable energy procurement and training programs throughout the State to diversify Illinois electricity supply, improve reliability, avoid and reduce pollution, reduce peak demand, and enhance public health and well-being of Illinois residents, including low-income residents.

(Source: P.A. 97-325, eff. 8-12-11; 97-618, eff. 10-26-11; 97-813, eff. 7-13-12.)

(20 ILCS 3855/1-10)
Sec. 1-10. Definitions.
"Agency" means the Illinois Power Agency.
"Agency loan agreement" means any agreement pursuant to which the Illinois Finance Authority agrees to loan the proceeds of revenue bonds issued with respect to a project to the Agency upon terms providing for loan repayment installments at least sufficient to pay when due all principal of, interest and premium, if any, on those revenue bonds, and providing for maintenance, insurance, and other matters in respect of the project.

"Authority" means the Illinois Finance Authority.
"Brownfield site photovoltaic project" means photovoltaics that are:

(1) interconnected to an electric utility as defined in this Section, a municipal utility as defined in this Section, a public utility as defined in Section 3-105 of the Public Utilities Act, or an electric cooperative, as defined in Section 3-119 of the Public Utilities Act; and

(2) located at a site that is regulated by any of the following entities under the following programs:

(A) the United States Environmental Protection Agency under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended;

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(B) the United States Environmental Protection Agency under the Corrective Action Program of the federal Resource Conservation and Recovery Act, as amended;
(C) the Illinois Environmental Protection Agency under the Illinois Site Remediation Program; or
(D) the Illinois Environmental Protection Agency under the Illinois Solid Waste Program.

"Clean coal facility" means an electric generating facility that uses primarily coal as a feedstock and that captures and sequesters carbon dioxide emissions at the following levels: at least 50% of the total carbon dioxide emissions that the facility would otherwise emit if, at the time construction commences, the facility is scheduled to commence operation before 2016, at least 70% of the total carbon dioxide emissions that the facility would otherwise emit if, at the time construction commences, the facility is scheduled to commence operation during 2016 or 2017, and at least 90% of the total carbon dioxide emissions that the facility would otherwise emit if, at the time construction commences, the facility is scheduled to commence operation after 2017. The power block of the clean coal facility shall not exceed allowable emission rates for sulfur dioxide, nitrogen oxides, carbon monoxide, particulates and mercury for a natural gas-fired combined-cycle facility the same size as and in the same location as the clean coal facility at the time the clean coal facility obtains an approved air permit. All coal used by a clean coal facility shall have high volatile bituminous rank and greater than 1.7 pounds of sulfur per million Btu content, unless the clean coal facility does not use gasification technology and was operating as a conventional coal-fired electric generating facility on June 1, 2009 (the effective date of Public Act 95-1027).

"Clean coal SNG brownfield facility" means a facility that (1) has commenced construction by July 1, 2015 on an urban brownfield site in a municipality with at least 1,000,000 residents; (2) uses a gasification process to produce substitute natural gas; (3) uses coal as at least 50% of the total feedstock over the term of any sourcing agreement with a utility and the remainder of the feedstock may be either petroleum coke or coal, with all such coal having a high bituminous rank and greater than 1.7 pounds of sulfur per million Btu content unless the facility reasonably determines that it is necessary to use additional petroleum coke to deliver additional consumer savings, in which case the facility shall use coal for at least 35% of the total feedstock over the term of any sourcing agreement;
and (4) captures and sequesters at least 85% of the total carbon dioxide emissions that the facility would otherwise emit.

"Clean coal SNG facility" means a facility that uses a gasification process to produce substitute natural gas, that sequesters at least 90% of the total carbon dioxide emissions that the facility would otherwise emit, that uses at least 90% coal as a feedstock, with all such coal having a high bituminous rank and greater than 1.7 pounds of sulfur per million btu content, and that has a valid and effective permit to construct emission sources and air pollution control equipment and approval with respect to the federal regulations for Prevention of Significant Deterioration of Air Quality (PSD) for the plant pursuant to the federal Clean Air Act; provided, however, a clean coal SNG brownfield facility shall not be a clean coal SNG facility.

"Commission" means the Illinois Commerce Commission.

"Community renewable generation project" means an electric generating facility that:

(1) is powered by wind, solar thermal energy, photovoltaic cells or panels, biodiesel, crops and untreated and unadulterated organic waste biomass, tree waste, and hydropower that does not involve new construction or significant expansion of hydropower dams;

(2) is interconnected at the distribution system level of an electric utility as defined in this Section, a municipal utility as defined in this Section that owns or operates electric distribution facilities, a public utility as defined in Section 3-105 of the Public Utilities Act, or an electric cooperative, as defined in Section 3-119 of the Public Utilities Act;

(3) credits the value of electricity generated by the facility to the subscribers of the facility; and

(4) is limited in nameplate capacity to less than or equal to 2,000 kilowatts.

"Costs incurred in connection with the development and construction of a facility" means:

(1) the cost of acquisition of all real property, fixtures, and improvements in connection therewith and equipment, personal property, and other property, rights, and easements acquired that are deemed necessary for the operation and maintenance of the facility;

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(2) financing costs with respect to bonds, notes, and other evidences of indebtedness of the Agency;

(3) all origination, commitment, utilization, facility, placement, underwriting, syndication, credit enhancement, and rating agency fees;

(4) engineering, design, procurement, consulting, legal, accounting, title insurance, survey, appraisal, escrow, trustee, collateral agency, interest rate hedging, interest rate swap, capitalized interest, contingency, as required by lenders, and other financing costs, and other expenses for professional services; and

(5) the costs of plans, specifications, site study and investigation, installation, surveys, other Agency costs and estimates of costs, and other expenses necessary or incidental to determining the feasibility of any project, together with such other expenses as may be necessary or incidental to the financing, insuring, acquisition, and construction of a specific project and starting up, commissioning, and placing that project in operation.

"Delivery services" has the same definition as found in Section 16-102 of the Public Utilities Act.

"Delivery year" means the consecutive 12-month period beginning June 1 of a given year and ending May 31 of the following year.

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

"Director" means the Director of the Illinois Power Agency.

"Demand-response" means measures that decrease peak electricity demand or shift demand from peak to off-peak periods.

"Distributed renewable energy generation device" means a device that is:

(1) powered by wind, solar thermal energy, photovoltaic cells or panels, biodiesel, crops and untreated and unadulterated organic waste biomass, tree waste, and hydropower that does not involve new construction or significant expansion of hydropower dams;

(2) interconnected at the distribution system level of either an electric utility as defined in this Section, an alternative retail electric supplier as defined in Section 16-102 of the Public Utilities Act, a municipal utility as defined in this Section that owns or operates electric distribution facilities.
(3) located on the customer side of the customer's electric meter and is primarily used to offset that customer's electricity load; and

(4) limited in nameplate capacity to less than or equal to no more than 2,000 kilowatts.

"Energy efficiency" means measures that reduce the amount of electricity or natural gas consumed in order required to achieve a given end use. "Energy efficiency" includes voltage optimization measures that optimize the voltage at points on the electric distribution voltage system and thereby reduce electricity consumption by electric customers’ end use devices. "Energy efficiency" also includes measures that reduce the total Btus of electricity, and natural gas, and other fuels needed to meet the end use or uses.

"Electric utility" has the same definition as found in Section 16-102 of the Public Utilities Act.

"Facility" means an electric generating unit or a co-generating unit that produces electricity along with related equipment necessary to connect the facility to an electric transmission or distribution system.

"Governmental aggregator" means one or more units of local government that individually or collectively procure electricity to serve residential retail electrical loads located within its or their jurisdiction.

"Local government" means a unit of local government as defined in Section 1 of Article VII of the Illinois Constitution.

"Municipality" means a city, village, or incorporated town.

"Municipal utility" means a public utility owned and operated by any subdivision or municipal corporation of this State.

"Nameplate capacity" means the aggregate inverter nameplate capacity in kilowatts AC.

"Person" means any natural person, firm, partnership, corporation, either domestic or foreign, company, association, limited liability company, joint stock company, or association and includes any trustee, receiver, assignee, or personal representative thereof.

"Project" means the planning, bidding, and construction of a facility.

"Public utility" has the same definition as found in Section 3-105 of the Public Utilities Act.

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"Real property" means any interest in land together with all structures, fixtures, and improvements thereon, including lands under water and riparian rights, any easements, covenants, licenses, leases, rights-of-way, uses, and other interests, together with any liens, judgments, mortgages, or other claims or security interests related to real property.

"Renewable energy credit" means a tradable credit that represents the environmental attributes of one megawatt hour of energy produced from a renewable energy resource.

"Renewable energy resources" includes energy and its associated renewable energy credit or renewable energy credits from wind, solar thermal energy, photovoltaic cells and panels, biodiesel, anaerobic digestion, crops and untreated and unadulterated organic waste biomass, tree waste, and hydropower that does not involve new construction or significant expansion of hydropower dams, and other alternative sources of environmentally preferable energy. For purposes of this Act, landfill gas produced in the State is considered a renewable energy resource. "Renewable energy resources" does not include the incineration or burning of tires, garbage, general household, institutional, and commercial waste, industrial lunchroom or office waste, landscape waste other than tree waste, railroad crossties, utility poles, or construction or demolition debris, other than untreated and unadulterated waste wood.

"Retail customer" has the same definition as found in Section 16-102 of the Public Utilities Act.

"Revenue bond" means any bond, note, or other evidence of indebtedness issued by the Authority, the principal and interest of which is payable solely from revenues or income derived from any project or activity of the Agency.

"Sequester" means permanent storage of carbon dioxide by injecting it into a saline aquifer, a depleted gas reservoir, or an oil reservoir, directly or through an enhanced oil recovery process that may involve intermediate storage, regardless of whether these activities are conducted by a clean coal facility, a clean coal SNG facility, a clean coal SNG brownfield facility, or a party with which a clean coal facility, clean coal SNG facility, or clean coal SNG brownfield facility has contracted for such purposes.

"Service area" has the same definition as found in Section 16-102 of the Public Utilities Act.

"Sourcing agreement" means (i) in the case of an electric utility, an agreement between the owner of a clean coal facility and such electric
utility, which agreement shall have terms and conditions meeting the requirements of paragraph (3) of subsection (d) of Section 1-75, (ii) in the case of an alternative retail electric supplier, an agreement between the owner of a clean coal facility and such alternative retail electric supplier, which agreement shall have terms and conditions meeting the requirements of Section 16-115(d)(5) of the Public Utilities Act, and (iii) in case of a gas utility, an agreement between the owner of a clean coal SNG brownfield facility and the gas utility, which agreement shall have the terms and conditions meeting the requirements of subsection (h-1) of Section 9-220 of the Public Utilities Act.

"Subscriber" means a person who (i) takes delivery service from an electric utility, and (ii) has a subscription of no less than 200 watts to a community renewable generation project that is located in the electric utility's service area. No subscriber's subscriptions may total more than 40% of the nameplate capacity of an individual community renewable generation project. Entities that are affiliated by virtue of a common parent shall not represent multiple subscriptions that total more than 40% of the nameplate capacity of an individual community renewable generation project.

"Subscription" means an interest in a community renewable generation project expressed in kilowatts, which is sized primarily to offset part or all of the subscriber's electricity usage.

"Substitute natural gas" or "SNG" means a gas manufactured by gasification of hydrocarbon feedstock, which is substantially interchangeable in use and distribution with conventional natural gas.

"Total resource cost test" or "TRC test" means a standard that is met if, for an investment in energy efficiency or demand-response measures, the benefit-cost ratio is greater than one. The benefit-cost ratio is the ratio of the net present value of the total benefits of the program to the net present value of the total costs as calculated over the lifetime of the measures. A total resource cost test compares the sum of avoided electric utility costs, representing the benefits that accrue to the system and the participant in the delivery of those efficiency measures and including avoided costs associated with reduced use of natural gas or other fuels, avoided costs associated with reduced water consumption, and avoided costs associated with reduced operation and maintenance costs, as well as other quantifiable societal benefits, including avoided natural gas utility costs; to the sum of all incremental costs of end-use measures that are implemented due to the program (including both utility and participant

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contributions), plus costs to administer, deliver, and evaluate each demand-side program, to quantify the net savings obtained by substituting the demand-side program for supply resources. In calculating avoided costs of power and energy that an electric utility would otherwise have had to acquire, reasonable estimates shall be included of financial costs likely to be imposed by future regulations and legislation on emissions of greenhouse gases. In discounting future societal costs and benefits for the purpose of calculating net present values, a societal discount rate based on actual, long-term Treasury bond yields should be used. Notwithstanding anything to the contrary, the TRC test shall not include or take into account a calculation of market price suppression effects or demand reduction induced price effects.

"Utility-scale solar project" means an electric generating facility that:

(1) generates electricity using photovoltaic cells; and
(2) has a nameplate capacity that is greater than 2,000 kilowatts.

"Utility-scale wind project" means an electric generating facility that:

(1) generates electricity using wind; and
(2) has a nameplate capacity that is greater than 2,000 kilowatts.

"Zero emission credit" means a tradable credit that represents the environmental attributes of one megawatt hour of energy produced from a zero emission facility.

"Zero emission facility" means a facility that: (1) is fueled by nuclear power; and (2) is interconnected with PJM Interconnection, LLC or the Midcontinent Independent System Operator, Inc., or their successors.

(Source: P.A. 97-96, eff. 7-13-11; 97-239, eff. 8-2-11; 97-491, eff. 8-22-11; 97-616, eff. 10-26-11; 97-813, eff. 7-13-12; 98-90, eff. 7-15-13.)
(20 ILCS 3855/1-20)
Sec. 1-20. General powers of the Agency.
(a) The Agency is authorized to do each of the following:

(1) Develop electricity procurement plans to ensure adequate, reliable, affordable, efficient, and environmentally sustainable electric service at the lowest total cost over time, taking into account any benefits of price stability, for electric utilities that on December 31, 2005 provided electric service to at least 100,000
customers in Illinois and for small multi-jurisdictional electric utilities that (A) on December 31, 2005 served less than 100,000 customers in Illinois and (B) request a procurement plan for their Illinois jurisdictional load. Except as provided in paragraph (1.5) of this subsection (a), the electricity procurement plans shall be updated on an annual basis and shall include electricity generated from renewable resources sufficient to achieve the standards specified in this Act. Beginning with the delivery year commencing June 1, 2017, develop procurement plans to include zero emission credits generated from zero emission facilities sufficient to achieve the standards specified in this Act.

(1.5) Develop a long-term renewable resources procurement plan in accordance with subsection (c) of Section 1-75 of this Act for renewable energy credits in amounts sufficient to achieve the standards specified in this Act for delivery years commencing June 1, 2017 and for the programs and renewable energy credits specified in Section 1-56 of this Act. Electricity procurement plans for delivery years commencing after May 31, 2017, shall not include procurement of renewable energy resources.

(2) Conduct competitive procurement processes to procure the supply resources identified in the electricity procurement plan, pursuant to Section 16-111.5 of the Public Utilities Act, and, for the delivery year commencing June 1, 2017, conduct procurement processes to procure zero emission credits from zero emission facilities, under subsection (d-5) of Section 1-75 of this Act.

(2.5) Beginning with the procurement for the 2017 delivery year, conduct competitive procurement processes and implement programs to procure renewable energy credits identified in the long-term renewable resources procurement plan developed and approved under subsection (c) of Section 1-75 of this Act and Section 16-111.5 of the Public Utilities Act.

(3) Develop electric generation and co-generation facilities that use indigenous coal or renewable resources, or both, financed with bonds issued by the Illinois Finance Authority.

(4) Supply electricity from the Agency's facilities at cost to one or more of the following: municipal electric systems, governmental aggregators, or rural electric cooperatives in Illinois.
(b) Except as otherwise limited by this Act, the Agency has all of the powers necessary or convenient to carry out the purposes and provisions of this Act, including without limitation, each of the following:

(1) To have a corporate seal, and to alter that seal at pleasure, and to use it by causing it or a facsimile to be affixed or impressed or reproduced in any other manner.

(2) To use the services of the Illinois Finance Authority necessary to carry out the Agency's purposes.

(3) To negotiate and enter into loan agreements and other agreements with the Illinois Finance Authority.

(4) To obtain and employ personnel and hire consultants that are necessary to fulfill the Agency's purposes, and to make expenditures for that purpose within the appropriations for that purpose.

(5) To purchase, receive, take by grant, gift, devise, bequest, or otherwise, lease, or otherwise acquire, own, hold, improve, employ, use, and otherwise deal in and with, real or personal property whether tangible or intangible, or any interest therein, within the State.

(6) To acquire real or personal property, whether tangible or intangible, including without limitation property rights, interests in property, franchises, obligations, contracts, and debt and equity securities, and to do so by the exercise of the power of eminent domain in accordance with Section 1-21; except that any real property acquired by the exercise of the power of eminent domain must be located within the State.

(7) To sell, convey, lease, exchange, transfer, abandon, or otherwise dispose of, or mortgage, pledge, or create a security interest in, any of its assets, properties, or any interest therein, wherever situated.

(8) To purchase, take, receive, subscribe for, or otherwise acquire, hold, make a tender offer for, vote, employ, sell, lend, lease, exchange, transfer, or otherwise dispose of, mortgage, pledge, or grant a security interest in, use, and otherwise deal in and with, bonds and other obligations, shares, or other securities (or interests therein) issued by others, whether engaged in a similar or different business or activity.

(9) To make and execute agreements, contracts, and other instruments necessary or convenient in the exercise of the powers
and functions of the Agency under this Act, including contracts with any person, including personal service contracts, or with any local government, State agency, or other entity; and all State agencies and all local governments are authorized to enter into and do all things necessary to perform any such agreement, contract, or other instrument with the Agency. No such agreement, contract, or other instrument shall exceed 40 years.

(10) To lend money, invest and reinvest its funds in accordance with the Public Funds Investment Act, and take and hold real and personal property as security for the payment of funds loaned or invested.

(11) To borrow money at such rate or rates of interest as the Agency may determine, issue its notes, bonds, or other obligations to evidence that indebtedness, and secure any of its obligations by mortgage or pledge of its real or personal property, machinery, equipment, structures, fixtures, inventories, revenues, grants, and other funds as provided or any interest therein, wherever situated.

(12) To enter into agreements with the Illinois Finance Authority to issue bonds whether or not the income therefrom is exempt from federal taxation.

(13) To procure insurance against any loss in connection with its properties or operations in such amount or amounts and from such insurers, including the federal government, as it may deem necessary or desirable, and to pay any premiums therefor.

(14) To negotiate and enter into agreements with trustees or receivers appointed by United States bankruptcy courts or federal district courts or in other proceedings involving adjustment of debts and authorize proceedings involving adjustment of debts and authorize legal counsel for the Agency to appear in any such proceedings.

(15) To file a petition under Chapter 9 of Title 11 of the United States Bankruptcy Code or take other similar action for the adjustment of its debts.

(16) To enter into management agreements for the operation of any of the property or facilities owned by the Agency.

(17) To enter into an agreement to transfer and to transfer any land, facilities, fixtures, or equipment of the Agency to one or more municipal electric systems, governmental aggregators, or rural electric agencies or cooperatives, for such consideration and

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upon such terms as the Agency may determine to be in the best interest of the citizens of Illinois.

(18) To enter upon any lands and within any building whenever in its judgment it may be necessary for the purpose of making surveys and examinations to accomplish any purpose authorized by this Act.

(19) To maintain an office or offices at such place or places in the State as it may determine.

(20) To request information, and to make any inquiry, investigation, survey, or study that the Agency may deem necessary to enable it effectively to carry out the provisions of this Act.

(21) To accept and expend appropriations.

(22) To engage in any activity or operation that is incidental to and in furtherance of efficient operation to accomplish the Agency's purposes, including hiring employees that the Director deems essential for the operations of the Agency.

(23) To adopt, revise, amend, and repeal rules with respect to its operations, properties, and facilities as may be necessary or convenient to carry out the purposes of this Act, subject to the provisions of the Illinois Administrative Procedure Act and Sections 1-22 and 1-35 of this Act.

(24) To establish and collect charges and fees as described in this Act.

(25) To conduct competitive gasification feedstock procurement processes to procure the feedstocks for the clean coal SNG brownfield facility in accordance with the requirements of Section 1-78 of this Act.

(26) To review, revise, and approve sourcing agreements and mediate and resolve disputes between gas utilities and the clean coal SNG brownfield facility pursuant to subsection (h-1) of Section 9-220 of the Public Utilities Act.

(27) To request, review and accept proposals, execute contracts, purchase renewable energy credits and otherwise dedicate funds from the Illinois Power Agency Renewable Energy Resources Fund to create and carry out the objectives of the Illinois Solar for All program in accordance with Section 1-56 of this Act.

(Source: P.A. 96-784, eff. 8-28-09; 96-1000, eff. 7-2-10; 97-96, eff. 7-13-11; 97-325, eff. 8-12-11; 97-618, eff. 10-26-11; 97-813, eff. 7-13-12.)

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Sec. 1-25. Agency subject to other laws. Unless otherwise stated, the Agency is subject to the provisions of all applicable laws, including but not limited to, each of the following:

1. The State Records Act.
2. The Illinois Procurement Code, except that the Illinois Procurement Code does not apply to the hiring or payment of procurement administrators, third-party program managers, or other persons who will implement the programs described in Sections 1-56 and 1-75 of the Illinois Power Agency Act.
5. (Blank).
6. The State Officials and Employees Ethics Act.

(Source: P.A. 97-618, eff. 10-26-11.)


(a) The Illinois Power Agency Renewable Energy Resources Fund is created as a special fund in the State treasury.

(b) The Illinois Power Agency Renewable Energy Resources Fund shall be administered by the Agency as described in this subsection (b), provided that the changes to this subsection (b) made by this amendatory Act of the 99th General Assembly shall not interfere with existing contracts under this Section.

1. The Illinois Power Agency Renewable Energy Resources Fund shall be used to purchase renewable energy credits according to any approved procurement plan developed by the Agency prior to June 1, 2017.

2. The Illinois Power Agency Renewable Energy Resources Fund shall also be used to create the Illinois Solar for All Program, which shall include incentives for low-income distributed generation and community solar projects, and other associated approved expenditures. The objectives of the Illinois Solar for All Program are to bring photovoltaics to low-income communities in this State in a manner that maximizes the development of new photovoltaic generating facilities, to create a long-term, low-income solar marketplace throughout this State,
integrate, through interaction with stakeholders, with existing energy efficiency initiatives, and to minimize administrative costs. The Agency shall include a description of its proposed approach to the design, administration, implementation and evaluation of the Illinois Solar for All Program, as part of the long-term renewable resources procurement plan authorized by subsection (c) of Section 1-75 of this Act, and the program shall be designed to grow the low-income solar market. The Agency or utility, as applicable, shall purchase renewable energy credits from the (i) photovoltaic distributed renewable energy generation projects and (ii) community solar projects that are procured under procurement processes authorized by the long-term renewable resources procurement plans approved by the Commission.

The Illinois Solar for All Program shall include the program offerings described in subparagraphs (A) through (D) of this paragraph (2), which the Agency shall implement through contracts with third-party providers and, subject to appropriation, pay the approximate amounts identified using monies available in the Illinois Power Agency Renewable Energy Resources Fund. Each contract that provides for the installation of solar facilities shall provide that the solar facilities will produce energy and economic benefits, at a level determined by the Agency to be reasonable, for the participating low income customers. The monies available in the Illinois Power Agency Renewable Energy Resources Fund and not otherwise committed to contracts executed under subsection (i) of this Section shall be allocated among the programs described in this paragraph (2), as follows: 22.5% of these funds shall be allocated to programs described in subparagraph (A) of this paragraph (2), 37.5% of these funds shall be allocated to programs described in subparagraph (B) of this paragraph (2), 15% of these funds shall be allocated to programs described in subparagraph (C) of this paragraph (2), and 25% of these funds, but in no event more than $50,000,000, shall be allocated to programs described in subparagraph (D) of this paragraph (2). The allocation of funds among subparagraphs (A), (B), or (C) of this paragraph (2) may be changed if the Agency or administrator, through delegated authority, determines incentives in subparagraphs (A), (B), or (C) of this paragraph (2) have not been adequately subscribed to fully utilize the Illinois Power Resources Fund and not otherwise committed to contracts executed under subsection (i) of this Section shall be allocated among the programs described in this paragraph (2), as follows: 22.5% of these funds shall be allocated to programs described in subparagraph (A) of this paragraph (2), 37.5% of these funds shall be allocated to programs described in subparagraph (B) of this paragraph (2), 15% of these funds shall be allocated to programs described in subparagraph (C) of this paragraph (2), and 25% of these funds, but in no event more than $50,000,000, shall be allocated to programs described in subparagraph (D) of this paragraph (2). The allocation of funds among subparagraphs (A), (B), or (C) of this paragraph (2) may be changed if the Agency or administrator, through delegated authority, determines incentives in subparagraphs (A), (B), or (C) of this paragraph (2) have not been adequately subscribed to fully utilize the Illinois Power

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Agency Renewable Energy Resources Fund. The determination shall include input through a stakeholder process. The program offerings described in subparagraphs (A) through (D) of this paragraph (2) shall also be implemented through contracts funded from such additional amounts as are allocated to one or more of the programs in the long-term renewable resources procurement plans as specified in subsection (c) of Section 1-75 of this Act and subparagraph (O) of paragraph (1) of such subsection (c).

Contracts that will be paid with funds in the Illinois Power Agency Renewable Energy Resources Fund shall be executed by the Agency. Contracts that will be paid with funds collected by an electric utility shall be executed by the electric utility.

Contracts under the Illinois Solar for All Program shall include an approach, as set forth in the long-term renewable resources procurement plans, to ensure the wholesale market value of the energy is credited to participating low-income customers or organizations and to ensure tangible economic benefits flow directly to program participants, except in the case of low-income multi-family housing where the low-income customer does not directly pay for energy. Priority shall be given to projects that demonstrate meaningful involvement of low-income community members in designing the initial proposals. Acceptable proposals to implement projects must demonstrate the applicant's ability to conduct initial community outreach, education, and recruitment of low-income participants in the community. Projects must include job training opportunities if available, and shall endeavor to coordinate with the job training programs described in paragraph (1) of subsection (a) of Section 16-108.12 of the Public Utilities Act.

(A) Low-income distributed generation incentive. This program will provide incentives to low-income customers, either directly or through solar providers, to increase the participation of low-income households in photovoltaic on-site distributed generation. Companies participating in this program that install solar panels shall commit to hiring job trainees for a portion of their low-income installations, and an administrator shall facilitate partnering the companies that install solar panels with entities that provide solar panel installation job training. It
is a goal of this program that a minimum of 25% of the incentives for this program be allocated to projects located within environmental justice communities. Contracts entered into under this paragraph may be entered into with an entity that will develop and administer the program and shall also include contracts for renewable energy credits from the photovoltaic distributed generation that is the subject of the program, as set forth in the long-term renewable resources procurement plan.

(B) Low-Income Community Solar Project Initiative. Incentives shall be offered to low-income customers, either directly or through developers, to increase the participation of low-income subscribers of community solar projects. The developer of each project shall identify its partnership with community stakeholders regarding the location, development, and participation in the project, provided that nothing shall preclude a project from including an anchor tenant that does not qualify as low-income. Incentives should also be offered to community solar projects that are 100% low-income subscriber owned, which includes low-income households, not-for-profit organizations, and affordable housing owners. It is a goal of this program that a minimum of 25% of the incentives for this program be allocated to community photovoltaic projects in environmental justice communities. Contracts entered into under this paragraph may be entered into with developers and shall also include contracts for renewable energy credits related to the program.

(C) Incentives for non-profits and public facilities. Under this program funds shall be used to support on-site photovoltaic distributed renewable energy generation devices to serve the load associated with not-for-profit customers and to support photovoltaic distributed renewable energy generation that uses photovoltaic technology to serve the load associated with public sector customers taking service at public buildings. It is a goal of this program that at least 25% of the incentives for this program be allocated to projects located in environmental justice communities. Contracts entered into under this

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paragraph may be entered into with an entity that will develop and administer the program or with developers and shall also include contracts for renewable energy credits related to the program.

(D) Low-Income Community Solar Pilot Projects. Under this program, persons, including, but not limited to, electric utilities, shall propose pilot community solar projects. Community solar projects proposed under this subparagraph (D) may exceed 2,000 kilowatts in nameplate capacity, but the amount paid per project under this program may not exceed $20,000,000. Pilot projects must result in economic benefits for the members of the community in which the project will be located. The proposed pilot project must include a partnership with at least one community-based organization. Approved pilot projects shall be competitively bid by the Agency, subject to fair and equitable guidelines developed by the Agency. Funding available under this subparagraph (D) may not be distributed solely to a utility, and at least some funds under this subparagraph (D) must include a project partnership that includes community ownership by the project subscribers. Contracts entered into under this paragraph may be entered into with an entity that will develop and administer the program or with developers and shall also include contracts for renewable energy credits related to the program. A project proposed by a utility that is implemented under this subparagraph (D) shall not be included in the utility's ratebase.

The requirement that a qualified person, as defined in paragraph (1) of subsection (i) of this Section, install photovoltaic devices does not apply to the Illinois Solar for All Program described in this subsection (b).

(3) Costs associated with the Illinois Solar for All Program and its components described in paragraph (2) of this subsection (b), including, but not limited to, costs associated with procuring experts, consultants, and the program administrator referenced in this subsection (b) and related incremental costs, and costs related to the evaluation of the Illinois Solar for All Program, may be paid for using monies in the Illinois Power Agency Renewable Energy

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Resources Fund, but the Agency or program administrator shall strive to minimize costs in the implementation of the program. The Agency shall purchase renewable energy credits from generation that is the subject of a contract under subparagraphs (A) through (D) of this paragraph (2) of this subsection (b), and may pay for such renewable energy credits through an upfront payment per installed kilowatt of nameplate capacity paid once the device is interconnected at the distribution system level of the utility and is energized. The payment shall be in exchange for an assignment of all renewable energy credits generated by the system during the first 15 years of operation and shall be structured to overcome barriers to participation in the solar market by the low-income community. The incentives provided for in this Section may be implemented through the pricing of renewable energy credits where the prices paid for the credits are higher than the prices from programs offered under subsection (c) of Section 1-75 of this Act to account for the incentives. The Agency shall ensure collaboration with community agencies, and allocate up to 5% of the funds available under the Illinois Solar for All Program to community-based groups to assist in grassroots education efforts related to the Illinois Solar for All Program. The Agency shall retire any renewable energy credits purchased from this program and the credits shall count towards the obligation under subsection (c) of Section 1-75 of this Act for the electric utility to which the project is interconnected.

(4) The Agency shall, consistent with the requirements of this subsection (b), propose the Illinois Solar for All Program terms, conditions, and requirements, including the prices to be paid for renewable energy credits, and which prices may be determined through a formula, through the development, review, and approval of the Agency's long-term renewable resources procurement plan described in subsection (c) of Section 1-75 of this Act and Section 16-111.5 of the Public Utilities Act. In the course of the Commission proceeding initiated to review and approve the plan, including the Illinois Solar for All Program proposed by the Agency, a party may propose an additional low-income solar or solar incentive program, or modifications to the programs proposed by the Agency, and the Commission may approve an additional program, or modifications to the Agency's
proposed program, if the additional or modified program more effectively maximizes the benefits to low-income customers after taking into account all relevant factors, including, but not limited to, the extent to which a competitive market for low-income solar has developed. Following the Commission's approval of the Illinois Solar for All Program, the Agency or a party may propose adjustments to the program terms, conditions, and requirements, including the price offered to new systems, to ensure the long-term viability and success of the program. The Commission shall review and approve any modifications to the program through the plan revision process described in Section 16-111.5 of the Public Utilities Act.

(5) The Agency shall issue a request for qualifications for a third-party program administrator or administrators to administer all or a portion of the Illinois Solar for All Program. The third-party program administrator shall be chosen through a competitive bid process based on selection criteria and requirements developed by the Agency, including, but not limited to, experience in administering low-income energy programs and overseeing statewide clean energy or energy efficiency services. If the Agency retains a program administrator or administrators to implement all or a portion of the Illinois Solar for All Program, each administrator shall periodically submit reports to the Agency and Commission for each program that it administers, at appropriate intervals to be identified by the Agency in its long-term renewable resources procurement plan, provided that the reporting interval is at least quarterly.

(6) The long-term renewable resources procurement plan shall also provide for an independent evaluation of the Illinois Solar for All Program. At least every 2 years, the Agency shall select an independent evaluator to review and report on the Illinois Solar for All Program and the performance of the third-party program administrator of the Illinois Solar for All Program. The evaluation shall be based on objective criteria developed through a public stakeholder process. The process shall include feedback and participation from Illinois Solar for All Program stakeholders, including participants and organizations in environmental justice and historically underserved communities. The report shall include a summary of the evaluation of the Illinois Solar for All Program.
based on the stakeholder developed objective criteria. The report shall include the number of projects installed; the total installed capacity in kilowatts; the average cost per kilowatt of installed capacity to the extent reasonably obtainable by the Agency; the number of jobs or job opportunities created; economic, social, and environmental benefits created; and the total administrative costs expended by the Agency and program administrator to implement and evaluate the program. The report shall be delivered to the Commission and posted on the Agency's website, and shall be used, as needed, to revise the Illinois Solar for All Program. The Commission shall also consider the results of the evaluation as part of its review of the long-term renewable resources procurement plan under subsection (c) of Section 1-75 of this Act.

(7) If additional funding for the programs described in this subsection (b) is available under subsection (k) of Section 16-108 of the Public Utilities Act, then the Agency shall submit a procurement plan to the Commission no later than September 1, 2018, that proposes how the Agency will procure programs on behalf of the applicable utility. After notice and hearing, the Commission shall approve, or approve with modification, the plan no later than November 1, 2018.

As used in this subsection (b), "low-income households" means persons and families whose income does not exceed 80% of area median income, adjusted for family size and revised every 5 years.

For the purposes of this subsection (b), the Agency shall define "environmental justice community" as part of long-term renewable resources procurement plan development, to ensure, to the extent practicable, compatibility with other agencies' definitions and may, for guidance, look to the definitions used by federal, state, or local governments.

(b-5) After the receipt of all payments required by Section 16-115D of the Public Utilities Act, no additional funds shall be deposited into the Illinois Power Agency Renewable Energy Resources Fund unless directed by order of the Commission.

(b-10) After the receipt of all payments required by Section 16-115D of the Public Utilities Act and payment in full of all contracts executed by the Agency under subsections (b) and (i) of this Section, if the balance of the Illinois Power Agency Renewable Energy Resources Fund is under $5,000, then the Fund shall be inoperative and any remaining

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funds and any funds submitted to the Fund after that date, shall be transferred to the Supplemental Low-Income Energy Assistance Fund for use in the Low-Income Home Energy Assistance Program, as authorized by the Energy Assistance Act.

Prior to June 1, 2011, resources procured pursuant to this Section shall be procured from facilities located in Illinois, provided the resources are available from those facilities. If resources are not available in Illinois, then they shall be procured in states that adjoin Illinois. If resources are not available in Illinois or in states that adjoin Illinois, then they may be purchased elsewhere. Beginning June 1, 2011, resources procured pursuant to this Section shall be procured from facilities located in Illinois or states that adjoin Illinois. If resources are not available in Illinois or in states that adjoin Illinois, then they may be procured elsewhere. To the extent available, at least 75% of these renewable energy resources shall come from wind generation. Of the renewable energy resources procured pursuant to this Section at least the following specified percentages shall come from photovoltaics on the following schedule: 0.5% by June 1, 2012; 1.5% by June 1, 2013; 3% by June 1, 2014; and 6% by June 1, 2015 and thereafter. Of the renewable energy resources procured pursuant to this Section, at least the following percentages shall come from distributed renewable energy generation devices: 0.5% by June 1, 2013; 0.75% by June 1, 2014, and 1% by June 1, 2015 and thereafter. To the extent available, half of the renewable energy resources procured from distributed renewable energy generation shall come from devices of less than 25 kilowatts in nameplate capacity. Renewable energy resources procured from distributed generation devices may also count towards the required percentages for wind and solar photovoltaics. Procurement of renewable energy resources from distributed renewable energy generation devices shall be done on an annual basis through multi-year contracts of no less than 5 years, and shall consist solely of renewable energy credits.

The Agency shall create credit requirements for suppliers of distributed renewable energy. In order to minimize the administrative burden on contracting entities, the Agency shall solicit the use of third-party organizations to aggregate distributed renewable energy into groups of no less than one megawatt in installed capacity. These third-party organizations shall administer contracts with individual distributed renewable energy generation device owners. An individual distributed renewable energy generation device owner shall have the ability to

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measure the output of his or her distributed renewable energy generation device.

(c) (Blank). The Agency shall procure renewable energy resources at least once each year in conjunction with a procurement event for electric utilities required to comply with Section 1-75 of the Act and shall, whenever possible, enter into long-term contracts on an annual basis for a portion of the incremental requirement for the given procurement year.

(d) (Blank). The price paid to procure renewable energy credits using monies from the Illinois Power Agency Renewable Energy Resources Fund shall not exceed the winning bid prices paid for like resources procured for electric utilities required to comply with Section 1-75 of this Act.

(e) All renewable energy credits procured using monies from the Illinois Power Agency Renewable Energy Resources Fund shall be permanently retired.

(f) The selection of one or more third-party program managers or administrators, the selection of the independent evaluator, and the procurement processes described in this Section are exempt from the requirements of the Illinois Procurement Code, under Section 20-10 of that Code.

The procurement process described in this Section is exempt from the requirements of the Illinois Procurement Code, pursuant to Section 20-10 of that Code.

(g) All disbursements from the Illinois Power Agency Renewable Energy Resources Fund shall be made only upon warrants of the Comptroller drawn upon the Treasurer as custodian of the Fund upon vouchers signed by the Director or by the person or persons designated by the Director for that purpose. The Comptroller is authorized to draw the warrant upon vouchers so signed. The Treasurer shall accept all warrants so signed and shall be released from liability for all payments made on those warrants.

(h) The Illinois Power Agency Renewable Energy Resources Fund shall not be subject to sweeps, administrative charges, or chargebacks, including, but not limited to, those authorized under Section 8h of the State Finance Act, that would in any way result in the transfer of any funds from this Fund to any other fund of this State or in having any such funds utilized for any purpose other than the express purposes set forth in this Section.

(h-5) The Agency may assess fees to each bidder to recover the costs incurred in connection with a procurement process held under this Section.
Section. Fees collected from bidders shall be deposited into the Renewable Energy Resources Fund.

(i) Supplemental procurement process.

(1) Within 90 days after the effective date of this amendatory Act of the 98th General Assembly, the Agency shall develop a one-time supplemental procurement plan limited to the procurement of renewable energy credits, if available, from new or existing photovoltaics, including, but not limited to, distributed photovoltaic generation. Nothing in this subsection (i) requires procurement of wind generation through the supplemental procurement.

Renewable energy credits procured from new photovoltaics, including, but not limited to, distributed photovoltaic generation, under this subsection (i) must be procured from devices installed by a qualified person. In its supplemental procurement plan, the Agency shall establish contractually enforceable mechanisms for ensuring that the installation of new photovoltaics is performed by a qualified person.

For the purposes of this paragraph (1), "qualified person" means a person who performs installations of photovoltaics, including, but not limited to, distributed photovoltaic generation, and who: (A) has completed an apprenticeship as a journeyman electrician from a United States Department of Labor registered electrical apprenticeship and training program and received a certification of satisfactory completion; or (B) does not currently meet the criteria under clause (A) of this paragraph (1), but is enrolled in a United States Department of Labor registered electrical apprenticeship program, provided that the person is directly supervised by a person who meets the criteria under clause (A) of this paragraph (1); or (C) has obtained one of the following credentials in addition to attesting to satisfactory completion of at least 5 years or 8,000 hours of documented hands-on electrical experience: (i) a North American Board of Certified Energy Practitioners (NABCEP) Installer Certificate for Solar PV; (ii) an Underwriters Laboratories (UL) PV Systems Installer Certificate; (iii) an Electronics Technicians Association, International (ETAI) Level 3 PV Installer Certificate; or (iv) an Associate in Applied Science degree from an Illinois Community College Board
approved community college program in renewable energy or a distributed generation technology.

For the purposes of this paragraph (1), "directly supervised" means that there is a qualified person who meets the qualifications under clause (A) of this paragraph (1) and who is available for supervision and consultation regarding the work performed by persons under clause (B) of this paragraph (1), including a final inspection of the installation work that has been directly supervised to ensure safety and conformity with applicable codes.

For the purposes of this paragraph (1), "install" means the major activities and actions required to connect, in accordance with applicable building and electrical codes, the conductors, connectors, and all associated fittings, devices, power outlets, or apparatuses mounted at the premises that are directly involved in delivering energy to the premises' electrical wiring from the photovoltaics, including, but not limited to, to distributed photovoltaic generation.

The renewable energy credits procured pursuant to the supplemental procurement plan shall be procured using up to $30,000,000 from the Illinois Power Agency Renewable Energy Resources Fund. The Agency shall not plan to use funds from the Illinois Power Agency Renewable Energy Resources Fund in excess of the monies on deposit in such fund or projected to be deposited into such fund. The supplemental procurement plan shall ensure adequate, reliable, affordable, efficient, and environmentally sustainable renewable energy resources (including credits) at the lowest total cost over time, taking into account any benefits of price stability.

To the extent available, 50% of the renewable energy credits procured from distributed renewable energy generation shall come from devices of less than 25 kilowatts in nameplate capacity. Procurement of renewable energy credits from distributed renewable energy generation devices shall be done through multi-year contracts of no less than 5 years. The Agency shall create credit requirements for counterparties. In order to minimize the administrative burden on contracting entities, the Agency shall solicit the use of third parties to aggregate distributed renewable energy. These third parties shall enter into and administer contracts with individual distributed renewable energy generation device

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owners. An individual distributed renewable energy generation device owner shall have the ability to measure the output of his or her distributed renewable energy generation device.

In developing the supplemental procurement plan, the Agency shall hold at least one workshop open to the public within 90 days after the effective date of this amendatory Act of the 98th General Assembly and shall consider any comments made by stakeholders or the public. Upon development of the supplemental procurement plan within this 90-day period, copies of the supplemental procurement plan shall be posted and made publicly available on the Agency's and Commission's websites. All interested parties shall have 14 days following the date of posting to provide comment to the Agency on the supplemental procurement plan. All comments submitted to the Agency shall be specific, supported by data or other detailed analyses, and, if objecting to all or a portion of the supplemental procurement plan, accompanied by specific alternative wording or proposals. All comments shall be posted on the Agency's and Commission's websites. Within 14 days following the end of the 14-day review period, the Agency shall revise the supplemental procurement plan as necessary based on the comments received and file its revised supplemental procurement plan with the Commission for approval.

(2) Within 5 days after the filing of the supplemental procurement plan at the Commission, any person objecting to the supplemental procurement plan shall file an objection with the Commission. Within 10 days after the filing, the Commission shall determine whether a hearing is necessary. The Commission shall enter its order confirming or modifying the supplemental procurement plan within 90 days after the filing of the supplemental procurement plan by the Agency.

(3) The Commission shall approve the supplemental procurement plan of renewable energy credits to be procured from new or existing photovoltaics, including, but not limited to, distributed photovoltaic generation, if the Commission determines that it will ensure adequate, reliable, affordable, efficient, and environmentally sustainable electric service in the form of renewable energy credits at the lowest total cost over time, taking into account any benefits of price stability.

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(4) The supplemental procurement process under this subsection (i) shall include each of the following components:

   (A) Procurement administrator. The Agency may retain a procurement administrator in the manner set forth in item (2) of subsection (a) of Section 1-75 of this Act to conduct the supplemental procurement or may elect to use the same procurement administrator administering the Agency's annual procurement under Section 1-75.

   (B) Procurement monitor. The procurement monitor retained by the Commission pursuant to Section 16-111.5 of the Public Utilities Act shall:

       (i) monitor interactions among the procurement administrator and bidders and suppliers;

       (ii) monitor and report to the Commission on the progress of the supplemental procurement process;

       (iii) provide an independent confidential report to the Commission regarding the results of the procurement events;

       (iv) assess compliance with the procurement plan approved by the Commission for the supplemental procurement process;

       (v) preserve the confidentiality of supplier and bidding information in a manner consistent with all applicable laws, rules, regulations, and tariffs;

       (vi) provide expert advice to the Commission and consult with the procurement administrator regarding issues related to procurement process design, rules, protocols, and policy-related matters;

       (vii) consult with the procurement administrator regarding the development and use of benchmark criteria, standard form contracts, credit policies, and bid documents; and

       (viii) perform, with respect to the supplemental procurement process, any other procurement monitor duties specifically delineated within subsection (i) of this Section.

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(C) Solicitation, pre-qualification, and registration of bidders. The procurement administrator shall disseminate information to potential bidders to promote a procurement event, notify potential bidders that the procurement administrator may enter into a post-bid price negotiation with bidders that meet the applicable benchmarks, provide supply requirements, and otherwise explain the competitive procurement process. In addition to such other publication as the procurement administrator determines is appropriate, this information shall be posted on the Agency's and the Commission's websites. The procurement administrator shall also administer the prequalification process, including evaluation of credit worthiness, compliance with procurement rules, and agreement to the standard form contract developed pursuant to item (D) of this paragraph (4). The procurement administrator shall then identify and register bidders to participate in the procurement event.

(D) Standard contract forms and credit terms and instruments. The procurement administrator, in consultation with the Agency, the Commission, and other interested parties and subject to Commission oversight, shall develop and provide standard contract forms for the supplier contracts that meet generally accepted industry practices as well as include any applicable State of Illinois terms and conditions that are required for contracts entered into by an agency of the State of Illinois. Standard credit terms and instruments that meet generally accepted industry practices shall be similarly developed. Contracts for new photovoltaics shall include a provision attesting that the supplier will use a qualified person for the installation of the device pursuant to paragraph (1) of subsection (i) of this Section. The procurement administrator shall make available to the Commission all written comments it receives on the contract forms, credit terms, or instruments. If the procurement administrator cannot reach agreement with the parties as to the contract terms and conditions, the procurement administrator must notify the Commission of any disputed terms and the Commission shall resolve the

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dispute. The terms of the contracts shall not be subject to negotiation by winning bidders, and the bidders must agree to the terms of the contract in advance so that winning bids are selected solely on the basis of price.

(E) Requests for proposals; competitive procurement process. The procurement administrator shall design and issue requests for proposals to supply renewable energy credits in accordance with the supplemental procurement plan, as approved by the Commission. The requests for proposals shall set forth a procedure for sealed, binding commitment bidding with pay-as-bid settlement, and provision for selection of bids on the basis of price, provided, however, that no bid shall be accepted if it exceeds the benchmark developed pursuant to item (F) of this paragraph (4).

(F) Benchmarks. Benchmarks for each product to be procured shall be developed by the procurement administrator in consultation with Commission staff, the Agency, and the procurement monitor for use in this supplemental procurement.

(G) A plan for implementing contingencies in the event of supplier default, Commission rejection of results, or any other cause.

(5) Within 2 business days after opening the sealed bids, the procurement administrator shall submit a confidential report to the Commission. The report shall contain the results of the bidding for each of the products along with the procurement administrator's recommendation for the acceptance and rejection of bids based on the price benchmark criteria and other factors observed in the process. The procurement monitor also shall submit a confidential report to the Commission within 2 business days after opening the sealed bids. The report shall contain the procurement monitor's assessment of bidder behavior in the process as well as an assessment of the procurement administrator's compliance with the procurement process and rules. The Commission shall review the confidential reports submitted by the procurement administrator and procurement monitor and shall accept or reject the recommendations of the procurement administrator within 2 business days after receipt of the reports.

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(6) Within 3 business days after the Commission decision approving the results of a procurement event, the Agency shall enter into binding contractual arrangements with the winning suppliers using the standard form contracts.

(7) The names of the successful bidders and the average of the winning bid prices for each contract type and for each contract term shall be made available to the public within 2 days after the supplemental procurement event. The Commission, the procurement monitor, the procurement administrator, the Agency, and all participants in the procurement process shall maintain the confidentiality of all other supplier and bidding information in a manner consistent with all applicable laws, rules, regulations, and tariffs. Confidential information, including the confidential reports submitted by the procurement administrator and procurement monitor pursuant to this Section, shall not be made publicly available and shall not be discoverable by any party in any proceeding, absent a compelling demonstration of need, nor shall those reports be admissible in any proceeding other than one for law enforcement purposes.

(8) The supplemental procurement provided in this subsection (i) shall not be subject to the requirements and limitations of subsections (c) and (d) of this Section.

(9) Expenses incurred in connection with the procurement process held pursuant to this Section, including, but not limited to, the cost of developing the supplemental procurement plan, the procurement administrator, procurement monitor, and the cost of the retirement of renewable energy credits purchased pursuant to the supplemental procurement shall be paid for from the Illinois Power Agency Renewable Energy Resources Fund. The Agency shall enter into an interagency agreement with the Commission to reimburse the Commission for its costs associated with the procurement monitor for the supplemental procurement process.

(Source: P.A. 97-616, eff. 10-26-11; 98-672, eff. 6-30-14.)

(20 ILCS 3855/1-75)

Sec. 1-75. Planning and Procurement Bureau. The Planning and Procurement Bureau has the following duties and responsibilities:

(a) The Planning and Procurement Bureau shall each year, beginning in 2008, develop procurement plans and conduct competitive procurement processes in accordance with the requirements of Section 16-
111.5 of the Public Utilities Act for the eligible retail customers of electric utilities that on December 31, 2005 provided electric service to at least 100,000 customers in Illinois. Beginning with the delivery year commencing on June 1, 2017, the Planning and Procurement Bureau shall develop plans and processes for the procurement of zero emission credits from zero emission facilities in accordance with the requirements of subsection (d-5) of this Section. The Planning and Procurement Bureau shall also develop procurement plans and conduct competitive procurement processes in accordance with the requirements of Section 16-111.5 of the Public Utilities Act for the eligible retail customers of small multi-jurisdictional electric utilities that (i) on December 31, 2005 served less than 100,000 customers in Illinois and (ii) request a procurement plan for their Illinois jurisdictional load. This Section shall not apply to a small multi-jurisdictional utility until such time as a small multi-jurisdictional utility requests the Agency to prepare a procurement plan for their Illinois jurisdictional load. For the purposes of this Section, the term "eligible retail customers" has the same definition as found in Section 16-111.5(a) of the Public Utilities Act.

Beginning with the plan or plans to be implemented in the 2017 delivery year, the Agency shall no longer include the procurement of renewable energy resources in the annual procurement plans required by this subsection (a), except as provided in subsection (q) of Section 16-111.5 of the Public Utilities Act, and shall instead develop a long-term renewable resources procurement plan in accordance with subsection (c) of this Section and Section 16-111.5 of the Public Utilities Act.

(1) The Agency shall each year, beginning in 2008, as needed, issue a request for qualifications for experts or expert consulting firms to develop the procurement plans in accordance with Section 16-111.5 of the Public Utilities Act. In order to qualify an expert or expert consulting firm must have:

(A) direct previous experience assembling large-scale power supply plans or portfolios for end-use customers;
(B) an advanced degree in economics, mathematics, engineering, risk management, or a related area of study;
(C) 10 years of experience in the electricity sector, including managing supply risk;
(D) expertise in wholesale electricity market rules, including those established by the Federal Energy

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Regulatory Commission and regional transmission organizations;
   (E) expertise in credit protocols and familiarity with contract protocols;
   (F) adequate resources to perform and fulfill the required functions and responsibilities; and
   (G) the absence of a conflict of interest and inappropriate bias for or against potential bidders or the affected electric utilities.

(2) The Agency shall each year, as needed, issue a request for qualifications for a procurement administrator to conduct the competitive procurement processes in accordance with Section 16-111.5 of the Public Utilities Act. In order to qualify an expert or expert consulting firm must have:
   (A) direct previous experience administering a large-scale competitive procurement process;
   (B) an advanced degree in economics, mathematics, engineering, or a related area of study;
   (C) 10 years of experience in the electricity sector, including risk management experience;
   (D) expertise in wholesale electricity market rules, including those established by the Federal Energy Regulatory Commission and regional transmission organizations;
   (E) expertise in credit and contract protocols;
   (F) adequate resources to perform and fulfill the required functions and responsibilities; and
   (G) the absence of a conflict of interest and inappropriate bias for or against potential bidders or the affected electric utilities.

(3) The Agency shall provide affected utilities and other interested parties with the lists of qualified experts or expert consulting firms identified through the request for qualifications processes that are under consideration to develop the procurement plans and to serve as the procurement administrator. The Agency shall also provide each qualified expert's or expert consulting firm's response to the request for qualifications. All information provided under this subparagraph shall also be provided to the Commission. The Agency may provide by rule for fees associated with supplying

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the information to utilities and other interested parties. These parties shall, within 5 business days, notify the Agency in writing if they object to any experts or expert consulting firms on the lists. Objections shall be based on:

(A) failure to satisfy qualification criteria;

(B) identification of a conflict of interest; or

(C) evidence of inappropriate bias for or against potential bidders or the affected utilities.

The Agency shall remove experts or expert consulting firms from the lists within 10 days if there is a reasonable basis for an objection and provide the updated lists to the affected utilities and other interested parties. If the Agency fails to remove an expert or expert consulting firm from a list, an objecting party may seek review by the Commission within 5 days thereafter by filing a petition, and the Commission shall render a ruling on the petition within 10 days. There is no right of appeal of the Commission's ruling.

(4) The Agency shall issue requests for proposals to the qualified experts or expert consulting firms to develop a procurement plan for the affected utilities and to serve as procurement administrator.

(5) The Agency shall select an expert or expert consulting firm to develop procurement plans based on the proposals submitted and shall award contracts of up to 5 years to those selected.

(6) The Agency shall select an expert or expert consulting firm, with approval of the Commission, to serve as procurement administrator based on the proposals submitted. If the Commission rejects, within 5 days, the Agency's selection, the Agency shall submit another recommendation within 3 days based on the proposals submitted. The Agency shall award a 5-year contract to the expert or expert consulting firm so selected with Commission approval.

(b) The experts or expert consulting firms retained by the Agency shall, as appropriate, prepare procurement plans, and conduct a competitive procurement process as prescribed in Section 16-111.5 of the Public Utilities Act, to ensure adequate, reliable, affordable, efficient, and environmentally sustainable electric service at the lowest total cost over time, taking into account any benefits of price stability, for eligible retail

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customers of electric utilities that on December 31, 2005 provided electric service to at least 100,000 customers in the State of Illinois, and for eligible Illinois retail customers of small multi-jurisdictional electric utilities that (i) on December 31, 2005 served less than 100,000 customers in Illinois and (ii) request a procurement plan for their Illinois jurisdictional load.

(c) Renewable portfolio standard.

(1)(A) The Agency shall develop a long-term renewable resources procurement plan that shall include procurement programs and competitive procurement events necessary to meet the goals set forth in this subsection (c). The initial long-term renewable resources procurement plan shall be released for comment no later than 160 days after the effective date of this amendatory Act of the 99th General Assembly. The Agency shall review, and may revise on an expedited basis, the long-term renewable resources procurement plan at least every 2 years, which shall be conducted in conjunction with the procurement plan under Section 16-111.5 of the Public Utilities Act to the extent practicable to minimize administrative expense. The long-term renewable resources procurement plans shall be subject to review and approval by the Commission under Section 16-111.5 of the Public Utilities Act.

(B) Subject to subparagraph (F) of this paragraph (1), the long-term renewable resources procurement plan shall include the goals for procurement of renewable energy credits to meet at least the following overall percentages: 13% by the 2017 delivery year; increasing by at least 1.5% each delivery year thereafter to at least 25% by the 2025 delivery year; and continuing at no less than 25% for each delivery year thereafter. In the event of a conflict between these goals and the new wind and new photovoltaic procurement requirements described in items (i) through (iii) of subparagraph (C) of this paragraph (1), the long-term plan shall prioritize compliance with the new wind and new photovoltaic procurement requirements described in items (i) through (iii) of subparagraph (C) of this paragraph (1) over the annual percentage targets described in this subparagraph (B).

For the delivery year beginning June 1, 2017, the procurement plan shall include cost-effective renewable energy resources equal to at least 13% of each utility's load for eligible retail customers and 13% of
the applicable portion of each utility's load for retail customers who are not eligible retail customers, which applicable portion shall equal 50% of the utility's load for retail customers who are not eligible retail customers on February 28, 2017.

For the delivery year beginning June 1, 2018, the procurement plan shall include cost-effective renewable energy resources equal to at least 14.5% of each utility's load for eligible retail customers and 14.5% of the applicable portion of each utility's load for retail customers who are not eligible retail customers, which applicable portion shall equal 75% of the utility's load for retail customers who are not eligible retail customers on February 28, 2017.

For the delivery year beginning June 1, 2019, and for each year thereafter, the procurement plans shall include cost-effective renewable energy resources equal to a minimum percentage of each utility's load for all retail customers as follows: 16% by June 1, 2019; increasing by 1.5% each year thereafter to 25% by June 1, 2025; and 25% by June 1, 2026 and each year thereafter.

For each delivery year, the Agency shall first recognize each utility's obligations for that delivery year under existing contracts. Any renewable energy credits under existing contracts, including renewable energy credits as part of renewable energy resources, shall be used to meet the goals set forth in this subsection (c) for the delivery year.

(C) Of the renewable energy credits procured under this subsection (c), at least 75% shall come from wind and photovoltaic projects. The long-term renewable resources procurement plan described in subparagraph (A) of this paragraph (1) shall include the procurement of renewable energy credits in amounts equal to at least the following:

(i) By the end of the 2020 delivery year:
   At least 2,000,000 renewable energy credits for each delivery year shall come from new wind projects; and
   At least 2,000,000 renewable energy credits for each delivery year shall come from new photovoltaic projects; of that amount, to the extent possible, the Agency shall procure: at least 50% from solar photovoltaic projects using the program outlined in subparagraph (K) of this paragraph (1)

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from distributed renewable energy generation devices or community renewable generation projects; at least 40% from utility-scale solar projects; at least 2% from brownfield site photovoltaic projects that are not community renewable generation projects; and the remainder shall be determined through the long-term planning process described in subparagraph (A) of this paragraph (1).

(ii) By the end of the 2025 delivery year:

At least 3,000,000 renewable energy credits for each delivery year shall come from new wind projects; and

At least 3,000,000 renewable energy credits for each delivery year shall come from new photovoltaic projects; of that amount, to the extent possible, the Agency shall procure: at least 50% from solar photovoltaic projects using the program outlined in subparagraph (K) of this paragraph (1) from distributed renewable energy devices or community renewable generation projects; at least 40% from utility-scale solar projects; at least 2% from brownfield site photovoltaic projects that are not community renewable generation projects; and the remainder shall be determined through the long-term planning process described in subparagraph (A) of this paragraph (1).

(iii) By the end of the 2030 delivery year:

At least 4,000,000 renewable energy credits for each delivery year shall come from new wind projects; and

At least 4,000,000 renewable energy credits for each delivery year shall come from new photovoltaic projects; of that amount, to the extent possible, the Agency shall procure: at least 50% from solar photovoltaic projects using the program outlined in subparagraph (K) of this paragraph (1) from distributed renewable energy devices or community renewable generation projects; at least
40% from utility-scale solar projects; at least 2% from brownfield site photovoltaic projects that are not community renewable generation projects; and the remainder shall be determined through the long-term planning process described in subparagraph (A) of this paragraph (1).

For purposes of this Section:

"New wind projects" means wind renewable energy facilities that are energized after June 1, 2017 for the delivery year commencing June 1, 2017 or within 3 years after the date the Commission approves contracts for subsequent delivery years.

"New photovoltaic projects" means photovoltaic renewable energy facilities that are energized after June 1, 2017. Photovoltaic projects developed under Section 1-56 of this Act shall not apply towards the new photovoltaic project requirements in this subparagraph (C).

(D) Renewable energy credits shall be cost effective. For purposes of this subsection (c), "cost effective" means that the costs of procuring renewable energy resources do not cause the limit stated in subparagraph (E) of this paragraph (1) to be exceeded and, for renewable energy credits procured through a competitive procurement event, do not exceed benchmarks based on market prices for like products in the region. For purposes of this subsection (c), "like products" means contracts for renewable energy credits from the same or substantially similar technology, same or substantially similar vintage (new or existing), the same or substantially similar quantity, and the same or substantially similar contract length and structure. Benchmarks shall be developed by the procurement administrator, in consultation with the Commission staff, Agency staff, and the procurement monitor and shall be subject to Commission review and approval. If price benchmarks for like products in the region are not available, the procurement administrator shall establish price benchmarks based on publicly available data on regional technology costs and expected current and future regional energy prices. The benchmarks in this Section shall not be used to curtail or otherwise
reduce contractual obligations entered into by or through the Agency prior to the effective date of this amendatory Act of the 99th General Assembly.

(E) For purposes of this subsection (c), the required procurement of cost-effective renewable energy resources for a particular year commencing prior to June 1, 2017 shall be measured as a percentage of the actual amount of electricity (megawatt-hours) supplied by the electric utility to eligible retail customers in the delivery year ending immediately prior to the procurement, and, for delivery years commencing on and after June 1, 2017, the required procurement of cost-effective renewable energy resources for a particular year shall be measured as a percentage of the actual amount of electricity (megawatt-hours) delivered by the electric utility in the delivery year ending immediately prior to the procurement, to all retail customers in its service territory. For purposes of this subsection (c), the amount paid per kilowatthour means the total amount paid for electric service expressed on a per kilowatthour basis. For purposes of this subsection (c), the total amount paid for electric service includes without limitation amounts paid for supply, transmission, distribution, surcharges, and add-on taxes.

Notwithstanding the requirements of this subsection (c), the total of renewable energy resources procured under the procurement plan for any single year shall be subject to the limitations of this subparagraph (E). Such procurement shall be reduced for all retail customers based on the amount necessary to limit the annual estimated average net increase due to the costs of these resources included in the amounts paid by eligible retail customers in connection with electric service to no more than the greater of 2.015% of the amount paid per kilowatthour by those customers during the year ending May 31, 2007 or the incremental amount per kilowatthour paid for these resources in 2011. To arrive at a maximum dollar amount of renewable energy resources to be procured for the particular delivery year, the resulting per kilowatthour amount shall be applied to the actual amount of kilowatthours of electricity delivered, or applicable portion of such amount as specified in paragraph (1) of this subsection (c), as applicable, by the electric utility in the delivery year immediately prior to the procurement to all retail customers in its service territory.
territory. The calculations required by this subparagraph (E) shall be made only once for each delivery year at the time that the renewable energy resources are procured. Once the determination as to the amount of renewable energy resources to procure is made based on the calculations set forth in this subparagraph (E) and the contracts procuring those amounts are executed, no subsequent rate impact determinations shall be made and no adjustments to those contract amounts shall be allowed. All costs incurred under such contracts shall be fully recoverable by the electric utility as provided in this Section.

(F) If the limitation on the amount of renewable energy resources procured in subparagraph (E) of this paragraph (1) prevents the Agency from meeting all of the goals in this subsection (c), the Agency's long-term plan shall prioritize compliance with the requirements of this subsection (c) regarding renewable energy credits in the following order:

(i) renewable energy credits under existing contractual obligations;
(ii) renewable energy credits necessary to comply with the new wind and new photovoltaic procurement requirements described in items (i) through (iii) of subparagraph (C) of this paragraph (1); and
(iii) renewable energy credits necessary to meet the remaining requirements of this subsection (c).

(G) The following provisions shall apply to the Agency's procurement of renewable energy credits under this subsection (c):

(i) Notwithstanding whether a long-term renewable resources procurement plan has been approved, the Agency shall conduct an initial forward procurement for renewable energy credits from new utility-scale wind projects within 160 days after the effective date of this amendatory Act of the 99th General Assembly. For the purposes of this initial forward procurement, the Agency shall solicit 15-year contracts for delivery of 1,000,000 renewable energy credits delivered annually from new utility-scale wind projects to begin delivery on June 1, 2019, if available, but not later than June 1, 2021. Payments to suppliers of
renewable energy credits shall commence upon delivery. Renewable energy credits procured under this initial procurement shall be included in the Agency's long-term plan and shall apply to all renewable energy goals in this subsection (c).

(ii) Notwithstanding whether a long-term renewable resources procurement plan has been approved, the Agency shall conduct an initial forward procurement for renewable energy credits from new utility-scale solar projects and brownfield site photovoltaic projects within one year after the effective date of this amendatory Act of the 99th General Assembly. For the purposes of this initial forward procurement, the Agency shall solicit 15-year contracts for delivery of 1,000,000 renewable energy credits delivered annually from new utility-scale solar projects and brownfield site photovoltaic projects to begin delivery on June 1, 2019, if available, but not later than June 1, 2021. The Agency may structure this initial procurement in one or more discrete procurement events. Payments to suppliers of renewable energy credits shall commence upon delivery. Renewable energy credits procured under this initial procurement shall be included in the Agency's long-term plan and shall apply to all renewable energy goals in this subsection (c).

(iii) Subsequent forward procurements for utility-scale wind projects shall solicit at least 1,000,000 renewable energy credits delivered annually per procurement event and shall be planned, scheduled, and designed such that the cumulative amount of renewable energy credits delivered from all new wind projects in each delivery year shall not exceed the Agency's projection of the cumulative amount of renewable energy credits that will be delivered from all new photovoltaic projects, including utility-scale and distributed photovoltaic devices, in the same delivery year at the time scheduled for wind contract delivery.

(iv) If, at any time after the time set for delivery of renewable energy credits pursuant to the initial procurements in items (i) and (ii) of this subparagraph (G),
the cumulative amount of renewable energy credits projected to be delivered from all new wind projects in a given delivery year exceeds the cumulative amount of renewable energy credits projected to be delivered from all new photovoltaic projects in that delivery year by 200,000 or more renewable energy credits, then the Agency shall within 60 days adjust the procurement programs in the long-term renewable resources procurement plan to ensure that the projected cumulative amount of renewable energy credits to be delivered from all new wind projects does not exceed the projected cumulative amount of renewable energy credits to be delivered from all new photovoltaic projects by 200,000 or more renewable energy credits, provided that nothing in this Section shall preclude the projected cumulative amount of renewable energy credits to be delivered from all new photovoltaic projects from exceeding the projected cumulative amount of renewable energy credits to be delivered from all new wind projects in each delivery year and provided further that nothing in this item (iv) shall require the curtailment of an executed contract. The Agency shall update, on a quarterly basis, its projection of the renewable energy credits to be delivered from all projects in each delivery year. Notwithstanding anything to the contrary, the Agency may adjust the timing of procurement events conducted under this subparagraph (G). The long-term renewable resources procurement plan shall set forth the process by which the adjustments may be made.

(v) All procurements under this subparagraph (G) shall comply with the geographic requirements in subparagraph (I) of this paragraph (1) and shall follow the procurement processes and procedures described in this Section and Section 16-111.5 of the Public Utilities Act to the extent practicable, and these processes and procedures may be expedited to accommodate the schedule established by this subparagraph (G).

(H) The procurement of renewable energy resources for a given delivery year shall be reduced as described in this paragraph.
subparagraph (H) if an alternate retail electric supplier meets the requirements described in this subparagraph (H).

(i) Within 45 days after the effective date of this amendatory Act of the 99th General Assembly, an alternative retail electric supplier or its successor shall submit an informational filing to the Illinois Commerce Commission certifying that, as of December 31, 2015, the alternative retail electric supplier owned one or more electric generating facilities that generates renewable energy resources as defined in Section 1-10 of this Act, provided that such facilities are not powered by wind or photovoltaics, and the facilities generate one renewable energy credit for each megawatthour of energy produced from the facility.

The informational filing shall identify each facility that was eligible to satisfy the alternative retail electric supplier's obligations under Section 16-115D of the Public Utilities Act as described in this item (i).

(ii) For a given delivery year, the alternative retail electric supplier may elect to supply its retail customers with renewable energy credits from the facility or facilities described in item (i) of this subparagraph (H) that continue to be owned by the alternative retail electric supplier.

(iii) The alternative retail electric supplier shall notify the Agency and the applicable utility, no later than February 28 of the year preceding the applicable delivery year or 15 days after the effective date of this amendatory Act of the 99th General Assembly, whichever is later, of its election under item (ii) of this subparagraph (H) to supply renewable energy credits to retail customers of the utility. Such election shall identify the amount of renewable energy credits to be supplied by the alternative retail electric supplier to the utility's retail customers and the source of the renewable energy credits identified in the informational filing as described in item (i) of this subparagraph (H), subject to the following limitations:

For the delivery year beginning June 1, 2018, the maximum amount of renewable energy credits to be supplied by an alternative retail
electric supplier under this subparagraph (H) shall be 68% multiplied by 25% multiplied by 14.5% multiplied by the amount of metered electricity (megawatt-hours) delivered by the alternative retail electric supplier to Illinois retail customers during the delivery year ending May 31, 2016.

For delivery years beginning June 1, 2019 and each year thereafter, the maximum amount of renewable energy credits to be supplied by an alternative retail electric supplier under this subparagraph (H) shall be 68% multiplied by 50% multiplied by 16% multiplied by the amount of metered electricity (megawatt-hours) delivered by the alternative retail electric supplier to Illinois retail customers during the delivery year ending May 31, 2016, provided that the 16% value shall increase by 1.5% each delivery year thereafter to 25% by the delivery year beginning June 1, 2025, and thereafter the 25% value shall apply to each delivery year.

For each delivery year, the total amount of renewable energy credits supplied by all alternative retail electric suppliers under this subparagraph (H) shall not exceed 9% of the Illinois target renewable energy credit quantity. The Illinois target renewable energy credit quantity for the delivery year beginning June 1, 2018 is 14.5% multiplied by the total amount of metered electricity (megawatt-hours) delivered in the delivery year immediately preceding that delivery year, provided that the 14.5% shall increase by 1.5% each delivery year thereafter to 25% by the delivery year beginning June 1, 2025, and thereafter the 25% value shall apply to each delivery year.

If the requirements set forth in items (i) through (iii) of this subparagraph (H) are met, the charges that would otherwise be applicable to the retail customers of the alternative retail electric supplier under paragraph (6) of this subsection (c) for the applicable delivery year shall be reduced by the ratio of the quantity of renewable energy credits supplied by the alternative retail electric supplier
compared to that supplier's target renewable energy credit quantity. The supplier's target renewable energy credit quantity for the delivery year beginning June 1, 2018 is 14.5% multiplied by the total amount of metered electricity (megawatt-hours) delivered by the alternative retail supplier in that delivery year, provided that the 14.5% shall increase by 1.5% each delivery year thereafter to 25% by the delivery year beginning June 1, 2025, and thereafter the 25% value shall apply to each delivery year.

On or before April 1 of each year, the Agency shall annually publish a report on its website that identifies the aggregate amount of renewable energy credits supplied by alternative retail electric suppliers under this subparagraph (H).

(I) The Agency shall design its long-term renewable energy procurement plan to maximize the State's interest in the health, safety, and welfare of its residents, including but not limited to minimizing sulfur dioxide, nitrogen oxide, particulate matter and other pollution that adversely affects public health in this State, increasing fuel and resource diversity in this State, enhancing the reliability and resiliency of the electricity distribution system in this State, meeting goals to limit carbon dioxide emissions under federal or State law, and contributing to a cleaner and healthier environment for the citizens of this State. In order to further these legislative purposes, renewable energy credits shall be eligible to be counted toward the renewable energy requirements of this subsection (c) if they are generated from facilities located in this State. The Agency may qualify renewable energy credits from facilities located in states adjacent to Illinois if the generator demonstrates and the Agency determines that the operation of such facility or facilities will help promote the State's interest in the health, safety, and welfare of its residents based on the public interest criteria described above. To ensure that the public interest criteria are applied to the procurement and given full effect, the Agency's long-term procurement plan shall describe in detail how each public interest factor shall be considered and weighted for facilities located in states adjacent to Illinois.

(J) In order to promote the competitive development of renewable energy resources in furtherance of the State's interest in

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the health, safety, and welfare of its residents, renewable energy credits shall not be eligible to be counted toward the renewable energy requirements of this subsection (c) if they are sourced from a generating unit whose costs were being recovered through rates regulated by this State or any other state or states on or after January 1, 2017. Each contract executed to purchase renewable energy credits under this subsection (c) shall provide for the contract's termination if the costs of the generating unit supplying the renewable energy credits subsequently begin to be recovered through rates regulated by this State or any other state or states; and each contract shall further provide that, in that event, the supplier of the credits must return 110% of all payments received under the contract. Amounts returned under the requirements of this subparagraph (J) shall be retained by the utility and all of these amounts shall be used for the procurement of additional renewable energy credits from new wind or new photovoltaic resources as defined in this subsection (c). The long-term plan shall provide that these renewable energy credits shall be procured in the next procurement event.

Notwithstanding the limitations of this subparagraph (J), renewable energy credits sourced from generating units that are constructed, purchased, owned, or leased by an electric utility as part of an approved project, program, or pilot under Section 1-56 of this Act shall be eligible to be counted toward the renewable energy requirements of this subsection (c), regardless of how the costs of these units are recovered.

(K) The long-term renewable resources procurement plan developed by the Agency in accordance with subparagraph (A) of this paragraph (1) shall include an Adjustable Block program for the procurement of renewable energy credits from new photovoltaic projects that are distributed renewable energy generation devices or new photovoltaic community renewable generation projects. The Adjustable Block program shall be designed to provide a transparent schedule of prices and quantities to enable the photovoltaic market to scale up and for renewable energy credit prices to adjust at a predictable rate over time. The prices set by the Adjustable Block program can be reflected as a set value or as the product of a formula.
The Adjustable Block program shall include for each category of eligible projects: a schedule of standard block purchase prices to be offered; a series of steps, with associated nameplate capacity and purchase prices that adjust from step to step; and automatic opening of the next step as soon as the nameplate capacity and available purchase prices for an open step are fully committed or reserved. Only projects energized on or after June 1, 2017 shall be eligible for the Adjustable Block program. For each block group the Agency shall determine the number of blocks, the amount of generation capacity in each block, and the purchase price for each block, provided that the purchase price provided and the total amount of generation in all blocks for all block groups shall be sufficient to meet the goals in this subsection (c). The Agency may periodically review its prior decisions establishing the number of blocks, the amount of generation capacity in each block, and the purchase price for each block, and may propose, on an expedited basis, changes to these previously set values, including but not limited to redistributing these amounts and the available funds as necessary and appropriate, subject to Commission approval as part of the periodic plan revision process described in Section 16-111.5 of the Public Utilities Act. The Agency may define different block sizes, purchase prices, or other distinct terms and conditions for projects located in different utility service territories if the Agency deems it necessary to meet the goals in this subsection (c).

The Adjustable Block program shall include at least the following block groups in at least the following amounts, which may be adjusted upon review by the Agency and approval by the Commission as described in this subparagraph (K):

(i) At least 25% from distributed renewable energy generation devices with a nameplate capacity of no more than 10 kilowatts.

(ii) At least 25% from distributed renewable energy generation devices with a nameplate capacity of more than 10 kilowatts and no more than 2,000 kilowatts. The Agency may create sub-categories within this category to account for the differences between projects for small commercial customers, large commercial customers, and public or non-profit customers.

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(iii) At least 25% from photovoltaic community renewable generation projects.

(iv) The remaining 25% shall be allocated as specified by the Agency in the long-term renewable resources procurement plan.

The Adjustable Block program shall be designed to ensure that renewable energy credits are procured from photovoltaic distributed renewable energy generation devices and new photovoltaic community renewable energy generation projects in diverse locations and are not concentrated in a few geographic areas.

(L) The procurement of photovoltaic renewable energy credits under items (i) through (iv) of subparagraph (K) of this paragraph (1) shall be subject to the following contract and payment terms:

(i) The Agency shall procure contracts of at least 15 years in length.

(ii) For those renewable energy credits that qualify and are procured under item (i) of subparagraph (K) of this paragraph (1), the renewable energy credit purchase price shall be paid in full by the contracting utilities at the time that the facility producing the renewable energy credits is interconnected at the distribution system level of the utility and energized. The electric utility shall receive and retire all renewable energy credits generated by the project for the first 15 years of operation.

(iii) For those renewable energy credits that qualify and are procured under item (ii) and (iii) of subparagraph (K) of this paragraph (1) and any additional categories of distributed generation included in the long-term renewable resources procurement plan and approved by the Commission, 20 percent of the renewable energy credit purchase price shall be paid by the contracting utilities at the time that the facility producing the renewable energy credits is interconnected at the distribution system level of the utility and energized. The remaining portion shall be paid ratably over the subsequent 4-year period. The electric utility shall receive and retire all renewable energy credits generated by the project for the subsequent periods.
credits generated by the project for the first 15 years of operation.

(iv) Each contract shall include provisions to ensure the delivery of the renewable energy credits for the full term of the contract.

(v) The utility shall be the counterparty to the contracts executed under this subparagraph (L) that are approved by the Commission under the process described in Section 16-111.5 of the Public Utilities Act. No contract shall be executed for an amount that is less than one renewable energy credit per year.

(vi) If, at any time, approved applications for the Adjustable Block program exceed funds collected by the electric utility or would cause the Agency to exceed the limitation described in subparagraph (E) of this paragraph (1) on the amount of renewable energy resources that may be procured, then the Agency shall consider future uncommitted funds to be reserved for these contracts on a first-come, first-served basis, with the delivery of renewable energy credits required beginning at the time that the reserved funds become available.

(vii) Nothing in this Section shall require the utility to advance any payment or pay any amounts that exceed the actual amount of revenues collected by the utility under paragraph (6) of this subsection (c) and subsection (k) of Section 16-108 of the Public Utilities Act, and contracts executed under this Section shall expressly incorporate this limitation.

(M) The Agency shall be authorized to retain one or more experts or expert consulting firms to develop, administer, implement, operate, and evaluate the Adjustable Block program described in subparagraph (K) of this paragraph (1), and the Agency shall retain the consultant or consultants in the same manner, to the extent practicable, as the Agency retains others to administer provisions of this Act, including, but not limited to, the procurement administrator. The selection of experts and expert consulting firms and the procurement process described in this subparagraph (M) are exempt from the requirements of Section 20-10 of the Illinois Procurement Code, under Section 20-10 of that
Code. The Agency shall strive to minimize administrative expenses in the implementation of the Adjustable Block program.

The Agency and its consultant or consultants shall monitor block activity, share program activity with stakeholders and conduct regularly scheduled meetings to discuss program activity and market conditions. If necessary, the Agency may make prospective administrative adjustments to the Adjustable Block program design, such as redistributing available funds or making adjustments to purchase prices as necessary to achieve the goals of this subsection (c). Program modifications to any price, capacity block, or other program element that do not deviate from the Commission's approved value by more than 25% shall take effect immediately and are not subject to Commission review and approval. Program modifications to any price, capacity block, or other program element that deviate more than 25% from the Commission's approved value must be approved by the Commission as a long-term plan amendment under Section 16-111.5 of the Public Utilities Act. The Agency shall consider stakeholder feedback when making adjustments to the Adjustable Block design and shall notify stakeholders in advance of any planned changes.

(N) The long-term renewable resources procurement plan required by this subsection (c) shall include a community renewable generation program. The Agency shall establish the terms, conditions, and program requirements for community renewable generation projects with a goal to expand renewable energy generating facility access to a broader group of energy consumers, to ensure robust participation opportunities for residential and small commercial customers and those who cannot install renewable energy on their own properties. Any plan approved by the Commission shall allow subscriptions to community renewable generation projects to be portable and transferable. For purposes of this subparagraph (N), "portable" means that subscriptions may be retained by the subscriber even if the subscriber relocates or changes its address within the same utility service territory; and "transferable" means that a subscriber may assign or sell subscriptions to another person within the same utility service territory.

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Electric utilities shall provide a monetary credit to a subscriber's subsequent bill for service for the proportional output of a community renewable generation project attributable to that subscriber as specified in Section 16-107.5 of the Public Utilities Act.

The Agency shall purchase renewable energy credits from subscribed shares of photovoltaic community renewable generation projects through the Adjustable Block program described in subparagraph (K) of this paragraph (1) or through the Illinois Solar for All Program described in Section 1-56 of this Act. The electric utility shall purchase any unsubscribed energy from community renewable generation projects that are Qualifying Facilities ("QF") under the electric utility's tariff for purchasing the output from QFs under Public Utilities Regulatory Policies Act of 1978.

The owners of and any subscribers to a community renewable generation project shall not be considered public utilities or alternative retail electricity suppliers under the Public Utilities Act solely as a result of their interest in or subscription to a community renewable generation project and shall not be required to become an alternative retail electric supplier by participating in a community renewable generation project with a public utility.

(O) For the delivery year beginning June 1, 2018, the long-term renewable resources procurement plan required by this subsection (c) shall provide for the Agency to procure contracts to continue offering the Illinois Solar for All Program described in subsection (b) of Section 1-56 of this Act, and the contracts approved by the Commission shall be executed by the utilities that are subject to this subsection (c). The long-term renewable resources procurement plan shall allocate 5% of the funds available under the plan for the applicable delivery year, or $10,000,000 per delivery year, whichever is greater, to fund the programs, and the plan shall determine the amount of funding to be apportioned to the programs identified in subsection (b) of Section 1-56 of this Act; provided that for the delivery years beginning June 1, 2017, June 1, 2021, and June 1, 2025, the long-term renewable resources procurement plan shall allocate 10% of the funds available under the plan for the applicable delivery year,
or $20,000,000 per delivery year, whichever is greater, and $10,000,000 of such funds in such year shall be used by an electric utility that serves more than 3,000,000 retail customers in the State to implement a Commission-approved plan under Section 16-108.12 of the Public Utilities Act. In making the determinations required under this subparagraph (O), the Commission shall consider the experience and performance under the programs and any evaluation reports. The Commission shall also provide for an independent evaluation of those programs on a periodic basis that are funded under this subparagraph (O). The procurement plans shall include cost-effective renewable energy resources. A minimum percentage of each utility’s total supply to serve the load of eligible retail customers, as defined in Section 16-111.5(a) of the Public Utilities Act, procured for each of the following years shall be generated from cost-effective renewable energy resources: at least 2% by June 1, 2008; at least 4% by June 1, 2009; at least 5% by June 1, 2010; at least 6% by June 1, 2011; at least 7% by June 1, 2012; at least 8% by June 1, 2013; at least 9% by June 1, 2014; at least 10% by June 1, 2015; and increasing by at least 1.5% each year thereafter to at least 25% by June 1, 2025. To the extent that it is available, at least 75% of the renewable energy resources used to meet these standards shall come from wind generation and, beginning on June 1, 2011, at least the following percentages of the renewable energy resources used to meet these standards shall come from photovoltaics on the following schedule: 0.5% by June 1, 2012, 1.5% by June 1, 2013, 3% by June 1, 2014, and 6% by June 1, 2015 and thereafter. Of the renewable energy resources procured pursuant to this Section, at least the following percentages shall come from distributed renewable energy generation devices: 0.5% by June 1, 2013, 0.75% by June 1, 2014, and 1% by June 1, 2015 and thereafter. To the extent available, half of the renewable energy resources procured from distributed renewable energy generation shall come from devices of less than 25 kilowatts in nameplate capacity. Renewable energy resources procured from distributed generation devices may also count towards the required percentages for wind and solar photovoltaics. Procurement of renewable energy resources from distributed renewable energy generation devices shall be done on an annual
basis through multi-year contracts of no less than 5 years, and shall consist solely of renewable energy credits.

The Agency shall create credit requirements for suppliers of distributed renewable energy. In order to minimize the administrative burden on contracting entities, the Agency shall solicit the use of third-party organizations to aggregate distributed renewable energy into groups of no less than one megawatt in installed capacity. These third-party organizations shall administer contracts with individual distributed renewable energy generation device owners. An individual distributed renewable energy generation device owner shall have the ability to measure the output of his or her distributed renewable energy generation device.

For purposes of this subsection (c), "cost-effective" means that the costs of procuring renewable energy resources do not cause the limit stated in paragraph (2) of this subsection (c) to be exceeded and do not exceed benchmarks based on market prices for renewable energy resources in the region, which shall be developed by the procurement administrator, in consultation with the Commission staff, Agency staff, and the procurement monitor and shall be subject to Commission review and approval:

(2) (Blank). For purposes of this subsection (c), the required procurement of cost-effective renewable energy resources for a particular year shall be measured as a percentage of the actual amount of electricity (megawatt-hours) supplied by the electric utility to eligible retail customers in the planning year ending immediately prior to the procurement. For purposes of this subsection (c), the amount paid per kilowatthour means the total amount paid for electric service expressed on a per kilowatthour basis. For purposes of this subsection (c), the total amount paid for electric service includes without limitation amounts paid for supply, transmission, distribution, surcharges, and add-on taxes.

Notwithstanding the requirements of this subsection (c), the total of renewable energy resources procured pursuant to the procurement plan for any single year shall be reduced by an amount necessary to limit the annual estimated average net increase due to the costs of these resources included in the amounts paid by eligible retail customers in connection with electric service to:

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(A) in 2008, no more than 0.5% of the amount paid per kilowatthour by those customers during the year ending May 31, 2007;

(B) in 2009, the greater of an additional 0.5% of the amount paid per kilowatthour by those customers during the year ending May 31, 2008 or 1% of the amount paid per kilowatthour by those customers during the year ending May 31, 2007;

(C) in 2010, the greater of an additional 0.5% of the amount paid per kilowatthour by those customers during the year ending May 31, 2009 or 1.5% of the amount paid per kilowatthour by those customers during the year ending May 31, 2007;

(D) in 2011, the greater of an additional 0.5% of the amount paid per kilowatthour by those customers during the year ending May 31, 2010 or 2% of the amount paid per kilowatthour by those customers during the year ending May 31, 2007; and

(E) thereafter, the amount of renewable energy resources procured pursuant to the procurement plan for any single year shall be reduced by an amount necessary to limit the estimated average net increase due to the cost of these resources included in the amounts paid by eligible retail customers in connection with electric service to no more than the greater of 2.015% of the amount paid per kilowatthour by those customers during the year ending May 31, 2007 or the incremental amount per kilowatthour paid for these resources in 2011.

No later than June 30, 2011, the Commission shall review the limitation on the amount of renewable energy resources procured pursuant to this subsection (c) and report to the General Assembly its findings as to whether that limitation unduly constrains the procurement of cost-effective renewable energy resources.

(3) (Blank). Through June 1, 2011, renewable energy resources shall be counted for the purpose of meeting the renewable energy standards set forth in paragraph (1) of this subsection (c) only if they are generated from facilities located in the State, provided that cost-effective renewable energy resources...
are available from those facilities. If those cost-effective resources are not available in Illinois, they shall be procured in states that adjoin Illinois and may be counted towards compliance. If those cost-effective resources are not available in Illinois or in states that adjoin Illinois, they shall be purchased elsewhere and shall be counted towards compliance. After June 1, 2011, cost-effective renewable energy resources located in Illinois and in states that adjoin Illinois may be counted towards compliance with the standards set forth in paragraph (1) of this subsection (c). If those cost-effective resources are not available in Illinois or in states that adjoin Illinois, they shall be purchased elsewhere and shall be counted towards compliance:

(4) The electric utility shall retire all renewable energy credits used to comply with the standard.

(5) Beginning with the 2010 delivery year and ending June 1, 2017 year commencing June 1, 2010, an electric utility subject to this subsection (c) shall apply the lesser of the maximum alternative compliance payment rate or the most recent estimated alternative compliance payment rate for its service territory for the corresponding compliance period, established pursuant to subsection (d) of Section 16-115D of the Public Utilities Act to its retail customers that take service pursuant to the electric utility's hourly pricing tariff or tariffs. The electric utility shall retain all amounts collected as a result of the application of the alternative compliance payment rate or rates to such customers, and, beginning in 2011, the utility shall include in the information provided under item (1) of subsection (d) of Section 16-111.5 of the Public Utilities Act the amounts collected under the alternative compliance payment rate or rates for the prior year ending May 31. Notwithstanding any limitation on the procurement of renewable energy resources imposed by item (2) of this subsection (c), the Agency shall increase its spending on the purchase of renewable energy resources to be procured by the electric utility for the next plan year by an amount equal to the amounts collected by the utility under the alternative compliance payment rate or rates in the prior year ending May 31.

(6) The electric utility shall be entitled to recover all of its costs associated with the procurement of renewable energy credits under plans approved under this Section and Section 16-111.5 of

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the Public Utilities Act. These costs shall include associated reasonable expenses for implementing the procurement programs, including, but not limited to, the costs of administering and evaluating the Adjustable Block program, through an automatic adjustment clause tariff in accordance with subsection (k) of Section 16-108 of the Public Utilities Act.

(7) Renewable energy credits procured from new photovoltaic projects or new distributed renewable energy generation devices under this Section after the effective date of this amendatory Act of the 99th General Assembly must be procured from devices installed by a qualified person in compliance with the requirements of Section 16-128A of the Public Utilities Act and any rules or regulations adopted thereunder.

In meeting the renewable energy requirements of this subsection (c), to the extent feasible and consistent with State and federal law, the renewable energy credit procurements, Adjustable Block solar program, and community renewable generation program shall provide employment opportunities for all segments of the population and workforce, including minority-owned and female-owned business enterprises, and shall not, consistent with State and federal law, discriminate based on race or socioeconomic status.

(d) Clean coal portfolio standard.

(1) The procurement plans shall include electricity generated using clean coal. Each utility shall enter into one or more sourcing agreements with the initial clean coal facility, as provided in paragraph (3) of this subsection (d), covering electricity generated by the initial clean coal facility representing at least 5% of each utility's total supply to serve the load of eligible retail customers in 2015 and each year thereafter, as described in paragraph (3) of this subsection (d), subject to the limits specified in paragraph (2) of this subsection (d). It is the goal of the State that by January 1, 2025, 25% of the electricity used in the State shall be generated by cost-effective clean coal facilities. For purposes of this subsection (d), "cost-effective" means that the expenditures pursuant to such sourcing agreements do not cause the limit stated in paragraph (2) of this subsection (d) to be exceeded and do not exceed cost-based benchmarks, which shall be developed to assess all expenditures pursuant to such sourcing agreements.

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agreements covering electricity generated by clean coal facilities, other than the initial clean coal facility, by the procurement administrator, in consultation with the Commission staff, Agency staff, and the procurement monitor and shall be subject to Commission review and approval.

A utility party to a sourcing agreement shall immediately retire any emission credits that it receives in connection with the electricity covered by such agreement.

Utilities shall maintain adequate records documenting the purchases under the sourcing agreement to comply with this subsection (d) and shall file an accounting with the load forecast that must be filed with the Agency by July 15 of each year, in accordance with subsection (d) of Section 16-111.5 of the Public Utilities Act.

A utility shall be deemed to have complied with the clean coal portfolio standard specified in this subsection (d) if the utility enters into a sourcing agreement as required by this subsection (d).

(2) For purposes of this subsection (d), the required execution of sourcing agreements with the initial clean coal facility for a particular year shall be measured as a percentage of the actual amount of electricity (megawatt-hours) supplied by the electric utility to eligible retail customers in the planning year ending immediately prior to the agreement's execution. For purposes of this subsection (d), the amount paid per kilowatthour means the total amount paid for electric service expressed on a per kilowatthour basis. For purposes of this subsection (d), the total amount paid for electric service includes without limitation amounts paid for supply, transmission, distribution, surcharges and add-on taxes.

Notwithstanding the requirements of this subsection (d), the total amount paid under sourcing agreements with clean coal facilities pursuant to the procurement plan for any given year shall be reduced by an amount necessary to limit the annual estimated average net increase due to the costs of these resources included in the amounts paid by eligible retail customers in connection with electric service to:

(A) in 2010, no more than 0.5% of the amount paid per kilowatthour by those customers during the year ending May 31, 2009;

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(B) in 2011, the greater of an additional 0.5% of the amount paid per kilowatthour by those customers during the year ending May 31, 2010 or 1% of the amount paid per kilowatthour by those customers during the year ending May 31, 2009;

(C) in 2012, the greater of an additional 0.5% of the amount paid per kilowatthour by those customers during the year ending May 31, 2011 or 1.5% of the amount paid per kilowatthour by those customers during the year ending May 31, 2009;

(D) in 2013, the greater of an additional 0.5% of the amount paid per kilowatthour by those customers during the year ending May 31, 2012 or 2% of the amount paid per kilowatthour by those customers during the year ending May 31, 2009; and

(E) thereafter, the total amount paid under sourcing agreements with clean coal facilities pursuant to the procurement plan for any single year shall be reduced by an amount necessary to limit the estimated average net increase due to the cost of these resources included in the amounts paid by eligible retail customers in connection with electric service to no more than the greater of (i) 2.015% of the amount paid per kilowatthour by those customers during the year ending May 31, 2009 or (ii) the incremental amount per kilowatthour paid for these resources in 2013. These requirements may be altered only as provided by statute.

No later than June 30, 2015, the Commission shall review the limitation on the total amount paid under sourcing agreements, if any, with clean coal facilities pursuant to this subsection (d) and report to the General Assembly its findings as to whether that limitation unduly constrains the amount of electricity generated by cost-effective clean coal facilities that is covered by sourcing agreements.

(3) Initial clean coal facility. In order to promote development of clean coal facilities in Illinois, each electric utility subject to this Section shall execute a sourcing agreement to source electricity from a proposed clean coal facility in Illinois (the "initial clean coal facility") that will have a nameplate capacity of at least

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500 MW when commercial operation commences, that has a final Clean Air Act permit on the effective date of this amendatory Act of the 95th General Assembly, and that will meet the definition of clean coal facility in Section 1-10 of this Act when commercial operation commences. The sourcing agreements with this initial clean coal facility shall be subject to both approval of the initial clean coal facility by the General Assembly and satisfaction of the requirements of paragraph (4) of this subsection (d) and shall be executed within 90 days after any such approval by the General Assembly. The Agency and the Commission shall have authority to inspect all books and records associated with the initial clean coal facility during the term of such a sourcing agreement. A utility's sourcing agreement for electricity produced by the initial clean coal facility shall include:

(A) a formula contractual price (the "contract price") approved pursuant to paragraph (4) of this subsection (d), which shall:

(i) be determined using a cost of service methodology employing either a level or deferred capital recovery component, based on a capital structure consisting of 45% equity and 55% debt, and a return on equity as may be approved by the Federal Energy Regulatory Commission, which in any case may not exceed the lower of 11.5% or the rate of return approved by the General Assembly pursuant to paragraph (4) of this subsection (d); and

(ii) provide that all miscellaneous net revenue, including but not limited to net revenue from the sale of emission allowances, if any, substitute natural gas, if any, grants or other support provided by the State of Illinois or the United States Government, firm transmission rights, if any, by-products produced by the facility, energy or capacity derived from the facility and not covered by a sourcing agreement pursuant to paragraph (3) of this subsection (d) or item (5) of subsection (d) of Section 16-115 of the Public Utilities Act, whether generated from the synthesis gas derived from coal, from SNG, or from natural gas, shall be credited
against the revenue requirement for this initial clean coal facility;

(B) power purchase provisions, which shall:
   (i) provide that the utility party to such sourcing agreement shall pay the contract price for electricity delivered under such sourcing agreement;
   (ii) require delivery of electricity to the regional transmission organization market of the utility that is party to such sourcing agreement;
   (iii) require the utility party to such sourcing agreement to buy from the initial clean coal facility in each hour an amount of energy equal to all clean coal energy made available from the initial clean coal facility during such hour times a fraction, the numerator of which is such utility's retail market sales of electricity (expressed in kilowatthours sold) in the State during the prior calendar month and the denominator of which is the total retail market sales of electricity (expressed in kilowatthours sold) in the State by utilities during such prior month and the sales of electricity (expressed in kilowatthours sold) in the State by alternative retail electric suppliers during such prior month that are subject to the requirements of this subsection (d) and paragraph (5) of subsection (d) of Section 16-115 of the Public Utilities Act, provided that the amount purchased by the utility in any year will be limited by paragraph (2) of this subsection (d); and
   (iv) be considered pre-existing contracts in such utility's procurement plans for eligible retail customers;

(C) contract for differences provisions, which shall:
   (i) require the utility party to such sourcing agreement to contract with the initial clean coal facility in each hour with respect to an amount of energy equal to all clean coal energy made available from the initial clean coal facility during such hour times a fraction, the numerator of which is such utility's retail market sales of electricity (expressed in kilowatthours sold) in the State during the prior calendar month and the denominator of which is the total retail market sales of electricity (expressed in kilowatthours sold) in the State by utilities during such prior month and the sales of electricity (expressed in kilowatthours sold) in the State by alternative retail electric suppliers during such prior month that are subject to the requirements of this subsection (d) and paragraph (5) of subsection (d) of Section 16-115 of the Public Utilities Act, provided that the amount purchased by the utility in any year will be limited by paragraph (2) of this subsection (d); and
   (iv) be considered pre-existing contracts in such utility's procurement plans for eligible retail customers;
in kilowatthours sold) in the utility's service
territory in the State during the prior calendar month
and the denominator of which is the total retail
market sales of electricity (expressed in
kilowatthours sold) in the State by utilities during
such prior month and the sales of electricity
(expressed in kilowatthours sold) in the State by
alternative retail electric suppliers during such prior
month that are subject to the requirements of this
subsection (d) and paragraph (5) of subsection (d) of
Section 16-115 of the Public Utilities Act, provided
that the amount paid by the utility in any year will
be limited by paragraph (2) of this subsection (d);

(ii) provide that the utility's payment
obligation in respect of the quantity of electricity
determined pursuant to the preceding clause (i) shall
be limited to an amount equal to (1) the difference
between the contract price determined pursuant to
subparagraph (A) of paragraph (3) of this subsection
(d) and the day-ahead price for electricity delivered
to the regional transmission organization market of
the utility that is party to such sourcing agreement
(or any successor delivery point at which such
utility's supply obligations are financially settled on
an hourly basis) (the "reference price") on the day
preceding the day on which the electricity is
delivered to the initial clean coal facility busbar,
multiplied by (2) the quantity of electricity
determined pursuant to the preceding clause (i); and

(iii) not require the utility to take physical
delivery of the electricity produced by the facility;

(D) general provisions, which shall:

(i) specify a term of no more than 30 years,
commencing on the commercial operation date of
the facility;

(ii) provide that utilities shall maintain
adequate records documenting purchases under the
sourcing agreements entered into to comply with
this subsection (d) and shall file an accounting with

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the load forecast that must be filed with the Agency by July 15 of each year, in accordance with subsection (d) of Section 16-111.5 of the Public Utilities Act;

(iii) provide that all costs associated with the initial clean coal facility will be periodically reported to the Federal Energy Regulatory Commission and to purchasers in accordance with applicable laws governing cost-based wholesale power contracts;

(iv) permit the Illinois Power Agency to assume ownership of the initial clean coal facility, without monetary consideration and otherwise on reasonable terms acceptable to the Agency, if the Agency so requests no less than 3 years prior to the end of the stated contract term;

(v) require the owner of the initial clean coal facility to provide documentation to the Commission each year, starting in the facility's first year of commercial operation, accurately reporting the quantity of carbon emissions from the facility that have been captured and sequestered and report any quantities of carbon released from the site or sites at which carbon emissions were sequestered in prior years, based on continuous monitoring of such sites. If, in any year after the first year of commercial operation, the owner of the facility fails to demonstrate that the initial clean coal facility captured and sequestered at least 50% of the total carbon emissions that the facility would otherwise emit or that sequestration of emissions from prior years has failed, resulting in the release of carbon dioxide into the atmosphere, the owner of the facility must offset excess emissions. Any such carbon offsets must be permanent, additional, verifiable, real, located within the State of Illinois, and legally and practicably enforceable. The cost of such offsets for the facility that are not recoverable shall not exceed $15 million in any given year. No
costs of any such purchases of carbon offsets may be recovered from a utility or its customers. All carbon offsets purchased for this purpose and any carbon emission credits associated with sequestration of carbon from the facility must be permanently retired. The initial clean coal facility shall not forfeit its designation as a clean coal facility if the facility fails to fully comply with the applicable carbon sequestration requirements in any given year, provided the requisite offsets are purchased. However, the Attorney General, on behalf of the People of the State of Illinois, may specifically enforce the facility's sequestration requirement and the other terms of this contract provision. Compliance with the sequestration requirements and offset purchase requirements specified in paragraph (3) of this subsection (d) shall be reviewed annually by an independent expert retained by the owner of the initial clean coal facility, with the advance written approval of the Attorney General. The Commission may, in the course of the review specified in item (vii), reduce the allowable return on equity for the facility if the facility wilfully fails to comply with the carbon capture and sequestration requirements set forth in this item (v);

(vi) include limits on, and accordingly provide for modification of, the amount the utility is required to source under the sourcing agreement consistent with paragraph (2) of this subsection (d);

(vii) require Commission review: (1) to determine the justness, reasonableness, and prudence of the inputs to the formula referenced in subparagraphs (A)(i) through (A)(iii) of paragraph (3) of this subsection (d), prior to an adjustment in those inputs including, without limitation, the capital structure and return on equity, fuel costs, and other operations and maintenance costs and (2) to approve the costs to be passed through to customers
under the sourcing agreement by which the utility satisfies its statutory obligations. Commission review shall occur no less than every 3 years, regardless of whether any adjustments have been proposed, and shall be completed within 9 months;

(viii) limit the utility's obligation to such amount as the utility is allowed to recover through tariffs filed with the Commission, provided that neither the clean coal facility nor the utility waives any right to assert federal pre-emption or any other argument in response to a purported disallowance of recovery costs;

(ix) limit the utility's or alternative retail electric supplier's obligation to incur any liability until such time as the facility is in commercial operation and generating power and energy and such power and energy is being delivered to the facility busbar;

(x) provide that the owner or owners of the initial clean coal facility, which is the counterparty to such sourcing agreement, shall have the right from time to time to elect whether the obligations of the utility party thereto shall be governed by the power purchase provisions or the contract for differences provisions;

(xi) append documentation showing that the formula rate and contract, insofar as they relate to the power purchase provisions, have been approved by the Federal Energy Regulatory Commission pursuant to Section 205 of the Federal Power Act;

(xii) provide that any changes to the terms of the contract, insofar as such changes relate to the power purchase provisions, are subject to review under the public interest standard applied by the Federal Energy Regulatory Commission pursuant to Sections 205 and 206 of the Federal Power Act; and

(xiii) conform with customary lender requirements in power purchase agreements used as the basis for financing non-utility generators.

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(4) Effective date of sourcing agreements with the initial clean coal facility.

Any proposed sourcing agreement with the initial clean coal facility shall not become effective unless the following reports are prepared and submitted and authorizations and approvals obtained:

(i) Facility cost report. The owner of the initial clean coal facility shall submit to the Commission, the Agency, and the General Assembly a front-end engineering and design study, a facility cost report, method of financing (including but not limited to structure and associated costs), and an operating and maintenance cost quote for the facility (collectively "facility cost report"), which shall be prepared in accordance with the requirements of this paragraph (4) of subsection (d) of this Section, and shall provide the Commission and the Agency access to the work papers, relied upon documents, and any other backup documentation related to the facility cost report.

(ii) Commission report. Within 6 months following receipt of the facility cost report, the Commission, in consultation with the Agency, shall submit a report to the General Assembly setting forth its analysis of the facility cost report. Such report shall include, but not be limited to, a comparison of the costs associated with electricity generated by the initial clean coal facility to the costs associated with electricity generated by other types of generation facilities, an analysis of the rate impacts on residential and small business customers over the life of the sourcing agreements, and an analysis of the likelihood that the initial clean coal facility will commence commercial operation by and be delivering power to the facility's busbar by 2016. To assist in the preparation of its report, the Commission, in consultation with the Agency, may hire one or more experts or consultants, the costs of which shall be paid for by the owner of the initial clean coal facility. The Commission and Agency may begin the process of selecting such experts or consultants prior to receipt of the facility cost report.

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(iii) General Assembly approval. The proposed sourcing agreements shall not take effect unless, based on the facility cost report and the Commission's report, the General Assembly enacts authorizing legislation approving (A) the projected price, stated in cents per kilowatthour, to be charged for electricity generated by the initial clean coal facility, (B) the projected impact on residential and small business customers' bills over the life of the sourcing agreements, and (C) the maximum allowable return on equity for the project; and

(iv) Commission review. If the General Assembly enacts authorizing legislation pursuant to subparagraph (iii) approving a sourcing agreement, the Commission shall, within 90 days of such enactment, complete a review of such sourcing agreement. During such time period, the Commission shall implement any directive of the General Assembly, resolve any disputes between the parties to the sourcing agreement concerning the terms of such agreement, approve the form of such agreement, and issue an order finding that the sourcing agreement is prudent and reasonable.

The facility cost report shall be prepared as follows:

(A) The facility cost report shall be prepared by duly licensed engineering and construction firms detailing the estimated capital costs payable to one or more contractors or suppliers for the engineering, procurement and construction of the components comprising the initial clean coal facility and the estimated costs of operation and maintenance of the facility. The facility cost report shall include:

(i) an estimate of the capital cost of the core plant based on one or more front end engineering and design studies for the gasification island and related facilities. The core plant shall include all civil, structural, mechanical, electrical, control, and safety systems.

(ii) an estimate of the capital cost of the balance of the plant, including any capital costs associated with sequestration of carbon dioxide.

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emissions and all interconnects and interfaces required to operate the facility, such as transmission of electricity, construction or backfeed power supply, pipelines to transport substitute natural gas or carbon dioxide, potable water supply, natural gas supply, water supply, water discharge, landfill, access roads, and coal delivery.

The quoted construction costs shall be expressed in nominal dollars as of the date that the quote is prepared and shall include capitalized financing costs during construction, taxes, insurance, and other owner's costs, and an assumed escalation in materials and labor beyond the date as of which the construction cost quote is expressed.

(B) The front end engineering and design study for the gasification island and the cost study for the balance of plant shall include sufficient design work to permit quantification of major categories of materials, commodities and labor hours, and receipt of quotes from vendors of major equipment required to construct and operate the clean coal facility.

(C) The facility cost report shall also include an operating and maintenance cost quote that will provide the estimated cost of delivered fuel, personnel, maintenance contracts, chemicals, catalysts, consumables, spares, and other fixed and variable operations and maintenance costs. The delivered fuel cost estimate will be provided by a recognized third party expert or experts in the fuel and transportation industries. The balance of the operating and maintenance cost quote, excluding delivered fuel costs, will be developed based on the inputs provided by duly licensed engineering and construction firms performing the construction cost quote, potential vendors under long-term service agreements and plant operating agreements, or recognized third party plant operator or operators.

The operating and maintenance cost quote (including the cost of the front end engineering and design study) shall be expressed in nominal dollars as of the date that the quote is prepared and shall include taxes, insurance, and other owner's costs, and an assumed escalation in
materials and labor beyond the date as of which the operating and maintenance cost quote is expressed.

(D) The facility cost report shall also include an analysis of the initial clean coal facility's ability to deliver power and energy into the applicable regional transmission organization markets and an analysis of the expected capacity factor for the initial clean coal facility.

(E) Amounts paid to third parties unrelated to the owner or owners of the initial clean coal facility to prepare the core plant construction cost quote, including the front end engineering and design study, and the operating and maintenance cost quote will be reimbursed through Coal Development Bonds.

(5) Re-powering and retrofitting coal-fired power plants previously owned by Illinois utilities to qualify as clean coal facilities. During the 2009 procurement planning process and thereafter, the Agency and the Commission shall consider sourcing agreements covering electricity generated by power plants that were previously owned by Illinois utilities and that have been or will be converted into clean coal facilities, as defined by Section 1-10 of this Act. Pursuant to such procurement planning process, the owners of such facilities may propose to the Agency sourcing agreements with utilities and alternative retail electric suppliers required to comply with subsection (d) of this Section and item (5) of subsection (d) of Section 16-115 of the Public Utilities Act, covering electricity generated by such facilities. In the case of sourcing agreements that are power purchase agreements, the contract price for electricity sales shall be established on a cost of service basis. In the case of sourcing agreements that are contracts for differences, the contract price from which the reference price is subtracted shall be established on a cost of service basis. The Agency and the Commission may approve any such utility sourcing agreements that do not exceed cost-based benchmarks developed by the procurement administrator, in consultation with the Commission staff, Agency staff and the procurement monitor, subject to Commission review and approval. The Commission shall have authority to inspect all books and records associated with these clean coal facilities during the term of any such contract.

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(6) Costs incurred under this subsection (d) or pursuant to a contract entered into under this subsection (d) shall be deemed prudently incurred and reasonable in amount and the electric utility shall be entitled to full cost recovery pursuant to the tariffs filed with the Commission.

(d-5) Zero emission standard.

(1) Beginning with the delivery year commencing on June 1, 2017, the Agency shall, for electric utilities that serve at least 100,000 retail customers in this State, procure contracts with zero emission facilities that are reasonably capable of generating cost-effective zero emission credits in an amount approximately equal to 16% of the actual amount of electricity delivered by each electric utility to retail customers in the State during calendar year 2014. For an electric utility serving fewer than 100,000 retail customers in this State that requested, under Section 16-111.5 of the Public Utilities Act, that the Agency procure power and energy for all or a portion of the utility's Illinois load for the delivery year commencing June 1, 2016, the Agency shall procure contracts with zero emission facilities that are reasonably capable of generating cost-effective zero emission credits in an amount approximately equal to 16% of the portion of power and energy to be procured by the Agency for the utility. The duration of the contracts procured under this subsection (d-5) shall be for a term of 10 years ending May 31, 2027. The quantity of zero emission credits to be procured under the contracts shall be all of the zero emission credits generated by the zero emission facility in each delivery year; however, if the zero emission facility is owned by more than one entity, then the quantity of zero emission credits to be procured under the contracts shall be the amount of zero emission credits that are generated from the portion of the zero emission facility that is owned by the winning supplier.

The 16% value identified in this paragraph (1) is the average of the percentage targets in subparagraph (B) of paragraph (1) of subsection (c) of Section 1-75 of this Act for the 5 delivery years beginning June 1, 2017.

The procurement process shall be subject to the following provisions:

(A) Those zero emission facilities that intend to participate in the procurement shall submit to the Agency
the following eligibility information for each zero emission facility on or before the date established by the Agency:

(i) the in-service date and remaining useful life of the zero emission facility;

(ii) the amount of power generated annually for each of the years 2005 through 2015, and the projected zero emission credits to be generated over the remaining useful life of the zero emission facility, which shall be used to determine the capability of each facility;

(iii) the annual zero emission facility cost projections, expressed on a per megawatthour basis, over the next 6 delivery years, which shall include the following: operation and maintenance expenses; fully allocated overhead costs, which shall be allocated using the methodology developed by the Institute for Nuclear Power Operations; fuel expenditures; non-fuel capital expenditures; spent fuel expenditures; a return on working capital; the cost of operational and market risks that could be avoided by ceasing operation; and any other costs necessary for continued operations, provided that "necessary" means, for purposes of this item (iii), that the costs could reasonably be avoided only by ceasing operations of the zero emission facility; and

(iv) a commitment to continue operating, for the duration of the contract or contracts executed under the procurement held under this subsection (d-5), the zero emission facility that produces the zero emission credits to be procured in the procurement.

The information described in item (iii) of this subparagraph (A) may be submitted on a confidential basis and shall be treated and maintained by the Agency, the procurement administrator, and the Commission as confidential and proprietary and exempt from disclosure under subparagraphs (a) and (g) of paragraph (1) of Section 7 of the Freedom of Information Act. The Office of Attorney General shall have access to, and maintain the
confidentiality of, such information pursuant to Section 6.5 of the Attorney General Act.

(B) The price for each zero emission credit procured under this subsection (d-5) for each delivery year shall be in an amount that equals the Social Cost of Carbon, expressed on a price per megawatthour basis. However, to ensure that the procurement remains affordable to retail customers in this State if electricity prices increase, the price in an applicable delivery year shall be reduced below the Social Cost of Carbon by the amount ("Price Adjustment") by which the market price index for the applicable delivery year exceeds the baseline market price index for the consecutive 12-month period ending May 31, 2016. If the Price Adjustment is greater than or equal to the Social Cost of Carbon in an applicable delivery year, then no payments shall be due in that delivery year. The components of this calculation are defined as follows:

(i) Social Cost of Carbon: The Social Cost of Carbon is $16.50 per megawatthour, which is based on the U.S. Interagency Working Group on Social Cost of Carbon’s price in the August 2016 Technical Update using a 3% discount rate, adjusted for inflation for each year of the program. Beginning with the delivery year commencing June 1, 2023, the price per megawatthour shall increase by $1 per megawatthour, and continue to increase by an additional $1 per megawatthour each delivery year thereafter.

(ii) Baseline market price index: The baseline market price index for the consecutive 12-month period ending May 31, 2016 is $31.40 per megawatthour, which is based on the sum of (aa) the average day-ahead energy price across all hours of such 12-month period at the PJM Interconnection LLC Northern Illinois Hub, (bb) 50% multiplied by the Base Residual Auction, or its successor, capacity price for the rest of the RTO zone group determined by PJM Interconnection

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LLC, divided by 24 hours per day, and (cc) 50% multiplied by the Planning Resource Auction, or its successor, capacity price for Zone 4 determined by the Midcontinent Independent System Operator, Inc., divided by 24 hours per day.

(iii) Market price index: The market price index for a delivery year shall be the sum of projected energy prices and projected capacity prices determined as follows:

(aa) Projected energy prices: the projected energy prices for the applicable delivery year shall be calculated once for the year using the forward market price for the PJM Interconnection, LLC Northern Illinois Hub. The forward market price shall be calculated as follows: the energy forward prices for each month of the applicable delivery year averaged for each trade date during the calendar year immediately preceding that delivery year to produce a single energy forward price for the delivery year. The forward market price calculation shall use data published by the Intercontinental Exchange, or its successor.

(bb) Projected capacity prices:

(I) For the delivery years commencing June 1, 2017, June 1, 2018, and June 1, 2019, the projected capacity price shall be equal to the sum of (1) 50% multiplied by the Base Residual Auction, or its successor, price for the rest of the RTO zone group as determined by PJM Interconnection LLC, divided by 24 hours per day and, (2) 50% multiplied by the resource auction price determined in the resource auction administered by the Midcontinent Independent System Operator, Inc., divided by 24 hours per day.

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Operator, Inc., in which the largest percentage of load cleared for Local Resource Zone 4, divided by 24 hours per day, and where such price is determined by the Midcontinent Independent System Operator, Inc.

(II) For the delivery year commencing June 1, 2020, and each year thereafter, the projected capacity price shall be equal to the sum of (1) 50% multiplied by the Base Residual Auction, or its successor, price for the ComEd zone as determined by PJM Interconnection LLC, divided by 24 hours per day, and (2) 50% multiplied by the resource auction price determined in the resource auction administered by the Midcontinent Independent System Operator, Inc., in which the largest percentage of load cleared for Local Resource Zone 4, divided by 24 hours per day, and where such price is determined by the Midcontinent Independent System Operator, Inc.

For purposes of this subsection (d-5):

"Rest of the RTO" and "ComEd Zone" shall have the meaning ascribed to them by PJM Interconnection, LLC.

"RTO" means regional transmission organization.

(C) No later than 45 days after the effective date of this amendatory Act of the 99th General Assembly, the Agency shall publish its proposed zero emission standard procurement plan. The plan shall be consistent with the provisions of this paragraph (1) and shall provide that winning bids shall be selected based on public interest criteria that include, but are not limited to, minimizing

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carbon dioxide emissions that result from electricity consumed in Illinois and minimizing sulfur dioxide, nitrogen oxide, and particulate matter emissions that adversely affect the citizens of this State. In particular, the selection of winning bids shall take into account the incremental environmental benefits resulting from the procurement, such as any existing environmental benefits that are preserved by the procurements held under this amendatory Act of the 99th General Assembly and would cease to exist if the procurements were not held, including the preservation of zero emission facilities. The plan shall also describe in detail how each public interest factor shall be considered and weighted in the bid selection process to ensure that the public interest criteria are applied to the procurement and given full effect.

For purposes of developing the plan, the Agency shall consider any reports issued by a State agency, board, or commission under House Resolution 1146 of the 98th General Assembly and paragraph (4) of subsection (d) of Section 1-75 of this Act, as well as publicly available analyses and studies performed by or for regional transmission organizations that serve the State and their independent market monitors.

Upon publishing of the zero emission standard procurement plan, copies of the plan shall be posted and made publicly available on the Agency's website. All interested parties shall have 10 days following the date of posting to provide comment to the Agency on the plan. All comments shall be posted to the Agency's website. Following the end of the comment period, but no more than 60 days later than the effective date of this amendatory Act of the 99th General Assembly, the Agency shall revise the plan as necessary based on the comments received and file its zero emission standard procurement plan with the Commission.

If the Commission determines that the plan will result in the procurement of cost-effective zero emission credits, then the Commission shall, after notice and hearing, but no later than 45 days after the Agency filed the
plan, approve the plan or approve with modification. For purposes of this subsection (d-5), "cost effective" means the projected costs of procuring zero emission credits from zero emission facilities do not cause the limit stated in paragraph (2) of this subsection to be exceeded.

(C-5) As part of the Commission’s review and acceptance or rejection of the procurement results, the Commission shall, in its public notice of successful bidders:

(i) identify how the winning bids satisfy the public interest criteria described in subparagraph (C) of this paragraph (1) of minimizing carbon dioxide emissions that result from electricity consumed in Illinois and minimizing sulfur dioxide, nitrogen oxide, and particulate matter emissions that adversely affect the citizens of this State;

(ii) specifically address how the selection of winning bids takes into account the incremental environmental benefits resulting from the procurement, including any existing environmental benefits that are preserved by the procurements held under this amendatory Act of the 99th General Assembly and would have ceased to exist if the procurements had not been held, such as the preservation of zero emission facilities;

(iii) quantify the environmental benefit of preserving the resources identified in item (ii) of this subparagraph (C-5), including the following:

(aa) the value of avoided greenhouse gas emissions measured as the product of the zero emission facilities' output over the contract term multiplied by the U.S. Environmental Protection Agency eGrid subregion carbon dioxide emission rate and the U.S. Interagency Working Group on Social Cost of Carbon's price in the August 2016 Technical Update using a 3% discount rate, adjusted for inflation for each delivery year; and

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(bb) the costs of replacement with other zero carbon dioxide resources, including wind and photovoltaic, based upon the simple average of the following:

(I) the price, or if there is more than one price, the average of the prices, paid for renewable energy credits from new utility-scale wind projects in the procurement events specified in item (i) of subparagraph (G) of paragraph (1) of subsection (c) of Section 1-75 of this Act; and

(II) the price, or if there is more than one price, the average of the prices, paid for renewable energy credits from new utility-scale solar projects and brownfield site photovoltaic projects in the procurement events specified in item (ii) of subparagraph (G) of paragraph (1) of subsection (c) of Section 1-75 of this Act and, after January 1, 2015, renewable energy credits from photovoltaic distributed generation projects in procurement events held under subsection (c) of Section 1-75 of this Act.

Each utility shall enter into binding contractual arrangements with the winning suppliers.

The procurement described in this subsection (d-5), including, but not limited to, the execution of all contracts procured, shall be completed no later than May 10, 2017. Based on the effective date of this amendatory Act of the 99th General Assembly, the Agency and Commission may, as appropriate, modify the various dates and timelines under this subparagraph and subparagraphs (C) and (D) of this paragraph (1). The procurement and plan approval processes required by this subsection (d-5) shall be conducted in conjunction with the procurement and plan...
approval processes required by subsection (c) of this Section and Section 16-111.5 of the Public Utilities Act, to the extent practicable. Notwithstanding whether a procurement event is conducted under Section 16-111.5 of the Public Utilities Act, the Agency shall immediately initiate a procurement process on the effective date of this amendatory Act of the 99th General Assembly.

(D) Following the procurement event described in this paragraph (1) and consistent with subparagraph (B) of this paragraph (1), the Agency shall calculate the payments to be made under each contract for the next delivery year based on the market price index for that delivery year. The Agency shall publish the payment calculations no later than May 25, 2017 and every May 25 thereafter.

(E) Notwithstanding the requirements of this subsection (d-5), the contracts executed under this subsection (d-5) shall provide that the zero emission facility may, as applicable, suspend or terminate performance under the contracts in the following instances:

(i) A zero emission facility shall be excused from its performance under the contract for any cause beyond the control of the resource, including, but not restricted to, acts of God, flood, drought, earthquake, storm, fire, lightning, epidemic, war, riot, civil disturbance or disobedience, labor dispute, labor or material shortage, sabotage, acts of public enemy, explosions, orders, regulations or restrictions imposed by governmental, military, or lawfully established civilian authorities, which, in any of the foregoing cases, by exercise of commercially reasonable efforts the zero emission facility could not reasonably have been expected to avoid, and which, by the exercise of commercially reasonable efforts, it has been unable to overcome.

In such event, the zero emission facility shall be excused from performance for the duration of the event, including, but not limited to, delivery of zero emission credits, and no payment shall be due to the

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zero emission facility during the duration of the event.

(ii) A zero emission facility shall be permitted to terminate the contract if legislation is enacted into law by the General Assembly that imposes or authorizes a new tax, special assessment, or fee on the generation of electricity, the ownership or leasehold of a generating unit, or the privilege or occupation of such generation, ownership, or leasehold of generation units by a zero emission facility. However, the provisions of this item (ii) do not apply to any generally applicable tax, special assessment or fee, or requirements imposed by federal law.

(iii) A zero emission facility shall be permitted to terminate the contract in the event that the resource requires capital expenditures in excess of $40,000,000 that were neither known nor reasonably foreseeable at the time it executed the contract and that a prudent owner or operator of such resource would not undertake.

(iv) A zero emission facility shall be permitted to terminate the contract in the event the Nuclear Regulatory Commission terminates the resource's license.

(F) If the zero emission facility elects to terminate a contract under this subparagraph (E, of this paragraph (1), then the Commission shall reopen the docket in which the Commission approved the zero emission standard procurement plan under subparagraph (C) of this paragraph (1) and, after notice and hearing, enter an order acknowledging the contract termination election if such termination is consistent with the provisions of this subsection (d-5).

(2) For purposes of this subsection (d-5), the amount paid per kilowatthour means the total amount paid for electric service expressed on a per kilowatthour basis. For purposes of this subsection (d-5), the total amount paid for electric service
includes, without limitation, amounts paid for supply, transmission, distribution, surcharges, and add-on taxes.

Notwithstanding the requirements of this subsection (d-5), the contracts executed under this subsection (d-5) shall provide that the total of zero emission credits procured under a procurement plan shall be subject to the limitations of this paragraph (2). For each delivery year, the contractual volume receiving payments in such year shall be reduced for all retail customers based on the amount necessary to limit the net increase that delivery year to the costs of those credits included in the amounts paid by eligible retail customers in connection with electric service to no more than 1.65% of the amount paid per kilowatthour by eligible retail customers during the year ending May 31, 2009. The result of this computation shall apply to and reduce the procurement for all retail customers, and all those customers shall pay the same single, uniform cents per kilowatthour charge under subsection (k) of Section 16-108 of the Public Utilities Act. To arrive at a maximum dollar amount of zero emission credits to be paid for the particular delivery year, the resulting per kilowatthour amount shall be applied to the actual amount of kilowathours of electricity delivered by the electric utility in the delivery year immediately prior to the procurement, to all retail customers in its service territory. Unpaid contractual volume for any delivery year shall be paid in any subsequent delivery year in which such payments can be made without exceeding the amount specified in this paragraph (2). The calculations required by this paragraph (2) shall be made only once for each procurement plan year. Once the determination as to the amount of zero emission credits to be paid is made based on the calculations set forth in this paragraph (2), no subsequent rate impact determinations shall be made and no adjustments to those contract amounts shall be allowed. All costs incurred under those contracts and in implementing this subsection (d-5) shall be recovered by the electric utility as provided in this Section.

No later than June 30, 2019, the Commission shall review the limitation on the amount of zero emission credits procured under this subsection (d-5) and report to the General Assembly its findings as to whether that limitation unduly constrains the procurement of cost-effective zero emission credits.

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(3) Six years after the execution of a contract under this subsection (d-5), the Agency shall determine whether the actual zero emission credit payments received by the supplier over the 6-year period exceed the Average ZEC Payment. In addition, at the end of the term of a contract executed under this subsection (d-5), or at the time, if any, a zero emission facility's contract is terminated under subparagraph (E) of paragraph (1) of this subsection (d-5), then the Agency shall determine whether the actual zero emission credit payments received by the supplier over the term of the contract exceed the Average ZEC Payment, after taking into account any amounts previously credited back to the utility under this paragraph (3). If the Agency determines that the actual zero emission credit payments received by the supplier over the relevant period exceed the Average ZEC Payment, then the supplier shall credit the difference back to the utility. The amount of the credit shall be remitted to the applicable electric utility no later than 120 days after the Agency's determination, which the utility shall reflect as a credit on its retail customer bills as soon as practicable; however, the credit remitted to the utility shall not exceed the total amount of payments received by the facility under its contract.

For purposes of this Section, the Average ZEC Payment shall be calculated by multiplying the quantity of zero emission credits delivered under the contract times the average contract price. The average contract price shall be determined by subtracting the amount calculated under subparagraph (B) of this paragraph (3) from the amount calculated under subparagraph (A) of this paragraph (3), as follows:

(A) The average of the Social Cost of Carbon, as defined in subparagraph (B) of paragraph (1) of this subsection (d-5), during the term of the contract.

(B) The average of the market price indices, as defined in subparagraph (B) of paragraph (1) of this subsection (d-5), during the term of the contract, minus the baseline market price index, as defined in subparagraph (B) of paragraph (1) of this subsection (d-5).

If the subtraction yields a negative number, then the Average ZEC Payment shall be zero.

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(4) Cost-effective zero emission credits procured from zero emission facilities shall satisfy the applicable definitions set forth in Section 1-10 of this Act.

(5) The electric utility shall retire all zero emission credits used to comply with the requirements of this subsection (d-5).

(6) Electric utilities shall be entitled to recover all of the costs associated with the procurement of zero emission credits through an automatic adjustment clause tariff in accordance with subsection (k) and (m) of Section 16-108 of the Public Utilities Act, and the contracts executed under this subsection (d-5) shall provide that the utilities' payment obligations under such contracts shall be reduced if an adjustment is required under subsection (m) of Section 16-108 of the Public Utilities Act.

(7) This subsection (d-5) shall become inoperative on January 1, 2028.

(e) The draft procurement plans are subject to public comment, as required by Section 16-111.5 of the Public Utilities Act.

(f) The Agency shall submit the final procurement plan to the Commission. The Agency shall revise a procurement plan if the Commission determines that it does not meet the standards set forth in Section 16-111.5 of the Public Utilities Act.

(g) The Agency shall assess fees to each affected utility to recover the costs incurred in preparation of the annual procurement plan for the utility.

(h) The Agency shall assess fees to each bidder to recover the costs incurred in connection with a competitive procurement process.

(i) A renewable energy credit, carbon emission credit, or zero emission credit can only be used once to comply with a single portfolio or other standard as set forth in subsection (c), subsection (d), or subsection (d-5) of this Section, respectively. A renewable energy credit, carbon emission credit, or zero emission credit cannot be used to satisfy the requirements of more than one standard. If more than one type of credit is issued for the same megawatt hour of energy, only one credit can be used to satisfy the requirements of a single standard. After such use, the credit must be retired together with any other credits issued for the same megawatt hour of energy.

(Source: P.A. 98-463, eff. 8-16-13; 99-536, eff. 7-8-16.)

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

New matter indicated by italics - deletions by strikeout
Sec. 20-10. Competitive sealed bidding; reverse auction.

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

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

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

(d) Bid opening. Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids. The name of each bidder, the amount of each bid, and other relevant information as may be specified by rule shall be recorded. After the award of the contract, the winning bid and the record of each unsuccessful bid shall be open to public inspection.

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

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

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

(1) a description of the agency's needs;
(2) a determination that the anticipated cost will be fair and
reasonable;
(3) a listing of all responsible and responsive bidders; and
(4) the name of the bidder selected, the total contract price,
and the reasons for selecting that bidder.

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

The written explanation shall be filed with the Legislative Audit
Commission and the Procurement Policy Board, and be made available for
inspection by the public, within 30 calendar days after the agency's
decision to award the contract.

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

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

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

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determination in his or her next volume of the Illinois Procurement Bulletin.

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

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

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

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

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

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

(Source: P.A. 97-96, eff. 7-13-11; 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

(Text of Section from P.A. 96-159, 96-795, 97-96, 97-895, and 98-1076)

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

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

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

(c) Public notice. Public notice of the invitation for bids shall be published in the Illinois Procurement Bulletin at least 14 calendar days before the date set in the invitation for the opening of bids.
(d) Bid opening. Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids. The name of each bidder, the amount of each bid, and other relevant information as may be specified by rule shall be recorded. After the award of the contract, the winning bid and the record of each unsuccessful bid shall be open to public inspection.

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

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

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

(1) a description of the agency's needs;
(2) a determination that the anticipated cost will be fair and reasonable;
(3) a listing of all responsible and responsive bidders; and
(4) the name of the bidder selected, the total contract price, and the reasons for selecting that bidder.

New matter indicated by italics - deletions by strikeout
Each chief procurement officer may adopt guidelines to implement the requirements of this subsection (g).

The written explanation shall be filed with the Legislative Audit Commission and the Procurement Policy Board, and be made available for inspection by the public, within 30 days after the agency's decision to award the contract.

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

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

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

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

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

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

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

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

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

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

(Source: P.A. 97-96, eff. 7-13-11; 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

Section 15. The Public Utilities Act is amended by changing Sections 5-117, 5-202.1, 5-103, 5-104, 16-107, 16-107.5, 16-108, 16-108.5, 16-111.1, 16-111.5, 16-111.5B, 16-111.7, 16-115D, 16-119A, 16-127, and 16-128A and by adding Sections 8-103B, 9-107, 16-107.6, 16-108.10, 16-108.11, 16-108.12, 16-108.15, and 16-108.16 as follows:

(220 ILCS 5/5-117)
Sec. 5-117. Supplier diversity goals.
(a) The public policy of this State is to collaboratively work with companies that serve Illinois residents to improve their supplier diversity in a non-antagonistic manner.

(b) The Commission shall require all gas, electric, and water companies with at least 100,000 customers under its authority, as well as suppliers of wind energy, solar energy, hydroelectricity, nuclear energy, and any other supplier of energy within this State, to submit an annual report by April 15, 2015 and every April 15 thereafter, in a searchable Adobe PDF format, on all procurement goals and actual spending for female-owned, minority-owned, veteran-owned, and small business enterprises in the previous calendar year. These goals shall be expressed as a percentage of the total work performed by the entity submitting the report, and the actual spending for all female-owned, minority-owned, veteran-owned, and small business enterprises shall also be expressed as a percentage of the total work performed by the entity submitting the report.

New matter indicated by italics - deletions by strikeout
(c) Each participating company in its annual report shall include the following information:

1. an explanation of the plan for the next year to increase participation;
2. an explanation of the plan to increase the goals;
3. the areas of procurement each company shall be actively seeking more participation in the next year;
4. an outline of the plan to alert and encourage potential vendors in that area to seek business from the company;
5. an explanation of the challenges faced in finding quality vendors and offer any suggestions for what the Commission could do to be helpful to identify those vendors;
6. a list of the certifications the company recognizes;
7. the point of contact for any potential vendor who wishes to do business with the company and explain the process for a vendor to enroll with the company as a minority-owned, women-owned, or veteran-owned company; and
8. any particular success stories to encourage other companies to emulate best practices.

(d) Each annual report shall include as much State-specific data as possible. If the submitting entity does not submit State-specific data, then the company shall include any national data it does have and explain why it could not submit State-specific data and how it intends to do so in future reports, if possible.

(e) Each annual report shall include the rules, regulations, and definitions used for the procurement goals in the company's annual report.

(f) The Commission and all participating entities shall hold an annual workshop open to the public in 2015 and every year thereafter on the state of supplier diversity to collaboratively seek solutions to structural impediments to achieving stated goals, including testimony from each participating entity as well as subject matter experts and advocates. The Commission shall publish a database on its website of the point of contact for each participating entity for supplier diversity, along with a list of certifications each company recognizes from the information submitted in each annual report. The Commission shall publish each annual report on its website and shall maintain each annual report for at least 5 years.

(Source: P.A. 98-1056, eff. 8-26-14.)

(220 ILCS 5/5-202.1)
Sec. 5-202.1. Misrepresentation before Commission; penalty.

New matter indicated by italics - deletions by strikeout
(a) Any person or corporation, as defined in Sections 3-113 and 3-
114 of this Act, who knowingly misrepresents facts to the Commission in
response to any Commission contact, inquiry or discussion or knowingly
aids another in doing so in response to any Commission contact, inquiry
or discussion or knowingly permits another to misrepresent facts through
testimony or the offering or withholding of material information in any
proceeding shall be subject to a civil penalty. Whenever the Commission
is of the opinion that a person or corporation is misrepresenting or has
misrepresented facts, the Commission may initiate a proceeding to
determine whether a misrepresentation has in fact occurred. If the
Commission finds that a person or corporation has violated this Section,
the Commission shall impose a penalty of not less than $1,000 and not
greater than $500,000. Each misrepresentation of a fact found by the
Commission shall constitute a separate and distinct violation. In
determining the amount of the penalty to be assessed, the Commission
may consider any matters of record in aggravation or mitigation of the
penalty, as set forth in Section 4-203, including but not limited to the
following:

(1) the presence or absence of due diligence on the part of
the violator in attempting to comply with the Act;
(2) any economic benefits accrued, or expected to be
accrued, by the violator because of the misrepresentation; and
(3) the amount of monetary penalty that will serve to deter
further violations by the violator and to otherwise aid in enhancing
voluntary compliance with the Act.
(b) Any action to enforce civil penalties arising under this Section
shall be undertaken pursuant to Section 4-203.

(c) For purposes of this Section, "Commission," as defined in
Section 3-102, refers to any Commissioner, agent, or employee of the
Illinois Commerce commission, and also refers to any other person
engaged to represent the Commission in carrying out its regulatory or law
enforcement obligations.
(Source: P.A. 93-457, eff. 8-8-03.)
(220 ILCS 5/8-103)
Sec. 8-103. Energy efficiency and demand-response measures.
(a) It is the policy of the State that electric utilities are required to
use cost-effective energy efficiency and demand-response measures to
reduce delivery load. Requiring investment in cost-effective energy
efficiency and demand-response measures will reduce direct and indirect

New matter indicated by italics - deletions by strikeout
costs to consumers by decreasing environmental impacts and by avoiding or delaying the need for new generation, transmission, and distribution infrastructure. It serves the public interest to allow electric utilities to recover costs for reasonably and prudently incurred expenses for energy efficiency and demand-response measures. As used in this Section, "cost-effective" means that the measures satisfy the total resource cost test. The low-income measures described in subsection (l)(4) of this Section shall not be required to meet the total resource cost test. For purposes of this Section, the terms "energy-efficiency", "demand-response", "electric utility", and "total resource cost test" shall have the meanings set forth in the Illinois Power Agency Act. For purposes of this Section, the amount per kilowatthour means the total amount paid for electric service expressed on a per kilowatthour basis. For purposes of this Section, the total amount paid for electric service includes without limitation estimated amounts paid for supply, transmission, distribution, surcharges, and add-on-taxes.

(a-5) This Section applies to electric utilities serving 500,000 or less but more than 200,000 retail customers in this State. Through December 31, 2017, this Section also applies to electric utilities serving more than 500,000 retail customers in the State.

(b) Electric utilities shall implement cost-effective energy efficiency measures to meet the following incremental annual energy savings goals:

1. 0.2% of energy delivered in the year commencing June 1, 2008;
2. 0.4% of energy delivered in the year commencing June 1, 2009;
3. 0.6% of energy delivered in the year commencing June 1, 2010;
4. 0.8% of energy delivered in the year commencing June 1, 2011;
5. 1% of energy delivered in the year commencing June 1, 2012;
6. 1.4% of energy delivered in the year commencing June 1, 2013;
7. 1.8% of energy delivered in the year commencing June 1, 2014; and
8. 2% of energy delivered in the year commencing June 1, 2015 and each year thereafter.

New matter indicated by italics - deletions by strikeout
Electric utilities may comply with this subsection (b) by meeting the annual incremental savings goal in the applicable year or by showing that the total cumulative annual savings within a 3-year planning period associated with measures implemented after May 31, 2014 was equal to the sum of each annual incremental savings requirement from May 31, 2014 through the end of the applicable year.

(c) Electric utilities shall implement cost-effective demand-response measures to reduce peak demand by 0.1% over the prior year for eligible retail customers, as defined in Section 16-111.5 of this Act, and for customers that elect hourly service from the utility pursuant to Section 16-107 of this Act, provided those customers have not been declared competitive. This requirement commences June 1, 2008 and continues for 10 years.

(d) Notwithstanding the requirements of subsections (b) and (c) of this Section, an electric utility shall reduce the amount of energy efficiency and demand-response measures implemented over a 3-year planning period by an amount necessary to limit the estimated average annual increase in the amounts paid by retail customers in connection with electric service due to the cost of those measures to:

(1) in 2008, no more than 0.5% of the amount paid per kilowatthour by those customers during the year ending May 31, 2007;

(2) in 2009, the greater of an additional 0.5% of the amount paid per kilowatthour by those customers during the year ending May 31, 2008 or 1% of the amount paid per kilowatthour by those customers during the year ending May 31, 2007;

(3) in 2010, the greater of an additional 0.5% of the amount paid per kilowatthour by those customers during the year ending May 31, 2009 or 1.5% of the amount paid per kilowatthour by those customers during the year ending May 31, 2007;

(4) in 2011, the greater of an additional 0.5% of the amount paid per kilowatthour by those customers during the year ending May 31, 2010 or 2% of the amount paid per kilowatthour by those customers during the year ending May 31, 2007; and

(5) thereafter, the amount of energy efficiency and demand-response measures implemented for any single year shall be reduced by an amount necessary to limit the estimated average net increase due to the cost of these measures included in the amounts paid by eligible retail customers in connection with electric service.

New matter indicated by italics - deletions by strikeout
to no more than the greater of 2.015% of the amount paid per kilowatthour by those customers during the year ending May 31, 2007 or the incremental amount per kilowatthour paid for these measures in 2011.

No later than June 30, 2011, the Commission shall review the limitation on the amount of energy efficiency and demand-response measures implemented pursuant to this Section and report to the General Assembly its findings as to whether that limitation unduly constrains the procurement of energy efficiency and demand-response measures.

(e) Electric utilities shall be responsible for overseeing the design, development, and filing of energy efficiency and demand-response plans with the Commission. Electric utilities shall implement 100% of the demand-response measures in the plans. Electric utilities shall implement 75% of the energy efficiency measures approved by the Commission, and may, as part of that implementation, outsource various aspects of program development and implementation. The remaining 25% of those energy efficiency measures approved by the Commission shall be implemented by the Department of Commerce and Economic Opportunity, and must be designed in conjunction with the utility and the filing process. The Department may outsource development and implementation of energy efficiency measures. A minimum of 10% of the entire portfolio of cost-effective energy efficiency measures shall be procured from units of local government, municipal corporations, school districts, and community college districts. The Department shall coordinate the implementation of these measures.

The apportionment of the dollars to cover the costs to implement the Department's share of the portfolio of energy efficiency measures shall be made to the Department once the Department has executed rebate agreements, grants, or contracts for energy efficiency measures and provided supporting documentation for those rebate agreements, grants, and contracts to the utility. The Department is authorized to adopt any rules necessary and prescribe procedures in order to ensure compliance by applicants in carrying out the purposes of rebate agreements for energy efficiency measures implemented by the Department made under this Section.

The details of the measures implemented by the Department shall be submitted by the Department to the Commission in connection with the utility's filing regarding the energy efficiency and demand-response measures that the utility implements.

New matter indicated by italics - deletions by strikeout
A utility providing approved energy efficiency and demand-response measures in the State shall be permitted to recover costs of those measures through an automatic adjustment clause tariff filed with and approved by the Commission. The tariff shall be established outside the context of a general rate case. Each year the Commission shall initiate a review to reconcile any amounts collected with the actual costs and to determine the required adjustment to the annual tariff factor to match annual expenditures.

Each utility shall include, in its recovery of costs, the costs estimated for both the utility's and the Department's implementation of energy efficiency and demand-response measures. Costs collected by the utility for measures implemented by the Department shall be submitted to the Department pursuant to Section 605-323 of the Civil Administrative Code of Illinois, shall be deposited into the Energy Efficiency Portfolio Standards Fund, and shall be used by the Department solely for the purpose of implementing these measures. A utility shall not be required to advance any moneys to the Department but only to forward such funds as it has collected. The Department shall report to the Commission on an annual basis regarding the costs actually incurred by the Department in the implementation of the measures. Any changes to the costs of energy efficiency measures as a result of plan modifications shall be appropriately reflected in amounts recovered by the utility and turned over to the Department.

The portfolio of measures, administered by both the utilities and the Department, shall, in combination, be designed to achieve the annual savings targets described in subsections (b) and (c) of this Section, as modified by subsection (d) of this Section.

The utility and the Department shall agree upon a reasonable portfolio of measures and determine the measurable corresponding percentage of the savings goals associated with measures implemented by the utility or Department.

No utility shall be assessed a penalty under subsection (f) of this Section for failure to make a timely filing if that failure is the result of a lack of agreement with the Department with respect to the allocation of responsibilities or related costs or target assignments. In that case, the Department and the utility shall file their respective plans with the Commission and the Commission shall determine an appropriate division of measures and programs that meets the requirements of this Section.

New matter indicated by italics - deletions by strikeout
If the Department is unable to meet incremental annual performance goals for the portion of the portfolio implemented by the Department, then the utility and the Department shall jointly submit a modified filing to the Commission explaining the performance shortfall and recommending an appropriate course going forward, including any program modifications that may be appropriate in light of the evaluations conducted under item (7) of subsection (f) of this Section. In this case, the utility obligation to collect the Department's costs and turn over those funds to the Department under this subsection (e) shall continue only if the Commission approves the modifications to the plan proposed by the Department.

(f) No later than November 15, 2007, each electric utility shall file an energy efficiency and demand-response plan with the Commission to meet the energy efficiency and demand-response standards for 2008 through 2010. No later than October 1, 2010, each electric utility shall file an energy efficiency and demand-response plan with the Commission to meet the energy efficiency and demand-response standards for 2011 through 2013. Every 3 years thereafter, each electric utility shall file, no later than September 1, an energy efficiency and demand-response plan with the Commission. If a utility does not file such a plan by September 1 of an applicable year, it shall face a penalty of $100,000 per day until the plan is filed. Each utility's plan shall set forth the utility's proposals to meet the utility's portion of the energy efficiency standards identified in subsection (b) and the demand-response standards identified in subsection (c) of this Section as modified by subsections (d) and (e), taking into account the unique circumstances of the utility's service territory. The Commission shall seek public comment on the utility's plan and shall issue an order approving or disapproving each plan within 5 months after its submission. If the Commission disapproves a plan, the Commission shall, within 30 days, describe in detail the reasons for the disapproval and describe a path by which the utility may file a revised draft of the plan to address the Commission's concerns satisfactorily. If the utility does not refile with the Commission within 60 days, the utility shall be subject to penalties at a rate of $100,000 per day until the plan is filed. This process shall continue, and penalties shall accrue, until the utility has successfully filed a portfolio of energy efficiency and demand-response measures. Penalties shall be deposited into the Energy Efficiency Trust Fund. In submitting proposed energy efficiency and demand-response plans and

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funding levels to meet the savings goals adopted by this Act the utility shall:

(1) Demonstrate that its proposed energy efficiency and demand-response measures will achieve the requirements that are identified in subsections (b) and (c) of this Section, as modified by subsections (d) and (e).

(2) Present specific proposals to implement new building and appliance standards that have been placed into effect.

(3) Present estimates of the total amount paid for electric service expressed on a per kilowatthour basis associated with the proposed portfolio of measures designed to meet the requirements that are identified in subsections (b) and (c) of this Section, as modified by subsections (d) and (e).

(4) Coordinate with the Department to present a portfolio of energy efficiency measures proportionate to the share of total annual utility revenues in Illinois from households at or below 150% of the poverty level. The energy efficiency programs shall be targeted to households with incomes at or below 80% of area median income.

(5) Demonstrate that its overall portfolio of energy efficiency and demand-response measures, not including programs covered by item (4) of this subsection (f), are cost-effective using the total resource cost test and represent a diverse cross-section of opportunities for customers of all rate classes to participate in the programs.

(6) Include a proposed cost-recovery tariff mechanism to fund the proposed energy efficiency and demand-response measures and to ensure the recovery of the prudently and reasonably incurred costs of Commission-approved programs.

(7) Provide for an annual independent evaluation of the performance of the cost-effectiveness of the utility's portfolio of measures and the Department's portfolio of measures, as well as a full review of the 3-year results of the broader net program impacts and, to the extent practical, for adjustment of the measures on a going-forward basis as a result of the evaluations. The resources dedicated to evaluation shall not exceed 3% of portfolio resources in any given year.

New matter indicated by italics - deletions by strikeout
(g) No more than 3% of energy efficiency and demand-response program revenue may be allocated for demonstration of breakthrough equipment and devices.

(h) This Section does not apply to an electric utility that on December 31, 2005 provided electric service to fewer than 100,000 customers in Illinois.

(i) If, after 2 years, an electric utility fails to meet the efficiency standard specified in subsection (b) of this Section, as modified by subsections (d) and (e), it shall make a contribution to the Low-Income Home Energy Assistance Program. The combined total liability for failure to meet the goal shall be $1,000,000, which shall be assessed as follows: a large electric utility shall pay $665,000, and a medium electric utility shall pay $335,000. If, after 3 years, an electric utility fails to meet the efficiency standard specified in subsection (b) of this Section, as modified by subsections (d) and (e), it shall make a contribution to the Low-Income Home Energy Assistance Program. The combined total liability for failure to meet the goal shall be $1,000,000, which shall be assessed as follows: a large electric utility shall pay $665,000, and a medium electric utility shall pay $335,000. In addition, the responsibility for implementing the energy efficiency measures of the utility making the payment shall be transferred to the Illinois Power Agency if, after 3 years, or in any subsequent 3-year period, the utility fails to meet the efficiency standard specified in subsection (b) of this Section, as modified by subsections (d) and (e). The Agency shall implement a competitive procurement program to procure resources necessary to meet the standards specified in this Section as modified by subsections (d) and (e), with costs for those resources to be recovered in the same manner as products purchased through the procurement plan as provided in Section 16-111.5. The Director shall implement this requirement in connection with the procurement plan as provided in Section 16-111.5.

For purposes of this Section, (i) a "large electric utility" is an electric utility that, on December 31, 2005, served more than 2,000,000 electric customers in Illinois; (ii) a "medium electric utility" is an electric utility that, on December 31, 2005, served 2,000,000 or fewer but more than 100,000 electric customers in Illinois; and (iii) Illinois electric utilities that are affiliated by virtue of a common parent company are considered a single electric utility.

(j) If, after 3 years, or any subsequent 3-year period, the Department fails to implement the Department's share of energy efficiency
measures required by the standards in subsection (b), then the Illinois Power Agency may assume responsibility for and control of the Department's share of the required energy efficiency measures. The Agency shall implement a competitive procurement program to procure resources necessary to meet the standards specified in this Section, with the costs of these resources to be recovered in the same manner as provided for the Department in this Section.

(k) No electric utility shall be deemed to have failed to meet the energy efficiency standards to the extent any such failure is due to a failure of the Department or the Agency.

(l)(1) The energy efficiency and demand-response plans of electric utilities serving more than 500,000 retail customers in the State that were approved by the Commission on or before the effective date of this amendatory Act of the 99th General Assembly for the period June 1, 2014 through May 31, 2017 shall continue to be in force and effect through December 31, 2017 so that the energy efficiency programs set forth in those plans continue to be offered during the period June 1, 2017 through December 31, 2017. Each such utility is authorized to increase, on a pro rata basis, the energy savings goals and budgets approved in its plan to reflect the additional 7 months of the plan's operation, provided that such increase shall also incorporate reductions to goals and budgets to reflect the proportion of the utility's load attributable to customers who are exempt from this Section under subsection (m) of this Section.

(2) If an electric utility serving more than 500,000 retail customers in the State filed with the Commission, under subsection (f) of this Section, its proposed energy efficiency and demand-response plan for the period June 1, 2017 through May 31, 2020, and the Commission has not yet entered its final order approving such plan on or before the effective date of this amendatory Act of the 99th General Assembly, then the utility shall file a notice of withdrawal with the Commission, following such effective date, to withdraw the proposed energy efficiency and demand-response plan. Upon receipt of such notice, the Commission shall dismiss with prejudice any docket that had been initiated to investigate such plan, and the plan and the record related thereto shall not be the subject of any further hearing, investigation, or proceeding of any kind.

(3) For those electric utilities that serve more than 500,000 retail customers in the State, this amendatory Act of the 99th

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General Assembly preempts and supersedes any orders entered by the Commission that approved such utilities' energy efficiency and demand response plans for the period commencing June 1, 2017 and ending May 31, 2020.

Any such orders shall be void, and the provisions of paragraph (l) of this subsection (l) shall apply.

(m) Notwithstanding anything to the contrary, after May 31, 2017, this Section does not apply to any retail customers of an electric utility that serves more than 3,000,000 retail customers in the State and whose total highest 30 minute demand was more than 10,000 kilowatts, or any retail customers of an electric utility that serves less than 3,000,000 retail customers but more than 500,000 retail customers in the State and whose total highest 15 minute demand was more than 10,000 kilowatts. For purposes of this subsection (m), "retail customer" has the meaning set forth in Section 16-102 of this Act. The criteria for determining whether this subsection (m) is applicable to a retail customer shall be based on the 12 consecutive billing periods prior to the start of the first year of each such multi-year plan.

(Source: P.A. 97-616, eff. 10-26-11; 97-841, eff. 7-20-12; 98-90, eff. 7-15-13.)

(220 ILCS 5/8-103B new)

Sec. 8-103B. Energy efficiency and demand-response measures.

(a) It is the policy of the State that electric utilities are required to use cost-effective energy efficiency and demand-response measures to reduce delivery load. Requiring investment in cost-effective energy efficiency and demand-response measures will reduce direct and indirect costs to consumers by decreasing environmental impacts and by avoiding or delaying the need for new generation, transmission, and distribution infrastructure. It serves the public interest to allow electric utilities to recover costs for reasonably and prudently incurred expenditures for energy efficiency and demand-response measures. As used in this Section, "cost-effective" means that the measures satisfy the total resource cost test. The low-income measures described in subsection (c) of this Section shall not be required to meet the total resource cost test. For purposes of this Section, the terms "energy-efficiency", "demand-response", "electric utility", and "total resource cost test" have the meanings set forth in the Illinois Power Agency Act.

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(a-5) This Section applies to electric utilities serving more than 500,000 retail customers in the State for those multi-year plans commencing after December 31, 2017.

(b) For purposes of this Section, electric utilities subject to this Section that serve more than 3,000,000 retail customers in the State shall be deemed to have achieved a cumulative persisting annual savings of 6.6% from energy efficiency measures and programs implemented during the period beginning January 1, 2012 and ending December 31, 2017, which percent is based on the deemed average weather normalized sales of electric power and energy during calendar years 2014, 2015, and 2016 of 88,000,000 MWhs. For the purposes of this subsection (b) and subsection (b-5), the 88,000,000 MWhs of deemed electric power and energy sales shall be reduced by the number of MWhs equal to the sum of the annual consumption of customers that are exempt from subsections (a) through (j) of this Section under subsection (l) of this Section, as averaged across the calendar years 2014, 2015, and 2016. After 2017, the deemed value of cumulative persisting annual savings from energy efficiency measures and programs implemented during the period beginning January 1, 2012 and ending December 31, 2017, shall be reduced each year, as follows, and the applicable value shall be applied to and count toward the utility's achievement of the cumulative persisting annual savings goals set forth in subsection (b-5):

(1) 5.8% deemed cumulative persisting annual savings for the year ending December 31, 2018;
(2) 5.2% deemed cumulative persisting annual savings for the year ending December 31, 2019;
(3) 4.5% deemed cumulative persisting annual savings for the year ending December 31, 2020;
(4) 4.0% deemed cumulative persisting annual savings for the year ending December 31, 2021;
(5) 3.5% deemed cumulative persisting annual savings for the year ending December 31, 2022;
(6) 3.1% deemed cumulative persisting annual savings for the year ending December 31, 2023;
(7) 2.8% deemed cumulative persisting annual savings for the year ending December 31, 2024;
(8) 2.5% deemed cumulative persisting annual savings for the year ending December 31, 2025;

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(9) 2.3% deemed cumulative persisting annual savings for the year ending December 31, 2026;
(10) 2.1% deemed cumulative persisting annual savings for the year ending December 31, 2027;
(11) 1.8% deemed cumulative persisting annual savings for the year ending December 31, 2028;
(12) 1.7% deemed cumulative persisting annual savings for the year ending December 31, 2029; and
(13) 1.5% deemed cumulative persisting annual savings for the year ending December 31, 2030.

For purposes of this Section, "cumulative persisting annual savings" means the total electric energy savings in a given year from measures installed in that year or in previous years, but no earlier than January 1, 2012, that are still operational and providing savings in that year because the measures have not yet reached the end of their useful lives.

(b-5) Beginning in 2018, electric utilities subject to this Section that serve more than 3,000,000 retail customers in the State shall achieve the following cumulative persisting annual savings goals, as modified by subsection (f) of this Section and as compared to the deemed baseline of 88,000,000 MWhs of electric power and energy sales set forth in subsection (b), as reduced by the number of MWhs equal to the sum of the annual consumption of customers that are exempt from subsections (a) through (j) of this Section under subsection (l) of this Section as averaged across the calendar years 2014, 2015, and 2016, through the implementation of energy efficiency measures during the applicable year and in prior years, but no earlier than January 1, 2012:

(1) 7.8% cumulative persisting annual savings for the year ending December 31, 2018;
(2) 9.1% cumulative persisting annual savings for the year ending December 31, 2019;
(3) 10.4% cumulative persisting annual savings for the year ending December 31, 2020;
(4) 11.8% cumulative persisting annual savings for the year ending December 31, 2021;
(5) 13.1% cumulative persisting annual savings for the year ending December 31, 2022;
(6) 14.4% cumulative persisting annual savings for the year ending December 31, 2023;

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(7) 15.7% cumulative persisting annual savings for the year ending December 31, 2024;

(8) 17% cumulative persisting annual savings for the year ending December 31, 2025;

(9) 17.9% cumulative persisting annual savings for the year ending December 31, 2026;

(10) 18.8% cumulative persisting annual savings for the year ending December 31, 2027;

(11) 19.7% cumulative persisting annual savings for the year ending December 31, 2028;

(12) 20.6% cumulative persisting annual savings for the year ending December 31, 2029; and

(13) 21.5% cumulative persisting annual savings for the year ending December 31, 2030.

(b-10) For purposes of this Section, electric utilities subject to this Section that serve less than 3,000,000 retail customers but more than 500,000 retail customers in the State shall be deemed to have achieved a cumulative persisting annual savings of 6.6% from energy efficiency measures and programs implemented during the period beginning January 1, 2012 and ending December 31, 2017, which is based on the deemed average weather normalized sales of electric power and energy during calendar years 2014, 2015, and 2016 of 36,900,000 MWhs. For the purposes of this subsection (b-10) and subsection (b-15), the 36,900,000 MWhs of deemed electric power and energy sales shall be reduced by the number of MWhs equal to the sum of the annual consumption of customers that are exempt from subsections (a) through (j) of this Section under subsection (l) of this Section, as averaged across the calendar years 2014, 2015, and 2016. After 2017, the deemed value of cumulative persisting annual savings from energy efficiency measures and programs implemented during the period beginning January 1, 2012 and ending December 31, 2017, shall be reduced each year, as follows, and the applicable value shall be applied to and count toward the utility’s achievement of the cumulative persisting annual savings goals set forth in subsection (b-15):

(1) 5.8% deemed cumulative persisting annual savings for the year ending December 31, 2018;

(2) 5.2% deemed cumulative persisting annual savings for the year ending December 31, 2019;

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(3) 4.5% deemed cumulative persisting annual savings for the year ending December 31, 2020;
(4) 4.0% deemed cumulative persisting annual savings for the year ending December 31, 2021;
(5) 3.5% deemed cumulative persisting annual savings for the year ending December 31, 2022;
(6) 3.1% deemed cumulative persisting annual savings for the year ending December 31, 2023;
(7) 2.8% deemed cumulative persisting annual savings for the year ending December 31, 2024;
(8) 2.5% deemed cumulative persisting annual savings for the year ending December 31, 2025;
(9) 2.3% deemed cumulative persisting annual savings for the year ending December 31, 2026;
(10) 2.1% deemed cumulative persisting annual savings for the year ending December 31, 2027;
(11) 1.8% deemed cumulative persisting annual savings for the year ending December 31, 2028;
(12) 1.7% deemed cumulative persisting annual savings for the year ending December 31, 2029; and
(13) 1.5% deemed cumulative persisting annual savings for the year ending December 31, 2030.
(b-15) Beginning in 2018, electric utilities subject to this Section that serve less than 3,000,000 retail customers but more than 500,000 retail customers in the State shall achieve the following cumulative persisting annual savings goals, as modified by subsection (b-20) and subsection (f) of this Section and as compared to the deemed baseline as reduced by the number of MWhs equal to the sum of the annual consumption of customers that are exempt from subsections (a) through (j) of this Section under subsection (l) of this Section as averaged across the calendar years 2014, 2015, and 2016, through the implementation of energy efficiency measures during the applicable year and in prior years, but no earlier than January 1, 2012:
(1) 7.4% cumulative persisting annual savings for the year ending December 31, 2018;
(2) 8.2% cumulative persisting annual savings for the year ending December 31, 2019;
(3) 9.0% cumulative persisting annual savings for the year ending December 31, 2020;

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(4) 9.8% cumulative persisting annual savings for the year ending December 31, 2021;
(5) 10.6% cumulative persisting annual savings for the year ending December 31, 2022;
(6) 11.4% cumulative persisting annual savings for the year ending December 31, 2023;
(7) 12.2% cumulative persisting annual savings for the year ending December 31, 2024;
(8) 13% cumulative persisting annual savings for the year ending December 31, 2025;
(9) 13.6% cumulative persisting annual savings for the year ending December 31, 2026;
(10) 14.2% cumulative persisting annual savings for the year ending December 31, 2027;
(11) 14.8% cumulative persisting annual savings for the year ending December 31, 2028;
(12) 15.4% cumulative persisting annual savings for the year ending December 31, 2029; and
(13) 16% cumulative persisting annual savings for the year ending December 31, 2030.

The difference between the cumulative persisting annual savings goal for the applicable calendar year and the cumulative persisting annual savings goal for the immediately preceding calendar year is 0.8% for the period of January 1, 2018 through December 31, 2025 and 0.6% for the period of January 1, 2026 through December 31, 2030.

(b-20) Each electric utility subject to this Section may include cost-effective voltage optimization measures in its plans submitted under subsections (f) and (g) of this Section, and the costs incurred by a utility to implement the measures under a Commission-approved plan shall be recovered under the provisions of Article IX or Section 16-108.5 of this Act. For purposes of this Section, the measure life of voltage optimization measures shall be 15 years. The measure life period is independent of the depreciation rate of the voltage optimization assets deployed.

Within 270 days after the effective date of this amendatory Act of the 99th General Assembly, an electric utility that serves less than 3,000,000 retail customers but more than 500,000 retail customers in the State shall file a plan with the Commission that identifies the cost-effective voltage optimization investment the electric utility plans to undertake through December 31, 2024. The Commission, after notice and hearing,
shall approve or approve with modification the plan within 120 days after the plan's filing and, in the order approving or approving with modification the plan, the Commission shall adjust the applicable cumulative persisting annual savings goals set forth in subsection (b-15) to reflect any amount of cost-effective energy savings approved by the Commission that is greater than or less than the following cumulative persisting annual savings values attributable to voltage optimization for the applicable year:

1. 0.0% of cumulative persisting annual savings for the year ending December 31, 2018;
2. 0.17% of cumulative persisting annual savings for the year ending December 31, 2019;
3. 0.17% of cumulative persisting annual savings for the year ending December 31, 2020;
4. 0.33% of cumulative persisting annual savings for the year ending December 31, 2021;
5. 0.5% of cumulative persisting annual savings for the year ending December 31, 2022;
6. 0.67% of cumulative persisting annual savings for the year ending December 31, 2023;
7. 0.83% of cumulative persisting annual savings for the year ending December 31, 2024; and
8. 1.0% of cumulative persisting annual savings for the year ending December 31, 2025.

(b-25) In the event an electric utility jointly offers an energy efficiency measure or program with a gas utility under plans approved under this Section and Section 8-104 of this Act, the electric utility may continue offering the program, including the gas energy efficiency measures, in the event the gas utility discontinues funding the program. In that event, the energy savings value associated with such other fuels shall be converted to electric energy savings on an equivalent Btu basis for the premises. However, the electric utility shall prioritize programs for low-income residential customers to the extent practicable. An electric utility may recover the costs of offering the gas energy efficiency measures under this subsection (b-25).

For those energy efficiency measures or programs that save both electricity and other fuels but are not jointly offered with a gas utility under plans approved under this Section and Section 8-104 or not offered with an affiliated gas utility under paragraph (6) of subsection (f) of

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Section 8-104 of this Act, the electric utility may count savings of fuels other than electricity toward the achievement of its annual savings goal, and the energy savings value associated with such other fuels shall be converted to electric energy savings on an equivalent Btu basis at the premises.

In no event shall more than 10% of each year's applicable annual incremental goal as defined in paragraph (7) of subsection (g) of this Section be met through savings of fuels other than electricity.

(c) Electric utilities shall be responsible for overseeing the design, development, and filing of energy efficiency plans with the Commission and may, as part of that implementation, outsource various aspects of program development and implementation. A minimum of 10%, for electric utilities that serve more than 3,000,000 retail customers in the State, and a minimum of 7%, for electric utilities that serve less than 3,000,000 retail customers but more than 500,000 retail customers in the State, of the utility's entire portfolio funding level for a given year shall be used to procure cost-effective energy efficiency measures from units of local government, municipal corporations, school districts, public housing, and community college districts, provided that a minimum percentage of available funds shall be used to procure energy efficiency from public housing, which percentage shall be equal to public housing's share of public building energy consumption.

The utilities shall also implement energy efficiency measures targeted at low-income households, which, for purposes of this Section, shall be defined as households at or below 80% of area median income, and expenditures to implement the measures shall be no less than $25,000,000 per year for electric utilities that serve more than 3,000,000 retail customers in the State and no less than $8,350,000 per year for electric utilities that serve less than 3,000,000 retail customers but more than 500,000 retail customers in the State.

Each electric utility shall assess opportunities to implement cost-effective energy efficiency measures and programs through a public housing authority or authorities located in its service territory. If such opportunities are identified, the utility shall propose such measures and programs to address the opportunities. Expenditures to address such opportunities shall be credited toward the minimum procurement and expenditure requirements set forth in this subsection (c).

Implementation of energy efficiency measures and programs targeted at low-income households should be contracted, when it is
practicable, to independent third parties that have demonstrated capabilities to serve such households, with a preference for not-for-profit entities and government agencies that have existing relationships with or experience serving low-income communities in the State.

Each electric utility shall develop and implement reporting procedures that address and assist in determining the amount of energy savings that can be applied to the low-income procurement and expenditure requirements set forth in this subsection (c).

The electric utilities shall also convene a low-income energy efficiency advisory committee to assist in the design and evaluation of the low-income energy efficiency programs. The committee shall be comprised of the electric utilities subject to the requirements of this Section, the gas utilities subject to the requirements of Section 8-104 of this Act, the utilities' low-income energy efficiency implementation contractors, and representatives of community-based organizations.

(d) Notwithstanding any other provision of law to the contrary, a utility providing approved energy efficiency measures and, if applicable, demand-response measures in the State shall be permitted to recover all reasonable and prudently incurred costs of those measures from all retail customers, except as provided in subsection (l) of this Section, as follows, provided that nothing in this subsection (d) permits the double recovery of such costs from customers:

(1) The utility may recover its costs through an automatic adjustment clause tariff filed with and approved by the Commission. The tariff shall be established outside the context of a general rate case. Each year the Commission shall initiate a review to reconcile any amounts collected with the actual costs and to determine the required adjustment to the annual tariff factor to match annual expenditures. To enable the financing of the incremental capital expenditures, including regulatory assets, for electric utilities that serve less than 3,000,000 retail customers but more than 500,000 retail customers in the State, the utility's actual year-end capital structure that includes a common equity ratio, excluding goodwill, of up to and including 50% of the total capital structure shall be deemed reasonable and used to set rates.

(2) A utility may recover its costs through an energy efficiency formula rate approved by the Commission under a filing under subsections (f) and (g) of this Section, which shall specify the cost components that form the basis of the rate charged to

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customers with sufficient specificity to operate in a standardized manner and be updated annually with transparent information that reflects the utility's actual costs to be recovered during the applicable rate year, which is the period beginning with the first billing day of January and extending through the last billing day of the following December. The energy efficiency formula rate shall be implemented through a tariff filed with the Commission under subsections (f) and (g) of this Section that is consistent with the provisions of this paragraph (2) and that shall be applicable to all delivery services customers. The Commission shall conduct an investigation of the tariff in a manner consistent with the provisions of this paragraph (2), subsections (f) and (g) of this Section, and the provisions of Article IX of this Act to the extent they do not conflict with this paragraph (2). The energy efficiency formula rate approved by the Commission shall remain in effect at the discretion of the utility and shall do the following:

(A) Provide for the recovery of the utility's actual costs incurred under this Section that are prudently incurred and reasonable in amount consistent with Commission practice and law. The sole fact that a cost differs from that incurred in a prior calendar year or that an investment is different from that made in a prior calendar year shall not imply the imprudence or unreasonableness of that cost or investment.

(B) Reflect the utility's actual year-end capital structure for the applicable calendar year, excluding goodwill, subject to a determination of prudence and reasonableness consistent with Commission practice and law. To enable the financing of the incremental capital expenditures, including regulatory assets, for electric utilities that serve less than 3,000,000 retail customers but more than 500,000 retail customers in the State, a participating electric utility's actual year-end capital structure that includes a common equity ratio, excluding goodwill, of up to and including 50% of the total capital structure shall be deemed reasonable and used to set rates.

(C) Include a cost of equity, which shall be calculated as the sum of the following:

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(i) the average for the applicable calendar year of the monthly average yields of 30-year U.S. Treasury bonds published by the Board of Governors of the Federal Reserve System in its weekly H.15 Statistical Release or successor publication; and

(ii) 580 basis points.

At such time as the Board of Governors of the Federal Reserve System ceases to include the monthly average yields of 30-year U.S. Treasury bonds in its weekly H.15 Statistical Release or successor publication, the monthly average yields of the U.S. Treasury bonds then having the longest duration published by the Board of Governors in its weekly H.15 Statistical Release or successor publication shall instead be used for purposes of this paragraph (2).

(D) Permit and set forth protocols, subject to a determination of prudence and reasonableness consistent with Commission practice and law, for the following:

(i) recovery of incentive compensation expense that is based on the achievement of operational metrics, including metrics related to budget controls, outage duration and frequency, safety, customer service, efficiency and productivity, and environmental compliance; however, this protocol shall not apply if such expense related to costs incurred under this Section is recovered under Article IX or Section 16-108.5 of this Act; incentive compensation expense that is based on net income or an affiliate's earnings per share shall not be recoverable under the energy efficiency formula rate;

(ii) recovery of pension and other post-employment benefits expense, provided that such costs are supported by an actuarial study; however, this protocol shall not apply if such expense related to costs incurred under this Section is recovered under Article IX or Section 16-108.5 of this Act;

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(iii) recovery of existing regulatory assets over the periods previously authorized by the Commission;
(iv) as described in subsection (e), amortization of costs incurred under this Section; and
(v) projected, weather normalized billing determinants for the applicable rate year.

(E) Provide for an annual reconciliation, as described in paragraph (3) of this subsection (d), less any deferred taxes related to the reconciliation, with interest at an annual rate of return equal to the utility's weighted average cost of capital, including a revenue conversion factor calculated to recover or refund all additional income taxes that may be payable or receivable as a result of that return, of the energy efficiency revenue requirement reflected in rates for each calendar year, beginning with the calendar year in which the utility files its energy efficiency formula rate tariff under this paragraph (2), with what the revenue requirement would have been had the actual cost information for the applicable calendar year been available at the filing date.

The utility shall file, together with its tariff, the projected costs to be incurred by the utility during the rate year under the utility's multi-year plan approved under subsections (f) and (g) of this Section, including, but not limited to, the projected capital investment costs and projected regulatory asset balances with correspondingly updated depreciation and amortization reserves and expense, that shall populate the energy efficiency formula rate and set the initial rates under the formula.

The Commission shall review the proposed tariff in conjunction with its review of a proposed multi-year plan, as specified in paragraph (5) of subsection (g) of this Section. The review shall be based on the same evidentiary standards, including, but not limited to, those concerning the prudence and reasonableness of the costs incurred by the utility, the Commission applies in a hearing to review a filing for a general increase in rates under Article IX of this Act. The initial rates shall take effect

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beginning with the January monthly billing period following the Commission's approval.

The tariff's rate design and cost allocation across customer classes shall be consistent with the utility's automatic adjustment clause tariff in effect on the effective date of this amendatory Act of the 99th General Assembly; however, the Commission may revise the tariff's rate design and cost allocation in subsequent proceedings under paragraph (3) of this subsection (d).

If the energy efficiency formula rate is terminated, the then current rates shall remain in effect until such time as the energy efficiency costs are incorporated into new rates that are set under this subsection (d) or Article IX of this Act, subject to retroactive rate adjustment, with interest, to reconcile rates charged with actual costs.

(3) The provisions of this paragraph (3) shall only apply to an electric utility that has elected to file an energy efficiency formula rate under paragraph (2) of this subsection (d). Subsequent to the Commission's issuance of an order approving the utility's energy efficiency formula rate structure and protocols, and initial rates under paragraph (2) of this subsection (d), the utility shall file, on or before June 1 of each year, with the Chief Clerk of the Commission its updated cost inputs to the energy efficiency formula rate for the applicable rate year and the corresponding new charges, as well as the information described in paragraph (9) of subsection (g) of this Section. Each such filing shall conform to the following requirements and include the following information:

(A) The inputs to the energy efficiency formula rate for the applicable rate year shall be based on the projected costs to be incurred by the utility during the rate year under the utility's multi-year plan approved under subsections (f) and (g) of this Section, including, but not limited to, projected capital investment costs and projected regulatory asset balances with correspondingly updated depreciation and amortization reserves and expense. The filing shall also include a reconciliation of the energy efficiency revenue requirement that was in effect for the prior rate year (as set by the cost inputs for the prior rate year) with the actual revenue requirement for the prior rate year.

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year (determined using a year-end rate base) that uses amounts reflected in the applicable FERC Form 1 that reports the actual costs for the prior rate year. Any over-collection or under-collection indicated by such reconciliation shall be reflected as a credit against, or recovered as an additional charge to, respectively, with interest calculated at a rate equal to the utility's weighted average cost of capital approved by the Commission for the prior rate year, the charges for the applicable rate year. Such over-collection or under-collection shall be adjusted to remove any deferred taxes related to the reconciliation, for purposes of calculating interest at an annual rate of return equal to the utility's weighted average cost of capital approved by the Commission for the prior rate year, including a revenue conversion factor calculated to recover or refund all additional income taxes that may be payable or receivable as a result of that return. Each reconciliation shall be certified by the participating utility in the same manner that FERC Form 1 is certified. The filing shall also include the charge or credit, if any, resulting from the calculation required by subparagraph (E) of paragraph (2) of this subsection (d).

Notwithstanding any other provision of law to the contrary, the intent of the reconciliation is to ultimately reconcile both the revenue requirement reflected in rates for each calendar year, beginning with the calendar year in which the utility files its energy efficiency formula rate tariff under paragraph (2) of this subsection (d), with what the revenue requirement determined using a year-end rate base for the applicable calendar year would have been had the actual cost information for the applicable calendar year been available at the filing date.

For purposes of this Section, "FERC Form 1" means the Annual Report of Major Electric Utilities, Licensees and Others that electric utilities are required to file with the Federal Energy Regulatory Commission under the Federal Power Act, Sections 3, 4(a), 304 and 209, modified as necessary to be consistent with 83 Ill. Admin. Code Part 415 as of May 1, 2011. Nothing in this Section is
intended to allow costs that are not otherwise recoverable
to be recoverable by virtue of inclusion in FERC Form 1.

(B) The new charges shall take effect beginning on
the first billing day of the following January billing period
and remain in effect through the last billing day of the next
December billing period regardless of whether the
Commission enters upon a hearing under this paragraph
(3).

(C) The filing shall include relevant and necessary
data and documentation for the applicable rate year.
Normalization adjustments shall not be required.
Within 45 days after the utility files its annual update of
cost inputs to the energy efficiency formula rate, the Commission
shall with reasonable notice, initiate a proceeding concerning
whether the projected costs to be incurred by the utility and
recovered during the applicable rate year, and that are reflected in
the inputs to the energy efficiency formula rate, are consistent with
the utility's approved multi-year plan under subsections (f) and (g)
of this Section and whether the costs incurred by the utility during
the prior rate year were prudent and reasonable. The Commission
shall also have the authority to investigate the information and
data described in paragraph (9) of subsection (g) of this Section,
including the proposed adjustment to the utility's return on equity
component of its weighted average cost of capital. During the
course of the proceeding, each objection shall be stated with
particularity and evidence provided in support thereof; after which
the utility shall have the opportunity to rebut the evidence.
Discovery shall be allowed consistent with the Commission's Rules
of Practice, which Rules of Practice shall be enforced by the
Commission or the assigned hearing examiner. The Commission
shall apply the same evidentiary standards, including, but not
limited to, those concerning the prudence and reasonableness of
the costs incurred by the utility, during the proceeding as it would
apply in a proceeding to review a filing for a general increase in
rates under Article IX of this Act. The Commission shall not,
however, have the authority in a proceeding under this paragraph
(3) to consider or order any changes to the structure or protocols
of the energy efficiency formula rate approved under paragraph
(2) of this subsection (d). In a proceeding under this paragraph (3),
the Commission shall enter its order no later than the earlier of 195 days after the utility's filing of its annual update of cost inputs to the energy efficiency formula rate or December 15. The utility's proposed return on equity calculation, as described in paragraphs (7) through (9) of subsection (g) of this Section, shall be deemed the final, approved calculation on December 15 of the year in which it is filed unless the Commission enters an order on or before December 15, after notice and hearing, that modifies such calculation consistent with this Section. The Commission's determinations of the prudence and reasonableness of the costs incurred, and determination of such return on equity calculation, for the applicable calendar year shall be final upon entry of the Commission's order and shall not be subject to reopening, reexamination, or collateral attack in any other Commission proceeding, case, docket, order, rule, or regulation; however, nothing in this paragraph (3) shall prohibit a party from petitioning the Commission to rehear or appeal to the courts the order under the provisions of this Act.

(e) Beginning on the effective date of this amendatory Act of the 99th General Assembly, a utility subject to the requirements of this Section may elect to defer, as a regulatory asset, up to the full amount of its expenditures incurred under this Section for each annual period, including, but not limited to, any expenditures incurred above the funding level set by subsection (f) of this Section for a given year. The total expenditures deferred as a regulatory asset in a given year shall be amortized and recovered over a period that is equal to the weighted average of the energy efficiency measure lives implemented for that year that are reflected in the regulatory asset. The unamortized balance shall be recognized as of December 31 for a given year. The utility shall also earn a return on the total of the unamortized balances of all of the energy efficiency regulatory assets, less any deferred taxes related to those unamortized balances, at an annual rate equal to the utility's weighted average cost of capital that includes, based on a year-end capital structure, the utility's actual cost of debt for the applicable calendar year and a cost of equity, which shall be calculated as the sum of the (i) the average for the applicable calendar year of the monthly average yields of 30-year U.S. Treasury bonds published by the Board of Governors of the Federal Reserve System in its weekly H.15 Statistical Release or successor publication; and (ii) 580 basis points, including a revenue conversion

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factor calculated to recover or refund all additional income taxes that may be payable or receivable as a result of that return. Capital investment costs shall be depreciated and recovered over their useful lives consistent with generally accepted accounting principles. The weighted average cost of capital shall be applied to the capital investment cost balance, less any accumulated depreciation and accumulated deferred income taxes, as of December 31 for a given year.

When an electric utility creates a regulatory asset under the provisions of this Section, the costs are recovered over a period during which customers also receive a benefit which is in the public interest. Accordingly, it is the intent of the General Assembly that an electric utility that elects to create a regulatory asset under the provisions of this Section shall recover all of the associated costs as set forth in this Section. After the Commission has approved the prudence and reasonableness of the costs that comprise the regulatory asset, the electric utility shall be permitted to recover all such costs, and the value and recoverability through rates of the associated regulatory asset shall not be limited, altered, impaired, or reduced.

(f) Beginning in 2017, each electric utility shall file an energy efficiency plan with the Commission to meet the energy efficiency standards for the next applicable multi-year period beginning January 1 of the year following the filing, according to the schedule set forth in paragraphs (1) through (3) of this subsection (f). If a utility does not file such a plan on or before the applicable filing deadline for the plan, it shall face a penalty of $100,000 per day until the plan is filed.

(1) No later than 30 days after the effective date of this amendatory Act of the 99th General Assembly or May 1, 2017, whichever is later, each electric utility shall file a 4-year energy efficiency plan commencing on January 1, 2018 that is designed to achieve the cumulative persisting annual savings goals specified in paragraphs (1) through (4) of subsection (b-5) of this Section or in paragraphs (1) through (4) of subsection (b-15) of this Section, as applicable, through implementation of energy efficiency measures; however, the goals may be reduced if the utility's expenditures are limited pursuant to subsection (m) of this Section or, for a utility that serves less than 3,000,000 retail customers, if each of the following conditions are met: (A) the plan's analysis and forecasts of the utility's ability to acquire energy savings demonstrate that achievement of such goals is not cost effective; and (B) the amount

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of energy savings achieved by the utility as determined by the
independent evaluator for the most recent year for which savings
have been evaluated preceding the plan filing was less than the
average annual amount of savings required to achieve the goals
for the applicable 4-year plan period. Except as provided in
subsection (m) of this Section, annual increases in cumulative
persisting annual savings goals during the applicable 4-year plan
period shall not be reduced to amounts that are less than the
maximum amount of cumulative persisting annual savings that is
forecast to be cost-effectively achievable during the 4-year plan
period. The Commission shall review any proposed goal reduction
as part of its review and approval of the utility's proposed plan.

(2) No later than March 1, 2021, each electric utility shall
file a 4-year energy efficiency plan commencing on January 1,
2022 that is designed to achieve the cumulative persisting annual
savings goals specified in paragraphs (5) through (8) of subsection
(b-5) of this Section or in paragraphs (5) through (8) of subsection
(b-15) of this Section, as applicable, through implementation of
energy efficiency measures; however, the goals may be reduced if
the utility's expenditures are limited pursuant to subsection (m) of
this Section or, each of the following conditions are met: (A) the
plan's analysis and forecasts of the utility's ability to acquire
energy savings demonstrate that achievement of such goals is not
cost effective; and (B) the amount of energy savings achieved by
the utility as determined by the independent evaluator for the most
recent year for which savings have been evaluated preceding the
plan filing was less than the average annual amount of savings
required to achieve the goals for the applicable 4-year plan period.
Except as provided in subsection (m) of this Section, annual
increases in cumulative persisting annual savings goals during the
applicable 4-year plan period shall not be reduced to amounts that
are less than the maximum amount of cumulative persisting annual
savings that is forecast to be cost-effectively achievable during the
4-year plan period. The Commission shall review any proposed
goal reduction as part of its review and approval of the utility's
proposed plan.

(3) No later than March 1, 2025, each electric utility shall
file a 5-year energy efficiency plan commencing on January 1,
2026 that is designed to achieve the cumulative persisting annual

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savings goals specified in paragraphs (9) through (13) of subsection (b-5) of this Section or in paragraphs (9) through (13) of subsection (b-15) of this Section, as applicable, through implementation of energy efficiency measures; however, the goals may be reduced if the utility's expenditures are limited pursuant to subsection (m) of this Section or, each of the following conditions are met: (A) the plan's analysis and forecasts of the utility's ability to acquire energy savings demonstrate that achievement of such goals is not cost effective; and (B) the amount of energy savings achieved by the utility as determined by the independent evaluator for the most recent year for which savings have been evaluated preceding the plan filing was less than the average annual amount of savings required to achieve the goals for the applicable 5-year plan period. Except as provided in subsection (m) of this Section, annual increases in cumulative persisting annual savings goals during the applicable 5-year plan period shall not be reduced to amounts that are less than the maximum amount of cumulative persisting annual savings that is forecast to be cost-effectively achievable during the 5-year plan period. The Commission shall review any proposed goal reduction as part of its review and approval of the utility's proposed plan.

Each utility's plan shall set forth the utility's proposals to meet the energy efficiency standards identified in subsection (b-5) or (b-15), as applicable and as such standards may have been modified under this subsection (f), taking into account the unique circumstances of the utility's service territory. For those plans commencing on January 1, 2018, the Commission shall seek public comment on the utility's plan and shall issue an order approving or disapproving each plan no later than August 31, 2017, or 105 days after the effective date of this amendatory Act of the 99th General Assembly, whichever is later. For those plans commencing after December 31, 2021, the Commission shall seek public comment on the utility's plan and shall issue an order approving or disapproving each plan within 6 months after its submission. If the Commission disapproves a plan, the Commission shall, within 30 days, describe in detail the reasons for the disapproval and describe a path by which the utility may file a revised draft of the plan to address the Commission's concerns satisfactorily. If the utility does not refile with the Commission within 60 days, the utility shall be subject to penalties at a rate of $100,000 per day until the plan is filed. This process shall continue, and penalties shall
accrue, until the utility has successfully filed a portfolio of energy efficiency and demand-response measures. Penalties shall be deposited into the Energy Efficiency Trust Fund.

(g) In submitting proposed plans and funding levels under subsection (f) of this Section to meet the savings goals identified in subsection (b-5) or (b-15) of this Section, as applicable, the utility shall:

(1) Demonstrate that its proposed energy efficiency measures will achieve the applicable requirements that are identified in subsection (b-5) or (b-15) of this Section, as modified by subsection (f) of this Section.

(2) Present specific proposals to implement new building and appliance standards that have been placed into effect.

(3) Demonstrate that its overall portfolio of measures, not including low-income programs described in subsection (c) of this Section, is cost-effective using the total resource cost test or complies with paragraphs (1) through (3) of subsection (f) of this Section and represents a diverse cross-section of opportunities for customers of all rate classes, other than those customers described in subsection (l) of this Section, to participate in the programs. Individual measures need not be cost effective.

(4) Present a third-party energy efficiency implementation program subject to the following requirements:

(A) beginning with the year commencing January 1, 2019, electric utilities that serve more than 3,000,000 retail customers in the State shall fund third-party energy efficiency programs in an amount that is no less than $25,000,000 per year, and electric utilities that serve less than 3,000,000 retail customers but more than 500,000 retail customers in the State shall fund third-party energy efficiency programs in an amount that is no less than $8,350,000 per year;

(B) during 2018, the utility shall conduct a solicitation process for purposes of requesting proposals from third-party vendors for those third-party energy efficiency programs to be offered during one or more of the years commencing January 1, 2019, January 1, 2020, and January 1, 2021; for those multi-year plans commencing on January 1, 2022 and January 1, 2026, the utility shall conduct a solicitation process during 2021 and 2025,
respectively, for purposes of requesting proposals from third-party vendors for those third-party energy efficiency programs to be offered during one or more years of the respective multi-year plan period; for each solicitation process, the utility shall identify the sector, technology, or geographical area for which it is seeking requests for proposals;

(C) the utility shall propose the bidder qualifications, performance measurement process, and contract structure, which must include a performance payment mechanism and general terms and conditions; the proposed qualifications, process, and structure shall be subject to Commission approval; and

(D) the utility shall retain an independent third party to score the proposals received through the solicitation process described in this paragraph (4), rank them according to their cost per lifetime kilowatt-hours saved, and assemble the portfolio of third-party programs.

The electric utility shall recover all costs associated with Commission-approved, third-party administered programs regardless of the success of those programs.

(4.5) Implement cost-effective demand-response measures to reduce peak demand by 0.1% over the prior year for eligible retail customers, as defined in Section 16-111.5 of this Act, and for customers that elect hourly service from the utility pursuant to Section 16-107 of this Act, provided those customers have not been declared competitive. This requirement continues until December 31, 2026.

(5) Include a proposed or revised cost-recovery tariff mechanism, as provided for under subsection (d) of this Section, to fund the proposed energy efficiency and demand-response measures and to ensure the recovery of the prudently and reasonably incurred costs of Commission-approved programs.

(6) Provide for an annual independent evaluation of the performance of the cost-effectiveness of the utility's portfolio of measures, as well as a full review of the multi-year plan results of the broader net program impacts and, to the extent practical, for adjustment of the measures on a going-forward basis as a result of

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the evaluations. The resources dedicated to evaluation shall not exceed 3% of portfolio resources in any given year.

(7) For electric utilities that serve more than 3,000,000 retail customers in the State:

(A) Through December 31, 2025, provide for an adjustment to the return on equity component of the utility’s weighted average cost of capital calculated under subsection (d) of this Section:

   (i) If the independent evaluator determines that the utility achieved a cumulative persisting annual savings that is less than the applicable annual incremental goal, then the return on equity component shall be reduced by a maximum of 200 basis points in the event that the utility achieved no more than 75% of such goal. If the utility achieved more than 75% of the applicable annual incremental goal but less than 100% of such goal, then the return on equity component shall be reduced by 8 basis points for each percent by which the utility failed to achieve the goal.

   (ii) If the independent evaluator determines that the utility achieved a cumulative persisting annual savings that is more than the applicable annual incremental goal, then the return on equity component shall be increased by a maximum of 200 basis points in the event that the utility achieved at least 125% of such goal. If the utility achieved more than 100% of the applicable annual incremental goal but less than 125% of such goal, then the return on equity component shall be increased by 8 basis points for each percent by which the utility achieved above the goal. If the applicable annual incremental goal was reduced under paragraphs (1) or (2) of subsection (f) of this Section, then the following adjustments shall be made to the calculations described in this item (ii):

       (aa) the calculation for determining achievement that is at least 125% of the applicable annual incremental goal shall

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use the unreduced applicable annual incremental goal to set the value; and

(bb) the calculation for determining achievement that is less than 125% but more than 100% of the applicable annual incremental goal shall use the reduced applicable annual incremental goal to set the value for 100% achievement of the goal and shall use the unreduced goal to set the value for 125% achievement. The 8 basis point value shall also be modified, as necessary, so that the 200 basis points are evenly apportioned among each percentage point value between 100% and 125% achievement.

(B) For the period January 1, 2026 through December 31, 2030, provide for an adjustment to the return on equity component of the utility's weighted average cost of capital calculated under subsection (d) of this Section:

(i) If the independent evaluator determines that the utility achieved a cumulative persisting annual savings that is less than the applicable annual incremental goal, then the return on equity component shall be reduced by a maximum of 200 basis points in the event that the utility achieved no more than 66% of such goal. If the utility achieved more than 66% of the applicable annual incremental goal but less than 100% of such goal, then the return on equity component shall be reduced by 6 basis points for each percent by which the utility failed to achieve the goal.

(ii) If the independent evaluator determines that the utility achieved a cumulative persisting annual savings that is more than the applicable annual incremental goal, then the return on equity component shall be increased by a maximum of 200 basis points in the event that the utility achieved at least 134% of such goal. If the utility achieved more than 100% of the applicable annual incremental

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goal but less than 134% of such goal, then the
return on equity component shall be increased by 6
basis points for each percent by which the utility
achieved above the goal. If the applicable annual
incremental goal was reduced under paragraph (3)
of subsection (f) of this Section, then the following
adjustments shall be made to the calculations
described in this item (ii):

(aa) the calculation for determining
achievement that is at least 134% of the
applicable annual incremental goal shall
use the unreduced applicable annual
incremental goal to set the value; and

(bb) the calculation for determining
achievement that is less than 134% but more
than 100% of the applicable annual
incremental goal shall use the reduced
applicable annual incremental goal to set
the value for 100% achievement of the goal
and shall use the unreduced goal to set the
value for 134% achievement. The 6 basis
point value shall also be modified, as
necessary, so that the 200 basis points are
evenly apportioned among each percentage
point value between 100% and 134% achievement.

(7.5) For purposes of this Section, the term "applicable
annual incremental goal" means the difference between the
cumulative persisting annual savings goal for the calendar year
that is the subject of the independent evaluator's determination and
the cumulative persisting annual savings goal for the immediately
preceding calendar year, as such goals are defined in subsections
(b-5) and (b-15) of this Section and as these goals may have been
modified as provided for under subsection (b-20) and paragraphs
(1) through (3) of subsection (f) of this Section. Under subsections
(b), (b-5), (b-10), and (b-15) of this Section, a utility must first
replace energy savings from measures that have reached the end of
their measure lives and would otherwise have to be replaced to
meet the applicable savings goals identified in subsection (b-5) or

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(b-15) of this Section before any progress towards achievement of its applicable annual incremental goal may be counted. Notwithstanding anything else set forth in this Section, the difference between the actual annual incremental savings achieved in any given year, including the replacement of energy savings from measures that have expired, and the applicable annual incremental goal shall not affect adjustments to the return on equity for subsequent calendar years under this subsection (g).

(8) For electric utilities that serve less than 3,000,000 retail customers but more than 500,000 retail customers in the State:
   (A) Through December 31, 2025, the applicable annual incremental goal shall be compared to the annual incremental savings as determined by the independent evaluator.
      (i) The return on equity component shall be reduced by 8 basis points for each percent by which the utility did not achieve 84.4% of the applicable annual incremental goal.
      (ii) The return on equity component shall be increased by 8 basis points for each percent by which the utility exceeded 100% of the applicable annual incremental goal.
      (iii) The return on equity component shall not be increased or decreased if the annual incremental savings as determined by the independent evaluator is greater than 84.4% of the applicable annual incremental goal and less than 100% of the applicable annual incremental goal.
      (iv) The return on equity component shall not be increased or decreased by an amount greater than 200 basis points pursuant to this subparagraph (A).
   (B) For the period of January 1, 2026 through December 31, 2030, the applicable annual incremental goal shall be compared to the annual incremental savings as determined by the independent evaluator.
      (i) The return on equity component shall be reduced by 6 basis points for each percent by which
the utility did not achieve 100% of the applicable annual incremental goal.

(ii) The return on equity component shall be increased by 6 basis points for each percent by which the utility exceeded 100% of the applicable annual incremental goal.

(iii) The return on equity component shall not be increased or decreased by an amount greater than 200 basis points pursuant to this subparagraph (B).

(C) If the applicable annual incremental goal was reduced under paragraphs (1), (2) or (3) of subsection (f) of this Section, then the following adjustments shall be made to the calculations described in subparagraphs (A) and (B) of this paragraph (8):

(i) The calculation for determining achievement that is at least 125% or 134%, as applicable, of the applicable annual incremental goal shall use the unreduced applicable annual incremental goal to set the value.

(ii) For the period through December 31, 2025, the calculation for determining achievement that is less than 125% but more than 100% of the applicable annual incremental goal shall use the reduced applicable annual incremental goal to set the value for 100% achievement of the goal and shall use the unreduced goal to set the value for 125% achievement. The 8 basis point value shall also be modified, as necessary, so that the 200 basis points are evenly apportioned among each percentage point value between 100% and 125% achievement.

(iii) For the period of January 1, 2026 through December 31, 2030, the calculation for determining achievement that is less than 134% but more than 100% of the applicable annual incremental goal shall use the reduced applicable annual incremental goal to set the value for 100% achievement of the goal and shall use the unreduced

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goal to set the value for 125% achievement. The 6 basis point value shall also be modified, as necessary, so that the 200 basis points are evenly apportioned among each percentage point value between 100% and 134% achievement.

(9) The utility shall submit the energy savings data to the independent evaluator no later than 30 days after the close of the plan year. The independent evaluator shall determine the cumulative persisting annual savings for a given plan year no later than 120 days after the close of the plan year. The utility shall submit an informational filing to the Commission no later than 160 days after the close of the plan year that attaches the independent evaluator's final report identifying the cumulative persisting annual savings for the year and calculates, under paragraph (7) or (8) of this subsection (g), as applicable, any resulting change to the utility's return on equity component of the weighted average cost of capital applicable to the next plan year beginning with the January monthly billing period and extending through the December monthly billing period. However, if the utility recovers the costs incurred under this Section under paragraphs (2) and (3) of subsection (d) of this Section, then the utility shall not be required to submit such informational filing, and shall instead submit the information that would otherwise be included in the informational filing as part of its filing under paragraph (3) of such subsection (d) that is due on or before June 1 of each year.

For those utilities that must submit the informational filing, the Commission may, on its own motion or by petition, initiate an investigation of such filing, provided, however, that the utility's proposed return on equity calculation shall be deemed the final, approved calculation on December 15 of the year in which it is filed unless the Commission enters an order on or before December 15, after notice and hearing, that modifies such calculation consistent with this Section.

The adjustments to the return on equity component described in paragraphs (7) and (8) of this subsection (g) shall be applied as described in such paragraphs through a separate tariff mechanism, which shall be filed by the utility under subsections (f) and (g) of this Section.

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(h) No more than 6% of energy efficiency and demand-response program revenue may be allocated for research, development, or pilot deployment of new equipment or measures.

(i) When practicable, electric utilities shall incorporate advanced metering infrastructure data into the planning, implementation, and evaluation of energy efficiency measures and programs, subject to the data privacy and confidentiality protections of applicable law.

(j) The independent evaluator shall follow the guidelines and use the savings set forth in Commission-approved energy efficiency policy manuals and technical reference manuals, as each may be updated from time to time. Until such time as measure life values for energy efficiency measures implemented for low-income households under subsection (c) of this Section are incorporated into such Commission-approved manuals, the low-income measures shall have the same measure life values that are established for same measures implemented in households that are not low-income households.

(k) Notwithstanding any provision of law to the contrary, an electric utility subject to the requirements of this Section may file a tariff cancelling an automatic adjustment clause tariff in effect under this Section or Section 8-103, which shall take effect no later than one business day after the date such tariff is filed. Thereafter, the utility shall be authorized to defer and recover its expenditures incurred under this Section through a new tariff authorized under subsection (d) of this Section or in the utility's next rate case under Article IX or Section 16-108.5 of this Act, with interest at an annual rate equal to the utility's weighted average cost of capital as approved by the Commission in such case. If the utility elects to file a new tariff under subsection (d) of this Section, the utility may file the tariff within 10 days after the effective date of this amendatory Act of the 99th General Assembly, and the cost inputs to such tariff shall be based on the projected costs to be incurred by the utility during the calendar year in which the new tariff is filed and that were not recovered under the tariff that was cancelled as provided for in this subsection. Such costs shall include those incurred or to be incurred by the utility under its multi-year plan approved under subsections (f) and (g) of this Section, including, but not limited to, projected capital investment costs and projected regulatory asset balances with correspondingly updated depreciation and amortization reserves and expense. The Commission shall, after notice and hearing, approve, or approve with modification, such tariff and cost inputs no later than 75
days after the utility filed the tariff, provided that such approval, or
approval with modification, shall be consistent with the provisions of this
Section to the extent they do not conflict with this subsection (k). The tariff
approved by the Commission shall take effect no later than 5 days after
the Commission enters its order approving the tariff.

No later than 60 days after the effective date of the tariff cancelling
the utility's automatic adjustment clause tariff, the utility shall file a
reconciliation that reconciles the moneys collected under its automatic
adjustment clause tariff with the costs incurred during the period
beginning June 1, 2016 and ending on the date that the electric utility's
automatic adjustment clause tariff was cancelled. In the event the
reconciliation reflects an under-collection, the utility shall recover the
costs as specified in this subsection (k). If the reconciliation reflects an
over-collection, the utility shall apply the amount of such over-collection
as a one-time credit to retail customers' bills.

(l) For the calendar years covered by a multi-year plan
commencing after December 31, 2017, subsections (a) through (j) of this
Section do not apply to any retail customers of an electric utility that
serves more than 3,000,000 retail customers in the State and whose total
highest 30 minute demand was more than 10,000 kilowatts, or any retail
customers of an electric utility that serves less than 3,000,000 retail
customers but more than 500,000 retail customers in the State and whose
total highest 15 minute demand was more than 10,000 kilowatts. For
purposes of this subsection (l), "retail customer" has the meaning set forth
in Section 16-102 of this Act. A determination of whether this subsection is
applicable to a customer shall be made for each multi-year plan beginning
after December 31, 2017. The criteria for determining whether this
subsection (l) is applicable to a retail customer shall be based on the 12
consecutive billing periods prior to the start of the first year of each such
multi-year plan.

(m) Notwithstanding the requirements of this Section, as part of a
proceeding to approve a multi-year plan under subsections (f) and (g) of
this Section, the Commission shall reduce the amount of energy efficiency
measures implemented for any single year, and whose costs are recovered
under subsection (d) of this Section, by an amount necessary to limit the
estimated average net increase due to the cost of the measures to no more
than

(1) 3.5% for the each of the 4 years beginning January 1,
2018,

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(2) 3.75% for each of the 4 years beginning January 1, 2022, and
(3) 4% for each of the 5 years beginning January 1, 2026, of the average amount paid per kilowatthour by residential eligible retail customers during calendar year 2015. To determine the total amount that may be spent by an electric utility in any single year, the applicable percentage of the average amount paid per kilowatthour shall be multiplied by the total amount of energy delivered by such electric utility in the calendar year 2015, adjusted to reflect the proportion of the utility’s load attributable to customers who are exempt from subsections (a) through (j) of this Section under subsection (l) of this Section. For purposes of this subsection (m), the amount paid per kilowatthour includes, without limitation, estimated amounts paid for supply, transmission, distribution, surcharges, and add-on taxes. For purposes of this Section, "eligible retail customers" shall have the meaning set forth in Section 16-111.5 of this Act. Once the Commission has approved a plan under subsections (f) and (g) of this Section, no subsequent rate impact determinations shall be made.

(220 ILCS 5/8-104)
Sec. 8-104. Natural gas energy efficiency programs.
(a) It is the policy of the State that natural gas utilities and the Department of Commerce and Economic Opportunity are required to use cost-effective energy efficiency to reduce direct and indirect costs to consumers. It serves the public interest to allow natural gas utilities to recover costs for reasonably and prudently incurred expenses for cost-effective energy efficiency measures.

(b) For purposes of this Section, "energy efficiency" means measures that reduce the amount of energy required to achieve a given end use. "Energy efficiency" also includes measures that reduce the total Btus of electricity and natural gas needed to meet the end use or uses. "Cost-effective" means that the measures satisfy the total resource cost test which, for purposes of this Section, means a standard that is met if, for an investment in energy efficiency, the benefit-cost ratio is greater than one. The benefit-cost ratio is the ratio of the net present value of the total benefits of the measures to the net present value of the total costs as calculated over the lifetime of the measures. The total resource cost test compares the sum of avoided natural gas utility costs, representing the benefits that accrue to the system and the participant in the delivery of those efficiency measures, as well as other quantifiable societal benefits,

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including avoided electric utility costs, to the sum of all incremental costs of end use measures (including both utility and participant contributions), plus costs to administer, deliver, and evaluate each demand-side measure, to quantify the net savings obtained by substituting demand-side measures for supply resources. In calculating avoided costs, reasonable estimates shall be included for financial costs likely to be imposed by future regulation of emissions of greenhouse gases. The low-income programs described in item (4) of subsection (f) of this Section shall not be required to meet the total resource cost test.

(c) Natural gas utilities shall implement cost-effective energy efficiency measures to meet at least the following natural gas savings requirements, which shall be based upon the total amount of gas delivered to retail customers, other than the customers described in subsection (m) of this Section, during calendar year 2009 multiplied by the applicable percentage. Natural gas utilities may comply with this Section by meeting the annual incremental savings goal in the applicable year or by showing that total cumulative annual savings within a multi-year planning period associated with measures implemented after May 31, 2011 were equal to the sum of each annual incremental savings requirement from the first day of the multi-year planning period through the last day of the multi-year planning period:

(1) 0.2% by May 31, 2012;
(2) an additional 0.4% by May 31, 2013, increasing total savings to .6%;
(3) an additional 0.6% by May 31, 2014, increasing total savings to 1.2%;
(4) an additional 0.8% by May 31, 2015, increasing total savings to 2.0%;
(5) an additional 1% by May 31, 2016, increasing total savings to 3.0%;
(6) an additional 1.2% by May 31, 2017, increasing total savings to 4.2%;
(7) an additional 1.4% in the year commencing January 1, 2018 by May 31, 2018, increasing total savings to 5.6%;
(8) an additional 1.5% in the year commencing January 1, 2019 by May 31, 2019, increasing total savings to 7.1%; and
(9) an additional 1.5% in each 12-month period thereafter.

(d) Notwithstanding the requirements of subsection (c) of this Section, a natural gas utility shall limit the amount of energy efficiency

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implemented in any multi-year 3-year reporting period established by subsection (f) of Section 8-104 of this Act, by an amount necessary to limit the estimated average increase in the amounts paid by retail customers in connection with natural gas service to no more than 2% in the applicable multi-year 3-year reporting period. The energy savings requirements in subsection (c) of this Section may be reduced by the Commission for the subject plan, if the utility demonstrates by substantial evidence that it is highly unlikely that the requirements could be achieved without exceeding the applicable spending limits in any multi-year 3-year reporting period. No later than September 1, 2013, the Commission shall review the limitation on the amount of energy efficiency measures implemented pursuant to this Section and report to the General Assembly, in the report required by subsection (k) of this Section, its findings as to whether that limitation unduly constrains the procurement of energy efficiency measures.

(e) The provisions of this subsection (e) apply to those multi-year plans that commence prior to January 1, 2018. Natural gas utilities shall be responsible for overseeing the design, development, and filing of their efficiency plans with the Commission. The utility shall utilize 75% of the available funding associated with energy efficiency programs approved by the Commission, and may outsource various aspects of program development and implementation. The remaining 25% of available funding shall be used by the Department of Commerce and Economic Opportunity to implement energy efficiency measures that achieve no less than 20% of the requirements of subsection (c) of this Section. Such measures shall be designed in conjunction with the utility and approved by the Commission. The Department may outsource development and implementation of energy efficiency measures. A minimum of 10% of the entire portfolio of cost-effective energy efficiency measures shall be procured from local government, municipal corporations, school districts, and community college districts. Five percent of the entire portfolio of cost-effective energy efficiency measures may be granted to local government and municipal corporations for market transformation initiatives. The Department shall coordinate the implementation of these measures and shall integrate delivery of natural gas efficiency programs with electric efficiency programs delivered pursuant to Section 8-103 of this Act, unless the Department can show that integration is not feasible.

The apportionment of the dollars to cover the costs to implement the Department's share of the portfolio of energy efficiency measures shall
be made to the Department once the Department has executed rebate agreements, grants, or contracts for energy efficiency measures and provided supporting documentation for those rebate agreements, grants, and contracts to the utility. The Department is authorized to adopt any rules necessary and prescribe procedures in order to ensure compliance by applicants in carrying out the purposes of rebate agreements for energy efficiency measures implemented by the Department made under this Section.

The details of the measures implemented by the Department shall be submitted by the Department to the Commission in connection with the utility's filing regarding the energy efficiency measures that the utility implements.

The portfolio of measures, administered by both the utilities and the Department, shall, in combination, be designed to achieve the annual energy savings requirements set forth in subsection (c) of this Section, as modified by subsection (d) of this Section.

The utility and the Department shall agree upon a reasonable portfolio of measures and determine the measurable corresponding percentage of the savings goals associated with measures implemented by the Department.

No utility shall be assessed a penalty under subsection (f) of this Section for failure to make a timely filing if that failure is the result of a lack of agreement with the Department with respect to the allocation of responsibilities or related costs or target assignments. In that case, the Department and the utility shall file their respective plans with the Commission and the Commission shall determine an appropriate division of measures and programs that meets the requirements of this Section.

(e-5) The provisions of this subsection (e-5) shall be applicable to those multi-year plans that commence after December 31, 2017. Natural gas utilities shall be responsible for overseeing the design, development, and filing of their efficiency plans with the Commission and may outsource development and implementation of energy efficiency measures. A minimum of 10% of the entire portfolio of cost-effective energy efficiency measures shall be procured from local government, municipal corporations, school districts, and community college districts. Five percent of the entire portfolio of cost-effective energy efficiency measures may be granted to local government and municipal corporations for market transformation initiatives.

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The utilities shall also present a portfolio of energy efficiency measures proportionate to the share of total annual utility revenues in Illinois from households at or below 150% of the poverty level. Such programs shall be targeted to households with incomes at or below 80% of area median income.

(e-10) A utility providing approved energy efficiency measures in this State shall be permitted to recover costs of those measures through an automatic adjustment clause tariff filed with and approved by the Commission. The tariff shall be established outside the context of a general rate case and shall be applicable to the utility's customers other than the customers described in subsection (m) of this Section. Each year the Commission shall initiate a review to reconcile any amounts collected with the actual costs and to determine the required adjustment to the annual tariff factor to match annual expenditures.

(e-15) For those multi-year plans that commence prior to January 1, 2018, each utility shall include, in its recovery of costs, the costs estimated for both the utility's and the Department's implementation of energy efficiency measures. Costs collected by the utility for measures implemented by the Department shall be submitted to the Department pursuant to Section 605-323 of the Civil Administrative Code of Illinois, shall be deposited into the Energy Efficiency Portfolio Standards Fund, and shall be used by the Department solely for the purpose of implementing these measures. A utility shall not be required to advance any moneys to the Department but only to forward such funds as it has collected. The Department shall report to the Commission on an annual basis regarding the costs actually incurred by the Department in the implementation of the measures. Any changes to the costs of energy efficiency measures as a result of plan modifications shall be appropriately reflected in amounts recovered by the utility and turned over to the Department.

The portfolio of measures, administered by both the utilities and the Department, shall, in combination, be designed to achieve the annual energy savings requirements set forth in subsection (c) of this Section, as modified by subsection (d) of this Section.

The utility and the Department shall agree upon a reasonable portfolio of measures and determine the measurable corresponding percentage of the savings goals associated with measures implemented by the Department.
No utility shall be assessed a penalty under subsection (f) of this Section for failure to make a timely filing if that failure is the result of a lack of agreement with the Department with respect to the allocation of responsibilities or related costs or target assignments. In that case, the Department and the utility shall file their respective plans with the Commission and the Commission shall determine an appropriate division of measures and programs that meets the requirements of this Section.

If the Department is unable to meet performance requirements for the portion of the portfolio implemented by the Department, then the utility and the Department shall jointly submit a modified filing to the Commission explaining the performance shortfall and recommending an appropriate course going forward, including any program modifications that may be appropriate in light of the evaluations conducted under item (8) of subsection (f) of this Section. In this case, the utility obligation to collect the Department's costs and turn over those funds to the Department under this subsection (e) shall continue only if the Commission approves the modifications to the plan proposed by the Department.

(f) No later than October 1, 2010, each gas utility shall file an energy efficiency plan with the Commission to meet the energy efficiency standards through May 31, 2014. No later than October 1, 2013, each gas utility shall file an energy efficiency plan with the Commission to meet the energy efficiency standards through May 31, 2017. Beginning in 2017 and every 4 years thereafter, each utility shall file a plan with the Commission to meet the energy efficiency standards for the next applicable 4-year period beginning January 1 of the year following the filing. For those multi-year plans commencing on January 1, 2018, each utility shall file its proposed energy efficiency plan no later than 30 days after the effective date of this amendatory Act of the 99th General Assembly or May 1, 2017, whichever is later. Beginning in 2021 and every 4 years thereafter, each utility shall file its energy efficiency plan no later than March 1. If a utility does not file such a plan on or before the applicable filing deadline for the plan by October 1 of the applicable year, then it shall face a penalty of $100,000 per day until the plan is filed.

Each utility's plan shall set forth the utility's proposals to meet the utility's portion of the energy efficiency standards identified in subsection (c) of this Section, as modified by subsection (d) of this Section, taking into account the unique circumstances of the utility's service territory. For those plans commencing after December 31, 2021, the Commission...
shall seek public comment on the utility's plan and shall issue an order approving or disapproving each plan within 6 months after its submission. For those plans commencing on January 1, 2018, the Commission shall seek public comment on the utility's plan and shall issue an order approving or disapproving each plan no later than August 31, 2017, or 105 days after the effective date of this amendatory Act of the 99th General Assembly, whichever is later. If the Commission disapproves a plan, the Commission shall, within 30 days, describe in detail the reasons for the disapproval and describe a path by which the utility may file a revised draft of the plan to address the Commission's concerns satisfactorily. If the utility does not refile with the Commission within 60 days after the disapproval, the utility shall be subject to penalties at a rate of $100,000 per day until the plan is filed. This process shall continue, and penalties shall accrue, until the utility has successfully filed a portfolio of energy efficiency measures. Penalties shall be deposited into the Energy Efficiency Trust Fund and the cost of any such penalties may not be recovered from ratepayers. In submitting proposed energy efficiency plans and funding levels to meet the savings goals adopted by this Act the utility shall:

(1) Demonstrate that its proposed energy efficiency measures will achieve the requirements that are identified in subsection (c) of this Section, as modified by subsection (d) of this Section.

(2) Present specific proposals to implement new building and appliance standards that have been placed into effect.

(3) Present estimates of the total amount paid for gas service expressed on a per therm basis associated with the proposed portfolio of measures designed to meet the requirements that are identified in subsection (c) of this Section, as modified by subsection (d) of this Section.

(4) For those multi-year plans that commence prior to January 1, 2018, coordinate with the Department to present a portfolio of energy efficiency measures proportionate to the share of total annual utility revenues in Illinois from households at or below 150% of the poverty level. Such programs shall be targeted to households with incomes at or below 80% of area median income.

(5) Demonstrate that its overall portfolio of energy efficiency measures, not including low-income programs described

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in covered by item (4) of this subsection (f) and subsection (e-5) of this Section, are cost-effective using the total resource cost test and represent a diverse cross section of opportunities for customers of all rate classes to participate in the programs.

(6) Demonstrate that a gas utility affiliated with an electric utility that is required to comply with Section 8-103 or 8-103B of this Act has integrated gas and electric efficiency measures into a single program that reduces program or participant costs and appropriately allocates costs to gas and electric ratepayers. For those multi-year plans that commence prior to January 1, 2018, the Department shall integrate all gas and electric programs it delivers in any such utilities' service territories, unless the Department can show that integration is not feasible or appropriate.

(7) Include a proposed cost recovery tariff mechanism to fund the proposed energy efficiency measures and to ensure the recovery of the prudently and reasonably incurred costs of Commission-approved programs.

(8) Provide for quarterly status reports tracking implementation of and expenditures for the utility's portfolio of measures and, if applicable, the Department's portfolio of measures, an annual independent review, and a full independent evaluation of the multi-year results of the performance and the cost-effectiveness of the utility's and, if applicable, Department's portfolios of measures and broader net program impacts and, to the extent practical, for adjustment of the measures on a going forward basis as a result of the evaluations. The resources dedicated to evaluation shall not exceed 3% of portfolio resources in any given multi-year period.

(g) No more than 3% of expenditures on energy efficiency measures may be allocated for demonstration of breakthrough equipment and devices.

(h) Illinois natural gas utilities that are affiliated by virtue of a common parent company may, at the utilities' request, be considered a single natural gas utility for purposes of complying with this Section.

(i) If, after 3 years, a gas utility fails to meet the efficiency standard specified in subsection (c) of this Section as modified by subsection (d), then it shall make a contribution to the Low-Income Home Energy Assistance Program. The total liability for failure to meet the goal shall be assessed as follows:

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(1) a large gas utility shall pay $600,000;
(2) a medium gas utility shall pay $400,000; and
(3) a small gas utility shall pay $200,000.

For purposes of this Section, (i) a "large gas utility" is a gas utility that on December 31, 2008, served more than 1,500,000 gas customers in Illinois; (ii) a "medium gas utility" is a gas utility that on December 31, 2008, served fewer than 1,500,000, but more than 500,000 gas customers in Illinois; and (iii) a "small gas utility" is a gas utility that on December 31, 2008, served fewer than 500,000 and more than 100,000 gas customers in Illinois. The costs of this contribution may not be recovered from ratepayers.

If a gas utility fails to meet the efficiency standard specified in subsection (c) of this Section, as modified by subsection (d) of this Section, in any 2 consecutive multi-year 3-year planning periods, then the responsibility for implementing the utility's energy efficiency measures shall be transferred to an independent program administrator selected by the Commission. Reasonable and prudent costs incurred by the independent program administrator to meet the efficiency standard specified in subsection (c) of this Section, as modified by subsection (d) of this Section, may be recovered from the customers of the affected gas utilities, other than customers described in subsection (m) of this Section. The utility shall provide the independent program administrator with all information and assistance necessary to perform the program administrator's duties including but not limited to customer, account, and energy usage data, and shall allow the program administrator to include inserts in customer bills. The utility may recover reasonable costs associated with any such assistance.

(j) No utility shall be deemed to have failed to meet the energy efficiency standards to the extent any such failure is due to a failure of the Department.

(k) Not later than January 1, 2012, the Commission shall develop and solicit public comment on a plan to foster statewide coordination and consistency between statutorily mandated natural gas and electric energy efficiency programs to reduce program or participant costs or to improve program performance. Not later than September 1, 2013, the Commission shall issue a report to the General Assembly containing its findings and recommendations.

(l) This Section does not apply to a gas utility that on January 1, 2009, provided gas service to fewer than 100,000 customers in Illinois.
(m) Subsections (a) through (k) of this Section do not apply to customers of a natural gas utility that have a North American Industry Classification System code number that is 22111 or any such code number beginning with the digits 31, 32, or 33 and (i) annual usage in the aggregate of 4 million therms or more within the service territory of the affected gas utility or with aggregate usage of 8 million therms or more in this State and complying with the provisions of item (l) of this subsection (m); or (ii) using natural gas as feedstock and meeting the usage requirements described in item (i) of this subsection (m), to the extent such annual feedstock usage is greater than 60% of the customer's total annual usage of natural gas.

(1) Customers described in this subsection (m) of this Section shall apply, on a form approved on or before October 1, 2009 by the Department, to the Department to be designated as a self-directing customer ("SDC") or as an exempt customer using natural gas as a feedstock from which other products are made, including, but not limited to, feedstock for a hydrogen plant, on or before the 1st day of February, 2010. Thereafter, application may be made not less than 6 months before the filing date of the gas utility energy efficiency plan described in subsection (f) of this Section; however, a new customer that commences taking service from a natural gas utility after February 1, 2010 may apply to become a SDC or exempt customer up to 30 days after beginning service. Customers described in this subsection (m) that have not already been approved by the Department may apply to be designated a self-directing customer or exempt customer, on a form approved by the Department, between September 1, 2013 and September 30, 2013. Customer applications that are approved by the Department under this amendatory Act of the 98th General Assembly shall be considered to be a self-directing customer or exempt customer, as applicable, for the current 3-year planning period effective December 1, 2013. Such application shall contain the following:

(A) the customer's certification that, at the time of its application, it qualifies to be a SDC or exempt customer described in this subsection (m) of this Section;

(B) in the case of a SDC, the customer's certification that it has established or will establish by the beginning of the utility's multi-year planning period
commencing subsequent to the application, and will maintain for accounting purposes, an energy efficiency reserve account and that the customer will accrue funds in said account to be held for the purpose of funding, in whole or in part, energy efficiency measures of the customer's choosing, which may include, but are not limited to, projects involving combined heat and power systems that use the same energy source both for the generation of electrical or mechanical power and the production of steam or another form of useful thermal energy or the use of combustible gas produced from biomass, or both;

(C) in the case of a SDC, the customer's certification that annual funding levels for the energy efficiency reserve account will be equal to 2% of the customer's cost of natural gas, composed of the customer's commodity cost and the delivery service charges paid to the gas utility, or $150,000, whichever is less;

(D) in the case of a SDC, the customer's certification that the required reserve account balance will be capped at 3 years' worth of accruals and that the customer may, at its option, make further deposits to the account to the extent such deposit would increase the reserve account balance above the designated cap level;

(E) in the case of a SDC, the customer's certification that by October 1 of each year, beginning no sooner than October 1, 2012, the customer will report to the Department information, for the 12-month period ending May 31 of the same year, on all deposits and reductions, if any, to the reserve account during the reporting year, and to the extent deposits to the reserve account in any year are in an amount less than $150,000, the basis for such reduced deposits; reserve account balances by month; a description of energy efficiency measures undertaken by the customer and paid for in whole or in part with funds from the reserve account; an estimate of the energy saved, or to be saved, by the measure; and that the report shall include a verification by an officer or plant manager of the customer or by a registered professional engineer or certified energy efficiency trade professional that the funds withdrawn from

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the reserve account were used for the energy efficiency measures;

(F) in the case of an exempt customer, the customer's certification of the level of gas usage as feedstock in the customer's operation in a typical year and that it will provide information establishing this level, upon request of the Department;

(G) in the case of either an exempt customer or a SDC, the customer's certification that it has provided the gas utility or utilities serving the customer with a copy of the application as filed with the Department;

(H) in the case of either an exempt customer or a SDC, certification of the natural gas utility or utilities serving the customer in Illinois including the natural gas utility accounts that are the subject of the application; and

(I) in the case of either an exempt customer or a SDC, a verification signed by a plant manager or an authorized corporate officer attesting to the truthfulness and accuracy of the information contained in the application.

(2) The Department shall review the application to determine that it contains the information described in provisions (A) through (I) of item (1) of this subsection (m), as applicable. The review shall be completed within 30 days after the date the application is filed with the Department. Absent a determination by the Department within the 30-day period, the applicant shall be considered to be a SDC or exempt customer, as applicable, for all subsequent multi-year 3-year planning periods, as of the date of filing the application described in this subsection (m). If the Department determines that the application does not contain the applicable information described in provisions (A) through (I) of item (1) of this subsection (m), it shall notify the customer, in writing, of its determination that the application does not contain the required information and identify the information that is missing, and the customer shall provide the missing information within 15 working days after the date of receipt of the Department's notification.

(3) The Department shall have the right to audit the information provided in the customer's application and annual reports to ensure continued compliance with the requirements of
this subsection. Based on the audit, if the Department determines the customer is no longer in compliance with the requirements of items (A) through (I) of item (1) of this subsection (m), as applicable, the Department shall notify the customer in writing of the noncompliance. The customer shall have 30 days to establish its compliance, and failing to do so, may have its status as a SDC or exempt customer revoked by the Department. The Department shall treat all information provided by any customer seeking SDC status or exemption from the provisions of this Section as strictly confidential.

(4) Upon request, or on its own motion, the Commission may open an investigation, no more than once every 3 years and not before October 1, 2014, to evaluate the effectiveness of the self-directing program described in this subsection (m).

Customers described in this subsection (m) that applied to the Department on January 3, 2013, were approved by the Department on February 13, 2013 to be a self-directing customer or exempt customer, and receive natural gas from a utility that provides gas service to at least 500,000 retail customers in Illinois and electric service to at least 1,000,000 retail customers in Illinois shall be considered to be a self-directing customer or exempt customer, as applicable, for the current 3-year planning period effective December 1, 2013.

(n) The applicability of this Section to customers described in subsection (m) of this Section is conditioned on the existence of the SDC program. In no event will any provision of this Section apply to such customers after January 1, 2020.

(o) Utilities' 3-year energy efficiency plans approved by the Commission on or before the effective date of this amendatory Act of the 99th General Assembly for the period June 1, 2014 through May 31, 2017 shall continue to be in force and effect through December 31, 2017 so that the energy efficiency programs set forth in those plans continue to be offered during the period June 1, 2017 through December 31, 2017. Each utility is authorized to increase, on a pro rata basis, the energy savings goals and budgets approved in its plan to reflect the additional 7 months of the plan's operation.

(Source: P.A. 97-813, eff. 7-13-12; 97-841, eff. 7-20-12; 98-90, eff. 7-15-13; 98-225, eff. 8-9-13; 98-604, eff. 12-17-13.)

(220 ILCS 5/9-107 new)

Sec. 9-107. Revenue balancing adjustments.

New matter indicated by italics - deletions by strikeout
(a) In this Section:
"Reconciliation period" means a period beginning with the January monthly billing period and extending through the December monthly billing period.

"Rate case reconciliation revenue requirement" means the final distribution revenue requirement or requirements approved by the Commission in the utility's rate case or formula rate proceeding to set the rates initially applicable in the relevant reconciliation period after the conclusion of the period. In the event the Commission has approved more than one revenue requirement for the reconciliation period, the amount of rate case revenue under each approved revenue requirement shall be prorated based upon the number of days under which each revenue requirement was in effect.

(b) If an electric utility has a performance-based formula rate in effect under Section 16-108.5, then the utility shall be permitted to revise the formula rate and schedules to reduce the 50 basis point values to zero that would otherwise apply under paragraph (5) of subsection (c) of Section 16-108.5. Such revision and reduction shall apply beginning with the reconciliation conducted for the 2017 calendar year.

If the utility no longer has a performance-based formula in effect under Section 16-108.5, then the utility shall be permitted to implement the revenue balancing adjustment tariff described in subsection (c) of this Section.

(c) An electric utility that is authorized under subsection (b) of this Section to implement a revenue balancing adjustment tariff may file the tariff for the purpose of preventing undercollections or overcollections of distribution revenues as compared to the revenue requirement or requirements approved by the Commission on which the rates giving rise to those revenues were based. The tariff shall calculate an annual adjustment that reflects any difference between the actual delivery service revenue billed for services provided during the relevant reconciliation period and the rate case reconciliation revenue requirement for the relevant reconciliation period and shall set forth the reconciliation categories or classes, or a combination of both, in a manner determined at the utility's discretion.

(d) A utility that elects to file the tariff authorized by this Section shall file the tariff outside the context of a general rate case or formula rate proceeding, and the Commission shall, after notice and hearing, approve the tariff or approve with modification no later than 120 days
after the utility files the tariff, and the tariff shall remain in effect at the discretion of the utility. The tariff shall also require that the electric utility submit an annual revenue balancing reconciliation report to the Commission reflecting the difference between the actual delivery service revenue and rate case revenue for the applicable reconciliation and identifying the charges or credits to be applied thereafter. The annual revenue balancing reconciliation report shall be filed with the Commission no later than March 20 of the year following a reconciliation period. The Commission may initiate a review of the revenue balancing reconciliation report each year to determine if any subsequent adjustment is necessary to align actual delivery service revenue and rate case revenue. In the event the Commission elects to initiate such review, the Commission shall, after notice and hearing, enter an order approving, or approving as modified, such revenue balancing reconciliation report no later than 120 days after the utility files its report with the Commission. If the Commission does not initiate such review, the revenue balancing reconciliation report and the identified charges or credits shall be deemed accepted and approved 120 days after the utility files the report and shall not be subject to review in any other proceeding.

(220 ILCS 5/16-107)

Sec. 16-107. Real-time pricing.

(a) Each electric utility shall file, on or before May 1, 1998, a tariff or tariffs which allow nonresidential retail customers in the electric utility's service area to elect real-time pricing beginning October 1, 1998.

(b) Each electric utility shall file, on or before May 1, 2000, a tariff or tariffs which allow residential retail customers in the electric utility's service area to elect real-time pricing beginning October 1, 2000.

(b-5) Each electric utility shall file a tariff or tariffs allowing residential retail customers in the electric utility's service area to elect real-time pricing beginning January 2, 2007. The Commission may, after notice and hearing, approve the tariff or tariffs. A customer who elects real-time pricing shall remain on such rate for a minimum of 12 months. The Commission may, after notice and hearing, approve the tariff or tariffs, provided that the Commission finds that the potential for demand reductions will result in net economic benefits to all residential customers of the electric utility. In examining economic benefits from demand reductions, the Commission shall, at a minimum, consider the following: improvements to system reliability and power quality; reduction in wholesale market prices and price volatility; electric utility cost avoidance.
and reductions, market power mitigation, and other benefits of demand reductions, but only to the extent that the effects of reduced demand can be demonstrated to lower the cost of electricity delivered to residential customers. A tariff or tariffs approved pursuant to this subsection (b-5) shall, at a minimum, describe (i) the methodology for determining the market price of energy to be reflected in the real-time rate and (ii) the manner in which customers who elect real-time pricing will be provided with ready access to hourly market prices, including, but not limited to, day-ahead hourly energy prices. A customer who elects real-time pricing under a tariff approved under this subsection (b-5) and thereafter terminates the election shall not return to taking service under the tariff for a period of 12 months following the date on which the customer terminated real-time pricing. However, this limitation shall cease to apply on such date that the provision of electric power and energy is declared competitive under Section 16-113 of this Act for the customer group or groups to which this subsection (b-5) applies.

A proceeding under this subsection (b-5) may not exceed 120 days in length.

(b-10) Each electric utility providing real-time pricing pursuant to subsection (b-5) shall install a meter capable of recording hourly interval energy use at the service location of each customer that elects real-time pricing pursuant to this subsection.

(b-15) If the Commission issues an order pursuant to subsection (b-5), the affected electric utility shall contract with an entity not affiliated with the electric utility to serve as a program administrator to develop and implement a program to provide consumer outreach, enrollment, and education concerning real-time pricing and to establish and administer an information system and technical and other customer assistance that is necessary to enable customers to manage electricity use. The program administrator: (i) shall be selected and compensated by the electric utility, subject to Commission approval; (ii) shall have demonstrated technical and managerial competence in the development and administration of demand management programs; and (iii) may develop and implement risk management, energy efficiency, and other services related to energy use management for which the program administrator shall be compensated by participants in the program receiving such services. The electric utility shall provide the program administrator with all information and assistance necessary to perform the program administrator's duties, including, but not limited to, customer, account, and energy use data. The

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electric utility shall permit the program administrator to include inserts in residential customer bills 2 times per year to assist with customer outreach and enrollment.

The program administrator shall submit an annual report to the electric utility no later than April 1 of each year describing the operation and results of the program, including information concerning the number and types of customers using real-time pricing, changes in customers' energy use patterns, an assessment of the value of the program to both participants and non-participants, and recommendations concerning modification of the program and the tariff or tariffs filed under subsection (b-5). This report shall be filed by the electric utility with the Commission within 30 days of receipt and shall be available to the public on the Commission's web site.

(b-20) The Commission shall monitor the performance of programs established pursuant to subsection (b-15) and shall order the termination or modification of a program if it determines that the program is not, after a reasonable period of time for development not to exceed 4 years, resulting in net benefits to the residential customers of the electric utility.

(b-25) An electric utility shall be entitled to recover reasonable costs incurred in complying with this Section, provided that recovery of the costs is fairly apportioned among its residential customers as provided in this subsection (b-25). The electric utility may apportion greater costs on the residential customers who elect real-time pricing, but may also impose some of the costs of real-time pricing on customers who do not elect real-time pricing, provided that the Commission determines that the cost savings resulting from real-time pricing will exceed the costs imposed on customers for maintaining the program.

(c) The electric utility's tariff or tariffs filed pursuant to this Section shall be subject to Article IX.

(d) This Section does not apply to any electric utility providing service to 100,000 or fewer customers.

(Source: P.A. 94-977, eff. 6-30-06.)

(220 ILCS 5/16-107.5)

Sec. 16-107.5. Net electricity metering.

(a) The Legislature finds and declares that a program to provide net electricity metering, as defined in this Section, for eligible customers can encourage private investment in renewable energy resources, stimulate
economic growth, enhance the continued diversification of Illinois' energy resource mix, and protect the Illinois environment.

(b) As used in this Section, (i) "community renewable generation project" shall have the meaning set forth in Section 1-10 of the Illinois Power Agency Act; (ii) "eligible customer" means a retail customer that owns or operates a solar, wind, or other eligible renewable electrical generating facility with a rated capacity of not more than 2,000 kilowatts that is located on the customer's premises and is intended primarily to offset the customer's own electrical requirements; (iii) (iii) "electricity provider" means an electric utility or alternative retail electric supplier; (iv) (iii) "eligible renewable electrical generating facility" means a generator that is interconnected under rules adopted by the Commission and is powered by solar electric energy, wind, dedicated crops grown for electricity generation, agricultural residues, untreated and unadulterated wood waste, landscape trimmings, livestock manure, anaerobic digestion of livestock or food processing waste, fuel cells or microturbines powered by renewable fuels, or hydroelectric energy; (v) and (iv) "net electricity metering" (or "net metering") means the measurement, during the billing period applicable to an eligible customer, of the net amount of electricity supplied by an electricity provider to the customer's premises or provided to the electricity provider by the customer or subscriber; (vi) "subscriber" shall have the meaning as set forth in Section 1-10 of the Illinois Power Agency Act; and (vii) "subscription" shall have the meaning set forth in Section 1-10 of the Illinois Power Agency Act.

(c) A net metering facility shall be equipped with metering equipment that can measure the flow of electricity in both directions at the same rate.

(1) For eligible customers whose electric service has not been declared competitive pursuant to Section 16-113 of this Act as of July 1, 2011 and whose electric delivery service is provided and measured on a kilowatt-hour basis and electric supply service is not provided based on hourly pricing, this shall typically be accomplished through use of a single, bi-directional meter. If the eligible customer's existing electric revenue meter does not meet this requirement, the electricity provider shall arrange for the local electric utility or a meter service provider to install and maintain a new revenue meter at the electricity provider's expense, which may be the smart meter described by subsection (b) of Section 16-108.5 of this Act.
(2) For eligible customers whose electric service has not been declared competitive pursuant to Section 16-113 of this Act as of July 1, 2011 and whose electric delivery service is provided and measured on a kilowatt demand basis and electric supply service is not provided based on hourly pricing, this shall typically be accomplished through use of a dual channel meter capable of measuring the flow of electricity both into and out of the customer's facility at the same rate and ratio. If such customer's existing electric revenue meter does not meet this requirement, then the electricity provider shall arrange for the local electric utility or a meter service provider to install and maintain a new revenue meter at the electricity provider's expense, which may be the smart meter described by subsection (b) of Section 16-108.5 of this Act.

(3) For all other eligible customers, until such time as the local electric utility installs a smart meter, as described by subsection (b) of Section 16-108.5 of this Act, the electricity provider may arrange for the local electric utility or a meter service provider to install and maintain metering equipment capable of measuring the flow of electricity both into and out of the customer's facility at the same rate and ratio, typically through the use of a dual channel meter. If the eligible customer's existing electric revenue meter does not meet this requirement, then the costs of installing such equipment shall be paid for by the customer.

d) An electricity provider shall measure and charge or credit for the net electricity supplied to eligible customers or provided by eligible customers whose electric service has not been declared competitive pursuant to Section 16-113 of this Act as of July 1, 2011 and whose electric delivery service is provided and measured on a kilowatt-hour basis and electric supply service is not provided based on hourly pricing in the following manner:

(1) If the amount of electricity used by the customer during the billing period exceeds the amount of electricity produced by the customer, the electricity provider shall charge the customer for the net electricity supplied to and used by the customer as provided in subsection (e-5) of this Section.

(2) If the amount of electricity produced by a customer during the billing period exceeds the amount of electricity used by

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the customer during that billing period, the electricity provider supplying that customer shall apply a 1:1 kilowatt-hour credit to a subsequent bill for service to the customer for the net electricity supplied to the electricity provider. The electricity provider shall continue to carry over any excess kilowatt-hour credits earned and apply those credits to subsequent billing periods to offset any customer-generator consumption in those billing periods until all credits are used or until the end of the annualized period.

(3) At the end of the year or annualized over the period that service is supplied by means of net metering, or in the event that the retail customer terminates service with the electricity provider prior to the end of the year or the annualized period, any remaining credits in the customer's account shall expire.

(d-5) An electricity provider shall measure and charge or credit for the net electricity supplied to eligible customers or provided by eligible customers whose electric service has not been declared competitive pursuant to Section 16-113 of this Act as of July 1, 2011 and whose electric delivery service is provided and measured on a kilowatt-hour basis and electric supply service is provided based on hourly pricing in the following manner:

(1) If the amount of electricity used by the customer during any hourly period exceeds the amount of electricity produced by the customer, the electricity provider shall charge the customer for the net electricity supplied to and used by the customer according to the terms of the contract or tariff to which the same customer would be assigned to or be eligible for if the customer was not a net metering customer.

(2) If the amount of electricity produced by a customer during any hourly period exceeds the amount of electricity used by the customer during that hourly period, the energy provider shall apply a credit for the net kilowatt-hours produced in such period. The credit shall consist of an energy credit and a delivery service credit. The energy credit shall be valued at the same price per kilowatt-hour as the electric service provider would charge for kilowatt-hour energy sales during that same hourly period. The delivery credit shall be equal to the net kilowatt-hours produced in such hourly period times a credit that reflects all kilowatt-hour based charges in the customer's electric service rate, excluding energy charges.
(e) An electricity provider shall measure and charge or credit for the net electricity supplied to eligible customers whose electric service has not been declared competitive pursuant to Section 16-113 of this Act as of July 1, 2011 and whose electric delivery service is provided and measured on a kilowatt demand basis and electric supply service is not provided based on hourly pricing in the following manner:

(1) If the amount of electricity used by the customer during the billing period exceeds the amount of electricity produced by the customer, then the electricity provider shall charge the customer for the net electricity supplied to and used by the customer as provided in subsection (e-5) of this Section. The customer shall remain responsible for all taxes, fees, and utility delivery charges that would otherwise be applicable to the net amount of electricity used by the customer.

(2) If the amount of electricity produced by a customer during the billing period exceeds the amount of electricity used by the customer during that billing period, then the electricity provider supplying that customer shall apply a 1:1 kilowatt-hour credit that reflects the kilowatt-hour based charges in the customer's electric service rate to a subsequent bill for service to the customer for the net electricity supplied to the electricity provider. The electricity provider shall continue to carry over any excess kilowatt-hour credits earned and apply those credits to subsequent billing periods to offset any customer-generator consumption in those billing periods until all credits are used or until the end of the annualized period.

(3) At the end of the year or annualized over the period that service is supplied by means of net metering, or in the event that the retail customer terminates service with the electricity provider prior to the end of the year or the annualized period, any remaining credits in the customer's account shall expire.

(e-5) An electricity provider shall provide electric service to eligible customers who utilize net metering at non-discriminatory rates that are identical, with respect to rate structure, retail rate components, and any monthly charges, to the rates that the customer would be charged if not a net metering customer. An electricity provider shall not charge net metering customers any fee or charge or require additional equipment, insurance, or any other requirements not specifically authorized by interconnection standards authorized by the Commission, unless the fee,
charge, or other requirement would apply to other similarly situated customers who are not net metering customers. The customer will remain responsible for all taxes, fees, and utility delivery charges that would otherwise be applicable to the net amount of electricity used by the customer. Subsections (c) through (e) of this Section shall not be construed to prevent an arms-length agreement between an electricity provider and an eligible customer that sets forth different prices, terms, and conditions for the provision of net metering service, including, but not limited to, the provision of the appropriate metering equipment for non-residential customers.

(f) Notwithstanding the requirements of subsections (c) through (e-5) of this Section, an electricity provider must require dual-channel metering for customers operating eligible renewable electrical generating facilities with a nameplate rating up to 2,000 kilowatts and to whom the provisions of neither subsection (d), (d-5), nor (e) of this Section apply. In such cases, electricity charges and credits shall be determined as follows:

(1) The electricity provider shall assess and the customer remains responsible for all taxes, fees, and utility delivery charges that would otherwise be applicable to the gross amount of kilowatt-hours supplied to the eligible customer by the electricity provider.

(2) Each month that service is supplied by means of dual-channel metering, the electricity provider shall compensate the eligible customer for any excess kilowatt-hour credits at the electricity provider's avoided cost of electricity supply over the monthly period or as otherwise specified by the terms of a power-purchase agreement negotiated between the customer and electricity provider.

(3) For all eligible net metering customers taking service from an electricity provider under contracts or tariffs employing hourly or time of use rates, any monthly consumption of electricity shall be calculated according to the terms of the contract or tariff to which the same customer would be assigned to or be eligible for if the customer was not a net metering customer. When those same customer-generators are net generators during any discrete hourly or time of use period, the net kilowatt-hours produced shall be valued at the same price per kilowatt-hour as the electric service provider would charge for retail kilowatt-hour sales during that same time of use period.

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(g) For purposes of federal and State laws providing renewable energy credits or greenhouse gas credits, the eligible customer shall be treated as owning and having title to the renewable energy attributes, renewable energy credits, and greenhouse gas emission credits related to any electricity produced by the qualified generating unit. The electricity provider may not condition participation in a net metering program on the signing over of a customer's renewable energy credits; provided, however, this subsection (g) shall not be construed to prevent an arms-length agreement between an electricity provider and an eligible customer that sets forth the ownership or title of the credits.

(h) Within 120 days after the effective date of this amendatory Act of the 95th General Assembly, the Commission shall establish standards for net metering and, if the Commission has not already acted on its own initiative, standards for the interconnection of eligible renewable generating equipment to the utility system. The interconnection standards shall address any procedural barriers, delays, and administrative costs associated with the interconnection of customer-generation while ensuring the safety and reliability of the units and the electric utility system. The Commission shall consider the Institute of Electrical and Electronics Engineers (IEEE) Standard 1547 and the issues of (i) reasonable and fair fees and costs, (ii) clear timelines for major milestones in the interconnection process, (iii) nondiscriminatory terms of agreement, and (iv) any best practices for interconnection of distributed generation.

(i) All electricity providers shall begin to offer net metering no later than April 1, 2008.

(j) An electricity provider shall provide net metering to eligible customers until the load of its net metering customers equals 5% of the total peak demand supplied by that electricity provider during the previous year. After such time as the load of the electricity provider's net metering customers equals 5% of the total peak demand supplied by that electricity provider during the previous year, eligible customers that begin taking net metering shall only be eligible for netting of energy. Electricity providers are authorized to offer net metering beyond the 5% level if they so choose.

(k) Each electricity provider shall maintain records and report annually to the Commission the total number of net metering customers served by the provider, as well as the type, capacity, and energy sources of the generating systems used by the net metering customers. Nothing in this Section shall limit the ability of an electricity provider to request the redaction of information deemed by the Commission to be confidential.
business information. Each electricity provider shall notify the Commission when the total generating capacity of its net metering customers is equal to or in excess of the 5% cap specified in subsection (j) of this Section.

(l)(1) Notwithstanding the definition of "eligible customer" in item (ii) of subsection (b) of this Section, each electricity provider shall consider whether to allow meter aggregation for the purposes of net metering as set forth in this subsection (l) and for the following projects on:

(A) properties owned or leased by multiple customers that contribute to the operation of an eligible renewable electrical generating facility through an ownership or leasehold interest of at least 200 watts in such facility, such as a community-owned wind project, a community-owned biomass project, a community-owned solar project, or a community methane digester processing livestock waste from multiple sources, provided that the facility is also located within the utility's service territory; and

(B) individual units, apartments, or properties located in a single building that are owned or leased by multiple customers and collectively served by a common eligible renewable electrical generating facility, such as an office or apartment building, a shopping center or strip mall served by photovoltaic panels on the roof; and

(C) subscriptions to community renewable generation projects.

In addition, the nameplate capacity of the eligible renewable electric generating facility that serves the demand of the properties, units, or apartments identified in paragraphs (1) and (2) of this subsection (l) shall not exceed 2,000 kilowatts in nameplate capacity in total. Any eligible renewable electrical generating facility or community renewable generation project that is powered by photovoltaic electric energy and installed after the effective date of this amendatory Act of the 99th General Assembly must be installed by a qualified person in compliance with the requirements of Section 16-128A of the Public Utilities Act and any rules or regulations adopted thereunder.

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(2) Notwithstanding anything to the contrary, an electricity provider shall provide credits for the electricity produced by the projects described in paragraph (1) of this subsection (l). The electricity provider shall provide credits at the subscriber's energy supply rate on the subscriber's monthly bill equal to the subscriber's share of the production of electricity from the project, as determined by paragraph (3) of this subsection (l).

(3) For the purposes of facilitating net metering, the owner or operator of the eligible renewable electrical generating facility or community renewable generation project shall be responsible for determining the amount of the credit that each customer or subscriber participating in a project under this subsection (l) is to receive in the following manner: this subsection (l), "meter aggregation" means the combination of reading and billing on a pro rata basis for the types of eligible customers described in this Section.

(A) The owner or operator shall, on a monthly basis, provide to the electric utility the kilowatthours of generation attributable to each of the utility's retail customers and subscribers participating in projects under this subsection (l) in accordance with the customer's or subscriber's share of the eligible renewable electric generating facility's or community renewable generation project's output of power and energy for such month. The owner or operator shall electronically transmit such calculations and associated documentation to the electric utility, in a format or method set forth in the applicable tariff, on a monthly basis so that the electric utility can reflect the monetary credits on customers' and subscribers' electric utility bills. The electric utility shall be permitted to revise its tariffs to implement the provisions of this amendatory Act of the 99th General Assembly. The owner or operator shall separately provide the electric utility with the documentation detailing the calculations supporting the credit in the manner set forth in the applicable tariff.

(B) For those participating customers and subscribers who receive their energy supply from an alternative retail electric supplier, the electric utility shall remit to the applicable alternative retail electric supplier

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the information provided under subparagraph (A) of this paragraph (3) for such customers and subscribers in a manner set forth in such alternative retail electric supplier's net metering program, or as otherwise agreed between the utility and the alternative retail electric supplier. The alternative retail electric supplier shall then submit to the utility the amount of the charges for power and energy to be applied to such customers and subscribers, including the amount of the credit associated with net metering.

(C) A participating customer or subscriber may provide authorization as required by applicable law that directs the electric utility to submit information to the owner or operator of the eligible renewable electrical generating facility or community renewable generation project to which the customer or subscriber has an ownership or leasehold interest or a subscription. Such information shall be limited to the components of the net metering credit calculated under this subsection (l), including the bill credit rate, total kilowatthours, and total monetary credit value applied to the customer's or subscriber's bill for the monthly billing period.

(l-5) Within 90 days after the effective date of this amendatory Act of the 99th General Assembly, each electric utility subject to this Section shall file a tariff to implement the provisions of subsection (l) of this Section, which shall, consistent with the provisions of subsection (l), describe the terms and conditions under which owners or operators of qualifying properties, units, or apartments may participate in net metering. The Commission shall approve, or approve with modification, the tariff within 120 days after the effective date of this amendatory Act of the 99th General Assembly.

(m) Nothing in this Section shall affect the right of an electricity provider to continue to provide, or the right of a retail customer to continue to receive service pursuant to a contract for electric service between the electricity provider and the retail customer in accordance with the prices, terms, and conditions provided for in that contract. Either the electricity provider or the customer may require compliance with the prices, terms, and conditions of the contract.
(n) At such time, if any, that the load of the electricity provider's net metering customers equals 5% of the total peak demand supplied by that electricity provider during the previous year, as specified in subsection (j) of this Section, the net metering services described in subsections (d), (d-5), (e), (e-5), and (f) of this Section shall no longer be offered, except as to those retail customers that are receiving net metering service under these subsections at the time the net metering services under those subsections are no longer offered. Those retail customers that begin taking net metering service after the date that net metering services are no longer offered under such subsections shall be subject to the provisions set forth in the following paragraphs (1) through (3) of this subsection (n):

(1) An electricity provider shall charge or credit for the net electricity supplied to eligible customers or provided by eligible customers whose electric supply service is not provided based on hourly pricing in the following manner:

(A) If the amount of electricity used by the customer during the billing period exceeds the amount of electricity produced by the customer, then the electricity provider shall charge the customer for the net kilowatt-hour based electricity charges reflected in the customer's electric service rate supplied to and used by the customer as provided in paragraph (3) of this subsection (n).

(B) If the amount of electricity produced by a customer during the billing period exceeds the amount of electricity used by the customer during that billing period, then the electricity provider supplying that customer shall apply a 1:1 kilowatt-hour energy credit that reflects the kilowatt-hour based energy charges in the customer's electric service rate to a subsequent bill for service to the customer for the net electricity supplied to the electricity provider. The electricity provider shall continue to carry over any excess kilowatt-hour energy credits earned and apply those credits to subsequent billing periods to offset any customer-generator consumption in those billing periods until all credits are used or until the end of the annualized period.

(C) At the end of the year or annualized over the period that service is supplied by means of net metering, or in the event that the retail customer terminates service with
the electricity provider prior to the end of the year or the annualized period, any remaining credits in the customer's account shall expire.

(2) An electricity provider shall charge or credit for the net electricity supplied to eligible customers or provided by eligible customers whose electric supply service is provided based on hourly pricing in the following manner:

(A) If the amount of electricity used by the customer during any hourly period exceeds the amount of electricity produced by the customer, then the electricity provider shall charge the customer for the net electricity supplied to and used by the customer as provided in paragraph (3) of this subsection (n).

(B) If the amount of electricity produced by a customer during any hourly period exceeds the amount of electricity used by the customer during that hourly period, the energy provider shall calculate an energy credit for the net kilowatt-hours produced in such period. The value of the energy credit shall be calculated using the same price per kilowatt-hour as the electric service provider would charge for kilowatt-hour energy sales during that same hourly period.

(3) An electricity provider shall provide electric service to eligible customers who utilize net metering at non-discriminatory rates that are identical, with respect to rate structure, retail rate components, and any monthly charges, to the rates that the customer would be charged if not a net metering customer. An electricity provider shall charge the customer for the net electricity supplied to and used by the customer according to the terms of the contract or tariff to which the same customer would be assigned or be eligible for if the customer was not a net metering customer. An electricity provider shall not charge net metering customers any fee or charge or require additional equipment, insurance, or any other requirements not specifically authorized by interconnection standards authorized by the Commission, unless the fee, charge, or other requirement would apply to other similarly situated customers who are not net metering customers. The charge or credit that the customer receives for net electricity shall be at a rate equal to the customer's energy supply rate. The customer

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remains responsible for the gross amount of delivery services charges, supply-related charges that are kilowatt based, and all taxes and fees related to such charges. The customer also remains responsible for all taxes and fees that would otherwise be applicable to the net amount of electricity used by the customer. Paragraphs (1) and (2) of this subsection (n) shall not be construed to prevent an arms-length agreement between an electricity provider and an eligible customer that sets forth different prices, terms, and conditions for the provision of net metering service, including, but not limited to, the provision of the appropriate metering equipment for non-residential customers. Nothing in this paragraph (3) shall be interpreted to mandate that a utility that is only required to provide delivery services to a given customer must also sell electricity to such customer.

(Source: P.A. 97-616, eff. 10-26-11; 97-646, eff. 12-30-11; 97-824, eff. 7-18-12.)

(220 ILCS 5/16-107.6 new)
Sec. 16-107.6. Distributed generation rebate.
(a) In this Section:
"Smart inverter" means a device that converts direct current into alternating current and can autonomously contribute to grid support during excursions from normal operating voltage and frequency conditions by providing each of the following: dynamic reactive and real power support, voltage and frequency ride-through, ramp rate controls, communication systems with ability to accept external commands, and other functions from the electric utility.
"Subscriber" has the meaning set forth in Section 1-10 of the Illinois Power Agency Act.
"Subscription" has the meaning set forth in Section 1-10 of the Illinois Power Agency Act.
"Threshold date" means the date on which the load of an electricity provider's net metering customers equals 5% of the total peak demand supplied by that electricity provider during the previous year, as specified under subsection (f) of Section 16-107.5 of this Act.
(b) An electric utility that serves more than 200,000 customers in the State shall file a petition with the Commission requesting approval of the utility's tariff to provide a rebate to a retail customer who owns or operates distributed generation that meets the following criteria:

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(1) has a nameplate generating capacity no greater than 2,000 kilowatts and is primarily used to offset that customer's electricity load;

(2) is located on the customer's premises, for the customer's own use, and not for commercial use or sales, including, but not limited to, wholesale sales of electric power and energy;

(3) is located in the electric utility's service territory; and

(4) is interconnected under rules adopted by the Commission by means of the inverter or smart inverter required by this Section, as applicable.

For purposes of this Section, "distributed generation" shall satisfy the definition of distributed renewable energy generation device set forth in Section 1-10 of the Illinois Power Agency Act to the extent such definition is consistent with the requirements of this Section.

In addition, any new photovoltaic distributed generation that is installed after the effective date of this amendatory Act of the 99th General Assembly must be installed by a qualified person, as defined by subsection (i) of Section 1-56 of the Illinois Power Agency Act.

The tariff shall provide that the utility shall be permitted to operate and control the smart inverter associated with the distributed generation that is the subject of the rebate for the purpose of preserving reliability during distribution system reliability events and shall address the terms and conditions of the operation and the compensation associated with the operation. Nothing in this Section shall negate or supersede Institute of Electrical and Electronics Engineers interconnection requirements or standards or other similar standards or requirements. The tariff shall also provide for additional uses of the smart inverter that shall be separately compensated and which may include, but are not limited to, voltage and VAR support, regulation, and other grid services. As part of the proceeding described in subsection (e) of this Section, the Commission shall review and determine whether smart inverters can provide any additional uses or services. If the Commission determines that an additional use or service would be beneficial, the Commission shall determine the terms and conditions of the operation and how the use or service should be separately compensated.

(c) The proposed tariff authorized by subsection (b) of this Section shall include the following participation terms and formulae to calculate the value of the rebates to be applied under this Section for distributed

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generation that satisfies the criteria set forth in subsection (b) of this Section:

(1) Until the utility files its tariff or tariffs to place into effect the rebate values established by the Commission under subsection (e) of this Section, non-residential customers that are taking service under a net metering program offered by an electricity provider under the terms of Section 16-107.5 of this Act may apply for a rebate as provided for in this Section. The value of the rebate shall be $250 per kilowatt of nameplate generating capacity, measured as nominal DC power output, of a non-residential customer's distributed generation.

(2) After the utility's tariff or tariffs setting the new rebate values established under subsection (d) of this Section take effect, retail customers may, as applicable, make the following elections:

(A) Residential customers that are taking service under a net metering program offered by an electricity provider under the terms of Section 16-107.5 of this Act on the threshold date may elect to either continue to take such service under the terms of such program as in effect on such threshold date for the useful life of the customer's eligible renewable electric generating facility as defined in such Section, or file an application to receive a rebate under the terms of this Section, provided that such application must be submitted within 6 months after the effective date of the tariff approved under subsection (d) of this Section. The value of the rebate shall be the amount established by the Commission and reflected in the utility's tariff pursuant to subsection (e) of this Section.

(B) Non-residential customers that are taking service under a net metering program offered by an electricity provider under the terms of Section 16-107.5 of this Act on the threshold date may apply for a rebate as provided for in this Section. The value of the rebate shall be the amount established by the Commission and reflected in the utility's tariff pursuant to subsection (e) of this Section.

(3) Upon approval of a rebate application submitted under this subsection (c), the retail customer shall no longer be entitled to receive any delivery service credits for the excess electricity

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generated by its facility and shall be subject to the provisions of subsection (n) of Section 16-107.5 of this Act.

(4) To be eligible for a rebate described in this subsection (c), customers who begin taking service after the effective date of this amendatory Act of the 99th General Assembly under a net metering program offered by an electricity provider under the terms of Section 16-107.5 of this Act must have a smart inverter associated with the customer's distributed generation.

(d) The Commission shall review the proposed tariff submitted under subsections (b) and (c) of this Section and may make changes to the tariff that are consistent with this Section and with the Commission's authority under Article IX of this Act, subject to notice and hearing. Following notice and hearing, the Commission shall issue an order approving, or approving with modification, such tariff no later than 240 days after the utility files its tariff.

(e) When the total generating capacity of the electricity provider’s net metering customers is equal to 3%, the Commission shall open an investigation into an annual process and formula for calculating the value of rebates for the retail customers described in subsections (b) and (f) of this Section that submit rebate applications after the threshold date for an electric utility that elected to file a tariff pursuant to this Section. The investigation shall include diverse sets of stakeholders, calculations for valuing distributed energy resource benefits to the grid based on best practices, and assessments of present and future technological capabilities of distributed energy resources. The value of such rebates shall reflect the value of the distributed generation to the distribution system at the location at which it is interconnected, taking into account the geographic, time-based, and performance-based benefits, as well as technological capabilities and present and future grid needs. No later than 10 days after the Commission enters its final order under this subsection (e), the utility shall file its tariff or tariffs in compliance with the order, and the Commission shall approve, or approve with modification, the tariff or tariffs within 45 days after the utility's filing. For those rebate applications filed after the threshold date but before the utility's tariff or tariffs filed pursuant to this subsection (e) take effect, the value of the rebate shall remain at the value established in subsection (c) of this Section until the tariff is approved.

(f) Notwithstanding any provision of this Act to the contrary, the owner, developer, or subscriber of a generation facility that is part of a
net metering program provided under subsection (l) of Section 16-107.5 shall also be eligible to apply for the rebate described in this Section. A subscriber to the generation facility may apply for a rebate in the amount of the subscriber's subscription only if the owner, developer, or previous subscriber to the same panel or panels has not already submitted an application, and, regardless of whether the subscriber is a residential or non-residential customer, may be allowed the amount identified in paragraph (1) of subsection (c) or in subsection (e) of this Section applicable to such customer on the date that the application is submitted. An application for a rebate for a portion of a project described in this subsection (f) may be submitted at or after the time that a related request for net metering is made.

(g) No later than 60 days after the utility receives an application for a rebate under its tariff approved under subsection (d) or (e) of this Section, the utility shall issue a rebate to the applicant under the terms of the tariff. In the event the application is incomplete or the utility is otherwise unable to calculate the payment based on the information provided by the owner, the utility shall issue the payment no later than 60 days after the application is complete or all requested information is received.

(h) An electric utility shall recover from its retail customers all of the costs of the rebates made under a tariff or tariffs placed into effect under this Section, including, but not limited to, the value of the rebates and all costs incurred by the utility to comply with and implement this Section, consistent with the following provisions:

(1) The utility shall defer the full amount of its costs incurred under this Section as a regulatory asset. The total costs deferred as a regulatory asset shall be amortized over a 15-year period. The unamortized balance shall be recognized as of December 31 for a given year. The utility shall also earn a return on the total of the unamortized balance of the regulatory assets, less any deferred taxes related to the unamortized balance, at an annual rate equal to the utility's weighted average cost of capital that includes, based on a year-end capital structure, the utility's actual cost of debt for the applicable calendar year and a cost of equity, which shall be calculated as the sum of (i) the average for the applicable calendar year of the monthly average yields of 30-year U.S. Treasury bonds published by the Board of Governors of the Federal Reserve System in its weekly H.15 Statistical Release
or successor publication; and (ii) 580 basis points, including a revenue conversion factor calculated to recover or refund all additional income taxes that may be payable or receivable as a result of that return.

When an electric utility creates a regulatory asset under the provisions of this Section, the costs are recovered over a period during which customers also receive a benefit, which is in the public interest. Accordingly, it is the intent of the General Assembly that an electric utility that elects to create a regulatory asset under the provisions of this Section shall recover all of the associated costs, including, but not limited to, its cost of capital as set forth in this Section. After the Commission has approved the prudence and reasonableness of the costs that comprise the regulatory asset, the electric utility shall be permitted to recover all such costs, and the value and recoverability through rates of the associated regulatory asset shall not be limited, altered, impaired, or reduced. To enable the financing of the incremental capital expenditures, including regulatory assets, for electric utilities that serve less than 3,000,000 retail customers but more than 500,000 retail customers in the State, the utility's actual year-end capital structure that includes a common equity ratio, excluding goodwill, of up to and including 50% of the total capital structure shall be deemed reasonable and used to set rates.

(2) The utility, at its election, may recover all of the costs it incurs under this Section as part of a filing for a general increase in rates under Article IX of this Act, as part of an annual filing to update a performance-based formula rate under subsection (d) of Section 16-108.5 of this Act, or through an automatic adjustment clause tariff, provided that nothing in this paragraph (2) permits the double recovery of such costs from customers. If the utility elects to recover the costs it incurs under this Section through an automatic adjustment clause tariff, the utility may file its proposed tariff together with the tariff it files under subsection (b) of this Section or at a later time. The proposed tariff shall provide for an annual reconciliation, less any deferred taxes related to the reconciliation, with interest at an annual rate of return equal to the utility's weighted average cost of capital as calculated under paragraph (1) of this subsection (h), including a revenue conversion factor calculated to recover or refund all additional

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income taxes that may be payable or receivable as a result of that return, of the revenue requirement reflected in rates for each calendar year, beginning with the calendar year in which the utility files its automatic adjustment clause tariff under this subsection (h), with what the revenue requirement would have been had the actual cost information for the applicable calendar year been available at the filing date. The Commission shall review the proposed tariff and may make changes to the tariff that are consistent with this Section and with the Commission's authority under Article IX of this Act, subject to notice and hearing. Following notice and hearing, the Commission shall issue an order approving, or approving with modification, such tariff no later than 240 days after the utility files its tariff.

(i) No later than 90 days after the Commission enters an order, or order on rehearing, whichever is later, approving an electric utility's proposed tariff under subsection (d) of this Section, the electric utility shall provide notice of the availability of rebates under this Section. Subsequent to the utility's notice, any entity that offers in the State, for sale or lease, distributed generation and estimates the dollar saving attributable to such distributed generation shall provide estimates based on both delivery service credits and the rebates available under this Section.

(220 ILCS 5/16-108)
Sec. 16-108. Recovery of costs associated with the provision of delivery and other services.

(a) An electric utility shall file a delivery services tariff with the Commission at least 210 days prior to the date that it is required to begin offering such services pursuant to this Act. An electric utility shall provide the components of delivery services that are subject to the jurisdiction of the Federal Energy Regulatory Commission at the same prices, terms and conditions set forth in its applicable tariff as approved or allowed into effect by that Commission. The Commission shall otherwise have the authority pursuant to Article IX to review, approve, and modify the prices, terms and conditions of those components of delivery services not subject to the jurisdiction of the Federal Energy Regulatory Commission, including the authority to determine the extent to which such delivery services should be offered on an unbundled basis. In making any such determination the Commission shall consider, at a minimum, the effect of additional unbundling on (i) the objective of just and reasonable rates, (ii)
electric utility employees, and (iii) the development of competitive markets for electric energy services in Illinois.

(b) The Commission shall enter an order approving, or approving as modified, the delivery services tariff no later than 30 days prior to the date on which the electric utility must commence offering such services. The Commission may subsequently modify such tariff pursuant to this Act.

(c) The electric utility's tariffs shall define the classes of its customers for purposes of delivery services charges. Delivery services shall be priced and made available to all retail customers electing delivery services in each such class on a nondiscriminatory basis regardless of whether the retail customer chooses the electric utility, an affiliate of the electric utility, or another entity as its supplier of electric power and energy. Charges for delivery services shall be cost based, and shall allow the electric utility to recover the costs of providing delivery services through its charges to its delivery service customers that use the facilities and services associated with such costs. Such costs shall include the costs of owning, operating and maintaining transmission and distribution facilities. The Commission shall also be authorized to consider whether, and if so to what extent, the following costs are appropriately included in the electric utility's delivery services rates: (i) the costs of that portion of generation facilities used for the production and absorption of reactive power in order that retail customers located in the electric utility's service area can receive electric power and energy from suppliers other than the electric utility, and (ii) the costs associated with the use and redispach of generation facilities to mitigate constraints on the transmission or distribution system in order that retail customers located in the electric utility's service area can receive electric power and energy from suppliers other than the electric utility. Nothing in this subsection shall be construed as directing the Commission to allocate any of the costs described in (i) or (ii) that are found to be appropriately included in the electric utility's delivery services rates to any particular customer group or geographic area in setting delivery services rates.

(d) The Commission shall establish charges, terms and conditions for delivery services that are just and reasonable and shall take into account customer impacts when establishing such charges. In establishing charges, terms and conditions for delivery services, the Commission shall take into account voltage level differences. A retail customer shall have the option to request to purchase electric service at any delivery service

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voltage reasonably and technically feasible from the electric facilities
serving that customer's premises provided that there are no significant
adverse impacts upon system reliability or system efficiency. A retail
customer shall also have the option to request to purchase electric service
at any point of delivery that is reasonably and technically feasible provided
that there are no significant adverse impacts on system reliability or
efficiency. Such requests shall not be unreasonably denied.

(e) Electric utilities shall recover the costs of installing, operating
or maintaining facilities for the particular benefit of one or more delivery
services customers, including without limitation any costs incurred in
complying with a customer's request to be served at a different voltage
level, directly from the retail customer or customers for whose benefit the
costs were incurred, to the extent such costs are not recovered through the
charges referred to in subsections (c) and (d) of this Section.

(f) An electric utility shall be entitled but not required to
implement transition charges in conjunction with the offering of delivery
services pursuant to Section 16-104. If an electric utility implements
transition charges, it shall implement such charges for all delivery services
customers and for all customers described in subsection (h), but shall not
implement transition charges for power and energy that a retail customer
takes from cogeneration or self-generation facilities located on that retail
customer's premises, if such facilities meet the following criteria:

(i) the cogeneration or self-generation facilities serve a
single retail customer and are located on that retail customer's
premises (for purposes of this subparagraph and subparagraph (ii),
an industrial or manufacturing retail customer and a third party
contractor that is served by such industrial or manufacturing
customer through such retail customer's own electrical distribution
facilities under the circumstances described in subsection (vi) of
the definition of "alternative retail electric supplier" set forth in
Section 16-102, shall be considered a single retail customer);

(ii) the cogeneration or self-generation facilities either (A)
are sized pursuant to generally accepted engineering standards for
the retail customer's electrical load at that premises (taking into
account standby or other reliability considerations related to that
retail customer's operations at that site) or (B) if the facility is a
cogeneration facility located on the retail customer's premises, the
retail customer is the thermal host for that facility and the facility
has been designed to meet that retail customer's thermal energy

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requirements resulting in electrical output beyond that retail customer's electrical demand at that premises, comply with the operating and efficiency standards applicable to "qualifying facilities" specified in title 18 Code of Federal Regulations Section 292.205 as in effect on the effective date of this amendatory Act of 1999;

(iii) the retail customer on whose premises the facilities are located either has an exclusive right to receive, and corresponding obligation to pay for, all of the electrical capacity of the facility, or in the case of a cogeneration facility that has been designed to meet the retail customer's thermal energy requirements at that premises, an identified amount of the electrical capacity of the facility, over a minimum 5-year period; and

(iv) if the cogeneration facility is sized for the retail customer's thermal load at that premises but exceeds the electrical load, any sales of excess power or energy are made only at wholesale, are subject to the jurisdiction of the Federal Energy Regulatory Commission, and are not for the purpose of circumventing the provisions of this subsection (f).

If a generation facility located at a retail customer's premises does not meet the above criteria, an electric utility implementing transition charges shall implement a transition charge until December 31, 2006 for any power and energy taken by such retail customer from such facility as if such power and energy had been delivered by the electric utility. Provided, however, that an industrial retail customer that is taking power from a generation facility that does not meet the above criteria but that is located on such customer's premises will not be subject to a transition charge for the power and energy taken by such retail customer from such generation facility if the facility does not serve any other retail customer and either was installed on behalf of the customer and for its own use prior to January 1, 1997, or is both predominantly fueled by byproducts of such customer's manufacturing process at such premises and sells or offers an average of 300 megawatts or more of electricity produced from such generation facility into the wholesale market. Such charges shall be calculated as provided in Section 16-102, and shall be collected on each kilowatt-hour delivered under a delivery services tariff to a retail customer from the date the customer first takes delivery services until December 31, 2006 except as provided in subsection (h) of this Section. Provided, however, that an electric utility, other than an electric utility providing service to at least

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1,000,000 customers in this State on January 1, 1999, shall be entitled to petition for entry of an order by the Commission authorizing the electric utility to implement transition charges for an additional period ending no later than December 31, 2008. The electric utility shall file its petition with supporting evidence no earlier than 16 months, and no later than 12 months, prior to December 31, 2006. The Commission shall hold a hearing on the electric utility's petition and shall enter its order no later than 8 months after the petition is filed. The Commission shall determine whether and to what extent the electric utility shall be authorized to implement transition charges for an additional period. The Commission may authorize the electric utility to implement transition charges for some or all of the additional period, and shall determine the mitigation factors to be used in implementing such transition charges; provided, that the Commission shall not authorize mitigation factors less than 110% of those in effect during the 12 months ended December 31, 2006. In making its determination, the Commission shall consider the following factors: the necessity to implement transition charges for an additional period in order to maintain the financial integrity of the electric utility; the prudence of the electric utility's actions in reducing its costs since the effective date of this amendatory Act of 1997; the ability of the electric utility to provide safe, adequate and reliable service to retail customers in its service area; and the impact on competition of allowing the electric utility to implement transition charges for the additional period.

(g) The electric utility shall file tariffs that establish the transition charges to be paid by each class of customers to the electric utility in conjunction with the provision of delivery services. The electric utility's tariffs shall define the classes of its customers for purposes of calculating transition charges. The electric utility's tariffs shall provide for the calculation of transition charges on a customer-specific basis for any retail customer whose average monthly maximum electrical demand on the electric utility's system during the 6 months with the customer's highest monthly maximum electrical demand equals or exceeds 3.0 megawatts for electric utilities having more than 1,000,000 customers, and for other electric utilities for any customer that has an average monthly maximum electrical demand on the electric utility's system of one megawatt or more, and (A) for which there exists data on the customer's usage during the 3 years preceding the date that the customer became eligible to take delivery services, or (B) for which there does not exist data on the customer's usage during the 3 years preceding the date that the customer became eligible to

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take delivery services, if in the electric utility's reasonable judgment there exists comparable usage information or a sufficient basis to develop such information, and further provided that the electric utility can require customers for which an individual calculation is made to sign contracts that set forth the transition charges to be paid by the customer to the electric utility pursuant to the tariff.

(h) An electric utility shall also be entitled to file tariffs that allow it to collect transition charges from retail customers in the electric utility's service area that do not take delivery services but that take electric power or energy from an alternative retail electric supplier or from an electric utility other than the electric utility in whose service area the customer is located. Such charges shall be calculated, in accordance with the definition of transition charges in Section 16-102, for the period of time that the customer would be obligated to pay transition charges if it were taking delivery services, except that no deduction for delivery services revenues shall be made in such calculation, and usage data from the customer's class shall be used where historical usage data is not available for the individual customer. The customer shall be obligated to pay such charges on a lump sum basis on or before the date on which the customer commences to take service from the alternative retail electric supplier or other electric utility, provided, that the electric utility in whose service area the customer is located shall offer the customer the option of signing a contract pursuant to which the customer pays such charges ratably over the period in which the charges would otherwise have applied.

(i) An electric utility shall be entitled to add to the bills of delivery services customers charges pursuant to Sections 9-221, 9-222 (except as provided in Section 9-222.1), and Section 16-114 of this Act, Section 5-5 of the Electricity Infrastructure Maintenance Fee Law, Section 6-5 of the Renewable Energy, Energy Efficiency, and Coal Resources Development Law of 1997, and Section 13 of the Energy Assistance Act.

(j) If a retail customer that obtains electric power and energy from cogeneration or self-generation facilities installed for its own use on or before January 1, 1997, subsequently takes service from an alternative retail electric supplier or an electric utility other than the electric utility in whose service area the customer is located for any portion of the customer's electric power and energy requirements formerly obtained from those facilities (including that amount purchased from the utility in lieu of such generation and not as standby power purchases, under a cogeneration displacement tariff in effect as of the effective date of this amendatory Act

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of 1997), the transition charges otherwise applicable pursuant to subsections (f), (g), or (h) of this Section shall not be applicable in any year to that portion of the customer's electric power and energy requirements formerly obtained from those facilities, provided, that for purposes of this subsection (j), such portion shall not exceed the average number of kilowatt-hours per year obtained from the cogeneration or self-generation facilities during the 3 years prior to the date on which the customer became eligible for delivery services, except as provided in subsection (f) of Section 16-110.

(k) The electric utility shall be entitled to recover through tariffed charges all of the costs associated with the purchase of zero emission credits from zero emission facilities to meet the requirements of subsection (d-5) of Section 1-75 of the Illinois Power Agency Act. Such costs shall include the costs of procuring the zero emission credits, as well as the reasonable costs that the utility incurs as part of the procurement processes and to implement and comply with plans and processes approved by the Commission under such subsection (d-5). The costs shall be allocated across all retail customers through a single, uniform cents per kilowatt-hour charge applicable to all retail customers, which shall appear as a separate line item on each customer's bill. Beginning June 1, 2017, the electric utility shall be entitled to recover through tariffed charges all of the costs associated with the purchase of renewable energy resources to meet the renewable energy resource standards of subsection (c) of Section 1-75 of the Illinois Power Agency Act, under procurement plans as approved in accordance with that Section and Section 16-111.5 of this Act. Such costs shall include the costs of procuring the renewable energy resources, as well as the reasonable costs that the utility incurs as part of the procurement processes and to implement and comply with plans and processes approved by the Commission under such Sections. The costs associated with the purchase of renewable energy resources shall be allocated across all retail customers in proportion to the amount of renewable energy resources the utility procures for such customers through a single, uniform cents per kilowatt-hour charge applicable to such retail customers, which shall appear as a separate line item on each such customer's bill.

Notwithstanding whether the Commission has approved the initial long-term renewable resources procurement plan as of June 1, 2017, an electric utility shall place new tariffed charges into effect beginning with the June 2017 monthly billing period, to the extent practicable, to begin

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recovering the costs of procuring renewable energy resources, as those charges are calculated under the limitations described in subparagraph (E) of paragraph (1) of subsection (c) of Section 1-75 of the Illinois Power Agency Act. Notwithstanding the date on which the utility places such new tariffed charges into effect, the utility shall be permitted to collect the charges under such tariff as if the tariff had been in effect beginning with the first day of the June 2017 monthly billing period. For the delivery years commencing June 1, 2017, June 1, 2018, and June 1, 2019, the electric utility shall deposit into a separate interest bearing account of a financial institution the monies collected under the tariffed charges. Any interest earned shall be credited back to retail customers under the reconciliation proceeding provided for in this subsection (k), provided that the electric utility shall first be reimbursed from the interest for the administrative costs that it incurs to administer and manage the account. Any taxes due on the funds in the account, or interest earned on it, will be paid from the account or, if insufficient monies are available in the account, from the monies collected under the tariffed charges to recover the costs of procuring renewable energy resources. Monies deposited in the account shall be subject to the review, reconciliation, and true-up process described in this subsection (k) that is applicable to the funds collected and costs incurred for the procurement of renewable energy resources.

The electric utility shall be entitled to recover all of the costs identified in this subsection (k) through automatic adjustment clause tariffs applicable to all of the utility’s retail customers that allow the electric utility to adjust its tariffed charges consistent with this subsection (k). The determination as to whether any excess funds were collected during a given delivery year for the purchase of renewable energy resources, and the crediting of any excess funds back to retail customers, shall not be made until after the close of the delivery year, which will ensure that the maximum amount of funds is available to implement the approved long-term renewable resources procurement plan during a given delivery year. The electric utility's collections under such automatic adjustment clause tariffs to recover the costs of renewable energy resources and zero emission credits from zero emission facilities shall be subject to separate annual review, reconciliation, and true-up against actual costs by the Commission under a procedure that shall be specified in the electric utility's automatic adjustment clause tariffs and that shall be approved by the Commission in connection with its approval of such

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tariffs. The procedure shall provide that any difference between the electric utility's collections under the automatic adjustment charges for an annual period and the electric utility's actual costs of renewable energy resources and zero emission credits from zero emission facilities for that same annual period shall be refunded to or collected from, as applicable, the electric utility's retail customers in subsequent periods.

Nothing in this subsection (k) is intended to affect, limit, or change the right of the electric utility to recover the costs associated with the procurement of renewable energy resources for periods commencing before, on, or after June 1, 2017, as otherwise provided in the Illinois Power Agency Act.

Notwithstanding anything to the contrary, the Commission shall not conduct an annual review, reconciliation, and true-up associated with renewable energy resources' collections and costs for the delivery years commencing June 1, 2017, June 1, 2018, June 1, 2019, and June 1, 2020, and shall instead conduct a single review, reconciliation, and true-up associated with renewable energy resources' collections and costs for the 4-year period beginning June 1, 2017 and ending May 31, 2021, provided that the review, reconciliation, and true-up shall not be initiated until after August 31, 2021. During the 4-year period, the utility shall be permitted to collect and retain funds under this subsection (k) and to purchase renewable energy resources under an approved long-term renewable resources procurement plan using those funds regardless of the delivery year in which the funds were collected during the 4-year period.

If the amount of funds collected during the delivery year commencing June 1, 2017, exceeds the costs incurred during that delivery year, then up to half of this excess amount, as calculated on June 1, 2018, may be used to fund the programs under subsection (b) of Section 1-56 of the Illinois Power Agency Act in the same proportion the programs are funded under that subsection (b). However, any amount identified under this subsection (k) to fund programs under subsection (b) of Section 1-56 of the Illinois Power Agency Act shall be reduced if it exceeds the funding shortfall. For purposes of this Section, "funding shortfall" means the difference between $200,000,000 and the amount appropriated by the General Assembly to the Illinois Power Agency Renewable Energy Resources Fund during the period that commences on the effective date of this amendatory act of the 99th General Assembly and ends on August 1, 2018.
If the amount of funds collected during the delivery year commencing June 1, 2018, exceeds the costs incurred during that delivery year, then up to half of this excess amount, as calculated on June 1, 2019, may be used to fund the programs under subsection (b) of Section 1-56 of the Illinois Power Agency Act in the same proportion the programs are funded under that subsection (b). However, any amount identified under this subsection (k) to fund programs under subsection (b) of Section 1-56 of the Illinois Power Agency Act shall be reduced if it exceeds the funding shortfall.

If the amount of funds collected during the delivery year commencing June 1, 2019, exceeds the costs incurred during that delivery year, then up to half of this excess amount, as calculated on June 1, 2020, may be used to fund the programs under subsection (b) of Section 1-56 of the Illinois Power Agency Act in the same proportion the programs are funded under that subsection (b). However, any amount identified under this subsection (k) to fund programs under subsection (b) of Section 1-56 of the Illinois Power Agency Act shall be reduced if it exceeds the funding shortfall.

The funding available under this subsection (k), if any, for the programs described under subsection (b) of Section 1-56 of the Illinois Power Agency Act shall not reduce the amount of funding for the programs described in subparagraph (O) of paragraph (1) of subsection (c) of Section 1-75 of the Illinois Power Agency Act. If funding is available under this subsection (k) for programs described under subsection (b) of Section 1-56 of the Illinois Power Agency Act, then the long-term renewable resources plan shall provide for the Agency to procure contracts in an amount that does not exceed the funding, and the contracts approved by the Commission shall be executed by the applicable utility or utilities.

(l) A utility that has terminated any contract executed under subsection (d-5) of Section 1-75 of the Illinois Power Agency Act shall be entitled to recover any remaining balance associated with the purchase of zero emission credits prior to such termination, and such utility shall also apply a credit to its retail customer bills in the event of any over-collection.

(m)(1) An electric utility that recovers its costs of procuring zero emission credits from zero emission facilities through a cents-per-kilowatthour charge under to subsection (k) of this Section shall be subject to the requirements of this subsection (m).

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Notwithstanding anything to the contrary, such electric utility shall, beginning on April 30, 2018, and each April 30 thereafter until April 30, 2026, calculate whether any reduction must be applied to such cents-per-kilowatthour charge that is paid by retail customers of the electric utility that are exempt from subsections (a) through (j) of Section 8-103B of this Act under subsection (l) of Section 8-103B. Such charge shall be reduced for such customers for the next delivery year commencing on June 1 based on the amount necessary, if any, to limit the annual estimated average net increase for the prior calendar year due to the future energy investment costs to no more than 1.3% of 5.98 cents per kilowatthour, which is the average amount paid per kilowatthour for electric service during the year ending December 31, 2015 by Illinois industrial retail customers, as reported to the Edison Electric Institute.

The calculations required by this subsection (m) shall be made only once for each year, and no subsequent rate impact determinations shall be made.

(2) For purposes of this Section, "future energy investment costs" shall be calculated by subtracting the cents-per-kilowatthour charge identified in subparagraph (A) of this paragraph (2) from the sum of the cents-per-kilowatthour charges identified in subparagraph (B) of this paragraph (2):

(A) The cents-per-kilowatthour charge identified in the electric utility’s tariff placed into effect under Section 8-103 of the Public Utilities Act that, on December 1, 2016, was applicable to those retail customers that are exempt from subsections (a) through (j) of Section 8-103B of this Act under subsection (l) of Section 8-103B.

(B) The sum of the following cents-per-kilowatthour charges applicable to those retail customers that are exempt from subsections (a) through (j) of Section 8-103B of this Act under subsection (l) of Section 8-103B, provided that if one or more of the following charges has been in effect and applied to such customers for more than one calendar year, then each charge shall be equal to the average of the charges applied over a period that commences with the calendar year ending December 31, 2017 and ends with the most recently completed calendar
year prior to the calculation required by this subsection (m):

(i) the cents-per-kilowatthour charge to recover the costs incurred by the utility under subsection (d-5) of Section 1-75 of the Illinois Power Agency Act, adjusted for any reductions required under this subsection (m); and

(ii) the cents-per-kilowatthour charge to recover the costs incurred by the utility under Section 16-107.6 of the Public Utilities Act.

If no charge was applied for a given calendar year under item (i) or (ii) of this subparagraph (B), then the value of the charge for that year shall be zero.

(3) If a reduction is required by the calculation performed under this subsection (m), then the amount of the reduction shall be multiplied by the number of years reflected in the averages calculated under subparagraph (B) of paragraph (2) of this subsection (m). Such reduction shall be applied to the cents-per-kilowatthour charge that is applicable to those retail customers that are exempt from subsections (a) through (j) of Section 8-103B of this Act under subsection (l) of Section 8-103B beginning with the next delivery year commencing after the date of the calculation required by this subsection (m).

(4) The electric utility shall file a notice with the Commission on May 1 of 2018 and each May 1 thereafter until May 1, 2026 containing the reduction, if any, which must be applied for the delivery year which begins in the year of the filing. The notice shall contain the calculations made pursuant to this section. By October 1 of each year beginning in 2018, each electric utility shall notify the Commission if it appears, based on an estimate of the calculation required in this subsection (m), that a reduction will be required in the next year.

(Source: P.A. 91-50, eff. 6-30-99; 92-690, eff. 7-18-02.)

(220 ILCS 5/16-108.5)
Sec. 16-108.5. Infrastructure investment and modernization; regulatory reform.
(a) (Blank).
(b) For purposes of this Section, "participating utility" means an electric utility or a combination utility serving more than 1,000,000
customers in Illinois that voluntarily elects and commits to undertake (i) the infrastructure investment program consisting of the commitments and obligations described in this subsection (b) and (ii) the customer assistance program consisting of the commitments and obligations described in subsection (b-10) of this Section, notwithstanding any other provisions of this Act and without obtaining any approvals from the Commission or any other agency other than as set forth in this Section, regardless of whether any such approval would otherwise be required. "Combination utility" means a utility that, as of January 1, 2011, provided electric service to at least one million retail customers in Illinois and gas service to at least 500,000 retail customers in Illinois. A participating utility shall recover the expenditures made under the infrastructure investment program through the ratemaking process, including, but not limited to, the performance-based formula rate and process set forth in this Section.

During the infrastructure investment program's peak program year, a participating utility other than a combination utility shall create 2,000 full-time equivalent jobs in Illinois, and a participating utility that is a combination utility shall create 450 full-time equivalent jobs in Illinois related to the provision of electric service. These jobs shall include direct jobs, contractor positions, and induced jobs, but shall not include any portion of a job commitment, not specifically contingent on an amendatory Act of the 97th General Assembly becoming law, between a participating utility and a labor union that existed on December 30, 2011 (the effective date of Public Act 97-646) and that has not yet been fulfilled. A portion of the full-time equivalent jobs created by each participating utility shall include incremental personnel hired subsequent to December 30, 2011 (the effective date of Public Act 97-646). For purposes of this Section, "peak program year" means the consecutive 12-month period with the highest number of full-time equivalent jobs that occurs between the beginning of investment year 2 and the end of investment year 4.

A participating utility shall meet one of the following commitments, as applicable:

(1) Beginning no later than 180 days after a participating utility other than a combination utility files a performance-based formula rate tariff pursuant to subsection (c) of this Section, or, beginning no later than January 1, 2012 if such utility files such performance-based formula rate tariff within 14 days of October 26, 2011 (the effective date of Public Act 97-616), the participating utility shall, except as provided in subsection (b-5):

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(A) over a 5-year period, invest an estimated $1,300,000,000 in electric system upgrades, modernization projects, and training facilities, including, but not limited to:

(i) distribution infrastructure improvements totaling an estimated $1,000,000,000, including underground residential distribution cable injection and replacement and mainline cable system refurbishment and replacement projects;

(ii) training facility construction or upgrade projects totaling an estimated $10,000,000, provided that, at a minimum, one such facility shall be located in a municipality having a population of more than 2 million residents and one such facility shall be located in a municipality having a population of more than 150,000 residents but fewer than 170,000 residents; any such new facility located in a municipality having a population of more than 2 million residents must be designed for the purpose of obtaining, and the owner of the facility shall apply for, certification under the United States Green Building Council's Leadership in Energy Efficiency Design Green Building Rating System;

(iii) wood pole inspection, treatment, and replacement programs;

(iv) an estimated $200,000,000 for reducing the susceptibility of certain circuits to storm-related damage, including, but not limited to, high winds, thunderstorms, and ice storms; improvements may include, but are not limited to, overhead to underground conversion and other engineered outcomes for circuits; the participating utility shall prioritize the selection of circuits based on each circuit's historical susceptibility to storm-related damage and the ability to provide the greatest customer benefit upon completion of the improvements; to be eligible for improvement, the participating utility's ability to maintain proper tree
clearances surrounding the overhead circuit must not have been impeded by third parties; and
(B) over a 10-year period, invest an estimated $1,300,000,000 to upgrade and modernize its transmission and distribution infrastructure and in Smart Grid electric system upgrades, including, but not limited to:
   (i) additional smart meters;
   (ii) distribution automation;
   (iii) associated cyber secure data communication network; and
   (iv) substation micro-processor relay upgrades.

(2) Beginning no later than 180 days after a participating utility that is a combination utility files a performance-based formula rate tariff pursuant to subsection (c) of this Section, or, beginning no later than January 1, 2012 if such utility files such performance-based formula rate tariff within 14 days of October 26, 2011 (the effective date of Public Act 97-616), the participating utility shall, except as provided in subsection (b-5):
   (A) over a 10-year period, invest an estimated $265,000,000 in electric system upgrades, modernization projects, and training facilities, including, but not limited to:
       (i) distribution infrastructure improvements totaling an estimated $245,000,000, which may include bulk supply substations, transformers, reconductoring, and rebuilding overhead distribution and sub-transmission lines, underground residential distribution cable injection and replacement and mainline cable system refurbishment and replacement projects;
       (ii) training facility construction or upgrade projects totaling an estimated $1,000,000; any such new facility must be designed for the purpose of obtaining, and the owner of the facility shall apply for, certification under the United States Green Building Council's Leadership in Energy Efficiency Design Green Building Rating System; and
(iii) wood pole inspection, treatment, and replacement programs; and
(B) over a 10-year period, invest an estimated $360,000,000 to upgrade and modernize its transmission and distribution infrastructure and in Smart Grid electric system upgrades, including, but not limited to:
   (i) additional smart meters;
   (ii) distribution automation;
   (iii) associated cyber secure data communication network; and
   (iv) substation micro-processor relay upgrades.

For purposes of this Section, "Smart Grid electric system upgrades" shall have the meaning set forth in subsection (a) of Section 16-108.6 of this Act.

The investments in the infrastructure investment program described in this subsection (b) shall be incremental to the participating utility's annual capital investment program, as defined by, for purposes of this subsection (b), the participating utility's average capital spend for calendar years 2008, 2009, and 2010 as reported in the applicable Federal Energy Regulatory Commission (FERC) Form 1; provided that where one or more utilities have merged, the average capital spend shall be determined using the aggregate of the merged utilities' capital spend reported in FERC Form 1 for the years 2008, 2009, and 2010. A participating utility may add reasonable construction ramp-up and ramp-down time to the investment periods specified in this subsection (b). For each such investment period, the ramp-up and ramp-down time shall not exceed a total of 6 months.

Within 60 days after filing a tariff under subsection (c) of this Section, a participating utility shall submit to the Commission its plan, including scope, schedule, and staffing, for satisfying its infrastructure investment program commitments pursuant to this subsection (b). The submitted plan shall include a schedule and staffing plan for the next calendar year. The plan shall also include a plan for the creation, operation, and administration of a Smart Grid test bed as described in subsection (c) of Section 16-108.8. The plan need not allocate the work equally over the respective periods, but should allocate material increments throughout such periods commensurate with the work to be undertaken. No later than April 1 of each subsequent year, the utility shall

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submit to the Commission a report that includes any updates to the plan, a schedule for the next calendar year, the expenditures made for the prior calendar year and cumulatively, and the number of full-time equivalent jobs created for the prior calendar year and cumulatively. If the utility is materially deficient in satisfying a schedule or staffing plan, then the report must also include a corrective action plan to address the deficiency. The fact that the plan, implementation of the plan, or a schedule changes shall not imply the imprudence or unreasonableness of the infrastructure investment program, plan, or schedule. Further, no later than 45 days following the last day of the first, second, and third quarters of each year of the plan, a participating utility shall submit to the Commission a verified quarterly report for the prior quarter that includes (i) the total number of full-time equivalent jobs created during the prior quarter, (ii) the total number of employees as of the last day of the prior quarter, (iii) the total number of full-time equivalent hours in each job classification or job title, (iv) the total number of incremental employees and contractors in support of the investments undertaken pursuant to this subsection (b) for the prior quarter, and (v) any other information that the Commission may require by rule.

With respect to the participating utility's peak job commitment, if, after considering the utility's corrective action plan and compliance thereunder, the Commission enters an order finding, after notice and hearing, that a participating utility did not satisfy its peak job commitment described in this subsection (b) for reasons that are reasonably within its control, then the Commission shall also determine, after consideration of the evidence, including, but not limited to, evidence submitted by the Department of Commerce and Economic Opportunity and the utility, the deficiency in the number of full-time equivalent jobs during the peak program year due to such failure. The Commission shall notify the Department of any proceeding that is initiated pursuant to this paragraph. For each full-time equivalent job deficiency during the peak program year that the Commission finds as set forth in this paragraph, the participating utility shall, within 30 days after the entry of the Commission's order, pay $6,000 to a fund for training grants administered under Section 605-800 of the Department of Commerce and Economic Opportunity Law, which shall not be a recoverable expense.

With respect to the participating utility's investment amount commitments, if, after considering the utility's corrective action plan and compliance thereunder, the Commission enters an order finding, after
notice and hearing, that a participating utility is not satisfying its investment amount commitments described in this subsection (b), then the utility shall no longer be eligible to annually update the performance-based formula rate tariff pursuant to subsection (d) of this Section. In such event, the then current rates shall remain in effect until such time as new rates are set pursuant to Article IX of this Act, subject to retroactive adjustment, with interest, to reconcile rates charged with actual costs.

If the Commission finds that a participating utility is no longer eligible to update the performance-based formula rate tariff pursuant to subsection (d) of this Section, or the performance-based formula rate is otherwise terminated, then the participating utility's voluntary commitments and obligations under this subsection (b) shall immediately terminate, except for the utility's obligation to pay an amount already owed to the fund for training grants pursuant to a Commission order.

In meeting the obligations of this subsection (b), to the extent feasible and consistent with State and federal law, the investments under the infrastructure investment program should provide employment opportunities for all segments of the population and workforce, including minority-owned and female-owned business enterprises, and shall not, consistent with State and federal law, discriminate based on race or socioeconomic status.

(b-5) Nothing in this Section shall prohibit the Commission from investigating the prudence and reasonableness of the expenditures made under the infrastructure investment program during the annual review required by subsection (d) of this Section and shall, as part of such investigation, determine whether the utility's actual costs under the program are prudent and reasonable. The fact that a participating utility invests more than the minimum amounts specified in subsection (b) of this Section or its plan shall not imply imprudence or unreasonableness.

If the participating utility finds that it is implementing its plan for satisfying the infrastructure investment program commitments described in subsection (b) of this Section at a cost below the estimated amounts specified in subsection (b) of this Section, then the utility may file a petition with the Commission requesting that it be permitted to satisfy its commitments by spending less than the estimated amounts specified in subsection (b) of this Section. The Commission shall, after notice and hearing, enter its order approving, or approving as modified, or denying each such petition within 150 days after the filing of the petition.

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In no event, absent General Assembly approval, shall the capital investment costs incurred by a participating utility other than a combination utility in satisfying its infrastructure investment program commitments described in subsection (b) of this Section exceed $3,000,000,000 or, for a participating utility that is a combination utility, $720,000,000. If the participating utility's updated cost estimates for satisfying its infrastructure investment program commitments described in subsection (b) of this Section exceed the limitation imposed by this subsection (b-5), then it shall submit a report to the Commission that identifies the increased costs and explains the reason or reasons for the increased costs no later than the year in which the utility estimates it will exceed the limitation. The Commission shall review the report and shall, within 90 days after the participating utility files the report, report to the General Assembly its findings regarding the participating utility's report. If the General Assembly does not amend the limitation imposed by this subsection (b-5), then the utility may modify its plan so as not to exceed the limitation imposed by this subsection (b-5) and may propose corresponding changes to the metrics established pursuant to subparagraphs (5) through (8) of subsection (f) of this Section, and the Commission may modify the metrics and incremental savings goals established pursuant to subsection (f) of this Section accordingly.

(b-10) All participating utilities shall make contributions for an energy low-income and support program in accordance with this subsection. Beginning no later than 180 days after a participating utility files a performance-based formula rate tariff pursuant to subsection (c) of this Section, or beginning no later than January 1, 2012 if such utility files such performance-based formula rate tariff within 14 days of December 30, 2011 (the effective date of Public Act 97-646), and without obtaining any approvals from the Commission or any other agency other than as set forth in this Section, regardless of whether any such approval would otherwise be required, a participating utility other than a combination utility shall pay $10,000,000 per year for 5 years and a participating utility that is a combination utility shall pay $1,000,000 per year for 10 years to the energy low-income and support program, which is intended to fund customer assistance programs with the primary purpose being avoidance of imminent disconnection. Such programs may include:

(1) a residential hardship program that may partner with community-based organizations, including senior citizen organizations, and provides grants to low-income residential

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customers, including low-income senior citizens, who demonstrate a hardship;

(2) a program that provides grants and other bill payment concessions to veterans with disabilities who demonstrate a hardship and members of the armed services or reserve forces of the United States or members of the Illinois National Guard who are on active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor and who demonstrate a hardship;

(3) a budget assistance program that provides tools and education to low-income senior citizens to assist them with obtaining information regarding energy usage and effective means of managing energy costs;

(4) a non-residential special hardship program that provides grants to non-residential customers such as small businesses and non-profit organizations that demonstrate a hardship, including those providing services to senior citizen and low-income customers; and

(5) a performance-based assistance program that provides grants to encourage residential customers to make on-time payments by matching a portion of the customer's payments or providing credits towards arrearages.

The payments made by a participating utility pursuant to this subsection (b-10) shall not be a recoverable expense. A participating utility may elect to fund either new or existing customer assistance programs, including, but not limited to, those that are administered by the utility.

Programs that use funds that are provided by a participating utility to reduce utility bills may be implemented through tariffs that are filed with and reviewed by the Commission. If a utility elects to file tariffs with the Commission to implement all or a portion of the programs, those tariffs shall, regardless of the date actually filed, be deemed accepted and approved, and shall become effective on December 30, 2011 (the effective date of Public Act 97-646). The participating utilities whose customers benefit from the funds that are disbursed as contemplated in this Section shall file annual reports documenting the disbursement of those funds with the Commission. The Commission has the authority to audit disbursement of the funds to ensure they were disbursed consistently with this Section.

If the Commission finds that a participating utility is no longer eligible to update the performance-based formula rate tariff pursuant to
subsection (d) of this Section, or the performance-based formula rate is otherwise terminated, then the participating utility's voluntary commitments and obligations under this subsection (b-10) shall immediately terminate.

(c) A participating utility may elect to recover its delivery services costs through a performance-based formula rate approved by the Commission, which shall specify the cost components that form the basis of the rate charged to customers with sufficient specificity to operate in a standardized manner and be updated annually with transparent information that reflects the utility's actual costs to be recovered during the applicable rate year, which is the period beginning with the first billing day of January and extending through the last billing day of the following December. In the event the utility recovers a portion of its costs through automatic adjustment clause tariffs on October 26, 2011 (the effective date of Public Act 97-616), the utility may elect to continue to recover these costs through such tariffs, but then these costs shall not be recovered through the performance-based formula rate. In the event the participating utility, prior to December 30, 2011 (the effective date of Public Act 97-646), filed electric delivery services tariffs with the Commission pursuant to Section 9-201 of this Act that are related to the recovery of its electric delivery services costs that are still pending on December 30, 2011 (the effective date of Public Act 97-646), the participating utility shall, at the time it files its performance-based formula rate tariff with the Commission, also file a notice of withdrawal with the Commission to withdraw the electric delivery services tariffs previously filed pursuant to Section 9-201 of this Act. Upon receipt of such notice, the Commission shall dismiss with prejudice any docket that had been initiated to investigate the electric delivery services tariffs filed pursuant to Section 9-201 of this Act, and such tariffs and the record related thereto shall not be the subject of any further hearing, investigation, or proceeding of any kind related to rates for electric delivery services.

The performance-based formula rate shall be implemented through a tariff filed with the Commission consistent with the provisions of this subsection (c) that shall be applicable to all delivery services customers. The Commission shall initiate and conduct an investigation of the tariff in a manner consistent with the provisions of this subsection (c) and the provisions of Article IX of this Act to the extent they do not conflict with this subsection (c). Except in the case where the Commission finds, after notice and hearing, that a participating utility is not satisfying its
investment amount commitments under subsection (b) of this Section, the
performance-based formula rate shall remain in effect at the discretion of
the utility. The performance-based formula rate approved by the
Commission shall do the following:

(1) Provide for the recovery of the utility's actual costs of
delivery services that are prudently incurred and reasonable in
amount consistent with Commission practice and law. The sole
fact that a cost differs from that incurred in a prior calendar year or
that an investment is different from that made in a prior calendar
year shall not imply the imprudence or unreasonableness of that
cost or investment.

(2) Reflect the utility's actual year-end capital structure for
the applicable calendar year, excluding goodwill, subject to a
determination of prudence and reasonableness consistent with
Commission practice and law. To enable the financing of the
incremental capital expenditures, including regulatory assets, for
electric utilities that serve less than 3,000,000 retail customers but
more than 500,000 retail customers in the State, a participating
electric utility's actual year-end capital structure that includes a
common equity ratio, excluding goodwill, of up to and including
50% of the total capital structure shall be deemed reasonable and
used to set rates.

(3) Include a cost of equity, which shall be calculated as the
sum of the following:

(A) the average for the applicable calendar year of
the monthly average yields of 30-year U.S. Treasury bonds
published by the Board of Governors of the Federal
Reserve System in its weekly H.15 Statistical Release or
successor publication; and

(B) 580 basis points.

At such time as the Board of Governors of the Federal
Reserve System ceases to include the monthly average yields of
30-year U.S. Treasury bonds in its weekly H.15 Statistical Release
or successor publication, the monthly average yields of the U.S.
Treasury bonds then having the longest duration published by the
Board of Governors in its weekly H.15 Statistical Release or
successor publication shall instead be used for purposes of this
paragraph (3).

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(4) Permit and set forth protocols, subject to a determination of prudence and reasonableness consistent with Commission practice and law, for the following:

(A) recovery of incentive compensation expense that is based on the achievement of operational metrics, including metrics related to budget controls, outage duration and frequency, safety, customer service, efficiency and productivity, and environmental compliance. Incentive compensation expense that is based on net income or an affiliate's earnings per share shall not be recoverable under the performance-based formula rate;

(B) recovery of pension and other post-employment benefits expense, provided that such costs are supported by an actuarial study;

(C) recovery of severance costs, provided that if the amount is over $3,700,000 for a participating utility that is a combination utility or $10,000,000 for a participating utility that serves more than 3 million retail customers, then the full amount shall be amortized consistent with subparagraph (F) of this paragraph (4);

(D) investment return at a rate equal to the utility's weighted average cost of long-term debt, on the pension assets as, and in the amount, reported in Account 186 (or in such other Account or Accounts as such asset may subsequently be recorded) of the utility's most recently filed FERC Form 1, net of deferred tax benefits;

(E) recovery of the expenses related to the Commission proceeding under this subsection (c) to approve this performance-based formula rate and initial rates or to subsequent proceedings related to the formula, provided that the recovery shall be amortized over a 3-year period; recovery of expenses related to the annual Commission proceedings under subsection (d) of this Section to review the inputs to the performance-based formula rate shall be expensed and recovered through the performance-based formula rate;

(F) amortization over a 5-year period of the full amount of each charge or credit that exceeds $3,700,000 for a participating utility that is a combination utility or

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$10,000,000 for a participating utility that serves more than 3 million retail customers in the applicable calendar year and that relates to a workforce reduction program's severance costs, changes in accounting rules, changes in law, compliance with any Commission-initiated audit, or a single storm or other similar expense, provided that any unamortized balance shall be reflected in rate base. For purposes of this subparagraph (F), changes in law includes any enactment, repeal, or amendment in a law, ordinance, rule, regulation, interpretation, permit, license, consent, or order, including those relating to taxes, accounting, or to environmental matters, or in the interpretation or application thereof by any governmental authority occurring after October 26, 2011 (the effective date of Public Act 97-616);

(G) recovery of existing regulatory assets over the periods previously authorized by the Commission;

(H) historical weather normalized billing determinants; and

(I) allocation methods for common costs.

(5) Provide that if the participating utility's earned rate of return on common equity related to the provision of delivery services for the prior rate year (calculated using costs and capital structure approved by the Commission as provided in subparagraph (2) of this subsection (c), consistent with this Section, in accordance with Commission rules and orders, including, but not limited to, adjustments for goodwill, and after any Commission-ordered disallowances and taxes) is more than 50 basis points higher than the rate of return on common equity calculated pursuant to paragraph (3) of this subsection (c) (after adjusting for any penalties to the rate of return on common equity applied pursuant to the performance metrics provision of subsection (f) of this Section), then the participating utility shall apply a credit through the performance-based formula rate that reflects an amount equal to the value of that portion of the earned rate of return on common equity that is more than 50 basis points higher than the rate of return on common equity calculated pursuant to paragraph (3) of this subsection (c) (after adjusting for any penalties to the rate of return on common equity applied pursuant to the
performance metrics provision of subsection (f) of this Section) for the prior rate year, adjusted for taxes. If the participating utility's earned rate of return on common equity related to the provision of delivery services for the prior rate year (calculated using costs and capital structure approved by the Commission as provided in subparagraph (2) of this subsection (c), consistent with this Section, in accordance with Commission rules and orders, including, but not limited to, adjustments for goodwill, and after any Commission-ordered disallowances and taxes) is more than 50 basis points less than the return on common equity calculated pursuant to paragraph (3) of this subsection (c) (after adjusting for any penalties to the rate of return on common equity applied pursuant to the performance metrics provision of subsection (f) of this Section), then the participating utility shall apply a charge through the performance-based formula rate that reflects an amount equal to the value of that portion of the earned rate of return on common equity that is more than 50 basis points less than the rate of return on common equity calculated pursuant to paragraph (3) of this subsection (c) (after adjusting for any penalties to the rate of return on common equity applied pursuant to the performance metrics provision of subsection (f) of this Section) for the prior rate year, adjusted for taxes.

(6) Provide for an annual reconciliation, as described in subsection (d) of this Section, with interest, of the revenue requirement reflected in rates for each calendar year, beginning with the calendar year in which the utility files its performance-based formula rate tariff pursuant to subsection (c) of this Section, with what the revenue requirement would have been had the actual cost information for the applicable calendar year been available at the filing date.

The utility shall file, together with its tariff, final data based on its most recently filed FERC Form 1, plus projected plant additions and correspondingly updated depreciation reserve and expense for the calendar year in which the tariff and data are filed, that shall populate the performance-based formula rate and set the initial delivery services rates under the formula. For purposes of this Section, "FERC Form 1" means the Annual Report of Major Electric Utilities, Licensees and Others that electric utilities are required to file with the Federal Energy Regulatory Commission under the Federal Power Act, Sections 3, 4(a), 304 and 209,

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modified as necessary to be consistent with 83 Ill. Admin. Code Part 415 as of May 1, 2011. Nothing in this Section is intended to allow costs that are not otherwise recoverable to be recoverable by virtue of inclusion in FERC Form 1.

After the utility files its proposed performance-based formula rate structure and protocols and initial rates, the Commission shall initiate a docket to review the filing. The Commission shall enter an order approving, or approving as modified, the performance-based formula rate, including the initial rates, as just and reasonable within 270 days after the date on which the tariff was filed, or, if the tariff is filed within 14 days after October 26, 2011 (the effective date of Public Act 97-616), then by May 31, 2012. Such review shall be based on the same evidentiary standards, including, but not limited to, those concerning the prudence and reasonableness of the costs incurred by the utility, the Commission applies in a hearing to review a filing for a general increase in rates under Article IX of this Act. The initial rates shall take effect within 30 days after the Commission's order approving the performance-based formula rate tariff.

Until such time as the Commission approves a different rate design and cost allocation pursuant to subsection (e) of this Section, rate design and cost allocation across customer classes shall be consistent with the Commission's most recent order regarding the participating utility's request for a general increase in its delivery services rates.

Subsequent changes to the performance-based formula rate structure or protocols shall be made as set forth in Section 9-201 of this Act, but nothing in this subsection (c) is intended to limit the Commission's authority under Article IX and other provisions of this Act to initiate an investigation of a participating utility's performance-based formula rate tariff, provided that any such changes shall be consistent with paragraphs (1) through (6) of this subsection (c). Any change ordered by the Commission shall be made at the same time new rates take effect following the Commission's next order pursuant to subsection (d) of this Section, provided that the new rates take effect no less than 30 days after the date on which the Commission issues an order adopting the change.

A participating utility that files a tariff pursuant to this subsection (c) must submit a one-time $200,000 filing fee at the time the Chief Clerk of the Commission accepts the filing, which shall be a recoverable expense.

In the event the performance-based formula rate is terminated, the then current rates shall remain in effect until such time as new rates are set.
pursuant to Article IX of this Act, subject to retroactive rate adjustment, with interest, to reconcile rates charged with actual costs. At such time that the performance-based formula rate is terminated, the participating utility's voluntary commitments and obligations under subsection (b) of this Section shall immediately terminate, except for the utility's obligation to pay an amount already owed to the fund for training grants pursuant to a Commission order issued under subsection (b) of this Section.

(d) Subsequent to the Commission's issuance of an order approving the utility's performance-based formula rate structure and protocols, and initial rates under subsection (c) of this Section, the utility shall file, on or before May 1 of each year, with the Chief Clerk of the Commission its updated cost inputs to the performance-based formula rate for the applicable rate year and the corresponding new charges. Each such filing shall conform to the following requirements and include the following information:

(1) The inputs to the performance-based formula rate for the applicable rate year shall be based on final historical data reflected in the utility's most recently filed annual FERC Form 1 plus projected plant additions and correspondingly updated depreciation reserve and expense for the calendar year in which the inputs are filed. The filing shall also include a reconciliation of the revenue requirement that was in effect for the prior rate year (as set by the cost inputs for the prior rate year) with the actual revenue requirement for the prior rate year (determined using a year-end rate base) that uses amounts reflected in the applicable FERC Form 1 that reports the actual costs for the prior rate year. Any over-collection or under-collection indicated by such reconciliation shall be reflected as a credit against, or recovered as an additional charge to, respectively, with interest calculated at a rate equal to the utility's weighted average cost of capital approved by the Commission for the prior rate year, the charges for the applicable rate year. Provided, however, that the first such reconciliation shall be for the calendar year in which the utility files its performance-based formula rate tariff pursuant to subsection (c) of this Section and shall reconcile (i) the revenue requirement or requirements established by the rate order or orders in effect from time to time during such calendar year (weighted, as applicable) with (ii) the revenue requirement determined using a year-end rate base for that calendar year calculated pursuant to the performance-based

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formua rate using (A) actual costs for that year as reflected in the applicable FERC Form 1, and (B) for the first such reconciliation only, the cost of equity, which shall be calculated as the sum of 590 basis points plus the average for the applicable calendar year of the monthly average yields of 30-year U.S. Treasury bonds published by the Board of Governors of the Federal Reserve System in its weekly H.15 Statistical Release or successor publication. The first such reconciliation is not intended to provide for the recovery of costs previously excluded from rates based on a prior Commission order finding of imprudence or unreasonableness. Each reconciliation shall be certified by the participating utility in the same manner that FERC Form 1 is certified. The filing shall also include the charge or credit, if any, resulting from the calculation required by paragraph (6) of subsection (c) of this Section.

Notwithstanding anything that may be to the contrary, the intent of the reconciliation is to ultimately reconcile the revenue requirement reflected in rates for each calendar year, beginning with the calendar year in which the utility files its performance-based formula rate tariff pursuant to subsection (c) of this Section, with what the revenue requirement determined using a year-end rate base for the applicable calendar year would have been had the actual cost information for the applicable calendar year been available at the filing date.

(2) The new charges shall take effect beginning on the first billing day of the following January billing period and remain in effect through the last billing day of the next December billing period regardless of whether the Commission enters upon a hearing pursuant to this subsection (d).

(3) The filing shall include relevant and necessary data and documentation for the applicable rate year that is consistent with the Commission's rules applicable to a filing for a general increase in rates or any rules adopted by the Commission to implement this Section. Normalization adjustments shall not be required. Notwithstanding any other provision of this Section or Act or any rule or other requirement adopted by the Commission, a participating utility that is a combination utility with more than one rate zone shall not be required to file a separate set of such data and documentation for each rate zone and may combine such data and documentation into a single set of schedules.

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Within 45 days after the utility files its annual update of cost inputs to the performance-based formula rate, the Commission shall have the authority, either upon complaint or its own initiative, but with reasonable notice, to enter upon a hearing concerning the prudence and reasonableness of the costs incurred by the utility to be recovered during the applicable rate year that are reflected in the inputs to the performance-based formula rate derived from the utility's FERC Form 1. During the course of the hearing, each objection shall be stated with particularity and evidence provided in support thereof, after which the utility shall have the opportunity to rebut the evidence. Discovery shall be allowed consistent with the Commission's Rules of Practice, which Rules shall be enforced by the Commission or the assigned hearing examiner. The Commission shall apply the same evidentiary standards, including, but not limited to, those concerning the prudence and reasonableness of the costs incurred by the utility, in the hearing as it would apply in a hearing to review a filing for a general increase in rates under Article IX of this Act. The Commission shall not, however, have the authority in a proceeding under this subsection (d) to consider or order any changes to the structure or protocols of the performance-based formula rate approved pursuant to subsection (c) of this Section. In a proceeding under this subsection (d), the Commission shall enter its order no later than the earlier of 240 days after the utility's filing of its annual update of cost inputs to the performance-based formula rate or December 31. The Commission's determinations of the prudence and reasonableness of the costs incurred for the applicable calendar year shall be final upon entry of the Commission's order and shall not be subject to reopening, reexamination, or collateral attack in any other Commission proceeding, case, docket, order, rule or regulation, provided, however, that nothing in this subsection (d) shall prohibit a party from petitioning the Commission to rehear or appeal to the courts the order pursuant to the provisions of this Act.

In the event the Commission does not, either upon complaint or its own initiative, enter upon a hearing within 45 days after the utility files the annual update of cost inputs to its performance-based formula rate, then the costs incurred for the applicable calendar year shall be deemed prudent and reasonable, and the filed charges shall not be subject to reopening, reexamination, or collateral attack in any other proceeding, case, docket, order, rule, or regulation.

A participating utility's first filing of the updated cost inputs, and any Commission investigation of such inputs pursuant to this subsection

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(d) shall proceed notwithstanding the fact that the Commission's investigation under subsection (c) of this Section is still pending and notwithstanding any other law, order, rule, or Commission practice to the contrary.

(e) Nothing in subsections (c) or (d) of this Section shall prohibit the Commission from investigating, or a participating utility from filing, revenue-neutral tariff changes related to rate design of a performance-based formula rate that has been placed into effect for the utility. Following approval of a participating utility's performance-based formula rate tariff pursuant to subsection (c) of this Section, the utility shall make a filing with the Commission within one year after the effective date of the performance-based formula rate tariff that proposes changes to the tariff to incorporate the findings of any final rate design orders of the Commission applicable to the participating utility and entered subsequent to the Commission's approval of the tariff. The Commission shall, after notice and hearing, enter its order approving, or approving with modification, the proposed changes to the performance-based formula rate tariff within 240 days after the utility's filing. Following such approval, the utility shall make a filing with the Commission during each subsequent 3-year period that either proposes revenue-neutral tariff changes or re-files the existing tariffs without change, which shall present the Commission with an opportunity to suspend the tariffs and consider revenue-neutral tariff changes related to rate design.

(f) Within 30 days after the filing of a tariff pursuant to subsection (c) of this Section, each participating utility shall develop and file with the Commission multi-year metrics designed to achieve, ratably (i.e., in equal segments) over a 10-year period, improvement over baseline performance values as follows:

1. Twenty percent improvement in the System Average Interruption Frequency Index, using a baseline of the average of the data from 2001 through 2010.
2. Fifteen percent improvement in the system Customer Average Interruption Duration Index, using a baseline of the average of the data from 2001 through 2010.
3. For a participating utility other than a combination utility, 20% improvement in the System Average Interruption Frequency Index for its Southern Region, using a baseline of the average of the data from 2001 through 2010. For purposes of this paragraph (3), Southern Region shall have the meaning set forth in
the participating utility's most recent report filed pursuant to Section 16-125 of this Act.

(3.5) For a participating utility other than a combination utility, 20% improvement in the System Average Interruption Frequency Index for its Northeastern Region, using a baseline of the average of the data from 2001 through 2010. For purposes of this paragraph (3.5), Northeastern Region shall have the meaning set forth in the participating utility's most recent report filed pursuant to Section 16-125 of this Act.

(4) Seventy-five percent improvement in the total number of customers who exceed the service reliability targets as set forth in subparagraphs (A) through (C) of paragraph (4) of subsection (b) of 83 Ill. Admin. Code Part 411.140 as of May 1, 2011, using 2010 as the baseline year.

(5) Reduction in issuance of estimated electric bills: 90% improvement for a participating utility other than a combination utility, and 56% improvement for a participating utility that is a combination utility, using a baseline of the average number of estimated bills for the years 2008 through 2010.

(6) Consumption on inactive meters: 90% improvement for a participating utility other than a combination utility, and 56% improvement for a participating utility that is a combination utility, using a baseline of the average unbilled kilowatthours for the years 2009 and 2010.

(7) Unaccounted for energy: 50% improvement for a participating utility other than a combination utility using a baseline of the non-technical line loss unaccounted for energy kilowatthours for the year 2009.

(8) Uncollectible expense: reduce uncollectible expense by at least $30,000,000 for a participating utility other than a combination utility and by at least $3,500,000 for a participating utility that is a combination utility, using a baseline of the average uncollectible expense for the years 2008 through 2010.

(9) Opportunities for minority-owned and female-owned business enterprises: design a performance metric regarding the creation of opportunities for minority-owned and female-owned business enterprises consistent with State and federal law using a base performance value of the percentage of the participating

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utility's capital expenditures that were paid to minority-owned and female-owned business enterprises in 2010.

The definitions set forth in 83 Ill. Admin. Code Part 411.20 as of May 1, 2011 shall be used for purposes of calculating performance under paragraphs (1) through (3.5) of this subsection (f), provided, however, that the participating utility may exclude up to 9 extreme weather event days from such calculation for each year, and provided further that the participating utility shall exclude 9 extreme weather event days when calculating each year of the baseline period to the extent that there are 9 such days in a given year of the baseline period. For purposes of this Section, an extreme weather event day is a 24-hour calendar day (beginning at 12:00 a.m. and ending at 11:59 p.m.) during which any weather event (e.g., storm, tornado) caused interruptions for 10,000 or more of the participating utility's customers for 3 hours or more. If there are more than 9 extreme weather event days in a year, then the utility may choose no more than 9 extreme weather event days to exclude, provided that the same extreme weather event days are excluded from each of the calculations performed under paragraphs (1) through (3.5) of this subsection (f).

The metrics shall include incremental performance goals for each year of the 10-year period, which shall be designed to demonstrate that the utility is on track to achieve the performance goal in each category at the end of the 10-year period. The utility shall elect when the 10-year period shall commence for the metrics set forth in subparagraphs (1) through (4) and (9) of this subsection (f), provided that it begins no later than 14 months following the date on which the utility begins investing pursuant to subsection (b) of this Section, and when the 10-year period shall commence for the metrics set forth in subparagraphs (5) through (8) of this subsection (f), provided that it begins no later than 14 months following the date on which the Commission enters its order approving the utility's Advanced Metering Infrastructure Deployment Plan pursuant to subsection (c) of Section 16-108.6 of this Act.

The metrics and performance goals set forth in subparagraphs (5) through (8) of this subsection (f) are based on the assumptions that the participating utility may fully implement the technology described in subsection (b) of this Section, including utilizing the full functionality of such technology and that there is no requirement for personal on-site notification. If the utility is unable to meet the metrics and performance goals set forth in subparagraphs (5) through (8) of this subsection (f) for

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such reasons, and the Commission so finds after notice and hearing, then the utility shall be excused from compliance, but only to the limited extent achievement of the affected metrics and performance goals was hindered by the less than full implementation.

(f-5) The financial penalties applicable to the metrics described in subparagraphs (1) through (8) of subsection (f) of this Section, as applicable, shall be applied through an adjustment to the participating utility's return on equity of no more than a total of 30 basis points in each of the first 3 years, of no more than a total of 34 basis points in each of the 3 years thereafter, and of no more than a total of 38 basis points in each of the 4 years thereafter, as follows:

(1) With respect to each of the incremental annual performance goals established pursuant to paragraph (1) of subsection (f) of this Section,

(A) for each year that a participating utility other than a combination utility does not achieve the annual goal, the participating utility's return on equity shall be reduced as follows: during years 1 through 3, by 5 basis points; during years 4 through 6, by 6 basis points; and during years 7 through 10, by 7 basis points; and

(B) for each year that a participating utility that is a combination utility does not achieve the annual goal, the participating utility's return on equity shall be reduced as follows: during years 1 through 3, by 10 basis points; during years 4 through 6, by 12 basis points; and during years 7 through 10, by 14 basis points.

(2) With respect to each of the incremental annual performance goals established pursuant to paragraph (2) of subsection (f) of this Section, for each year that the participating utility does not achieve each such goal, the participating utility's return on equity shall be reduced as follows: during years 1 through 3, by 5 basis points; during years 4 through 6, by 6 basis points; and during years 7 through 10, by 7 basis points.

(3) With respect to each of the incremental annual performance goals established pursuant to paragraphs (3) and (3.5) of subsection (f) of this Section, for each year that a participating utility other than a combination utility does not achieve both such goals, the participating utility's return on equity shall be reduced as follows: during years 1 through 3, by 5 basis points; during years 4
(4) With respect to each of the incremental annual performance goals established pursuant to paragraph (4) of subsection (f) of this Section, for each year that the participating utility does not achieve each such goal, the participating utility's return on equity shall be reduced as follows: during years 1 through 3, by 5 basis points; during years 4 through 6, by 6 basis points; and during years 7 through 10, by 7 basis points.

(5) With respect to each of the incremental annual performance goals established pursuant to subparagraph (5) of subsection (f) of this Section, for each year that the participating utility does not achieve at least 95% of each such goal, the participating utility's return on equity shall be reduced by 5 basis points for each such unachieved goal.

(6) With respect to each of the incremental annual performance goals established pursuant to paragraphs (6), (7), and (8) of subsection (f) of this Section, as applicable, which together measure non-operational customer savings and benefits relating to the implementation of the Advanced Metering Infrastructure Deployment Plan, as defined in Section 16-108.6 of this Act, the performance under each such goal shall be calculated in terms of the percentage of the goal achieved. The percentage of goal achieved for each of the goals shall be aggregated, and an average percentage value calculated, for each year of the 10-year period. If the utility does not achieve an average percentage value in a given year of at least 95%, the participating utility's return on equity shall be reduced by 5 basis points.

The financial penalties shall be applied as described in this subsection (f-5) for the 12-month period in which the deficiency occurred through a separate tariff mechanism, which shall be filed by the utility together with its metrics. In the event the formula rate tariff established pursuant to subsection (c) of this Section terminates, the utility's obligations under subsection (f) of this Section and this subsection (f-5) shall also terminate, provided, however, that the tariff mechanism established pursuant to subsection (f) of this Section and this subsection (f-5) shall remain in effect until any penalties due and owing at the time of such termination are applied.

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The Commission shall, after notice and hearing, enter an order within 120 days after the metrics are filed approving, or approving with modification, a participating utility's tariff or mechanism to satisfy the metrics set forth in subsection (f) of this Section. On June 1 of each subsequent year, each participating utility shall file a report with the Commission that includes, among other things, a description of how the participating utility performed under each metric and an identification of any extraordinary events that adversely impacted the utility's performance. Whenever a participating utility does not satisfy the metrics required pursuant to subsection (f) of this Section, the Commission shall, after notice and hearing, enter an order approving financial penalties in accordance with this subsection (f-5). The Commission-approved financial penalties shall be applied beginning with the next rate year. Nothing in this Section shall authorize the Commission to reduce or otherwise obviate the imposition of financial penalties for failing to achieve one or more of the metrics established pursuant to subparagraph (1) through (4) of subsection (f) of this Section.

(g) On or before July 31, 2014, each participating utility shall file a report with the Commission that sets forth the average annual increase in the average amount paid per kilowatthour for residential eligible retail customers, exclusive of the effects of energy efficiency programs, comparing the 12-month period ending May 31, 2012; the 12-month period ending May 31, 2013; and the 12-month period ending May 31, 2014. For a participating utility that is a combination utility with more than one rate zone, the weighted average aggregate increase shall be provided. The report shall be filed together with a statement from an independent auditor attesting to the accuracy of the report. The cost of the independent auditor shall be borne by the participating utility and shall not be a recoverable expense. "The average amount paid per kilowatthour" shall be based on the participating utility's tariffed rates actually in effect and shall not be calculated using any hypothetical rate or adjustments to actual charges (other than as specified for energy efficiency) as an input.

In the event that the average annual increase exceeds 2.5% as calculated pursuant to this subsection (g), then Sections 16-108.5, 16-108.6, 16-108.7, and 16-108.8 of this Act, other than this subsection, shall be inoperative as they relate to the utility and its service area as of the date of the report due to be submitted pursuant to this subsection and the utility shall no longer be eligible to annually update the performance-based formula rate tariff pursuant to subsection (d) of this Section. In such event,
the then current rates shall remain in effect until such time as new rates are set pursuant to Article IX of this Act, subject to retroactive adjustment, with interest, to reconcile rates charged with actual costs, and the participating utility's voluntary commitments and obligations under subsection (b) of this Section shall immediately terminate, except for the utility's obligation to pay an amount already owed to the fund for training grants pursuant to a Commission order issued under subsection (b) of this Section.

In the event that the average annual increase is 2.5% or less as calculated pursuant to this subsection (g), then the performance-based formula rate shall remain in effect as set forth in this Section.

For purposes of this Section, the amount per kilowatthour means the total amount paid for electric service expressed on a per kilowatthour basis, and the total amount paid for electric service includes without limitation amounts paid for supply, transmission, distribution, surcharges, and add-on taxes exclusive of any increases in taxes or new taxes imposed after October 26, 2011 (the effective date of Public Act 97-616). For purposes of this Section, "eligible retail customers" shall have the meaning set forth in Section 16-111.5 of this Act.

The fact that this Section becomes inoperative as set forth in this subsection shall not be construed to mean that the Commission may reexamine or otherwise reopen prudence or reasonableness determinations already made.

(h) Sections 16-108.5, 16-108.6, 16-108.7, and 16-108.8 of this Act, other than this subsection, are inoperative after December 31, 2019 for every participating utility, after which time a participating utility shall no longer be eligible to annually update the performance-based formula rate tariff pursuant to subsection (d) of this Section. At such time, the then current rates shall remain in effect until such time as new rates are set pursuant to Article IX of this Act, subject to retroactive adjustment, with interest, to reconcile rates charged with actual costs.

By December 31, 2017, the Commission shall prepare and file with the General Assembly a report on the infrastructure program and the performance-based formula rate. The report shall include the change in the average amount per kilowatthour paid by residential customers between June 1, 2011 and May 31, 2017. If the change in the total average rate paid exceeds 2.5% compounded annually, the Commission shall include in the report an analysis that shows the portion of the change due to the delivery services component and the portion of the change due to the supply

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component of the rate. The report shall include separate sections for each participating utility.

In the event Sections 16-108.5, 16-108.6, 16-108.7, and 16-108.8 of this Act, other than this subsection (h), do not become inoperative after December 31, 2019, then these Sections are inoperative after December 31, 2022 for every participating utility, after which time a participating utility shall no longer be eligible to annually update the performance-based formula rate tariff pursuant to subsection (d) of this Section. At such time, the then current rates shall remain in effect until such time as new rates are set pursuant to Article IX of this Act, subject to retroactive adjustment, with interest, to reconcile rates charged with actual costs.

The fact that this Section becomes inoperative as set forth in this subsection shall not be construed to mean that the Commission may reexamine or otherwise reopen prudence or reasonableness determinations already made.

(i) While a participating utility may use, develop, and maintain broadband systems and the delivery of broadband services, voice-over-internet-protocol services, telecommunications services, and cable and video programming services for use in providing delivery services and Smart Grid functionality or application to its retail customers, including, but not limited to, the installation, implementation and maintenance of Smart Grid electric system upgrades as defined in Section 16-108.6 of this Act, a participating utility is prohibited from offering to its retail customers broadband services or the delivery of broadband services, voice-over-internet-protocol services, telecommunications services, or cable or video programming services, unless they are part of a service directly related to delivery services or Smart Grid functionality or applications as defined in Section 16-108.6 of this Act, and from recovering the costs of such offerings from retail customers.

(j) Nothing in this Section is intended to legislatively overturn the opinion issued in Commonwealth Edison Co. v. Ill. Commerce Comm'n, Nos. 2-08-0959, 2-08-1037, 2-08-1137, 1-08-3008, 1-08-3030, 1-08-3054, 1-08-3313 cons. (Ill. App. Ct. 2d Dist. Sept. 30, 2010). Public Act 97-616 shall not be construed as creating a contract between the General Assembly and the participating utility, and shall not establish a property right in the participating utility.

(k) The changes made in subsections (c) and (d) of this Section by Public Act 98-15 are intended to be a restatement and clarification of existing law, and intended to give binding effect to the provisions of
House Resolution 1157 adopted by the House of Representatives of the 97th General Assembly and Senate Resolution 821 adopted by the Senate of the 97th General Assembly that are reflected in paragraph (3) of this subsection. In addition, Public Act 98-15 preempts and supersedes any final Commission orders entered in Docket Nos. 11-0721, 12-0001, 12-0293, and 12-0321 to the extent inconsistent with the amendatory language added to subsections (c) and (d).

(1) No earlier than 5 business days after May 22, 2013 (the effective date of Public Act 98-15), each participating utility shall file any tariff changes necessary to implement the amendatory language set forth in subsections (c) and (d) of this Section by Public Act 98-15 and a revised revenue requirement under the participating utility's performance-based formula rate. The Commission shall enter a final order approving such tariff changes and revised revenue requirement within 21 days after the participating utility's filing.

(2) Notwithstanding anything that may be to the contrary, a participating utility may file a tariff to retroactively recover its previously unrecovered actual costs of delivery service that are no longer subject to recovery through a reconciliation adjustment under subsection (d) of this Section. This retroactive recovery shall include any derivative adjustments resulting from the changes to subsections (c) and (d) of this Section by Public Act 98-15. Such tariff shall allow the utility to assess, on current customer bills over a period of 12 monthly billing periods, a charge or credit related to those unrecovered costs with interest at the utility's weighted average cost of capital during the period in which those costs were unrecovered. A participating utility may file a tariff that implements a retroactive charge or credit as described in this paragraph for amounts not otherwise included in the tariff filing provided for in paragraph (1) of this subsection (k). The Commission shall enter a final order approving such tariff within 21 days after the participating utility's filing.

(3) The tariff changes described in paragraphs (1) and (2) of this subsection (k) shall relate only to, and be consistent with, the following provisions of Public Act 98-15: paragraph (2) of subsection (c) regarding year-end capital structure, subparagraph (D) of paragraph (4) of subsection (c) regarding pension assets, and subsection (d) regarding the reconciliation components related to

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year-end rate base and interest calculated at a rate equal to the utility's weighted average cost of capital.

(4) Nothing in this subsection is intended to effect a dismissal of or otherwise affect an appeal from any final Commission orders entered in Docket Nos. 11-0721, 12-0001, 12-0293, and 12-0321 other than to the extent of the amendatory language contained in subsections (c) and (d) of this Section of Public Act 98-15.

(l) Each participating utility shall be deemed to have been in full compliance with all requirements of subsection (b) of this Section, subsection (c) of this Section, Section 16-108.6 of this Act, and all Commission orders entered pursuant to Sections 16-108.5 and 16-108.6 of this Act, up to and including May 22, 2013 (the effective date of Public Act 98-15). The Commission shall not undertake any investigation of such compliance and no penalty shall be assessed or adverse action taken against a participating utility for noncompliance with Commission orders associated with subsection (b) of this Section, subsection (c) of this Section, and Section 16-108.6 of this Act prior to such date. Each participating utility other than a combination utility shall be permitted, without penalty, a period of 12 months after such effective date to take actions required to ensure its infrastructure investment program is in compliance with subsection (b) of this Section and with Section 16-108.6 of this Act. Provided further, the following subparagraphs shall apply to a participating utility other than a combination utility:

(A) if the Commission has initiated a proceeding pursuant to subsection (e) of Section 16-108.6 of this Act that is pending as of May 22, 2013 (the effective date of Public Act 98-15), then the order entered in such proceeding shall, after notice and hearing, accelerate the commencement of the meter deployment schedule approved in the final Commission order on rehearing entered in Docket No. 12-0298;

(B) if the Commission has entered an order pursuant to subsection (e) of Section 16-108.6 of this Act prior to May 22, 2013 (the effective date of Public Act 98-15) that does not accelerate the commencement of the meter deployment schedule approved in the final Commission order on rehearing entered in Docket No. 12-0298, then the utility shall file with the Commission, within 45 days after such effective date, a plan for accelerating the commencement of the utility's meter deployment

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schedule approved in the final Commission order on rehearing entered in Docket No. 12-0298; the Commission shall reopen the proceeding in which it entered its order pursuant to subsection (e) of Section 16-108.6 of this Act and shall, after notice and hearing, enter an amendatory order that approves or approves as modified such accelerated plan within 90 days after the utility's filing; or

(C) if the Commission has not initiated a proceeding pursuant to subsection (e) of Section 16-108.6 of this Act prior to May 22, 2013 (the effective date of Public Act 98-15), then the utility shall file with the Commission, within 45 days after such effective date, a plan for accelerating the commencement of the utility's meter deployment schedule approved in the final Commission order on rehearing entered in Docket No. 12-0298 and the Commission shall, after notice and hearing, approve or approve as modified such plan within 90 days after the utility's filing.

Any schedule for meter deployment approved by the Commission pursuant to this subsection (l) shall take into consideration procurement times for meters and other equipment and operational issues. Nothing in Public Act 98-15 shall shorten or extend the end dates for the 5-year or 10-year periods set forth in subsection (b) of this Section or Section 16-108.6 of this Act. Nothing in this subsection is intended to address whether a participating utility has, or has not, satisfied any or all of the metrics and performance goals established pursuant to subsection (f) of this Section.

(m) The provisions of Public Act 98-15 are severable under Section 1.31 of the Statute on Statutes.

(Source: P.A. 98-15, eff. 5-22-13; 98-1175, eff. 6-1-15; 99-143, eff. 7-27-15; 99-642, eff. 7-28-16.)

Sec. 16-108.10. Energy low-income and support program. Beginning in 2017, without obtaining any approvals from the Commission or any other agency, regardless of whether any such approval would otherwise be required, a participating utility that is not a combination utility, as defined by Section 16-108.5 of this Act, shall contribute $10,000,000 per year for 5 years to the energy low-income and support program, which is intended to fund customer assistance programs with the primary purpose being avoidance of imminent disconnection and reconnecting customers who have been disconnected for non-payment. Such programs may include:

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(1) a residential hardship program that may partner with community-based organizations, including senior citizen organizations, and provides grants to low-income residential customers, including low-income senior citizens, who demonstrate a hardship;

(2) a program that provides grants and other bill payment concessions to disabled veterans who demonstrate a hardship and members of the armed services or reserve forces of the United States or members of the Illinois National Guard who are on active duty under an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor and who demonstrate a hardship;

(3) a budget assistance program that provides tools and education to low-income senior citizens to assist them with obtaining information regarding energy usage and effective means of managing energy costs;

(4) a non-residential special hardship program that provides grants to non-residential customers, such as small businesses and non-profit organizations, that demonstrate a hardship, including those providing services to senior citizen and low-income customers; and

(5) a performance-based assistance program that provides grants to encourage residential customers to make on-time payments by matching a portion of the customer's payments or providing credits towards arrearages.

The payments made by a participating utility under this Section shall not be a recoverable expense. A participating utility may elect to fund either new or existing customer assistance programs, including, but not limited to, those that are administered by the utility.

Programs that use funds that are provided by an electric utility to reduce utility bills may be implemented through tariffs that are filed with and reviewed by the Commission. If a utility elects to file tariffs with the Commission to implement all or a portion of the programs, those tariffs shall, regardless of the date actually filed, be deemed accepted and approved and shall become effective on the first business day after they are filed. The electric utilities whose customers benefit from the funds that are disbursed as contemplated in this Section shall file annual reports documenting the disbursement of those funds with the Commission. The

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Commission may audit disbursement of the funds to ensure they were

discharged consistently with this Section.

If the Commission finds that a participating utility is no longer
eligible to update the performance-based formula rate tariff under
subsection (d) of Section 16-108.5 of this Act or the performance-based
formula rate is otherwise terminated, then the participating utility's
obligations under this Section shall immediately terminate.

(220 ILCS 5/16-108.11 new)

Sec. 16-108.11. Employment opportunities. To the extent feasible
and consistent with State and federal law, the procurement of contracted
labor, materials, and supplies by electric utilities in connection with the
offering of delivery services under Article XVI of this Act should provide
employment opportunities for all segments of the population and
workforce, including minority-owned and female-owned business
enterprises, and shall not, consistent with State and federal law,
discriminate based on race or socioeconomic status.

(220 ILCS 5/16-108.12 new)

Sec. 16-108.12. Utility job training program.

(a) An electric utility that serves more than 3,000,000 customers in
the State shall spend $10,000,000 per year in 2017, 2021, and 2025 to
fund the programs described in this Section.

(1) The utility shall fund a solar training pipeline program
in the amount of $3,000,000. The utility may administer the
program or contract with another entity to administer the
program. The program shall be designed to establish a solar
installer training pipeline for projects authorized under Section 1-56 of the Illinois Power Agency Act and to establish a pool of
trained installers who will be able to install solar projects
authorized under subsection (c) of Section 1-75 of the Illinois
Power Agency Act and otherwise. The program may include single
event training programs. The program described in this paragraph
(1) shall be designed to ensure that entities that offer training are
located in, and trainees are recruited from, the same communities
that the program aims to serve and that the program provides
trainees with the opportunity to obtain real-world experience. The
program described in this paragraph (1) shall also be designed to
assist trainees so that they can obtain applicable certifications or
participate in an apprenticeship program. The utility or
administrator shall include funding for programs that provide

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training to individuals who are or were foster children or that target persons with a record who are transitioning with job training and job placement programs. The program shall include an incentive to facilitate an increase of hiring of qualified persons who are or were foster children and persons with a record. It is a goal of the program described in this paragraph (1) that at least 50% of the trainees in this program come from within environmental justice communities and that 2,000 jobs are created for persons who are or were foster children and persons with a record.

(2) The utility shall fund a craft apprenticeship program in the amount of $3,000,000. The program shall be an accredited or otherwise recognized apprenticeship program over a period not to exceed 4 years, for particular crafts, trades, or skills in the electric industry that may, but need not, be related to solar installation.

(3) The utility shall fund multi-cultural jobs programs in the amount of $4,000,000. The funding shall be allocated in the applicable year to individual programs as set forth in subparagraphs (A) through (F) of this paragraph (3) and may, but need not, be related to solar installation, over a period not to exceed 4 years, by diversity-focused community organizations that have a record of successfully delivering job training.

(A) $1,000,000 to a community-based civil rights and human services not-for-profit organization that provides economic development, human capital, and education program services.

(B) $500,000 to a not-for-profit organization that is also an education institution that offers training programs approved by the Illinois State Board of Education and United States Department of Education with the goal of providing workforce initiatives leading to economic independence.

(C) $500,000 to a not-for-profit organization dedicated to developing the educational and leadership capacity of minority youth through the operation of schools, youth leadership clubs and youth development centers.

(D) $1,000,000 to a not-for-profit organization dedicated to providing equal access to opportunities in the
construction industry that offer training programs that include Occupational Safety and Health Administration 10 and 30 certifications, Environmental Protection Agency Renovation, Repair and Painting Certification and Leadership in Energy and Environmental Design Accredited Green Associate Exam preparation courses.

(E) $500,000 to a non-profit organization that has a proven record of successfully implementing utility industry training programs, with expertise in creating programs that strengthen the economics of communities including technical training workshops and economic development through community and financial partners.

(F) $500,000 to a nonprofit organization that provides family services, housing education, job and career education opportunities that has successfully partnered with the utility on electric industry job training.

For the purposes of this Section, "person with a record" means any person who (1) has been convicted of a crime in this State or of an offense in any other jurisdiction, not including an offense or attempted offense that would subject a person to registration under the Sex Offender Registration Act; (2) has a record of an arrest or an arrest that did not result in conviction for any crime in this State or of an offense in any other jurisdiction; or (3) has a juvenile delinquency adjudication.

(b) Within 60 days after the effective date of this amendatory Act of the 99th General Assembly, an electric utility that serves more than 3,000,000 customers in the State shall file with the Commission a plan to implement this Section. Within 60 days after the plan is filed, the Commission shall enter an order approving the plan if it is consistent with this Section or, if the plan is not consistent with this Section, the Commission shall explain the deficiencies, after which time the utility shall file a new plan. The utility shall use the funds described in subparagraph (O) of paragraph (1) of subsection (c) of Section 1-75 of the Illinois Power Agency Act to pay for the Commission approved programs under this Section.

(220 ILCS 5/16-108.15 new)
Sec. 16-108.15. Rate impacts.

(a) Each electric utility that serves more than 500,000 retail customers in the State shall file with the Commission the reports required by this Section, which shall identify the actual and projected average

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monthly increases in residential retail customers' electric bills due to future energy investment costs for the applicable period or periods.

(b) The average monthly increase calculation shall be comprised of the following components:

(1) Beginning with the 2017 calendar year, the average monthly amount paid by residential retail customers, expressed on a cents-per-kilowatthour basis, to recover future energy investment costs, which include the charges to recover the costs incurred by the utility under the following provisions:

(A) Sections 8-103, Section 8-103B, and 16-111.5B of this Act, as applicable, and as such costs may be recovered under Sections 8-103, 8-103B, 16-111.5B or Section 16-108.5 of this Act;

(B) subsection (d-5) of Section 1-75 of the Illinois Power Agency Act, as such costs may be recovered under subsection (k) of Section 16-108 of this Act; and

(C) Section 16-107.6 of this Act.

Beginning with the 2018 calendar year, each of the average monthly charges calculated in subparagraphs (A) through (C) of this paragraph (1) shall be equal to the average of each such charge applied over a period that commences with the calendar year ending December 31, 2017 and ends with the most recently completed calendar year prior to the calculation or calculations required by this Section.

(2) The sum of the following:

(A) net energy savings to residential retail customers that are attributable to the implementation of voltage optimization measures under Section 8-103B of this Act, expressed on a cents-per-kilowatthour basis, which are estimated energy and capacity benefits for residential retail customers minus the measure costs recovered from those customers, divided by the total number of residential retail customers, which quotient shall be divided by the months in the relevant period; notwithstanding this subparagraph (A), a utility may elect not to include an estimate of net energy savings as described in this subparagraph (A), in which case the value under this subparagraph (A) shall be zero; and

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(B) for an electric utility that serves more than 3,000,000 retail customers in the State, the benefits of the programs described in Section 16-108.10 of this Act, which are $0.00030 per kilowatthour for the 2017, 2018, 2019, 2020, and 2021 calendar years.

Beginning with the 2018 calendar year, each of the values identified in subparagraphs (A) and (B) of this paragraph (2) shall be equal to the average of each such value during a period that commences with the calendar year ending December 31, 2017 and ends with the most recently completed calendar year prior to the calculation or calculations required by this Section.

(3) For an electric utility that serves more than 3,000,000 retail customers in the State, the residential retail customer energy efficiency charges shall be $2.33 per month for the 2017 calendar year, provided that such charge shall be increased by 4% per year thereafter; for an electric utility that serves more than 500,000 but less than 3,000,000 retail customers in the State, the residential retail customer energy efficiency charges shall be $3.94 per month for the 2017 calendar year, provided that such charge shall be increased by 4% per year thereafter. Beginning with the 2018 calendar year, this charge shall be equal to the average of the charges applied over a period that commences with the calendar year ending December 31, 2017 and ends with the most recently completed calendar year prior to the calculation or calculations required by this Section.

(c)(1) No later than June 30, 2017, an electric utility subject to this Section shall submit a report to the Commission that sets forth the utility’s rolling 10-year projection of the values of each of the components described in paragraphs (1) through (3) of subsection (b) of this Section. No later than February 15, 2018 and every February 15 thereafter until February 15, 2031, each utility shall submit a report to the Commission that identifies the value of the actual charges applied during the immediately preceding calendar year and updates its rolling 10-year projection based on such actual charges provided that, beginning with the February 15, 2021 report and for each report thereafter, the period of time covered by such projection shall not extend beyond December 31, 2030. Each report submitted under this subsection (c) shall

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calculate the actual average monthly increase in residential retail customers' electric bills due to future energy investment costs during the immediately preceding calendar year and shall also calculate the projected average monthly increase in residential retail customers' electric bills due to such costs over the rolling 10-year period. Such calculations shall be performed by subtracting the sum of paragraph (2) of subsection (b) of this Section from the sum of paragraph (1) of such subsection (b), multiplying such difference by, as applicable, the actual or forecasted average monthly kilowatt-hour consumption for the residential retail customer class for the applicable period, and subtracting from such product the applicable value identified under paragraph (3) of such subsection (b).

If the actual or projected average monthly increase for residential retail customers of electric utility that serves more than 3 million retail customers in the State exceeds $0.25, or the actual or projected average monthly increase for residential retail customers of an electric utility that serves more than 500,000 but less than 3 million retail customers in the State exceeds $0.35, then the applicable utility shall comply with the provisions of paragraphs (2) through (4) of this subsection (c), as applicable.

(2) If the projected average monthly increase for residential retail customers during a calendar year exceeds the applicable limitation set forth in paragraph (1) of this subsection (c), then the utility shall comply with the following provisions, as applicable:

(A) If an exceedance is projected during the first four calendar year of the rolling 10-year projection, then the utility shall include in its report submitted under paragraph (1) of this subsection (c) the utility's proposal or proposals to decrease the future energy investment costs described in paragraph (1) of subsection (b) of this Section to ensure that the limitation set forth in such paragraph (1) is not exceeded. The Commission shall, after notice and hearing, enter an order directing the utility to implement one or more proposals, as such proposals may be modified by the Commission. The Commission shall have the authority under this subparagraph (A) to approve modifications to the contracts executed under subsection (d-5) of Section 1-75 of the Illinois Power Agency Act. If

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the Commission approves modifications to such contracts, then the supplier shall have the option of accepting the modifications or terminating the modified contract or contracts, subject to the termination requirements and notice provisions set forth in item (i) of subparagraph (B) of paragraph (4) of this Section.

(B) If an exceedance is projected during any calendar year during the last 6 years of the 10-year projection, then the utility shall demonstrate in its report submitted under paragraph (1) of this subsection (c) how the utility will reduce the future energy investment costs described in paragraph (1) of subsection (b) of this Section to ensure that the limitation set forth in such paragraph (1) is not exceeded.

(3) If the actual average monthly increase for residential retail customers during a calendar year exceeded the limitation set forth in paragraph (1) of this subsection (c), then the utility shall prepare and file with the Commission, at the time it submits its report under paragraph (1) of this subsection (c), a corrective action plan that identifies how the utility will immediately reduce expenditures so that the utility will be in compliance with such limitation beginning on January 1 of the next calendar year. The Commission shall initiate an investigation to determine the factors that contributed to the actual average monthly increase exceeding such limitation for the applicable calendar year, and shall, after notice and hearing, enter an order approving, or approving with modification, the utility's corrective action plan within 120 days after the utility files such plan. The Commission shall also submit a report to the General Assembly no later than 30 days after it enters such order, and the report shall explain the results of the Commission's investigation and findings and conclusions of its order.

(4) If the actual average monthly increase for residential retail customers during a calendar year exceeds the limitation set forth in paragraph (1) of this subsection (c) for two consecutive years, then the utility shall indicate in its report filed under paragraph (1) of this subsection (c) whether the utility will proceed with or terminate the future energy investments described and authorized under subsection (d-5) of the Illinois Power Agency Act

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and Sections 8-103B and 16-107.6 of this Act. The utility shall be subject to the requirements of subparagraph (A) or (B) of this paragraph (4), as applicable.

(A) If the utility indicates that it will proceed with the future energy investments, then it shall be subject to the corrective action plan requirements set forth in paragraph (3) of this subsection (c). In addition, the utility must commit to apply a credit to residential retail customers' bills if the actual average monthly increase for such customers exceeds the limitation set forth in paragraph (1) of this subsection (c) for the year in which the utility files its corrective action plan, which credit shall be in an amount that equals the portion by which the increase exceeds such limitation. The Commission shall initiate an investigation to determine the factors that contributed to the actual average monthly increase exceeding such limitation for the applicable calendar year, including an analysis of the factors contributing to the limitation being exceeded for two consecutive years, and shall, after notice and hearing, enter an order approving, or approving with modification, the utility's corrective action plan within 120 days after the utility files such plan. The Commission shall also submit a supplemental report to the General Assembly no later than 30 days after it enters such order, and the report shall explain the results of the Commission's investigation and findings and conclusions of its order.

(B) If the utility indicates that it will terminate future energy investments, then the Commission shall, notwithstanding anything to the contrary:

(i) Order the utility to terminate the contract or contracts executed under subsection (d-5) of Section 1-75 of the Illinois Power Agency Act, pursuant to the contract termination provisions set forth in such subsection (d-5), provided that notice of such termination must be made at least 3 years and 75 days prior to the effective date of such termination. In the event that only a portion of the contracts executed under such subsection (d-5) are terminated for a particular zero emission facility,
then the zero emission facility may elect to terminate all of the contracts executed for that facility under such subsection (d-5).

(ii) Within 30 days after the utility submits its report indicates that it will terminate future energy investments, initiate a proceeding to approve the process for terminating future expenditures under Section 16-107.6 of the Public Utilities Act. The Commission shall, after notice and hearing, enter its order approving such process no later than 120 days after initiating such proceeding.

(iii) Within 30 days after the utility submits its report indicates that it will terminate future energy investments, initiate a proceeding under Section 8-103B of this Act to reduce the cumulative persisting annual savings goals previously approved by the Commission under such Section to ensure just and reasonable rates. The Commission shall, after notice and hearing, enter its order approving such goal reductions no later than 120 days after initiating such proceeding.

Notwithstanding the termination of future energy investments pursuant to this subparagraph (B), the utility shall be permitted to continue to recover the costs of such investments that were incurred prior to such termination, including but not limited to all costs that are recovered through regulatory assets created under Sections 8-103B and 16-107.6 of this Act. Nothing in this Section shall limit the utility's ability to fully recover such costs. The utility shall also be permitted to continue to recover the costs of all payments made under contracts executed under subsection (d-5) until the effective date of the contract's termination.

(220 ILCS 5/16-108.16 new)
Sec. 16-108.16. Commercial Rate Impacts.
(a) Each electric utility that serves more than 500,000 retail customers in the State shall file with the Commission the reports required by this Section, which shall identify the annual average increases due to future energy investment costs for the applicable period or periods in

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electric bills to commercial and industrial retail customers. For purposes of this Section, "commercial and industrial retail customers" means non-residential retail customers other than those customers who are exempt from subsections (a) through (j) of Section 8-103B of this Act under subsection (l) of Section 8-103B.

(b) The increase determination required by subsection (a) of this Section shall be based on a calculation comprised of the following components:

(1) Beginning with the 2017 calendar year, the average annual amount paid by commercial and industrial retail customers, expressed on a cents-per-kilowatthour basis, to recover future energy investment costs, which include the charges to recover the costs incurred by the utility under the following provisions:

(A) Sections 8-103, Section 8-103B, and 16-111.5B of this Act, as applicable, and as such costs may be recovered under Sections 8-103, 8-103B, 16-111.5B or Section 16-108.5 of this Act;

(B) subsection (d-5) of Section 1-75 of the Illinois Power Agency Act, as such costs may be recovered under subsection (k) of Section 16-108 of this Act; and

(C) Section 16-107.6 of this Act.

Beginning with the 2018 calendar year, each of the average annual charges calculated in subparagraphs (A) through (C) of this paragraph (1) shall be equal to the average of each such charge applied over a period that commences with the calendar year ending December 31, 2017 and ends with the most recently completed calendar year prior to the calculation or calculations required by this Section.

(2) The sum of the following:

(A) annual net energy savings to commercial and industrial retail customers that are attributable to the implementation of voltage optimization measures under Section 8-103B of this Act, expressed on a cents-per-kilowatthour basis, which are estimated energy and capacity benefits for commercial and industrial retail customers minus the measure costs recovered from those customers, divided by the average annual kilowatt-hour consumption of commercial and industrial retail customers.
customers; notwithstanding this subparagraph (A), a utility may elect not to include an estimate of net energy savings as described in this subparagraph (A), in which case the value under this subparagraph (A) shall be zero;

(B) the average annual cents-per-kilowatthour charge applied under Section 8-103 of this Act to commercial and industrial retail customers during calendar year 2016 to recover the costs authorized by such Section; and

(C) incremental energy efficiency savings, which shall be calculated by subtracting the value determined in item (ii) of this subparagraph (C) from the value determined in item (i) of this subparagraph and dividing the difference by the value identified in item (iii) of this subparagraph:

(i) Total value, in dollars, of the cumulative persisting annual saving achieved from the installation or implementation of all energy efficiency measures for commercial and industrial retail customers under Sections 8-103, 8-103B and 16-111.5 of this Act, net of the cumulative annual percentage savings in kilowatt-hours, if any, calculated under subparagraph (A) of this paragraph (2).

(ii) 2016 value, which shall equal the value calculated under item (i) of this subparagraph (C) multiplied by the quotient of (aa) the cumulative persisting annual savings, in kilowatt-hours, achieved from the installation or implementation of all energy efficiency measures for commercial and industrial retail customers under Sections 8-103, 8-103B and 16-111.5B of this Act as of December 31, 2016, divided by (bb) the cumulative persisting annual savings, in kilowatt-hours, from the installation or implementation of all energy efficiency measures for commercial and industrial retail customers under Sections 8-103, 8-103B and 16-111.5 of this Act, net of the cumulative annual percentage savings in kilowatt-hours, if any,
calculated under subparagraph (A) of this paragraph (2).

(iii) The average annual kilowatt-hour consumption of those commercial and industrial retail customers that installed or implemented energy efficiency measures under energy efficiency programs or plans approved pursuant to Sections 8-103, 8-103B or 16-111.5B of this Act.

Beginning with the 2018 calendar year, each of the values identified in subparagraphs (A) and (C) of this paragraph (2) shall be equal to the average of each such value during a period that commences with the calendar year ending December 31, 2017 and ends with the most recently completed calendar year prior to the calculation or calculations required by this Section.

For purposes of this Section, cumulative persisting annual savings shall have the meaning set forth in Section 8-103B of this Act, and energy efficiency measures shall have the meaning set forth in Section 1-10 of the Illinois Power Agency Act.

(c)(1) No later than June 30, 2017, and every June 30 thereafter until June 30, 2027, an electric utility subject to this Section shall submit a report to the Commission that sets forth the utility's 10-year projection of the values of each of the components described in paragraphs (1) and (2) of subsection (b) of this Section. Each utility's report to the Commission shall identify the result of the computation performed under this Section for the immediately preceding calendar year and update its 10-year projection. Such calculations shall be performed by subtracting the sum of paragraph (2) of subsection (b) of this Section from the sum of paragraph (1) of such subsection (b).

In the event that the actual or projected average annual increase for commercial and industrial retail customers exceeds 1.3% of 8.90 cents-per-kilowatthour, which is the average amount paid per kilowatt-hour for electric service during the year ending December 31, 2015 by Illinois commercial retail customers, as reported to the Edison Electric Institute, then the applicable utility shall comply with the provisions of paragraphs (2) through (4) of this subsection (c), as applicable.
(2) In the event that the projected average annual increase for commercial and industrial retail customers during a calendar year exceeds the applicable limitation set forth in paragraph (1) of this subsection (c), then the utility shall comply with the following provisions, as applicable:

(A) If an exceedance is projected during the first four calendar years of the 10-year projection, then the utility shall include in its report submitted under paragraph (1) of this subsection (c) the utility's proposal or proposals to decrease the future energy investment costs described in paragraph (1) of subsection (b) of this Section to ensure that the limitation set forth in such paragraph (1) is not exceeded. The Commission shall, after notice and hearing, enter an order directing the utility to implement one or more proposals, as such proposals may be modified by the Commission. The Commission shall have the authority under this subparagraph (A) to approve modifications to the contracts executed under subsection (d-5) of Section 1-75 of the Illinois Power Agency Act. If the Commission approves modifications to such contracts that are in an amount that reduces the quantities to be procured under such contracts by more than 7%, then the supplier shall have the option of accepting the modifications or terminating the modified contract or contracts, subject to the termination requirements and notice provisions set forth in item (i) of subparagraph (B) of paragraph (4) of this Section.

(B) If an exceedance is projected during any calendar year during the last 6 years of the 10-year projection, then the utility shall demonstrate in its report submitted under paragraph (1) of this subsection (c) how the utility will reduce the future energy investment costs described in paragraph (1) of subsection (b) of this Section to ensure that the limitation set forth in such paragraph (1) is not exceeded.

(3) If the actual average annual increase for commercial and industrial retail customers during a calendar year exceeded the limitation set forth in paragraph (1) of this subsection (c), then the utility shall prepare and file with the Commission, at the time it

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submits its report under paragraph (1) of this subsection (c), a corrective action plan. The Commission shall initiate an investigation to determine the factors that contributed to the actual average annual increase exceeding such limitation for the applicable calendar year, and shall, after notice and hearing, enter an order approving, or approving with modification, the utility's corrective action plan within 120 days after the utility files such plan. The Commission shall also submit a report to the General Assembly no later than 30 days after it enters such order, and the report shall explain the results of the Commission's investigation and findings and conclusions of its order.

(4) If the actual average annual increase for commercial and industrial retail customers during a calendar year exceeds the limitation set forth in paragraph (1) of this subsection (c) for two consecutive years, then the utility shall indicate in its report filed under paragraph (1) of this subsection (c) whether the utility will proceed with or terminate the future energy investments described and authorized under subsection (d-5) of the Illinois Power Agency Act and Sections 8-103B and 16-107.6 of this Act. The utility's election shall be subject to the requirements of subparagraph (A) or (B) of this paragraph (4), as applicable.

(A) If the utility elects to proceed with the future energy investments, then it shall be subject to the corrective action plan requirements set forth in paragraph (3) of this subsection (c). In addition, the utility must commit to apply a credit to commercial and industrial retail customers' bills if the actual average annual increase for such customers exceeds the limitation set forth in paragraph (1) of this subsection (c) for the year in which the utility files its corrective action plan, which credit shall be in an amount that equals the portion by which the increase exceeds such limitation. The Commission shall initiate an investigation to determine the factors that contributed to the actual average annual increase exceeding such limitation for the applicable calendar year, including an analysis of the factors contributing to the limitation being exceeded for two consecutive years, and shall, after notice and hearing, enter an order approving, or approving with modification, the utility's corrective action plan within 120 days after the
utility files such plan. The Commission shall also submit a supplemental report to the General Assembly no later than 30 days after it enters such order, and the report shall explain the results of the Commission's investigation and findings and conclusions of its order.

(B) If the utility elects to terminate future energy investments, then the Commission shall, notwithstanding anything to the contrary:

(i) Order the utility to terminate the contract or contracts executed under subsection (d-5) of Section 1-75 of the Illinois Power Agency Act, pursuant to the contract termination provisions set forth in such subsection (d-5), provided that notice of such termination must be made at least 3 years and 75 days prior to the effective date of such termination. In the event that only a portion of the contracts executed under such subsection (d-5) are terminated for a particular zero emission facility, then the zero emission facility may elect to terminate all of the contracts executed for that facility under such subsection (d-5).

(ii) Within 30 days of the utility's report identifying its election to terminate future energy investments, initiate a proceeding to approve the process for terminating future expenditures under Sections 16-107.6 of the Public Utilities Act. The Commission shall, after notice and hearing, enter its order approving such process no later than 120 days after initiating such proceeding.

(iii) Within 30 days of the utility's report identifying its election to terminate future energy investments, initiate a proceeding under Section 8-103B of this Act to reduce the cumulative persisting annual savings goals previously approved by the Commission under such Section to ensure just and reasonable rates. The Commission shall, after notice and hearing, enter its order approving such goal reductions no later than 120 days after initiating such proceeding.

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Notwithstanding the termination of future energy investments pursuant to this subparagraph (B), the utility shall be permitted to continue to recover the costs of such investments that were incurred prior to such termination, including but not limited to all costs that are recovered through regulatory assets created under Sections 8-103B and 16-107.6 of this Act. Nothing in this Section shall limit the utility's ability to fully recover such costs. The utility shall also be permitted to continue to recover the costs of all payments made under contracts executed under subsection (d-5) until the effective date of the contract's termination.

(5) Notwithstanding anything to the contrary, if, under this Section or subsection (m) of Section 16-108 of this Act, modifications to the contracts executed under subsection (d-5) of Section 1-75 of the Illinois Power Agency Act are, in total, in an amount that reduces the quantities to procured under such contracts by more than 10%, then the supplier shall have the option of accepting the modifications or terminating the modified contract or contracts, subject to the termination requirements and notice provisions set forth in item (i) of subparagraph (B) of paragraph (4) of this Section.

Sec. 16-111.1. Illinois Clean Energy Community Trust.

(a) An electric utility which has sold or transferred generating facilities in a transaction to which subsection (k) of Section 16-111 applies is authorized to establish an Illinois clean energy community trust or foundation for the purposes of providing financial support and assistance to entities, public or private, within the State of Illinois including, but not limited to, units of State and local government, educational institutions, corporations, and charitable, educational, environmental and community organizations, for programs and projects that benefit the public by improving energy efficiency, developing renewable energy resources, supporting other energy related projects that improve the State's environmental quality, and supporting projects and programs intended to preserve or enhance the natural habitats and wildlife areas of the State. Provided, however, that the trust or foundation funds shall not be used for the remediation of environmentally impaired property. The trust or
foundation may also assist in identifying other energy and environmental grant opportunities.

(b) Such trust or foundation shall be governed by a declaration of trust or articles of incorporation and bylaws which shall, at a minimum, provide that:

(1) There shall be 6 voting trustees of the trust or foundation, one of whom shall be appointed by the Governor, one of whom shall be appointed by the President of the Illinois Senate, one of whom shall be appointed by the Minority Leader of the Illinois Senate, one of whom shall be appointed by the Speaker of the Illinois House of Representatives, one of whom shall be appointed by the Minority Leader of the Illinois House of Representatives, and one of whom shall be appointed by the electric utility establishing the trust or foundation, provided that the voting trustee appointed by the utility shall be a representative of a recognized environmental action group selected by the utility. The Governor shall designate one of the 6 voting trustees to serve as chairman of the trust or foundation, who shall serve as chairman of the trust or foundation at the pleasure of the Governor. In addition, there shall be 5 non-voting trustees, one of whom shall be appointed by the Director of Commerce and Economic Opportunity, one of whom shall be appointed by the Director of the Illinois Environmental Protection Agency, one of whom shall be appointed by the Director of Natural Resources, and one of whom shall be appointed by the electric utility establishing the trust or foundation, provided that the non-voting trustee appointed by the utility shall bring financial expertise to the trust or foundation and shall have appropriate credentials therefor.

(2) All voting trustees and the non-voting trustee with financial expertise shall be entitled to compensation for their services as trustees, provided, however, that no member of the General Assembly and no employee of the electric utility establishing the trust or foundation serving as a voting trustee shall receive any compensation for his or her services as a trustee, and provided further that the compensation to the chairman of the trust shall not exceed $25,000 annually and the compensation to any other trustee shall not exceed $20,000 annually. All trustees shall be entitled to reimbursement for reasonable expenses incurred on behalf of the trust in the performance of their duties as trustees.

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such compensation and reimbursements shall be paid out of the trust.

(3) Trustees shall be appointed within 30 days after the creation of the trust or foundation and shall serve for a term of 5 years commencing upon the date of their respective appointments, until their respective successors are appointed and qualified.

(4) A vacancy in the office of trustee shall be filled by the person holding the office responsible for appointing the trustee whose death or resignation creates the vacancy, and a trustee appointed to fill a vacancy shall serve the remainder of the term of the trustee whose resignation or death created the vacancy.

(5) The trust or foundation shall have an indefinite term, and shall terminate at such time as no trust assets remain.

(6) The trust or foundation shall be funded in the minimum amount of $250,000,000, with the allocation and disbursement of funds for the various purposes for which the trust or foundation is established to be determined by the trustees in accordance with the declaration of trust or the articles of incorporation and bylaws; provided, however, that this amount may be reduced by up to $25,000,000 if, at the time the trust or foundation is funded, a corresponding amount is contributed by the electric utility establishing the trust or foundation to the Board of Trustees of Southern Illinois University for the purpose of funding programs or projects related to clean coal and provided further that $25,000,000 of the amount contributed to the trust or foundation shall be available to fund programs or projects related to clean coal.

(7) The trust or foundation shall be authorized to employ an executive director and other employees, to enter into leases, contracts and other obligations on behalf of the trust or foundation, and to incur expenses that the trustees deem necessary or appropriate for the fulfillment of the purposes for which the trust or foundation is established, provided, however, that salaries and administrative expenses incurred on behalf of the trust or foundation shall not exceed $500,000 in the first fiscal year after the trust or foundation is established and shall not exceed $1,000,000 in each subsequent fiscal year.

(8) The trustees may create and appoint advisory boards or committees to assist them with the administration of the trust or foundation, and to advise and make recommendations to them

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regarding the contribution and disbursement of the trust or foundation funds.

(c)(1) In addition to the allocation and disbursement of funds for the purposes set forth in subsection (a) of this Section, the trustees of the trust or foundation shall annually contribute funds in amounts set forth in subparagraph (2) of this subsection to the Citizens Utility Board created by the Citizens Utility Board Act; provided, however, that any such funds shall be used solely for the representation of the interests of utility consumers before the Illinois Commerce Commission, the Federal Energy Regulatory Commission, and the Federal Communications Commission and for the provision of consumer education on utility service and prices and on benefits and methods of energy conservation. Provided, however, that no part of such funds shall be used to support (i) any lobbying activity, (ii) activities related to fundraising, (iii) advertising or other marketing efforts regarding a particular utility, or (iv) solicitation of support for, or advocacy of, a particular position regarding any specific utility or a utility's docketed proceeding.

(2) In the calendar year in which the trust or foundation is first funded, the trustees shall contribute $1,000,000 to the Citizens Utility Board within 60 days after such trust or foundation is established; provided, however, that such contribution shall be made after December 31, 1999. In each of the 6 calendar years subsequent to the first contribution, if the trust or foundation is in existence, the trustees shall contribute to the Citizens Utility Board an amount equal to the total expenditures by such organization in the prior calendar year, as set forth in the report filed by the Citizens Utility Board with the chairman of such trust or foundation as required by subparagraph (3) of this subsection. Such subsequent contributions shall be made within 30 days of submission by the Citizens Utility Board of such report to the Chairman of the trust or foundation, but in no event shall any annual contribution by the trustees to the Citizens Utility Board exceed $1,000,000. Following such 7-year period, an Illinois statutory consumer protection agency may petition the trust or foundation for contributions to fund expenditures of the type identified in paragraph (1), but in no event shall annual
contributions by the trust or foundation for such expenditures exceed $1,000,000.

(3) The Citizens Utility Board shall file a report with the chairman of such trust or foundation for each year in which it expends any funds received from the trust or foundation setting forth the amount of any expenditures (regardless of the source of funds for such expenditures) for: (i) the representation of the interests of utility consumers before the Illinois Commerce Commission, the Federal Energy Regulatory Commission, and the Federal Communications Commission, and (ii) the provision of consumer education on utility service and prices and on benefits and methods of energy conservation. Such report shall separately state the total amount of expenditures for the purposes or activities identified by items (i) and (ii) of this paragraph, the name and address of the external recipient of any such expenditure, if applicable, and the specific purposes or activities (including internal purposes or activities) for which each expenditure was made. Any report required by this subsection shall be filed with the chairman of such trust or foundation no later than March 31 of the year immediately following the year for which the report is required.

(d) In addition to any other allocation and disbursement of funds in this Section, the trustees of the trust or foundation shall contribute an amount up to $125,000,000 (1) for deposit into the General Obligation Bond Retirement and Interest Fund held in the State treasury to assist in the repayment on general obligation bonds issued under subsection (d) of Section 7 of the General Obligation Bond Act, and (2) for deposit into funds administered by agencies with responsibility for environmental activities to assist in payment for environmental programs. The amount required to be contributed shall be provided to the trustees in a certification letter from the Director of the Bureau of the Budget that shall be provided no later than August 1, 2003. The payment from the trustees shall be paid to the State no later than December 31st following the receipt of the letter.

(Source: P.A. 93-32, eff. 6-20-03; 94-793, eff. 5-19-06.)

(220 ILCS 5/16-111.5)
Sec. 16-111.5. Provisions relating to procurement.

(a) An electric utility that on December 31, 2005 served at least 100,000 customers in Illinois shall procure power and energy for its

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eligible retail customers in accordance with the applicable provisions set forth in Section 1-75 of the Illinois Power Agency Act and this Section. Beginning with the delivery year commencing on June 1, 2017, such electric utility shall also procure zero emission credits from zero emission facilities in accordance with the applicable provisions set forth in Section 1-75 of the Illinois Power Agency Act, and, for years beginning on or after June 1, 2017, the utility shall procure renewable energy resources in accordance with the applicable provisions set forth in Section 1-75 of the Illinois Power Agency Act and this Section. A small multi-jurisdictional electric utility that on December 31, 2005 served less than 100,000 customers in Illinois may elect to procure power and energy for all or a portion of its eligible Illinois retail customers in accordance with the applicable provisions set forth in this Section and Section 1-75 of the Illinois Power Agency Act. This Section shall not apply to a small multi-jurisdictional utility until such time as a small multi-jurisdictional utility requests the Illinois Power Agency to prepare a procurement plan for its eligible retail customers. "Eligible retail customers" for the purposes of this Section means those retail customers that purchase power and energy from the electric utility under fixed-price bundled service tariffs, other than those retail customers whose service is declared or deemed competitive under Section 16-113 and those other customer groups specified in this Section, including self-generating customers, customers electing hourly pricing, or those customers who are otherwise ineligible for fixed-price bundled tariff service. For those customers that are excluded from the definition of "eligible retail customers" shall not be included in the procurement plan's electric supply service plan load requirements, and the utility shall procure any supply requirements, including capacity, ancillary services, and hourly priced energy, in the applicable markets as needed to serve those customers, provided that the utility may include in its procurement plan load requirements for the load that is associated with those retail customers whose service has been declared or deemed competitive pursuant to Section 16-113 of this Act to the extent that those customers are purchasing power and energy during one of the transition periods identified in subsection (b) of Section 16-113 of this Act.

(b) A procurement plan shall be prepared for each electric utility consistent with the applicable requirements of the Illinois Power Agency Act and this Section. For purposes of this Section, Illinois electric utilities that are affiliated by virtue of a common parent company are considered to

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be a single electric utility. Small multi-jurisdictional utilities may request a procurement plan for a portion of or all of its Illinois load. Each procurement plan shall analyze the projected balance of supply and demand for those retail customers to be included in the plan's electric supply service requirements over a 5-year period, with the first planning year beginning on June 1 of the year following the year in which the plan is filed. The plan shall specifically identify the wholesale products to be procured following plan approval, and shall follow all the requirements set forth in the Public Utilities Act and all applicable State and federal laws, statutes, rules, or regulations, as well as Commission orders. Nothing in this Section precludes consideration of contracts longer than 5 years and related forecast data. Unless specified otherwise in this Section, in the procurement plan or in the implementing tariff, any procurement occurring in accordance with this plan shall be competitively bid through a request for proposals process. Approval and implementation of the procurement plan shall be subject to review and approval by the Commission according to the provisions set forth in this Section. A procurement plan shall include each of the following components:

(1) Hourly load analysis. This analysis shall include:
   (i) multi-year historical analysis of hourly loads;
   (ii) switching trends and competitive retail market analysis;
   (iii) known or projected changes to future loads; and
   (iv) growth forecasts by customer class.

(2) Analysis of the impact of any demand side and renewable energy initiatives. This analysis shall include:
   (i) the impact of demand response programs and energy efficiency programs, both current and projected; for small multi-jurisdictional utilities, the impact of demand response and energy efficiency programs approved pursuant to Section 8-408 of this Act, both current and projected; and
   (ii) supply side needs that are projected to be offset by purchases of renewable energy resources, if any.

(3) A plan for meeting the expected load requirements that will not be met through preexisting contracts. This plan shall include:

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(i) definitions of the different Illinois retail customer classes for which supply is being purchased;
(ii) the proposed mix of demand-response products for which contracts will be executed during the next year. For small multi-jurisdictional electric utilities that on December 31, 2005 served fewer than 100,000 customers in Illinois, these shall be defined as demand-response products offered in an energy efficiency plan approved pursuant to Section 8-408 of this Act. The cost-effective demand-response measures shall be procured whenever the cost is lower than procuring comparable capacity products, provided that such products shall:

(A) be procured by a demand-response provider from those eligible retail customers included in the plan's electric supply service requirements;

(B) at least satisfy the demand-response requirements of the regional transmission organization market in which the utility's service territory is located, including, but not limited to, any applicable capacity or dispatch requirements;

(C) provide for customers' participation in the stream of benefits produced by the demand-response products;

(D) provide for reimbursement by the demand-response provider of the utility for any costs incurred as a result of the failure of the supplier of such products to perform its obligations thereunder; and

(E) meet the same credit requirements as apply to suppliers of capacity, in the applicable regional transmission organization market;

(iii) monthly forecasted system supply requirements, including expected minimum, maximum, and average values for the planning period;

(iv) the proposed mix and selection of standard wholesale products for which contracts will be executed during the next year, separately or in combination, to meet that portion of its load requirements not met through pre-
existing contracts, including but not limited to monthly 5 x 16 peak period block energy, monthly off-peak wrap energy, monthly 7 x 24 energy, annual 5 x 16 energy, annual off-peak wrap energy, annual 7 x 24 energy, monthly capacity, annual capacity, peak load capacity obligations, capacity purchase plan, and ancillary services;

(v) proposed term structures for each wholesale product type included in the proposed procurement plan portfolio of products; and

(vi) an assessment of the price risk, load uncertainty, and other factors that are associated with the proposed procurement plan; this assessment, to the extent possible, shall include an analysis of the following factors: contract terms, time frames for securing products or services, fuel costs, weather patterns, transmission costs, market conditions, and the governmental regulatory environment; the proposed procurement plan shall also identify alternatives for those portfolio measures that are identified as having significant price risk.

(4) Proposed procedures for balancing loads. The procurement plan shall include, for load requirements included in the procurement plan, the process for (i) hourly balancing of supply and demand and (ii) the criteria for portfolio re-balancing in the event of significant shifts in load.

(5) Long-Term Renewable Resources Procurement Plan. The Agency shall prepare a long-term renewable resources procurement plan for the procurement of renewable energy credits under Sections 1-56 and 1-75 of the Illinois Power Agency Act for delivery beginning in the 2017 delivery year.

(i) The initial long-term renewable resources procurement plan and all subsequent revisions shall be subject to review and approval by the Commission. For the purposes of this Section, "delivery year" has the same meaning as in Section 1-10 of the Illinois Power Agency Act. For purposes of this Section, "Agency" shall mean the Illinois Power Agency.

(ii) The long-term renewable resources planning process shall be conducted as follows:
(A) Electric utilities shall provide a range of load forecasts to the Illinois Power Agency within 45 days of the Agency's request for forecasts, which request shall specify the length and conditions for the forecasts including, but not limited to, the quantity of distributed generation expected to be interconnected for each year.

(B) The Agency shall publish for comment the initial long-term renewable resources procurement plan no later than 120 days after the effective date of this amendatory Act of the 99th General Assembly and shall review, and may revise, the plan at least every 2 years thereafter. To the extent practicable, the Agency shall review and propose any revisions to the long-term renewable energy resources procurement plan in conjunction with the Agency's other planning and approval processes conducted under this Section. The initial long-term renewable resources procurement plan shall:

(aa) Identify the procurement programs and competitive procurement events consistent with the applicable requirements of the Illinois Power Agency Act and shall be designed to achieve the goals set forth in subsection (c) of Section 1-75 of that Act.

(bb) Include a schedule for procurements for renewable energy credits from utility-scale wind projects, utility-scale solar projects, and brownfield site photovoltaic projects consistent with subparagraph (G) of paragraph (1) of subsection (c) of Section 1-75 of the Illinois Power Agency Act.

(cc) Identify the process whereby the Agency will submit to the Commission for review and approval the proposed contracts

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to implement the programs required by such plan.

Copies of the initial long-term renewable resources procurement plan and all subsequent revisions shall be posted and made publicly available on the Agency's and Commission's websites, and copies shall also be provided to each affected electric utility. An affected utility and other interested parties shall have 45 days following the date of posting to provide comment to the Agency on the initial long-term renewable resources procurement plan and all subsequent revisions. All comments submitted to the Agency shall be specific, supported by data or other detailed analyses, and, if objecting to all or a portion of the procurement plan, accompanied by specific alternative wording or proposals. All comments shall be posted on the Agency's and Commission's websites. During this 45-day comment period, the Agency shall hold at least one public hearing within each utility's service area that is subject to the requirements of this paragraph (5) for the purpose of receiving public comment. Within 21 days following the end of the 45-day review period, the Agency may revise the long-term renewable resources procurement plan based on the comments received and shall file the plan with the Commission for review and approval.

(C) Within 14 days after the filing of the initial long-term renewable resources procurement plan or any subsequent revisions, any person objecting to the plan may file an objection with the Commission. Within 21 days after the filing of the plan, the Commission shall determine whether a hearing is necessary. The Commission shall enter its order confirming or modifying the initial long-term renewable resources procurement plan or any subsequent revisions within 120 days after the filing of the plan by the Illinois Power Agency.

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(D) The Commission shall approve the initial long-term renewable resources procurement plan and any subsequent revisions, including expressly the forecast used in the plan and taking into account that funding will be limited to the amount of revenues actually collected by the utilities, if the Commission determines that the plan will reasonably and prudently accomplish the requirements of Section 1-56 and subsection (c) of Section 1-75 of the Illinois Power Agency Act. The Commission shall also approve the process for the submission, review, and approval of the proposed contracts to procure renewable energy credits or implement the programs authorized by the Commission pursuant to a long-term renewable resources procurement plan approved under this Section.

(iii) The Agency or third parties contracted by the Agency shall implement all programs authorized by the Commission in an approved long-term renewable resources procurement plan without further review and approval by the Commission. Third parties shall not begin implementing any programs or receive any payment under this Section until the Commission has approved the contract or contracts under the process authorized by the Commission in item (D) of subparagraph (ii) of paragraph (5) of this subsection (b) and the third party and the Agency or utility, as applicable, have executed the contract. For those renewable energy credits subject to procurement through a competitive bid process under the plan or under the initial forward procurements for wind and solar resources described in subparagraph (G) of paragraph (1) of subsection (c) of Section 1-75 of the Illinois Power Agency Act, the Agency shall follow the procurement process specified in the provisions relating to electricity procurement in subsections (e) through (i) of this Section.

(iv) An electric utility shall recover its costs associated with the procurement of renewable energy credits under this Section through an automatic adjustment.

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clause tariff under subsection (k) of Section 16-108 of this Act. A utility shall not be required to advance any payment or pay any amounts under this Section that exceed the actual amount of revenues collected by the utility under paragraph (6) of subsection (c) of Section 1-75 of the Illinois Power Agency Act and subsection (k) of Section 16-108 of this Act, and contracts executed under this Section shall expressly incorporate this limitation.

(v) For the public interest, safety, and welfare, the Agency and the Commission may adopt rules to carry out the provisions of this Section on an emergency basis immediately following the effective date of this amendatory Act of the 99th General Assembly.

(vi) On or before July 1 of each year, the Commission shall hold an informal hearing for the purpose of receiving comments on the prior year's procurement process and any recommendations for change.

(c) The procurement process set forth in Section 1-75 of the Illinois Power Agency Act and subsection (e) of this Section shall be administered by a procurement administrator and monitored by a procurement monitor.

(1) The procurement administrator shall:

(i) design the final procurement process in accordance with Section 1-75 of the Illinois Power Agency Act and subsection (e) of this Section following Commission approval of the procurement plan;

(ii) develop benchmarks in accordance with subsection (e)(3) to be used to evaluate bids; these benchmarks shall be submitted to the Commission for review and approval on a confidential basis prior to the procurement event;

(iii) serve as the interface between the electric utility and suppliers;

(iv) manage the bidder pre-qualification and registration process;

(v) obtain the electric utilities' agreement to the final form of all supply contracts and credit collateral agreements;

(vi) administer the request for proposals process;

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(vii) have the discretion to negotiate to determine whether bidders are willing to lower the price of bids that meet the benchmarks approved by the Commission; any post-bid negotiations with bidders shall be limited to price only and shall be completed within 24 hours after opening the sealed bids and shall be conducted in a fair and unbiased manner; in conducting the negotiations, there shall be no disclosure of any information derived from proposals submitted by competing bidders; if information is disclosed to any bidder, it shall be provided to all competing bidders;

(viii) maintain confidentiality of supplier and bidding information in a manner consistent with all applicable laws, rules, regulations, and tariffs;

(ix) submit a confidential report to the Commission recommending acceptance or rejection of bids;

(x) notify the utility of contract counterparties and contract specifics; and

(xi) administer related contingency procurement events.

(2) The procurement monitor, who shall be retained by the Commission, shall:

(i) monitor interactions among the procurement administrator, suppliers, and utility;

(ii) monitor and report to the Commission on the progress of the procurement process;

(iii) provide an independent confidential report to the Commission regarding the results of the procurement event;

(iv) assess compliance with the procurement plans approved by the Commission for each utility that on December 31, 2005 provided electric service to at least 100,000 customers in Illinois and for each small multi-jurisdictional utility that on December 31, 2005 served less than 100,000 customers in Illinois;

(v) preserve the confidentiality of supplier and bidding information in a manner consistent with all applicable laws, rules, regulations, and tariffs;
(vi) provide expert advice to the Commission and consult with the procurement administrator regarding issues related to procurement process design, rules, protocols, and policy-related matters; and

(vii) consult with the procurement administrator regarding the development and use of benchmark criteria, standard form contracts, credit policies, and bid documents.

(d) Except as provided in subsection (j), the planning process shall be conducted as follows:

(1) Beginning in 2008, each Illinois utility procuring power pursuant to this Section shall annually provide a range of load forecasts to the Illinois Power Agency by July 15 of each year, or such other date as may be required by the Commission or Agency. The load forecasts shall cover the 5-year procurement planning period for the next procurement plan and shall include hourly data representing a high-load, low-load, and expected-load scenario for the load of those eligible retail customers included in the plan's electric supply service requirements. The utility shall provide supporting data and assumptions for each of the scenarios.

(2) Beginning in 2008, the Illinois Power Agency shall prepare a procurement plan by August 15th of each year, or such other date as may be required by the Commission. The procurement plan shall identify the portfolio of demand-response and power and energy products to be procured. Cost-effective demand-response measures shall be procured as set forth in item (iii) of subsection (b) of this Section. Copies of the procurement plan shall be posted and made publicly available on the Agency's and Commission's websites, and copies shall also be provided to each affected electric utility. An affected utility shall have 30 days following the date of posting to provide comment to the Agency on the procurement plan. Other interested entities also may comment on the procurement plan. All comments submitted to the Agency shall be specific, supported by data or other detailed analyses, and, if objecting to all or a portion of the procurement plan, accompanied by specific alternative wording or proposals. All comments shall be posted on the Agency's and Commission's websites. During this 30-day comment period, the Agency shall hold at least one public hearing within each utility's service area for the purpose of receiving public comment on the procurement plan.
Within 14 days following the end of the 30-day review period, the Agency shall revise the procurement plan as necessary based on the comments received and file the procurement plan with the Commission and post the procurement plan on the websites.

(3) Within 5 days after the filing of the procurement plan, any person objecting to the procurement plan shall file an objection with the Commission. Within 10 days after the filing, the Commission shall determine whether a hearing is necessary. The Commission shall enter its order confirming or modifying the procurement plan within 90 days after the filing of the procurement plan by the Illinois Power Agency.

(4) The Commission shall approve the procurement plan, including expressly the forecast used in the procurement plan, if the Commission determines that it will ensure adequate, reliable, affordable, efficient, and environmentally sustainable electric service at the lowest total cost over time, taking into account any benefits of price stability.

(e) The procurement process shall include each of the following components:

(1) Solicitation, pre-qualification, and registration of bidders. The procurement administrator shall disseminate information to potential bidders to promote a procurement event, notify potential bidders that the procurement administrator may enter into a post-bid price negotiation with bidders that meet the applicable benchmarks, provide supply requirements, and otherwise explain the competitive procurement process. In addition to such other publication as the procurement administrator determines is appropriate, this information shall be posted on the Illinois Power Agency's and the Commission's websites. The procurement administrator shall also administer the prequalification process, including evaluation of credit worthiness, compliance with procurement rules, and agreement to the standard form contract developed pursuant to paragraph (2) of this subsection (e). The procurement administrator shall then identify and register bidders to participate in the procurement event.

(2) Standard contract forms and credit terms and instruments. The procurement administrator, in consultation with the utilities, the Commission, and other interested parties and subject to Commission oversight, shall develop and provide

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standard contract forms for the supplier contracts that meet generally accepted industry practices. Standard credit terms and instruments that meet generally accepted industry practices shall be similarly developed. The procurement administrator shall make available to the Commission all written comments it receives on the contract forms, credit terms, or instruments. If the procurement administrator cannot reach agreement with the applicable electric utility as to the contract terms and conditions, the procurement administrator must notify the Commission of any disputed terms and the Commission shall resolve the dispute. The terms of the contracts shall not be subject to negotiation by winning bidders, and the bidders must agree to the terms of the contract in advance so that winning bids are selected solely on the basis of price.

(3) Establishment of a market-based price benchmark. As part of the development of the procurement process, the procurement administrator, in consultation with the Commission staff, Agency staff, and the procurement monitor, shall establish benchmarks for evaluating the final prices in the contracts for each of the products that will be procured through the procurement process. The benchmarks shall be based on price data for similar products for the same delivery period and same delivery hub, or other delivery hubs after adjusting for that difference. The price benchmarks may also be adjusted to take into account differences between the information reflected in the underlying data sources and the specific products and procurement process being used to procure power for the Illinois utilities. The benchmarks shall be confidential but shall be provided to, and will be subject to Commission review and approval, prior to a procurement event.

(4) Request for proposals competitive procurement process. The procurement administrator shall design and issue a request for proposals to supply electricity in accordance with each utility's procurement plan, as approved by the Commission. The request for proposals shall set forth a procedure for sealed, binding commitment bidding with pay-as-bid settlement, and provision for selection of bids on the basis of price.

(5) A plan for implementing contingencies in the event of supplier default or failure of the procurement process to fully meet the expected load requirement due to insufficient supplier participation, Commission rejection of results, or any other cause.

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(i) Event of supplier default: In the event of supplier default, the utility shall review the contract of the defaulting supplier to determine if the amount of supply is 200 megawatts or greater, and if there are more than 60 days remaining of the contract term. If both of these conditions are met, and the default results in termination of the contract, the utility shall immediately notify the Illinois Power Agency that a request for proposals must be issued to procure replacement power, and the procurement administrator shall run an additional procurement event. If the contracted supply of the defaulting supplier is less than 200 megawatts or there are less than 60 days remaining of the contract term, the utility shall procure power and energy from the applicable regional transmission organization market, including ancillary services, capacity, and day-ahead or real time energy, or both, for the duration of the contract term to replace the contracted supply; provided, however, that if a needed product is not available through the regional transmission organization market it shall be purchased from the wholesale market.

(ii) Failure of the procurement process to fully meet the expected load requirement: If the procurement process fails to fully meet the expected load requirement due to insufficient supplier participation or due to a Commission rejection of the procurement results, the procurement administrator, the procurement monitor, and the Commission staff shall meet within 10 days to analyze potential causes of low supplier interest or causes for the Commission decision. If changes are identified that would likely result in increased supplier participation, or that would address concerns causing the Commission to reject the results of the prior procurement event, the procurement administrator may implement those changes and rerun the request for proposals process according to a schedule determined by those parties and consistent with Section 1-75 of the Illinois Power Agency Act and this subsection. In any event, a new request for proposals process shall be implemented by the procurement administrator within 90 days.
days after the determination that the procurement process has failed to fully meet the expected load requirement.

(iii) In all cases where there is insufficient supply provided under contracts awarded through the procurement process to fully meet the electric utility's load requirement, the utility shall meet the load requirement by procuring power and energy from the applicable regional transmission organization market, including ancillary services, capacity, and day-ahead or real time energy, or both; provided, however, that if a needed product is not available through the regional transmission organization market it shall be purchased from the wholesale market.

(6) The procurement process described in this subsection is exempt from the requirements of the Illinois Procurement Code, pursuant to Section 20-10 of that Code.

(f) Within 2 business days after opening the sealed bids, the procurement administrator shall submit a confidential report to the Commission. The report shall contain the results of the bidding for each of the products along with the procurement administrator's recommendation for the acceptance and rejection of bids based on the price benchmark criteria and other factors observed in the process. The procurement monitor also shall submit a confidential report to the Commission within 2 business days after opening the sealed bids. The report shall contain the procurement monitor's assessment of bidder behavior in the process as well as an assessment of the procurement administrator's compliance with the procurement process and rules. The Commission shall review the confidential reports submitted by the procurement administrator and procurement monitor, and shall accept or reject the recommendations of the procurement administrator within 2 business days after receipt of the reports.

(g) Within 3 business days after the Commission decision approving the results of a procurement event, the utility shall enter into binding contractual arrangements with the winning suppliers using the standard form contracts; except that the utility shall not be required either directly or indirectly to execute the contracts if a tariff that is consistent with subsection (l) of this Section has not been approved and placed into effect for that utility.

(h) The names of the successful bidders and the load weighted average of the winning bid prices for each contract type and for each
contract term shall be made available to the public at the time of Commission approval of a procurement event. The Commission, the procurement monitor, the procurement administrator, the Illinois Power Agency, and all participants in the procurement process shall maintain the confidentiality of all other supplier and bidding information in a manner consistent with all applicable laws, rules, regulations, and tariffs. Confidential information, including the confidential reports submitted by the procurement administrator and procurement monitor pursuant to subsection (f) of this Section, shall not be made publicly available and shall not be discoverable by any party in any proceeding, absent a compelling demonstration of need, nor shall those reports be admissible in any proceeding other than one for law enforcement purposes.

(i) Within 2 business days after a Commission decision approving the results of a procurement event or such other date as may be required by the Commission from time to time, the utility shall file for informational purposes with the Commission its actual or estimated retail supply charges, as applicable, by customer supply group reflecting the costs associated with the procurement and computed in accordance with the tariffs filed pursuant to subsection (l) of this Section and approved by the Commission.

(j) Within 60 days following August 28, 2007 (the effective date of Public Act 95-481) this amendatory Act, each electric utility that on December 31, 2005 provided electric service to at least 100,000 customers in Illinois shall prepare and file with the Commission an initial procurement plan, which shall conform in all material respects to the requirements of the procurement plan set forth in subsection (b); provided, however, that the Illinois Power Agency Act shall not apply to the initial procurement plan prepared pursuant to this subsection. The initial procurement plan shall identify the portfolio of power and energy products to be procured and delivered for the period June 2008 through May 2009, and shall identify the proposed procurement administrator, who shall have the same experience and expertise as is required of a procurement administrator hired pursuant to Section 1-75 of the Illinois Power Agency Act. Copies of the procurement plan shall be posted and made publicly available on the Commission's website. The initial procurement plan may include contracts for renewable resources that extend beyond May 2009.

(i) Within 14 days following filing of the initial procurement plan, any person may file a detailed objection with the Commission contesting the procurement plan submitted by the
electric utility. All objections to the electric utility's plan shall be specific, supported by data or other detailed analyses. The electric utility may file a response to any objections to its procurement plan within 7 days after the date objections are due to be filed. Within 7 days after the date the utility's response is due, the Commission shall determine whether a hearing is necessary. If it determines that a hearing is necessary, it shall require the hearing to be completed and issue an order on the procurement plan within 60 days after the filing of the procurement plan by the electric utility.

(ii) The order shall approve or modify the procurement plan, approve an independent procurement administrator, and approve or modify the electric utility's tariffs that are proposed with the initial procurement plan. The Commission shall approve the procurement plan if the Commission determines that it will ensure adequate, reliable, affordable, efficient, and environmentally sustainable electric service at the lowest total cost over time, taking into account any benefits of price stability.

(k)(Blank). In order to promote price stability for residential and small commercial customers during the transition to competition in Illinois, and notwithstanding any other provision of this Act, each electric utility subject to this Section shall enter into one or more multi-year financial swap contracts that become effective on the effective date of this amendatory Act. These contracts may be executed with generators and power marketers, including affiliated interests of the electric utility. These contracts shall be for a term of no more than 5 years and shall, for each respective utility or for any Illinois electric utilities that are affiliated by virtue of a common parent company and that are thereby considered a single electric utility for purposes of this subsection (k), not exceed in the aggregate 3,000 megawatts for any hour of the year. The contracts shall be financial contracts and not energy sales contracts. The contracts shall be executed as transactions under a negotiated master agreement based on the form of master agreement for financial swap contracts sponsored by the International Swaps and Derivatives Association, Inc. and shall be considered pre-existing contracts in the utilities' procurement plans for residential and small commercial customers. Costs incurred pursuant to a contract authorized by this subsection (k) shall be deemed prudently incurred and reasonable in amount and the electric utility shall be entitled to full cost recovery pursuant to the tariffs filed with the Commission:

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(k-5) (Blank). In order to promote price stability for residential and small commercial customers during the infrastructure investment program described in subsection (b) of Section 16-108.5 of this Act, and notwithstanding any other provision of this Act or the Illinois Power Agency Act, for each electric utility that serves more than one million retail customers in Illinois, the Illinois Power Agency shall conduct a procurement event within 120 days after October 26, 2011 (the effective date of Public Act 97-616) and may procure contracts for energy and renewable energy credits for the period June 1, 2013 through December 31, 2017 that satisfy the requirements of this subsection (k-5), including the benchmarks described in this subsection. These contracts shall be entered into as the result of a competitive procurement event, and, to the extent that any provisions of this Section or the Illinois Power Agency Act do not conflict with this subsection (k-5), such provisions shall apply to the procurement event. The energy contracts shall be for 24 hour by 7 day supply over a term that runs from the first delivery year through December 31, 2017. For a utility that serves over 2 million customers, the energy contracts shall be multi-year with pricing escalating at 2.5% per annum. The energy contracts may be designed as financial swaps or may require physical delivery.

Within 30 days of October 26, 2011 (the effective date of Public Act 97-616), each such utility shall submit to the Agency updated load forecasts for the period June 1, 2013 through December 31, 2017. The megawatt volume of the contracts shall be based on the updated load forecasts of the minimum monthly on-peak or off-peak average load requirements shown in the forecasts, taking into account any existing energy contracts in effect as well as the expected migration of the utility’s customers to alternative retail electric suppliers. The renewable energy credit volume shall be based on the number of credits that would satisfy the requirements of subsection (c) of Section 1-75 of the Illinois Power Agency Act, subject to the rate impact caps and other provisions of subsection (c) of Section 1-75 of the Illinois Power Agency Act. The evaluation of contract bids in the competitive procurement events for energy and for renewable energy credits shall incorporate price benchmarks set collaboratively by the Agency, the procurement administrator, the staff of the Commission, and the procurement monitor. If the contracts are swap contracts, then they shall be executed as transactions under a negotiated master agreement based on the form of master agreement for financial swap contracts sponsored by the

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International Swaps and Derivatives Association, Inc. Costs incurred pursuant to a contract authorized by this subsection (k-5) shall be deemed prudently incurred and reasonable in amount and the electric utility shall be entitled to full cost recovery pursuant to the tariffs filed with the Commission.

The cost of administering the procurement event described in this subsection (k-5) shall be paid by the winning supplier or suppliers to the procurement administrator through a supplier fee. In the event that there is no winning supplier for a particular utility, such utility will pay the procurement administrator for the costs associated with the procurement event, and those costs shall not be a recoverable expense. Nothing in this subsection (k-5) is intended to alter the recovery of costs for any other procurement event.

(l) An electric utility shall recover its costs incurred under this Section, including, but not limited to, the costs of procuring power and energy demand-response resources under this Section. The utility shall file with the initial procurement plan its proposed tariffs through which its costs of procuring power that are incurred pursuant to a Commission-approved procurement plan and those other costs identified in this subsection (l), will be recovered. The tariffs shall include a formula rate or charge designed to pass through both the costs incurred by the utility in procuring a supply of electric power and energy for the applicable customer classes with no mark-up or return on the price paid by the utility for that supply, plus any just and reasonable costs that the utility incurs in arranging and providing for the supply of electric power and energy. The formula rate or charge shall also contain provisions that ensure that its application does not result in over or under recovery due to changes in customer usage and demand patterns, and that provide for the correction, on at least an annual basis, of any accounting errors that may occur. A utility shall recover through the tariff all reasonable costs incurred to implement or comply with any procurement plan that is developed and put into effect pursuant to Section 1-75 of the Illinois Power Agency Act and this Section, including any fees assessed by the Illinois Power Agency, costs associated with load balancing, and contingency plan costs. The electric utility shall also recover its full costs of procuring electric supply for which it contracted before the effective date of this Section in conjunction with the provision of full requirements service under fixed-price bundled service tariffs subsequent to December 31, 2006. All such costs shall be deemed to have been prudently incurred. The pass-through

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tariffs that are filed and approved pursuant to this Section shall not be subject to review under, or in any way limited by, Section 16-111(i) of this Act. All of the costs incurred by the electric utility associated with the purchase of zero emission credits in accordance with subsection (d-5) of Section 1-75 of the Illinois Power Agency Act and, beginning June 1, 2017, all of the costs incurred by the electric utility associated with the purchase of renewable energy resources in accordance with Sections 1-56 and 1-75 of the Illinois Power Agency Act, shall be recovered through the electric utility's tariffed charges applicable to all of its retail customers, as specified in subsection (k) of Section 16-108 of this Act, and shall not be recovered through the electric utility's tariffed charges for electric power and energy supply to its eligible retail customers.

(m) The Commission has the authority to adopt rules to carry out the provisions of this Section. For the public interest, safety, and welfare, the Commission also has authority to adopt rules to carry out the provisions of this Section on an emergency basis immediately following August 28, 2007 (the effective date of Public Act 95-481) this amendatory Act.

(n) Notwithstanding any other provision of this Act, any affiliated electric utilities that submit a single procurement plan covering their combined needs may procure for those combined needs in conjunction with that plan, and may enter jointly into power supply contracts, purchases, and other procurement arrangements, and allocate capacity and energy and cost responsibility therefor among themselves in proportion to their requirements.

(o) On or before June 1 of each year, the Commission shall hold an informal hearing for the purpose of receiving comments on the prior year's procurement process and any recommendations for change.

(p) An electric utility subject to this Section may propose to invest, lease, own, or operate an electric generation facility as part of its procurement plan, provided the utility demonstrates that such facility is the least-cost option to provide electric service to those eligible retail customers included in the plan's electric supply service requirements. If the facility is shown to be the least-cost option and is included in a procurement plan prepared in accordance with Section 1-75 of the Illinois Power Agency Act and this Section, then the electric utility shall make a filing pursuant to Section 8-406 of this Act, and may request of the Commission any statutory relief required thereunder. If the Commission grants all of the necessary approvals for the proposed facility, such supply

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shall thereafter be considered as a pre-existing contract under subsection (b) of this Section. The Commission shall in any order approving a proposal under this subsection specify how the utility will recover the prudently incurred costs of investing in, leasing, owning, or operating such generation facility through just and reasonable rates charged to those eligible retail customers included in the plan's electric supply service requirements. Cost recovery for facilities included in the utility's procurement plan pursuant to this subsection shall not be subject to review under or in any way limited by the provisions of Section 16-111(i) of this Act. Nothing in this Section is intended to prohibit a utility from filing for a fuel adjustment clause as is otherwise permitted under Section 9-220 of this Act.

(q) If the Illinois Power Agency filed with the Commission, under Section 16-111.5 of this Act, its proposed procurement plan for the period commencing June 1, 2017, and the Commission has not yet entered its final order approving the plan on or before the effective date of this amendatory Act of the 99th General Assembly, then the Illinois Power Agency shall file a notice of withdrawal with the Commission, after the effective date of this amendatory Act of the 99th General Assembly, to withdraw the proposed procurement of renewable energy resources to be approved under the plan, other than the procurement of renewable energy credits from distributed renewable energy generation devices using funds previously collected from electric utilities' retail customers that take service pursuant to electric utilities' hourly pricing tariff or tariffs and, for an electric utility that serves less than 100,000 retail customers in the State, other than the procurement of renewable energy credits from distributed renewable energy generation devices. Upon receipt of the notice, the Commission shall enter an order that approves the withdrawal of the proposed procurement of renewable energy resources from the plan. The initially proposed procurement of renewable energy resources shall not be approved or be the subject of any further hearing, investigation, proceeding, or order of any kind.

This amendatory Act of the 99th General Assembly preempts and supersedes any order entered by the Commission that approved the Illinois Power Agency's procurement plan for the period commencing June 1, 2017, to the extent it is inconsistent with the provisions of this amendatory Act of the 99th General Assembly. To the extent any previously entered order approved the procurement of renewable energy resources, the portion of that order approving the procurement shall be

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void, other than the procurement of renewable energy credits from distributed renewable energy generation devices using funds previously collected from electric utilities' retail customers that take service under electric utilities' hourly pricing tariff or tariffs and, for an electric utility that serves less than 100,000 retail customers in the State, other than the procurement of renewable energy credits for distributed renewable energy generation devices.

(Source: P.A. 97-325, eff. 8-12-11; 97-616, eff. 10-26-11; 97-813, eff. 7-13-12; revised 9-14-16.)

(220 ILCS 5/16-111.5B)
Sec. 16-111.5B. Provisions relating to energy efficiency procurement.

(a) Procurement Beginning in 2012, procurement plans prepared and filed pursuant to Section 16-111.5 of this Act during the years 2012 through 2015 shall be subject to the following additional requirements:

(1) The analysis included pursuant to paragraph (2) of subsection (b) of Section 16-111.5 shall also include the impact of energy efficiency building codes or appliance standards, both current and projected.

(2) The procurement plan components described in subsection (b) of Section 16-111.5 shall also include an assessment of opportunities to expand the programs promoting energy efficiency measures that have been offered under plans approved pursuant to Section 8-103 of this Act or to implement additional cost-effective energy efficiency programs or measures.

(3) In addition to the information provided pursuant to paragraph (1) of subsection (d) of Section 16-111.5 of this Act, each Illinois utility procuring power pursuant to that Section shall annually provide to the Illinois Power Agency by July 15 of each year, or such other date as may be required by the Commission or Agency, an assessment of cost-effective energy efficiency programs or measures that could be included in the procurement plan. The assessment shall include the following:

(A) A comprehensive energy efficiency potential study for the utility's service territory that was completed within the past 3 years.

(B) Beginning in 2014, the most recent analysis submitted pursuant to Section 8-103A of this Act and
approved by the Commission under subsection (f) of Section 8-103 of this Act.

(C) Identification of new or expanded cost-effective energy efficiency programs or measures that are incremental to those included in energy efficiency and demand-response plans approved by the Commission pursuant to Section 8-103 of this Act and that would be offered to all retail customers whose electric service has not been declared competitive under Section 16-113 of this Act and who are eligible to purchase power and energy from the utility under fixed-price bundled service tariffs, regardless of whether such customers actually do purchase such power and energy from the utility.

(D) Analysis showing that the new or expanded cost-effective energy efficiency programs or measures would lead to a reduction in the overall cost of electric service.

(E) Analysis of how the cost of procuring additional cost-effective energy efficiency measures compares over the life of the measures to the prevailing cost of comparable supply.

(F) An energy savings goal, expressed in megawatt-hours, for the year in which the measures will be implemented.

(G) For each expanded or new program, the estimated amount that the program may reduce the agency's need to procure supply.

In preparing such assessments, a utility shall conduct an annual solicitation process for purposes of requesting proposals from third-party vendors, the results of which shall be provided to the Agency as part of the assessment, including documentation of all bids received. The utility shall develop requests for proposals consistent with the manner in which it develops requests for proposals under plans approved pursuant to Section 8-103 of this Act, which considers input from the Agency and interested stakeholders.

(4) The Illinois Power Agency shall include in the procurement plan prepared pursuant to paragraph (2) of subsection (d) of Section 16-111.5 of this Act energy efficiency programs and

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measures it determines are cost-effective and the associated annual energy savings goal included in the annual solicitation process and assessment submitted pursuant to paragraph (3) of this subsection (a).

(5) Pursuant to paragraph (4) of subsection (d) of Section 16-111.5 of this Act, the Commission shall also approve the energy efficiency programs and measures included in the procurement plan, including the annual energy savings goal, if the Commission determines they fully capture the potential for all achievable cost-effective savings, to the extent practicable, and otherwise satisfy the requirements of Section 8-103 of this Act.

In the event the Commission approves the procurement of additional energy efficiency, it shall reduce the amount of power to be procured under the procurement plan to reflect the additional energy efficiency and shall direct the utility to undertake the procurement of such energy efficiency, which shall not be subject to the requirements of subsection (e) of Section 16-111.5 of this Act. The utility shall consider input from the Agency and interested stakeholders on the procurement and administration process. The requirements set forth in paragraphs (1) through (5) of this subsection (a) shall terminate after the filing of the procurement plan in 2015, and no energy efficiency shall be procured by the Agency thereafter. Energy efficiency programs approved previously under this Section shall terminate no later than December 31, 2017.

(6) An electric utility shall recover its costs incurred under this Section related to the implementation of energy efficiency programs and measures approved by the Commission in its order approving the procurement plan under Section 16-111.5 of this Act, including, but not limited to, all costs associated with complying with this Section and all start-up and administrative costs and the costs for any evaluation, measurement, and verification of the measures, from all retail customers whose electric service has not been declared competitive under Section 16-113 of this Act and who are eligible to purchase power and energy from the utility under fixed-price bundled service tariffs, regardless of whether such customers actually do purchase such power and energy from the utility through the automatic adjustment clause tariff established pursuant to Section 8-103 of

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this Act, provided, however, that the limitations described in
subsection (d) of that Section shall not apply to the costs incurred
pursuant to this Section or Section 16-111.7 of this Act.

(b) For purposes of this Section, the term "energy efficiency" shall
have the meaning set forth in Section 1-10 of the Illinois Power Agency
Act, and the term "cost-effective" shall have the meaning set forth in
subsection (a) of Section 8-103 of this Act.

(c) The changes to this Section made by this amendatory Act of the
99th General Assembly shall not interfere with existing contracts executed
under a Commission order entered under this Section.

(d)(1) For those electric utilities subject to the requirements of
Section 8-103B of this Act, the contracts governing the energy efficiency
programs and measures approved by the Commission in its order
approving the procurement plan for the period June 1, 2016 through May
31, 2017 may be extended through December 31, 2017 so that the energy
efficiency programs subject to such contracts and approved in such plan
continue to be offered during the period June 1, 2017 through December
31, 2017. Each such utility is authorized to increase, on a pro rata basis,
the energy savings goals and budgets approved under this Section to
reflect the additional 7 months of implementation of the energy efficiency
programs and measures.

(2) If the Illinois Power Agency filed with the Commission,
under Section 16-111.5 of this Act, its proposed procurement plan
for the period commencing June 1, 2017, and the Commission has
not yet entered its final order approving such plan on or before the
effective date of this amendatory Act of the 99th General Assembly,
then the Illinois Power Agency shall file a notice of withdrawal
with the Commission to withdraw the proposed energy efficiency
programs to be approved under such plan. Upon receipt of such
notice, the Commission shall enter an order that approves the
withdrawal of all proposed energy efficiency programs from the
plan. The initially proposed energy efficiency programs shall not
be approved or be the subject of any further hearing, investigation,
proceeding, or order of any kind.

(3) This amendatory Act of the 99th General Assembly
preempts and supersedes any order entered by the Commission
that approved the Illinois Power Agency's procurement plan for
the period commencing June 1, 2017, to the extent inconsistent
with the provisions of this amendatory Act of the 99th General

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Assembly. To the extent any such previously entered order approved energy efficiency programs under this Section, the portion of such order approving such programs shall be void, and the provisions of paragraph (1) of this subsection (d) shall apply.

(Source: P.A. 97-616, eff. 10-26-11; 97-824, eff. 7-18-12.)

(220 ILCS 5/16-111.7)

Sec. 16-111.7. On-bill financing program; electric utilities.

(a) The Illinois General Assembly finds that Illinois homes and businesses have the potential to save energy through conservation and cost-effective energy efficiency measures. Programs created pursuant to this Section will allow utility customers to purchase cost-effective energy efficiency measures, including measures set forth in a Commission-approved energy efficiency and demand-response plan under Section 8-103 or 8-103B of this Act, with no required initial upfront payment, and to pay the cost of those products and services over time on their utility bill.

(b) Notwithstanding any other provision of this Act, an electric utility serving more than 100,000 customers on January 1, 2009 shall offer a Commission-approved on-bill financing program ("program") that allows its eligible retail customers, as that term is defined in Section 16-111.5 of this Act, who own a residential single family home, duplex, or other residential building with 4 or less units, or condominium at which the electric service is being provided (i) to borrow funds from a third party lender in order to purchase electric energy efficiency measures approved under the program for installation in such home or condominium without any required upfront payment and (ii) to pay back such funds over time through the electric utility's bill. Based upon the process described in subsection (b-5) of this Section, small commercial customers who own the premises at which electric service is being provided may be included in such program. After receiving a request from an electric utility for approval of a proposed program and tariffs pursuant to this Section, the Commission shall render its decision within 120 days. If no decision is rendered within 120 days, then the request shall be deemed to be approved.

Beginning no later than December 31, 2013, an electric utility subject to this subsection (b) shall also offer its program to eligible retail customers that own multifamily residential or mixed-use buildings with no more than 50 residential units, provided, however, that such customers must either be a residential customer or small commercial customer and may not use the program in such a way that repayment of the cost of

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energy efficiency measures is made through tenants' utility bills. An electric utility may impose a per site loan limit not to exceed $150,000. The program, and loans issued thereunder, shall only be offered to customers of the utility that meet the requirements of this Section and that also have an electric service account at the premises where the energy efficiency measures being financed shall be installed. Beginning no later than 2 years after the effective date of this amendatory Act of the 99th General Assembly, the 50 residential unit limitation described in this paragraph shall no longer apply, and the utility shall replace the per site loan limit of $150,000 with a loan limit that correlates to a maximum monthly payment that does not exceed 50% of the customer's average utility bill over the prior 12-month period.

Beginning no later than 2 years after the effective date of this amendatory Act of the 99th General Assembly, an electric utility subject to this subsection (b) shall also offer its program to eligible retail customers that are Unit Owners' Associations, as defined in subsection (o) of Section 2 of the Condominium Property Act, or Master Associations, as defined in subsection (u) of the Condominium Property Act. However, such customers must either be residential customers or small commercial customers and may not use the program in such a way that repayment of the cost of energy efficiency measures is made through unit owners' utility bills. The program and loans issued under the program shall only be offered to customers of the utility that meet the requirements of this Section and that also have an electric service account at the premises where the energy efficiency measures being financed shall be installed.

For purposes of this Section, "small commercial customer" means, for an electric utility serving more than 3,000,000 retail customers, those customers having peak demand of less than 100 kilowatts, and, for an electric utility serving less than 3,000,000 retail customers, those customers having peak demand of less than 150 kilowatts; provided, however, that in the event the Commission, after the effective date of this amendatory Act of the 98th General Assembly, approves changes to a utility's tariffs that reflects new or revised demand criteria for the utility's customer rate classifications, then the utility may file a petition with the Commission to revise the applicable definition of a small commercial customer to reflect the new or revised demand criteria for the purposes of this Section. After notice and hearing, the Commission shall enter an order approving, or approving with modification, the revised definition within 60 days after the utility files the petition.

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(b-5) Within 30 days after the effective date of this amendatory Act of the 96th General Assembly, the Commission shall convene a workshop process during which interested participants may discuss issues related to the program, including program design, eligible electric energy efficiency measures, vendor qualifications, and a methodology for ensuring ongoing compliance with such qualifications, financing, sample documents such as request for proposals, contracts and agreements, dispute resolution, pre-installment and post-installment verification, and evaluation. The workshop process shall be completed within 150 days after the effective date of this amendatory Act of the 96th General Assembly.

(c) Not later than 60 days following completion of the workshop process described in subsection (b-5) of this Section, each electric utility subject to subsection (b) of this Section shall submit a proposed program to the Commission that contains the following components:

(1) A list of recommended electric energy efficiency measures that will be eligible for on-bill financing. An eligible electric energy efficiency measure ("measure") shall be a product or service for which one or more of the following is true:

(A) (blank);

(B) the projected electricity savings (determined by rates in effect at the time of purchase) are sufficient to cover the costs of implementing the measures, including finance charges and any program fees not recovered pursuant to subsection (f) of this Section; or

(C) the product or service is included in a Commission-approved energy efficiency and demand-response plan under Section 8-103 or 8-103B of this Act.

(1.5) Beginning no later than 2 years after the effective date of this amendatory Act of the 99th General Assembly, an eligible electric energy efficiency measure (measure) shall be a product or service that qualifies under subparagraph (B) or (C) of paragraph (1) of this subsection (c) or for which one or more of the following is true:

(A) a building energy assessment, performed by an energy auditor who is certified by the Building Performance Institute or who holds a similar certification, has recommended the product or service as likely to be cost effective over the course of its installed life for the building in which the measure is to be installed; or

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(B) the product or service is necessary to safely or correctly install to code or industry standard an efficiency measure, including, but not limited to, installation work; changes needed to plumbing or electrical connections; upgrades to wiring or fixtures; removal of hazardous materials; correction of leaks; changes to thermostats, controls, or similar devices; and changes to venting or exhaust necessitated by the measure. However, the costs of the product or service described in this subparagraph (B) shall not exceed 25% of the total cost of installing the measure.

(2) The electric utility shall issue a request for proposals ("RFP") to lenders for purposes of providing financing to participants to pay for approved measures. The RFP criteria shall include, but not be limited to, the interest rate, origination fees, and credit terms. The utility shall select the winning bidders based on its evaluation of these criteria, with a preference for those bids containing the rates, fees, and terms most favorable to participants;

(3) The utility shall work with the lenders selected pursuant to the RFP process, and with vendors, to establish the terms and processes pursuant to which a participant can purchase eligible electric energy efficiency measures using the financing obtained from the lender. The vendor shall explain and offer the approved financing packaging to those customers identified in subsection (b) of this Section and shall assist customers in applying for financing. As part of the process, vendors shall also provide to participants information about any other incentives that may be available for the measures.

(4) The lender shall conduct credit checks or undertake other appropriate measures to limit credit risk, and shall review and approve or deny financing applications submitted by customers identified in subsection (b) of this Section. Following the lender's approval of financing and the participant's purchase of the measure or measures, the lender shall forward payment information to the electric utility, and the utility shall add as a separate line item on the participant's utility bill a charge showing the amount due under the program each month.

(5) A loan issued to a participant pursuant to the program shall be the sole responsibility of the participant, and any dispute
that may arise concerning the loan's terms, conditions, or charges shall be resolved between the participant and lender. Upon transfer of the property title for the premises at which the participant receives electric service from the utility or the participant's request to terminate service at such premises, the participant shall pay in full its electric utility bill, including all amounts due under the program, provided that this obligation may be modified as provided in subsection (g) of this Section. Amounts due under the program shall be deemed amounts owed for residential and, as appropriate, small commercial electric service.

(6) The electric utility shall remit payment in full to the lender each month on behalf of the participant. In the event a participant defaults on payment of its electric utility bill, the electric utility shall continue to remit all payments due under the program to the lender, and the utility shall be entitled to recover all costs related to a participant's nonpayment through the automatic adjustment clause tariff established pursuant to Section 16-111.8 of this Act. In addition, the electric utility shall retain a security interest in the measure or measures purchased under the program, and the utility retains its right to disconnect a participant that defaults on the payment of its utility bill.

(7) The total outstanding amount financed under the program in this subsection and subsection (c-5) of this Section shall not exceed $2.5 million for an electric utility or electric utilities under a single holding company, provided that the electric utility or electric utilities may petition the Commission for an increase in such amount. Beginning after the effective date of this amendatory Act of the 98th General Assembly, the total maximum outstanding amount financed under the program in this subsection and subsections (c-5) and (c-10) of this Section shall increase by $5,000,000 per year until such time as the total maximum outstanding amount financed reaches $20,000,000. For purposes of this Section, "maximum outstanding amount financed" means the sum of all principal that has been loaned and not yet repaid.

(c-5) Within 120 days after the effective date of this amendatory Act of the 98th General Assembly, each electric utility subject to the requirements of this Section shall submit an informational filing to the Commission that describes its plan for implementing the provisions of this amendatory Act of the 98th General Assembly on or before December 31,
2013. Such filing shall also describe how the electric utility shall coordinate its program with any gas utility or utilities that provide gas service to buildings within the electric utility's service territory so that it is practical and feasible for the owner of a multifamily building to make a single application to access loans for both gas and electric energy efficiency measures in any individual building.

(c-10) No later than 365 days after the effective date of this amendatory Act of the 99th General Assembly, each electric utility subject to the requirements of this Section shall submit an informational filing to the Commission that describes its plan for implementing the provisions of this amendatory Act of the 99th General Assembly that were incorporated into this Section. Such filing shall also include the criteria to be used by the program for determining if measures to be financed are eligible electric energy efficiency measures, as defined by paragraph (1.5) of subsection (c) of this Section.

(d) A program approved by the Commission shall also include the following criteria and guidelines for such program:

(1) guidelines for financing of measures installed under a program, including, but not limited to, RFP criteria and limits on both individual loan amounts and the duration of the loans;

(2) criteria and standards for identifying and approving measures;

(3) qualifications of vendors that will market or install measures, as well as a methodology for ensuring ongoing compliance with such qualifications;

(4) sample contracts and agreements necessary to implement the measures and program; and

(5) the types of data and information that utilities and vendors participating in the program shall collect for purposes of preparing the reports required under subsection (g) of this Section.

(e) The proposed program submitted by each electric utility shall be consistent with the provisions of this Section that define operational, financial and billing arrangements between and among program participants, vendors, lenders, and the electric utility.

(f) An electric utility shall recover all of the prudently incurred costs of offering a program approved by the Commission pursuant to this Section, including, but not limited to, all start-up and administrative costs and the costs for program evaluation. All prudently incurred costs under this Section shall be recovered from the residential and small commercial...

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retail customer classes eligible to participate in the program through the automatic adjustment clause tariff established pursuant to Section 8-103 or 8-103B of this Act.

(g) An independent evaluation of a program shall be conducted after 3 years of the program's operation. The electric utility shall retain an independent evaluator who shall evaluate the effects of the measures installed under the program and the overall operation of the program, including, but not limited to, customer eligibility criteria and whether the payment obligation for permanent electric energy efficiency measures that will continue to provide benefits of energy savings should attach to the meter location. As part of the evaluation process, the evaluator shall also solicit feedback from participants and interested stakeholders. The evaluator shall issue a report to the Commission on its findings no later than 4 years after the date on which the program commenced, and the Commission shall issue a report to the Governor and General Assembly including a summary of the information described in this Section as well as its recommendations as to whether the program should be discontinued, continued with modification or modifications or continued without modification, provided that any recommended modifications shall only apply prospectively and to measures not yet installed or financed.

(h) An electric utility offering a Commission-approved program pursuant to this Section shall not be required to comply with any other statute, order, rule, or regulation of this State that may relate to the offering of such program, provided that nothing in this Section is intended to limit the electric utility's obligation to comply with this Act and the Commission's orders, rules, and regulations, including Part 280 of Title 83 of the Illinois Administrative Code.

(i) The source of a utility customer's electric supply shall not disqualify a customer from participation in the utility's on-bill financing program. Customers of alternative retail electric suppliers may participate in the program under the same terms and conditions applicable to the utility's supply customers.

(Source: P.A. 97-616, eff. 10-26-11; 98-586, eff. 8-27-13.)

(220 ILCS 5/16-115D)

Sec. 16-115D. Renewable portfolio standard for alternative retail electric suppliers and electric utilities operating outside their service territories.

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(a) An alternative retail electric supplier shall be responsible for procuring cost-effective renewable energy resources as required under item (5) of subsection (d) of Section 16-115 of this Act as outlined herein:

(1) The definition of renewable energy resources contained in Section 1-10 of the Illinois Power Agency Act applies to all renewable energy resources required to be procured by alternative retail electric suppliers.

(2) Through May 31, 2017, the quantity of renewable energy resources shall be measured as a percentage of the actual amount of metered electricity (megawatt-hours) delivered by the alternative retail electric supplier to Illinois retail customers during the 12-month period June 1 through May 31, commencing June 1, 2009, and the comparable 12-month period in each year thereafter except as provided in item (6) of this subsection (a).

(3) Through May 31, 2017, the quantity of renewable energy resources shall be in amounts at least equal to the annual percentages set forth in item (1) of subsection (c) of Section 1-75 of the Illinois Power Agency Act. At least 60% of the renewable energy resources procured pursuant to items (1) and through (3) of subsection (b) of this Section shall come from wind generation and, starting June 1, 2015, at least 6% of the renewable energy resources procured pursuant to items (1) and through (3) of subsection (b) of this Section shall come from solar photovoltaics. If, in any given year, an alternative retail electric supplier does not purchase at least these levels of renewable energy resources, then the alternative retail electric supplier shall make alternative compliance payments, as described in subsection (d) of this Section.

(3.5) For the delivery year commencing June 1, 2017, the quantity of renewable energy resources shall be at least 13.0% of the uncovered amount of metered electricity (megawatt-hours) delivered by the alternative retail electric supplier to Illinois retail customers during the delivery year, which uncovered amount shall equal 50% of such metered electricity delivered by the alternative retail electric supplier. For the delivery year commencing June 1, 2018, the quantity of renewable energy resources shall be at least 14.5% of the uncovered amount of metered electricity (megawatt-hours) delivered by the alternative retail electric supplier to Illinois retail customers during the delivery year, which uncovered

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amount shall equal 25% of such metered electricity delivered by the alternative retail electric supplier. At least 32% of the renewable energy resources procured by the alternative retail electric supplier for its uncovered portion under this paragraph (3.5) shall come from wind or photovoltaic generation. The renewable energy resources procured under this paragraph (3.5) shall not include any resources from a facility whose costs were being recovered through rates regulated by any state or states on or after January 1, 2017.

(4) The quantity and source of renewable energy resources shall be independently verified through the PJM Environmental Information System Generation Attribute Tracking System (PJM-GATS) or the Midwest Renewable Energy Tracking System (M-RETS), which shall document the location of generation, resource type, month, and year of generation for all qualifying renewable energy resources that an alternative retail electric supplier uses to comply with this Section. No later than June 1, 2009, the Illinois Power Agency shall provide PJM-GATS, M-RETS, and alternative retail electric suppliers with all information necessary to identify resources located in Illinois, within states that adjoin Illinois or within portions of the PJM and MISO footprint in the United States that qualify under the definition of renewable energy resources in Section 1-10 of the Illinois Power Agency Act for compliance with this Section 16-115D. Alternative retail electric suppliers shall not be subject to the requirements in item (3) of subsection (c) of Section 1-75 of the Illinois Power Agency Act.

(5) All renewable energy credits used to comply with this Section shall be permanently retired.

(6) The required procurement of renewable energy resources by an alternative retail electric supplier shall apply to all metered electricity delivered to Illinois retail customers by the alternative retail electric supplier pursuant to contracts executed or extended after March 15, 2009.

(b) Compliance obligations.

(1) Through May 31, 2017, an alternative retail electric supplier shall comply with the renewable energy portfolio standards by making an alternative compliance payment, as described in subsection (d) of this Section, to cover at least one-
half of the alternative retail electric supplier's compliance obligation for the period prior to June 1, 2017.

(2) For the delivery years beginning June 1, 2017 and June 1, 2018, an alternative retail electric supplier need not make any alternative compliance payment to meet any portion of its compliance obligation, as set forth in paragraph (3.5) of subsection (a) of this Section.

(3) An alternative retail electric supplier shall use and any one or combination of the following means to cover the remainder of the alternative retail electric supplier's compliance obligation, as set forth in paragraphs (3) and (3.5) of subsection (a) of this Section, not covered by an alternative compliance payment made under paragraphs (1) and (2) of this subsection (b) of this Section:

(A) (1) Generating electricity using renewable energy resources identified pursuant to item (4) of subsection (a) of this Section.

(B) (2) Purchasing electricity generated using renewable energy resources identified pursuant to item (4) of subsection (a) of this Section through an energy contract.

(C) (3) Purchasing renewable energy credits from renewable energy resources identified pursuant to item (4) of subsection (a) of this Section.

(D) (4) Making an alternative compliance payment as described in subsection (d) of this Section.

(c) Use of renewable energy credits.

(1) Renewable energy credits that are not used by an alternative retail electric supplier to comply with a renewable portfolio standard in a compliance year may be banked and carried forward up to 2 12-month compliance periods after the compliance period in which the credit was generated for the purpose of complying with a renewable portfolio standard in those 2 subsequent compliance periods. For the 2009-2010 and 2010-2011 compliance periods, an alternative retail electric supplier may use renewable credits generated after December 31, 2008 and before June 1, 2009 to comply with this Section.

(2) An alternative retail electric supplier is responsible for demonstrating that a renewable energy credit used to comply with a renewable portfolio standard is derived from a renewable energy
resource and that the alternative retail electric supplier has not used, traded, sold, or otherwise transferred the credit.

(3) The same renewable energy credit may be used by an alternative retail electric supplier to comply with a federal renewable portfolio standard and a renewable portfolio standard established under this Act. An alternative retail electric supplier that uses a renewable energy credit to comply with a renewable portfolio standard imposed by any other state may not use the same credit to comply with a renewable portfolio standard established under this Act.

(d) Alternative compliance payments.

(1) The Commission shall establish and post on its website, within 5 business days after entering an order approving a procurement plan pursuant to Section 1-75 of the Illinois Power Agency Act, maximum alternative compliance payment rates, expressed on a per kilowatt-hour basis, that will be applicable in the first compliance period following the plan approval. A separate maximum alternative compliance payment rate shall be established for the service territory of each electric utility that is subject to subsection (c) of Section 1-75 of the Illinois Power Agency Act. Each maximum alternative compliance payment rate shall be equal to the maximum allowable annual estimated average net increase due to the costs of the utility's purchase of renewable energy resources included in the amounts paid by eligible retail customers in connection with electric service, as described in item (2) of subsection (c) of Section 1-75 of the Illinois Power Agency Act for the compliance period, and as established in the approved procurement plan. Following each procurement event through which renewable energy resources are purchased for one or more of these utilities for the compliance period, the Commission shall establish and post on its website estimates of the alternative compliance payment rates, expressed on a per kilowatt-hour basis, that shall apply for that compliance period. Posting of the estimates shall occur no later than 10 business days following the procurement event, however, the Commission shall not be required to establish and post such estimates more often than once per calendar month. By July 1 of each year, the Commission shall establish and post on its website the actual alternative compliance payment rates for the preceding compliance year. For compliance
years beginning prior to June 1, 2014, each alternative compliance payment rate shall be equal to the total amount of dollars that the utility contracted to spend on renewable resources, excepting the additional incremental cost attributable to solar resources, for the compliance period divided by the forecasted load of eligible retail customers, at the customers' meters, as previously established in the Commission-approved procurement plan for that compliance year. For compliance years commencing on or after June 1, 2014, each alternative compliance payment rate shall be equal to the total amount of dollars that the utility contracted to spend on all renewable resources for the compliance period divided by the forecasted load of eligible retail customers for which the utility is procuring renewable energy resources in a given delivery year, at the customers' meters, as previously established in the Commission-approved procurement plan for that compliance year. The actual alternative compliance payment rates may not exceed the maximum alternative compliance payment rates established for the compliance period. For purposes of this subsection (d), the term "eligible retail customers" has the same meaning as found in Section 16-111.5 of this Act.

(2) In any given compliance year, an alternative retail electric supplier may elect to use alternative compliance payments to comply with all or a part of the applicable renewable portfolio standard. In the event that an alternative retail electric supplier elects to make alternative compliance payments to comply with all or a part of the applicable renewable portfolio standard, such payments shall be made by September 1, 2010 for the period of June 1, 2009 to May 1, 2010 and by September 1 of each year thereafter for the subsequent compliance period, in the manner and form as determined by the Commission. Any election by an alternative retail electric supplier to use alternative compliance payments is subject to review by the Commission under subsection (e) of this Section.

(3) An alternative retail electric supplier's alternative compliance payments shall be computed separately for each electric utility's service territory within which the alternative retail electric supplier provided retail service during the compliance period, provided that the electric utility was subject to subsection (c) of Section 1-75 of the Illinois Power Agency Act. For each
service territory, the alternative retail electric supplier's alternative compliance payment shall be equal to (i) the actual alternative compliance payment rate established in item (1) of this subsection (d), multiplied by (ii) the actual amount of metered electricity delivered by the alternative retail electric supplier to retail customers for which the supplier has a compliance obligation within the service territory during the compliance period, multiplied by (iii) the result of one minus the ratios of the quantity of renewable energy resources used by the alternative retail electric supplier to comply with the requirements of this Section within the service territory to the product of the percentage of renewable energy resources required under item (3) or (3.5) of subsection (a) of this Section and the actual amount of metered electricity delivered by the alternative retail electric supplier to retail customers for which the supplier has a compliance obligation within the service territory during the compliance period.

(4) Through May 31, 2017, all alternative compliance payments by alternative retail electric suppliers shall be deposited in the Illinois Power Agency Renewable Energy Resources Fund and used to purchase renewable energy credits, in accordance with Section 1-56 of the Illinois Power Agency Act. Beginning April 1, 2012 and by April 1 of each year thereafter, the Illinois Power Agency shall submit an annual report to the General Assembly, the Commission, and alternative retail electric suppliers that shall include, but not be limited to:

(A) the total amount of alternative compliance payments received in aggregate from alternative retail electric suppliers by planning year for all previous planning years in which the alternative compliance payment was in effect;
(B) the amount of those payments utilized to purchased renewable energy credits itemized by the date of each procurement in which the payments were utilized; and
(C) the unused and remaining balance in the Agency Renewable Energy Resources Fund attributable to those payments.

(4.5) Beginning with the delivery year commencing June 1, 2017, all alternative compliance payments by alternative retail
electric suppliers shall be remitted to the applicable electric utility. To facilitate this remittance, each electric utility shall file a tariff with the Commission no later than 30 days following the effective date of this amendatory Act of the 99th General Assembly, which the Commission shall approve, after notice and hearing, no later than 45 days after its filing. The Illinois Power Agency shall use such payments to increase the amount of renewable energy resources otherwise to be procured under subsection (c) of Section 1-75 of the Illinois Power Agency Act.

(5) The Commission, in consultation with the Illinois Power Agency, shall establish a process or proceeding to consider the impact of a federal renewable portfolio standard, if enacted, on the operation of the alternative compliance mechanism, which shall include, but not be limited to, developing, to the extent permitted by the applicable federal statute, an appropriate methodology to apportion renewable energy credits retired as a result of alternative compliance payments made in accordance with this Section. The Commission shall commence any such process or proceeding within 35 days after enactment of a federal renewable portfolio standard.

(e) Each alternative retail electric supplier shall, by September 1, 2010 and by September 1 of each year thereafter, prepare and submit to the Commission a report, in a format to be specified by the Commission on or before December 31, 2009, that provides information certifying compliance by the alternative retail electric supplier with this Section, including copies of all PJM-GATS and M-RETS reports, and documentation relating to banking, retiring renewable energy credits, and any other information that the Commission determines necessary to ensure compliance with this Section.

An alternative retail electric supplier may file commercially or financially sensitive information or trade secrets with the Commission as provided under the rules of the Commission. To be filed confidentially, the information shall be accompanied by an affidavit that sets forth both the reasons for the confidentiality and a public synopsis of the information.

(f) The Commission may initiate a contested case to review allegations that the alternative retail electric supplier has violated this Section, including an order issued or rule promulgated under this Section. In any such proceeding, the alternative retail electric supplier shall have the burden of proof. If the Commission finds, after notice and hearing, that

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an alternative retail electric supplier has violated this Section, then the Commission shall issue an order requiring the alternative retail electric supplier to:

(1) immediately comply with this Section; and
(2) if the violation involves a failure to procure the requisite quantity of renewable energy resources or pay the applicable alternative compliance payment by the annual deadline, the Commission shall require the alternative retail electric supplier to double the applicable alternative compliance payment that would otherwise be required to bring the alternative retail electric supplier into compliance with this Section.

If an alternative retail electric supplier fails to comply with the renewable energy resource portfolio requirement in this Section more than once in a 5-year period, then the Commission shall revoke the alternative electric supplier's certificate of service authority. The Commission shall not accept an application for a certificate of service authority from an alternative retail electric supplier that has lost certification under this subsection (f), or any corporate affiliate thereof, for at least one year after the date of revocation.

(g) All of the provisions of this Section apply to electric utilities operating outside their service area except under item (2) of subsection (a) of this Section the quantity of renewable energy resources shall be measured as a percentage of the actual amount of electricity (megawatt-hours) supplied in the State outside of the utility's service territory during the 12-month period June 1 through May 31, commencing June 1, 2009, and the comparable 12-month period in each year thereafter except as provided in item (6) of subsection (a) of this Section.

If any such utility fails to procure the requisite quantity of renewable energy resources by the annual deadline, then the Commission shall require the utility to double the alternative compliance payment that would otherwise be required to bring the utility into compliance with this Section.

If any such utility fails to comply with the renewable energy resource portfolio requirement in this Section more than once in a 5-year period, then the Commission shall order the utility to cease all sales outside of the utility's service territory for a period of at least one year.

(h) The provisions of this Section and the provisions of subsection (d) of Section 16-115 of this Act relating to procurement of renewable energy resources shall not apply to an alternative retail electric supplier

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that operates a combined heat and power system in this State or that has a
corporate affiliate that operates such a combined heat and power system in
this State that supplies electricity primarily to or for the benefit of: (i)
facilities owned by the supplier, its subsidiary, or other corporate affiliate;
(ii) facilities electrically integrated with the electrical system of facilities
owned by the supplier, its subsidiary, or other corporate affiliate; or (iii)
facilities that are adjacent to the site on which the combined heat and
power system is located.

(i) The obligations of alternative retail electric suppliers and
electric utilities operating outside their service territories to procure
renewable energy resources, make alternative compliance payments, and
file annual reports, and the obligations of the Commission to determine
and post alternative compliance payment rates, shall terminate after May
31, 2019, provided that alternative retail electric suppliers and electric
utilities operating outside their service territories shall be obligated to
make all alternative compliance payments that they were obligated to pay
for periods through and including May 31, 2019, but were not paid as of
that date. The Commission shall continue to enforce the payment of
unpaid alternative compliance payments in accordance with subsections
(f) and (g) of this Section. All alternative compliance payments made after
May 31, 2016 shall be remitted to the applicable electric utility and used
to purchase renewable energy credits, in accordance with Section 1-75 of
the Illinois Power Agency Act.

This subsection (i) is intended to accommodate the transition to the
procurement of renewable energy resources for all retail customers in the
amounts specified under subsection (c) of Section 1-75 of the Illinois
Power Agency Act and Section 16-111.5 of this Act, including but not
limited to the transition to a single charge applicable to all retail
customers to recover the costs of these resources. Each alternative retail
electric supplier shall certify in its annual reports filed pursuant to
subsection (e) of this Section after May 31, 2019, that its retail customers
are not paying the costs of alternative compliance payments or renewable
energy resources that the alternative retail electric supplier is not
required to remit or purchase under this Section. The Commission shall
have the authority to initiate an emergency rulemaking to adopt rules
regarding such certification.

(Source: P.A. 96-33, eff. 7-10-09; 96-159, eff. 8-10-09; 96-1437, eff. 8-17-
10; 97-658, eff. 1-13-12.)
(220 ILCS 5/16-119A)

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Sec. 16-119A. Functional separation.

(a) Within 90 days after the effective date of this amendatory Act of 1997, the Commission shall open a rulemaking proceeding to establish standards of conduct for every electric utility described in subsection (b). To create efficient competition between suppliers of generating services and sellers of such services at retail and wholesale, the rules shall allow all customers of a public utility that distributes electric power and energy to purchase electric power and energy from the supplier of their choice in accordance with the provisions of Section 16-104. In addition, the rules shall address relations between providers of any 2 services described in subsection (b) to prevent undue discrimination and promote efficient competition. Provided, however, that a proposed rule shall not be published prior to May 15, 1999.

(b) The Commission shall also have the authority to investigate the need for, and adopt rules requiring, functional separation between the generation services and the delivery services of those electric utilities whose principal service area is in Illinois as necessary to meet the objective of creating efficient competition between suppliers of generating services and sellers of such services at retail and wholesale. After January 1, 2003, the Commission shall also have the authority to investigate the need for, and adopt rules requiring, functional separation between an electric utility's competitive and non-competitive services.

(b-5) If there is a change in ownership of a majority of the voting capital stock of an electric utility or the ownership or control of any entity that owns or controls a majority of the voting capital stock of an electric utility, the electric utility shall have the right to file with the Commission a new plan. The newly filed plan shall supersede any plan previously approved by the Commission pursuant to this Section for that electric utility, subject to Commission approval. This subsection only applies to the extent that the Commission rules for the functional separation of delivery services and generation services provide an electric utility with the ability to select from 2 or more options to comply with this Section. The electric utility may file its revised plan with the Commission up to one calendar year after the conclusion of the sale, purchase, or any other transfer of ownership described in this subsection. In all other respects, an electric utility must comply with the Commission rules in effect under this Section. The Commission may promulgate rules to implement this subsection. This subsection shall have no legal effect after January 1, 2005.

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(c) In establishing or considering the need for rules under subsections (a) and (b), the Commission shall take into account the effects on the cost and reliability of service and the obligation of the utility to provide bundled service under this Act. The Commission shall adopt rules that are a cost effective means to ensure compliance with this Section.

(d) Nothing in this Section shall be construed as imposing any requirements or obligations that are in conflict with federal law.

(e) Notwithstanding anything to the contrary, an electric utility may market and promote the services, rates and programs authorized by Sections 16-107, and 16-108.6 of this Act.

(Source: P.A. 92-756, eff. 8-2-02.)

(220 ILCS 5/16-127)
Sec. 16-127. Environmental disclosure.
(a) Effective January 1, 2013, every electric utility and alternative retail electric supplier shall provide the following information, to the maximum extent practicable, to its customers on a quarterly basis:

(i) the known sources of electricity supplied, broken-out by percentages, of biomass power, coal-fired power, hydro power, natural gas-fired power, nuclear power, oil-fired power, solar power, wind power and other resources, respectively;

(ii) a pie chart that graphically depicts the percentages of the sources of the electricity supplied as set forth in subparagraph (i) of this subsection; and

(iii) a pie chart that graphically depicts the quantity of renewable energy resources procured pursuant to Section 1-75 of the Illinois Power Agency Act as a percentage of electricity supplied to serve eligible retail customers as defined in Section 16-111.5(a) of this Act; and

(iv) after May 31, 2017, a pie chart that graphically depicts the quantity of zero emission credits from zero emission facilities procured under Section 1-75 of the Illinois Power Agency Act as a percentage of the actual load of retail customers within its service area.

(b) In addition, every electric utility and alternative retail electric supplier shall provide, to the maximum extent practicable, to its customers on a quarterly basis, a standardized chart in a format to be determined by the Commission in a rule following notice and hearings which provides the amounts of carbon dioxide, nitrogen oxides and sulfur dioxide emissions and nuclear waste attributable to the known sources of

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electricity supplied as set forth in subparagraph (i) of subsection (a) of this Section.

(c) The electric utilities and alternative retail electric suppliers may provide their customers with such other information as they believe relevant to the information required in subsections (a) and (b) of this Section. All of the information required in subsections (a) and (b) of this Section shall be made available by the electric utilities or alternative retail electric suppliers either in an electronic medium, such as on a website or by electronic mail, or through the U.S. Postal Service.

(d) For the purposes of subsection (a) of this Section, "biomass" means dedicated crops grown for energy production and organic wastes.

(e) All of the information provided in subsections (a) and (b) of this Section shall be presented to the Commission for inclusion in its World Wide Web Site.

(Source: P.A. 97-1092, eff. 1-1-13.)

(220 ILCS 5/16-128A)

Sec. 16-128A. Certification of installers, maintainers, or repairers.

(a) Within 18 months of the effective date of this amendatory Act of the 97th General Assembly, the Commission shall adopt rules, including emergency rules, establishing certification requirements ensuring that entities installing distributed generation facilities are in compliance with the requirements of subsection (a) of Section 16-128 of this Act.

For purposes of this Section, the phrase "entities installing distributed generation facilities" shall include, but not be limited to, all entities that are exempt from the definition of "alternative retail electric supplier" under item (v) of Section 16-102 of this Act. For purposes of this Section, the phrase "self-installer" means an individual who (i) leases or purchases a cogeneration facility for his or her own personal use and (ii) installs such cogeneration or self-generation facility on his or her own premises without the assistance of any other person.

(b) In addition to any authority granted to the Commission under this Act, the Commission is also authorized to: (1) determine which entities are subject to certification under this Section; (2) impose reasonable certification fees and penalties; (3) adopt disciplinary procedures; (4) investigate any and all activities subject to this Section, including violations thereof; (5) adopt procedures to issue or renew, or to refuse to issue or renew, a certification or to revoke, suspend, place on probation, reprimand, or otherwise discipline a certified entity under this Act.

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Act or take other enforcement action against an entity subject to this Section; and (6) prescribe forms to be issued for the administration and enforcement of this Section.

(c) No electric utility shall provide a retail customer with net metering service related to interconnection of that customer's distributed generation facility unless the customer provides the electric utility with (i) a certification that the customer installing the distributed generation facility was a self-installer or (ii) evidence that the distributed generation facility was installed by an entity certified under this Section that is also in good standing with the Commission. For purposes of this subsection, a retail customer includes that customer's employees, officers, and agents. An electric utility shall file a tariff or tariffs with the Commission setting forth the documentation, as specified by Commission rule, that a retail customer must provide to an electric utility. The provisions of this subsection (c) shall apply on or after the effective date of the Commission's rules prescribed pursuant to subsection (a) of this Section.

(d) Within 180 days after the effective date of this amendatory Act of the 97th General Assembly, the Commission shall initiate a rulemaking proceeding to establish certification requirements that shall be applicable to persons or entities that install, maintain, or repair electric vehicle charging stations. The notification and certification requirements of this Section shall only be applicable to individuals or entities that perform work on or within an electric vehicle charging station, including, but not limited to, connection of power to an electric vehicle charging station.

For the purposes of this Section "electric vehicle charging station" means any facility or equipment that is used to charge a battery or other energy storage device of an electric vehicle.

Rules regulating the installation, maintenance, or repair of electric vehicle charging stations, in which the Commission may establish separate requirements based upon the characteristics of electric vehicle charging stations, so long as it is in accordance with the requirements of subsection (a) of Section 16-128 and Section 16-128A of this Act, shall:

(1) establish a certification process for persons or entities that install, maintain, or repair of electric vehicle charging stations;

(2) require persons or entities that install, maintain, or repair electric vehicle stations to be certified to do business and to be bonded in the State;

(3) ensure that persons or entities that install, maintain, or repair electric vehicle charging stations have the requisite
knowledge, skills, training, experience, and competence to perform functions in a safe and reliable manner as required under subsection (a) of Section 16-128 of this Act;

(4) impose reasonable certification fees and penalties on persons or entities that install, maintain, or repair of electric vehicle charging stations for noncompliance of the rules adopted under this subsection;

(5) ensure that all persons or entities that install, maintain, or repair electric vehicle charging stations conform to applicable building and electrical codes;

(6) ensure that all electric vehicle charging stations meet recognized industry standards as the Commission deems appropriate, such as the National Electric Code (NEC) and standards developed or created by the Institute of Electrical and Electronics Engineers (IEEE), the Electric Power Research Institute (EPRI), the Detroit Edison Institute (DTE), the Underwriters Laboratory (UL), the Society of Automotive Engineers (SAE), and the National Institute of Standards and Technology (NIST);

(7) include any additional requirements that the Commission deems reasonable to ensure that persons or entities that install, maintain, or repair electric vehicle charging stations meet adequate training, financial, and competency requirements;

(8) ensure that the obligations required under this Section and subsection (a) of Section 16-128 of this Act are met prior to the interconnection of any electric vehicle charging station;

(9) ensure electric vehicle charging stations installed by a self-installer are not used for any commercial purpose;

(10) establish an inspection procedure for the conversion of electric vehicle charging stations installed by a self-installer if it is determined that the self-installed electric vehicle charging station is being used for commercial purposes;

(11) establish the requirement that all persons or entities that install electric vehicle charging stations shall notify the servicing electric utility in writing of plans to install an electric vehicle charging station and shall notify the servicing electric utility in writing when installation is complete;

(12) ensure that all persons or entities that install, maintain, or repair electric vehicle charging stations obtain certificates of
insurance in sufficient amounts and coverages that the Commission
does determines and, if necessary as determined by the Commission,
names the affected public utility as an additional insured; and
(13) identify and determine the training or other programs
by which persons or entities may obtain the requisite training,
skills, or experience necessary to achieve and maintain compliance
with the requirements set forth in this subsection and subsection (a)
of Section 16-128 to install, maintain, or repair electric vehicle
charging stations.

Within 18 months after the effective date of this amendatory Act of
the 97th General Assembly, the Commission shall adopt rules, and may, if
it deems necessary, adopt emergency rules, for the installation,
maintenance, or repair of electric vehicle charging stations.

All retail customers who own, maintain, or repair an electric
vehicle charging station shall provide the servicing electric utility (i) a
certification that the customer installing the electric vehicle charging
station was a self-installer or (ii) evidence that the electric vehicle charging
station was installed by an entity certified under this subsection (d) that is
also in good standing with the Commission. For purposes of this
subsection (d), a retail customer includes that retail customer's employees,
officers, and agents. If the electric vehicle charging station was not
installed by a self-installer, then the person or entity that plans to install
the electric vehicle charging station shall provide notice to the servicing
electric utility prior to installation and when installation is complete and
provide any other information required by the Commission's rules
established under subsection (d) of this Section. An electric utility shall
file a tariff or tariffs with the Commission setting forth the documentation,
as specified by Commission rule, that a retail customer who owns, uses,
operates, or maintains an electric vehicle charging station must provide to
an electric utility.

For the purposes of this subsection, an electric vehicle charging
station shall constitute a distribution facility or equipment as that term is
used in subsection (a) of Section 16-128 of this Act. The phrase "self-
installer" means an individual who (i) leases or purchases an electric
vehicle charging station for his or her own personal use and (ii) installs an
electric vehicle charging station on his or her own premises without the
assistance of any other person.

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(e) Fees and penalties collected under this Section shall be deposited into the Public Utility Fund and used to fund the Commission's compliance with the obligations imposed by this Section.

(f) The rules established under subsection (d) of this Section shall specify the initial dates for compliance with the rules.

(g) Within 18 months of the effective date of this amendatory Act of the 99th General Assembly, the Commission shall adopt rules, including emergency rules, establishing a process for entities installing a new utility-scale wind project or a new utility-scale solar project to certify compliance with the requirements of this Section. For purposes of this Section, the phrase "entities installing a new utility-scale wind project or a new utility-scale solar project" shall include, but is not limited to, any entity installing new wind projects or new photovoltaic projects as such terms are defined in subsection (c) of Section 1-75 of the Illinois Power Agency Act.

The process shall include an option to complete the certification electronically by completing forms on-line. An entity installing a new utility-scale wind project or a new utility-scale solar project shall be permitted to complete certification after the subject work has been completed. The Commission shall maintain on its website a list of entities installing new utility-scale wind projects or new utility-scale solar projects measures that have successfully completed the certification process.

(h) In addition to any authority granted to the Commission under this Act, the Commission is also authorized to: (1) determine which entities are subject to certification under subsection (g) of this Section; (2) impose reasonable certification fees and penalties; (3) adopt disciplinary procedures; (4) investigate any and all activities subject to subsection (g) or this subsection (h) of this Section, including violations thereof; (5) adopt procedures to issue or renew, or to refuse to issue or renew, a certification or to revoke, suspend, place on probation, reprimand, or otherwise discipline a certified entity under subsection (g) of this Section or take other enforcement action against an entity subject to subsection (g) or this subsection (h) of this Section; (6) prescribe forms to be issued for the administration and enforcement of subsection (g) and this subsection (h) of this Section; and (7) establish requirements to ensure that entities installing a new wind project or a new photovoltaic project have the requisite knowledge, skills, training, experience, and competence to
perform in a safe and reliable manner as required by subsection (a) of Section 16-128 of this Act.

(i) The certification of persons or entities that install, maintain, or repair new wind projects, new photovoltaic projects, distributed generation facilities, and electric vehicle charging stations as set forth in this Section is an exclusive power and function of the State. A home rule unit or other units of local government authority may subject persons or entities that install, maintain, or repair new wind projects, new photovoltaic projects, distributed generation facilities, or electric vehicle charging stations as set forth in this Section to any applicable local licensing, siting, and permitting requirements otherwise permitted under law so long as only Commission-certified persons or entities are authorized to install, maintain, or repair new wind projects, new photovoltaic projects, distributed generation facilities, or electric vehicle charging stations. This Section is a limitation under subsection (h) of Section 6 of Article VII of the Illinois Constitution on the exercise by home rule units of powers and functions exclusively exercised by the State.

(Source: P.A. 97-616, eff. 10-26-11; 97-1128, eff. 8-28-12.)

(220 ILCS 5/16-128B new)

Sec. 16-128B. Qualified energy efficiency installers.

(a) Within 18 months after the effective date of this amendatory Act of the 99th General Assembly, the Commission shall adopt rules, including emergency rules, establishing a process for entities installing energy efficiency measures to certify compliance with the requirements of this Section.

The process shall include an option to complete the certification electronically by completing forms on-line. An entity installing energy efficiency measures shall be permitted to complete the certification after the subject work has been completed.

The Commission shall maintain on its website a list of entities installing energy efficiency measures that have successfully completed the certification process.

(b) In addition to any authority granted to the Commission under this Act, the Commission may:

(1) determine which entities are subject to certification under this Section;
(2) impose reasonable certification fees and penalties;
(3) adopt disciplinary procedures;

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(4) investigate any and all activities subject to this Section, including violations thereof;

(5) adopt procedures to issue or renew, or to refuse to issue or renew, a certification or to revoke, suspend, place on probation, reprimand, or otherwise discipline a certified entity under this Act or take other enforcement action against an entity subject to this Section; and

(6) prescribe forms to be issued for the administration and enforcement of this Section.

(c) An electric utility may not provide a retail customer with a rebate or other energy efficiency incentive for a measure that exceeds a minimal amount determined by the Commission unless the customer provides the electric utility with (1) a certification that the person installing the energy efficiency measure was a self-installer; or (2) evidence that the energy efficiency measure was installed by an entity certified under this Section that is also in good standing with the Commission.

(d) The Commission shall:

(1) require entities installing energy efficiency measures to be certified to do business and to be bonded in this State;

(2) ensure that entities installing energy efficiency measures have the requisite knowledge, skill, training, experience, and competence to perform functions in a safe and reliable manner as required under subsection (a) of Section 16-128 of this Act;

(3) ensure that entities installing energy efficiency measures conform to applicable building and electrical codes;

(4) ensure that all entities installing energy efficiency measures meet recognized industry standards as the Commission deems appropriate;

(5) include any additional requirements that the Commission deems reasonable to ensure that entities installing energy efficiency measures meet adequate training, financial, and competency requirements;

(6) ensure that all entities installing energy efficiency measures obtain certificates of insurance in sufficient amounts and coverages that the Commission so determines; and

(7) identify and determine the training or other programs by which persons or entities may obtain the requisite training.
skill, or experience necessary to achieve and maintain compliance with the requirements of this Section.

(e) Fees and penalties collected under this Section shall be deposited into the Public Utility Fund and used to fund the Commission's compliance with the obligations imposed by this Section.

(f) The rules adopted under this Section shall specify the initial dates for compliance with the rules.

(g) For purposes of this Section, entities installing energy efficiency measures shall endeavor to support the diversity goals of this State by attracting, developing, retaining, and providing opportunities to employees of all backgrounds and by supporting female-owned, minority-owned, veteran-owned, and small businesses.

Section 20. The Energy Assistance Act is amended by changing Sections 13 and 18 as follows:

(305 ILCS 20/13)


(a) The Supplemental Low-Income Energy Assistance Fund is hereby created as a special fund in the State Treasury. The Supplemental Low-Income Energy Assistance Fund is authorized to receive moneys from voluntary donations from individuals, foundations, corporations, and other sources, moneys received pursuant to Section 17, and, by statutory deposit, the moneys collected pursuant to this Section. The Fund is also authorized to receive voluntary donations from individuals, foundations, corporations, and other sources, as well as contributions made in accordance with Section 507MM of the Illinois Income Tax Act. Subject to appropriation, the Department shall use moneys from the Supplemental Low-Income Energy Assistance Fund for payments to electric or gas public utilities, municipal electric or gas utilities, and electric cooperatives on behalf of their customers who are participants in the program authorized by Sections 4 and 18 of this Act, for the provision of weatherization services and for administration of the Supplemental Low-Income Energy Assistance Fund. The yearly expenditures for weatherization may not exceed 10% of the amount collected during the year pursuant to this Section. The yearly administrative expenses of the Supplemental Low-Income Energy Assistance Fund may not exceed 10% of the amount collected during that year pursuant to this Section, except when unspent funds from the Supplemental Low-Income Energy Assistance Fund are reallocated from a previous year; any unspent balance

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of the 10% administrative allowance may be utilized for administrative expenses in the year they are reallocated.

(b) Notwithstanding the provisions of Section 16-111 of the Public Utilities Act but subject to subsection (k) of this Section, each public utility, electric cooperative, as defined in Section 3.4 of the Electric Supplier Act, and municipal utility, as referenced in Section 3-105 of the Public Utilities Act, that is engaged in the delivery of electricity or the distribution of natural gas within the State of Illinois shall, effective January 1, 1998, assess each of its customer accounts a monthly Energy Assistance Charge for the Supplemental Low-Income Energy Assistance Fund. The delivering public utility, municipal electric or gas utility, or electric or gas cooperative for a self-assessing purchaser remains subject to the collection of the fee imposed by this Section. The monthly charge shall be as follows:

1. $0.48 per month on each account for residential electric service;
2. $0.48 per month on each account for residential gas service;
3. $4.80 per month on each account for non-residential electric service which had less than 10 megawatts of peak demand during the previous calendar year;
4. $4.80 per month on each account for non-residential gas service which had distributed to it less than 4,000,000 therms of gas during the previous calendar year;
5. $360 per month on each account for non-residential electric service which had 10 megawatts or greater of peak demand during the previous calendar year; and
6. $360 per month on each account for non-residential gas service which had 4,000,000 or more therms of gas distributed to it during the previous calendar year.

The incremental change to such charges imposed by this amendatory Act of the 96th General Assembly shall not (i) be used for any purpose other than to directly assist customers and (ii) be applicable to utilities serving less than 100,000 customers in Illinois on January 1, 2009.

In addition, electric and gas utilities have committed, and shall contribute, a one-time payment of $22 million to the Fund, within 10 days after the effective date of the tariffs established pursuant to Sections 16-111.8 and 19-145 of the Public Utilities Act to be used for the Department's cost of implementing the programs described in Section 18.
of this amendatory Act of the 96th General Assembly, the Arrearage Reduction Program described in Section 18, and the programs described in Section 8-105 of the Public Utilities Act. If a utility elects not to file a rider within 90 days after the effective date of this amendatory Act of the 96th General Assembly, then the contribution from such utility shall be made no later than February 1, 2010.

(c) For purposes of this Section:

1. "residential electric service" means electric utility service for household purposes delivered to a dwelling of 2 or fewer units which is billed under a residential rate, or electric utility service for household purposes delivered to a dwelling unit or units which is billed under a residential rate and is registered by a separate meter for each dwelling unit;

2. "residential gas service" means gas utility service for household purposes distributed to a dwelling of 2 or fewer units which is billed under a residential rate, or gas utility service for household purposes distributed to a dwelling unit or units which is billed under a residential rate and is registered by a separate meter for each dwelling unit;

3. "non-residential electric service" means electric utility service which is not residential electric service; and

4. "non-residential gas service" means gas utility service which is not residential gas service.

(d) Within 30 days after the effective date of this amendatory Act of the 96th General Assembly, each public utility engaged in the delivery of electricity or the distribution of natural gas shall file with the Illinois Commerce Commission tariffs incorporating the Energy Assistance Charge in other charges stated in such tariffs, which shall become effective no later than the beginning of the first billing cycle following such filing.

(e) The Energy Assistance Charge assessed by electric and gas public utilities shall be considered a charge for public utility service.

(f) By the 20th day of the month following the month in which the charges imposed by the Section were collected, each public utility, municipal utility, and electric cooperative shall remit to the Department of Revenue all moneys received as payment of the Energy Assistance Charge on a return prescribed and furnished by the Department of Revenue showing such information as the Department of Revenue may reasonably require; provided, however, that a utility offering an Arrearage Reduction Program or Supplemental Arrearage Reduction Program pursuant to

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Section 18 of this Act shall be entitled to net those amounts necessary to
fund and recover the costs of such Programs Program as authorized by
that Section that is no more than the incremental change in such Energy
Assistance Charge authorized by Public Act 96-33 this amendatory Act of
the 96th General Assembly. If a customer makes a partial payment, a
public utility, municipal utility, or electric cooperative may elect either: (i)
to apply such partial payments first to amounts owed to the utility or
cooperative for its services and then to payment for the Energy Assistance
Charge or (ii) to apply such partial payments on a pro-rata basis between
amounts owed to the utility or cooperative for its services and to payment
for the Energy Assistance Charge.

(g) The Department of Revenue shall deposit into the
Supplemental Low-Income Energy Assistance Fund all moneys remitted to
it in accordance with subsection (f) of this Section; provided, however,
that the amounts remitted by each utility shall be used to provide
assistance to that utility's customers. The utilities shall coordinate with the
Department to establish an equitable and practical methodology for
implementing this subsection (g) beginning with the 2010 program year.

(h) On or before December 31, 2002, the Department shall prepare
a report for the General Assembly on the expenditure of funds
appropriated from the Low-Income Energy Assistance Block Grant Fund
for the program authorized under Section 4 of this Act.

(i) The Department of Revenue may establish such rules as it
deems necessary to implement this Section.

(j) The Department of Commerce and Economic Opportunity may
establish such rules as it deems necessary to implement this Section.

(k) The charges imposed by this Section shall only apply to
customers of municipal electric or gas utilities and electric or gas
cooperatives if the municipal electric or gas utility or electric or gas
cooperative makes an affirmative decision to impose the charge. If a
municipal electric or gas utility or an electric cooperative makes an
affirmative decision to impose the charge provided by this Section, the
municipal electric or gas utility or electric cooperative shall inform the
Department of Revenue in writing of such decision when it begins to
impose the charge. If a municipal electric or gas utility or electric or gas
cooperative does not assess this charge, the Department may not use funds
from the Supplemental Low-Income Energy Assistance Fund to provide
benefits to its customers under the program authorized by Section 4 of this
Act.
In its use of federal funds under this Act, the Department may not cause a disproportionate share of those federal funds to benefit customers of systems which do not assess the charge provided by this Section.

This Section is repealed on January 1, 2025 effective December 31, 2018 unless renewed by action of the General Assembly. The General Assembly shall consider the results of the evaluations described in Section 8 in its deliberations.

(Source: P.A. 98-429, eff. 8-16-13; 99-457, eff. 1-1-16.)

(305 ILCS 20/18)
Sec. 18. Financial assistance; payment plans.
(a) The Percentage of Income Payment Plan (PIPP or PIP Plan) is hereby created as a mandatory bill payment assistance program for low-income residential customers of utilities serving more than 100,000 retail customers as of January 1, 2009. The PIP Plan will:

1. bring participants' gas and electric bills into the range of affordability;
2. provide incentives for participants to make timely payments;
3. encourage participants to reduce usage and participate in conservation and energy efficiency measures that reduce the customer's bill and payment requirements; and
4. identify participants whose homes are most in need of weatherization.

(b) For purposes of this Section:
1. "LIHEAP" means the energy assistance program established under the Illinois Energy Assistance Act and the Low-Income Home Energy Assistance Act of 1981.
2. "Plan participant" is an eligible participant who is also eligible for the PIPP and who will receive either a percentage of income payment credit under the PIPP criteria set forth in this Act or a benefit pursuant to Section 4 of this Act. Plan participants are a subset of eligible participants.
3. "Pre-program arrears" means the amount a plan participant owes for gas or electric service at the time the participant is determined to be eligible for the PIPP or the program set forth in Section 4 of this Act.
4. "Eligible participant" means any person who has applied for, been accepted and is receiving residential service from a gas or electric utility and who is also eligible for LIHEAP.

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(c) The PIP Plan shall be administered as follows:

(1) The Department shall coordinate with Local Administrative Agencies (LAAs), to determine eligibility for the Illinois Low Income Home Energy Assistance Program (LIHEAP) pursuant to the Energy Assistance Act, provided that eligible income shall be no more than 150% of the poverty level. Applicants will be screened to determine whether the applicant's projected payments for electric service or natural gas service over a 12-month period exceed the criteria established in this Section. To maintain the financial integrity of the program, the Department may limit eligibility to households with income below 125% of the poverty level.

(2) The Department shall establish the percentage of income formula to determine the amount of a monthly credit, not to exceed $150 per month per household, not to exceed $1,800 annually, that will be applied to PIP Plan participants' utility bills based on the portion of the bill that is the responsibility of the participant provided that the percentage shall be no more than a total of 6% of the relevant income for gas and electric utility bills combined, but in any event no less than $10 per month, unless the household does not pay directly for heat, in which case its payment shall be 2.4% of income but in any event no less than $5 per month. The Department may establish a minimum credit amount based on the cost of administering the program and may deny credits to otherwise eligible participants if the cost of administering the credit exceeds the actual amount of any monthly credit to a participant. If the participant takes both gas and electric service, 66.67% of the credit shall be allocated to the entity that provides the participant's primary energy supply for heating. Each participant shall enter into a levelized payment plan for, as applicable, gas and electric service and such plans shall be implemented by the utility so that a participant's usage and required payments are reviewed and adjusted regularly, but no more frequently than quarterly. Nothing in this Section is intended to prohibit a customer, who is otherwise eligible for LIHEAP, from participating in the program described in Section 4 of this Act. Eligible participants who receive such a benefit shall be considered plan participants and shall be eligible to participate in the

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Arrearage Reduction Program described in item (5) of this subsection (c).

(3) The Department shall remit, through the LAAs, to the utility or participating alternative supplier that portion of the plan participant's bill that is not the responsibility of the participant. In the event that the Department fails to timely remit payment to the utility, the utility shall be entitled to recover all costs related to such nonpayment through the automatic adjustment clause tariffs established pursuant to Section 16-111.8 and Section 19-145 of the Public Utilities Act. For purposes of this item (3) of this subsection (c), payment is due on the date specified on the participant's bill. The Department, the Department of Revenue and LAAs shall adopt processes that provide for the timely payment required by this item (3) of this subsection (c).

(4) A plan participant is responsible for all actual charges for utility service in excess of the PIPP credit. Pre-program arrears that are included in the Arrearage Reduction Program described in item (5) of this subsection (c) shall not be included in the calculation of the levelized payment plan. Emergency or crisis assistance payments shall not affect the amount of any PIPP credit to which a participant is entitled.

(5) Electric and gas utilities subject to this Section shall implement an Arrearage Reduction Program (ARP) for plan participants as follows: for each month that a plan participant timely pays his or her utility bill, the utility shall apply a credit to a portion of the participant's pre-program arrears, if any, equal to one-twelfth of such arrearage provided that the total amount of arrearage credits shall equal no more than $1,000 annually for each participant for gas and no more than $1,000 annually for each participant for electricity. In the third year of the PIPP, the Department, in consultation with the Policy Advisory Council established pursuant to Section 5 of this Act, shall determine by rule an appropriate per participant total cap on such amounts, if any. Those plan participants participating in the ARP shall not be subject to the imposition of any additional late payment fees on pre-program arrears covered by the ARP. In all other respects, the utility shall bill and collect the monthly bill of a plan participant pursuant to the same rules, regulations, programs and policies as applicable to residential customers generally. Participation in the

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Arrearage Reduction Program shall be limited to the maximum amount of funds available as set forth in subsection (f) of Section 13 of this Act. In the event any donated funds under Section 13 of this Act are specifically designated for the purpose of funding the ARP, the Department shall remit such amounts to the utilities upon verification that such funds are needed to fund the ARP. Nothing in this Section shall preclude a utility from continuing to implement, and apply credits under, an ARP in the event that the PIPP or LIHEAP is suspended due to lack of funding such that the plan participant does not receive a benefit under either the PIPP or LIHEAP.

(5.5) In addition to the ARP described in paragraph (5) of this subsection (c), utilities may also implement a Supplemental Arrearage Reduction Program (SARP) for eligible participants who are not able to become plan participants due to PIPP timing or funding constraints. If a utility elects to implement a SARP, it shall be administered as follows: for each month that a SARP participant timely pays his or her utility bill, the utility shall apply a credit to a portion of the participant's pre-program arrears, if any, equal to one-twelfth of such arrearage, provided that the utility may limit the total amount of arrearage credits to no more than $1,000 annually for each participant for gas and no more than $1,000 annually for each participant for electricity. SARP participants shall not be subject to the imposition of any additional late payment fees on pre-program arrears covered by the SARP. In all other respects, the utility shall bill and collect the monthly bill of a SARP participant under the same rules, regulations, programs, and policies as applicable to residential customers generally. Participation in the SARP shall be limited to the maximum amount of funds available as set forth in subsection (f) of Section 13 of this Act. In the event any donated funds under Section 13 of this Act are specifically designated for the purpose of funding the SARP, the Department shall remit such amounts to the utilities upon verification that such funds are needed to fund the SARP.

(6) The Department may terminate a plan participant's eligibility for the PIP Plan upon notification by the utility that the participant's monthly utility payment is more than 45 days past due.

(7) The Department, in consultation with the Policy Advisory Council, may adjust the number of PIP Plan participants

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annually, if necessary, to match the availability of funds from LIHEAP. Any plan participant who qualifies for a PIPP credit under a utility's PIPP shall be entitled to participate in and receive a credit under such utility's ARP for so long as such utility has ARP funds available, regardless of whether the customer's participation under another utility's PIPP or ARP has been curtailed or limited because of a lack of funds.

(8) The Department shall fully implement the PIPP at the earliest possible date it is able to effectively administer the PIPP. Within 90 days of the effective date of this amendatory Act of the 96th General Assembly, the Department shall, in consultation with utility companies, participating alternative suppliers, LAAs and the Illinois Commerce Commission (Commission), issue a detailed implementation plan which shall include detailed testing protocols and analysis of the capacity for implementation by the LAAs and utilities. Such consultation process also shall address how to implement the PIPP in the most cost-effective and timely manner, and shall identify opportunities for relying on the expertise of utilities, LAAs and the Commission. Following the implementation of the testing protocols, the Department shall issue a written report on the feasibility of full or gradual implementation. The PIPP shall be fully implemented by September 1, 2011, but may be phased in prior to that date.

(9) As part of the screening process established under item (1) of this subsection (c), the Department and LAAs shall assess whether any energy efficiency or demand response measures are available to the plan participant at no cost, and if so, the participant shall enroll in any such program for which he or she is eligible. The LAAs shall assist the participant in the applicable enrollment or application process.

(10) Each alternative retail electric and gas supplier serving residential customers shall elect whether to participate in the PIPP or ARP described in this Section. Any such supplier electing to participate in the PIPP shall provide to the Department such information as the Department may require, including, without limitation, information sufficient for the Department to determine the proportionate allocation of credits between the alternative supplier and the utility. If a utility in whose service territory an alternative supplier serves customers contributes money to the

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ARP fund which is not recovered from ratepayers, then an alternative supplier which participates in ARP in that utility's service territory shall also contribute to the ARP fund in an amount that is commensurate with the number of alternative supplier customers who elect to participate in the program.

(d) The Department, in consultation with the Policy Advisory Council, shall develop and implement a program to educate customers about the PIP Plan and about their rights and responsibilities under the percentage of income component. The Department, in consultation with the Policy Advisory Council, shall establish a process that LAAs shall use to contact customers in jeopardy of losing eligibility due to late payments. The Department shall ensure that LAAs are adequately funded to perform all necessary educational tasks.

(e) The PIPP shall be administered in a manner which ensures that credits to plan participants will not be counted as income or as a resource in other means-tested assistance programs for low-income households or otherwise result in the loss of federal or State assistance dollars for low-income households.

(f) In order to ensure that implementation costs are minimized, the Department and utilities shall work together to identify cost-effective ways to transfer information electronically and to employ available protocols that will minimize their respective administrative costs as follows:

1. The Commission may require utilities to provide such information on customer usage and billing and payment information as required by the Department to implement the PIP Plan and to provide written notices and communications to plan participants.

2. Each utility and participating alternative supplier shall file annual reports with the Department and the Commission that cumulatively summarize and update program information as required by the Commission's rules. The reports shall track implementation costs and contain such information as is necessary to evaluate the success of the PIPP.

3. The Department and the Commission shall have the authority to promulgate rules and regulations necessary to execute and administer the provisions of this Section.

(g) Each utility shall be entitled to recover reasonable administrative and operational costs incurred to comply with this Section from the Supplemental Low Income Energy Assistance Fund. The utility

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may net such costs against monies it would otherwise remit to the Funds, and each utility shall include in the annual report required under subsection (f) of this Section an accounting for the funds collected.
(Source: P.A. 96-33, eff. 7-10-09.)

Section 85. The Public Utilities Act is amended by changing Section 2-202 as follows:

(220 ILCS 5/2-202) (from Ch. 111 2/3, par. 2-202)
Sec. 2-202. Policy; Public Utility Fund; tax.
(a) It is declared to be the public policy of this State that in order to maintain and foster the effective regulation of public utilities under this Act in the interests of the People of the State of Illinois and the public utilities as well, the public utilities subject to regulation under this Act and which enjoy the privilege of operating as public utilities in this State, shall bear the expense of administering this Act by means of a tax on such privilege measured by the annual gross revenue of such public utilities in the manner provided in this Section. For purposes of this Section, "expense of administering this Act" includes any costs incident to studies, whether made by the Commission or under contract entered into by the Commission, concerning environmental pollution problems caused or contributed to by public utilities and the means for eliminating or abating those problems. Such proceeds shall be deposited in the Public Utility Fund in the State treasury.

(b) All of the ordinary and contingent expenses of the Commission incident to the administration of this Act shall be paid out of the Public Utility Fund except the compensation of the members of the Commission which shall be paid from the General Revenue Fund. Notwithstanding other provisions of this Act to the contrary, the ordinary and contingent expenses of the Commission incident to the administration of the Illinois Commercial Transportation Law may be paid from appropriations from the Public Utility Fund through the end of fiscal year 1986.

(c) A tax is imposed upon each public utility subject to the provisions of this Act equal to .08% of its gross revenue for each calendar year commencing with the calendar year beginning January 1, 1982, except that the Commission may, by rule, establish a different rate no greater than 0.1%. For purposes of this Section, "gross revenue" shall not include revenue from the production, transmission, distribution, sale, delivery, or furnishing of electricity. "Gross revenue" shall not include amounts paid by telecommunications retailers under the Telecommunications Infrastructure Maintenance Fee Act.

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(d) Annual gross revenue returns shall be filed in accordance with paragraph (1) or (2) of this subsection (d).

(1) Except as provided in paragraph (2) of this subsection (d), on or before January 10 of each year each public utility subject to the provisions of this Act shall file with the Commission an estimated annual gross revenue return containing an estimate of the amount of its gross revenue for the calendar year commencing January 1 of said year and a statement of the amount of tax due for said calendar year on the basis of that estimate. Public utilities may also file revised returns containing updated estimates and updated amounts of tax due during the calendar year. These revised returns, if filed, shall form the basis for quarterly payments due during the remainder of the calendar year. In addition, on or before March 31 of each year, each public utility shall file an amended return showing the actual amount of gross revenues shown by the company's books and records as of December 31 of the previous year. Forms and instructions for such estimated, revised, and amended returns shall be devised and supplied by the Commission.

(2) Beginning with returns due after January 1, 2002, the requirements of paragraph (1) of this subsection (d) shall not apply to any public utility in any calendar year for which the total tax the public utility owes under this Section is less than $10,000. For such public utilities with respect to such years, the public utility shall file with the Commission, on or before March 31 of the following year, an annual gross revenue return for the year and a statement of the amount of tax due for that year on the basis of such a return. Forms and instructions for such returns and corrected returns shall be devised and supplied by the Commission.

(e) All returns submitted to the Commission by a public utility as provided in this subsection (e) or subsection (d) of this Section shall contain or be verified by a written declaration by an appropriate officer of the public utility that the return is made under the penalties of perjury. The Commission may audit each such return submitted and may, under the provisions of Section 5-101 of this Act, take such measures as are necessary to ascertain the correctness of the returns submitted. The Commission has the power to direct the filing of a corrected return by any utility which has filed an incorrect return and to direct the filing of a return by any utility which has failed to submit a return. A taxpayer's signing a
fraudulent return under this Section is perjury, as defined in Section 32-2 of the Criminal Code of 2012.

(f) (1) For all public utilities subject to paragraph (1) of subsection (d), at least one quarter of the annual amount of tax due under subsection (c) shall be paid to the Commission on or before the tenth day of January, April, July, and October of the calendar year subject to tax. In the event that an adjustment in the amount of tax due should be necessary as a result of the filing of an amended or corrected return under subsection (d) or subsection (e) of this Section, the amount of any deficiency shall be paid by the public utility together with the amended or corrected return and the amount of any excess shall, after the filing of a claim for credit by the public utility, be returned to the public utility in the form of a credit memorandum in the amount of such excess or be refunded to the public utility in accordance with the provisions of subsection (k) of this Section. However, if such deficiency or excess is less than $1, then the public utility need not pay the deficiency and may not claim a credit.

(2) Any public utility subject to paragraph (2) of subsection (d) shall pay the amount of tax due under subsection (c) on or before March 31 next following the end of the calendar year subject to tax. In the event that an adjustment in the amount of tax due should be necessary as a result of the filing of a corrected return under subsection (e), the amount of any deficiency shall be paid by the public utility at the time the corrected return is filed. Any excess tax payment by the public utility shall be returned to it after the filing of a claim for credit, in the form of a credit memorandum in the amount of the excess. However, if such deficiency or excess is less than $1, the public utility need not pay the deficiency and may not claim a credit.

(g) Each installment or required payment of the tax imposed by subsection (c) becomes delinquent at midnight of the date that it is due. Failure to make a payment as required by this Section shall result in the imposition of a late payment penalty, an underestimation penalty, or both, as provided by this subsection. The late payment penalty shall be the greater of:

(1) $25 for each month or portion of a month that the installment or required payment is unpaid or

(2) an amount equal to the difference between what should have been paid on the due date, based upon the most recently filed estimated, annual, or amended return, and what was actually paid, times 1%, for each month or portion of a month that the

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installment or required payment goes unpaid. This penalty may be assessed as soon as the installment or required payment becomes delinquent.

The underestimation penalty shall apply to those public utilities subject to paragraph (1) of subsection (d) and shall be calculated after the filing of the amended return. It shall be imposed if the amount actually paid on any of the dates specified in subsection (f) is not equal to at least one-fourth of the amount actually due for the year, and shall equal the greater of:

1. $25 for each month or portion of a month that the amount due is unpaid or
2. an amount equal to the difference between what should have been paid, based on the amended return, and what was actually paid as of the date specified in subsection (f), times a percentage equal to 1/12 of the sum of 10% and the percentage most recently established by the Commission for interest to be paid on customer deposits under 83 Ill. Adm. Code 280.70(e)(1), for each month or portion of a month that the amount due goes unpaid, except that no underestimation penalty shall be assessed if the amount actually paid on or before each of the dates specified in subsection (f) was based on an estimate of gross revenues at least equal to the actual gross revenues for the previous year. The Commission may enforce the collection of any delinquent installment or payment, or portion thereof by legal action or in any other manner by which the collection of debts due the State of Illinois may be enforced under the laws of this State. The executive director or his designee may excuse the payment of an assessed penalty or a portion of an assessed penalty if he determines that enforced collection of the penalty as assessed would be unjust.

(h) All sums collected by the Commission under the provisions of this Section shall be paid promptly after the receipt of the same, accompanied by a detailed statement thereof, into the Public Utility Fund in the State treasury.

(i) During the month of October of each odd-numbered year the Commission shall:

1. determine the amount of all moneys deposited in the Public Utility Fund during the preceding fiscal biennium plus the balance, if any, in that fund at the beginning of that biennium;

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(2) determine the sum total of the following items: (A) all moneys expended or obligated against appropriations made from the Public Utility Fund during the preceding fiscal biennium, plus (B) the sum of the credit memoranda then outstanding against the Public Utility Fund, if any; and

(3) determine the amount, if any, by which the sum determined as provided in item (1) exceeds the amount determined as provided in item (2).

If the amount determined as provided in item (3) of this subsection exceeds 50% of the previous fiscal year's appropriation level, the Commission shall then compute the proportionate amount, if any, which (x) the tax paid hereunder by each utility during the preceding biennium, and (y) the amount paid into the Public Utility Fund during the preceding biennium by the Department of Revenue pursuant to Sections 2-9 and 2-11 of the Electricity Excise Tax Law, bears to the difference between the amount determined as provided in item (3) of this subsection (i) and 50% of the previous fiscal year's appropriation level. The Commission shall cause the proportionate amount determined with respect to payments made under the Electricity Excise Tax Law to be transferred into the General Revenue Fund in the State Treasury, and notify each public utility that it may file during the 3 month period after the date of notification a claim for credit for the proportionate amount determined with respect to payments made hereunder by the public utility. If the proportionate amount is less than $10, no notification will be sent by the Commission, and no right to a claim exists as to that amount. Upon the filing of a claim for credit within the period provided, the Commission shall issue a credit memorandum in such amount to such public utility. Any claim for credit filed after the period provided for in this Section is void.

(i-5) During the month of October of each year the Commission shall:

(1) determine the amount of all moneys expected to be deposited in the Public Utility Fund during the current fiscal year, plus the balance, if any, in that fund at the beginning of that year;

(2) determine the total of all moneys expected to be expended or obligated against appropriations made from the Public Utility Fund during the current fiscal year; and

(3) determine the amount, if any, by which the amount determined in paragraph (2) exceeds the amount determined as provided in paragraph (1).

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If the amount determined as provided in paragraph (3) of this subsection (i-5) results in a deficit, the Commission may assess electric utilities and gas utilities for the difference between the amount appropriated for the ordinary and contingent expenses of the Commission and the amount derived under paragraph (1) of this subsection (i-5). Such proceeds shall be deposited in the Public Utility Fund in the State treasury. The Commission shall apportion that difference among those public utilities on the basis of each utility’s share of the total intrastate gross revenues of the utilities subject to this subsection (i-5). Payments required under this subsection (i-5) shall be made in the time and manner directed by the Commission. The Commission shall permit utilities to recover Illinois Commerce Commission assessments effective pursuant to this subsection through an automatic adjustment mechanism that is incorporated into an existing tariff that recovers costs associated with this Section, or through a supplemental customer charge.

Within 6 months after the first time assessments are made under this subsection (i-5), the Commission shall initiate a docketed proceeding in which it shall consider, in addition to assessments from electric and gas utilities subject to this subsection, the raising of assessments from, or the payment of fees by, water and sewer utilities, entities possessing certificates of service authority as alternative retail electric suppliers under Section 16-115 of this Act, entities possessing certificates of service authority as alternative gas suppliers under Section 19-110 of this Act, and telecommunications carriers providing local exchange telecommunications service or interexchange telecommunications service under sections 13-204 or 13-205 of this Act. The amounts so determined shall be based on the costs to the agency of the exercise of its regulatory and supervisory functions with regard to the different industries and service providers subject to the proceeding. No less often than every 3 years after the end of a proceeding under this subsection (i-5), the Commission shall initiate another proceeding for that purpose.

The Commission may use this apportionment method until the docketed proceeding in which the Commission considers the assessments from other entities subject to its jurisdiction under this Act has concluded. No credit memoranda shall be issued pursuant to subsection (i) if the amount determined as provided in paragraph (3) of this subsection (i-5) results in a deficit.

(j) Credit memoranda issued pursuant to subsection (f) and credit memoranda issued after notification and filing pursuant to subsection (i)
may be applied for the 2 year period from the date of issuance, against the payment of any amount due during that period under the tax imposed by subsection (c), or, subject to reasonable rule of the Commission including requirement of notification, may be assigned to any other public utility subject to regulation under this Act. Any application of credit memoranda after the period provided for in this Section is void.

(k) The chairman or executive director may make refund of fees, taxes or other charges whenever he shall determine that the person or public utility will not be liable for payment of such fees, taxes or charges during the next 24 months and he determines that the issuance of a credit memorandum would be unjust.

(Source: P.A. 97-1150, eff. 1-25-13.)

Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Passed in the General Assembly December 1, 2016.
Approved December 7, 2016.
Effective June 1, 2017.

PUBLIC ACT 99-0907
(Senate Bill No. 3368)

AN ACT concerning the Secretary of State.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Identification Card Act is amended by changing Sections 4 and 12 as follows:

(15 ILCS 335/4) (from Ch. 124, par. 24)

Sec. 4. Identification Card.
(a) The Secretary of State shall issue a standard Illinois Identification Card to any natural person who is a resident of the State of Illinois who applies for such card, or renewal thereof, or who applies for a standard Illinois Identification Card upon release as a committed person on parole, mandatory supervised release, aftercare release, final discharge, or pardon from the Department of Corrections or Department of Juvenile Justice by submitting an identification card issued by the Department of Corrections or Department of Juvenile Justice under Section 3-14-1 or Section 3-2.5-70 of the Unified Code of Corrections, together with the prescribed fees. No identification card shall be issued to any person who holds a valid foreign state identification card, license, or permit unless the

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person first surrenders to the Secretary of State the valid foreign state identification card, license, or permit. The card shall be prepared and supplied by the Secretary of State and shall include a photograph and signature or mark of the applicant. However, the Secretary of State may provide by rule for the issuance of Illinois Identification Cards without photographs if the applicant has a bona fide religious objection to being photographed or to the display of his or her photograph. The Illinois Identification Card may be used for identification purposes in any lawful situation only by the person to whom it was issued. As used in this Act, "photograph" means any color photograph or digitally produced and captured image of an applicant for an identification card. As used in this Act, "signature" means the name of a person as written by that person and captured in a manner acceptable to the Secretary of State.

(a-5) If an applicant for an identification card has a current driver's license or instruction permit issued by the Secretary of State, the Secretary may require the applicant to utilize the same residence address and name on the identification card, driver's license, and instruction permit records maintained by the Secretary. The Secretary may promulgate rules to implement this provision.

(a-10) If the applicant is a judicial officer as defined in Section 1-10 of the Judicial Privacy Act or a peace officer, the applicant may elect to have his or her office or work address listed on the card instead of the applicant's residence or mailing address. The Secretary may promulgate rules to implement this provision. For the purposes of this subsection (a-10), "peace officer" means any person who by virtue of his or her office or public employment is vested by law with a duty to maintain public order or to make arrests for a violation of any penal statute of this State, whether that duty extends to all violations or is limited to specific violations.

(a-15) The Secretary of State may provide for an expedited process for the issuance of an Illinois Identification Card. The Secretary shall charge an additional fee for the expedited issuance of an Illinois Identification Card, to be set by rule, not to exceed $75. All fees collected by the Secretary for expedited Illinois Identification Card service shall be deposited into the Secretary of State Special Services Fund. The Secretary may adopt rules regarding the eligibility, process, and fee for an expedited Illinois Identification Card. If the Secretary of State determines that the volume of expedited identification card requests received on a given day exceeds the ability of the Secretary to process those requests in an expedited manner, the Secretary may decline to provide expedited
services, and the additional fee for the expedited service shall be refunded to the applicant.

(a-20) The Secretary of State shall issue a standard Illinois Identification Card to a committed person upon release on parole, mandatory supervised release, aftercare release, final discharge, or pardon from the Department of Corrections or Department of Juvenile Justice, if the released person presents a certified copy of his or her birth certificate, social security card or other documents authorized by the Secretary, and 2 documents proving his or her Illinois residence address. Documents proving residence address may include any official document of the Department of Corrections or the Department of Juvenile Justice showing the released person's address after release and a Secretary of State prescribed certificate of residency form, which may be executed by Department of Corrections or Department of Juvenile Justice personnel.

(a-25) The Secretary of State shall issue a limited-term Illinois Identification Card valid for 90 days to a committed person upon release on parole, mandatory supervised release, aftercare release, final discharge, or pardon from the Department of Corrections or Department of Juvenile Justice, if the released person is unable to present a certified copy of his or her birth certificate and social security card or other documents authorized by the Secretary, but does present a Secretary of State prescribed verification form completed by the Department of Corrections or Department of Juvenile Justice, verifying the released person's date of birth and social security number and 2 documents proving his or her Illinois residence address. The verification form must have been completed no more than 30 days prior to the date of application for the Illinois Identification Card. Documents proving residence address shall include any official document of the Department of Corrections or the Department of Juvenile Justice showing the person's address after release and a Secretary of State prescribed certificate of residency, which may be executed by Department of Corrections or Department of Juvenile Justice personnel.

Prior to the expiration of the 90-day period of the limited-term Illinois Identification Card, if the released person submits to the Secretary of State a certified copy of his or her birth certificate and his or her social security card or other documents authorized by the Secretary, a standard Illinois Identification Card shall be issued. A limited-term Illinois Identification Card may not be renewed.

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(b) The Secretary of State shall issue a special Illinois Identification Card, which shall be known as an Illinois Person with a Disability Identification Card, to any natural person who is a resident of the State of Illinois, who is a person with a disability as defined in Section 4A of this Act, who applies for such card, or renewal thereof. No Illinois Person with a Disability Identification Card shall be issued to any person who holds a valid foreign state identification card, license, or permit unless the person first surrenders to the Secretary of State the valid foreign state identification card, license, or permit. The Secretary of State shall charge no fee to issue such card. The card shall be prepared and supplied by the Secretary of State, and shall include a photograph and signature or mark of the applicant, a designation indicating that the card is an Illinois Person with a Disability Identification Card, and shall include a comprehensible designation of the type and classification of the applicant's disability as set out in Section 4A of this Act. However, the Secretary of State may provide by rule for the issuance of Illinois Person with a Disability Identification Cards without photographs if the applicant has a bona fide religious objection to being photographed or to the display of his or her photograph. If the applicant so requests, the card shall include a description of the applicant's disability and any information about the applicant's disability or medical history which the Secretary determines would be helpful to the applicant in securing emergency medical care. If a mark is used in lieu of a signature, such mark shall be affixed to the card in the presence of two witnesses who attest to the authenticity of the mark. The Illinois Person with a Disability Identification Card may be used for identification purposes in any lawful situation by the person to whom it was issued.

The Illinois Person with a Disability Identification Card may be used as adequate documentation of disability in lieu of a physician's determination of disability, a determination of disability from a physician assistant, a determination of disability from an advanced practice nurse, or any other documentation of disability whenever any State law requires that a person with a disability provide such documentation of disability, however an Illinois Person with a Disability Identification Card shall not qualify the cardholder to participate in any program or to receive any benefit which is not available to all persons with like disabilities. Notwithstanding any other provisions of law, an Illinois Person with a Disability Identification Card, or evidence that the Secretary of State has issued an Illinois Person with a Disability Identification Card, shall not be
used by any person other than the person named on such card to prove that
the person named on such card is a person with a disability or for any other
purpose unless the card is used for the benefit of the person named on such
card, and the person named on such card consents to such use at the time
the card is so used.

An optometrist's determination of a visual disability under Section
4A of this Act is acceptable as documentation for the purpose of issuing an
Illinois Person with a Disability Identification Card.

When medical information is contained on an Illinois Person with
a Disability Identification Card, the Office of the Secretary of State shall
not be liable for any actions taken based upon that medical information.

(c) The Secretary of State shall provide that each original or
renewal Illinois Identification Card or Illinois Person with a Disability
Identification Card issued to a person under the age of 21 shall be of a
distinct nature from those Illinois Identification Cards or Illinois Person
with a Disability Identification Cards issued to individuals 21 years of age
or older. The color designated for Illinois Identification Cards or Illinois
Person with a Disability Identification Cards for persons under the age of
21 shall be at the discretion of the Secretary of State.

(c-1) Each original or renewal Illinois Identification Card or
Illinois Person with a Disability Identification Card issued to a person
under the age of 21 shall display the date upon which the person becomes
18 years of age and the date upon which the person becomes 21 years of
age.

(c-3) The General Assembly recognizes the need to identify
military veterans living in this State for the purpose of ensuring that they
receive all of the services and benefits to which they are legally entitled,
including healthcare, education assistance, and job placement. To assist
the State in identifying these veterans and delivering these vital services
and benefits, the Secretary of State is authorized to issue Illinois
Identification Cards and Illinois Person with a Disability Identification
Cards with the word "veteran" appearing on the face of the cards. This
authorization is predicated on the unique status of veterans. The Secretary
may not issue any other identification card which identifies an occupation,
status, affiliation, hobby, or other unique characteristics of the
identification card holder which is unrelated to the purpose of the
identification card.

(c-5) Beginning on or before July 1, 2015, the Secretary of State
shall designate a space on each original or renewal identification card

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where, at the request of the applicant, the word "veteran" shall be placed. The veteran designation shall be available to a person identified as a veteran under subsection (b) of Section 5 of this Act who was discharged or separated under honorable conditions.

(d) The Secretary of State may issue a Senior Citizen discount card, to any natural person who is a resident of the State of Illinois who is 60 years of age or older and who applies for such a card or renewal thereof. The Secretary of State shall charge no fee to issue such card. The card shall be issued in every county and applications shall be made available at, but not limited to, nutrition sites, senior citizen centers and Area Agencies on Aging. The applicant, upon receipt of such card and prior to its use for any purpose, shall have affixed thereon in the space provided therefor his signature or mark.

(e) The Secretary of State, in his or her discretion, may designate on each Illinois Identification Card or Illinois Person with a Disability Identification Card a space where the card holder may place a sticker or decal, issued by the Secretary of State, of uniform size as the Secretary may specify, that shall indicate in appropriate language that the card holder has renewed his or her Illinois Identification Card or Illinois Person with a Disability Identification Card.

(Sources: P.A. 98-323, eff. 1-1-14; 98-463, eff. 8-16-13; 98-558, eff. 1-1-14; 98-756, eff. 7-16-14; 99-143, eff. 7-29-15; 99-173, eff. 7-29-15; 99-305, eff. 1-1-16; revised 10-14-15.)

(15 ILCS 335/12) (from Ch. 124, par. 32)

Sec. 12. Fees concerning Standard Illinois Identification Cards. The fees required under this Act for standard Illinois Identification Cards must accompany any application provided for in this Act, and the Secretary shall collect such fees as follows:

- a. Original card...............................  $20
- b. Renewal card...............................  20
- c. Corrected card...............................  10
- d. Duplicate card...............................  20
- e. Certified copy with seal ...................  5
- f. Search ...................................  2
- g. Applicant 65 years of age or over .......... No Fee
- h. (Blank) ....................................
- i. Individual living in Veterans Home or Hospital ....................... No Fee
- j. Original card under 18 years of age..........  $10

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k. Renewal card under 18 years of age........... $10
l. Corrected card under 18 years of age........ $5
m. Duplicate card under 18 years of age........ $10
n. Homeless person.............................. No Fee
o. Duplicate card issued to an active-duty member of the United States Armed Forces, the member's spouse, or dependent children living with the member.................... No Fee

p. Original card issued to a committed person upon release on parole, mandatory supervised release, aftercare release, final discharge, or pardon from the Department of Corrections or Department of Juvenile Justice.............. No Fee

q. Limited-term Illinois Identification Card issued to a committed person upon release on parole, mandatory supervised release, aftercare release, final discharge, or pardon from the Department of Corrections or Department of Juvenile Justice.................. No Fee

All fees collected under this Act shall be paid into the Road Fund of the State treasury, except that the following amounts shall be paid into the General Revenue Fund: (i) 80% of the fee for an original, renewal, or duplicate Illinois Identification Card issued on or after January 1, 2005; and (ii) 80% of the fee for a corrected Illinois Identification Card issued on or after January 1, 2005.

An individual, who resides in a veterans home or veterans hospital operated by the state or federal government, who makes an application for an Illinois Identification Card to be issued at no fee, must submit, along with the application, an affirmation by the applicant on a form provided by the Secretary of State, that such person resides in a veterans home or veterans hospital operated by the state or federal government.

The application of a homeless individual for an Illinois Identification Card to be issued at no fee must be accompanied by an affirmation by a qualified person, as defined in Section 4C of this Act, on

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a form provided by the Secretary of State, that the applicant is currently homeless as defined in Section 1A of this Act.

The fee for any duplicate identification card shall be waived for any person who presents the Secretary of State's Office with a police report showing that his or her identification card was stolen.

The fee for any duplicate identification card shall be waived for any person age 60 or older whose identification card has been lost or stolen.

As used in this Section, "active-duty member of the United States Armed Forces" means a member of the Armed Services or Reserve Forces of the United States or a member of the Illinois National Guard who is called to active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor.

(Source: P.A. 96-183, eff. 7-1-10; 96-1231, eff. 7-23-10; 97-333, eff. 8-12-11; 97-1064, eff. 1-1-13.)

Section 10. The Unified Code of Corrections is amended by changing Sections 3-2.5-75 and 3-14-1 as follows:

(730 ILCS 5/3-2.5-75)

Sec. 3-2.5-75. Release from Department of Juvenile Justice.

(a) Upon release of a youth on aftercare, the Department shall return all property held for the youth, provide the youth with suitable clothing, and procure necessary transportation for the youth to his or her designated place of residence and employment. It may provide the youth with a grant of money for travel and expenses which may be paid in installments. The amount of the money grant shall be determined by the Department.

(b) Before a wrongfully imprisoned person, as defined in Section 3-1-2 of this Code, is discharged from the Department, the Department shall provide him or her with any documents necessary after discharge; including an identification card under subsection (e) of this Section.

(c) The Department of Juvenile Justice may establish and maintain, in any institution it administers, revolving funds to be known as "Travel and Allowances Revolving Funds". These revolving funds shall be used for advancing travel and expense allowances to committed, released, and discharged youth. The moneys paid into these revolving funds shall be from appropriations to the Department for committed, released, and discharged prisoners.
(d) Upon the release of a youth on aftercare, the Department shall provide that youth with information concerning programs and services of the Department of Public Health to ascertain whether that youth has been exposed to the human immunodeficiency virus (HIV) or any identified causative agent of Acquired Immunodeficiency Syndrome (AIDS).

(e) Upon the release of a youth on aftercare or who has been wrongfully imprisoned, the Department shall verify the youth's full name, date of birth, and social security number. If verification is made by the Department by obtaining a certified copy of the youth's birth certificate and the youth's social security card or other documents authorized by the Secretary, the Department shall provide the birth certificate and social security card or other documents authorized by the Secretary to the youth. If verification is done by means other than obtaining a certified copy of the youth's birth certificate and the youth's social security card or other documents authorized by the Secretary, the Department shall complete a verification form, prescribed by the Secretary of State and shall provide that verification form to the youth. The Department, in consultation with the Office of the Secretary of State, shall prescribe the form of the identification card, which may be similar to the form of the standard Illinois Identification Card. The Department shall inform the youth that he or she may present the identification card to the Office of the Secretary of State upon application for a standard Illinois Identification Card in accordance with the Illinois Identification Card Act. The Department shall require the youth to pay a $1 fee for the identification card.

For purposes of a youth receiving an identification card issued by the Department under this subsection, the Department shall establish criteria that the youth must meet before the card is issued. It is the sole responsibility of the youth requesting the identification card issued by the Department to meet the established criteria. The youth's failure to meet the criteria is sufficient reason to deny the youth the identification card. An identification card issued by the Department under this subsection shall be valid for a period of time not to exceed 30 calendar days from the date the card is issued. The Department shall not be held civilly or criminally liable to anyone because of any act of any person utilizing a card issued by the Department under this subsection:

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The Department shall adopt rules governing the issuance of identification cards to youth being released on aftercare or pardon.
(Source: P.A. 98-558, eff. 1-1-14; 98-685, eff. 1-1-15.)

(730 ILCS 5/3-14-1) (from Ch. 38, par. 1003-14-1)

Sec. 3-14-1. Release from the Institution.
(a) Upon release of a person on parole, mandatory release, final discharge or pardon the Department shall return all property held for him, provide him with suitable clothing and procure necessary transportation for him to his designated place of residence and employment. It may provide such person with a grant of money for travel and expenses which may be paid in installments. The amount of the money grant shall be determined by the Department.

(a-1) The Department shall, before a wrongfully imprisoned person, as defined in Section 3-1-2 of this Code, is discharged from the Department, provide him or her with any documents necessary after discharge, including an identification card under subsection (e) of this Section.

(a-2) The Department of Corrections may establish and maintain, in any institution it administers, revolving funds to be known as "Travel and Allowances Revolving Funds". These revolving funds shall be used for advancing travel and expense allowances to committed, paroled, and discharged prisoners. The moneys paid into such revolving funds shall be from appropriations to the Department for Committed, Paroled, and Discharged Prisoners.

(b) (Blank).

(c) Except as otherwise provided in this Code, the Department shall establish procedures to provide written notification of any release of any person who has been convicted of a felony to the State's Attorney and sheriff of the county from which the offender was committed, and the State's Attorney and sheriff of the county into which the offender is to be paroled or released. Except as otherwise provided in this Code, the Department shall establish procedures to provide written notification to the proper law enforcement agency for any municipality of any release of any person who has been convicted of a felony if the arrest of the offender or the commission of the offense took place in the municipality, if the offender is to be paroled or released into the municipality, or if the offender resided in the municipality at the time of the commission of the offense. If a person convicted of a felony who is in the custody of the Department of Corrections or on parole or mandatory supervised release

New matter indicated by italics - deletions by strikeout
informs the Department that he or she has resided, resides, or will reside at an address that is a housing facility owned, managed, operated, or leased by a public housing agency, the Department must send written notification of that information to the public housing agency that owns, manages, operates, or leases the housing facility. The written notification shall, when possible, be given at least 14 days before release of the person from custody, or as soon thereafter as possible. The written notification shall be provided electronically if the State's Attorney, sheriff, proper law enforcement agency, or public housing agency has provided the Department with an accurate and up to date email address.

(c-1) (Blank).

(c-2) The Department shall establish procedures to provide notice to the Department of State Police of the release or discharge of persons convicted of violations of the Methamphetamine Control and Community Protection Act or a violation of the Methamphetamine Precursor Control Act. The Department of State Police shall make this information available to local, State, or federal law enforcement agencies upon request.

(c-5) If a person on parole or mandatory supervised release becomes a resident of a facility licensed or regulated by the Department of Public Health, the Illinois Department of Public Aid, or the Illinois Department of Human Services, the Department of Corrections shall provide copies of the following information to the appropriate licensing or regulating Department and the licensed or regulated facility where the person becomes a resident:

(1) The mittimus and any pre-sentence investigation reports.
(2) The social evaluation prepared pursuant to Section 3-8-2.
(3) Any pre-release evaluation conducted pursuant to subsection (j) of Section 3-6-2.
(4) Reports of disciplinary infractions and dispositions.
(5) Any parole plan, including orders issued by the Prisoner Review Board, and any violation reports and dispositions.
(6) The name and contact information for the assigned parole agent and parole supervisor.
This information shall be provided within 3 days of the person becoming a resident of the facility.

(c-10) If a person on parole or mandatory supervised release becomes a resident of a facility licensed or regulated by the Department of

New matter indicated by italics - deletions by strikeout
Public Health, the Illinois Department of Public Aid, or the Illinois Department of Human Services, the Department of Corrections shall provide written notification of such residence to the following:

(1) The Prisoner Review Board.

(2) The chief of police and sheriff in the municipality and county in which the licensed facility is located.

The notification shall be provided within 3 days of the person becoming a resident of the facility.

(d) Upon the release of a committed person on parole, mandatory supervised release, final discharge or pardon, the Department shall provide such person with information concerning programs and services of the Illinois Department of Public Health to ascertain whether such person has been exposed to the human immunodeficiency virus (HIV) or any identified causative agent of Acquired Immunodeficiency Syndrome (AIDS).

(e) Upon the release of a committed person on parole, mandatory supervised release, final discharge, pardon, or who has been wrongfully imprisoned, the Department shall verify the released person's full name, date of birth, and social security number. If verification is made by the Department by obtaining a certified copy of the released person's birth certificate and the released person's social security card or other documents authorized by the Secretary, the Department shall provide the birth certificate and social security card or other documents authorized by the Secretary to the released person. If verification by the Department is done by means other than obtaining a certified copy of the released person's birth certificate and the released person's social security card or other documents authorized by the Secretary, the Department shall complete a verification form, prescribed by the Secretary of State, and shall provide that verification form to the released person. Provide the person who has met the criteria established by the Department with an identification card identifying the person as being on parole, mandatory supervised release, final discharge, pardon, or wrongfully imprisoned, as the case may be. The Department, in consultation with the Office of the Secretary of State, shall prescribe the form of the identification card, which may be similar to the form of the standard Illinois Identification Card. The Department shall inform the committed person that he or she may present the identification card to the Office of the Secretary of State upon application for a standard Illinois Identification Card in accordance
with the Illinois Identification Card Act. The Department shall require the committed person to pay a $1 fee for the identification card.

For purposes of a committed person receiving an identification card issued by the Department under this subsection, the Department shall establish criteria that the committed person must meet before the card is issued. It is the sole responsibility of the committed person requesting the identification card issued by the Department to meet the established criteria. The person's failure to meet the criteria is sufficient reason to deny the committed person the identification card. An identification card issued by the Department under this subsection shall be valid for a period of time not to exceed 30 calendar days from the date the card is issued. The Department shall not be held civilly or criminally liable to anyone because of any act of any person utilizing a card issued by the Department under this subsection.

The Department shall adopt rules governing the issuance of identification cards to committed persons being released on parole, mandatory supervised release, final discharge, or pardon.

(f) Forty-five days prior to the scheduled discharge of a person committed to the custody of the Department of Corrections, the Department shall give the person who is otherwise uninsured an opportunity to apply for health care coverage including medical assistance under Article V of the Illinois Public Aid Code in accordance with subsection (b) of Section 1-8.5 of the Illinois Public Aid Code, and the Department of Corrections shall provide assistance with completion of the application for health care coverage including medical assistance. The Department may adopt rules to implement this Section.

(Source: P.A. 98-267, eff. 1-1-14; 99-415, eff. 8-20-15.)


AN ACT concerning revenue.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout
Section 5. The School Code is amended by changing Sections 17-2, 17-2.2a, and 17-2.2c and by adding Section 17-2.2e as follows:

(105 ILCS 5/17-2) (from Ch. 122, par. 17-2)

Sec. 17-2. Tax levies; purposes; rates. Except as otherwise provided in Articles 12 and 13 of this Act, and except as provided in Section 17-2.2e of this Act, the following maximum rates shall apply to all taxes levied after August 10, 1965, in districts having a population of less than 500,000 inhabitants, including those districts organized under Article 11 of the School Code. The school board of any district having a population of less than 500,000 inhabitants may levy a tax annually, at not to exceed the maximum rates and for the specified purposes, upon all the taxable property of the district at the value, as equalized or assessed by the Department of Revenue as follows:

(1) districts maintaining only grades 1 through 8, .92% for educational purposes and .25% for operations and maintenance purposes;

(2) districts maintaining only grades 9 through 12, .92% for educational purposes and .25% for operations and maintenance purposes;

(3) districts maintaining grades 1 through 12, 1.63% for the 1985-86 school year, 1.68% for the 1986-87 school year, 1.75% for the 1987-88 school year and 1.84% for the 1988-89 school year and thereafter for educational purposes and .405% for the 1989-90 school year, .435% for the 1990-91 school year, .465% for the 1991-92 school year, and .50% for the 1992-93 school year and thereafter for operations and maintenance purposes;

(4) all districts, 0.75% for capital improvement purposes (which is in addition to the levy for operations and maintenance purposes), which tax is to be levied, accumulated for not more than 6 years, and spent for capital improvement purposes (including but not limited to the construction of a new school building or buildings or the purchase of school grounds on which any new school building is to be constructed or located, or both) only in accordance with Section 17-2.3 of this Act;

(5) districts maintaining only grades 1 through 8, .12% for transportation purposes, provided that districts maintaining only grades kindergarten through 8 which have an enrollment of at least 2600 students may levy, subject to Section 17-2.2, at not to exceed a maximum rate of .20% for transportation purposes for any school

New matter indicated by italics - deletions by strikeout
year in which the number of students requiring transportation in the
district exceeds by at least 2% the number of students requiring
transportation in the district during the preceding school year, as
verified in the district's claim for pupil transportation and
reimbursement and as certified by the State Board of Education to
the county clerk of the county in which such district is located not
later than November 15 following the submission of such claim;
districts maintaining only grades 9 through 12, .12% for
transportation purposes; and districts maintaining grades 1 through
12, .14% for the 1985-86 school year, .16% for the 1986-87 school
year, .18% for the 1987-88 school year and .20% for the 1988-89
school year and thereafter, for transportation purposes;
(6) districts providing summer classes, .15% for
educational purposes, subject to Section 17-2.1 of this Act.
Whenever any special charter school district operating grades 1
through 12, has organized or shall organize under the general school law,
the district so organized may continue to levy taxes at not to exceed the
rate at which taxes were last actually extended by the special charter
district, except that if such rate at which taxes were last actually extended
by such special charter district was less than the maximum rate for districts
maintaining grades 1 through 12 authorized under this Section, such
special charter district nevertheless may levy taxes at a rate not to exceed
the maximum rate for districts maintaining grades 1 through 12 authorized
under this Section, and except that if any such district maintains only
grades 1 through 8, the board may levy, for educational purposes, at a rate
not to exceed the maximum rate for elementary districts authorized under
this Section.
Maximum rates before or after established in excess of those
prescribed shall not be affected by the amendatory Act of 1965.
(Source: P.A. 87-984; 87-1023; 88-45.)
(105 ILCS 5/17-2.2a) (from Ch. 122, par. 17-2.2a)
Sec. 17-2.2a. (a) Tax for special education programs.
(a) The school board of any district having a population of less
than 500,000 inhabitants may, by proper resolution, levy an annual tax
upon the value as equalized or assessed by the Department of Revenue, for
special education purposes, including the purposes authorized by Section
10-22.31b as follows:

New matter indicated by italics - deletions by strikeout
(1) districts maintaining only grades kindergarten through 8, and prior to July 1, 1970, districts maintaining only grades 1 through 8, .02%;
(2) districts maintaining only grades 9 through 12, .02%;
(3) districts maintaining only grades kindergarten through 12, and prior to July 1, 1970, districts maintaining only grades 1 through 12, .04%.

The revenue raised by such tax shall be used only for special education purposes, including the construction and maintenance of special education facilities.

Upon proper resolution of the school board, the school district may accumulate such funds for special education building purposes for a period of 8 years.

Buildings constructed under the provisions of this Section shall comply with the building code authorized under Section 2-3.12.

If it is no longer feasible or economical to utilize classroom facilities constructed with revenues raised and accumulated by the tax for special education building purposes, the district, or cooperative district by unanimous consent, may with the approval of the regional superintendent of schools and the State Superintendent of Education use such facilities for regular school purposes. The district or cooperative of districts shall make comparable facilities available for special education purposes at another attendance center which is in a more practical location due to the proximity of the students served.

(b) If the school board of any district that has levied the tax authorized by this Section determines that the accumulated funds from such tax and from the $1,000 State reimbursement per professional worker received under Section 14-13.02 are no longer required for special education building purposes, the board may by proper resolution transfer such funds to any other fund to be used for any special education purposes authorized by Article 14. Such transfer shall not be made until after the regional superintendent has certified to the State Superintendent of Education that adequate housing provisions have been made for all children with disabilities residing in the school district.

(c) The tax rate limits specified in this Section may be increased to .40% by districts maintaining only grades kindergarten through 8 or only grades 9 through 12, and to .80% by districts maintaining grades kindergarten through 12, upon the approval of a proposition to effect such increase by a majority of the electors voting on such proposition at a
regular scheduled election. The proposition may be initiated by resolution of the school board and shall be certified by the secretary to the proper election authorities for submission in accordance with the general election law. If at such election a majority of the votes cast on the proposition is in favor thereof, the school board may thereafter until such authority is revoked in like manner levy annually the tax so authorized.

(d) The tax rate limits specified in this Section may also be increased as provided in Section 17-2.2e.

(Source: P.A. 89-397, eff. 8-20-95; 90-757, eff. 8-14-98; revised 11-7-16.)

(105 ILCS 5/17-2.2c) (from Ch. 122, par. 17-2.2c)

Sec. 17-2.2c. Tax for leasing educational facilities or computer technology or both, and for temporary relocation expense purposes. The school board of any district, by proper resolution, may levy an annual tax, in addition to any other taxes and not subject to the limitations specified elsewhere in this Article, not to exceed .05% upon the value of the taxable property as equalized or assessed by the Department of Revenue, for the purpose of leasing educational facilities or computer technology or both, and, in order to repay the State all moneys distributed to it for temporary relocation expenses of the district, may levy an annual tax not to exceed .05% upon the value of the taxable property as equalized or assessed by the Department of Revenue for a period not to exceed 7 years for the purpose of providing for the repayment of moneys distributed for temporary relocation expenses of the school district pursuant to Section 2-3.77.

The tax rate limit specified by this Section with respect to an annual tax levied for the purpose of leasing educational facilities or computer technology or both may be increased to .10% upon the approval of a proposition to effect such increase by a majority of the electors voting on that proposition at a regular scheduled election. Such proposition may be initiated by resolution of the school board and shall be certified by the secretary to the proper election authorities for submission in accordance with the general election law.

The tax rate limit specified in this Section may also be increased as provided in Section 17-2.2e.

The district is authorized to pledge any tax levied pursuant to this Section for the purpose of leasing educational facilities or computer technology or both to secure the payment of any lease, lease-purchase agreement, or installment purchase agreement entered into by the district for such purpose.

New matter indicated by italics - deletions by strikeout
For the purposes of this Section, "leasing of educational facilities or computer technology or both" includes any payment with respect to a lease, lease-purchase agreement, or installment purchase agreement to acquire or use buildings, rooms, grounds, and appurtenances to be used by the district for the use of schools or for school administration purposes and all equipment, fixtures, renovations, and improvements to existing facilities of the district necessary to accommodate computers, as well as computer hardware and software.

Any school district may abolish or abate its fund for leasing educational facilities or computer technology or both and for temporary relocation expense purposes upon the adoption of a resolution so providing and upon a determination by the school board that the moneys in the fund are no longer needed for leasing educational facilities or computer technology or both or for temporary relocation expense purposes. The resolution shall direct the transfer of any balance in the fund to another school district fund or funds immediately upon the resolution taking effect. Thereafter, any outstanding taxes of the school district levied pursuant to this Section shall be collected and paid into the fund or funds as directed by the school board. Nothing in this Section shall prevent a school district that has abolished or abated the fund from again creating a fund for leasing educational facilities and for temporary relocation expense purposes in the manner provided in this Section.

(Source: P.A. 89-106, eff. 7-7-95; 90-97, eff. 7-11-97; 90-464, eff. 8-17-97; 90-655, eff. 7-30-98.)

(105 ILCS 5/17-2.2e new)

Sec. 17-2.2e. Maximum tax rates. Notwithstanding any other provision of law, beginning in levy year 2016, a school district that contains a federal military installation and is eligible to receive impact aid under Section 8003(b) of the federal Elementary and Secondary Education Act or any successor program may, subject to the restrictions set forth in this Section, levy taxes for any of the following purposes at a rate that exceeds the maximum rate set forth in Section 17-2, Section 17-2.2a, or Section 17-2.2c, as applicable:

(1) for educational purposes;
(2) for operations and maintenance purposes;
(3) for special education programs;
(4) for leasing educational facilities or computer technology or both; or
(5) for transportation purposes.

New matter indicated by italics - deletions by strikeout
If the school district levies a tax for any of the purposes set forth in items (1) through (5) that exceeds the maximum rate set forth for that purpose, it shall first adopt an ordinance setting forth the preliminary tax rates for all purposes for the taxable year and submit those extensions and rates to the county clerk. The tax rates for items (1) through (5), as provided in that ordinance, may not exceed the maximum rates for those purposes set forth in Section 17-2, Section 17-2.2a, or Section 17-2.2c. Upon receiving the tax levy confirmation with the extensions and rates from the county clerk, the district may, at a public hearing, adopt an ordinance adjusting those preliminary tax rates. Notice of the public hearing shall be provided in the form and manner set forth in Sections 18-75 and 18-80 of the Property Tax Code not more than 14 days nor less than 7 days prior to the date of the public hearing. The adjusted tax rates for items (1) through (5) may exceed the maximum rates, provided that the adjusted aggregate tax rate for all purposes may not exceed the aggregate tax rate for all purposes set forth in the ordinance setting forth the preliminary tax rates.

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

Passed in the General Assembly December 1, 2016.
Approved December 16, 2016.
Effective December 16, 2016.

PUBLIC ACT 99-0909
(Senate Bill No. 0870)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Regulatory Sunset Act is amended by changing Sections 4.27 and 4.37 and adding Section 4.27a as follows:
(5 ILCS 80/4.27)
Sec. 4.27. Acts repealed on January 1, 2017. The following are repealed on January 1, 2017:
The Boiler and Pressure Vessel Repairer Regulation Act.
(Source: P.A. 99-78, eff. 7-20-15; 99-572, eff. 7-15-16.)

New matter indicated by italics - deletions by strikeout
Sec. 4.27a. Act repealed on December 31, 2017. The following Act is repealed on December 31, 2017:

Sec. 4.37. Acts repealed on January 1, 2027. The following Act is repealed on January 1, 2027:
The Clinical Psychologist Licensing Act.

Section 10. The Regulatory Sunset Act is amended by repealing Section 4.26a.

Section 15. The Medical Practice Act of 1987 is amended by changing Section 21 as follows:

Sec. 21. License renewal; reinstatement; inactive status; disposition and collection of fees.

(A) Renewal. The expiration date and renewal period for each license issued under this Act shall be set by rule. The holder of a license may renew the license by paying the required fee. The holder of a license may also renew the license within 90 days after its expiration by complying with the requirements for renewal and payment of an additional fee. A license renewal within 90 days after expiration shall be effective retroactively to the expiration date.

The Department shall attempt to provide through electronic means mail to each licensee under this Act, at his or her address of record, at least 60 days in advance of the expiration date of his or her license, a renewal notice. No such license shall be deemed to have lapsed until 90 days after the expiration date and after the Department has attempted to provide such notice has been mailed by the Department as herein provided.

(B) Reinstatement. Any licensee who has permitted his or her license to lapse or who has had his or her license on inactive status may have his or her license reinstated by making application to the Department and filing proof acceptable to the Department of his or her fitness to have the license reinstated, including evidence certifying to active practice in another jurisdiction satisfactory to the Department, proof of meeting the
continuing education requirements for one renewal period, and by paying the required reinstatement fee.

If the licensee has not maintained an active practice in another jurisdiction satisfactory to the Department, the Licensing Board shall determine, by an evaluation program established by rule, the applicant's fitness to resume active status and may require the licensee to complete a period of evaluated clinical experience and may require successful completion of a practical examination specified by the Licensing Board.

However, any registrant whose license has expired while he or she has been engaged (a) in Federal Service on active duty with the Army of the United States, the United States Navy, the Marine Corps, the Air Force, the Coast Guard, the Public Health Service or the State Militia called into the service or training of the United States of America, or (b) in training or education under the supervision of the United States preliminary to induction into the military service, may have his or her license reinstated without paying any lapsed renewal fees, if within 2 years after honorable termination of such service, training, or education, he or she furnishes to the Department with satisfactory evidence to the effect that he or she has been so engaged and that his or her service, training, or education has been so terminated.

(C) Inactive licenses. Any licensee who notifies the Department, in writing on forms prescribed by the Department, may elect to place his or her license on an inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until he or she notifies the Department in writing of his or her desire to resume active status.

Any licensee requesting reinstatement from inactive status shall be required to pay the current renewal fee, provide proof of meeting the continuing education requirements for the period of time the license is inactive not to exceed one renewal period, and shall be required to reinstate his or her license as provided in subsection (B).

Any licensee whose license is in an inactive status shall not practice in the State of Illinois.

(D) Disposition of monies collected. All monies collected under this Act by the Department shall be deposited in the Illinois State Medical Disciplinary Fund in the State Treasury, and used only for the following purposes: (a) by the Disciplinary Board and Licensing Board in the exercise of its powers and performance of its duties, as such use is made by the Department with full consideration of all recommendations of the
Disciplinary Board and Licensing Board, (b) for costs directly related to persons licensed under this Act, and (c) for direct and allocable indirect costs related to the public purposes of the Department.

Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized under Section 2105-300 of the Department of Professional Regulation Law (20 ILCS 2105/2105-300).

The State Comptroller shall order and the State Treasurer shall transfer an amount equal to $1,100,000 from the Illinois State Medical Disciplinary Fund to the Local Government Tax Fund on each of the following dates: July 1, 2014, October 1, 2014, January 1, 2015, July 1, 2017, October 1, 2017, and January 1, 2018. These transfers shall constitute repayment of the $6,600,000 transfer made under Section 6z-18 of the State Finance Act.

All earnings received from investment of monies in the Illinois State Medical Disciplinary Fund shall be deposited in the Illinois State Medical Disciplinary Fund and shall be used for the same purposes as fees deposited in such Fund.

(E) Fees. The following fees are nonrefundable.

(1) Applicants for any examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining the applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

(2) Before July 1, 2018, the fee for a license under Section 9 of this Act is $700. Beginning on July 1, 2018, the fee for a license under Section 9 of this Act is $500.

(3) Before July 1, 2018, the fee for a license under Section 19 of this Act is $700. Beginning on July 1, 2018, the fee for a license under Section 19 of this Act is $500.

(4) Before July 1, 2018, the fee for the renewal of a license for a resident of Illinois shall be calculated at the rate of $230 per year, and beginning on July 1, 2018, the fee for the renewal of a license shall be $167, except for licensees who were issued a license within 12 months of the expiration date of the license, before July 1, 2018, the fee for the renewal shall be $230, and beginning on July 1, 2018 that fee will be $167. Before July 1,
2018, the fee for the renewal of a license for a nonresident shall be calculated at the rate of $460 per year, and beginning on July 1, 2018, the fee for the renewal of a license for a nonresident shall be $250, except for licensees who were issued a license within 12 months of the expiration date of the license, before July 1, 2018, the fee for the renewal shall be $460, and beginning on July 1, 2018 that fee will be $250.

(5) The fee for the reinstatement of a license other than from inactive status, is $230. In addition, payment of all lapsed renewal fees not to exceed $1,400 is required.

(6) The fee for a 3-year temporary license under Section 17 is $230.

(7) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license which has been lost or destroyed, or for the issuance of a license with a change of name or address other than during the renewal period is $20. No fee is required for name and address changes on Department records when no duplicate license is issued.

(8) The fee to be paid for a license record for any purpose is $20.

(9) The fee to be paid to have the scoring of an examination, administered by the Department, reviewed and verified, is $20 plus any fees charged by the applicable testing service.

(10) The fee to be paid by a licensee for a wall certificate showing his or her license shall be the actual cost of producing the certificate as determined by the Department.

(11) The fee for a roster of persons licensed as physicians in this State shall be the actual cost of producing such a roster as determined by the Department.

(F) Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from
the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or permit or deny the application, without hearing. If, after termination or denial, the person seeks a license or permit, he or she shall apply to the Department for reinstatement or issuance of the license or permit and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for reinstatement of a license or permit to pay all expenses of processing this application. The Secretary may waive the fines due under this Section in individual cases where the Secretary finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 97-622, eff. 11-23-11; 98-3, eff. 3-8-13; 98-1140, eff. 12-30-14.)

Section 20. The Illinois Optometric Practice Act of 1987 is amended by changing Sections 3, 9, 10, 11, 14, 15.1, 18, 20, 21, 24, 26.2, 26.6, 26.7, 26.8, 26.15, and 27 and by adding Sections 9.5, 15.3, and 30 as follows:

Sec. 3. Practice of optometry defined; referrals; manufacture of lenses and prisms.

(a) The practice of optometry is defined as the employment of any and all means for the examination, diagnosis, and treatment of the human visual system, the human eye, and its appendages without the use of surgery, including, but not limited to: the appropriate use of ocular pharmaceutical agents; refraction and other determinants of visual function; prescribing corrective lenses or prisms; prescribing, dispensing, or management of contact lenses; vision therapy; visual rehabilitation; or any other procedures taught in schools and colleges of optometry approved by the Department, and not specifically restricted in this Act, subject to demonstrated competency and training as required by the Board, and pursuant to rule or regulation approved by the Board and adopted by the Department.

A person shall be deemed to be practicing optometry within the meaning of this Act who:

(1) In any way presents himself or herself to be qualified to practice optometry.

(2) Performs refractions or employs any other determinants of visual function.

New matter indicated by italics - deletions by strikeout
(3) Employs any means for the adaptation of lenses or prisms.

(4) Prescribes corrective lenses, prisms, vision therapy, visual rehabilitation, or ocular pharmaceutical agents.

(5) Prescribes or manages contact lenses for refractive, cosmetic, or therapeutic purposes.

(6) Evaluates the need for, or prescribes, low vision aids to partially sighted persons.

(7) Diagnoses or treats any ocular abnormality, disease, or visual or muscular anomaly of the human eye or visual system.

(8) Practices, or offers or attempts to practice, optometry as defined in this Act either on his or her own behalf or as an employee of a person, firm, or corporation, whether under the supervision of his or her employer or not.

Nothing in this Section shall be interpreted (A) to prevent a person from functioning as an assistant under the direct supervision of a person licensed by the State of Illinois to practice optometry or medicine in all of its branches or (B) to prohibit visual screening programs that are conducted without a fee (other than voluntary donations), by charitable organizations acting in the public welfare under the supervision of a committee composed of persons licensed by the State of Illinois to practice optometry or persons licensed by the State of Illinois to practice medicine in all of its branches.

(b) When, in the course of providing optometric services to any person, an optometrist licensed under this Act finds an indication of a disease or condition of the eye which in his or her professional judgment requires professional service outside the scope of practice as defined in this Act, he or she shall refer such person to a physician licensed to practice medicine in all of its branches, or other appropriate health care practitioner. Nothing in this Act shall preclude an optometrist from rendering appropriate nonsurgical emergency care.

(c) Nothing contained in this Section shall prohibit a person from manufacturing ophthalmic lenses and prisms or the fabrication of contact lenses according to the specifications prescribed by an optometrist or a physician licensed to practice medicine in all of its branches, but shall specifically prohibit (1) the sale or delivery of ophthalmic lenses, prisms, and contact lenses without a prescription signed by an optometrist or a physician licensed to practice medicine in all of its branches and (2) the dispensing of contact lenses by anyone other than a licensed optometrist,

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licensed pharmacist, or a physician licensed to practice medicine in all of its branches. For the purposes of this Act, "contact lenses" include, but are not limited to, contact lenses with prescriptive power and decorative and plano power contact lenses. Nothing in this Section shall prohibit the sale of contact lenses by an optical firm or corporation primarily engaged in manufacturing or dealing in eyeglasses or contact lenses with an affiliated optometrist who practices and is licensed or has an ancillary registration for the location where the sale occurs.

(d) Nothing in this Act shall restrict the filling of a prescription by a pharmacist licensed under the Pharmacy Practice Act.

(e) Nothing in this Act shall be construed to restrict the dispensing and sale by an optometrist of ocular devices, such as contact lenses, that contain and deliver ocular pharmaceutical agents permitted for use or prescription under this Act.

(f) On and after January 1, 2018, nothing in this Act shall prohibit an optometrist who is certified by a school of optometry approved by the Department from performing advanced optometric procedures, pursuant to educational requirements established by rule, that are consistent with the recommendations of the Collaborative Optometric/Ophthalmological Task Force created in Section 15.3 of this Act and that are taught (1) at an accredited, private 4-year school of optometry that is located in a city in Illinois with a population in excess of 1,500,000, or (2) at a school of optometry with a curriculum that is substantially similar to the curriculum taught at the school of optometry described in item (1) of this subsection. Advanced optometric procedures do not include the use of lasers.

(Source: P.A. 98-186, eff. 8-5-13.)

(225 ILCS 80/9) (from Ch. 111, par. 3909)

Section scheduled to be repealed on January 1, 2017

Sec. 9. Definitions. In this Act:

(1) "Department" means the Department of Financial and Professional Regulation.

(2) "Secretary" means the Secretary of Financial and Professional Regulation.

(3) "Board" means the Illinois Optometric Licensing and Disciplinary Board appointed by the Secretary.

(4) "License" means the document issued by the Department authorizing the person named thereon to practice optometry.

(5) (Blank).

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(6) "Direct supervision" means supervision of any person assisting an optometrist, requiring that the optometrist authorize the procedure, remain in the facility while the procedure is performed, approve the work performed by the person assisting before dismissal of the patient, but does not mean that the optometrist must be present with the patient, during the procedure. For the dispensing of contact lenses, "direct supervision" means that the optometrist is responsible for training the person assisting the optometrist in the dispensing or sale of contact lenses, but does not mean that the optometrist must be present in the facility where he or she practices under a license or ancillary registration at the time the contacts are dispensed or sold.

(7) "Address of record" means the designated address recorded by the Department in the applicant's application file or the licensee's license file maintained by the Department's licensure maintenance unit.

(Source: P.A. 98-186, eff. 8-5-13.)

(225 ILCS 80/9.5 new)

Sec. 9.5. Change of address. It is the duty of the applicant or licensee to inform the Department of any change of address within 14 days after such change either through the Department's website or by contacting the Department's licensure maintenance unit.

(225 ILCS 80/10) (from Ch. 111, par. 3910)

(Section scheduled to be repealed on January 1, 2017)

Sec. 10. Powers and duties of Department; rules; report. The Department shall exercise the powers and duties prescribed by the Civil Administrative Code of Illinois for the administration of Licensing Acts and shall exercise such other powers and duties necessary for effectuating the purpose of this Act.

The Secretary shall promulgate Rules consistent with the provisions of this Act, for the administration and enforcement thereof and may prescribe forms that shall be issued in connection therewith. The rules shall include standards and criteria for licensure and certification, and professional conduct and discipline.

The Department shall consult with the Board in promulgating rules. Notice of proposed rulemaking shall be transmitted to the Board and the Department shall review the Board's responses and any recommendations made therein. The Department shall notify the Board in writing with explanations of deviations from the Board's recommendations.

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and responses. The Department may solicit the advice of the Board on any matter relating to the administration and enforcement of this Act.
(Source: P.A. 94-787, eff. 5-19-06.)

(225 ILCS 80/11) (from Ch. 111, par. 3911)
(Section scheduled to be repealed on January 1, 2017)

Sec. 11. Optometric Licensing and Disciplinary Board. The Secretary shall appoint an Illinois Optometric Licensing and Disciplinary Board as follows: Seven persons who shall be appointed by and shall serve in an advisory capacity to the Secretary. Five members must be lawfully and actively engaged in the practice of optometry in this State, one member shall be a licensed optometrist, with a full-time faculty appointment with the Illinois College of Optometry, and one member must be a member of the public who shall be a voting member and is not licensed under this Act, or a similar Act of another jurisdiction, or have any connection with the profession. Neither the public member nor the faculty member shall participate in the preparation or administration of the examination of applicants for licensure.

Members shall serve 4-year terms and until their successors are appointed and qualified. No member shall be appointed to the Board for more than 2 successive 4-year terms, not counting any partial terms when appointed to fill the unexpired portion of a vacated term. Appointments to fill vacancies shall be made in the same manner as original appointments, for the unexpired portion of the vacated term.

The Board shall annually elect a chairperson and a vice-chairperson, both of whom shall be licensed optometrists.

The membership of the Board should reasonably reflect representation from the geographic areas in this State.

A majority of the Board members currently appointed shall constitute a quorum. A vacancy in the membership of the Board shall not impair the right of a quorum to perform all of the duties of the Board.

The Secretary may terminate the appointment of any member for cause.

The members of the Board shall be reimbursed for all authorized legitimate and necessary expenses incurred in attending the meetings of the Board.

Members of the Board shall have no liability in any action based upon any disciplinary proceeding or other activity performed in good faith as a member of the Board.

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The Secretary shall give due consideration to all recommendations of the Board, and in the event that the Secretary disagrees with or takes action contrary to the recommendation of the Board, he or she shall provide the Board with a written and specific explanation of this action. None of the functions, powers or duties of the Department with respect to policy matters relating to licensure, discipline, and examination, including the promulgation of such rules as may be necessary for the administration of this Act, shall be exercised by the Department except upon review of the Board.

Without, in any manner, limiting the power of the Department to conduct investigations, the Board may recommend to the Secretary that one or more licensed optometrists be selected by the Secretary to conduct or assist in any investigation pursuant to this Act. Such licensed optometrist may receive remuneration as determined by the Secretary.

(225 ILCS 80/14) (from Ch. 111, par. 3914)

Sec. 14. A person shall be qualified for initial licensure as an optometrist if that person has applied in writing in form and substance satisfactory to the Department and who:

1. (blank) has not been convicted of any of the provisions of Section 24 of this Act which would be grounds for discipline under this Act;

2. has graduated, after January 1, 1994, from a program of optometry education approved by the Department or has graduated, prior to January 1, 1994, and has met substantially equivalent criteria established by the Department;

3. (blank); and

4. has met all examination requirements including the passage of a nationally recognized examination authorized by the Department. Each applicant shall be tested on theoretical knowledge and clinical practice skills.

(Sources: P.A. 94-787, eff. 5-19-06.)

(225 ILCS 80/15.1)

Sec. 15.1. Diagnostic and therapeutic authority.

(a) For purposes of the Act, "ocular pharmaceutical agents" means topical anesthetics, topical mydriatics, topical cycloplegics, topical miotics and mydriatic reversing agents, anti-infective agents, anti-allergy agents, anti-inflammatory agents, and antihistamine agents.
anti-glaucoma agents (except oral carbonic anhydrase inhibitors, which may be prescribed only in a quantity sufficient to provide treatment for up to 30 days 72 hours), anti-inflammatory agents (except oral steroids, which may be prescribed only in a quantity sufficient to provide treatment for up to 7 days), over-the-counter agents, analgesic agents, anti-dry eye agents, and agents for the treatment of hypotrichosis.

(a-3) In addition to ocular pharmaceutical agents that fall within the categories set forth in subsection (a) of this Section, the Board may add a pharmaceutical agent approved by the FDA or class of agents for the purpose of the diagnosis or treatment of conditions of the eye and adnexa after consideration of the agent's systemic effects, side effects, and the use of the agent within the practice of optometry. The Board shall consider requests for additional agents and make recommendations within 90 days after the receipt of the request.

Within 45 days after the Board's recommendation to the Department of a pharmaceutical agent or class of agents, the Department shall promulgate rules necessary to allow for the prescribing or administering of the pharmaceutical agent or class of agents under this Act.

(a-5) Ocular pharmaceutical agents administered by injection may be used only for the treatment of anaphylaxis.

(a-10) Oral pharmaceutical agents may be prescribed for a child under 5 years of age only in consultation with a physician licensed to practice medicine in all its branches.

(a-15) The authority to prescribe a Schedule III, IV, or V controlled substance shall include analgesic agents only in a quantity sufficient to provide treatment for up to 72 hours. The prescription of a Schedule II controlled substance is prohibited, except for Dihydrocodeinone (Hydrocodone) with one or more active, non-narcotic ingredients only in a quantity sufficient to provide treatment for up to 72 hours, and only if such formulations of Dihydrocodeinone are reclassified as Schedule II by federal regulation.

(b) A licensed optometrist may remove superficial foreign bodies from the human eye and adnexa and may give orders for patient care to a nurse or other health care provider licensed to practice under Illinois law.

(c) An optometrist's license shall be revoked or suspended by the Department upon recommendation of the Board based upon either of the following causes:

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(1) grave or repeated misuse of any ocular pharmaceutical agent; and

(2) the use of any agent or procedure in the course of optometric practice by an optometrist not properly authorized under this Act.

(d) The Secretary of Financial and Professional Regulation shall notify the Director of Public Health as to the categories of ocular pharmaceutical agents permitted for use by an optometrist. The Director of Public Health shall in turn notify every licensed pharmacist in the State of the categories of ocular pharmaceutical agents that can be utilized and prescribed by an optometrist.

(Source: P.A. 97-170, eff. 7-22-11; 98-1111, eff. 8-26-14.)

(225 ILCS 80/15.3 new)

Sec. 15.3. The Collaborative Optometric/Ophthalmological Task Force. In order to protect the public and provide quality care, a Collaborative Optometric/Ophthalmological Task Force is established. This Task Force shall collaboratively develop minimum educational requirements for an optometrist to perform advanced optometric procedures. Advanced optometric procedures do not include the use of lasers.

The Collaborative Optometric/Ophthalmological Task Force shall be comprised of a representative of a statewide organization representing optometry, a representative of a statewide organization representing ophthalmology, a representative of a statewide organization representing physicians licensed to practice medicine in all of its branches, a representative of an accredited, private 4-year school of optometry located in a city in Illinois with a population of more than 1,500,000 persons. The Department shall provide administrative support to the Collaborative Optometric/Ophthalmological Task Force. The Task Force shall meet at least monthly.

No later than September 1, 2017, the statewide organization representing ophthalmology shall provide to the Collaborative Optometric/Ophthalmological Task Force its recommended minimum educational requirements for a licensed optometrist to obtain a certification to perform advanced optometric procedures.

No later than January 1, 2018, the Department, in direct consultation with the Collaborative Optometric/Ophthalmological Task Force, shall propose rules for adoption that are consistent with the Task Force's recommendations, or recommend legislation to the General

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Assembly, providing educational requirements that must be met for an optometrist to obtain certification from a school of optometry approved by the Department to perform advanced optometric procedures as taught (1) at an accredited, private 4-year school of optometry that is located in a city in Illinois with a population in excess of 1,500,000, or (2) at a school of optometry with a curriculum that is substantially similar to the curriculum taught at the school of optometry described in item (1) of this paragraph.

(225 ILCS 80/18) (from Ch. 111, par. 3918)
(Section scheduled to be repealed on January 1, 2017)

Sec. 18. Endorsement. The Department may, in its discretion, license as an optometrist, without examination on payment of the required fee, an applicant who is so licensed under the laws of another state or U.S. jurisdiction of the United States. The Department may issue a license, upon payment of the required fee and recommendation of the Board, to an individual applicant who is licensed in any foreign country or province whose standards, in the opinion of the Board or Department, if the requirements for licensure in the jurisdiction in which the applicant was licensed were, at the date of his or her licensure, substantially equivalent to the requirements then in force in this State; or if the applicant possesses individual qualifications and skills which demonstrate substantial equivalence to current Illinois requirements.

Applicants have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee forfeited and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 89-702, eff. 7-1-97.)

(225 ILCS 80/20) (from Ch. 111, par. 3920)
(Section scheduled to be repealed on January 1, 2017)

Sec. 20. Fund. All moneys received by the Department pursuant to this Act shall be deposited in the Optometric Licensing and Disciplinary Board Fund, which is hereby created as a special fund in the State Treasury, and shall be used for the administration of this Act, including: (a) by the Board and Department in the exercise of its powers and performance of its duties, as such use is made by the Department with full consideration of all recommendations of the Board; (b) for costs directly related to license renewal of persons licensed under this Act; and (c) for direct and allocable indirect costs related to the public purposes of the Department of Financial and Professional Regulation. Subject to

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appropriation, moneys in the Optometric Licensing and Disciplinary Board Fund may be used for the Optometric Education Scholarship Program administered by the Illinois Student Assistance Commission pursuant to Section 65.70 of the Higher Education Student Assistance Act.

Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized under Section 2105-300 of the Department of Professional Regulation Law (20 ILCS 2105/2105-300).

Money in the Optometric Licensing and Disciplinary Board Fund may be invested and reinvested, with all earnings received from such investment to be deposited in the Optometric Licensing and Disciplinary Board Fund and used for the same purposes as fees deposited in such fund.

(Source: P.A. 94-787, eff. 5-19-06.)

(225 ILCS 80/21) (from Ch. 111, par. 3921)

(Section scheduled to be repealed on January 1, 2017)

Sec. 21. The Department shall maintain a roster of the names and addresses of all licensees and of all persons whose licenses have been suspended or revoked. This roster shall be available upon written request and payment of the required fee.

(Source: P.A. 94-787, eff. 5-19-06.)

(225 ILCS 80/24) (from Ch. 111, par. 3924)

(Section scheduled to be repealed on January 1, 2017)

Sec. 24. Grounds for disciplinary action.

(a) The Department may refuse to issue or to renew, or may revoke, suspend, place on probation, reprimand or take other disciplinary or non-disciplinary action as the Department may deem appropriate, including fines not to exceed $10,000 for each violation, with regard to any license for any one or combination of the causes set forth in subsection (a-3) of this Section. All fines collected under this Section shall be deposited in the Optometric Licensing and Disciplinary Board Fund. Any fine imposed shall be payable within 60 days after the effective date of the order imposing the fine.

(a-3) Grounds for disciplinary action include the following:

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

(2) Conviction of or entry of a plea of guilty to any crime under the laws of any U.S. jurisdiction thereof that is a felony or that is a misdemeanor of which an essential element is dishonesty, or any crime that is directly related to the practice of the profession.
(3) Making any misrepresentation for the purpose of obtaining a license.

(4) Professional incompetence or gross negligence in the practice of optometry.

(5) Gross malpractice, prima facie evidence of which may be a conviction or judgment of malpractice in any court of competent jurisdiction.

(6) Aiding or assisting another person in violating any provision of this Act or rules.

(7) Failing, within 60 days, to provide information in response to a written request made by the Department that has been sent by certified or registered mail to the licensee's last known address.

(8) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.

(9) Habitual or excessive use or addiction to alcohol, narcotics, stimulants or any other chemical agent or drug that results in the inability to practice with reasonable judgment, skill, or safety.

(10) Discipline by another U.S. jurisdiction or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth herein.

(11) Violation of the prohibition against fee splitting in Section 24.2 of this Act.

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

(13) Abandonment of a patient.

(14) Willfully making or filing false records or reports in his or her practice, including but not limited to false records filed with State agencies or departments.

(15) Willfully failing to report an instance of suspected abuse or neglect as required by law.

(16) Physical illness, including but not limited to, deterioration through the aging process, or loss of motor skill, mental illness, or disability that results in the inability to practice the profession with reasonable judgment, skill, or safety.

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(17) Solicitation of professional services other than permitted advertising.

(18) Failure to provide a patient with a copy of his or her record or prescription in accordance with federal law.

(19) Conviction by any court of competent jurisdiction, either within or without this State, of any violation of any law governing the practice of optometry, conviction in this or another State of any crime that is a felony under the laws of this State or conviction of a felony in a federal court, if the Department determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust.

(20) A finding that licensure has been applied for or obtained by fraudulent means.

(21) Continued practice by a person knowingly having an infectious or contagious disease.

(22) Being named as a perpetrator in an indicated report by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act, and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or a neglected child as defined in the Abused and Neglected Child Reporting Act.

(23) Practicing or attempting to practice under a name other than the full name as shown on his or her license.

(24) Immoral conduct in the commission of any act, such as sexual abuse, sexual misconduct or sexual exploitation, related to the licensee's practice.

(25) Maintaining a professional relationship with any person, firm, or corporation when the optometrist knows, or should know, that such person, firm, or corporation is violating this Act.

(26) Promotion of the sale of drugs, devices, appliances or goods provided for a client or patient in such manner as to exploit the patient or client for financial gain of the licensee.

(27) Using the title "Doctor" or its abbreviation without further qualifying that title or abbreviation with the word "optometry" or "optometrist".

(28) Use by a licensed optometrist of the word "infirmary", "hospital", "school", "university", in English or any other language, in connection with the place where optometry may be practiced or demonstrated unless the licensee is employed by and practicing at a

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location that is licensed as a hospital or accredited as a school or university.

(29) Continuance of an optometrist in the employ of any person, firm or corporation, or as an assistant to any optometrist or optometrists, directly or indirectly, after his or her employer or superior has been found guilty of violating or has been enjoined from violating the laws of the State of Illinois relating to the practice of optometry, when the employer or superior persists in that violation.

(30) The performance of optometric service in conjunction with a scheme or plan with another person, firm or corporation known to be advertising in a manner contrary to this Act or otherwise violating the laws of the State of Illinois concerning the practice of optometry.

(31) Failure to provide satisfactory proof of having participated in approved continuing education programs as determined by the Board and approved by the Secretary. Exceptions for extreme hardships are to be defined by the rules of the Department.

(32) Willfully making or filing false records or reports in the practice of optometry, including, but not limited to false records to support claims against the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Illinois Public Aid Code.

(33) Gross and willful overcharging for professional services including filing false statements for collection of fees for which services are not rendered, including, but not limited to filing false statements for collection of monies for services not rendered from the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Illinois Public Aid Code.

(34) In the absence of good reasons to the contrary, failure to perform a minimum eye examination as required by the rules of the Department.

(35) Violation of the Health Care Worker Self-Referral Act. The Department shall may refuse to issue or shall may suspend the license of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of the tax, penalty or interest, as required by any tax Act administered by the Illinois

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Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

(a-5) In enforcing this Section, the Board or Department, upon a showing of a possible violation, may compel any individual licensed to practice under this Act, or who has applied for licensure or certification pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians or clinical psychologists shall be those specifically designated by the Department Board. The Board or the Department may order the examining physician or clinical psychologist to present testimony concerning this mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician or clinical psychologist. Eye examinations may be provided by a licensed optometrist. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of any individual to submit to a mental or physical examination, when directed, shall be grounds for suspension of a license until such time as the individual submits to the examination if the Board or Department finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Board or Department finds an individual unable to practice because of the reasons set forth in this Section, the Board or Department shall require such individual to submit to care, counseling, or treatment by physicians or clinical psychologists approved or designated by the Department Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice, or in lieu of care, counseling, or treatment, the Board may recommend to the Department to file a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual, or the Board may recommend to the Department to file a complaint to suspend, revoke, or otherwise discipline the license of the individual. Any individual whose license was granted pursuant to this Act, or continued, reinstated, renewed, disciplined, or supervised, subject to such conditions, terms, or restrictions, who shall fail to comply with such conditions, terms, or restrictions, shall be referred to the Secretary for a determination as to whether the individual shall have his or her license suspended immediately, pending a hearing by the Board.

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(b) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code operates as an automatic suspension. The suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission and issues an order so finding and discharging the patient; and upon the recommendation of the Board to the Secretary that the licensee be allowed to resume his or her practice.

(Source: P.A. 99-43, eff. 1-1-16.)

(225 ILCS 80/26.2) (from Ch. 111, par. 3926.2)

Sec. 26.2. Investigation; notice. The Department may investigate the actions of any applicant or of any person or persons holding or claiming to hold a license. The Department shall, before suspending, revoking, placing on probationary status, or taking any other disciplinary action as the Department may deem proper with regard to any license, at least 30 days prior to the date set for the hearing, notify the accused in writing of any charges made and the time and place for a hearing of the charges before the Board, direct him or her to file his or her written answer to the Board under oath within 20 days after the service on him or her of the notice and inform him or her that if he or she fails to file an answer default will be taken against him or her and his or her license may be suspended, revoked, placed on probationary status, or have other disciplinary action, including limiting the scope, nature or extent of his or her practice, as the Department may deem proper taken with regard thereto. The written notice and any notice in the subsequent proceeding may be served by personal delivery or by regular or certified delivery or certified or registered mail to the applicant's or licensee's address of record. In case the person fails to file an answer after receiving notice, his or her license may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. At the time and place fixed in the notice, the Department shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present such statements, testimony, evidence and argument as may be pertinent to the charges or to their defense. The Department may

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continue the hearing from time to time. At the discretion of the Secretary after having first received the recommendation of the Board, the accused person's license may be suspended, revoked, placed on probationary status, or whatever disciplinary action as the Secretary may deem proper, including limiting the scope, nature, or extent of said person's practice, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act.

(Source: P.A. 94-787, eff. 5-19-06.)

(225 ILCS 80/26.6) (from Ch. 111, par. 3926.6)

Sec. 26.6. Findings of fact, conclusions of law, and recommendations. At the conclusion of the hearing the Board shall present to the Secretary a written report of its findings of fact, conclusions of law and recommendations. The report shall contain a finding whether or not the accused person violated this Act or failed to comply with the conditions required in this Act. The Board shall specify the nature of the violation or failure to comply, and shall make its recommendations to the Secretary:

The report of findings of fact, conclusions of law and recommendations of the Board shall be the basis for the Department's order. If the Secretary disagrees in any regard with the report of the Board, the Secretary may issue an order in contravention thereof. The Secretary shall provide within 60 days of taking such action a written report to the Board on any such deviation, and shall specify with particularity the reasons for said action in the final order. The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and findings are not a bar to a criminal prosecution brought for the violation of this Act.

At any point in any investigation or disciplinary proceeding provided for in this Act, both parties may agree to a negotiated consent order. The consent order shall be final upon the signature of the Secretary.

(Source: P.A. 94-787, eff. 5-19-06.)

(225 ILCS 80/26.7) (from Ch. 111, par. 3926.7)

Sec. 26.7. Hearing officer. Notwithstanding the provisions of Section 26.6 of this Act, the Secretary shall have the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action for discipline of a license. The Secretary

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shall notify the Board of any such appointment. The hearing officer shall have full authority to conduct the hearing. The Board shall have the right to have at least one member present at any hearing conducted by such hearing officer. The hearing officer shall report his or her findings of fact, conclusions of law and recommendations to the Board and the Secretary. The Board shall have 60 days from receipt of the report to review the report of the hearing officer and present its findings of fact, conclusions of law and recommendations to the Secretary. If the Board fails to present its report within the 60 day period, the Secretary shall issue an order based on the report of the hearing officer. If the Secretary disagrees in any regard with the report of the Board or hearing officer, he or she may issue an order in contravention thereof. The Secretary shall provide a written explanation to the Board on any such deviation, and shall specify with particularity the reasons for such action in the final order.

(Source: P.A. 94-787, eff. 5-19-06.)

(225 ILCS 80/26.15) (from Ch. 111, par. 3926.15)
Sec. 26.15. Certification of record. The Department shall not be required to certify any record to the Court or file any answer in court or otherwise appear in any court in a judicial review proceeding, unless and until the Department has received from the plaintiff there is filed in the court, with the complaint, a receipt from the Department acknowledging

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payment of the costs of furnishing and certifying the record, which costs shall be determined by the Department. Failure on the part of the plaintiff to file a receipt in Court shall be grounds for dismissal of the action. (Source: P.A. 87-1031.)

(225 ILCS 80/27) (from Ch. 111, par. 3927)
(Section scheduled to be repealed on January 1, 2017)

Sec. 27. Administrative Procedure Act. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated herein as if all of the provisions of that Act were included in this Act, except that the provision of subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act that provides that at hearings the licensee has the right to show compliance with all lawful requirements for retention, continuation or renewal of the license is specifically excluded. For the purpose of this Act the notice required under Section 10-25 of the Administrative Procedure Act is deemed sufficient when mailed to the last known address of a party. (Source: P.A. 88-45.)

(225 ILCS 80/30 new)

Sec. 30. Confidentiality. All information collected by the Department in the course of an examination or investigation of a licensee or applicant, including, but not limited to, any complaint against a license filed with the Department and information collected to investigate any such complaint, shall be maintained for the confidential use of the Department and shall not be disclosed. The Department may not disclose the information to anyone other than law enforcement officials, other regulatory agencies that have an appropriate regulatory interest as determined by the Secretary, or a party presenting a lawful subpoena to the Department. Information and documents disclosed to a federal, State, county, or local law enforcement agency shall not be disclosed by the agency for any purpose to any other agency or person. A formal complaint filed against a licensee by the Department or any order issued by the Department against a licensee or applicant shall be a public record, except as otherwise prohibited by law.

Section 99. Effective date. This Section and Sections 5, 10, and 15 take effect upon becoming law. Section 20 takes effect on January 1, 2017, except that the provisions of Section 20 that add Section 15.3 to the Illinois Optometric Practice Act of 1987 take effect upon becoming law.
Passed in the General Assembly December 1, 2016.
Approved December 16, 2016.
Effective December 16, 2016 and January 1, 2017.

PUBLIC ACT 99-0910
(Senate Bill No. 2363)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Regulatory Sunset Act is amended by changing Section 4.27 and by adding Section 4.37 as follows:

(5 ILCS 80/4.27)

Sec. 4.27. Acts repealed on January 1, 2017. The following are repealed on January 1, 2017:
The Clinical Psychologist Licensing Act.
The Boiler and Pressure Vessel Repairer Regulation Act.
(Source: P.A. 99-78, eff. 7-20-15.)

(5 ILCS 80/4.37 new)

Sec. 4.37. Articles repealed on January 1, 2027. The following are repealed on January 1, 2027:

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

Passed in the General Assembly November 16, 2016.
Approved December 16, 2016
Effective December 16, 2016.

PUBLIC ACT 99-0911
(Senate Bill No. 2504)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Regulatory Sunset Act is amended by changing Sections 4.27 and 4.37 as follows:

(5 ILCS 80/4.27)

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Sec. 4.27. Acts repealed on January 1, 2017. The following are repealed on January 1, 2017:

The Boiler and Pressure Vessel Repairer Regulation Act.

(Source: P.A. 99-78, eff. 7-20-15; 99-572, eff. 7-15-16.)
(5 ILCS 80/4.37)

Sec. 4.37. Acts repealed on January 1, 2027. The following Acts are repealed on January 1, 2027:

The Clinical Psychologist Licensing Act.
The Boiler and Pressure Vessel Repairer Regulation Act.
(Source: P.A. 99-572, eff. 7-15-16.)

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

Passed in the General Assembly December 1, 2016.
Approved December 16, 2016.
Effective December 16, 2016.

PUBLIC ACT 99-0912
(Senate Bill No. 1941)

AN ACT concerning employment.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Unemployment Insurance Act is amended by adding Section 408.5 as follows:

(820 ILCS 405/408.5 new)
Sec. 408.5. Additional benefits.
A. Additional benefits shall be available:
   1. Only with respect to benefit years beginning on or after April 1, 2015 and prior to the effective date of this amendatory Act of the 99th General Assembly; and
   2. To an otherwise eligible individual: (a) who was certified as eligible to apply for adjustment assistance under the federal Trade Act of 1974, as amended, on or after January 1, 2015; (b) who has not received the maximum amount of trade readjustment allowances payable to him or her pursuant to paragraph (1) of subsection (a) of Section 233 of the federal Trade

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Act of 1974, as amended, as a result of the certification referenced in item (a) of this paragraph 2; and (c) whose total or partial unemployment is attributable to a layoff from a steel manufacturer.

B. An individual shall be eligible to receive additional benefits pursuant to this Section for a week if he or she: (1) has met the requirements of Section 500E of this Act; (2) is an exhaustee; and (3) except when the result would be inconsistent with the provisions of this Section, has satisfied the requirements of this Act for the receipt of regular benefits as that term is defined in Section 409 of this Act.

C. For the purposes of this Section, an individual is an exhaustee with respect to a week if:

1. Prior to such week: (a) he or she has received, with respect to his or her current benefit year that includes such week, the maximum total amount of benefits to which he or she was entitled under the provisions of Section 403B, and all of the regular benefits (including dependents' allowances) to which he or she had entitlement (if any) on the basis of wages or employment under any other State unemployment compensation law; or (b) he or she has received all the regular benefits available to him or her with respect to his or her current benefit year that includes such week, under this Act and under any other State unemployment compensation law, after a cancellation of some or all of his or her wage credits or the partial or total reduction of his or her regular benefit rights; or (c) his or her benefit year terminated, and he or she cannot meet the qualifying wage requirements of Section 500E of this Act or the qualifying wage or employment requirements of any other State unemployment compensation law to establish a new benefit year which would include such week or, having established a new benefit year that includes such week, he or she is ineligible for regular benefits by reason of Section 607 of this Act or a like provision of any other State unemployment compensation law; and

2. For such week: (a) he or she has no right to benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the federal Trade Act of 1974, as amended, or such other federal laws as are specified in regulations of the United States Secretary of Labor or other appropriate federal agency; and (b) he or she has not received and is not seeking benefits under the unemployment compensation law of Canada, except that if he or

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she is seeking such benefits and the appropriate agency finally determines that he or she is not entitled to benefits under such law, this clause shall not apply; and

3. The week for which additional benefits are being claimed is not later than seventy-eight weeks after the end of the individual’s benefit year for which benefits can be claimed under this Section.

For the purposes of clauses (a) and (b) of paragraph 1 of this subsection, an individual shall be deemed to have received, with respect to his or her current benefit year, the maximum total amount of benefits to which he or she was entitled or all of the regular benefits to which he or she had entitlement, or all of the regular benefits available to him or her, as the case may be, even though: (a) as a result of a pending reconsideration or appeal with respect to the "finding" defined in Section 701, or of a pending appeal with respect to wages or employment or both under any other State unemployment compensation law, he or she may subsequently be determined to be entitled to more regular benefits; or (b) by reason of a seasonality provision in a State unemployment compensation law which establishes the weeks of the year for which regular benefits may be paid to individuals on the basis of wages in seasonal employment he or she may be entitled to regular benefits for future weeks but such benefits are not payable with respect to the week for which he or she is claiming additional benefits, provided that he or she is otherwise an exhaustee under the provisions of this subsection with respect to his or her rights to regular benefits, under such seasonality provision, during the portion of the year in which that week occurs; or (c) having established a benefit year, no regular benefits are payable to him or her with respect to such year because his or her wage credits were cancelled or his or her rights to regular benefits were totally reduced by reason of the application of a disqualification provision of a State unemployment compensation law.

An individual shall not cease to be an exhaustee with respect to any week solely because he or she meets the qualifying wage requirements of Section 500E for a part of such week.

D. The provisions of Section 607 and the waiting period requirements of Section 500D shall not be applicable to any week with respect to which benefits are otherwise payable under this Section.

E. With respect to any week payable under this Section, an exhaustee's "weekly additional benefit amount" shall be the same as his or

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her weekly benefit amount during his or her benefit year which includes such week or, if such week is not in a benefit year, during his or her applicable benefit year, as defined in regulations issued by the United States Secretary of Labor or other appropriate federal agency. If the exhaustee had more than one weekly benefit amount during his or her benefit year, his or her weekly additional benefit amount with respect to such week shall be the latest of such weekly benefit amounts.

F. An eligible exhaustee shall be entitled to a maximum total amount of additional benefits equal to the maximum total amount of benefits to which he or she was entitled under Section 403B, plus dependents' allowances, during his or her applicable benefit year, minus the sum of any trade readjustment allowances he or she has received as a result of the certification referenced in item (a) of paragraph 2 of subsection A.

G. 1. A claims adjudicator shall examine the first claim filed by an individual who meets the requirements of subsection A and, on the basis of the information in his or her possession, shall make an "additional benefits finding". Such finding shall state whether or not the individual has met the requirement of subsection E of Section 500 of this Act, is an exhaustee and, if so, his or her weekly additional benefit amount and the maximum total amount of additional benefits to which he or she is entitled. The claims adjudicator shall promptly notify the individual of his or her "additional benefits finding", and shall promptly notify the individual's most recent employing unit and the individual's last employer (referred to in Section 1502.1) that the individual has filed a claim for additional benefits. The claims adjudicator may reconsider his or her "additional benefits finding" at any time within 2 years after the close of the individual's applicable benefit year, and shall promptly notify the individual of such reconsidered finding. All of the provisions of this Act applicable to reviews from findings or reconsidered findings made pursuant to Sections 701 and 703 which are not inconsistent with the provisions of this subsection shall be applicable to reviews from additional benefits findings and reconsidered additional benefits findings.

2. If, pursuant to the reconsideration or appeal with respect to a "finding", referred to in subsection C, an exhaustee is found to be entitled to more regular benefits and, by reason thereof, is entitled to more additional benefits, the claims adjudicator shall make a reconsidered additional benefits finding and shall promptly notify the exhaustee thereof.

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H. Benefits payable pursuant to this Section shall be paid from the unemployment trust fund.

I. No employer shall be chargeable for the additional benefits paid under this Section.

J. To ensure full compliance and coordination with all applicable federal laws, including, but not limited to, the federal Trade Act of 1974, as amended, the Federal Unemployment Tax Act, and the Social Security Act, the Director shall take any action or issue any regulations necessary in the administration of this Section to ensure that its provisions are so interpreted and applied as to meet the requirements of such federal Act as interpreted by the United States Secretary of Labor or other appropriate Federal agency.

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

Passed in the General Assembly December 1, 2016.
Approved December 19, 2016.
Effective December 19, 2016.

AN ACT concerning land.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Adjutant General, on behalf of the State of Illinois and the Department of Military Affairs, is authorized to convey by Quitclaim Deed all right, title, and interest of the State of Illinois and the Department of Military Affairs in and to the real estate described in Section 10 to the Beardstown Park District, subject to the conditions and restriction described in Section 15.

Section 10. The Adjutant General is authorized to convey the following described real property:
Parcel No. 1
Part of the Southeast Quarter (SE1/4), Section Fourteen (14), Township Eighteen (18) North, Range Twelve (12) West of the Third Principal Meridian, Cass County, Illinois, described as follows:
Beginning at the center Southeast Quarter (SE1/4), Section Fourteen (14), Township Eighteen (18) North, Range Twelve (12) West of the Third Principal Meridian; thence South zero degrees,
six minutes, thirty-two seconds (0° 6' 32") East, three hundred eighty-one and seventy-eight hundredths (381.78) feet along the North and South Centerline of the Southeast Quarter (SE1/4), said Section Fourteen (14); thence North sixty-four degrees, fifty-four minutes, twenty-six seconds (64° 54' 26") West, two hundred eight-four and fifty-nine hundredths (284.59) feet; thence South fifteen degrees, thirty-five minutes, fifty-six seconds (15° 35' 56") West, two hundred twenty-three and sixty-hundredths (223.60) feet to a point on the North Right-of-Way Line of the Original S.B.I. Route No. 3, formerly U.S. Route No. 67; then North sixty degrees, twelve minutes, four seconds (60° 12' 4") West, three hundred nine and twenty-hundredths (309.20) feet along said Right-of-Way Line; thence North twenty-five degrees, fifty-four minutes, fifty-six seconds (25° 54' 56") East, three hundred thirty-one (310.13) feet; thence North eighty-six degrees, twenty-three minutes, fifteen seconds (86° 23' 15") East, three hundred ten and thirteen hundredths (310.13) feet to a point on the North and South Centerline of the Southeast Quarter (SE1/4), said Section Fourteen (14); thence South zero degrees, six minutes, thirty-two seconds (0° 6' 32") East, two sixty-four and fifty hundredths (264.50) feet along said Centerline to the Point of Beginning, containing six and forty-three (6.43) acres, more or less.

Parcel No. 2
Part of the Southeast Quarter (SE1/4), Section Fourteen (14), Township Eighteen (18) North, Range Twelve (12) West of the Third Principal Meridian, Cass County, Illinois, described as follow:

Beginning at the center Southeast Quarter (SE1/4), Section Fourteen (14), Township Eighteen (18) North, Range Twelve (12) West of the Third Principal Meridian; thence North eighty-one and seventy-eight hundredths (81.78) feet along the North Boundary of the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of said Section Fourteen (14); thence South twelve degrees, twelve minutes, thirty-two seconds (12° 12' 32") West, four hundred sixty-eight and five-tenths (468.5) feet; thence North seventy-three degrees, twelve minutes, twelve seconds (73° 12' 12") West, two hundred sixty and fifty-hundredths (260.50) feet; to a point on the North and South Centerline of the Southeast Quarter (SE1/4) of said Section Fourteen (14); thence North zero degrees, six minutes,

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thirty-two seconds (0° 6' 32") West, three hundred eighty-one and seventy-eight (381.78) feet along said North and South Centerline to the Point of Beginning, containing two and ninety-three (2.93) acres, more or less.

Section 15. The Adjutant General shall not convey the real property described in Section 10 to the Beardstown Park District until the Adjutant General determines that the property is no longer required for military purposes. Conveyance of the above real property will be in an "as is" condition, and the Beardstown Park District will pay all required costs and expenses for the conveyance, as determined by the Adjutant General. The Quitclaim Deed shall state on its face and be subject to the condition that if the property is no longer used for public purposes, then title shall revert without further action to the State of Illinois.

Section 20. The Adjutant General shall obtain a certified copy of this Act from the Secretary of State within 60 days after its effective date and, upon the conveyance of the real estate described in Section 10 being made, shall cause the certified copy of this Act to be recorded in the office of the Recorder of Cass County.

Passed in the General Assembly November 16, 2016.
Approved December 20, 2016.
Effective December 20, 2016.

PUBLIC ACT 99-0913

AN ACT concerning revenue.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

Section 5. The Illinois Income Tax Act is amended by changing
Section 221 as follows:

(35 ILCS 5/221)
Sec. 221. Rehabilitation costs; qualified historic properties; River
Edge Redevelopment Zone.
(a) For taxable years beginning on or after January 1, 2012 and
ending prior to January 1, 2017, there shall be allowed a
tax credit against the tax imposed by subsections (a) and (b) of Section
201 in an amount equal to 25% of qualified expenditures incurred by a

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qualified taxpayer during the taxable year in the restoration and preservation of a qualified historic structure located in a River Edge Redevelopment Zone pursuant to a qualified rehabilitation plan, provided that the total amount of such expenditures (i) must equal $5,000 or more and (ii) must exceed 50% of the purchase price of the property.

(b) To obtain a tax credit pursuant to this Section, the taxpayer must apply with the Department of Commerce and Economic Opportunity. The Department of Commerce and Economic Opportunity, in consultation with the Historic Preservation Agency, shall determine the amount of eligible rehabilitation costs and expenses. The Historic Preservation Agency shall determine whether the rehabilitation is consistent with the standards of the Secretary of the United States Department of the Interior for rehabilitation. Upon completion and review of the project, the Department of Commerce and Economic Opportunity shall issue a certificate in the amount of the eligible credits. At the time the certificate is issued, an issuance fee up to the maximum amount of 2% of the amount of the credits issued by the certificate may be collected from the applicant to administer the provisions of this Section. If collected, this issuance fee shall be deposited into the Historic Property Administrative Fund, a special fund created in the State treasury. Subject to appropriation, moneys in the Historic Property Administrative Fund shall be evenly divided between the Department of Commerce and Economic Opportunity and the Historic Preservation Agency to reimburse the Department of Commerce and Economic Opportunity and the Historic Preservation Agency for the costs associated with administering this Section. The taxpayer must attach the certificate to the tax return on which the credits are to be claimed. The Department of Commerce and Economic Opportunity may adopt rules to implement this Section.

(c) The tax credit under this Section may not reduce the taxpayer's liability to less than zero.

(d) As used in this Section, the following terms have the following meanings.

"Qualified expenditure" means all the costs and expenses defined as qualified rehabilitation expenditures under Section 47 of the federal Internal Revenue Code that were incurred in connection with a qualified historic structure.

"Qualified historic structure" means a certified historic structure as defined under Section 47 (c)(3) of the federal Internal Revenue Code.

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"Qualified rehabilitation plan" means a project that is approved by the Historic Preservation Agency as being consistent with the standards in effect on the effective date of this amending Act of the 97th General Assembly for rehabilitation as adopted by the federal Secretary of the Interior.

"Qualified taxpayer" means the owner of the qualified historic structure or any other person who qualifies for the federal rehabilitation credit allowed by Section 47 of the federal Internal Revenue Code with respect to that qualified historic structure. Partners, shareholders of subchapter S corporations, and owners of limited liability companies (if the limited liability company is treated as a partnership for purposes of federal and State income taxation) are entitled to a credit under this Section to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 703 and subchapter S of the Internal Revenue Code, provided that credits granted to a partnership, a limited liability company taxed as a partnership, or other multiple owners of property shall be passed through to the partners, members, or owners respectively on a pro rata basis or pursuant to an executed agreement among the partners, members, or owners documenting any alternate distribution method.

(Source: P.A. 97-203, eff. 7-28-11.)

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

Passed in the General Assembly December 1, 2016.
Approved December 20, 2016.
Effective December 20, 2016.

PUBLIC ACT 99-0915
(Senate Bill No. 2921)

AN ACT concerning revenue.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Income Tax Act is amended by changing Section 214 as follows:

(35 ILCS 5/214)
Sec. 214. Tax credit for affordable housing donations.
(a) Beginning with taxable years ending on or after December 31, 2001 and until the taxable year ending on December 31, 2021 December

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31, 2016, a taxpayer who makes a donation under Section 7.28 of the Illinois Housing Development Act is entitled to a credit against the tax imposed by subsections (a) and (b) of Section 201 in an amount equal to 50% of the value of the donation. Partners, shareholders of subchapter S corporations, and owners of limited liability companies (if the limited liability company is treated as a partnership for purposes of federal and State income taxation) are entitled to a credit under this Section to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 703 and subchapter S of the Internal Revenue Code. Persons or entities not subject to the tax imposed by subsections (a) and (b) of Section 201 and who make a donation under Section 7.28 of the Illinois Housing Development Act are entitled to a credit as described in this subsection and may transfer that credit as described in subsection (c).

(b) If the amount of the credit exceeds the tax liability for the year, the excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The tax credit shall be applied to the earliest year for which there is a tax liability. If there are credits for more than one year that are available to offset a liability, the earlier credit shall be applied first.

(c) The transfer of the tax credit allowed under this Section may be made (i) to the purchaser of land that has been designated solely for affordable housing projects in accordance with the Illinois Housing Development Act or (ii) to another donor who has also made a donation in accordance with Section 7.28 of the Illinois Housing Development Act.

(d) A taxpayer claiming the credit provided by this Section must maintain and record any information that the Department may require by regulation regarding the project for which the credit is claimed. When claiming the credit provided by this Section, the taxpayer must provide information regarding the taxpayer's donation to the project under the Illinois Housing Development Act.

(Source: P.A. 96-1276, eff. 7-26-10; 97-507, eff. 8-23-11.)

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

Passed in the General Assembly December 1, 2016.
Approved December 20, 2016.
Effective December 20, 2016.
AN ACT concerning State government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Property Tax Code is amended by changing Section 10-152 as follows:

(35 ILCS 200/10-152)
(Text of Section before amendment by P.A. 99-560)
(Section scheduled to be repealed on December 31, 2016)
(P.A. 99-560 contained an extension of the internal repealer, but does not take effect until January 1, 2017)

Sec. 10-152. Vegetative filter strip assessment.

(a) In counties with less than 3,000,000 inhabitants, any land (i) that is located between a farm field and an area to be protected, including but not limited to surface water, a stream, a river, or a sinkhole and (ii) that meets the requirements of subsection (b) of this Section shall be considered a "vegetative filter strip" and valued at 1/6th of its productivity index equalized assessed value as cropland. In counties with 3,000,000 or more inhabitants, the land shall be valued at the lesser of either (i) 16% of the fair cash value of the farmland estimated at the price it would bring at a fair, voluntary sale for use by the buyer as a farm as defined in Section 1-60 or (ii) 90% of the 1983 average equalized assessed value per acre certified by the Department of Revenue.

(b) Vegetative filter strips shall meet the standards and specifications set forth in the Natural Resources Conservation Service Technical Guide and shall contain vegetation that (i) has a dense top growth; (ii) forms a uniform ground cover; (iii) has a heavy fibrous root system; and (iv) tolerates pesticides used in the farm field.

(c) The county's soil and water conservation district shall assist the taxpayer in completing a uniform certified document as prescribed by the Department of Revenue in cooperation with the Association of Illinois Soil and Water Conservation Districts that certifies (i) that the property meets the requirements established under this Section for vegetative filter strips and (ii) the acreage or square footage of property that qualifies for assessment as a vegetative filter strip. The document shall be filed by the applicant with the Chief County Assessment Officer. The Chief County Assessment Officer shall promulgate rules concerning the filing of the

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document. The soil and water conservation district shall create a conservation plan for the creation of the filter strip. The plan shall be kept on file in the soil and water conservation district office. Nothing in this Section shall be construed to require any taxpayer to have vegetative filter strips.

(d) A joint report by the Department of Agriculture and the Department of Natural Resources concerning the effect and impact of vegetative filter strip assessment shall be submitted to the General Assembly by March 1, 2006.

(e) This Section is repealed on December 31, 2016.

(Source: P.A. 94-1002, eff. 7-3-06.)

(Text of Section after amendment by P.A. 99-560)

(Sec. 10-152. Vegetative filter strip assessment.

(a) In counties with less than 3,000,000 inhabitants, any land (i) that is located between a farm field and an area to be protected, including but not limited to surface water, a stream, a river, or a sinkhole and (ii) that meets the requirements of subsection (b) of this Section shall be considered a "vegetative filter strip" and valued at 1/6th of its productivity index equalized assessed value as cropland. In counties with 3,000,000 or more inhabitants, the land shall be valued at the lesser of either (i) 16% of the fair cash value of the farmland estimated at the price it would bring at a fair, voluntary sale for use by the buyer as a farm as defined in Section 1-60 or (ii) 90% of the 1983 average equalized assessed value per acre certified by the Department of Revenue.

(b) Vegetative filter strips shall meet the standards and specifications set forth in the Natural Resources Conservation Service Technical Guide and shall contain vegetation that (i) has a dense top growth; (ii) forms a uniform ground cover; (iii) has a heavy fibrous root system; and (iv) tolerates pesticides used in the farm field.

(c) The county's soil and water conservation district shall assist the taxpayer in completing a uniform certified document as prescribed by the Department of Revenue in cooperation with the Association of Illinois Soil and Water Conservation Districts that certifies (i) that the property meets the requirements established under this Section for vegetative filter strips and (ii) the acreage or square footage of property that qualifies for assessment as a vegetative filter strip. The document shall be filed by the
applicant with the Chief County Assessment Officer. The Chief County Assessment Officer shall promulgate rules concerning the filing of the document. The soil and water conservation district shall create a conservation plan for the creation of the filter strip. The plan shall be kept on file in the soil and water conservation district office. Nothing in this Section shall be construed to require any taxpayer to have vegetative filter strips.

(d) A joint report by the Department of Agriculture and the Department of Natural Resources concerning the effect and impact of vegetative filter strip assessment shall be submitted to the General Assembly by March 1, 2006.

(e) This Section is repealed on December 31, 2026.

(Source: P.A. 99-560, eff. 1-1-17.)

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

Passed in the General Assembly November 30, 2016.
Approved December 30, 2016.
Effective December 30, 2016.

PUBLIC ACT 99-0917
(Senate Bill No. 0586)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Lottery Law is amended by changing Section 21.5 as follows:

(20 ILCS 1605/21.5)

Sec. 21.5. Carolyn Adams Ticket For The Cure.

(a) The Department shall offer a special instant scratch-off game with the title of "Carolyn Adams Ticket For The Cure". The game shall commence on January 1, 2006 or as soon thereafter, in the discretion of the Director, as is reasonably practical, and shall be discontinued on December 31, 2016. The operation of the game shall be governed by this Act and any rules adopted by the Department. The Department must consult with the Carolyn Adams Ticket For The Cure Board, which is established under Section 2310-347 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois, regarding the design and promotion of the game. If any provision of this

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Section is inconsistent with any other provision of this Act, then this Section governs.

(b) The Carolyn Adams Ticket For The Cure Grant Fund is created as a special fund in the State treasury. The net revenue from the Carolyn Adams Ticket For The Cure special instant scratch-off game shall be deposited into the Fund for appropriation by the General Assembly solely to the Department of Public Health for the purpose of making grants to public or private entities in Illinois for the purpose of funding breast cancer research, and supportive services for breast cancer survivors and those impacted by breast cancer and breast cancer education. In awarding grants, the Department of Public Health shall consider criteria that includes, but is not limited to, projects and initiatives that address disparities in incidence and mortality rates of breast cancer, based on data from the Illinois Cancer Registry, and populations facing barriers to care. The Department of Public Health shall, before grants are awarded, provide copies of all grant applications to the Carolyn Adams Ticket For The Cure Board, receive and review the Board's recommendations and comments, and consult with the Board regarding the grants. For purposes of this Section, the term "research" includes, without limitation, expenditures to develop and advance the understanding, techniques, and modalities effective in the detection, prevention, screening, and treatment of breast cancer and may include clinical trials. The grant funds may not be used for institutional, organizational, or community-based overhead costs, indirect costs, or levies.

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

For purposes of this subsection, "net revenue" means the total amount for which tickets have been sold less the sum of the amount paid out in prizes and the actual administrative expenses of the Department solely related to the Ticket For The Cure game.

(c) During the time that tickets are sold for the Carolyn Adams Ticket For The Cure game, the Department shall not unreasonably diminish the efforts devoted to marketing any other instant scratch-off lottery game.

(d) The Department may adopt any rules necessary to implement and administer the provisions of this Section.
Section 10. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by changing Section 2310-347 as follows:

Sec. 2310-347. The Carolyn Adams Ticket For The Cure Board.

(a) The Carolyn Adams Ticket For The Cure Board is created as an advisory board within the Department. Until 30 days after the effective date of this amendatory Act of the 97th General Assembly, the Board may consist of 10 members as follows: 2 members appointed by the President of the Senate; 2 members appointed by the Minority Leader of the Senate; 2 members appointed by the Speaker of the House of Representatives; 2 members appointed by the Minority Leader of the House of Representatives; and 2 members appointed by the Governor with the advice and consent of the Senate, one of whom shall be designated as chair of the Board at the time of appointment.

(a-5) Notwithstanding any provision of this Article to the contrary, the term of office of each current Board member ends 30 days after the effective date of this amendatory Act of the 97th General Assembly or when his or her successor is appointed and qualified, whichever occurs sooner. No later than 30 days after the effective date of this amendatory Act of the 97th General Assembly, the Board shall consist of 10 newly appointed members. Four of the Board members shall be members of the General Assembly and appointed as follows: one member appointed by the President of the Senate; one member appointed by the Minority Leader of the Senate; one member appointed by the Speaker of the House of Representatives; and one member appointed by the Minority Leader of the House of Representatives.

Six of the Board members shall be appointed by the Director of the Department of Public Health, who shall designate one of these appointed members as chair of the Board at the time of his or her appointment. These 6 members appointed by the Director shall reflect the population with regard to ethnic, racial, and geographical composition and shall include the following individuals: one breast cancer survivor; one physician specializing in breast cancer or related medical issues; one breast cancer researcher; one representative from a breast cancer organization; one individual who operates a patient navigation program at a major hospital or health system; and one breast cancer professional that may include, but

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not be limited to, a genetics counselor, a social worker, a detain, an
occupational therapist, or a nurse.

A Board member whose term has expired may continue to serve
until a successor is appointed. A Board member who is not a member of
the General Assembly may serve 2 consecutive 3-year terms and shall not
be reappointed for 3 years after the completion of those consecutive terms.

(b) Board members shall serve without compensation but may be
reimbursed for their reasonable travel expenses incurred in performing
their duties from funds available for that purpose. The Department shall
provide staff and administrative support services to the Board.

(c) The Board may advise:

(i) the Department of Revenue in designing and promoting
the Carolyn Adams Ticket For The Cure special instant scratch-off
lottery game;

(ii) the Department in reviewing grant applications; and

(iii) the Director on the final award of grants from amounts
appropriated from the Carolyn Adams Ticket For The Cure Grant
Fund, to public or private entities in Illinois that reflect the
population with regard to ethnic, racial, and geographical
composition for the purpose of funding breast cancer research and
supportive services for breast cancer survivors and those impacted
by breast cancer and breast cancer education. In awarding grants,
the Department shall consider criteria that includes, but is not
limited to, projects and initiatives that address disparities in
incidence and mortality rates of breast cancer, based on data from
the Illinois Cancer Registry, and populations facing barriers to care
in accordance with Section 21.5 of the Illinois Lottery Law.

(c-5) The Department shall submit a report to the Governor and the
General Assembly by December 31 of each year. The report shall provide
a summary of the Carolyn Adams Ticket for the Cure lottery ticket sales,
grants awarded, and the accomplishments of the grantees.

(d) The Board is discontinued on June 30, 2017.

(Source: P.A. 96-1290, eff. 7-26-10; 97-92, eff. 7-11-11.)

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

Passed in the General Assembly December 1, 2016.
Approved December 30, 2016.
Effective December 30, 2016.
AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Law Enforcement Information Task Force Act is amended by changing Sections 20 and 25 as follows:

(20 ILCS 5090/20)
(Section scheduled to be repealed on February 1, 2017)
Sec. 20. Preliminary and final report.
(a) The Task Force shall provide a preliminary report to the Governor and General Assembly on or before \textbf{July 15, 2017} \textbf{December 15, 2016}, if the final report is not completed by then.
(b) The Task Force shall issue a final report to the Governor and General Assembly on or before \textbf{October 15 January 15, 2017}. The report shall include recommendations for legislation, use of technology, and other non-legislative processes that would improve the criminal discovery process and law enforcement information sharing.
(Source: P.A. 99-874, eff. 8-22-16.)

(20 ILCS 5090/25)
(Section scheduled to be repealed on February 1, 2017)
Sec. 25. Repeal. This Act is repealed on \textbf{December 31 February 1, 2017}.
(Source: P.A. 99-874, eff. 8-22-16.)

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

Passed in the General Assembly December 1, 2016.
Approved December 30, 2016.
Effective December 30, 2016.

AN ACT concerning safety.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Mercury Switch Removal Act is amended by changing Sections 20 and 55 as follows:

New matter indicated by italics - deletions by strikeout
Sec. 20. Evaluation. At the end of calendar year 2007, and at the end of each year thereafter through calendar year 2016, the Agency shall meet with manufacturers subject to the collection program requirements of Section 15 of this Act to review the performance of the manufacturers' mercury switch collection program, provided that the manufacturers must request such a meeting. If the program is not accomplishing the objectives set forth in the implementation plan the Agency may recommend modifications to the program or recommend the investigation of additional methods to promote the removal, collection, and proper management of mercury switches from end-of-life vehicles.

(Source: P.A. 94-732, eff. 4-24-06.)

Sec. 55. Repealer. This Act is repealed on January 1, 2017.

(Source: P.A. 96-1281, eff. 7-26-10.)

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

Passed in the General Assembly December 1, 2016.
Approved December 30, 2016.
Effective December 30, 2016.

PUBLIC ACT 99-0920
(Senate Bill No. 2912)

AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Sections 21B-20, 21B-25, 21B-30, 21B-35, 21B-40, and 21B-45 as follows:

Sec. 21B-20. Types of licenses. Before July 1, 2013, the State Board of Education shall implement a system of educator licensure, whereby individuals employed in school districts who are required to be licensed must have one of the following licenses: (i) a professional educator license; (ii) a professional educator license with stipulations; or (iii) a substitute teaching license. References in law regarding individuals certified or certificated or required to be certified or certificated under...
Article 21 of this Code shall also include individuals licensed or required to be licensed under this Article. The first year of all licenses ends on June 30 following one full year of the license being issued.

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

(1) Professional Educator License. Persons who (i) have successfully completed an approved educator preparation program and are recommended for licensure by the Illinois institution offering the educator preparation program, (ii) have successfully completed the required testing under Section 21B-30 of this Code, (iii) have successfully completed coursework on the psychology of, the identification of, and the methods of instruction for the exceptional child, including without limitation children with learning disabilities, (iv) have successfully completed coursework in methods of reading and reading in the content area, and (v) have met all other criteria established by rule of the State Board of Education shall be issued a Professional Educator License. All Professional Educator Licenses are valid until June 30 immediately following 5 years of the license being issued. The Professional Educator License shall be endorsed with specific areas and grade levels in which the individual is eligible to practice.

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

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

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

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

New matter indicated by italics - deletions by strikeout
(A) Provisional educator. A provisional educator endorsement in a specific content area or areas on an Educator License with Stipulations may be issued to an applicant who holds an educator license with a minimum of 15 semester hours in content coursework from another state, U.S. territory, or foreign country and who, at the time of applying for an Illinois license, does not meet the minimum requirements under Section 21B-35 of this Code, but does, at a minimum, meet the following requirements:

(i) Holds the equivalent of a minimum of a bachelor's degree, unless a master's degree is required for the endorsement, from a regionally accredited college or university or, for individuals educated in a country other than the United States, the equivalent of a minimum of a bachelor's degree issued in the United States, unless a master's degree is required for the endorsement.

(ii) Has passed or passes a test of basic skills and content area test, as required by Section 21B-30 of this Code, prior to or within one year after issuance of the provisional educator endorsement on the Educator License with Stipulations. If an individual who holds an Educator License with Stipulations endorsed for provisional educator has not passed a test of basic skills and applicable content area test or tests within one year after issuance of the endorsement, the endorsement shall expire on June 30 following one full year of the endorsement being issued. If such an individual has passed the test of basic skills and applicable content area test or tests either prior to issuance of the endorsement or within one year after issuance of the endorsement, the endorsement is valid until June 30 immediately following 2 years of the license being issued, during which time any and all coursework deficiencies must be met and any and all additional testing deficiencies must be met.

In addition, a provisional educator endorsement for principals or superintendents may be issued if the
individual meets the requirements set forth in subdivisions (1) and (3) of subsection (b-5) of Section 21B-35 of this Code. Applicants who have not been entitled by an Illinois-approved educator preparation program at an Illinois institution of higher education shall not receive a provisional educator endorsement if the person completed an alternative licensure program in another state, unless the program has been determined to be equivalent to Illinois program requirements.

Notwithstanding any other requirements of this Section, a service member or spouse of a service member may obtain a Professional Educator License with Stipulations, and a provisional educator endorsement in a specific content area or areas, if he or she holds a valid teaching certificate or license in good standing from another state, meets the qualifications of educators outlined in Section 21B-15 of this Code, and has not engaged in any misconduct that would prohibit an individual from obtaining a license pursuant to Illinois law, including without limitation any administrative rules of the State Board of Education.

In this Section, "service member" means any person who, at the time of application under this Section, is an active duty member of the United States Armed Forces or any reserve component of the United States Armed Forces or the National Guard of any state, commonwealth, or territory of the United States or the District of Columbia.

A provisional educator endorsement is valid until June 30 immediately following 2 years of the license being issued, provided that any remaining testing and coursework deficiencies are met as set forth in this Section. Failure to satisfy all stated deficiencies shall mean the individual, including any service member or spouse who has obtained a Professional Educator License with Stipulations and a provisional educator endorsement in a specific content area or areas, is ineligible to receive a Professional Educator License at that time. An Educator License with Stipulations endorsed for provisional educator shall not be renewed for individuals who hold an Educator License with Stipulations entered.
and who have held a position in a public school or non-public school recognized by the State Board of Education.

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

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

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

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

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

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

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

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

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

New matter indicated by italics - deletions by strikeout
(iv) Passed a test of basic skills and content area tests required under Section 21B-30 of this Code.

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

(D) Resident teacher endorsement. A resident teacher endorsement on an Educator License with Stipulations may be issued to an applicant who, at the time of applying for the endorsement, has done all of the following:

(i) Graduated from a regionally accredited institution of higher education with a minimum of a bachelor's degree.

(ii) Enrolled in an approved Illinois educator preparation program.

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

The resident teacher endorsement on an Educator License with Stipulations is valid for 4 years of teaching and shall not be renewed.

A resident teacher may teach only under the direction of a licensed teacher, who shall act as the resident mentor teacher, and may not teach in place of a licensed teacher. A resident teacher endorsement on an Educator License with Stipulations shall no longer be valid after June 30, 2017.

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

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

New matter indicated by italics - deletions by strikeout
issued the career and technical educator endorsement on an Educator License with Stipulations on or after January 1, 2015, the license may be renewed if the individual passes a test of basic skills or test of work proficiency, as required under Section 21B-30 of this Code.

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

The provisional career and technical educator endorsement on an Educator License with Stipulations is valid until June 30 immediately following 5 years of the endorsement being issued and may be renewed only one time for 5 years. For individuals who were issued the provisional career and technical educator endorsement on an Educator License with Stipulations on or after January 1, 2015, the license may be renewed one time if the individual passes a test of basic skills or test of work proficiency, as required under Section 21B-30 of this Code, and has completed a minimum of 20 semester hours from a regionally accredited institution.

A part-time provisional career and technical educator endorsement on an Educator License with Stipulations may be issued for teaching no more than 2 courses of study for grades 6 through 12. The part-time provisional career and technical educator endorsement on an Educator License with Stipulations is valid until June 30
immediately following 5 years of the endorsement being issued and may be renewed for 5 years if the individual makes application for renewal.

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

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

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

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

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

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

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

New matter indicated by italics - deletions by strikeout
satisfactory evidence that he or she meets all of the following requirements:

(i) Holds a transitional bilingual endorsement.

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

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

(iv) Has passed a test of basic skills, as required under Section 21B-30 of this Code.

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

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

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

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

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

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

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

A visiting international educator endorsement on an Educator License with Stipulations is valid for 3 years and shall not be renewed.

(J) Paraprofessional educator. A paraprofessional educator endorsement on an Educator License with Stipulations may be issued to an applicant who holds a high school diploma or its recognized equivalent and either holds an associate's degree or a minimum of 60 semester hours of credit from a regionally accredited institution of higher education or has passed a test of basic skills required under Section 21B-30 of this Code. The paraprofessional educator endorsement is valid until June 30 immediately following 5 years of the endorsement being issued and may be renewed through application and payment of the appropriate fee, as required under Section 21B-40 of this Code. An individual who holds only a paraprofessional educator endorsement is not subject to additional requirements in order to renew the endorsement.

(K) Chief school business official. A chief school business official endorsement on an Educator License with Stipulations may be issued to an applicant who qualifies by having a master's degree or higher, 2 years of full-time administrative experience in school business management or 2 years of university-approved practical experience, and a minimum of 24 semester hours of graduate credit in a program approved by the State Board of Education for the preparation of school business administrators and by passage of the applicable State tests, including a test of basic skills and applicable content area test.

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

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

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

(i) Holds at least a bachelor's degree.
(ii) Has completed an approved educator preparation program at an Illinois institution.
(iii) Has passed a test of basic skills and applicable content area test, as required by Section 21B-30 of this Code.
(iv) Has attempted an evidence-based assessment of teacher effectiveness and received a minimum score on that assessment, as established by the State Board of Education in consultation with the State Educator Preparation and Licensure Board.

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

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

Substitute Teaching Licenses are valid for 5 years and may be renewed if the individual has passed a test of basic skills, as authorized under Section 21B-30 of this Code. An individual who has passed a test of basic skills for the first licensure renewal is not required to retake the test again for further renewals.

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

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

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

(Source: P.A. 98-28, eff. 7-1-13; 98-751, eff. 1-1-15; 99-35, eff. 1-1-16; 99-58, eff. 7-16-15; 99-143, eff. 7-27-15; revised 10-14-15.)

(105 ILCS 5/21B-25)

Sec. 21B-25. Endorsement on licenses. All licenses issued under paragraph (1) of Section 21B-20 of this Code shall be specifically endorsed by the State Board of Education for each content area, school support area, and administrative area for which the holder of the license is qualified. Recognized institutions approved to offer educator preparation programs shall be trained to add endorsements to licenses issued to applicants who meet all of the requirements for the endorsement or endorsements, including passing any required tests. The State Superintendent of Education shall randomly audit institutions to ensure that all rules and standards are being followed for entitlement or when endorsements are being recommended.

(1) The State Board of Education, in consultation with the State Educator Preparation and Licensure Board, shall establish, by rule, the grade level and subject area endorsements to be added to the Professional Educator License. These rules shall outline the requirements for obtaining each endorsement.

(2) In addition to any and all grade level and content area endorsements developed by rule, the State Board of Education, in consultation with the State Educator Preparation and Licensure Board, shall develop the requirements for the following endorsements:

(A) General administrative endorsement. A general administrative endorsement shall be added to a Professional Educator License, provided that an approved program has been completed. An individual holding a general administrative endorsement may work only as a principal or assistant principal or in a related or similar position, as determined by the State Superintendent of Education, in consultation with the State Educator Preparation and Licensure Board.

New matter indicated by italics - deletions by strikeout
Beginning on September 1, 2014, the general administrative endorsement shall no longer be issued except to individuals who completed all coursework requirements for the receipt of the general administrative endorsement by September 1, 2014, who have completed all testing requirements by June 30, 2016, and who apply for the endorsement on or before June 30, 2016. Individuals who hold a valid and registered administrative certificate with a general administrative endorsement issued under Section 21-7.1 of this Code or a Professional Educator License with a general administrative endorsement issued prior to September 1, 2014 and who have served for at least one full year during the 5 years prior in a position requiring a general administrative endorsement shall, upon request to the State Board of Education and through July 1, 2015, have their respective general administrative endorsement converted to a principal endorsement on the Professional Educator License. Candidates shall not be admitted to an approved general administrative preparation program after September 1, 2012.

All other individuals holding a valid and registered administrative certificate with a general administrative endorsement issued pursuant to Section 21-7.1 of this Code or a general administrative endorsement on a Professional Educator License issued prior to September 1, 2014 shall have the general administrative endorsement converted to a principal endorsement on a Professional Educator License upon request to the State Board of Education and by completing one of the following pathways:

(i) Passage of the State principal assessment developed by the State Board of Education.

(ii) Through July 1, 2019, completion of an Illinois Educators' Academy course designated by the State Superintendent of Education.

(iii) Completion of a principal preparation program established and approved pursuant to Section 21B-60 of this Code and applicable rules.

Individuals who do not choose to convert the general administrative endorsement on the administrative...
certificate issued pursuant to Section 21-7.1 of this Code or
on the Professional Educator License shall continue to be
able to serve in any position previously allowed under
paragraph (2) of subsection (e) of Section 21-7.1 of this
Code.

The general administrative endorsement on the
Professional Educator License is available only to
individuals who, prior to September 1, 2014, had such an
endorsement on the administrative certificate issued
pursuant to Section 21-7.1 of this Code or who already
have a Professional Educator License and have completed a
general administrative program and who do not choose to
convert the general administrative endorsement to a
principal endorsement pursuant to the options in this
Section.

(B) Principal endorsement. A principal endorsement
shall be affixed to a Professional Educator License of any
holder who qualifies by having all of the following:

(i) Successful completion of a principal
preparation program approved in accordance with
Section 21B-60 of this Code and any applicable
rules.

(ii) At least 4 total years of teaching or, until
June 30, 2019, working in the capacity of school
support personnel in an Illinois public school or
nonpublic school recognized by the State Board of
Education or in an out-of-state public school or out-
of-state nonpublic school meeting out-of-state
recognition standards comparable to those approved
by the State Superintendent of Education; however,
the State Board of Education, in consultation with
the State Educator Preparation and Licensure Board,
shall allow, by rules, for fewer than 4 years of
experience based on meeting standards set forth in
such rules, including without limitation a review of
performance evaluations or other evidence of
demonstrated qualifications.

(iii) A master's degree or higher from a
regionally accredited college or university.

New matter indicated by italics - deletions by strikeout
(C) Chief school business official endorsement. A chief school business official endorsement shall be affixed to the Professional Educator License of any holder who qualifies by having a master's degree or higher, 2 years of full-time administrative experience in school business management or 2 years of university-approved practical experience, and a minimum of 24 semester hours of graduate credit in a program approved by the State Board of Education for the preparation of school business administrators and by passage of the applicable State tests. The chief school business official endorsement may also be affixed to the Professional Educator License of any holder who qualifies by having a master's degree in business administration, finance, or accounting and who completes an additional 6 semester hours of internship in school business management from a regionally accredited institution of higher education and passes the applicable State tests. This endorsement shall be required for any individual employed as a chief school business official.

(D) Superintendent endorsement. A superintendent endorsement shall be affixed to the Professional Educator License of any holder who has completed a program approved by the State Board of Education for the preparation of superintendents of schools, has had at least 2 years of experience employed full-time in a general administrative position or as a full-time principal, director of special education, or chief school business official in the public schools or in a State-recognized nonpublic school in which the chief administrator is required to have the licensure necessary to be a principal in a public school in this State and where a majority of the teachers are required to have the licensure necessary to be instructors in a public school in this State, and has passed the required State tests; or of any holder who has completed a program that is not an Illinois-approved educator preparation program at an Illinois institution of higher education and that has recognition standards comparable to those approved by the State Superintendent of Education and holds the general administrative, principal, or chief school business official

New matter indicated by italics - deletions by strikeout
endorsement and who has had 2 years of experience as a principal, director of special education, or chief school business official while holding a valid educator license or certificate comparable in validity and educational and experience requirements and has passed the appropriate State tests, as provided in Section 21B-30 of this Code. The superintendent endorsement shall allow individuals to serve only as a superintendent or assistant superintendent.

(E) Teacher leader endorsement. It shall be the policy of this State to improve the quality of instructional leaders by providing a career pathway for teachers interested in serving in leadership roles, but not as principals. The State Board of Education, in consultation with the State Educator Preparation and Licensure Board, may issue a teacher leader endorsement under this subdivision (E). Persons who meet and successfully complete the requirements of the endorsement shall be issued a teacher leader endorsement on the Professional Educator License for serving in schools in this State. Teacher leaders may qualify to serve in such positions as department chairs, coaches, mentors, curriculum and instruction leaders, or other leadership positions as defined by the district. The endorsement shall be available to those teachers who (i) hold a Professional Educator License, (ii) hold a master's degree or higher from a regionally accredited institution, (iii) have completed a program of study that has been approved by the State Board of Education, in consultation with the State Educator Preparation and Licensure Board, and (iv) have successfully demonstrated competencies as defined by rule. They must have taken coursework in all of the following areas:

   (I) Leadership:
   (II) Designing professional development to meet teaching and learning needs:
   (III) Building school culture that focuses on student learning:
   (IV) Using assessments to improve student learning and foster school improvement:

New matter indicated by italics - deletions by strikeout
(V) Building collaboration with teachers and stakeholders.

A teacher who meets the requirements set forth in this Section and holds a teacher leader endorsement may evaluate teachers pursuant to Section 24A-5 of this Code, provided that the individual has completed the evaluation component required by Section 24A-3 of this Code and a teacher leader is allowed to evaluate personnel under the respective school district's collective bargaining agreement.

The State Board of Education, in consultation with the State Educator Preparation and Licensure Board, may adopt such rules as may be necessary to establish and implement the teacher leader endorsement program and to specify the positions for which this endorsement shall be required.

(F) Special education endorsement. A special education endorsement in one or more areas shall be affixed to a Professional Educator License for any individual that meets those requirements established by the State Board of Education in rules. Special education endorsement areas shall include without limitation the following:

(i) Learning Behavior Specialist I;
(ii) Learning Behavior Specialist II;
(iii) Speech Language Pathologist;
(iv) Blind or Visually Impaired;
(v) Deaf-Hard of Hearing; and
(vi) Early Childhood Special Education.

Notwithstanding anything in this Code to the contrary, the State Board of Education, in consultation with the State Educator Preparation and Licensure Board, may add additional areas of special education by rule.

(G) School support personnel endorsement. School support personnel endorsement areas shall include, but are not limited to, school counselor, marriage and family therapist, school psychologist, school speech and language pathologist, school nurse, and school social worker. This endorsement is for individuals who are not teachers or administrators, but still require licensure to work in an

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instructional support position in a public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control or a charter school operating in compliance with the Charter Schools Law. The school support personnel endorsement shall be affixed to the Professional Educator License and shall meet all of the requirements established in any rules adopted to implement this subdivision (G). The holder of such an endorsement is entitled to all of the rights and privileges granted holders of any other Professional Educator License, including teacher benefits, compensation, and working conditions.

Beginning on January 1, 2014 and ending on April 30, 2014, a person holding a Professional Educator License with a school speech and language pathologist (teaching) endorsement may exchange his or her school speech and language pathologist (teaching) endorsement for a school speech and language pathologist (non-teaching) endorsement through application to the State Board of Education. There shall be no cost for this exchange.

(Source: P.A. 98-413, eff. 8-16-13; 98-610, eff. 12-27-13; 98-872, eff. 8-11-14; 98-917, eff. 8-15-14; 98-1147, eff. 12-31-14; 99-58, eff. 7-16-15.)

(105 ILCS 5/21B-30)

Sec. 21B-30. Educator testing.

(a) This Section applies beginning on July 1, 2012.

(b) The State Board of Education, in consultation with the State Educator Preparation and Licensure Board, shall design and implement a system of examinations, which shall be required prior to the issuance of educator licenses. These examinations and indicators must be based on national and State professional teaching standards, as determined by the State Board of Education, in consultation with the State Educator Preparation and Licensure Board. The State Board of Education may adopt such rules as may be necessary to implement and administer this Section.

No score on a test required under this Section, other than a test of basic skills, shall be more than 10 years old at the time that an individual makes application for an educator license or endorsement.

(c) Applicants seeking a Professional Educator License or an Educator License with Stipulations shall be required to pass a test of basic skills before the license is issued, unless the endorsement the individual is

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seeking does not require passage of the test. All applicants completing Illinois-approved, teacher education or school service personnel preparation programs shall be required to pass the State Board of Education's recognized test of basic skills prior to starting their student teaching or starting the final semester of their internship, unless required earlier at the discretion of the recognized, Illinois institution in which they are completing their approved program. An individual who passes a test of basic skills does not need to do so again for subsequent endorsements or other educator licenses.

(d) All applicants seeking a State license shall be required to pass a test of content area knowledge for each area of endorsement for which there is an applicable test. There shall be no exception to this requirement. No candidate shall be allowed to student teach or serve as the teacher of record until he or she has passed the applicable content area test.

(e) (Blank). All applicants seeking a State license endorsed in a teaching field shall pass the assessment of professional teaching (APT). Passage of the APT is required for completion of an approved Illinois educator preparation program.

(f) Except as otherwise provided in this Article, beginning on September 1, 2015, all candidates completing teacher preparation programs in this State and all candidates subject to Section 21B-35 of this Code are required to pass an evidence-based assessment of teacher effectiveness approved by the State Board of Education, in consultation with the State Educator Preparation and Licensure Board. All recognized institutions offering approved teacher preparation programs must begin phasing in the approved teacher performance assessment no later than July 1, 2013.

(g) Tests of basic skills and content area knowledge and the assessment of professional teaching shall be the tests that from time to time are designated by the State Board of Education, in consultation with the State Educator Preparation and Licensure Board, and may be tests prepared by an educational testing organization or tests designed by the State Board of Education, in consultation with the State Educator Preparation and Licensure Board. The areas to be covered by a test of basic skills shall include reading, language arts, and mathematics. The test of content area knowledge shall assess content knowledge in a specific subject field. The tests must be designed to be racially neutral to ensure that no person taking the tests is discriminated against on the basis of race, color, national origin, or other factors unrelated to the person's ability to

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perform as a licensed employee. The score required to pass the tests shall be fixed by the State Board of Education, in consultation with the State Educator Preparation and Licensure Board. The tests shall be administered not fewer than 3 times a year at such time and place as may be designated by the State Board of Education, in consultation with the State Educator Preparation and Licensure Board.

The State Board shall implement a test or tests to assess the speaking, reading, writing, and grammar skills of applicants for an endorsement or a license issued under subdivision (G) of paragraph (2) of Section 21B-20 of this Code in the English language and in the language of the transitional bilingual education program requested by the applicant.

(h) Except as provided in Section 34-6 of this Code, the provisions of this Section shall apply equally in any school district subject to Article 34 of this Code.

(i) The rules developed to implement and enforce the testing requirements under this Section shall include without limitation provisions governing test selection, test validation and determination of a passing score, administration of the tests, frequency of administration, applicant fees, frequency of applicants taking the tests, the years for which a score is valid, and appropriate special accommodations. The State Board of Education shall develop such rules as may be needed to ensure uniformity from year to year in the level of difficulty for each form of an assessment.

(Source: P.A. 98-361, eff. 1-1-14; 98-581, eff. 8-27-13; 98-756, eff. 7-16-14; 99-58, eff. 7-16-15.)

(105 ILCS 5/21B-35)

Sec. 21B-35. Minimum requirements for educators trained in other states or countries.

(a) All applicants who have not been entitled by an Illinois-approved educator preparation program at an Illinois institution of higher education applying for a Professional Educator License endorsed in a teaching field or school support personnel area must meet all of the following requirements:

(1) Hold a comparable and valid educator license or certificate with similar grade level and subject matter credentials from another state. The State Board of Education shall have the authority to determine what constitutes similar grade level and subject matter credentials from another state. A comparable educator license or certificate is one that demonstrates that the license or certificate holder meets similar requirements as

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candidates entitled by an Illinois-approved educator preparation program in teaching or school support personnel areas concerning coursework aligned to standards concerning methods of instruction of the exceptional child, methods of reading and reading in the content area, and instructional strategies for English learners. An applicant who holds a comparable and valid educator license or certificate from another state must submit verification to the State Board of Education that the applicant has completed coursework concerning methods of instruction of the exceptional child, methods of reading and reading in the content area, and instructional strategies for English learners. Have completed a comparable state-approved education program, as defined by the State Superintendent of Education:

(2) Have a degree from a regionally accredited institution of higher education and the degreed major or a constructed major must directly correspond to the license or endorsement sought.

(3) (Blank). Teachers and school support personnel who have not been entitled by an Illinois-approved educator preparation program at an Illinois institution of higher education shall meet the same requirements concerning courses in the methods of instruction of the exceptional child as candidates entitled by an Illinois-approved educator preparation program in teaching and school support personnel areas, as defined by rules.

(4) (Blank). Teachers and school support personnel who have not been entitled by an Illinois-approved educator preparation program at an Illinois institution of higher education shall meet the same requirements concerning coursework in methods of reading and reading in the content area as candidates entitled by an Illinois-approved educator preparation program in teaching and school support personnel areas, as defined by rules.

(5) (Blank). Teachers and school support personnel who have not been entitled by an Illinois-approved educator preparation program at an Illinois institution of higher education shall meet the same requirements concerning courses in instructional strategies for English language learners as candidates entitled by an Illinois-approved educator preparation program in teaching and school support personnel areas, as defined by rules:

(6) Have successfully met all Illinois examination requirements. Applicants who have successfully completed a test
of basic skills, as defined by rules, at the time of initial licensure in another state shall not be required to complete a test of basic skills. Applicants who have successfully completed a test of content, as defined by rules, at the time of initial licensure in another state shall not be required to complete a test of content. Applicants for a teaching endorsement who have successfully completed an evidence-based assessment of teacher effectiveness, as defined by rules, at the time of initial licensure in another state shall not be required to complete an evidence-based assessment of teacher effectiveness.

(7) For applicants for a teaching endorsement, have completed student teaching or an equivalent experience or, for applicants for a school service personnel endorsement, have completed an internship or an equivalent experience.

Teachers and school support personnel who have not been entitled by an Illinois-approved educator preparation program at an Illinois institution of higher education must submit verification to the State Board of Education of having completed coursework as required under items (3), (4), and (5) of this subsection (a) prior to issuance of a Professional Educator License. An individual who is not able to verify completion of the coursework as required under items (3), (4), and (5) of this subsection (a) may qualify for an Educator License with Stipulations with a provisional educator endorsement and must complete coursework in those areas identified as deficient.

If one or more of the criteria in this subsection (a) are not met, then applicants who have not been entitled by an Illinois-approved educator preparation program at an Illinois institution of higher education who hold a valid, comparable certificate from another state may qualify for a provisional educator endorsement on an Educator License with Stipulations, in accordance with Section 21B-20 of this Code.

(b) In order to receive a Professional Educator License endorsed in a teaching field, applicants trained in another country must meet all of the following requirements:

(1) Have completed a comparable education program in another country.

(2) Have had transcripts evaluated by an evaluation service approved by the State Superintendent of Education.

(3) Hold a degreed major that must directly correspond to the license or endorsement sought.

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(4) (Blank). Have completed coursework in the methods of instruction of the exceptional child.

(5) (Blank). Have completed coursework in methods of reading and reading in the content area.

(6) (Blank). Have completed coursework in instructional strategies for English learners.

(7) Have successfully met all State licensure examination requirements. Applicants who have successfully completed a test of basic skills, as defined by rules, at the time of initial licensure in another country shall not be required to complete a test of basic skills. Applicants who have successfully completed a test of content, as defined by rules, at the time of initial licensure in another country shall not be required to complete a test of content. Applicants for a teaching endorsement who have successfully completed an evidence-based assessment of teacher effectiveness, as defined by rules, at the time of initial licensure in another country shall not be required to complete an evidence-based assessment of teacher effectiveness.

(8) Have completed student teaching or an equivalent experience.

Applicants trained in another country must submit verification to the State Board of Education of having completed coursework as required under items (4), (5), and (6) of this subsection (b) prior to issuance of a Professional Educator License. Individuals who are not able to verify completion of the coursework as required under items (4), (5), and (6) of this subsection (b) may qualify for an Educator License with Stipulations with a provisional educator endorsement and must complete coursework in those areas identified as deficient.

If one or more of the criteria in this subsection (b) are not met, then an applicant trained in another country may qualify for a provisional educator endorsement on an Educator License with Stipulations in accordance with Section 21B-20 of this Code.

(b-5) All applicants who have not been entitled by an Illinois-approved educator preparation program at an Illinois institution of higher education and applicants trained in another country applying for a Professional Educator License endorsed for principal or superintendent must meet all of the following requirements:

(1) Have completed an educator preparation program approved by another state or comparable educator program in
another country leading to the receipt of a license or certificate for the Illinois endorsement sought.

(2) Have successfully met all State licensure examination requirements, as required by Section 21B-30 of this Code. Applicants who have successfully completed a test of basic skills, as defined by rules, at the time of initial licensure in another state or country shall not be required to complete a test of basic skills. Applicants who have successfully completed a test of content, as defined by rules, at the time of initial licensure in another state or country shall not be required to complete a test of content.

(3) (Blank). Have received a certificate or license endorsed in a teaching field.

A provisional educator endorsement to serve as a superintendent or principal may be affixed to an Educator License with Stipulations in accordance with Section 21B-20 of this Code.

(b-10) All applicants who have not been entitled by an Illinois-approved educator preparation program at an Illinois institution of higher education applying for a Professional Educator License endorsed for chief school business official must meet all of the following requirements:

(1) Have completed a master's degree in school business management, finance, or accounting.

(2) Have successfully completed an internship in school business management or have 2 years of experience as a school business administrator.

(3) Have successfully met all State examination requirements, as required by Section 21B-30 of this Code. Applicants who have successfully completed a test of content, as identified by rules, at the time of initial licensure in another state or country shall not be required to complete a test of content.

(4) Have successfully completed modules in reading methods, special education, and English Learners.

A provisional educator endorsement to serve as a chief school business official may be affixed to an Educator License with Stipulations.

(c) The State Board of Education, in consultation with the State Educator Preparation and Licensure Board, may adopt such rules as may be necessary to implement this Section.

(Source: P.A. 98-581, eff. 8-27-13; 99-58, eff. 7-16-15.)

(105 ILCS 5/21B-40)
Sec. 21B-40. Fees.

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(a) Beginning with the start of the new licensure system established pursuant to this Article, the following fees shall be charged to applicants:

(1) A $75 application fee for a Professional Educator License or an Educator License with Stipulations and for individuals seeking a Substitute Teaching License. However, beginning on January 1, 2015, the application fee for a Professional Educator License, Educator License with Stipulations, or Substitute Teaching License shall be $100.

(1.5) A $50 application fee for a Substitute Teaching License.

(2) A $150 application fee for individuals who have not been entitled by an Illinois-approved educator preparation program at an Illinois institution of higher education and are seeking any of the licenses set forth in subdivision (1) of this subsection (a).

(3) A $50 application fee for each endorsement or approval an individual holding a license wishes to add to that license.

(4) A $10 per year registration fee for the course of the validity cycle to register the license, which shall be paid to the regional office of education having supervision and control over the school in which the individual holding the license is to be employed. If the individual holding the license is not yet employed, then the license may be registered in any county in this State. The registration fee must be paid in its entirety the first time the individual registers the license for a particular validity period in a single region. No additional fee may be charged for that validity period should the individual subsequently register the license in additional regions. An individual must register the license (i) immediately after initial issuance of the license and (ii) at the beginning of each renewal cycle if the individual has satisfied the renewal requirements required under this Code.

(b) All application fees paid pursuant to subdivisions (1) through (3) of subsection (a) of this Section shall be deposited into the Teacher Certificate Fee Revolving Fund and shall be used, subject to appropriation, by the State Board of Education to provide the technology and human resources necessary for the timely and efficient processing of applications and for the renewal of licenses. Funds available from the Teacher Certificate Fee Revolving Fund may also be used by the State Board of Education to support the recruitment and retention of educators, to support educator preparation programs as they seek national accreditation, and to

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provide professional development aligned with the requirements set forth in Section 21B-45 of this Code. A majority of the funds in the Teacher Certificate Fee Revolving Fund must be dedicated to the timely and efficient processing of applications and for the renewal of licenses. The Teacher Certificate Fee Revolving Fund is not subject to administrative charge transfers, authorized under Section 8h of the State Finance Act, from the Teacher Certificate Fee Revolving Fund into any other fund of this State, and moneys in the Teacher Certificate Fee Revolving Fund shall not revert back to the General Revenue Fund at any time.

The regional superintendent of schools shall deposit the registration fees paid pursuant to subdivision (4) of subsection (a) of this Section into the institute fund established pursuant to Section 3-11 of this Code.

(c) The State Board of Education and each regional office of education are authorized to charge a service or convenience fee for the use of credit cards for the payment of license fees. This service or convenience fee shall not exceed the amount required by the credit card processing company or vendor that has entered into a contract with the State Board or regional office of education for this purpose, and the fee must be paid to that company or vendor.

(d) If, at the time a certificate issued under Article 21 of this Code is exchanged for a license issued under this Article, a person has paid registration fees for any years of the validity period of the certificate and these years have not expired when the certificate is exchanged, then those fees must be applied to the registration of the new license.

(Source: P.A. 98-610, eff. 12-27-13; 99-58, eff. 7-16-15.)

(105 ILCS 5/21B-45)
Sec. 21B-45. Professional Educator License renewal.
(a) Individuals holding a Professional Educator License are required to complete the licensure renewal requirements as specified in this Section, unless otherwise provided in this Code.

Individuals holding a Professional Educator License shall meet the renewal requirements set forth in this Section, unless otherwise provided in this Code. If an individual holds a license endorsed in more than one area that has different renewal requirements, that individual shall follow the renewal requirements for the position for which he or she spends the majority of his or her time working.

(b) All Professional Educator Licenses not renewed as provided in this Section shall lapse on September 1 of that year. Lapsed licenses may

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be immediately reinstated upon (i) payment by the applicant of a $500 penalty to the State Board of Education or (ii) the demonstration of proficiency by completing 9 semester hours of coursework from a regionally accredited institution of higher education in the content area that most aligns with one or more of the educator's endorsement areas. Any and all back fees, including without limitation registration fees owed from the time of expiration of the license until the date of reinstatement, shall be paid and kept in accordance with the provisions in Article 3 of this Code concerning an institute fund and the provisions in Article 21B of this Code concerning fees and requirements for registration. Licenses not registered in accordance with Section 21B-40 of this Code shall lapse after a period of 6 months from the expiration of the last year of registration. An unregistered license is invalid after September 1 for employment and performance of services in an Illinois public or State-operated school or cooperative and in a charter school. Any license or endorsement may be voluntarily surrendered by the license holder. A voluntarily surrendered license, except a substitute teaching license issued under Section 21B-20 of this Code, shall be treated as a revoked license. An Educator License with Stipulations with only a paraprofessional endorsement does not lapse. 

(c) From July 1, 2013 through June 30, 2014, in order to satisfy the requirements for licensure renewal provided for in this Section, each professional educator licensee with an administrative endorsement who is working in a position requiring such endorsement shall complete one Illinois Administrators' Academy course, as described in Article 2 of this Code, per fiscal year.

(d) Beginning July 1, 2014, in order to satisfy the requirements for licensure renewal provided for in this Section, each professional educator licensee may create a professional development plan each year. The plan shall address one or more of the endorsements that are required of his or her educator position if the licensee is employed and performing services in an Illinois public or State-operated school or cooperative. If the licensee is employed in a charter school, the plan shall address that endorsement or those endorsements most closely related to his or her educator position. Licensees employed and performing services in any other Illinois schools may participate in the renewal requirements by adhering to the same process.

Except as otherwise provided in this Section, the licensee's professional development activities shall align with one or more of the following criteria:

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(1) activities are of a type that engage participants over a sustained period of time allowing for analysis, discovery, and application as they relate to student learning, social or emotional achievement, or well-being;

(2) professional development aligns to the licensee's performance;

(3) outcomes for the activities must relate to student growth or district improvement;

(4) activities align to State-approved standards; and

(5) higher education coursework.

e) For each renewal cycle, each professional educator licensee shall engage in professional development activities. Prior to renewal, the licensee shall enter electronically into the Educator Licensure Information System (ELIS) the name, date, and location of the activity, the number of professional development hours, and the provider's name. The following provisions shall apply concerning professional development activities:

(1) Each licensee shall complete a total of 120 hours of professional development per 5-year renewal cycle in order to renew the license, except as otherwise provided in this Section.

(2) Beginning with his or her first full 5-year cycle, any licensee with an administrative endorsement who is not working in a position requiring such endorsement shall complete one Illinois Administrators' Academy course, as described in Article 2 of this Code, in each 5-year renewal cycle in which the administrative endorsement was held for at least one year. The Illinois Administrators' Academy course may count toward the total of 120 hours per 5-year cycle.

(3) Any licensee with an administrative endorsement who is working in a position requiring such endorsement or an individual with a Teacher Leader endorsement serving in an administrative capacity at least 50% of the day shall complete one Illinois Administrators' Academy course, as described in Article 2 of this Code, each fiscal year in addition to 100 hours of professional development per 5-year renewal cycle in accordance with this Code.

(4) Any licensee holding a current National Board for Professional Teaching Standards (NBPTS) master teacher designation shall complete a total of 60 hours of professional development per 5-year renewal cycle in order to renew the license.

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(5) Licensees working in a position that does not require educator licensure or working in a position for less than 50% for any particular year are considered to be exempt and shall be required to pay only the registration fee in order to renew and maintain the validity of the license.

(6) Licensees who are retired and qualify for benefits from a State retirement system shall notify the State Board of Education using ELIS, and the license shall be maintained in retired status. For any renewal cycle in which a licensee retires during the renewal cycle, the licensee must complete professional development activities on a prorated basis depending on the number of years during the renewal cycle the educator held an active license. If a licensee retires during a renewal cycle, the licensee must notify the State Board of Education using ELIS that the licensee wishes to maintain the license in retired status and must show proof of completion of professional development activities on a prorated basis for all years of that renewal cycle for which the license was active. An individual with a license in retired status shall not be required to complete professional development activities or pay registration fees until returning to a position that requires educator licensure. Upon returning to work in a position that requires the Professional Educator License, the licensee shall immediately pay a registration fee and complete renewal requirements for that year. A license in retired status cannot lapse.

Beginning on the effective date of this amendatory Act of the 99th General Assembly through December 31, 2017, any licensee who has retired and whose license has lapsed for failure to renew as provided in this Section may reinstate that license and maintain it in retired status upon providing proof to the State Board of Education using ELIS that the licensee is retired and is not working in a position that requires a Professional Educator License.

(7) For any renewal cycle in which professional development hours were required, but not fulfilled, the licensee shall complete any missed hours to total the minimum professional development hours required in this Section prior to September 1 of that year. For any fiscal year or renewal cycle in which an Illinois Administrators' Academy course was required but not completed, the licensee shall complete any missed Illinois Administrators'
Academy courses prior to September 1 of that year. The licensee may complete all deficient hours and Illinois Administrators' Academy courses while continuing to work in a position that requires that license until September 1 of that year.

(8) Any licensee who has not fulfilled the professional development renewal requirements set forth in this Section at the end of any 5-year renewal cycle is ineligible to register his or her license and may submit an appeal to the State Superintendent of Education for reinstatement of the license.

(9) If professional development opportunities were unavailable to a licensee, proof that opportunities were unavailable and request for an extension of time beyond August 31 to complete the renewal requirements may be submitted from April 1 through June 30 of that year to the State Educator Preparation and Licensure Board. If an extension is approved, the license shall remain valid during the extension period.

(10) Individuals who hold exempt licenses prior to December 27, 2013 (the effective date of Public Act 98-610) this amendatory Act of the 98th General Assembly shall commence the annual renewal process with the first scheduled registration due after December 27, 2013 (the effective date of Public Act 98-610) this amendatory Act of the 98th General Assembly.

(f) At the time of renewal, each licensee shall respond to the required questions under penalty of perjury.

(g) The following entities shall be designated as approved to provide professional development activities for the renewal of Professional Educator Licenses:

(1) The State Board of Education.
(2) Regional offices of education and intermediate service centers.
(3) Illinois professional associations representing the following groups that are approved by the State Superintendent of Education:

(A) school administrators;
(B) principals;
(C) school business officials;
(D) teachers, including special education teachers;
(E) school boards;
(F) school districts;

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(G) parents; and
(H) school service personnel.

(4) Regionally accredited institutions of higher education that offer Illinois-approved educator preparation programs and public community colleges subject to the Public Community College Act.

(5) Illinois public school districts, charter schools authorized under Article 27A of this Code, and joint educational programs authorized under Article 10 of this Code for the purposes of providing career and technical education or special education services.

(6) A not-for-profit organization that, as of December 31, 2014 (the effective date of Public Act 98-1147), has had or has a grant from or a contract with the State Board of Education to provide professional development services in the area of English Learning to Illinois school districts, teachers, or administrators.

(7) State agencies, State boards, and State commissions.

(8) Museums as defined in Section 10 of the Museum Disposition of Property Act.

(h) Approved providers under subsection (g) of this Section shall make available professional development opportunities that satisfy at least one of the following:

(1) increase the knowledge and skills of school and district leaders who guide continuous professional development;
(2) improve the learning of students;
(3) organize adults into learning communities whose goals are aligned with those of the school and district;
(4) deepen educator's content knowledge;
(5) provide educators with research-based instructional strategies to assist students in meeting rigorous academic standards;
(6) prepare educators to appropriately use various types of classroom assessments;
(7) use learning strategies appropriate to the intended goals;
(8) provide educators with the knowledge and skills to collaborate; or
(9) prepare educators to apply research to decision-making.

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(i) Approved providers under subsection (g) of this Section shall do the following:

(1) align professional development activities to the State-approved national standards for professional learning;
(2) meet the professional development criteria for Illinois licensure renewal;
(3) produce a rationale for the activity that explains how it aligns to State standards and identify the assessment for determining the expected impact on student learning or school improvement;
(4) maintain original documentation for completion of activities; and
(5) provide license holders with evidence of completion of activities.

(j) The State Board of Education shall conduct annual audits of approved providers, except for school districts, which shall be audited by regional offices of education and intermediate service centers. The State Board of Education shall complete random audits of licensees.

(1) Approved providers shall annually submit to the State Board of Education a list of subcontractors used for delivery of professional development activities for which renewal credit was issued and other information as defined by rule.

(2) Approved providers shall annually submit data to the State Board of Education demonstrating how the professional development activities impacted one or more of the following:
(A) educator and student growth in regards to content knowledge or skills, or both;
(B) educator and student social and emotional growth; or
(C) alignment to district or school improvement plans.

(3) The State Superintendent of Education shall review the annual data collected by the State Board of Education, regional offices of education, and intermediate service centers in audits to determine if the approved provider has met the criteria and should continue to be an approved provider or if further action should be taken as provided in rules.

(k) Registration fees shall be paid for the next renewal cycle between April 1 and June 30 in the last year of each 5-year renewal cycle.
using ELIS. If all required professional development hours for the renewal cycle have been completed and entered by the licensee, the licensee shall pay the registration fees for the next cycle using a form of credit or debit card.

(l) Beginning July 1, 2014, any professional educator licensee endorsed for school support personnel who is employed and performing services in Illinois public schools and who holds an active and current professional license issued by the Department of Financial and Professional Regulation related to the endorsement areas on the Professional Educator License shall be deemed to have satisfied the continuing professional development requirements provided for in this Section. Such individuals shall be required to pay only registration fees to renew the Professional Educator License. An individual who does not hold a license issued by the Department of Financial and Professional Regulation shall complete professional development requirements for the renewal of a Professional Educator License provided for in this Section.

(m) Appeals to the State Educator Preparation and Licensure Board must be made within 30 days after receipt of notice from the State Superintendent of Education that a license will not be renewed based upon failure to complete the requirements of this Section. A licensee may appeal that decision to the State Educator Preparation and Licensure Board in a manner prescribed by rule.

(1) Each appeal shall state the reasons why the State Superintendent's decision should be reversed and shall be sent by certified mail, return receipt requested, to the State Board of Education.

(2) The State Educator Preparation and Licensure Board shall review each appeal regarding renewal of a license within 90 days after receiving the appeal in order to determine whether the licensee has met the requirements of this Section. The State Educator Preparation and Licensure Board may hold an appeal hearing or may make its determination based upon the record of review, which shall consist of the following:

(A) the regional superintendent of education's rationale for recommending nonrenewal of the license, if applicable;

(B) any evidence submitted to the State Superintendent along with the individual's electronic statement of assurance for renewal; and

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(C) the State Superintendent's rationale for nonrenewal of the license.

(3) The State Educator Preparation and Licensure Board shall notify the licensee of its decision regarding license renewal by certified mail, return receipt requested, no later than 30 days after reaching a decision. Upon receipt of notification of renewal, the licensee, using ELIS, shall pay the applicable registration fee for the next cycle using a form of credit or debit card.

(n) The State Board of Education may adopt rules as may be necessary to implement this Section.

(Source: P.A. 98-610, eff. 12-27-13; 98-1147, eff. 12-31-14; 99-58, eff. 7-16-15; 99-130, eff. 7-24-15; revised 10-21-15.)

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

Passed in the General Assembly November 16, 2016.
Approved January 6, 2017.
Effective January 6, 2017.

PUBLIC ACT 99-0921
(Senate Bill No. 2799)

AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Employee Sick Leave Act is amended by changing Sections 5, 10, 20, and 25 and by adding Section 21 as follows:

(820 ILCS 191/5)
Sec. 5. Definitions. In this Act:
"Department" means the Department of Labor.
"Personal sick leave benefits" means any paid or unpaid time accrued and available to an employee as provided through an employment benefit plan or paid time off policy to be used as a result of absence from work due to personal illness, injury, or medical appointment. An employment benefit plan or paid time off policy does not include long term disability, short term disability, an insurance policy, or other comparable benefit plan or policy, but does not include absences from work for which compensation is provided through an employer's plan.

(820 ILCS 191/10)

New matter indicated by italics - deletions by strikeout
Sec. 10. Use of leave; limitations.

(a) An employee may use personal sick leave benefits provided by the employer for absences due to an illness, injury, or medical appointment of the employee's child, stepchild, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent, for reasonable periods of time as the employee's attendance may be necessary, on the same terms upon which the employee is able to use personal sick leave benefits for the employee's own illness or injury. An employer may request written verification of the employee's absence from a health care professional if such verification is required under the employer's employment benefit plan or paid time off policy.

(b) An employer may limit the use of personal sick leave benefits provided by the employer for absences due to an illness, injury, or medical appointment of the employee's child, stepchild, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent to an amount not less than the personal sick leave that would be earned or accrued during 6 months at the employee's then current rate of entitlement. For employers who base personal sick leave benefits on an employee's years of service instead of annual or monthly accrual, such employer may limit the amount of sick leave to be used under this Act to half of the employee's maximum annual grant.

(c) An employer who provides personal sick leave benefits or has a paid time off policy that would otherwise provide benefits as required under subsections (a) and (b) shall not be required to modify such benefits policy.

(Source: P.A. 99-841, eff. 1-1-17.)

(820 ILCS 191/20)

Sec. 20. Retaliation prohibited. An employer shall not deny an employee the right to use personal sick leave benefits in accordance with this Act or discharge, threaten to discharge, demote, suspend, or in any manner discriminate against an employee for using personal sick leave benefits, attempting to exercise the right to use personal sick leave benefits, filing a complaint with the Illinois Department of Labor or alleging a violation of this Act, cooperating in an investigation or prosecution of an alleged violation of this Act, or opposing any policy or practice or act that is prohibited by this Act. Nothing in this Section prohibits an employer from applying the terms and conditions set forth in the employment benefit plan or paid time off policy applicable to personal sick leave benefits.

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Sec. 21. Employments exempted from coverage.
(a) This Act does not apply to an employee of an employer subject to the provisions of Title II of the Railway Labor Act (45 U.S.C. 181 et seq.) or to an employer or employee as defined in either the federal Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.) or the Federal Employers' Liability Act, United States Code, Title 45, Sections 51 through 60, or other comparable federal law.
(b) Nothing in this Act shall be construed to invalidate, diminish, or otherwise interfere with any collective bargaining agreement nor shall it be construed to invalidate, diminish, or otherwise interfere with any party's power to collectively bargain such an agreement.
(c) This Act does not apply to any other employment expressly exempted under rules adopted by the Department as necessary to implement this Act in accordance with applicable State and federal law.

Sec. 25. Rules. The Department may adopt rules to implement this Act is prohibited from adopting any rules in contravention of this Act.

AN ACT concerning safety.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Municipal Code is amended by adding Division 150.1 to Article 11 as follows:

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incurs reasonable costs to comply with Section 35.5 of the Illinois Plumbing License Law shall have the authority, by ordinance, to collect a fair and reasonable fee from users of the system in order to recover those reasonable costs. Fees collected pursuant to this Section shall be used exclusively for the purpose of complying with Section 35.5 of the Illinois Plumbing License Law.

Section 10. The School Code is amended by changing Sections 17-2.11 and 17-2A as follows:

(105 ILCS 5/17-2.11) (from Ch. 122, par. 17-2.11)

Sec. 17-2.11. School board power to levy a tax or to borrow money and issue bonds for fire prevention, safety, energy conservation, accessibility, school security, and specified repair purposes.

(a) Whenever, as a result of any lawful order of any agency, other than a school board, having authority to enforce any school building code applicable to any facility that houses students, or any law or regulation for the protection and safety of the environment, pursuant to the Environmental Protection Act, any school district having a population of less than 500,000 inhabitants is required to alter or reconstruct any school building or permanent, fixed equipment; the district may, by proper resolution, levy a tax for the purpose of making such alteration or reconstruction, based on a survey report by an architect or engineer licensed in this State, upon all of the taxable property of the district at the value as assessed by the Department of Revenue and at a rate not to exceed 0.05% per year for a period sufficient to finance such alteration or reconstruction, upon the following conditions:

(1) When there are not sufficient funds available in the operations and maintenance fund of the school district, the school facility occupation tax fund of the district, or the fire prevention and safety fund of the district, as determined by the district on the basis of rules adopted by the State Board of Education, to make such alteration or reconstruction or to purchase and install such permanent, fixed equipment so ordered or determined as necessary. Appropriate school district records must be made available to the State Superintendent of Education, upon request, to confirm this insufficiency.

(2) When a certified estimate of an architect or engineer licensed in this State stating the estimated amount necessary to make the alteration or reconstruction or to purchase and install the equipment so ordered has been secured by the school district, and
the estimate has been approved by the regional superintendent of schools having jurisdiction over the district and the State Superintendent of Education. Approval must not be granted for any work that has already started without the prior express authorization of the State Superintendent of Education. If the estimate is not approved or is denied approval by the regional superintendent of schools within 3 months after the date on which it is submitted to him or her, the school board of the district may submit the estimate directly to the State Superintendent of Education for approval or denial.

In the case of an emergency situation, where the estimated cost to effectuate emergency repairs is less than the amount specified in Section 10-20.21 of this Code, the school district may proceed with such repairs prior to approval by the State Superintendent of Education, but shall comply with the provisions of subdivision (2) of this subsection (a) as soon thereafter as may be as well as Section 10-20.21 of this Code. If the estimated cost to effectuate emergency repairs is greater than the amount specified in Section 10-20.21 of this Code, then the school district shall proceed in conformity with Section 10-20.21 of this Code and with rules established by the State Board of Education to address such situations. The rules adopted by the State Board of Education to deal with these situations shall stipulate that emergency situations must be expedited and given priority consideration. For purposes of this paragraph, an emergency is a situation that presents an imminent and continuing threat to the health and safety of students or other occupants of a facility, requires complete or partial evacuation of a building or part of a building, or consumes one or more of the 5 emergency days built into the adopted calendar of the school or schools or would otherwise be expected to cause such school or schools to fall short of the minimum school calendar requirements.

(b) Whenever any such district determines that it is necessary for energy conservation purposes that any school building or permanent, fixed equipment should be altered or reconstructed and that such alterations or reconstruction will be made with funds not necessary for the completion of approved and recommended projects contained in any safety survey report or amendments thereto authorized by Section 2-3.12 of this Act; the district may levy a tax or issue bonds as provided in subsection (a) of this Section.

(c) Whenever any such district determines that it is necessary for accessibility purposes and to comply with the school building code that
any school building or equipment should be altered or reconstructed and that such alterations or reconstruction will be made with funds not necessary for the completion of approved and recommended projects contained in any safety survey report or amendments thereto authorized under Section 2-3.12 of this Act, the district may levy a tax or issue bonds as provided in subsection (a) of this Section.

(d) Whenever any such district determines that it is necessary for school security purposes and the related protection and safety of pupils and school personnel that any school building or property should be altered or reconstructed or that security systems and equipment (including but not limited to intercom, early detection and warning, access control and television monitoring systems) should be purchased and installed, and that such alterations, reconstruction or purchase and installation of equipment will be made with funds not necessary for the completion of approved and recommended projects contained in any safety survey report or amendment thereto authorized by Section 2-3.12 of this Act and will deter and prevent unauthorized entry or activities upon school property by unknown or dangerous persons, assure early detection and advance warning of any such actual or attempted unauthorized entry or activities and help assure the continued safety of pupils and school staff if any such unauthorized entry or activity is attempted or occurs; the district may levy a tax or issue bonds as provided in subsection (a) of this Section.

(e) If a school district does not need funds for other fire prevention and safety projects, including the completion of approved and recommended projects contained in any safety survey report or amendments thereto authorized by Section 2-3.12 of this Act, and it is determined after a public hearing (which is preceded by at least one published notice (i) occurring at least 7 days prior to the hearing in a newspaper of general circulation within the school district and (ii) setting forth the time, date, place, and general subject matter of the hearing) that there is a substantial, immediate, and otherwise unavoidable threat to the health, safety, or welfare of pupils due to disrepair of school sidewalks, playgrounds, parking lots, or school bus turnarounds and repairs must be made; then the district may levy a tax or issue bonds as provided in subsection (a) of this Section.

(f) For purposes of this Section a school district may replace a school building or build additions to replace portions of a building when it is determined that the effectuation of the recommendations for the existing building will cost more than the replacement costs. Such determination
shall be based on a comparison of estimated costs made by an architect or engineer licensed in the State of Illinois. The new building or addition shall be equivalent in area (square feet) and comparable in purpose and grades served and may be on the same site or another site. Such replacement may only be done upon order of the regional superintendent of schools and the approval of the State Superintendent of Education.

(g) The filing of a certified copy of the resolution levying the tax when accompanied by the certificates of the regional superintendent of schools and State Superintendent of Education shall be the authority of the county clerk to extend such tax.

(h) The county clerk of the county in which any school district levying a tax under the authority of this Section is located, in reducing raised levies, shall not consider any such tax as a part of the general levy for school purposes and shall not include the same in the limitation of any other tax rate which may be extended.

Such tax shall be levied and collected in like manner as all other taxes of school districts, subject to the provisions contained in this Section.

(i) The tax rate limit specified in this Section may be increased to .10% upon the approval of a proposition to effect such increase by a majority of the electors voting on that proposition at a regular scheduled election. Such proposition may be initiated by resolution of the school board and shall be certified by the secretary to the proper election authorities for submission in accordance with the general election law.

(j) When taxes are levied by any school district for fire prevention, safety, energy conservation, and school security purposes as specified in this Section, and the purposes for which the taxes have been levied are accomplished and paid in full, and there remain funds on hand in the Fire Prevention and Safety Fund from the proceeds of the taxes levied, including interest earnings thereon, the school board by resolution shall use such excess and other board restricted funds, excluding bond proceeds and earnings from such proceeds, as follows:

(1) for other authorized fire prevention, safety, energy conservation, required safety inspections, and school security purposes, sampling for lead in drinking water in schools, and for repair and mitigation due to lead levels in the drinking water supply and for required safety inspections; or

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(2) for transfer to the Operations and Maintenance Fund for the purpose of abating an equal amount of operations and maintenance purposes taxes.

Notwithstanding subdivision (2) of this subsection (j) and subsection (k) of this Section, through June 30, 2019, the school board may, by proper resolution following a public hearing set by the school board or the president of the school board (that is preceded (i) by at least one published notice over the name of the clerk or secretary of the board, occurring at least 7 days and not more than 30 days prior to the hearing, in a newspaper of general circulation within the school district and (ii) by posted notice over the name of the clerk or secretary of the board, at least 48 hours before the hearing, at the principal office of the school board or at the building where the hearing is to be held if a principal office does not exist, with both notices setting forth the time, date, place, and subject matter of the hearing), transfer surplus life safety taxes and interest earnings thereon to the Operations and Maintenance Fund for building repair work.

(k) If any transfer is made to the Operation and Maintenance Fund, the secretary of the school board shall within 30 days notify the county clerk of the amount of that transfer and direct the clerk to abate the taxes to be extended for the purposes of operations and maintenance authorized under Section 17-2 of this Act by an amount equal to such transfer.

(l) If the proceeds from the tax levy authorized by this Section are insufficient to complete the work approved under this Section, the school board is authorized to sell bonds without referendum under the provisions of this Section in an amount that, when added to the proceeds of the tax levy authorized by this Section, will allow completion of the approved work.

(m) Any bonds issued pursuant to this Section shall bear interest at a rate not to exceed the maximum rate authorized by law at the time of the making of the contract, shall mature within 20 years from date, and shall be signed by the president of the school board and the treasurer of the school district.

(n) In order to authorize and issue such bonds, the school board shall adopt a resolution fixing the amount of bonds, the date thereof, the maturities thereof, rates of interest thereof, place of payment and denomination, which shall be in denominations of not less than $100 and not more than $5,000, and provide for the levy and collection of a direct annual tax upon all the taxable property in the school district sufficient to pay the principal and interest on such bonds to maturity. Upon the filing in...
the office of the county clerk of the county in which the school district is located of a certified copy of the resolution, it is the duty of the county clerk to extend the tax therefor in addition to and in excess of all other taxes heretofore or hereafter authorized to be levied by such school district.

(o) After the time such bonds are issued as provided for by this Section, if additional alterations or reconstructions are required to be made because of surveys conducted by an architect or engineer licensed in the State of Illinois, the district may levy a tax at a rate not to exceed .05% per year upon all the taxable property of the district or issue additional bonds, whichever action shall be the most feasible.

(p) This Section is cumulative and constitutes complete authority for the issuance of bonds as provided in this Section notwithstanding any other statute or law to the contrary.

(q) With respect to instruments for the payment of money issued under this Section either before, on, or after the effective date of Public Act 86-004 (June 6, 1989), it is, and always has been, the intention of the General Assembly (i) that the Omnibus Bond Acts are, and always have been, supplementary grants of power to issue instruments in accordance with the Omnibus Bond Acts, regardless of any provision of this Act that may appear to be or to have been more restrictive than those Acts, (ii) that the provisions of this Section are not a limitation on the supplementary authority granted by the Omnibus Bond Acts, and (iii) that instruments issued under this Section within the supplementary authority granted by the Omnibus Bond Acts are not invalid because of any provision of this Act that may appear to be or to have been more restrictive than those Acts.

(r) When the purposes for which the bonds are issued have been accomplished and paid for in full and there remain funds on hand from the proceeds of the bond sale and interest earnings therefrom, the board shall, by resolution, use such excess funds in accordance with the provisions of Section 10-22.14 of this Act.

(s) Whenever any tax is levied or bonds issued for fire prevention, safety, energy conservation, and school security purposes, such proceeds shall be deposited and accounted for separately within the Fire Prevention and Safety Fund.

(Source: P.A. 98-26, eff. 6-21-13; 98-1066, eff. 8-26-14; 99-143, eff. 7-27-15; 99-713, eff. 8-5-16.)

(105 ILCS 5/17-2A) (from Ch. 122, par. 17-2A)
Sec. 17-2A. Interfund transfers.

New matter indicated by italics - deletions by strikeout
(a) The school board of any district having a population of less than 500,000 inhabitants may, by proper resolution following a public hearing set by the school board or the president of the school board (that is preceded (i) by at least one published notice over the name of the clerk or secretary of the board, occurring at least 7 days and not more than 30 days prior to the hearing, in a newspaper of general circulation within the school district and (ii) by posted notice over the name of the clerk or secretary of the board, at least 48 hours before the hearing, at the principal office of the school board or at the building where the hearing is to be held if a principal office does not exist, with both notices setting forth the time, date, place, and subject matter of the hearing), transfer money from (1) the Educational Fund to the Operations and Maintenance Fund or the Transportation Fund, (2) the Operations and Maintenance Fund to the Educational Fund or the Transportation Fund, or (3) the Transportation Fund to the Educational Fund or the Operations and Maintenance Fund, or (4) the Tort Immunity Fund to the Operations and Maintenance Fund of said district, provided that, except during the period from July 1, 2003 through June 30, 2019, such transfer is made solely for the purpose of meeting one-time, non-recurring expenses. Except during the period from July 1, 2003 through June 30, 2019 and except as otherwise provided in subsection (b) of this Section, any other permanent interfund transfers authorized by any provision or judicial interpretation of this Code for which the transferee fund is not precisely and specifically set forth in the provision of this Code authorizing such transfer shall be made to the fund of the school district most in need of the funds being transferred, as determined by resolution of the school board.

(b) (Blank). Notwithstanding subsection (a) of this Section or any other provision of this Code to the contrary, the school board of any school district (i) that is subject to the Property Tax Extension Limitation Law, (ii) that has a population of less than 500,000 inhabitants, (iii) that is levying at its maximum tax rate, (iv) whose total equalized assessed valuation has declined 20% in the prior 2 years, (v) in which 80% or more of its students receive free or reduced-price lunch, and (vi) that had an equalized assessed valuation of less than $207 million but more than $203 million in the 2011 levy year may annually, until July 1, 2016, transfer money from any fund of the district, other than the Illinois Municipal Retirement Fund and the Bonds and Interest Fund, to the educational fund, the operations and maintenance fund, or the transportation fund of the district by proper resolution following a public hearing set by the school

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board or the president of the school board, with notice as provided in subsection (a) of this Section, so long as the district meets the qualifications set forth in this subsection (b) on the effective date of this amendatory Act of the 98th General Assembly even if the district does not meet those qualifications at the time a given transfer is made.

(Source: P.A. 98-26, eff. 6-21-13; 98-131, eff. 1-1-14; 99-713, eff. 8-5-16.)

Section 15. The Public Utilities Act is amended by adding Section 9-246 as follows:

(220 ILCS 5/9-246 new)

Sec. 9-246. Rates; lead hazard cost recovery by investor-owned water utilities. In determining the rates for an investor-owned public utility engaged in providing water service, the Commission shall allow the utility to recover annually any reasonable costs incurred by the utility to comply with Section 35.5 of the Illinois Plumbing License Law.

Section 20. The Child Care Act of 1969 is amended by adding Section 5.9 as follows:

(225 ILCS 10/5.9 new)

Sec. 5.9. Lead testing of water in licensed day care centers, day care homes and group day care homes.

(a) On or before January 1, 2018, the Department, in consultation with the Department of Public Health, shall adopt rules that prescribe the procedures and standards to be used by the Department in assessing levels of lead in water in licensed day care centers, day care homes, and group day care homes constructed on or before January 1, 2000 that serve children under the age of 6. Such rules shall, at a minimum, include provisions regarding testing parameters, the notification of sampling results, training requirements for lead exposure and mitigation.

(b) After adoption of the rules required by subsection (a), and as part of an initial application or application for renewal of a license for day care centers, day care homes, and group day care homes, the Department shall require proof that the applicant has complied with all such rules.

Section 25. The Illinois Plumbing License Law is amended by adding Section 35.5 as follows:

(225 ILCS 320/35.5 new)

Sec. 35.5. Lead in drinking water prevention.

(a) The General Assembly finds that lead has been detected in the drinking water of schools in this State. The General Assembly also finds

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that infants and young children may suffer adverse health effects and
developmental delays as a result of exposure to even low levels of lead.
The General Assembly further finds that it is in the best interests of the
people of the State to require school districts or chief school
administrators, or the designee of the school district or chief school
administrator, to test for lead in drinking water in school buildings and
provide written notification of the test results.

The purpose of this Section is to require (i) school districts or chief
school administrators, or the designees of the school districts or chief
school administrators, to test for lead with the goal of providing school
building occupants with an adequate supply of safe, potable water; and
(ii) school districts or chief school administrators, or the designees of the
school districts or chief school administrators, to notify the parents and
legal guardians of enrolled students of the sampling results from their
respective school buildings.

(b) For the purposes of this Section:
"Community water system" has the meaning provided in 35 Ill.

"School building" means any facility or portion thereof that was
constructed on or before January 1, 2000 and may be occupied by more
than 10 children or students, pre-kindergarten through grade 5, under the
control of (a) a school district or (b) a public, private, charter, or
nonpublic day or residential educational institution.

"Source of potable water" means the point at which non-bottled
water that may be ingested by children or used for food preparation exits
any tap, faucet, drinking fountain, wash basin in a classroom occupied by
children or students under grade 1, or similar point of use; provided,
however, that all (a) bathroom sinks and (b) wash basins used by
janitorial staff are excluded from this definition.

(c) Each school district or chief school administrator, or the
designee of each school district or chief school administrator, shall test
each source of potable water in a school building for lead contamination
as required in this subsection.

(1) Each school district or chief school administrator, or
the designee of each school district or chief school administrator,
shall, at a minimum, (a) collect a first-draw 250 milliliter sample
of water, (b) flush for 30 seconds, and (c) collect a second-draw
250 milliliter sample from each source of potable water located at
each corresponding school building; provided, however, that to the
extent that multiple sources of potable water utilize the same drain, (i) the foregoing collection protocol is required for one such source of potable water, and (ii) only a first-draw 250 milliliter sample of water is required from the remaining such sources of potable water. The water corresponding to the first-draw 250 milliliter sample from each source of potable water shall have been standing in the plumbing pipes for at least 8 hours, but not more than 18 hours, without any flushing of the source of potable water before sample collection.

(2) Each school district or chief school administrator, or the designee of each school district or chief school administrator, shall submit or cause to be submitted (A) the samples to an Illinois Environmental Protection Agency-accredited laboratory for analysis for lead in accordance with the instructions supplied by an Illinois Environmental Protection Agency-accredited laboratory and (B) the written sampling results to the Department within 7 business days of receipt of the results.

(3) If any of the samples taken in the school exceed 5 parts per billion, the school district or chief school administrator, or the designee of the school district or chief school administrator, shall promptly provide an individual notification of the sampling results, via written or electronic communication, to the parents or legal guardians of all enrolled students and include the following information: the corresponding sampling location within the school building and the United States Environmental Protection Agency's website for information about lead in drinking water. If any of the samples taken at the school are at or below 5 parts per billion, notification may be made as provided in this paragraph or by posting on the school's website.

(4) Sampling and analysis required under this Section shall be completed by the following applicable deadlines: for school buildings constructed prior to January 1, 1987, by December 31, 2017; and for school buildings constructed between January 2, 1987 and January 1, 2000, by December 31, 2018.

(5) A school district or chief school administrator, or the designee of the school district or chief school administrator, may seek a waiver of the requirements of this subsection from the Department, if (A) the school district or chief school administrator, or the designee of the school district or chief school administrator,

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collected at least one 250 milliliter or greater sample of water from each source of potable water that had been standing in the plumbing pipes for at least 6 hours and that was collected without flushing the source of potable water before collection, (B) an Illinois Environmental Protection Agency-accredited laboratory analyzed the samples, (C) test results were obtained prior to the effective date of this amendatory Act of the 99th General Assembly, but after January 1, 2013, and (D) test results were submitted to the Department within 120 days of the effective date of this amendatory Act of the 99th General Assembly.

(6) The owner or operator of a community water system may agree to pay for the cost of the laboratory analysis of the samples required under this Section and may utilize the lead hazard cost recovery fee under Section 11-150.1-1 of the Illinois Municipal Code or other available funds to defray said costs.

(7) Lead sampling results obtained shall not be used for purposes of determining compliance with the Board’s rules that implement the national primary drinking water regulations for lead and copper.

(d) By no later than June 30, 2019, the Department shall determine whether it is necessary and appropriate to protect public health to require schools constructed in whole or in part after January 1, 2000 to conduct testing for lead from sources of potable water, taking into account, among other relevant information, the results of testing conducted pursuant to this Section.

(e) Within 90 days of the effective date of this amendatory Act of the 99th General Assembly, the Department shall post on its website guidance on mitigation actions for lead in drinking water, and ongoing water management practices, in schools. In preparing such guidance, the Department may, in part, reference the United States Environmental Protection Agency’s 3Ts for Reducing Lead in Drinking Water in Schools.

Section 30. The Environmental Protection Act is amended by changing Section 19.3 and by adding Section 17.11 as follows:

(415 ILCS 5/17.11 new)

Sec. 17.11. Lead in drinking water notifications and inventories.

(a) The purpose of this Section is to require the owners and operators of community water systems to (i) create a comprehensive lead service line inventory; and (ii) provide notice to occupants of potentially

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affected residences of construction or repair work on water mains, lead
service lines, or water meters.

(b) For the purposes of this Section:

"Community water system" has the meaning provided in 35 Ill. Adm. Code 611.101.

"Potentially affected residence" means any residence where water service is or may be temporarily interrupted or shut off by or on behalf of an owner or operator of a community water system because construction or repair work is to be performed by or on behalf of the owner or operator of a community water system on or affecting a water main, service line, or water meter.

"Small system" has the meaning provided in 35 Ill. Adm. Code 611.350.

(c) The owner or operator of each community water system in the State shall develop a water distribution system material inventory that shall be submitted in written or electronic form to the Agency on an annual basis commencing on April 15, 2018 and continuing on each April 15 thereafter until the water distribution system material inventory is completed. In addition to meeting the requirements for water distribution system material inventories that are mandated by the United States Environmental Protection Agency, each water distribution system material inventory shall identify:

(1) the total number of service lines within or connected to the distribution system, including privately owned service lines;

(2) the number of all known lead service lines within or connected to the distribution system, including privately owned lead service lines; and

(3) the number of the lead service lines that were added to the inventory after the previous year's submission.

Nothing in this subsection shall be construed to require that service lines be unearthed.

(d) Beginning on January 1, 2018, when conducting routine inspections of community water systems as required under this Act, the Agency may conduct a separate audit to identify progress that the community water system has made toward completing the water distribution system material inventories required under subsection (c) of this Section.

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(e) The owner or operator of the community water system shall provide notice of construction or repair work on a water main service line, or water meter in accordance with the following requirements:

(1) At least 14 days prior to beginning planned work to repair or replace any water mains or lead service lines, the owner or operator of a community water system shall notify, through an individual written notice, each potentially affected residence of the planned work. In cases where a community water system must perform construction or repair work on an emergency basis or where such work is not scheduled at least 14 days prior to work taking place, the community water system shall notify each potentially affected residence as soon as reasonably possible. When work is to repair or replace a water meter, the notification shall be provided at the time the work is initiated.

(2) Such notification shall include, at a minimum:

(A) a warning that the work may result in sediment, possibly containing lead, in the residence's water supply; and

(B) information concerning best practices for preventing the consumption of any lead in drinking water, including a recommendation to flush water lines during and after the completion of the repair or replacement work and to clean faucet aerator screens; and

(C) information regarding the dangers of lead in young children.

(3) To the extent that the owner or operator of a community water system serves a significant proportion of non-English speaking consumers, the notification must contain information in the appropriate languages regarding the importance of the notice, and it must contain a telephone number or address where a person served may contact the owner or operator of the community water system to obtain a translated copy of the notification or to request assistance in the appropriate language.

(4) Notwithstanding anything to the contrary set forth in this Section, to the extent that (a) notification is required for the entire community served by a community water system, (b) notification is required for construction or repairs occurring on an emergency basis, or (c) the community water system is a small system, publication notification, through a local media, social

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media or other similar means, may be utilized in lieu of an individual written notification.

(5) If an owner or operator is required to provide an individual written notification to a residence that is a multidwelling building, posting a written notification on the primary entrance way to the building shall be sufficient.

(6) The notification requirements in this subsection (e) do not apply to work performed on water mains that are used to transmit treated water between community water systems and have no service connections.

(7) The owner or operator of a community water system may seek a full or partial waiver of the requirements of this subsection from the Agency if (i) the community water system was originally constructed without lead, (ii) the residential structures were constructed under local building codes that categorically prohibited lead construction materials or the owner or operator of a community water system certifies that any residential structures requiring notification were constructed without lead, and (iii) no lead sediment is likely to be present within the community water system or residential structures. The owner or operator of a community water system may seek a time-limited or permanent waiver.

(8) The owner and operator of a community water system shall not be required to comply with this subsection (e) to the extent that the corresponding water distribution system material inventory has been completed that demonstrates the water distribution system does not contain any lead.

(415 ILCS 5/19.3) (from Ch. 111 1/2, par. 1019.3)
Sec. 19.3. Water Revolving Fund.

(a) There is hereby created within the State Treasury a Water Revolving Fund, consisting of 3 interest-bearing special programs to be known as the Water Pollution Control Loan Program, the Public Water Supply Loan Program, and the Loan Support Program, which shall be used and administered by the Agency.

(b) The Water Pollution Control Loan Program shall be used and administered by the Agency to provide assistance for the following purposes:

(1) to accept and retain funds from grant awards, appropriations, transfers, and payments of interest and principal;

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(2) to make direct loans at or below market interest rates and to provide additional subsidization, including, but not limited to, forgiveness of principal, negative interest rates, and grants, to any eligible local government unit to finance the construction of treatments works, including storm water treatment systems that are treatment works, and projects that fulfill federal State Revolving Fund grant requirements for a green project reserve;

(2.5) with respect to funds provided under the American Recovery and Reinvestment Act of 2009:

(A) to make direct loans at or below market interest rates to any eligible local government unit and to provide additional subsidization to any eligible local government unit, including, but not limited to, forgiveness of principal, negative interest rates, and grants;

(B) to make direct loans at or below market interest rates to any eligible local government unit to buy or refinance debt obligations for treatment works incurred on or after October 1, 2008; and

(C) to provide additional subsidization, including, but not limited to, forgiveness of principal, negative interest rates, and grants for treatment works incurred on or after October 1, 2008;

(3) to make direct loans at or below market interest rates and to provide additional subsidization, including, but not limited to, forgiveness of principal, negative interest rates, and grants, to any eligible local government unit to buy or refinance debt obligations for costs incurred after March 7, 1985, for the construction of treatment works, including storm water treatment systems that are treatment works, and projects that fulfill federal State Revolving Fund grant requirements for a green project reserve;

(3.5) to make loans, including, but not limited to, loans through a linked deposit program, at or below market interest rates for the implementation of a management program established under Section 319 of the Federal Water Pollution Control Act, as amended;

(4) to guarantee or purchase insurance for local obligations where such action would improve credit market access or reduce interest rates;

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(5) as a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the State or any political subdivision or instrumentality thereof, if the proceeds of such bonds will be deposited in the Fund;

(6) to finance the reasonable costs incurred by the Agency in the administration of the Fund;

(7) to transfer funds to the Public Water Supply Loan Program; and

(8) notwithstanding any other provision of this subsection (b), to provide, in accordance with rules adopted under this Title, any other financial assistance that may be provided under Section 603 of the Federal Water Pollution Control Act for any other projects or activities eligible for assistance under that Section or federal rules adopted to implement that Section.

(c) The Loan Support Program shall be used and administered by the Agency for the following purposes:

(1) to accept and retain funds from grant awards and appropriations;

(2) to finance the reasonable costs incurred by the Agency in the administration of the Fund, including activities under Title III of this Act, including the administration of the State construction grant program;

(3) to transfer funds to the Water Pollution Control Loan Program and the Public Water Supply Loan Program;

(4) to accept and retain a portion of the loan repayments;

(5) to finance the development of the low interest loan programs for water pollution control and public water supply projects;

(6) to finance the reasonable costs incurred by the Agency to provide technical assistance for public water supplies; and

(7) to finance the reasonable costs incurred by the Agency for public water system supervision programs, to administer or provide for technical assistance through source water protection programs, to develop and implement a capacity development strategy, to delineate and assess source water protection areas, and for an operator certification program in accordance with Section 1452 of the federal Safe Drinking Water Act.

New matter indicated by italics - deletions by strikeout
(d) The Public Water Supply Loan Program shall be used and administered by the Agency to provide assistance to local government units and privately owned community water supplies for public water supplies for the following public purposes:

(1) to accept and retain funds from grant awards, appropriations, transfers, and payments of interest and principal;

(2) to make direct loans at or below market interest rates and to provide additional subsidization, including, but not limited to, forgiveness of principal, negative interest rates, and grants, to any eligible local government unit or to any eligible privately owned community water supply to finance the construction of water supplies and projects that fulfill federal State Revolving Fund grant requirements for a green project reserve;

(2.5) with respect to funds provided under the American Recovery and Reinvestment Act of 2009:

(A) to make direct loans at or below market interest rates to any eligible local government unit or to any eligible privately owned community water supply, and to provide additional subsidization to any eligible local government unit or to any eligible privately owned community water supply, including, but not limited to, forgiveness of principal, negative interest rates, and grants;

(B) to buy or refinance the debt obligation of a local government unit for costs incurred on or after October 1, 2008; and

(C) to provide additional subsidization, including, but not limited to, forgiveness of principal, negative interest rates, and grants for a local government unit for costs incurred on or after October 1, 2008;

(3) to make direct loans at or below market interest rates and to provide additional subsidization, including, but not limited to, forgiveness of principal, negative interest rates, and grants, to any eligible local government unit or to any eligible privately owned community water supply to buy or refinance debt obligations for costs incurred on or after July 17, 1997, for the construction of water supplies and projects that fulfill federal State Revolving Fund requirements for a green project reserve;

(4) to guarantee local obligations where such action would improve credit market access or reduce interest rates;

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(5) as a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the State or any political subdivision or instrumentality thereof, if the proceeds of such bonds will be deposited into the Fund; and

(6) to transfer funds to the Water Pollution Control Loan Program; and

(7) notwithstanding any other provision of this subsection (d), to provide to local government units and privately owned community water supplies any other financial assistance that may be provided under Section 1452 of the federal Safe Drinking Water Act for any expenditures eligible for assistance under that Section or federal rules adopted to implement that Section.

(e) The Agency is designated as the administering agency of the Fund. The Agency shall submit to the Regional Administrator of the United States Environmental Protection Agency an intended use plan which outlines the proposed use of funds available to the State. The Agency shall take all actions necessary to secure to the State the benefits of the federal Water Pollution Control Act and the federal Safe Drinking Water Act, as now or hereafter amended.

(f) The Agency shall have the power to enter into intergovernmental agreements with the federal government or the State, or any instrumentality thereof, for purposes of capitalizing the Water Revolving Fund. Moneys on deposit in the Water Revolving Fund may be used for the creation of reserve funds or pledged funds that secure the obligations of repayment of loans made pursuant to this Section. For the purpose of obtaining capital for deposit into the Water Revolving Fund, the Agency may also enter into agreements with financial institutions and other persons for the purpose of selling loans and developing a secondary market for such loans. The Agency shall have the power to create and establish such reserve funds and accounts as may be necessary or desirable to accomplish its purposes under this subsection and to allocate its available moneys into such funds and accounts. Investment earnings on moneys held in the Water Revolving Fund, including any reserve fund or pledged fund, shall be deposited into the Water Revolving Fund.

(Source: P.A. 98-782, eff. 7-23-14; 99-187, eff. 7-29-15.)

Section 35. The Local Governmental and Governmental Employees Tort Immunity Act is amended by changing Section 9-107 as follows:

New matter indicated by italics - deletions by strikeout
Sec. 9-107. Policy; tax levy.

(a) The General Assembly finds that the purpose of this Section is to provide an extraordinary tax for funding expenses relating to (i) tort liability, (ii) liability relating to actions brought under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 or the Environmental Protection Act, but only until December 31, 2010, (iii) insurance, and (iv) risk management programs. Thus, the tax has been excluded from various limitations otherwise applicable to tax levies. Notwithstanding the extraordinary nature of the tax authorized by this Section, however, it has become apparent that some units of local government are using the tax revenue to fund expenses more properly paid from general operating funds. These uses of the revenue are inconsistent with the limited purpose of the tax authorization.

Therefore, the General Assembly declares, as a matter of policy, that (i) the use of the tax revenue authorized by this Section for purposes not expressly authorized under this Act is improper and (ii) the provisions of this Section shall be strictly construed consistent with this declaration and the Act's express purposes.

(b) A local public entity may annually levy or have levied on its behalf taxes upon all taxable property within its territory at a rate that will produce a sum that will be sufficient to: (i) pay the cost of insurance, individual or joint self-insurance (including reserves thereon), including all operating and administrative costs and expenses directly associated therewith, claims services and risk management directly attributable to loss prevention and loss reduction, legal services directly attributable to the insurance, self-insurance, or joint self-insurance program, and educational, inspectional, and supervisory services directly relating to loss prevention and loss reduction, participation in a reciprocal insurer as provided in Sections 72, 76, and 81 of the Illinois Insurance Code, or participation in a reciprocal insurer, all as provided in settlements or judgments under Section 9-102, including all costs and reserves directly attributable to being a member of an insurance pool, under Section 9-103; (ii) pay the costs of and principal and interest on bonds issued under Section 9-105; (iii) pay judgments and settlements under Section 9-104 of this Act; (iv) discharge obligations under Section 34-18.1 of the School Code or make transfers under Section 17-2A of the School Code; (v) pay judgments and settlements under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 and
the Environmental Protection Act, but only until December 31, 2010; (vi) pay the costs authorized by the Metro-East Sanitary District Act of 1974 as provided in subsection (a) of Section 5-1 of that Act (70 ILCS 2905/5-1); and (vii) pay the cost of risk management programs. Provided it complies with any other applicable statutory requirements, the local public entity may self-insure and establish reserves for expected losses for any property damage or for any liability or loss for which the local public entity is authorized to levy or have levied on its behalf taxes for the purchase of insurance or the payment of judgments or settlements under this Section. The decision of the board to establish a reserve shall be based on reasonable actuarial or insurance underwriting evidence and subject to the limits and reporting provisions in Section 9-103.

If a school district was a member of a joint-self-health-insurance cooperative that had more liability in outstanding claims than revenue to pay those claims, the school board of that district may by resolution make a one-time transfer from any fund in which tort immunity moneys are maintained to the fund or funds from which payments to a joint-self-health-insurance cooperative can be or have been made of an amount not to exceed the amount of the liability claim that the school district owes to the joint-self-health-insurance cooperative or that the school district paid within the 2 years immediately preceding the effective date of this amendatory Act of the 92nd General Assembly.

Funds raised pursuant to this Section shall, unless lawfully transferred as provided in Section 17-2A of the School Code, only be used for the purposes specified in this Act, including protection against and reduction of any liability or loss described hereinabove and under Federal or State common or statutory law, the Workers' Compensation Act, the Workers' Occupational Diseases Act and the Unemployment Insurance Act. Funds raised pursuant to this Section may be invested in any manner in which other funds of local public entities may be invested under Section 2 of the Public Funds Investment Act. Interest on such funds shall be used only for purposes for which the funds can be used or, if surplus, must be used for abatement of property taxes levied by the local taxing entity.

A local public entity may enter into intergovernmental contracts with a term of not to exceed 12 years for the provision of joint self-insurance which contracts may include an obligation to pay a proportional share of a general obligation or revenue bond or other debt instrument issued by a local public entity which is a party to the intergovernmental contract and is authorized by the terms of the contract to issue the bond or

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other debt instrument. Funds due under such contracts shall not be considered debt under any constitutional or statutory limitation and the local public entity may levy or have levied on its behalf taxes to pay for its proportional share under the contract. Funds raised pursuant to intergovernmental contracts for the provision of joint self-insurance may only be used for the payment of any cost, liability or loss against which a local public entity may protect itself or self-insure pursuant to Section 9-103 or for the payment of which such entity may levy a tax pursuant to this Section, including tort judgments or settlements, costs associated with the issuance, retirement or refinancing of the bonds or other debt instruments, the repayment of the principal or interest of the bonds or other debt instruments, the costs of the administration of the joint self-insurance fund, consultant, and risk care management programs or the costs of insurance. Any surplus returned to the local public entity under the terms of the intergovernmental contract shall be used only for purposes set forth in subsection (a) of Section 9-103 and Section 9-107 or for abatement of property taxes levied by the local taxing entity.

Any tax levied under this Section shall be levied and collected in like manner with the general taxes of the entity and shall be exclusive of and in addition to the amount of tax that entity is now or may hereafter be authorized to levy for general purposes under any statute which may limit the amount of tax which that entity may levy for general purposes. The county clerk of the county in which any part of the territory of the local taxing entity is located, in reducing tax levies under the provisions of any Act concerning the levy and extension of taxes, shall not consider any tax provided for by this Section as a part of the general tax levy for the purposes of the entity nor include such tax within any limitation of the percent of the assessed valuation upon which taxes are required to be extended for such entity.

With respect to taxes levied under this Section, either before, on, or after the effective date of this amendatory Act of 1994:

1) Those taxes are excepted from and shall not be included within the rate limitation imposed by law on taxes levied for general corporate purposes by the local public entity authorized to levy a tax under this Section.

2) Those taxes that a local public entity has levied in reliance on this Section and that are excepted under paragraph (1) from the rate limitation imposed by law on taxes levied for general corporate purposes by the local public entity are not invalid

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because of any provision of the law authorizing the local public entity's tax levy for general corporate purposes that may be construed or may have been construed to restrict or limit those taxes levied, and those taxes are hereby validated. This validation of taxes levied applies to all cases pending on or after the effective date of this amendatory Act of 1994.

(3) Paragraphs (1) and (2) do not apply to a hospital organized under Article 170 or 175 of the Township Code, under the Town Hospital Act, or under the Township Non-Sectarian Hospital Act and do not give any authority to levy taxes on behalf of such a hospital in excess of the rate limitation imposed by law on taxes levied for general corporate purposes. A hospital organized under Article 170 or 175 of the Township Code, under the Town Hospital Act, or under the Township Non-Sectarian Hospital Act is not prohibited from levying taxes in support of tort liability bonds if the taxes do not cause the hospital's aggregate tax rate from exceeding the rate limitation imposed by law on taxes levied for general corporate purposes.

Revenues derived from such tax shall be paid to the treasurer of the local taxing entity as collected and used for the purposes of this Section and of Section 9-102, 9-103, 9-104 or 9-105, as the case may be. If payments on account of such taxes are insufficient during any year to meet such purposes, the entity may issue tax anticipation warrants against the current tax levy in the manner provided by statute.

(Source: P.A. 95-244, eff. 8-17-07; 95-723, eff. 6-23-08.)

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

Approved January 17, 2017.
Effective January 17, 2017.
Sec. 14.7. Preservation of community water supplies.

(a) The Agency shall adopt rules governing certain corrosion prevention projects carried out on community water supplies. Those rules shall not apply to buried pipelines including, but not limited to, pipes, mains, and joints. The rules shall exclude routine maintenance activities of community water supplies including, but not limited to, the use of protective coatings applied by the owner's utility personnel during the course of performing routine maintenance activities. The activities may include, but not be limited to, the painting of fire hydrants; routine overcoat painting of interior and exterior building surfaces such as floors, doors, windows, and ceilings; and routine touch-up and over-coat application of protective coatings typically found on water utility pumps, pipes, tanks, and other water treatment plant appurtenances and utility owned structures. Those rules shall include:

(1) standards for ensuring that community water supplies carry out corrosion prevention and mitigation methods according to corrosion prevention industry standards adopted by the Agency;

(2) requirements that community water supplies use:

(A) protective coatings personnel to carry out corrosion prevention and mitigation methods on exposed water treatment tanks, exposed non-concrete water treatment structures, exposed water treatment pipe galleys; exposed pumps; and generators; the Agency shall not limit to protective coatings personnel any other work relating to prevention and mitigation methods on any other water treatment appurtenances where protective coatings are utilized for corrosion control and prevention to prolong the life of the water utility asset; and

(B) inspectors to ensure that best practices and standards are adhered to on each corrosion prevention project; and

(3) standards to prevent environmental degradation that might occur as a result of carrying out corrosion prevention and mitigation methods including, but not limited to, standards to prevent the improper handling and containment of hazardous materials, especially lead paint, removed from the exterior of a community water supply. In adopting rules under this subsection (a), the Agency shall obtain input from corrosion industry experts.
specializing in the training of personnel to carry out corrosion prevention and mitigation methods.

(b) As used in this Section:
"Community water supply" has the meaning ascribed to that term in Section 3.145 of this Act.
"Corrosion" means a naturally occurring phenomenon commonly defined as the deterioration of a metal that results from a chemical or electrochemical reaction with its environment.
"Corrosion prevention and mitigation methods" means the preparation, application, installation, removal, or general maintenance as necessary of a protective coating system, including any or more of the following:

(A) surface preparation and coating application on the exterior or interior of a community water supply; or

(B) shop painting of structural steel fabricated for installation as part of a community water supply.

"Corrosion prevention project" means carrying out corrosion prevention and mitigation methods. "Corrosion prevention project" does not include clean-up related to surface preparation.

"Protective coatings personnel" means personnel employed or retained by a contractor providing services covered by this Section to carry out corrosion prevention or mitigation methods or inspections.

(c) This Section shall apply to only those projects receiving 100% funding from the State.

(d) Each contract procured pursuant to the Illinois Procurement Code for the provision of services covered by this Section (1) shall comply with applicable provisions of the Illinois Procurement Code and (2) shall include provisions for reporting participation by minority persons, as defined by Section 2 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act; females, as defined by Section 2 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act; and veterans, as defined by Section 45-57 of the Illinois Procurement Code, in apprenticeship and training programs in which the contractor or his or her subcontractors participate. The requirements of this Section do not apply to an individual licensed under the Professional Engineering Practice Act of 1989 or the Structural Engineering Act of 1989.

Section 10. The Illinois Highway Code is amended by adding Section 4-106 as follows:

New matter indicated by italics - deletions by strikeout
Sec. 4-106. Preservation of bridge infrastructure.

(a) The Department may adopt rules governing all corrosion prevention projects carried out on eligible bridges. Rules may include a process for ensuring that corrosion prevention and mitigation methods are carried out according to corrosion prevention industry standards adopted by the Department for eligible bridges that include:

(1) a plan to prevent environmental degradation that could occur as a result of carrying out corrosion prevention and mitigation methods including the careful handling and containment of hazardous materials; and

(2) consulting and interacting directly with, for the purpose of utilizing trained personnel specializing in the design and inspection of corrosion prevention and mitigation methods on bridges.

(b) As used in this Section:

"Corrosion" means a naturally occurring phenomenon commonly defined as the deterioration of a metal that results from a chemical or electrochemical reaction with its environment.

"Corrosion prevention and mitigation methods" means:

(1) the preparation, application, installation, removal, or general maintenance as necessary of a protective coating system including the following:

(A) surface preparation and coating application on an eligible bridge, but does not include gunnite or similar materials; or

(B) shop painting of structural steel fabricated for installation as part of an eligible bridge.

"Corrosion prevention project" means carrying out corrosion prevention and mitigation methods during construction, alteration, maintenance, repair work on permanently exposed portions of an eligible bridge, or at any other time necessary on an eligible bridge. "Corrosion prevention project" does not include traffic control or clean-up related to surface preparation or the application of any curing compound or other substance onto or into any cement, cementitious substrate, or bituminous material.

"Eligible bridge" means a bridge or overpass the construction, alteration, maintenance, or repair work on which is 100% funded by the
State. "Eligible bridge" does not include a bridge or overpass that is being demolished, removed, or replaced.

(c) The requirements of this Section do not apply to an individual licensed under the Professional Engineering Practice Act of 1989 or the Structural Engineering Act of 1989.

Section 99. Effective date. This Act takes effect July 1, 2017.

Passed in the General Assembly November 30, 2016.


Effective July 1, 2017.

PUBLIC ACT 99-0924

(AN ACT concerning local government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Counties Code is amended by changing Section 2-3007 as follows:

(55 ILCS 5/2-3007) (from Ch. 34, par. 2-3007)

Sec. 2-3007. Chairman of county board; election and term. Any county board when providing for the reapportionment of its county under this Division may provide that the chairman of the county board shall be elected by the voters of the county rather than by the members of the board. In that event, provision shall be made for the election throughout the county of the chairman of the county board, but in counties over 3,000,000 population no person may be elected to serve as such chairman who has not been elected as a county board member to serve during the same period as the term of office as chairman of the county board to which he seeks election. In counties over 300,000 population and under 3,000,000 population, the chairman shall be elected as chairman without having been first elected to the county board. Such chairman shall not vote on any question except to break a tie vote. In all other counties the chairman may either be elected as a county board member or elected as the chairman without having been first elected to the board. Except in counties where the chairman of the county board is elected by the voters of the county and is not required to be a county board member, whether the chairman of the county board is elected by the voters of the county or by the members of the board, he shall be elected to a 2 year term. In counties where the chairman of the county board is elected by the voters of the county and is not required to be a county board member, whether the chairman of the county board is elected by the voters of the county or by the members of the board, he shall be elected to a 2 year term.

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county and is not required to be a county board member, the chairman shall be elected to a 4 year term. In all cases: (i) the term of the chairman of the county board shall commence on the first Monday of the month following the month in which members of the county board are elected, and (ii) no person may simultaneously serve as a member of a county board and the chairman of the same board if the office of chairman is elected by the voters of the county rather than by the members of the board.

(Source: P.A. 93-847, eff. 7-30-04; 94-273, eff. 1-1-06.)

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

Passed in the General Assembly December 1, 2016.
Effective January 20, 2017.

PUBLIC ACT 99-0925
(Senate Bill No. 0513)

AN ACT concerning revenue.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Economic Development for a Growing Economy Tax Credit Act is amended by changing Section 5-77 as follows:

(35 ILCS 10/5-77)

Sec. 5-77. Sunset of new Agreements. The Department shall not enter into any new Agreements under the provisions of Section 5-50 of this Act after December 31, 2016.

(Source: P.A. 97-2, eff. 5-6-11.)

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

Effective January 20, 2017.
AN ACT concerning revenue.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 3. The Local Government Debt Reform Act is amended by changing Section 17.5 as follows:

(30 ILCS 350/17.5)
Sec. 17.5. Bond authorization by referendum.
(a) Whenever applicable law provides that the authorization of or the issuance of bonds is subject to either a referendum or backdoor referendum, the approval, once obtained, remains (i) for 5 years after the date of the referendum or (ii) for 3 years after the end of the petition period for a backdoor referendum. However, whenever the applicable law provides that the authorization of or the issuance of bonds under the Water Pollution Control Loan Program or the Public Water Supply Loan Program, under Title IV-A of the Environmental Protection Act, is subject to either a referendum or backdoor referendum, the approval, once obtained, remains (i) for 7 years after the date of the referendum or (ii) for 5 years after the end of the petition period for a backdoor referendum. In the case of bonds authorized to be issued under the Downstate Forest Preserve District Act and approved by Lake County voters in a November 2008 referendum or in the case of bonds authorized to be issued under the School Code and approved by voters of Sandoval Community Unit School District 501 in a March 2012 referendum, the approval, once obtained, remains for 10 years after the date of the referendum. In the case of bonds authorized to be issued under the Counties Code and approved by Jackson County voters in a 1994 referendum, of which less than $200,000 of the original bonds have been issued, and for which the purpose of the bonds is flooding prevention, the approval, once obtained, remains for 25 years after the date of the referendum.
(b) With respect to any bond approval under subsection (a), if, for any reason, the bonds are not issued because of a court action, then the time limits set forth under subsection (a) for the approval for the bonds is tolled during the time that the court action is pending. This subsection (b) applies to any bond issuance approved by referendum held on or after January 1, 2003 or by a backdoor referendum held on or after January 1, 2005.

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Section 5. The School Code is amended by changing Sections 17-2A and 19-1 as follows:

(105 ILCS 5/17-2A) (from Ch. 122, par. 17-2A)
Sec. 17-2A. Interfund transfers.
(a) The school board of any district having a population of less than 500,000 inhabitants may, by proper resolution following a public hearing set by the school board or the president of the school board (that is preceded (i) by at least one published notice over the name of the clerk or secretary of the board, occurring at least 7 days and not more than 30 days prior to the hearing, in a newspaper of general circulation within the school district and (ii) by posted notice over the name of the clerk or secretary of the board, at least 48 hours before the hearing, at the principal office of the school board or at the building where the hearing is to be held if a principal office does not exist, with both notices setting forth the time, date, place, and subject matter of the hearing), transfer money from (1) the Educational Fund to the Operations and Maintenance Fund or the Transportation Fund, (2) the Operations and Maintenance Fund to the Educational Fund or the Transportation Fund, or (3) the Transportation Fund to the Educational Fund or the Operations and Maintenance Fund of said district, provided that, except during the period from July 1, 2003 through June 30, 2019, such transfer is made solely for the purpose of meeting one-time, non-recurring expenses. Except during the period from July 1, 2003 through June 30, 2019 and except as otherwise provided in subsection (b) of this Section, any other permanent interfund transfers authorized by any provision or judicial interpretation of this Code for which the transferee fund is not precisely and specifically set forth in the provision of this Code authorizing such transfer shall be made to the fund of the school district most in need of the funds being transferred, as determined by resolution of the school board.

(b) Notwithstanding subsection (a) of this Section or any other provision of this Code to the contrary, the school board of any school district (i) that is subject to the Property Tax Extension Limitation Law, (ii) that has a population of less than 500,000 inhabitants, (iii) that is levying at its maximum tax rate, (iv) whose total equalized assessed valuation has declined 20% in the prior 2 years, (v) in which 80% or more of its students receive free or reduced-price lunch, and (vi) that had an equalized assessed valuation of less than $207 million but more than $203 million in the 2011 levy year may annually, until July 1, 2016, transfer

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money from any fund of the district, other than the Illinois Municipal Retirement Fund and the Bonds and Interest Fund, to the educational fund, the operations and maintenance fund, or the transportation fund of the district by proper resolution following a public hearing set by the school board or the president of the school board, with notice as provided in subsection (a) of this Section, so long as the district meets the qualifications set forth in this subsection (b) on the effective date of this amendatory Act of the 98th General Assembly even if the district does not meet those qualifications at the time a given transfer is made.

(c) Notwithstanding subsection (a) of this Section or any other provision of this Code to the contrary, the school board of any school district (i) that is subject to the Property Tax Extension Limitation Law, (ii) that is an elementary district servicing students in grades K through 8, (iii) whose territory is in one county, (iv) that is eligible for Section 7002 Federal Impact Aid, and (v) that has no more than $81,000 in funds remaining from refinancing bonds that were refinanced a minimum of 5 years prior to the effective date of this amendatory Act of the 99th General Assembly may make a one-time transfer of the funds remaining from the refinancing bonds to the Operations and Maintenance Fund of the district by proper resolution following a public hearing set by the school board or the president of the school board, with notice as provided in subsection (a) of this Section, so long as the district meets the qualifications set forth in this subsection (c) on the effective date of this amendatory Act of the 99th General Assembly.

(Source: P.A. 98-26, eff. 6-21-13; 98-131, eff. 1-1-14; 99-713, eff. 8-5-16.)

(105 ILCS 5/19-1)

Sec. 19-1. Debt limitations of school districts.
(a) School districts shall not be subject to the provisions limiting their indebtedness prescribed in the Local Government Debt Limitation Act.

No school districts maintaining grades K through 8 or 9 through 12 shall become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate exceeding 6.9% on the value of the taxable property therein to be ascertained by the last assessment for State and county taxes or, until January 1, 1983, if greater, the sum that is produced by multiplying the school district's 1978 equalized assessed valuation by the debt limitation percentage in effect on January 1, 1979, previous to the incurring of such indebtedness.

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No school districts maintaining grades K through 12 shall become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate exceeding 13.8% on the value of the taxable property therein to be ascertained by the last assessment for State and county taxes or, until January 1, 1983, if greater, the sum that is produced by multiplying the school district's 1978 equalized assessed valuation by the debt limitation percentage in effect on January 1, 1979, previous to the incurring of such indebtedness.

No partial elementary unit district, as defined in Article 11E of this Code, shall become indebted in any manner or for any purpose in an amount, including existing indebtedness, in the aggregate exceeding 6.9% of the value of the taxable property of the entire district, to be ascertained by the last assessment for State and county taxes, plus an amount, including existing indebtedness, in the aggregate exceeding 6.9% of the value of the taxable property of that portion of the district included in the elementary and high school classification, to be ascertained by the last assessment for State and county taxes. Moreover, no partial elementary unit district, as defined in Article 11E of this Code, shall become indebted on account of bonds issued by the district for high school purposes in the aggregate exceeding 6.9% of the value of the taxable property of the entire district, to be ascertained by the last assessment for State and county taxes, nor shall the district become indebted on account of bonds issued by the district for elementary purposes in the aggregate exceeding 6.9% of the value of the taxable property for that portion of the district included in the elementary and high school classification, to be ascertained by the last assessment for State and county taxes.

Notwithstanding the provisions of any other law to the contrary, in any case in which the voters of a school district have approved a proposition for the issuance of bonds of such school district at an election held prior to January 1, 1979, and all of the bonds approved at such election have not been issued, the debt limitation applicable to such school district during the calendar year 1979 shall be computed by multiplying the value of taxable property therein, including personal property, as ascertained by the last assessment for State and county taxes, previous to the incurring of such indebtedness, by the percentage limitation applicable to such school district under the provisions of this subsection (a).

(b) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, additional indebtedness may be incurred in an amount not to exceed the estimated cost of acquiring or improving school sites or
constructing and equipping additional building facilities under the following conditions:

(1) Whenever the enrollment of students for the next school year is estimated by the board of education to increase over the actual present enrollment by not less than 35% or by not less than 200 students or the actual present enrollment of students has increased over the previous school year by not less than 35% or by not less than 200 students and the board of education determines that additional school sites or building facilities are required as a result of such increase in enrollment; and

(2) When the Regional Superintendent of Schools having jurisdiction over the school district and the State Superintendent of Education concur in such enrollment projection or increase and approve the need for such additional school sites or building facilities and the estimated cost thereof; and

(3) When the voters in the school district approve a proposition for the issuance of bonds for the purpose of acquiring or improving such needed school sites or constructing and equipping such needed additional building facilities at an election called and held for that purpose. Notice of such an election shall state that the amount of indebtedness proposed to be incurred would exceed the debt limitation otherwise applicable to the school district. The ballot for such proposition shall state what percentage of the equalized assessed valuation will be outstanding in bonds if the proposed issuance of bonds is approved by the voters; or

(4) Notwithstanding the provisions of paragraphs (1) through (3) of this subsection (b), if the school board determines that additional facilities are needed to provide a quality educational program and not less than 2/3 of those voting in an election called by the school board on the question approve the issuance of bonds for the construction of such facilities, the school district may issue bonds for this purpose; or

(5) Notwithstanding the provisions of paragraphs (1) through (3) of this subsection (b), if (i) the school district has previously availed itself of the provisions of paragraph (4) of this subsection (b) to enable it to issue bonds, (ii) the voters of the school district have not defeated a proposition for the issuance of bonds since the referendum described in paragraph (4) of this subsection (b) was held, (iii) the school board determines that

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additional facilities are needed to provide a quality educational program, and (iv) a majority of those voting in an election called by the school board on the question approve the issuance of bonds for the construction of such facilities, the school district may issue bonds for this purpose.

In no event shall the indebtedness incurred pursuant to this subsection (b) and the existing indebtedness of the school district exceed 15% of the value of the taxable property therein to be ascertained by the last assessment for State and county taxes, previous to the incurring of such indebtedness or, until January 1, 1983, if greater, the sum that is produced by multiplying the school district's 1978 equalized assessed valuation by the debt limitation percentage in effect on January 1, 1979.

The indebtedness provided for by this subsection (b) shall be in addition to and in excess of any other debt limitation.

(c) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, in any case in which a public question for the issuance of bonds of a proposed school district maintaining grades kindergarten through 12 received at least 60% of the valid ballots cast on the question at an election held on or prior to November 8, 1994, and in which the bonds approved at such election have not been issued, the school district pursuant to the requirements of Section 11A-10 (now repealed) may issue the total amount of bonds approved at such election for the purpose stated in the question.

(d) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, a school district that meets all the criteria set forth in paragraphs (1) and (2) of this subsection (d) may incur an additional indebtedness in an amount not to exceed $4,500,000, even though the amount of the additional indebtedness authorized by this subsection (d), when incurred and added to the aggregate amount of indebtedness of the district existing immediately prior to the district incurring the additional indebtedness authorized by this subsection (d), causes the aggregate indebtedness of the district to exceed the debt limitation otherwise applicable to that district under subsection (a):

(1) The additional indebtedness authorized by this subsection (d) is incurred by the school district through the issuance of bonds under and in accordance with Section 17-2.11a for the purpose of replacing a school building which, because of mine subsidence damage, has been closed as provided in paragraph (2) of this subsection (d) or through the issuance of bonds under

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and in accordance with Section 19-3 for the purpose of increasing
the size of, or providing for additional functions in, such
replacement school buildings, or both such purposes.

(2) The bonds issued by the school district as provided in
paragraph (1) above are issued for the purposes of construction by
the school district of a new school building pursuant to Section 17-
2.11, to replace an existing school building that, because of mine
subsidence damage, is closed as of the end of the 1992-93 school
year pursuant to action of the regional superintendent of schools of
the educational service region in which the district is located under
Section 3-14.22 or are issued for the purpose of increasing the size
of, or providing for additional functions in, the new school
building being constructed to replace a school building closed as
the result of mine subsidence damage, or both such purposes.

(e) (Blank).

(f) Notwithstanding the provisions of subsection (a) of this Section
or of any other law, bonds in not to exceed the aggregate amount of
$5,500,000 and issued by a school district meeting the following criteria
shall not be considered indebtedness for purposes of any statutory
limitation and may be issued in an amount or amounts, including existing
indebtedness, in excess of any heretofore or hereafter imposed statutory
limitation as to indebtedness:

(1) At the time of the sale of such bonds, the board of
education of the district shall have determined by resolution that
the enrollment of students in the district is projected to increase by
not less than 7% during each of the next succeeding 2 school years.

(2) The board of education shall also determine by
resolution that the improvements to be financed with the proceeds
of the bonds are needed because of the projected enrollment
increases.

(3) The board of education shall also determine by
resolution that the projected increases in enrollment are the result
of improvements made or expected to be made to passenger rail
facilities located in the school district.

Notwithstanding the provisions of subsection (a) of this Section or
of any other law, a school district that has availed itself of the provisions
of this subsection (f) prior to July 22, 2004 (the effective date of Public
Act 93-799) may also issue bonds approved by referendum up to an
amount, including existing indebtedness, not exceeding 25% of the

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equalized assessed value of the taxable property in the district if all of the conditions set forth in items (1), (2), and (3) of this subsection (f) are met.

(g) Notwithstanding the provisions of subsection (a) of this Section or any other law, bonds in not to exceed an aggregate amount of 25% of the equalized assessed value of the taxable property of a school district and issued by a school district meeting the criteria in paragraphs (i) through (iv) of this subsection shall not be considered indebtedness for purposes of any statutory limitation and may be issued pursuant to resolution of the school board in an amount or amounts, including existing indebtedness, in excess of any statutory limitation of indebtedness heretofore or hereafter imposed:

(i) The bonds are issued for the purpose of constructing a new high school building to replace two adjacent existing buildings which together house a single high school, each of which is more than 65 years old, and which together are located on more than 10 acres and less than 11 acres of property.

(ii) At the time the resolution authorizing the issuance of the bonds is adopted, the cost of constructing a new school building to replace the existing school building is less than 60% of the cost of repairing the existing school building.

(iii) The sale of the bonds occurs before July 1, 1997.

(iv) The school district issuing the bonds is a unit school district located in a county of less than 70,000 and more than 50,000 inhabitants, which has an average daily attendance of less than 1,500 and an equalized assessed valuation of less than $29,000,000.

(h) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1998, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 27.6% of the equalized assessed value of the taxable property in the district, if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 1995 of less than $24,000,000;

(ii) The bonds are issued for the capital improvement, renovation, rehabilitation, or replacement of existing school buildings of the district, all of which buildings were originally constructed not less than 40 years ago;
(iii) The voters of the district approve a proposition for the issuance of the bonds at a referendum held after March 19, 1996; and

(iv) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(i) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1998, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 27% of the equalized assessed value of the taxable property in the district, if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 1995 of less than $44,600,000;

(ii) The bonds are issued for the capital improvement, renovation, rehabilitation, or replacement of existing school buildings of the district, all of which existing buildings were originally constructed not less than 80 years ago;

(iii) The voters of the district approve a proposition for the issuance of the bonds at a referendum held after December 31, 1996; and

(iv) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(j) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1999, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 27% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 1995 of less than $140,000,000 and a best 3 months average daily attendance for the 1995-96 school year of at least 2,800;

(ii) The bonds are issued to purchase a site and build and equip a new high school, and the school district's existing high school was originally constructed not less than 35 years prior to the sale of the bonds;

(iii) At the time of the sale of the bonds, the board of education determines by resolution that a new high school is needed because of projected enrollment increases;

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(iv) At least 60% of those voting in an election held after December 31, 1996 approve a proposition for the issuance of the bonds; and

(v) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(k) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, a school district that meets all the criteria set forth in paragraphs (1) through (4) of this subsection (k) may issue bonds to incur an additional indebtedness in an amount not to exceed $4,000,000 even though the amount of the additional indebtedness authorized by this subsection (k), when incurred and added to the aggregate amount of indebtedness of the school district existing immediately prior to the school district incurring such additional indebtedness, causes the aggregate indebtedness of the school district to exceed or increases the amount by which the aggregate indebtedness of the district already exceeds the debt limitation otherwise applicable to that school district under subsection (a):

(1) the school district is located in 2 counties, and a referendum to authorize the additional indebtedness was approved by a majority of the voters of the school district voting on the proposition to authorize that indebtedness;

(2) the additional indebtedness is for the purpose of financing a multi-purpose room addition to the existing high school;

(3) the additional indebtedness, together with the existing indebtedness of the school district, shall not exceed 17.4% of the value of the taxable property in the school district, to be ascertained by the last assessment for State and county taxes; and

(4) the bonds evidencing the additional indebtedness are issued, if at all, within 120 days of August 14, 1998 (the effective date of Public Act 90-757).

(l) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 2000, a school district maintaining grades kindergarten through 8 may issue bonds up to an amount, including existing indebtedness, not exceeding 15% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:

(i) the district has an equalized assessed valuation for calendar year 1996 of less than $10,000,000;
(ii) the bonds are issued for capital improvement, renovation, rehabilitation, or replacement of one or more school buildings of the district, which buildings were originally constructed not less than 70 years ago;

(iii) the voters of the district approve a proposition for the issuance of the bonds at a referendum held on or after March 17, 1998; and

(iv) the bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(m) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1999, an elementary school district maintaining grades K through 8 may issue bonds up to an amount, excluding existing indebtedness, not exceeding 18% of the equalized assessed value of the taxable property in the district, if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 1995 or less than $7,700,000;

(ii) The school district operates 2 elementary attendance centers that until 1976 were operated as the attendance centers of 2 separate and distinct school districts;

(iii) The bonds are issued for the construction of a new elementary school building to replace an existing multi-level elementary school building of the school district that is not accessible at all levels and parts of which were constructed more than 75 years ago;

(iv) The voters of the school district approve a proposition for the issuance of the bonds at a referendum held after July 1, 1998; and

(v) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(n) Notwithstanding the debt limitation prescribed in subsection (a) of this Section or any other provisions of this Section or of any other law, a school district that meets all of the criteria set forth in paragraphs (i) through (vi) of this subsection (n) may incur additional indebtedness by the issuance of bonds in an amount not exceeding the amount certified by the Capital Development Board to the school district as provided in paragraph (iii) of this subsection (n), even though the amount of the additional indebtedness so authorized, when incurred and added to the aggregate amount of indebtedness of the district existing immediately prior

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to the district incurring the additional indebtedness authorized by this subsection (n), causes the aggregate indebtedness of the district to exceed the debt limitation otherwise applicable by law to that district:

(i) The school district applies to the State Board of Education for a school construction project grant and submits a district facilities plan in support of its application pursuant to Section 5-20 of the School Construction Law.

(ii) The school district's application and facilities plan are approved by, and the district receives a grant entitlement for a school construction project issued by, the State Board of Education under the School Construction Law.

(iii) The school district has exhausted its bonding capacity or the unused bonding capacity of the district is less than the amount certified by the Capital Development Board to the district under Section 5-15 of the School Construction Law as the dollar amount of the school construction project's cost that the district will be required to finance with non-grant funds in order to receive a school construction project grant under the School Construction Law.

(iv) The bonds are issued for a "school construction project", as that term is defined in Section 5-5 of the School Construction Law, in an amount that does not exceed the dollar amount certified, as provided in paragraph (iii) of this subsection (n), by the Capital Development Board to the school district under Section 5-15 of the School Construction Law.

(v) The voters of the district approve a proposition for the issuance of the bonds at a referendum held after the criteria specified in paragraphs (i) and (iii) of this subsection (n) are met.

(vi) The bonds are issued pursuant to Sections 19-2 through 19-7 of the School Code.

(o) Notwithstanding any other provisions of this Section or the provisions of any other law, until November 1, 2007, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 20% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:

(i) the school district has an equalized assessed valuation for calendar year 2001 of at least $737,000,000 and an enrollment for the 2002-2003 school year of at least 8,500;

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(ii) the bonds are issued to purchase school sites, build and equip a new high school, build and equip a new junior high school, build and equip 5 new elementary schools, and make technology and other improvements and additions to existing schools;

(iii) at the time of the sale of the bonds, the board of education determines by resolution that the sites and new or improved facilities are needed because of projected enrollment increases;

(iv) at least 57% of those voting in a general election held prior to January 1, 2003 approved a proposition for the issuance of the bonds; and

(v) the bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(p) Notwithstanding any other provisions of this Section or the provisions of any other law, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including indebtedness, not exceeding 27% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 2001 of at least $295,741,187 and a best 3 months' average daily attendance for the 2002-2003 school year of at least 2,394.

(ii) The bonds are issued to build and equip 3 elementary school buildings; build and equip one middle school building; and alter, repair, improve, and equip all existing school buildings in the district.

(iii) At the time of the sale of the bonds, the board of education determines by resolution that the project is needed because of expanding growth in the school district and a projected enrollment increase.

(iv) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(p-5) Notwithstanding any other provisions of this Section or the provisions of any other law, bonds issued by a community unit school district maintaining grades K through 12 shall not be considered indebtedness for purposes of any statutory limitation and may be issued in an amount or amounts, including existing indebtedness, in excess of any heretofore or hereafter imposed statutory limitation as to indebtedness, if all of the following conditions are met:

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(i) For each of the 4 most recent years, residential property comprises more than 80% of the equalized assessed valuation of the district.

(ii) At least 2 school buildings that were constructed 40 or more years prior to the issuance of the bonds will be demolished and will be replaced by new buildings or additions to one or more existing buildings.

(iii) Voters of the district approve a proposition for the issuance of the bonds at a regularly scheduled election.

(iv) At the time of the sale of the bonds, the school board determines by resolution that the new buildings or building additions are needed because of an increase in enrollment projected by the school board.

(v) The principal amount of the bonds, including existing indebtedness, does not exceed 25% of the equalized assessed value of the taxable property in the district.

(vi) The bonds are issued prior to January 1, 2007, pursuant to Sections 19-2 through 19-7 of this Code.

(p-10) Notwithstanding any other provisions of this Section or the provisions of any other law, bonds issued by a community consolidated school district maintaining grades K through 8 shall not be considered indebtedness for purposes of any statutory limitation and may be issued in an amount or amounts, including existing indebtedness, in excess of any heretofore or hereafter imposed statutory limitation as to indebtedness, if all of the following conditions are met:

(i) For each of the 4 most recent years, residential and farm property comprises more than 80% of the equalized assessed valuation of the district.

(ii) The bond proceeds are to be used to acquire and improve school sites and build and equip a school building.

(iii) Voters of the district approve a proposition for the issuance of the bonds at a regularly scheduled election.

(iv) At the time of the sale of the bonds, the school board determines by resolution that the school sites and building additions are needed because of an increase in enrollment projected by the school board.

(v) The principal amount of the bonds, including existing indebtedness, does not exceed 20% of the equalized assessed value of the taxable property in the district.

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(vi) The bonds are issued prior to January 1, 2007, pursuant to Sections 19-2 through 19-7 of this Code.

(p-15) In addition to all other authority to issue bonds, the Oswego Community Unit School District Number 308 may issue bonds with an aggregate principal amount not to exceed $450,000,000, but only if all of the following conditions are met:

(i) The voters of the district have approved a proposition for the bond issue at the general election held on November 7, 2006.

(ii) At the time of the sale of the bonds, the school board determines, by resolution, that: (A) the building and equipping of the new high school building, new junior high school buildings, new elementary school buildings, early childhood building, maintenance building, transportation facility, and additions to existing school buildings, the altering, repairing, equipping, and provision of technology improvements to existing school buildings, and the acquisition and improvement of school sites, as the case may be, are required as a result of a projected increase in the enrollment of students in the district; and (B) the sale of bonds for these purposes is authorized by legislation that exempts the debt incurred on the bonds from the district's statutory debt limitation.

(iii) The bonds are issued, in one or more bond issues, on or before November 7, 2011, but the aggregate principal amount issued in all such bond issues combined must not exceed $450,000,000.

(iv) The bonds are issued in accordance with this Article 19.

(v) The proceeds of the bonds are used only to accomplish those projects approved by the voters at the general election held on November 7, 2006.

The debt incurred on any bonds issued under this subsection (p-15) shall not be considered indebtedness for purposes of any statutory debt limitation.

(p-20) In addition to all other authority to issue bonds, the Lincoln-Way Community High School District Number 210 may issue bonds with an aggregate principal amount not to exceed $225,000,000, but only if all of the following conditions are met:

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(i) The voters of the district have approved a proposition for the bond issue at the general primary election held on March 21, 2006.

(ii) At the time of the sale of the bonds, the school board determines, by resolution, that: (A) the building and equipping of the new high school buildings, the altering, repairing, and equipping of existing school buildings, and the improvement of school sites, as the case may be, are required as a result of a projected increase in the enrollment of students in the district; and (B) the sale of bonds for these purposes is authorized by legislation that exempts the debt incurred on the bonds from the district's statutory debt limitation.

(iii) The bonds are issued, in one or more bond issues, on or before March 21, 2011, but the aggregate principal amount issued in all such bond issues combined must not exceed $225,000,000.

(iv) The bonds are issued in accordance with this Article 19.

(v) The proceeds of the bonds are used only to accomplish those projects approved by the voters at the primary election held on March 21, 2006.

The debt incurred on any bonds issued under this subsection (p-20) shall not be considered indebtedness for purposes of any statutory debt limitation.

(p-25) In addition to all other authority to issue bonds, Rochester Community Unit School District 3A may issue bonds with an aggregate principal amount not to exceed $18,500,000, but only if all of the following conditions are met:

(i) The voters of the district approve a proposition for the bond issuance at the general primary election held in 2008.

(ii) At the time of the sale of the bonds, the school board determines, by resolution, that: (A) the building and equipping of a new high school building; the addition of classrooms and support facilities at the high school, middle school, and elementary school; the altering, repairing, and equipping of existing school buildings; and the improvement of school sites, as the case may be, are required as a result of a projected increase in the enrollment of students in the district; and (B) the sale of bonds for these purposes is authorized by a law that exempts the debt incurred on the bonds from the district's statutory debt limitation.
(iii) The bonds are issued, in one or more bond issues, on or before December 31, 2012, but the aggregate principal amount issued in all such bond issues combined must not exceed $18,500,000.

(iv) The bonds are issued in accordance with this Article 19.

(v) The proceeds of the bonds are used to accomplish only those projects approved by the voters at the primary election held in 2008.

The debt incurred on any bonds issued under this subsection (p-25) shall not be considered indebtedness for purposes of any statutory debt limitation.

(p-30) In addition to all other authority to issue bonds, Prairie Grove Consolidated School District 46 may issue bonds with an aggregate principal amount not to exceed $30,000,000, but only if all of the following conditions are met:

(i) The voters of the district approve a proposition for the bond issuance at an election held in 2008.

(ii) At the time of the sale of the bonds, the school board determines, by resolution, that (A) the building and equipping of a new school building and additions to existing school buildings are required as a result of a projected increase in the enrollment of students in the district and (B) the altering, repairing, and equipping of existing school buildings are required because of the age of the existing school buildings.

(iii) The bonds are issued, in one or more bond issuances, on or before December 31, 2012; however, the aggregate principal amount issued in all such bond issuances combined must not exceed $30,000,000.

(iv) The bonds are issued in accordance with this Article.

(v) The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held in 2008.

The debt incurred on any bonds issued under this subsection (p-30) shall not be considered indebtedness for purposes of any statutory debt limitation.

(p-35) In addition to all other authority to issue bonds, Prairie Hill Community Consolidated School District 133 may issue bonds with an aggregate principal amount not to exceed $13,900,000, but only if all of the following conditions are met:

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(i) The voters of the district approved a proposition for the bond issuance at an election held on April 17, 2007.

(ii) At the time of the sale of the bonds, the school board determines, by resolution, that (A) the improvement of the site of and the building and equipping of a school building are required as a result of a projected increase in the enrollment of students in the district and (B) the repairing and equipping of the Prairie Hill Elementary School building is required because of the age of that school building.

(iii) The bonds are issued, in one or more bond issuances, on or before December 31, 2011, but the aggregate principal amount issued in all such bond issuances combined must not exceed $13,900,000.

(iv) The bonds are issued in accordance with this Article.

(v) The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held on April 17, 2007.

The debt incurred on any bonds issued under this subsection (p-35) shall not be considered indebtedness for purposes of any statutory debt limitation.

(p-40) In addition to all other authority to issue bonds, Mascoutah Community Unit District 19 may issue bonds with an aggregate principal amount not to exceed $55,000,000, but only if all of the following conditions are met:

1. The voters of the district approve a proposition for the bond issuance at a regular election held on or after November 4, 2008.

2. At the time of the sale of the bonds, the school board determines, by resolution, that (i) the building and equipping of a new high school building is required as a result of a projected increase in the enrollment of students in the district and the age and condition of the existing high school building, (ii) the existing high school building will be demolished, and (iii) the sale of bonds is authorized by statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.

3. The bonds are issued, in one or more bond issuances, on or before December 31, 2011, but the aggregate principal amount issued in all such bond issuances combined must not exceed $55,000,000.
(4) The bonds are issued in accordance with this Article.

(5) The proceeds of the bonds are used to accomplish only those projects approved by the voters at a regular election held on or after November 4, 2008.

The debt incurred on any bonds issued under this subsection (p-40) shall not be considered indebtedness for purposes of any statutory debt limitation.

(p-45) Notwithstanding the provisions of subsection (a) of this Section or of any other law, bonds issued pursuant to Section 19-3.5 of this Code shall not be considered indebtedness for purposes of any statutory limitation if the bonds are issued in an amount or amounts, including existing indebtedness of the school district, not in excess of 18.5% of the value of the taxable property in the district to be ascertained by the last assessment for State and county taxes.

(p-50) Notwithstanding the provisions of subsection (a) of this Section or of any other law, bonds issued pursuant to Section 19-3.10 of this Code shall not be considered indebtedness for purposes of any statutory limitation if the bonds are issued in an amount or amounts, including existing indebtedness of the school district, not in excess of 43% of the value of the taxable property in the district to be ascertained by the last assessment for State and county taxes.

(p-55) In addition to all other authority to issue bonds, Belle Valley School District 119 may issue bonds with an aggregate principal amount not to exceed $47,500,000, but only if all of the following conditions are met:

(1) The voters of the district approve a proposition for the bond issuance at an election held on or after April 7, 2009.

(2) Prior to the issuance of the bonds, the school board determines, by resolution, that (i) the building and equipping of a new school building is required as a result of mine subsidence in an existing school building and because of the age and condition of another existing school building and (ii) the issuance of bonds is authorized by statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.

(3) The bonds are issued, in one or more bond issuances, on or before March 31, 2014, but the aggregate principal amount issued in all such bond issuances combined must not exceed $47,500,000.

(4) The bonds are issued in accordance with this Article.

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The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held on or after April 7, 2009.

The debt incurred on any bonds issued under this subsection (p-55) shall not be considered indebtedness for purposes of any statutory debt limitation. Bonds issued under this subsection (p-55) must mature within not to exceed 30 years from their date, notwithstanding any other law to the contrary.

In addition to all other authority to issue bonds, Wilmington Community Unit School District Number 209-U may issue bonds with an aggregate principal amount not to exceed $2,285,000, but only if all of the following conditions are met:

1. The proceeds of the bonds are used to accomplish only those projects approved by the voters at the general primary election held on March 21, 2006.
2. Prior to the issuance of the bonds, the school board determines, by resolution, that (i) the projects approved by the voters were and are required because of the age and condition of the school district's prior and existing school buildings and (ii) the issuance of the bonds is authorized by legislation that exempts the debt incurred on the bonds from the district's statutory debt limitation.
3. The bonds are issued in one or more bond issuances on or before March 1, 2011, but the aggregate principal amount issued in all those bond issuances combined must not exceed $2,285,000.
4. The bonds are issued in accordance with this Article.

The debt incurred on any bonds issued under this subsection (p-60) shall not be considered indebtedness for purposes of any statutory debt limitation.

In addition to all other authority to issue bonds, West Washington County Community Unit School District 10 may issue bonds with an aggregate principal amount not to exceed $32,200,000 and maturing over a period not exceeding 25 years, but only if all of the following conditions are met:

1. The voters of the district approve a proposition for the bond issuance at an election held on or after February 2, 2010.
2. Prior to the issuance of the bonds, the school board determines, by resolution, that (A) all or a portion of the existing Okawville Junior/Senior High School Building will be demolished;

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(B) the building and equipping of a new school building to be attached to and the alteration, repair, and equipping of the remaining portion of the Okawville Junior/Senior High School Building is required because of the age and current condition of that school building; and (C) the issuance of bonds is authorized by a statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.

(3) The bonds are issued, in one or more bond issuances, on or before March 31, 2014, but the aggregate principal amount issued in all such bond issuances combined must not exceed $32,200,000.

(4) The bonds are issued in accordance with this Article.

(5) The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held on or after February 2, 2010.

The debt incurred on any bonds issued under this subsection (p-65) shall not be considered indebtedness for purposes of any statutory debt limitation.

(p-70) In addition to all other authority to issue bonds, Cahokia Community Unit School District 187 may issue bonds with an aggregate principal amount not to exceed $50,000,000, but only if all the following conditions are met:

(1) The voters of the district approve a proposition for the bond issuance at an election held on or after November 2, 2010.

(2) Prior to the issuance of the bonds, the school board determines, by resolution, that (i) the building and equipping of a new school building is required as a result of the age and condition of an existing school building and (ii) the issuance of bonds is authorized by a statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.

(3) The bonds are issued, in one or more issuances, on or before July 1, 2016, but the aggregate principal amount issued in all such bond issuances combined must not exceed $50,000,000.

(4) The bonds are issued in accordance with this Article.

(5) The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held on or after November 2, 2010.

The debt incurred on any bonds issued under this subsection (p-70) shall not be considered indebtedness for purposes of any statutory debt limitation.
limitation. Bonds issued under this subsection (p-70) must mature within not to exceed 25 years from their date, notwithstanding any other law, including Section 19-3 of this Code, to the contrary.

(p-75) Notwithstanding the debt limitation prescribed in subsection (a) of this Section or any other provisions of this Section or of any other law, the execution of leases on or after January 1, 2007 and before July 1, 2011 by the Board of Education of Peoria School District 150 with a public building commission for leases entered into pursuant to the Public Building Commission Act shall not be considered indebtedness for purposes of any statutory debt limitation.

This subsection (p-75) applies only if the State Board of Education or the Capital Development Board makes one or more grants to Peoria School District 150 pursuant to the School Construction Law. The amount exempted from the debt limitation as prescribed in this subsection (p-75) shall be no greater than the amount of one or more grants awarded to Peoria School District 150 by the State Board of Education or the Capital Development Board.

(p-80) In addition to all other authority to issue bonds, Ridgeland School District 122 may issue bonds with an aggregate principal amount not to exceed $50,000,000 for the purpose of refunding or continuing to refund bonds originally issued pursuant to voter approval at the general election held on November 7, 2000, and the debt incurred on any bonds issued under this subsection (p-80) shall not be considered indebtedness for purposes of any statutory debt limitation. Bonds issued under this subsection (p-80) may be issued in one or more issuances and must mature within not to exceed 25 years from their date, notwithstanding any other law, including Section 19-3 of this Code, to the contrary.

(p-85) In addition to all other authority to issue bonds, Hall High School District 502 may issue bonds with an aggregate principal amount not to exceed $32,000,000, but only if all the following conditions are met:

(1) The voters of the district approve a proposition for the bond issuance at an election held on or after April 9, 2013.

(2) Prior to the issuance of the bonds, the school board determines, by resolution, that (i) the building and equipping of a new school building is required as a result of the age and condition of an existing school building, (ii) the existing school building should be demolished in its entirety or the existing school building should be demolished except for the 1914 west wing of the building, and (iii) the issuance of bonds is authorized by a statute.
that exempts the debt incurred on the bonds from the district's statutory debt limitation.

(3) The bonds are issued, in one or more issuances, not later than 5 years after the date of the referendum approving the issuance of the bonds, but the aggregate principal amount issued in all such bond issuances combined must not exceed $32,000,000.

(4) The bonds are issued in accordance with this Article.

(5) The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held on or after April 9, 2013.

The debt incurred on any bonds issued under this subsection (p-85) shall not be considered indebtedness for purposes of any statutory debt limitation. Bonds issued under this subsection (p-85) must mature within not to exceed 30 years from their date, notwithstanding any other law, including Section 19-3 of this Code, to the contrary.

(p-90) In addition to all other authority to issue bonds, Lebanon Community Unit School District 9 may issue bonds with an aggregate principal amount not to exceed $7,500,000, but only if all of the following conditions are met:

(1) The voters of the district approved a proposition for the bond issuance at the general primary election on February 2, 2010.

(2) At or prior to the time of the sale of the bonds, the school board determines, by resolution, that (i) the building and equipping of a new elementary school building is required as a result of a projected increase in the enrollment of students in the district and the age and condition of the existing Lebanon Elementary School building, (ii) a portion of the existing Lebanon Elementary School building will be demolished and the remaining portion will be altered, repaired, and equipped, and (iii) the sale of bonds is authorized by a statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.

(3) The bonds are issued, in one or more bond issuances, on or before April 1, 2014, but the aggregate principal amount issued in all such bond issuances combined must not exceed $7,500,000.

(4) The bonds are issued in accordance with this Article.

(5) The proceeds of the bonds are used to accomplish only those projects approved by the voters at the general primary election held on February 2, 2010.

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The debt incurred on any bonds issued under this subsection (p-90) shall not be considered indebtedness for purposes of any statutory debt limitation.

(p-95) In addition to all other authority to issue bonds, Monticello Community Unit School District 25 may issue bonds with an aggregate principal amount not to exceed $35,000,000, but only if all of the following conditions are met:

1. The voters of the district approve a proposition for the bond issuance at an election held on or after November 4, 2014.
2. Prior to the issuance of the bonds, the school board determines, by resolution, that (i) the building and equipping of a new school building is required as a result of the age and condition of an existing school building and (ii) the issuance of bonds is authorized by a statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.
3. The bonds are issued, in one or more issuances, on or before July 1, 2020, but the aggregate principal amount issued in all such bond issuances combined must not exceed $35,000,000.
4. The bonds are issued in accordance with this Article.
5. The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held on or after November 4, 2014.

The debt incurred on any bonds issued under this subsection (p-95) shall not be considered indebtedness for purposes of any statutory debt limitation. Bonds issued under this subsection (p-95) must mature within not to exceed 25 years from their date, notwithstanding any other law, including Section 19-3 of this Code, to the contrary.

(p-100) In addition to all other authority to issue bonds, the community unit school district created in the territory comprising Milford Community Consolidated School District 280 and Milford Township High School District 233, as approved at the general primary election held on March 18, 2014, may issue bonds with an aggregate principal amount not to exceed $17,500,000, but only if all the following conditions are met:

1. The voters of the district approve a proposition for the bond issuance at an election held on or after November 4, 2014.
2. Prior to the issuance of the bonds, the school board determines, by resolution, that (i) the building and equipping of a new school building is required as a result of the age and condition of an existing school building and (ii) the issuance of bonds is...
authorized by a statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.

(3) The bonds are issued, in one or more issuances, on or before July 1, 2020, but the aggregate principal amount issued in all such bond issuances combined must not exceed $17,500,000.

(4) The bonds are issued in accordance with this Article.

(5) The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held on or after November 4, 2014.

The debt incurred on any bonds issued under this subsection (p-100) shall not be considered indebtedness for purposes of any statutory debt limitation. Bonds issued under this subsection (p-100) must mature within not to exceed 25 years from their date, notwithstanding any other law, including Section 19-3 of this Code, to the contrary.

(p-105) In addition to all other authority to issue bonds, North Shore School District 112 may issue bonds with an aggregate principal amount not to exceed $150,000,000, but only if all of the following conditions are met:

(1) The voters of the district approve a proposition for the bond issuance at an election held on or after March 15, 2016.

(2) Prior to the issuance of the bonds, the school board determines, by resolution, that (i) the building and equipping of new buildings and improving the sites thereof and the building and equipping of additions to, altering, repairing, equipping, and renovating existing buildings and improving the sites thereof are required as a result of the age and condition of the district's existing buildings and (ii) the issuance of bonds is authorized by a statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.

(3) The bonds are issued, in one or more issuances, not later than 5 years after the date of the referendum approving the issuance of the bonds, but the aggregate principal amount issued in all such bond issuances combined must not exceed $150,000,000.

(4) The bonds are issued in accordance with this Article.

(5) The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held on or after March 15, 2016.

The debt incurred on any bonds issued under this subsection (p-105) and on any bonds issued to refund or continue to refund such bonds

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shall not be considered indebtedness for purposes of any statutory debt limitation. Bonds issued under this subsection (p-105) and any bonds issued to refund or continue to refund such bonds must mature within not to exceed 30 years from their date, notwithstanding any other law, including Section 19-3 of this Code, to the contrary.

(p-110) In addition to all other authority to issue bonds, Sandoval Community Unit School District 501 may issue bonds with an aggregate principal amount not to exceed $2,000,000, but only if all of the following conditions are met:

1. The voters of the district approved a proposition for the bond issuance at an election held on March 20, 2012.
2. Prior to the issuance of the bonds, the school board determines, by resolution, that (i) the building and equipping of a new school building is required because of the age and current condition of the Sandoval Elementary School building and (ii) the issuance of bonds is authorized by a statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.
3. The bonds are issued, in one or more bond issuances, on or before March 19, 2017, but the aggregate principal amount issued in all such bond issuances combined must not exceed $2,000,000.
4. The bonds are issued in accordance with this Article.
5. The proceeds of the bonds are used to accomplish only those projects approved by the voters at the election held on March 20, 2012.

The debt incurred on any bonds issued under this subsection (p-110) and any bonds issued to refund or continue to refund the bonds shall not be considered indebtedness for purposes of any statutory debt limitation.

(p-115) In addition to all other authority to issue bonds, Bureau Valley Community Unit School District 340 may issue bonds with an aggregate principal amount not to exceed $25,000,000, but only if all of the following conditions are met:

1. The voters of the district approve a proposition for the bond issuance at an election held on or after March 15, 2016.
2. Prior to the issuances of the bonds, the school board determines, by resolution, that (i) the renovating and equipping of some existing school buildings, the building and equipping of new school buildings, and the demolishing of some existing school

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buildings are required as a result of the age and condition of existing school buildings and (ii) the issuance of bonds is authorized by a statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.

(3) The bonds are issued, in one or more issuances, on or before July 1, 2021, but the aggregate principal amount issued in all such bond issuances combined must not exceed $25,000,000.

(4) The bonds are issued in accordance with this Article.

(5) The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held on or after March 15, 2016.

The debt incurred on any bonds issued under this subsection (p-115) shall not be considered indebtedness for purposes of any statutory debt limitation. Bonds issued under this subsection (p-115) must mature within not to exceed 30 years from their date, notwithstanding any other law, including Section 19-3 of this Code, to the contrary.

(p-120) In addition to all other authority to issue bonds, Paxton-Buckley-Loda Community Unit School District 10 may issue bonds with an aggregate principal amount not to exceed $28,500,000, but only if all the following conditions are met:

(1) The voters of the district approve a proposition for the bond issuance at an election held on or after November 8, 2016.

(2) Prior to the issuance of the bonds, the school board determines, by resolution, that (i) the projects as described in said proposition, relating to the building and equipping of one or more school buildings or additions to existing school buildings, are required as a result of the age and condition of the District's existing buildings and (ii) the issuance of bonds is authorized by a statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.

(3) The bonds are issued, in one or more issuances, not later than 5 years after the date of the referendum approving the issuance of the bonds, but the aggregate principal amount issued in all such bond issuances combined must not exceed $28,500,000.

(4) The bonds are issued in accordance with this Article.

(5) The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held on or after November 8, 2016.

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The debt incurred on any bonds issued under this subsection (p-120) and on any bonds issued to refund or continue to refund such bonds shall not be considered indebtedness for purposes of any statutory debt limitation. Bonds issued under this subsection (p-120) and any bonds issued to refund or continue to refund such bonds must mature within not to exceed 25 years from their date, notwithstanding any other law, including Section 19-3 of this Code, to the contrary.

(p-125) In addition to all other authority to issue bonds, Hillsboro Community Unit School District 3 may issue bonds with an aggregate principal amount not to exceed $34,500,000, but only if all the following conditions are met:

1. The voters of the district approve a proposition for the bond issuance at an election held on or after March 15, 2016.
2. Prior to the issuance of the bonds, the school board determines, by resolution, that (i) altering, repairing, and equipping the high school agricultural/vocational building, demolishing the high school main, cafeteria, and gym buildings, building and equipping a school building, and improving sites are required as a result of the age and condition of the district's existing buildings and (ii) the issuance of bonds is authorized by a statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.
3. The bonds are issued, in one or more issuances, not later than 5 years after the date of the referendum approving the issuance of the bonds, but the aggregate principal amount issued in all such bond issuances combined must not exceed $34,500,000.
4. The bonds are issued in accordance with this Article.
5. The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held on or after March 15, 2016.

The debt incurred on any bonds issued under this subsection (p-125) and on any bonds issued to refund or continue to refund such bonds shall not be considered indebtedness for purposes of any statutory debt limitation. Bonds issued under this subsection (p-125) and any bonds issued to refund or continue to refund such bonds must mature within not to exceed 25 years from their date, notwithstanding any other law, including Section 19-3 of this Code, to the contrary.

(q) A school district must notify the State Board of Education prior to issuing any form of long-term or short-term debt that will result in

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outstanding debt that exceeds 75% of the debt limit specified in this Section or any other provision of law.
(Source: P.A. 98-617, eff. 1-7-14; 98-912, eff. 8-15-14; 98-916, eff. 8-15-14; 99-78, eff. 7-20-15; 99-143, eff. 7-27-15; 99-390, eff. 8-18-15; 99-642, eff. 7-28-16; 99-735, eff. 8-5-16.)

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

Passed in the General Assembly December 1, 2016.
Effective January 20, 2017.

PUBLIC ACT 99-0927
(Senate Bill No. 0565)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Sections 27-8.1 and 27A-5 as follows:

(105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)
Sec. 27-8.1. Health examinations and immunizations.

(1) In compliance with rules and regulations which the Department of Public Health shall promulgate, and except as hereinafter provided, all children in Illinois shall have a health examination as follows: within one year prior to entering kindergarten or the first grade of any public, private, or parochial elementary school; upon entering the sixth and ninth grades of any public, private, or parochial school; prior to entrance into any public, private, or parochial nursery school; and, irrespective of grade, immediately prior to or upon entrance into any public, private, or parochial school or nursery school, each child shall present proof of having been examined in accordance with this Section and the rules and regulations promulgated hereunder. Any child who received a health examination within one year prior to entering the fifth grade for the 2007-2008 school year is not required to receive an additional health examination in order to comply with the provisions of Public Act 95-422 when he or she attends school for the 2008-2009 school year, unless the child is attending school for the first time as provided in this paragraph.

A tuberculosis skin test screening shall be included as a required part of each health examination included under this Section if the child

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resides in an area designated by the Department of Public Health as having a high incidence of tuberculosis. Additional health examinations of pupils, including eye examinations, may be required when deemed necessary by school authorities. Parents are encouraged to have their children undergo eye examinations at the same points in time required for health examinations.

(1.5) In compliance with rules adopted by the Department of Public Health and except as otherwise provided in this Section, all children in kindergarten and the second and sixth grades of any public, private, or parochial school shall have a dental examination. Each of these children shall present proof of having been examined by a dentist in accordance with this Section and rules adopted under this Section before May 15th of the school year. If a child in the second or sixth grade fails to present proof by May 15th, the school may hold the child's report card until one of the following occurs: (i) the child presents proof of a completed dental examination or (ii) the child presents proof that a dental examination will take place within 60 days after May 15th. The Department of Public Health shall establish, by rule, a waiver for children who show an undue burden or a lack of access to a dentist. Each public, private, and parochial school must give notice of this dental examination requirement to the parents and guardians of students at least 60 days before May 15th of each school year.

(1.10) Except as otherwise provided in this Section, all children enrolling in kindergarten in a public, private, or parochial school on or after the effective date of this amendatory Act of the 95th General Assembly and any student enrolling for the first time in a public, private, or parochial school on or after the effective date of this amendatory Act of the 95th General Assembly shall have an eye examination. Each of these children shall present proof of having been examined by a physician licensed to practice medicine in all of its branches or a licensed optometrist within the previous year, in accordance with this Section and rules adopted under this Section, before October 15th of the school year. If the child fails to present proof by October 15th, the school may hold the child's report card until one of the following occurs: (i) the child presents proof of a completed eye examination or (ii) the child presents proof that an eye examination will take place within 60 days after October 15th. The Department of Public Health shall establish, by rule, a waiver for children who show an undue burden or a lack of access to a physician licensed to practice medicine in all of its branches who provides eye examinations or

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to a licensed optometrist. Each public, private, and parochial school must
give notice of this eye examination requirement to the parents and
guardians of students in compliance with rules of the Department of Public
Health. Nothing in this Section shall be construed to allow a school to
exclude a child from attending because of a parent's or guardian's failure to
obtain an eye examination for the child.

(2) The Department of Public Health shall promulgate rules and
regulations specifying the examinations and procedures that constitute a
health examination, which shall include an age-appropriate
developmental screening, an age-appropriate social and emotional
screening, and the collection of data relating to obesity (including at a
minimum, date of birth, gender, height, weight, blood pressure, and date of
exam), and a dental examination and may recommend by rule that certain
additional examinations be performed. The rules and regulations of the
Department of Public Health shall specify that a tuberculosis skin test
screening shall be included as a required part of each health examination
included under this Section if the child resides in an area designated by the
Department of Public Health as having a high incidence of tuberculosis.
With respect to the developmental screening and the social and emotional
screening, the Department of Public Health must develop rules and
appropriate revisions to the Child Health Examination form in
conjunction with a statewide organization representing school boards; a
statewide organization representing pediatricians; statewide
organizations representing individuals holding Illinois educator licenses
with school support personnel endorsements, including school social
workers, school psychologists, and school nurses; a statewide
organization representing children's mental health experts; a statewide
organization representing school principals; the Director of Healthcare
and Family Services or his or her designee, the State Superintendent of
Education or his or her designee; and representatives of other appropriate
State agencies and, at a minimum, must recommend the use of validated
screening tools appropriate to the child's age or grade, and, with regard
to the social and emotional screening, require recording only whether or
not the screening was completed. The rules shall take into consideration
the screening recommendations of the American Academy of Pediatrics
and must be consistent with the State Board of Education's social and
emotional learning standards. The Department of Public Health shall
specify that a diabetes screening as defined by rule shall be included as a
required part of each health examination. Diabetes testing is not required.

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Physicians licensed to practice medicine in all of its branches, licensed advanced practice nurses, or licensed physician assistants shall be responsible for the performance of the health examinations, other than dental examinations, eye examinations, and vision and hearing screening, and shall sign all report forms required by subsection (4) of this Section that pertain to those portions of the health examination for which the physician, advanced practice nurse, or physician assistant is responsible. If a registered nurse performs any part of a health examination, then a physician licensed to practice medicine in all of its branches must review and sign all required report forms. Licensed dentists shall perform all dental examinations and shall sign all report forms required by subsection (4) of this Section that pertain to the dental examinations. Physicians licensed to practice medicine in all its branches or licensed optometrists shall perform all eye examinations required by this Section and shall sign all report forms required by subsection (4) of this Section that pertain to the eye examination. For purposes of this Section, an eye examination shall at a minimum include history, visual acuity, subjective refraction to best visual acuity near and far, internal and external examination, and a glaucoma evaluation, as well as any other tests or observations that in the professional judgment of the doctor are necessary. Vision and hearing screening tests, which shall not be considered examinations as that term is used in this Section, shall be conducted in accordance with rules and regulations of the Department of Public Health, and by individuals whom the Department of Public Health has certified. In these rules and regulations, the Department of Public Health shall require that individuals conducting vision screening tests give a child's parent or guardian written notification, before the vision screening is conducted, that states, "Vision screening is not a substitute for a complete eye and vision evaluation by an eye doctor. Your child is not required to undergo this vision screening if an optometrist or ophthalmologist has completed and signed a report form indicating that an examination has been administered within the previous 12 months."

(2.5) With respect to the developmental screening and the social and emotional screening portion of the health examination, each child may present proof of having been screened in accordance with this Section and the rules adopted under this Section before October 15th of the school year. With regard to the social and emotional screening only, the examining health care provider shall only record whether or not the screening was completed. If the child fails to present proof of the

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developmental screening or the social and emotional screening portions of the health examination by October 15th of the school year, qualified school support personnel may, with a parent's or guardian's consent, offer the developmental screening or the social and emotional screening to the child. Each public, private, and parochial school must give notice of the developmental screening and social and emotional screening requirements to the parents and guardians of students in compliance with the rules of the Department of Public Health. Nothing in this Section shall be construed to allow a school to exclude a child from attending because of a parent's or guardian's failure to obtain a developmental screening or a social and emotional screening for the child. Once a developmental screening or a social and emotional screening is completed and proof has been presented to the school, the school may, with a parent's or guardian's consent, make available appropriate school personnel to work with the parent or guardian, the child, and the provider who signed the screening form to obtain any appropriate evaluations and services as indicated on the form and in other information and documentation provided by the parents, guardians, or provider.

(3) Every child shall, at or about the same time as he or she receives a health examination required by subsection (1) of this Section, present to the local school proof of having received such immunizations against preventable communicable diseases as the Department of Public Health shall require by rules and regulations promulgated pursuant to this Section and the Communicable Disease Prevention Act.

(4) The individuals conducting the health examination, dental examination, or eye examination shall record the fact of having conducted the examination, and such additional information as required, including for a health examination data relating to obesity (including at a minimum, date of birth, gender, height, weight, blood pressure, and date of exam), on uniform forms which the Department of Public Health and the State Board of Education shall prescribe for statewide use. The examiner shall summarize on the report form any condition that he or she suspects indicates a need for special services, including for a health examination factors relating to obesity. The duty to summarize on the report form does not apply to social and emotional screenings. The confidentiality of the information and records relating to the developmental screening and the social and emotional screening shall be determined by the statutes, rules, and professional ethics governing the type of provider conducting the screening. The individuals confirming the administration of required

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immunizations shall record as indicated on the form that the immunizations were administered.

(5) If a child does not submit proof of having had either the health examination or the immunization as required, then the child shall be examined or receive the immunization, as the case may be, and present proof by October 15 of the current school year, or by an earlier date of the current school year established by a school district. To establish a date before October 15 of the current school year for the health examination or immunization as required, a school district must give notice of the requirements of this Section 60 days prior to the earlier established date. If for medical reasons one or more of the required immunizations must be given after October 15 of the current school year, or after an earlier established date of the current school year, then the child shall present, by October 15, or by the earlier established date, a schedule for the administration of the immunizations and a statement of the medical reasons causing the delay, both the schedule and the statement being issued by the physician, advanced practice nurse, physician assistant, registered nurse, or local health department that will be responsible for administration of the remaining required immunizations. If a child does not comply by October 15, or by the earlier established date of the current school year, with the requirements of this subsection, then the local school authority shall exclude that child from school until such time as the child presents proof of having had the health examination as required and presents proof of having received those required immunizations which are medically possible to receive immediately. During a child's exclusion from school for noncompliance with this subsection, the child's parents or legal guardian shall be considered in violation of Section 26-1 and subject to any penalty imposed by Section 26-10. This subsection (5) does not apply to dental examinations, and eye examinations, and the developmental screening and the social and emotional screening portions of the health examination. If the student is an out-of-state transfer student and does not have the proof required under this subsection (5) before October 15 of the current year or whatever date is set by the school district, then he or she may only attend classes (i) if he or she has proof that an appointment for the required vaccinations has been scheduled with a party authorized to submit proof of the required vaccinations. If the proof of vaccination required under this subsection (5) is not submitted within 30 days after the student is permitted to attend classes, then the student is not to be permitted to attend classes until proof of the vaccinations has been

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properly submitted. No school district or employee of a school district shall be held liable for any injury or illness to another person that results from admitting an out-of-state transfer student to class that has an appointment scheduled pursuant to this subsection (5).

(6) Every school shall report to the State Board of Education by November 15, in the manner which that agency shall require, the number of children who have received the necessary immunizations and the health examination (other than a dental examination or eye examination) as required, indicating, of those who have not received the immunizations and examination as required, the number of children who are exempt from health examination and immunization requirements on religious or medical grounds as provided in subsection (8). On or before December 1 of each year, every public school district and registered nonpublic school shall make publicly available the immunization data they are required to submit to the State Board of Education by November 15. The immunization data made publicly available must be identical to the data the school district or school has reported to the State Board of Education.

Every school shall report to the State Board of Education by June 30, in the manner that the State Board requires, the number of children who have received the required dental examination, indicating, of those who have not received the required dental examination, the number of children who are exempt from the dental examination on religious grounds as provided in subsection (8) of this Section and the number of children who have received a waiver under subsection (1.5) of this Section.

Every school shall report to the State Board of Education by June 30, in the manner that the State Board requires, the number of children who have received the required eye examination, indicating, of those who have not received the required eye examination, the number of children who are exempt from the eye examination as provided in subsection (8) of this Section, the number of children who have received a waiver under subsection (1.10) of this Section, and the total number of children in noncompliance with the eye examination requirement.

The reported information under this subsection (6) shall be provided to the Department of Public Health by the State Board of Education.

(7) Upon determining that the number of pupils who are required to be in compliance with subsection (5) of this Section is below 90% of the number of pupils enrolled in the school district, 10% of each State aid payment made pursuant to Section 18-8.05 to the school district for such
year may be withheld by the State Board of Education until the number of students in compliance with subsection (5) is the applicable specified percentage or higher.

(8) Children of parents or legal guardians who object to health, dental, or eye examinations or any part thereof, to immunizations, or to vision and hearing screening tests on religious grounds shall not be required to undergo the examinations, tests, or immunizations to which they so object if such parents or legal guardians present to the appropriate local school authority a signed Certificate of Religious Exemption detailing the grounds for objection and the specific immunizations, tests, or examinations to which they object. The grounds for objection must set forth the specific religious belief that conflicts with the examination, test, immunization, or other medical intervention. The signed certificate shall also reflect the parent's or legal guardian's understanding of the school's exclusion policies in the case of a vaccine-preventable disease outbreak or exposure. The certificate must also be signed by the authorized examining health care provider responsible for the performance of the child's health examination confirming that the provider provided education to the parent or legal guardian on the benefits of immunization and the health risks to the student and to the community of the communicable diseases for which immunization is required in this State. However, the health care provider's signature on the certificate reflects only that education was provided and does not allow a health care provider grounds to determine a religious exemption. Those receiving immunizations required under this Code shall be provided with the relevant vaccine information statements that are required to be disseminated by the federal National Childhood Vaccine Injury Act of 1986, which may contain information on circumstances when a vaccine should not be administered, prior to administering a vaccine. A healthcare provider may consider including without limitation the nationally accepted recommendations from federal agencies such as the Advisory Committee on Immunization Practices, the information outlined in the relevant vaccine information statement, and vaccine package inserts, along with the healthcare provider's clinical judgment, to determine whether any child may be more susceptible to experiencing an adverse vaccine reaction than the general population, and, if so, the healthcare provider may exempt the child from an immunization or adopt an individualized immunization schedule. The Certificate of Religious Exemption shall be created by the Department of Public Health and shall be made available and used by parents and legal guardians by the
beginning of the 2015-2016 school year. Parents or legal guardians must submit the Certificate of Religious Exemption to their local school authority prior to entering kindergarten, sixth grade, and ninth grade for each child for which they are requesting an exemption. The religious objection stated need not be directed by the tenets of an established religious organization. However, general philosophical or moral reluctance to allow physical examinations, eye examinations, immunizations, vision and hearing screenings, or dental examinations does not provide a sufficient basis for an exception to statutory requirements. The local school authority is responsible for determining if the content of the Certificate of Religious Exemption constitutes a valid religious objection. The local school authority shall inform the parent or legal guardian of exclusion procedures, in accordance with the Department's rules under Part 690 of Title 77 of the Illinois Administrative Code, at the time the objection is presented.

If the physical condition of the child is such that any one or more of the immunizing agents should not be administered, the examining physician, advanced practice nurse, or physician assistant responsible for the performance of the health examination shall endorse that fact upon the health examination form.

Exempting a child from the health, dental, or eye examination does not exempt the child from participation in the program of physical education training provided in Sections 27-5 through 27-7 of this Code.

(9) For the purposes of this Section, "nursery schools" means those nursery schools operated by elementary school systems or secondary level school units or institutions of higher learning.

(Source: P.A. 98-673, eff. 6-30-14; 99-173, eff. 7-29-15; 99-249, eff. 8-3-15; 99-642, eff. 7-28-16.)

(105 ILCS 5/27A-5)

Sec. 27A-5. Charter school; legal entity; requirements.

(a) A charter school shall be a public, nonsectarian, nonreligious, non-home based, and non-profit school. A charter school shall be organized and operated as a nonprofit corporation or other discrete, legal, nonprofit entity authorized under the laws of the State of Illinois.

(b) A charter school may be established under this Article by creating a new school or by converting an existing public school or attendance center to charter school status. Beginning on April 16, 2003 (the effective date of Public Act 93-3), in all new applications to establish a charter school in a city having a population exceeding 500,000, operation
of the charter school shall be limited to one campus. The changes made to this Section by Public Act 93-3 do not apply to charter schools existing or approved on or before April 16, 2003 (the effective date of Public Act 93-3).

(b-5) In this subsection (b-5), "virtual-schooling" means a cyber school where students engage in online curriculum and instruction via the Internet and electronic communication with their teachers at remote locations and with students participating at different times.

From April 1, 2013 through December 31, 2016, there is a moratorium on the establishment of charter schools with virtual-schooling components in school districts other than a school district organized under Article 34 of this Code. This moratorium does not apply to a charter school with virtual-schooling components existing or approved prior to April 1, 2013 or to the renewal of the charter of a charter school with virtual-schooling components already approved prior to April 1, 2013.

On or before March 1, 2014, the Commission shall submit to the General Assembly a report on the effect of virtual-schooling, including without limitation the effect on student performance, the costs associated with virtual-schooling, and issues with oversight. The report shall include policy recommendations for virtual-schooling.

(c) A charter school shall be administered and governed by its board of directors or other governing body in the manner provided in its charter. The governing body of a charter school shall be subject to the Freedom of Information Act and the Open Meetings Act.

(d) For purposes of this subsection (d), "non-curricular health and safety requirement" means any health and safety requirement created by statute or rule to provide, maintain, preserve, or safeguard safe or healthful conditions for students and school personnel or to eliminate, reduce, or prevent threats to the health and safety of students and school personnel. "Non-curricular health and safety requirement" does not include any course of study or specialized instructional requirement for which the State Board has established goals and learning standards or which is designed primarily to impart knowledge and skills for students to master and apply as an outcome of their education.

A charter school shall comply with all non-curricular health and safety requirements applicable to public schools under the laws of the State of Illinois. On or before September 1, 2015, the State Board shall promulgate and post on its Internet website a list of non-curricular health and safety requirements that a charter school must meet. The list shall be
updated annually no later than September 1. Any charter contract between a charter school and its authorizer must contain a provision that requires the charter school to follow the list of all non-curricular health and safety requirements promulgated by the State Board and any non-curricular health and safety requirements added by the State Board to such list during the term of the charter. Nothing in this subsection (d) precludes an authorizer from including non-curricular health and safety requirements in a charter school contract that are not contained in the list promulgated by the State Board, including non-curricular health and safety requirements of the authorizing local school board.

(e) Except as otherwise provided in the School Code, a charter school shall not charge tuition; provided that a charter school may charge reasonable fees for textbooks, instructional materials, and student activities.

(f) A charter school shall be responsible for the management and operation of its fiscal affairs including, but not limited to, the preparation of its budget. An audit of each charter school's finances shall be conducted annually by an outside, independent contractor retained by the charter school. To ensure financial accountability for the use of public funds, on or before December 1 of every year of operation, each charter school shall submit to its authorizer and the State Board a copy of its audit and a copy of the Form 990 the charter school filed that year with the federal Internal Revenue Service. In addition, if deemed necessary for proper financial oversight of the charter school, an authorizer may require quarterly financial statements from each charter school.

(g) A charter school shall comply with all provisions of this Article, the Illinois Educational Labor Relations Act, all federal and State laws and rules applicable to public schools that pertain to special education and the instruction of English learners, and its charter. A charter school is exempt from all other State laws and regulations in this Code governing public schools and local school board policies; however, a charter school is not exempt from the following:

(1) Sections 10-21.9 and 34-18.5 of this Code regarding criminal history records checks and checks of the Statewide Sex Offender Database and Statewide Murderer and Violent Offender Against Youth Database of applicants for employment;

(2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and 34-84a of this Code regarding discipline of students;

New matter indicated by italics - deletions by strikeout
(3) the Local Governmental and Governmental Employees Tort Immunity Act;
(4) Section 108.75 of the General Not For Profit Corporation Act of 1986 regarding indemnification of officers, directors, employees, and agents;
(5) the Abused and Neglected Child Reporting Act;
(6) the Illinois School Student Records Act;
(7) Section 10-17a of this Code regarding school report cards;
(8) the P-20 Longitudinal Education Data System Act;
(9) Section 27-23.7 of this Code regarding bullying prevention;
(10) Section 2-3.162 of this Code regarding student discipline reporting; and
(11) Sections Section 22-80 and 27-8.1 of this Code.

The change made by Public Act 96-104 to this subsection (g) is declaratory of existing law.

(h) A charter school may negotiate and contract with a school district, the governing body of a State college or university or public community college, or any other public or for-profit or nonprofit private entity for: (i) the use of a school building and grounds or any other real property or facilities that the charter school desires to use or convert for use as a charter school site, (ii) the operation and maintenance thereof, and (iii) the provision of any service, activity, or undertaking that the charter school is required to perform in order to carry out the terms of its charter. However, a charter school that is established on or after April 16, 2003 (the effective date of Public Act 93-3) and that operates in a city having a population exceeding 500,000 may not contract with a for-profit entity to manage or operate the school during the period that commences on April 16, 2003 (the effective date of Public Act 93-3) and concludes at the end of the 2004-2005 school year. Except as provided in subsection (i) of this Section, a school district may charge a charter school reasonable rent for the use of the district's buildings, grounds, and facilities. Any services for which a charter school contracts with a school district shall be provided by the district at cost. Any services for which a charter school contracts with a local school board or with the governing body of a State college or university or public community college shall be provided by the public entity at cost.

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(i) In no event shall a charter school that is established by converting an existing school or attendance center to charter school status be required to pay rent for space that is deemed available, as negotiated and provided in the charter agreement, in school district facilities. However, all other costs for the operation and maintenance of school district facilities that are used by the charter school shall be subject to negotiation between the charter school and the local school board and shall be set forth in the charter.

(j) A charter school may limit student enrollment by age or grade level.

(k) If the charter school is approved by the Commission, then the Commission charter school is its own local education agency.

(Source: P.A. 98-16, eff. 5-24-13; 98-639, eff. 6-9-14; 98-669, eff. 6-26-14; 98-739, eff. 7-16-14; 98-783, eff. 1-1-15; 98-1059, eff. 8-26-14; 98-1102, eff. 8-26-14; 99-30, eff. 7-10-15; 99-78, eff. 7-20-15; 99-245, eff. 8-3-15; 99-325, eff. 8-10-15; 99-456, eff. 9-15-16; 99-642, eff. 7-28-16.)

Section 99. Effective date. This Act takes effect June 1, 2017.
Passed in the General Assembly December 1, 2016.
Effective June 1, 2017.

PUBLIC ACT 99-0928
(Senate Bill No. 1367)

AN ACT concerning public aid.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The State Finance Act is amended by adding Section 5.878 as follows:

(30 ILCS 105/5.878 new)

Sec. 5.878. The Healthy Local Food Incentives Fund.

Section 10. The Illinois Public Aid Code is amended by adding Section 12-4.50 as follows:

(305 ILCS 5/12-4.50 new)

Sec. 12-4.50. Healthy Local Food Incentives Program.

(a) Legislative findings. Diet and other lifestyle choices contribute to more than half of all deaths in Illinois. Health risk factors include smoking, obesity, stress, nutrition, high blood pressure, and alcohol and drug use. Illinois residents should be encouraged to adopt diets and

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lifestyles that lead to wellness. The State can help provide that
couragement by funding wellness programs that enhance the health of
Illinois residents. Healthy local food incentives encourage wellness among
some of the most vulnerable residents of Illinois (those whose incomes are
below the poverty line and who often have limited access to fresh, healthy,
and affordable foods) by doubling the purchasing power of LINK
cardholders at farmers markets across the State. The benefits of such a
program include: an increase in population health, Medicaid health care
cost savings, decreased incidence of preventable diseases, increased
revenue for Illinois small farmers, and economic stimulus for the region.

(b) Definitions. As used in this Section:
"FINI eligible fruits and vegetables" means any variety of fresh,
canned, dried, or frozen whole or cut fruits and vegetables without added
sugars, fats, or oils, and salt (i.e. sodium), as defined by the Food
Insecurity Nutrition Incentive Grant Program administered by the United
States Department of Agriculture.
"LINK card" means an electronic benefits transfer card issued by
the Department of Human Services for the purpose of enabling a user of
the card to obtain SNAP benefits or cash.
"SNAP" means the federal Supplemental Nutrition Assistance
Program.

(c) The Department of Human Services shall establish a Healthy
Local Food Incentives Program to double the purchasing power of Illinois
residents with limited access to fresh fruits and vegetables. The Healthy
Local Food Incentives Fund is created as a special fund in the State
treasury for the purpose of implementing the Healthy Local Food
Incentives Program. All moneys received pursuant to this Section shall be
deposited into the Healthy Local Food Incentives Fund.

(d) Subject to appropriation, the Department of Human Services
shall make an annual grant of $500,000 from the Fund to a qualified
Illinois non-profit organization or agency, which shall be distributed to
participating Illinois farmers markets for the purpose of providing
matching dollar incentives (up to a specified amount) for the dollar value
of SNAP benefits spent on FINI eligible fruits and vegetables at
participating Illinois farmers markets and direct producer-to-consumer
venues.

(e) The designated qualified non-profit organization or agency
shall have a demonstrated track record of:
(1) building a statewide network;

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(2) designing and implementing successful healthy food incentive programs that connect SNAP recipients with local producers;
(3) implementing funds distribution and reporting processes;
(4) providing training and technical assistance to farmers markets;
(5) conducting community outreach and data collection; and
(6) providing full accounting and administration of funds distributed to farmers markets.

(f) 100% of the moneys deposited into the Fund shall be distributed to participating Illinois farmers markets for healthy local food incentives.

(g) Within 90 days after the end of a grant cycle, the designated qualified non-profit organization or agency shall submit a progress report to the Department of Human Services. The progress report shall include the following information:

(1) the names and locations of Illinois farmers markets and direct producer-to-consumer venues that received funds distributed under the Program;
(2) the dollar amount of funds awarded to each participating Illinois farmers market and direct producer-to-consumer venue;
(3) the dollar amount of SNAP benefits, and funds provided under the Program, that were spent at Illinois farmers markets participating in the Program, as well as the dollar amount of any unspent funds available under the Program;
(4) the number of SNAP transactions carried out annually at participating Illinois farmers markets;
(5) the impact of the Program on increasing the quantity of fresh fruits and vegetables consumed by SNAP families, as determined by customer surveys.

(h) No later than December 31, 2017, the Department of Human Services shall adopt rules to implement the provisions of this Section.

(i) This Section is repealed on June 30, 2019.

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

Passed in the General Assembly December 1, 2016.

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AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by renumbering and changing Section 2-3.167, as added by Public Act 99-721, as follows:

(105 ILCS 5/2-3.168)
(a) For purposes of this Section, "at-risk students" means students served by the Department of Human Services who receive services through Medicaid, the Supplemental Nutrition Assistance Program, the Children's Health Insurance Program, or Temporary Assistance for Needy Families, as well as students under the legal custody of the Department of Children and Family Services. Students may not be counted more than once for receiving multiple services from the Department of Human Services or if they receive those services and are under the legal custody of the Department of Children and Family Services.

(b) The Advisory Council on At-Risk Students is created within the State Board of Education. The Advisory Council shall consist of all of the following members:

(1) One member of the House of Representatives appointed by the Speaker of the House of Representatives.

(2) One member of the House of Representatives appointed by the Minority Leader of the House of Representatives.

(3) One member of the Senate appointed by the President of the Senate.

(4) One member of the Senate appointed by the Minority Leader of the Senate.

(5) The following members appointed by the State Superintendent of Education:

(A) One member who is an educator representing a statewide professional teachers' organization.

(B) One member who is an educator representing a different statewide professional teachers' organization.

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(C) One member who is an educator representing a professional teachers' organization in a city having a population exceeding 500,000.

(D) One member from an organization that works for economic, educational, and social progress for African Americans and promotes strong sustainable communities through advocacy, collaboration, and innovation.

(E) One member from an organization that facilitates the involvement of Latino Americans at all levels of public decision-making.

(F) One member from an organization focused on research-based education policy to support a school system that prepares all students for college, a career, and democratic citizenship.

(G) One member from an organization dedicated to advocating for public policies to prevent homelessness.

(H) One member from the Illinois Student Assistance Commission.

(I) One member from an organization that works to ensure the health and safety of Illinois youth and families by providing capacity building services.

(J) One member from an organization that provides public high school students with opportunities to explore and develop their talents, while gaining critical skills for work, college, and beyond.

(K) One member from an organization that promotes the strengths and abilities of youth and families by providing community-based services that empower each to face life's challenges with confidence, competence, and dignity.

(L) One member from an organization that connects former members of the foster care system with current children in the foster care system.

(M) One member who has experience with research and statistics.

(N) Three members who are parents of at-risk students.

(O) One member from an organization that optimizes the positive growth of at-risk youth and
individuals working with at-risk youth through support services.

(P) One member from a statewide organization representing regional superintendents offices of schools education.

(Q) One member from an association representing school management.

(R) One member from an organization representing principals in a city having a population exceeding 500,000. Members of the Council shall, to the extent possible, be selected on the basis of experience with or knowledge of various programs for at-risk students. The Council shall, to the extent possible, include diverse membership from a variety of socio-economic, racial, and ethnic backgrounds.

(c) Initial members of the Council shall serve terms determined by lot as follows:

(1) Seven members shall serve for one year.
(2) Seven members shall serve for 2 years.
(3) The remaining members shall serve for 3 years.

However, upon the appointment of the additional members under this amendatory Act of the 99th General Assembly, terms for the initial members of the Council shall be redetermined, with the initial and additional members of the Council serving as follows:

(A) Members appointed under subdivisions (1) through (4) of subsection (b) of this Section shall serve on the Council until their successors are appointed.

(B) Of the members appointed under subdivision (5) of subsection (b) of this Section, 6 members shall serve for one year, 6 members shall serve for 2 years, and the remaining members shall serve for 3 years, as determined by lot.

(c-5) Successors to members appointed under subdivisions (1) through (4) of subsection (b) of this Section shall serve on the Council until their successors are appointed. Successors to members appointed under subdivision (5) of subsection (b) of this Section shall serve 3-year terms and Members must serve until their successors are appointed and have qualified.

(d) Members of the Council shall serve without compensation but may be reimbursed for travel if funds are made available for that specific

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purpose not receive compensation for the performance of their duties on the Council.

(e) The Council shall initially meet at the call of the State Superintendent of Education. The At the initial meeting, members shall elect select a chairperson from among their number at their initial meeting, with successor chairpersons being elected as determined by the Council by majority vote; a representative from the State Board of Education may cast a deciding vote if there is a tie. The Council shall select a chairperson annually, who may be the same chairperson as the year prior. Thereafter, the The Council shall meet at the call of the chairperson after the initial meeting.

(f) The State Board of Education and City of Chicago School District 299 shall provide administrative support to the Council.

(g) The Council shall operate under the provisions of the Open Meetings Act and accept and consider public comments when making its recommendations.

(h) By no later than December 15, 2017, the Council shall submit a report to the State Board Superintendent of Education, the Governor, and the General Assembly addressing, at a minimum, the following with respect to school districts where racial minorities comprise a majority of the student population:

1. What are the barriers to success present for at-risk students?
2. How much does socio-economic status impact academic and career achievement?
3. How do at-risk students perform academically?
4. How do at-risk students perform academically compared to students from higher socio-economic statuses?
5. What programs are shown to help at-risk students reach higher levels of academic and career achievement?
6. What specific curriculums help the academic success of at-risk students?
7. Of curriculums that help at-risk students, which of these need to be implemented within the Illinois Learning Standards?
8. To what degree do school districts teach cultural history, and how can this be improved?
9. Specific policy recommendations to improve the academic success of at-risk students.

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(10) Any other information that the Council determines will assist in the understanding of the barriers to success for or increase the academic performance of at-risk students.

The Council shall submit an annual report regarding with updated information on the barriers to academic success and the academic progress of at-risk students by no later than December 31 of each year beginning the year after the initial report is submitted.

(Source: P.A. 99-721, eff. 8-5-16; revised 10-14-16.)

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

Passed in the General Assembly December 1, 2016.


Effective January 20, 2017.

PUBLIC ACT 99-0930
(Senate Bill No. 3337)

AN ACT concerning revenue.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Property Tax Code is amended by changing Sections 27-5 and 27-25 and by adding Sections 27-100, 27-105, 27-110, 27-115, 27-120, and 27-125 as follows:

(35 ILCS 200/27-5)
Sec. 27-5. Short title; definitions. This Article may be cited as the Special Service Area Tax Law.

When used in this Article:
"Services contract" means an agreement between a service provider agency and a municipality or county for the purpose of providing special services in and for a special service area.

"Service provider agency" means an entity that enters into a services contract with a municipality or county for the purpose of providing special services in and for a special service area.

"Special Service Area" means a contiguous area within a municipality or county in which special governmental services are provided in addition to those services provided generally throughout the municipality or county, the cost of the special services to be paid from revenues collected from taxes levied or imposed upon property within that area. Territory shall be considered contiguous for purposes of this Article.

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even though certain completely surrounded portions of the territory are
excluded from the special service area. A county may create a special
service area within a municipality or municipalities when the municipality
or municipalities consent to the creation of the special service area. A
municipality may create a special service area within a municipality and
the unincorporated area of a county or within another municipality when
the county or other municipality consents to the creation of the special
service area.

"Special service area commission" means a local board
established by the corporate authorities of a municipality or county for the
purpose of managing a particular special service area.

"Special Services" means all forms of services pertaining to the
government and affairs of the municipality or county, including but not
limited to weather modification and improvements permissible under
Article 9 of the Illinois Municipal Code, and contracts for the supply of
water as described in Section 11-124-1 of the Illinois Municipal Code
which may be entered into by the municipality or by the county on behalf
of a county service area.
(Source: P.A. 86-1324; 88-445.)
(35 ILCS 200/27-25)
Sec. 27-25. Form of hearing notice. Taxes may be levied or
imposed by the municipality or county in the special service area at a rate
or amount of tax sufficient to produce revenues required to provide the
special services. Prior to the first levy of taxes in the special service area,
notice shall be given and a hearing shall be held under the provisions of
Sections 27-30 and 27-35. For purposes of this Section the notice shall
include:

(a) The time and place of hearing;
(b) The boundaries of the area by legal description and,
where possible, by street location;
(c) The permanent tax index number of each parcel located
within the area;
(d) The nature of the proposed special services to be
provided within the special service area and a statement as to
whether the proposed special services are for new construction,
maintenance, or other purposes;
(d-5) The proposed amount of the tax levy for special
services for the initial year for which taxes will be levied within the
special service area;

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(e) A notification that all interested persons, including all persons owning taxable real property located within the special service area, will be given an opportunity to be heard at the hearing regarding the tax levy and an opportunity to file objections to the amount of the tax levy if the tax is a tax upon property; and

(f) The maximum rate of taxes to be extended within the special service area in any year and the maximum number of years taxes will be levied if a maximum number of years is to be established; and:

(g) If funds received through the special service area are going to be used by a person or entity other than the municipality or county, then a statement to that effect.

After the first levy of taxes within the special service area, taxes may continue to be levied in subsequent years without the requirement of an additional public hearing if the tax rate does not exceed the rate specified in the notice for the original public hearing and the taxes are not extended for a longer period than the number of years specified in the notice if a number of years is specified. Tax rates may be increased and the period specified may be extended, if notice is given and new public hearings are held in accordance with Sections 27-30 and 27-35.

(Source: P.A. 97-1053, eff. 1-1-13.)

(35 ILCS 200/27-100 new)
Sec. 27-100. Special service area commissions.

(a) Notwithstanding any other provision of law, no member of a special service area commission may be an executive officer, owner, or member of the board of directors of the service provider agency selected for a services contract for that special service area.

(b) Notwithstanding any other provision of law, no business owned by a member of a special service area commission may, for valuable consideration, provide goods or services as a subcontractor of a service provider agency pursuant to a services contract for the special service area that is the subject of that special service area commission. No business owned by an employee or elected official of a municipality may, for valuable consideration, provide goods or services as a subcontractor of a service provider agency pursuant to a services contract for any special service area located within that municipality.

(c) At least one membership position for a special service area commission in a special service area which contains one or more homestead properties, as defined in Section 15-175, shall be reserved as a

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first priority membership position for any owner of homestead property located within such special service area.

(35 ILCS 200/27-105 new)

Sec. 27-105. Lines of credit. Special service area commissions may not establish a loan or line of credit in connection with the special service area. Service provider agencies in those municipalities may establish a loan or line of credit in connection with the special service area; however, financing under this Section may not be secured by future tax revenue generated by the special service area.

(35 ILCS 200/27-110 new)

Sec. 27-110. Special service area moneys used in the next fiscal year. Notwithstanding any other provision of law, if there is excess money remaining in a special service area fund at the end of a fiscal year, then the corporate authorities may authorize the use of that excess money to provide special services within the special service area in the next fiscal year, provided that the total amount used for purposes other than capital expenditures may not exceed 25% of the previous fiscal year's budget for the special service area.

(35 ILCS 200/27-115 new)

Sec. 27-115. Special service area audits. Each special service area commission shall cause an audit of the funds and accounts of the special service area to be submitted to the corporate authorities of the municipality at least annually. The audit shall be made in accordance with generally accepted auditing standards.

(35 ILCS 200/27-120 new)

Sec. 27-120. Exclusion of erroneously included property. If a property is determined by the corporate authorities of the municipality to be erroneously included in a special service area, the corporate authorities of the municipality may disconnect that property from the special service area solely by municipal action without regard to Section 27-60 or Section 27-65 of this Act.

(35 ILCS 200/27-125 new)

Sec. 27-125. Administrative fees. Notwithstanding any other provision of law, an annual administrative fee may be charged for the administration of a special service area. Such annual administrative fee may be derived from the annual tax levy for each special service area. Any amount recommended by a special service area commission and approved as an administrative expense which may be paid to the service provider agency pursuant to the budget included in a services contract shall not

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Public Act 99-0930

Exceed 30% of the annual tax levy for the special service area that is the subject of such services contract and is separate from any municipal administrative fee.

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

Passed in the General Assembly December 1, 2016.
Effective January 20, 2017.

Public Act 99-0931
(House Bill No. 6074)

An ACT concerning civil law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. Upon the payment of the sum of $1 to the State of Illinois, and subject to the condition set forth in Section 10 of this Act, the Secretary of Transportation is authorized to convey by quitclaim deed to the City of North Chicago all right, title and interest in and to the following described land in Lake County:

Lots 16, 17, 18, and 19 in a Subdivision of a Part of Section 4, Township 44 North, Range 12 East of the Third Principal Meridian, according to the plat thereof, recorded April 26, 1893, as document 54346, in Book "C" of Plats, Page 53, in Lake County, Illinois.

Also, the vacated Alley Northwesterly and Westerly and adjoining Parcel 1, which Parcel 1 is referred to as Lots 16, 17, 18, and 19 in the first paragraph of this legal description (except that portion of the Westerly half thereof Easterly and Adjoining Lot "A") as vacated by ordinance recorded June 18, 1920, as document 193658, in Lake County, Illinois.

Excepting from all of the above described the easterly 34 feet thereof.

Said parcel containing 0.214 acre, more or less.

Section 10. The conveyance of real property authorized by Section 5 shall be made subject to: (1) existing public utilities, existing public roads, and any and all reservations, easements, encumbrances, covenants and restrictions of record; and (2) the express condition that if the real property ceases to be used for a public purpose, which public purpose may

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include, but is not limited to, development of a United States Navy museum, it shall revert to the State of Illinois, Department of Transportation.

Section 15. The Secretary of Transportation shall obtain a certified copy of the portions of this Act containing the title, the enacting clause, the effective date, and the appropriate Section or Sections containing the land descriptions of the property to be conveyed within 60 days after its effective date and, upon receipt of the payment required by the Section or Sections, shall record the certified document in the Recorder's Office in the County in which the land is located.

Section 20. Upon the payment of the sum of $1 to the State of Illinois, and subject to the condition set forth in Section 25 of this Act, the Director of State Police is authorized to convey by quitclaim deed to the Village of Crestwood all right, title and interest in and to the following described land in Cook County:

The East 270 feet of the West 320 feet of the South 160 feet of the Northwest quarter of Section 3, Township 36 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

Section 25. The conveyance of real property authorized by Section 20 shall be made subject to: (1) existing public utilities, existing public roads, and any and all reservations, easements, encumbrances, covenants and restrictions of record; and (2) the express condition that if the real property ceases to be used for public purposes, it shall revert to the State of Illinois, Department of State Police.

Section 30. The Director of State Police shall obtain a certified copy of the portions of this Act containing the title, the enacting clause, the effective date, and the appropriate Section or Sections containing the land descriptions of the property to be conveyed within 60 days after its effective date and, upon receipt of the payment required by the Section or Sections, shall record the certified document in the Recorder's Office in the County in which the land is located.

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

Passed in the General Assembly November 30, 2016.
Approved January 27, 2017.
Effective January 27, 2017.
AN ACT concerning transportation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Section 3-117.1 as follows:

(625 ILCS 5/3-117.1) (from Ch. 95 1/2, par. 3-117.1)

Sec. 3-117.1. When junking certificates or salvage certificates must be obtained.

(a) Except as provided in Chapter 4 of this Code, a person who possesses a junk vehicle shall within 15 days cause the certificate of title, salvage certificate, certificate of purchase, or a similarly acceptable out of state document of ownership to be surrendered to the Secretary of State along with an application for a junking certificate, except as provided in Section 3-117.2, whereupon the Secretary of State shall issue to such a person a junking certificate, which shall authorize the holder thereof to possess, transport, or, by an endorsement, transfer ownership in such junked vehicle, and a certificate of title shall not again be issued for such vehicle.

A licensee who possesses a junk vehicle and a Certificate of Title, Salvage Certificate, Certificate of Purchase, or a similarly acceptable out-of-state document of ownership for such junk vehicle, may transport the junk vehicle to another licensee prior to applying for or obtaining a junking certificate, by executing a uniform invoice. The licensee transferor shall furnish a copy of the uniform invoice to the licensee transferee at the time of transfer. In any case, the licensee transferor shall apply for a junking certificate in conformance with Section 3-117.1 of this Chapter. The following information shall be contained on a uniform invoice:

(1) The business name, address and dealer license number of the person disposing of the vehicle, junk vehicle or vehicle cowl;

(2) The name and address of the person acquiring the vehicle, junk vehicle or vehicle cowl, and if that person is a dealer, the Illinois or out-of-state dealer license number of that dealer;

(3) The date of the disposition of the vehicle, junk vehicle or vehicle cowl;

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(4) The year, make, model, color and description of each vehicle, junk vehicle or vehicle cowl disposed of by such person;

(5) The manufacturer's vehicle identification number, Secretary of State identification number or Illinois Department of State Police number, for each vehicle, junk vehicle or vehicle cowl part disposed of by such person;

(6) The printed name and legible signature of the person or agent disposing of the vehicle, junk vehicle or vehicle cowl; and

(7) The printed name and legible signature of the person accepting delivery of the vehicle, junk vehicle or vehicle cowl.

The Secretary of State may certify a junking manifest in a form prescribed by the Secretary of State that reflects those vehicles for which junking certificates have been applied or issued. A junking manifest may be issued to any person and it shall constitute evidence of ownership for the vehicle listed upon it. A junking manifest may be transferred only to a person licensed under Section 5-301 of this Code as a scrap processor. A junking manifest will allow the transportation of those vehicles to a scrap processor prior to receiving the junk certificate from the Secretary of State.

(b) An application for a salvage certificate shall be submitted to the Secretary of State in any of the following situations:

(1) When an insurance company makes a payment of damages on a total loss claim for a vehicle, the insurance company shall be deemed to be the owner of such vehicle and the vehicle shall be considered to be salvage except that ownership of (i) a vehicle that has incurred only hail damage that does not affect the operational safety of the vehicle or (ii) any vehicle 9 model years of age or older may, by agreement between the registered owner and the insurance company, be retained by the registered owner of such vehicle. The insurance company shall promptly deliver or mail within 20 days the certificate of title along with proper application and fee to the Secretary of State, and a salvage certificate shall be issued in the name of the insurance company. Notwithstanding the foregoing, an insurer making payment of damages on a total loss claim for the theft of a vehicle shall not be required to apply for a salvage certificate unless the vehicle is recovered and has incurred damage that initially would have caused the vehicle to be declared a total loss by the insurer.

(1.1) When a vehicle of a self-insured company is to be sold in the State of Illinois and has sustained damaged by collision,
fire, theft, rust corrosion, or other means so that the self-insured company determines the vehicle to be a total loss, or if the cost of repairing the damage, including labor, would be greater than 70% of its fair market value without that damage, the vehicle shall be considered salvage. The self-insured company shall promptly deliver the certificate of title along with proper application and fee to the Secretary of State, and a salvage certificate shall be issued in the name of the self-insured company. A self-insured company making payment of damages on a total loss claim for the theft of a vehicle may exchange the salvage certificate for a certificate of title if the vehicle is recovered without damage. In such a situation, the self-insured shall fill out and sign a form prescribed by the Secretary of State which contains an affirmation under penalty of perjury that the vehicle was recovered without damage and the Secretary of State may, by rule, require photographs to be submitted.

(2) When a vehicle the ownership of which has been transferred to any person through a certificate of purchase from acquisition of the vehicle at an auction, other dispositions as set forth in Sections 4-208 and 4-209 of this Code, a lien arising under Section 18a-501 of this Code, or a public sale under the Abandoned Mobile Home Act shall be deemed salvage or junk at the option of the purchaser. The person acquiring such vehicle in such manner shall promptly deliver or mail, within 20 days after the acquisition of the vehicle, the certificate of purchase, the proper application and fee, and, if the vehicle is an abandoned mobile home under the Abandoned Mobile Home Act, a certification from a local law enforcement agency that the vehicle was purchased or acquired at a public sale under the Abandoned Mobile Home Act to the Secretary of State and a salvage certificate or junking certificate shall be issued in the name of that person. The salvage certificate or junking certificate issued by the Secretary of State under this Section shall be free of any lien that existed against the vehicle prior to the time the vehicle was acquired by the applicant under this Code.

(3) A vehicle which has been repossessed by a lienholder shall be considered to be salvage only when the repossessed vehicle, on the date of repossession by the lienholder, has sustained damage by collision, fire, theft, rust corrosion, or other means so
that the cost of repairing such damage, including labor, would be greater than 33 1/3% of its fair market value without such damage. If the lienholder determines that such vehicle is damaged in excess of 33 1/3% of such fair market value, the lienholder shall, before sale, transfer or assignment of the vehicle, make application for a salvage certificate, and shall submit with such application the proper fee and evidence of possession. If the facts required to be shown in subsection (f) of Section 3-114 are satisfied, the Secretary of State shall issue a salvage certificate in the name of the lienholder making the application. In any case wherein the vehicle repossessed is not damaged in excess of 33 1/3% of its fair market value, the lienholder shall comply with the requirements of subsections (f), (f-5), and (f-10) of Section 3-114, except that the affidavit of repossession made by or on behalf of the lienholder shall also contain an affirmation under penalty of perjury that the vehicle on the date of sale is not damaged in excess of 33 1/3% of its fair market value. If the facts required to be shown in subsection (f) of Section 3-114 are satisfied, the Secretary of State shall issue a certificate of title as set forth in Section 3-116 of this Code. The Secretary of State may by rule or regulation require photographs to be submitted.

(4) A vehicle which is a part of a fleet of more than 5 commercial vehicles registered in this State or any other state or registered proportionately among several states shall be considered to be salvage when such vehicle has sustained damage by collision, fire, theft, rust, corrosion or similar means so that the cost of repairing such damage, including labor, would be greater than 33 1/3% of the fair market value of the vehicle without such damage. If the owner of a fleet vehicle desires to sell, transfer, or assign his interest in such vehicle to a person within this State other than an insurance company licensed to do business within this State, and the owner determines that such vehicle, at the time of the proposed sale, transfer or assignment is damaged in excess of 33 1/3% of its fair market value, the owner shall, before such sale, transfer or assignment, make application for a salvage certificate. The application shall contain with it evidence of possession of the vehicle. If the fleet vehicle at the time of its sale, transfer, or assignment is not damaged in excess of 33 1/3% of its fair market value, the owner shall so state in a written affirmation on a form

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prescribed by the Secretary of State by rule or regulation. The Secretary of State may by rule or regulation require photographs to be submitted. Upon sale, transfer or assignment of the fleet vehicle the owner shall mail the affirmation to the Secretary of State.

(5) A vehicle that has been submerged in water to the point that rising water has reached over the door sill and has entered the passenger or trunk compartment is a "flood vehicle". A flood vehicle shall be considered to be salvage only if the vehicle has sustained damage so that the cost of repairing the damage, including labor, would be greater than 33 1/3% of the fair market value of the vehicle without that damage. The salvage certificate issued under this Section shall indicate the word "flood", and the word "flood" shall be conspicuously entered on subsequent titles for the vehicle. A person who possesses or acquires a flood vehicle that is not damaged in excess of 33 1/3% of its fair market value shall make application for title in accordance with Section 3-116 of this Code, designating the vehicle as "flood" in a manner prescribed by the Secretary of State. The certificate of title issued shall indicate the word "flood", and the word "flood" shall be conspicuously entered on subsequent titles for the vehicle.

(6) When any licensed rebuilder, repairer, new or used vehicle dealer, or remittance agent has submitted an application for title to a vehicle (other than an application for title to a rebuilt vehicle) that he or she knows or reasonably should have known to have sustained damages in excess of 33 1/3% of the vehicle's fair market value without that damage; provided, however, that any application for a salvage certificate for a vehicle recovered from theft and acquired from an insurance company shall be made as required by paragraph (1) of this subsection (b).

(c) Any person who without authority acquires, sells, exchanges, gives away, transfers or destroys or offers to acquire, sell, exchange, give away, transfer or destroy the certificate of title to any vehicle which is a junk or salvage vehicle shall be guilty of a Class 3 felony.

(d) Any person who knowingly fails to surrender to the Secretary of State a certificate of title, salvage certificate, certificate of purchase or a similarly acceptable out-of-state document of ownership as required under the provisions of this Section is guilty of a Class A misdemeanor for a first offense and a Class 4 felony for a subsequent offense; except that a person licensed under this Code who violates paragraph (5) of subsection (b) of

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this Section is guilty of a business offense and shall be fined not less than $1,000 nor more than $5,000 for a first offense and is guilty of a Class 4 felony for a second or subsequent violation.

(e) Any vehicle which is salvage or junk may not be driven or operated on roads and highways within this State. A violation of this subsection is a Class A misdemeanor. A salvage vehicle displaying valid special plates issued under Section 3-601(b) of this Code, which is being driven to or from an inspection conducted under Section 3-308 of this Code, is exempt from the provisions of this subsection. A salvage vehicle for which a short term permit has been issued under Section 3-307 of this Code is exempt from the provisions of this subsection for the duration of the permit.

(Source: P.A. 97-832, eff. 7-20-12.)

Passed in the General Assembly November 30, 2016.
Approved January 27, 2017.
Effective June 1, 2017.

PUBLIC ACT 99-0933
(Senate Bill No. 2884)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

ARTICLE 5.
AMENDATORY PROVISIONS
(20 ILCS 405/405-225 rep.)
Section 5-5. The Department of Central Management Services Law of the Civil Administrative Code of Illinois is amended by repealing Section 405-225.

Section 5-10. The Children and Family Services Act is amended by changing Section 5 as follows:
(20 ILCS 505/5) (from Ch. 23, par. 5005)
Sec. 5. Direct child welfare services; Department of Children and Family Services. To provide direct child welfare services when not available through other public or private child care or program facilities.
(a) For purposes of this Section:
(1) "Children" means persons found within the State who are under the age of 18 years. The term also includes persons under age 21 who:

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(A) were committed to the Department pursuant to the Juvenile Court Act or the Juvenile Court Act of 1987, as amended, prior to the age of 18 and who continue under the jurisdiction of the court; or

(B) were accepted for care, service and training by the Department prior to the age of 18 and whose best interest in the discretion of the Department would be served by continuing that care, service and training because of severe emotional disturbances, physical disability, social adjustment or any combination thereof, or because of the need to complete an educational or vocational training program.

(2) "Homeless youth" means persons found within the State who are under the age of 19, are not in a safe and stable living situation and cannot be reunited with their families.

(3) "Child welfare services" means public social services which are directed toward the accomplishment of the following purposes:

(A) protecting and promoting the health, safety and welfare of children, including homeless, dependent or neglected children;

(B) remediying, or assisting in the solution of problems which may result in, the neglect, abuse, exploitation or delinquency of children;

(C) preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing the breakup of the family where the prevention of child removal is desirable and possible when the child can be cared for at home without endangering the child's health and safety;

(D) restoring to their families children who have been removed, by the provision of services to the child and the families when the child can be cared for at home without endangering the child's health and safety;

(E) placing children in suitable adoptive homes, in cases where restoration to the biological family is not safe, possible or appropriate;
(F) assuring safe and adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption. At the time of placement, the Department shall consider concurrent planning, as described in subsection (I-1) of this Section so that permanency may occur at the earliest opportunity. Consideration should be given so that if reunification fails or is delayed, the placement made is the best available placement to provide permanency for the child;

(G) (blank);

(H) (blank); and

(I) placing and maintaining children in facilities that provide separate living quarters for children under the age of 18 and for children 18 years of age and older, unless a child 18 years of age is in the last year of high school education or vocational training, in an approved individual or group treatment program, in a licensed shelter facility, or secure child care facility. The Department is not required to place or maintain children:

(i) who are in a foster home, or

(ii) who are persons with a developmental disability, as defined in the Mental Health and Developmental Disabilities Code, or

(iii) who are female children who are pregnant, pregnant and parenting or parenting, or

(iv) who are siblings, in facilities that provide separate living quarters for children 18 years of age and older and for children under 18 years of age.

(b) Nothing in this Section shall be construed to authorize the expenditure of public funds for the purpose of performing abortions.

(c) The Department shall establish and maintain tax-supported child welfare services and extend and seek to improve voluntary services throughout the State, to the end that services and care shall be available on an equal basis throughout the State to children requiring such services.

(d) The Director may authorize advance disbursements for any new program initiative to any agency contracting with the Department. As a prerequisite for an advance disbursement, the contractor must post a surety bond in the amount of the advance disbursement and have a purchase of

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service contract approved by the Department. The Department may pay up to 2 months operational expenses in advance. The amount of the advance disbursement shall be prorated over the life of the contract or the remaining months of the fiscal year, whichever is less, and the installment amount shall then be deducted from future bills. Advance disbursement authorizations for new initiatives shall not be made to any agency after that agency has operated during 2 consecutive fiscal years. The requirements of this Section concerning advance disbursements shall not apply with respect to the following: payments to local public agencies for child day care services as authorized by Section 5a of this Act; and youth service programs receiving grant funds under Section 17a-4.

(e) (Blank).

(f) (Blank).

(g) The Department shall establish rules and regulations concerning its operation of programs designed to meet the goals of child safety and protection, family preservation, family reunification, and adoption, including but not limited to:

(1) adoption;
(2) foster care;
(3) family counseling;
(4) protective services;
(5) (blank);
(6) homemaker service;
(7) return of runaway children;
(8) (blank);
(9) placement under Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28, 4-25 or 5-740 of the Juvenile Court Act of 1987 in accordance with the federal Adoption Assistance and Child Welfare Act of 1980; and
(10) interstate services.

Rules and regulations established by the Department shall include provisions for training Department staff and the staff of Department grantees, through contracts with other agencies or resources, in alcohol and drug abuse screening techniques approved by the Department of Human Services, as a successor to the Department of Alcoholism and Substance Abuse, for the purpose of identifying children and adults who should be referred to an alcohol and drug abuse treatment program for professional evaluation.

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(h) If the Department finds that there is no appropriate program or facility within or available to the Department for a ward and that no licensed private facility has an adequate and appropriate program or none agrees to accept the ward, the Department shall create an appropriate individualized, program-oriented plan for such ward. The plan may be developed within the Department or through purchase of services by the Department to the extent that it is within its statutory authority to do.

(i) Service programs shall be available throughout the State and shall include but not be limited to the following services:

1. case management;
2. homemakers;
3. counseling;
4. parent education;
5. day care; and
6. emergency assistance and advocacy.

In addition, the following services may be made available to assess and meet the needs of children and families:

1. comprehensive family-based services;
2. assessments;
3. respite care; and
4. in-home health services.

The Department shall provide transportation for any of the services it makes available to children or families or for which it refers children or families.

(j) The Department may provide categories of financial assistance and education assistance grants, and shall establish rules and regulations concerning the assistance and grants, to persons who adopt children with physical or mental disabilities, children who are older, or other hard-to-place children who (i) immediately prior to their adoption were legal wards of the Department or (ii) were determined eligible for financial assistance with respect to a prior adoption and who become available for adoption because the prior adoption has been dissolved and the parental rights of the adoptive parents have been terminated or because the child's adoptive parents have died. The Department may continue to provide financial assistance and education assistance grants for a child who was determined eligible for financial assistance under this subsection (j) in the interim period beginning when the child's adoptive parents died and ending with the finalization of the new adoption of the child by another adoptive parent or parents. The Department may also provide categories of

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financial assistance and education assistance grants, and shall establish rules and regulations for the assistance and grants, to persons appointed guardian of the person under Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28, 4-25 or 5-740 of the Juvenile Court Act of 1987 for children who were wards of the Department for 12 months immediately prior to the appointment of the guardian.

The amount of assistance may vary, depending upon the needs of the child and the adoptive parents, as set forth in the annual assistance agreement. Special purpose grants are allowed where the child requires special service but such costs may not exceed the amounts which similar services would cost the Department if it were to provide or secure them as guardian of the child.

Any financial assistance provided under this subsection is inalienable by assignment, sale, execution, attachment, garnishment, or any other remedy for recovery or collection of a judgment or debt.

(j-5) The Department shall not deny or delay the placement of a child for adoption if an approved family is available either outside of the Department region handling the case, or outside of the State of Illinois.

(k) The Department shall accept for care and training any child who has been adjudicated neglected or abused, or dependent committed to it pursuant to the Juvenile Court Act or the Juvenile Court Act of 1987.

(l) The Department shall offer family preservation services, as defined in Section 8.2 of the Abused and Neglected Child Reporting Act, to help families, including adoptive and extended families. Family preservation services shall be offered (i) to prevent the placement of children in substitute care when the children can be cared for at home or in the custody of the person responsible for the children's welfare, (ii) to reunite children with their families, or (iii) to maintain an adoptive placement. Family preservation services shall only be offered when doing so will not endanger the children's health or safety. With respect to children who are in substitute care pursuant to the Juvenile Court Act of 1987, family preservation services shall not be offered if a goal other than those of subdivisions (A), (B), or (B-1) of subsection (2) of Section 2-28 of that Act has been set. Nothing in this paragraph shall be construed to create a private right of action or claim on the part of any individual or child welfare agency, except that when a child is the subject of an action under Article II of the Juvenile Court Act of 1987 and the child's service plan calls for services to facilitate achievement of the permanency goal, the court hearing the action under Article II of the Juvenile Court Act of

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1987 may order the Department to provide the services set out in the plan, if those services are not provided with reasonable promptness and if those services are available.

The Department shall notify the child and his family of the Department's responsibility to offer and provide family preservation services as identified in the service plan. The child and his family shall be eligible for services as soon as the report is determined to be "indicated".

The Department may offer services to any child or family with respect to whom a report of suspected child abuse or neglect has been filed, prior to concluding its investigation under Section 7.12 of the Abused and Neglected Child Reporting Act. However, the child's or family's willingness to accept services shall not be considered in the investigation.

The Department may also provide services to any child or family who is the subject of any report of suspected child abuse or neglect or may refer such child or family to services available from other agencies in the community, even if the report is determined to be unfounded, if the conditions in the child's or family's home are reasonably likely to subject the child or family to future reports of suspected child abuse or neglect. Acceptance of such services shall be voluntary. The Department may also provide services to any child or family after completion of a family assessment, as an alternative to an investigation, as provided under the "differential response program" provided for in subsection (a-5) of Section 7.4 of the Abused and Neglected Child Reporting Act.

The Department may, at its discretion except for those children also adjudicated neglected or dependent, accept for care and training any child who has been adjudicated addicted, as a truant minor in need of supervision or as a minor requiring authoritative intervention, under the Juvenile Court Act or the Juvenile Court Act of 1987, but no such child shall be committed to the Department by any court without the approval of the Department. On and after the effective date of this amendatory Act of the 98th General Assembly and before January 1, 2017, a minor charged with a criminal offense under the Criminal Code of 1961 or the Criminal Code of 2012 or adjudicated delinquent shall not be placed in the custody of or committed to the Department by any court, except (i) a minor less than 16 years of age committed to the Department under Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor for whom an independent basis of abuse, neglect, or dependency exists, which must be defined by departmental rule, or (iii) a minor for whom the court has granted a supplemental petition to reinstate wardship pursuant to subsection (2) of...
Section 2-33 of the Juvenile Court Act of 1987. On and after January 1, 2017, a minor charged with a criminal offense under the Criminal Code of 1961 or the Criminal Code of 2012 or adjudicated delinquent shall not be placed in the custody of or committed to the Department by any court, except (i) a minor less than 15 years of age committed to the Department under Section 5-710 of the Juvenile Court Act of 1987, ii) a minor for whom an independent basis of abuse, neglect, or dependency exists, which must be defined by departmental rule, or (iii) a minor for whom the court has granted a supplemental petition to reinstate wardship pursuant to subsection (2) of Section 2-33 of the Juvenile Court Act of 1987. An independent basis exists when the allegations or adjudication of abuse, neglect, or dependency do not arise from the same facts, incident, or circumstances which give rise to a charge or adjudication of delinquency.

As soon as is possible after August 7, 2009 (the effective date of Public Act 96-134), the Department shall develop and implement a special program of family preservation services to support intact, foster, and adoptive families who are experiencing extreme hardships due to the difficulty and stress of caring for a child who has been diagnosed with a pervasive developmental disorder if the Department determines that those services are necessary to ensure the health and safety of the child. The Department may offer services to any family whether or not a report has been filed under the Abused and Neglected Child Reporting Act. The Department may refer the child or family to services available from other agencies in the community if the conditions in the child's or family's home are reasonably likely to subject the child or family to future reports of suspected child abuse or neglect. Acceptance of these services shall be voluntary. The Department shall develop and implement a public information campaign to alert health and social service providers and the general public about these special family preservation services. The nature and scope of the services offered and the number of families served under the special program implemented under this paragraph shall be determined by the level of funding that the Department annually allocates for this purpose. The term "pervasive developmental disorder" under this paragraph means a neurological condition, including but not limited to, Asperger's Syndrome and autism, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.

(l-1) The legislature recognizes that the best interests of the child require that the child be placed in the most permanent living arrangement.

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as soon as is practically possible. To achieve this goal, the legislature directs the Department of Children and Family Services to conduct concurrent planning so that permanency may occur at the earliest opportunity. Permanent living arrangements may include prevention of placement of a child outside the home of the family when the child can be cared for at home without endangering the child's health or safety; reunification with the family, when safe and appropriate, if temporary placement is necessary; or movement of the child toward the most permanent living arrangement and permanent legal status.

When determining reasonable efforts to be made with respect to a child, as described in this subsection, and in making such reasonable efforts, the child's health and safety shall be the paramount concern.

When a child is placed in foster care, the Department shall ensure and document that reasonable efforts were made to prevent or eliminate the need to remove the child from the child's home. The Department must make reasonable efforts to reunify the family when temporary placement of the child occurs unless otherwise required, pursuant to the Juvenile Court Act of 1987. At any time after the dispositional hearing where the Department believes that further reunification services would be ineffective, it may request a finding from the court that reasonable efforts are no longer appropriate. The Department is not required to provide further reunification services after such a finding.

A decision to place a child in substitute care shall be made with considerations of the child's health, safety, and best interests. At the time of placement, consideration should also be given so that if reunification fails or is delayed, the placement made is the best available placement to provide permanency for the child.

The Department shall adopt rules addressing concurrent planning for reunification and permanency. The Department shall consider the following factors when determining appropriateness of concurrent planning:

1. the likelihood of prompt reunification;
2. the past history of the family;
3. the barriers to reunification being addressed by the family;
4. the level of cooperation of the family;
5. the foster parents' willingness to work with the family to reunite;

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(6) the willingness and ability of the foster family to provide an adoptive home or long-term placement;
(7) the age of the child;
(8) placement of siblings.

(m) The Department may assume temporary custody of any child if:

(1) it has received a written consent to such temporary custody signed by the parents of the child or by the parent having custody of the child if the parents are not living together or by the guardian or custodian of the child if the child is not in the custody of either parent, or

(2) the child is found in the State and neither a parent, guardian nor custodian of the child can be located.

If the child is found in his or her residence without a parent, guardian, custodian or responsible caretaker, the Department may, instead of removing the child and assuming temporary custody, place an authorized representative of the Department in that residence until such time as a parent, guardian or custodian enters the home and expresses a willingness and apparent ability to ensure the child's health and safety and resume permanent charge of the child, or until a relative enters the home and is willing and able to ensure the child's health and safety and assume charge of the child until a parent, guardian or custodian enters the home and expresses such willingness and ability to ensure the child's safety and resume permanent charge. After a caretaker has remained in the home for a period not to exceed 12 hours, the Department must follow those procedures outlined in Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile Court Act of 1987.

The Department shall have the authority, responsibilities and duties that a legal custodian of the child would have pursuant to subsection (9) of Section 1-3 of the Juvenile Court Act of 1987. Whenever a child is taken into temporary custody pursuant to an investigation under the Abused and Neglected Child Reporting Act, or pursuant to a referral and acceptance under the Juvenile Court Act of 1987 of a minor in limited custody, the Department, during the period of temporary custody and before the child is brought before a judicial officer as required by Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile Court Act of 1987, shall have the authority, responsibilities and duties that a legal custodian of the child would have under subsection (9) of Section 1-3 of the Juvenile Court Act of 1987.
The Department shall ensure that any child taken into custody is scheduled for an appointment for a medical examination.

A parent, guardian or custodian of a child in the temporary custody of the Department who would have custody of the child if he were not in the temporary custody of the Department may deliver to the Department a signed request that the Department surrender the temporary custody of the child. The Department may retain temporary custody of the child for 10 days after the receipt of the request, during which period the Department may cause to be filed a petition pursuant to the Juvenile Court Act of 1987. If a petition is so filed, the Department shall retain temporary custody of the child until the court orders otherwise. If a petition is not filed within the 10 day period, the child shall be surrendered to the custody of the requesting parent, guardian or custodian not later than the expiration of the 10 day period, at which time the authority and duties of the Department with respect to the temporary custody of the child shall terminate.

(m-1) The Department may place children under 18 years of age in a secure child care facility licensed by the Department that cares for children who are in need of secure living arrangements for their health, safety, and well-being after a determination is made by the facility director and the Director or the Director's designate prior to admission to the facility subject to Section 2-27.1 of the Juvenile Court Act of 1987. This subsection (m-1) does not apply to a child who is subject to placement in a correctional facility operated pursuant to Section 3-15-2 of the Unified Code of Corrections, unless the child is a ward who was placed under the care of the Department before being subject to placement in a correctional facility and a court of competent jurisdiction has ordered placement of the child in a secure care facility.

(n) The Department may place children under 18 years of age in licensed child care facilities when in the opinion of the Department, appropriate services aimed at family preservation have been unsuccessful and cannot ensure the child's health and safety or are unavailable and such placement would be for their best interest. Payment for board, clothing, care, training and supervision of any child placed in a licensed child care facility may be made by the Department, by the parents or guardians of the estates of those children, or by both the Department and the parents or guardians, except that no payments shall be made by the Department for any child placed in a licensed child care facility for board, clothing, care, training and supervision of such a child that exceed the average per capita.
cost of maintaining and of caring for a child in institutions for dependent or neglected children operated by the Department. However, such restriction on payments does not apply in cases where children require specialized care and treatment for problems of severe emotional disturbance, physical disability, social adjustment, or any combination thereof and suitable facilities for the placement of such children are not available at payment rates within the limitations set forth in this Section. All reimbursements for services delivered shall be absolutely inalienable by assignment, sale, attachment, garnishment or otherwise.

(n-1) The Department shall provide or authorize child welfare services, aimed at assisting minors to achieve sustainable self-sufficiency as independent adults, for any minor eligible for the reinstatement of wardship pursuant to subsection (2) of Section 2-33 of the Juvenile Court Act of 1987, whether or not such reinstatement is sought or allowed, provided that the minor consents to such services and has not yet attained the age of 21. The Department shall have responsibility for the development and delivery of services under this Section. An eligible youth may access services under this Section through the Department of Children and Family Services or by referral from the Department of Human Services. Youth participating in services under this Section shall cooperate with the assigned case manager in developing an agreement identifying the services to be provided and how the youth will increase skills to achieve self-sufficiency. A homeless shelter is not considered appropriate housing for any youth receiving child welfare services under this Section. The Department shall continue child welfare services under this Section to any eligible minor until the minor becomes 21 years of age, no longer consents to participate, or achieves self-sufficiency as identified in the minor's service plan. The Department of Children and Family Services shall create clear, readable notice of the rights of former foster youth to child welfare services under this Section and how such services may be obtained. The Department of Children and Family Services and the Department of Human Services shall disseminate this information statewide. The Department shall adopt regulations describing services intended to assist minors in achieving sustainable self-sufficiency as independent adults.

(o) The Department shall establish an administrative review and appeal process for children and families who request or receive child welfare services from the Department. Children who are wards of the Department and are placed by private child welfare agencies, and foster

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families with whom those children are placed, shall be afforded the same procedural and appeal rights as children and families in the case of placement by the Department, including the right to an initial review of a private agency decision by that agency. The Department shall insure that any private child welfare agency, which accepts wards of the Department for placement, affords those rights to children and foster families. The Department shall accept for administrative review and an appeal hearing a complaint made by (i) a child or foster family concerning a decision following an initial review by a private child welfare agency or (ii) a prospective adoptive parent who alleges a violation of subsection (j-5) of this Section. An appeal of a decision concerning a change in the placement of a child shall be conducted in an expedited manner. A court determination that a current foster home placement is necessary and appropriate under Section 2-28 of the Juvenile Court Act of 1987 does not constitute a judicial determination on the merits of an administrative appeal, filed by a former foster parent, involving a change of placement decision.

(p) **Blank.** There is hereby created the Department of Children and Family Services Emergency Assistance Fund from which the Department may provide special financial assistance to families which are in economic crisis when such assistance is not available through other public or private sources and the assistance is deemed necessary to prevent dissolution of the family unit or to reunite families which have been separated due to child abuse and neglect. The Department shall establish administrative rules specifying the criteria for determining eligibility for and the amount and nature of assistance to be provided. The Department may also enter into written agreements with private and public social service agencies to provide emergency financial services to families referred by the Department. Special financial assistance payments shall be available to a family no more than once during each fiscal year and the total payments to a family may not exceed $500 during a fiscal year.

(q) The Department may receive and use, in their entirety, for the benefit of children any gift, donation or bequest of money or other property which is received on behalf of such children, or any financial benefits to which such children are or may become entitled while under the jurisdiction or care of the Department.

The Department shall set up and administer no-cost, interest-bearing accounts in appropriate financial institutions for children for whom the Department is legally responsible and who have been

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determined eligible for Veterans' Benefits, Social Security benefits, assistance allotments from the armed forces, court ordered payments, parental voluntary payments, Supplemental Security Income, Railroad Retirement payments, Black Lung benefits, or other miscellaneous payments. Interest earned by each account shall be credited to the account, unless disbursed in accordance with this subsection.

In disbursing funds from children's accounts, the Department shall:

(1) Establish standards in accordance with State and federal laws for disbursing money from children's accounts. In all circumstances, the Department's "Guardianship Administrator" or his or her designee must approve disbursements from children's accounts. The Department shall be responsible for keeping complete records of all disbursements for each account for any purpose.

(2) Calculate on a monthly basis the amounts paid from State funds for the child's board and care, medical care not covered under Medicaid, and social services; and utilize funds from the child's account, as covered by regulation, to reimburse those costs. Monthly, disbursements from all children's accounts, up to 1/12 of $13,000,000, shall be deposited by the Department into the General Revenue Fund and the balance over 1/12 of $13,000,000 into the DCFS Children's Services Fund.

(3) Maintain any balance remaining after reimbursing for the child's costs of care, as specified in item (2). The balance shall accumulate in accordance with relevant State and federal laws and shall be disbursed to the child or his or her guardian, or to the issuing agency.

(r) The Department shall promulgate regulations encouraging all adoption agencies to voluntarily forward to the Department or its agent names and addresses of all persons who have applied for and have been approved for adoption of a hard-to-place child or child with a disability and the names of such children who have not been placed for adoption. A list of such names and addresses shall be maintained by the Department or its agent, and coded lists which maintain the confidentiality of the person seeking to adopt the child and of the child shall be made available, without charge, to every adoption agency in the State to assist the agencies in placing such children for adoption. The Department may delegate to an agent its duty to maintain and make available such lists. The Department

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shall ensure that such agent maintains the confidentiality of the person seeking to adopt the child and of the child.

(s) The Department of Children and Family Services may establish and implement a program to reimburse Department and private child welfare agency foster parents licensed by the Department of Children and Family Services for damages sustained by the foster parents as a result of the malicious or negligent acts of foster children, as well as providing third party coverage for such foster parents with regard to actions of foster children to other individuals. Such coverage will be secondary to the foster parent liability insurance policy, if applicable. The program shall be funded through appropriations from the General Revenue Fund, specifically designated for such purposes.

(t) The Department shall perform home studies and investigations and shall exercise supervision over visitation as ordered by a court pursuant to the Illinois Marriage and Dissolution of Marriage Act or the Adoption Act only if:

1. an order entered by an Illinois court specifically directs the Department to perform such services; and
2. the court has ordered one or both of the parties to the proceeding to reimburse the Department for its reasonable costs for providing such services in accordance with Department rules, or has determined that neither party is financially able to pay.

The Department shall provide written notification to the court of the specific arrangements for supervised visitation and projected monthly costs within 60 days of the court order. The Department shall send to the court information related to the costs incurred except in cases where the court has determined the parties are financially unable to pay. The court may order additional periodic reports as appropriate.

(u) In addition to other information that must be provided, whenever the Department places a child with a prospective adoptive parent or parents or in a licensed foster home, group home, child care institution, or in a relative home, the Department shall provide to the prospective adoptive parent or parents or other caretaker:

1. available detailed information concerning the child's educational and health history, copies of immunization records (including insurance and medical card information), a history of the child's previous placements, if any, and reasons for placement changes excluding any information that identifies or reveals the location of any previous caretaker;

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(2) a copy of the child's portion of the client service plan, including any visitation arrangement, and all amendments or revisions to it as related to the child; and

(3) information containing details of the child's individualized educational plan when the child is receiving special education services.

The caretaker shall be informed of any known social or behavioral information (including, but not limited to, criminal background, fire setting, perpetuation of sexual abuse, destructive behavior, and substance abuse) necessary to care for and safeguard the children to be placed or currently in the home. The Department may prepare a written summary of the information required by this paragraph, which may be provided to the foster or prospective adoptive parent in advance of a placement. The foster or prospective adoptive parent may review the supporting documents in the child's file in the presence of casework staff. In the case of an emergency placement, casework staff shall at least provide known information verbally, if necessary, and must subsequently provide the information in writing as required by this subsection.

The information described in this subsection shall be provided in writing. In the case of emergency placements when time does not allow prior review, preparation, and collection of written information, the Department shall provide such information as it becomes available. Within 10 business days after placement, the Department shall obtain from the prospective adoptive parent or parents or other caretaker a signed verification of receipt of the information provided. Within 10 business days after placement, the Department shall provide to the child's guardian ad litem a copy of the information provided to the prospective adoptive parent or parents or other caretaker. The information provided to the prospective adoptive parent or parents or other caretaker shall be reviewed and approved regarding accuracy at the supervisory level.

(u-5) Effective July 1, 1995, only foster care placements licensed as foster family homes pursuant to the Child Care Act of 1969 shall be eligible to receive foster care payments from the Department. Relative caregivers who, as of July 1, 1995, were approved pursuant to approved relative placement rules previously promulgated by the Department at 89 Ill. Adm. Code 335 and had submitted an application for licensure as a foster family home may continue to receive foster care payments only until the Department determines that they may be licensed as a foster family

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home or that their application for licensure is denied or until September 30, 1995, whichever occurs first.

(v) The Department shall access criminal history record information as defined in the Illinois Uniform Conviction Information Act and information maintained in the adjudicatory and dispositional record system as defined in Section 2605-355 of the Department of State Police Law (20 ILCS 2605/2605-355) if the Department determines the information is necessary to perform its duties under the Abused and Neglected Child Reporting Act, the Child Care Act of 1969, and the Children and Family Services Act. The Department shall provide for interactive computerized communication and processing equipment that permits direct on-line communication with the Department of State Police's central criminal history data repository. The Department shall comply with all certification requirements and provide certified operators who have been trained by personnel from the Department of State Police. In addition, one Office of the Inspector General investigator shall have training in the use of the criminal history information access system and have access to the terminal. The Department of Children and Family Services and its employees shall abide by rules and regulations established by the Department of State Police relating to the access and dissemination of this information.

(v-1) Prior to final approval for placement of a child, the Department shall conduct a criminal records background check of the prospective foster or adoptive parent, including fingerprint-based checks of national crime information databases. Final approval for placement shall not be granted if the record check reveals a felony conviction for child abuse or neglect, for spousal abuse, for a crime against children, or for a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery, or if there is a felony conviction for physical assault, battery, or a drug-related offense committed within the past 5 years.

(v-2) Prior to final approval for placement of a child, the Department shall check its child abuse and neglect registry for information concerning prospective foster and adoptive parents, and any adult living in the home. If any prospective foster or adoptive parent or other adult living in the home has resided in another state in the preceding 5 years, the Department shall request a check of that other state's child abuse and neglect registry.

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(w) Within 120 days of August 20, 1995 (the effective date of Public Act 89-392), the Department shall prepare and submit to the Governor and the General Assembly, a written plan for the development of in-state licensed secure child care facilities that care for children who are in need of secure living arrangements for their health, safety, and well-being. For purposes of this subsection, secure care facility shall mean a facility that is designed and operated to ensure that all entrances and exits from the facility, a building or a distinct part of the building, are under the exclusive control of the staff of the facility, whether or not the child has the freedom of movement within the perimeter of the facility, building, or distinct part of the building. The plan shall include descriptions of the types of facilities that are needed in Illinois; the cost of developing these secure care facilities; the estimated number of placements; the potential cost savings resulting from the movement of children currently out-of-state who are projected to be returned to Illinois; the necessary geographic distribution of these facilities in Illinois; and a proposed timetable for development of such facilities.

(x) The Department shall conduct annual credit history checks to determine the financial history of children placed under its guardianship pursuant to the Juvenile Court Act of 1987. The Department shall conduct such credit checks starting when a ward turns 12 years old and each year thereafter for the duration of the guardianship as terminated pursuant to the Juvenile Court Act of 1987. The Department shall determine if financial exploitation of the child's personal information has occurred. If financial exploitation appears to have taken place or is presently ongoing, the Department shall notify the proper law enforcement agency, the proper State's Attorney, or the Attorney General.

(y) Beginning on the effective date of this amendatory Act of the 96th General Assembly, a child with a disability who receives residential and educational services from the Department shall be eligible to receive transition services in accordance with Article 14 of the School Code from the age of 14.5 through age 21, inclusive, notwithstanding the child's residential services arrangement. For purposes of this subsection, "child with a disability" means a child with a disability as defined by the federal Individuals with Disabilities Education Improvement Act of 2004.

(z) The Department shall access criminal history record information as defined as "background information" in this subsection and criminal history record information as defined in the Illinois Uniform Conviction Information Act for each Department employee or Department

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applicant. Each Department employee or Department applicant shall submit his or her fingerprints to the Department of State Police in the form and manner prescribed by the Department of State Police. These fingerprints shall be checked against the fingerprint records now and hereafter filed in the Department of State Police and the Federal Bureau of Investigation criminal history records databases. The Department of State Police shall charge a fee for conducting the criminal history record check, which shall be deposited into the State Police Services Fund and shall not exceed the actual cost of the record check. The Department of State Police shall furnish, pursuant to positive identification, all Illinois conviction information to the Department of Children and Family Services.

For purposes of this subsection:
"Background information" means all of the following:

(i) Upon the request of the Department of Children and Family Services, conviction information obtained from the Department of State Police as a result of a fingerprint-based criminal history records check of the Illinois criminal history records database and the Federal Bureau of Investigation criminal history records database concerning a Department employee or Department applicant.

(ii) Information obtained by the Department of Children and Family Services after performing a check of the Department of State Police's Sex Offender Database, as authorized by Section 120 of the Sex Offender Community Notification Law, concerning a Department employee or Department applicant.

(iii) Information obtained by the Department of Children and Family Services after performing a check of the Child Abuse and Neglect Tracking System (CANTS) operated and maintained by the Department.

"Department employee" means a full-time or temporary employee coded or certified within the State of Illinois Personnel System.

"Department applicant" means an individual who has conditional Department full-time or part-time work, a contractor, an individual used to replace or supplement staff, an academic intern, a volunteer in Department offices or on Department contracts, a work-study student, an individual or entity licensed by the Department, or an unlicensed service provider who works as a condition of a contract or an agreement and whose work may bring the unlicensed service provider into contact with Department clients or client records.

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Section 5-15. The Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois is amended by changing Section 605-800 as follows:

(20 ILCS 605/605-800) (was 20 ILCS 605/46.19a in part)
Sec. 605-800. Training grants for skills in critical demand.
(a) Grants to provide training in fields affected by critical demands for certain skills may be made as provided in this Section.
(b) The Director may make grants to eligible employers or to other eligible entities on behalf of employers as authorized in subsection (c) to provide training for employees in fields for which there are critical demands for certain skills. No participating employee may be an unauthorized alien, as defined in 8 U.S.C. 1324a.
(c) The Director may accept applications for training grant funds and grant requests from: (i) entities sponsoring multi-company eligible employee training projects as defined in subsection (d), including business associations, strategic business partnerships, institutions of secondary or higher education, large manufacturers for supplier network companies, federal Job Training Partnership Act administrative entities or grant recipients, and labor organizations when those projects will address common training needs identified by participating companies; and (ii) individual employers that are undertaking eligible employee training projects as defined in subsection (d), including intermediaries and training agents.
(d) The Director may make grants to eligible applicants as defined in subsection (c) for employee training projects that include, but need not be limited to, one or more of the following:
   (1) Training programs in response to new or changing technology being introduced in the workplace.
   (2) Job-linked training that offers special skills for career advancement or that is preparatory for, and leads directly to, jobs with definite career potential and long-term job security.
   (3) Training necessary to implement total quality management or improvement or both management and improvement systems within the workplace.
   (4) Training related to new machinery or equipment.
   (5) Training of employees of companies that are expanding into new markets or expanding exports from Illinois.

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(6) Basic, remedial, or both basic and remedial training of employees as a prerequisite for other vocational or technical skills training or as a condition for sustained employment.

(7) Self-employment training of the unemployed and underemployed with comprehensive, competency-based instructional programs and services, entrepreneurial education and training initiatives for youth and adult learners in cooperation with the Illinois Institute for Entrepreneurial Education, training and education, conferences, workshops, and best practice information for local program operators of entrepreneurial education and self-employment training programs.

(8) Other training activities or projects, or both training activities and projects, related to the support, development, or evaluation of job training programs, activities, and delivery systems, including training needs assessment and design.

(e) Grants shall be made on the terms and conditions that the Department shall determine. No grant made under subsection (d), however, shall exceed 50% of the direct costs of all approved training programs provided by the employer or the employer's training agent or other entity as defined in subsection (c). Under this Section, allowable costs include, but are not limited to:

(1) Administrative costs of tracking, documenting, reporting, and processing training funds or project costs.

(2) Curriculum development.

(3) Wages and fringe benefits of employees.

(4) Training materials, including scrap product costs.

(5) Trainee travel expenses.

(6) Instructor costs, including wages, fringe benefits, tuition, and travel expenses.

(7) Rent, purchase, or lease of training equipment.

(8) Other usual and customary training costs.

(f) The Department may conduct on-site grant monitoring visits to verify trainee employment dates and wages and to ensure that the grantee's financial management system is structured to provide for accurate, current, and complete disclosure of the financial results of the grant program in accordance with all provisions, terms, and conditions contained in the grant contract. Each applicant must, on request by the Department, provide to the Department a notarized certification signed and dated by a duly authorized representative of the applicant, or that representative's
authorized designee, certifying that all participating employees are employed at an Illinois facility and, for each participating employee, stating the employee's name and providing either (i) the employee's social security number or (ii) a statement that the applicant has adequate written verification that the employee is employed at an Illinois facility. The Department may audit the accuracy of submissions. Applicants sponsoring multi-company training grant programs shall obtain information meeting the requirement of this subsection from each participating company and provide it to the Department upon request.

(g) The Director may establish and collect a schedule of charges from subgrantee entities and other system users under federal job-training programs for participating in and utilizing the Department's automated job-training program information systems if the systems and the necessary participation and utilization are requirements of the federal job-training programs. All monies collected pursuant to this subsection shall be deposited into the Federal Workforce Training Title III Social Security and Employment Fund and may be used, subject to appropriation by the General Assembly, only for the purpose of financing the maintenance and operation of the automated federal job-training information systems; except that any moneys that may be necessary to pay liabilities outstanding as of June 30, 2000 shall be deposited into the Federal Job-Training Information Systems Revolving Fund.

(Source: P.A. 96-171, eff. 8-10-09.)

(20 ILCS 605/605-524 rep.)
(20 ILCS 605/605-805 rep.)
(20 ILCS 605/605-875 rep.)


Section 5-20. The Corporate Headquarters Relocation Act is amended by adding Section 45 as follows:

(20 ILCS 611/45 new)

Sec. 45. Repeal. This Act is repealed on October 1, 2016.

(20 ILCS 662/45 rep.)

Section 5-25. The Local Planning Technical Assistance Act is amended by repealing Section 45.

(20 ILCS 1305/10-30 rep.)

Section 5-30. The Department of Human Services Act is amended by repealing Section 10-30.

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Section 5-35. The Illinois Lottery Law is amended by changing Sections 2, 7.2, 9, and 9.1 as follows:

(20 ILCS 1605/2) (from Ch. 120, par. 1152)
Sec. 2. This Act is enacted to implement and establish within the State a lottery to be conducted by the State through the Department. The entire net proceeds of the Lottery are to be used for the support of the State's Common School Fund, except as provided in subsection (o) of Section 9.1 and Sections 21.2, 21.5, 21.6, 21.7, 21.8, and 21.9. The General Assembly finds that it is in the public interest for the Department to conduct the functions of the Lottery with the assistance of a private manager under a management agreement overseen by the Department. The Department shall be accountable to the General Assembly and the people of the State through a comprehensive system of regulation, audits, reports, and enduring operational oversight. The Department's ongoing conduct of the Lottery through a management agreement with a private manager shall act to promote and ensure the integrity, security, honesty, and fairness of the Lottery's operation and administration. It is the intent of the General Assembly that the Department shall conduct the Lottery with the assistance of a private manager under a management agreement at all times in a manner consistent with 18 U.S.C. 1307(a)(1), 1307(b)(1), 1953(b)(4).

(Source: P.A. 98-649, eff. 6-16-14.)

(20 ILCS 1605/7.2) (from Ch. 120, par. 1157.2)
Sec. 7.2. The rules and regulations of the Department may include, but shall not be limited to, the following:

(1) The types of lotteries to be conducted;
(2) The price, or prices, of tickets or shares in the lottery;
(3) The numbers and sizes of the prizes on the winning tickets or shares;
(4) The manner of selecting the winning tickets or shares;
(5) The manner of payment of prizes to the holders of winning tickets or shares;
(6) The frequency of the drawing or selections of winning tickets or shares, without limitation;
(7) Without limit to number, the type or types of locations at which tickets or shares may be sold;
(8) The method to be used in selling tickets or shares;
(9) The manner and amount of compensation, if any, to be paid licensed sales agents necessary to provide for the adequate availability of

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tickets or shares to prospective buyers and for the convenience of the public;

(10) The apportionment of the total revenues accruing from the sale of lottery tickets or shares and from all other sources among (i) the payment of prizes to the holders of winning tickets or shares, (ii) the payment of costs incurred in the operation and administration of the lottery, including the expenses of the Department and the costs resulting from any contract or contracts entered into for promotional, advertising or operational services or for the purchase or lease of lottery equipment and materials, and (iii) for monthly transfers to the Common School Fund. The net revenues accruing from the sale of lottery tickets shall be determined by deducting from total revenues the payments required by paragraphs (i) and (ii) of this subsection.

(11) Such other matters necessary or desirable for the efficient and economical operation and administration of the lottery and for the convenience of the purchasers of tickets or shares and the holders of winning tickets or shares.

Any rules and regulations of the Department with respect to monthly transfers to the Common School Fund are subject to Section 21.2.

(Source: P.A. 84-1128.)

(20 ILCS 1605/9) (from Ch. 120, par. 1159)

Sec. 9. The Director, as administrative head of the Department, shall direct and supervise all its administrative and technical activities. In addition to the duties imposed upon him elsewhere in this Act, it shall be the Director's duty:

a. To supervise and administer the operation of the lottery in accordance with the provisions of this Act or such rules and regulations of the Department adopted thereunder.

b. To attend meetings of the Board or to appoint a designee to attend in his stead.

c. To employ and direct such personnel in accord with the Personnel Code, as may be necessary to carry out the purposes of this Act. In addition, the Director may by agreement secure such services as he or she may deem necessary from any other department, agency, or unit of the State government, and may employ and compensate such consultants and technical assistants as may be required and is otherwise permitted by law.

d. To license, in accordance with the provisions of Sections 10 and 10.1 of this Act and the rules and regulations of the Department adopted thereunder, as agents to sell lottery tickets such persons as in his opinion...
will best serve the public convenience and promote the sale of tickets or
shares. The Director may require a bond from every licensed agent, in such
amount as provided in the rules and regulations of the Department. Every
licensed agent shall prominently display his license, or a copy thereof, as
provided in the rules and regulations of the Department.

e. To suspend or revoke any license issued pursuant to this Act or
the rules and regulations promulgated by the Department thereunder.

f. To confer regularly as necessary or desirable and not less than
once every month with the Lottery Control Board on the operation and
administration of the Lottery; to make available for inspection by the
Board or any member of the Board, upon request, all books, records, files,
and other information and documents of his office; to advise the Board and
recommend such rules and regulations and such other matters as he deems
necessary and advisable to improve the operation and administration of the
lottery.

g. To enter into contracts for the operation of the lottery, or any
part thereof, and into contracts for the promotion of the lottery on behalf of
the Department with any person, firm or corporation, to perform any of the
functions provided for in this Act or the rules and regulations promulgated
thereunder. The Department shall not expend State funds on a contractual
basis for such functions unless those functions and expenditures are
expressly authorized by the General Assembly.

h. To enter into an agreement or agreements with the management
of state lotteries operated pursuant to the laws of other states for the
purpose of creating and operating a multi-state lottery game wherein a
separate and distinct prize pool would be combined to award larger prizes
to the public than could be offered by the several state lotteries,
individually. No tickets or shares offered in connection with a multi-state
lottery game shall be sold within the State of Illinois, except those offered
by and through the Department. No such agreement shall purport to pledge
the full faith and credit of the State of Illinois, nor shall the Department
expend State funds on a contractual basis in connection with any such
game unless such expenditures are expressly authorized by the General
Assembly, provided, however, that in the event of error or omission by the
Illinois State Lottery in the conduct of the game, as determined by the
multi-state game directors, the Department shall be authorized to pay a
prize winner or winners the lesser of a disputed prize or $1,000,000, any
such payment to be made solely from funds appropriated for game prize
purposes. The Department shall be authorized to share in the ordinary

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operating expenses of any such multi-state lottery game, from funds appropriated by the General Assembly, and in the event the multi-state game control offices are physically located within the State of Illinois, the Department is authorized to advance start-up operating costs not to exceed $150,000, subject to proportionate reimbursement of such costs by the other participating state lotteries. The Department shall be authorized to share proportionately in the costs of establishing a liability reserve fund from funds appropriated by the General Assembly. The Department is authorized to transfer prize award funds attributable to Illinois sales of multi-state lottery game tickets to the multi-state control office, or its designated depository, for deposit to such game pool account or accounts as may be established by the multi-state game directors, the records of which account or accounts shall be available at all times for inspection in an audit by the Auditor General of Illinois and any other auditors pursuant to the laws of the State of Illinois. No multi-state game prize awarded to a nonresident of Illinois, with respect to a ticket or share purchased in a state other than the State of Illinois, shall be deemed to be a prize awarded under this Act for the purpose of taxation under the Illinois Income Tax Act. The Department shall promulgate such rules as may be appropriate to implement the provisions of this Section.

i. To make a continuous study and investigation of (1) the operation and the administration of similar laws which may be in effect in other states or countries, (2) any literature on the subject which from time to time may be published or available, (3) any Federal laws which may affect the operation of the lottery, and (4) the reaction of Illinois citizens to existing and potential features of the lottery with a view to recommending or effecting changes that will tend to serve the purposes of this Act.

j. To report monthly to the State Treasurer and the Lottery Control Board a full and complete statement of lottery revenues, prize disbursements and other expenses for each month and the amounts to be transferred to the Common School Fund pursuant to Section 7.2 or such other funds as are otherwise authorized by Section 21.2 of this Act, and to make an annual report, which shall include a full and complete statement of lottery revenues, prize disbursements and other expenses, to the Governor and the Board. All reports required by this subsection shall be public and copies of all such reports shall be sent to the Speaker of the House, the President of the Senate, and the minority leaders of both houses.

(Source: P.A. 97-464, eff. 10-15-11; 98-499, eff. 8-16-13.)

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(20 ILCS 1605/9.1)
Sec. 9.1. Private manager and management agreement.
(a) As used in this Section:
"Offeror" means a person or group of persons that responds to a request for qualifications under this Section.
"Request for qualifications" means all materials and documents prepared by the Department to solicit the following from offerors:
   (1) Statements of qualifications.
   (2) Proposals to enter into a management agreement, including the identity of any prospective vendor or vendors that the offeror intends to initially engage to assist the offeror in performing its obligations under the management agreement.
"Final offer" means the last proposal submitted by an offeror in response to the request for qualifications, including the identity of any prospective vendor or vendors that the offeror intends to initially engage to assist the offeror in performing its obligations under the management agreement.
"Final offeror" means the offeror ultimately selected by the Governor to be the private manager for the Lottery under subsection (h) of this Section.
(b) By September 15, 2010, the Governor shall select a private manager for the total management of the Lottery with integrated functions, such as lottery game design, supply of goods and services, and advertising and as specified in this Section.
(c) Pursuant to the terms of this subsection, the Department shall endeavor to expeditiously terminate the existing contracts in support of the Lottery in effect on the effective date of this amendatory Act of the 96th General Assembly in connection with the selection of the private manager. As part of its obligation to terminate these contracts and select the private manager, the Department shall establish a mutually agreeable timetable to transfer the functions of existing contractors to the private manager so that existing Lottery operations are not materially diminished or impaired during the transition. To that end, the Department shall do the following:
   (1) where such contracts contain a provision authorizing termination upon notice, the Department shall provide notice of termination to occur upon the mutually agreed timetable for transfer of functions;
   (2) upon the expiration of any initial term or renewal term of the current Lottery contracts, the Department shall not renew
such contract for a term extending beyond the mutually agreed timetable for transfer of functions; or

(3) in the event any current contract provides for termination of that contract upon the implementation of a contract with the private manager, the Department shall perform all necessary actions to terminate the contract on the date that coincides with the mutually agreed timetable for transfer of functions.

If the contracts to support the current operation of the Lottery in effect on the effective date of this amendatory Act of the 96th General Assembly are not subject to termination as provided for in this subsection (c), then the Department may include a provision in the contract with the private manager specifying a mutually agreeable methodology for incorporation.

(c-5) The Department shall include provisions in the management agreement whereby the private manager shall, for a fee, and pursuant to a contract negotiated with the Department (the "Employee Use Contract"), utilize the services of current Department employees to assist in the administration and operation of the Lottery. The Department shall be the employer of all such bargaining unit employees assigned to perform such work for the private manager, and such employees shall be State employees, as defined by the Personnel Code. Department employees shall operate under the same employment policies, rules, regulations, and procedures, as other employees of the Department. In addition, neither historical representation rights under the Illinois Public Labor Relations Act, nor existing collective bargaining agreements, shall be disturbed by the management agreement with the private manager for the management of the Lottery.

(d) The management agreement with the private manager shall include all of the following:

(1) A term not to exceed 10 years, including any renewals.

(2) A provision specifying that the Department:

(A) shall exercise actual control over all significant business decisions;

(A-5) has the authority to direct or countermand operating decisions by the private manager at any time;

(B) has ready access at any time to information regarding Lottery operations;

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(C) has the right to demand and receive information from the private manager concerning any aspect of the Lottery operations at any time; and

(D) retains ownership of all trade names, trademarks, and intellectual property associated with the Lottery.

(3) A provision imposing an affirmative duty on the private manager to provide the Department with material information and with any information the private manager reasonably believes the Department would want to know to enable the Department to conduct the Lottery.

(4) A provision requiring the private manager to provide the Department with advance notice of any operating decision that bears significantly on the public interest, including, but not limited to, decisions on the kinds of games to be offered to the public and decisions affecting the relative risk and reward of the games being offered, so the Department has a reasonable opportunity to evaluate and countermand that decision.

(5) A provision providing for compensation of the private manager that may consist of, among other things, a fee for services and a performance based bonus as consideration for managing the Lottery, including terms that may provide the private manager with an increase in compensation if Lottery revenues grow by a specified percentage in a given year.

(6) (Blank).

(7) A provision requiring the deposit of all Lottery proceeds to be deposited into the State Lottery Fund except as otherwise provided in Section 20 of this Act.

(8) A provision requiring the private manager to locate its principal office within the State.

(8-5) A provision encouraging that at least 20% of the cost of contracts entered into for goods and services by the private manager in connection with its management of the Lottery, other than contracts with sales agents or technical advisors, be awarded to businesses that are a minority owned business, a female owned business, or a business owned by a person with disability, as those terms are defined in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act.

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(9) A requirement that so long as the private manager complies with all the conditions of the agreement under the oversight of the Department, the private manager shall have the following duties and obligations with respect to the management of the Lottery:

   (A) The right to use equipment and other assets used in the operation of the Lottery.
   (B) The rights and obligations under contracts with retailers and vendors.
   (C) The implementation of a comprehensive security program by the private manager.
   (D) The implementation of a comprehensive system of internal audits.
   (E) The implementation of a program by the private manager to curb compulsive gambling by persons playing the Lottery.
   (F) A system for determining (i) the type of Lottery games, (ii) the method of selecting winning tickets, (iii) the manner of payment of prizes to holders of winning tickets, (iv) the frequency of drawings of winning tickets, (v) the method to be used in selling tickets, (vi) a system for verifying the validity of tickets claimed to be winning tickets, (vii) the basis upon which retailer commissions are established by the manager, and (viii) minimum payouts.

(10) A requirement that advertising and promotion must be consistent with Section 7.8a of this Act.

(11) A requirement that the private manager market the Lottery to those residents who are new, infrequent, or lapsed players of the Lottery, especially those who are most likely to make regular purchases on the Internet as permitted by law.

(12) A code of ethics for the private manager's officers and employees.

(13) A requirement that the Department monitor and oversee the private manager's practices and take action that the Department considers appropriate to ensure that the private manager is in compliance with the terms of the management agreement, while allowing the manager, unless specifically prohibited by law or the management agreement, to negotiate and sign its own contracts with vendors.

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(14) A provision requiring the private manager to periodically file, at least on an annual basis, appropriate financial statements in a form and manner acceptable to the Department.

(15) Cash reserves requirements.

(16) Procedural requirements for obtaining the prior approval of the Department when a management agreement or an interest in a management agreement is sold, assigned, transferred, or pledged as collateral to secure financing.

(17) Grounds for the termination of the management agreement by the Department or the private manager.

(18) Procedures for amendment of the agreement.

(19) A provision requiring the private manager to engage in an open and competitive bidding process for any procurement having a cost in excess of $50,000 that is not a part of the private manager's final offer. The process shall favor the selection of a vendor deemed to have submitted a proposal that provides the Lottery with the best overall value. The process shall not be subject to the provisions of the Illinois Procurement Code, unless specifically required by the management agreement.

(20) The transition of rights and obligations, including any associated equipment or other assets used in the operation of the Lottery, from the manager to any successor manager of the lottery, including the Department, following the termination of or foreclosure upon the management agreement.

(21) Right of use of copyrights, trademarks, and service marks held by the Department in the name of the State. The agreement must provide that any use of them by the manager shall only be for the purpose of fulfilling its obligations under the management agreement during the term of the agreement.

(22) The disclosure of any information requested by the Department to enable it to comply with the reporting requirements and information requests provided for under subsection (p) of this Section.

(e) Notwithstanding any other law to the contrary, the Department shall select a private manager through a competitive request for qualifications process consistent with Section 20-35 of the Illinois Procurement Code, which shall take into account:

(1) the offeror's ability to market the Lottery to those residents who are new, infrequent, or lapsed players of the Lottery,

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especially those who are most likely to make regular purchases on the Internet;

(2) the offeror's ability to address the State's concern with the social effects of gambling on those who can least afford to do so;

(3) the offeror's ability to provide the most successful management of the Lottery for the benefit of the people of the State based on current and past business practices or plans of the offeror; and

(4) the offeror's poor or inadequate past performance in servicing, equipping, operating or managing a lottery on behalf of Illinois, another State or foreign government and attracting persons who are not currently regular players of a lottery.

(f) The Department may retain the services of an advisor or advisors with significant experience in financial services or the management, operation, and procurement of goods, services, and equipment for a government-run lottery to assist in the preparation of the terms of the request for qualifications and selection of the private manager. Any prospective advisor seeking to provide services under this subsection (f) shall disclose any material business or financial relationship during the past 3 years with any potential offeror, or with a contractor or subcontractor presently providing goods, services, or equipment to the Department to support the Lottery. The Department shall evaluate the material business or financial relationship of each prospective advisor. The Department shall not select any prospective advisor with a substantial business or financial relationship that the Department deems to impair the objectivity of the services to be provided by the prospective advisor. During the course of the advisor's engagement by the Department, and for a period of one year thereafter, the advisor shall not enter into any business or financial relationship with any offeror or any vendor identified to assist an offeror in performing its obligations under the management agreement. Any advisor retained by the Department shall be disqualified from being an offeror. The Department shall not include terms in the request for qualifications that provide a material advantage whether directly or indirectly to any potential offeror, or any contractor or subcontractor presently providing goods, services, or equipment to the Department to support the Lottery, including terms contained in previous responses to requests for proposals or qualifications submitted to Illinois, another State or foreign government when those terms are uniquely associated with a

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particular potential offeror, contractor, or subcontractor. The request for proposals offered by the Department on December 22, 2008 as "LOT08GAMESYS" and reference number "22016176" is declared void.

(g) The Department shall select at least 2 offerors as finalists to potentially serve as the private manager no later than August 9, 2010. Upon making preliminary selections, the Department shall schedule a public hearing on the finalists' proposals and provide public notice of the hearing at least 7 calendar days before the hearing. The notice must include all of the following:

1. The date, time, and place of the hearing.
2. The subject matter of the hearing.
3. A brief description of the management agreement to be awarded.
4. The identity of the offerors that have been selected as finalists to serve as the private manager.
5. The address and telephone number of the Department.

(h) At the public hearing, the Department shall (i) provide sufficient time for each finalist to present and explain its proposal to the Department and the Governor or the Governor's designee, including an opportunity to respond to questions posed by the Department, Governor, or designee and (ii) allow the public and non-selected offerors to comment on the presentations. The Governor or a designee shall attend the public hearing. After the public hearing, the Department shall have 14 calendar days to recommend to the Governor whether a management agreement should be entered into with a particular finalist. After reviewing the Department's recommendation, the Governor may accept or reject the Department's recommendation, and shall select a final offeror as the private manager by publication of a notice in the Illinois Procurement Bulletin on or before September 15, 2010. The Governor shall include in the notice a detailed explanation and the reasons why the final offeror is superior to other offerors and will provide management services in a manner that best achieves the objectives of this Section. The Governor shall also sign the management agreement with the private manager.

(i) Any action to contest the private manager selected by the Governor under this Section must be brought within 7 calendar days after the publication of the notice of the designation of the private manager as provided in subsection (h) of this Section.

(j) The Lottery shall remain, for so long as a private manager manages the Lottery in accordance with provisions of this Act, a Lottery

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conducted by the State, and the State shall not be authorized to sell or transfer the Lottery to a third party.

(k) Any tangible personal property used exclusively in connection with the lottery that is owned by the Department and leased to the private manager shall be owned by the Department in the name of the State and shall be considered to be public property devoted to an essential public and governmental function.

(l) The Department may exercise any of its powers under this Section or any other law as necessary or desirable for the execution of the Department's powers under this Section.

(m) Neither this Section nor any management agreement entered into under this Section prohibits the General Assembly from authorizing forms of gambling that are not in direct competition with the Lottery.

(n) The private manager shall be subject to a complete investigation in the third, seventh, and tenth years of the agreement (if the agreement is for a 10-year term) by the Department in cooperation with the Auditor General to determine whether the private manager has complied with this Section and the management agreement. The private manager shall bear the cost of an investigation or reinvestigation of the private manager under this subsection.

(o) The powers conferred by this Section are in addition and supplemental to the powers conferred by any other law. If any other law or rule is inconsistent with this Section, including, but not limited to, provisions of the Illinois Procurement Code, then this Section controls as to any management agreement entered into under this Section. This Section and any rules adopted under this Section contain full and complete authority for a management agreement between the Department and a private manager. No law, procedure, proceeding, publication, notice, consent, approval, order, or act by the Department or any other officer, Department, agency, or instrumentality of the State or any political subdivision is required for the Department to enter into a management agreement under this Section. This Section contains full and complete authority for the Department to approve any contracts entered into by a private manager with a vendor providing goods, services, or both goods and services to the private manager under the terms of the management agreement, including subcontractors of such vendors.

Upon receipt of a written request from the Chief Procurement Officer, the Department shall provide to the Chief Procurement Officer a complete and un-redacted copy of the management agreement or any

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contract that is subject to the Department's approval authority under this subsection (o). The Department shall provide a copy of the agreement or contract to the Chief Procurement Officer in the time specified by the Chief Procurement Officer in his or her written request, but no later than 5 business days after the request is received by the Department. The Chief Procurement Officer must retain any portions of the management agreement or of any contract designated by the Department as confidential, proprietary, or trade secret information in complete confidence pursuant to subsection (g) of Section 7 of the Freedom of Information Act. The Department shall also provide the Chief Procurement Officer with reasonable advance written notice of any contract that is pending Department approval.

Notwithstanding any other provision of this Section to the contrary, the Chief Procurement Officer shall adopt administrative rules, including emergency rules, to establish a procurement process to select a successor private manager if a private management agreement has been terminated. The selection process shall at a minimum take into account the criteria set forth in items (1) through (4) of subsection (e) of this Section and may include provisions consistent with subsections (f), (g), (h), and (i) of this Section. The Chief Procurement Officer shall also implement and administer the adopted selection process upon the termination of a private management agreement. The Department, after the Chief Procurement Officer certifies that the procurement process has been followed in accordance with the rules adopted under this subsection (o), shall select a final offeror as the private manager and sign the management agreement with the private manager.

Except as provided in Sections 21.2, 21.5, 21.6, 21.7, 21.8, and 21.9, the Department shall distribute all proceeds of lottery tickets and shares sold in the following priority and manner:

(1) The payment of prizes and retailer bonuses.
(2) The payment of costs incurred in the operation and administration of the Lottery, including the payment of sums due to the private manager under the management agreement with the Department.
(3) On the last day of each month or as soon thereafter as possible, the State Comptroller shall direct and the State Treasurer shall transfer from the State Lottery Fund to the Common School Fund an amount that is equal to the proceeds transferred in the

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corresponding month of fiscal year 2009, as adjusted for inflation, to the Common School Fund.

(4) On or before the last day of each fiscal year, deposit any remaining proceeds, subject to payments under items (1), (2), and (3) into the Capital Projects Fund each fiscal year.

(p) The Department shall be subject to the following reporting and information request requirements:

(1) the Department shall submit written quarterly reports to the Governor and the General Assembly on the activities and actions of the private manager selected under this Section;

(2) upon request of the Chief Procurement Officer, the Department shall promptly produce information related to the procurement activities of the Department and the private manager requested by the Chief Procurement Officer; the Chief Procurement Officer must retain confidential, proprietary, or trade secret information designated by the Department in complete confidence pursuant to subsection (g) of Section 7 of the Freedom of Information Act; and

(3) at least 30 days prior to the beginning of the Department's fiscal year, the Department shall prepare an annual written report on the activities of the private manager selected under this Section and deliver that report to the Governor and General Assembly.

(Source: P.A. 97-464, eff. 8-19-11; 98-463, eff. 8-16-13; 98-649, eff. 6-16-14.)
(1) To authorize examinations in English to ascertain the qualifications and fitness of applicants to exercise the profession, trade, or occupation for which the examination is held.

(2) To prescribe rules and regulations for a fair and wholly impartial method of examination of candidates to exercise the respective professions, trades, or occupations.

(3) To pass upon the qualifications of applicants for licenses, certificates, and authorities, whether by examination, by reciprocity, or by endorsement.

(4) To prescribe rules and regulations defining, for the respective professions, trades, and occupations, what shall constitute a school, college, or university, or department of a university, or other institution, reputable and in good standing, and to determine the reputability and good standing of a school, college, or university, or department of a university, or other institution, reputable and in good standing, by reference to a compliance with those rules and regulations; provided, that no school, college, or university, or department of a university, or other institution that refuses admittance to applicants solely on account of race, color, creed, sex, sexual orientation, or national origin shall be considered reputable and in good standing.

(5) To conduct hearings on proceedings to revoke, suspend, refuse to renew, place on probationary status, or take other disciplinary action as authorized in any licensing Act administered by the Department with regard to licenses, certificates, or authorities of persons exercising the respective professions, trades, or occupations and to revoke, suspend, refuse to renew, place on probationary status, or take other disciplinary action as authorized in any licensing Act administered by the Department with regard to those licenses, certificates, or authorities.

The Department shall issue a monthly disciplinary report.

The Department shall deny any license or renewal authorized by the Civil Administrative Code of Illinois to any person who has defaulted on an educational loan or scholarship provided by or guaranteed by the Illinois Student Assistance Commission or any governmental agency of this State; however, the Department may issue a license or renewal if the aforementioned persons have established a satisfactory repayment record as determined by the Illinois Student Assistance Commission.
Commission or other appropriate governmental agency of this State. Additionally, beginning June 1, 1996, any license issued by the Department may be suspended or revoked if the Department, after the opportunity for a hearing under the appropriate licensing Act, finds that the licensee has failed to make satisfactory repayment to the Illinois Student Assistance Commission for a delinquent or defaulted loan. For the purposes of this Section, "satisfactory repayment record" shall be defined by rule.

The Department shall refuse to issue or renew a license to, or shall suspend or revoke a license of, any person who, after receiving notice, fails to comply with a subpoena or warrant relating to a paternity or child support proceeding. However, the Department may issue a license or renewal upon compliance with the subpoena or warrant.

The Department, without further process or hearings, shall revoke, suspend, or deny any license or renewal authorized by the Civil Administrative Code of Illinois to a person who is certified by the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) as being more than 30 days delinquent in complying with a child support order or who is certified by a court as being in violation of the Non-Support Punishment Act for more than 60 days. The Department may, however, issue a license or renewal if the person has established a satisfactory repayment record as determined by the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) or if the person is determined by the court to be in compliance with the Non-Support Punishment Act. The Department may implement this paragraph as added by Public Act 89-6 through the use of emergency rules in accordance with Section 5-45 of the Illinois Administrative Procedure Act. For purposes of the Illinois Administrative Procedure Act, the adoption of rules to implement this paragraph shall be considered an emergency and necessary for the public interest, safety, and welfare.

(6) To transfer jurisdiction of any realty under the control of the Department to any other department of the State Government or to acquire or accept federal lands when the transfer, acquisition, or acceptance is advantageous to the State and is approved in writing by the Governor.

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(7) To formulate rules and regulations necessary for the enforcement of any Act administered by the Department.

(8) To exchange with the Department of Healthcare and Family Services information that may be necessary for the enforcement of child support orders entered pursuant to the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, the Illinois Parentage Act of 1984, or the Illinois Parentage Act of 2015. Notwithstanding any provisions in this Code to the contrary, the Department of Professional Regulation shall not be liable under any federal or State law to any person for any disclosure of information to the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) under this paragraph (8) or for any other action taken in good faith to comply with the requirements of this paragraph (8).

(8.5) To accept continuing education credit for mandated reporter training on how to recognize and report child abuse offered by the Department of Children and Family Services and completed by any person who holds a professional license issued by the Department and who is a mandated reporter under the Abused and Neglected Child Reporting Act. The Department shall adopt any rules necessary to implement this paragraph.

(9) To perform other duties prescribed by law.

(a-5) Except in cases involving default on an educational loan or scholarship provided by or guaranteed by the Illinois Student Assistance Commission or any governmental agency of this State or in cases involving delinquency in complying with a child support order or violation of the Non-Support Punishment Act and notwithstanding anything that may appear in any individual licensing Act or administrative rule, no person or entity whose license, certificate, or authority has been revoked as authorized in any licensing Act administered by the Department may apply for restoration of that license, certification, or authority until 3 years after the effective date of the revocation.

(b) (Blank). The Department may, when a fee is payable to the Department for a wall certificate of registration provided by the Department of Central Management Services, require that portion of the payment for printing and distribution costs be made directly or through the

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Department to the Department of Central Management Services for deposit into the Paper and Printing Revolving Fund. The remainder shall be deposited into the General Revenue Fund.

(c) For the purpose of securing and preparing evidence, and for the purchase of controlled substances, professional services, and equipment necessary for enforcement activities, recoupment of investigative costs, and other activities directed at suppressing the misuse and abuse of controlled substances, including those activities set forth in Sections 504 and 508 of the Illinois Controlled Substances Act, the Director and agents appointed and authorized by the Director may expend sums from the Professional Regulation Evidence Fund that the Director deems necessary from the amounts appropriated for that purpose. Those sums may be advanced to the agent when the Director deems that procedure to be in the public interest. Sums for the purchase of controlled substances, professional services, and equipment necessary for enforcement activities and other activities as set forth in this Section shall be advanced to the agent who is to make the purchase from the Professional Regulation Evidence Fund on vouchers signed by the Director. The Director and those agents are authorized to maintain one or more commercial checking accounts with any State banking corporation or corporations organized under or subject to the Illinois Banking Act for the deposit and withdrawal of moneys to be used for the purposes set forth in this Section; provided, that no check may be written nor any withdrawal made from any such account except upon the written signatures of 2 persons designated by the Director to write those checks and make those withdrawals. Vouchers for those expenditures must be signed by the Director. All such expenditures shall be audited by the Director, and the audit shall be submitted to the Department of Central Management Services for approval.

(d) Whenever the Department is authorized or required by law to consider some aspect of criminal history record information for the purpose of carrying out its statutory powers and responsibilities, then, upon request and payment of fees in conformance with the requirements of Section 2605-400 of the Department of State Police Law (20 ILCS 2605/2605-400), the Department of State Police is authorized to furnish, pursuant to positive identification, the information contained in State files that is necessary to fulfill the request.

(e) The provisions of this Section do not apply to private business and vocational schools as defined by Section 15 of the Private Business and Vocational Schools Act of 2012.

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(f) (Blank).

(g) Notwithstanding anything that may appear in any individual licensing statute or administrative rule, the Department shall deny any license application or renewal authorized under any licensing Act administered by the Department to any person who has failed to file a return, or to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirement of any such tax Act are satisfied; however, the Department may issue a license or renewal if the person has established a satisfactory repayment record as determined by the Illinois Department of Revenue. For the purpose of this Section, "satisfactory repayment record" shall be defined by rule.

In addition, a complaint filed with the Department by the Illinois Department of Revenue that includes a certification, signed by its Director or designee, attesting to the amount of the unpaid tax liability or the years for which a return was not filed, or both, is prima facie evidence of the licensee's failure to comply with the tax laws administered by the Illinois Department of Revenue. Upon receipt of that certification, the Department shall, without a hearing, immediately suspend all licenses held by the licensee. Enforcement of the Department's order shall be stayed for 60 days. The Department shall provide notice of the suspension to the licensee by mailing a copy of the Department's order by certified and regular mail to the licensee's last known address as registered with the Department. The notice shall advise the licensee that the suspension shall be effective 60 days after the issuance of the Department's order unless the Department receives, from the licensee, a request for a hearing before the Department to dispute the matters contained in the order.

Any suspension imposed under this subsection (g) shall be terminated by the Department upon notification from the Illinois Department of Revenue that the licensee is in compliance with all tax laws administered by the Illinois Department of Revenue.

The Department may promulgate rules for the administration of this subsection (g).

(h) The Department may grant the title "Retired", to be used immediately adjacent to the title of a profession regulated by the Department, to eligible retirees. For individuals licensed under the Medical Practice Act of 1987, the title "Retired" may be used in the profile required by the Patients' Right to Know Act. The use of the title "Retired"
shall not constitute representation of current licensure, registration, or certification. Any person without an active license, registration, or certificate in a profession that requires licensure, registration, or certification shall not be permitted to practice that profession.

(i) Within 180 days after December 23, 2009 (the effective date of Public Act 96-852), the Department shall promulgate rules which permit a person with a criminal record, who seeks a license or certificate in an occupation for which a criminal record is not expressly a per se bar, to apply to the Department for a non-binding, advisory opinion to be provided by the Board or body with the authority to issue the license or certificate as to whether his or her criminal record would bar the individual from the licensure or certification sought, should the individual meet all other licensure requirements including, but not limited to, the successful completion of the relevant examinations.

(Source: P.A. 98-756, eff. 7-16-14; 98-850, eff. 1-1-15; 99-85, eff. 1-1-16; 99-227, eff. 8-3-15; 99-330, eff. 8-10-15; revised 10-16-15.)

Section 5-55. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by repealing Sections 2310-371 and 2310-392.

Section 5-60. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by repealing Section 2605-555.

Section 5-65. The Department of Veterans Affairs Act is amended by changing Section 2b as follows:

Sec. 2b. Persian Gulf Conflict compensation Veterans Fund.

(a) (Blank). There is created within the State Treasury a fund to be known as the Persian Gulf Conflict Veterans Fund. All moneys received from any income tax checkoff for the Persian Gulf Conflict Veterans Fund as provided in Section 507H of the Illinois Income Tax Act shall be deposited into the fund.

(b) All moneys in the Persian Gulf Conflict Veterans Fund, together with any other excess amounts appropriated for bonus payments to war veterans and peacetime crisis survivors as allocated by the Department, shall be used to compensate persons who served on active duty with the armed forces of the United States on or after August 2, 1990.

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Every person who served in the Persian Gulf Conflict is entitled to receive compensation of $100, payable from funds appropriated for the payments of bonuses to veterans, if the person:

1. was a resident of Illinois for at least 12 months immediately preceding his or her period of service;
2. is still in active service, is honorably separated or discharged from the service, has been furloughed to a reserve, or has been retired; and
3. has received the Southwest Asia Service Medal for service in the Persian Gulf Conflict.

(c) The widow or widower, child or children, mother, father, person standing in loco parentis, brothers and sisters, in the order named, of any deceased person shall be paid the compensation that the deceased person would be entitled to receive under subsection (b) of this Act. Where the deceased person would have qualified for compensation under subsection (b) except for his or her death and his or her death was connected with that service and resulted from that service during the time specified in subsection (b), his or her survivors, in the order named in this subsection, shall be paid 10 times the amount the deceased person would have received under subsection (b).

(d) The Department shall establish rules and regulations to govern the provisions of this Section.

(Source: P.A. 87-119; 87-895; 88-11.)

(20 ILCS 3520/Act rep.)

Section 5-70. The Small Business Surety Bond Guaranty Act is repealed.

Section 5-80. The State Finance Act is amended by reenacting and changing Section 5.399 and by changing Section 6p-3 as follows:

(30 ILCS 105/5.399)

Sec. 5.399. Clean Air Act CAA Permit Fund.

(Source: P.A. 89-235, eff. 8-4-95. Repealed by P.A. 95-331, eff. 8-21-07.)

(30 ILCS 105/6p-3) (from Ch. 127, par. 142p3)

Sec. 6p-3. (a) The State Surplus Property Revolving Fund shall be initially financed by a transfer of funds from the General Revenue Fund. Thereafter all fees and other monies received by the Department of Central Management Services from the sale or transfer of surplus or transferable property pursuant to the "State Property Control Act" and "An Act to create and establish a State Agency for Federal Surplus Property, to prescribe its powers, duties and functions", approved August 2, 1965, as

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amended, shall be paid into the State Surplus Property Revolving Fund. Except as provided in paragraph (e) of this Section, the money in this fund shall be used by the Department of Central Management Services as reimbursement for expenditures incurred in relation to the sale of surplus or transferable property.

(b) If at the end of the lapse period the balance in the State Surplus Property Revolving Fund exceeds the amount of $1,000,000, all monies in excess of that amount shall be transferred and deposited into the General Revenue Fund.

(c) Provided, however, that the fund established by this Section shall contain a separate account for the deposit of all proceeds resulting from the sale of Federal surplus property, and the proceeds of this separate account shall be used solely to reimburse the Department of Central Management Services for expenditures incurred in relation to the sale of Federal surplus property.

(d) Any funds on deposit in the State Agency for Surplus Property Utilization Fund on the effective date of this amendatory Act of 1983 shall be transferred to the Federal account of the State Surplus Property Revolving Fund.

(e) (Blank). Revenues received from the sale of wastepaper through paper recycling programs shall be placed into a separate account in the Fund and shall be used to offset costs to the Department of establishing and operating wastepaper recycling programs. At the end of each calendar quarter, any amounts in the separate account that have not been used or designated for use shall be transferred to the Paper and Printing Revolving Fund.

(Source: P.A. 97-722, eff. 6-29-12.)

(30 ILCS 105/5.36 rep.)
(30 ILCS 105/5.195 rep.)
(30 ILCS 105/5.204 rep.)
(30 ILCS 105/5.281 rep.)
(30 ILCS 105/5.378 rep.)
(30 ILCS 105/5.386 rep.)
(30 ILCS 105/5.428 rep.)
(30 ILCS 105/5.453 rep.)
(30 ILCS 105/5.459 rep.)
(30 ILCS 105/5.474 rep.)
(30 ILCS 105/5.528 rep.)
(30 ILCS 105/5.533 rep.)

New matter indicated by italics - deletions by strikeout
(30 ILCS 105/5.535 rep.)
(30 ILCS 105/5.551 rep.)
(30 ILCS 105/5.555 rep.)
(30 ILCS 105/5.559 rep.)
(30 ILCS 105/5.575 rep.)
(30 ILCS 105/5.587 rep.)
(30 ILCS 105/5.588 rep.)
(30 ILCS 105/5.601 rep.)
(30 ILCS 105/5.602 rep.)
(30 ILCS 105/5.611 rep.)
(30 ILCS 105/5.636 rep.)
(30 ILCS 105/5.767 rep.)
(30 ILCS 105/6p rep.)
(30 ILCS 105/6q rep.)
(30 ILCS 105/6z-42 rep.)
(30 ILCS 105/6z-50 rep.)
(30 ILCS 105/6z-53 rep.)
(30 ILCS 105/8.7 rep.)
(30 ILCS 105/8.16 rep.)
(30 ILCS 105/8.51 rep.)


(35 ILCS 5/245 rep.)
(35 ILCS 5/507V rep.)
(35 ILCS 5/507X rep.)
(35 ILCS 5/507Z rep.)
(35 ILCS 5/507EE rep.)
(35 ILCS 5/507MM rep.)
(35 ILCS 5/507NN rep.)
(35 ILCS 5/507RR rep.)
(35 ILCS 5/507WW rep.)


Section 5-95. The Use Tax Act is amended by changing Section 9 as follows:

New matter indicated by italics - deletions by strikeout
Sec. 9. Except as to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, each retailer required or authorized to collect the tax imposed by this Act shall pay to the Department the amount of such tax (except as otherwise provided) at the time when he is required to file his return for the period during which such tax was collected, less a discount of 2.1% prior to January 1, 1990, and 1.75% on and after January 1, 1990, or $5 per calendar year, whichever is greater, which is allowed to reimburse the retailer for expenses incurred in collecting the tax, keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request. In the case of retailers who report and pay the tax on a transaction by transaction basis, as provided in this Section, such discount shall be taken with each such tax remittance instead of when such retailer files his periodic return. The Department may disallow the discount for retailers whose certificate of registration is revoked at the time the return is filed, but only if the Department's decision to revoke the certificate of registration has become final. A retailer need not remit that part of any tax collected by him to the extent that he is required to remit and does remit the tax imposed by the Retailers' Occupation Tax Act, with respect to the sale of the same property.

Where such tangible personal property is sold under a conditional sales contract, or under any other form of sale wherein the payment of the principal sum, or a part thereof, is extended beyond the close of the period for which the return is filed, the retailer, in collecting the tax (except as to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State), may collect for each tax return period, only the tax applicable to that part of the selling price actually received during such tax return period.

Except as provided in this Section, on or before the twentieth day of each calendar month, such retailer shall file a return for the preceding calendar month. Such return shall be filed on forms prescribed by the Department and shall furnish such information as the Department may reasonably require.

The Department may require returns to be filed on a quarterly basis. If so required, a return for each calendar quarter shall be filed on or before the twentieth day of the calendar month following the end of such calendar quarter. The taxpayer shall also file a return with the Department.
for each of the first two months of each calendar quarter, on or before the
twentieth day of the following calendar month, stating:

1. The name of the seller;

2. The address of the principal place of business from
which he engages in the business of selling tangible personal
property at retail in this State;

3. The total amount of taxable receipts received by him
during the preceding calendar month from sales of tangible
personal property by him during such preceding calendar month,
including receipts from charge and time sales, but less all
deductions allowed by law;

4. The amount of credit provided in Section 2d of this Act;

5. The amount of tax due;

5.5. The signature of the taxpayer; and

6. Such other reasonable information as the Department
may require.

If a taxpayer fails to sign a return within 30 days after the proper
notice and demand for signature by the Department, the return shall be
considered valid and any amount shown to be due on the return shall be
deemed assessed.

Beginning October 1, 1993, a taxpayer who has an average
monthly tax liability of $150,000 or more shall make all payments
required by rules of the Department by electronic funds transfer.
Beginning October 1, 1994, a taxpayer who has an average monthly tax
liability of $100,000 or more shall make all payments required by rules of
the Department by electronic funds transfer. Beginning October 1, 1995, a
taxpayer who has an average monthly tax liability of $50,000 or more shall
make all payments required by rules of the Department by electronic funds
transfer. Beginning October 1, 2000, a taxpayer who has an annual tax
liability of $200,000 or more shall make all payments required by rules of
the Department by electronic funds transfer. The term "annual tax liability"
shall be the sum of the taxpayer's liabilities under this Act, and under all
other State and local occupation and use tax laws administered by the
Department, for the immediately preceding calendar year. The term "average monthly tax liability" means the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year divided by 12. Beginning on October 1, 2002, a taxpayer
who has a tax liability in the amount set forth in subsection (b) of Section

New matter indicated by italics - deletions by strikeout
2505-210 of the Department of Revenue Law shall make all payments required by rules of the Department by electronic funds transfer.

Before August 1 of each year beginning in 1993, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1.

Any taxpayer not required to make payments by electronic funds transfer may make payments by electronic funds transfer with the permission of the Department.

All taxpayers required to make payment by electronic funds transfer and any taxpayers authorized to voluntarily make payments by electronic funds transfer shall make those payments in the manner authorized by the Department.

The Department shall adopt such rules as are necessary to effectuate a program of electronic funds transfer and the requirements of this Section.

Before October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act, the Service Use Tax Act was $10,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. On and after October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act was $20,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payment to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to January 1, 1985, each payment shall be in an amount equal to 1/4 of the taxpayer's actual liability for the month or an amount set by the Department not to exceed 1/4 of the average monthly liability of the taxpayer to the Department for the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability in such 4 quarter period).

New matter indicated by italics - deletions by strikeout
If the month during which such tax liability is incurred begins on or after January 1, 1985, and prior to January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 27.5% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1987, and prior to January 1, 1988, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1988, and prior to January 1, 1989, or begins on or after January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1989, and prior to January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year or 100% of the taxpayer's actual liability for the quarter monthly reporting period. The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month. Before October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $9,000, or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $10,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $10,000 threshold stated above, then such taxpayer may petition the Department for change in such taxpayer's reporting status. On and after October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $19,000 or until such taxpayer's average monthly liability to the Department as computed

New matter indicated by italics - deletions by strikeout
for each calendar quarter of the 4 preceding complete calendar quarter
period is less than $20,000. However, if a taxpayer can show the
Department that a substantial change in the taxpayer's business has
occurred which causes the taxpayer to anticipate that his average monthly
tax liability for the reasonably foreseeable future will fall below the
$20,000 threshold stated above, then such taxpayer may petition the
Department for a change in such taxpayer's reporting status. The
Department shall change such taxpayer's reporting status unless it finds
that such change is seasonal in nature and not likely to be long term. If any
such quarter monthly payment is not paid at the time or in the amount
required by this Section, then the taxpayer shall be liable for penalties and
interest on the difference between the minimum amount due and the
amount of such quarter monthly payment actually and timely paid, except
insofar as the taxpayer has previously made payments for that month to the
Department in excess of the minimum payments previously due as
provided in this Section. The Department shall make reasonable rules and
regulations to govern the quarter monthly payment amount and quarter
monthly payment dates for taxpayers who file on other than a calendar
monthly basis.

If any such payment provided for in this Section exceeds the
taxpayer's liabilities under this Act, the Retailers' Occupation Tax Act, the
Service Occupation Tax Act and the Service Use Tax Act, as shown by an
original monthly return, the Department shall issue to the taxpayer a credit
memorandum no later than 30 days after the date of payment, which
memorandum may be submitted by the taxpayer to the Department in
payment of tax liability subsequently to be remitted by the taxpayer to the
Department or be assigned by the taxpayer to a similar taxpayer under this
Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act or
the Service Use Tax Act, in accordance with reasonable rules and
regulations to be prescribed by the Department, except that if such excess
payment is shown on an original monthly return and is made after
December 31, 1986, no credit memorandum shall be issued, unless
requested by the taxpayer. If no such request is made, the taxpayer may
credit such excess payment against tax liability subsequently to be remitted
by the taxpayer to the Department under this Act, the Retailers' Occupation
Tax Act, the Service Occupation Tax Act or the Service Use
Tax Act, in accordance with reasonable rules and regulations prescribed by
the Department. If the Department subsequently determines that all or any
part of the credit taken was not actually due to the taxpayer, the taxpayer's

New matter indicated by italics - deletions by strikeout
2.1% or 1.75% vendor's discount shall be reduced by 2.1% or 1.75% of the difference between the credit taken and that actually due, and the taxpayer shall be liable for penalties and interest on such difference.

If the retailer is otherwise required to file a monthly return and if the retailer's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February, and March of a given year being due by April 20 of such year; with the return for April, May and June of a given year being due by July 20 of such year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.

If the retailer is otherwise required to file a monthly or quarterly return and if the retailer's average monthly tax liability to the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year.

Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which a retailer may file his return, in the case of any retailer who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such retailer shall file a final return under this Act with the Department not more than one month after discontinuing such business.

In addition, with respect to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, every retailer selling this kind of tangible personal property shall file, with the Department, upon a form to be prescribed and supplied by the Department, a separate return for each such item of tangible personal property which the retailer sells, except that if, in the same transaction, (i) a retailer of aircraft, watercraft, motor vehicles or trailers transfers more than one aircraft, watercraft, motor vehicle or trailer to another aircraft, watercraft, motor vehicle or trailer retailer for the purpose of resale or (ii) a retailer of aircraft, watercraft, motor vehicles, or trailers transfers more than one aircraft, watercraft, motor vehicle, or trailer to a purchaser for use as a qualifying rolling stock as provided in Section 3-55 of this Act, then that seller may report the transfer of all the aircraft, watercraft, motor vehicles or trailers involved in that transaction to the Department on the same

New matter indicated by italics - deletions by strikeout
uniform invoice-transaction reporting return form. For purposes of this Section, "watercraft" means a Class 2, Class 3, or Class 4 watercraft as defined in Section 3-2 of the Boat Registration and Safety Act, a personal watercraft, or any boat equipped with an inboard motor.

The transaction reporting return in the case of motor vehicles or trailers that are required to be registered with an agency of this State, shall be the same document as the Uniform Invoice referred to in Section 5-402 of the Illinois Vehicle Code and must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 2 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale; a sufficient identification of the property sold; such other information as is required in Section 5-402 of the Illinois Vehicle Code, and such other information as the Department may reasonably require.

The transaction reporting return in the case of watercraft and aircraft must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 2 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale, a sufficient identification of the property sold, and such other information as the Department may reasonably require.

Such transaction reporting return shall be filed not later than 20 days after the date of delivery of the item that is being sold, but may be filed by the retailer at any time sooner than that if he chooses to do so. The transaction reporting return and tax remittance or proof of exemption from
the tax that is imposed by this Act may be transmitted to the Department by way of the State agency with which, or State officer with whom, the tangible personal property must be titled or registered (if titling or registration is required) if the Department and such agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

With each such transaction reporting return, the retailer shall remit the proper amount of tax due (or shall submit satisfactory evidence that the sale is not taxable if that is the case), to the Department or its agents, whereupon the Department shall issue, in the purchaser's name, a tax receipt (or a certificate of exemption if the Department is satisfied that the particular sale is tax exempt) which such purchaser may submit to the agency with which, or State officer with whom, he must title or register the tangible personal property that is involved (if titling or registration is required) in support of such purchaser's application for an Illinois certificate or other evidence of title or registration to such tangible personal property.

No retailer's failure or refusal to remit tax under this Act precludes a user, who has paid the proper tax to the retailer, from obtaining his certificate of title or other evidence of title or registration (if titling or registration is required) upon satisfying the Department that such user has paid the proper tax (if tax is due) to the retailer. The Department shall adopt appropriate rules to carry out the mandate of this paragraph.

If the user who would otherwise pay tax to the retailer wants the transaction reporting return filed and the payment of tax or proof of exemption made to the Department before the retailer is willing to take these actions and such user has not paid the tax to the retailer, such user may certify to the fact of such delay by the retailer, and may (upon the Department being satisfied of the truth of such certification) transmit the information required by the transaction reporting return and the remittance for tax or proof of exemption directly to the Department and obtain his tax receipt or exemption determination, in which event the transaction reporting return and tax remittance (if a tax payment was required) shall be credited by the Department to the proper retailer's account with the Department, but without the 2.1% or 1.75% discount provided for in this Section being allowed. When the user pays the tax directly to the Department, he shall pay the tax in the same amount and in the same form in which it would be remitted if the tax had been remitted to the Department by the retailer.
Where a retailer collects the tax with respect to the selling price of tangible personal property which he sells and the purchaser thereafter returns such tangible personal property and the retailer refunds the selling price thereof to the purchaser, such retailer shall also refund, to the purchaser, the tax so collected from the purchaser. When filing his return for the period in which he refunds such tax to the purchaser, the retailer may deduct the amount of the tax so refunded by him to the purchaser from any other use tax which such retailer may be required to pay or remit to the Department, as shown by such return, if the amount of the tax to be deducted was previously remitted to the Department by such retailer. If the retailer has not previously remitted the amount of such tax to the Department, he is entitled to no deduction under this Act upon refunding such tax to the purchaser.

Any retailer filing a return under this Section shall also include (for the purpose of paying tax thereon) the total tax covered by such return upon the selling price of tangible personal property purchased by him at retail from a retailer, but as to which the tax imposed by this Act was not collected from the retailer filing such return, and such retailer shall remit the amount of such tax to the Department when filing such return.

If experience indicates such action to be practicable, the Department may prescribe and furnish a combination or joint return which will enable retailers, who are required to file returns hereunder and also under the Retailers' Occupation Tax Act, to furnish all the return information required by both Acts on the one form.

Where the retailer has more than one business registered with the Department under separate registration under this Act, such retailer may not file each return that is due as a single return covering all such registered businesses, but shall file separate returns for each such registered business.

Beginning January 1, 1990, each month the Department shall pay into the State and Local Sales Tax Reform Fund, a special fund in the State Treasury which is hereby created, the net revenue realized for the preceding month from the 1% tax on sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics.

New matter indicated by italics - deletions by strikeout
Beginning January 1, 1990, each month the Department shall pay into the County and Mass Transit District Fund 4% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by an agency of this State's government.

Beginning January 1, 1990, each month the Department shall pay into the State and Local Sales Tax Reform Fund, a special fund in the State Treasury, 20% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property, other than tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by an agency of this State's government.

Beginning August 1, 2000, each month the Department shall pay into the State and Local Sales Tax Reform Fund 100% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol. Beginning September 1, 2010, each month the Department shall pay into the State and Local Sales Tax Reform Fund 100% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of sales tax holiday items.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund 16% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by an agency of this State's government.

Beginning October 1, 2009, each month the Department shall pay into the Capital Projects Fund an amount that is equal to an amount estimated by the Department to represent 80% of the net revenue realized for the preceding month from the sale of candy, grooming and hygiene products, and soft drinks that had been taxed at a rate of 1% prior to September 1, 2009 but that are now taxed at 6.25%.

Beginning July 1, 2011, each month the Department shall pay into the Clean Air Act (CAA) Permit Fund 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of sorbents used in Illinois in the process of sorbent injection as used to comply with the Environmental Protection Act or the federal Clean Air Act, but the total payment into the Clean Air Act (CAA) Permit Fund

New matter indicated by italics - deletions by strikeout
under this Act and the Retailers' Occupation Tax Act shall not exceed $2,000,000 in any fiscal year.

Beginning July 1, 2013, each month the Department shall pay into the Underground Storage Tank Fund from the proceeds collected under this Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act an amount equal to the average monthly deficit in the Underground Storage Tank Fund during the prior year, as certified annually by the Illinois Environmental Protection Agency, but the total payment into the Underground Storage Tank Fund under this Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act shall not exceed $18,000,000 in any State fiscal year. As used in this paragraph, the "average monthly deficit" shall be equal to the difference between the average monthly claims for payment by the fund and the average monthly revenues deposited into the fund, excluding payments made pursuant to this paragraph.

Beginning July 1, 2015, of the remainder of the moneys received by the Department under this Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act, each month the Department shall deposit $500,000 into the State Crime Laboratory Fund.

Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75% thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after July 1, 1989, 3.8% thereof shall be paid into the Build Illinois Fund; provided, however, that if in any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received by the Department and required to be paid into the Build Illinois Fund pursuant to Section 3 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, and Section 9 of the Service Occupation Tax Act, such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case may be, of moneys being hereinafter called the "Tax Act Amount", and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall be less than the Annual Specified Amount (as defined in Section 3 of the Retailers' Occupation Tax Act), an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and further provided, that if on the last business day of any month the sum of (1) the Tax Act Amount required to be deposited into the Build Illinois Bond Account in the Build

New matter indicated by italics - deletions by strikeout
Illinois Fund during such month and (2) the amount transferred during such month to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall have been less than 1/12 of the Annual Specified Amount, an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and, further provided, that in no event shall the payments required under the preceding proviso result in aggregate payments into the Build Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii) the Annual Specified Amount for such fiscal year; and, further provided, that the amounts payable into the Build Illinois Fund under this clause (b) shall be payable only until such time as the aggregate amount on deposit under each trust indenture securing Bonds issued and outstanding pursuant to the Build Illinois Bond Act is sufficient, taking into account any future investment income, to fully provide, in accordance with such indenture, for the defeasance of or the payment of the principal of, premium, if any, and interest on the Bonds secured by such indenture and on any Bonds expected to be issued thereafter and all fees and costs payable with respect thereto, all as certified by the Director of the Bureau of the Budget (now Governor's Office of Management and Budget). If on the last business day of any month in which Bonds are outstanding pursuant to the Build Illinois Bond Act, the aggregate of the moneys deposited in the Build Illinois Bond Account in the Build Illinois Fund in such month shall be less than the amount required to be transferred in such month from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund pursuant to Section 13 of the Build Illinois Bond Act, an amount equal to such deficiency shall be immediately paid from other moneys received by the Department pursuant to the Tax Acts to the Build Illinois Fund; provided, however, that any amounts paid to the Build Illinois Fund in any fiscal year pursuant to this sentence shall be deemed to constitute payments pursuant to clause (b) of the preceding sentence and shall reduce the amount otherwise payable for such fiscal year pursuant to clause (b) of the preceding sentence. The moneys received by the Department pursuant to this Act and required to be deposited into the Build Illinois Fund are subject to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act.

Subject to payment of amounts into the Build Illinois Fund as provided in the preceding paragraph or in any amendment thereto hereafter enacted, the following specified monthly installment of the amount

New matter indicated by italics - deletions by strikeout
requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority provided under Section 8.25f of the State Finance Act, but not in excess of the sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.

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New matter indicated by italics - deletions by strikeout
2023     275,000,000
2024     275,000,000
2025     275,000,000
2026     279,000,000
2027     292,000,000
2028     307,000,000
2029     322,000,000
2030     338,000,000
2031     350,000,000
2032     350,000,000

and

each fiscal year
thereafter that bonds
are outstanding under
Section 13.2 of the
Metropolitan Pier and
Exposition Authority Act,
but not after fiscal year 2060.

Beginning July 20, 1993 and in each month of each fiscal year
thereafter, one-eighth of the amount requested in the certificate of the
Chairman of the Metropolitan Pier and Exposition Authority for that fiscal
year, less the amount deposited into the McCormick Place Expansion
Project Fund by the State Treasurer in the respective month under
subsection (g) of Section 13 of the Metropolitan Pier and Exposition
Authority Act, plus cumulative deficiencies in the deposits required under
this Section for previous months and years, shall be deposited into the
McCormick Place Expansion Project Fund, until the full amount requested
for the fiscal year, but not in excess of the amount specified above as
"Total Deposit", has been deposited.

Subject to payment of amounts into the Build Illinois Fund and the
McCormick Place Expansion Project Fund pursuant to the preceding
paragraphs or in any amendments thereto hereafter enacted, beginning July
1, 1993 and ending on September 30, 2013, the Department shall each
month pay into the Illinois Tax Increment Fund 0.27% of 80% of the net
revenue realized for the preceding month from the 6.25% general rate on
the selling price of tangible personal property.

Subject to payment of amounts into the Build Illinois Fund and the
McCormick Place Expansion Project Fund pursuant to the preceding
paragraphs or in any amendments thereto hereafter enacted, beginning

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with the receipt of the first report of taxes paid by an eligible business and continuing for a 25-year period, the Department shall each month pay into the Energy Infrastructure Fund 80% of the net revenue realized from the 6.25% general rate on the selling price of Illinois-mined coal that was sold to an eligible business. For purposes of this paragraph, the term "eligible business" means a new electric generating facility certified pursuant to Section 605-332 of the Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois.

Subject to payment of amounts into the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, and the Energy Infrastructure Fund pursuant to the preceding paragraphs or in any amendments to this Section hereafter enacted, beginning on the first day of the first calendar month to occur on or after the effective date of this amendatory Act of the 98th General Assembly, each month, from the collections made under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act, the Department shall pay into the Tax Compliance and Administration Fund, to be used, subject to appropriation, to fund additional auditors and compliance personnel at the Department of Revenue, an amount equal to 1/12 of 5% of 80% of the cash receipts collected during the preceding fiscal year by the Audit Bureau of the Department under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, the Retailers' Occupation Tax Act, and associated local occupation and use taxes administered by the Department.

Of the remainder of the moneys received by the Department pursuant to this Act, 75% thereof shall be paid into the State Treasury and 25% shall be reserved in a special account and used only for the transfer to the Common School Fund as part of the monthly transfer from the General Revenue Fund in accordance with Section 8a of the State Finance Act.

As soon as possible after the first day of each month, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Motor Fuel Tax Fund an amount equal to 1.7% of 80% of the net revenue realized under this Act for the second preceding month. Beginning April 1, 2000, this transfer is no longer required and shall not be made.
Net revenue realized for a month shall be the revenue collected by the State pursuant to this Act, less the amount paid out during that month as refunds to taxpayers for overpayment of liability.

For greater simplicity of administration, manufacturers, importers and wholesalers whose products are sold at retail in Illinois by numerous retailers, and who wish to do so, may assume the responsibility for accounting and paying to the Department all tax accruing under this Act with respect to such sales, if the retailers who are affected do not make written objection to the Department to this arrangement.

(Source: P.A. 98-24, eff. 6-19-13; 98-109, eff. 7-25-13; 98-496, eff. 1-1-14; 98-756, eff. 7-16-14; 98-1098, eff. 8-26-14; 99-352, eff. 8-12-15.)

Section 5-100. The Retailers' Occupation Tax Act is amended by changing Section 3 as follows:

(35 ILCS 120/3) (from Ch. 120, par. 442)

Sec. 3. Except as provided in this Section, on or before the twentieth day of each calendar month, every person engaged in the business of selling tangible personal property at retail in this State during the preceding calendar month shall file a return with the Department, stating:

1. The name of the seller;
2. His residence address and the address of his principal place of business and the address of the principal place of business (if that is a different address) from which he engages in the business of selling tangible personal property at retail in this State;
3. Total amount of receipts received by him during the preceding calendar month or quarter, as the case may be, from sales of tangible personal property, and from services furnished, by him during such preceding calendar month or quarter;
4. Total amount received by him during the preceding calendar month or quarter on charge and time sales of tangible personal property, and from services furnished, by him prior to the month or quarter for which the return is filed;
5. Deductions allowed by law;
6. Gross receipts which were received by him during the preceding calendar month or quarter and upon the basis of which the tax is imposed;
7. The amount of credit provided in Section 2d of this Act;
8. The amount of tax due;
9. The signature of the taxpayer; and

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10. Such other reasonable information as the Department may require.

If a taxpayer fails to sign a return within 30 days after the proper notice and demand for signature by the Department, the return shall be considered valid and any amount shown to be due on the return shall be deemed assessed.

Each return shall be accompanied by the statement of prepaid tax issued pursuant to Section 2e for which credit is claimed.

Prior to October 1, 2003, and on and after September 1, 2004 a retailer may accept a Manufacturer's Purchase Credit certification from a purchaser in satisfaction of Use Tax as provided in Section 3-85 of the Use Tax Act if the purchaser provides the appropriate documentation as required by Section 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit certification, accepted by a retailer prior to October 1, 2003 and on and after September 1, 2004 as provided in Section 3-85 of the Use Tax Act, may be used by that retailer to satisfy Retailers' Occupation Tax liability in the amount claimed in the certification, not to exceed 6.25% of the receipts subject to tax from a qualifying purchase. A Manufacturer's Purchase Credit reported on any original or amended return filed under this Act after October 20, 2003 for reporting periods prior to September 1, 2004 shall be disallowed. Manufacturer's Purchaser Credit reported on annual returns due on or after January 1, 2005 will be disallowed for periods prior to September 1, 2004. No Manufacturer's Purchase Credit may be used after September 30, 2003 through August 31, 2004 to satisfy any tax liability imposed under this Act, including any audit liability.

The Department may require returns to be filed on a quarterly basis. If so required, a return for each calendar quarter shall be filed on or before the twentieth day of the calendar month following the end of such calendar quarter. The taxpayer shall also file a return with the Department for each of the first two months of each calendar quarter, on or before the twentieth day of the following calendar month, stating:

1. The name of the seller;
2. The address of the principal place of business from which he engages in the business of selling tangible personal property at retail in this State;
3. The total amount of taxable receipts received by him during the preceding calendar month from sales of tangible personal property by him during such preceding calendar month,
including receipts from charge and time sales, but less all deductions allowed by law;

4. The amount of credit provided in Section 2d of this Act;

5. The amount of tax due; and

6. Such other reasonable information as the Department may require.

Beginning on October 1, 2003, any person who is not a licensed distributor, importing distributor, or manufacturer, as defined in the Liquor Control Act of 1934, but is engaged in the business of selling, at retail, alcoholic liquor shall file a statement with the Department of Revenue, in a format and at a time prescribed by the Department, showing the total amount paid for alcoholic liquor purchased during the preceding month and such other information as is reasonably required by the Department. The Department may adopt rules to require that this statement be filed in an electronic or telephonic format. Such rules may provide for exceptions from the filing requirements of this paragraph. For the purposes of this paragraph, the term "alcoholic liquor" shall have the meaning prescribed in the Liquor Control Act of 1934.

Beginning on October 1, 2003, every distributor, importing distributor, and manufacturer of alcoholic liquor as defined in the Liquor Control Act of 1934, shall file a statement with the Department of Revenue, no later than the 10th day of the month for the preceding month during which transactions occurred, by electronic means, showing the total amount of gross receipts from the sale of alcoholic liquor sold or distributed during the preceding month to purchasers; identifying the purchaser to whom it was sold or distributed; the purchaser's tax registration number; and such other information reasonably required by the Department. A distributor, importing distributor, or manufacturer of alcoholic liquor must personally deliver, mail, or provide by electronic means to each retailer listed on the monthly statement a report containing a cumulative total of that distributor's, importing distributor's, or manufacturer's total sales of alcoholic liquor to that retailer no later than the 10th day of the month for the preceding month during which the transaction occurred. The distributor, importing distributor, or manufacturer shall notify the retailer as to the method by which the distributor, importing distributor, or manufacturer will provide the sales information. If the retailer is unable to receive the sales information by electronic means, the distributor, importing distributor, or manufacturer shall furnish the sales information by personal delivery or by mail. For

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purposes of this paragraph, the term "electronic means" includes, but is not limited to, the use of a secure Internet website, e-mail, or facsimile.

If a total amount of less than $1 is payable, refundable or creditable, such amount shall be disregarded if it is less than 50 cents and shall be increased to $1 if it is 50 cents or more.

Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of $150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of $100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average monthly tax liability of $50,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 2000, a taxpayer who has an annual tax liability of $200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. The term "average monthly tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year divided by 12. Beginning on October 1, 2002, a taxpayer who has a tax liability in the amount set forth in subsection (b) of Section 2505-210 of the Department of Revenue Law shall make all payments required by rules of the Department by electronic funds transfer.

Before August 1 of each year beginning in 1993, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1.

Any taxpayer not required to make payments by electronic funds transfer may make payments by electronic funds transfer with the permission of the Department.

All taxpayers required to make payment by electronic funds transfer and any taxpayers authorized to voluntarily make payments by electronic funds transfer shall make those payments in the manner authorized by the Department.

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The Department shall adopt such rules as are necessary to effectuate a program of electronic funds transfer and the requirements of this Section.

Any amount which is required to be shown or reported on any return or other document under this Act shall, if such amount is not a whole-dollar amount, be increased to the nearest whole-dollar amount in any case where the fractional part of a dollar is 50 cents or more, and decreased to the nearest whole-dollar amount where the fractional part of a dollar is less than 50 cents.

If the retailer is otherwise required to file a monthly return and if the retailer's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February and March of a given year being due by April 20 of such year; with the return for April, May and June of a given year being due by July 20 of such year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.

If the retailer is otherwise required to file a monthly or quarterly return and if the retailer's average monthly tax liability with the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year.

Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which a retailer may file his return, in the case of any retailer who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such retailer shall file a final return under this Act with the Department not more than one month after discontinuing such business.

Where the same person has more than one business registered with the Department under separate registrations under this Act, such person may not file each return that is due as a single return covering all such registered businesses, but shall file separate returns for each such registered business.

In addition, with respect to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, every retailer selling this kind of tangible personal property shall file, with the

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Department, upon a form to be prescribed and supplied by the Department, a separate return for each such item of tangible personal property which the retailer sells, except that if, in the same transaction, (i) a retailer of aircraft, watercraft, motor vehicles or trailers transfers more than one aircraft, watercraft, motor vehicle or trailer to another aircraft, watercraft, motor vehicle retailer or trailer retailer for the purpose of resale or (ii) a retailer of aircraft, watercraft, motor vehicles, or trailers transfers more than one aircraft, watercraft, motor vehicle, or trailer to a purchaser for use as a qualifying rolling stock as provided in Section 2-5 of this Act, then that seller may report the transfer of all aircraft, watercraft, motor vehicles or trailers involved in that transaction to the Department on the same uniform invoice-transaction reporting return form. For purposes of this Section, "watercraft" means a Class 2, Class 3, or Class 4 watercraft as defined in Section 3-2 of the Boat Registration and Safety Act, a personal watercraft, or any boat equipped with an inboard motor.

Any retailer who sells only motor vehicles, watercraft, aircraft, or trailers that are required to be registered with an agency of this State, so that all retailers' occupation tax liability is required to be reported, and is reported, on such transaction reporting returns and who is not otherwise required to file monthly or quarterly returns, need not file monthly or quarterly returns. However, those retailers shall be required to file returns on an annual basis.

The transaction reporting return, in the case of motor vehicles or trailers that are required to be registered with an agency of this State, shall be the same document as the Uniform Invoice referred to in Section 5-402 of The Illinois Vehicle Code and must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 1 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale; a sufficient identification of the property sold; such other information as is required in Section 5-402 of The Illinois Vehicle Code, and such other information as the Department may reasonably require.
The transaction reporting return in the case of watercraft or aircraft must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 1 of this Act allows an exemption for the value of traded-in property; the balance payable after deducing such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale, a sufficient identification of the property sold, and such other information as the Department may reasonably require.

Such transaction reporting return shall be filed not later than 20 days after the day of delivery of the item that is being sold, but may be filed by the retailer at any time sooner than that if he chooses to do so. The transaction reporting return and tax remittance or proof of exemption from the Illinois use tax may be transmitted to the Department by way of the State agency with which, or State officer with whom the tangible personal property must be titled or registered (if titling or registration is required) if the Department and such agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

With each such transaction reporting return, the retailer shall remit the proper amount of tax due (or shall submit satisfactory evidence that the sale is not taxable if that is the case), to the Department or its agents, whereupon the Department shall issue, in the purchaser's name, a use tax receipt (or a certificate of exemption if the Department is satisfied that the particular sale is tax exempt) which such purchaser may submit to the agency with which, or State officer with whom, he must title or register the tangible personal property that is involved (if titling or registration is required) in support of such purchaser's application for an Illinois certificate or other evidence of title or registration to such tangible personal property.

No retailer's failure or refusal to remit tax under this Act precludes a user, who has paid the proper tax to the retailer, from obtaining his certificate of title or other evidence of title or registration (if titling or registration is required) upon satisfying the Department that such user has

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paid the proper tax (if tax is due) to the retailer. The Department shall
adopt appropriate rules to carry out the mandate of this paragraph.

If the user who would otherwise pay tax to the retailer wants the
transaction reporting return filed and the payment of the tax or proof of
exemption made to the Department before the retailer is willing to take
these actions and such user has not paid the tax to the retailer, such user
may certify to the fact of such delay by the retailer and may (upon the
Department being satisfied of the truth of such certification) transmit the
information required by the transaction reporting return and the remittance
for tax or proof of exemption directly to the Department and obtain his tax
receipt or exemption determination, in which event the transaction
reporting return and tax remittance (if a tax payment was required) shall be
credited by the Department to the proper retailer's account with the
Department, but without the 2.1% or 1.75% discount provided for in this
Section being allowed. When the user pays the tax directly to the
Department, he shall pay the tax in the same amount and in the same form
in which it would be remitted if the tax had been remitted to the
Department by the retailer.

Refunds made by the seller during the preceding return period to
purchasers, on account of tangible personal property returned to the seller,
shall be allowed as a deduction under subdivision 5 of his monthly or
quarterly return, as the case may be, in case the seller had theretofore
included the receipts from the sale of such tangible personal property in a
return filed by him and had paid the tax imposed by this Act with respect
to such receipts.

Where the seller is a corporation, the return filed on behalf of such
corporation shall be signed by the president, vice-president, secretary or
treasurer or by the properly accredited agent of such corporation.

Where the seller is a limited liability company, the return filed on
behalf of the limited liability company shall be signed by a manager,
member, or properly accredited agent of the limited liability company.

Except as provided in this Section, the retailer filing the return
under this Section shall, at the time of filing such return, pay to the
Department the amount of tax imposed by this Act less a discount of 2.1%
prior to January 1, 1990 and 1.75% on and after January 1, 1990, or $5 per
calendar year, whichever is greater, which is allowed to reimburse the
retailer for the expenses incurred in keeping records, preparing and filing
returns, remitting the tax and supplying data to the Department on request.
Any prepayment made pursuant to Section 2d of this Act shall be included

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in the amount on which such 2.1% or 1.75% discount is computed. In the case of retailers who report and pay the tax on a transaction by transaction basis, as provided in this Section, such discount shall be taken with each such tax remittance instead of when such retailer files his periodic return. The Department may disallow the discount for retailers whose certificate of registration is revoked at the time the return is filed, but only if the Department's decision to revoke the certificate of registration has become final.

Before October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act, excluding any liability for prepaid sales tax to be remitted in accordance with Section 2d of this Act, was $10,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. On and after October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act, excluding any liability for prepaid sales tax to be remitted in accordance with Section 2d of this Act, was $20,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payment to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to January 1, 1985, each payment shall be in an amount equal to 1/4 of the taxpayer's actual liability for the month or an amount set by the Department not to exceed 1/4 of the average monthly liability of the taxpayer to the Department for the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability in such 4 quarter period). If the month during which such tax liability is incurred begins on or after January 1, 1985 and prior to January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 27.5% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1987 and prior to January 1, 1988, each payment shall be in an amount equal to 22.5% of the
taxpayer's actual liability for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1988, and prior to January 1, 1989, or begins on or after January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1989, and prior to January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year or 100% of the taxpayer's actual liability for the quarter monthly reporting period. The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month. Before October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department by taxpayers having an average monthly tax liability of $10,000 or more as determined in the manner provided above shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $9,000, or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $10,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $10,000 threshold stated above, then such taxpayer may petition the Department for a change in such taxpayer's reporting status. On and after October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department by taxpayers having an average monthly tax liability of $20,000 or more as determined in the manner provided above shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $19,000 or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $20,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to

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anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $20,000 threshold stated above, then such taxpayer may petition the Department for a change in such taxpayer's reporting status. The Department shall change such taxpayer's reporting status unless it finds that such change is seasonal in nature and not likely to be long term. If any such quarter monthly payment is not paid at the time or in the amount required by this Section, then the taxpayer shall be liable for penalties and interest on the difference between the minimum amount due as a payment and the amount of such quarter monthly payment actually and timely paid, except insofar as the taxpayer has previously made payments for that month to the Department in excess of the minimum payments previously due as provided in this Section. The Department shall make reasonable rules and regulations to govern the quarter monthly payment amount and quarter monthly payment dates for taxpayers who file on other than a calendar monthly basis.

The provisions of this paragraph apply before October 1, 2001. Without regard to whether a taxpayer is required to make quarter monthly payments as specified above, any taxpayer who is required by Section 2d of this Act to collect and remit prepaid taxes and has collected prepaid taxes which average in excess of $25,000 per month during the preceding 2 complete calendar quarters, shall file a return with the Department as required by Section 2f and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to the effective date of this amendatory Act of 1985, each payment shall be in an amount not less than 22.5% of the taxpayer's actual liability under Section 2d. If the month during which such tax liability is incurred begins on or after January 1, 1986, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 27.5% of the taxpayer's liability for the same calendar month of the preceding calendar year. If the month during which such tax liability is incurred begins on or after January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year. The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month filed under this Section or Section 2f, as the case may be. Once applicable, the requirement of the making of quarter monthly payments to the Department pursuant to this paragraph shall continue until such

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taxpayer's average monthly prepaid tax collections during the preceding 2 complete calendar quarters is $25,000 or less. If any such quarter monthly payment is not paid at the time or in the amount required, the taxpayer shall be liable for penalties and interest on such difference, except insofar as the taxpayer has previously made payments for that month in excess of the minimum payments previously due.

The provisions of this paragraph apply on and after October 1, 2001. Without regard to whether a taxpayer is required to make quarter monthly payments as specified above, any taxpayer who is required by Section 2d of this Act to collect and remit prepaid taxes and has collected prepaid taxes that average in excess of $20,000 per month during the preceding 4 complete calendar quarters shall file a return with the Department as required by Section 2f and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which the liability is incurred. Each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. The amount of the quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month filed under this Section or Section 2f, as the case may be. Once applicable, the requirement of the making of quarter monthly payments to the Department pursuant to this paragraph shall continue until the taxpayer's average monthly prepaid tax collections during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $19,000 or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarters is less than $20,000. If any such quarter monthly payment is not paid at the time or in the amount required, the taxpayer shall be liable for penalties and interest on such difference, except insofar as the taxpayer has previously made payments for that month in excess of the minimum payments previously due.

If any payment provided for in this Section exceeds the taxpayer's liabilities under this Act, the Use Tax Act, the Service Occupation Tax Act and the Service Use Tax Act, as shown on an original monthly return, the Department shall, if requested by the taxpayer, issue to the taxpayer a credit memorandum no later than 30 days after the date of payment. The credit evidenced by such credit memorandum may be assigned by the taxpayer to a similar taxpayer under this Act, the Use Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with

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reasonable rules and regulations to be prescribed by the Department. If no such request is made, the taxpayer may credit such excess payment against tax liability subsequently to be remitted to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations prescribed by the Department. If the Department subsequently determined that all or any part of the credit taken was not actually due to the taxpayer, the taxpayer's 2.1% and 1.75% vendor's discount shall be reduced by 2.1% or 1.75% of the difference between the credit taken and that actually due, and that taxpayer shall be liable for penalties and interest on such difference.

If a retailer of motor fuel is entitled to a credit under Section 2d of this Act which exceeds the taxpayer's liability to the Department under this Act for the month which the taxpayer is filing a return, the Department shall issue the taxpayer a credit memorandum for the excess.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund, a special fund in the State treasury which is hereby created, the net revenue realized for the preceding month from the 1% tax on sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics.

Beginning January 1, 1990, each month the Department shall pay into the County and Mass Transit District Fund, a special fund in the State treasury which is hereby created, 4% of the net revenue realized for the preceding month from the 6.25% general rate.

Beginning August 1, 2000, each month the Department shall pay into the County and Mass Transit District Fund 20% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol. Beginning September 1, 2010, each month the Department shall pay into the County and Mass Transit District Fund 20% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of sales tax holiday items.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund 16% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

New matter indicated by italics - deletions by strikeout
Beginning August 1, 2000, each month the Department shall pay into the Local Government Tax Fund 80% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol. Beginning September 1, 2010, each month the Department shall pay into the Local Government Tax Fund 80% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of sales tax holiday items.

Beginning October 1, 2009, each month the Department shall pay into the Capital Projects Fund an amount that is equal to an amount estimated by the Department to represent 80% of the net revenue realized for the preceding month from the sale of candy, grooming and hygiene products, and soft drinks that had been taxed at a rate of 1% prior to September 1, 2009 but that are now taxed at 6.25%.

Beginning July 1, 2011, each month the Department shall pay into the Clean Air Act (CAA) Permit Fund 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of sorbents used in Illinois in the process of sorbent injection as used to comply with the Environmental Protection Act or the federal Clean Air Act, but the total payment into the Clean Air Act (CAA) Permit Fund under this Act and the Use Tax Act shall not exceed $2,000,000 in any fiscal year.

Beginning July 1, 2013, each month the Department shall pay into the Underground Storage Tank Fund from the proceeds collected under this Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act an amount equal to the average monthly deficit in the Underground Storage Tank Fund during the prior year, as certified annually by the Illinois Environmental Protection Agency, but the total payment into the Underground Storage Tank Fund under this Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act shall not exceed $18,000,000 in any State fiscal year. As used in this paragraph, the "average monthly deficit" shall be equal to the difference between the average monthly claims for payment by the fund and the average monthly revenues deposited into the fund, excluding payments made pursuant to this paragraph.

Beginning July 1, 2015, of the remainder of the moneys received by the Department under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and this Act, each month the Department shall deposit $500,000 into the State Crime Laboratory Fund.

New matter indicated by italics - deletions by strikeout
Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75% thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after July 1, 1989, 3.8% thereof shall be paid into the Build Illinois Fund; provided, however, that if in any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received by the Department and required to be paid into the Build Illinois Fund pursuant to this Act, Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, and Section 9 of the Service Occupation Tax Act, such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case may be, of moneys being hereinafter called the "Tax Act Amount", and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall be less than the Annual Specified Amount (as hereinafter defined), an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; the "Annual Specified Amount" means the amounts specified below for fiscal years 1986 through 1993:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Annual Specified Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1986</td>
<td>$54,800,000</td>
</tr>
<tr>
<td>1987</td>
<td>$76,650,000</td>
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<tr>
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<td>$115,330,000</td>
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<tr>
<td>1991</td>
<td>$145,470,000</td>
</tr>
<tr>
<td>1992</td>
<td>$182,730,000</td>
</tr>
<tr>
<td>1993</td>
<td>$206,520,000</td>
</tr>
</tbody>
</table>

and means the Certified Annual Debt Service Requirement (as defined in Section 13 of the Build Illinois Bond Act) or the Tax Act Amount, whichever is greater, for fiscal year 1994 and each fiscal year thereafter; and further provided, that if on the last business day of any month the sum of (1) the Tax Act Amount required to be deposited into the Build Illinois Bond Account in the Build Illinois Fund during such month and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall have been less than 1/12 of the Annual Specified Amount, an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and, further provided, that in no event shall the payments required under the preceding proviso result in

New matter indicated by italics - deletions by strikeout
aggregate payments into the Build Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii) the Annual Specified Amount for such fiscal year. The amounts payable into the Build Illinois Fund under clause (b) of the first sentence in this paragraph shall be payable only until such time as the aggregate amount on deposit under each trust indenture securing Bonds issued and outstanding pursuant to the Build Illinois Bond Act is sufficient, taking into account any future investment income, to fully provide, in accordance with such indenture, for the defeasance of or the payment of the principal of, premium, if any, and interest on the Bonds secured by such indenture and on any Bonds expected to be issued thereafter and all fees and costs payable with respect thereto, all as certified by the Director of the Bureau of the Budget (now Governor's Office of Management and Budget). If on the last business day of any month in which Bonds are outstanding pursuant to the Build Illinois Bond Act, the aggregate of moneys deposited in the Build Illinois Bond Account in the Build Illinois Fund in such month shall be less than the amount required to be transferred in such month from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund pursuant to Section 13 of the Build Illinois Bond Act, an amount equal to such deficiency shall be immediately paid from other moneys received by the Department pursuant to the Tax Acts to the Build Illinois Fund; provided, however, that any amounts paid to the Build Illinois Fund in any fiscal year pursuant to this sentence shall be deemed to constitute payments pursuant to clause (b) of the first sentence of this paragraph and shall reduce the amount otherwise payable for such fiscal year pursuant to that clause (b). The moneys received by the Department pursuant to this Act and required to be deposited into the Build Illinois Fund are subject to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act.

Subject to payment of amounts into the Build Illinois Fund as provided in the preceding paragraph or in any amendment thereto hereafter enacted, the following specified monthly installment of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority provided under Section 8.25f of the State Finance Act, but not in excess of sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act.

New matter indicated by italics - deletions by strikeout
into the McCormick Place Expansion Project Fund in the specified fiscal years.

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Total Deposit</th>
</tr>
</thead>
<tbody>
<tr>
<td>1993</td>
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<td>2027</td>
<td>292,000,000</td>
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New matter indicated by italics - deletions by strikeout
<table>
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<th>Year</th>
<th>Total Deposit</th>
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</thead>
<tbody>
<tr>
<td>2028</td>
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<tr>
<td>2029</td>
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<td>2030</td>
<td>338,000,000</td>
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<td>2031</td>
<td>350,000,000</td>
</tr>
<tr>
<td>2032</td>
<td>350,000,000</td>
</tr>
</tbody>
</table>

and each fiscal year thereafter that bonds are outstanding under Section 13.2 of the Metropolitan Pier and Exposition Authority Act, but not after fiscal year 2060.

Beginning July 20, 1993 and in each month of each fiscal year thereafter, one-eighth of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority for that fiscal year, less the amount deposited into the McCormick Place Expansion Project Fund by the State Treasurer in the respective month under subsection (g) of Section 13 of the Metropolitan Pier and Exposition Authority Act, plus cumulative deficiencies in the deposits required under this Section for previous months and years, shall be deposited into the McCormick Place Expansion Project Fund, until the full amount requested for the fiscal year, but not in excess of the amount specified above as "Total Deposit", has been deposited.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning July 1, 1993 and ending on September 30, 2013, the Department shall each month pay into the Illinois Tax Increment Fund 0.27% of 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning with the receipt of the first report of taxes paid by an eligible business and continuing for a 25-year period, the Department shall each month pay into the Energy Infrastructure Fund 80% of the net revenue realized from the 6.25% general rate on the selling price of Illinois-mined coal that was sold to an eligible business. For purposes of this paragraph, the term "eligible
"business" means a new electric generating facility certified pursuant to Section 605-332 of the Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois.

Subject to payment of amounts into the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, and the Energy Infrastructure Fund pursuant to the preceding paragraphs or in any amendments to this Section hereafter enacted, beginning on the first day of the first calendar month to occur on or after the effective date of this amendatory Act of the 98th General Assembly, each month, from the collections made under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act, the Department shall pay into the Tax Compliance and Administration Fund, to be used, subject to appropriation, to fund additional auditors and compliance personnel at the Department of Revenue, an amount equal to 1/12 of 5% of 80% of the cash receipts collected during the preceding fiscal year by the Audit Bureau of the Department under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, the Retailers' Occupation Tax Act, and associated local occupation and use taxes administered by the Department.

Of the remainder of the moneys received by the Department pursuant to this Act, 75% thereof shall be paid into the State Treasury and 25% shall be reserved in a special account and used only for the transfer to the Common School Fund as part of the monthly transfer from the General Revenue Fund in accordance with Section 8a of the State Finance Act.

The Department may, upon separate written notice to a taxpayer, require the taxpayer to prepare and file with the Department on a form prescribed by the Department within not less than 60 days after receipt of the notice an annual information return for the tax year specified in the notice. Such annual return to the Department shall include a statement of gross receipts as shown by the retailer's last Federal income tax return. If the total receipts of the business as reported in the Federal income tax return do not agree with the gross receipts reported to the Department of Revenue for the same period, the retailer shall attach to his annual return a schedule showing a reconciliation of the 2 amounts and the reasons for the difference. The retailer's annual return to the Department shall also disclose the cost of goods sold by the retailer during the year covered by such return, opening and closing inventories of such goods for such year, costs of goods used from stock or taken from stock and given away by the

New matter indicated by italics - deletions by strikeout
retailer during such year, payroll information of the retailer's business during such year and any additional reasonable information which the Department deems would be helpful in determining the accuracy of the monthly, quarterly or annual returns filed by such retailer as provided for in this Section.

If the annual information return required by this Section is not filed when and as required, the taxpayer shall be liable as follows:

(i) Until January 1, 1994, the taxpayer shall be liable for a penalty equal to 1/6 of 1% of the tax due from such taxpayer under this Act during the period to be covered by the annual return for each month or fraction of a month until such return is filed as required, the penalty to be assessed and collected in the same manner as any other penalty provided for in this Act.

(ii) On and after January 1, 1994, the taxpayer shall be liable for a penalty as described in Section 3-4 of the Uniform Penalty and Interest Act.

The chief executive officer, proprietor, owner or highest ranking manager shall sign the annual return to certify the accuracy of the information contained therein. Any person who willfully signs the annual return containing false or inaccurate information shall be guilty of perjury and punished accordingly. The annual return form prescribed by the Department shall include a warning that the person signing the return may be liable for perjury.

The provisions of this Section concerning the filing of an annual information return do not apply to a retailer who is not required to file an income tax return with the United States Government.

As soon as possible after the first day of each month, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Motor Fuel Tax Fund an amount equal to 1.7% of 80% of the net revenue realized under this Act for the second preceding month. Beginning April 1, 2000, this transfer is no longer required and shall not be made.

Net revenue realized for a month shall be the revenue collected by the State pursuant to this Act, less the amount paid out during that month as refunds to taxpayers for overpayment of liability.

For greater simplicity of administration, manufacturers, importers and wholesalers whose products are sold at retail in Illinois by numerous retailers, and who wish to do so, may assume the responsibility for

New matter indicated by italics - deletions by strikeout
accounting and paying to the Department all tax accruing under this Act with respect to such sales, if the retailers who are affected do not make written objection to the Department to this arrangement.

Any person who promotes, organizes, provides retail selling space for concessionaires or other types of sellers at the Illinois State Fair, DuQuoin State Fair, county fairs, local fairs, art shows, flea markets and similar exhibitions or events, including any transient merchant as defined by Section 2 of the Transient Merchant Act of 1987, is required to file a report with the Department providing the name of the merchant's business, the name of the person or persons engaged in merchant's business, the permanent address and Illinois Retailers Occupation Tax Registration Number of the merchant, the dates and location of the event and other reasonable information that the Department may require. The report must be filed not later than the 20th day of the month next following the month during which the event with retail sales was held. Any person who fails to file a report required by this Section commits a business offense and is subject to a fine not to exceed $250.

Any person engaged in the business of selling tangible personal property at retail as a concessionaire or other type of seller at the Illinois State Fair, county fairs, art shows, flea markets and similar exhibitions or events, or any transient merchants, as defined by Section 2 of the Transient Merchant Act of 1987, may be required to make a daily report of the amount of such sales to the Department and to make a daily payment of the full amount of tax due. The Department shall impose this requirement when it finds that there is a significant risk of loss of revenue to the State at such an exhibition or event. Such a finding shall be based on evidence that a substantial number of concessionaires or other sellers who are not residents of Illinois will be engaging in the business of selling tangible personal property at retail at the exhibition or event, or other evidence of a significant risk of loss of revenue to the State. The Department shall notify concessionaires and other sellers affected by the imposition of this requirement. In the absence of notification by the Department, the concessionaires and other sellers shall file their returns as otherwise required in this Section.

(Source: P.A. 98-24, eff. 6-19-13; 98-109, eff. 7-25-13; 98-496, eff. 1-1-14; 98-756, eff. 7-16-14; 98-1098, eff. 8-26-14; 99-352, eff. 8-12-15.)

Section 5-105. The Heart of Illinois Regional Port District Act is amended by changing Section 105 as follows:

(70 ILCS 1807/105)

New matter indicated by italics - deletions by strikeout
Sec. 105. Board; appointments; terms of office; certification and oath. The Governor, by and with the advice and consent of the Senate, shall appoint 3 members of the Board. Of the 3 members appointed by the Governor, at least one must be a member of a labor organization, which, for the purposes of this Section, means an organization of workers established to bargain collectively on behalf of their member workers as defined in Section 3 of the Workplace Literacy Act. If the Senate is in recess when the appointment is made, the Governor shall make a temporary appointment until the next meeting of the Senate. The county board chairmen of Tazewell, Woodford, Peoria, Marshall, Mason, and Fulton Counties shall each appoint one member of the Board with the advice and consent of their respective county boards. Of the members initially appointed, the 3 appointed by the Governor shall be appointed for initial terms expiring June 1, 2009, and the 6 appointed by their county board chairmen shall be appointed for initial terms expiring June 1, 2010. All vacancies shall be filled in a like manner and with like regard to the place of residence of the appointee. After the expiration of initial terms, a successor shall hold office for the term of 6 years beginning the first day of June of the year in which the term of office commences. The Governor and the respective county board chairmen shall certify their appointments to the Secretary of State. Within 30 days after certification of appointment, and before entering upon the duties of his office, each member of the Board shall take and subscribe the constitutional oath of office and file it in the office of the Secretary of State.

(Source: P.A. 93-262, eff. 7-22-03.)

(110 ILCS 805/2-16.05 rep.)

Section 5-110. The Public Community College Act is amended by repealing Section 2-16.05.

Section 5-115. The Nursing Home Care Act is amended by changing Section 3-310 as follows:

(210 ILCS 45/3-310) (from Ch. 111 1/2, par. 4153-310)

Sec. 3-310. All penalties shall be paid to the Department within 10 days of receipt of notice of assessment or, if the penalty is contested under Section 3-309, within 10 days of receipt of the final decision, unless the decision is appealed and the order is stayed by court order under Section 3-713. A facility choosing to waive the right to a hearing under Section 3-309 shall submit a payment totaling 65% of the original fine amount along with the written waiver. A penalty assessed under this Act shall be collected by the Department and shall be deposited with the State
Treasurer into the Long Term Care Monitor/Receiver Fund. If the person or facility against whom a penalty has been assessed does not comply with a written demand for payment within 30 days, the Director shall issue an order to do any of the following:

1. Direct the State Treasurer or Comptroller to deduct the amount of the fine from amounts otherwise due from the State for the penalty, including any payments to be made from the Medicaid Long Term Care Provider Participation Fee Trust Fund established under Section 5-4.31 of the Illinois Public Aid Code, and remit that amount to the Department;

2. Add the amount of the penalty to the facility's licensing fee; if the licensee refuses to make the payment at the time of application for renewal of its license, the license shall not be renewed; or

3. Bring an action in circuit court to recover the amount of the penalty.

With the approval of the federal centers for Medicaid and Medicare services, the Director of Public Health shall set aside 50% of the federal civil monetary penalties collected each year to be used to award grants under the Equity in Long-term Care Quality Act.

(Source: P.A. 96-1372, eff. 7-29-10.)

Section 5-120. The Physical Fitness Facility Medical Emergency Preparedness Act is amended by changing Section 35 as follows:

(210 ILCS 74/35)

Sec. 35. Penalties for violations.

(a) If a physical fitness facility violates this Act by (i) failing to adopt or implement a plan for responding to medical emergencies under Section 10 or (ii) failing to have on the premises an AED or trained AED user as required under subsection (a) or (b) of Section 15, the Director may issue to the facility a written administrative warning without monetary penalty for the initial violation. The facility may reply to the Department with written comments concerning the facility's remedial response to the warning. For subsequent violations, the Director may impose a civil monetary penalty against the facility as follows:

1. At least $1,500 but less than $2,000 for a second violation.

2. At least $2,000 for a third or subsequent violation.

(b) The Director may impose a civil monetary penalty under this Section only after it provides the following to the facility:

New matter indicated by italics - deletions by strikeout
(1) Written notice of the alleged violation.

(2) Written notice of the facility's right to request an administrative hearing on the question of the alleged violation.

(3) An opportunity to present evidence, orally or in writing or both, on the question of the alleged violation before an impartial hearing examiner appointed by the Director.

(4) A written decision from the Director, based on the evidence introduced at the hearing and the hearing examiner's recommendations, finding that the facility violated this Act and imposing the civil penalty.

c) The Attorney General may bring an action in the circuit court to enforce the collection of a monetary penalty imposed under this Section.

d) The fines shall be deposited into the General Revenue Fund Physical Fitness Facility Medical Emergency Preparedness Fund to be appropriated to the Department, together with any other amounts, for the costs of administering this Act.

(Source: P.A. 93-910, eff. 1-1-05.)

(235 ILCS 5/12-4 rep.)
Section 5-125. The Liquor Control Act of 1934 is amended by repealing Section 12-4.

Section 5-130. The Illinois Public Aid Code is amended by changing Section 12-5 as follows:

Sec. 12-5. Appropriations; uses; federal grants; report to General Assembly. From the sums appropriated by the General Assembly, the Illinois Department shall order for payment by warrant from the State Treasury grants for public aid under Articles III, IV, and V, including grants for funeral and burial expenses, and all costs of administration of the Illinois Department and the County Departments relating thereto. Moneys appropriated to the Illinois Department for public aid under Article VI may be used, with the consent of the Governor, to co-operate with federal, State, and local agencies in the development of work projects designed to provide suitable employment for persons receiving public aid under Article VI. The Illinois Department, with the consent of the Governor, may be the agent of the State for the receipt and disbursement of federal funds or commodities for public aid purposes under Article VI and for related purposes in which the co-operation of the Illinois Department is sought by the federal government, and, in connection therewith, may make necessary expenditures from moneys appropriated.

New matter indicated by italics - deletions by strikeout
for public aid under any Article of this Code and for administration. The Illinois Department, with the consent of the Governor, may be the agent of the State for the receipt and disbursement of federal funds pursuant to the Immigration Reform and Control Act of 1986 and may make necessary expenditures from monies appropriated to it for operations, administration, and grants, including payment to the Health Insurance Reserve Fund for group insurance costs at the rate certified by the Department of Central Management Services. All amounts received by the Illinois Department pursuant to the Immigration Reform and Control Act of 1986 shall be deposited in the Immigration Reform and Control Fund. All amounts received into the Immigration Reform and Control Fund as reimbursement for expenditures from the General Revenue Fund shall be transferred to the General Revenue Fund.

All grants received by the Illinois Department for programs funded by the Federal Social Services Block Grant shall be deposited in the Social Services Block Grant Fund. All funds received into the Social Services Block Grant Fund as reimbursement for expenditures from the General Revenue Fund shall be transferred to the General Revenue Fund. All funds received into the Social Services Block Grant fund for reimbursement for expenditure out of the Local Initiative Fund shall be transferred into the Local Initiative Fund. Any other federal funds received into the Social Services Block Grant Fund shall be transferred to the Special Purposes Trust Fund. All federal funds received by the Illinois Department as reimbursement for Employment and Training Programs for expenditures made by the Illinois Department from grants, gifts, or legacies as provided in Section 12-4.18 or made by an entity other than the Illinois Department and all federal funds received from the Emergency Contingency Fund for State Temporary Assistance for Needy Families Programs established by the American Recovery and Reinvestment Act of 2009 shall be deposited into the Employment and Training Fund, except that federal funds received as reimbursement as a result of the appropriation made for the costs of providing adult education to public assistance recipients under the "Adult Education; Public Assistance Fund" shall be deposited into the General Revenue Fund; provided, however, that all funds, except those that are specified in an interagency agreement between the Illinois Community College Board and the Illinois Department, that are received by the Illinois Department as reimbursement under Title IV-A of the Social Security Act for expenditures that are made by the Illinois Community College Board or any public community college of this State

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shall be credited to a special account that the State Treasurer shall establish and maintain within the Employment and Training Fund for the purpose of segregating the reimbursements received for expenditures made by those entities. As reimbursements are deposited into the Employment and Training Fund, the Illinois Department shall certify to the State Comptroller and State Treasurer the amount that is to be credited to the special account established within that Fund as a reimbursement for expenditures under Title IV-A of the Social Security Act made by the Illinois Community College Board or any of the public community colleges. All amounts credited to the special account established and maintained within the Employment and Training Fund as provided in this Section shall be held for transfer to the TANF Opportunities Fund as provided in subsection (d) of Section 12-10.3, and shall not be transferred to any other fund or used for any other purpose.

Eighty percent of the federal financial participation funds received by the Illinois Department under the Title IV-A Emergency Assistance program as reimbursement for expenditures made from the Illinois Department of Children and Family Services appropriations for the costs of providing services in behalf of Department of Children and Family Services clients shall be deposited into the DCFS Children's Services Fund.

All federal funds, except those covered by the foregoing 3 paragraphs, received as reimbursement for expenditures from the General Revenue Fund shall be deposited in the General Revenue Fund for administrative and distributive expenditures properly chargeable by federal law or regulation to aid programs established under Articles III through XII and Titles IV, XVI, XIX and XX of the Federal Social Security Act. Any other federal funds received by the Illinois Department under Sections 12-4.6, 12-4.18 and 12-4.19 that are required by Section 12-10 of this Code to be paid into the Special Purposes Trust Fund shall be deposited into the Special Purposes Trust Fund. Any other federal funds received by the Illinois Department pursuant to the Child Support Enforcement Program established by Title IV-D of the Social Security Act shall be deposited in the Child Support Enforcement Trust Fund as required under Section 12-10.2 or in the Child Support Administrative Fund as required under Section 12-10.2a of this Code. Any other federal funds received by the Illinois Department for medical assistance program expenditures made under Title XIX of the Social Security Act and Article V of this Code that are required by Section 5-4.21 of this Code to be paid into the Medicaid

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Provider for Persons with a Developmental Disability Participation Fee Trust Fund shall be deposited into the Medicaid Provider for Persons with a Developmental Disability Participation Fee Trust Fund. Any other federal funds received by the Illinois Department for medical assistance program expenditures made under Title XIX of the Social Security Act and Article V of this Code that are required by Section 5-4.31 of this Code to be paid into the Medicaid Long-Term Care Provider Participation Fee Trust Fund shall be deposited into the Medicaid Long-Term Care Provider Participation Fee Trust Fund. Any other federal funds received by the Illinois Department for hospital inpatient, hospital ambulatory care, and disproportionate share hospital expenditures made under Title XIX of the Social Security Act and Article V of this Code that are required by Section 14-2 of this Code to be paid into the Hospital Services Trust Fund shall be deposited into the Hospital Services Trust Fund. Any other federal funds received by the Illinois Department for expenditures made under Title XIX of the Social Security Act and Articles V and VI of this Code that are required by Section 15-2 of this Code to be paid into the County Provider Trust Fund shall be deposited into the County Provider Trust Fund. Any other federal funds received by the Illinois Department for hospital inpatient, hospital ambulatory care, and disproportionate share hospital expenditures made under Title XIX of the Social Security Act and Article V of this Code that are required by Section 5A-8 of this Code to be paid into the Hospital Provider Fund shall be deposited into the Hospital Provider Fund. Any other federal funds received by the Illinois Department for medical assistance program expenditures made under Title XIX of the Social Security Act and Article V of this Code that are required by Section 5B-8 of this Code to be paid into the Long-Term Care Provider Fund shall be deposited into the Long-Term Care Provider Fund. Any other federal funds received by the Illinois Department for medical assistance program expenditures made under Title XIX of the Social Security Act and Article V of this Code that are required by Section 5C-7 of this Code to be paid into the Care Provider Fund for Persons with a Developmental Disability shall be deposited into the Care Provider Fund for Persons with a Developmental Disability. Any other federal funds received by the Illinois Department for trauma center adjustment payments that are required by Section 5-5.03 of this Code and made under Title XIX of the Social Security Act and Article V of this Code shall be deposited into the Trauma Center Fund. Any other federal funds received by the Illinois Department as reimbursement for expenses for early intervention...

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services paid from the Early Intervention Services Revolving Fund shall be deposited into that Fund.

The Illinois Department shall report to the General Assembly at the end of each fiscal quarter the amount of all funds received and paid into the Social Service Block Grant Fund and the Local Initiative Fund and the expenditures and transfers of such funds for services, programs and other purposes authorized by law. Such report shall be filed with the Speaker, Minority Leader and Clerk of the House, with the President, Minority Leader and Secretary of the Senate, with the Chairmen of the House and Senate Appropriations Committees, the House Human Resources Committee and the Senate Public Health, Welfare and Corrections Committee, or the successor standing Committees of each as provided by the rules of the House and Senate, respectively, with the Legislative Research Unit and with the State Government Report Distribution Center for the General Assembly as is required under paragraph (i) of Section 7 of the State Library Act shall be deemed sufficient to comply with this Section.

(Source: P.A. 98-463, eff. 8-16-13; 99-143, eff. 7-27-15.)

(305 ILCS 5/5-16.4 rep.)

Section 5-135. The Illinois Public Aid Code is amended by repealing Section 5-16.4.

Section 5-140. The Energy Assistance Act is amended by changing Section 13 as follows:

(305 ILCS 20/13)

(Section scheduled to be repealed on December 31, 2018)


(a) The Supplemental Low-Income Energy Assistance Fund is hereby created as a special fund in the State Treasury. The Supplemental Low-Income Energy Assistance Fund is authorized to receive moneys from voluntary donations from individuals, foundations, corporations, and other sources, moneys received pursuant to Section 17, and, by statutory deposit, the moneys collected pursuant to this Section. The Fund is also authorized to receive voluntary donations from individuals, foundations, corporations, and other sources, as well as contributions made in accordance with Section 507MM of the Illinois Income Tax Act. Subject to appropriation, the Department shall use moneys from the Supplemental Low-Income Energy Assistance Fund for payments to electric or gas public utilities, municipal electric or gas utilities, and electric cooperatives on behalf of their customers who are participants in the program.
authorized by Sections 4 and 18 of this Act, for the provision of weatherization services and for administration of the Supplemental Low-Income Energy Assistance Fund. The yearly expenditures for weatherization may not exceed 10% of the amount collected during the year pursuant to this Section. The yearly administrative expenses of the Supplemental Low-Income Energy Assistance Fund may not exceed 10% of the amount collected during that year pursuant to this Section, except when unspent funds from the Supplemental Low-Income Energy Assistance Fund are reallocated from a previous year; any unspent balance of the 10% administrative allowance may be utilized for administrative expenses in the year they are reallocated.

(b) Notwithstanding the provisions of Section 16-111 of the Public Utilities Act but subject to subsection (k) of this Section, each public utility, electric cooperative, as defined in Section 3.4 of the Electric Supplier Act, and municipal utility, as referenced in Section 3-105 of the Public Utilities Act, that is engaged in the delivery of electricity or the distribution of natural gas within the State of Illinois shall, effective January 1, 1998, assess each of its customer accounts a monthly Energy Assistance Charge for the Supplemental Low-Income Energy Assistance Fund. The delivering public utility, municipal electric or gas utility, or electric or gas cooperative for a self-assessing purchaser remains subject to the collection of the fee imposed by this Section. The monthly charge shall be as follows:

   (1) $0.48 per month on each account for residential electric service;
   (2) $0.48 per month on each account for residential gas service;
   (3) $4.80 per month on each account for non-residential electric service which had less than 10 megawatts of peak demand during the previous calendar year;
   (4) $4.80 per month on each account for non-residential gas service which had distributed to it less than 4,000,000 therms of gas during the previous calendar year;
   (5) $360 per month on each account for non-residential electric service which had 10 megawatts or greater of peak demand during the previous calendar year; and
   (6) $360 per month on each account for non-residential gas service which had 4,000,000 or more therms of gas distributed to it during the previous calendar year.

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The incremental change to such charges imposed by this amendatory Act of the 96th General Assembly shall not (i) be used for any purpose other than to directly assist customers and (ii) be applicable to utilities serving less than 100,000 customers in Illinois on January 1, 2009.

In addition, electric and gas utilities have committed, and shall contribute, a one-time payment of $22 million to the Fund, within 10 days after the effective date of the tariffs established pursuant to Sections 16-111.8 and 19-145 of the Public Utilities Act to be used for the Department's cost of implementing the programs described in Section 18 of this amendatory Act of the 96th General Assembly, the Arrearage Reduction Program described in Section 18, and the programs described in Section 8-105 of the Public Utilities Act. If a utility elects not to file a rider within 90 days after the effective date of this amendatory Act of the 96th General Assembly, then the contribution from such utility shall be made no later than February 1, 2010.

(c) For purposes of this Section:

(1) "residential electric service" means electric utility service for household purposes delivered to a dwelling of 2 or fewer units which is billed under a residential rate, or electric utility service for household purposes delivered to a dwelling unit or units which is billed under a residential rate and is registered by a separate meter for each dwelling unit;

(2) "residential gas service" means gas utility service for household purposes distributed to a dwelling of 2 or fewer units which is billed under a residential rate, or gas utility service for household purposes distributed to a dwelling unit or units which is billed under a residential rate and is registered by a separate meter for each dwelling unit;

(3) "non-residential electric service" means electric utility service which is not residential electric service; and

(4) "non-residential gas service" means gas utility service which is not residential gas service.

(d) Within 30 days after the effective date of this amendatory Act of the 96th General Assembly, each public utility engaged in the delivery of electricity or the distribution of natural gas shall file with the Illinois Commerce Commission tariffs incorporating the Energy Assistance Charge in other charges stated in such tariffs, which shall become effective no later than the beginning of the first billing cycle following such filing.

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(e) The Energy Assistance Charge assessed by electric and gas public utilities shall be considered a charge for public utility service.

(f) By the 20th day of the month following the month in which the charges imposed by the Section were collected, each public utility, municipal utility, and electric cooperative shall remit to the Department of Revenue all moneys received as payment of the Energy Assistance Charge on a return prescribed and furnished by the Department of Revenue showing such information as the Department of Revenue may reasonably require; provided, however, that a utility offering an Arrearage Reduction Program pursuant to Section 18 of this Act shall be entitled to net those amounts necessary to fund and recover the costs of such Program as authorized by that Section that is no more than the incremental change in such Energy Assistance Charge authorized by this amending Act of the 96th General Assembly. If a customer makes a partial payment, a public utility, municipal utility, or electric cooperative may elect either: (i) to apply such partial payments first to amounts owed to the utility or cooperative for its services and then to payment for the Energy Assistance Charge or (ii) to apply such partial payments on a pro-rata basis between amounts owed to the utility or cooperative for its services and to payment for the Energy Assistance Charge.

(g) The Department of Revenue shall deposit into the Supplemental Low-Income Energy Assistance Fund all moneys remitted to it in accordance with subsection (f) of this Section; provided, however, that the amounts remitted by each utility shall be used to provide assistance to that utility's customers. The utilities shall coordinate with the Department to establish an equitable and practical methodology for implementing this subsection (g) beginning with the 2010 program year.

(h) On or before December 31, 2002, the Department shall prepare a report for the General Assembly on the expenditure of funds appropriated from the Low-Income Energy Assistance Block Grant Fund for the program authorized under Section 4 of this Act.

(i) The Department of Revenue may establish such rules as it deems necessary to implement this Section.

(j) The Department of Commerce and Economic Opportunity may establish such rules as it deems necessary to implement this Section.

(k) The charges imposed by this Section shall only apply to customers of municipal electric or gas utilities and electric or gas cooperatives if the municipal electric or gas utility or electric or gas cooperative makes an affirmative decision to impose the charge. If a
municipal electric or gas utility or an electric cooperative makes an affirmative decision to impose the charge provided by this Section, the municipal electric or gas utility or electric cooperative shall inform the Department of Revenue in writing of such decision when it begins to impose the charge. If a municipal electric or gas utility or electric or gas cooperative does not assess this charge, the Department may not use funds from the Supplemental Low-Income Energy Assistance Fund to provide benefits to its customers under the program authorized by Section 4 of this Act.

In its use of federal funds under this Act, the Department may not cause a disproportionate share of those federal funds to benefit customers of systems which do not assess the charge provided by this Section.

This Section is repealed effective December 31, 2018 unless renewed by action of the General Assembly. The General Assembly shall consider the results of the evaluations described in Section 8 in its deliberations.

(Source: P.A. 98-429, eff. 8-16-13; 99-457, eff. 1-1-16.)

(305 ILCS 20/15 rep.)

Section 5-145. The Energy Assistance Act is amended by repealing Section 15.

Section 5-150. The Environmental Protection Act is amended by changing Section 39.5 as follows:

(415 ILCS 5/39.5) (from Ch. 111 1/2, par. 1039.5)
Sec. 39.5. Clean Air Act Permit Program.
1. Definitions. For purposes of this Section:
"Administrative permit amendment" means a permit revision subject to subsection 13 of this Section.
"Affected source for acid deposition" means a source that includes one or more affected units under Title IV of the Clean Air Act.
"Affected States" for purposes of formal distribution of a draft CAAPP permit to other States for comments prior to issuance, means all States:

(1) Whose air quality may be affected by the source covered by the draft permit and that are contiguous to Illinois; or
(2) That are within 50 miles of the source.

"Affected unit for acid deposition" shall have the meaning given to the term "affected unit" in the regulations promulgated under Title IV of the Clean Air Act.

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"Applicable Clean Air Act requirement" means all of the following as they apply to emissions units in a source (including regulations that have been promulgated or approved by USEPA pursuant to the Clean Air Act which directly impose requirements upon a source and other such federal requirements which have been adopted by the Board. These may include requirements and regulations which have future effective compliance dates. Requirements and regulations will be exempt if USEPA determines that such requirements need not be contained in a Title V permit):

1. Any standard or other requirement provided for in the applicable state implementation plan approved or promulgated by USEPA under Title I of the Clean Air Act that implements the relevant requirements of the Clean Air Act, including any revisions to the state Implementation Plan promulgated in 40 CFR Part 52, Subparts A and O and other subparts applicable to Illinois. For purposes of this paragraph (1) of this definition, "any standard or other requirement" means only such standards or requirements directly enforceable against an individual source under the Clean Air Act.

2. (i) Any term or condition of any preconstruction permits issued pursuant to regulations approved or promulgated by USEPA under Title I of the Clean Air Act, including Part C or D of the Clean Air Act.
   (ii) Any term or condition as required pursuant to Section 39.5 of any federally enforceable State operating permit issued pursuant to regulations approved or promulgated by USEPA under Title I of the Clean Air Act, including Part C or D of the Clean Air Act.

3. Any standard or other requirement under Section 111 of the Clean Air Act, including Section 111(d).

4. Any standard or other requirement under Section 112 of the Clean Air Act, including any requirement concerning accident prevention under Section 112(r)(7) of the Clean Air Act.

5. Any standard or other requirement of the acid rain program under Title IV of the Clean Air Act or the regulations promulgated thereunder.

6. Any requirements established pursuant to Section 504(b) or Section 114(a)(3) of the Clean Air Act.

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(7) Any standard or other requirement governing solid waste incineration, under Section 129 of the Clean Air Act.

(8) Any standard or other requirement for consumer and commercial products, under Section 183(e) of the Clean Air Act.

(9) Any standard or other requirement for tank vessels, under Section 183(f) of the Clean Air Act.

(10) Any standard or other requirement of the program to control air pollution from Outer Continental Shelf sources, under Section 328 of the Clean Air Act.

(11) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Clean Air Act, unless USEPA has determined that such requirements need not be contained in a Title V permit.

(12) Any national ambient air quality standard or increment or visibility requirement under Part C of Title I of the Clean Air Act, but only as it would apply to temporary sources permitted pursuant to Section 504(e) of the Clean Air Act.

"Applicable requirement" means all applicable Clean Air Act requirements and any other standard, limitation, or other requirement contained in this Act or regulations promulgated under this Act as applicable to sources of air contaminants (including requirements that have future effective compliance dates).

"CAAPP" means the Clean Air Act Permit Program, developed pursuant to Title V of the Clean Air Act.

"CAAPP application" means an application for a CAAPP permit.

"CAAPP Permit" or "permit" (unless the context suggests otherwise) means any permit issued, renewed, amended, modified or revised pursuant to Title V of the Clean Air Act.

"CAAPP source" means any source for which the owner or operator is required to obtain a CAAPP permit pursuant to subsection 2 of this Section.

"Clean Air Act" means the Clean Air Act, as now and hereafter amended, 42 U.S.C. 7401, et seq.

"Designated representative" has the meaning given to it in Section 402(26) of the Clean Air Act and the regulations promulgated thereunder, which state that the term "designated representative" means a responsible person or official authorized by the owner or operator of a unit to represent the owner or operator in all matters pertaining to the holding, transfer, or disposition of allowances allocated to a unit, and the submission of and

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compliance with permits, permit applications, and compliance plans for the unit.

"Draft CAAPP permit" means the version of a CAAPP permit for which public notice and an opportunity for public comment and hearing is offered by the Agency.

"Effective date of the CAAPP" means the date that USEPA approves Illinois' CAAPP.

"Emission unit" means any part or activity of a stationary source that emits or has the potential to emit any air pollutant. This term is not meant to alter or affect the definition of the term "unit" for purposes of Title IV of the Clean Air Act.

"Federally enforceable" means enforceable by USEPA.

"Final permit action" means the Agency's granting with conditions, refusal to grant, renewal of, or revision of a CAAPP permit, the Agency's determination of incompleteness of a submitted CAAPP application, or the Agency's failure to act on an application for a permit, permit renewal, or permit revision within the time specified in subsection 13, subsection 14, or paragraph (j) of subsection 5 of this Section.

"General permit" means a permit issued to cover numerous similar sources in accordance with subsection 11 of this Section.

"Major source" means a source for which emissions of one or more air pollutants meet the criteria for major status pursuant to paragraph (c) of subsection 2 of this Section.

"Maximum achievable control technology" or "MACT" means the maximum degree of reductions in emissions deemed achievable under Section 112 of the Clean Air Act.

"Owner or operator" means any person who owns, leases, operates, controls, or supervises a stationary source.

"Permit modification" means a revision to a CAAPP permit that cannot be accomplished under the provisions for administrative permit amendments under subsection 13 of this Section.

"Permit revision" means a permit modification or administrative permit amendment.

"Phase II" means the period of the national acid rain program, established under Title IV of the Clean Air Act, beginning January 1, 2000, and continuing thereafter.

"Phase II acid rain permit" means the portion of a CAAPP permit issued, renewed, modified, or revised by the Agency during Phase II for an affected source for acid deposition.

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"Potential to emit" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by USEPA. This definition does not alter or affect the use of this term for any other purposes under the Clean Air Act, or the term "capacity factor" as used in Title IV of the Clean Air Act or the regulations promulgated thereunder.

"Preconstruction Permit" or "Construction Permit" means a permit which is to be obtained prior to commencing or beginning actual construction or modification of a source or emissions unit.

"Proposed CAAPP permit" means the version of a CAAPP permit that the Agency proposes to issue and forwards to USEPA for review in compliance with applicable requirements of the Act and regulations promulgated thereunder.

"Regulated air pollutant" means the following:

1. Nitrogen oxides (NOx) or any volatile organic compound.
2. Any pollutant for which a national ambient air quality standard has been promulgated.
3. Any pollutant that is subject to any standard promulgated under Section 111 of the Clean Air Act.
4. Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Clean Air Act.
5. Any pollutant subject to a standard promulgated under Section 112 or other requirements established under Section 112 of the Clean Air Act, including Sections 112(g), (j) and (r).

   i. Any pollutant subject to requirements under Section 112(j) of the Clean Air Act. Any pollutant listed under Section 112(b) for which the subject source would be major shall be considered to be regulated 18 months after the date on which USEPA was required to promulgate an applicable standard pursuant to Section 112(e) of the Clean Air Act, if USEPA fails to promulgate such standard.

   ii. Any pollutant for which the requirements of Section 112(g)(2) of the Clean Air Act have been met, but
only with respect to the individual source subject to Section 112(g)(2) requirement.
(6) Greenhouse gases.

"Renewal" means the process by which a permit is reissued at the end of its term.

"Responsible official" means one of the following:

(1) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either (i) the facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars), or (ii) the delegation of authority to such representative is approved in advance by the Agency.

(2) For a partnership or sole proprietorship: a general partner or the proprietor, respectively, or in the case of a partnership in which all of the partners are corporations, a duly authorized representative of the partnership if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either (i) the facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars), or (ii) the delegation of authority to such representative is approved in advance by the Agency.

(3) For a municipality, State, Federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of USEPA).

(4) For affected sources for acid deposition:

(i) The designated representative shall be the "responsible official" in so far as actions, standards, requirements, or prohibitions under Title IV of the Clean Air Act or the regulations promulgated thereunder are concerned.

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(ii) The designated representative may also be the "responsible official" for any other purposes with respect to air pollution control.

"Section 502(b)(10) changes" means changes that contravene express permit terms. "Section 502(b)(10) changes" do not include changes that would violate applicable requirements or contravene federally enforceable permit terms or conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.

"Solid waste incineration unit" means a distinct operating unit of any facility which combusts any solid waste material from commercial or industrial establishments or the general public (including single and multiple residences, hotels, and motels). The term does not include incinerators or other units required to have a permit under Section 3005 of the Solid Waste Disposal Act. The term also does not include (A) materials recovery facilities (including primary or secondary smelters) which combust waste for the primary purpose of recovering metals, (B) qualifying small power production facilities, as defined in Section 3(17)(C) of the Federal Power Act (16 U.S.C. 769(17)(C)), or qualifying cogeneration facilities, as defined in Section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)), which burn homogeneous waste (such as units which burn tires or used oil, but not including refuse-derived fuel) for the production of electric energy or in the case of qualifying cogeneration facilities which burn homogeneous waste for the production of electric energy and steam or forms of useful energy (such as heat) which are used for industrial, commercial, heating or cooling purposes, or (C) air curtain incinerators provided that such incinerators only burn wood wastes, yard waste and clean lumber and that such air curtain incinerators comply with opacity limitations to be established by the USEPA by rule.

"Source" means any stationary source (or any group of stationary sources) that is located on one or more contiguous or adjacent properties that are under common control of the same person (or persons under common control) and that belongs to a single major industrial grouping. For the purposes of defining "source," a stationary source or group of stationary sources shall be considered part of a single major industrial grouping if all of the pollutant emitting activities at such source or group of sources located on contiguous or adjacent properties and under common control belong to the same Major Group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987,

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or such pollutant emitting activities at a stationary source (or group of stationary sources) located on contiguous or adjacent properties and under common control constitute a support facility. The determination as to whether any group of stationary sources is located on contiguous or adjacent properties, and/or is under common control, and/or whether the pollutant emitting activities at such group of stationary sources constitute a support facility shall be made on a case by case basis.

"Stationary source" means any building, structure, facility, or installation that emits or may emit any regulated air pollutant or any pollutant listed under Section 112(b) of the Clean Air Act, except those emissions resulting directly from an internal combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle as defined in Section 216 of the Clean Air Act.

"Subject to regulation" has the meaning given to it in 40 CFR 70.2, as now or hereafter amended.

"Support facility" means any stationary source (or group of stationary sources) that conveys, stores, or otherwise assists to a significant extent in the production of a principal product at another stationary source (or group of stationary sources). A support facility shall be considered to be part of the same source as the stationary source (or group of stationary sources) that it supports regardless of the 2-digit Standard Industrial Classification code for the support facility.

"USEPA" means the Administrator of the United States Environmental Protection Agency (USEPA) or a person designated by the Administrator.

1.1. Exclusion From the CAAPP.

a. An owner or operator of a source which determines that the source could be excluded from the CAAPP may seek such exclusion prior to the date that the CAAPP application for the source is due but in no case later than 9 months after the effective date of the CAAPP through the imposition of federally enforceable conditions limiting the "potential to emit" of the source to a level below the major source threshold for that source as described in paragraph (c) of subsection 2 of this Section, within a State operating permit issued pursuant to subsection (a) of Section 39 of this Act. After such date, an exclusion from the CAAPP may be sought under paragraph (c) of subsection 3 of this Section.

b. An owner or operator of a source seeking exclusion from the CAAPP pursuant to paragraph (a) of this subsection must

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submit a permit application consistent with the existing State permit program which specifically requests such exclusion through the imposition of such federally enforceable conditions.

c. Upon such request, if the Agency determines that the owner or operator of a source has met the requirements for exclusion pursuant to paragraph (a) of this subsection and other applicable requirements for permit issuance under subsection (a) of Section 39 of this Act, the Agency shall issue a State operating permit for such source under subsection (a) of Section 39 of this Act, as amended, and regulations promulgated thereunder with federally enforceable conditions limiting the "potential to emit" of the source to a level below the major source threshold for that source as described in paragraph (c) of subsection 2 of this Section.

d. The Agency shall provide an owner or operator of a source which may be excluded from the CAAPP pursuant to this subsection with reasonable notice that the owner or operator may seek such exclusion.

e. The Agency shall provide such sources with the necessary permit application forms.

2. Applicability.

a. Sources subject to this Section shall include:
   i. Any major source as defined in paragraph (c) of this subsection.
   ii. Any source subject to a standard or other requirements promulgated under Section 111 (New Source Performance Standards) or Section 112 (Hazardous Air Pollutants) of the Clean Air Act, except that a source is not required to obtain a permit solely because it is subject to regulations or requirements under Section 112(r) of the Clean Air Act.
   iii. Any affected source for acid deposition, as defined in subsection 1 of this Section.
   iv. Any other source subject to this Section under the Clean Air Act or regulations promulgated thereunder, or applicable Board regulations.

b. Sources exempted from this Section shall include:
   i. All sources listed in paragraph (a) of this subsection that are not major sources, affected sources for acid deposition or solid waste incineration units required to
obtain a permit pursuant to Section 129(e) of the Clean Air Act, until the source is required to obtain a CAAPP permit pursuant to the Clean Air Act or regulations promulgated thereunder.

ii. Nonmajor sources subject to a standard or other requirements subsequently promulgated by USEPA under Section 111 or 112 of the Clean Air Act that are determined by USEPA to be exempt at the time a new standard is promulgated.

iii. All sources and source categories that would be required to obtain a permit solely because they are subject to Part 60, Subpart AAA - Standards of Performance for New Residential Wood Heaters (40 CFR Part 60).

iv. All sources and source categories that would be required to obtain a permit solely because they are subject to Part 61, Subpart M - National Emission Standard for Hazardous Air Pollutants for Asbestos, Section 61.145 (40 CFR Part 61).

v. Any other source categories exempted by USEPA regulations pursuant to Section 502(a) of the Clean Air Act.

vi. Major sources of greenhouse gas emissions required to obtain a CAAPP permit under this Section if any of the following occurs:

   (A) enactment of federal legislation depriving the Administrator of the USEPA of authority to regulate greenhouse gases under the Clean Air Act;

   (B) the issuance of any opinion, ruling, judgment, order, or decree by a federal court depriving the Administrator of the USEPA of authority to regulate greenhouse gases under the Clean Air Act; or

   (C) action by the President of the United States or the President's authorized agent, including the Administrator of the USEPA, to repeal or withdraw the Greenhouse Gas Tailoring Rule (75 Fed. Reg. 31514, June 3, 2010).

If any event listed in this subparagraph (vi) occurs, CAAPP permits issued after such event shall not impose

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permit terms or conditions addressing greenhouse gases during the effectiveness of any event listed in subparagraph (vi). If any event listed in this subparagraph (vi) occurs, any owner or operator with a CAAPP permit that includes terms or conditions addressing greenhouse gases may elect to submit an application to the Agency to address a revision or repeal of such terms or conditions. If any owner or operator submits such an application, the Agency shall expeditiously process the permit application in accordance with applicable laws and regulations. Nothing in this subparagraph (vi) shall relieve an owner or operator of a source from the requirement to obtain a CAAPP permit for its emissions of regulated air pollutants other than greenhouse gases, as required by this Section.

c. For purposes of this Section the term "major source" means any source that is:

i. A major source under Section 112 of the Clean Air Act, which is defined as:

A. For pollutants other than radionuclides, any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, 10 tons per year (tpy) or more of any hazardous air pollutant which has been listed pursuant to Section 112(b) of the Clean Air Act, 25 tpy or more of any combination of such hazardous air pollutants, or such lesser quantity as USEPA may establish by rule. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such stations are major sources.

B. For radionuclides, "major source" shall have the meaning specified by the USEPA by rule.
ii. A major stationary source of air pollutants, as defined in Section 302 of the Clean Air Act, that directly emits or has the potential to emit, 100 tpy or more of any air pollutant subject to regulation (including any major source of fugitive emissions of any such pollutant, as determined by rule by USEPA). For purposes of this subsection, "fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening. The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of Section 302(j) of the Clean Air Act, unless the source belongs to one of the following categories of stationary source:

A. Coal cleaning plants (with thermal dryers).
B. Kraft pulp mills.
C. Portland cement plants.
D. Primary zinc smelters.
E. Iron and steel mills.
F. Primary aluminum ore reduction plants.
G. Primary copper smelters.
H. Municipal incinerators capable of charging more than 250 tons of refuse per day.
I. Hydrofluoric, sulfuric, or nitric acid plants.
J. Petroleum refineries.
K. Lime plants.
L. Phosphate rock processing plants.
M. Coke oven batteries.
N. Sulfur recovery plants.
O. Carbon black plants (furnace process).
P. Primary lead smelters.
Q. Fuel conversion plants.
R. Sintering plants.
S. Secondary metal production plants.
T. Chemical process plants.

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U. Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input.
V. Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels.
W. Taconite ore processing plants.
X. Glass fiber processing plants.
Y. Charcoal production plants.
Z. Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input.
AA. All other stationary source categories, which as of August 7, 1980 are being regulated by a standard promulgated under Section 111 or 112 of the Clean Air Act.
BB. Any other stationary source category designated by USEPA by rule.

iii. A major stationary source as defined in part D of Title I of the Clean Air Act including:
A. For ozone nonattainment areas, sources with the potential to emit 100 tons or more per year of volatile organic compounds or oxides of nitrogen in areas classified as "marginal" or "moderate", 50 tons or more per year in areas classified as "serious", 25 tons or more per year in areas classified as "severe", and 10 tons or more per year in areas classified as "extreme"; except that the references in this clause to 100, 50, 25, and 10 tons per year of nitrogen oxides shall not apply with respect to any source for which USEPA has made a finding, under Section 182(f)(1) or (2) of the Clean Air Act, that requirements otherwise applicable to such source under Section 182(f) of the Clean Air Act do not apply. Such sources shall remain subject to the major source criteria of subparagraph (ii) of paragraph (c) of this subsection.
B. For ozone transport regions established pursuant to Section 184 of the Clean Air Act,
sources with the potential to emit 50 tons or more per year of volatile organic compounds (VOCs).

C. For carbon monoxide nonattainment areas (1) that are classified as "serious", and (2) in which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by USEPA, sources with the potential to emit 50 tons or more per year of carbon monoxide.

D. For particulate matter (PM-10) nonattainment areas classified as "serious", sources with the potential to emit 70 tons or more per year of PM-10.

3. Agency Authority To Issue CAAPP Permits and Federally Enforceable State Operating Permits.

a. The Agency shall issue CAAPP permits under this Section consistent with the Clean Air Act and regulations promulgated thereunder and this Act and regulations promulgated thereunder.

b. The Agency shall issue CAAPP permits for fixed terms of 5 years, except CAAPP permits issued for solid waste incineration units combusting municipal waste which shall be issued for fixed terms of 12 years and except CAAPP permits for affected sources for acid deposition which shall be issued for initial terms to expire on December 31, 1999, and for fixed terms of 5 years thereafter.

c. The Agency shall have the authority to issue a State operating permit for a source under subsection (a) of Section 39 of this Act, as amended, and regulations promulgated thereunder, which includes federally enforceable conditions limiting the "potential to emit" of the source to a level below the major source threshold for that source as described in paragraph (c) of subsection 2 of this Section, thereby excluding the source from the CAAPP, when requested by the applicant pursuant to paragraph (u) of subsection 5 of this Section. The public notice requirements of this Section applicable to CAAPP permits shall also apply to the initial issuance of permits under this paragraph.

d. For purposes of this Act, a permit issued by USEPA under Section 505 of the Clean Air Act, as now and hereafter

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amended, shall be deemed to be a permit issued by the Agency pursuant to Section 39.5 of this Act.

4. Transition.
   a. An owner or operator of a CAAPP source shall not be required to renew an existing State operating permit for any emission unit at such CAAPP source once a CAAPP application timely submitted prior to expiration of the State operating permit has been deemed complete. For purposes other than permit renewal, the obligation upon the owner or operator of a CAAPP source to obtain a State operating permit is not removed upon submittal of the complete CAAPP permit application. An owner or operator of a CAAPP source seeking to make a modification to a source prior to the issuance of its CAAPP permit shall be required to obtain a construction permit, operating permit, or both as required for such modification in accordance with the State permit program under subsection (a) of Section 39 of this Act, as amended, and regulations promulgated thereunder. The application for such construction permit, operating permit, or both shall be considered an amendment to the CAAPP application submitted for such source.

   b. An owner or operator of a CAAPP source shall continue to operate in accordance with the terms and conditions of its applicable State operating permit notwithstanding the expiration of the State operating permit until the source's CAAPP permit has been issued.

   c. An owner or operator of a CAAPP source shall submit its initial CAAPP application to the Agency no later than 12 months after the effective date of the CAAPP. The Agency may request submittal of initial CAAPP applications during this 12-month period according to a schedule set forth within Agency procedures, however, in no event shall the Agency require such submittal earlier than 3 months after such effective date of the CAAPP. An owner or operator may voluntarily submit its initial CAAPP application prior to the date required within this paragraph or applicable procedures, if any, subsequent to the date the Agency submits the CAAPP to USEPA for approval.

   d. The Agency shall act on initial CAAPP applications in accordance with paragraph (j) of subsection 5 of this Section.

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e. For purposes of this Section, the term "initial CAAPP application" shall mean the first CAAPP application submitted for a source existing as of the effective date of the CAAPP.

f. The Agency shall provide owners or operators of CAAPP sources with at least 3 months advance notice of the date on which their applications are required to be submitted. In determining which sources shall be subject to early submittal, the Agency shall include among its considerations the complexity of the permit application, and the burden that such early submittal will have on the source.

g. The CAAPP permit shall upon becoming effective supersede the State operating permit.

h. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this subsection.

5. Applications and Completeness.

a. An owner or operator of a CAAPP source shall submit its complete CAAPP application consistent with the Act and applicable regulations.

b. An owner or operator of a CAAPP source shall submit a single complete CAAPP application covering all emission units at that source.

c. To be deemed complete, a CAAPP application must provide all information, as requested in Agency application forms, sufficient to evaluate the subject source and its application and to determine all applicable requirements, pursuant to the Clean Air Act, and regulations thereunder, this Act and regulations thereunder. Such Agency application forms shall be finalized and made available prior to the date on which any CAAPP application is required.

d. An owner or operator of a CAAPP source shall submit, as part of its complete CAAPP application, a compliance plan, including a schedule of compliance, describing how each emission unit will comply with all applicable requirements. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based.

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e. Each submitted CAAPP application shall be certified for truth, accuracy, and completeness by a responsible official in accordance with applicable regulations.

f. The Agency shall provide notice to a CAAPP applicant as to whether a submitted CAAPP application is complete. Unless the Agency notifies the applicant of incompleteness, within 60 days after receipt of the CAAPP application, the application shall be deemed complete. The Agency may request additional information as needed to make the completeness determination. The Agency may to the extent practicable provide the applicant with a reasonable opportunity to correct deficiencies prior to a final determination of completeness.

g. If after the determination of completeness the Agency finds that additional information is necessary to evaluate or take final action on the CAAPP application, the Agency may request in writing such information from the source with a reasonable deadline for response.

h. If the owner or operator of a CAAPP source submits a timely and complete CAAPP application, the source's failure to have a CAAPP permit shall not be a violation of this Section until the Agency takes final action on the submitted CAAPP application, provided, however, where the applicant fails to submit the requested information under paragraph (g) of this subsection 5 within the time frame specified by the Agency, this protection shall cease to apply.

i. Any applicant who fails to submit any relevant facts necessary to evaluate the subject source and its CAAPP application or who has submitted incorrect information in a CAAPP application shall, upon becoming aware of such failure or incorrect submittal, submit supplementary facts or correct information to the Agency. In addition, an applicant shall provide to the Agency additional information as necessary to address any requirements which become applicable to the source subsequent to the date the applicant submitted its complete CAAPP application but prior to release of the draft CAAPP permit.

j. The Agency shall issue or deny the CAAPP permit within 18 months after the date of receipt of the complete CAAPP application, with the following exceptions: (i) permits for affected sources for acid deposition shall be issued or denied within 6

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months after receipt of a complete application in accordance with subsection 17 of this Section; (ii) the Agency shall act on initial CAAPP applications within 24 months after the date of receipt of the complete CAAPP application; (iii) the Agency shall act on complete applications containing early reduction demonstrations under Section 112(i)(5) of the Clean Air Act within 9 months of receipt of the complete CAAPP application.

Where the Agency does not take final action on the permit within the required time period, the permit shall not be deemed issued; rather, the failure to act shall be treated as a final permit action for purposes of judicial review pursuant to Sections 40.2 and 41 of this Act.

k. The submittal of a complete CAAPP application shall not affect the requirement that any source have a preconstruction permit under Title I of the Clean Air Act.

l. Unless a timely and complete renewal application has been submitted consistent with this subsection, a CAAPP source operating upon the expiration of its CAAPP permit shall be deemed to be operating without a CAAPP permit. Such operation is prohibited under this Act.

m. Permits being renewed shall be subject to the same procedural requirements, including those for public participation and federal review and objection, that apply to original permit issuance.

n. For purposes of permit renewal, a timely application is one that is submitted no less than 9 months prior to the date of permit expiration.

o. The terms and conditions of a CAAPP permit shall remain in effect until the issuance of a CAAPP renewal permit provided a timely and complete CAAPP application has been submitted.

p. The owner or operator of a CAAPP source seeking a permit shield pursuant to paragraph (j) of subsection 7 of this Section shall request such permit shield in the CAAPP application regarding that source.

q. The Agency shall make available to the public all documents submitted by the applicant to the Agency, including each CAAPP application, compliance plan (including the schedule of compliance), and emissions or compliance monitoring report.

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with the exception of information entitled to confidential treatment pursuant to Section 7 of this Act.

r. The Agency shall use the standardized forms required under Title IV of the Clean Air Act and regulations promulgated thereunder for affected sources for acid deposition.

s. An owner or operator of a CAAPP source may include within its CAAPP application a request for permission to operate during a startup, malfunction, or breakdown consistent with applicable Board regulations.

t. An owner or operator of a CAAPP source, in order to utilize the operational flexibility provided under paragraph (l) of subsection 7 of this Section, must request such use and provide the necessary information within its CAAPP application.

u. An owner or operator of a CAAPP source which seeks exclusion from the CAAPP through the imposition of federally enforceable conditions, pursuant to paragraph (c) of subsection 3 of this Section, must request such exclusion within a CAAPP application submitted consistent with this subsection on or after the date that the CAAPP application for the source is due. Prior to such date, but in no case later than 9 months after the effective date of the CAAPP, such owner or operator may request the imposition of federally enforceable conditions pursuant to paragraph (b) of subsection 1.1 of this Section.

v. CAAPP applications shall contain accurate information on allowable emissions to implement the fee provisions of subsection 18 of this Section.

w. An owner or operator of a CAAPP source shall submit within its CAAPP application emissions information regarding all regulated air pollutants emitted at that source consistent with applicable Agency procedures. Emissions information regarding insignificant activities or emission levels, as determined by the Agency pursuant to Board regulations, may be submitted as a list within the CAAPP application. The Agency shall propose regulations to the Board defining insignificant activities or emission levels, consistent with federal regulations, if any, no later than 18 months after the effective date of this amendatory Act of 1992, consistent with Section 112(n)(1) of the Clean Air Act. The Board shall adopt final regulations defining insignificant activities.

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or emission levels no later than 9 months after the date of the Agency's proposal.

x. The owner or operator of a new CAAPP source shall submit its complete CAAPP application consistent with this subsection within 12 months after commencing operation of such source. The owner or operator of an existing source that has been excluded from the provisions of this Section under subsection 1.1 or paragraph (c) of subsection 3 of this Section and that becomes subject to the CAAPP solely due to a change in operation at the source shall submit its complete CAAPP application consistent with this subsection at least 180 days before commencing operation in accordance with the change in operation.

y. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary to implement this subsection.

6. Prohibitions.

a. It shall be unlawful for any person to violate any terms or conditions of a permit issued under this Section, to operate any CAAPP source except in compliance with a permit issued by the Agency under this Section or to violate any other applicable requirements. All terms and conditions of a permit issued under this Section are enforceable by USEPA and citizens under the Clean Air Act, except those, if any, that are specifically designated as not being federally enforceable in the permit pursuant to paragraph (m) of subsection 7 of this Section.

b. After the applicable CAAPP permit or renewal application submittal date, as specified in subsection 5 of this Section, no person shall operate a CAAPP source without a CAAPP permit unless the complete CAAPP permit or renewal application for such source has been timely submitted to the Agency.

c. No owner or operator of a CAAPP source shall cause or threaten or allow the continued operation of an emission source during malfunction or breakdown of the emission source or related air pollution control equipment if such operation would cause a violation of the standards or limitations applicable to the source, unless the CAAPP permit granted to the source provides for such operation consistent with this Act and applicable Board regulations.

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7. Permit Content.
   a. All CAAPP permits shall contain emission limitations and standards and other enforceable terms and conditions, including but not limited to operational requirements, and schedules for achieving compliance at the earliest reasonable date, which are or will be required to accomplish the purposes and provisions of this Act and to assure compliance with all applicable requirements.

   b. The Agency shall include among such conditions applicable monitoring, reporting, record keeping and compliance certification requirements, as authorized by paragraphs (d), (e), and (f) of this subsection, that the Agency deems necessary to assure compliance with the Clean Air Act, the regulations promulgated thereunder, this Act, and applicable Board regulations. When monitoring, reporting, record keeping, and compliance certification requirements are specified within the Clean Air Act, regulations promulgated thereunder, this Act, or applicable regulations, such requirements shall be included within the CAAPP permit. The Board shall have authority to promulgate additional regulations where necessary to accomplish the purposes of the Clean Air Act, this Act, and regulations promulgated thereunder.

   c. The Agency shall assure, within such conditions, the use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable emission limitations, standards, and other requirements contained in the permit.

   d. To meet the requirements of this subsection with respect to monitoring, the permit shall:
      i. Incorporate and identify all applicable emissions monitoring and analysis procedures or test methods required under the Clean Air Act, regulations promulgated thereunder, this Act, and applicable Board regulations, including any procedures and methods promulgated by USEPA pursuant to Section 504(b) or Section 114 (a)(3) of the Clean Air Act.

      ii. Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), require periodic monitoring.

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sufficient to yield reliable data from the relevant time period that is representative of the source's compliance with the permit, as reported pursuant to paragraph (f) of this subsection. The Agency may determine that recordkeeping requirements are sufficient to meet the requirements of this subparagraph.

iii. As necessary, specify requirements concerning the use, maintenance, and when appropriate, installation of monitoring equipment or methods.

e. To meet the requirements of this subsection with respect to record keeping, the permit shall incorporate and identify all applicable recordkeeping requirements and require, where applicable, the following:

i. Records of required monitoring information that include the following:
   A. The date, place and time of sampling or measurements.
   B. The date(s) analyses were performed.
   C. The company or entity that performed the analyses.
   D. The analytical techniques or methods used.
   E. The results of such analyses.
   F. The operating conditions as existing at the time of sampling or measurement.

ii. Retention of records of all monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records, original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

f. To meet the requirements of this subsection with respect to reporting, the permit shall incorporate and identify all applicable reporting requirements and require the following:

i. Submittal of reports of any required monitoring every 6 months. More frequent submittals may be requested by the Agency if such submittals are necessary to assure compliance with this Act or regulations promulgated by the

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Board thereunder. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with subsection 5 of this Section.

ii. Prompt reporting of deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken.

g. Each CAAPP permit issued under subsection 10 of this Section shall include a condition prohibiting emissions exceeding any allowances that the source lawfully holds under Title IV of the Clean Air Act or the regulations promulgated thereunder, consistent with subsection 17 of this Section and applicable regulations, if any.

h. All CAAPP permits shall state that, where another applicable requirement of the Clean Air Act is more stringent than any applicable requirement of regulations promulgated under Title IV of the Clean Air Act, both provisions shall be incorporated into the permit and shall be State and federally enforceable.

i. Each CAAPP permit issued under subsection 10 of this Section shall include a severability clause to ensure the continued validity of the various permit requirements in the event of a challenge to any portions of the permit.

j. The following shall apply with respect to owners or operators requesting a permit shield:

i. The Agency shall include in a CAAPP permit, when requested by an applicant pursuant to paragraph (p) of subsection 5 of this Section, a provision stating that compliance with the conditions of the permit shall be deemed compliance with applicable requirements which are applicable as of the date of release of the proposed permit, provided that:

A. The applicable requirement is specifically identified within the permit; or

B. The Agency in acting on the CAAPP application or revision determines in writing that other requirements specifically identified are not
applicable to the source, and the permit includes that determination or a concise summary thereof.

ii. The permit shall identify the requirements for which the source is shielded. The shield shall not extend to applicable requirements which are promulgated after the date of release of the proposed permit unless the permit has been modified to reflect such new requirements.

iii. A CAAPP permit which does not expressly indicate the existence of a permit shield shall not provide such a shield.

iv. Nothing in this paragraph or in a CAAPP permit shall alter or affect the following:

A. The provisions of Section 303 (emergency powers) of the Clean Air Act, including USEPA's authority under that section.

B. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance.

C. The applicable requirements of the acid rain program consistent with Section 408(a) of the Clean Air Act.

D. The ability of USEPA to obtain information from a source pursuant to Section 114 (inspections, monitoring, and entry) of the Clean Air Act.

k. Each CAAPP permit shall include an emergency provision providing an affirmative defense of emergency to an action brought for noncompliance with technology-based emission limitations under a CAAPP permit if the following conditions are met through properly signed, contemporaneous operating logs, or other relevant evidence:

i. An emergency occurred and the permittee can identify the cause(s) of the emergency.

ii. The permitted facility was at the time being properly operated.

iii. The permittee submitted notice of the emergency to the Agency within 2 working days after the time when emission limitations were exceeded due to the emergency. This notice must contain a detailed description of the
emergency, any steps taken to mitigate emissions, and corrective actions taken.

iv. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission limitations, standards, or requirements in the permit.

For purposes of this subsection, "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, such as an act of God, that requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operation error.

In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof. This provision is in addition to any emergency or upset provision contained in any applicable requirement. This provision does not relieve a permittee of any reporting obligations under existing federal or state laws or regulations.

l. The Agency shall include in each permit issued under subsection 10 of this Section:

   i. Terms and conditions for reasonably anticipated operating scenarios identified by the source in its application. The permit terms and conditions for each such operating scenario shall meet all applicable requirements and the requirements of this Section.

      A. Under this subparagraph, the source must record in a log at the permitted facility a record of the scenario under which it is operating contemporaneously with making a change from one operating scenario to another.

      B. The permit shield described in paragraph (j) of subsection 7 of this Section shall extend to all terms and conditions under each such operating scenario.

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ii. Where requested by an applicant, all terms and conditions allowing for trading of emissions increases and decreases between different emission units at the CAAPP source, to the extent that the applicable requirements provide for trading of such emissions increases and decreases without a case-by-case approval of each emissions trade. Such terms and conditions:

A. Shall include all terms required under this subsection to determine compliance;
B. Must meet all applicable requirements;
C. Shall extend the permit shield described in paragraph (j) of subsection 7 of this Section to all terms and conditions that allow such increases and decreases in emissions.

m. The Agency shall specifically designate as not being federally enforceable under the Clean Air Act any terms and conditions included in the permit that are not specifically required under the Clean Air Act or federal regulations promulgated thereunder. Terms or conditions so designated shall be subject to all applicable state requirements, except the requirements of subsection 7 (other than this paragraph, paragraph q of subsection 7, subsections 8 through 11, and subsections 13 through 16 of this Section. The Agency shall, however, include such terms and conditions in the CAAPP permit issued to the source.

n. Each CAAPP permit issued under subsection 10 of this Section shall specify and reference the origin of and authority for each term or condition, and identify any difference in form as compared to the applicable requirement upon which the term or condition is based.

o. Each CAAPP permit issued under subsection 10 of this Section shall include provisions stating the following:

i. Duty to comply. The permittee must comply with all terms and conditions of the CAAPP permit. Any permit noncompliance constitutes a violation of the Clean Air Act and the Act, and is grounds for any or all of the following: enforcement action; permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

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ii. Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

iii. Permit actions. The permit may be modified, revoked, reopened, and reissued, or terminated for cause in accordance with the applicable subsections of Section 39.5 of this Act. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

iv. Property rights. The permit does not convey any property rights of any sort, or any exclusive privilege.

v. Duty to provide information. The permittee shall furnish to the Agency within a reasonable time specified by the Agency any information that the Agency may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Agency copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to USEPA along with a claim of confidentiality.

vi. Duty to pay fees. The permittee must pay fees to the Agency consistent with the fee schedule approved pursuant to subsection 18 of this Section, and submit any information relevant thereto.

vii. Emissions trading. No permit revision shall be required for increases in emissions allowed under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in the permit and that are authorized by the applicable requirement.

p. Each CAAPP permit issued under subsection 10 of this Section shall contain the following elements with respect to compliance:

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i. Compliance certification, testing, monitoring, reporting, and record keeping requirements sufficient to assure compliance with the terms and conditions of the permit. Any document (including reports) required by a CAAPP permit shall contain a certification by a responsible official that meets the requirements of subsection 5 of this Section and applicable regulations.

ii. Inspection and entry requirements that necessitate that, upon presentation of credentials and other documents as may be required by law and in accordance with constitutional limitations, the permittee shall allow the Agency, or an authorized representative to perform the following:

A. Enter upon the permittee's premises where a CAAPP source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit.

B. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit.

C. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.

D. Sample or monitor any substances or parameters at any location:

1. As authorized by the Clean Air Act, at reasonable times, for the purposes of assuring compliance with the CAAPP permit or applicable requirements; or

2. As otherwise authorized by this Act.

iii. A schedule of compliance consistent with subsection 5 of this Section and applicable regulations.

iv. Progress reports consistent with an applicable schedule of compliance pursuant to paragraph (d) of subsection 5 of this Section and applicable regulations to be submitted semiannually, or more frequently if the Agency determines that such more frequent submittals are necessary.

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for compliance with the Act or regulations promulgated by the Board thereunder. Such progress reports shall contain the following:

A. Required dates for achieving the activities, milestones, or compliance required by the schedule of compliance and dates when such activities, milestones or compliance were achieved.

B. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

v. Requirements for compliance certification with terms and conditions contained in the permit, including emission limitations, standards, or work practices. Permits shall include each of the following:

A. The frequency (annually or more frequently as specified in any applicable requirement or by the Agency pursuant to written procedures) of submissions of compliance certifications.

B. A means for assessing or monitoring the compliance of the source with its emissions limitations, standards, and work practices.

C. A requirement that the compliance certification include the following:

1. The identification of each term or condition contained in the permit that is the basis of the certification.
2. The compliance status.
3. Whether compliance was continuous or intermittent.
4. The method(s) used for determining the compliance status of the source, both currently and over the reporting period consistent with subsection 7 of this Section.

D. A requirement that all compliance certifications be submitted to USEPA as well as to the Agency.

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E. Additional requirements as may be specified pursuant to Sections 114(a)(3) and 504(b) of the Clean Air Act.
F. Other provisions as the Agency may require.
q. If the owner or operator of CAAPP source can demonstrate in its CAAPP application, including an application for a significant modification, that an alternative emission limit would be equivalent to that contained in the applicable Board regulations, the Agency shall include the alternative emission limit in the CAAPP permit, which shall supersede the emission limit set forth in the applicable Board regulations, and shall include conditions that insure that the resulting emission limit is quantifiable, accountable, enforceable, and based on replicable procedures.
8. Public Notice; Affected State Review.
   a. The Agency shall provide notice to the public, including an opportunity for public comment and a hearing, on each draft CAAPP permit for issuance, renewal or significant modification, subject to Section 7.1 and subsection (a) of Section 7 of this Act.
   b. The Agency shall prepare a draft CAAPP permit and a statement that sets forth the legal and factual basis for the draft CAAPP permit conditions, including references to the applicable statutory or regulatory provisions. The Agency shall provide this statement to any person who requests it.
   c. The Agency shall give notice of each draft CAAPP permit to the applicant and to any affected State on or before the time that the Agency has provided notice to the public, except as otherwise provided in this Act.
   d. The Agency, as part of its submittal of a proposed permit to USEPA (or as soon as possible after the submittal for minor permit modification procedures allowed under subsection 14 of this Section), shall notify USEPA and any affected State in writing of any refusal of the Agency to accept all of the recommendations for the proposed permit that an affected State submitted during the public or affected State review period. The notice shall include the Agency's reasons for not accepting the recommendations. The Agency is not required to accept recommendations that are not based on applicable requirements or the requirements of this Section.

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e. The Agency shall make available to the public any CAAPP permit application, compliance plan (including the schedule of compliance), CAAPP permit, and emissions or compliance monitoring report. If an owner or operator of a CAAPP source is required to submit information entitled to protection from disclosure under Section 7.1 and subsection (a) of Section 7 of this Act, the owner or operator shall submit such information separately. The requirements of Section 7.1 and subsection (a) of Section 7 of this Act shall apply to such information, which shall not be included in a CAAPP permit unless required by law. The contents of a CAAPP permit shall not be entitled to protection under Section 7.1 and subsection (a) of Section 7 of this Act.

f. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this subsection.

g. If requested by the permit applicant, the Agency shall provide the permit applicant with a copy of the draft CAAPP permit prior to any public review period. If requested by the permit applicant, the Agency shall provide the permit applicant with a copy of the final CAAPP permit prior to issuance of the CAAPP permit.

9. USEPA Notice and Objection.

a. The Agency shall provide to USEPA for its review a copy of each CAAPP application (including any application for permit modification), statement of basis as provided in paragraph (b) of subsection 8 of this Section, proposed CAAPP permit, CAAPP permit, and, if the Agency does not incorporate any affected State's recommendations on a proposed CAAPP permit, a written statement of this decision and its reasons for not accepting the recommendations, except as otherwise provided in this Act or by agreement with USEPA. To the extent practicable, the preceding information shall be provided in computer readable format compatible with USEPA's national database management system.

b. The Agency shall not issue the proposed CAAPP permit if USEPA objects in writing within 45 days after receipt of the proposed CAAPP permit and all necessary supporting information.

c. If USEPA objects in writing to the issuance of the proposed CAAPP permit within the 45-day period, the Agency

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shall respond in writing and may revise and resubmit the proposed CAAPP permit in response to the stated objection, to the extent supported by the record, within 90 days after the date of the objection. Prior to submitting a revised permit to USEPA, the Agency shall provide the applicant and any person who participated in the public comment process, pursuant to subsection 8 of this Section, with a 10-day period to comment on any revision which the Agency is proposing to make to the permit in response to USEPA's objection in accordance with Agency procedures.

d. Any USEPA objection under this subsection, according to the Clean Air Act, will include a statement of reasons for the objection and a description of the terms and conditions that must be in the permit, in order to adequately respond to the objections. Grounds for a USEPA objection include the failure of the Agency to: (1) submit the items and notices required under this subsection; (2) submit any other information necessary to adequately review the proposed CAAPP permit; or (3) process the permit under subsection 8 of this Section except for minor permit modifications.

e. If USEPA does not object in writing to issuance of a permit under this subsection, any person may petition USEPA within 60 days after expiration of the 45-day review period to make such objection.

f. If the permit has not yet been issued and USEPA objects to the permit as a result of a petition, the Agency shall not issue the permit until USEPA's objection has been resolved. The Agency shall provide a 10-day comment period in accordance with paragraph c of this subsection. A petition does not, however, stay the effectiveness of a permit or its requirements if the permit was issued after expiration of the 45-day review period and prior to a USEPA objection.

g. If the Agency has issued a permit after expiration of the 45-day review period and prior to receipt of a USEPA objection under this subsection in response to a petition submitted pursuant to paragraph e of this subsection, the Agency may, upon receipt of an objection from USEPA, revise and resubmit the permit to USEPA pursuant to this subsection after providing a 10-day comment period in accordance with paragraph c of this subsection. If the Agency fails to submit a revised permit in response to the objection, USEPA shall modify, terminate or revoke the permit.

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any case, the source will not be in violation of the requirement to have submitted a timely and complete application.

h. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this subsection.


a. The Agency shall issue a CAAPP permit, permit modification, or permit renewal if all of the following conditions are met:

i. The applicant has submitted a complete and certified application for a permit, permit modification, or permit renewal consistent with subsections 5 and 14 of this Section, as applicable, and applicable regulations.

ii. The applicant has submitted with its complete application an approvable compliance plan, including a schedule for achieving compliance, consistent with subsection 5 of this Section and applicable regulations.

iii. The applicant has timely paid the fees required pursuant to subsection 18 of this Section and applicable regulations.

iv. The Agency has received a complete CAAPP application and, if necessary, has requested and received additional information from the applicant consistent with subsection 5 of this Section and applicable regulations.

v. The Agency has complied with all applicable provisions regarding public notice and affected State review consistent with subsection 8 of this Section and applicable regulations.

vi. The Agency has provided a copy of each CAAPP application, or summary thereof, pursuant to agreement with USEPA and proposed CAAPP permit required under subsection 9 of this Section to USEPA, and USEPA has not objected to the issuance of the permit in accordance with the Clean Air Act and 40 CFR Part 70.

b. The Agency shall have the authority to deny a CAAPP permit, permit modification, or permit renewal if the applicant has not complied with the requirements of subparagraphs (i) through (iv) of paragraph (a) of this subsection or if USEPA objects to its issuance.

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c. i. Prior to denial of a CAAPP permit, permit modification, or permit renewal under this Section, the Agency shall notify the applicant of the possible denial and the reasons for the denial.

ii. Within such notice, the Agency shall specify an appropriate date by which the applicant shall adequately respond to the Agency’s notice. Such date shall not exceed 15 days from the date the notification is received by the applicant. The Agency may grant a reasonable extension for good cause shown.

iii. Failure by the applicant to adequately respond by the date specified in the notification or by any granted extension date shall be grounds for denial of the permit.

For purposes of obtaining judicial review under Sections 40.2 and 41 of this Act, the Agency shall provide to USEPA and each applicant, and, upon request, to affected States, any person who participated in the public comment process, and any other person who could obtain judicial review under Sections 40.2 and 41 of this Act, a copy of each CAAPP permit or notification of denial pertaining to that party.

d. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this subsection.

11. General Permits.

a. The Agency may issue a general permit covering numerous similar sources, except for affected sources for acid deposition unless otherwise provided in regulations promulgated under Title IV of the Clean Air Act.

b. The Agency shall identify, in any general permit, criteria by which sources may qualify for the general permit.

c. CAAPP sources that would qualify for a general permit must apply for coverage under the terms of the general permit or must apply for a CAAPP permit consistent with subsection 5 of this Section and applicable regulations.

d. The Agency shall comply with the public comment and hearing provisions of this Section as well as the USEPA and affected State review procedures prior to issuance of a general permit.

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e. When granting a subsequent request by a qualifying CAAPP source for coverage under the terms of a general permit, the Agency shall not be required to repeat the public notice and comment procedures. The granting of such request shall not be considered a final permit action for purposes of judicial review.

f. The Agency may not issue a general permit to cover any discrete emission unit at a CAAPP source if another CAAPP permit covers emission units at the source.

g. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this subsection.

12. Operational Flexibility.

a. An owner or operator of a CAAPP source may make changes at the CAAPP source without requiring a prior permit revision, consistent with subparagraphs (i) through (iii) of paragraph (a) of this subsection, so long as the changes are not modifications under any provision of Title I of the Clean Air Act and they do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions), provided that the owner or operator of the CAAPP source provides USEPA and the Agency with written notification as required below in advance of the proposed changes, which shall be a minimum of 7 days, unless otherwise provided by the Agency in applicable regulations regarding emergencies. The owner or operator of a CAAPP source and the Agency shall each attach such notice to their copy of the relevant permit.

i. An owner or operator of a CAAPP source may make Section 502 (b) (10) changes without a permit revision, if the changes are not modifications under any provision of Title I of the Clean Air Act and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions).

A. For each such change, the written notification required above shall include a brief description of the change within the source, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.
B. The permit shield described in paragraph (j) of subsection 7 of this Section shall not apply to any change made pursuant to this subparagraph.

ii. An owner or operator of a CAAPP source may trade increases and decreases in emissions in the CAAPP source, where the applicable implementation plan provides for such emission trades without requiring a permit revision. This provision is available in those cases where the permit does not already provide for such emissions trading.

A. Under this subparagraph (ii) of paragraph (a) of this subsection, the written notification required above shall include such information as may be required by the provision in the applicable implementation plan authorizing the emissions trade, including at a minimum, when the proposed changes will occur, a description of each such change, any change in emissions, the permit requirements with which the source will comply using the emissions trading provisions of the applicable implementation plan, and the pollutants emitted subject to the emissions trade. The notice shall also refer to the provisions in the applicable implementation plan with which the source will comply and provide for the emissions trade.

B. The permit shield described in paragraph (j) of subsection 7 of this Section shall not apply to any change made pursuant to subparagraph (ii) of paragraph (a) of this subsection. Compliance with the permit requirements that the source will meet using the emissions trade shall be determined according to the requirements of the applicable implementation plan authorizing the emissions trade.

iii. If requested within a CAAPP application, the Agency shall issue a CAAPP permit which contains terms and conditions, including all terms required under subsection 7 of this Section to determine compliance, allowing for the trading of emissions increases and decreases...
decreases at the CAAPP source solely for the purpose of complying with a federally-enforceable emissions cap that is established in the permit independent of otherwise applicable requirements. The owner or operator of a CAAPP source shall include in its CAAPP application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable. The permit shall also require compliance with all applicable requirements.

A. Under this subparagraph (iii) of paragraph (a), the written notification required above shall state when the change will occur and shall describe the changes in emissions that will result and how these increases and decreases in emissions will comply with the terms and conditions of the permit.

B. The permit shield described in paragraph (j) of subsection 7 of this Section shall extend to terms and conditions that allow such increases and decreases in emissions.

b. An owner or operator of a CAAPP source may make changes that are not addressed or prohibited by the permit, other than those which are subject to any requirements under Title IV of the Clean Air Act or are modifications under any provisions of Title I of the Clean Air Act, without a permit revision, in accordance with the following requirements:

(i) Each such change shall meet all applicable requirements and shall not violate any existing permit term or condition;

(ii) Sources must provide contemporaneous written notice to the Agency and USEPA of each such change, except for changes that qualify as insignificant under provisions adopted by the Agency or the Board. Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change;

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(iii) The change shall not qualify for the shield described in paragraph (j) of subsection 7 of this Section; and

(iv) The permittee shall keep a record describing changes made at the source that result in emissions of a regulated air pollutant subject to an applicable Clean Air Act requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes.

c. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary to implement this subsection.

13. Administrative Permit Amendments.

a. The Agency shall take final action on a request for an administrative permit amendment within 60 days after receipt of the request. Neither notice nor an opportunity for public and affected State comment shall be required for the Agency to incorporate such revisions, provided it designates the permit revisions as having been made pursuant to this subsection.

b. The Agency shall submit a copy of the revised permit to USEPA.

c. For purposes of this Section the term "administrative permit amendment" shall be defined as a permit revision that can accomplish one or more of the changes described below:

i. Corrects typographical errors;

ii. Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source;

iii. Requires more frequent monitoring or reporting by the permittee;

iv. Allows for a change in ownership or operational control of a source where the Agency determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees has been submitted to the Agency;

v. Incorporates into the CAAPP permit the requirements from preconstruction review permits authorized under a USEPA-approved program, provided

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the program meets procedural and compliance requirements substantially equivalent to those contained in this Section;

vi. (Blank); or

vii. Any other type of change which USEPA has determined as part of the approved CAAPP permit program to be similar to those included in this subsection.

d. The Agency shall, upon taking final action granting a request for an administrative permit amendment, allow coverage by the permit shield in paragraph (j) of subsection 7 of this Section for administrative permit amendments made pursuant to subparagraph (v) of paragraph (c) of this subsection which meet the relevant requirements for significant permit modifications.

e. Permit revisions and modifications, including administrative amendments and automatic amendments (pursuant to Sections 408(b) and 403(d) of the Clean Air Act or regulations promulgated thereunder), for purposes of the acid rain portion of the permit shall be governed by the regulations promulgated under Title IV of the Clean Air Act. Owners or operators of affected sources for acid deposition shall have the flexibility to amend their compliance plans as provided in the regulations promulgated under Title IV of the Clean Air Act.

f. The CAAPP source may implement the changes addressed in the request for an administrative permit amendment immediately upon submittal of the request.

g. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this subsection.

14. Permit Modifications.

a. Minor permit modification procedures.

i. The Agency shall review a permit modification using the "minor permit" modification procedures only for those permit modifications that:

A. Do not violate any applicable requirement;

B. Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit;

C. Do not require a case-by-case determination of an emission limitation or other
standard, or a source-specific determination of ambient impacts, or a visibility or increment analysis;

D. Do not seek to establish or change a permit term or condition for which there is no corresponding underlying requirement and which avoids an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:

1. A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of Title I of the Clean Air Act; and

2. An alternative emissions limit approved pursuant to regulations promulgated under Section 112(i)(5) of the Clean Air Act;

E. Are not modifications under any provision of Title I of the Clean Air Act; and

F. Are not required to be processed as a significant modification.

ii. Notwithstanding subparagraph (i) of paragraph (a) and subparagraph (ii) of paragraph (b) of this subsection, minor permit modification procedures may be used for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit modification procedures are explicitly provided for in an applicable implementation plan or in applicable requirements promulgated by USEPA.

iii. An applicant requesting the use of minor permit modification procedures shall meet the requirements of subsection 5 of this Section and shall include the following in its application:

A. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;

B. The source's suggested draft permit;

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C. Certification by a responsible official, consistent with paragraph (e) of subsection 5 of this Section and applicable regulations, that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used; and

D. Completed forms for the Agency to use to notify USEPA and affected States as required under subsections 8 and 9 of this Section.

iv. Within 5 working days after receipt of a complete permit modification application, the Agency shall notify USEPA and affected States of the requested permit modification in accordance with subsections 8 and 9 of this Section. The Agency promptly shall send any notice required under paragraph (d) of subsection 8 of this Section to USEPA.

v. The Agency may not issue a final permit modification until after the 45-day review period for USEPA or until USEPA has notified the Agency that USEPA will not object to the issuance of the permit modification, whichever comes first, although the Agency can approve the permit modification prior to that time. Within 90 days after the Agency's receipt of an application under the minor permit modification procedures or 15 days after the end of USEPA's 45-day review period under subsection 9 of this Section, whichever is later, the Agency shall:

A. Issue the permit modification as proposed;
B. Deny the permit modification application;
C. Determine that the requested modification does not meet the minor permit modification criteria and should be reviewed under the significant modification procedures; or
D. Revise the draft permit modification and transmit to USEPA the new proposed permit modification as required by subsection 9 of this Section.

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vi. Any CAAPP source may make the change proposed in its minor permit modification application immediately after it files such application. After the CAAPP source makes the change allowed by the preceding sentence, and until the Agency takes any of the actions specified in items (A) through (C) of subparagraph (v) of paragraph (a) of this subsection, the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. If the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions which it seeks to modify may be enforced against it.

vii. The permit shield under paragraph (j) of subsection 7 of this Section may not extend to minor permit modifications.

viii. If a construction permit is required, pursuant to subsection (a) of Section 39 of this Act and regulations thereunder, for a change for which the minor permit modification procedures are applicable, the source may request that the processing of the construction permit application be consolidated with the processing of the application for the minor permit modification. In such cases, the provisions of this Section, including those within subsections 5, 8, and 9, shall apply and the Agency shall act on such applications pursuant to subparagraph (v) of paragraph (a) of subsection 14 of this Section. The source may make the proposed change immediately after filing its application for the minor permit modification. Nothing in this subparagraph shall otherwise affect the requirements and procedures applicable to construction permits.

b. Group Processing of Minor Permit Modifications.

i. Where requested by an applicant within its application, the Agency shall process groups of a source's applications for certain modifications eligible for minor permit modification processing in accordance with the provisions of this paragraph (b).
ii. Permit modifications may be processed in accordance with the procedures for group processing, for those modifications:

A. Which meet the criteria for minor permit modification procedures under subparagraph (i) of paragraph (a) of subsection 14 of this Section; and

B. That collectively are below 10 percent of the emissions allowed by the permit for the emissions unit for which change is requested, 20 percent of the applicable definition of major source set forth in subsection 2 of this Section, or 5 tons per year, whichever is least.

iii. An applicant requesting the use of group processing procedures shall meet the requirements of subsection 5 of this Section and shall include the following in its application:

A. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs.

B. The source's suggested draft permit.

C. Certification by a responsible official consistent with paragraph (e) of subsection 5 of this Section, that the proposed modification meets the criteria for use of group processing procedures and a request that such procedures be used.

D. A list of the source's other pending applications awaiting group processing, and a determination of whether the requested modification, aggregated with these other applications, equals or exceeds the threshold set under item (B) of subparagraph (ii) of paragraph (b) of this subsection.

E. Certification, consistent with paragraph (e) of subsection 5 of this Section, that the source has notified USEPA of the proposed modification. Such notification need only contain a brief description of the requested modification.
F. Completed forms for the Agency to use to notify USEPA and affected states as required under subsections 8 and 9 of this Section.

iv. On a quarterly basis or within 5 business days after receipt of an application demonstrating that the aggregate of a source's pending applications equals or exceeds the threshold level set forth within item (B) of subparagraph (ii) of paragraph (b) of this subsection, whichever is earlier, the Agency shall promptly notify USEPA and affected States of the requested permit modifications in accordance with subsections 8 and 9 of this Section. The Agency shall send any notice required under paragraph (d) of subsection 8 of this Section to USEPA.

v. The provisions of subparagraph (v) of paragraph (a) of this subsection shall apply to modifications eligible for group processing, except that the Agency shall take one of the actions specified in items (A) through (D) of subparagraph (v) of paragraph (a) of this subsection within 180 days after receipt of the application or 15 days after the end of USEPA's 45-day review period under subsection 9 of this Section, whichever is later.

vi. The provisions of subparagraph (vi) of paragraph (a) of this subsection shall apply to modifications for group processing.

vii. The provisions of paragraph (j) of subsection 7 of this Section shall not apply to modifications eligible for group processing.

c. Significant Permit Modifications.

i. Significant modification procedures shall be used for applications requesting significant permit modifications and for those applications that do not qualify as either minor permit modifications or as administrative permit amendments.

ii. Every significant change in existing monitoring permit terms or conditions and every relaxation of reporting or recordkeeping requirements shall be considered significant. A modification shall also be considered significant if in the judgment of the Agency action on an

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application for modification would require decisions to be made on technically complex issues. Nothing herein shall be construed to preclude the permittee from making changes consistent with this Section that would render existing permit compliance terms and conditions irrelevant.

iii. Significant permit modifications must meet all the requirements of this Section, including those for applications (including completeness review), public participation, review by affected States, and review by USEPA applicable to initial permit issuance and permit renewal. The Agency shall take final action on significant permit modifications within 9 months after receipt of a complete application.

d. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this subsection.

15. Reopenings for Cause by the Agency.

a. Each issued CAAPP permit shall include provisions specifying the conditions under which the permit will be reopened prior to the expiration of the permit. Such revisions shall be made as expeditiously as practicable. A CAAPP permit shall be reopened and revised under any of the following circumstances, in accordance with procedures adopted by the Agency:

i. Additional requirements under the Clean Air Act become applicable to a major CAAPP source for which 3 or more years remain on the original term of the permit. Such a reopening shall be completed not later than 18 months after the promulgation of the applicable requirement. No such revision is required if the effective date of the requirement is later than the date on which the permit is due to expire.

ii. Additional requirements (including excess emissions requirements) become applicable to an affected source for acid deposition under the acid rain program. Excess emissions offset plans shall be deemed to be incorporated into the permit upon approval by USEPA.

iii. The Agency or USEPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions

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standards, limitations, or other terms or conditions of the permit.

iv. The Agency or USEPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

b. In the event that the Agency determines that there are grounds for revoking a CAAPP permit, for cause, consistent with paragraph a of this subsection, it shall file a petition before the Board setting forth the basis for such revocation. In any such proceeding, the Agency shall have the burden of establishing that the permit should be revoked under the standards set forth in this Act and the Clean Air Act. Any such proceeding shall be conducted pursuant to the Board's procedures for adjudicatory hearings and the Board shall render its decision within 120 days of the filing of the petition. The Agency shall take final action to revoke and reissue a CAAPP permit consistent with the Board's order.

c. Proceedings regarding a reopened CAAPP permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists.

d. Reopenings under paragraph (a) of this subsection shall not be initiated before a notice of such intent is provided to the CAAPP source by the Agency at least 30 days in advance of the date that the permit is to be reopened, except that the Agency may provide a shorter time period in the case of an emergency.

e. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this subsection.

16. Reopenings for Cause by USEPA.

a. When USEPA finds that cause exists to terminate, modify, or revoke and reissue a CAAPP permit pursuant to subsection 15 of this Section, and thereafter notifies the Agency and the permittee of such finding in writing, the Agency shall forward to USEPA and the permittee a proposed determination of termination, modification, or revocation and reissuance as appropriate, in accordance with paragraph (b) of this subsection. The Agency's proposed determination shall be in accordance with the record, the Clean Air Act, regulations promulgated thereunder,

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this Act and regulations promulgated thereunder. Such proposed
determination shall not affect the permit or constitute a final permit
action for purposes of this Act or the Administrative Review Law.
The Agency shall forward to USEPA such proposed determination
within 90 days after receipt of the notification from USEPA. If
additional time is necessary to submit the proposed determination,
the Agency shall request a 90-day extension from USEPA and
shall submit the proposed determination within 180 days after
receipt of notification from USEPA.

b. i. Prior to the Agency's submittal to USEPA of a
proposed determination to terminate or revoke and reissue
the permit, the Agency shall file a petition before the Board
setting forth USEPA's objection, the permit record, the
Agency's proposed determination, and the justification for
its proposed determination. The Board shall conduct a
hearing pursuant to the rules prescribed by Section 32 of
this Act, and the burden of proof shall be on the Agency.

ii. After due consideration of the written and oral
statements, the testimony and arguments that shall be
submitted at hearing, the Board shall issue and enter an
interim order for the proposed determination, which shall
set forth all changes, if any, required in the Agency's
proposed determination. The interim order shall comply
with the requirements for final orders as set forth in Section
33 of this Act. Issuance of an interim order by the Board
under this paragraph, however, shall not affect the permit
status and does not constitute a final action for purposes of
this Act or the Administrative Review Law.

iii. The Board shall cause a copy of its interim order
to be served upon all parties to the proceeding as well as
upon USEPA. The Agency shall submit the proposed
determination to USEPA in accordance with the Board's
Interim Order within 180 days after receipt of the
notification from USEPA.

c. USEPA shall review the proposed determination to
terminate, modify, or revoke and reissue the permit within 90 days
after receipt.

i. When USEPA reviews the proposed
determination to terminate or revoke and reissue and does

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not object, the Board shall, within 7 days after receipt of USEPA's final approval, enter the interim order as a final order. The final order may be appealed as provided by Title XI of this Act. The Agency shall take final action in accordance with the Board's final order.

ii. When USEPA reviews such proposed determination to terminate or revoke and reissue and objects, the Agency shall submit USEPA's objection and the Agency's comments and recommendation on the objection to the Board and permittee. The Board shall review its interim order in response to USEPA's objection and the Agency's comments and recommendation and issue a final order in accordance with Sections 32 and 33 of this Act. The Agency shall, within 90 days after receipt of such objection, respond to USEPA's objection in accordance with the Board's final order.

iii. When USEPA reviews such proposed determination to modify and objects, the Agency shall, within 90 days after receipt of the objection, resolve the objection and modify the permit in accordance with USEPA's objection, based upon the record, the Clean Air Act, regulations promulgated thereunder, this Act, and regulations promulgated thereunder.

d. If the Agency fails to submit the proposed determination pursuant to paragraph a of this subsection or fails to resolve any USEPA objection pursuant to paragraph c of this subsection, USEPA will terminate, modify, or revoke and reissue the permit.

e. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this subsection.

17. Title IV; Acid Rain Provisions.

a. The Agency shall act on initial CAAPP applications for affected sources for acid deposition in accordance with this Section and Title V of the Clean Air Act and regulations promulgated thereunder, except as modified by Title IV of the Clean Air Act and regulations promulgated thereunder. The Agency shall issue initial CAAPP permits to the affected sources for acid deposition which shall become effective no earlier than January 1, 1995, and which shall terminate on December 31, 1999, in accordance with
this Section. Subsequent CAAPP permits issued to affected sources for acid deposition shall be issued for a fixed term of 5 years. Title IV of the Clean Air Act and regulations promulgated thereunder, including but not limited to 40 C.F.R. Part 72, as now or hereafter amended, are applicable to and enforceable under this Act.

b. A designated representative of an affected source for acid deposition shall submit a timely and complete Phase II acid rain permit application and compliance plan to the Agency, not later than January 1, 1996, that meets the requirements of Titles IV and V of the Clean Air Act and regulations. The Agency shall act on the Phase II acid rain permit application and compliance plan in accordance with this Section and Title V of the Clean Air Act and regulations promulgated thereunder, except as modified by Title IV of the Clean Air Act and regulations promulgated thereunder. The Agency shall issue the Phase II acid rain permit to an affected source for acid deposition no later than December 31, 1997, which shall become effective on January 1, 2000, in accordance with this Section, except as modified by Title IV and regulations promulgated thereunder; provided that the designated representative of the source submitted a timely and complete Phase II permit application and compliance plan to the Agency that meets the requirements of Title IV and V of the Clean Air Act and regulations.

c. Each Phase II acid rain permit issued in accordance with this subsection shall have a fixed term of 5 years. Except as provided in paragraph b above, the Agency shall issue or deny a Phase II acid rain permit within 18 months of receiving a complete Phase II permit application and compliance plan.

d. A designated representative of a new unit, as defined in Section 402 of the Clean Air Act, shall submit a timely and complete Phase II acid rain permit application and compliance plan that meets the requirements of Titles IV and V of the Clean Air Act and its regulations. The Agency shall act on the new unit's Phase II acid rain permit application and compliance plan in accordance with this Section and Title V of the Clean Air Act and its regulations, except as modified by Title IV of the Clean Air Act and its regulations. The Agency shall reopen the new unit's CAAPP permit for cause to incorporate the approved Phase II acid

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rain permit in accordance with this Section. The Phase II acid rain permit for the new unit shall become effective no later than the date required under Title IV of the Clean Air Act and its regulations.

e. A designated representative of an affected source for acid deposition shall submit a timely and complete Title IV NOx permit application to the Agency, not later than January 1, 1998, that meets the requirements of Titles IV and V of the Clean Air Act and its regulations. The Agency shall reopen the Phase II acid rain permit for cause and incorporate the approved NOx provisions into the Phase II acid rain permit not later than January 1, 1999, in accordance with this Section, except as modified by Title IV of the Clean Air Act and regulations promulgated thereunder. Such reopening shall not affect the term of the Phase II acid rain permit.

f. The designated representative of the affected source for acid deposition shall renew the initial CAAPP permit and Phase II acid rain permit in accordance with this Section and Title V of the Clean Air Act and regulations promulgated thereunder, except as modified by Title IV of the Clean Air Act and regulations promulgated thereunder.

g. In the case of an affected source for acid deposition for which a complete Phase II acid rain permit application and compliance plan are timely received under this subsection, the complete permit application and compliance plan, including amendments thereto, shall be binding on the owner, operator and designated representative, all affected units for acid deposition at the affected source, and any other unit, as defined in Section 402 of the Clean Air Act, governed by the Phase II acid rain permit and shall be enforceable as an acid rain permit for purposes of Titles IV and V of the Clean Air Act, from the date of submission of the acid rain permit application until a Phase II acid rain permit is issued or denied by the Agency.

h. The Agency shall not include or implement any measure which would interfere with or modify the requirements of Title IV of the Clean Air Act or regulations promulgated thereunder.

i. Nothing in this Section shall be construed as affecting allowances or USEPA's decision regarding an excess emissions offset plan, as set forth in Title IV of the Clean Air Act or regulations promulgated thereunder.

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i. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program, provided that such increases do not require a permit revision under any other applicable requirement.

ii. No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.

iii. Any such allowance shall be accounted for according to the procedures established in regulations promulgated under Title IV of the Clean Air Act.

j. To the extent that the federal regulations promulgated under Title IV, including but not limited to 40 C.F.R. Part 72, as now or hereafter amended, are inconsistent with the federal regulations promulgated under Title V, the federal regulations promulgated under Title IV shall take precedence.

k. The USEPA may intervene as a matter of right in any permit appeal involving a Phase II acid rain permit provision or denial of a Phase II acid rain permit.

l. It is unlawful for any owner or operator to violate any terms or conditions of a Phase II acid rain permit issued under this subsection, to operate any affected source for acid deposition except in compliance with a Phase II acid rain permit issued by the Agency under this subsection, or to violate any other applicable requirements.

m. The designated representative of an affected source for acid deposition shall submit to the Agency the data and information submitted quarterly to USEPA, pursuant to 40 CFR 75.64, concurrently with the submission to USEPA. The submission shall be in the same electronic format as specified by USEPA.

n. The Agency shall act on any petition for exemption of a new unit or retired unit, as those terms are defined in Section 402 of the Clean Air Act, from the requirements of the acid rain program in accordance with Title IV of the Clean Air Act and its regulations.
o. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary to implement this subsection.


a. A source subject to this Section or excluded under subsection 1.1 or paragraph (c) of subsection 3 of this Section, shall pay a fee as provided in this paragraph (a) of subsection 18. However, a source that has been excluded from the provisions of this Section under subsection 1.1 or under paragraph (c) of subsection 3 of this Section because the source emits less than 25 tons per year of any combination of regulated air pollutants, except greenhouse gases, shall pay fees in accordance with paragraph (1) of subsection (b) of Section 9.6.

i. The fee for a source allowed to emit less than 100 tons per year of any combination of regulated air pollutants, except greenhouse gases, shall be $1,800 per year, and that fee shall increase, beginning January 1, 2012, to $2,150 per year.

ii. The fee for a source allowed to emit 100 tons or more per year of any combination of regulated air pollutants, except greenhouse gases and those regulated air pollutants excluded in paragraph (f) of this subsection 18, shall be as follows:

A. The Agency shall assess a fee of $18 per ton, per year for the allowable emissions of regulated air pollutants subject to this subparagraph (ii) of paragraph (a) of subsection 18, and that fee shall increase, beginning January 1, 2012, to $21.50 per ton, per year. These fees shall be used by the Agency and the Board to fund the activities required by Title V of the Clean Air Act including such activities as may be carried out by other State or local agencies pursuant to paragraph (d) of this subsection. The amount of such fee shall be based on the information supplied by the applicant in its complete CAAPP permit application or in the CAAPP permit if the permit has been granted and shall be determined by the amount of emissions that the source is allowed to emit annually, provided

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however, that the maximum fee for a CAAPP permit under this subparagraph (ii) of paragraph (a) of subsection 18 is $250,000, and increases, beginning January 1, 2012, to $294,000. Beginning January 1, 2012, the maximum fee under this subparagraph (ii) of paragraph (a) of subsection 18 for a source that has been excluded under subsection 1.1 of this Section or under paragraph (c) of subsection 3 of this Section is $4,112. The Agency shall provide as part of the permit application form required under subsection 5 of this Section a separate fee calculation form which will allow the applicant to identify the allowable emissions and calculate the fee. In no event shall the Agency raise the amount of allowable emissions requested by the applicant unless such increases are required to demonstrate compliance with terms of a CAAPP permit.

Notwithstanding the above, any applicant may seek a change in its permit which would result in increases in allowable emissions due to an increase in the hours of operation or production rates of an emission unit or units and such a change shall be consistent with the construction permit requirements of the existing State permit program, under subsection (a) of Section 39 of this Act and applicable provisions of this Section. Where a construction permit is required, the Agency shall expeditiously grant such construction permit and shall, if necessary, modify the CAAPP permit based on the same application.

B. The applicant or permittee may pay the fee annually or semiannually for those fees greater than $5,000. However, any applicant paying a fee equal to or greater than $100,000 shall pay the full amount on July 1, for the subsequent fiscal year, or pay 50% of the fee on July 1 and the remaining 50% by the next January 1. The Agency may change any annual billing date upon reasonable notice, but shall
prorate the new bill so that the permittee or applicant does not pay more than its required fees for the fee period for which payment is made.

b. (Blank).

c. (Blank).

d. There is hereby created in the State Treasury a special fund to be known as the Clean Air Act Permit Fund (formerly known as the “CAA Permit Fund”). All Funds collected by the Agency pursuant to this subsection shall be deposited into the Fund. The General Assembly shall appropriate monies from this Fund to the Agency and to the Board to carry out their obligations under this Section. The General Assembly may also authorize monies to be granted by the Agency from this Fund to other State and local agencies which perform duties related to the CAAPP. Interest generated on the monies deposited in this Fund shall be returned to the Fund.

e. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary to implement this subsection.

f. For purposes of this subsection, the term "regulated air pollutant" shall have the meaning given to it under subsection 1 of this Section but shall exclude the following:

i. carbon monoxide;

ii. any Class I or II substance which is a regulated air pollutant solely because it is listed pursuant to Section 602 of the Clean Air Act; and

iii. any pollutant that is a regulated air pollutant solely because it is subject to a standard or regulation under Section 112(r) of the Clean Air Act based on the emissions allowed in the permit effective in that calendar year, at the time the applicable bill is generated.


a. In the event that the USEPA fails to promulgate in a timely manner a standard pursuant to Section 112(d) of the Clean Air Act, the Agency shall have the authority to issue permits, pursuant to Section 112(j) of the Clean Air Act and regulations promulgated thereunder, which contain emission limitations which are equivalent to the emission limitations that would apply to a source if an emission standard had been promulgated in a timely manner.
manner by USEPA pursuant to Section 112(d). Provided, however,
that the owner or operator of a source shall have the opportunity to
submit to the Agency a proposed emission limitation which it
determines to be equivalent to the emission limitations that would
apply to such source if an emission standard had been promulgated
in a timely manner by USEPA. If the Agency refuses to include the
emission limitation proposed by the owner or operator in a CAAPP
permit, the owner or operator may petition the Board to establish
whether the emission limitation proposal submitted by the owner
or operator provides for emission limitations which are equivalent
to the emission limitations that would apply to the source if the
emission standard had been promulgated by USEPA in a timely
manner. The Board shall determine whether the emission limitation
proposed by the owner or operator or an alternative emission
limitation proposed by the Agency provides for the level of control
required under Section 112 of the Clean Air Act, or shall otherwise
establish an appropriate emission limitation, pursuant to Section
112 of the Clean Air Act.

b. Any Board proceeding brought under paragraph (a) or (e)
of this subsection shall be conducted according to the Board's
procedures for adjudicatory hearings and the Board shall render its
decision within 120 days of the filing of the petition. Any such
decision shall be subject to review pursuant to Section 41 of this
Act. Where USEPA promulgates an applicable emission standard
prior to the issuance of the CAAPP permit, the Agency shall
include in the permit the promulgated standard, provided that the
source shall have the compliance period provided under Section
112(i) of the Clean Air Act. Where USEPA promulgates an
applicable standard subsequent to the issuance of the CAAPP
permit, the Agency shall revise such permit upon the next renewal
to reflect the promulgated standard, providing a reasonable time for
the applicable source to comply with the standard, but no longer
than 8 years after the date on which the source is first required to
comply with the emissions limitation established under this
subsection.

c. The Agency shall have the authority to implement and
enforce complete or partial emission standards promulgated by
USEPA pursuant to Section 112(d), and standards promulgated by
USEPA pursuant to Sections 112(f), 112(h), 112(m), and 112(n),
and may accept delegation of authority from USEPA to implement and enforce Section 112(l) and requirements for the prevention and detection of accidental releases pursuant to Section 112(r) of the Clean Air Act.

d. The Agency shall have the authority to issue permits pursuant to Section 112(ii)(5) of the Clean Air Act.

e. The Agency has the authority to implement Section 112(g) of the Clean Air Act consistent with the Clean Air Act and federal regulations promulgated thereunder. If the Agency refuses to include the emission limitations proposed in an application submitted by an owner or operator for a case-by-case maximum achievable control technology (MACT) determination, the owner or operator may petition the Board to determine whether the emission limitation proposed by the owner or operator or an alternative emission limitation proposed by the Agency provides for a level of control required by Section 112 of the Clean Air Act, or to otherwise establish an appropriate emission limitation under Section 112 of the Clean Air Act.


a. For purposes of this subsection:

"Program" is the Small Business Stationary Source Technical and Environmental Compliance Assistance Program created within this State pursuant to Section 507 of the Clean Air Act and guidance promulgated thereunder, to provide technical assistance and compliance information to small business stationary sources;

"Small Business Assistance Program" is a component of the Program responsible for providing sufficient communications with small businesses through the collection and dissemination of information to small business stationary sources; and

"Small Business Stationary Source" means a stationary source that:

1. is owned or operated by a person that employs 100 or fewer individuals;
2. is a small business concern as defined in the "Small Business Act";
3. is not a major source as that term is defined in subsection 2 of this Section;

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4. does not emit 50 tons or more per year of any regulated air pollutant, except greenhouse gases; and
5. emits less than 75 tons per year of all regulated pollutants, except greenhouse gases.
b. The Agency shall adopt and submit to USEPA, after reasonable notice and opportunity for public comment, as a revision to the Illinois state implementation plan, plans for establishing the Program.
c. The Agency shall have the authority to enter into such contracts and agreements as the Agency deems necessary to carry out the purposes of this subsection.
d. The Agency may establish such procedures as it may deem necessary for the purposes of implementing and executing its responsibilities under this subsection.
e. There shall be appointed a Small Business Ombudsman (hereinafter in this subsection referred to as "Ombudsman") to monitor the Small Business Assistance Program. The Ombudsman shall be a nonpartisan designated official, with the ability to independently assess whether the goals of the Program are being met.
f. The State Ombudsman Office shall be located in an existing Ombudsman office within the State or in any State Department.
g. There is hereby created a State Compliance Advisory Panel (hereinafter in this subsection referred to as "Panel") for determining the overall effectiveness of the Small Business Assistance Program within this State.
h. The selection of Panel members shall be by the following method:
   1. The Governor shall select two members who are not owners or representatives of owners of small business stationary sources to represent the general public;
   2. The Director of the Agency shall select one member to represent the Agency; and
   3. The State Legislature shall select four members who are owners or representatives of owners of small business stationary sources. Both the majority and minority leadership in both Houses of the Legislature shall appoint one member of the panel.

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i. Panel members should serve without compensation but will receive full reimbursement for expenses including travel and per diem as authorized within this State.

j. The Panel shall select its own Chair by a majority vote. The Chair may meet and consult with the Ombudsman and the head of the Small Business Assistance Program in planning the activities for the Panel.

21. Temporary Sources.

a. The Agency may issue a single permit authorizing emissions from similar operations by the same source owner or operator at multiple temporary locations, except for sources which are affected sources for acid deposition under Title IV of the Clean Air Act.

b. The applicant must demonstrate that the operation is temporary and will involve at least one change of location during the term of the permit.

c. Any such permit shall meet all applicable requirements of this Section and applicable regulations, and include conditions assuring compliance with all applicable requirements at all authorized locations and requirements that the owner or operator notify the Agency at least 10 days in advance of each change in location.

22. Solid Waste Incineration Units.

a. A CAAPP permit for a solid waste incineration unit combusting municipal waste subject to standards promulgated under Section 129(e) of the Clean Air Act shall be issued for a period of 12 years and shall be reviewed every 5 years, unless the Agency requires more frequent review through Agency procedures.

b. During the review in paragraph (a) of this subsection, the Agency shall fully review the previously submitted CAAPP permit application and corresponding reports subsequently submitted to determine whether the source is in compliance with all applicable requirements.

c. If the Agency determines that the source is not in compliance with all applicable requirements it shall revise the CAAPP permit as appropriate.

d. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this subsection.
Section 5-155. The Hazardous Material Emergency Response Reimbursement Act is amended by repealing Section 4.

Section 5-160. The Illinois Public Health and Safety Animal Population Control Act is amended by changing Section 45 as follows:

Sec. 45. Pet Population Control Fund. The Pet Population Control Fund is established as a special fund in the State treasury. The moneys generated from the public safety fines collected as provided in the Animal Control Act, from Pet Friendly license plates under Section 3-653 of the Illinois Vehicle Code, from Section 507EE of the Illinois Income Tax Act, and from voluntary contributions must be kept in the Fund and shall be used only to sterilize and vaccinate dogs and cats in this State pursuant to the program, to promote the sterilization program, to educate the public about the importance of spaying and neutering, and for reasonable administrative and personnel costs related to the Fund.

Section 5-165. The Illinois Highway Code is amended by repealing Section 10-102.1.

Section 5-170. The Unified Code of Corrections is amended by changing Section 5-9-1.16 as follows:

Sec. 5-9-1.16. Protective order violation fees.
(a) There shall be added to every penalty imposed in sentencing for a violation of an order of protection under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the Criminal Code of 2012 an additional fee to be set in an amount not less than $200 to be imposed upon a plea of guilty or finding of guilty resulting in a judgment of conviction.

(b) Such additional amount shall be assessed by the court imposing sentence and shall be collected by the Circuit Clerk in addition to the fine, if any, and costs in the case to be used by the supervising authority in implementing the domestic violence surveillance program. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the probation and court services fund under Section 15.1 of the Probation and Probations Officers Act.

(c) The supervising authority of a domestic violence surveillance program under Section 5-8A-7 of this Act shall assess a person either

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convicted of, or charged with, the violation of an order of protection an additional fee to cover the costs of providing the equipment used and the additional supervision needed for such domestic violence surveillance program. If the court finds that the fee would impose an undue burden on the victim, the court may reduce or waive the fee. The court shall order that the defendant may not use funds belonging solely to the victim of the offense for payment of the fee.

When the supervising authority is the court or the probation and court services department, the fee shall be collected by the circuit court clerk. The clerk of the circuit court shall pay all monies collected from this fee and all other required probation fees that are assessed to the county treasurer for deposit in the probation and court services fund under Section 15.1 of the Probation and Probations Officers Act. In counties with a population of 2 million or more, when the supervising authority is the court or the probation and court services department, the fee shall be collected by the supervising authority. In these counties, the supervising authority shall pay all monies collected from this fee and all other required probation fees that are assessed, to the county treasurer for deposit in the probation and court services fund under Section 15.1 of the Probation and Probation Officers Act.

When the supervising authority is the Department of Corrections, the Department shall collect the fee for deposit into the Illinois Department of Corrections Reimbursement and Education Fund "fund".

The Circuit Clerk shall retain 10% of such penalty and deposit that percentage into the Circuit Court Clerk Operation and Administrative Fund to cover the costs incurred in administering and enforcing this Section.

(d) (Blank).
(e) (Blank).

(Source: P.A. 96-688, eff. 8-25-09; 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

(820 ILCS 50/Act rep.)
Section 5-175. The Workplace Literacy Act is repealed.

ARTICLE 15.
FUND-RELATED PROVISIONS
Section 15-5. The Children and Family Services Act is amended by changing Sections 5b and 34.10 as follows:

(20 ILCS 505/5b) (from Ch. 23, par. 5005b)

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Sec. 5b. Child Care and Development Fund; Department of Human Services.

(a) Until October 1, 1998: The Child Care and Development Fund is hereby created as a special fund in the State treasury. Deposits to this fund shall consist of receipts from the federal government under the Child Care and Development Block Grant Program. Disbursements from the Child Care and Development Fund shall be made by the Department of Human Services in accordance with the guidelines established by the federal government for the Child Care and Development Block Grant Program, subject to appropriation by the General Assembly.

(b) The Child Care and Development Fund is abolished on October 1, 1998, and any balance remaining in the Fund on that date shall be transferred to the Special Purposes Trust Fund (now known as the DHS Special Purposes Trust Fund) described in Section 12-10 of the Illinois Public Aid Code.

(Source: P.A. 89-507, eff. 7-1-97; 90-587, eff. 7-1-98.)

(20 ILCS 505/34.10) (from Ch. 23, par. 5034.10)

Sec. 34.10. Home child care demonstration project; conversion and renovation grants; Department of Human Services.

(a) The legislature finds that the demand for quality child care far outweighs the number of safe, quality spaces for our children. The purpose of this Section is to increase the number of child care providers by:

   (1) developing a demonstration project to train individuals to become home child care providers who are able to establish and operate their own child care facility; and

   (2) providing grants to convert and renovate existing facilities.

(b) The Department of Human Services may from appropriations from the Child Care Development Block Grant establish a demonstration project to train individuals to become home child care providers who are able to establish and operate their own home-based child care facilities. The Department of Human Services is authorized to use funds for this purpose from the child care and development funds deposited into the DHS Special Purposes Trust Fund as described in Section 12-10 of the Illinois Public Aid Code and, until October 1, 1998, the Child Care and Development Fund created by the 87th General Assembly. As an economic development program, the project's focus is to foster individual self-sufficiency through an entrepreneurial approach by the creation of new jobs and opening of new small home-based child care businesses. The

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demonstration project shall involve coordination among State and county
governments and the private sector, including but not limited to: the
community college system, the Departments of Labor and Commerce and
Economic Opportunity, the State Board of Education, large and small
private businesses, nonprofit programs, unions, and child care providers in
the State.

The Department shall submit:

(1) a progress report on the demonstration project to the
legislature by one year after the effective date of this amendatory
Act of 1991; and

(2) a final evaluation report on the demonstration project,
including findings and recommendations, to the legislature by one
year after the due date of the progress report.

(c) The Department of Human Services may from appropriations
from the Child Care Development Block Grant provide grants to family
child care providers and center based programs to convert and renovate
existing facilities, to the extent permitted by federal law, so additional
family child care homes and child care centers can be located in such
facilities.

(1) Applications for grants shall be made to the Department
and shall contain information as the Department shall require by
rule. Every applicant shall provide assurance to the Department
that:

(A) the facility to be renovated or improved shall be
used as family child care home or child care center for a
continuous period of at least 5 years;

(B) any family child care home or child care center
program located in a renovated or improved facility shall be
licensed by the Department;

(C) the program shall comply with applicable
federal and State laws prohibiting discrimination against
any person on the basis of race, color, national origin,
religion, creed, or sex;

(D) the grant shall not be used for purposes of
entertainment or perquisites;

(E) the applicant shall comply with any other
requirement the Department may prescribe to ensure
adherence to applicable federal, State, and county laws;

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(F) all renovations and improvements undertaken with funds received under this Section shall comply with all applicable State and county statutes and ordinances including applicable building codes and structural requirements of the Department; and

(G) the applicant shall indemnify and save harmless the State and its officers, agents, and employees from and against any and all claims arising out of or resulting from the renovation and improvements made with funds provided by this Section, and, upon request of the Department, the applicant shall procure sufficient insurance to provide that indemnification.

(2) To receive a grant under this Section to convert an existing facility into a family child care home or child care center facility, the applicant shall:

(A) agree to make available to the Department of Human Services all records it may have relating to the operation of any family child care home and child care center facility, and to allow State agencies to monitor its compliance with the purpose of this Section;

(B) agree that, if the facility is to be altered or improved, or is to be used by other groups, moneys appropriated by this Section shall be used for renovating or improving the facility only to the proportionate extent that the floor space will be used by the child care program; and

(C) establish, to the satisfaction of the Department that sufficient funds are available for the effective use of the facility for the purpose for which it is being renovated or improved.

(3) In selecting applicants for funding, the Department shall make every effort to ensure that family child care home or child care center facilities are equitably distributed throughout the State according to demographic need. The Department shall give priority consideration to rural/Downstate areas of the State that are currently experiencing a shortage of child care services.

(4) In considering applications for grants to renovate or improve an existing facility used for the operations of a family child care home or child care center, the Department shall give preference to applications to renovate facilities most in need of

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repair to address safety and habitability concerns. No grant shall be disbursed unless an agreement is entered into between the applicant and the State, by and through the Department. The agreement shall include the assurances and conditions required by this Section and any other terms which the Department may require.

(Source: P.A. 94-793, eff. 5-19-06.)

Section 15-10. The State Finance Act is amended by reenacting Sections 5.98, 5.136, 5.137, 5.189, 5.327, and 5.488 and by changing Sections 8g and 8h as follows:

(30 ILCS 105/5.98)
Sec. 5.98. The Real Estate License Administration Fund.
(Source: P.A. 83-191. Repealed by P.A. 85-1440.)
(30 ILCS 105/5.136)
Sec. 5.136. The Low-Level Radioactive Waste Facility Development and Operation Fund.
(Source: P.A. 83-1362. Repealed by P.A. 85-1440.)
(30 ILCS 105/5.137)
Sec. 5.137. The Low-Level Radioactive Waste Facility Closure, Post-Closure Care and Compensation Fund.
(Source: P.A. 83-1362. Repealed by P.A. 85-1440.)
(30 ILCS 105/5.189)
Sec. 5.189. The International and Promotional Fund.
(Source: P.A. 84-1308. Repealed by P.A. 85-1440.)
(30 ILCS 105/5.327)
Sec. 5.327. The Hospital Provider Fund.
(Source: P.A. 88-45. Repealed by P.A. 95-331, eff. 8-21-07.)
(30 ILCS 105/5.488)
Sec. 5.488. The Port Development Revolving Loan Fund.
(Source: P.A. 91-357, eff. 7-29-99. Repealed by P.A. 95-331, eff. 8-21-07.)

(30 ILCS 105/8g)
Sec. 8g. Fund transfers.
(a) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $10,000,000 from the General Revenue Fund to the Motor Vehicle License Plate Fund created by Senate Bill 1028 of the 91st General Assembly.

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(b) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $25,000,000 from the General Revenue Fund to the Fund for Illinois' Future created by Senate Bill 1066 of the 91st General Assembly.

(c) In addition to any other transfers that may be provided for by law, on August 30 of each fiscal year's license period, the Illinois Liquor Control Commission shall direct and the State Comptroller and State Treasurer shall transfer from the General Revenue Fund to the Youth Alcoholism and Substance Abuse Prevention Fund an amount equal to the number of retail liquor licenses issued for that fiscal year multiplied by $50.

(d) The payments to programs required under subsection (d) of Section 28.1 of the Illinois Horse Racing Act of 1975 shall be made, pursuant to appropriation, from the special funds referred to in the statutes cited in that subsection, rather than directly from the General Revenue Fund.

Beginning January 1, 2000, on the first day of each month, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer from the General Revenue Fund to each of the special funds from which payments are to be made under subsection (d) of Section 28.1 of the Illinois Horse Racing Act of 1975 an amount equal to 1/12 of the annual amount required for those payments from that special fund, which annual amount shall not exceed the annual amount for those payments from that special fund for the calendar year 1998. The special funds to which transfers shall be made under this subsection (d) include, but are not necessarily limited to, the Agricultural Premium Fund; the Metropolitan Exposition, Auditorium and Office Building Fund; the Fair and Exposition Fund; the Illinois Standardbred Breeders Fund; the Illinois Thoroughbred Breeders Fund; and the Illinois Veterans' Rehabilitation Fund.

(e) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, but in no event later than June 30, 2000, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $15,000,000 from the General Revenue Fund to the Fund for Illinois' Future.

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(f) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, but in no event later than June 30, 2000, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $70,000,000 from the General Revenue Fund to the Long-Term Care Provider Fund.

(f-1) In fiscal year 2002, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $160,000,000 from the General Revenue Fund to the Long-Term Care Provider Fund.

(g) In addition to any other transfers that may be provided for by law, on July 1, 2001, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(h) In each of fiscal years 2002 through 2004, but not thereafter, in addition to any other transfers that may be provided for by law, the State Comptroller shall direct and the State Treasurer shall transfer $5,000,000 from the General Revenue Fund to the Tourism Promotion Fund.

(i) On or after July 1, 2001 and until May 1, 2002, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2002.

(i-1) On or after July 1, 2002 and until May 1, 2003, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2003.
notification from the Governor, but in any event on or before June 30, 2003.

(j) On or after July 1, 2001 and no later than June 30, 2002, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not to exceed the following sums into the Statistical Services Revolving Fund:

- From the General Revenue Fund: $8,450,000
- From the Public Utility Fund: $1,700,000
- From the Transportation Regulatory Fund: $2,650,000
- From the Title III Social Security and Employment Fund: $3,700,000
- From the Professions Indirect Cost Fund: $4,050,000
- From the Underground Storage Tank Fund: $550,000
- From the Agricultural Premium Fund: $750,000
- From the Title III Social Security and Employment Fund: $200,000
- From the Road Fund: $2,000,000
- From the Health Facilities Planning Fund: $1,000,000
- From the Savings and Residential Finance Regulatory Fund: $130,800
- From the Appraisal Administration Fund: $28,600
- From the Pawnbroker Regulation Fund: $3,600
- From the Auction Regulation Administration Fund: $35,800
- From the Bank and Trust Company Fund: $634,800
- From the Real Estate License Administration Fund: $313,600

(k) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 92nd General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $2,000,000 from the General Revenue Fund to the Teachers Health Insurance Security Fund.

(k-1) In addition to any other transfers that may be provided for by law, on July 1, 2002, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $2,000,000 from the General Revenue Fund to the Teachers Health Insurance Security Fund.

New matter indicated by italics - deletions by strikeout
(k-2) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $2,000,000 from the General Revenue Fund to the Teachers Health Insurance Security Fund.

(k-3) On or after July 1, 2002 and no later than June 30, 2003, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not to exceed the following sums into the Statistical Services Revolving Fund:

- Appraisal Administration Fund $150,000
- General Revenue Fund 10,440,000
- Savings and Residential Finance Regulatory Fund 200,000
- State Pensions Fund 100,000
- Bank and Trust Company Fund 100,000
- Professions Indirect Cost Fund 3,400,000
- Public Utility Fund 2,081,200
- Real Estate License Administration Fund 150,000
- Title III Social Security and Employment Fund 1,000,000
- Transportation Regulatory Fund 3,052,100
- Underground Storage Tank Fund 50,000

(l) In addition to any other transfers that may be provided for by law, on July 1, 2002, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $3,000,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(m) In addition to any other transfers that may be provided for by law, on July 1, 2002 and on the effective date of this amendatory Act of the 93rd General Assembly, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(n) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $6,800,000 from the General Revenue Fund to the DHS Recoveries Trust Fund.

New matter indicated by italics - deletions by strikeout
(o) On or after July 1, 2003, and no later than June 30, 2004, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not to exceed the following sums into the Vehicle Inspection Fund:

From the Underground Storage Tank Fund ...... $35,000,000.

(p) On or after July 1, 2003 and until May 1, 2004, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2004.

(q) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $5,000,000 from the General Revenue Fund to the Illinois Military Family Relief Fund.

(r) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,922,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(s) In addition to any other transfers that may be provided for by law, on or after July 1, 2003, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $4,800,000 from the Statewide Economic Development Fund to the General Revenue Fund.

(t) In addition to any other transfers that may be provided for by law, on or after July 1, 2003, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $50,000,000 from the General Revenue Fund to the Budget Stabilization Fund.

(u) On or after July 1, 2004 and until May 1, 2005, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be retransferred by the
State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2005.

(v) In addition to any other transfers that may be provided for by law, on July 1, 2004, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(w) In addition to any other transfers that may be provided for by law, on July 1, 2004, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $6,445,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(x) In addition to any other transfers that may be provided for by law, on January 15, 2005, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer to the General Revenue Fund the following sums:
   From the State Crime Laboratory Fund, $200,000;
   From the State Police Wireless Service Emergency Fund, $200,000;
   From the State Offender DNA Identification System Fund, $800,000; and
   From the State Police Whistleblower Reward and Protection Fund, $500,000.

(y) Notwithstanding any other provision of law to the contrary, in addition to any other transfers that may be provided for by law on June 30, 2005, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the remaining balance from the designated funds into the General Revenue Fund and any future deposits that would otherwise be made into these funds must instead be made into the General Revenue Fund:
   (1) the Keep Illinois Beautiful Fund;
   (2) the Metropolitan Fair and Exposition Authority Reconstruction Fund;
   (3) the New Technology Recovery Fund;
   (4) the Illinois Rural Bond Bank Trust Fund;
   (5) the ISBE School Bus Driver Permit Fund;
   (6) the Solid Waste Management Revolving Loan Fund;

New matter indicated by italics - deletions by strikeout
(7) the State Postsecondary Review Program Fund;
(8) the Tourism Attraction Development Matching Grant Fund;
(9) the Patent and Copyright Fund;
(10) the Credit Enhancement Development Fund;
(11) the Community Mental Health and Developmental Disabilities Services Provider Participation Fee Trust Fund;
(12) the Nursing Home Grant Assistance Fund;
(13) the By-product Material Safety Fund;
(14) the Illinois Student Assistance Commission Higher EdNet Fund;
(15) the DORS State Project Fund;
(16) the School Technology Revolving Fund;
(17) the Energy Assistance Contribution Fund;
(18) the Illinois Building Commission Revolving Fund;
(19) the Illinois Aquaculture Development Fund;
(20) the Homelessness Prevention Fund;
(21) the DCFS Refugee Assistance Fund;
(22) the Illinois Century Network Special Purposes Fund;
and
(23) the Build Illinois Purposes Fund.

(z) In addition to any other transfers that may be provided for by law, on July 1, 2005, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(aa) In addition to any other transfers that may be provided for by law, on July 1, 2005, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $9,000,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(bb) In addition to any other transfers that may be provided for by law, on July 1, 2005, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $6,803,600 from the General Revenue Fund to the Securities Audit and Enforcement Fund.

(cc) In addition to any other transfers that may be provided for by law, on or after July 1, 2005 and until May 1, 2006, at the direction of and upon notification from the Governor, the State Comptroller shall direct
and the State Treasurer shall transfer amounts not exceeding a total of $80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2006.

(dd) In addition to any other transfers that may be provided for by law, on April 1, 2005, or as soon thereafter as may be practical, at the direction of the Director of Public Aid (now Director of Healthcare and Family Services), the State Comptroller shall direct and the State Treasurer shall transfer from the Public Aid Recoveries Trust Fund amounts not to exceed $14,000,000 to the Community Mental Health Medicaid Trust Fund.

(ee) Notwithstanding any other provision of law, on July 1, 2006, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the remaining balance from the Illinois Civic Center Bond Fund to the Illinois Civic Center Bond Retirement and Interest Fund.

(ff) In addition to any other transfers that may be provided for by law, on and after July 1, 2006 and until June 30, 2007, at the direction of and upon notification from the Director of the Governor's Office of Management and Budget, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $1,900,000 from the General Revenue Fund to the Illinois Capital Revolving Loan Fund.

(gg) In addition to any other transfers that may be provided for by law, on and after July 1, 2006 and until May 1, 2007, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2007.

(hh) In addition to any other transfers that may be provided for by law, on and after July 1, 2006 and until June 30, 2007, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts from the Illinois New matter indicated by italics - deletions by strikeout
Affordable Housing Trust Fund to the designated funds not exceeding the following amounts:

- DCFS Children's Services Fund $2,200,000
- Department of Corrections Reimbursement and Education Fund $1,500,000
- Supplemental Low-Income Energy Assistance Fund $75,000

(ii) In addition to any other transfers that may be provided for by law, on or before August 31, 2006, the Governor and the State Comptroller may agree to transfer the surplus cash balance from the General Revenue Fund to the Budget Stabilization Fund and the Pension Stabilization Fund in equal proportions. The determination of the amount of the surplus cash balance shall be made by the Governor, with the concurrence of the State Comptroller, after taking into account the June 30, 2006 balances in the general funds and the actual or estimated spending from the general funds during the lapse period. Notwithstanding the foregoing, the maximum amount that may be transferred under this subsection (ii) is $50,000,000.

(jj) In addition to any other transfers that may be provided for by law, on July 1, 2006, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $8,250,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(kk) In addition to any other transfers that may be provided for by law, on July 1, 2006, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,400,000 from the General Revenue Fund to the Violence Prevention Fund.

(ll) In addition to any other transfers that may be provided for by law, on the first day of each calendar quarter of the fiscal year beginning July 1, 2006, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer from the General Revenue Fund amounts equal to one-fourth of $20,000,000 to the Renewable Energy Resources Trust Fund.

(mm) In addition to any other transfers that may be provided for by law, on July 1, 2006, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,320,000 from the General Revenue Fund to the I-FLY Fund.

New matter indicated by italics - deletions by strikeout
(nn) In addition to any other transfers that may be provided for by law, on July 1, 2006, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $3,000,000 from the General Revenue Fund to the African-American HIV/AIDS Response Fund.

(oo) In addition to any other transfers that may be provided for by law, on and after July 1, 2006 and until June 30, 2007, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts identified as net receipts from the sale of all or part of the Illinois Student Assistance Commission loan portfolio from the Student Loan Operating Fund to the General Revenue Fund. The maximum amount that may be transferred pursuant to this Section is $38,800,000. In addition, no transfer may be made pursuant to this Section that would have the effect of reducing the available balance in the Student Loan Operating Fund to an amount less than the amount remaining unexpended and unreserved from the total appropriations from the Fund estimated to be expended for the fiscal year. The State Treasurer and Comptroller shall transfer the amounts designated under this Section as soon as may be practical after receiving the direction to transfer from the Governor.

(pp) In addition to any other transfers that may be provided for by law, on July 1, 2006, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $2,000,000 from the General Revenue Fund to the Illinois Veterans Assistance Fund.

(qq) In addition to any other transfers that may be provided for by law, on and after July 1, 2007 and until May 1, 2008, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be retransferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2008.

(rr) In addition to any other transfers that may be provided for by law, on and after July 1, 2007 and until June 30, 2008, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts from the Illinois New matter indicated by italics - deletions by strikeout
Affordable Housing Trust Fund to the designated funds not exceeding the following amounts:

- DCFS Children's Services Fund.................. $2,200,000
- Department of Corrections Reimbursement and Education Fund.................. $1,500,000
- Supplemental Low-Income Energy Assistance Fund.................. $75,000

(ss) In addition to any other transfers that may be provided for by law, on July 1, 2007, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $8,250,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(tt) In addition to any other transfers that may be provided for by law, on July 1, 2007, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,400,000 from the General Revenue Fund to the Violence Prevention Fund.

(uu) In addition to any other transfers that may be provided for by law, on July 1, 2007, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,320,000 from the General Revenue Fund to the I-FLY Fund.

(vv) In addition to any other transfers that may be provided for by law, on July 1, 2007, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $3,000,000 from the General Revenue Fund to the African-American HIV/AIDS Response Fund.

(ww) In addition to any other transfers that may be provided for by law, on July 1, 2007, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $3,500,000 from the General Revenue Fund to the Predatory Lending Database Program Fund.

(xx) In addition to any other transfers that may be provided for by law, on July 1, 2007, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $5,000,000 from the General Revenue Fund to the Digital Divide Elimination Fund.

(yy) In addition to any other transfers that may be provided for by law, on July 1, 2007, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $3,000,000 from the General Revenue Fund to the Predatory Lending Database Program Fund.
$4,000,000 from the General Revenue Fund to the Digital Divide Elimination Infrastructure Fund.

(zz) In addition to any other transfers that may be provided for by law, on July 1, 2008, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $5,000,000 from the General Revenue Fund to the Digital Divide Elimination Fund.

(aaa) In addition to any other transfers that may be provided for by law, on and after July 1, 2008 and until May 1, 2009, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be retransferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2009.

(bbb) In addition to any other transfers that may be provided for by law, on and after July 1, 2008 and until June 30, 2009, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts from the Illinois Affordable Housing Trust Fund to the designated funds not exceeding the following amounts:

- DCFS Children's Services Fund........... $2,200,000
- Department of Corrections Reimbursement and Education Fund......................... $1,500,000
- Supplemental Low-Income Energy Assistance Fund................................. $75,000

(ccc) In addition to any other transfers that may be provided for by law, on July 1, 2008, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $7,450,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(ddd) In addition to any other transfers that may be provided for by law, on July 1, 2008, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,400,000 from the General Revenue Fund to the Violence Prevention Fund.

New matter indicated by italics - deletions by strikeout
(eee) In addition to any other transfers that may be provided for by law, on July 1, 2009, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $5,000,000 from the General Revenue Fund to the Digital Divide Elimination Fund.

fff) In addition to any other transfers that may be provided for by law, on and after July 1, 2009 and until May 1, 2010, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be retransferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2010.

(ggg) In addition to any other transfers that may be provided for by law, on July 1, 2009, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $7,450,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(hhh) In addition to any other transfers that may be provided for by law, on July 1, 2009, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,400,000 from the General Revenue Fund to the Violence Prevention Fund.

(iii) In addition to any other transfers that may be provided for by law, on July 1, 2009, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $100,000 from the General Revenue Fund to the Heartsaver AED Fund.

(jjj) In addition to any other transfers that may be provided for by law, on and after July 1, 2009 and until June 30, 2010, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $17,000,000 from the General Revenue Fund to the DCFS Children's Services Fund.

(III) In addition to any other transfers that may be provided for by law, on July 1, 2009, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of
$5,000,000 from the General Revenue Fund to the Communications Revolving Fund.

(mmm) In addition to any other transfers that may be provided for by law, on July 1, 2009, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $9,700,000 from the General Revenue Fund to the Senior Citizens Real Estate Deferred Tax Revolving Fund.

(nnn) In addition to any other transfers that may be provided for by law, on July 1, 2009, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $565,000 from the FY09 Budget Relief Fund to the Horse Racing Fund.

(ooo) In addition to any other transfers that may be provided for by law, on July 1, 2009, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $600,000 from the General Revenue Fund to the Temporary Relocation Expenses Revolving Fund.

(ppp) In addition to any other transfers that may be provided for by law, on July 1, 2010, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $5,000,000 from the General Revenue Fund to the Digital Divide Elimination Fund.

(qqq) In addition to any other transfers that may be provided for by law, on and after July 1, 2010 and until May 1, 2011, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be retransferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2011.

(rrr) In addition to any other transfers that may be provided for by law, on July 1, 2010, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $6,675,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(sss) In addition to any other transfers that may be provided for by law, on July 1, 2010, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of
$1,400,000 from the General Revenue Fund to the Violence Prevention Fund.

(tt) In addition to any other transfers that may be provided for by law, on July 1, 2010, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $100,000 from the General Revenue Fund to the Heartsaver AED Fund.

(uu) In addition to any other transfers that may be provided for by law, on July 1, 2010, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $5,000,000 from the General Revenue Fund to the Communications Revolving Fund.

(vv) In addition to any other transfers that may be provided for by law, on July 1, 2010, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $3,000,000 from the General Revenue Fund to the Illinois Capital Revolving Loan Fund.

(ww) In addition to any other transfers that may be provided for by law, on July 1, 2010, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $17,000,000 from the General Revenue Fund to the DCFS Children's Services Fund.

(xx) In addition to any other transfers that may be provided for by law, on July 1, 2010, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $2,000,000 from the Digital Divide Elimination Infrastructure Fund, of which $1,000,000 shall go to the Workforce, Technology, and Economic Development Fund and $1,000,000 to the Public Utility Fund.

(yy) In addition to any other transfers that may be provided for by law, on and after July 1, 2011 and until May 1, 2012, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be retransferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2012.

(zz) In addition to any other transfers that may be provided for by law, on July 1, 2011, or as soon thereafter as practical, the State

New matter indicated by italics - deletions by strikeout
Comptroller shall direct and the State Treasurer shall transfer the sum of $1,000,000 from the General Revenue Fund to the Illinois Veterans Assistance Fund.

(aaaa) In addition to any other transfers that may be provided for by law, on July 1, 2011, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $8,000,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(bbbb) In addition to any other transfers that may be provided for by law, on July 1, 2011, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,400,000 from the General Revenue Fund to the Violence Prevention Fund.

(cccc) In addition to any other transfers that may be provided for by law, on July 1, 2011, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $14,100,000 from the General Revenue Fund to the State Garage Revolving Fund.

(dddd) In addition to any other transfers that may be provided for by law, on July 1, 2011, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $4,000,000 from the General Revenue Fund to the Digital Divide Elimination Fund.

(eeee) In addition to any other transfers that may be provided for by law, on July 1, 2011, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $500,000 from the General Revenue Fund to the Senior Citizens Real Estate Deferred Tax Revolving Fund.

(Source: P.A. 96-45, eff. 7-15-09; 96-820, eff. 11-18-09; 96-959, eff. 7-1-10; 97-72, eff. 7-1-11; 97-641, eff. 12-19-11.)

(30 ILCS 105/8h)
Sec. 8h. Transfers to General Revenue Fund.
(a) Except as otherwise provided in this Section and Section 8n of this Act, and notwithstanding any other State law to the contrary, the Governor may, through June 30, 2007, from time to time direct the State Treasurer and Comptroller to transfer a specified sum from any fund held by the State Treasurer to the General Revenue Fund in order to help defray the State's operating costs for the fiscal year. The total transfer under this Section from any fund in any fiscal year shall not exceed the lesser of (i)
8% of the revenues to be deposited into the fund during that fiscal year or
(ii) an amount that leaves a remaining fund balance of 25% of the July 1
fund balance of that fiscal year. In fiscal year 2005 only, prior to
calculating the July 1, 2004 final balances, the Governor may calculate and
direct the State Treasurer with the Comptroller to transfer additional
amounts determined by applying the formula authorized in Public Act 93-
839 to the funds balances on July 1, 2003. No transfer may be made from a
fund under this Section that would have the effect of reducing the
available balance in the fund to an amount less than the amount remaining
unexpended and unreserved from the total appropriation from that fund
estimated to be expended for that fiscal year. This Section does not apply
to any funds that are restricted by federal law to a specific use, to any
funds in the Motor Fuel Tax Fund, the Intercity Passenger Rail Fund, the
Hospital Provider Fund, the Medicaid Provider Relief Fund, the Teacher
Health Insurance Security Fund, the Voters' Guide Fund, the Foreign
Language Interpreter Fund, the Lawyers' Assistance Program Fund, the
Supreme Court Federal Projects Fund, the Supreme Court Special State
Projects Fund, the Supplemental Low-Income Energy Assistance Fund, the
Good Samaritan Energy Trust Fund, the Low-Level Radioactive Waste
Facility Development and Operation Fund, the Horse Racing Equity Trust
Fund, the Metabolic Screening and Treatment Fund, or the Hospital Basic
Services Preservation Fund, or to any funds to which Section 70-50 of the
Nurse Practice Act applies. No transfers may be made under this Section
from the Pet Population Control Fund. Notwithstanding any other
provision of this Section, for fiscal year 2004, the total transfer under this
Section from the Road Fund or the State Construction Account Fund shall
not exceed the lesser of (i) 5% of the revenues to be deposited into the
fund during that fiscal year or (ii) 25% of the beginning balance in the
fund. For fiscal year 2005 through fiscal year 2007, no amounts may be
transferred under this Section from the Road Fund, the State Construction
Account Fund, the Criminal Justice Information Systems Trust Fund, the
Wireless Service Emergency Fund, or the Mandatory Arbitration Fund.

In determining the available balance in a fund, the Governor may
include receipts, transfers into the fund, and other resources anticipated to
be available in the fund in that fiscal year.

The State Treasurer and Comptroller shall transfer the amounts
designated under this Section as soon as may be practicable after receiving
the direction to transfer from the Governor.

New matter indicated by italics - deletions by strikeout
(a-5) Transfers directed to be made under this Section on or before February 28, 2006 that are still pending on May 19, 2006 (the effective date of Public Act 94-774) shall be redirected as provided in Section 8n of this Act.

(b) This Section does not apply to: (i) the Carolyn Adams Ticket For The Cure Grant Fund; (ii) any fund established under the Community Senior Services and Resources Act; or (iii) on or after January 1, 2006 (the effective date of Public Act 94-511), the Child Labor and Day and Temporary Labor Services Enforcement Fund.

(c) This Section does not apply to the Demutualization Trust Fund established under the Uniform Disposition of Unclaimed Property Act.

(d) This Section does not apply to moneys set aside in the Illinois State Podiatric Disciplinary Fund for podiatric scholarships and residency programs under the Podiatric Scholarship and Residency Act.

(e) Subsection (a) does not apply to, and no transfer may be made under this Section from, the Pension Stabilization Fund.

(f) Subsection (a) does not apply to, and no transfer may be made under this Section from, the Illinois Power Agency Operations Fund, the Illinois Power Agency Facilities Fund, the Illinois Power Agency Debt Service Fund, and the Illinois Power Agency Trust Fund.

(g) This Section does not apply to the Veterans Service Organization Reimbursement Fund.

(h) This Section does not apply to the Supreme Court Historic Preservation Fund.

(i) This Section does not apply to, and no transfer may be made under this Section from, the Money Follows the Person Budget Transfer Fund.

(j) This Section does not apply to the Domestic Violence Shelter and Service Fund.

(k) This Section does not apply to the Illinois Historic Sites Fund and the Presidential Library and Museum Operating Fund.

(l) This Section does not apply to the Trucking Environmental and Education Fund.

(m) This Section does not apply to the Roadside Memorial Fund.

(n) This Section does not apply to the Department of Human Rights Special Fund.

(Source: P.A. 95-331, eff. 8-21-07; 95-410, eff. 8-24-07; 95-481, eff. 8-28-07; 95-629, eff. 9-25-07; 95-639, eff. 10-5-07; 95-695, eff. 11-5-07; 95-744, eff. 7-18-08; 95-876, eff. 8-21-08; 96-302, eff. 1-1-10; 96-450, eff. 8-

Section 15-20. The Build Illinois Act is amended by changing Sections 9-3 and 9-5.2 as follows:

(a) To make loans or equity investments to small businesses, and to make loans or grants or investments to or through financial intermediaries. The loans and investments shall be made from appropriations from the Build Illinois Bond Fund, Illinois Capital Revolving Loan Fund or Illinois Equity Revolving Fund for the purpose of promoting the creation or retention of jobs within small businesses or to modernize or maintain competitiveness of firms in Illinois. The grants shall be made from appropriations from the Build Illinois Bond Fund or Illinois Capital Revolving Loan Fund for the purpose of technical assistance.

(b) To make loans to or investments in businesses that have received federal Phase I Small Business Innovation Research grants as a
bridge while awaiting federal Phase II Small Business Innovation Research grant funds.

(c) To enter into interagency agreements, accept funds or grants, and engage in cooperation with agencies of the federal government, local units of government, universities, research foundations, political subdivisions of the State, financial intermediaries, and regional economic development corporations or organizations for the purposes of carrying out this Article.

(d) To enter into contracts, financial intermediary agreements, or any other agreements or contracts with financial intermediaries necessary or desirable to further the purposes of this Article. Any such agreement or contract may include, without limitation, terms and provisions including, but not limited to loan documentation, review and approval procedures, organization and servicing rights, and default conditions.

(e) To fix, determine, charge and collect any premiums, fees, charges, costs and expenses, including without limitation, any application fees, commitment fees, program fees, financing charges, collection fees, training fees, or publication fees in connection with its activities under this Article and to accept from any source any gifts, donations, or contributions of money, property, labor, or other things of value to be held, used, and applied to carry out the purposes of this Article. All fees, charges, collections, gifts, donations, or other contributions shall be deposited into the Illinois Capital Revolving Loan Fund.

(f) To establish application, notification, contract, and other forms, procedures, rules or regulations deemed necessary and appropriate.

(g) To consent, subject to the provisions of any contract with another person, whenever it deems it necessary or desirable in the fulfillment of the purposes of this Article, to the modification or restructuring of any financial intermediary agreement, loan agreement or any equity investment agreement to which the Department is a party.

(h) To take whatever actions are necessary or appropriate to protect the State's interest in the event of bankruptcy, default, foreclosure, or noncompliance with the terms and conditions of financial assistance or participation provided hereunder or to otherwise protect or affect the State's interest, including the power to sell, dispose, lease or rent, upon terms and conditions determined by the Director to be appropriate, real or personal property which the Department may receive as a result thereof.

(i) To deposit any "Qualified Securities" which have been received by the Department as the result of any financial intermediary agreement,

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loan, or equity investment agreement executed in the carrying out of this Act, with the Office of the State Treasurer and held by that office until agreement to transfer such qualified security shall be certified by the Director of Commerce and Economic Opportunity.

(j) To assist small businesses that seek to apply for public or private capital in preparing the application and to supply them with grant information, plans, reports, assistance, or advice on development finance and to assist financial intermediaries and participating lenders to build capacity to make debt or equity investments through conferences, workshops, seminars, publications, or any other media.

(k) To provide for staff, administration, and related support required to manage the programs authorized under this Article and pay for staffing and administration from the Illinois Capital Revolving Loan Fund, as appropriated by the General Assembly. Administration responsibilities may include, but are not limited to, research and identification of credit disadvantaged groups; design of comprehensive statewide capital access plans and programs addressing capital gap and capital marketplace structure and information barriers; direction, management, and control of specific projects; and communicate and cooperation with public development finance organizations and private debt and equity sources.

(l) To exercise such other powers as are necessary or incidental to the foregoing.

(Source: P.A. 94-91, eff. 7-1-05.)

(30 ILCS 750/9-5.2) (from Ch. 127, par. 2709-5.2)

Sec. 9-5.2. Illinois Equity Investment Revolving Fund.

(a) There is created the Illinois Equity Investment Revolving Fund, hereafter referred to in this Article as the "Equity Fund" to be held as a separate fund within the State Treasury. The purpose of the Illinois Equity Fund is to make equity investments in Illinois. All financing will be done in conjunction with participating lenders or other investors. Investment proceeds may be directed to working capital expenses associated with the introduction of new technical products or services of individual business projects or may be used for equity finance pools operated by intermediaries.

(b) There shall be deposited in the Illinois Equity Fund such amounts, including but not limited to:

   (i) All receipts including dividends, principal and interest payments, royalties, or other return on investment from any applicable loan made from the Illinois Equity Fund, from direct

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appropriations by the General Assembly from the Build Illinois Fund or the Build Illinois Purposes Fund (now abolished), or from intermediary agreements made from the Illinois Equity Fund entered into by the Department;

(ii) All proceeds of assets of whatever nature received by the Department as a result of default or delinquency with respect to loan agreements made from the Illinois Equity Fund, or from direct appropriations by the General Assembly including proceeds from the sale, disposal, lease or rental of real or personal property which the Department may receive as a result thereof;

(iii) any appropriations, grants or gifts made to the Illinois Equity Fund;

(iv) any income received from interest on investments of moneys in the Illinois Equity Fund.

(c) The Treasurer may invest moneys in the Illinois Equity Fund in securities constituting direct obligations of the United States Government, or in obligations the principal of and interest on which are guaranteed by the United States Government, or in certificates of deposit of any State or national bank which are fully secured by obligations guaranteed as to principal and interest by the United States Government.

(Source: P.A. 94-91, eff. 7-1-05.)

Section 15-25. The Illinois Income Tax Act is amended by changing Section 507L as follows:

(35 ILCS 5/507L)

Sec. 507L. Penny Severns Breast, and Cervical, and Ovarian Cancer Research Fund checkoff. Beginning with taxable years ending on December 31, 1999, the Department shall print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the Penny Severns Breast, and Cervical, and Ovarian Cancer Research Fund as authorized by this amendatory Act of the 91st General Assembly, he or she may do so by stating the amount of the contribution (not less than $1) on the return and that the contribution will reduce the taxpayer's refund or increase the amount of the payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly. This Section shall not apply to an amended return.

(Source: P.A. 91-107, eff. 7-13-99.)

Section 15-30. The Illinois Municipal Code is amended by changing Section 11-43-2 as follows:

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Sec. 11-43-2. Taxes levied by any municipality having a population of 500,000 or more for general assistance for persons in need thereof as provided in The Illinois Public Aid Code, as now or hereafter amended, for each fiscal year shall not exceed the rate of .10% upon the value of all property therein as that property is equalized or assessed by the Department of Revenue. Nor shall the rate produce in excess of the amount needed in that municipality for general assistance for persons in need thereof.

All money received from these taxes and moneys collected or recovered by or in behalf of the municipality under The Illinois Public Aid Code shall be used exclusively for the furnishing of general assistance within the municipality; for the payment of administrative costs thereof; and for the payment of warrants issued against and in anticipation of the general assistance taxes, and accrued interest thereon. Until January 1, 1974, the treasurer of the municipality, shall pay all moneys received from general assistance taxes and all the moneys collected or recovered by or in behalf of the municipality under The Illinois Public Aid Code into the special fund in the county treasury established pursuant to Section 12-21.14 of that Code. After December 31, 1973, but not later than June 30, 1979, the treasurer of the municipality shall pay all moneys received from general assistance taxes and collections or recoveries directly into the Special Purposes Trust Fund (now known as the DHS Special Purposes Trust Fund) established by Section 12-10 of The Illinois Public Aid Code. After June 30, 1979, moneys and funds designated by this Section shall be paid into the General Revenue Fund as reimbursement for appropriated funds disbursed.

Upon the filing with the county clerk of a certified copy of an ordinance levying such taxes, the county clerk shall extend the taxes upon the books of the collector of state and county taxes within that municipality in the manner provided in Section 8-3-1 for the extension of municipal taxes.

(Source: P.A. 92-111, eff. 1-1-02.)

Section 15-35. The Public Utilities Act is amended by changing Section 13-703 as follows:

(220 ILCS 5/13-703) (from Ch. 111 2/3, par. 13-703)
(Section scheduled to be repealed on July 1, 2017)
Sec. 13-703. (a) The Commission shall design and implement a program whereby each telecommunications carrier providing local

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exchange service shall provide a telecommunications device capable of servicing the needs of those persons with a hearing or speech disability together with a single party line, at no charge additional to the basic exchange rate, to any subscriber who is certified as having a hearing or speech disability by a licensed physician, speech-language pathologist, audiologist or a qualified State agency and to any subscriber which is an organization serving the needs of those persons with a hearing or speech disability as determined and specified by the Commission pursuant to subsection (d).

(b) The Commission shall design and implement a program, whereby each telecommunications carrier providing local exchange service shall provide a telecommunications relay system, using third party intervention to connect those persons having a hearing or speech disability with persons of normal hearing by way of intercommunications devices and the telephone system, making available reasonable access to all phases of public telephone service to persons who have a hearing or speech disability. In order to design a telecommunications relay system which will meet the requirements of those persons with a hearing or speech disability available at a reasonable cost, the Commission shall initiate an investigation and conduct public hearings to determine the most cost-effective method of providing telecommunications relay service to those persons who have a hearing or speech disability when using telecommunications devices and therein solicit the advice, counsel, and physical assistance of Statewide nonprofit consumer organizations that serve persons with hearing or speech disabilities in such hearings and during the development and implementation of the system. The Commission shall phase in this program, on a geographical basis, as soon as is practicable, but no later than June 30, 1990.

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

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issue its order establishing the competitively neutral amount to be charged or assessed to subscribers of telecommunications carriers and wireless carriers, Interconnected VoIP service providers, and purchasers of prepaid wireless telecommunications service on or prior to June 1 of each year, and such amount shall take effect June 1 of each year.

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

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

(e) As used in this Section:
"Prepaid wireless telecommunications service" has the meaning given to that term under Section 10 of the Prepaid Wireless 9-1-1 Surcharge Act.
"Retail transaction" has the meaning given to that term under Section 10 of the Prepaid Wireless 9-1-1 Surcharge Act.
"Seller" has the meaning given to that term under Section 10 of the Prepaid Wireless 9-1-1 Surcharge Act.
"Telecommunications carrier providing local exchange service" includes, without otherwise limiting the meaning of the term, telecommunications carriers which are purely mutual concerns, having no rates or charges for services, but paying the operating expenses by assessment upon the members of such a company and no other person.
"Wireless carrier" has the meaning given to that term under Section 10 of the Wireless Emergency Telephone Safety Act.

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

Sellers of prepaid wireless telecommunications service shall remit the assessments to the Department of Revenue on the same form and in the same manner which they remit the fee collected under the Prepaid Wireless 9-1-1 Surcharge Act. For the purposes of display on the consumers' receipts, the rates of the fee collected under the Prepaid Wireless 9-1-1 Surcharge Act and the assessment under this Section may be combined. In administration and enforcement of this Section, the provisions of Sections 15 and 20 of the Prepaid Wireless 9-1-1 Surcharge Act (except subsections (a), (a-5), (b-5), (e), and (e-5) of Section 15 and subsections (c) and (e) of Section 20 of the Prepaid Wireless 9-1-1 Surcharge Act and, from June 29, 2015 (the effective date of Public Act 99-6) this amendatory Act of the 99th General Assembly, the seller shall be permitted to deduct and retain 3% of the assessments that are collected by the seller from consumers and that are remitted and timely filed with the Department) that are not inconsistent with this Section, shall apply, as far as practicable, to the subject matter of this Section to the same extent as if those provisions were included in this Section. The Department shall deposit all assessments and penalties collected under this Section into the Illinois Telecommunications Access Corporation Fund, a special fund created in the State treasury. On or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the amount available to the Commission for distribution out of the Illinois Telecommunications Access Corporation Fund. The amount certified shall be the amount (not including credit memoranda) collected during the second preceding calendar month by the Department, plus an amount the Department determines is necessary to offset any amounts which were erroneously paid to a different taxing body or fund. The amount paid to the Illinois Telecommunications Access Corporation Fund shall not include any amount equal to the amount of refunds made during the second
preceding calendar month by the Department to retailers under this Section or any amount that the Department determines is necessary to offset any amounts which were payable to a different taxing body or fund but were erroneously paid to the Illinois Telecommunications Access Corporation Fund. The Commission shall distribute all the funds to the Illinois Telecommunications Access Corporation and the funds may only be used in accordance with the provisions of this Section. The Department shall deduct 2% of all amounts deposited in the Illinois Telecommunications Access Corporation Fund during every year of remitted assessments. Of the 2% deducted by the Department, one-half shall be transferred into the Tax Compliance and Administration Fund to reimburse the Department for its direct costs of administering the collection and remittance of the assessment. The remaining one-half shall be transferred into the Public Utility Fund to reimburse the Commission for its costs of distributing to the Illinois Telecommunications Access Corporation the amount certified by the Department for distribution. The amount to be charged or assessed under subsections (c) and (f) is not imposed on a provider or the consumer for wireless Lifeline service where the consumer does not pay the provider for the service. Where the consumer purchases from the provider optional minutes, texts, or other services in addition to the federally funded Lifeline benefit, a consumer must pay the charge or assessment, and it must be collected by the seller according to subsection (f).

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

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

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

(Source: P.A. 99-6, eff. 6-29-15; 99-143, eff. 7-27-15; revised 10-21-15.)

Section 15-40. The Medical Practice Act of 1987 is amended by changing Sections 2 and 22 as follows:

(Section scheduled to be repealed on December 31, 2016)

Sec. 2. Definitions. For purposes of this Act, the following definitions shall have the following meanings, except where the context requires otherwise:

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"Address of record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file as maintained by the Department's licensure maintenance unit. It is the duty of the applicant or licensee to inform the Department of any change of address and those changes must be made either through the Department's website or by contacting the Department.

"Chiropractic physician" means a person licensed to treat human ailments without the use of drugs and without operative surgery. Nothing in this Act shall be construed to prohibit a chiropractic physician from providing advice regarding the use of non-prescription products or from administering atmospheric oxygen. Nothing in this Act shall be construed to authorize a chiropractic physician to prescribe drugs.

"Department" means the Department of Financial and Professional Regulation.

"Disciplinary Action" means revocation, suspension, probation, supervision, practice modification, reprimand, required education, fines or any other action taken by the Department against a person holding a license.

"Disciplinary Board" means the Medical Disciplinary Board.

"Final Determination" means the governing body's final action taken under the procedure followed by a health care institution, or professional association or society, against any person licensed under the Act in accordance with the bylaws or rules and regulations of such health care institution, or professional association or society.

"Fund" means the Illinois State Medical Disciplinary Fund.

"Impaired" means the inability to practice medicine with reasonable skill and safety due to physical or mental disabilities as evidenced by a written determination or written consent based on clinical evidence including deterioration through the aging process or loss of motor skill, or abuse of drugs or alcohol, of sufficient degree to diminish a person's ability to deliver competent patient care.

"Licensing Board" means the Medical Licensing Board.

"Physician" means a person licensed under the Medical Practice Act to practice medicine in all of its branches or a chiropractic physician.

"Professional Association" means an association or society of persons licensed under this Act, and operating within the State of Illinois, including but not limited to, medical societies, osteopathic organizations,
and chiropractic organizations, but this term shall not be deemed to include hospital medical staffs.

"Program of Care, Counseling, or Treatment" means a written schedule of organized treatment, care, counseling, activities, or education, satisfactory to the Disciplinary Board, designed for the purpose of restoring an impaired person to a condition whereby the impaired person can practice medicine with reasonable skill and safety of a sufficient degree to deliver competent patient care.

"Reinstate" means to change the status of a license from inactive or nonrenewed status to active status.

"Restore" means to remove an encumbrance from a license due to probation, suspension, or revocation.

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

(Source: P.A. 97-462, eff. 8-19-11; 97-622, eff. 11-23-11; 98-1140, eff. 12-30-14.)

(225 ILCS 60/22) (from Ch. 111, par. 4400-22)

(Section scheduled to be repealed on December 31, 2016)

Sec. 22. Disciplinary action.

(A) The Department may revoke, suspend, place on probation, reprimand, refuse to issue or renew, or take any other disciplinary or non-disciplinary action as the Department may deem proper with regard to the license or permit of any person issued under this Act, including imposing fines not to exceed $10,000 for each violation, upon any of the following grounds:

(1) Performance of an elective abortion in any place, locale, facility, or institution other than:

(a) a facility licensed pursuant to the Ambulatory Surgical Treatment Center Act;

(b) an institution licensed under the Hospital Licensing Act;

(c) an ambulatory surgical treatment center or hospitalization or care facility maintained by the State or any agency thereof, where such department or agency has authority under law to establish and enforce standards for the ambulatory surgical treatment centers, hospitalization, or care facilities under its management and control;
(d) ambulatory surgical treatment centers, hospitalization or care facilities maintained by the Federal Government; or
(e) ambulatory surgical treatment centers, hospitalization or care facilities maintained by any university or college established under the laws of this State and supported principally by public funds raised by taxation.

(2) Performance of an abortion procedure in a wilful and wanton manner on a woman who was not pregnant at the time the abortion procedure was performed.

(3) A plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or sentencing, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge, or first offender probation, under the laws of any jurisdiction of the United States of any crime that is a felony.

(4) Gross negligence in practice under this Act.

(5) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public.

(6) Obtaining any fee by fraud, deceit, or misrepresentation.

(7) Habitual or excessive use or abuse of drugs defined in law as controlled substances, of alcohol, or of any other substances which results in the inability to practice with reasonable judgment, skill or safety.

(8) Practicing under a false or, except as provided by law, an assumed name.

(9) Fraud or misrepresentation in applying for, or procuring, a license under this Act or in connection with applying for renewal of a license under this Act.

(10) Making a false or misleading statement regarding their skill or the efficacy or value of the medicine, treatment, or remedy prescribed by them at their direction in the treatment of any disease or other condition of the body or mind.

(11) Allowing another person or organization to use their license, procured under this Act, to practice.

(12) Adverse action taken by another state or jurisdiction against a license or other authorization to practice as a medical doctor, doctor of osteopathy, doctor of osteopathic medicine or
doctor of chiropractic, a certified copy of the record of the action taken by the other state or jurisdiction being prima facie evidence thereof. This includes any adverse action taken by a State or federal agency that prohibits a medical doctor, doctor of osteopathy, doctor of osteopathic medicine, or doctor of chiropractic from providing services to the agency's participants.

(13) Violation of any provision of this Act or of the Medical Practice Act prior to the repeal of that Act, or violation of the rules, or a final administrative action of the Secretary, after consideration of the recommendation of the Disciplinary Board.

(14) Violation of the prohibition against fee splitting in Section 22.2 of this Act.

(15) A finding by the Disciplinary Board that the registrant after having his or her license placed on probationary status or subjected to conditions or restrictions violated the terms of the probation or failed to comply with such terms or conditions.

(16) Abandonment of a patient.

(17) Prescribing, selling, administering, distributing, giving or self-administering any drug classified as a controlled substance (designated product) or narcotic for other than medically accepted therapeutic purposes.

(18) Promotion of the sale of drugs, devices, appliances or goods provided for a patient in such manner as to exploit the patient for financial gain of the physician.

(19) Offering, undertaking or agreeing to cure or treat disease by a secret method, procedure, treatment or medicine, or the treating, operating or prescribing for any human condition by a method, means or procedure which the licensee refuses to divulge upon demand of the Department.

(20) Immoral conduct in the commission of any act including, but not limited to, commission of an act of sexual misconduct related to the licensee's practice.

(21) Wilfully making or filing false records or reports in his or her practice as a physician, including, but not limited to, false records to support claims against the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Illinois Public Aid Code.

(22) Wilful omission to file or record, or wilfully impeding the filing or recording, or inducing another person to omit to file or
record, medical reports as required by law, or wilfully failing to report an instance of suspected abuse or neglect as required by law.

(23) Being named as a perpetrator in an indicated report by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act, and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act.

(24) Solicitation of professional patronage by any corporation, agents or persons, or profiting from those representing themselves to be agents of the licensee.

(25) Gross and wilful and continued overcharging for professional services, including filing false statements for collection of fees for which services are not rendered, including, but not limited to, filing such false statements for collection of monies for services not rendered from the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Illinois Public Aid Code.

(26) A pattern of practice or other behavior which demonstrates incapacity or incompetence to practice under this Act.

(27) Mental illness or disability which results in the inability to practice under this Act with reasonable judgment, skill or safety.

(28) Physical illness, including, but not limited to, deterioration through the aging process, or loss of motor skill which results in a physician's inability to practice under this Act with reasonable judgment, skill or safety.

(29) Cheating on or attempt to subvert the licensing examinations administered under this Act.

(30) Wilfully or negligently violating the confidentiality between physician and patient except as required by law.

(31) The use of any false, fraudulent, or deceptive statement in any document connected with practice under this Act.

(32) Aiding and abetting an individual not licensed under this Act in the practice of a profession licensed under this Act.

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(33) Violating state or federal laws or regulations relating to controlled substances, legend drugs, or ephedra as defined in the Ephedra Prohibition Act.

(34) Failure to report to the Department any adverse final action taken against them by another licensing jurisdiction (any other state or any territory of the United States or any foreign state or country), by any peer review body, by any health care institution, by any professional society or association related to practice under this Act, by any governmental agency, by any law enforcement agency, or by any court for acts or conduct similar to acts or conduct which would constitute grounds for action as defined in this Section.

(35) Failure to report to the Department surrender of a license or authorization to practice as a medical doctor, a doctor of osteopathy, a doctor of osteopathic medicine, or doctor of chiropractic in another state or jurisdiction, or surrender of membership on any medical staff or in any medical or professional association or society, while under disciplinary investigation by any of those authorities or bodies, for acts or conduct similar to acts or conduct which would constitute grounds for action as defined in this Section.

(36) Failure to report to the Department any adverse judgment, settlement, or award arising from a liability claim related to acts or conduct similar to acts or conduct which would constitute grounds for action as defined in this Section.

(37) Failure to provide copies of medical records as required by law.

(38) Failure to furnish the Department, its investigators or representatives, relevant information, legally requested by the Department after consultation with the Chief Medical Coordinator or the Deputy Medical Coordinator.

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

(40) Willful failure to provide notice when notice is required under the Parental Notice of Abortion Act of 1995.

(41) Failure to establish and maintain records of patient care and treatment as required by this law.

(42) Entering into an excessive number of written collaborative agreements with licensed advanced practice nurses resulting in an inability to adequately collaborate.

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(43) Repeated failure to adequately collaborate with a licensed advanced practice nurse.

(44) Violating the Compassionate Use of Medical Cannabis Pilot Program Act.

(45) Entering into an excessive number of written collaborative agreements with licensed prescribing psychologists resulting in an inability to adequately collaborate.

(46) Repeated failure to adequately collaborate with a licensed prescribing psychologist.

Except for actions involving the ground numbered (26), all proceedings to suspend, revoke, place on probationary status, or take any other disciplinary action as the Department may deem proper, with regard to a license on any of the foregoing grounds, must be commenced within 5 years next after receipt by the Department of a complaint alleging the commission of or notice of the conviction order for any of the acts described herein. Except for the grounds numbered (8), (9), (26), and (29), no action shall be commenced more than 10 years after the date of the incident or act alleged to have violated this Section. For actions involving the ground numbered (26), a pattern of practice or other behavior includes all incidents alleged to be part of the pattern of practice or other behavior that occurred, or a report pursuant to Section 23 of this Act received, within the 10-year period preceding the filing of the complaint. In the event of the settlement of any claim or cause of action in favor of the claimant or the reduction to final judgment of any civil action in favor of the plaintiff, such claim, cause of action or civil action being grounded on the allegation that a person licensed under this Act was negligent in providing care, the Department shall have an additional period of 2 years from the date of notification to the Department under Section 23 of this Act of such settlement or final judgment in which to investigate and commence formal disciplinary proceedings under Section 36 of this Act, except as otherwise provided by law. The time during which the holder of the license was outside the State of Illinois shall not be included within any period of time limiting the commencement of disciplinary action by the Department.

The entry of an order or judgment by any circuit court establishing that any person holding a license under this Act is a person in need of mental treatment operates as a suspension of that license. That person may resume their practice only upon the entry of a Departmental order based upon a finding by the Disciplinary Board that they have been determined
to be recovered from mental illness by the court and upon the Disciplinary Board's recommendation that they be permitted to resume their practice.

The Department may refuse to issue or take disciplinary action concerning the license of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied as determined by the Illinois Department of Revenue.

The Department, upon the recommendation of the Disciplinary Board, shall adopt rules which set forth standards to be used in determining:

(a) when a person will be deemed sufficiently rehabilitated to warrant the public trust;
(b) what constitutes dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud, or harm the public;
(c) what constitutes immoral conduct in the commission of any act, including, but not limited to, commission of an act of sexual misconduct related to the licensee's practice; and
(d) what constitutes gross negligence in the practice of medicine.

However, no such rule shall be admissible into evidence in any civil action except for review of a licensing or other disciplinary action under this Act.

In enforcing this Section, the Disciplinary Board or the Licensing Board, upon a showing of a possible violation, may compel, in the case of the Disciplinary Board, any individual who is licensed to practice under this Act or holds a permit to practice under this Act, or, in the case of the Licensing Board, any individual who has applied for licensure or a permit pursuant to this Act, to submit to a mental or physical examination and evaluation, or both, which may include a substance abuse or sexual offender evaluation, as required by the Licensing Board or Disciplinary Board and at the expense of the Department. The Disciplinary Board or Licensing Board shall specifically designate the examining physician licensed to practice medicine in all of its branches or, if applicable, the multidisciplinary team involved in providing the mental or physical examination and evaluation, or both. The multidisciplinary team shall be led by a physician licensed to practice medicine in all of its branches and

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may consist of one or more or a combination of physicians licensed to practice medicine in all of its branches, licensed chiropractic physicians, licensed clinical psychologists, licensed clinical social workers, licensed clinical professional counselors, and other professional and administrative staff. Any examining physician or member of the multidisciplinary team may require any person ordered to submit to an examination and evaluation pursuant to this Section to submit to any additional supplemental testing deemed necessary to complete any examination or evaluation process, including, but not limited to, blood testing, urinalysis, psychological testing, or neuropsychological testing. The Disciplinary Board, the Licensing Board, or the Department may order the examining physician or any member of the multidisciplinary team to provide to the Department, the Disciplinary Board, or the Licensing Board any and all records, including business records, that relate to the examination and evaluation, including any supplemental testing performed. The Disciplinary Board, the Licensing Board, or the Department may order the examining physician or any member of the multidisciplinary team to present testimony concerning this examination and evaluation of the licensee, permit holder, or applicant, including testimony concerning any supplemental testing or documents relating to the examination and evaluation. No information, report, record, or other documents in any way related to the examination and evaluation shall be excluded by reason of any common law or statutory privilege relating to communication between the licensee, permit holder, or applicant and the examining physician or any member of the multidisciplinary team. No authorization is necessary from the licensee, permit holder, or applicant ordered to undergo an evaluation and examination for the examining physician or any member of the multidisciplinary team to provide information, reports, records, or other documents or to provide any testimony regarding the examination and evaluation. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of any individual to submit to mental or physical examination and evaluation, or both, when directed, shall result in an automatic suspension, without hearing, until such time as the individual submits to the examination. If the Disciplinary Board or Licensing Board finds a physician unable to practice following an examination and evaluation because of the reasons set forth in this Section, the Disciplinary Board or Licensing Board shall require such physician to submit to care, counseling, or treatment by physicians, or other health care professionals,

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approved or designated by the Disciplinary Board, as a condition for issued, continued, reinstated, or renewed licensure to practice. Any physician, whose license was granted pursuant to Sections 9, 17, or 19 of this Act, or, continued, reinstated, renewed, disciplined or supervised, subject to such terms, conditions or restrictions who shall fail to comply with such terms, conditions or restrictions, or to complete a required program of care, counseling, or treatment, as determined by the Chief Medical Coordinator or Deputy Medical Coordinators, shall be referred to the Secretary for a determination as to whether the licensee shall have their license suspended immediately, pending a hearing by the Disciplinary Board. In instances in which the Secretary immediately suspends a license under this Section, a hearing upon such person's license must be convened by the Disciplinary Board within 15 days after such suspension and completed without appreciable delay. The Disciplinary Board shall have the authority to review the subject physician's record of treatment and counseling regarding the impairment, to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

An individual licensed under this Act, affected under this Section, shall be afforded an opportunity to demonstrate to the Disciplinary Board that they can resume practice in compliance with acceptable and prevailing standards under the provisions of their license.

The Department may promulgate rules for the imposition of fines in disciplinary cases, not to exceed $10,000 for each violation of this Act. Fines may be imposed in conjunction with other forms of disciplinary action, but shall not be the exclusive disposition of any disciplinary action arising out of conduct resulting in death or injury to a patient. Any funds collected from such fines shall be deposited in the Illinois State Medical Disciplinary Fund.

All fines imposed under this Section shall be paid within 60 days after the effective date of the order imposing the fine or in accordance with the terms set forth in the order imposing the fine.

(B) The Department shall revoke the license or permit issued under this Act to practice medicine or a chiropractic physician who has been convicted a second time of committing any felony under the Illinois Controlled Substances Act or the Methamphetamine Control and Community Protection Act, or who has been convicted a second time of committing a Class 1 felony under Sections 8A-3 and 8A-6 of the Illinois Public Aid Code. A person whose license or permit is revoked under this

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subsection B shall be prohibited from practicing medicine or treating human ailments without the use of drugs and without operative surgery.

(C) The Department shall not revoke, suspend, place on probation, reprimand, refuse to issue or renew, or take any other disciplinary or non-disciplinary action against the license or permit issued under this Act to practice medicine to a physician based solely upon the recommendation of the physician to an eligible patient regarding, or prescription for, or treatment with, an investigational drug, biological product, or device.

(D) The Disciplinary Board shall recommend to the Department civil penalties and any other appropriate discipline in disciplinary cases when the Board finds that a physician willfully performed an abortion with actual knowledge that the person upon whom the abortion has been performed is a minor or an incompetent person without notice as required under the Parental Notice of Abortion Act of 1995. Upon the Board's recommendation, the Department shall impose, for the first violation, a civil penalty of $1,000 and for a second or subsequent violation, a civil penalty of $5,000.

(Source: P.A. 98-601, eff. 12-30-13; 98-668, eff. 6-25-14; 98-1140, eff. 12-30-14; 99-270, eff. 1-1-16.)

Section 15-45. The Illinois Horse Racing Act of 1975 is amended by changing Sections 28 and 40 as follows:

(230 ILCS 5/28) (from Ch. 8, par. 37-28)

Sec. 28. Except as provided in subsection (g) of Section 27 of this Act, moneys collected shall be distributed according to the provisions of this Section 28.

(a) Thirty per cent of the total of all monies received by the State as privilege taxes shall be paid into the Metropolitan Exposition, Auditorium and Office Building Fund in the State Treasury.

(b) In addition, 4.5% of the total of all monies received by the State as privilege taxes shall be paid into the State treasury into a special Fund to be known as the Metropolitan Exposition, Auditorium; and Office Building Fund.

(c) Fifty per cent of the total of all monies received by the State as privilege taxes under the provisions of this Act shall be paid into the Agricultural Premium Fund.

(d) Seven per cent of the total of all monies received by the State as privilege taxes shall be paid into the Fair and Exposition Fund in the State treasury; provided, however, that when all bonds issued prior to July 1, 1984 by the Metropolitan Fair and Exposition Authority shall have been

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paid or payment shall have been provided for upon a refunding of those bonds, thereafter 1/12 of $1,665,662 of such monies shall be paid each month into the Build Illinois Fund, and the remainder into the Fair and Exposition Fund. All excess monies shall be allocated to the Department of Agriculture for distribution to county fairs for premiums and rehabilitation as set forth in the Agricultural Fair Act.

(e) The monies provided for in Section 30 shall be paid into the Illinois Thoroughbred Breeders Fund.

(f) The monies provided for in Section 31 shall be paid into the Illinois Standardbred Breeders Fund.

(g) Until January 1, 2000, that part representing 1/2 of the total breakage in Thoroughbred, Harness, Appaloosa, Arabian, and Quarter Horse racing in the State shall be paid into the Illinois Race Track Improvement Fund as established in Section 32.

(h) All other monies received by the Board under this Act shall be paid into the Horse Racing Fund.

(i) The salaries of the Board members, secretary, stewards, directors of mutuels, veterinarians, representatives, accountants, clerks, stenographers, inspectors and other employees of the Board, and all expenses of the Board incident to the administration of this Act, including, but not limited to, all expenses and salaries incident to the taking of saliva and urine samples in accordance with the rules and regulations of the Board shall be paid out of the Agricultural Premium Fund.

(j) The Agricultural Premium Fund shall also be used:

(1) for the expenses of operating the Illinois State Fair and the DuQuoin State Fair, including the payment of prize money or premiums;

(2) for the distribution to county fairs, vocational agriculture section fairs, agricultural societies, and agricultural extension clubs in accordance with the Agricultural Fair Act, as amended;

(3) for payment of prize monies and premiums awarded and for expenses incurred in connection with the International Livestock Exposition and the Mid-Continent Livestock Exposition held in Illinois, which premiums, and awards must be approved, and paid by the Illinois Department of Agriculture;

(4) for personal service of county agricultural advisors and county home advisors;

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(5) for distribution to agricultural home economic extension councils in accordance with "An Act in relation to additional support and finance for the Agricultural and Home Economic Extension Councils in the several counties in this State and making an appropriation therefor", approved July 24, 1967, as amended;

(6) for research on equine disease, including a development center therefor;

(7) for training scholarships for study on equine diseases to students at the University of Illinois College of Veterinary Medicine;

(8) for the rehabilitation, repair and maintenance of the Illinois and DuQuoin State Fair Grounds and the structures and facilities thereon and the construction of permanent improvements on such Fair Grounds, including such structures, facilities and property located on such State Fair Grounds which are under the custody and control of the Department of Agriculture;

(9) for the expenses of the Department of Agriculture under Section 5-530 of the Departments of State Government Law (20 ILCS 5/5-530);

(10) for the expenses of the Department of Commerce and Economic Opportunity under Sections 605-620, 605-625, and 605-630 of the Department of Commerce and Economic Opportunity Law (20 ILCS 605/605-620, 605/605-625, and 605/605-630);

(11) for remodeling, expanding, and reconstructing facilities destroyed by fire of any Fair and Exposition Authority in counties with a population of 1,000,000 or more inhabitants;

(12) for the purpose of assisting in the care and general rehabilitation of veterans with disabilities of any war and their surviving spouses and orphans;

(13) for expenses of the Department of State Police for duties performed under this Act;

(14) for the Department of Agriculture for soil surveys and soil and water conservation purposes;

(15) for the Department of Agriculture for grants to the City of Chicago for conducting the Chicagofest;

(16) for the State Comptroller for grants and operating expenses authorized by the Illinois Global Partnership Act.

(k) To the extent that monies paid by the Board to the Agricultural Premium Fund are in the opinion of the Governor in excess of the amount

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necessary for the purposes herein stated, the Governor shall notify the Comptroller and the State Treasurer of such fact, who, upon receipt of such notification, shall transfer such excess monies from the Agricultural Premium Fund to the General Revenue Fund.

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

(230 ILCS 5/40) (from Ch. 8, par. 37-40)

Sec. 40. (a) The imposition of any fine or penalty provided in this Act shall not preclude the Board in its rules and regulations from imposing a fine or penalty for any other action which, in the Board's discretion, is a detriment or impediment to horse racing.

(b) The Director of Agriculture or his or her authorized representative shall impose the following monetary penalties and hold administrative hearings as required for failure to submit the following applications, lists, or reports within the time period, date or manner required by statute or rule or for removing a foal from Illinois prior to inspection:

(1) late filing of a renewal application for offering or standing stallion for service:
   (A) if an application is submitted no more than 30 days late, $50;
   (B) if an application is submitted no more than 45 days late, $150; or
   (C) if an application is submitted more than 45 days late, if filing of the application is allowed under an administrative hearing, $250;

(2) late filing of list or report of mares bred:
   (A) if a list or report is submitted no more than 30 days late, $50;
   (B) if a list or report is submitted no more than 60 days late $150; or
   (C) if a list or report is submitted more than 60 days late, if filing of the list or report is allowed under an administrative hearing, $250;

(3) filing an Illinois foaled thoroughbred mare status report after December 31:
   (A) if a report is submitted no more than 30 days late, $50;
   (B) if a report is submitted no more than 90 days late, $150;

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(C) if a report is submitted no more than 150 days late, $250; or

(D) if a report is submitted more than 150 days late, if filing of the report is allowed under an administrative hearing, $500;

(4) late filing of application for foal eligibility certificate:

(A) if an application is submitted no more than 30 days late, $50;

(B) if an application is submitted no more than 90 days late, $150;

(C) if an application is submitted no more than 150 days late, $250; or

(D) if an application is submitted more than 150 days late, if filing of the application is allowed under an administrative hearing, $500;

(5) failure to report the intent to remove a foal from Illinois prior to inspection, identification and certification by a Department of Agriculture investigator, $50; and

(6) if a list or report of mares bred is incomplete, $50 per mare not included on the list or report.

Any person upon whom monetary penalties are imposed under this Section 3 times within a 5 year period shall have any further monetary penalties imposed at double the amounts set forth above. All monies assessed and collected for violations relating to thoroughbreds shall be paid into the Illinois Thoroughbred Breeders Fund. All monies assessed and collected for violations relating to standardbreds shall be paid into the Illinois Standardbred Breeders Fund.

(Source: P.A. 87-397.)

Section 15-50. The Illinois Public Aid Code is amended by changing Sections 5A-8, 12-5, 12-10, 12-11, and 12-21.14 as follows:

(305 ILCS 5/5A-8) (from Ch. 23, par. 5A-8)

Sec. 5A-8. Hospital Provider Fund.

(a) There is created in the State Treasury the Hospital Provider Fund. Interest earned by the Fund shall be credited to the Fund. The Fund shall not be used to replace any moneys appropriated to the Medicaid program by the General Assembly.

(b) The Fund is created for the purpose of receiving moneys in accordance with Section 5A-6 and disbursing moneys only for the following purposes, notwithstanding any other provision of law:

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(1) For making payments to hospitals as required under this Code, under the Children's Health Insurance Program Act, under the Covering ALL KIDS Health Insurance Act, and under the Long Term Acute Care Hospital Quality Improvement Transfer Program Act.

(2) For the reimbursement of moneys collected by the Illinois Department from hospitals or hospital providers through error or mistake in performing the activities authorized under this Code.

(3) For payment of administrative expenses incurred by the Illinois Department or its agent in performing activities under this Code, under the Children's Health Insurance Program Act, under the Covering ALL KIDS Health Insurance Act, and under the Long Term Acute Care Hospital Quality Improvement Transfer Program Act.

(4) For payments of any amounts which are reimbursable to the federal government for payments from this Fund which are required to be paid by State warrant.

(5) For making transfers, as those transfers are authorized in the proceedings authorizing debt under the Short Term Borrowing Act, but transfers made under this paragraph (5) shall not exceed the principal amount of debt issued in anticipation of the receipt by the State of moneys to be deposited into the Fund.

(6) For making transfers to any other fund in the State treasury, but transfers made under this paragraph (6) shall not exceed the amount transferred previously from that other fund into the Hospital Provider Fund plus any interest that would have been earned by that fund on the monies that had been transferred.

(6.5) For making transfers to the Healthcare Provider Relief Fund, except that transfers made under this paragraph (6.5) shall not exceed $60,000,000 in the aggregate.

(7) For making transfers not exceeding the following amounts, related to State fiscal years 2013 through 2018, to the following designated funds:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health and Human Services Medicaid Trust Fund</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>Long-Term Care Provider Fund</td>
<td>$30,000,000</td>
</tr>
<tr>
<td>General Revenue Fund</td>
<td>$80,000,000</td>
</tr>
</tbody>
</table>

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Transfers under this paragraph shall be made within 7 days after the payments have been received pursuant to the schedule of payments provided in subsection (a) of Section 5A-4.

(7.1) (Blank).
(7.5) (Blank).
(7.8) (Blank).
(7.9) (Blank).

(7.10) For State fiscal year 2014, for making transfers of the moneys resulting from the assessment under subsection (b-5) of Section 5A-2 and received from hospital providers under Section 5A-4 and transferred into the Hospital Provider Fund under Section 5A-6 to the designated funds not exceeding the following amounts in that State fiscal year:

<table>
<thead>
<tr>
<th>Healthcare Health Care Provider Relief Fund</th>
<th>$100,000,000</th>
</tr>
</thead>
</table>

Transfers under this paragraph shall be made within 7 days after the payments have been received pursuant to the schedule of payments provided in subsection (a) of Section 5A-4.

The additional amount of transfers in this paragraph (7.10), authorized by Public Act 98-651, shall be made within 10 State business days after June 16, 2014 (the effective date of Public Act 98-651). That authority shall remain in effect even if Public Act 98-651 does not become law until State fiscal year 2015.

(7.10a) For State fiscal years 2015 through 2018, for making transfers of the moneys resulting from the assessment under subsection (b-5) of Section 5A-2 and received from hospital providers under Section 5A-4 and transferred into the Hospital Provider Fund under Section 5A-6 to the designated funds not exceeding the following amounts related to each State fiscal year:

<table>
<thead>
<tr>
<th>Healthcare Health Care Provider Relief Fund</th>
<th>$50,000,000</th>
</tr>
</thead>
</table>

Transfers under this paragraph shall be made within 7 days after the payments have been received pursuant to the schedule of payments provided in subsection (a) of Section 5A-4.

(7.11) (Blank).

(7.12) For State fiscal year 2013, for increasing by 21/365ths the transfer of the moneys resulting from the assessment under subsection (b-5) of Section 5A-2 and received from hospital providers under Section 5A-4 for the portion of State fiscal year
2012 beginning June 10, 2012 through June 30, 2012 and transferred into the Hospital Provider Fund under Section 5A-6 to the designated funds not exceeding the following amounts in that State fiscal year:

| Healthcare Health Care Provider Relief Fund | $2,870,000 |

Since the federal Centers for Medicare and Medicaid Services approval of the assessment authorized under subsection (b-5) of Section 5A-2, received from hospital providers under Section 5A-4 and the payment methodologies to hospitals required under Section 5A-12.4 was not received by the Department until State fiscal year 2014 and since the Department made retroactive payments during State fiscal year 2014 related to the referenced period of June 2012, the transfer authority granted in this paragraph (7.12) is extended through the date that is 10 State business days after June 16, 2014 (the effective date of Public Act 98-651).

(8) For making refunds to hospital providers pursuant to Section 5A-10.

(9) For making payment to capitated managed care organizations as described in subsections (s) and (t) of Section 5A-12.2 of this Code.

Disbursements from the Fund, other than transfers authorized under paragraphs (5) and (6) of this subsection, shall be by warrants drawn by the State Comptroller upon receipt of vouchers duly executed and certified by the Illinois Department.

(c) The Fund shall consist of the following:

(1) All moneys collected or received by the Illinois Department from the hospital provider assessment imposed by this Article.

(2) All federal matching funds received by the Illinois Department as a result of expenditures made by the Illinois Department that are attributable to moneys deposited in the Fund.

(3) Any interest or penalty levied in conjunction with the administration of this Article.

(3.5) As applicable, proceeds from surety bond payments payable to the Department as referenced in subsection (s) of Section 5A-12.2 of this Code.

(4) Moneys transferred from another fund in the State treasury.

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(5) All other moneys received for the Fund from any other source, including interest earned thereon.
(d) (Blank).
(Source: P.A. 98-104, eff. 7-22-13; 98-463, eff. 8-16-13; 98-651, eff. 6-16-14; 98-756, eff. 7-16-14; 99-78, eff. 7-20-15.)
(305 ILCS 5/12-5) (from Ch. 23, par. 12-5)
Sec. 12-5. Appropriations; uses; federal grants; report to General Assembly. From the sums appropriated by the General Assembly, the Illinois Department shall order for payment by warrant from the State Treasury grants for public aid under Articles III, IV, and V, including grants for funeral and burial expenses, and all costs of administration of the Illinois Department and the County Departments relating thereto. Moneys appropriated to the Illinois Department for public aid under Article VI may be used, with the consent of the Governor, to co-operate with federal, State, and local agencies in the development of work projects designed to provide suitable employment for persons receiving public aid under Article VI. The Illinois Department, with the consent of the Governor, may be the agent of the State for the receipt and disbursement of federal funds or commodities for public aid purposes under Article VI and for related purposes in which the co-operation of the Illinois Department is sought by the federal government, and, in connection therewith, may make necessary expenditures from moneys appropriated for public aid under any Article of this Code and for administration. The Illinois Department, with the consent of the Governor, may be the agent of the State for the receipt and disbursement of federal funds pursuant to the Immigration Reform and Control Act of 1986 and may make necessary expenditures from monies appropriated to it for operations, administration, and grants, including payment to the Health Insurance Reserve Fund for group insurance costs at the rate certified by the Department of Central Management Services. All amounts received by the Illinois Department pursuant to the Immigration Reform and Control Act of 1986 shall be deposited in the Immigration Reform and Control Fund. All amounts received into the Immigration Reform and Control Fund as reimbursement for expenditures from the General Revenue Fund shall be transferred to the General Revenue Fund.

All grants received by the Illinois Department for programs funded by the Federal Social Services Block Grant shall be deposited in the Social Services Block Grant Fund. All funds received into the Social Services Block Grant Fund as reimbursement for expenditures from the General

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Revenue Fund shall be transferred to the General Revenue Fund. All funds received into the Social Services Block Grant fund for reimbursement for expenditure out of the Local Initiative Fund shall be transferred into the Local Initiative Fund. Any other federal funds received into the Social Services Block Grant Fund shall be transferred to the **DHS** Special Purposes Trust Fund. All federal funds received by the Illinois Department as reimbursement for Employment and Training Programs for expenditures made by the Illinois Department from grants, gifts, or legacies as provided in Section 12-4.18 or made by an entity other than the Illinois Department shall be deposited into the Employment and Training Fund, except that federal funds received as reimbursement as a result of the appropriation made for the costs of providing adult education to public assistance recipients under the "Adult Education, Public Assistance Fund" shall be deposited into the General Revenue Fund; provided, however, that all funds, except those that are specified in an interagency agreement between the Illinois Community College Board and the Illinois Department, that are received by the Illinois Department as reimbursement under Title IV-A of the Social Security Act for expenditures that are made by the Illinois Community College Board or any public community college of this State shall be credited to a special account that the State Treasurer shall establish and maintain within the Employment and Training Fund for the purpose of segregating the reimbursements received for expenditures made by those entities. As reimbursements are deposited into the Employment and Training Fund, the Illinois Department shall certify to the State Comptroller and State Treasurer the amount that is to be credited to the special account established within that Fund as a reimbursement for expenditures under Title IV-A of the Social Security Act made by the Illinois Community College Board or any of the public community colleges. All amounts credited to the special account established and maintained within the Employment and Training Fund as provided in this Section shall be held for transfer to the TANF Opportunities Fund as provided in subsection (d) of Section 12-10.3, and shall not be transferred to any other fund or used for any other purpose.

Eighty percent of the federal financial participation funds received by the Illinois Department under the Title IV-A Emergency Assistance program as reimbursement for expenditures made from the Illinois Department of Children and Family Services appropriations for the costs of providing services in behalf of Department of Children and Family

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Services clients shall be deposited into the DCFS Children's Services Fund.

All federal funds, except those covered by the foregoing 3 paragraphs, received as reimbursement for expenditures from the General Revenue Fund shall be deposited in the General Revenue Fund for administrative and distributive expenditures properly chargeable by federal law or regulation to aid programs established under Articles III through XII and Titles IV, XVI, XIX and XX of the Federal Social Security Act. Any other federal funds received by the Illinois Department under Sections 12-4.6, 12-4.18 and 12-4.19 that are required by Section 12-10 of this Code to be paid into the DHS Special Purposes Trust Fund shall be deposited into the DHS Special Purposes Trust Fund. Any other federal funds received by the Illinois Department pursuant to the Child Support Enforcement Program established by Title IV-D of the Social Security Act shall be deposited in the Child Support Enforcement Trust Fund as required under Section 12-10.2 or in the Child Support Administrative Fund as required under Section 12-10.2a of this Code. Any other federal funds received by the Illinois Department for medical assistance program expenditures made under Title XIX of the Social Security Act and Article V of this Code that are required by Section 5-4.21 of this Code to be paid into the Medicaid Provider for Persons with a Developmental Disability Participation Fee Trust Fund shall be deposited into the Medicaid Provider for Persons with a Developmental Disability Participation Fee Trust Fund. Any other federal funds received by the Illinois Department for medical assistance program expenditures made under Title XIX of the Social Security Act and Article V of this Code that are required by Section 5-4.31 of this Code to be paid into the Medicaid Long Term Care Provider Participation Fee Trust Fund shall be deposited into the Medicaid Long Term Care Provider Participation Fee Trust Fund. Any other federal funds received by the Illinois Department for hospital inpatient, hospital ambulatory care, and disproportionate share hospital expenditures made under Title XIX of the Social Security Act and Article V of this Code that are required by Section 14-2 of this Code to be paid into the Hospital Services Trust Fund shall be deposited into the Hospital Services Trust Fund. Any other federal funds received by the Illinois Department for expenditures made under Title XIX of the Social Security Act and Articles V and VI of this Code that are required by Section 15-2 of this Code to be paid into the County Provider Trust Fund shall be deposited into the County Provider Trust Fund. Any other federal funds received by the

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Illinois Department for hospital inpatient, hospital ambulatory care, and disproportionate share hospital expenditures made under Title XIX of the Social Security Act and Article V of this Code that are required by Section 5A-8 of this Code to be paid into the Hospital Provider Fund shall be deposited into the Hospital Provider Fund. Any other federal funds received by the Illinois Department for medical assistance program expenditures made under Title XIX of the Social Security Act and Article V of this Code that are required by Section 5B-8 of this Code to be paid into the Long-Term Care Provider Fund shall be deposited into the Long-Term Care Provider Fund. Any other federal funds received by the Illinois Department for medical assistance program expenditures made under Title XIX of the Social Security Act and Article V of this Code that are required by Section 5C-7 of this Code to be paid into the Care Provider Fund for Persons with a Developmental Disability shall be deposited into the Care Provider Fund for Persons with a Developmental Disability. Any other federal funds received by the Illinois Department for trauma center adjustment payments that are required by Section 5-5.03 of this Code and made under Title XIX of the Social Security Act and Article V of this Code shall be deposited into the Trauma Center Fund. Any other federal funds received by the Illinois Department as reimbursement for expenses for early intervention services paid from the Early Intervention Services Revolving Fund shall be deposited into that Fund.

The Illinois Department shall report to the General Assembly at the end of each fiscal quarter the amount of all funds received and paid into the Social Services Service Block Grant Fund and the Local Initiative Fund and the expenditures and transfers of such funds for services, programs and other purposes authorized by law. Such report shall be filed with the Speaker, Minority Leader and Clerk of the House, with the President, Minority Leader and Secretary of the Senate, with the Chairmen of the House and Senate Appropriations Committees, the House Human Resources Committee and the Senate Public Health, Welfare and Corrections Committee, or the successor standing Committees of each as provided by the rules of the House and Senate, respectively, with the Legislative Research Unit and with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act shall be deemed sufficient to comply with this Section.

(Source: P.A. 98-463, eff. 8-16-13; 99-143, eff. 7-27-15.)

(305 ILCS 5/12-10) (from Ch. 23, par. 12-10)

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Sec. 12-10. *DHS* Special Purposes Trust Fund; uses. The *DHS* Special Purposes Trust Fund, to be held outside the State Treasury by the State Treasurer as ex-officio custodian, shall consist of (1) any federal grants received under Section 12-4.6 that are not required by Section 12-5 to be paid into the General Revenue Fund or transferred into the Local Initiative Fund under Section 12-10.1 or deposited in the Employment and Training Fund under Section 12-10.3 or in the special account established and maintained in that Fund as provided in that Section; (2) grants, gifts or legacies of moneys or securities received under Section 12-4.18; (3) grants received under Section 12-4.19; and (4) funds for child care and development services. Disbursements from this Fund shall be only for the purposes authorized by the aforementioned Sections.

Disbursements from this Fund shall be by warrants drawn by the State Comptroller on receipt of vouchers duly executed and certified by the Illinois Department of Human Services, including payment to the Health Insurance Reserve Fund for group insurance costs at the rate certified by the Department of Central Management Services.

All federal monies received as reimbursement for expenditures from the General Revenue Fund, and which were made for the purposes authorized for expenditures from the *DHS* Special Purposes Trust Fund, shall be deposited by the Department into the General Revenue Fund.

(Source: P.A. 90-587, eff. 7-1-98; 91-24, eff. 7-1-99.)

(305 ILCS 5/12-11) (from Ch. 23, par. 12-11)

Sec. 12-11. Deposits by State Treasurer. The State Treasurer shall deposit moneys received by him as ex-officio custodian of the Child Support Enforcement Trust Fund and the *DHS* Special Purposes Trust Fund in banks or savings and loan associations which have been approved by him as State Depositaries under the Deposit of State Moneys Act, and with respect to such moneys shall be entitled to the same rights and privileges as are provided by such Act with respect to moneys in the treasury of the State of Illinois.

(Source: P.A. 90-255, eff. 1-1-98; 91-24, eff. 7-1-99.)

(305 ILCS 5/12-21.14) (from Ch. 23, par. 12-21.14)

Sec. 12-21.14. Requirements; review by Illinois Department; allocations. The County Board of each county or a duly appointed committee thereof, or any other county agency designated by the County Board, shall by the last day of each month submit to the Illinois Department an itemized statement showing, for all local governmental units therein except a city, village or incorporated town of more than

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500,000 population, assistance furnished in the county under Article VI of this Code during the previous month and the expenses for the administration thereof, and the actual revenues available through taxation by the local governmental units. If the Illinois Department has reason to believe that the amounts submitted by any county are excessive, it may require appropriate officials of the county to appear before it and substantiate the amounts to the satisfaction of the Department.

The Illinois Department shall review these amounts and shall determine and allocate to the several counties the amounts necessary to supplement local funds actually available for public aid purposes. There shall be a yearly reconciliation of amounts allocated to the local governmental units by the Illinois Department to supplement local funds.

If, because of circumstances beyond the local governmental unit's control, such as a sudden caseload increase or an unexpected increase in the administrative expenses, a local governmental unit has insufficient local funds actually available to furnish assistance or pay administrative expenses, the Illinois Department shall provide a special allocation of funds to the local governmental unit to meet the need. In calculating the need for a special allocation, the Illinois Department shall take into consideration the amount of funds legally available from the taxes levied by the local governmental unit for public aid purposes and any available unobligated balances.

If a local governmental unit has not received State funds for public aid purposes for at least 84 consecutive months immediately prior to its request for State funds, the Illinois Department shall not consider as a legally available resource of the governmental unit public aid funds, or the proceeds of public aid taxes and tax anticipation warrants which may have been transferred or expended during such period for other purposes.

Except as hereinafter provided, State allocations shall be paid to the County Treasurer for disbursement to local governmental units as certified by the Illinois Department. Until January 1, 1974, moneys allocated by the Illinois Department for General Assistance purposes in a city, village or incorporated town of more than 500,000 population and moneys received from the Treasurer of the municipality from taxes levied for General Assistance purposes in the municipality and other moneys and funds designated in Section 11-43-2 of the Illinois Municipal Code shall be paid into the special fund established by the County Treasurer of the county in which the municipality is located and retained for disbursement.

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by the Director of the County Department of Public Aid serving as Supervisor of General Assistance for the municipality.

On January 1, 1974, or as soon thereafter as is feasible but not later than January 1, 1975, the County Treasurer shall transfer to the Special Purposes Trust Fund (now known as the DHS Special Purposes Trust Fund) established by Section 12-10 of this Code all State and municipal moneys remaining in or due to the special fund of the County Treasury. After December 31, 1973, but not later than June 30, 1979, State allocations and municipal funds for General Assistance purposes in such a municipality, and other moneys and funds designated by Section 11-43-2 of the Illinois Municipal Code, shall be paid into the Special Purposes Trust Fund (now known as the DHS Special Purposes Trust Fund) and disbursed as provided in Section 12-10. State and municipal moneys paid into the Special Purposes Trust Fund (now known as the DHS Special Purposes Trust Fund) under the foregoing provision shall be used exclusively for (1) furnishing General Assistance within the municipality; (2) the payment of administrative costs; and (3) the payment of warrants issued against and in anticipation of taxes levied by the municipality for General Assistance purposes, and the accrued interest thereon. After June 30, 1979, moneys and funds designated by Section 11-43-2 of the Illinois Municipal Code, shall be paid into the General Revenue Fund as reimbursement for appropriated funds disbursed.

(Source: P.A. 92-111, eff. 1-1-02.)

Section 15-55. The Illinois Vehicle Code is amended by changing Sections 2-119 and 6-118 as follows:

(625 ILCS 5/2-119) (from Ch. 95 1/2, par. 2-119)
Sec. 2-119. Disposition of fees and taxes.

(a) All moneys received from Salvage Certificates shall be deposited in the Common School Fund in the State Treasury.

(b) Of the money collected for each certificate of title, duplicate certificate of title, and corrected certificate of title:

(1) $2.60 shall be deposited in the Park and Conservation Fund;

(2) $0.65 shall be deposited in the Illinois Fisheries Management Fund;

(3) $48 shall be disbursed under subsection (g) of this Section;

(4) $4 shall be deposited into the Motor Vehicle License Plate Fund; and

New matter indicated by italics - deletions by strikeout
(5) $30 shall be deposited into the Capital Projects Fund. All remaining moneys collected for certificates of title, and all moneys collected for filing of security interests, shall be deposited in the General Revenue Fund.

The $20 collected for each delinquent vehicle registration renewal fee shall be deposited into the General Revenue Fund.

The moneys deposited in the Park and Conservation Fund under this Section shall be used for the acquisition and development of bike paths as provided for in Section 805-420 of the Department of Natural Resources (Conservation) Law of the Civil Administrative Code of Illinois. The moneys deposited into the Park and Conservation Fund under this subsection shall not be subject to administrative charges or chargebacks, unless otherwise authorized by this Code.

If the balance in the Motor Vehicle License Plate Fund exceeds $40,000,000 on the last day of a calendar month, then during the next calendar month, the $4 that otherwise would be deposited in that fund shall instead be deposited into the Road Fund.

(c) All moneys collected for that portion of a driver's license fee designated for driver education under Section 6-118 shall be placed in the Drivers Driver Education Fund in the State Treasury.

(d) Of the moneys collected as a registration fee for each motorcycle, motor driven cycle, and moped, 27% shall be deposited in the Cycle Rider Safety Training Fund.

(e) (Blank).

(f) Of the total money collected for a commercial learner's permit (CLP) or original or renewal issuance of a commercial driver's license (CDL) pursuant to the Uniform Commercial Driver's License Act (UCDLA): (i) $6 of the total fee for an original or renewal CDL, and $6 of the total CLP fee when such permit is issued to any person holding a valid Illinois driver's license, shall be paid into the CDLIS/AAMVAnet/NMVTIS Trust Fund (Commercial Driver's License Information System/American Association of Motor Vehicle Administrators network/National Motor Vehicle Title Information Service Trust Fund) and shall be used for the purposes provided in Section 6z-23 of the State Finance Act and (ii) $20 of the total fee for an original or renewal CDL or CLP shall be paid into the Motor Carrier Safety Inspection Fund, which is hereby created as a special fund in the State Treasury, to be used by the Department of State Police, subject to

New matter indicated by italics - deletions by strikeout
appropriation, to hire additional officers to conduct motor carrier safety inspections pursuant to Chapter 18b of this Code.

(g) Of the moneys received by the Secretary of State as registration fees or taxes, certificates of title, duplicate certificates of title, corrected certificates of title, or as payment of any other fee under this Code, when those moneys are not otherwise distributed by this Code, 37% shall be deposited into the State Construction Account Fund, and 63% shall be deposited in the Road Fund. Moneys in the Road Fund shall be used for the purposes provided in Section 8.3 of the State Finance Act.

(h) (Blank).

(i) (Blank).

(j) (Blank).

(k) There is created in the State Treasury a special fund to be known as the Secretary of State Special License Plate Fund. Money deposited into the Fund shall, subject to appropriation, be used by the Office of the Secretary of State (i) to help defray plate manufacturing and plate processing costs for the issuance and, when applicable, renewal of any new or existing registration plates authorized under this Code and (ii) for grants made by the Secretary of State to benefit Illinois Veterans Home libraries.

(l) The Motor Vehicle Review Board Fund is created as a special fund in the State Treasury. Moneys deposited into the Fund under paragraph (7) of subsection (b) of Section 5-101 and Section 5-109 shall, subject to appropriation, be used by the Office of the Secretary of State to administer the Motor Vehicle Review Board, including without limitation payment of compensation and all necessary expenses incurred in administering the Motor Vehicle Review Board under the Motor Vehicle Franchise Act.

(m) Effective July 1, 1996, there is created in the State Treasury a special fund to be known as the Family Responsibility Fund. Moneys deposited into the Fund shall, subject to appropriation, be used by the Office of the Secretary of State for the purpose of enforcing the Family Financial Responsibility Law.

(n) The Illinois Fire Fighters' Memorial Fund is created as a special fund in the State Treasury. Moneys deposited into the Fund shall, subject to appropriation, be used by the Office of the State Fire Marshal for construction of the Illinois Fire Fighters' Memorial to be located at the State Capitol grounds in Springfield, Illinois. Upon the completion of the
Memorial, moneys in the Fund shall be used in accordance with Section 3-634.

(o) Of the money collected for each certificate of title for all-terrain vehicles and off-highway motorcycles, $17 shall be deposited into the Off-Highway Vehicle Trails Fund.

(p) For audits conducted on or after July 1, 2003 pursuant to Section 2-124(d) of this Code, 50% of the money collected as audit fees shall be deposited into the General Revenue Fund.

(Source: P.A. 98-176 (See Section 10 of P.A. 98-722 and Section 10 of P.A. 99-414 for the effective date of changes made by P.A. 98-176); 98-177, eff. 1-1-14; 98-756, eff. 7-16-14; 99-127, eff. 1-1-16.)

(625 ILCS 5/6-118)
Sec. 6-118. Fees.
(a) The fee for licenses and permits under this Article is as follows:

<table>
<thead>
<tr>
<th>License/Permit</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Original driver's license</td>
<td>$30</td>
</tr>
<tr>
<td>Original or renewal driver's license</td>
<td></td>
</tr>
<tr>
<td>issued to 18, 19 and 20 year olds</td>
<td>5</td>
</tr>
<tr>
<td>All driver's licenses for persons</td>
<td></td>
</tr>
<tr>
<td>age 69 through age 80</td>
<td>5</td>
</tr>
<tr>
<td>All driver's licenses for persons</td>
<td></td>
</tr>
<tr>
<td>age 81 through age 86</td>
<td>2</td>
</tr>
<tr>
<td>All driver's licenses for persons</td>
<td></td>
</tr>
<tr>
<td>age 87 or older</td>
<td>0</td>
</tr>
<tr>
<td>Renewal driver's license (except for applicants ages 18, 19 and 20 or age 69 and older)</td>
<td>30</td>
</tr>
<tr>
<td>Original instruction permit issued to persons (except those age 69 and older) who do not hold or have not previously held an Illinois instruction permit or driver's license</td>
<td>20</td>
</tr>
<tr>
<td>Instruction permit issued to any person holding an Illinois driver's license who wishes a change in classifications, other than at the time of renewal</td>
<td>5</td>
</tr>
<tr>
<td>Any instruction permit issued to a person age 69 and older</td>
<td>5</td>
</tr>
<tr>
<td>Instruction permit issued to any person, under age 69, not currently holding a</td>
<td></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
valid Illinois driver's license or instruction permit but who has previously been issued either document in Illinois............................................ 10
Restricted driving permit.......................... 8
Monitoring device driving permit............... 8
Duplicate or corrected driver's license or permit........................................ 5
Duplicate or corrected restricted driving permit........................................ 5
Duplicate or corrected monitoring device driving permit........................ 5
Duplicate driver's license or permit issued to an active-duty member of the United States Armed Forces, the member's spouse, or the dependent children living with the member............................. 0
Original or renewal M or L endorsement.............. 5

SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE
The fees for commercial driver licenses and permits under Article V shall be as follows: Commercial driver's license:
$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund (Commercial Driver's License Information System/American Association of Motor Vehicle Administrators network/National Motor Vehicle Title Information Service Trust Fund);
$20 for the Motor Carrier Safety Inspection Fund;
$10 for the driver's license;
and $24 for the CDL:................................. $60

Renewal commercial driver's license:
$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund;
$20 for the Motor Carrier Safety Inspection Fund;
$10 for the driver's license; and
$24 for the CDL:................................. $60

Commercial learner's permit
issued to any person holding a valid Illinois driver's license for the purpose of changing to a

New matter indicated by italics - deletions by strikeout
CDL classification: $6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund; $20 for the Motor Carrier Safety Inspection Fund; and $24 for the CDL classification................. $50

Commercial learner's permit
issued to any person holding a valid Illinois CDL for the purpose of making a change in a classification, endorsement or restriction.................. $5

CDL duplicate or corrected license.................. $5

In order to ensure the proper implementation of the Uniform Commercial Driver License Act, Article V of this Chapter, the Secretary of State is empowered to pro-rate the $24 fee for the commercial driver's license proportionate to the expiration date of the applicant's Illinois driver's license.

The fee for any duplicate license or permit shall be waived for any person who presents the Secretary of State's office with a police report showing that his license or permit was stolen.

The fee for any duplicate license or permit shall be waived for any person age 60 or older whose driver's license or permit has been lost or stolen.

No additional fee shall be charged for a driver's license, or for a commercial driver's license, when issued to the holder of an instruction permit for the same classification or type of license who becomes eligible for such license.

(b) Any person whose license or privilege to operate a motor vehicle in this State has been suspended or revoked under Section 3-707, any provision of Chapter 6, Chapter 11, or Section 7-205, 7-303, or 7-702 of the Family Financial Responsibility Law of this Code, shall in addition to any other fees required by this Code, pay a reinstatement fee as follows:

- Suspension under Section 3-707................. $100
- Suspension under Section 11-1431................. $100
- Summary suspension under Section 11-501.1........ $250
- Suspension under Section 11-501.9................ $250
- Summary revocation under Section 11-501.1........ $500
- Other suspension.................................... $70
- Revocation........................................ $500

New matter indicated by italics - deletions by strikeout
However, any person whose license or privilege to operate a motor vehicle in this State has been suspended or revoked for a second or subsequent time for a violation of Section 11-501, 11-501.1, or 11-501.9 of this Code or a similar provision of a local ordinance or a similar out-of-state offense or Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 and each suspension or revocation was for a violation of Section 11-501, 11-501.1, or 11-501.9 of this Code or a similar provision of a local ordinance or a similar out-of-state offense or Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 shall pay, in addition to any other fees required by this Code, a reinstatement fee as follows:

- Summary suspension under Section 11-501.1............. $500
- Suspension under Section 11-501.9................... $500
- Summary revocation under Section 11-501.1.......... $500
- Revocation.......................................... $500

(c) All fees collected under the provisions of this Chapter 6 shall be disbursed under subsection (g) of Section 2-119 of this Code, except as follows:

1. The following amounts shall be paid into the Drivers Education Fund:
   (A) $16 of the $20 fee for an original driver's instruction permit;
   (B) $5 of the $30 fee for an original driver's license;
   (C) $5 of the $30 fee for a 4 year renewal driver's license;
   (D) $4 of the $8 fee for a restricted driving permit;
   and
   (E) $4 of the $8 fee for a monitoring device driving permit.

2. $30 of the $250 fee for reinstatement of a license summarily suspended under Section 11-501.1 or suspended under Section 11-501.9 shall be deposited into the Drunk and Drugged Driving Prevention Fund. However, for a person whose license or privilege to operate a motor vehicle in this State has been suspended or revoked for a second or subsequent time for a violation of Section 11-501, 11-501.1, or 11-501.9 of this Code or Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, $190 of the $500 fee for reinstatement of a license summarily suspended under Section 11-501.1 or suspended under Section 11-501.9, and $190 of the $500 fee for reinstatement of a
revoked license shall be deposited into the Drunk and Drugged Driving Prevention Fund. $190 of the $500 fee for reinstatement of a license summarily revoked pursuant to Section 11-501.1 shall be deposited into the Drunk and Drugged Driving Prevention Fund.

3. $6 of the original or renewal fee for a commercial driver's license and $6 of the commercial learner's permit fee when the permit is issued to any person holding a valid Illinois driver's license, shall be paid into the CDLIS/AAMVA/Net/NMVTIS Trust Fund.

4. $30 of the $70 fee for reinstatement of a license suspended under the Family Financial Responsibility Law shall be paid into the Family Responsibility Fund.

5. The $5 fee for each original or renewal M or L endorsement shall be deposited into the Cycle Rider Safety Training Fund.

6. $20 of any original or renewal fee for a commercial driver's license or commercial learner's permit shall be paid into the Motor Carrier Safety Inspection Fund.

7. The following amounts shall be paid into the General Revenue Fund:

   (A) $190 of the $250 reinstatement fee for a summary suspension under Section 11-501.1 or a suspension under Section 11-501.9;
   (B) $40 of the $70 reinstatement fee for any other suspension provided in subsection (b) of this Section; and
   (C) $440 of the $500 reinstatement fee for a first offense revocation and $310 of the $500 reinstatement fee for a second or subsequent revocation.

8. Fees collected under paragraph (4) of subsection (d) and subsection (h) of Section 6-205 of this Code; subparagraph (C) of paragraph 3 of subsection (c) of Section 6-206 of this Code; and paragraph (4) of subsection (a) of Section 6-206.1 of this Code, shall be paid into the funds set forth in those Sections.

(d) All of the proceeds of the additional fees imposed by this amendatory Act of the 96th General Assembly shall be deposited into the Capital Projects Fund.

(e) The additional fees imposed by this amendatory Act of the 96th General Assembly shall become effective 90 days after becoming law.

New matter indicated by italics - deletions by strikeout
(f) As used in this Section, "active-duty member of the United States Armed Forces" means a member of the Armed Services or Reserve Forces of the United States or a member of the Illinois National Guard who is called to active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor.

(Source: P.A. 98-176 (see Section 10 of P.A. 98-722 and Section 10 of P.A. 99-414 for the effective date of changes made by P.A. 98-176); 98-177, eff. 1-1-14; 98-756, eff. 7-16-14; 98-1172, eff. 1-12-15; 99-127, eff. 1-16; 99-438, eff. 1-1-16; revised 10-19-15.)

Section 15-60. The Uniform Partnership Act (1997) is amended by changing Section 108 as follows:

(805 ILCS 206/108)

Sec. 108. Fees.

(a) The Secretary of State shall charge and collect in accordance with the provisions of this Act and rules promulgated under its authority:

(1) fees for filing documents;
(2) miscellaneous charges; and
(3) fees for the sale of lists of filings and for copies of any documents.

(b) The Secretary of State shall charge and collect:

(1) for furnishing a copy or certified copy of any document, instrument, or paper relating to a registered limited liability partnership, $25;
(2) for the transfer of information by computer process media to any purchaser, fees established by rule;
(3) for filing a statement of partnership authority, $25;
(4) for filing a statement of denial, $25;
(5) for filing a statement of dissociation, $25;
(6) for filing a statement of dissolution, $100;
(7) for filing a statement of merger, $100;
(8) for filing a statement of qualification for a limited liability partnership organized under the laws of this State, $100 for each partner, but in no event shall the fee be less than $200 or exceed $5,000;
(9) for filing a statement of foreign qualification, $500;
(10) for filing a renewal statement for a limited liability partnership organized under the laws of this State, $100 for each

New matter indicated by italics - deletions by strikeout
partner, but in no event shall the fee be less than $200 or exceed $5,000;
   (11) for filing a renewal statement for a foreign limited liability partnership, $300;
   (12) for filing an amendment or cancellation of a statement, $25;
   (13) for filing a statement of withdrawal, $100;
   (14) for the purposes of changing the registered agent name or registered office, or both, $25;
   (15) for filing an application for reinstatement, $200;
   (16) for filing any other document, $25.
   (c) All fees collected pursuant to this Act shall be deposited into the Division of Corporations Registered Limited Liability Partnership Fund.
   (d) There is hereby continued in the State treasury a special fund to be known as the Division of Corporations Registered Limited Liability Partnership Fund. Moneys deposited into the Fund shall, subject to appropriation, be used by the Business Services Division of the Office of the Secretary of State to administer the responsibilities of the Secretary of State under this Act. The balance of the Fund at the end of any fiscal year shall not exceed $200,000, and any amount in excess thereof shall be transferred to the General Revenue Fund.
   (Source: P.A. 97-839, eff. 7-20-12.)

ARTICLE 20.
MANDATE RELIEF
Section 20-5. The Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois is amended by changing Section 605-500 as follows:
(20 ILCS 605/605-500) (was 20 ILCS 605/46.13)
Sec. 605-500. Business Assistance Office. To create a Business Assistance Office to do the following:
   (1) Provide information to new and existing businesses for all State government forms and applications and make this information readily available through a business permit center. The Office shall not assume any regulatory function. All State agencies shall cooperate with the business permit center to provide the necessary information, materials, and assistance to enable the center to carry out its function in an effective manner. Each agency shall designate an individual to serve as liaison to New matter indicated by italics - deletions by strikeout
the center to provide information and materials and to respond to requests for assistance from businesses.

(2) Provide technical and managerial assistance to entrepreneurs and small businesses by (i) contracting with local development organizations, chambers of commerce, and industry or trade associations with technical and managerial expertise located in the State, whenever possible, and (ii) establishing a network of small business development centers throughout the State.

(3) Assess the fiscal impact of proposed rules upon small business and work with agencies in developing flexible regulations through a regulatory review program.

(4) Provide detailed and comprehensive assistance to businesses interested in obtaining federal or State government contracts through a network of local procurement centers. The Department shall make a special and continuing effort to assist minority and female owned businesses, including but not limited to the designation of special minority and female business advocates, and shall make additional efforts to assist those located in labor surplus areas. The Department shall, through its network of local procurement centers, make every effort to provide opportunities for small businesses to participate in the procurement process. The Department shall utilize one or more of the following techniques. These techniques shall be in addition to any other procurement requirements imposed by Public Act 83-1341 or by any other Act.

(A) Advance notice by the Department or other appropriate State entity of possible procurement opportunities should be made available to interested small businesses.

(B) Publication of procurement opportunities in publications likely to be obtained by small businesses.

(C) Direct notification, whenever the Department deems it feasible, of interested small businesses.

(D) Conduct of public hearings and training sessions, when possible, regarding State and federal government procurement policies.

The Department of Central Management Services shall cooperate with the Department in providing information on the method and procedure by which a small business becomes involved in the State or federal government procurement process.

New matter indicated by italics - deletions by strikeout
(5) (Blank). Study the total number of registrations, licenses, and reports that must be filed in order to do business in this State, seek input from the directors of all regulatory agencies, and submit a report on how this paperwork might be reduced to the Governor and the General Assembly no later than January 1, 1985.

(Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 605/605-40 rep.)
(20 ILCS 605/605-430 rep.)
(20 ILCS 605/605-970 rep.)


(20 ILCS 2305/8.3 rep.)

Section 20-25. The Department of Public Health Act is amended by repealing Section 8.3.

(20 ILCS 2310/2310-80 rep.)
(20 ILCS 2310/2310-186 rep.)
(20 ILCS 2310/2310-210 rep.)
(20 ILCS 2310/2310-227 rep.)
(20 ILCS 2310/2310-235 rep.)
(20 ILCS 2310/2310-310 rep.)
(20 ILCS 2310/2310-353 rep.)
(20 ILCS 2310/2310-367 rep.)
(20 ILCS 2310/2310-372 rep.)
(20 ILCS 2310/2310-395 rep.)
(20 ILCS 2310/2310-445 rep.)
(20 ILCS 2310/2310-537 rep.)


(30 ILCS 342/Act rep.)

Section 20-35. The Medicaid Liability Liquidity Borrowing Act is repealed.

(70 ILCS 1840/Act rep.)

Section 20-40. The Regional Port District Publicity Act is repealed.

Section 20-45. The Family Practice Residency Act is amended by changing Section 4 as follows:

New matter indicated by italics - deletions by strikeout
Sec. 4. The Department may exercise shall have the powers and duties indicated in Sections 4.01 through 4.12 of this Act.
(Source: P.A. 80-478.)

Section 20-50. The Residential Mortgage License Act of 1987 is amended by changing Section 3-2 as follows:

Sec. 3-2. Annual audit.

(a) At the licensee's fiscal year-end, but in no case more than 12 months after the last audit conducted pursuant to this Section, except as otherwise provided in this Section, it shall be mandatory for each residential mortgage licensee to cause its books and accounts to be audited by a certified public accountant not connected with such licensee. The books and records of all licensees under this Act shall be maintained on an accrual basis. The audit must be sufficiently comprehensive in scope to permit the expression of an opinion on the financial statements, which must be prepared in accordance with generally accepted accounting principles, and must be performed in accordance with generally accepted auditing standards. Notwithstanding the requirements of this subsection, a licensee that is a subsidiary may submit audited consolidated financial statements of its parent, intermediary parent, or ultimate parent as long as the consolidated statements are supported by consolidating statements which include the licensee's financial statement. If the consolidating statements are unaudited, the licensee's chief financial officer shall attest to the licensee's financial statements disclosed in the consolidating statements.

(b) As used herein, the term "expression of opinion" includes either (1) an unqualified opinion, (2) a qualified opinion, (3) a disclaimer of opinion, or (4) an adverse opinion.

(c) If a qualified or adverse opinion is expressed or if an opinion is disclaimed, the reasons therefore must be fully explained. An opinion, qualified as to a scope limitation, shall not be acceptable.

(d) The most recent audit report shall be filed with the Commissioner within 90 days after the end of the licensee's fiscal year, or with the Nationwide Mortgage Licensing System and Registry, if applicable, pursuant to Mortgage Call Report requirements. The report filed with the Commissioner shall be certified by the certified public accountant conducting the audit. The Commissioner may promulgate rules regarding late audit reports.

New matter indicated by italics - deletions by strikeout
(e) (Blank). If any licensee required to make an audit shall fail to cause an audit to be made, the Commissioner shall cause the same to be made by a certified public accountant at the licensee's expense. The Commissioner shall select such certified public accountant by advertising for bids or by such other fair and impartial means as he or she establishes by regulation.

(f) In lieu of the audit or compilation financial statement required by this Section, a licensee shall submit and the Commissioner may accept any audit made in conformance with the audit requirements of the U.S. Department of Housing and Urban Development.

(g) With respect to licensees who solely broker residential mortgage loans as defined in subsection (o) of Section 1-4, instead of the audit required by this Section, the Commissioner may accept compilation financial statements prepared at least every 12 months, and the compilation financial statement must be submitted within 90 days after the end of the licensee's fiscal year, or with the Nationwide Mortgage Licensing System and Registry, if applicable, pursuant to Mortgage Call Report requirements. If a licensee under this Section fails to file a compilation as required, the Commissioner shall cause an audit of the licensee's books and accounts to be made by a certified public accountant at the licensee's expense. The Commissioner shall select the certified public accountant by advertising for bids or by such other fair and impartial means as he or she establishes by rule. A licensee who files false or misleading compilation financial statements is guilty of a business offense and shall be fined not less than $5,000.

(h) The workpapers of the certified public accountants employed by each licensee for purposes of this Section are to be made available to the Commissioner or the Commissioner's designee upon request and may be reproduced by the Commissioner or the Commissioner's designee to enable the Commissioner to carry out the purposes of this Act.

(i) Notwithstanding any other provision of this Section, if a licensee relying on subsection (g) of this Section causes its books to be audited at any other time or causes its financial statements to be reviewed, a complete copy of the audited or reviewed financial statements shall be delivered to the Commissioner at the time of the annual license renewal payment following receipt by the licensee of the audited or reviewed financial statements. All workpapers shall be made available to the Commissioner upon request. The financial statements and workpapers

New matter indicated by italics - deletions by strikeout
may be reproduced by the Commissioner or the Commissioner’s designee
to carry out the purposes of this Act.
(Source: P.A. 97-813, eff. 7-13-12; 97-891, eff. 8-3-12; 98-463, eff. 8-16-
13; 98-1081, eff. 1-1-15.)

(405 ILCS 80/Art. X rep.)
Section 20-55. The Developmental Disability and Mental
Disability Services Act is amended by repealing Article X.

Section 20-60. The Psychiatry Practice Incentive Act is amended
by changing Section 35 as follows:
(405 ILCS 100/35)
Sec. 35. Annual report. The Department may shall annually report
to the General Assembly and the Governor the results and progress of all
programs established under this Act on or before March 15.

The annual report to the General Assembly and the Governor must
include the impact of programs established under this Act on the ability of
designated shortage areas to attract and retain physicians and other health
care personnel. The report shall include recommendations to improve that
ability.

The requirement for reporting to the General Assembly shall be
satisfied by filing copies of the report with the Speaker, the Minority
Leader, and the Clerk of the House of Representatives and the President,
the Minority Leader and the Secretary of the Senate and the Legislative
Research Unit, as required by Section 3.1 of the General Assembly
Organization Act, and by filing such additional copies with the State
Government Report Distribution Center for the General Assembly as is
required under paragraph (t) of Section 7 of the State Library Act.
(Source: P.A. 96-1411, eff. 1-1-11.)

(415 ILCS 5/22.53 rep.)
(415 ILCS 5/55.7a rep.)
Section 20-70. The Environmental Protection Act is amended by
repealing Sections 22.53 and 55.7a.
(415 ILCS 20/7.4 rep.)
Section 20-80. The Illinois Solid Waste Management Act is
amended by repealing Section 7.4.
(420 ILCS 44/28 rep.)
Section 20-95. The Radon Industry Licensing Act is amended by
repealing Section 28.
Section 20-105. The Unified Code of Corrections is amended by
changing Section 3-7-2 as follows:

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Sec. 3-7-2. Facilities.

(a) All institutions and facilities of the Department shall provide every committed person with access to toilet facilities, barber facilities, bathing facilities at least once each week, a library of legal materials and published materials including newspapers and magazines approved by the Director. A committed person may not receive any materials that the Director deems pornographic.

(b) (Blank).

(c) All institutions and facilities of the Department shall provide facilities for every committed person to leave his cell for at least one hour each day unless the chief administrative officer determines that it would be harmful or dangerous to the security or safety of the institution or facility.

(d) All institutions and facilities of the Department shall provide every committed person with a wholesome and nutritional diet at regularly scheduled hours, drinking water, clothing adequate for the season, bedding, soap and towels and medical and dental care.

(e) All institutions and facilities of the Department shall permit every committed person to send and receive an unlimited number of uncensored letters, provided, however, that the Director may order that mail be inspected and read for reasons of the security, safety or morale of the institution or facility.

(f) All of the institutions and facilities of the Department shall permit every committed person to receive visitors, except in case of abuse of the visiting privilege or when the chief administrative officer determines that such visiting would be harmful or dangerous to the security, safety or morale of the institution or facility. The chief administrative officer shall have the right to restrict visitation to non-contact visits for reasons of safety, security, and order, including, but not limited to, restricting contact visits for committed persons engaged in gang activity. No committed person in a super maximum security facility or on disciplinary segregation is allowed contact visits. Any committed person found in possession of illegal drugs or who fails a drug test shall not be permitted contact visits for a period of at least 6 months. Any committed person involved in gang activities or found guilty of assault committed against a Department employee shall not be permitted contact visits for a period of at least 6 months. The Department shall offer every visitor appropriate written information concerning HIV and AIDS, including information concerning how to contact the Illinois Department of Public Health.

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Health for counseling information. The Department shall develop the written materials in consultation with the Department of Public Health. The Department shall ensure that all such information and materials are culturally sensitive and reflect cultural diversity as appropriate. Implementation of the changes made to this Section by this amendatory Act of the 94th General Assembly is subject to appropriation.

(f-5) (Blank). The Department shall establish a pilot program in one or more institutions or facilities of the Department to permit committed persons to remotely visit family members through interactive video conferences. The Department may enter into agreements with third-party organizations to provide video conference facilities for family members of committed persons. The Department may determine who is a family member eligible to participate in the program and the conditions in which and times when the video conferences may be conducted. The Department may conduct such conferences as an alternative to transporting committed persons to facilities and institutions of the Department near the residences of family members of the committed persons.

Beginning on October 1, 2010 and through October 1, 2012; the Department shall issue an annual report to the General Assembly regarding the implementation and effectiveness of the pilot program created by this subsection (f-5):

(g) All institutions and facilities of the Department shall permit religious ministrations and sacraments to be available to every committed person, but attendance at religious services shall not be required.

(h) Within 90 days after December 31, 1996, the Department shall prohibit the use of curtains, cell-coverings, or any other matter or object that obstructs or otherwise impairs the line of vision into a committed person's cell.

(Source: P.A. 96-869, eff. 1-21-10.)

Section 20-110. The Illinois Crime Reduction Act of 2009 is amended by changing Section 15 as follows:

(730 ILCS 190/15)

Sec. 15. Adoption, validation, and utilization of an assessment tool.

(a) Purpose. In order to determine appropriate punishment or services which will protect public safety, it is necessary for the State and local jurisdictions to adopt a common assessment tool. Supervision and correctional programs are most effective at reducing future crime when they accurately assess offender risks, assets, and needs, and use these

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assessment results to assign supervision levels and target programs to criminogenic needs.

(b) After review of the plan issued by the Task Force described in subsection (c), the Department of Corrections, the Parole Division of the Department of Corrections, and the Prisoner Review Board shall adopt policies, rules, and regulations that within 3 years of the effective date of this Act result in the adoption, validation, and utilization of a statewide, standardized risk assessment tool across the Illinois criminal justice system.

(c) (Blank). The Governor's Office shall convene a Risks, Assets, and Needs Assessment Task Force to develop plans for the adoption, validation, and utilization of such an assessment tool. The Task Force shall include, but not be limited to, designees from the Department of Corrections who are responsible for parole services, a designee from the Cook County Adult Probation, a representative from a county probation office, a designee from DuPage County Adult Probation, a designee from Sangamon County Adult Probation, and designees from the Attorney General's Office, the Prisoner Review Board, the Illinois Criminal Justice Information Authority, the Sentencing Policy Advisory Council, the Cook County State's Attorney, a State's Attorney selected by the President of the Illinois State's Attorneys Association, the Cook County Public Defender, and the State Appellate Defender.

(c-5) (Blank). The Department of Human Services shall provide administrative support for the Task Force.

(d) (Blank). The Task Force's plans shall be released within one year of the effective date of this Act and shall at a minimum include:

1. A computerized method and design to allow each of the State and local agencies and branches of government which are part of the criminal justice system to share the results of the assessment. The recommendations for the automated system shall include cost estimates, a timetable, a plan to pay for the system and for sharing data across agencies and branches of government.

2. A selection of a common validated tool to be used across the system.

3. A description of the different points in the system at which the tool shall be used.

4. An implementation plan, including training and the selection of pilot sites to test the tool.

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(5) How often and in what intervals offenders will be reassessed:

(6) How the results can be legally shared with non-governmental organizations that provide treatment and services to those under local supervision:

(Source: P.A. 96-761, eff. 1-1-10.)

Section 20-115. The Illinois Human Rights Act is amended by changing Section 2-105 as follows:

(775 ILCS 5/2-105) (from Ch. 68, par. 2-105)

Sec. 2-105. Equal Employment Opportunities; Affirmative Action.

(A) Public Contracts. Every party to a public contract and every eligible bidder shall:

(1) Refrain from unlawful discrimination and discrimination based on citizenship status in employment and undertake affirmative action to assure equality of employment opportunity and eliminate the effects of past discrimination;

(2) Comply with the procedures and requirements of the Department's regulations concerning equal employment opportunities and affirmative action;

(3) Provide such information, with respect to its employees and applicants for employment, and assistance as the Department may reasonably request;

(4) Have written sexual harassment policies that shall include, at a minimum, the following information: (i) the illegality of sexual harassment; (ii) the definition of sexual harassment under State law; (iii) a description of sexual harassment, utilizing examples; (iv) the vendor's internal complaint process including penalties; (v) the legal recourse, investigative and complaint process available through the Department and the Commission; (vi) directions on how to contact the Department and Commission; and (vii) protection against retaliation as provided by Section 6-101 of this Act. A copy of the policies shall be provided to the Department upon request.

(B) State Agencies. Every State executive department, State agency, board, commission, and instrumentality shall:

(1) Comply with the procedures and requirements of the Department's regulations concerning equal employment opportunities and affirmative action;

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(2) Provide such information and assistance as the Department may request.

(3) Establish, maintain, and carry out a continuing affirmative action plan consistent with this Act and the regulations of the Department designed to promote equal opportunity for all State residents in every aspect of agency personnel policy and practice. For purposes of these affirmative action plans, the race and national origin categories to be included in the plans are: American Indian or Alaska Native, Asian, Black or African American, Hispanic or Latino, Native Hawaiian or Other Pacific Islander.

This plan shall include a current detailed status report:

(a) indicating, by each position in State service, the number, percentage, and average salary of individuals employed by race, national origin, sex and disability, and any other category that the Department may require by rule;

(b) identifying all positions in which the percentage of the people employed by race, national origin, sex and disability, and any other category that the Department may require by rule, is less than four-fifths of the percentage of each of those components in the State work force;

(c) specifying the goals and methods for increasing the percentage by race, national origin, sex and disability, and any other category that the Department may require by rule, in State positions;

(d) indicating progress and problems toward meeting equal employment opportunity goals, including, if applicable, but not limited to, Department of Central Management Services recruitment efforts, publicity, promotions, and use of options designating positions by linguistic abilities;

(e) establishing a numerical hiring goal for the employment of qualified persons with disabilities in the agency as a whole, to be based on the proportion of people with work disabilities in the Illinois labor force as reflected in the most recent employment data made available by the United States Census Bureau decennial Census.
(4) If the agency has 1000 or more employees, appoint a full-time Equal Employment Opportunity officer, subject to the Department's approval, whose duties shall include:

(a) Advising the head of the particular State agency with respect to the preparation of equal employment opportunity programs, procedures, regulations, reports, and the agency's affirmative action plan.

(b) Evaluating in writing each fiscal year the sufficiency of the total agency program for equal employment opportunity and reporting thereon to the head of the agency with recommendations as to any improvement or correction in recruiting, hiring or promotion needed, including remedial or disciplinary action with respect to managerial or supervisory employees who have failed to cooperate fully or who are in violation of the program.

(c) Making changes in recruitment, training and promotion programs and in hiring and promotion procedures designed to eliminate discriminatory practices when authorized.

(d) Evaluating tests, employment policies, practices and qualifications and reporting to the head of the agency and to the Department any policies, practices and qualifications that have unequal impact by race, national origin as required by Department rule, sex or disability or any other category that the Department may require by rule, and to assist in the recruitment of people in underrepresented classifications. This function shall be performed in cooperation with the State Department of Central Management Services.

(e) Making any aggrieved employee or applicant for employment aware of his or her remedies under this Act.

In any meeting, investigation, negotiation, conference, or other proceeding between a State employee and an Equal Employment Opportunity officer, a State employee (1) who is not covered by a collective bargaining agreement and (2) who is the complaining party or the subject of such proceeding may be accompanied, advised and represented by (1) an attorney licensed to practice law
in the State of Illinois or (2) a representative of an employee organization whose membership is composed of employees of the State and of which the employee is a member. A representative of an employee, other than an attorney, may observe but may not actively participate, or advise the State employee during the course of such meeting, investigation, negotiation, conference or other proceeding. Nothing in this Section shall be construed to permit any person who is not licensed to practice law in Illinois to deliver any legal services or otherwise engage in any activities that would constitute the unauthorized practice of law. Any representative of an employee who is present with the consent of the employee, shall not, during or after termination of the relationship permitted by this Section with the State employee, use or reveal any information obtained during the course of the meeting, investigation, negotiation, conference or other proceeding without the consent of the complaining party and any State employee who is the subject of the proceeding and pursuant to rules and regulations governing confidentiality of such information as promulgated by the appropriate State agency. Intentional or reckless disclosure of information in violation of these confidentiality requirements shall constitute a Class B misdemeanor.

(5) Establish, maintain and carry out a continuing sexual harassment program that shall include the following:

(a) Develop a written sexual harassment policy that includes at a minimum the following information: (i) the illegality of sexual harassment; (ii) the definition of sexual harassment under State law; (iii) a description of sexual harassment, utilizing examples; (iv) the agency's internal complaint process including penalties; (v) the legal recourse, investigative and complaint process available through the Department and the Commission; (vi) directions on how to contact the Department and Commission; and (vii) protection against retaliation as provided by Section 6-101 of this Act. The policy shall be reviewed annually.

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(b) Post in a prominent and accessible location and distribute in a manner to assure notice to all agency employees without exception the agency's sexual harassment policy. Such documents may meet, but shall not exceed, the 6th grade literacy level. Distribution shall be effectuated within 90 days of the effective date of this amendatory Act of 1992 and shall occur annually thereafter.

(c) Provide training on sexual harassment prevention and the agency's sexual harassment policy as a component of all ongoing or new employee training programs.

(6) Notify the Department 30 days before effecting any layoff. Once notice is given, the following shall occur:

(a) No layoff may be effective earlier than 10 working days after notice to the Department, unless an emergency layoff situation exists.

(b) The State executive department, State agency, board, commission, or instrumentality in which the layoffs are to occur must notify each employee targeted for layoff, the employee's union representative (if applicable), and the State Dislocated Worker Unit at the Department of Commerce and Economic Opportunity.

(c) The State executive department, State agency, board, commission, or instrumentality in which the layoffs are to occur must conform to applicable collective bargaining agreements.

(d) The State executive department, State agency, board, commission, or instrumentality in which the layoffs are to occur should notify each employee targeted for layoff that transitional assistance may be available to him or her under the Economic Dislocation and Worker Adjustment Assistance Act administered by the Department of Commerce and Economic Opportunity. Failure to give such notice shall not invalidate the layoff or postpone its effective date.

As used in this subsection (B), "disability" shall be defined in rules promulgated under the Illinois Administrative Procedure Act.

(C) Civil Rights Violations. It is a civil rights violation for any public contractor or eligible bidder to:

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(1) fail to comply with the public contractor's or eligible bidder's duty to refrain from unlawful discrimination and discrimination based on citizenship status in employment under subsection (A)(1) of this Section; or

(2) fail to comply with the public contractor's or eligible bidder's duties of affirmative action under subsection (A) of this Section, provided however, that the Department has notified the public contractor or eligible bidder in writing by certified mail that the public contractor or eligible bidder may not be in compliance with affirmative action requirements of subsection (A). A minimum of 60 days to comply with the requirements shall be afforded to the public contractor or eligible bidder before the Department may issue formal notice of non-compliance.

(D) As used in this Section:

(1) "American Indian or Alaska Native" means a person having origins in any of the original peoples of North and South America, including Central America, and who maintains tribal affiliation or community attachment.

(2) "Asian" means a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, but not limited to, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

(3) "Black or African American" means a person having origins in any of the black racial groups of Africa. Terms such as "Haitian" or "Negro" can be used in addition to "Black or African American".

(4) "Hispanic or Latino" means a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.

(5) "Native Hawaiian or Other Pacific Islander" means a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

(Source: P.A. 97-396, eff. 1-1-12.)

Section 20-125. The Unemployment Insurance Act is amended by changing Section 1900 as follows:

(820 ILCS 405/1900) (from Ch. 48, par. 640)

Sec. 1900. Disclosure of information.

New matter indicated by italics - deletions by strikeout
A. Except as provided in this Section, information obtained from any individual or employing unit during the administration of this Act shall:

1. be confidential,
2. not be published or open to public inspection,
3. not be used in any court in any pending action or proceeding,
4. not be admissible in evidence in any action or proceeding other than one arising out of this Act.

B. No finding, determination, decision, ruling or order (including any finding of fact, statement or conclusion made therein) issued pursuant to this Act shall be admissible or used in evidence in any action other than one arising out of this Act, nor shall it be binding or conclusive except as provided in this Act, nor shall it constitute res judicata, regardless of whether the actions were between the same or related parties or involved the same facts.

C. Any officer or employee of this State, any officer or employee of any entity authorized to obtain information pursuant to this Section, and any agent of this State or of such entity who, except with authority of the Director under this Section, shall disclose information shall be guilty of a Class B misdemeanor and shall be disqualified from holding any appointment or employment by the State.

D. An individual or his duly authorized agent may be supplied with information from records only to the extent necessary for the proper presentation of his claim for benefits or with his existing or prospective rights to benefits. Discretion to disclose this information belongs solely to the Director and is not subject to a release or waiver by the individual. Notwithstanding any other provision to the contrary, an individual or his or her duly authorized agent may be supplied with a statement of the amount of benefits paid to the individual during the 18 months preceding the date of his or her request.

E. An employing unit may be furnished with information, only if deemed by the Director as necessary to enable it to fully discharge its obligations or safeguard its rights under the Act. Discretion to disclose this information belongs solely to the Director and is not subject to a release or waiver by the employing unit.

F. The Director may furnish any information that he may deem proper to any public officer or public agency of this or any other State or of the federal government dealing with:

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1. the administration of relief,
2. public assistance,
3. unemployment compensation,
4. a system of public employment offices,
5. wages and hours of employment, or
6. a public works program.

The Director may make available to the Illinois Workers' Compensation Commission information regarding employers for the purpose of verifying the insurance coverage required under the Workers' Compensation Act and Workers' Occupational Diseases Act.

G. The Director may disclose information submitted by the State or any of its political subdivisions, municipal corporations, instrumentalities, or school or community college districts, except for information which specifically identifies an individual claimant.

H. The Director shall disclose only that information required to be disclosed under Section 303 of the Social Security Act, as amended, including:

1. any information required to be given the United States Department of Labor under Section 303(a)(6); and
2. the making available upon request to any agency of the United States charged with the administration of public works or assistance through public employment, the name, address, ordinary occupation and employment status of each recipient of unemployment compensation, and a statement of such recipient's right to further compensation under such law as required by Section 303(a)(7); and
3. records to make available to the Railroad Retirement Board as required by Section 303(c)(1); and
4. information that will assure reasonable cooperation with every agency of the United States charged with the administration of any unemployment compensation law as required by Section 303(c)(2); and
5. information upon request and on a reimbursable basis to the United States Department of Agriculture and to any State food stamp agency concerning any information required to be furnished by Section 303(d); and
6. any wage information upon request and on a reimbursable basis to any State or local child support enforcement agency required by Section 303(e); and

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7. any information required under the income eligibility and verification system as required by Section 303(f); and
8. information that might be useful in locating an absent parent or that parent's employer, establishing paternity or establishing, modifying, or enforcing child support orders for the purpose of a child support enforcement program under Title IV of the Social Security Act upon the request of and on a reimbursable basis to the public agency administering the Federal Parent Locator Service as required by Section 303(h); and
9. information, upon request, to representatives of any federal, State or local governmental public housing agency with respect to individuals who have signed the appropriate consent form approved by the Secretary of Housing and Urban Development and who are applying for or participating in any housing assistance program administered by the United States Department of Housing and Urban Development as required by Section 303(i).

I. The Director, upon the request of a public agency of Illinois, of the federal government or of any other state charged with the investigation or enforcement of Section 10-5 of the Criminal Code of 2012 (or a similar federal law or similar law of another State), may furnish the public agency information regarding the individual specified in the request as to:

   1. the current or most recent home address of the individual, and
   2. the names and addresses of the individual's employers.

J. Nothing in this Section shall be deemed to interfere with the disclosure of certain records as provided for in Section 1706 or with the right to make available to the Internal Revenue Service of the United States Department of the Treasury, or the Department of Revenue of the State of Illinois, information obtained under this Act.

K. The Department shall make available to the Illinois Student Assistance Commission, upon request, information in the possession of the Department that may be necessary or useful to the Commission in the collection of defaulted or delinquent student loans which the Commission administers.

L. The Department shall make available to the State Employees' Retirement System, the State Universities Retirement System, the Teachers' Retirement System of the State of Illinois, and the Department of Central Management Services, Risk Management Division, upon
request, information in the possession of the Department that may be necessary or useful to the System or the Risk Management Division for the purpose of determining whether any recipient of a disability benefit from the System or a workers’ compensation benefit from the Risk Management Division is gainfully employed.

M. This Section shall be applicable to the information obtained in the administration of the State employment service, except that the Director may publish or release general labor market information and may furnish information that he may deem proper to an individual, public officer or public agency of this or any other State or the federal government (in addition to those public officers or public agencies specified in this Section) as he prescribes by Rule.

N. The Director may require such safeguards as he deems proper to insure that information disclosed pursuant to this Section is used only for the purposes set forth in this Section.

O. Nothing in this Section prohibits communication with an individual or entity through unencrypted e-mail or other unencrypted electronic means as long as the communication does not contain the individual's or entity's name in combination with any one or more of the individual's or entity's social security number; driver's license or State identification number; account number or credit or debit card number; or any required security code, access code, or password that would permit access to further information pertaining to the individual or entity.

P. (Blank). Within 30 days after the effective date of this amendatory Act of 1993 and annually thereafter, the Department shall provide to the Department of Financial Institutions a list of individuals or entities that, for the most recently completed calendar year, report to the Department as paying wages to workers. The lists shall be deemed confidential and may not be disclosed to any other person.

Q. The Director shall make available to an elected federal official the name and address of an individual or entity that is located within the jurisdiction from which the official was elected and that, for the most recently completed calendar year, has reported to the Department as paying wages to workers, where the information will be used in connection with the official duties of the official and the official requests the information in writing, specifying the purposes for which it will be used. For purposes of this subsection, the use of information in connection with the official duties of an official does not include use of the information in connection with the solicitation of contributions or

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expenditures, in money or in kind, to or on behalf of a candidate for public or political office or a political party or with respect to a public question, as defined in Section 1-3 of the Election Code, or in connection with any commercial solicitation. Any elected federal official who, in submitting a request for information covered by this subsection, knowingly makes a false statement or fails to disclose a material fact, with the intent to obtain the information for a purpose not authorized by this subsection, shall be guilty of a Class B misdemeanor.

R. The Director may provide to any State or local child support agency, upon request and on a reimbursable basis, information that might be useful in locating an absent parent or that parent's employer, establishing paternity, or establishing, modifying, or enforcing child support orders.

S. The Department shall make available to a State's Attorney of this State or a State's Attorney's investigator, upon request, the current address or, if the current address is unavailable, current employer information, if available, of a victim of a felony or a witness to a felony or a person against whom an arrest warrant is outstanding.

T. The Director shall make available to the Department of State Police, a county sheriff's office, or a municipal police department, upon request, any information concerning the current address and place of employment or former places of employment of a person who is required to register as a sex offender under the Sex Offender Registration Act that may be useful in enforcing the registration provisions of that Act.

U. The Director shall make information available to the Department of Healthcare and Family Services and the Department of Human Services for the purpose of determining eligibility for public benefit programs authorized under the Illinois Public Aid Code and related statutes administered by those departments, for verifying sources and amounts of income, and for other purposes directly connected with the administration of those programs.

V. The Director shall make information available to the State Board of Elections as may be required by an agreement the State Board of Elections has entered into with a multi-state voter registration list maintenance system.

(Source: P.A. 97-621, eff. 11-18-11; 97-689, eff. 6-14-12; 97-1150, eff. 1-25-13; 98-1171, eff. 6-1-15.)

(820 ILCS 405/611.1 rep.)
Section 20-130. The Unemployment Insurance Act is amended by repealing Section 611.1.

ARTICLE 99.
SEVERABILITY; EFFECTIVE DATE
Section 99-97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.
Section 99-99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly December 1, 2016.
Approved January 27, 2017.
Effective January 27, 2017.

PUBLIC ACT 99-0934
(Senate Bill No. 2950)

AN ACT concerning safety.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Environmental Protection Act is amended by changing Sections 5, 29, 41, and 42 as follows:
(415 ILCS 5/5) (from Ch. 111 1/2, par. 1005)
Sec. 5. Pollution Control Board.
(a) There is hereby created an independent board to be known as the Pollution Control Board.

Until July 1, 2003 or when all of the new members to be initially appointed under this amendatory Act of the 93rd General Assembly have been appointed by the Governor, whichever occurs later, the Board shall consist of 7 technically qualified members, no more than 4 of whom may be of the same political party, to be appointed by the Governor with the advice and consent of the Senate.

The term of each appointed member of the Board who is in office on June 30, 2003 shall terminate at the close of business on that date or when all of the new members to be initially appointed under this amendatory Act of the 93rd General Assembly have been appointed by the Governor, whichever occurs later.

On and after August 11, 2003 (the effective date of Public Act 93-509), the Beginning on July 1, 2003 or when all of the new members to be initially appointed under this amendatory Act of the 93rd General Assembly have been appointed by the Governor, whichever occurs later,

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the Board shall consist of 5 technically qualified members, no more than 3 of whom may be of the same political party, to be appointed by the Governor with the advice and consent of the Senate. Members shall have verifiable technical, academic, or actual experience in the field of pollution control or environmental law and regulation.

One member of the members initially appointed pursuant to this amendatory Act of the 93rd General Assembly, one shall be appointed for a term ending July 1, 2004, 2 shall be appointed for terms ending July 1, 2005, and 2 shall be appointed for terms ending July 1, 2006. Thereafter, all members shall hold office for 3 years from the first day of July in the year in which they were appointed, except in case of an appointment to fill a vacancy. In case of a vacancy in the office when the Senate is not in session, the Governor may make a temporary appointment until the next meeting of the Senate, when he or she shall nominate some person to fill such office; and any person so nominated, who is confirmed by the Senate, shall hold the office during the remainder of the term.

Members of the Board shall hold office until their respective successors have been appointed and qualified. Any member may resign from office, such resignation to take effect when a successor has been appointed and has qualified.

Board members shall be paid $37,000 per year or an amount set by the Compensation Review Board, whichever is greater, and the Chairman shall be paid $43,000 per year or an amount set by the Compensation Review Board, whichever is greater. Each member shall devote his or her entire time to the duties of the office, and shall hold no other office or position of profit, nor engage in any other business, employment, or vocation. Each member shall be reimbursed for expenses necessarily incurred and shall make a financial disclosure upon appointment.

The each Board member may employ one secretary and one assistant for each member; and 2 assistants for the Chairman one secretary and 2 assistants. The Board also may employ and compensate hearing officers to preside at hearings under this Act, and such other personnel as may be necessary. Hearing officers shall be attorneys licensed to practice law in Illinois.

The Board may have an Executive Director; if so, the Executive Director shall be appointed by the Governor with the advice and consent of the Senate. The salary and duties of the Executive Director shall be fixed by the Board.
The Governor shall designate one Board member to be Chairman, who shall serve at the pleasure of the Governor.

The Board shall hold at least one meeting each month and such additional meetings as may be prescribed by Board rules. In addition, special meetings may be called by the Chairman or by any 2 Board members, upon delivery of 48 hours written notice to the office of each member. All Board meetings shall be open to the public, and public notice of all meetings shall be given at least 48 hours in advance of each meeting. In emergency situations in which a majority of the Board certifies that exigencies of time require the requirements of public notice and of 24 hour written notice to members may be dispensed with, and Board members shall receive such notice as is reasonable under the circumstances.

Three If there is no vacancy on the Board, 4 members of the Board shall constitute a quorum to transact business; and the affirmative vote of 3 members is necessary to adopt any order otherwise, a majority of the Board shall constitute a quorum to transact business, and no vacancy shall impair the right of the remaining members to exercise all of the powers of the Board. Every action approved by a majority of the members of the Board shall be deemed to be the action of the Board. The Board shall keep a complete and accurate record of all its meetings.

(b) The Board shall determine, define and implement the environmental control standards applicable in the State of Illinois and may adopt rules and regulations in accordance with Title VII of this Act.

(c) The Board shall have authority to act for the State in regard to the adoption of standards for submission to the United States under any federal law respecting environmental protection. Such standards shall be adopted in accordance with Title VII of the Act and upon adoption shall be forwarded to the Environmental Protection Agency for submission to the United States pursuant to subsections (l) and (m) of Section 4 of this Act. Nothing in this paragraph shall limit the discretion of the Governor to delegate authority granted to the Governor under any federal law.

(d) The Board shall have authority to conduct proceedings upon complaints charging violations of this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order; upon administrative citations; upon petitions for variances or adjusted standards; upon petitions for review of the Agency's final determinations on permit applications in accordance with Title X of this Act; upon petitions to remove seals under Section 34 of this Act; and upon

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other petitions for review of final determinations which are made pursuant to this Act or Board rule and which involve a subject which the Board is authorized to regulate. The Board may also conduct other proceedings as may be provided by this Act or any other statute or rule.

(e) In connection with any proceeding pursuant to subsection (b) or (d) of this Section, the Board may subpoena and compel the attendance of witnesses and the production of evidence reasonably necessary to resolution of the matter under consideration. The Board shall issue such subpoenas upon the request of any party to a proceeding under subsection (d) of this Section or upon its own motion.

(f) The Board may prescribe reasonable fees for permits required pursuant to this Act. Such fees in the aggregate may not exceed the total cost to the Agency for its inspection and permit systems. The Board may not prescribe any permit fees which are different in amount from those established by this Act.

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

(415 ILCS 5/29) (from Ch. 111 1/2, par. 1029)

Sec. 29. (a) Any person adversely affected or threatened by any rule or regulation of the Board may obtain a determination of the validity or application of such rule or regulation by petition for review under subsection (a) of Section 41 of this Act for judicial review of the Board's final order adopting the rule or regulation. For purposes of the 35-day appeal period of subsection (a) of Section 41, a person is deemed to have been served with the Board's final order on the date on which the rule or regulation becomes effective pursuant to the Illinois Administrative Procedure Act.

(b) Action by the Board in adopting any regulation for which judicial review could have been obtained under Section 41 of this Act shall not be subject to review regarding the regulation's validity or application in any subsequent proceeding under Title VIII, Title IX or Section 40 of this Act.

(Source: P.A. 85-1048.)

(415 ILCS 5/41) (from Ch. 111 1/2, par. 1041)

Sec. 41. Judicial review.

(a) Any party to a Board hearing, any person who filed a complaint on which a hearing was denied, any person who has been denied a variance or permit under this Act, any party adversely affected by a final order or determination of the Board, and any person who participated in the public comment process under subsection (8) of Section 39.5 of this

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Act may obtain judicial review, by filing a petition for review within 35 days from the date that a copy of the order or other final action sought to be reviewed was served upon the party affected by the order or other final Board action complained of, under the provisions of the Administrative Review Law, as amended and the rules adopted pursuant thereto, except that review shall be afforded directly in the Appellate Court for the District in which the cause of action arose and not in the Circuit Court. For purposes of this subsection (a), the date of service of the Board's final order is the date on which the party received a copy of the order from the Board. Review of any rule or regulation promulgated by the Board shall not be limited by this section but may also be had as provided in Section 29 of this Act.

(b) Any final order of the Board under this Act shall be based solely on the evidence in the record of the particular proceeding involved, and any such final order for permit appeals, enforcement actions and variance proceedings, shall be invalid if it is against the manifest weight of the evidence. Notwithstanding this subsection, the Board may include such conditions in granting a variance and may adopt such rules and regulations as the policies of this Act may require. If an objection is made to a variance condition, the board shall reconsider the condition within not more than 75 days from the date of the objection.

(c) No challenge to the validity of a Board order shall be made in any enforcement proceeding under Title XII of this Act as to any issue that could have been raised in a timely petition for review under this Section.

(d) If there is no final action by the Board within 120 days on a request for a variance which is subject to subsection (c) of Section 38 or a permit appeal which is subject to paragraph (a) (3) of Section 40 or paragraph (d) of Section 40.2 or Section 40.3, the petitioner shall be entitled to an Appellate Court order under this subsection. If a hearing is required under this Act and was not held by the Board, the Appellate Court shall order the Board to conduct such a hearing, and to make a decision within 90 days from the date of the order. If a hearing was held by the Board, or if a hearing is not required under this Act and was not held by the Board, the Appellate Court shall order the Board to make a decision within 90 days from the date of the order.

The Appellate Court shall retain jurisdiction during the pendency of any further action conducted by the Board under an order by the Appellate Court. The Appellate Court shall have jurisdiction to review all issues of law and fact presented upon appeal.
Sec. 42. Civil penalties.
(a) Except as provided in this Section, any person that violates any provision of this Act or any regulation adopted by the Board, or any permit or term or condition thereof, or that violates any order of the Board pursuant to this Act, shall be liable for a civil penalty of not to exceed $50,000 for the violation and an additional civil penalty of not to exceed $10,000 for each day during which the violation continues; such penalties may, upon order of the Board or a court of competent jurisdiction, be made payable to the Environmental Protection Trust Fund, to be used in accordance with the provisions of the Environmental Protection Trust Fund Act.

(b) Notwithstanding the provisions of subsection (a) of this Section:

(1) Any person that violates Section 12(f) of this Act or any NPDES permit or term or condition thereof, or any filing requirement, regulation or order relating to the NPDES permit program, shall be liable to a civil penalty of not to exceed $10,000 per day of violation.

(2) Any person that violates Section 12(g) of this Act or any UIC permit or term or condition thereof, or any filing requirement, regulation or order relating to the State UIC program for all wells, except Class II wells as defined by the Board under this Act, shall be liable to a civil penalty not to exceed $2,500 per day of violation; provided, however, that any person who commits such violations relating to the State UIC program for Class II wells, as defined by the Board under this Act, shall be liable to a civil penalty of not to exceed $10,000 for the violation and an additional civil penalty of not to exceed $1,000 for each day during which the violation continues.

(3) Any person that violates Sections 21(f), 21(g), 21(h) or 21(i) of this Act, or any RCRA permit or term or condition thereof, or any filing requirement, regulation or order relating to the State RCRA program, shall be liable to a civil penalty of not to exceed $25,000 per day of violation.

(4) In an administrative citation action under Section 31.1 of this Act, any person found to have violated any provision of subsection (o) of Section 21 of this Act shall pay a civil penalty of
$500 for each violation of each such provision, plus any hearing costs incurred by the Board and the Agency. Such penalties shall be made payable to the Environmental Protection Trust Fund, to be used in accordance with the provisions of the Environmental Protection Trust Fund Act; except that if a unit of local government issued the administrative citation, 50% of the civil penalty shall be payable to the unit of local government.

(4-5) In an administrative citation action under Section 31.1 of this Act, any person found to have violated any provision of subsection (p) of Section 21, Section 22.51, Section 22.51a, or subsection (k) of Section 55 of this Act shall pay a civil penalty of $1,500 for each violation of each such provision, plus any hearing costs incurred by the Board and the Agency, except that the civil penalty amount shall be $3,000 for each violation of any provision of subsection (p) of Section 21, Section 22.51, Section 22.51a, or subsection (k) of Section 55 that is the person's second or subsequent adjudication violation of that provision. The penalties shall be deposited into the Environmental Protection Trust Fund, to be used in accordance with the provisions of the Environmental Protection Trust Fund Act; except that if a unit of local government issued the administrative citation, 50% of the civil penalty shall be payable to the unit of local government.

(5) Any person who violates subsection 6 of Section 39.5 of this Act or any CAAPP permit, or term or condition thereof, or any fee or filing requirement, or any duty to allow or carry out inspection, entry or monitoring activities, or any regulation or order relating to the CAAPP shall be liable for a civil penalty not to exceed $10,000 per day of violation.

(6) Any owner or operator of a community water system that violates subsection (b) of Section 18.1 or subsection (a) of Section 25d-3 of this Act shall, for each day of violation, be liable for a civil penalty not to exceed $5 for each of the premises connected to the affected community water system.

(7) Any person who violates Section 52.5 of this Act shall be liable for a civil penalty of up to $1,000 for the first violation of that Section and a civil penalty of up to $2,500 for a second or subsequent violation of that Section.

(b.5) In lieu of the penalties set forth in subsections (a) and (b) of this Section, any person who fails to file, in a timely manner, toxic

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chemical release forms with the Agency pursuant to Section 25b-2 of this Act shall be liable for a civil penalty of $100 per day for each day the forms are late, not to exceed a maximum total penalty of $6,000. This daily penalty shall begin accruing on the thirty-first day after the date that the person receives the warning notice issued by the Agency pursuant to Section 25b-6 of this Act; and the penalty shall be paid to the Agency. The daily accrual of penalties shall cease as of January 1 of the following year. All penalties collected by the Agency pursuant to this subsection shall be deposited into the Environmental Protection Permit and Inspection Fund.

(c) Any person that violates this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order and causes the death of fish or aquatic life shall, in addition to the other penalties provided by this Act, be liable to pay to the State an additional sum for the reasonable value of the fish or aquatic life destroyed. Any money so recovered shall be placed in the Wildlife and Fish Fund in the State Treasury.

(d) The penalties provided for in this Section may be recovered in a civil action.

(e) The State's Attorney of the county in which the violation occurred, or the Attorney General, may, at the request of the Agency or on his own motion, institute a civil action for an injunction, prohibitory or mandatory, to restrain violations of this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order, or to require such other actions as may be necessary to address violations of this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order.

(f) The State's Attorney of the county in which the violation occurred, or the Attorney General, shall bring such actions in the name of the people of the State of Illinois. Without limiting any other authority which may exist for the awarding of attorney's fees and costs, the Board or a court of competent jurisdiction may award costs and reasonable attorney's fees, including the reasonable costs of expert witnesses and consultants, to the State's Attorney or the Attorney General in a case where he has prevailed against a person who has committed a willful, knowing or repeated violation of this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order.

Any funds collected under this subsection (f) in which the Attorney General has prevailed shall be deposited in the Hazardous Waste Fund created in Section 22.2 of this Act. Any funds collected under this subsection (f) in which the State's Attorney or the Attorney General has prevailed shall be deposited into the Environmental Protection Permit and Inspection Fund.
subsection (f) in which a State's Attorney has prevailed shall be retained by the county in which he serves.

(g) All final orders imposing civil penalties pursuant to this Section shall prescribe the time for payment of such penalties. If any such penalty is not paid within the time prescribed, interest on such penalty at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, shall be paid for the period from the date payment is due until the date payment is received. However, if the time for payment is stayed during the pendency of an appeal, interest shall not accrue during such stay.

(h) In determining the appropriate civil penalty to be imposed under subdivisions (a), (b)(1), (b)(2), (b)(3), or (b)(7) of this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;
6. whether the respondent voluntarily self-disclosed, in accordance with subsection (i) of this Section, the non-compliance to the Agency;
7. whether the respondent has agreed to undertake a "supplemental environmental project," which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform; and

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(8) whether the respondent has successfully completed a Compliance Commitment Agreement under subsection (a) of Section 31 of this Act to remedy the violations that are the subject of the complaint.

In determining the appropriate civil penalty to be imposed under subsection (a) or paragraph (1), (2), (3), (5), (6), or (7) of subsection (b) of this Section, the Board shall ensure, in all cases, that the penalty is at least as great as the economic benefits, if any, accrued by the respondent as a result of the violation, unless the Board finds that imposition of such penalty would result in an arbitrary or unreasonable financial hardship. However, such civil penalty may be off-set in whole or in part pursuant to a supplemental environmental project agreed to by the complainant and the respondent.

(i) A person who voluntarily self-discloses non-compliance to the Agency, of which the Agency had been unaware, is entitled to a 100% reduction in the portion of the penalty that is not based on the economic benefit of non-compliance if the person can establish the following:

(1) that the non-compliance was discovered through an environmental audit or a compliance management system documented by the regulated entity as reflecting the regulated entity's due diligence in preventing, detecting, and correcting violations;

(2) that the non-compliance was disclosed in writing within 30 days of the date on which the person discovered it;

(3) that the non-compliance was discovered and disclosed prior to:

   (i) the commencement of an Agency inspection, investigation, or request for information;
   (ii) notice of a citizen suit;
   (iii) the filing of a complaint by a citizen, the Illinois Attorney General, or the State's Attorney of the county in which the violation occurred;
   (iv) the reporting of the non-compliance by an employee of the person without that person's knowledge; or
   (v) imminent discovery of the non-compliance by the Agency;

(4) that the non-compliance is being corrected and any environmental harm is being remediated in a timely fashion;

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(5) that the person agrees to prevent a recurrence of the non-compliance;
(6) that no related non-compliance events have occurred in the past 3 years at the same facility or in the past 5 years as part of a pattern at multiple facilities owned or operated by the person;
(7) that the non-compliance did not result in serious actual harm or present an imminent and substantial endangerment to human health or the environment or violate the specific terms of any judicial or administrative order or consent agreement;
(8) that the person cooperates as reasonably requested by the Agency after the disclosure; and
(9) that the non-compliance was identified voluntarily and not through a monitoring, sampling, or auditing procedure that is required by statute, rule, permit, judicial or administrative order, or consent agreement.
If a person can establish all of the elements under this subsection except the element set forth in paragraph (1) of this subsection, the person is entitled to a 75% reduction in the portion of the penalty that is not based upon the economic benefit of non-compliance.

(j) In addition to any other remedy or penalty that may apply, whether civil or criminal, any person who violates Section 22.52 of this Act shall be liable for an additional civil penalty of up to 3 times the gross amount of any pecuniary gain resulting from the violation.

(k) In addition to any other remedy or penalty that may apply, whether civil or criminal, any person who violates subdivision (a)(7.6) of Section 31 of this Act shall be liable for an additional civil penalty of $2,000.
(Source: P.A. 97-519, eff. 8-23-11; 98-638, eff. 1-1-15.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly December 1, 2016.
Approved January 27, 2017.
Effective January 27, 2017.
AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Election Code is amended by changing Section 12-5 as follows:

(10 ILCS 5/12-5) (from Ch. 46, par. 12-5)
Sec. 12-5. Notice for public questions.

(a) Except as otherwise provided in subsection (b), for all elections held after July 1, 1999, notice of public questions shall be required only as set forth in this Section or as set forth in Section 17-3 or 19-3 of the School Code. Not more than 30 days nor less than 10 days before the date of a regular election at which a public question is to be submitted to the voters of a political or governmental subdivision, and at least 20 days before an emergency referendum, the election authority shall publish notice of the referendum. The notice shall be published once in a local, community newspaper having general circulation in the political or governmental subdivision. The notice shall also be given at least 10 days before the date of the election by posting a copy of the notice at the principal office of the election authority. The local election official shall also post a copy of the notice at the principal office of the political or governmental subdivision, or if there is no principal office at the building in which the governing body of the political or governmental subdivision held its first meeting of the calendar year in which the referendum is being held. The election authority and the political or governmental subdivision may, but are not required to, post the notice electronically on their World Wide Web pages. The notice, which shall appear over the name or title of the election authority, shall be substantially in the following form:

NOTICE IS HEREBY GIVEN that at the election to be held on (insert day of the week), (insert date of election), the following proposition will be submitted to the voters of (name of political or governmental subdivision): (insert the public question as it will appear on the ballot)

The polls at the election will be open at 6:00 o'clock A.M. and will continue to be open until 7:00 o'clock P.M. of that day.

Dated (date of notice)
(Name or title of the election authority)

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The notice shall also include any additional information required by the statute authorizing the public question. The notice may include an explanation, in neutral and plain language, of the question and its purposes supplied by the governing body of the political or governmental subdivision to whose voters the question is to be submitted. The notice shall set forth the precincts and polling places at which the referendum will be conducted only in the case of emergency referenda.

(b) Notice of any public question published in a local, community newspaper having general circulation in the political or governmental subdivision to which such public question relates more than 30 days but not more than 35 days prior to the general election held on November 8, 2016 that otherwise complies with the requirements of this Section is sufficient notice to satisfy the newspaper publication requirement of this Section, such notice shall for all purposes be deemed to have been given in accordance with this Section, any bonds approved by the voters at such election are hereby authorized to be issued in accordance with applicable law without further referendum approval and taxes to be levied pursuant to any limiting rate increases approved by the voters at such election are hereby authorized to be levied and extended without further referendum approval.

(Source: P.A. 92-6, eff. 6-7-01; 93-847, eff. 7-30-04.)

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

Approved February 17, 2017.
Effective February 17, 2017.

PUBLIC ACT 99-0936
(House Bill No. 0950)

AN ACT concerning liquor.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Liquor Control Act of 1934 is amended by changing Section 6-11 as follows:

(235 ILCS 5/6-11)
Sec. 6-11. Sale near churches, schools, and hospitals.
(a) No license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school other than an institution of

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higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children or any military or naval station, provided, that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where sale of alcoholic liquors is not the principal business carried on if the place of business so exempted is not located in a municipality of more than 500,000 persons, unless required by local ordinance; nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within 100 feet of any church or school where the church or school has been established within such 100 feet since the issuance of the original license. In the case of a church, the distance of 100 feet shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.

(b) Nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor to a restaurant, the primary business of which is the sale of goods baked on the premises if (i) the restaurant is newly constructed and located on a lot of not less than 10,000 square feet, (ii) the restaurant costs at least $1,000,000 to construct, (iii) the licensee is the titleholder to the premises and resides on the premises, and (iv) the construction of the restaurant is completed within 18 months of July 10, 1998 (the effective date of Public Act 90-617).

(c) Nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor incidental to a restaurant if (1) the primary business of the restaurant consists of the sale of food where the sale of liquor is incidental to the sale of food and the applicant is a completely new owner of the restaurant, (2) the immediately prior owner or operator of the premises where the restaurant is located operated the premises as a restaurant and held a valid retail license authorizing the sale of alcoholic liquor at the restaurant for at least part of the 24 months before the change of ownership, and (3) the restaurant is located 75 or more feet from a school.

(d) In the interest of further developing Illinois' economy in the area of commerce, tourism, convention, and banquet business, nothing in this Section shall prohibit issuance of a retail license authorizing the sale of alcoholic beverages to a restaurant, banquet facility, grocery store, or hotel having not fewer than 150 guest room accommodations located in a municipality of more than 500,000 persons, notwithstanding the proximity of such hotel, restaurant, banquet facility, or grocery store to any church or school, if the licensed premises described on the license are located within
an enclosed mall or building of a height of at least 6 stories, or 60 feet in
the case of a building that has been registered as a national landmark, or in
a grocery store having a minimum of 56,010 square feet of floor space in a
single story building in an open mall of at least 3.96 acres that is adjacent
to a public school that opened as a boys technical high school in 1934, or
in a grocery store having a minimum of 31,000 square feet of floor space
in a single story building located a distance of more than 90 feet but less
than 100 feet from a high school that opened in 1928 as a junior high
school and became a senior high school in 1933, and in each of these cases
if the sale of alcoholic liquors is not the principal business carried on by
the licensee.

For purposes of this Section, a "banquet facility" is any part of a
building that caters to private parties and where the sale of alcoholic
liquors is not the principal business.

(e) Nothing in this Section shall prohibit the issuance of a license
to a church or private school to sell at retail alcoholic liquor if any such
sales are limited to periods when groups are assembled on the premises
solely for the promotion of some common object other than the sale or
consumption of alcoholic liquors.

(f) Nothing in this Section shall prohibit a church or church
affiliated school located in a home rule municipality or in a municipality
with 75,000 or more inhabitants from locating within 100 feet of a
property for which there is a preexisting license to sell alcoholic liquor at
retail. In these instances, the local zoning authority may, by ordinance
adopted simultaneously with the granting of an initial special use zoning
permit for the church or church affiliated school, provide that the 100-foot
restriction in this Section shall not apply to that church or church affiliated
school and future retail liquor licenses.

(g) Nothing in this Section shall prohibit the issuance of a retail
license authorizing the sale of alcoholic liquor at premises within 100 feet,
but not less than 90 feet, of a public school if (1) the premises have been
continuously licensed to sell alcoholic liquor for a period of at least 50
years, (2) the premises are located in a municipality having a population of
over 500,000 inhabitants, (3) the licensee is an individual who is a
member of a family that has held the previous 3 licenses for that location
for more than 25 years, (4) the principal of the school and the alderman of
the ward in which the school is located have delivered a written statement
to the local liquor control commissioner stating that they do not object to
the issuance of a license under this subsection (g), and (5) the local liquor

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control commissioner has received the written consent of a majority of the registered voters who live within 200 feet of the premises.

(h) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within premises and at an outdoor patio area attached to premises that are located in a municipality with a population in excess of 300,000 inhabitants and that are within 100 feet of a church if:

(1) the sale of alcoholic liquor at the premises is incidental to the sale of food,
(2) the sale of liquor is not the principal business carried on by the licensee at the premises,
(3) the premises are less than 1,000 square feet,
(4) the premises are owned by the University of Illinois,
(5) the premises are immediately adjacent to property owned by a church and are not less than 20 nor more than 40 feet from the church space used for worship services, and
(6) the principal religious leader at the place of worship has indicated his or her support for the issuance of the license in writing.

(i) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license to sell alcoholic liquor at a premises that is located within a municipality with a population in excess of 300,000 inhabitants and is within 100 feet of a church, synagogue, or other place of worship if:

(1) the primary entrance of the premises and the primary entrance of the church, synagogue, or other place of worship are at least 100 feet apart, on parallel streets, and separated by an alley; and
(2) the principal religious leader at the place of worship has not indicated his or her opposition to the issuance or renewal of the license in writing.

(j) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor at a theater that is within 100 feet of a church if (1) the church owns the theater, (2) the church leases the theater to one or more entities, and (3) the theater is used by at least 5 different not-for-profit theater groups.

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(k) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and is within 100 feet of a school if:

1. the primary entrance of the premises and the primary entrance of the school are parallel, on different streets, and separated by an alley;
2. the southeast corner of the premises are at least 350 feet from the southwest corner of the school;
3. the school was built in 1978;
4. the sale of alcoholic liquor at the premises is incidental to the sale of food;
5. the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
6. the applicant is the owner of the restaurant and has held a valid license authorizing the sale of alcoholic liquor for the business to be conducted on the premises at a different location for more than 7 years; and
7. the premises is at least 2,300 square feet and sits on a lot that is between 6,100 and 6,150 square feet.

(l) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and is within 100 feet of a church or school if:

1. the primary entrance of the premises and the closest entrance of the church or school is at least 90 feet apart and no greater than 95 feet apart;
2. the shortest distance between the premises and the church or school is at least 80 feet apart and no greater than 85 feet apart;
3. the applicant is the owner of the restaurant and on November 15, 2006 held a valid license authorizing the sale of alcoholic liquor for the business to be conducted on the premises for at least 14 different locations;
4. the sale of alcoholic liquor at the premises is incidental to the sale of food;

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(5) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
(6) the premises is at least 3,200 square feet and sits on a lot that is between 7,150 and 7,200 square feet; and
(7) the principal religious leader at the place of worship has not indicated his or her opposition to the issuance or renewal of the license in writing.

(m) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and is within 100 feet of a church if:

   (1) the premises and the church are perpendicular, and the primary entrance of the premises faces South while the primary entrance of the church faces West and the distance between the two entrances is more than 100 feet;
   (2) the shortest distance between the premises lot line and the exterior wall of the church is at least 80 feet;
   (3) the church was established at the current location in 1916 and the present structure was erected in 1925;
   (4) the premises is a single story, single use building with at least 1,750 square feet and no more than 2,000 square feet;
   (5) the sale of alcoholic liquor at the premises is incidental to the sale of food;
   (6) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises; and
   (7) the principal religious leader at the place of worship has not indicated his or her opposition to the issuance or renewal of the license in writing.

(n) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and is within 100 feet of a school if:

   (1) the school is a City of Chicago School District 299 school;
   (2) the school is located within subarea E of City of Chicago Residential Business Planned Development Number 70;

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(3) the sale of alcoholic liquor is not the principal business
carried on by the licensee on the premises;
(4) the sale of alcoholic liquor at the premises is incidental
to the sale of food; and
(5) the administration of City of Chicago School District
299 has expressed, in writing, its support for the issuance of the
license.
(o) Notwithstanding any provision of this Section to the contrary,
nothing in this Section shall prohibit the issuance or renewal of a retail
license authorizing the sale of alcoholic liquor at a premises that is located
within a municipality in excess of 1,000,000 inhabitants and within 100
feet of a church if:
   (1) the sale of alcoholic liquor at the premises is incidental
to the sale of food;
   (2) the sale of alcoholic liquor is not the principal business
carried on by the licensee at the premises;
   (3) the premises is located on a street that runs
perpendicular to the street on which the church is located;
   (4) the primary entrance of the premises is at least 100 feet
from the primary entrance of the church;
   (5) the shortest distance between any part of the premises
and any part of the church is at least 60 feet;
   (6) the premises is between 3,600 and 4,000 square feet and
sits on a lot that is between 3,600 and 4,000 square feet; and
   (7) the premises was built in the year 1909.
For purposes of this subsection (o), "premises" means a place of
business together with a privately owned outdoor location that is adjacent
to the place of business.
(p) Notwithstanding any provision in this Section to the contrary,
nothing in this Section shall prohibit the issuance or renewal of a license
authorizing the sale of alcoholic liquor at a premises that is located within
a municipality with a population in excess of 1,000,000 inhabitants and
within 100 feet of a church if:
   (1) the shortest distance between the backdoor of the
premises, which is used as an emergency exit, and the church is at
least 80 feet;
   (2) the church was established at the current location in
1889; and
   (3) liquor has been sold on the premises since at least 1985.
(q) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within a premises that is located in a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church-owned property if:

(1) the premises is located within a larger building operated as a grocery store;
(2) the area of the premises does not exceed 720 square feet and the area of the larger building exceeds 18,000 square feet;
(3) the larger building containing the premises is within 100 feet of the nearest property line of a church-owned property on which a church-affiliated school is located;
(4) the sale of liquor is not the principal business carried on within the larger building;
(5) the primary entrance of the larger building and the premises and the primary entrance of the church-affiliated school are on different, parallel streets, and the distance between the 2 primary entrances is more than 100 feet;
(6) the larger building is separated from the church-owned property and church-affiliated school by an alley;
(7) the larger building containing the premises and the church building front are on perpendicular streets and are separated by a street; and
(8) (Blank).

(r) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance, renewal, or maintenance of a license authorizing the sale of alcoholic liquor incidental to the sale of food within a restaurant established in a premises that is located in a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the primary entrance of the church and the primary entrance of the restaurant are at least 100 feet apart;
(2) the restaurant has operated on the ground floor and lower level of a multi-story, multi-use building for more than 40 years;
(3) the primary business of the restaurant consists of the sale of food where the sale of liquor is incidental to the sale of food;

New matter indicated by italics - deletions by strikeout
(4) the sale of alcoholic liquor is conducted primarily in the below-grade level of the restaurant to which the only public access is by a staircase located inside the restaurant; and
(5) the restaurant has held a license authorizing the sale of alcoholic liquor on the premises for more than 40 years.

(s) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population more than 5,000 and less than 10,000 and is within 100 feet of a church if:
(1) the church was established at the location within 100 feet of the premises after a license for the sale of alcoholic liquor at the premises was first issued;
(2) a license for sale of alcoholic liquor at the premises was first issued before January 1, 2007; and
(3) a license for the sale of alcoholic liquor on the premises has been continuously in effect since January 1, 2007, except for interruptions between licenses of no more than 90 days.

(t) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor incidental to the sale of food within a restaurant that is established in a premises that is located in a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school and a church if:
(1) the restaurant is located inside a five-story building with over 16,800 square feet of commercial space;
(2) the area of the premises does not exceed 31,050 square feet;
(3) the area of the restaurant does not exceed 5,800 square feet;
(4) the building has no less than 78 condominium units;
(5) the construction of the building in which the restaurant is located was completed in 2006;
(6) the building has 10 storefront properties, 3 of which are used for the restaurant;
(7) the restaurant will open for business in 2010;
(8) the building is north of the school and separated by an alley; and

New matter indicated by italics - deletions by strikeout
(9) the principal religious leader of the church and either the alderman of the ward in which the school is located or the principal of the school have delivered a written statement to the local liquor control commissioner stating that he or she does not object to the issuance of a license under this subsection (t).

(u) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license to sell alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school if:

(1) the premises operates as a restaurant and has been in operation since February 2008;

(2) the applicant is the owner of the premises;

(3) the sale of alcoholic liquor is incidental to the sale of food;

(4) the sale of alcoholic liquor is not the principal business carried on by the licensee on the premises;

(5) the premises occupy the first floor of a 3-story building that is at least 90 years old;

(6) the rear lot of the school and the rear corner of the building that the premises occupy are separated by an alley;

(7) the distance from the southwest corner of the property line of the school and the northeast corner of the building that the premises occupy is at least 16 feet, 5 inches;

(8) the distance from the rear door of the premises to the southwest corner of the property line of the school is at least 93 feet;

(9) the school is a City of Chicago School District 299 school;

(10) the school's main structure was erected in 1902 and an addition was built to the main structure in 1959; and

(11) the principal of the school and the alderman in whose district the premises are located have expressed, in writing, their support for the issuance of the license.

(v) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and is within 100 feet of a school if:

New matter indicated by italics - deletions by strikeout
(1) the total land area of the premises for which the license or renewal is sought is more than 600,000 square feet;
(2) the premises for which the license or renewal is sought has more than 600 parking stalls;
(3) the total area of all buildings on the premises for which the license or renewal is sought exceeds 140,000 square feet;
(4) the property line of the premises for which the license or renewal is sought is separated from the property line of the school by a street;
(5) the distance from the school's property line to the property line of the premises for which the license or renewal is sought is at least 60 feet;
(6) as of June 14, 2011 (the effective date of Public Act 97-9), the premises for which the license or renewal is sought is located in the Illinois Medical District.

(w) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license to sell alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the sale of alcoholic liquor at the premises is incidental to the sale of food;
(2) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
(3) the premises occupy the first floor and basement of a 2-story building that is 106 years old;
(4) the premises is at least 7,000 square feet and located on a lot that is at least 11,000 square feet;
(5) the premises is located directly west of the church, on perpendicular streets, and separated by an alley;
(6) the distance between the property line of the premises and the property line of the church is at least 20 feet;
(7) the distance between the primary entrance of the premises and the primary entrance of the church is at least 130 feet; and

(8) the church has been at its location for at least 40 years.

(x) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within

New matter indicated by italics - deletions by strikeout
a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
(2) the church has been operating in its current location since 1973;
(3) the premises has been operating in its current location since 1988;
(4) the church and the premises are owned by the same parish;
(5) the premises is used for cultural and educational purposes;
(6) the primary entrance to the premises and the primary entrance to the church are located on the same street;
(7) the principal religious leader of the church has indicated his support of the issuance of the license;
(8) the premises is a 2-story building of approximately 23,000 square feet; and
(9) the premises houses a ballroom on its ground floor of approximately 5,000 square feet.

(y) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school if:

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
(2) the sale of alcoholic liquor at the premises is incidental to the sale of food;
(3) according to the municipality, the distance between the east property line of the premises and the west property line of the school is 97.8 feet;
(4) the school is a City of Chicago School District 299 school;
(5) the school has been operating since 1959;
(6) the primary entrance to the premises and the primary entrance to the school are located on the same street;
(7) the street on which the entrances of the premises and the school are located is a major diagonal thoroughfare;
(8) the premises is a single-story building of approximately 2,900 square feet; and
(9) the premises is used for commercial purposes only.

(z) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a mosque if:

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
(2) the licensee shall only sell packaged liquors at the premises;
(3) the licensee is a national retail chain having over 100 locations within the municipality;
(4) the licensee has over 8,000 locations nationwide;
(5) the licensee has locations in all 50 states;
(6) the premises is located in the North-East quadrant of the municipality;
(7) the premises is a free-standing building that has "drive-through" pharmacy service;
(8) the premises has approximately 14,490 square feet of retail space;
(9) the premises has approximately 799 square feet of pharmacy space;
(10) the premises is located on a major arterial street that runs east-west and accepts truck traffic; and
(11) the alderman of the ward in which the premises is located has expressed, in writing, his or her support for the issuance of the license.

(aa) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
(2) the licensee shall only sell packaged liquors at the premises;

New matter indicated by italics - deletions by strikeout
(3) the licensee is a national retail chain having over 100 locations within the municipality;
(4) the licensee has over 8,000 locations nationwide;
(5) the licensee has locations in all 50 states;
(6) the premises is located in the North-East quadrant of the municipality;
(7) the premises is located across the street from a national grocery chain outlet;
(8) the premises has approximately 16,148 square feet of retail space;
(9) the premises has approximately 992 square feet of pharmacy space;
(10) the premises is located on a major arterial street that runs north-south and accepts truck traffic; and
(11) the alderman of the ward in which the premises is located has expressed, in writing, his or her support for the issuance of the license.

(bb) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:
(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
(2) the sale of alcoholic liquor at the premises is incidental to the sale of food;
(3) the primary entrance to the premises and the primary entrance to the church are located on the same street;
(4) the premises is across the street from the church;
(5) the street on which the premises and the church are located is a major arterial street that runs east-west;
(6) the church is an elder-led and Bible-based Assyrian church;
(7) the premises and the church are both single-story buildings;
(8) the storefront directly west of the church is being used as a restaurant; and

New matter indicated by italics - deletions by strikeout
(9) the distance between the northern-most property line of the premises and the southern-most property line of the church is 65 feet.

(cc) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school if:

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
(2) the licensee shall only sell packaged liquors at the premises;
(3) the licensee is a national retail chain;
(4) as of October 25, 2011, the licensee has 1,767 stores operating nationwide, 87 stores operating in the State, and 10 stores operating within the municipality;
(5) the licensee shall occupy approximately 124,000 square feet of space in the basement and first and second floors of a building located across the street from a school;
(6) the school opened in August of 2009 and occupies approximately 67,000 square feet of space; and
(7) the building in which the premises shall be located has been listed on the National Register of Historic Places since April 17, 1970.

(dd) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within a full-service grocery store at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and is within 100 feet of a school if:

(1) the premises is constructed on land that was purchased from the municipality at a fair market price;
(2) the premises is constructed on land that was previously used as a parking facility for public safety employees;
(3) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
(4) the main entrance to the store is more than 100 feet from the main entrance to the school;
(5) the premises is to be new construction;
(6) the school is a private school;

New matter indicated by italics - deletions by strikeout
(7) the principal of the school has given written approval for the license;
(8) the alderman of the ward where the premises is located has given written approval of the issuance of the license;
(9) the grocery store level of the premises is between 60,000 and 70,000 square feet; and
(10) the owner and operator of the grocery store operates 2 other grocery stores that have alcoholic liquor licenses within the same municipality.

(ee) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within a full-service grocery store at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and is within 100 feet of a school if:
(1) the premises is constructed on land that once contained an industrial steel facility;
(2) the premises is located on land that has undergone environmental remediation;
(3) the premises is located within a retail complex containing retail stores where some of the stores sell alcoholic beverages;
(4) the principal activity of any restaurant in the retail complex is the sale of food, and the sale of alcoholic liquor is incidental to the sale of food;
(5) the sale of alcoholic liquor is not the principal business carried on by the grocery store;
(6) the entrance to any business that sells alcoholic liquor is more than 100 feet from the entrance to the school;
(7) the alderman of the ward where the premises is located has given written approval of the issuance of the license; and
(8) the principal of the school has given written consent to the issuance of the license.

(ff) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school if:
(1) the sale of alcoholic liquor is not the principal business carried on at the premises;
(2) the sale of alcoholic liquor at the premises is incidental to the operation of a theater;

(3) the premises is a one and one-half-story building of approximately 10,000 square feet;

(4) the school is a City of Chicago School District 299 school;

(5) the primary entrance of the premises and the primary entrance of the school are at least 300 feet apart and no more than 400 feet apart;

(6) the alderman of the ward in which the premises is located has expressed, in writing, his support for the issuance of the license; and

(7) the principal of the school has expressed, in writing, that there is no objection to the issuance of a license under this subsection (ff).

(gg) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor incidental to the sale of food within a restaurant or banquet facility established in a premises that is located in a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

(2) the property on which the church is located and the property on which the premises are located are both within a district originally listed on the National Register of Historic Places on February 14, 1979;

(3) the property on which the premises are located contains one or more multi-story buildings that are at least 95 years old and have no more than three stories;

(4) the building in which the church is located is at least 120 years old;

(5) the property on which the church is located is immediately adjacent to and west of the property on which the premises are located;

(6) the western boundary of the property on which the premises are located is no less than 118 feet in length and no more than 122 feet in length;

New matter indicated by italics - deletions by strikeout
as of December 31, 2012, both the church property and the property on which the premises are located are within 250 feet of City of Chicago Business-Residential Planned Development Number 38;

(8) the principal religious leader at the place of worship has indicated his or her support for the issuance of the license in writing; and

(9) the alderman in whose district the premises are located has expressed his or her support for the issuance of the license in writing.

For the purposes of this subsection, "banquet facility" means the part of the building that is located on the floor above a restaurant and caters to private parties and where the sale of alcoholic liquors is not the principal business.

(hh) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within a hotel and at an outdoor patio area attached to the hotel that are located in a municipality with a population in excess of 1,000,000 inhabitants and that are within 100 feet of a hospital if:

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the hotel;

(2) the hotel is located within the City of Chicago Business Planned Development Number 468; and

(3) the hospital is located within the City of Chicago Institutional Planned Development Number 3.

(ii) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within a restaurant and at an outdoor patio area attached to the restaurant that are located in a municipality with a population in excess of 1,000,000 inhabitants and that are within 100 feet of a church if:

(1) the sale of alcoholic liquor at the premises is not the principal business carried on by the licensee and is incidental to the sale of food;

(2) the restaurant has been operated on the street level of a 2-story building located on a corner lot since 2008;

(3) the restaurant is between 3,700 and 4,000 square feet and sits on a lot that is no more than 6,200 square feet;

New matter indicated by italics - deletions by strikeout
(4) the primary entrance to the restaurant and the primary entrance to the church are located on the same street;
(5) the street on which the restaurant and the church are located is a major east-west street;
(6) the restaurant and the church are separated by a one-way northbound street;
(7) the church is located to the west of and no more than 65 feet from the restaurant; and
(8) the principal religious leader at the place of worship has indicated his or her consent to the issuance of the license in writing.

(jj) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
(2) the sale of alcoholic liquor is incidental to the sale of food;
(3) the premises are located east of the church, on perpendicular streets, and separated by an alley;
(4) the distance between the primary entrance of the premises and the primary entrance of the church is at least 175 feet;
(5) the distance between the property line of the premises and the property line of the church is at least 40 feet;
(6) the licensee has been operating at the premises since 2012;
(7) the church was constructed in 1904;
(8) the alderman of the ward in which the premises is located has expressed, in writing, his or her support for the issuance of the license; and
(9) the principal religious leader of the church has delivered a written statement that he or she does not object to the issuance of a license under this subsection (jj).

(kk) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within

New matter indicated by italics - deletions by strikeout
a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school if:

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
(2) the licensee shall only sell packaged liquors on the premises;
(3) the licensee is a national retail chain;
(4) as of February 27, 2013, the licensee had 1,778 stores operating nationwide, 89 operating in this State, and 11 stores operating within the municipality;
(5) the licensee shall occupy approximately 169,048 square feet of space within a building that is located across the street from a tuition-based preschool; and
(6) the alderman of the ward in which the premises is located has expressed, in writing, his or her support for the issuance of the license.

(ii) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school if:

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
(2) the licensee shall only sell packaged liquors on the premises;
(3) the licensee is a national retail chain;
(4) as of February 27, 2013, the licensee had 1,778 stores operating nationwide, 89 operating in this State, and 11 stores operating within the municipality;
(5) the licensee shall occupy approximately 191,535 square feet of space within a building that is located across the street from an elementary school; and
(6) the alderman of the ward in which the premises is located has expressed, in writing, his or her support for the issuance of the license.

(mm) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within premises and at an outdoor patio or sidewalk cafe, or both, attached to premises that are...
located in a municipality with a population in excess of 1,000,000 inhabitants and that are within 100 feet of a hospital if:

(1) the primary business of the restaurant consists of the sale of food where the sale of liquor is incidental to the sale of food;

(2) as a restaurant, the premises may or may not offer catering as an incidental part of food service;

(3) the primary business of the restaurant is conducted in space owned by a hospital or an entity owned or controlled by, under common control with, or that controls a hospital, and the chief hospital administrator has expressed his or her support for the issuance of the license in writing; and

(4) the hospital is an adult acute care facility primarily located within the City of Chicago Institutional Planned Development Number 3.

(nn) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the sale of alcoholic liquor is not the principal business carried out on the premises;

(2) the sale of alcoholic liquor at the premises is incidental to the operation of a theater;

(3) the premises are a building that was constructed in 1913 and opened on May 24, 1915 as a vaudeville theater, and the premises were converted to a motion picture theater in 1935;

(4) the church was constructed in 1889 with a stone exterior;

(5) the primary entrance of the premises and the primary entrance of the church are at least 100 feet apart; and

(6) the principal religious leader at the place of worship has indicated his or her consent to the issuance of the license in writing; and

(7) the alderman in whose ward the premises are located has expressed his or her support for the issuance of the license in writing.

(oo) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license

New matter indicated by italics - deletions by strikeout
authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a mosque, church, or other place of worship if:

(1) the primary entrance of the premises and the primary entrance of the mosque, church, or other place of worship are perpendicular and are on different streets;
(2) the primary entrance to the premises faces West and the primary entrance to the mosque, church, or other place of worship faces South;
(3) the distance between the 2 primary entrances is at least 100 feet;
(4) the mosque, church, or other place of worship was established in a location within 100 feet of the premises after a license for the sale of alcohol at the premises was first issued;
(5) the mosque, church, or other place of worship was established on or around January 1, 2011;
(6) a license for the sale of alcohol at the premises was first issued on or before January 1, 1985;
(7) a license for the sale of alcohol at the premises has been continuously in effect since January 1, 1985, except for interruptions between licenses of no more than 90 days; and
(8) the premises are a single-story, single-use building of at least 3,000 square feet and no more than 3,380 square feet.

Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor incidental to the sale of food within a restaurant or banquet facility established on premises that are located in a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of at least one church if:

(1) the sale of liquor shall not be the principal business carried on by the licensee at the premises;
(2) the premises are at least 2,000 square feet and no more than 10,000 square feet and is located in a single-story building;
(3) the property on which the premises are located is within an area that, as of 2009, was designated as a Renewal Community by the United States Department of Housing and Urban Development;
(4) the property on which the premises are located and the properties on which the churches are located are on the same street;

New matter indicated by italics - deletions by strikeout
(5) the property on which the premises are located is immediately adjacent to and east of the property on which at least one of the churches is located;
(6) the property on which the premises are located is across the street and southwest of the property on which another church is located;
(7) the principal religious leaders of the churches have indicated their support for the issuance of the license in writing; and
(8) the alderman in whose ward the premises are located has expressed his or her support for the issuance of the license in writing.

For purposes of this subsection (pp), "banquet facility" means the part of the building that caters to private parties and where the sale of alcoholic liquors is not the principal business.

(qq) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor on premises that are located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church or school if:
(1) the primary entrance of the premises and the closest entrance of the church or school are at least 200 feet apart and no greater than 300 feet apart;
(2) the shortest distance between the premises and the church or school is at least 66 feet apart and no greater than 81 feet apart;
(3) the premises are a single-story, steel-framed commercial building with at least 18,042 square feet, and was constructed in 1925 and 1997;
(4) the owner of the business operated within the premises has been the general manager of a similar supermarket within one mile from the premises, which has had a valid license authorizing the sale of alcoholic liquor since 2002, and is in good standing with the City of Chicago;
(5) the principal religious leader at the place of worship has indicated his or her support to the issuance or renewal of the license in writing;
(6) the alderman of the ward has indicated his or her support to the issuance or renewal of the license in writing; and

New matter indicated by italics - deletions by strikeout
(7) the principal of the school has indicated his or her support to the issuance or renewal of the license in writing.

(rr) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a club that leases space to a school if:

(1) the sale of alcoholic liquor is not the principal business carried out on the premises;
(2) the sale of alcoholic liquor at the premises is incidental to the operation of a grocery store;
(3) the premises are a building of approximately 1,750 square feet and is rented by the owners of the grocery store from a family member;
(4) the property line of the premises is approximately 68 feet from the property line of the club;
(5) the primary entrance of the premises and the primary entrance of the club where the school leases space are at least 100 feet apart;
(6) the director of the club renting space to the school has indicated his or her consent to the issuance of the license in writing; and
(7) the alderman in whose district the premises are located has expressed his or her support for the issuance of the license in writing.

(ss) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the premises are located within a 15 unit building with 13 residential apartments and 2 commercial spaces, and the licensee will occupy both commercial spaces;
(2) a restaurant has been operated on the premises since June 2011;
(3) the restaurant currently occupies 1,075 square feet, but will be expanding to include 975 additional square feet;
(4) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

New matter indicated by italics - deletions by strikeout
(5) the premises are located south of the church and are separated by a one-way westbound street;
(6) the primary entrance of the premises is at least 93 feet from the primary entrance of the church;
(7) the shortest distance between any part of the premises and any part of the church is at least 72 feet;
(8) the building in which the restaurant is located was built in 1910;
(9) the alderman of the ward in which the premises are located has expressed, in writing, his or her support for the issuance of the license; and
(10) the principal religious leader of the church has delivered a written statement that he or she does not object to the issuance of a license under this subsection (ss).

(tt) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:
(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
(2) the sale of alcoholic liquor is incidental to the sale of food;
(3) the sale of alcoholic liquor at the premises was previously authorized by a package goods liquor license;
(4) the premises are at least 40,000 square feet with 25 parking spaces in the contiguous surface lot to the north of the store and 93 parking spaces on the roof;
(5) the shortest distance between the lot line of the parking lot of the premises and the exterior wall of the church is at least 80 feet;
(6) the distance between the building in which the church is located and the building in which the premises are located is at least 180 feet;
(7) the main entrance to the church faces west and is at least 257 feet from the main entrance of the premises; and
(8) the applicant is the owner of 10 similar grocery stores within the City of Chicago and the surrounding area and has been in business for more than 30 years.

New matter indicated by italics - deletions by strikeout
(uu) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

1. the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
2. the sale of alcoholic liquor is incidental to the operation of a grocery store;
3. the premises are located in a building that is approximately 68,000 square feet with 157 parking spaces on property that was previously vacant land;
4. the main entrance to the church faces west and is at least 500 feet from the entrance of the premises, which faces north;
5. the church and the premises are separated by an alley;
6. the applicant is the owner of 9 similar grocery stores in the City of Chicago and the surrounding area and has been in business for more than 40 years; and
7. the alderman of the ward in which the premises are located has expressed, in writing, his or her support for the issuance of the license.

(vv) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

1. the sale of alcoholic liquor is the principal business carried on by the licensee at the premises;
2. the sale of alcoholic liquor is primary to the sale of food;
3. the premises are located south of the church and on perpendicular streets and are separated by a driveway;
4. the primary entrance of the premises is at least 100 feet from the primary entrance of the church;
5. the shortest distance between any part of the premises and any part of the church is at least 15 feet;
6. the premises are less than 100 feet from the church center, but greater than 100 feet from the area within the building where church services are held;

New matter indicated by italics - deletions by strikeout
(7) the premises are 25,830 square feet and sit on a lot that is 0.48 acres;
(8) the premises were once designated as a Korean American Presbyterian Church and were once used as a Masonic Temple;
(9) the premises were built in 1910;
(10) the alderman of the ward in which the premises are located has expressed, in writing, his or her support for the issuance of the license; and
(11) the principal religious leader of the church has delivered a written statement that he or she does not object to the issuance of a license under this subsection (vv).

For the purposes of this subsection (vv), "premises" means a place of business together with a privately owned outdoor location that is adjacent to the place of business.

(ww) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school if:

(1) the school is located within Sub Area III of City of Chicago Residential-Business Planned Development Number 523, as amended; and

(2) the premises are located within Sub Area I, Sub Area II, or Sub Area IV of City of Chicago Residential-Business Planned Development Number 523, as amended.

(xx) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the sale of wine or wine-related products is the exclusive business carried on by the licensee at the premises;
(2) the primary entrance of the premises and the primary entrance of the church are at least 100 feet apart and are located on different streets;
(3) the building in which the premises are located and the building in which the church is located are separated by an alley;

New matter indicated by italics - deletions by strikeout
(4) the premises consists of less than 2,000 square feet of floor area dedicated to the sale of wine or wine-related products;

(5) the premises are located on the first floor of a 2-story building that is at least 99 years old and has a residential unit on the second floor; and

(6) the principal religious leader at the church has indicated his or her support for the issuance or renewal of the license in writing.

(yy) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the premises are a 27-story hotel containing 191 guest rooms;

(2) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises and is limited to a restaurant located on the first floor of the hotel;

(3) the hotel is adjacent to the church;

(4) the site is zoned as DX-16;

(5) the principal religious leader of the church has delivered a written statement that he or she does not object to the issuance of a license under this subsection (yy); and

(6) the alderman of the ward in which the premises are located has expressed, in writing, his or her support for the issuance of the license.

(zz) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the premises are a 15-story hotel containing 143 guest rooms;

(2) the premises are approximately 85,691 square feet;

(3) a restaurant is operated on the premises;

(4) the restaurant is located in the first floor lobby of the hotel;

(5) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

New matter indicated by italics - deletions by strikeout
(6) the hotel is located approximately 50 feet from the church and is separated from the church by a public street on the ground level and by air space on the upper level, which is where the public entrances are located;

(7) the site is zoned as DX-16;

(8) the principal religious leader of the church has delivered a written statement that he or she does not object to the issuance of a license under this subsection (zz); and

(9) the alderman of the ward in which the premises are located has expressed, in writing, his or her support for the issuance of the license.

(aaa) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within a full-service grocery store at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school if:

(1) the sale of alcoholic liquor is not the primary business activity of the grocery store;

(2) the premises are newly constructed on land that was formerly used by the Young Men's Christian Association;

(3) the grocery store is located within a planned development that was approved by the municipality in 2007;

(4) the premises are located in a multi-building, mixed-use complex;

(5) the entrance to the grocery store is located more than 200 feet from the entrance to the school;

(6) the entrance to the grocery store is located across the street from the back of the school building, which is not used for student or public access;

(7) the grocery store executed a binding lease for the property in 2008;

(8) the premises consist of 2 levels and occupy more than 80,000 square feet;

(9) the owner and operator of the grocery store operates at least 10 other grocery stores that have alcoholic liquor licenses within the same municipality; and

(10) the director of the school has expressed, in writing, his or her support for the issuance of the license.

New matter indicated by italics - deletions by strikeout
(bbb) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

1. the sale of alcoholic liquor at the premises is incidental to the sale of food;
2. the premises are located in a single-story building of primarily brick construction containing at least 6 commercial units constructed before 1940;
3. the premises are located in a B3-2 zoning district;
4. the premises are less than 4,000 square feet;
5. the church established its congregation in 1891 and completed construction of the church building in 1990;
6. the premises are located south of the church;
7. the premises and church are located on the same street and are separated by a one-way westbound street; and
8. the principal religious leader of the church has not indicated his or her opposition to the issuance or renewal of the license in writing.

(ccc) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within a full-service grocery store at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church and school if:

1. as of March 14, 2007, the premises are located in a City of Chicago Residential-Business Planned Development No. 1052;
2. the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
3. the sale of alcoholic liquor is incidental to the operation of a grocery store and comprises no more than 10% of the total in-store sales;
4. the owner and operator of the grocery store operates at least 10 other grocery stores that have alcoholic liquor licenses within the same municipality;
5. the premises are new construction when the license is first issued;
6. the constructed premises are to be no less than 50,000 square feet;

New matter indicated by italics - deletions by strikeout
(7) the school is a private church-affiliated school;
(8) the premises and the property containing the church and church-affiliated school are located on perpendicular streets and the school and church are adjacent to one another;
(9) the pastor of the church and school has expressed, in writing, support for the issuance of the license; and
(10) the alderman of the ward in which the premises are located has expressed, in writing, his or her support for the issuance of the license.

(ddd) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church or school if:

(1) the business has been issued a license from the municipality to allow the business to operate a theater on the premises;
(2) the theater has less than 200 seats;
(3) the premises are approximately 2,700 to 3,100 square feet of space;
(4) the premises are located to the north of the church;
(5) the primary entrance of the premises and the primary entrance of any church within 100 feet of the premises are located either on a different street or across a right-of-way from the premises;
(6) the primary entrance of the premises and the primary entrance of any school within 100 feet of the premises are located either on a different street or across a right-of-way from the premises;
(7) the premises are located in a building that is at least 100 years old; and
(8) any church or school located within 100 feet of the premises has indicated its support for the issuance or renewal of the license to the premises in writing.

(eee) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church and school if:

New matter indicated by italics - deletions by strikeout
(1) the sale of alcoholic liquor is incidental to the sale of food;
(2) the sale of alcoholic liquor is not the principal business carried on by the applicant on the premises;
(3) a family-owned restaurant has operated on the premises since 1957;
(4) the premises occupy the first floor of a 3-story building that is at least 90 years old;
(5) the distance between the property line of the premises and the property line of the church is at least 20 feet;
(6) the church was established at its current location and the present structure was erected before 1900;
(7) the primary entrance of the premises is at least 75 feet from the primary entrance of the church;
(8) the school is affiliated with the church;
(9) the principal religious leader at the place of worship has indicated his or her support for the issuance of the license in writing;
(10) the principal of the school has indicated in writing that he or she is not opposed to the issuance of the license; and
(11) the alderman of the ward in which the premises are located has expressed, in writing, his or her lack of an objection to the issuance of the license.

Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:
(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
(2) the sale of alcoholic liquor at the premises is incidental to the operation of a grocery store;
(3) the premises are a one-story building containing approximately 10,000 square feet and are rented by the owners of the grocery store;
(4) the sale of alcoholic liquor at the premises occurs in a retail area of the grocery store that is approximately 3,500 square feet;

New matter indicated by italics - deletions by strikeout
(5) the grocery store has operated at the location since 1984;
(6) the grocery store is closed on Sundays;
(7) the property on which the premises are located is a corner lot that is bound by 3 streets and an alley, where one street is a one-way street that runs north-south, one street runs east-west, and one street runs northwest-southeast;
(8) the property line of the premises is approximately 16 feet from the property line of the building where the church is located;
(9) the premises are separated from the building containing the church by a public alley;
(10) the primary entrance of the premises and the primary entrance of the church are at least 100 feet apart;
(11) representatives of the church have delivered a written statement that the church does not object to the issuance of a license under this subsection (fff); and
(12) the alderman of the ward in which the grocery store is located has expressed, in writing, his or her support for the issuance of the license.

(ggg) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of licenses authorizing the sale of alcoholic liquor within a restaurant or lobby coffee house at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church and school if:

(1) a residential retirement home formerly operated on the premises and the premises are being converted into a new apartment living complex containing studio and one-bedroom apartments with ground floor retail space;
(2) the restaurant and lobby coffee house are located within a Community Shopping District within the municipality;
(3) the premises are located in a single-building, mixed-use complex that, in addition to the restaurant and lobby coffee house, contains apartment residences, a fitness center for the residents of the apartment building, a lobby designed as a social center for the residents, a rooftop deck, and a patio with a dog run for the exclusive use of the residents;

New matter indicated by italics - deletions by strikeout
(4) the sale of alcoholic liquor is not the primary business activity of the apartment complex, restaurant, or lobby coffee house;

(5) the entrance to the apartment residence is more than 310 feet from the entrance to the school and church;

(6) the entrance to the apartment residence is located at the end of the block around the corner from the south side of the school building;

(7) the school is affiliated with the church;

(8) the pastor of the parish, principal of the school, and the titleholder to the church and school have given written consent to the issuance of the license;

(9) the alderman of the ward in which the premises are located has given written consent to the issuance of the license; and

(10) the neighborhood block club has given written consent to the issuance of the license.

Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license to sell alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a home for indigent persons or a church if:

(1) a restaurant operates on the premises and has been in operation since January of 2014;

(2) the sale of alcoholic liquor is incidental to the sale of food;

(3) the sale of alcoholic liquor is not the principal business carried on by the licensee on the premises;

(4) the premises occupy the first floor of a 3-story building that is at least 100 years old;

(5) the primary entrance to the premises is more than 100 feet from the primary entrance to the home for indigent persons, which opened in 1989 and is operated to address homelessness and provide shelter;

(6) the primary entrance to the premises and the primary entrance to the home for indigent persons are located on different streets;

(7) the executive director of the home for indigent persons has given written consent to the issuance of the license;

New matter indicated by italics - deletions by strikeout
(8) the entrance to the premises is located within 100 feet of a Buddhist temple;
(9) the entrance to the premises is more than 100 feet from where any worship or educational programming is conducted by the Buddhist temple and is located in an area used only for other purposes; and
(10) the president and the board of directors of the Buddhist temple have given written consent to the issuance of the license.

(iii) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality in excess of 1,000,000 inhabitants and within 100 feet of a home for the aged if:

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee on the premises;
(2) the sale of alcoholic liquor at the premises is incidental to the operation of a restaurant;
(3) the premises are on the ground floor of a multi-floor, university-affiliated housing facility;
(4) the premises occupy 1,916 square feet of space, with the total square footage from which liquor will be sold, served, and consumed to be 900 square feet;
(5) the premises are separated from the home for the aged by an alley;
(6) the primary entrance to the premises and the primary entrance to the home for the aged are at least 500 feet apart and located on different streets;
(7) representatives of the home for the aged have expressed, in writing, that the home does not object to the issuance of a license under this subsection; and
(8) the alderman of the ward in which the restaurant is located has expressed, in writing, his or her support for the issuance of the license.

(jjj) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school if:

New matter indicated by italics - deletions by strikeout
(1) as of January 1, 2016, the premises were used for the sale of alcoholic liquor for consumption on the premises and were authorized to do so pursuant to a retail tavern license held by an individual as the sole proprietor of the premises; 

(2) the primary entrance to the school and the primary entrance to the premises are on the same street; 

(3) the school was founded in 1949; 

(4) the building in which the premises are situated was constructed before 1930; 

(5) the building in which the premises are situated is immediately across the street from the school; and 

(6) the school has not indicated its opposition to the issuance or renewal of the license in writing.

(Blank) (Blank).

(III) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a synagogue or school if:

(1) the sale of alcoholic liquor at the premises is incidental to the sale of food; 

(2) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises; 

(3) the premises are located on the same street on which the synagogue or school is located; 

(4) the primary entrance to the premises and the closest entrance to the synagogue or school is at least 100 feet apart; 

(5) the shortest distance between the premises and the synagogue or school is at least 65 feet apart and no greater than 70 feet apart; 

(6) the premises are between 1,800 and 2,000 square feet; 

(7) the synagogue was founded in 1861; and 

(8) the leader of the synagogue has indicated, in writing, the synagogue's support for the issuance or renewal of the license.

(Blank) (Blank) (Blank) (Blank).

Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of licenses authorizing the sale of alcoholic liquor within a restaurant or lobby coffee house at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a synagogue or school if:

(1) the sale of alcoholic liquor at the premises is incidental to the sale of food; 

(2) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises; 

(3) the premises are located on the same street on which the synagogue or school is located; 

(4) the primary entrance to the premises and the closest entrance to the synagogue or school is at least 100 feet apart; 

(5) the shortest distance between the premises and the synagogue or school is at least 65 feet apart and no greater than 70 feet apart; 

(6) the premises are between 1,800 and 2,000 square feet; 

(7) the synagogue was founded in 1861; and 

(8) the leader of the synagogue has indicated, in writing, the synagogue's support for the issuance or renewal of the license.

Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of licenses authorizing the sale of alcoholic liquor within a restaurant or lobby coffee house at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a synagogue or school if:

(1) the sale of alcoholic liquor at the premises is incidental to the sale of food; 

(2) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises; 

(3) the premises are located on the same street on which the synagogue or school is located; 

(4) the primary entrance to the premises and the closest entrance to the synagogue or school is at least 100 feet apart; 

(5) the shortest distance between the premises and the synagogue or school is at least 65 feet apart and no greater than 70 feet apart; 

(6) the premises are between 1,800 and 2,000 square feet; 

(7) the synagogue was founded in 1861; and 

(8) the leader of the synagogue has indicated, in writing, the synagogue's support for the issuance or renewal of the license.
population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
(2) the sale of alcoholic liquor at the premises is incidental to the sale of food in a restaurant;
(3) the restaurant has been run by the same family for at least 19 consecutive years;
(4) the premises are located in a 3-story building in the most easterly part of the first floor;
(5) the building in which the premises are located has residential housing on the second and third floors;
(6) the primary entrance to the premises is on a north-south street around the corner and across an alley from the primary entrance to the church, which is on an east-west street;
(7) the primary entrance to the church and the primary entrance to the premises are more than 160 feet apart; and
(8) the church has expressed, in writing, its support for the issuance of a license under this subsection.

(nn) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of licenses authorizing the sale of alcoholic liquor within a restaurant or lobby coffee house at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school and church or synagogue if:

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
(2) the sale of alcoholic liquor at the premises is incidental to the sale of food in a restaurant;
(3) the front door of the synagogue faces east on the next north-south street east of and parallel to the north-south street on which the restaurant is located where the restaurant's front door faces west;
(4) the closest exterior pedestrian entrance that leads to the school or the synagogue is across an east-west street and at least 300 feet from the primary entrance to the restaurant;
(5) the nearest church-related or school-related building is a community center building;

New matter indicated by italics - deletions by strikeout
(6) the restaurant is on the ground floor of a 3-story building constructed in 1896 with a brick façade;

(7) the restaurant shares the ground floor with a theater, and the second and third floors of the building in which the restaurant is located consists of residential housing;

(8) the leader of the synagogue and school has expressed, in writing, that the synagogue does not object to the issuance of a license under this subsection; and

(9) the alderman of the ward in which the premises is located has expressed, in writing, his or her support for the issuance of the license.

(ooo) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 2,000 but less than 5,000 inhabitants in a county with a population in excess of 3,000,000 and within 100 feet of a home for the aged if:

(1) as of March 1, 2016, the premises were used to sell alcohol pursuant to a retail tavern and packaged goods license issued by the municipality and held by a limited liability company as the proprietor of the premises;

(2) the home for the aged was completed in 2015;

(3) the home for the aged is a 5-story structure;

(4) the building in which the premises are situated is directly adjacent to the home for the aged;

(5) the building in which the premises are situated was constructed before 1950;

(6) the home for the aged has not indicated its opposition to the issuance or renewal of the license; and

(7) the president of the municipality has expressed in writing that he or she does not object to the issuance or renewal of the license.

(ppp) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church or churches if:

(1) the shortest distance between the premises and a church is at least 78 feet apart and no greater than 95 feet apart;

New matter indicated by italics - deletions by strikeout
(2) the premises are a single-story, brick commercial building and at least 5,067 square feet and were constructed in 1922;

(3) the premises are located in a B3-2 zoning district;

(4) the premises are separated from the buildings containing the churches by a street;

(5) the previous owners of the business located on the premises held a liquor license for at least 10 years;

(6) the new owner of the business located on the premises has managed 2 other food and liquor stores since 1997;

(7) the principal religious leaders at the places of worship have indicated their support for the issuance or renewal of the license in writing; and

(8) the alderman of the ward in which the premises are located has indicated his or her support for the issuance or renewal of the license in writing.

(qqq) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the sale of alcoholic liquor at the premises is incidental to the sale of food;

(2) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

(3) the premises are located on the opposite side of the same street on which the church is located;

(4) the church is located on a corner lot;

(5) the shortest distance between the premises and the church is at least 90 feet apart and no greater than 95 feet apart;

(6) the premises are between 4,350 and 5,000 square feet;

(7) the church's original chapel was built in 1858;

and

(8) the church's first congregation was organized in 1860;

(9) the leaders of the church and the alderman of the ward in which the premises are located has expressed, in writing, their support for the issuance of the license.

(rrr) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license

New matter indicated by italics - deletions by strikeout
authorizing the sale of alcoholic liquor at a restaurant or banquet facility established within premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church or school if:

(1) the sale of alcoholic liquor at the premises is incidental to the sale of food;
(2) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
(3) the immediately prior owner or the operator of the restaurant or banquet facility held a valid retail license authorizing the sale of alcoholic liquor at the premises for at least part of the 24 months before a change of ownership;
(4) the premises are located immediately east and across the street from an elementary school;
(5) the premises and elementary school are part of an approximately 100-acre campus owned by the church;
(6) the school opened in 1999 and was named after the founder of the church; and
(7) the alderman of the ward in which the premises are located has expressed, in writing, his or her support for the issuance of the license.

(Source: P.A. 98-274, eff. 8-9-13; 98-463, eff. 8-16-13; 98-571, eff. 8-27-13; 98-592, eff. 11-15-13; 98-1092, eff. 8-26-14; 98-1158, eff. 1-9-15; 99-46, eff. 7-15-15; 99-47, eff. 7-15-15; 99-477, eff. 8-27-15; 99-484, eff. 10-30-15; 99-558, eff. 7-15-16; 99-642, eff. 7-28-16; revised 10-27-16.)
Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly November 30, 2016.
Approved February 24, 2017.
Effective February 24, 2017.

PUBLIC ACT 99-0937
(Senate Bill No. 1673)

AN ACT concerning safety.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Administrative Procedure Act is amended by changing Section 1-5 as follows:

New matter indicated by italics - deletions by strikeout
Sec. 1-5. Applicability.

(a) This Act applies to every agency as defined in this Act. Beginning January 1, 1978, in case of conflict between the provisions of this Act and the Act creating or conferring power on an agency, this Act shall control. If, however, an agency (or its predecessor in the case of an agency that has been consolidated or reorganized) has existing procedures on July 1, 1977, specifically for contested cases or licensing, those existing provisions control, except that this exception respecting contested cases and licensing does not apply if the Act creating or conferring power on the agency adopts by express reference the provisions of this Act. Where the Act creating or conferring power on an agency establishes administrative procedures not covered by this Act, those procedures shall remain in effect.

(b) The provisions of this Act do not apply to (i) preliminary hearings, investigations, or practices where no final determinations affecting State funding are made by the State Board of Education, (ii) legal opinions issued under Section 2-3.7 of the School Code, (iii) as to State colleges and universities, their disciplinary and grievance proceedings, academic irregularity and capricious grading proceedings, and admission standards and procedures, and (iv) the class specifications for positions and individual position descriptions prepared and maintained under the Personnel Code. Those class specifications shall, however, be made reasonably available to the public for inspection and copying. The provisions of this Act do not apply to hearings under Section 20 of the Uniform Disposition of Unclaimed Property Act.

(c) Section 5-35 of this Act relating to procedures for rulemaking does not apply to the following:

1) Rules adopted by the Pollution Control Board that, in accordance with Section 7.2 of the Environmental Protection Act, are identical in substance to federal regulations or amendments to those regulations implementing the following: Sections 3001, 3002, 3003, 3004, 3005, and 9003 of the Solid Waste Disposal Act; Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; Sections 307(b), 307(c), 307(d), 402(b)(8), and 402(b)(9) of the Federal Water Pollution Control Act; Sections 1412(b), 1414(c), 1417(a), 1421, and 1445(a) of the Safe Drinking Water Act; and Section 109 of the Clean Air Act.

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(2) Rules adopted by the Pollution Control Board that establish or amend standards for the emission of hydrocarbons and carbon monoxide from gasoline powered motor vehicles subject to inspection under the Vehicle Emissions Inspection Law of 2005 or its predecessor laws.

(3) Procedural rules adopted by the Pollution Control Board governing requests for exceptions under Section 14.2 of the Environmental Protection Act.

(4) The Pollution Control Board's grant, pursuant to an adjudicatory determination, of an adjusted standard for persons who can justify an adjustment consistent with subsection (a) of Section 27 of the Environmental Protection Act.

(4.5) The Pollution Control Board's adoption of time-limited water quality standards under Section 38.5 of the Environmental Protection Act.

(5) Rules adopted by the Pollution Control Board that are identical in substance to the regulations adopted by the Office of the State Fire Marshal under clause (ii) of paragraph (b) of subsection (3) of Section 2 of the Gasoline Storage Act.

(d) Pay rates established under Section 8a of the Personnel Code shall be amended or repealed pursuant to the process set forth in Section 5-50 within 30 days after it becomes necessary to do so due to a conflict between the rates and the terms of a collective bargaining agreement covering the compensation of an employee subject to that Code.

(e) Section 10-45 of this Act shall not apply to any hearing, proceeding, or investigation conducted under Section 13-515 of the Public Utilities Act.

(f) Article 10 of this Act does not apply to any hearing, proceeding, or investigation conducted by the State Council for the State of Illinois created under Section 3-3-11.05 of the Unified Code of Corrections or by the Interstate Commission for Adult Offender Supervision created under the Interstate Compact for Adult Offender Supervision or by the Interstate Commission for Juveniles created under the Interstate Compact for Juveniles.

(g) This Act is subject to the provisions of Article XXI of the Public Utilities Act. To the extent that any provision of this Act conflicts with the provisions of that Article XXI, the provisions of that Article XXI control.

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Section 10. The Environmental Protection Act is amended by changing Sections 4, 5, 7.5, 29, and 41 and the heading of Title IX and by adding Sections 3.488 and 38.5 as follows:

Sec. 3.488. Time-limited water quality standard. "Time-limited water quality standard" has the meaning ascribed to the term "water quality standards variance" in 40 CFR 131.3(o).

Sec. 4. Environmental Protection Agency; establishment; duties.

(a) There is established in the Executive Branch of the State Government an agency to be known as the Environmental Protection Agency. This Agency shall be under the supervision and direction of a Director who shall be appointed by the Governor with the advice and consent of the Senate. The term of office of the Director shall expire on the third Monday of January in odd numbered years, provided that he or she shall hold office until a successor is appointed and has qualified. The Director shall receive an annual salary as set by the Compensation Review Board. The Director, in accord with the Personnel Code, shall employ and direct such personnel, and shall provide for such laboratory and other facilities, as may be necessary to carry out the purposes of this Act. In addition, the Director may by agreement secure such services as he or she may deem necessary from any other department, agency, or unit of the State Government, and may employ and compensate such consultants and technical assistants as may be required.

(b) The Agency shall have the duty to collect and disseminate such information, acquire such technical data, and conduct such experiments as may be required to carry out the purposes of this Act, including ascertainment of the quantity and nature of discharges from any contaminant source and data on those sources, and to operate and arrange for the operation of devices for the monitoring of environmental quality.

(c) The Agency shall have authority to conduct a program of continuing surveillance and of regular or periodic inspection of actual or potential contaminant or noise sources, of public water supplies, and of refuse disposal sites.

(d) In accordance with constitutional limitations, the Agency shall have authority to enter at all reasonable times upon any private or public property for the purpose of:
(1) Inspecting and investigating to ascertain possible violations of this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order; or

(2) In accordance with the provisions of this Act, taking whatever preventive or corrective action, including but not limited to removal or remedial action, that is necessary or appropriate whenever there is a release or a substantial threat of a release of (A) a hazardous substance or pesticide or (B) petroleum from an underground storage tank.

(e) The Agency shall have the duty to investigate violations of this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order; to issue administrative citations as provided in Section 31.1 of this Act; and to take such summary enforcement action as is provided for by Section 34 of this Act.

(f) The Agency shall appear before the Board in any hearing upon a petition for variance or time-limited water quality standard, the denial of a permit, or the validity or effect of a rule or regulation of the Board, and shall have the authority to appear before the Board in any hearing under the Act.

(g) The Agency shall have the duty to administer, in accord with Title X of this Act, such permit and certification systems as may be established by this Act or by regulations adopted thereunder. The Agency may enter into written delegation agreements with any department, agency, or unit of State or local government under which all or portions of this duty may be delegated for public water supply storage and transport systems, sewage collection and transport systems, air pollution control sources with uncontrolled emissions of 100 tons per year or less and application of algicides to waters of the State. Such delegation agreements will require that the work to be performed thereunder will be in accordance with Agency criteria, subject to Agency review, and shall include such financial and program auditing by the Agency as may be required.

(h) The Agency shall have authority to require the submission of complete plans and specifications from any applicant for a permit required by this Act or by regulations thereunder, and to require the submission of such reports regarding actual or potential violations of this Act, any rule or regulation adopted under this Act, any permit or term or condition of a

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permit, or any Board order, as may be necessary for the purposes of this Act.

(i) The Agency shall have authority to make recommendations to the Board for the adoption of regulations under Title VII of the Act.

(j) The Agency shall have the duty to represent the State of Illinois in any and all matters pertaining to plans, procedures, or negotiations for interstate compacts or other governmental arrangements relating to environmental protection.

(k) The Agency shall have the authority to accept, receive, and administer on behalf of the State any grants, gifts, loans, indirect cost reimbursements, or other funds made available to the State from any source for purposes of this Act or for air or water pollution control, public water supply, solid waste disposal, noise abatement, or other environmental protection activities, surveys, or programs. Any federal funds received by the Agency pursuant to this subsection shall be deposited in a trust fund with the State Treasurer and held and disbursed by him in accordance with Treasurer as Custodian of Funds Act, provided that such monies shall be used only for the purposes for which they are contributed and any balance remaining shall be returned to the contributor.

The Agency is authorized to promulgate such regulations and enter into such contracts as it may deem necessary for carrying out the provisions of this subsection.

(l) The Agency is hereby designated as water pollution agency for the state for all purposes of the Federal Water Pollution Control Act, as amended; as implementing agency for the State for all purposes of the Safe Drinking Water Act, Public Law 93-523, as now or hereafter amended, except Section 1425 of that Act; as air pollution agency for the state for all purposes of the Clean Air Act of 1970, Public Law 91-604, approved December 31, 1970, as amended; and as solid waste agency for the state for all purposes of the Solid Waste Disposal Act, Public Law 89-272, approved October 20, 1965, and amended by the Resource Recovery Act of 1970, Public Law 91-512, approved October 26, 1970, as amended, and amended by the Resource Conservation and Recovery Act of 1976, (P.L. 94-580) approved October 21, 1976, as amended; as noise control agency for the state for all purposes of the Noise Control Act of 1972, Public Law 92-574, approved October 27, 1972, as amended; and as implementing agency for the State for all purposes of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (P.L. 96-510), as amended; and otherwise as pollution control agency for the State pursuant
to federal laws integrated with the foregoing laws, for financing purposes or otherwise. The Agency is hereby authorized to take all action necessary or appropriate to secure to the State the benefits of such federal Acts, provided that the Agency shall transmit to the United States without change any standards adopted by the Pollution Control Board pursuant to Section 5(c) of this Act. This subsection (l) of Section 4 shall not be construed to bar or prohibit the Environmental Protection Trust Fund Commission from accepting, receiving, and administering on behalf of the State any grants, gifts, loans or other funds for which the Commission is eligible pursuant to the Environmental Protection Trust Fund Act. The Agency is hereby designated as the State agency for all purposes of administering the requirements of Section 313 of the federal Emergency Planning and Community Right-to-Know Act of 1986.

Any municipality, sanitary district, or other political subdivision, or any Agency of the State or interstate Agency, which makes application for loans or grants under such federal Acts shall notify the Agency of such application; the Agency may participate in proceedings under such federal Acts.

(m) The Agency shall have authority, consistent with Section 5(c) and other provisions of this Act, and for purposes of Section 303(e) of the Federal Water Pollution Control Act, as now or hereafter amended, to engage in planning processes and activities and to develop plans in cooperation with units of local government, state agencies and officers, and other appropriate persons in connection with the jurisdiction or duties of each such unit, agency, officer or person. Public hearings shall be held on the planning process, at which any person shall be permitted to appear and be heard, pursuant to procedural regulations promulgated by the Agency.

(n) In accordance with the powers conferred upon the Agency by Sections 10(g), 13(b), 19, 22(d) and 25 of this Act, the Agency shall have authority to establish and enforce minimum standards for the operation of laboratories relating to analyses and laboratory tests for air pollution, water pollution, noise emissions, contaminant discharges onto land and sanitary, chemical, and mineral quality of water distributed by a public water supply. The Agency may enter into formal working agreements with other departments or agencies of state government under which all or portions of this authority may be delegated to the cooperating department or agency.

(o) The Agency shall have the authority to issue certificates of competency to persons and laboratories meeting the minimum standards

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established by the Agency in accordance with Section 4(n) of this Act and to promulgate and enforce regulations relevant to the issuance and use of such certificates. The Agency may enter into formal working agreements with other departments or agencies of state government under which all or portions of this authority may be delegated to the cooperating department or agency.

(p) Except as provided in Section 17.7, the Agency shall have the duty to analyze samples as required from each public water supply to determine compliance with the contaminant levels specified by the Pollution Control Board. The maximum number of samples which the Agency shall be required to analyze for microbiological quality shall be 6 per month, but the Agency may, at its option, analyze a larger number each month for any supply. Results of sample analyses for additional required bacteriological testing, turbidity, residual chlorine and radionuclides are to be provided to the Agency in accordance with Section 19. Owners of water supplies may enter into agreements with the Agency to provide for reduced Agency participation in sample analyses.

(q) The Agency shall have the authority to provide notice to any person who may be liable pursuant to Section 22.2(f) of this Act for a release or a substantial threat of a release of a hazardous substance or pesticide. Such notice shall include the identified response action and an opportunity for such person to perform the response action.

(r) The Agency may enter into written delegation agreements with any unit of local government under which it may delegate all or portions of its inspecting, investigating and enforcement functions. Such delegation agreements shall require that work performed thereunder be in accordance with Agency criteria and subject to Agency review. Notwithstanding any other provision of law to the contrary, no unit of local government shall be liable for any injury resulting from the exercise of its authority pursuant to such a delegation agreement unless the injury is proximately caused by the willful and wanton negligence of an agent or employee of the unit of local government, and any policy of insurance coverage issued to a unit of local government may provide for the denial of liability and the nonpayment of claims based upon injuries for which the unit of local government is not liable pursuant to this subsection (r).

(s) The Agency shall have authority to take whatever preventive or corrective action is necessary or appropriate, including but not limited to expenditure of monies appropriated from the Build Illinois Bond Fund and the Build Illinois Purposes Fund for removal or remedial action, whenever

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any hazardous substance or pesticide is released or there is a substantial threat of such a release into the environment. The State, the Director, and any State employee shall be indemnified for any damages or injury arising out of or resulting from any action taken under this subsection. The Director of the Agency is authorized to enter into such contracts and agreements as are necessary to carry out the Agency's duties under this subsection.

(t) The Agency shall have authority to distribute grants, subject to appropriation by the General Assembly, to units of local government for financing and construction of wastewater facilities in both incorporated and unincorporated areas. With respect to all monies appropriated from the Build Illinois Bond Fund and the Build Illinois Purposes Fund for wastewater facility grants, the Agency shall make distributions in conformity with the rules and regulations established pursuant to the Anti-Pollution Bond Act, as now or hereafter amended.

(u) Pursuant to the Illinois Administrative Procedure Act, the Agency shall have the authority to adopt such rules as are necessary or appropriate for the Agency to implement Section 31.1 of this Act.

(v) (Blank.)

(w) Neither the State, nor the Director, nor the Board, nor any State employee shall be liable for any damages or injury arising out of or resulting from any action taken under subsection (s).

(x) (1) The Agency shall have authority to distribute grants, subject to appropriation by the General Assembly, to units of local government for financing and construction of public water supply facilities. With respect to all monies appropriated from the Build Illinois Bond Fund or the Build Illinois Purposes Fund for public water supply grants, such grants shall be made in accordance with rules promulgated by the Agency. Such rules shall include a requirement for a local match of 30% of the total project cost for projects funded through such grants.

(2) The Agency shall not terminate a grant to a unit of local government for the financing and construction of public water supply facilities unless and until the Agency adopts rules that set forth precise and complete standards, pursuant to Section 5-20 of the Illinois Administrative Procedure Act, for the termination of such grants. The Agency shall not make determinations on whether specific grant conditions are necessary to ensure the integrity of a project or on whether subagreements shall be awarded, with

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respect to grants for the financing and construction of public water supply facilities, unless and until the Agency adopts rules that set forth precise and complete standards, pursuant to Section 5-20 of the Illinois Administrative Procedure Act, for making such determinations. The Agency shall not issue a stop-work order in relation to such grants unless and until the Agency adopts precise and complete standards, pursuant to Section 5-20 of the Illinois Administrative Procedure Act, for determining whether to issue a stop-work order.

(y) The Agency shall have authority to release any person from further responsibility for preventive or corrective action under this Act following successful completion of preventive or corrective action undertaken by such person upon written request by the person.

(z) To the extent permitted by any applicable federal law or regulation, for all work performed for State construction projects which are funded in whole or in part by a capital infrastructure bill enacted by the 96th General Assembly by sums appropriated to the Environmental Protection Agency, at least 50% of the total labor hours must be performed by actual residents of the State of Illinois. For purposes of this subsection, "actual residents of the State of Illinois" means persons domiciled in the State of Illinois. The Department of Labor shall promulgate rules providing for the enforcement of this subsection.

(aa) The Agency may adopt rules requiring the electronic submission of any information required to be submitted to the Agency pursuant to any State or federal law or regulation or any court or Board order. Any rules adopted under this subsection (aa) must include, but are not limited to, identification of the information to be submitted electronically.

(Source: P.A. 98-72, eff. 7-15-13.)

(415 ILCS 5/5) (from Ch. 111 1/2, par. 1005)
Sec. 5. Pollution Control Board.

(a) There is hereby created an independent board to be known as the Pollution Control Board.

Until July 1, 2003 or when all of the new members to be initially appointed under this amendatory Act of the 93rd General Assembly have been appointed by the Governor, whichever occurs later, the Board shall consist of 7 technically qualified members, no more than 4 of whom may be of the same political party, to be appointed by the Governor with the advice and consent of the Senate.

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The term of each appointed member of the Board who is in office on June 30, 2003 shall terminate at the close of business on that date or when all of the new members to be initially appointed under this amendatory Act of the 93rd General Assembly have been appointed by the Governor, whichever occurs later.

Beginning on July 1, 2003 or when all of the new members to be initially appointed under this amendatory Act of the 93rd General Assembly have been appointed by the Governor, whichever occurs later, the Board shall consist of 5 technically qualified members, no more than 3 of whom may be of the same political party, to be appointed by the Governor with the advice and consent of the Senate. Members shall have verifiable technical, academic, or actual experience in the field of pollution control or environmental law and regulation.

Of the members initially appointed pursuant to this amendatory Act of the 93rd General Assembly, one shall be appointed for a term ending July 1, 2004, 2 shall be appointed for terms ending July 1, 2005, and 2 shall be appointed for terms ending July 1, 2006. Thereafter, all members shall hold office for 3 years from the first day of July in the year in which they were appointed, except in case of an appointment to fill a vacancy. In case of a vacancy in the office when the Senate is not in session, the Governor may make a temporary appointment until the next meeting of the Senate, when he or she shall nominate some person to fill such office; and any person so nominated, who is confirmed by the Senate, shall hold the office during the remainder of the term.

Members of the Board shall hold office until their respective successors have been appointed and qualified. Any member may resign from office, such resignation to take effect when a successor has been appointed and has qualified.

Board members shall be paid $37,000 per year or an amount set by the Compensation Review Board, whichever is greater, and the Chairman shall be paid $43,000 per year or an amount set by the Compensation Review Board, whichever is greater. Each member shall devote his or her entire time to the duties of the office, and shall hold no other office or position of profit, nor engage in any other business, employment, or vocation. Each member shall be reimbursed for expenses necessarily incurred and shall make a financial disclosure upon appointment.

Each Board member may employ one secretary and one assistant, and the Chairman one secretary and 2 assistants. The Board also may employ and compensate hearing officers to preside at hearings under this

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Act, and such other personnel as may be necessary. Hearing officers shall be attorneys licensed to practice law in Illinois.

The Board may have an Executive Director; if so, the Executive Director shall be appointed by the Governor with the advice and consent of the Senate. The salary and duties of the Executive Director shall be fixed by the Board.

The Governor shall designate one Board member to be Chairman, who shall serve at the pleasure of the Governor.

The Board shall hold at least one meeting each month and such additional meetings as may be prescribed by Board rules. In addition, special meetings may be called by the Chairman or by any 2 Board members, upon delivery of 24 hours written notice to the office of each member. All Board meetings shall be open to the public, and public notice of all meetings shall be given at least 24 hours in advance of each meeting. In emergency situations in which a majority of the Board certifies that exigencies of time require the requirements of public notice and of 24 hour written notice to members may be dispensed with, and Board members shall receive such notice as is reasonable under the circumstances.

If there is no vacancy on the Board, 4 members of the Board shall constitute a quorum to transact business; otherwise, a majority of the Board shall constitute a quorum to transact business, and no vacancy shall impair the right of the remaining members to exercise all of the powers of the Board. Every action approved by a majority of the members of the Board shall be deemed to be the action of the Board. The Board shall keep a complete and accurate record of all its meetings.

(b) The Board shall determine, define and implement the environmental control standards applicable in the State of Illinois and may adopt rules and regulations in accordance with Title VII of this Act.

(c) The Board shall have authority to act for the State in regard to the adoption of standards for submission to the United States under any federal law respecting environmental protection. Such standards shall be adopted in accordance with Title VII of the Act and upon adoption shall be forwarded to the Environmental Protection Agency for submission to the United States pursuant to subsections (l) and (m) of Section 4 of this Act. Nothing in this paragraph shall limit the discretion of the Governor to delegate authority granted to the Governor under any federal law.

(d) The Board shall have authority to conduct proceedings upon complaints charging violations of this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board

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order; upon administrative citations; upon petitions for variances, or adjusted standards, or time-limited water quality standards; upon petitions for review of the Agency's final determinations on permit applications in accordance with Title X of this Act; upon petitions to remove seals under Section 34 of this Act; and upon other petitions for review of final determinations which are made pursuant to this Act or Board rule and which involve a subject which the Board is authorized to regulate. The Board may also conduct other proceedings as may be provided by this Act or any other statute or rule.

(e) In connection with any proceeding pursuant to subsection (b) or (d) of this Section, the Board may subpoena and compel the attendance of witnesses and the production of evidence reasonably necessary to resolution of the matter under consideration. The Board shall issue such subpoenas upon the request of any party to a proceeding under subsection (d) of this Section or upon its own motion.

(f) The Board may prescribe reasonable fees for permits required pursuant to this Act. Such fees in the aggregate may not exceed the total cost to the Agency for its inspection and permit systems. The Board may not prescribe any permit fees which are different in amount from those established by this Act.

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

(415 ILCS 5/7.5) (from Ch. 111 1/2, par. 1007.5)

Sec. 7.5. Filing Fees.

(a) The Board shall collect filing fees as prescribed in this Act. The fees shall be deposited in the Pollution Control Board Fund. The filing fees shall be as follows:

- Petition for site-specific regulation, $75.
- Petition for variance, $75.
- Petition for review of permit, $75.
- Petition to contest local government decision pursuant to Section 40.1, $75.
- Petition for an adjusted standard, pursuant to Section 28.1, $75.
- Petition for a time-limited water quality standard, $75 per petitioner.

(b) A person who has filed a petition for a variance from a water quality standard and paid the filing fee set forth in subsection (a) of this Section for that petition and whose variance petition is thereafter converted into a petition for a time-limited water quality standard under Section 38.5 of this Act shall not be required to pay a separate filing fee.

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Sec. 29. (a) Any person adversely affected or threatened by any rule or regulation of the Board may obtain a determination of the validity or application of such rule or regulation by petition for review under Section 41 of this Act.

(b) Action by the Board in adopting any regulation for which judicial review could have been obtained under Section 41 of this Act shall not be subject to review regarding the regulation's validity or application in any subsequent proceeding under Title VIII, Title IX or Section 40 of this Act.

(c) This Section does not apply to orders entered by the Board pursuant to Section 38.5 of this Act. Final orders entered by the Board pursuant to Section 38.5 of this Act are subject to judicial review under subsection (j) of that Section. Interim orders entered by the Board pursuant to Section 38.5 are not subject to judicial review under this Section or Section 38.5.

Sec. 38.5. Time-limited water quality standards.

(a) To the extent consistent with the Federal Water Pollution Control Act, rules adopted by the United States Environmental Protection Agency under that Act, this Section, and rules adopted by the Board under this Section, the Board may adopt, and may conduct non-adjudicatory proceedings to adopt, a time-limited water quality standard for a watershed or one or more of the following:

(1) water bodies;
(2) waterbody segments; or
(3) dischargers.

(b) A time-limited water quality standard may be sought by:

(1) persons who file with the Board a petition for a time-limited water quality standard under this Section; and
(2) persons who have a petition for a variance from a water quality standard under Section 35 of this Act converted into a

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petition for a time-limited water quality standard under subsection (c) of this Section.

(c) Any petition for a variance from a water quality standard under Section 35 of this Act that was filed with the Board before the effective date of this amendatory Act of the 99th General Assembly and that has not been disposed of by the Board shall be converted, by operation of law, into a petition for a time-limited water quality standard under this Section on the effective date of this amendatory Act of the 99th General Assembly.

(d) The Board's hearings concerning the adoption of time-limited water quality standards shall be open to the public and must be held in compliance with 40 CFR 131.14, including, but not limited to, the public notice and participation requirements referenced in 40 CFR 25 and 40 CFR 131.20(b); this Section; and rules adopted by the Board under this Section.

(e) Within 21 days after any petition for a time-limited water quality standard is filed with the Board under this Section, or within 21 days after the effective date of this amendatory Act of the 99th General Assembly in the case of a petition for time-limited water quality standard created under subsection (c) of this Section, the Agency shall file with the Board a response that:

1. identifies the discharger or classes of dischargers affected by the water quality standard from which relief is sought;
2. identifies the watershed, water bodies, or waterbody segments affected by the water quality standard from which relief is sought;
3. identifies the appropriate type of time-limited water quality standard, based on factors, such as the nature of the pollutant, the condition of the affected water body, and the number and type of dischargers; and
4. recommends, for the purposes of subsection (h), prompt deadlines for the classes of dischargers to file a substantially compliant petition.

(f) Within 30 days after receipt of a response from the Agency under subsection (e) of this Section, the Board shall enter a final order that establishes the discharger or classes of dischargers that may be covered by the time-limited water quality standard and prompt deadlines by which the discharger and dischargers in the identified classes must, for the purposes of subsection (h), file with the Board either:

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(1) a petition for a time-limited water quality standard, if the petition has not been previously filed; or

(2) an amended petition for a time-limited water quality standard, if the petition has been previously filed and it is necessary to file an amended petition to maintain a stay under paragraph (3) of subsection (h) of this Section.

(g) As soon as practicable after entering an order under subsection (f), the Board shall conduct an evaluation of the petition to assess its substantial compliance with 40 CFR 131.14, this Section, and rules adopted pursuant to this Section. After the Board determines that a petition is in substantial compliance with those requirements, the Agency shall file a recommendation concerning the petition.

(h)(1) The effectiveness of a water quality standard from which relief is sought shall be stayed as to the following persons from the effective date of the water quality standard until the stay is terminated as provided in this subsection:

(A) any person who has a petition for a variance seeking relief from a water quality standard under Section 35 of this Act converted into a petition for a time-limited water quality standard under subsection (c) of this Section;

(B) any person who files a petition for a time-limited water quality standard within 35 days after the effective date of the water quality standard from which relief is sought; and

(C) any person, not covered by subparagraph (B) of this subsection, who is a member of a class of dischargers that is identified in a Board order under subsection (f) that concerns a petition for a time-limited water quality standard that was filed within 35 days after the effective date of the water quality standard from which relief is sought and who files a petition for a time-limited water quality standard before the deadline established for that class under subsection (f) of this Section.

(2) If the Board determines that the petition of a person described in paragraph (1) of this subsection is in substantial compliance, then the stay shall continue until the Board:

(A) denies the petition and all rights to judicial review of the Board order denying the petition are exhausted; or

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(B) adopts the time-limited water quality standard and the United States Environmental Protection Agency either:

   (i) approves the time-limited water quality standard; or

   (ii) disapproves the time-limited water quality standard for failure to comply with 40 CFR 131.14.

(3) If the Board determines that the petition of a person described in paragraph (1) of this subsection is not in substantial compliance, then the Board shall enter an interim order that identifies the deficiencies in the petition that must be corrected for the petition to be in substantial compliance. The petitioner must file an amended petition by the deadlines adopted by the Board pursuant to subsection (f), and the Board shall enter, after the applicable Board-established deadline, a final order that determines whether the amended petition is in substantial compliance.

(4) If the Board determines that the amended petition described in paragraph (3) of this subsection is in substantial compliance, then the stay shall continue until the Board:

   (A) denies the petition and all rights to judicial review of the Board order denying the petition are exhausted; or

   (B) adopts the time-limited water quality standard and the United States Environmental Protection Agency either:

       (i) approves the time-limited water quality standard; or

       (ii) disapproves the time-limited water quality standard for failure to comply with 40 CFR 131.14.

(5) If the Board determines that the amended petition described in paragraph (3) of this subsection is not in substantial compliance by the Board-established deadline, the Board shall deny the petition and the stay shall continue until all rights to judicial review are exhausted.

(6) If the Board determines that a petition for a time-limited water quality standard is not in substantial compliance and if the

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person fails to file, on or before the Board-established deadline, an amended petition, the Board shall dismiss the petition and the stay shall continue until all rights to judicial review are exhausted.

(7) If a person other than a person described in paragraph (1) of subsection (h) of this Section files a petition for a time-limited water quality standard, then the effectiveness of the water quality standard from which relief is sought shall not be stayed as to that person. However, the person may seek a time-limited water quality standard from the Board by complying with 40 CFR 131.14, this Section, and rules adopted pursuant to this Section.

(i) Each time-limited water quality standard adopted by the Board for more than one discharger shall set forth criteria that may be used by dischargers or classes of dischargers to obtain coverage under the time-limited water quality standard during its duration. Any discharger that has not obtained a time-limited water quality standard may obtain coverage under a Board-approved time-limited water quality standard by satisfying, at the time of the renewal or modification of that person’s federal National Pollutant Discharge Elimination System (NPDES) permit or at the time the person files an application for certification under Section 401 of the federal Clean Water Act, the Board-approved criteria for coverage under the time-limited water quality standard.

(j) Any person who is adversely affected or threatened by a final Board order entered pursuant to this Section may obtain judicial review of the Board order by filing a petition for review within 35 days after the date the Board order was served on the person affected by the order, under the provisions of the Administrative Review Law, and the rules adopted pursuant thereto, except that review shall be afforded directly in the appellate court for the district in which the cause of action arose and not in the circuit court. For purposes of judicial review under this subsection, a person is deemed to have been served with the Board’s final order on the date on which the order is first published by the Board on its website.

No challenge to the validity of a final Board order under this Section shall be made in any enforcement proceeding under Title XII of this Act as to any issue that could have been raised in a timely petition for review under this subsection.

(k) Not later than 6 months after the effective date of this amendatory Act of the 99th General Assembly, the Agency shall propose, and not later than 9 months thereafter the Board shall adopt, rules that

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prescribe specific procedures and standards to be used by the Board when adopting time-limited water quality standards. The public notice and participation requirements in 40 CFR 25 and 40 CFR 131.20(b) shall be incorporated into the rules adopted under this subsection.

Until the rules adopted under this subsection are effective, the Board may adopt time-limited water quality standards to the full extent allowed under this Section and 40 C.F.R. 131.14.

(l) Section 5-35 of the Illinois Administrative Procedure Act, Title VII of this Act, and the other Sections in Title IX of this Act do not apply to Board proceedings under this Section.

(415 ILCS 5/41) (from Ch. 111 1/2, par. 1041)
Sec. 41. Judicial review.

(a) Any party to a Board hearing, any person who filed a complaint on which a hearing was denied, any person who has been denied a variance or permit under this Act, any party adversely affected by a final order or determination of the Board, and any person who participated in the public comment process under subsection (8) of Section 39.5 of this Act may obtain judicial review, by filing a petition for review within 35 days from the date that a copy of the order or other final action sought to be reviewed was served upon the party affected by the order or other final Board action complained of, under the provisions of the Administrative Review Law, as amended and the rules adopted pursuant thereto, except that review shall be afforded directly in the Appellate Court for the District in which the cause of action arose and not in the Circuit Court. Review of any rule or regulation promulgated by the Board shall not be limited by this section but may also be had as provided in Section 29 of this Act.

(b) Any final order of the Board under this Act shall be based solely on the evidence in the record of the particular proceeding involved, and any such final order for permit appeals, enforcement actions and variance proceedings, shall be invalid if it is against the manifest weight of the evidence. Notwithstanding this subsection, the Board may include such conditions in granting a variance and may adopt such rules and regulations as the policies of this Act may require. If an objection is made to a variance condition, the board shall reconsider the condition within not more than 75 days from the date of the objection.

(c) No challenge to the validity of a Board order shall be made in any enforcement proceeding under Title XII of this Act as to any issue that could have been raised in a timely petition for review under this Section.

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(d) If there is no final action by the Board within 120 days on a request for a variance which is subject to subsection (c) of Section 38 or a permit appeal which is subject to paragraph (a) (3) of Section 40 or paragraph (d) of Section 40.2 or Section 40.3, the petitioner shall be entitled to an Appellate Court order under this subsection. If a hearing is required under this Act and was not held by the Board, the Appellate Court shall order the Board to conduct such a hearing, and to make a decision within 90 days from the date of the order. If a hearing was held by the Board, or if a hearing is not required under this Act and was not held by the Board, the Appellate Court shall order the Board to make a decision within 90 days from the date of the order.

The Appellate Court shall retain jurisdiction during the pendency of any further action conducted by the Board under an order by the Appellate Court. The Appellate Court shall have jurisdiction to review all issues of law and fact presented upon appeal.

(e) This Section does not apply to orders entered by the Board pursuant to Section 38.5 of this Act. Final orders entered by the Board pursuant to Section 38.5 of this Act are subject to judicial review under subsection (j) of that Section. Interim orders entered by the Board pursuant to Section 38.5 are not subject to judicial review under this Section or Section 38.5.

(Source: P.A. 99-463, eff. 1-1-16.)

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

Passed in the General Assembly December 1, 2016.
Approved February 24, 2017.
Effective February 24, 2017.

PUBLIC ACT 99-0938
(Senate Bill No. 2872)

AN ACT concerning criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Criminal Justice Information Act is amended by changing Section 7 as follows:

(20 ILCS 3930/7) (from Ch. 38, par. 210-7)
Sec. 7. Powers and Duties. The Authority shall have the following powers, duties and responsibilities:

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(a) To develop and operate comprehensive information systems for the improvement and coordination of all aspects of law enforcement, prosecution and corrections;

(b) To define, develop, evaluate and correlate State and local programs and projects associated with the improvement of law enforcement and the administration of criminal justice;

(c) To act as a central repository and clearing house for federal, state and local research studies, plans, projects, proposals and other information relating to all aspects of criminal justice system improvement and to encourage educational programs for citizen support of State and local efforts to make such improvements;

(d) To undertake research studies to aid in accomplishing its purposes;

(e) To monitor the operation of existing criminal justice information systems in order to protect the constitutional rights and privacy of individuals about whom criminal history record information has been collected;

(f) To provide an effective administrative forum for the protection of the rights of individuals concerning criminal history record information;

(g) To issue regulations, guidelines and procedures which ensure the privacy and security of criminal history record information consistent with State and federal laws;

(h) To act as the sole administrative appeal body in the State of Illinois to conduct hearings and make final determinations concerning individual challenges to the completeness and accuracy of criminal history record information;

(i) To act as the sole, official, criminal justice body in the State of Illinois to conduct annual and periodic audits of the procedures, policies, and practices of the State central repositories for criminal history record information to verify compliance with federal and state laws and regulations governing such information;

(j) To advise the Authority's Statistical Analysis Center;

(k) To apply for, receive, establish priorities for, allocate, disburse and spend grants of funds that are made available by and received on or after January 1, 1983 from private sources or from the United States pursuant to the federal Crime Control Act of 1973, as amended, and similar federal legislation, and to enter into

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agreements with the United States government to further the purposes of this Act, or as may be required as a condition of obtaining federal funds;

(l) To receive, expend and account for such funds of the State of Illinois as may be made available to further the purposes of this Act;

(m) To enter into contracts and to cooperate with units of general local government or combinations of such units, State agencies, and criminal justice system agencies of other states for the purpose of carrying out the duties of the Authority imposed by this Act or by the federal Crime Control Act of 1973, as amended;

(n) To enter into contracts and cooperate with units of general local government outside of Illinois, other states' agencies, and private organizations outside of Illinois to provide computer software or design that has been developed for the Illinois criminal justice system, or to participate in the cooperative development or design of new software or systems to be used by the Illinois criminal justice system. Revenues received as a result of such arrangements shall be deposited in the Criminal Justice Information Systems Trust Fund;

(o) To establish general policies concerning criminal justice information systems and to promulgate such rules, regulations and procedures as are necessary to the operation of the Authority and to the uniform consideration of appeals and audits;

(p) To advise and to make recommendations to the Governor and the General Assembly on policies relating to criminal justice information systems;

(q) To direct all other agencies under the jurisdiction of the Governor to provide whatever assistance and information the Authority may lawfully require to carry out its functions;

(r) To exercise any other powers that are reasonable and necessary to fulfill the responsibilities of the Authority under this Act and to comply with the requirements of applicable federal law or regulation;

(s) To exercise the rights, powers and duties which have been vested in the Authority by the "Illinois Uniform Conviction Information Act", enacted by the 85th General Assembly, as hereafter amended;

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(t) To exercise the rights, powers and duties which have been vested in the Authority by the Illinois Motor Vehicle Theft Prevention Act;

(u) To exercise the rights, powers, and duties vested in the Authority by the Illinois Public Safety Agency Network Act; and

(v) To provide technical assistance in the form of training to local governmental entities within Illinois requesting such assistance for the purposes of procuring grants for gang intervention and gang prevention programs or other criminal justice programs from the United States Department of Justice; and

(w) To conduct strategic planning and provide technical assistance to implement comprehensive trauma recovery services for violent crime victims in underserved communities with high levels of violent crime, with the goal of providing a safe, community-based, culturally competent environment in which to access services necessary to facilitate recovery from the effects of chronic and repeat exposure to trauma. Services may include, but are not limited to, behavioral health treatment, financial recovery, family support and relocation assistance, and support in navigating the legal system.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President, the Minority Leader and the Secretary of the Senate and the Legislative Research Unit, as required by Section 3.1 of "An Act to revise the law in relation to the General Assembly", approved February 25, 1874, as amended, and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.

(Source: P.A. 97-435, eff. 1-1-12.)

Section 10. The Unified Code of Corrections is amended by changing Sections 3-6-3, 5-4-1, and 5-5-3 as follows:

(730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)
Sec. 3-6-3. Rules and regulations for sentence credit.

(a)(1) The Department of Corrections shall prescribe rules and regulations for awarding and revoking sentence credit for persons committed to the Department which shall be subject to review by the Prisoner Review Board.

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(1.5) As otherwise provided by law, sentence credit may be awarded for the following:

(A) successful completion of programming while in custody of the Department or while in custody prior to sentencing;
(B) compliance with the rules and regulations of the Department; or
(C) service to the institution, service to a community, or service to the State.

(2) The rules and regulations on sentence credit shall provide, with respect to offenses listed in clause (i), (ii), or (iii) of this paragraph (2) committed on or after June 19, 1998 or with respect to the offense listed in clause (iv) of this paragraph (2) committed on or after June 23, 2005 (the effective date of Public Act 94-71) or with respect to offense listed in clause (vi) committed on or after June 1, 2008 (the effective date of Public Act 95-625) or with respect to the offense of being an armed habitual criminal committed on or after August 2, 2005 (the effective date of Public Act 94-398) or with respect to the offenses listed in clause (v) of this paragraph (2) committed on or after August 13, 2007 (the effective date of Public Act 95-134) or with respect to the offense of aggravated domestic battery committed on or after July 23, 2010 (the effective date of Public Act 96-1224) or with respect to the offense of attempt to commit terrorism committed on or after January 1, 2013 (the effective date of Public Act 97-990), the following:

(i) that a prisoner who is serving a term of imprisonment for first degree murder or for the offense of terrorism shall receive no sentence credit and shall serve the entire sentence imposed by the court;

(ii) that a prisoner serving a sentence for attempt to commit terrorism, attempt to commit first degree murder, solicitation of murder, solicitation of murder for hire, intentional homicide of an unborn child, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated kidnapping, aggravated battery with a firearm as described in Section 12-4.2 or subdivision (e)(1), (e)(2), (e)(3), or (e)(4) of Section 12-3.05, heinous battery as described in Section 12-4.1 or subdivision (a)(2) of Section 12-3.05, being an armed habitual criminal, aggravated battery of a senior citizen as described in Section 12-4.6 or subdivision (a)(4) of Section 12-3.05, or aggravated battery of a child as described in Section 12-4.3

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or subdivision (b)(1) of Section 12-3.05 shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment;

(iii) that a prisoner serving a sentence for home invasion, armed robbery, aggravated vehicular hijacking, aggravated discharge of a firearm, or armed violence with a category I weapon or category II weapon, when the court has made and entered a finding, pursuant to subsection (c-1) of Section 5-4-1 of this Code, that the conduct leading to conviction for the enumerated offense resulted in great bodily harm to a victim, shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment;

(iv) that a prisoner serving a sentence for aggravated discharge of a firearm, whether or not the conduct leading to conviction for the offense resulted in great bodily harm to the victim, shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment;

(v) that a person serving a sentence for gunrunning, narcotics racketeering, controlled substance trafficking, methamphetamine trafficking, drug-induced homicide, aggravated methamphetamine-related child endangerment, money laundering pursuant to clause (c) (4) or (5) of Section 29B-1 of the Criminal Code of 1961 or the Criminal Code of 2012, or a Class X felony conviction for delivery of a controlled substance, possession of a controlled substance with intent to manufacture or deliver, calculated criminal drug conspiracy, criminal drug conspiracy, street gang criminal drug conspiracy, participation in methamphetamine manufacturing, aggravated participation in methamphetamine manufacturing, delivery of methamphetamine, possession with intent to deliver methamphetamine, aggravated delivery of methamphetamine, aggravated possession with intent to deliver methamphetamine, methamphetamine conspiracy when the substance containing the controlled substance or methamphetamine is 100 grams or more shall receive no more than 7.5 days sentence credit for each month of his or her sentence of imprisonment;

(vi) that a prisoner serving a sentence for a second or subsequent offense of luring a minor shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment; and

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(vii) that a prisoner serving a sentence for aggravated domestic battery shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment.

(2.1) For all offenses, other than those enumerated in subdivision (a)(2)(i), (ii), or (iii) committed on or after June 19, 1998 or subdivision (a)(2)(iv) committed on or after June 23, 2005 (the effective date of Public Act 94-71) or subdivision (a)(2)(v) committed on or after August 13, 2007 (the effective date of Public Act 95-134) or subdivision (a)(2)(vi) committed on or after June 1, 2008 (the effective date of Public Act 95-625) or subdivision (a)(2)(vii) committed on or after July 23, 2010 (the effective date of Public Act 96-1224), and other than the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, and other than the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (C) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code committed on or after January 1, 2011 (the effective date of Public Act 96-1230), the rules and regulations shall provide that a prisoner who is serving a term of imprisonment shall receive one day of sentence credit for each day of his or her sentence of imprisonment or recommitment under Section 3-3-9. Each day of sentence credit shall reduce by one day the prisoner's period of imprisonment or recommitment under Section 3-3-9.

(2.2) A prisoner serving a term of natural life imprisonment or a prisoner who has been sentenced to death shall receive no sentence credit.

(2.3) The rules and regulations on sentence credit shall provide that a prisoner who is serving a sentence for aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment.

(2.4) The rules and regulations on sentence credit shall provide with respect to the offenses of aggravated battery with a machine gun or a firearm equipped with any device or attachment designed or used for silencing the report of a firearm or aggravated discharge of a machine gun or a firearm equipped with any device or attachment designed or used for
silencing the report of a firearm, committed on or after July 15, 1999 (the effective date of Public Act 91-121), that a prisoner serving a sentence for any of these offenses shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment.

(2.5) The rules and regulations on sentence credit shall provide that a prisoner who is serving a sentence for aggravated arson committed on or after July 27, 2001 (the effective date of Public Act 92-176) shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment.

(2.6) The rules and regulations on sentence credit shall provide that a prisoner who is serving a sentence for aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds or any combination thereof as defined in subparagraph (C) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code committed on or after January 1, 2011 (the effective date of Public Act 96-1230) shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment.

(3) The rules and regulations shall also provide that the Director may award up to 180 days of earned additional sentence credit for good conduct in specific instances as the Director deems proper. The good conduct may include, but is not limited to, compliance with the rules and regulations of the Department, service to the Department, service to a community, or service to the State. However, the Director shall not award more than 90 days of sentence credit for good conduct to any prisoner who is serving a sentence for conviction of first degree murder, reckless homicide while under the influence of alcohol or any other drug, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code; aggravated kidnapping; kidnapping; predatory criminal sexual assault of a child; aggravated criminal sexual assault; criminal sexual assault; deviate sexual assault; aggravated criminal sexual abuse; aggravated indecent liberties with a child; indecent liberties with a child; child pornography; heinous battery as described in Section 12-4.1 or subdivision (a)(2) of Section 12-3.05; aggravated battery of a spouse; aggravated battery of a spouse with a firearm; stalking; aggravated stalking; aggravated battery of a child as described in Section 12-4.3 or subdivision (b)(1) of Section 12-3.05; endangering the life or health of a child, or cruelty to a child. Notwithstanding the foregoing, sentence credit

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for good conduct shall not be awarded on a sentence of imprisonment imposed for conviction of: (i) one of the offenses enumerated in subdivision (a)(2)(i), (ii), or (iii) when the offense is committed on or after June 19, 1998 or subdivision (a)(2)(iv) when the offense is committed on or after June 23, 2005 (the effective date of Public Act 94-71) or subdivision (a)(2)(v) when the offense is committed on or after August 13, 2007 (the effective date of Public Act 95-134) or subdivision (a)(2)(vi) when the offense is committed on or after June 1, 2008 (the effective date of Public Act 95-625) or subdivision (a)(2)(vii) when the offense is committed on or after July 23, 2010 (the effective date of Public Act 96-1224), (ii) aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, (iii) one of the offenses enumerated in subdivision (a)(2.4) when the offense is committed on or after July 15, 1999 (the effective date of Public Act 91-121), (iv) aggravated arson when the offense is committed on or after July 27, 2001 (the effective date of Public Act 92-176), (v) offenses that may subject the offender to commitment under the Sexually Violent Persons Commitment Act, or (vi) aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds or any combination thereof as defined in subparagraph (C) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code committed on or after January 1, 2011 (the effective date of Public Act 96-1230).

Eligible inmates for an award of earned sentence credit under this paragraph (3) may be selected to receive the credit at the Director's or his or her designee's sole discretion. Eligibility for the additional earned sentence credit under this paragraph (3) shall be based on, but is not limited to, the results of any available risk/needs assessment or other relevant assessments or evaluations administered by the Department using a validated instrument, the circumstances of the crime, any history of conviction for a forcible felony enumerated in Section 2-8 of the Criminal Code of 2012, the inmate's behavior and disciplinary history while incarcerated, and the inmate's commitment to rehabilitation, including participation in programming offered by the Department. Consideration may be based on, but not limited to, any available risk assessment analysis on the inmate, any history of conviction for violent crimes as defined by the Rights of Crime Victims and Witnesses Act, facts and circumstances

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The Director shall not award sentence credit under this paragraph (3) to an inmate unless the inmate has served a minimum of 60 days of the sentence; except nothing in this paragraph shall be construed to permit the Director to extend an inmate's sentence beyond that which was imposed by the court. Prior to awarding credit under this paragraph (3), the Director shall make a written determination that the inmate:

(A) is eligible for the earned sentence credit;
(B) has served a minimum of 60 days, or as close to 60 days as the sentence will allow; and
(B-1) has received a risk/needs assessment or other relevant evaluation or assessment administered by the Department using a validated instrument; and
(C) has met the eligibility criteria established under paragraph (4) of this subsection (a) and by rule for earned sentence credit.

The Director shall determine the form and content of the written determination required in this subsection.

(3.5) The Department shall provide annual written reports to the Governor and the General Assembly on the award of earned sentence credit no later than February 1 of each year for good conduct, with the first report due January 1, 2014. The Department must publish both reports on its website within 48 hours of transmitting the reports to the Governor and the General Assembly. The reports must include:

(A) the number of inmates awarded earned sentence credit for good conduct;
(B) the average amount of earned sentence credit for good conduct awarded;
(C) the holding offenses of inmates awarded earned sentence credit for good conduct; and
(D) the number of earned sentence credit for good conduct revocations.

(4) The rules and regulations shall also provide that the sentence credit accumulated and retained under paragraph (2.1) of subsection (a) of this Section by any inmate during specific periods of time in which such inmate is engaged full-time in substance abuse programs, correctional industry assignments, educational programs, behavior modification programs, life skills courses, or re-entry planning provided by the
Department under this paragraph (4) and satisfactorily completes the assigned program as determined by the standards of the Department, shall be multiplied by a factor of 1.25 for program participation before August 11, 1993 and 1.50 for program participation on or after that date. The rules and regulations shall also provide that sentence credit, subject to the same offense limits and multiplier provided in this paragraph, may be provided to an inmate who was held in pre-trial detention prior to his or her current commitment to the Department of Corrections and successfully completed a full-time, 60-day or longer substance abuse program, educational program, behavior modification program, life skills course, or re-entry planning provided by the county department of corrections or county jail. Calculation of this county program credit shall be done at sentencing as provided in Section 5-4.5-100 of this Code and shall be included in the sentencing order. However, no inmate shall be eligible for the additional sentence credit under this paragraph (4) or (4.1) of this subsection (a) while assigned to a boot camp or electronic detention, or if convicted of an offense enumerated in subdivision (a)(2)(i), (ii), or (iii) of this Section that is committed on or after June 19, 1998 or subdivision (a)(2)(iv) of this Section that is committed on or after June 23, 2005 (the effective date of Public Act 94-71) or subdivision (a)(2)(v) of this Section that is committed on or after August 13, 2007 (the effective date of Public Act 95-134) or subdivision (a)(2)(vi) when the offense is committed on or after June 1, 2008 (the effective date of Public Act 95-625) or subdivision (a)(2)(vii) when the offense is committed on or after July 23, 2010 (the effective date of Public Act 96-1224), or if convicted of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, or if convicted of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds or any combination thereof as defined in subparagraph (C) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code committed on or after January 1, 2011 (the effective date of Public Act 96-1230), or if convicted of an offense enumerated in paragraph (a)(2.4) of this Section that is committed on or after July 15, 1999 (the effective date of Public Act 91-121), or first degree murder, a Class X felony, criminal sexual assault, felony criminal sexual abuse, aggravated criminal sexual abuse, aggravated battery with a firearm as described in Section 12-4.2 or subdivision (e)(1), (e)(2), (e)(3), or (e)(4) of Section 12-
3.05, or any predecessor or successor offenses with the same or substantially the same elements, or any inchoate offenses relating to the foregoing offenses. No inmate shall be eligible for the additional good conduct credit under this paragraph (4) who (i) has previously received increased good conduct credit under this paragraph (4) and has subsequently been convicted of a felony, or (ii) has previously served more than one prior sentence of imprisonment for a felony in an adult correctional facility.

Educational, vocational, substance abuse, behavior modification programs, life skills courses, re-entry planning, and correctional industry programs under which sentence credit may be increased under this paragraph (4) and paragraph (4.1) of this subsection (a) shall be evaluated by the Department on the basis of documented standards. The Department shall report the results of these evaluations to the Governor and the General Assembly by September 30th of each year. The reports shall include data relating to the recidivism rate among program participants.

Availability of these programs shall be subject to the limits of fiscal resources appropriated by the General Assembly for these purposes. Eligible inmates who are denied immediate admission shall be placed on a waiting list under criteria established by the Department. The inability of any inmate to become engaged in any such programs by reason of insufficient program resources or for any other reason established under the rules and regulations of the Department shall not be deemed a cause of action under which the Department or any employee or agent of the Department shall be liable for damages to the inmate.

(4.1) The rules and regulations shall also provide that an additional 90 days of sentence credit shall be awarded to any prisoner who passes high school equivalency testing while the prisoner is committed to the Department of Corrections. The sentence credit awarded under this paragraph (4.1) shall be in addition to, and shall not affect, the award of sentence credit under any other paragraph of this Section, but shall also be pursuant to the guidelines and restrictions set forth in paragraph (4) of subsection (a) of this Section. The sentence credit provided for in this paragraph shall be available only to those prisoners who have not previously earned a high school diploma or a high school equivalency certificate. If, after an award of the high school equivalency testing sentence credit has been made, the Department determines that the prisoner was not eligible, then the award shall be revoked. The Department may also award 90 days of sentence credit to any committed

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person who passed high school equivalency testing while he or she was held in pre-trial detention prior to the current commitment to the Department of Corrections.

(4.5) The rules and regulations on sentence credit shall also provide that when the court's sentencing order recommends a prisoner for substance abuse treatment and the crime was committed on or after September 1, 2003 (the effective date of Public Act 93-354), the prisoner shall receive no sentence credit awarded under clause (3) of this subsection (a) unless he or she participates in and completes a substance abuse treatment program. The Director may waive the requirement to participate in or complete a substance abuse treatment program and award the sentence credit in specific instances if the prisoner is not a good candidate for a substance abuse treatment program for medical, programming, or operational reasons. Availability of substance abuse treatment shall be subject to the limits of fiscal resources appropriated by the General Assembly for these purposes. If treatment is not available and the requirement to participate and complete the treatment has not been waived by the Director, the prisoner shall be placed on a waiting list under criteria established by the Department. The Director may allow a prisoner placed on a waiting list to participate in and complete a substance abuse education class or attend substance abuse self-help meetings in lieu of a substance abuse treatment program. A prisoner on a waiting list who is not placed in a substance abuse program prior to release may be eligible for a waiver and receive sentence credit under clause (3) of this subsection (a) at the discretion of the Director.

(4.6) The rules and regulations on sentence credit shall also provide that a prisoner who has been convicted of a sex offense as defined in Section 2 of the Sex Offender Registration Act shall receive no sentence credit unless he or she either has successfully completed or is participating in sex offender treatment as defined by the Sex Offender Management Board. However, prisoners who are waiting to receive treatment, but who are unable to do so due solely to the lack of resources on the part of the Department, may, at the Director's sole discretion, be awarded sentence credit at a rate as the Director shall determine.

(5) Whenever the Department is to release any inmate earlier than it otherwise would because of a grant of earned sentence credit for good conduct under paragraph (3) of subsection (a) of this Section given at any time during the term, the Department shall give reasonable notice of the impending release not less than 14 days prior to the date of the release to

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the State's Attorney of the county where the prosecution of the inmate took place, and if applicable, the State's Attorney of the county into which the inmate will be released. The Department must also make identification information and a recent photo of the inmate being released accessible on the Internet by means of a hyperlink labeled "Community Notification of Inmate Early Release" on the Department's World Wide Web homepage. The identification information shall include the inmate's: name, any known alias, date of birth, physical characteristics, commitment offense and county where conviction was imposed. The identification information shall be placed on the website within 3 days of the inmate's release and the information may not be removed until either: completion of the first year of mandatory supervised release or return of the inmate to custody of the Department.

(b) Whenever a person is or has been committed under several convictions, with separate sentences, the sentences shall be construed under Section 5-8-4 in granting and forfeiting of sentence credit.

(c) The Department shall prescribe rules and regulations for revoking sentence credit, including revoking sentence credit awarded for good conduct under paragraph (3) of subsection (a) of this Section. The Department shall prescribe rules and regulations for suspending or reducing the rate of accumulation of sentence credit for specific rule violations, during imprisonment. These rules and regulations shall provide that no inmate may be penalized more than one year of sentence credit for any one infraction.

When the Department seeks to revoke, suspend or reduce the rate of accumulation of any sentence credits for an alleged infraction of its rules, it shall bring charges therefor against the prisoner sought to be so deprived of sentence credits before the Prisoner Review Board as provided in subparagraph (a)(4) of Section 3-3-2 of this Code, if the amount of credit at issue exceeds 30 days or when during any 12 month period, the cumulative amount of credit revoked exceeds 30 days except where the infraction is committed or discovered within 60 days of scheduled release. In those cases, the Department of Corrections may revoke up to 30 days of sentence credit. The Board may subsequently approve the revocation of additional sentence credit, if the Department seeks to revoke sentence credit in excess of 30 days. However, the Board shall not be empowered to review the Department's decision with respect to the loss of 30 days of sentence credit within any calendar year for any prisoner or to increase any penalty beyond the length requested by the Department.
The Director of the Department of Corrections, in appropriate cases, may restore up to 30 days of sentence credits which have been revoked, suspended or reduced. Any restoration of sentence credits in excess of 30 days shall be subject to review by the Prisoner Review Board. However, the Board may not restore sentence credit in excess of the amount requested by the Director.

Nothing contained in this Section shall prohibit the Prisoner Review Board from ordering, pursuant to Section 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the sentence imposed by the court that was not served due to the accumulation of sentence credit.

(d) If a lawsuit is filed by a prisoner in an Illinois or federal court against the State, the Department of Corrections, or the Prisoner Review Board, or against any of their officers or employees, and the court makes a specific finding that a pleading, motion, or other paper filed by the prisoner is frivolous, the Department of Corrections shall conduct a hearing to revoke up to 180 days of sentence credit by bringing charges against the prisoner sought to be deprived of the sentence credits before the Prisoner Review Board as provided in subparagraph (a)(8) of Section 3-3-2 of this Code. If the prisoner has not accumulated 180 days of sentence credit at the time of the finding, then the Prisoner Review Board may revoke all sentence credit accumulated by the prisoner.

For purposes of this subsection (d):

(1) "Frivolous" means that a pleading, motion, or other filing which purports to be a legal document filed by a prisoner in his or her lawsuit meets any or all of the following criteria:

(A) it lacks an arguable basis either in law or in fact;

(B) it is being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(C) the claims, defenses, and other legal contentions therein are not warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(D) the allegations and other factual contentions do not have evidentiary support or, if specifically so identified, are not likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; or
(E) the denials of factual contentions are not warranted on the evidence, or if specifically so identified, are not reasonably based on a lack of information or belief.

(2) "Lawsuit" means a motion pursuant to Section 116-3 of the Code of Criminal Procedure of 1963, a habeas corpus action under Article X of the Code of Civil Procedure or under federal law (28 U.S.C. 2254), a petition for claim under the Court of Claims Act, an action under the federal Civil Rights Act (42 U.S.C. 1983), or a second or subsequent petition for post-conviction relief under Article 122 of the Code of Criminal Procedure of 1963 whether filed with or without leave of court or a second or subsequent petition for relief from judgment under Section 2-1401 of the Code of Civil Procedure.

(e) Nothing in Public Act 90-592 or 90-593 affects the validity of Public Act 89-404.

(f) Whenever the Department is to release any inmate who has been convicted of a violation of an order of protection under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the Criminal Code of 2012, earlier than it otherwise would because of a grant of sentence credit, the Department, as a condition of release, shall require that the person, upon release, be placed under electronic surveillance as provided in Section 5-8A-7 of this Code.

(Source: P.A. 98-718, eff. 1-1-15; 99-241, eff. 1-1-16; 99-275, eff. 1-1-16; 99-642, eff. 7-28-16.)

(730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

Sec. 5-4-1. Sentencing Hearing.

(a) Except when the death penalty is sought under hearing procedures otherwise specified, after a determination of guilt, a hearing shall be held to impose the sentence. However, prior to the imposition of sentence on an individual being sentenced for an offense based upon a charge for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance, the individual must undergo a professional evaluation to determine if an alcohol or other drug abuse problem exists and the extent of such a problem. Programs conducting these evaluations shall be licensed by the Department of Human Services. However, if the individual is not a resident of Illinois, the court may, in its discretion, accept an evaluation from a program in the state of such individual's residence. The court may in its sentencing order approve an eligible defendant for placement in a Department of Corrections impact

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incarceration program as provided in Section 5-8-1.1 or 5-8-1.3. The court may in its sentencing order recommend a defendant for placement in a Department of Corrections substance abuse treatment program as provided in paragraph (a) of subsection (1) of Section 3-2-2 conditioned upon the defendant being accepted in a program by the Department of Corrections. At the hearing the court shall:

1. consider the evidence, if any, received upon the trial;
2. consider any presentence reports;
3. consider the financial impact of incarceration based on the financial impact statement filed with the clerk of the court by the Department of Corrections;
4. consider evidence and information offered by the parties in aggravation and mitigation;
4.5. consider substance abuse treatment, eligibility screening, and an assessment, if any, of the defendant by an agent designated by the State of Illinois to provide assessment services for the Illinois courts;
5. hear arguments as to sentencing alternatives;
6. afford the defendant the opportunity to make a statement in his own behalf;
7. afford the victim of a violent crime or a violation of Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, or a qualified individual affected by: (i) a violation of Section 405, 405.1, 405.2, or 407 of the Illinois Controlled Substances Act or a violation of Section 55 or Section 65 of the Methamphetamine Control and Community Protection Act, or (ii) a Class 4 felony violation of Section 11-14, 11-14.3 except as described in subdivisions (a)(2)(A) and (a)(2)(B), 11-15, 11-17, 11-18, 11-18.1, or 11-19 of the Criminal Code of 1961 or the Criminal Code of 2012, committed by the defendant the opportunity to make a statement concerning the impact on the victim and to offer evidence in aggravation or mitigation; provided that the statement and evidence offered in aggravation or mitigation must first be prepared in writing in conjunction with the State's Attorney before it may be presented orally at the hearing. Any sworn testimony offered by the victim is subject to the defendant's right to cross-examine. All statements and evidence offered under this paragraph (7) shall become part of the record of the court. For the purpose of this paragraph (7), "qualified
individual" means any person who (i) lived or worked within the territorial jurisdiction where the offense took place when the offense took place; and (ii) is familiar with various public places within the territorial jurisdiction where the offense took place when the offense took place. For the purposes of this paragraph (7), "qualified individual" includes any peace officer, or any member of any duly organized State, county, or municipal peace unit assigned to the territorial jurisdiction where the offense took place when the offense took place;

(8) in cases of reckless homicide afford the victim's spouse, guardians, parents or other immediate family members an opportunity to make oral statements;

(9) in cases involving a felony sex offense as defined under the Sex Offender Management Board Act, consider the results of the sex offender evaluation conducted pursuant to Section 5-3-2 of this Act; and

(10) make a finding of whether a motor vehicle was used in the commission of the offense for which the defendant is being sentenced.

(b) All sentences shall be imposed by the judge based upon his independent assessment of the elements specified above and any agreement as to sentence reached by the parties. The judge who presided at the trial or the judge who accepted the plea of guilty shall impose the sentence unless he is no longer sitting as a judge in that court. Where the judge does not impose sentence at the same time on all defendants who are convicted as a result of being involved in the same offense, the defendant or the State's Attorney may advise the sentencing court of the disposition of any other defendants who have been sentenced.

(b-1) In imposing a sentence of imprisonment or periodic imprisonment for a Class 3 or Class 4 felony for which a sentence of probation or conditional discharge is an available sentence, if the defendant has no prior sentence of probation or conditional discharge and no prior conviction for a violent crime, the defendant shall not be sentenced to imprisonment before review and consideration of a presentence report and determination and explanation of why the particular evidence, information, factor in aggravation, factual finding, or other reasons support a sentencing determination that one or more of the factors under subsection (a) of Section 5-6-1 of this Code apply and that probation or conditional discharge is not an appropriate sentence.

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(c) In imposing a sentence for a violent crime or for an offense of operating or being in physical control of a vehicle while under the influence of alcohol, any other drug or any combination thereof, or a similar provision of a local ordinance, when such offense resulted in the personal injury to someone other than the defendant, the trial judge shall specify on the record the particular evidence, information, factors in mitigation and aggravation or other reasons that led to his sentencing determination. The full verbatim record of the sentencing hearing shall be filed with the clerk of the court and shall be a public record.

(c-1) In imposing a sentence for the offense of aggravated kidnapping for ransom, home invasion, armed robbery, aggravated vehicular hijacking, aggravated discharge of a firearm, or armed violence with a category I weapon or category II weapon, the trial judge shall make a finding as to whether the conduct leading to conviction for the offense resulted in great bodily harm to a victim, and shall enter that finding and the basis for that finding in the record.

(c-2) If the defendant is sentenced to prison, other than when a sentence of natural life imprisonment or a sentence of death is imposed, at the time the sentence is imposed the judge shall state on the record in open court the approximate period of time the defendant will serve in custody according to the then current statutory rules and regulations for sentence credit found in Section 3-6-3 and other related provisions of this Code. This statement is intended solely to inform the public, has no legal effect on the defendant's actual release, and may not be relied on by the defendant on appeal.

The judge's statement, to be given after pronouncing the sentence, other than when the sentence is imposed for one of the offenses enumerated in paragraph (a)(4) (a)(3) of Section 3-6-3, shall include the following:

"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. In this case, assuming the defendant receives all of his or her sentence credit, the period of estimated actual custody is ... years and ... months, less up to 180 days additional earned sentence credit for good conduct. If the defendant, because of his or her own misconduct or failure to comply with the institutional regulations, does not receive those credits, the actual time

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served in prison will be longer. The defendant may also receive an additional one-half day sentence credit for each day of participation in vocational, industry, substance abuse, and educational programs as provided for by Illinois statute."

When the sentence is imposed for one of the offenses enumerated in paragraph (a)(3) of Section 3-6-3, other than when the sentence is imposed for one of the offenses enumerated in paragraph (a)(2) of Section 3-6-3 committed on or after June 19, 1998, and other than when the sentence is imposed for reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 if the offense was committed on or after January 1, 1999, and other than when the sentence is imposed for aggravated arson if the offense was committed on or after July 27, 2001 (the effective date of Public Act 92-176), and other than when the sentence is imposed for aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (C) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code committed on or after January 1, 2011 (the effective date of Public Act 96-1230), the judge's statement, to be given after pronouncing the sentence, shall include the following:

"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. In this case, assuming the defendant receives all of his or her sentence credit, the period of estimated actual custody is ... years and ... months, less up to 90 days additional sentence credit for good conduct. If the defendant, because of his or her own misconduct or failure to comply with the institutional regulations, does not receive those credits, the actual time served in prison will be longer. The defendant may also receive an additional one-half day sentence credit for each day of participation in vocational, industry, substance abuse, and educational programs as provided for by Illinois statute."

When the sentence is imposed for one of the offenses enumerated in paragraph (a)(2) of Section 3-6-3, other than first degree murder, and the offense was committed on or after June 19, 1998, and when the sentence is imposed for reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 if
the offense was committed on or after January 1, 1999, and when the sentence is imposed for aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, and when the sentence is imposed for aggravated arson if the offense was committed on or after July 27, 2001 (the effective date of Public Act 92-176), and when the sentence is imposed for aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (C) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code committed on or after January 1, 2011 (the effective date of Public Act 96-1230), the judge's statement, to be given after pronouncing the sentence, shall include the following:

"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. In this case, the defendant is entitled to no more than 4 1/2 days of sentence credit for each month of his or her sentence of imprisonment. Therefore, this defendant will serve at least 85% of his or her sentence. Assuming the defendant receives 4 1/2 days credit for each month of his or her sentence, the period of estimated actual custody is ... years and ... months. If the defendant, because of his or her own misconduct or failure to comply with the institutional regulations receives lesser credit, the actual time served in prison will be longer."

When a sentence of imprisonment is imposed for first degree murder and the offense was committed on or after June 19, 1998, the judge's statement, to be given after pronouncing the sentence, shall include the following:

"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. In this case, the defendant is not entitled to sentence credit. Therefore, this defendant will serve 100% of his or her sentence."
When the sentencing order recommends placement in a substance abuse program for any offense that results in incarceration in a Department of Corrections facility and the crime was committed on or after September 1, 2003 (the effective date of Public Act 93-354), the judge's statement, in addition to any other judge's statement required under this Section, to be given after pronouncing the sentence, shall include the following:

"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. In this case, the defendant shall receive no earned sentence credit for good conduct under clause (3) of subsection (a) of Section 3-6-3 until he or she participates in and completes a substance abuse treatment program or receives a waiver from the Director of Corrections pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

(c-4) Before the sentencing hearing and as part of the presentence investigation under Section 5-3-1, the court shall inquire of the defendant whether the defendant is currently serving in or is a veteran of the Armed Forces of the United States. If the defendant is currently serving in the Armed Forces of the United States or is a veteran of the Armed Forces of the United States and has been diagnosed as having a mental illness by a qualified psychiatrist or clinical psychologist or physician, the court may:

(1) order that the officer preparing the presentence report consult with the United States Department of Veterans Affairs, Illinois Department of Veterans' Affairs, or another agency or person with suitable knowledge or experience for the purpose of providing the court with information regarding treatment options available to the defendant, including federal, State, and local programming; and

(2) consider the treatment recommendations of any diagnosing or treating mental health professionals together with the treatment options available to the defendant in imposing sentence.

For the purposes of this subsection (c-4), "qualified psychiatrist" means a reputable physician licensed in Illinois to practice medicine in all its branches, who has specialized in the diagnosis and treatment of mental and nervous disorders for a period of not less than 5 years.

(c-6) In imposing a sentence, the trial judge shall specify, on the record, the particular evidence and other reasons which led to his or her
determination that a motor vehicle was used in the commission of the offense.

(d) When the defendant is committed to the Department of Corrections, the State's Attorney shall and counsel for the defendant may file a statement with the clerk of the court to be transmitted to the department, agency or institution to which the defendant is committed to furnish such department, agency or institution with the facts and circumstances of the offense for which the person was committed together with all other factual information accessible to them in regard to the person prior to his commitment relative to his habits, associates, disposition and reputation and any other facts and circumstances which may aid such department, agency or institution during its custody of such person. The clerk shall within 10 days after receiving any such statements transmit a copy to such department, agency or institution and a copy to the other party, provided, however, that this shall not be cause for delay in conveying the person to the department, agency or institution to which he has been committed.

(e) The clerk of the court shall transmit to the department, agency or institution, if any, to which the defendant is committed, the following:

(1) the sentence imposed;
(2) any statement by the court of the basis for imposing the sentence;
(3) any presentence reports;
(3.5) any sex offender evaluations;
(3.6) any substance abuse treatment eligibility screening and assessment of the defendant by an agent designated by the State of Illinois to provide assessment services for the Illinois courts;
(4) the number of days, if any, which the defendant has been in custody and for which he is entitled to credit against the sentence, which information shall be provided to the clerk by the sheriff;
(4.1) any finding of great bodily harm made by the court with respect to an offense enumerated in subsection (c-1);
(5) all statements filed under subsection (d) of this Section;
(6) any medical or mental health records or summaries of the defendant;

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(7) the municipality where the arrest of the offender or the commission of the offense has occurred, where such municipality has a population of more than 25,000 persons;
(8) all statements made and evidence offered under paragraph (7) of subsection (a) of this Section; and
(9) all additional matters which the court directs the clerk to transmit.

(f) In cases in which the court finds that a motor vehicle was used in the commission of the offense for which the defendant is being sentenced, the clerk of the court shall, within 5 days thereafter, forward a report of such conviction to the Secretary of State.

(Source: P.A. 99-861, eff. 1-1-17.)

(730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)
Sec. 5-5-3. Disposition.

(a) (Blank).
(b) (Blank).
(c) (1) (Blank).
   (2) A period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for the following offenses. The court shall sentence the offender to not less than the minimum term of imprisonment set forth in this Code for the following offenses, and may order a fine or restitution or both in conjunction with such term of imprisonment:

   (A) First degree murder where the death penalty is not imposed.
   (B) Attempted first degree murder.
   (C) A Class X felony.
   (D) A violation of Section 401.1 or 407 of the Illinois Controlled Substances Act, or a violation of subdivision (c)(1.5) or (e)(2) of Section 401 of that Act which relates to more than 5 grams of a substance containing cocaine, fentanyl; or an analog thereof.
   (D-5) A violation of subdivision (c)(1) of Section 401 of the Illinois Controlled Substances Act which relates to 3 or more grams of a substance containing heroin or an analog thereof.
   (E) (Blank). A violation of Section 5.1 or 9 of the Cannabis Control Act.
   (F) A Class 1 or greater felony if the offender had been convicted of a Class 1 or greater felony, including any state or
federal conviction for an offense that contained, at the time it was committed, the same elements as an offense now (the date of the offense committed after the prior Class 1 2 or greater felony) classified as a Class 1 2 or greater felony, within 10 years of the date on which the offender committed the offense for which he or she is being sentenced, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(F-3) A Class 2 or greater felony sex offense or felony firearm offense if the offender had been convicted of a Class 2 or greater felony, including any state or federal conviction for an offense that contained, at the time it was committed, the same elements as an offense now (the date of the offense committed after the prior Class 2 or greater felony) classified as a Class 2 or greater felony, within 10 years of the date on which the offender committed the offense for which he or she is being sentenced, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(F-5) A violation of Section 24-1, 24-1.1, or 24-1.6 of the Criminal Code of 1961 or the Criminal Code of 2012 for which imprisonment is prescribed in those Sections.

(G) Residential burglary, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(H) Criminal sexual assault.

(I) Aggravated battery of a senior citizen as described in Section 12-4.6 or subdivision (a)(4) of Section 12-3.05 of the Criminal Code of 1961 or the Criminal Code of 2012.

(J) A forcible felony if the offense was related to the activities of an organized gang.

Before July 1, 1994, for the purposes of this paragraph, "organized gang" means an association of 5 or more persons, with an established hierarchy, that encourages members of the association to perpetrate crimes or provides support to the members of the association who do commit crimes.

Beginning July 1, 1994, for the purposes of this paragraph, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(K) Vehicular hijacking.

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(L) A second or subsequent conviction for the offense of hate crime when the underlying offense upon which the hate crime is based is felony aggravated assault or felony mob action.

(M) A second or subsequent conviction for the offense of institutional vandalism if the damage to the property exceeds $300.

(N) A Class 3 felony violation of paragraph (1) of subsection (a) of Section 2 of the Firearm Owners Identification Card Act.

(O) A violation of Section 12-6.1 or 12-6.5 of the Criminal Code of 1961 or the Criminal Code of 2012.

(P) A violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1 of the Criminal Code of 1961 or the Criminal Code of 2012.

(Q) A violation of subsection (b) or (b-5) of Section 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal Code of 1961 or the Criminal Code of 2012.

(R) A violation of Section 24-3A of the Criminal Code of 1961 or the Criminal Code of 2012.

(S) (Blank).

(T) (Blank). A second or subsequent violation of the Methamphetamine Control and Community Protection Act.

(U) A second or subsequent violation of Section 6-303 of the Illinois Vehicle Code committed while his or her driver's license, permit, or privilege was revoked because of a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a similar provision of a law of another state.

(V) A violation of paragraph (4) of subsection (c) of Section 11-20.1B or paragraph (4) of subsection (c) of Section 11-20.3 of the Criminal Code of 1961, or paragraph (6) of subsection (a) of Section 11-20.1 of the Criminal Code of 2012 when the victim is under 13 years of age and the defendant has previously been convicted under the laws of this State or any other state of the offense of child pornography, aggravated child pornography, aggravated criminal sexual abuse, aggravated criminal sexual assault, predatory criminal sexual assault of a child, or any of the offenses formerly known as rape, deviate sexual assault, indecent liberties with a child, or aggravated indecent liberties with a child.

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where the victim was under the age of 18 years or an offense that is substantially equivalent to those offenses.

(W) A violation of Section 24-3.5 of the Criminal Code of 1961 or the Criminal Code of 2012.

(X) A violation of subsection (a) of Section 31-1a of the Criminal Code of 1961 or the Criminal Code of 2012.

(Y) A conviction for unlawful possession of a firearm by a street gang member when the firearm was loaded or contained firearm ammunition.

(Z) A Class 1 felony committed while he or she was serving a term of probation or conditional discharge for a felony.

(AA) Theft of property exceeding $500,000 and not exceeding $1,000,000 in value.

(BB) Laundering of criminally derived property of a value exceeding $500,000.

(CC) Knowingly selling, offering for sale, holding for sale, or using 2,000 or more counterfeit items or counterfeit items having a retail value in the aggregate of $500,000 or more.

(DD) A conviction for aggravated assault under paragraph (6) of subsection (c) of Section 12-2 of the Criminal Code of 1961 or the Criminal Code of 2012 if the firearm is aimed toward the person against whom the firearm is being used.

(EE) A conviction for a violation of paragraph (2) of subsection (a) of Section 24-3B of the Criminal Code of 2012.

(3) (Blank).

(4) A minimum term of imprisonment of not less than 10 consecutive days or 30 days of community service shall be imposed for a violation of paragraph (c) of Section 6-303 of the Illinois Vehicle Code.

(4.1) (Blank).

(4.2) Except as provided in paragraphs (4.3) and (4.8) of this subsection (c), a minimum of 100 hours of community service shall be imposed for a second violation of Section 6-303 of the Illinois Vehicle Code.

(4.3) A minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a second violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.4) Except as provided in paragraphs (4.5), (4.6), and (4.9) of this subsection (c), a minimum term of imprisonment of 30 days or 300 hours

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of community service, as determined by the court, shall be imposed for a third or subsequent violation of Section 6-303 of the Illinois Vehicle Code.

(4.5) A minimum term of imprisonment of 30 days shall be imposed for a third violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.6) Except as provided in paragraph (4.10) of this subsection (c), a minimum term of imprisonment of 180 days shall be imposed for a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.7) A minimum term of imprisonment of not less than 30 consecutive days, or 300 hours of community service, shall be imposed for a violation of subsection (a-5) of Section 6-303 of the Illinois Vehicle Code, as provided in subsection (b-5) of that Section.

(4.8) A mandatory prison sentence shall be imposed for a second violation of subsection (a-5) of Section 6-303 of the Illinois Vehicle Code, as provided in subsection (c-5) of that Section. The person's driving privileges shall be revoked for a period of not less than 5 years from the date of his or her release from prison.

(4.9) A mandatory prison sentence of not less than 4 and not more than 15 years shall be imposed for a third violation of subsection (a-5) of Section 6-303 of the Illinois Vehicle Code, as provided in subsection (d-2.5) of that Section. The person's driving privileges shall be revoked for the remainder of his or her life.

(4.10) A mandatory prison sentence for a Class 1 felony shall be imposed, and the person shall be eligible for an extended term sentence, for a fourth or subsequent violation of subsection (a-5) of Section 6-303 of the Illinois Vehicle Code, as provided in subsection (d-3.5) of that Section. The person's driving privileges shall be revoked for the remainder of his or her life.

(5) The court may sentence a corporation or unincorporated association convicted of any offense to:
   (A) a period of conditional discharge;
   (B) a fine;
   (C) make restitution to the victim under Section 5-5-6 of this Code.

(5.1) In addition to any other penalties imposed, and except as provided in paragraph (5.2) or (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 90 days

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but not more than one year, if the violation resulted in damage to the property of another person.

(5.2) In addition to any other penalties imposed, and except as provided in paragraph (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 180 days but not more than 2 years, if the violation resulted in injury to another person.

(5.3) In addition to any other penalties imposed, a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for 2 years, if the violation resulted in the death of another person.

(5.4) In addition to any other penalties imposed, a person convicted of violating Section 3-707 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for 3 months and until he or she has paid a reinstatement fee of $100.

(5.5) In addition to any other penalties imposed, a person convicted of violating Section 3-707 of the Illinois Vehicle Code during a period in which his or her driver's license, permit, or privileges were suspended for a previous violation of that Section shall have his or her driver's license, permit, or privileges suspended for an additional 6 months after the expiration of the original 3-month suspension and until he or she has paid a reinstatement fee of $100.

(6) (Blank).

(7) (Blank).

(8) (Blank).

(9) A defendant convicted of a second or subsequent offense of ritualized abuse of a child may be sentenced to a term of natural life imprisonment.

(10) (Blank).

(11) The court shall impose a minimum fine of $1,000 for a first offense and $2,000 for a second or subsequent offense upon a person convicted of or placed on supervision for battery when the individual harmed was a sports official or coach at any level of competition and the act causing harm to the sports official or coach occurred within an athletic facility or within the immediate vicinity of the athletic facility at which the sports official or coach was an active participant of the athletic contest held at the athletic facility. For the purposes of this paragraph (11), "sports official" means a person at an athletic contest who enforces the rules of the contest, such as an umpire or referee; "athletic facility" means an indoor or...
outdoor playing field or recreational area where sports activities are conducted; and "coach" means a person recognized as a coach by the sanctioning authority that conducted the sporting event.

(12) A person may not receive a disposition of court supervision for a violation of Section 5-16 of the Boat Registration and Safety Act if that person has previously received a disposition of court supervision for a violation of that Section.

(13) A person convicted of or placed on court supervision for an assault or aggravated assault when the victim and the offender are family or household members as defined in Section 103 of the Illinois Domestic Violence Act of 1986 or convicted of domestic battery or aggravated domestic battery may be required to attend a Partner Abuse Intervention Program under protocols set forth by the Illinois Department of Human Services under such terms and conditions imposed by the court. The costs of such classes shall be paid by the offender.

(d) In any case in which a sentence originally imposed is vacated, the case shall be remanded to the trial court. The trial court shall hold a hearing under Section 5-4-1 of the Unified Code of Corrections which may include evidence of the defendant's life, moral character and occupation during the time since the original sentence was passed. The trial court shall then impose sentence upon the defendant. The trial court may impose any sentence which could have been imposed at the original trial subject to Section 5-5-4 of the Unified Code of Corrections. If a sentence is vacated on appeal or on collateral attack due to the failure of the trier of fact at trial to determine beyond a reasonable doubt the existence of a fact (other than a prior conviction) necessary to increase the punishment for the offense beyond the statutory maximum otherwise applicable, either the defendant may be re-sentenced to a term within the range otherwise provided or, if the State files notice of its intention to again seek the extended sentence, the defendant shall be afforded a new trial.

(e) In cases where prosecution for aggravated criminal sexual abuse under Section 11-1.60 or 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012 results in conviction of a defendant who was a family member of the victim at the time of the commission of the offense, the court shall consider the safety and welfare of the victim and may impose a sentence of probation only where:

(1) the court finds (A) or (B) or both are appropriate:

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(A) the defendant is willing to undergo a court approved counseling program for a minimum duration of 2 years; or
(B) the defendant is willing to participate in a court approved plan including but not limited to the defendant's:
   (i) removal from the household;
   (ii) restricted contact with the victim;
   (iii) continued financial support of the family;
   (iv) restitution for harm done to the victim; and
   (v) compliance with any other measures that the court may deem appropriate; and

(2) the court orders the defendant to pay for the victim's counseling services, to the extent that the court finds, after considering the defendant's income and assets, that the defendant is financially capable of paying for such services, if the victim was under 18 years of age at the time the offense was committed and requires counseling as a result of the offense.

Probation may be revoked or modified pursuant to Section 5-6-4; except where the court determines at the hearing that the defendant violated a condition of his or her probation restricting contact with the victim or other family members or commits another offense with the victim or other family members, the court shall revoke the defendant's probation and impose a term of imprisonment.

For the purposes of this Section, "family member" and "victim" shall have the meanings ascribed to them in Section 11-0.1 of the Criminal Code of 2012.

(f) (Blank).

(g) Whenever a defendant is convicted of an offense under Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14, 11-14.3, 11-14.4 except for an offense that involves keeping a place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012, the defendant shall undergo medical testing to determine whether the defendant has any sexually transmissible disease, including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Any such medical test shall be

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performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the defendant's person. Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of the test results. The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or legal guardian of the test results. The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-5.01 or 12-16.2 of the Criminal Code of 1961 or the Criminal Code of 2012 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(g-5) When an inmate is tested for an airborne communicable disease, as determined by the Illinois Department of Public Health including but not limited to tuberculosis, the results of the test shall be personally delivered by the warden or his or her designee in a sealed envelope to the judge of the court in which the inmate must appear for the judge's inspection in camera if requested by the judge. Acting in accordance with the best interests of those in the courtroom, the judge shall have the discretion to determine what if any precautions need to be taken to prevent transmission of the disease in the courtroom.

(h) Whenever a defendant is convicted of an offense under Section 1 or 2 of the Hypodermic Syringes and Needles Act, the defendant shall undergo medical testing to determine whether the defendant has been exposed to human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Except as otherwise provided by law, the results of such test shall be kept strictly

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confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of a positive test showing an infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-5.01 or 12-16.2 of the Criminal Code of 1961 or the Criminal Code of 2012 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(i) All fines and penalties imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(j) In cases when prosecution for any violation of Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9, 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012, any violation of the Illinois Controlled Substances Act, any violation of the Cannabis Control Act, or any violation of the Methamphetamine Control and Community Protection Act results in conviction, a disposition of court supervision, or an order of probation granted under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act of a defendant, the court shall determine whether the defendant is employed by a facility or center as defined under the Child Care Act of 1969, a public or private elementary or secondary school, or otherwise works with children under 18 years of

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age on a daily basis. When a defendant is so employed, the court shall order the Clerk of the Court to send a copy of the judgment of conviction or order of supervision or probation to the defendant's employer by certified mail. If the employer of the defendant is a school, the Clerk of the Court shall direct the mailing of a copy of the judgment of conviction or order of supervision or probation to the appropriate regional superintendent of schools. The regional superintendent of schools shall notify the State Board of Education of any notification under this subsection.

(j-5) A defendant at least 17 years of age who is convicted of a felony and who has not been previously convicted of a misdemeanor or felony and who is sentenced to a term of imprisonment in the Illinois Department of Corrections shall as a condition of his or her sentence be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing high school equivalency testing or to work toward completing a vocational training program offered by the Department of Corrections. If a defendant fails to complete the educational training required by his or her sentence during the term of incarceration, the Prisoner Review Board shall, as a condition of mandatory supervised release, require the defendant, at his or her own expense, to pursue a course of study toward a high school diploma or passage of high school equivalency testing. The Prisoner Review Board shall revoke the mandatory supervised release of a defendant who wilfully fails to comply with this subsection (j-5) upon his or her release from confinement in a penal institution while serving a mandatory supervised release term; however, the inability of the defendant after making a good faith effort to obtain financial aid or pay for the educational training shall not be deemed a wilful failure to comply. The Prisoner Review Board shall recommit the defendant whose mandatory supervised release term has been revoked under this subsection (j-5) as provided in Section 3-3-9. This subsection (j-5) does not apply to a defendant who has a high school diploma or has successfully passed high school equivalency testing. This subsection (j-5) does not apply to a defendant who is determined by the court to be a person with a developmental disability or otherwise mentally incapable of completing the educational or vocational program.

(k) (Blank).

(l) (A) Except as provided in paragraph (C) of subsection (l), whenever a defendant, who is an alien as defined by the Immigration and
Nationality Act, is convicted of any felony or misdemeanor offense, the court after sentencing the defendant may, upon motion of the State's Attorney, hold sentence in abeyance and remand the defendant to the custody of the Attorney General of the United States or his or her designated agent to be deported when:

- (1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and
- (2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

Otherwise, the defendant shall be sentenced as provided in this Chapter V.

(B) If the defendant has already been sentenced for a felony or misdemeanor offense, or has been placed on probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act, the court may, upon motion of the State's Attorney to suspend the sentence imposed, commit the defendant to the custody of the Attorney General of the United States or his or her designated agent when:

- (1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and
- (2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

(C) This subsection (l) does not apply to offenders who are subject to the provisions of paragraph (2) of subsection (a) of Section 3-6-3.

(D) Upon motion of the State's Attorney, if a defendant sentenced under this Section returns to the jurisdiction of the United States, the defendant shall be recommitted to the custody of the county from which he or she was sentenced. Thereafter, the defendant shall be brought before the sentencing court, which may impose any sentence that was available under Section 5-5-3 at the time of initial sentencing. In addition, the defendant shall not be eligible for additional earned sentence credit for good conduct as provided under Section 3-6-3.

(m) A person convicted of criminal defacement of property under Section 21-1.3 of the Criminal Code of 1961 or the Criminal Code of

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2012, in which the property damage exceeds $300 and the property damaged is a school building, shall be ordered to perform community service that may include cleanup, removal, or painting over the defacement.

(n) The court may sentence a person convicted of a violation of Section 12-19, 12-21, 16-1.3, or 17-56, or subsection (a) or (b) of Section 12-4.4a, of the Criminal Code of 1961 or the Criminal Code of 2012 (i) to an impact incarceration program if the person is otherwise eligible for that program under Section 5-8-1.1, (ii) to community service, or (iii) if the person is an addict or alcoholic, as defined in the Alcoholism and Other Drug Abuse and Dependency Act, to a substance or alcohol abuse program licensed under that Act.

(o) Whenever a person is convicted of a sex offense as defined in Section 2 of the Sex Offender Registration Act, the defendant's driver's license or permit shall be subject to renewal on an annual basis in accordance with the provisions of license renewal established by the Secretary of State.

(Source: P.A. 98-718, eff. 1-1-15; 98-756, eff. 7-16-14; 99-143, eff. 7-27-15; 99-885, eff. 8-23-16.)
Approved March 10, 2017
Effective January 1, 2018.
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ARMY SP4 CHARLES IRBY MEMORIAL HIGHWAY
(Senate Joint Resolution No. 33)

WHEREAS, It is appropriate for us to remember the many sacrifices and contributions to the cause of freedom made by the outstanding men and women who served in the Vietnam War; and

WHEREAS, United States Army Specialist Charles Irby was born on June 25, 1948 in Hillsboro; he was the son of the late Mr. and Mrs. Marvin L. Irby and the brother of Rosemary Fletcher, Marvin L. Irby Jr., and Larry Gene Irby; and

WHEREAS, Specialist Charles Irby was a lifelong resident of Hillsboro and graduated from Hillsboro High School; he began serving our nation in 1967; and

WHEREAS, Specialist Charles Irby was a member of the United States Army for a year, serving in Company B, 3rd Battalion of the 25th Division; and

WHEREAS, Specialist Charles Irby gave his life defending America's freedom on January 15, 1968 after taking enemy small arms fire; and

WHEREAS, The members of the Illinois General Assembly wish to dedicate Illinois Route 16 along School Street from South Main Street to the corner of 22nd Street in Hillsboro, Illinois as the Army SP4 Charles Irby Memorial Highway to honor the sacrifice of Specialist Charles Irby and all Vietnam veterans; and

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

RESOLVED, BY THE SENATE OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we designate the portion of Illinois Route 16 along School Street from South Main Street to the corner of 22nd Street in Hillsboro as the Army SP4 Charles Irby Memorial Highway; and be it further

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

RESOLVED, That suitable copies of this resolution be presented to the family of Charles Irby, the Secretary of the Illinois Department of
Transportation, the Montgomery County Veterans Assistance Commission, and the City of Hillsboro.

Adopted by the Senate on January 13, 2016.
Concurred in by the House of Representatives on June 29, 2016.

**BILINGUAL ADVISORY TASK FORCE**

*(House Joint Resolution No. 127)*

WHEREAS, English Learners make up 10.3% of Illinois' student population; and

WHEREAS, Over the past two decades, the number of children in the United States living with immigrant parents grew 60% and accounted for 25% of children under the age of 18; and

WHEREAS, Immigrant families who speak a home language other than English should be considered to be powerful assets in their children's education and partners with a shared responsibility for student learning and achievement; and

WHEREAS, Research consistently demonstrates that family engagement is one of the most significant factors in supporting student academic success; and

WHEREAS, The State should help ensure that each school district is able to meet its obligations to provide equitable access for students and families of all linguistic backgrounds; and

WHEREAS, There are currently no professional certification standards for foreign language interpreters in public schools; and

WHEREAS, Developing a training and certification program and establishing minimum standards for individuals providing foreign language interpretation services in schools will help students reach their full academic potential; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the Bilingual Advisory Task Force, created by House Joint Resolution 36 of the 99th General Assembly, shall also study the feasibility of professional certification standards for foreign language educational interpreters in public schools; and be it further

RESOLVED, That should the Task Force deem certification standards feasible, those certification standards shall help ensure that interpreters serving school districts have demonstrated the core competencies of fluency, methodology, and ethics of interpretation and translation; and be it further
RESOLVED, That if the Task Force determines that certification standards are needed, it shall recommend procedures for school districts pertaining to when and how to access a language interpreter; and be it further

RESOLVED, That the Task Force may examine the process for certifying educational interpreters for students and parents who are deaf and may recommend a similar process for foreign language interpreters; and be it further

RESOLVED, That two additional members shall be added to the Task Force, to be appointed by the State Superintendent of Education, one of whom shall be the president of a community college, and one of whom shall be an assistant principal in the Chicago public schools; and be it further

RESOLVED, That the Task Force's deadline for submitting its findings and recommendations to the Governor and General Assembly is changed from December 15, 2015 to December 15, 2016, in order to give the Task Force adequate time to complete its work; and be it further

RESOLVED, That a copy of this resolution shall be transmitted to the State Superintendent of Education.

Adopted by the House of Representatives on May 19, 2016.
Concurred in by the Senate on May 31, 2016.

CONSTITUTIONAL AMENDMENT - ARTICLE IX SECTION 11
(House Joint Resolution Constitutional Amendment No. 36)

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to add Section 11 to Article IX of the Illinois Constitution as follows:

ARTICLE IX
REVENUE
SECTION 11. TRANSPORTATION FUNDS

(a) No moneys, including bond proceeds, derived from taxes, fees, excises, or license taxes relating to registration, title, or operation or use of vehicles, or related to the use of highways, roads, streets, bridges, mass transit, intercity passenger rail, ports, airports, or to fuels used for propelling vehicles, or derived from taxes, fees, excises, or license taxes relating to any other transportation infrastructure or transportation
operation, shall be expended for purposes other than as provided in subsections (b) and (c).

(b) Transportation funds may be expended for the following: the costs of administering laws related to vehicles and transportation, including statutory refunds and adjustments provided in those laws; payment of highway obligations; costs for construction, reconstruction, maintenance, repair, and betterment of highways, roads, streets, bridges, mass transit, intercity passenger rail, ports, airports, or other forms of transportation; and other statutory highway purposes. Transportation funds may also be expended for the State or local share of highway funds to match federal aid highway funds, and expenses of grade separation of highways and railroad crossings, including protection of at-grade highways and railroad crossings, and, with respect to local governments, other transportation purposes as authorized by law.

(c) The costs of administering laws related to vehicles and transportation shall be limited to direct program expenses related to the following: the enforcement of traffic, railroad, and motor carrier laws; the safety of highways, roads, streets, bridges, mass transit, intercity passenger rail, ports, or airports; and the construction, reconstruction, improvement, repair, maintenance, operation, and administration of highways, under any related provisions of law or any purpose related or incident to, including grade separation of highways and railroad crossings. The limitations to the costs of administering laws related to vehicles and transportation under this subsection (c) shall also include direct program expenses related to workers' compensation claims for death or injury of employees of the State's transportation agency; the acquisition of land and the erection of buildings for highway purposes, including the acquisition of highway rights-of-way or for investigations to determine the reasonable anticipated future highway needs; and the making of surveys, plans, specifications, and estimates for the construction and maintenance of flight strips and highways. The expenses related to the construction and maintenance of flight strips and highways under this subsection (c) are for the purpose of providing access to military and naval reservations, defense-industries, defense-industry sites, and sources of raw materials, including the replacement of existing highways and highway connections shut off from general use at military and naval reservations, defense-industries, and defense-industry sites, or the purchase of rights-of-way.

(d) None of the revenues described in subsection (a) of this Section shall, by transfer, offset, or otherwise, be diverted to any purpose other than those described in subsections (b) and (c) of this Section.
(e) If the General Assembly appropriates funds for a mode of transportation not described in this Section, the General Assembly must provide for a dedicated source of funding.

(f) Federal funds may be spent for any purposes authorized by federal law.

SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act.

Adopted by the House of Representatives on April 22, 2016.
Adopted by the Senate on May 5, 2016.

CPL BRYANT J. LUXMORE MEMORIAL HIGHWAY
(House Joint Resolution No. 93)

WHEREAS, It is highly fitting that the Illinois General Assembly pays honor and respect to the truly great individuals who have served our country; and

WHEREAS, Bryant J. "B.J." Luxmore was born on November 3, 1986; he grew up in New Windsor with his parents, Brenda and Leonard Luxmore, and his brother, Brock; and

WHEREAS, B.J. was a hometown boy, and he loved the small community he came from; he was an avid athlete and student who graduated from Sherrard High School in 2005; in high school, he was an excellent athlete in football and baseball; he continued his baseball career at the collegiate level at Monmouth College and Illinois College, where he graduated in 2009; and

WHEREAS, B.J. entered the United States Army in April of 2011 as an infantryman; he was assigned to the 1st Battalion, 64th Armor Regiment, 2nd Brigade Combat Team of the 3rd Infantry Division; after honoring his parents' wishes for him to receive his Bachelor of Arts degree, he pursued his passion to enlist; and

WHEREAS, B.J. married Jaimie Lower on October 8, 2011 and relocated to Fort Stewart, Georgia to begin a life together with their son, Lane; he was family-oriented and enjoyed spending any free time he had at home teaching Lane to play baseball; and

WHEREAS, B.J. deployed to Afghanistan in March of 2012; he died in the service of his country at the age of 25 in Panjwai, Afghanistan when he suffered injuries while encountering enemy small arms fire; he was posthumously promoted to the rank of corporal and awarded the Bronze Star, the Purple Heart, and the Combat Infantry Badge; and
WHEREAS, B.J. is survived by his wife, Jaimie; his son, Lane; his parents; his brother, Brock, and his wife, Melissa; his maternal grandparents, William and Marcia Johnson; his paternal grandmother, Donna Jo Luxmore; and many aunts, uncles, cousins, nieces, and nephews; and

WHEREAS, Anyone who knew B.J. knew that family was the most important thing to him; he was a homebody and a huge sports fan; he and his brother were always outside throwing a football or baseball; he continued his love of sports with Lane and instilled the importance of being a St. Louis Cardinals fan; and

WHEREAS, B.J. was a quiet hero who was looked up to by everyone who knew him, as he took his work seriously but had an amazing sense of humor and quick wit that made him so much fun to be around; his dedication, heroism, and courage will never be forgotten by his family, his city, his State, or his country; and

WHEREAS, His heart was huge and his smile was infectious; his first entry in his journal he kept in Afghanistan read, "If you don't live for something, you will die for nothing"; CPL Bryant J. Luxmore lived and died for all of us; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we designate the portion of Illinois Route 17 from the Henry/Mercer County Line to the Village of Viola as the CPL Bryant J. Luxmore Memorial Highway; and be it further

RESOLVED, That the Illinois Department of Transportation is requested to erect, at suitable locations consistent with State and federal regulations, an appropriate plaque or signs giving notice of the name of the CPL Bryant J. Luxmore Memorial Highway; and be it further

RESOLVED, That suitable copies of this resolution be presented to the family of Bryant J. Luxmore and the Secretary of the Illinois Department of Transportation.

Adopted by the House of Representatives on December 2, 2015.
Concurred in by the Senate on January 13, 2016.

DEPUTY CRAIG WHISENAND MEMORIAL HIGHWAY
(House Joint Resolution No. 119)

WHEREAS, It is highly fitting that the Illinois General Assembly pays honor and respect to individuals who have given their lives in the line of duty; and
WHEREAS, Craig Whisenand was born in Peoria on May 24, 1971; his parents were Vern and Phyllis Kenney Whisenand; he married Steffany Ramsey on June 14, 2014 in Tremont; and

WHEREAS, Craig Whisenand graduated from Tremont High School in 1989; he attended Illinois Central College in East Peoria and completed his studies at the University of Illinois Police Training Institute in Champaign; and

WHEREAS, Craig Whisenand began his career as a corrections officer at the Tazewell County Jail on April 14, 2000; on February 10, 2005, he was appointed to serve as a Deputy Sheriff with the Tazewell County Sheriff's Department; and

WHEREAS, Craig Whisenand attended the Tremont United Methodist Church; he enjoyed flowers, gardening, antiquing, and spending time on the farm; he also loved all sports, especially encouraging his sons to participate in hockey and baseball; and

WHEREAS, Craig Whisenand was killed in the line of duty while responding to a call on August 11, 2015; and

WHEREAS, Craig Whisenand was preceded in death by his grandparents; and

WHEREAS, Craig Whisenand is survived by his wife, Steffany; his parents; his 2 sons, Hunter Stephen and Carter Stephen Whisenand; his daughter, Sophie Jean Frederick; his sister, Krista (Steve) Muselman; his 2 nephews, Joey and Justin Muselman; and his father-in-law and mother-in-law, Steve and Peg Ramsey; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we designate the section of Illinois Route 9 in Tremont beginning at the intersection of Old Route 9 and ending at the intersection of Baer Road as the "Deputy Craig Whisenand Memorial Highway"; and be it further

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

RESOLVED, That suitable copies of this resolution be presented to the family of Deputy Craig Whisenand, the Tazewell County Sheriff's Department, the Mayor of the City of Tremont, and the Secretary of the Illinois Department of Transportation.

Adopted by the House of Representatives on May 4, 2016.
Concurred in by the Senate on May 31, 2016.
WHEREAS, The members of the Illinois General Assembly are pleased to honor those who have given their lives to protect the people of this State; and

WHEREAS, Deputy Sheriff Elizabeth Mazella Edwards, the youngest daughter of Wayne and Nancie "Susie" Edwards, was born on June 2, 1979; she attended Hardin County schools, where she had many, many friends; she was active in softball, band, and cross-country; and

WHEREAS, In May of 1997, Deputy Sheriff Edwards was baptized at the Hardin County Church of Christ; she graduated from Hardin County High School and spent a year at Freed-Hardeman University in Henderson, Tennessee, and attended Southeastern Illinois College; and

WHEREAS, After the events of September 11, 2001, Deputy Sheriff Edwards joined the United States Army Reserves and proudly served her country; she went on to serve in another capacity, becoming a Deputy for the Hardin County Sheriffs Department in the fall of 2005; and

WHEREAS, Deputy Sheriff Edwards was killed in the line of duty while responding to a traffic accident on February 12, 2006; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we designate the portion of Illinois Route 146 from the Pope County line to the city limits of Elizabethtown as the Deputy Elizabeth Edwards Memorial Highway; and be it further

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

RESOLVED, That suitable copies of this resolution be presented to the family of Deputy Elizabeth Edwards and the Secretary of the Illinois Department of Transportation.

Adopted by the House of Representatives on May 12, 2016.
Concurred in by the Senate on May 31, 2016.
WHEREAS, It is important to recognize those who contributed to the betterment of the State of Illinois through public service; and

WHEREAS, Dick Rawlings was born in Franklin on January 25, 1941; he graduated from Franklin High School in 1959; he served in the United States Army until his honorable discharge in October of 1969 and earned a Bachelor of Science in Civil Engineering from Bradley University in 1971; and

WHEREAS, Dick Rawlings returned to Morgan County and selflessly dedicated his time and unique talents to better his community, a place that loved him as much as he loved it; and

WHEREAS, Dick Rawlings worked as a civil engineer and land surveyor for over 35 years and excelled as a leader in his field; he served as President of the Illinois Professional Land Surveyors Association and received the association's A. "Pat" Patterson Illinois Land Surveyor of the Year Award in 1999; he retired in 2002 as an owner and partner of Benton and Associates, a Jacksonville-based engineering firm; and

WHEREAS, Dick Rawlings was also prominent in Morgan County for his unmatched dedication to volunteer work; and

WHEREAS, Dick Rawlings served as chairman of Corridor 67 Inc., a group that successfully expanded Route 67 under his leadership; his distinctive combination of his knowledge in civil engineering and passion for the betterment of his community enabled him to envision and implement this project, and many others, to an outstanding degree; and

WHEREAS, Dick Rawlings was elected to 2 terms as Morgan County Commissioner in 2006 and 2012; and

WHEREAS, Dick Rawlings was a longtime member of the Jacksonville Area Chamber of Commerce, where he received the Circle of Excellence Award after volunteering countless hours; and

WHEREAS, Dick Rawlings was actively involved on the board of directors for the Jacksonville Regional Economic Development Corporation, the Passavant Hospital Foundation, the Governor Duncan Association, the FBI National Citizens Academy Alumni Association, and the West Central Development Council; and

WHEREAS, Dick Rawlings was a member of the Meredosia and Florence Bridge Replacement Citizens Advisory Committees, the American Legion, the Veterans of Foreign Wars, AMVETS, the Elks Lodge, the Moose Lodge, Rotary International, the Fraternal Order of Eagles, Harmony Masonic Lodge 3 - Ancient Free and Accepted Masons,
the Scottish Rite-Valley of Springfield, the Ansar Shrine, the Rasna Shrine Club, and ROJ Court 20; and

WHEREAS, Dick Rawlings provided graveside military honors to his fallen comrades as a member of the Combined Veterans Ceremonial Team, a group proud to honor the fallen who have helped the living; and

WHEREAS, Dick Rawlings loved reveling in the tranquility of the outdoors; he frequented his houseboat at the Alton Marina with his family and friends; he enjoyed deepsea fishing and hunting; he loved the beauty of the Mississippi River and its long history; however, he cherished his family most of all; and

WHEREAS, Dick Rawlings was preceded in death by his parents, Herman Stanley "Bill" and Mona (nee Mitchell) Rawlings; his brother, William "Bill" Rawlings; and his sister-in-law, Sherry Peck Rawlings; and

WHEREAS, Dick Rawlings is survived by his wife of 38 years, Diane Johnson; his 2 children, Monica (Christopher Ryan) Carroll and Michael (Holly) Rawlings; his 3 grandchildren, Jackson and Elaine Carroll and Nathanyle Loy; his sister, Marilyn (Darrell) Smith; his brother, Robert "Bob" Rawlings; and several nieces and nephews; and

WHEREAS, It is highly fitting that the Illinois General Assembly pays honor and respect to individuals who dedicated their lives in the service of the State of Illinois; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we designate the section of U.S. Route 67 between Liberty Road and Interstate 72 near Jacksonville as the "Dick Rawlings Memorial Highway"; and be it further

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

RESOLVED, That suitable copies of this resolution be presented to the family of Dick Rawlings, the Mayor of Jacksonville, and the Secretary of the Illinois Department of Transportation.

Adopted by the House of Representatives on March 24, 2015.
Concurred in by the Senate on January 13, 2016.

DYSLEXIA AWARENESS WEEK
(Senate Joint Resolution No. 54)

WHEREAS, Dyslexia is a language-based learning disability and the most common cause of reading, writing, and spelling difficulties; and
WHEREAS, Dyslexia affects 70%-80% of people with reading difficulties and is more common than autism, attention deficit disorder, and attention deficit hyperactive disorder; and
WHEREAS, At least 2 million people in Illinois show symptoms of dyslexia; and
WHEREAS, Dyslexia is a neurological and genetic disorder, affecting all ethnicities and socio-economic statuses equally; and
WHEREAS, Students with dyslexia face difficulty learning to read and, if left undiagnosed, often become frustrated with academic study; and
WHEREAS, With the help of intervention before 1st grade, students with dyslexia can learn to read and write at grade level; and
WHEREAS, If children with dyslexia are poor readers in 3rd grade, they will likely remain poor readers into their adult lives; and
WHEREAS, Globally, great strides have been made to raise awareness about dyslexia to promote early diagnosis, including the designation of October as National Dyslexia Awareness Month in the United States of America; therefore, be it
RESOLVED, BY THE SENATE OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we designate the last week of October in 2016 as Dyslexia Awareness Week in the State of Illinois; and be it further
RESOLVED, That we recognize the importance of improving awareness and encouraging early diagnosis of dyslexia; and be it further
RESOLVED, That we wholeheartedly support a State, national, and global commitment to improving the reading abilities of children and adults who struggle with dyslexia.
Adopted by the Senate on May 23, 2016.
Concurred in by the House of Representatives on June 29, 2016.

ENVIRONMENTAL PROTECTION AGENCY STUDY ON LEAD IN DRINKING WATER (House Joint Resolution No. 153)

WHEREAS, According to both the United States Environmental Protection Agency and Centers for Disease Control and Prevention, there is no safe level of exposure to lead; and
WHEREAS, Illinois has a large number of older homes and more lead service lines than any other state; and
WHEREAS, More than 170 public water systems in Illinois serving approximately 700,000 people have exceeded federal lead
standards during at least one year since 2004, and 9 water systems in the Chicago area have exceeded federal lead standards at least twice since 2004, including municipalities in Cook, DuPage, and Lake Counties; and

WHEREAS, One in every 10 Illinois water systems has found lead levels exceeding 40 parts per billion - a level the EPA has noted poses an imminent and substantial threat to the health of children and pregnant women - in at least one home between 2011 and 2015; and

WHEREAS, Illinois water systems that have reported lead levels higher than 40 parts per billion since 2011 include, but are not limited to, the University of Illinois at Urbana-Champaign, Northern Illinois University in DeKalb, Eastern Illinois University in Charleston, the Stateville Correction Center near Joliet, and the Illinois Youth Center near St. Charles; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the Illinois Environmental Protection Agency, in coordination with the Department of Public Health, shall conduct a study of lead in Illinois drinking water describing the chemical and human health impacts of lead in Illinois piped water supplies; and be it further

RESOLVED, That in conducting this study the Agency shall monitor actual lead levels, measured in parts per billion, in a wide variety of supplies of Illinois piped water; monitoring efforts shall concentrate on, but shall not be limited to, Illinois public water systems where lead test results have exceeded U.S. Environmental Protection Agency lead standards in at least one year since 2004; and be it further

RESOLVED, That each component of this study shall delineate the number of samples that made up each data set, and shall list the municipality or other unit of local government that describes the water system from which each sample was taken; and be it further

RESOLVED, That all results from this lead monitoring shall be public documents and shall be published online on the Agency's official website on a weekly basis; and be it further

RESOLVED, That the Agency shall deliver a preliminary report, listing the water systems where testing is taking place to the Governor, the Speaker of the House of Representatives, the President of the Senate, the Minority Leader of the House of Representatives, and the Minority Leader of the Senate by September 1, 2016; the report shall be published online on the Agency's official website no later than September 1, 2016; and be it further
RESOLVED, That the Agency shall deliver a final report, summarizing its test results and making policy recommendations to the Governor, the Speaker of the House of Representatives, the President of the Senate, the Minority Leader of the House of Representatives, and the Minority Leader of the Senate by January 1, 2017; the report shall be published online on the Agency's official website no later than January 1, 2017; and be it further
RESOLVED, That the study shall begin immediately upon adoption of this resolution.
Adopted by the House of Representatives on May 30, 2016.
Concurred in by the Senate on May 31, 2016.

FAST EDDIE WAY
(House Joint Resolution No. 102)

WHEREAS, It is necessary to recognize those who are dedicated to the betterment of the State of Illinois and their communities; and
WHEREAS, Edward Royce "Fast Eddie" Sholar, Sr. was born on August 16, 1953 at Scott Air Force Base hospital in St. Clair County; his parents were Dexter and Norma (nee Schelle) Sholar; and
WHEREAS, Edward Sholar, Sr. graduated from Alton High School in 1971; and
WHEREAS, Edward Sholar, Sr. was the owner and operator of numerous businesses in and around the City of Alton, most notably Fast Eddie's Bon Air; and
WHEREAS, Edward Sholar, Sr. was known to be a generous and giving man and an icon for Alton and the region; and
WHEREAS, It is fitting to dedicate the portion of Broadway from Washington Avenue to Monument Street in Alton in honor of Edward Royce Sholar, Sr.; therefore, be it
RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we designate the portion of Broadway from Washington Avenue to Monument Street in Alton as "Fast Eddie Way" in honor of Edward Royce "Fast Eddie" Sholar, Sr.; and be it further
RESOLVED, That the Illinois Department of Transportation is requested to erect at suitable locations, consistent with State and federal regulations, appropriate plaques or signs giving notice of the name of "Fast Eddie Way"; and be it further
RESOLVED, That suitable copies of this resolution be presented to the Secretary of Transportation and the family of Edward Royce Sholar, Sr.

Adopted by the House of Representatives on May 5, 2016.
Concurred in by the Senate on May 31, 2016.

FERAL CAT TASK FORCE
(Senate Joint Resolution No. 53)

WHEREAS, The unintended or uncontrolled breeding of cats leads to the births of thousands of kittens annually, many of whom become feral cats, often referred to as "community cats"; and
WHEREAS, There is a need to preserve wildlife, improve cat welfare, maintain property rights, and enhance public health by humanely managing and limiting the growth of the number of feral cats in Illinois; and
WHEREAS, Feral cats are often impounded and killed, at great expense to the community; and
WHEREAS, Trap, neuter, vaccinate, and return programs attempt to manage and limit the growth of the number of feral or community cats; and
WHEREAS, Management of feral cats is also affected by local government ordinances; and
WHEREAS, The Illinois Animal Population Control Fund plays an important role in helping communities pay for community control efforts; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that a Feral Cat Task Force be appointed to examine the Animal Control Act, the Humane Care for Animals Act, the Animal Welfare Act, and any other relevant statutory provisions, including the Illinois Animal Population Control Fund, other trap, neuter, and return programs in other states, trap and adopt programs, or other proposed solutions to this issue and make comprehensive written recommendations for change that would result in the effective management of feral and community cats, preserve wildlife, improve cat welfare, maintain property rights, and enhance public health; and be it further

RESOLVED, That the Task Force shall consist of the following members:

(1) the President of the Senate, or his designee;
(2) the Speaker of the House, or his designee;
(3) the Minority Leader of the Senate, or her designee;
(4) the Minority Leader of the House of Representatives, or his designee;
(5) a representative appointed by the Department of Public Health;
(6) a representative appointed by the Department of Agriculture;
(7) a representative appointed by the Department of Natural Resources;
(8) a representative appointed by the Illinois State Veterinary Medical Association;
(9) a representative appointed by the Illinois Environmental Council;
(10) a representative who is a county animal control administrator from a county of over 4 million residents;
(11) a representative who is on the Board of the Alliance for Contraception in Cats & Dogs (ACCD) appointed by the University of Illinois School of Veterinary Medicine;
(12) a representative appointed by Best Friends Animal Society;
(13) a representative appointed by the Illinois Farm Bureau;
(14) a representative appointed by the Illinois Humane Society;
(15) a representative appointed by the Illinois Chapter of the Sierra Club;
(16) a representative appointed by the Illinois Audubon Society;
(17) a representative appointed by the Illinois Wildlife Society who is a certified wildlife biologist;
(18) a representative appointed by the County Animal Controls of Illinois who is currently employed as an Animal Control Administrator or an Animal Control Warden in a county with a population of less than 2 million; and
(19) a representative from the Tree House Humane Society; and be it further
RESOLVED, That the Task Force members shall select a Chairperson from among themselves; and be it further
RESOLVED, That appointments to the Task Force must be made by December 31, 2016; and be it further
RESOLVED, That the Task Force shall hold at least two hearings, which shall be held in geographically separate regions of the State; and be it further
RESOLVED, That the Task Force members shall receive no compensation, and shall conclude all business by March 1, 2017; and be it further
RESOLVED, That the Department of Public Health shall provide administrative support to the Task Force; and be it further
RESOLVED, That suitable copies of this resolution be delivered to the President of the Senate, the Speaker of the House, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives.

Adopted by the Senate on May 31, 2016.
Concurred in by the House of Representatives, with House Amendment No. 1, November 16, 2016.

Senate concurred in House Amendment No. 1 on December 1, 2016.

GAR PROTECTIONS FROM THE DEPARTMENT OF
NATURAL RESOURCES
(House Joint Resolution No. 141)

WHEREAS, Since prehistoric times, Illinois waterways have been home to four species of gar that swam alongside dinosaurs, mastodons, and pioneers; and
WHEREAS, Alligator gar reaching more than six feet in length and 300 pounds in weight once patrolled Illinois waterways; and
WHEREAS, For a century, gar have been misnamed as nuisances, threats to sportfish, "trash fish", or worse; and
WHEREAS, The largest of these species, the alligator gar, was once extirpated from our State, but has been reintroduced on a limited basis through the hard work, expertise, and commitment of our Department of Natural Resources; and
WHEREAS, Our great institutions of higher education, consisting of the University of Illinois Champaign-Urbana and Springfield campuses, Western Illinois University, and Eastern Illinois University, are engaged in research showing the intrinsic value of gar species to Illinois waterways, sport fisheries, and recreational opportunities; and
WHEREAS, Anglers, whether they use hook-and-line or bows and arrows to pursue their quarry, are discovering the thrill of gar fishing; and
WHEREAS, Food lovers across the State are beginning to discover the culinary delight that is the flesh of gar; and
WHEREAS, The increasing popularity of gar presents new opportunities for gar management to ensure the long-term viability of the fishery; and
WHEREAS, Fully grown alligator gar is our only native species capable of eating adult Asian carp; and
WHEREAS, Many Illinoisans and tourists look forward to the day
when giant alligator gar will again swim our waterways, presenting a unique trophy fishing opportunity; and

WHEREAS, Gar have for too long been falsely accused of hurting game species, when studies clearly show healthy gar populations lead to healthier game species populations; and

WHEREAS, The Illinois Department of Natural Resources has taken a two-year hiatus from their efforts to restore the alligator gar population; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we urge the Illinois Department of Natural Resources to develop protections as needed for all Illinois native gar species to ensure the long term viability of the shortnose gar (Lepisosteus platostomus), the longnose gar (Lepisosteus osseus), the spotted gar (Lepisosteus oculatus), and the alligator gar (Atractosteus spatula), with particular protections developed for alligator gar; and be it further

RESOLVED, That we urge the Illinois Department of Natural Resources to apply these protections as needed and include site specific size and creel limits based on the size of the reproductively mature gar to protect brood stock from premature harvest; and be it further

RESOLVED, That we urge the Illinois Department of Natural Resources to work with partners to identify ways to expand and expedite the reintroduction of alligator gar to waterways to expedite the creation of a sustainable and regulated trophy fishing resource in the State; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to the Illinois Department of Natural Resources.

Adopted by the House of Representatives on May 12, 2016.
Concurred in by the Senate on May 31, 2016.

HAZEL JOHNSON EJ WAY
(House Joint Resolution No. 145)

WHEREAS, On Wednesday, January 12, 2011, the City of Chicago lost Hazel M. Johnson, the Mother of Environmental Justice; and

WHEREAS, Mrs. Hazel Johnson, a longtime resident of Altgeld Gardens, worked tirelessly to bring a change to the environmental conditions on the far South Side of the City; and

WHEREAS, In the 1980s, Mrs. Hazel Johnson founded a group called People for Community Recovery and put pressure on the Chicago
Housing Authority to remove asbestos from Altgeld Gardens; and

WHEREAS, Mrs. Hazel Johnson's work in the community introduced her to a young organizer named Barack Obama, who worked closely with her on the asbestos abatement effort; and

WHEREAS, Mrs. Hazel Johnson was instrumental in convincing city health officials to test drinking water at Maryland Manor, a far South Side neighborhood, where they found cyanide and toxins in the water; and

WHEREAS, Mrs. Hazel Johnson joined a group of activists in urging President Bill Clinton to sign the Environmental Justice Executive Order, which holds the federal government responsible for communities exposed to pollution; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we designate the portion of 130th Street from the Bishop Ford Freeway to State Street in Chicago as the "Hazel Johnson EJ Way"; and be it further

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

RESOLVED, That suitable copies of this resolution be presented to Cheryl Johnson, the daughter of the Mother of Environmental Justice, and the Secretary of Transportation.

Adopted by the House of Representatives on May 25, 2016.
Concurred in by the Senate on May 31, 2016.

HYPERLIPIDEMIA AWARENESS DAY
(Senate Joint Resolution No. 45)

WHEREAS, Cholesterol is essential to the human body's functioning; however, high LDL-C (bad cholesterol) can lead to heart disease; and

WHEREAS, There are no warning signs of high cholesterol, and the only way to find out one's total blood cholesterol is through a lipoprotein profile blood test; and

WHEREAS, Hyperlipidemia occurs when there are too many lipids in the blood, therefore causing high cholesterol and high triglycerides; and

WHEREAS, The American Heart Association recommends consulting a doctor to understand one's condition and then determining a treatment that may include healthy diet choices and exercise along with medication, depending on one's overall risk; and
WHEREAS, Cholesterol Counts is an awareness program that aims to have individuals take an active role in understanding that there is more to be done to control high cholesterol and encourages the conversation between patients and their healthcare providers; and

WHEREAS, Encouraging Illinois residents to participate in Cholesterol Counts can help monitor the overall cholesterol statistics for Illinois and provide awareness for treatment; and

WHEREAS, The Illinois Department of Public Health already encourages residents to get their blood cholesterol checked during September, which is designated as National Cholesterol Education Month; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we recognize the importance of encouraging Illinois residents to understand their cholesterol testing results and coordinate treatment with their healthcare provider; and be it further

RESOLVED, That we urge the Illinois Department of Public Health to post a link providing access to www.takedowncholesterol.com on its website under the Resources section on its Cholesterol page; and be it further

RESOLVED, That we urge the Illinois Department of Public Health to designate September 1, 2016 as Hyperlipidemia Awareness Day in the State of Illinois; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to the Illinois Department of Public Health.

Adopted by the Senate on May 23 2016.
Concurred in by the House of Representatives on June 29, 2016.

ILLINOIS CONSTITUTION TRANSPORTATION FUNDS
(House Joint Resolution No. 154)

WHEREAS, The 99th General Assembly of the State of Illinois has submitted House Joint Resolution Constitutional Amendment 36, a proposition to amend the Illinois Constitution, to the voters of Illinois at the November 2016 general election; and

WHEREAS, The Illinois Constitution Amendment Act requires the General Assembly to prepare a brief explanation of the proposed amendment, a brief argument in favor of the amendment, a brief argument against the amendment, and the form in which the amendment will appear on the ballot, and also requires the information to be published and
RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the proposed new Section 11 of Article IX shall be published as follows:

"ARTICLE IX
REVENUE
SECTION 11. TRANSPORTATION FUNDS

(a) No moneys, including bond proceeds, derived from taxes, fees, excises, or license taxes relating to registration, title, or operation or use of vehicles, or related to the use of highways, roads, streets, bridges, mass transit, intercity passenger rail, ports, airports, or to fuels used for propelling vehicles, or derived from taxes, fees, excises, or license taxes relating to any other transportation infrastructure or transportation operation, shall be expended for purposes other than as provided in subsections (b) and (c).

(b) Transportation funds may be expended for the following: the costs of administering laws related to vehicles and transportation, including statutory refunds and adjustments provided in those laws; payment of highway obligations; costs for construction, reconstruction, maintenance, repair, and betterment of highways, roads, streets, bridges, mass transit, intercity passenger rail, ports, airports, or other forms of transportation; and other statutory highway purposes. Transportation funds may also be expended for the State or local share of highway funds to match federal aid highway funds, and expenses of grade separation of highways and railroad crossings, including protection of at-grade highways and railroad crossings, and, with respect to local governments, other transportation purposes as authorized by law.

(c) The costs of administering laws related to vehicles and transportation shall be limited to direct program expenses related to the following: the enforcement of traffic, railroad, and motor carrier laws; the safety of highways, roads, streets, bridges, mass transit, intercity passenger rail, ports, or airports; and the construction, reconstruction, improvement, repair, maintenance, operation, and administration of highways, under any related provisions of law or any purpose related or incident to, including grade separation of highways and railroad crossings. The limitations to the costs of administering laws related to vehicles and transportation under this subsection (c) shall also include direct program expenses related to workers' compensation claims for death or injury of employees of the State's transportation agency; the acquisition of land and the erection of buildings for highway purposes, including the acquisition of highway
rights-of-way or for investigations to determine the reasonable anticipated future highway needs; and the making of surveys, plans, specifications, and estimates for the construction and maintenance of flight strips and highways. The expenses related to the construction and maintenance of flight strips and highways under this subsection (c) are for the purpose of providing access to military and naval reservations, defense-industries, defense-industry sites, and sources of raw materials, including the replacement of existing highways and highway connections shut off from general use at military and naval reservations, defense-industries, and defense-industry sites, or the purchase of rights-of-way.

(d) None of the revenues described in subsection (a) of this Section shall, by transfer, offset, or otherwise, be diverted to any purpose other than those described in subsections (b) and (c) of this Section.

(e) If the General Assembly appropriates funds for a mode of transportation not described in this Section, the General Assembly must provide for a dedicated source of funding.

(f) Federal funds may be spent for any purposes authorized by federal law."; and be it further

RESOLVED, That a brief explanation of the proposed amendment, a brief argument in favor of the amendment, a brief argument against the amendment, and the form in which the amendment will appear on the ballot shall be published and distributed as follows:

PROPOSED AMENDMENT
TO ADD SECTION 11 TO ARTICLE IX
OF THE ILLINOIS CONSTITUTION
That will be submitted to the voters
November 8, 2016
This pamphlet includes
EXPLANATION OF THE PROPOSED AMENDMENT
ARGUMENTS IN FAVOR OF THE AMENDMENT
ARGUMENTS AGAINST THE AMENDMENT
FORM OF BALLOT
To the Electors of the State of Illinois:
The Illinois Constitution establishes a structure for government and laws. There are three ways to initiate change to the Illinois Constitution: (1) a constitutional convention may propose changes to any part; (2) the General Assembly may propose changes to any part; or (3) a petition initiative may propose amendments limited to structural and procedural subjects contained in the Legislative Article. The people of Illinois must approve any changes to the Constitution before they become effective. The purpose of this document is to inform you of proposed changes to the Illinois
Constitution and provide you with a brief explanation and a summary of the arguments in favor of and in opposition to the proposed amendment.

**EXPLANATION**

The proposed amendment adds a new Section to the Revenue Article of the Illinois Constitution that provides revenue generated from transportation related taxes and fees (referred to as "transportation funds") shall be used exclusively for transportation related purposes. Transportation related taxes and fees include motor fuel taxes, vehicle registration fees, and other taxes and user fees dedicated to public highways, roads, streets, bridges, mass transit (buses and rail), ports, or airports.

Under the proposed amendment, transportation funds may be used by the State or local governments only for the following purposes: (1) costs related to administering transportation and vehicle laws, including public safety purposes and the payment of obligations such as bonds; (2) the State or local share necessary to secure federal funds or for local government transportation purposes as authorized by law; (3) the construction, reconstruction, improvement, repair, maintenance, and operation of highways, mass transit, and railroad crossings; (4) expenses related to workers' compensation claims for death or injury of transportation agency employees; and (5) to purchase land for building highways or buildings for to be used for highway purposes.

This new Section is a limitation on the power of the General Assembly or a unit of local government to use, divert, or transfer transportation funds for a purpose other than transportation. It does not, and is not intended to, impact or change the way in which the State and local governments use sales taxes, including the sales and excise tax on motor fuel, or alter home rule powers granted under this Constitution. It does not seek to change the way in which the State funds programs administered by the Illinois Secretary of State, Illinois Department of Transportation, and operations by the Illinois State Police directly dedicated to the safety of roads, or entities or programs funded by units of local government. Further, the Section does not impact the expenditure of federal funds, which may be spent for any purpose authorized by federal law.

**Arguments In Favor of the Proposed Amendment**

Historically, the State and units of local government have used portions of revenue from transportation funds for other purposes. Approval of this amendment will ensure that transportation funds are used only for transportation purposes. This limitation provides a dedicated source of funding for projects that will increase the quality of Illinois' roads, bridges, bridge and road safety inspections, and mass transit. Improving the quality
of our roads and highways will help reduce accidents and damage to vehicles caused by road conditions or hazards.

**Arguments Against the Proposed Amendment**

Approval of the proposed amendment unnecessarily limits the power of the State and local governments to appropriate public revenues for the general welfare of all Illinoisans in order to protect funding for one particular purpose - transportation. Our elected officials should be asked to prioritize the use of public funds, but this amendment would restrict their ability to spend funds as the elected officials and taxpayers deem fit. As a result, elected officials may be asked to reduce funding for other priorities, such as education or social service programs.

**FORM OF BALLOT**

Proposed Amendment to the 1970 Illinois Constitution

Explanation of Amendment

The proposed amendment adds a new section to the Revenue Article of the Illinois Constitution. The proposed amendment provides that no moneys derived from taxes, fees, excises, or license taxes, relating to registration, titles, operation, or use of vehicles or public highways, roads, streets, bridges, mass transit, intercity passenger rail, ports, or airports, or motor fuels, including bond proceeds, shall be expended for other than costs of administering laws related to vehicles and transportation, costs for construction, reconstruction, maintenance, repair, and betterment of public highways, roads, streets, bridges, mass transit, intercity passenger rail, ports, airports, or other forms of transportation, and other statutory highway purposes, including the State or local share to match federal aid highway funds. You are asked to decide whether the proposed amendment should become part of the Illinois Constitution.

YES For the proposed addition

---------- of Section 11 to Article IX

NO of the Illinois Constitution.

Adopted by the House of Representatives on May 31, 2016.
Concurred in by the Senate on May 31, 2016.

**ILLINOIS VALLEY VETERANS MEMORIAL BRIDGE**

*(House Joint Resolution No. 142)*

WHEREAS, The members of the Illinois General Assembly wish to honor the members of the United States Armed Forces who have protected our nation; and
WHEREAS, The United States of America has called on her men and women in uniform to protect our national security, to advance our national interest, and to preserve our rights and freedoms; and
WHEREAS, The members of the United States Armed Forces have fought and died for our country's freedom, and we remember and pay tribute to sacrifice that they have made; therefore, be it
RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we designate the new Route 89 Bridge in Spring Valley as the "Illinois Valley Veterans Memorial Bridge" to be a daily reminder to the people of the Illinois Valley of the sacrifice, bravery, and heroism of the men and women of our Armed Forces; and be it further
RESOLVED, That the Illinois Department of Transportation is requested to erect at suitable locations, consistent with State and federal regulations, appropriate plaques or signs giving notice of the name of the "Illinois Valley Veterans Memorial Bridge"; and be it further
RESOLVED, That suitable copies of this resolution be presented to Dan Savitch and James Taylor of Spring Valley, Spring Valley Mayor Walt Marini, and the Secretary of the Department of Transportation.
Adopted by the House of Representatives on May 25, 2016.
Concurred in by the Senate on December 1, 2016.

JIM THOME HIGHWAY
(Senate Joint Resolution No. 30)

WHEREAS, James Howard "Jim" Thome played for 22 seasons from 1991 to 2012 for 6 Major League Baseball teams, including the Cleveland Indians, Philadelphia Phillies, Chicago White Sox, Los Angeles Dodgers, Minnesota Twins, and Baltimore Orioles; and
WHEREAS, Jim Thome was born to parents Joyce and Charles Thome and raised in Peoria County; he began playing baseball with the West Peoria Little League and then moved on to Limestone Community High School in Bartonville, where he achieved All-State honors as a baseball shortstop; following his high school graduation, he played baseball at Illinois Central College in East Peoria for one season before being drafted by the Cleveland Indians in 1989; and
WHEREAS, Jim Thome officially retired from the Cleveland Indians in 2014, accumulating a .276 batting average, 2,328 hits, 612 home runs, and 1,699 runs batted in; he is the 8th player in baseball history to reach 612 home runs; and
WHEREAS, Jim Thome accumulated the following career highlights: 5-time All Star in 1997, 1998, 1999, 2004, and 2006, the Silver Slugger Award in 1996, American League Comeback Player of the Year in 2006, the Roberto Clemente Award in 2002, and the National League home run champion in 2003; he was inducted into the Greater Peoria Area Sports Hall of Fame in 2015; and

WHEREAS, Jim Thome is known for his positive attitude and outgoing personality as well as his philanthropic activities, which have earned him 2 Marvin Miller Man of the Year Awards and the Lou Gehrig Memorial Award; he was also known for his willingness to sign autographs for fans; and

WHEREAS, Jim Thome now works in an executive position with the Chicago White Sox; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we designate Illinois Route 24, beginning at the intersection of South Adams Street and Illinois Route 24 in Bartonville and ending at the intersection of Griswold Street and Route 24 in Peoria, as the "Jim Thome Highway"; and be it further

RESOLVED, The Illinois Department of Transportation is requested to erect at suitable locations, as designated by the James Howard Thome Committee and consistent with State and Federal regulations, appropriate plaques or signs giving notice of the name of the "Jim Thome Highway"; and be it further

RESOLVED, That suitable copies of this resolution be presented to the Secretary of the Illinois Department of Transportation and James Howard "Jim" Thome.

Adopted by the Senate on July 15, 2015.
Concurred in by the House of Representatives on June 29, 2016.

JOINT SESSION - PRESIDENT OBAMA
(Senate Joint Resolution No. 41)

WHEREAS, President Barack Obama will come to the City of Springfield, Illinois, on Wednesday, February 10, 2016; and

WHEREAS, The President will be in the Capital City while the Ninety-Ninth General Assembly of the State of Illinois is in session; and

WHEREAS, The President served as a Member of the Illinois General Assembly from the Ninetieth General Assembly through the Ninety-Third General Assembly, as the Senator representing the
Thirteenth Legislative District; and

WHEREAS, The President has been asked, and has agreed, to address a Joint Session of the two Houses; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the two Houses invite President Barack Obama to address a Joint Session of this General Assembly; and be it further

RESOLVED, That the two Houses shall convene in a Joint Session on February 10, 2016, at the call of the President of the Senate and Speaker of the House of Representatives, in the Chamber of the House of Representatives, for the purpose of hearing President Barack Obama address the General Assembly; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the President, as a formal expression of this invitation and of the respect and esteem in which he is held by the Members of the General Assembly.

Adopted by the Senate on February 10, 2016.

Concurred in by the House of Representatives on February 10, 2016.

LCPL KENNETH CORZINE MEMORIAL DRIVE
(Senate Joint Resolution No. 55)

WHEREAS, Lance Corporal Kenneth Corzine passed away on December 24, 2010 as the result of wounds received in battle; and

WHEREAS, LCpl. Corzine was born on May 4, 1987 and was a lifelong Madison County resident; and

WHEREAS, LCpl. Corzine graduated from Civic Memorial High School in Bethalto and enlisted in the United States Marine Corps on August 1, 2007; and

WHEREAS, LCpl. Corzine completed infantry training on March 5, 2008 and proudly served with distinction in the 3rd Battalion, 5th Marine Regiment known as DARKHORSE; and

WHEREAS, LCpl. Corzine completed Winter Mountain Warfare Training and Enhanced Mojave Viper Training before deploying as a rifleman with the 1st Squad, 3rd Platoon, Company L to Afghanistan in support of Operation Enduring Freedom; and

WHEREAS, LCpl. Corzine's personal awards include a Purple Heart and Combat Action Ribbon; and

WHEREAS, The 3rd Battalion, 5th Marines suffered 25 K.I.A. with more than 250 wounded during a historic seven month deployment;
WHEREAS, LCpl. Corzine did not hesitate to do his duty even as his comrades were falling around him; and
WHEREAS, LCpl. Corzine was severely injured during battle on December 5, 2010 and later succumbed to the wounds he received; therefore, be it
RESOLVED, BY THE SENATE OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we designate the portion of Illinois Route 140 from North Bellwood Drive to Prairie Street in Bethalto as the "LCpl. Kenneth Corzine Memorial Drive"; and be it further
RESOLVED, That the Illinois Department of Transportation is requested to erect at suitable locations, consistent with State and federal regulations, appropriate plaques or signs giving notice of the name "LCpl. Kenneth Corzine Memorial Drive"; and be it further
RESOLVED, That a suitable copy of this resolution be presented to the family of LCpl. Corzine and Bethalto Mayor Alan Winslow.
Adopted by the Senate on May 4, 2016.
Concurred in by the House of Representatives on June 29, 2016.

MAJOR REID NANNEN MEMORIAL HIGHWAY
(House Joint Resolution No. 152)

WHEREAS, It is appropriate for us to remember the many sacrifices and contributions to the cause of freedom made by the outstanding men and women who served in the United States Armed Forces; and
WHEREAS, Major Reid Nannen, son of Mary Ann and Dale Nannen, was a Hopedale native; he attended Olympia High School, where he was a two-year captain of the swim team, section leader for the drum line, a member of Elite Eight baseball teams in 1999 and 2000, and was an Illinois State Scholar; and
WHEREAS, After graduating from Olympia, Major Nannen attended the University of Illinois, where he was a member of the NROTC battalion and participated with the Marching Illini Drum Line and NROTC Drill Team; and
WHEREAS, Major Nannen enlisted in the U.S. Marines and was commissioned a 2nd Lieutenant in May 2004; he attended The Basic School with Delta Company class 4-04, the Naval Aviation Training with Marine Aviation Training Support Group 21 at Naval Air Station
Pensacola, the Naval Air Station Whiting Field, and Naval Air Station Meridian; he received his Wings of Gold in February of 2007 and was selected to fly F/A-18 Hornets; and

WHEREAS, Major Nannen moved to Lemoore, California for fleet replacement training with Strike Fighter Squadron VF A-125 in May of 2007; he reported for duty with Marine Air Group-11 at Marine Corps Air Station Miramar, and in June of 2008, he joined Marine Fighter Attack Squadron VMF A (AW)-23 2 and was deployed from May to December of 2010 in support of Operation Enduring Freedom 10.2 to Kandahar Airfield in Afghanistan; and

WHEREAS, While with the Red Devils, Major Nannen served as Naval Air Training and Operating Procedures Standardization, Ground Safety, Airframes, and Embark Officer, and attended Tactical Air Control Party training in May of 2011; and

WHEREAS, Major Nannen was then detached from the Red Devils and proceeded to Camp Pendleton, California for duty as a forward air controller with 1st Light Armored Reconnaissance battalion; and

WHEREAS, Major Nannen again deployed to Afghanistan from October of 2011 to May of 2012 with 1st LAR in support of Operation Enduring Freedom 12.1 in the lower Helmand River Valley in Afghanistan, supporting every company within 1st LAR and conducting the first company level helicopter operations within the battle space; and

WHEREAS, Major Nannen returned to Camp Pendleton and subsequently detached from the battalion for refresher training at VMFAT-101; he was transferred to VMFA (AW)-242, based in Iwakuni, Japan, where he served as the Assistant Operations Officer; and

WHEREAS, Major Nannen's awards and decorations include the NATO Medal, Sea Service Deployment Ribbon, Global War on Terrorism Service Medal, Afghanistan Campaign Medal, National Defense Medal, Navy Unit Commendation, Navy Achievement Medal, Navy Commendation Medal, and Air Medal; and

WHEREAS, On March 1, 2014, Major Nannen, while participating in the elite Top Gun Pilot training school, was killed when the F/A-18C Hornet he was piloting during a training exercise crashed on the Fallen Range Training Complex, about 70 miles east of Naval Air Station Fallon, Nevada; and

WHEREAS, Major Nannen left behind his parents, Dale and Mary Ann; his wife, Sarah, also a Military Veteran; four young children, Peter, Curtis, Betsy, and Isla; and his sisters, Briana Nannen and Bethany Miller; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF
THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we designate that the section of Interstate 155 beginning at the Hopedale Exit on Illinois Route 122 and ending at the intersection of Illinois Route 9 as the "Major Reid Nannen Memorial Highway"; and be it further

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

RESOLVED, That suitable copies of this resolution be presented to the family of Major Nannen, the Mayor of Hopedale, and the Secretary of the Illinois Department of Transportation.

Adopted by the House of Representatives on June 30, 2016.
Concurred in by the Senate on June 30, 2016

MARINE LANCE CORPORAL LARRY D. CLAYBROOK MEMORIAL HIGHWAY
(Senate Joint Resolution No. 34)

WHEREAS, It is appropriate for us to remember the many sacrifices and contributions to the cause of freedom made by the outstanding men and women who served in the Vietnam War; and

WHEREAS, United States Marine Corps Lance Corporal Larry D. Claybrook was born on April 21, 1944 in Hillsboro; he was the son of the late Frank and Sarah Lucille (Hayes) Claybrook, the brother of Shiela Marie, Rita Evaughn, Paulette Janice, Teresa Joyce, Michael Allen, Bille May Wideman, Mary Alice (Norman Lee), Frank Joseph Claybrook, Beatrice McQuary, Terry Lee, and Patricia Ann; and

WHEREAS, Lance Corporal Larry D. Claybrook was a member of the St. James Baptist Church in Hillsboro; he was a lifelong resident of Hillsboro and attended Hillsboro High School; and

WHEREAS, Lance Corporal Larry D. Claybrook was a member of the United States Marine Corps for a year, serving in the 1st Battalion, 4th Marines in Vietnam; and

WHEREAS, Lance Corporal Larry D. Claybrook gave his life defending America's freedom on January 27, 1967 from injuries sustained in a landmine explosion while on patrol duty in South Vietnam; and

WHEREAS, The members of the Illinois General Assembly would like to dedicate Illinois Route 16 from its junction with Illinois Route 127 at School Street to its junction with Illinois Route 185 in Hillsboro in honor of the sacrifice of Lance Corporal Larry D. Claybrook and all
JOINT RESOLUTIONS

Vietnam veterans; and

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

RESOLVED, BY THE SENATE OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we designate the portion of Illinois Route 16 from its junction with Illinois Route 127 at School Street to its junction with Illinois Route 185 in Hillsboro as the Marine Lance Corporal Larry D. Claybrook Memorial Highway; and be it

further

RESOLVED, That the Illinois Department of Transportation is requested to erect at suitable locations, consistent with State and federal regulations, appropriate plaques or signs giving notice of the name of the Marine Lance Corporal Larry D. Claybrook Memorial Highway; and be it

further

RESOLVED, That suitable copies of this resolution be presented to the family of Lance Corporal Larry D. Claybrook, the Secretary of the Illinois Department of Transportation, the Montgomery County Veterans Assistance Commission, and the City of Hillsboro.

Adopted by the Senate on January 13, 2016.
Concurred in by the House of Representatives on June 29, 2016.

MAYOR FRANK A. PASQUALE OVERPASS
(House Joint Resolution No. 170)

WHEREAS, The members of the Illinois House of Representatives wish to congratulate Bellwood Mayor Frank A. Pasquale on the occasion of his retirement after over 40 years of public service; and

WHEREAS, Mayor Pasquale served as a Village Trustee for six years, a Memorial Park District Commissioner for 20 years, and as Mayor for 15 years; and

WHEREAS, Before becoming an elected official, Mayor Pasquale served his community as an educator, and he never lost his passion of learning and teaching; and

WHEREAS, As an elected official, Mayor Pasquale earned a reputation for being an exemplary and tenacious leader; and

WHEREAS, During his time in office, Mayor Pasquale served as the Chairman of the Addison Creek Restoration Commission; charged with finding a solution for the flooding problem along Addison Creek, the
Commission lobbied the Metropolitan Water Reclamation District of Greater Chicago to dedicate $150 million to address the flooding issue; and

WHEREAS, Mayor Pasquale was instrumental in building an overpass that alleviated the traffic delays caused by the Union Pacific railroad tracks on the boarder between Bellwood and Melrose Park; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we designate the 25th Avenue overpass in Bellwood as the "Mayor Frank A. Pasquale Overpass"; and be it further

RESOLVED, That the Illinois Department of Transportation is requested to erect at suitable locations, consistent with State and federal regulations, appropriate plaques or signs giving notice of the name of "Mayor Frank A. Pasquale Overpass"; and be it further

RESOLVED, That suitable copies of this resolution be presented to the Secretary of the Illinois Department of Transportation and Mayor Pasquale.

Adopted by the House of Representatives on January 10, 2017.
Concurred in by the Senate on January 10, 2017.

MOBILE INTEGRATED HEALTHCARE TASK FORCE (House Joint Resolution No. 77)

WHEREAS, The citizens of Illinois have agreed that there is an immediate need for an improved and sustainable health care system; and

WHEREAS, The Illinois General Assembly strives to promote a healthy community through partnerships and collaboration with all health care entities within the State; and

WHEREAS, Innovation in health care delivery is essential in improving health and decreasing costs; and

WHEREAS, Many examples exist in other states of Mobile Integrated Healthcare or Community Paramedicine programs; and

WHEREAS, These programs have demonstrated a significant change in health care delivery, using nontraditional roles, improving patient outcomes and decreasing health care costs, each to individual citizens, Medicare, and Medicaid; and

WHEREAS, There is an immediate opportunity to incorporate these types of programs in Illinois in order to help the people of our State achieve healthier lives while recognizing these decreased costs; therefore,
be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there is created the Mobile Integrated Healthcare Task Force to identify and recommend ways that the State of Illinois can incorporate changes in our health care delivery system in order to increase the collaboration and utilization of our current health care workers while decreasing the associated costs; and be it further

RESOLVED, That the Task Force shall consist of the following members: one member appointed by the Speaker of the House of Representatives, who shall serve as a Co-Chairperson of the Task Force; one member representing Illinois fire chiefs, appointed by the Speaker of the House of Representatives; one member representing Illinois professional firefighters, appointed by the Speaker of the House of Representatives; one member representing Illinois fire protection districts, appointed by the Speaker of the House of Representatives; one member appointed by the Minority Leader of the House of Representatives; one member representing providers of ambulance services in Illinois, appointed by the Minority Leader of the House of Representatives; one member appointed by the President of the Senate, who shall serve as a Co-Chairperson of the Task Force; one member representing Illinois volunteer firefighters, appointed by the President of the Senate; one member representing Chicago firefighters, appointed by the President of the Senate; one member representing Illinois Emergency Medical Service workers, appointed by the President of the Senate; one member appointed by the Minority Leader of the Senate; one member representing Illinois hospitals, appointed by the Minority Leader of the Senate; one member representing the Illinois Department of Public Health, appointed by the Director of Public Health; one member representing Illinois nurses, appointed by the Director of Public Health; one member representing Illinois emergency physicians, appointed by the Director of Public Health; and one member representing physicians licensed to practice medicine in all its branches in Illinois, appointed by the Director of Public Health; and be it further

RESOLVED, That all appointments to the Task Force shall be made within 60 days after the adoption of this resolution; vacancies in the Task Force shall be filled by their respective appointing authorities within 30 days after the vacancy occurs; and be it further

RESOLVED, That the Task Force members shall serve without compensation; and be it further

RESOLVED, That the Task Force shall receive the cooperation of
any State agencies it deems appropriate to assist the Task Force in carrying out its duties; and be it further
RESOLVED, That the members of the Task Force shall be considered members with voting rights; a quorum of the Task Force shall consist of a majority of the members of the Task Force; and be it further
RESOLVED, That the Task Force shall meet initially at the call of the Co-Chairpersons, no later than 90 days after the adoption of this resolution, and shall thereafter meet at the call of the Co-Chairpersons; and be it further
RESOLVED, That the Department of Public Health shall provide administrative and other support to the Task Force; and be it further
RESOLVED, That the Task Force shall research, analyze, and consider:
(1) the benefits of a Mobile Integrated Healthcare System within the State of Illinois through a redefined role of our healthcare providers with special attention given towards the expanded use of Emergency Medical Services;
(2) actions of other states as they pertain to instituting Mobile Integrated Healthcare;
(3) opportunities for grant funding of such services; and
(4) reimbursement models needed to sustain an expansion or change of services; and be it further
RESOLVED, That the Task Force shall present its findings and recommendations in a report to the General Assembly on or before January 1, 2017.

Adopted by the House of Representatives on May 10, 2016.
Concurred in by the Senate on May 26, 2016.

OFFICER DAVID TAPSCOTT MEMORIAL STREET
(House Joint Resolution No. 147)

WHEREAS, It is appropriate for us to remember the many sacrifices and contributions to the betterment of Illinois made by the outstanding men and women who have served in law enforcement; and
WHEREAS, The Springfield Police Department was formed in 1840; since that time, ten officers have been killed in the line of duty, including David R. Tapscott, who died on December 26, 1979; and
WHEREAS, David Tapscott was born in Liberty, Kentucky in 1951 to George and Nettie Tapscott; he had four brothers and three sisters; and
WHEREAS, David Tapscott's family moved to Pleasant Plains,
where he graduated from high school in 1969; while in high school, he excelled in basketball and track; after graduation, he worked at his brother's garage and attended Lincoln Land Community College; and

WHEREAS, At the age of 23, David Tapscott took the police department civil service exam, and in 1974, he became a proud member of the Springfield Police Department; and

WHEREAS, David Tapscott loved his profession and he excelled at his work; he exemplified the true meaning of a dedicated police officer; and

WHEREAS, David Tapscott graciously and compassionately served the citizens of Springfield; he was well-liked by his fellow officers as well as the public; he worked the Second Watch during which he enjoyed driving the prisoner transport van; and

WHEREAS, Christmas Eve, Monday, December 24, 1979 was a cold, wet, rainy evening; David Tapscott planned on spending Christmas Day at his mother's home before heading to work; and

WHEREAS, Around 10:00 p.m. that night, David Tapscott responded without hesitation to a disturbance call at a north end Springfield tavern; and

WHEREAS, David Tapscott proceeded north on 9th Street behind a sheriff's deputy who was also responding to the call; he crossed Converse Street and headed down the hill toward the 9th Street railroad underpass; and

WHEREAS, The deputy in front of David Tapscott drove left of the center barrier to get around a vehicle on the right; David Tapscott began to follow, then realized the vehicle had stopped allowing him time to pass it and pull back into the right northbound lane; and

WHEREAS, The lightweight prisoner transport van did not maneuver as well on wet surfaces and as David Tapscott approached the viaduct he was unable to move quickly enough to his right before hitting the center barrier head on; and

WHEREAS, David Tapscott was injured and was transported to St. John's Hospital by ambulance; and

WHEREAS, On Wednesday evening at 6:31 p.m., December 26, 1979, Officer David Tapscott passed away; and

WHEREAS, Officer David Tapscott was buried at Peter Cartwright Cemetery in Pleasant Plains on Saturday December 29, 1979; the police van number, LSS was retired after the accident and has not been used since; he was mourned by the entire community, even those who had never met him; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF
THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we designate the section of 9th Street between the intersection of East Converse Street and East Ridgely Street in Springfield as the "Officer David Tapscott Memorial Street"; and be it further

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

RESOLVED, That suitable copies of this resolution be presented to the family of Officer David Tapscott, the Secretary of the Illinois Department of Transportation, the Springfield Police Department, and the Mayor of Springfield.

Adopted by the House of Representatives on May 25, 2016.
Concurred in by the Senate on January 10, 2017

OFFICER SCOT FITZGERALD MEMORIAL HIGHWAY
(House Joint Resolution No. 138)

WHEREAS, The members of the Illinois House of Representatives are saddened to learn of the death of Officer Francis Scot Fitzgerald who passed away on March 5, 2016, at the age of 32; and

WHEREAS, Officer Fitzgerald was born in Springfield on November 29, 1983; he was the son of Clarence Francis and Becky Fitzgerald, and brother of Cody Fitzgerald; and

WHEREAS, Officer Fitzgerald married Danielle Lee Suttles of Murrayville on May 27, 2006 and they had two children, Colton Francis and Fynlee Elizabeth; and

WHEREAS, Officer Fitzgerald was a member of the Murrayville United Methodist Church; he devoted his life to public service as an officer with the South Jacksonville Police Department, past Scott County Sheriff's Deputy, with the Winchester and Bluffs police offices, and as an EMT for the Murrayville-Woodson EAS and Winchester EMS; and

WHEREAS, Officer Fitzgerald served as a volunteer firefighter for the Murrayville Fire District, a member of the Morgan County 911 Board, and had been recently selected as a member of the Special Response Team in Morgan County; and

WHEREAS, Officer Fitzgerald loved being a police officer, firefighter, and EMT, but above all else, he was a loving husband, father, son, and brother; and

WHEREAS, Officer Fitzgerald was said to be not only a friend,
but an "awesome family man", and someone who was willing to do anything for anybody and could be counted on in any situation; and

WHEREAS, Officer Fitzgerald saved a woman's life when she was mauled by a dog because he knew the right medical procedures, and he professionally performed his sworn duty to protect and serve; and

WHEREAS, The community mourns the loss of a close friend, family member, and community hero; and

WHEREAS, Officer Fitzgerald was preceded in death by his two grandfathers, Clarence Fitzgerald, Jr. and Clark Hye Leesman; and

WHEREAS, Officer Fitzgerald is survived by his wife, Danielle; his children, Colton Francis and Fynlee Elizabeth; his parents, Francis and Becky Fitzgerald; his brother, Cody Fitzgerald; his grandparents, Mary Lou Fitzgerald and Elizabeth Ann Leesman; and his father and mother-in-law, William and Darlene Suttles; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we designate the section of Illinois Route 267 as it runs between Interstate 72 and Nortonville Road as the "Officer Scot Fitzgerald Memorial Highway"; and be it further

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

RESOLVED, That suitable copies of this resolution be presented to the family of Officer Fitzgerald, Secretary of the Department of Transportation Randall S. Blankenhorn, South Jacksonville Mayor Steven L. Waltrip, and the South Jacksonville Police Department.

Adopted by the House of Representatives on May 19, 2016.
Concurred in by the Senate on May 31, 2016.

PRESCRIPTION DISCONTINUATION
(House Joint Resolution No 139)

WHEREAS, A gap exists in Illinois in communication between all healthcare providers with regards to a patient's transition in care within and between healthcare practice settings, including but not limited to community, health-system, and long-term care; and

WHEREAS, When medications are discontinued, added, changed, or replaced by a prescriber, the notification of the change is inconsistently communicated to the next healthcare provider responsible for that patient's
care, including but not limited to the primary care physician, pharmacist, nurse practitioner, or physician's assistant; and

WHEREAS, This inconsistency in communication, as the patient transitions in the healthcare continuum, may cause medication duplications, adverse reactions, and subtherapeutic or supratherapeutic dosing of medications for the treatment of the patient's disease and healthcare conditions; these situations may expose the patient to increased risks and costs; and

WHEREAS, The State of Illinois maintains very little data on this issue; the only available studies are extremely limited in scope and pertain only to high-risk medications within a connected healthcare system; and

WHEREAS, Each day in Illinois, thousands of medication discontinuations, additions, and modifications occur; and

WHEREAS, When a prescriber makes any medication change, the medication change should be communicated to all other healthcare providers and practitioners involved in other healthcare settings who use different electronic health records; and

WHEREAS, Medication reconciliation and effective communication between healthcare providers improves patient outcomes and allows pharmacists to assure that patients only receive current medications for the treatment of their disease and health conditions; and

WHEREAS, Many patients have limited knowledge of the exact names or doses of all of their medications and depend on the medication education they receive from their pharmacist; and

WHEREAS, Mechanisms to enable the transmission of "discontinue", "cancel", or "stop" orders through interoperability of healthcare systems are being developed by the relevant stakeholders; and

WHEREAS, Patients with chronic diseases often have frequent changes to their medication regimens, which are not consistently communicated to pharmacies and each has the potential to cause misutilization of medications; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we urge the Department of Public Health to undertake a study coordinating with the University of Illinois at Chicago College of Pharmacy (Chicago and Rockford campuses), the Southern Illinois University Edwardsville School of Pharmacy, and the Chicago State University College of Pharmacy to determine the appropriateness of promoting and encouraging interprofessional communication between healthcare providers, be they physicians, nurse practitioners, physician's assistants, or pharmacists to
facilitate more effective methods for transitioning care of a patient between the various healthcare settings or managing their medication regimens; and be it further

RESOLVED, That we urge the Department of Public Health to examine and recommend solutions for a mechanism or process for electronically-prescribed prescription orders to electronically transmit "discontinuation", "cancel", or "stop" notifications to the pharmacy upon discontinuation or cancellation of the order; and be it further

RESOLVED, That we urge the Department of Public Health to examine the overall benefits of mandated pharmacist-led medication reconciliation upon patient entrance into a new healthcare setting and patient discharge education upon transition to a new healthcare setting, follow-up communication with patients by healthcare providers after a specified period of time after transitioning, electronic communication to pharmacies whenever a change in medication occurs, and use of the primary care provider as a nexus for communication between healthcare providers, including pharmacists, to assure a centralized medication list is maintained for each patient; and be it further

RESOLVED, That we urge the Department of Public Health to complete its study and submit its findings to the General Assembly, the Governor, and the Secretary of Public Health by January 1, 2017.

Adopted by the House of Representatives on April 14, 2016.
Concurred in by the Senate on May 31, 2016.

PURPLE HEART STATE
(Senate Joint Resolution No. 57)

WHEREAS, General George Washington created the Order of the Purple Heart for Military Merit, now commonly called the Purple Heart, during the Revolutionary War; and

WHEREAS, Desiring to cherish a virtuous ambition in his soldiers, General Washington created the Badge of Military Merit for any singularly meritorious action performed by a soldier; and

WHEREAS, The Purple Heart is awarded to a member of the United States Armed Forces who is wounded or killed in action as a result of enemy activity; and

WHEREAS, The Purple Heart is a symbol of courage and devotion; purple was chosen because it was associated with royalty and would stand out on any uniform; and
WHEREAS, In addition to lauding instances of unusual gallantry, the Purple Heart serves as a symbol of extraordinary fidelity and essential service; and

WHEREAS, The first three Purple Heart recipients were Sergeant Elijah Churchill, Fourth Troop, Second Troop of Light Dragoons; Sergeant William Brown of the 5th Connecticut Regiment; and Sergeant Daniel Bissell of the 2nd Connecticut Regiment; and

WHEREAS, General Douglas MacArthur revived the Badge of Military Merit in 1931 for the bicentennial of George Washington's birth; the reissued medal is a gold-plated brass heart with a bust of Washington in the center and the Washington family coat of arms at the top; and

WHEREAS, A group of combat-wounded veterans in Ansonia, Connecticut formed the first chapter of a civilian organization for Purple Heart recipients; and

WHEREAS, Other states throughout the country have designated themselves as Purple Heart States; and

WHEREAS, The people of Illinois have great admiration and the utmost gratitude for all the men and women who have selflessly served their country; and

WHEREAS, Illinois' veterans have given their lives so we can maintain our freedom and way of life; and

WHEREAS, It is fitting to honor combat-wounded veterans for their service and sacrifice; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we declare the State of Illinois as a Purple Heart State; and be it further

RESOLVED, That we give our thanks to all of those who have served and sacrificed their lives for our State and country; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Hayes-Krell Chapter 159.

Adopted by the Senate on May 31, 2016.
Concurred in by the House of Representatives on January 10, 2017.

RE-AUTHORIZE SECTION 4 FEDERAL VOTING RIGHTS
(House Joint Resolution No. 124)

WHEREAS, In 2013, the Supreme Court of the United States, in Shelby County v. Holder, held that states can no longer be judged by voter discrimination that went on decades ago; and
WHEREAS, The formula used in Section 4(b) of the Voting Rights Act was found to be unconstitutional, outdated, and no longer relevant in modern times; if a state had qualified under the formula in Section 4(b), Section 5 would be activated, which required review either by the United States District Court for Washington, D.C. or the Attorney General; and

WHEREAS, The U.S. Supreme Court directed Congress to identify jurisdictions that should be singled out now for voter discrimination, as opposed to discrimination 40 years ago, as long as the formula does not include black voter registration and turnout from decades ago; and

WHEREAS, If Congress does not re-authorize the formula in Section 4(b), the Voting Rights Act loses much of its original purpose to prevent discrimination in voting; without a formula in Section 4, Section 5 preclearance goes unused in states with a history of discrimination; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we urge Congress to re-authorize Section 4 of the Federal Voting Rights Act so that citizens who were previously protected do not become disenfranchised; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the Speaker of the United States House of Representatives Paul Ryan, United States Senate Majority Leader Mitch McConnell, and President Barack Obama.

Adopted by the Senate as Amended May 27, 2016.

Concurred in by the House of Representatives on May 31, 2016.

SGT. KENNETH R. NICHOLS JR. MEMORIAL HIGHWAY
(House Joint Resolution No. 99)

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

WHEREAS, Army Sgt. Kenneth R. Nichols, Jr. was killed in Kunar Province, Afghanistan on December 1, 2009 when his unit was attacked by small-arms fire and rocket-propelled grenades; and

WHEREAS, Sgt. Nichols grew up in Chrisman; he graduated from Georgetown-Ridge High School in 2000 and joined the United States Army 5 years later; and
WHEREAS, Sgt. Nichols was assigned to the 2nd Battalion, 12th Infantry Regiment, 4th Brigade Combat Team, 4th Infantry Division out of Fort Carson, Colorado and was serving in Afghanistan in support of Operation Enduring Freedom; and

WHEREAS, Sgt. Nichols was a 4-year Army veteran; he served a tour in Iraq from October of 2006 to December of 2007; and

WHEREAS, Sgt. Nichols enjoyed playing pranks, riding his Harley-Davidson, and hanging out in a shed he built behind his Colorado Springs, Colorado home; and

WHEREAS, Sgt. Nichols is survived by his wife, Lexi; his father, Kenneth R. Nichols, Sr.; his 4 children, Brhyleigh, Kenneth III, Branden, and Pailynn; and 2 sisters, Lisa and Cindy; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we designate the section of Illinois Route 1 that runs from the south end of Westville to Georgetown as the "Sgt. Kenneth R. Nichols, Jr. Memorial Highway"; and be it further

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

RESOLVED, That suitable copies of this resolution be presented to the family of Sgt. Nichols and the Secretary of the Department of Transportation.

Adopted by the House of Representatives on December 2, 2015.
Concurred in by the Senate on January 13, 2016.

SHERIFF TERRY MARKETTI MEMORIAL HIGHWAY
(House Joint Resolution No 98)

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

WHEREAS, Sheriff Terry Marketti was born in Joliet in 1956 and passed away on December 14, 2012; and

WHEREAS, Sheriff Marketti's parents were Charles C. and Matilda "Tillie" Marketti; he grew up with 2 brothers, Charles and Rick; and

WHEREAS, Sheriff Marketti dedicated his life to serving the communities of Grundy County, winning his first elected position at the
age of 18 on the South Wilmington Village Board, where he served for 22
years; and

WHEREAS, Sheriff Marketti served with the Grundy County
Sheriff's Department for 35 years; he rose from Chief Deputy to Sheriff by
appointment in March of 2004 following the sudden death of Sheriff Jim
Olson; he would go on to win re-election as Sheriff 3 more times, running
once unopposed; and

WHEREAS, Sheriff Marketti also served on numerous boards for
charities and other local organizations throughout his life, including Big
Brothers Big Sisters of Will and Grundy Counties, Grundy Area P.A.D.S.
(Public Action to Deliver Shelter), the Community Foundation of Grundy
County, the Grundy Economic Development Council, Breaking Away, the
Gardner Village Board, the No Tolerance Task Force, the Grundy County
Emergency Telephone Systems Board, Operation St. Nick, We Care of
Grundy County, and many others; and

WHEREAS, Sheriff Marketti was also a member of the St.
Lawrence Catholic Church in South Wilmington, where those who knew
him best described him as a generous soul; he was known to donate to
many local charities, non-profit organizations, and individuals; and

WHEREAS, Sheriff Marketti was dearly loved by his family and
friends, was highly respected in law enforcement, and had a generosity that
was legendary throughout the community; and

WHEREAS, Sheriff Marketti was instrumental in establishing a
911 dispatch center near the junction of Illinois Route 47 and Illinois
Route 113 that has greatly benefited the surrounding communities and
saved countless lives; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF
THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF
ILLINOIS, THE SENATE CONCURRING HEREIN, that we designate
the section of Illinois Route 47 from Spring Road to DuPont Road in
Grundy County as the "Sheriff Terry Marketti Memorial Highway"; and be
it further

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

RESOLVED, That suitable copies of this resolution be presented
to the Secretary of the Department of Transportation and the family of
Sheriff Marketti.

Adopted by the House of Representatives on October 20, 2015.
Concurred in by the Senate on January 13, 2016.
WHEREAS, It is highly fitting that the Illinois General Assembly pays honor and respect to the truly great individuals who have served our country and, in doing so, have made the ultimate sacrifice for our nation; and

WHEREAS, United States Army Specialist Christopher A. Patterson of North Aurora was killed in action in Afghanistan on January 6, 2012, along with 3 of his fellow Indiana National Guardsmen; and

WHEREAS, Spc. Patterson was born in Philadelphia, Pennsylvania on April 17, 1991 to Robert and Mary (nee Schneider) Patterson; he graduated from West Aurora High School in 2009 and continued his studies in music education at Valparaiso University in Indiana, where he was a member of the professional music fraternity, Phi Mu Alpha Sinfonia and toured with the school's premiere vocal ensemble, the Chorale; he also composed and arranged music with a cappella group VuVox and for the West High STUDy Hall Choir; he was co-captain and first board for the West High Chess Team and was honored to be under the tutelage of Robert Payne; and

WHEREAS, Spc. Patterson came from a strong military family; he enlisted with the Indiana National Guard and served as a 12B Combat Engineer with the 713th Engineering Company (Sapper) based out of the Valparaiso Armory; and

WHEREAS, Despite receiving an authorized exception on his deployment to complete his studies, Spc. Patterson, embodying the true spirit of patriotism and bravery, volunteered to accompany his unit on its deployment; and

WHEREAS, Spc. Patterson is survived by his parents, Robert and Mary Patterson; his 3 brothers, Carl Patterson, Sean (Anna) Patterson, and Thomas Patterson; his paternal grandparents, Durland and Sally (nee Clark) Patterson; his maternal grandparents, Jim and Claire (nee Dux) Schneider; his godparents, Kathy and George Jirasek; many aunts, uncles, nephews, cousins, and dear friends; and by his "adopted" siblings, Billy Czech, Aaron Foster, and Candace Robinson; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we designate the section of Illinois Route 31 as it passes through North Aurora as the "Spc. Christopher A. Patterson Memorial Highway"; and be it further
RESOLVED, That the Illinois Department of Transportation is requested to erect at suitable locations, consistent with State and federal regulations, appropriate plaques or signs giving notice of the name "Spc. Christopher A. Patterson Memorial Highway"; and be it further
RESOLVED, That suitable copies of this resolution be presented to the Secretary of the Department of Transportation and the family of Spc. Patterson.

Adopted by the House of Representatives on December 2, 2015.
Concurred in by the Senate on January 13, 2016.

STAFF SERGEANT PAUL SMITH MEMORIAL HOSPITAL
(House Joint Resolution No. 120)

WHEREAS, It is highly fitting that the Illinois General Assembly pays honor and respect to the truly great individuals who have served our country; and
WHEREAS, Staff Sergeant Paul Smith died in the service of his country in Kandahar, Afghanistan, in the summer of 2009; and
WHEREAS, Staff Sergeant Smith retired from the United States Army in 2006 after tours in Kuwait, Bosnia, Iraq, and Afghanistan, but he did not retire from combat; and
WHEREAS, Staff Sergeant Smith joined the Illinois National Guard with the 33rd Infantry Brigade Combat Team; and
WHEREAS, Staff Sergeant Smith's 2009 deployment was his third in Afghanistan with Troop C, 2nd Battalion, 106th Cavalry Regiment, providing protection for Embedded Training Teams and the Afghan army; and
WHEREAS, In late August of 2009, at the age of 43, Staff Sergeant Smith volunteered for a mission, manning the gunner position atop a Humvee, fifth in a military convoy; and
WHEREAS, Staff Sergeant Smith typically rode in the first or last vehicle in the line; he was killed instantly when an improvised explosive device detonated near his vehicle; another soldier was killed and 2 were seriously injured in the explosion; and
WHEREAS, The device was the first of its kind to be floating in a roadside canal, and not on the side of the road like all the others that had caused so much death and injury in the war in Afghanistan; and
WHEREAS, A small home on Jay Street in East Peoria currently holds a beautiful tribute to Staff Sergeant Smith, including photos, a quilt, and a framed sketch by an artist who has done the same for every 2,350 American fatalities in the war in Afghanistan to date; and
WHEREAS, Staff Sergeant Smith's dedication, heroism, and courage will never be forgotten by his family, city, State, and country; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we designate the section of Illinois Route 8 in East Peoria beginning at the intersection of Arnold Avenue and ending at the intersection of Oakwood Road as the "Staff Sergeant Paul Smith Memorial Highway"; and be it further

RESOLVED, That the Illinois Department of Transportation is requested to erect, at suitable locations consistent with State and federal regulations, an appropriate plaque or signs giving notice of the name of the "Staff Sergeant Paul Smith Memorial Highway"; and be it further

RESOLVED, That suitable copies of this resolution be presented to the family of Staff Sergeant Smith, the Mayor of East Peoria, and the Secretary of the Illinois Department of Transportation.

STATE WORKFORCE REPORTS
(House Joint Resolution No. 133)

WHEREAS, The City of Springfield has been the capital of Illinois since 1839, when then-Governor Thomas Carlin issued a proclamation ordering the relocation of all State records from Vandalia to Springfield; and

WHEREAS, The City of Springfield is home to the main offices of the Executive Branch, the Legislative Branch, and the Judicial Branch of Illinois State government; and

WHEREAS, With a large reduction in the State workforce over the last several years, Springfield has suffered significant job losses; and

WHEREAS, As home to the majority of State government activity, it is essential that the capital of Illinois is also home to as many State employees as possible in order to ensure that Illinois runs in an efficient and productive manner; and

WHEREAS, Advances in technology and increased connectivity throughout the State have made it easier than ever for the State workforce to be centrally located in Springfield; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we urge each
State agency under the direction of the Office of the Governor to prepare an agency or office workforce report; and be it further

RESOLVED, That the workforce reports should include the following information for all employees under the Personnel Code:

1. the number of employees in each county in this State;
2. the division and facility, if applicable, that each of these employees is stationed;
3. the position number, general working title, and a brief description of job duties of each of these employees; and
4. the justification as to why these positions, specifically upper and middle management positions, could not be located in Springfield; and be it further

RESOLVED, That the workforce reports would not need to include detailed information relating to direct service workers, but should list the number of these positions in each title by county, division, and facility; and be it further

RESOLVED, That moving forward, as the State of Illinois begins to fill vacant positions, we urge all State agencies to consider filling any vacant position in Springfield first, as Springfield is the home of State government; and be it further

RESOLVED, That we urge all State agencies to have their workforce reports completed and submitted to the Office of the Governor and the General Assembly by August 31, 2016; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to the Office of the Governor to direct each State agency to complete a workforce report.

Adopted by the House of Representatives on May 12, 2016.
Concurred in by the Senate on May 31, 2016.

SUZANNE DEUCHLER HONORARY INTERCHANGE
(House Joint Resolution No. 116)

WHEREAS, It is important to recognize those who contributed to the betterment of the State of Illinois through public service; and

WHEREAS, Suzanne Deuchler is a 60-year member of the Aurora branch of the American Association of University Women (AAUW) and credits the organization with helping her accomplish many things in her life; she held 2 portfolios while with the AAUW: (1) Global Interdependence and International Relations; and (2) State Board of AAUW for Global Interdependence; and
WHEREAS, Suzanne Deuchler was a member of the Kane County Board from 1976 to 1980; and

WHEREAS, Suzanne Deuchler was elected to the Illinois General Assembly in 1980 and served for 18 years; during that time, she co-founded the Illinois Mathematics and Science Academy; promoted the Orchard Road/Toll Road Interchange; organized the Northeast Flood Project; supported water wells in surrounding towns; participated in the White House Conference on Small Businesses; co-chaired the General Assembly's Conference of Women Legislators; championed the ratification of the Equal Rights Amendment; received the Golden Apple Award from the Illinois Education Association; supported a business-friendly environment in Illinois; backed environmental legislation that promoted clean air and clean water; and spearheaded Kane County's establishment of the Nelson Lake Nature Preserve; and

WHEREAS, Suzanne Deuchler served on the boards of the following organizations: the National Alliance for the Mentally Ill, the Aurora Coordinating Council of Community Organizations, the Aurora Historical Society, the Kane-Kendall Mental Health Association, the Sci-Tech Museum, and the Rush-Copley Medical Center; she also served as President of the League of Women Voters; and

WHEREAS, Suzanne Deuchler graduated with honors in 1951 from the University of Illinois with a Bachelor of Arts in Liberal Arts with a major in Spanish and a minor in speech; she received an honorary doctorate from Aurora University on June 6, 1999; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we designate the Orchard Road interchange on Interstate 88 as the "Suzanne Deuchler Honorary Interchange"; and be it further

RESOLVED, That the Illinois State Toll Highway Authority is requested to erect at suitable locations, consistent with State and federal regulations, appropriate plaques or signs giving notice of the name "Suzanne Deuchler Honorary Interchange"; and be it further

RESOLVED, That suitable copies of this resolution be presented to the Chairman of the Illinois State Toll Highway Authority and Suzanne Deuchler.

Adopted by the House of Representatives on May 5, 2016.
Concurred in by the Senate on May 31, 2016.
TROOPER CHONG SOO LIM MEMORIAL OVERPASS
(House Joint Resolution No. 121)

WHEREAS, It is highly fitting that the Illinois General Assembly pays honor and respect to individuals who have given their lives in the line of duty; and

WHEREAS, Trooper Chong Soo Lim, Badge #4348, was killed in the line of duty on June 6, 1995, at the age of 29; and

WHEREAS, Trooper Lim was killed on Interstate 90 Westbound at (then) Milepost 18.3 when his patrol car was struck from behind as he conducted a traffic stop on the Northwest Tollway; and

WHEREAS, Trooper Lim had been a State Trooper for 5 years and was a graduate of the University of Illinois in Chicago; and

WHEREAS, Trooper Lim was born in South Korea and moved with his family to the United States in the late 1970s; and

WHEREAS, Trooper Lim patrolled District 3 in Chicago upon his graduation from the Illinois State Police Academy; he transferred to the midnight shift in District 15, Oak Brook, just one month before his death; and

WHEREAS, Annually the Asian American Law Enforcement Association honors Trooper Lim with a memorial scholarship; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HERElN, that we designate the State Route 59 overpass over Interstate 90 the "Trooper Chong Soo Lim Memorial Overpass"; and be it further

RESOLVED, That the Illinois State Tollway Highway Authority is requested to erect at suitable locations, consistent with State and federal regulations, appropriate plaques or signs giving notice of the name of the "Trooper Chong Soo Lim Memorial Overpass"; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the family of Trooper Lim and the Executive Director of the Illinois State Tollway Highway Authority.

Adopted by the House of Representatives on May 4, 2016.
Concurred in by the Senate on May 31, 2016.
TROOPER FRANK DORIS MEMORIAL HIGHWAY
(House Joint Resolution No. 68)

WHEREAS, It is highly fitting that the Illinois General Assembly pays honor and respect to individuals who gave their lives in the line of duty; and

WHEREAS, Trooper Frank Doris was born on April 28, 1925; he served in World War II, entering active service as a draftee on August 20, 1943 at Chicago; and

WHEREAS, Trooper Frank Doris served in Europe and Africa; he was honorably discharged on April 9, 1946, having earned several medals and awards; and

WHEREAS, Trooper Frank Doris was assigned to work at the State Police Headquarters of District 12 in Watson; and

WHEREAS, As Trooper Doris was heading southbound on U.S. 45 to his residence 4 miles north of Flora, he stopped a car for speeding, and while he was sitting in a squad car filling out the arrest ticket, the suspect driver standing behind the squad car shot Trooper Doris in the head; and

WHEREAS, Other trooper patrols were able to apprehend the suspect and the suspect was convicted of the murder; and

WHEREAS, Trooper Frank Doris is fondly remembered and appreciated by family, friends, and the public whom he dutifully served; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we designate the section of Interstate 57 from the Tri-level south of Effingham to Watson Exit 151 as the "Trooper Frank Doris Memorial Highway"; and be it further

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

RESOLVED, That suitable copies of this resolution be presented to the family of Trooper Frank Doris, the Illinois State Police, the Effingham Sunrise Rotary Club, the Mayor of the City of Effingham, and the Secretary of the Illinois Department of Transportation.

Adopted by the House of Representatives on May 30, 2015.
Concurred in by the Senate on January 13, 2016.
WHEREAS, The members of the Illinois General Assembly are proud to pay tribute to those who have given their lives to protect and serve the citizens of this State; and

WHEREAS, Twenty-seven year old Illinois State Trooper John Kugelman was a 3-year veteran of the Illinois State Police; a former military police officer, he was on the waiting list to become a Chicago police officer when he was hired by the Illinois State Police and assigned to District 2 in Elgin; and

WHEREAS, On November 10, 1986, Trooper John Kugelman was manning a roadblock in order to subdue a parole violator who led police on an 85 MPH chase; leaving his squad car, he attempted to halt the suspect's car while on foot when he was struck and killed by the suspect; and

WHEREAS, After his tragic passing, Trooper John Kugelman was posthumously promoted to the rank of Sergeant; and

WHEREAS, Trooper John Kugelman was survived by his wife, Janice; his parents; his sister, Beth; and his nephew; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREN, that we urge the Illinois State Toll Highway Authority and the Illinois Department of Transportation to rename the I-355/I-290 Interchange near Itasca as the Trooper John Kugelman Memorial Interchange in honor of Trooper John Kugelman and his great dedication and selflessness in serving our State; and be it further

RESOLVED, That the Illinois State Toll Highway Authority and the Illinois Department of Transportation are requested to erect at suitable locations, consistent with State and federal regulations, appropriate plaques or signs giving notice of the name of the Trooper John Kugelman Memorial Interchange; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the Illinois State Toll Highway Authority, the Illinois Department of Transportation, and the family of Trooper John Kugelman.

Adopted by the House of Representatives on May 11, 2016.
Concurred in by the Senate on June 30, 2016.
TROOPER LAYTON T. DAVIS MEMORIAL HIGHWAY

(House Joint Resolution No. 69)

WHEREAS, It is highly fitting that the Illinois General Assembly pays honor and respect to individuals who gave their lives in the line of duty; and

WHEREAS, Layton T. Davis was born on June 18, 1925 in Watson Township, Effingham County, the fifth child and only son of Alonzo and Lola Davis; and

WHEREAS, Trooper Davis grew up on his family farm across from Salt Creek School, where he attended school for 8 years; he later attended Watson's 3-year high school and then attended Effingham High School's 4-year program graduating in 1943; and

WHEREAS, Trooper Davis joined the United States Army in July of 1944, seeing combat in the Philippines and then serving in Japan until his honorable discharge in 1946; and

WHEREAS, Trooper Davis married his high school sweetheart, Helen Becker; he worked their small farm and raised 3 sons, Louis, Alan, and Troy, who all grew up on the farm in Watson; and

WHEREAS, Trooper Davis worked at the Illinois Department of Transportation in road maintenance before attending the Illinois State Police Academy in 1957; and

WHEREAS, After graduating from the Illinois State Police Academy, Trooper Davis honorably served and protected the people of the State of Illinois for 19 years; and

WHEREAS, During a routine traffic stop on Interstate 57 near Effingham on March 18, 1976, Trooper Davis was notified by radio that one of the car's 2 occupants was wanted on a Cook County warrant; the two men attacked Trooper Davis, shooting and killing him in the line of duty; and

WHEREAS, Trooper Davis had served with the Illinois State police for 19 years and was assigned to District 12; he was survived by his wife and 3 children; he is fondly remembered and appreciated by family, friends, and the public whom he dutifully served; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we designate the section of Interstate 57 from the Tri-level north of Effingham to the southern Shelby County line as the "Trooper Layton T. Davis Memorial Highway"; and be it further
RESOLVED, That the Illinois Department of Transportation is requested to erect at suitable locations, consistent with State and federal regulations, appropriate plaques or signs giving notice of the name of the "Trooper Layton T. Davis Memorial Highway"; and be it further
RESOLVED, That suitable copies of this resolution be presented to the family of Trooper Layton T. Davis, the Illinois State Police, the Effingham Sunrise Rotary Club, the Mayor of the City of Effingham, and the Secretary of the Illinois Department of Transportation.

Adopted by the House of Representatives on May 30, 2015.
Concurred in by the Senate on January 13, 2016.

TUSKEGEE AIRMEN MEMORIAL TRAIL
(Senate Joint Resolution No. 50)

WHEREAS, Interstate 57 is a major thoroughfare in the United States interstate system of roads which, in part, is situated through sections of the south side of Chicago and through the City of Rantoul, tracing along the route of the former Illinois Central railroad line; and
WHEREAS, The "Tuskegee Airmen" is the popular name of a group of African American pilots who fought in World War II; formally, they were the 332nd Fighter Group and the 477th Bombardment Group of the U.S. Army Air Corps; the Tuskegee Airmen were dedicated, determined young men who enlisted to become America's first black military airmen; and
WHEREAS, The Tuskegee Airmen were the first African American military aviators in the United States Armed Forces; during World War II, African Americans in many U.S. states were still subject to racist Jim Crow laws; the American military was no exception, as it too was racially segregated along with much of the federal government; the Tuskegee Airmen were subject to racial discrimination, both within and outside the Army; despite these adversities, they trained and flew with distinction; each of the men possessed a strong personal desire to serve the United States to the best of his ability; and
WHEREAS, By the spring of 1944, the all-black 332nd Fighter Group had been sent overseas with three fighter squadrons: the 100th, 301st and 302nd; these squadrons were moved to mainland Italy, where the 99th Fighter Squadron, assigned to the group on May 1, 1944, joined them on June 6, at Rarnitelli Airfield, near Termoli, on the Adriatic coast; from Rarnitelli, the 332nd Fighter Group escorted the Fifteenth Air Force heavy strategic bombing raids into Czechoslovakia, Austria, Hungary, Poland, and Germany; flying escort for heavy bombers, the 332nd earned
an impressive combat record; the Allies called these airmen "Red Tails" or "Red-Tail Angels" because of the distinctive crimson paint predominately applied on the tail section of the unit's aircraft; these assignments marked the first aerial combat missions ever carried out by African American pilots; and

WHEREAS, 996 pilots in total were trained in Tuskegee from 1941 to 1946, approximately 445 were deployed overseas, and 150 Airmen lost their lives in accidents or combat; the blood cost included 66 pilots killed in action or accidents, and 32 fallen into captivity as prisoners of war; the Tuskegee Airmen were credited by higher commands with the following accomplishments:

15,533 combat sorties and 1578 missions;
112 German aircraft destroyed in the air and another 150 on the ground;
950 railcars, trucks, and other motor vehicles destroyed;
One destroyer sunk by P-47 machine gun fire;
A nearly perfect record of not losing U.S. bombers; and

WHEREAS, Awards and decorations awarded for valor and performance included:

Three Distinguished Unit Citations (99th Pursuit Squadron: May 30-June 11, 1943 for the capture of Pantelleria, Italy; 99th Fighter Squadron: May 12-14, 1944 for successful air strikes against Monte Cassino, Italy; and 332nd Fighter Group: March 24, 1945 for the longest bomber escort mission of World War II);
At least one Silver Star;
An estimated 150 Distinguished Flying Crosses;
14 Bronze Stars;
744 Air Medals;
8 Purple Hearts; and

WHEREAS, After the end of World War II, black airmen returned to the United States and once again faced racism and hatred, despite their outstanding service record; and

WHEREAS, These brave men deserve to be recognized by the State of Illinois for their service to their country during wartime; and

WHEREAS, Kentucky became the first state to honor the Tuskegee Airmen when it named U.S. Interstate 75 the "Tuskegee Airmen Memorial Trail" in 2010; and

WHEREAS, Rantoul is the location of Chanute Field, where the first unit of the Tuskegee Airmen, the 99th Pursuit Squadron, was activated on March 19, 1941; over 250 enlisted men were trained at
Chanute in aircraft ground support trades before all operations were moved to Tuskegee, Alabama; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we designate the section of Interstate 57 between Exit 250 at U.S. Route 136 in Rantoul and Exit 358 at Wentworth Avenue in Chicago as the Tuskegee Airmen Memorial Trail; and be it further

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

RESOLVED, That a suitable copy of this resolution be presented to the Secretary of the Illinois Department of Transportation and the Chicago "DODO" Chapter of the Tuskegee Airmen, Incorporated.

Adopted by the Senate on May 18, 2016.
Concurred in by the House of Representatives on November 30, 2016.

WAIVER OF SCHOOL CODE MANDATES REPORT
(House Joint Resolution No. 163)

WHEREAS, The State Board of Education has filed its Report on Waiver of School Code Mandates, dated September 30, 2016, with the Senate, the House of Representatives, and the Secretary of State of Illinois as required by Section 2-3.25g of the School Code; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the request made by Central SD 104 - St. Clair with respect to the debt limitation, identified in the report filed by the State Board of Education as request WM100-6259, is disapproved; and be it further

RESOLVED, That the remaining requests in the Report on Waiver of School Code Mandates are approved.

Adopted by the House of Representatives on November 16, 2016.
Concurred in by the Senate on December 1, 2016.
WAIVER OF SCHOOL CODE MANDATES REPORT
(Senate Joint Resolution No. 49)

WHEREAS, The State Board of Education has filed its Report on Waivers of School Code Mandates, dated February 29, 2016, with the Senate, the House of Representatives, and the Secretary of State as required by Section 2-3.25g of the School Code; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the request made by Paxton-Buckley-Loda CUSD 10 - Ford with respect to the school building code, identified in the report filed by the State Board of Education as request WM100-6213, is disapproved; and be it further

RESOLVED, That the request made by Oswego CUSD 308 - Kendall with respect to physical education, identified in the report filed by the State Board of Education as request WM100-6202, has been formally withdrawn at the request of the superintendent and school board of the district and will therefore not be considered as part of this report; and be it further

RESOLVED, That the remaining requests in the Report on Waivers of School Code Mandates are approved.

Adopted by the Senate on April 14, 2016.
Concurred in by the House of Representatives on April 22, 2016.

WITCZAK BROTHERS MEMORIAL HIGHWAY
(Senate Joint Resolution No. 48)

WHEREAS, It is with great humility that the Illinois General Assembly has the opportunity to pay respect and tribute to great individuals who have served our country; and

WHEREAS, Seven Witczak brothers served in the United States Armed Forces; five served during World War II and two in the Korean War; and

WHEREAS, The Witczak brothers are Joseph "Joker", Anthony "Tony", John, Casimir Maurer, Francis "Boy", Thomas "Junior", and Edward Sr.; and

WHEREAS, The Witczak brothers were lifelong residents of La Salle County; they grew up during the Great Depression and knew the meaning of honor and hard work; Anthony "Tony" Witczak, the last surviving brother, began by delivering newspapers for the News Tribune
out of La Salle; during World War II, he drove Higgins Boats in the Pacific Ocean despite having never driven a car; and

WHEREAS, The Witczak brothers were separated up by branch, job, and location throughout World War II but kept in close contact through letters; they had numerous opportunities to meet up when their missions allowed; Anthony Witczak recalls this happening mostly at Pearl Harbor; and

WHEREAS, The story of the Witczak brothers is an astonishing and humbling one of commitment to their country and their family; most families that had multiple members overseas bravely serving their country did not have them all return safely to the United States as all of the Witczak brothers did; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we designate Route 251 as it travels from Tonica to Mendota as the "Witczak Brothers Memorial Highway"; and be it further

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

RESOLVED, That suitable copies of this resolution be presented to the Secretary of the Illinois Department of Transportation and the family of the Witczak brothers.

Adopted by the Senate on May 18, 2016.
Concurred in by the House of Representatives on June 29, 2016.
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2016 EXECUTIVE ORDERS

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WHEREAS, although the State of Illinois devotes significant resources to its information technology systems – ranking Illinois among the top five states nationally by technology expenditures – the State is considered among the bottom quartile of states nationally in digitization and other metrics of technological advancement; and

WHEREAS, much of the State’s technology spending is wasted; most agencies are responsible for managing their own technologies and technology personnel, resulting in thousands of redundant and non-interoperable systems; and the State continues to use outdated systems (in some cases, dating to 1974) that are more costly to maintain; and

WHEREAS, these thousands of systems are vulnerable to cyberattack, placing private information about State employees and their dependents, consumers of State services, taxpayers, and the residents and businesses of Illinois at risk to hackers, terrorists, and criminals; and

WHEREAS, the State previously recognized and attempted to confront this problem: in 2003, the General Assembly authorized the Department of Central Management Services (“CMS”) to direct the transfer and centralization of information technology functions from State agencies under the jurisdiction of the Governor to CMS; and

WHEREAS, under that authority, CMS consolidated some, but not all, information technology functions into its Bureau of Communications and Computer Services, but the results have been disappointing: many agencies continue to maintain their own infrastructure; almost all agencies continue to support their own software and application development; more than 70% of technology spending remains outside of CMS; and agencies in aggregate employ twice as many information technology personnel outside of CMS (approximately 1,200) as are employed by CMS (approximately 500); and

WHEREAS, although consolidation was not completed, it remains the best way to transform our information technology functions; to protect State data from cyberattack and breaches and to ensure compliance with data protection laws; to consolidate State technology resources, develop statewide enterprise solutions, leverage the State’s buying power, and avoid inefficiencies; to reduce costs and provide better value for our investment; and to provide State agencies with state-of-the-art technology and ensure interoperability of systems and data across State agencies, enabling those
agencies to provide better service to taxpayers, residents, businesses, and consumers and providers of State services; and

WHEREAS, consolidation and transformation of the State’s information technology functions will be accomplished most effectively through an agency independent of CMS, in particular because: information technology is too large to be a bureau of another agency; the State’s information technology headcount exceeds the combined headcount for all other functions performed by CMS; CMS is focused on other important administrative reforms; and the State must be nimble and flexible in order to meet the needs of its agencies and to provide timely, up-to-date technology services; and

WHEREAS, twenty-nine other states, as well as many local governments including the City of Chicago, have centralized responsibility for information technology functions within a single agency; and

WHEREAS, consolidation and transformation of the State’s information technology functions will carry out the purposes of the 2003 legislation, now codified at 20 ILCS 405/405-410;

THEREFORE, I, Bruce Rauner, Governor of Illinois, by virtue of the executive authority vested in me by Section 11 of Article V of the Constitution of the State of Illinois, do hereby order as follows:

I. DEFINITIONS

As used in this Executive Order:
“BCCS” means the CMS Bureau of Communications and Computer Services, also known as the Bureau of Information and Communication Services, created by 2 IAC 750.40, or its successor bureau within CMS.
“Client agency” means each transferring agency or its successor and each other public agency to which DoIT provides service.
“CMS” means the Department of Central Management Services.
“DoIT” means the Department of Innovation and Technology.
“Information technology” means technology, infrastructure, equipment, systems, software, networks, and processes used to create, send, receive, and store electronic or digital information, including without limitation both computer systems and telecommunication systems. The term “information technology” shall be construed broadly to incorporate future technologies (such as sensors) that change or supplant those in effect as of the effective date of this Executive Order.
“Information technology functions” means the development, procurement, installation, retention, maintenance, operation, possession, storage, and related functions of all information technology.
“Information Technology Office” means the Information Technology Office, also known as of the Office of the Chief Information Officer, an office within
the Office of the Governor, created by Executive Order 1999-05, or its successor office.

"Legacy IT division" means any division, bureau, or other unit of a transferring agency which has responsibility for information technology functions for the agency prior to the transfer of such functions to DoIT, including without limitation BCCS.

"Retained functions" means, with respect to a legacy IT division, non-information technology functions for which the legacy IT division is responsible, which are not transferred to DoIT.

"Secretary" means the Secretary of Innovation and Technology.

"Transferring agency" means each agency, authority, board, bureau, commission, council, department, division, instrumentality, office, or unit of the Executive Branch of State government which is directly responsible to the Governor and is transferring functions, employees, property, or funds to DoIT pursuant to this Executive Order.

II. CREATION OF DEPARTMENT OF INNOVATION AND TECHNOLOGY

The Information Technology Office, also known as the Office of the Chief Information Officer, is hereby reconstituted as a new principal department of the Executive Branch of State government, directly responsible to the Governor, called the Department of Innovation and Technology ("DoIT"). BCCS shall be consolidated into DoIT as of July 1, 2016.

The head officer of DoIT shall be known as the Secretary of Innovation and Technology ("Secretary"). The Secretary shall be the chief information officer for the State and the steward of State data, with respect to those agencies under the jurisdiction of the Governor. The Secretary shall be appointed by the Governor, with the advice and consent of the Senate. DoIT may employ or retain other persons to assist in the discharge of its functions, subject to the Personnel Code. DoIT shall be subject to all of the general laws applicable to Executive Branch agencies. The mission of DoIT is to deliver best-in-class innovation and technology to client agencies to foster collaboration among client agencies, to empower client agencies to provide better service to residents of Illinois, and to maximize the value of taxpayer resources. DoIT shall be responsible for the information technology functions on behalf of client agencies.

DoIT shall develop and implement data security and interoperability policies and procedures that ensure the security and interoperability of State data, including in particular data that are confidential, sensitive, or protected from disclosure by privacy or other laws, while recognizing and balancing the need for collaboration and public transparency. DoIT shall ensure compliance with applicable federal and State laws pertaining to information technology, data,
and records of DoIT and the client agencies, including without limitation the
Freedom of Information Act (5 ILCS 140/1 et seq.), the State Records Act (5
ILCS 160/1 et seq.), the Personal Information Protection Act (815 ILCS 530/1 et seq.), the federal Health Insurance Portability and Accountability Act
(HIPAA), the federal Health Information Technology for Economic and
Clinical Health Act (HITECH Act), and the federal Gramm-Leach-Bliley Act.
DoIT may establish, through the Secretary, charges for services rendered by
DoIT to client agencies for which funds are provided directly to the client
agency. In establishing charges, the Secretary shall consult with client
agencies, ensure that charges are transparent and clear, and minimize or avoid
charges for costs for which DoIT has other funding sources available.
Following the transfer of information technology functions to DoIT pursuant
to Section IV of this Executive Order, client agencies shall continue to apply
for and otherwise seek federal funds and other capital and operational
resources for technology for which the agencies are eligible and, subject to
compliance with applicable laws, regulations, and grant terms, make those
funds available for use by DoIT. DoIT shall assist client agencies in
identifying funding opportunities and, if funds are used by DoIT, ensuring
compliance with all applicable laws, regulations, and grant terms.
DoIT and each client agency continue to have whatever authority is provided
to them pursuant to the Intergovernmental Cooperation Act and other
applicable law to enter into interagency contracts. To the extent permitted by
law, DoIT may enter into such contracts to use personnel and other resources
that are retained by transferring agencies or other public agencies, to provide
services to public agencies within the State in addition to transferring
agencies, and for other appropriate purposes to accomplish DoIT’s mission.
III. TRANSITION
Beginning on the effective date of this Executive Order, DoIT and the
transferring agencies shall work cooperatively to prepare for the transfer of
functions, employees, property, and funds pursuant to Section IV of this
Executive Order, and to carry out other actions required to give effect to such
transfers, as of July 1, 2016. The transferring agencies shall provide DoIT
with access to personnel and other resources necessary to accomplish such
transition. During the transition period:
1. Under the direction of the Governor, the Secretary, in consultation
with the transferring agencies and labor organizations representing
the affected employees, shall identify each position and employee
who is engaged in the performance of functions transferred to DoIT,
or engaged in the administration of a law the administration of which
is transferred to DoIT, to be transferred to DoIT pursuant to Section
IV(1) of this Executive Order. An employee engaged primarily in
providing administrative support to a legacy IT division or information technology personnel may be considered engaged in the performance of functions transferred to DoIT. The Secretary shall ensure compliance with all applicable provisions of the Personnel Code and collective bargaining agreements, including providing any notices required thereunder within the applicable time periods.

2. Under the direction of the Governor, the Secretary, in consultation with the transferring agencies, shall identify personnel records, documents, books, correspondence, and other property, both real and personal, affected by the reorganization to be transferred to DoIT pursuant to Section IV(2) of this Executive Order. Such property may include contracts pertaining to the functions transferred to DoIT.

3. Under the direction of the Governor, the Director of the Governor’s Office of Management and Budget, in consultation with the Secretary and the transferring agencies, shall identify the unexpended balances of both Fiscal Year 2016 and Fiscal Year 2017 appropriations and other funds, or the relevant portions thereof, to be transferred to DoIT pursuant to Section IV(3) of this Executive Order.

IV. TRANSFER OF FUNCTIONS

As of July 1, 2016, the responsibility for information technology functions shall be transferred from each transferring agency to DoIT. These functions derive from the statutes set out on Exhibit A to this Executive Order. In connection with such transfer, as of July 1, 2016:

1. Each position and employee who is engaged in the performance of functions transferred to DoIT, or engaged in the administration of a law the administration of which is transferred to DoIT (as identified pursuant to Section III of this Executive Order), and the employee in each such position, shall be transferred to DoIT, pursuant to the provisions of any applicable collective bargaining agreement. The status and rights of any such employee, the State, and its agencies under the Personnel Code shall not be affected by this reorganization.

2. All personnel records, documents, books, correspondence, and other property, both real and personal, affected by the reorganization (as identified pursuant to Section III of this Executive Order) shall be delivered and transferred to DoIT or to the State Archives.

3. The unexpended balances of Fiscal Year 2016 and Fiscal Year 2017 appropriations and other funds available for use by a transferring agency in connection with the functions transferred to DoIT or the relevant portions thereof (as identified pursuant to Section III of this Executive Order and deemed necessary by the Governor) shall be transferred to DoIT and expended for the purposes for which the
appropriations or other funds were originally made or given to the transferring agency.

4. With respect to each transferring agency, this reorganization shall not affect (i) the composition of any multi-member board, commission, or authority, (ii) the manner in which any official of the agency is appointed, (iii) whether the nomination or appointment of any official of the agency is subject to the advice and consent of the Senate, (iv) any eligibility or qualification requirements pertaining to service as an official of the agency, or (v) the service or term of any incumbent official serving as of the effective date of this Executive Order.

5. Whenever any provision of any previous Executive Order or any Act provides for membership on any board, commission, authority, or other entity by a representative or designee of a transferring agency with responsibility for the functions transferred to DoIT, the Secretary, in consultation with the head of the transferring agency, shall designate the same number of representatives or designees of DoIT or the transferring agency, as appropriate.

V. LEGACY INFORMATION TECHNOLOGY DIVISIONS
Some transferring agencies have dedicated divisions, bureaus, or other units within the agency that are responsible for information technology functions ("legacy IT divisions"). The purpose of this Section V is to provide for the winding up of those legacy IT divisions.

a. Legacy IT Divisions with No Retained Functions
A legacy IT division that is responsible for only information technology functions will have no retained functions after the transfer of those functions to DoIT. In that circumstance, (i) the functions, employees, property, and funds of the legacy IT division shall be transferred to DoIT pursuant to Section IV of this Executive Order, and (ii) the head of the transferring agency shall abolish the legacy IT division as soon as practicable after July 1, 2016.

b. Legacy IT Divisions with Retained Functions
A legacy IT division that is responsible for both information technology functions and non-information technology functions will continue to be responsible for those non-information technology functions ("retained functions") after the transfer of information technology functions to DoIT. In that circumstance, (i) the information technology functions, employees, property, and funds of the legacy IT division shall be transferred to DoIT pursuant to Section IV of this Executive Order, and (ii) the head of the transferring agency shall continue to be responsible for the retained functions, and the head of the transferring agency shall consolidate the legacy IT division into another unit of the transferring agency or shall reconstitute the legacy IT
division as a non-information technology unit of the transferring agency, as determined by the head of the transferring agency, as soon as practicable after July 1, 2016.

If a legacy IT division has retained functions, employees, property, or funds which are not transferred to DoIT, then:

1. Each employee of the legacy IT division who is not transferred to DoIT shall continue to be employed by the transferring agency in a unit determined by the head of that agency. The status and rights of any such employee, the State, and its agencies under the Personnel Code shall not be affected by this reorganization.

2. All personnel records, documents, books, correspondence, and other property, both real and personal, of the legacy IT division in any way pertaining to the retained functions shall continue to be possessed by the transferring agency, within a unit determined by the head of the transferring agency.

3. The unexpended balances of appropriations and other funds available for use by a legacy IT division in connection with the retained functions shall be maintained by the transferring agency and expended for the purposes for which the appropriations or other funds were originally made or given.

4. With respect to each legacy IT division and transferring agency, this reorganization shall not affect (i) the composition of any multi-member board, commission, or authority, (ii) the manner in which any official of the agency is appointed, (iii) whether the nomination or appointment of any official of the agency is subject to the advice and consent of the Senate, (iv) any eligibility or qualification requirements pertaining to service as an official of the agency, or (v) the service or term of any incumbent official serving as of the effective date of this Executive Order.

5. Whenever any provision of any previous Executive Order or any Act provides for membership on any board, commission, authority, or other entity by a representative or designee of a legacy IT division with responsibility for retained functions, the head of the transferring agency shall designate the same number of representatives or designees of the transferring agency, as appropriate.

VI. INCONSISTENT ACTS; SPECIAL FUNDS

From the effective date of this reorganization, and as long as such reorganization remains in effect, the operation of any prior act of the General Assembly inconsistent with this reorganization is suspended to the extent of the inconsistency. In particular, but without limitation:
1. As of July 1, 2016, the information technology functions transferred from the transferring agencies to DoIT shall be the responsibility of DoIT, notwithstanding any statute that provides in particular that such function shall be carried out by CMS or a transferring agency (including without limitation 20 ILCS 405/405-10, 405-20, 405-250, 405-255, 405-260, 405-265, and 405-270).

2. As of July 1, 2016, the authority of CMS to expend funds of the Statistical Services Revolving Fund (a special fund of the State established pursuant to 30 ILCS 105/5.55, 6p-1, and 8.16a) and the Communications Revolving Fund (a special fund of the State established pursuant to 30 ILCS 105/5.12, 6p-2, and 8.16b), or the successor funds, shall be transferred to DoIT; and the authority of the Director of CMS to approve any contract or obligation incurred for any expenditure from either such special fund shall be transferred to the Secretary.

VII. REPORT TO THE GENERAL ASSEMBLY
DoIT shall provide a report to the General Assembly not later than December 31, 2016 and annually thereafter for three years, that includes data on the economies effected by the reorganization and an analysis of the effect of the reorganization on State government. The report shall also include the DoIT’s recommendations for further legislation relating to reorganization.
A copy of such report shall be filed with the Speaker, the Minority Leader, and the Clerk of the House of Representatives; the President, the Minority Leader, and the Secretary of the Senate; the Legislative Research Unit; and the State Government Report Distribution Center for the General Assembly.

VIII. SAVINGS CLAUSE
1. The rights, powers, duties, and functions transferred to the DoIT by this Executive Order shall be vested in, and shall be exercised by, DoIT. Each act done in exercise of such rights, powers, duties, and functions shall have the same legal affect as if done by the agency from which they were transferred. Every person shall be subject to the same obligations and duties and to the associated penalties, if any, and shall have the same rights arising from the exercise of these obligations and duties as if exercised subject to that agency or the officers and employees of that agency.

2. This Executive Order shall not affect any act undertaken, ratified or cancelled or any right occurring or established or any action or proceeding commenced in an administrative, civil, or criminal case before this Executive Order takes effect, but these actions or proceedings may be prosecuted and continued by the successor agency in cooperation with another agency, if necessary.
3. This Executive Order shall not affect the legality of any rules in the Illinois Administrative Code that are in force on the effective date of this Executive Order, which rules have been duly adopted by the pertinent agencies. Any rules, regulations, and other agency actions affected by the reorganization shall continue in effect and be transferred together with the transfer of functions. If necessary, however, the affected agencies shall propose, adopt, or repeal rules, rule amendments, and rule recodifications as appropriate to effectuate this Executive Order. These rule modifications shall coincide with, if applicable, the transfer of functions to DoIT.

4. Whenever reports or notices are now required to be made or given or paper or documents furnished or served by any person in regard to the functions transferred from an agency to DoIT pursuant to this Executive Order, the same shall be made, given, furnished, or served in the same manner to or upon DoIT.

5. This Executive Order does not contravene, and shall not be construed to contravene, any federal law, State statute (except as provided in Section VI of this Executive Order), or collective bargaining agreement.

IX. PRIOR EXECUTIVE ORDERS
This Executive Order supersedes any contrary provision of any other prior Executive Order, including without limitation Executive Order 1999-05.

X. SEVERABILITY CLAUSE
If any part of this Executive Order is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect. The provisions of this Executive Order are severable.

XI. FILINGS
This Executive Order shall be filed with Secretary of State. A copy of this Executive Order shall be delivered to the Secretary of the Senate and to the Clerk of the House of Representatives and, for the purpose of preparing a revisory bill, to the Legislative Reference Bureau.

XII. EFFECTIVE DATE
Provided that neither house of the General Assembly disapproves of this Executive Order by the record vote of a majority of the members elected, this Executive Order shall take effect 60 days after its delivery to the General Assembly.
EXHIBIT A
TO EXECUTIVE ORDER 2016-01

Transferring Agency | Statutes from Which Information Technology Functions Derive
--- | ---
Statutes generally applicable to all or multiple agencies: | 5 ILCS 140/1 et seq.
 | 5 ILCS 160/1 et seq.
 | 20 ILCS 5/1-1 et seq.
 | 20 ILCS 5/5-1 et seq., including § 5-645
 | 20 ILCS 450/1 et seq.
 | 815 ILCS 530/1 et seq.

Capital Development Board | 20 ILCS 3105/1 et seq., including § 8

Deaf and Hard of Hearing Commission | 20 ILCS 3932/1 et seq., including §§ 20, 25

Department of Agriculture | 20 ILCS 205/205-1 et seq.

Department of Central Management Services | 20 ILCS 405/405-1 et seq., including §§ 405-5, 405-10, 405-20, 405-250, 405-255, 405-260, 405-265, 405-270, 405-272, 405-275
 | 30 ILCS 105/1 et seq., including §§ 5.12, 5.55, 6p-1, 6p-2, 8.16a, 8.16b

Department of Children and Family Services | 20 ILCS 505/1 et seq., including § 11

Department of Commerce and Economic Opportunity | 20 ILCS 605/605-1 et seq., including § 605-85
Transferring Agency  
Information Technology Functions Derive

Department of Corrections  
730 ILCS 5/3-1-1 et seq., including §§ 3-2-5, 3-2-7

Department of Employment Security  
20 ILCS 1005/1005-1 et seq.

Department of Financial and Professional Regulation  
20 ILCS 1205/1 et seq.
20 ILCS 2105/2105-1 et seq.
20 ILCS 3205/0.1 et seq.
20 ILCS 3210/1 et seq.
Executive Orders 2014-03, 2004-06

Department of Healthcare and Family Services  
20 ILCS 2205/2205-1 et seq.

Department of Human Rights  
775 ILCS 5/1-101 et seq., including § 9-101

Department of Human Services  
20 ILCS 1305/1-1 et seq., including §§ 1-20, 1-25

Department of Insurance  
20 ILCS 1405/1405-1 et seq., including § 1405-35
Executive Order 2009-04

Department of Juvenile Justice  
730 ILCS 5/3-2.5-1 et seq., including § 3-2.5-15

Department of Labor  
20 ILCS 1505/1505-1 et seq.

Department of Lottery  
20 ILCS 1605/1 et seq., including § 9

Department of Military Affairs  
20 ILCS 1805/1 et seq.
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<td>Department of Natural Resources</td>
<td>20 ILCS 801/1-1 et seq., including § 1-15</td>
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| Department of Public Health | 20 ILCS 2305/1.1 et seq.  
20 ILCS 2310/2310-1 et seq. |
| Department of Revenue | 20 ILCS 2505/2505-1 et seq. |
| Department of State Police | 20 ILCS 2605/2605-1 et seq. |
| Department of Transportation | 20 ILCS 2705/2705-1 et seq. |
| Department of Veterans’ Affairs | 20 ILCS 2805/0.01 et seq. |
| Department on Aging | 20 ILCS 105/1 et seq., including § 4.01  
20 ILCS 110/110-5 |
<p>| Environmental Protection Agency | 415 ILCS 5/1 et seq., including § 4 |
| Governor’s Office of Management and Budget | 20 ILCS 3005/0.01 et seq., including § 3 |
| Guardianship and Advocacy Commission | 20 ILCS 3955/1 et seq., including § 5 |
| Historic Preservation Agency | 20 ILCS 3405/1 et seq., including §§ 3, 4, 16 |
| Illinois Arts Council | 20 ILCS 3915/0.01 et seq., including § 6 |</p>
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<td>Illinois Gaming Board</td>
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<td>Prisoner Review Board</td>
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Issued by the Governor January 25, 2016.
Filed by the Secretary of State January 25, 2016.

2016-2
EXECUTIVE ORDER PROMOTING COLLABORATION FOR ECONOMIC DEVELOPMENT

WHEREAS, Illinois is home to some of the greatest economic assets in the world, including a smart, dynamic workforce; strong, innovative companies; top universities; and roads, rail, waterways and airports that reach every corner of the continent and the world; and

WHEREAS, despite these advantages, for too long the policies and practices of State government have impeded economic growth in Illinois, causing Illinois to rank 48th out of all states for best business climate in 2015 by Chief Executive Magazine, rank 43rd by Forbes Magazine in 2015 for regulatory environment, receive an “F” grade for small business friendliness in the 2015 Thumbtack.com small business friendliness survey, and
according to the Bureau of Labor Statistics, ranked 45th in the nation for year-over-year private job creation entering 2016, and ranked 50th in the nation in monthly job creation in December 2015; and

WHEREAS, fostering opportunities for business growth and job creation is vital for Illinois to experience positive economic growth and greater opportunities for our citizens; and

WHEREAS, the Department of Commerce and Economic Opportunity (the “Department”) needs private sector assistance in order to operate with the efficiency and speed required to attract investment and jobs to Illinois; and

WHEREAS, other states that compete with Illinois at attracting companies looking to relocate or expand have established or partnered non-profit economic development corporations that recruit businesses more efficiently and effectively than the Department; and

WHEREAS, economic development corporations have been established around the country, including Indiana, Ohio, Missouri, North Carolina, Wisconsin, Michigan, Florida, and Virginia; and

WHEREAS, local governments in Illinois, including the City of Chicago, have also partnered with economic development corporations to recruit businesses to the city; and

WHEREAS, the Department, like many State agencies, works closely with private sector entities to fulfill its statutory mandated duties; and

WHEREAS, collaboration between the Department and an economic development corporation will enable the State to draw on the strengths of the private sector and more efficiently foster economic development, including through the research and development of best practices for economic development; and

WHEREAS, the Department will ensure that all work with any economic development corporation is accountable and transparent; and

WHEREAS, the Illinois Business and Economic Development Corporation was established as an operationally independent Illinois not-for-profit corporation to assist the Department in carrying out its economic development work and, in particular, to lessen the burdens of government of the State of Illinois, and to carry out research related to the economic development of the State of Illinois;

THEREFORE, I, Bruce Rauner, Governor of Illinois, by virtue of the executive authority vested in me by Section 8 of Article V of the Constitution of the State of Illinois, do hereby order as follows:

I. COLLABORATION BETWEEN THE DEPARTMENT AND THE ILLINOIS BUSINESS AND ECONOMIC DEVELOPMENT CORPORATION
The Department shall seek opportunities to collaborate with economic development corporations, including the Illinois Business and Economic Development Corporation, to promote Illinois and to facilitate business development, job creation, and investment. Because the Department is statutorily required to encourage job growth and economic development, collaboration with an economic development corporation will enable the Department to carry out those statutory duties more efficiently, thereby lessening the burdens of the Department and the government generally and improving the outcomes of the Department’s statutory mandates. The Department shall comply with all applicable laws, regulations, and policies, including procurement, grant-making, and transparency, in seeking and entering into any such collaboration.

II. SAVINGS CLAUSE
This Executive Order does not contravene, and shall not be construed to contravene, any State or federal law or any collective bargaining agreement.

III. PRIOR EXECUTIVE ORDERS
This Executive Order supersedes any contrary provision of any prior Executive Order.

IV. SEVERABILITY CLAUSE
If any part of this Executive Order is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

V. EFFECTIVE DATE
This Executive Order shall take effect immediately upon filing with the Secretary of State.

Issued by the Governor February 3, 2016.
Filed by the Secretary of State February 3, 2016.

2016-3
EXECUTIVE ORDER ESTABLISHING THE GOVERNOR’S CABINET ON CHILDREN AND YOUTH

WHEREAS, the State of Illinois trails the nation in education services and performance;

WHEREAS, the State assessment and accountability measure for Illinois students, the Partnership for Assessment of Readiness for College and Careers (PARCC), indicates that only 35% of third grade students met expectations in reading and only 27% of fifth grade students met expectations in math; and
WHEREAS, the National Assessment of Educational Progress (NAEP) indicates that only 37% and 35% of fourth grade students met expectations in math and reading, respectively, while only 32% and 35% of eighth grade students met expectations in math and reading, respectively; and
WHEREAS, according to Illinois State Board of Education records, only 85.3% of Illinois high school students graduate; and
WHEREAS, one out of every five children in Illinois live in poverty; and
WHEREAS, there are approximately 15 agencies that oversee cradle-to-career educational services for Illinois citizens; and
WHEREAS, since 2009 the State has enacted at least 130 statutes that impose more than 200 new or modified educational mandates on school districts; and
WHEREAS, funding for PK-12 education has been reduced by $3.8 billion over the past seven years; and
WHEREAS, Illinois post-secondary institutions have a 58.9% graduation rate over a six-year period; and
WHEREAS, only 43% of Illinois residents hold a high-quality degree or credential; and
WHEREAS, Article X, Section 1 of the Illinois Constitution establishes educational development as a fundamental goal of the people of Illinois and requires the State to provide for an efficient system of high quality public educational institutions and services; and
WHEREAS, 17 states across the country have created children and youth cabinets to promote coordination across state agencies and improve the well-being of and outcomes for children and families; and
WHEREAS, Illinois needs a cohesive strategy among our education and health and human services agencies in producing education outcomes that will improve the quality of education and well-being for the children of Illinois and lessen the administrative burden on our most vulnerable children and families throughout our public school system;
THEREFORE, I, Bruce Rauner, Governor of Illinois, by virtue of the executive authority vested in me by Section 8 of Article V of the Constitution of the State of Illinois, do hereby order as follows:
I. CREATION
There is hereby established the Governor’s Cabinet on Children and Youth (the “Children’s Cabinet”).
II. PURPOSE
The Children’s Cabinet shall drive the State’s strategic vision for achieving child and family outcomes and long-term prospects for the state’s future workforce. It will promote accountability by tracking educational progress
on a state-wide initiatives and increase public awareness of education matters. It will also focus on improving efficiency within the State for children and family programs; and develop strategic collaborations among public and private partners with respect to children and family programs.

III. DUTIES
The Children’s Cabinet shall track the performance of each agency, board, and commission of the State of Illinois responsible for education programs and each public institution of higher education (“State education agencies”); establish strategic goals for attaining a more cohesive State education service strategy; and make funding and policy recommendations to the Governor and the General Assembly to improve measurable education outcomes to 90% of grade level.

The Children’s Cabinet shall promote coordination and efficiency among State education agencies, school districts, community colleges, and units of local government through mobilization of resources around child-centered education priorities, facilitation of a holistic approach to serving children, and strengthening partnerships with the non-profit and private sectors to create new funding sources for PK-12 education. The Children’s Cabinet shall work with other State agencies, school districts, community colleges, and other units of local governments to obtain information and records necessary to carry out its duties.

The Children’s Cabinet shall periodically report on, without limitation, strategic goals set by the Children’s Cabinet, its public research agenda, State education performance monitoring, and the Children’s Cabinet’s progress in meeting its goals.

IV. COMPOSITION AND FUNCTION
1. The Children’s Cabinet shall consist of:
   a. The Governor, who will serve as Chairman of the Children’s Cabinet;
   b. Lieutenant Governor;
   c. The Deputy Governor;
   d. The Director of the Governor’s Office of Management and Budget;
   e. The State Secretary of Education;
   f. The Superintendent of the State Board of Education;
   g. The Director of the Department of Children and Family Services;
   h. The Director of the Department of Commerce and Economic Opportunity
   i. The Director of the Department of Employment Security
   j. The Director of the Department of Healthcare and Family
Services;
k. The Secretary of the Department of Human Services;
l. The Director of the Department of Juvenile Justice;
m. The Director of the Department of Public Health;
n. The Executive Director of the Governor’s Office of Early Childhood Development;
o. The Director of the Guardianship and Advocacy Commission;
p. The Executive Director of the Board of Higher Education;
q. The Executive Director of the Community College Board;
r. The Executive Director of the Student Assistance Commission; and
s. The President of the Illinois Math and Science Academy.

2. A majority of the members of the Children’s Cabinet shall constitute a quorum, and all recommendations of the Cabinet shall require approval of a majority of the total members of the Cabinet.

3. The Governor’s Office shall provide administrative support to the Cabinet as needed, including with respect to compliance with State ethics laws, the Open Meetings Act officer, and the Freedom of Information Act.

4. The Children’s Cabinet shall hold at least four meetings each year, but otherwise shall meet at the call of the chair.

5. The Children’s Cabinet shall submit an interim report to the Governor every six months and an annual report to the Governor and General Assembly.

6. The Children’s Cabinet may adopt whatever policies and procedures are necessary to carry out its duties and functions.

V. TRANSPARENCY
In addition to whatever policies or procedures it may adopt, the Children’s Cabinet shall be subject to the provisions of the Freedom of Information Act (5 ILCS 140/1 et seq.) and the Open Meetings Act (5 ILCS 120/1 et seq.). This section shall not be construed as to preclude other statutes from applying to the Cabinet and its activities.

VI. SEVERABILITY CLAUSE
If any part of this Executive Order is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

VII. SAVINGS CLAUSE
This Executive Order does not contravene, and shall not be construed to contravene, any State or federal law, or any collective bargaining agreement.

VIII. PRIOR EXECUTIVE ORDERS
This Executive Order supersedes any contrary provision of any prior Executive Order.

IX. EFFECTIVE DATE

This Executive Order shall take effect immediately upon filing with the Secretary of State.

Issued by the Governor February 18, 2016.
Filed with the Secretary of State February 18, 2016.

2016-4
EXECUTIVE ORDER UPDATING AND STRENGTHENING ADMINISTRATIVE ORDER 6 (2003)

WHEREAS, the Governor has the constitutional authority, pursuant to Section 2 of Article XIII of the Illinois Constitution, to establish and enforce ethical standards for the executive branch; and

WHEREAS, the Governor’s authority under Section 2 of Article XIII of the Illinois Constitution allows the Governor to establish and enforce ethical standards above and beyond those already provided by legislation, regulation, or any employment contract (see Illinois State Employees Association v. Walker, 57 Ill. 2d 512 (1974)); and

WHEREAS, the Governor’s enforcement power under Section 2 of Article XIII of the Illinois Constitution includes without limitation the ability to impose appropriate discipline on employees properly found to have engaged in misconduct; and

WHEREAS, the State Officials and Employees Ethics Act (5 ILCS 430) (the “Ethics Act”) established the Office of Executive Inspector General for the Agencies of the Illinois Governor (“OEIG”) to investigate misconduct in agencies, boards, and commissions under the jurisdiction of the Governor; and

WHEREAS, the State Officials and Employees Ethics Act (5 ILCS 430) (the “Ethics Act”) established the Office of Executive Inspector General for the Agencies of the Illinois Governor (“OEIG”) to investigate misconduct in agencies, boards, and commissions under the jurisdiction of the Governor; and

WHEREAS, Administrative Order 6 (2003) purported to clarify the duties and responsibilities of the OEIG and the ISP DII, and to set forth procedures for investigating and reporting allegations of misconduct by State officeholders, appointees, employees, and vendors, as well as incidents at State facilities; and

WHEREAS, upon reviewing the policies and procedures set forth in Administrative Order 6 (2003), the Office of the Governor and the OEIG
concluded that those policies and procedures must be updated and strengthened to ensure that the OEIG, ISP DII, and agency inspectors general have the tools needed to investigate unethical conduct and corruption and enforce ethical standards in the executive branch;

THEREFORE, I, Bruce Rauner, Governor of Illinois, by virtue of the executive authority vested in me by Section 2 of Article XIII and Section 8 of Article V of the Constitution of the State of Illinois, do hereby order as follows:

I. DEFINITIONS

“Agency Head” means, with respect to a State Agency, the head of that State Agency, whether titled Director, Secretary, or otherwise.

“Agency Inspector General” means each inspector general of a State Agency, other than the OEIG, including without limitation each of the inspectors general of the Department of Child and Family Services, the Department of Healthcare and Family Services, the Department of Human Services, the Illinois State Toll Highway Authority, and any other statutorily-created inspector general of a State Agency.

“CMS” means the Department of Central Management Services.

“Ethics Officer” means, with respect to a State Agency, the ethics officer designated for that State Agency pursuant to Section 20-23 of the Ethics Act.

“Executive Inspector General” means the Executive Inspector General appointed by the Governor pursuant to Section 20-10 of the Ethics Act.

“Misconduct” or “misconduct” means any fraud, waste, abuse, mismanagement, misconduct, nonfeasance, misfeasance, malfeasance, or violation of law, rules, regulations, or court orders, including without limitation violations of the Ethics Act and/or the Criminal Code of 2012 (720 ILCS 5).

“State Agency” means any officer, department, agency, board, commission, or authority of the Executive Branch of the State of Illinois under the jurisdiction of the Governor for the purposes of Section 20-10(c) of the Ethics Act.

“State Employee” means any officer, employee (including without limitation full-time, part-time, and contractual employees), appointee (including without limitation paid and unpaid appointees), or person holding a similar position in any State Agency.

II. REVOCATION OF ADMINISTRATIVE ORDER 6 (2003)

Administrative Order 6 (2003) is revoked and rescinded. All policies and procedures set forth in Administrative Order 6 (2003) are replaced in their entirety by the policies and procedures set forth in this Executive Order.

III. RETALIATION IS NOT TOLERATED

The State of Illinois does not tolerate retaliation against State Employees who
raise genuine concerns about unethical, inappropriate, or illegal behavior. No State Employee shall retaliate against, punish, or penalize any person for complaining to, cooperating with, or assisting with an investigation or inquiry by a State Agency, the OEIG, ISP DII, or law enforcement. Any State Employee who violates this provision shall be subject to disciplinary action, up to and including discharge.

IV. ADOPTION OF A CODE OF PERSONAL CONDUCT

Pursuant to my authority under Section 2, Article XIII of the Illinois Constitution and Section 5-5(a)(i) of the Ethics Act, I direct CMS to adopt and implement a Code of Personal Conduct for all State Employees. I further authorize CMS, on my behalf, to file such Code of Personal Conduct with the Executive Ethics Commissions pursuant to Section 5-5(b) of the Ethics Act within 100 days of this Executive Order. Any State Employee who knowingly violates the Code of Personal Conduct, with the intent to defraud the State of Illinois, violates the Ethics Act and shall be subject to disciplinary action under the Ethics Act as set forth without limitation in Sections 20-15, 20-20, 20-50, 20-55, 50-5 and 50-10 of the Ethics Act and Title 2, Sections 1620.1100 and 1620.1110 of the Illinois Administrative Code.

V. STATE AGENCIES AND EMPLOYEES HAVE THE RESPONSIBILITY TO REPORT AND INVESTIGATE MISCONDUCT

Administrative Order 6 (2003) stated that State Employees must report alleged misconduct to the OEIG and must cooperate in OEIG investigations. However, that order also stated that only the OEIG had the authority to conduct internal State Agency investigations. This restriction led on many occasions to State Agencies failing to conduct their own investigatory and discipline processes when there were allegations of serious and often ongoing wrongdoing, allowing unethical behavior and other misconduct to thrive in State government without State Agencies or the Governor taking appropriate remedial action.

To ensure that allegations of misconduct that may be causing harm to taxpayers, State Employees, or recipients of State services are being addressed quickly and fairly, all State Agencies and State Employees must adhere to the following procedures:

1. **Reporting of Information**: In addition to all other statutory and State Agency reporting requirements, each State Employee shall report promptly to the OEIG and/or their Ethics Officer any information concerning alleged misconduct by a State Employee or vendor. The knowing failure of any State Employee to so report shall be cause for discipline, up to and including discharge. The knowing provision of
false information to the OEIG and/or Ethics Officer by any State Employee shall be cause for discipline, up to and including discharge.

2. Duty to Cooperate: Each State Agency and State Employee shall cooperate with, and provide assistance to, the OEIG in the performance of any investigation. In particular, each State Agency shall make its premises, equipment, personnel, books, records, and papers readily available to the OEIG. OEIG staff may enter the premises of any State Agency at any time, without prior announcement, if necessary for the successful completion of an investigation. In the course of an investigation, OEIG staff may question any State Employee serving in, and any other person transacting business with, a State Agency, and may inspect and copy any books, records, or papers in the possession of a State Agency, including without limitation those made confidential by law, taking care to preserve the confidentiality of information that is made confidential by law and is contained in any response to questions or in any book, record, or paper. Consistent with these duties, State Agencies shall consider the OEIG to be a “law enforcement agency.” The OEIG may compel any State Employee to truthfully answer questions concerning any matter related to the performance of his or her official duties. If so compelled, no statement or other evidence derived therefrom may be used against such State Employee in any subsequent criminal prosecution other than for charges of perjury or contempt arising from such testimony. The refusal of any State Employee to answer questions if compelled to do so shall be cause for discipline, up to and including discharge.

3. Responsibilities of Ethics Officers: Each Ethics Officer shall act as his or her State Agency’s primary liaison to the OEIG. Each Ethics Officer must promptly notify the OEIG of any allegations of misconduct after receiving such information. The notification should include all information known about the allegations and identities of potential witnesses. In addition, each Ethics Officer shall ensure that his or her current contact information, as well as the contact information for any other State Employee at the State Agency whose primary responsibility involves conducting or overseeing internal investigations, is provided to the OEIG.

4. Internal Agency Investigations: After referring an allegation to the OEIG in the manner set forth above, a State Agency shall take whatever further investigative or disciplinary action it deems appropriate, unless the OEIG has specifically requested, in writing, that the State Agency refrain from taking further action. In certain
circumstances, the OEIG may request that a State Agency conduct an internal investigation into allegations referred to the State Agency by the OEIG. In such cases, the Agency Head and the Ethics Officer shall immediately refer the allegations to a designated person or unit within the State Agency to investigate. The OEIG may require a written response regarding the State Agency’s internal investigation and outcome. The State Agency must respond to these requests for a response in a timely manner. If the State Agency’s internal inquiry develops information suggesting that the conduct alleged is more serious, widespread, or in any way different than originally reported, the State Agency shall contact the OEIG before continuing the investigation.

VI. OEIG AUTHORITY TO REVIEW HIRING AND EMPLOYMENT FILES

Pursuant to Section 20-20(9) of the Ethics Act, the OEIG has the authority to review hiring and employment files of each State Agency within its jurisdiction. Pursuant to this authority, the OEIG initiated a unit dedicated to the review of hiring and employment files: The Division of Hiring and Employment Monitoring. Each State Agency and every State Employee shall cooperate with, and provide assistance to, this division of the OEIG in the performance of any hiring and/or employment review. In particular, each State Agency shall make its premises, equipment, personnel, books, records, and papers readily available to the OEIG. In the course of a hiring and/or employment review, OEIG staff may, without prior announcement, request background and/or procedural information from any State Employee serving in, and any other person transacting business with, a State Agency, and may inspect and copy any books, records, or papers in the possession of a State Agency, including without limitation those made confidential by law, taking care to preserve the confidentiality of information that is made confidential by law and is contained in responses to questions or in books, records, or papers. OEIG staff may also monitor the interview and/or selection processes utilized by or within each State Agency.

VII. PROCEDURES FOR CERTAIN CRIMINAL CONDUCT AND EMERGENCY SITUATIONS

Certain incidents involving potential criminal conduct and other emergency situations must be reported immediately to the appropriate law enforcement agencies. In the event of an emergency situation requiring an immediate police response, the Illinois State Police, county, or municipal police agency that can provide the fastest response should be contacted. Examples of such emergency criminal situations include illegal use or unlawful possession of a weapon, bodily injury or immediate threat of bodily injury, narcotics-related
activity, criminal sexual assault, or death. In the event of an emergency
criminal situation, State Agencies and State Employees must adhere to the
following procedures:

1. **Report to ISP DII:** If another police agency was contacted in
an emergency criminal situation, the ISP DII also should be
contacted promptly.

2. **Preservation of Evidence:** The State Agency shall ensure the
preservation of the scene of the incident, the security of the
evidence, the maintenance of accurate records relating to the
condition of the victim, and other relevant information. Each
State Agency facility shall adopt and maintain procedures that
guarantee the preservation of evidence. Non-law enforcement
State Employees shall be advised not to disturb the scene until
law enforcement personnel arrive. Non-law enforcement State
Employees shall not take or initiate any investigation or
action unless directed to do so by law enforcement officers. If
any law enforcement official asks non-law enforcement State
Employees of a facility to take action, the non-law
enforcement State Employees shall promptly document
investigative activity and retain any physical evidence
gathered as a result of the inquiry.

3. **Reports and Records:** The State Agency shall maintain all
relevant documents and attachments related to the incident.
Any written record shall be confined to a concise summary of
the facts, and shall not contain conclusions or opinions. The
State Agency shall maintain related records in compliance
with the State Records Act (5 ILCS 160) and for a period of
at least five years after the close of the incident investigation.

4. **Special Procedures for Allegations of Physical Abuse:** All
suspected patient/resident/inmate abuse, criminal sexual
abuse or other incidents involving physical abuse for which
State Employees are allegedly responsible, or in which State
Employee negligence could have been a factor, shall be
reported immediately to the respective Agency Head or
designated administrative personnel. Any initial action taken
should be limited to assessing whether the conduct described
has occurred. If an incident has, or appears to have occurred
the matter should be treated as follows:

a. **Patient/Resident/Inmate Abuse or Neglect:** Upon
receiving notification of alleged abuse to a patient,
resident, or inmate in a State Agency facility by State
Employees, the administrator of the relevant facility shall immediately:

i. Have a physician examine and treat the patient, resident, or inmate and document his or her physical condition.

ii. Conduct a preliminary inquiry to establish that an incident of abuse has or appears to have occurred, and preserve all evidence and the integrity of the scene of the incident.

iii. Notify the Illinois State Police or other law enforcement agency if the need for immediate response by law enforcement is necessary. If the Illinois State Police was not notified in the first instance, the ISP DII shall be notified promptly.

iv. Conduct further inquiry into the incident if requested to do so.

v. Report any incident of patient, resident, or inmate abuse involving a person under the age of 18 years old in accordance with the Abused and Neglected Child Reporting Act (325 ILCS 5) to the Department of Children and Family Services within 24 hours after learning of such incident.

b. **Criminal Sexual Abuse:** If an alleged incident involves the criminal sexual abuse of a patient, resident, or inmate in a State Agency facility, the relevant facility administrator shall ensure that a physician examines the victim, utilizing a rape kit, as soon as possible after the alleged criminal sexual abuse. Such examination will be conducted to check the physical well-being of the victim, confirm injuries to the victim and document/obtain any physical evidence of any crime. All evidence should be obtained and preserved and clinical documentation completed. The facility administrator or his or her designee shall promptly notify the ISP DII.

c. **Death:** In accordance with the Counties Code (55 ILCS 5/3-3013), any death occurring in a State Agency facility shall be reported to the coroner of the county in which the State Agency facility is located.
In addition, in accordance with the Mental Health and Disabilities Code (405 ILCS 5/5-100), notice of death of a patient or resident (a change of status report) shall be given to the Clerk of the Circuit Court which committed the patient or resident, and other notifications and reports required by law, rules, or policies of the caretaker State Agency shall be made. All deaths other than by natural causes must be immediately reported to the ISP DII.

5. Special Procedures for Allegations of Attempted Bribery: Illinois law requires all State Employees to report attempted bribery. In general, bribery is an offer or solicitation of property (including without limitation money) or personal advantage with the intent to improperly influence a public employee in the performance of any act relating to his or her employment (720 ILCS 5/33-1). By law, State Employees must report all offers of bribes to the Illinois State Police (720 ILCS 5/33-2). Any employee who has reasonable grounds to believe that an attempt to bribe has been made or suggested shall (a) avoid any statement or implication indicating acceptance or non-acceptance of the bribe, and (b) immediately report the matter to supervisory personnel. A supervisor must promptly report all incidents of attempted bribery to the ISP DII. State Employees shall cooperate fully and completely in all bribery investigations and any matters relating to the investigation. The ISP DII shall immediately notify the local State’s Attorney and the OEIG, and initiate an investigation.

VIII. ENSURING COORDINATION BETWEEN AGENCY INSPECTORS GENERAL

1. Background

Administrative Order 6 (2003) stated that “in agencies where the position of inspector general is governed by statute, the inspectors general shall, by this Order, report to the OEIG. These agency inspectors general shall otherwise continue to operate and function as set forth in relevant sections of the Illinois Compiled Statutes and the Illinois Administrative Code.” Coordination among Agency Inspectors General and the OEIG ensures efficiency and effectiveness through cooperation in investigatory efforts and the sharing of resources and information. Although this reporting system has been in place for over 13 years, the efficiency and effectiveness of the Agency Inspectors General and the OEIG continue to be limited by
disconnects in communication, redundant functions, and “silohed” operations.


In State Agencies with an Agency Inspector General, the Agency Inspector General shall report to the OEIG. Because State Agencies with Agency Inspectors General benefit from receiving inspector general services that are specific to that State Agency, State Agencies with Agency Inspectors General shall continue to employ their respective Agency Inspector General and related staff, and shall continue to be responsible for all costs associated with the operations and activities of their respective Agency Inspector General and related staff. Except as set forth herein, Agency Inspectors General shall otherwise continue to operate and function as set forth in relevant sections of the Illinois Compiled Statutes and the Illinois Administrative Code.

To strengthen the reporting by the Agency Inspectors General to the OEIG that has been in place since 2003, and to ensure greater effectiveness of, and coordination between, the OEIG and the Agency Inspectors General, beginning on the date of this Executive Order:

a. The Executive Inspector General and the Agency Inspectors General shall meet bimonthly at a place and time set forth by the Executive Inspector General in order for the Agency Inspectors General to report to the Executive Inspector General on investigations and for the Executive Inspector General and the Agency Inspectors General to coordinate investigatory efforts.

b. The Executive Inspector General and the Agency Inspectors General shall share resources and coordinate investigations to reduce costs and operate more efficiently.

c. The Executive Inspector General shall review and approve the allocation of Agency Inspectors General staff and resources to ensure that investigations are conducted in an effective and impartial manner.

d. Agency Inspectors General shall report to and consult with the Executive Inspector General on all investigative reports that include findings of misconduct or other wrongdoing and the recommended corrective action contained in such reports before a report is finalized.

e. The Executive Inspector General shall set forth other reporting policies and procedures that she deems appropriate, and the Agency Inspectors General and
their respective staffs shall follow such policies and procedures in accordance with this Executive Order.

IX. SAVINGS CLAUSE
This Executive Order does not contravene, and shall not be construed to contravene, any federal law, State statute, or collective bargaining agreement.

X. PRIOR EXECUTIVE ORDERS
This Executive Order supersedes any contrary provision of any other prior Executive Order.

XI. SEVERABILITY CLAUSE
If any part of this Executive Order is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

The provisions of this Executive Order are severable.

Issued by the Governor February 26, 2016.
Filed with the Secretary of State February 26, 2016.

2016-5

EXECUTIVE ORDER ESTABLISHING THE HEALTH CARE FRAUD ELIMINATION TASK FORCE

WHEREAS, State government-administered health care programs should operate in a transparent and efficient manner with the goal of delivering quality services while providing value to taxpayers; and

WHEREAS, fraud, waste, and abuse in State-administered health care programs increase the State’s health care costs, resulting in a bad deal for taxpayers and less resources for critical services; and

WHEREAS, in fiscal year 2015, the State of Illinois spent over $19 billion on the State Employee Group Insurance Program and the State-administered Medicaid program; and

WHEREAS, the federal Department of Health and Human Services estimates that on a national level, over $29 billion of taxpayer funds are spent each year on improper Medicaid payments; and

WHEREAS, the private sector, the federal government, and other states across the country are beginning to employ innovative and comprehensive strategies to reduce fraud, waste, and abuse in health care programs; and

WHEREAS, current efforts led by various units across State government have been successful in recouping or avoiding unnecessary spending in certain State agencies and certain State health care programs; and

WHEREAS, notwithstanding these successes, a more comprehensive and cross-disciplinary approach is needed to harness the State’s various fraud-prevention resources to further prevent and eliminate fraud, waste, and
abuse and ensure that taxpayers are receiving the best return on investment for the State’s fraud prevention efforts;

THEREFORE, I, Bruce Rauner, Governor of Illinois, by virtue of the executive authority vested in me by Section 8 of Article V of the Constitution of the State of Illinois, do hereby order as follows:

I. CREATION

There is hereby established the Health Care Fraud Elimination Task Force (the “Task Force”).

II. PURPOSE

The purpose of the Task Force is to develop and coordinate a comprehensive effort to prevent and eliminate health care fraud, waste, and abuse in State-administered health care programs using a cross-agency, data-driven approach. Building on anti-fraud work being done across State agencies, the Task Force will develop strategies to ensure that the State has the proper internal controls and analysis and enforcement tools to prevent and eliminate fraud, waste, and abuse in taxpayer-funded health care programs, including but not limited to the State Employees Group Insurance Program, the Workers’ Compensation Program for State of Illinois agencies, boards, commissions, and universities, and the Illinois Medicaid system.

III. DUTIES

The Task Force shall:

1. Identify and catalog the forms of health care fraud existing within State-administered health care programs and identify all Executive Branch agencies and resources currently involved or that should be involved in health care fraud prevention and enforcement.

2. Review best practices being utilized in the private sector, the federal government, and other states to prevent and reduce health care fraud, waste, and abuse and assess how those best practices could be applied to anti-fraud, waste, and abuse efforts in Illinois.

3. Explore the use of data analysis, predictive analytics, trend evaluation, and modeling approaches to better analyze and target oversight of State-administered health care programs.

4. Identify priority prevention and enforcement areas in order to ensure that the State’s fraud prevention and enforcement efforts are providing the best return on investment for taxpayers.

5. Collaborate with industry experts to develop a multifaceted strategy to reduce the State’s exposure to health care fraud
and recover taxpayer funds that have been wrongly paid out as a result of fraud, waste, or abuse.

6. Analyze patterns of system-wide fraud, waste, and abuse in order to make recommendations to State agencies for improved internal controls to prevent future wrongdoing.

7. Work with other State agencies, boards, commissions, and task forces to obtain information and records necessary to carry out its duties.

8. Periodically report to the Governor and the public on the Task Force’s fraud, waste, and abuse identification, prevention, and elimination efforts and activities.

IV. COMPOSITION AND FUNCTION

1. The Task Force shall consist of:
   a. The Executive Inspector General for the Agencies of the Illinois Governor, who will serve as Chairman of the Task Force;
   b. The Deputy Governor;
   c. The Chief Compliance Officer;
   d. The Special Counsel and Policy Advisor to the Governor for Healthcare and Human Services;
   e. The Inspector General for the Department of Healthcare and Family Services;
   f. The Director of the State Police Medicaid Fraud Control Unit;
   g. The Director of the Department on Aging;
   h. The Director of the Department of Central Management Services;
   i. The Director of the Department of Healthcare and Family Services;
   j. The Secretary of the Department of the Human Services;
   k. The Secretary of the Department of Information Technology; and
   l. The Director of the Department of Insurance.

2. A majority of the members of the Task Force shall constitute a quorum, and all recommendations of the Task Force shall require approval of a majority of the total members of the Task Force. The Task Force shall conduct at least one public meeting each quarter.

3. The Governor’s Office shall provide administrative support to the Task Force as needed, including with respect to
compliance with State ethics laws and the Freedom of Information Act.

4. The Task Force shall submit an initial report to the Governor within six months of this Executive Order, outlining its initial fraud, waste, and abuse identification efforts. Thereafter, the Task Force shall submit periodic reports to the Governor and the public outlining its progress in preventing and eliminating health care fraud, waste, and abuse.

5. The Task Force may adopt whatever policies and procedures are necessary to carry out its duties and functions.

V. TRANSPARENCY

In addition to whatever policies or procedures it may adopt, the Task Force shall be subject to the provisions of the Freedom of Information Act (5 ILCS 140). This section shall not be construed as to preclude other statutes from applying to the Task Force and its activities.

VI. SAVINGS CLAUSE

This Executive Order does not contravene, and shall not be construed to contravene, any federal law, State statute, or collective bargaining agreement.

VII. PRIOR EXECUTIVE ORDERS

This Executive Order supersedes any contrary provision of any other prior Executive Order.

VIII. TERM

The Task Force shall be dissolved on June 30, 2019, subject to renewal by a succeeding Executive Order.

IX. SEVERABILITY CLAUSE

If any part of this Executive Order is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect. The provisions of this Executive Order are severable.

X. EFFECTIVE DATE

This Executive Order shall take effect immediately upon filing with the Secretary of State.

Issued by the Governor April 5, 2016.
Filed with the Secretary of State April 5, 2016.

2016-6

EXECUTIVE ORDER TO ELIMINATE THE BACKLOG AND DELAY IN STATE ADMINISTRATIVE PROCEEDINGS

WHEREAS, agencies of the State of Illinois make decisions that significantly impact the lives and livelihoods of Illinois residents and businesses – from deciding eligibility for healthcare and family benefits to
licensing professionals and businesses, and from determining whether a person has been a victim of discrimination to ensuring that employers pay all wages due to their employees; and

WHEREAS, our constitutional, democratic principles require the State to afford due process to people and businesses affected by these decisions; and

WHEREAS, State agency decisions are reviewable through administrative hearings conducted under the Administrative Procedures Act; and

WHEREAS, more than 100,000 administrative hearings are requested each year, and more requests are expected in years to come; and

WHEREAS, each State agency is responsible for conducting its own administrative hearings, and this decentralized approach has resulted in a patchwork system that often is inefficient and unresponsive to the needs of the people and businesses that depend on it; and

WHEREAS, State agencies often do not have systems that track the amount of time it takes for cases to be concluded, making it difficult to determine with any sense of certainty where to direct resources and personnel; and

WHEREAS, under our current administrative hearing system at some agencies, such as the Departments of Labor and Financial and Professional Regulation, parties can wait up to two years to have their cases adjudicated; and

WHEREAS, the Human Rights Commission, which enforces state laws that prohibit discrimination, currently has a backlog of over 1,000 cases that have been pending without a decision for at least 2 years and some as long as 3; and

WHEREAS, these backlogs and delays are unacceptable and can illustrate the legal maxim, “justice delayed is justice denied”; and

WHEREAS, although a single statute governs State agencies’ administrative hearings, agencies often have different, conflicting, and inconsistent rules of administrative procedure, which confuse parties, impede transparency, and contribute to the backlog and delays; and

WHEREAS, administrative law judges and hearing officers generally conduct administrative hearings for the agencies at which they work even when those very agencies are a party in the case, thereby creating at least an appearance of a conflict of interest; and

WHEREAS, each State agency now bears responsibility for creating its own procedural rules and its own filing and case management systems, and this arrangement results in redundant and inconsistent, non-interoperable procedures and systems across State government, with some agencies using
electronic filing systems while other agencies do not and with some agencies sending and receiving documents by email while others do not; and

WHEREAS, because State agencies use multiple disparate systems, data across the State are isolated in agency-specific applications, and as a result agencies cannot easily share data to more efficiently serve businesses and citizens and save taxpayer resources; and

WHEREAS, some State agencies have so little administrative support for their adjudicators that the adjudicators themselves must take time away from conducting hearings and drafting decisions in order to schedule hearings, arrange for interpreters, copy documents and perform similar tasks, all of which increases case backlogs and the amount of time citizens must wait to receive decisions; and

WHEREAS, currently, the amount of resources and personnel each State agency with adjudicators expends varies greatly and does not necessarily bear a relation to the number of claims received and adjudicated by that agency; an assessment of State agencies’ use of their resources for administrative hearings is required to determine if they are efficiently and effectively providing a high level of service, transparency, accountability, timely resolutions, efficient practices and procedures; and

WHEREAS, 30 states have established, either by statute or executive order, some form of a centralized office to preside over the state’s administrative hearings and more efficiently manage their large administrative caseloads; and

WHEREAS, the purpose of this Executive Order is to initiate a pilot program through which the State will provide some central, uniform administrative support to a limited number of State agencies and to determine whether further consolidation should be considered through a subsequent Executive Order or legislation;

THEREFORE, I, Bruce Rauner, Governor of Illinois, by virtue of the executive authority vested in me by Section 11 of Article V of the Constitution of the State of Illinois, do hereby order as follows:

I. DEFINITIONS

“Adjudicator” means an administrative law judge, hearing officer, hearing referee, or other State employee who conducts hearings on behalf of a State agency under the authority of the Office of the Governor pursuant to the Administrative Procedures Act.

“Bureau” means the CMS Bureau of Administrative Hearings.

“CMS” means the Department of Central Management Services.

“Pilot period” means the period from the effective date of this Executive Order until June 30, 2017, subject to extension by the Office of the Governor.

“State” means the State of Illinois.
II. CREATION OF THE BUREAU OF ADMINISTRATIVE HEARINGS

The Director of CMS shall create within CMS the Bureau of Administrative Hearings (the “Bureau”). The Director of CMS shall also appoint the Bureau Chief from its existing legal staff. The Bureau shall exist only during the pilot period, unless continued by subsequent Executive Order, administrative rule, or Public Act.

The Bureau shall invite up to ten State agencies (or such other number of State agencies as approved by the Office of the Governor) to participate in an administrative hearing support program during the pilot period. The Bureau shall enter into an interagency contract with each participating State agency, as authorized by the Intergovernmental Cooperation Act and other applicable law. Pursuant to such contract, the Bureau shall develop training programs for adjudicators; improve the process for assigning cases among adjudicators; promote shared resources among participating State agencies; develop uniform rules of procedure and recommend revisions to the agency’s administrative rules on administrative hearings; develop a standard code of professional conduct for adjudicators; and in cooperation with the Department of Innovation and Technology (“DoIT”), implement modern, uniform filing and case management systems.

As part of their focus on providing excellent customer service, State agencies should actively track case backlogs and workflows. Coordination among State agencies and the Bureau shall ensure efficiency and effectiveness through cooperation in the development of uniform rules of procedure and a standard code of professional conduct and through the sharing of resources and information necessary to determine the efficacy of the pilot program. The Bureau should monitor and seek to eliminate backlogs and inefficiencies wherever they exist, and should identify where these goals are hindered by disconnects in communication, poor or nonexistent electronic case management systems and decentralized operations.

The Bureau shall investigate and determine whether and to what extent the further consolidation of adjudicators, administrative hearing and support functions, and associated resources among State agencies would result in a more efficient, timely, and responsive administrative hearing system. Such consolidation would be accomplished by subsequent Executive Order or Public Act. The Bureau shall consider, without limitation, whether consolidation would enable more efficient administrative procedures, greater customer satisfaction, greater public trust and confidence, reduced backlog of cases, and any cost savings or cost avoidance.

The Bureau Chief shall meet with the Office of the Governor and the Director of CMS by each of June 30, 2016 and December 31, 2016, to report on, and
assess the impact of the administrative hearing support program. The Bureau Chief also shall describe the Bureau’s investigation and determination with respect to further consolidation, as contemplated above, and include the Bureau’s recommendations for any further reforms. By July 30, 2017, the Bureau Chief shall submit a written report to the Governor and the General Assembly and include the Bureau’s recommendations for any subsequent reforms.

III. SAVINGS CLAUSE
1. This Executive Order does not, and shall not be construed to, transfer any rights, powers, duties, functions, property, personnel, or funds from, to, or among State agencies; each State agency continues to have whatever authority is provided to it pursuant to the Intergovernmental Cooperation Act and other applicable law to enter into interagency contracts, which may include permissible transfers.
2. This Executive Order shall not affect any act undertaken, ratified, or cancelled or any right occurring or established or any action or proceeding commenced in an administrative, civil, or criminal case before this Executive Order takes effect, but these actions or proceedings may be prosecuted and continued by the Bureau in cooperation with the State agency, if necessary.
3. This Executive Order shall not affect the legality of any rules in the Illinois Administrative Code that are in force on the effective date of this Executive Order, which rules have been duly adopted by the pertinent agencies. If necessary, however, the affected agencies shall propose, adopt, or repeal rules, rule amendments, and rule recodifications as appropriate to effectuate this Executive Order.
4. This Executive Order does not contravene, and shall not be construed to contravene, any federal law, State statute, or collective bargaining agreement.

IV. PRIOR EXECUTIVE ORDERS
This Executive Order supersedes any contrary provision of any other prior Executive Order.

V. SEVERABILITY CLAUSE
If any part of this Executive Order is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect. The provisions of this Executive Order are severable.

VI. EFFECTIVE DATE
This Executive Order shall take effect upon filing with the Secretary of State.
Issued by the Governor April 29, 2016.
Filed with Secretary of State April 29, 2016.
WHEREAS, recent federal law, codified at 49 U.S.C. § 5329, requires the Federal Transit Administration (“FTA”) to assume greater responsibility for safety and security oversight of all modes of public transit; and

WHEREAS, federal law also requires each state to designate a state safety oversight (“SSO”) agency to assume greater responsibility and accountability for rail transit that is outside the jurisdiction of the Federal Railroad Administration (“FRA”); and

WHEREAS, the Regional Transportation Authority (“RTA”) and the St. Clair County Transit District (“SCCTD”) have developed and adopted system safety program standards for the Chicago Transit Authority and the Bi-State Development Agency, respectively, as required by federal regulations; and

WHEREAS, the RTA and the SCCTD are not eligible under federal law to perform statewide rail transit oversight functions because their jurisdictions are limited to their respective geographic regions; and

WHEREAS, state law, 20 ILCS 2705/2705-300, authorizes the Illinois Department of Transportation (“IDOT”) to “[p]articipate fully in a statewide effort to improve transport safety”; and

WHEREAS, on January 30, 2014, Governor Quinn designated IDOT as the SSO Agency for all rail public transit in the planning phases or in operation within the State of Illinois and not under the safety jurisdiction of the FRA; and

WHEREAS, the RTA, the SCCTD, and IDOT will enter into an intergovernmental contract, as authorized by the Intergovernmental Cooperation Act, 5 ILCS 220/5, pursuant to which IDOT will develop a statewide system safety program, as required by federal law and regulations;

THEREFORE, I, Bruce Rauner, Governor of Illinois, by virtue of the executive authority vested in me by Section 8 of Article V of the Constitution of the State of Illinois, do hereby order as follows:

I. STATE SAFETY OVERSIGHT

1. IDOT shall take all necessary steps to effectuate the transition of SSO responsibility, including the negotiation and entry of intergovernmental contracts with the RTA and the SCCTD pursuant to the Intergovernmental Cooperation Act.

2. Pursuant to those intergovernmental contracts, IDOT will assume its role as the designated SSO Agency for the Chicago Transit Authority.
on July 1, 2016, and its role as the designated SSO Agency for the Bi-State Development Agency, and therefore the SSO Agency for Illinois, on January 1, 2017. In that capacity, IDOT will lead the state safety oversight transition to ensure compliance with 49 U.S.C. § 5329 and other applicable federal laws and regulations.

3. IDOT shall work collaboratively and in partnership with current SSO providers, transit service agencies, and other public transportation stakeholders statewide to develop and adopt a statewide system safety program standard in accordance with 49 C.F.R. part 659 for the safety of rail fixed guideway systems and the personal security of the systems’ passengers and employees and establish procedures for safety and security reviews, investigations, and oversight reporting.

II. SAVINGS CLAUSE
This Executive Order does not contravene, and shall not be construed to contravene, any federal law, State statute, or collective bargaining agreement.

III. PRIOR EXECUTIVE ORDERS
This Executive Order supersedes any contrary provision of any other prior Executive Order.

IV. SEVERABILITY CLAUSE
If any part of this Executive Order is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

V. EFFECTIVE DATE
This Executive Order shall take effect immediately upon filing with the Secretary of State.

Issued by the Governor June 24, 2016.
Filed with the Secretary of State June 24, 2016.

2016-8
EXECUTIVE ORDER TO ENSURE EQUAL OPPORTUNITY IS PROVIDED TO ALL ILLINOIS BUSINESSES

WHEREAS, Illinois benefits from a diverse, multi-ethnic population, which contributes to the success of our economy and the character of our community; and

WHEREAS, it is the public policy of the State of Illinois to promote and encourage the continuing economic development of businesses owned by minority persons, women, and persons with disabilities; and

WHEREAS, the State of Illinois 2015 Disparity and Availability Study found that disparities exist between the availability of minority-owned and female-owned businesses and their utilization on State contracts and
associated subcontracts, as well as throughout the wider Illinois economy; and

WHEREAS, the State’s Chief Procurement Officer for General Services oversees the competitive bid process by which goods and services for the State are procured, and the Department of Central Management Services through its Business Enterprise Program works closely with the Chief Procurement Officer on procurements for agencies under the purview of the Office of the Governor; and

WHEREAS, ensuring that business opportunities are open to all persons and businesses, including in particular those of diverse backgrounds, and alleviating any discrimination and disparities in business opportunities, are critical to ensuring that Illinois’s economy grows and our community strengthens;

THEREFORE, I, Bruce Rauner, Governor of Illinois, by virtue of the executive authority vested in me by Section 8 of Article V of the Constitution of the State of Illinois, do hereby order as follows:

I. DEFINITIONS

As used in this Executive Order:
“BEP” means the State of Illinois Business Enterprise Program.
“CMS” means the Illinois Department of Central Management Services.
“CPO” means the Chief Procurement Officer for General Services.
“Disparity Study” means the State of Illinois 2015 Disparity and Availability Study.
“Female Owned Business” has the meaning provided by Section 2 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act (30 ILCS 575/2).
“Minority Owned Business” has the meaning provided by Section 2 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act (30 ILCS 575/2).
“Minority Person” has the meaning provided by Section 2 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act (30 ILCS 575/2).
“Sheltered Market” has the meaning provided by Section 8b of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act (30 ILCS 575/8b).
“State contracts” has the meaning provided by Section 2 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act (30 ILCS 575/2).

II. IMPLEMENTATION OF DISPARITY STUDY RECOMMENDATIONS

While CMS, the Governor’s Office, and the CPO already aim to eliminate
barriers in State contracting to minority and female owned businesses and to increase access to State contracting information for these market players through the State’s Business Enterprise Program housed at CMS, the 2015 Disparity and Availability Study reveals the State can do much more to advance the principle of fair contracting. CMS, in partnership with the Office of the Governor, shall implement the following reform programs within various agencies under the jurisdiction of the Governor:

Mentor/Protégé Program: CMS shall develop a Mentor/Protégé program to foster the development and mentoring of minority and female owned businesses. This program will pair BEP businesses with more experienced businesses to create mutually beneficial relationships. Protégés may receive financial, technical, or management assistance in obtaining and performing State contracts, while mentors may receive credit toward BEP goals that have been placed on their contracts in addition to other incentives.

Electronic Contracting: CMS shall implement an electronic contract data collection and monitoring system to track certain data included in State contracts relating to the utilization of BEP firms. This will increase transparency and access for vendors and ensure that the program meets best practices.

Financial Assistance: Access to bonding and working capital are the two largest barriers to the development and success of minority businesses. CMS shall take steps to enhance access to the current State-sponsored bonding and financial assistance programs. The State may allocate more resources to such programs to permit larger loans and bonds, helping to increase the capacity of BEP businesses.

Goal Setting: CMS shall review the process for placing BEP goals on State contracts using the availability estimates in the 2015 Disparity Study. CMS shall reform its goal-setting procedures accordingly and implement recommendations included in the Disparity Study to improve the process.

Procurement Forecasting: The ability to plan ahead is critical for small firms, which often lack the resources to respond quickly to new opportunities. CMS shall implement procurement forecasts, whereby State agencies project what they will spend at the general industry level or on specific projects, in order to increase BEP businesses’ access to State contracting information.

Increased Information: CMS shall conduct a review of the time it takes to put bid solicitations out to the public and the period of time in which bidders are required to submit their responses, to find ways to give prime and subcontractors an opportunity to identify partners
when bidding on State contracts.

Remove Barriers: CMS shall conduct a review of barriers to BEP businesses seeking State contracts, such as current experience requirements and location requirements, in an effort to address unequal access to contracting opportunities created by unnecessary or burdensome standards.

CMS shall report on its findings and its progress to the Office of the Governor and the CPO by July 1 of each year, beginning on July 1, 2017. This Section II shall not be construed to diminish the procuring authority or statutory responsibility of the CPO.

III. SHELTERED MARKET INITIATIVE

Sheltered markets are a procurement procedure in which certain State contracts are selected and specifically set aside for businesses owned and controlled by minorities, females, and persons with disabilities through competitive solicitations. Through this process, sheltered markets initiatives work to advance parity in State contracting for these groups. In the spirit of these initiatives, CMS shall review the findings of the 2015 Disparity and Availability Study, which examined disparities across different categories of spending. Where sheltered markets could be an appropriate solution to identified disparities in industry-specific areas, CMS shall take appropriate steps for the establishment of sheltered markets pursuant to the Business Enterprise for Minorities, Females, and Persons with Disabilities Act, the Illinois Procurement Code, and other applicable law.

CMS shall report on its findings and its progress to the Office of the Governor and the CPO by July 1 of each year, beginning on July 1, 2017. This Section III shall not be construed to diminish the procuring authority or statutory responsibility of the CPO.

IV. SAVINGS CLAUSE

This Executive Order does not contravene, and shall not be construed to contravene, any federal law, State statute, or collective bargaining agreement.

V. PRIOR EXECUTIVE ORDERS

This Executive Order supersedes any contrary provision of any other prior Executive Order.

VI. SEVERABILITY CLAUSE

If any part of this Executive Order is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect. The provisions of this Executive Order are severable.

VII. EFFECTIVE DATE

This Executive Order shall take effect immediately upon filing with the Secretary of State.

Issued by the Governor July 13, 2016.
2016-9
EXECUTIVE ORDER IMPLEMENTING THE NEXT PHASE OF THE MILLENNIUM RESERVE INITIATIVE

WHEREAS, the Millennium Reserve is a transforming region, located within the broader Calumet Region, encompassing neighborhoods in the south side of the City of Chicago and along the Lake Michigan coast, as well as 37 south suburban municipalities near the Indiana border; and

WHEREAS, the Millennium Reserve is home to nearly one million Illinois residents; 15,000 acres of open space, including parks, trails, wetlands, and forest preserves; more than 90 nationally significant historic landmarks and districts; and notable infrastructure and economic assets that could be leveraged to strengthen commerce and accelerate job growth in sustainable industries; and

WHEREAS, the State of Illinois and regional partners launched the Millennium Reserve Initiative in 2012 to develop a shared vision and action plan for the region, with the goal of maximizing the region’s natural resources, promoting sustainable economic growth, and garnering support from public and private stakeholders to achieve those objectives; and

WHEREAS, Executive Order 2013-03 established the Millennium Reserve Steering Committee, to bring together public, non-profit, and private sector partners to lead the Millennium Reserve Initiative, to develop goals and priorities for action, and to identify specific projects of regional significance; and

WHEREAS, Executive Order 2013-03 also directed five State agencies (the Department of Natural Resources, the Department of Commerce and Economic Opportunity, the Department of Transportation, the Historic Preservation Agency, and the Illinois Environmental Protection Agency) to support the Millennium Reserve Initiative through the Millennium Reserve State Agency Task Force; and

WHEREAS, the Millennium Reserve Steering Committee, through the dedication and hard work of its members and with the support of the State agencies identified above, has advanced the initiative by identifying essential priorities for the region and supporting on-the-ground work that directly benefits those communities; and

WHEREAS, members of the Millennium Reserve Steering Committee have demonstrated sufficient interest and commitment to the initiative that the initiative would benefit from being established as a self-
supporting, permanent organization, independent of the State, with flexibility to set its own agenda and goals; and

WHEREAS, the State will continue to support and be a partner in the Millennium Reserve Initiative;

THEREFORE, I, Bruce Rauner, Governor of Illinois, by virtue of the executive authority vested in me by Section 8 of Article V of the Constitution of the State of Illinois, do hereby order as follows:

I. LEADERSHIP FOR THE MILLENNIUM RESERVE INITIATIVE

Executive Order 2013-03, issued on March 1, 2013, is revoked and rescinded, to enable members of the Millennium Reserve Steering Committee and other supporting partners to take the necessary steps to establish a self-supporting, independent organization to continue leading the Millennium Reserve Initiative and supporting its important mission.

II. STATE SUPPORT FOR THE MILLENNIUM RESERVE INITIATIVE

The Office of the Governor affirms its commitment to the goals and guiding principles of the Millennium Reserve Initiative. Notwithstanding the revocation of Executive Order 2013-03, the Millennium Reserve State Agency Task Force (the “Task Force”) is reinstated so that the member State agencies may continue to support the work of the Millennium Reserve Initiative through their existing programs and resources.

1. Composition

The Task Force shall be comprised of the director or secretary, or his or her designee, of each of the Department of Natural Resources, the Department of Commerce and Economic Opportunity, the Department of Transportation, the Historic Preservation Agency, and the Illinois Environmental Protection Agency, and a designee of the Office of the Governor. The Task Force may invite the participation of other State agencies, Federal agencies, and units of local government whose missions, authorities, and resources could be leveraged to implement the priorities and priority projects of the Millennium Reserve Initiative.

The Department of Natural Resources shall provide administrative support to and manage the affairs of the Task Force, and its director or designee to the Task Force shall serve as chairperson of the Task Force.

2. Responsibilities

The Task Force shall promote collaboration among government agencies and the community partners towards the goal of transforming the communities, commerce, and wildlife of the Millennium Reserve region. The Task Force may consider the recommendations, action plan, priorities, and priority projects being advanced by the successor organization to the Millennium Reserve Steering Committee and other Millennium Reserve Initiative
partners. The Task Force shall identify barriers faced by Millennium Reserve Initiative partners to accessing information, technical assistance, and funding from the Task Force’s member agencies; develop sustainable policies and programs to address those barriers within each agency’s mission, authorities, and existing resources; and promote and facilitate public-private partnerships to advance the initiative’s goals.

III. REPORT AND SUNSET
The Task Force shall issue an annual report of its findings and recommendations to the Governor by June 30, 2017, and a final report by June 30, 2018. Upon submission of its final report, the Task Force shall be dissolved.

IV. TRANSPARENCY
In addition to whatever policies or procedures it may adopt, the Task Force shall be subject to the provisions of the Freedom of Information Act (5 ILCS 140). This section shall not be construed as to preclude other statutes from applying to the Task Force and its activities.

V. SAVINGS CLAUSE
This Executive Order does not contravene, and shall not be construed to contravene, any federal law, State statute, or collective bargaining agreement.

VI. SEVERABILITY CLAUSE
If any part of this Executive Order is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

VII. EFFECTIVE DATE
This Executive Order shall take effect immediately upon filing with the Secretary of State.

Issued by the Governor July 14, 2016.
Filed with the Secretary of State July 14, 2016.

2016-10
EXECUTIVE ORDER UPDATING TERMINOLOGY AT THE ILLINOIS DEPARTMENT OF CHILDREN AND FAMILY SERVICES

WHEREAS, there are approximately 14,800 youth in the care of the Illinois Department of Children and Family Services (DCFS) under the provisions of the Children and Family Services Act (20 ILCS 505) and the Juvenile Court Act of 1987 (705 ILCS 405); and

WHEREAS, the General Assembly passed House Bill 5665, authorizing foster parents to operate under a prudent parent standard encouraging foster youth to participate in appropriate extracurricular,
enrichment, cultural, and social activities in a manner that allows that child to be involved in his or her community to the fullest extent possible; and

WHEREAS, those youth in the care of the State who participate in age-appropriate extracurricular, enrichment, cultural, and social activities have better odds of developing long-term self-sufficiency after care; and

WHEREAS, foster youth have expressed displeasure with being labeled and treated differently from other youth; and

WHEREAS, the child welfare system currently utilizes terminology – such as “placement” instead of “home” and “ward” instead of “youth” – that makes youth in care feel they are part of a bureaucracy instead of a family; and

WHEREAS, the term “ward” is widely viewed by foster youth as particularly disparaging and becomes a dominant label for their legal status as distinct to that of other children and youth; and

WHEREAS, the way we label and treat children and youth has a substantial effect on their self-confidence and their trust in those they rely on for protection and nurture; and

WHEREAS, the terms “ward of the state” and “ward of the Department” are outdated and misused terms; and

WHEREAS, young people who have been part of the foster care system support the replacement of the outdated terminology “ward of the state” and “ward of the Department” with the term “youth in care”;

THEREFORE, I, Bruce Rauner, Governor of Illinois, by virtue of the executive authority vested in me by Section 8 of Article V of the Constitution of the State of Illinois, do hereby order as follows:

I. TERMINOLOGY

1. DCFS shall refrain from using the term “ward” except in situations required under Illinois statutes. DCFS shall instead use the term “youth in care” and other terms that show respect and encouragement to youth who are in State care.

2. DCFS shall review and revise its administrative rules to accomplish the purpose of this Executive Order.

3. DCFS shall work with the General Assembly to review all statutory references to youth as “wards” and support legislation replacing the term with “youth in care.”

II. SAVINGS CLAUSE

This Executive Order does not contravene, and shall not be construed to contravene, any State or federal law or any collective bargaining agreement.

III. PRIOR EXECUTIVE ORDERS

This Executive Order supersedes any contrary provision of any prior Executive Order.
IV. SEVERABILITY CLAUSE
If any part of this Executive Order is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

V. EFFECTIVE DATE
This Executive Order shall take effect immediately upon filing with the Secretary of State.

Issued by the Governor August 19, 2016.
Filed with the Secretary of State August 19, 2016.

2016-11
EXECUTIVE ORDER TO ESTABLISH THE ILLINOIS BICENTENNIAL COMMISSION AND THE OFFICE OF THE ILLINOIS BICENTENNIAL

WHEREAS, August 26, 2018 will mark the 200th anniversary of the adoption of the Illinois Constitution of 1818 at the Kaskaskia Convention, and December 3, 2018 will mark the 200th anniversary of the admission of Illinois to the Union as a state; and

WHEREAS, the bicentennial of our statehood is an opportunity to recognize and celebrate the many cultural, economic, academic, and political contributions that Illinois and its residents have made to the nation and the world; and

WHEREAS, the bicentennial is also an opportunity to invite the world to Illinois and to showcase our core assets, including our community of global leaders; diverse and well-educated workforce; prominent institutions for technology, innovation, and higher education; exceptional quality of life with abundant outdoor recreation, magnificent arts and culture, endless nightlife and entertainment, and world class dining and hotels; central and modern infrastructure; and fertile farmland and abundant fresh water; and

WHEREAS, Executive Order 7 (2014) established a 77-member State Bicentennial Commission empowered to hire personnel to plan the State’s bicentennial celebration program; and

WHEREAS, Illinoisans should expect that membership on their Bicentennial Commission not be merely symbolic, but should see that commissioners work with and for them to advance their vision of Illinois’ past and future; and

WHEREAS, a Bicentennial Commission representing the diversity and ingenuity of our State should play an active role advising the State with the planning of the bicentennial, and a Commission of 77 members is unworkable for achieving this goal; and
WHEREAS, as Governor, I recognize the important of the bicentennial celebration as a way to honor the citizens and the history of our great state, and set a course for success over our next 200 years; and
WHEREAS, our State agencies should work together with the Commission and the State’s citizens and businesses to share their vision and projects to mark the 200th anniversary;
THEREFORE, I, Bruce Rauner, Governor of Illinois, by virtue of the executive authority vested in me by Article V of the Constitution of the State of Illinois, do hereby order as follows:
I. CREATION OF THE OFFICE OF THE ILLINOIS BICENTENNIAL
There is hereby established the Governor’s Office of the Illinois Bicentennial (the “Bicentennial Office”). The Office shall be headed by an Executive Director, who shall be appointed by the Governor.
II. PURPOSE
The Bicentennial Office shall develop and implement a statewide program to celebrate the bicentennial of the adoption of the Illinois’s first constitution and its admission to the Union as a state and showcase Illinois’ hard-working citizens and world-class assets. It will work collaboratively with members of the public, State agencies, units of local government, and public and private organizations to identify significant achievements in Illinois history to highlight through celebration. The Bicentennial Office also will seek opportunities to promote the successes to come in Illinois’s next 200 years.
III. DUTIES AND FUNCTIONS
1. The Bicentennial Office shall promote coordination among State agencies involved in the bicentennial celebration; develop partnerships with the non-profit and private sectors to create new funding sources for the celebration; and work with units of local government also developing local bicentennial celebrations. It shall develop strategic goals to ensure the celebration of the bicentennial is successful while using taxpayer funds or funds donated by private individuals or entities in responsible and transparent manner.
2. The Bicentennial Office may also hire staff to facilitate these goals. It shall promote and market the bicentennial celebration to Illinois’s citizens and also work to attract tourists to Illinois to learn about our state’s tremendous history and accomplishments.
3. The Office of the Governor shall provide administrative support to the Bicentennial Office as appropriate.
4. The Bicentennial Office shall provide periodic reports to the Governor and the public on the strategic goals set by the Bicentennial Office and its progress in meeting its goals.
5. The Bicentennial Office may solicit and access donations of labor, services, or other things of value from any public or private agency or person, in compliance with all applicable state and federal law, including the State Officials and Employees Ethics Act (5 ILCS 420).

6. The Bicentennial Office shall be dissolved on December 31, 2018. Upon such dissolution, all personnel records, documents, books, correspondence, and other property, both real and personal, of the Bicentennial Office shall become property of the Office of the Governor or shall be transferred to the State Archives.

IV. REVOCATION OF EXECUTIVE ORDER 7 (2014)

1. Executive Order 7 (2014) is revoked and rescinded.

2. The State Bicentennial Commission established by Executive Order 7 (2014) is abolished. All records, property, and other associated items in any way pertaining to the functions of the State Bicentennial Commission shall be delivered and transferred to the Bicentennial Office. The unexpended balances of any appropriations or funds, grants, donations, or other moneys available for use by the State Bicentennial Commission shall be transferred to the Bicentennial Office for use by such office, and shall be expended for similar purposes for which the appropriations, funds, grants, or other moneys were originally made or given to the State Bicentennial Commission. Any employee of the State Bicentennial Commission is transferred to the Bicentennial Office. The status and rights of any such employee, the State, and its agencies under the Personnel Code shall not be affected by such transfer.

V. ILLINOIS BICENTENNIAL COMMISSION

1. There is hereby established the Illinois Bicentennial Commission (the “Commission”). The Commission shall advise and assist the Bicentennial Office in planning and implementing the State’s bicentennial celebration. The Bicentennial Office and certain State agencies, including the Department of Commerce and Economic Opportunity, the Department of Natural Resources, the Department of Agriculture and the Historic Preservation Agency (including the Abraham Lincoln Presidential Library and Museum) shall provide administrative and technical assistance to the Commission.

2. The Commission shall comprise the following members: No more than [40] members appointed by the Governor; one member appointed by each of the following: (a) the President of the Illinois Senate, (b) the Minority Leader of the Illinois Senate, (c) the Speaker of the Illinois House of Representatives, (d) the Minority Leader of the Illinois House of Representatives, (e) the Attorney General, (f) the
Lieutenant Governor, (g) the Treasurer, (h) the Comptroller, (i) the Secretary of State, (j) the Mayor of the City of Chicago, and (k) the Mayor of the City of Springfield. Members shall serve without compensation or reimbursement. The chairperson or co-chairpersons of the Commission shall be designated by the Governor. Additionally, the Governor may appoint, as non-voting members, representatives of public and private agencies and organizations partnering with the Commission. Upon the resignation of any member of the Commission, the office with the authority under this Section V(2) to appoint such member shall fill the vacancy.

3. The Commission shall meet at the call of the chairperson or co-chairpersons. A majority of the appointed and serving members of the Commission shall constitute a quorum for the transaction of business. The Commission is subject to, and shall comply with, the Open Meetings Act and the Freedom of Information Act. The Commission shall be an advisory body to the Bicentennial Office that will not make binding recommendations or determinations.

4. The Commission may solicit and access donations of labor, services, or other things of value from any public or private agency or person in compliance with all applicable state and federal law, including the State Officials and Employees Ethics Act (5 ILCS 420).

5. The Commission shall be dissolved on December 31, 2018. Upon such dissolution, all personnel records, documents, books, correspondence, and other property, both real and personal, of the Commission shall become property of the Office of the Governor or shall be transferred to the State Archives.

VI. SAVINGS CLAUSE
This Executive Order does not contravene, and shall not be construed to contravene, any federal or State law or any collective bargaining agreement. This Executive Order shall not affect any act undertaken, ratified or cancelled or any right occurring or established or any action or proceeding commenced in an administrative, civil, or criminal case before this Executive Order takes effect, but these actions or proceedings may be prosecuted and continued by the Department.

VII. SEVERABILITY CLAUSE
If any part of this Executive Order is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

VIII. EFFECTIVE DATE
This Executive Order shall take effect immediately upon its filing with the Secretary of State.

Issued by the Governor September 20, 2016.
WHEREAS, Executive Order Number 2 (2004), issued by Governor Rod Blagojevich, purported to consolidate certain media relations functions of State agencies directly responsible to the Governor under the jurisdiction of the Department of Central Management Services (“CMS”); and
WHEREAS, a review of media relations functions of State agencies by the Office of the Governor, State agencies, and CMS has concluded that media relations functions continue to exist appropriately within State agencies, making Executive Order Number 2 (2004) ineffective and unnecessary;

THEREFORE, I, Bruce Rauner, Governor of Illinois, by virtue of the executive authority vested in me by Section 8 of Article V of the Constitution of the State of Illinois, do hereby order as follows:

I. REVOCATION
Executive Order Number 2 (2004) is revoked and rescinded, effective immediately upon the filing of this Executive Order with the Secretary of State.

II. SAVINGS CLAUSE
This Executive Order does not contravene, and shall not be construed to contravene, any federal law, State statute, or collective bargaining agreement.

III. PRIOR EXECUTIVE ORDERS
This Executive Order supersedes any contrary provision of any other prior Executive Order.

IV. SEVERABILITY CLAUSE
If any part of this Executive Order is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect. The provisions of this Executive Order are severable.

Issued by the Governor October 14, 2016.
Filed by the Secretary of State October 14, 2016.

WHEREAS, in the World Economic Forum’s Global Competitiveness Report, international economic experts found that “[g]overnment attitudes
toward markets and freedoms and the efficiency of its operations” are “very important” to “sustaining prosperity and raising the well-being of its citizens”; and

WHEREAS, the World Economic Forum also found that “excessive bureaucracy and red tape, overregulation, corruption, dishonesty in dealing with public contracts, lack of transparency and trustworthiness, inability to provide appropriate services for the business sector and political dependence on the judicial system impose significant economic costs to businesses and slow the process of economic development”; and

WHEREAS, by statutory mandates, administrative rules, licensing requirements, and internal agency policies, the State of Illinois has placed a tremendous regulatory burden on its citizens, social service providers and businesses that increase the cost of doing business in Illinois, stretch the resources of social service providers and prevent our citizens from obtaining critical services in a timely manner; and

WHEREAS, burdensome and unnecessary regulations, policies, and licensing requirements impose a disproportionate economic impact on small businesses and, according to one study published by the State of California, add as much as $134,000 in additional expenses on every small business each year; and

WHEREAS, Illinois trails other states, such as Arizona, Colorado, Florida, Indiana, Kentucky, Massachusetts, Michigan, New Jersey, and Wisconsin, which have implemented comprehensive reviews and reforms of anti-competitive laws, rules, and policies that impose unnecessary costs on their businesses and citizens, giving those states a competitive edge over Illinois when it comes to attracting businesses and entrepreneurs; and

WHEREAS, government regulations should promote economic development, increase government effectiveness, and help our most vulnerable citizens obtain services in an efficient and expeditious manner; and

WHEREAS, Illinois’ regulatory process should be transparent and take into account public input, and agencies should be responsive to regulated communities to ensure compliance; and

WHEREAS, many of the State’s agencies have outdated, redundant or inconsistent regulations, resulting in an inconsistent and unnecessary regulatory framework across the State and public frustration; and

WHEREAS, licensing rules cause those seeking a license a delay in pursuing their chosen profession and create anti-competitive barriers to entry into the marketplace; and

WHEREAS, there is no clear, concise guidance for drafting and implementing new policies and regulations and therefore, state agencies apply
an inconsistent patchwork of anti-competitive standards to the rule making process; and

WHEREAS, a comprehensive review of existing administrative rules and internal agency policies is essential to determine their current necessity and relieve citizens, businesses and social service providers from the crush of unnecessary, outdated and inconsistent regulations; and

WHEREAS, Illinois’ government should strive for the most legally-grounded, least onerous, least costly and most efficient and effective body of administrative law possible; and

WHEREAS, without compromising the health, safety or welfare of Illinois’ citizens, this review should result in the elimination or simplification of unnecessary or unduly burdensome and anti-competitive administrative rules and policies; and

THEREFORE, I, Bruce Rauner, Governor of Illinois, by virtue of the executive authority vested in me by Section 8 of Article V of the Constitution of the State of Illinois, do hereby order as follows:

I. CUTTING THE RED TAPE

All agencies, boards, commissions, and authorities of the Executive Branch of the State of Illinois under the jurisdiction of the Governor (each an “Agency”) shall conduct a comprehensive review of their administrative rules and policies, (collectively “ Regulations”), as part of the Cutting the Red Tape Initiative. All other State agencies are also urged to conduct a similar review. In conducting such review, each Agency shall ensure that all current and new regulations meet the following guidelines:

1. Regulation is up to date and reflective of current Agency functions and programs.
2. Regulation is drafted in such a way as to be understood by the general public. Regulations should be clear, concise and drafted in readily understood language. Regulations should not create legal uncertainty.
3. Regulation is consistent with other rules across Agencies. Agencies should coordinate to ensure rules are not conflicting or have duplicative requirements.
4. Regulation should not cause an undue administrative delay or backlog in processing necessary paperwork for businesses or citizens.
5. Regulation does not impose unduly burdensome requirements on business, whether through time or cost, or have a negative effect on the State’s overall job growth. In considering this criterion, the Agency should consider whether there are less burdensome alternatives to achieve the Regulation’s purpose.
6. Regulation does not impose unnecessary burden on social service providers or recipients, whether though time or cost. In considering this criterion, the Agency should consider whether there are ways to revise the Regulation to make it easier for social service providers and recipients to provide or receive services.

7. There is a clear need and statutory authority for the Regulation. Regulation should not exceed the Agency’s statutory authority and should be drafted so as to impose statutory requirements in the least restrictive way possible. In considering these criteria, the Agency should also consider whether the Regulation exceeds federal requirements or duplicates local regulations or procedures.

Each Agency shall complete their review of their administrative rules by May 1, 2017. Each Agency shall provide the Competitiveness Council established by this Executive Order with quarterly reports until such review is complete. Any current or proposed Regulation that does not meet each of the above criteria should be revised or repealed. Upon completion of the Agency’s review, the Agency shall submit all revisions and repeals of administrative rules to the Joint Committee on Administrative Rules and the Secretary of State in accordance with the Administrative Procedure Act (5 ILCS 100). For any internal agency policy not required by the Administrative Procedure Act to be submitted to the Joint Committee on Administrative Rules and the Secretary of State, the Agency shall promptly process all revisions and appeals in accordance with Agency procedure.

II. ENSURING TRANSPARENCY AND PUBLIC INPUT

Burdensome Regulations affect the public’s ability to start and run a business, achieve desired employment, and receive and provide critical services. It is essential that Agencies work closely with the citizens they serve in order to ensure that those affected by government regulation have their voices heard. In order to ensure transparency and proper public input in Cutting the Red Tape, each Agency shall:

1. Solicit public feedback on rule revisions via an online public portal located at: www.illinois.gov/cut (the “Red Tape Reduction Portal”). Both businesses and individuals can submit feedback on burdensome regulations by filling out a simple online form at the portal.

2. Post those Regulations submitted to the Joint Committee on Administrative Rules on the Red Tape Reduction Portal.

III. CREATION OF ILLINOIS COMPETITIVENESS COUNCIL

There is hereby established the Illinois Competitiveness Council (the
“Council”) to oversee the Agency review of Regulations. The duties of the Council are as follows:

1. Ensure that Agencies are considering the factors listed in Section I when reviewing rules and policies;
2. Establish cost-savings estimates to both the public and private sector as a result of the Agencies’ proposed revisions; and
3. Solicit public feedback on existing Regulations and serve as a liaison between Agencies and the public in the review process.

The Council shall consist of a representative of each of the following agencies:

1. The Governor’s Office who shall serve as Chair of the Committee
2. The Governor’s Office of Management and Budget
3. The Department of Agriculture
4. The Department of Commerce and Economic Opportunity
5. The Department of Financial and Professional Regulation
6. The Department of Healthcare and Family Services
7. The Department of Human Services
8. The Department of Insurance
9. The Department of Natural Resources
10. The Department of Public Health
11. The Department of Revenue

The Council shall sunset on January 1, 2018.

IV. SAVINGS CLAUSE
This Executive Order does not contravene, and shall not be construed to contravene, any federal law, state statute, or collective bargaining agreement.

V. PRIOR EXECUTIVE ORDERS
This Executive Order supersedes any contrary provision of any other prior Executive Order.

VI. SEVERABILITY CLAUSE
If any part of this Executive Order is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect. The provisions of this Executive Order are severable.

VII. EFFECTIVE DATE
This Executive Order shall take effect immediately upon filing with the Secretary of State.

Issued by the Governor October 17, 2016.
Filed by the Secretary of State October 17, 2016.
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2016-1

DISASTER AREA - STATE OF ILLINOIS

WHEREAS, between December 23 and 28, 2015, continuous waves of severe storms generating heavy rainfall moved through Illinois; and,
WHEREAS, moderate to major flooding continues on the Mississippi, Ohio, Illinois, Embarras and Sangamon rivers in many locations, with some crests still expected; and,
WHEREAS, the high river levels have caused and continue to pose a severe risk of substantial flooding in many Illinois counties, resulting in significant property damage to homes and businesses, power outages, and impacts to transportation; and,
WHEREAS, according to the National Weather Service, these storms have produced a range of approximately four to nine inches of precipitation in the affected counties; and,
WHEREAS, requests for aid received by the Illinois Emergency Management Agency indicate that local resources and capabilities have been exhausted and that State resources are needed to respond to and recover from the effects of the flooding; and,
WHEREAS, these conditions provide legal justification under section 7 of the Illinois Emergency Management Act for the issuance of a proclamation of disaster;
NOW, THEREFORE, in the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I, Bruce Rauner, Governor of the State of Illinois, hereby proclaim as follows:
Section 1: Pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, I find that a disaster exists within the State of Illinois and specifically declare Cass, Cumberland, Iroquois, Lawrence, Marion, Menard, Moultrie, Pike, Richland, Sangamon and Vermilion Counties as disaster areas.
Section 2. The Illinois Emergency Management Agency is directed to continue the implementation of the State Emergency Operations Plan and the coordination of State resources to support local governments in disaster response and recovery operations.
Section 3. Pursuant to the provisions of Section 7(a)(1), I suspend any regulatory statute or order, rule, or regulation of any State agency that the Illinois Emergency Management Agency determines that, to best implement the State Emergency Operations Plan, strict compliance with the provisions of that statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action, including emergency purchases, to cope with this disaster.
Section 4: This proclamation can facilitate a request for Federal disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.

Section 5: This proclamation shall be effective immediately and remain in effect for 30 days.

Issued by the Governor January 5, 2016.
Filed by the Secretary of State January 5, 2016.

2016-2
CAREER AND TECHNICAL EDUCATION MONTH

WHEREAS, a commitment to career and technical education helps ensure Illinois has a strong, well-trained workforce that enhances productivity in business and industry, and solidifies the state’s leadership in national and international marketplaces; and,

WHEREAS, providing citizens with career and technical education stimulates growth of businesses and industries by preparing workers for the occupations forecasted to experience the fastest growth in the next decade; and,

WHEREAS, citizens benefit from career and technical education because it enables individuals to pursue satisfying careers suited to personal skills and interests; provides the technical knowledge necessary for professional success; and teaches leadership skills that are useful on the job, at home and in the community; and,

WHEREAS, for more than 60 years, the Illinois Association for Career and Technical Education (IACTE), the only association in Illinois dedicated to the support and service of the career and technical educators, has been committed to the betterment of the profession, and to providing visibility and assistance for career and technical education; and,

WHEREAS, each year, in the month of February, the IACTE celebrates Career and Technical Education Month to promote the advancement of career and technical education professions in the state. The theme for this year’s month-long celebration is “Recognizing Classroom Innovators”;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim February 2016, as CAREER AND TECHNICAL EDUCATION MONTH in Illinois, and encourage all citizens to become familiar with the services and benefits offered by career and technical education programs in our state, and to support and participate in these programs to enhance individual work skills and productivity.
WHEREAS, the enrolled agent profession dates back to 1884 when, after questionable claims had been presented for Civil War losses, Congress acted to regulate persons who represented citizens in their dealings with the U.S. Treasury Department; and,
WHEREAS, the enrolled agent has been an important advocate to both Illinois taxpayers and to the Illinois Department of Revenue; and,
WHEREAS, enrolled agents assist taxpayers with issues from the annual compliance filing of their tax returns to more complex issues of audits, liens, levies, appeals and collections; and,
WHEREAS, the National Association of Enrolled Agents (NAEA) is dedicated to helping its members maintain the highest level of knowledge, skills and professionalism in all areas of taxation, so that members may most effectively represent the needs of their clients;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim February 1 – 8, 2016, as ENROLLED AGENT WEEK in Illinois, and recognize the Illinois Society of Enrolled Agents (ILSEA) and its members for their role in Illinois' tax preparation industry.

WHEREAS, every day in Illinois, mentors help youth in communities across the State – in schools and in homes, in the field and in the library – facing the challenges of growing into adulthood; and,
WHEREAS, there are few investments more important than those we make in the healthy development and well-being of young people; and,
WHEREAS, research shows that young people matched with a caring adult through a quality mentoring program are 52 percent less likely to skip school, 46 percent less likely to use illegal drugs, 27 percent less likely to start drinking, and are more likely to have positive relationships with adults and to make positive plans for their futures; and,
WHEREAS, more than 400 youth mentoring programs currently operate in Illinois, and tens of thousands of youth in our state already have
the benefit of caring and supportive volunteer mentors; and,

WHEREAS, 96 percent of existing mentors would recommend mentoring to others; and,

WHEREAS, The Illinois Mentoring Partnership (IMP) launched in 2012, is the unifying champion for quality youth mentoring in Illinois, providing resources, training and technical assistance, heightened public awareness and advocacy for the state’s mentoring movement; and,

WHEREAS, The Serve Illinois Commission on Volunteerism and Community Service supports the mentoring works of more than 700 AmeriCorps members each year and is committed to improving the lives of youth in more than 40 Illinois counties; and

WHEREAS, the Illinois Senior Corps branch of National Service supports one-on-one mentoring and tutoring of more than 4,000 young people with special needs through its Foster Grandparents program; and,

WHEREAS, less than 3 percent of youth in Illinois are currently served in a mentoring program and many children in Illinois desperately need the support of a quality mentor; and,

WHEREAS, mentors can commit as little as one hour a week and still have a significant positive impact on the outcome of a child’s life; and,

WHEREAS, January is National Mentoring Month, and Illinois is proud to step forward as a leader in reinforcing support for this cause across our great state, in an effort to close the gap for youth who do not have a trusted mentor in their lives;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim January 2016 as MENTORING MONTH in Illinois, and urge citizens throughout Illinois to take part in the powerful movement that is changing lives.

Issued by the Governor January 7, 2016.
Filed by the Secretary of State January 19, 2016.

2016-5
RARE DISEASE DAY

WHEREAS, many rare diseases are serious and debilitating conditions that have a significant impact on the lives of those affected; and,

WHEREAS, there are nearly 7,000 diseases and conditions considered rare in the United States, with each affecting fewer than 200,000 Americans; and,

WHEREAS, while each of these diseases alone may affect only a small number of people, rare diseases as a group affect millions of Americans; and,
WHEREAS, often there is no treatment specific for these rare diseases; and,
WHEREAS, individuals and families affected by rare diseases often experience problems that include a sense of isolation, difficulty obtaining an accurate and timely diagnosis, few treatment options, and complications related to accessing or being reimbursed for treatment; and,
WHEREAS, while some rare diseases, such as “Lou Gehrig’s disease” and Huntington’s disease are relatively well known, many others are largely unknown, such as Amyloidosis; and,
WHEREAS, a lack of awareness by the general public means the job of raising the profile of rare diseases and raising funds for research falls on patients and their families; and,
WHEREAS, statistically nearly 1 in 10 Americans are affected by rare diseases, resulting in thousands of Illinois residents being affected; and,
WHEREAS, a nationwide observance of Rare Disease Day affords patients, medical professionals, researchers, government officials, and companies developing treatments for rare diseases an opportunity to join together to focus attention on rare diseases as a public health issue;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim February 29, 2016, as RARE DISEASE DAY in Illinois, in support of this important public awareness campaign.
Issued by the Governor January 7, 2016.
Filed by the Secretary of State January 19, 2016.

2016-6
RONALD REAGAN DAY

WHEREAS, President Ronald Wilson Reagan, a man of humble background, worked throughout life serving freedom and advancing the public good, as an entertainer, governor of California and president of the United States; and,
WHEREAS, President Reagan served with honor and distinction for two terms as the 40th President of the United States of America; and,
WHEREAS, in 1981, President Reagan was inaugurated and inherited a nation faced with many challenges; and,
WHEREAS, President Reagan’s commitment to an active social policy agenda for the nation’s children helped lower crime and drug use in our neighborhoods; and,
WHEREAS, President Reagan’s commitment to our armed forces contributed to the restoration of pride in America and prepared America’s Armed Forces to meet 21st century challenge; and,
WHEREAS, President Reagan’s vision of “peace through strength” led to the end of the Cold War and the ultimate demise of the Soviet Union, guaranteeing basic human rights for millions of people; and,
WHEREAS, President Reagan was a native of Tampico, Illinois, graduating from Dixon High School, then working his way through Eureka College, studying economics and sociology; and,
WHEREAS, February 6, 2016, will be the 105th anniversary of President Reagan’s birth and the twelfth since his passing;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim February 6, 2016 to be RONALD REAGAN DAY in Illinois, in honor of our nation’s 40th president.
Issued by the Governor January 7, 2016.
Filed by the Secretary of State January 19, 2016.

2016-7
SCHOOL CHOICE WEEK

WHEREAS, every student in Illinois should have access to an effective education; and,
WHEREAS, citizens across Illinois agree that continuing to improve the quality of education in Illinois is an issue of importance for our state’s leaders; and,
WHEREAS, Illinois recognizes the critical role that an effective and accountable system of education plays in preparing all children in Illinois to be successful adults; and,
WHEREAS, Illinois has a multitude of high-quality traditional public schools, public magnet schools, public charter schools, and nonpublic schools, as well as families who educate their children at home; and,
WHEREAS, Illinois has many high-quality, dedicated teaching professionals in all types of educational environments; and,
WHEREAS, it is important for parents in Illinois to explore and identify the best education options available to their children; and,
WHEREAS, research demonstrates that providing children with multiple education options improves academic performance; and,
WHEREAS, School Choice Week is a national celebration recognized by millions of students, parents, educators, and community leaders to raise public awareness of the importance of effective education options for children;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim January 24-30, 2016, as SCHOOL CHOICE WEEK in Illinois.
2016-8

TURNER SYNDROME AWARENESS MONTH

WHEREAS, Turner Syndrome (TS) is a non-inheritable chromosomal disorder that affects one in 2,500 live female births; and,
WHEREAS, early diagnosis can ensure that affected girls and women receive a complete cardiac screening; and,
WHEREAS, risk for acute aortic dissection is increased in young and middle-aged women with TS; and,
WHEREAS, early diagnosis facilitates prevention or remediation of growth failure, hearing problems and learning difficulties; and,
WHEREAS, individuals with TS have an increased risk of non-verbal learning disorder (NLD) and in school and work these impairments can cause problems in math, visuospatial skills, executive function skills and job retention; and,
WHEREAS, a disproportionately small amount of funding is available for TS research and support; and,
WHEREAS, with the help of medical specialists and good social support system, women with TS can live a happy and healthy life; and,
WHEREAS, the establishment of TS Awareness Month will provide an opportunity to share experiences and information with the public and the media, in order to raise public awareness about Turner Syndrome; and,
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim February 2016 as TURNER SYNDROME AWARENESS MONTH and encourages all citizens to support awareness, education, and services for Turner Syndrome.

Issued by the Governor January 7, 2016.
Filed by the Secretary of State January 19, 2016.

2016-9

CERVICAL CANCER AWARENESS MONTH

WHEREAS, January is recognized nationally as Cervical Cancer Awareness Month to promote education about cervical cancer causes, screenings and treatments; and,
WHEREAS, an estimated 12,900 women were diagnosed with cervical cancer in 2015 in the United States; and,
WHEREAS, an estimated 4,100 women lost their lives to cervical
cancer in 2015 in the United States; and,
WHEREAS, 500 women are expected to be diagnosed with cervical
cancer in 2015 in Illinois; and,
WHEREAS, the Illinois Breast and Cervical Cancer Program offers
free breast exams, mammograms, pelvic exams, Pap tests, diagnostic
services, and referral to treatment options to eligible uninsured and
underinsured women; and,
WHEREAS, IBCCP identified 290 cervical abnormalities with 16
identified cervical cancers in FY 2015; and, over the past 5 years, has
identified 170 cases of cervical cancer; and,
WHEREAS, with routine screening and follow-up, cervical cancer is
highly preventable; and,
WHEREAS, early detection through routine screening can
significantly increase chances of survival; and,
WHEREAS, throughout January, public and private organizations as
well as state and local governments around the country will promote
education about cervical cancer causes, screenings, and treatments;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do
hereby proclaim January 2016 as CERVICAL CANCER AWARENESS
MONTH in Illinois, and encourage all women to receive regular screenings,
and invite each citizen to join the continued fight against cervical cancer.

Issued by the Governor January 11, 2016.
Filed by the Secretary of State January 19, 2016.

2016-10
CONGENITAL DIAPHRAGMATIC HERNIA ACTION DAY

WHEREAS, one in every 2,500 births is affected by a congenital
diaphragmatic hernia (CDH); and,
WHEREAS, since the year 2000, an estimated 500,000 babies
worldwide have been born with CDH; however, only 50 percent survived
past infancy; and,
WHEREAS, CDH is as common as spina bifida and cystic fibrosis;
however, public knowledge of the defect is not widespread; and,
WHEREAS, 1,600 newborns are affected by CDH in the United
States every year; and,
WHEREAS, while many Illinoisans have been diagnosed with CDH
and survived to lead normal lives, others have endured the horrible pain and
sadness due to the loss of a loved one to CDH; and,
WHEREAS, those with CDH often endure multiple surgeries and
possible medical complications, which can include heart defects, pulmonary
complications, gastric and intestinal problems, developmental delays, and may require respiratory and medicinal support for years; and,
WHEREAS, raising awareness of this congenital defect will help support those suffering with CDH and will advocate for urgently needed medical research;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 19 as CONGENITAL DIAPHRAGMATIC HERNIA ACTION DAY in Illinois to help raise awareness for those whose lives are affected by CDH. I encourage all citizens to help fight this disease and its deadly complications by increasing understanding of the defect, and by providing support to those suffering from CDH.
Issued by the Governor January 11, 2016.
Filed by the Secretary of State January 19, 2016.

2016-11
EARLY HEARING DETECTION AND INTERVENTION DAY

WHEREAS, in Illinois nearly 500 children each year are identified with hearing loss; and,
WHEREAS, approximately 151,000 infants receive hearing screenings in Illinois every year; and,
WHEREAS, the State of Illinois realizes the importance of universal hearing screening for newborns and their impact on the lives of our children as well as their families and communities; and,
WHEREAS, the Illinois Department of Human Services, Illinois Department of Public Health, Division of Specialized Care for Children, Bureau of Early Intervention, hospital personnel, healthcare professionals and community-based organizations work together to ensure the parents of infants with hearing loss receive follow-up diagnostic testing and information regarding communication options and other services for their children; and,
WHEREAS, CHOICES for Parents partners with the Illinois Early Hearing Detection and Intervention (EHDI) Program to co-sponsor EHDI Day, and is celebrating their 16th anniversary of services to parents;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim February 26, 2016 as EARLY HEARING DETECTION AND INTERVENTION DAY in Illinois, in order to create ongoing awareness of the importance of early hearing detection and intervention so infants suffering from hearing loss will receive early intervention services in a timely fashion.
Issued by the Governor January 11, 2016.
Filed by the Secretary of State January 19, 2016.
2016-12
MARTIN LUTHER KING, JR. DAY OF SERVICE

WHEREAS, Dr. Martin Luther King, Jr. devoted his life to the advancement of civil rights and public service. He believed in a nation of freedom and justice for all, and challenged all citizens to help build a more perfect union and live up to the purpose and potential of America; and,

WHEREAS, Dr. King recognized that everyone can be great because everyone can serve, and during his lifetime encouraged all Americans to serve their neighbors and their communities; and,

WHEREAS, in 1973, the State of Illinois became the first state to make Dr. King’s birthday a state holiday, and the citizens of Illinois honor Dr. King’s legacy each year on the third Monday in January, this year marking the 30th anniversary of the nationwide observance of the Martin Luther King, Jr. federal holiday; and,

WHEREAS, in 1994, Congress initiated the King Day of Service, a nationwide effort to transform the federal holiday honoring Dr. Martin Luther King, Jr. into a day of community service, grounded in Dr. King’s teachings, that helps solve social problems while focusing on bringing people together and breaking down the barriers that have divided us as a nation; and,

WHEREAS, thousands of Illinois residents use Martin Luther King, Jr. Day as a day on, not a day off, by spending it performing community service each year; and,

WHEREAS, hundreds of thousands of volunteers in cities and towns across the nation participate in King Day service projects, in all 50 states, the District of Columbia, Guam, and Puerto Rico; and,

WHEREAS, non-profit organizations, volunteer managers, AmeriCorps and Senior Corps members across the nation have organized hundreds of projects for volunteers to engage in service honoring the goals of the King Day of Service; and,

WHEREAS, the King Day of Service, which falls on January 18th this year, is an time for the people of Illinois to recognize Dr. King’s teachings on advancing equality and opportunity for all by contributing their own time and talents in a day of service; and,

WHEREAS, the King Day of Service is an excellent opportunity to take the first step in making service a regular activity in the lives of Illinois residents. It is an important day to encourage each citizen to take part in service that will benefit communities and neighborhoods and provide a fitting memorial to the life of Martin Luther King, Jr.;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim January 18, 2016, as MARTIN LUTHER KING, JR. DAY OF SERVICE.
OF SERVICE in the State of Illinois, and urge our citizens to honor the memory of Dr. King, to put his teachings into action by participating in the King Day of Service, and to find ways to give back to their communities.
Issued by the Governor January 11, 2016.
Filed by the Secretary of State January 19, 2016.

2016-13
STEP IT UP AMERICA DAY

WHEREAS, the United States of America currently suffers from a lack of minority women in the field of Information Technology; and,
WHEREAS, the State of Illinois recognizes the efforts of UST-Global and its Step IT Up America program to create more employment opportunities in Information Technology; and,
WHEREAS, Step IT Up America is a national education and employment program that is committed to providing resources to recruit, train, and employ 5,000 minority women in cities across America; and,
WHEREAS, the creation of countless new jobs for the minority community in the city of Chicago, Illinois, is an important goal that will contribute to the advancement of all our citizens; and,
WHEREAS, the State of Illinois commends UST Global’s Step IT Up America efforts in transforming the lives of minority women by enabling them to obtain careers in the field of Information Technology;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim January 8, 2016, as STEP IT UP AMERICA DAY in the State of Illinois.
Issued by the Governor January 11, 2016.
Filed by the Secretary of State January 19, 2016.

2016-14
FLAGS AT HALF - STAFF IN HONOR AND REMEMBRANCE OF OAK PARK FIREFIGHTER KENNETH HARRIS

WHEREAS, we hold the highest esteem and reverence for the men and women who answer the call to serve their friends, family and communities; and,
WHEREAS, firefighters save countless lives every year with their heroic efforts; and,
WHEREAS, firefighters not only demonstrate the desire to serve but have the courage to act calmly and professionally when faced with dangerous situations; and,
WHEREAS, a 28-year veteran of the Oak Park Fire Department, Firefighter Kenneth Harris, 56, lost his life after finishing his 24-hour shift and working for another six hours on fire prevention work; and,
WHEREAS, although firefighter Kenneth Harris is no longer with us, we will not forget the countless lives that were impacted by his service; and,
WHEREAS, on Saturday, January 16, 2016, there will be a visitation and service held for firefighter Kenneth Harris at Zion Evangelical Lutheran Church; and,
WHEREAS, Kenneth Harris is survived by many loving family members and friends who are grateful for the numerous ways he touched their lives;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff from sunrise on Thursday, January 14, 2016, until sunset on Saturday, January 16, 2016, in honor and remembrance of Oak Park Firefighter Kenneth Harris, whose selfless service and sacrifice is an inspiration.

Issued by the Governor January 14, 2016.
Filed by the Secretary of State January 19, 2016.

2016-15
FLAGS AT HALF - STAFF IN HONOR AND REMEMBRANCE OF U.S. PRIVATE FIRST CLASS KENNETH LEROY CUNNINGHAM

WHEREAS, all citizens owe a tremendous debt of gratitude to the men and women of the Armed Forces who selflessly serve to protect our lives and keep our families safe; and,
WHEREAS, every day these men and women face great risks and put their safety on the line to perform their duties; and,
WHEREAS, U.S. Private First Class Kenneth Leroy Cunningham, of Ellery, Illinois, was unaccounted for from the Vietnam War; and,
WHEREAS, on October 3, 1969, First Lt. Paul L. Graffe, a pilot, and PFC Cunningham departed from Phu Hiep, South Vietnam during the early evening for a nighttime surveillance mission of the tri-border area of Cambodia, Laos and South Vietnam; and,
WHEREAS, the aircraft failed to return at its scheduled time, and the wreckage was positively identified as that of PFC Cunningham's aircraft; and,
WHEREAS, missions were prevented for fear of enemy troops did not allow U.S. troops to insert ground troops at the wreckage site; and,
WHEREAS, the remains have now been recovered and identified, and U.S. Private First Class Kenneth Leroy Cunningham will be laid to rest on
January 21, 2016, at Little Prairie Christian Church, Albion, IL; and,
WHEREAS, throughout his career as a proud member of the United States Army, U.S. Private First Class Kenneth Leroy Cunningham represented the State of Illinois admirably; and,
WHEREAS, U.S. Private First Class Kenneth Leroy Cunningham is survived by his father, mother, brothers, Dave and Arthur, and sister, Ruth;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff from sunrise on Tuesday, January 19, 2016, until sunset on Thursday, January 21, 2016, in honor and remembrance of U.S. Private First Class Kenneth Leroy Cunningham, whose selfless service and sacrifice is an inspiration.
Issued by the Governor January 15, 2016.
Filed by the Secretary of State January 19, 2016.

2016-16
DISASTER AREA - STATE OF ILLINOIS

WHEREAS, between December 23 and 28, 2015, continuous waves of severe storms generating heavy rainfall moved through Illinois; and,
WHEREAS, moderate to major flooding occurred and is continuing to occur on the Illinois and Sangamon rivers in many locations; and,
WHEREAS, the high river levels caused substantial flooding in many Illinois counties, resulting in significant property damage to homes and businesses, power outages, and impacts to transportation; and,
WHEREAS, according to the National Weather Service, these storms produced a range of approximately four to nine inches of precipitation in the affected counties; and
WHEREAS, requests for aid received by the Illinois Emergency Management Agency indicate that local resources and capabilities have been exhausted and that State resources are needed to respond to and recover from the effects of the flooding; and,
WHEREAS, these conditions provide legal justification under section 7 of the Illinois Emergency Management Act for the issuance of a proclamation of disaster;
NOW, THEREFORE, in the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I, Bruce Rauner, Governor of the State of Illinois, hereby proclaim as follows:
Section 1. Pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, I find that a disaster exists within the State of Illinois and specifically declare Bureau and Mason
Counties as disaster areas.

Section 2. The Illinois Emergency Management Agency is directed to continue the implementation of the State Emergency Operations Plan and the coordination of State resources to support local governments in disaster response and recovery operations.

Section 3. Pursuant to the provisions of Section 7(a)(1), I suspend any regulatory statute or order, rule, or regulation of any State agency that the Illinois Emergency Management Agency determines that, to best implement the State Emergency Operations Plan, strict compliance with the provisions of that statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action, including emergency purchases, to cope with this disaster.

Section 4. This proclamation can facilitate a request for Federal disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.

Section 5. This proclamation shall be effective immediately and remain in effect for 30 days.

Issued by the Governor January 28, 2016.

Filed by the Secretary of State January 28, 2016.

2016-17
FLAGS AT HALF - STAFF IN HONOR AND REMEMBRANCE OF DEPUTY ADAM CONRAD

WHEREAS, all citizens owe a tremendous debt of gratitude to the men and women of law enforcement who selflessly serve to protect our lives and keep our families safe; and,

WHEREAS, every day, these men and women face great risks and in many cases put their safety on the line to perform their duties; and,

WHEREAS, on Wednesday, January 20, 2016, Marion County Sheriff’s Deputy Adam Conrad died in the line of duty; and,

WHEREAS, Deputy Adam Conrad joined the Marion County Sheriff Department in 2014; and,

WHEREAS, Deputy Adam Conrad was a well-known member of the Marion County community and will always be remembered for the countless lives he impacted; and,

WHEREAS, throughout his career in law enforcement, Deputy Adam Conrad represented the State of Illinois admirably; and,

WHEREAS, a funeral service will be held on Sunday, January 24, 2016, at Rock Church for Deputy Adam Conrad;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff starting at sunrise on Friday, January 22, 2016, until sunset on Sunday, January 24, 2016, in honor and remembrance of Deputy Adam Conrad, whose selfless service and sacrifice is an inspiration to the residents of the Land of Lincoln.

Issued by the Governor January 22, 2016.
Filed by the Secretary of State February 24, 2016.

2016-18

ILLINOIS NURSE ANESTHETISTS WEEK

WHEREAS, Certified Registered Nurse Anesthetists (CRNAs), who safely administer more than 33 million anesthetics to patients each year, are essential to America’s healthcare system; and,

WHEREAS, CRNAs are the primary providers of anesthesia care in rural Illinois, enabling healthcare facilities in medically underserved areas to offer obstetrical, surgical and trauma stabilization services. In some states, CRNAs are the sole providers of anesthesia in nearly all rural hospitals; and,

WHEREAS, CRNAs practice in every setting requiring anesthesia: traditional hospital surgical suites; obstetrical delivery rooms; ambulatory surgical centers; the offices of dentists, podiatrists, ophthalmologists, and plastic surgeons; and U.S. Military, Public Health Services, and Veterans Affairs medical facilities; and,

WHEREAS, CRNAs have served as the main provider of anesthesia to U.S. military personnel on the front lines since World War I; and,

WHEREAS, since 1939, the Illinois Association of Nurse Anesthetists (IANA) has provided Illinois residents safe and cost-effective anesthesia care; and,

WHEREAS, IANA has a current membership of 1,600 CRNAs and is celebrating its 76th anniversary in 2015;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim the week of January 25-31, 2015 as ILLINOIS NURSE ANESTHETISTS WEEK, and urge all citizens to join me in recognizing these healthcare professionals for their contributions to the quality of life in our state.

Issued by the Governor January 22, 2016.
Filed by the Secretary of State February 24, 2016.
CONGENITAL HEART DEFECT AWARENESS WEEK

WHEREAS, congenital heart defects are the most frequently occurring birth defect and the leading cause of birth defect related deaths worldwide; and,

WHEREAS, more than a million families across America are facing the challenges and hardships of raising children with congenital heart defects; and,

WHEREAS, every year approximately 40,000 babies are born in United States with congenital heart defects; and,

WHEREAS, some congenital heart defects are not diagnosed until months or years after a child is born; and,

WHEREAS, newborns and young athletes are not routinely screened for congenital heart defects; and,

WHEREAS, there is a need for increased awareness of congenital heart defects to support for continued and increased research; and,

WHEREAS, Congenital Heart Defect Awareness Week provides an opportunity for families whose lives have been affected to come together to celebrate life, to remember loved ones lost, to honor dedicated health professionals, and know they have a strong network of support; and,

WHEREAS, Congenital Heart Defect Awareness Week will also provide the opportunity to share experience and information with the public to raise awareness about congenital heart defects; and,

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim February 7-14, 2016 as CONGENITAL HEART DEFECT AWARENESS WEEK in Illinois, in order to increase awareness of Congenital Heart Defects that affect thousands of children.

Issued by the Governor January 26, 2016.

Filed by the Secretary of State February 24, 2016.

FOUR CHAPLAINS SUNDAY

WHEREAS, on February 3, 1943, four United States Army Lieutenants and Chaplains in the United States Army sacrificed their lives in one of the most inspiring acts of heroism during the Second World War; and,

WHEREAS, the United States Army Transport ship Dorchester, a former luxury coastal liner, set sail with three escort ships on February 2 in route to an American base in Greenland; and,

WHEREAS, fewer than 150 miles from the coast of Greenland, the
Dorchester was attacked by a German submarine shortly after midnight; and,
WHEREAS, panic and chaos set in aboard the Dorchester. The blast killed scores of men, and many more were seriously wounded. The captain, alerted the Dorchester was taking on water and sinking rapidly, gave the order to abandon ship; and,
WHEREAS, those who were capable made their way towards the deck through the darkness. Once topside, men jumped from the ship into lifeboats. Some lifeboats were overcrowded and capsized, others drifted away before soldiers and sailors could climb aboard; and,
WHEREAS, through the turmoil, Reverend George L. Fox, Rabbi Alexander D. Goode, Reverend John P. Washington and Reverend Clark V. Poling spread out among the soldiers to calm the frightened, tend the wounded and guide the disoriented toward safety; and,
WHEREAS, Rabbi Goode gave his own gloves away to a comrade who was without his own. Shortly thereafter, the Chaplains opened a storage locker and began distributing lifejackets; and,
WHEREAS, when the chaplains ran out of lifejackets to distribute, each Chaplain removed his own and gave it to a frightened young soldier. A soldier, John Ladd, witnessed the sight saying, “It was the finest thing I have seen or hope to see this side of heaven;” and,
WHEREAS, as the ship went down, other survivors in nearby rafts saw the Chaplains with arms linked, braced against the slanting deck, offering prayers to those aboard; and,
WHEREAS, the Dorchester sank less than 27 minutes after it was hit. Of the 902 men aboard, 672 died, including all four Chaplains. When news reached American shores, the nation was stunned by the magnitude of the tragedy and heroic conduct of the Chaplains; and,
WHEREAS, all four Chaplains were posthumously awarded the Distinguished Service Cross and Purple Heart, as well as a Special Medal of Heroism specially authorized for them by Congress; and,
WHEREAS, every year, the Combined Veterans Association of Illinois sponsors a memorial service for the four Chaplains; and,
WHEREAS, this year’s memorial will be hosted by the Catholic War Veterans of Illinois and will be held at the Main Chapel of the Edward Hines VA Medical Center in Hines, Illinois on February 7, 2016;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim February 7, 2016, as FOUR CHAPLAINS SUNDAY in Illinois, in honor and remembrance of the four brave and courageous Chaplains who selflessly made the ultimate sacrifice to save the lives of others.

Issued by the Governor January 26, 2016.
2016-21
OUR VETERANS NOW AND FOREVER DAY

WHEREAS, the Veterans of Foreign Wars Auxiliary is conducting its 102nd year of volunteer service to America,
WHEREAS, year after year the organization continues to honor those who have made the ultimate sacrifice in the name of freedom by maintaining memorials to their service and sharing their history with our nation’s youth so that what our nation’s veterans have done for America will not be forgotten,
WHEREAS, Veterans of Foreign Wars Auxiliary supports the troops currently deployed overseas,
WHEREAS, the 465,000 members represent the families of those who have served or are currently on foreign soil protecting our freedom,
WHEREAS, members volunteer nearly 1 million hours in Veterans Affairs Medical Centers and other hospitals throughout this country,
WHEREAS, the organization provides awards and scholarships to students based on their expressions of patriotism through art, speech, and volunteerism,
WHEREAS, the 2015-2016 National President, Francisca Guilford, is rallying VFW Auxiliary members behind her theme, “Our Veterans – Now and Forever”

THEREFORE, I, Governor Bruce Rauner, do hereby proclaim January 18, 2016 as OUR VETERANS NOW AND FOREVER DAY in honor of National President Francisca Guilford and all members of the VFW Auxiliary for their outstanding volunteer service to veterans and their families, the State of Illinois, and our great country.

Issued by the Governor January 29, 2016.
Filed by the Secretary of State February 24, 2016.

2016-22
RELIGIOUS FREEDOM DAY

WHEREAS, the right to religious freedom is a foundation of America’s historical roots; and,
WHEREAS, our Founding Fathers knew the importance of freedom of religion, and the Constitution protects individuals’ right to worship as they choose; and,
WHEREAS, January 16th celebrates the anniversary of the 1786
Virginia Statute on Religious Freedom; and,

WHEREAS, this statute restrained the practice of taxing people to pay for the support of the local clergy and protected the civil rights of people to express their religious beliefs without suffering discrimination; and,

WHEREAS, this statute serves as the model for protecting religious freedom later enshrined in the First Amendment to the United States Constitution; and,

WHEREAS, each year the President of the United States declares January 16th to be “Religious Freedom Day”, and calls upon Americans to “observe this day through appropriate events and activities in homes, schools, and places of worship”;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim January 16, 2016, as RELIGIOUS FREEDOM DAY in Illinois and encourage our citizens to reflect on our proud tradition of religious freedom so that it may be preserved for future generations.

Issued by the Governor January 29, 2016.
Filed by the Secretary of State February 24, 2016.

2016-23
USO WEEK

WHEREAS, throughout our nation’s history, millions of men and women in the United States military have left their homes and families to protect our freedoms, rights and the American way; and,

WHEREAS, the United Service Organizations was established in 1941 as the nation prepared for World War II and has helped boost the morale of American service members since, keeping these brave men and women connected to family, home and country; and,

WHEREAS, the USO of Illinois supports more than 330,000 military members and their families annually entirely through the generosity of the American people, including local donors from the great state of Illinois; and,

WHEREAS, more than 700 Illinois citizens volunteer their time and energy to the USO of Illinois in recognition of the valor, sacrifice and commitment of our Soldiers, Airmen, Sailors, Marines, and Coast Guardsmen; and,

WHEREAS, during the first week of February 2016, the USO will celebrate 75 years of serving the needs of America’s service members and their families; and,

WHEREAS, the USO of Illinois is devoted to our military members and their families, and the citizens of Illinois should commend the accomplishments and patriotism of the USO of Illinois, its dedicated staff,
and its legions of faithful and enthusiastic volunteers;

THEREFORE, I, Governor Bruce Rauner, Governor of the State of Illinois, do hereby proclaim the week of January 31, 2016, to February 6, 2016, as USO Week in Illinois in recognition of 75 years of service to our state and nation.

Issued by the Governor January 29, 2016.
Filed by the Secretary of State February 24, 2016.

2016-24
SADD SHINES DAY

WHEREAS, Students Against Drunk Driving was founded in 1981 and rebranded as Students Against Destructive Decisions (SADD) in 1997; and,

WHEREAS, SADD is the nation’s leading youth-based peer-to-peer education, prevention and activism organization with 145 chapters across Illinois; and,

WHEREAS, for 33 years, SADD has promoted kids and teens to make the positive and right decisions around critical issues such as underage drinking, tobacco and other drug use, impaired and reckless driving, and teen violence and suicide; and,

WHEREAS, SADD shares the goal of this Office to keep youth safe and alive, and has made a difference in the lives of thousands of youth; and,

WHEREAS, SADD is celebrating this important milestone with a special event called “SADD Shines Day,” involving students, teachers, parents, and other community members on Wednesday, February 3;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim February 3, 2016 to be SADD SHINES DAY to support and raise awareness of students making healthy life choices.

Issued by the Governor February 2, 2016.
Filed by the Secretary of State February 24, 2016.

2016-25
FINANCIAL AID AWARENESS MONTH

WHEREAS, college access contributes to a strong and resilient workforce that is ready to adapt to changing economic conditions and fill the jobs of the future; and,

WHEREAS, Illinoisans increasingly need post-secondary degrees and certificates to achieve their personal and professional goals; and,

WHEREAS, the state’s goal is that at least 60 percent of Illinois
WHEREAS, student financial aid programs such as the need-based Monetary Award Program (MAP) and federal Pell Grant program provide access to educational opportunities for hundreds of thousands of low-income Illinois students each year who might not otherwise attend; and,

WHEREAS, eligibility for those grant programs, as well as for loans and school-based grants, requires completion of the Free Application for Federal Student Aid (FAFSA); and,

WHEREAS, the mission of the Illinois Student Assistance Commission (ISAC) is to make college accessible and affordable for Illinois students, and the agency’s Illinois Student Assistance Corps provides financial aid outreach to students in every region of the state; and,

WHEREAS, ISAC, the Illinois Association for College Admission Counseling, and the Illinois Association of Student Financial Aid Administrators, Inc., are dedicated to improving awareness about college admissions and financial aid resources and procedures among students, parents, and adult learners; and,

WHEREAS, the State’s college admission community, financial aid community, and ISAC are collaborating to serve Illinois families through workshops on student financial assistance, including help in completing the FAFSA; and,

WHEREAS, free workshops will be presented in public venues around the State throughout the month of February 2016 to assist Illinoisans in applying for student assistance and reaching their educational and personal goals;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim February 2016 as FINANCIAL AID AWARENESS MONTH in Illinois and encourage students and families to take full advantage of the college preparation and planning resources available in their communities.

Issued by the Governor February 8, 2016.
Filed by the Secretary of State February 24, 2016.

2016-26
ILLINOIS LEGAL AID ONLINE DAY

WHEREAS, Illinois Legal Aid Online was founded 15 years ago, on March 8, 2001, in order to create and use innovative technology to help people throughout Illinois understand their legal options, make informed decisions and when necessary, represent themselves in court; and,

WHEREAS, Illinois Legal Aid Online has served Illinois’ most
vulnerable populations via www.IllinoisLegalAid.org for 15 years, including single parents trying to collect child support, parents advocating for a disabled child, domestic violence victims trying to escape an abusive relationship, and renters exploited by their landlords; and,

WHEREAS, Illinois Legal Aid Online is an indispensable safety net for 1 in 3 Illinoisans, or approximately 4 million low-income people who face critical legal problems but who cannot afford, and do not have access to a lawyer; and,

WHEREAS, Illinois Legal Aid Online helped establish and continues to support public access points for online legal information in courthouses and public libraries in all 102 Illinois counties; and,

WHEREAS, for less than 50 cents per visitor, Illinois Legal Aid Online provides essential online tools and services to people in need of civil legal assistance, including information on critical legal problems related to family, safety, housing, work, education, immigration, citizenship, health and public benefits; and,

WHEREAS, Illinois Legal Aid Online is an award-winning nonprofit organization and a nationally-recognized model for statewide legal aid technology centers, and is being replicated in other states; and,

WHEREAS, Illinois Legal Aid Online's service to millions of people throughout the State of Illinois has transformed how those in need of legal help learn about, understand and solve their civil legal problems;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim March 8, 2016, as ILLINOIS LEGAL AID ONLINE DAY in Illinois, and commend Illinois Legal Aid Online for the vital role it plays in our state justice system by putting the law within reach for all Illinoisans, regardless of income, education and geographic location.

Issued by the Governor February 8, 2016.
Filed by the Secretary of State February 24, 2016.

2016-27
NATIONAL BLACK HIV/AIDS AWARENESS DAY ILLINOIS

WHEREAS, February 7, 2016, is the 16th year of commemoration and observance of National Black HIV/AIDS Awareness Day; and
WHEREAS, this observance is a nationwide effort to educate black communities about getting tested and treated for HIV/AIDS; and,
WHEREAS, National Black HIV/AIDS Awareness Day is directed, planned and overseen by a Strategic Leadership Council (SLC) made up of prominent organizations, including the Centers for Disease Control and Prevention (CDC) and Substance Abuse and Mental Health Services
Administration (SAMHSA), to mobilize community-based organizations and stakeholders involved in HIV/AIDS prevention, care, and treatment; and,

WHEREAS, African Americans are the racial/ethnic group most affected by HIV, and account for half of all HIV infections in the United States, even though they make up only 14 percent of the population, and,

WHEREAS, 43,500 people in Illinois are living with HIV and half of those diagnosed are black even though black people make up only 15 percent of the state’s population, and,

WHEREAS, black men have the highest number of HIV/AIDS cases among all racial/ethnic groups with 43 percent of diagnosed cases, and black women account for 66 percent of all Illinois females living with HIV, and,

WHEREAS, the Illinois Department of Public Health, Center for Minority Health Services and HIV/AIDS Section and our community partners are hosting community events throughout the State to recognize this day and its importance to blacks and all concerned citizens; and,

WHEREAS, it is fitting that we join with these local, national and international groups to express our strong support for National Black HIV/AIDS Awareness Day and the initiatives to prevent the spread of HIV/AIDS in Black communities and provide access to and utilization of HIV/AIDS prevention, treatment and support services to those affected by HIV/AIDS;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby designate February 7, 2016, as National Black HIV/AIDS Awareness Day Illinois, and encourage local residents to strongly support this day and participate in events planned to commemorate the occasion.

Issued by the Governor February 8, 2016.
Filed by the Secretary of State February 24, 2016.

2016-28
NATIONAL COURT REPORTING & CAPTIONING WEEK

WHEREAS, the National Court Reporters Association (NCRA) has designated February 14-20 as the 2016 National Court Reporting & Captioning Week; and,

WHEREAS, this week-long event is designed to celebrate the court reporting and captioning professions and to help raise public awareness about the growing number of employment opportunities these careers offers; and,

WHEREAS, Stenograph, with its headquarters in suburban Elmhurst, is encouraging its customers to engage in a grassroots effort to promote the professions and educate local communities about the value stenographic skills bring to today’s marketplace; and,
WHEREAS, court reporters, captioners, CART providers, state court reporter associations, and court reporting schools around the country will participate in the week-long event by hosting an array of activities such as visits to high schools to showcase the profession, open houses, Veterans History Project interviews, and more; and,

WHEREAS, stenographic skills translate into a multitude of career options, including court reporting, live-event captioning for the deaf and hard-of-hearing community, captioning for broadcast and specialized videography; and,

WHEREAS, the strong marketplace demand means court reporting offers an abundance of long-term career opportunities, with the Bureau of Labor Statistics, noting a 14 percent growth in the court reporting profession is expected by 2020;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim February 14-20, 2016, as NATIONAL COURT REPORTING & CAPTIONING WEEK in Illinois.

Issued by the Governor February 8, 2016.
Filed by the Secretary of State February 24, 2016.

2016-29
NATIONAL FBLA-PBL WEEK

WHEREAS, Future Business Leaders of America-Phi Beta Lambda (FBLA-PBL) is a non-profit educational organization whose first chapter was established in Johnson City, Tennessee, in 1942; and,

WHEREAS, the organization has grown to more than 250,000 members and advisers nationwide in middle schools, high schools, colleges, universities, career and technical schools, and private business schools; and,

WHEREAS, FBLA-PBL is a professional business organization dedicated to bringing business and education together through innovative leadership and career development programs; and,

WHEREAS, members perform community service activities and strive to build a student's understanding of the realities of the modern business world; and,

WHEREAS, FBLA teaches high school students basic business and leadership principles; and PBL helps university, college, technical, and business school students to make the transition from school to work;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim February 8-14 2016, as NATIONAL FBLA-PBL WEEK in the State of Illinois.

Issued by the Governor February 8, 2016.
5549 PROCLAMATIONS

Filed by the Secretary of State February 24, 2016.

2016-30
“OAKTOBER” – OAK AWARENESS MONTH

WHEREAS, oak ecosystems have been a significant part of the Illinois landscape for more than 5,000 years and are now in a state of decline across the entire State of Illinois; and,

WHEREAS, the state tree of Illinois is the White Oak; and,

WHEREAS, Illinois forest, woodland and savannas have been greatly reduced statewide and the oak ecosystems are declining in health due to the decline of oak dominance; and,

WHEREAS, these threats and declines are due to lack of public awareness, impacts of invasive species, poor management practices, and reduced resources; and,

WHEREAS, oak ecosystems in Illinois provide needed food and support for native insects and wildlife, while significantly contributing to the native biological diversity; and,

WHEREAS, research has shown that oak trees and forests improve our air and water quality, human health, social, and economic well-being, provide jobs and revenue; and improve the overall quality of life for all citizens across all neighborhoods and community boundaries; and,

WHEREAS, the Illinois Statewide Forest Resource Assessment and Strategy identifies the loss of oak ecosystems as a critical issue for the health of forest resources; and,

WHEREAS, the Illinois Wildlife Action Plan identifies the quality of wooded habitats in Illinois a “major concern” and the need to understand and manage oak decline in the state; and,

WHEREAS, awareness of the threats and impacts to oak ecosystems is an important first step towards behavioral change and an opportunity to engage citizens to protect and improve the health and services of our oak ecosystems and natural resources overall; and,

WHEREAS, Oak Awareness Month is an opportunity for government to join forces with business, industry, conservation groups, recreational groups, community organizations, and citizens to take action to support our native oak ecosystem;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim the month of October as “OAKTOBER” – OAK AWARENESS MONTH in Illinois.

Issued by the Governor February 8, 2016.
Filed by the Secretary of State February 24, 2016.
2016-31
GRAIN BIN SAFETY WEEK

WHEREAS, grain bin entrapment poses a serious risk to farm owners and workers, and can result in fatal accidents; and,
WHEREAS, these entrapments are most common in the grain belt states such as Illinois, where grain may be stored in a bin for up to one year, and which may require maintenance via farmers or commercial grain handlers entering the storage bin; and,
WHEREAS, grain bin hazards are not limited to entrapment or engulfment, and can include other equally hazardous situations such as toxic atmospheres, augers and power take-offs, bin collapses, fires and explosions, electrical components, and even ladders; and,
WHEREAS, Grain Bin Safety Week is a collaborative effort by industry leaders and agricultural professionals working together to raise awareness of the hazards and work-safety practices and procedures regarding grain storage; and,
WHEREAS, Grain Bin Safety Week will also highlight the life-saving methods of rescuing those who become entrapped or engulfed; and,
WHEREAS, the only safe manner to remove a trapped person from a grain bin is by using a grain rescue tube; however, many fire departments lack this crucial tool; and,
WHEREAS, Grain Bin Safety Week started in 2014 to promote grain bin safety on farms and commercial grain-handling facilities;

THEREFORE, I, Bruce Rauner, Governor of Illinois, do hereby proclaim February 21-27, 2016, as GRAIN BIN SAFETY WEEK in Illinois to raise awareness of proper grain bin safety protocol and encourage all industry workers to become educated on important safety procedures in order to reduce the number of preventable grain bin entrapments and deaths.

Issued by the Governor February 18, 2016.
Filed by the Secretary of State February 24, 2016.

2016-32
AFRICAN AMERICAN HISTORY MONTH

WHEREAS, the first celebration of African American history was declared on the second week of February in 1926 by Illinois citizen Carter G. Woodson; and,
WHEREAS, in 1976 President Gerald R. Ford approved a joint resolution designating February as National African American History Month, calling upon the public to “seize the opportunity to honor the too-
often neglected accomplishments of black Americans in every area of endeavor throughout our history”; and,

WHEREAS, National African American History Month is celebrated in February to encompass the birthdays of two great Americans who played a prominent role in shaping black history, namely Abraham Lincoln and Frederick Douglass, whose birthdays are the 12th and the 14th, respectively; and,

WHEREAS, Illinois has long been home to many trailblazing African American leaders and history makers, including Oscar De Priest, a Representative from Illinois who was the first African American from the north elected to Congress; and,

WHEREAS, in February 2012, seeing a need to preserve history, community residents created the Springfield and Central Illinois African American History Museum to chronicle the history and legacy of African Americans through the collection and preservation of first-person oral histories; and,

WHEREAS, the Springfield and Central Illinois African American History Museum will be celebrating a relocation and grand opening on March 3, 2016; and,

WHEREAS, Illinoisans are grateful for the lasting historical contributions of African Americans and wish to celebrate their legacy;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim the month of February 2016, as AFRICAN AMERICAN HISTORY MONTH in the State of Illinois and encourage all Illinoisans to celebrate and learn more about the historical legacy of Illinois’s African Americans.

Issued by the Governor February 19, 2016.
Filed by the Secretary of State February 24, 2016.

2016-33
AFRICAN AMERICAN MILITARY SERVICE MEMBER DAY

WHEREAS, on February 19, 2016 the Illinois Department of Veterans’ Affairs will host a “Salute to African-American Veterans in Illinois” at the James R. Thompson Center in Chicago; and,

WHEREAS, the Illinois Department of Veterans’ Affairs honors the Tuskegee Airmen and their amazing contributions during World War II and their impact creating an integrated United States Military; and,

WHEREAS, the first African-American combat unit in the Army Air Corps, the Tuskegee Airmen helped shatter stereotypes by fighting for freedom both abroad and here at home; and,
WHEREAS, through their heroism, the Airmen demonstrated that
African-Americans could be effective members of the military by completing
more than 1,200 missions over North Africa and Europe; and,
WHEREAS, today we recognize their individual and collective acts
of patriotism and the contributions of all African
American men and women who served and are currently serving in the
United State Military;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois do
hereby proclaim February 19, 2016 as AFRICAN AMERICAN MILITARY
SERVICE MEMBER DAY recognizing the contributions of all African-
American men and women who served and are currently serving in the
United State Military.
Issued by the Governor February 19, 2016.
Filed by the Secretary of State February 24, 2016.

2016-34
FLAGS AT HALF - STAFF IN HONOR AND REMEMBRANCE OF
OFFICER SCOT FITZGERALD

WHEREAS, all citizens owe a tremendous debt of gratitude to the
men and women of law enforcement who selflessly serve to protect our lives
and keep our families safe; and,
WHEREAS, every day, these men and women face great risks and in
many cases put their safety on the line to perform their duties; and,
WHEREAS, on Saturday, March 5, 2016, South Jacksonville police
officer Francis Scot Fitzgerald died in the line of duty; and,
WHEREAS, Officer Scot Fitzgerald devoted his life to public service.
He was a dedicated South Jacksonville police officer and EMT for the
Murrayville-Woodson EAS and Winchester EMS, and formerly a Scott
County Sheriff’s Deputy, and Winchester and Bluffs police officer; and,
WHEREAS, Officer Scot Fitzgerald was a volunteer firefighter for
the Murrayville Fire District and a member of the Morgan County 911 Board,
and will always be remembered for the countless lives he impacted; and,
WHEREAS, throughout his career in law enforcement, Officer Scot
Fitzgerald represented the State of Illinois admirably; and,
WHEREAS, a funeral service will be held on Wednesday, March 9,
2016, at First Christian Church in South Jacksonville for Officer Scot
Fitzgerald;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do
hereby order all persons or entities governed by the Illinois Flag Display Act
to fly their flags at half-staff starting immediately until sunset on Wednesday,
March 9, 2016, in honor and remembrance of Officer Scot Fitzgerald whose selfless service and sacrifice is an inspiration to the residents of the Land of Lincoln.

Issued by the Governor March 7, 2016.
Filed by the Secretary of State March 7, 2016.

2016-35
DESERT STORM REMEMBRANCE DAY

WHEREAS, since the birth of this great nation, millions of brave American men and women have courageously answered the call to defend their country’s ideals of freedom and democracy; and,
WHEREAS, 25 years ago, more than 600,000 members of the United States Armed Forces risked their lives in the Persian Gulf to liberate Kuwait during Operation Desert Storm; and,
WHEREAS, 14 citizens of the State of Illinois made the ultimate sacrifice for their country; and,
WHEREAS, the men and women who served in the United States Armed Forces during Operation Desert Storm have earned the gratitude and respect of their nation; and,
WHEREAS, the observance of the 25th anniversary of Operation Desert Storm allows citizens throughout Illinois, and across the country, the opportunity to honor those who served and died during this conflict, for their valor and selflessness;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim February 28, 2016 as DESERT STORM REMEMBRANCE DAY in Illinois, in honor and remembrance of those who made the ultimate sacrifice to protect our country.

Issued by the Governor February 26, 2016.
Filed by the Secretary of State March 23, 2016.

2016-36
DIGITAL LEARNING DAY

WHEREAS, Digital Learning Day is an annual national and international celebration in K-12 schools; and,
WHEREAS, teachers, students, and schools across the nation are using innovation and technology to transform and improve education; and,
WHEREAS, since Digital Learning Day’s inception, thousands of teachers and schools across the country and around the world have held local activities supporting the event; and,
WHEREAS, digital learning offers new and exciting ways for students to learn daily; and,
WHEREAS, when used effectively, modern technology can make life more efficient, accessible, richer, and faster for all; and,
WHEREAS, Digital Learning Day provides each teacher, student, parent, and school highlights on how technology in combination with great teaching can modernize, personalize, and improve learning; and,
WHEREAS, today’s world demands the nation have a highly trained workforce, skilled in the use of technology and digital content in order to compete in the global economy; and,
WHEREAS, Digital Learning Day provides an opportunity for the U.S. education system to embrace the effective use of technology in a positive and transformative manner; and,
WHEREAS, digital learning and the effective use of technology can assist every teacher by providing real-time information to track individual student progress, create improved and efficient learning processes giving teachers more flexibility and time to spend with each student, and eliminate bureaucratic administrative burdens that take time away from teaching; and,
WHEREAS, it is important that any change in learning methods and infusion of technology in schools be done in a high-quality manner that best helps every student and ensures appropriate spending of public funds; and,
WHEREAS, the fifth national Digital Learning Day will take place on Wednesday, February 17, 2016, to educate teachers, students, schools, parents, policymakers, and the public on ways to integrate high-quality digital learning and the effective use of technology to improve the learning of every student;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim February 17, 2016, as DIGITAL LEARNING DAY in Illinois, and encourage our citizens to use this day to learn about new types of innovation in the classroom.

Issued by the Governor February 26, 2016.
Filed by the Secretary of State March 23, 2016.

2016-37
GREEN WHITE SOCCER CLUB DAY

WHEREAS, Green White Soccer Club is a not-for-profit community soccer club in the Mt. Prospect area, dedicated to providing fun and competitive soccer programs for all ages; and,
WHEREAS, Green White Soccer club was founded in Chicago in 1956 by a dedicated group of German-American immigrants, and in 1971, added a girls and women's program; and,
WHEREAS, over the past 60 years, Green White Soccer Club players have continued on to earn college scholarships, play professionally, and earn places in the Illinois Soccer Hall of Fame; and,
WHEREAS, this club is instrumental in allowing children from various walks of life to participate in traveling soccer through its intentionally low cost system; and,
WHEREAS, last year, the Illinois Youth Soccer Association named the Green White Soccer Club a “five star program”, making the club one of only five teams in the state to receive such distinction; and,
WHEREAS, the club’s 60th anniversary is on October 15th;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois do hereby proclaim October 15, 2016, as GREEN WHITE SOCCER CLUB DAY in Illinois, in recognition of its anniversary and substantial achievements.

Issued by the Governor February 26, 2016.
Filed by the Secretary of State March 23, 2016.

2016-38
MEDICAL ASSISTANTS WEEK

WHEREAS, medical assistants are multi-skilled health care professionals who perform clinical and administrative functions; and,
WHEREAS, medical assistants help to ensure the health and well-being of Illinois residents; and,
WHEREAS, all citizens greatly depend on the efforts of hard-working medical assistants; and,
WHEREAS, medical assistants act as liaisons between physicians and other health care workers and their patients; and,
WHEREAS, the medical assistant occupation is projected to be one of the fastest growing professions in the medical field during the next decade; and,
WHEREAS, medical assistants provide the necessary support to keep doctors’ offices functioning and running smoothly; and,
WHEREAS, patients receive better care and treatment thanks to medical assistants, who improve their knowledge and skills through educational programs offered by professional organizations such as the Illinois Society of Medical Assistants;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois do hereby proclaim October 17-22, 2016 as MEDICAL ASSISTANTS WEEK in Illinois, in recognition of medical assistants for their commitment and dedication to the medical profession and to the well-being of patients.
Issued by the Governor February 26, 2016.
Filed by the Secretary of State March 23, 2016.

2016-39
SCHOOL SOCIAL WORK WEEK

WHEREAS, school social workers in the State of Illinois and across the nation serve as vital members of the educational team, playing a central role in creating a positive school environment, and facilitate partnerships among a student’s home, school, and community to ensure academic success; and,

WHEREAS, school social workers are skilled in providing services to students who face serious challenges to school success, including poverty, disability, discrimination, abuse, addiction, bullying, the divorce of parents, the loss of a loved one, and other barriers to learning; and,

WHEREAS, there is a growing need for local school districts and other educational agencies to address students’ emotional, physical, and environmental needs so they can achieve academic success; and,

WHEREAS, school social workers have expertise in many areas such as mental health intervention, human growth and behavior, how family dynamics affect student achievement, child abuse and neglect, chemical health, and community resources; and,

WHEREAS, the celebration of “School Social Work Week” during the week of March 6-12, 2016, highlights the vital role school social workers play in the lives of students and families in the United States;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim March 6-12, 2016, as SCHOOL SOCIAL WORK WEEK in Illinois, in recognition of the contributions social workers make in the lives of students.
Issued by the Governor February 26, 2016.
Filed by the Secretary of State March 23, 2016.
2016-40
WOMEN IN CONSTRUCTION WEEK

WHEREAS, the National Association of Women in Construction (NAWIC) Chicago Metro #325 has distinguished itself for 32 years as the voice of women in construction in Illinois; and,

WHEREAS, the work done by NAWIC Chicago Metro #325 has benefited Illinois through community development and educational programs; and,

WHEREAS, NAWIC Chicago Metro #325 has increasingly promoted the employment and advance of women in the construction industry; and,

WHEREAS, the construction community, represented by NAWIC Chicago Metro #325, has been a driving force in fostering community development through renovation and beautification projects, promotion of skilled trades careers, and a positive vision of the future; and,

WHEREAS, NAWIC Chicago Metro #325 has sought to achieve successful results for Illinois and surrounding areas in a cooperative spirit with other organizations;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim March 6-12, 2016, as WOMEN IN CONSTRUCTION WEEK in Illinois and recognize NAWIC Chicago Metro #325 and its many dedicated volunteers for their work in support of women in construction.

Issued by the Governor February 26, 2016.
Filed by the Secretary of State March 23, 2016.

2016-41
CASIMIR PULASKI DAY

WHEREAS, Casimir Pulaski met Benjamin Franklin when Franklin was recruiting volunteers to fight in the American Revolutionary War; and,

WHEREAS, Pulaski, defiantly opposed to England’s plan to partition Poland in 1772, enthusiastically responded to Franklin's plea for assistance; and,

WHEREAS, in his letter of introduction to George Washington, Franklin wrote of Casimir Pulaski as "an officer famous throughout Europe for his bravery and conduct in defense of the liberties of his country against ... great invading powers"; and,

WHEREAS, in September 1777, while awaiting his formal appointment by Congress, Casimir Pulaski was invited by Washington to serve during the Battle of Brandywine; and,

WHEREAS, Pulaski's performance earned him a commission as
Brigadier General of the entire American cavalry; and,
   WHEREAS, in 1779, when Casimir Pulaski joined General Benjamin Lincoln in his campaign to recapture Savannah, Pulaski assumed command after French General D'Estaing fell wounded; and,
   WHEREAS, Pulaski valiantly raised the soldiers' spirits through his courage, but was mortally wounded himself; and,
   WHEREAS, Casimir Pulaski was named the "Father of the American Cavalry," and remains a hero of the American Revolutionary War; and,
   WHEREAS, General Pulaski is a testament to the contributions that Polish Americans have had in this country, as well as Americans of all backgrounds and ethnicities; and
   WHEREAS, General Pulaski’s strong work ethic, deep religious faith, and great cultural pride serve as a model for all of us to follow; and,
   WHEREAS, with Chicago boasting the largest Polish population of any city outside of Poland, it is fitting that we take the time to recognize the contributions of Casimir Pulaski; and
   WHEREAS, since 1977, the first Monday in March has been designated Casimir Pulaski Day in Illinois; and,
   THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim March 7, 2016 as CASIMIR PULASKI DAY in Illinois, and encourage all citizens to join in commemorating the life and accomplishments of the American Revolutionary War hero, and Polish patriot, Casimir Pulaski.

Issued by the Governor March 2, 2016.
Filed by the Secretary of State March 23, 2016.

2016-42

COLORECTAL CANCER AWARENESS MONTH

WHEREAS, colorectal cancer is the third-most commonly diagnosed cancer and the second-most common cause of cancer-related deaths in the United States; and,
   WHEREAS, colorectal cancer affects men and women equally; and,
   WHEREAS, every three minutes, someone is diagnosed with colorectal cancer, and every 10 minutes, someone dies from colorectal cancer; and,
   WHEREAS, the vast majority of colorectal cancer deaths are preventable through proper screening and early detection; and,
   WHEREAS, the survival rate of individuals who have early stage colorectal cancer is 90 percent, but only 10 percent when diagnosed after it has spread to other organs; and,
WHEREAS, currently, only 39 percent of colorectal cancer patients receive an early-stage diagnosis; and,

WHEREAS, if the majority of people in the United States aged 50 or older received regular screenings for colorectal cancer, the death rate from this disease could plummet by up to 70 percent; and,

WHEREAS, African Americans, Hispanic Americans, Asian Americans, American Indians, and Alaskan Natives are significantly less likely to be screened for colorectal cancer; and,

WHEREAS, when detected early, colorectal cancer is preventable, treatable, and beatable; and,

WHEREAS, observing Colorectal Cancer Awareness Month during the month of March provides a special opportunity to promote the importance of early detection and screening;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim March 2016 as COLORECTAL CANCER AWARENESS MONTH in Illinois to raise awareness about colorectal cancer and to promote proper screening and early detection of this disease.

Issued by the Governor March 2, 2016.

Filed by the Secretary of State March 23, 2016.

2016-43

ILLINOIS POISON PREVENTION MONTH

WHEREAS, all citizens of Illinois should be made aware of the ever-present dangers posed by potentially poisonous household substances; and,

WHEREAS, children too often have access to over-the-counter medications, prescription medications, and potentially toxic household products; and,

WHEREAS, during the past 50 years, the nation has observed National Poison Prevention Week to help prevent accidental poisonings and to provide tips for promoting community involvement in poison prevention; and,

WHEREAS, the Illinois Poison Center has provided timely poison prevention and treatment services to the people of Illinois for more than 60 years as the oldest, and one of the largest, poison centers in the nation; and,

WHEREAS, the Illinois Poison Center is a mainstay in the emergency medical care system of the State of Illinois, and is recognized nationally for its contributions to poison treatment and prevention; and,

WHEREAS, forty-five percent of the nearly 80,000 poisonings reported last year to the Illinois Poison Center involved children under the age of five and could have been prevented; and,
WHEREAS, the Illinois Poison Center manages approximately 90 percent of cases from the general public at home, saving the State of Illinois more than $52 million in reduced healthcare and lost productivity costs;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim March 2016 as ILLINOIS POISON PREVENTION MONTH in Illinois, and encourage all citizens to learn more about the Illinois Poison Center’s prevention programs.

Issued by the Governor March 2, 2016.
Filed by the Secretary of State March 23, 2016.

2016-44
NATIONAL NUTRITION MONTH

WHEREAS, good nutrition is essential for growth, development, health, and well-being; and,

WHEREAS, many diseases are associated with being overweight and obese, and nutrition plays a large role in the incidence of preventable illness and premature death; and,

WHEREAS, healthy eating in childhood and adolescence is important for proper growth and development, and can prevent health problems such as obesity, dental cavities, iron deficiency, and osteoporosis; and,

WHEREAS, educating Illinoisans about health and nutrition is an important part of establishing healthy habits; and,

WHEREAS, it is important for the people of Illinois to be aware of the existence of community nutrition programs; and,

WHEREAS, community nutrition programs are important to the health and wellness of all they serve; and,

WHEREAS, March is a time of national recognition and awareness related to improving nutrition habits and knowledge; and,

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim March 2016 as NATIONAL NUTRITION MONTH in Illinois, and encourage all citizens to take an interest in their nutrition and the nutrition of others in the hope of achieving optimum health.

Issued by the Governor March 2, 2016.
Filed by the Secretary of State March 23, 2016.
2016-45
REGISTERED DIETITIAN DAY

WHEREAS, registered dietitians are food and nutrition experts who can translate the science of nutrition into practical solutions for healthy living; and,

WHEREAS, registered dietitians have received degrees in nutrition, dietetics, public health, or a related field from accredited colleges and universities, completed an internship, and passed an examination; and,

WHEREAS, registered dietitians use their nutrition expertise to help individuals make unique, positive lifestyle changes; and,

WHEREAS, registered dietitians work in hospitals, schools, public health clinics, nursing homes, fitness centers, food management, the food industry, universities, research and private practice; and,

WHEREAS, registered dietitians are advocates for advancing the nutritional status of Americans and people around the world;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim March 9, 2016, as REGISTERED DIETITIAN DAY in Illinois, and encourage all citizens to recognize the contributions of registered dietitians and express appreciation for their commitment to promoting science-based nutrition in the hope of achieving optimum health.

Issued by the Governor March 2, 2016.
Filed by the Secretary of State March 23, 2016.

2016-46
TELECOMMUNICATIONS WEEK

WHEREAS, public safety telecommunicators, specialists in operating state-of-the-art radio and computer aided communications systems, are a cornerstone of the public safety community; and,

WHEREAS, every hour of every day telecommunicators access, monitor, and disseminate information of critical importance to the safety of public officials and success of public safety goals; and,

WHEREAS, these professional men and women effectively and efficiently function to help ensure the safety and protection of life, property, and individual rights of the citizens of the state of Illinois; and,

WHEREAS, it is appropriate that we demonstrate our appreciation of their knowledge, training, service, and dedication;

THEREFORE, I, Bruce Rauner, Governor of the state of Illinois, proclaim April 10 - 16, 2016, as TELECOMMUNICATIONS WEEK in
Illinois in recognition of the vital contributions telecommunicators make to the safety and well-being of our citizens.
Issued by the Governor March 2, 2016.
Filed by the Secretary of State March 23, 2016.

2016-47
CERTIFIED GOVERNMENT FINANCIAL MANAGER MONTH

WHEREAS, the Association of Government Accountants (AGA) is a professional organization with more than 15,000 members in 90 chapters throughout the United States and around the world, including chapters in Illinois, Chicago, and Springfield; and,

WHEREAS, since 1950, the AGA has been dedicated to addressing the issues and challenges facing government financial managers; and,

WHEREAS, there are more than 250 active members representing state, federal, municipal and private sector accountants, auditors, and financial managers in Illinois; and,

WHEREAS, AGA Chicago and Springfield Chapter members have responded to AGA’s mission of advancing government accountability, as it continues to broaden education efforts with emphasis on high standards of conduct, honor, and character in its code of ethics; and,

WHEREAS, the Chicago and Springfield chapters of AGA are making significant advances both in professional ability and in service to the citizens of Illinois by mastering increasingly technical and complex requirements; and,

WHEREAS, the Certified Government Financial Manager (CGFM) program of AGA provides a means of demonstrating professionalism and competency by requiring CGFM candidates to have appropriate educational and employment history, and to pass a three-part examination requiring expertise in governmental processes, financial management and control, and in governmental accounting, financial reporting, and budgeting; and,

WHEREAS, each CGFM holder is required to maintain certification by completing comprehensive training sessions totaling 80 hours over a two-year period;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim March 2016 as CERTIFIED GOVERNMENT FINANCIAL MANAGER MONTH in Illinois, in recognition of the unique skills and special knowledge of the professionals who specialize in government financial management.
Issued by the Governor March 3, 2016.
Filed by the Secretary of State March 23, 2016.
WHEREAS, there are more than 55,000 PeriAnesthesia registered nurses in the United States whose interests are represented by one of the nation’s premier specialty nursing associations, the American Society of PeriAnesthesia Nurses; and,

WHEREAS, PeriAnesthesia nurses practice in all phases of pre-anesthesia and post-anesthesia care, ambulatory surgery and pain management; and,

WHEREAS, the depth and breadth of the PeriAnesthesia nursing profession meets the varied and emerging healthcare needs of the American population in a diversified range of environments; and,

WHEREAS, the American Society of PeriAnesthesia Nurses, as the representative for the PeriAnesthesia nurses of this country, strives to advances the nursing practice through education, research, and standards; and,

WHEREAS, PeriAnesthesia nursing has been established as essential to the quality of healthcare and safety of patients in the hospital and ambulatory surgery settings; and,

WHEREAS, the demand for PeriAnesthesia nurses will only increase due to an aging American population, advances in medicine that are prolonging life, and the vast expansion of home healthcare services; and,

WHEREAS, the value of the services and care provided by PeriAnesthesia nurses will remain of paramount importance to the American healthcare system; and,

WHEREAS, the Illinois Society of PeriAnesthesia Nurses (ILSPAN), along with the American Society of PeriAnesthesia Nurses (ASPAN), has declared the week of February 1-7, 2016, as PeriAnesthesia Nurses Awareness Week in recognition of PeriAnesthesia nurses’ steadfast commitment to patient care and the continued advancement of nursing practices;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim February 1-7, 2016, as PERIANESTHESIA NURSE AWARENESS WEEK in Illinois, in recognition of PeriAnesthesia nurses and their essential service to the medical profession.

Issued by the Governor March 3, 2016.

Filed by the Secretary of State March 23, 2016.
WHEREAS, service to others is a hallmark of the American character, and throughout the country’s history, citizens have stepped up to meet our challenges by volunteering in their communities; and,

WHEREAS, since its creation in 1994, the AmeriCorps national service program has proven to be a highly effective way to engage Americans of all ages and backgrounds in meeting a wide range of community needs and promotes the ethic of service and volunteering; and,

WHEREAS, each year AmeriCorps programs, including AmeriCorps*State and National, AmeriCorps*VISTA and AmeriCorps*NCCC, provide opportunities for 80,000 citizens across the nation, including more than 2,800 in Illinois, to give back in an intensive way to our communities, our state, and our country; and,

WHEREAS, more than 900,000 men and women across the nation, including more than 35,000 from Illinois, have taken the AmeriCorps pledge to “get things done” since 1994; and,

WHEREAS, those AmeriCorps Members have served a total of 1.2 billion hours nationwide, including more than 48 million served by residents from Illinois; which equates to almost $1.2 billion in impact for Illinois, by helping improve the lives of our state’s most vulnerable citizens, strengthening our educational system, protecting our environment, and contributing to our public safety; and,

WHEREAS, AmeriCorps members serve with more than 14,000 nonprofit, community, educational, and faith-based community groups nationwide, including more than 800 in Illinois; and,

WHEREAS, last year AmeriCorps members in Illinois recruited more than 32,000 volunteers, tutored or mentored more than 425,000 disadvantaged children, provided more than 2.5 million hours of service valued at $101 million, and helped to leverage more than $14 million in cash and in-kind resources; and,

WHEREAS, residents of Illinois have earned more than $111 million in Segal AmeriCorps Education Awards to help pay for college or pay back student loans since 1994; and,

WHEREAS, AmeriCorps members, after their terms of service end, remain engaged in our communities as volunteers, teachers, public servants, and nonprofit leaders in disproportionately high levels; and,

WHEREAS, the Serve Illinois Commission on Volunteerism and Community Service and the federal Corporation for National and Community Service play a key role in determining where AmeriCorps resources should
be directed to meet state and local needs; and,

WHEREAS, AmeriCorps Week, March 5-12, 2016, is an opportune time for the people of Illinois to salute AmeriCorps members and alums for their service, thank AmeriCorps' community partners, and bring more Americans into service;

THEREFORE, I, Bruce Rauner, Governor of Illinois, do hereby proclaim March 5-12, 2016, as AMERICORPS WEEK IN ILLINOIS, and urge citizens to thank AmeriCorps members and alumni for their service and to find ways to give back to their communities at www.Serve.Illinois.gov.

Issued by the Governor March 4, 2016.
Filed by the Secretary of State March 23, 2016.

2016-50
CORRECTIONAL OFFICERS WEEK

WHEREAS, every day, the men and women who work in our state and county correctional facilities face great risks and in many cases, put their safety on the line as they perform their duties; and,

WHEREAS, correctional officers are skilled professionals who must act as counselors, communicators, and crisis intervention experts; and,

WHEREAS, correction officers must maintain professional demeanor while facing hostile, aggressive, and intimidating behavior from prison inmates; and,

WHEREAS, we could not operate Illinois’ prisons, correctional camps, transitional houses, and county facilities without the hard work and sacrifices made each day by our correctional officers and their families; and,

WHEREAS, the State of Illinois is pleased to join with the International Association of Correctional Officers and the American Correctional Association in celebrating Correctional Officers Week, and in recognizing correctional officers for playing an integral role in this state by working hard to ensure the safety of inmates and of citizens in our communities;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 1–7, 2016, as CORRECTIONAL OFFICERS WEEK in Illinois, and encourage all citizens to pay special tribute to these men and women who serve faithfully, often with little thanks or recognition, in serving to protect others.

Issued by the Governor March 4, 2016.
Filed by the Secretary of State March 23, 2016.
2016-51

ILLINOIS ARTS EDUCATION WEEK

WHEREAS, the State of Illinois recognizes that arts education, including dance, drama, music, and visual arts, is an essential part of basic education for all students, providing a balanced education that aids in developing full potential; and,

WHEREAS, the arts enrich the lives of children in Illinois and throughout the country by developing creative ability, self-expression, self-reflection, cognitive skills, discipline, a heightened appreciation of beauty, and cross-cultural understanding; and,

WHEREAS, many national and state professional education associations hold celebrations in the month of March, focused on students’ participation in the arts; and,

WHEREAS, these celebrations give Illinois schools a unique opportunity to focus on the value of the arts for all students, to foster cross-cultural understanding, to recognize the state’s outstanding young artists, to focus on careers in the arts available to Illinois students, and to enhance public support for this important part of their curriculum; and,

WHEREAS, the fine arts are a significant component of students’ educational development, teaching them the language and production of the arts, and helping them understand the role of the arts in civilizations, both past and present;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim March 14-20, 2016, as ILLINOIS ARTS EDUCATION WEEK and encourage all citizens to celebrate the arts with meaningful student activities and programs that demonstrate learning and understanding in the visual and performing arts.

Issued by the Governor March 4, 2016.

Filed by the Secretary of State March 23, 2016.

2016-52

MULTIPLE SCLEROSIS AWARENESS WEEK

WHEREAS, multiple sclerosis (MS) is a neurological disease of the central nervous system, affecting at least 2.3 million people worldwide; and,

WHEREAS, the National Multiple Sclerosis Society – Greater Illinois serves more than 20,000 people in our state diagnosed with MS, and that the disease generally strikes people in the prime of life, between ages 20 through 50, and causes unpredictable effects in which the progression, severity, and
specific symptoms cannot be foreseen, and the cause and cure for this often debilitating disease remain unknown; and,

WHEREAS, since 1946, the National Multiple Sclerosis Society has been a driving force behind MS research, relentlessly pursuing prevention, treatment, and a cure, and has invested more than $920 million in groundbreaking research; and,

WHEREAS, money raised through the National Multiple Sclerosis Society fuel the efforts of more than 380 research projects globally, totaling nearly $54 million annually, at the best medical centers, universities, and other institutions throughout the United States and abroad, and as a result, MS research has never been more hopeful than it is today; and,

WHEREAS, the National Multiple Sclerosis Society is dedicated to discovering the cause, finding a cure, and preventing future generations from being diagnosed with MS, and encourages all Americans and Illinoisans to join in the movement to end MS;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim March 7-13, 2016, as MULTIPLE SCLEROSIS AWARENESS WEEK, and encourage all Illinoisans to learn more about multiple sclerosis and what they can do to support individuals with MS and their families.

Issued by the Governor March 7, 2016.

Filed by the Secretary of State March 23, 2016.

2016-53
WORLD TB DAY

WHEREAS, 344 cases of active tuberculosis (TB) were reported in Illinois and one case of extensively drug resistant tuberculosis needed Illinois response in 2015; and,

WHEREAS, Illinois remains among states reporting the highest incidence of TB cases in the nation; and WHEREAS, there is a disproportionate burden of TB in minorities and persons born outside the United States; and,

WHEREAS, each year thousands of household members, health care employees and others who share the air of infectious tuberculosis patients are at risk of becoming infected with the tuberculosis bacterium and progressing to active disease; and,

WHEREAS, the Illinois Department of Public Health is working to promote prompt diagnosis and treatment of tuberculosis cases, implementation of strategies to prevent tuberculosis in children, improved working relationships between public health providers and private providers,
hospitals, long term care facilities, correctional facilities, managed care organizations and others, and decreased tuberculosis transmission in health care facilities and community settings; and,

WHEREAS, maintaining control of TB in Illinois requires strengthening current TB control and prevention systems; and,

WHEREAS, progress toward the elimination of TB cannot occur without mobilizing support and engaging in global TB prevention and control; and,

WHEREAS, this year’s World Tuberculosis Day local theme of “Prevent TB, control TB,” national theme of “End TB,” and global theme of “Reach the 3 Million,” recognize that tuberculosis prevention and control is possible, that every individual can have a role in stopping TB, and that Illinois is committed to working toward the elimination of tuberculosis;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, proclaim March 24, 2016 as WORLD TB DAY in Illinois and urge all citizens to increase their awareness and understanding of tuberculosis infection and disease and to join the global effort to stop the spread of this disease.

Issued by the Governor March 7, 2016.
Filed by the Secretary of State March 23, 2016.

2016-54
FABRY DISEASE AWARENESS MONTH

WHEREAS, Fabry disease is a rare, progressive, and life-threatening inherited genetic disorder that causes children and adults to suffer a cascade of life-altering symptoms such as pain, chronic gastrointestinal upset, and chronic fatigue; and,

WHEREAS, symptoms of Fabry disease can progress to include hearing loss, lung disease, heart disease, kidney disease, and other symptoms, often causing premature death due to heart attacks, strokes and kidney failure; and,

WHEREAS, Fabry disease is caused by a gene mutation that prevents the body from breaking down a type of lipid causing harmful levels to accumulate in the body; and,

WHEREAS, while an approved treatment for Fabry disease exists, it remains severely under-recognized and misdiagnosed, and when diagnosed, it is often only after irreversible organ damage; and,

WHEREAS, increased physician and family education are critical to increase disease recognition and diagnosis of the disease; and,
WHEREAS, about 1 in 50,000 males have Fabry disease, and potentially twice as many females are affected by the disease; and,
WHEREAS, recent newborn screening studies suggest there are many more people with Fabry disease than current rates indicate; and,
WHEREAS, together, we can raise awareness to fight this tragic but treatable disorder;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 2016, as FABRY DISEASE AWARENESS MONTH in Illinois and urge the citizens to learn about Fabry disease and assess their family risk.

Issued by the Governor March 8, 2016.
Filed by the Secretary of State March 23, 2016.

2016-55
ILLINOIS CHILD AND ADULT CARE FOOD PROGRAM WEEK

WHEREAS, one of the basic rights of children, as set forth in the Universal Declaration of Human Rights by Eleanor Roosevelt in 1948, is their right to basic nutrition. Caring for children must be our nation’s first priority; and,
WHEREAS, since its inception in 1968, the Child and Adult Care Food Program (CACFP) has granted our children the best possible foundation in life and benefited many adults, which is vital to our state’s long term health; and,
WHEREAS, the two fundamental goals of the CACFP are that children serviced by this program be well-nourished during their crucial years, while concurrently learning healthy eating habits that will last throughout their lifetime; and,
WHEREAS, we acknowledge the child and adult care providers, nutrition educators, program specialists and staff, state and federal professionals, and parents who contribute to the success of this outstanding program, the Child and Adult Care Food Program; and,
WHEREAS, the CACFP continues its commitment to educate children and adults on the benefits of nutritious eating. Together, as Americans, we can make a difference in the lives of our children;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim March 13-19, 2016, as ILLINOIS CHILD AND ADULT CARE FOOD PROGRAM WEEK.

Issued by the Governor March 8, 2016.
Filed by the Secretary of State March 23, 2016.
ILLINOIS DAY OF THE HORSE

WHEREAS, the State of Illinois recognizes the role of equines in the economy, history, and character of Illinois, which can be traced back to when our forefathers used horses to settle the prairie and build our great state, transport people and goods, clear and till the land, harvest and thresh grains, herd cattle, power mills, pull barges, serve in the military, fight fires, and deliver mail; and,

WHEREAS, the horses of today are vital in assisting in police crowd control, providing therapeutic aid to veterans and disabled persons, continuing to work our farms, and are used for pleasure riding and race at Arlington Park, Hawthorne, and Fairmont Park tracks; and,

WHEREAS, there are equine properties of all sizes in Illinois, including breeding farms, boarding and training facilities, riding schools, small acreage farmettes, showgrounds, and equine-based therapy centers; and,

WHEREAS, equine operations encompass thousands of acres, making for a significant part of our land kept in open space, pasture, and forestland; and,

WHEREAS, horses are the source of Illinois jobs and income for thousands of residents, both directly and indirectly, including services such as veterinarians, trainers, farriers, chiropractors, grooms, stable hands, entertainers, carriage/sleigh/hay wagon drivers, jockeys, and sellers of goods such as lumber, hay, grain, grass seed, bedding, tack, trucks, horse trailers and more; and,

WHEREAS, the Horsemen’s Council of Illinois helps promote and educate the public about the importance of horses in Illinois; and,

WHEREAS, there are many significant benefits brought to Illinois agriculture, tourism, and quality of life through the equine industry;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim December 13, 2016, as ILLINOIS DAY OF THE HORSE, and urge our citizens to recognize the importance of horses to our security, economy, recreation and heritage, and to lend their enthusiastic support to Illinois’ equine industry.

Issued by the Governor March 8, 2016.

Filed by the Secretary of State March 23, 2016.
2016-57
INTERNATIONAL MOTHER LANGUAGE DAY

WHEREAS, there are more than 6,000 languages estimated to be spoken in today’s world. About half of these languages are under threat of disappearing forever; and,
WHEREAS, the existence of different languages in a culture allows us to gain a different perspective of its history and illuminates the outstanding ability of any culture to create communication; and,
WHEREAS, in order to recognize Bangladeshi students who made sacrifices to restore their mother language as their state language, International Mother Language Day, celebrated on February 21 every year, was launched at the thirtieth session of the General Conference of UNESCO in 1999; and,
WHEREAS, International Mother Language Day aims to promote linguistic diversity and multilingual education, as well as increase awareness of linguistic cultural traditions based on understanding, tolerance and dialogue; and,
WHEREAS, in the constitution of Bangladesh, adopted in 1972, it is stated, “The Language of the Republic would be Bengali.” In Bangladesh, efforts continue to be made to establish Bengali, the language in which famous poets Rabindranath Tagore and Nazrul Islam wrote, into all walks of life; and,
WHEREAS, the Bangladesh Association of Greater Chicagoland (BAGC) has been a leading force in educating its community and will sponsor a celebration marking the anniversary of International Mother Language Day on February 21, 2016;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim February 21, 2016 as INTERNATIONAL MOTHER LANGUAGE DAY in Illinois, and encourage all citizens to recognize the value that languages have in understanding our shared cultural history.

Issued by the Governor March 8, 2016.
Filed by the Secretary of State March 23, 2016.

2016-58
KICK BUTTS DAY

WHEREAS, nationwide, one fifth of all high school students (grades 9-12) are current smokers, along with nearly one out of every ten eighth graders; and,
WHEREAS, three million high school students are current smokers; more than one third of all kids who ever try smoking a cigarette become new regular, daily smokers before leaving high school; and,

WHEREAS, one out of three youth smokers will ultimately die prematurely from smoking-related diseases, unless current trends are reversed; and,

WHEREAS, smoking kills more than 400,000 Americans each year, representing more deaths than from AIDS, alcohol, car crashes, murders, suicides, drugs and fires combined, and most of these deaths could be prevented; and,

WHEREAS, Kick Butts Day is an annual national initiative, sponsored by the Campaign for Tobacco-Free Kids, that makes elementary, middle and high school students leaders in the fight against youth tobacco use and exposure to secondhand smoke; and,

WHEREAS, the children of Illinois will no longer tolerate the tobacco industry’s efforts to manipulate them into buying lethal and addictive products through insidious advertising campaigns and marketing practices; and

THEREFORE, I, Bruce Rauner, Governor of Illinois, hereby declare March 16, 2016, as KICK BUTTS DAY in Illinois to raise awareness about the dangers of tobacco.

Issued by the Governor March 8, 2016.
Filed by the Secretary of State March 23, 2016.

2016-59
NATIONAL FOREIGN LANGUAGE WEEK

WHEREAS, one of Illinois’ greatest strength is its diversity of people, and as a home to a thriving multicultural population, it is important for today’s students to have opportunities to become bilingual or multilingual; and,

WHEREAS, the observance of National Foreign Language Week highlights the benefits of foreign language programs and encourages all American youth to broaden their horizons and scope of worldly knowledge by learning a second language so they can better understand and communicate with people of other nationalities and nations; and,

WHEREAS, more than ever, the individuals who make up our workforce need stronger language skills in order to interact with the rest of the world in commerce, diplomacy, science and cultural exchanges, and since the State of Illinois has an ever expanding role in the global marketplace, the business community needs employees who are proficient in languages other
WHEREAS, learning one or more languages, in addition to English, is a core part of a strong educational program that helps prepare students for living in a multicultural, multilingual world, and reinforces learning in other subject areas; and,

WHEREAS, the introduction of language study from an early age provides the best opportunities for students to achieve meaningful proficiency and success in learning another language; and,

WHEREAS, the foreign language classroom is the venue where language and culture are intertwined and students gain new levels of appreciation and awareness of the worldwide community, enabling them to communicate and build successful relationships with people from other cultures and countries; and,

WHEREAS, the State of Illinois is proud to join teachers of foreign languages and students who embark on this global adventure, and acknowledge those who promote school language programs so that today's youth can increase their future potential through the ability to speak, understand, read, and write in other languages;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim March 7-11, 2016, as NATIONAL FOREIGN LANGUAGE WEEK in Illinois.

Issued by the Governor March 8, 2016.
Filed by the Secretary of State March 23, 2016.

2016-60
NATIONAL OSTEOGENESIS IMPERFECTA AWARENESS WEEK

WHEREAS, Osteogenesis Imperfecta (OI) is a genetic disorder characterized by fragile bones that break easily, also known as “brittle bone disease;” and,

WHEREAS, a person born with OI is affected throughout his or her lifetime; and,

WHEREAS, there are different types of OI with a range of severity from mild to life-threatening; and,

WHEREAS, because there is no cure for OI, treatment focuses on minimizing fractures, the surgical correction of deformity, reducing bone fragility, maximizing mobility and independent function; and,

WHEREAS, increased funding for education and research are needed to help find more effective treatments for OI; and,
WHEREAS, the Osteogenesis Imperfecta Foundation board members, staff, medical professionals, and volunteers are joining together to focus on OI in an effort to increase awareness;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 30th – May 7th, 2016 as NATIONAL OSTEOGENESIS IMPERFECTA AWARENESS WEEK in Illinois, in support of the Osteogenesis Imperfecta Foundation’s efforts to raise awareness of this rare disorder.

Issued by the Governor March 8, 2016.
Filed by the Secretary of State March 23, 2016.

2016-61
PARKINSON’S DISEASE AWARENESS MONTH

WHEREAS, Parkinson’s disease is a chronic, progressive, neurological disease and is the second-most common neurodegenerative disease in the United States; and,

WHEREAS, an estimated 500,000 to 1,500,000 people are affected by the disease in the United States and the prevalence will more than double by 2040; and,

WHEREAS, according to the Centers for Disease Control and Prevention, Parkinson’s disease is the 14th leading cause of death in the United States; and,

WHEREAS, the estimated economic burden of Parkinson’s disease is at least $14.4 billion annually, including indirect costs of $6.3 billion to patients and family members; and,

WHEREAS, research suggests the cause of Parkinson’s disease is a combination of genetic and environmental factors, but the exact cause and progression of the disease is still unknown; and,

WHEREAS, research suggests the cause of Parkinson’s disease is a combination of genetic and environmental factors, but the exact cause and progression of the disease is still unknown; and,

WHEREAS, there is no objective test or biomarker for Parkinson’s disease, and there is no cure or drug to slow or halt the progression of the disease; and,

WHEREAS, the symptoms of Parkinson’s disease vary from person to person and can include tremors, slowness of movement and rigidity, difficulty with balance, swallowing, chewing, and speaking, cognitive impairment and dementia, mood disorders, and a variety of other non-motor symptoms; and,

WHEREAS, volunteers, researchers, caregivers, and medical professionals are working to improve the quality of life of persons living with Parkinson’s disease and their families; and,
WHEREAS, increased research, education, and community support services are needed to find more effective treatments and to provide access to quality care for those living with the disease;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 2016 as PARKINSON’S DISEASE AWARENESS MONTH in Illinois, to raise awareness of this illness and to recognize the work of the Parkinson Action Network.

Issued by the Governor March 8, 2016.

Filed by the Secretary of State March 23, 2016.

2016-62
SUDDEN UNEXPLAINED DEATH IN CHILDHOOD AWARENESS MONTH

WHEREAS, Sudden Unexplained Death in Childhood (SUDC) is the sudden and unexpected death of a child over the age of 12 months, which remains unexplained after a thorough case investigation is conducted, including performance of a complete autopsy, examination of the death scene, and review of the child's medical history; and,

WHEREAS, each year, there are more than 4,600 sudden unexpected child deaths and more than 200 children between the ages of 1 and 4 who die without any clear cause or explanation; and,

WHEREAS, while less common than Sudden Infant Death Syndrome (SIDS), which occurs before the first birthday, SUDC is an important health concern deserving of increased public awareness and research; and,

WHEREAS, at the present time, there is no way to prevent SUDC as its cause(s) is not known, but it is hoped that future research will identify means by which SUDC can be prevented. If and when risk factors are identified, such as prone sleep position for SIDS, then one might anticipate reduction in the risk of SUDC; and,

WHEREAS, we recognize the dedicated efforts of organizations such as the SUDC Foundation, medical professionals, and volunteers who work to better understand the causes of sudden unexplained death, improve the health of infants and children, and provide much-needed hope and support for those families grieving the heartbreaking sudden unexplained death of a child; and,

WHEREAS, Sudden Unexplained Death in Childhood Awareness Month provides an opportunity to honor the memory of the young lives that ended too soon, show encouragement and support for the families and loved ones forever devastated by their loss, and increase public awareness of SUDC and the ongoing search for answers;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim March 2016 as SUDDEN UNEXPLAINED DEATH IN CHILDHOOD AWARENESS MONTH in the State of Illinois.
Issued by the Governor March 8, 2016.
Filed by the Secretary of State March 23, 2016.

2016-63
ESOPHAGEAL CANCER AWARENESS MONTH

WHEREAS, esophageal cancer on average kills one American every 36 minutes; and,
WHEREAS, esophageal cancer is among the deadliest of cancers, with fewer than one in five patients surviving five years; and,
WHEREAS, esophageal cancer has low survival rates because it is usually discovered at advanced stages when treatment outcomes are poor; and,
WHEREAS, esophageal cancer in the U.S. is most often caused by persistent heartburn or gastroesophageal reflux disease (GERD), yet many who are at risk are unaware of the potential danger GERD can present when it occurs over several weeks or months; and,
WHEREAS, esophageal cancer can be a silent killer, with patients often unaware that the cough, hoarse voice, sore throat, or chest pain they suffer can be signs of GERD and may be important warning signals to seek the advice of a qualified medical professional; and,
WHEREAS, esophageal cancer may develop from GERD when acid from the stomach creates cellular changes in the esophagus resulting in a precancerous condition known as Barrett's esophagus, which can lead to an average 75-fold increase in a patient's risk of developing esophageal cancer; and,
WHEREAS, esophageal cancer, if detected and treated early through the non-cancerous precursor, Barrett's esophagus, may substantially reduce a person's risk of developing esophageal cancer; and
WHEREAS, esophageal cancer awareness, along with improvements in prevention, early detection, and treatment strategies, will enhance the health and well-being of all Americans;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 2016 as ESOPHAGEAL CANCER AWARENESS MONTH in Illinois and encourage all citizens to join me in this worthy observance.
Issued by the Governor March 9, 2016.
Filed by the Secretary of State March 23, 2016.
WHEREAS, the people of ancient Greece developed the concept of democracy, in which the supreme power to govern was vested in the people; and,

WHEREAS, the story of Greek military tactics used at the Battle of Marathon in 490 B.C. is still mandatory reading at the National War College in Washington, DC; and,

WHEREAS, the Founding Fathers of the United States, many of whom read Greek political philosophy in the original Greek language, drew heavily on the political experience and philosophy of ancient Greece in forming the representative democracy of the United States; and,

WHEREAS, Petros Mavromichalis, the former Commander in Chief of Greece and a founder of the modern Greek state, said to the citizens of the United States in 1821, “It is in your land that liberty has fixed her abode and . . . in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you.”; and,

WHEREAS, many Americans fought alongside the Greeks in their fight for Greek independence, while stirring speeches by President James Monroe and Daniel Webster led the Congress to send funds and supplies to aid the Greeks in the struggle for freedom; and,

WHEREAS, the Greek national anthem, the “Hymn to Liberty”, includes the words, “most heartily was gladdened George Washington's brave land”; and,

WHEREAS, the people of the United States generously offered humanitarian assistance to the people of Greece during their struggle for independence; and,

WHEREAS, Greece heroically resisted Axis forces at a crucial moment in World War II, forcing Adolf Hitler to change his timeline and delaying the attack on Russia. Winston Churchill said, “if there had not been the virtue and courage of the Greeks, we do not know which the outcome of World War II would have been” and “no longer will we say that Greeks fight like heroes, but that heroes fight like Greeks”; and,

WHEREAS, Greece consistently allied with the United States in major international conflicts throughout the 20th century and the government and people of Greece actively participate in peacekeeping and peace-building operations conducted by international organizations, including the United Nations, the North Atlantic Treaty Organization, the European Union, and the Organization for Security and Co-operation in Europe; and,
WHEREAS, thousands of Americans of Greek descent have fought for the United States in all 20th century international conflicts; the governments and people of Greece and the United States are at the forefront of efforts to advance freedom, democracy, peace, stability, and human rights; and,

WHEREAS, those efforts and similar ideals have forged a close bond between the people of Greece and the United States; and,

WHEREAS, it is proper and desirable for the State of Illinois to celebrate March 25, 2016, Greek Independence Day with the people of Greece and to reaffirm the democratic principles from which those two great countries were founded;

THEREFORE, I, Bruce Rauner, Governor of Illinois, do hereby proclaim Friday, March 25, 2016, as GREEK INDEPENDENCE DAY in the state of Illinois.

Issued by the Governor March 9, 2016.
Filed by the Secretary of State March 23, 2016.

2016-65
MEDICAL BILLERS DAY

WHEREAS, medical billers play an integral part in the healthcare industry and provide much needed services to doctors and other healthcare providers; and,

WHEREAS, healthcare providers increasingly rely on billing companies to assist them in processing claims in accordance with applicable statutes and regulations; and,

WHEREAS, providers also consult with billing companies for advice on reimbursement matters, as well as overall business decision-making; and,

WHEREAS, medical billers can offer expertise in program reimbursement requirements, help ensure claims are accurately prepared, and allow physicians and other practitioners to devote their full efforts to the care of their patients; and,

WHEREAS, medical billers strive to provide the highest possible level of ethical and lawful conduct throughout the entire healthcare industry; and,

WHEREAS, medical billers continue to influence the billing process in a positive and credible manner;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim March 31, 2016, as MEDICAL BILLERS DAY in Illinois in recognition of the important role medical billers play in the healthcare system.
WHEREAS, up to 80 percent of new mothers experience changes in their emotional health following childbirth, regardless of race, age, culture or socioeconomic status, and of this number, 15 to 20 percent experience more severe symptoms, collectively known as Postpartum Mood Disorders (PPMDs); and,

WHEREAS, based on the number of births each year in Illinois, it is estimated that 27,000-36,000 mothers are affected by moderate to severe postpartum emotional symptoms annually in Illinois alone. PPMDs have been called “The most significant complication associated with childbirth,” and can interfere with mother-infant bonding and disrupt the entire family unit; and,

WHEREAS, there are many forms of PPMDs, including the milder “baby blues” and more severe postpartum depression, postpartum panic disorder, and postpartum obsessive-compulsive disorder, and the most severe disorder, postpartum psychosis, is a life-threatening mental illness associated with a 10 percent suicide/infanticide rate; and,

WHEREAS, with proper awareness, education, intervention, and resources, PPMDs are nearly 100 percent treatable; and,

WHEREAS, increasing public awareness among all Illinois families on the prevalence, identification, and treatment of the disorder has significant potential to save lives and prevent the unnecessary suffering experienced by so many families following childbirth;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 2016 as PERINATAL MOOD DISORDERS AWARENESS MONTH in Illinois, in order to raise awareness of this serious and debilitating disorder that affects childbearing women and their families.

Issued by the Governor March 9, 2016.
Filed by the Secretary of State March 23, 2016.
agricultural-minded seed producers, conscientious inspectors, skilled technicians, and concerned dealers; and,

WHEREAS, agriculture and the seed industry significantly contribute to our state’s economy with value-added products marketed throughout the world; and,

WHEREAS, the Bureau of Agricultural Products Inspection within the Illinois Department of Agriculture tests the purity and germination of seeds, validates the accuracy of product labels, and cooperates with the Illinois Crop Improvement Association, which is the state’s official seed-certifying agency, and an independent, non-profit organization; and,

WHEREAS, in cooperation with educational and regulatory agencies, the Illinois Seed (Trade) Association has sustained an informed membership, the latest research developments, the production of high-quality seed, and developed an effective seed program advocating for their members’ interests;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 2016 as SEED MONTH in Illinois, in appreciation of the seed industry’s contribution to supplying food and fiber to the world through the production of Illinois crops.

Issued by the Governor March 9, 2016.

Filed by the Secretary of State March 23, 2016.

2016-68

DISASTER AREA - STATE OF ILLINOIS

WHEREAS, between December 23 and 28, 2015, continuous waves of severe storms generating heavy rainfall moved through Illinois; and,

WHEREAS, moderate to major flooding occurred on the Wabash, Embarras, Little Wabash and Ohio rivers in many locations; and,

WHEREAS, the high river levels caused substantial flooding in many Illinois counties, resulting in significant property damage to homes and businesses, power outages, and impacts to transportation; and,

WHEREAS, according to the National Weather Service, these storms produced a range of approximately four to nine inches of precipitation in the affected counties; and,

WHEREAS, requests for aid received by the Illinois Emergency Management Agency indicate that local resources and capabilities were exhausted and that State resources were needed to respond to and recover from the effects of the flooding; and,

WHEREAS, these conditions provide legal justification under section 7 of the Illinois Emergency Management Act for the issuance of a proclamation of disaster;
NOW, THEREFORE, in the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I, Bruce Rauner, Governor of the State of Illinois, hereby proclaim as follows:

Section 1: Pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, I find that a disaster existed within the State of Illinois and specifically declare Clark County a disaster area.

Section 2. The Illinois Emergency Management Agency is directed to continue the implementation of the State Emergency Operations Plan and the coordination of State resources to support local governments in disaster response and recovery operations.

Section 3. Pursuant to the provisions of Section 7(a)(1), I suspend any regulatory statute or order, rule, or regulation of any State agency that the Illinois Emergency Management Agency determines that, to best implement the State Emergency Operations Plan, strict compliance with the provisions of that statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action, including emergency purchases, to cope with this disaster.

Section 4: This proclamation can facilitate a request for Federal disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.

Section 5: This proclamation shall be effective immediately and remain in effect for 30 days.

Issued by the Governor March 31, 2016.
Filed by the Secretary of State March 31, 2016.

2016-69
NATIONAL SURVEYORS WEEK

WHEREAS, there are more than 45,000 professional surveyors in the United States; and,

WHEREAS, the nature of surveying has changed dramatically since the Colonial Era when the profession was defined by the description and location of land boundaries; today, surveying has expanded to include hydrographic surveys, engineering surveys utilized in the study and selection of engineering construction, geodetic surveys to determine precise global positioning for activities such as aircraft and missile navigation and cartographic surveys used for mapping and charting; and,

WHEREAS, professional surveyors provide important services through the use of sophisticated equipment and techniques, such as satellite-
borne remote sensing devices and automated positioning, measuring, recording and plotting equipment; and,

WHEREAS, the role of the surveyor has been, and continues to be, integral in the development and advancement of our state and nation; and,

WHEREAS, Illinoisans are encouraged to recognize professional surveyors and the important work they do for our communities and state, and to reflect on the historical contributions of surveying and the new technologies that are constantly modernizing this honored profession;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim March 21-26, 2016, as NATIONAL SURVEYORS WEEK in the state of Illinois.

Issued by the Governor March 16, 2016.
Filed by the Secretary of State April 1, 2016.

2016-70
ILLINOIS ELECTRIC AND TELEPHONE COOPERATIVES YOUTH DAY

WHEREAS, for many years, the Electric and Telephone Cooperatives of Illinois has sponsored a paid tour of Washington, D.C., for approximately 70 outstanding Illinois high school students; and,

WHEREAS, students are selected through essay and youth leadership contests sponsored by member cooperatives; and,

WHEREAS, students from Illinois, along with nearly 1,600 contest winners from 44 other states, will have an opportunity to witness the federal government in action during the “Youth to Washington” tour taking place June 10-17, 2016; and,

WHEREAS, in an effort to provide a broader educational experience for students throughout the state, the Electric and Telephone Cooperatives of Illinois will also sponsor a trip to our Illinois State Capitol on April 13, 2016, for 275 contest finalists; and,

WHEREAS, these hard-working young men and women are the future of our state and country, and deserve to be commended for their achievements and their desire to learn more about their nation’s governing bodies;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 13, 2016, as ILLINOIS ELECTRIC AND TELEPHONE COOPERATIVES YOUTH DAY in Illinois, and encourage all citizens to support youth programs that assist those interested in learning about the United States government.

Issued by the Governor March 18, 2016.
Filed by the Secretary of State April 1, 2016.

2016-71
LOYALTY DAY

WHEREAS, the nation is kept strong and free by citizens who preserve American heritage through positive patriotic declarations and actions; and,

WHEREAS, today is a day to commemorate and confirm the values upon which our nation was conceived; and,

WHEREAS, the men and women serving in our military have sacrificed so liberty can become a reality for the citizens of other nations; and,

WHEREAS, created by the United States Congress on July 18, 1958 through Public Law 85-529, Loyalty Day is a holiday set aside for the reaffirmation of loyalty to the United States and recognition of the heritage of American Freedom; and,

WHEREAS, Loyalty Day was first proclaimed by President Dwight D. Eisenhower on May 1, 1959; and,

WHEREAS, as a nation of immigrants, we are united in the shared ideals of equality, liberty and honor, ideals for which our Armed Forces have defended and protected; and,

WHEREAS, every individual, school, church, organization, business establishment and household within the State of Illinois is invited to participate in pledging allegiance to our flag, country, and the men and women in uniform, through active participation in patriotic programs being sponsored by the Veterans of Foreign Wars of the United States and its Ladies Auxiliary on May 1, 2016;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 1, 2016, as LOYALTY DAY in Illinois, and encourage all citizens to join in this worthy observance.

Issued by the Governor March 18, 2016.
Filed by the Secretary of State April 1, 2016.

2016-72
SAVE ABANDONED BABIES MONTH

WHEREAS, the Illinois Abandoned Newborn Protection Act allows parents to relinquish a newborn infant at a local hospital, police station, fire station, or emergency medical facility anonymously and free from prosecution; and,
WHEREAS, exactly ten years after implementation of the Act, an expansion of the law increased infant safe havens to include college or university police stations or any district headquarters of the Illinois State Police; and,

WHEREAS, relinquished babies become custody of the state and are placed in a responsible and nurturing safe haven; and,

WHEREAS, the Illinois Abandoned Newborn Protection Act provides a safe alternative to abandonment for Illinois parents who feel they cannot cope with the responsibility of caring for a newborn baby; and,

WHEREAS, it is the hope of the State of Illinois, as awareness of this Act increases, to stop the abandonment of newborn infants, a practice that has led to healthy babies being found harmed, deceased or in unsafe places; and,

WHEREAS, since the signing of the Illinois Abandoned Newborn Protection Act, numerous newborn babies have been safely relinquished, but many newborn infants continue to be abandoned; and,

WHEREAS, the Illinois Abandoned Newborn Protection Act is a critical statute in the State of Illinois, as it affords the chance of a better life for abandoned newborn babies; and,

WHEREAS, continued public awareness of the Act is necessary to fulfill the goals of protecting all newborn infants and providing parents with a responsible and safe way to relinquish a newborn infant;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 2016 as SAVE ABANDONED BABIES MONTH in Illinois, and encourage all citizens to recognize the importance of protecting abandoned infants and giving them the proper care they deserve.

Issued by the Governor March 18, 2016.
Filed by the Secretary of State April 1, 2016.

2016-73
CALL BEFORE YOU DIG MONTH

WHEREAS, the State of Illinois and the Illinois Commerce Commission are concerned with the safety of the people in our state as well as the integrity of our underground utility infrastructure; and,

WHEREAS, each year, the nation’s underground utility infrastructure is jeopardized by unintentional damage from those who fail to have underground utility lines located prior to digging; and,

WHEREAS, every eight minutes an underground utility line is damaged, often causing unintended consequences such as service interruptions, damage to the environment, and personal injury or even death; and,
WHEREAS, a call to the Joint Utility Locating Information for Excavators, Inc. (JULIE), provides excavators and underground utility owners with a one-stop message-handling and delivery service committed to protecting our underground pipelines, cables, and wiring, as well as the health and safety of those working or living near underground utilities; and,

WHEREAS, JULIE, Inc., serves the entire state outside of the city limits of Chicago, has nearly 100 employees, represents 1,750 members, and receives 1.2 million locate calls annually; and,

WHEREAS, Illinois law requires all homeowners and contractors to call the statewide JULIE number, 811, prior to digging in order to have underground utility lines marked, regardless of whether they are planting a sapling or excavating a major construction project; and,

WHEREAS, through education efforts on safe digging practices, excavators and homeowners may save time and money and keep our state safe by calling 811; and,

WHEREAS, Illinois is a leader in the campaign to spread awareness of the one-call number, 811;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 2016 as CALL BEFORE YOU DIG MONTH in Illinois, and encourage every excavator and homeowner to call 811 before digging.

Issued by the Governor March 31, 2016.
Filed by the Secretary of State April 1, 2016.

2016-74
BATAAN DAY

WHEREAS, since the birth of this great nation, America has been blessed with a population of brave men and women who have courageously answered the call to defend their country’s ideals of freedom and democracy; and,

WHEREAS, many of the brave Americans who have answered their country’s call to service were captured by hostile forces or listed as missing while performing their duties; and,

WHEREAS, the harsh conditions of enemy captivity are an unfortunate reality soldiers and their allies have experienced firsthand; and,

WHEREAS, during World War II, American and Filipino prisoners of war experienced some of the cruelest treatment of the war, being forced to participate in what has become known as the “Bataan Death March;” and,

WHEREAS, thousands of American and Filipino soldiers lost their lives, and the survivors were placed into forced labor camps; and,
WHEREAS, American and Filipino former prisoners of war are national heroes whose service to our country will never be forgotten; and,
WHEREAS, these brave men and women fought for America and endured cruelties and deprivation as prisoners of war that no man or women should ever have to experience; and,
WHEREAS, during World War II, the Korean War, the Vietnam War, the 1991 Gulf War, Operation Iraqi Freedom, and other conflicts, our service men and women have sacrificed much to secure freedom, defend the ideals of our nation, and free the oppressed; and,
WHEREAS, each of these individuals is deserving of honor for their strength of character and for the difficulties they and their families endured; and,
WHEREAS, by answering the call of duty and risking their lives to protect others, these proud patriots continue to inspire us as we work with our allies to extend peace, liberty, and opportunity to people around the world;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 9, 2016 as BATAAN DAY in the State of Illinois, and encourage all citizens to take a moment to honor and remember the men and women who suffered the hardships of enemy captivity while courageously serving their country.
Issued by the Governor March 22, 2016.
Filed by the Secretary of State April 1, 2016.

2016-75
CHILD ABUSE PREVENTION MONTH

WHEREAS, every child deserves to grow up in a nurturing environment, free from abuse, neglect, violence or endangerment of any kind; and,
WHEREAS, child abuse and neglect causes serious harm to child development and has lifelong effects that endanger safety, hinder permanency in relationships, and reduce well-being, creating greater demands on society; and,
WHEREAS, child abuse prevention is a shared responsibility, and finding solutions requires the involvement and collaboration of citizens, organizations, and government entities throughout Illinois and the country; and,
WHEREAS, Illinoisans make more than 220,000 calls to the Illinois Child Abuse Hotline each year, offer temporary safe haven for more than 14,000 children as foster families, and have provided permanent, loving homes for more than 15,000 children through adoption over the last decade;
WHEREAS, child abuse prevention programs in Illinois are effective because partnerships created by the Illinois Department of Children and Family Services, Prevent Child Abuse Illinois, Strengthening Families Illinois, Children’s Home + Aid Society of Illinois, Children’s Advocacy Centers of Illinois, Voices for Illinois Children, Pro Se Services, and other government entities, social services agencies, schools, religious organizations, law enforcement agencies, businesses and individual citizens;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 2016 as CHILD ABUSE PREVENTION MONTH in Illinois, and encourage all citizens to respond to the call of “How will you help?” by supporting child abuse prevention programs and reporting suspected cases of abuse to the Illinois Child Abuse Hotline at (800) 25-ABUSE.

Issued by the Governor March 22, 2016.
Filed by the Secretary of State April 1, 2016.

2016-76
COLLECTIVE DAY OF REMEMBRANCE

WHEREAS, the Holocaust was the state-sponsored, systematic persecution and murder of six million Jews by the Nazi regime and its collaborators between 1933 and 1945; and,

WHEREAS, the people of the State of Illinois should always remember the terrible events of the Holocaust and remain vigilant against hatred, persecution, and tyranny; and,

WHEREAS, the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies, and governments; and,

WHEREAS, we should rededicate ourselves to the principles of individual freedom in a just society; and,

WHEREAS, pursuant to Public Law 96-388, enacted on October 7, 1980, the United States Congress dedicated the Days of Remembrance of the victims of the Holocaust; and,

WHEREAS, the Days of Remembrance have been set aside for the people of the State of Illinois to bear in memory the victims of the Holocaust while reflecting on the need for respect of all people; and,

WHEREAS, this year’s annual Collective Day of Remembrance will take place on May 8th, in memory of the six million martyrs who perished in the Holocaust, in honor of the 73rd anniversary of the liberation of survivors
from the death camps, and in honor of the 75th anniversary of the valor displayed during the Warsaw Ghetto Uprising;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 8, 2016, as the COLLECTIVE DAY OF REMEMBRANCE in Illinois, in memory of the victims and survivors of the Holocaust, as well as the rescuers and liberators, and I urge all citizens to collectively and individually strive to overcome bigotry, hatred, and indifference through learning, tolerance, and remembrance.

Issued by the Governor March 22, 2016.
Filed by the Secretary of State April 1, 2016.

2016-77
FINANCIAL LITERACY MONTH

WHEREAS, it is essential that the people of Illinois have access to financial and economic education and information to enable them to make informed and responsible decisions regarding finance, credit, and debt; and,

WHEREAS, only 43 percent of 12th graders tested at or above “proficient” in economic literacy, according to the National Assessment of Educational Progress; and,

WHEREAS, American youth scored less than 60 percent on average on a national financial literacy test, according to the National Financial Educators Council; and,

WHEREAS, 67 percent of millennials ages 18 to 34 have no rainy day funds, 60 percent are not saving for retirement, and 43 percent use costly non-bank borrowing methods, according to the Financial Industry Regulatory Authority; and,

WHEREAS, the acquisition of financial and economic literacy by citizens will help improve the quality of their lives, provide necessary skills for success, contribute positive change in the communities in which they live and work, and benefit the economy of this state; and,

WHEREAS, Econ Illinois provides financial and economic education for youth across Illinois, and leads development of the Illinois Finance Learning Exchange to support career related paths for Illinois youth and young adults;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim the month of April 2016, as FINANCIAL LITERACY MONTH in Illinois, in support of increasing financial and economic education across the Land of Lincoln.

Issued by the Governor March 22, 2016.
Filed by the Secretary of State April 1, 2016.
2016-78
GERALD M. BROOKHART ARTS IN EDUCATION SPRING CELEBRATION MONTHS

WHEREAS, the arts are the personification of beauty in the world and help to preserve our cultural heritage; and,

WHEREAS, arts education, which includes dance, drama, music and visual arts, is an essential part of basic instruction for all students, providing them with a balanced education that will aid in developing their full potential; and,

WHEREAS, the Peoria County Regional Office of Education is committed to the establishment and continuation of school programs that provide students with the opportunity to achieve academic excellence, and to the promotion of fine and applied arts programs; and,

WHEREAS, the Gerald M. Brookhart Arts in Education Spring Celebration, is held at the Peoria County Courthouse Plaza and provides a venue for students in pre-Kindergarten through 12th grade to showcase their works and talents; and,

WHEREAS, the 31st annual Gerald M. Brookhart Arts in Education Spring Celebration will be held April 20 through May 22, 2016; and,

WHEREAS, the State of Illinois supports events such as the Gerald M. Brookhart Arts in Education Spring Celebration, and commends the students and teachers who work to bring the beauty of art to this great state;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April and May 2016 as GERALD M. BROOKHART ARTS IN EDUCATION SPRING CELEBRATION MONTHS in Illinois.

Issued by the Governor March 22, 2016.
Filed by the Secretary of State April 1, 2016.

2016-79
MIDDLE LEVEL STUDENT LEADERSHIP WEEK

WHEREAS, Student Council provides a hands-on experience that teaches students the fundamentals of leadership; and,

WHEREAS, students learn the leadership process from start to finish, by first establishing a vision that others share and are willing to invest their personal resources for; and,

WHEREAS, students then lay the groundwork for how to meet goals successfully through communication, teamwork, and perseverance; and,
WHEREAS, through this process, students learn leadership is about finding common ground, building consensus, and inspiring cooperation while trying to achieve a goal; and,
WHEREAS, good leaders are those who understand this, and the best leaders are those whose results support their vision; and,
WHEREAS, Student Council is a civics lesson in motion, and in the process, members also promote school spirit, raise money for charity, and volunteer time to community service, providing benefits to students, schools, and communities; and,
WHEREAS, the Illinois Association of Junior High Student Councils (IAJHSC) is comprised of 119 member schools across the state; and,
WHEREAS, this year, the 57th Annual State Convention of the IAJHSC will be held April 15-16 at the Crowne Plaza Hotel & Convention Center in Springfield, Illinois, attracting more than 1,000 students and advisors from all across the state, where they will participate in seminars and workshops to exchange event ideas and to help them become better leaders;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 15-22, 2016, as MIDDLE LEVEL STUDENT LEADERSHIP WEEK in Illinois, in support of Student Council, and to encourage our future leaders attending the Annual State Convention of the Illinois Association of Junior High Student Councils to share and apply what they learn there to improve their school and communities.

Issued by the Governor March 22, 2016.
Filed by the Secretary of State April 1, 2016.

2016-80
MINORITY HEALTH MONTH

WHEREAS, Illinois’ four major racial and ethnic minority groups account for approximately 37 percent of the state's population; and,
WHEREAS, significant health disparities exist among minority groups, including differences in the incidence, prevalence, mortality, and burden of preventable health conditions and diseases like diabetes, cardiovascular disease, cancer, HIV/AIDS, infant mortality, and immunizations; and,
WHEREAS, National Minority Health Month is an inclusive initiative addressing health needs of African American, Hispanic, Asian, and Native American people and other minorities with the aim of strengthening the capacities of local communities to eliminate the disproportionate burden of premature death and preventable illness in minority populations through prevention, early detection, and control of disease complications; and,
WHEREAS, April has been observed across the country as National Minority Health Month; and,
WHEREAS, the mission of the Center for Minority Health Services at the Illinois Department of Public Health is to improve the health and well-being of Illinois’ minority populations through the development of health polices and culturally and linguistically appropriate programs to eliminate health disparities; and,
WHEREAS, even though improvements have been made in the health status of most Illinoisans during the past decade, the overall health status of the state's minority population is poor and their death rate for preventable disease greatly exceeds that of other residents; and,
WHEREAS, public awareness and culturally appropriate health education, disease prevention, and health care services are essential to improving the health of racial and ethnic minorities; and,
WHEREAS, in accordance with this year's National Minority Health Month theme, “Accelerating Health Equity for the Nation,” the Illinois Department of Public Health’s Center for Minority Health Services is focused on heightening awareness, by building partnerships and sharing prevention strategies and appropriate health information in an effort to eliminate health disparities for all minorities;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby recognize April 2016, as MINORITY HEALTH MONTH in Illinois.

Issued by the Governor March 22, 2016.
Filed by the Secretary of State April 1, 2016.

2016-81

NATIONAL LIMB LOSS AWARENESS MONTH

WHEREAS, in the United States, there are approximately 2,000,000 people living with limb loss; and,
WHEREAS, more than 500 Americans lose a limb every day; and,
WHEREAS, there are 1,000 babies born each year with congenital limb loss; and,
WHEREAS, more than 185,000 amputations are performed each year in the United States; and,
WHEREAS, this number will increase unless preventative measures are taken to reduce the incidents of diabetes and vascular diseases; and,
WHEREAS, the Amputee Coalition of America provides education, outreach, advocacy, and a National Limb Loss Information Center for the benefit of persons with limb loss, their families, and health care providers; and,
WHEREAS, the Amputee Coalition of America has designated the month of April as National Limb Loss Awareness Month so that members of the limb loss community can raise awareness and provide added support and preventative information to both the limb loss community and the broader community about the issues the limb loss community faces; and,

WHEREAS, this observance also provides an opportunity to recognize people with limb loss, help reintegrate new amputees, raise awareness of the limb loss community, and educate the public;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 2016 as NATIONAL LIMB LOSS AWARENESS MONTH in Illinois, in support of the efforts of the Amputee Coalition of America.

Issued by the Governor March 22, 2016.
Filed by the Secretary of State April 1, 2016.

2016-82
NATIONAL WORK ZONE SAFETY WEEK

WHEREAS, the Illinois Department of Transportation, Illinois State Police and highway workers throughout Illinois are committed to improving safety in our state’s work zones and educating the public about the laws that make work zones safer, with a goal of reducing the number of crashes and fatalities in work zones; and,

WHEREAS, the Illinois Department of Transportation and Illinois State Police, in the course of maintaining safety on the state’s highways, are regularly exposed to the dangers presented by work zones; and,

WHEREAS, Illinois experiences an average of 4,650 work zone crashes each year, resulting in more than 1,500 injuries; and,

WHEREAS, preliminary statistics indicate 46 people were killed in Illinois work zones in 2015; and,

WHEREAS, zero workers were killed in work zones in 2015, an achievement last reached in 1998 and an important milestone to build upon; and,

WHEREAS, each spring, the Illinois Department of Transportation, Illinois State Police and their partners in the industry collaborate on a statewide initiative to call attention to work zone safety and raise awareness to the rules and responsibilities motorists must follow when driving through work zones; and,

WHEREAS, this initiative, part of the National Work Zone Awareness Week that runs this year from April 11-15 with the theme “Don’t
Be That Driver! Work on Safety. Get Home Safely Every Day.” is an effort to change behavior and save lives;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 11-15, 2016, as NATIONAL WORK ZONE SAFETY WEEK in Illinois.
Issued by the Governor March 22, 2016.
Filed by the Secretary of State April 1, 2016.

2016-83
WOMEN VETERANS RECOGNITION MONTH

WHEREAS, throughout our history, women have been among the patriots who defend our land and liberty from every enemy; and,
WHEREAS, women have served in occupations from pilot to nurse, in times of both peace and war; and,
WHEREAS, we owe all of them a special debt of gratitude for their part in advancing the promise of freedom; and,
WHEREAS, women have demonstrated great skill, sacrifice, and commitment to defending the principles upon which our nation was founded; and,
WHEREAS, we do well to recall that we owe appreciation to our many veterans of military service who are women; and,
WHEREAS, the State of Illinois is proud to participate in the “Salute to Women Veterans” throughout the month of March, to recognize the courage, honor, and dignity with which women have served and continue to serve in defense of our nation;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim March 2016 as WOMEN VETERANS RECOGNITION MONTH in Illinois, and encourage all citizens to honor those women veterans who have courageously served their country.
Issued by the Governor March 23, 2016.
Filed by the Secretary of State April 1, 2016.

2016-84
ADULT LEARN TO SWIM MONTH

WHEREAS, drowning is the fifth-leading cause of unintentional death in the United States; and,
WHEREAS, from 2005 to 2009, there were an average of 3,533 unintentional drownings annually in the United States, and an additional 347 drownings annually from boating-related incidents; and,
WHEREAS, about ten people drown every day in the United States; and,

WHEREAS, adult learn-to-swim programs are designed to save lives by educating citizens on proper swimming techniques, safety protocol, and other tools to increase water safety; and,

WHEREAS, the Illinois Masters Swimming Association has devoted the month of April to raising awareness about the need for adult swimming programs throughout the state of Illinois;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 2016 as ADULT LEARN TO SWIM MONTH in Illinois.

Issued by the Governor March 24, 2016.
Filed by the Secretary of State April 1, 2016.

2016-85
GOVERNOR FOR THE DAY – JACOB M. SCHMITZ

WHEREAS, Jacob M. Schmitz is a smart, vibrant, and loving 17 year old who brings joy to so many around him; and,

WHEREAS, Jake is surrounded by a loving and supportive community of family, friends, and providers as he battles acute myeloid leukemia; and,

WHEREAS, Jake is a junior at Brother Rice High School in Chicago, Illinois, where he has achieved superior academic honors, is a member of the National Honor Society, and is the only junior class student who won a seat on the Student Council Executive Board; and,

WHEREAS, after he completes high school, Jake wants to study engineering at Notre Dame University or an Ivy League university, and then attend law school; and,

WHEREAS, Jake volunteers for the Edmond Rice Camp for underprivileged students, and has volunteered at the Ronald McDonald House at Lurie Children’s Hospital; and,

WHEREAS, Jake enjoys skiing, water sports, travel, politics, and playing Minecraft; and,

WHEREAS, Jake is a strong, courageous, and selfless person who inspires all those around him and who continues to achieve his dreams every day;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim Jacob M. Schmitz as GOVERNOR FOR THE DAY in Illinois on March 24, 2016 in honor of this extraordinary young person.

Issued by the Governor March 24, 2016.
2016-86
SUDDENLY SLEEPY SATURDAY

WHEREAS, narcolepsy is a chronic neurological disorder caused by the brain’s inability to regulate sleep-wake cycles; and,
WHEREAS, narcolepsy affects an estimated 1 in every 2,000 Americans; and,
WHEREAS, narcolepsy is an under-recognized and under-diagnosed condition; and,
WHEREAS, the symptoms of narcolepsy, especially when undiagnosed, can lead to accidents, injuries, and problems with learning and working; and,
WHEREAS, narcolepsy affects people neurologically, socially, and emotionally; and,
WHEREAS, narcolepsy affects people of all ages, with onset typically between the ages of 15 and 25; and,
WHEREAS, Narcolepsy Network is a national organization, which promotes awareness of the disease and support for those who suffer from narcolepsy;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim March 12, 2016 as SUDDENLY SLEEPY SATURDAY in Illinois, in order to raise awareness of narcolepsy, and promote research into this condition.

Issued by the Governor March 24, 2016.
Filed by the Secretary of State April 1, 2016.

2016-87
100 YEARS OF ADVANCING OCCUPATIONAL MEDICINE WEEK

WHEREAS, the American College of Occupational and Environmental Medicine is a preeminent organization of physicians who champion the health and safety of workers and workplaces; and,
WHEREAS, the American College of Occupational and Environmental Medicine provides leadership to promote optimal health and safety of workers, workplaces, and environments by educating health professionals and the public, stimulating research, enhancing the quality of practice, guiding workplace and public policy, and advancing the field of occupational and environmental medicine; and,
WHEREAS, the American College of Occupational and Environmental Medicine was founded in Chicago, Illinois in 1916; and,
WHEREAS, the American College of Occupational and Environmental Medicine is celebrating its Centennial Year during 2016 at its American Occupational Health Conference, April 10-13, 2016, in Chicago;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 10-16, 2016, as 100 YEARS OF ADVANCING OCCUPATIONAL MEDICINE WEEK in Illinois to commemorate the hard work and dedication of the American College of Occupational and Environmental Medicine.

Issued by the Governor March 28, 2016.
Filed by the Secretary of State April 1, 2016.

2016-88
AUTISM AWARENESS MONTH

WHEREAS, autism is one of the fastest-growing developmental disabilities in the United States, affecting more than three million people, and it is an urgent public health crisis that demands a national response; and,
WHEREAS, autism is the result of a neurological disorder that affects the function of the human brain, and can affect anyone, regardless of race, ethnicity, gender, or socioeconomic background; and,
WHEREAS, symptoms and characteristics of autism may present in a variety of combinations and can result in significant lifelong impairment of an individual’s ability to learn, develop healthy interactive behaviors, and understand verbal and nonverbal communication; and,
WHEREAS, doctors, therapists, and educators can help persons with autism overcome or adjust to its challenges by providing early, accurate diagnoses leading to appropriate education, intervention, and therapy that are crucial to future growth and development; and,
WHEREAS, it is vital that persons living with autism have access to the lifelong care and services needed to pursue personal happiness and achievement of their potential; and,
WHEREAS, the State of Illinois is honored to take part in the annual observance of Autism Awareness Month in the hope that it will lead to a better understanding of the disorder;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 2016 as AUTISM AWARENESS MONTH in Illinois to raise public awareness of autism and the myriad of issues surrounding autism, as well as to increase knowledge of the programs that support individuals with autism and their families.
WHEREAS, in 1975 our nation ended military involvement in the Republic of South Vietnam, ending what was then the longest war in our country’s history; and,

WHEREAS, it is important to honor the men and women who survived as well as the 58,260 men and women who gave their lives; and,

WHEREAS, since their return, veterans of the Vietnam War have contributed tremendously to their communities, their states, and the nation; and,

WHEREAS, as citizens of the great State of Illinois, we must never forget the sacrifice of the men and women who fought in the name of freedom and democracy for all; and,

WHEREAS, of the names listed on the Vietnam Veterans Memorial wall, there are 2,933 from the State of Illinois; and,

WHEREAS, we should continue to pay tribute to the men and women of the State of Illinois who answer the call of duty with courage and valor; and,

WHEREAS, we should strive to live up to their example by showing our Vietnam veterans, their families, and all our servicemen and women the fullest respect and support of a grateful state and nation;

THEREFORE, I, Bruce Rauner, Governor of Illinois, do hereby proclaim March 29, 2016, as VIETNAM VETERANS DAY in the State of Illinois.

Issued by the Governor March 28, 2016.
Filed by the Secretary of State April 1, 2016.

2016-90
BIRD APPRECIATION WEEK

WHEREAS, during the spring, millions of birds fly over Illinois on their way to northern nesting grounds; and,

WHEREAS, more than 100 different species will fly overhead or land briefly to feed during their migration, allowing birdwatchers to view varieties seldom seen in Illinois; and,

WHEREAS, these colorful visitors are not only attractive but an integral part of our thriving natural heritage; and,
WHEREAS, their brief sojourn in our state ensures the completion of vital natural cycles each year; and,

WHEREAS, birds and bird-related activities have a significant economic impact, and promoting abundant sustainable bird populations and healthy habitats affords significant benefits to human society; and,

WHEREAS, in 2016, we celebrate the centennial of the signing of the foundational treaty that recognizes the significance of international commitment to protect and conserve migratory birds;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 24-30, 2016, as BIRD APPRECIATION WEEK in Illinois, and encourage all citizens to take this opportunity to observe the portion of this magnificent natural phenomenon that takes place in Illinois.

Issued by the Governor March 30, 2016.
Filed by the Secretary of State April 1, 2016.

2016-91

FOSTER PARENT APPRECIATION MONTH

WHEREAS, each year more than 4,000 children who have been abused or neglected cannot remain with their families safely, and these children need and deserve the temporary safe haven of a family home where they can be protected, nurtured, and loved; and,

WHEREAS, without volunteer foster families, the Illinois Department of Children and Family Services would not be able to fulfill its mission to provide for the well-being of the nearly 15,000 children currently in its care; and,

WHEREAS, the department and its non-profit partners provide a wide range of support to assist foster families to provide a child’s basic physical needs and to ensure her educational, emotional, and social well-being, none of which can be achieved without the dedication of foster families; and,

WHEREAS, foster families answer a noble calling to devote their time and energy to children to reunite families when possible, support other permanency options, and create opportunities for a successful launch to adulthood; and,

WHEREAS, foster families provide children with the one thing they need the most, love, which cannot come from a government or nonprofit agency, but only from the heart of another human being; and,

WHEREAS, foster parents change lives in many ways, and they deserve the utmost respect and gratitude for the lasting impact they have in the life of a child, in their communities, and on the future prosperity of this state;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 2016 as FOSTER PARENT APPRECIATION MONTH in Illinois, extending thanks on behalf of the people of Illinois to the thousands of Illinois foster families, and encouraging all to consider joining them in their noble service to children, communities, and our state.

Issued by the Governor March 30, 2016.
Filed by the Secretary of State April 1, 2016.

2016-92
MAYOR AND COUNTY RECOGNITION DAY FOR NATIONAL SERVICE

WHEREAS, service to others is a hallmark of American character, and central to how we meet our challenges; and,

WHEREAS, the nation’s counties and cities increasingly turn to national service and volunteerism as a cost-effective strategy to meet local needs; and,

WHEREAS, AmeriCorps, Senior Corps, and the Social Innovation Fund address the most pressing challenges facing Illinois and the nation, from educating students for jobs of the 21st century and supporting veterans and military families, to preserving the environment and helping communities recover from natural disasters; and,

WHEREAS, national service in Illinois expands economic opportunity by creating sustainable, resilient communities, and providing education, career skills, and leadership abilities for those who serve; and,

WHEREAS, national service participants serve in more than 70,000 locations across the country, including 2,200 in Illinois, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and,

WHEREAS, more than 14,000 national service participants of all ages and backgrounds serve in Illinois, providing vital support to residents and recruiting many additional volunteers, increasing the impact of the organizations they serve, to improve the quality of life in our state; and,

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars including more than $38 million in Illinois; and,

WHEREAS, AmeriCorps members and Senior Corps volunteers demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and,
WHEREAS, the Corporation for National and Community Service and The Serve Illinois Commission share a priority with mayors nationwide to engage citizens, improve lives, and strengthen communities; and is joining with the National League of Cities, City of Service, and mayors and county officials across the country to recognize the impact of service on the Mayor and County Recognition Day for National Service on April 5, 2016;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 5, 2016, as MAYOR AND COUNTY RECOGNITION DAY FOR NATIONAL SERVICE, and encourage residents to recognize the positive impact of national service in our State; thank those who serve; and to find ways to give back to their communities.

Issued by the Governor March 30, 2016.

Filed by the Secretary of State April 1, 2016.

2016-93
NATIONAL CANCER REGISTRARS WEEK

WHEREAS, chartered in May 1974, the National Cancer Registrars Association (NCRA) is a non-profit organization that represents more than 4,000 cancer registry professionals and Certified Tumor Registrars, with the mission to promote education, credentialing, and advocacy for cancer registry professionals; and,

WHEREAS, cancer registrars are healthcare professionals and data management experts that capture a complete summary of patient history, diagnosis, treatment, and status for every cancer patient in the United States and internationally; and,

WHEREAS, the data gathered and utilized by cancer registrars is fundamental to the nation’s cancer prevention and treatment efforts; and,

WHEREAS, cancer registrars advocate at state and local levels on issues related to cancer surveillance and privacy of patient medical records; and,

WHEREAS, researchers working on epidemiological studies, and public health officials developing cancer prevention programs, use data collected by cancer registrars; and,

WHEREAS, data is also submitted to the National Cancer Database, a nationwide oncology outcomes database maintained by the American College of Surgeons that provides the basis for many patterns of care studies; and,

WHEREAS, during the week of April 11 -15, 2016, Cancer Registrars will be honored by observing National Cancer Registrars Week; and,
WHEREAS, this annual observance, organized by the National Cancer Registrars Association, honors their members and Cancer Registry professionals whose vision and core values are set in making a difference in the “war on cancer”; and,

WHEREAS, this theme of this year’s National Cancer Registrars Week is “Cancer Registrars: The Heart of Improving Cancer Care;”

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 11-15, 2016, as NATIONAL CANCER REGISTRARS WEEK in Illinois, and encourage all citizens to recognize these healthcare professionals for their tireless work in the fight against cancer.

Issued by the Governor March 30, 2016.
Filed by the Secretary of State April 1, 2016.

2016-94
NATIONAL FIBROMYALGIA AWARENESS DAY

WHEREAS, fibromyalgia is a chronic pain illness which affects more than 10 million people in the United States as a primary illness, and millions more as a secondary illness (2-6 percent of the population); and,

WHEREAS, family members of fibromyalgia patients are eight times more likely to also experience the illness, as compared to other inherited conditions at a rate of 2 to 3 times illness incidence; and,

WHEREAS, fibromyalgia is not only common, but typically disabling; up to 20 percent of fibromyalgia patients may be on long-term disability; and,

WHEREAS, fibromyalgia, for which there is currently no cure, affects the central nervous system, causing fatigue and debilitating pain in women, men, and children of all ethnicities, many of which go undiagnosed; and,

WHEREAS, patients with this illness live with widespread body pain, extreme fatigue, sleep disorders, stiffness and weakness, headaches, numbness and tingling, and impairment of memory and concentration; and,

WHEREAS, patients with fibromyalgia often have a number of coexisting conditions which may include chronic myofascial pain, IBS, TMJD, migraine, environmental sensitivities, anxiety, and depression; and,

WHEREAS, it may take years to receive a diagnosis of fibromyalgia, and medical professionals frequently are inadequately educated on the current research, diagnosis, and treatment of fibromyalgia; and,

WHEREAS, increased awareness and expanded knowledge of the realities of living with fibromyalgia and its impact on patients’ function and quality of life will allow the community at large to better support people who
struggle with the multifaceted management challenges of this complex chronic-pain illness and common co-existing conditions; and,

WHEREAS, people with fibromyalgia have a right to be treated with dignity and a right to pain relief; and,

WHEREAS, the National Fibromyalgia & Chronic Pain Association, a nonprofit 501c3 charitable organization; members of its Leaders Against Pain Action Network; and other groups around our country joined together to advocate for fibromyalgia awareness, support, and a better future through research, diagnosis, education, and treatment;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 12, 2016, as NATIONAL FIBROMYALGIA AWARENESS DAY in Illinois, and urge all citizens to support the search for a cure and assist those individuals and families who deal with this devastating illness on a daily basis.

Issued by the Governor March 30, 2016.

Filed by the Secretary of State April 1, 2016.

2016-95
NATIONAL PARKS WEEK

WHEREAS, in 2016 the United States celebrates one hundred years of the National Park Service; and,

WHEREAS, public lands provide people an opportunity to learn, explore, and simply offer space to be outside and get active; and,

WHEREAS, the National Park Service also oversees national historic sites and monuments; and,

WHEREAS, the State of Illinois is home to many national parks and historic sites, which offer excellent opportunities for citizens to enjoy the outdoors and learn about our nation’s history; and,

WHEREAS, our nation will observe National Parks Week April 16–24, 2016, and on August 25, 2016, celebrate the 100th anniversary of the National Park Service;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 16-24, 2016, as NATIONAL PARKS WEEK in Illinois and, encourage all Illinoisans to visit their national, state, and local parks and be reminded of these unique natural blessings we share as a State and Nation.

Issued by the Governor March 30, 2016.

Filed by the Secretary of State April 1, 2016.
WHEREAS, the Order Sons of Italy in America (OSIA) was established in the Little Italy neighborhood of New York City on June 22, 1905, by Vincenzo Sellaro, M.D., and five other Italian immigrants who came to the United States during the great Italian migration between 1880 and 1923; and,

WHEREAS, during that time, OSIA’s goal was to create a support system for all Italian immigrants that would assist them in becoming U.S. citizens, provide health and death benefits, and provide educational opportunities; and,

WHEREAS, over the years, OSIA established free schools and community centers to teach immigrants English and help them become citizens, founded orphanages and homes for the elderly, and helped to raise money for those in need; and,

WHEREAS, OSIA achieved its goal of serving the public by donating millions of dollars to educational programs, disaster relief, cultural preservation and promotion, and medical research; and,

WHEREAS, the National Council of the Order Sons of Italy in America has adopted the cure for Alzheimer’s disease as one of its primary charitable goals, and plans to support this cause by implementing a fund-raising campaign throughout the nation; and,

WHEREAS, OSIA will join with the Alzheimer’s Association to provide services and support to Alzheimer’s patients and their families; and,

WHEREAS, on May 21, 2016, OSIA and the Alzheimer’s Association will hold an event to support the more than 5 million Americans affected by Alzheimer’s disease;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 21, 2016 as ORDER SONS OF ITALY/ALZHEIMER’S ASSOCIATION “PARTNERS IN PROGRESS” DAY in Illinois, and encourage all citizens to recognize and aid in the charitable work these organizations carry out for the benefit of others.

Issued by the Governor March 30, 2016.

Filed by the Secretary of State April 1, 2016.
2016-97
ORGAN DONOR REGISTRATION MONTH

WHEREAS, more than 116,000 people are currently waiting for an organ transplant and 21 people will die each day waiting for an organ, and one person is added to the organ donor waiting list every 10 minutes; and,

WHEREAS, one organ donor can save up to eight lives and let up to 79 people receive organ transplants, and a single tissue donor can save or heal up to 50 people; and,

WHEREAS, more than 24,000 patients saw their lives saved or markedly improved in 2014 thanks to organ transplants; and,

WHEREAS, more than 120 million people in the United States are signed up to be organ, eye, and tissue donors, which is approximately 50 percent of the United States' adult population; and,

WHEREAS, the citizens of Illinois should be made aware of the need for organ donors and that everyone can become a donor, regardless of age, race, or medical history; and,

WHEREAS, National Donate Life Month takes place every year in April and features an entire month of local, regional, and national activities to help encourage Americans to register as organ, eye, and tissue donors and to celebrate those that have saved lives through the gift of donation; and,

WHEREAS, the State of Illinois should encourage all residents 18 years and older to register as an organ donor at the same time they apply for or renew a driver's license or ID card at their local Secretary of State's facility or online; and,

WHEREAS, Organ Donor Registration Month in State of Illinois will promote education and awareness of how citizens can become donors and the importance of being a donor to help save lives;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, hereby proclaim April 2016 as ORGAN DONOR REGISTRATION MONTH in the State of Illinois in honor of those who have lost their lives while waiting on a transplant list, to celebrate the lives of those who have been saved through organ donation, and to thank those who have been donors.

Issued by the Governor March 30, 2016.

Filed by the Secretary of State April 1, 2016.

2016-98
PUBLIC HEALTH WEEK

WHEREAS, a strong public health system is critical for sustaining and improving community health; and,
WHEREAS, the week of April 4-10, 2016, is designated as National Public Health Week, and this year’s theme is "Healthiest Nation 2030"; and,
WHEREAS, National Public Health Week is a cooperative effort of the American Public Health Association, the Illinois Public Health Association, state and local health departments, academic institutions, allied organizations, community groups, and professional and trade associations, which have joined together to promote a common interest in public health; and,
WHEREAS, some of the greatest achievements of public health include vaccinations, safer workplaces, control of infectious diseases, safer and healthier foods, motor vehicle safety, healthier moms and babies, fluoridation of drinking water, public health preparedness, and recognition of tobacco use as a health hazard; and,
WHEREAS, collaborative efforts with individuals, communities, providers, and policy makers will help the next generation be healthier than the one before;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim the week of April 4-10, 2016, as PUBLIC HEALTH WEEK in Illinois and call upon residents to observe this week by helping our families, friends, neighbors, co-workers, and leaders better understand the value of public health and adopt preventive lifestyle habits in light of this year’s theme, “Healthiest Nation 2030.”
Issued by the Governor March 30, 2016.
Filed by the Secretary of State April 1, 2016.

2016-99
TARTAN DAY

WHEREAS, Americans of Scottish descent have made enduring contributions to our state with their hard work, faith, and values. On Tartan Day, we celebrate the spirit and character of Scottish Americans and recognize their many contributions to our culture and our way of life; and,
WHEREAS, Scotland and the United States have long shared ties of family and friendship. Many of our country's most cherished customs and ideals first grew to maturity on Scotland's soil; and,
WHEREAS, the Scottish Declaration of Independence signed in 1320, embodied the Scots' strong dedication to liberty, and the Scots brought that tradition of freedom with them to the New World; and,
WHEREAS, sons and daughters of many Scottish clans were among the first immigrants to settle in America, and their determination and optimism helped build our Nation's character. Several of our Founding
Fathers were of Scottish descent, as have been many Presidents and Justices of the United States Supreme Court; and,

WHEREAS, many Scottish Americans, such as Andrew Carnegie, were great philanthropists, who founded numerous scientific, educational, and civic institutions. From the evocative sounds of the bagpipes to the great sport of golf, the Scots have left an indelible mark on American culture; and,

WHEREAS, Tartan Day is an opportunity to celebrate all Americans who claim Scottish ancestry, and we are especially grateful for the service in our Armed Forces of Scottish Americans who have answered the call to protect our state and nation;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 6, 2016, as TARTAN DAY in Illinois and call upon all Illinoisans to observe this day by celebrating the continued friendship between the people of Scotland and the United States and by recognizing the contributions of Scottish Americans to our state.

Issued by the Governor March 30, 2016.
Filed by the Secretary of State April 1, 2016.

2016-100
4P-/WOLF-HIRSCHHORN SYNDROME AWARENESS DAY

WHEREAS, the good health and general well-being of the people of Illinois is strengthened by our awareness and understanding of a genetic disorder known as 4p- syndrome, also known as Wolf-Hirschhorn syndrome; and,

WHEREAS, children with 4p- syndrome are usually born with low birth weight and develop slowly, both cognitively and physically, compared to their same-age peers, and experience medical complications while still maintaining pleasant and lovable personalities; and,

WHEREAS, dedicated professionals are presently involved in valuable research to explore new therapies and diagnostic tools, and to offer hope to persons with 4p- syndrome; and,

WHEREAS, the 4p- Support Group estimates that approximately 1,000 individuals in the United States have 4p- syndrome, though it is thought many remain undiagnosed; and,

WHEREAS, it is incumbent upon the citizens of Illinois to work together as a people and as a state to increase research into understanding the syndrome, to advocate for effective diagnostic screenings, to support the development of improved therapies for early intervention and other necessary and critical treatments, as well as join in recognizing and applauding the valuable role which families and advocates of those who have 4p- syndrome
play in helping our medical community advance the knowledge and awareness of this syndrome; and,

WHEREAS, the State of Illinois is pleased to join people throughout our nation in promoting a special celebration which seeks to raise awareness of 4p- syndrome, designed to have a positive and productive impact on the lives of all people with 4p- syndrome and their caregivers.

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim the April 16, 2016, as 4p-/WOLF-HIRSCHHORN SYNDROME AWARENESS DAY in the State of Illinois.

Issued by the Governor April 4, 2016.
Filed by the Secretary of State April 14, 2016.

2016-101

CHILDHOOD APRAXIA AWARENESS DAY

WHEREAS, May 14, 2016, marks the third annual Childhood Apraxia of Speech (CAS) Awareness Day, during which Illinois will raise state and national awareness about CAS, a particularly difficult, persistent and severe neurological speech disorder in youngsters; and,

WHEREAS, CAS causes affected children to have extreme difficulty planning and producing the precise, highly refined, and specific series of movements of the tongue, lips, jaw and palate that are necessary in producing clear, intelligible speech; it is among the most severe of speech and communication problems in young children; and,

WHEREAS, while the act of learning to speak comes effortlessly to most children, those with apraxia endure an incredible and lengthy struggle, and although not life threatening, the disorder is life altering as families are left to cope with the emotional, physical and financial challenges of having a child diagnosed with CAS; and,

WHEREAS, every child should be afforded their best opportunity to develop speech and every child deserves a voice; with early intervention and appropriate therapy, most children with CAS will learn to communicate with their own voices; and,

WHEREAS, these children, as well as their families, deserve our highest respect for their effort, determination and resilience in the face of such obstacles;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 14, 2016, as CHILDHOOD APRAXIA AWARENESS DAY in Illinois.

Issued by the Governor April 4, 2016.
Filed by the Secretary of State April 14, 2016.
WHEREAS, drowning is the leading cause of accidental death for children aged one through four, accounting for nearly one-third of all accidental deaths of toddlers and pre-school children; and,

WHEREAS, drowning is the second leading cause of death for children ages one through 14 and claims the life of an average of two children per day in the United States; and,

WHEREAS, child drowning can occur in seconds in pools, bathtubs, hot tubs, decorative garden ponds, and even buckets that contain as little as two inches of water; and,

WHEREAS, 16 Illinois children lost their lives to accidental drowning in 2015, including 7 in swimming pools, three in flood waters, three in lakes, two in ponds and one in a river; and,

WHEREAS, for every child that drowns, five more are victims of near-drowning that require emergency medical care, often leading to hospitalization and causing long-term brain damage that can include memory loss, learning disabilities, and permanent loss of basic functioning that results in a permanent vegetative state; and,

WHEREAS, inadequate supervision of children, which includes neglect that results in drowning, is the third-leading cause of all child deaths indicated by the Illinois Department of Children and Family Services; and,

WHEREAS, it is important to recognize that constant adult supervision is needed when children are near or in water; and,

WHEREAS, the use of floatation devices and inflatable toys cannot replace parental supervision because such devices can suddenly shift position, lose air, or slip out from underneath, leaving the child in a dangerous situation; and,

WHEREAS, adults need to practice “Reach Supervision” by staying within an arm’s length of young children; and,

WHEREAS, the state’s “Get Water Wise…Supervise!” campaign urges the public to prevent childhood drowning and near-drowning by providing adult supervision whenever children are near or in water; and,

WHEREAS, the Illinois Department of Children and Family Services, the Illinois Child Death Review Team and other community partners recognize that childhood drowning is preventable if proper adult supervision is provided;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 2016 as CHILDHOOD DROWNING PREVENTION MONTH in Illinois, and encourage all parents and caregivers to learn and
practice proven child water safety precautions, ensuring the safety of all Illinois children.

Issued by the Governor April 4, 2016.
Filed by the Secretary of State April 14, 2016.

2016-103
ELECTRICAL SAFETY MONTH

WHEREAS, hundreds of people die and thousands are injured each year in the United States as a result of electrically-related incidents; and,
WHEREAS, property damage resulting from home fires caused by electrical failure or malfunction amounts to more than $1.4 billion annually; and,
WHEREAS, more than six people are electrocuted each week in the United States; and
WHEREAS, citizens are advised to protect their homes and families with the latest safety technology, such as ground fault circuit interrupters, arc fault circuit interrupters, and tamper resistant receptacles; and,
WHEREAS, citizens are urged to install, test, and properly maintain an adequate number of smoke alarms; and,
WHEREAS, the Electrical Safety Foundation International (ESFI) is dedicated exclusively to promoting electrical safety in the home, school, and workplace through education, awareness, and advocacy;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim the month of May 2016 as ELECTRICAL SAFETY MONTH in Illinois, and encourage all citizens to observe the importance of establishing and practicing electrical safety habits in the home, school, and workplace to reduce the number of electrically-related fires, injuries, and deaths.

Issued by the Governor April 4, 2016.
Filed by the Secretary of State April 14, 2016.

2016-104
HETEROTAXY SYNDROME AWARENESS DAY

WHEREAS, Heterotaxy syndrome is a congenital condition that affects the development, placement and presence of internal organs; and,
WHEREAS, the public is unaware of Heterotaxy syndrome, including many medical professionals; and,
WHEREAS, Heterotaxy syndrome affects many body systems and requires a team of many specialists for treatment; and,
WHEREAS, families struggle to educate medical teams and are often the only common thread between medical specialties; and,
WHEREAS, mortality is high, but due to lack of tracking and research, the exact numbers are unclear; and,
WHEREAS, those with Heterotaxy syndrome that survive to adulthood find their condition largely unknown to the community; and,
WHEREAS, funding into causes and holistic treatment of Heterotaxy syndrome are low; and,
WHEREAS, Heterotaxy Syndrome Awareness Day provides an opportunity for families whose lives have been affected to celebrate life and to remember loved ones lost, to honor dedicated health professionals, and to meet others and know they are not alone; and,
WHEREAS, the establishment of Heterotaxy Syndrome Awareness Day will also provide the opportunity to share experience and information with the public and the media, in order to raise public awareness about Heterotaxy Syndrome;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 4, 2016, as HETEROTAXY SYNDROME AWARENESS DAY to help raise awareness of this rare but serious condition.

Issued by the Governor April 4, 2016.
Filed by the Secretary of State April 14, 2016.

2016-105
HEALTH CARE WORKERS DAY

WHEREAS, healthcare organizations in the state of Illinois, are both dedicated and committed to providing high-quality care for their communities; and,
WHEREAS, the state of Illinois is recognized for its medical research, training and treatment and commitment to the health and well-being of its residents and communities; and,
WHEREAS, all members of the healthcare team – nurses, allied health professionals, support staff, financial services personnel, administration, physicians and volunteers - are recognized as a vital component to providing the very best healthcare; and,
WHEREAS, healthcare employees make much-needed contributions in every healthcare facility and help to increase awareness of Illinois’ reputation for healthcare excellence; and,
WHEREAS, the more than 200 hospitals and health systems that are Illinois Health and Hospital Association members wish to express their
thanks and appreciation to healthcare workers for their unwavering commitment and contributions at work and in their communities;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 10, 2016 as HEALTH CARE WORKERS DAY in Illinois, and urge all citizens to recognize the achievements of these dedicated workers.

Issued by the Governor April 4, 2016.
Filed by the Secretary of State April 14, 2016.

2016-106
HOME EDUCATION WEEK

WHEREAS, the growth and development of school-age children is of paramount importance in Illinois and across the country; and,

WHEREAS, Illinois values its children and recognizes the importance of providing them with the best education possible so that they may realize their fullest potential and experience success in their future endeavors; and,

WHEREAS, Illinois presents children and families with the opportunity to explore alternatives to public and private schools by authorizing home education as a legitimate and viable educational option; and,

WHEREAS, home education allows parents the opportunity to develop and implement a learning program based on their children’s individual needs; and,

WHEREAS, studies show students who are educated at home typically score at or above the national average on standardized tests, exhibit self-confidence, good citizenship, and are fully-prepared academically to meet the challenges of today’s society;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 25-29, 2016, as HOME EDUCATION WEEK in Illinois, and encourage all citizens to recognize the important role home education plays in educating our children.

Issued by the Governor April 4, 2016.
Filed by the Secretary of State April 14, 2016.

2016-107
ILLINOIS MEDICAL CODERS WEEK

WHEREAS, medical coders identify and address patterns of disease, illness, and injury in populations, as well as identify the trends and patterns
in the procedures and services they provide by reviewing all tests, diagnoses, results, and medications, and translating them to a numerical value; and,

WHEREAS, the use of medical codes for disease and injury prevention has contributed to understanding correlations in illness and injury, and to treatment, including for heart disease, stroke, viral infections, infectious diseases, and motor vehicle and workplace injuries; and,

WHEREAS, medical coders help preserve the history of communities by abstracting information from birth and death records; and,

WHEREAS, over the past decade, medical coders have achieved significant milestones in the sophistication of their profession through extensive education and training; and,

WHEREAS, the need for qualified medical coders continues to increase nationally in physician offices and outpatient and hospital settings; and,

WHEREAS, the integrity and high standards of medical coders have contributed to the U.S. Department of Health and Human Services’ campaign against fraud and abuse in medical reimbursement; and,

WHEREAS, the State of Illinois is proud to recognize medical coders for all their hard work in this state, and throughout the country;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 16-22, 2016, as ILLINOIS MEDICAL CODERS WEEK, and encourage all citizens to recognize and honor the medical coders for their invaluable contributions to the improvement of our healthcare system.

Issued by the Governor April 4, 2016.
Filed by the Secretary of State April 14, 2016.

2016-108
ILLINOIS REALTORS DAY

WHEREAS, the mission of the Illinois Association of Realtors is to be the premier real estate advocate for the public, its members, and the communities they serve. In its 100-year history, the IAR has become known as the “Voice for Real Estate”, and it takes pride in advocating for the protection of private property rights and helping families realize the American dream of homeownership; and,

WHEREAS, on April 25, 1916, the Articles of Incorporation were signed creating the Real Estate Association of Illinois; since its incorporation, the Illinois Association of Realtors has been watchful over issues of property taxes, tax reform, and fees that impact the transfer of real estate; and,
WHEREAS, the IAR partners with the Regional Economic Applications Laboratory (REAL) at the University of Illinois at Urbana-Champaign to provide essential housing reports and market forecasts to Illinois media and also researches the positive economic impact of home sales across sectors of the Illinois economy; and,

WHEREAS, the IAR engages directly with consumers on local advocacy issues through the Real Property Alliance and provides much-needed assistance to hard hit communities, donating more than $575,000 toward disaster relief since 1997 through its Realtors Relief Foundation; and,

WHEREAS, the IAR opened a newly constructed headquarters building in the downtown Springfield historic district in 2007 and is a founding supporter of the Governor’s Mansion Restoration Project, in addition to supporting the Springfield community as a sponsor of the Kidzeum’s Green Home Construction Exhibit;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 25, 2016, as ILLINOIS REALTORS DAY in the State of Illinois, in recognition of the Illinois Association of Realtors, its members and staff during their 100th anniversary celebration.

Issued by the Governor April 4, 2016.
Filed by the Secretary of State April 14, 2016.

2016-109
MONEY SMART WEEK

WHEREAS, the economic progress of our country is dependent upon the financial well-being of its citizens; and,

WHEREAS, citizens have many choices on how to manage their financial affairs, making it important to become educated about the best options available; and,

WHEREAS, educational institutions, financial institutions, government entities and community-based organizations can work together to help consumers make informed choices about their personal finances; and,

WHEREAS, improved financial literacy results in a higher standard of living for individuals and greater community stability;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 23-30, 2016, as MONEY SMART WEEK in Illinois and encourage all citizens to increase financial literacy.

Issued by the Governor April 4, 2016.
Filed by the Secretary of State April 14, 2016.
2016-110
NATIONAL PUBLIC WORKS WEEK

WHEREAS, public works services provided in our community are an integral part of our citizens’ everyday lives; and,
WHEREAS, the support of understanding and informed citizens is vital to the efficient operation of public works systems and programs such as water, sewers, streets and highways, public buildings, and solid waste collection; and,
WHEREAS, the health, safety, and comfort of a community greatly depends on these facilities and services; and,
WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design, and construction, is vitally dependent upon the efforts and skill of public works officials; and,
WHEREAS, the efficiency of the qualified and dedicated personnel of public works departments is supported when citizens understand the importance of public works; and,
WHEREAS, the year 2016 marks the 56th annual National Public Works Week sponsored by the American Public Works Association;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 15-21, 2016 as NATIONAL PUBLIC WORKS WEEK in Illinois.

Issued by the Governor April 4, 2016.
Filed by the Secretary of State April 14, 2016.

2016-111
NATIONAL RETIREMENT PLANNING WEEK

WHEREAS, preparing for a secure future is not a life stage or income-specific endeavor; and,
WHEREAS, each day about 10,000 Baby Boomers who are members of a generation largely unsure of their financial future are about to enter their retirement years; and,
WHEREAS, providing for financial wellness in our later years is now an individual responsibility; and,
WHEREAS, providing for and financing one’s retirement is now increasingly difficult, with more Americans shouldering the burdens themselves; and,
WHEREAS, a unique set of challenges has emerged, including changes in employee benefits, longer life spans, uncertainty with Social Security and Medicare, as well as rising cost of health care; and,
WHEREAS, the latest research findings from the Insured Retirement Institute (IRI) has shown that Baby Boomer’s confidence in their financial preparations for retirement are steadily dropping, with barely a quarter optimistic about their situation in 2015; and,

WHEREAS, there is a growing need to educate Americans on retirement planning; and,

WHEREAS, carving some time out on a routine basis to review your finances and assess you financial preparedness for retirement is an achievable first step; and,

WHEREAS, being proactive about planning and seeking professional guidance when warranted can help Americans achieve financial freedom; and,

WHEREAS, crafting a holistic financial plan for retirement can restore confidence and build savings for those post-working years; and,

WHEREAS, experts from the National Retirement Planning Coalition, the group that organizes National Retirement Planning Week are urging Americans to use this time to develop, review and /or revise their retirement plans with the tools and help available at www.RetireonYourTerms.org; and,

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 11-15, 2016, as NATIONAL RETIREMENT PLANNING WEEK in Illinois, in recognition of this national effort to help consumers focus on their financial needs in retirement.

Issued by the Governor April 4, 2016.

Filed by the Secretary of State April 14, 2016.

2016-112
NATIONAL WATER SAFETY MONTH

WHEREAS, swimming and aquatic-related activities can play a role in good physical and mental health and enhance the quality of life for all people; and,

WHEREAS, water safety education plays in preventing drowning and recreational water-related injuries; and,

WHEREAS, Illinois is aware of the contributions made by the recreational water industry, as represented by the organizations involved in the National Water Safety Month Coalition in developing safe swimming facilities, aquatic programs, home pools and spas, and related activities providing healthy places to recreate, learn and grow, build self-esteem, confidence and sense of self-worth which contributes to the quality of life in our community; and,
WHEREAS, the pool, spa, water park, recreation and parks industries support ongoing efforts and commitments to educate the public on pool and spa safety issues and initiatives; and,

WHEREAS, the citizens of Illinois understand the vital importance of communicating water safety rules and programs to families and individuals of all ages, whether owners of private pools, users of public swimming facilities, or visitors to water parks;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby declare May 2016 as NATIONAL WATER SAFETY MONTH in Illinois.

Issued by the Governor April 4, 2016.
Filed by the Secretary of State April 14, 2016.

2016-113
PARALEGAL DAY

WHEREAS, paralegals provide essential and vital legal support for many organizations, including law firms, corporate legal departments, and government offices; and,

WHEREAS, to meet the increasing demands for legal services in the United States, the skilled work of paralegals will grow in importance and significance for the operation of American organizations and the application of American law; and,

WHEREAS, according to the United States Bureau of Labor Statistics, the paralegal profession will experience greater than average growth through the year 2016; and,

WHEREAS, created in 1972, the Illinois Paralegal Association represents more than 1,100 paralegals in our state. The association is one of the oldest and largest statewide organizations that supports paralegals and is celebrating its 44th anniversary this year; and,

WHEREAS, the purpose of the Illinois Paralegal Association is to promote the paralegal profession and communication among paralegals, the legal community, and civic and professional organizations, as well as encourage the continuing education of paralegals;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim November 3, 2016, as PARALEGAL DAY in the State of Illinois, as the Illinois Paralegal Association meets for an annual conference, and to commend paralegals in our state for their contributions to our communities.

Issued by the Governor April 4, 2016.
Filed by the Secretary of State April 14, 2016.
WHEREAS, Student Councils provide a terrific opportunity for young leaders of tomorrow; and,
WHEREAS, Student Council is a hands-on experience that teaches students the fundamentals of leading; and,
WHEREAS, an important part of leadership is establishing a vision that others share and are willing to invest their personal resources for; and,
WHEREAS, once a vision is established, it is important to determine how to get there, establish communication, build teamwork, and exhibit perseverance in the face of challenges; and,
WHEREAS, finding common ground, building consensus, and inspiring cooperation to achieve a goal is the core of leadership; and,
WHEREAS, good leaders are those who know this, and the best leaders are those whose results support their vision; and,
WHEREAS, Student Council is a civics lesson in motion, and in the process, members also promote school spirit, raise money for charity, and volunteer their time to community service; and,
WHEREAS, Student Council benefits students, schools, and the entire community; and,
WHEREAS, this year, the 82nd Annual Illinois Association of Student Councils State Convention will be held from May 5-7, 2016, in Springfield; and,
WHEREAS, the conference will attract students from all across the state who will participate in seminars and workshops to exchange ideas to help them become better leaders;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim the week of May 2-6, 2016, as STUDENT COUNCIL WEEK in Illinois, in support of Student Council, and to encourage future leaders attending the Illinois Association of Student Councils State Convention to share and apply what they learn.
Issued by the Governor April 4, 2016.
Filed by the Secretary of State April 14, 2016.

2016-115
CROSSING GUARD APPRECIATION DAY

WHEREAS, approximately 20,000 children under the age of 14 suffer motor vehicle-related pedestrian injuries every year, and more than half of those injuries require hospitalization; and,
WHEREAS, many of these injuries can be avoided if children had proper walking and biking safety education and did not choose to cross streets or use intersections unsupervised; and,
WHEREAS, crossing guards are a dependable means of helping children to avoid unnecessary accidents and injuries; and,
WHEREAS, motorists should be aware of children walking to and from school and be especially cautious in and around school zones; and,
WHEREAS, safety can be improved by drivers following the directions of crossing guards; and,
WHEREAS, crossing guards play an integral role in our communities, working hard to ensure the security of children as they walk to and from school and cross streets, teaching children to look both ways before crossing streets, and other essential safety rules; and,
WHEREAS, crossing guards are an important component of the Illinois Safe Routes to School program, which makes communities safer for kids to walk and bicycle to school, promotes physical activity and reduces harmful impacts to environmental and community health;

THEREFORE, I, Bruce Rauner, do hereby proclaim April 27, 2016, as CROSSING GUARD APPRECIATION DAY in Illinois, in recognition of the services these dedicated professionals provide to keep our citizens and their children safe.

Issued by the Governor April 5, 2016.
Filed by the Secretary of State April 14, 2016.

2016-116

MILITARY CHILD MONTH

WHEREAS, thousands of brave Americans have made countless sacrifices to defend our country and preserve freedom in Afghanistan, Iraq, and around the world; and,
WHEREAS, nearly 29,000 Illinois children and youth have been directly affected by the military service of at least one parent; and,
WHEREAS, it is our duty as citizens to pay tribute to service members and their children for their commitment to this nation and their struggles – because when parents serve in the military, their children are heroes too; and,
WHEREAS, it is only fitting that we take time to recognize these children’s contributions, celebrate their spirit, and let our men and women in uniform know that while they are taking care of us, we are taking care of their children; and,
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 2016 as MILITARY CHILD MONTH in Illinois, and encourage all citizens and local communities to provide support and give thanks to military children and families.

Issued by the Governor April 5, 2016.
Filed by the Secretary of State April 14, 2016.

2016-117
DAY OF RECOGNITION HONORING COLONEL CHARLES YOUNG AND THE BUFFALO SOLDIERS

WHEREAS, Charles Young was born to Gabriel and Armintra Young in Mays Lick, Kentucky, on March 12, 1864; and,

WHEREAS, in 1889, Young graduated West Point Military Academy as the third Black graduate and then entered the United States Armed Forces as a Second Lieutenant Cavalry assigned to the Ninth United States Cavalry, serving at this post throughout the western frontier; and,

WHEREAS, Young served as Professor of Military Science at Wilberforce University on detached duty and was promoted to First Lieutenant in 1896; and,

WHEREAS, in 1899 during the Spanish American War, Young was appointment Major, United States Volunteers, in the Ohio National Guard to command its Ninth Infantry Battalion; and,

WHEREAS, after being promoted to Captain in 1901, Young commanded a cavalry troop in the Ninth Cavalry and lead his men in combat in the Philippine Islands during the Philippine Insurrection from 1901 to 1902; and,

WHEREAS, Young served as a military attaché to Liberia from 1912 to 1915 where he developed the Liberian Frontier Forces, and was wounded during a rescue mission; and,

WHEREAS, for his exceptional work in Liberia, the National Association for the Advancement of Colored People awarded Young the Spingarn Award in 1916; and,

WHEREAS, Young was reassigned to the Tenth United States Cavalry and served in the Punitive Expedition in Mexico with General John J. Pershing from 1916 to 1917; and,

WHEREAS, during his promotion board in 1917, Young was medically retired and promoted to Lieutenant Colonel making him the highest ranking African American in the United States Armed Forces; and,
WHEREAS, it is believed that had it not been for the political and social climate of the times, Colonel Young would have become the first African American Brigadier General in American History; and,

WHEREAS, Colonel Young and the Buffalo Soldiers sacrificed greatly to serve their fellow man, overcoming remarkable obstacles and confounding all expectations of the times. They achieved previously unimagined heights of success as soldiers of phenomenal skill, integrity, and honor; and,

WHEREAS, in remembrance, with the utmost reverence and pride by citizens across Illinois, we recognize and honor this 93rd anniversary of Colonel Young’s internment in Arlington National Cemetery on June 1, 1923, and the 150th anniversary of the formation of the legendary Buffalo Soldiers who partook in outstanding military service to the United States of America;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June 1, 2016, as DAY OF RECOGNITION HONORING COLONEL CHARLES YOUNG AND THE BUFFALO SOLDIERS in Illinois, as tribute to the legacy they left for future generations of American citizens and members of the United States Armed Forces and for the phenomenal righteousness and valor with which they served our great nation.

Issued by the Governor April 8, 2016.
Filed by the Secretary of State April 14, 2016.

2016-118
EDUCATION AND SHARING DAY

WHEREAS, education is essential to putting our children on the path to good jobs and a decent living; and,

WHEREAS, in order to remain competitive into the 21st century, the state will need to equip the next generation’s children with the education and skills demanded by a modern economy; and,

WHEREAS, learning is a lifelong practice, not confined solely to the classroom. In every action, whether at work, play, or rest, it is our task as parents, teachers, and mentors to make sure our children grow up practicing the values we preach; and,

WHEREAS, we have a solemn obligation to pass on values that we hold dear, such as independence, honesty, discipline, compassion, drive, and courage. We must be ever mindful that we are on a continuing path toward a more perfect union, and that much remains to be done to fulfill the concept of equality for all; and,
WHEREAS, we recall the memory of Rabbi Menachem Mendel Schneerson, the Lubavitcher Rebbe, who worked to teach generations of young men and women the value of education and strong character; and,
WHEREAS, his work deepened ties among people the world around, and his legacy inspires the service, charity, and goodwill he championed in life; and,
WHEREAS, as we take this opportunity to reflect on the example he and so many others have set, let each of us strive to better realize the values we share;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 19, 2016, as EDUCATION AND SHARING DAY in Illinois.

Issued by the Governor April 8, 2016.
Filed by the Secretary of State April 14, 2016.

2016-119
EXCEPTIONAL CHILDREN’S WEEK

WHEREAS, children with exceptionalities may be identified by having one or more of the following needs: autism, deaf-blindness, deafness, hearing impairment, emotional disability, intellectual disability, multiple disabilities, orthopedic impairment, other health impairment, specific learning disabilities, speech or language impairment, traumatic brain injury, gifts/talents, or visual impairment who, by reason thereof, require special education and related services; and,
WHEREAS, educators have developed instructional and educational materials and programs enabling individuals with exceptionalities to develop academic, social, and vocational skills to use within the community and today’s world; and,
WHEREAS, the tendency of placing limitations and inadequate access of an exceptionality can be changed by properly trained professionals who provide specialized instruction in conjunction with community awareness, knowledge, interest, and understanding of exceptional individuals; and,
WHEREAS, consistent with democratic ideals, it is essential that all children, regardless of their differences, receive an equal opportunity to an appropriate education and are provided the specialized instruction they need; and,
WHEREAS, the Council for Exceptional Children, a professional organization that promotes the advancement and education of all exceptional
infants, toddlers, children, and youth, has helped and will continue to help make advancements in the field of special education;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 1-7, 2016, as EXCEPTIONAL CHILDREN’S WEEK in Illinois, and I urge each citizen of Illinois to take responsibility for continued awareness of and support for exceptional children and youth.

Issued by the Governor April 8, 2016.
Filed by the Secretary of State April 14, 2016.

2016-120
FAIR HOUSING MONTH

WHEREAS, April 11, 2016, marks the 48th anniversary of the passage of the U.S. Fair Housing Act, which created a national fair housing policy to ban discrimination based on race, color, religion, national origin, sex, familial status, or disability; and,

WHEREAS, this year also marks the 37th anniversary of the Illinois Human Rights Act, which bars discrimination in housing based on race; color; religion; national origin; sex, including sexual harassment; pregnancy; physical or mental disability; familial status; age; ancestry; marital status; disability; military status; unfavorable discharge from military service; sexual orientation, including gender-related identity; or order of protection status; and,

WHEREAS, acts of housing discrimination and barriers to equal housing opportunity are repugnant to a common sense of decency and fairness; and,

WHEREAS, decent, safe and affordable housing is part of the American dream; and,

WHEREAS, economic stability, community health and human relations are improved by diversity and integration; and,

WHEREAS, stable, integrated, and balanced residential patterns are threatened by discriminatory acts and unlawful housing practices that result in segregation of residents and opportunities in Illinois communities; and,

WHEREAS, the talents of grassroots and non-profit organizations, housing service providers, housing professionals, financial institutions, elected officials, state agencies, and others must be combined to promote and preserve integration, fair housing, and shared opportunity in every community, and to address the immense challenge of ensuring that every person in Illinois has access to affordable housing;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 2016 as FAIR HOUSING MONTH in Illinois in
commemoration of the signing of the U.S. Fair Housing Act and the Illinois Human Rights Act, and I urge all Illinois residents to embrace diversity, recognize the importance of equal opportunity in housing, and recognize the important work of equal housing advocates.

Issued by the Governor April 8, 2016.
Filed by the Secretary of State April 14, 2016.

2016-121
ILLINOIS EQUAL PAY DAY

WHEREAS, the U.S. Census Bureau reports year-round, full-time working women in 2011 earned only 82 percent of the earnings of year-round, full-time working men, indicating little change or progress in pay equity; and,

WHEREAS, according to the most recent data from the Bureau of Labor Statistics, Illinois women in 2011 earned 78 cents for every dollar earned by Illinois men, based on median weekly earnings of full-time workers; and,

WHEREAS, equal pay for equal work strengthens the security of families and eases future retirement costs; and,

WHEREAS, equal pay for equal work strengthens the security of families and eases future retirement costs; and,

WHEREAS, the Illinois Department of Human Rights is dedicated to both securing freedom from unlawful discrimination for all individuals within the State of Illinois, and ensuring equal opportunity and affirmative action as the policy of this state for all its residents; and

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 12, 2016, as ILLINOIS EQUAL PAY DAY, in recognition of the value of women’s contributions to the labor force and the Illinois economy as a whole, and I call on all employers to provide equal pay for equal work.

Issued by the Governor April 8, 2016.
Filed by the Secretary of State April 14, 2016.

2016-122
MOTORCYCLE AWARENESS MONTH

WHEREAS, the Illinois Department of Transportation and its partners are committed to improving traffic safety and working together to reduce the number of traffic fatalities in Illinois; and,

WHEREAS, the Illinois Department of Transportation is a national leader in motorcycle safety and education, training more than 400,000 riders
PROCLAMATIONS 5624

throughout the state since the Illinois Cycle Rider Safety Training Program began in 1976; and,

WHEREAS, preliminary statistics indicate motorcycle fatalities claimed 146 lives in 2015, continuing a trend of motorcycle fatalities accounting for 14.4 percent of all traffic fatalities in Illinois, even though motorcycles account for just 3 percent of all vehicle registrations; and,

WHEREAS, the spring and summer months are motorcycle season in Illinois, and motorists can expect to see more motorcyclists riding in traffic; and,

WHEREAS, motorcycles have rightful access to the same roads as any other vehicle; and,

WHEREAS, increased motorcycle awareness leads to improved safety for all of the traveling public;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 2016 as MOTORCYCLE AWARENESS MONTH in Illinois and encourage all motorists to keep our highways safe and to “Start Seeing Motorcycles”.

Issued by the Governor April 8, 2016.
Filed by the Secretary of State April 14, 2016.

2016-123
TURKISH HERITAGE AND CHILDREN’S DAY

WHEREAS, the children of Turkey have celebrated "Sovereignty and Children's Day" as a national holiday since 1920; and,

WHEREAS, on this day the children of the nation of Turkey hold a special session of the Grand National Assembly to discuss children's issues; and,

WHEREAS, throughout the last two decades children from around the world have traveled to Turkey to participate in this important day; and,

WHEREAS, UNICEF has recognized this important day as International Children's Day – a day of worldwide fraternity and understanding between children; and,

WHEREAS, “Turkish Heritage and Children’s Day” represents an international commitment to peace and brotherhood; and,

WHEREAS, “Turkish Heritage and Children’s Day” promotes the welfare of the children not only in the state of Illinois but also of the world;

THEREFORE, I, Bruce Rauner, Governor of Illinois, do hereby proclaim April 23, 2016, as TURKISH HERITAGE AND CHILDREN’S DAY in the State of Illinois.

Issued by the Governor April 8, 2016.
2016-124
CONQUER CANCER DAY AND CONQUER CANCER MONTH

WHEREAS, cancer is a group of more than 100 different diseases characterized by the uncontrolled abnormal growth of cells; and,
WHEREAS, cancer remains the second-leading cause of death in the United States, affecting people of all ages, ethnicities, and socio-economic backgrounds; and,
WHEREAS, early prevention and frequent screening are effective defenses against the various forms of cancer; and,
WHEREAS, more than one million people are diagnosed with cancer each year, and the overall survival rate averages 66 percent, with approximately 10.5 million cancer survivors in the United States; and,
WHEREAS, the Conquer Cancer Foundation (CCF) was created by the world’s foremost cancer doctors of the American Society of Clinical Oncology (ASCO) to seek dramatic advances in the prevention, treatment and cures of all types of cancer; and,
WHEREAS, CCF works toward creating a cancer-free world by funding breakthrough cancer research and sharing cutting-edge knowledge with patients and physicians worldwide, and by improving the quality of care and access to care, enhancing the lives of all who are touched by cancer; and,
WHEREAS, ASCO’s annual meeting will be June 3-7, 2016, and various Campaign to Conquer Cancer focused programs and activities are planned throughout the week of ASCO’s annual meeting to engage the people of Chicago in a collective effort to Conquer Cancer;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June 1, 2016, as CONQUER CANCER DAY, and June 2016 as CONQUER CANCER MONTH in Illinois, and encourage all Illinoisans to recognize and support the important and enduring work of oncologists as they continue to help and heal the greater community.
Issued by the Governor April 11, 2016.
Filed by the Secretary of State April 14, 2016.

2016-125
DAYS OF REMEMBRANCE

WHEREAS, the Holocaust was the state-sponsored, systematic persecution and murder of six million Jews by the Nazi regime and its collaborators between 1933 and 1945; and,
WHEREAS, the people of the State of Illinois should always remember the terrible events of the Holocaust and remain vigilant against hatred, persecution and tyranny; and,
WHEREAS, the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies, and governments; and,
WHEREAS, we should rededicate ourselves to the principles of individual freedom in a just society; and,
WHEREAS, pursuant to Public Law 96-388, enacted on October 7, 1980, the United States Congress dedicated the Days of Remembrance of the victims of the Holocaust; and,
WHEREAS, the Days of Remembrance have been set aside for the people of the State of Illinois to bear in memory the victims of the Holocaust while reflecting on the need for respect of all people; and,
WHEREAS, this year’s observance will take place from May 1 through May 8, including the Day of Remembrance known as Yom HaShoah on May 5th;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 1-8, 2016, as the DAYS OF REMEMBRANCE in Illinois, in memory of the victims and survivors of the Holocaust, as well as the rescuers and liberators, and I urge all citizens to collectively and individually strive to overcome bigotry, hatred, and indifference through learning, tolerance and remembrance.

Issued by the Governor April 11, 2016.
Filed by the Secretary of State April 14, 2016.

2016-126
EMERGENCY MEDICAL SERVICES FOR CHILDREN DAY

WHEREAS, Emergency Medical Services (EMS) for Children recognizes that children have unique physiological responses to illness and injury; and,
WHEREAS, EMS for Children promotes a specialized approach to pediatric care; and,
WHEREAS, Illinois’ emergency medical services system strives to integrate pediatric emergency care needs across a wide spectrum; and,
WHEREAS, in Illinois there are 12 standby emergency departments approved for pediatrics, 88 emergency departments approved for pediatrics, 10 pediatric critical care centers, 8,052 first responder defibrillators, 20,668 basic EMTs, 610 intermediate EMTs, 15,444 paramedic EMTs, 4,746 emergency communications registered nurses, 2,819 trauma nurse specialists,
389 pre-hospital registered nurses and 3,012 emergency medical dispatchers dedicated to promoting preventive measures, pre-hospital care, emergency department services, outpatient and specialized services, and inpatient and rehabilitative care; and,

WHEREAS, Illinois champions the nation’s EMS for Children's commitment to reduce childhood morbidity and mortality associated with severe illness and trauma;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, proclaim May 18, 2016, as EMERGENCY MEDICAL SERVICES FOR CHILDREN DAY in Illinois.

Issued by the Governor April 11, 2016.
Filed by the Secretary of State April 14, 2016.

2016-127
EMERGENCY MEDICAL SERVICES WEEK

WHEREAS, emergency medical services (EMS) embody the true concept of teamwork by recognizing the interdependent relationship among trauma centers, EMS system hospitals, ambulance providers, emergency and trauma physicians, emergency nurses, emergency medical technicians (EMTs) – basic, intermediate and paramedic – field nurses, emergency communication nurses, trauma nurse specialists, emergency medical dispatchers and first responders who are dedicated to saving lives; and,

WHEREAS, in Illinois there are 64 EMS resource hospitals and 66 trauma centers, and 8,052 first responder defibrillators; 20,668 basic EMTs, 610 intermediate EMTs, 15,444 paramedic EMTs, 4,746 emergency communications registered nurses, 2,819 trauma nurse specialists, 389 pre-hospital registered nurses, and 3012 emergency medical dispatchers selflessly providing 24-hour service to the people of Illinois; and,

WHEREAS, this year’s national theme, “EMS STRONG: CALLED TO CARE” underscores the immediate nature of the situations to which EMS personnel must respond;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 15-21, 2016, as EMERGENCY MEDICAL SERVICES WEEK in Illinois, and I call this observance to the attention of all our citizens.

Issued by the Governor April 11, 2016.
Filed by the Secretary of State April 14, 2016.
WHEREAS, hepatitis C is a blood-borne virus and infected individuals can transmit it to others through drug use, which accounts for approximately two-third of all new cases, as well as through other modes of transmission including sexual contact, tattooing, from mother to unborn child during the birth process, and via occupational exposure to blood; and,

WHEREAS, it is believed that the majority of people with hepatitis C, including many infected through blood transfusions before 1992 or blood products before 1987, do not know they are infected, and many at high-risk for future infection are not aware of their risk; and,

WHEREAS, it is estimated that three out of four people infected with the hepatitis C virus do not know they have it; and,

WHEREAS, it is estimated that 3.2 million Americans and six to eight percent of American veterans are infected with the Hepatitis C virus; and,

WHEREAS, hepatitis C virus infection is the most common blood-borne infection in the United States, and worldwide, about 150 million people are chronically infected with the hepatitis C virus, and approximately 15,000 Americans die every year from liver cancer or other chronic liver disease associated with viral hepatitis; and,

WHEREAS, 75 to 85 percent of individuals infected with the hepatitis C virus go on to develop chronic infection, which can result in damage to the liver, end-stage liver disease, and death; and,

WHEREAS, studies show new therapies can clear the virus from in excess of 90 percent of affected patients’ bodies, and for others, risk of progression can be prevented or delayed through early detection, appropriate medical management, and behavior change; and,

WHEREAS, the Centers for Disease Control has designated May as National Hepatitis Awareness Month to highlight the serious damage that hepatitis can do to the liver; and,

WHEREAS, the Centers for Disease Control recommends that persons born between 1945 and 1965 be screened for the hepatitis C virus; and,

WHEREAS, increased public awareness and education about hepatitis C, and the provision of a continuum of hepatitis-related services including prevention programming, testing, and medical management/treatment, is needed to ensure the best possible health outcomes for individuals already infected with the hepatitis C virus and to prevent new infections;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 2016 as HEPATITIS AWARENESS MONTH in order to raise awareness.

Issued by the Governor April 11, 2016.
Filed by the Secretary of State April 14, 2016.

2016-129
NATIONAL VOLUNTEER WEEK

WHEREAS, service to others is a hallmark of the American character, and throughout our history citizens have stepped up to meet our challenges by volunteering in their communities; and,
WHEREAS, our communities need volunteering more than ever; and,
WHEREAS, Illinois is blessed with men and women who selflessly dedicate their time and energy to performing acts of good will and improving the quality of life for all people; and,
WHEREAS, last year, nearly 2.51 million Illinoians gave back over 274.1 million hours to their communities; which led to over $6.8 billion dollars in impact; and,
WHEREAS, more than 900,000 men and women across the nation, including more than 35,000 from Illinois, have taken the AmeriCorps pledge to "get things done for America" by becoming AmeriCorps Members since 1994; and,
WHEREAS, more than 12,000 Illinois seniors volunteer through Senior Corps; and,
WHEREAS, in Illinois, the Serve Illinois Commission on Volunteerism and Community Service strives to improve our communities by supporting volunteer and community service efforts throughout the state; and,
WHEREAS, in 1974, President Nixon established National Volunteer Week for the celebration of volunteers; and,
WHEREAS, President Obama has reaffirmed that April 10 through April 16 be known across the nation as National Volunteer Week; and,
WHEREAS, during National Volunteer Week, service projects and special events will take place throughout Illinois and across the national; and,
WHEREAS, the annual observance of National Volunteer Week sets aside an entire week dedicated to serving others in need and honor those who volunteer all year;
THEREFORE, I, Bruce Rauner, Governor of Illinois, do hereby proclaim April 10-16, 2016 as NATIONAL VOLUNTEER WEEK in Illinois, and encourage all citizens to promote the spirit of volunteerism in our
families and communities across the state. To find a volunteer opportunity or to learn more about how to recognize your volunteers, visit the Serve Illinois Commission website at www.Serve.Illinois.gov or call 800-592-9896.

Issued by the Governor April 19, 2016.
Filed by the Secretary of State May 2, 2016.

2016-130  
BRAIN TUMOR AWARENESS MONTH

WHEREAS, doctors diagnose brain tumors in more than 220,000 Americans across all ages, races, socio-economic statuses, and gender each year; and,
WHEREAS, malignant brain tumors are among the deadliest forms of cancer with just a 34 percent five-year relative survival rate, and are the leading cause of cancer-related deaths in children under the age of 14; and,
WHEREAS, nearly 3,350 people in Illinois will be diagnosed with a brain tumor and 552 will die from a brain tumor in 2016; and,
WHEREAS, Illinois is home to major facilities, such as the Northwestern Brain Tumor Institute, the University of Illinois Brain Tumor Center, and others that focus on research to find better treatments, a cure for brain tumors, and a higher quality of life for brain tumor patients; and,
WHEREAS, increased public awareness of brain tumors through advocacy and support for targeted research, as well as education about the impact on patients and their families, are critical to support and action for a cure;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 2016 as BRAIN TUMOR AWARENESS MONTH in the State of Illinois.

Issued by the Governor April 21, 2016.
Filed by the Secretary of State May 2, 2016.

2016-131  
INTERNATIONAL INTERNAL AUDIT AWARENESS MONTH

WHEREAS, internal auditing is a vital part of strengthening organizations and protecting stakeholders of both the public and private sectors; and,
WHEREAS, internal auditing helps identify and manage an organization’s risks and ensure policies, procedures, and controls are in place and working appropriately; and,
WHEREAS, it is an increasingly sophisticated and complex activity requiring specialized knowledge, training, and education; and,
WHEREAS, internal auditing is an established profession, with a globally recognized code of ethics and International Standards for the Professional Practice of Internal Auditing; and,
WHEREAS, the Institute of Internal Auditors, the internal audit profession’s most widely recognized advocate, educator, and provider of standards, guidance, and certifications, celebrates its 75th anniversary in 2016; and,
WHEREAS, historically, the global internal audit profession promotes awareness about its value during the month of May each year; and,
WHEREAS, the contributions of internal auditors to the success of organizations and the global economy at large deserve our recognition and commendations;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim the month of May 2016 as INTERNATIONAL INTERNAL AUDIT AWARENESS MONTH in Illinois, and extend greetings and best wishes to all observing International Internal Audit Awareness Month, and I congratulate the Institute of Internal Auditors on its 75th anniversary. I invite the citizens of Illinois to join me in recognizing professional internal auditors for their contribution to society.

Issued by the Governor April 21, 2016.
Filed by the Secretary of State May 2, 2016.

2016-132
AMATEUR RADIO WEEK

WHEREAS, amateur radio has historically played a significant role in developing world wide radio communications; and,
WHEREAS, amateur radio operators are instrumental in serving the United States of America and the State of Illinois, consistently providing behind-the-scenes support for emergency response and other critical needs; and,
WHEREAS, amateur radio provides excellent volunteer emergency communications for agencies including the National Weather Service, Illinois Emergency Management agencies, Illinois Department of Public Health, the American Red Cross, the Salvation Army, Central United States Earthquake Consortium, and others in times of natural disasters and other emergencies; and,
WHEREAS, Illinois has more than 20,000 Radio Amateurs who repeatedly donate their time, equipment, and services to help their communities; and,

WHEREAS, amateur radio operators act as trained weather spotters who report during severe weather events across Illinois, thereby assisting the National Weather Service with ground activity reports, which can save lives; and,

WHEREAS, amateur radio operators regularly assist with communications during times of tornado, ice storms, and flood emergencies, using their communications skills to help in reporting the weather events, to assist in shelter operations, and to be available during rescue and relief activities, thereby helping to keep the persons and property of all Illinois residents safe; and,

WHEREAS, by continuous learning and experimentation, amateur radio operators help to forward the science of electronics and radio-related communications; and,

WHEREAS, by example, teaching, and practical experience, including the opportunity to communicate with amateurs in space, amateur radio operators teach young people the opportunities available in radio and electronics; and,

WHEREAS, Illinois Radio Amateurs will continue to hone their communication skills by operating during the simulated emergency preparedness exercise known as “Field Day” on June 25-26, 2016;

NOW, THEREFORE, I, Bruce Rauner Governor of the State of Illinois, do hereby proclaim the week of June 19-26, 2016, as AMATEUR RADIO WEEK in Illinois and encourage all citizens to join me in this worthy observance.

Issued by the Governor April 22, 2016.
Filed by the Secretary of State May 2, 2016.

2016-133
BUILDING SAFETY MONTH

WHEREAS, our state’s continuing efforts to address the critical issues of safety, energy efficiency, water conservation, and sustainability in the built environment that affect our citizens, both in everyday life and in times of natural disaster, give us confidence that our structures are safe and sound; and,

WHEREAS, our confidence is achieved through the devotion of vigilant guardians—building safety and fire prevention officials, architects,
engineers, builders, laborers, and others in the construction industry—who work year-round to ensure the safe construction of buildings; and,

WHEREAS, these guardians develop and implement the highest-quality codes to protect Americans in the buildings where we live, learn, work, worship, and play; and,

WHEREAS, the International Codes—the most widely adopted building safety, energy, and fire prevention codes in the nation, used by most cities, counties and states—include safeguards to protect the public from natural disasters such as hurricanes, snowstorms, tornadoes, wild fires, and earthquakes; and,

WHEREAS, Building Safety Month reminds the public about the critical role of our communities’ largely unknown guardians of public safety—our local code officials—who assure us of safe, efficient, and livable buildings; and,

WHEREAS, “Building Codes: Driving Growth through Innovation, Resilience and Safety” is the theme for this year’s Building Safety Month and encourages all Americans to raise awareness of the importance of building safety; green and sustainable building; pool, spa, and hot tub safety; and new technologies in the construction industry; and,

WHEREAS, Building Safety Month 2016 encourages appropriate steps everyone can take to ensure that our interior environments are safe and sustainable, and recognizes that countless lives have been saved due to the implementation of safety codes by local and state agencies; and,

WHEREAS, each year, in observance of Building Safety Month, Americans are asked to consider projects to improve building safety and sustainability at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments and federal agencies in protecting lives and property;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 2016 as BUILDING SAFETY MONTH in Illinois, and encourage all citizens to join with their communities in participation in Building Safety Month.

Issued by the Governor April 22, 2016.
Filed by the Secretary of State May 2, 2016.

2016-134

CHIARI MALFORMATION AWARENESS MONTH

WHEREAS, Chiari Malformation is a serious neurological disorder affecting more than 300,000 people in the United States; and,
WHEREAS, Chiari Malformations (CMs) are defects in the cerebellum—the part of the brain that controls balance—that create pressure on the cerebellum and brain stem, blocking the flow of cerebral spinal fluid to and from the brain; and,

WHEREAS, this condition was first identified in the 1890's by Austrian pathologist Professor Hans Chiari, who categorized the malformation in order of its severity types: I, II, III, and IV; and,

WHEREAS, the cause of CMs are unknown, but scientists believe it is either a congenital condition caused by exposure to harmful substances during fetal development, or a genetic condition that sometimes appears in more than one member of a family; and,

WHEREAS, symptoms of CM usually appear during adolescence or early adulthood and can include severe head and neck pain, vertigo, muscle weakness, balance problems, blurred or double vision, difficulty swallowing, and sleep apnea; and,

WHEREAS, the National Institute of Neurological Disorders and Stroke, a component of the National Institutes of Health, is conducting research to find surgical solutions to CM and identify its cause to create improved treatment and prevention plans; and,

WHEREAS, on September 17, 2016, cities across America will hold a walk during the annual Conquer Chiari Walk Across America;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 2016 as CHIARI MALFORMATION AWARENESS MONTH in Illinois, to raise awareness of this neurological disorder, and in support of organizations working to improve the quality of life for those affected.

Issued by the Governor April 22, 2016.
Filed by the Secretary of State May 2, 2016.

2016-135

EHLERS-DANLOS SYNDROME AWARENESS MONTH

WHEREAS, Ehlers-Danlos Syndrome is a group of genetic disorders involving mutations in connective tissue impacting the body’s joints, skin, and organs, and can lead to acute pain, excessive internal bleeding, shock, stroke, and premature death; and,

WHEREAS, there are six major types of Ehlers-Danlos Syndrome, and the disorder is estimated in 1 in 5,000-10,000 births worldwide; and,

WHEREAS, a network of worldwide support groups serve a great benefit to individuals with Ehlers-Danlos Syndrome by connecting
individuals managing life with Ehlers-Danlos Syndrome and providing up-to-date information to the medical profession and public at large; and,

WHEREAS, there is a need for greater research into Ehlers-Danlos Syndrome to generate better understanding, new interventions, improved treatments, and a possible cure; and,

WHEREAS, there is no routine screening for Ehlers-Danlos Syndrome, so individuals must seek a diagnosis from a knowledgeable health care provider and individual symptoms must be evaluated and cared for appropriately; physical and occupational therapy evaluation and intervention may be required to address basic life tasks; and,

WHEREAS, early and accurate diagnosis can provide the opportunity to create life-saving emergency medical plans, ensure proper monitoring, and improve quality of life and support for Ehlers-Danlos Syndrome families; and,

WHEREAS, Ehlers-Danlos Syndrome is frequently misdiagnosed or undiagnosed, resulting in greater discomfort and disability for individuals and children, and improved knowledge can prevent premature and tragic deaths; and,

WHEREAS, increased knowledge of all types of Ehlers-Danlos Syndrome allows earlier and more effective management, a better quality of life, increased participation in society, and reduced disability, pain, and medical expense for Ehlers-Danlos Syndrome families; and,

WHEREAS, the Centers for Ehlers-Danlos Syndrome Alliance (C.E.D.S.A.) is dedicated to educating the public and members of the medical profession, as well as supporting research; and,

WHEREAS, C.E.D.S.A. has designated the month of May as Ehlers-Danlos Syndrome Awareness Month in memory of those who have died from the syndrome and to raise public awareness;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 2016 as EHLERS-DANLOS SYNDROME AWARENESS MONTH in Illinois.

Issued by the Governor April 22, 2016.

Filed by the Secretary of State May 2, 2016.

2016-136

FALLEN FIREFIGHTER MEMORIAL DAY

WHEREAS, the Illinois Firefighter Memorial honors the firefighters of Illinois who gave their lives in the line of duty, and to those who heroically serve with courage and pride; and,
WHEREAS, the Memorial stands on the lawn of the Illinois State Capitol, symbolizing our gratitude to the men and women who risk their lives every day to protect people and their property; and,

WHEREAS, at the site of the Memorial, final respects will be paid to the three firefighters who lost their lives in the line of duty in 2015, and one firefighter who lost his life in 2012; and,

WHEREAS, the Fire Fighting Medal of Honor Committee offers every fire department in Illinois the opportunity to be part of this honored event; and,

WHEREAS, immediately following the ceremony, the Medal of Honor Committee will honor some of the bravest and most heroic firefighters in Illinois during the 23rd Annual Fire Fighting Medal of Honor Awards Ceremony at the Prairie Capital Convention Center; and,

WHEREAS, members, families, and friends of the Illinois fire service are invited and encouraged to attend the Fallen Firefighter Memorial Service on Tuesday, May 10, 2016;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 10, 2016, as FALLEN FIREFIGHTER MEMORIAL DAY in Illinois.

Issued by the Governor April 22, 2016.
Filed by the Secretary of State May 2, 2016.

2016-137
GREAT OUTDOORS MONTH

WHEREAS, Illinois is blessed with outstanding opportunities for safe and healthy fun in the great outdoors, enjoying our natural splendors in the company of family and friends; and,

WHEREAS, children spend an average of 10 hours a day in front of a screen, and outdoor activity is considered by many leading health organizations as a remedy to the adverse effects of inactivity; and,

WHEREAS, Great Outdoors Month events including National Trails Day, National Get Outdoors Day, the Great Outdoors Month National Day of Service, the Great American Campout, and Kids to Parks Day to connect citizens of all ages to healthy, fun outdoor activities; and,

WHEREAS, other events during Great Outdoors Month such as National Fishing and Boating Week and National Marina Day provide all of us, especially our children, with exciting opportunities for recreation on the great waters of our state; and,

WHEREAS, Great Outdoors Month promotes activities including biking, swimming, hiking, paddling, fishing, hunting, and boating, and helps
our children enjoy the physical, mental, and educational benefits of outdoor recreation; and,

WHEREAS, enjoyment of the great outdoors allows us to celebrate the commitment of our state to conserve and protect our air, our water, our wildlife, and our lands and to contribute to conservation efforts; and,

WHEREAS, the economic impact of outdoor recreation is both large and growing nationally, exceeding $650 billion in annual expenditures; and,

WHEREAS, in our state, outdoor recreation generates an estimated at $35.9 billion and supports approximately 325,000 jobs; and,

WHEREAS, many of our important cultural and historic events and traditions are linked to places in our state which are part of national, state, and local park systems; and,

WHEREAS, Great Outdoors Month allows us to celebrate the partnership of federal, state, and local agencies, the recreation and tourism industry, and recreationists, combining to make outdoor recreation opportunities available, and create new features such as improved trails through the Recreational Trails Program and the Land and Water Conservation Fund;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June 2016 as GREAT OUTDOORS MONTH in Illinois and urge all citizens and visitors from other states and countries to explore, enjoy, protect, and conserve Illinois’ great outdoors.

Issued by the Governor April 22, 2016.
Filed by the Secretary of State May 2, 2016.

2016-138
NATIONAL SMALL BUSINESS WEEK

WHEREAS, America’s progress has been driven by pioneers who think big, take risks, and work hard; and,

WHEREAS, from the storefront shops that anchor Main Street to the high-tech startups that keep America on the cutting edge, small businesses are the backbone of our economy and the cornerstone of our nation’s promise; and,

WHEREAS, small business owners and Main Street businesses have energy and passion for what they do; and,

WHEREAS, when we support small business, we create jobs and local communities preserve their unique culture; and,

WHEREAS, because this country’s 28 million small businesses create nearly two out of three jobs in our economy, we cannot resolve ourselves to
create jobs and spur economic growth in America without discussing ways to support our entrepreneurs; and,

WHEREAS, the President of the United States has proclaimed National Small Business Week every year since 1963 to highlight the programs and services available to entrepreneurs through the U.S. Small Business Administration and other government agencies; and,

WHEREAS, the State of Illinois supports and joins in this national effort to help America’s small businesses do what they do best – grow their business, create jobs, and ensure that our communities remain as vibrant tomorrow as they are today;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 1-7, 2016, as NATIONAL SMALL BUSINESS WEEK in the State of Illinois.

Issued by the Governor April 22, 2016.
Filed by the Secretary of State May 2, 2016.

2016-139
X & Y CHROMOSOME VARIATION AWARENESS MONTH

WHEREAS, X & Y chromosome disorders are common but frequently undiagnosed genetic conditions that differ from the normal sex chromosome pairings of XX for females and XY for males. Due to a chromosome mistake that produces additional X or Y chromosomes to the normal complement of 46, the resulting total of 47 or more chromosomes may impact a child's developing central nervous system and his or her body condition; and,

WHEREAS, 1 in 500 children in the United States have X & Y chromosome variations that cause complex learning disabilities, which include language impairment, motor planning deficits, reading dysfunction, and attention and behavioral disorders; and,

WHEREAS, 10 babies born each day have an X & Y chromosome variation, but only 1 in 3 will ever be diagnosed and receive the treatment he or she needs; and,

WHEREAS, although healthcare professionals are taught that genetic anomalies can impact a child's development, more information about X & Y chromosome variations is needed; and,

WHEREAS, widespread misinformation about X & Y chromosome variations may cause unnecessary distress to families dealing with such a diagnosis; and,

WHEREAS, with greater national awareness about the existence of X & Y chromosome variations, children with these disorders can be
diagnosed and provided with the syndrome-specific medical care and academic intervention they need; and,

WHEREAS, X & Y Chromosome Variation Awareness Month will increase public awareness and cooperative efforts among organizations and professionals with an interest in addressing the numerous implications that living with X & Y chromosome variations can cause individuals and their families without proper diagnosis and treatment;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 2016 as X & Y CHROMOSOME VARIATION AWARENESS MONTH in Illinois.

Issued by the Governor April 22, 2016.

Filed by the Secretary of State May 2, 2016.

2016-140

BETTER HEARING AND SPEECH MONTH

WHEREAS, founded in 1960, the Illinois Speech-Language-Hearing Association (ISHA) is a non-profit organization representing more than 4,000 licensed professionals with advanced degrees in speech-language pathology and audiology; and,

WHEREAS, specializing in normal and disordered human communication, speech-language pathologists and audiologists are professionals who serve people with communicative disorders; and,

WHEREAS, speech-language pathologists are specialists trained to identify, evaluate, and remediate communication or swallowing problems, and to determine the best treatment solutions; and,

WHEREAS, speech-language pathologists work with people of all ages, from infants to the elderly, providing treatment to improve language, voice, stuttering, articulation, memory, literacy, and swallowing; and,

WHEREAS, audiologists specialize in the prevention, identification, and evaluation of hearing and balance disorders, and the habilitation/rehabilitation of individuals with hearing impairment; and,

WHEREAS, ISHA has three main goals: to make the public aware of services available to persons with speech, language, and hearing disorders; to advocate for quality hearing services throughout the state; and to support the scientific study of human communication and its disorders; and,

WHEREAS, approximately 46 million Americans are affected by communicative disorders, including 28 million individuals with hearing loss and 16 million individuals with a speech and/or language disorder; and,

WHEREAS, 45 percent of individuals reported to have a chronic speech and/or language disorder are under the age of 18; and,
WHEREAS, speech-language pathologists and audiologists serve these individuals in a wide variety of settings, including hospitals, nursing homes/extended care facilities, rehabilitation centers, private practice home health agencies, parent-infant centers, pre-schools, public and private schools, college and university speech-language and hearing clinics, government facilities, and research laboratories;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 2016 as BETTER HEARING AND SPEECH MONTH in Illinois, to raise awareness of the contributions of speech-language pathologists and audiologists and the help that is available to those individuals with a speech, language, or hearing problem.

Issued by the Governor April 25, 2016.
Filed by the Secretary of State May 2, 2016.

2016-141
CHILDREN’S MENTAL HEALTH AWARENESS DAY

WHEREAS, the mental and emotional well-being of all Illinois children is vital to the future of the State of Illinois; and,

WHEREAS, it is important to recognize that social and emotional well-being, behavioral disorders, and substance abuse are all treatable health issues; and,

WHEREAS, an estimated 20 percent of children and adolescents in the United States have a diagnosable mental illness, yet only a fraction of those children receive treatment; and,

WHEREAS, treating mental health illnesses is just as important as treating physical health illnesses; and,

WHEREAS, the Illinois Department of Human Services, Division of Mental Health, Child and Adolescent Services, through its collaborative relationships, continue to develop a system of care infrastructure to support the unique needs of children, adolescents, and their families when a mental health issue is diagnosed, to ensure success at home, in school, and in the community; and,

WHEREAS, this year’s National Children’s Mental Health Awareness Day theme is “Finding Help. Finding Hope.”;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 5, 2016, as CHILDREN’S MENTAL HEALTH AWARENESS DAY in Illinois, and encourage all citizens to recognize private and public child mental health service agencies providing family driven, youth guided, and culturally and linguistically appropriate services and support.
WHEREAS, the 5p- Society of North America, along with support organizations from around the world, designates May 1-7, 2016, as International Cri Du Chat Syndrome Awareness Week, and May 5 as Cri du Chat Syndrome Day; and,

WHEREAS, each year in the United States alone, approximately 50 to 60 children are born with 5p- (five p minus) Syndrome, also known as Cat Cry Syndrome or Cri du Chat Syndrome; and,

WHEREAS, some common characteristics of Cri du Chat Syndrome at birth are a high-pitched cry, low birth weight, poor muscle tone, microcephaly, and potential medical complications. "5p-" is a term used by geneticists to describe a portion of chromosome number five that is missing in these individuals; and,

WHEREAS, one of the goals of Cri Du Chat Syndrome Awareness Week is to end the outdated misinformation given to families when their child is diagnosed with Cri Du Chat; and,

WHEREAS, children born with this rare genetic defect will most likely require ongoing support from a team of parents, therapists, and medical and educational professionals to help the child achieve his or her maximum potential; and,

WHEREAS, many families in Illinois have family members with Cri Du Chat Syndrome, and join the more than 1,000 families across the nation that are part of the 5p- Society of North America;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 1-7, 2016, as INTERNATIONAL CRI DU CHAT SYNDROME AWARENESS WEEK in Illinois, to encourage and facilitate communication among families with a child with 5p- Syndrome, and to spread awareness and education of the syndrome to these families and their service providers.

Issued by the Governor April 25, 2016.
Filed by the Secretary of State May 2, 2016.
WHEREAS, safety is the highest priority for highways and streets throughout the State; and,
WHEREAS, the great State of Illinois is proud to be a national leader in motorcycle safety, education and awareness; and,
WHEREAS, motorcycles are a common and economical means of transportation that reduce fuel consumption and road wear, and contribute in a significant way to the relief of traffic and parking congestion; and,
WHEREAS, it is especially meaningful that the citizens of our State be aware of motorcycles on the roadways and recognize the importance of motorcycle safety; and,
WHEREAS, the members of A.B.A.T.E. of Illinois, Inc. (A Brotherhood Aimed Toward Education) continually promote motorcycle safety, education, and awareness in high school drivers’ education programs and to the general public in our State, presenting motorcycle awareness programs to more than 150,000 participants in Illinois during the past five years; and,
WHEREAS, A.B.A.T.E. of Illinois, Inc. and the Illinois Department of Transportation (IDOT) work hand in hand in promoting motorcycle safety; and,
WHEREAS, all motorcyclists should join A.B.A.T.E. of Illinois, Inc. in actively promoting the safe operation of motorcycles as well as promoting motorcycle safety, education, awareness, and respect of the citizens of our State; and,
WHEREAS, the motorcyclists of Illinois have contributed extensive volunteerism and money to national and community charitable organizations; and,
WHEREAS, during the month of May, all roadway users should unite in the safe sharing of roadways throughout the great State of Illinois;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim the month of May 2016 as MOTORCYCLE AWARENESS MONTH in Illinois, in recognition of 30 years of A.B.A.T.E. of Illinois, Inc., and more than 650,000 registered motorcyclists statewide, and in recognition of the continued role Illinois serves as a leader in motorcycle safety, education and awareness.

Issued by the Governor April 25, 2016.
Filed by the Secretary of State May 2, 2016.
2016-144
HUNTINGTON’S DISEASE AWARENESS WEEK

WHEREAS, Huntington's disease is a progressive degenerative neurological disease, with symptoms typically developing between the ages of 30 to 50, and causes total physical and mental deterioration over a 10 to 25 year period; and,

WHEREAS, Huntington's disease affects approximately 30,000 patients, and there are more than 200,000 genetically at-risk individuals in the United States; and,

WHEREAS, since the discovery of the gene that causes Huntington's disease in 1939, the pace of research has accelerated; and,

WHEREAS, although no effective treatment or cure currently exists, scientists and researchers are hopeful that breakthroughs will be forthcoming; and,

WHEREAS, researchers are conducting important research projects involving Huntington's disease; and,

WHEREAS, the Huntington’s Disease Society of America (HDSA) dedicates its tireless efforts to advocating for families, educating the public, and providing support and services to affected families living with this disease; and,

WHEREAS, on May 22, 2016, the Illinois Chapter of HDSA will hold its annual TEAM HOPE Walk to raise funds for researching a cure and treatment for Huntington’s disease; and,

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 15-22, 2016, as HUNTINGTON’S DISEASE AWARENESS WEEK in Illinois, to raise awareness of this devastating disease and in support of the efforts of the Illinois Chapter of the Huntington’s Disease Society of America.

Issued by the Governor April 26, 2016.
Filed by the Secretary of State May 2, 2016.

2016-145
ILLINOIS SPEED AWARENESS DAY

WHEREAS, safe driving and public awareness of the dangers associated with speeding will result in fewer traffic crashes, fewer injuries, and fewer fatalities; and,

WHEREAS, the total number of crashes in Illinois involving motor vehicles in 2014 was 296,049; and,

WHEREAS, there were 84,652 persons injured and 924 persons killed
in Illinois motor vehicles crashes in 2014, and 1,013 killed in 2015; and,

WHEREAS, speeding accounted for 32.4 percent of the overall crashes, including 37.4 percent of the injury crashes, and 34.9 percent of the fatal crashes in Illinois in 2014; and,

WHEREAS, the total estimated cost of crashes in Illinois for 2014 was $5.8 billion; and,

WHEREAS, the Illinois Association of Chiefs of Police, Illinois Truck Enforcement Association, Families Against Chronic Excessive Speed 4 (FACES4), and Illinois’ local, county, and state law enforcement first responders commit to partnering together in an effort to reduce vehicle crashes and resulting injuries and fatalities, by educating Illinois motorists on the aspects of speed awareness, through enforcement of applicable state laws and by supporting Illinois Speed Awareness Day;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim July 27, 2016, as ILLINOIS SPEED AWARENESS DAY, and encourage all citizens to recognize the importance of speed awareness and to drive safely.

Issued by the Governor April 26, 2016.
Filed by the Secretary of State May 2, 2016.

2016-146
MUNICIPAL CLERKS WEEK

WHEREAS, the Office of the Municipal Clerk, a time honored and vital part of local government, exists throughout the world; and,

WHEREAS, the Office of the Municipal Clerk is the oldest among public servants; and,

WHEREAS, the Office of the Municipal Clerk provides the professional link between citizens, local governing bodies and agencies of government at other levels; and,

WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and,

WHEREAS, the Municipal Clerk serves as the information center on functions of local government and community; and,

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their regional, state and international professional organizations; and,

WHEREAS, it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 1–7, 2016, as MUNICIPAL CLERKS WEEK in Illinois, and further extend appreciation to our Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Issued by the Governor April 26, 2016.
Filed by the Secretary of State May 2, 2016.

2016-147
NICOR GAS VOLUNTEER DAY

WHEREAS, Nicor Gas serves more than two million customers in northern Illinois and is a valued corporate citizen; and,
WHEREAS, Nicor Gas demonstrates its generosity of spirit through partnerships, grants, and volunteer activities that contribute to the well-being of the communities it serves; and,
WHEREAS, Nicor Gas employees give generously of their own time, energy, and talents to help neighbors in need and make northern Illinois an even better place to live; and,
WHEREAS, May 21, 2016, marks the 20th annual Nicor Gas Volunteer Day, a long-running volunteer effort done in the spirit of civic commitment that is held each year on the third Saturday in May; and,
WHEREAS, Nicor Gas volunteers have completed more than 300 community projects and donated thousands of volunteer hours since 1996; and,
WHEREAS, the Office of the Governor promotes a spirit of corporate responsibility and civic improvement, and recognizes the hard work, dedication, and service of Nicor Gas volunteers in Illinois;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 21, 2016, as NICOR GAS VOLUNTEER DAY in Illinois.

Issued by the Governor April 26, 2016.
Filed by the Secretary of State May 2, 2016.

2016-148
OPERATION GRAVESTONE DAY

WHEREAS, acid rain and localized pollution, along with the elements of nature, combined to greatly increase the speed at which many landmarks and gravestones deteriorate; and,
WHEREAS, the students of Pontiac Township High School and Operation Gravestone endeavor to study the effects of acid rain, preserve historic grave markers, and honor those buried long ago; and,
WHEREAS, it is important to preserve the memory and local history of Civil War and other war veterans for future generations; and,
WHEREAS, the efforts of the school will encourage participation and engagement in historical studies that connect current students to our collective past; and,
WHEREAS, maintaining the history of veterans and community members is important, both for students and future generations of the community at large; and,
WHEREAS, the students of Pontiac Township High School and Operation Gravestone began the undertaking of researching, restoring, and protecting the history of those who have gone before us globally;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 11, 2016, as OPERATION GRAVESTONE DAY in Illinois, and urge all citizens to recognize the need to study and replace gravestones deteriorated by the effects of acid rain in order to conserve the history of our world.

Issued by the Governor April 26, 2016.
Filed by the Secretary of State May 2, 2016.

2016-149
ASIAN PACIFIC AMERICAN HERITAGE MONTH

WHEREAS, in June 1977, Congressmen Frank Horton of New York and Norman Y. Mineta of California introduced a House resolution calling upon the President to proclaim the first 10 days of May as Asian/Pacific Heritage Week; and,
WHEREAS, the following month, Senators Daniel Inouye and Spark Matsunaga introduced a similar bill in the Senate, both pieces of legislation were passed; and,
WHEREAS, on October 5, 1978, President Jimmy Carter signed a joint resolution designating the annual celebration; and,
WHEREAS, in May 1990, the holiday was further expanded when President George H.W. Bush designated May to be Asian Pacific American Heritage Month; and,
WHEREAS, May was chosen to commemorate the immigration of the first Japanese immigrants to the United States in 1843; and,
WHEREAS, many immigrants of Asian heritage came to the United States during the nineteenth century to work in the transportation, mining, and other industries; and,

WHEREAS, in 1869, laboring under very difficult conditions, Asian immigrants helped construct the transcontinental railroad, which vastly expanded economic growth and development across the country; and,

WHEREAS, Asian Pacific American Heritage Month is celebrated annually with community festivals, government-sponsored events, cultural programming, and educational activities for students; and,

WHEREAS, Asian Pacific Americans have made valuable contributions to the history and growth of the United States and have achieved at a high level in a variety of disciplines, including government, business, science, technology, and the arts; and,

WHEREAS, Illinois’ Asian American residents first appeared in the 1870 census, though the Chinese lived here long before then. In the 1890s, Japanese immigrants arrived, followed by Filipinos, Koreans and Indians; and,

WHEREAS, Illinois is now home to people with roots in Pakistan, Vietnam, Cambodia, Laos, Thailand, Tibet, Nepal, Taiwan, Burma (Myanmar), Indonesia, Sri Lanka, Bhutan, Bangladesh, and Malaysia; and,

WHEREAS, people of Asian heritage now comprise more than five percent of our state’s population, and are its fastest-growing demographic, and it is critically important that we recognize their accomplishments;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 2016 as ASIAN PACIFIC AMERICAN HERITAGE MONTH in Illinois, in recognition of the contributions made to our economy and culture by Asian Pacific Americans, and in tribute to all Asian Pacific Americans who call Illinois home.

Issued by the Governor April 27, 2016.
Filed by the Secretary of State May 2, 2016.

2016-150
NATIONAL DAY OF PRAYER

WHEREAS, a National Day of Prayer has been part of our heritage since it was declared by the First Continental Congress in 1775; and,

WHEREAS, the United States Congress in 1952 approved a Joint Resolution setting aside a day each year to pray in our nation; and,

WHEREAS, in 1988, the United State Congress, by Public Law 100-307, as amended, affirmed the importance of prayer and directed the President of the United States to set aside and proclaim the first Thursday of
May annually as a National Day of Prayer; and,

WHEREAS, leaders and citizens across our nation gratefully continue the tradition of prayer and affirming our spiritual heritage and the principles upon which our nation was founded; and,

WHEREAS, millions of men and women across the nation unite to exercise the freedom to gather in prayer with thankfulness while seeking guidance, provision, protection, and purpose for the benefit of every individual and our state as a whole; and,

WHEREAS, the 65th observance of the National Day of Prayer will be held on Thursday, May 5, 2016, with the theme “Wake Up America” based on Isaiah 58:1a: “Shout it aloud, do not hold back. Raise your voice like a trumpet”;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 5, 2016, as NATIONAL DAY OF PRAYER in Illinois.

Issued by the Governor April 27, 2016.
Filed by the Secretary of State May 2, 2016.

2016-151
NATIONAL NURSING HOME WEEK

WHEREAS, “It’s a Small World with a Big Heart” is this year’s theme for National Nursing Home Week; and,

WHEREAS, it is a time to recognize all of the people that play significant roles in the successful quality care performed at nursing facilities; and,

WHEREAS, the elderly and developmentally challenged residents of long-term care facilities have led exceptional and extraordinary lives which have enhanced the quality of life in Illinois; and,

WHEREAS, the long-term care facilities in Illinois are dedicated to providing the finest in health care and rehabilitation for our convalescent, aged, and developmentally-challenged citizens; and,

WHEREAS, this dedication has been forcefully demonstrated through continual striving to upgrade standards of care and service improvements; and,

WHEREAS, National Nursing Homes Week is an opportunity to celebrate this focus on quality with residents, staff, families volunteers, and members of our communities; and,

WHEREAS, the Illinois Health Care Association is contributing to activities in observance of National Nursing Home Week beginning May 8, 2016;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 8-14, 2016 as NATIONAL NURSING HOME WEEK in Illinois, and encourage all citizens to recognize all the individuals who have continually committed themselves to quality care and services in our state’s long-term care facilities.

Issued by the Governor April 28, 2016.
Filed by the Secretary of State May 2, 2016.

2016-152
FOOD ALLERGY AWARENESS WEEK

WHEREAS, as many as 15 million Americans have food allergies and nearly 6 million are children under the age of 18; and,

WHEREAS, research shows the prevalence of food allergies is increasing among children; and,

WHEREAS, eight foods cause 90% of all food allergy reactions in the U.S. which include shellfish, fish, milk, eggs, tree nuts, peanuts, soy, and wheat; and,

WHEREAS, symptoms of an allergenic reaction can include hives, vomiting, diarrhea, respiratory distress, and swelling of the throat; and,

WHEREAS, according to the Centers for Disease Control and Prevention, food allergies result in more than 300,000 ambulatory care visits a year involving children under 18 with reactions occurring when an individual unknowingly eats a food containing an ingredient to which they are allergic; and,

WHEREAS, there is no cure for food allergies, and scientists do not understand why, therefore strict avoidance of the offending food is the only way to prevent an allergic reaction; and,

WHEREAS, anaphylaxis is a serious allergic reaction that is rapid in onset and may cause death; and,

WHEREAS, Food Allergy Research and Education is a national, nonprofit organization dedicated to improving the quality of life and the health of individuals with food allergies, and to provide them hope through the promise of new treatments;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 8-14, 2016, as FOOD ALLERGY AWARENESS WEEK in Illinois.

Issued by the Governor May 3, 2016.
Filed by the Secretary of State June 2, 2016.
2016-153

ILLINOIS POLLINATOR WEEK

WHEREAS, pollinator species such as birds and insects are essential partners of farmers and ranchers in producing much of our food supply; and,

WHEREAS, pollination plays a vital role in the health of our national forests and grasslands, providing forage, fish and wildlife, timber, water, mineral resources, and recreational opportunities as well as enhanced economic development opportunities for communities; and,

WHEREAS, pollinator species provide significant environmental benefits necessary to maintain healthy, biodiverse ecosystems; and,

WHEREAS, the State of Illinois has managed wildlife habitats and public lands such as Illinois forests and grasslands for decades; and,

WHEREAS, the State of Illinois provides producers with conservation assistance to promote wise conservation stewardship, including the protection and maintenance of pollinators and their habitats on working lands and wild lands;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June 20-26, 2016, as ILLINOIS POLLINATOR WEEK in Illinois.

Issued by the Governor May 3, 2016.
File by the Secretary of State June 2, 2016.

2016-154

ALLIED ORDERS OF THE GRAND ARMY OF THE REPUBLIC DAY

WHEREAS, since the incorporation of the Illinois Territory in 1809 through admission of Illinois as a State to the United States of America in 1818 and into the present day, citizens of Illinois have answered the call to defend their Nation and its values; and,

WHEREAS, the greatest of those calls came in 1861, when over the course of the next four years over 285,000 men from Illinois answered the battle cry to preserve the Union from those who would tear it asunder; and,

WHEREAS, after the American Civil War, Dr. Benjamin F. Stephenson founded the Grand Army of the Republic on April 6, 1866 in Decatur, Illinois, which would go on to become the largest organization of Union veterans from America’s bloodiest conflict; and,

WHEREAS, the Grand Army of the Republic was always active in the State of Illinois, holding their National Encampment in their State four times, and providing ten Commanders-in-Chief for the GAR; and,
WHEREAS, members of the Grand Army of the Republic build meeting halls as memorials to their fallen comrades, and three of these Halls still stand in Aurora, Peoria, and Rockford, Illinois as memorials to the men who fought to preserve the Union; and,

WHEREAS, the Sons of Union Veterans of the Civil War are the Congressionally chartered legal heirs and successors of the Grand Army of the Republic, tasked with preserving the memory of the Boys in Blue; and,

WHEREAS, the Auxiliary to the Sons of Union Veterans of the Civil War, the Ladies of the Grand Army of the Republic, the Women’s Relief Corp, and the Daughters of Union Veterans of the Civil War 1861-1865 exist with the Sons of Union Veterans of the Civil War as the Allied Orders of the Grand Army of the Republic, sharing common goals and values; and,

WHEREAS, the Allied Orders National encampment is taking place in Springfield, Illinois from August 12-14, 2016, the Sesquicentennial year of the Foundation of the Grand Army of the Republic in the very State of its founding;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do proclaim August 12, 2016, as ALLIED ORDERS OF THE GRAND ARMY OF THE REPUBLIC DAY in the State of Illinois, and encourage all citizens to honor and remember the sacrifice of the more than 285,000 Illinois soldiers who served in the Civil War, and the hundreds of thousands of Americans who gave their lives that the life of the Nation might be preserved, and the organizations here listed who perpetuate their memory.

Issued by the Governor May 10, 2016.
Filed by the Secretary of State June 2, 2016.

2016-155
COMPLEX REGIONAL PAIN SYNDROME AWARENESS DAY

WHEREAS, Complex Regional Pain Syndrome (CRPS), also known as Reflex Sympathetic Dystrophy Syndrome (RSDS), is a nerve disorder that causes chronic pain and can strike at any age, most often affecting one of the arms, feet, hands, or legs; and,

WHEREAS, the pain often spreads to include the entire arm or leg, and typical characteristics of CRPS include dramatic changes in the color and temperature of the skin over the affected limb or body part, accompanied by intense burning pain, skin sensitivity, sweating, and swelling; and,

WHEREAS, although CRPS occurs especially after an injury or trauma to a limb, doctors are uncertain what causes it and even though there are different types of treatments, there is no cure; and,
WHEREAS, though treatment can relieve painful symptoms, the prognosis varies from person to person; and,
WHEREAS, several institutes of the National Institutes of Health (NIH) are supporters of research relating to CRPS; and,
WHEREAS, the National Institute of Neurological Disorders and Stroke (NINDS), the primary federal supporter of research on the brain and central nervous system, has scientists that are studying new approaches to treat CRPS and intervene more aggressively after traumatic injury to lower the chances of developing the disorder; and,
WHEREAS, this research is encouraging to everyone who hopes CRPS will one day be eliminated; and,
WHEREAS, on November 7, 2016, members of the Complex Regional Pain Syndrome community will celebrate the third annual Color the World Orange Day to spread awareness of this poorly understood pain disorder;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim November 7, 2016, as COMPLEX REGIONAL PAIN SYNDROME AWARENESS DAY in Illinois, to raise awareness about CRPS and in support of the effort to combat this disorder that affects so many throughout the country and our state.

Issued by the Governor May 10, 2016.
Filed by the Secretary of State June 2, 2016.

2016-156
MEN’S HEALTH WEEK

WHEREAS, despite advances in medical technology and research, men continue to live an average of five years less than women, with African-American men having the lowest life expectancy; and,
WHEREAS, recognizing and preventing men’s health problems is a family issue, because of its impact on wives, mothers, daughters, and sisters; and,
WHEREAS, educating the public and health care providers about the importance of a healthy lifestyle and early detection of male health problems helps to reduce rates of mortality from disease, improve overall health, and save money; and,
WHEREAS, men who are educated about the value of preventative health will be more likely to participate in health screenings; and,
WHEREAS, the Men’s Health Network collaborated with Congress to acknowledge the week leading up to Father’s Day as “National Men’s Health Week”, as a special campaign to help educate men and their families
about the importance of positive health attitudes and preventative health practices; and,

WHEREAS, Men’s Health Week will raise awareness of a broad range of men’s health issues, including heart disease, diabetes, prostate, testicular, and colon cancer; and,

WHEREAS, all of the citizens of the State of Illinois are encouraged to recognize the importance of a healthy lifestyle, regular exercise, and medical check-ups;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June 13-19, 2016, as MEN’S HEALTH WEEK in Illinois, and encourage all our citizens to pursue preventative health practices and early detection efforts.

Issued by the Governor May 10, 2016.
Filed by the Secretary of State June 2, 2016.

2016-157
¡VIVE TU VIDA! GET UP! GET MOVING! WELLNESS DAY

WHEREAS, Hispanic communities in Illinois and throughout the United States are faced with many challenges every day, among which are maintaining health and wellness; and,

WHEREAS, with a Hispanic population of nearly 15.8 percent, Illinois recognizes the need to confront the challenges Hispanics face with a proactive strategy to strengthen community alliances and networks; and,

WHEREAS, it is important to ensure the state’s Hispanic community receives culturally-proficient and linguistically-appropriate health and human services; and,

WHEREAS, a number of organizations, such as the Chicago Hispanic Health Coalition, and the National Alliance for Hispanic Health, work to ensure the perspective and experience of the Hispanic community is brought to the forefront of health care services and policy; and,

WHEREAS, the Chicago Hispanic Health Coalition empowers individuals, builds coalitions, and supports organizations with the goal of promoting healthy behaviors and reducing the risk of illness and injury; and,

WHEREAS, to maximize and coordinate efforts among city and state organizations to promote healthy lifestyle awareness in Chicago’s Hispanic communities, the Chicago Hispanic Health Coalition and the Illinois Department of Public Health are joining together with the National Alliance for Hispanic Health to sponsor “¡Vive Tu Vida! Get Up! Get Moving!” the nation’s premier annual Hispanic family physical activity and healthy lifestyle event; and,
WHEREAS, thousands of people are expected to attend “¡Vive Tu Vida! Get Up! Get Moving!” events in cities across the country; and,
WHEREAS, these events will feature fun and excitement for the whole family, free health screenings, healthy snacks, prize drawings, as well as activity stations for soccer, tennis, baseball, basketball, dance, aerobics, yoga, and more; and,
WHEREAS, this year, Chicago will host a “¡Vive Tu Vida! Get Up! Get Moving!” event on June 4;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June 4, 2016, as ¡VIVE TU VIDA! GET UP! GET MOVING! WELLNESS DAY in Illinois, and encourage all residents to recognize the need for increased health awareness in the Hispanic community and to support the efforts of those participating in this important event.
Issued by the Governor May 10, 2016.
Filed by the Secretary of State June 2, 2016.

2016-158
RON MAGERS DAY

WHEREAS, Ron Magers, television news anchor and reporter at ABC 7, has been one of Chicago’s most respected broadcast journalists for more than three decades; and,
WHEREAS, Ron will retire from broadcast journalism on Wednesday, May 25, 2016, after more than 50 years in the television industry; and,
WHEREAS, Ron began his television career in 1965 in Eugene, Oregon, as a reporter and news anchor; he also worked in Portland, Oregon; San Francisco, California; and Minneapolis, Minnesota; before moving to Chicago in 1981, quickly becoming one of the city’s most popular and respected journalists; and,
WHEREAS, Ron joined the ABC 7 news team in 1998, continuing to build his reputation for mastery in handling live breaking news, and for his impeccable news judgement; and,
WHEREAS, Ron’s love for live television and his talent as a broadcast journalist earned him numerous awards, including seven Chicago Emmy Awards, a Peter Lisagor Award, and a National Press Club citation; Ron is also a member of the American Federation of Television and Radio Artists; and,
WHEREAS, Ron supports many Chicagoland charities, including the Heartland Alliance, Baseball Cancer Charities, Northwestern University Settlement House, Howard Brown Health Care, Greater Chicago Food
Depository, the Grant Park Music Festival, and Hubbard Street Dance Chicago, among others; and,

WHEREAS, in his retirement, Ron and his wife Elise plan to spend time doing hobbies they enjoy, including boating, and breeding and racing Thoroughbred horses; and,

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 25, 2016, RON MAGERS DAY in Illinois, in honor and recognition of Ron’s many years of dedicated service to the people of Chicago and Illinois.

Issued by the Governor May 13, 2016.
Filed by the Secretary of State June 2, 2016.

2016-159
NATIONAL SCOLIOSIS AWARENESS MONTH

WHEREAS, we must increase the public’s awareness of scoliosis and help children, parents, adults, and health care providers understand, recognize, and treat the complexities of spinal deformities such as scoliosis; and,

WHEREAS, scoliosis, an abnormal curvature of the spine with no known cause (idiopathic), is a condition affecting two to three percent of the population, or an estimated 7 million people in the United States. Scoliosis is a condition which strikes without regard to gender, race, age, or economic status; and,

WHEREAS, an estimated one million scoliosis patients utilize health care yearly, with approximately one out of every six children diagnosed with this condition eventually required to receive active medical treatment; and,

WHEREAS, the primary age of onset for scoliosis is between 10 and 15, with females being five times more likely to progress to a spinal curve magnitude that requires treatment; and,

WHEREAS, screening programs allow for early detection and for treatment opportunities which may alleviate the worst effects of the condition; and,

WHEREAS, we observe National Scoliosis Awareness Month to renew our commitment to raising awareness of and combating the spinal condition of scoliosis, and to recognize the need for increased research and funding to reduce the pain and suffering it causes;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June 2016 as NATIONAL SCOLIOSIS AWARENESS MONTH, and pledge to continue to work to both raise awareness and fight scoliosis in the State of Illinois.
WHEREAS, the bald eagle was designated as the United States of America’s National Emblem on June 20, 1782 by the Founding Fathers at the Second Continental Congress; and,

WHEREAS, the bald eagle is unique to North America and represents such American values and attributes as freedom, courage, strength, spirit, justice, quality and excellence; and,

WHEREAS, the bald eagle is the central image used in the Great Seal of the United States and in the logos of many branches of the U.S. Government, including the Presidency, Congress, Defense Department, Treasury Department, Justice Department, State Department, Department of Commerce, and U.S. Postal Service; and,

WHEREAS, the bald eagle’s image, meaning and symbolism have played a significant role in the beliefs, traditions, religions, lifestyles and heritage of Americans from all walks of life, including U.S. military servicemen and women, American Indians, Christians, and members of various civic, fraternal, patriotic, veterans, youth, conservation, educational, outdoors, nature, sportsman, wildlife, political and sports organizations; and,

WHEREAS, the bald eagle’s image, meaning and symbolism have played a significant role in American art, music, literature, architecture, commerce, education, and culture, as well as on United States stamps, currency, and coinage; and,

WHEREAS, the bald eagle was once endangered and threatened with possible extinction, but is gradually making an encouraging comeback to America’s skies; and,

WHEREAS, the bald eagle was federally classified as an “endangered species” in the lower 48 states under the Endangered Species Act in 1973, and was upgraded to a less imperiled “threatened” status under that Act in 1995; and,

WHEREAS, the Department of Interior and U.S. Fish and Wildlife Service delisted the Bald eagle from Endangered Species Act protection in 2007, but the bald eagle will continue to be protected under the Bald and Golden Eagle Act of 1940 and the Migratory Bird Treaty Act of 1918; and,

WHEREAS, the recovery of the United States’ bald eagle population was largely accomplished due to the vigilant efforts of numerous caring agencies, corporations, organizations, and citizens;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June 20, 2016, as American Eagle Day in Illinois, and encourage all citizens to join in support of the majestic bald eagle’s continuing recovery and the protection of its precious natural habitat, and in commemorating the living and symbolic presence of our National Bird.

Issued by the Governor May 24, 2016.
Filed by the Secretary of State June 2, 2016.

2016-161
RAIL SAFETY WEEK

WHEREAS, 140 crashes occurred at public highway-rail grade crossings, resulting in 80 personal injuries and 31 fatalities in the State of Illinois during 2015; and,

WHEREAS, 41 trespassing incidents occurred in the State of Illinois during 2015, resulting in the deaths of 23 pedestrians and injuring 18 others while trespassing on railroad property right of ways; and,

WHEREAS, Illinois ranked second in the nation in grade-crossing fatalities and fifth in trespass fatalities for 2015; and,

WHEREAS, more than 67 percent of crashes at public-grade crossings occur where active warning devices exist; and,

WHEREAS, educating and informing the public about rail safety, reminding the public that railroad right of ways are private property, enhancing public awareness of the dangers associated with highway-rail grade crossing, ensuring pedestrians and motorists are looking and listening while near railways, and obeying established traffic laws will reduce the number of fatalities and injuries to Illinoisans; and,


WHEREAS, this year, the states of Indiana, Michigan, Minnesota and Wisconsin will be joining Illinois in implementing “Operation Lifesaver”, a regional rail safety initiative.

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 11-17, 2016, as RAIL SAFETY WEEK in
Illinois, and encourage all citizens to recognize the importance of rail safety education.

Issued by the Governor May 24, 2016.
Filed by the Secretary of State June 2, 2016.

2016-162
JUNETEENTH DAY

WHEREAS, Juneteenth is the oldest known celebration commemorating the ending of slavery in the United States; and,
WHEREAS, it was on June 19, 1865, two-and-a-half years after President Lincoln’s Emancipation Proclamation that Union soldiers landed at Galveston, Texas with news that the war had ended and that the enslaved were now free; and,
WHEREAS, as freed slaves left plantations and moved to reunite with family members in other states, they encountered a new set of challenges as free men and women; and,
WHEREAS, recounting the memories of that great day and its festivities in June of 1865 would serve as relief from the growing pressures encountered in their new homes; and,
WHEREAS, the celebration of June 19th was coined "Juneteenth" and as participation grew, it became a time to reassure one another, for praying and for gathering with family; and,
WHEREAS, a range of activities were provided for entertainment at early Juneteenth celebrations, many of which continue today. Rodeos, fishing, barbecuing and baseball are just a few of the typical activities that may be held as part of Juneteenth celebrations; and,
WHEREAS, Juneteenth also focuses on education and self-improvement. Guest speakers are often brought in and the elders are called upon to recount the events of the past. Prayer services are often also a major part of the festivities; and,
WHEREAS, over the last few decades, Juneteenth has continued to enjoy a growing and healthy interest from communities and organizations throughout the country – all with the mission to promote and cultivate knowledge and appreciation of African American history and culture; and,
WHEREAS, Juneteenth today celebrates African American freedom while encouraging self-development and respect for all cultures; and,
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June 19, 2016, as JUNETEENTH DAY in Illinois, in remembrance of the important events of June 19, 1865, and encourage all
citizens to learn about the important contributions that African Americans have made to our state, and to the nation as a whole.

Issued by the Governor May 25, 2016.
Filed by the Secretary of State June 2, 2016.

2016-163
GENERAL AVIATION APPRECIATION MONTH

WHEREAS, general aviation and community airports play an important role in the lives of our citizens, as well as in the operation of our businesses and farms; and,

WHEREAS, the State of Illinois has a significant interest in the continued vitality of general aviation, aerospace, aircraft manufacturing, educational institutions, aviation organizations, community airports and airport operators; and,

WHEREAS, according to the Illinois Department of Transportation's Division of Aeronautics, there are 98 public-use general aviation airports in Illinois, supporting more than 14,000 general aviation pilots and more than 5,600 aircraft; and,

WHEREAS, according to Federal Aviation Administration data, Illinois is home to 96 repair stations, 13 FAA-approved pilot schools, 3,354 flight instructors and 3,119 student pilots; and,

WHEREAS, many communities in Illinois support general aviation and community airports for the continued flow of commerce, aviation education, and travel for tourists and visitors to our state;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim the month of June 2016 as GENERAL AVIATION APPRECIATION MONTH in Illinois and encourage all citizens to join in its observance.

Issued by the Governor May 26, 2016.
Filed by the Secretary of State June 2, 2016.

2016-164
GRANDPARENT ALIENATION AWARENESS DAY

WHEREAS, strong family relationships constitute the foundation of our community; and,

WHEREAS, alienation behaviors are frequently present in high-conflict divorces, separations, asymmetrical custody arrangements, and in intact marriages, often causing mental and emotional anguish to children; and,
WHEREAS, alienation is a term used to describe any number of behaviors and attitudes on the part of one or both parents designed to interfere, damage, or destroy the relationship between a child and family member; and,

WHEREAS, alienation takes advantage of the innocent and impressionable, as well as the suggestibility and dependency of a child, depriving children of their right to love and be loved by their extended family; and,

WHEREAS, mental health professionals agree that the negative effects of alienation can follow a child into adulthood with tragic consequences; and,

WHEREAS, the recently published Diagnostic and Statistical Manual of Mental Disorders (DSM-5) made several references to the dysfunctional family dynamic of alienation as a form of psychological child abuse; and,

WHEREAS, Grandparent Alienation Awareness Day is intended to increase the knowledge and understanding of this problem to help families, institutions, the legal and mental health community, and leaders to better identify and combat such abusive behavior to children;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June 14, 2016, as GRANDPARENT ALIENATION AWARENESS DAY in Illinois.

Issued by the Governor May 26, 2016.

Filed by the Secretary of State June 2, 2016.

2016-165

AMERICA’S CUP DAYS

WHEREAS, the America’s Cup is often called the “oldest trophy in international sport”, and is known as the most difficult trophy in sport to win; and,

WHEREAS, the America’s Cup was named after the schooner America, which beat the best yachts the British could offer and won the Royal Yacht Squadron’s 100 Guinea Cup in 1851; and,

WHEREAS, in the more than 160 years since that first race off England, only four nations have won the America’s Cup; and,

WHEREAS, Team Oracle USA won the 34th America’s Cup in San Francisco bay in 2013, and will defend the trophy in the 35th America’s Cup in Bermuda in 2017; and,

WHEREAS, the 35th America’s Cup includes the first-ever Louis Vuitton America’s Cup World Series, a unique interactive sailing and
entertainment experience that makes a stop at Chicago’s Navy Pier June 10-12, 2016; and,

    WHEREAS, the Louis Vuitton America’s Cup World Series Chicago is also a qualifying event for the 2017 America’s Cup Finals; and,

    WHEREAS, Louis Vuitton America’s Cup World Series Chicago event chairman Don Wilson and director Tod Reynolds should be credited for bringing this event to Chicago for the first time in the event’s 165-year history;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois do hereby proclaim June 10-12, 2016, as AMERICA’S CUP DAYS in Illinois.

Issued by the Governor May 27, 2016.
Filed by the Secretary of State June 2, 2016.

2016-166
CHILDREN’S DAY

WHEREAS, all children are created equal, and they are endowed with certain unalienable rights; and,

    WHEREAS, as the future of Illinois, children are the highest priority of our state; and,

    WHEREAS, it is especially important that the citizens of our state be aware of the needs of our children; and,

    WHEREAS, all citizens of our state should promote a safe and healthy environment for our children; and,

    WHEREAS, during the month of June, all citizens of Illinois should unite in aiding to further the cause of hope for our children;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June 12, 2016, as CHILDREN’S DAY in Illinois, and urge communities of the state to come together to participate in giving faith, hope, love, and commitment to our children.

Issued by the Governor May 27, 2016.
Filed by the Secretary of State June 2, 2016.

2016-167
IMMIGRANT HERITAGE MONTH

WHEREAS, generations of immigrants from every corner of the globe have built our country’s economy and created the unique character of our nation; and,

    WHEREAS, immigrants continue to grow businesses, innovate, strengthen our economy, and create American jobs in Illinois; and,
WHEREAS, immigrants have provided the United States with unique social and cultural influence, fundamentally enriching the extraordinary character of our nation; and,

WHEREAS, immigrants have been tireless leaders not only in securing their own rights and access to equal opportunity, but have also campaigned to create a fairer and more just society for all Americans; and,

WHEREAS, despite these countless contributions, the role of immigrants in building and enriching our nation has frequently been overlooked and undervalued throughout our history;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June 2016 as IMMIGRANT HERITAGE MONTH in Illinois.

Issued by the Governor May 27, 2016.
Filed by the Secretary of State June 2, 2016.

2016-168
PHILIPPINE INDEPENDENCE DAY

WHEREAS, one of the most significant dates in the history of the Philippines’ is Independence Day, which marks the date of the nation’s independence from Spanish rule on June 12, 1898; and,

WHEREAS, in 1898, the Philippine Declaration of Independence was signed, and publicly read by Ambrosio Rianzares Bautista, declaring a free, sovereign, and democratic Philippines; and,

WHEREAS, the Philippines’ flag was raised and its national anthem was played for the first time in 1898; and,

WHEREAS, this year marks the 118th anniversary of Philippine Independence, and Illinois is proud that thousands of Filipino Americans call our state home; and,

WHEREAS, the annual June 12 observance of Philippines’ Independence Day came into effect after past-President Diosdado Macapagal signed the Republic Act No. 4166 on August 4, 1964; and,

WHEREAS, our state’s thriving Filipino American population is well-served by the Consulate General of the Philippines in Chicago, and it is important that we commend the valuable Filipino community organizations across the Land of Lincoln; and,

WHEREAS, the contributions of Filipino Americans to the social, economic, and cultural landscape of this State greatly increase the quality of life for all Illinois residents; and,

WHEREAS, the Philippine Consulate General along with the Filipino American community in Chicago will celebrate the 118th anniversary of
Philippine Independence Day on June 12, 2016, with a flag-raising ceremony; and,

WHEREAS, it is appropriate on this occasion for the people of the Land of Lincoln to recognize Filipino Americans;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June 12, 2016, as PHILIPPINE INDEPENDENCE DAY in Illinois, and join all Filipino American citizens in celebration of this very special day.

Issued by the Governor May 27, 2016.
Filed by the Secretary of State June 2, 2016.

2016-169
ITALIAN NATIONAL DAY

WHEREAS, in 1946, after World War II ended, Italian citizens voted on the future of their government; and,
WHEREAS, Italians voted for a republican form of government over a monarchy; and,
WHEREAS, June 2, 1946 marked the beginning of universal suffrage in Italy; and,
WHEREAS, sixty-nine years later, Italians all across the globe commemorate the birth of their freedom, and remember the great sacrifices that were made to ensure a better quality of life for future generations; and,
WHEREAS, the Italian community in Chicago has long been an essential part of the city’s vibrant cultural landscape; and,
WHEREAS, Italian Americans have made significant social, cultural and economic contributions to the growth of Illinois over the years; and,
WHEREAS, the renowned success of Italian Americans can be attributed to the establishment of a republican government;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June 2, 2016, as ITALIAN NATIONAL DAY in Illinois to commemorate the great sacrifices and contributions of Italians and Italian Americans to Illinois and American society.

Issued by the Governor June 1, 2016.
Filed by the Secretary of State June 2, 2016.
2016-170
FLAGS AT HALF - STAFF IN HONOR AND REMEMBRANCE
OF THE VICTIMS OF THE TERRORIST
ATTACK IN ORLANDO, FLORIDA

WHEREAS, the people of Illinois stand united with the people of
Orlando and the State of Florida; and,
WHEREAS, the nation and State of Illinois are deeply saddened by
the senseless acts of violence that took place in Orlando on June 12, 2016;
and,
WHEREAS, the people of Illinois and this great nation mourn the loss
of so many lives by this ruthless act of terrorism, perpetrated by a cowardly
enemy; and,
WHEREAS, the targeting of a community in celebration is deplorable
and is an attack on freedom and the values we hold dear; and,
WHEREAS, the victims of this horrific attack will forever be
remembered, and our thoughts and prayers remain with their families;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do
hereby order all persons or entities governed by the Illinois Flag Display Act
to fly their flags at half-staff immediately until sunset on June 16, 2016, in
honor and remembrance of the victims of the terrorist attack in Orlando,
Florida.

Issued by the Governor June 13, 2016.
Filed by the Secretary of State June 13, 2016.

2016-171
HELPING CITIZENS WITH INTELLECTUAL
DISABILITIES DAYS

WHEREAS, an intellectual disability is defined as a disorder caused
by cerebral palsy, epilepsy, autism, or any other condition which results in
impairment of, or lack of, normal development of intellectual capacities; and,
WHEREAS, intellectual disabilities originate before the age of 18,
and generally continue indefinitely; and,
WHEREAS, approximately 1.5 percent of the U.S. population is
afflicted with an intellectual disability; and,
WHEREAS, due to the early onset and debilitating nature of these
disorders, many more children are affected than adults; and,
WHEREAS, one of the main purposes of the Knights of Columbus,
a fraternal order with 1.8 million members around the world, is to support
various charitable causes that seek to make our families and communities
stronger; and,

WHEREAS, the Knights of Columbus has donated more than $1.3 billion, and volunteered over 640 million hours of service in the past decade; and,

WHEREAS, the Illinois State Council of the Knights of Columbus will hold their 47th Annual Fund Drive on September 16-18, 2016, to benefit programs that serve individuals with intellectual disabilities, distributing proceeds to more than 1,200 service organizations throughout Illinois;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 16 - 18, 2016, as HELPING CITIZENS WITH INTELLECTUAL DISABILITIES DAYS in Illinois, in support of the worthy efforts of the Illinois State Council of the Knights of Columbus, and encourage all citizens to assist those who are affected by intellectual disabilities.

Issued by the Governor June 3, 2016.
Filed by the Secretary of State July 5, 2016.

2016-172
INTERNATIONAL YOGA DAY

WHEREAS, in September 2014, Prime Minister Narendra Modi of India addressed the 69th Session of the United Nations General Assembly in New York City and proposed the adoption of an International Day of Yoga; and,

WHEREAS, the 69th Session of the United Nations General Assembly adopted a resolution led by India on December 11, 2014, designating June 21st as an International Day of Yoga; and,

WHEREAS, since 2014, 175 nations have joined this resolution to adopt an International Day of Yoga; and,

WHEREAS, Illinois is now home to more than 190,000 Indian Americans who make valuable contributions to enhancing the vibrant diversity of our state; and,

WHEREAS, yoga represents an ancient practice and holistic approach to improving one’s quality of life and well-being; and,

WHEREAS, the practice of yoga encourages lifestyle behaviors and habits that foster good health; and,

WHEREAS, many individuals and organizations from all backgrounds will observe the International Day of Yoga across the State of Illinois;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June 25, 2016, as INTERNATIONAL YOGA DAY in
Illinois, to recognize the cultural significance of yoga and to raise awareness of the benefits of yoga.
   Issued by the Governor June 8, 2016.
   Filed by the Secretary of State July 5, 2016.

2016-173
ELDER ABUSE AWARENESS DAY

   WHEREAS, protecting adults and those with disabilities is an important undertaking conducted admirably by the Illinois Department on Aging, its newly created Office of Adult Protective Services, and providers throughout the state; and,
   WHEREAS, in 2015, the Department responded to nearly 15,000 reports of abuse of adults age 60 and older, and persons ages 18-59 with a disability, though the crisis remains vastly under-identified and under-reported; and,
   WHEREAS, abuse may take many forms, including financial exploitation, emotional abuse, passive neglect, physical abuse, willful deprivation, confinement, and sexual abuse, and these often occur in tandem; and,
   WHEREAS, victims are often abused by family members or other relatives; and,
   WHEREAS, abuse, neglect, and exploitation of any individual is an affront to human rights in Illinois and around the world; and,
   WHEREAS, the Adult Protective Services Act is a law created in Illinois to help this vulnerable population by stopping abuse and putting protective barriers and services in place to achieve safety; and,
   WHEREAS, it is important for all Americans and all Illinoisans to learn to recognize and report any signs of mistreatment, and redouble our efforts to build communities that safeguard our elders and persons with disabilities; and,
   WHEREAS, suspected abuse, neglect, or financial exploitation of an eligible adult should be reported to the statewide 24-hour Abuse Hotline at 866-800-1409; and,
   WHEREAS, abuse of adults is a worldwide problem. Elder Abuse Awareness Day began 11 years ago at the United Nations by the International Network for the Prevention of Elder Abuse and the World Health Organization;
   THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June 15, 2016, as ELDER ABUSE AWARENESS DAY in Illinois.
Issued by the Governor June 9, 2016.
Filed by the Secretary of State July 5, 2016.

2016-174
NATIONAL MODEL AVIATION DAY

WHEREAS, the first official declaration of National Model Aviation Day, August 13, 2016, will encourage model aviation clubs around the country to promote the hobby and to raise money for a charitable cause; and,
WHEREAS, model aviation has become a respected hobby and educational tool, created in the late 1400’s with Leonardo de Vinci’s first design of flying machines; and,
WHEREAS, the Academy of Model Aeronautics represents more than 155,000 international members, and is a congressionally recognized community-based organization; and,
WHEREAS, the Marion Sky Squires will promote National Model Aviation Day so people of all ages can experience the thrill and fantasy of flight. 2,400 clubs plan to participate and share knowledge of model aviation with the public
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois do hereby proclaim August 13, 2016, as NATIONAL MODEL AVIATION DAY in Illinois.
Issued by the Governor June 9, 2016.
Filed by the Secretary of State July 5, 2016.

2016-175
OVERDOSE AWARENESS DAY

WHEREAS, Drug Policy Alliance (DPA) statistics indicate that accidental drug overdose is the leading cause of injury-related death in the United States for people between the ages of 35-54, and the second-leading cause of injury-related death for young people; and,
WHEREAS, more than 28,000 people die each year of an overdose from heroin, cocaine, prescription drugs, or other narcotics; more than the number of deaths due to guns, murders, or HIV/AIDS; and,
WHEREAS, accidental drug overdose cases have quadrupled since 1990; and,
WHEREAS, International Overdose Awareness Day originally started in Australia as an initiative of the Salvation Army in 2001; and,
WHEREAS, International Overdose Awareness Day provides an opportunity for people around the world to publicly mourn loved ones by
honoring and remembering those who have lost their lives to an overdose; and,

WHEREAS, numerous participating countries use this occasion to educate policy makers and the public about the growing overdose crisis in the United States and abroad, thereby offering concrete solutions that could possibly save lives; and,

WHEREAS, in 2009, Illinois enacted the Overdose Protection Law, which allows trained individuals to administer life-saving drugs in the event of an overdose; this law would further save lives by protecting friends and family who seek medical help for those who overdose from arrest or prosecution for possession of small amounts of drugs;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim August 31, 2016, as OVERDOSE AWARENESS DAY in Illinois, in memory of the people who have either lost loved ones, or live with permanent injuries resulting from drug overdose.

Issued by the Governor June 9, 2016.
Filed by the Secretary of State July 5, 2016.

2016-176
QUEBEC NATIONAL DAY

WHEREAS, the links between Illinois and Quebec are numerous, and can be traced back centuries to the French-speaking missionaries and voyagers who left Quebec City and Montreal to explore the land of Illinois and eventually settle here; and,

WHEREAS, in 1969, Quebec established its delegation in the City of Chicago because of the business and cultural preeminence of the city; and,

WHEREAS, both Illinois and Quebec are active in the Council of Great Lakes Governors and the Great Lakes Commission as associate members; and,

WHEREAS, trade between Illinois and Quebec exceeds $3 billion U.S. dollars each year; and,

WHEREAS, the staff of the Quebec Delegation in Chicago established commercial links between Illinois and Quebec companies and brought Quebec performing artists, intellectuals, and writers to the theatres and universities of this state; and,

WHEREAS, the Quebec Delegation in Chicago seeks to broaden the economic, cultural, educational, and tourism links between Quebec and the Midwest; and,

WHEREAS, every year on the 24th of June, Saint John the Baptist's Day, the people of Quebec celebrate their history and values with Quebec's
national holiday, Saint Jean-Baptiste Day;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June 24, 2016, as QUEBEC NATIONAL DAY in Illinois, in recognition of the numerous connections that unite Illinois and Quebec, and encourage all citizens to join in this vibrant and spirited commemoration.

Issued by the Governor June 9, 2016.
Filed by the Secretary of State July 5, 2016.

2016-177
BREASTFEEDING PROMOTION MONTH

WHEREAS, exclusive breastfeeding is the foundation for life-long health and wellness; and,
WHEREAS, exclusive breastfeeding is recommended and supported by the American Academy of Pediatrics and many other health organizations, as providing benefits that are not received by partially breastfed infants; and,
WHEREAS, infants and young children receiving human milk are protected against serious long term health conditions including obesity, respiratory and ear infections, asthma, allergies, diarrhea, childhood cancers, Sudden Infant Death Syndrome, and less than optimal brain development; and,
WHEREAS, breastfeeding women have reduced incidence of ovarian and breast cancers, diabetes, and cardiovascular disease; and,
WHEREAS, breastfeeding promotes strong family bonds while providing economical and societal benefits through lowering health care costs; and,
WHEREAS, establishing donor human milk banks ensures all infants have access to breast milk; and,
WHEREAS, in the event of a disaster depriving people of food, shelter, and resources needed to survive, breastfeeding is the first line of defense for safe infant feeding; and,
WHEREAS, a united effort is needed from business, communities, governmental leaders, and health care providers to support exclusive breastfeeding; and,
WHEREAS, hospitals pursue baby friendly designation while health care providers support the ten steps to successful breastfeeding;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim August 2016 as BREASTFEEDING PROMOTION MONTH in Illinois to uphold a mother’s decision for a healthy beginning for her child and to encourage our Illinois employers and businesses to support the needs of breastfeeding mothers.
ARGONNE NATIONAL LABORATORY DAY

WHEREAS, the U.S. Department of Energy’s Argonne National Laboratory in Lemont, Illinois, was chartered 70 years ago; and,
WHEREAS, since that time, Argonne has been consistently improving the way we create, use, store, and even think about energy; and,
WHEREAS, Argonne’s research continues to expand into new areas including protein characterization, nanomaterials, molecular engineering, and urban sciences; and,
WHEREAS, Argonne is a longstanding global leader in battery research, having licensed its chemistries for use in bestselling electric vehicles and positioned itself to meet the emerging storage needs of the new electric grid; and,
WHEREAS, Argonne continues to create new knowledge that addresses major scientific and societal needs, from understanding the fundamentals of the universe to advancing low-carbon transportation; and,
WHEREAS, Argonne is home to one of the world’s fastest supercomputers and the brightest X-ray source in the Western Hemisphere. It updates these and other user facilities in order to remain a global leader; and,
WHEREAS, Argonne is a convener of and contributor to rich the Midwest regional ecosystem of public and private entities delivering innovative research and technology; and,
WHEREAS, Argonne is an important scientific educator, employing more than 400 graduate and undergraduate students each year and annually hosting approximately 3,000 elementary, middle, and high school students participating in various programs; and,
WHEREAS, Argonne brings scientific discovery to the world while at the same time serving as an economic engine for Illinois;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim July 1, 2016, as ARGONNE NATIONAL LABORATORY DAY in Illinois.

Issued by the Governor June 13, 2016.
Filed by the Secretary of State July 5, 2016.
2016-179
AMERICAN TELUGU ASSOCIATION DAYS

WHEREAS, the American Telugu Association (ATA) was founded in Chicago in 1991 and is incorporated in the great State of Illinois; and,
WHEREAS, ATA’s mission is to promote exchange programs for students, scientists, and professionals of Telugu origin between the United States of America, Canada, and India, as well as other countries; and,
WHEREAS, ATA also works to perpetuate, preserve, and maintain the heritage of the people of Telugu origin; and,
WHEREAS, each year, ATA invites distinguished Telugu scholars, artists, artisans, and statesmen to America for lectures, seminars, and gatherings to promote the exchange of ideas; and,
WHEREAS, ATA will celebrate its Silver Jubilee at the 14th American Telugu Association Conference and Youth Convention, July 1 through 3, 2016, in Rosemont, Illinois; and,
WHEREAS, this year’s conference is dedicated to promoting Indian culture and community activities by focusing on educational, spiritual, social, and economic growth for the people of Telugu origin;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim July 2 and 3, 2016, as AMERICAN TELUGU ASSOCIATION DAYS in Illinois to celebrate the contributions people of Telugu origin make to our state.
Issued by the Governor June 14, 2016.
Filed by the Secretary of State July 5, 2016.

2016-180
ARTHROGRYPOSIS AWARENESS DAY

WHEREAS, Arthrogryposis Multiplex Congenita (AMC) is a prenatal condition that causes joint contractures, causing joints to be stiff and crooked and without a normal range of motion; and,
WHEREAS, no two people are affected by AMC in the same way, but the condition can affect the hands, feet, hips, knees, elbows, shoulders, wrists, fingers, toes, jaw, and spine; and,
WHEREAS, Arthrogryposis is found in one in 3,000 live births; and,
WHEREAS, there are more than 400 different types of AMC, with Amyoplasia and Distal Escobar Syndrome the most common types; and,
WHEREAS, some individuals never have their type of Arthrogryposis identified; and,
WHEREAS, Arthrogryposis is not curable but it is treatable, and treatment can promote independence in the activities of daily living;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June 30, 2016, as ARTHROGRYPOSIS AWARENESS DAY in Illinois.

Issued by the Governor June 17, 2016.
Filed by the Secretary of State July 5, 2016.

2016-181
CATHOLICATE DAY

WHEREAS, His Holiness Moran Mar Baselius Mar Thoma Paulose II, Catholicos of the East and Malankara Metropolitan, the supreme head of the Malankara Orthodox Syrian Church (The Indian Orthodox Church) and the 91st successor of the throne of St. Thomas, the Apostle of Jesus Christ, is coming to Chicago on June 29, 2016; and,

WHEREAS, the Church is in the Oriental Orthodox family following the Orthodox faith of the three Ecumenical Councils of Nicæa, Constantinople, and Ephesus; and,

WHEREAS, dating back to 52 A.D. when St. Thomas travelled to India and established Christianity in the region, the Malankara Orthodox Syrian Church of the East has thrived in South Western Asia, and has provided a source of spiritual strength and support to millions. The present headquarters is in Devalokam Aramana, Kottayam Kerala, India; and,

WHEREAS, His Holiness is the successor of St. Thomas and administers the affairs of the church sitting on the Throne of the Apostle. St. Thomas was an autonomous ruler over an autocephalous Church; and,

WHEREAS, On November 1, 2010, His Holiness Moran Mar Baselius Mar Thoma Paulose II (born August 30, 1946) was enthroned Catholicos of the East. The designation “Catholicos of the East”, to the successors of St. Thomas the Apostle, was given by the Jerusalem Synod of A.D. 231; and,

WHEREAS, The Church has been recognized by all world Christian denominations, including Roman Catholics, Protestant, and the Eastern and the Oriental Orthodox Churches, along with the World Council of Churches as an independent, indigenous, autocephalous Church; and,

WHEREAS, The Chicago-area parishes will be holding a reception in honor of His Holiness on July 2nd at St. Thomas Orthodox Church located at 6099 N. Northcotta Ave. in Chicago;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim July 2, 2016, as CATHOLICATE DAY in Illinois in honor
of the visit of His Holiness Moran Mar Baselius Mar Thoma Paulose II to our great state.

Issued by the Governor June 29, 2016.
Filed by the Secretary of State July 5, 2016.

2016-182
GASTROPARESIS AWARENESS WEEK

WHEREAS, gastroparesis is a chronic illness that affects more than five million people in the United States; and,
WHEREAS, gastroparesis, meaning "paralysis of the stomach", can cause debilitating pain, nausea, vomiting, early satiety, and can lead to serious complications such as malnourishment, dehydration, extreme weight loss, and overwhelming fatigue; and,
WHEREAS, public awareness of gastroparesis is very low, no known cure exists, and few effective treatment options are available; and,
WHEREAS, further research is required to better understand gastroparesis, improve medications, create additional treatment options, and provide better support for those suffering from the disease;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim August 7-13, 2016, as GASTROPARESIS AWARENESS WEEK in Illinois, in order to raise awareness in the medical community and general public of the devastating effects of this disorder.

Issued by the Governor June 29, 2016.
Filed by the Secretary of State July 5, 2016.

2016-183
GASTROSCHISIS AWARENESS DAY

WHEREAS, one in 2229 individuals are born with gastroschisis in the United States each year; and,
WHEREAS, individuals living with gastroschisis have serious and debilitating conditions that have a significant impact on the lives of those affected, including, but not limited to, failure to thrive/slow growth, short bowel syndrome, multiple organ transplants, and long term feeding issues; and,
WHEREAS, individuals and families affected by gastroschisis often experience problems such as a sense of isolation, difficulty in obtaining an accurate and timely diagnosis, few treatment options, and problems related to accessing or being reimbursed for treatment; and,
WHEREAS, the cause of gastroschisis is relatively unknown;
patients, and their families must bear a large share of the burden for things
such as raising funds for research; and,

WHEREAS, hundreds of residents of Illinois are among those
affected by gastroschisis;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do
hereby proclaim July 30, 2016, as GASTROSCHISIS AWARENESS DAY
in Illinois.

Issued by the Governor June 29, 2016.
Filed by the Secretary of State July 5, 2016.

2016-184
MUSCULAR DYSTROPHY & “LIGHT IT UP GREEN
FOR MD” MONTH

WHEREAS, muscular dystrophy is not a single disease or disorder
that effects everyone the same way, but is an umbrella term covering more
than nine types of muscular and 52 neuromuscular diseases ranging in
severity; and,

WHEREAS, all muscular dystrophies result in progressive muscle
weakness, from mild muscle weakness to complete paralysis of all voluntary
muscles, including those used for breathing and/or swallowing; and,

WHEREAS, more than one million individuals in the United States
are affected by one of the different types of muscular dystrophy; and,

WHEREAS, muscular dystrophy strikes people regardless of race,
sex, age, or ethnicity; and,

WHEREAS, in the fight to cure neuro-muscular disease, there are
currently four times as many new clinical trials underway than compared to
the 1990s, and more new drugs are expected in the next few years compared
to the previous five decades; and,

WHEREAS, raising public awareness of these diseases will continue
to facilitate the discovery of treatments and cures, as well as bring much
needed funding to support services for families in Illinois; and,

WHEREAS, Muscular Dystrophy Awareness Month and “Light it Up
Green for MD” Month is a special opportunity to educate the public about
muscular dystrophy and issues in the muscular dystrophy community;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do
hereby proclaim August 2016 as MUSCULAR DYSTROPHY & “LIGHT IT
UP GREEN FOR MD” MONTH in Illinois, to increase knowledge of
muscular dystrophy and allow the community at large to better support those
who struggle with the challenges of this disorder.

Issued by the Governor June 29, 2016.
Filed by the Secretary of State July 5, 2016.

2016-185
PARKS AND RECREATION MONTH

WHEREAS, Illinois park districts, forest preserves, and conservation and recreation agencies have a proud history of providing the citizens of Illinois with beautiful parks and outstanding recreational programming; and,

WHEREAS, parks and recreation is a $3 billion industry in the state of Illinois, with parks, facilities, and programs that boost the economy, enhance property values, attract new business, increase tourism, and reduce crime; and,

WHEREAS, park, recreation, and conservation agencies provide essential services to the citizens of Illinois, including health and wellness programs, senior services, before and after school care, special needs programs and facilities, summer camps, and safety education and training; and,

WHEREAS, each year, more than 5.6 million citizens make more than 94 million visits to Illinois parks, and 62,900 Illinois jobs are within local park districts and recreation agencies, 54,200 of which include youth who are pursuing seasonal part-time employment; and,

WHEREAS, Illinois parks and natural areas ensure ecological beauty, provide space to enjoy nature, help maintain clean air and water, and preserve plant and animal wildlife; and,

WHEREAS, the Illinois Association of Park Districts and its member park districts, forest preserves, conservation, recreation, and special recreation agencies celebrate the power of parks during the month of July with special focus on the array of specialized programs, services, and facilities they provide to make Illinois a better place to live, work, and recreate;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim July 2016 as PARKS AND RECREATION MONTH Illinois.

Issued by the Governor June 29, 2016.
Filed by the Secretary of State July 5, 2016.

2016-186
TUSKEGEE AIRMEN, INC. DAY

WHEREAS, this year marks the 45th annual Tuskegee Airmen, Inc. (TAI) National Convention which pays tribute, honors the accomplishments,
and perpetuates the history of African-Americans who participated in the “Tuskegee Experience” as air crew, ground crew, and operations support training in the Army Air Corps during World War II; and,

WHEREAS, March 22, 2016, marked the 75th anniversary of the activation of the U.S. Army Air Corps 99th Pursuit Squadron, the first black combat aviation unit comprised of pilots and support personnel trained at Tuskegee Army Air Field and other locations; and,

WHEREAS, this celebration of the legacy born directly from the effort and determination of more than 16,000 courageous men and women recognizes the fortitude of these individuals to stand strong in the face of adversity; and,

WHEREAS, their hard won accomplishments continue on a grand scale through the introduction of young people across the nation to the world of aviation, science, technology, engineering, and math through local and national programs such as Young Eagles and TAI youth programs and activities; and,

WHEREAS, Tuskegee Airmen, Inc. is a national non-profit organization whose mission is to motivate and inspire young Americans to become fully committed future leaders, and active participants in our nation’s society and its democratic process;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim July 16, 2016, as TUSKEGEE AIRMEN, INC. DAY and urge my fellow citizens to applaud the intrinsic value of the documented Original Tuskegee Airmen and support those who proudly stand on the foundation they built.

Issued by the Governor June 29, 2016.
Filed by the Secretary of State July 5, 2016.

2016-187
USO DAY

WHEREAS, throughout our nation’s history, millions of men and women in the United States military have left their homes and families to protect our freedoms, rights, and the American way; and,

WHEREAS, the United Service Organizations was established in 1941 as the nation prepared for World War II and has helped boost the morale of American service members since, keeping these brave men and women connected to family, home, and country; and,

WHEREAS, the USO of Illinois supports more than 330,000 military members and their families each year entirely through the generosity of the American people, including local donors from the great state of Illinois; and,
WHEREAS, more than 700 Illinois citizens volunteer their time and energy to the USO of Illinois in recognition of the valor, sacrifice, and commitment of our Soldiers, Airmen and women, Sailors, Marines, and Coast Guardsmen and women; and,

WHEREAS, the USO of Illinois is devoted to our military members and their families, and the citizens of Illinois should commend the accomplishments and patriotism of the USO of Illinois, its dedicated staff, and its legions of faithful and enthusiastic volunteers;

THEREFORE, I, Governor Bruce Rauner, Governor of the State of Illinois, do hereby proclaim July 10, 2016, as USO DAY in Illinois in recognition of all the service its volunteers do for our state and nation.

Issued by the Governor June 29, 2016.
Filed by the Secretary of State July 5, 2016.

2016-188
DYSLEXIA AWARENESS MONTH

WHEREAS, millions of Americans throughout the country and the State of Illinois have dyslexia, which is a language-based neurological disorder that affects their ability to read, write, and spell proficiently; and,

WHEREAS, dyslexia occurs among all groups regardless of age, ethnicity, race, socio-economic background, and sex. The disorder is not related to one’s level of intelligence or desire to learn; and,

WHEREAS, although the degree of dyslexia varies from person to person, both children and adults can overcome the disorder with proper diagnosis and treatment. Today, many dedicated professionals work in homes and schools to help those with dyslexia; and,

WHEREAS, Everyone Reading Illinois is also dedicated to helping those with dyslexia by promoting literacy through research, education, and advocacy; and,

WHEREAS, last year, other state dyslexia associations offered more than 50 free and successful events about dyslexia to educators, parents, and the public during the month of October, which is recognized as Dyslexia Awareness Month, and they plan to repeat their public awareness campaign again this October;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 2016 as DYSLEXIA AWARENESS MONTH in Illinois, in support of the campaign by Everyone Reading Illinois to raise awareness about this disorder and to help those afflicted with it.

Issued by the Governor July 1, 2016.
Filed by the Secretary of State July 5, 2016.
2016-189
FIRST RESPONDER APPRECIATION DAY

WHEREAS, individuals, both career and volunteer, from police, fire, emergency medical services, search and rescue, dive, and other organizations in the public safety sector, come together as first responders to protect and aid the public in the event of an emergency; and,

WHEREAS, everyday first responders risk their own safety and personal property in the performance of their duties to protect our citizens; and,

WHEREAS, first responders are our first and best defense against all emergencies that may threaten our communities, whatever their nature; and,

WHEREAS, first responders are ready to aid the people of Illinois 24 hours a day, seven days a week; and,

WHEREAS, first responders are a vital part of every Illinois community who maintain safety and order in times of crisis, and volunteer in our towns and schools; and,

WHEREAS, first responders are highly trained, specialized workers who contribute their excellent skills for the public good and often for no pay; and,

WHEREAS, there are more than 120,000 volunteer and professional first responders in Illinois;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 27, 2016, as FIRST RESPONDER APPRECIATION DAY in Illinois, and salute all first responders who have given their service to our state.

Issued by the Governor July 1, 2016.
Filed by the Secretary of State July 5, 2016.

2016-190
NAVY PIER CENTENNIAL CELEBRATION DAY

WHEREAS, Chicago’s Municipal Pier No. 2 opened on July 15, 1916, and fulfilled the dream of renowned city planner Daniel Burnham to be the largest pier in the world and the first to combine the business of shipping with the pleasure of public entertainment; and,

WHEREAS, the Pier served its country with distinction as a military facility in both World War I and World War II, and officially changed its name to “Navy Pier” in 1927 to honor those who served in the Navy in WWI; and,

WHEREAS, Navy Pier served as the University of Illinois’ first
Chicago campus from the 1940s through 1965, and gained the affectionate nickname, “Harvard on the Rocks,” before the university relocated. Prestigious alumni include legendary jazz pianist Ramsel Lewis and former Illinois Governor James Thompson; and,

WHEREAS, after years of decline, the nation’s Bicentennial festivities in 1976 and the first ChicagoFest in 1978 (later becoming “Taste of Chicago”) attracted millions of visitors and renewed interest in revitalizing an historic facility given landmark status, and the creation of the Metropolitan Pier and Exposition Authority in 1989 to manage the redevelopment of Navy Pier; and,

WHEREAS, Navy Pier has grown into one of the most popular leisure destinations in the world, attracting nine million visitors each year and serving as a major economic and tourism engine for the State of Illinois; and,

WHEREAS, the non-profit Navy Pier Inc. has undertaken a major re-imagining of “the People’s Pier” for the 21st century, opening a new Centennial (Ferris) Wheel, a beautiful Polk Bros. Park at the main entrance to the Pier, improved dining options, a more vibrant setting, and more green space throughout the Pier, all as part of Navy Pier’s Centennial Celebration;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim July 15, 2016, as NAVY PIER CENTENNIAL CELEBRATION DAY in the State of Illinois.

Issued by the Governor July 1, 2016.
Filed by the Secretary of State July 5, 2016.

2016-191
FLAGS AT HALF - STAFF IN HONOR AND REMEMBRANCE OF FIREFIGHTER ERIC KOHLBAUER

WHEREAS, we hold the highest esteem and reverence for the men and women who answer the call to serve their friends, family, and communities; and,

WHEREAS, firefighters save countless lives every year with their heroic efforts; and,

WHEREAS, firefighters not only demonstrate the desire to serve, but also the courage to act calmly and professionally when faced with dangerous situations; and,

WHEREAS, a 29-year veteran volunteer of the Freeport Rural Fire Department, firefighter Eric Kohlbauer, 52, died due to a medical emergency during a training exercise on Tuesday, July 12, 2016; and,

WHEREAS, although firefighter Eric Kohlbauer is no longer with us, we will not forget the countless lives that were impacted by his service; and,
WHEREAS, a funeral service will be held Monday, July 18, 2016, at Zion Church of Freeport for firefighter Eric Kohlbauer;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff starting Friday, July 15, 2016 until sunset on Monday, July 18, 2016, in honor and remembrance of firefighter Eric Kohlbauer, whose selfless service and sacrifice are an inspiration to the residents of the Land of Lincoln.

Issued by the Governor July 14, 2016.
Filed by the Secretary of State July 14, 2016.

2016-191
FLAGS AT HALF STAFF IN HONOR AND REMEMBRANCE OF FIREFIGHTER ERIC KOHLBAUER (REVISED)

WHEREAS, we hold the highest esteem and reverence for the men and women who answer the call to serve their friends, family, and communities; and,
WHEREAS, firefighters save countless lives every year with their heroic efforts; and,
WHEREAS, firefighters not only demonstrate the desire to serve, but also the courage to act calmly and professionally when faced with dangerous situations; and,
WHEREAS, a 29-year veteran volunteer of the Freeport Rural Fire Department, firefighter Eric Kohlbauer, 52, died due to a medical emergency during a training exercise on Tuesday, July 12, 2016; and,
WHEREAS, although firefighter Eric Kohlbauer is no longer with us, we will not forget the countless lives that were impacted by his service; and,
WHEREAS, a funeral service will be held Monday, July 18, 2016, at Zion Church of Freeport for firefighter Eric Kohlbauer;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff starting Saturday, July 16, 2016 until sunset on Monday, July 18, 2016, in honor and remembrance of firefighter Eric Kohlbauer, whose selfless service and sacrifice are an inspiration to the residents of the Land of Lincoln.

Issued by the Governor July 14, 2016.
Filed by the Secretary of State July 14, 2016.
2016-192
SUMMER FOOD SERVICE PROGRAM DAY

WHEREAS, more than 14 percent of Illinoisans struggle to provide enough food for their families and more than 21 percent of Illinois children are food insecure, meaning they do not have consistent access to adequate food; and,

WHEREAS, no child deserves to go without food, and children who are food insecure suffer from increased risk of chronic diseases, increased rates of behavioral problems, decreased academic achievement, and long-term social and economic impacts; and,

WHEREAS, there are children in every county of the State of Illinois who experience food insecurity and summer meals reach just 14 percent of eligible children who receive free or reduced priced National School Lunch Program meals during the school year; and,

WHEREAS, there are 30 counties in Illinois that have zero Summer Food Service Program sites in 2016; and,

WHEREAS, Summer Food Service Program sites are an ideal model for summer food delivery and provide on-site adult supervision and enrichment activities for children; however, more SFSP sites are needed; and,

WHEREAS, USDA, Illinois State Board of Education, No Kid Hungry Illinois, Illinois Hunger Coalition, and Illinois Summer Meals Partners continue to work together to increase participation in the Summer Food Service Program;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim July 11, 2016, as SUMMER FOOD SERVICE PROGRAM DAY throughout the state of Illinois, and call upon Summer Food Service Program sites to operate as open sites to the community so that all children can access healthy, nutritious meals during the summer.

Issued by the Governor July 8, 2016.
Filed by the Secretary of State August 24, 2016.

2016-193
BLOOD DRIVE COORDINATOR MONTH

WHEREAS, patients in Illinois hospitals require a year-round supply of donated blood; and,

WHEREAS, blood centers rely 100 percent on donations from volunteer donors in order to maintain a safe and viable blood supply; and,

WHEREAS, a single trauma patient can use more than 100 units of blood; and,
PROCLAMATIONS

WHEREAS, donated blood only has a shelf life of 42 days; and,
WHEREAS, blood centers rely heavily on blood donated on their premises and at blood drives organized throughout their communities by volunteers; and,
WHEREAS, though there are many honors for donors, volunteer blood drive coordinators are often the “unsung heroes” who are responsible for hundreds of donations and are invaluable to the blood centers; and,
WHEREAS, blood drive coordinators play a vital role in educating the public on the importance of blood donation; and,
WHEREAS, many blood drive coordinators are responsible for the recruitment of first-time blood donors, many of whom become regular donors over the course of their lifetimes; and,
WHEREAS, the State of Illinois recognizes the importance of blood donation through the Blood Donation Act, the Employee Blood Donation Leave Act, and the Organ Donor Act; and,
WHEREAS, the Illinois Coalition of Community Blood Centers presents annual awards throughout the state to individuals who have made a major impact in their communities through their blood drive collection efforts;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim July 2016 as BLOOD DRIVE COORDINATOR MONTH in Illinois, and encourage Illinoisans to consider volunteering to coordinate a blood drive in their community, and encourage blood centers, units of local government, civic organizations and businesses, and others to honor volunteers in their community who coordinate local blood drives.

Issued by the Governor July 13, 2016.
Filed by the Secretary of State August 24, 2016.

2016-194
PARENTS DAY

WHEREAS, through a bi-partisan effort in Congress and the signature of President William Jefferson Clinton, Parents Day was established as a holiday to be celebrated on the fourth Sunday every July; and,
WHEREAS, the strength of the American family is directly related to the moral strength of our great nation; and,
WHEREAS, the family is the school of love, where children learn to be good citizens, good siblings, good friends and eventually responsible parents themselves; and,
WHEREAS, the Family Federation for World Peace and Unification is celebrating this holiday in Washington, D.C. and will be sending its Illinois
"Parents of the Year" to the National celebration;
    THEREFORE, I, Bruce Rauner, the Governor of the State of Illinois
do hereby declare, Sunday, July 24, 2016, as PARENTS DAY in Illinois.
    Issued by the Governor July 13, 2016.
    Filed by the Secretary of State August 24, 2016.

2016-195
CHICAGO DEFENDER CHARITIES INC. BUD BILLIKEN® DAY

    WHEREAS, Chicago Defender Charities Inc. has a long tradition of
helping Illinoisans in need through charitable aid such as financial assistance
and scholarships to students and gift baskets to public housing residents
during seasons; and,
    WHEREAS, Chicago Defender Charities Inc. also sponsors the
historic 87th Annual Bud Billiken® Parade and Picnic to be held this year on
August, 13th 2016; and
    WHEREAS, For the past 87 years, the Bud Billiken® Parade and
Picnic has provided wholesome fun and safe entertainment without charge to
thousands of children; and,
    WHEREAS, the Chicago Defender Charities Inc. Bud Billiken®
Parade and Picnic has become one of Chicago's most celebrated rites of
summer for thousands of children returning to school, and a greatly
anticipated event for families throughout the state; and,
    WHEREAS, the Chicago Defender Charities Inc. has always been
committed to the support, encouragement and education of our youth; and,
    WHEREAS, the Chicago Defender Charities will continue the green
initiative Green Team Conservation & Recycling Program to train, employ
and prepare our youth for the emerging green economy; and,
    WHEREAS, organizations and events such as Chicago Defender
Charities Inc. and the Bud Billiken® Parade promote community service and
unity, which are vital to the strength and success of communities throughout
the Land of Lincoln;
    THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do
hereby proclaim August 13th, 2016 as CHICAGO DEFENDER CHARITIES
INC. BUD BILLIKEN® DAY in Illinois, and urge all citizens to join in the
festivities.
    Issued by the Governor July 15, 2016.
    Filed by the Secretary of State August 24, 2016.
2016-196
CONCRETE PIPE WEEK

WHEREAS, reinforced concrete pipe and precast concrete products are of vital importance to sustainable communities and to the health, safety, and well-being of the people of Illinois; and,

WHEREAS, reinforced concrete pipes and precast concrete products and services could not be provided without the dedicated efforts of the concrete pipe and precast industry manufacturers, professionals, engineers, managers, and employees; and,

WHEREAS, these individuals design, manufacture, distribute, educate, and supply precast concrete pipe to public and private owners who build, design, and maintain our transportation infrastructure, water supply, water treatment systems, solid waste systems, and other structures and facilities essential to serve our citizens; and,

WHEREAS, it is in the public interest for the citizens, civic leaders, and children in Illinois to learn about the importance of the reinforced concrete pipe and precast industry in their communities; and,

WHEREAS, 2016 marks the 102nd year of the American Concrete Pipe Association and the second year of National Concrete Pipe Week sponsored by the American Concrete Pipe Association; and,

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim August 14-20, 2016, as CONCRETE PIPE WEEK in Illinois, and urge all citizens to join with representatives of the Illinois Concrete Pipe Association of the American Concrete Pipe Association in activities and ceremonies designed to pay tribute to our concrete pipe and precast industry manufactures, professionals, engineers, managers, and employees, and to recognize the substantial contributions they make to our national health, safety, welfare, and quality of life.

Issued by the Governor July 18, 2016.
Filed by the Secretary of State August 24, 2016.

2016-197
ILLINOIS STEEL DAY

WHEREAS, the structural steel industry annually provides structural steel framing systems for more than 500 million square feet of new building construction throughout Illinois and other states; and,

WHEREAS, the structural steel industry provides employment for more than 160,000 workers in Illinois and other states; and,
WHEREAS, the structural steel industry demonstrates a significant commitment to sustainable construction through the use of structural steel products made from 93 percent recycled materials from old cars, appliances, stoves, manufacturing waste, curb-side recycling, and deconstructed buildings; and,

WHEREAS, 98 percent of the structural steel in a building is recycled at the end of the building’s life; and,

WHEREAS, structural steel’s high strength-to-weight ratio and low carbon footprint help minimize environmental impacts; and,

WHEREAS, the American Institute of Steel Construction has declared Friday, September 30, 2016, Steel Day throughout the United States with more than 150 events nationwide; and,

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 30, 2016, as ILLINOIS STEEL DAY in recognition of the contribution of the Illinois structural steel industry to the economy and infrastructure of the State of Illinois.

Issued by the Governor July 18, 2016.
Filed by the Secretary of State August 24, 2016.

2016-198

CHIROPRACTIC HEALTH CARE MONTH

WHEREAS, every year, more than 30 million Americans throughout the country, including 2 million in Illinois, visit chiropractic physicians who locate and help correct joint and spinal problems; and,

WHEREAS, chiropractic physicians have long stressed that exercise, good posture, and balanced nutrition are essentials to proper growth, development, and health maintenance; and,

WHEREAS, Illinois chiropractic physicians are dedicated to protecting and promoting patient rights, the practice of chiropractic medicine, and fostering the growth of chiropractic through ongoing training and a commitment to safe and ethical practice; and,

WHEREAS, chiropractic is a safe, conservative approach to pain relief and wellness, and it is the most popular form of natural healthcare in the world; and,

WHEREAS, the science of chiropractic and the physicians who practice it have contributed greatly to the health and wellbeing of the people of Illinois:

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 2016 as CHIROPRACTIC HEALTH CARE MONTH in Illinois, to raise awareness about chiropractic care.
WHEREAS, hydrocephalus is a condition that has no cure, in which the primary characteristic is excessive accumulation of cerebrospinal fluid in the brain, which creates harmful pressure on the tissues of the brain and can be fatal if untreated; and

WHEREAS, there are two primary types of hydrocephalus, including congenital hydrocephalus, which is present at birth, caused by either events or influences during fetal development, or genetic abnormalities; and acquired hydrocephalus, affecting individuals of all ages, caused by injury or disease; and

WHEREAS, experts estimate hydrocephalus affects more than one million Americans and occurs in 1.5 in every 1,000 live births, and in an estimated 700,000 older Americans; and

WHEREAS, the only treatment for hydrocephalus requires brain surgery; most often, a shunt system is surgically inserted, which diverts the flow of cerebrospinal fluid to another area of the body where it can be absorbed as part of the normal circulatory process; and

WHEREAS, hydrocephalus poses risks to both cognitive and physical development and often requires repeated brain surgeries over a lifetime; however, children diagnosed with the disorder benefit from early intervention programs, rehabilitation therapies, and educational interventions, and many go on to lead lives with few limitations; and

WHEREAS, in 2009, the United States Congress passed a resolution designating the month of September as National Hydrocephalus Awareness Month; and,

WHEREAS, representatives from the national, state, and local levels, the Chicago-area community of the Hydrocephalus Association, and the national-level Hydrocephalus Association are dedicated to increasing public awareness of hydrocephalus and the needs of families, resulting in better health for all individuals in the State of Illinois and throughout the nation;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 2016 as HYDROCEPHALUS AWARENESS MONTH and September 1, 2016, as HYDROCEPHALUS AWARENESS DAY in Illinois to raise awareness about hydrocephalus for those within the
community affected by the condition, and to support efforts to learn more about its causes and treatment options.

Issued by the Governor July 25, 2016.
Filed by the Secretary of State August 24, 2016.

**2016-200**

**INFANT MORTALITY AWARENESS MONTH**

WHEREAS, infant mortality refers to the death of a baby before it reaches his or her first birthday; and,
WHEREAS, Illinois ranks 26th among the 50 states in the rate of infant mortality; and,
WHEREAS, 2014 provisional data shows that the Illinois infant mortality rate is 6.6 deaths per 1,000 live births, which remains relatively unchanged since 2010; and,
WHEREAS, the current infant mortality rate is a significant and troubling public health issue, especially for African-American families, Native-American families, and Hispanic families; and,
WHEREAS, the infant mortality rate among African-American women is triple that of Caucasian women, according to the Illinois Department of Public Health; and,
WHEREAS, the Illinois Department of Public Health and other stakeholders in the Collaborative Improvement & Innovation Network to Reduce Infant Mortality (CoIIN) are committed to addressing infant mortality by focusing on preconception and interconception health, sudden infant death syndrome, social determinants of health, early elective delivery, and perinatal regionalization; and,
WHEREAS, a set of goals and objectives with 10-year targets designed to guide national health promotion and disease prevention, known as Healthy People 2020, includes an objective regarding a decrease in the rate of infant mortality;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 2016 as INFANT MORTALITY AWARENESS MONTH in Illinois, in order to reduce health inequities, improve birth outcomes, and improve the health of all Illinois women, babies, and families so that no parent will have to endure the tragedy of infant death.

Issued by the Governor July 25, 2016.
Filed by the Secretary of State August 24, 2016.
2016-201
INTERNATIONAL ASSISTANCE DOG WEEK

WHEREAS, assistance dogs include guide dogs for the blind and visually impaired, hearing dogs for the deaf and hearing impaired, and service dogs for people with other disabilities; and,

WHEREAS, service dogs assist people with disabilities with walking, balance, dressing, transferring from place to place, retrieving and carrying items, opening doors and drawers, pushing buttons, pulling wheelchairs, and aiding with household chores such as putting in and removing clothes from the washer and dryer; and,

WHEREAS, hearing alert dogs alert people with a hearing loss to the presence of specific sounds such as doorbells, telephones, crying babies, sirens, another person, buzzing timers or sensors, knocks at the door, as well as smoke, fire, and clock alarms; and,

WHEREAS, alert/response dogs alert or respond to medical conditions such as heart attack, seizures, stroke, diabetes, epilepsy, panic attack, anxiety attack, and post-traumatic stress; and,

WHEREAS, International Assistance Dog Week, August 7-13, 2016, provides an opportunity for us to raise awareness of the selfless way all types of assistance dogs assist individuals with mitigating their disability-related limitations; and,

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim the week of August 7-13, 2016, as INTERNATIONAL ASSISTANCE DOG WEEK to raise awareness of assistance dogs and commitment to respect, celebrate, and recognize assistance dogs and their partners, puppy raisers, and trainers of assistance dogs this week and throughout the year in our State.

Issued by the Governor July 25, 2016.
Filed by the Secretary of State August 24, 2016.

2016-202
LIONS AND LIONESS CLUBS CANDY DAY

WHEREAS, in 1974, the Lions Clubs of Illinois established the Lions of Illinois Foundation as a non-profit organization for the purpose of creating permanent programs for the visually and hearing impaired; and,

WHEREAS, the Lions and Lioness Clubs of Illinois dedicate their time to helping the visually and hearing impaired with numerous services throughout the state; and,

WHEREAS, the Lions and Lioness Clubs of Illinois host numerous
programs including Camp Lions, which involved more than 17,000 participants since its inception; and,

WHEREAS, Candy Day is sponsored by Lions and Lioness of Illinois Foundation in order to raise money for worthwhile projects through Candy Day sales; and,

WHEREAS, the proceeds from Candy Day will help provide detection, treatment and rehabilitation programs for the visually and hearing impaired residents of Illinois;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 14-15, 2016, as LIONS AND LIONESS CLUBS CANDY DAY in Illinois, and encourage all citizens to support this noble endeavor.

Issued by the Governor July 25, 2016.
Filed by the Secretary of State August 24, 2016.

2016-203

NATIONAL HEALTH CENTER WEEK

WHEREAS, for more than 50 years, community health centers have provided high quality, cost effective, and accessible primary and preventative care to all individuals regardless of insurance status or ability to pay; and,

WHEREAS, health centers serve as the health care home for more than 24 million Americans through more than 9,000 delivery sites across the nation, and one in every 14 people living in the United States depends on their services; and,

WHEREAS, health centers are located in medically underserved areas and locally controlled by patient-majority boards, making each health center responsive to the needs of the specific community it serves; and,

WHEREAS, as locally owned and operated small businesses, health centers serve as critical economic engines, helping power local economies by generating billions of dollars in combined economic impact and creating jobs in some of the country’s most economically deprived communities; and,

WHEREAS, health centers employ more than 11,200 physicians and more than 9,000 nurse practitioners, physician assistants, and certified nurse midwives as part of a multi-disciplinary clinical team designed to treat the whole patient, coordinating care and managing chronic disease, at the same time reducing unnecessary, avoidable, and wasteful use of health resources; and,

WHEREAS, the health center model continues to prove an effective means of overcoming barriers to access including geography, income, and insurance status, and in doing so, improves health care outcomes and reduces
WHEREAS, health centers save the entire health system approximately $24 billion annually by managing chronic conditions and keeping patients out of costlier health care settings; and,
WHEREAS, health centers have worked tirelessly to grow the nation’s primary care infrastructure to meet the pressing needs of Americans who still lack access to primary care services, a number that exceeds 55 million nationwide; and,
WHEREAS, the demand for health centers continues to outpace growth and expansion of the program will be essential to meet the needs of these new patients, as existing health centers are already at capacity and many communities lack any primary care services at all; and,
WHEREAS, health centers remain committed to preserving and expanding access in the communities they serve, ensuring that the promise of coverage is translated into the reality of care; and,
WHEREAS, National Health Center Week offers the opportunity to recognize America’s health centers, their dedicated staff, board members, and all those responsible for the continued success and growth of the program since its creation more than 50 years ago;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim August 7 - 13, 2016, as NATIONAL HEALTH CENTER WEEK in Illinois, and encourage everyone to visit their local health center and celebrate the important partnership between America’s health centers and the communities they serve.
Issued by the Governor July 25, 2016.
Filed by the Secretary of State August 24, 2016.

2016-204
PRINCIPALS WEEK AND PRINCIPALS DAY

WHEREAS, school principals play an important role in the education and growth of children in elementary, middle, and secondary schools across the State of Illinois; and,
WHEREAS, school principals are responsible for promoting education and working with parents and teachers to ensure that each child receives services that meet their needs to excel in the classroom; and,
WHEREAS, it is the primary responsibility of the State of Illinois to preserve and improve resources for schools so that all students have the opportunity to receive a quality education and foundation for a successful future; and,
WHEREAS, the Illinois Principals Association, which represents
more than 5,000 educational leaders statewide, believes that learning is a lifelong process and that the education of our children is the highest priority; and, 

WHEREAS, for that reason, the Illinois Principals Association is dedicated to developing, supporting, and advocating for innovative school leaders; and, 

WHEREAS, educational leaders face many challenges in educating our young people and it is through their perseverance and passion that Illinois is able to continue to produce quality, career ready students; and, 

WHEREAS, we must continue to encourage, support, and recognize those who have a positive impact on Illinois students and the educational system in the Land of Lincoln; and, 

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim the week of October 16-22, 2016, as PRINCIPALS WEEK and Friday, October 21, 2016, as PRINCIPALS DAY in Illinois, to recognize principals and the Illinois Principals Association for all they do to help our children learn and succeed.

Issued by the Governor July 25, 2016.
Filed by the Secretary of State August 24, 2016.

2016-205
STUDENT COUNCIL WEEK

WHEREAS, student councils provide a terrific opportunity for young leaders of tomorrow; and, 

WHEREAS, student council is a hands-on experience that teaches students the fundamentals of leading; and, 

WHEREAS, an important part of leadership is establishing a vision that others share and are willing to invest their personal resources for; and, 

WHEREAS, once a vision is established, it is important to determine how to get there, establish communication, build teamwork, and exhibit perseverance in the face of challenges; and, 

WHEREAS, finding common ground, building consensus, and inspiring cooperation to achieve a goal is the core of leadership; and, 

WHEREAS, good leaders are those who know this, and the best leaders are those whose results support their vision; and, 

WHEREAS, student council is a civics lesson in motion, and in the process, members also promote school spirit, raise money for charity, and volunteer their time to community service; and, 

WHEREAS, student council benefits students, schools, and the entire community; and,
WHEREAS, this year, the 83rd Annual Illinois Association of Student Councils State Convention will be held from May 4-6, 2017, in Lombard; and,

WHEREAS, the conference will attract students from all across the state who will participate in seminars and workshops to exchange ideas to help them become better leaders; 

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim the week of May 1-6, 2017, as STUDENT COUNCIL WEEK in Illinois in support of student council, and to encourage future leaders attending the Illinois Association of Student Councils State Convention to share and apply what they learn.

Issued by the Governor July 25, 2016.
Filed by the Secretary of State August 24, 2016.

2016-206
TEE IT UP FOR THE TROOPS DAY

WHEREAS, the courageous men and women in our Armed Forces unselfishly put the defense of the United States of America ahead of their own personal safety and comfort; and,

WHEREAS, it is vital to the success of our troops that we show support for their service and display our pride in their accomplishments; and,

WHEREAS, Tee It Up for the Troops was created to help support the fallen and disabled members of our Armed Forces and their families, and to honor veterans of all wars and acknowledge their sacrifice; and,

WHEREAS, Tee It Up for the Troops deems it respectful to recognize a day specific to the State of Illinois to salute all those who answer the call to duty; numerous golf courses across the country participate by honoring American heroes and raising funds for this cause; and,

WHEREAS, Tee It Up for the Troops has been able to help thousands of our men and women in our United States Military, veterans, and their families through the generosity of grateful Americans who step up to the tee; and,

WHEREAS, in 2016, a Tee It Up for the Troops golf event will be held to support and thank those who have served and their families; and,

WHEREAS, Tee it Up for the Troops Day will continue to support programs that enhance the lives of those who serve or have served on our behalf;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim August 22, 2016, as TEE IT UP FOR THE TROOPS DAY to recognize the courage and sacrifice for all our service men and women.
CAMPUS FIRE SAFETY MONTH

WHEREAS, recent student-related housing fires in Pennsylvania; South Dakota; Washington, D.C.; and at other schools across the country have tragically cut short the lives of some of the youth of our nation; and,

WHEREAS, since January 2000, at least 170 people, including students, parents, and children, have died in college-related fires; approximately 87 percent of these deaths occurred in off-campus occupancies; and,

WHEREAS, a number of fatal fires have occurred in buildings where the fire safety systems have been compromised or disabled by the occupants; and,

WHEREAS, it is recognized that automatic fire alarm systems and smoke alarms provide the necessary early warning to occupants and the fire department of a fire so that appropriate action can be taken; and,

WHEREAS, it is recognized that automatic fire sprinkler systems are a highly effective method of controlling or extinguishing a fire in its early stages, protecting the lives of the building's occupants; and,

WHEREAS, many students live in off-campus occupancies, Greek housing, and residence halls that are not adequately protected with automatic fire sprinkler systems and automatic fire alarm systems or adequate smoke alarms; and,

WHEREAS, it is recognized that fire safety education is an effective method of reducing the occurrence of fires and reducing the resulting property damage and loss of life; and,

WHEREAS, students do not routinely receive effective fire safety education throughout their entire college career; and,

WHEREAS, it is vital to educate future generations about the importance of fire safety behavior so that these behaviors can help ensure their safety during their college years and beyond; and,

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 2016 as CAMPUS FIRE SAFETY MONTH to encourage schools and municipalities across Illinois to provide educational programs to all students, and to take the necessary steps to ensure fire-safe living environments through fire safety education, installation of fire suppression and detection systems and smoke alarms, and the development and enforcement of applicable codes relating to fire safety.
WHEREAS, the Department of Healthcare and Family Services has been given the responsibility of offering and providing child support services to all Illinois families; and,
   WHEREAS, Illinois recognizes that children need strong family support from both parents; and,
   WHEREAS, Illinois continues to focus attention on children’s overall needs and to encourage the involvement of both of their parents in their lives; and,
   WHEREAS, Illinois continues to be a national leader in developing innovative and sound practices in child support services that assist mothers and fathers and ultimately contribute to stronger families; and,
   WHEREAS, one in four children are eligible to receive child support benefits; child support income lifts about one million people out of poverty every year and promotes family well-being and self-sufficiency; and,
   WHEREAS, the Illinois Department of Healthcare and Family Services continues to work closely with the Departments of Human Services, Public Health, Children and Family Services, Employment Security, Corrections, Revenue, Natural Resources, the Secretary of State, Juvenile Justice, other state and county agencies and hospitals throughout the state, as well as community groups, to increase the number of children for whom paternity is established and whose families receive child support services;
   THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim August 2016 as CHILD SUPPORT AWARENESS MONTH in Illinois to promote the importance of child support and to affirm the continued commitment of Illinois to helping our children receive the love and care that is vital to their success and welfare.

Issued by the Governor July 27, 2016.
Filed by the Secretary of State August 24, 2016.

2016-209
CAREERS IN CONSTRUCTION MONTH

WHEREAS, Careers in Construction Month is an annual month designated to increase public awareness and appreciation of construction craft professionals and the entire construction workforce; and,
WHEREAS, during this month, employers, associations, and schools are encouraged to conduct job fairs, panel discussions, and local community events to inform students of the vast employment opportunities in construction; and,

WHEREAS, the construction industry is one of our nation’s largest industries, employing more than five million individuals in the United State; and,

WHEREAS, the construction industry needs two million new craft professionals by 2018; and,

WHEREAS, the National Center for Construction Education and Research (NCCER) was created by the construction industry to standardize training and enhance the industry image by promoting the hard work and dedication of our nation’s craft professionals; and,

WHEREAS, the mission of NCCER’s Build Your Future campaign is to narrow the skills gap by guiding America’s youth and displaced workers into opportunities that lead to long-term rewarding careers in construction; and,

WHEREAS, the goal of the Build Your Future campaign is to shift the public’s negative perception about careers in the construction industry and provide a path for individuals to become craft professionals;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 2016 as CAREERS IN CONSTRUCTION MONTH in Illinois and urge all citizens to join me in recognizing the critical role construction craft professionals play in the development of our state.

Issued by the Governor August 1, 2016.
Filed by the Secretary of State August 24, 2016.

2016-210
M.S. SUBBULAKSHMI DAY

WHEREAS, M.S. Subbulakshmi, known affectionately as “M.S.”, was a South Indian classical Carnatic music singer and a 20th century cultural icon of India; and,

WHEREAS, she was referred to as the “Queen of Music” by India’s first Prime Minister, Jawaharlal Nehru, and her music influenced Mahatma Gandhi; and,

WHEREAS, she was both a musician, philanthropist, and a patriot who joined the leaders of the nation to inspire millions of Indians during India’s struggle for independence; and,

WHEREAS, born into humble beginnings in Madurai, deep in South India, she rose from regional prominence to national and international
recognition through her many awards and accolades; and,

WHEREAS, Sankara Nethralaya, a not-for-profit eye institution based in Chennai, India, is proud to sponsor and celebrate the birth centenary of M.S. Subbulakshmi at Hindu Temple of Greater Chicago in Lemont, Illinois, on September 10, 2016, for the benefit of her Illinois fans and admirers; and,

WHEREAS, the celebration will highlight the life of M.S., and a live Carnatic classical vocal concert by the celebrated Sudha Raghunathan to sing songs popularized by M.S.; and,

WHEREAS, Illinois is the proud home to more than 100,000 Indian Americans who make significant economic, social, and cultural contributions to the great diversity of the Land of Lincoln; and,

WHEREAS, the 100th birthday of the respected M.S. Subbulakshmi falls on Friday, September 16, 2016;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim Saturday, September 16, 2016, as M.S. SUBBULAKSHMI DAY in Illinois and join the Indian American community to honor and celebrate M.S. Subbulakshkmi’s music and humanitarian mission.

Issued by the Governor August 1, 2016.
Filed by the Secretary of State August 24, 2016.

2016-211
PROSTATE CANCER AWARENESS MONTH

WHEREAS, prostate cancer is the number one cancer among men and the second leading cause of cancer-related deaths among men in the United States; and,

WHEREAS, approximately 180,000 men will be diagnosed with prostate cancer this year, and almost 26,000 will die from it; and,

WHEREAS, African-American men, men with a family history of prostate cancer and men exposed to Agent Orange are at highest risk; and,

WHEREAS, the President of the United States proclaims September as National Prostate Cancer Awareness Month each year; and,

WHEREAS, prostate cancer not only affects men but also affects their family and friends; and,

WHEREAS, prostate cancer is usually treatable if detected early; and,

WHEREAS, early stage prostate cancer usually has no symptoms; and,

WHEREAS, men who have prostate cancer and are educated about the value of early detection will be more likely to have the cancer detected when it is treatable; and,

WHEREAS, men who discuss treatment options with their healthcare
provider and with their family are more likely to make good treatment decisions; and,

WHEREAS, Illinois Prostate Cancer Awareness Month will encourage men to discuss prostate cancer with their healthcare provider;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 2016 as PROSTATE CANCER AWARENESS MONTH in Illinois, and encourage all our men to learn their risk and to speak to their healthcare provider about screening for prostate cancer.

Issued by the Governor August 8, 2016.
Filed by the Secretary of State August 24, 2016.

2016-212
VETERANS’ DAY AT THE STATE FAIR

WHEREAS, throughout our nation’s history, America’s men and women in uniform have demonstrated bravery and courage in the face of danger; and,

WHEREAS, our veterans answered the call to duty with honor, decency and selflessness; and,

WHEREAS, as we recall the service of our soldiers, sailors, airmen, marines and coast guardsmen, we are reminded that the defense of freedom comes with great loss and sacrifice; and,

WHEREAS, it is our duty to ensure that the sacrifice of these heroes is never forgotten. Our veterans represent the best of America, and they deserve the benefits they have earned; and,

WHEREAS, Sunday, August 14, 2016, is Veterans’ Day at the Illinois State Fair – a day to give thanks to those who have served our country, to salute our service members and to honor the men and women who have lost their lives protecting our freedom; and,

WHEREAS, it is important that we recognize these true patriots of freedom, liberty and democracy, not only on this day, but throughout the year; and,

WHEREAS, on this day, veterans and their families are admitted to the fairgrounds for free, and a number of special Veterans’ Day activities will be held;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim August 14, 2016, as VETERANS’ DAY AT THE STATE FAIR in Illinois, and encourage all Americans to recognize and honor the sacrifice of our veterans.

Issued by the Governor August 8, 2016.
Filed by the Secretary of State August 24, 2016.
2016-213
WILLIAM SCHUBERT DAY

WHEREAS, William Schubert joined Waste Management Incorporated in 1981 as Environmental Engineer Manager for the Midwest Region; and,

WHEREAS, Mr. Schubert has served in many management and director roles related to landfill engineering, environmental management and environmental protection functions for Waste Management, and he became a recognized expert and an industry leader in the field of landfill engineering and solid waste management; and,

WHEREAS, Mr. Schubert’s knowledge of landfill design, construction, operation and monitoring as well as wastewater treatment system design led to his participation in several regulatory and environmental boards; and,

WHEREAS, Mr. Schubert participated in numerous meetings with the Illinois Environmental Protection Agency, representing the waste industry and sharing his practical experience related to landfill design, construction, operation and monitoring as the State of Illinois became one of the first states adopting municipal solid waste landfill regulations, promulgated as 35 Ill. Adm. Code 810-815; and,

WHEREAS, he served on several organizations and boards, including appointments to serve on the State of Illinois Greenhouse Gas Advisory Board and the State of Illinois Environmental Regulatory Review Commission, Mr. Schubert volunteered his time to support the development of environmental standards and regulations; and,

WHEREAS, Mr. Schubert has been an advocate for science and math education in Illinois schools through his participation in the Aurora University’s STEM program to help facilitate teaching tools to encourage students to study math and science; and,

WHEREAS, Mr. Schubert, Senior Director of Disposal Services, is retiring from Waste Management after thirty-five years of service;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim August 19, 2016, as WILLIAM SCHUBERT DAY in Illinois.

Issued by the Governor August 12, 2016.
Filed by the Secretary of State August 24, 2016.
WHEREAS, leaders in Illinois’ agriculture community have joined together to form the Illinois Fairgrounds Foundation to restore and improve Illinois’ historic fairgrounds; and,

WHEREAS, agriculture drives Illinois’ economy; and,

WHEREAS, the Illinois State Fairs in Springfield and Du Quoin celebrate the agriculture industry by providing a world class showcase for Illinois agriculture and Illinois Products; and,

WHEREAS, people and exhibitors from all corners of the world come to the Fairgrounds to compete in events for youth and adults, attend art exhibitions, try foods from around the world, and enjoy local and international entertainment; and,

WHEREAS, the Springfield Fairgrounds are made up of more than 170 buildings, some dating back to 1894, located on more than 360 acres, and the Du Quoin Fairgrounds are made up of more than 20 buildings, some constructed as long ago as 1923, located on more than 1200 acres; and,

WHEREAS, many of the buildings on both Fairgrounds are in dire need of restoration including painting, plumbing, roofing, and structural repairs; and,

WHEREAS, the Illinois Fairgrounds Foundation will solicit and accept private funding and donations to assist in enhancing and preserving Illinois’ agricultural heritage at both Fairgrounds; and,

WHEREAS, collaboration between the Department of Agriculture and the Illinois Fairgrounds Foundation will enable the State to more efficiently and effectively maintain the decades old structures in need of repair and accept donations that will allow for building upgrades, facility infrastructure improvements, and new facility construction;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby celebrate the incorporation of the ILLINOIS FAIRGROUNDS FOUNDATION and look forward to collaboration between the Foundation and the Department of Agriculture, and urge all Illinoians to be part of the restoration of their Fairgrounds.

Issued by the Governor August 16, 2016.
Filed by the Secretary of State August 24, 2016.
2016-215

FREEDOM TO ROCK DAY

WHEREAS, America’s number one Gold Record Award winning group of all time, KISS is easily named as one of rock’s most influential bands; and,
WHEREAS, the Rock 'N Roll Hall of Famers have released 44 albums and sold more than 100 million albums worldwide; and,
WHEREAS, KISS is dedicated to numerous Veterans Organizations including: The Wounded Warriors Project, The USO, The U.S. Chamber of Commerce “Hire a Hero” program, and many more; and,
WHEREAS, The Kiss legacy continues to grow generation after generation; and,
WHEREAS, the unparalleled devotion and loyalty of KISS fans is a testament to the band’s success; and,
WHEREAS, KISS honors our Military and our Veterans with their Hiring Our Heroes “Kiss Roadie for a Day” by hiring local veteran at all of their tour stops; and.
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim August 17, 2016 as FREEDOM TO ROCK DAY in recognition of the all the work KISS does to give back to our military and veteran not only in Illinois but across the United States.
Issued by the Governor August 17, 2016.
Filed by the Secretary of State August 24, 2016.

2016-216

CHILDHOOD CANCER AWARENESS MONTH

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection reports cancer is the leading cause of death by disease among children in the United States; and,
WHEREAS, this tragic disease is detected in nearly 15,000 of our nation's young people each year; and,
WHEREAS, one in five of our nation's children loses his or her battle with cancer; furthermore many infants, children, and teens will suffer from long-term effects of comprehensive treatment, including secondary cancers; and,
WHEREAS, cancer is the second leading cause of death in children and the types of cancers that occur most often in children include leukemia, lymphoma, bone cancer, and retinoblastoma; and,
WHEREAS, childhood cancer rates have been rising slightly for the
past few decades, and approximately 10,380 children in the United States under the age of 15 were diagnosed with cancer in 2015; and,

WHEREAS, three fifths of childhood cancer survivors suffer effects such as infertility, heart failure, and secondary cancers later in life; and,

WHEREAS, numerous organizations and participating hospitals in the State of Illinois and the nation are dedicated to researching and providing a variety of vital patient services to children undergoing cancer treatment, thereby enhancing the quality of life for these children and their families; and,

WHEREAS, due to major treatment advances in recent decades, more than 80 percent of children with cancer now survive five years or more; and,

WHEREAS, despite major treatment advances, it is still critically important to conduct research and increase awareness regarding childhood cancer;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 2016 as CHILDHOOD CANCER AWARENESS MONTH in Illinois.

Issued by the Governor August 19, 2016.
Filed by the Secretary of State August 24, 2016.

2016-217
FOOD PANTRY AWARENESS DAY

WHEREAS, food insecurity is associated with a variety of negative health outcomes including lower scores on physical and mental health exams, cardiovascular risk factors and increased risk of developing diabetes, hypertension, and other chronic diseases; and,

WHEREAS, food insecurity in adults has been demonstrated to cause mental health issues and behavior problems; and,

WHEREAS, children growing up in food-insecure families are vulnerable to stunted development, poor health, behavior issues, social difficulties, and low-academic achievement; and,

WHEREAS, as a result of the rising cost of food and housing, many find themselves turning to food pantries to supply them with the nutritious food that they need to keep themselves and their families healthy; and,

WHEREAS, the goal of Food Pantry Awareness Day is to promote awareness of hunger across Illinois and to recognize the critical role of food pantries in providing food to those who are in need;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim August 27, 2016, as FOOD PANTRY AWARENESS DAY in Illinois.

Issued by the Governor August 19, 2016.
2016-218  
**NATIONAL PARK SERVICE CENTENNIAL DAY**

WHEREAS, in 2016, the National Park Service celebrates 100 years of stewardship of America's national parks and engaging communities through recreation, conservation, and historic preservation programs; and,

WHEREAS, the State of Illinois is home to unique treasures such as Abraham Lincoln’s Home in Springfield and the Pullman National Monument in Chicago; and,

WHEREAS, in Illinois, more than 233,000 visitors each year contribute $13.8 million and 216 jobs to the state’s economy through visits to these protected sites; and,

WHEREAS, the National Park Service allows us to explore nature and discover the stories of America’s people and places, found in more than 400 national parks, in national heritage areas, along trails and waterways, and in every neighborhood; and,

WHEREAS, the National Park Service parks and programs support an integrated conservation, education, economic, and recreational strategy for the nation; and,

WHEREAS, the goal of the National Park Service Centennial is to connect with and nurture the next generation of park visitors, supporters, and advocates, including encouraging individuals and families to take advantage of our Country’s natural wonders and iconic sites as part of the “Find Your Park” initiative;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim August 25, 2016, as NATIONAL PARK SERVICE CENTENNIAL DAY in Illinois.

Issued by the Governor August 19, 2016.

Filed by the Secretary of State August 24, 2016.

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2016-219  
**SHERIFF DAVID MAHON DAY**

WHEREAS, Sheriff David Mahon has served the people of Effingham County and the State of Illinois in his role as Effingham County Sheriff since he was elected to office in 2014; he previously served as an Illinois State Police trooper for 25 years; and,

WHEREAS, in 2015, Sheriff Mahon was selected as the American Legion Law Enforcement Officer of the Year for the State of Illinois, which
advanced him to this year’s national convention, where he will receive Central Region and National awards; and,

WHEREAS, Sheriff Mahon was notified of his selection as the American Legion Central Region Law Enforcement Officer of the Year during the American Legion Department of Illinois Convention, held in Springfield in July; and,

WHEREAS, on August 31, 2016, Sheriff Mahon will travel to the American Legion 98th Annual National Convention in Cincinnati, Ohio, where he will receive the American Legion National Law Enforcement Officer of the Year Award for 2016; and,

WHEREAS, Sheriff Mahon should be commended for going above and beyond the duties expected of his position, and for demonstrating exemplary community service as well as professional achievement;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim August 31, 2016, as SHERIFF DAVID MAHON DAY in Illinois.

Issued by the Governor August 19, 2016.
Filed by the Secretary of State August 24, 2016.

2016-220
WE CARD AWARENESS MONTH

WHEREAS, Illinois law prohibits the sale of tobacco products to persons under the age of 18; and,

WHEREAS, We Card Awareness Month is a retail education and training effort to boost Illinois retailers’ awareness of and participation in responsible retailing efforts to comply with federal, state, and local laws, and to identify, prevent, and deny tobacco and other age-restricted product sales to minors; and,

WHEREAS, 2016 is the 21st anniversary year of the national non-profit organization, THE “WE CARD” PROGRAM INC., providing training and education to the retail community to help retailers comply with age-restricted product laws and serve their communities as responsible retailers; and,

WHEREAS, We Card in-store training and education materials, its online training program, and its mystery shopping service “ID Check-Up” are available to all Illinois retailers through We Card’s website; and,

WHEREAS, We Card is endorsed by the Associated Food and Petroleum Dealers and Illinois will benefit from a responsible retailing community that successfully prevents tobacco and other age-restricted product sales to minors; and,
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim the month of September 2016 to be WE CARD AWARENESS MONTH and encourage all Illinois retailers to participate in “We Card Awareness Month” and to let their customers know that “In Illinois, we don’t sell tobacco and other age-restricted products to kids!”
Issued by the Governor August 19, 2016.
Filed by the Secretary of State August 24, 2016.

2016-221
WORKFORCE DEVELOPMENT WEEK

WHEREAS, Illinois’ workforce of 6.6 million is one of the state’s greatest assets; specialists agree that one of the most important assets for attracting investment is a highly skilled and available workforce; and,
WHEREAS, Illinois is committed to developing cradle-to-career education, from quality early childhood education to coordinated job and technical training, and bringing together educators, business owners, and government to develop workforce solutions at every stage; and,
WHEREAS, implementation of the federal Workforce Innovation and Opportunity Act (WIOA) is underway in Illinois with a wide variety of programs and initiatives undertaken at both the state and local levels; and,
WHEREAS, WIOA works to promote the active engagement by private sector business employers in developing strategies and programs to be implemented by local workforce development boards; and,
WHEREAS, successful incorporation of work-based learning strategies can provide individuals with the training necessary to pursue a career in today’s competitive job market and ensure a skilled, qualified workforce is available; and,
WHEREAS, the Illinois Department of Commerce and Economic Opportunity also plays a pivotal role in workforce development, partnering with 22 local workforce areas that work with local employers to help recruit, train, and retain top talent;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim the week of August 29 through September 4, 2016, as WORKFORCE DEVELOPMENT WEEK in Illinois to promote the use of work-based learning opportunities by individuals and businesses to develop the skilled, qualified workforce needed by employers throughout the State of Illinois.

Issued by the Governor August 19, 2016.
Filed by the Secretary of State August 24, 2016.
2016-189
FIRST RESPONDER APPRECIATION DAY (REVISED)

WHEREAS, individuals, both career and volunteer, from police, fire, emergency medical services, search and rescue, dive, and other organizations in the public safety sector, come together as first responders to protect and aid the public in the event of an emergency; and,

WHEREAS, everyday first responders risk their own safety and personal property in the performance of their duties to protect our citizens; and,

WHEREAS, first responders are our first and best defense against all emergencies that may threaten our communities, whatever their nature; and,

WHEREAS, first responders are ready to aid the people of Illinois 24 hours a day, seven days a week; and,

WHEREAS, first responders are a vital part of every Illinois community who maintain safety and order in times of crisis, and volunteer in our towns and schools; and,

WHEREAS, first responders are highly trained, specialized workers who contribute their excellent skills for the public good and often for no pay; and,

WHEREAS, there are more than 120,000 volunteer and professional first responders in Illinois;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 27, 2016, as FIRST RESPONDER APPRECIATION DAY in Illinois, and salute all first responders who have given their service to our state.

Issued by the Governor July 1, 2016.
Filed by the Secretary of State September 26, 2016.

2016-222
BEAR NECESSITIES PEDIATRIC CANCER FOUNDATION'S AWARENESS DAY

WHEREAS, childhood cancer is the second leading cause of death for children, exceeded only by accidents; and,

WHEREAS, approximately 36 American children are diagnosed with cancer daily, and their average age at the time of diagnosis is six; and,

WHEREAS, 10,400 American children were diagnosed with cancer in 2007, and 40,000 children in our country undergo treatment for cancer each year; and,

WHEREAS, childhood cancer rates have risen slightly for the past
few decades, and approximately 15,500 children in the United States under the age of 15 were diagnosed with cancer in 2014; and,

WHEREAS, there are a number of organizations dedicated to raising money for research into pediatric cancer and supporting children and families who are diagnosed with pediatric cancer; and,

WHEREAS, one such organization is Bear Necessities Pediatric Cancer Foundation, named in memory of founder Kathleen Casey’s eight year old son, Barrett "Bear" Krupa, who died after a courageous five and a half year battle with Wilms Tumor, a pediatric cancer; and,

WHEREAS, Bear Necessities Pediatric Cancer Foundation is a national organization dedicated to eliminating pediatric cancer and providing hope and support to those who are touched by it; and,

WHEREAS, the mission of Bear Necessities Pediatric Cancer Foundation is carried out through three unique programs, which include the Bear Hugs Program, Bear Discoveries, and Bear Empowerment; and,

WHEREAS, Bear Necessities Pediatric Cancer Foundation is now in its 21st year of generating funds to reach out to all children in the State of Illinois who will be diagnosed this year with pediatric cancer; and,

WHEREAS, the month of September is recognized as Childhood Cancer Awareness Month. Throughout this month, organizations like Bear Necessities Pediatric Cancer Foundation conduct outreach efforts to raise awareness of pediatric cancer;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 16, 2016, as BEAR NECESSITIES PEDIATRIC CANCER FOUNDATION’S AWARENESS DAY in Illinois, to raise awareness of pediatric cancer, and in support of the organization’s dedication to eradicating this devastating disease.

Issued by the Governor August 24, 2016.
Filed by the Secretary of State September 26, 2016.

2016-223
CANAVAN DISEASE AWARENESS MONTH

WHEREAS, Canavan Research Illinois is an Illinois nonprofit corporation established in April 2000 to meet a critical need to support medical research to treat, cure, and improve the quality of lives of all children battling Canavan disease, a rare and fatal genetic neurological disorder; and,

WHEREAS, the majority of those afflicted with Canavan disease do not reach their 25th birthday. These innocent children face the loss of all motor functions, blindness, paralysis, feeding tubes, and eventual disintegration of the brain, at which point they fall into a vegetative state
from which they cannot recover; and,

WHEREAS, Canavan Research Illinois is an all-volunteer charity dedicated to raise funds to support cutting-edge research, increase public awareness, and provide a network for Canavan families; and,

WHEREAS, October 8, 2016, Canavan Research Illinois will hold the 18th Annual Canavan Charity Ball, in honor and celebration of Max Randell’s 19th birthday, a momentous milestone for this young man living with Canavan disease;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 2016 as CANAVAN DISEASE AWARENESS MONTH in Illinois, to raise awareness of Canavan disease and in support of Canavan Research Illinois’ important efforts to improve the quality of life of those who are battling this disease.

Issued by the Governor August 24, 2016.

Filed by the Secretary of State September 26, 2016.

2016-224
DIRECT SUPPORT PROFESSIONALS RECOGNITION WEEK

WHEREAS, direct support professionals are the primary providers of publicly-funded long-term support and services for millions of individuals with disabilities; and,

WHEREAS, direct support professionals build close, respectful, and trusted relationships with disabled individuals and assist them with intimate personal care; and,

WHEREAS, direct support professionals provide a broad range of individualized support, including preparation of meals, help with medication, assistance with bathing and other aspects of daily living, help with transportation, and assistance with general daily affairs; and,

WHEREAS, direct support professionals provide essential support to help keep individuals with disabilities connected to their family, friends, and community; and,

WHEREAS, the services provided by direct support professionals help individuals live successful, meaningful lives in the community; and,

WHEREAS, the assistance of direct support professionals is critical to the welfare of the individuals they serve and to the successful transition from medical events to post-acute care and long term support; and,

WHEREAS, there is a documented critical and growing shortage of direct support professionals throughout the United States;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 11-17, 2016, as DIRECT SUPPORT
PROFESSIONALS RECOGNITION WEEK in Illinois to recognize the dedication and vital role of direct support professionals in enhancing the lives of individuals of all ages with disabilities.

Issued by the Governor August 24, 2016.
Filed by the Secretary of State September 26, 2016.

2016-225
EPILEPSY AWARENESS MONTH

WHEREAS, epilepsy is one of the most common neurological conditions, estimated to affect more than three million people in the United States, and more than 50 million worldwide; and,
WHEREAS, epilepsy is a group of disorders of the central nervous system, specifically the brain, characterized by recurrent unprovoked seizures; and,
WHEREAS, seizures occur when the normal electrical balance in the brain is lost, causing the brain's nerve cells to misfire, either firing when they shouldn't or not firing when they should. Seizures are the physical effects of these sudden, brief, uncontrolled bursts of abnormal electrical activity; and,
WHEREAS, the type of seizure depends on how many cells fire and which area of the brain is involved. A person who has a seizure may experience an alteration in behavior, consciousness, movement, perception, and/or sensation; and,
WHEREAS, one in ten people will have at least one seizure during his or her lifetime; and,
WHEREAS, the public is often unable to recognize common seizure types, or how to respond with appropriate first aid; and,
WHEREAS, November 2016 is Epilepsy Awareness Month, created to bring about epilepsy acceptance, awareness, and education;
THEREFORE, I Bruce Rauner, Governor of the State of Illinois, do hereby proclaim November 2016 as EPILEPSY AWARENESS MONTH in Illinois, in support of the effort to raise awareness of epilepsy.

Issued by the Governor August 24, 2016.
Filed by the Secretary of State September 26, 2016.

2016-226
MORAVIAN DAY

WHEREAS, Moravia is a province of the Czech Republic, also known as the “Bread Basket of Czechoslovakia,” and Moravians are one of
the oldest cultural groups in the world, dating back to before the Holy Roman Empire; and,

WHEREAS, Moravia has given birth to several prominent individuals, such as the “Teacher of Nations” Jan Amos Komensky, and Thomas G. Masaryk, who would later go on to influence the entire Czechoslovak region; and,

WHEREAS, the United States of America is a land of opportunity where people are recognized for their diverse heritage; and,

WHEREAS, the beautiful Moravian folk costumes and traditional folk music were always a part of every community and civic function in Chicago dating back to before the mid-1920’s; and,

WHEREAS, twenty-two individual Moravian social organizations banded together on November 29, 1938, and formed the United Moravian Societies; and,

WHEREAS, the first Moravian Day Festival was held on September 24, 1939, at Pilsen Park in Chicago, Illinois. On that day, 26th Street blossomed in the splendor of Czech, Moravian, and Slovak costumes as the great parade progressed down 26th Street from Pulaski Road to Pilsen Park; and,

WHEREAS, this year, Czech-Americans throughout Chicagoland, the United States, and North America will celebrate the 77th annual Moravian Day event;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 25, 2016, as MORAVIAN DAY in the State of Illinois and encourage all citizens to learn about the important contributions that Czech immigrants have made to our state and to the nation as a whole.

Issued by the Governor August 24, 2016.

Filed by the Secretary of State September 26, 2016.

2016-227
NATIONAL STEPFAMILY DAY

WHEREAS, National Stepfamily Day is enhanced by our strong commitment to support the stepfamilies of our nation in their mission to raise their children, create strong family structures to support the individual members of the family, and instill in them a sense of responsibility to all extended family members; and,

WHEREAS, approximately half of all Americans are currently involved in some form of stepfamily relationship; for the last 20 years, it has been the vision of the founder of National Stepfamily Day, Christy Borgeld, that all stepfamilies in the United States be accepted, supported, and
WHEREAS, Illinois is blessed by loving stepparents and stepchildren who are daily reminders of the joy, trials, and triumphs of the stepfamily experience and the boundless love contained in the bond between all types of parents and children; and,

WHEREAS, National Stepfamily Day is a day to celebrate the many invaluable contributions stepfamilies make to enriching the lives and life experience of the children and parents of America, and to strengthening the fabric of American families and society;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 16, 2016, as NATIONAL STEPFAMILY DAY in Illinois.

Issued by the Governor August 24, 2016.
Filed by the Secretary of State September 26, 2016.

2016-228

NATIONAL SURGICAL TECHNOLOGIST WEEK

WHEREAS, surgical technologists in Illinois play a vital role in the care and health of surgical patients; and,

WHEREAS, surgical technologists, also called scrubs and surgical or operating room technicians, are members of operating room teams, which most commonly include surgeons, anesthesiologists, and circulating nurses who assist medical operations in a number of capacities; and,

WHEREAS, surgical technologists preserve and protect the operative sterile field and work tirelessly to prevent surgical site infections that threaten patients' recovery; and,

WHEREAS, all major hospitals in Illinois employ surgical technologists to work with surgeons in the operating room to provide quality patient care; and,

WHEREAS, as the baby boomer generation, which accounts for a large percentage of the general population, approaches retirement age, and technological advances, such as fiber optics and laser technology, permit new surgical procedures that surgical technologists often operate, employment of surgical technicians is expected to grow faster than average for all other occupations; and,

WHEREAS, encouragingly, the Illinois community college system currently has several programs that graduate top quality students each year; and,

WHEREAS, surgical technology is projected to grow faster than the average of all other medical occupations through the year 2020; and,
WHEREAS, the Association of Surgical Technologists annually designates a week in September as National Surgical Technologist Week to celebrate and promote the profession;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 18-24, 2016, as NATIONAL SURGICAL TECHNOLOGIST WEEK in Illinois in honor of the outstanding service surgical technologists perform for surgical patients, and in support of the Association of Surgical Technologist’s efforts to raise public awareness about the profession.

Issued by the Governor August 24, 2016.
Filed by the Secretary of State September 26, 2016.

2016-229
PAYROLL WEEK

WHEREAS, the American Payroll Association joins countless payroll professionals throughout the State of Illinois in observing National Payroll Week, September 5-9, 2016; and,

WHEREAS, this awareness campaign is designed to help workers in America better understand issues related to our payroll and tax systems, as well as educate payroll professionals and employers about important payroll-related regulatory and compliance issues; and,

WHEREAS, payroll professionals in Illinois play a key role in maintaining our state’s economic health, carrying out such diverse tasks as paying into the unemployment insurance system, providing information for child support enforcement, and carrying out tax withholding, reporting, and depositing; and,

WHEREAS, payroll departments nationwide collect more than $2.08 trillion annually, complying with myriad federal, state, and local wage tax laws; and,

WHEREAS, these funds go toward supporting important civic projects, including roads, schools, and parks in communities across Illinois; and,

WHEREAS, payroll professionals have become increasingly proactive in leading initiatives that help educate citizens on key payroll-related issues facing businesses and workers in America, and,

WHEREAS, these dedicated professionals continually strive to meet the highest standards toward improving compliance with government procedures, reducing costs, and improving the overall payroll process in Illinois;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 5 – 9, 2016, as PAYROLL WEEK in Illinois, and urge all of Illinois to reflect on the important work done by payroll professionals throughout our great state.

Issued by the Governor August 24, 2016.
Filed by the Secretary of State September 26, 2016.

2016-230
POW/MIA RECOGNITION DAY

WHEREAS, as Americans, we must pledge to never forget the many brave men and women who fought to defend our country during times of war; and,

WHEREAS, on August 1, 1990, the 101st Congress passed U.S. Public Law 101-355, recognizing the National League of Families POW/MIA Flag and designated it as a symbol of our concern for all American prisoners of war and for those who are still missing in action; and,

WHEREAS, approximately 142,000 Americans since World War I have endured the hardships of captivity as prisoners of war; and,

WHEREAS, approximately 83,115 Americans are still missing in action from World War II, Korea, Vietnam, the Persian Gulf War, and Operation Iraqi Freedom; and,

WHEREAS, we must never forget the debt we owe these men and women who loyally served our nation in battle, we must never take for granted their contributions and sacrifices, and we must remember to honor those who selflessly put themselves in harm’s way so that we may live in peace; and,

WHEREAS, POW/MIA Recognition Week serves as a reminder that our nation will never forget the courageous men and women who serve in America’s Armed Forces and pays tribute to all American prisoners of war and those missing in action; and,

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois do hereby proclaim September 16, 2016, as POW/MIA RECOGNITION DAY in Illinois, in honor of our national heroes who made so many sacrifices for justice, freedom, and democracy.

Issued by the Governor August 24, 2016.
Filed by the Secretary of State September 26, 2016.
WHEREAS, Ryan Held is a freestyle swimmer who specializes in sprint events; and, 
WHEREAS, at the 2016 United States Olympic Trials, Held qualified for the 2016 Summer Olympic Games as a member of the 4×100 meter freestyle relay team; and, 
WHEREAS, Held and his teammates, Caeleb Dressel, Michael Phelps, and Nathan Adrian, won gold in the 4×100 meter freestyle relay at the 2016 Olympic Games in Rio de Janeiro, Brazil; and, 
WHEREAS, Held is a native of Springfield, Illinois, where he swam for Sacred Heart-Griffin High School, breaking nine school records and two Illinois state swimming records; and, 
WHEREAS, Held became the first swimmer in Illinois history to break 44 seconds in the 100 meter freestyle, setting a new record at 43.73 seconds; and, 
WHEREAS, Held was crowned Central State Eight Swimmer of the Year for four consecutive years; and, 
WHEREAS, in the Fall of 2016, Held will be a junior at North Carolina State University, swimming as a member of the NC State Wolfpack; and, 
WHEREAS, born in 1995, Ryan Held was one of the youngest swimmers on the 2016 Olympic team; and, 
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 2, 2016, as RYAN HELD DAY in Illinois in honor of Ryan Held admirably representing the State of Illinois and the United States of America at the 2016 Summer Olympic Games.
Issued by the Governor August 31, 2016.
Filed by the Secretary of State September 26, 2016.

CHAMBER OF COMMERCE WEEK

WHEREAS, chambers of commerce work with businesses, merchants, and industries to advance the civic, economic, industrial, professional and cultural life of the State of Illinois; and, 
WHEREAS, chambers of commerce have contributed to the civic and economic life of Illinois for 178 years since the founding of the Galena Chamber of Commerce; and, 
WHEREAS, this year marks the 97th anniversary of the founding of
the Illinois Chamber of Commerce, the state’s leading broad-based business organization; and,

WHEREAS, chambers of commerce and their members provide citizens with a strong business environment that increases employment, retail trade and commerce, and industrial growth in order to make the State of Illinois a better place to live; and,

WHEREAS, chambers of commerce encourage the growth of existing industries, services, and commercial firms and encourage new firms and individuals to locate in the State of Illinois; and,

WHEREAS, the State of Illinois is the home to international chambers of commerce, the Great Lakes Region Office of the U.S. Chamber of Commerce, the Illinois Chamber of Commerce and more than 400 local chambers of commerce; and,

WHEREAS, this year marks the 101st anniversary of the Illinois Association of Chamber of Commerce Executives, a career development organization for the chamber of commerce professionals;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 12-16, 2016, as CHAMBER OF COMMERCE WEEK in Illinois.

Issued by the Governor September 6, 2016.
Filed by the Secretary of State September 26, 2016.

2016-233

BLOOD COLLECTORS WEEK

WHEREAS, every three seconds in this country someone will need blood, and a single blood donation can save up to three lives and is required in every organ transplant; and,

WHEREAS, a single trauma patient can use well over 100 units of blood; and,

WHEREAS, blood only has a shelf life of 42 days; and,

WHEREAS, blood is not only needed in times of disaster, but patients in Illinois hospitals depend on a year-round supply of donated blood; and,

WHEREAS, cancer patients are the biggest user group of blood, followed by use in treatment of neonatal, dialysis, burn victims, and heart disease; and,

WHEREAS, the State of Illinois recognizes the importance of blood donation through the Blood Donation Act, the Employee Blood Donations Leave Act, and the Organ Donor Act; and,

WHEREAS, the American Red Cross of Illinois and the members of Illinois Coalition of Community Blood Centers rely 100 percent on donations
from volunteer donors in order to maintain a safe and viable blood supply in our state; and,

WHEREAS, September 4th through 10th is recognized by the American Association of Blood Banks as Blood Collectors Week;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 4-10, 2016, as BLOOD COLLECTORS WEEK in Illinois, and encourage all Illinoisans to recognize the importance of blood donation and its impact on patients throughout Illinois.

Issued by the Governor September 7, 2016.
Filed by the Secretary of State September 26, 2016.

2016-234
CONSTITUTION WEEK

WHEREAS, the Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and,

WHEREAS, September 17, 2016, marks the 229th anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention in 1787; and,

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and,

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 17-23, 2016, as CONSTITUTION WEEK in Illinois.

Issued by the Governor September 7, 2016.
Filed by the Secretary of State September 26, 2016.

2016-235
DIAPER NEED AWARENESS WEEK

WHEREAS, diaper need, the condition of not having a sufficient supply of clean diapers to ensure infants and toddlers are clean, healthy and dry, can adversely affect the health and welfare of infants, toddlers and their families; and,

WHEREAS, national surveys report that one in three mothers experience diaper need at some time while their children are less than three
years of age and 48 percent of families delay changing a diaper to extend their supply; and,

WHEREAS, the average infant or toddler requires 50 diaper changes per week over three years; and,

WHEREAS, diapers cannot be bought with food stamps or WIC vouchers, therefore obtaining a sufficient supply of diapers can cause economic hardship to families; and,

WHEREAS, a supply of diapers is generally an eligibility requirement for infants and toddlers to participate in childcare programs and quality early education programs; and,

WHEREAS, the people of Illinois recognize that addressing diaper need can lead to economic opportunity for the state’s low-income families and can lead to improved health for families and their communities; and,

WHEREAS, Illinois is proud to be home to various community organizations that recognize the importance of diapers in helping provide economic stability for families and distribute diapers to poor families through various channels in the State of Illinois;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 26 - October 2, 2016, as DIAPER NEED AWARENESS WEEK in Illinois, and encourage the citizens of Illinois to donate generously to diaper banks, diaper drives and organizations that distribute diapers to families in need to help alleviate diaper need in Illinois.

Issued by the Governor September 7, 2016.
Filed by the Secretary of State September 26, 2016.

2016-236

EMPLOYEE OWNERSHIP MONTH

WHEREAS, employee stock ownership plans (ESOPs) have been established in approximately 10,000 companies in the United States, employing 10.3 million working men and women; and,

WHEREAS, employee ownership is becoming a practice that is instrumental in helping Americans share in our nation’s growth and prosperity by enabling our citizens to accumulate significant amounts of capital stock in the business at which they are employed; and,

WHEREAS, employee ownership has become a powerful incentive for Americans to make the best of their talents and energies in their places of work, thus strengthening the competitive potential of our state’s businesses; and,

WHEREAS, Illinois currently has 342 employee stock ownership companies, along with hundreds of legal, valuation, and financial
organizations that serve as professional advisors to the employee stock ownership community; and,

WHEREAS, the successful record of employee-owned firms in benefiting both companies and employees merits recognition; and,

WHEREAS, employee ownership aids in creating and retaining jobs in our state;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 2016 as EMPLOYEE OWNERSHIP MONTH in Illinois and urge all citizens to join me in recognizing employee-owned firms and their contributions to our state.

Issued by the Governor September 7, 2016.

Filed by the Secretary of State September 26, 2016.

2016-237

FILIPINO AMERICAN HISTORY MONTH

WHEREAS, the earliest documented Filipino presence in the continental United States was on October 18, 1587, when the Spanish galleon, the Nuestra Señora de Buena Esperanza, under the command of Captain Pedro de Unamuno, dropped anchor in Morro Bay, California, and the landing party explored the coast; and,

WHEREAS, the first settlement of Filipinos, referred to as “Manilamen,” was in 1765 in southeastern Louisiana; the “Manilamen” became the start of the many contributions Filipino Americans have made toward the advancement of the United States in several fields including the arts and culture, sciences, medicine, education, technology, and in many other areas of human endeavors; and,

WHEREAS, Filipino Americans are well known for serving in all branches of the U.S. Armed Forces as early as the War of 1812 against the British, in the U.S. Civil War, in World Wars I and II, and in all the other subsequent U.S. wars up to the wars in Iraq and Afghanistan; and,

WHEREAS, Filipino Americans comprise the second-largest Asian American population in the United States; and,

WHEREAS, further efforts are needed to promote the study and research on Filipino American history to create a more complete and balanced United States history that reflects the legacy and rich contributions of Filipino Americans to our great nation; and,

WHEREAS, the celebration of Filipino American History Month in October provides an opportunity to celebrate the heritage and culture of Filipino Americans and the many contributions they make to our country; and,
WHEREAS, the Filipino American National Historical Society (FANHS) Midwest Chapter, the Filipino American Historical Society of Springfield, Illinois (FilAmHisSo), and other Filipino American organizations throughout the state will celebrate Filipino American History Month in October 2016 with various events and activities;

THEREFORE, I, Brue Rauner, Governor of the State of Illinois, do hereby proclaim October 2016 as FILIPINO AMERICAN HISTORY MONTH in the State of Illinois, in recognition of the contributions of Filipino Americans to our state and to our nation, and in recognition of Filipino Americans who call Illinois home.

Issued by the Governor September 7, 2016.
Filed by the Secretary of State September 26, 2016.

2016-238
HEALTHCARE SECURITY AND SAFETY WEEK

WHEREAS, healthcare security and safety officers play an important role in the healthcare of the State of Illinois; and,

WHEREAS, healthcare security and safety officers are tasked with protecting all those who work, visit, or receive treatment in a healthcare facility as the first responders to security and safety incidents; and,

WHEREAS, the professionalism of the healthcare security and safety officers contribute to the diverse and evolving healthcare security needs of Illinois’s population; and,

WHEREAS, the demand for healthcare security and safety services is rising as a result of the increase in violence against healthcare professionals, expanding criminal acts in the healthcare setting, and the growth of the aging population utilizing healthcare facilities; and,

WHEREAS, professional healthcare security and safety is an important component in ensuring the quality of healthcare available;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 9-16, 2016, as HEALTHCARE SECURITY AND SAFETY WEEK in Illinois.

Issued by the Governor September 7, 2016.
Filed by the Secretary of State September 26, 2016.

2016-239
OFFICER ROBIN G. VOGEL MEMORIAL DAY

WHEREAS, Decatur Police Officer Robin G. Vogel was struck by a
drunk driver while on duty October 1, 2005, and passed away from her injuries two days later on October 3, 2005; and,

WHEREAS, Officer Vogel was the first female Decatur Police Officer killed in the line of duty, and one of four officers killed across the State of Illinois in 2005; and,

WHEREAS, since 2014, friends and family, including more than 150 runners each year, have come together in Decatur to honor Officer Vogel’s memory during the Robin Vogel Memorial 5K; and,

WHEREAS, proceeds from the 5K event go toward a scholarship in Officer Vogel’s memory, given to a high school senior in Macon County who desires to pursue a degree in law enforcement; and,

WHEREAS, since its inception, this scholarship fund has awarded more than $10,000 to deserving students, and is currently the single largest scholarship available to Macon County students; and,

WHEREAS, the third annual Robin Vogel Memorial 5K will be held October 1, 2016, in Decatur’s Nelson Park;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 1, 2016, as OFFICER ROBIN G. VOGEL MEMORIAL DAY in Illinois.

Issued by the Governor September 7, 2016.
 Filed by the Secretary of State September 26, 2016.

2016-240
PATRIOT DAY

WHEREAS, fifteen years ago, on September 11, 2001, tragedy unfolded on American soil as four commercial airlines were hijacked by terrorists and began a journey of destruction; and,

WHEREAS, at 8:46 a.m. (EST), American Airlines Flight 11, carrying 92 people, struck the north tower of the World Trade Center in New York City; and,

WHEREAS, at 9:03 a.m. (EST), United Airlines Flight 175, carrying 65 people, flew into the south tower of the World Trade Center; and,

WHEREAS, at 9:37 a.m. (EST), American Airlines Flight 77, carrying 64 people, hit the western façade of the Pentagon in Washington D.C.; and,

WHEREAS, at 10:03 a.m. (EST) further loss of life was prevented when passengers and crew members heroically crashed United Airlines Flight 93 into a field in Somerset County, Pennsylvania, killing all those on board; and,

WHEREAS, nearly 3,000 innocent men, women and children were
tragically killed in the heinous attacks; and,

WHEREAS, tens of thousands emergency personal including firefighters, police officers and military personnel came to the aid to help their fellow man, including volunteers from across the country; and,

WHEREAS, in the aftermath of these horrendous acts, the United States of America bound together with courage and resolve and emerged more united as a people; and,

WHEREAS, on November 30, 2001, after passing the United States House and Senate, President George W. Bush proclaimed September 11 as Patriot Day, a day of remembrance and national mourning; and,

WHEREAS, the day of September 11 will forever be etched in the memory and hearts of all Americans; the victims will never be forgotten, and the heroism displayed by first responders, service men and women, and countless Americans who aided in humanitarian relief efforts and search and rescue operations will serve as a lasting model for all; and

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 11, 2016, as PATRIOT DAY in Illinois, and order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff from sunrise to sunset on this day, in honor and remembrance of the heroes of September 11, 2001, and all of those who lost their lives.

Issued by the Governor September 8, 2016.
Filed by the Secretary of State September 26, 2016.

2016-241
ADULT EDUCATION AND FAMILY LITERACY WEEK

WHEREAS, on November 3, 1966, the Adult Education Act of 1966 was signed into law by President Lyndon Johnson, establishing a new education system comprised of a partnership between the federal government and the states; and,

WHEREAS, more than 93 million American adults have basic or below basic literacy skills that limit their ability to advance at work and in their education; and,

WHEREAS, in Illinois, more than 1.2 million adults do not have a high school diploma or equivalency certificate; and,

WHEREAS, in Illinois, adult learners have access to high-quality career pathway basic education, postsecondary education, and training programs in high-demand occupations; and,

WHEREAS, approximately 90 percent of the fastest growing jobs of the future will require education or training beyond high school; and,
WHEREAS, a literate and skilled workforce promotes job creation and economic growth in the state; and,

WHEREAS, adult education promotes the lifelong process of self-improvement including the acquisition of self-sustaining high skilled employment that provides a family sustaining wage, promotes self-esteem, promotes a sense of empowerment, increases a person’s ability to reach their maximum potential, and assists the State and Nation in reaching economic stability and competitiveness;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 26-October 1, 2016, as ADULT EDUCATION AND FAMILY LITERACY WEEK in Illinois, recognizing that our state honors the teachers, adult educators, community partners, and the tens of millions of adult learners that have created and participated in this unique education system which promotes the inclusion of all citizens in the democratic, social, and economic processes of our state and nation.

Issued by the Governor September 12, 2016.

Filed by the Secretary of State September 26, 2016.

2016-242

ALPHA1 AWARENESS MONTH

WHEREAS, Antitrypsin Deficiency (Alpha1) is one of the most common serious hereditary disorders in the world and can result in life threatening liver disease in children and adults or lung disease in adults; and,

WHEREAS, Alpha1 has been identified in virtually all populations; and,

WHEREAS, an estimated 100,000 children and adults in the United States have the severe deficiency and up to 6 percent of Caucasians in the U.S. carry a single deficient gene and may pass the gene on to their children; and,

WHEREAS, Alpha1 is widely underdiagnosed and misdiagnosed with fewer than 10 percent of those predicted to have Alpha1 receiving an accurate diagnosis. It often takes an average of five doctors and seven years from the time symptoms first appear before proper diagnosis is made; and,

WHEREAS, Alpha1 is easily detected using a simple test; and,

WHEREAS, Alpha1 is the most common known genetic risk factor for Chronic Obstructive Pulmonary Disease (COPD), a lung disease that is the most frequent cause of disability and early death among affected persons;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim November 2016 as ALPHA1 AWARENESS MONTH in Illinois, to raise awareness of Antitrypsin Deficiency (Alpha1) and to
recognize the importance of finding a cure and improving the lives of people affected by this disease.

Issued by the Governor September 12, 2016.
Filed by the Secretary of State September 26, 2016.

2016-243
KIDS' CHANCE AWARENESS WEEK

WHEREAS, the catastrophic injury or death of a parent or guardian can have a devastating emotional and financial impact on the family unit; and,

WHEREAS, when the injury or death resulted from a work-related accident, workers’ compensation benefits are often insufficient to allow the worker’s children to pursue their educational dreams; and,

WHEREAS, the State of Illinois is fortunate to have Kids’ Chance Inc. of Illinois, a 501(c)(3) nonprofit that provides financial scholarships to children of seriously injured workers so that the children can pursue and achieve their educational goals; and,

WHEREAS, Kids’ Chance Inc. of Illinois is one of 33 Kids’ Chance organizations throughout the United States that make a significant difference in the lives of children affected by a workplace injury, though there are likely even more students in need of assistance; and,

WHEREAS, November 14 – 18, 2016, has been designated Kids’ Chance Awareness Week in order to increase the visibility of Kids’ Chance organizations across the country and to spread the word about Kids’ Chance scholarship opportunities;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim November 14 – 18, 2016, as KIDS’ CHANCE AWARENESS WEEK in Illinois, and encourage all citizens to become familiar with the services and benefits offered by Kids’ Chance Inc. of Illinois, and to support Kids’ Chance organizations across the country.

Issued by the Governor September 12, 2016.
Filed by the Secretary of State September 26, 2016.

2016-244
NATIONAL LEARNING DISABILITIES MONTH

WHEREAS, October was designated National Learning Disabilities Month by Proclamation 5385 in 1985 by President Ronald Reagan; and,

WHEREAS, each October is a time when particular attention is paid to educating the public about learning disabilities and the impact they have
on the people living with them; and,

WHEREAS, research shows that one in seven people have a learning disability; and,

WHEREAS, Learning Disabilities Association of Illinois is a nonprofit, volunteer organization dedicated to raising awareness about learning disabilities, providing information to parents and professionals, and supporting and advocating for children and adults with learning disabilities and their families;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 2016 as NATIONAL LEARNING DISABILITIES MONTH in Illinois to raise awareness of learning disabilities and in support of Learning Disabilities Association of Illinois’ important efforts to support those who live with learning disabilities.

Issued by the Governor September 12, 2016.
Filed by the Secretary of State September 26, 2016.

2016-245
PEACE DAYS

WHEREAS, Peace Day is celebrated annually in Chicago, Illinois, since September 7, 1978, through the observance of One Minute of Silence for World Peace; and,

WHEREAS, in 1981, the United Nations proposed a resolution declaring one day every year as International Day of Peace. This day is observed to promote global cease-fire and non-violence in every country across the globe; and,

WHEREAS, Peace Day is used as a means of spreading the message of world peace and its vital importance to the future of the human race; and,

WHEREAS, the goal of Peace Day is to contribute to the peace-making process through positive peace-building activities, and to allow all individuals to harness their abilities and actively participate in creating a more peaceful world; and,

WHEREAS, the Peace School, an Illinois not-for-profit organization, has sponsored Peace Day since its inception and has been awarded the United Nations Peace Messenger designation for its significant contributions to peace; and,

WHEREAS, in 2001, a resolution was passed by the United Nations declaring September 21st of every year as International Day of Peace as a way of rededicating the United Nations to its goals of strengthening the ideals of peace and alleviating the tensions and causes of conflict; and,

WHEREAS, these events encourage all individuals to take a minute
for peace every day as a positive step toward making every day Peace Day;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 7-27, 2016, as PEACE DAYS in Illinois in recognition of the effort to build a more peaceful state, a more peaceful country, and a more peaceful world.

Issued by the Governor September 12, 2016.
Filed by the Secretary of State September 26, 2016.

2016-246
HISPANIC HERITAGE MONTH

WHEREAS, in 1968, the United States officially recognized a National Hispanic Heritage Week, and in 1988, that week was expanded to a month-long celebration to honor the culture and traditions of those who are of Hispanic Heritage; and,

WHEREAS, the Hispanic population of the United States is the nation’s largest ethnic minority and comprises of more than 35 million of the nation’s population and more than two million of Illinois’ population; and,

WHEREAS, the Hispanic community is a diverse and vibrant community that contributes to the growth and success in our great state; and,

WHEREAS, the number of Hispanic-owned businesses in the State of Illinois is growing and has become an integral part of our State’s economy and financial prosperity; and,

WHEREAS, National Hispanic Heritage Month provides the people of the State of Illinois and the United States the opportunity to celebrate the rich cultural traditions and achievements of our Hispanic communities; and,

WHEREAS, Hispanics are a vital part to our state’s collective success and nation’s commitment to preserving the right to a better life;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 15, 2016, through October 15, 2016, as HISPANIC HERITAGE MONTH in Illinois, and encourage all citizens to educate themselves about this important and diverse component of our state.

Issued by the Governor September 15, 2016.
Filed by the Secretary of State September 26, 2016.

2016-247
INFANT SAFE SLEEP AWARENESS MONTH

WHEREAS, hundreds of infants die each year because they are placed in unsafe sleeping environments; and,

WHEREAS, Sudden Unexpected Infant Death (SUID) is the sudden
and unexpected death of an infant, birth to age one year, in which the manner and cause of death are not immediately obvious prior to investigation; and,
WHEREAS, Sudden Infant Death Syndrome (SIDS) is a subset of SUID and remains the number one cause of infant death between the age of 28 days to one year; and,
WHEREAS, the tragedy of SUID can happen to any family, regardless of race, ethnicity, or economic group; and,
WHEREAS, adult beds, waterbeds, couches, chairs, pillows, quilts, and other soft surfaces are not appropriate or safe for sleeping infants; and,
WHEREAS, babies sleep safest when sleeping alone, on their backs, in a bassinet or crib with a firm mattress and tightly fitted sheets free of pillows, bumpers, blankets, and other items, in a smoke-free environment; and,
WHEREAS, Illinois law requires hospitals to provide education and materials regarding SIDS prevention and safe sleep practices to parents of newborns; and,
WHEREAS, during the month of October, we raise awareness of the important steps parents can take to ensure the safety of their infant children while sleeping;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 2016 as INFANT SAFE SLEEP AWARENESS MONTH in Illinois to raise awareness about sudden unexplained infant death and to encourage infant safe sleep practices so that no parent will have to endure the tragedy of infant death.
Issued by the Governor September 19, 2016.
Filed by the Secretary of State September 26, 2016.

2016-248
DOMESTIC VIOLENCE AWARENESS MONTH

WHEREAS, domestic violence is a prevalent social problem that not only harms the victim, but also negatively impacts a victim's family, friends, and community at large; and,
WHEREAS, domestic violence knows no boundaries; it exists in all neighborhoods and cities, and affects people of all ages, genders, racial, ethnic, economic, and religious backgrounds; and,
WHEREAS, one in four women will experience domestic violence sometime in her life, and in Illinois, there are approximately 115,000 to 125,000 domestic crimes each year; and,
WHEREAS, for many victims of domestic violence, abuse experienced at home often follows them to the workplace, where they are
harassed by threatening phone calls and emails; and,

WHEREAS, the health-related costs of rape, physical assault, stalking, and homicide by intimate partners amount to nearly $6 billion every year, and the annual cost of lost productivity in the workplace due to domestic violence is estimated to be hundreds of millions of dollars, with nearly 8 million paid workdays lost per year; and,

WHEREAS, through the month of October, the Illinois Coalition Against Domestic Violence and its 52 member organizations will hold numerous events across the state in observance of Domestic Violence Awareness Month, including walk/runs, silent witness events, candlelight vigils, and marches;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 2016 as DOMESTIC VIOLENCE AWARENESS MONTH in the State of Illinois.

Issued by the Governor September 20, 2016.
Filed by the Secretary of State September 26, 2016.

2016-249
GOLD STAR FAMILY DAY

WHEREAS, during World War I Americans began flying a flag with a blue star for each immediate family member serving in the armed forces; and,

WHEREAS, the star would be changed to gold if the family lost a loved one in the war; and,

WHEREAS, these families become known as Gold Star Families; and,

WHEREAS, we remember our commitment to the Gold Star Families who carry on with pride and resolve despite unthinkable loss; and,

WHEREAS, we recall our sacred obligation to those who gave their lives so we could live ours; and,

WHEREAS, the Illinois 99th General Assembly recognizes the day after Gold Star Mothers' Day as Gold Star Family Day; and,

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 26, 2016, as GOLD STAR FAMILY DAY in Illinois to recognize the families who suffered the supreme tragedy in the loss of their sons and daughters in war and remember the sacrifice they have made.

Issued by the Governor September 20, 2016.
Filed by the Secretary of State September 26, 2016.
2016-250
GOLD STAR MOTHER'S DAY

WHEREAS, on June 4, 1928, 25 mothers met in Washington, D.C. to establish the national organization, American Gold Star Mothers, Inc.; and,
WHEREAS, the success of American Gold Star Mothers, Inc. continues because of the bond of mutual love, sympathy, and support of the many loyal, capable, and patriotic mothers who, while sharing their grief and their pride, have channeled their time, efforts, and gifts to lessening the pain of others; and,
WHEREAS, the members of the Armed Forces are prepared to serve others at any cost; their loved ones exemplified the values of courage and selflessness that define our Armed Forces and fortify our state and country; and,
WHEREAS, we remember our commitment to the Gold Star Mothers who carry on with pride and resolve despite unthinkable loss; and,
WHEREAS, we recall our sacred obligation to those who gave their lives so we could live ours; and,
WHEREAS, the United States 74th Congress proclaimed the last Sunday in September to be known as “Gold Star Mother’s Day”; and,

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 25, 2016, as GOLD STAR MOTHER’S DAY in Illinois to recognize the mothers who suffered the supreme tragedy in the loss of their sons and daughters in war and remember the sacrifice they have made.

Issued by the Governor September 20, 2016.
Filed by the Secretary of State September 26, 2016.

2016-251
CAREERS IN ENERGY WEEK

WHEREAS, safe, reliable, and affordable energy is essential to our families, communities, and businesses; and,
WHEREAS, energy supplies the simple things in life – heating, cooling, cooking, lighting; and,
WHEREAS, energy supports modern society’s complex systems – providing health care, air traffic control, and running a manufacturing plant – and also makes possible the fun things in life – lights at a baseball field, air conditioning at the theater, and rides at the state fair; and,
WHEREAS, the large demand from the industrial sector makes Illinois among the nation’s leading consumers of energy, and the state’s
ability to maintain and expand these systems depends on the availability of
a highly skilled, educated workforce; and,

WHEREAS, to promote workforce continuity and meet the challenges
of our ever-changing economy, new workers are needed; and,

WHEREAS, according to the Bureau of Labor Statistics women and
minorities are significantly underrepresented in the engineering workforce,
and should be encouraged to pursue careers in energy; and,

WHEREAS, through strategic partnerships, members of the Illinois
Energy Workforce Consortium strive to promote a unified and results-
oriented strategy to ensure Illinoisans find new and rewarding careers in
energy so that Illinois can continue to grow and prosper;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do
hereby proclaim October 17-21, 2016, as CAREERS IN ENERGY WEEK
in Illinois as the Illinois Energy Workforce Consortium and its partners will
hold events throughout the state to highlight the need for a strong and
growing energy workforce and encourage Illinoisans of all ages to consider
a career in the energy industry.

Issued by the Governor September 21, 2016.
Filed by the Secretary of State September 26, 2016.

2016-252
CURING STOMACH CANCER MONTH

WHEREAS, Debbie’s Dream Foundation: Curing Stomach Cancer
is a non-profit organization dedicated to raising awareness about stomach
cancer, advancing funding for research, and providing education and support
internationally to patients, families, and caregivers, while pursuing the
ultimate goal of making the cure for stomach cancer a reality; and,

WHEREAS, out of 24,500 new cases diagnosed each year in the
United States, 11,000 people will die in the first year of diagnosis; and,

WHEREAS, 80 percent of stomach cancer is diagnosed at stage IV
which only has a four percent five-year survival rate; and,

WHEREAS, in the United States, it is estimated that more than
72,000 people are currently living with stomach cancer; and,

WHEREAS, stomach cancer has increased in young adults ages 25 to
39 by 70 percent since 1977; and,

WHEREAS, overall survival rate for stomach cancer is 28 percent;
stomach cancer mortality rates have remained relatively unchanged during the
past 30 years; and,

WHEREAS, increased public awareness of stomach cancer through
advocacy and support for targeted research, as well as education about the
impact on patients and their families, are critical;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois do hereby proclaim the month of November 2016 as CURING STOMACH CANCER MONTH in Illinois.

Issued by the Governor September 21, 2016.
Filed by the Secretary of State September 26, 2016.

2016-253
DYSAUTONOMIA AWARENESS MONTH

WHEREAS, dysautonomia is a group of medical conditions that result in a malfunction of the autonomic nervous system, which is responsible for “automatic” bodily functions such as respiration, heart rate, blood pressure, digestion, temperature control, and more; and,

WHEREAS, some forms of dysautonomia are considered rare diseases, such as Multiple System Atrophy and Pure Autonomic Failure, while other forms of dysautonomia are common, impacting millions of people in the United States and around the world, such as Diabetic Autonomic Neuropathy, Neurocardiogenic Syncope, and Postural Orthostatic Tachycardia Syndrome; and,

WHEREAS, dysautonomia impacts people of any age, gender, race, or background, including many individuals living in Illinois; and,

WHEREAS, increased awareness about dysautonomia will help patients get diagnosed and treated earlier, save lives, and foster support for individuals and families coping with dysautonomia in our communities; and,

WHEREAS, Dysautonomia International is a 501(c)(3) non-profit organization that advocates on behalf of patients living with dysautonomia; and,

WHEREAS, it is important to recognize the professional medical community, patients, and family members who are working to educate our citizens about dysautonomia in Illinois;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 2016 as DYSAUTONOMIA AWARENESS MONTH in Illinois.

Issued by the Governor September 21, 2016.
Filed by the Secretary of State September 26, 2016.
2016-254
INTERNATIONAL CENTRAL SERVICE WEEK

WHEREAS, central service technicians are responsible for processing surgical instruments, supplies, and equipment; and,

WHEREAS, serving in settings ranging from hospitals to ambulatory surgical centers, central service technicians provide support to patient care services; and,

WHEREAS, central service department tasks include decontaminating, cleaning, processing, assembling, sterilizing, storing, and distributing the medical devices and supplies needed for patient care; and,

WHEREAS, the central service department of a healthcare facility is the heart of all activity surrounding instruments, supplies, and equipment required for operating rooms, endoscopy suites, ICU, birth centers, and other patient care areas; and,

WHEREAS, central service technicians play a vital role in patient care arenas and are responsible for first-line processes that prevent patient infections; and,

WHEREAS, International Central Service Week recognizes the contributions central service technicians make to patient safety, as well as the opportunities and challenges that face the profession;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 9-15, 2016 as INTERNATIONAL CENTRAL SERVICE WEEK in Illinois.

Issued by the Governor September 21, 2016.
Filed by the Secretary of State September 26, 2016.

2016-255
LIMB GIRDLE MUSCULAR DYSTROPHY AWARENESS DAY

WHEREAS, Limb Girdle Muscular Dystrophy (LGMD) is a rare genetic disease that can cause muscle weakness and wasting primarily in the hips, shoulders, and thighs, leading to a loss of ambulation with cardiopulmonary complications often arising in the later stages of the disease; and,

WHEREAS, LGMD is a group of hereditary, genetic, and neuromuscular disorders with more than 25 sub-types currently identified; and,

WHEREAS, LGMD occurs among all ethnic groups and affects both males and females; and,

WHEREAS, LGMD symptoms can begin in childhood, adolescence
or adulthood; and,

WHEREAS, LGMD is a progressive, serious, and debilitating condition that has a significant impact on the quality of life of those affected; and,

WHEREAS, individuals and families affected by LGMD experience problems such as delayed diagnosis, difficulty finding a medical expert, and lack of access to treatments or ancillary services; and,

WHEREAS, although research is ongoing and important advances are being made every day in understanding the genetic causes of the disease, there is no known cure or treatment; and,

WHEREAS, many patients and families affected by LGMD bear a great share of the burden of raising public awareness to support the search for treatments;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 30, 2016, as LIMB GIRDLE MUSCULAR DYSTROPHY AWARENESS DAY in Illinois.

Issued by the Governor September 21, 2016.
Filed by the Secretary of State September 26, 2016.

2016-256

MALE BREAST CANCER AWARENESS WEEK

WHEREAS, an estimated 2,600 men in the United States are diagnosed with breast cancer each year and an estimated 450 men each year will die from the disease; and,

WHEREAS, the public commonly thinks of breast cancer as a disease affecting only women, a misconception that can delay diagnosis and treatment in men, often leading to death; and,

WHEREAS, early detection of male breast cancer is critical, as men who are diagnosed when breast cancer is in its earliest stages have an increased chance of successful treatment and, ultimately, survival; and,

WHEREAS, due in part to a lack of awareness that men can develop the disease, men are generally diagnosed with breast cancer at a later stage than women, which affects prognosis and treatment; and,

WHEREAS, in order to facilitate early diagnosis and prompt treatment of male breast cancer, public education, awareness, and understanding of the disease is necessary; and,

WHEREAS, in remembrance of the men who lost their lives to breast cancer, and in support of those who are currently fighting this often overlooked disease, it is appropriate to designate October 16 through October 22, 2016, as “Male Breast Cancer Awareness Week”;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 16-22, 2016, as MALE BREAST CANCER AWARENESS WEEK in Illinois to foster public awareness of male breast cancer and encourage early detection and prompt treatment.

Issued by the Governor September 21, 2016.
Filed by the Secretary of State September 26, 2016.

2016-257
MANUFACTURING MONTH

WHEREAS, manufacturing in Illinois has been the historical bedrock of the state's economy for nearly two centuries; and,

WHEREAS, nearly 19,544 manufacturing firms call Illinois home and provide employment for more than 578,187 workers; and,

WHEREAS, according to the United States Department of Commerce, the average yearly salary for manufacturing in America exceeds $68,744; and,

WHEREAS, Illinois manufacturers face a graying of the workforce, as more than 25,000 "Baby-Boom" era workers will retire each and every year between now and 2027; and,

WHEREAS, a strategic approach to creating high quality, skilled workers available to replace retiring workers does not exist everywhere in Illinois; and,

WHEREAS, modern advanced manufacturing relies on clean, well-lit and climate controlled environments; provides competitive benefits to every employee including healthcare and retirement plans; and thereby makes manufacturing a worthwhile career choice for all Illinoisan; and,

WHEREAS, specific public events designed to expand general knowledge about the innumerable contributions manufacturing makes to our common good would bring significant change to the public perception of manufacturing in our state;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, due hereby proclaim October 2016 as MANUFACTURING MONTH in Illinois, to encourage local collaborative efforts be designed to expand knowledge about and improve general public perception of manufacturing careers and manufacturing's value to the Illinois economy, and urge all school districts, community colleges, and manufacturers in Illinois to invest time and resources to celebrate the contributions manufacturers make to the fabric of our state’s communities and assure continued success of local events highlighting Manufacturing Month in Illinois.

Issued by the Governor September 21, 2016.
Filed by the Secretary of State September 26, 2016.

2016-258

METASTATIC BREAST CANCER AWARENESS DAY

WHEREAS, thousands of families across Illinois are affected by metastatic breast cancer, which occurs when cancer spreads beyond the breast to other parts of the body, including the bones, lungs, liver, and brain; and,

WHEREAS, though much progress has been made in early detection and diagnosis of breast cancer, those with metastatic breast cancer continue to face many unique challenges; and,

WHEREAS, currently no cure exists for metastatic breast cancer; those with metastatic breast cancer often continue treatment indefinitely with the goal of extending the best quality of life possible; and,

WHEREAS, more than one in eight women in the United States will be affected by breast cancer in their lifetime; in the State of Illinois, an estimated 10,160 women will be diagnosed with breast cancer in 2016, and 1,660 of those women are expected to lose their battle to the disease; and,

WHEREAS, breast cancer can spread quickly and inexplicably, regardless of treatment or preventative measures taken. Nearly 30 percent of women diagnosed with early breast cancer eventually develop metastatic breast cancer; and,

WHEREAS, while metastatic breast cancer remains incurable, there is reason to be hopeful, as extensive drug development research is underway to find new and more effective treatments. The State of Illinois will continue to push for critical research and advanced treatments for metastatic breast cancer;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 13, 2016, as METASTATIC BREAST CANCER AWARENESS DAY in an effort to shed light on the devastation metastatic breast cancer brings to communities throughout the State, and to encourage all citizens to join in the continued fight against breast cancer.

Issued by the Governor September 21, 2016.
Filed by the Secretary of State September 26, 2016.

2016-259

NATIONAL APPRENTICESHIP WEEK

WHEREAS, apprenticeships offer employers in every industry the tools to develop a highly skilled workforce to help successfully grow their business; and,
WHEREAS, apprenticeships offer opportunities to earn a salary while learning the skills necessary to succeed in high-demand careers; and,
WHEREAS, apprenticeships embody the highest competency standards, instructional rigor, and quality training of all career-based programs of study; and,
WHEREAS, National Apprenticeship Week is an opportunity for the nation’s apprenticeship community to tell the story of apprenticeship and is an invitation to business and industry, educational institutions, career seekers, community-based organizations, students, and workers to learn about the real world advantages of apprenticeships; and,
WHEREAS, National Apprenticeship Week is a unique chance for employers to plan and host events that showcase leadership, raise awareness, and promote the value of career-based training systems and create signature events locally, regionally, or nationally; and,
WHEREAS, Illinois consortia like the Central Illinois Center of Excellence in Secure Software and the Illinois Consortium for Advanced Technical Training are furthering apprenticeships in Illinois by hosting events that put a spotlight on the value of apprenticeships and raising public awareness during National Apprenticeship week;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim November 14-18, 2016, as NATIONAL APPRENTICESHIP WEEK in Illinois in support of meaningful pathways to promote jobs and economic prosperity.
Issued by the Governor September 21, 2016.
Filed by the Secretary of State September 26, 2016.

2016-260
PLASMA AWARENESS WEEK

WHEREAS, plasma-derived and recombinant therapies, collectively known as plasma protein therapies, are unique, biologic products for which no substitutes exist, and save and improve the lives of individuals throughout Illinois and the United States, and
WHEREAS, plasma protein therapies are used to treat many conditions including hemophilia and other bleeding disorders, primary immune deficiencies, alpha-1 antitrypsin deficiency, hereditary angioedema, chronic inflammatory demyelinating polyneuropathy, idiopathic thrombocytopenic purpura, and Rh negative pregnancies, and
WHEREAS, these therapies substantially increase quality of life, extend life expectancy, and improve patient outcomes for an estimated 4,900 individuals in the state of Illinois, and
WHEREAS, each year approximately 20,000 pregnant women in Illinois receive a plasma protein therapy to protect mother and baby from complications due to incompatible blood types, and
WHEREAS, there are 18 plasma donation centers in Illinois, certified under the International Quality Plasma Program, where healthy and committed donors provide plasma that is used to manufacture high-impact, life-saving therapies, and
WHEREAS, Plasma Awareness Week is recognized throughout the United States to raise awareness of the importance of plasma donation and its impact on patients with rare diseases, to recognize the contributions of plasma donors to saving and improving lives, and to increase understanding about life-saving plasma protein therapies and the conditions they treat;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 9-15, 2016, as PLASMA AWARENESS WEEK in Illinois, and encourage all Illinoisans recognize the importance of plasma donation and its impact on patients throughout Illinois and the United States.
Issued by the Governor September 21, 2016.
Filed by the Secretary of State September 26, 2016.

2016-261
POLISH AMERICAN HERITAGE MONTH

WHEREAS, since 1608, when the first Polish settlers arrived at Jamestown, Virginia, Polish people have been an important part of America's history and culture; and,
WHEREAS, in 2016, Polish Americans mark the 35th anniversary of the founding of Polish American Heritage Month, an event which began in 1981 in Philadelphia, Pennsylvania, and became a national celebration of Polish history, culture, and pride; and,
WHEREAS, 2016 also marks the 237th anniversary of the death of General Casimir Pulaski, a Polish nobleman, soldier, and military commander who became a hero of the American Revolutionary War, known as the “Father of the American Cavalry”; and,
WHEREAS, in Illinois, Polish Americans make up nearly seven percent of Chicago's population, and Polish is the third-most spoken language in Chicago behind English and Spanish; and,
WHEREAS, Polish American Heritage Month provides the people of the State of Illinois and the United States the opportunity to celebrate the rich cultural traditions and achievements of our Polish communities;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 2016 as POLISH AMERICAN HERITAGE
MONTH in Illinois, and encourage all citizens to educate themselves about this important and diverse component of our state.

Issued by the Governor September 22, 2016.
Filed by the Secretary of State September 26, 2016.

2016-262
INDEPENDENT RETAILERS WEEK

WHEREAS, Independent Retailers Week provides a time to celebrate the entrepreneurial spirit represented by our core of local independent retailers; and,

WHEREAS, the individual decisions every community member makes affect the future of our state; and,

WHEREAS, our state’s local independent retailers help preserve the uniqueness of the community and give us a sense of place; and,

WHEREAS, independently-owned retailers give back to the community in goods, services, time, and talent; and,

WHEREAS, the health of our state’s economy depends on our support of businesses owned by our friends and neighbors; and,

WHEREAS, Illinois’ independent retail owners and employees enrich community members’ shopping experiences with their knowledge and passion; and,

WHEREAS, as we celebrate Independent Retailer Week 2016, we acknowledge the contribution these retailers make to our state;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 26-30, 2016, as INDEPENDENT RETAILERS WEEK in Illinois and encourage all citizens to support the independent retailers that support their communities.

Issued by the Governor September 23, 2016.
Filed by the Secretary of State October 17, 2016.

2016-263
AMERICAN PHARMACY MONTH

WHEREAS, pharmacy is one of the oldest of the health care professions, dedicated to the health and well-being of all people; and,

WHEREAS, today, there are more than 300,000 pharmacists licensed in the United States and nearly 19,500 licensed pharmacists in Illinois, providing service and health care counseling to assure the rational and safe use of all medications; and,

WHEREAS, the effective and safe use of medication, when
monitored by a licensed pharmacist, is a cost-effective alternative to more expensive medical procedures and is becoming a major force in moderating overall health care costs; and,

WHEREAS, today’s advanced medications require greater attention to the manner in which they are used by different patient population groups, both clinically and demographically; and,

WHEREAS, pharmacists, as health care providers, are specifically educated with a focus and level of expertise on medication therapy and are ideally suited to work collaboratively with other health care providers and patients to improve medication use and outcomes; and,

WHEREAS, pharmacists ensure the integrative safety of drug use by diligently working to reduce medication abuse, discontinuing medications with no indication, and advocating for the safe use of all medications; and,

WHEREAS, the American Pharmacists Association and the Illinois Pharmacists Association have declared October as American Pharmacists Month with the theme “Know Your Pharmacist, Know Your Medicine”; therefore, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 2016 as AMERICAN PHARMACISTS MONTH in Illinois in recognition of the vital contributions made by pharmacists to health care in our State.

Issued by the Governor September 26, 2016.

Filed by the Secretary of State October 17, 2016.

2016-264
BREAST CANCER AWARENESS MONTH AND MAMMOGRAPHY DAY

WHEREAS, October 2016 marks the 31st anniversary of National Breast Cancer Awareness Month, a season to educate women about breast cancer and the importance of early detection through mammography; and,

WHEREAS, 1 in 8 women will be diagnosed with breast cancer in their lifetime; and,

WHEREAS, a projected 246,660 new cases of breast cancer will be diagnosed in women across the United States in 2016; and,

WHEREAS, 40,450 women are estimated to lose their lives to breast cancer in the year 2016; and,

WHEREAS, the Illinois Breast and Cervical Cancer Program (IBCCP) offers free breast exams and mammograms to uninsured and underinsured women; and,

WHEREAS, the IBCCP served 17,388 women with free breast and cervical cancer screenings in FY 2016; and,
WHEREAS, the IBCCP is projected to serve 16,905 women in Illinois with cancer screening and diagnostic services in FY 2017; and,
WHEREAS, an estimated 10,440 women in Illinois will be diagnosed with breast cancer in 2017; and,
WHEREAS, breast cancer is the most common cancer diagnosed in women other than skin cancer and is the second leading cause of cancer deaths for women; and,
WHEREAS, the best chance for detecting breast cancer early is through mammography screening, and earlier detection gives higher survival rates; and,
WHEREAS, since 1993, the United States has recognized the third Friday in October as National Mammography Day;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 2016 as BREAST CANCER AWARENESS MONTH and October 21, 2016, as MAMMOGRAPHY DAY in Illinois, and encourage all citizens to join me in the continued fight against breast cancer.
Issued by the Governor September 26, 2016.
Filed by the Secretary of State October 17, 2016.

2016-265
CERTIFIED VETERINARY TECHNICIANS WEEK

WHEREAS, Certified Veterinary Technicians are important members of the veterinary health care team, work in veterinary medicine throughout the nation, and are extremely important in the effort to provide quality animal health care to insure the humane treatment of all animals; and,
WHEREAS, there are more than 60 accredited programs throughout the United States which provide intensive study of the skills and knowledge to work competently as a Certified Veterinary Technician, including anatomy, physiology, microbiology, clinical techniques, pharmacology, anesthesiology, surgical and medical nursing, radiology, and clinical pathology training; and,
WHEREAS, it is extremely important that each Certified Veterinary Technician maintain certification, registration, or licensure through the successful completion of a national and/or state examination, practice lifelong learning through continuing education, and uphold high ethical standards; and,
WHEREAS, Certified Veterinary Technicians will join their colleagues across the country to urge all to become aware of the important contributions of Certified Veterinary Technicians to the health and well-being of all animals;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 16-22, 2016, as CERTIFIED VETERINARY TECHNICIANS WEEK in Illinois.

Issued by the Governor September 26, 2016.
Filed by the Secretary of State October 17, 2016.

2016-266

COLLEGE CHANGES EVERYTHING MONTH

WHEREAS, Illinois has a goal of increasing the proportion of Illinois adults with a high-quality postsecondary credential to 60 percent by 2025; and,

WHEREAS, students and their families, particularly first-generation students, may not be aware of the financial aid available to them and can feel overwhelmed by the process of applying to college and for financial aid; and,

WHEREAS, providing students with college planning and financial aid counseling can help ensure all high school seniors have the opportunity to take critical steps toward continuing their education at a school that fits their needs and goals, minimizing student debt, and maximizing the chance for completing a degree or certificate program; and,

WHEREAS, the mission of the Illinois Student Assistance Commission (ISAC) is to help make college accessible and affordable for Illinois students, by providing free assistance with college planning and financial aid so Illinois students can better access financial aid and make more informed choices when choosing a postsecondary path; and,

WHEREAS, beginning this year, the Free Application for Federal Student Aid (FAFSA®) will be available on October 1, 2016, (rather than January 1, 2017) to apply for aid for the 2017-18 academic year; ISAC is combining the activities of College Application Month (October) with Financial Aid Awareness Month (previously held in February) to create the first annual College Changes Everything® (CCE) Month during the month of October; and,

WHEREAS, ISAC and members of the agency’s Illinois Student Assistance Corps (ISACorps) of near-peer mentors will partner with high schools, community organizations, and other agencies and associations to support and host free college application and financial aid workshops and events during CCE Month and will also provide one-on-one assistance to students and families; and,

WHEREAS, these free workshops and events will be presented in public venues across the State during CCE Month to assist Illinoisans in college and financial aid planning that will help them meet their educational
and career goals;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 2016 as COLLEGE CHANGES EVERYTHING MONTH in Illinois and encourage students and families to take full advantage of the financial aid and college planning resources available in their communities.

Issued by the Governor September 26, 2016.
Filed by the Secretary of State October 17, 2016.

2016-267
COOPERATIVE WEEK

WHEREAS, cooperatives are democratically governed businesses that are run by and for their members – the people who use the co-op’s services or buy its goods; and,

WHEREAS, cooperatives are motivated by producing quality goods or services that meet their members’ needs; and,

WHEREAS, cooperative enterprises generate significant revenue and employment opportunities in Illinois by creating jobs and enhancing the quality of life for those in our state and throughout our country; and,

WHEREAS, more than 120 million people are members of the more than 48,000 cooperatives that operate in the United States, making a substantial contribution to the economy; and,

WHEREAS, cooperatives go above and beyond their core business functions to serve local communities, along with charitable giving to assist those less fortunate; and,

WHEREAS, during the week of October 10-17, 2016, cooperatives from all across America reaffirm their member-service mission, their commitment to community, and pledge continued active involvement in the communities in which their members live and work;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 10-17, 2016, as COOPERATIVE WEEK in Illinois and encourage all citizens to recognize the importance of cooperatives from all industries that remain actively involved in their communities.

Issued by the Governor September 26, 2016.
Filed by the Secretary of State October 17, 2016.
WHEREAS, diabetes affects 29.1 million people, 9.3 percent of the population in the United States, and is a serious disease for which there is no known cure and which is the seventh leading cause of death by disease in the United States; and,

WHEREAS, approximately one quarter of the Americans who have diabetes, 8.1 million people, do not know they have the disease and may experience damage to the heart, eyes, kidneys, and limbs without presenting any symptoms; and,

WHEREAS, another 86 million people have pre-diabetes, a condition which puts them at greater risk for developing Type 2 diabetes, and if current trends continue, one in three American adults will have diabetes by the year 2050; and,

WHEREAS, Type 1 diabetes (T1D) is an autoimmune disease in which a person’s pancreas stops producing insulin; and,

WHEREAS, T1D occurs when the body’s immune system attacks and destroys the insulin producing cells in the pancreas, and there is no prevention or present cure; and,

WHEREAS, T1D strikes both children and adults at any age and comes on suddenly, causing dependence on injected or pumped insulin for life, and carries the constant threat of devastating complications; and,

WHEREAS, diabetes has many faces, affecting everyone, young and old, and with minorities having an increased risk of developing the disease; and,

WHEREAS, an increase in community awareness of risk factors and symptoms related to diabetes can improve the likelihood that people with diabetes will get the attention they need before suffering the devastating complications of the disease;

THEREFORE, I, Bruce Rauner, Governor of Illinois, do hereby proclaim November 2016 as DIABETES AWARENESS MONTH in the State of Illinois, and encourage all citizens to help fight this disease and its deadly complications by increasing awareness of the risk factors for diabetes, and by providing support to those suffering from diabetes.

Issued by the Governor September 26, 2016.

Filed by the Secretary of State October 17, 2016.
2016-269
FIRE PREVENTION WEEK

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are where people are at greatest risk from fire; and,
WHEREAS, according to the National Fire Protection Association (NFPA), U.S. fire departments responded to 369,500 home fires in 2014; and,
WHEREAS, U.S. home fires resulted in 2,745 civilian deaths in 2014, representing the majority (84 percent) of all U.S. fire deaths; and,
WHEREAS, in one-fifth of all homes with smoke alarms, the smoke alarms are not working; and,
WHEREAS, three out of five home fire deaths result from fires in properties without smoke alarms (38 percent) or with no working smoke alarms (21 percent); and,
WHEREAS, working smoke alarms cut the risk of dying in reported home fires in half; and,
WHEREAS, many Americans don’t know how old the smoke alarms in their homes are, or how often they need to be replaced; and,
WHEREAS, all smoke alarms should be replaced at least once every 10 years; the age of a smoke alarm can be determined by the date of its manufacture, which is marked on the back of the smoke alarm;
WHEREAS, the 2016 Fire Prevention Week theme, “Don’t Wait – Check the Date! Replace Smoke Alarms Every 10 Years” effectively serves to educate the public about the vital importance of replacing the smoke alarms in their homes at least every 10 years;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 9-15, 2016, as FIRE PREVENTION WEEK and I urge all the people of Illinois to find out how old the smoke alarms in their homes are, to replace them if they’re more than 10 years old, and to participate in the many public safety activities and efforts of Illinois fire and emergency services during Fire Prevention Week 2016.

Issued by the Governor September 26, 2016.
Filed by the Secretary of State October 17, 2016.

2016-270
GET SMART ABOUT ANTIBIOTICS WEEK

WHEREAS, the Illinois Department of Public Health seeks to promote the health of the people of Illinois through the prevention and control of disease and injury; and,
WHEREAS, antibiotics are lifesaving when used correctly for bacterial infections, but can cause individuals unnecessary and significant harm when used incorrectly; and,
WHEREAS, antibiotics become less effective for everyone as bacteria become resistant to them; and,
WHEREAS, up to 50 percent of antibiotics prescribed nationwide are unnecessary or not optimally effective; and,
WHEREAS, antibiotic resistance is a public health crisis, causing more than 2 million illnesses and at least 23,000 deaths in the United States each year; and,
WHEREAS, Illinois has high rates of outpatient antibiotic use, with 853 antibiotic prescriptions per 1000 people; and,
WHEREAS, antibiotic treatment is the primary risk factor for infection with Clostridium difficile, an infection commonly known as “deadly diarrhea”, which is designated as an urgent threat to our nation’s health by the Centers for Disease Control and Prevention; and,
WHEREAS, there were more than 15,000 cases of Clostridium difficile infections in Illinois hospitals reported to the National Healthcare Safety Network in 2015; and,
WHEREAS, coordinated efforts to improve antibiotic prescribing are essential to fight antibiotic resistance; and,
WHEREAS, working in partnership, the Illinois Department of Public Health, local organizations, and stakeholders seek to raise awareness and educate health care workers and the general public about the appropriate use of antibiotics;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim November 14-20, 2016, as GET SMART ABOUT ANTIBIOTICS WEEK in Illinois, and encourage all Illinoisans to educate themselves, their families, and their communities about best practices regarding the appropriate use of antibiotics.

Issued by the Governor September 26, 2016.
Filed by the Secretary of State October 17, 2016.

2016-271
LIGHTS ON AFTERSCHOOL DAY

WHEREAS, the citizens of the State of Illinois stand firmly committed to quality afterschool programs and opportunities because they provide safe, challenging, and engaging learning experiences that help children develop social, emotional, physical, and academic skills; and,
WHEREAS, afterschool programs support working families by ensuring their children are safe and productive after the regular school day ends; and,

WHEREAS, these programs build stronger communities by involving students, parents, business leaders and adult volunteers in the lives of young people, thereby promoting positive relationships among youth, families, and adults; and,

WHEREAS, many afterschool programs across the country face funding shortfalls so severe that they are being forced to close their doors and turn off their lights; and,

WHEREAS, Lights On Afterschool, the national celebration of afterschool programs held this year on October 20, 2016, promotes the importance of quality afterschool programs in the lives of children, families, and communities; and,

WHEREAS, 19.4 million families report that they would enroll their child in an afterschool program if one were available; and,

WHEREAS, the State of Illinois is committed to investing in the health and safety of all young people by providing expanded learning opportunities that will help close the achievement gap and prepare young people to compete in the global economy;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 20, 2016, as LIGHTS ON AFTERSCHOOL DAY in Illinois, in recognition of Lights On Afterschool and the commitment of our State to engage in innovative afterschool programs and activities that ensure the lights stay on and the doors stay open for all children after school.

Issued by the Governor September 26, 2016.

Filed by the Secretary of State October 17, 2016.

2016-272
NATIONAL SERVICE RECOGNITION DAY

WHEREAS, more than 13,500 people of all ages and backgrounds are serving in more than 2,200 national and local nonprofits, schools, faith-based organizations, and other groups across Illinois through national service programs; and,

WHEREAS, National Service Members serve their communities by improving education, protecting public safety, promoting healthy living, ensuring economic opportunity, safeguarding the environment, providing disaster relief, and promoting civic engagement; and,

WHEREAS, more than 2,200 AmeriCorps*State and National,
AmeriCorps*VISTA, and AmeriCorps*NCCC Members serving in Illinois will take their pledge and promise to carry this commitment to service throughout their lives; and,

WHEREAS, since 1994, more than 37,000 Illinoisans have served more than 52 million hours through AmeriCorps, which equals $1.3 billion in impact; and,

WHEREAS, more than 11,000 Senior Corps Members are currently contributing their lifetime of experience and talents through the Foster Grandparent, Senior Companion, and Retired and Senior Volunteer (RSVP) programs; and the Social Innovation Fund is investing $180,000 into 13 nonprofits in Illinois to act as a catalyst for growth; and,

WHEREAS, the Serve Illinois Commission on Volunteerism and Community Service is charged with enhancing and supporting community volunteerism in all its forms and in the administration of the AmeriCorps*State program in Illinois;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, proclaim October 12, 2016, as NATIONAL SERVICE RECOGNITION DAY in Illinois, and congratulate Illinois’ family of national service volunteers, both past and present, on their service in strengthening communities through volunteerism in the State of Illinois.

Issued by the Governor September 26, 2016.
Filed by the Secretary of State October 17, 2016.

2016-273
PROJECT MANAGEMENT INSTITUTE DAY

WHEREAS, the Project Management Institute (PMI) Chicagoland Chapter was chartered in 1977 and today has more than 4,000 members in the Chicago metropolitan area; and,

WHEREAS, PMI professionals come from virtually every major industry including aerospace, automotive, business management, construction, engineering, financial services, information technology, pharmaceuticals, healthcare, and telecommunications; and,

WHEREAS, core objectives of PMI Chicagoland Chapter include providing value to its members, increasing awareness about the importance of project management, and increasing awareness of the PMI certification process; and,

WHEREAS, the mission of PMI Chicagoland Chapter is to promote project management knowledge as well as standards and ethical practices for its members, the profession, and the community; and,

WHEREAS, PMI Chicagoland will host its 6th Annual Project
Management Symposium on October 21, 2016; and;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, due hereby proclaim November 3, 2016, as PROJECT MANAGEMENT INSTITUTE DAY in Illinois in recognition of the contributions that project managers make to the economic vitality of our state.

Issued by the Governor September 26, 2016.

Filed by the Secretary of State October 17, 2016.

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2016-274

WEEK FOR THE ANIMALS

WHEREAS, since its founding in 2003, Animal World USA has been dedicated to improving the lives of animals through advocacy, education, and community support; and,

WHEREAS, the Week for the Animals campaign brings communities together to celebrate the individuals who work tirelessly to help raise awareness; recognize the contributions of animals to our lives; and promote healthy, humane interactions between animals and humans; and,

WHEREAS, the week also serves to commend the therapy pets, farm animals, and military and police dogs that provide essential services to the citizens of our state; and,

WHEREAS, in Illinois, educators, students, community leaders, businesses, and citizens will join together to host the 2nd Annual Illinois Week for the Animals with a variety of educational and interactive events, fairs, programs, wellness clinics, adoption days, benefits, and seminars to celebrate animals;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 15-23, 2016, as WEEK FOR THE ANIMALS in Illinois to increase awareness and recognize the welfare of all animals.

Issued by the Governor September 26, 2016.

Filed by the Secretary of State October 17, 2016.

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2016-275

NATIONAL BULLYING PREVENTION MONTH

WHEREAS, bullying is physical, verbal, sexual, or emotional harm or intimidation intentionally directed at a person or group of people; and,

WHEREAS, bullying occurs in neighborhoods, playgrounds, schools, and through technology such as the internet and cell phones; and,
WHEREAS, various research has concluded that bullying is the most common form of violence, affecting millions of American children and adolescents every year; and,
WHEREAS, thousands of Illinois children and adolescents are affected by bullying annually; and,
WHEREAS, targets of bullying are more likely to acquire physical, emotional, and learning problems, and students who are repeatedly bullied often fear such activities as riding the bus, going to school, and attending community activities; and,
WHEREAS, children who bully are at greater risk of engaging in more serious violent behaviors; and,
WHEREAS, children who witness bullying often feel less secure, more fearful, and intimated;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 2016 as NATIONAL BULLYING PREVENTION MONTH in Illinois, and urge all Illinois schools, students, parents, recreation programs, religious institutions, and community organizations to engage in a variety of awareness and prevention activities, designed to make our communities safer for all children and adolescents.

Issued by the Governor September 27, 2016.
Filed by the Secretary of State October 17, 2016.

2016-276
NATIONAL CYBER SECURITY AWARENESS MONTH

WHEREAS, the State of Illinois recognizes that it plays a vital role in identifying, protecting its citizens from, and responding to cyber threats that may have a significant impact on our individual and collective security and privacy; and,
WHEREAS, critical infrastructure sectors are increasingly reliant on information systems and technology to support financial services, energy, telecommunications, transportation, utilities, health care, and emergency response systems; and,
WHEREAS, the Stop.Think.Connect.™ Campaign serves as the national cybersecurity public awareness campaign, implemented through a coalition of private companies, nonprofit and government organizations, as well as academic institutions working together to increase the understanding of cyber threats and empowering the American public to be safer and more secure online; and,
WHEREAS, the National Institute of Standards and Technology (NIST) Cybersecurity Framework and the U.S. Department of Homeland
Security’s Critical Infrastructure Cyber Community (C3) Voluntary Program have been developed as free resources to help organizations – large and small, both public and private – implement the NIST Cybersecurity Framework and improve their cybersecurity practices through a practical approach to addressing evolving threats and challenges; and,

WHEREAS, maintaining the security of cyberspace is a shared responsibility in which each of us has a critical role to play, and awareness of computer security essentials will improve the security of the State of Illinois’s information, infrastructure, and economy; and,

WHEREAS, the President of the United States of America, the Illinois Department of Innovation & Technology, the U.S. Department of Homeland Security, the Multi-State Information Sharing and Analysis Center, the National Association of State Chief Information Officers, and the National Cyber Security Alliance all recognize October as National Cyber Security Awareness Month; all citizens are encouraged to visit these websites, along with Ready Illinois and the Stop.Think.Connect™ Campaign website, to learn about cybersecurity and put that knowledge into practice in their homes, schools, workplaces, and businesses;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 2016 as NATIONAL CYBER SECURITY AWARENESS MONTH in Illinois.

Issued by the Governor September 27, 2016.
Filed by the Secretary of State October 17, 2016.

2016-277
AIDS AWARENESS MONTH

WHEREAS, Acquired Immunodeficiency Syndrome (AIDS), the final stage in Human Immunodeficiency Virus (HIV) infection, occurs when an individual’s immune system has been badly damaged and they become vulnerable to opportunistic infections; and,

WHEREAS, AIDS is diagnosed when a person infected with HIV has one or more opportunistic infections or their CD4 count drops below 200 cells/mm3; and,

WHEREAS, not everyone who has HIV will have AIDS; and,

WHEREAS, since the early 1980s, an estimated 1,210,835 people in the United States have been diagnosed with AIDs; and,

WHEREAS, although there is currently no cure for HIV or AIDS, those living with HIV and receiving treatment can live long and healthy lives; and,
WHEREAS, raising public awareness of these diseases will continue to facilitate the discovery of treatments, as well as bring much needed funding to support services for individuals and families affected by AIDS; and,

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 2016 as AIDS AWARENESS MONTH in Illinois to increase knowledge of AIDS and allow the community at large to better support those living with AIDS.

Issued by the Governor September 28, 2016.
Filed by the Secretary of State October 17, 2016.

2016-278
DOWN SYNDROME AWARENESS MONTH

WHEREAS, Down syndrome is the most commonly occurring chromosomal condition in the United States, including Illinois, and the world; and,

WHEREAS, Down syndrome is caused by a person having three copies of the 21st chromosome rather than two copies, a genetic condition causing cognitive and physical delays, occurring in fewer than one of 700 live births; and,

WHEREAS, people with Down syndrome deserve fundamental human and civil rights; and,

WHEREAS, while research and early intervention have resulted in dramatic improvements in the lifespan and potential of those who are affected, more examination is needed into the causes and treatments of Down syndrome; and,

WHEREAS, people with Down syndrome possess a wide range of abilities, and are active participants in educational, occupational, social, and recreational groups in their communities; and,

WHEREAS, through the efforts of several notable organizations, professionals, family members, and self-advocates, there are many initiatives that ensure people with Down syndrome receive adequate services and are respected in their communities; and,

WHEREAS, through public awareness, the State of Illinois seeks to ensure families receive needed support and information, while also making sure individuals with Down syndrome are recognized in society for their abilities and not devalued for their disability;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 2016 as DOWN SYNDROME AWARENESS MONTH in Illinois, and encourage all citizens to work
together to promote awareness of Down syndrome and to celebrate the accomplishments of these individuals and their families.

Issued by the Governor September 28, 2016.
Filed by the Secretary of State October 17, 2016.

2016-279
PREGNANCY AND INFANT LOSS REMEMBRANCE DAY

WHEREAS, each year, approximately one million pregnancies in the United States end in miscarriage or stillbirth, and nearly 30,000 children die in infancy; and,

WHEREAS, it is a great tragedy to lose the life of a child; and,

WHEREAS, even the shortest lives are valuable, and the grief of those who mourn the loss of these lives should be acknowledged and supported; and,

WHEREAS, the observance of Pregnancy and Infant Loss Remembrance Day may provide validation to those who have lost a baby through miscarriage, stillbirth, or other complications, and helps increase our understanding of the great tragedy involved in the deaths of unborn and newborn babies; and,

WHEREAS, this national observance also enables us to consider how, as individuals and communities, we can meet the needs of bereaved parents and family members and work to prevent the causes of these tragic deaths;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 15, 2016, as PREGNANCY AND INFANT LOSS REMEMBRANCE DAY in Illinois, and encourage all citizens to support families who have lost a child during pregnancy or infancy, as these families honor their children's memory.

Issued by the Governor September 28, 2016.
Filed by the Secretary of State October 17, 2016.

2016-280
NATIONAL SUDDEN INFANT DEATH SYNDROME AWARENESS MONTH

WHEREAS, Sudden Infant Death Syndrome (SIDS) refers to the death of a seemingly healthy baby, less than a year old, that is unexplained and often occurs during sleep; and,

WHEREAS, SIDS is the leading cause of death in infants aged one to 12 months; and,
WHEREAS, the cause of SIDS is unknown, but may be related to abnormalities in a baby’s brain located in the area responsible for breathing and arousal during sleep; and,

WHEREAS, many studies have also found that the risk of SIDS increases when infants sleep on their stomachs; and,

WHEREAS, the American Academy of Pediatrics began the Safe to Sleep campaign in 1994, which encourages the practice of putting infants one year and younger to sleep on their backs; and,

WHEREAS, since the beginning of the Safe to Sleep campaign, the rate of SIDS has dropped by more than 50 percent;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 2016 as NATIONAL SUDDEN INFANT DEATH SYNDROME AWARENESS MONTH in Illinois to raise awareness about SIDS and to encourage infant safe sleep practices so that no parent will have to endure the tragedy of infant death.

Issued by the Governor September 28, 2016.
Filed by the Secretary of State October 17, 2016.

2016-281
NATIONAL DROPOUT PREVENTION MONTH

WHEREAS, every year, more than 1.2 million students drop out of high school in the United States alone, which is a student every 26 seconds and 7,000 students a day; and,

WHEREAS, about 25 percent of high school freshmen fail to graduate from high school on time, and nearly 2000 high schools across the nation graduate less than 60 percent of students; and,

WHEREAS, a high school dropout will earn $200,000 less than a high school graduate and almost a million dollars less than a college graduate during their lifetime; and,

WHEREAS, the month of October is dedicated to calling attention to the need for dropout prevention efforts nationwide and stressing the need for dropout prevention research and model programs until the nation’s dropout rate reaches zero; and,

WHEREAS, since 1986, graduation rates have improved nearly 10 percent across the country, but there is still much work to be done to increase this statistic; and,

WHEREAS, by creating and implementing more effective strategies for students, families, and educators, more students can obtain their diploma and gain access to a better future; and,

WHEREAS, the youth of today deserve the brighter future a high
PROCLAMATIONS

school diploma helps ensure;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 2016 as NATIONAL DROPOUT PREVENTION MONTH in Illinois, and encourage students, families, and communities to adopt strategies that will support students and help them reach their high school graduation.

Issued by the Governor September 30, 2016.
Filed by the Secretary of State October 17, 2016.

2016-282
KEEP CHICAGO BEAUTIFUL DAY

WHEREAS, Keep Chicago Beautiful was established on June 11, 1987, in order to sustain and improve the quality of life for individuals on this Earth by protecting the environment for those who inhabit it, by pledging to reduce, reuse, and recycle, and to spread their work to those throughout the city, state, and nation; and,

WHEREAS, Keep Chicago Beautiful has successfully founded the nationwide program known as “Waste in Place” which educates younger generations on the importance of reducing, reusing, and recycling, as well as the advantages of eradicating litter to clean up Chicago; and,

WHEREAS, this organization understands the importance of maintaining a beautiful environment, leading by example through its efforts with the city of Chicago, and appreciates the significance of educating those who will nurture the environment for years to come; and,

WHEREAS, it is fitting and proper to officially recognize this organization for its efforts to preserve our environment and to keep it beautiful; and,

WHEREAS, on October 14, 2016, Keep Chicago Beautiful will celebrate its 29th Annual Vision Awards Event;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 14, 2016, as KEEP CHICAGO BEAUTIFUL DAY, and call upon all citizens to observe the day by becoming familiar with the actions that harm the environment and measures that can be taken to ensure that we maintain and preserve the beautiful environment in which we live.

Issued by the Governor October 3, 2016.
Filed by the Secretary of State October 17, 2016.
2016-283
NET CANCER AWARENESS DAY

WHEREAS, neuroendocrine tumors (NETs) often develop into cancer and, if left untreated, can result in serious illness and death; and,
WHEREAS, all too often, healthcare professionals underestimate the malignant and metastatic potential of neuroendocrine tumors; and,
WHEREAS, NET cancer patients are often misdiagnosed or receive a delayed diagnosis, which can have a negative impact on their chance of survival and quality of life; and,
WHEREAS, survival for NET cancer patients is further compromised by fragmented care and lack of access to treatment by networks of specialists; and,
WHEREAS, although there have been advances in the detection and treatment of NET cancers, not all patients benefit quickly enough from scientific and medical progress in the field; and,
WHEREAS, with timely diagnosis and proper treatment, NET cancer patients can have significantly improved outcomes and quality of life;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim November 10, 2016, as NET CANCER AWARENESS DAY in Illinois, and encourage patients, caregivers, healthcare professionals, as well as the wider community to work together to raise awareness about NET cancers and the need for timely diagnosis and access to optimal treatment and care.

Issued by the Governor October 3, 2016.
Filed by the Secretary of State October 17, 2016.

2016-284
SUITS FOR SOLDIERS DAY

WHEREAS, Farmers Insurance® was founded in 1928 by Thomas E. Leavey and John C. Tyler, both World War I veterans; and,
WHEREAS, Farmers has been named one of the Top 150 Military Friendly employers in the United States and one of the Top 50 Military Spouse Friendly Employers by GI Jobs magazine; and,
WHEREAS, Farmers has many relationships with military organizations to support veteran hiring and has a signed statement of support with Employer Support of the Guard and Reserve (ESGR); and,
WHEREAS, Farmers provides bonus incentive opportunities for veterans who build or buy a Farmers agency; and,
WHEREAS, Farmers also develops and further engages its veteran and other employees with a Veterans and Advocates Employee Resource Group; and,
WHEREAS, Farmers has already collected and donated more than 8,000 suits to veterans transitioning out of the military through the Farmers Suits for Soldiers Program; and,
WHEREAS, Farmers will launch Suits for Soldiers nationally on October 18, 2016, with the goal of collecting 50,000 suits across the United States to help transitioning veterans enter the work force with professional attire; and,
WHEREAS, veterans transiting to civilian life frequently lack the money to buy the professional attire necessary to interview for civilian jobs;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 18, 2016, as SUITS FOR SOLDIERS DAY in Illinois, and congratulates Farmers Insurance for its significant contributions to our veterans.

Issued by the Governor October 3, 2016.
Filed by the Secretary of State October 17, 2016.

2016-285
WORLD PANCREATIC CANCER DAY

WHEREAS, in 2016, an estimated 53,070 people in the United States will be diagnosed with pancreatic cancer – one of the deadliest cancers – and 41,780 will die from the disease; and,
WHEREAS, pancreatic cancer surpassed breast cancer this year to become the third leading cause of cancer death in the United States, and it is projected to become the second leading cause by 2020; and,
WHEREAS, pancreatic cancer is the only major cancer with a five-year relative survival rate in the single digits at just eight percent; and,
WHEREAS, when symptoms of pancreatic cancer present themselves, it is generally in later stages, and 71 percent of pancreatic cancer patients die within the first year of their diagnosis; and,
WHEREAS, approximately 1,640 deaths will occur in Illinois in 2016 due to pancreatic cancer; and,
WHEREAS, pancreatic cancer is the seventh most common cause of cancer-related death in men and women across the world; and,
WHEREAS, there will be an estimated 418,451 new pancreatic cancer cases diagnosed worldwide in 2020; and,
WHEREAS, the health and well-being of the residents of Illinois are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim November 17, 2016, as WORLD PANCREATIC CANCER DAY in Illinois to foster public awareness of pancreatic cancer and encourage early detection and proper treatment.

Issued by the Governor October 3, 2016.
Filed by the Secretary of State October 17, 2016.

2016-286
CHILDHOOD LEAD POISONING PREVENTION WEEK

WHEREAS, in 2015, 500,000 children in the United States were estimated to have blood lead levels greater than the intervention level recommended by the U.S. Centers for Disease Control and Prevention (CDC); and,

WHEREAS, Illinois identified more than 10,000 children with confirmed blood lead levels greater than the intervention level recommended by the CDC; and,

WHEREAS, the major source of lead exposure among Illinois children continues to be lead-contaminated dust and lead-based paint banned in 1978; and,

WHEREAS, Illinois passed the Lead Poisoning Prevention Act in 1973 to set mandatory assessment, testing, and reporting requirements in addition to establishing the Lead Poisoning Prevention Program in the Illinois Department of Public Health to monitor the identification and treatment of lead poisoned children; and,

WHEREAS, Illinois is pleased to join with health care professionals, agencies, and their delegates in observance of National Lead Poisoning Prevention Week, and in an effort to increase awareness and promote prevention of lead poisoning in children;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 23-29, 2016, as CHILDHOOD LEAD POISONING PREVENTION WEEK in Illinois and encourage all citizens to recognize the prevalence of lead poisoning in our society and to join in working toward eradication of this unfortunate and preventable condition.

Issued by the Governor October 5, 2016.
Filed by the Secretary of State October 17, 2016.
2016-287
FLAGS AT HALF - STAFF IN HONOR AND REMEMBRANCE OF OFFICER BLAKE SNYDER

WHEREAS, all citizens owe a tremendous debt of gratitude to the men and women of law enforcement who selflessly serve to protect our lives and keep our families safe; and,

WHEREAS, every day, these men and women face great risks and in many cases put their safety on the line to perform their duties; and,

WHEREAS, on Thursday, October 6, 2016, Saint Louis County police officer Blake Snyder died in the line of duty; and,

WHEREAS, a native of Godfrey, Illinois, and current resident of Edwardsville, Officer Blake Snyder devoted his life to public service. He joined the Saint Louis County Police Department in July 2012 and previously worked in the parks and recreation department in his hometown of Godfrey; and,

WHEREAS, throughout his career in law enforcement, Officer Blake Snyder represented the State of Illinois admirably and will always be remembered for the countless lives he impacted; and,

WHEREAS, a funeral service will be held on Thursday, October 13, 2016, at the Saint Louis Family Church in Chesterfield, Missouri, for Officer Blake Snyder;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff starting Tuesday, October 11, 2016, until sunset on Thursday, October 13, 2016, in honor and remembrance of Officer Blake Snyder whose selfless service and sacrifice is an inspiration to the residents of the Land of Lincoln.

Issued by the Governor October 7, 2016.

Filed by the Secretary of State October 17, 2016.

2016-288
GREAT SHAKEOUT DAY

WHEREAS, earthquake preparedness is important because Illinois is adjacent to two major earthquake zones, the New Madrid and Wabash Valley; in 1811 and 1812, some of the largest earthquakes ever to occur in the continental United States took place in the New Madrid Seismic Zone, creating widespread destruction in the Central U.S.; and,

WHEREAS, in addition to the earthquake risks in the state, Illinois residents often travel to regions of the country and the world where
earthquakes may occur; and,
WHEREAS, on October 20, 2016, at 10:20 a.m., millions of people throughout the United States and across the world will participate in The Great ShakeOut earthquake drill, during which they will practice the “Drop, Cover, and Hold On” actions that could prevent injury or death during an earthquake; and,
WHEREAS, participants in the drill will take a few moments to drop down to the ground, take cover under a desk or other heavy furniture, and hold on to that piece of furniture, just as they should do when the earth starts shaking in an actual earthquake; and,
WHEREAS, people can register for The Great U.S. ShakeOut at www.shakeout.org, where they can also learn more about earthquake hazards and steps they can take to make their homes more earthquake resistant; and,
WHEREAS, all Illinois residents, schools, businesses, college campuses, government agencies, organizations, and other groups are encouraged to practice the drop, cover and hold on actions during the ShakeOut drill at 10:20 a.m. on October 20, 2016;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 20, 2016, as GREAT SHAKEOUT DAY in Illinois, and encourage every Illinois resident to participate in this important earthquake drill.
Issued by the Governor October 11, 2016.
Filed by the Secretary of State October 17, 2016.

2016-289
SIR FRASER STODDART

WHEREAS, on Wednesday, October 5, 2016, Sir Fraser Stoddart, Board of Trustees Professor of Chemistry at the Weinberg College of Arts and Sciences at Northwestern University, was awarded the Nobel Prize in Chemistry; and,
WHEREAS, Professor Stoddart joined two other professors, Jean-Pierre Sauvage of the University of Strasbourg, France, and Bernard L. Feringa of the University of Groningen, the Netherlands, in winning the prize for their design and synthesis of molecular machines; and,
WHEREAS, The Royal Swedish Academy of Sciences credited these three researchers with developing “molecules with controllable movements, which can perform a task when energy is added”; and,
WHEREAS, Professor Stoddart was awarded the prize based on his 1991 development of a rotaxane, which threaded a molecular ring onto
a thin molecular axle and demonstrated that the ring was able to move along the axle. Among his developments based on rotaxanes are a molecular lift, a molecular muscle, and a molecule-based computer chip; and,

WHEREAS, Professor Stoddart’s transformative innovation changed the way chemists create soft materials, making him one of only a few chemists to open up a new field of chemistry during the past 25 years; and,

WHEREAS, the students, staff, professors, and alumni of Northwestern University should be proud to hail from an institution where they can learn from innovators who make such seminal achievements in the history of the chemical sciences;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby congratulate SIR FRASER STODDART for admiringly representing the State of Illinois and offer best wishes for much continued success in the future.

Issued by the Governor October 14, 2016.

Filed by the Secretary of State October 17, 2016.

2016-290
FLAGS AT HALF - STAFF IN HONOR AND REMEMBERANCE OF U.S. ARMY SERGEANT DOUGLAS J. RINEY

WHEREAS, all citizens owe a tremendous debt of gratitude to the men and women of the armed forces who selflessly serve to protect our lives and keep our families safe; and,

WHEREAS, every day these men and women face great risks and put their safety on the line to perform their duties; and,

WHEREAS, on Wednesday, October 19, 2016, 26-year-old U.S. Army Sergeant Douglas J. Riney of Fairview, Illinois, lost his life after encountering hostile enemy forces in Kabul, Afghanistan, while in support of Operation Freedom's Sentinel; and,

WHEREAS, Sergeant Riney entered active duty service in the United States Army in July 2012 as a petroleum supply specialist and had been assigned to the Support Squadron, 3rd Cavalry Regiment, 1st Cavalry Division, Fort Hood, Texas, since December 2012; and,

WHEREAS, Sergeant Riney had been awarded the Purple Heart, Bronze Star, Army Commendation Medal, four Army Achievement Medals, Army Good Conduct Medal, National Defense Service Medal, Afghanistan Campaign Medal with three campaign stars, Global War on Terrorism Service Medal, Noncommissioned Officer Professional
Development Ribbon, Army Service Ribbon, and NATO Medal; and,

WHEREAS, throughout his career as a proud member of the United States Army, Sergeant Douglas J. Riney represented the State of Illinois admirably; and,

WHEREAS, Sergeant Riney is survived by his wife Kylie, children Elea and James, and many family members and friends;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff starting from sunrise on Saturday, October 29, 2016, until sunset on Monday, October 31, 2016, in honor and remembrance of U.S. Army Sergeant Douglas J. Riney whose selfless service and sacrifice is an inspiration to the residents of the Land of Lincoln.

Issued by the Governor October 26, 2016.
Filed by the Secretary of State October 26, 2016.

2016-291
UNIVERSITY OF ILLINOIS PARALYMPIAN DAY

WHEREAS, the University of Illinois at Urbana-Champaign is home to an official 2,100 square foot U.S. Paralympic Training Facility with specialized equipment; 15 athletes and three coaches who currently train at the University of Illinois at Urbana-Champaign competed at the 2016 Rio Paralympic Games; and,

WHEREAS, 31 University of Illinois students and alumni who competed in Rio won 11 gold medals, seven silver medals, and five bronze medals in wheelchair track, wheelchair basketball, tennis, sitting volleyball, and rowing. If the University of Illinois at Urbana-Champaign were a country, it would have finished ninth in the overall gold medal count for all competing countries; and,

WHEREAS, four University of Illinois at Urbana-Champaign athletes – Tatyana McFadden, Amanda McGrory, Chelsea McClammer, and Ray Martin – won 35 percent of all United States medals in track and field; and,

WHEREAS, University of Illinois student Gyu Dae Kim represented South Korea and won both of that country’s wheelchair track and field medals; and,

WHEREAS, the first wheelchair athlete in the world to win an Olympic gold medal came from the Illinois program, and Illinois student athletes with disabilities have competed in every Paralympic Games since Rome in 1960; and,
WHEREAS, the University of Illinois was the first postsecondary institution to admit students with physical disabilities and was also the first university to grant varsity awards to student athletes with disabilities; and,

WHEREAS, seminal research in the College of Applied Health Sciences led to the development of the first architectural accessibility standards (American Standards Association A117.1) that would later become the American National Standards Institute standards; and,

WHEREAS, the College of Applied Health Sciences oversees the Center for Wounded Veterans in Higher Education, which was completed in 2015 to accommodate the needs of former service members pursuing degrees at the University of Illinois at Urbana-Champaign; and,

WHEREAS, the College of Applied Health Sciences continues to provide leadership in interdisciplinary research, education, and outreach efforts that promote health and wellness, healthy aging across the lifespan, and optimal participation of individuals with disabilities; and,

WHEREAS, the University of Illinois athletes and coaches who participated in the 2016 Rio Paralympic Games offer inspiration to all citizens through their accomplishments and dedication, and should be commended for their success, as well as for the courage and perseverance they demonstrated in achieving their goals;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 29, 2016, as UNIVERSITY OF ILLINOIS PARALYMPIAN DAY in Illinois, and congratulate all the athletes who admirably represented the State of Illinois and the United States of America at the 2016 Rio Paralympic Games.

Issued by the Governor October 18, 2016.
Filed by the Secretary of State November 16, 2016.

2016-292
DAY OF THE DEPLOYED

WHEREAS, our nation was founded on the principle that all citizens are guaranteed the inalienable rights of life, liberty, and the pursuit of happiness; and,

WHEREAS, the freedoms we enjoy as Americans are protect by the men and women who serve in the Armed Forces; and,

WHEREAS, our deployed service members have answered the call to defend these freedoms and ideas around the world; and,

WHEREAS, the families of our deployed service members are also recognized for their role in serving our country while their loved ones are
away; and,

WHEREAS, North Dakota began honoring the members of the Armed Forces and their families in 2006 by recognizing October 26th as Day of the Deployed, and in 2010 United States Senate began honoring it as well;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 26, 2016, as DAY OF THE DEPLOYED in Illinois, and encourage all Illinoisans to pay tribute to service members and their families for their commitment to this nation.

Issued by the Governor October 21, 2016.
Filed by the Secretary of State November 16, 2016.

2016-293
ILLINOIS GROUNDWATER AWARENESS WEEK

WHEREAS, more than half of Illinois residents receive their water from groundwater wells, which makes Illinois’ groundwater a valuable natural resource that needs to be protected; and,
WHEREAS, next to breathable air, groundwater may be the next most important resource necessary for human life; and,
WHEREAS, agricultural irrigation is the single largest use of groundwater, nourishing much of the produce and livestock products that fill our grocery stores; and,
WHEREAS, groundwater can be found beneath the surface virtually anywhere, making it possible to live in rural or even remote places where public water systems do not exist; and,
WHEREAS, groundwater makes it possible for ecosystems teeming with life to exist, as it supplies plants and animals with life-giving water and often meets critical water needs in the midst of drought because of its abundance beneath the surface of the earth; and,
WHEREAS, the National Ground Water Association (NGWA) and the Illinois Association of Groundwater Professionals (IAGP) encourages annual water well checkups in the spring before the peak water use season begins;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim December 4-10, 2016 as ILLINOIS GROUNDWATER AWARENESS WEEK and urge all Illinoisans to observe the week by learning more about groundwater and its importance, and to act in ways that value and protect this resource.

Issued by the Governor October 21, 2016.
Filed by the Secretary of State November 16, 2016.
2016-294

ILLINOIS RURAL AND SMALL SCHOOLS DAY

WHEREAS, Illinois students in rural and small schools should have access to high quality educational opportunities; and,
WHEREAS, there are at least 500 small and rural school districts in the State of Illinois; and,
WHEREAS, more than 275,000 Illinois children attend small and rural schools in Illinois; and,
WHEREAS, rural public schools are an important fixture and often the focal point for the community; and,
WHEREAS, public school systems are usually one of the largest, if not the largest, employers in a rural community or region; and,
WHEREAS, the Association of Illinois Rural and Small Schools (AIRSS) serves as a statewide organization that helps promote and enhance education in rural and small schools in every community and location of Illinois; and,
WHEREAS, AIRSS has served a significant role in giving identity, voice, and recognition to rural and small schools and their local communities;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim November 18, 2016, as ILLINOIS RURAL AND SMALL SCHOOLS DAY in Illinois to generate awareness of the vital roles rural and small schools play in the development of the State of Illinois.

Issued by the Governor October 21, 2016.
Filed by the Secretary of State November 16, 2016.

2016-295

NATIONAL ADOPTION MONTH

WHEREAS, all children need and deserve the love, nurturing, and sense of security that can only come from being part of a loving, permanent family; and,
WHEREAS, adoption provides a unique joy and a special opportunity for people, whether or not they are already parents, married, in a civil union, single, or divorced, to open their hearts and their homes for the rest of their lives to children; and,
WHEREAS, the Illinois Department of Children and Family Services and its non-profit partners strive to reunify children with their birth families, but when that simply is not possible, they are equally
committed to ensuring every child has the safe, loving family they need and deserve to reach their fullest potential; and,

WHEREAS, Illinois has made great strides in recent years in strengthening and improving the child welfare system by reducing the number of children in temporary substitute care, establishing a Bill of Rights for both birth parents and adoptive parents, and strengthening licensing requirements for adoption agencies to prevent the exploitation of birth parents, adoptive parents, and children; and,

WHEREAS, there are children of all ages, backgrounds and needs awaiting adoption across the state;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim November 2016 as NATIONAL ADOPTION MONTH in Illinois, and encourage all Illinoisans to express their gratitude to the thousands of families across the state that have opened their homes and their hearts to children.

Issued by the Governor October 21, 2016.

Filed by the Secretary of State November 16, 2016.

2016-296

RURAL HEALTH DAY

WHEREAS, there are 82 rural counties in Illinois and the communities within are places where residents know each other, listen to and respect each other, and work together for the greater good; and,

WHEREAS, these communities are filled with leaders – ordinary people willing to step forward, share, and implement a vision, and drive change that benefits everyone; and,

WHEREAS, health care, like so many other things in rural America, focuses on relationships and health care providers get to know the people they care for and have the opportunity to practice more patient-centered medicine; and,

WHEREAS, the main emphasis of rural health care has always been on providing affordable, holistic, primary care – a model for the rest of the country to follow as America transitions to a population/wellness/prevention-based system of health care; and,

WHEREAS, rural hospitals and health systems are often the economic foundation and largest employers in these communities; and,

WHEREAS, addressing transportation, workforce, infrastructure, and broadband/telecommunication needs and overcoming geographic barriers is necessary to ensure that all rural safety net providers can adequately meet the basic health care needs of the residents they serve;
and,

WHEREAS, the Illinois Department of Public Health, Center for Rural Health, the National Organization of State Offices of Rural Health, and other rural stakeholders provide services and resources and foster relationships that help rural communities address their unique healthcare needs; and,

WHEREAS, on November 17, 2016, National Rural Health Day will be celebrated throughout the United States;

THEREFORE, I, Bruce Rauner, Governor of Illinois, do hereby proclaim November 17, 2016 as RURAL HEALTH DAY in Illinois, and encourage citizens to recognize the unique health care contributions of rural communities and rural stakeholders.

Issued by the Governor October 21, 2016.

Filed by the Secretary of State November 16, 2016.

2016-297

SCHOOL PSYCHOLOGY AWARENESS WEEK

WHEREAS, all children and youth learn best when they are healthy, supported, and receive an education that enables them to strive, grow, and thrive academically, socially, and emotionally; and,

WHEREAS, schools can more effectively ensure all students are able to learn when they meet the needs of the whole child and provide integrated, multi-tiered support; and,

WHEREAS, children’s mental health is directly linked to their learning and development, and the learning environment provides an optimal context to promote good mental health; and,

WHEREAS, sound psychological principles are integral to instruction and learning, social and emotional development, prevention and early intervention, and safety, as well as supporting culturally diverse student populations; and,

WHEREAS, school psychology has more than 60 years of well established, widely recognized, and highly effective practices and standards that are included in the National Association for School Psychologist’s Model for Comprehensive and Integrated School Psychology Services; and,

WHEREAS, school psychologists are specially trained to deliver a continuum of mental health services and academic supports that lower barriers to teaching and learning; and,

WHEREAS, school psychologists help children thrive by nurturing their individual strengths across both personal and academic endeavors;
and,

WHEREAS, school psychologists are trained to assess student and school-based barriers to learning, utilize data-based decision-making, implement research-driven prevention and intervention strategies, evaluate outcomes, and improve accountability; and,

WHEREAS, it is important that the citizens of the State of Illinois recognize the vital role that school psychologists play in the personal and academic development of our children;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim November 14-18, 2016, as SCHOOL PSYCHOLOGY AWARENESS WEEK in Illinois.

Issued by the Governor October 21, 2016.
Filed by the Secretary of State November 16, 2016.

2016-298
YEAR OF SCOTT AIR FORCE BASE

WHEREAS, in 2017, Scott Air Force Base celebrates its Centennial Birthday, providing a century of unparalleled service to the nation and to the State of Illinois since 1917, during both peacetime and in times of conflict; and,

WHEREAS, Scott Air Force Base began as a pilot training platform and where early aviators transformed aircraft into flying hospitals, which were the forerunners of today’s aeromedical evacuation system. After World War I, it served as a lighter-than-air station, flying dirigibles and utilizing balloons for atmospheric experimentation; and,

WHEREAS, by World War II, Scott Air Force Base transformed into a radio communications training and operations center known as the “eyes and ears of the Army Air Forces,” with a long and illustrious history that laid the foundation for today’s Air Force mission to “fly, fight, and win in air, space, and cyberspace”; and,

WHEREAS, the birth of an independent United States Air Force on September 18, 1947, re-designated Scott Field as Scott Air Force Base as the mission grew to enable rapid global mobility in support of combat and humanitarian relief operations around the world; and,

WHEREAS, Scott Air Force Base remains a treasured military asset, directly employing 13,000 active duty, reserve, National Guard, and government service civilian members, along with Department of Defense contractors who contribute to a regional economic impact of $3.5 billion annually;
THEREFORE, I, Bruce Rauner, Governor of Illinois, do hereby proclaim 2017 as the YEAR OF SCOTT AIR FORCE BASE in Illinois, and congratulate the Greater Scott Communities that have supported the military and civilian employees and their families during the past century of service. We thank them for protecting our freedom and selflessly dedicating their lives to serving our nation and the great State of Illinois.

Issued by the Governor October 24, 2016.
Filed by the Secretary of State November 16, 2016.

2016-299
MARINE CORPS DAY

WHEREAS, the United States Marine Corps has guarded our country and protected American freedom and liberty for the past 241 years; and,

WHEREAS, ever since the creation of the Marine Corps in 1775, Marines have served and fought in every American conflict, from the Revolutionary War in the 18th century to the War on Terrorism today; and,

WHEREAS, Marines are trained to always be faithful to “God, Country, and Corps,” to stand ready to fight anytime and anywhere the President or Congress may designate, and to hold their ground against all odds; and,

WHEREAS, thanks to their training, the Marine Corps is one of the most elite and capable fighting forces in the world; and,

WHEREAS, the devotion of Marines to duty has helped keep us and our country safe and free; and,

WHEREAS, for these reasons, Marines have rightfully earned a reputation of courage and military efficiency; and,

WHEREAS, this year, they celebrate 241 years of commitment and dedication to service on the Corps birthday, November 10;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim November 10, 2016, as MARINE CORPS DAY in Illinois in recognition of the Marine Corps, and to thank the loyal Marines of our state who have served and are serving to protect our liberty and freedom.

Issued by the Governor October 25, 2016.
Filed by the Secretary of State November 16, 2016.
2016-300
NATIVE AMERICAN HERITAGE MONTH

WHEREAS, the first American Indian Day was declared on the second Saturday in May 1916 by the Governor of New York; and,
WHEREAS, in 1990, President George H. W. Bush approved a joint resolution designating November 1990 as National American Indian Heritage Month, and similar proclamations have been issued by American presidents every year since 1994; and,
WHEREAS, National American Indian and Alaska Native Heritage Month is celebrated in November to recognize Native American culture and to educate the public about the cultural heritage, traditions, history, and art of the American Indian and Alaskan native peoples; and,
WHEREAS, a consortium of Native American tribes once inhabited what is today Illinois, and those early civilizations have enriched our heritage and added to all aspects of our society; and,
WHEREAS, Illinois is home to Cahokia Mounds State Historic Site near Collinsville, which contains the preserved remains of one of the most sophisticated prehistoric native civilizations north of Mexico; and,
WHEREAS, Native American culture is woven into the fabric of our daily lives, from the foods we eat to the medicines and remedies we take and the highways we drive, which are based on ancient trails; and,
WHEREAS, Illinoisans are grateful for the lasting cultural influences and contributions of Native Americans;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim the month of November 2016 as NATIVE AMERICAN HERITAGE MONTH in Illinois and encourage all Illinoisans to celebrate and learn more about the cultural legacy of Illinois’s Native Americans.

Issued by the Governor October 31, 2016.
Filed by the Secretary of State November 16, 2016.

2016-301
VETERANS DAY

WHEREAS, our nation was founded on the principle that all citizens are guaranteed the inalienable rights of life, liberty, and the pursuit of happiness; and,
WHEREAS, the freedom we enjoy as Americans does not come without a price; and,
WHEREAS, the freedom we enjoy was earned by our nation’s
military veterans who sacrificed to preserve and protect our freedom from enemies at home and abroad; and,

WHEREAS, November 11th was originally proclaimed as “Armistice Day” to honor United States World War I veterans on the anniversary of the signing of the Armistice which brought an end to the war; and,

WHEREAS, in 1954, President Dwight D. Eisenhower signed legislation proclaiming November 11th as a day to honor all veterans of The United States Armed Forces;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim November 11, 2016, as VETERANS DAY in Illinois and encourage all Illinoisans to recognize the courage and sacrifice of our veterans.

Issued by the Governor October 31, 2016.
Filed by the Secretary of State November 16, 2016.

2016-302

FLAGS AT HALF- STAFF IN HONOR AND REMEMBRANCE OF OFFICER JAMES BROCKMEYER

WHEREAS, all citizens owe a tremendous debt of gratitude to the men and women of law enforcement who selflessly serve to protect our lives and keep our families safe; and,

WHEREAS, every day, these men and women face great risks and in many cases put their safety on the line to perform their duties; and,

WHEREAS, on Friday, October 28, 2016, 22-year-old Officer James Brockmeyer of the Chester Police Department was killed in the line of duty in a traffic crash while in pursuit of a suspect; and,

WHEREAS, Officer James Brockmeyer devoted his life to public service. He had been an officer for the Chester Police Department for 10 months and was also a volunteer firefighter for the Chester Fire Department; and,

WHEREAS, throughout his career in law enforcement, Officer James Brockmeyer represented the State of Illinois admirably and will always be remembered for the countless lives he impacted; and,

WHEREAS, a funeral service will be held on Thursday, November 3, 2016, in the Colbert Memorial Gymnasium at Chester High School for Officer James Brockmeyer;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff immediately until sunset on Thursday, November 3, 2016, in honor and remembrance of Officer James
Brockmeyer whose selfless service and sacrifice is an inspiration to the residents of the Land of Lincoln.

Issued by the Governor November 1, 2016.
Filed by the Secretary of State November 16, 2016.

2016-303
COACH JOE NEWTON DAY

WHEREAS, at the end of the 2016 season, Coach Joe Newton will retire from his position coaching cross country and track teams at York Community High School in Elmhurst, Illinois; and,

WHEREAS, at 87 years old, Coach Newton has enjoyed a lengthy career: 63 years of coaching, including 61 years at York Community High School, where his teams and athletes won 29 state championship titles, the most for any Illinois high school in any sport; and,

WHEREAS, a 2008 feature-length documentary was made about Coach Newton’s life and success, called The Long Green Line, named after his team's nickname; and,

WHEREAS, Coach Newton was an assistant manager in charge of marathon runners for Team U.S.A. in the 1988 Olympics, the first high school coach to be named to such a prestigious position; and,

WHEREAS, Coach Newton was named the National Cross Country Coach of the Year four times and has written four books, focused on training and motivation; and,

WHEREAS, for more than six decades, Coach Newton has worked tirelessly to shape young athletes, focusing on both the mental and physical elements that are required for success;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim November 6, 2016, as COACH JOE NEWTON DAY in Illinois, and congratulate Coach Newton for his unwavering commitment to the students and athletes he supported throughout his legendary coaching career.

Issued by the Governor November 2, 2016.
Filed by the Secretary of State November 16, 2016.

2016-304
WORLD CHAMPION CHICAGO CUBS DAY

WHEREAS, on Wednesday, November 2, 2016, the Chicago Cubs won the World Series, beating the Cleveland Indians in Game Seven, by a score of eight to seven in extra innings; and,
WHEREAS, the 2016 World Series win is the first world championship for the Cubs in 108 years; the team last won the World Series in 1908; and,
WHEREAS, during the regular season, the 2016 Chicago Cubs won 103 games, the most wins for the franchise since 1910; and,
WHEREAS, on their run to the World Series, the Cubs defeated the San Francisco Giants in the National League Division Series in four games and the Los Angeles Dodgers in the National League Championship Series in six games; and,
WHEREAS, a true team effort all season led to the Cubs’ stunning and momentous World Series victory, and this achievement is proof of their commitment to baseball excellence; and,
WHEREAS, the historic accomplishment also honors Cubs’ greats like Ron Santo, "Sweet-Swinging" Billy Williams, and “Mr. Cub” Ernie Banks, who never had the opportunity to hoist the Commissioner’s Trophy, as well as other Cubs legends like Harry Caray; and,
WHEREAS, the World Series win is especially meaningful for the generations of Cubs fans who have stood by the team, through thick and thin, during the last 108 years; and,
WHEREAS, the State of Illinois could not be prouder of all the Cubs players, along with Chairman Tom Ricketts, President of Baseball Operations Theo Epstein, Manager Joe Maddon, and all the coaches and staff, for winning the 2016 World Series;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim Friday, November 4, 2016, as WORLD CHAMPION CHICAGO CUBS DAY in Illinois in celebration of the Cubs’ historic World Series win, and join the City of Chicago and the rest of the State of Illinois in congratulating the Cubs on their remarkable championship season.

Issued by the Governor November 3, 2016.
Filed by the Secretary of State November 16, 2016.

#ILGIVE FOR GIVING TUESDAY

WHEREAS, Giving Tuesday was established as a national day of giving on the Tuesday following Thanksgiving; and,
WHEREAS, Giving Tuesday is a celebration of philanthropy and volunteerism when residents across Illinois and the country donate to organizations and causes that are meaningful to them; and,
WHEREAS, Giving Tuesday is a day when citizens work together
to share commitments, rally for impactful organizations, work to build a stronger community, and give back to their fellow community members; and,

WHEREAS, on #ILGive for Giving Tuesday, and throughout the year, it is important to recognize the tremendous impact of philanthropy, volunteerism, and community service throughout the State of Illinois; and,

WHEREAS, #ILGive for Giving Tuesday is an opportunity to encourage all Illinoisans to serve others throughout this holiday season and during other times of the year;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim November 29, 2016, as #ILGIVE FOR GIVING TUESDAY in Illinois, and encourage all citizens to visit www.ilgive.com to join the giving movement and celebrate together in giving back to the community in the way that is personally meaningful for each Illinoisan.

Issued by the Governor November 10, 2016.
Filed by the Secretary of State November 16, 2016.

2016-306
BLUE MAN GROUP DAY

WHEREAS, for 19 years Blue Man Group has been an iconic Illinois entertainment event, attracting audiences from around the world; and,

WHEREAS, Blue Man Group Chicago continues to provide Illinois residents and visitors with a unique and thrilling multi-sensory experience; and,

WHEREAS, Blue Man Group blends innovative theatrical spectacles and dynamic original music with hilarious comedy, art, technology, and science to create a performance experience unlike any other; and,

WHEREAS, Blue Man Group will celebrate 25 years of daring to live in full color on November 17, 2016; and,

WHEREAS, Blue Man Group will celebrate this milestone of their original show and the Blue Man character with the launch of several new creative projects in 2016; and,

WHEREAS, these creative projects include the release of their first-ever book, "Blue Man World", featuring original artwork, and the launch of the group's third studio album, "THREE";

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim November 17, 2016, as BLUE MAN GROUP DAY in Illinois, and encourage all Illinoisans to recognize the contributions Blue
Man Group has made to the State of Illinois' artistic, local, and tourism communities.

Issued by the Governor November 10, 2016.
Filed by the Secretary of State November 16, 2016.

2016-307
SMALL BUSINESS SATURDAY

WHEREAS, first observed in Roslindale Village, Massachusetts, on November 27, 2010, Small Business Saturday has grown into a national celebration of small businesses on the Saturday after Thanksgiving each year; and,

WHEREAS, Small Business Saturday encourages holiday shoppers to patronize brick-and-mortar businesses that are small and locally-owned, celebrating the contributions they make to our local economies and communities; and,

WHEREAS, according to the United States Small Business Administration, small businesses employ more than 55 percent of the working population in the United States; and,

WHEREAS, Illinois is home to more than one million small businesses that employ 2.4 million people, about half of Illinois’ overall workforce; and,

WHEREAS, small businesses create two out of every three new jobs in our economy and make up 98 percent of Illinois employers; and,

WHEREAS, small businesses are critical to the economic health of our communities, providing jobs, creating products, and developing services that drive our Nation and the State of Illinois toward economic growth and prosperity;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim November 26, 2016, as SMALL BUSINESS SATURDAY in Illinois and encourage all Illinoisans to shop locally, both on Small Business Saturday and throughout the year.

Issued by the Governor November 10, 2016.
Filed by the Secretary of State November 16, 2016.

2016-308
THANKSGIVING DAY

WHEREAS, Thanksgiving is a holiday that is traced back to a 1621 celebration in Plymouth, Massachusetts, joining early settlers from England and the native Wampanoag people; and,
WHEREAS, the feast and gathering in Plymouth celebrated a plentiful harvest and the English tradition of Days of Fasting and Days of Thanksgiving; and,

WHEREAS, modern Thanksgiving Day invites us to reflect on our blessings and take part in fellowship with family and friends, just as the early settlers and Wampanoag people joined together in celebration of that bountiful harvest; and,

WHEREAS, Thanksgiving is a uniquely American holiday, built on the comradery created through overcoming hardship and then rejoicing at the fruits of that labor; through this, we are reminded of the limitless opportunities we are granted here in Illinois and across our country;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim November 24, 2016, as THANKSGIVING DAY in Illinois and encourage the people of Illinois to join together, whether in our homes, places of worship, community centers, or any place of fellowship for friends and neighbors and give thanks for all we have received in the past year, express appreciation to those whose lives enrich our own, and share our bounty with others.

Issued by the Governor November 10, 2016.
Filed by the Secretary of State November 16, 2016.

2016-309
BILL OF RIGHTS DAY

WHEREAS, on December 15, 1791, the First Congress ratified the first ten amendments to the United States Constitution; and,

WHEREAS, these ten amendments, also termed the Bill of Rights, incorporated vital American freedoms into our Constitution; and,

WHEREAS, the inalienable freedoms protected by the Bill of Rights – like our First Amendment rights to free speech, religion, peaceable assembly, and a free press – are fundamental liberties that continue to define our great nation and ensure our liberty; and,

WHEREAS, the rights and freedoms incorporated in the Bill of Rights are animated by an American spirit of equality, liberty, and justice for all; and,

WHEREAS, the people of the great State of Illinois and all Americans enjoy these shared liberties, made possible only because of our brave servicemen and women who serve both home and abroad to defend our freedom and the American way of life;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois,
do hereby proclaim December 15, 2016, as BILL OF RIGHTS DAY in Illinois in recognition of our founders and the legacy of this great nation.

Issued by the Governor November 16, 2016.
Filed by the Secretary of State November 16, 2016.

2016-310
PEARL HARBOR REMEMBRANCE DAY

WHEREAS, on December 7, 1941, Japanese bomber planes attacked unsuspecting American sailors and soldiers stationed at Pearl Harbor; and,

WHEREAS, during that attack, more than 2,000 Americans were killed, including approximately 50 servicemen from Illinois, and more than 1,170 were wounded during the bombardment, which outraged Americans as few other events in our nation's history had previously; and,

WHEREAS, in response, President Franklin Roosevelt and Congress promptly declared war against Japan and its allies, therefore entering World War II; and,

WHEREAS, Illinois National Guard soldiers were among the first to engage with enemy forces after the attack on Pearl Harbor as the Maywood, Illinois-based Company B, 192nd Tank Battalion defended the Philippines from Japanese invaders; and,

WHEREAS, many of these soldiers and other service members from Illinois sacrificed their lives or would suffer tremendously at the hands of enemy captors throughout the war; and,

WHEREAS, the United States' sailors, soldiers, and airmen performed superbly on all fronts. Together, a Grand Coalition of French, English, Russian, and American servicemen conducted mass campaigns and operations within the Pacific, African, and European theaters; and,

WHEREAS, on May 7, 1945, Germany surrendered, which was soon followed by Japan's surrender on August 14th of that same year; and,

WHEREAS, during the war, more American sailors and soldiers were mobilized than at any other time in our history; by the war's end, more than eight million Americans were serving in the Army alone; and,

WHEREAS, thanks to the Grand Coalition, our servicemen and women, and all those at home who contributed to the war effort, the world was made safer for liberty and freedom, the rights of all peoples everywhere; and,

WHEREAS, this year marks the 75th anniversary of the attack on Pearl Harbor and the 71st anniversary of the end of the Second World War; and,
WHEREAS, although we can never repay all those who faithfully and honorably served during the war, we will always remember what they did and fought for;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim December 7, 2016, as PEARL HARBOR REMEMBRANCE DAY in Illinois and order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff on such day from sunrise until sunset in memory of all the heroes who died in the attack on Pearl Harbor, and in tribute to all the men and women whose sacrifices made the world safer for liberty and freedom.

Issued by the Governor November 16, 2016.
Filed by the Secretary of State November 16, 2016.

2016-311
2016 GENERAL ELECTION PROPOSED AMENDMENT TO THE CONSTITUTION

WHEREAS, On the 8th day of November, 2016, an election was held in the State of Illinois at which time the addition of Section 11 to Article IX of the Illinois Constitution was submitted, and
WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 6th day of December, 2016, canvass the same, and as a result of such canvass, did declare that the Proposed Amendment to the Illinois Constitution has received either three-fifths of those voting on the question or a majority of those voting in the election.

NOW, THEREFORE, I, BRUCE RAUNER, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing results.

Issued by the Governor December 6, 2016.
Filed by the Secretary of State December 6, 2016

2016-312
2016 GENERAL ELECTION ELECTORS OF PRESIDENT AND VIC President of the United States

WHEREAS, On the 8th day of November, 2016, an election was held in the State of Illinois for the election of twenty (20) Electors of President and Vice President of the United States.
WHEREAS, In pursuance of Law, the State Board of Elections
appointed to canvass the returns of such election and to declare the results thereof, did, on this the 6th day of December, 2016, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following named office:

ELECTORS OF PRESIDENT AND VICE PRESIDENT
OF THE UNITED STATES

Toni Preckwinkle    Kevin Duffy Blackburn
Carrie Austin       Jerry Costello
Silvana Tabares     Carol Ammons
Jesus G. “Chuy” Garcia Mark Guethle
Pam Cullerton       Flint Taylor
Nancy Shepherdson   John Nelson
Vera Davis          Don Johnston
Michelle Mussman    Shirley McCombs
William Marovitz    Barbara Flynn Currie
Lauren Beth Gash    John R. Daley

NOW, THEREFORE, I, BRUCE RAUNER, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly elected to the offices as set out above.

Issued by the Governor December 6, 2016.
Filed by the Secretary of State December 6, 2016.

2016-313
2016 GENERAL ELECTION CERTIFICATE
OF ASCERTAINMENT

TO ALL WHOM THESE PRESENTS SHALL COME, GREETING;

KNOW YE, That on the 8th day of November, 2016, as ascertained by an official canvass made in accordance with the laws of the State of Illinois, a copy of ascertainment of which canvass is hereto attached and made a part hereof Electors of President and Vice President of the United States were elected and appointed as follows, to wit:

Toni Preckwinkle    Kevin Duffy Blackburn
Carrie Austin       Jerry Costello
Silvana Tabares     Carol Ammons
Jesus G. “Chuy” Garcia Mark Guethle
Pam Cullerton       Flint Taylor
Nancy Shepherdson   John Nelson
Vera Davis          Don Johnston
Michelle Mussman    Shirley McCombs
WHEREAS, On the 8th day of November, 2016, pursuant to the Statute in such case made and provided, an election was held in the State of Illinois for the purpose of electing on a general ballot, twenty (20) Electors of President and Vice President of the United States; and

WHEREAS, In accordance with the Statute aforesaid for the final ascertainment of the result of said election, held as aforesaid, we, the following members of the State Board of Elections, the officers appointed by law to canvass the returns made by the County Clerks of the several counties in the State, of the votes given at said election, on the 2nd day of December, 2016, at the office of the State Board of Elections, in the City of Springfield, State of Illinois, proceeded to canvass the returns of the election as aforesaid, being the official abstracts transmitted to the State Board of Elections of this State, of all voters given in each and every county in the State of Illinois, at the election held November 8, 2016, for Electors for President and Vice President of the United States, and it appears as the results of such canvass that the following named persons were voted for, for the office of Electors of President and Vice President of the United States in this State, and the number of votes given for each person is set opposite to his respective name, this is to say:

**ELECTORS FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES**

*Democratic Party*

- Toni Preckwinkle received 3,090,729 votes
- Carrie Austin received 3,090,729 votes
- Silvana Tabares received 3,090,729 votes
- Jesus G. “Chuy” García received 3,090,729 votes
- Pam Cullerton received 3,090,729 votes
- Nancy Shepherdson received 3,090,729 votes
- Vera Davis received 3,090,729 votes
- Michelle Mussman received 3,090,729 votes
- William Marovitz received 3,090,729 votes
- Lauren Beth Gash received 3,090,729 votes
- Kevin Duffy Blackburn received 3,090,729 votes
- Jerry Costello received 3,090,729 votes
- Carol Ammons received 3,090,729 votes
- Mark Guethele received 3,090,729 votes
- Flint Taylor received 3,090,729 votes
- John Nelson received 3,090,729 votes
- Don Johnston received 3,090,729 votes
Shirley McCombs received 3,090,729 votes
Barbara Flynn Currie received 3,090,729 votes
John R. Daley received 3,090,729 votes

ELECTORS FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

Republican Party
Karen Hayes received 2,146,015 votes
Judy Diekelman received 2,146,015 votes
Madelyn Flaherty received 2,146,015 votes
Jerry Kraus received 2,146,015 votes
Ross Morreale received 2,146,015 votes
Andrew Gasser received 2,146,015 votes
Martin Ozinga IV received 2,146,015 votes
Lee Trejo received 2,146,015 votes
Gary Gale received 2,146,015 votes
Mark Shaw received 2,146,015 votes
Marianne DeMeritt received 2,146,015 votes
Michael Neubert received 2,146,015 votes
Fred Floreth received 2,146,015 votes
Steve Kuhn received 2,146,015 votes
Mike Hall received 2,146,015 votes
Tom Bennett received 2,146,015 votes
Wayne Saline received 2,146,015 votes
Jeff Short received 2,146,015 votes
John Fogarty received 2,146,015 votes
Laura Jacksack received 2,146,015 votes

ELECTORS FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES
Libertarian Party
James Goebel received 209,596 votes
Scott Schluter received 209,596 votes
Christopher Michael received 209,596 votes
Denise Langnes received 209,596 votes
Julie Fox received 209,596 votes
Aaron Wright received 209,596 votes
Ian Peak received 209,596 votes
Jonathan Parker received 209,596 votes
Steve Dutner received 209,596 votes
Jeffery Jones received 209,596 votes
Jennifer Floyd received 209,596 votes
Jesse Adam received 209,596 votes
Crystal Jurczynski received 209,596 votes
Jeremiah Walker received 209,596 votes
Justin Tucker received 209,596 votes
Matthew Skopek received 209,596 votes
Jose Mendoza received 209,596 votes
Bennett Morris received 209,596 votes
Karen Green received 209,596 votes
Rodney Parker received 209,596 votes

ELECTORS FOR PRESIDENT AND VICE PRESIDENT OF
THE UNITED STATES

Green Party
Dave Sacks received 76,802 votes
Laurel Lambert Schmidt received 76,802 votes
Walter Pituc received 76,802 votes
Bob Mueller received 76,802 votes
Dorian Breuer received 76,802 votes
Andrea Quintanar-Schafer received 76,802 votes
Jessica Bradshaw received 76,802 votes
David Green received 76,802 votes
Chris Blankenhorn received 76,802 votes
Ethan Bruce received 76,802 votes
Rita Maniotis received 76,802 votes
Nancy Wade received 76,802 votes
Steve Alesch received 76,802 votes
Julie Samuels received 76,802 votes
George Milkowski received 76,802 votes
Paula Bradshaw received 76,802 votes
Josephine Campbell received 76,802 votes
Karen Aram received 76,802 votes
Don Crawford received 76,802 votes
Luan Railsback received 76,802 votes

Issued by the Governor December 6, 2016.
Filed by the Secretary of State December 6, 2016.

2016-314
2016 GENERAL ELECTION COMPTROLLER

WHEREAS, On the 8th day of November, 2016, an election was held in the State of Illinois for the election of the following officers, to-wit:

One (1) Comptroller for the unexpired term of two years.
WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 6th day of December, 2016, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following named offices:

COMPTROLLER
Susana Mendoza

NOW, THEREFORE, I, BRUCE RAUNER, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly elected to the offices as set out above.

Issued by the Governor December 6, 2016.
Filed by the Secretary of State December 6, 2016.

2016-315
2016 GENERAL ELECTION UNITED STATES SENATOR

WHEREAS, On the 8th day of November, 2016, an election was held in the State of Illinois for the election of the following officers, to-wit:

One (1) United States Senator for the full term of six years.

WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 6th day of December, 2016, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following named offices:

UNITED STATES SENATOR
Tammy Duckworth

NOW, THEREFORE, I, BRUCE RAUNER, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly elected to the offices as set out above.

Issued by the Governor December 6, 2016.
Filed by the Secretary of State December 6, 2016.
2016 GENERAL ELECTION REPRESENTATIVES IN CONGRESS, STATE SENATORS, REPRESENTATIVES IN THE GENERAL ASSEMBLY

WHEREAS, On the 8th day of November, 2016, an election was held in the State of Illinois for the election of the following officers, to-wit:

Eighteen (18) Representatives in Congress, to-wit: One (1) Representative in Congress from each of the eighteen (18) Congressional Districts of the State for the full term of two years.

Twenty (20) State Senators, to-wit: One (1) State Senator from the 2nd, 5th, 8th, 11th, 14th, 17th, 20th, 23rd, 26th, 29th, 32nd, 35th, 38th, 41st, 44th, 47th, 50th, 53rd, 56th, 59th Legislative District for the full term of two years.

One Hundred Eighteen (118) Representatives in the General Assembly, to wit: One (1) Representative in Congress from each of the one hundred eighteen (118) Representative Districts of the State for the full term of two years.

WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 6th day of December, 2016, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following named offices:

REPRESENTATIVES TO REPRESENT THE PEOPLE OF THE STATE OF ILLINOIS IN THE 115th CONGRESS OF THE UNITED STATES

FIRST CONGRESSIONAL DISTRICT
Bobby L. Rush
SECOND CONGRESSIONAL DISTRICT
Robin Kelly
THIRD CONGRESSIONAL DISTRICT
Daniel William Lipinski
FOURTH CONGRESSIONAL DISTRICT
Luis V. Gutierrez
FIFTH CONGRESSIONAL DISTRICT
Mike Quigley
SIXTH CONGRESSIONAL DISTRICT
Peter J. Roskam
SEVENTH CONGRESSIONAL DISTRICT
Danny K. Davis
EIGHTH CONGRESSIONAL DISTRICT
PROCLAMATIONS

Raja Krishnamoorthi
NINTH CONGRESSIONAL DISTRICT
Janice D. Schakowsky
TENTH CONGRESSIONAL DISTRICT
Brad Schneider
ELEVENTH CONGRESSIONAL DISTRICT
Bill Foster
TWELFTH CONGRESSIONAL DISTRICT
Michael Bost
THIRTEENTH CONGRESSIONAL DISTRICT
Rodney Davis
FOURTEENTH CONGRESSIONAL DISTRICT
Randall M. "Randy" Hultgren
FIFTEENTH CONGRESSIONAL DISTRICT
John M. Shimkus
SIXTEENTH CONGRESSIONAL DISTRICT
Adam Kinzinger
SEVENTEENTH CONGRESSIONAL DISTRICT
Cheri Bustos
EIGHTEENTH CONGRESSIONAL DISTRICT
Darin LaHood

STATE SENATORS TO REPRESENT THE PEOPLE OF THE STATE OF ILLINOIS IN THE 100th GENERAL ASSEMBLY OF THE STATE
SECOND LEGISLATIVE DISTRICT
Omar Aquino
FIFTH LEGISLATIVE DISTRICT
Patricia Van Pelt
EIGHTH LEGISLATIVE DISTRICT
Ira I. Silverstein
ELEVENTH LEGISLATIVE DISTRICT
Martin A. Sandoval
FOURTEENTH LEGISLATIVE DISTRICT
Emil Jones III
SEVENTEENTH LEGISLATIVE DISTRICT
Donne E. Trotter
TWENTIETH LEGISLATIVE DISTRICT
Iris Y. Martinez
TWENTY-THIRD LEGISLATIVE DISTRICT
Thomas E. Cullerton
TWENTY-SIXTH LEGISLATIVE DISTRICT
Dan Mcconchie
TWENTY-NINTH LEGISLATIVE DISTRICT
Julie A. Morrison

THIRTY-SECOND LEGISLATIVE DISTRICT
Pamela Althoff

THIRTY-FIFTH LEGISLATIVE DISTRICT
Dave Syverson

THIRTY-EIGHTH LEGISLATIVE DISTRICT
Sue Rezin

FORTY-FIRST LEGISLATIVE DISTRICT
Christine Radogno

FORTY-FOURTH LEGISLATIVE DISTRICT
Bill Brady

FORTY-SEVENTH LEGISLATIVE DISTRICT
Jil Tracy

FIFTIETH LEGISLATIVE DISTRICT
William "Sam" Mccann

FIFTY-THIRD LEGISLATIVE DISTRICT
Jason Barickman

FIFTY-SIXTH LEGISLATIVE DISTRICT
William "Bill" Haine

FIFTY-NINTH LEGISLATIVE DISTRICT
Dale Fowler

STATE REPRESENTATIVES TO REPRESENT THE PEOPLE OF
THE STATE OF ILLINOIS IN THE 100th GENERAL
ASSEMBLY OF THE STATE
FIRST REPRESENTATIVE DISTRICT
Daniel J. Burke

SECOND REPRESENTATIVE DISTRICT
Theresa Mah

THIRD REPRESENTATIVE DISTRICT
Luis Arroyo

FOURTH REPRESENTATIVE DISTRICT
Cynthia Soto

FIFTH REPRESENTATIVE DISTRICT
Juliana Stratton

SIXTH REPRESENTATIVE DISTRICT
Sonya Marie Harper

SEVENTH REPRESENTATIVE DISTRICT
Emanuel "Chris" Welch

EIGHTH REPRESENTATIVE DISTRICT
La Shawn K. Ford
NINTH REPRESENTATIVE DISTRICT
Arthur Turner
TENTH REPRESENTATIVE DISTRICT
Melissa Conyears
ELEVENTH REPRESENTATIVE DISTRICT
Ann M. Williams
TWELFTH REPRESENTATIVE DISTRICT
Sara Feigenholtz
THIRTEENTH REPRESENTATIVE DISTRICT
Gregory Harris
FOURTEENTH REPRESENTATIVE DISTRICT
Kelly M. Cassidy
FIFTEENTH REPRESENTATIVE DISTRICT
John C. D'amico
SIXTEENTH REPRESENTATIVE DISTRICT
Lou Lang
SEVENTEENTH REPRESENTATIVE DISTRICT
Laura Fine
EIGHTEENTH REPRESENTATIVE DISTRICT
Robyn Gabel
NINETEENTH REPRESENTATIVE DISTRICT
Robert Martwick
TWENTIETH REPRESENTATIVE DISTRICT
Michael P. Mcauliffe
TWENTY-FIRST REPRESENTATIVE DISTRICT
Silvana Tabares
TWENTY-SECOND REPRESENTATIVE DISTRICT
Michael J. Madigan
TWENTY-THIRD REPRESENTATIVE DISTRICT
Michael J. Zalewski
TWENTY-FOURTH REPRESENTATIVE DISTRICT
Elizabeth "Lisa" Hernandez
TWENTY-FIFTH REPRESENTATIVE DISTRICT
Barbara Flynn Currie
TWENTY-SIXTH REPRESENTATIVE DISTRICT
Christian L. Mitchell
TWENTY-SEVENTH REPRESENTATIVE DISTRICT
Monique D. Davis
TWENTY-EIGHTH REPRESENTATIVE DISTRICT
Robert "Bob" Rita
TWENTY-NINTH REPRESENTATIVE DISTRICT
Thaddeus Jones  
THIRTIETH REPRESENTATIVE DISTRICT  
William "Will" Davis  
THIRTY-FIRST REPRESENTATIVE DISTRICT  
Mary E. Flowers  
THIRTY-SECOND REPRESENTATIVE DISTRICT  
André Thapedi  
THIRTY-THIRD REPRESENTATIVE DISTRICT  
Marcus C. Evans, Jr.  
THIRTY-FOURTH REPRESENTATIVE DISTRICT  
Elgie R. Sims, Jr.  
THIRTY-FIFTH REPRESENTATIVE DISTRICT  
Frances Ann Hurley  
THIRTY-SIXTH REPRESENTATIVE DISTRICT  
Kelly M. Burke  
THIRTY-SEVENTH REPRESENTATIVE DISTRICT  
Margo Mcdermed  
THIRTY-EIGHTH REPRESENTATIVE DISTRICT  
Al Riley  
THIRTY-NINTH REPRESENTATIVE DISTRICT  
Will Guzzardi  
FORTIETH REPRESENTATIVE DISTRICT  
Jaime M. Andrade, Jr.  
FORTY-FIRST REPRESENTATIVE DISTRICT  
Grant Wehrli  
FORTY-SECOND REPRESENTATIVE DISTRICT  
Jeanne M. Ives  
FORTY-THIRD REPRESENTATIVE DISTRICT  
Anna Moeller  
FORTY-FOURTH REPRESENTATIVE DISTRICT  
Fred Crespo  
FORTY-FIFTH REPRESENTATIVE DISTRICT  
Christine Jennifer Winger  
FORTY-SIXTH REPRESENTATIVE DISTRICT  
Deb Conroy  
FORTY-SEVENTH REPRESENTATIVE DISTRICT  
Patricia R. "Patti" Bellock  
FORTY-EIGHTH REPRESENTATIVE DISTRICT  
Peter Breen  
FORTY-NINTH REPRESENTATIVE DISTRICT  
Mike Fortner
FIFTIETH REPRESENTATIVE DISTRICT
Keith R. Wheeler

FIFTY-FIRST REPRESENTATIVE DISTRICT
Nick Sauer

FIFTY-SECOND REPRESENTATIVE DISTRICT
David Mcsweeney

FIFTY-THIRD REPRESENTATIVE DISTRICT
David Harris

FIFTY-FOURTH REPRESENTATIVE DISTRICT
Tom Morrison

FIFTY-FIFTH REPRESENTATIVE DISTRICT
Martin J. Moylan

FIFTY-SIXTH REPRESENTATIVE DISTRICT
Michelle Mussman

FIFTY-SEVENTH REPRESENTATIVE DISTRICT
Elaine Nekritz

FIFTY-EIGHTH REPRESENTATIVE DISTRICT
Scott Drury

FIFTY-NINTH REPRESENTATIVE DISTRICT
Carol Sente

SIXTIETH REPRESENTATIVE DISTRICT
Rita Mayfield

SIXTY-FIRST REPRESENTATIVE DISTRICT
Sheri Jesiel

SIXTY-SECOND REPRESENTATIVE DISTRICT
Sam Yingling

SIXTY-THIRD REPRESENTATIVE DISTRICT
Steven Reick

SIXTY-FOURTH REPRESENTATIVE DISTRICT
Barbara Wheeler

SIXTY-FIFTH REPRESENTATIVE DISTRICT
Steven A. Andersson

SIXTY-SIXTH REPRESENTATIVE DISTRICT
Allen Skillicorn

SIXTY-SEVENTH REPRESENTATIVE DISTRICT
Litesa E. Wallace

SIXTY-EIGHTH REPRESENTATIVE DISTRICT
John M. Cabello

SIXTY-NINTH REPRESENTATIVE DISTRICT
Joe Sosnowski

SEVENTIETH REPRESENTATIVE DISTRICT
Robert W. Pritchard
SEVENTY-FIRST REPRESENTATIVE DISTRICT
Tony M. Mccombie
SEVENTY-SECOND REPRESENTATIVE DISTRICT
Michael W. Halpin
SEVENTY-THIRD REPRESENTATIVE DISTRICT
Ryan Spain
SEVENTY-FOURTH REPRESENTATIVE DISTRICT
Daniel M. Swanson
SEVENTY-FIFTH REPRESENTATIVE DISTRICT
David Allen Welter
SEVENTY-SIXTH REPRESENTATIVE DISTRICT
Jerry Lee Long
SEVENTY-SEVENTH REPRESENTATIVE DISTRICT
Kathleen Willis
SEVENTY-EIGHTH REPRESENTATIVE DISTRICT
Camille Lilly
SEVENTY-NINTH REPRESENTATIVE DISTRICT
Lindsay Parkhurst
EIGHTIETH REPRESENTATIVE DISTRICT
Anthony Deluca
EIGHTY-FIRST REPRESENTATIVE DISTRICT
David S. Olsen
EIGHTY-SECOND REPRESENTATIVE DISTRICT
Jim Durkin
EIGHTY-THIRD REPRESENTATIVE DISTRICT
Linda Chapa Lavia
EIGHTY-FOURTH REPRESENTATIVE DISTRICT
Stephanie A. Kifowit
EIGHTY-FIFTH REPRESENTATIVE DISTRICT
Emily Mcasey
EIGHTY-SIXTH REPRESENTATIVE DISTRICT
Lawrence "Larry" Walsh, Jr.
EIGHTY-SEVENTH REPRESENTATIVE DISTRICT
Tim Butler
EIGHTY-EIGHTH REPRESENTATIVE DISTRICT
Keith P. Sommer
EIGHTY-NINTH REPRESENTATIVE DISTRICT
Brian W. Stewart
NINETYETH REPRESENTATIVE DISTRICT
Tom Demmer
NINETY-FIRST REPRESENTATIVE DISTRICT
Michael D. Unes

NINETY-SECOND REPRESENTATIVE DISTRICT
Jehan Gordon-Booth

NINETY-THIRD REPRESENTATIVE DISTRICT
Norine K. Hammond

NINETY-FOURTH REPRESENTATIVE DISTRICT
Randy E. Frese

NINETY-FIFTH REPRESENTATIVE DISTRICT
Avery Bourne

NINETY-SIXTH REPRESENTATIVE DISTRICT
Sue Scherer

NINETY-SEVENTH REPRESENTATIVE DISTRICT
Mark Batinick

NINETY-EIGHTH REPRESENTATIVE DISTRICT
Natalie A. Manley

NINETY-NINTH REPRESENTATIVE DISTRICT
Sara Wojcicki Jimenez

ONE HUNDREDTH REPRESENTATIVE DISTRICT
Christopher "C.D." Davidsmeyer

ONE HUNDRED AND FIRST REPRESENTATIVE DISTRICT
Bill Mitchell

ONE HUNDRED AND SECOND REPRESENTATIVE DISTRICT
Brad Halbrook

ONE HUNDRED AND THIRD REPRESENTATIVE DISTRICT
Carol Ammons

ONE HUNDRED AND FOURTH REPRESENTATIVE DISTRICT
Chad Hays

ONE HUNDRED AND FIFTH REPRESENTATIVE DISTRICT
Dan Brady

ONE HUNDRED AND SIXTH REPRESENTATIVE DISTRICT
Thomas M. Bennett

ONE HUNDRED AND SEVENTH REPRESENTATIVE DISTRICT
John Cavaletto

ONE HUNDRED AND EIGHTH REPRESENTATIVE DISTRICT
Charles Meier

ONE HUNDRED AND NINTH REPRESENTATIVE DISTRICT
David B. Reis

ONE HUNDRED AND TENTH REPRESENTATIVE DISTRICT
Reginald "Reggie" Phillips

ONE HUNDRED AND ELEVENTH REPRESENTATIVE DISTRICT
NOW, THEREFORE, I, BRUCE RAUNER, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly elected to the offices as set out above.

Issued by the Governor December 6, 2016.
Filed by the Secretary of State December 6, 2016.

2016-317
2016 GENERAL ELECTION REGIONAL SUPERINTENDENT
OF SCHOOLS

WHEREAS, On the 8th day of November, 2016, an election was held in the State of Illinois for the election of the following officers, to-wit:

Three (3) Regional Superintendents of Schools, for an unexpired two year term, to wit: One (1) Regional Superintendent of Schools from the Adams, Brown, Cass, Morgan, Pike and Scott Region, one (1) from the Calhoun, Greene, Jersey and Macoupin Region, and one (1) from the Mason, Tazewell and Woodford Region.

WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 6th day of December, 2016, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following named offices:

REGIONAL SUPERINTENDENT OF SCHOOLS
Adams, Brown, Cass, Morgan, Pike and Scott  
*(For an unexpired two year term)*
  
  Jill Reis  
  
Calhoun, Greene, Jersey and Macoupin  
*(For an unexpired two year term)*  
  
  Michelle Mueller  
  
Mason, Tazewell and Woodford  
*(For an unexpired two year term)*  
  
  Patrick Durley  

NOW, THEREFORE, I, BRUCE RAUNER, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly elected to the offices as set out above.

Issued by the Governor December 6, 2016.

Filed by the Secretary of State December 6, 2016.

2016-318

2016 GENERAL ELECTION APPELLATE COURT JUDGES, CIRCUIT COURT JUDGES

WHEREAS, On the 8th day of November, 2016, an election was held in the State of Illinois for the election of the following judges, to-wit:

- Appellate Court Judges to fill the First Judicial District vacancies of the Honorable James R. Epstein and Honorable Patrick J. Quinn; to fill the Fifth Judicial District vacancies of the Honorable Bruce D. Stewart and Honorable James M. Wexstten.
- Circuit Court Judges to fill:
  - The Cook County Judicial Circuit vacancies of the Honorable Marilyn F. Johnson, the Honorable Michael J. Howlett, Jr., the Honorable Noreen V. Love, the Honorable Patrick W. O'Brien, the Honorable Paul P. Biebel, Jr., the Honorable Richard F. Walsh, the Honorable Richard J. Elrod, the Honorable Stuart E. Palmer, the Honorable Susan Ruscitti Grussel, the Honorable Themis N. Karnezis and the Honorable Thomas L. Hogan;
  - The Cook County Judicial Circuit, First Subcircuit vacancies of the Honorable Cynthia Y. Brim and the Honorable Vanessa A. Hopkins;
  - The Cook County Judicial Circuit, Second Subcircuit vacancy of the Honorable Drella Savage;
  - The Cook County Judicial Circuit, Fourth Subcircuit vacancy of the Honorable William J. Kunkle;
  - The Cook County Judicial Circuit, Fifth Subcircuit vacancies of
the Honorable Jane L. Stuart, the Honorable Loretta Eadie-Daniels, and the Honorable Shelli Williams;

The Cook County Judicial Circuit, Sixth Subcircuit vacancies of the Honorable Edmund Ponce de Leon, the Honorable Leida J. Gonzalez Santiago and additional judgeship A;

The Cook County Judicial Circuit, Seventh Subcircuit vacancies of the Honorable Anita Rivkin-Carothers and the Honorable Anthony L. Burrell;

The Cook County Judicial Circuit, Ninth Subcircuit vacancy of the Honorable Andrew Berman;

The Cook County Judicial Circuit, Tenth Subcircuit vacancy of the Honorable Garritt E. Howard;

The Cook County Judicial Circuit, Eleventh Subcircuit vacancies of the Honorable Carol A. Kelly and the Honorable Susan F. Zwick;

The Cook County Judicial Circuit, Twelfth Subcircuit vacancies of the Honorable Joseph G. Kazmierski, Jr., the Honorable Sandra Tristano, the Honorable Veronica B. Mathein and additional judgeship A;

The Cook County Judicial Circuit, Thirteenth Subcircuit vacancy of the Honorable Thomas P. Fecarotta, Jr.;

The Cook County Judicial Circuit, Fourteenth Subcircuit vacancy of the Honorable Lisa Ruble Murphy;

The First Judicial Circuit, Alexander County vacancy of the Honorable Stephen L. Spomer;

The Second Judicial Circuit, Edwards County vacancy of the Honorable David K. Frankland;

The Fourth Judicial Circuit, Christian County vacancy of the Honorable Ronald D. Spears and the Fourth Judicial Circuit, Fayette County vacancy of the Honorable S. Gene Schwarm;

The Fifth Judicial Circuit, Cumberland County vacancy of the Honorable Millard S. Everhart;

The Sixth Judicial Circuit, DeWitt County vacancy of the Honorable Garry W. Bryan and the Sixth Judicial Circuit, Macon County vacancy of the Honorable Lisa Holder White;

The Seventh Judicial Circuit vacancies of the Honorable Patrick J. Londrigan and the Honorable Patrick W. Kelley;

The Eighth Judicial Circuit, Adams County vacancy of the Honorable Scott H. Walden and the Eighth Judicial Circuit, Schuyler County vacancy of the Honorable Alesia A. McMillen;

The Ninth Judicial Circuit vacancies of the Honorable James B. Stewart and the Honorable Steven R. Bordner;

The Tenth Judicial Circuit, Marshall County vacancy of the
Honorable Kevin R. Galley and the Tenth Judicial Circuit, Peoria County vacancy of the Honorable Michael Brandt;

The Eleventh Judicial Circuit vacancies of the Honorable Charles G. Reynard and the Honorable Elizabeth A. Robb and the Eleventh Judicial Circuit, Woodford County vacancy of the Honorable John B. Huschen;

The Fourteenth Judicial Circuit, Rock Island County vacancy of the Honorable F. Michael Meersman;

The Fifteenth Judicial Circuit, Stephenson County vacancy of the Honorable Theresa L. Ursin;

The Eighteenth Judicial Circuit vacancies of the Honorable Michael J. Burke and the Honorable Rodney W. Equi and the Eighteenth Judicial Circuit, DuPage County vacancy of the Honorable John T. Elsner;

The Nineteenth Judicial Circuit, Fourth Subcircuit additional judgeship A;

The Twentieth Judicial Circuit vacancies of the Honorable C. John Baricevic and the Honorable Robert Haida and the Twentieth Judicial Circuit, St. Clair county vacancy of the Honorable Robert P. LeChien;

The Twenty-First Judicial Circuit, Iroquois County vacancy of the Honorable Gordon L. Lustfeldt and the Twenty-First Judicial Circuit, Kankakee County vacancy of the Honorable Kendall O. Wenzelman;

The Twenty-Second Judicial Circuit, McHenry County vacancy of the Honorable Gordon E. Graham;

The Twenty-Third Judicial Circuit, DeKalb County additional judgeship A and the Twenty-Third Judicial Circuit, Kendall County additional judgeship A.

WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 6th day of December, 2016, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following named offices:

**JUDGE OF THE APPELLATE COURT**

First Judicial District

*To fill the vacancy of the Honorable James R. Epstein*
Eileen O’Neill Burke

*To fill the vacancy of the Honorable Patrick J. Quinn*
Bertina E. Lampkin

Fifth Judicial District

*To fill the vacancy of the Honorable Bruce D. Stewart*
John B. Barberis, Jr.

*To fill the vacancy of the Honorable James M. Wexstten*
James R. “Randy” Moore  
JUDGE OF THE CIRCUIT COURT  
First Judicial Circuit – Alexander County  
To fill the vacancy of the Honorable Stephen L. Spomer  
Jeffery B. Farris  
Second Judicial Circuit – Edwards County  
To fill the vacancy of the Honorable David K. Frankland  
Michael J. Valentine  
Fourth Judicial Circuit – Christian County  
To fill the vacancy of the Honorable Ronald D. Spears  
Braid Paisley  
Fourth Judicial Circuit – Fayette County  
To fill the vacancy of the Honorable S. Gene Schwarm  
Don Sheafor Jr.  
Fifth Judicial Circuit – Cumberland County  
To fill the vacancy of the Honorable Millard S. Everhart  
Jonathan T. Braden  
Sixth Judicial Circuit – DeWitt County  
To fill the vacancy of the Honorable Garry W. Bryan  
Karle E. Koritz  
Sixth Judicial Circuit – Macon County  
To fill the vacancy of the Honorable Lisa Holder White  
Thomas E. Little  
Seventh Judicial Circuit  
To fill the vacancy of the Honorable Patrick J. Londrigan  
April Troemper  
To fill the vacancy of the Honorable Patrick W. Kelley  
Ryan Cadagin  
Eighth Judicial Circuit – Adams County  
To fill the vacancy of the Honorable Scott H. Walden  
Scott D. Larson  
Eighth Judicial Circuit – Schuyler County  
To fill the vacancy of the Honorable Alesia A. McMillen  
Scott J. Butler  
Ninth Judicial Circuit  
To fill the vacancy of the Honorable James B. Stewart  
Heidi A. Benson  
To fill the vacancy of the Honorable Steven R. Bordner  
Raymond A. Cavanaugh  
Tenth Judicial Circuit – Marshall County  
To fill the vacancy of the Honorable Kevin R. Galley
Michael P. McCuskey  
Tenth Judicial Circuit – Peoria County  
To fill the vacancy of the Honorable Michael Brandt  
Jodi M. Hoos  
Eleventh Judicial Circuit  
To fill the vacancy of the Honorable Charles G. Reynard  
Mark A. Fellheimer  
To fill the vacancy of the Honorable Elizabeth A. Robb  
Casey Costigan  
Eleventh Judicial Circuit – Woodford County  
To fill the vacancy of the Honorable John B. Huschen  
Charles M. Feeney, III  
Fourteenth Judicial Circuit – Rock Island County  
To fill the vacancy of the Honorable F. Michael Meersman  
Kathleen Mesich  
Fifteenth Judicial Circuit – Stephenson County  
To fill the vacancy of the Honorable Theresa L. Ursin  
James M. Hauser  
Eighteenth Judicial Circuit  
To fill the vacancy of the Honorable Michael J. Burke  
Brian F. Telander  
To fill the vacancy of the Honorable Rodney W. Equi  
Paul Michael Fullerton  
Eighteenth Judicial Circuit – DuPage County  
To fill the vacancy of the Honorable John T. Elsner  
Liam Christopher Brennan  
Nineteenth Judicial Circuit – Fourth Subcircuit  
To fill additional judgeship A  
Mitchell L. Hoffman  
Twentieth Judicial Circuit  
To fill the vacancy of the Honorable C. John Baricevic  
Robert B. Haida  
To fill the vacancy of the Honorable Robert Haida  
Ronald R. Duebbert  
Twentieth Judicial Circuit – St. Clair County  
To fill the vacancy of the Honorable Robert P. LeChien  
Robert P. LeChien  
Twenty-First Judicial Circuit – Iroquois County  
To fill the vacancy of the Honorable Gordon L. Lustfeldt  
James B. Kinzer  
Twenty-First Judicial Circuit – Kankakee County
To fill the vacancy of the Honorable Kendall O. Wenzelman
  Michael D. Kramer
Twenty-Second Judicial Circuit – McHenry County
To fill the vacancy of the Honorable Gordon E. Graham
  James S. Cowlin
Twenty-Third Judicial Circuit – DeKalb County
To fill additional judgeship A
  Bradley J. Waller
Twenty-Third Judicial Circuit – Kendall County
To fill additional judgeship A
  Stephen L. Krentz
Cook County Judicial Circuit
To fill the vacancy of the Honorable Paul P. Biebel, Jr.
  John Fitzgerald Lyke, Jr.
To fill the vacancy of the Honorable Marilyn F. Johnson
  Carolyn J. Gallagher
To fill the vacancy of the Honorable Michael J. Howlett, Jr.
  Aleksandra “Alex” Gillespie
  To fill the vacancy of the Honorable Noreen V. Love
  Brendan A. O’Brien
To fill the vacancy of the Honorable Patrick W. O’Brien
  Maureen O’Donoghue Hannon
To fill the vacancy of the Honorable Richard F. Walsh
  Patrick Joseph Powers
To fill the vacancy of the Honorable Richard J. Elrod
  Rossana Patricia Fernandez
To fill the vacancy of the Honorable Stuart E. Palmer
  Susana L. Ortiz
To fill the vacancy of the Honorable Susan Ruscitti Grussel
  Daniel Patrick Duffy
To fill the vacancy of the Honorable Themis N. Karnezis
  Mary Kathleen McHugh
To fill the vacancy of the Honorable Thomas L. Hogan
  Alison C. Conlon
  Cook County Judicial Circuit – First Subcircuit
To fill the vacancy of the Honorable Cynthia Y. Brim
  Jesse Outlaw
To fill the vacancy of the Honorable Vanessa A. Hopkins
  Rhonda Crawford
  Cook County Judicial Circuit – Second Subcircuit
To fill the vacancy of the Honorable Drella Savage
D. Renee Jackson  
Cook County Judicial Circuit – Fourth Subcircuit  
To fill the vacancy of the Honorable William J. Kunkle  
Edward J. King  
Cook County Judicial Circuit – Fifth Subcircuit  
To fill the vacancy of the Honorable Jane L. Stuart  
Freddrenna M. Lyle  
To fill the vacancy of the Honorable Loretta Eadie-Daniels  
Leonard Murray  
To fill the vacancy of the Honorable Shelli Williams  
Daryl Jones  
Cook County Judicial Circuit – Sixth Subcircuit  
To fill the vacancy of the Honorable Edmund Ponce de Leon  
Eulalia “Evie” De La Rosa  
To fill the vacancy of the Honorable Leida J. Gonzalez Santiago  
Richard C. Cooke  
To fill additional judgeship A  
Anna Loftus  
Cook County Judicial Circuit – Seventh Subcircuit  
To fill the vacancy of the Honorable Anita Rivkin-Carothers  
Patricia “Pat” S. Spratt  
To fill the vacancy of the Honorable Anthony L. Burrell  
Marianne Jackson  
Cook County Judicial Circuit – Ninth Subcircuit  
To fill the vacancy of the Honorable Andrew Berman  
Jerry Esrig  
Cook County Judicial Circuit – Tenth Subcircuit  
To fill the vacancy of the Honorable Garritt E. Howard  
Eve Marie Reilly  
Cook County Judicial Circuit – Eleventh Subcircuit  
To fill the vacancy of the Honorable Carol A. Kelly  
Catherine Ann Schneider  
To fill the vacancy of the Honorable Susan F. Zwick  
William B. Sullivan  
Cook County Judicial Circuit – Twelfth Subcircuit  
To fill the vacancy of the Honorable Joseph G. Kazmierski, Jr.  
Marguerite Anne Quinn  
To fill the vacancy of the Honorable Sandra Tristano  
Carrie Hamilton  
To fill the vacancy of the Honorable Veronica B. Mathein  
James Leonard Allegretti
To fill additional judgeship A
Steven A. Kozicki
Cook County Judicial Circuit – Thirteenth Subcircuit

To fill the vacancy of the Honorable Thomas P. Fecarotta, Jr.
Kevin Michael O’Donnell
Cook County Judicial Circuit – Fourteenth Subcircuit

To fill the vacancy of the Honorable Lisa Ruble Murphy.
Matthew Link

NOW, THEREFORE, I, BRUCE RAUNER, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly elected to the offices as set out above.

Issued by the Governor December 6, 2016.
Filed by the Secretary of State December 6, 2016.

2016-319
2016 GENERAL ELECTION JUDICIAL RETENTION

WHEREAS, On the 8th day of November, 2016, an election was held in the State of Illinois for the retention of the following judges, to-wit:
Appellate Court Judges from the First, Third and Fourth Judicial Districts;
Circuit Court Judges from the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Sixteenth, Seventeenth, Eighteenth, Nineteenth, Twentieth, Twenty-first, Twenty-third and Cook County Judicial Circuits.

WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 6th day of December, 2016, canvass the same, and as a result of such canvass, did declare retained the following named persons to the following named offices:

RETENTION
Judge of the Appellate Court
First Judicial Circuit
Joy Virginia Cunningham
Third Judicial Circuit
Vicki R. Wright
Fourth Judicial Circuit
James A. Knecht
Judge of the Circuit Court
First Judicial Circuit
PROCLAMATIONS

William G. Schwartz
W. Charles Grace
Second Judicial Circuit
Robert M. Hopkins
Larry D. Dunn
Paul W. Lamar
Third Judicial Circuit
A. Andreas "Andy" Matoesian
William A. Mudge
Fourth Judicial Circuit
Wm. Robin Todd
Douglas L. Jarman
Mike McHaney
Mark W. Stedelin
Fifth Judicial Circuit
James R. Glenn
Teresa K. Righter
Matt Sullivan
Sixth Judicial Circuit
Heidi Ladd
Seventh Judicial Circuit
Peter C. Cavanagh
Eighth Judicial Circuit
Mark A. Drummond
Alan D. Tucker
Robert Adrian
Ninth Judicial Circuit
William E. Poncin
Tenth Judicial Circuit
Michael D. Risinger
John P. Vespa
Eleventh Judicial Circuit
Scott Drazewski
Twelfth Judicial Circuit
Carmen Goodman
John C. Anderson
Barbara "Bobbi" N. Petrungaro
Michael J. Powers
Raymond (Ray) E. Rossi
Thirteenth Judicial Circuit
Howard Chris Ryan, Jr.
Marc P. Bernabei
Lance R. Peterson
Fourteenth Judicial Circuit
Lori R. Lefstein
James G. Conway, Jr.
Clarence "Mike" Darrow
Frank Fuhr
Sixteenth Judicial Circuit
Robert B. Spence
Susan Clancy Boles
David R. Akemann
Kevin T. Busch
Seventeenth Judicial Circuit
Kathryn E. Zenoff
Janet R. Holmgren
Rob Tobin
Eighteenth Judicial Circuit
Bonnie M. Wheaton
Kenneth L. Popejoy
Daniel P. Guerin
Dorothy French Mallen
Ronald D. Sutter
Nineteenth Judicial Circuit
Margaret J. Mullen
Victoria A. Rossetti
Jorge L. Ortiz
Diane E. Winter
Mark L. Levitt
Twentieth Judicial Circuit
Richard A. Brown
Twenty-first Judicial Circuit
Kathy Bradshaw Elliott
Twenty-third Judicial Circuit
Robbin J. Stuckert
Timothy J. McCann
Thomas L. Doherty
Robert P. (Bob) Pilmer
Cook County Judicial Circuit
Robert Balanoff
Jeanne R. Cleveland Bernstein
Kathleen Marie Burke
Kay Marie Hanlon
Thomas J. Kelley
Clare Elizabeth McWilliams
Mary Lane Mikva
Bonita Coleman
Ann Finley Collins
Daniel J. Gallagher
Sharon O. Johnson
Linzey D. Jones
Terry MacCarthys
Sandra G. Ramos
Sophia H. Hall
Patrick T. Murphy
Timothy Patrick Murphy
Jim Ryan
Edward "Ed" Washington, II
Thaddeus L. Wilson
John C. Griffin
Daniel James Pierce
William H. Hooks
Thomas V. Lyons
Raymond W. Mitchell
Edward Harmening
Allen F. Murphy
Daniel Malone
Geary W. Kull
John P. Callahan, Jr.
Steven James Bernstein
Susan Kennedy Sullivan
Irwin J. Solganick
Alexander Patrick White
Vincent Michael Gaughan
Robert W. Bertucci
Deborah Mary Dooling
Timothy C. Evans
Cheyrl D. Ingram
Raymond L. Jagielski
Bertina E. Lampkin
William Maki
Sharon Marie Sullivan
James Patrick McCarthy
NOW, THEREFORE, I, BRUCE RAUNER, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly retained to the offices as set out above.

Issued by the Governor December 6, 2016.
Filed by the Secretary of State December 6, 2016.

2016-320
2016 GENERAL ELECTION TRUSTEES OF THE PRAIRIE DUPONT LEVEE AND SANITARY DISTRICT

WHEREAS, On the 8th day of November, 2016, an election was held in the State of Illinois for the election of the following officers, to-wit:

Five (5) Trustees of the Prairie Dupont Levee and Sanitary District.

WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 2nd day of December, 2016, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following named offices:

TRUSTEES OF THE PRAIRIE DUPONT LEVEE AND SANITARY DISTRICT
Randy C. Bolle
Michael H. Lindhorst
Jule Levin
David Walster
Michael Sullivan
NOW, THEREFORE, I, BRUCE RAUNER, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly elected to the offices as set out above.

Issued by the Governor December 6, 2016.
Filed by the Secretary of State December 6, 2016.

2016-318
2016 GENERAL ELECTION APPELLATE COURT JUDGES, CIRCUIT COURT JUDGES(REVISED)

WHEREAS, On the 8th day of November, 2016, an election was held in the State of Illinois for the election of the following judges, to-wit:

Appellate Court Judges to fill the First Judicial District vacancies of the Honorable James R. Epstein and Honorable Patrick J. Quinn; to fill the Fifth Judicial District vacancies of the Honorable Bruce D. Stewart and Honorable James M. Wexstten.

Circuit Court Judges to fill:

The Cook County Judicial Circuit vacancies of the Honorable Marilyn F. Johnson, the Honorable Michael J. Howlett, Jr., the Honorable Noreen V. Love, the Honorable Patrick W. O'Brien, the Honorable Paul P. Biebel, Jr., the Honorable Richard F. Walsh, the Honorable Richard J. Elrod, the Honorable Stuart E. Palmer, the Honorable Susan Ruscitti Grussel, the Honorable Themis N. Karnezis and the Honorable Thomas L. Hogan;

The Cook County Judicial Circuit, First Subcircuit vacancies of the Honorable Cynthia Y. Brim and the Honorable Vanessa A. Hopkins;

The Cook County Judicial Circuit, Second Subcircuit vacancy of the Honorable Drella Savage;

The Cook County Judicial Circuit, Fourth Subcircuit vacancy of the Honorable William J. Kunkle;

The Cook County Judicial Circuit, Fifth Subcircuit vacancies of the Honorable Jane L. Stuart, the Honorable Loretta Eadie-Daniels, and the Honorable Shelli Williams;

The Cook County Judicial Circuit, Sixth Subcircuit vacancies of the Honorable Edmund Ponce de Leon, the Honorable Leida J. Gonzalez Santiago and additional judgeship A;

The Cook County Judicial Circuit, Seventh Subcircuit vacancies of the Honorable Anita Rivkin-Carothers and the Honorable Anthony L. Burrell;

The Cook County Judicial Circuit, Ninth Subcircuit vacancy of the
Honorable Andrew Berman;
The Cook County Judicial Circuit, Tenth Subcircuit vacancy of the Honorable Garritt E. Howard;
The Cook County Judicial Circuit, Eleventh Subcircuit vacancies of the Honorable Carol A. Kelly and the Honorable Susan F. Zwick;
The Cook County Judicial Circuit, Twelfth Subcircuit vacancies of the Honorable Joseph G. Kazmierski, Jr., the Honorable Sandra Tristano, the Honorable Veronica B. Mathein and additional judgeship A;
The Cook County Judicial Circuit, Thirteenth Subcircuit vacancy of the Honorable Thomas P. Fecarotta, Jr.;
The Cook County Judicial Circuit, Fourteenth Subcircuit vacancy of the Honorable Lisa Ruble Murphy;
The First Judicial Circuit, Alexander County vacancy of the Honorable Stephen L. Spomer;
The Second Judicial Circuit, Edwards County vacancy of the Honorable David K. Frankland;
The Fourth Judicial Circuit, Christian County vacancy of the Honorable Ronald D. Spears and the Fourth Judicial Circuit, Fayette County vacancy of the Honorable S. Gene Schwarm;
The Fifth Judicial Circuit, Cumberland County vacancy of the Honorable Millard S. Everhart;
The Sixth Judicial Circuit, DeWitt County vacancy of the Honorable Garry W. Bryan and the Sixth Judicial Circuit, Macon County vacancy of the Honorable Lisa Holder White;
The Seventh Judicial Circuit vacancies of the Honorable Patrick J. Londrigan and the Honorable Patrick W. Kelley;
The Eighth Judicial Circuit, Adams County vacancy of the Honorable Scott H. Walden and the Eighth Judicial Circuit, Schuyler County vacancy of the Honorable Alesia A. McMillen;
The Ninth Judicial Circuit vacancies of the Honorable James B. Stewart and the Honorable Steven R. Bordner;
The Tenth Judicial Circuit, Marshall County vacancy of the Honorable Kevin R. Galley and the Tenth Judicial Circuit, Peoria County vacancy of the Honorable Michael Brandt;
The Eleventh Judicial Circuit vacancies of the Honorable Charles G. Reynard and the Honorable Elizabeth A. Robb and the Eleventh Judicial Circuit, Woodford County vacancy of the Honorable John B. Huschen;
The Fourteenth Judicial Circuit, Rock Island County vacancy of the Honorable F. Michael Meersman;
The Fifteenth Judicial Circuit, Stephenson County vacancy of the
Honorable Theresa L. Ursin;

The Eighteenth Judicial Circuit vacancies of the Honorable Michael J. Burke and the Honorable Rodney W. Equi and the Eighteenth Judicial Circuit, DuPage County vacancy of the Honorable John T. Elsner;

The Nineteenth Judicial Circuit, Fourth Subcircuit additional judgeship A;

The Twentieth Judicial Circuit vacancies of the Honorable C. John Baricevic and the Honorable Robert Haida and the Twentieth Judicial Circuit, St. Clair county vacancy of the Honorable Robert P. LeChien;

The Twenty-First Judicial Circuit, Iroquois County vacancy of the Honorable Gordon L. Lustfeldt and the Twenty-First Judicial Circuit, Kankakee County vacancy of the Honorable Kendall O. Wenzelman;

The Twenty-Second Judicial Circuit, McHenry County vacancy of the Honorable Gordon E. Graham;

The Twenty-Third Judicial Circuit, DeKalb County additional judgeship A and the Twenty-Third Judicial Circuit, Kendall County additional judgeship A.

WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 6th day of December, 2016, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following named offices:

**JUDGE OF THE APPELLATE COURT**
First Judicial District
To fill the vacancy of the Honorable James R. Epstein
    Eileen O'Neill Burke
To fill the vacancy of the Honorable Patrick J. Quinn
    Bertina E. Lampkin
    Fifth Judicial District
To fill the vacancy of the Honorable Bruce D. Stewart
    John B. Barberis, Jr.
To fill the vacancy of the Honorable James M. Wexstten
    James R. “Randy” Moore

**JUDGE OF THE CIRCUIT COURT**
First Judicial Circuit – Alexander County
To fill the vacancy of the Honorable Stephen L. Spomer
    Jeffery B. Farris
Second Judicial Circuit – Edwards County
To fill the vacancy of the Honorable David K. Frankland
    Michael J. Valentine
Fourth Judicial Circuit – Christian County
To fill the vacancy of the Honorable Ronald D. Spears  
Brad Paisley  
Fourth Judicial Circuit – Fayette County  
To fill the vacancy of the Honorable S. Gene Schwarm  
Don Sheafor Jr.  
Fifth Judicial Circuit – Cumberland County  
To fill the vacancy of the Honorable Millard S. Everhart  
Jonathan T. Braden  
Sixth Judicial Circuit – DeWitt County  
To fill the vacancy of the Honorable Garry W. Bryan  
Karle E. Koritz  
Sixth Judicial Circuit – Macon County  
To fill the vacancy of the Honorable Lisa Holder White  
Thomas E. Little  
Seventh Judicial Circuit  
To fill the vacancy of the Honorable Patrick J. Londrigan  
April Troemper  
To fill the vacancy of the Honorable Patrick W. Kelley  
Ryan Cadagin  
Eighth Judicial Circuit – Adams County  
To fill the vacancy of the Honorable Scott H. Walden  
Scott D. Larson  
Eighth Judicial Circuit – Schuyler County  
To fill the vacancy of the Honorable Alesia A. McMillen  
Scott J. Butler  
Ninth Judicial Circuit  
To fill the vacancy of the Honorable James B. Stewart  
Heidi A. Benson  
To fill the vacancy of the Honorable Steven R. Bordner  
Raymond A. Cavanaugh  
Tenth Judicial Circuit – Marshall County  
To fill the vacancy of the Honorable Kevin R. Galley  
Michael P. McCuskey  
Tenth Judicial Circuit – Peoria County  
To fill the vacancy of the Honorable Michael Brandt  
Jodi M. Hoos  
Eleventh Judicial Circuit  
To fill the vacancy of the Honorable Charles G. Reynard  
Mark A. Fellheimer  
To fill the vacancy of the Honorable Elizabeth A. Robb  
Casey Costigan
Eleventh Judicial Circuit – Woodford County
To fill the vacancy of the Honorable John B. Huschen
Charles M. Feeney, III

Fourteenth Judicial Circuit – Rock Island County
To fill the vacancy of the Honorable F. Michael Meersman
Kathleen Mesich

Fifteenth Judicial Circuit – Stephenson County
To fill the vacancy of the Honorable Theresa L. Ursin
James M. Hauser

Eighteenth Judicial Circuit
To fill the vacancy of the Honorable Michael J. Burke
Brian F. Telander
To fill the vacancy of the Honorable Rodney W. Equi
Paul Michael Fullerton

Eighteenth Judicial Circuit – DuPage County
To fill the vacancy of the Honorable John T. Elsner
Liam Christopher Brennan

Nineteenth Judicial Circuit – Fourth Subcircuit
To fill additional judgeship A
Mitchell L. Hoffman

Twentieth Judicial Circuit
To fill the vacancy of the Honorable C. John Baricevic
Robert B. Haida
To fill the vacancy of the Honorable Robert Haida
Ronald R. Duebbert

Twentieth Judicial Circuit – St. Clair County
To fill the vacancy of the Honorable Robert P. LeChien
Robert P. LeChien

Twenty-First Judicial Circuit – Iroquois County
To fill the vacancy of the Honorable Gordon L. Lustfeldt
James B. Kinzer

Twenty-First Judicial Circuit – Kankakee County
To fill the vacancy of the Honorable Kendall O. Wenzelman
Michael D. Kramer

Twenty-Second Judicial Circuit – McHenry County
To fill the vacancy of the Honorable Gordon E. Graham
James S. Cowlin

Twenty-Third Judicial Circuit – DeKalb County
To fill additional judgeship A
Bradley J. Waller

Twenty-Third Judicial Circuit – Kendall County
To fill additional judgeship A
  Stephen L. Krentz
  Cook County Judicial Circuit
To fill the vacancy of the Honorable Paul P. Biebel, Jr.
  John Fitzgerald Lyke, Jr.
To fill the vacancy of the Honorable Marilyn F. Johnson
  Carolyn J. Gallagher
To fill the vacancy of the Honorable Michael J. Howlett, Jr.
  Aleksandra “Alex” Gillespie
  To fill the vacancy of the Honorable Noreen V. Love
  Brendan A. O'Brien
To fill the vacancy of the Honorable Patrick W. O'Brien
  Maureen O'Donoghue Hannon
To fill the vacancy of the Honorable Richard F. Walsh
  Patrick Joseph Powers
To fill the vacancy of the Honorable Richard J. Elrod
  Rossana Patricia Fernandez
To fill the vacancy of the Honorable Stuart E. Palmer
  Susana L. Ortiz
To fill the vacancy of the Honorable Susan Ruscitti Grussel
  Daniel Patrick Duffy
To fill the vacancy of the Honorable Themis N. Karnezis
  Mary Kathleen McHugh
To fill the vacancy of the Honorable Thomas L. Hogan
  Alison C. Conlon
  Cook County Judicial Circuit – First Subcircuit
To fill the vacancy of the Honorable Cynthia Y. Brim
  Jesse Outlaw
To fill the vacancy of the Honorable Vanessa A. Hopkins
  Rhonda Crawford
  Cook County Judicial Circuit – Second Subcircuit
To fill the vacancy of the Honorable Drella Savage
  D. Renee Jackson
  Cook County Judicial Circuit – Fourth Subcircuit
To fill the vacancy of the Honorable William J. Kunkle
  Edward J. King
  Cook County Judicial Circuit – Fifth Subcircuit
To fill the vacancy of the Honorable Jane L. Stuart
  Freddrenna M. Lyle
To fill the vacancy of the Honorable Loretta Eadie-Daniels
  Leonard Murray
To fill the vacancy of the Honorable Shelli Williams
    Daryl Jones
    Cook County Judicial Circuit – Sixth Subcircuit
To fill the vacancy of the Honorable Edmund Ponce de Leon
    Eulalia “Evie” De La Rosa
To fill the vacancy of the Honorable Leida J. Gonzalez Santiago
    Richard C. Cooke
    To fill additional judgeship A
    Anna Loftus
    Cook County Judicial Circuit – Seventh Subcircuit
To fill the vacancy of the Honorable Anita Rivkin-Carothers
    Patricia “Pat” S. Spratt
    Marianne Jackson
To fill the vacancy of the Honorable Anthony L. Burrell
    Jerry Esrig
    Cook County Judicial Circuit – Ninth Subcircuit
To fill the vacancy of the Honorable Andrew Berman
    Cook County Judicial Circuit – Tenth Subcircuit
To fill the vacancy of the Honorable Garritt E. Howard
    Eve Marie Reilly
To fill the vacancy of the Honorable Carol A. Kelly
    Catherine Ann Schneider
To fill the vacancy of the Honorable Susan F. Zwick
    William B. Sullivan
    Cook County Judicial Circuit – Twelfth Subcircuit
To fill the vacancy of the Honorable Joseph G. Kazmierski, Jr.
    Marguerite Anne Quinn
To fill the vacancy of the Honorable Sandra Tristano
    Carrie Hamilton
To fill the vacancy of the Honorable Veronica B. Mathein
    James Leonard Allegretti
    To fill additional judgeship A
    Steven A. Kozicki
    Cook County Judicial Circuit – Thirteenth Subcircuit
To fill the vacancy of the Honorable Thomas P. Fecarotta, Jr.
    Kevin Michael O’Donnell
    Cook County Judicial Circuit – Fourteenth Subcircuit
To fill the vacancy of the Honorable Lisa Ruble Murphy
    Matthew Link

NOW, THEREFORE, I, BRUCE RAUNER, Governor of the State
of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly elected to the offices as set out above.

Issued by the Governor December 6, 2016.
Filed by the Secretary of State December 15, 2016.

2016-321
LINDA YU DAY

WHEREAS, Linda Yu, veteran television news anchor and reporter at ABC 7, has been one of Chicago’s most respected broadcast journalists for nearly four decades; and,

WHEREAS, Linda will retire from broadcast journalism on Wednesday, November 23, 2016, after more than 40 years in the television news industry; and,

WHEREAS, Linda began her television career in 1974 as a writer and producer in Los Angeles; she also worked in Portland, Oregon, and San Francisco before moving to Chicago in 1979, becoming one of the city’s first Asian-American broadcast journalists; and,

WHEREAS, Linda joined the ABC 7 news team in 1984 as co-anchor of the station's 4 p.m. newscast, leading that newscast to become the most-watched in its time slot for the past 32 years; and,

WHEREAS, Linda’s dedication to broadcast news excellence earned her five local Emmy Awards; in 2005, she was inducted into the prestigious "Silver Circle”, recognizing significant contributions to Chicago broadcasting; and,

WHEREAS, Linda recently published her first book, “Lessons I Learned in America”, which was published in Chinese as a guide to help young Chinese women in the global workplace; and,

WHEREAS, in her retirement, Linda plans to write another book and spend more time with her children, Francesca and Bryan;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim Wednesday, November 23, 2016, LINDA YU DAY in Illinois, in honor and recognition of Linda’s many years of dedicated service to the people of Chicago and Illinois.

Issued by the Governor November 16, 2016.
Filed by the Secretary of State December 28, 2016.
2016-322
ENROLLED AGENT WEEK

WHEREAS, the enrolled agent profession dates back to 1884 when, after questionable claims were presented for Civil War losses, Congress acted to regulate persons who represented citizens in their dealings with the U.S. Treasury Department; and,

WHEREAS, enrolled agents have been an important advocate for both Illinois taxpayers and for the Illinois Department of Revenue; and,

WHEREAS, enrolled agents assist taxpayers with issues ranging from the annual compliance filing of their tax return to more complex issues of audits, liens, levies, appeals and collections; and,

WHEREAS, their knowledge, professionalism, and integrity make the enrolled agent "America's Tax Expert®";

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim February 1-7, 2017, as ENROLLED AGENT WEEK in Illinois, and recognize the Illinois Society of Enrolled Agents (IlSEA) and its members for their role in Illinois’ tax return preparation industry.

Issued by the Governor November 17, 2016.

Filed by the Secretary of State December 28, 2016.

2016-323
MENTORING MONTH

WHEREAS, every day in Illinois, mentors help youth in communities across the state face the challenges of growing into adulthood; and,

WHEREAS, research shows that young people matched with a caring adult through a quality mentoring program are 52 percent less likely to skip school, 46 percent less likely to use illegal drugs, 27 percent less likely to start drinking, and are more likely to have positive relationships with adults and to make positive plans for their future; and,

WHEREAS, more than 400 active mentoring organizations currently operate in Illinois, and tens of thousands of youth in our state already have the benefit of caring supportive volunteer mentors; and,

WHEREAS, the Illinois Mentoring Partnership, the Serve Illinois Commission, and the Illinois Senior Corps branch of National Service are all committed to improving the lives of children through various mentorship resources and programs; and,

WHEREAS, fewer than 3 percent of youth in Illinois are currently served in a mentoring program, and many children in Illinois desperately
need the support of a quality mentor; and,

WHEREAS, mentors can commit as little as one hour a week and still make a significant positive impact on the outcome of a child’s life; and,

WHEREAS, the month of January is celebrated as Mentoring Month across the nation in an effort to decrease the number of youth who do not have a trusted mentor in their lives;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim January 2017 as MENTORING MONTH in Illinois, and urge all Illinoisans to recognize the important work that mentors do and support these mentors in their efforts to help guide the next generation.

Issued by the Governor November 17, 2016
Filed by the Secretary of State December 28, 2016.

2016-324
MONARCH BUTTERFLY MONTH

WHEREAS, the monarch butterfly is the official state insect of the State of Illinois; and,

WHEREAS, monarch butterflies, as well as other pollinating species such as bees and bats, help move pollen from one plant to another, fertilizing flowers and making it possible for plants to produce food needed to feed people and wildlife; and,

WHEREAS, the population of the monarch butterfly has declined at an alarming rate, a decrease of more than 90 percent in the past 20 years; Illinois has been designated as a high-priority area for monarch conservation by the U.S. Fish and Wildlife Service and the U.S. Department of Agriculture’s Natural Resources Conservation Service; and,

WHEREAS, the monarch was identified as a Species of Greatest Conservation Need in the most recent Illinois Wildlife Action Plan, created by the Illinois Department of Natural Resources (IDNR); and,

WHEREAS, many factors contributed to the decline of monarchs and other pollinators, such as habitat loss, pesticides, and climate change; and,

WHEREAS, the State of Illinois has already taken several steps to educate citizens on preserving and restoring the monarch population: the IDNR coordinated an Illinois Monarch Butterfly Summit on September 9, 2016; monarchs and native bees were highlighted in the Division of Education tent at the 2016 Illinois State Fair; and an education webpage and nine video podcasts are posted on the IDNR website; and,
WHEREAS, every citizen has the ability to make a difference and restore the monarch butterfly population by planting milkweed, reducing pesticides and herbicides, educating others, establishing monarch waystations, and supporting other monarch conservation efforts;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 2017 as MONARCH BUTTERFLY MONTH in Illinois, and encourage all Illinoisans to value and recognize the importance of the monarch butterfly and help restore the monarch butterfly population.

Issued by the Governor November 17, 2016.
Filed by the Secretary of State December 28, 2016.

2016-325
UNIVERSITY OF ILLINOIS DAY

WHEREAS, the University of Illinois is a world-class public research university system that belongs to the people of Illinois and includes one of the original 37 public land-grant institutions; and,
WHEREAS, during the past 150 years, nearly 900,000 people have graduated from one of the three University of Illinois institutions in Urbana-Champaign, Chicago, and Springfield; and,
WHEREAS, University of Illinois alumni, benefiting from their transformative learning experiences in and out of the classroom, have traversed the nation and the world to make significant societal impact; and,
WHEREAS, the University of Illinois plays a transformational role in the economic development of the State of Illinois through innovations in engineering, the sciences, medicine, humanities, business, law, the social sciences, arts, media, and much more; and,
WHEREAS, the University of Illinois has a brilliant legacy and attracts world-class faculty and students from Illinois, across the nation, and around the globe as one of the State’s premier educators; and,
WHEREAS, the University of Illinois serves society by creating knowledge, disseminating it, and putting it to work on a large scale with excellence;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim February 28, 2017, as UNIVERSITY OF ILLINOIS DAY in Illinois, and encourage Illinoisans to celebrate 2017 as the Sesquicentennial of one of the State’s leading institutions of higher learning, the University of Illinois.

Issued by the Governor November 17, 2016.
Filed by the Secretary of State December 28, 2016.
WHEREAS, a commitment to career and technical education helps ensure Illinois has a strong, well-trained workforce that enhances productivity in business and industry, and solidifies the state’s leadership in national and international marketplaces; and,

WHEREAS, providing citizens with career and technical education stimulates growth of businesses and industries by preparing workers for the occupations forecasted to experience the fastest growth in the next decade; and,

WHEREAS, citizens benefit from career and technical education because it enables individuals to pursue satisfying careers suited to personal skills and interests; provides the technical knowledge necessary for professional success; and teaches leadership skills that are useful on the job, at home, and in the community; and,

WHEREAS, for more than 80 years, the Illinois Association for Career and Technical Education (IACTE), the only association in Illinois dedicated to the support and service of career and technical educators, has been committed to the betterment of the profession, and to providing visibility and assistance for career and technical education; and,

WHEREAS, each year in the month of February, the IACTE celebrates Career and Technical Education Month to promote the advancement of career and technical education professions in the state. The theme for 2017’s month-long celebration is “Celebrate Today, Own Tomorrow!”;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim February 2017 as CAREER AND TECHNICAL EDUCATION MONTH in Illinois, and encourage all citizens to become familiar with the services and benefits offered by career and technical education programs in our state, and to support and participate in these programs to enhance individual work skills and productivity.

Issued by the Governor November 18, 2016.
Filed by the Secretary of State December 28, 2016.

WHEREAS, all citizens owe a tremendous debt of gratitude to the men and women of the armed forces who selflessly serve to protect our
lives and keep our families safe; and,

WHEREAS, every day these men and women face great risks and put their safety on the line to perform their duties; and,

WHEREAS, on Saturday, November 12, 2016, 20-year-old United States Army Private First Class Tyler R. Iubelt of Du Quoin, Illinois, died of injuries sustained from an improvised explosive device at Bagram Air Force Base in Parwan Province, Afghanistan, while in support of Operation Freedom's Sentinel; and,

WHEREAS, Private First Class Iubelt was sworn into the U.S. Army on October 21, 2015, and assigned to Combat Support, Headquarters and Headquarters Company, 1st Special Troops Battalion, 1st Sustainment Brigade, 1st Cavalry Division, Fort Hood, Texas; and,

WHEREAS, throughout his career as a proud member of the United States Army, Private First Class Tyler R. Iubelt represented the State of Illinois admirably; and,

WHEREAS, Private First Class Iubelt is survived by his wife Shelby, daughter Violet, and many family members and friends;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff starting from sunrise on Monday, November 21, 2016, until sunset on Wednesday, November 23, 2016, in honor and remembrance of U.S. Army Private First Class Tyler R. Iubelt whose selfless service and sacrifice is an inspiration to the residents of the Land of Lincoln.

Issued by the Governor November 18, 2016.
Filed by the Secretary of State December 28, 2016.

2016-328

TOYS FOR TOTS DAY

WHEREAS, founded in 1947, the United States Marine Corps Reserve Toys for Tots program collects new, unwrapped toys each year and distributes those toys as Christmas gifts to less fortunate children; and,

WHEREAS, the United States Marine Corps Reserve coordinates the national program, working with community groups to customize each Toys for Tots campaign to local needs; and,

WHEREAS, since it began in 1978, the Chicagoland Toys for Tots Motorcycle Parade has grown into an annual tradition involving thousands of motorcyclists, each donating a toy for the Toys for Tots program; and,

WHEREAS, the Chicagoland Toys for Tots Motorcycle Parade involves thousands of donors, volunteers, corporate sponsors, and small
businesses, all giving their time, money, and energy to make the holiday season more joyful for families in need; and,

WHEREAS, on Sunday, December 4, 2016, these volunteers and motorcyclists will join together for the 39th annual Chicagoland Toys for Tots Motorcycle Parade;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim Sunday, December 4, 2016, TOYS FOR TOTS DAY in Illinois in celebration of the 39th annual Chicagoland Toys for Tots Motorcycle Parade.

Issued by the Governor November 28, 2016.
Filed by the Secretary of State December 28, 2016.

2016-329
CERVICAL CANCER AWARENESS MONTH

WHEREAS, January is recognized nationally as Cervical Cancer Awareness Month, an observance that promotes education about cervical cancer causes, screenings, and treatments; and,

WHEREAS, an estimated 12,990 women were diagnosed with cervical cancer in 2016 in the United States, and 4,120 women were estimated to have lost their lives to cervical cancer in 2016 in the U.S.; and,

WHEREAS, the Illinois Breast and Cervical Cancer Program offers free breast exams, mammograms, pelvic exams, Pap tests, diagnostic services, and referral to treatment options to eligible uninsured and underinsured women; and,

WHEREAS, IBCCP identified 112 cervical abnormalities with five identified cervical cancers in FY 2016; during the past five years, IBCCP has identified 128 cases of cervical cancer; and,

WHEREAS, with routine screening and follow-up, cervical cancer is highly preventable; and,

WHEREAS, early detection through routine screening can significantly increase chances of survival; and,

WHEREAS, throughout January, public and private organizations, as well as state and local governments around the country, will promote education about cervical cancer causes, screenings, and treatments;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim January 2017 as CERVICAL CANCER AWARENESS MONTH in Illinois, and encourage all women to receive regular screenings and invite each citizen to join the continued fight against cervical cancer.
2016-330
CRIME STOPPERS OF LAKE COUNTY MONTH

WHEREAS, Crime Stoppers of Lake County was formed in 1983 and is a community program comprised of concerned citizens who work closely with police authorities, the news media, and the public in the fight against crime in Lake County and surrounding communities; and,

WHEREAS, Crime Stoppers combats local crime by offering cash rewards to anyone who provides information that leads to the arrest of felony crime offenders or the capture of felony fugitives. Informants always remain anonymous, and cash rewards are funded primarily by private contributions; and,

WHEREAS, thanks to Crime Stoppers, there have been more than 6,665 criminal arrests throughout Lake County, Northern Illinois, and Wisconsin since the program’s inception in 1983. Altogether, more than $29 million worth of contraband and stolen property has been seized; and,

WHEREAS, the success of Crime Stoppers would not be possible without the support of everyone in the community. Consequently, Crime Stoppers also promotes the importance of reporting suspicious behavior and criminal activity; and,

WHEREAS, to support their mission, Crime Stoppers of Lake County raises money and sponsors events designed to raise awareness during the month of January;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim January 2017 as CRIME STOPPERS OF LAKE COUNTY MONTH in Illinois, in recognition of their successful program, and encourage all citizens to help keep their communities safe and free of crime.

Issued by the Governor December 14, 2016.
Filed by the Secretary of State December 28, 2016.

2016-331
ILLINOIS SOCIETY OF ASSOCIATION EXECUTIVES DAY

WHEREAS, the mission of the Illinois Society of Association Executives (ISAE) is to advocate for associations and be the primary statewide professional development resource for association staff members; and,
WHEREAS, associations provide a vital communication and education link for individuals, organizations, government, and the general population on topics unique to associations; and,
WHEREAS, the ISAE represents CEOs and executives from more than 150 associations throughout Illinois that generate more than $100 million each year for the State’s economy; and,
WHEREAS, the ISAE’s member associations employ more than 2,300 people in various capacities; and,
WHEREAS, the ISAE provides educational, experiential, and advocacy resources to its members; and,
WHEREAS, the ISAE’s Annual Convention & Trade Show brings together association executives and industry partners/suppliers with the goal to network and educate in one location; and,
WHEREAS, the ISAE will hold its 55th Annual Convention & Trade Show in Springfield, Illinois, on January 26, 2017, to celebrate and recognize contributions of associations and their employees;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim January 26, 2017, as ILLINOIS SOCIETY OF ASSOCIATION EXECUTIVES DAY in Illinois, in support of our associations and the contributions their employees make to Illinois’ communities.

Issued by the Governor December 14, 2016.
Filed by the Secretary of State December 28, 2016.

2016-332
"GET THE LEAD OUT" HACKATHON DAY

WHEREAS, in 2015, 500,000 children in the United States were estimated to have blood lead levels greater than the intervention level recommended by the U.S. Centers for Disease Control and Prevention (CDC); and,
WHEREAS, Illinois identified more than 20,000 children with confirmed blood lead levels greater than the intervention level recommended by the CDC; and,
WHEREAS, the major source of lead exposure among Illinois children continues to be lead-contaminated dust and lead-based paint banned in 1978; and,
WHEREAS, Governor Rauner and the Illinois Children’s Cabinet have prioritized education and the reduction of lead poisoning as one of three major priorities for Illinois; and,
WHEREAS, the Illinois Mathematics and Science Academy endeavors to work on initiatives that advance the human condition and improve the quality of life for residents of Illinois and beyond; and,

WHEREAS, the Illinois Mathematics and Science Academy is hosting the “Get the Lead Out” Hackathon where teams of Illinois high school students develop plans to increase the number of Illinois children tested for lead poisoning and to reach more families through targeted communications about prevention;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim January 13, 2017, as “GET THE LEAD OUT” HACKATHON DAY in Illinois in honor of the strides taken by the students and mentors, and encourage all citizens to recognize the prevalence of lead poisoning in our society and to join in working toward eradication of this preventable condition.

Issued by the Governor December 19, 2016.

Filed by the Secretary of State December 28, 2016.

2016-333
MARTIN LUTHER KING, JR. DAY OF SERVICE

WHEREAS, Dr. Martin Luther King, Jr. devoted his life to the advancement of civil rights and public service. He believed in a nation of freedom and justice for all, and challenged all citizens to help build a more perfect union and live up to the purpose and potential of America; and,

WHEREAS, Dr. King recognized that everyone can be great because everyone can serve, and during his lifetime encouraged all Americans to serve their neighbors and their communities; and,

WHEREAS, in 1973, the State of Illinois became the first state to make Dr. King’s birthday a state holiday, and the citizens of Illinois honor Dr. King’s legacy each year on the third Monday in January, this year marking the 31st anniversary of the nationwide observance of the Martin Luther King, Jr. federal holiday; and,

WHEREAS, in 1994, Congress initiated the King Day of Service, a nationwide effort to transform the federal holiday honoring Dr. Martin Luther King, Jr. into a day of community service, grounded in Dr. King’s teachings, that helps solve social problems while focusing on bringing people together and breaking down the barriers that have divided us as a nation; and,

WHEREAS, thousands of Illinois residents use Martin Luther King, Jr. Day as a day on, not a day off, by spending it performing community service each year; and,
WHEREAS, hundreds of thousands of volunteers in cities and towns across the nation participate in King Day service projects, in all 50 states, the District of Columbia, Guam, and Puerto Rico; and,

WHEREAS, non-profit organizations, volunteer managers, AmeriCorps and Senior Corps members across the nation have organized hundreds of projects for volunteers to engage in service, honoring the goals of the King Day of Service; and,

WHEREAS, the King Day of Service, which falls on January 16th this year, is a time for the people of Illinois to recognize Dr. King’s teachings on advancing equality and opportunity for all by contributing their own time and talents in a day of service; and,

WHEREAS, the King Day of Service is an excellent opportunity to take the first step in making service a regular activity in the lives of Illinois residents. It is an important day to encourage each citizen to take part in service that will benefit communities and neighborhoods, and provide a fitting memorial to the life of Martin Luther King, Jr.;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim Monday, January 16, 2017, as MARTIN LUTHER KING, JR. DAY OF SERVICE in the State of Illinois, and urge our citizens to honor the memory of Dr. King, to put his teachings into action by participating in the King Day of Service, and to find ways to give back to their communities.

Issued by the Governor December 19, 2016.
Filed by the Secretary of State December 28, 2016.

2016-334
CHICAGO BUSINESS OPPORTUNITY DAYS

WHEREAS, the 50th Annual Chicago Business Opportunity Fair (CBOF) will be held April 20-21, 2017, at the Hyatt Regency Chicago; and,

WHEREAS, the CBOF provides minority suppliers and purchasing personnel from major buying organizations the opportunity to meet and exchange information about mutual buying and selling needs; and,

WHEREAS, the 50th anniversary of the CBOF assists in advancing the year-round efforts of the Chicago Minority Business Development Council, Inc., an organization devoted to stimulating minority business development and purchasing in Chicago and throughout the State of Illinois; and,

WHEREAS, the CBOF Minority Business Enterprise Input Committee (MBEIC) Awards Reception will take place on April 20th to
recognize honorees and advocates who support supplier diversity on both local and national levels;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 20-21, 2017, as CHICAGO BUSINESS OPPORTUNITY DAYS in Illinois, in recognition of the 50th anniversary of the Chicago Business Opportunity Fair.

Issued by the Governor December 20, 2016.
Filed by the Secretary of State December 28, 2016.

2016-335
RADON ACTION MONTH

WHEREAS, radon is a colorless, odorless, tasteless radioactive gas that is released from the decay of uranium in soil and can seep into homes and buildings to dangerous levels; and,

WHEREAS, the Centers for Disease Control and Prevention recognizes radon as the leading cause of home-related deaths in the United States; and,

WHEREAS, the Surgeon General of the United States issued a national health advisory warning Americans that indoor radon is the second-leading cause of lung cancer in the nation; and,

WHEREAS, according to the United States Environmental Protection Agency, more than 21,000 lung cancer deaths every year are related to radon, with as many as 1,160 men and women in Illinois at risk of developing radon-related lung cancer every year; and,

WHEREAS, this health risk is preventable as radon can be detected with a simple test and fixed through well-established venting techniques; and,

WHEREAS, the Illinois Radon Awareness Act requires sellers to provide anyone buying a home, condominium, or other residential property in Illinois with information about indoor radon exposure and its link to lung cancer; and,

WHEREAS, the Illinois Radon Resistant Construction Act requires all one- and two-family dwellings to be built using techniques to reduce home radon concentrations; and,

WHEREAS, the Illinois Emergency Management Agency and the American Lung Association partner to provide radon information and guidance to families about home radon tests and will join organizations throughout the United State in January to raise awareness about the health risks posed by radon during January 2017;
THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim January 2017 as RADON ACTION MONTH in Illinois and urge all residents to test their homes for radon and reduce their risk of developing lung cancer by taking actions to lower radon levels in their homes when necessary.

Issued by the Governor December 23, 2016.

Filed by the Secretary of State December 28, 2016.

2016-319
2016 GENERAL ELECTION JUDICIAL RETENTION (REVISED)

WHEREAS, On the 8th day of November, 2016, an election was held in the State of Illinois for the retention of the following judges, to-wit:

Appellate Court Judges from the First, Third and Fourth Judicial Districts;

Circuit Court Judges from the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Sixteenth, Seventeenth, Eighteenth, Nineteenth, Twentieth, Twenty-first, Twenty-third and Cook County Judicial Circuits.

WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 6th day of December, 2016, canvass the same, and as a result of such canvass, did declare retained the following named persons to the following named offices:

RETENTION
Judge of the Appellate Court
First Judicial District
Joy Virginia Cunningham
Third Judicial District
Vicki R. Wright
Fourth Judicial District
James A. Knecht
Judge of the Circuit Court
First Judicial Circuit
William G. Schwartz
W. Charles Grace
Second Judicial Circuit
Robert M. Hopkins
Larry D. Dunn
Paul W. Lamar
Third Judicial Circuit
A. Andreas "Andy" Matoesian
   William A. Mudge
   Fourth Judicial Circuit
   Wm. Robin Todd
   Douglas L. Jarman
   Mike McHaney
   Mark W. Stedelin

Fifth Judicial Circuit
   James R. Glenn
   Teresa K. Righter
   Matt Sullivan

Sixth Judicial Circuit
   Heidi Ladd

Seventh Judicial Circuit
   Peter C. Cavanagh

Eight Judicial Circuit
   Mark A. Drummond
   Alan D. Tucker
   Robert Adrian

Ninth Judicial Circuit
   William E. Poncin

Tenth Judicial Circuit
   Michael D. Risinger
   John P. Vespa

Eleventh Judicial Circuit
   Scott Drazewski

Twelfth Judicial Circuit
   Carmen Goodman
   John C. Anderson

Barbara "Bobbi" N. Petrungaro
   Michael J. Powers
   Raymond (Ray) E. Rossi

Thirteenth Judicial Circuit
   Howard Chris Ryan, Jr.
   Marc P. Bernabei
   Lance R. Peterson

Fourteenth Judicial Circuit
   Lori R. Lefstein
   James G. Conway, Jr.
   Clarence "Mike" Darrow
   Frank Fuhr
Sixteenth Judicial Circuit
Robert B. Spence
Susan Clancy Boles
David R. Akemann
Kevin T. Busch

Seventeenth Judicial Circuit
Kathryn E. Zenoff
Janet R. Holmgren
Rob Tobin

Eighteenth Judicial Circuit
Bonnie M. Wheaton
Kenneth L. Popejoy
Daniel P. Guerin
Dorothy French Mallen
Ronald D. Sutter

Nineteenth Judicial Circuit
Margaret J. Mullen
Victoria A. Rossetti
Jorge L. Ortiz
Diane E. Winter
Mark L. Levitt

Twentieth Judicial Circuit
Richard A. Brown

Twenty-first Judicial Circuit
Kathy Bradshaw Elliott

Twenty-third Judicial Circuit
Robbin J. Stuckert
Timothy J. McCann
Thomas L. Doherty
Robert P. (Bob) Pilmer

Cook County Judicial Circuit
Robert Balanoff
Jeanne R. Cleveland Bernstein
Kathleen Marie Burke
Kay Marie Hanlon
Thomas J. Kelley
Clare Elizabeth McWilliams
Mary Lane Mikva
Bonita Coleman
Ann Finley Collins
Daniel J. Gallagher
Sharon O. Johnson
Linzey D. Jones
Terry MacCarthy
Sandra G. Ramos
Sophia H. Hall
Patrick T. Murphy
Timothy Patrick Murphy
Jim Ryan
Edward "Ed" Washington, II
Thaddeus L. Wilson
John C. Griffin
Daniel James Pierce
William H. Hooks
Thomas V. Lyons
Raymond W. Mitchell
Edward Harmening
Allen F. Murphy
Daniel Malone
Geary W. Kull
John P. Callahan, Jr.
Steven James Bernstein
Susan Kennedy Sullivan
Irwin J. Solganick
Alexander Patrick White
Vincent Michael Gaughan
Robert W. Bertucci
Deborah Mary Dooling
Timothy C. Evans
Cheyrl D. Ingram
Raymond L. Jagielski
Bertina E. Lampkin
William Maki
Sharon Marie Sullivan
James Patrick McCarthy
Arnette R. Hubbard
Nicholas R. Ford
Charles Patrick Burns
Denise Kathleen Filan
John Patrick Kirby
Diane Joan Larsen
Daniel Joseph Lynch
NOW, THEREFORE, I, BRUCE RAUNER, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly retained to the offices as set out above.

Issued by the Governor December 6, 2016.
Filed by the Secretary of State January 10, 2017.

2016-316
2016 GENERAL ELECTION REPRESENTATIVES IN CONGRESS, STATE SENATORS, REPRESENTATIVES IN THE GENERAL ASSEMBLY (REVISED)

WHEREAS, On the 8th day of November, 2016, an election was held in the State of Illinois for the election of the following officers, to-wit:

Eighteen (18) Representatives in Congress, to-wit: One (1) Representative in Congress from each of the eighteen (18) Congressional Districts of the State for the full term of two years.

Forty (40) State Senators, to-wit: One (1) State Senator from the 2nd, 5th, 8th, 11th, 14th, 17th, 20th, 23rd, 26th, 29th, 32nd, 35th, 38th, 41st, 44th, 47th, 50th, 53rd, 56th, 59th Legislative District for the full term of two years; one (1) State Senator from the 1st, 4th, 7th, 10th, 13th, 16th, 19th, 22nd, 25th, 28th, 31st, 34th, 37th, 40th, 43rd, 46th, 49th, 52nd, 55th, 58th Legislative District for the full term of four years.

One Hundred Eighteen (118) Representatives in the General Assembly, to wit: One (1) Representative in Congress from each of the one hundred eighteen (118) Representative Districts of the State for the full term of two years.

WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 6th day of December, 2016, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following named offices:
REPRESENTATIVES TO REPRESENT THE PEOPLE OF THE STATE OF ILLINOIS IN THE 115th CONGRESS OF THE UNITED STATES
FIRST CONGRESSIONAL DISTRICT
   Bobby L. Rush
SECOND CONGRESSIONAL DISTRICT
   Robin Kelly
THIRD CONGRESSIONAL DISTRICT
   Daniel William Lipinski
FOURTH CONGRESSIONAL DISTRICT
   Luis V. Gutierrez
FIFTH CONGRESSIONAL DISTRICT
   Mike Quigley
SIXTH CONGRESSIONAL DISTRICT
   Peter J. Roskam
SEVENTH CONGRESSIONAL DISTRICT
   Danny K. Davis
EIGHTH CONGRESSIONAL DISTRICT
   Mike Quigley
NINTH CONGRESSIONAL DISTRICT
   Janice D. Schakowsky
TENTH CONGRESSIONAL DISTRICT
   Brad Schneider
ELEVENTH CONGRESSIONAL DISTRICT
   Bill Foster
TWELFTH CONGRESSIONAL DISTRICT
   Michael Bost
THIRTEENTH CONGRESSIONAL DISTRICT
   Rodney Davis
FOURTEENTH CONGRESSIONAL DISTRICT
   Randall M. "Randy" Hultgren
FIFTEENTH CONGRESSIONAL DISTRICT
   John M. Shimkus
SIXTEENTH CONGRESSIONAL DISTRICT
   Adam Kinzinger
SEVENTEENTH CONGRESSIONAL DISTRICT
   Cheri Bustos
EIGHTEENTH CONGRESSIONAL DISTRICT
   Darin LaHood

STATE SENATORS TO REPRESENT THE PEOPLE OF THE STATE OF ILLINOIS IN THE 100th GENERAL ASSEMBLY OF THE STATE
FIRST LEGISLATIVE DISTRICT
Antonio “Tony” Munoz
SECOND LEGISLATIVE DISTRICT
Omar Aquino
FOURTH LEGISLATIVE DISTRICT
Kimberly A. Lightford
FIFTH LEGISLATIVE DISTRICT
Patricia Van Pelt
SEVENTH LEGISLATIVE DISTRICT
Heather A. Steans
EIGHTH LEGISLATIVE DISTRICT
Ira I. Silverstein
TENTH LEGISLATIVE DISTRICT
John G. Mulroe
ELEVENTH LEGISLATIVE DISTRICT
Martin A. Sandoval
THIRTEENTH LEGISLATIVE DISTRICT
Kwame Raoul
FOURTEENTH LEGISLATIVE DISTRICT
Emil Jones III
SIXTEENTH LEGISLATIVE DISTRICT
Jacqueline “Jacqui” Collins
SEVENTEENTH LEGISLATIVE DISTRICT
Donne E. Trotter
NINETEENTH LEGISLATIVE DISTRICT
Michael E. Hastings
TWENTIETH LEGISLATIVE DISTRICT
Iris Y. Martinez
TWENTY-SECOND LEGISLATIVE DISTRICT
Cristina Castro
TWENTY-THIRD LEGISLATIVE DISTRICT
Thomas E. Cullerton
TWENTY-FIFTH LEGISLATIVE DISTRICT
Jim Oberweis
TWENTY-SIXTH LEGISLATIVE DISTRICT
Dan McConchie
TWENTY-EIGHTH LEGISLATIVE DISTRICT
Laura Murphy
TWENTY-NINTH LEGISLATIVE DISTRICT
Julie A. Morrison
THIRTY-FIRST LEGISLATIVE DISTRICT
Melinda Bush
STATE REPRESENTATIVES TO REPRESENT THE PEOPLE OF THE STATE OF ILLINOIS IN THE 100th GENERAL ASSEMBLY OF THE STATE
FIRST REPRESENTATIVE DISTRICT
  Daniel J. Burke
SECOND REPRESENTATIVE DISTRICT
  Theresa Mah
THIRD REPRESENTATIVE DISTRICT
  Luis Arroyo
FOURTH REPRESENTATIVE DISTRICT
  Cynthia Soto
FIFTH REPRESENTATIVE DISTRICT
  Juliana Stratton
SIXTH REPRESENTATIVE DISTRICT
  Sonya Marie Harper
SEVENTH REPRESENTATIVE DISTRICT
  Emanuel "Chris" Welch
EIGHTH REPRESENTATIVE DISTRICT
  La Shawn K. Ford
NINTH REPRESENTATIVE DISTRICT
  Arthur Turner
TENTH REPRESENTATIVE DISTRICT
  Melissa Conyears
ELEVENTH REPRESENTATIVE DISTRICT
  Ann M. Williams
TWELFTH REPRESENTATIVE DISTRICT
  Sara Feigenholtz
THIRTEENTH REPRESENTATIVE DISTRICT
  Gregory Harris
FOURTEENTH REPRESENTATIVE DISTRICT
  Kelly M. Cassidy
FIFTEENTH REPRESENTATIVE DISTRICT
  John C. D'Amico
SIXTEENTH REPRESENTATIVE DISTRICT
  Lou Lang
SEVENTEENTH REPRESENTATIVE DISTRICT
  Laura Fine
EIGHTEENTH REPRESENTATIVE DISTRICT
  Robyn Gabel
NINTEENTH REPRESENTATIVE DISTRICT
  Robert Martwick
TWENTIETH REPRESENTATIVE DISTRICT
  Michael P. McAuliffe
TWENTY-FIRST REPRESENTATIVE DISTRICT
Silvana Tabares
TWENTY-SECOND REPRESENTATIVE DISTRICT
Michael J. Madigan
TWENTY-THIRD REPRESENTATIVE DISTRICT
Michael J. Zalewski
TWENTY-FOURTH REPRESENTATIVE DISTRICT
Elizabeth "Lisa" Hernandez
TWENTY-FIFTH REPRESENTATIVE DISTRICT
Barbara Flynn Currie
TWENTY-SIXTH REPRESENTATIVE DISTRICT
Christian L. Mitchell
TWENTY-SEVENTH REPRESENTATIVE DISTRICT
Monique D. Davis
TWENTY-EIGHTH REPRESENTATIVE DISTRICT
Robert "Bob" Rita
TWENTY-NINTH REPRESENTATIVE DISTRICT
Thaddeus Jones
THIRTIETH REPRESENTATIVE DISTRICT
William "Will" Davis
THIRTY-FIRST REPRESENTATIVE DISTRICT
Mary E. Flowers
THIRTY-SECOND REPRESENTATIVE DISTRICT
André Thapedi
THIRTY-THIRD REPRESENTATIVE DISTRICT
Marcus C. Evans, Jr.
THIRTY-FOURTH REPRESENTATIVE DISTRICT
Elgie R. Sims, Jr.
THIRTY-FIFTH REPRESENTATIVE DISTRICT
Frances Ann Hurley
THIRTY-SIXTH REPRESENTATIVE DISTRICT
Kelly M. Burke
THIRTY-SEVENTH REPRESENTATIVE DISTRICT
Margo McDermid
THIRTY-EIGHTH REPRESENTATIVE DISTRICT
Al Riley
THIRTY-NINTH REPRESENTATIVE DISTRICT
Will Guzzardi
FORTIETH REPRESENTATIVE DISTRICT
Jaime M. Andrade, Jr.
FORTY-FIRST REPRESENTATIVE DISTRICT
Grant Wehrli
FORTY-SECOND REPRESENTATIVE DISTRICT
Jeanne M. Ives

FORTY-THIRD REPRESENTATIVE DISTRICT
Anna Moeller

FORTY-FOURTH REPRESENTATIVE DISTRICT
Fred Crespo

FORTY-FIFTH REPRESENTATIVE DISTRICT
Christine Jennifer Winger

FORTY-SIXTH REPRESENTATIVE DISTRICT
Deb Conroy

FORTY-SEVENTH REPRESENTATIVE DISTRICT
Patricia R. "Patti" Bellock

FORTY-EIGHTH REPRESENTATIVE DISTRICT
Peter Breen

FORTY-NINTH REPRESENTATIVE DISTRICT
Mike Fortner

FIFTIETH REPRESENTATIVE DISTRICT
Keith R. Wheeler

FIFTY-FIRST REPRESENTATIVE DISTRICT
Nick Sauer

FIFTY-SECOND REPRESENTATIVE DISTRICT
David McSweeney

FIFTY-THIRD REPRESENTATIVE DISTRICT
David Harris

FIFTY-FOURTH REPRESENTATIVE DISTRICT
Tom Morrison

FIFTY-FIFTH REPRESENTATIVE DISTRICT
Martin J. Moylan

FIFTY-SIXTH REPRESENTATIVE DISTRICT
Michelle Mussman

FIFTY-SEVENTH REPRESENTATIVE DISTRICT
Elaine Nekritz

FIFTY-EIGHTH REPRESENTATIVE DISTRICT
Scott Drury

FIFTY-NINTH REPRESENTATIVE DISTRICT
Carol Sente

SIXTIETH REPRESENTATIVE DISTRICT
Rita Mayfield

SIXTY-FIRST REPRESENTATIVE DISTRICT
Sheri Jesiel

SIXTY-SECOND REPRESENTATIVE DISTRICT
Sam Yingling
SIXTY-THIRD REPRESENTATIVE DISTRICT
Steven Reick
SIXTY-FOURTH REPRESENTATIVE DISTRICT
Barbara Wheeler
SIXTY-FIFTH REPRESENTATIVE DISTRICT
Steven A. Andersson
SIXTY-SIXTH REPRESENTATIVE DISTRICT
Allen Skillicorn
SIXTY-SEVENTH REPRESENTATIVE DISTRICT
Litesa E. Wallace
SIXTY-EIGHTH REPRESENTATIVE DISTRICT
John M. Cabello
SIXTY-NINTH REPRESENTATIVE DISTRICT
Joe Sosnowski
SEVENTIETH REPRESENTATIVE DISTRICT
Robert W. Pritchard
SEVENTY-FIRST REPRESENTATIVE DISTRICT
Tony M. McCombie
SEVENTY-SECOND REPRESENTATIVE DISTRICT
Michael W. Halpin
SEVENTY-THIRD REPRESENTATIVE DISTRICT
Ryan Spain
SEVENTY-FOURTH REPRESENTATIVE DISTRICT
Daniel M. Swanson
SEVENTY-FIFTH REPRESENTATIVE DISTRICT
David Allen Welter
SEVENTY-SIXTH REPRESENTATIVE DISTRICT
Jerry Lee Long
SEVENTY-SEVENTH REPRESENTATIVE DISTRICT
Kathleen Willis
SEVENTY-EIGHTH REPRESENTATIVE DISTRICT
Camille Lilly
SEVENTY-NINTH REPRESENTATIVE DISTRICT
Lindsay Parkhurst
EIGHTIETH REPRESENTATIVE DISTRICT
Anthony DeLuca
EIGHTY-FIRST REPRESENTATIVE DISTRICT
David S. Olsen
EIGHTY-SECOND REPRESENTATIVE DISTRICT
Jim Durkin
EIGHTY-THIRD REPRESENTATIVE DISTRICT
   Linda Chapa LaVia
EIGHTY-FOURTH REPRESENTATIVE DISTRICT
   Stephanie A. Kifowit
EIGHTY-FIFTH REPRESENTATIVE DISTRICT
   Emily McAsey
EIGHTY-SIXTH REPRESENTATIVE DISTRICT
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EIGHTY-SEVENTH REPRESENTATIVE DISTRICT
   Tim Butler
EIGHTY-EIGHTH REPRESENTATIVE DISTRICT
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   Tom Demmer
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   Michael D. Unes
NINETY-SECOND REPRESENTATIVE DISTRICT
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   Randy E. Frese
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   Avery Bourne
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   Sue Scherer
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NINETY-EIGHTH REPRESENTATIVE DISTRICT
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NINETY-NINTH REPRESENTATIVE DISTRICT
   Sara Wojcicki Jimenez
ONE HUNDREDTH REPRESENTATIVE DISTRICT
   Christopher "C.D." Davidsmeyer
ONE HUNDRED AND FIRST REPRESENTATIVE DISTRICT
   Bill Mitchell
ONE HUNDRED AND SECOND REPRESENTATIVE DISTRICT
   Brad Halbrook
ONE HUNDRED AND THIRD REPRESENTATIVE DISTRICT
Carol Ammons
ONE HUNDRED AND FOURTH REPRESENTATIVE DISTRICT
Chad Hays
ONE HUNDRED AND FIFTH REPRESENTATIVE DISTRICT
Dan Brady
ONE HUNDRED AND SIXTH REPRESENTATIVE DISTRICT
Thomas M. Bennett
ONE HUNDRED AND SEVENTH REPRESENTATIVE DISTRICT
John Cavaletto
ONE HUNDRED AND EIGHTH REPRESENTATIVE DISTRICT
Charles Meier
ONE HUNDRED AND NINTH REPRESENTATIVE DISTRICT
David B. Reis
ONE HUNDRED AND TENTH REPRESENTATIVE DISTRICT
Reginald "Reggie" Phillips
ONE HUNDRED AND ELEVENTH REPRESENTATIVE DISTRICT
Daniel V. Beiser
ONE HUNDRED AND TWELFTH REPRESENTATIVE DISTRICT
Katie Stuart
ONE HUNDRED AND THIRTEENTH REPRESENTATIVE DISTRICT
Jay Hoffman
ONE HUNDRED AND FOURTEENTH REPRESENTATIVE DISTRICT
LaToya N. Greenwood
ONE HUNDRED AND FIFTEENTH REPRESENTATIVE DISTRICT
Terri Bryant
ONE HUNDRED AND SIXTEENTH REPRESENTATIVE DISTRICT
Jerry Costello II
ONE HUNDRED AND SEVENTEENTH REPRESENTATIVE DISTRICT
Dave Severin
ONE HUNDRED AND EIGHTEENTH REPRESENTATIVE DISTRICT
Brandon W. Phelps

NOW, THEREFORE, I, BRUCE RAUNER, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly elected to the offices as set out above.

Issued by the Governor December 6, 2016.
Filed by the Secretary of State January 31, 2017.
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5863 Compiled Statutes Amended
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State of Illinois
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Office of the Secretary of State.

I, Jesse White, Secretary of State of the State of Illinois, do hereby certify that the foregoing Public Acts and Joint Resolutions of the Ninety-Ninth General Assembly of the State of Illinois and the Executive Orders and Proclamations of the Governor, are true and correct copies of the originals now on file in the office of the Secretary of State.

IN WITNESS WHEREOF, I hereto set my hand and affix the Great Seal of the State of Illinois, at the city of Springfield, this 26th day of June 2017.

(SEAL)

JESSE WHITE
Secretary of State